

# NORTH CAROLINA GENERAL ASSEMBLY



---

## JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY

---

### REPORT TO THE 2016 SESSION of the 2015 GENERAL ASSEMBLY OF NORTH CAROLINA

APRIL, 2016

A LIMITED NUMBER OF COPIES OF THIS REPORT ARE AVAILABLE FOR  
DISTRIBUTION THROUGH THE LEGISLATIVE LIBRARY

ROOM 500  
LEGISLATIVE OFFICE BUILDING  
RALEIGH, NORTH CAROLINA 27603-5925  
TELEPHONE: (919) 733-9390

---

# TABLE OF CONTENTS

---

LETTER OF TRANSMITTAL.....5

COMMITTEE PROCEEDINGS .....7

FINDING AND RECOMMENDATIONS.....10

## APPENDICES

### APPENDIX A

MEMBERSHIP OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON  
JUSTICE AND PUBLIC SAFETY .....14

### APPENDIX B

COMMITTEE CHARGE/STATUTORY AUTHORITY .....15

### APPENDIX C

LEGISLATIVE PROPOSALS .....18

1. AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE OFFICE OF INDIGENT DEFENSE SERVICES AND CERTAIN JUDICIAL DISTRICTS, TO DEVELOP AND IMPLEMENT A PILOT PROJECT TO ESTABLISH A UNIFORM FEE SCHEDULE FOR THE PAYMENT OF ATTORNEY FEES FOR REPRESENTATION OF INDIGENT PERSONS THAT PROVIDES THE FUNDS NECESSARY TO COVER THE COST OF LEGAL REPRESENTATION FOR INDIGENT PERSONS IN THE JUDICIAL DISTRICT PARTICIPATING IN THE PILOT PROJECT.
2. AN ACT TO AMEND THE APPOINTMENT OF THE COMMISSION ON INDIGENT DEFENSE SERVICES.
3. AN ACT TO PROVIDE THAT BODY-WORN CAMERA AND DASHBOARD CAMERA RECORDINGS ARE NOT PUBLIC RECORDS, TO ESTABLISH WHETHER, TO WHOM, AND WHAT PORTIONS OF A RECORDING MAY BE DISCLOSED OR A COPY RELEASED, TO ESTABLISH THE PROCEDURE FOR CONTESTING A REFUSAL TO DISCLOSE A RECORDING OR COPY, TO DIRECT ANY STATE OR LOCAL LAW ENFORCEMENT AGENCY THAT USES BODY-WORN OR DASHBOARD CAMERAS TO PROVIDE A FREE COPY OF THE SOFTWARE THAT OPERATES THE RECORDING SYSTEM TO THE STATE BUREAU OF INVESTIGATION AND THE NORTH CAROLINA STATE CRIME LABORATORY, AND TO DIRECT THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION TO DEVELOP BEST PRACTICES FOR THE USE OF BODY-WORN CAMERAS.

4. AN ACT TO STUDY OPIOID ABUSE AND HEROIN RESURGENCE IN ADULTS, CHILDREN AND FAMILIES; TO INVESTIGATE THE USE OF VIVITROL AS PART OF THE STATE-FUNDED ALCOHOL AND OPIOID ABUSE TREATMENT SERVICES; AND TO ALLOW REPORTS RECEIVED BY THE COURT ON INCAPACITY TO PROCEED TO BE SHARED WITH TREATMENT PROVIDERS.
  
5. AN ACT TO CONSOLIDATE THE DIVISION OF ADULT CORRECTION AND THE DIVISION OF JUVENILE JUSTICE INTO A SINGLE DIVISION WITHIN THE DEPARTMENT OF PUBLIC SAFETY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.

---

# TRANSMITTAL LETTER

---

April 14, 2016

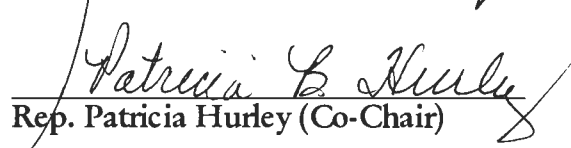
[\[Back to Top\]](#)

TO THE MEMBERS OF THE 2016 REGULAR SESSION  
OF THE 2015 GENERAL ASSEMBLY

The JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY, respectfully submits the following report to the 2016 Regular Session of the 2015 General Assembly.

  
Sen. Shirley Randleman (Co-Chair)

  
Rep. James Boles (Co-Chair)

  
Rep. Patricia Hurley (Co-Chair)

This page intentionally left blank

---

# COMMITTEE PROCEEDINGS

---

[\[Back to Top\]](#)

The Committee on Joint Legislative Oversight Committee on Justice and Public Safety met four times after the 2015 Regular Session.

Informational materials and resources for each committee meeting are posted online at the [Committee's website](#). Detailed minutes and information from each Committee meeting are available in the Legislative Library.

Provided below is a brief summary of the Committee's proceedings.

January 14, 2016

The Committee met on January 14, 2016. The chairs made appointments to the Joint Study of Justice and Public Safety and Behavioral Health and also created the following subcommittees:

- Indigent Defense Services (IDS) Fees
- Future of IDS/Innocence Commission
- Probation/Parole Vehicles
- Body-worn Cameras

The Committee then heard the following presentations:

**Department of Public Safety Implementation of Budget Items and Reorganization**

*Kristine Leggett, Fiscal Research Division*

*Frank Perry, Secretary*

*Department of Public Safety*

**Samarkand Training Academy Update**

*John Poteat, Fiscal Research Division*

*Richard Jordan, Director*

*Department of Public Safety*

**Expanding DNA on Arrest to All Felonies**

*Susan Sitze, Research Division*

*Amanda Thompson, Forensic Scientist Manager*

*NC State Crime Laboratory*

*Nels Roseland, CFO*

*Department of Justice*

February 11, 2016

The Committee met on February 11, 2016, and heard the following presentations:

**Crime Lab Annual Report**

*John Byrd, Director  
North Carolina State Crime Laboratory*

**State of North Carolina's Public Safety Preparedness**

*B.W. Collier, Director  
State Bureau of Investigation*

**Correctional Officer Pay Plan Implementation**

*Lanier McRee, Fiscal Research Division*

*George Solomon, Director*

*DPS Division of Adult Correction and Juvenile Justice—Prisons*

**Prison Mental Health Update**

*John Poteat, Fiscal Research Division*

*Dr. Gary Junker, Director of Behavioral Health*

*Dr. Karen Steinour, Health Services Compliance Director*

*DPS Division of Adult Correction and Juvenile Justice—Prisons*

March 10, 2016

The Committee met on March 10, 2016. The Committee received reports from several subcommittees and adopted recommendations from those subcommittees. The Committee then heard the following presentations:

**Gang Report – Adult Correction and Juvenile Justice**

*Chris Rich, Criminal Analyst, Special Operations and Intelligence  
Department of Public Safety, Division of Adult Correction and Juvenile Justice*

*Steve Jones, Psychologist, Foothills Correctional Institution*

*Department of Public Safety, Division of Adult Correction and Juvenile Justice*

**Gang Report – Center for Safer Schools**

*Kym Martin, Executive Director  
Department of Public Safety, NC Center for Safer Schools*



## **Gang Report – State and Local Law Enforcement**

*J.P. Guarino, GangNet Administrator  
Department of Public Safety, NC State Highway Patrol*

*Sergeant Zeb Stroup  
Department of Public Safety, NC State Highway Patrol*

*Michelle Guarino, Supervisor  
Chapel Hill Police Department, Crisis Unit and Youth and Community Services  
Director of Program Development, Gang Free NC*

## **Internet Crimes Against Children (ICAC)**

*Alan Flora, Special Agent in Charge  
NC State Bureau of Investigation, Computer Crimes Unit*

## **HERO Grants**

*Michael Gagner, Assistant Director  
Department of Public Safety, Governor's Crime Commission*

April 14, 2016

The Committee met on April 14, 2016. The Committee heard a report from the subcommittee on body-worn cameras and adopted the subcommittee's recommendations. The Committee reviewed draft legislation to combine the Division of Adult Correction and the Division of Juvenile Justice into a single division, and approved adding that legislation to this report. The Committee reviewed draft legislation implementing the recommendations of the Joint Study of Justice and Public Safety and Behavioral Health Subcommittee and approved adding that legislation to this report. The Committee adopted this report.

The Committee also heard the following presentations:

### **Update on AOC IT**

*Judge Marion Warren, Director  
Administrative Office of the Courts*

### **Juvenile Justice Strategic Plan Update**

*Billy Lassiter, Deputy Commissioner  
Department of Public Safety, Division of Adult Correction and Juvenile Justice*

### **Inmate Medical Update**

*Terri Catlett, Deputy Director of Health Services  
Department of Public Safety, Division of Adult Correction and Juvenile Justice*

---

## FINDINGS AND RECOMMENDATIONS

---

[\[Back to Top\]](#)

The Committee makes the recommendations and legislative proposals listed below to the 2016 Regular Session of the 2015 General Assembly.

### **LEGISLATIVE PROPOSALS:** (See Appendix C)

1. AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE OFFICE OF INDIGENT DEFENSE SERVICES AND CERTAIN JUDICIAL DISTRICTS, TO DEVELOP AND IMPLEMENT A PILOT PROJECT TO ESTABLISH A UNIFORM FEE SCHEDULE FOR THE PAYMENT OF ATTORNEY FEES FOR REPRESENTATION OF INDIGENT PERSONS THAT PROVIDES THE FUNDS NECESSARY TO COVER THE COST OF LEGAL REPRESENTATION FOR INDIGENT PERSONS IN THE JUDICIAL DISTRICT PARTICIPATING IN THE PILOT PROJECT.
2. AN ACT TO AMEND THE APPOINTMENT OF THE COMMISSION ON INDIGENT DEFENSE SERVICES.
3. AN ACT TO PROVIDE THAT BODY-WORN CAMERA AND DASHBOARD CAMERA RECORDINGS ARE NOT PUBLIC RECORDS, TO ESTABLISH WHETHER, TO WHOM, AND WHAT PORTIONS OF A RECORDING MAY BE DISCLOSED OR A COPY RELEASED, TO ESTABLISH THE PROCEDURE FOR CONTESTING A REFUSAL TO DISCLOSE A RECORDING OR COPY, TO DIRECT ANY STATE OR LOCAL LAW ENFORCEMENT AGENCY THAT USES BODY-WORN OR DASHBOARD CAMERAS TO PROVIDE A FREE COPY OF THE SOFTWARE THAT OPERATES THE RECORDING SYSTEM TO THE STATE BUREAU OF INVESTIGATION AND THE NORTH CAROLINA STATE CRIME LABORATORY, AND TO DIRECT THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION TO DEVELOP BEST PRACTICES FOR THE USE OF BODY-WORN CAMERAS.
4. AN ACT TO STUDY OPIOID ABUSE AND HEROIN RESURGENCE IN ADULTS, CHILDREN AND FAMILIES; TO INVESTIGATE THE USE OF VIVITROL AS PART OF THE STATE-FUNDED ALCOHOL AND OPIOID ABUSE TREATMENT SERVICES; AND TO ALLOW REPORTS RECEIVED BY THE COURT ON INCAPACITY TO PROCEED TO BE SHARED WITH TREATMENT PROVIDERS.
5. AN ACT TO CONSOLIDATE THE DIVISION OF ADULT CORRECTION AND THE DIVISION OF JUVENILE JUSTICE INTO A SINGLE DIVISION WITHIN THE DEPARTMENT OF PUBLIC SAFETY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.

## **ADDITIONAL RECOMMENDATIONS:**

The Committee recommends that the General Assembly do the following:

1. Maintain a Commission on Indigent Defense Services that is directly accountable to the General Assembly, and that has primary responsibility and authority over the delivery of indigent representation and management of the indigent defense budget, by modifying the provisions of G.S. 7A-498.2(e) as follows:  
    "(e) The Director of the Administrative Office of the Courts may modify the budget of the Office of Indigent Defense Services and may use funds appropriated to the Office without the approval of the Commission or the Office of Indigent Defense Services only after direct consultation with a quorum of the Commission."
2. Allow the Office of Indigent Defense Services to assess the need for new satellite offices to handle potentially capital cases at the trial level, to be staffed by full-time assistant capital defenders and appropriate support staff, in areas in which the use of salaried attorneys will ensure that effective representation is provided in a cost-effective manner. The Office should consider the addition of capital defenders to existing public defender offices before the creation of separate satellite offices.
3. Require the Office of Indigent Defense Services (IDS), as part of its annual report to the General Assembly, to provide data regarding the determination to create any new satellite offices, including the counties to be served by the offices, the number of attorney appointments made in the counties served in the past three fiscal years, and the current number of eligible private counsel and local public defenders who are available in those counties.
4. Direct IDS and the Conference of District Attorneys to consult and determine what changes can be made to the current system of identifying, from the pool of cases in which a defendant is charged with first-degree or undesignated murder, those that merit the cost of a capital prosecution and defense, what steps can be taken to facilitate the appointment of local counsel in most cases, and to make any recommendations for potential changes. Any recommendations shall be made in time for consideration by the General Assembly during the 2017 legislative session.
5. Consider the establishment of regional public defenders offices to assist in alleviating scheduling conflicts resulting from appointed attorneys being appointed to cases in multiple jurisdictions.
6. Expand pre-trial programs, diversion programs, and mediation to help alleviate climbing caseloads, aging cases, and increasing costs.
7. Require IDS to collect data on the total final costs of capital and potentially capital cases in addition to the fee application information.
8. Improve the pay rate for assistant public defenders, private assigned counsel, and assistant district attorneys.

9. Increase the effectiveness of the North Carolina Innocence Inquiry Commission (NCIIC) by narrowing offenses for direct inmate applications to homicide, robbery, and sex offenses, but allowing referrals by attorneys and agencies for all felonies.
10. Increase transparency and judicial efficiency by providing *confidential* case status updates to the district attorney, appointed counsel and referring counsel, if any, every six months for all cases in formal review by the NCIIC. This will ensure the defense and prosecution are making informed decisions regarding the possibility for relief and considering the most efficient and effective way to address the issues presented, if any.
11. Require that when a case is moved to formal inquiry and a defendant has informed the NCIIC that he/she would like a specific attorney with existing knowledge of the case to represent them, the Director must inform Indigent Defense Services of that request for consideration.
12. Increase judicial efficiency and effectiveness by providing that cases before the NCIIC can by-pass the eight member panel if the district attorney and appointed counsel consent to a finding of “sufficient evidence to merit judicial review” based on information provided during confidential case updates.
13. Provide the district attorney and the defendant notice and an opportunity to be heard before protective orders are used by the NCIIC.
14. Establish reporting of the NCIIC staff to the AOC Director to ensure separation and independence of administrative and adjudicative functions.
15. Require that when one co-defendant applies to the NCIIC, each co-defendant must have his or her case simultaneously investigated with their co-defendant case(s) or waive the right to future application. Allow exceptions with good cause shown and approval of the Commission Chair.
16. Encourage all judicial districts to enter into a memorandum of agreement adopting the recommendations of the State Crime Laboratory Working Group on Administrative Solutions to Alleviate Lab Backlog.
17. Require the Department of Public Safety to study whether certified probation and parole officers should be allowed to take home State-assigned vehicles and report to the 2017 Joint Legislative Oversight Committee on Justice and Public Safety. The report should include IRS policies regarding the classification of probation and parole vehicles for potential tax purposes.
18. Recommend that the Governor's Crime Commission should encourage the use of GangNet by law enforcement agencies receiving grants intended for gang related law enforcement purposes.
19. Recommend that the North Carolina Courts Commission or other appropriate committee study the laws related to criminal discovery to determine if there are constitutional methods of providing additional protection for victims and witnesses and their personal information.

20. Direct the North Carolina Justice Academy to develop and make available to law enforcement officers an online training course on social media, with guidance on steps an individual law enforcement officer can take to protect his or her personal information.
21. Recommend that the North Carolina Courts Commission study the child pornography laws as they relate to teen sexting.

---

## COMMITTEE MEMBERSHIP

---

[\[Back to Top\]](#)

2015-2016

**President Pro Tempore of the Senate**  
**Appointments:**

Sen. Shirley B. Randleman (Co-Chair)

Sen. Stan Bingham  
Sen. Harry Brown  
Sen. Angela R. Bryant  
Sen. Warren Daniel  
Sen. Jeff Jackson  
Sen. Michael V. Lee  
Sen. E. S. (Buck) Newton  
Sen. Gladys A. Robinson  
Sen. Dan Soucek  
Sen. Andy Wells

**Speaker of the House of Representatives**  
**Appointments:**

Rep. James L. Boles, Jr. (Co-Chair),  
Rep. Pat B. Hurley (Co-Chair)

Rep. Justin P. Burr  
Rep. N. Leo Daughtry  
Rep. John Faircloth  
Rep. George Graham  
Rep. Charles Graham  
Rep. Darren G. Jackson  
Rep. Allen McNeill  
Rep. Sarah Stevens  
Rep. Rena W. Turner  
Rep. Jonathan C. Jordan (Advisory Member)  
Rep. William O. Richardson (Advisory  
Member)  
Rep. Michael Speciale (Advisory Member)  
Rep. Lee Zachary (Advisory Member)

---

## COMMITTEE CHARGE/STATUTORY AUTHORITY

---

[\[Back to Top\]](#)

Article 12J.

Joint Legislative Oversight Committee on Justice and Public Safety.

### **§ 120-70.93. Creation and membership of Joint Legislative Oversight Committee on Justice and Public Safety.**

The Joint Legislative Oversight Committee on Justice and Public Safety is established. The Committee consists of 22 members as follows:

- (1) Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least three of whom are members of the minority party; and
- (2) Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1995 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

### **§ 120-70.94. Purpose and powers of Committee.**

(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve those systems and to assist those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

- (1) Study the budget, programs, and policies of the Department of Public Safety to determine ways in which the General Assembly may improve the effectiveness of the Department.
- (2) Examine the effectiveness of the Division of Adult Correction of the Department of Public Safety in implementing the public policy stated in G.S. 148-26 of providing work assignments and employment for inmates as a means of reducing the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release.

- (2a) Examine the effectiveness of the Department of Public Safety in implementing the duties and responsibilities charged to the Department in G.S. 143B-601(1) through (9) and the overall effectiveness and efficiency of law enforcement in the State.
- (2b) Examine the effectiveness of the Division of Juvenile Justice of the Department of Public Safety in implementing the duties and responsibilities charged to the Division in Part 3 of Article 13 of Chapter 143B of the General Statutes and the overall effectiveness and efficiency of the juvenile justice system in the State.
- (3) Recodified as subdivision (a)(13) by Session Laws 2011-291, s. 1.4(c), effective June 24, 2011.
- (3a) Study and evaluate the funding sources and needs of domestic violence programs providing services to domestic violence victims and programs providing treatment to domestic violence abusers.
- (4) Study legal services funding for domestic violence victims and explore additional sources of funding.
- (5) Explore sources of additional funding for all domestic violence programs, including visitation centers.
- (6) Examine current programs and explore new programs to provide effective services to domestic violence victims and treatment to domestic violence abusers.
- (7) Examine law enforcement and judicial responses to domestic violence.
- (8) Review data collected on domestic violence cases pursuant to G.S. 15A-1382.1.
- (9) Study the effectiveness of the Crime Victims Rights Act as it relates to domestic violence.
- (10) Study the needs of juveniles. This study may include, but is not limited to:
  - a. Determining the adequacy and appropriateness of services:
    - 1. To children and youth receiving child welfare services;
    - 2. To children and youth in the juvenile court system;
    - 3. Provided by the Division of Social Services of the Department of Health and Human Services and the Division of Juvenile Justice of the Department of Public Safety;
    - 4. To children and youth served by the Mental Health, Developmental Disabilities, and Substance Abuse Services system.
  - b. Developing methods for identifying and providing services to children and youth not receiving but in need of child welfare services, children and youth at risk of entering the juvenile court system, and children and youth exposed to domestic violence situations.
  - c. Identifying obstacles to ensuring that children who are in secure or nonsecure custody are placed in safe and permanent homes within a reasonable period of time and recommending strategies for overcoming those obstacles. The Commission shall consider what, if anything, can be done to expedite the adjudication and



appeal of abuse and neglect charges against parents so that decisions may be made about the safe and permanent placement of their children as quickly as possible.

- (11) Evaluate problems associated with juveniles who are beyond the disciplinary control of their parents, including juveniles who are runaways, and develop solutions for addressing the problems of those juveniles.
- (12) Identify strategies for the development and funding of a comprehensive statewide database relating to children and youth to facilitate State agency planning for delivery of services to children and youth.
- (13) Study any other matter that the Committee considers necessary.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

**§ 120-70.95. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Oversight Committee on Justice and Public Safety. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is nine members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee.

---

# LEGISLATIVE PROPOSALS

---

[\[Back to Top\]](#)

## LEGISLATIVE PROPOSAL #1

### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

U

D

**BILL DRAFT 2015-MS-7 [v.10] (02/11)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)**

Short Title: Uniform Fee Schedule for IDS Pilot Program.

(Public)

---

Sponsors:

---

Referred to:

---

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS, IN  
3 CONJUNCTION WITH THE OFFICE OF INDIGENT DEFENSE SERVICES  
4 AND CERTAIN JUDICIAL DISTRICTS, TO DEVELOP AND IMPLEMENT A  
5 PILOT PROJECT TO ESTABLISH A UNIFORM FEE SCHEDULE FOR THE  
6 PAYMENT OF ATTORNEY FEES FOR REPRESENTATION OF INDIGENT  
7 PERSONS THAT PROVIDES THE FUNDS NECESSARY TO COVER THE  
8 COST OF LEGAL REPRESENTATION FOR INDIGENT PERSONS IN THE  
9 JUDICIAL DISTRICTS PARTICIPATING IN THE PILOT PROJECT.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Pilot Project. – The Administrative Office of the Courts, in  
12 conjunction with the Office of Indigent Defense Services and the chief district court  
13 judges and judicial district bars of certain selected judicial districts, shall establish and  
14 implement a pilot project to establish a uniform fee schedule for the payment of attorney  
15 fees for legal representation of indigent persons in district court. The purpose of the  
16 project is to create a uniform fee schedule that: (i) provides the funding necessary to  
17 cover the cost of legal representation of indigent persons and (ii) may be used as a  
18 standard to compare and evaluate attorney fees paid for the representation of persons in  
19 district court in any of the legal actions or proceedings listed in G.S. 7A-451(a).

20 **SECTION 2.** Sites. – The Administrative Office of the Courts shall, after  
21 consultation with the Office of Indigent Defense Services, select one or more counties  
22 in at least six judicial districts in which to implement the pilot project. Two of those

1 counties shall have small case-loads in district court; two shall have medium case-loads  
2 in district court; and two shall have large case-loads in district court. Any judicial  
3 district selected by the Administrative Office of the Courts must participate in the pilot  
4 project. The following districts shall not be selected as sites for the implementation of  
5 the pilot project: District 10, District 18, and District 26.

6 **SECTION 3. Criteria.** – The Administrative Office of the Courts shall  
7 consult with and collaborate with the Office of Indigent Defense Services and with the  
8 chief district court judges and district bar of each of the judicial districts selected to  
9 participate in the pilot project when developing the fee schedule and the plan for its  
10 implementation. All of the following criteria should be considered and addressed when  
11 developing the fee schedule:

- 12 (1) The amount required to cover the full cost of providing adequate legal  
13 services and representation to indigent persons.
- 14 (2) The procedure for and time-frame within which attorney fees shall be  
15 awarded.
- 16 (3) A methodology, to be implemented as part of the pilot project, that  
17 provides for review of the uniform fee schedule at least every  
18 biennium and that incorporates appropriate increases in the uniform  
19 fee schedule based on the information from the review.
- 20 (4) Any other criteria deemed relevant by the Administrative Office of the  
21 Courts.

22 **SECTION 4. Time-frame.** – The Administrative Office of the Courts shall  
23 select one or more counties in at least six judicial districts to participate in the pilot  
24 project by February 1, 2017. The Administrative Office of the Courts shall complete the  
25 development of the fee schedule for the pilot project by March 1, 2017. The  
26 Administrative Office of the Courts, the Office of Indigent Defense Services, and the  
27 selected judicial districts shall begin implementation of the pilot project within district  
28 court of each judicial district by April 1, 2017.

29 **SECTION 5. Report.** – The Administrative Office of the Courts shall report  
30 by May 1, 2017 to the chairs of the Joint Legislative Oversight Committee on Justice  
31 and Public Safety on the status of the six judicial districts selected and the fee schedule  
32 developed. The Administrative Office of the Courts shall report on the results of the  
33 pilot project to the chairs of the Joint Legislative Oversight Committee on Justice and  
34 Public Safety by March 15, 2018. The Administrative Office of the Courts shall  
35 continue to monitor the pilot project after making its initial report and shall report by  
36 March 15 every two years thereafter on its findings and any recommendations regarding  
37 the pilot projects to the chairs of the Joint Legislative Oversight Committee on Justice  
38 and Public Safety.

39 **SECTION 6. Effective date.** – This act is effective when it becomes law.  
40

**LEGISLATIVE PROPOSAL #2**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

U

D

**BILL DRAFT 2015-SA-18 [v.4] (02/26)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
03/09/2016 12:13:20 PM**

Short Title: Indigent Defense Changes. (Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE APPOINTMENT OF THE COMMISSION ON INDIGENT  
3 DEFENSE SERVICES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 7A-498.4 reads as rewritten:

6 "§ 7A-498.4. Establishment of Commission on Indigent Defense Services.

7 (a) The Commission on Indigent Defense Services is created within the Office of  
8 Indigent Defense Services and shall consist of 13 members. To create an effective  
9 working group, assure continuity, and achieve staggered terms, the Commission shall be  
10 appointed as provided in this section.

11 (b) The members of the Commission shall be appointed as follows:

12 (1) The Chief Justice of the North Carolina Supreme Court shall appoint  
13 one member, who shall be an active or former ~~member of the North~~  
14 ~~Carolina judiciary superior court judge~~, one member, who shall be an  
15 active or former district court judge, and shall additionally appoint the  
16 Director of the Administrative Office of the Courts as a member of the  
17 Commission. The Director of the Administrative Office of the Courts  
18 may designate an employee of the Administrative Office of the Courts  
19 to serve as his or her designee on the Commission.

20 (2) The Governor shall appoint ~~one member~~, two members, at least one  
21 of whom shall be a nonattorney.

22 (3) The General Assembly shall appoint ~~one member~~, three members, who  
23 shall be ~~an attorney~~, attorneys, upon the recommendation of the  
24 President Pro Tempore of the Senate. In addition, one of the three  
25 members shall be appointed based upon the recommendation of the  
26 North Carolina Public Defenders Association.

- 1           (4) The General Assembly shall appoint ~~one member,~~three members, who  
2 shall be an ~~attorney,~~attorneys, upon the recommendation of the Speaker  
3 of the House of Representatives. In addition, one of the three members  
4 shall be appointed based upon the recommendation of the North  
5 Carolina Advocates for Justice.
- 6           ~~(5) The North Carolina Public Defenders Association shall appoint~~  
7 ~~member, who shall be an attorney.~~
- 8           ~~(6)~~(5) The North Carolina State Bar shall appoint one member, who shall be  
9 an attorney.
- 10          ~~(7)~~(6) The North Carolina Bar Association shall appoint one member, who  
11 shall be an attorney.
- 12          ~~(8) The North Carolina Academy of Trial Lawyers shall appoint one~~  
13 ~~member, who shall be an attorney.~~
- 14          ~~(9) The North Carolina Association of Black Lawyers shall appoint one~~  
15 ~~member, who shall be an attorney.~~
- 16          ~~(10) The North Carolina Association of Women Lawyers shall appoint one~~  
17 ~~member, who shall be an attorney.~~
- 18          ~~(11) The Commission shall appoint three members, who shall reside in~~  
19 ~~different judicial districts from one another. One appointee shall be a~~  
20 ~~nonattorney, and one appointee may be an active member of the North~~  
21 ~~Carolina judiciary. One appointee shall be Native American. The initial~~  
22 ~~three members satisfying this subdivision shall be appointed as provided~~  
23 ~~in subsection (k) of this section.~~

24          (c) The terms of members appointed pursuant to subsection (b) of this section shall  
25 be as follows:

- 26          ~~(1) The initial appointments by the Chief Justice, the Governor, and the General~~  
27 ~~Assembly shall be for four years.~~
- 28          ~~(2) The initial appointments by the Public Defenders Association and State Bar,~~  
29 ~~and one appointment by the Commission, shall be for three years.~~
- 30          ~~(3) The initial appointments by the Bar Association and Trial Academy, and one~~  
31 ~~appointment by the Commission, shall be for two years.~~
- 32          ~~(4) The initial appointments by the Black Lawyers Association and Women~~  
33 ~~Lawyers Association, and one appointment by the Commission, shall be for one year.~~

34          ~~At the expiration of these initial terms, appointments shall be for four years and shall~~  
35 ~~be made by the appointing authorities designated in subsection (b) of this section. No~~  
36 ~~person other than the Director of the Administrative Office of the Courts shall serve more~~  
37 ~~than two consecutive four-year terms plus any initial term of less than four years.~~

38          (d) Persons appointed to the Commission shall have significant experience in the  
39 defense of criminal or other cases subject to this Article or shall have demonstrated a  
40 strong commitment to quality representation in indigent defense matters. No active  
41 prosecutors or law enforcement officials, or active employees of such persons, may be  
42 appointed to or serve on the Commission. No active judicial officials, or active  
43 employees of such persons, may be appointed to or serve on the Commission, except as

1 provided in subsection (b) of this section. No active public defenders, active employees  
2 of public defenders, or other active employees of the Office of Indigent Defense Services  
3 may be appointed to or serve on the Commission, except that notwithstanding this  
4 subsection, G.S. 14-234, or any other provision of law, Commission members may  
5 include part-time public defenders employed by the Office of Indigent Defense Services  
6 and may include persons, or employees of persons or organizations, who provide legal  
7 services subject to this Article as contractors or appointed attorneys.

8 (e) All members of the Commission are entitled to vote on any matters coming  
9 before the Commission unless otherwise provided by rules adopted by the Commission  
10 concerning voting on matters in which a member has, or appears to have, a financial or  
11 other personal interest.

12 (f) Each member of the Commission shall serve until a successor in office has  
13 been appointed. Vacancies shall be filled by appointment by the appointing authority for  
14 the unexpired term. Removal of Commission members shall be in accordance with  
15 policies and procedures adopted by the Commission.

16 (g) A quorum for purposes of conducting Commission business shall be a majority  
17 of the members of the Commission.

18 (h) The Commission shall elect a Commission chair from the members of the  
19 Commission for a term of two years.

20 (i) The Director of Indigent Defense Services shall attend all Commission  
21 meetings except those relating to removal or reappointment of the Director or allegations  
22 of misconduct by the Director. The Director shall not vote on any matter decided by the  
23 Commission.

24 (j) Commission members shall not receive compensation but are entitled to be  
25 paid necessary subsistence and travel expenses in accordance with G.S. 138-5 and G.S.  
26 138-6 as applicable.

27 (k) The Commission shall hold its first meeting no later than September 15, 2000.  
28 All appointments to the Commission specified in subdivisions (1) through (10) of  
29 subsection (b) of this section shall be made by the appointing authorities by September 1,  
30 2000. The appointee of the Chief Justice shall convene the first meeting. No later than 30  
31 days after its first meeting, the Commission shall make the appointments specified in  
32 subdivision (11) of subsection (b) of this section and shall elect its chair."

33 **SECTION 2.** Persons who are members of the Commission on Indigent  
34 Defense Services on the effective date of this act, shall continue to serve as members  
35 until the completion of the term for which they have been appointed. Upon the expiration  
36 of a term, or a vacancy occurring prior to the completion of a term, in an appointment  
37 made by an authority no longer authorized to make appointment, the appointment shall be  
38 made as follows:

39 (a) For the member appointed by the North Carolina Association of Black  
40 Lawyers whose term expires in 2017, the appointment shall be made by the General  
41 Assembly upon the recommendation of the Speaker of the House of Representatives.

1 (b) For the member appointed by the North Carolina Association of Women  
2 Attorneys whose term expires in 2017, the appointment shall be made by the General  
3 Assembly upon the recommendation of the President Pro Tempore of the Senate.

4 (c) For the member appointed by the Indigent Defense Commission whose term  
5 expires in 2017, the appointment shall be made by the Chief Justice of the North Carolina  
6 Supreme Court and shall be the appointment of the Administrative Director of the Courts.

7 (d) For the member appointed by the North Carolina Advocates for Justice,  
8 formerly known as the North Carolina Academy of Trial Lawyers, whose term expires in  
9 2018, the appointment shall be made by the General Assembly upon the recommendation  
10 of the Speaker of the House of Representatives.

11 (e) For the member appointed by the Indigent Defense Commission whose term  
12 expires in 2018, the appointment shall be made by the Chief Justice of the North Carolina  
13 Supreme Court.

14 (f) For the member appointed by the North Carolina Public Defenders Association  
15 whose term expires in 2019, the appointment shall be made by the General Assembly  
16 upon the recommendation of the President Pro Tempore of the Senate.

17 (g) For the member appointed by the Indigent Defense Commission whose term  
18 expires in 2019, the appointment shall be made by the Governor.

19 **SECTION 3.** This act becomes effective January 1, 2017.

**LEGISLATIVE PROPOSAL #3**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

**H**

**D**

**BILL DRAFT 2015-LHfz-181D [v.10] (04/01)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/25/2016 12:21:05 PM**

Short Title: Body-worn & Dashboard Cameras/No Public Record. (Public)

---

Sponsors:

---

Referred to:

---

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT BODY-WORN CAMERA AND DASHBOARD  
3 CAMERA RECORDINGS ARE NOT PUBLIC RECORDS, TO ESTABLISH  
4 WHETHER, TO WHOM, AND WHAT PORTIONS OF A RECORDING MAY BE  
5 DISCLOSED OR A COPY RELEASED, TO ESTABLISH THE PROCEDURE  
6 FOR CONTESTING A REFUSAL TO DISCLOSE A RECORDING OR COPY,  
7 TO DIRECT ANY STATE OR LOCAL LAW ENFORCEMENT AGENCY THAT  
8 USES BODY-WORN OR DASHBOARD CAMERAS TO PROVIDE A FREE  
9 COPY OF THE SOFTWARE THAT OPERATES THE RECORDING SYSTEM  
10 TO THE STATE BUREAU OF INVESTIGATION AND THE NORTH  
11 CAROLINA STATE CRIME LABORATORY, AND TO DIRECT THE  
12 CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS  
13 COMMISSION AND THE SHERIFFS' EDUCATION AND TRAINING  
14 STANDARDS COMMISSION TO DEVELOP BEST PRACTICES FOR THE USE  
15 OF BODY-WORN CAMERAS.

16 Whereas, the General Assembly recognizes the great professionalism of our  
17 law enforcement officers; and

18 Whereas, the General Assembly recognizes the decision to utilize body-worn  
19 cameras and dashboard cameras by some of our State law enforcement agencies,  
20 Sheriff's Offices, and police departments; and

21 Whereas, the General Assembly also recognizes the importance of the public  
22 having confidence and trust in our State and local law enforcement agencies; and

23 Whereas, the General Assembly seeks to protect and strengthen the  
24 long-standing and necessary relationship of trust and transparency between our law  
25 enforcement officers and citizens; and

26 Whereas, the General Assembly acknowledges the use of body-worn cameras  
27 and dashboard cameras by law enforcement officers is a tool that may assist toward that  
28 end; and

29 Whereas, the General Assembly also recognizes that the privacy rights of our  
30 dedicated law enforcement professionals and private citizens that may appear in the



1 recording of a law enforcement body-worn camera or dashboard camera are areas of  
2 deep importance; Now, therefore;  
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Chapter 132 of the General Statutes is amended by adding a new  
5 section to read:

6 **"§ 132-1.4A. Body-worn camera and dashboard recordings.**

7 (a) Definitions.— The following definitions apply in this section:

8 (1) Body-worn camera.—An operational video or digital camera or other  
9 electronic device, including a microphone or other mechanism for  
10 allowing audio capture, affixed to a law enforcement officer's uniform  
11 or person and positioned in a way that allows the camera or device to  
12 capture interactions the law enforcement officer has with the public.

13 (2) Dashboard Camera.—A device or system installed or used in a law  
14 enforcement vehicle that electronically records images depicting  
15 activities that take place during a traffic stop, vehicle pursuit, vehicle  
16 search, and other interaction with the public that is within the range of  
17 the camera. This term does not include body-worn cameras.

18 (3) Disclose or Disclosure.—To make a recording available for viewing by  
19 the person requesting disclosure.

20 (4) Personal representative.—A parent, court-appointed guardian, or  
21 attorney of, or a person holding a power of attorney for, a person  
22 recorded by a body-worn camera. If a person depicted in the recording  
23 is deceased, the term also means the personal representative of the  
24 estate of the deceased person; the deceased person's surviving spouse,  
25 parent, or adult child; the deceased person's attorney; or the parent or  
26 guardian of a surviving minor child of the deceased.

27 (5) Recording.—A visual, audio, or visual and audio recording captured by  
28 a body-worn camera or a dashboard camera.

29 (b) Public record and personnel record classification.— Recordings are not public  
30 records as defined by G.S. 132-1. If an issue is raised as to whether an individual  
31 recording is a personnel record the head law enforcement officer of the law enforcement  
32 agency that has custody of the recording shall make that determination. If a recording is  
33 determined by the head law enforcement officer to be a personnel record the recording  
34 is subject to the provisions of Chapter 126 of the General Statutes, Part 4 of Article 7 of  
35 Chapter 160A of the General Statutes, or Part 4 of Article 5 of Chapter 153A of the  
36 General Statutes.

37 (c) Disclosure of recordings.— Recordings in the custody of a law enforcement  
38 agency shall be disclosed only as provided by this section. The head law enforcement  
39 officer of a custodial law enforcement agency shall determine whether, to whom, and  
40 what portions of a recording may be disclosed and whether a copy of the recording may  
41 be released. A law enforcement agency is not required to consider a request for the  
42 disclosure or release of a copy of recording unless the person requesting disclosure or  
43 copy of a recording states the date and approximate time of the incident or encounter  
44 captured by the body-worn camera or dashboard camera or otherwise identifies the  
45 incident or encounter with reasonable particularity.

1 There is a presumption that a custodial law enforcement agency will disclose a  
2 recording or portion of a recording to a person depicted in a recording or portion of a  
3 recording or to the personal representative of that person upon request, unless the head  
4 of the law enforcement agency determines otherwise. When disclosing the recording,  
5 the law enforcement agency shall disclose only those portions of the recording that are  
6 relevant to the person's presence in the recording.

7 Except as provided otherwise by this section, the head law enforcement officer of  
8 the custodial law enforcement agency has the discretion to determine whether, to whom,  
9 and what portions of the recording may be disclosed and whether a copy of the  
10 recording may be released.

11 In making a determination regarding the disclosure or release of a copy of a  
12 recording, the head law enforcement officer shall consider all of the following factors  
13 and any other factors deemed relevant by the head law enforcement officer:

- 14 (1) Disclosure is necessary to advance a compelling public interest.
- 15 (2) The recording contains information that is otherwise confidential or  
16 exempt from disclosure under State or federal law.
- 17 (3) The person requesting disclosure is seeking to obtain evidence to  
18 determine legal issues in a case in which the person is a party.
- 19 (4) Disclosure would reveal information regarding a person that is of a  
20 highly sensitive personal nature.
- 21 (5) Disclosure may harm the reputation or jeopardize the safety of a  
22 person.
- 23 (6) Disclosure would create a serious threat to the fair, impartial, and  
24 orderly administration of justice.
- 25 (7) Confidentiality is necessary to protect an ongoing investigation.
- 26 (8) There is good cause to disclose all portions of a recording.

27 (d) Denial of disclosure or release of a copy: remedies.— The head law  
28 enforcement officer of any law enforcement agency that redacts portions of a recording  
29 or that declines to disclose a recording or to release a copy of a recording shall provide a  
30 written statement to the person who requested it explaining why portions of a recording  
31 are redacted or why the law enforcement agency declines to disclose or provide a copy  
32 of the recording.

33 Any person who is denied disclosure or who is denied a copy of the recording may  
34 apply 48 hours after the request is made or later to the Superior Court in any county  
35 where any portion of the recording was made for an order compelling disclosure or  
36 release of a copy. The court shall have jurisdiction to issue such orders if the person has  
37 complied with G.S. 7A-38.3E. Actions brought pursuant to this subsection shall be set  
38 down for immediate hearing, and subsequent proceedings in such actions shall be  
39 accorded priority by the trial and appellate courts.

40 In any proceeding regarding the disclosure or release of a copy of a recording, the  
41 head law enforcement officer of the custodial agency shall be notified. The head law  
42 enforcement officer and any other persons in the law enforcement agency designated by  
43 the head shall be given an opportunity to participate in the proceeding.

44 (e) Attorney's fees.— The procedure and grounds for awarding attorney's fees in any  
45 action brought under this subsection shall be the same as set out in G.S. 132-9(c). If the  
46 court determines that an action brought pursuant to this section was filed in bad faith or

1 was frivolous, the court shall assess a reasonable attorney's fee against the person or  
2 persons instituting the action and award it to the public agency as part of the costs.

3 (f) Disclosure pursuant to court order: standards.—When considering whether to  
4 order that a recording be disclosed or that a copy of the recording be provided to the  
5 requesting party, the court shall consider, in addition to any other standards the court  
6 deems relevant, all of the following standards:

7 (1) Disclosure is necessary to advance a compelling public interest.

8 (2) The recording contains information that is otherwise confidential or  
9 exempt from disclosure under State or federal law.

10 (3) The person requesting disclosure is seeking to obtain evidence to  
11 determine legal issues in a case in which the person is a party.

12 (4) Disclosure would reveal information regarding a person that is of a  
13 highly sensitive personal nature.

14 (5) Disclosure may harm the reputation or jeopardize the safety of a  
15 person depicted in the recording.

16 (6) Disclosure would create a serious threat to the fair, impartial, and  
17 orderly administration of justice.

18 (7) Confidentiality is necessary to protect an ongoing investigation.

19 (8) There is good cause shown to disclose all portions of a recording.

20 (g) Retention of recordings.—Any law enforcement agency that uses body-worn  
21 cameras or dashboard cameras shall retain the recording for at least the period of time  
22 required by the State Archives schedule for "law enforcement video and audio  
23 recordings". This subsection does not preclude a law enforcement agency from  
24 specifying additional requirements or a longer period of time for the retention of a  
25 recording subject to the agency's jurisdiction.

26 (h) Fee for copies.—A law enforcement agency may charge a fee to offset the cost  
27 incurred by it to make a copy of a requested recording. The fee shall not exceed the  
28 actual cost of making the copy."

29 **SECTION 2.(a) Best Practices—**The Criminal Justice Education and Training  
30 Standards Commission and the Sheriffs' Education and Training Standards Commission  
31 (Commissions), in consultation with the School of Government at the University of  
32 North Carolina at Chapel Hill, the North Carolina Conference of District Attorneys, and  
33 any other organizations the Commissions jointly deem appropriate shall develop best  
34 practices for the use of body-worn cameras by local and State law enforcement officers.  
35 Best practices developed pursuant to this section shall address all of the following:

36 (1) The type and intensity of training a law enforcement officer should  
37 receive prior to using a body-worn camera.

38 (2) The best practices and procedures for recording, including an  
39 identification of (i) situations when the law enforcement officer should  
40 activate the body-worn camera to record and (ii) situations in which  
41 the law enforcement officer should deactivate the body-worn camera  
42 or seek permission prior to recording.

43 (3) The best practices and procedures for retaining and storing any  
44 recordings captured by body-worn cameras, including (i) the costs of  
45 retention and storage, (ii) the types of recordings that should be  
46 retained and stored, and (iii) the standard retention and storage

1 schedules for the different types of recordings. When addressing this  
2 issue, the Commissions shall consider retention practices, procedures,  
3 and schedules already implemented by State and local law  
4 enforcement agencies and evaluate whether any modifications may be  
5 helpful with regard to those practices, procedures, and schedules.

- 6 (4) Any other issues deemed relevant and important regarding body-worn  
7 cameras.

8 **SECTION 2.(b) Report.**—The Criminal Justice Education and Training  
9 Standards Commission and the Sheriffs' Education and Training Standards Commission  
10 shall jointly report their proposed best practices and recommendations, including any  
11 legislative proposals and including any recommendations regarding retention policies  
12 implemented prior to this study, to the Chairs of the Joint Legislative Oversight  
13 Committee on Justice and Public Safety by December 1, 2016.

14 **SECTION 3.(a)** Article 23 of Chapter 153A of the General Statutes is  
15 amended by adding a new section to read:

16 **§153A-458. Body-worn and dashboard camera software for SBI and State Crime**  
17 **Laboratory.**

18 The local law enforcement agency of any county that uses body-worn cameras or  
19 dashboard cameras when carrying out its law enforcement responsibilities shall provide  
20 a copy of the software, including software updates, required to operate the recordings  
21 from the cameras at no cost to the State Bureau of Investigation and also to the North  
22 Carolina State Crime Laboratory if the law enforcement agency uses the services of the  
23 North Carolina State Crime Laboratory to analyze the recording."

24 **SECTION 3.(b) Article 21** of Chapter 160 of the General Statutes is  
25 amended by adding a new section to read:

26 **§ 160A-490.1. Body-worn and dashboard camera software for SBI and State**  
27 **Crime Laboratory.**

28 The local law enforcement agency of any city that uses body-worn cameras or  
29 dashboard cameras when carrying out its law enforcement responsibilities shall provide  
30 a copy of the software, including software updates, required to operate the recordings  
31 from the cameras at no cost to the State Bureau of Investigation and also to the North  
32 Carolina State Crime Laboratory if the law enforcement agency uses the services of the  
33 North Carolina State Crime Laboratory to analyze the recording."

34 **SECTION 3.(c)** Article 9 of Chapter 114 of the General Statutes is amended  
35 by adding a new section to read:

36 **§114-64. Body-worn and dashboard camera software provided by law**  
37 **enforcement agencies.**

38 Any State or local law enforcement agency that uses body-worn cameras or  
39 dashboard cameras when carrying out its law enforcement responsibilities shall provide  
40 a copy of the software, including software updates, required to operate the recordings  
41 from the cameras at no cost to the North Carolina State Crime Laboratory if the law  
42 enforcement agency uses the services of the North Carolina State Crime Laboratory to  
43 analyze the recording."

44 **SECTION 3.(d)** Chapter 15A of the General Statutes is amended by adding a  
45 new article to read:

46 "Article 8A.

1 Law Enforcement Agencies to Provide Body-worn and Dashboard Camera Software to SBI and  
2 Crime Laboratory

3 **"§15A-220. Law enforcement agencies to provide body-worn and dashboard**  
4 **camera software to SBI and Crime Laboratory.**

5 Any State or local law enforcement agency that uses body-worn cameras or  
6 dashboard cameras when carrying out its law enforcement responsibilities shall provide  
7 a copy of the software, including software updates, required to operate the recordings  
8 from the cameras at no cost to the State Bureau of Investigation and also to the North  
9 Carolina State Crime Laboratory if the law enforcement agency uses the services of the  
10 North Carolina State Crime Laboratory to analyze the recording."

11 **SECTION 4.**Section 1 of this act becomes effective October 1, 2016, and  
12 applies to all body-worn camera recordings and dashboard camera recordings made on  
13 or after that date. Section 3 of this act becomes effective December 1, 2016, and applies  
14 to any law enforcement agency that has or is using body-worn or dashboard cameras on  
15 or after that date. The remainder of this act is effective when it becomes law.

**LEGISLATIVE PROPOSAL #4**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

S

D

**BILL DRAFT 2015-MSz-27 [v.8] (04/06)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/25/2016 12:33:38 PM**

Short Title: Study/Opioid Abuse and Incapacity to Proceed.

(Public)

---

Sponsors:

---

Referred to:

---

1 A BILL TO BE ENTITLED  
2 AN ACT TO STUDY OPIOID ABUSE AND HEROIN RESURGENCE IN ADULTS,  
3 CHILDREN AND FAMILIES; TO INVESTIGATE THE USE OF VIVITROL AS  
4 PART OF THE STATE-FUNDED ALCOHOL AND OPIOID ABUSE  
5 TREATMENT SERVICES; AND TO ALLOW REPORTS RECEIVED BY THE  
6 COURT ON INCAPACITY TO PROCEED TO BE SHARED WITH  
7 TREATMENT PROVIDERS .

8 The General Assembly of North Carolina enacts:

9 **SECTION 1(a).** Study – The Governor's Task Force on Mental Health and  
10 Substance Abuse shall continue to study the resurgence of opioid and heroin abuse in  
11 adults, youth, and families.

12 **SECTION 1(b).** Report – The Governor's Task Force on Mental Health  
13 and Substance Abuse shall report its findings and recommendations, including any  
14 legislative proposals to the Joint Legislative Oversight Committee on Justice and Public  
15 Safety and to the Joint Legislative Oversight Committee on Health and Human Services  
16 in the 2017 Regular Session of the 2017 General Assembly, upon its reconvening.

17 **SECTION 2(a).** Study – The Department of Health and Human Services  
18 in conjunction with the Department of Public Safety shall study the use of Vivitrol as a  
19 treatment offered in State-funded alcohol and opioid abuse centers.

20 **SECTION 2(b).** Report – The Department of Health and Human Services  
21 and the Department of Public Safety shall report its findings to the Joint Legislative  
22 Oversight Committee on Justice and Public Safety and to the Joint Legislative Oversight  
23 Committee on Health and Human Services in the 2017 Regular Session of the 2017  
24 General Assembly, upon its reconvening.

25 **SECTION 3(a).** G.S. 15A-1002(d) reads as rewritten:

26 "(d) Any report made to the court pursuant to this section shall be forwarded to the  
27 clerk of superior court in a sealed envelope addressed to the attention of a presiding  
28 judge, with a covering statement to the clerk of the fact of the examination of the  
29 defendant and any conclusion as to whether the defendant has or lacks capacity to  
30 proceed. If the defendant is being held in the custody of the sheriff, the clerk shall send

1 a copy of the covering statement to the sheriff. The sheriff and any persons employed by  
2 the sheriff shall maintain the copy of the covering statement as a confidential record. A  
3 copy of the full report shall be forwarded to defense counsel, or to the defendant if he is  
4 not represented by counsel. If the question of the defendant's capacity to proceed is  
5 raised at any time, a copy of the full report must be forwarded to the district attorney, as  
6 provided in G.S. 122C-54(b). Until such report becomes a public record, the full report  
7 to the court shall be kept under such conditions as are directed by the court, and its  
8 contents shall not be revealed except the report and the relevant confidential information  
9 previously ordered released under subdivision (b)(4) of this section that shall be  
10 provided as follows: (i) clinicians at the program where the defendant is receiving  
11 capacity restoration; (ii) to clinicians designated by the Secretary of Health and Human  
12 Services, and (iii) as directed by the court. Any report made to the court pursuant to this  
13 section shall not be a public record unless introduced into evidence."  
14           **SECTION 3(b).**     This act is effective when it becomes law.

**LEGISLATIVE PROPOSAL #5**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

U

D

**BILL DRAFT 2015-LLz-4 [v.49] (10/23)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)**

Short Title: Combine Adult Correction & Juvenile Justice.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CONSOLIDATE THE DIVISION OF ADULT CORRECTION AND  
3 THE DIVISION OF JUVENILE JUSTICE INTO A SINGLE DIVISION WITHIN  
4 THE DEPARTMENT OF PUBLIC SAFETY, AS RECOMMENDED BY THE  
5 JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC  
6 SAFETY.

7 The General Assembly of North Carolina enacts:

8

9 **PART I. CONSOLIDATION OF DIVISION OF ADULT CORRECTION AND**  
10 **THE DIVISION OF JUVENILE JUSTICE**

11 **SECTION 1.(a)** Article 13 of Chapter 143B of the General Statutes is  
12 amended by adding a new Part to read:

13

"Part 1A. Division of Adult Correction and Juvenile Justice.

14

**"§ 143B-630. Creation of Division of Adult Correction and Juvenile Justice;**  
15 **powers.**

16

17 There is hereby created and established a division to be known as the Division of  
18 Adult Correction and Juvenile Justice of the Department of Public Safety. The Division  
19 shall have the power and duty to implement Parts 2 and 3 of this Article and shall have  
20 such other powers and duties as are set forth in this Chapter and are prescribed by the  
21 Secretary of the Department of Public Safety."

22

23 **SECTION 1.(b)** The title of Part 2 of Article 13 of Chapter 143B of the  
24 General Statutes reads as rewritten:

25

"Part 2. ~~Division of Adult Correction.~~"

26

**SECTION 1.(c)** G.S. 143B-700 is repealed.

27

**SECTION 1.(d)** G.S. 143B-701 reads as rewritten:

28

29 **"§ 143B-701. Division of Adult Correction and Juvenile Justice of the Department**  
30 **of Public Safety – duties.**

It shall be the duty of the Division 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."



1           **SECTION 1.(e)** G.S. 143B-702 reads as rewritten:

2   "**§ 143B-702. Division of Adult Correction and Juvenile Justice of the Department**  
3           **of Public Safety – rules and regulations.**

4           The Division of Adult Correction and Juvenile Justice of the Department of Public  
5   Safety shall adopt rules and regulations related to the conduct, supervision, rights and  
6   privileges of persons in its custody or under its supervision. Such rules and regulations  
7   shall be filed with and published by the office of the Attorney General and shall be  
8   made available by the Division for public inspection. The rules and regulations shall  
9   include a description of the organization of the Division. A description or copy of all  
10  forms and instructions used by the Division, except those relating solely to matters of  
11  internal management, shall also be filed with the office of the Attorney General."

12           **SECTION 1.(f)** G.S. 143B-703(a) reads as rewritten:

13           "(a) The Secretary of Public Safety may adopt rules governing repair or  
14  replacement of personal property items excluding private passenger vehicles that belong  
15  to employees of State facilities within the Division of Adult Correction and Juvenile  
16  Justice of the Department of Public Safety and that are damaged or stolen by inmates of  
17  the State facilities provided that the item is determined by the Secretary to be damaged  
18  or stolen on or off facility grounds during the performance of employment and  
19  necessary for the employee to have in his possession to perform his assigned duty."

20           **SECTION 1.(g)** G.S. 143B-704 reads as rewritten:

21   "**§ 143B-704. Division of Adult Correction and Juvenile Justice of the Department**  
22           **of Public Safety – ~~functions.~~functions with respect to adults.**

23           (a) The functions of the Division of Adult Correction and Juvenile Justice of the  
24  Department of Public Safety shall ~~comprise, except as otherwise expressly provided by~~  
25  ~~the Executive Organization Act of 1973 or by the Constitution of North~~  
26  ~~Carolina,~~include all functions of the executive branch of the State in relation to  
27  corrections and the rehabilitation of adult offenders, including detention, parole, and  
28  aftercare supervision, and further including those prescribed powers, duties, and  
29  functions enumerated in ~~Article 14 of Chapter 143A of the General Statutes and other~~  
30  ~~the~~ laws of this State.

31           (b) All such functions, powers, duties, and obligations heretofore vested in the  
32  Department of Social Rehabilitation and Control and any agency enumerated in Article  
33  14 of Chapter 143A of the General Statutes and laws of this State are hereby transferred  
34  to and vested in the Division of Adult Correction and Juvenile Justice of the Department  
35  of Public Safety except as otherwise provided by the Executive Organization Act of  
36  1973. They shall include, by way of extension and not of limitation, the functions of:

- 37           (1) The State Department of Correction and Commission of Correction,
- 38           (2) Repealed by Session Laws 1999-423, s. 8, effective July 1, 1999.
- 39           (3) The State Probation Commission,
- 40           (4) The State Board of Paroles,
- 41           (5) The Interstate Agreement on Detainers, and
- 42           (6) The Uniform Act for Out-of-State Parolee Supervision.

43           ...."

44           **SECTION 1.(h)** G.S. 143B-705 reads as rewritten:

1 **"§ 143B-705. Division of Adult Correction and Juvenile Justice of the Department**  
2 **of Public Safety – Alcoholism and Chemical Dependency Treatment**  
3 **Program.**

4 ...

5 (b) A Section Chief for the Alcoholism and Chemical Dependency Treatment  
6 Program shall be employed and shall report directly to a deputy director for the Division  
7 of Adult Correction and Juvenile Justice as designated by the ~~Chief Deputy Secretary~~  
8 Deputy Commissioner for the Division of Adult ~~Correction~~ Correction and Juvenile  
9 Justice. The duties of the Section Chief and staff shall include the following:

10 (1) Administer and coordinate all substance abuse programs, grants,  
11 contracts, and related functions in the Division of Adult Correction and  
12 Juvenile Justice of the Department of Public Safety.

13 (2) Develop and maintain working relationships and agreements with  
14 agencies and organizations that will assist in developing and operating  
15 alcoholism and chemical dependency treatment and recovery programs  
16 in the Division of Adult Correction and Juvenile Justice of the  
17 Department of Public Safety.

18 (3) Develop and coordinate the use of volunteers in the Substance Abuse  
19 Program.

20 ...

21 (7) Supervise directly the facility and district program managers, other  
22 specialized personnel, and programs that exist or may be developed in  
23 the Division of Adult Correction and Juvenile Justice of the  
24 Department of Public Safety.

25 (8) Repealed by Session Laws 2012-83, s. 10, effective June 26, 2012.

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

37 ...."

38 **SECTION 1.(i) G.S. 143B-706 reads as rewritten:**

39 **"§ 143B-706. Pilot program on sexual assault.**

40 (a) The Division of Adult Correction and Juvenile Justice of the Department of  
41 Public Safety shall establish pilot programs on sexual assault for inmates at three units  
42 of the State prison system. The Division shall select units with greater than average  
43 levels of inmate violence for participation in these pilot programs.

44 (b) Each pilot program shall operate as follows:

45 (1) The Division shall provide, as part of every inmate's orientation, a  
46 program on sexual assault, with a goal to complete that program within

1 seven days of commitment to the Division of Adult Correction and  
2 Juvenile Justice of the Department of Public Safety. The program shall  
3 provide inmates with at least the following information:

- 4 a. An accurate presentation pertaining to sexual assault violence;
- 5 b. Information on preventing and reducing the risk of sexual  
6 assault;
- 7 c. Information on available counseling for victims of sexual  
8 assault; and
- 9 d. The procedure for victims of sexual assault to request  
10 counseling.

11 (2) The division shall provide sexual assault counseling on-site at the  
12 prison unit to any prisoner requesting it. Counselors shall be granted  
13 reasonable access to Division of Adult Correction and Juvenile Justice  
14 of the Department of Public Safety institutions and prisoners for the  
15 purpose of providing confidential sexual assault counseling.

16 (3) Unless the Director of the Section of Prisons of the Division of Adult  
17 Correction and Juvenile Justice finds a particular item to be unsuitable,  
18 the Division shall allow the distribution of materials on sexual assault  
19 and rape trauma syndrome developed or sponsored by community rape  
20 crisis centers or nonprofit organizations with expertise in sexual  
21 assault. Any such material provided to a correctional institution shall  
22 be made available to inmates in places where they may make use of  
23 them privately and without attracting undue attention, such as in the  
24 library, law library, medical clinic, recreation hall, mental health  
25 offices, and educational lobby areas.

26 ...."

27 **SECTION 1.(j)** G.S. 143B-707 reads as rewritten:

28 **"§ 143B-707. Reports to the General Assembly.**

29 The Division of Adult Correction and Juvenile Justice of the Department of Public  
30 Safety shall report by March 1 of each year to the Chairs of the Senate and House  
31 Appropriations Committees and the Chairs of the Senate and House Appropriations  
32 Subcommittees in Justice and Public Safety on their efforts to provide effective  
33 treatment to offenders with substance abuse problems. The report shall include:

34 ...

35 (6) Statistical information on the number of current inmates with  
36 substance abuse problems that require treatment, the number of  
37 treatment slots, the number who have completed treatment, and a  
38 comparison of available treatment slots to actual utilization rates. The  
39 report shall include this information for each ~~DOC~~-funded program.

40 (7) Evaluation of each substance abuse treatment program funded by the  
41 Division of Adult Correction and Juvenile Justice of the Department of  
42 Public Safety. Evaluation measures shall include reduction in alcohol  
43 and drug dependency, improvements in disciplinary and infraction  
44 rates, recidivism (defined as return-to-prison rates), and other  
45 measures of the programs' success."

46 **SECTION 1.(k)** G.S. 143B-708 reads as rewritten:

1 **"§ 143B-708. Community service program.**

2 (a) The Division of Adult Correction and Juvenile Justice of the Department of  
3 Public Safety may conduct a community service program. The program shall provide  
4 oversight of offenders placed under the supervision of the Section of Community  
5 Corrections of the Division of Adult Correction and Juvenile Justice and ordered to  
6 perform community service hours for criminal violations, including driving while  
7 impaired violations under G.S. 20-138.1. This program shall assign offenders, either on  
8 supervised or on unsupervised probation, to perform service to the local community in  
9 an effort to promote the offender's rehabilitation and to provide services that help  
10 restore or improve the community. The program shall provide appropriate work site  
11 placement for offenders ordered to perform community service hours. The Division may  
12 adopt rules to conduct the program. Each offender shall be required to comply with the  
13 rules adopted for the program.

14 ...

15 (e) The community service staff shall report to the court in which the community  
16 service was ordered, a significant violation of the terms of the probation, deferred  
17 prosecution, or conditional discharge related to community service, including a willful  
18 failure to pay any moneys due the State under any court order or payment schedule  
19 adopted by the Section of Community Corrections of the Division of Adult  
20 ~~Correction~~Correction and Juvenile Justice. The community service staff shall give  
21 notice of the hearing to determine if there is a willful failure to comply to the person  
22 who was ordered to perform the community service. This notice shall be given by either  
23 personal delivery to the person to be notified or by depositing the notice in the United  
24 States mail in an envelope with postage prepaid, addressed to the person at the last  
25 known address available to the preparer of the notice and reasonably believed to provide  
26 actual notice to the person. The notice shall be mailed at least 10 days prior to any  
27 hearing and shall state the basis of the alleged willful failure to comply. The court shall  
28 then conduct a hearing, even if the person ordered to perform the community service  
29 fails to appear, to determine if there is a willful failure to complete the work as ordered  
30 by the community service staff within the applicable time limits. The hearing may be  
31 held in the county in which the order requiring the performance of community service  
32 was imposed, the county in which the violation occurred, or the county of residence of  
33 the person. If the court determines there is a willful failure to comply, it shall revoke  
34 any drivers license issued to the person and notify the Division of Motor Vehicles to  
35 revoke any drivers license issued to the person until the community service requirement  
36 has been met. In addition, if the person is present, the court may take any further action  
37 authorized by Article 82 of Chapter 15A of the General Statutes for violation of a  
38 condition of probation."

39 **SECTION 1.(I)** G.S. 143B-709 reads as rewritten:

40 **"§ 143B-709. Security Staffing.**

41 (a) The Division of Adult Correction and Juvenile Justice of the Department of  
42 Public Safety shall conduct:

- 43 (1) On-site postaudits of every prison at least once every three years;
- 44 (2) Regular audits of postaudit charts through the automated postaudit  
45 system; and
- 46 (3) Other staffing audits as necessary.

1 (b) The Division of Adult Correction and Juvenile Justice of the Department of  
2 Public Safety shall update the security staffing relief formula at least every three years.  
3 Each update shall include a review of all annual training requirements for security staff  
4 to determine which of these requirements should be mandatory and the appropriate  
5 frequency of the training. The Division shall survey other states to determine which  
6 states use a vacancy factor in their staffing relief formulas."

7 **SECTION 1.(m)** G.S. 143B-711 reads as rewritten:

8 **"§ 143B-711. Division of Adult Correction and Juvenile Justice of the Department**  
9 **of Public Safety – organization.**

10 The Division of Adult Correction and Juvenile Justice of the Department of Public  
11 Safety shall be organized initially to include the Post-Release Supervision and Parole  
12 Commission, the Section of Prisons of the Division of Adult Correction, the Section of  
13 Community Corrections, the Section of Alcoholism and Chemical Dependency  
14 Treatment Programs, and such other divisions as may be established under Part 3 of this  
15 Article and under the other provisions of the Executive Organization Act of 1973."

16 **SECTION 1.(n)** G.S. 143B-720 reads as rewritten:

17 **"§ 143B-720. Post-Release Supervision and Parole Commission – creation, powers**  
18 **and duties.**

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

41 ...

42 (c) The Commission is authorized and empowered to adopt such rules and  
43 regulations, not inconsistent with the laws of this State, in accordance with which  
44 prisoners eligible for parole consideration may have their cases reviewed and  
45 investigated and by which such proceedings may be initiated and considered. All rules  
46 and regulations heretofore adopted by the Board of Paroles shall remain in full force and

1 effect unless and until repealed or superseded by action of the Post-Release Supervision  
2 and Parole Commission. All rules and regulations adopted by the Commission shall be  
3 enforced by the Division of Adult Correction and Juvenile Justice of the Department of  
4 Public Safety.

5 ...."

6 **SECTION 1.(o)** The title of Part 3 of Article 13 of Chapter 143B of the  
7 General Statutes reads as rewritten:

8 "~~Part 3. Division of Juvenile Justice.~~Juvenile Justice Section."

9 **SECTION 1.(p)** G.S. 143B-800 reads as rewritten:

10 "**§ 143B-800. Creation of Juvenile Justice Section of the Division of Adult**  
11 **Correction and Juvenile Justice of the Department of Public Safety.**

12 There is hereby created and constituted a ~~division-section~~ to be known as the  
13 "~~Division of Juvenile Justice Section of the Division of Adult Correction and Juvenile~~  
14 Justice of the Department of Public Safety", with the organization, powers, and duties  
15 ~~defined in Article 1 of this Chapter, except as modified in this Part. as set forth in this~~  
16 Article or are prescribed by the Director of the Division of Adult Correction and  
17 Juvenile Justice."

18 **SECTION 1.(q)** G.S. 143B-801 reads as rewritten:

19 "**§ 143B-801. Transfer of Office of Juvenile Justice authority to the Juvenile**  
20 **Justice Section of the Division of Adult Correction and Juvenile Justice**  
21 **of the Department of Public Safety.**

22 (a) All (i) statutory authority, powers, duties, and functions, including directives  
23 of S.L. 1998-202, rule making, budgeting, and purchasing, (ii) records, (iii) personnel,  
24 personnel positions, and salaries, (iv) property, and (v) unexpended balances of  
25 appropriations, allocations, reserves, support costs, and other funds of the Office of  
26 Juvenile Justice under the Office of the Governor are transferred to and vested in the  
27 Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the  
28 Department of Public Safety. This transfer has all of the elements of a Type I transfer as  
29 defined in G.S. 143A-6.

30 (b) The ~~Division-Section~~ shall be considered a continuation of the Office of  
31 Juvenile Justice for the purpose of succession to all rights, powers, duties, and  
32 obligations of the Office and of those rights, powers, duties, and obligations exercised  
33 by the Office of the Governor on behalf of the Office of Juvenile Justice. Where the  
34 Office of Juvenile Justice or the Division of Juvenile Justice of the Department of  
35 Public Safety is referred to by law, contract, or other document, that reference shall  
36 apply to the ~~Division.~~ Juvenile Justice Section of the Division of Adult Correction and  
37 Juvenile Justice. Where the Office of the Governor is referred to by contract or other  
38 document, where the Office of the Governor is acting on behalf of the Office of Juvenile  
39 Justice, that reference shall apply to the ~~Division.~~Section.

40 (c) All institutions previously operated by the Office of Juvenile Justice and the  
41 present central office of the Office of Juvenile Justice, including land, buildings,  
42 equipment, supplies, personnel, or other properties rented or controlled by the Office or  
43 by the Office of the Governor for the Office of Juvenile Justice, shall be administered  
44 by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice  
45 of the Department of Public Safety."

46 **SECTION 1.(r)** G.S. 143B-805 reads as rewritten:

1 **"§ 143B-805. Definitions.**

2 In this Part, unless the context clearly requires otherwise, the following words have  
3 the listed meanings:

4 (1) Chief court counselor. – The person responsible for administration and  
5 supervision of juvenile intake, probation, and post-release supervision  
6 in each judicial district, operating under the supervision of the Juvenile  
7 Justice Section of the Division of Adult Correction and Juvenile  
8 Justice of the Department of Public Safety.

9 ...

10 ~~(10) Division. – The Division of Juvenile Justice of the Department of~~  
11 ~~Public Safety.~~

12 ...

13 (18) Section. – The Juvenile Justice Section of the Division of Adult  
14 Correction and Juvenile Justice of the Department of Public Safety.

15 ...."

16 SECTION 1.(s) G.S. 143B-806 reads as rewritten:

17 **"§ 143B-806. Duties and powers of the Juvenile Justice Section of the**  
18 **Adult Correction and Juvenile Justice of the Department of Public**  
19 **Safety.**

20 ...

21 ~~(b) The Secretary~~ In addition to its other duties, the Juvenile Justice Section of  
22 the Division of Adult Correction and Juvenile Justice shall have the following powers  
23 and duties and may delegate those powers and duties to the appropriate deputy  
24 secretary, commissioner, or director within the Department of Public Safety:  
25 duties:

26 ...

26 ~~(e) Except as otherwise specifically provided in this Part and in Article 1 of this~~  
27 ~~Chapter, the Secretary of Public Safety shall prescribe the functions, powers, duties, and~~  
28 ~~obligations of every agency or section in the Division.~~

29 ...."

30 SECTION 1.(s1) G.S. 143B-807 reads as rewritten:

31 **"§ 143B-807. Authority to contract with other entities.**

32 (a) ~~The Division~~ Section may contract with any governmental agency, person, or  
33 association for the accomplishment of its duties and responsibilities. The expenditure of  
34 funds under these contracts shall be for the purposes for which the funds were  
35 appropriated and not otherwise prohibited by law.

36 (b) ~~The Division~~ Section may enter into contracts with, and act as intermediary  
37 between, any federal government agency and any county of this State for the purpose of  
38 assisting the county to recover monies expended by a county-funded financial assistance  
39 program. As a condition of assistance, the county shall agree to hold and save harmless  
40 the ~~Division~~ Section against any claims, loss, or expense which the ~~Division~~ Section  
41 might incur under the contracts by reason of any erroneous, unlawful, or tortious act or  
42 omission of the county or its officials, agents, or employees.

43 (c) ~~The Division~~ Section and any other appropriate State or local agency may  
44 purchase services from public or private agencies providing delinquency prevention  
45 programs or juvenile court services, including parenting responsibility classes. The  
46 programs shall meet State standards. As institutional populations are reduced, the

1 ~~Division-Section~~ may divert State funds appropriated for institutional programs to  
2 purchase the services under the ~~Executive Budget Act~~.State Budget Act.

3 (d) Each programmatic, residential, and service contract or agreement entered  
4 into by the ~~Division-Section~~ shall include a cooperation clause to ensure compliance  
5 with the ~~Division's-Section's~~ quality assurance requirements and cost-accounting  
6 requirements."

7 **SECTION 1.(s2)** G.S. 143B-808 reads as rewritten:

8 "**§ 143B-808. Authority to assist private nonprofit foundations.**

9 The ~~Division-Section~~ may provide appropriate services or allow employees of the  
10 ~~Division-Section~~ to assist any private nonprofit foundation that works directly with the  
11 ~~Division's-Section's~~ services or programs and whose sole purpose is to support these  
12 services and programs. A ~~Division-Section~~ employee shall be allowed to work with a  
13 foundation no more than 20 hours in any one month. These services are not subject to  
14 Chapter 150B of the General Statutes.

15 The board of directors of each private, nonprofit foundation shall secure and pay for  
16 the services of the Department of State Auditor or employ a certified public accountant  
17 to conduct an annual audit of the financial accounts of the foundation. The board of  
18 directors shall transmit to the ~~Division-Section~~ a copy of the annual financial audit  
19 report of the private nonprofit foundation."

20 **SECTION 1.(t)** G.S. 143B-809 reads as rewritten:

21 "**§ 143B-809. Teen court programs.**

22 (a) All teen court programs administered by the Juvenile Justice Section of the  
23 Division of Adult Correction and Juvenile Justice of the Department of Public Safety  
24 shall operate as community resources for the diversion of juveniles pursuant to  
25 G.S. 7B-1706(c). A juvenile diverted to a teen court program shall be tried by a jury of  
26 other juveniles, and, if the jury finds the juvenile has committed the delinquent act, the  
27 jury may assign the juvenile to a rehabilitative measure or sanction, including  
28 counseling, restitution, curfews, and community service.

29 Teen court programs may also operate as resources to the local school administrative  
30 units to handle problems that develop at school but that have not been turned over to the  
31 juvenile authorities.

32 (b) Every teen court program that receives funds from Juvenile Crime Prevention  
33 Councils shall comply with rules and reporting requirements of the Juvenile Justice  
34 Section of the Division of Adult Correction and Juvenile Justice of the Department of  
35 Public Safety."

36 **SECTION 1.(t1)** G.S. 143B-815 reads as rewritten:

37 "**§ 143B-815. Juvenile facilities.**

38 In order to provide any juvenile in a juvenile facility with appropriate treatment  
39 according to that juvenile's need, the ~~Division-Section~~ shall be responsible for the  
40 administration of statewide educational, clinical, psychological, psychiatric, social,  
41 medical, vocational, and recreational services or programs."

42 **SECTION 1.(t2)** G.S. 143B-816 reads as rewritten:

43 "**§ 143B-816. Authority to provide necessary medical or surgical care.**

44 The ~~Division-Section~~ may provide any medical and surgical treatment necessary to  
45 preserve the life and health of juveniles committed to the custody of the



1 ~~Division;Section;~~ however, no surgical operation may be performed except as  
2 authorized in G.S. 148-22.2."

3 **SECTION 1.(t3)** G.S. 143B-817 reads as rewritten:

4 **"§ 143B-817. Compensation to juveniles in care.**

5 A juvenile who has been committed to the ~~Division-Section~~ may be compensated for  
6 work or participation in training programs at rates approved by the Secretary within  
7 available funds. The Secretary may provide for a reasonable allowance to the juvenile  
8 for incidental personal expenses, and any balance of the juvenile's earnings remaining at  
9 the time the juvenile is released shall be paid to the juvenile or the juvenile's parent or  
10 guardian. The ~~Division-Section~~ may accept grants or funds from any source to  
11 compensate juveniles under this section."

12 **SECTION 1.(t4)** G.S. 143B-818 reads as rewritten:

13 **"§ 143B-818. Visits and community activities.**

14 (a) The ~~Division-Section~~ shall encourage visits by parents or guardians and  
15 responsible relatives of juveniles committed to the custody of the ~~Division-Section~~.

16 (b) The ~~Division-Section~~ shall develop a program of home visits for juveniles in  
17 the custody of the ~~Division-Section~~. The visits shall begin after the juvenile has been in  
18 the custody of the ~~Division-Section~~ for a period of at least six months. In developing the  
19 program, the ~~Division-Section~~ shall adopt criteria that promote the protection of the  
20 public and the best interests of the juvenile."

21 **SECTION 1.(t5)** G.S. 143B-819 reads as rewritten:

22 **"§ 143B-819. Regional detention services.**

23 The ~~Division-Section~~ is responsible for juvenile detention services, including the  
24 development of a statewide plan for regional juvenile detention services that offer  
25 juvenile detention care of sufficient quality to meet State standards to any juvenile  
26 requiring juvenile detention care within the State in a detention facility as follows:

27 (1) The ~~Division-Section~~ shall plan with the counties operating a county  
28 detention facility to provide regional juvenile detention services to  
29 surrounding counties. The ~~Division-Section~~ has discretion in defining  
30 the geographical boundaries of the regions based on negotiations with  
31 affected counties, distances, availability of juvenile detention care that  
32 meets State standards, and other appropriate factors.

33 (2) The ~~Division-Section~~ may plan with any county that has space within  
34 its county jail system to use the existing space for a county detention  
35 facility when needed, if the space meets the State standards for a  
36 detention facility and meets all of the requirements of G.S. 153A-221.  
37 The use of space within the county jail system shall be constructed to  
38 ensure that juveniles are not able to converse with, see, or be seen by  
39 the adult population, and juveniles housed in a space within a county  
40 jail shall be supervised closely.

41 (3) The ~~Division-Section~~ shall plan for and administer regional detention  
42 facilities. The ~~Division-Section~~ shall carefully plan the location,  
43 architectural design, construction, and administration of a program to  
44 meet the needs of juveniles in juvenile detention care. The physical  
45 facility of a regional detention facility shall comply with all applicable  
46 State and federal standards. The programs of a regional detention

1 facility shall comply with the standards established by the  
2 ~~Division~~Section."

3 SECTION 1.(t6) G.S. 143B-820 reads as rewritten:

4 "**§ 143B-820. State subsidy to county detention facilities.**

5 The ~~Division~~Section shall administer a State subsidy program to pay a county that  
6 provides juvenile detention services and meets State standards a certain per diem per  
7 juvenile. In general, this per diem should be fifty percent (50%) of the total cost of  
8 caring for a juvenile from within the county and one hundred percent (100%) of the  
9 total cost of caring for a juvenile from another county. Any county placing a juvenile in  
10 a detention facility in another county shall pay fifty percent (50%) of the total cost of  
11 caring for the juvenile to the ~~Division~~Section. The ~~Division~~Section may vary the exact  
12 funding formulas to operate within existing State appropriations or other funds that may  
13 be available to pay for juvenile detention care."

14 SECTION 1.(t7) G.S. 143B-821 reads as rewritten:

15 "**§ 143B-821. Authority for implementation.**

16 In order to allow for effective implementation of a statewide regional approach to  
17 juvenile detention, the ~~Division~~Section may:

- 18 (1) Release or transfer a juvenile from one detention facility to another  
19 when necessary to administer the juvenile's detention appropriately.
- 20 (2) Plan with counties that operate county detention facilities to provide  
21 regional services and to upgrade physical facilities to contract with  
22 counties for services and care, and to pay State subsidies to counties  
23 providing regional juvenile detention services that meet State  
24 standards.
- 25 (3) Allow the State to reimburse law enforcement officers or other  
26 appropriate employees of local government for the costs of  
27 transportation of a juvenile to and from any juvenile detention facility.
- 28 (4) Seek funding for juvenile detention services from federal sources, and  
29 accept gifts of funds from public or private sources."

30 SECTION 1.(t8) G.S. 143B-830 reads as rewritten:

31 "**§ 143B-830. Duties and powers of chief court counselors.**

32 The chief court counselor in each district appointed under G.S. 143B-806(b)(15)  
33 may:

- 34 (1) Appoint juvenile court counselors, secretaries, and other personnel  
35 authorized by the ~~Division~~Section in accordance with the personnel  
36 policies adopted by the ~~Division~~Section.
- 37 (2) Supervise and direct the program of juvenile intake, protective  
38 supervision, probation, and post-release supervision within the district.
- 39 (3) Provide in-service training for staff as required by the  
40 ~~Division~~Section.
- 41 (4) Keep any records and make any reports requested by the Secretary in  
42 order to provide statewide data and information about juvenile needs  
43 and services.
- 44 (5) Delegate to a juvenile court counselor or supervisor the authority to  
45 carry out specified responsibilities of the chief court counselor to  
46 facilitate the effective operation of the district.

- 1 (6) Designate a juvenile court counselor in the district as acting chief court  
2 counselor, to act during the absence or disability of the chief court  
3 counselor."

4 SECTION 1.(t9) G.S. 143B-831 reads as rewritten:

5 "§ 143B-831. Duties and powers of juvenile court counselors.

6 As the court or the chief court counselor may direct or require, all juvenile court  
7 counselors shall have the following powers and duties:

8 ...

- 9 (14) Provide supervision for a juvenile transferred to the counselor's  
10 supervision from another court or another state, and provide  
11 supervision for any juvenile released from an institution operated by  
12 the ~~Division~~ Section when requested by the ~~Division~~ Section to do so.

13 ...

- 14 (19) Have any other duties as the ~~Division~~ Section may direct."

15 SECTION 1.(t10) G.S. 143B-840 reads as rewritten:

16 "Subpart E. Comprehensive Juvenile Delinquency and Substance Abuse Prevention Plan.

17 § 143B-840. **Comprehensive Juvenile Delinquency and Substance Abuse**  
18 **Prevention Plan.**

19 (a) The ~~Division~~ Section shall develop and implement a comprehensive juvenile  
20 delinquency and substance abuse prevention plan and shall coordinate with County  
21 Councils for implementation of a continuum of services and programs at the community  
22 level.

23 The ~~Division~~ Section shall ensure that localities are informed about best practices in  
24 juvenile delinquency and substance abuse prevention.

25 (b) The plan shall contain the following:

- 26 (1) Identification of the risk factors at the developmental stages of a  
27 juvenile's life that may result in delinquent behavior.  
28 (2) Identification of the protective factors that families, schools,  
29 communities, and the State must support to reduce the risk of juvenile  
30 delinquency.  
31 (3) Programmatic concepts that are effective in preventing juvenile  
32 delinquency and substance abuse and that should be made available as  
33 basic services in the communities, including:  
34 a. Early intervention programs and services.  
35 b. In-home training and community-based family counseling and  
36 parent training.  
37 c. Adolescent and family substance abuse prevention services,  
38 including alcohol abuse prevention services, and substance  
39 abuse education.  
40 d. Programs and activities offered before and after school hours.  
41 e. Life and social skills training programs.  
42 f. Classes or seminars that teach conflict resolution, problem  
43 solving, and anger management.  
44 g. Services that provide personal advocacy, including mentoring  
45 relationships, tutors, or other caring adult programs.

1 (c) The ~~Division-Section~~ shall cooperate with all other affected State agencies  
2 and entities in implementing this section."

3 **SECTION 1.(t11)** G.S. 143B-851 reads as rewritten:

4 "**§ 143B-851. Powers and duties.**

5 (a) Each County Council shall review annually the needs of juveniles in the  
6 county who are at risk of delinquency or who have been adjudicated undisciplined or  
7 delinquent and the resources available to address those needs. In particular, each County  
8 Council shall assess the needs of juveniles in the county who are at risk or who have  
9 been associated with gangs or gang activity, and the local resources that are established  
10 to address those needs. The Council shall develop and advertise a request for proposal  
11 process and submit a written plan of action for the expenditure of juvenile sanction and  
12 prevention funds to the board of county commissioners for its approval. Upon the  
13 county's authorization, the plan shall be submitted to the ~~Division-Section~~ for final  
14 approval and subsequent implementation.

15 (b) Each County Council shall ensure that appropriate intermediate dispositional  
16 options are available and shall prioritize funding for dispositions of intermediate and  
17 community-level sanctions for court-adjudicated juveniles under minimum standards  
18 adopted by the ~~Division-Section~~.

19 (c) On an ongoing basis, each County Council shall:

- 20 (1) Assess the needs of juveniles in the community, evaluate the adequacy  
21 of resources available to meet those needs, and develop or propose  
22 ways to address unmet needs.
- 23 (2) Evaluate the performance of juvenile services and programs in the  
24 community. The Council shall evaluate each funded program as a  
25 condition of continued funding.
- 26 (3) Increase public awareness of the causes of delinquency and of  
27 strategies to reduce the problem.
- 28 (4) Develop strategies to intervene and appropriately respond to and treat  
29 the needs of juveniles at risk of delinquency through appropriate risk  
30 assessment instruments.
- 31 (5) Provide funds for services for treatment, counseling, or rehabilitation  
32 for juveniles and their families. These services may include  
33 court-ordered parenting responsibility classes.
- 34 (6) Plan for the establishment of a permanent funding stream for  
35 delinquency prevention services.
- 36 (7) Develop strategies to intervene and appropriately respond to the needs  
37 of juveniles who have been associated with gang activity or who are at  
38 risk of becoming associated with gang activity.

39 (d) The Councils may examine the benefits of joint program development  
40 between counties within the same judicial district."

41  
42 **PART II. CONFORMING CHANGES**

43  
44 **SECTION 2.(a)** G.S. 1-110(b) reads as rewritten:

45 "(b) Whenever a motion to proceed as an indigent is filed pro se by an inmate in  
46 the custody of the Division of Adult Correction and Juvenile Justice of the Department

1 of Public Safety, the motion to proceed as an indigent and the proposed complaint shall  
2 be presented to any superior court judge of the judicial district. This judge shall  
3 determine whether the complaint is frivolous. In the discretion of the court, a frivolous  
4 case may be dismissed by order. The clerk of superior court shall serve a copy of the  
5 order of dismissal upon the prison inmate. If the judge determines that the inmate may  
6 proceed as an indigent, service of process upon the defendant shall issue without further  
7 order of the court."

8 **SECTION 2.(b)** G.S. 7A-109.3 reads as rewritten:

9 **"§ 7A-109.3. Delivery of commitment order.**

10 (a) Whenever the district court sentences a person to imprisonment and  
11 commitment to the custody of the Division of Adult Correction and Juvenile Justice of  
12 the Department of Public Safety pursuant to G.S. 15A-1352, the clerk of superior court  
13 shall furnish the sheriff with the signed order of commitment within 48 hours of the  
14 issuance of the sentence.

15 (b) Whenever the superior court sentences a person to imprisonment and  
16 commitment to the custody of the Division of Adult Correction and Juvenile Justice of  
17 the Department of Public Safety pursuant to G.S. 15A-1352, the clerk of superior court  
18 shall furnish the sheriff with the signed order of commitment within 72 hours of the  
19 issuance of the sentence."

20 **SECTION 2.(c)** G.S. 7A-302 reads as rewritten:

21 **"§ 7A-302. Counties and municipalities responsible for physical facilities.**

22 In each county in which a district court has been established, courtrooms, office  
23 space for juvenile court counselors and support staff as assigned by the Juvenile Justice  
24 Section of the Division of Adult Correction and Juvenile Justice of the Department of  
25 Public Safety, and related judicial facilities (including furniture), as defined in this  
26 Subchapter, shall be provided by the county, except that courtrooms and related judicial  
27 facilities may, with the approval of the administrative Officer of the Courts, after  
28 consultation with county and municipal authorities, be provided by a municipality in the  
29 county. To assist a county or municipality in meeting the expense of providing  
30 courtrooms and related judicial facilities, a part of the costs of court, known as the  
31 "facilities fee," collected for the State by the clerk of superior court, shall be remitted to  
32 the county or municipality providing the facilities."

33 **SECTION 2.(d)** G.S. 7A-313 reads as rewritten:

34 **"§ 7A-313. Uniform jail fees.**

35 Persons who are lawfully confined in jail awaiting trial shall be liable to the county  
36 or municipality maintaining the jail in the sum of ten dollars (\$10.00) for each 24 hours'  
37 confinement, or fraction thereof, except that a person so confined shall not be liable for  
38 this fee if the case or proceeding against him is dismissed, or if acquitted, or if judgment  
39 is arrested, or if probable cause is not found, or if the grand jury fails to return a true  
40 bill.

41 Persons who are ordered to pay jail fees pursuant to a probationary sentence shall be  
42 liable to the county or municipality maintaining the jail at the same per diem rate paid  
43 by the Division of Adult Correction and Juvenile Justice of the Department of Public  
44 Safety to local jails for maintaining a prisoner, as set by the General Assembly in its  
45 appropriations acts."

46 **SECTION 2.(e)** G.S. 7A-343.1(a) reads as rewritten:

1       "(a) The Administrative Officer of the Courts shall, at the State's expense  
2 distribute such number of copies of the appellate division reports to federal, State  
3 departments and agencies, and to educational institutions of instruction, as follows:

4       ...

5       Adult Correction and Juvenile Justice, Division of

1

6       ...

7       Each justice of the Supreme Court and judge of the Court of Appeals shall receive  
8 for private use, one complete and up-to-date set of the appellate division reports. The  
9 copies of reports furnished each justice or judge as set out in the table above may be  
10 retained personally to enable the justice or judge to keep up-to-date the personal set of  
11 reports."

12       **SECTION 2.(f)** G.S. 7A-451(e1) reads as rewritten:

13       "(e1) When the Supreme Court of North Carolina files an opinion affirming or  
14 reversing the judgment of the trial court in a case in which the defendant was sentenced  
15 to death, or files an opinion or decision with regard to such a defendant's postconviction  
16 petition for relief from a sentence of death, or when any federal court files or issues an  
17 opinion or decision in such circumstances, the Division of Adult Correction and  
18 Juvenile Justice of the Department of Public Safety shall, on the day the opinion or  
19 decision is filed or issued, permit counsel for the defendant to visit the defendant at the  
20 institution at which the defendant is confined. The visit shall be permitted during regular  
21 business hours for not less than one hour, unless a visit outside regular business hours is  
22 agreed to by both the institution's administrator and counsel for the defendant. This  
23 section shall not be construed to abridge the adequate and reasonable opportunity for  
24 attorneys to consult with clients sentenced to death generally and shall not be construed  
25 to mandate an attorney visit during an emergency at the institution at which a defendant  
26 is confined."

27       **SECTION 2.(g)** G.S. 7A-474.3(c) reads as rewritten:

28       "(c) Limitations. No funds appropriated under this Article shall be used for any of  
29 the following purposes:

30       ...

31       (4) To provide legal assistance to any prisoner within the Division of  
32 Adult Correction and Juvenile Justice of the Department of Public  
33 Safety with regard to the terms of that person's incarceration; or

34       ..."

35       **SECTION 2.(h)** G.S. 7A-474.18(c) reads as rewritten:

36       "(c) Limitations. – No funds appropriated under this Article shall be used for any  
37 of the following purposes:

38       (1) To provide legal assistance with respect to any criminal proceeding; or

39       (2) To provide legal assistance to any prisoner within the Division of  
40 Adult Correction and Juvenile Justice of the Department of Public  
41 Safety with regard to the terms of that person's incarceration."

42       **SECTION 2.(i)** G.S. 7A-498.3(a) reads as rewritten:

43       "(a) The Office of Indigent Defense Services shall be responsible for establishing,  
44 supervising, and maintaining a system for providing legal representation and related  
45 services in the following cases:

- 1 (1) Cases in which an indigent person is subject to a deprivation of liberty  
2 or other constitutionally protected interest and is entitled by law to  
3 legal representation;
- 4 (2) Cases in which an indigent person is entitled to legal representation  
5 under G.S. 7A-451 and G.S. 7A-451.1;
- 6 (2a) Cases in which the State is legally obligated to provide legal assistance  
7 and access to the courts to inmates in the custody of the Division of  
8 Adult Correction and Juvenile Justice of the Department of Public  
9 Safety; and
- 10 (3) Any other cases in which the Office of Indigent Defense Services is  
11 designated by statute as responsible for providing legal  
12 representation."

13 **SECTION 2.(j)** G.S. 7B-1501 reads as rewritten:

14 **§ 7B-1501. Definitions.**

15 In this Subchapter, unless the context clearly requires otherwise, the following  
16 words have the listed meanings. The singular includes the plural, unless otherwise  
17 specified.

- 18 (1) Chief court counselor. – The person responsible for administration and  
19 supervision of juvenile intake, probation, and post-release supervision  
20 in each judicial district, operating under the supervision of the Division  
21 of Adult Correction and Juvenile Justice of the Department of Public  
22 Safety.

23 ...

- 24 (10a) Division. – The Division of Adult Correction and Juvenile Justice of  
25 the Department of Public Safety created under Article 12 of Chapter  
26 143B of the General Statutes.

27 ..."

28 **SECTION 2.(k)** G.S. 7B-2204 reads as rewritten:

29 **"§ 7B-2204. Right to pretrial release; detention.**

30 Once the order of transfer has been entered, the juvenile has the right to pretrial  
31 release as provided in G.S. 15A-533 and G.S. 15A-534. The release order shall specify  
32 the person or persons to whom the juvenile may be released. Pending release, the court  
33 shall order that the juvenile be detained in a detention facility while awaiting trial. The  
34 court may order the juvenile to be held in a holdover facility at any time the presence of  
35 the juvenile is required in court for pretrial hearings or trial, if the court finds that it  
36 would be inconvenient to return the juvenile to the detention facility.

37 Should the juvenile be found guilty, or enter a plea of guilty or no contest to a  
38 criminal offense in superior court and receive an active sentence, then immediate  
39 transfer to the Division of Adult Correction and Juvenile Justice of the Department of  
40 Public Safety shall be ordered. Until such time as the juvenile is transferred to the  
41 Division of Adult Correction and Juvenile Justice of the Department of Public Safety,  
42 the juvenile may be detained in a holdover facility. The juvenile may not be detained in  
43 a detention facility pending transfer to the Division of Adult Correction and Juvenile  
44 Justice of the Department of Public Safety.

1 The juvenile may be kept by the Division of Adult Correction and Juvenile Justice of  
2 the Department of Public Safety as a safekeeper until the juvenile is placed in an  
3 appropriate correctional program."

4 **SECTION 2.(l)** G.S. 7B-2517 reads as rewritten:

5 **"§ 7B-2517. Transfer authority of Governor.**

6 The Governor may order transfer of any person less than 18 years of age from any  
7 jail or penal facility of the State to one of the residential facilities operated by the  
8 Division in appropriate circumstances, provided the Governor shall consult with the  
9 Division concerning the feasibility of the transfer in terms of available space, staff, and  
10 suitability of program.

11 When an inmate, committed to the Division of Adult Correction and Juvenile Justice  
12 of the Department of Public Safety, is transferred by the Governor to a residential  
13 program operated by the Division, the Division may release the juvenile based on the  
14 needs of the juvenile and the best interests of the State. Transfer shall not divest the  
15 probation or parole officer of the officer's responsibility to supervise the inmate on  
16 release."

17 **SECTION 2.(m)** G.S. 7B-3000 reads as rewritten:

18 **"§ 7B-3000. Juvenile court records.**

19 (a) The clerk shall maintain a complete record of all juvenile cases filed in the  
20 clerk's office to be known as the juvenile record. The record shall include the summons  
21 and petition, any secure or nonsecure custody order, any electronic or mechanical  
22 recording of hearings, and any written motions, orders, or papers filed in the  
23 proceeding.

24 (b) All juvenile records shall be withheld from public inspection and, except as  
25 provided in this subsection, may be examined only by order of the court. Except as  
26 provided in subsection (c) of this section, the following persons may examine the  
27 juvenile's record and obtain copies of written parts of the record without an order of the  
28 court:

- 29 (1) The juvenile or the juvenile's attorney;
- 30 (2) The juvenile's parent, guardian, or custodian, or the authorized  
31 representative of the juvenile's parent, guardian, or custodian;
- 32 (3) The prosecutor;
- 33 (4) Court counselors; and
- 34 (5) Probation officers in the Section of Community Corrections of the  
35 Division of Adult Correction and Juvenile Justice of the Department of  
36 Public Safety, as provided in subsection (e1) of this section and in  
37 G.S. 15A-1341(e).

38 Except as provided in subsection (c) of this section, the prosecutor may, in the  
39 prosecutor's discretion, share information obtained from a juvenile's record with  
40 magistrates and law enforcement officers sworn in this State, but may not allow a  
41 magistrate or law enforcement officer to photocopy any part of the record.

42 (c) The court may direct the clerk to "seal" any portion of a juvenile's record. The  
43 clerk shall secure any sealed portion of a juvenile's record in an envelope clearly marked  
44 "SEALED: MAY BE EXAMINED ONLY BY ORDER OF THE COURT", or with  
45 similar notice, and shall permit examination or copying of sealed portions of a juvenile's  
46 record only pursuant to a court order specifically authorizing inspection or copying.



1 (d) Any portion of a juvenile's record consisting of an electronic or mechanical  
2 recording of a hearing shall be transcribed only when notice of appeal has been timely  
3 given and shall be copied electronically or mechanically, only by order of the court.  
4 After the time for appeal has expired with no appeal having been filed, the court may  
5 enter a written order directing the clerk to destroy the recording of the hearing.

6 (e) Notwithstanding any other provision of law, if the defendant in a criminal  
7 proceeding involving a Class A1 misdemeanor or a felony was less than 21 years of age  
8 at the time of the offense, information obtained pursuant to subsection (b) of this section  
9 regarding the juvenile's record of an adjudication of delinquency for an offense that  
10 would be a Class A1 misdemeanor or a felony if committed by an adult, where the  
11 adjudication occurred after the defendant reached 13 years of age, may be used by law  
12 enforcement, the magistrate, the courts, and the prosecutor for pretrial release, plea  
13 negotiating decisions, and plea acceptance decisions. Information obtained regarding  
14 any juvenile record shall remain confidential and shall not be placed in any public  
15 record.

16 (e1) When a person is subject to probation supervision under Article 82 of Chapter  
17 15A of the General Statutes, for an offense that was committed while the person was  
18 less than 25 years of age, that person's juvenile record of an adjudication of delinquency  
19 for an offense that would be a felony if committed by an adult may be examined without  
20 a court order by the probation officer in the Section of Community Corrections of the  
21 Division of Adult Correction and Juvenile Justice assigned to supervise the person for  
22 the purpose of assessing risk related to supervision.

23 Each judicial district manager in the Section of Community Corrections of the  
24 Division of Adult Correction and Juvenile Justice shall designate a staff person in each  
25 county to obtain from the clerk, at the request of the probation officer assigned to  
26 supervise the person, any juvenile records authorized to be examined under this  
27 subsection. The judicial district manager shall inform the clerk in each county, in  
28 writing, of the designated staff person in the county. The designated staff person shall  
29 transfer any juvenile records obtained to the probation officer assigned to supervise the  
30 person.

31 Any copies of juvenile records obtained pursuant to this subsection shall continue to  
32 be withheld from public inspection and shall not become part of the public record in any  
33 criminal proceeding. Any copies of juvenile records shall be destroyed within 30 days  
34 of termination of the person's period of probation supervision. Any other information in  
35 the Section of Community Corrections of the Division of Adult Correction and Juvenile  
36 Justice records, relating to a person's juvenile record, shall remain confidential and shall  
37 be maintained or destroyed pursuant to guidelines established by the Department of  
38 Natural and Cultural Resources for the maintenance and destruction of Section of  
39 Community Corrections of the Division of Adult Correction and Juvenile Justice  
40 records.

41 (f) The juvenile's record of an adjudication of delinquency for an offense that  
42 would be a Class A, B1, B2, C, D, or E felony if committed by an adult may be used in  
43 a subsequent criminal proceeding against the juvenile either under G.S. 8C-1, Rule  
44 404(b), or to prove an aggravating factor at sentencing under G.S. 15A-1340.4(a),  
45 15A-1340.16(d), or 15A-2000(e). The record may be so used only by order of the court

1 in the subsequent criminal proceeding, upon motion of the prosecutor, after an in  
2 camera hearing to determine whether the record in question is admissible.

3 (g) Except as provided in subsection (d) of this section, a juvenile's record shall  
4 be destroyed only as authorized by G.S. 7B-3200 or by rules adopted by the  
5 Administrative Office of the Courts."

6 **SECTION 2.(n)** G.S. 7B-3001(d) reads as rewritten:

7 "(d) When the Section of Community Corrections of the Division of Adult  
8 Correction and Juvenile Justice of the Department of Public Safety is authorized to  
9 access a juvenile record pursuant to G.S. 7B-3000(e1), the Division may, at the request  
10 of the Section of Community Corrections of the Division of Adult ~~Correction,~~  
11 Correction and Juvenile Justice, notify the Section of Community Corrections of the  
12 Division of Adult Correction and Juvenile Justice that there is a juvenile record of an  
13 adjudication of delinquency for an offense that would be a felony if committed by an  
14 adult for a person subject to probation supervision under Article 82 of Chapter 15A of  
15 the General Statutes and may notify the Section of Community Corrections of the  
16 Division of Adult Correction and Juvenile Justice of the county or counties where the  
17 adjudication of delinquency occurred."

18 **SECTION 2.(o)** G.S. 7B-3100(a) reads as rewritten:

19 "(a) The Division, after consultation with the Conference of Chief District Court  
20 Judges, shall adopt rules designating certain local agencies that are authorized to share  
21 information concerning juveniles in accordance with the provisions of this section.  
22 Agencies so designated shall share with one another, upon request and to the extent  
23 permitted by federal law and regulations, information that is in their possession that is  
24 relevant to any assessment of a report of child abuse, neglect, or dependency or the  
25 provision or arrangement of protective services in a child abuse, neglect, or dependency  
26 case by a local department of social services pursuant to the authority granted under  
27 Chapter 7B of the General Statutes or to any case in which a petition is filed alleging  
28 that a juvenile is abused, neglected, dependent, undisciplined, or delinquent and shall  
29 continue to do so until the protective services case is closed by the local department of  
30 social services, or if a petition is filed when the juvenile is no longer subject to the  
31 jurisdiction of juvenile court. Agencies that may be designated as "agencies authorized  
32 to share information" include local mental health facilities, local health departments,  
33 local departments of social services, local law enforcement agencies, local school  
34 administrative units, the district's district attorney's office, the Juvenile Justice Section  
35 of the Division of Adult Correction and Juvenile Justice of the Department of Public  
36 Safety, and the Office of Guardian ad Litem Services of the Administrative Office of  
37 the Courts, and, pursuant to the provisions of G.S. 7B-3000(e1), the Section of  
38 Community Corrections of the Division of Adult Correction and Juvenile Justice of the  
39 Department of Public Safety. Any information shared among agencies pursuant to this  
40 section shall remain confidential, shall be withheld from public inspection, and shall be  
41 used only for the protection of the juvenile and others or to improve the educational  
42 opportunities of the juvenile, and shall be released in accordance with the provisions of  
43 the Family Educational and Privacy Rights Act as set forth in 20 U.S.C. § 1232g.  
44 Nothing in this section or any other provision of law shall preclude any other necessary  
45 sharing of information among agencies. Nothing herein shall be deemed to require the  
46 disclosure or release of any information in the possession of a district attorney."

1           **SECTION 2.(p)** G.S. 14-202(m) reads as rewritten:

2           "(m) The provisions of subsections (a), (a1), (c), (e), (g), (h), and (k) of this section  
3 do not apply to:

- 4           (1) Law enforcement officers while discharging or attempting to discharge  
5 their official duties; or  
6           (2) Personnel of the Division of Adult Correction and Juvenile Justice of  
7 the Department of Public Safety, ~~the Division of Juvenile Justice of the~~  
8 ~~Department of Public Safety, Safety~~ or of a local confinement facility  
9 for security purposes or during investigation of alleged misconduct by  
10 a person in the custody of the Division or the local confinement  
11 facility."

12           **SECTION 2.(q)** G.S. 14-208.6(2) reads as rewritten:

13           "(2) "Penal institution" means:

- 14           a. A detention facility operated under the jurisdiction of the  
15 Section of Prisons of the Division of Adult Correction and  
16 Juvenile Justice of the Department of Public Safety;  
17           b. A detention facility operated under the jurisdiction of another  
18 state or the federal government; or  
19           c. A detention facility operated by a local government in this State  
20 or another state."

21           **SECTION 2.(r)** G.S. 14-208.20 reads as rewritten:

22           "(b) Prior to sentencing a person as a sexually violent predator, the court shall  
23 order a presentence investigation in accordance with G.S. 15A-1332(c). However, the  
24 study of the defendant and whether the defendant is a sexually violent predator shall be  
25 conducted by a board of experts selected by the Division of Adult Correction and  
26 Juvenile Justice of the Department of Public Safety. The board of experts shall be  
27 composed of at least four people. Two of the board members shall be experts in the field  
28 of the behavior and treatment of sexual offenders, one of whom shall be selected from a  
29 panel of experts in those fields provided by the North Carolina Medical Society and not  
30 employed with the Division of Adult Correction and Juvenile Justice of the Department  
31 of Public Safety or employed on a full-time basis with any other State agency. One of  
32 the board members shall be a victims' rights advocate, and one of the board members  
33 shall be a representative of law enforcement agencies."

34           **SECTION 2.(s)** G.S. 14-208.22(c) reads as rewritten:

35           "(c) The Division of Adult Correction and Juvenile Justice of the Department of  
36 Public Safety shall also obtain the additional information set out in subsection (a) of this  
37 section and shall include this information in the prerelease notice forwarded to the  
38 sheriff or other appropriate law enforcement agency."

39           **SECTION 2.(t)** G.S. 14-208.40 reads as rewritten:

40           "**§ 14-208.40. Establishment of program; creation of guidelines; duties.**

41           (a) The Division of Adult Correction and Juvenile Justice of the Department of  
42 Public Safety shall establish a sex offender monitoring program that uses a continuous  
43 satellite-based monitoring system and shall create guidelines to govern the program.  
44 The program shall be designed to monitor three categories of offenders as follows:

- 45           (1) Any offender who is convicted of a reportable conviction as defined by  
46 G.S. 14-208.6(4) and who is required to register under Part 3 of Article

1 27A of Chapter 14 of the General Statutes because the defendant is  
2 classified as a sexually violent predator, is a recidivist, or was  
3 convicted of an aggravated offense as those terms are defined in  
4 G.S. 14-208.6.

5 (2) Any offender who satisfies all of the following criteria: (i) is convicted  
6 of a reportable conviction as defined by G.S. 14-208.6(4), (ii) is  
7 required to register under Part 2 of Article 27A of Chapter 14 of the  
8 General Statutes, (iii) has committed an offense involving the physical,  
9 mental, or sexual abuse of a minor, and (iv) based on the Division of  
10 Adult ~~Correction's~~ Correction and Juvenile Justice's risk assessment  
11 program requires the highest possible level of supervision and  
12 monitoring.

13 (3) Any offender who is convicted of G.S. 14-27.23 or G.S. 14-27.48, who  
14 shall be enrolled in the satellite-based monitoring program for the  
15 offender's natural life upon termination of the offender's active  
16 punishment.

17 (b) In developing the guidelines for the program, the Division of Adult  
18 Correction and Juvenile Justice shall require that any offender who is enrolled in the  
19 satellite-based program submit to an active continuous satellite-based monitoring  
20 program, unless an active program will not work as provided by this section. If the  
21 Division of Adult Correction and Juvenile Justice determines that an active program  
22 will not work as provided by this section, then the Division of Adult Correction and  
23 Juvenile Justice shall require that the defendant submit to a passive continuous  
24 satellite-based program that works within the technological or geographical limitations.

25 (c) The satellite-based monitoring program shall use a system that provides all of  
26 the following:

- 27 (1) Time-correlated and continuous tracking of the geographic location of  
28 the subject using a global positioning system based on satellite and  
29 other location tracking technology.  
30 (2) Reporting of subject's violations of prescriptive and proscriptive  
31 schedule or location requirements. Frequency of reporting may range  
32 from once a day (passive) to near real-time (active).

33 (d) The Division of Adult Correction and Juvenile Justice may contract with a  
34 single vendor for the hardware services needed to monitor subject offenders and  
35 correlate their movements to reported crime incidents. The contract may provide for  
36 services necessary to implement or facilitate any of the provisions of this Part."

37 **SECTION 2.(u)** G.S. 14-208.40A reads as rewritten:

38 **"§ 14-208.40A. Determination of satellite-based monitoring requirement by court.**

39 ...

40 (d) If the court finds that the offender committed an offense that involved the  
41 physical, mental, or sexual abuse of a minor, that the offense is not an aggravated  
42 offense or a violation of G.S. 14-27.23 or G.S. 14-27.48 and the offender is not a  
43 recidivist, the court shall order that the Division of Adult Correction do a risk  
44 assessment of the offender. The Division of Adult Correction and Juvenile Justice shall  
45 have a minimum of 30 days, but not more than 60 days, to complete the risk assessment  
46 of the offender and report the results to the court.

1 (e) Upon receipt of a risk assessment from the Division of Adult Correction and  
2 Juvenile Justice pursuant to subsection (d) of this section, the court shall determine  
3 whether, based on the Division of Adult ~~Correction's~~ Correction and Juvenile Justice's  
4 risk assessment, the offender requires the highest possible level of supervision and  
5 monitoring. If the court determines that the offender does require the highest possible  
6 level of supervision and monitoring, the court shall order the offender to enroll in a  
7 satellite-based monitoring program for a period of time to be specified by the court."

8 SECTION 2.(v) G.S. 14-208.40B reads as rewritten:

9 "**§ 14-208.40B. Determination of satellite-based monitoring requirement in certain**  
10 **circumstances.**

11 (a) When an offender is convicted of a reportable conviction as defined by  
12 G.S. 14-208.6(4), and there has been no determination by a court on whether the  
13 offender shall be required to enroll in satellite-based monitoring, the Division of Adult  
14 Correction and Juvenile Justice shall make an initial determination on whether the  
15 offender falls into one of the categories described in G.S. 14-208.40(a).

16 (b) If the Division of Adult Correction and Juvenile Justice determines that the  
17 offender falls into one of the categories described in G.S. 14-208.40(a), the district  
18 attorney, representing the Division of Adult ~~Correction,~~ Correction and Juvenile Justice,  
19 shall schedule a hearing in superior court for the county in which the offender resides.  
20 The Division of Adult Correction and Juvenile Justice shall notify the offender of the  
21 Division of Adult ~~Correction's~~ Correction and Juvenile Justice's determination and the  
22 date of the scheduled hearing by certified mail sent to the address provided by the  
23 offender pursuant to G.S. 14-208.7. The hearing shall be scheduled no sooner than 15  
24 days from the date the notification is mailed. Receipt of notification shall be presumed  
25 to be the date indicated by the certified mail receipt. Upon the court's determination that  
26 the offender is indigent and entitled to counsel, the court shall assign counsel to  
27 represent the offender at the hearing pursuant to rules adopted by the Office of Indigent  
28 Defense Services.

29 (c) At the hearing, the court shall determine if the offender falls into one of the  
30 categories described in G.S. 14-208.40(a). The court shall hold the hearing and make  
31 findings of fact pursuant to G.S. 14-208.40A.

32 If the court finds that (i) the offender has been classified as a sexually violent  
33 predator pursuant to G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction  
34 offense was an aggravated offense, or (iv) the conviction offense was a violation of  
35 G.S. 14-27.23 or G.S. 14-27.48, the court shall order the offender to enroll in  
36 satellite-based monitoring for life.

37 If the court finds that the offender committed an offense that involved the physical,  
38 mental, or sexual abuse of a minor, that the offense is not an aggravated offense or a  
39 violation of G.S. 14-27.23 or G.S. 14-27.48, and the offender is not a recidivist, the  
40 court shall order that the Division of Adult Correction and Juvenile Justice do a risk  
41 assessment of the offender. The Division of Adult Correction and Juvenile Justice shall  
42 have a minimum of 30 days, but not more than 60 days, to complete the risk assessment  
43 of the offender and report the results to the court. The Division of Adult Correction and  
44 Juvenile Justice may use a risk assessment of the offender done within six months of the  
45 date of the hearing.

1 Upon receipt of a risk assessment from the Division of Adult ~~Correction~~, Correction  
2 and Juvenile Justice, the court shall determine whether, based on the Division of Adult  
3 ~~Correction's~~ Correction and Juvenile Justice's risk assessment, the offender requires the  
4 highest possible level of supervision and monitoring. If the court determines that the  
5 offender does require the highest possible level of supervision and monitoring, the court  
6 shall order the offender to enroll in a satellite-based monitoring program for a period of  
7 time to be specified by the court."

8 **SECTION 2.(w)** G.S. 14-208.40C reads as rewritten:

9 **"§ 14-208.40C. Requirements of enrollment.**

10 (a) Any offender required to enroll in satellite-based monitoring pursuant to  
11 G.S. 14-208.40A or G.S. 14-208.40B who receives an active sentence shall be enrolled  
12 and receive the appropriate equipment immediately upon the offender's release from the  
13 Section of Prisons of the Division of Adult ~~Correction~~, Correction and Juvenile Justice.

14 (b) Any offender required to enroll in satellite-based monitoring pursuant to  
15 G.S. 14-208.40A or G.S. 14-208.40B who receives an intermediate punishment shall,  
16 immediately upon sentencing, report to the Section of Community Corrections of the  
17 Division of Adult ~~Correction~~ and Juvenile Justice for enrollment in the satellite-based  
18 monitoring program, and, if necessary, shall return at any time designated by that  
19 Division to receive the appropriate equipment. If the intermediate sentence includes a  
20 required period of imprisonment, the offender shall not be required to be enrolled in the  
21 satellite-based monitoring program during the period of imprisonment.

22 (c) Any offender required to enroll in satellite-based monitoring pursuant to  
23 G.S. 14-208.40A or G.S. 14-208.40B who receives a community punishment shall,  
24 immediately upon sentencing, report to the Section of Community Corrections of the  
25 Division of Adult ~~Correction~~ and Juvenile Justice for enrollment in the satellite-based  
26 monitoring program, and, if necessary, shall return at any time designated by that  
27 Section to receive the appropriate equipment."

28 **SECTION 2.(x)** G.S. 14-208.41 reads as rewritten:

29 **"§ 14-208.41. Enrollment in satellite-based monitoring programs mandatory;  
30 length of enrollment.**

31 (a) Any person described by G.S. 14-208.40(a)(1) shall enroll in a satellite-based  
32 monitoring program with the Section of Community Corrections of the Division of  
33 Adult ~~Correction~~ and Juvenile Justice office in the county where the person resides. The  
34 person shall remain enrolled in the satellite-based monitoring program for the  
35 registration period imposed under G.S. 14-208.23 which is the person's life, unless the  
36 requirement to enroll in the satellite-based monitoring program is terminated pursuant to  
37 G.S. 14-208.43.

38 (b) Any person described by G.S. 14-208.40(a)(2) who is ordered by the court  
39 pursuant to G.S. 14-208.40A or G.S. 14-208.40B to enroll in a satellite-based  
40 monitoring program shall do so with the Section of Community Corrections of the  
41 Division of Adult ~~Correction~~ and Juvenile Justice office in the county where the person  
42 resides. The person shall remain enrolled in the satellite-based monitoring program for  
43 the period of time ordered by the court.

44 (c) Any person described by G.S. 14-208.40(a)(3), upon completion of active  
45 punishment, shall enroll in a satellite-based monitoring program with the Section of  
46 Community Corrections of the Division of Adult ~~Correction~~ and Juvenile Justice office

1 in the county where the person resides. The person shall enroll in the satellite-based  
2 monitoring program for the entire period of post-release supervision and shall remain  
3 enrolled in the satellite-based monitoring program for the person's life, unless the  
4 requirement to enroll in the satellite-based monitoring program is terminated pursuant to  
5 G.S. 14-208.43."

6 **SECTION 2.(y)** G.S. 14-208.42 reads as rewritten:

7 **"§ 14-208.42. Offenders required to submit to satellite-based monitoring required**  
8 **to cooperate with Division of Adult Correction and Juvenile Justice upon**  
9 **completion of sentence.**

10 Notwithstanding any other provision of law, when an offender is required to enroll  
11 in satellite-based monitoring pursuant to G.S. 14-208.40A or G.S. 14-208.40B, upon  
12 completion of the offender's sentence and any term of parole, post-release supervision,  
13 intermediate punishment, or supervised probation that follows the sentence, the offender  
14 shall continue to be enrolled in the satellite-based monitoring program for the period  
15 required by G.S. 14-208.40A or G.S. 14-208.40B unless the requirement that the person  
16 enroll in a satellite-based monitoring program is terminated pursuant to G.S. 14-208.43.

17 The Division of Adult Correction and Juvenile Justice shall have the authority to  
18 have contact with the offender at the offender's residence or to require the offender to  
19 appear at a specific location as needed for the purpose of enrollment, to receive  
20 monitoring equipment, to have equipment examined or maintained, and for any other  
21 purpose necessary to complete the requirements of the satellite-based monitoring  
22 program. The offender shall cooperate with the Division of Adult Correction and  
23 Juvenile Justice and the requirements of the satellite-based monitoring program until the  
24 offender's requirement to enroll is terminated and the offender has returned all  
25 monitoring equipment to the Division of Adult ~~Correction~~. Correction and Juvenile  
26 Justice."

27 **SECTION 2.(z)** G.S. 14-208.43(d1) reads as rewritten:

28 "(d1) Notwithstanding the provisions of this section, if the Commission is notified  
29 by the Division of Adult Correction and Juvenile Justice of the Department of Public  
30 Safety that the offender has been released, pursuant to G.S. 14-208.12A, from the  
31 requirement to register under Part 2 of Article 27A of this Chapter, upon request of the  
32 offender, the Commission shall order the termination of the monitoring requirement."

33 **SECTION 2.(aa)** G.S. 14-208.44 reads as rewritten:

34 **"§ 14-208.44. Failure to enroll; tampering with device.**

35 (a) Any person required to enroll in a satellite-based monitoring program who  
36 fails to enroll shall be guilty of a Class F felony.

37 (b) Any person who intentionally tampers with, removes, vandalizes, or  
38 otherwise interferes with the proper functioning of a device issued pursuant to a  
39 satellite-based monitoring program to a person duly enrolled in the program shall be  
40 guilty of a Class E felony.

41 (c) Any person required to enroll in a satellite-based monitoring program who  
42 fails to provide necessary information to the Division of Adult ~~Correction~~, Correction  
43 and Juvenile Justice or fails to cooperate with the Division of Adult ~~Correction's~~  
44 Correction and Juvenile Justice's guidelines and regulations for the program shall be  
45 guilty of a Class 1 misdemeanor.

1 (d) For purposes of this section, "enroll" shall include appearing, as directed by  
2 the Division of Adult ~~Correction~~, Correction and Juvenile Justice to receive the  
3 necessary equipment."

4 **SECTION 2.(bb)** G.S. 14-208.45 reads as rewritten:

5 **"§ 14-208.45. Fees.**

6 (a) Except as provided in subsections (b) and (b1) of this section, each person  
7 required to enroll pursuant to this Part shall pay a one-time fee of ninety dollars  
8 (\$90.00). The fee shall be payable to the clerk of superior court, and the fees shall be  
9 remitted quarterly to the Division of Adult Correction and Juvenile Justice of the  
10 Department of Public Safety. This fee is intended to offset only the costs associated  
11 with the time-correlated tracking of the geographic location of subjects using the  
12 location tracking crime correlation system.

13 (b) When a court determines a person is required to enroll pursuant to  
14 G.S. 14-208.40A or G.S. 14-208.40B, the court may exempt a person from paying the  
15 fee required by subsection (a) of this section only for good cause and upon motion of  
16 the person required to enroll in satellite-based monitoring. The court may require that  
17 the fee be paid in advance or in a lump sum or sums, and a probation officer may  
18 require payment by those methods.

19 (c) When a person is required to enroll based on a determination by the Division  
20 of Adult Correction and Juvenile Justice pursuant to G.S. 14-208.40B, the Division of  
21 Adult Correction and Juvenile Justice shall have the authority to exempt the person  
22 from paying the fee only for good cause and upon request of the person required to  
23 enroll in satellite-based monitoring. The Division of Adult Correction and Juvenile  
24 Justice may require that the fee be paid in advance or in a lump sum or sums, and a  
25 probation officer may require payment by those methods."

26 **SECTION 2.(cc)** G.S. 14-239 reads as rewritten:

27 **"§ 14-239. Allowing prisoners to escape; punishment.**

28 If any sheriff, deputy sheriff, jailer, or other custodial personnel shall willfully or  
29 wantonly allow the escape of any person committed to that person's custody who is (i) a  
30 person charged with a crime, (ii) a person sentenced by the court upon conviction of any  
31 offense, or (iii) committed to the Juvenile Justice Section of the Division of Adult  
32 Correction and Juvenile Justice of the Department of Public Safety, that person shall be  
33 guilty of a Class 1 misdemeanor. No prosecution shall be brought against any such  
34 officer pursuant to this section by reason of a prisoner being allowed to participate  
35 pursuant to court order in any work release, work study, community service, or other  
36 lawful program, or by reason of any such prisoner failing to return from participation in  
37 any such program."

38 **SECTION 2.(dd)** G.S. 14-258.1 reads as rewritten:

39 **"§ 14-258.1. Furnishing poison, controlled substances, deadly weapons, cartridges,**  
40 **ammunition or alcoholic beverages to inmates of charitable, mental or**  
41 **penal institutions or local confinement facilities; furnishing tobacco**  
42 **products.**

43 ...

44 (c) Any person who knowingly gives or sells any tobacco products, including  
45 vapor products, as defined in G.S. 148-23.1, to an inmate in the custody of the Division  
46 of Adult Correction and Juvenile Justice of the Department of Public Safety and on the



1 premises of a correctional facility or to an inmate in the custody of a local confinement  
2 facility, or any person who knowingly gives or sells any tobacco products, including  
3 vapor products, to a person who is not an inmate for delivery to an inmate in the custody  
4 of the Division of Adult Correction and Juvenile Justice of the Department of Public  
5 Safety and on the premises of a correctional facility or to an inmate in the custody of a  
6 local confinement facility, other than for authorized religious purposes, is guilty of a  
7 Class 1 misdemeanor.

8 (d) Any person who knowingly gives or sells a mobile telephone or other  
9 wireless communications device, or a component of one of those devices, to an inmate  
10 in the custody of the Division of Adult Correction and Juvenile Justice of the  
11 Department of Public Safety, to a delinquent juvenile in the custody of the Juvenile  
12 Justice Section of the Division of Adult Correction and Juvenile Justice of the  
13 Department of Public Safety, or to an inmate in the custody of a local confinement  
14 facility, or any person who knowingly gives or sells any such device or component to a  
15 person who is not an inmate or delinquent juvenile for delivery to an inmate or  
16 delinquent juvenile, is guilty of a Class H felony.

17 For purposes of this subsection, a delinquent juvenile in the custody of the Juvenile  
18 Justice Section of the Division of Adult Correction and Juvenile Justice of the  
19 Department of Public Safety shall mean a juvenile confined in a youth development  
20 center or a detention facility as defined in G.S. 7B-1501, and shall include  
21 transportation of a juvenile to or from confinement.

22 ..."

23 **SECTION 2.(ee)** G.S. 14-258.2(b) reads as rewritten:

24 "(b) A person is guilty of a Class H felony if he assists a prisoner in the custody of  
25 the Section of Prisons of the Division of Adult Correction and Juvenile Justice or of any  
26 local confinement facility as defined in G.S. 153A-217 in escaping or attempting to  
27 escape and:

28 (1) In the perpetration of the escape or attempted escape he commits an  
29 assault with a deadly weapon and inflicts bodily injury; or

30 (2) By the use of a deadly weapon he effects the escape of the prisoner."

31 **SECTION 2.(ff)** G.S. 14-258.3 reads as rewritten:

32 "**§ 14-258.3. Taking of hostage, etc., by prisoner.**

33 Any prisoner in the custody of the Division of Adult Correction and Juvenile Justice  
34 of the Department of Public Safety, including persons in the custody of the Division of  
35 Adult Correction and Juvenile Justice of the Department of Public Safety pending trial  
36 or appellate review or for presentence diagnostic evaluation, or any prisoner in the  
37 custody of any local confinement facility (as defined in G.S. 153A-217), or any person  
38 in the custody of any local confinement facility (as defined in G.S. 153A-217) pending  
39 trial or appellate review or for any lawful purpose, who by threats, coercion,  
40 intimidation or physical force takes, holds, or carries away any person, as hostage or  
41 otherwise, shall be punished as a Class F felon. The provisions of this section apply to:  
42 (i) violations committed by any prisoner in the custody of the Division of Adult  
43 Correction and Juvenile Justice of the Department of Public Safety, whether inside or  
44 outside of the facilities of the Division of Adult Correction and Juvenile Justice of the  
45 Department of Public Safety; (ii) violations committed by any prisoner or by any other  
46 person lawfully under the custody of any local confinement facility (as defined in

1 G.S. 153A-217), whether inside or outside the local confinement facilities (as defined in  
2 G.S. 153A-217)."

3 **SECTION 2.(gg)** G.S. 14-258.4(a) reads as rewritten:

4 "(a) Any person in the custody of the Division of Adult Correction and Juvenile  
5 Justice of the Department of Public Safety, including the Juvenile Justice Section of the  
6 Division of Adult Correction and Juvenile Justice of the Department of Public Safety,  
7 any law enforcement officer, or any local confinement facility (as defined in  
8 G.S. 153A-217, or G.S. 153A-230.1), including persons pending trial, appellate review,  
9 or presentence diagnostic evaluation, who knowingly and willfully throws, emits, or  
10 causes to be used as a projectile, bodily fluids or excrement at a person who is an  
11 employee of the State or a local government while the employee is in the performance  
12 of the employee's duties is guilty of a Class F felony. The provisions of this section  
13 apply to violations committed inside or outside of the prison, jail, detention center, or  
14 other confinement facility."

15 **SECTION 2.(hh)** G.S. 14-269(b)(9) reads as rewritten:

16 "(b) This prohibition shall not apply to the following persons:

17 ...

18 (9) State correctional officers, when off-duty, provided that an officer does  
19 not carry a concealed weapon while consuming alcohol or an unlawful  
20 controlled substance or while alcohol or an unlawful controlled  
21 substance remains in the officer's body. If the concealed weapon is a  
22 handgun, the correctional officer must meet the firearms training  
23 standards of the Division of Adult Correction and Juvenile Justice of  
24 the Department of Public Safety."

25 **SECTION 2.(ii)** G.S. 14-316.1 reads as rewritten:

26 "**§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

27 Any person who is at least 16 years old who knowingly or willfully causes,  
28 encourages, or aids any juvenile within the jurisdiction of the court to be in a place or  
29 condition, or to commit an act whereby the juvenile could be adjudicated delinquent,  
30 undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall  
31 be guilty of a Class 1 misdemeanor.

32 It is not necessary for the district court exercising juvenile jurisdiction to make an  
33 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order  
34 to prosecute a parent or any person, including an employee of the Juvenile Justice  
35 Section of the Division of Adult Correction and Juvenile Justice of the Department of  
36 Public Safety under this section. An adjudication that a juvenile is delinquent,  
37 undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a  
38 parent or any other person including an employee of the Juvenile Justice Section of the  
39 Division of Adult Correction and Juvenile Justice of the Department of Public Safety,  
40 who contributes to the delinquent, undisciplined, abused, or neglected condition of any  
41 juvenile."

42 **SECTION 2.(jj)** G.S. 14-415.10 reads as rewritten:

43 "**§ 14-415.10. Definitions.**

44 The following definitions apply to this Article:

45 ...

1 (4b) Qualified retired probation or parole certified officer. – An individual  
2 who retired from service as a State probation or parole certified  
3 officer, other than for reasons of mental disability, who has been  
4 retired as a probation or parole certified officer two years or less from  
5 the date of the permit application and who meets all of the following  
6 criteria:

- 7 a. Immediately before retirement, the individual met firearms  
8 training standards of the Division of Adult Correction and  
9 Juvenile Justice of the Department of Public Safety and was  
10 authorized by the Division of Adult Correction and Juvenile  
11 Justice of the Department of Public Safety to carry a handgun in  
12 the course of duty.
- 13 b. The individual retired in good standing and was never a subject  
14 of a disciplinary action by the Division of Adult Correction and  
15 Juvenile Justice of the Department of Public Safety that would  
16 have prevented the individual from carrying a handgun.
- 17 c. The individual has a vested right to benefits under the Teachers'  
18 and State Employees' Retirement System of North Carolina  
19 established under Article 1 of Chapter 135 of the General  
20 Statutes.
- 21 d. The individual is not prohibited by State or federal law from  
22 receiving a firearm.

23 ..."

24 **SECTION 2.(kk) G.S. 15-6.1 reads as rewritten:**

25 **"§ 15-6.1. Changing place of confinement of prisoner committing offense.**

26 In all cases where a defendant has been convicted in a court inferior to the superior  
27 court and sentenced to a term in the county jail or to serve in some county institution  
28 other than under the supervision of the State Division of Adult Correction and Juvenile  
29 Justice of the Department of Public Safety, and such defendant is subsequently brought  
30 before such court for an offense committed prior to the expiration of the term to be  
31 served in such county institution, upon conviction, plea of guilty or nolo contendere, the  
32 judge shall have the power and authority to change the place of confinement of the  
33 prisoner and commit such defendant to work under the supervision of the Division of  
34 Adult Correction and Juvenile Justice of the Department of Public Safety. This  
35 provision shall apply whether or not the terms of the new sentence are to run  
36 concurrently with or consecutive to the remaining portion of the old sentence."

37 **SECTION 2.(ll) G.S. 15-10.1 reads as rewritten:**

38 **"§ 15-10.1. Detainer; purpose; manner of use.**

39 Any person confined in the State prison system of North Carolina, subject to the  
40 authority and control of the Division of Adult Correction and Juvenile Justice of the  
41 Department of Public Safety, or any person confined in any other prison of North  
42 Carolina, may be held to account for any other charge pending against him only upon a  
43 written order from the clerk or judge of the court in which the charge originated upon a  
44 case regularly docketed, directing that such person be held to answer the charge pending  
45 in such court; and in no event shall the prison authorities hold any person to answer any  
46 charge upon a warrant or notice when the charge has not been regularly docketed in the

1 court in which the warrant or charge has been issued: Provided, that this section shall  
2 not apply to any State agency exercising supervision over such person or prisoner by  
3 virtue of a judgment, order of court or statutory authority."

4 **SECTION 2.(mm)** G.S. 15-194(a) reads as rewritten:

5 "(a) In sentencing a capital defendant to a death sentence pursuant to  
6 G.S. 15A-2000(b), the sentencing judge need not specify the date and time the  
7 execution is to be carried out by the Division of Adult Correction and Juvenile Justice  
8 of the Department of Public Safety. The Attorney General of North Carolina shall  
9 provide written notification to the Secretary of the Department of Public Safety of the  
10 occurrence of any of the following not more than 90 days from that occurrence:

11 ..."

12 **SECTION 2.(nn)** G.S. 15-196.3 reads as rewritten:

13 **"§ 15-196.3. Effect of credit.**

14 Time creditable under this section shall reduce the minimum and maximum term of  
15 a sentence; and, irrespective of sentence, shall reduce the time required to attain  
16 privileges made available to inmates in the custody of the Division of Adult Correction  
17 and Juvenile Justice of the Department of Public Safety which are dependent, in whole  
18 or in part, upon the passage of a specific length of time in custody, including parole or  
19 post-release supervision consideration by the Post-Release Supervision and Parole  
20 Commission. However, nothing in this section shall be construed as requiring an  
21 automatic award of privileges by virtue of the passage of time."

22 **SECTION 2.(oo)** G.S. 15-206 reads as rewritten:

23 **"§ 15-206. Cooperation with Division of Adult Correction and Juvenile Justice of  
24 the Department of Public Safety and officials of local units.**

25 It is hereby made the duty of every city, county, or State official or department to  
26 render all assistance and cooperation within the official's or the Department's  
27 fundamental power which may further the objects of this Article. The Division of Adult  
28 Correction and Juvenile Justice of the Department of Public Safety, the Secretary of  
29 Public Safety, and the probation officers are authorized to seek the cooperation of such  
30 officials and departments, and especially of the county superintendents of social  
31 services and of the Department of Health and Human Services."

32 **SECTION 2.(pp)** G.S. 15-209 reads as rewritten:

33 **"§ 15-209. Accommodations for probation offices.**

34 (a) The county commissioners in each county in which a probation office exists  
35 shall provide, in or near the courthouse, suitable office space for those probation  
36 officers assigned to the county who have probationary caseloads and their  
37 administrative support. This requirement does not include management staff of the  
38 Division of Adult Correction and Juvenile Justice of the Department of Public Safety,  
39 nonprobation staff, or other Division of Adult Correction and Juvenile Justice of the  
40 Department of Public Safety employees.

41 (b) If a county is unable to provide the space required under subsection (a) of this  
42 section for any reason, it may elect to request that the Division of Adult Correction and  
43 Juvenile Justice of the Department of Public Safety lease space for the probation office  
44 and receive reimbursement from the county for the leased space. If a county fails to  
45 reimburse the Division for such leased space, the Secretary of Public Safety may request

1 that the Administrative Office of the Courts transfer the unpaid amount to the Division  
2 from the county's court and jail facility fee remittances."

3 **SECTION 2.(qq)** G.S. 15A-145(c) reads as rewritten:

4 "(c) The court shall also order that the misdemeanor conviction, or a civil  
5 revocation of a drivers license as the result of a criminal charge, be expunged from the  
6 records of the court. The court shall direct all law-enforcement agencies, the Division of  
7 Adult Correction and Juvenile Justice of the Department of Public Safety, the Division  
8 of Motor Vehicles, and any other State or local government agencies identified by the  
9 petitioner as bearing record of the same to expunge their records of the petitioner's  
10 conviction or a civil revocation of a drivers license as the result of a criminal charge.  
11 This subsection does not apply to civil or criminal charges based upon the civil  
12 revocation, or to civil revocations under G.S. 20-16.2. The clerk shall notify State and  
13 local agencies of the court's order as provided in G.S. 15A-150. The clerk shall forward  
14 a certified copy of the order to the Division of Motor Vehicles for the expunction of a  
15 civil revocation provided the underlying criminal charge is also expunged. The civil  
16 revocation of a drivers license shall not be expunged prior to a final disposition of any  
17 pending civil or criminal charge based upon the civil revocation."

18 **SECTION 2.(rr)** G.S. 15A-145.1(b) reads as rewritten:

19 "(b) If the court, after hearing, finds that (i) the petitioner was dismissed and the  
20 proceedings against the petitioner discharged pursuant to G.S. 14-50.29 and that the  
21 person had not yet attained 18 years of age at the time of the offense or (ii) the petitioner  
22 has remained of good behavior and been free of conviction of any felony or  
23 misdemeanor other than a traffic violation for two years from the date of conviction of  
24 the offense in question, the petitioner has no outstanding restitution orders or civil  
25 judgments representing amounts ordered for restitution entered against the petitioner,  
26 and the petitioner had not attained the age of 18 years at the time of the offense in  
27 question, it shall order that such person be restored, in the contemplation of the law, to  
28 the status occupied by the petitioner before such arrest or indictment or information, and  
29 that the record be expunged from the records of the court. No person as to whom such  
30 order has been entered shall be held thereafter under any provision of any laws to be  
31 guilty of perjury or otherwise giving a false statement by reason of the person's failure  
32 to recite or acknowledge such arrest, or indictment or information, or trial, or response  
33 to any inquiry made of the person for any purpose. The court shall also direct all law  
34 enforcement agencies, the Division of Adult Correction and Juvenile Justice of the  
35 Department of Public Safety, the Division of Motor Vehicles, and any other State or  
36 local government agencies identified by the petitioner as bearing record of the same to  
37 expunge their records of the petitioner's criminal charge and any conviction resulting  
38 from the charge. The clerk shall notify State and local agencies of the court's order as  
39 provided in G.S. 15A-150."

40 **SECTION 2.(ss)** G.S. 15A-145.2(a) reads as rewritten:

41 "(a) Whenever a person is discharged, and the proceedings against the person  
42 dismissed, pursuant to G.S. 90-96(a) or (a1), and the person was not over 21 years of  
43 age at the time of the offense, the person may apply to the court for an order to expunge  
44 from all official records, other than the confidential files retained under G.S. 15A-151,  
45 all recordation relating to the person's arrest, indictment or information, trial, finding of

1 guilty, and dismissal and discharge pursuant to this section. The applicant shall attach to  
2 the application the following:

- 3 (1) An affidavit by the petitioner that he or she has been of good behavior  
4 during the period of probation since the decision to defer further  
5 proceedings on the offense in question and has not been convicted of  
6 any felony or misdemeanor other than a traffic violation under the laws  
7 of the United States or the laws of this State or any other state;
- 8 (2) Verified affidavits by two persons who are not related to the petitioner  
9 or to each other by blood or marriage, that they know the character and  
10 reputation of the petitioner in the community in which he or she lives,  
11 and that the petitioner's character and reputation are good;
- 12 (3) Repealed by Session Laws 2010-174, s. 5, effective October 1, 2010,  
13 and applicable to petitions for expunctions filed on or after that date.
- 14 (3a) An application on a form approved by the Administrative Office of the  
15 Courts requesting and authorizing a name-based State and national  
16 criminal record check by the Department of Justice using any  
17 information required by the Administrative Office of the Courts to  
18 identify the individual and a search of the confidential record of  
19 expunctions maintained by the Administrative Office of the Courts.  
20 The application shall be forwarded to the Department of Justice and to  
21 the Administrative Office of the Courts, which shall conduct the  
22 searches and report their findings to the court.

23 The judge to whom the petition is presented is authorized to call upon a probation  
24 officer for any additional investigation or verification of the petitioner's conduct during  
25 the probationary period deemed desirable.

26 If the court determines, after hearing, that such person was discharged and the  
27 proceedings against him or her dismissed and that the person was not over 21 years of  
28 age at the time of the offense, it shall enter such order. The effect of such order shall be  
29 to restore such person in the contemplation of the law to the status the person occupied  
30 before such arrest or indictment or information. No person as to whom such order was  
31 entered shall be held thereafter under any provision of any law to be guilty of perjury or  
32 otherwise giving a false statement by reason of the person's failures to recite or  
33 acknowledge such arrest, or indictment or information, or trial in response to any  
34 inquiry made of him or her for any purpose.

35 The court shall also order that all records of the proceeding be expunged from the  
36 records of the court and direct all law enforcement agencies, the Division of Adult  
37 ~~Correction~~, Correction and Juvenile Justice, the Division of Motor Vehicles, and any  
38 other State and local government agencies identified by the petitioner as bearing records  
39 of the same to expunge their records of the proceeding. The clerk shall notify State and  
40 local agencies of the court's order as provided in G.S. 15A-150."

41 **SECTION 2.(tt)** G.S. 15A-146(b) reads as rewritten:

42 "(b) The court may also order that the said entries, including civil revocations of  
43 drivers licenses as a result of the underlying charge, shall be expunged from the records  
44 of the court, and direct all law-enforcement agencies, the Division of Adult Correction  
45 and Juvenile Justice of the Department of Public Safety, the Division of Motor  
46 Vehicles, and any other State or local government agencies identified by the petitioner

1 as bearing record of the same to expunge their records of the entries, including civil  
2 revocations of drivers licenses as a result of the underlying charge being expunged. This  
3 subsection does not apply to civil or criminal charges based upon the civil revocation, or  
4 to civil revocations under G.S. 20-16.2. The clerk shall notify State and local agencies  
5 of the court's order as provided in G.S. 15A-150. The clerk shall forward a certified  
6 copy of the order to the Division of Motor Vehicles for the expunction of a civil  
7 revocation provided the underlying criminal charge is also expunged. The civil  
8 revocation of a drivers license shall not be expunged prior to a final disposition of any  
9 pending civil or criminal charge based upon the civil revocation. The costs of expunging  
10 the records, as required under G.S. 15A-150, shall not be taxed against the petitioner."

11 **SECTION 2.(uu)** G.S. 15A-147 reads as rewritten:

12 "**§ 15A-147. Expunction of records when charges are dismissed or there are**  
13 **findings of not guilty as a result of identity theft.**

14 ...

15 (c) The court shall also order that the said entries shall be expunged from the  
16 records of the court and direct all law enforcement agencies, the Division of Adult  
17 Correction and Juvenile Justice of the Department of Public Safety, the Division of  
18 Motor Vehicles, or any other State or local government agencies identified by the  
19 petitioner, or the person eligible for automatic expungement under subsection (a1) of  
20 this section, as bearing record of the same to expunge their records of the entries. The  
21 clerk shall notify State and local agencies of the court's order as provided in  
22 G.S. 15A-150. The costs of expunging the records, as required under G.S. 15A-150,  
23 shall not be taxed against the petitioner.

24 ...

25 (e) The Division of Adult Correction and Juvenile Justice of the Department of  
26 Public Safety and any other applicable State or local government agency shall expunge  
27 its records as provided in G.S. 15A-150. The agency shall also reverse any  
28 administrative actions taken against a person whose record is expunged under this  
29 section as a result of the charges or convictions expunged. Notwithstanding any other  
30 provision of law, the normal fee for any reinstatement of a license or privilege resulting  
31 under this section shall be waived.

32 ..."

33 **SECTION 2.(vv)** G.S. 15A-149(b) reads as rewritten:

34 "(b) The order of expunction shall include an instruction that any entries relating  
35 to the person's apprehension, charge, or trial shall be expunged from the records of the  
36 court and direct all law enforcement agencies, the Division of Adult Correction and  
37 Juvenile Justice of the Department of Public Safety, the Division of Motor Vehicles, or  
38 any other State or local government agencies identified by the petitioner as bearing  
39 record of the same to expunge their records of the entries. The clerk shall notify State  
40 and local agencies of the court's order as provided in G.S. 15A-150. The costs of  
41 expunging the records, as required under G.S. 15A-150, shall not be taxed against the  
42 petitioner."

43 **SECTION 2.(ww)** G.S. 15A-534(a) reads as rewritten:

44 "(a) In determining conditions of pretrial release a judicial official must impose at  
45 least one of the following conditions:

46 (1) Release the defendant on his written promise to appear.

- 1 (2) Release the defendant upon his execution of an unsecured appearance  
2 bond in an amount specified by the judicial official.
- 3 (3) Place the defendant in the custody of a designated person or  
4 organization agreeing to supervise him.
- 5 (4) Require the execution of an appearance bond in a specified amount  
6 secured by a cash deposit of the full amount of the bond, by a  
7 mortgage pursuant to G.S. 58-74-5, or by at least one solvent surety.
- 8 (5) House arrest with electronic monitoring.

9 If condition (5) is imposed, the defendant must execute a secured appearance bond  
10 under subdivision (4) of this subsection. If condition (3) is imposed, however, the  
11 defendant may elect to execute an appearance bond under subdivision (4). If the  
12 defendant is required to provide fingerprints pursuant to G.S. 15A-502(a1), (a2), (a4), or  
13 (a6), or a DNA sample pursuant to G.S. 15A-266.3A or G.S. 15A-266.4, and (i) the  
14 fingerprints or DNA sample have not yet been taken or (ii) the defendant has refused to  
15 provide the fingerprints or DNA sample, the judicial official shall make the collection of  
16 the fingerprints or DNA sample a condition of pretrial release. The judicial official may  
17 also place restrictions on the travel, associations, conduct, or place of abode of the  
18 defendant as conditions of pretrial release. The judicial official may include as a  
19 condition of pretrial release that the defendant abstain from alcohol consumption, as  
20 verified by the use of a continuous alcohol monitoring system, of a type approved by the  
21 Division of Adult Correction and Juvenile Justice of the Department of Public Safety,  
22 and that any violation of this condition be reported by the monitoring provider to the  
23 district attorney."

24 **SECTION 2.(xx)** G.S. 15A-534.1(a) reads as rewritten:

25 "(a) In all cases in which the defendant is charged with assault on, stalking,  
26 communicating a threat to, or committing a felony provided in Articles 7A, 8, 10, or 15  
27 of Chapter 14 of the General Statutes upon a spouse or former spouse, a person with  
28 whom the defendant lives or has lived as if married, or a person with whom the  
29 defendant is or has been in a dating relationship as defined in G.S. 50B-1(b)(6), with  
30 domestic criminal trespass, or with violation of an order entered pursuant to Chapter  
31 50B, Domestic Violence, of the General Statutes, the judicial official who determines  
32 the conditions of pretrial release shall be a judge. The judge shall direct a law  
33 enforcement officer or a district attorney to provide a criminal history report for the  
34 defendant and shall consider the criminal history when setting conditions of release.  
35 After setting conditions of release, the judge shall return the report to the providing  
36 agency or department. No judge shall unreasonably delay the determination of  
37 conditions of pretrial release for the purpose of reviewing the defendant's criminal  
38 history report. The following provisions shall apply in addition to the provisions of  
39 G.S. 15A-534:

- 40 (1) Upon a determination by the judge that the immediate release of the  
41 defendant will pose a danger of injury to the alleged victim or to any  
42 other person or is likely to result in intimidation of the alleged victim  
43 and upon a determination that the execution of an appearance bond as  
44 required by G.S. 15A-534 will not reasonably assure that such injury  
45 or intimidation will not occur, a judge may retain the defendant in



1 custody for a reasonable period of time while determining the  
2 conditions of pretrial release.

3 (2) A judge may impose the following conditions on pretrial release:

- 4 a. That the defendant stay away from the home, school, business  
5 or place of employment of the alleged victim.  
6 b. That the defendant refrain from assaulting, beating, molesting,  
7 or wounding the alleged victim.  
8 c. That the defendant refrain from removing, damaging or injuring  
9 specifically identified property.  
10 d. That the defendant may visit his or her child or children at times  
11 and places provided by the terms of any existing order entered  
12 by a judge.  
13 e. That the defendant abstain from alcohol consumption, as  
14 verified by the use of a continuous alcohol monitoring system,  
15 of a type approved by the Division of Adult Correction and  
16 Juvenile Justice of the Department of Public Safety, and that  
17 any violation of this condition be reported by the monitoring  
18 provider to the district attorney.

19 The conditions set forth above may be imposed in addition to requiring  
20 that the defendant execute a secured appearance bond.

21 (3) Should the defendant be mentally ill and dangerous to himself or  
22 others or a substance abuser and dangerous to himself or others, the  
23 provisions of Article 5 of Chapter 122C of the General Statutes shall  
24 apply."

25 **SECTION 2.(yy)** G.S. 15A-544.3(b) reads as rewritten:

26 "(b) The forfeiture shall contain the following information:

- 27 ...  
28 (9) The following notice: "TO THE DEFENDANT AND EACH  
29 SURETY NAMED ABOVE: The defendant named above has failed to  
30 appear as required before the court in the case identified above. A  
31 forfeiture for the amount of the bail bond shown above was entered in  
32 favor of the State against the defendant and each surety named above  
33 on the date of forfeiture shown above. This forfeiture will be set aside  
34 if, on or before the final judgment date shown above, satisfactory  
35 evidence is presented to the court that one of the following events has  
36 occurred: (i) the defendant's failure to appear has been stricken by the  
37 court in which the defendant was required to appear and any order for  
38 arrest that was issued for that failure to appear is recalled, (ii) all  
39 charges for which the defendant was bonded to appear have been  
40 finally disposed by the court other than by the State's taking a  
41 voluntary dismissal with leave, (iii) the defendant has been  
42 surrendered by a surety or bail agent to a sheriff of this State as  
43 provided by law, (iv) the defendant has been served with an Order for  
44 Arrest for the Failure to Appear on the criminal charge in the case in  
45 question as evidenced by a copy of an official court record, including  
46 an electronic record, (v) the defendant died before or within the period

1 between the forfeiture and the final judgment as demonstrated by the  
2 presentation of a death certificate, (vi) the defendant was incarcerated  
3 in a unit of the Division of Adult Correction and Juvenile Justice of the  
4 Department of Public Safety and is serving a sentence or in a unit of  
5 the Federal Bureau of Prisons located within the borders of the State at  
6 the time of the failure to appear as evidenced by a copy of an official  
7 court record or a copy of a document from the Division of Adult  
8 Correction and Juvenile Justice of the Department of Public Safety or  
9 Federal Bureau of Prisons, or (vii) the defendant was incarcerated in a  
10 local, state, or federal detention center, jail, or prison located anywhere  
11 within the borders of the United States at the time of the failure to  
12 appear, and the district attorney for the county in which the charges are  
13 pending was notified of the defendant's incarceration while the  
14 defendant was still incarcerated and the defendant remains  
15 incarcerated for a period of 10 days following the district attorney's  
16 receipt of notice, as evidenced by a copy of the written notice served  
17 on the district attorney via hand delivery or certified mail and written  
18 documentation of date upon which the defendant was released from  
19 incarceration, if the defendant was released prior to the time the  
20 motion to set aside was filed. The forfeiture will not be set aside for  
21 any other reason. If this forfeiture is not set aside on or before the final  
22 judgment date shown above, and if no motion to set it aside is pending  
23 on that date, the forfeiture will become a final judgment on that date.  
24 The final judgment will be enforceable by execution against the  
25 defendant and any accommodation bondsman and professional  
26 bondsman on the bond. The final judgment will also be reported to the  
27 Department of Insurance. Further, no surety will be allowed to execute  
28 any bail bond in the above county until the final judgment is satisfied  
29 in full."

30 **SECTION 2.(zz)** G.S. 15A-544.5(b) reads as rewritten:

31 "(b) Reasons for Set Aside. – Except as provided by subsection (f) of this section,  
32 a forfeiture shall be set aside for any one of the following reasons, and none other:

33 ...  
34 (6) The defendant was incarcerated in a unit of the Division of Adult  
35 Correction and Juvenile Justice of the Department of Public Safety and  
36 is serving a sentence or in a unit of the Federal Bureau of Prisons  
37 located within the borders of the State at the time of the failure to  
38 appear as evidenced by a copy of an official court record or a copy of a  
39 document from the Division of Adult Correction and Juvenile Justice  
40 of the Department of Public Safety or Federal Bureau of Prisons,  
41 including an electronic record."

42 **SECTION 2.(aaa)** G.S. 15A-615(c) reads as rewritten:

43 "(c) If the defendant is in the custody of the Division of Adult Correction and  
44 Juvenile Justice of the Department of Public Safety, the defendant shall be tested by the  
45 Division of Adult Correction and Juvenile Justice of the Department of Public Safety. If  
46 the defendant is not in the custody of the Division of Adult Correction and Juvenile

1 Justice of the Department of Public Safety, the defendant shall be tested by the local  
2 health department. The Division of Adult Correction and Juvenile Justice of the  
3 Department of Public Safety shall inform the local health director of all test results. The  
4 local health director shall ensure that the victim is informed of the results of the tests  
5 and counseled appropriately. The agency conducting the tests shall inform the defendant  
6 of the results of the tests and ensure that the defendant is counseled appropriately. The  
7 results of the tests shall not be admissible as evidence in any criminal proceeding."

8 **SECTION 2.(bbb)** G.S. 15A-821(a) reads as rewritten:

9 "(a) If a judge of a court of general jurisdiction in any other state, which by its  
10 laws has made provision for commanding a prisoner within that state to attend and  
11 testify in this State, certifies under the seal of that court that there is a criminal  
12 prosecution pending in the court or that a grand jury investigation has commenced, and  
13 that a person confined in an institution under the control of the Division of Adult  
14 Correction and Juvenile Justice of the Department of Public Safety of North Carolina,  
15 other than a person confined as criminally insane, is a material witness in the  
16 prosecution or investigation and that his presence is required for a specified number of  
17 days, upon presentment of the certificate to a superior court judge in the superior court  
18 district or set of districts as defined in G.S. 7A-41.1 where the person is confined, upon  
19 notice to the Attorney General, the judge must fix a time and place for a hearing and  
20 order the person having custody of the prisoner to produce him at the hearing."

21 **SECTION 2.(ccc)** G.S. 15A-830(a) reads as rewritten:

22 "(a) The following definitions apply in this Article:

23 ...

24 (3) Custodial agency. – The agency that has legal custody of an accused or  
25 defendant arising from a charge or conviction of a crime covered by  
26 this Article including, but not limited to, local jails or detention  
27 facilities, regional jails or detention facilities, facilities designated  
28 under G.S. 122C-252 for the custody and treatment of involuntary  
29 clients, or the Division of Adult Correction and Juvenile Justice of the  
30 Department of Public Safety.

31 ..."

32 **SECTION 2.(ddd)** G.S. 15A-832(g) reads as rewritten:

33 "(g) At the sentencing hearing, the prosecuting attorney shall submit to the court a  
34 copy of a form containing the identifying information set forth in G.S. 15A-831(c)  
35 about any victim's electing to receive further notices under this Article. The clerk of  
36 superior court shall include the form with the final judgment and commitment, or  
37 judgment suspending sentence, transmitted to the Division of Adult Correction and  
38 Juvenile Justice of the Department of Public Safety or other agency receiving custody of  
39 the defendant and shall be maintained by the custodial agency as a confidential file."

40 **SECTION 2.(eee)** G.S. 15A-837 reads as rewritten:

41 "**§ 15A-837. Responsibilities of Section of Community Corrections of the Division**  
42 **of Adult Correction. Correction and Juvenile Justice.**

43 (a) The Section of Community Corrections of the Division of Adult Correction  
44 and Juvenile Justice shall notify the victim of:

45 ..."

46 **SECTION 2.(fff)** G.S. 15A-1332(c) reads as rewritten:

1       "(c) Presentence Commitment for Study. – When the court desires more detailed  
2 information as a basis for determining the sentence to be imposed than can be provided  
3 by a presentence investigation, the court may commit a defendant to the Division of  
4 Adult Correction and Juvenile Justice of the Department of Public Safety for study for  
5 the shortest period necessary to complete the study, not to exceed 90 days, if that  
6 defendant has been charged with or convicted of any felony or a Class A1 or Class 1  
7 misdemeanor crime or crimes for which he may be imprisoned for more than six months  
8 and if he consents. The period of commitment must end when the study is completed,  
9 and may not exceed 90 days. The Division must conduct a complete study of a  
10 defendant committed to it under this subsection, inquiring into such matters as the  
11 defendant's previous delinquency or criminal experience, his social background, his  
12 capabilities, his mental, emotional and physical health, and the availability of resources  
13 or programs appropriate to the defendant. Upon completion of the study or the end of  
14 the 90-day period, whichever occurs first, the Division of Adult Correction and Juvenile  
15 Justice of the Department of Public Safety must release the defendant to the sheriff of  
16 the county in which his case is docketed. The Division must forward the study to the  
17 clerk in that county, including whatever recommendations the Division believes will be  
18 helpful to a proper resolution of the case. When a defendant is returned from a  
19 presentence commitment for study, the conditions of pretrial release which obtained for  
20 the defendant before the commitment continue until judgment is entered, unless the  
21 conditions are modified under the provisions of G.S. 15A-534(e)."

22               **SECTION 2.(ggg)** G.S. 15A-1340.13(d) reads as rewritten:

23       "(d) Service of Minimum Required; Earned Time Authorization. – An offender  
24 sentenced to an active punishment shall serve the minimum term imposed, except as  
25 provided in G.S. 15A-1340.18. The maximum term may be reduced to, but not below,  
26 the minimum term by earned time credits awarded to an offender by the Division of  
27 Adult Correction and Juvenile Justice of the Department of Public Safety or the  
28 custodian of the local confinement facility, pursuant to rules adopted in accordance with  
29 law."

30               **SECTION 2.(hhh)** G.S. 15A-1340.16(d) reads as rewritten:

31       "(d) Aggravating Factors. – The following are aggravating factors:

32       ...

33       (6) The offense was committed against or proximately caused serious  
34 injury to a present or former law enforcement officer, employee of the  
35 Division of Adult Correction and Juvenile Justice of the Department of  
36 Public Safety, jailer, fireman, emergency medical technician,  
37 ambulance attendant, social worker, justice or judge, clerk or assistant  
38 or deputy clerk of court, magistrate, prosecutor, juror, or witness  
39 against the defendant, while engaged in the performance of that  
40 person's official duties or because of the exercise of that person's  
41 official duties.

42       ..."

43               **SECTION 2.(iii)** G.S. 15A-1340.18(b) reads as rewritten:

44       "(b) The Division of Adult Correction and Juvenile Justice of the Department of  
45 Public Safety is authorized to create risk reduction incentives consisting of treatment,

1 education, and rehabilitative programs. The incentives shall be designed to reduce the  
2 likelihood that the prisoner who receives the incentive will reoffend."

3 **SECTION 2.(jjj)** G.S. 15A-1340.20(d) reads as rewritten:

4 "(d) Earned Time Authorization. – An offender sentenced to a term of  
5 imprisonment that is activated is eligible to receive earned time credit for misdemeanor  
6 offenders awarded by the Division of Adult Correction and Juvenile Justice of the  
7 Department of Public Safety or the custodian of a local confinement facility, pursuant to  
8 rules adopted in accordance with law and pursuant to G.S. 162-60. These rules and  
9 statute combined shall not award misdemeanor offenders more than four days of  
10 earned time credit per month of incarceration."

11 **SECTION 2.(kkk)** G.S. 15A-1342(a1) reads as rewritten:

12 "(a1) Supervision of Defendants on Deferred Prosecution or Conditional  
13 Discharge. – The Section of Community Corrections of the Division of Adult  
14 Correction and Juvenile Justice of the Department of Public Safety may be ordered by  
15 the court to supervise an offender's compliance with the terms of a conditional discharge  
16 or deferred prosecution agreement. Violations of the terms of the agreement or  
17 conditional discharge shall be reported to the court as provided in this Article and to the  
18 district attorney in the district in which the agreement was entered."

19 **SECTION 2.(lll)** G.S. 15A-1343 reads as rewritten:

20 **"§ 15A-1343. Conditions of probation.**

21 ...

22 (b) Regular Conditions. – As regular conditions of probation, a defendant must:

23 ...

24 (16) Supply a breath, urine, or blood specimen for analysis of the possible  
25 presence of prohibited drugs or alcohol when instructed by the  
26 defendant's probation officer for purposes directly related to the  
27 probation supervision. If the results of the analysis are positive, the  
28 probationer may be required to reimburse the Division of Adult  
29 Correction and Juvenile Justice of the Department of Public Safety for  
30 the actual costs of drug or alcohol screening and testing.

31 In addition to these regular conditions of probation, a defendant required to serve an  
32 active term of imprisonment as a condition of special probation pursuant to  
33 G.S. 15A-1344(e) or G.S. 15A-1351(a) shall, as additional regular conditions of  
34 probation, obey the rules and regulations of the Division of Adult Correction and  
35 Juvenile Justice of the Department of Public Safety governing the conduct of inmates  
36 while imprisoned and report to a probation officer in the State of North Carolina within  
37 72 hours of his discharge from the active term of imprisonment.

38 Regular conditions of probation apply to each defendant placed on supervised  
39 probation unless the presiding judge specifically exempts the defendant from one or  
40 more of the conditions in open court and in the judgment of the court. It is not necessary  
41 for the presiding judge to state each regular condition of probation in open court, but the  
42 conditions must be set forth in the judgment of the court.

43 Defendants placed on unsupervised probation are subject to the provisions of this  
44 subsection, except that defendants placed on unsupervised probation are not subject to  
45 the regular conditions contained in subdivisions (2), (3), (6), (8), (13), (14), and (15) of  
46 this subsection.

1 (b1) Special Conditions. – In addition to the regular conditions of probation  
2 specified in subsection (b), the court may, as a condition of probation, require that  
3 during the probation the defendant comply with one or more of the following special  
4 conditions:

- 5 ...  
6 (6) Perform community or reparation service under the supervision of the  
7 Section of Community Corrections of the Division of Adult Correction  
8 and Juvenile Justice and pay the fee required by G.S. 143B-708.

9 ...  
10 (b2) Special Conditions of Probation for Sex Offenders and Persons Convicted of  
11 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – As special  
12 conditions of probation, a defendant who has been convicted of an offense which is a  
13 reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical,  
14 mental, or sexual abuse of a minor, must:

- 15 ...  
16 (8) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A  
17 of Chapter 14 of the General Statutes, if the defendant is in the  
18 category described by G.S. 14-208.40(a)(2), and the Division of Adult  
19 Correction and Juvenile Justice of the Department of Public Safety,  
20 based on the Division's risk assessment program, recommends that the  
21 defendant submit to the highest possible level of supervision and  
22 monitoring.  
23 (9) Submit at reasonable times to warrantless searches by a probation  
24 officer of the probationer's person and of the probationer's vehicle and  
25 premises while the probationer is present, for purposes specified by the  
26 court and reasonably related to the probation supervision, but the  
27 probationer may not be required to submit to any other search that  
28 would otherwise be unlawful. For purposes of this subdivision,  
29 warrantless searches of the probationer's computer or other electronic  
30 mechanism which may contain electronic data shall be considered  
31 reasonably related to the probation supervision. Whenever the  
32 warrantless search consists of testing for the presence of illegal drugs,  
33 the probationer may also be required to reimburse the Division of  
34 Adult Correction and Juvenile Justice of the Department of Public  
35 Safety for the actual cost of drug screening and drug testing, if the  
36 results are positive.

37 Defendants subject to the provisions of this subsection shall not be placed on  
38 unsupervised probation.

39 (b3) Screening and Assessing for Chemical Dependency. – A defendant ordered to  
40 submit to a period of residential treatment in the Drug Alcohol Recovery Treatment  
41 program (DART) or the Black Mountain Substance Abuse Treatment Center for  
42 Women operated by the Division of Adult Correction and Juvenile Justice of the  
43 Department of Public Safety must undergo a screening to determine chemical  
44 dependency. If the screening indicates the defendant is chemically dependent, the court  
45 shall order an assessment to determine the appropriate level of treatment. The

1 assessment may be conducted either before or after the court imposes the condition, but  
2 participation in the program shall be based on the results of the assessment.

3 (b4) Intermediate Conditions. – The following conditions of probation apply to  
4 each defendant subject to intermediate punishment:

5 (1) If required in the discretion of the defendant's probation officer,  
6 perform community service under the supervision of the Section of  
7 Community Corrections of the Division of Adult Correction and  
8 Juvenile Justice and pay the fee required by G.S. 143B-708.

9 (2) Not use, possess, or control alcohol.

10 (3) Remain within the county of residence unless granted written  
11 permission to leave by the court or the defendant's probation officer.

12 (4) Participate in any evaluation, counseling, treatment, or educational  
13 program as directed by the probation officer, keeping all appointments  
14 and abiding by the rules, regulations, and direction of each program.

15 These conditions apply to each defendant subject to intermediate punishment unless  
16 the court specifically exempts the defendant from one or more of the conditions in its  
17 judgment or order. It is not necessary for the presiding judge to state each of these  
18 conditions in open court, but the conditions must be set forth in the judgment or order of  
19 the court.

20 ..."

21 **SECTION 2.(mmm) G.S. 15A-1343.2 reads as rewritten:**

22 **"§ 15A-1343.2. Special probation rules for persons sentenced under Article 81B.**

23 ...

24 (b) Purposes of Probation for Community and Intermediate Punishments. – The  
25 Division of Adult Correction and Juvenile Justice of the Department of Public Safety  
26 shall develop a plan to handle offenders sentenced to community and intermediate  
27 punishments. The probation program designed to handle these offenders shall have the  
28 following principal purposes: to hold offenders accountable for making restitution, to  
29 ensure compliance with the court's judgment, to effectively rehabilitate offenders by  
30 directing them to specialized treatment or education programs, and to protect the public  
31 safety.

32 (b1) Departmental Risk Assessment by Validated Instrument Required. – As part  
33 of the probation program developed by the Division of Adult Correction and Juvenile  
34 Justice of the Department of Public Safety pursuant to subsection (b) of this section, the  
35 Division of Adult Correction and Juvenile Justice of the Department of Public Safety  
36 shall use a validated instrument to assess each probationer for risk of reoffending and  
37 shall place a probationer in a supervision level based on the probationer's risk of  
38 reoffending and criminogenic needs.

39 ...

40 (e) Delegation to Probation Officer in Community Punishment. – Unless the  
41 presiding judge specifically finds in the judgment of the court that delegation is not  
42 appropriate, the Section of Community Corrections of the Division of Adult Correction  
43 and Juvenile Justice of the Department of Public Safety may require an offender  
44 sentenced to community punishment to do any of the following:

45 ...

1 (f) Delegation to Probation Officer in Intermediate Punishments. – Unless the  
2 presiding judge specifically finds in the judgment of the court that delegation is not  
3 appropriate, the Section of Community Corrections of the Division of Adult Correction  
4 and Juvenile Justice of the Department of Public Safety may require an offender  
5 sentenced to intermediate punishment to do any of the following:

6 ..."

7 **SECTION 2.(nnn) G.S. 15A-1343.3** reads as rewritten:

8 "**§ 15A-1343.3. Division of Adult Correction and Juvenile Justice of the**  
9 **Department of Public Safety to establish regulations for continuous**  
10 **alcohol monitoring systems; payment of fees; authority to terminate**  
11 **monitoring.**

12 (a) The Division of Adult Correction and Juvenile Justice of the Department of  
13 Public Safety shall establish regulations for continuous alcohol monitoring systems that  
14 are authorized for use by the courts as evidence that an offender on probation has  
15 abstained from the use of alcohol for a specified period of time. A "continuous alcohol  
16 monitoring system" is a device that is worn by a person that can detect, monitor, record,  
17 and report the amount of alcohol within the wearer's system over a continuous 24-hour  
18 daily basis. The regulations shall include the procedures for supervision of the offender,  
19 collection and monitoring of the results, and the transmission of the data to the court for  
20 consideration by the court. All courts, including those using continuous alcohol  
21 monitoring systems prior to July 4, 2007, shall comply with the regulations established  
22 by the Division pursuant to this section.

23 The Secretary, or the Secretary's designee, shall approve continuous alcohol  
24 monitoring systems for use by the courts prior to their use by a court as evidence of  
25 alcohol abstinence, or their use as a condition of probation. The Secretary shall not  
26 unreasonably withhold approval of a continuous alcohol monitoring system and shall  
27 consult with the Division of Purchase and Contract in the Department of Administration  
28 to ensure that potential vendors are not discriminated against.

29 ..."

30 **SECTION 2.(ooo) G.S. 15A-1344** reads as rewritten:

31 "**§ 15A-1344. Response to violations; alteration and revocation.**

32 ...

33 (c) Procedure on Altering or Revoking Probation; Returning Probationer to  
34 District Where Sentenced. – When a judge reduces, terminates, extends, modifies, or  
35 revokes probation outside the county where the judgment was entered, the clerk must  
36 send a copy of the order and any other records to the court where probation was  
37 originally imposed. A court on its own motion may return the probationer to the district  
38 court district as defined in G.S. 7A-133 or superior court district or set of districts as  
39 defined in G.S. 7A-41.1, as the case may be, where probation was imposed or where the  
40 probationer resides for reduction, termination, continuation, extension, modification, or  
41 revocation of probation. In cases where the probation is revoked in a county other than  
42 the county of original conviction the clerk in that county must issue a commitment order  
43 and must file the order revoking probation and the commitment order, which will  
44 constitute sufficient permanent record of the proceeding in that court, and must send a  
45 certified copy of the order revoking probation, the commitment order, and all other  
46 records pertaining thereto to the county of original conviction to be filed with the



1 original records. The clerk in the county other than the county of original conviction  
2 must issue the formal commitment to the Division of Adult Correction and Juvenile  
3 Justice of the Department of Public Safety.

4 ...

5 (e) Special Probation in Response to Violation. – When a defendant has violated  
6 a condition of probation, the court may modify the probation to place the defendant on  
7 special probation as provided in this subsection. In placing the defendant on special  
8 probation, the court may continue or modify the conditions of probation and in addition  
9 require that the defendant submit to a period or periods of imprisonment, either  
10 continuous or noncontinuous, at whatever time or intervals within the period of  
11 probation the court determines. In addition to any other conditions of probation which  
12 the court may impose, the court shall impose, when imposing a period or periods of  
13 imprisonment as a condition of special probation, the condition that the defendant obey  
14 the rules and regulations of the Division of Adult Correction and Juvenile Justice of the  
15 Department of Public Safety governing conduct of inmates, and this condition shall  
16 apply to the defendant whether or not the court imposes it as a part of the written order.  
17 If imprisonment is for continuous periods, the confinement may be in either the custody  
18 of the Division of Adult Correction and Juvenile Justice of the Department of Public  
19 Safety or a local confinement facility. Noncontinuous periods of imprisonment under  
20 special probation may only be served in a designated local confinement or treatment  
21 facility. Except for probationary sentences for impaired driving under G.S. 20-138.1, the  
22 total of all periods of confinement imposed as an incident of special probation, but not  
23 including an activated suspended sentence, may not exceed one-fourth the maximum  
24 sentence of imprisonment imposed for the offense. For probationary sentences for  
25 impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as  
26 an incident of special probation, but not including an activated suspended sentence,  
27 shall not exceed one-fourth the maximum penalty allowed by law. No confinement  
28 other than an activated suspended sentence may be required beyond the period of  
29 probation or beyond two years of the time the special probation is imposed, whichever  
30 comes first.

31 (e1) Criminal Contempt in Response to Violation. – If a defendant willfully  
32 violates a condition of probation, the court may hold the defendant in criminal contempt  
33 as provided in Article 1 of Chapter 5A of the General Statutes. A finding of criminal  
34 contempt by the court shall not revoke the probation. If the offender serves a sentence  
35 for contempt in a local confinement facility, the Division of Adult Correction and  
36 Juvenile Justice of the Department of Public Safety shall pay for the confinement at the  
37 standard rate set by the General Assembly pursuant to G.S. 148-32.1(a) regardless of  
38 whether the offender would be eligible under the terms of that subsection.

39 ..."

40 **SECTION 2.(ppp)** G.S. 15A-1351(a) reads as rewritten:

41 "(a) The judge may sentence to special probation a defendant convicted of a  
42 criminal offense other than impaired driving under G.S. 20-138.1, if based on the  
43 defendant's prior record or conviction level as found pursuant to Article 81B of this  
44 Chapter, an intermediate punishment is authorized for the class of offense of which the  
45 defendant has been convicted. A defendant convicted of impaired driving under  
46 G.S. 20-138.1 may also be sentenced to special probation. Under a sentence of special

1 probation, the court may suspend the term of imprisonment and place the defendant on  
2 probation as provided in Article 82, Probation, and in addition require that the defendant  
3 submit to a period or periods of imprisonment in the custody of the Division of Adult  
4 Correction and Juvenile Justice of the Department of Public Safety or a designated local  
5 confinement or treatment facility at whatever time or intervals within the period of  
6 probation, consecutive or nonconsecutive, the court determines, as provided in this  
7 subsection. For probationary sentences for misdemeanors, including impaired driving  
8 under G.S. 20-138.1, all imprisonment under this subsection shall be in a designated  
9 local confinement or treatment facility. In addition to any other conditions of probation  
10 which the court may impose, the court shall impose, when imposing a period or periods  
11 of imprisonment as a condition of special probation, the condition that the defendant  
12 obey the Rules and Regulations of the Division of Adult Correction and Juvenile Justice  
13 of the Department of Public Safety governing conduct of inmates, and this condition  
14 shall apply to the defendant whether or not the court imposes it as a part of the written  
15 order. Except for probationary sentences for misdemeanors, including impaired driving  
16 under G.S. 20-138.1, if imprisonment is for continuous periods, the confinement may be  
17 in the custody of either the Division of Adult Correction and Juvenile Justice of the  
18 Department of Public Safety or a local confinement facility. Noncontinuous periods of  
19 imprisonment under special probation may only be served in a designated local  
20 confinement or treatment facility. Except for probationary sentences of impaired driving  
21 under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of  
22 special probation, but not including an activated suspended sentence, may not exceed  
23 one-fourth the maximum sentence of imprisonment imposed for the offense, and no  
24 confinement other than an activated suspended sentence may be required beyond two  
25 years of conviction. For probationary sentences for impaired driving under  
26 G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special  
27 probation, but not including an activated suspended sentence, shall not exceed  
28 one-fourth the maximum penalty allowed by law. In imposing a sentence of special  
29 probation, the judge may credit any time spent committed or confined, as a result of the  
30 charge, to either the suspended sentence or to the imprisonment required for special  
31 probation. The original period of probation, including the period of imprisonment  
32 required for special probation, shall be as specified in G.S. 15A-1343.2(d), but may not  
33 exceed a maximum of five years, except as provided by G.S. 15A-1342(a). The court  
34 may revoke, modify, or terminate special probation as otherwise provided for  
35 probationary sentences."

36 SECTION 2.(qqq) G.S. 15A-1352 reads as rewritten:

37 "§ 15A-1352. Commitment to Division of Adult Correction of the Department of  
38 Public Safety and Juvenile Justice or local confinement facility.

39 ...

40 (b) A person sentenced to imprisonment for a felony under this Article or for  
41 nonpayment of a fine for conviction of a felony under Article 84 of this Chapter shall be  
42 committed for the term designated by the court to the custody of the Division of Adult  
43 Correction and Juvenile Justice of the Department of Public Safety.

44 ..."

45 SECTION 2.(rrr) G.S. 15A-1353(f) reads as rewritten:

1       "(f) When the sentencing court, with the consent of the person sentenced, orders  
2 that a person convicted of a misdemeanor be granted work release, the following  
3 provisions must be included in the commitment, or in a separate order referred to in the  
4 commitment:

- 5           (1) The date work release is to begin;
- 6           (2) The prison or local confinement facility to which the offender is to be  
7 committed;
- 8           (3) A provision that work release terminates the date the offender loses his  
9 job or violates the conditions of the work-release plan established by  
10 the Division of Adult Correction and Juvenile Justice of the  
11 Department of Public Safety; and
- 12           (4) A determination whether the earnings of the offender are to be  
13 disbursed by the Division of Adult Correction and Juvenile Justice of  
14 the Department of Public Safety or the clerk of the sentencing court in  
15 the manner that the court in its order directs."

16       **SECTION 2.(sss)** G.S. 15A-1354 reads as rewritten:

17       "(b) Effect of Consecutive Terms. – In determining the effect of consecutive  
18 sentences imposed under authority of this Article and the manner in which they will be  
19 served, the Division of Adult Correction and Juvenile Justice of the Department of  
20 Public Safety must treat the defendant as though he has been committed for a single  
21 term with the following incidents:

- 22           (1) The maximum prison sentence consists of the total of the maximum  
23 terms of the consecutive sentences, less 12 months for each of the  
24 second and subsequent sentences imposed for Class B through Class E  
25 felonies, or less 60 months for each second or subsequent Class B1  
26 through E felony for which the sentence was established pursuant to  
27 G.S. 15A-1340.17(f), and less nine months for each of the second and  
28 subsequent sentences imposed for Class F through Class I felonies;  
29 and
- 30           (2) The minimum term consists of the total of the minimum terms of the  
31 consecutive sentences."

32       **SECTION 2.(ttt)** G.S. 15A-1355 reads as rewritten:

33       "**§ 15A-1355. Calculation of terms of imprisonment.**

34       (a) Commencement of Sentence. – The commencement date of a sentence of  
35 imprisonment under authority of this Article is as provided in G.S. 15A-1353(a), except  
36 when the sentence is a consecutive sentence. When it is a consecutive sentence, it  
37 commences to run when the State has custody of the defendant following completion of  
38 the prior sentence.

39       (b) Repealed by Session Laws 1977, 2nd Sess., c. 1147, s. 19.

40       (c) Earned Time; Credit for Good Behavior for Impaired Drivers. – Persons  
41 convicted of felonies or misdemeanors under Article 81B of this Chapter may,  
42 consistent with rules of the Division of Adult Correction and Juvenile Justice of the  
43 Department of Public Safety, earn credit which may be used to reduce their maximum  
44 terms of imprisonment as provided in G.S. 15A-1340.13(d) for felony sentences and in  
45 G.S. 15A-1340.20(d) for misdemeanor sentences.

1 For sentences of imprisonment imposed for convictions of impaired driving under  
2 G.S. 20-138.1, the Division of Adult Correction and Juvenile Justice of the Department  
3 of Public Safety may give credit toward service of the maximum term and any  
4 minimum term of imprisonment and toward eligibility for parole for allowances of time  
5 as provided in rules and regulations made under G.S. 148-11 and 148-13.

6 (d) Earned Time Credit for Medically and Physically Unfit Inmates. – Inmates in  
7 the custody of the Division of Adult Correction and Juvenile Justice of the Department  
8 of Public Safety who suffer from medical conditions or physical disabilities that prevent  
9 their assignment to work release or other rehabilitative activities may, consistent with  
10 rules of the Division of Adult Correction and Juvenile Justice of the Department of  
11 Public Safety, earn credit based upon good behavior or other criteria determined by the  
12 Division that may be used to reduce their maximum term of imprisonment as provided  
13 in G.S. 15A-1340.13(d) for felony sentences and in G.S. 15A-1340.20(d) for  
14 misdemeanor sentences."

15 **SECTION 2.(uuu)** G.S. 15A-1368 reads as rewritten:

16 **"§ 15A-1368. Definitions and administration.**

17 (a) The following words have the listed meaning in this Article:

18 ...  
19 (2) Supervisee. – A person released from incarceration and in the custody  
20 of the Division of Adult Correction and Juvenile Justice of the  
21 Department of Public Safety and Post-Release Supervision and Parole  
22 Commission on post-release supervision.

23 ..."

24 **SECTION 2.(vvv)** G.S. 15A-1368.2 reads as rewritten:

25 **"§ 15A-1368.2. Post-release supervision eligibility and procedure.**

26 (a) Except as otherwise provided in this subsection, a prisoner to whom this  
27 Article applies shall be released from prison for post-release supervision on the date  
28 equivalent to his maximum imposed prison term less 12 months in the case of Class B1  
29 through E felons and less nine months in the case of Class F through I felons, less any  
30 earned time awarded by the Division of Adult Correction and Juvenile Justice of the  
31 Department of Public Safety or the custodian of a local confinement facility under  
32 G.S. 15A-1340.13(d). A prisoner whose maximum sentence is established pursuant to  
33 G.S. 15A-1340.17(f) shall be released from prison for post-release supervision on the  
34 date equivalent to his or her maximum imposed prison term less 60 months, less any  
35 earned time awarded by the Division of Adult Correction and Juvenile Justice of the  
36 Department of Public Safety or the custodian of a local confinement facility under  
37 G.S. 15A-1340.13(d). If a prisoner has not been awarded any earned time, the prisoner  
38 shall be released for post-release supervision on the date equivalent to his maximum  
39 prison term less 12 months for Class B1 through E felons and less nine months for Class  
40 F through I felons.

41 ...

42 (d) A supervisee's period of post-release supervision may be reduced while the  
43 supervisee is under supervision by earned time awarded by the Division of Adult  
44 Correction and Juvenile Justice of the Department of Public Safety, pursuant to rules  
45 adopted in accordance with law. A supervisee is eligible to receive earned time credit

1 toward the period of supervision for compliance with reintegrative conditions described  
2 in G.S. 15A-1368.5.

3 ..."

4 **SECTION 2.(www)** G.S. 15A-1368.3(c) reads as rewritten:

5 "(c) Effect of Violation. – If the supervisee violates a condition, described in  
6 G.S. 15A-1368.4, at any time before the termination of the supervision period, the  
7 Commission may continue the supervisee on the existing supervision, with or without  
8 modifying the conditions, or if continuation or modification is not appropriate, may  
9 revoke post-release supervision as provided in G.S. 15A-1368.6 and reimprison the  
10 supervisee for a term consistent with the following requirements:

11 ...

12 (3) Pursuant to Article 19A of Chapter 15, the Division of Adult  
13 Correction and Juvenile Justice of the Department of Public Safety  
14 shall award a prisoner credit against any term of reimprisonment for all  
15 time spent in custody as a result of revocation proceedings under  
16 G.S. 15A-1368.6.

17 ..."

18 **SECTION 2.(xxx)** G.S. 15A-1368.4 reads as rewritten:

19 **"§ 15A-1368.4. Conditions of post-release supervision.**

20 ...

21 (b1) Additional Required Conditions for Sex Offenders and Persons Convicted of  
22 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – In addition to the  
23 required condition set forth in subsection (b) of this section, for a supervisee who has  
24 been convicted of an offense which is a reportable conviction as defined in  
25 G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor,  
26 controlling conditions, violations of which may result in revocation of post-release  
27 supervision, are:

28 ...

29 (8) Submit at reasonable times to warrantless searches by a post-release  
30 supervision officer of the supervisee's person and of the supervisee's  
31 vehicle and premises while the supervisee is present, for purposes  
32 reasonably related to the post-release supervision, but the supervisee  
33 may not be required to submit to any other search that would otherwise  
34 be unlawful. For purposes of this subdivision, warrantless searches of  
35 the supervisee's computer or other electronic mechanism which may  
36 contain electronic data shall be considered reasonably related to the  
37 post-release supervision. Whenever the warrantless search consists of  
38 testing for the presence of illegal drugs, the supervisee may also be  
39 required to reimburse the Division of Adult Correction and Juvenile  
40 Justice of the Department of Public Safety for the actual cost of drug  
41 screening and drug testing, if the results are positive.

42 (c) Discretionary Conditions. – The Commission, in consultation with the  
43 Section of Community Corrections of the Division of Adult ~~Correction~~, Correction and  
44 Juvenile Justice, may impose conditions on a supervisee it believes reasonably  
45 necessary to ensure that the supervisee will lead a law-abiding life or to assist the  
46 supervisee to do so. The Commission may also impose a condition of community

1 service on a supervisee who was a Class F through I felon and who has failed to fully  
2 satisfy any order for restitution, reparation, or costs imposed against the supervisee as  
3 part of the supervisee's sentence; however, the Commission shall not impose such a  
4 condition of community service if the Commission determines, upon inquiry, that the  
5 supervisee has the financial resources to satisfy the order.

6 ...

7 (e) Controlling Conditions. – Appropriate controlling conditions, violation of  
8 which may result in revocation of post-release supervision, are:

9 ...

10 (10) Submit at reasonable times to searches of the supervisee's person by a  
11 post-release supervision officer for purposes reasonably related to the  
12 post-release supervision. The Commission shall not require as a  
13 condition of post-release supervision that the supervisee submit to any  
14 other searches that would otherwise be unlawful. Whenever the search  
15 consists of testing for the presence of illegal drugs, the supervisee may  
16 also be required to reimburse the Division of Adult Correction and  
17 Juvenile Justice of the Department of Public Safety for the actual cost  
18 of drug testing and drug screening, if the results are positive.

19 ..."

20 SECTION 2.(yyy) G.S. 15A-1368.6 reads as rewritten:

21 "§ 15A-1368.6. Arrest and hearing on post-release supervision violation.

22 ...

23 (c) Officers to Conduct Preliminary Hearing. – The preliminary hearing on  
24 post-release supervision violation shall be conducted by a judicial official, or by a  
25 hearing officer designated by the Commission. A person employed by the Division of  
26 Adult Correction and Juvenile Justice of the Department of Public Safety shall not serve  
27 as a hearing officer at a hearing provided by this section unless that person is a member  
28 of the Commission, or is employed solely as a hearing officer.

29 (d) Procedure for Preliminary Hearing. – The Division of Adult Correction and  
30 Juvenile Justice of the Department of Public Safety shall give the supervisee notice of  
31 the preliminary hearing and its purpose, including a statement of the violations alleged.  
32 At the hearing, the supervisee may appear and speak in the supervisee's own behalf,  
33 may present relevant information, and may, on request, personally question witnesses  
34 and adverse informants, unless the hearing officer finds good cause for not allowing  
35 confrontation. If the person holding the hearing determines there is probable cause to  
36 believe the supervisee violated conditions of supervision, the hearing officer shall  
37 summarize the reasons for the determination and the evidence relied on. Formal rules of  
38 evidence do not apply at the hearing. If probable cause is found, the supervisee may be  
39 held in the custody of the Division of Adult Correction and Juvenile Justice of the  
40 Department of Public Safety to serve the appropriate term of imprisonment, subject to  
41 the outcome of a revocation hearing under subsection (e) of this section.

42 ..."

43 SECTION 2.(zzz) G.S. 15A-1369 reads as rewritten:

44 "§ 15A-1369. Definitions.

45 For purposes of this Article, the term:

46 ...

1 (2) "Division" means the Division of Adult Correction and Juvenile  
2 Justice of the Department of Public Safety.

3 ...

4 (4) "Inmate" means any person sentenced to the custody of the Division of  
5 Adult Correction and Juvenile Justice of the Department of Public  
6 Safety.

7 ..."

8 **SECTION 2.(aaaa)** G.S. 15A-1369.4(a) reads as rewritten:

9 "(a) The Commission shall set reasonable conditions upon an inmate's medical  
10 release that shall apply through the date upon which the inmate's sentence would have  
11 expired. These conditions shall include:

12 (3) That the released inmate shall be subject to supervision by the Section  
13 of Community Corrections of the Division of Adult Correction and  
14 Juvenile Justice and shall permit officers from the Division to visit the  
15 inmate at reasonable times at the inmate's home or elsewhere;

16 ..."

17 **SECTION 2.(bbbb)** G.S. 7A-1371(h) reads as rewritten:

18 "(h) Community Service Parole. – Notwithstanding the provisions of any other  
19 subsection herein, prisoners serving sentences for impaired driving shall be eligible for  
20 community service parole after serving the minimum sentence required by G.S. 20-179,  
21 in the discretion of the Post-Release Supervision and Parole Commission.

22 Community service parole is early parole for the purpose of participation in  
23 community service under the supervision of the Section of Community Corrections of  
24 the Division of Adult ~~Correction~~. Correction and Juvenile Justice. A parolee who is  
25 paroled under this subsection must perform as a condition of parole community service  
26 in an amount and over a period of time to be determined by the Post-Release  
27 Supervision and Parole Commission. However, the total amount of community service  
28 shall not exceed an amount equal to 32 hours for each month of active service  
29 remaining in his minimum sentence. The Post-Release Supervision and Parole  
30 Commission may grant early parole under this section without requiring the  
31 performance of community service if it determines that such performance is  
32 inappropriate to a particular case.

33 The probation/parole officer and the judicial services coordinator shall develop a  
34 program of community service for the parolee. The coordinator shall report any willful  
35 failure to perform community service work to the probation/parole officer. Parole may  
36 be revoked for any parolee who willfully fails to perform community service work as  
37 directed by the Section of Community Corrections of the Division of Adult ~~Correction~~.  
38 Correction and Juvenile Justice. The provisions of G.S. 15A-1376 shall apply to this  
39 violation of a condition of parole.

40 Community service parole eligibility shall be available to a prisoner:

- 41 (1) Who is serving an active sentence the term of which exceeds six  
42 months; and  
43 (2) Who, in the opinion of the Post-Release Supervision and Parole  
44 Commission, is unlikely to engage in further criminal conduct; and  
45 (3) Who agrees to complete service of his sentence as herein specified;  
46 and

1 (4) Who has served one-half of his minimum sentence, at least 10 days if  
2 sentenced to Level One punishment or at least seven days if sentenced  
3 to Level Two punishment, whichever is longer.

4 In computing the service requirements of subdivision (4) of this subsection, credit  
5 shall be given for good time and gain time credit earned pursuant to G.S. 148-13 but  
6 only after a person has served at least 10 days if sentenced to Level One punishment or  
7 at least seven days if sentenced to Level Two punishment. Nothing herein is intended to  
8 create or shall be construed to create a right or entitlement to community service parole  
9 in any prisoner."

10 **SECTION 2.(cccc)** G.S. 15A-1374(b) reads as rewritten:

11 "(b) Appropriate Conditions. – As conditions of parole, the Commission may  
12 require that the parolee comply with one or more of the following conditions:

13 ...

14 (8b) Remain alcohol free, and prove such abstinence through evaluation by  
15 a continuous alcohol monitoring system of a type approved by the  
16 Division of Adult Correction and Juvenile Justice of the Department of  
17 Public Safety.

18 ...

19 (11) Submit at reasonable times to warrantless searches by a parole officer  
20 of the parolee's person and of the parolee's vehicle and premises while  
21 the parolee is present, for purposes reasonably related to the parole  
22 supervision. The Commission may not require as a condition of parole  
23 that the parolee submit to any other searches that would otherwise be  
24 unlawful. If the parolee has been convicted of an offense which is a  
25 reportable conviction as defined in G.S. 14-208.6(4), or which  
26 involves the physical, mental, or sexual abuse of a minor, warrantless  
27 searches of the parolee's computer or other electronic mechanism  
28 which may contain electronic data shall be considered reasonably  
29 related to the parole supervision. Whenever the search consists of  
30 testing for the presence of illegal drugs, the parolee may also be  
31 required to reimburse the Division of Adult Correction and Juvenile  
32 Justice of the Department of Public Safety for the actual cost of drug  
33 testing and drug screening, if the results are positive.

34 ..."

35 **SECTION 2.(dddd)** G.S. 15A-1376 reads as rewritten:

36 **"§ 15A-1376. Arrest and hearing on parole violation.**

37 ...

38 (c) Officers to Conduct Hearing. – The preliminary hearing on parole violation  
39 must be conducted by a judicial official, or by a hearing officer designated by the  
40 Post-Release Supervision and Parole Commission. No person employed by the Division  
41 of Adult Correction and Juvenile Justice of the Department of Public Safety may serve  
42 as a hearing officer at a hearing provided in this section unless he is a member of the  
43 Post-Release Supervision and Parole Commission or is employed solely as a hearing  
44 officer.

45 (d) Procedure for Preliminary Hearing on Parole Violation. – The Division of  
46 Adult Correction and Juvenile Justice of the Department of Public Safety must give the



1 parolee notice of the preliminary hearing and its purpose, including a statement of the  
2 violations alleged. At the hearing, the parolee may appear and speak in his own behalf,  
3 may present relevant information, and may, on request, personally question witnesses  
4 and adverse informants, unless the hearing officer finds good cause for not allowing  
5 confrontation. If the person holding the hearing determines there is probable cause to  
6 believe the parolee violated his parole, he must summarize the reasons for his  
7 determination and the evidence he relied on. Formal rules of evidence do not apply at  
8 the hearing. If probable cause is found, the parolee may be held in the custody of the  
9 Division of Adult Correction and Juvenile Justice of the Department of Public Safety to  
10 serve the appropriate term of imprisonment, subject to the outcome of a revocation  
11 hearing under subsection (e).

12 ..."

13 **SECTION 2.(eeee)** G.S. 15A-2000(e) reads as rewritten:

14 "(e) Aggravating Circumstances. – Aggravating circumstances which may be  
15 considered shall be limited to the following:

16 ...

17 (8) The capital felony was committed against a law-enforcement officer,  
18 employee of the Division of Adult Correction and Juvenile Justice of  
19 the Department of Public Safety, jailer, fireman, judge or justice,  
20 former judge or justice, prosecutor or former prosecutor, juror or  
21 former juror, or witness or former witness against the defendant, while  
22 engaged in the performance of his official duties or because of the  
23 exercise of his official duty.

24 ..."

25 **SECTION 2.(ffff)** G.S. 15B-21 reads as rewritten:

26 "**§ 15B-21. Annual report.**

27 The Commission shall, by March 15 each year, prepare and transmit to the chairs of  
28 the Joint Legislative Oversight Committee on Justice and Public Safety and to the chairs  
29 of the House and Senate Appropriations Committees on Justice and Public Safety a  
30 report of its activities in the prior fiscal year and the current fiscal year to date. The  
31 report shall include:

32 ...

33 (8) The amount of funds received in the prior fiscal year from the Division  
34 of Adult Correction and Juvenile Justice of the Department of Public  
35 Safety and from the compensation fund established pursuant to the  
36 Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.; and

37 (9) The amount of funds expected to be received in the current fiscal year,  
38 as well as the amount actually received in the current fiscal year on the  
39 date of the report, from the Division of Adult Correction and Juvenile  
40 Justice of the Department of Public Safety and from the compensation  
41 fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C.  
42 § 10601, et seq.

43 ..."

44 **SECTION 2.(gggg)** G.S. 15B-31 reads as rewritten:

45 "**§ 15B-31. Definitions.**

46 The following definitions apply in this Article:

- 1 ...  
2 (7) Funds of an offender. – All funds and property received from any  
3 source by an offender, excluding child support and earned income,  
4 where the offender:  
5 a. Is an inmate serving a sentence with the Division of Adult  
6 Correction and Juvenile Justice of the Department of Public  
7 Safety or a prisoner confined at a local correctional facility or  
8 federal correctional institute, and includes funds that a  
9 superintendent, sheriff, or municipal official receives on behalf  
10 of an inmate or prisoner and deposits in an inmate account to  
11 the credit of the inmate or deposits in a prisoner account to the  
12 credit of the prisoner; or  
13 b. Is not an inmate or prisoner but who is serving a sentence of  
14 probation, conditional discharge, or post-release supervision.

15 ..."

16 **SECTION 2.(hhhh)** G.S. 15B-32(a) reads as rewritten:

17 "(a) Notice to Commission. –

18 ...

- 19 (2) Whenever the payment or obligation to pay involves funds of an  
20 offender that a superintendent, sheriff, or municipal officer (i) receives  
21 or will receive on behalf of an inmate serving a sentence with the  
22 Division of Adult Correction and Juvenile Justice of the Department of  
23 Public Safety or a prisoner confined at a local correctional facility, (ii)  
24 deposits or will deposit in an inmate account to the credit of an inmate  
25 or prisoner, and (iii) the value of such funds exceeds or will exceed ten  
26 thousand dollars (\$10,000), the State or subdivision of the State shall  
27 also give written notice to the Commission.

28 ..."

29 **SECTION 2.(iii)** G.S. 17C-3(a) reads as rewritten:

30 "(a) There is established the North Carolina Criminal Justice Education and  
31 Training Standards Commission, hereinafter called "the Commission." The Commission  
32 shall be composed of 31 members as follows:

33 ...

- 34 (6) Adult Correction and Juvenile Justice. – Four correctional officers in  
35 management positions employed by the Division of Adult Correction  
36 and Juvenile Justice of the Department of Public Safety shall be  
37 appointed, two from the Section of Community Corrections upon the  
38 recommendation of the Speaker of the House of Representatives and  
39 two from the Section of Prisons upon the recommendation of the  
40 President Pro Tempore of the Senate. Appointments by the General  
41 Assembly shall be made in accordance with G.S. 120-122.  
42 Appointments by the General Assembly shall serve two-year terms to  
43 conclude on June 30th in odd-numbered years or until the appointee no  
44 longer serves in a management position with the Division of Adult  
45 ~~Correction~~, Correction and Juvenile Justice, whichever occurs first.  
46 The Governor shall appoint one correctional officer employed by the

1 Division of Adult Correction and Juvenile Justice of the Department of  
2 Public Safety and assigned to the Office of Staff Development and  
3 Training, and one juvenile justice officer employed by the ~~Section of~~  
4 Juvenile Justice Section of the Division of Adult Correction  
5 and Juvenile Justice. The Governor's appointments shall serve  
6 three-year terms or until the appointee is no longer assigned to the  
7 Office of Staff Development and Training or is no longer a juvenile  
8 justice officer, whichever occurs first.

9 ..."

10 **SECTION 2.(jjjj)** G.S. 20-19(e2) reads as rewritten:

11 "(e2) Notwithstanding subsection (e) of this section, the Division may conditionally  
12 restore the license of a person to whom subsection (e) applies after it has been revoked  
13 for at least 24 months under G.S. 20-17(a)(2) if the person provides the Division with  
14 satisfactory proof of all of the following:

15 (1) The person has not consumed any alcohol for the 12 months preceding  
16 the restoration while being monitored by a continuous alcohol  
17 monitoring device of a type approved by the Division of Adult  
18 Correction and Juvenile Justice of the Department of Public Safety.

19 ..."

20 **SECTION 2.(kkkk)** G.S. 20-28(a1) reads as rewritten:

21 (a1) Driving While License Revoked for Impaired Driving. – Any person whose  
22 drivers license has been revoked for an impaired driving revocation as defined in  
23 G.S. 20-28.2(a) and who drives any motor vehicle upon the highways of the State is  
24 guilty of a Class 1 misdemeanor. Upon conviction, the person's license shall be revoked  
25 for an additional period of one year for the first offense, two years for the second  
26 offense, and permanently for a third or subsequent offense.

27 If the person's license was originally revoked for an impaired driving revocation, the  
28 court may order as a condition of probation that the offender abstain from alcohol  
29 consumption and verify compliance by use of a continuous alcohol monitoring system,  
30 of a type approved by the Division of Adult Correction and Juvenile Justice of the  
31 Department of Public Safety, for a minimum period of 90 days.

32 The restoree of a revoked drivers license who operates a motor vehicle upon the  
33 highways of the State without maintaining financial responsibility as provided by law  
34 shall be punished as for driving without a license."

35 **SECTION 2.(llll)** G.S. 20-79.4(a3) reads as rewritten:

36 "(a3) The Division shall develop, in consultation with the State Highway Patrol and  
37 the Division of Adult ~~Correction~~, Correction and Juvenile Justice, a standardized format  
38 for special license plates. The format shall allow for the name of the State and the  
39 license plate number to be reflective and to contrast with the background so it may be  
40 easily read by the human eye and by cameras installed along roadways as part of tolling  
41 and speed enforcement. A designated segment of the plate shall be set aside for unique  
42 design representing various groups and interests. Nothing in this subsection shall be  
43 construed to require the recall of existing special license plates."

44 **SECTION 2.(mmmm)** G.S. 20-81.12(b38) reads as rewritten:

45 "(b38) Stock Car Racing Theme. – The Division may issue any plate in this series  
46 without a minimum number of applications if the person providing the State with the

1 license to use the words, logos, trademarks, or designs associated with the plate  
2 produces the plate for the State without a minimum order quantity.

3 The cost of the Stock Car Racing Theme plate shall include all costs to produce  
4 blank plates for issuance by the Division. Notwithstanding G.S. 66-58(b), the Division  
5 or the Division of Adult Correction of the Department of Public Safety may contract for  
6 the production of the blank plates in this series to be issued by the Division, provided  
7 the plates meet or exceed the State's specifications including durability and  
8 retroreflectivity, and provided the plates are manufactured using high-quality  
9 embossable aluminum. The cost of the blank plates to the State shall be substantially  
10 equivalent to the price paid to the Division of Adult Correction and Juvenile Justice of  
11 the Department of Public Safety for license tags, as provided in G.S. 66-58(b)(15).

12 The Division shall transfer quarterly the money in the Collegiate and Cultural  
13 Attraction Plate Account derived from the sale of Stock Car Racing Theme plates to the  
14 North Carolina Motorsports Foundation, Inc.; except that the Division shall transfer  
15 quarterly the money in the Collegiate and Cultural Attraction Plate Account derived  
16 from the sale of Charlotte Motor Speedway plates to Speedway Children's Charities."

17 **SECTION 2.(nnnn)** G.S. 20-179 reads as rewritten:

18 "**§ 20-179. Sentencing hearing after conviction for impaired driving;**  
19 **determination of grossly aggravating and aggravating and mitigating**  
20 **factors; punishments.**

21 ...

22 (e) Mitigating Factors to Be Weighed. – The judge shall also determine before  
23 sentencing under subsection (f) whether any of the mitigating factors listed below apply  
24 to the defendant. The judge shall weigh the degree of mitigation of each factor in light  
25 of the particular circumstances of the case. The factors are:

26 ...

27 (6a) Completion of a substance abuse assessment, compliance with its  
28 recommendations, and simultaneously maintaining 60 days of  
29 continuous abstinence from alcohol consumption, as proven by a  
30 continuous alcohol monitoring system. The continuous alcohol  
31 monitoring system shall be of a type approved by the Division of  
32 Adult Correction and Juvenile Justice of the Department of Public  
33 Safety.

34 (7) Any other factor that mitigates the seriousness of the offense.

35 Except for the factors in subdivisions (4), (6), (6a), and (7), the conduct constituting the  
36 mitigating factor shall occur during the same transaction or occurrence as the impaired  
37 driving offense.

38 ...

39 (f3) Aggravated Level One Punishment. – A defendant subject to Aggravated  
40 Level One punishment may be fined up to ten thousand dollars (\$10,000) and shall be  
41 sentenced to a term of imprisonment that includes a minimum term of not less than 12  
42 months and a maximum term of not more than 36 months. Notwithstanding  
43 G.S. 15A-1371, a defendant sentenced to a term of imprisonment pursuant to this  
44 subsection shall not be eligible for parole. However, the defendant shall be released  
45 from the Statewide Misdemeanant Confinement Program on the date equivalent to the  
46 defendant's maximum imposed term of imprisonment less four months and shall be

1 supervised by the Section of Community Supervision of the Division of Adult  
2 Correction and Juvenile Justice under and subject to the provisions of Article 84A of  
3 Chapter 15A of the General Statutes and shall also be required to abstain from alcohol  
4 consumption for the four-month period of supervision as verified by a continuous  
5 alcohol monitoring system. For purposes of revocation, violation of the requirement to  
6 abstain from alcohol or comply with the use of a continuous alcohol monitoring system  
7 shall be deemed a controlling condition under G.S. 15A-1368.4.

8 The term of imprisonment may be suspended only if a condition of special probation  
9 is imposed to require the defendant to serve a term of imprisonment of at least 120 days.  
10 If the defendant is placed on probation, the judge shall impose as requirements that the  
11 defendant (i) abstain from alcohol consumption for a minimum of 120 days to a  
12 maximum of the term of probation, as verified by a continuous alcohol monitoring  
13 system pursuant to subsections (h1) and (h3) of this section, and (ii) obtain a substance  
14 abuse assessment and the education or treatment required by G.S. 20-17.6 for the  
15 restoration of a drivers license and as a condition of probation. The judge may impose  
16 any other lawful condition of probation.

17 (g) Level One Punishment. – A defendant subject to Level One punishment may  
18 be fined up to four thousand dollars (\$4,000) and shall be sentenced to a term of  
19 imprisonment that includes a minimum term of not less than 30 days and a maximum  
20 term of not more than 24 months. The term of imprisonment may be suspended only if a  
21 condition of special probation is imposed to require the defendant to serve a term of  
22 imprisonment of at least 30 days. A judge may reduce the minimum term of  
23 imprisonment required to a term of not less than 10 days if a condition of special  
24 probation is imposed to require that a defendant abstain from alcohol consumption and  
25 be monitored by a continuous alcohol monitoring system, of a type approved by the  
26 Division of Adult Correction and Juvenile Justice of the Department of Public Safety,  
27 for a period of not less than 120 days. If the defendant is monitored on an approved  
28 continuous alcohol monitoring system during the pretrial period, up to 60 days of  
29 pretrial monitoring may be credited against the 120-day monitoring requirement for  
30 probation. If the defendant is placed on probation, the judge shall impose a requirement  
31 that the defendant obtain a substance abuse assessment and the education or treatment  
32 required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of  
33 probation. The judge may impose any other lawful condition of probation.

34 (h) Level Two Punishment. – A defendant subject to Level Two punishment may  
35 be fined up to two thousand dollars (\$2,000) and shall be sentenced to a term of  
36 imprisonment that includes a minimum term of not less than seven days and a maximum  
37 term of not more than 12 months. The term of imprisonment may be suspended only if a  
38 condition of special probation is imposed to require the defendant to serve a term of  
39 imprisonment of at least seven days or to abstain from consuming alcohol for at least 90  
40 consecutive days, as verified by a continuous alcohol monitoring system, of a type  
41 approved by the Division of Adult Correction and Juvenile Justice of the Department of  
42 Public Safety. If the defendant is subject to Level Two punishment based on a finding  
43 that the grossly aggravating factor in subdivision (1) or (2) of subsection (c) of this  
44 section applies, the conviction for a prior offense involving impaired driving occurred  
45 within five years before the date of the offense for which the defendant is being  
46 sentenced and the judge suspends all active terms of imprisonment and imposes

1 abstention from alcohol as verified by a continuous alcohol monitory system, then the  
2 judge must also impose as an additional condition of special probation that the  
3 defendant must complete 240 hours of community service. If the defendant is monitored  
4 on an approved continuous alcohol monitoring system during the pretrial period, up to  
5 60 days of pretrial monitoring may be credited against the 90-day monitoring  
6 requirement for probation. If the defendant is placed on probation, the judge shall  
7 impose a requirement that the defendant obtain a substance abuse assessment and the  
8 education or treatment required by G.S. 20-17.6 for the restoration of a drivers license  
9 and as a condition of probation. The judge may impose any other lawful condition of  
10 probation.

11 (h1) The judge may impose, as a condition of probation for defendants subject to  
12 Level One or Level Two punishments, that the defendant abstain from alcohol  
13 consumption for a minimum of 30 days, to a maximum of the term of probation, as  
14 verified by a continuous alcohol monitoring system. The defendant's abstinence from  
15 alcohol shall be verified by a continuous alcohol monitoring system of a type approved  
16 by the Division of Adult Correction and Juvenile Justice of the Department of Public  
17 Safety.

18 ...

19 (k2) Probationary Requirement for Abstinence and Use of Continuous Alcohol  
20 Monitoring. – The judge may order that as a condition of special probation for any level  
21 of offense under G.S. 20-179 the defendant abstain from alcohol consumption, as  
22 verified by a continuous alcohol monitoring system, of a type approved by the Division  
23 of Adult Correction and Juvenile Justice of the Department of Public Safety.

24 ..."

25 **SECTION 2.(oooo)** G.S. 20-179.3(j1) reads as rewritten:

26 "(j1) Effect of Violation of Community Service Requirement. – Section of  
27 Community Corrections of the Division of Adult Correction and Juvenile Justice staff  
28 shall report significant violations of the terms of a probation judgment related to  
29 community service to the court that ordered the community service. The court shall then  
30 conduct a hearing to determine if there was a willful failure to comply. The hearing may  
31 be held in the district where the requirement was imposed, where the alleged violation  
32 occurred, or where the probationer resides. If the court determines that there was a  
33 willful failure to pay the prescribed fee or to complete the work as ordered within the  
34 applicable time limits, the court shall revoke any limited driving privilege issued in the  
35 impaired driving case until community service requirements have been met. In addition,  
36 the court may take any further action authorized by Article 82 of Chapter 15A of the  
37 General Statutes for violation of a condition of probation."

38 **SECTION 2.(pppp)** G.S. 50-13.2(b2) reads as rewritten:

39 "(b2) Any order for custody, including visitation, may, as a condition of such  
40 custody or visitation, require either or both parents, or any other person seeking custody  
41 or visitation, to abstain from consuming alcohol and may require submission to a  
42 continuous alcohol monitoring system, of a type approved by the Division of Adult  
43 Correction and Juvenile Justice of the Department of Public Safety, to verify  
44 compliance with this condition of custody or visitation. Any order pursuant to this  
45 subsection shall include an order to the monitoring provider to report any violation of

1 the order to the court and each party to the action. Failure to comply with this condition  
2 shall be grounds for civil or criminal contempt."

3 **SECTION 2.(qqqq)** G.S. 65-4 reads as rewritten:

4 "**§ 65-4. State Division of Adult Correction of the Department of Public Safety to**  
5 **furnish labor.**

6 The Division of Adult Correction and Juvenile Justice of the Department of Public  
7 Safety is hereby authorized and directed to furnish at such time, or times, as may be  
8 convenient, such prisoner's labor as may be available, to properly care for the  
9 Confederate Cemetery situated in the City of Raleigh, such services to be rendered by  
10 the State's prisoners without compensation."

11 **SECTION 2.(rrrr)** G.S. 66-25(b) reads as rewritten:

12 "(b) Electrical devices, appliances, or equipment used by the Division of Adult  
13 Correction and Juvenile Justice of the Department of Public Safety in institutional  
14 kitchens and manufacturing equipment used by Correction Enterprises are exempt from  
15 the evaluation requirement of subsection (a) of this section."

16 **SECTION 2.(ssss)** G.S. 66-58 reads as rewritten:

17 "**§ 66-58. Sale of merchandise or services by governmental units.**

18 (a) Except as may be provided in this section, it shall be unlawful for any unit,  
19 department or agency of the State government, or any division or subdivision of the  
20 unit, department or agency, or any individual employee or employees of the unit,  
21 department or agency in his, or her, or their capacity as employee or employees thereof,  
22 to engage directly or indirectly in the sale of goods, wares or merchandise in  
23 competition with citizens of the State, or to engage in the operation of restaurants,  
24 cafeterias or other eating places in any building owned by or leased in the name of the  
25 State, or to maintain service establishments for the rendering of services to the public  
26 ordinarily and customarily rendered by private enterprises, or to provide transportation  
27 services, or to contract with any person, firm or corporation for the operation or  
28 rendering of the businesses or services on behalf of the unit, department or agency, or to  
29 purchase for or sell to any person, firm or corporation any article of merchandise in  
30 competition with private enterprise. The leasing or subleasing of space in any building  
31 owned, leased or operated by any unit, department or agency or division or subdivision  
32 thereof of the State for the purpose of operating or rendering of any of the businesses or  
33 services herein referred to is hereby prohibited.

34 (b) The provisions of subsection (a) of this section shall not apply to:

35 ...

36 (6a) The Juvenile Justice Section of the Division of Adult Correction and  
37 Juvenile Justice of the Department of Public Safety.

38 ...

39 (15) The Division of Adult Correction and Juvenile Justice of the  
40 Department of Public Safety is authorized to purchase and install  
41 automobile license tag plant equipment for the purpose of  
42 manufacturing license tags for the State and local governments and for  
43 such other purposes as the Division may direct.

44 The Commissioner of Motor Vehicles, or such other authority as may  
45 exercise the authority to purchase automobile license tags is hereby  
46 directed to purchase from, and to contract with, the Division of Adult

1            Correction and Juvenile Justice of the Department of Public Safety for  
2            the State automobile license tag requirements from year to year.

3            The price to be paid to the Division of Adult Correction and Juvenile  
4            Justice of the Department of Public Safety for the tags shall be fixed  
5            and agreed upon by the Governor, the State Division of Adult  
6            Correction and Juvenile Justice of the Department of Public Safety,  
7            and the Motor Vehicle Commissioner, or such authority as may be  
8            authorized to purchase the supplies.

9            (16) Laundry services performed by the Division of Adult Correction and  
10           Juvenile Justice of the Department of Public Safety may be provided  
11           only for agencies and instrumentalities of the State which are  
12           supported by State funds and for county or municipally controlled and  
13           supported hospitals presently being served by the Division of Adult  
14           Correction and Juvenile Justice of the Department of Public Safety, or  
15           for which services have been contracted or applied for in writing, as of  
16           May 22, 1973. In addition to the prior sentence, laundry services  
17           performed by the Division of Adult Correction and Juvenile Justice of  
18           the Department of Public Safety may be provided for VA Medical  
19           Centers of the United States Department of Veterans Affairs, the  
20           Governor Morehead School, and the North Carolina School for the  
21           Deaf.

22           The services shall be limited to wet-washing, drying and ironing of  
23           flatwear or flat goods such as towels, sheets and bedding, linens and  
24           those uniforms prescribed for wear by the institutions and further  
25           limited to only flat goods or apparel owned, distributed or controlled  
26           entirely by the institutions and shall not include processing by any  
27           dry-cleaning methods; provided, however, those garments and items  
28           presently being serviced by wet-washing, drying and ironing may in  
29           the future, at the election of the Division of Adult Correction and  
30           Juvenile Justice of the Department of Public Safety, be processed by a  
31           dry-cleaning method.

32           ...  
33           (25) The gift or sale of any craft items made by inmates in the custody of  
34           the Division of Adult Correction and Juvenile Justice of the  
35           Department of Public Safety as part of a program or initiative  
36           established by the Section of Prisons of the Division of Adult  
37           ~~Correction.~~ Correction and Juvenile Justice.

38           ...  
39           (c) The provisions of subsection (a) shall not prohibit:

40           ...  
41           (7) The operation by penal, correctional or facilities operated by the  
42           Department of Health and Human Services, the Juvenile Justice  
43           Section of the Division of Adult Correction and Juvenile Justice of the  
44           Department of Public Safety, or by the Department of Agriculture and  
45           Consumer Services, of dining rooms for the inmates or clients or



1 members of the staff while on duty and for the accommodation of  
2 persons visiting the inmates or clients, and other bona fide visitors.

3 ...  
4 (13) The operation by the Division of Adult Correction and Juvenile Justice  
5 of the Department of Public Safety of forestry management programs  
6 on State-owned lands, including the sale on the open market of timber  
7 cut as a part of the management program.

8 (14) The operation by the Division of Adult Correction and Juvenile Justice  
9 of the Department of Public Safety of facilities to manufacture and  
10 produce traffic and street name signs for use on the public streets and  
11 highways of the State.

12 (15) The operation by the Division of Adult Correction and Juvenile Justice  
13 of the Department of Public Safety of facilities to manufacture and  
14 produce paint for use on the public streets and highways of the State.

15 ...  
16 (f) Notwithstanding the provisions of G.S. 66-58(a), the operation by the  
17 Division of Adult Correction and Juvenile Justice of the Department of Public Safety of  
18 facilities for the manufacture of any product or the providing of any service pursuant to  
19 Article 14 of Chapter 148 of the General Statutes not regulated by the provisions of  
20 subsection (c) of this section shall be subject to the prior approval of the Governor, with  
21 biennial review by the General Assembly, at the beginning of each fiscal year  
22 commencing after October 1, 1975. The Division of Adult Correction and Juvenile  
23 Justice of the Department of Public Safety shall file with the Director of the Budget  
24 quarterly reports detailing prison enterprise operations in such a format as shall be  
25 required by the Director of the Budget.

26 ..."

27 **SECTION 2.(tttt)** G.S. 97-13 reads as rewritten:

28 "(c) Prisoners. – This Article shall not apply to prisoners being worked by the  
29 State or any subdivision thereof, except to the following extent: Whenever any prisoner  
30 assigned to the Division of Adult Correction and Juvenile Justice of the Department of  
31 Public Safety shall suffer accidental injury or accidental death arising out of and in the  
32 course of the employment to which he had been assigned, if there be death or if the  
33 results of such injury continue until after the date of the lawful discharge of such  
34 prisoner to such an extent as to amount to a disability as defined in this Article, then  
35 such discharged prisoner or the dependents or next of kin of such discharged prisoner  
36 may have the benefit of this Article by applying to the Industrial Commission as any  
37 other employee; provided, such application is made within 12 months from the date of  
38 the discharge; and provided further that the maximum compensation to any prisoner or  
39 to the dependents or next of kin of any deceased prisoner shall not exceed thirty dollars  
40 (\$30.00) per week and the period of compensation shall relate to the date of his  
41 discharge rather than the date of the accident. If any person who has been awarded  
42 compensation under the provisions of this subsection shall be recommitted to prison  
43 upon conviction of an offense committed subsequent to the award, such compensation  
44 shall immediately cease. Any awards made under the terms of this subsection shall be  
45 paid by the Department of Public Safety from the funds available for the operation of  
46 the Division of Adult Correction and Juvenile Justice of the Department of Public

1 Safety. The provisions of G.S. 97-10.1 and 97-10.2 shall apply to prisoners and  
2 discharged prisoners entitled to compensation under this subsection and to the State in  
3 the same manner as said section applies to employees and employers."

4 **SECTION 2.(uuuu)** G.S. 105-259(b) reads as rewritten:

5 "(b) Disclosure Prohibited. – An officer, an employee, or an agent of the State  
6 who has access to tax information in the course of service to or employment by the State  
7 may not disclose the information to any other person except as provided in this  
8 subsection. Standards used or to be used for the selection of returns for examination and  
9 data used or to be used for determining the standards may not be disclosed for any  
10 purpose. All other tax information may be disclosed only if the disclosure is made for  
11 one of the following purposes:

- 12 ...
- 13 (15) To exchange information concerning a tax imposed by Articles 2A,  
14 2C, or 2D of this Chapter with one of the following agencies when the  
15 information is needed to fulfill a duty imposed on the Department or  
16 the agency:
- 17 a. The North Carolina Alcoholic Beverage Control Commission.
  - 18 b. The Alcohol Law Enforcement Branch of the Department of  
19 Public Safety.
  - 20 c. The Bureau of Alcohol, Tobacco, and Firearms of the United  
21 States Department of Justice.
  - 22 d. Law enforcement agencies.
  - 23 e. The Section of Community Corrections of the Division of Adult  
24 Correction and Juvenile Justice of the Department of Public  
25 Safety.

26 ..."

27 **SECTION 2.(vvvv)** G.S. 108A-14(a) reads as rewritten:

28 "(a) The director of social services shall have the following duties and  
29 responsibilities:

- 30 ...
- 31 (9) To assist and cooperate with the Division of Adult Correction and  
32 Juvenile Justice of the Department of Public Safety and their  
33 representatives;

34 ..."

35 **SECTION 2.(wwww)** G.S. 114-12.1 reads as rewritten:

36 "(b) The Juvenile Justice Section of the Division of Adult Correction and Juvenile  
37 Justice of the Department of Public Safety shall ensure that all juvenile court counselors  
38 and other Division personnel receive the minority sensitivity training specified in  
39 subsection (a) of this section."

40 **SECTION 2.(xxxx)** G.S. 115C-46.2 reads as rewritten:

41 **"§ 115C-46.2. Probation officer visits at school; limitations.**

42 (a) Except as provided in this section, probation officers are not authorized to  
43 visit students during school hours on school property.

44 (b) Probation officers of the Section of Community Corrections of the Division  
45 of Adult Corrections, Correction and Juvenile Justice, when working as a part of the  
46 Section's School Partnership Program, may visit students during school hours on school

1 property with prior authorization by school administrators. For purposes of this section,  
2 "authorization" includes requests for assistance from guidance counselors or school  
3 resource officers.

4 (c) Each local board of education shall develop policies and guidelines for  
5 coordinating with probation officers of the Section of Community Corrections of the  
6 Division of Adult ~~Corrections~~ Correction and Juvenile Justice in the planning and  
7 scheduling of school visits as provided in this section, utilizing existing administrative  
8 capacity to manage scheduling. Visits shall be conducted in a private area designated for  
9 such use and located away from contact with the general student population. The  
10 probation officer shall not initiate direct contact with a student while the student is in  
11 class or between classes. Initial contact with the student shall be made by a school  
12 administrator or other designated school employee, who shall direct the student to a  
13 private area to meet with the probation officer."

14 **SECTION 2.(yyyy)** G.S. 115C-106.3 reads as rewritten:

15 **"§ 115C-106.3. Definitions.**

16 The following definitions apply in this Article:

17 ...

18 (11) "Local educational agency" includes any of the following that provides  
19 special education and related services to children with disabilities:

- 20 a. A local school administrative unit.
- 21 b. A charter school.
- 22 c. The Department of Health and Human Services.
- 23 d. The Division of Adult Correction and Juvenile Justice of the  
24 Department of Public Safety.
- 25 e. ~~The Division of Juvenile Justice of the Department of Public~~  
26 ~~Safety.~~
- 27 f. Any other State agency or unit of local government."

28 **SECTION 2.(zzzz)** G.S. 115C-107.6 reads as rewritten:

29 **"§ 115C-107.6. Duties of local educational agencies.**

30 (a) Each local educational agency, in providing for the education of children with  
31 disabilities within its jurisdiction, must comply with IDEA and the rules adopted by the  
32 State Board under this Article. In addition, each local educational agency shall have in  
33 effect policies, procedures, and programs that are consistent with this Article, IDEA,  
34 and rules adopted by the State Board.

35 (b) No child with disabilities shall be prevented from attending the public schools  
36 of the local educational agency in which the child resides or from which the child  
37 receives services or from attending any other public program of free appropriate public  
38 education based solely on the fact that the child has a disability. If it appears the child  
39 should receive a program of free appropriate public education in a program operated by  
40 or under the supervision of the Department of Health and Human Services or the  
41 Division of Adult Correction and Juvenile Justice of the Department of Public Safety,  
42 the local school administrative unit shall confer with the appropriate Department of  
43 Health and Human Services or Division of Adult Correction and Juvenile Justice of the  
44 Department of Public Safety staff for their participation and determination of the  
45 appropriateness of placement in that program and development of the child's  
46 individualized education program.

1 (c) No matriculation or tuition fees or other fees or charges shall be required or  
2 asked of children with disabilities or their parents except those fees or charges that are  
3 required uniformly of all public school pupils. The provision of a free appropriate public  
4 education within the facilities of the Department of Health and Human Services and the  
5 Division of Adult Correction and Juvenile Justice of the Department of Public Safety  
6 may not prevent that Department from charging for other services or treatment.

7 (d) Each child with a disability shall be educated in accordance with that child's  
8 IEP and in the least restrictive environment for that child.

9 (e) Each local educational agency may use the forms developed under  
10 G.S. 115C-107.2(d)."

11 **SECTION 2.(aaaaa) G.S. 115C-108.1 reads as rewritten:**

12 **"§ 115C-108.1. State Board lead agency.**

13 (a) The Board shall cause all local educational agencies to provide special  
14 education and related services to children with disabilities in their care, custody,  
15 management, jurisdiction, control, or programs.

16 (b) The jurisdiction of the Board with respect to the design and content of special  
17 education programs or related services for children with disabilities extends to and over  
18 the Department of Health and Human Services, and the Division of Adult Correction  
19 and Juvenile Justice of the Department of Public Safety, ~~and the Division of Adult~~  
20 ~~Correction of the Department of Public Safety.~~

21 (c) All provisions of this Article that are specifically applicable to local school  
22 administrative units also are applicable to the Department of Health and Human  
23 Services, and the Division of Adult Correction and Juvenile Justice of the Department  
24 of Public Safety, ~~and the Division of Adult Correction of the Department of Public~~  
25 ~~Safety,~~ and their divisions and agencies; all duties, responsibilities, rights, and  
26 privileges specifically imposed on or granted to local school administrative units by this  
27 Article also are imposed on or granted to the Department of Health and Human  
28 Services, and the Division of Adult Correction and Juvenile Justice of the Department  
29 of Public Safety, ~~and the Division of Adult Correction of the Department of Public~~  
30 ~~Safety,~~ and their divisions and agencies. However, with respect to children with  
31 disabilities who are residents or patients of any State-operated or State-supported  
32 residential treatment facility, including a school for the deaf, school for the blind,  
33 mental hospital or center, mental retardation center, or in a facility operated by the  
34 Division of Adult Correction and Juvenile Justice of the Department of Public Safety,  
35 ~~the Division of Adult Correction of the Department of Public Safety,~~ or any of their  
36 divisions and agencies, the Board may contract with the Department of Health and  
37 Human Services, and the Division of Adult Correction and Juvenile Justice of the  
38 Department of Public Safety, ~~and the Division of Adult Correction of the Department of~~  
39 ~~Public Safety~~ for the provision of special education and related services and the power  
40 to review, revise, and approve any plans for special education and related services to  
41 those residents.

42 (d) ~~The Departments~~ Department of Health and Human Services, Correction, and  
43 Juvenile Justice and Delinquency Prevention Services and the Department of Public  
44 Safety shall submit to the Board their plans for the education of children with  
45 disabilities in their care, custody, or control. The Board may grant specific exemptions  
46 for programs administered by the Department of Health and Human Services, Services

1 ~~or the Division of Adult Correction and Juvenile Justice of the Department of Public~~  
2 ~~Safety, or the Division of Adult Correction of the Department of Public Safety~~ when  
3 compliance by them with the Board's standards would, in the Board's judgment, impose  
4 undue hardship on that department or division and when other procedural due process  
5 requirements, substantially equivalent to those required under this Article and IDEA,  
6 are assured in programs of special education and related services furnished to children  
7 with disabilities served by that department. Further, the Board shall recognize that  
8 inpatient and residential special education programs within the Departments of Health  
9 and Human ~~Services, Services~~ or the Division of Adult Correction and Juvenile Justice  
10 ~~of the Department of Public Safety, or the Division of Adult Correction of the~~  
11 ~~Department of Public Safety~~ may require more program resources than those necessary  
12 for optimal operation of these programs in local school administrative units.

13 (e) The Board shall support and encourage joint and collaborative special  
14 education planning and programming at local levels to include local school  
15 administrative units and the programs and agencies of the Departments of Health and  
16 Human ~~Services, Services~~ or the Division of Adult Correction and Juvenile Justice of  
17 the Department of Public Safety, ~~or the Division of Adult Correction of the Department~~  
18 ~~of Public Safety."~~

19 **SECTION 2.(bbbb) G.S. 115C-108.2 reads as rewritten:**

20 **"§ 115C-108.2. Interlocal cooperation.**

21 The Board, any two or more local educational agencies, and any other agency and  
22 any State department, agency, or division having responsibility for the education,  
23 treatment, or habilitation of children with disabilities may enter into interlocal  
24 cooperative undertakings under Part 1 of Article 20 of Chapter 160A of the General  
25 Statutes or into undertakings with a State agency such as the Departments of Public  
26 Instruction, Health and Human Services, ~~Juvenile Justice and Delinquency Prevention,~~  
27 ~~or Correction, or Public Safety,~~ or their divisions, agencies, or units, for the purpose of  
28 providing for the special education and related services, treatment, or habilitation of  
29 these children within the jurisdiction of the agency or unit, and shall do so when it is  
30 unable to provide the appropriate public special education or related services for these  
31 children. In entering into such undertakings, the local agency and State department,  
32 agency, or division shall also contract to provide the special education or related  
33 services that are educationally appropriate to the children with disabilities for whose  
34 benefit the undertaking is made and provide these services by or in the local agency unit  
35 or State department, agency, or division located in the place most convenient to these  
36 children."

37 **SECTION 2.(cccc) G.S. 115C-250(a) reads as rewritten:**

38 "(a) The State Board of Education and local boards of education may expend  
39 public funds for transportation of children with disabilities who are unable because of  
40 their disability to ride the regular school buses and who have been placed in programs  
41 by a local school board as a part of its duty to provide these children with a free  
42 appropriate education under Article 9 of this Chapter. At the option of the local board of  
43 education with the concurrence of the State Board of Education, funds appropriated to  
44 the State Board of Education for contract transportation of children with disabilities may  
45 be used to purchase buses and minibuses as well as for the purposes authorized in the

1 budget. The State Board of Education shall adopt rules concerning the construction and  
2 equipment of these buses and minibuses.

3 The Departments of Health and Human Services, ~~Juvenile Justice and Delinquency~~  
4 ~~Prevention, and Correction~~ Services and Public Safety may also expend public funds for  
5 transportation of children with disabilities who are unable because of their disability to  
6 ride the regular school buses and who have been placed in programs by one of these  
7 agencies as a part of that agency's duty to provide these children with a free appropriate  
8 public education under Article 9 of this Chapter.

9 If a local area mental health center places a child with a disability in an educational  
10 program, the local area mental health center shall pay for the transportation of the child  
11 who is unable due to the disability to ride the regular school buses to the program."

12 **SECTION 2.(ddddd)** G.S. 115C-296.2(b) reads as rewritten:

13 "(b) Definitions. – As used in this subsection:

14 (1) A "North Carolina public school" is a school operated by a local board  
15 of education, the Department of Health and Human Services, the  
16 Division of Adult Correction of the Department of Public Safety, the  
17 Division of Adult Correction and Juvenile Justice of the Department of  
18 Public Safety or The University of North Carolina; a school affiliated  
19 with The University of North Carolina; or a charter school approved  
20 by the State Board of Education.

21 ..."

22 **SECTION 2.(eeee)** G.S. 115C-325(p) reads as rewritten:

23 "(p) Section Applicable to Certain Institutions. – Notwithstanding any law or  
24 regulation to the contrary, this section shall apply to all persons employed in teaching  
25 and related educational classes in the schools and institutions of the Departments of  
26 Health and Human Services and Public Instruction and the Divisions of ~~Juvenile Justice~~  
27 ~~and Adult Correction of the Department of Public Safety~~ Services, Public Instruction,  
28 and Public Safety regardless of the age of the students."

29 **SECTION 2.(ffff)** G.S. 115C-325.10 reads as rewritten:

30 "**§ 115C-325.10. Application to certain institutions.**

31 Notwithstanding any law or regulation to the contrary, this Part shall apply to all  
32 persons employed in teaching and related educational classes in the schools and  
33 institutions of the Departments of Health and Human Services and Public Instruction  
34 and the ~~Divisions of Juvenile Justice and Adult Correction~~ Division of Adult Correction  
35 and Juvenile Justice of the Department of Public Safety, regardless of the age of the  
36 students."

37 **SECTION 2.(ggggg)** G.S. 115D-1 reads as rewritten:

38 "**§ 115D-1. Statement of purpose.**

39 The purposes of this Chapter are to provide for the establishment, organization, and  
40 administration of a system of educational institutions throughout the State offering  
41 courses of instruction in one or more of the general areas of two-year college parallel,  
42 technical, vocational, and adult education programs, to serve as a legislative charter for  
43 such institutions, and to authorize the levying of local taxes and the issuing of local  
44 bonds for the support thereof. The major purpose of each and every institution operating  
45 under the provisions of this Chapter shall be and shall continue to be the offering of  
46 vocational and technical education and training, and of basic, high school level,

1 academic education needed in order to profit from vocational and technical education,  
2 for students who are high school graduates or who are beyond the compulsory age limit  
3 of the public school system and who have left the public schools, provided, juveniles of  
4 any age committed to the Juvenile Justice Section of the Division of Adult Correction  
5 and Juvenile Justice of the Department of Public Safety by a court of competent  
6 jurisdiction may, if approved by the director of the youth development center to which  
7 they are assigned, take courses offered by institutions of the system if they are otherwise  
8 qualified for admission.

9 The Community Colleges System Office is designated as the primary lead agency  
10 for delivering workforce development training, adult literacy training, and adult  
11 education programs in the State."

12 **SECTION 2.(hhhh)** G.S. 115D-5(b) reads as rewritten:

13 "(b) In order to make instruction as accessible as possible to all citizens, the  
14 teaching of curricular courses and of noncurricular extension courses at convenient  
15 locations away from institution campuses as well as on campuses is authorized and shall  
16 be encouraged. A pro rata portion of the established regular tuition rate charged a  
17 full-time student shall be charged a part-time student taking any curriculum course. In  
18 lieu of any tuition charge, the State Board of Community Colleges shall establish a  
19 uniform registration fee, or a schedule of uniform registration fees, to be charged  
20 students enrolling in extension courses for which instruction is financed primarily from  
21 State funds. The State Board of Community Colleges may provide by general and  
22 uniform regulations for waiver of tuition and registration fees for the following:

23 ...

24 (2) Courses requested by the following entities that support the  
25 organizations' training needs and are on a specialized course list  
26 approved by the State Board of Community Colleges:

27 ...

28 g. The Division of Adult Correction and Juvenile Justice of the  
29 Department of Public Safety for the training of full-time  
30 custodial employees and employees of the ~~Division's Section of~~  
31 ~~Community Corrections~~Division required to be certified under  
32 Chapter 17C of the General Statutes and the rules of the  
33 Criminal Justice and Training Standards Commission.

34 ~~h. The Division of Juvenile Justice of the Department of Public~~  
35 ~~Safety for the training of employees required to be certified~~  
36 ~~under Chapter 17C of the General Statutes and the rules of the~~  
37 ~~Criminal Justice and Training Standards Commission.~~

38 ..."

39 **SECTION 2.(iiii)** G.S. 120-70.94 reads as rewritten:

40 "**§ 120-70.94. Purpose and powers of Committee.**

41 (a) The Joint Legislative Oversight Committee on Justice and Public Safety shall  
42 examine, on a continuing basis, the correctional, law enforcement, and juvenile justice  
43 systems in North Carolina, in order to make ongoing recommendations to the General  
44 Assembly on ways to improve those systems and to assist those systems in realizing  
45 their objectives of protecting the public and of punishing and rehabilitating offenders. In  
46 this examination, the Committee shall:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

...  
(2) Examine the effectiveness of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in implementing the public policy stated in G.S. 148-26 of providing work assignments and employment for inmates as a means of reducing the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release.

...  
(2b) Examine the effectiveness of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in implementing the duties and responsibilities charged to the Division in Part 3 of Article 13 of Chapter 143B of the General Statutes and the overall effectiveness and efficiency of the juvenile justice system in the State.

...  
(10) Study the needs of juveniles. This study may include, but is not limited to:  
a. Determining the adequacy and appropriateness of services:  
1. To children and youth receiving child welfare services;  
2. To children and youth in the juvenile court system;  
3. Provided by the Division of Social Services of the Department of Health and Human Services and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety;

..."

**SECTION 2.(jjjjj)** G.S. 122C-22(a) reads as rewritten:

"(a) All of the following are excluded from the provisions of this Article and are not required to obtain licensure under this Article:

...  
(10) Inpatient chemical dependency or substance abuse facilities that provide services exclusively to inmates of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, as described in G.S. 148-19.1.

..."

**SECTION 2.(kkkkk)** G.S. 122C-55(c) reads as rewritten:

"(c) A facility may furnish confidential information in its possession to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety when requested by that department regarding any client of that facility when the inmate has been determined by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to be in need of treatment for mental illness, developmental disabilities, or substance abuse. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety may furnish to a facility confidential information in its possession about treatment for mental illness, developmental disabilities, or substance abuse that the Division of Adult Correction and Juvenile Justice of the Department of Public Safety has provided to any present or former inmate if the inmate is presently seeking treatment from the requesting facility or if the inmate has been involuntarily committed to the requesting facility for inpatient or outpatient



1 treatment. Under the circumstances described in this subsection, the consent of the  
2 client or inmate shall not be required in order for this information to be furnished and  
3 the information shall be furnished despite objection by the client or inmate. Confidential  
4 information disclosed pursuant to this subsection is restricted from further disclosure."

5 **SECTION 2.(lllll)** G.S. 122C-62(b) reads as rewritten:

6 "(b) Except as provided in subsections (e) and (h) of this section, each adult client  
7 who is receiving treatment or habilitation in a 24-hour facility at all times keeps the  
8 right to:

9 ...

10 (4) Make visits outside the custody of the facility unless:

- 11 a. Commitment proceedings were initiated as the result of the  
12 client's being charged with a violent crime, including a crime  
13 involving an assault with a deadly weapon, and the respondent  
14 was found not guilty by reason of insanity or incapable of  
15 proceeding;
- 16 b. The client was voluntarily admitted or committed to the facility  
17 while under order of commitment to a correctional facility of  
18 the Division of Adult Correction and Juvenile Justice of the  
19 Department of Public Safety; or
- 20 c. The client is being held to determine capacity to proceed  
21 pursuant to G.S. 15A-1002;

22 A court order may expressly authorize visits otherwise prohibited by  
23 the existence of the conditions prescribed by this subdivision;

24 ..."

25 **SECTION 2.(mmmmm)** G.S. 122C-113(b1) reads as rewritten:

26 "(b1) The Secretary shall cooperate with the State Board of Education and the  
27 Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the  
28 Department of Public Safety in coordinating the responsibilities of the Department of  
29 Health and Human Services, the State Board of Education, the Juvenile Justice Section  
30 of the Division of Adult Correction and Juvenile Justice of the Department of Public  
31 Safety, and the Department of Public Instruction for adolescent substance abuse  
32 programs. The Department of Health and Human Services, through its Division of  
33 Mental Health, Developmental Disabilities, and Substance Abuse Services, in  
34 cooperation with the Juvenile Justice Section of the Division of Adult Correction and  
35 Juvenile Justice of the Department of Public Safety, shall be responsible for intervention  
36 and treatment in non-school based programs. The State Board of Education and the  
37 Department of Public Instruction, in consultation with the Juvenile Justice Section of  
38 the Division of Adult Correction and Juvenile Justice of the Department of Public  
39 Safety, shall have primary responsibility for in-school education, identification, and  
40 intervention services, including student assistance programs."

41 **SECTION 2.(nnnnn)** G.S. 122C-115.4(g) reads as rewritten:

42 "(g) The Commission shall adopt rules to ensure that the needs of members of the  
43 active and reserve components of the Armed Forces of the United States, veterans, and  
44 their family members are met by requiring:

- 45 (1) Each LME to have at least one trained care coordination person on  
46 staff to serve as the point of contact for TRICARE, the North Carolina

1 National Guard's Integrated Behavioral Health System, the Army  
2 Reserve Department of Psychological Health, the United States  
3 Department of Veterans Affairs, the Juvenile Justice Section of the  
4 Division of Adult Correction, Correction and Juvenile Justice, and  
5 related organizations to ensure that members of the active and reserve  
6 components of the Armed Forces of the United States, veterans, and  
7 their family members have access to State-funded services when they  
8 are not eligible for federally funded mental health or substance abuse  
9 services.

10 ..."

11 **SECTION 2.(ooooo)** G.S. 122C-117 reads as rewritten:

12 **"§ 122C-117. Powers and duties of the area authority.**

13 (a) The area authority shall do all of the following:

14 ...

15 (2) Ensure the provision of services to clients in the catchment area,  
16 including clients committed to the custody of the Juvenile Justice  
17 Section of the Division of Adult Correction and Juvenile Justice of the  
18 Department of Public Safety.

19 (3) Determine the needs of the area authority's clients and coordinate with  
20 the Secretary and with the Juvenile Justice Section of the Division of  
21 Adult Correction and Juvenile Justice of the Department of Public  
22 Safety the provision of services to clients through area and State  
23 facilities.

24 ..."

25 **SECTION 2.(ppppp)** Part 10 of Article 5 of Chapter 122C of the General  
26 Statutes reads as rewritten:

27 "Part 10. Voluntary Admissions, Involuntary Commitments and Discharges, Inmates and  
28 Parolees, Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

29 ...

30 **§ 122C-312. Voluntary admissions and discharges of inmates of the Division of**  
31 **Adult Correction and Juvenile Justice of the Department of Public**  
32 **Safety.**

33 Inmates in the custody of the Division of Adult Correction and Juvenile Justice of  
34 the Department of Public Safety may seek voluntary admission to State facilities for the  
35 mentally ill or substance abusers. The provisions of Part 2 of this Article shall apply  
36 except that an admission may be accomplished only when the Secretary and the  
37 Secretary of Public Safety jointly agree to the inmate's request. When an inmate is  
38 admitted he shall be discharged in accordance with the provisions of Part 2 of this  
39 Article except that an inmate who is ready for discharge, but still under a term of  
40 incarceration, shall be discharged only to an official of the Division of Adult Correction  
41 and Juvenile Justice of the Department of Public Safety. The Division of Adult  
42 Correction and Juvenile Justice of the Department of Public Safety is responsible for the  
43 security and cost of transporting inmates to and from facilities under the provisions of  
44 this section.

45 **§ 122C-313. Inmate becoming mentally ill and dangerous to himself or others.**

1 (a) An inmate who becomes mentally ill and dangerous to himself or others after  
2 incarceration in any facility operated by the Division of Adult Correction and Juvenile  
3 Justice of the Department of Public Safety in the State is processed in accordance with  
4 Part 7 of this Article, as modified by this section, except when the provisions of Part 7  
5 are manifestly inappropriate. A staff psychiatrist or eligible psychologist of the  
6 correctional facility shall execute the affidavit required by G.S. 122C-261 and send it to  
7 the clerk of superior court of the county in which the correctional facility is located.  
8 Upon receipt of the affidavit, the clerk shall calendar a district court hearing and notify  
9 the respondent and his counsel as required by G.S. 122C-284(a). The hearing is  
10 conducted in a district courtroom. If the judge finds by clear, cogent, and convincing  
11 evidence that the respondent is mentally ill and dangerous to himself or others, he shall  
12 order him transferred for treatment to a State facility designated by the Secretary. The  
13 judge shall not order outpatient commitment for an inmate-respondent.

14 ...

15 (c) If the sentence of an inmate-respondent has not expired, and if in the opinion  
16 of the attending physician of the State facility an inmate-respondent ceases to be  
17 mentally ill and dangerous to himself or others, he shall notify the Division of Adult  
18 Correction and Juvenile Justice of the Department of Public Safety which shall arrange  
19 for the inmate-respondent's return to a correctional facility.

20 ...

21 (e) The Division of Adult Correction and Juvenile Justice of the Department of  
22 Public Safety is responsible for the security and cost of transporting inmates to and from  
23 State facilities under the provisions of this section."

24 **SECTION 2.(qqqqq) G.S. 122C-402 reads as rewritten:**

25 **"§ 122C-402. Application of State highway and motor vehicle laws at State**  
26 **institutions on Camp Butner reservation.**

27 The provisions of Chapter 20 of the General Statutes relating to the use of the  
28 highways of the State and the operation of motor vehicles thereon are made applicable  
29 to the streets, alleys, and driveways on the Camp Butner reservation that are on the  
30 grounds of any State facility or any State institution operated by the Department or by  
31 the Division of Adult Correction and Juvenile Justice of the Department of Public  
32 Safety. Any person violating any of the provisions of Chapter 20 of the General Statutes  
33 in or on these streets, alleys, or driveways shall upon conviction be punished as  
34 prescribed in that Chapter. This section does not interfere with the ownership and  
35 control of the streets, alleys, and driveways on the grounds as is now vested by law in  
36 the Department."

37 **SECTION 2.(rrrrr) G.S. 122C-421(b) reads as rewritten:**

38 "(b) These special police officers may exercise any and all of the powers  
39 enumerated in this Part upon or in pursuit from the property formerly occupied by the  
40 Black Mountain Center and transferred to the Division of Adult Correction and Juvenile  
41 Justice of the Department of Public Safety by Senate Bill 388 and House Bill 709 of the  
42 1985 Session of the General Assembly. These special police officers shall exercise said  
43 powers upon the property transferred to the Division of Adult Correction and Juvenile  
44 Justice of the Department of Public Safety only by agreement of the Division of Adult  
45 Correction and Juvenile Justice of the Department of Public Safety and the Department  
46 of Health and Human Services."

1           **SECTION 2.(sssss)** G.S. 126-5(c3) reads as rewritten:

2           "(c3) Except as to the policies, rules, and plans established by the Commission  
3 pursuant to G.S. 126-4(5) and the provisions of Article 6 of this Chapter, the provisions  
4 of this Chapter shall not apply to: Teaching and related educational classes of  
5 employees of the Division of Adult Correction and Juvenile Justice of the Department  
6 of Public Safety, the Department of Health and Human Services, and any other State  
7 department, agency or institution, whose salaries shall be set in the same manner as set  
8 for corresponding public school employees in accordance with Chapter 115C of the  
9 General Statutes."

10           **SECTION 2.(ttttt)** G.S. 126-23 reads as rewritten:

11       "**§ 126-23. Certain records to be kept by State agencies open to inspection.**

12       ...

13       (d) Notwithstanding any other provision of this section, persons in the custody  
14 of, or under the supervision of, the Division of Adult Correction and Juvenile Justice  
15 and persons in the custody of local confinement facilities are not entitled to access to the  
16 records made public under this section and are prohibited from obtaining those records,  
17 absent a court order authorizing access to, or custody, or possession.

18       (e) An attorney investigating allegations of unlawful misconduct or abuse by a  
19 Division of Adult Correction and Juvenile Justice employee may request, and shall be  
20 provided with, information sufficient to identify the full name or names of the employee  
21 alleged to be involved in the misconduct or abuse in the current position of the  
22 employee within the Division; or, the last position held by the employee and the last  
23 date of employment by the Division. The attorney may not give the offender copies of  
24 departmental records or official documents absent a court order authorizing access to, or  
25 custody, or possession."

26           **SECTION 2.(uuuuu)** G.S. 127A-54(c) reads as rewritten:

27       "(c) Any defendant whose sentence by a military court includes confinement shall  
28 be placed into the custody of the Division of Adult Correction and Juvenile Justice of  
29 the Department of Public Safety. The Division of Adult Correction of the Department of  
30 Public Safety is authorized to transfer physical custody of the defendant to a local  
31 confinement facility."

32           **SECTION 2.(vvvvv)** G.S. 130A-25(b) reads as rewritten:

33       "(b) A person convicted under this section for violation of G.S. 130A-144(f) or  
34 G.S. 130A-145 shall not be sentenced under Article 81B of Chapter 15A of the General  
35 Statutes but shall instead be sentenced to a term of imprisonment of no more than two  
36 years and shall serve any prison sentence in McCain Hospital, Section of Prisons of the  
37 Division of Adult Correction, McCain, North Carolina; the North Carolina Correctional  
38 Center for Women, Section of Prisons of the Division of Adult ~~Correction~~, Correction  
39 and Juvenile Justice, Raleigh, North Carolina; or any other confinement facility  
40 designated for this purpose by the Secretary of Public Safety after consultation with the  
41 State Health Director. The Secretary of Public Safety shall consult with the State Health  
42 Director concerning the medical management of these persons."

43           **SECTION 2.(wwwww)** G.S. 131E-98 reads as rewritten:

44       "**§ 131E-98. Inmate medical records.**

45       Notwithstanding any other provision of law, a hospital does not breach patient  
46 confidentiality by providing the Division of Adult Correction and Juvenile Justice of the

1 Department of Public Safety with the medical records of inmates who receive medical  
2 treatment at the hospital while in the custody of the Division. A hospital complying with  
3 a request from the Division of Adult Correction and Juvenile Justice of the Department  
4 of Public Safety or its agent for a copy of the medical records of an inmate who  
5 received medical services while in custody shall be immune from liability in any civil  
6 action for the release of the inmate's medical record."

7 **SECTION 2.(xxxxx)** G.S. 131E-184(d) reads as rewritten:

8 "(d) In accordance with, and subject to the limitations of G.S. 148-19.1, the  
9 Department shall exempt from certificate of need review the construction and operation  
10 of a new chemical dependency or substance abuse facility for the purpose of providing  
11 inpatient chemical dependency or substance abuse services solely to inmates of the  
12 Division of Adult Correction and Juvenile Justice of the Department of Public Safety. If  
13 an inpatient chemical dependency or substance abuse facility provides services both to  
14 inmates of the Division of Adult Correction and Juvenile Justice of the Department of  
15 Public Safety and to members of the general public, only the portion of the facility that  
16 serves inmates shall be exempt from certificate of need review."

17 **SECTION 2.(yyyyy)** G.S. 131E-214.1 reads as rewritten:

18 **"§ 131E-214.1. Definitions.**

19 As used in this Article:

20 ...

21 (3) "Hospital" means a facility licensed under Article 5 of this Chapter or  
22 Article 2 of Chapter 122C of the General Statutes, but does not include  
23 the following:

- 24 a. A facility with all of its beds designated for medical type "LTC"  
25 (long-term care).
- 26 b. A facility with the majority of its beds designated for medical  
27 type "PSY-3" (mental retardation).
- 28 c. A facility operated by the Division of Adult Correction and  
29 Juvenile Justice of the Department of Public Safety.

30 ..."

31 **SECTION 2.(zzzzz)** G.S. 143-63.1(d) reads as rewritten:

32 "(d) Notwithstanding the provisions of this section, but subject to the provisions of  
33 G.S. 20-187.2, the North Carolina State Highway Patrol, the North Carolina Division of  
34 Adult Correction and Juvenile Justice of the Department of Public Safety, and the North  
35 Carolina State Bureau of Investigation may sell, trade, or otherwise dispose of any or all  
36 surplus weapons they possess to any federally licensed firearm dealers. The sale, trade,  
37 or disposal of these weapons shall be in a manner prescribed by the Department of  
38 Administration. Any moneys or property obtained from the sale, trade, or disposal shall  
39 go to the general fund."

40 **SECTION 2.(aaaaa)** G.S. 143-138(g) reads as rewritten:

41 "(g) Publication and Distribution of Code. – The Building Code Council shall  
42 cause to be printed, after adoption by the Council, the North Carolina State Building  
43 Code and each amendment thereto. It shall, at the State's expense, distribute copies of  
44 the Code and each amendment to State and local governmental officials, departments,  
45 agencies, and educational institutions, as is set out in the table below. (Those marked by  
46 an asterisk will receive copies only on written request to the Council.)

1 OFFICIAL OR AGENCY	NUMBER OF COPIES
2 State Departments and Officials	
3 Governor .....	1
4 Lieutenant Governor .....	1
5 Auditor .....	1
6 Treasurer .....	1
7 Secretary of State .....	1
8 Superintendent of Public Instruction.....	1
9 Attorney General (Library) .....	1
10 Commissioner of Agriculture.....	1
11 Commissioner of Labor.....	1
12 Commissioner of Insurance.....	1
13 Department of Environmental Quality.....	1
14 Department of Health and Human Services.....	1
15 Division of <u>Adult Correction and Juvenile Justice</u> of the	
16 Department of Public Safety .....	1
17 Board of Transportation .....	1
18 Utilities Commission.....	1
19 Department of Administration .....	1
20 Clerk of the Supreme Court .....	1
21 Clerk of the Court of Appeals .....	1
22 Department of Natural and Cultural Resources [State Library] .....	1
23 Supreme Court Library .....	1
24 Legislative Library .....	1
25 Office of Administrative Hearings.....	1
26 Rules Review Commission .....	1

27 Schools

28 All state-supported colleges and universities

29 in the State of North Carolina .....\*1 each

30 Local Officials

31 Clerks of the Superior Courts.....1 each

32 Chief Building Inspector of each incorporated

33 municipality or county .....1

34 In addition, the Building Code Council shall make additional copies available at

35 such price as it shall deem reasonable to members of the general public. The proceeds

36 from sales of the Building Code shall be credited to the Insurance Regulatory Fund

37 under G.S. 58-6-25."

38 **SECTION 2.(bbbbbb)** G.S. 143-166.2(d) reads as rewritten:

39 "(d) The term "law-enforcement officer", "officer", or "firefighter" shall mean a

40 sheriff and all law-enforcement officers employed full-time, permanent part-time, or

41 temporarily by a sheriff, the State of North Carolina or any county or municipality

42 thereof, whether paid or unpaid; and all full-time custodial employees and probation and

43 parole officers of the Division of Adult Correction and Juvenile Justice of the

44 Department of Public Safety; and all full time institutional and full-time, permanent

45 part-time, and temporary detention employees of the Juvenile Justice Section of the

46 Division of Adult Correction and Juvenile Justice of the Department of Public Safety

1 and full-time, permanent part-time, and temporary detention officers employed by any  
2 sheriff, county or municipality, whether paid or unpaid. The term "firemen" shall mean  
3 both firefighter or firemen as defined in G.S. 58-84-5(3a), or "eligible firemen" as  
4 defined in Article 86 of Chapter 58 of the General Statutes, notwithstanding any age  
5 requirements set out in that Article, and all full-time, permanent part-time and  
6 temporary employees of the North Carolina Forest Service of the Department of  
7 Agriculture and Consumer Services during the time they are actively engaged in  
8 firefighting activities; or engaged in emergency response activities pursuant to  
9 G.S. 166A-19.77; and shall mean all full-time employees of the North Carolina  
10 Department of Insurance during the time they are actively engaged in firefighting  
11 activities, during the time they are training firefighters or rescue squad workers, and  
12 during the time they are engaged in activities as members of the State Emergency  
13 Response Team, when the Team has been activated; and shall mean all otherwise  
14 eligible persons who, while actively engaged as firefighters or rescue squad workers, are  
15 acting in the capacity of a fire or rescue instructor outside their own department or  
16 squad. The term "rescue squad worker" shall mean a person who is dedicated to the  
17 purpose of alleviating human suffering and assisting anyone who is in difficulty or who  
18 is injured or becomes suddenly ill by providing the proper and efficient care or  
19 emergency medical services. In addition, this person must belong to an organized rescue  
20 squad which is eligible for membership in the North Carolina Association of Rescue  
21 and Emergency Medical Services, Inc., and the person must have attended a minimum  
22 of 36 hours of training in the last calendar year. Each rescue squad belonging to the  
23 North Carolina Association of Rescue and Emergency Medical Services, Inc., must file  
24 a roster of those members meeting the above requirements with the State Treasurer on  
25 or about January 31 of each year, and this roster must be certified to by the secretary of  
26 said association. In addition, the term "rescue squad worker" shall mean a member of an  
27 ambulance service certified by the Department of Health and Human Services pursuant  
28 to Article 7 of Chapter 131E of the General Statutes. The Department of Health and  
29 Human Services shall furnish a list of ambulance service members to the State  
30 Treasurer on or about January 31 of each year. The term "Civil Air Patrol members"  
31 shall mean those senior members of the North Carolina Wing-Civil Air Patrol 18 years  
32 of age or older and currently certified pursuant to G.S. 143B-1031. The term  
33 "firefighter" shall also mean county fire marshals when engaged in the performance of  
34 their county duties. The term "rescue squad worker" shall also mean county emergency  
35 services coordinators when engaged in the performance of their county duties."

36 **SECTION 2.(cccccc)** G.S. 143-166.13 reads as rewritten:

37 **"§ 143-166.13. Persons entitled to benefits under Article.**

38 (a) The following persons who are subject to the Criminal Justice Training and  
39 Standards Act are entitled to benefits under this Article:

- 40 (1) State Government Security Officers, Department of Administration;
- 41 (2) State Correctional Officers, Division of Adult Correction and Juvenile  
42 Justice of the Department of Public Safety;
- 43 (3) State Probation and Parole Officers, Division of Adult Correction and  
44 Juvenile Justice of the Department of Public Safety;

- 1 (4) Sworn State Law-Enforcement Officers with the power of arrest,  
2 Division of Adult Correction and Juvenile Justice of the Department of  
3 Public Safety;
- 4 (5) Sworn Law Enforcement Officers in the Medicaid Fraud Unit of the  
5 Department of Justice;
- 6 (6) State Highway Patrol Officers, Department of Public Safety;
- 7 (7) General Assembly Special Police, General Assembly;
- 8 (8) Sworn State Law-Enforcement Officers with the power of arrest,  
9 Department of Health and Human Services;
- 10 (9) Juvenile Justice Officers, Juvenile Justice Section of the Division of  
11 Adult Correction and Juvenile Justice of the Department of Public  
12 Safety;
- 13 (10) Insurance Investigators, Department of Insurance;
- 14 (11) State Bureau of Investigation Officers and Alcohol Law Enforcement  
15 Agents, Department of Public Safety;
- 16 (12) Director and Assistant Director, License and Theft Enforcement  
17 Section, Division of Motor Vehicles, Department of Transportation;
- 18 (13) Members of License and Theft Enforcement Section, Division of  
19 Motor Vehicles, Department of Transportation, designated by the  
20 Commissioner of Motor Vehicles as either "inspectors" or uniformed  
21 weigh station personnel;
- 22 (14) Utilities Commission Transportation Inspectors and Special  
23 Investigators;
- 24 (15) North Carolina Ports Authority Police, Department of Transportation;
- 25 (16) Sworn State Law-Enforcement Officers with the power of arrest,  
26 Department of Environmental Quality;
- 27 (17) Sworn State Law-Enforcement Officers with the power of arrest,  
28 Department of Public Safety.
- 29 (18) Sworn State Law-Enforcement Officers with the power of arrest,  
30 Department of Revenue.
- 31 (19) Sworn State Law-Enforcement Officers with the power of arrest,  
32 University System.
- 33 (20) Sworn State Law-Enforcement Officers with the power of arrest,  
34 Department of Agriculture and Consumer Services.

35 (b) The following persons are entitled to benefits under this Article regardless of  
36 whether they are subject to the Criminal Justice Training and Standards Act:

- 37 (1) Driver License Examiners injured by accident arising out of and in the  
38 course of giving a road test, Division of Motor Vehicles, Department  
39 of Transportation;
- 40 (2) Employees of the Division of Adult Correction and Juvenile Justice of  
41 the Department of Public Safety injured by a direct and deliberate act  
42 of an offender supervised by the Division or while performing  
43 supervisory duties over offenders which place the employees at risk of  
44 such injury."

45 **SECTION 2.(ddddd)** G.S. 143-300.7 reads as rewritten:

46 **"§ 143-300.7. Defense of medical contractors.**



1 Notwithstanding any other provisions of this Article, any person or professional  
2 association who at the request of the Division of Adult Correction and Juvenile Justice  
3 of the Department of Public Safety provides medical and dental services to inmates in  
4 the custody of the Division of Adult Correction and Juvenile Justice of the Department  
5 of Public Safety and who is sued pursuant to the Federal Civil Rights Act of 1871 may  
6 be defended by the Attorney General and shall be protected from liability for violations  
7 of civil rights in accordance with the provisions of this Article."

8 SECTION 2.(eeeeee) G.S. 143-599 reads as rewritten:

9 "§ 143-599. Exemptions.

10 All of the following facilities shall be exempt from the provisions of this Article:

11 ...

12 (9) State correctional facilities operated by the Division of Adult  
13 Correction and Juvenile Justice of the Department of Public Safety.

14 ..."

15 SECTION 2.(fffff) G.S. 143-1351(b) reads as rewritten:

16 "(b) The Board shall consist of 21 members, appointed as follows:

17 (1) Five members appointed by the Governor, including one member who  
18 is a director or employee of a State correction agency for a term to  
19 begin September 1, 1996 and to expire on June 30, 1997, one member  
20 who is an employee of the North Carolina Department of Public Safety  
21 for a term beginning September 1, 1996 and to expire on June 30,  
22 1997, one member selected from the North Carolina Association of  
23 Chiefs of Police for a term to begin September 1, 1996 and to expire  
24 on June 30, 1999, one member who is an employee of the Juvenile  
25 Justice Section of the Division of Adult Correction and Juvenile  
26 Justice of the Department of Public Safety, and one member who  
27 represents the Division of Motor Vehicles.

28 ..."

29 SECTION 2.(gggggg) G.S. 143B-152.14 reads as rewritten:

30 "§ 143B-152.14. Cooperation of State and local agencies.

31 All agencies of the State and local government, including the Juvenile Justice  
32 Section of the Division of Adult Correction and Juvenile Justice of the Department of  
33 Public Safety, departments of social services, health departments, local mental health,  
34 mental retardation, and substance abuse authorities, court personnel, law enforcement  
35 agencies, The University of North Carolina, the community college system, and cities  
36 and counties, shall cooperate with the Department of Health and Human Services, and  
37 local nonprofit corporations that receive grants in coordinating the program at the State  
38 level and in implementing the program at the local level. The Secretary of Health and  
39 Human Services, after consultation with the Superintendent of Public Instruction, shall  
40 develop a plan for ensuring the cooperation of State agencies and local agencies and  
41 encouraging the cooperation of private entities, especially those receiving State funds,  
42 in the coordination and implementation of the program."

43 SECTION 2.(hhhhh) G.S. 143B-153(2) reads as rewritten:

44 "(2) The Social Services Commission shall have the power and duty to  
45 establish standards and adopt rules and regulations:

46 ...

1 c. For the placement and supervision of dependent juveniles and  
2 of delinquent juveniles who are placed in the custody of the  
3 Juvenile Justice Section of the Division of Adult Correction and  
4 Juvenile Justice of the Department of Public Safety, and  
5 payment of necessary costs of foster home care for needy and  
6 homeless children as provided by G.S. 108A-48;

7 ..."

8 **SECTION 2.(iiiiii)** G.S. 143B-179(a) reads as rewritten:

9 "(a) The Council on Developmental Disabilities of the Department of Health and  
10 Human Services shall consist of 32 members appointed by the Governor. The  
11 composition of the Council shall be as follows:

12 (1) Eleven members from the General Assembly and State government  
13 agencies as follows: One person who is a member of the Senate, one  
14 person who is a member of the House of Representatives, one  
15 representative of the Department of Public Instruction, one  
16 representative of the Division of Adult Correction and Juvenile Justice  
17 of the Department of Public Safety, and seven representatives of the  
18 Department of Health and Human Services to include the Secretary or  
19 his designee.

20 ..."

21 **SECTION 2.(kkkkkk)** G.S. 143B-935 reads as rewritten:

22 "**§ 143B-935. Criminal history record checks of employees of and applicants for**  
23 **employment with the Department of Health and Human Services, and**  
24 **the Juvenile Justice Section of the Division of Adult Correction and**  
25 **Juvenile Justice of the Department of Public Safety.**

26 (a) Definitions. – As used in this section, the term:

27 (1) "Covered person" means any of the following:

28 a. An applicant for employment or a current employee in a  
29 position in the Juvenile Justice Section of the Division of Adult  
30 Correction and Juvenile Justice of the Department of Public  
31 Safety who provides direct care for a client, patient, student,  
32 resident or ward of the Division.

33 b. A person who supervises positions in the Juvenile Justice  
34 Section of the Division of Adult Correction and Juvenile Justice  
35 of the Department of Public Safety providing direct care for a  
36 client, patient, student, resident or ward of the Division.

37 ...

38 f. An independent contractor or an employee of an independent  
39 contractor who has contracted with the Juvenile Justice Section  
40 of the Division of Adult Correction and Juvenile Justice of the  
41 Department of Public Safety to provide direct care for a client,  
42 patient, student, resident, or ward of the Division.

43 g. A person who has been approved to perform volunteer services  
44 in or for the Juvenile Justice Section of the Division of Adult  
45 Correction and Juvenile Justice of the Department of Public

1 Safety to provide direct care for a client, patient, student,  
2 resident, or ward of the Division.  
3

...

4 (b) When requested by the Department of Health and Human Services or the  
5 Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the  
6 Department of Public Safety, the North Carolina Department of Public Safety may  
7 provide to the requesting department or division a covered person's criminal history  
8 from the State Repository of Criminal Histories. Such requests shall not be due to a  
9 person's age, sex, race, color, national origin, religion, creed, political affiliation, or  
10 handicapping condition as defined by G.S. 168A-3. For requests for a State criminal  
11 history record check only, the requesting department or division shall provide to the  
12 Department of Public Safety a form consenting to the check signed by the covered  
13 person to be checked and any additional information required by the Department of  
14 Public Safety. National criminal record checks are authorized for covered applicants  
15 who have not resided in the State of North Carolina during the past five years. For  
16 national checks the Department of Health and Human Services or the Juvenile Justice  
17 Section of the Division of Adult Correction and Juvenile Justice of the Department of  
18 Public Safety shall provide to the North Carolina Department of Public Safety the  
19 fingerprints of the covered person to be checked, any additional information required by  
20 the Department of Public Safety, and a form signed by the covered person to be checked  
21 consenting to the check of the criminal record and to the use of fingerprints and other  
22 identifying information required by the State or National Repositories. The fingerprints  
23 of the individual shall be forwarded to the State Bureau of Investigation for a search of  
24 the State criminal history record file and the State Bureau of Investigation shall forward  
25 a set of fingerprints to the Federal Bureau of Investigation for a national criminal history  
26 record check. The Department of Health and Human Services and the Juvenile Justice  
27 Section of the Division of Adult Correction and Juvenile Justice of the Department of  
28 Public Safety shall keep all information pursuant to this section confidential. The  
29 Department of Public Safety shall charge a reasonable fee for conducting the checks of  
30 the criminal history records authorized by this section.

31 (c) All releases of criminal history information to the Department of Health and  
32 Human Services or the Juvenile Justice Section of the Division of Adult Correction and  
33 Juvenile Justice of the Department of Public Safety shall be subject to, and in  
34 compliance with, rules governing the dissemination of criminal history record checks as  
35 adopted by the North Carolina Department of Public Safety. All of the information  
36 either department receives through the checking of the criminal history is privileged  
37 information and for the exclusive use of that department.

38 (d) If the covered person's verified criminal history record check reveals one or  
39 more convictions covered under subsection (a) of this section, then the conviction shall  
40 constitute just cause for not selecting the person for employment, or for dismissing the  
41 person from current employment with the Department of Health and Human Services or  
42 the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of  
43 the Department of Public Safety. The conviction shall not automatically prohibit  
44 employment; however, the following factors shall be considered by the Department of  
45 Health and Human Services or the Juvenile Justice Section of the Division of Adult

1 Correction and Juvenile Justice of the Department of Public Safety in determining  
2 whether employment shall be denied:

- 3 (1) The level and seriousness of the crime;
- 4 (2) The date of the crime;
- 5 (3) The age of the person at the time of the conviction;
- 6 (4) The circumstances surrounding the commission of the crime, if  
7 known;
- 8 (5) The nexus between the criminal conduct of the person and job duties  
9 of the person;
- 10 (6) The prison, jail, probation, parole, rehabilitation, and employment  
11 records of the person since the date the crime was committed; and
- 12 (7) The subsequent commission by the person of a crime listed in  
13 subsection (a) of this section.

14 (e) The Department of Health and Human Services and the Juvenile Justice  
15 Section of the Division of Adult Correction and Juvenile Justice of the Department of  
16 Public Safety may deny employment to or dismiss a covered person who refuses to  
17 consent to a criminal history record check or use of fingerprints or other identifying  
18 information required by the State or National Repositories of Criminal Histories. Any  
19 such refusal shall constitute just cause for the employment denial or the dismissal from  
20 employment.

21 (f) The Department of Health and Human Services and the Juvenile Justice  
22 Section of the Division of Adult Correction and Juvenile Justice of the Department of  
23 Public Safety may extend a conditional offer of employment pending the results of a  
24 criminal history record check authorized by this section."

25 **SECTION 2.(IIIIII) G.S. 143B-1100 reads as rewritten:**

26 "**§ 143B-1100. Governor's Crime Commission – creation; composition; terms;**  
27 **meetings, etc.**

28 (a) There is hereby created the Governor's Crime Commission of the Department  
29 of Public Safety. The Commission shall consist of 37 voting members and five  
30 nonvoting members. The composition of the Commission shall be as follows:

- 31 ...
- 32 (2) The nonvoting members shall be the Director of the State Bureau of  
33 Investigation, the ~~Deputy Director~~Deputy Chief of the Juvenile Justice  
34 Section of the Division of Adult Correction and Juvenile Justice of the  
35 Department of Public Safety who is responsible for  
36 Intervention/Prevention programs, the ~~Deputy Director~~Deputy Chief  
37 of the Juvenile Justice Section of the Division of Adult Correction and  
38 Juvenile Justice of the Department of Public Safety who is responsible  
39 for Youth Development programs, the Section Chief of the Section of  
40 Prisons of the Division of Adult Correction and Juvenile Justice and  
41 the Section Chief of the Section of Community Corrections of the  
42 Division of Adult ~~Correction~~. Correction and Juvenile Justice.

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

- 44 (1) The following members shall serve by virtue of their office: the  
45 Governor, the Chief Justice of the Supreme Court, the Attorney  
46 General, the Director of the Administrative Office of the Courts, the

1 Secretary of the Department of Health and Human Services, the  
2 Secretary of Public Safety, the Director of the State Bureau of  
3 Investigation, the Section Chief of the Section of Prisons of the  
4 Division of Adult ~~Correction~~, Correction and Juvenile Justice, the  
5 Section Chief of the Section of Community Corrections of the  
6 Division of Adult ~~Correction~~, Correction and Juvenile Justice, the  
7 ~~Deputy Director~~ Deputy Chief who is responsible for  
8 Intervention/Prevention of the Juvenile Justice Section of the Division  
9 of Adult Correction and Juvenile Justice of the Department of Public  
10 Safety, the ~~Deputy Director~~ Deputy Chief who is responsible for  
11 Youth Development of the Juvenile Justice Section of the Division of  
12 Adult Correction and Juvenile Justice of the Department of Public  
13 Safety, and the Superintendent of Public Instruction. Should the Chief  
14 Justice of the Supreme Court choose not to serve, his alternate shall be  
15 selected by the Governor from a list submitted by the Chief Justice  
16 which list must contain no less than three nominees from the  
17 membership of the Supreme Court.

18 ..."

19 **SECTION 2.(mmmmmm)** G.S. 143B-1104(c) reads as rewritten:

20 "(c) The Juvenile Justice Section of the Division of Adult Correction and Juvenile  
21 Justice of the Department of Public Safety shall report to the Senate and House of  
22 Representatives Appropriations Subcommittees on Justice and Public Safety no later  
23 than March 1, 2006, and annually thereafter, on the results of the alternatives to  
24 commitment demonstration programs funded by Section 16.7 of S.L. 2004-124. The  
25 2007 report and all annual reports thereafter shall also include projects funded by  
26 Section 16.11 of S.L. 2005-276 for the 2005-2006 fiscal year. Specifically, the report  
27 shall provide a detailed description of each of the demonstration programs, including  
28 the numbers of juveniles served, their adjudication status at the time of service, the  
29 services/treatments provided, the length of service, the total cost per juvenile, and the  
30 six- and 12-month recidivism rates for the juveniles after the termination of program  
31 services."

32 **SECTION 2.(nnnnnn)** G.S. 143B-1152 reads as rewritten:

33 **"§ 143B-1152. Definitions.**

34 The following definitions apply in this Subpart:

35 ...

36 (2) Division. – The Division of Adult ~~Correction~~. Correction and Juvenile  
37 Justice.

38 ...

39 (6a) Section. – The Section of Community Corrections of the Division of  
40 Adult ~~Correction~~. Correction and Juvenile Justice.

41 ..."

42 **SECTION #.** G.S. 143B-1154(b) reads as rewritten:

43 "(b) The priority populations for programs funded under this Subpart shall be as  
44 follows:

45 (1) Offenders convicted of a felony or offenders sentenced under  
46 G.S. 90-96 conditional discharge for a felony offense.

1 (2) Offenders identified by the Division of Adult Correction and Juvenile  
2 Justice using a validated risk assessment instrument to have a high  
3 likelihood of reoffending and a moderate to high need for substance  
4 abuse treatment."

5 SECTION 2.(000000) G.S. 143B-1155 reads as rewritten:

6 "**§ 143B-1155. Duties of Division of Adult ~~Correction~~, Correction and Juvenile**  
7 **Justice.**

8 (a) In addition to those otherwise provided by law, the Division of Adult  
9 Correction and Juvenile Justice shall have the following duties:

- 10 (1) To enter into contractual agreements with eligible entities for the  
11 operation of community-based corrections programs and monitor  
12 compliance with those agreements.
- 13 (2) To develop the minimum program standards, policies, and rules for  
14 community-based corrections programs and to consult with the  
15 Department of Health and Human Services on those standards,  
16 policies, and rules that are applicable to licensed and credentialed  
17 substance abuse services.
- 18 (3) To monitor, oversee, and evaluate contracted service providers.
- 19 (4) To act as an information clearinghouse regarding community-based  
20 corrections programs.
- 21 (5) To collaborate with the Department of Health and Human Services on  
22 focusing treatment resources on high-risk and moderate to high need  
23 offenders on probation, parole, and post-release supervision.

24 (b) The Section of Community Corrections of the Division of Adult Correction  
25 and Juvenile Justice shall develop and publish a recidivism reduction plan for the State  
26 that accomplishes the following:

- 27 (1) Articulates a goal of reducing revocations among people on probation  
28 and post-release supervision by twenty percent (20%) from the rate in  
29 the 2009-2010 fiscal year.
- 30 (2) Identifies the number of people on probation and post-release  
31 supervision in each county that are in the priority population and have  
32 a likely need for substance abuse and/or mental health treatment,  
33 employment, education, and/or housing.
- 34 (3) Identifies the program models that research has shown to be effective  
35 at reducing recidivism for the target population and ranks those  
36 programs based on their cost-effectiveness.
- 37 (4) Propose a plan to fund the provision of the most cost-effective  
38 programs and services across the State. The plan shall describe the  
39 number and types of programs and/or services to be funded in each  
40 region of the State and how that program capacity compares with the  
41 needs of the target population in that region.

42 (c) The Division of Adult Correction and Juvenile Justice shall report by March 1  
43 of each year to the Chairs of the Senate and House of Representatives Appropriations  
44 Subcommittees on Justice and Public Safety and the Joint Legislative Oversight  
45 Committee on Justice and Public Safety on the status of the Treatment for Effective  
46 Community Supervision Program. The report shall include the following information:

- 1 (1) The dollar amount and purpose of funds provided on a contractual  
2 basis to service providers for the previous fiscal year and the amount  
3 of any funds carried over from the previous fiscal year.  
4 (2) An analysis of offender participation data received, including the  
5 following:  
6 a. The number of people on probation and post-release  
7 supervision that are in the priority population that received  
8 services.  
9 b. The number of people on probation and post-release  
10 supervision that are in the priority population that did not  
11 receive services.  
12 c. The number of people on probation and post-release  
13 supervision outside of the priority population that received  
14 services.  
15 d. The type of services provided to these populations, including  
16 data on each program's utilization, capacity, and completion  
17 rates.  
18 e. The rate of revocations and the educational progress and  
19 employment status of people who received services.  
20 f. Other measures as determined appropriate.  
21 (3) The dollar amount needed to provide additional services to meet the  
22 needs of the priority population in the upcoming budget year.  
23 (4) Details of personnel, travel, contractual, operating, and equipment  
24 expenditures for each program type."

25 **SECTION 2.(pppppp)** G.S. 143B-1156 reads as rewritten:

26 "**§ 143B-1156. Contract for services.**

27 (a) The Division of Adult Correction and Juvenile Justice shall contract with  
28 service providers through a competitive procurement process to provide  
29 community-based services to offenders on probation, parole, or post-release  
30 supervision.

31 ...

32 (c) The Division of Adult ~~Correction~~, Correction and Juvenile Justice, in  
33 partnership with the Department of Health and Human Services, shall develop standard  
34 service definitions and performance measures for substance abuse and aftercare support  
35 services for inclusion in the contracts.

36 ..."

37 **SECTION 2.(qqqqqq)** G.S. 143B-1391(b)(1) reads as rewritten:

38 "(b) The Board shall consist of 21 members, appointed as follows:

- 39 (1) Five members appointed by the Governor, including one member who  
40 is a director or employee of a State correction agency for a term to  
41 begin September 1, 1996 and to expire on June 30, 1997, one member  
42 who is an employee of the North Carolina Department of Public Safety  
43 for a term beginning September 1, 1996 and to expire on June 30,  
44 1997, one member selected from the North Carolina Association of  
45 Chiefs of Police for a term to begin September 1, 1996 and to expire  
46 on June 30, 1999, one member who is an employee of the Juvenile

1                   Justice Section of the Division of Adult Correction and Juvenile  
2                   Justice of the Department of Public Safety, and one member who  
3                   represents the Division of Motor Vehicles."

4                   **SECTION 2.(rrrrrr)** G.S. 146-33 reads as rewritten:

5                   **"§ 146-33. State agencies to locate and mark boundaries of lands.**

6                   Every State agency shall locate and identify, and shall mark and keep marked, the  
7                   boundaries of all lands allocated to that agency or under its control. The Department of  
8                   Administration shall locate and identify, and mark and keep marked, the boundaries of  
9                   all State lands not allocated to or under the control of any other State agency. The chief  
10                  administrative officer of every State agency is authorized to contract with the Division  
11                  of Adult Correction and Juvenile Justice of the Department of Public Safety for the  
12                  furnishing, upon such conditions as may be agreed upon from time to time between the  
13                  Division of Adult Correction and Juvenile Justice of the Department of Public Safety  
14                  and the chief administrative officer of that agency, of prison labor for use where feasible  
15                  in the performance of these duties."

16                  **SECTION 2.(ssssss)** G.S. 147-12(b) reads as rewritten:

17                  "(b) The Department of Transportation, the Division of Adult Correction and  
18                  Juvenile Justice of the Department of Public Safety, the State Highway Patrol, the  
19                  Wildlife Resources Commission, the Division of Parks and Recreation in the  
20                  Department of Environment and Natural Resources, and the Division of Marine  
21                  Fisheries in the Department of Environment and Natural Resources shall deliver to the  
22                  Governor by February 1 of each year detailed information on the agency's litter  
23                  enforcement, litter prevention, and litter removal efforts. The Administrative Office of  
24                  the Courts shall deliver to the Governor, by February 1 of each year, detailed  
25                  information on the enforcement of the littering laws of the State, including the number  
26                  of charges and convictions under the littering laws of the State. The Governor shall  
27                  gather the information submitted by the respective agencies and deliver a consolidated  
28                  annual report, on or before March 1 of each year, to the Environmental Review  
29                  Commission, the Joint Legislative Transportation Oversight Committee, and the House  
30                  of Representatives and the Senate Appropriations Subcommittees on Natural and  
31                  Economic Resources."

32                  **SECTION 2.(tttttt)** G.S. 148-2 reads as rewritten:

33                  **"§ 148-2. Prison moneys and earnings.**

34                  (a) Persons authorized to collect or receive the moneys and earnings of the State  
35                  prison system shall enter into bonds payable to the State of North Carolina in penal  
36                  sums and with security approved by the Division of Adult Correction and Juvenile  
37                  Justice of the Department of Public Safety, conditioned upon the faithful performance  
38                  by these persons of their duties in collecting, receiving, and paying over prison moneys  
39                  and earnings to the State Treasurer. Only corporate security with sureties licensed to do  
40                  business in North Carolina shall be accepted.

41                  (b) Repealed by Session Laws 2007-280, s. 2, effective August 1, 2007.

42                  (c) Notwithstanding G.S. 147-77, Article 6A of Chapter 147 of the General  
43                  Statutes, or any other provision of law, the Division of Adult Correction and Juvenile  
44                  Justice of the Department of Public Safety may deposit revenue from prison canteens in  
45                  local banks. The profits from prison canteens shall be deposited with the State Treasurer  
46                  on a monthly basis in a fund denominated as the Correction Inmate Welfare Fund. Once



1 the operating budget for the Correction Inmate Welfare Fund has been met, an amount  
2 equal to the funds allocated to each prison unit on a per inmate per year basis shall be  
3 credited to the Crime Victims Compensation Fund established in G.S 15B-23 as soon as  
4 practicable after the total amount paid to each unit per inmate per year has been  
5 determined."

6 **SECTION 2.(uuuuuu)** G.S. 148-3 reads as rewritten:

7 **"§ 148-3. Prison property.**

8 (a) The Division of Adult Correction and Juvenile Justice of the Department of  
9 Public Safety shall subject to the provisions of G.S. 143-341, have control and custody  
10 of all unexpended surplus highway funds previously allocated for prison purposes and  
11 all property of every kind and description now used by or considered a part of units of  
12 the State prison system, except vehicles used on a rental basis. The property coming  
13 within the provisions of this section shall be identified and agreed upon by the executive  
14 heads of the highway and prison systems, or by their duly authorized representatives.  
15 The Governor shall have final authority to decide whether or not particular property  
16 shall be transferred to the Division of Adult Correction and Juvenile Justice of the  
17 Department of Public Safety in event the executive heads of the two systems are unable  
18 to agree.

19 (b) Property, both real and personal, deemed by the Division of Adult Correction  
20 and Juvenile Justice of the Department of Public Safety to be necessary or convenient in  
21 the operation of the State prison system may, subject to the provisions of G.S. 143-341,  
22 be acquired by gift, devise, purchase, or lease. The Division of Adult Correction and  
23 Juvenile Justice of the Department of Public Safety may, subject to the provisions of  
24 G.S. 143-341, dispose of any prison property, either real or personal, or any interest or  
25 estate therein."

26 **SECTION 2.(vvvvvv)** G.S. 148-4 reads as rewritten:

27 **"§ 148-4. Control and custody of prisoners; authorizing prisoner to leave place of**  
28 **confinement.**

29 The Secretary of Public Safety shall have control and custody of all prisoners  
30 serving sentence in the State prison system, and such prisoners shall be subject to all the  
31 rules and regulations legally adopted for the government thereof. Any sentence to  
32 imprisonment in any unit of the State prison system, or to jail to be assigned to work  
33 under the Division of Adult Correction and Juvenile Justice of the Department of Public  
34 Safety, shall be construed as a commitment, for such terms of imprisonment as the court  
35 may direct, to the custody of the Secretary of Public Safety or his authorized  
36 representative, who shall designate the places of confinement within the State prison  
37 system where the sentences of all such persons shall be served. The authorized agents of  
38 the Secretary shall have all the authority of peace officers for the purpose of transferring  
39 prisoners from place to place in the State as their duties might require and for  
40 apprehending, arresting, and returning to prison escaped prisoners, and may be  
41 commissioned by the Governor, either generally or specially, as special officers for  
42 returning escaped prisoners or other fugitives from justice from outside the State, when  
43 such persons have been extradited or voluntarily surrendered. Employees of  
44 departments, institutions, agencies, and political subdivisions of the State hiring  
45 prisoners to perform work outside prison confines may be designated as the authorized  
46 agents of the Secretary of Public Safety for the purpose of maintaining control and

1 custody of prisoners who may be placed under the supervision and control of such  
2 employees, including guarding and transferring such prisoners from place to place in the  
3 State as their duties might require, and apprehending and arresting escaped prisoners  
4 and returning them to prison. The governing authorities of the State prison system are  
5 authorized to determine by rules and regulations the manner of designating these agents  
6 and placing prisoners under their supervision and control, which rules and regulations  
7 shall be established in the same manner as other rules and regulations for the  
8 government of the State prison system.

9 ..."

10 **SECTION 2.(wwwwww) G.S. 148-4.1 reads as rewritten:**

11 **"§ 148-4.1. Release of inmates.**

12 (a) Whenever the Secretary of Public Safety determines from data compiled by  
13 the Division of Adult Correction and Juvenile Justice of the Department of Public  
14 Safety that it is necessary to reduce the prison population to a more manageable level or  
15 to meet the State's obligations under law, he shall direct the Post-Release Supervision  
16 and Parole Commission to release on parole over a reasonable period of time a number  
17 of prisoners sufficient to that purpose. From the time the Secretary directs the  
18 Post-Release Supervision and Parole Commission until the prison population has been  
19 reduced to a more manageable level, the Secretary may not accept any inmates ordered  
20 transferred from local confinement facilities to the State prison system under  
21 G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State  
22 prison system under an order entered pursuant to G.S. 148-32.1(b) to the local  
23 confinement facility from which the inmate was transferred. In order to meet the  
24 requirements of this section, the Parole Commission shall not parole any person  
25 convicted under Article 7A of Chapter 14 of a sex offense, under G.S. 14-39, 14-41, or  
26 14-43.3, under G.S. 90-95(h) of a drug trafficking offense, or under G.S. 14-17, or any  
27 other violent felon as defined in subsection (a1) of this section. The Parole Commission  
28 may continue to consider the suitability for release of such persons in accordance with  
29 the criteria set forth in Articles 85 and 85A of Chapter 15A.

30 (a1) Notwithstanding any other provision of this section, the Division of Adult  
31 Correction and Juvenile Justice of the Department of Public Safety shall at all times  
32 secure the necessary prison space to house any violent felon or habitual felon for the full  
33 active sentence imposed by the court. For purposes of this subsection, the term "violent  
34 felon" means any person convicted of the following felony offenses: first or second  
35 degree murder, voluntary manslaughter, first or second degree rape, first or second  
36 degree sexual offense, any sexual offense involving a minor, robbery, kidnapping, or  
37 assault, or attempting, soliciting, or conspiring to commit any of those offenses.

38 ..."

39 **SECTION 2.(xxxxxx) G.S. 148-6 reads as rewritten:**

40 **"§ 148-6. Custody, employment and hiring out of convicts.**

41 The Division of Adult Correction and Juvenile Justice of the Department of Public  
42 Safety shall provide for receiving, and keeping in custody until discharged by law, all  
43 such convicts as may be now confined in the prison and such as may be hereafter  
44 sentenced to imprisonment therein by the several courts of this State. The Division shall  
45 have full power and authority to provide for employment of such convicts, either in the  
46 prison or on farms leased or owned by the State of North Carolina, or elsewhere, or

1 otherwise; and may contract for the hire or employment of any able-bodied convicts  
2 upon such terms as may be just and fair, but such convicts so hired, or employed, shall  
3 remain under the actual management, control and care of the Division."

4 **SECTION 2.(yyyyyy)** G.S. 148-10 reads as rewritten:

5 **"§ 148-10. Department of Environment and Natural Resources to supervise**  
6 **sanitary and health conditions of prisoners.**

7 The Department of Environmental Quality shall have general supervision over the  
8 sanitary and health conditions of the central prison, over the prison camps, or other  
9 places of confinement of prisoners under the jurisdiction of the Division of Adult  
10 Correction and Juvenile Justice of the Department of Public Safety, and shall make  
11 periodic examinations of the same and report to the Division of Adult Correction and  
12 Juvenile Justice of the Department of Public Safety the conditions found there with  
13 respect to the sanitary and hygienic care of such prisoners."

14 **SECTION 2.(zzzzzz)** G.S. 148-10.1 reads as rewritten:

15 **"§ 148-10.1. Employment of clinical chaplains for inmates.**

16 The Division of Adult Correction and Juvenile Justice of the Department of Public  
17 Safety is authorized and directed to employ clinical chaplains to provide moral, spiritual  
18 and social counselling and ministerial services to inmates in the custody of the Secretary  
19 of Public Safety. The Division of Adult Correction and Juvenile Justice of the  
20 Department of Public Safety shall seek to employ a diversity of qualified persons  
21 having differing faiths which are to the extent practicable reflective of the professed  
22 religious composition of the inmate population."

23 **SECTION 2.(aaaaaaa)** G.S. 148-10.2 reads as rewritten:

24 **"§ 148-10.2. Policy: Certain inmates not to contact family members of victims.**

25 (a) It shall be the policy of the Division of Adult Correction and Juvenile Justice  
26 of the Department of Public Safety to prohibit death row inmates from contacting the  
27 surviving family members of the victims without the written consent of the family  
28 members being contacted. For purposes of this subsection, the term "contact" includes  
29 arranging for a third party to forward communications from the inmate to the surviving  
30 family members of the victim.

31 (b) At the request of the victim or a family member of the victim, the Division of  
32 Adult Correction and Juvenile Justice of the Department of Public Safety shall prohibit  
33 an inmate convicted of an offense listed in G.S. 15A-830(a)(7) from contacting the  
34 requesting party. For purposes of this subsection, the term "contact" includes arranging  
35 for a third party to forward communications from the inmate to the victim or family  
36 member.

37 (c) The Division of Adult Correction and Juvenile Justice of the Department of  
38 Public Safety shall develop and impose sanctions against any inmate who violates the  
39 provisions of this section."

40 **SECTION 2.(bbbbbbb)** G.S. 148-10.3 reads as rewritten:

41 **"§ 148-10.3. Electronic monitoring costs.**

42 Personnel, equipment, and other costs of providing electronic monitoring of pretrial  
43 or sentenced offenders shall be reimbursed to the Division of Adult Correction and  
44 Juvenile Justice of the Department of Public Safety by the State or local agency  
45 requesting the service in an amount not exceeding the actual costs."

46 **SECTION 2.(ccccccc)** G.S. 148-10.4 reads as rewritten:

1 **"§ 148-10.4. Statewide Misdemeanant Confinement Fund.**

2 (a) Definitions. – The following definitions apply in this section:

3 (1) Division. – Division of Adult Correction and Juvenile Justice of the  
4 Department of Public Safety.

5 ...  
6 (c) Statewide Misdemeanant Confinement Fund established. – There is created  
7 within the Division of Adult Correction and Juvenile Justice a special nonreverting fund  
8 called the Statewide Misdemeanant Confinement Fund.

9 (d) Fund Uses. – Moneys in the Fund may be used for the following:

10 (1) Reimbursements by the Sheriffs' Association to counties for the costs  
11 of housing misdemeanants under the Program, including the care,  
12 supervision, and transportation of those misdemeanants.

13 (2) Reimbursements to the Division of Adult Correction and Juvenile  
14 Justice for the cost of housing misdemeanants transferred to the  
15 Division pursuant to G.S. 148-32.1(b3), including the care,  
16 supervision, and transportation of those misdemeanants.

17 (3) To pay the Sheriffs' Association for administrative and operating  
18 expenses pursuant to subsection (e) of this section.

19 (4) To pay the Division of Adult Correction and Juvenile Justice for  
20 administrative and operating expenses pursuant to subsection (e) of  
21 this section.

22 (e) Operating and Administrative Expenses. – Five percent (5%) of the funds  
23 credited to the Statewide Misdemeanant Confinement Fund, not to exceed the sum of  
24 one million dollars (\$1,000,000) annually, shall be transferred on a monthly basis to the  
25 Sheriffs' Association to be used to support the Program and for administrative and  
26 operating expenses of the Association and its staff. One percent (1%) of the funds  
27 credited to the Statewide Misdemeanant Confinement Fund shall be transferred on a  
28 monthly basis to the General Fund to be allocated to the Division of Adult Correction  
29 and Juvenile Justice for its administrative and operating expenses for the Program."

30 **SECTION 2.(ddddddd)** G.S. 148-10.5 reads as rewritten:

31 **"§ 148-10.5. Facilitation of reentry.**

32 In order to facilitate successful reentry and improve judicial efficiency, the Division  
33 of Adult Correction and Juvenile Justice of the Department of Public Safety shall work  
34 with law enforcement, the district attorneys' offices, and the courts to develop a process  
35 by which, both at intake and before release, effort is made, for each inmate in custody,  
36 to identify all outstanding warrants on the inmate. The plan should seek to resolve  
37 inmates' outstanding warrants while in custody, whenever feasible. In the course of  
38 resolving an outstanding warrant while in custody, an inmate shall be notified of the  
39 outstanding warrant and his or her right to counsel if such a right exists."

40 **SECTION 2.(eeeeeee)** G.S. 148-11(b) reads as rewritten:

41 "(b) The Secretary of Public Safety has sole authority to designate the uniforms  
42 worn by inmates confined in the Section of Prisons of the Division of Adult ~~Correc~~  
43 Correction and Juvenile Justice."

44 **SECTION 2.(ffffff)** G.S. 148-12(a) reads as rewritten:

45 "(a) The Division of Adult Correction and Juvenile Justice of the Department of  
46 Public Safety shall, as soon as practicable, establish diagnostic centers to make social,

1 medical, and psychological studies of persons committed to the Division. Full  
2 diagnostic studies shall be made before initial classification in cases where such studies  
3 have not been made."

4 **SECTION 2.(ggggggg)** G.S. 148-18(a) reads as rewritten:

5 "(a) Prisoners employed by Correction Enterprises shall be compensated as set  
6 forth in Article 14 of this Chapter. Prisoners participating in work assignments  
7 established by the Section of Prisons of the Division of Adult Correction and Juvenile  
8 Justice shall be compensated at rates fixed by the Division of Adult Correction of the  
9 Department of Public Safety's rules and regulations; provided, that no prisoner so paid  
10 shall receive more than one dollar (\$1.00) per day, unless the Secretary determines that  
11 the work assignment requires special skills or training. Upon approval of the Secretary,  
12 inmates working in job assignments requiring special skills or training may be paid up  
13 to three dollars (\$3.00) per day. The Correction Enterprises Fund shall be the source of  
14 wages and allowances provided to inmates who are employed by the Division of Adult  
15 Correction and Juvenile Justice of the Department of Public Safety in work assignments  
16 established by the Section of Prisons of the Division of Adult Correction."

17 **SECTION 2.(hhhhhhh)** G.S. 148-18.1 reads as rewritten:

18 "**§ 148-18.1. Confiscation of unauthorized articles.**

19 Any item of personal property which a prisoner in any correctional facility is  
20 prohibited from possessing by State law or which is not authorized by rules adopted by  
21 the Secretary of Public Safety shall, when found in the possession of a prisoner, be  
22 confiscated and destroyed or otherwise disposed of as the Secretary may direct. Any  
23 unauthorized funds confiscated under this section or funds from the sale of confiscated  
24 property shall be deposited to Inmate Welfare Fund maintained by the Division of Adult  
25 Correction and Juvenile Justice of the Department of Public Safety."

26 **SECTION 2.(iiiiiii)** G.S. 148-19 reads as rewritten:

27 "**§ 148-19. Health services.**

28 (a) The general policies, rules and regulations of the Division of Adult  
29 Correction and Juvenile Justice of the Department of Public Safety shall prescribe  
30 standards for health services to prisoners, which shall include preventive, diagnostic,  
31 and therapeutic measures on both an outpatient and a hospital basis, for all types of  
32 patients. A prisoner may be taken, when necessary, to a medical facility outside the  
33 State prison system. The Division of Adult Correction and Juvenile Justice of the  
34 Department of Public Safety shall seek the cooperation of public and private agencies,  
35 institutions, officials and individuals in the development of adequate health services to  
36 prisoners.

37 (b) Upon request of the Secretary of Public Safety, the Secretary of Health and  
38 Human Services may detail personnel employed by the Department of Health and  
39 Human Services to the Division of Adult Correction and Juvenile Justice of the  
40 Department of Public Safety for the purpose of supervising and furnishing medical,  
41 psychiatric, psychological, dental, and other technical and scientific services to the  
42 Division of Adult Correction and Juvenile Justice of the Department of Public Safety.  
43 The compensation, allowances, and expenses of the personnel detailed under this  
44 section may be paid from applicable appropriations to the Department of Health and  
45 Human Services, and reimbursed from applicable appropriations to the Division of  
46 Adult Correction and Juvenile Justice of the Department of Public Safety. The Secretary

1 of Public Safety may make similar arrangements with any other agency of State  
2 government able and willing to aid the Division of Adult Correction and Juvenile  
3 Justice of the Department of Public Safety to meet the needs of prisoners for health  
4 services.

5 (c) Each prisoner committed to the Division of Adult Correction and Juvenile  
6 Justice of the Department of Public Safety shall receive a physical and mental  
7 examination by a health care professional authorized by the North Carolina Medical  
8 Board to perform such examinations as soon as practicable after admission and before  
9 being assigned to work. The prisoner's work and other assignments shall be made with  
10 due regard for the prisoner's physical and mental condition.

11 (d) The Commission for Mental Health, Developmental Disabilities, and  
12 Substance Abuse Services shall adopt standards for the delivery of mental health and  
13 mental retardation services to inmates in the custody of the Division of Adult Correction  
14 and Juvenile Justice of the Department of Public Safety. The Commission for Mental  
15 Health, Developmental Disabilities, and Substance Abuse Services shall give the  
16 Secretary of Public Safety an opportunity to review and comment on proposed standards  
17 prior to promulgation of such standards; however, final authority to determine such  
18 standards remains with the Commission. The Secretary of the Department of Health and  
19 Human Services shall designate an agency or agencies within the Department of Health  
20 and Human Services to monitor the implementation by the Division of Adult Correction  
21 and Juvenile Justice of the Department of Public Safety of these standards and of  
22 substance abuse standards adopted by the Division of Adult Correction and Juvenile  
23 Justice of the Department of Public Safety."

24 SECTION #.(jjjjjj) G.S.148-19.1 reads as rewritten:

25 "**§ 148-19.1. Exemption from licensure and certificate of need.**

26 (a) Inpatient chemical dependency or substance abuse facilities that provide  
27 services exclusively to inmates of the Division of Adult Correction and Juvenile Justice  
28 of the Department of Public Safety shall be exempt from licensure by the Department of  
29 Health and Human Services under Chapter 122C of the General Statutes. If an inpatient  
30 chemical dependency or substance abuse facility provides services both to inmates of  
31 the Division of Adult Correction and Juvenile Justice of the Department of Public  
32 Safety and to members of the general public, the portion of the facility that serves  
33 inmates shall be exempt from licensure.

34 (b) Any person who contracts to provide inpatient chemical dependency or  
35 substance abuse services to inmates of the Division of Adult Correction and Juvenile  
36 Justice of the Department of Public Safety may construct and operate a new chemical  
37 dependency or substance abuse facility for that purpose without first obtaining a  
38 certificate of need from the Department of Health and Human Services pursuant to  
39 Article 9 of Chapter 131E of the General Statutes. However, a new facility or addition  
40 developed for that purpose without a certificate of need shall not be licensed pursuant to  
41 Chapter 122C of the General Statutes and shall not admit anyone other than inmates  
42 unless the owner or operator first obtains a certificate of need."

43 SECTION #.(kkkkkk) G.S. 148-19.2 reads as rewritten:

44 "**§ 148-19.2. Mandatory HIV testing.**

1 Each person sentenced to imprisonment and committed to the custody of the  
2 Division of Adult Correction and Juvenile Justice of the Department of Public Safety  
3 shall be tested to determine whether the person is HIV positive.

4 Each inmate who has not previously tested positive for HIV shall also be tested:

5 (1) Not less than once every four years from the date of that inmate's  
6 initial testing.

7 (2) Prior to the inmate's release from the custody of the Division of Adult  
8 ~~Correction~~, Correction and Juvenile Justice, except that testing is not  
9 mandatory prior to the release of an inmate who has been tested within  
10 one year of the inmate's release date.

11 In each case, the results of the test shall be reported to the inmate. If an inmate tests  
12 positive for HIV, that inmate shall be referred to public health officials for counseling."

13 **SECTION #.(IIIIII) G.S. 148-22 reads as rewritten:**

14 **"§ 148-22. Treatment programs.**

15 (a) The general policies, rules and regulations of the Division of Adult  
16 Correction and Juvenile Justice of the Department of Public Safety shall provide for  
17 humane treatment of prisoners and for programs to effect their correction and return to  
18 the community as promptly as practicable. Visits and correspondence between prisoners  
19 and approved friends shall be authorized under reasonable conditions, and family  
20 members shall be permitted and encouraged to maintain close contact with the prisoners  
21 unless such contacts prove to be hurtful. Casework, counseling, and psychotherapy  
22 services provided to prisoners may be extended to include members of the prisoner's  
23 family if practicable and necessary to achieve the purposes of such programs.  
24 Education, library, recreation, and vocational training programs shall be developed so as  
25 to coordinate with corresponding services and opportunities which will be available to  
26 the prisoner when he is released. Programs may be established for the treatment and  
27 training of mentally retarded prisoners and other special groups. These programs may  
28 be operated in segregated sections of facilities housing other prisoners or in separate  
29 facilities.

30 (b) The Division of Adult Correction and Juvenile Justice of the Department of  
31 Public Safety may cooperate with and seek the cooperation of public and private  
32 agencies, institutions, officials, and individuals in the development and conduct of  
33 programs designed to give persons committed to the Division opportunities for physical,  
34 mental and moral improvement. The Division may enter into agreements with other  
35 agencies of federal, State or local government and with private agencies to promote the  
36 most effective use of available resources.

37 Specifically the Secretary of Public Safety may enter into contracts or agreements  
38 with appropriate public or private agencies offering needed services including health,  
39 mental health, mental retardation, substance abuse, rehabilitative or training services for  
40 such inmates of the Division of Adult Correction and Juvenile Justice of the Department  
41 of Public Safety as the Secretary may deem eligible. These agencies shall be reimbursed  
42 from applicable appropriations to the Division of Adult Correction and Juvenile Justice  
43 of the Department of Public Safety for services rendered at a rate not to exceed that  
44 which such agencies normally receive for serving their regular clients.

45 The Secretary may contract for the housing of work-release inmates at county jails  
46 and local confinement facilities. Inmates may be placed in the care of such agencies but

1 shall remain the responsibility of the Division and shall be subject to the complete  
2 supervision of the Division. The Division may reimburse such agencies for the support  
3 of such inmates at a rate not in excess of the average daily cost of inmate care in the  
4 corrections unit to which the inmate would otherwise be assigned."

5 **SECTION 2.(mmmmmmm) G.S. 148-22.1 reads as rewritten:**

6 **"§ 148-22.1. Educational facilities and programs for selected inmates.**

7 (a) The Division of Adult Correction and Juvenile Justice of the Department of  
8 Public Safety is authorized to take advantage of aid available from any source in  
9 establishing facilities and developing programs to provide inmates of the State prison  
10 system with such academic and vocational and technical education as seems most likely  
11 to facilitate the rehabilitation of these inmates and their return to free society with  
12 attitudes, knowledge, and skills that will improve their prospects of becoming  
13 law-abiding and self-supporting citizens. The State Department of Public Instruction is  
14 authorized to cooperate with the Division of Adult Correction and Juvenile Justice of  
15 the Department of Public Safety in planning academic and vocational and technical  
16 education of prison system inmates, but the State Department of Public Instruction is  
17 not authorized to expend any funds in this connection.

18 (b) In expending funds that may be made available for facilities and programs to  
19 provide inmates of the State prison system with academic and vocational and technical  
20 education, the Division of Adult Correction and Juvenile Justice of the Department of  
21 Public Safety shall give priority to meeting the needs of inmates who are less than 21  
22 years of age when received in the prison system with a sentence or sentences under  
23 which they will be held for not less than six months nor more than five years before  
24 becoming eligible to be considered for a parole or unconditional release. These inmates  
25 shall be given appropriate tests to determine their educational needs and aptitudes.  
26 When the necessary arrangements can be made, they shall receive such instruction as  
27 may be deemed practical and advisable for them.

28 ..."

29 **SECTION 2.(nnnnnnn) G.S. 148-23 reads as rewritten:**

30 **"§ 148-23. Prison employees not to use intoxicants, narcotic drugs or profanity.**

31 No one addicted to the use of alcoholic beverages, or narcotic drugs, shall be  
32 employed as superintendent, warden, guard, or in any other position connected with the  
33 Division of Adult Correction and Juvenile Justice of the Department of Public Safety,  
34 where such position requires the incumbent to have any charge or direction of the  
35 prisoners; and anyone holding such position, or anyone who may be employed in any  
36 other capacity in the State prison system, who shall come under the influence of  
37 alcoholic beverages during hours of employment, or reports for duty under the effect of  
38 intoxicants, or narcotic drugs, or who shall become intoxicated, or uses narcotic drugs,  
39 under circumstances that bring discredit on the Division of Adult Correction and  
40 Juvenile Justice of the Department of Public Safety, shall be subject to immediate  
41 dismissal from employment by any of the institutions and shall not be eligible for  
42 reinstatement to such position or be employed in any other position in any of the  
43 institutions. Any superintendent, warden, guard, supervisor, or other person holding any  
44 position in the Division of Adult Correction and Juvenile Justice of the Department of  
45 Public Safety who curses a prisoner under his charge shall be subject to immediate  
46 dismissal from employment and shall not be eligible for reinstatement."



1           **SECTION 2.(ooooooo)** G.S. 148-23.1 reads as rewritten:

2   "**§ 148-23.1. Tobacco products prohibited on State correctional facilities premises.**

3       (a)     The General Assembly finds that in order to protect the health, welfare, and  
4     comfort of inmates in the custody of the Division of Adult Correction and Juvenile  
5     Justice of the Department of Public Safety and to reduce the costs of inmate health care,  
6     it is necessary to prohibit inmates from using tobacco products on the premises of State  
7     correctional facilities and to ensure that employees and visitors do not use tobacco  
8     products on the premises of those facilities.

9       (b)     No person may use tobacco products on the premises of a State correctional  
10    facility, except for authorized religious purposes. Notwithstanding any other provision  
11    of law, inmates in the custody of the Division of Adult Correction and Juvenile Justice  
12    of the Department of Public Safety and persons facilitating religious observances may  
13    use and possess tobacco products for religious purposes consistent with the policies of  
14    the Division.

15    (b1)    Except as provided in subsection (b) of this section, no person may possess  
16    tobacco products on the premises of a State correctional facility. Notwithstanding the  
17    provisions of this subsection, an employee or visitor may possess tobacco products  
18    within the confines of a motor vehicle located in a designated parking area of a  
19    correctional facility's premises if the tobacco product remains in the vehicle and the  
20    vehicle is locked when the employee or visitor has exited the vehicle.

21    (c)     The Division of Adult Correction and Juvenile Justice of the Department of  
22    Public Safety may adopt rules to implement the provisions of this section. Inmates in  
23    violation of this section are subject to disciplinary measures to be determined by the  
24    Division, including the potential loss of sentence credits earned prior to that violation.  
25    Employees in violation of this section are subject to disciplinary action by the Division.  
26    Visitors in violation of this section are subject to removal from the facility and loss of  
27    visitation privileges.

28    (d)     As used in this section, the following terms mean:

- 29       (1)     State correctional facility. – All buildings and grounds of a State  
30       correctional institution operated by the Division of Adult Correction  
31       and Juvenile Justice of the Department of Public Safety.
- 32       (2)     Tobacco products. – Cigars, cigarettes, snuff, loose tobacco, or similar  
33       goods made with any part of the tobacco plant that are prepared or  
34       used for smoking, chewing, dipping, or other personal use.
- 35       (3)     Vapor products. – Nonlighted, noncombustible products that employ a  
36       mechanical heating element, battery, or electronic circuit regardless of  
37       shape or size and that can be used to heat a liquid nicotine solution  
38       contained in a vapor cartridge. The term includes electronic cigarettes,  
39       electronic cigars, electronic cigarillos, and electronic pipes. The term  
40       does not include any product regulated by the United States Food and  
41       Drug Administration under Chapter V of the federal Food, Drug, and  
42       Cosmetic Act."

43           **SECTION 2.(ppppppp)** G.S. 148-23.2 reads as rewritten:

44   "**§ 148-23.2. Mobile phones prohibited on State correctional facilities premises.**

45       Except as authorized by Division of Adult Correction and Juvenile Justice of the  
46    Department of Public Safety policy, no person shall possess a mobile telephone or other

1 wireless communications device on the premises of a State correctional facility.  
2 Notwithstanding the provisions of this section, an employee or visitor may possess a  
3 mobile telephone or other wireless communications device within the confines of a  
4 motor vehicle located in a designated parking area of a correctional facility's premises if  
5 the mobile telephone or other wireless communications device remains in the vehicle  
6 and the vehicle is locked when the employee or visitor has exited the vehicle."

7 **SECTION 2.(qqqqqqq) G.S. 148-24 reads as rewritten:**

8 **"§ 148-24. Religious services.**

9 The general policies, rules and regulations of the Division of Adult Correction and  
10 Juvenile Justice of the Department of Public Safety shall provide for religious services  
11 to be held in all units of the State prison system on Sunday and at such other times as  
12 may be deemed appropriate. Attendance of prisoners at religious services shall be  
13 voluntary. The Secretary of Public Safety shall if possible secure the visits of some  
14 minister at the prison hospitals to administer to the spiritual wants of the sick."

15 **SECTION 2.(rrrrrrr) G.S. 148-26 reads as rewritten:**

16 **"§ 148-26. State policy on employment of prisoners.**

17 ...

18 (b) As many minimum custody prisoners as are available and fit for road work,  
19 who cannot appropriately be placed on work release, study release, or other full-time  
20 programs, and as many medium custody prisoners as are available, fit for road work and  
21 can be adequately guarded during such work without reducing security levels at prison  
22 units, shall be employed in the maintenance and construction of public roads of the  
23 State. The number and location of prisoners to be kept available for work on the public  
24 roads shall be agreed upon by the governing authorities of the Department of  
25 Transportation and the Division of Adult Correction and Juvenile Justice of the  
26 Department of Public Safety far enough in advance of each budget to permit proper  
27 provisions to be made in the request for appropriations submitted by the Department of  
28 Transportation. Any dispute between the Departments will be resolved by the Governor.  
29 Prisoners so employed shall be compensated, at rates fixed by the Division of Adult  
30 Correction and Juvenile Justice of the Department of Public Safety's rules and  
31 regulations for work performed; provided, that no prisoner working on the public roads  
32 under the provisions of this section shall be paid more than one dollar (\$1.00) per day  
33 from funds provided by the Department of Transportation to the Division of Adult  
34 Correction and Juvenile Justice of the Department of Public Safety for this purpose. The  
35 Division of Adult Correction and Juvenile Justice of the Department of Public Safety  
36 and the Department of Transportation shall develop a program to be implemented no  
37 later than July 1, 1982, to the extent money is herein appropriated, which shall include:

38 (1) The use of portable toilets for inmate road crews.

39 (c) As many of the male prisoners available and fit for forestry work shall be  
40 employed in the development and improvement of state-owned forests as can be used  
41 for this purpose by the agencies controlling these forests.

42 (d) The remainder of the able-bodied inmates of the State prison system shall be  
43 employed so far as practicable in prison industries and agriculture, giving preference to  
44 the production of food supplies and other articles needed by state-supported institutions  
45 or activities.

1 (e) The Division of Adult Correction and Juvenile Justice of the Department of  
2 Public Safety may make such contracts with departments, institutions, agencies, and  
3 political subdivisions of the State for the hire of prisoners to perform other appropriate  
4 work as will help to make the prisons as nearly self-supporting as is consistent with the  
5 purposes of their creation. The Division of Adult Correction and Juvenile Justice of the  
6 Department of Public Safety may contract with any person or any group of persons for  
7 the hire of prisoners for forestry work, soil erosion control, water conservation,  
8 hurricane damage prevention, or any similar work certified by the Secretary of  
9 Environment and Natural Resources as beneficial in the conservation of the natural  
10 resources of this State. All contracts for the employment of prisoners shall provide that  
11 they shall be fed, clothed, quartered, guarded, and otherwise cared for by the Division of  
12 Adult Correction and Juvenile Justice of the Department of Public Safety. Such work  
13 may include but is not limited to work with State or local government agencies in  
14 cleaning, construction, landscaping and maintenance of roads, parks, nature trails,  
15 bikeways, cemeteries, landfills or other government-owned or operated facilities.

16 (e1) The Division of Adult Correction and Juvenile Justice of the Department of  
17 Public Safety may establish work assignments for inmates or allow inmates to volunteer  
18 in service projects that benefit units of State or local government or 501(c)(3) entities  
19 that serve the citizens of this State. The work assignments may include the use of inmate  
20 labor and the use of Division of Adult Correction and Juvenile Justice of the  
21 Department of Public Safety resources in the production of finished goods. Any  
22 products made pursuant to this section shall not be subject to the provisions of Article  
23 3A of Chapter 143 of the General Statutes and may be donated to the government unit  
24 or 501(c)(3) organization at no cost.

25 (f) Adult inmates of the State prison system shall be prohibited from working at  
26 or being on the premises of any schools or institutions operated or administered by the  
27 Youth Development Section of the Division of Adult Correction and Juvenile Justice of  
28 the Department of Public Safety unless a complete sight and sound barrier is erected and  
29 maintained during the course of the labor performed by the adult inmates.

30 (g) The Division of Adult Correction and Juvenile Justice of the Department of  
31 Public Safety shall establish rules, standards, and procedures for establishing inmate  
32 labor services contracts with any county or municipality expressing interest in  
33 contracting for inmate labor."

34 **SECTION 2.(ssssss) G.S. 148-26.5 reads as rewritten:**

35 **"§ 148-26.5. Pay and time allowances for work.**

36 The provisions of G.S. 148-18 and 148-13 shall be applicable to inmate work on  
37 local or State public work projects contracted for by the Secretary of Public Safety as  
38 provided by G.S. 148-26 through 148-26.4. Travel, cost of inmate wages and custodial  
39 supervision expenses incurred by the Division of Adult Correction and Juvenile Justice  
40 of the Department of Public Safety and arising out of a local or State public work  
41 project shall be reimbursed on a cost basis to the Division of Adult Correction and  
42 Juvenile Justice of the Department of Public Safety by the local or State contracting  
43 agency."

44 **SECTION 2.(tttttt) G.S. 148-28 reads as rewritten:**

45 **"§ 148-28. Sentencing prisoners to Central Prison; youthful offenders.**

1 When a sentenced offender is to be taken to the Central Prison at Raleigh, a sheriff  
2 or other appropriate officer of the county shall cause such prisoner to be delivered with  
3 the proper commitment papers to the warden of the Central Prison. A person under 16  
4 years of age convicted of a felony shall not be imprisoned in the Central Prison at  
5 Raleigh unless:

- 6 (1) The person was convicted of a capital felony; or
- 7 (2) He has previously been imprisoned in a county jail or under the  
8 authority of the Division of Adult Correction and Juvenile Justice of  
9 the Department of Public Safety upon conviction of a felony.

10 This provision shall not limit the authority of the Secretary of Public Safety from  
11 transferring a person under 16 years of age to Central Prison when in the Secretary's  
12 determination this person would not benefit from confinement in separate facilities for  
13 youthful offenders or when it has been determined that his presence would be  
14 detrimental to the implementation of programs designed for the benefit of other youthful  
15 offenders. Nor shall this provision limit the authority of the judges of the superior courts  
16 of this State or the Secretary of Public Safety from committing or transferring a person  
17 under 16 years of age to Central Prison for medical or psychiatric treatment."

18 **SECTION 2.(uuuuuu) G.S. 148-29 reads as rewritten:**

19 **"§ 148-29. Transportation of convicts to prison; reimbursement to counties;  
20 sheriff's expense affidavit.**

21 (a) The sheriff having in charge any prisoner to be taken to the State prison  
22 system shall send the prisoner to the custody of the Division of Adult Correction and  
23 Juvenile Justice of the Department of Public Safety after sentencing and the disposal of  
24 all pending charges against the prisoner, if no appeal has been taken. Beginning on the  
25 day after the Section of Prisons of the Division of Adult Correction and Juvenile Justice  
26 has been notified by the sheriff that a prisoner is ready for transfer and the Division has  
27 informed the sheriff that bedspace is not available for that prisoner, and continuing  
28 through the day the prisoner is received by the Section of Prisons of the Division of  
29 ~~Adult Correction, Correction and Juvenile Justice,~~ the Division of Adult Correction and  
30 Juvenile Justice of the Department of Public Safety shall pay the county:

- 31 (1) A standard sum set by the General Assembly in its appropriations acts  
32 for the cost of providing food, clothing, personal items, supervision,  
33 and necessary ordinary medical services to the prisoner awaiting  
34 transfer to the State prison system; and
- 35 (2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred  
36 by prisoners awaiting transfer to the State prison system.

37 If the Section of Prisons of the Division of Adult Correction and Juvenile Justice  
38 determines that bedspace is not available for a prisoner after the sheriff has notified the  
39 Division that the prisoner is ready for transfer, reimbursement under this subsection  
40 shall be made beginning on the day after the sheriff gave the notification.

41 (b) The sheriff having in charge any parolee or post-release supervisee to be  
42 taken to the State prison system shall send the prisoner to the custody of the Division of  
43 Adult Correction and Juvenile Justice of the Department of Public Safety after  
44 preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on  
45 the day after the Section of Prisons of the Division of Adult Correction and Juvenile  
46 Justice has been notified by the sheriff that a prisoner is ready for transfer and the

1 Division has informed the sheriff that bedspace is not available for that prisoner, and  
2 continuing through the day the prisoner is received by the Section of Prisons of the  
3 Division of Adult ~~Correction~~, Correction and Juvenile Justice, the Division of Adult  
4 Correction and Juvenile Justice of the Department of Public Safety shall pay the county:

- 5 (1) A standard sum set by the General Assembly in its appropriations acts  
6 for the cost of providing food, clothing, personal items, supervision,  
7 and necessary ordinary medical services to the parolee or post-release  
8 supervisee awaiting transfer to the State prison system; and
- 9 (2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred  
10 by parolees or post-release supervisees awaiting transfer to the State  
11 prison system.

12 If the Section of Prisons of the Division of Adult Correction and Juvenile Justice  
13 determines that bedspace is not available for a prisoner after the sheriff has notified the  
14 Division that the prisoner is ready for transfer, reimbursement under this subsection  
15 shall be made beginning on the day after the sheriff gave the notification.

16 (c) The sheriff shall file with the board of commissioners of his county a copy of  
17 his affidavit as to necessary guard, together with a copy of his itemized account of  
18 expenses, both certified to by him as true copies of those on file in his office."

19 **SECTION 2.(vvvvvvv) G.S. 148-32.1 reads as rewritten:**

20 "**§ 148-32.1. Local confinement, costs, alternate facilities, parole, work release.**

21 (a) Repealed by Session Laws 2009-451, s. 19.22A, effective July 1, 2009.

22 (b) In the event that the custodian of the local confinement facility certifies in  
23 writing to the clerk of the superior court in the county in which the local confinement  
24 facility is located that the local confinement facility is filled to capacity, or that the  
25 facility cannot reasonably accommodate any more prisoners due to segregation  
26 requirements for particular prisoners, or that the custodian anticipates, in light of local  
27 experiences, an influx of temporary prisoners at that time, or if the local confinement  
28 facility does not meet the minimum standards published pursuant to G.S. 153A-221, any  
29 judge of the district court in the district court district as defined in G.S. 7A-133 where  
30 the facility is located, or any superior court judge who has jurisdiction pursuant to  
31 G.S. 7A-47.1 or G.S. 7A-48 in a district or set of districts as defined in G.S. 7A-41.1  
32 where the facility is located may order that a prisoner not housed pursuant to the  
33 Statewide Misdemeanant Confinement Program established in subsection (b2) of this  
34 section be transferred to any other qualified local confinement facility within that  
35 district or within another such district where space is available, including a satellite jail  
36 unit operated pursuant to G.S. 153A-230.3 if the prisoner is a non-violent  
37 misdemeanant, which local facility shall accept the transferred prisoner.

38 If no other local confinement facility is available and the reason for the requested  
39 transfer is that the local confinement facility that would be required to house the  
40 prisoner cannot reasonably accommodate any more prisoners due to segregation  
41 requirements for particular prisoners or the local facility does not meet the minimum  
42 standards published pursuant to G.S. 153A-221, then the judge may order that a prisoner  
43 not housed pursuant to the Statewide Misdemeanant Confinement Program established  
44 in subsection (b2) of this section be transferred to a facility operated by the Division of  
45 Adult Correction and Juvenile Justice of the Department of Public Safety as designated  
46 by the Division of Adult ~~Correction~~. Correction and Juvenile Justice. In no event,

1 however, shall a prisoner whose term of imprisonment is less than 30 days be assigned  
2 or ordered transferred to a facility operated by the Division of Adult ~~Correction~~  
3 Correction and Juvenile Justice.

4 (b1) It is the intent of the General Assembly to authorize the Division of Adult  
5 Correction and Juvenile Justice to enter into voluntary agreements with counties to  
6 provide housing for misdemeanants serving periods of confinement of more than 90  
7 days and for all sentences imposed for impaired driving under G.S. 20-138.1, regardless  
8 of length. It is further the intent of the General Assembly that the Division of Adult  
9 ~~Correction~~, Correction and Juvenile Justice, in conjunction with the North Carolina  
10 Sheriffs' Association, Inc., establish a program for housing misdemeanants serving  
11 periods of confinement of more than 90 days and for all sentences imposed for impaired  
12 driving under G.S. 20-138.1, regardless of length. It is also the intent of the General  
13 Assembly that the Division of Adult Correction and Juvenile Justice contract with the  
14 North Carolina Sheriffs' Association, Inc., to provide a service that identifies space in  
15 local confinement facilities that is available for housing these misdemeanants.

16 The General Assembly intends that the cost of housing and caring for these  
17 misdemeanants, including, but not limited to, care, supervision, transportation, medical,  
18 and any other related costs, be covered by State funds and not be imposed as a local  
19 cost. Therefore, the General Assembly intends that the funds in the Statewide  
20 Misdemeanant Confinement Fund established in G.S. 148-10.4 be used to provide  
21 funding to cover the costs of managing a system for providing that housing of  
22 misdemeanants in local confinement facilities as well as reimbursing the counties for  
23 housing and related expenses for those misdemeanants.

24 (b2) The Statewide Misdemeanant Confinement Program is established. The  
25 Program shall provide for the housing of misdemeanants from all counties serving  
26 sentences imposed for a period of more than 90 days and for all sentences imposed for  
27 impaired driving under G.S. 20-138.1, regardless of length. Those misdemeanants shall  
28 be confined in local confinement facilities except as provided in subsections (b3) and  
29 (b4) of this section. The Program shall address methods for the placement and  
30 transportation of inmates and reimbursement to counties for the housing of those  
31 inmates. Any county that voluntarily agrees to house misdemeanants from that county  
32 or from other counties pursuant to the Program may enter into a written agreement with  
33 the Division of Adult Correction and Juvenile Justice to do so.

34 This Program shall only operate as long as sufficient State funds are available  
35 through the Statewide Misdemeanant Confinement Fund established in  
36 G.S. 148-10.4(c).

37 (b3) The custodian of a local confinement facility may request a judicial order to  
38 transfer a misdemeanant housed pursuant to the Statewide Misdemeanant Confinement  
39 Program to a facility operated by the Division of Adult Correction and Juvenile Justice  
40 by certifying in writing to the clerk of the superior court in the county in which the local  
41 confinement facility is located that:

- 42 (1) The misdemeanant poses a security risk because the misdemeanant:
  - 43 a. Poses a serious escape risk;
  - 44 b. Exhibits violently aggressive behavior that cannot be contained  
45 and warrants a higher level of supervision;

- c. Needs to be protected from other inmates, and the county jail facility cannot provide such protection;
  - d. Is a female or a person 18 years of age or younger, and the county jail facility does not have adequate housing for such prisoners;
  - e. Is in custody at a time when a fire or other catastrophic event has caused the county jail facility to cease or curtail operations; or
  - f. Otherwise poses an imminent danger to the staff of the county jail facility or to other prisoners in the facility.
- (2) The misdemeanor requires medical or mental health treatment that the county decides can best be provided by the Division of Adult ~~Correction~~ Correction and Juvenile Justice.
  - (3) The local confinement facility that would be required to house the prisoner (i) cannot reasonably accommodate any more prisoners due to segregation requirements for particular prisoners, or the local facility does not meet the minimum standards published pursuant to G.S. 153A-221, and (ii) no other local confinement facility is available.

Upon receiving such request and certification in writing, any superior or district court judge for the district in which the local confinement facility is located may, after ascertaining that the request meets the criteria set forth in subdivision (1), (2), or (3) of this subsection, order the misdemeanor transferred to a unit of the State prison system designated by the Secretary of Public Safety or the Secretary's authorized representative. The Division of Adult Correction and Juvenile Justice shall be reimbursed from the Statewide Misdemeanant Confinement Fund for the costs of housing the misdemeanor, including the care, supervision, and transportation of the misdemeanor.

(b4) A misdemeanor housed under the Statewide Misdemeanant Confinement Program established pursuant to subsection (b2) of this section may be transferred to a facility operated by the Division of Adult Correction and Juvenile Justice if the North Carolina Sheriffs' Association, Inc., determines that the local confinement facilities available for housing misdemeanants under the Program are filled to capacity. The Division of Adult Correction and Juvenile Justice shall be reimbursed from the Statewide Misdemeanant Confinement Fund for the costs of housing the misdemeanor, including the care, supervision, and transportation of the misdemeanor.

(c) Repealed by Session Laws 2015-40, s. 6.

(d) When a prisoner serving a sentence of 30 days or more in a local confinement facility is placed on work release pursuant to a recommendation of the sentencing court, the custodian of the facility shall forward the prisoner's work-release earnings to the Division of Adult ~~Correction~~ Correction and Juvenile Justice, which shall disburse the earnings as determined under G.S. 148-33.1(f). When a prisoner serving a sentence of 30 days or more in a local confinement facility is placed on work release pursuant to an order of the sentencing court, the custodian of the facility shall forward the prisoner's work-release earnings to the clerk of the court that sentenced the prisoner or to the Division of Adult ~~Correction~~ Correction and Juvenile Justice, as provided in the prisoner's commitment order. The clerk or the Division, as appropriate, shall disburse

1 the earnings as provided in the prisoner's commitment order. Upon agreement between  
2 the Division of Adult Correction and Juvenile Justice and the custodian of the local  
3 confinement facility, however, the clerk may disburse to the local confinement facility  
4 the amount of the earnings to be paid for the cost of the prisoner's keep, and that amount  
5 shall be set off against the reimbursement to be paid by the Department to the local  
6 confinement facility pursuant to G.S. 148-32.1(a).

7 (e) Upon entry of a prisoner serving a sentence of imprisonment for impaired  
8 driving under G.S. 20-138.1 into a local confinement facility pursuant to this section,  
9 the custodian of the local confinement facility shall forward to the Post-Release  
10 Supervision and Parole Commission information pertaining to the prisoner so as to  
11 make him eligible for parole consideration pursuant to G.S. 15A-1371. Such  
12 information shall include date of incarceration, jail credit, and such other information as  
13 may be required by the Post-Release Supervision and Parole Commission. The  
14 Post-Release Supervision and Parole Commission shall approve a form upon which the  
15 custodian shall furnish this information, which form will be provided to the custodian  
16 by the Division of Adult ~~Correction~~. Correction and Juvenile Justice."

17 **SECTION 2.(wwwwwww) G.S. 148-32.2 reads as rewritten:**

18 **"§ 148-32.2. Community work crew fee.**

19 The Division of Adult Correction and Juvenile Justice of the Department of Public  
20 Safety may charge a fee to any unit of local government to which it provides, upon  
21 request, a community work crew. The amount of the fee shall be no more than the cost  
22 to the Division to provide the crew to the unit of local government."

23 **SECTION 2.(xxxxxxx) G.S. 148-33 reads as rewritten:**

24 **"§ 148-33. Prison labor furnished other State agencies.**

25 The Division of Adult Correction and Juvenile Justice of the Department of Public  
26 Safety may furnish to any of the other State departments, State institutions, or agencies,  
27 upon such conditions as may be agreed upon from time to time between the Division  
28 and the governing authorities of such Department, institution or agency, prison labor for  
29 carrying on any work where it is practical and desirable to use prison labor in the  
30 furtherance of the purposes of any State department, institution or agency, and such  
31 other employment as is now provided by law for inmates of the State's prison under the  
32 provisions of G.S. 148-6: Provided that such prisoners shall at all times be under the  
33 custody of and controlled by the duly authorized agent of such Division. Provided,  
34 further, that notwithstanding any provisions of law contained in this Article or in this  
35 Chapter, no prisoner or group of prisoners may be assigned to work in any building  
36 utilized by any State department, agency, or institution unless a duly designated  
37 custodial agent of the Secretary of Public Safety is assigned to the building to maintain  
38 supervision and control of the prisoner or prisoners working there."

39 **SECTION 2.(yyyyyyy) G.S. 148-33.1 reads as rewritten:**

40 **"§ 148-33.1. Sentencing, quartering, and control of prisoners with work-release  
41 privileges.**

42 ...

43 (c) The Division of Adult Correction and Juvenile Justice of the Department of  
44 Public Safety shall from time to time, as the need becomes evident, designate and adapt  
45 facilities in the State prison system for quartering prisoners with work-release  
46 privileges. No State or county prisoner shall be granted work-release privileges by the



1 Director of Prisons or the custodian of a local confinement facility until suitable  
2 facilities for quartering him have been provided in the area where the prisoner has  
3 employment or the offer of employment.

4 ...

5 (f) A prisoner who is convicted of a felony and who is granted work-release  
6 privileges shall give his work-release earnings, less standard payroll deductions required  
7 by law, to the Division of Adult Correction and Juvenile Justice of the Department of  
8 Public Safety. A prisoner who is convicted of a misdemeanor, is committed to a local  
9 confinement facility, and is granted work-release privileges by order of the sentencing  
10 court shall give his work-release earnings, less standard payroll deductions required by  
11 law, to the custodian of the local confinement facility. Other misdemeanants granted  
12 work-release privileges shall give their work-release earnings, less standard payroll  
13 deductions required by law, to the Division of Adult Correction and Juvenile Justice of  
14 the Department of Public Safety. The Division of Adult Correction and Juvenile Justice  
15 of the Department of Public Safety or the sentencing court, as appropriate, shall  
16 determine the amount to be deducted from a prisoner's work-release earnings to pay for  
17 the cost of the prisoner's keep and to accumulate a reasonable sum to be paid the  
18 prisoner when he is paroled or discharged from prison. The Division or sentencing court  
19 shall also determine the amount to be disbursed by the Division or clerk of court, as  
20 appropriate, for each of the following:

- 21 (1) To pay travel and other expenses of the prisoner made necessary by his  
22 employment;
- 23 (2) To provide a reasonable allowance to the prisoner for his incidental  
24 personal expenses;
- 25 (3) To make payments for the support of the prisoner's dependents in  
26 accordance with an order of a court of competent jurisdiction, or in the  
27 absence of a court order, in accordance with a determination of  
28 dependency status and need made by the local department of social  
29 services in the county of North Carolina in which such dependents  
30 reside;
- 31 (3a) To make restitution or reparation as provided in G.S. 148-33.2.
- 32 (4) To comply with an order from any court of competent jurisdiction  
33 regarding the payment of an obligation of the prisoner in connection  
34 with any judgment rendered by the court.
- 35 (5) To comply with a written request by the prisoner to withhold an  
36 amount, when the request has been granted by the Division or the  
37 sentencing court, as appropriate.

38 Any balance of his earnings remaining at the time the prisoner is released from  
39 prison shall be paid to him. The Social Services Commission is authorized to  
40 promulgate uniform rules and regulations governing the duties of county social services  
41 departments under this section.

42 ..."

43 **SECTION 2.(zzzzzzz) G.S. 148-36 reads as rewritten:**

44 **"§ 148-36. Secretary of Public Safety to control classification and operation of**  
45 **prison facilities.**

1 All facilities established or acquired by the Division of Adult Correction and  
2 Juvenile Justice of the Department of Public Safety shall be under the administrative  
3 control and direction of the Secretary of Public Safety, and operated under rules and  
4 regulations proposed by the Secretary and adopted by the Division of Adult Correction  
5 and Juvenile Justice of the Department of Public Safety as provided in G.S. 148-11.  
6 Subject to such rules and regulations, the Secretary shall classify the facilities of the  
7 State prison system and develop a variety of programs so as to permit proper  
8 segregation and treatment of prisoners according to the nature of the offenses  
9 committed, the character and mental condition of the prisoners, and such other factors  
10 as should be considered in providing an individualized system of discipline, care, and  
11 correctional treatment of persons committed to the Division. The Secretary of Public  
12 Safety, or his authorized representative, shall designate the places of confinement where  
13 sentences to imprisonment in the State's prison system shall be served. The Secretary or  
14 his representative may designate any available facility appropriate for the individual in  
15 view of custodial and correctional considerations."

16 **SECTION 2.(aaaaaaa)** G.S. 148-37 reads as rewritten:

17 **"§ 148-37. Additional facilities authorized; contractual arrangements.**

18 (a) Subject to the provisions of G.S. 143-341, the Division of Adult Correction  
19 and Juvenile Justice of the Department of Public Safety may establish additional  
20 facilities for use by the Division, such facilities to be either of a permanent type of  
21 construction or of a temporary or movable type as the Division may find most  
22 advantageous to the particular needs, to the end that the prisoners under its supervision  
23 may be so distributed throughout the State as to facilitate individualization of treatment  
24 designed to prepare them for lawful living in the community where they are most likely  
25 to reside after their release from prison. For this purpose, the Division may purchase or  
26 lease sites and suitable lands adjacent thereto and erect necessary buildings thereon, or  
27 purchase or lease existing facilities, all within the limits of allotments as approved by  
28 the Department of Administration.

29 (b) The Secretary of Public Safety may contract with the proper official of the  
30 United States or of any county or city of this State for the confinement of federal  
31 prisoners after they have been sentenced, county, or city prisoners in facilities of the  
32 State prison system or for the confinement of State prisoners in any county or any city  
33 facility located in North Carolina, or any facility of the United States Bureau of Prisons,  
34 when to do so would most economically and effectively promote the purposes served by  
35 the Division of Adult Correction and Juvenile Justice of the Department of Public  
36 Safety. Except as otherwise provided, any contract made under the authority of this  
37 subsection shall be for a period of not more than two years, and shall be renewable from  
38 time to time for a period not to exceed two years. Contracts made under the authority of  
39 this subsection for the confinement of State prisoners in local or district confinement  
40 facilities may be for a period of not more than 10 years and renewable from time to time  
41 for a period not to exceed 10 years, and shall be subject to the approval of the Council  
42 of State and the Department of Administration after consultation with the Joint  
43 Legislative Commission on Governmental Operations. Contracts for receiving federal,  
44 county and city prisoners shall provide for reimbursing the State in full for all costs  
45 involved. The financial provisions shall have the approval of the Department of  
46 Administration before the contract is executed. Payments received under such contracts

1 shall be deposited in the State treasury for the use of the Division of Adult Correction  
2 and Juvenile Justice of the Department of Public Safety. Such payments are hereby  
3 appropriated to the Division of Adult Correction and Juvenile Justice of the Department  
4 of Public Safety as a supplementary fund to compensate for the additional care and  
5 maintenance of such prisoners as are received under such contracts.

6 (b1) Recodified as G.S. 148-37.2 by Session Laws 2001-84, s. 1, effective May  
7 17, 2001.

8 (c) In addition to the authority contained in subsections (a) and (b) of this  
9 section, and in addition to the contracts ratified by subsection (f) of this section, the  
10 Secretary of Public Safety may enter into contracts with any public entity or any private  
11 nonprofit or for-profit firms for the confinement and care of State prisoners in any  
12 out-of-state correctional facility when to do so would most economically and effectively  
13 promote the purposes served by the Division of Adult Correction and Juvenile Justice of  
14 the Department of Public Safety. Contracts entered into under the authority of this  
15 subsection shall be for a period not to exceed two years and shall be renewable from  
16 time to time for a period not to exceed two years. Prisoners may be sent to out-of-state  
17 correctional facilities only when there are no available facilities in this State within the  
18 State prison system to appropriately house those prisoners. Any contract made under the  
19 authority of this subsection shall be approved by the Department of Administration  
20 before the contract is executed. Before expending more than the amount specifically  
21 appropriated by the General Assembly for the out-of-state housing of inmates, the  
22 Division shall obtain the approval of the Joint Legislative Commission on  
23 Governmental Operations and shall report such expenditures to the Chairs of the Senate  
24 and House Appropriations Committees, the Chairs of the Senate and House  
25 Appropriations Subcommittees on Justice and Public Safety, and the Chairs of the Joint  
26 Legislative Oversight Committee on Justice and Public Safety.

27 (d) Prisoners confined in out-of-state correctional facilities pursuant to subsection  
28 (c) of this section shall remain subject to the rules adopted for the conduct of persons  
29 committed to the State prison system. The rules regarding good time and gain time,  
30 discipline, classification, extension of the limits of confinement, transfers, housing  
31 arrangements, and eligibility for parole shall apply to inmates housed in those  
32 out-of-state correctional facilities. The operators of those out-of-state correctional  
33 facilities may promulgate any other rules as may be necessary for the operation of those  
34 facilities with the written approval of the Secretary of Public Safety. Custodial officials  
35 employed by an out-of-state correctional facility are agents of the Secretary of Public  
36 Safety and may use those procedures for use of force authorized by the Secretary of  
37 Public Safety not inconsistent with the laws of the State of situs of the facility to defend  
38 themselves, to enforce the observance of discipline in compliance with correctional  
39 facility rules, to secure the person of a prisoner, and to prevent escape. Prisoners  
40 confined to out-of-state correctional facilities may be required to perform reasonable  
41 work assignments within those facilities. Private firms under subsection (c) of this  
42 section shall employ inmate disciplinary and grievance policies of the Division of Adult  
43 Correction and Juvenile Justice of the Department of Public Safety.

44 (e) Repealed by Session Laws 1995, c. 324, s. 19.10.

1 (f) Any contracts entered into by the Division of Adult Correction and Juvenile  
2 Justice of the Department of Public Safety with public contractors prior to March 25,  
3 1994, for the out-of-state housing of inmates are ratified.

4 (g) The Secretary of Public Safety may contract with private for-profit or  
5 nonprofit firms for the provision and operation of four or more confinement facilities  
6 totaling up to 2,000 beds in the State to house State prisoners when to do so would most  
7 economically and effectively promote the purposes served by the Division of Adult  
8 Correction and Juvenile Justice of the Department of Public Safety. This 2,000-bed  
9 limitation shall not apply to the 500 beds in private substance abuse treatment centers  
10 authorized by the General Assembly prior to July 1, 1995. Whenever the Division of  
11 Adult Correction and Juvenile Justice of the Department of Public Safety determines  
12 that new prison facilities are required in addition to existing and planned facilities, the  
13 Division may contract for any remaining beds authorized by this section before  
14 constructing State-operated facilities.

15 Contracts entered under the authority of this subsection shall be for a period not to  
16 exceed 10 years, shall be renewable from time to time for a period not to exceed 10  
17 years. The Secretary of Public Safety shall enter contracts under this subsection only if  
18 funds are appropriated for this purpose by the General Assembly. Contracts entered  
19 under the authority of this subsection may be subject to any requirements for the  
20 location of the confinement facilities set forth by the General Assembly in appropriating  
21 those funds.

22 Once the Division has made a determination to contract for additional private prison  
23 beds, it shall issue a request for proposals within 30 days of the decision. The request  
24 for proposals shall require bids to be submitted within two months, and the Division  
25 shall award contracts at the earliest practicable date after the submission of bids. The  
26 Secretary of Public Safety, in consultation with the Chairs of the Joint Legislative  
27 Oversight Committee on Justice and Public Safety and the Chairs of the House and  
28 Senate Appropriations Subcommittees on Justice and Public Safety, shall make  
29 recommendations to the State Purchasing Officer on the final award decision. The State  
30 Purchasing Officer shall make the final award decision, and the contract shall then be  
31 subject to the approval of the Council of State after consultation with the Joint  
32 Legislative Commission on Governmental Operations.

33 Contracts made under the authority of this subsection may provide the State with an  
34 option to purchase the confinement facility or may provide for the purchase of the  
35 confinement facility by the State. Contracts made under the authority of this subsection  
36 shall state that plans and specifications for private confinement facilities shall be  
37 furnished to and reviewed by the Office of State Construction. The Office of State  
38 Construction shall inspect and review each project during construction to ensure that the  
39 project is suitable for habitation and to determine whether the project would be suitable  
40 for future acquisition by the State. All contracts for the housing of State prisoners in  
41 private confinement facilities shall require a minimum of ten million dollars  
42 (\$10,000,000) of occurrence-based liability insurance and shall hold the State harmless  
43 and provide reimbursement for all liability arising out of actions caused by operations  
44 and employees of the private confinement facility.

45 Prisoners housed in private confinement facilities pursuant to this subsection shall  
46 remain subject to the rules adopted for the conduct of persons committed to the State

1 prison system. The Secretary of Public Safety may review and approve the design and  
2 construction of private confinement facilities before housing State prisoners in these  
3 facilities. The rules regarding good time, gain time, and earned credits, discipline,  
4 classification, extension of the limits of confinement, transfers, housing arrangements,  
5 and eligibility for parole shall apply to inmates housed in private confinement facilities  
6 pursuant to this subsection. The operators of private confinement facilities may adopt  
7 any other rules as may be necessary for the operation of those facilities with the written  
8 approval of the Secretary of Public Safety. Custodial officials employed by a private  
9 confinement facility are agents of the Secretary of Public Safety and may use those  
10 procedures for use of force authorized by the Secretary of Public Safety to defend  
11 themselves, to enforce the observance of discipline in compliance with confinement  
12 facility rules, to secure the person of a prisoner, and to prevent escape. Private firms  
13 under this subsection shall employ inmate disciplinary and grievance policies of the  
14 Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

15 (h) Private confinement facilities under this section shall be designed, built, and  
16 operated in accordance with applicable State laws, court orders, fire safety codes, and  
17 local regulations.

18 (i) The Division of Adult Correction and Juvenile Justice of the Department of  
19 Public Safety shall make a written report no later than March 1 of every year, beginning  
20 in 1997, on the substance of all outstanding contracts for the housing of State prisoners  
21 entered into under the authority of this section. The report shall be submitted to the Joint  
22 Legislative Oversight Committee on Justice and Public Safety."

23 **SECTION 2.(bbbbbbbb)** G.S. 148-37.3(a) reads as rewritten:

24 "(a) Correctional officers and security supervisors employed at private  
25 correctional facilities pursuant to a contract between their employer and the Federal  
26 Bureau of Prisons may, in the course of their employment as correctional officers or  
27 security supervisors, use necessary force and make arrests consistent with the laws  
28 applicable to the Division of Adult Correction and Juvenile Justice of the Department of  
29 Public Safety, which force shall not exceed that authorized to Division of Adult  
30 Correction and Juvenile Justice of the Department of Public Safety officers, provided  
31 that the employment policies of such private corporations meet the same minimum  
32 standards and practices followed by the Division of Adult Correction and Juvenile  
33 Justice of the Department of Public Safety in employing its correctional personnel, and  
34 if:

35 (1) Those correctional officers and security supervisors have been  
36 certified as correctional officers as provided under Chapter 17C of the  
37 General Statutes; or

38 (2) Those correctional officers and security supervisors employed by the  
39 private corporation at the facility have completed a training curriculum  
40 that meets or exceeds the standards required by the North Carolina  
41 Criminal Justice Education and Training Standards Commission for  
42 correctional personnel."

43 **SECTION 2.(ccccccc)** G.S. 148-40 reads as rewritten:

44 "**§ 148-40. Recapture of escaped prisoners.**

45 The rules and regulations for the government of the State prison system may provide  
46 for the recapture of convicts that may escape, or any convicts that may have escaped

1 from the State's prison or prison camps, or county road camps of this State, and the  
2 Division of Adult Correction and Juvenile Justice of the Department of Public Safety  
3 may pay to any person recapturing an escaped convict such reward or expense of  
4 recapture as the regulations may provide. Any citizen of North Carolina shall have  
5 authority to apprehend any convict who may escape before the expiration of his term of  
6 imprisonment whether he be guilty of a felony or misdemeanor, and retain him in  
7 custody and deliver him to the Division of Adult Correction and Juvenile Justice of the  
8 Department of Public Safety."

9 **SECTION 2.(ddddd) G.S. 148-41 reads as rewritten:**

10 **"§ 148-41. Recapture of escaping prisoners; reward.**

11 The Secretary of Public Safety shall use every means possible to recapture,  
12 regardless of expense, any prisoners escaping from or leaving without permission any of  
13 the State prisons, camps, or farms. When any person who has been confined or placed to  
14 work escapes from the State prison system, the Secretary shall immediately notify the  
15 Governor, and accompany the notice with a full description of the escaped prisoner,  
16 together with such information as will aid in the recapture. The Governor may offer  
17 such rewards as he may deem desirable and necessary for the recapture and return to the  
18 State prison system of any person who may escape or who heretofore has escaped  
19 therefrom. Such reward earned shall be paid by warrant of the Division of Adult  
20 Correction and Juvenile Justice of the Department of Public Safety and accounted for as  
21 a part of the expense of maintaining the State's prisons."

22 **SECTION 2.(eeeeeee) G.S. 148-45 reads as rewritten:**

23 **"§ 148-45. Escaping or attempting escape from State prison system; failure of**  
24 **conditionally and temporarily released prisoners and certain youthful**  
25 **offenders to return to custody of Division of Adult Correction and**  
26 **Juvenile Justice of the Department of Public Safety.**

27 (a) Any person in the custody of the Division of Adult Correction and Juvenile  
28 Justice of the Department of Public Safety in any of the classifications hereinafter set  
29 forth who shall escape from the State prison system, shall for the first such offense,  
30 except as provided in subsection (g) of this section, be guilty of a Class 1 misdemeanor:

- 31 (1) A prisoner serving a sentence imposed upon conviction of a  
32 misdemeanor;
- 33 (2) A person who has been charged with a misdemeanor and who has been  
34 committed to the custody of the Division of Adult Correction and  
35 Juvenile Justice of the Department of Public Safety under the  
36 provisions of G.S. 162-39;
- 37 (3) Repealed by Session Laws 1985, c. 226, s. 4.
- 38 (4) A person who shall have been convicted of a misdemeanor and who  
39 shall have been committed to the Division of Adult Correction and  
40 Juvenile Justice of the Department of Public Safety for presentence  
41 diagnostic study under the provisions of G.S. 15A-1332(c).

42 (b) Any person in the custody of the Division of Adult Correction and Juvenile  
43 Justice of the Department of Public Safety, in any of the classifications hereinafter set  
44 forth, who shall escape from the State prison system, shall, except as provided in  
45 subsection (g) of this section, be punished as a Class H felon.

- 46 (1) A prisoner serving a sentence imposed upon conviction of a felony;

- 1 (2) A person who has been charged with a felony and who has been  
2 committed to the custody of the Division of Adult Correction and  
3 Juvenile Justice of the Department of Public Safety under the  
4 provisions of G.S. 162-39;
- 5 (3) Repealed by Session Laws 1985, c. 226, s. 5.
- 6 (4) A person who shall have been convicted of a felony and who shall  
7 have been committed to the Division of Adult Correction and Juvenile  
8 Justice of the Department of Public Safety for presentence diagnostic  
9 study under the provisions of G.S. 15A-1332(c); or
- 10 (5) Any person previously convicted of escaping or attempting to escape  
11 from the State prison system.
- 12 (c) Repealed by Session Laws 1979, c. 760, s. 5.
- 13 (d) Any person who aids or assists other persons to escape or attempt to escape  
14 from the State prison system shall be guilty of a Class 1 misdemeanor.
- 15 (e) Repealed by Session Laws 1983, c. 465, s. 5.
- 16 (f) Any person convicted of an escape or attempt to escape classified as a felony  
17 by this section shall be immediately classified and treated as a convicted felon even if  
18 such person has time remaining to be served in the State prison system on a sentence or  
19 sentences imposed upon conviction of a misdemeanor or misdemeanors.
- 20 (g) (1) Any person convicted and in the custody of the Division of Adult  
21 Correction and Juvenile Justice of the Department of Public Safety and  
22 ordered or otherwise assigned to work under the work-release  
23 program, G.S. 148-33.1, or any convicted person in the custody of the  
24 Division of Adult Correction and Juvenile Justice of the Department of  
25 Public Safety and temporarily allowed to leave a place of confinement  
26 by the Secretary of Public Safety or his designee or other authority of  
27 law, who shall fail to return to the custody of the Division of Adult  
28 Correction and Juvenile Justice of the Department of Public Safety,  
29 shall be guilty of the crime of escape and subject to the applicable  
30 provisions of this section and shall be deemed an escapee. For the  
31 purpose of this subsection, escape is defined to include, but is not  
32 restricted to, willful failure to return to an appointed place and at an  
33 appointed time as ordered.
- 34 (2) If a person, who would otherwise be guilty of a first violation of  
35 G.S. 148-45(g)(1), voluntarily returns to his place of confinement  
36 within 24 hours of the time at which he was ordered to return, such  
37 person shall not be charged with an escape as provided in this section  
38 but shall be subject to such administrative action as may be deemed  
39 appropriate for an escapee by the Division of Adult Correction and  
40 Juvenile Justice of the Department of Public Safety; said escapee shall  
41 not be allowed to be placed on work release for a four-month period or  
42 for the balance of his term if less than four months; provided, however,  
43 that if such person commits a subsequent violation of this section then  
44 such person shall be charged with that offense and, if convicted,  
45 punished under the provisions of this section."

46 **SECTION 2.(ffffff)** G.S. 148-46.1 reads as rewritten:

1 **"§ 148-46.1. Inflicting or assisting in infliction of self injury to prisoner resulting in**  
2 **incapacity to perform assigned duties.**

3 Any person serving a sentence or sentences within the State prison system who,  
4 during the term of such imprisonment, willfully and intentionally inflicts upon himself  
5 any injury resulting in a permanent or temporary incapacity to perform work or duties  
6 assigned to him by the Division of Adult Correction and Juvenile Justice of the  
7 Department of Public Safety, or any prisoner who aids or abets any other prisoner in the  
8 commission of such offense, shall be punished as a Class H felon."

9 **SECTION 2.(gggggggg)** G.S. 148-53 reads as rewritten:

10 **"§ 148-53. Investigators and investigations of cases of prisoners.**

11 For the purpose of investigating the cases of prisoners, the Division of Adult  
12 Correction and Juvenile Justice of the Department of Public Safety is hereby authorized  
13 and empowered to appoint an adequate staff of competent investigators, particularly  
14 qualified for such work, with such reasonable clerical assistance as may be required,  
15 who shall, under the rules and regulations duly adopted by the Post-Release Supervision  
16 and Parole Commission, investigate all cases designated by it, investigate cases of  
17 prisoners eligible for post-release supervision, and otherwise aid the Commission in  
18 passing upon the question of the parole and post-release supervision of prisoners, to the  
19 end that every prisoner in the custodial care of the State may receive full, fair, and just  
20 consideration."

21 **SECTION 2.(hhhhhhh)** G.S. 148-54 reads as rewritten:

22 **"§ 148-54. Parole and post-release supervision supervisors provided for; duties.**

23 The Division of Adult Correction and Juvenile Justice of the Department of Public  
24 Safety is hereby authorized to appoint a sufficient number of competent parole and  
25 post-release supervision supervisors, who shall be particularly qualified for and adapted  
26 for the work required of them, and who shall under the direction of the Division of  
27 Adult Correction and Juvenile Justice of the Department of Public Safety, and under  
28 regulations prescribed by the Division of Adult Correction and Juvenile Justice of the  
29 Department of Public Safety after consultation with the Commission, exercise  
30 supervision and authority over paroled prisoners and persons on post-release  
31 supervision, assist paroled prisoners and persons on post-release supervision, and those  
32 who are to be paroled or released for post-release supervision in finding and retaining  
33 self-supporting employment, and to promote rehabilitation work with paroled and  
34 post-release supervised prisoners, to the end that they may become law-abiding citizens.  
35 The supervisors shall also, under the direction of the Division of Adult Correction and  
36 Juvenile Justice of the Department of Public Safety, maintain frequent contact with  
37 paroled and post-release supervised prisoners and find out whether or not they are  
38 observing the conditions of their paroles or post-release supervision, and assist them in  
39 every possible way toward compliance with the conditions, and they shall perform such  
40 other duties in connection with paroled prisoners as the Division of Adult Correction  
41 and Juvenile Justice of the Department of Public Safety may require. The number of  
42 supervisors may be increased by the Division of Adult Correction and Juvenile Justice  
43 of the Department of Public Safety as and when the number of paroled and post-release  
44 supervised prisoners to be supervised requires or justifies such increase."

45 **SECTION 2.(iiiiiii)** G.S. 148-59 reads as rewritten:



1 **"§ 148-59. Duties of clerks of superior courts as to commitments; statements filed**  
2 **with Division of Adult Correction and Juvenile Justice of the Department**  
3 **of Public Safety.**

4 The several clerks of the superior courts shall attach to the commitment of each  
5 prisoner sentenced in such courts a statement furnishing such information as the  
6 Post-Release Supervision and Parole Commission shall by regulations prescribe, which  
7 information shall contain, among other things, the following:

- 8 (1) The court in which the prisoner was tried;
- 9 (2) The name of the prisoner and of all codefendants;
- 10 (3) The date or session when the prisoner was tried;
- 11 (4) The offense with which the prisoner was charged and the offense for  
12 which convicted;
- 13 (5) The judgment of the court and the date of the beginning of the  
14 sentence;
- 15 (6) The name and address of the presiding judge;
- 16 (7) The name and address of the prosecuting solicitor;
- 17 (8) The name and address of private prosecuting attorney, if any;
- 18 (9) The name and address of the arresting officer;
- 19 (10) All available information of the previous criminal record of the  
20 prisoner; and
- 21 (11) For all Class G or more serious felonies, the names and addresses of  
22 the following persons, where the presiding judge makes a finding of  
23 such facts:
  - 24 a. Any victims of the offense for which the prisoner was  
25 convicted;
  - 26 b. The parent or legal guardian of any minor victims of the offense  
27 for which the prisoner was convicted; and
  - 28 c. The next of kin of any homicide victims of the offense for  
29 which the prisoner was convicted.

30 The prison authorities receiving the prisoner for the beginning of the service of  
31 sentence shall detach from the commitment the statement furnishing such information  
32 and forward it to the Division of Adult Correction and Juvenile Justice of the  
33 Department of Public Safety, together with any additional information in the possession  
34 of such prison authorities relating to the previous criminal record of such prisoner, and  
35 the information thus furnished shall constitute the foundation and file of the prisoner's  
36 case. Forms for furnishing the information required by this section shall, upon request,  
37 be furnished to the said clerks by the Division of Adult Correction and Juvenile Justice  
38 of the Department of Public Safety without charge."

39 **SECTION 2.(jjjjjjj) G.S. 148-64 reads as rewritten:**

40 **"§ 148-64. Cooperation of prison and parole officials and employees.**

41 The officials and employees of the Division of Adult Correction and Juvenile Justice  
42 of the Department of Public Safety and the Post-Release Supervision and Parole  
43 Commission shall at all times cooperate with and furnish each other such information  
44 and assistance as will promote the purposes of this Chapter and the purposes for which  
45 these agencies were established. The Commission shall have free access to all  
46 prisoners."

1           **SECTION 2.(kkkkkkkk)** G.S. 148-64.1 reads as rewritten:  
2   "**§ 148-64.1. Early conditional release of inmates subject to a removal order;**  
3   **revocation of release.**

4       (a) Eligibility for Early Release. – Notwithstanding any other provision of law,  
5 the Post-Release Supervision and Parole Commission may conditionally release an  
6 inmate into the custody and control of United States Immigration and Customs  
7 Enforcement if all of the following requirements are satisfied:

8           (1) The Division of Adult Correction and Juvenile Justice of the  
9 Department of Public Safety has received a final order of removal for  
10 the inmate from United States Immigration and Customs Enforcement.

11       ...  
12       (c) Return of Inmates. – In the event that the United States Immigration and  
13 Customs Enforcement is unable to or does not deport the inmate, the inmate shall be  
14 returned to the custody of the Division of Adult Correction and Juvenile Justice of the  
15 Department of Public Safety to serve the remainder of the original sentence.

16       ..."

17           **SECTION 2.(llllllll)** G.S. 148-65.6(a) reads as rewritten:

18       "(a) The North Carolina State Council for Interstate Adult Offender Supervision  
19 shall be established, consisting of 14 members. North Carolina's Commissioner to the  
20 Interstate Compact Commission is a member of the State Council and serves as chair of  
21 the State Council. The remaining members of the State Council shall consist of the  
22 following:

23       ...  
24       (7) Four members representing the Section of Community Corrections of  
25 the Division of Adult ~~Correction~~, Correction and Juvenile Justice, to  
26 be appointed by the Director of the Section of Community Corrections  
27 of the Division of Adult ~~Correction~~; Correction and Juvenile Justice;

28       ..."

29           **SECTION 2.(mmmmmmm)** G.S. 148-65.7(a) reads as rewritten:

30       "(a) Persons convicted in this State who make a request for transfer to another  
31 state pursuant to the compact shall pay a transfer application of two hundred fifty  
32 dollars (\$250.00) for each transfer application submitted. The transfer application fee  
33 shall be paid to the Compact Commissioner upon submission of the transfer application.  
34 The Commissioner or the Commissioner's designee may waive the application fee if  
35 either the Commissioner or the Commissioner's designee finds that payment of the fee  
36 will constitute an undue economic burden on the offender.

37       All fees collected pursuant to this section shall be deposited in the Interstate  
38 Compact Fund and shall be used only to support administration of the Interstate  
39 Compact.

40       The Interstate Compact Fund is established within the Division of Adult Correction  
41 and Juvenile Justice of the Department of Public Safety as a nonreverting,  
42 interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of  
43 a fiscal year does not revert, and interest and other investment income earned by the  
44 Fund shall be credited to it. All moneys collected by the Division of Adult Correction  
45 and Juvenile Justice of the Department of Public Safety pursuant to this subsection shall  
46 be remitted to the State Treasurer to be deposited and held in this Fund. Moneys in the

1 Fund shall be used to supplement funds otherwise available to the Division of Adult  
2 Correction and Juvenile Justice of the Department of Public Safety for the  
3 administration of the Interstate Compact."

4 **SECTION 2.(nnnnnnnn)** G.S. 148-66 reads as rewritten:

5 **"§ 148-66. Cities and towns and Department of Agriculture and Consumer  
6 Services may contract for prison labor.**

7 The corporate authorities of any city or town may contract in writing with the  
8 Division of Adult Correction and Juvenile Justice of the Department of Public Safety  
9 for the employment of convicts upon the highways or streets of such city or town, and  
10 such contracts when so exercised shall be valid and enforceable against such city or  
11 town, and the Attorney General may prosecute an action in the Superior Court of Wake  
12 County in the name of the State for their enforcement.

13 The Department of Agriculture and Consumer Services is hereby authorized and  
14 empowered to contract, in writing, with the Division of Adult Correction and Juvenile  
15 Justice of the Department of Public Safety for the employment and use of convicts  
16 under its supervision to be worked on the State test farms and/or State experimental  
17 stations."

18 **SECTION 2.(ooooo000)** G.S. 148-67 reads as rewritten:

19 **"§ 148-67. Hiring to cities and towns and State Department of Agriculture and  
20 Consumer Services.**

21 The Division of Adult Correction and Juvenile Justice of the Department of Public  
22 Safety shall in their discretion, upon application to them, hire to the corporate  
23 authorities of any city or town for the purposes specified in G.S. 148-66, such convicts  
24 as are mentally and physically capable of performing the work or labor contemplated  
25 and are not at the time of such application hired or otherwise engaged in labor under the  
26 direction of the Division; but the convicts so hired for services shall be fed, clothed and  
27 quartered while so employed by the Division.

28 Upon application to it, it shall be the duty of the Division of Adult Correction and  
29 Juvenile Justice of the Department of Public Safety, in its discretion, to hire to the  
30 Department of Agriculture and Consumer Services for the purposes of working on the  
31 State test farms and/or State experimental stations, such convicts as may be mentally  
32 and physically capable of performing the work or labor contemplated; but the convicts  
33 so hired for services under this paragraph shall be fed, clothed and quartered while so  
34 employed by the Division of Adult Correction and Juvenile Justice of the Department of  
35 Public Safety."

36 **SECTION 2.(pppppppp)** G.S. 148-70 reads as rewritten:

37 **"§ 148-70. Management and care of inmates.**

38 The Division of Adult Correction and Juvenile Justice of the Department of Public  
39 Safety in all contracts for labor shall provide for feeding and clothing the inmates and  
40 shall maintain, control and guard the quarters in which the inmates live during the time  
41 of the contracts; and the Division shall provide for the guarding and working of such  
42 inmates under its sole supervision and control. The Division may make such contracts  
43 for the hire of the inmates confined in the State prison as may in its discretion be  
44 proper."

45 **SECTION 2.(qqqqqqqq)** G.S. 148-74 reads as rewritten:

46 **"§ 148-74. Records Section.**

1 Case records and related materials compiled for the use of the Secretary of Public  
2 Safety and the Parole Commission shall be maintained in a single central file system  
3 designed to minimize duplication and maximize effective use of such records and  
4 materials. When an individual is committed to the State prison system after a period on  
5 probation, the probation files on that individual shall be made a part of the combined  
6 files used by the Division of Adult Correction and Juvenile Justice of the Department of  
7 Public Safety and the Parole Commission. The administration of the Records Section  
8 shall be under the control and direction of the Secretary of Public Safety."

9 **SECTION 2.(rrrrrrrr)** G.S. 148-78 reads as rewritten:

10 **"§ 148-78. Reports.**

11 The Secretary of Public Safety may prepare and release reports on the work of the  
12 Division of Adult Correction and Juvenile Justice of the Department of Public Safety,  
13 including statistics and other data, accounts of research, and recommendations for  
14 legislation."

15 **SECTION 2.(ssssssss)** G.S. 148-118.1 reads as rewritten:

16 **"§ 148-118.1. Authority.**

17 The Division of Adult Correction and Juvenile Justice of the Department of Public  
18 Safety shall adopt an Administrative Remedy Procedure in compliance with 42 U.S.C.  
19 1997, the "Civil Rights of Institutionalized Persons Act". The Administrative Remedy  
20 Procedure and any amendments or changes thereto shall be adopted only after prior  
21 consultation with the Grievance Resolution Board."

22 **SECTION 2.(tttttttt)** G.S. 148-118.2(a) reads as rewritten:

23 "(a) Upon approval of the Administrative Remedy Procedure by a federal court as  
24 authorized and required by 42 U.S.C. 1997(e)(a), and the implementation of the  
25 procedure, this procedure shall constitute the administrative remedies available to a  
26 prisoner for the purpose of preserving any cause of action under the purview of the  
27 Administrative Remedy Procedure, which a prisoner may claim to have against the  
28 State of North Carolina, the Division of Adult Correction and Juvenile Justice of the  
29 Department of Public Safety, or its employees."

30 **SECTION 2.(uuuuuuuu)** G.S. 148-118.4 reads as rewritten:

31 **"§ 148-118.4. Definitions.**

32 For purposes of this Article, "prisoner" shall refer to all prisoners in the physical  
33 custody of the Division of Adult Correction and Juvenile Justice of the Department of  
34 Public Safety."

35 **SECTION 2.(vvvvvvvv)** G.S. 148-118.5 reads as rewritten:

36 **"§ 148-118.5. Records confidentiality.**

37 All reports, investigations, and like supporting documents prepared by the Division  
38 for purposes of responding to the prisoner's request for an administrative remedy shall  
39 be deemed to be confidential. All formal written responses to the prisoner's request shall  
40 be furnished to the prisoner as a matter of course as required by the procedure. The  
41 Grievance Resolution Board shall have access to all relevant records developed by the  
42 Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

43 **SECTION 2.(wwwwwww)** G.S. 148-118.6 reads as rewritten:

44 **"§ 148-118.6. Grievance Resolution Board.**

45 The Grievance Resolution Board is established as a separate agency within the  
46 Division of Adult Correction and Juvenile Justice of the Department of Public Safety. It

1 shall consist of five members appointed by the Governor to serve four-year terms. Of  
2 the members so appointed, three shall be attorneys selected from a list of 10 persons  
3 recommended by the Council of the North Carolina State Bar. The remaining two  
4 members shall be persons of knowledge and experience in one or more fields under the  
5 jurisdiction of the Secretary of Public Safety. In the event a vacancy occurs on the  
6 Board prior to the expiration of a member's term, the Governor shall appoint a new  
7 Board member to serve the unexpired term. If the vacancy occurs in one of the positions  
8 designated for an attorney, the Governor shall select another attorney from a list of five  
9 persons recommended by the Council of the North Carolina State Bar. The Board shall  
10 perform those functions assigned to it by the Governor and shall review the grievance  
11 procedure. The Grievance Resolution Board shall meet not less than quarterly to review  
12 summaries of grievances. All members of the Inmate Grievance Commission, appointed  
13 by the Governor pursuant to G.S. 148-101, may complete their terms as members of the  
14 Board. Each member of the Board shall receive per diem and travel expenses as  
15 authorized for members of State commissions and boards under G.S. 138-5."

16 **SECTION 2.(xxxxxxx)** G.S. 148-118.8(a) reads as rewritten:

17 "(a) The Grievance Resolution Board, in consultation with the Secretary of Public  
18 Safety, shall provide the Governor with at least three nominees, and the Governor shall  
19 appoint an Executive Director from those nominees. The Grievance Resolution Board  
20 shall appoint grievance examiners. The Executive Director shall manage the staff and  
21 perform such other functions as are assigned to the Director by the Grievance  
22 Resolution Board. The Executive Director shall serve at the pleasure of the Governor.  
23 The grievance examiners shall serve at the pleasure of the Grievance Resolution Board.  
24 The grievance examiners shall be subject to Article 2 of Chapter 126 of the North  
25 Carolina General Statutes for purposes of salary and leave. Support staff, equipment,  
26 and facilities for the Board shall be provided by the Division of Adult Correction and  
27 Juvenile Justice of the Department of Public Safety."

28 **SECTION 2.(yyyyyyy)** G.S. 148-128 reads as rewritten:

29 **"§ 148-128. Authorization for Correction Enterprises.**

30 The Section of Correction Enterprises of the Division of Adult Correction and  
31 Juvenile Justice is established as a division of the Division of Adult Correction of the  
32 Department of Public Safety. The Section of Correction Enterprises of the Division of  
33 Adult Correction and Juvenile Justice may develop and operate industrial, agricultural,  
34 and service enterprises that employ incarcerated offenders in an effort to provide them  
35 with meaningful work experiences and rehabilitative opportunities that will increase  
36 their employability upon release from prison. Enterprises operated under this Article  
37 shall be known as "Correction Enterprises.""

38 **SECTION 2.(zzzzzzz)** G.S. 148-130 reads as rewritten:

39 **"§ 148-130. Correction Enterprises Fund.**

40 (a) All revenues from the sale of articles and commodities manufactured or  
41 produced by Correction Enterprises shall be deposited with the State Treasurer to be  
42 kept and maintained as a special revolving working-capital fund designated "Correction  
43 Enterprises Fund."

44 (b) Revenue in the Correction Enterprises Fund shall be applied first to capital  
45 and operating expenditures, including salaries and wages of personnel necessary to  
46 develop and operate Correction Enterprises and incentive wages for inmates employed

1 by Correction Enterprises or participating in work assignments established by the  
2 Section of Prisons of the Division of Adult ~~Correction~~Correction and Juvenile Justice.  
3 Of the remaining revenue in the Fund, five percent (5%) of the net proceeds, before  
4 expansion costs, shall be credited to the Crime Victims Compensation Fund established  
5 in G.S. 15B-23 as soon as practicable after net proceeds have been determined for the  
6 previous year. At the direction of the Governor, the remainder shall be used for other  
7 purposes within the State prison system or shall be transferred to the General Fund.

8 (c) The Correction Enterprises Fund shall be the source of all incentive wages  
9 and allowances paid to inmates employed by Correction Enterprises and inmates  
10 participating in work assignments established by the Section of Prisons of the Division  
11 of Adult ~~Correction~~Correction and Juvenile Justice."

12 **SECTION 2.(aaaaaaaa) G.S. 148-131 reads as rewritten:**

13 **"§ 148-131. Powers and responsibilities.**

14 In order to fulfill the purposes set forth in G.S. 148-129, the Section of Correction  
15 Enterprises of the Division of Adult Correction and Juvenile Justice is authorized and  
16 empowered to take all actions necessary in the operation of its enterprises, including any  
17 of the following actions to:

18 ..."

19 **SECTION 2.(bbbbbbbb) G.S. 148-132 reads as rewritten:**

20 **"§ 148-132. Distribution of products and services.**

21 The Section of Correction Enterprises of the Division of Adult Correction and  
22 Juvenile Justice is empowered and authorized to market and sell products and services  
23 produced by Correction Enterprises to any of the following entities:

24 ..."

25 **SECTION 2.(cccccccc) G.S. 148-134 reads as rewritten:**

26 **"§ 148-134. Preference for Division of Adult Correction and Juvenile Justice of the**  
27 **Department of Public Safety products.**

28 All departments, institutions, and agencies of this State that are supported in whole  
29 or in part by the State shall give preference to Correction Enterprises products in  
30 purchasing articles, products, and commodities that these departments, institutions, and  
31 agencies require and that are manufactured or produced within the State prison system  
32 and offered for sale to them by Correction Enterprises. No article or commodity  
33 available from Correction Enterprises shall be purchased by any State department,  
34 institution, or agency from any other source unless the prison product does not meet the  
35 standard specifications and the reasonable requirements of the department, institution,  
36 or agency as determined by the Secretary of Administration or the requisition cannot be  
37 complied with because of an insufficient supply of the articles or commodities required.  
38 The provisions of Article 3 of Chapter 143 of the General Statutes respecting  
39 contracting for the purchase of all supplies, materials, and equipment required by the  
40 State government or any of its departments, institutions, or agencies under competitive  
41 bidding shall not apply to articles or commodities available from Correction Enterprises.  
42 The Section of Correction Enterprises of the Division of Adult Correction and Juvenile  
43 Justice shall be required to keep the price of such articles or commodities substantially  
44 in accord with that paid by governmental agencies for similar articles and commodities  
45 of equivalent quality."

46 **SECTION 2.(dddddddd) G.S. 150B-1 reads as rewritten:**

1 **§ 150B-1. Policy and scope.**

2 ...  
3 (d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to  
4 the following:

5 ...  
6 (6) The Division of Adult Correction and Juvenile Justice of the  
7 Department of Public Safety, with respect to matters relating solely to  
8 persons in its custody or under its supervision, including prisoners,  
9 probationers, and parolees.

10 ...  
11 (e) Exemptions From Contested Case Provisions. – The contested case  
12 provisions of this Chapter apply to all agencies and all proceedings not expressly  
13 exempted from the Chapter. The contested case provisions of this Chapter do not apply  
14 to the following:

15 ...  
16 (7) The Division of Adult Correction and Juvenile Justice of the  
17 Department of Public Safety.

18 ..."

19 **SECTION 2.(eeeeeeee)** G.S. 153A-221(b) reads as rewritten:

20 "(b) In developing the standards and any amendments thereto, the Secretary shall  
21 consult with organizations representing local government and local law enforcement,  
22 including the North Carolina Association of County Commissioners, the North Carolina  
23 League of Municipalities, the North Carolina Sheriffs' Association, and the North  
24 Carolina Police Executives' Association. The Secretary shall also consult with interested  
25 State departments and agencies, including the Division of Adult Correction and Juvenile  
26 Justice of the Department of Public Safety, the Department of Health and Human  
27 Services, the Department of Insurance, and the North Carolina Criminal Justice  
28 Education and Training Standards Commission, and the North Carolina Sheriffs'  
29 Education and Training Standards Commission."

30 **SECTION 2.(ffffff)** G.S. 153A-221.1 reads as rewritten:

31 **"§ 153A-221.1. Standards and inspections.**

32 The legal responsibility of the Juvenile Justice Section of the Division of Adult  
33 Correction and Juvenile Justice of the Department of Public Safety for State services to  
34 county juvenile detention homes under this Article is hereby confirmed and shall  
35 include the following: development of State standards under the prescribed procedures;  
36 inspection; consultation; technical assistance; and training.

37 The Secretary of Health and Human Services, in consultation with the Secretary of  
38 Public Safety, shall also develop standards under which a local jail may be approved as  
39 a holdover facility for not more than five calendar days pending placement in a juvenile  
40 detention home which meets State standards, providing the local jail is so arranged that  
41 any child placed in the holdover facility cannot converse with, see, or be seen by the  
42 adult population of the jail while in the holdover facility. The personnel responsible for  
43 the administration of a jail with an approved holdover facility shall provide close  
44 supervision of any child placed in the holdover facility for the protection of the child."

45 **SECTION 2.(gggggggg)** G.S. 153A-230.1(2) reads as rewritten:

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

12           **SECTION 2.(hhhhhhhh)** G.S. 153A-230.2(b) reads as rewritten:

13          "(b) A county or group of counties is eligible for a grant under this section if it  
14          agrees to abide by the basic requirements for satellite jail/work release units established  
15          in G.S. 153A-230.3. In order to receive a grant under this section, there must be a  
16          written agreement to abide by the basic requirements for satellite jail/work release units  
17          set forth in G.S. 153A-230.3. The written agreement shall be signed by the Chairman of  
18          the Board of County Commissioners, with approval of the Board of County  
19          Commissioners and after consultation with the Sheriff, and a representative of the  
20          Office of State Budget and Management. If a group of counties applies for the grant,  
21          then the agreement must be signed by the Chairman of the Board of County  
22          Commissioners of each county. Any variation from, including termination of, the  
23          original signed agreement must be approved by both the Office of State Budget and  
24          Management and by a vote of the Board of County Commissioners of the county or  
25          counties.

26          When the county or group of counties receives a grant under this section, the county  
27          or group of counties accepts ownership of the satellite jail/work release unit and full  
28          financial responsibility for maintaining and operating the unit, and for the upkeep of its  
29          occupants who comply with the eligibility criteria in G.S. 153A-230.3(a)(1). The county  
30          shall receive from the Division of Adult Correction and Juvenile Justice of the  
31          Department of Public Safety the amount paid to local confinement facilities under  
32          G.S. 148-32.1 for prisoners which are in the unit, but do not meet the eligibility of  
33          requirements under G.S. 153A-230.3(a)(1)."

34           **SECTION 2.(iiiiiiii)** G.S. 153A-230.3 reads as rewritten:

35          "**§ 153A-230.3. Basic requirements for satellite jail/work release units.**

36          (a) Eligibility for Unit. – The following rules shall govern which misdemeanants  
37          are housed in a satellite jail/work release unit:

- 38           ...
- 39           (5) The Sheriff may accept work release misdemeanants or felons from  
40           the Division of Adult Correction and Juvenile Justice of the  
41           Department of Public Safety provided that those inmates agree to pay  
42           for their upkeep, that space is available, and that the Sheriff is willing  
43           to accept responsibility for the prisoner after screening.

44          ...



1 (b) Operation of Satellite Jail/Work Release Unit. – A county or group of  
2 counties operating a satellite jail/work release unit shall comply with the following  
3 requirements concerning operation of the unit:

4 ...

5 (2) The county shall require the occupants to give their earnings, less  
6 standard payroll deduction required by law and premiums for group  
7 health insurance coverage, to the Sheriff. The county may charge a per  
8 day charge from those occupants who are employed or otherwise able  
9 to pay from other resources available to the occupants. The per day  
10 charge shall be calculated based on the following formula: The charge  
11 shall be either the amount that the Division of Adult Correction and  
12 Juvenile Justice of the Department of Public Safety deducts from a  
13 prisoner's work-release earnings to pay for the cost of the prisoner's  
14 keep or fifty percent (50%) of the occupant's net weekly income,  
15 whichever is greater, but in no event may the per day charge exceed an  
16 amount that is twice the amount that the Division of Adult Correction  
17 and Juvenile Justice of the Department of Public Safety pays each  
18 local confinement facility for the cost of providing food, clothing,  
19 personal items, supervision, and necessary ordinary medical expenses.  
20 The per day charge may be adjusted on an individual basis where  
21 restitution and/or child support has been ordered, or where the  
22 occupant's salary or resources are insufficient to pay the charge.

23 The county also shall accumulate a reasonable sum from the  
24 earnings of the occupant to be returned to him when he is released  
25 from the unit. The county also shall follow the guidelines established  
26 for the Division of Adult Correction and Juvenile Justice of the  
27 Department of Public Safety in G.S. 148-33.1(f) for determining the  
28 amount and order of disbursements from the occupant's earnings.

29 ...

30 (4) The unit shall be operated on a full-time basis, i.e., seven days/nights a  
31 week, but weekend leave may be granted by the Sheriff. In granting  
32 weekend leave, the Sheriff shall follow the policies and procedures of  
33 the Division of Adult Correction and Juvenile Justice of the  
34 Department of Public Safety for granting weekend leave for Level 3  
35 minimum custody inmates.

36 ..."

37 **SECTION 2.(jjjjjjj)** G.S. 153A-230.5(b) reads as rewritten:

38 "(b) If a county operates a non-State funded satellite jail/work release unit that  
39 does not comply with the basic requirements listed in G.S.153A-230.2 and  
40 G.S. 153A-230.3, then the satellite jail shall be subject to the standards, rules, and  
41 regulations to be promulgated by the Secretary of Health and Human Services pursuant  
42 to Part 2 of Article 10 of Chapter 153A. If a county is reimbursed for the cost of a  
43 prisoner's keep from an inmate's work release earnings in an amount equal to or greater  
44 than that paid by the Division of Adult Correction and Juvenile Justice of the  
45 Department of Public Safety to local confinement facilities under G.S. 148-32.1, the  
46 county may not receive additional payments from the Division for the cost of a

1 prisoner's keep. However, if reimbursement to the county for the cost of a prisoner's  
2 keep is less than the amount allowed under G.S. 148-32.1, the county may receive from  
3 the Division of Adult Correction and Juvenile Justice of the Department of Public  
4 Safety the difference in the amount received from work release earnings and the amount  
5 paid by the Division to local confinement facilities. The Division may promulgate rules  
6 regarding such payment arrangements."

7 **SECTION 2.(kkkkkkkkk)** G.S. 162-39 reads as rewritten:

8 **"§ 162-39. Transfer of prisoners when necessary for safety and security;**  
9 **application of section to municipalities.**

10 ...

11 (c) The sheriff of the county from which the prisoner is removed shall be  
12 responsible for conveying the prisoner to the jail or prison unit where he is to be held,  
13 and for returning him to the common jail of the county from which he was transferred.  
14 The return shall be made at the expiration of the time designated in the court order  
15 directing the transfer unless the judge, by appropriate order, shall direct otherwise. The  
16 sheriff or keeper of the jail of the county designated in the court order, or the officer in  
17 charge of the prison unit designated by the Secretary of Public Safety, shall receive and  
18 release custody of the prisoner in accordance with the terms of the court order. If a  
19 prisoner is transferred to a unit of the State prison system, the county from which the  
20 prisoner is transferred shall pay the Division of Adult Correction and Juvenile Justice of  
21 the Department of Public Safety for maintaining the prisoner for the time designated by  
22 the court at the per day, per inmate rate at which the Division of Adult Correction and  
23 Juvenile Justice of the Department of Public Safety pays a local jail for maintaining a  
24 prisoner. The county shall also pay the Division of Adult Correction and Juvenile  
25 Justice of the Department of Public Safety for the costs of extraordinary medical care  
26 incurred while the prisoner was in the custody of the Division of Adult Correction and  
27 Juvenile Justice of the Department of Public Safety, defined as follows:

- 28 (1) Medical expenses incurred as a result of providing health care to a  
29 prisoner as an inpatient (hospitalized);  
30 (2) Other medical expenses when the total cost exceeds thirty-five dollars  
31 (\$35.00) per occurrence or illness as a result of providing health care  
32 to a prisoner as an outpatient (nonhospitalized); and  
33 (3) Cost of replacement of eyeglasses and dental prosthetic devices if  
34 those eyeglasses or devices are broken while the prisoner is  
35 incarcerated, provided the prisoner was using the eyeglasses or devices  
36 at the time of his commitment and then only if prior written consent of  
37 the county is obtained by the Division.

38 If the prisoner is transferred to a jail in some other county, the county from which the  
39 prisoner is transferred shall pay to the county receiving the prisoner in its jail the actual  
40 cost of maintaining the prisoner for the time designated by the court. Counties are  
41 hereby authorized to enter into contractual agreements with other counties to provide  
42 jail facilities to which prisoners may be transferred as deemed necessary under this  
43 section.

44 Whenever prisoners are arrested in such numbers that county jail facilities are  
45 insufficient and inadequate for the safekeeping of such prisoners, the resident judge of  
46 the superior court or any superior or district court judge holding court in the district may

1 order the prisoners transferred to a unit of the Division of Adult Correction and Juvenile  
2 Justice of the Department of Public Safety designated by the Secretary of Public Safety  
3 or his authorized representative, where the prisoners may be held for such length of time  
4 as the judge may direct, such detention to be in cell separate from that used for  
5 imprisonment of persons already convicted of crimes, except when admission to an  
6 inpatient prison medical or mental health unit is required to provide services deemed  
7 necessary by a prison health care clinician. The sheriff of the county from which the  
8 prisoners are removed shall be responsible for conveying the prisoners to the prison unit  
9 or units where they are to be held, and for returning them to the common jail of the  
10 county from which they were transferred. However, if due to the number of prisoners to  
11 be conveyed the sheriff is unable to provide adequate transportation, he may request the  
12 assistance of the Division of Adult Correction and Juvenile Justice of the Department of  
13 Public Safety, and the Division of Adult Correction and Juvenile Justice of the  
14 Department of Public Safety is hereby authorized and directed to cooperate with the  
15 sheriff and provide whatever assistance is available, both in vehicles and manpower, to  
16 accomplish the conveying of the prisoners to and from the county to the designated  
17 prison unit or units. The officer in charge of the prison unit designated by the Secretary  
18 of Public Safety or his authorized representative shall receive and release the custody of  
19 the prisoners in accordance with the terms of the court order. The county from which  
20 the prisoners are transferred shall pay to the Division of Adult Correction and Juvenile  
21 Justice of the Department of Public Safety the actual cost of transporting the prisoners  
22 and the cost of maintaining the prisoners at the per day, per inmate rate at which the  
23 Division of Adult Correction and Juvenile Justice of the Department of Public Safety  
24 pays a local jail for maintaining a prisoner, provided, however, that a county is not  
25 required to reimburse the State for transporting or maintaining a prisoner who was a  
26 resident of another state or county at the time he was arrested. However, if the county  
27 commissioners shall certify to the Governor that the county is unable to pay the bill  
28 submitted by the Division of Adult Correction and Juvenile Justice of the Department of  
29 Public Safety to the county for the services rendered, either in whole or in part, the  
30 Governor may recommend to the Council of State that the State of North Carolina  
31 assume and pay, in whole or in part, the obligation of the county to the Division of  
32 Adult Correction and Juvenile Justice of the Department of Public Safety, and upon  
33 approval of the Council of State the amount so approved shall be paid from  
34 Contingency and Emergency Fund to the Division of Adult Correction and Juvenile  
35 Justice of the Department of Public Safety.

36 When, due to an emergency, it is not feasible to obtain from a judge of the superior  
37 or district court a prior order of transfer, the sheriff of the county and the Division of  
38 Adult Correction and Juvenile Justice of the Department of Public Safety may exercise  
39 the authority hereinafter conferred; provided, however, that the sheriff shall, as soon as  
40 possible after the emergency, obtain an order from the judge authorizing the prisoners to  
41 be held in the designated place of confinement for such period as the judge may direct.  
42 All provisions of this subsection shall be applicable to municipalities whenever  
43 prisoners are arrested in such numbers that the municipal jail facilities and the county  
44 jail facilities are insufficient and inadequate for the safekeeping of the prisoners. The  
45 chief of police is hereby authorized to exercise the authority herein conferred upon the  
46 sheriff, and the municipality shall be liable for the cost of transporting and maintaining

1 the prisoners to the same extent as a county would be unless action is taken by the  
2 Governor and Council of State as herein provided for counties which are unable to pay  
3 such costs.

4 (d) Whenever a prisoner held in a county jail requires medical or mental health  
5 treatment that the county decides can best be provided by the Division of Adult  
6 Correction and Juvenile Justice of the Department of Public Safety, the resident judge of  
7 the superior court or any judge holding superior court in the district or any district court  
8 judge may order the prisoner transferred to a unit of the State prison system designated  
9 by the Secretary of Public Safety or his authorized representative. The sheriff of the  
10 county from which the prisoner is removed shall be responsible for conveying the  
11 prisoner to the prison unit where he is to be held, and for returning him to the jail of the  
12 county from which he was transferred. The prisoner shall be returned when the  
13 attending medical or mental health professional determines that the prisoner may be  
14 returned safely. The officer in charge of the prison unit designated by the Secretary of  
15 Public Safety shall receive custody of the prisoner in accordance with the terms of the  
16 order and shall release custody of the prisoner in accordance with the instructions of the  
17 attending medical or mental health professional. The county from which the prisoner is  
18 transferred shall pay the Division of Adult Correction and Juvenile Justice of the  
19 Department of Public Safety for maintaining the prisoner for the period of treatment at  
20 the per day, per inmate rate at which the Division of Adult Correction and Juvenile  
21 Justice of the Department of Public Safety pays a local jail for maintaining a prisoner,  
22 and for extraordinary medical expenses as set forth in subsection (c) of this section.

23 ..."

24 SECTION 2.(lllllllll) G.S. 163-82.20A reads as rewritten:

25 "**§ 163-82.20A. Voter registration upon restoration of citizenship.**

26 The State Board of Elections, the Division of Adult Correction and Juvenile Justice  
27 of the Department of Public Safety, and the Administrative Office of the Courts shall  
28 jointly develop and implement educational programs and procedures for persons to  
29 apply to register to vote at the time they are restored to citizenship and all filings  
30 required have been completed under Chapter 13 of the General Statutes. Those  
31 procedures shall be designed to do both of the following:

32 ..."

33 SECTION 2.(mmmmmmmmm) G.S. 164-40 reads as rewritten:

34 "**§ 164-40. Correction population simulation model; Juvenile Justice Section of the**  
35 **Division of Adult Correction and Juvenile Justice of the Department of**  
36 **Public Safety facilities population simulation model.**

37 (a) The Commission shall develop a correctional population simulation model,  
38 and shall have first priority to apply the model to a given fact situation, or theoretical  
39 change in the sentencing laws, when requested to do so by the Chairman, the Executive  
40 Director, or the Commission as a whole.

41 The Executive Director or the Chairman shall make the model available to respond  
42 to inquiries by any State legislator, or by the Secretary of Public Safety, in second  
43 priority to the work of the Commission.

44 (b) The Commission shall develop a Juvenile Justice Section of the Division of  
45 Adult Correction and Juvenile Justice of the Department of Public Safety facilities  
46 population simulation model, and shall have first priority to apply the model to a given

1 fact situation, or theoretical change in the dispositional laws set forth in Chapter 7B of  
2 the General Statutes, when requested to do so by the Chairman, the Executive Director,  
3 or the Commission as a whole.

4 The Executive Director or the Chairman shall make the model available to respond  
5 to inquiries by any State legislator, or by the Juvenile Justice Section of the Division of  
6 Adult Correction and Juvenile Justice of the Department of Public Safety, in second  
7 priority to the work of the Commission."

8 **SECTION 2.(nnnnnnnnn) G.S. 164-42 reads as rewritten:**

9 **"§ 164-42. Sentencing structures.**

10 ...

11 (b) The sentencing structures shall be consistent with the goals, policies, and  
12 purposes of the criminal justice and corrections systems, as set forth in Sections 2 and 3  
13 of the Sentencing and Policy Advisory Commission Act of 1990. As part of its work,  
14 the Commission shall offer recommendations for the incorporation of those sections  
15 into the sentencing laws of North Carolina. In formulating structures, the Commission  
16 also shall consider:

- 17 (1) The nature and characteristics of the offense;
- 18 (2) The severity of the offense in relation to other offenses;
- 19 (3) The characteristics of the defendant that mitigate or aggravate the  
20 seriousness of his criminal conduct and the punishment deserved  
21 therefor;
- 22 (4) The defendant's number of prior convictions;
- 23 (5) The available resources and constitutional capacity of the Division of  
24 ~~Adult Correction~~, Correction and Juvenile Justice, local confinement  
25 facilities, and community-based sanctions;
- 26 (6) The rights of the victims;
- 27 (7) That felony offenders sentenced to an active term of imprisonment, or  
28 whose suspended sentence to imprisonment is activated, should serve a  
29 designated minimum percentage of their sentences before they are  
30 eligible for parole; and
- 31 (8) That misdemeanor offenders sentenced to an active term of  
32 imprisonment, or whose suspended sentence to imprisonment is  
33 activated, should serve a designated minimum percentage of their  
34 sentence before they are eligible for parole.

35 (c) The Commission shall also consider the policy issues set forth in  
36 G.S. 164-42.1 in developing its sentencing structures.

37 (d) The Commission shall include with each set of sentencing structures a  
38 statement of its estimate of the effect of the sentencing structures on the Division of  
39 Adult Correction and Juvenile Justice and local facilities, both in terms of fiscal impact  
40 and on inmate population. If the Commission finds that the proposed sentencing  
41 structures will result in inmate populations in the Division of Adult Correction and  
42 Juvenile Justice and local confinement facilities that exceed the standard operating  
43 capacity, then the Commission shall present an additional set of structures that are  
44 consistent with that capacity. For purposes of this subsection, "standard operating  
45 capacity" means the total capacity expected to be available in both local confinement  
46 facilities and in the Division of Adult Correction and Juvenile Justice once all the

1 proceeds of bonds authorized by Chapter 933 of the 1989 Session Laws and Chapter  
2 935 of the 1989 Session Laws have been expended for the construction of prison  
3 facilities."

4 **SECTION 2.(oooooooo) G.S. 164-43 reads as rewritten:**

5 **"§ 164-43. Priority of duties; reports; continuing duties.**

6 ...

7 (d) Once the primary duties of the Commission have been accomplished, it shall  
8 have the continuing duty to monitor and review the criminal justice and corrections  
9 systems and the juvenile justice system in this State to ensure that sentences and  
10 dispositions remain uniform and consistent, and that the goals and policies established  
11 by the State are being implemented by sentencing and dispositional practices, and it  
12 shall recommend methods by which this ongoing work may be accomplished and by  
13 which the correctional population simulation model and the Juvenile Justice Section of  
14 the Division of Adult Correction and Juvenile Justice of the Department of Public  
15 Safety facilities population simulation model developed under G.S. 164-40 shall  
16 continue to be used by the State.

17 ...

18 (h) The Commission or its successor shall meet within 10 days after the last day  
19 for filing general bills in the General Assembly for the purpose of reviewing bills as  
20 described in subsections (e), (f), and (g). The Commission or its successor shall include  
21 in its report on a bill an analysis based on an application of the correctional population  
22 simulation model or the Juvenile Justice Section of the Division of Adult Correction and  
23 Juvenile Justice of the Department of Public Safety facilities population simulation  
24 model to the provisions of the bill."

25 **SECTION 2.(ppppppppp) G.S. 164-47 reads as rewritten:**

26 **"§ 164-47. Biennial Report on Recidivism.**

27 The Judicial Department, through the North Carolina Sentencing and Policy  
28 Advisory Commission, and the Division of Adult Correction and Juvenile Justice of the  
29 Department of Public Safety shall jointly conduct ongoing evaluations of community  
30 corrections programs and in-prison treatment programs and make a biennial report to  
31 the General Assembly. The report shall include composite measures of program  
32 effectiveness based on recidivism rates, other outcome measures, and costs of the  
33 programs.

34 During the 1998-99 fiscal year, the Sentencing and Policy Advisory Commission  
35 shall coordinate the collection of all data necessary to create an expanded database  
36 containing offender information on prior convictions, current conviction and sentence,  
37 program participation, and outcome measures. Each program to be evaluated shall assist  
38 the Commission in the development of systems and collection of data necessary to  
39 complete the evaluation process. The first evaluation report shall be presented to the  
40 Chairs of the Senate and House Appropriations Committees and the Chairs of the  
41 Senate and House Appropriations Subcommittees on Justice and Public Safety by April  
42 15, 2000, and future reports shall be made by April 15 of each even-numbered year."

43 **SECTION 2.(qqqqqqqqq) G.S. 164-50 reads as rewritten:**

44 **"§ 164-50. Annual report on implementation of Justice Reinvestment Project.**

45 The Judicial Department, through the North Carolina Sentencing and Policy  
46 Advisory Commission, and the Division of Adult Correction and Juvenile Justice shall

1 jointly conduct ongoing evaluations regarding the implementation of the Justice  
2 Reinvestment Act of 2011. The Commission shall present the first evaluation report to  
3 the Joint Legislative Correction, Crime Control, and Juvenile Justice Oversight  
4 Committee and to the Chairs of the Senate and House of Representatives Appropriations  
5 Subcommittees on Justice and Public Safety by April 15, 2012, and future reports shall  
6 be made annually by April 15 of each year."  
7

### 8 **PART III. INSTRUCTIONS TO REVISOR AND EFFECTIVE DATE**

9

10 **SECTION 3.(a)** The Revisor of Statutes shall change any additional  
11 references in the General Statutes to the "Division of Adult Correction" to the "Division  
12 of Adult Correction and Juvenile Justice".

13 **SECTION 3.(b)** The Revisor of Statutes shall change any additional  
14 references in the General Statutes to the "Division of Juvenile Justice" to the "Juvenile  
15 Justice Section of the Division of Adult Correction and Juvenile Justice".

16 **SECTION 3.(c)** This act is effective retroactively to July 1, 2013, and any  
17 acts committed by an employee of the Division of Adult Correction of the Department  
18 of Public Safety or the Division of Juvenile Justice of the Department of Public Safety  
19 after that date shall be deemed to have been committed by an employee of the Division  
20 of Adult Correction and Juvenile Justice of the Department of Public Safety.

