

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 1106
HOUSE BILL 2407

AN ACT FOR CAPITAL IMPROVEMENTS AND SATELLITE JAIL/WORK RELEASE UNITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-230.1(2) reads as rewritten:

"(2) 'Satellite Jail/Work Release Unit' means a building or designated portion of a building primarily designed, staffed, and used for the housing of misdemeanants participating in a work release program. These units shall house misdemeanants only, except that, if he so chooses, the Sheriff may accept responsibility from the Department of Correction for the housing of felons who do not present security risks, who have achieved work release status, and who will be employed on work release, or for felons committed directly to his custody pursuant to G.S. 15A-1352(b). These units and shall be operated on a full time basis, i.e., seven days/nights a week."

Sec. 2. G.S. 153A-230.2(a)(6) reads as rewritten:

"(6) Take into consideration the potential number of misdemeanants and the percentage of the county's or counties' misdemeanor population to be diverted from the State prison system,".

Sec. 3. G.S. 153A-230.2(a)(7) reads as rewritten:

"(7) Take into consideration the utilization of vacant existing buildings suitable for renovation where appropriate,".

Sec. 4. G.S. 153A-230.3(a)(2) reads as rewritten:

"(2) The County shall offer the program work release programs to both men and women male and female misdemeanants, through local facilities for both, or through a contractual agreement with another entity for either, provided that such arrangement is in reasonable proximity to the misdemeanant's workplace."

Sec. 5. G.S. 153A-230.3(a)(5) reads as rewritten:

"(5) The Sheriff may accept work release misdemeanants or felons from the Department of Correction provided that those inmates agree to pay for their upkeep, that space is available, and that the Sheriff is willing to accept responsibility for the prisoner after screening. If accepted, these inmates shall become the sole responsibility of the Sheriff and subject to the rules, regulations, and policies of the satellite jail/work release unit."

Sec. 6. G.S. 153A-230.4 reads as rewritten:

§ 153A-230.4. Standards. – The county satellite jail/work release units for misdemeanants shall not be subject to the standards promulgated for local confinement facilities pursuant to G.S. 153A-221.1. G.S. 153A-221. The Secretary of Human

Resources shall develop and enforce standards for satellite/work release units. The Secretary shall take into consideration that they are to house only screened misdemeanants most of whom are on work release and therefore occupy the premises only in their off-work hours. After consultation with the North Carolina Sheriff's Association, the North Carolina Association of County Commissioners, and the Joint Legislative Commission on Governmental Operations, the Secretary of Human Resources shall promulgate standards suitable for these units by January 1, 1988, and shall include these units in the Department's monitoring and inspection responsibilities. Further, the North Carolina Sheriffs' Education and Training Standards Commission shall include appropriate training for Sheriffs and other county law enforcement personnel in regard to the operation, management and guidelines for county work release centers pursuant to its authority under G.S. 17E-4."

Sec. 7. G.S. 153A-230.5(b) reads as rewritten:

"(b) If a county operates a non-State funded satellite jail/work release unit that does not comply with the basic requirements listed in G.S. 153A-230.2 and G.S. 153A-230.3, then the satellite jail shall be subject to the standards, rules, and regulations to be promulgated by the Secretary of Human Resources pursuant to Part 2 of Article 10 of Chapter 153A. Further, the male inmates who are serving a sentence of 30 days or more in these units shall be regarded as State prisoners and subject to the rules and regulations of the Department of Correction, which shall develop policies and procedures for the operation. If a county is reimbursed for the cost of a prisoner's keep from an inmate's work release earnings in an amount equal to or greater than that paid by the Department of Correction to local confinement facilities under G.S. 148-32.1, the county may not receive additional payments from the department for the cost of a prisoner's keep. However, if reimbursement to the county for the cost of a prisoner's keep is less than the amount allowed under G.S. 148-32.1, the county may receive from the Department of Correction the difference in the amount received from work release earnings and the amount paid by the department to local confinement facilities. The department may promulgate rules regarding such payment arrangements."

Sec. 8. This act shall become effective October 1, 1988.

In the General Assembly read three times and ratified this the 12th day of July, 1988.