

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 11
SENATE BILL 62

AN ACT TO ESTABLISH THE GOVERNOR'S CRIME COMMISSION BY AMENDING AND REWRITING G.S. 143B-337 AND RENAMING, RESTRUCTURING AND REDEFINING THE PURPOSES OF THE GOVERNOR'S LAW AND ORDER COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-337 is rewritten to read as follows:
"PART 23.

"Governor's Crime Commission.

"§ 143B-337. Governor's Crime Commission: creation, composition, terms, meetings, etc.
— (a) There is hereby created the Governor's Crime Commission of the Department of Crime Control and Public Safety. The commission shall consist of 29 voting members and six nonvoting members. The composition of the commission shall be as follows:

- (1) The voting members shall be:
 - a. the Governor, the Chief Justice of the Supreme Court of North Carolina (or his alternate), the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Human Resources, and the Secretary of the Department of Correction;
 - b. a judge of superior court, a judge of district court specializing in juvenile matters, a chief district court judge, and a district attorney;
 - c. a defense attorney, three sheriffs (one of whom shall be from a 'high crime area'), three police executives (one of whom shall be from a 'high crime area'), four citizens (two with knowledge of juvenile delinquency and the public school system, one representative of a 'private juvenile delinquency program', and one in the discretion of the Governor), three county commissioners or county officials, and three mayors or municipal officials;
 - d. one member of the North Carolina House of Representatives and one member of the North Carolina State Senate.
- (2) The nonvoting members shall be the Director of the State Bureau of Investigation, the Secretary of the Department of Crime Control and Public Safety, the Director of the Division of Youth Services of the Department of Human Resources, the Administrator for Juvenile Services of the Administrative Office of the Courts, the Director of the Division of Prisons and the Director of the Division of Adult Probation and Paroles.

(b) The membership of the commission shall be selected as follows:

- (1) The following members shall serve by virtue of their office: the Governor, the Chief Justice of the Supreme Court, the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Human Resources, the Secretary of the Department of Correction, the Director of the State Bureau of Investigation, the Secretary of the

Department of Crime Control and Public Safety, the Director of the Division of Prisons, the Director of the Division of Adult Probation and Paroles, the Director of the Division of Youth Services and the Administrator for Juvenile Services of the Administrative Office of the Courts. Should the Chief Justice of the Supreme Court choose not to serve, his alternate shall be selected by the Governor from a list submitted by the Chief Justice which list must contain no less than three nominees from the membership of the Supreme Court.

- (2) The following members shall be appointed by the Governor: the district attorney, the defense attorney, the three sheriffs, the three police executives, the four citizens, the three county commissioners or county officials, the three mayors or municipal officials.
- (3) The following members shall be appointed by the Governor from a list submitted by the Chief Justice of the Supreme Court, which list shall contain no less than three nominees for each position and which list must be submitted within 30 days after the occurrence of any vacancy in the judicial membership: the Judge of Superior Court, the judge of district court specializing in juvenile matters, and the Chief District Court Judge.
- (4) The member of the House of Representatives shall be appointed by the Speaker of the House of Representatives and the member of the Senate shall be appointed by the Lieutenant Governor. These members shall perform the advisory review of the state plan for the General Assembly as permitted by Section 206 of the Crime Control Act of 1976 (PL 94-503).
- (5) The Governor may serve as chairman, designating a vice-chairman to serve at his pleasure, or he may designate a chairman and vice-chairman both of whom shall serve at his pleasure.

(c) The initial members of the commission shall be those appointed pursuant to subsection (b) above, which appointments shall be made by March 1, 1977. The terms of the present members of the Governor's Commission on Law and Order shall expire on February 28, 1977. Effective March 1, 1977, the Governor shall appoint members, other than those serving by virtue of their office, to serve staggered terms; seven shall be appointed for one-year terms, seven for two-year terms, and seven for three-year terms. At the end of their respective terms of office their successors shall be appointed for terms of three years and until their successors are appointed and qualified. The commission members from the House and Senate shall serve two-year terms effective March 1, of each odd-numbered year; and they shall not be disqualified from commission membership because of failure to seek or attain reelection to the General Assembly, but resignation or removal from office as a member of the General Assembly shall constitute resignation or removal from the commission. Any other commission member no longer serving in the office from which he qualified for appointment shall be disqualified from membership on the commission. Any appointment to fill a vacancy on the commission created by the resignation, dismissal, death, disability, or disqualification of a member shall be for the balance of the unexpired term.

(d) The Governor shall have the power to remove any member from the commission for misfeasance, malfeasance or nonfeasance.

(e) The commission shall meet quarterly and at other times at the call of the chairman or upon written request of at least eight of the members. A majority of the voting members shall constitute a quorum for the transaction of business."

Sec. 2. G.S. 143B-338 is hereby rewritten to read as follows:

"§ 143B-338. Governor's Crime Commission: powers and duties. — (a) The Governor's Crime Commission shall have the following powers and duties:

- (1) To serve, along with its adjunct committees, as the chief advisory board to the Governor and to the Secretary of the Department of Crime Control and Public Safety on matters pertaining to the criminal justice system.
- (2) To develop a comprehensive statewide plan for the improvement of criminal justice throughout the State which is consistent with and serves to foster the following established goals of the criminal justice system:
 - a. to reduce crime,
 - b. to protect individual rights,
 - c. to achieve justice,
 - d. to increase efficiency in the criminal justice system,
 - e. to promote public safety,
 - f. to provide for the administration of a fair and humane system which offers reasonable opportunities for adjudicated offenders to develop progressively responsible behavior, and
 - g. to increase professional skills of criminal justice officers.
- (3) To assist and participate with the State and local law enforcement agencies in improving law enforcement and the administration of criminal justice;
- (4) To make studies and recommendations for the improvement of law enforcement and the administration of criminal justice;
- (5) To encourage public support and respect for the criminal justice system in North Carolina;
- (6) To seek ways to continue to make North Carolina a safe and secure State for its citizens;
- (7) To accept gifts, bequests, devises, grants, matching funds, and other considerations from private or governmental sources for use in promoting its work;
- (8) To set objectives and priorities for the improvement of law enforcement and criminal justice throughout the State;
- (9) To make grants for use in pursuing its objectives, under such conditions as are deemed to be necessary;
- (10) To serve as a coordinating committee and forum for discussion of recommendations from its adjunct committees formed pursuant to G.S. 143B-339; and
- (11) To serve as the primary channel through which local law enforcement departments and citizens can lend their advice, and state their needs, to the Department of Crime Control and Public Safety.

(b) The commission is authorized and empowered to adopt such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid for criminal justice purposes which may be made available for the State by the federal government. The Governor's Crime Commission shall be the single State agency responsible for establishing policy, planning and carrying out the State's duties with respect to all grants to the State by the Law Enforcement Assistance Administration of the United States Department of Justice. In respect to such grants, the commission shall have authority to review, approve and maintain general oversight of the state plan and its implementation, including subgrants and allocations to local units of government.

All decisions and grants heretofore made by the Governor's Law and Order Commission shall remain in full force and effect unless and until repealed or superseded by action of the Governor's Crime Commission established herein. The present Governor's Commission on Law and Order is terminated on February 28, 1977, and its powers, duties, and responsibilities vest in the Governor's Crime Commission effective March 1, 1977. All directives of the Governor's

Crime Commission shall be administered by the Director, Crime Control Division of the Department of Crime Control and Public Safety."

Sec. 3. G.S. 143B-339 is hereby rewritten to read as follows:

"§ 143B-339. Adjunct Committees of the Governors Crime Commission: creation, purpose, powers and duties. — (a) There are hereby created by way of extension and not limitation, the following adjunct committees of the Governor's Crime Commission: the Crime Prevention and Public Information Committee, the Judicial Planning Committee, the Juvenile Justice Planning Committee, the Law Enforcement Planning Committee, the Corrections Planning Committee, and the Juvenile Code Revision Committee.

(b) The composition of the adjunct committees shall be as designated by the Governor by executive order, except for the Judicial Planning Committee, the composition of which shall be designated by the Supreme Court. The Governor's appointees shall serve two-year terms beginning March 1, of each odd-numbered year, and members of the Judicial Planning Committee shall serve at the pleasure of the Supreme Court.

(c) The adjunct committees created herein shall report directly to the Governor's Crime Commission and shall have the following powers and duties:

- (1) The Crime Prevention and Public Information Committee shall advise the Governor's Crime Commission on the most appropriate and effective methods to foster public awareness of the role of individual citizens, businesses, and community organizations in the prevention and reporting of crime and to foster public awareness of the ability and responsibility of individuals to have an impact on the crime problem; it shall also advise the Governor's Crime Commission on the most appropriate and effective methods of preventing crime, on mobilizing the citizenry through 'Community Watch' and other related programs to prevent crime, and on educating the public about the nature of particular crimes and the most effective methods of preventing them.
- (2) The Law Enforcement Planning Committee shall advise the Governor's Crime Commission on all matters which are referred to it relevant to law enforcement, including detention; shall participate in the development of the law enforcement component of the State's comprehensive plan; shall consider and recommend priorities for the improvement of law enforcement services; and shall offer technical assistance to State and local agencies in the planning and implementation of programs contemplated by the comprehensive plan for the improvement of law enforcement services.
- (3) The Judicial Planning Committee (which shall be appointed by the Supreme Court) shall establish court improvement priorities, define court improvement programs and projects, and develop an annual judicial plan in accordance with the Crime Control Act of 1976 (PL 94-503); shall advise the Governor's Crime Commission on all matters which are referred to it relevant to the courts; shall consider and recommend priorities for the improvement of judicial services; and shall offer technical assistance to State agencies in the planning and implementation of programs contemplated by the comprehensive plan for the improvement of judicial services.
- (4) The Corrections Planning Committee shall advise the Governor's Crime Commission on all matters which are referred to it relevant to corrections; shall participate in the development of the adult corrections component of the State's comprehensive plan; shall consider and recommend priorities for the improvement of correction services; and shall offer technical assistance to State agencies in the planning and implementation of programs contemplated by the comprehensive plan for the improvement of corrections.

(5) The Juvenile Justice Planning Committee shall advise the Governor's Crime Commission on all matters which are referred to it relevant to juvenile justice; shall participate in the development of the juvenile justice component of the State's comprehensive plan; shall consider and recommend priorities for the improvement of juvenile justice services; and shall offer technical assistance to State and local agencies in the planning and implementation of programs contemplated by the comprehensive plan for the improvement of juvenile justice.

(6) The Juvenile Code Revision Committee shall study problems relating to young people who come within the juvenile jurisdiction of the district court as defined by Article 23 of Chapter 7A of the General Statutes and develop a legislative plan which will best serve the needs of young people and protect the interests of the State; shall study the existing laws, services, agencies and commissions and recommend whether they should be continued, amended, abolished or merged; and shall take steps to insure that all agencies, organizations, and private citizens in the State of North Carolina have an opportunity to lend advice and suggestions to the development of a revised juvenile code. If practical, the committee shall submit a preliminary report to the General Assembly prior to its adjournment in 1977. It shall make a full and complete report to the General Assembly by March 1, 1979. This adjunct committee shall terminate on February 28, 1979.

(d) The Governor shall have the power to remove any member of any adjunct committee from the committee for misfeasance, malfeasance or nonfeasance. Each committee shall meet at the call of the chairman or upon written request of one-third of its membership. A majority of a committee shall constitute a quorum for the transaction of business.

(e) The actions and recommendations of each adjunct committee shall be subject to the final approval of the Governor's Crime Commission."

Sec. 4. Chapter 143B of the General Statutes is amended by adding a new Section 340 as follows:

"§ 143B-340. Crime Control Division of the Department of Crime Control and Public Safety. — (a) There is hereby established, within the Department of Crime Control and Public Safety, the Crime Control Division, which shall be organized and staffed in accordance with applicable laws and regulations and within the limits of authorized appropriations.

(b) The Crime Control Division shall provide clerical and professional services required by the Governor's Crime Commission and shall administer the State Law Enforcement Assistance Program and such additional related programs as may be established by or assigned to the commission. It shall serve as the single State planning agency for purposes of the Crime Control Act of 1976 (PL 94-503). Administrative responsibilities shall include, but are not limited to, the following:

- (1) compiling data, establishing needs and setting priorities for funding and policy recommendations for the commission;
- (2) preparing and revising statewide plans for adoption by the commission which are designed to improve the administration of criminal justice and to reduce crime in North Carolina;
- (3) advising State and local interests of opportunities for securing federal assistance for crime reduction and for improving criminal justice administration and planning within the State of North Carolina;
- (4) stimulating and seeking financial support from federal, State, and local government and private sources for programs and projects which implement adopted criminal justice administration improvement and crime reduction plans;

- (5) assisting State agencies and units of general local government and combinations thereof in the preparation and processing of applications for financial aid to support improved criminal justice administration, planning and crime reduction;
- (6) encouraging and assisting coordination at the federal, State, and local government levels in the preparation and implementation of criminal justice administration improvements and crime reduction plans;
- (7) applying for, receiving, disbursing, and auditing the use of funds received for the program from any public and private agencies and instrumentalities for criminal justice administration, planning, and crime reduction purposes;
- (8) entering into, monitoring, and evaluating the results of contracts and agreements necessary or incidental to the discharge of its assigned responsibilities;
- (9) providing technical assistance to State and local law enforcement agencies in developing programs for improvement of the law enforcement and criminal justice system; and
- (10) taking such other actions as may be deemed necessary or appropriate to carry out its assigned duties and responsibilities.

(c) The Crime Control Division shall also provide professional and clerical staff services to the adjunct committees of the Governor's Crime Commission established in G.S. 143B-339."

Sec. 5. This act shall become effective on March 1, 1977. Prior to the creation of the Department of Crime Control and Public Safety, the Governor's Crime Commission shall be a part of the Department of Natural and Economic Resources; and the professional and clerical responsibilities vested by this act in the Division of Crime Control of the Department of Crime Control and Public Safety shall continue to be vested in the Law and Order Section of the Department of Natural and Economic Resources. Until such time as the Department of Crime Control and Public Safety is created, all references in this act to the Department of Crime Control and Public Safety shall be deemed to refer to the Department of Natural and Economic Resources.

Sec. 6. All other laws and parts of laws in conflict with this act are repealed.

Sec. 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

In the General Assembly read three times and ratified, this the 15th day of February, 1977.