



What is HB 10?

HB 10 is a new state law that went into effect in North Carolina on December 1, 2024, that requires sheriffs to contact Immigration and Customs Enforcement (ICE) when people who have been arrested for certain crimes are in their custody and their immigration status cannot be determined.

Here is what you need to know about this new law, also known as HB 10 (short for House Bill 10, the bill that it originated from).

- The law went into effect on December 1, 2024, and only applies to arrests made after this date.
- There are two important parts of this law:

PART 1: Requires sheriffs to verify the immigration status of any person who is arrested and detained in their facility for certain crimes.

This part does not apply to all alleged crimes. Crimes it does apply to include controlled substance felonies, felonious rape and other sex offenses, felony or misdemeanor assaults, gang related crimes, and violations of domestic violence protective orders.

If the person's legal immigration status cannot be determined, the sheriff must notify ICE of the person's status and location at the facility.

PART 2: Applies to individuals who are in the custody of the sheriffs, charged with any crime, and for whom ICE has issued a detainer.

Under both provisions, the sheriff is required to take the individual before a magistrate judge and get a court order to hold them in custody for up to 48 hours from when the jail received the ICE detainer.

HB 10 does not apply to any interactions with law enforcement outside of the sheriffs' jails and it does not allow local police to contact ICE whenever they interact with a person.