



# HOUSE BILL 318: The Criminal Illegal Alien Enforcement Act.

2025-2026 General Assembly

**Analysis of:** S.L. 2025-85

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S.L. 2025-85 (House Bill 318) does the following:

- Modifies the list of offenses for which the administrator of a jail or confinement facility must attempt to determine legal residency of a prisoner to include the following:
  - Any felony.
  - A Class A1 misdemeanor under the unborn victims statutes, the rape and other sex offenses statutes, or the assaults statutes.
  - Any violation of a domestic violence protective order.
  - Any offense involving impaired driving.
- Requires a judicial official determining conditions of pretrial release to attempt to determine legal residency for the same offenses applicable to prisoners, and if unable to determine legal residency, commit the defendant to a facility to be fingerprinted and held for a period of two hours after a query to Immigration and Customs Enforcement of the United States Department of Homeland Security (ICE). If ICE does not issue a detainer and administrative warrant for the defendant within the two-hour period, the defendant will be released pursuant to the terms and conditions of the pretrial release order. If the facility receives an ICE detainer and administrative warrant for the defendant within the two-hour period, the defendant will be taken before a judicial official for processing based on the ICE detainer and administrative warrant.
- Requires a person subject to a court order based on receipt of an ICE detainer and administrative warrant to be held for 48 hours after the time the person would otherwise be released from the facility unless ICE takes custody of the person or ICE rescinds the detainer.
- Requires the facility holding a person subject to a court order based on receipt of an ICE detainer and administrative warrant to notify ICE, not more than 2 hours after the person would otherwise be released, of the date and time the 48 hours will expire using the manner indicated on the detainer and administrative warrant.

This bill was vetoed by the Governor on June 20, 2025, and that veto was overridden by the General Assembly on July 29, 2025. This act became effective October 1, 2025. The section of the act pertaining to the legal status of prisoners applies to any person confined in or released from a facility on or after that date, and the section of the act pertaining to pretrial release proceedings applies to persons appearing before a judicial official for a determination of pretrial release conditions on or after that date.

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