

WHAT IS THE NEW HB 318 ANTI-IMMIGRANT LAW ABOUT?

The new state law HB318 expands and tightens the anti-immigrant provisions of HB10 passed in 2024, which requires all North Carolina sheriffs to cooperate with Immigration and Customs Enforcement (ICE).

What does the new law provide?

It expands the list of crimes for which sheriffs or state jail administrators must consult with ICE to determine a detainee's immigration status.

While HB10 primarily included **very serious and violent crimes**, HB318 adds **all felonies even non-violent ones**, including:

- Driving While Intoxicated (DWI)
- Fraud
- False pretenses charges
- Identity theft
- Embezzlement
- Forgery
- Burglary

Extends the time detainees must be held in state jails for ICE to take them into custody.

- Under HB10, sheriffs were required to hold detainees for **an additional 48 hours period from the time ICE issues a detainer** against them.
- The new HB318 law says those 48 hours must be counted **once the detainee can be released**, which in practice will extend their detention time to make it easier for ICE to take them into custody.
- HB318 also modifies the procedure for provisional release and orders judicial magistrates to verify the immigration status of detainees and orders that they be held for up to 2 hours before processing their provisional release, if ICE does not issue a detainer against them.

3 It requires sheriffs or jail administrators to **notify ICE two hours before an any undocumented detainee is released**, indicating the date and time they will be released.



The new HB318 law was enacted by the Legislature overriding the governor's veto and goes into effect on **October 1, 2025**

For more information on this and other legislation, visit our website www.elpueblo.org

