A BILL TO BE ENTITLED
AN ACT TO ENACT THE REASONABLE ENACTMENT OF COMPREHENSIVE LEGISLATION ADDRESSING IMMIGRATION MATTERS IN NORTH CAROLINA (RECLAIM NC) ACT.

Whereas, the North Carolina General Assembly recognizes that the issue of immigration is the responsibility of the federal government; and
Whereas, the federal government has failed to address the need for enforcement of existing immigration laws or to act decisively to correct, amend, and reform existing immigration procedures and policies; and
Whereas, federal courts have consistently upheld the authority of the federal government to restrict the efforts of states to uphold and enforce federal immigration laws in order to protect their citizens and their economies; and
Whereas, the federal government has endowed illegally present aliens with certain entitlements to be provided by the various states via unfunded mandates; and
Whereas, those unfunded mandates and the failure to address illegal immigration places an unwarranted strain on our State's law enforcement agencies, educational institutions, and social safety nets and undermines our trust in the rule of law; and
Whereas, the General Assembly of North Carolina recognizes its responsibility to protect and defend the citizens and the economy of the State of North Carolina; and
Whereas, North Carolina recognizes that the greatness of this State is the result of appreciating, incorporating, and welcoming the vast diversity of immigrants who lawfully assimilate into the culture and fabric that is North Carolina; and
Whereas, we do now encourage the North Carolina congressional delegation to exert the strongest effort possible to enact appropriate federal legislation to secure our nation's borders, uphold existing immigration laws, and reform the procedures and policies regarding the immigration process in order to facilitate an even and orderly process for those wishing to immigrate to our country; and
Whereas, we encourage the President to work in a dedicated and cooperative fashion with Congress to restore dignity and transparency to the immigration process; and
Whereas, the wealth, beauty, and strength of North Carolina rests not only with her natural attributes of mountains, beaches, and abundant resources but in the character of her people and their ability to address problems and challenges before them with an objective resolve tempered with a sense of fairness and consideration for all people; Now, therefore,
The General Assembly of North Carolina enacts:
PART I. SHORT TITLE

SECTION 1. This act shall be known and may be cited as "The Reasonable Enactment of Comprehensive Legislation Addressing Immigration Matters in North Carolina Act" or as "The RECLAIM NC Act".

PART II. INCREASE PENALTIES FOR POSSESSION, MANUFACTURE, OR SALE OF FALSE IDENTIFICATION DOCUMENTS

SECTION 2.(a) G.S. 14-100.1 reads as rewritten:

"§ 14-100.1. Possession or manufacture of certain fraudulent forms of identification.

(a) Except as otherwise made unlawful by G.S. 20-30, it shall be unlawful for any person to knowingly possess, manufacture, or sell a false or fraudulent form of identification as defined in this section for the purpose of deception, fraud, or other criminal conduct.

(b) Except as otherwise made unlawful by G.S. 20-30, it shall be unlawful for any person to knowingly obtain a form of identification by the use of false, fictitious, or fraudulent information.

(c) Possession of a form of identification obtained in violation of subsection (b) of this section shall constitute a violation of subsection (a) of this section.

(d) For purposes of this section, a "form of identification" means any of the following or any replica thereof:

(1) An identification card containing a picture, issued by any department, agency, or subdivision of the State of North Carolina, the federal government, or any other state.

(2) A military identification card containing a picture.

(3) A passport.

(4) An alien registration card containing a picture.

(e) A violation of this section shall be punished as a Class I misdemeanor, except that the following violations of this section shall be punished as a Class I felony, except that the following violations of this section shall be punished as a Class I misdemeanor:

(1) A violation based on the mere possession of a false or fraudulent form of identification, rather than the manufacture or sale of a false or fraudulent form of identification.

(2) A violation by a person under the age of 21 for the purpose of the underage purchase of alcohol.

(3) A violation by a person under the age of 18 for the purpose of the underage purchase of tobacco products or cigarette wrapping papers."

SECTION 2.(b) G.S. 20-30 reads as rewritten:

"§ 20-30. Violations of license, learner's permit, restricted drivers permit, or special identification card provisions.

(a) Unlawful Acts. – It shall be unlawful for any person to commit any of the following acts:

(1) To display or cause to be displayed or to have in possession a driver's license, learner's permit, restricted drivers permit, or special identification card, knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.

(2) To counterfeit, sell, lend to, or knowingly permit the use of, by one not entitled thereto, a driver's license, learner's permit, restricted drivers permit, or special identification card.
(3) To display or to represent as one's own a driver's license, learner's permit, restricted drivers permit, or special identification card not issued to the person so displaying same.

(4) To fail or refuse to surrender to the Division upon demand any driver's license, learner's permit, restricted drivers permit, or special identification card that has been suspended, canceled or revoked as provided by law.

(5) To use a false or fictitious name or give a false or fictitious address in any application for a driver's license, learner's permit, restricted drivers permit, or special identification card, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application, or for any person to procure, or knowingly permit or allow another to commit any of the foregoing acts. Any license, learner's permit, restricted drivers permit, or special identification card procured as aforesaid shall be void from the issuance thereof, and any moneys paid therefor shall be forfeited to the State. Any person violating the provisions of this subdivision shall be guilty of a Class 1 misdemeanor.

(6) To make a color photocopy or otherwise make a color reproduction of a driver's license, learner's permit, restricted drivers permit, or special identification card which has been color-photocopied or otherwise reproduced in color, unless such the color photocopy or other color reproduction was authorized by the Commissioner. It shall be lawful to make a black and white photocopy of a driver's license, learner's permit, restricted drivers permit, or special identification card or otherwise make a black and white reproduction of a driver's license, learner's permit, restricted drivers permit, or special identification card.

(7) To sell or offer for sale any reproduction or facsimile or simulation of a driver's license, learner's permit, restricted drivers permit, or special identification card. The provisions of this subdivision shall not apply to agents or employees of the Division while acting in the course and scope of their employment. Any person, firm or corporation violating the provisions of this subdivision shall be guilty of a Class I felony.

(8) To possess more than one commercial drivers license or to possess a commercial driver's license and a regular driver's license or restricted drivers permit. Any commercial drivers license other than the one most recently issued is subject to immediate seizure by any law enforcement officer or judicial official. Any regular drivers license possessed at the same time as a commercial drivers license is subject to immediate seizure by any law enforcement officer or judicial official.

(9) To present, display, or use a driver's license, learner's permit, restricted drivers permit, or special identification card that contains a false or fictitious name in the commission or attempted commission of a felony. Any person violating the provisions of this subdivision shall be guilty of a Class I felony.

(b) General Penalty. – Except as otherwise provided in subsections (a) and (c) of this section, a violation of this section shall be punished as a Class I felony.

(c) Penalty in Certain Cases. – A violation of this section by a person under the age of 21 for the purpose of the underage purchase of alcohol shall be punished as a Class I misdemeanor. A violation of this section by a person under the age of 18 for the purpose of the underage purchase of tobacco products or cigarette wrapping papers shall be punished as a Class 2 misdemeanor."
SECTION 2.(c) G.S. 143-341(8)i.5. reads as rewritten:

"5. Upon proper requisition, proper showing of need for use on State business only, and proper showing of proof that all persons who will be driving the motor vehicle have valid drivers' licenses, to assign economically suitable transportation, either on a temporary or permanent basis, to any State employee or agency. An agency assigned a motor vehicle may not allow a person to operate that motor vehicle unless that person displays to the agency and allows the agency to copy that person's valid driver's license. Notwithstanding G.S. 20-30(6), G.S. 20-30(a)(6), persons or agencies requesting assignment of motor vehicles may photostat or otherwise reproduce drivers' licenses for purposes of complying with this subpart.

As used in this subpart, "economically suitable transportation" means the most cost-effective standard vehicle in the State motor fleet, unless special towing provisions are required by the agency. The Department may not assign any employee or agency a motor vehicle that is not economically suitable. The Department shall not approve requests for vehicle assignment or reassignment when the purpose of that assignment or reassignment is to provide any employee with a newer or lower mileage vehicle because of the employee's rank, management authority, or length of service or because of any non-job-related reason. The Department shall not assign "special use" vehicles, such as four-wheel drive vehicles or law enforcement vehicles, to any agency or individual except upon written justification, verified by historical data, and accepted by the Secretary. The Department may provide law enforcement vehicles only to those agencies which have statutory pursuit authority."

PART III. CREATION OF REBUTTABLE PRESUMPTION AGAINST THE PRETRIAL RELEASE OF CERTAIN UNDOCUMENTED ALIENS

SECTION 3.(a) G.S. 15A-533 reads as rewritten:

"§ 15A-533. Right to pretrial release in capital and noncapital cases.

(a) A defendant charged with any crime, whether capital or noncapital, who is alleged to have committed this crime while still residing in or subsequent to his escape or during an unauthorized absence from involuntary commitment in a mental health facility designated or licensed by the Department of Health and Human Services, and whose commitment is determined to be still valid by the judge or judicial officer authorized to determine pretrial release to be valid, has no right to pretrial release. In lieu of pretrial release, however, the individual shall be returned to the treatment facility in which he was residing at the time of the alleged crime or from which he escaped or absented himself for continuation of his treatment pending the additional proceedings on the criminal offense.

(b) A defendant charged with a noncapital offense must have conditions of pretrial release determined, in accordance with G.S. 15A-534.

(c) A judge may determine in his discretion whether a defendant charged with a capital offense may be released before trial. If the judge determines release is warranted, the judge must authorize release of the defendant in accordance with G.S. 15A-534."
(d) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if a judicial official finds the following:

1. There is reasonable cause to believe that the person committed an offense involving trafficking in a controlled substance;
2. The drug trafficking offense was committed while the person was on pretrial release for another offense; and
3. The person has been previously convicted of a Class A through E felony or an offense involving trafficking in a controlled substance and not more than five years has elapsed since the date of conviction or the person's release from prison for the offense, whichever is later.

(e) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds the following:

1. There is reasonable cause to believe that the person committed an offense for the benefit of, at the direction of, or in association with, any criminal street gang, as defined in G.S. 14-50.16;
2. The offense described in subdivision (1) of this subsection was committed while the person was on pretrial release for another offense; and
3. The person has been previously convicted of an offense described in G.S. 14-50.16 through G.S. 14-50.20, and not more than five years has elapsed since the date of conviction or the person's release for the offense, whichever is later.

(f) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if the person is unlawfully present in the United States and a judicial official finds either of the following:

1. There is probable cause to believe that the person committed one or more of the following offenses:
   a. A sex offense. As used in this sub-division, a "sex offense" is any offense upon conviction of which the offense becomes a reportable conviction, as that term is defined in G.S. 14-208.6(4).
   b. A violent felony, as that term is defined in G.S. 14-7.7(b), or any criminal offense other than a violation of G.S. 14-33(a) that includes assault as an essential element of the offense or as an aggravating factor in sentencing.
   c. A driving offense. As used in this sub-division, the term "driving offense" means any violation that requires a mandatory drivers license revocation upon a first conviction.
   d. A drug offense. As used in this sub-division, the term "drug offense" means a violation of G.S. 90-95, other than a violation for mere possession of a controlled substance.
   e. A gang offense. As used in this sub-division, the term "gang offense" means any violation of Article 13A of Chapter 14 of the General Statutes.

2. There is probable cause to believe that the person committed an offense not listed in subdivision (f)(1) of this section and United States Immigration and Customs Enforcement has issued a detainer for the initiation of removal proceedings against the person or has indicated that it will do so.

Persons who are considered for bond under the provisions of subsections (d) and (e) of this section may only be released by a district or superior court judge upon a
finding that there is a reasonable assurance that the person will appear and release does not 
pose an unreasonable risk of harm to the community."

SECTION 3.(b) Article 26 of Chapter 15A of the General Statutes is amended by 
adding a new section to read:

"§ 15A-534.7. Pretrial release of certain undocumented aliens.

In all cases in which the defendant is an alien who (i) is not lawfully present in the United 
States and (ii) is charged with a felony or a Class A1 misdemeanor, the judicial official shall 
require the defendant to execute a secured appearance bond as a condition of pretrial release, as 
described in G.S. 15A-534(a)(4)."

PART IV. REIMBURSEMENT OF COST OF INCARCERATING UNDOCUMENTED 
ALIENS

SECTION 4.(a) Chapter 148 of the General Statutes is amended by adding a new 
section to read:

"§ 148-2.1. Reimbursement of incarceration costs by prisoners who are unlawfully 
present in the United States.

(a) Undocumented Alien Prisoner Defined. – For purposes of this section, the term
"undocumented alien prisoner" means an inmate who is 18 years or older and who is 
unlawfully present in the United States.
(b) Reimbursement Required. – An undocumented alien prisoner who is in the custody 
of the Division of Adult Correction of the Department of Public Safety after conviction of a 
crime shall reimburse the State for the actual cost of the prisoner's incarceration, as determined 
by the Division. The Division shall collect the reimbursement and remit it to the General Fund.
(c) Outstanding Amounts. – If an undocumented alien prisoner has not made the full 
reimbursement required by this section upon the prisoner's release, the Division shall calculate 
the amount of reimbursement that is outstanding and give a verified statement of that amount to 
the prisoner. Any reimbursement that remains unpaid shall constitute a "debt" within the 
meaning of G.S. 105A-2 and may be set off against any North Carolina income tax refund due 
the prisoner in accordance with Chapter 105A of the General Statutes. The Department of 
Revenue may pursue collection of the debt through setoff for at least 10 years from the time of 
the prisoner’s release or termination or until the debt is satisfied.
(d) Inclusion in Judgment. – In sentencing an individual subject to the requirements of 
subsection (b) of this section, a judge may include in the judge’s order a requirement that the 
sentenced individual pay an amount estimated to be sufficient to cover the total actual cost of 
incarcerating the prisoner over the entirety of the prisoner's incarceration. The Department of 
Public Safety shall develop a system that enables judges to quickly and accurately estimate the 
appropriate amount. Any amount paid by a prisoner in satisfaction of a term in a court order 
imposed pursuant to this section shall be credited against the amount the prisoner owes under 
this section."

SECTION 4.(b) G.S. 148-33.1(f) reads as rewritten:

"(f) A prisoner who is convicted of a felony and who is granted work-release privileges 
shall give his work-release earnings, less standard payroll deductions required by law, to the 
Division of Adult Correction of the Department of Public Safety. A prisoner who is convicted 
of a misdemeanor, is committed to a local confinement facility, and is granted work-release 
privileges by order of the sentencing court shall give his work-release earnings, less standard 
payroll deductions required by law, to the custodian of the local confinement facility. Other 
misdemeanants granted work-release privileges shall give their work-release earnings, less 
standard payroll deductions required by law, to the Division of Adult Correction of the 
Department of Public Safety. The Division of Adult Correction of the Department of Public 
Safety or the sentencing court, as appropriate, shall determine the amount to be deducted from 
a prisoner’s work-release earnings to pay for the cost of the prisoner’s keep and to accumulate a
reasonable sum to be paid the prisoner when he is paroled or discharged from prison. The
Division or sentencing court shall also determine the amount to be disbursed by the Division or
clerk of court, as appropriate, for each of the following:

(1) To pay travel and other expenses of the prisoner made necessary by his
employment.

(2) To provide a reasonable allowance to the prisoner for his incidental personal
expenses.

(3) To make payments for the support of the prisoner's dependents in
accordance with an order of a court of competent jurisdiction, or in the
absence of a court order, in accordance with a determination of dependency
status and need made by the local department of social services in the county
of North Carolina in which such dependents reside.

(3a) To make restitution or reparation as provided in G.S. 148-33.2.

(4) To comply with an order from any court of competent jurisdiction regarding
the payment of an obligation of the prisoner in connection with any
judgment rendered by the court.

(5) To comply with a written request by the prisoner to withhold an amount,
when the request has been granted by the Division or the sentencing court, as
appropriate.

(6) To reimburse the State for the actual cost of the prisoner pursuant to
G.S. 148-2.1.

Any balance of his earnings remaining at the time the prisoner is released from prison shall
be paid to him. The Social Services Commission is authorized to promulgate uniform rules and
regulations governing the duties of county social services departments under this section."

PART V. AUTHORIZE IMMIGRATION STATUS CHECKS FOR CERTAIN
PERSONS WHO ARE LAWFULLY STOPPED, DETAINED, OR ARRESTED

SECTION 5. (a) Article 23 of Chapter 15A of the General Statutes is amended by
adding a new section to read:

"§ 15A-506. Immigration status checks of persons lawfully stopped, detained, or arrested.
(a) Definitions. — The following definitions apply in this section:

(1) Law enforcement officer or agency. — A law enforcement officer or law
enforcement agency of this State, of a county, of a municipality, or of any
other political subdivision of this State.

(2) Any other law. — An ordinance of a county or municipality of this State or a
State law other than this section.

(b) Verification of Status Authorized. — Following any lawful stop, detention, or arrest
made by a law enforcement officer or agency in the enforcement of any other law, where
reasonable suspicion exists that the person stopped, detained, or arrested is an alien who is
unlawfully present in the United States, the law enforcement officer or agency may make a
reasonable attempt to verify the immigration status of the person with the federal government
pursuant to subsection (c) of this section. This section shall not be construed to authorize
consideration of race, color, or ethnicity in the enforcement of this section, except to the extent
permitted by both the Constitution of the United States and the Constitution of North Carolina.

(c) Verification Procedure. — Verification of a person's immigration status under this
section shall be made in accordance with G.S. 64-9 as promptly as possible and within two
hours of the stop or detention, unless the person is arrested, in which case the two hour limit
does not apply. This section does not authorize extending the period that a person is detained or
held in custody. A person shall not be detained solely because the person's immigration status
has not yet been verified in accordance with this section.
Exceptions. – This section shall not apply, and verification of a person's immigration status shall not be sought, if any of the following conditions are satisfied:

1. It is not practicable to verify the person's immigration status.
2. Verifying the person’s immigration status may hinder or obstruct an investigation.
3. The person provides the law enforcement officer or agency with any of the following:
   a. A valid North Carolina driver's license.
   b. A valid North Carolina identification card.
   c. A valid North Carolina restricted driver's permit.
   d. A valid North Carolina restricted identification card.
   e. A valid tribal enrollment card or other form of tribal identification.
   f. Any valid United States federal, State, or local government issued identification, if the issuing entity requires proof of lawful presence in the United States before issuance.
4. The person contacted the law enforcement officer or agency in good faith for any of the following reasons:
   a. To act as a witness to a crime.
   b. To report criminal activity.
   c. To seek assistance as a victim of a crime.

Consistency With Federal Law. – This section shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens.

SECTION 5.(b) No later than May 1, 2015, the Secretary of Public Safety shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on the first year that G.S. 15A-506 was in effect. The report shall include information about the following during the relevant period:

1. The number of persons stopped, detained, or arrested in this State.
2. The number of persons whose immigration status was checked pursuant to G.S. 15A-506.
3. The number of persons found to be unlawfully present in the United States as a result of a status verification performed pursuant to G.S. 15A-506.
4. The racial and national characteristics of each group identified pursuant to subdivisions (1) through (3) of this section.
5. Any other information that the Secretary of Public Safety deems relevant.

SECTION 5.(c) Each law enforcement officer and law enforcement agency of this State, of a county, of a municipality, and of any other political subdivision of this State shall cooperate with the Secretary of Public Safety in collecting and compiling the information that the Secretary of Public Safety needs in order to create the report required by subsection (b) of this section.

PART VI. MISCELLANEOUS PROVISIONS

SECTION 6. Article 1 of Chapter 64 of the General Statutes is amended by adding the following new sections to read:

Verification of a person's immigration status pursuant to this Chapter or any other provision of State law shall be made consistently with federal law and may be made by any of the following methods, as applicable:

1. Pursuant to 8 U.S.C. §§ 1373(c) and 1644 or any other provision of federal law.
By a law enforcement officer who is authorized by the federal government to verify or ascertain an alien's immigration status.

In any other manner authorized by the federal government.

§ 64-10. Admissibility of immigration status records in courts of this State.

(a) A verification of an alien’s immigration status received from the federal government pursuant to G.S. 64-9 shall constitute proof of that alien's status. A court of this State shall consider only a verification of immigration status made pursuant to G.S. 64-9 in determining whether an alien is lawfully present in the United States.

(b) Any record that relates to the immigration status of a person is admissible in any court of this State without further foundation or testimony from a custodian of records if all of the following apply:

(1) The record is certified as authentic by the federal government agency that is responsible for maintaining the record.

(2) The State notifies the person at least 15 business days before the proceeding at which the evidence would be used of its intention to introduce the record into evidence under this section, and provides a copy of the record to the person.

(3) The person fails to file a written objection with the court, with a copy to the State, at least five business days before the proceeding at which the record would be used that the person objects to the introduction of the record into evidence.

If the person’s attorney of record, or that person if he or she is not represented by an attorney, fails to file a written objection as provided in this subsection, then the record may be admitted into evidence without the testimony of the custodian of records. Upon filing a timely objection, the admissibility of the record shall be determined and governed by the appropriate rules of evidence.

§ 64-11. Law enforcement transport of certain unlawfully present aliens.

Notwithstanding any other provision of law, a State or local law enforcement agency may securely transport an alien who is in the agency's custody and whom the agency has verified is unlawfully present in the United States to a federal facility in this State or to any other point of transfer into federal custody that is outside the jurisdiction of the law enforcement agency. A law enforcement agency shall obtain judicial or executive authorization from the Governor before securely transporting an alien who is unlawfully present in the United States to a point of transfer that is outside this State.


(a) Construction. – This Chapter shall be construed in a manner consistent with federal law.

(b) Severability. – The provisions of this Chapter are severable. If any part of this Chapter is declared invalid or unconstitutional, such declaration shall not affect the remainder. If any particular interpretation or application of the provisions of this Chapter is declared invalid or unconstitutional, such declaration shall not affect other interpretations or applications.

PART VII. PROHIBIT THE USE OF CERTAIN DOCUMENTS FOR IDENTIFICATION PURPOSES

SECTION 7.(a) Chapter 15A of the General Statutes is amended by adding a new Article to read:

"Article 18.

"Identification Documents.

§ 15A-306. Certain documents not acceptable as identification.
(a) The following documents are not acceptable for use in determining a person's actual identity or residency by a justice, judge, clerk, magistrate, law enforcement officer, or other government official:

1. A matricula consular or other similar document, other than a valid passport, issued by a consulate or embassy of another country.
2. An identity document issued or created by any person, organization, county, city, or other local authority, except where expressly authorized to be used for this purpose by the General Assembly.

(b) No local government or law enforcement agency may establish, by policy or ordinance, the acceptability of any of the documents described in subsection (a) of this section as a form of identification to be used to determine the identity or residency of any person. Any local government policy or ordinance that contradicts this section is hereby repealed.

SECTION 7.(b) G.S. 20-7(b4) reads as rewritten:

"(b4) Examples of documents that are reasonably reliable indicators of residency include, but are not limited to, any of the following:

1. A pay stub with the payee's address.
2. A utility bill showing the address of the applicant-payor.
3. A lease for an apartment, house, modular unit, or manufactured home with a North Carolina address signed by the applicant.
4. A receipt for personal property taxes paid.
5. A receipt for real property taxes paid to a North Carolina locality.
6. A current automobile insurance policy issued to the applicant and showing the applicant's address.
7. A monthly or quarterly financial statement from a North Carolina regulated financial institution.
8. A matricula consular or substantially similar document issued by the Mexican Consulate for North Carolina.
9. A document similar to that described in subsection (8) of this section, issued by the consulate or embassy of another country. This subdivision only applies if the Division has consulted with the United States Department of State and is satisfied with the reliability of such document."

SECTION 7.(c) G.S. 58-2-164(c) reads as rewritten:

"(c) The insurer and its agent shall also take reasonable steps to verify that the information provided by an applicant regarding the applicant's address and the place the motor vehicle is garaged is correct. The insurer may take its own reasonable steps to verify residency or eligible risk status or may rely upon the agent verification of residency or eligible risk status to meet the insurer's verification obligations under this section. The agent shall retain copies of any items obtained under this section as required under the record retention rules adopted by the Commissioner and in accordance with G.S. 58-2-185. The agent may satisfy the requirements of this section by obtaining reliable proof of North Carolina residency from the applicant or the applicant's status as an eligible risk. Reliable proof of residency or eligible risk includes but is not limited to:

1. A pay stub with the payee's address.
2. A utility bill showing the address of the applicant-payor.
3. A lease for an apartment, house, modular unit, or manufactured home with a North Carolina address signed by the applicant.
4. A receipt for personal property taxes paid.
5. A receipt for real property taxes paid to a North Carolina locality.
6. A monthly or quarterly financial statement from a North Carolina regulated financial institution.
7. A valid unexpired North Carolina driver's license."
(8) A matricula consular or substantially similar document issued by the Mexican Consulate for North Carolina.

(9) A document similar to that described in subdivision (8) of this section, issued by the consulate or embassy of another country that would be accepted by the North Carolina Division of Motor Vehicles as set forth in G.S. 20-7(b4)(9).

(10) A valid North Carolina vehicle registration.

(11) A valid military ID.

(12) A valid student ID for a North Carolina school or university."

SECTION 7.(d) G.S. 108A-55.3(b) reads as rewritten:

"(b) An applicant may meet the requirements of subsection (a) of this section by providing at least two of the following documents:

(1) A valid North Carolina drivers license or other identification card issued by the North Carolina Division of Motor Vehicles.

(2) A current North Carolina rent or mortgage payment receipt, or current utility bill in the name of the applicant or the applicant's legal spouse showing a North Carolina address.

(3) A valid North Carolina motor vehicle registration in the applicant's name and showing the applicant's current address.

(4) A document showing that the applicant is employed in this State.

(5) One or more documents proving that the applicant's domicile in the applicant's prior state of domicile has ended, such as closing of a bank account, termination of employment, or sale of a home.

(6) The tax records of the applicant or the applicant's legal spouse, showing a current North Carolina address.

(7) A document showing that the applicant has registered with a public or private employment service in this State.

(8) A document showing that the applicant has enrolled the applicant's children in a public or private school or child care facility located in this State.

(9) A document showing that the applicant is receiving public assistance or other services requiring proof of domicile, other than medical assistance, in this State.

(10) Records from a health department or other health care provider located in this State showing the applicant's current North Carolina address.

(11) A written declaration made under penalty of perjury from a person who has a social, family, or economic relationship with the applicant and who has personal knowledge of the applicant's intent to live in North Carolina permanently or for an indefinite period of time or that the applicant is residing in North Carolina to seek employment or with a job commitment.

(12) Current North Carolina voter registration card.

(13) A document from the U.S. Department of Veterans Affairs, U.S. Department of Defense, or the U.S. Department of Homeland Security verifying the applicant's intent to live in North Carolina permanently or for an indefinite period of time or that the applicant is residing in North Carolina to seek employment or with a job commitment.

(14) Official North Carolina school records, signed by school officials, or diplomas issued by North Carolina schools, including secondary schools, community colleges, colleges, and universities verifying the applicant's intent to live in North Carolina permanently or for an indefinite period of time or that the applicant is residing in North Carolina to seek employment or with a job commitment.
PART VIII. E-VERIFY CHANGES

SECTION 8.(a) G.S. 153A-449 reads as rewritten:

"§ 153A-449. Contracts with private entities; contractors must use E-Verify.
(a) Authority. – A county may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the county is authorized by law to engage in.
(b) Contractors Must Use E-Verify. – No county may enter into a contract unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes."

SECTION 8.(b) G.S. 160A-20.1 reads as rewritten:

"§ 160A-20.1. Contracts with private entities; contractors must use E-Verify.
(a) Authority. – A city may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the city is authorized by law to engage in.
(b) Contractors Must Use E-Verify. – No city may enter into a contract unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes."

SECTION 8.(c) G.S. 143-129 is amended by adding a new subsection to read:

"(j) No contract subject to this section may be awarded by any board or governing body of the State, institution of State government, or any political subdivision of the State unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes."

SECTION 8.(d) Article 3 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-48.5. Contractors must use E-Verify.
No contract subject to the provisions of this Article may be entered into unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes."

SECTION 8.(e) G.S. 147-33.95 is amended by adding a new subsection to read:

"(g) No contract subject to the provisions of this Part may be entered into unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes."

SECTION 8.(f) G.S. 64-25(3) reads as rewritten:

"§ 64-25. Definitions.
The following definitions apply in this Article:
…
(3) Employee. – Any individual who provides services or labor for an employer in this State for wages or other remuneration. The term does not include an individual whose term of employment is customarily (i) affected by the seasonality of the industry in which the individual is employed or (ii) less than year-round.
…"
"§ 64-39. No employer penalties if employee holds restricted drivers permit or restricted identification card.

The Commissioner shall not hold any hearing, issue any order, make any notification, or impose any penalty under this Article if a violation or alleged violation of G.S. 64-26 was with respect to an employee who possesses a valid restricted drivers permit or a valid restricted identification card."

SECTION 8.(i) Subsections (a) through (e) of this section become effective in accordance with the following schedule and apply to all bids submitted and all contracts entered into on or after that date:

1. October 1, 2013, for contractors that employ 500 or more employees as of that date, and their subcontractors.
2. January 1, 2014, for contractors that employ 100 or more employees but fewer than 500 employees as of that date, and their subcontractors.
3. July 1, 2014, for all other contractors and subcontractors.

SECTION 8.(j) Subsections (f) through (j) of this section are effective when they become law.

PART IX. REQUIRE UNDOCUMENTED ALIEN DRIVERS TO OBTAIN RESTRICTED DRIVERS PERMITS

SECTION 9.(a) G.S. 20-4.01 is amended by adding a new subdivision to read:

"(4c) Criminal history. – A history of conviction of a State or federal crime, whether a misdemeanor or felony, that includes the criminal offenses set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses, including sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5, but shall not include disturbing the public peace, misdemeanor possession of marijuana, worthless checks, misdemeanor larceny, shoplifting, or public drunkenness. The term shall include a final conviction in another state or in a federal jurisdiction of an offense which is substantially similar to any of the offenses listed in this subdivision."

SECTION 9.(b) G.S. 20-7(f)(3) reads as rewritten:
"(3) Duration of license, permit, or identification card for certain other drivers.

- The durations listed in subdivisions (1), (2) and (2a) of this subsection are valid unless one of the following conditions is satisfied:
  a. The Division determines that a license of shorter duration should be issued when the applicant holds valid documentation issued by, or under the authority of, the United States government that demonstrates the applicant's legal presence of limited duration in the United States. In no event shall a license of limited duration expire later than the expiration of the authorization for the applicant's legal presence in the United States.
  b. The Division determines that a restricted drivers permit or a restricted identification card should be issued pursuant to subsection (t) of this section. In no event shall a restricted drivers permit or a restricted identification card expire later than one year after the date of issuance.

SECTION 9.(c) G.S. 20-7(i) reads as rewritten:

"(i) Fees. – The fee for a regular drivers license, restricted drivers permit, or restricted identification card is the amount set in the following table multiplied by the number of years in the period for which the license is issued:

<table>
<thead>
<tr>
<th>Class of Regular License</th>
<th>Fee for Each Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
<td>$4.00</td>
</tr>
<tr>
<td>Class B</td>
<td>$4.00</td>
</tr>
<tr>
<td>Class C</td>
<td>$4.00</td>
</tr>
</tbody>
</table>

The fee for a motorcycle endorsement is one dollar and seventy-five cents ($1.75) for each year of the period for which the endorsement is issued. The Secretary of Transportation shall set the fee for an initial one-year restricted drivers permit or for an initial one-year restricted identification card, and the fee may not be lower than the actual cost of processing the relevant application and furnishing the permit or card. The fee for a renewal of a restricted drivers permit or a restricted identification card is twenty-five dollars ($25.00). The appropriate fee shall be paid before a person receives a regular drivers license, restricted identification card, restricted drivers permit, or an endorsement.

SECTION 9.(d) G.S. 20-7 is amended by adding the following new subsections to read:

"(t) Notwithstanding the requirements of subsection (b1) of this section that an applicant present a valid social security number, the Division shall issue a restricted drivers permit or a restricted identification card under subsection (f) of this section to an applicant present in the United States who meets all of the following requirements:

1. The applicant is not lawfully present in the United States.
2. The applicant agrees to a criminal history check and that check shows that the applicant does not have a criminal history. The criminal history check shall include the taking of the applicant's fingerprints.
3. The applicant submits a valid birth certificate, passport from another country, or a copy of the federal W-2 or W-7 Internal Revenue Service form most recently submitted to the Internal Revenue Service by the applicant. G.S. 15A-306 shall not apply to documents presented pursuant to this subdivision.
4. The applicant demonstrates (i) that the applicant has been a resident of North Carolina for at least one year and (ii) that the period of residency began prior to April 1, 2013.
5. The applicant meets all other requirements for a drivers license, including proof of financial responsibility. For purposes of this section, the insurance
policy that is the basis of proof of financial responsibility shall have been prepaid for a period that is at least as long as the entire period during which the restricted drivers permit will be effective. This subdivision does not apply to applications for a restricted identification card.

(u) Notwithstanding the requirements of subsection (n) of this section addressing background colors and borders and in addition to the other requirements of this section, a restricted drivers permit or a restricted identification card issued under subsection (t) of this section shall do all of the following:

1. Be printed in a vertical format that distinguishes them from the horizontal format.
2. Bear an identifying number for the license holder assigned by the Division, the first character of which shall be a letter that is only assigned to restricted drivers permit holders and restricted identification cards.
3. Bear a distinguishing mark or other designation on the face of the permit or identification card clearly denoting the limited duration of the permit or identification card and clearly distinguishing it from other forms of licenses of limited duration and identification cards of limited duration.
4. Bear the permit or identification card holder's thumbprint in a manner that is electronically readable by properly equipped law enforcement officers and agencies.
5. Bear a clearly legible statement that the permit or identification card (i) is not valid as a means of demonstrating eligibility for voter registration or for public benefits, (ii) does not legitimize the holder's presence in the United States or the State of North Carolina, and (iii) is not valid for any other purpose.

(v) Wherever the laws of this State refer to a "drivers license," the term shall also be construed to refer to a restricted drivers permit, except when the law being construed confers a benefit, privilege, or right for which lawful presence is a prerequisite.

(w) A State agency or official shall not use any information submitted as part of the application process for a restricted drivers permit or a restricted identification card to seek the removal from the United States of the applicant or for any purpose other than the issuance of the restricted drivers permit or restricted identification card. However, this section does not prohibit the use of the information in the prosecution of crimes that (i) are committed by the applicant after the issuance of the permit or card or (ii) are revealed by a criminal history check undertaken pursuant to subsection (t) of this section."

SECTION 9.(e) G.S. 20-15 reads as rewritten:

"§ 20-15. Authority of Division to cancel license or endorsement.

(a) The Division shall have authority to cancel any driver's license upon determining any of the following:

1. The licensee was not entitled to the issuance of the license under this Chapter.
2. The licensee failed to give the required or correct information on the license application or committed fraud in making the application.
3. The licensee is no longer authorized under federal law to be legally present in the United States, States, except that the Division shall not cancel a restricted drivers permit pursuant to this subdivision.

(a1) The Division shall cancel and revoke the restricted drivers permit of a person who is convicted of violating G.S. 20-313.

(b) Upon such cancellation, the licensee must surrender the license so cancelled to the Division.
(c) Any person whose license is canceled under this section for failure to give the required or correct information, or for committing fraud, in an application for a commercial drivers license shall be prohibited from reapplying for a commercial drivers license for a period of 60 days from the date of cancellation.

(d) The Division shall have authority to revoke an H endorsement of a commercial drivers license holder if the person with the endorsement is determined by the federal Transportation Security Administration to constitute a security threat, as specified in 49 C.F.R. § 1572.5(d)(4).

SECTION 9.(f) Article 13 of Chapter 20 of the General Statutes is amended by adding a new section to read:

§ 20-309.3. No refund of insurance policy premiums for holders of restricted drivers permits.

When an insurer receives a request to refund any funds to an insured as a result of the cancellation of a liability insurance policy on a motor vehicle, the insurer shall first inquire with the Division of Motor Vehicles as to whether the insured currently has a valid restricted drivers permit and shall refuse to refund any funds if the Division of Motor Vehicles confirms that the person has a valid restricted drivers permit. The Division shall promptly respond to any inquiries made pursuant to this section.

PART X. AUTHORIZE IMPOUNDMENT AND SALE OF VEHICLES FOR DRIVING WHILE LICENSE REVOKED, DRIVING WITHOUT A LICENSE, AND DRIVING WHILE FAILING TO MAINTAIN FINANCIAL RESPONSIBILITY

SECTION 10. Article 2 of Chapter 20 of the General Statutes is amended by adding a new section to read:

§ 20-28.10. Seizure, impoundment, forfeiture of motor vehicles for certain other offenses under this Chapter:

(a) Authority. – A vehicle driven by a person who commits any of the following offenses shall be subject to seizure, impoundment, and forfeiture:

(1) A violation of G.S. 20-313.
(2) Driving without a license under G.S. 20-7 or driving without a restricted drivers permit under G.S. 20-7, unless the person possesses an expired drivers license or restricted drivers permit.

(b) Exceptions. – If any of the following conditions are satisfied, a vehicle shall not become subject to an order of forfeiture under this section:

(1) The underlying violation is a violation of G.S. 20-313 and the defendant tenders proof of financial responsibility that satisfies the requirements of G.S. 20-7(c1) to the judge, regardless of whether proof of financial responsibility was obtained prior to or subsequent to the violation of subsection (a) of this section.
(2) The underlying violation is driving without a license under G.S. 20-7 or driving without a restricted drivers permit under G.S. 20-7 and the defendant presents the judge with the defendant's valid drivers license or restricted drivers permit.

(c) Governing Laws and Procedures. – The laws and procedures governing the seizure, impoundment, and forfeiture of vehicles under this section shall be the same as those set forth in G.S. 20-28.2 through G.S. 20-28.9. Wherever those statutes refer to a particular underlying offense, they shall, for purposes of this section, be construed to refer to the applicable violation of subsection (a) of this section. Furthermore, for purposes of this section, an innocent owner shall be a person who did not know and had no reason to know that the defendant was engaging in a violation of subsection (a) of this section.
PART XI. EFFECTIVE DATE AND SEVERABILITY CLAUSE

SECTION 11.(a) Sections 2, 3, 4, 5, and 10 of this act become effective December 1, 2013, and apply to offenses committed on or after that date. Sections 7 and 9 of this act become effective October 1, 2013. Except as otherwise provided, the remainder of this act is effective when it becomes law.

SECTION 11.(b) The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the remainder. If any particular interpretation or application of the provisions of this act is declared invalid or unconstitutional, such declaration shall not affect other interpretations or applications.