

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 462  
SENATE BILL 244

1 AN ACT TO AUTHORIZE THE TRANSFER OF COUNTY PRISONERS TO THE STATE  
2 DEPARTMENT OF CORRECTION WHEN COUNTY JAIL FACILITIES ARE  
3 INSUFFICIENT AND INADEQUATE, AND TO AUTHORIZE THE COUNCIL OF  
4 STATE TO ASSIST THE COUNTIES IN PAYING THE COST THEREOF IN CERTAIN  
5 CASES.

6  
7 The General Assembly of North Carolina do enact:  
8

9 **Section 1.** G.S. 153-189.1 is hereby amended by adding at the end of the present  
10 section a new paragraph reading as follows:

11 "Whenever prisoners are arrested in such numbers that county jail facilities are insufficient  
12 and inadequate for the safekeeping of such prisoners, the Resident Judge of the Superior Court  
13 or any Judge holding Superior Court in the District may order the prisoners transferred to a unit  
14 of the State Department of Correction designated by the Commissioner of Correction or his  
15 authorized representative, where the prisoners may be held for such length of time as the Judge  
16 may direct, such detention to be in cell separate from that used for imprisonment of persons  
17 already convicted of crimes. The Sheriff of the County from which the prisoners are removed  
18 shall be responsible for conveying the prisoners to the prison unit or units where they are to be  
19 held, and for returning them to the common jail of the county from which they were  
20 transferred. However, if due to the number of prisoners to be conveyed the Sheriff is unable to  
21 provide adequate transportation, he may request the assistance of the Department of Correction,  
22 and the Department of Correction is hereby authorized and directed to cooperate with the  
23 Sheriff and provide whatever assistance is available, both in vehicles and manpower, to  
24 accomplish the conveying of the prisoners to and from the county to the designated prison unit  
25 or units. The officer in charge of the prison unit designated by the Commissioner of Correction  
26 or his authorized representative shall receive and release the custody of the prisoners in  
27 accordance with the terms of the court order. The county from which the prisoners are  
28 transferred shall pay to the State Department of Correction the actual cost of transporting and  
29 maintaining the prisoners. However, if the County Commissioners shall certify to the Governor  
30 that the county is unable to pay the bill submitted by the State Department of Correction to the  
31 county for the services rendered, either in whole or in part, the Governor may recommend to  
32 the Council of State that the State of North Carolina assume and pay, in whole or in part, the  
33 obligation of the county to the Department of Correction, and upon approval of the Council of  
34 State the amount so approved shall be paid from Contingency and Emergency Fund to the  
35 Department of Correction."

36 **Sec. 2.** All laws and clauses of laws in conflict with the provisions of this Act are  
37 hereby repealed.

38 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

39 In the General Assembly read three times and ratified, this the 12th day of May,  
40 1969.