

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 451

Short Title: Create North Carolina Jail Fund. (Public)

Sponsors: Senators Britt, Mayfield, and Burgin (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 3, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA JAIL FUND TO ASSIST SHERIFFS IN
3 COMPLYING WITH THE MINIMUM HEALTH AND SAFETY STANDARDS SET FOR
4 COUNTY JAILS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Part 2 of Chapter 153A of the General Statutes is amended by adding
7 a new section to read:

8 "**§ 153A-223.1. North Carolina Jail Fund.**

9 (a) Creation. – The North Carolina Jail Fund is established as a nonreverting special fund
10 in the Department of Health and Human Services.

11 (b) Source of Funds. – The North Carolina Jail Fund shall consist of proceeds from any
12 gifts, grants, or contributions to the State that are specifically designated for inclusion in the
13 Fund, appropriations made to it by the General Assembly, and interest accrued to it.

14 (c) Definition. – For purposes of this section, a jail shall mean a county jail in this State.

15 (d) Utilization of Funds. – The Department of Health and Human Services is authorized
16 to utilize funds in the North Carolina Jail Fund to make the following payments, provided the
17 sheriff receiving the payment pursuant to subdivision (1) of this subsection has been determined
18 to have met the requirements of subsection (e) of this section:

19 (1) A payment to a North Carolina sheriff to be used for repairs and improvements
20 that the sheriff must make for the jail under the sheriff's authority to meet the
21 minimum standards developed pursuant to G.S. 153A-221.

22 (2) Regular payments to the Department of Health and Human Services, not to
23 exceed more than two hundred thousand dollars (\$200,000) in total in one
24 calendar year, to be used for the administration of the North Carolina Jail
25 Fund.

26 (e) Eligibility and Fund Allocations. – The Department of Health and Human Services
27 shall adopt rules for determining eligibility for, and allocations of, North Carolina Jail Fund
28 distributions. These rules shall, at a minimum, require the following:

29 (1) That an application for funds from the North Carolina Jail Fund be signed by
30 a North Carolina sheriff or sheriff's designee.

31 (2) That applicants for funds from the North Carolina Jail Fund submit an
32 application that includes, at a minimum, each of the following:

33 a. Detailed information regarding the alleged deficiencies of the jail that
34 violate the minimum standards developed pursuant to G.S. 153A-221.



- 1 b. A detailed plan, including deadlines for completion and an itemized
- 2 list of all costs, to remedy all deficiencies listed under sub-subdivision
- 3 a. of this subdivision.
- 4 c. A commitment that any funds received from the North Carolina Jail
- 5 Fund will be matched on the basis of one dollar (\$1.00) in county funds
- 6 for every one dollar (\$1.00) in funds from the North Carolina Jail
- 7 Fund.
- 8 d. A commitment to enter into a Facility Correction Agreement with the
- 9 Department of Health and Human Services if selected to receive funds
- 10 from the North Carolina Jail Fund.
- 11 e. A commitment to cooperate in good faith with the Department of
- 12 Health and Human Services throughout the duration of any plan
- 13 funded in whole or in part by distributions from the North Carolina
- 14 Jail Fund.
- 15 (3) That the Department of Health and Human Services shall not issue further
- 16 citations for, or direct the closure of, a jail that is the subject of a Facility
- 17 Correction Agreement under this section, so long as the Facility Correction
- 18 Agreement is being executed in good faith. The protection from citations and
- 19 closure under this subdivision shall not apply to newly discovered deficiencies
- 20 in a jail that are not included in the Facility Correction Agreement.
- 21 (f) Consistent with the provisions of this section, the Secretary of the Department of
- 22 Health and Human Services shall have sole discretion for determining eligibility for funds from
- 23 the North Carolina Jail Fund pursuant to this section and for awarding those funds, provided that
- 24 the awarding of funds shall be done in a manner that incentivizes self-reporting on behalf of
- 25 sheriffs and facilitates the rapid remedy of deficiencies in jails throughout the State."

26 **SECTION 2.** There is appropriated from the General Fund to the North Carolina Jail
 27 Fund the sum of ten million dollars (\$10,000,000) in nonrecurring funds for the 2023-2024 fiscal
 28 year to be used as provided for in this act.

29 **SECTION 3.** This act becomes effective July 1, 2023.