

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 179

Short Title: Failure to Carry or Complete Alien Reg. Docs. (Public)

Sponsors: Senators East; Hise, Pate, and Tillman.

Referred to: Rules and Operations of the Senate.

March 3, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE CRIME OF WILLFUL FAILURE TO CARRY OR COMPLETE  
3 AN ALIEN REGISTRATION DOCUMENT.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 14 of the General Statutes is amended by adding a new  
6 Article to read:

7 "Article 62.

8 "Crimes Related to Immigration.

9 **§ 14-465. Willful failure to complete or carry an alien registration document.**

10 (a) Offense. – In addition to any violation of federal law, a person commits the offense  
11 of willful failure to complete or carry an alien registration document if the person is in violation  
12 of 8 U.S.C. § 1304(e) or § 1306(a).

13 (b) Classification. – Willful failure to complete or carry an alien registration document  
14 is a Class 1 misdemeanor, except that the maximum fine is one hundred dollars (\$100.00) and  
15 the maximum imprisonment is 20 days for a first offense and 30 days for subsequent offenses.

16 (c) Verification of Status. – In enforcing this section, a person's immigration status may  
17 be determined by either of the following:

18 (1) A law enforcement officer who is authorized by the federal government to  
19 verify or ascertain a person's immigration status.

20 (2) A federal agency pursuant to 8 U.S.C. § 1373(c).

21 (d) Cost of Confinement. – In addition to any other penalty prescribed by law, the court  
22 shall order a person convicted of the offense described in subsection (a) of this section to pay  
23 the costs of the offender's confinement.

24 (e) Nondiscrimination. – Law enforcement officers and agencies shall not consider  
25 race, color, or national origin in the enforcement of this section.

26 (f) Exception. – This section does not apply to a person who maintains authorization  
27 from the federal government to remain in the United States.

28 (g) Admissibility of Records. – Any record that relates to the immigration status of a  
29 person is admissible in any court without further foundation or testimony from a custodian of  
30 records if the record is certified as authentic by the government agency that is responsible for  
31 maintaining the record."

32 **SECTION 2.** This act becomes effective December 1, 2011, and applies to  
33 offenses committed on or after that date.

