

§ 15A-1352. Commitment to Division of Prisons of the Department of Adult Correction or local confinement facility.

(a) Except as provided in subsection (f) of this section, a person sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine for conviction of a misdemeanor under Article 84 of this Chapter shall be committed for the term designated by the court to the Statewide Misdemeanant Confinement Program as provided in G.S. 148-32.1 or, if the period is for 90 days or less, to a local confinement facility, except as provided for in G.S. 148-32.1(b).

If a person is sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter, the sentencing judge may make a finding of fact as to whether the person would be suitable for placement in a county satellite jail/work release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of fact that the person would be suitable for placement in a county satellite jail/work release unit and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the custodian of the local confinement facility may transfer the misdemeanant to a county satellite jail/work release unit.

If the person sentenced to imprisonment is under the age of 18, the person must be committed to a detention facility approved by the Division of Juvenile Justice to provide secure confinement and care for juveniles. Personnel of the Division of Juvenile Justice or personnel approved by the Division of Juvenile Justice shall transport the person to the detention facility. If the person sentenced to imprisonment reaches the age of 18 years while imprisoned, the person may be transported by personnel of the Juvenile Justice Division, or personnel approved by the Juvenile Justice Division, to the custody of the sheriff of the applicable local confinement facility.

(b) A person sentenced to imprisonment for a felony under this Article or for nonpayment of a fine for conviction of a felony under Article 84 of this Chapter shall be committed for the term designated by the court to the custody of the Division of Prisons of the Department of Adult Correction.

(c) Repealed by Session Laws 2014-100, s. 16C.1(b), effective October 1, 2014.

(d) Notwithstanding any other provision of law, when the sentencing court, with the consent of the person sentenced, orders that a person convicted of a misdemeanor be granted work release, the court may commit the person to a specific prison facility or local confinement facility or satellite jail/work release unit within the county of the sentencing court in order to facilitate the work release arrangement. When appropriate to facilitate the work release arrangement, the sentencing court may, with the consent of the sheriff or board of commissioners, commit the person to a specific local confinement facility or satellite jail/work release unit in another county.

(e) Repealed by Session Laws 2014-100, s. 16C.1(b), effective October 1, 2014.

(f) A person sentenced to imprisonment of any duration for impaired driving under G.S. 20-138.1, other than imprisonment required as a condition of special probation under G.S. 15A-1351(a) or G.S. 15A-1344(e), shall be committed to the Statewide Misdemeanant Confinement Program established under G.S. 148-32.1.

If the person sentenced to imprisonment is under the age of 18, the person must be committed to a detention facility approved by the Division of Juvenile Justice to provide secure confinement and care for juveniles. Personnel of the Division of Juvenile Justice or personnel approved by the Division of Juvenile Justice shall transport the person to the detention facility. If the person sentenced to imprisonment reaches the age of 18 years while imprisoned, the person may be transported by personnel of the Division of Juvenile Justice, or personnel approved by the Division of Juvenile Justice, to the custody of the sheriff of the applicable local confinement facility.

(g) To facilitate an efficient and orderly transfer of custody, a person serving a sentence in the Department of Adult Correction who is subject to an outstanding sentence, detainer, or other
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lawful process authorizing detention may be transferred up to five days before the expiration of the person's current sentence, and the remainder of the person's current sentence may be served in the custody of the requesting local confinement facility or the requesting federal agency. Early transfers conducted pursuant to this subsection shall only be conducted at the request and expense of the receiving local confinement facility or the receiving federal agency.

Nothing in this subsection shall be construed to authorize the holding of a person beyond the release date of the current sentence absent an outstanding sentence to be served, detainer, or service of other lawful process authorizing detention.

For purposes of this subsection, "local confinement facility" is as defined in G.S. 153A-217 and "federal agency" is as defined in G.S. 130A-313. (1977, c. 711, s. 1; 1977, 2nd Sess., c. 1147, s. 18; 1979, c. 456, s. 1; c. 787, ss. 1, 2; 1985 (Reg. Sess., 1986), c. 1014, s. 201(b); 1987, c. 207, s. 3; 1989, c. 761, s. 6; 1991, Ex. Sess., c. 486, s. 1; c. 8, s. 1; 1993, c. 538, s. 37; 1994, Ex. Sess., c. 24, s. 14(b); 2011-145, s. 19.1(h); 2011-192, s. 7(b)-(c); 2014-100, s. 16C.1(b); 2017-186, s. 2(qqq); 2020-83, s. 8(k); 2021-180, s. 19C.9(aaa); 2023-121, s. 3(a).)