



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 318

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

H318-ACE-67 [v.4]

Page 1 of 2

Amends Title [NO]  
Fourth Edition

Date \_\_\_\_\_, 2025

Senator Batch

1 moves to amend the bill on page 2, lines 1-32, by rewriting the lines to read:

2       "(1) Prior to the prisoner's release, and after receipt of the detainer and  
3       administrative warrant, or a copy thereof, by the administrator or other person  
4       in charge of the facility, the prisoner shall be taken without unnecessary delay  
5       before a State judicial official who shall be provided with the detainer and  
6       administrative warrant, or a copy thereof. If an objection to the detainer and  
7       administrative warrant is raised pursuant to subdivision (2) of this subsection,  
8       then the prisoner shall be brought before a District Court judge as provided in  
9       subdivision (3) of this subsection. If no objection to the detainer and  
10       administrative warrant is raised then the prisoner shall be brought before any  
11       judicial official as provided in subdivision (4) of this section.

12       ~~(2) The judicial official shall issue an order directing the prisoner be held in~~  
13       ~~eustody if the prisoner appearing before the judicial official is the same person~~  
14       ~~subject to the detainer and administrative warrant.~~

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

18       a. The passage of 48 hours from receipt of the detainer and administrative  
19       warrant.

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

22       c. The detainer is rescinded by Immigration and Customs Enforcement  
23       of the United States Department of Homeland Security.

24       (2) Prior to the prisoner's hearing before a judicial official, the administrator or  
25       other person in charge of the facility shall notify the District Attorney of the  
26       county where the alleged offense took place that Immigration and Customs  
27       Enforcement of the United States Department of Homeland Security has  
28       issued a detainer and administrative warrant for the prisoner. The District  
29       Attorney shall then notify any victim of the alleged offense, or the victim's  
30       parent, custodian, or legal representative if the victim is a minor or is  
31       otherwise incapacitated or unavailable ("victim"), that the prisoner is subject  
32       to the detainer and may be transferred into Immigration and Customs



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 318

TABLED

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

H318-ACE-67 [v.4]

Page 2 of 2

- 1                    Enforcement of the United States Department of Homeland Security custody.  
2                    The District Attorney shall, upon the victim's request, have the right to file an  
3                    objection to the detainer and administrative warrant with a District Court  
4                    judge solely on the basis that the prisoner's transfer to the custody of  
5                    Immigration and Customs Enforcement of the United States Department of  
6                    Homeland Security would not be in the interests of justice.  
7                    (3)           If the District Attorney, upon the victim's request, files an objection to the  
8                    detainer and administrative warrant, a District Court judge shall hold a hearing  
9                    to determine if the interests of justice would be better served by the prisoner  
10                   not being turned over to the custody of Immigration and Customs  
11                   Enforcement of the United States Department of Homeland Security. If the  
12                   judge determines that the interest of justice would be better served by not  
13                   complying with the detainer request, then the judge shall order the  
14                   administrator to not comply with the detainer request. If the judge determines  
15                   that the detainer and administrative warrant do serve the interests of justice  
16                   the judge shall issue an order directing the administrator to comply with the  
17                   detainer request and directing the prisoner be held in custody.  
18                   (4)           If the District Attorney does not file an objection to the detainer and  
19                   administrative warrant any judicial official the prisoner is brought before shall  
20                   issue an order directing the prisoner be held in custody if the prisoner  
21                   appearing before the judicial official is the same person subject to the detainer  
22                   and administrative warrant.  
23                   (5)           Unless continued custody of the prisoner is required by other legal process, a  
24                   prisoner held pursuant to an order issued under this subsection shall be  
25                   released upon the first of the following conditions:  
26                   a.           The passage of 48 hours, excluding Saturday, Sunday, and holidays,  
27                   from receipt of the detainer and administrative warrant.  
28                   b.           Immigration and Customs Enforcement of the United States  
29                   Department of Homeland Security takes custody of the prisoner.  
30                   c.           The detainer is rescinded by Immigration and Customs Enforcement  
31                   of the United States Department of Homeland Security."

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

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

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