

February 12, 2009

S 167. NO SMOKING/CELL PHONES ON PRISON GROUNDS. Filed 2/12/2008. *TO PROHIBIT SMOKING ON THE PREMISES OF CORRECTIONAL INSTITUTIONS AND TO MAKE IT A FELONY TO PROVIDE TOBACCO PRODUCTS OR CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION.*

Amends GS 148-23.1 to ban the use of tobacco products on the premises of state correctional facilities (currently, such use is banned *inside* correctional facilities). Enacts new GS 14-258.1(c) making it a Class I felony to knowingly give or sell a tobacco product to an inmate (or to another person for delivery to an inmate) other than for authorized religious purposes. New GS 14-258.1(d) makes it a Class I felony to knowingly give or sell a mobile telephone or other wireless communication device or a component of one of those devices to an inmate or to another person for delivery to an inmate. Requires the Department of Correction to post signs informing inmates, staff, and the public of the act's prohibitions and penalties. Effective December 1, 2009, for acts committed on or after that date.

Intro. by Albertson.

GS 14, 148

May 7, 2009

S 167. NO SMOKING/CELL PHONES ON PRISON GROUNDS. Filed 2/12/09. Senate committee substitute makes the following changes to 1st edition. Changes title to *AN ACT TO PROHIBIT SMOKING ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO PROHIBIT THE POSSESSION OF TOBACCO PRODUCTS OR CELL PHONES OUTSIDE OF A LOCKED VEHICLE ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, AND TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE TOBACCO PRODUCTS OR CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION.* Prohibits any person from possessing tobacco products on the premises of a state correctional facility, but provides an exception for an employee or visitor to possess tobacco products within the confines of a motor vehicle located in a designated parking area of the facility provided that the tobacco product remains in the vehicle and the vehicle is locked when the employee or visitor has exited the vehicle. Clarifies that inmates and persons facilitating religious observances may use and possess tobacco products for religious purposes consistent with the policies of the Department of Correction (DOC). Adds new GS 148-23.2 to prohibit any person from possessing a mobile telephone or other wireless communications device on the premises of a state correctional facility, but provides an exception for an employee or visitor to possess a mobile telephone or other wireless communications device within the confines of a motor vehicle located in a designated parking area of the facility provided that the phone or device remains in the vehicle and the vehicle is locked when the employee or visitor has exited the vehicle. Establishes as a Class 1 misdemeanor (was Class 1 felony) (1) the offense of giving or selling tobacco products to an inmate of a state correctional facility (also clarifies that this provision applies to an inmate in the custody of DOC *and on the premises of a correctional facility*) or (2) giving the same to someone who is not an inmate for delivery to an inmate. Makes conforming changes. Changes the effective date to March 1, 2010 (was, December 1, 2009).

July 23, 2009

S 167. NO SMOKING/CELL PHONES ON PRISON GROUNDS. Filed 2/12/08. House committee substitute makes the following changes to 2nd edition. Amends GS 14-258.1 to apply the prohibitions against and the penalties for (1) the sale of tobacco products or mobile phones to inmates, and (2) the possession of tobacco products and mobile phones by inmates, to inmates in the custody of local confinement facilities.

Directs the local confinement facilities to provide sufficient notice to inmates, staff, and the public of the prohibitions and the penalties by posting signs in prominent places at all local confinement facilities and by using any other measures deemed necessary to publicize the prohibitions and penalties.

Makes a conforming change to the title.

September 1, 2009

SL 2009-560 (S 167). NO SMOKING/CELL PHONES ON PRISON GROUNDS. AN ACT TO PROHIBIT SMOKING ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO PROHIBIT THE POSSESSION OF TOBACCO PRODUCTS OR CELL PHONES OUTSIDE OF A LOCKED VEHICLE ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE TOBACCO PRODUCTS OR CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION OR A LOCAL CONFINEMENT FACILITY, AND TO MAKE IT A CRIMINAL OFFENSE FOR INMATES OF A LOCAL CONFINEMENT FACILITY TO POSSESS TOBACCO PRODUCTS OR CELL PHONES.

Summarized in *Daily Bulletin* 2/12/09, 5/7/09, and 7/23/09. Enacted August 28, 2009. Effective March 1, 2010.