



## **Explanation of HB 318 Prohibition of Sanctuary City Ordinances and Limitation on the Acceptability of Certain Forms of Identification**

As an organization dedicated to protecting the civil liberties of all North Carolina residents, regardless of immigration status, the ACLU-NC is very troubled by the passing of HB 318. Without the ability to identify oneself to government officials, an individual's rights are jeopardized. Also, by prohibiting local governments from adopting policies aimed at improving safety for everyone in the community, this bill deepens the wedge between immigrant communities and law enforcement. HB 318 includes provisions that, in practice, could raise serious civil liberties concerns affecting immigrants and citizens alike. It also invalidates local policies designed to encourage witnesses and victims of crime to contact and cooperate with law enforcement, effectively discouraging the undocumented community from reporting crime. It is important that all of the provisions in HB 318 be thoroughly reviewed and that the public understands exactly what this bill does and, equally important, what it does not do.

- 1. HB 318 prohibits government officials—with the exception of law enforcement officers in some cases—from accepting certain documents to determine a person's actual identity or residency.**
  - Consular documents (other than passports) like "matriculas" and municipal IDs or organizational IDs cannot be accepted for identity or residency purposes by justices, judges, clerks, magistrates, or other government officials. Law enforcement officers **may** accept municipal or organizational IDs to determine the identity or residency of a person, if no other identification is available.
  - Consular documents and municipal IDs or organizational IDs could still be accepted for purposes other than to determine identity or residency
  - Non-governmental entities like private banks or churches are free to accept consular documents and municipal IDs or organizational IDs for any purpose.
  - Local governments and non-governmental entities like churches can still implement municipal or organizational ID programs, so that people with no other form of identification can have an ID to use if interacting with law enforcement, and for other non-governmental purposes.
  
- 2. HB 318 prohibits local communities from adopting so-called "sanctuary" ordinances, and invalidates those that currently exist.**
  - Cities and counties in North Carolina are prohibited from adopting policies that limit the enforcement of federal immigration laws to less than what is permitted under federal law.
  - Cities and counties in North Carolina cannot adopt policies that prohibit or discourage law enforcement officers from gathering information related to the immigration status of any individual, nor can they prohibit the communication of immigration status information with federal agencies.
  - Immigration law enforcement is still reserved for the federal government. This law **does not** authorize local law enforcement officers to enforce immigration laws without being properly deputized by the federal government to do so.
  - This law **does not** require nor does it authorize local law enforcement officers to collect information related to the immigration status of any individual.
  - The gathering of information related to the immigration status of any individual, when such information is not relevant, could raise serious constitutional and other legal concerns.
  - People always have the right to remain silent and to ask to speak with a lawyer before answering any questions, giving any statements or signing any document.

**3. HB 318 extends existing E-Verify requirements to cover state contractors and subcontractors.**

- All entities that contract to do business with the state, as well as their subcontractors, are required to comply with existing E-verify laws.
- If any state subsidiary, contractor or subcontractor is found to be in violation of this new requirement they will be issued a notice of violation and will be added to a list of violators kept by the Department of Labor and made public on the DOL's website.
- It is important to remember that employers are still prohibited from engaging in discriminatory hiring practices.

*The ACLU-NC is a nonpartisan, nonprofit membership organization dedicated to preserving and protecting the individual rights provided for in both the U.S. and North Carolina Constitutions. The ACLU-NC has approximately 12,000 members and supporters in North Carolina. For more information, please visit [www.acluofnc.org](http://www.acluofnc.org).*