

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2019-236
SENATE BILL 579

AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY ALTERNATIVE ORGANIZATION AND MANAGEMENT STRUCTURES FOR THE DIVISION OF ADULT CORRECTION AND JUVENILE JUSTICE OF THE DEPARTMENT OF PUBLIC SAFETY.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Program Evaluation Oversight Committee shall include in the 2019-2020 Work Plan for the Program Evaluation Division of the General Assembly a study of alternative organization and management structures for the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The Division, in consultation with the Department of Public Safety and the Fiscal Research Division of the General Assembly, shall examine the following alternatives:

- (1) Creation of the Department of Correction. – A transfer of the authority, powers, duties, and functions of the Division of Prisons, and the Post-Release Supervision and Parole Commission, of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety into a new principal State department: the Department of Correction.
- (2) Creation of the Department of Juvenile Justice and Delinquency Prevention. – A transfer of the authority, powers, duties, and functions of the Juvenile Justice Section in the Division of Adult Correction and Juvenile Justice, Teen Court, Youth Development Centers, Juvenile Court Services, and Juvenile Crime Prevention Councils, from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety into a new principal State department: the Department of Juvenile Justice and Delinquency Prevention.
- (3) Establishment of the Division of Correction. – A transfer of the authority, powers, duties, and functions of the Division of Prisons, and the Post-Release Supervision and Parole Commission, from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, to establish a new Division of Correction which would be administratively located in the Department of Public Safety. The Division would be an independent agency under the direction and supervision of the Director, who would serve as chief executive officer of the Division and would be solely responsible for all management functions.
- (4) Establishment of the Division of Juvenile Justice and Delinquency Prevention. – A transfer of the authority, powers, duties, and functions of the Juvenile Justice Section in the Division of Adult Correction and Juvenile Justice, Teen Court, Youth Development Centers, Juvenile Court Services, and Juvenile Crime Prevention Councils, from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, to establish a new Division of Juvenile Justice and Delinquency Prevention which would be



administratively located in the Department of Public Safety. The Division would be an independent agency under the direction and supervision of the Director, who would serve as chief executive officer of the Division and would be solely responsible for all management functions.

- (5) Establishment of the Division of Adult Correction and Juvenile Justice. – A transfer of the authority, powers, duties, and functions of the Division of Prisons, Post-Release Supervision and Parole Commission, Community Corrections, the Treatment for Effective Community Supervision Program, the Justice-Reinvestment Council, and Juvenile Justice sections, including Teen Court, Youth Development Centers, Juvenile Court Services, and Juvenile Crime Prevention Councils from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, to establish a new Division of Adult Correction and Juvenile Justice which would be administratively located in the Department of Public Safety. The Division would be an independent agency under the direction and supervision of the Director, who would serve as chief executive officer of the Division and would be solely responsible for all management functions.

SECTION 2. The study shall include the following for each of the five specified alternatives to the current organization and management structure for the Division of Adult Correction and Juvenile Justice of the Department of Public Safety:

- (1) Organization. – The organizational structure of the new department or division, a summary of any central administrative office support provided by the Department of Public Safety, including an analysis of the separation of support areas of fiscal, budget, legal, purchasing, controller, legislative, training, records, communication, engineering, and any other necessary aspects needed to form a new department, and a statement of the total personnel positions for management, administration, and programs.
- (2) Budget. – The proposed budget for fiscal year 2021-2022 for each new department or division including any proposed new positions, position reclassifications, or changes to salary structure of personnel that would be required for the transfer or reorganization, as well as an analysis of the financial means necessary to cover the structural budget of each function currently and under any proposed alternative.
- (3) Considerations. – A written statement of all relevant considerations identified by the Department regarding each alternative plan for transfer or reorganization, a summary of why each option should and should not be adopted, including any impact separation may have on coordination and cooperation between agencies concerning intelligence sharing, joint law enforcement operations, or training, and an explanation of how the proposed alternative organization and management structure could result in the most effective and efficient delivery of services and programs.
- (4) Cost. – An analysis of the following:
 - a. The full cost of a new department or division, including subdivisions (1) and (2) of this section, as well as indirect costs such as signage, uniforms, media, vehicle decals, and any other relevant indirect costs.
 - b. The cost to fund incentive programs within a new department or division, such as retention incentives and employee step pay plans, as well as the means to address any structural budget deficits.
- (5) Implementation details. – A plan of implementation, proposed legislation required, and an implementation time line for each of the five alternatives.

SECTION 3. The Program Evaluation Division shall submit its findings to the Joint Legislative Program Evaluation Oversight Committee and to the Joint Legislative Oversight Committee on Justice and Public Safety no later than November 1, 2020.

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 24th day of October, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 10:44 a.m. this 1st day of November, 2019