

The Current State of Local Policy Issues In Louisiana, Mississippi, North Carolina & South Carolina

Needs in the South

- **Devastated economies:** 2010 fiscal year budgets of Southern states face at least \$20 billion in deficits, after inclusion of existing American Recovery and Reinvestment Act (ARRA) funds.
- **Disproportionately affected populations:** The South comprises 37% of the US Population, 46% of the AIDS cases, and 55% of the HIV cases (34 states reporting)⁴. As of 2007, of the 20 states with the highest AIDS rates, 11 (55%) were in the South³
- **Affected metropolitan areas:** As of 2007, of the 20 metropolitan areas in the U.S. with the highest rates of AIDS, 14 (70%) were in the South; eight of the ten highest metropolitan areas are located in the South(80%) .³
- **AIDS Prevalence on the rise:** The number of persons living with AIDS has increased from 1993 to 2006 at a greater rate in the South than any other region of the U.S.³
- **Slow decrease of deaths by AIDS:** Although the reported deaths among persons with AIDS decreased between 2003 and 2007, the South's decrease in deaths was by far the lowest of any region in the U.S.³

Immigration in the South

- As of October 2009, sixty-seven 287**partnerships between local or state law enforcement agencies and U.S. Immigration and Customs Enforcement (ICE)** have been developed in twenty-three states **through a program called 287(g) ICE ACCESS** or commonly referred to as the 287(g) Program.⁷ **This program authorizes local and state law enforcement officials to detect, detain, and deport unauthorized immigrants** through a partnership with ICE, an agency of the Department of Homeland Security (DHS).⁷
- **North Carolina** has the **most local jurisdictions (eight) implementing 287(g) ICE ACCESS**.⁷
- **Traffic violations** are the **most common state charge** for individuals incarcerated through the 287 (g) Program **representing 32.7% of the total charges**.⁷ The **second most common charge** for individuals identified through the 287(g) Program was **driving while intoxicated or DWI (22.5%)**, another driving related charge.⁷
- A comparison of misdemeanors versus felonies revealed that **86.7%** of all individuals booked through the program in counties of study were **charged with misdemeanors**, while **13.3%** were **charged with felonies**.⁷

Human Rights in the South

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- South Carolina is the only US state that maintains an absolute **prohibition on access to work release for prisoners with HIV**.
- In South Carolina and Alabama **prisoners with HIV are isolated, excluded and marginalized** as a matter of policy **without medical justification**.⁵

¹ State Budget Update: April 2009, National Conference of State Legislatures, Fiscal Affairs Program, www.ncsl.org.

² US Census Bureau, 2008 population estimates, www.census.gov - site accessed July 4, 2009.

³ AIDS Cases-Centers for Disease Control and Prevention Slide Sets, AIDS by Region, 2006 - slide 2 - www.cdc.gov/hiv/topics/surveillance/resources/slides/aids_regional/index.htm - site accessed July 4, 2009.

⁴ HIV Cases-Centers for Disease Control and Prevention. HIV/AIDS Surveillance Report, 2007. Vol. 19. Atlanta: U.S., Department of Health and Human Services, Centers for Disease Control and Prevention; 2009:[27-28]. <http://www.cdc.gov/hiv/topics/surveillance/resources/reports> - 34 states reporting.

Human Rights in the South

The Center for HIV Law and Policy (CHLP) has released a new report summarizing a recent survey of the legal needs of people affected by HIV living in the South. [Send Lawyers, Guides and Money: The Legal Services Needs of People Living with HIV in the Southern United States](#), describes the reported experiences of persons with HIV, the barriers they faced, and whether they received legal help to resolve those barriers.⁶ **Below are highlights from the report pertinent to the legal needs of People living with HIV in North Carolina, South Carolina and Louisiana:**

South Carolina⁶

The top identified issue, regardless of whether legal help was received, was **access to affordable housing**, with 78.4% of respondents identifying it as an issue. **Access to jobs/job training** were identified by 59.5% of respondents, **wills/power of attorney** were identified by 56.8%, and over all the categories there was a high level of need for legal services. Only 55.9% of the respondents were able to access legal services the last time they needed it, with **access to benefits** (25%) and **landlord/tenant issues** (15%) services most likely received. **Landlord/tenant issues** and **employment discrimination** (both 26.7%) were cited as the most recent unmet needs.



North Carolina⁶

The top identified issue in North Carolina, regardless of whether legal help was received, was **access to affordable housing**, with 77.8% of respondents identifying it as an issue. **Access to benefits** was also identified by 72.2% of respondents as something they or their client had needed legal help with. Sixty-two point seven percent of respondents were able to access legal services the last time they needed it, most often if they were trying to **access benefits** (34.6%). **Employment discrimination** (18.8%) and **access to benefits**



Mississippi⁸

Mississippi State Senate passed SB 2179, a measure that allows law enforcement officers to check a person's immigration status during a traffic stop or while enforcing other laws. In doing so the state became the first legislature to make good on its talk of passing a law that mimics Arizona's SB 1070. SB 2179 also makes it a state crime to be caught without immigration papers and allows law enforcement to arrest, "without warrant," a person "reasonably believed" to be in the country without papers.

Louisiana⁶

Access to affordable housing was also the top identified issue in Louisiana, with 77.3% of the respondents identifying it as an issue for which they required legal help. Considering that the survey was conducted in 2009, it is safe to assume this data includes the challenges presented by the aftermath of Hurricane Katrina. **Access to jobs or job training** (54.5%) and **family law** matters (50%) were also identified as major issues for which they needed help. Seventy-eight point nine percent of respondents were able to access legal services the last time they needed them, particularly when they required help with accessing **benefits** (20%) or help with **wills/power of attorney**.

5 Sentenced to Stigma: Segregation of HIV-Positive Prisoners in Alabama and South Carolina. ACLU National Prison Project and Human Rights Watch, Human Rights Watch, April 2010.

6 The Center for HIV Law and Policy (CHLP) has released a new report summarizing a recent survey of the legal needs of people affected by HIV living in the South. [Send Lawyers, Guides and Money: The Legal Services Needs of People Living with HIV in the Southern United States](#)

7 Mai Thi Nguyen and Hannah Gill, University of North Carolina at Chapel Hill, The Latino Migration Project, The Institute for the Study of the Americas, CB 3205

8 [Colorlines.com news letter published by the Applied Research Center](#), January 20, 2011.