

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1568

Short Title: Inmates Pay for Incarceration.

(Public)

Sponsors: Senators Barker; Basnight, Carpenter, Daniel, Hardin, Martin of Pitt, Parnell, and Richardson.

Referred

to:

Judiciary

III.

June 6, 1990

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT PRISONERS INCARCERATED IN THE STATE PRISON SYSTEM SHALL BE REQUIRED TO REIMBURSE THE STATE FOR THE COST OF THEIR INCARCERATION.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 148 of the General Statutes is amended by adding a new section to read:

**"§ 148-2.1. Reimbursement by prisoners.**

(a) A prisoner in the custody of the Department of Correction is required to reimburse the State for the cost of his incarceration. This reimbursement shall be collected by the Department of Correction and shall be in the amount of twenty dollars (\$20.00) per day. Prisoners who are required to reimburse the State under this section and who are granted work-release privileges shall be required to make this reimbursement in addition to the amounts deducted from their work-release earnings under G.S. 148-33.1(f).

(b) If a prisoner has not made the reimbursement required by subsection (a) at the time of his release or the termination of his parole, the Department of Correction shall calculate the amount of reimbursement that is outstanding and give written notice of that amount to the prisoner and to the clerk of superior court in the county in which the prisoner was convicted. The prisoner shall have 20 days from receipt of the notice to contest the amount calculated by the Department. If the prisoner contests the amount, the clerk shall conduct a special proceeding pursuant to Article 33 of Chapter 1 of the General Statutes to determine the correct amount of reimbursement that is outstanding.

1       (c) Upon establishing the correct amount of reimbursement that is outstanding,  
2 the clerk shall enter the amount as a judgment, and it shall constitute a lien as prescribed  
3 by the general law of the State applicable to judgments. Any reimbursement to the State  
4 or any funds collected by reason of this judgment shall be deposited in the State treasury  
5 and credited against the judgment.

6       (d) Upon entry of a judgment for reimbursement for the cost of a prisoner's  
7 incarceration under subsection (c), the clerk shall submit the debt to the Department of  
8 Revenue for collection under Chapter 105A of the General Statutes, the Setoff Debt  
9 Collection Act. The Department of Revenue shall pursue collection of the debt through  
10 setoff for the life of the judgment."

11           Sec. 2. Article 4 of Chapter 148 of the General Statutes is amended by  
12 adding a new section to read:

13 **"§ 148-57.2. Reimbursement as a condition of parole.**

14       The Parole Commission shall require a prisoner to whom parole is granted and who  
15 is required to make reimbursement payments to the State under G.S. 148-2.1 to make  
16 those reimbursement payments as a condition of parole. However, no prisoner may be  
17 required to make such payments until he has satisfied all restitution and reparation  
18 required of him pursuant to G.S. 148-57.1."

19           Sec. 3. This act shall become effective October 1, 1990, and shall apply to  
20 incarceration for criminal offenses committed on or after that date.