

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40570-NDfa-143A

Short Title: Policy and Funding for Previous JPS Requests. (Public)

Sponsors: Representative McNeill.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY RECENTLY ENACTED HUMAN TRAFFICKING LANGUAGE, TO
3 RESTRICT THE TRANSFER OF CERTAIN DISTRICT ATTORNEY FUNDS, TO
4 DIRECT THE SCHOOL OF GOVERNMENT OF THE UNIVERSITY OF NORTH
5 CAROLINA AT CHAPEL HILL TO STUDY THE FEASIBILITY AND COST OF
6 CREATING AN OFFICE OF PROSECUTORIAL SERVICES, TO DIRECT THE
7 REIMBURSEMENT OF CERTAIN FUNDS TO THE CONFERENCE OF DISTRICT
8 ATTORNEYS, TO EXPAND ELIGIBILITY FOR THE CRIMINAL JUSTICE FELLOWS
9 PROGRAM, TO INCREASE COURT COSTS TO FUND THE CRIMINAL JUSTICE
10 EDUCATION AND STANDARDS COMMISSION, TO CREATE
11 RECEIPT-SUPPORTED POSITIONS FOR THE STATE CAPITOL POLICE, TO ALLOW
12 THE USE OF CERTAIN SEIZED AND FORFEITED PROPERTY BY THE
13 DEPARTMENTS OF JUSTICE AND PUBLIC SAFETY, TO TRANSFER FUNDS
14 RELATED TO THE STATE MISDEMEANANT CONFINEMENT PROGRAM, TO
15 ALLOW FOR THE REIMBURSEMENT OF COUNTIES FOR HOUSING AND
16 MEDICAL EXPENSES OF STATE INMATES, AND TO APPROPRIATE FUNDS.

17 The General Assembly of North Carolina enacts:

18

19 **PART I. ADMINISTRATIVE OFFICE OF THE COURTS**

20

21 **FUNDS FOR THE HUMAN TRAFFICKING COMMISSION, INNOCENCE INQUIRY**
22 **COMMISSION, SENTENCING AND POLICY ADVISORY COMMISSION, AND**
23 **ECOURTS SYSTEM**

24 **SECTION 1.(a)** There is appropriated the sum of five hundred thirty-five thousand
25 four hundred sixty-five dollars (\$535,465) in recurring funds for the 2020-2021 fiscal year from
26 the General Fund to the Administrative Office of the Courts to be allocated as follows:

- 27 (1) \$250,000 to the Human Trafficking Commission for one full-time Executive
28 Director position and operating costs.
29 (2) \$187,520 to the North Carolina Innocence Inquiry Commission to support one
30 full-time Staff Attorney, one part-time Administrative Secretary, and
31 investigative services.
32 (3) \$97,945 to the Sentencing and Policy Advisory Commission to support one
33 full-time Research Associate.

34 **SECTION 1.(b)** There is appropriated the sum of three million seven hundred
35 fifty-seven thousand sixty dollars (\$3,757,060) in nonrecurring funds for the 2020-2021 fiscal
36 year from the General Fund to the Administrative Office of the Courts to be allocated as follows:



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- 1 (1) \$3,750,000 to begin implementation of the Integrated Case Management
2 System (eCourts).
3 (2) \$7,060 to the North Carolina Innocence Inquiry Commission to support one
4 full-time Staff Attorney, one part-time Administrative Secretary, and
5 investigative services.

6 **SECTION 1.(c)** This section becomes effective July 1, 2020.
7

8 **CORRECTION TO RECENTLY ENACTED HUMAN TRAFFICKING LANGUAGE**

9 **SECTION 2.(a)** Section 4(c) of S.L. 2019-158 is repealed.

10 **SECTION 2.(b)** G.S. 15A-151.5(a) reads as rewritten:

11 "(a) Notwithstanding any other provision of this Article, the Administrative Office of the
12 Courts shall make all confidential files maintained under G.S. 15A-151 electronically available
13 to all prosecutors of this State if the criminal record was expunged on or after July 1, 2018, under
14 any of the following:

15 ...

16 (7a) G.S. 15A-145.9. Expunction of records of certain offenses committed by
17 human trafficking victims.

18"

19 **SECTION 2.(c)** This section is retroactively effective December 1, 2019.
20

21 **DISTRICT ATTORNEYS/NO TRANSFER OF FUNDS AND STUDY FEASIBILITY OF** 22 **OFFICE OF PROSECUTORIAL SERVICES**

23 **SECTION 3.(a)** No Transfer of Funds. – For the 2019-2020 fiscal year, no funds
24 may be transferred from Fund Code 12000-1600 (Office – District Attorney) without the consent
25 of the Conference of District Attorneys as communicated by the Conference's Executive Director
26 to the Administrative Office of the Courts.

27 **SECTION 3.(b)** Study. – The School of Government at the University of North
28 Carolina at Chapel Hill (School of Government), in consultation with the Conference of District
29 Attorneys, the Administrative Office of the Courts, the Office of Indigent Defense Services, and
30 any other stakeholders the School of Government deems relevant, shall study the feasibility and
31 cost of creating an Office of Prosecutorial Services. The study shall compare North Carolina's
32 judicial branch structure to that of other states in terms of organizational placement of
33 prosecutorial services within the context of the unified court system and shall also determine the
34 necessary resources and costs required to make an Office of Prosecutorial Services viable as an
35 independent agency. The School of Government shall submit the report required under this
36 subsection by April 1, 2020, to the House of Representatives Appropriations Committee on
37 Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety.
38

39 **REIMBURSEMENT OF CERTAIN FUNDS TO CONFERENCE OF DISTRICT** 40 **ATTORNEYS**

41 **SECTION 4.** Notwithstanding G.S. 143C-6-9, during the 2019-2020 fiscal year and
42 each fiscal year thereafter, the Administrative Office of the Courts shall reimburse the
43 Conference of District Attorneys for all expenses accrued during that fiscal year of funds
44 expended from the Mortgage Settlement Fund, so long as the funds are available in lapsed salary
45 savings of the district attorneys from the amount actually appropriated for that purpose. If money
46 is not available from lapsed salary savings, then the reimbursement shall come from the Court
47 Information Technology Fund, as established by G.S. 7A-343.2.
48

49 **PART II. JUSTICE**

50 **FUNDS FOR THE CRIMINAL JUSTICE FELLOWS PROGRAM** 51

1 **SECTION 5.(a)** There is appropriated the sum of three hundred seventy-five
2 thousand dollars (\$375,000) in recurring funds for the 2020-2021 fiscal year from the General
3 Fund to the Department of Justice, Criminal Justice Fellows Program, to continue to recruit
4 qualified in-State high school seniors, unemployed graduates, and underemployed graduates and
5 provide them with a forgivable community college loan to pursue a career in law enforcement in
6 a rural county of the State.

7 **SECTION 5.(b)** This section becomes effective July 1, 2020.

9 **EXPAND CRIMINAL JUSTICE FELLOWS PROGRAM ELIGIBILITY**

10 **SECTION 6.(a)** G.S. 17C-20 reads as rewritten:

11 **"§ 17C-20. Definitions.**

12 As used in this Article, the following definitions apply:

13 ...

14 (5) Eligible county. – A county with a population of less than ~~75,000~~ 125,000
15 according to the latest federal decennial ~~census~~ census or a county designated
16 as a development tier one area pursuant to G.S. 143B-437.08, or both.

17 "

18 **SECTION 6.(b)** This section is effective when it becomes law and applies to
19 Criminal Justice Fellows Program recipients selected on or after that date.

21 **COURT COST INCREASE TO FUND CRIMINAL JUSTICE EDUCATION AND** 22 **STANDARDS COMMISSION AND TO APPROPRIATE RECEIPTS FROM COURT** 23 **COST INCREASE**

24 **SECTION 7.(a)** G.S. 7A-304(a) reads as rewritten:

25 "(a) In every criminal case in the superior or district court, wherein the defendant is
26 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
27 prosecuting witness, the following costs shall be assessed and collected. No costs may be
28 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of
29 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs
30 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a),
31 (11), (12), or (13) of this section. No court may waive or remit all or part of any court fines or
32 costs without providing notice and opportunity to be heard by all government entities directly
33 affected. The court shall provide notice to the government entities directly affected of (i) the date
34 and time of the hearing and (ii) the right to be heard and make an objection to the remission or
35 waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be
36 made to the government entities affected by first-class mail to the address provided for receipt of
37 court costs paid pursuant to the order. The costs referenced in this subsection are listed below:

38 ...

39 (3b) For the services, staffing, and operations of the Criminal Justice Education
40 and Standards Commission, the sum of ~~two~~ three dollars (~~\$2.00~~) (\$3.00) to be
41 remitted to the Department of Justice.

42 "

43 **SECTION 7.(b)** Receipts collected as a result of the court cost increase in subsection
44 (a) of this section are appropriated to the Criminal Justice Education and Standards Commission
45 in the 2021-2022 fiscal year and requirements are increased accordingly.

46 **SECTION 7.(c)** Subsection (a) of this section becomes effective December 1, 2020,
47 and applies to costs assessed on or after that date. Subsection (b) of this section becomes effective
48 July 1, 2021. The remainder of this section is effective when it becomes law.

50 **PART III. PUBLIC SAFETY**

1 **FUNDS FOR ALCOHOL LAW ENFORCEMENT, THE DIVISION OF ADULT**
2 **CORRECTION AND JUVENILE JUSTICE, THE DIVISION OF EMERGENCY**
3 **MANAGEMENT, AND THE NATIONAL GUARD**

4 **SECTION 8.(a)** There is appropriated the sum of two million nine hundred fourteen
5 thousand two hundred seventy-four dollars (\$2,914,274) in recurring funds for the 2020-2021
6 fiscal year from the General Fund to the Department of Public Safety to be allocated as follows:

- 7 (1) \$300,000 to Alcohol Law Enforcement (ALE) to lease additional office space.
- 8 (2) \$427,276 to Alcohol Law Enforcement (ALE) for eight administrative support
9 positions.
- 10 (3) \$388,873 to Adult Correction and Juvenile Justice to create 32 intermediate
11 inmate substance abuse treatment slots.
- 12 (4) \$835,000 to Adult Correction and Juvenile Justice for positions and case
13 management software to support reentry services to help reintegrate offenders
14 back into the community. Funding will support, at a minimum, four Licensed
15 Clinical Social Workers, four Reentry Probation Parole Officers, and three
16 Community Development Specialists.
- 17 (5) \$503,125 to the Division of Emergency Management for additional positions
18 to support management of federal grants and other Division operations.
- 19 (6) \$460,000 to the National Guard Tarheel ChalleNGe Academy to support 31
20 new positions in order to bring the State into compliance with federal staffing
21 regulations.

22 **SECTION 8.(b)** There is appropriated the sum of sixty-four thousand three hundred
23 eighty-five dollars (\$64,385) in nonrecurring funds for the 2020-2021 fiscal year from the
24 General Fund to the Department of Public Safety to be allocated as follows:

- 25 (1) \$39,375 to the Division of Emergency Management for additional positions
26 to support management of federal grants and other Division operations.
- 27 (2) \$25,010 to the National Guard Tarheel ChalleNGe Academy to support 31
28 new positions in order to bring the State into compliance with federal staffing
29 regulations.

30 **SECTION 8.(c)** Subsections (a) and (b) of this section become effective July 1, 2020.
31 The remainder of this section is effective when it becomes law.

32
33 **STATE CAPITOL POLICE/CREATION OF RECEIPT-SUPPORTED POSITIONS**

34 **SECTION 9.(a)** Creation of Receipt-Supported Positions Authorized. – The State
35 Capitol Police may contract with State agencies for the creation of receipt-supported positions to
36 provide security services to the buildings occupied by those agencies.

37 **SECTION 9.(b)** Annual Report Required. – No later than September 1 of each fiscal
38 year, the State Capitol Police shall report to the Joint Legislative Oversight Committee on Justice
39 and Public Safety the following information for the fiscal year in which the report is due:

- 40 (1) A list of all positions in the State Capitol Police. For each position listed, the
41 report shall include at least the following information:
 - 42 a. The position type.
 - 43 b. The agency to which the position is assigned.
 - 44 c. The source of funding for the position.
- 45 (2) For each receipt-supported position listed, the contract and any other terms of
46 the contract.

47 **SECTION 9.(c)** Additional Reporting Required Upon Creation of
48 Receipt-Supported Positions. – In addition to the report required by subsection (b) of this section,
49 the State Capitol Police shall report the creation of any position pursuant to subsection (a) of this
50 section to the chairs of the House of Representatives Appropriations Committee on Justice and
51 Public Safety and the Senate Appropriations Committee on Justice and Public Safety and to the

1 Fiscal Research Division within 30 days of the position's creation. A report submitted pursuant
2 to this section shall include at least all of the following information:

- 3 (1) The position type.
- 4 (2) The agency to which the position is being assigned.
- 5 (3) The position salary.
- 6 (4) The total amount of the contract.
- 7 (5) The terms of the contract.

8 **SECTION 9.(d)** Format of Reports. – Reports submitted pursuant to this section
9 shall be submitted electronically and in accordance with any applicable General Assembly
10 standards.

11 **USE OF SEIZED AND FORFEITED PROPERTY**

12 **SECTION 10.(a)** Seized and forfeited assets transferred to the Department of Justice
13 or to the Department of Public Safety during the 2019-2021 fiscal biennium pursuant to
14 applicable federal law shall be credited to the budget of the recipient department and shall result
15 in an increase of law enforcement resources for that department. The Department of Public Safety
16 and the Department of Justice shall each make the following reports to the chairs of the House
17 of Representatives Appropriations Committee on Justice and Public Safety and the Senate
18 Appropriations Committee on Justice and Public Safety:

- 19 (1) A report upon receipt of any assets.
- 20 (2) A report that shall be made prior to use of the assets on their intended use and
21 the departmental priorities on which the assets may be expended.
- 22 (3) A report on receipts, expenditures, encumbrances, and availability of these
23 assets for the previous fiscal year, which shall be made no later than
24 September 1 of each year.

25 **SECTION 10.(b)** The General Assembly finds that the use of seized and forfeited
26 assets transferred pursuant to federal law for new personnel positions, new projects, acquisition
27 of real property, repair of buildings where the repair includes structural change, and construction
28 of or additions to buildings may result in additional expenses for the State in future fiscal periods.
29 Therefore, the Department of Justice and the Department of Public Safety are prohibited from
30 using these assets for such purposes without the prior approval of the General Assembly.

31 **SECTION 10.(c)** Nothing in this section prohibits State law enforcement agencies
32 from receiving funds from the United States Department of Justice, the United States Department
33 of the Treasury, and the United States Department of Health and Human Services.

34 **SECTION 10.(d)** The Joint Legislative Oversight Committee on Justice and Public
35 Safety shall study the impact on State and local law enforcement efforts of the receipt of seized
36 and forfeited assets. The Committee shall report its findings and recommendations prior to the
37 convening of the 2021 Regular Session of the General Assembly.

38 **STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM FUNDING TRANSFER**

39 **SECTION 11.** Of the funds appropriated in the 2019-2021 fiscal biennium for the
40 Statewide Misdemeanant Confinement Program:

- 41 (1) The sum of one million dollars (\$1,000,000) shall be transferred in the
42 2020-2021 fiscal year to the North Carolina Sheriffs' Association, Inc., a
43 nonprofit corporation, to support the Program and for administrative and
44 operating expenses of the Association and its staff.
- 45 (2) The sum of two hundred twenty-five thousand dollars (\$225,000) shall be
46 allocated in the 2020-2021 fiscal year to the Division of Adult Correction for
47 its administrative and operating expenses for the Program.

1 **REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL**
2 **EXPENSES**

3 **SECTION 12.** Notwithstanding G.S. 143C-6-9, the Department of Public Safety
4 may use funds available to the Department for the 2019-2021 fiscal biennium to reimburse
5 counties for the cost of housing convicted inmates, parolees, and post-release supervisees
6 awaiting transfer to the State prison system, as provided in G.S. 148-29. The reimbursement may
7 not exceed forty dollars (\$40.00) per day per prisoner awaiting transfer. Beginning October 1,
8 2020, the Department shall report quarterly to the chairs of the Joint Legislative Oversight
9 Committee on Justice and Public Safety and the chairs of the House of Representatives
10 Appropriations Committee on Justice and Public Safety and the Senate Appropriations
11 Committee on Justice and Public Safety on the expenditure of funds to reimburse counties for
12 prisoners awaiting transfer.

13
14 **PART IV. EFFECTIVE DATE**

15 **SECTION 13.** Except as otherwise provided, this act is effective when it becomes
16 law.