

Article 16.

Department of Adult Correction.

Part 1. Organization; General Provisions for Department.

§ 143B-1440. Organization.

There is established the Department of Adult Correction. The Department shall perform all functions of the executive branch of the State in relation to the detention and correction of adult offenders, including the supervision of offenders' reentry into the community. (2021-180, s. 19C.9(g).)

§ 143B-1442. Powers and duties of the Secretary.

The head of the Department is the Secretary of the Department of Adult Correction. The Secretary shall have the powers and duties as are conferred on the Secretary by this Article, delegated to the Secretary by the Governor, and conferred on the Secretary by the Constitution and laws of this State. The Secretary is authorized to adopt rules and procedures for the implementation of this Article. (2021-180, s. 19C.9(g).)

§ 143B-1444. Definitions.

As used in this Article, the following meanings shall apply:

- (1) Commission. – The Post-Release Supervision and Parole Commission.
- (2) Department. – The Department of Adult Correction.
- (3) Justice and Public Safety Appropriations Committees. — The Senate Appropriations Committee on Justice and Public Safety and the House of Representatives Appropriations Committee on Justice and Public Safety.
- (4) Program. – The Alcoholism and Chemical Dependency Treatment Program.
- (5) Secretary. – The Secretary of the Department of Adult Correction. (2021-180, s. 19C.9(g).)

§ 143B-1445. Energy conservation savings.

(a) The General Fund current operations appropriations credit balance remaining at the end of each fiscal year for utilities from the Department of Adult Correction that is energy savings realized from implementing an energy conservation measure shall be carried forward to the next fiscal year. Sixty percent (60%) of the energy savings realized shall be utilized for energy conservation measures by the Department of Adult Correction. The use of funds under this section shall be limited to one-time capital and operating expenditures that will not impose additional financial obligations on the State and are nonreverting. The Director of the Budget, under the authority set forth in G.S. 143C-6-2, shall establish the General Fund current operations credit balance remaining in each budget code of the Department of Adult Correction.

(b) The Director of the Budget shall not decrease the recommended continuation budget requirements for utilities from the previous fiscal year for the Department of Adult Correction by the amount of energy savings realized from implementing energy conservation measures, including savings achieved through a guaranteed energy savings contract.

(c) The Department of Adult Correction shall submit a biennial report on the use of funds authorized pursuant to this section as required under G.S. 143-64.12.

(d) As used in this section, "energy savings," "guaranteed energy savings contract," and "energy conservation measure" have the same meaning as in G.S. 143-64.17. (2023-121, s. 5(a).)

Part 2. General Provisions for Division of Prisons.

§ 143B-1450. Creation of Division of Prisons; powers.

There is hereby created and established a division to be known as the Division of Prisons within the Department. The Division of Prisons shall have the power and duty to implement Parts 2 and 4 of this Article and shall have such other powers and duties as are set forth in this Article and are prescribed by the Secretary. (2017-186, s. 1(a); recodified from N.C. Gen. Stat. § 143B-630 by 2021-180, s. 19C.9(h), (m).)

§ 143B-1451. Division of Prisons – duties.

It shall be the duty of the Division of Prisons to provide the necessary custody, supervision, and treatment to control and rehabilitate criminal offenders and thereby to reduce the rate and cost of crime and delinquency. (1973, c. 1262, s. 3; 1999-423, s. 7; 2011-145, s. 19.1(h), (s); 2017-186, s. 1(d); recodified from N.C. Gen. Stat. § 143B-701 by 2021-180, s. 19C.9(h), (m).)

§ 143B-1452. Division of Prisons – rules and regulations.

(a) The Division of Prisons shall adopt rules and regulations related to the conduct, supervision, rights and privileges of persons in its custody or under its supervision. Such rules and regulations shall be filed with and published by the office of the Attorney General and shall be made available by the Division for public inspection. The rules and regulations shall include a description of the organization of the Division. A description or copy of all forms and instructions used by the Division, except those relating solely to matters of internal management, shall also be filed with the office of the Attorney General.

(b) The rules and regulations adopted under this section shall be subject to the requirements of Article 2B of Chapter 148 of the General Statutes. (1975, c. 721, s. 2; 2011-145, s. 19.1(h), (s); 2017-186, s. 1(e); 2021-143, s. 2(b); recodified from N.C. Gen. Stat. § 143B-702 by 2021-180, s. 19C.9(h), (m).)

§ 143B-1453. Repair or replacement of personal property.

(a) The Secretary may adopt rules governing repair or replacement of personal property items excluding private passenger vehicles that belong to employees of State facilities within the Division of Prisons of the Department and that are damaged or stolen by inmates of the State facilities provided that the item is determined by the Secretary to be damaged or stolen on or off facility grounds during the performance of employment and necessary for the employee to have in the employee's possession to perform the employee's assigned duty.

(b) Reimbursement for items damaged or stolen shall not be granted in instances in which the employee is determined to be negligent or otherwise at fault for the damage or loss of the property. Negligence shall be determined by the superintendent of the facility.

(c) The superintendent of the facility shall determine if the person seeking reimbursement has made a good faith effort to recover the loss from all other non-State sources and has failed before reimbursement is granted.

(d) Reimbursement shall be limited to the amount specified in the rules and shall not exceed a maximum of two hundred dollars (\$200.00) per incident. No employee shall receive more than five hundred dollars (\$500.00) per year in reimbursement. Reimbursement is subject to the availability of funds.

(e) The Secretary shall establish by rule an appeals process consistent with Chapter 150B of the General Statutes. (1987, c. 639, s. 1; 1989, c. 189, s. 2; 2011-145, s. 19.1(h), (i), (s); 2017-186, s. 1(f); recodified from N.C. Gen. Stat. § 143B-703 by 2021-180, s. 19C.9(h), (m).)

§ 143B-1454. Division of Prisons – functions with respect to adults.

(a) The functions of the Division of Prisons shall include all functions of the executive branch of the State in relation to corrections and the rehabilitation of adult offenders, including detention and further including those prescribed powers, duties, and functions enumerated in the laws of this State. All such functions, powers, duties, and obligations heretofore vested in the State Department of Correction and Commission of Correction are hereby transferred to and vested in the Division of Prisons of the Department of Adult Correction except as otherwise provided by the Executive Organization Act of 1973.

(b) Repealed by Session Laws 2021-180, s. 19C.9(m), effective January 1, 2023.

(c) Repealed by Session Laws 2012-83, s. 9, effective June 26, 2012.

(d) The Division shall establish the Alcoholism and Chemical Dependency Treatment Program. The Program shall consist of a continuum of treatment and intervention services for male and female inmates, established in medium and minimum custody prison facilities.

(e) The Department, in consultation with the Domestic Violence Commission, and in accordance with established best practices, shall establish a domestic violence treatment program for offenders sentenced to a term of imprisonment in the custody of the Department and whose official record includes a finding by the court that the offender committed acts of domestic violence.

The Department shall ensure that inmates, whose record includes a finding by the court that the offender committed acts of domestic violence, complete a domestic violence treatment program prior to the completion of the period of incarceration, unless other requirements, deemed critical by the Department, prevent program completion. In the event an inmate does not complete the program during the period of incarceration, the Department shall document, in the inmate's official record, specific reasons why that particular inmate did not or was not able to complete the program. (1973, c. 1262, s. 4; 1983, c. 682, s. 1; 1987, c. 479; c. 738, s. 111(a); 1989 (Reg. Sess., 1990), c. 994; 1997-57, s. 1; 1999-423, s. 8; 2001-487, s. 47(f); 2004-186, s. 1.2; 2009-372, s. 6; 2011-145, s. 19.1(h), (k), (s); 2012-83, s. 9; 2017-186, s. 1(g); recodified from N.C. Gen. Stat. § 143B-704 by 2021-180, s. 19C.9(h), (m).)

§ 143B-1455. Division of Prisons – Alcoholism and Chemical Dependency Treatment Program.

(a) The Program established by G.S. 143B-1454 shall be offered in correctional facilities, or a portion of correctional facilities that are self-contained, so that the residential and program space is separate from any other programs or inmate housing, and shall be operational at those facilities as the Secretary or the Secretary's designee may designate.

(b) A deputy director for the Alcoholism and Chemical Dependency Treatment Program shall be employed and shall report directly to the Director for the Division of Prisons. The duties of the deputy director and staff shall include the following:

- (1) Administer and coordinate all substance abuse programs, grants, contracts, and related functions in the Division of Prisons of the Department of Adult Correction.

- (2) Develop and maintain working relationships and agreements with agencies and organizations that will assist in developing and operating alcoholism and chemical dependency treatment and recovery programs in the Division of Prisons of the Department of Adult Correction.
- (3) Develop and coordinate the use of volunteers in the Substance Abuse Program.
- (4) Develop and present training programs related to alcoholism and chemical dependency for employees and others at all levels in the agency.
- (5) Develop programs that provide effective treatment for inmates with alcohol and chemical dependency problems.
- (6) Maintain contact with key leaders in the alcoholism and chemical dependency field, the service structure of various community recovery programs, and active supporters of the Correction Program.
- (7) Supervise directly the facility and district program managers, other specialized personnel, and programs that exist or may be developed in the Division of Prisons of the Department of Adult Correction.
- (8) Repealed by Session Laws 2012-83, s. 10, effective June 26, 2012.

(c) In each prison that houses an alcoholism and chemical dependency program, there shall be a unit superintendent under the Division of Prisons of the Department of Adult Correction and other custodial, administrative, and support staff as required to maintain the proper custody level at the facility. The unit superintendent shall be responsible for all matters pertaining to custody and administration of the unit. The deputy director of the Alcoholism and Chemical Dependency Treatment Program shall designate and direct employees to manage treatment programs at each location. Duties of unit treatment program managers shall include program development and implementation, supervision of personnel assigned to treatment programs, adherence to all pertinent policy and procedural requirements of the Department, and other duties as assigned.

(d) Extensive use may be made of inmates working in the role of ancillary staff, treatment assistants, role models, or study group leaders as the program manager determines. Additional resource people who may be required for specialized treatment activities, presentations, or group work may be employed on a fee or contractual basis.

(e) Admission priorities shall be established as follows:

- (1) Evaluation and referral from reception and diagnostic centers.
- (2) General staff referral.
- (3) Self-referral.

(f) The Program shall include extensive follow-up after the period of intensive treatment. There will be specific plans for each departing inmate for follow-up, including active involvement with Alcoholics Anonymous, community resources, and personal sponsorship. (1987, c. 738, s. 111(c); 1987 (Reg. Sess., 1988), c. 1086, s. 126.1(a); 2002-126, s. 17.7; 2003-141, s. 3; 2011-145, s. 19.1(h)-(j), (s); 2012-83, s. 10; 2017-186, s. 1(h); recodified from N.C. Gen. Stat. § 143B-705 by 2021-180, s. 19C.9(h), (m).)

§ 143B-1456. Reports to the General Assembly.

The Division of Prisons of the Department of Adult Correction shall report by March 1 of each year to the Chairs of the Justice and Public Safety Appropriations Committees on their efforts to provide effective treatment to offenders with substance abuse problems. The report shall include:

- (1) Details of any new initiatives and expansions or reduction of programs.

- (2) Details on any treatment efforts conducted in conjunction with other departments.
- (3) Repealed by Session Laws 2021-180, s. 19C.9(m), effective January 1, 2023.
- (4), (5) Repealed by Session Laws 2007-323, s. 17.3(a), effective July 1, 2007.
- (6) Statistical information on the number of current inmates with substance abuse problems that require treatment, the number of treatment slots, the number who have completed treatment, and a comparison of available treatment slots to actual utilization rates. The report shall include this information for each funded program.
- (7) Evaluation of each substance abuse treatment program funded by the Division of Prisons of the Department of Adult Correction. Evaluation measures shall include reduction in alcohol and drug dependency, improvements in disciplinary and infraction rates, recidivism (defined as return-to-prison rates), and other measures of the programs' success. (1998-212, s. 17.12(d); 2003-284, s. 16.19; 2007-323, s. 17.3(a); 2011-145, s. 19.1(h), (s); 2012-83, s. 51; 2017-186, s. 1(j); recodified from N.C. Gen. Stat. § 143B-707 by 2021-180, s. 19C.9(h), (m).)

§ 143B-1457. Annual report on safekeepers.

The Department shall report by October 1 of each year to the chairs of the Justice and Public Safety Appropriations Committees and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on county prisoners housed in the State prison system pursuant to safekeeping orders under G.S. 162-39. The report shall include:

- (1) The number of safekeepers currently housed by the Department.
- (2) A list of the facilities where safekeepers are housed and the population of safekeepers by facility.
- (3) The average length of stay by a safekeeper in one of those facilities.
- (4) The amount paid by counties for housing and extraordinary medical care of safekeepers.
- (5) A list of the counties in arrears for safekeeper payments owed to the Department at the end of the fiscal year. (2015-241, s. 16C.11; recodified from N.C. Gen. Stat. § 143B-707.4 by 2021-180, s. 19C.9(h), (m).)

§ 143B-1457.2. Report on prison personnel matters.

The Department shall report the following information to the Joint Legislative Oversight Committee on Justice and Public Safety by February 1 of each year:

- (1) The number of Department employees charged with the commission of a criminal offense committed in a State prison and during the employee's work hours. The information shall be provided by State facility and shall specify the offense charged and the outcome of the charge.
- (2) The number of employees disciplined, demoted, or separated from service due to personal misconduct. To the extent it does not disclose confidential personnel records, the information shall be organized by type of misconduct, nature of corrective action taken, and outcome of the corrective action.
- (3) The hiring and screening process, including any required credentials or skills, criminal background checks, and personality assessments. The information

shall also include the process the Department uses to verify the information provided by an applicant. (2023-134, s. 19B.3.)

§ 143B-1458. Security Staffing.

- (a) The Division of Prisons of the Department of Adult Correction shall conduct:
 - (1) On-site postaudits of every prison at least once every three years;
 - (2) Regular audits of postaudit charts through the automated postaudit system; and
 - (3) Other staffing audits as necessary.
- (b) The Division of Prisons of the Department of Adult Correction shall update the security staffing relief formula at least every three years. Each update shall include a review of all annual training requirements for security staff to determine which of these requirements should be mandatory and the appropriate frequency of the training. The Division shall survey other states to determine which states use a vacancy factor in their staffing relief formulas. (2002-126, s. 17.5(a), (b); 2005-276, s. 17.4(a); 2011-145, s. 19.1(h), (s); 2017-186, s. 1(l); recodified from N.C. Gen. Stat. § 143B-709 by 2021-180, s. 19C.9(h), (m).)

Part 3. General Provisions for Division of Health Services.

§ 143B-1465. Creation of Division of Health Services; powers.

There is hereby created and established a division to be known as the Division of Health Services of the Department of Adult Correction. The Division shall have the powers and duties as are set forth in this Chapter and are prescribed by the Secretary of the Department of Adult Correction. (2021-189, s. 5.1(h).)

Part 4. Medical Costs; Medicaid Services

§ 143B-1470. Medical costs for inmates.

(a) The Department of Adult Correction shall reimburse those providers and facilities providing approved medical services to inmates outside the correctional facility the lesser amount of either a rate of seventy percent (70%) of the provider's then-current prevailing charge or two times the then-current Medicaid rate for any given service. The Department shall have the right to audit any given provider to determine the actual prevailing charge to ensure compliance with this provision.

This section does apply to vendors providing services that are not billed on a fee-for-service basis, such as temporary staffing. Nothing in this section shall preclude the Department from contracting with a provider for services at rates that provide greater documentable cost avoidance for the State than do the rates contained in this section or at rates that are less favorable to the State but that will ensure the continued access to care.

(b) The Department of Adult Correction shall make every effort to contain medical costs for inmates by making use of its own hospital and health care facilities to provide health care services to inmates. To the extent that the Department of Adult Correction must utilize other facilities and services to provide health care services to inmates, the Department shall make reasonable efforts to make use of hospitals or other providers with which it has a contract or, if none is reasonably available, hospitals with available capacity or other health care facilities in a region to accomplish that goal. The Department shall make reasonable efforts to equitably distribute inmates among all hospitals or other appropriate health care facilities.

(c) The Department of Adult Correction shall report quarterly to the Joint Legislative Oversight Committee on Justice and Public Safety and the chairs of the Justice and Public Safety Appropriations Committees on:

- (1) The percentage of the total inmates requiring hospitalization or hospital services who receive that treatment at each hospital.
- (2) through (4) Repealed by Session Laws 2016-94, s. 17C.2A, effective July 1, 2016.
- (4a) The volume of scheduled and emergent services listed by hospital and, of that volume, the number of those services that are provided by contracted and noncontracted providers.
- (4b) The volume of scheduled and emergent admissions listed by hospital and, of that volume, the percentage of those services that are provided by contracted and noncontracted providers.
- (5) The volume of inpatient medical services provided to Medicaid-eligible inmates, the cost of treatment, the estimated savings of paying the nonfederal portion of Medicaid for the services, and the length of time between the date the claim was filed and the date the claim was paid.
- (5a) The status of the implementation of the claims processing system and efforts to address the backlog of unpaid claims.
- (6) The hospital utilization, including the amount paid to individual hospitals, the number of inmates served, the number of claims, and whether the hospital was a contracted or noncontracted facility.
- (7) The total cost and volume for the previous fiscal quarter for emergency room visits originating from Central Prison and NCCIW Hospitals to UNC Hospitals, UNC Rex Healthcare, and WakeMed Hospital.
- (8) The total payments for Medicaid and nonMedicaid eligible inmates to UNC Hospitals, UNC Rex Healthcare, and WakeMed Hospital, including the number of days between the date the claim was filed and the date the claim was paid.
- (9) A list of hospitals under contract.
- (10) The reimbursement rate for contracted providers. The Department shall randomly audit high-volume contracted providers to ensure adherence to billing at the contracted rate.

Reports submitted on August 1 shall include totals for the previous fiscal year for all the information requested.

(d) Repealed by Session Laws 2021-180, s. 19C.9(m), effective January 1, 2023. (2015-241, s. 16C.4; 2016-94, s. 17C.2A; 2019-135, s. 2(a); recodified from N.C. Gen. Stat. § 143B-707.3 by 2021-180, s. 19C.9(i), (m).)

§ 143B-1471. Medicaid services for inmates.

(a) The Division of Health Services of the Department of Adult Correction and the Department of Health and Human Services shall work together to enable social workers in the Department of Public Safety, Health Services Section, to qualify for and receive federal reimbursement for performing administrative activities related to Medicaid eligibility for inmates. The Department of Adult Correction, Division of Health Services, shall develop policies and procedures to account for the time social workers in the Division of Health Services spend on administrative activities related to Medicaid eligibility for inmates. All social workers in the

Division of Health Services who perform administrative activities related to Medicaid eligibility shall be required to receive eligibility determination training provided by the Department of Health and Human Services at least quarterly.

(b) The Department of Adult Correction, Division of Health Services, shall require each social worker performing administrative activities related to Medicaid eligibility for inmates to document the following:

- (1) The criteria used by the social worker when deciding to submit an application for Medicaid and when deciding not to submit an application for Medicaid, including any information the social worker believes disqualifies the inmate for Medicaid benefits.
- (2) An indication in the social worker's data entry of an inmate's Medicaid eligibility as determined by the inmate's county department of social services.
- (3) The number of 24-hour community provider stays prescreened for potential applications, the number of applications submitted, and the number and percentage of applications approved, denied, and withdrawn, which shall be reported to the Health Services Division Director on a monthly basis.

(c) In addition to the requirements in subsection (b) of this section, each Department of Adult Correction, Division of Health Services, social worker performing administrative activities related to Medicaid eligibility for inmates shall submit Medicaid applications and any supporting documents electronically through the ePass portal in the Department of Health and Human Services or through other electronic means, unless paper copies are required by federal law or regulation. (2019-135, s. 3(a); recodified from N.C. Gen. Stat. § 143B-707.5 by 2021-180, s. 19C.9(i), (m).)

§ 143B-1472. Medication losses related to inmate transfer.

(a) The Health Services Division shall collect data on medication losses that occur during inmate transfer. The collection methods shall provide, at a minimum, for all of the following:

- (1) A mechanism to easily summarize medication losses across all identified reasons for the loss.
- (2) Information on the prison from which an inmate was transferred.
- (3) Identification of custody officials involved in the transfer.

(b) The Department shall develop internal controls related to the oversight of medications lost during inmate transfers based on the data collected under subsection (a) of this section. In addition, the Department's Internal Audit unit shall establish an internal oversight function to investigate any medication losses valued at greater than two hundred dollars (\$200.00).

(c) The Department shall also establish disciplinary actions for staff who are found to be responsible for inmate medication losses during transfer. The Health Services Division shall be responsible for addressing disciplinary actions for Health Services prison staff who are found to be responsible for medications lost during inmate transfers and shall refer incidents involving custody staff to the appropriate unit for action. (2018-143, s. 3(a); recodified from N.C. Gen. Stat. § 143B-707.6 by 2021-180, s. 19C.9(i), (m); 2021-189, s. 5.1(i).)

§ 143B-1473. Contract for limited use of local purchase of inmate pharmacy needs.

(a) The Health Services Division shall adopt a statewide reimbursement for local purchases of limited quantities of medicine. The statewide reimbursement rate shall be based on the North Carolina State Health Plan for Teachers and State Employees reimbursement rate for

prescription drugs. Any pharmacy willing to accept the statewide reimbursement rate shall have the right to participate in the plan.

(b) The Health Services Division shall obtain monthly electronic invoices of prescriptions filled by each prison from the vendor chosen under subsection (a) of this section and shall develop a mechanism to collect information on purchases made outside the contract. At a minimum, the following information shall be collected for each prescription: (i) the inmate's prison, (ii) the requesting provider, (iii) the medication requested, (iv) the quantity of the medication requested, and (v) the total cost of the prescription.

(c) The Department shall establish a formal oversight mechanism to ensure prescriptions written by providers to be filled at local pharmacies do not exceed the quantities specified in the Department's policy. The Health Services Division central office shall be responsible for implementing the oversight function, shall use the data collected under subsections (a) and (b) of this section to implement the function, and shall implement corrective and disciplinary actions as needed. (2018-143, s. 4(a); recodified from N.C. Gen. Stat. § 143B-707.7 by 2021-180, s. 19C.9(i), (m).)

§ 143B-1474. Federal 340B Program – Department of Adult Correction/Department of Health and Human Services partnership.

The Department of Adult Correction (DAC) shall establish and implement a partnership with the Department of Health and Human Services (DHHS) in order for DAC to be eligible to operate as a 340B covered entity. The DAC shall contract for consultant services in order to implement this section. In order to implement the requirements of this section, DAC shall do all of the following:

- (1) Submit an application during the next registration period to enroll in the federal 340B Program found in section 340B of the Public Health Service Act (the "340B Program") to be able to access 340B Program pricing for medications used to treat the human immune deficiency virus (HIV), the hepatitis C virus (HCV), and eligible sexually transmitted diseases (STD).
- (2) Provide DHHS all data and necessary documentation as frequently as such information is needed by DHHS for the implementation of this section.
- (3) Ensure that the DAC Apex Central Pharmacy, and any other DAC pharmacies necessary, are compliant dispensing pharmacies under the 340B Program.
- (4) Coordinate with one or more vendors to purchase STD 340B Program medications that result in the greatest overall cost savings available to the State, whether such savings are achieved by 340B Program pricing, non-340B Program volume discounts, or a combination of both.
- (5) Develop a separate inventory to track 340B Program medications. (2019-135, s. 7(a); recodified from N.C. Gen. Stat. § 143B-707.8 by 2021-180, s. 19C.9(i), (m).)

§ 143B-1475. Federal 340B Program – Department of Adult Correction/University of North Carolina Health Care System partnership.

(a) The Department of Public Safety shall partner with the University of North Carolina Health Care System (UNC-HCS) by October 1, 2019, to begin receiving all 340B Program savings realized from medications prescribed to inmates, but not administered, at a 340B Program-registered UNC-HCS site for non-HIV and non-HCV medications pursuant to

subsections (b) and (c) of this section. The Department of Adult Correction (DAC) shall be the successor in interest for the partnership established under this section.

(b) Pursuant to subsection (c) of this section, DAC shall direct that the prescribing authority of DAC providers be transferred to UNC-HCS providers for identified inmates treated at a 340B Program-registered UNC-HCS site.

(c) By October 1, 2019, DPS and UNC-HCS shall:

- (1) Identify the UNC-HCS inmate patients for whom shifting prescriptive authority to UNC-HCS is feasible and appropriate.
- (2) Establish a method for improving or maintaining quality and continuity of patient care once the prescriptive authority has shifted to UNC-HCS.
- (3) Develop mechanisms to ensure that the communication between the UNC-HCS prescriber and the DAC physician maintains the quality and continuity of care that inmates currently receive.
- (4) Select the UNC-HCS pharmacy, the DAC Apex Central Pharmacy, or a combination of both, as the pharmacy through which medications will be dispensed pursuant to this section. (2019-135, s. 9(a)-(c); recodified from N.C. Gen. Stat. § 143B-707.9 by 2021-180, s. 19C.9(i), (m).)

§ 143B-1476. Reports related to the federal 340B Program.

(a) The Department of Adult Correction shall report to the Joint Legislative Oversight Committee on Justice and Public Safety and the Fiscal Research Division by October 1, 2020, and annually thereafter, regarding:

- (1) Savings achieved from its partnership with the Department of Health and Human Services for the purchasing of certain medications for inmates under the federal 340B Program.
- (2) Savings achieved from its partnership with the University of North Carolina Health Care System for the provision of inmate medications and services under the federal 340B Program.

(b) The Department of Adult Correction shall report to the Joint Legislative Oversight Committee on Justice and Public Safety and the Fiscal Research Division by October 1, 2021, and annually thereafter, on savings achieved from the partnerships between the four prison regions and North Carolina 340B Program entities for the provision of inmate medications and services under the federal 340B Program. (2019-135, s. 10; recodified from N.C. Gen. Stat. § 143B-707.10 by 2021-180, s. 19C.9(i), (m).)

Part 5. General Provisions for Division of Community Supervision and Reentry.

§ 143B-1480. Creation of Division of Community Supervision and Reentry; powers.

There is hereby created and established a division to be known as the Division of Community Supervision and Reentry within the Department. The Division of Community Supervision and Reentry shall have the power and duty to implement Parts 5 through 7 of this Article and shall have such other powers and duties as are set forth in this Article and are prescribed by the Secretary. (2021-180, s. 19C.9(m).)

§ 143B-1481. Report on probation and parole caseloads.

(a) The Department of Adult Correction shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public

Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on caseload averages for probation and parole officers. The report shall include:

- (1) Data on current caseload averages and district averages for probation/parole officer positions.
 - (2) Data on current span of control for chief probation officers.
 - (3) An analysis of the optimal caseloads for these officer classifications.
 - (4) The number and role of paraprofessionals in supervising low-risk caseloads.
 - (5) The process of assigning offenders to an appropriate supervision level based on a risk/needs assessment.
 - (6) Data on cases supervised solely for the collection of court-ordered payments.
- (b) The Department of Adult Correction shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the following:
- (1) The number of sex offenders enrolled on active and passive GPS monitoring.
 - (2) The caseloads of probation officers assigned to GPS-monitored sex offenders.
 - (3) The number of violations.
 - (4) The number of absconders.
 - (5) The projected number of offenders to be enrolled by the end of the fiscal year. (2013-360, s. 16C.10; recodified from N.C. Gen. Stat. § 143B-707.1 by 2021-180, s. 19C.9(j), (m).)

§ 143B-1482. Mutual agreement parole program report; medical release program report.

(a) The Department of Adult Correction and the Post-Release Supervision and Parole Commission shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on the number of inmates enrolled in the mutual agreement parole program, the number completing the program and being paroled, and the number who enrolled but were terminated from the program. The information should be based on the previous calendar year.

(b) The Department of Adult Correction and the Post-Release Supervision and Parole Commission shall report by March 1 of each year to the Chairs of the House of Representatives Appropriations Subcommittee on Justice and Public Safety, to the Chairs of the Senate Appropriations Committee on Justice and Public Safety, and to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on the number of inmates proposed for release, considered for release, and granted release under Article 84B of Chapter 15A of the General Statutes, providing for the medical release of inmates who are either permanently and totally disabled, terminally ill, or geriatric. (2013-360, s. 16C.11(d); 2013-363, s. 6.5; recodified from N.C. Gen. Stat. § 143B-707.2 by 2021-180, s. 19C.9(j), (m).)

§ 143B-1483. Community service program.

(a) The Department of Adult Correction may conduct a community service program. The program shall provide oversight of offenders placed under the supervision of the Division of Community Supervision and Reentry and ordered to perform community service hours for criminal violations, including driving while impaired violations under G.S. 20-138.1. This program shall assign offenders, either on supervised or on unsupervised probation, to perform

service to the local community in an effort to promote the offender's rehabilitation and to provide services that help restore or improve the community. The program shall provide appropriate work site placement for offenders ordered to perform community service hours. The Division may adopt rules to conduct the program. Each offender shall be required to comply with the rules adopted for the program.

(b) The Secretary of the Department of Adult Correction may assign one or more employees to each district court district as defined in G.S. 7A-133 to assure and report to the Court the offender's compliance with the requirements of the program. Each county shall provide office space in the courthouse or other convenient place, for the use of the employees assigned to that county.

(c) A fee of two hundred fifty dollars (\$250.00) shall be paid by all persons who participate in the program or receive services from the program staff. Only one fee may be assessed for each sentencing transaction, even if the person is assigned to the program on more than one occasion, or while on deferred prosecution, under a conditional discharge, or serving a sentence for the offense. A sentencing transaction shall include all offenses considered and adjudicated during the same term of court. Fees collected pursuant to this subsection shall be deposited in the General Fund. If the person is convicted in a court in this State, the fee shall be paid to the clerk of court in the county in which the person is convicted, regardless of whether the person is participating in the program as a condition of parole, of probation imposed by the court, or pursuant to the exercise of authority delegated to the probation officer pursuant to G.S. 15A-1343.2(e) or (f). If the person is participating in the program as a result of a conditional discharge or a deferred prosecution or similar program, the fee shall be paid to the clerk of court in the county in which the agreement is filed. Persons participating in the program for any other reason shall pay the fee to the clerk of court in the county in which the services are provided by the program staff. The fee shall be paid in full before the person may participate in the community service program, except that:

- (1) A person convicted in a court in this State may be given an extension of time or allowed to begin the community service before the person pays the fee by the court in which the person is convicted; or
- (2) A person performing community service pursuant to a conditional discharge, deferred prosecution or similar agreement may be given an extension of time or allowed to begin community service before the fee is paid by the official or agency representing the State in the agreement.
- (3) A person performing community service as a condition of parole may be given an extension of time to pay the fee by the Post-Release Supervision and Parole Commission. No person shall be required to pay the fee before beginning the community service unless the Commission orders the person to do so in writing.
- (4) A person performing community service as ordered by a probation officer pursuant to authority delegated by G.S. 15A-1343.2 may be given an extension of time to pay the fee by the probation officer exercising the delegated authority.

(d) A person is not liable for damages for any injury or loss sustained by an individual performing community or reparation service under this section unless the injury is caused by the person's gross negligence or intentional wrongdoing. As used in this subsection, "person" includes any governmental unit or agency, nonprofit corporation, or other nonprofit agency that is supervising the individual, or for whom the individual is performing community service work, as well as any person employed by the agency or corporation while acting in the scope and course of the person's employment. This subsection does not affect the immunity from civil liability in tort

available to local governmental units or agencies. Notice of the provisions of this subsection shall be furnished to the individual at the time of assignment of community service work by the judicial service coordinator.

(e) The community service staff shall report to the court in which the community service was ordered, a significant violation of the terms of the probation, deferred prosecution, or conditional discharge related to community service, including a willful failure to pay any moneys due the State under any court order or payment schedule adopted by the Division of Community Supervision and Reentry. The community service staff shall give notice of the hearing to determine if there is a willful failure to comply to the person who was ordered to perform the community service. This notice shall be given by either personal delivery to the person to be notified or by depositing the notice in the United States mail in an envelope with postage prepaid, addressed to the person at the last known address available to the preparer of the notice and reasonably believed to provide actual notice to the person. The notice shall be mailed at least 10 days prior to any hearing and shall state the basis of the alleged willful failure to comply. The court shall then conduct a hearing, even if the person ordered to perform the community service fails to appear, to determine if there is a willful failure to complete the work as ordered by the community service staff within the applicable time limits. The hearing may be held in the county in which the order requiring the performance of community service was imposed, the county in which the violation occurred, or the county of residence of the person. If the court determines there is a willful failure to comply, it shall revoke any drivers license issued to the person and notify the Division of Motor Vehicles to revoke any drivers license issued to the person until the community service requirement has been met. In addition, if the person is present, the court may take any further action authorized by Article 82 of Chapter 15A of the General Statutes for violation of a condition of probation. (1983 (Reg. Sess., 1984), c. 1034, s. 102; 1985, c. 451; 1985 (Reg. Sess., 1986), c. 1012, s. 4; 1987 (Reg. Sess., 1988), c. 1037, s. 118; 1989, c. 752, s. 109; 1995, c. 330, s. 2; c. 507, s. 20(a); 1997-234, s. 2; 1998-217, s. 34; 2001-487, ss. 91(a), (b); 2002-126, s. 29A.1(c); 2009-372, s. 17; 2009-411, s. 2; 2009-451, s. 19.26(c), (e); 2009-575, s. 16A; 2010-31, s. 19.4(a); 2010-96, s. 28(c); 2010-123, s. 6.3; 2011-145, s. 19.1(h), (i), (k), (s); 2014-119, s. 2(g); 2017-186, s. 1(k); recodified from N.C. Gen. Stat. § 143B-708 by 2021-180, s. 19C.9(j), (m).)

§ 143B-1484. State Reentry Council Collaborative.

(a) The Secretary shall establish the State Reentry Council Collaborative (SRCC). The SRCC shall include up to two representatives from each of the following:

- (1) The Division of Motor Vehicles.
- (2) The Department of Health and Human Services.
- (3) The Administrative Office of the Courts.
- (4) The North Carolina Community College System.
- (5) The Division of Community Supervision and Reentry.
- (6) A nonprofit entity that provides reentry services or reentry programs.
- (7) Any other agency that the Secretary deems relevant.

(b) The Secretary, or the Secretary's designee, shall chair the SRCC which shall meet at least quarterly upon the call of the chair. The SRCC shall study the needs of ex-offenders who have been recently released from a correctional institution and to increase the effectiveness of local reentry councils.

(c) Beginning November 1, 2017, and annually thereafter, the SRCC shall report its findings and recommendations to the Joint Legislative Oversight Committee on Justice and Public

Safety. (2017-57, s. 16C.10; 2017-186, s. 3(a); recodified from N.C. Gen. Stat. § 143B-604 by 2021-180, s. 19C.9(j), (m).)

Part 6. Parole Commission.

§ 143B-1490. Post-Release Supervision and Parole Commission – creation, powers and duties.

(a) There is hereby created a Post-Release Supervision and Parole Commission of the Division of Community Supervision and Reentry of the Department of Adult Correction with the authority to grant paroles, including both regular and temporary paroles, to persons held by virtue of any final order or judgment of any court of this State as provided in Chapter 148 of the General Statutes and laws of the State of North Carolina, except that persons sentenced under Article 81B of Chapter 15A of the General Statutes are not eligible for parole but may be conditionally released into the custody and control of United States Immigration and Customs Enforcement pursuant to G.S. 148-64.1. The Commission shall also have authority to revoke, terminate, and suspend paroles of such persons (including persons placed on parole on or before the effective date of the Executive Organization Act of 1973) and to assist the Governor in exercising his authority in granting reprieves, commutations, and pardons, and shall perform such other services as may be required by the Governor in exercising his powers of executive clemency. The Commission shall also have authority to revoke and terminate persons on post-release supervision, as provided in Article 84A of Chapter 15A of the General Statutes. The Commission shall also have the authority to punish for criminal contempt for willful refusal to accept post-release supervision or to comply with the terms of post-release supervision by a prisoner whose offense requiring post-release supervision is a reportable conviction subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes. Any contempt proceeding conducted by the Commission shall be in accordance with G.S. 5A-15 as if the Commission were a judicial official.

(b) All releasing authority previously resting in the Commissioner and Commission of Correction with the exception of authority for extension of the limits of the place of confinement of a prisoner contained in G.S. 148-4 is hereby transferred to the Post-Release Supervision and Parole Commission. Specifically, such releasing authority includes work release (G.S. 148-33.1), indeterminate-sentence release (G.S. 148-42), and release of youthful offenders (G.S. 148-49.8), provided the individual considered for work release or indeterminate-sentence release shall have been recommended for release by the Secretary of Public Safety or his designee. No recommendation for release is required for conditional release pursuant to G.S. 148-64.1.

(c) The Commission is authorized and empowered to adopt rules not inconsistent with the laws of this State, in accordance with which prisoners eligible for parole consideration may have their cases reviewed and investigated and by which such proceedings may be initiated and considered. All rules and regulations heretofore adopted by the Board of Paroles shall remain in full force and effect unless and until repealed or superseded by action of the Commission. All rules adopted by the Commission shall be enforced by the Division of Community Supervision and Reentry of the Department of Adult Correction.

(d) The Commission is authorized and empowered to impose as a condition of parole or post-release supervision that restitution or reparation be made by the prisoner in accordance with the provisions of G.S. 148-57.1. The Commission is further authorized and empowered to make restitution or reparation a condition of work release in accordance with the provisions of G.S. 148-33.2.

(e) The Commission may accept and review requests from persons placed on probation, parole, or post-release supervision to terminate a mandatory condition of satellite-based monitoring as provided by G.S. 14-208.43. The Commission may grant or deny those requests in compliance with G.S. 14-208.43.

(f) The Commission may conduct the following proceedings by videoconference:

- (1) All hearings regarding violation of conditions of post-release supervision and all hearings regarding violation of conditions of parole.
- (2) All hearings regarding criminal contempt for willful refusal to accept post-release supervision or comply with the terms of post-release supervision by a prisoner whose offense requiring post-release supervision is a reportable conviction subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes.

(g) A hearing officer may conduct the following proceedings by videoconference:

- (1) Preliminary hearings regarding violation of conditions of post-release supervision.
- (2) Preliminary hearings regarding violation of conditions of parole. (1973, c. 1262, s. 8; 1975, c. 220; 1977, c. 614, s. 5; c. 732, s. 5; 1993, c. 538, s. 42; 1994, Ex. Sess., c. 21, s. 6; c. 24, s. 14(b); 2006-247, s. 15(i); 2007-213, s. 14; 2008-199, s. 2; 2011-145, s. 19.1(h), (i), (s); 2011-307, s. 7; 2012-188, s. 7; 2016-77, s. 4(a); 2017-186, s. 1(n); recodified from N.C. Gen. Stat. § 143B-720 by 2021-180, s. 19C.9(k), (m).)

§ 143B-1491. Post-Release Supervision and Parole Commission – members; selection; removal; chair; compensation; quorum; services.

(a) Effective August 1, 2005, the Post-Release Supervision and Parole Commission shall consist of one full-time member and two half-time members. The three members shall be appointed by the Governor from persons whose recognized ability, training, experience, and character qualify them for service on the Commission. The terms of office of any members serving on the Commission on June 30, 2005, shall expire on that date. The terms of office of persons appointed by the Governor as members of the Commission shall be for four years or until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, removal, death or disability of a member shall be for the balance of the unexpired term only.

(a1) Effective August 1, 2012, both half-time commissioners shall begin serving as full-time members of the Commission, and the Post-Release Supervision and Parole Commission shall consist of three full-time members.

(a2) Effective February 1, 2013, an additional member shall be appointed by the Governor to the Commission, and the Post-Release Supervision and Parole Commission shall consist of four full-time members.

(b) All members of the Post-Release Supervision and Parole Commission appointed by the Governor shall possess the recognized ability, training, experience, and character to qualify each person to serve ably on the Commission.

(c) The Governor shall have the authority to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of G.S. 143B-13. The Governor shall designate a member of the Commission to serve as chair of the Commission at the pleasure of the Governor.

(d) The granting, denying, revoking, or rescinding of parole, the authorization of work-release privileges to a prisoner, or any other matters of business coming before the Commission for consideration and action shall be decided by majority vote of the full Commission, except that a three-member panel of the Commission may set the terms and conditions for a post-release supervisee under G.S. 15A-1368.4 and may decide questions of violations thereunder, including the issuance of warrants. In the event of a tie in a vote by the full Commission, the chair shall break the tie with an additional vote.

(e) The members of the Commission shall receive the salary fixed by the General Assembly in the Current Operations Appropriations Act and shall receive necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-6. Notwithstanding any other provision of law, the half-time members of the Commission shall not be subject to the provisions of G.S. 135-3(8)(c).

(f) All clerical and other services required by the Commission shall be supplied by the Secretary of the Department of Adult Correction. (1973, c. 1262, s. 9; 1977, c. 704, s. 1; 1979, c. 2; 1983, c. 709, s. 3; c. 717, s. 80; 1983 (Reg. Sess., 1984), c. 1034, s. 164; 1993, c. 337, s. 1; c. 538, s. 43; 1994, Ex. Sess., c. 14, s. 63; c. 24, s. 14(b); 1999-237, s. 18.2; 2005-276, s. 17.25(a); 2006-264, s. 89(a); 2011-145, s. 19.1(i), (s); 2012-142, s. 25.1(g); 2013-196, s. 2; 2013-410, s. 12.1; recodified from N.C. Gen. Stat. § 143B-721 by 2021-180, s. 19C.9(k), (m).)

§ 143B-1492. Parole eligibility reports.

(a) Each fiscal year the Post-Release Supervision and Parole Commission shall, with the assistance of the North Carolina Sentencing and Policy Advisory Commission and the Department of Adult Correction, analyze the amount of time each inmate who is eligible for parole on or before July 1 of the previous fiscal year has served compared to the time served by offenders under Structured Sentencing for comparable crimes. The Commission shall determine if the person has served more time in custody than the person would have served if sentenced to the maximum sentence under the provisions of Article 81B of Chapter 15A of the General Statutes. The "maximum sentence", for the purposes of this section, shall be calculated as set forth in subsection (b) of this section.

(b) For the purposes of this section, the following rules apply for the calculation of the maximum sentence:

- (1) The offense upon which the person was convicted shall be classified as the same felony class as the offense would have been classified if committed after the effective date of Article 81B of Chapter 15A of the General Statutes.
- (2) The minimum sentence shall be the maximum number of months in the presumptive range of minimum durations in Prior Record Level VI of G.S. 15A-1340.17(c) for the felony class determined under subdivision (1) of this subsection. The maximum sentence shall be calculated using G.S. 15A-1340.17(d), (e), or (e1).
- (3) If a person is serving sentences for two or more offenses that are concurrent in any respect, then the offense with the greater classification shall be used to determine a single maximum sentence for the concurrent offenses. The fact that the person has been convicted of multiple offenses may be considered by the Commission in making its determinations under subsection (a) of this section.

(c) The Commission shall reinstitute the parole review process for each offender who has served more time than that person would have under Structured Sentencing as provided by subsections (a) and (b) of this section.

(d) The Post-Release Supervision and Parole Commission shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety by April 1 of each year. The report shall include the following: the class of the offense for which each parole-eligible inmate was convicted and whether an inmate had multiple criminal convictions. The Commission shall also report on the number of parole-eligible inmates reconsidered in compliance with this section and the number who were actually paroled. (2015-241, s. 16C.14; recodified from N.C. Gen. Stat. § 143B-721.1 by 2021-180, s. 19C.9(k), (m).)

Part 7. Treatment for Effective Community Supervision Program.

§ 143B-1495. Short title.

This Subpart is the "Treatment for Effective Community Supervision Act of 2011" and may be cited by that name. (2011-192, s. 6(b); recodified from N.C. Gen. Stat. § 143B-1150 by 2021-180, s. 19C.9(l).)

§ 143B-1496. Legislative policy.

The policy of the General Assembly with respect to the Treatment for Effective Community Supervision Program is to support the use of evidence-based practices to reduce recidivism and to promote coordination between State and community-based corrections programs. (2011-192, s. 6(b); recodified from N.C. Gen. Stat. § 143B-1151 by 2021-180, s. 19C.9(l).)

§ 143B-1497. Definitions.

The following definitions apply in this Subpart:

- (1) Certified and licensed. – North Carolina Substance Abuse Professional Practice Board certified or licensed substance abuse professionals or Department of Health and Human Services licensed agencies.
- (2) The Division of Community Supervision and Reentry.
- (3) Repealed by Session Laws 2012-83, s. 55, effective June 26, 2012.
- (4) Eligible entity. – A local or regional government, a nongovernmental entity, or collaborative partnership that demonstrates capacity to provide services that address the criminogenic needs of offenders.
- (5) Program. – A community-based corrections program.
- (6) The Secretary of the Department of Adult Correction.
- (6a) Repealed by Session Laws 2021-180, s. 19C.9(m), effective January 1, 2023.
- (7) State Board. – The State Community Corrections Advisory Board. (2011-145, s. 19.1(h), (k); 2011-192, s. 6(b); 2012-83, s. 55; 2017-186, s. 2(mmmmm); recodified from N.C. Gen. Stat. § 143B-1152 by 2021-180, s. 19C.9(l), (m).)

§ 143B-1498. Goals of community-based corrections programs funded under this Subpart. [Effective January 1, 2023 – see notes]

The goals of community-based programs funded under this Subpart are to reduce recidivism and to reduce the rate of probation and post-release supervision revocations from the rate in the

2009-2010 fiscal year. (2011-192, s. 6(b); recodified from N.C. Gen. Stat. § 143B-1153 by 2021-180, s. 19C.9(l).)

§ 143B-1499. Eligible population.

(a) An eligible offender is an adult offender who was convicted of a misdemeanor or a felony offense or is sentenced under the conditional discharge program as defined in G.S. 90-96 and meets any one of the following criteria:

- (1) Received a nonincarcerative sentence of a community punishment.
 - (2) Received a nonincarcerative sentence of an intermediate punishment.
 - (3) Is serving a term of parole or post-release supervision after serving an active sentence of imprisonment.
- (b) The priority populations for programs funded under this Subpart shall be as follows:
- (1) Offenders convicted of a felony or offenders sentenced under G.S. 90-96 conditional discharge for a felony offense.
 - (2) Offenders identified by the Division of Community Supervision and Reentry using a validated risk assessment instrument to have a high likelihood of reoffending and a moderate to high need for substance abuse treatment. (2011-145, s. 19.1(h); 2011-192, s. 6(b); 2017-186, s. 2(nnnnnn); recodified from N.C. Gen. Stat. § 143B-1154 by 2021-180, s. 19C.9(l), (m).)

§ 143B-1500. Duties of Division of Community Supervision and Reentry.

(a) In addition to those otherwise provided by law, the Division shall have the following duties:

- (1) To enter into contractual agreements with eligible entities for the operation of community-based corrections programs and monitor compliance with those agreements.
 - (2) To develop the minimum program standards, policies, and rules for community-based corrections programs and to consult with the Department of Health and Human Services on those standards, policies, and rules that are applicable to licensed and credentialed substance abuse services.
 - (3) To monitor, oversee, and evaluate contracted service providers.
 - (4) To act as an information clearinghouse regarding community-based corrections programs.
 - (5) To collaborate with the Department of Health and Human Services on focusing treatment resources on high-risk and moderate to high need offenders on probation, parole, and post-release supervision.
- (b) The Division of Community Supervision and Reentry shall develop and publish a recidivism reduction plan for the State that accomplishes the following:
- (1) Articulates a goal of reducing revocations among people on probation and post-release supervision by twenty percent (20%) from the rate in the 2009-2010 fiscal year.
 - (2) Identifies the number of people on probation and post-release supervision in each county that are in the priority population and have a likely need for substance abuse and/or mental health treatment, employment, education, and/or housing.

- (3) Identifies the program models that research has shown to be effective at reducing recidivism for the target population and ranks those programs based on their cost-effectiveness.
- (4) Propose a plan to fund the provision of the most cost-effective programs and services across the State. The plan shall describe the number and types of programs and/or services to be funded in each region of the State and how that program capacity compares with the needs of the target population in that region.

(c) The Department of Adult Correction, Division of Community Supervision and Reentry, shall report by March 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the status of the programs funded through the Treatment for Effective Community Supervision Program. The report shall include the following information from each of the following components:

- (1) Recidivism Reduction Services:
 - a. The method by which offenders are referred to the program.
 - b. The target population.
 - c. The amount of services contracted for and the amount of funding expended in each fiscal year.
 - d. The supervision type.
 - e. The risk level of the offenders served.
 - f. The number of successful and unsuccessful core service exits with a breakdown of reasons for unsuccessful exits.
 - g. The demographics of the population served.
 - h. The number and kind of mandatory and optional services received by offenders in this program.
 - i. Employment status at entry and exit.
 - j. Supervision outcomes, including completion, revocation, and termination.
- (2) Community Intervention Centers (CIC):
 - a. The target population.
 - b. The amount of funds contracted for and expended each fiscal year.
 - c. The supervision type.
 - d. The risk level of the offenders served.
 - e. The number of successful and unsuccessful core service exits with a breakdown of reasons for unsuccessful exits.
 - f. The demographics of the population served.
 - g. Supervision outcomes, including completion, revocation, and termination.
- (3) Transitional and Temporary Housing:
 - a. The target population.
 - b. The amount of funds contracted for and expended each fiscal year.
 - c. The supervision type.
 - d. The risk level of the offenders served.
 - e. The number of successful and unsuccessful core service exits with a breakdown of reasons for unsuccessful exits.

- f. The demographics of the population served.
 - g. The employment status at entry and exit.
 - h. Supervision outcomes, including completion, revocation, and termination.
- (4) Local Reentry Councils (LRC):
- a. The target population.
 - b. The amount of funds contracted for and expended each fiscal year.
 - c. The supervision type.
 - d. The risk level of the offenders served.
 - e. The number of successful and unsuccessful core service exits with a breakdown of reasons for unsuccessful exits.
 - f. The demographics of the population served.
 - g. The employment status at entry and exit including, wherever possible, the average wage received at entry and exit.
 - h. Supervision outcomes, including completion, revocation, and termination.
- (5) Intensive Outpatient Services. – If the Department enters into a contract for Intensive Outpatient Services, the Department of Public Safety shall report in the next fiscal year on this service including the following:
- a. The target population.
 - b. The amount of funds contracted for and expended each fiscal year.
 - c. The supervision type.
 - d. The risk level of the offenders served.
 - e. The number of successful and unsuccessful core service exits with a breakdown of reasons for unsuccessful exits.
 - f. The demographics of the population served.
 - g. Supervision outcomes, including completion, revocation, and termination. (2011-145, s. 19.1(h), (k); 2011-192, s. 6(b); 2012-83, s. 56; 2014-100, s. 16C.7(b); 2016-94, s. 17C.4; 2017-186, s. 2(ooooo); recodified from N.C. Gen. Stat. § 143B-1155 by 2021-180, s. 19C.9(l), (m).)

§ 143B-1501. Contract for services.

(a) The Division shall contract with service providers through a competitive procurement process to provide community-based services to offenders on probation, parole, or post-release supervision.

(b) Contracts for substance abuse treatment services shall be awarded to certified or licensed substance abuse professionals and appropriately licensed agencies to provide services and use practices that have a demonstrated evidence base.

(c) The Division, in partnership with the Department of Health and Human Services, shall develop standard service definitions and performance measures for substance abuse and aftercare support services for inclusion in the contracts.

(d) The percentage of funds received by a service provider that may be used for administrative purposes is up to fifteen percent (15%).

(e) The Division shall pay service providers the contract base award upon the initiation of services with the remaining payments made as milestones are reached as stated in the contract for

services. If the service provider cancels or terminates the contract prior to its conclusion, the service provider shall reimburse the Division for the unearned pro rata portion of the base award.

(f) The Department shall pay service providers the contract base award upon initiation of services with the remaining payments made as milestones are reached as stated in the contract for services. Should the vendor cancel or terminate the contract prior to its conclusion, the vendor shall reimburse the Department for the unearned pro rata portion of the base award. (2011-145, s. 19.1(h); 2011-192, s. 6(b); 2016-77, s. 10; 2016-94, s. 17C.5; 2017-186, ss. 2(pppppp), 3(a); recodified from N.C. Gen. Stat. § 143B-1156 by 2021-180, s. 19C.9(l), (m).)

§ 143B-1502. Program types eligible for funding; community-based corrections programs.

Based on the prioritized populations in G.S. 143B-1154(b), program types eligible for funding may include, but are not limited to, the following:

- (1) Substance abuse treatment services, to include co-occurring substance abuse and mental health disorder services, residential, intensive outpatient, outpatient, peer support, and relapse prevention.
- (2) Cognitive behavioral programming and other evidence-based programming deemed to be the most cost-effective method to reduce criminogenic needs identified by the risk/needs assessment. (2011-192, s. 6(b); recodified from N.C. Gen. Stat. § 143B-1160 by 2021-180, s. 19C.9(l).)

§ 143B-1503. Justice Reinvestment Council.

(a) The Justice Reinvestment Council is established to act as an advisory body to the Secretary with regard to this Part. The Council shall consist of 13 members as follows, to be appointed as provided in subsection (b) of this section:

- (1) Two members of the Senate.
- (2) Two members of the House of Representatives.
- (3) A judge of the superior court.
- (4) A judge of the district court.
- (5) A district attorney.
- (6) A criminal defense attorney.
- (7) A county sheriff.
- (8) A chief of a city police department.
- (9) A victim service provider.
- (10) A member selected to represent behavioral health services.
- (11) A member selected to represent substance abuse treatment services.

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

- (1) The Governor shall appoint the following members: the county sheriff, the chief of a city police department, the member representing behavioral health services, and the member representing substance abuse treatment services.
- (2) The Lieutenant Governor shall appoint the victim service provider.
- (3) The Chief Justice of the North Carolina Supreme Court shall appoint the following members: the superior court judge, the district court judge, the district attorney, and the criminal defense attorney.
- (4) The President Pro Tempore of the Senate shall appoint the two members of the Senate.

- (5) The Speaker of the House of Representatives shall appoint the two members of the House of Representatives.

In appointing the members of the Council, the appointing authorities shall make every effort to ensure fair geographic representation of the Council membership and to ensure that minority persons and women are fairly represented.

(c) The initial members shall serve staggered terms. The members identified in subdivisions (1) and (2) of subsection (a) of this section shall be appointed initially for a term of one year. The members identified in subdivisions (3) through (7) of subsection (a) of this section shall be appointed initially for a term of two years. The members identified in subdivisions (8) through (11) of subsection (a) of this section shall be appointed initially for a term of three years. The terms of office of the initial members appointed under this section commence effective October 1, 2015.

At the end of their respective terms of office, their successors shall be appointed for terms of three years effective July 1. A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the remainder of the term. Members may be reappointed without limitation.

(d) The purpose of the Justice Reinvestment Council in conjunction with the Department of Adult Correction, Division of Community Supervision and Reentry, is to:

- (1) Recommend policy enhancements to the Justice Reinvestment Act of 2011.
- (2) Assist in the continued education of criminal justice system stakeholders.
- (3) Support implementation of the Justice Reinvestment Act of 2011.
- (4) Identify new initiatives that further the implementation of the Justice Reinvestment Act of 2011 and the Adult Corrections Recidivism Reduction Plan. (2016-77, s. 3(b); 2017-186, s. 3(a); recodified from N.C. Gen. Stat. § 143B-1161 by 2021-180, s. 19C.9(l), (m).)