

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-398
SENATE BILL 1096**

AN ACT TO EXEMPT CERTAIN INMATE WORK ASSIGNMENTS FROM THE STATE SURPLUS LAWS, TO REMOVE ANTIQUATED LANGUAGE REGARDING THE USE OF FEMALE INMATES IN PRISON LABOR PROJECTS, AND TO CLARIFY THE LAW REGARDING THE GIFT OR SALE OF CRAFT ITEMS MADE WITH DONATED SUPPLIES AND EQUIPMENT BY VOLUNTEERS WHO ARE INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 148-26 is amended by adding a new subsection to read:

"(e1) The Department of Correction may establish work assignments for inmates or allow inmates to volunteer in service projects that benefit units of State or local government or 501(c)(3) entities that serve the citizens of this State. The work assignments may include the use of inmate labor and the use of Department of Correction resources in the production of finished goods. Any products made pursuant to this section shall not be subject to the provisions of Article 3A of Chapter 143 of the General Statutes and may be donated to the government unit or 501(c)(3) organization at no cost."

SECTION 2. G.S. 148-6 reads as rewritten:

"§ 148-6. Custody, employment and hiring out of convicts.

The State Department of Correction shall provide for receiving, and keeping in custody until discharged by law, all such convicts as may be now confined in the prison and such as may be hereafter sentenced to imprisonment therein by the several courts of this State. The Department shall have full power and authority to provide for employment of such convicts, either in the prison or on farms leased or owned by the State of North Carolina, or elsewhere, or otherwise; and may contract for the hire or employment of any able-bodied convicts upon such terms as may be just and fair, but such convicts so hired, or employed, shall remain under the actual management, control and care of the ~~Department:~~ Department. ~~Provided, however, that no female convict shall be worked on public roads or streets in any manner."~~

SECTION 3. G.S. 148-27 is repealed.

SECTION 4. G.S. 148-33 reads as rewritten:

"§ 148-33. Prison labor furnished other State agencies.

The State Department of Correction may furnish to any of the other State departments, State institutions, or agencies, upon such conditions as may be agreed upon from time to time between the Department and the governing authorities of such Department, institution or agency, prison labor for carrying on any work where it is practical and desirable to use prison labor in the furtherance of the purposes of any State department, institution or agency, and such other employment as is now provided by law for inmates of the State's prison under the provisions of G.S. 148-6: Provided that such prisoners shall at all times be under the custody of and controlled by the duly authorized agent of such Department. Provided, further, that notwithstanding any provisions of law contained in this Article or in this Chapter, no ~~male~~ prisoner or group of ~~male~~ prisoners may be assigned to work in any building utilized by any State department, agency, or institution ~~where women are housed or employed~~ unless a duly

designated custodial agent of the Secretary of Correction is assigned to the building to maintain supervision and control of the prisoner or prisoners working there."

SECTION 5. G.S. 66-58(b) is amended by adding a new subdivision to read:

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

(25) The gift or sale of any craft items made by inmates in the custody of the Department of Correction as part of a program or initiative established by the Division of Prisons."

SECTION 6. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 31st day of July,

2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:02 a.m. this 21st day of August, 2007