



NORTH CAROLINA GENERAL ASSEMBLY  
 AMENDMENT  
 Senate Bill 101

AMENDMENT NO. \_\_\_\_\_  
 (to be filled in by  
 Principal Clerk)

S101-ATT-4 [v.1]

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Amends Title [YES]  
 First Edition

Date \_\_\_\_\_, 2021

Senator Edwards

1 moves to amend the bill on page 1, lines 2-5, by rewriting the lines to read:

2 "AN ACT TO REQUIRE COMPLIANCE WITH IMMIGRATION DETAINERS AND  
 3 ADMINISTRATIVE WARRANTS AND TO REQUIRE CERTAIN REPORTS FROM  
 4 LOCAL LAW ENFORCEMENT.";

5  
 6 and on page 1, line 9, by rewriting the line to read:

7 "(a) When any person charged with a ~~felony or an impaired driving~~ criminal offense is  
 8 confined";

9  
 10 and on page 1, lines 21-32, by rewriting the lines to read:

11 "(b1) When any person charged with a criminal offense is confined for any period in a  
 12 county jail, local confinement facility, district confinement facility, satellite jail, or work release  
 13 unit, and the administrator or other person in charge of the facility has been notified that  
 14 Immigration and Customs Enforcement of the United States Department of Homeland Security  
 15 has issued a detainer and administrative warrant that reasonably appears to be for the person in  
 16 custody, the following shall apply:

17 (1) Prior to the prisoner's release, and after receipt of the detainer and  
 18 administrative warrant, or a copy thereof, by the administrator or other person  
 19 in charge of the facility, the prisoner shall be taken without unnecessary delay  
 20 before a State judicial official who shall be provided with the detainer and  
 21 administrative warrant, or a copy thereof.

22 (2) The judicial official shall issue an order directing the prisoner be held in  
 23 custody if the prisoner appearing before the judicial official is the same person  
 24 subject to the detainer and administrative warrant.

25 (3) Unless continued custody of the prisoner is required by other legal process, a  
 26 prisoner held pursuant to an order issued under this subsection shall be  
 27 released upon the first of the following conditions:

28 a. The passage of 48 hours from receipt of the detainer and administrative  
 29 warrant.

30 b. Immigration and Customs Enforcement of the United States  
 31 Department of Homeland Security takes custody of the prisoner.



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- 1                   c.     The detainer is rescinded by Immigration and Customs Enforcement  
2                             of the United States Department of Homeland Security.  
3     (b2)   No State or local law enforcement officer or agency shall have criminal or civil  
4     liability for any action taken pursuant to an order issued under subsection (b1) of this section."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_