

April, 2013

HB 786, or the RECLAIM NC Act, is a comprehensive immigration enforcement measure for North Carolina. Among other things, the proposal would require undocumented immigrants to register for driving privileges and increase penalties for those who don't qualify for them. If enacted, the bill would affect all North Carolinians, regardless of immigration status.

HB786 requires undocumented immigrants to get a driving permit or state ID card, but won't make them available to all who qualify.

Aside from passing a driving test and having insurance, the legislation establishes additional criteria to qualify for a permit that will be difficult for many immigrants to meet.

To qualify for the permit or identification card, one must:

1. Admit to being in the country without permission
2. Submit fingerprints and pass a criminal background check
3. Prove that one was living in North Carolina as of April 1, 2013
4. Prove North Carolina residency for at least one year.

These arbitrary residency requirements mean that migrant farmworkers and other immigrants who live here to work in tourism, seafood processing, or other seasonal industries would not qualify for the permit or ID if they can't prove they have lived in North Carolina for a year. In fact, anyone who can't prove their presence or who arrived after April 1, 2013 won't qualify.

It is very likely that many qualified immigrants will not apply for the permit or ID quickly because of government mistrust, forced fingerprinting and fear of how the information provided to the government will be used.

The public safety benefits of providing driving privileges to all who qualify will be greatly diminished without willing participation of qualified immigrants and if otherwise qualified people don't meet the proof of residency tests.

HB 786 ramps up criminal penalties, and not just for undocumented immigrants.

The bill proposes jailing people for up to 24 hours to check that individual's immigration status. This could happen to *anyone* who can't show a government-issued ID.

Another provision requires confiscation of a person's car if the driver is accused of driving without insurance or without a license or permit – regardless of immigration status. If a driver is found guilty, the car would be forfeited and sold.

Even if a person is found innocent or renews his or her insurance, people would still have to pay towing and impoundment fees to get the car back.

Undocumented immigrants would be denied bail for certain crimes, including motor vehicle violations, until they are seen by a judge.

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HB 786 would take away from other investments state and local governments need to make.

Kentucky lawmakers rejected a similar bill that could have cost localities and the state, on net, about \$40 million per year to enact, according to non-partisan legislative staff.

The actual cost of the Kentucky bill would likely have been much higher because the estimate did not include staff time and travel-related costs for identifying, arresting and transporting suspected undocumented residents. Likewise, it did not include loss of tax revenues or the full impact on local governments.¹

North Carolina's ability to attract businesses and tourists may be affected as well. Both Arizona and Alabama saw drops in business recruitment and tourism shortly after they passed similar laws.²

HB 786 is not the way to provide immigrants with driving privileges. The enforcement mechanisms represent significant costs to families, state and the economy that will ultimately undermine any public safety or economic benefit of immigrants being able to drive legally.

1 Commonwealth of Kentucky. "State Fiscal Note Statement: SB 6 GA." January 2011.

2 Ibid.