

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 450
SENATE BILL 530

AN ACT TO RAISE THE MINIMUM TERM FOR IMPRISONMENT IN THE STATE
PRISON SYSTEM FROM 30 TO 180 DAYS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 148-30 as the same appears in the 1974 Replacement Volume 3C of the General Statutes is hereby amended by rewriting the last sentence to read as follows:

"No male misdemeanor offender shall be so assigned whose total term of imprisonment is less than 180 days."

Sec. 2. G.S. 148-32 is hereby repealed.

Sec. 3. Chapter 148 of the General Statutes is hereby amended by adding a new section thereto to be numbered and to read as follows:

"§ 148-32.1. Local confinement, costs, alternate facilities, parole, work release. — (a) The Secretary of the Department of Correction is hereby authorized and empowered to contract with local government entities which have under their control local confinement facilities housing prisoners serving sentences of 30 to 180 days. The Secretary of the Department of Correction is authorized and empowered to pay to the appropriate local confinement facility the per diem cost of providing food, clothing, personal items, supervision and necessary medical services to those prisoners serving sentences of 30 to 180 days. Any contract made pursuant to this authority shall be for a period of not more than two years, and shall be renewable biennially for a period not to exceed two years. The financial provisions of the contract shall be approved by the Secretary of the Department of Administration before the contract is executed and shall include a provision setting the per diem rate or reimbursement. The per diem rate of reimbursement shall be based upon consideration of local staff requirements, cost of confinement of other inmates in local confinement facilities, average per diem cost of confinement of inmates in minimum custody facilities in the Department of Correction, and other relevant factors. Such contracts shall take into consideration additional staff and expenses incurred by the local confinement facility.

(b) In the event that the custodian of the local confinement facility certifies in writing to the clerk of the superior court in the county in which said local confinement facility is located that the local confinement facility is filled to capacity, or that the facility cannot reasonably accommodate any more prisoners due to segregation requirements for particular prisoners, or that the custodian anticipates, in light of local experiences, an influx of temporary prisoners at that time, or if the local confinement facility does not meet the minimum standards published pursuant to G.S. 153A-221, any judge of the district court in the judicial district where the facility is located, or any judge of the superior court or a special judge of the superior court assigned to hold court in the judicial district where the facility is located may order that the prisoner be transferred to any other qualified local confinement facility within that judicial district. If no such local confinement facility is available, then any such judge may order the prisoner transferred to such camp or facility as the proper authorities of the Department of Correction shall designate, notwithstanding that the term of imprisonment of the prisoner is less than 180 days. In no event, however, shall a prisoner whose term of imprisonment is less than 30 days be assigned or ordered transferred to any such camp or facility.

(c) When a prisoner is assigned to a local confinement facility pursuant to this section, the clerk of the superior court in the county in which the sentence was imposed shall immediately forward a copy of the commitment order to the Parole Commission so that the prisoner will be eligible for misdemeanor parole pursuant to G.S. 148-60.3.

(d) In the event that the prisoner serving a sentence of 30 to 180 days in a local confinement facility is placed on work-release by the sentencing court pursuant to G.S. 148-33.1(a), the Department of Correction shall be responsible for deducting the appropriate fees from the work-release earnings of the prisoner pursuant to G.S. 148-33.1. In order for the Department of Correction to make the appropriate deductions, it shall be the responsibility of the custodian of the local confinement facility to forward the work-release earnings of the prisoner to the Department of Correction.

(e) Upon entry of a prisoner into a local confinement facility pursuant to this section, the custodian of the local confinement facility shall forward to the Parole Commission information pertaining to the prisoner so as to make him eligible for parole consideration pursuant to G.S. 148-60.3. Such information shall include date of incarceration, jail credit, and such other information as may be required by the Parole Commission. The Parole Commission shall approve a form upon which the custodian shall furnish this information, which form will be provided to the custodian by the Department of Correction."

Sec. 4. G.S. 148-33.1(a) as the same appears in the 1975 Cumulative Supplement to Volume 3C of the General Statutes is rewritten to read as follows:

"(a) Whenever a person is sentenced to imprisonment for a term not exceeding five years to be served in the State prison system or a local confinement facility, the Secretary of the Department of Correction may authorize the Director of Prisons or the custodian of the local confinement facility to grant work-release privileges to any such inmate as may be eligible for the program as is hereinafter established. The Department of Correction or the custodian of the local confinement facility, upon recommendation of the presiding judge, shall immediately issue temporary work-release privileges to any inmate so recommended upon verification of employment or at such time after commitment to the Department of Correction or to a local confinement facility as employment can be obtained and verified."

Sec. 5. G.S. 148-33.1(c) as the same appears in the 1975 Cumulative Supplement to Volume 3C of the General Statutes is amended by rewriting the second sentence to read as follows:

"No State or county prisoner shall be granted work-release privileges until suitable facilities for quartering him have been provided in the area where the prisoner has employment or the offer of employment."

Sec. 6. G.S. 148-60.3(a) as the same appears in the 1975 Cumulative Supplement to Volume 3C of the General Statutes is hereby amended on lines 2 and 3 by deleting the words and punctuation "within the jurisdiction of the Department of Correction," and inserting in lieu thereof the words "serving a minimum sentence of 30 days or".

Sec. 7. G.S. 148-60.3(c) as the same appears in the 1975 Cumulative Supplement to Volume 3C of the General Statutes is hereby amended on line 2 after the word "Correction" by adding the following "or the custodian of the local confinement facility".

Sec. 8. Nothing herein contained shall be construed to obligate the General Assembly to appropriate additional funds to the Department of Correction to implement the provisions of this act.

Sec. 9. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 27th day of May, 1977.