



SENATE BILL 153: North Carolina Border Protection Act.

2025-2026 General Assembly

Analysis of: Senate Bill 153 (Ratified)

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Prepared by: Legislative Analysis
Division Staff

Senate Bill 153 would have made various changes related to enforcement of federal immigration laws within the State.

Require Certain Agencies to Cooperate with ICE

Senate Bill 153 would have directed the Secretary of the Department of Public Safety (DPS), the Secretary of the Department of Adult Correction (DAC), the Commander of the State Highway Patrol (SHP), and the Director of the State Bureau of Investigation (SBI) to do all the following:

- Enter into Memorandums of Agreement (MOAs) with the Director of U.S. Immigration and Customs Enforcement (ICE) pursuant to Section 287(g) of the Immigration and Nationality Act (8 U.S.C. § 1357(g)) to perform immigration law enforcement functions under the supervision of ICE.
- Develop policies requiring employees of each agency to do all the following:
 - Have employees attempt to determine if any person in the custody of or under the supervision of the agency is a legal resident or citizen of the United States by asking the person questions or examining relevant documents.
 - If an employee cannot determine a person's status by conducting the above inquiry, then the employee would be required to make an ICE query.
 - If an employee determines that the person is not a legal resident or citizen of the United States, then the employee would be required to provide information requested by ICE.
- Cooperate to the fullest extent allowed by law with ICE.
- Report the MOAs and policies required by this bill to the Joint Legislative Oversight Committee on Justice and Public Safety no later than August 1, 2025.

The State Auditor would have been required to perform an audit to determine that agencies are complying with the above requirements.

Require Certain Agencies to Cease Providing Benefits to Certain Noncitizens

Senate Bill 153 would have required the Department of Health and Human Services (DHHS), the Department of Commerce, the Housing Finance Agency, and all local housing authorities to do the following:

- Cease providing State-funded benefits and publicly funded housing benefits to noncitizens residing in the United States without legal permission, to the extent permitted by federal law.

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578

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- Develop a plan, to the extent permitted by federal law, to update and review eligibility criteria for all State-funded benefits and publicly funded housing benefits to ensure noncitizens residing in the United States without legal permission are ineligible to receive those benefits.
- Report by January 15, 2026, on the steps taken to cease providing benefits and the details of the developed and implemented plan including all federal statutes or regulations prohibiting denial of benefits.

"State-funded benefits" would include various programs administered by DHHS or through a contract with DHHS, excluding benefits or services available under the listed programs that help eligible beneficiaries access food or meals.

"Publicly funded housing benefits" would include various programs or assistance administered by or through a contract with the Department of Commerce, the North Carolina Housing Agency, and any local housing authority.

Require Verification of Legal Residency for Unemployment Benefits

Senate Bill 153 would have required the Department of Commerce, Division of Employment Security, to the extent permitted by federal law, to adopt and implement a policy to verify that all applicants for unemployment benefits are legally authorized to reside in the United States prior to receiving the first unemployment benefit payment by January 15, 2026.

Waive Governmental Immunity for Sanctuary

Senate Bill 153 would have waived governmental immunity from tort liability for cities and counties that adopt sanctuary ordinances when the tort claim is based on the commission of a crime by an unauthorized alien against a person or property within the corporate limits of the city or county, whether or not insurance has been purchased.

Senate Bill 153 was ratified by the General Assembly on June 10, 2025, and vetoed by the Governor on June 20, 2025.