

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

H

2

**HOUSE BILL 63
Committee Substitute Favorable 3/14/17**

Short Title: Citizens Protection Act of 2017.

(Public)

Sponsors:

Referred to:

February 9, 2017

A BILL TO BE ENTITLED

AN ACT TO REDUCE IDENTITY THEFT BY INCREASING PENALTIES FOR THE MANUFACTURE OR SALE OF COUNTERFEIT DOCUMENTS; TO CREATE A REBUTTABLE PRESUMPTION AGAINST THE PRETRIAL RELEASE OF CERTAIN UNDOCUMENTED ALIENS; TO MAKE PROVISIONS REGARDING IMMIGRATION STATUS RECORDS AND LAW ENFORCEMENT TRANSPORT OF ILLEGAL ALIENS; AND TO CREATE ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION.

The General Assembly of North Carolina enacts:

PART I. SHORT TITLE

SECTION 1. This act shall be known and may be cited as "The Citizens Protection Act of 2017."

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

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

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

(a) Except as otherwise made unlawful by G.S. 20-30, it ~~shall be~~ is unlawful for any person to knowingly ~~possess or manufacture~~ 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~~ is 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~~ is 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.



1 (e) A violation of this section ~~shall be punished as is~~ a Class 1
2 ~~misdemeanor.~~ misdemeanor, except that a violation of subsection (a) of this section with respect
3 to the manufacture or sale of a false or fraudulent form of identification is a Class G felony."

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

5 **"§ 20-30. Violations of license, learner's permit, or special identification card provisions.**

6 It ~~shall be is~~ unlawful for any person to commit any of the following acts:

- 7 (1) To display or cause to be displayed or to have in possession a driver's
8 license, learner's permit, or special identification card, knowing the same to
9 be fictitious or to have been canceled, revoked, suspended or altered.
- 10 (2) To counterfeit, sell, lend to, or knowingly permit the use of, by one not
11 entitled thereto, a driver's license, learner's permit, or special identification
12 card. A violation of this subdivision by a person under the age of 21 for the
13 purpose of the underage purchase of alcohol shall be punished as a Class 1
14 misdemeanor. A violation of this subdivision by a person under the age of 18
15 for the purpose of the underage purchase of tobacco products or cigarette
16 wrapping papers shall be punished as a Class 2 misdemeanor. A person who
17 otherwise violates the provisions of this subdivision is guilty of a Class G
18 felony.
- 19 (3) To display or to represent as one's own a drivers license, learner's permit, or
20 special identification card not issued to the person so displaying same.
- 21 (4) To fail or refuse to surrender to the Division upon demand any driver's
22 license, learner's permit, or special identification card that has been
23 suspended, canceled or revoked as provided by law.
- 24 (5) To use a false or fictitious name or give a false or fictitious address in any
25 application for a driver's license, learner's permit, or special identification
26 card, or any renewal or duplicate thereof, or knowingly to make a false
27 statement or knowingly conceal a material fact or otherwise commit a fraud
28 in any such application, or for any person to procure, or knowingly permit or
29 allow another to commit any of the foregoing acts. Any license, learner's
30 permit, or special identification card procured as aforesaid ~~shall be is~~ void
31 from the issuance thereof, and any moneys paid therefor shall be forfeited to
32 the State. ~~Any~~ A person violating who violates the provisions of this
33 subdivision ~~shall be is~~ guilty of a Class 1 misdemeanor.
- 34 (6) To make a color photocopy or otherwise make a color reproduction of a
35 drivers license, learner's permit, or special identification card ~~which that~~ has
36 been color-photocopied or otherwise reproduced in color, unless ~~such the~~
37 color photocopy or other color reproduction was authorized by the
38 Commissioner. It ~~shall be is~~ lawful to make a black and white photocopy of
39 a drivers license, learner's permit, or special identification card or otherwise
40 make a black and white reproduction of a drivers license, learner's permit, or
41 special identification card.
- 42 (7) To sell or offer for sale any reproduction or facsimile or simulation of a
43 driver's license, learner's permit, or special identification card. The
44 provisions of this subdivision ~~shall do~~ not apply to agents or employees of
45 the Division while acting in the course and scope of their employment. ~~Any~~
46 A person, firm or corporation violating that violates the provisions of this
47 subsection ~~shall be is~~ guilty of a Class ~~I~~ G felony.
- 48 (8) To possess more than one commercial drivers license or to possess a
49 commercial drivers license and a regular drivers license. Any commercial
50 drivers license other than the one most recently issued is subject to
51 immediate seizure by any law enforcement officer or judicial official. Any

1 regular drivers license possessed at the same time as a commercial drivers
2 license is subject to immediate seizure by any law enforcement officer or
3 judicial official.

4 (9) To present, display, or use a drivers license, learner's permit, or special
5 identification card that contains a false or fictitious name in the commission
6 or attempted commission of a felony. ~~Any A person violating who violates~~
7 the provisions of this subdivision ~~shall be is~~ guilty of a Class I felony.

8 (10) To possess more than one special identification card for a fraudulent
9 purpose."

10 **SECTION 2.(c)** G.S. 20-37.8 is repealed.

11
12 **PART III. CREATION OF REBUTTABLE PRESUMPTION AGAINST THE**
13 **PRETRIAL RELEASE OF CERTAIN UNDOCUMENTED ALIENS**

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

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

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

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

27 (c) A judge may determine in ~~his the judge's~~ discretion whether a defendant charged
28 with a capital offense may be released before trial. If ~~he the judge~~ determines release is
29 warranted, the judge must authorize release of the defendant in accordance with G.S. 15A-534.

30 (d) There ~~shall be is~~ a rebuttable presumption that no condition of release will
31 reasonably assure the appearance of the person as required and the safety of the community if a
32 judicial official finds the following:

33 (1) There is reasonable cause to believe that the person committed an offense
34 involving trafficking in a controlled substance;

35 (2) The drug trafficking offense was committed while the person was on pretrial
36 release for another offense; and

37 (3) The person has been previously convicted of a Class A through E felony or
38 an offense involving trafficking in a controlled substance and not more than
39 five years has elapsed since the date of conviction or the person's release
40 from prison for the offense, whichever is later.

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

44 (1) There is reasonable cause to believe that the person committed an offense for
45 the benefit of, at the direction of, or in association with, any criminal street
46 gang, as defined in G.S. 14-50.16;

47 (2) The offense described in subdivision (1) of this subsection was committed
48 while the person was on pretrial release for another offense; and

49 (3) The person has been previously convicted of an offense described in
50 G.S. 14-50.16 through G.S. 14-50.20, and not more than five years has

1 elapsed since the date of conviction or the person's release for the offense,
2 whichever is later.

3 (f) There ~~shall be~~ is a rebuttable presumption that no condition of release will
4 reasonably assure the appearance of the person as required and the safety of the community, if
5 a judicial official finds there is reasonable cause to believe that the person committed a felony
6 or Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a
7 firearm; and the judicial official also finds any of the following:

8 (1) The offense was committed while the person was on pretrial release for
9 another felony or Class A1 misdemeanor offense involving the illegal use,
10 possession, or discharge of a firearm.

11 (2) The person has previously been convicted of a felony or Class A1
12 misdemeanor offense involving the illegal use, possession, or discharge of a
13 firearm and not more than five years have elapsed since the date of
14 conviction or the person's release for the offense, whichever is later.

15 (f1) There is a rebuttable presumption that no condition of release will reasonably assure
16 the appearance of the person as required and the safety of the community if the person is
17 unlawfully present in the United States and a judicial official finds either of the following:

18 (1) There is probable cause to believe that the person committed one or more of
19 the following offenses:

20 a. A sex offense. As used in this sub-subdivision, a "sex offense" is any
21 offense upon conviction of which the offense becomes a reportable
22 conviction, as that term is defined in G.S. 14-208.6.

23 b. A violent felony, as that term is defined in G.S. 14-7.7(b), or any
24 criminal offense other than a violation described in G.S. 14-33(a) that
25 includes assault as an essential element of the offense.

26 c. A driving offense. As used in this sub-subdivision, the term "driving
27 offense" means any violation that requires a mandatory drivers
28 license revocation upon a first conviction.

29 d. A drug offense. As used in this sub-subdivision, the term "drug
30 offense" means a violation of G.S. 90-95, other than a violation of
31 G.S. 90-95(a)(3) punishable pursuant to G.S. 90-95(d).

32 e. A gang offense. As used in this sub-subdivision, the term "gang
33 offense" means any violation of Article 13A of Chapter 14 of the
34 General Statutes.

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

39 (g) Persons who are considered for bond under the provisions of subsections (d), (e),
40 ~~and (f)-(f), and (f1)~~ of this section may only be released by a district or superior court judge
41 upon a finding that there is a reasonable assurance that the person will appear and release does
42 not pose an unreasonable risk of harm to the community."

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

45 **"§ 15A-534.7. Pretrial release of certain undocumented aliens.**

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

50

1 **PART IV. IMMIGRATION STATUS RECORDS AND TRANSPORT OF ILLEGAL**
2 **ALIENS**

3 **SECTION 4.** Article 1 of Chapter 64 of the General Statutes is amended by adding
4 the following new sections to read:

5 **"§ 64-6. Permissible methods of verifying immigration status.**

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

9 (1) Pursuant to 8 U.S.C. §§ 1373(c) and 1644 or any other provision of federal
10 law.

11 (2) By a law enforcement officer who is authorized by the federal government to
12 verify or ascertain an alien's immigration status.

13 (3) In any other manner authorized by the federal government.

14 **"§ 64-7. Admissibility of immigration status records in courts of this State.**

15 (a) A verification of an alien's immigration status received from the federal government
16 pursuant to G.S. 64-6 is proof of that alien's status. A court of this State shall consider only a
17 verification of immigration status made pursuant to G.S. 64-6 in determining whether an alien
18 is lawfully present in the United States.

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

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

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

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

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

37 **"§ 64-8. Law enforcement transport of certain unlawfully present aliens.**

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

45 **"§ 64-9. Construction and severability.**

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

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

1 declared invalid or unconstitutional, the declaration shall not affect other interpretations or
2 applications of this Chapter."

3
4 **PART V. CREATION OF ADDITIONAL INCENTIVES FOR LOCAL**
5 **GOVERNMENTS TO COMPLY WITH STATE LAWS RELATED TO**
6 **IMMIGRATION**

7 **SECTION 5.(a)** Chapter 64 of the General Statutes is amended by adding a new
8 Article to read:

9 "Article 3.

10 "Local Government Noncompliance With State Laws Related to Immigration.

11 **"§ 64-49. Findings.**

12 The General Assembly finds the following:

- 13 (1) That the policy objectives it seeks to further by enacting State laws
14 applicable to cities, counties, and law enforcement agencies are frustrated
15 when those entities do not uniformly comply with State law.
16 (2) That Section 7(1) of Article V and other sections of the North Carolina
17 Constitution grant the General Assembly supreme power and complete
18 discretion over the appropriation of State funds.
19 (3) That the General Assembly's power over the appropriation of State funds can
20 be used to create additional incentives for cities, counties, and law
21 enforcement agencies to comply with duly enacted laws.
22 (4) That statutorily setting forth the manner in which the General Assembly
23 elects to exercise its discretion with respect to appropriations provides cities,
24 counties, and law enforcement agencies with a measure of predictability that
25 can be useful to those entities in planning and carrying out their functions
26 and duties.

27 **"§ 64-50. Definitions.**

28 The following definitions apply in this Article:

- 29 (1) Affected local government. – Any of the following:
30 a. A municipality found to be not in compliance with a State law related
31 to immigration.
32 b. A municipality in which a municipal law enforcement agency has
33 been found to be not in compliance with a State law related to
34 immigration.
35 c. A county found to be not in compliance with a State law related to
36 immigration.
37 d. A county in which a county law enforcement agency has been found
38 to be not in compliance with a State law related to immigration.
39 (2) Law enforcement agency. – A municipal police department, a county police
40 department, or a sheriff's office.
41 (3) State law related to immigration. – G.S. 153A-145.5 or G.S. 160A-205.2.

42 **"§ 64-51. Attorney General to prepare form.**

43 (a) Preparation of Form. – The Attorney General shall prescribe a form for a person to
44 allege that a city, county, or law enforcement agency is not in compliance with a State law
45 related to immigration. The form shall clearly state that completed forms shall be sent to the
46 Attorney General, and the form shall be made available to the public on the Attorney General's
47 Web site.

48 (b) Certain Information Not Required. – A person shall not be required to list the
49 person's Social Security number on the complaint form or to have the form notarized.

50 **"§ 64-52. Filing of statement alleging noncompliance with a State law related to**
51 **immigration.**

1 Any person with a good-faith belief that a city, county, or law enforcement agency is not in
2 compliance with a State law related to immigration may file a statement with the Attorney
3 General setting forth the basis for that belief. The statement may be on a form prescribed by the
4 Attorney General pursuant to G.S. 64-51 or may be made in any other form that gives the
5 Attorney General information sufficient to proceed with an investigation pursuant to
6 G.S. 64-53. Nothing in this section shall be construed to prohibit the filing of anonymous
7 statements that are not submitted on a prescribed form.

8 **"§ 64-53. Investigation.**

9 (a) Investigation. – Within 45 days of receipt of a statement filed in accordance with
10 G.S. 64-52, the Attorney General shall commence an investigation of whether the city, county,
11 or law enforcement agency is in fact not in compliance with a State law related to immigration.
12 The Attorney General shall make a determination and conclude an investigation commenced
13 pursuant to this subsection within 60 days of the investigation's commencement.

14 (b) Assistance by Law Enforcement. – The Attorney General may request that the State
15 Bureau of Investigation assist in an investigation under this section, and the State Bureau of
16 Investigation shall assist in the investigation when it receives such a request.

17 (c) Production of Documents. – A local government shall produce records or
18 documents related to alleged noncompliance with a State law related to immigration within 10
19 business days of a request by the Attorney General to do so.

20 (d) Confidentiality. – Statements filed with the Attorney General pursuant to G.S. 64-52
21 and reports and other investigative documents and records of the Attorney General connected
22 to an investigation under this section shall be confidential and not matters of public record,
23 except when the local government under investigation requests in writing that these documents
24 be made public. Once an investigation under this section is complete, or once 60 days have
25 elapsed since the investigation was commenced, whichever is earlier, the statement and all
26 other reports and other investigative documents and records of the Attorney General connected
27 to an investigation under this section, not otherwise privileged or confidential under law, shall
28 be public records.

29 **"§ 64-54. Consequences of noncompliance with a State law related to immigration.**

30 (a) Consequences of Noncompliance Generally. – If the Attorney General determines
31 that an affected local government is not in compliance with a State law related to immigration,
32 all of the following shall apply:

33 (1) The affected local government shall be ineligible to receive distributions
34 under G.S. 105-113.82, 105-164.44F, 105-164.44I, 105-164.44L,
35 105-187.16, and 136-41.1 following the first date of noncompliance with the
36 State law related to immigration.

37 (2) If, after the Attorney General's determination, the affected local government
38 demonstrates to the Attorney General's satisfaction that it is in compliance
39 with all State laws related to immigration, the local government regains
40 eligibility to receive distributions described in subdivision (1) of this
41 subsection. The period of ineligibility shall extend for a maximum of two
42 years from the first determination of noncompliance.

43 (3) The Attorney General shall notify the following entities of the determination
44 that the affected local government is not in compliance with a State law
45 related to immigration and of the duration of the period of ineligibility to
46 receive funds determined pursuant to subdivision (1) of this subsection:

47 a. The affected local government.

48 b. The chairs of the Appropriations Committees of the Senate and
49 House of Representatives.

50 c. The chairs of the Joint Legislative Commission on Governmental
51 Operations.

1 d. The Office of State Budget and Management.

2 e. The Secretary of Revenue.

3 (4) The Office of State Budget and Management shall notify the Department of
4 Transportation and the State Controller of an affected local government's
5 ineligibility to receive the funds described in subdivision (1) of this
6 subsection. The Secretary of Revenue shall withhold any distributions
7 otherwise due to the affected local government under subdivision (1) of this
8 subsection.

9 (5) The Department of Transportation, the State Controller, and the Secretary of
10 Revenue shall ensure that the funds described in subdivision (1) of this
11 subsection are not distributed to an affected local government and that the
12 funds are instead distributed to other local governments that are eligible for
13 distributions pursuant to the relevant statute.

14 (b) Consequences of Noncompliance; E-Verify Statutes. – When the Attorney General
15 receives a notification from the Commissioner of Labor pursuant to G.S. 64-33.1(b), the
16 Attorney General, the Office of State Budget and Management, the State Controller, the
17 Secretary of Revenue, and the Department of Transportation shall take all of the actions
18 described in subsection (a) of this section except that those actions shall be taken with respect
19 to only the following entities, as applicable:

20 (1) A municipality found by the Commissioner of Labor to have violated
21 G.S. 143-133.3.

22 (2) A municipality in which all or part of a local school administrative unit
23 governed by a local board, as those terms are defined in G.S. 115C-5, found
24 by the Commissioner of Labor to have violated G.S. 143-133.3 is located.

25 (3) A county found by the Commissioner of Labor to have violated
26 G.S. 143-133.3.

27 (4) A county in which all or part of a local school administrative unit governed
28 by a local board, as those terms are defined in G.S. 115C-5, found by the
29 Commissioner of Labor to have violated G.S. 143-133.3 is located.

30 (c) Exceptions. – No enactment by the General Assembly shall be construed as an
31 exception to this section unless it specifically mentions this section.

32 **"§ 64-55. Attorney General to maintain copies of orders; reporting.**

33 (a) Database. – The Attorney General shall maintain a database of the local
34 governments and law enforcement agencies that are ineligible to receive the funds described in
35 G.S. 64-54(a)(1) and shall make the database accessible to the public through the Attorney
36 General's Web site.

37 (b) Reporting. – The Attorney General shall report quarterly to the Joint Legislative
38 Commission on Governmental Operations on all of the following:

39 (1) The number of statements received by the Attorney General pursuant to
40 G.S. 64-52.

41 (2) The number of investigations performed pursuant to G.S. 64-53.

42 (3) The number of times consequences for noncompliance with a State law
43 related to immigration were imposed pursuant to G.S. 64-54.

44 (4) The names of cities, counties, and law enforcement agencies found not to be
45 in compliance with a State law related to immigration.

46 **"§ 64-56. Appeal.**

47 A determination made by the Attorney General under this Article may be appealed only to
48 the extent and in the manner required by the United States and North Carolina Constitutions.
49 The imposition of consequences for noncompliance with a State law related to immigration
50 pursuant to G.S. 64-54 shall not occur until an appeal made under this section is complete.
51 However, if an appeal under this section is unsuccessful, the length of the period during which

1 an affected local government shall be ineligible to receive the funds described in
2 G.S. 64-54(a)(1) shall be the same as it would have been had no appeal been made, regardless
3 of which fiscal year or years the resulting period of ineligibility shall occur.

4 **"§ 64-57. Attorney General may designate appointed official to carry out duties.**

5 The Attorney General may designate a person to carry out the Attorney General's duties
6 under this Article. The designee shall be an individual appointed by the Attorney General and
7 shall not be a member of the Council of State or any other elected official.

8 **"§ 64-58. Rules.**

9 The Attorney General shall adopt rules needed to implement this Article.

10 **"§ 64-59. Private enforcement.**

11 In addition to any other remedies at law or in equity, any person who resides within the
12 jurisdiction of a city, county, or law enforcement agency that the person believes is not in
13 compliance with a State law related to immigration may bring an action for declaratory and
14 injunctive relief. Such an action shall be filed in the Superior Court of Wake County. The court
15 shall award the prevailing party in an action brought under this section reasonable attorneys'
16 fees and court costs as authorized by law."

17 **SECTION 5.(b)** G.S. 64-33.1 reads as rewritten:

18 **"§ 64-33.1 Consequences of violation of G.S. 143-133.3.**

19 (a) All Violations. – For any violation of G.S. 143-133.3, the Commissioner shall notify
20 the board or governing body of the State, or of any institution of the State government, or of
21 any political subdivision of the State, found to have committed the violation that the board or
22 governing body of the State, or of any institution of the State government, or of any political
23 subdivision of the State, is in violation of the applicable statute. The Department of Labor shall
24 maintain a list of any boards or governing bodies of the State, or of any institutions of the State
25 government, or of any political subdivisions of the State, issued notices pursuant to this section
26 and shall make that list available on its Web site.

27 (b) Violations by Certain Local Entities. – For a violation of G.S. 143-133.3 by a
28 political subdivision of the State, the Commissioner shall immediately notify the Attorney
29 General of the violation so that the Attorney General can take action in accordance with
30 G.S. 64-54(b). Additionally, the Commissioner shall notify the Attorney General if, within 60
31 days of the Commissioner's determination that there has been a violation, the political
32 subdivision fails to demonstrate to the Commissioner's satisfaction that the political subdivision
33 is in compliance with G.S. 143-133.3. The Commissioner may hold additional hearings as
34 needed to implement this subsection."

35 **SECTION 5.(c)** The Attorney General's office shall take reasonable steps to notify
36 local governments of the provisions of this act so that the local governments can take
37 appropriate steps to comply with this act's requirements.

38 **SECTION 5.(d)** G.S. 136-41.1 is amended by adding a new subsection to read:

39 "(e) No city or town shall receive any allocation under this section for any period during
40 which it is ineligible to receive those funds under G.S. 64-54."

41 **SECTION 5.(e)** G.S. 105-113.82(a) reads as rewritten:

42 "(a) Amount. – ~~The Subject to G.S. 64-54,~~ the Secretary must distribute annually a
43 percentage of the net amount of excise taxes collected on the sale of malt beverages and wine
44 during the preceding 12-month period ending March 31 to the counties or cities in which the
45 retail sale of these beverages is authorized in the entire county or city. The percentages to be
46 distributed are as follows:

47"

48 **SECTION 5.(f)** G.S. 105-164.44F(a) reads as rewritten:

49 "(a) Amount. – ~~The Subject to G.S. 64-54,~~ the Secretary must distribute part of the taxes
50 imposed by G.S. 105-164.4(a)(4c) on telecommunications service and ancillary service. The
51 Secretary must make the distribution within 75 days after the end of each calendar quarter. The

1 amount the Secretary must distribute is the following percentages of the net proceeds of the
2 taxes collected during the quarter:

3"

4 **SECTION 5.(g)** G.S. 105-164.44I(a) reads as rewritten:

5 "(a) Distribution. – ~~The Subject to G.S. 64-54, the~~ Secretary must distribute to the
6 counties and cities part of the taxes imposed by G.S. 105-164.4(a)(4c) on telecommunications
7 service and G.S. 105-164.4(a)(6) on video programming service. The Secretary must make the
8 distribution within 75 days after the end of each calendar quarter. The amount the Secretary
9 must distribute is the sum of the revenue listed in this subsection. From this amount, the
10 Secretary must first make the distribution required by subsection (b) of this section and then
11 distribute the remainder in accordance with subsections (c) and (d) of this section. The revenue
12 to be distributed under this section consists of the following:

13"

14 **SECTION 5.(h)** G.S. 105-164.44L(a) reads as rewritten:

15 "(a) Distribution. – ~~The Subject to G.S. 64-54, the~~ Secretary must distribute to cities
16 twenty percent (20%) of the net proceeds of the tax collected under G.S. 105-164.4 on piped
17 natural gas, less the cost to the Department of administering the distribution. Each city's share
18 of the amount to be distributed is its excise tax share calculated under subsection (b) of this
19 section plus its ad valorem share calculated under subsection (c) of this section. A gas city will
20 also receive an amount calculated under subsection (b1) of this section as part of its excise tax
21 share. If the net proceeds of the tax allocated under this section are not sufficient to distribute
22 the excise tax share of each city under subsection (b) of this section and the gas city share under
23 subsection (b1) of this section, the proceeds shall be distributed to each city on a pro rata basis.
24 The Secretary must make the distribution within 75 days after the end of each quarter."

25 **SECTION 5.(i)** G.S. 105-187.19(b) reads as rewritten:

26 "(b) Each quarter, the Secretary shall credit thirty percent (30%) of the net tax proceeds
27 to the General Fund. ~~The Subject to G.S. 64-54, the~~ Secretary shall distribute the remaining
28 seventy percent (70%) of the net tax proceeds among the counties on a per capita basis
29 according to the most recent annual population estimates certified to the Secretary by the State
30 Budget Officer."

31 **SECTION 5.(j)** G.S. 143B-919 is amended by adding a new subsection to read:

32 "(d1) The State Bureau of Investigation is further authorized, upon the request of the
33 Attorney General, to investigate local government noncompliance with State laws related to
34 immigration pursuant to the provisions of Article 3 of Chapter 64 of the General Statutes."

35 36 **PART VI. EFFECTIVE DATE AND SEVERABILITY CLAUSE**

37 **SECTION 6.(a)** Sections 2 and 3 of this act become effective December 1, 2017,
38 and apply to offenses committed on or after that date. Section 5 of this act becomes effective
39 August 1, 2017. The remainder of this act is effective when it becomes law.

40 **SECTION 6.(b)** The provisions of this act are severable. If any part of this act is
41 declared invalid or unconstitutional, the declaration shall not affect the remainder of this act. If
42 any particular interpretation or application of the provisions of this act is declared invalid or
43 unconstitutional, the declaration shall not affect other interpretations or applications of this act.