

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-494
SENATE BILL 229**

**AN ACT TO DETERMINE THE RESIDENCY STATUS OF PERSONS JAILED ON
FELONY OR DRIVING WHILE IMPAIRED CHARGES.**

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 162 of the General Statutes is amended by adding a new section to read:

"§ 162-62. Legal status of prisoners.

(a) When any person charged with a felony or an impaired driving offense is confined for any period in a county jail, local confinement facility, district confinement facility, or satellite jail/work release unit, the administrator or other person in charge of the facility shall attempt to determine if the prisoner is a legal resident of the United States by an inquiry of the prisoner, or by examination of any relevant documents, or both.

(b) If the administrator or other person in charge of the facility is unable to determine if that prisoner is a legal resident or citizen of the United States or its territories, the administrator or other person in charge of the facility holding the prisoner, where possible, shall make a query through the Division of Criminal Information (DCI) system to the Law Enforcement Support Center (LESC) of Immigration and Customs Enforcement of the United States Department of Homeland Security. If the LESL determines that the prisoner has not been lawfully admitted to the United States, the United States Department of Homeland Security will have been notified of the prisoner's status and confinement at the facility by its receipt of the DCI query from the facility.

(c) Nothing in this section shall be construed to deny bond to a prisoner or to prevent a prisoner from being released from confinement when that prisoner is otherwise eligible for release.

(d) The administrator or other person in charge of the facility shall annually report the number of queries performed under subsection (b) of this section and the results of those queries to the Governor's Crime Commission of the Department of Crime Control and Public Safety. The Governor's Crime Commission shall make the reports available to the public."

SECTION 2. This act becomes effective January 1, 2008.
In the General Assembly read three times and ratified this the 2nd day of August, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:44 p.m. this 30th day of August, 2007