

HB 318: Interactions with Law Enforcement

November 2015

 north carolina
JUSTICE CENTER

Governor McCrory signed HB 318 into law in October 2015. This new law may affect how law enforcement interacts with immigrants. There is a lot of confusion about what the new law says and doesn't say.

- **Does HB 318 Require Law Enforcement to Ask Me About My Immigration Status?**
 - NO. The new law does not REQUIRE law enforcement to ask anyone about their status. But, police officers could still ask you about your immigration status if they can do it without violating your rights. More explanation about your rights is in this flyer below.
- **Does HB 318 allow law enforcement to stop or detain you solely to ask questions about your immigration status?**
 - NO. Police may not pull you over or keep you longer at the side of the road just to check your immigration status.
 - Law enforcement must suspect that you have committed a crime (like a traffic violation, theft, etc) in order to pull you over in your car or stop you on the street in such a way that you are not free to go.
 - A law enforcement officer may ask about your immigration status. But, he can't hold you longer while he checks your papers.
 - ***You have the right to remain silent and not answer his questions.***
- **Does HB 318 allow law enforcement to arrest you solely for being undocumented?**
 - NO. Local law enforcement does not have authority to arrest anyone solely for being undocumented.
- **Does HB 318 allow law enforcement to treat you differently from others because of your race or nationality?**
 - NO. Law enforcement may not treat you differently based on your race or where you are from.
 - Law enforcement can't stop you, arrest you, or treat you any differently based on the color of your skin.
- **Does HB 318 Require Counties or Cities to Participate in the 287(g) program?**
 - No. This law does not require any county to join the 287(g) program. Counties may join the 287(g) program if they have permission from the federal government.

IN YOUR CAR:

Police must have suspicion of a crime to stop you when driving. This would include things like DUI, speeding or a broken tail light. They cannot stop you because of the color of your skin or for suspicion of an immigration violation alone.

- Once they stop you, the driver is required by state law to show his driver's license. No one else in the car is required to show ID.
- The police officer can ask brief questions about your immigration status, but cannot make the stop any longer than it otherwise would have been to check your status.
- You are not required to answer the police officer's questions about your status, or about anything else. You may say, "I wish to remain silent."

ON THE STREET:

- A police officer may always come up and ask you a question about any topic, including your immigration status. You are not required to answer any questions a police officer asks. You should politely ask, "Am I free to go?"
- A police officer cannot refuse to let you leave unless he has some reason to suspect you of committing a crime. He cannot make you stay only to answer questions about your immigration status.

Always remember: YOU HAVE THE RIGHT TO REMAIN SILENT!

You are protected by the Constitution regardless of your immigration status.