



CHAPTER 162
ARTICLE 4 - COUNTY PRISONERS

N.C.G.S. § 162-62.

Legal status of prisoners.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT No amendment history on record	RETRIEVED 21 September 2026, 03:33 UTC	SOURCE FINGERPRINT de65725121c286e54628750c - 4198f2716bffe4aebf8c49ee - 109a9423a6108c2e
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§ 162-62(a)

CLASS A1
MISDEMEANOR

When any person is confined for any period in a county jail, local confinement facility, district confinement facility, satellite jail, or work release unit, the administrator or other person in charge of the facility shall attempt to determine if the prisoner is a legal resident or citizen of the United States by an inquiry of the prisoner, or by examination of any relevant documents, or both, if the person is charged with any of the following offenses:

- (1) Any felony.
- (2) Repealed by Session Laws 2025-85, s. 1, effective October 1, 2025.
- (3) A Class A1 misdemeanor under Article 6A, Article 7B, or Article 8 of Chapter 14 of the General Statutes.
- (4) Any violation of G.S. 50B-4.1.
- (5) Any offense involving impaired driving as defined in G.S. 20-4.01.

§ 162-62(b)

If the administrator or other person in charge of the facility is unable to determine if that prisoner is a legal resident or citizen of the United States or its territories, the administrator or other person in charge of the facility holding the prisoner shall make a query of Immigration and Customs Enforcement of the United States Department of Homeland Security. If the prisoner has not been lawfully admitted to the United States, the United States Department of Homeland Security will have been notified of the prisoner's status and confinement at the facility by its receipt of the query from the facility.

§ 162-62(b1)

When any person charged with a criminal offense is confined for any period in a county jail, local confinement facility, district confinement facility, satellite jail, or work release unit, and the administrator or other person in charge of the facility has been notified that Immigration and Customs Enforcement of the United States Department of Homeland Security has issued a detainer and administrative warrant that reasonably appears to be for the person in custody, the following shall apply:

- (1) Prior to the prisoner's release, and after receipt of the detainer and administrative warrant, or a copy thereof, by the administrator or other person in charge of the facility, the prisoner shall be taken without unnecessary delay before a State judicial official who shall be provided with the detainer and administrative warrant, or a copy thereof.
- (2) If the prisoner appearing before the judicial official is the same person subject to the detainer and administrative warrant, the judicial official shall issue an order directing the prisoner be held in custody and transferred to the custody of an officer of Immigration and Customs Enforcement of the United States Department of Homeland Security upon that officer's appearance at the facility and request for custody.
- (3) Unless continued custody of the prisoner is required by other legal process, a prisoner held pursuant to an order issued under this subsection shall be released upon the first of the following conditions:
 - a. The passage of 48 hours from the time the prisoner would otherwise be released from the facility.
 - b. Immigration and Customs Enforcement of the United States Department of Homeland Security takes custody of the prisoner.
 - c. The detainer is rescinded by Immigration and Customs Enforcement of the United States Department of Homeland Security.
- (4) For any prisoner held pursuant to an order issued under this subsection, no later than two hours after the time when the prisoner would otherwise be released from the facility, the administrator or other person in charge of the facility shall notify Immigration and Customs Enforcement of the United States Department of Homeland Security of the date and time that the prisoner will be released pursuant to sub-subdivision a. of subdivision (3) of this subsection. The notification shall be made in the manner indicated on the Department of Homeland Security Immigration Detainer - Notice of Action form.

- § 162-62(b2)

No State or local law enforcement officer or agency shall have criminal or civil liability for action taken pursuant to an order issued under subsection (b1) of this section.
- § 162-62(c)

Except as provided in subsection (b1) of this section, nothing in this section shall be construed to deny bond to a prisoner or to prevent a prisoner from being released from confinement when that prisoner is otherwise eligible for release.
- § 162-62(d)

Repealed by Session Laws 2010-97, s. 12, effective July 20, 2010. (2007-494, s. 1; 2010-97, s. 12; 2024-55, s. 9.1(a); 2025-85, s. 1.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 50B-4.1	(a)(4)	"Any violation of"
G.S. 20-4.01	(a)(5)	"involving impaired driving as defined in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 162-62 (2026).

PINPOINT

N.C. Gen. Stat. § 162-62(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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