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SENATE BILL DRS15164-MMa-24C

Short Title: Create Depart. of Adult Correction. (Public)

Sponsors: Senators Daniel, Britt, and Steinburg (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE DEPARTMENT OF ADULT CORRECTION, TO CREATE THE
3 DIVISION OF JUVENILE JUSTICE AND THE DIVISION OF COMMUNITY
4 CORRECTIONS IN THE DEPARTMENT OF PUBLIC SAFETY, TO MAKE OTHER
5 TECHNICAL AND CONFORMING CHANGES, AND TO APPROPRIATE FUNDS.
6 The General Assembly of North Carolina enacts:

7
8 **PART I. DEPARTMENT OF ADULT CORRECTION**

9
10 **ESTABLISH THE DEPARTMENT OF ADULT CORRECTION**

11 **SECTION 1.1.(a)** The Department of Adult Correction is established in this Part as
12 a single, unified cabinet-level department. All functions, powers, duties, and obligations vested
13 in the following programs, divisions, and entities located in the Department of Public Safety are
14 transferred to, vested in, and consolidated within the Department of Adult Correction in the
15 manner of a Type I transfer, as defined in G.S. 143A-6:

- 16 (1) Prisons Section.
17 (2) Alcohol and Chemical Dependency Treatment Program except the
18 DART-Cherry and the Black Mountain Substance Abuse Treatment Center
19 for Women.
20 (3) Health Services Section.
21 (4) Correction Enterprises Section.

22 **SECTION 1.1.(b)** The Grievance Resolution Board is transferred to the Department
23 of Adult Correction in the manner of a Type II transfer, as defined in G.S. 143A-6.

24 **SECTION 1.1.(c)** G.S. 143B-2 reads as rewritten:

25 "**§ 143B-2. Interim applicability of the Executive Organization Act of 1973.**

26 The Executive Organization Act of 1973 shall be applicable only to the following named
27 departments:

- 28 ...
29 (12) Department of Adult Correction."

30 **SECTION 1.1.(d)** G.S. 143B-6 reads as rewritten:

31 "**§ 143B-6. Principal departments.**

32 In addition to the principal departments enumerated in the Executive Organization Act of
33 1971, all executive and administrative powers, duties, and functions not including those of the
34 General Assembly and its agencies, the General Court of Justice and the administrative agencies
35 created pursuant to Article IV of the Constitution of North Carolina, and higher education



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1 previously vested by law in the several State agencies, are vested in the following principal
2 departments:

3 ...
4 (14) Department of Adult Correction."

5 **SECTION 1.1.(e)** G.S. 126-5(d)(1) reads as rewritten:

6 "(d) (1) Exempt Positions in Cabinet Department. – Subject to the provisions of this
7 Chapter, which is known as the North Carolina Human Resources Act, the
8 Governor may designate a total of 425 exempt positions throughout the
9 following departments and offices:

10 ...
11 o. Department of Adult Correction."

12
13 **STATUTORY CHANGES CREATING THE DEPARTMENT OF ADULT**
14 **CORRECTION**

15 **SECTION 1.2.(a)** Chapter 143B of the General Statutes is amended by adding a new
16 Article to read:

17 "Article 16.

18 "Department of Adult Correction.

19 "Part 1. Organization; General Provisions for Department.

20 **"§ 143B-1440. Organization.**

21 There is established the Department of Adult Correction. The Department shall perform all
22 functions of the executive branch of the State in relation to the detention and correction of adult
23 offenders.

24 **"§ 143B-1442. Powers and duties of the Secretary.**

25 The head of the Department is the Secretary of the Department of Adult Correction. The
26 Secretary shall have the powers and duties as are conferred on the Secretary by this Article,
27 delegated to the Secretary by the Governor, and conferred on the Secretary by the Constitution
28 and laws of this State. The Secretary is authorized to adopt rules and procedures for the
29 implementation of this Article.

30 **"§ 143B-1444. Definitions.**

31 As used in this Article, the following meanings shall apply:

32 (1) Department. – The Department of Adult Correction.

33 (2) Justice and Public Safety Appropriations Committees. – The Senate
34 Appropriations Committee on Justice and Public Safety and the House of
35 Representatives Appropriations Committee on Justice and Public Safety.

36 (3) Program. – The Alcoholism and Chemical Dependency Treatment Program.

37 (4) Secretary. – The Secretary of the Department of Adult Correction."

38 **SECTION 1.2.(#)** G.S. 143B-707.3 of Subpart A of Part 2 of Article 13 of Chapter
39 143B is recodified as G.S. 143B-1446 of Part 1 of Article 16 of Chapter 143B of the General
40 Statutes.

41 **SECTION 1.2.(#)** G.S. 143B-711 is repealed. G.S. 143B-630 of Part 1A of Article
42 13 of Chapter 143B and G.S. 701-705, 707, 707.4, and 709 of Subpart A of Part 2 of Article 13
43 of Chapter 143B are recodified as Part 2 of Article 16 of Chapter 143B of the General Statutes as
44 follows:

<u>Former Citation</u>	<u>Recodified Citation</u>
Part 1A	Part 2
143B-630	143B-1450
Subpart A	
143B-701	143B-1451
143B-702	143B-1452
143B-703	143B-1453

1	143B-704	143B-1454
2	143B-705	143B-1455
3	143B-707	143B-1456
4	143B-707.4	143B-1457
5	143B-709	143B-1458

6 **SECTION 1.2.(#)** G.S. 143B-707.5 through 707.10 of Subpart A of Part 2 of Article
 7 13 of Chapter 143B are recodified as Part 3 of Article 16 of Chapter 143B of the General Statutes
 8 as follows:

9	<u>Former Citation</u>	<u>Recodified Citation</u>
10	Subpart A	Part 3
11	143B-707.3	143B-1470
12	143B-707.5	143B-1471
13	143B-707.6	143B-1472
14	143B-707.7	143B-1473
15	143B-707.8	143B-1474
16	143B-707.9	143B-1475
17	143B-707.10	143B-1476

18 **SECTION 1.2.(f)** Parts 1–10 of Article 16 of Chapter 143B of the General Statutes
 19 read as rewritten:

20 "Part 1. Organization; General Provisions for ~~Department~~Department.

21 ...

22 **"§ 143B-1446. Medical costs for inmates and juvenile offenders.****inmates.**

23 (a) The Department of ~~Public Safety~~ shall reimburse those providers and facilities
 24 providing approved medical services to inmates and juvenile offenders outside the correctional
 25 or juvenile facility the lesser amount of either a rate of seventy percent (70%) of the provider's
 26 then-current prevailing charge or two times the then-current Medicaid rate for any given service.
 27 The Department shall have the right to audit any given provider to determine the actual prevailing
 28 charge to ensure compliance with this provision.

29 ...

30 (b) The Department of ~~Public Safety~~ shall make every effort to contain medical costs for
 31 inmates and juvenile offenders by making use of its own hospital and health care facilities to
 32 provide health care services to ~~inmates and juvenile offenders.~~inmates. To the extent that the
 33 Department of ~~Public Safety~~ must utilize other facilities and services to provide health care
 34 services to ~~inmates and juvenile offenders,~~inmates, the Department shall make reasonable efforts
 35 to make use of hospitals or other providers with which it has a contract or, if none is reasonably
 36 available, hospitals with available capacity or other health care facilities in a region to accomplish
 37 that goal. The Department shall make reasonable efforts to equitably distribute inmates ~~and~~
 38 ~~juvenile offenders~~ among all hospitals or other appropriate health care facilities.

39 (c) The Department of ~~Public Safety~~ shall report quarterly to the Joint Legislative
 40 Oversight Committee on Justice and Public Safety and the chairs of the ~~House of Representatives~~
 41 ~~and Senate Appropriations Committees on Justice and Public Safety~~Justice and Public Safety
 42 Appropriations Committees on:

43 ...

44 (d) ~~The Department of Public Safety shall study whether contracts to provide inmate~~
 45 ~~health services can be expanded to additional hospitals. The Department shall report the findings~~
 46 ~~of its study to the chairs of the House of Representatives and Senate Appropriations Committees~~
 47 ~~on Justice and Public Safety no later than February 1, 2017. The report shall include a list of~~
 48 ~~hospitals considered for expansion and reasons for or against expanding to each hospital.~~

49 "Part 2. General Provisions for Division of Prisons.

50 **"§ 143B-1450. Creation of Division of ~~Adult Correction and Juvenile Justice;~~ Prisons;**
 51 **powers.**

1 There is hereby created and established a division to be known as the Division of ~~Adult~~
2 ~~Correction and Juvenile Justice of the Department of Public Safety. Prisons within the~~
3 ~~Department.~~ The Division of Prisons shall have the power and duty to implement ~~Parts 2 and 3~~
4 ~~Part 2~~ of this Article and shall have such other powers and duties as are set forth in this ~~Chapter~~
5 ~~Article~~ and are prescribed by the ~~Secretary of the Department of Public Safety.~~ Secretary.

6 **"§ 143B-1451. Division of ~~Adult Correction and Juvenile Justice of the Department of~~**
7 **~~Public Safety Prisons~~ – duties.**

8 It shall be the duty of the Division of Prisons to provide the necessary custody, supervision,
9 and treatment to control and rehabilitate criminal offenders and thereby to reduce the rate and
10 cost of crime and delinquency.

11 **"§ 143B-1452. Division of ~~Adult Correction and Juvenile Justice of the Department of~~**
12 **~~Public Safety Prisons~~ – rules and regulations.**

13 The Division of ~~Adult Correction and Juvenile Justice of the Department of Public Safety~~
14 ~~Prisons~~ shall adopt rules and regulations related to the conduct, supervision, rights and privileges
15 of persons in its custody or under its supervision. Such rules and regulations shall be filed with
16 and published by the office of the Attorney General and shall be made available by the Division
17 for public inspection. The rules and regulations shall include a description of the organization of
18 the Division. A description or copy of all forms and instructions used by the Division, except
19 those relating solely to matters of internal management, shall also be filed with the office of the
20 Attorney General.

21 **"§ 143B-1453. Repair or replacement of personal property.**

22 (a) The Secretary of ~~Public Safety~~ may adopt rules governing repair or replacement of
23 personal property items excluding private passenger vehicles that belong to employees of State
24 facilities within the Division of ~~Adult Correction and Juvenile Justice Prisons~~ of the Department
25 of ~~Public Safety~~ and that are damaged or stolen by inmates of the State facilities provided that
26 the item is determined by the Secretary to be damaged or stolen on or off facility grounds during
27 the performance of employment and necessary for the employee to have in his possession to
28 perform his assigned duty.

29 ...

30 (e) The Secretary of ~~Public Safety~~ shall establish by rule an appeals process consistent
31 with Chapter 150B of the General Statutes.

32 **"§ 143B-1454. Division of ~~Adult Correction and Juvenile Justice of the Department of~~**
33 **~~Public Safety Prisons~~ – functions with respect to adults.**

34 (a) The functions of the Division of ~~Adult Correction and Juvenile Justice of the~~
35 ~~Department of Public Safety Prisons~~ shall include all functions of the executive branch of the
36 State in relation to corrections and the rehabilitation of adult offenders, including ~~detention,~~
37 ~~parole, and aftercare supervision,~~ detention and further including those prescribed powers, duties,
38 and functions enumerated in the laws of this State. All such functions, powers, duties, and
39 obligations heretofore vested in the State Department of Correction and Commission of
40 Correction are hereby transferred to and vested in the Division of Prisons of the Department of
41 Adult Correction except as otherwise provided by the Executive Organization Act of 1973.

42 (b) ~~All such functions, powers, duties, and obligations heretofore vested in the~~
43 ~~Department of Social Rehabilitation and Control and any agency enumerated in Article 14 of~~
44 ~~Chapter 143A of the General Statutes and laws of this State are hereby transferred to and vested~~
45 ~~in the Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~
46 ~~except as otherwise provided by the Executive Organization Act of 1973. They shall include, by~~
47 ~~way of extension and not of limitation, the functions of:~~

- 48 (1) ~~The State Department of Correction and Commission of Correction,~~
- 49 (2) ~~Repealed by Session Laws 1999-423, s. 8, effective July 1, 1999.~~
- 50 (3) ~~The State Probation Commission,~~
- 51 (4) ~~The State Board of Paroles,~~

- 1 (5) ~~The Interstate Agreement on Detainers, and~~
 2 (6) ~~The Uniform Act for Out-of-State Parolee Supervision.~~

3 ...
 4 (d) The Division shall establish ~~an alcoholism and chemical dependency treatment~~
 5 ~~program.~~ the Alcoholism and Chemical Dependency Treatment Program. ~~The program Program~~
 6 shall consist of a continuum of treatment and intervention services for male and female inmates,
 7 established in medium and minimum custody prison facilities, and for male and female
 8 probationers and parolees, established in community-based residential treatment facilities.

9 ...
 10 **"§ 143B-1455. Division of Adult Correction and Juvenile Justice of the Department of**
 11 **Public Safety - Prisons - Alcoholism and Chemical Dependency Treatment**
 12 **Program.**

13 (a) The Program established by ~~G.S. 143B-704~~ G.S. 143B-1454 shall be offered in
 14 correctional facilities, or a portion of correctional facilities that are self-contained, so that the
 15 residential and program space is separate from any other programs or inmate housing, and shall
 16 be operational by January 1, 1988, at those facilities as the Secretary or the Secretary's designee
 17 may designate.

18 (b) A ~~Section Chief deputy director~~ for the Alcoholism and Chemical Dependency
 19 Treatment Program shall be employed and shall report directly to a deputy director for the
 20 Division of Adult Correction and Juvenile Justice as designated by the Deputy Commissioner the
 21 Director for the Division of Adult Correction and Juvenile Justice - Prisons. The duties of the
 22 ~~Section Chief deputy director~~ and staff shall include the following:

- 23 (1) Administer and coordinate all substance abuse programs, grants, contracts,
 24 and related functions in the Division of ~~Adult Correction and Juvenile Justice~~
 25 Prisons of the Department of ~~Public Safety~~ Adult Correction.
 26 (2) Develop and maintain working relationships and agreements with agencies
 27 and organizations that will assist in developing and operating alcoholism and
 28 chemical dependency treatment and recovery programs in the Division of
 29 ~~Adult Correction and Juvenile Justice - Prisons~~ of the Department of ~~Public~~
 30 ~~Safety~~ Adult Correction.
 31 ...
 32 (7) Supervise directly the facility and district program managers, other
 33 specialized personnel, and programs that exist or may be developed in the
 34 Division of ~~Adult Correction and Juvenile Justice - Prisons~~ of the Department
 35 of ~~Public Safety~~ Adult Correction.
 36 (8) Repealed by Session Laws 2012-83, s. 10, effective June 26, 2012.

37 (c) In each prison that houses an alcoholism and chemical dependency program, there
 38 shall be a unit superintendent under the ~~Section~~ Division of Prisons of the ~~Division of Department~~
 39 of Adult Correction and Juvenile Justice and other custodial, administrative, and support staff as
 40 required to maintain the proper custody level at the facility. The unit superintendent shall be
 41 responsible for all matters pertaining to custody and administration of the unit. The ~~Section Chief~~
 42 deputy director of the Alcoholism and Chemical Dependency Treatment Program shall designate
 43 and direct employees to manage treatment programs at each location. Duties of unit treatment
 44 program managers shall include program development and implementation, supervision of
 45 personnel assigned to treatment programs, adherence to all pertinent policy and procedural
 46 requirements of the Department, and other duties as assigned.

47 ...
 48 **"§ 143B-1456. Reports to the General Assembly.**

49 The Division of ~~Adult Correction and Juvenile Justice - Prisons~~ of the Department of ~~Public~~
 50 ~~Safety~~ Adult Correction shall report by March 1 of each year to the Chairs of the ~~Senate and~~
 51 ~~House Appropriations Committees and the Chairs of the Senate and House Appropriations~~

1 ~~Subcommittees in~~ Justice and Public Safety Appropriations Committees on their efforts to
2 provide effective treatment to offenders with substance abuse problems. The report shall include:

3 ...

4 (3) ~~Utilization of the community based programs at DART Cherry and Black
5 Mountain Substance Abuse Treatment Center for Women.~~

6 ...

7 (7) Evaluation of each substance abuse treatment program funded by the Division
8 of ~~Adult Correction and Juvenile Justice Prisons~~ of the Department of ~~Public
9 Safety-Adult Correction~~. Evaluation measures shall include reduction in
10 alcohol and drug dependency, improvements in disciplinary and infraction
11 rates, recidivism (defined as return-to-prison rates), and other measures of the
12 programs' success.

13 **"§ 143B-1457. Annual report on safekeepers.**

14 The Department of ~~Public Safety~~ shall report by October 1 of each year to the chairs of the
15 ~~House of Representatives and Senate~~ Justice and Public Safety Appropriations Committees ~~on
16 Justice and Public Safety~~ and the chairs of the Joint Legislative Oversight Committee ~~on Justice
17 and Public Safety~~ on county prisoners housed in the State prison system pursuant to safekeeping
18 orders under G.S. 162-39. The report shall include:

19

20 **"§ 143B-1458. Security Staffing.**

21 (a) The Division of ~~Adult Correction and Juvenile Justice Prisons~~ of the Department of
22 ~~Public Safety-Adult Correction~~ shall conduct:

23 ...

24 (b) The Division of ~~Adult Correction and Juvenile Justice Prisons~~ of the Department of
25 ~~Public Safety-Adult Correction~~ shall update the security staffing relief formula at least every
26 three years. Each update shall include a review of all annual training requirements for security
27 staff to determine which of these requirements should be mandatory and the appropriate
28 frequency of the training. The Division shall survey other states to determine which states use a
29 vacancy factor in their staffing relief formulas.

30 "Part 3. Medical Costs; Medicaid Services.

31 **"§ 143B-1470. Medical costs for ~~inmates and juvenile offenders~~ inmates.**

32 (a) The Department of ~~Public Safety-Adult Correction~~ shall reimburse those providers
33 and facilities providing approved medical services to inmates ~~and juvenile offenders~~ outside the
34 correctional ~~or juvenile~~ facility the lesser amount of either a rate of seventy percent (70%) of the
35 provider's then-current prevailing charge or two times the then-current Medicaid rate for any
36 given service. The Department shall have the right to audit any given provider to determine the
37 actual prevailing charge to ensure compliance with this provision.

38 This section does apply to vendors providing services that are not billed on a fee-for-service
39 basis, such as temporary staffing. Nothing in this section shall preclude the Department from
40 contracting with a provider for services at rates that provide greater documentable cost avoidance
41 for the State than do the rates contained in this section or at rates that are less favorable to the
42 State but that will ensure the continued access to care.

43 (b) The Department of ~~Public Safety-Adult Correction~~ shall make every effort to contain
44 medical costs for inmates ~~and juvenile offenders~~ by making use of its own hospital and health
45 care facilities to provide health care services to ~~inmates and juvenile offenders~~ inmates. To the
46 extent that the Department of ~~Public Safety-Adult Correction~~ must utilize other facilities and
47 services to provide health care services to ~~inmates and juvenile offenders~~ inmates, the
48 Department shall make reasonable efforts to make use of hospitals or other providers with which
49 it has a contract or, if none is reasonably available, hospitals with available capacity or other
50 health care facilities in a region to accomplish that goal. The Department shall make reasonable

1 efforts to equitably distribute inmates and ~~juvenile offenders~~ among all hospitals or other
2 appropriate health care facilities.

3 (c) ~~The Department of Public Safety-Adult Correction shall report quarterly to the Joint~~
4 ~~Legislative Oversight Committee on Justice and Public Safety and the chairs of the House of~~
5 ~~Representatives and Senate Justice and Public Safety Appropriations Committees on Justice and~~
6 ~~Public Safety on:~~

7 (1) The percentage of the total inmates and ~~juvenile offenders~~ requiring
8 hospitalization or hospital services who receive that treatment at each hospital.

9 (2) through (4) Repealed by Session Laws 2016-94, s. 17C.2A, effective July 1,
10 2016.

11 ...

12 (5) The volume of inpatient medical services provided to Medicaid-eligible
13 ~~inmates and juvenile offenders, inmates,~~ the cost of treatment, the estimated
14 savings of paying the nonfederal portion of Medicaid for the services, and the
15 length of time between the date the claim was filed and the date the claim was
16 paid.

17 ...

18 (6) The hospital utilization, including the amount paid to individual hospitals, the
19 number of inmates and ~~juvenile offenders~~ served, the number of claims, and
20 whether the hospital was a contracted or noncontracted facility.

21 ...

22 (d) ~~The Department of Public Safety shall study whether contracts to provide inmate~~
23 ~~health services can be expanded to additional hospitals. The Department shall report the findings~~
24 ~~of its study to the chairs of the House of Representatives and Senate Appropriations Committees~~
25 ~~on Justice and Public Safety no later than February 1, 2017. The report shall include a list of~~
26 ~~hospitals considered for expansion and reasons for or against expanding to each hospital.~~

27 **"§ 143B-1471. Medicaid services for inmates.**

28 (a) ~~The Department of Public Safety-Division of Health Services of the Department of~~
29 ~~Adult Correction and the Department of Health and Human Services shall work together to~~
30 ~~enable social workers in the Department of Public Safety, Health Services Section, to qualify for~~
31 ~~and receive federal reimbursement for performing administrative activities related to Medicaid~~
32 ~~eligibility for inmates. The Department of Public Safety, Health Services Section, Adult~~
33 ~~Correction, Division of Health Services, shall develop policies and procedures to account for the~~
34 ~~time social workers in the Division of Health Services Section spend on administrative activities~~
35 ~~related to Medicaid eligibility for inmates. All social workers in the Division of Health Services~~
36 ~~Section who perform administrative activities related to Medicaid eligibility shall be required to~~
37 ~~receive eligibility determination training provided by the Department of Health and Human~~
38 ~~Services at least quarterly.~~

39 (b) ~~The Department of Public Safety, Health Services Section, Adult Correction, Division~~
40 ~~of Health Services, shall require each social worker performing administrative activities related~~
41 ~~to Medicaid eligibility for inmates to document the following:~~

42 ...

43 (3) The number of 24-hour community provider stays prescreened for potential
44 applications, the number of applications submitted, and the number and
45 percentage of applications approved, denied, and withdrawn, which shall be
46 reported to the Health Services ~~Section-Division~~ Director on a monthly basis.

47 (c) In addition to the requirements in subsection (b) of this section, each Department of
48 ~~Public Safety, Health Services Section, Adult Correction, Division of Health Services, social~~
49 ~~workers-worker~~ performing administrative activities related to Medicaid eligibility for inmates
50 shall submit Medicaid applications and any supporting documents electronically through the

1 ePass portal in the Department of Health and Human Services or through other electronic means,
2 unless paper copies are required by federal law or regulation.

3 **"§ 143B-1472. Medication losses related to inmate transfer.**

4 (a) The Health Services ~~Section~~Division shall collect data on medication losses that
5 occur during inmate transfer. The collection methods shall provide, at a minimum, for all of the
6 following:

7 ...

8 (c) The Department shall also establish disciplinary actions for staff who are found to be
9 responsible for inmate medication losses during transfer. The Health Services Section shall be
10 responsible for addressing disciplinary actions for ~~DPS~~ Health Services prison staff who are
11 found to be responsible for medications lost during inmate transfers and shall refer incidents
12 involving custody staff to the appropriate unit for action.

13 **"§ 143B-1473. Contract for limited use of local purchase of inmate pharmacy needs.**

14 (a) The Health Services ~~Section~~Division shall adopt a statewide reimbursement for local
15 purchases of limited quantities of medicine. The statewide reimbursement rate shall be based on
16 the North Carolina State Health Plan for Teachers and State Employees reimbursement rate for
17 prescription drugs. Any pharmacy willing to accept the statewide reimbursement rate shall have
18 the right to participate in the plan.

19 (b) The Health Services ~~Section~~Division shall obtain monthly electronic invoices of
20 prescriptions filled by each prison from the vendor chosen under subsection (a) of this section
21 and shall develop a mechanism to collect information on purchases made outside the contract.
22 At a minimum, the following information shall be collected for each prescription: (i) the inmate's
23 prison, (ii) the requesting provider, (iii) the medication requested, (iv) the quantity of the
24 medication requested, and (v) the total cost of the prescription.

25 (c) The Department shall establish a formal oversight mechanism to ensure prescriptions
26 written by providers to be filled at local pharmacies do not exceed the quantities specified in the
27 Department's policy. The Health Services ~~Section~~Division central office shall be responsible for
28 implementing the oversight function, shall use the data collected under subsections (a) and (b) of
29 this section to implement the function, and shall implement corrective and disciplinary actions
30 as needed.

31 **"§ 143B-1474. Federal 340B Program – Department of ~~Public Safety~~/~~Department~~ Adult
32 Correction/Department of Health and Human Services partnership.**

33 The Department of ~~Public Safety (DPS)~~ Adult Correction (DAC) shall establish and
34 implement a partnership with the Department of Health and Human Services (DHHS) in order
35 for ~~DPS-DAC~~ to be eligible to operate as a 340B covered entity. The ~~Department of Public Safety~~
36 DAC shall contract for consultant services in order to implement this section. In order to
37 implement the requirements of this section, ~~DPS-DAC~~ shall do all of the following:

38 ...

39 (3) Ensure that the ~~DPS-DAC~~ Apex Central Pharmacy, and any other ~~DPS-DAC~~
40 pharmacies necessary, are compliant dispensing pharmacies under the 340B
41 Program.

42

43 **"§ 143B-1475. Federal 340B Program – Department of ~~Public Safety~~/~~University~~ Adult
44 Correction/University of North Carolina Health Care System partnership.**

45 (a) The Department of Public Safety shall partner with the University of North Carolina
46 Health Care System (UNC-HCS) by October 1, 2019, to begin receiving all 340B Program
47 savings realized from medications prescribed to inmates, but not administered, at a 340B
48 Program-registered UNC-HCS site for non-HIV and non-HCV medications pursuant to
49 subsections (b) and (c) of this section. The Department of Adult Correction (DAC) shall be the
50 successor in interest for the partnership established under this section.

1 (b) Pursuant to subsection (c) of this section, ~~DPS-DAC~~ shall direct that the prescribing
 2 authority of ~~DPS-DAC~~ providers be transferred to UNC-HCS providers for identified inmates
 3 treated at a 340B Program-registered UNC-HCS site.

4 (c) By October 1, 2019, DPS and UNC-HCS shall:

5 ...

6 (3) Develop mechanisms to ensure that the communication between the
 7 UNC-HCS prescriber and the ~~DPS-DAC~~ physician maintains the quality and
 8 continuity of care that inmates currently receive.

9 (4) Select the UNC-HCS pharmacy, the ~~DPS-DAC~~ Apex Central Pharmacy, or a
 10 combination of both, as the pharmacy through which medications will be
 11 dispensed pursuant to this section.

12 **"§ 143B-1476. Reports related to the federal 340B Program.**

13 (a) The Department of ~~Public Safety-Adult Correction and Juvenile Justice~~ shall report
 14 to the Joint Legislative Oversight Committee on Justice and Public Safety and the Fiscal Research
 15 Division by October 1, 2020, and annually thereafter, regarding:

16 ...

17 (b) The Department of ~~Public Safety-Adult Correction and Juvenile Justice~~ shall report
 18 to the Joint Legislative Oversight Committee on Justice and Public Safety and the Fiscal Research
 19 Division by October 1, 2021, and annually thereafter, on savings achieved from the partnerships
 20 between the four prison regions and North Carolina 340B Program entities for the provision of
 21 inmate medications and services under the federal 340B Program."

22
 23 **CONFORMING CHANGES REGARDING DEPARTMENT OF ADULT CORRECTION**

24 **SECTION 1.3.(a)** The following statutes are amended by deleting the language
 25 "Department of Public Safety" wherever it appears and substituting "Department of Adult
 26 Correction": G.S. 14-208.6, 15-188, 15A-1340.14, 15A-1340.15, 15A-1340.21, 58-31-26,
 27 62-351, 127A-54, 130A-4.4, and 143-134.

28 **SECTION 1.3.(b)** The following statutes are amended by deleting the language
 29 "Secretary of Public Safety" wherever it appears and substituting "Secretary of the Department
 30 of Adult Correction": G.S. 15-10.2, 15-10.3, 15-194, 15A-1340.13, 15A-1340.36, 15A-1371,
 31 122C-312, 130A-25, 148-4, 148-5, 148-10.1, 148-11, 148-13, 148-18.1, 148-19, 148-20, 148-22,
 32 148-22.1, 148-24, 148-25, 148-26, 148-26.5, 148-28, 148-33, 148-33.1, 148-33.2, 148-36,
 33 148-37, 148-41, 148-45, 148-46, 148-46.2, 148-74, 148-78, 148-118.6, 148-118.8, 148-118.9,
 34 148-121, 148-122, 162-39, and 164-37.

35 **SECTION 1.3.(c)** The following statutes are amended by deleting the language
 36 "Division of Adult Correction and Juvenile Justice of the Department of Public Safety" wherever
 37 it appears and substituting "Division of Prisons of the Department of Adult Correction":
 38 G.S. 1-110, 7A-109.3, 7A-313, 7A-451, 7A-474.18, 7A-498.3, 14-202, 14-208.20, 14-208.22,
 39 14-208.40, 14-208.43, 14-254.5, 14-258.1, 14-258.3, 14-269, 15-6.1, 15-10.1, 15-194, 15-196.3,
 40 15A-145, 15A-145.1, 15A-145.8A, 15A-146, 15A-147, 15A-149, 15A-544.3, 15A-544.5,
 41 15A-615, 15A-821, 15A-830, 15A-832, 15A-1340.13, 15A-1340.16, 15A-1340.20, 15A-1343.3,
 42 15A-1353, 15A-1354, 15A-1355, 15A-1368.2, 15A-1368.3, 15A-1369, 15B-21, 15B-31,
 43 15B-32, 20-81.12, 65-4, 66-25, 66-58, 108A-14, 122C-22, 122C-55, 122C-62, 122C-312,
 44 122C-313, 122C-402, 131E-98, 131E-184, 131E-214.1, 143-63.1, 143-166.7, 143-300.7,
 45 143-599, 146-33, 147-12, 148-2, 148-3, 148-4, 148-6, 148-10, 148-10.1, 148-10.2, 148-10.3,
 46 148-10.4, 148-10.5, 148-12, 148-18, 148-18.1, 148-19, 148-19.1, 148-19.2, 148-22, 148-22.1,
 47 148-23, 148-23.1, 148-23.2, 148-24, 148-26, 148-26.5, 148-28, 148-29, 148-32.1, 148-32.2,
 48 148-33, 148-33.1, 148-36, 148-37, 148-37.3, 148-41, 148-45, 148-46.1, 148-64, 148-64.1,
 49 148-65.7, 148-66, 148-67, 148-70, 148-74, 148-78, 148-118.1, 148-118.2, 148-118.4, 148-118.5,
 50 148-118.6, 148-118.8, 150B-1, 153A-221, 153A-230.1, 153A-230.2, 153A-230.3, 153A-230.5,
 51 162-39, and 163-82.20.

1 **SECTION 1.3.(d)** The following statutes are amended by deleting the language
2 "Division of Adult Correction and Juvenile Justice" wherever it appears and substituting
3 "Division of Prisons": G.S. 14-208.40, 14-208.40A, 14-208.40B, 14-208.42, 14-208.44, 20-79.4,
4 126-23, 148-10.4, 148-11, 148-19.2, 148-32.1, 148-131, 148-132, 148-134, 160A-287, 162-39,
5 164-42, and 164-50.

6 **SECTION 1.3.(e)** The following statutes are amended by deleting the language
7 "Section of Prisons of the Division of Adult Correction and Juvenile Justice" wherever it appears
8 and substituting "Division of Prisons": G.S. 14-208.6, 14-208.40C, 14-208.41, 14-258.2, 66-58,
9 130A-25, 148-18, 148-29, 148-32.1, and 148-130.

10 11 **PART II. MODIFICATIONS TO DEPARTMENT OF PUBLIC SAFETY**

12 13 **GENERAL PROVISIONS**

14 **SECTION 2.1.(a)** G.S. 143B-601(10) is repealed.

15 **SECTION 2.1.(b)** G.S. 143B-604(a) reads as rewritten:

16 **"§ 143B-604. State Reentry Council Collaborative.**

17 "(a) The Secretary shall establish the State Reentry Council Collaborative (SRCC). The
18 SRCC shall include up to two representatives from each of the following:

- 19 (1) The Division of Motor Vehicles.
- 20 (2) The Department of Health and Human Services.
- 21 (3) The Administrative Office of the Courts.
- 22 (4) The North Carolina Community College System.
- 23 (5) The Division of ~~Adult Correction and Juvenile Justice~~ Community
24 Corrections of the Department of Public Safety.
- 25 (6) A nonprofit entity that provides reentry services or reentry programs.
- 26 (7) Any other agency that the Secretary deems relevant."

27 28 **DIVISION OF JUVENILE JUSTICE**

29 **SECTION 2.2.(a)** Subpart A of Part 3 of Article 13 of Chapter 143B of the General
30 Statutes reads as rewritten:

31 "Part 3. Division of Juvenile Justice ~~Section Justice.~~

32 "Subpart A. Creation of Division.

33 **"§ 143B-800. Creation of Division of Juvenile Justice ~~Section of the Division of Adult~~ 34 ~~Correction and Juvenile Justice~~ of the Department of Public Safety.**

35 There is hereby created and constituted a section to be known as the "~~Juvenile~~ Division of
36 Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the
37 Department of Public Safety", with the organization, powers, and duties as set forth in this Article
38 or as prescribed by the Director of the Division of ~~Adult Correction and Juvenile Justice~~.

39 **"§ 143B-801. Transfer of Office of Juvenile Justice authority to the Division of Juvenile 40 Justice ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the 41 Department of Public Safety.**

42 (a) All (i) statutory authority, powers, duties, and functions, including directives of S.L.
43 1998-202, rule making, budgeting, and purchasing, (ii) records, (iii) personnel, personnel
44 positions, and salaries, (iv) property, and (v) unexpended balances of appropriations, allocations,
45 reserves, support costs, and other funds of the Office of Juvenile Justice under the Office of the
46 Governor are transferred to and vested in the Division of Juvenile Justice ~~Section of the Division~~
47 ~~of Adult Correction and Juvenile Justice~~ of the Department of Public Safety. This transfer has all
48 of the elements of a Type I transfer as defined in G.S. 143A-6.

49 (b) The ~~Section~~ Division shall be considered a continuation of the Office of Juvenile
50 Justice for the purpose of succession to all rights, powers, duties, and obligations of the Office
51 and of those rights, powers, duties, and obligations exercised by the Office of the Governor on

1 behalf of the Office of Juvenile Justice. Where the Office of Juvenile Justice or the Division of
 2 Adult Correction and Juvenile Justice of the Department of Public Safety is referred to by law,
 3 contract, or other document, that reference shall apply to the Division of Juvenile Justice Section
 4 ~~of the Division of Adult Correction and Juvenile Justice~~. Where the Office of the Governor is
 5 referred to by contract or other document, where the Office of the Governor is acting on behalf
 6 of the Office of Juvenile Justice, that reference shall apply to the ~~Section~~Division.

7 (c) All institutions previously operated by the Office of Juvenile Justice and the present
 8 central office of the Office of Juvenile Justice, including land, buildings, equipment, supplies,
 9 personnel, or other properties rented or controlled by the Office or by the Office of the Governor
 10 for the Office of Juvenile Justice, shall be administered by the Division of Juvenile Justice
 11 ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the Department of Public
 12 Safety."

13 **SECTION 2.2.(b)** G.S. 143B-805 reads as rewritten:

14 "**§ 143B-805. Definitions.**

15 In this Part, unless the context clearly requires otherwise, the following words have the listed
 16 meanings:

17 (1) Chief court counselor. – The person responsible for administration and
 18 supervision of juvenile intake, probation, and post-release supervision in each
 19 judicial district, operating under the supervision of the Division of Juvenile
 20 ~~Justice Section of the Division of Adult Correction and Juvenile Justice~~ of the
 21 Department of Public Safety.

22 ...

23 (9a) Division. – The Division of Juvenile Justice of the Department of Public
 24 Safety.

25 ...

26 (19a) ~~Section.~~ ~~The Juvenile Justice Section of the Division of Adult Correction~~
 27 ~~and Juvenile Justice of the Department of Public Safety.~~

28"

29 **SECTION 2.2.(c)** The following statutes are amended by deleting the language
 30 "Division of Adult Correction and Juvenile Justice" wherever it appears and substituting
 31 "Division of Juvenile Justice": G.S. 7B-1501, 7B-2204, 106-915, 115C-106.3, 115C-107.6,
 32 115C-108.1, 115C-296.2, 115C-325.10, 126-5, 143B-853, and 148-13.

33 **SECTION 2.2.(d)** The following statutes are amended by deleting the language
 34 "Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice" wherever it
 35 appears and substituting "Division of Juvenile Justice": G.S. 7A-109.3, 7A-302, 7B-3100,
 36 14-239, 14-258.1, 14-316.1, 15-6, 15A-1301, 66-58, 114-12.1, 115D-1, 122C-113, 122C-115.4,
 37 122C-117, 143B-152.14, 143B-153, 143B-583, 143B-806, 143B-809, 143B-853, 143B-935,
 38 143B-1391, 148-32.1, 153A-221.1, and 162-60.

39 **SECTION #.(#)** The following statutes are amended by deleting the language
 40 "Section" wherever it appears and substituting "Division": G.S. 15A-1301, 143B-807, 143B-808,
 41 143B-815, 143B-816, 143B-817, 143B-818, 143B-819, 143B-820, 143B-821, 143B-830,
 42 143B-840, 143B-851, and 148-13.

43
 44 **DIVISION OF COMMUNITY CORRECTIONS**

45 **SECTION 2.3.(a)** G.S. 143B-1152 reads as rewritten:

46 "**§ 143B-1152. Definitions.**

47 The following definitions apply in this Subpart:

48 ...

49 (2) Division. – The Division of ~~Adult Correction and Juvenile Justice~~ Community
 50 Corrections.

51 (3) Repealed by Session Laws 2012-83, s. 55, effective June 26, 2012.

(4) Eligible entity. – A local or regional government, a nongovernmental entity, or collaborative partnership that demonstrates capacity to provide services that address the criminogenic needs of offenders.

(5) Program. – A community-based corrections program.

(6) Secretary. – The Secretary of the Department of Public Safety.

~~(6a) Section.—The Section of Community Corrections of the Division of Adult Correction and Juvenile Justice.~~

...."

SECTION 2.3.(b) G.S. 143B-1155 reads as rewritten:

"§ 143B-1155. Duties of Division of ~~Adult Correction and Juvenile Justice~~.Community Corrections.

(a) In addition to those otherwise provided by law, the Division of ~~Adult Correction and Juvenile Justice~~Community Corrections shall have the following duties:

...

(b) The ~~Section~~Division of Community Corrections of the ~~Division of Adult Correction and Juvenile Justice~~ shall develop and publish a recidivism reduction plan for the State that accomplishes the following:

...

(c) The Department of Public Safety, ~~Community Correction Section~~, Division of Community Corrections, shall report by March 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the status of the programs funded through the Treatment for Effective Community Supervision Program. The report shall include the following information from each of the following components:

...."

SECTION 2.3.(c) G.S. 143B-1161 reads as rewritten:

"§ 143B-1161. Justice Reinvestment Council.

(a) The Justice Reinvestment Council is established to act as an advisory body to the ~~Commissioner of Adult Correction~~Director of the Division of Community Corrections with regard to this Subpart. The Council shall consist of 13 members as follows, to be appointed as provided in subsection (b) of this section:

...

(d) The purpose of the Justice Reinvestment Council in conjunction with the Department of Public Safety, Division of ~~Adult Correction and Juvenile Justice~~, Community Corrections, is to:

...."

SECTION 2.3.(d) The following statutes are amended by deleting the language "Division of Adult Correction and Juvenile Justice" wherever it appears and substituting "Division of Community Corrections": G.S. 14-208.45, 15-206, 15-209, 15A-534, 15A-534.1, 15A-1332, 15A-1343.3, 15A-1344, 15A-1368, 15A-1368.4, 15A-1374, 20-19, 20-28, 20-179, 50-13.2, 135-1, 143B-708, 143B-720, 143B-1156, 148-53, 148-54, and 148-59.

SECTION 2.3.(e) The following statutes are amended by deleting the language "Section of Community Corrections of the Division of Adult Correction and Juvenile Justice" wherever it appears and substituting "Division of Community Corrections": G.S. 7B-3000, 7B-3001, 15A-837, 15A-1342, 15A-1368.4, 15A-1369.4, 15A-1371, 20-179.3, 105-259, 115C-46.2, 143B-708, and 148-65.6.

PART III. OTHER CONFORMING CHANGES

SECTION 3.1.(#) G.S. 7B-1402(b) reads as rewritten:

"(b) The Task Force shall be composed of 36 members, 12 of whom shall be ex officio members, four of whom shall be appointed by the Governor, 10 of whom shall be appointed by

1 the Speaker of the House of Representatives, and 10 of whom shall be appointed by the President
 2 Pro Tempore of the Senate. The ex officio members other than the Chief Medical Examiner may
 3 designate representatives from their particular departments, divisions, or offices to represent
 4 them on the Task Force. In making appointments or designating representatives, appointing
 5 authorities and ex officio members shall use best efforts to select members or representatives
 6 with sufficient knowledge and experience to effectively contribute to the issues examined by the
 7 Task Force and, to the extent possible, to reflect the geographical, political, gender, and racial
 8 diversity of this State. The members shall be as follows:

- 9 ...
 10 (11a) The Director of the Division of Juvenile Justice Section, Division of Adult
 11 Correction and Juvenile Justice, Justice, Department of Public Safety.

12"

13 **SECTION 3.1.(#)** G.S. 7B-2517 reads as rewritten:

14 **"§ 7B-2517. Transfer authority of Governor.**

15 The Governor may order transfer of any person less than 18 years of age from any jail or
 16 penal facility of the State to one of the residential facilities operated by the Division in appropriate
 17 circumstances, provided the Governor shall consult with the Division concerning the feasibility
 18 of the transfer in terms of available space, staff, and suitability of program.

19 When an inmate, committed to the Division of ~~Adult Correction and Juvenile Justice of the~~
 20 ~~Department of Public Safety, Prisons of the Department of Adult Correction~~ is transferred by the
 21 Governor to a residential program operated by the Division, the Division may release the juvenile
 22 based on the needs of the juvenile and the best interests of the State. Transfer shall not divest the
 23 probation or parole officer of the officer's responsibility to supervise the inmate on release."

24 **SECTION 3.1.(#)** G.S. 14-196.3(b) reads as rewritten:

- 25 "(b) It is unlawful for a person to:

- 26 ...
 27 (5) Knowingly install, place, or use an electronic tracking device without consent,
 28 or cause an electronic tracking device to be installed, placed, or used without
 29 consent, to track the location of any person. The provisions of this subdivision
 30 do not apply to the installation, placement, or use of an electronic tracking
 31 device by any of the following:
 32 a. A law enforcement officer, judicial officer, probation or parole officer,
 33 or employee of the Division of ~~Corrections, Prisons, Department of~~
 34 ~~Public Safety, Adult Correction,~~ when any such person is engaged in
 35 the lawful performance of official duties and in accordance with State
 36 or federal law.

37"

38 **SECTION 3.1.(#)** G.S. 14-415.10 reads as rewritten:

39 **"§ 14-415.10. Definitions.**

40 The following definitions apply to this Article:

- 41 ...
 42 (4a) Qualified retired correctional officer. – An individual who retired from service
 43 as a State correctional officer, other than for reasons of mental disability, who
 44 has been retired as a correctional officer two years or less from the date of the
 45 permit application and who meets all of the following criteria:
 46 a. Immediately before retirement, the individual met firearms training
 47 standards of the Division of Prisons of the Department of Adult
 48 ~~Correction and Juvenile Justice of the Department of Public Safety~~ and
 49 was authorized by the Division of Prisons of the Department of Adult
 50 ~~Correction and Juvenile Justice of the Department of Public Safety~~ to
 51 carry a handgun in the course of assigned duties.

- 1 b. The individual retired in good standing and was never a subject of a
- 2 disciplinary action by the Division of Prisons of the Department of
- 3 ~~Adult Correction and Juvenile Justice of the Department of Public~~
- 4 ~~Safety~~ that would have prevented the individual from carrying a
- 5 handgun.
- 6 c. The individual has a vested right to benefits under the Teachers' and
- 7 State Employees' Retirement System of North Carolina established
- 8 under Article 1 of Chapter 135 of the General Statutes.
- 9 d. The individual is not prohibited by State or federal law from receiving
- 10 a firearm.

- 11 ...
- 12 (4c) Qualified retired probation or parole certified officer. – An individual who
- 13 retired from service as a State probation or parole certified officer, other than
- 14 for reasons of mental disability, who has been retired as a probation or parole
- 15 certified officer two years or less from the date of the permit application and
- 16 who meets all of the following criteria:
- 17 a. Immediately before retirement, the individual met firearms training
- 18 standards of the Division of ~~Adult Correction and Juvenile Justice~~
- 19 Community Corrections of the Department of Public Safety and was
- 20 authorized by the Division of ~~Adult Correction and Juvenile Justice~~
- 21 Community Corrections of the Department of Public Safety to carry a
- 22 handgun in the course of duty.
- 23 b. The individual retired in good standing and was never a subject of a
- 24 disciplinary action by the Division of ~~Adult Correction and Juvenile~~
- 25 ~~Justice-Community Corrections~~ of the Department of Public Safety
- 26 that would have prevented the individual from carrying a handgun.
- 27 c. The individual has a vested right to benefits under the Teachers' and
- 28 State Employees' Retirement System of North Carolina established
- 29 under Article 1 of Chapter 135 of the General Statutes.
- 30 d. The individual is not prohibited by State or federal law from receiving
- 31 a firearm.

32 "

33 **SECTION 3.1.(#) G.S. 15A-521 reads as rewritten:**

34 "**§ 15A-521. Commitment to detention facility pending trial.**

35 (a) Commitment. – Every person charged with a crime and held in custody who has not
36 been released pursuant to Article 26 of this Chapter, Bail, must be committed by a written order
37 of the judicial official who conducted the initial appearance as provided in Article 24 to an
38 appropriate detention facility as provided in this section. If the person being committed by written
39 order is under the age of 18, that person must be committed to a detention facility approved by
40 the Division of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile Justice~~
41 to provide secure confinement and care for juveniles, or to a holdover facility as defined in
42 G.S. 7B-1501(11). If the person being committed reaches the age of 18 years while held in
43 custody, the person shall be transported by personnel of the Juvenile Justice ~~Section of the~~
44 Division, or personnel approved by the Juvenile Justice ~~Section, Division,~~ to the custody of the
45 sheriff of the county where the charges arose.

- 46 ...
- 47 (c) Copies and Use of Order, Receipt of Prisoner. –
- 48 (1) The order of commitment must be delivered to a law-enforcement officer, who
- 49 must deliver the order and the prisoner to the detention facility named therein.
- 50 (2) The jailer or personnel of the Juvenile Justice ~~Section~~ Division must receive
- 51 the prisoner and the order of commitment, and note on the order of

commitment the time and date of receipt. As used in this subdivision, "jailer" includes any person having control of a detention facility and "personnel of the Juvenile Justice ~~Section~~-Division" includes personnel approved by the Juvenile Justice ~~Section~~-Division.

- (3) Upon releasing the prisoner pursuant to the terms of the order, or upon delivering the prisoner to the court, the jailer or personnel of the Juvenile Justice Section must note the time and date on the order and return it to the clerk. Personnel of the Juvenile Justice ~~Section~~-Division, or personnel approved by the Juvenile Justice ~~Section~~-Division, shall transport the person under the age of 18 from the juvenile detention facility or holdover facility to court and shall transfer the person back to the juvenile detention facility or holdover facility.

...."

SECTION 3.1.(#) G.S. 15A-1340.18 reads as rewritten:

"§ 15A-1340.18. Advanced supervised release.

...

- (b) The Division of Prisons of the Department of Adult Correction and ~~Juvenile Justice of the Department of Public Safety~~ is authorized to create risk reduction incentives consisting of treatment, education, and rehabilitative programs. The incentives shall be designed to reduce the likelihood that the prisoner who receives the incentive will reoffend.

- (c) When imposing an active sentence for an eligible defendant, the court, in its discretion and without objection from the prosecutor, may order that the Department of Adult Correction admit the defendant to the ASR program. The Department of Adult Correction shall admit to the ASR program only those defendants for which ASR is ordered in the sentencing judgment.

...."

SECTION 3.1.(#) G.S. 15A-1343 reads as rewritten:

"§ 15A-1343. Conditions of probation.

...

- (a1) Community and Intermediate Probation Conditions. – In addition to any conditions a court may be authorized to impose pursuant to G.S. 15A-1343(b1), the court may include any one or more of the following conditions as part of a community or intermediate punishment:

...

- (3) Submission to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement provided for in this subdivision may only be imposed as two-day or three-day consecutive periods. When a defendant is on probation for multiple judgments, confinement periods imposed under this subdivision shall run concurrently and may total no more than six days per month. If the person being ordered to a period or periods of confinement is under the age of 18, that person must be confined in a detention facility approved by the Division of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile Justice~~ to provide secure confinement and care for juveniles or to a holdover facility as defined in G.S. 7B-1501(11). If the person being ordered to a period or periods of confinement reaches the age of 18 years while in confinement, the person may be transported by personnel of the Juvenile Justice Section of the Division, or personnel approved by the Juvenile Justice Section, to the custody of the sheriff of the applicable local confinement facility.

...

- (b) Regular Conditions. – As regular conditions of probation, a defendant must:

...

1 In addition to these regular conditions of probation, a defendant required to serve an active
2 term of imprisonment as a condition of special probation pursuant to G.S. 15A-1344(e) or
3 G.S. 15A-1351(a) shall, as additional regular conditions of probation, obey the rules and
4 regulations of the Division of Prisons of the Department of Adult Correction and Juvenile Justice
5 ~~of the Department of Public Safety~~ governing the conduct of inmates while imprisoned and report
6 to a probation officer in the State of North Carolina within 72 hours of his discharge from the
7 active term of imprisonment.

8 ...

9 (b2) Special Conditions of Probation for Sex Offenders and Persons Convicted of Offenses
10 Involving Physical, Mental, or Sexual Abuse of a Minor. – As special conditions of probation, a
11 defendant who has been convicted of an offense which is a reportable conviction as defined in
12 G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, must:

13 ...

14 (9) Submit at reasonable times to warrantless searches by a probation officer of
15 the probationer's person and of the probationer's vehicle and premises while
16 the probationer is present, for purposes specified by the court and reasonably
17 related to the probation supervision, but the probationer may not be required
18 to submit to any other search that would otherwise be unlawful. For purposes
19 of this subdivision, warrantless searches of the probationer's computer or other
20 electronic mechanism which may contain electronic data shall be considered
21 reasonably related to the probation supervision. Whenever the warrantless
22 search consists of testing for the presence of illegal drugs, the probationer may
23 also be required to reimburse the Division of ~~Adult Correction and Juvenile~~
24 Justice-Community Corrections of the Department of Public Safety for the
25 actual cost of drug screening and drug testing, if the results are positive.

26 ...

27 (b3) Screening and Assessing for Chemical Dependency. – A defendant ordered to submit
28 to a period of residential treatment in the Drug Alcohol Recovery Treatment program (DART)
29 or the Black Mountain Substance Abuse Treatment Center for Women operated by the Division
30 of ~~Adult Correction and Juvenile Justice-Community Corrections~~ of the Department of Public
31 Safety must undergo a screening to determine chemical dependency. If the screening indicates
32 the defendant is chemically dependent, the court shall order an assessment to determine the
33 appropriate level of treatment. The assessment may be conducted either before or after the court
34 imposes the condition, but participation in the program shall be based on the results of the
35 assessment.

36 (b4) Intermediate Conditions. – The following conditions of probation apply to each
37 defendant subject to intermediate punishment:

38 (1) If required in the discretion of the defendant's probation officer, perform
39 community service under the supervision of the ~~Section- Division of~~
40 Community Corrections of the Division of Adult Correction and Juvenile
41 Justice and pay the fee required by G.S. 143B-708.

42 ...

43 (c) Statement of Conditions. – A defendant released on supervised probation must be
44 given a written statement explicitly setting forth the conditions on which the defendant is being
45 released. If any modification of the terms of that probation is subsequently made, the defendant
46 must be given a written statement setting forth the modifications.

47 Upon entry of an order of supervised probation by the court, a defendant shall submit to the
48 Division of ~~Adult Correction and Juvenile Justice-Community Corrections~~ for filing with the
49 clerk of superior court a signed document stating that:

50"

51 **SECTION 3.1.(#)** G.S. 15A-1343.2 reads as rewritten:

1 "§ 15A-1343.2. Special probation rules for persons sentenced under Article 81B.

2 ...

3 (b) Purposes of Probation for Community and Intermediate Punishments. – The Division
4 of ~~Adult Correction and Juvenile Justice~~ Community Corrections of the Department of Public
5 Safety shall develop a plan to handle offenders sentenced to community and intermediate
6 punishments. The probation program designed to handle these offenders shall have the following
7 principal purposes: to hold offenders accountable for making restitution, to ensure compliance
8 with the court's judgment, to effectively rehabilitate offenders by directing them to specialized
9 treatment or education programs, and to protect the public safety.

10 (b1) Departmental Risk Assessment by Validated Instrument Required. – As part of the
11 probation program developed by the Division of ~~Adult Correction and Juvenile Justice~~
12 Community Corrections of the Department of Public Safety pursuant to subsection (b) of this
13 section, the Division of ~~Adult Correction and Juvenile Justice~~ Community Corrections of the
14 Department of Public Safety shall use a validated instrument to assess each probationer for risk
15 of reoffending and shall place a probationer in a supervision level based on the probationer's risk
16 of reoffending and criminogenic needs.

17 ...

18 (e) Delegation to Probation Officer in Community Punishment. – Unless the presiding
19 judge specifically finds in the judgment of the court that delegation is not appropriate, the ~~Section~~
20 Division of Community Corrections of the ~~Division of Adult Correction and Juvenile Justice~~ of
21 the Department of Public Safety may require an offender sentenced to community punishment to
22 do any of the following:

23 ...

24 If the ~~Section~~ Division imposes any of the above requirements, then it may subsequently reduce
25 or remove those same requirements.

26 The probation officer may exercise authority delegated to him or her by the court pursuant to
27 subsection (e) of this section after administrative review and approval by a Chief Probation
28 Officer. The offender may file a motion with the court to review the action taken by the probation
29 officer. The offender shall be given notice of the right to seek such a court review. However, the
30 offender shall have no right of review if he or she has signed a written waiver of rights as required
31 by this subsection. The ~~Section~~ Division may exercise any authority delegated to it under this
32 subsection only if it first determines that the offender has failed to comply with one or more of
33 the conditions of probation imposed by the court or the offender is determined to be high risk
34 based on the results of the risk assessment in G.S. 15A-1343.2, except that the condition at
35 subdivision (5) of this subsection may not be imposed unless the ~~Section~~ Division determines
36 that the offender failed to comply with one or more of the conditions imposed by the court.
37 Nothing in this section shall be construed to limit the availability of the procedures authorized
38 under G.S. 15A-1345.

39 The Division shall adopt guidelines and procedures to implement the requirements of this
40 section, which shall include a supervisor's approval prior to exercise of the delegation of authority
41 authorized by this section. Prior to imposing confinement pursuant to subdivision (5) of this
42 subsection, the probationer must first be presented with a violation report, with the alleged
43 violations noted and advised of the right (i) to a hearing before the court on the alleged violation,
44 with the right to present relevant oral and written evidence; (ii) to have counsel at the hearing,
45 and that one will be appointed if the probationer is indigent; (iii) to request witnesses who have
46 relevant information concerning the alleged violations; and (iv) to examine any witnesses or
47 evidence. The probationer may be confined for the period designated on the violation report upon
48 the execution of a waiver of rights signed by the probationer and by two officers acting as
49 witnesses. Those two witnesses shall be the probation officer and another officer to be designated
50 by the ~~Chief Director~~ of the Community Corrections ~~Section~~ Division in written Division policy.

1 (f) Delegation to Probation Officer in Intermediate Punishments. – Unless the presiding
2 judge specifically finds in the judgment of the court that delegation is not appropriate, the ~~Section~~
3 Division of Community Corrections ~~of the Division of Adult Correction and Juvenile Justice~~ of
4 the Department of Public Safety may require an offender sentenced to intermediate punishment
5 to do any of the following:

6 ...

7 (6) Submit to a period or periods of confinement in a local confinement facility
8 for a total of no more than six days per month during any three separate
9 months during the period of probation. The six days per month confinement
10 provided for in this subdivision may only be imposed as two-day or three-day
11 consecutive periods. When a defendant is on probation for multiple
12 judgments, confinement periods imposed under this subdivision shall run
13 concurrently and may total no more than six days per month. If the person
14 being ordered to a period or periods of confinement is under the age of 18,
15 that person must be confined in a detention facility approved by the Division
16 of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile~~
17 ~~Justice~~ to provide secure confinement and care for juveniles or to a holdover
18 facility as defined in G.S. 7B-1501(11). If the person being ordered to a period
19 or periods of confinement reaches the age of 18 years while in confinement,
20 the person may be transported by personnel of the Division of Juvenile Justice
21 ~~Section of the Division, Justice,~~ or personnel approved by the Juvenile Justice
22 Section, to the custody of the sheriff of the applicable local confinement
23 facility.

24 ...

25 If the ~~Section~~ Division of Community Corrections imposes any of the above requirements, then
26 it may subsequently reduce or remove those same requirements.

27 The probation officer may exercise authority delegated to him or her by the court pursuant to
28 subsection (f) of this section after administrative review and approval by a Chief Probation
29 Officer. The offender may file a motion with the court to review the action taken by the probation
30 officer. The offender shall be given notice of the right to seek such a court review. However, the
31 offender shall have no right of review if he or she has signed a written waiver of rights as required
32 by this subsection. The ~~Section~~ Division may exercise any authority delegated to it under this
33 subsection only if it first determines that the offender has failed to comply with one or more of
34 the conditions of probation imposed by the court or the offender is determined to be high risk
35 based on the results of the risk assessment in G.S. 15A-1343.2, except that the condition at
36 subdivision (6) of this subsection may not be imposed unless the ~~Section~~ Division determines
37 that the offender failed to comply with one or more of the conditions imposed by the court.
38 Nothing in this section shall be construed to limit the availability of the procedures authorized
39 under G.S. 15A-1345.

40 The Division shall adopt guidelines and procedures to implement the requirements of this
41 section, which shall include a supervisor's approval prior to exercise of the delegation of authority
42 authorized by this section. Prior to imposing confinement pursuant to subdivision (6) of this
43 subsection, the probationer must first be presented with a violation report, with the alleged
44 violations noted and advised of the right (i) to a hearing before the court on the alleged violation,
45 with the right to present relevant oral and written evidence; (ii) to have counsel at the hearing,
46 and that one will be appointed if the probationer is indigent; (iii) to request witnesses who have
47 relevant information concerning the alleged violations; and (iv) to examine any witnesses or
48 evidence. The probationer may be confined for the period designated on the violation report upon
49 the execution of a waiver of rights signed by the probationer and by two officers acting as
50 witnesses. Those two witnesses shall be the probation officer and another officer to be designated
51 by the ~~Chief Director~~ of the Community Corrections ~~Section~~ Division in written Division policy.

1"

2 **SECTION 3.1.(#)** G.S. 15A-1351(a) reads as rewritten:

3 "(a) The judge may sentence to special probation a defendant convicted of a criminal
4 offense other than impaired driving under G.S. 20-138.1, if based on the defendant's prior record
5 or conviction level as found pursuant to Article 81B of this Chapter, an intermediate punishment
6 is authorized for the class of offense of which the defendant has been convicted. A defendant
7 convicted of impaired driving under G.S. 20-138.1 may also be sentenced to special probation.
8 Under a sentence of special probation, the court may suspend the term of imprisonment and place
9 the defendant on probation as provided in Article 82, Probation, and in addition require that the
10 defendant submit to a period or periods of imprisonment in the custody of the Division of Prisons
11 of the Department of Adult Correction and Juvenile Justice of the Department of Public Safety
12 or a designated local confinement or treatment facility at whatever time or intervals within the
13 period of probation, consecutive or nonconsecutive, the court determines, as provided in this
14 subsection. For probationary sentences for misdemeanors, including impaired driving under
15 G.S. 20-138.1, all imprisonment under this subsection shall be in a designated local confinement
16 or treatment facility. If the person being ordered to a period or periods of imprisonment is under
17 the age of 18, that person must be imprisoned in a detention facility approved by the Division of
18 Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice to provide
19 secure confinement and care for juveniles or to a holdover facility as defined in
20 G.S. 7B-1501(11). If the person being ordered to a period or periods of imprisonment reaches
21 the age of 18 years while imprisoned, the person may be transported by personnel of the Division
22 of Juvenile Justice Section of the Division, Justice, or personnel approved by the Division of
23 Juvenile Justice Section, Justice, to the custody of the sheriff of the applicable local confinement
24 facility. In addition to any other conditions of probation which the court may impose, the court
25 shall impose, when imposing a period or periods of imprisonment as a condition of special
26 probation, the condition that the defendant obey the Rules and Regulations of the Division of
27 Prisons of the Department of Adult Correction and Juvenile Justice of the Department of Public
28 Safety governing conduct of inmates, and this condition shall apply to the defendant whether or
29 not the court imposes it as a part of the written order. Except for probationary sentences for
30 misdemeanors, including impaired driving under G.S. 20-138.1, if imprisonment is for
31 continuous periods, the confinement may be in the custody of either the Division of Adult
32 Correction and Juvenile Justice of the Department of Public Safety or a local confinement
33 facility. Noncontinuous periods of imprisonment under special probation may only be served in
34 a designated local confinement or treatment facility. If the person being ordered continuous or
35 noncontinuous periods of imprisonment is under the age of 18, that person must be imprisoned
36 in a detention facility approved by the Division of Juvenile Justice Section of the Division of
37 Adult Correction and Juvenile Justice to provide secure confinement and care for juveniles or to
38 a holdover facility as defined in G.S. 7B-1501(11). If the person being ordered to a period or
39 periods of imprisonment reaches the age of 18 years while imprisoned, the person may be
40 transported by personnel of the Division of Juvenile Justice Section of the Division, Justice, or
41 personnel approved by the Juvenile Justice Section, Division, to the custody of the sheriff of the
42 applicable local confinement facility. Except for probationary sentences of impaired driving
43 under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special
44 probation, but not including an activated suspended sentence, may not exceed one-fourth the
45 maximum sentence of imprisonment imposed for the offense, and no confinement other than an
46 activated suspended sentence may be required beyond two years of conviction. For probationary
47 sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement
48 imposed as an incident of special probation, but not including an activated suspended sentence,
49 shall not exceed one-fourth the maximum penalty allowed by law. In imposing a sentence of
50 special probation, the judge may credit any time spent committed or confined, as a result of the
51 charge, to either the suspended sentence or to the imprisonment required for special probation.

1 The original period of probation, including the period of imprisonment required for special
2 probation, shall be as specified in G.S. 15A-1343.2(d), but may not exceed a maximum of five
3 years, except as provided by G.S. 15A-1342(a). The court may revoke, modify, or terminate
4 special probation as otherwise provided for probationary sentences."

5 **SECTION 3.1.(#)** G.S. 15A-1352 reads as rewritten:

6 "**§ 15A-1352. Commitment to Division of Prisons of the Department of Adult Correction**
7 **and Juvenile Justice of the Department of Public Safety or local confinement**
8 **facility.**

9 (a) Except as provided in subsection (f) of this section, a person sentenced to
10 imprisonment for a misdemeanor under this Article or for nonpayment of a fine for conviction
11 of a misdemeanor under Article 84 of this Chapter shall be committed for the term designated by
12 the court to the Statewide Misdemeanant Confinement Program as provided in G.S. 148-32.1 or,
13 if the period is for 90 days or less, to a local confinement facility, except as provided for in
14 G.S. 148-32.1(b).

15 If a person is sentenced to imprisonment for a misdemeanor under this Article or for
16 nonpayment of a fine under Article 84 of this Chapter, the sentencing judge may make a finding
17 of fact as to whether the person would be suitable for placement in a county satellite jail/work
18 release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of
19 fact that the person would be suitable for placement in a county satellite jail/work release unit
20 and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the custodian of the
21 local confinement facility may transfer the misdemeanant to a county satellite jail/work release
22 unit.

23 If the person sentenced to imprisonment is under the age of 18, the person must be committed
24 to a detention facility approved by the Division of Juvenile Justice ~~Section of the Division of~~
25 ~~Adult Correction and Juvenile Justice~~ to provide secure confinement and care for juveniles.
26 Personnel of the Division of Juvenile Justice ~~Section of the Division~~ or personnel approved by
27 the Division of Juvenile Justice ~~Section~~ shall transport the person to the detention facility. If the
28 person sentenced to imprisonment reaches the age of 18 years while imprisoned, the person may
29 be transported by personnel of the Juvenile Justice ~~Section of the Division~~, or personnel approved
30 by the Juvenile Justice ~~Section, Division~~, to the custody of the sheriff of the applicable local
31 confinement facility.

32 (b) A person sentenced to imprisonment for a felony under this Article or for nonpayment
33 of a fine for conviction of a felony under Article 84 of this Chapter shall be committed for the
34 term designated by the court to the custody of the Division of Prisons of the Department of Adult
35 ~~Correction and Juvenile Justice of the Department of Public Safety, Correction.~~

36 ...

37 (f) A person sentenced to imprisonment of any duration for impaired driving under
38 G.S. 20-138.1, other than imprisonment required as a condition of special probation under
39 G.S. 15A-1351(a) or G.S. 15A-1344(e), shall be committed to the Statewide Misdemeanant
40 Confinement Program established under G.S. 148-32.1.

41 If the person sentenced to imprisonment is under the age of 18, the person must be committed
42 to a detention facility approved by the Division of Juvenile Justice ~~Section of the Division of~~
43 ~~Adult Correction and Juvenile Justice~~ to provide secure confinement and care for juveniles.
44 Personnel of the Division of Juvenile Justice ~~Section~~ or personnel approved by the Division of
45 Juvenile Justice ~~Section~~ shall transport the person to the detention facility. If the person sentenced
46 to imprisonment reaches the age of 18 years while imprisoned, the person may be transported by
47 personnel of the Division of Juvenile Justice ~~Section of the Division, Justice~~, or personnel
48 approved by the Division of Juvenile Justice ~~Section, Justice~~, to the custody of the sheriff of the
49 applicable local confinement facility."

50 **SECTION 3.1.(#)** G.S. 15A-1368.6 reads as rewritten:

51 "**§ 15A-1368.6. Arrest and hearing on post-release supervision violation.**

1 ...

2 (c) Officers to Conduct Preliminary Hearing. – The preliminary hearing on post-release
3 supervision violation shall be conducted by a judicial official, or by a hearing officer designated
4 by the Commission. A person employed by the Division of ~~Adult Correction and Juvenile Justice~~
5 Community Corrections of the Department of Public Safety shall not serve as a hearing officer
6 at a hearing provided by this section unless that person is a member of the Commission, or is
7 employed solely as a hearing officer.

8 (d) Procedure for Preliminary Hearing. – The Division of ~~Adult Correction and Juvenile~~
9 ~~Justice-Community Corrections~~ of the Department of Public Safety shall give the supervisee
10 notice of the preliminary hearing and its purpose, including a statement of the violations alleged.
11 At the hearing, the supervisee may appear and speak in the supervisee's own behalf, may present
12 relevant information, and may, on request, personally question witnesses and adverse informants,
13 unless the hearing officer finds good cause for not allowing confrontation. If the person holding
14 the hearing determines there is probable cause to believe the supervisee violated conditions of
15 supervision, the hearing officer shall summarize the reasons for the determination and the
16 evidence relied on. Formal rules of evidence do not apply at the hearing. If probable cause is
17 found, the supervisee may be held in the custody of the Division of Prisons of the Department of
18 ~~Adult Correction and Juvenile Justice of the Department of Public Safety~~ to serve the appropriate
19 term of imprisonment, subject to the outcome of a revocation hearing under subsection (e) of this
20 section.

21 "

22 **SECTION 3.1.(#) G.S. 15A-1376 reads as rewritten:**

23 "**§ 15A-1376. Arrest and hearing on parole violation.**

24 ...

25 (c) Officers to Conduct Hearing. – The preliminary hearing on parole violation must be
26 conducted by a judicial official, or by a hearing officer designated by the Post-Release
27 Supervision and Parole Commission. No person employed by the Division of ~~Adult Correction~~
28 ~~and Juvenile Justice-Community Corrections~~ of the Department of Public Safety may serve as a
29 hearing officer at a hearing provided in this section unless he is a member of the Post-Release
30 Supervision and Parole Commission or is employed solely as a hearing officer.

31 (d) Procedure for Preliminary Hearing on Parole Violation. – The Division of ~~Adult~~
32 ~~Correction and Juvenile Justice-Community Corrections~~ of the Department of Public Safety must
33 give the parolee notice of the preliminary hearing and its purpose, including a statement of the
34 violations alleged. At the hearing, the parolee may appear and speak in his own behalf, may
35 present relevant information, and may, on request, personally question witnesses and adverse
36 informants, unless the hearing officer finds good cause for not allowing confrontation. If the
37 person holding the hearing determines there is probable cause to believe the parolee violated his
38 parole, he must summarize the reasons for his determination and the evidence he relied on.
39 Formal rules of evidence do not apply at the hearing. If probable cause is found, the parolee may
40 be held in the custody of the Division of Prisons of the Department of ~~Adult Correction and~~
41 ~~Juvenile Justice of the Department of Public Safety~~ to serve the appropriate term of
42 imprisonment, subject to the outcome of a revocation hearing under subsection (e).

43 "

44 **SECTION 3.1.(#) G.S. 15A-2000(e) reads as rewritten:**

45 "(e) Aggravating Circumstances. – Aggravating circumstances which may be considered
46 are limited to the following:

47 ...

48 (8) The capital felony was committed against a law-enforcement officer,
49 employee of the Division of Prisons of the Department of ~~Adult Correction~~
50 ~~and Juvenile Justice-Correction~~, an employee of the Division of Community
51 Corrections of the Department of Public Safety, jailer, fireman, judge or

1 justice, former judge or justice, prosecutor or former prosecutor, juror or
 2 former juror, or witness or former witness against the defendant, while
 3 engaged in the performance of his official duties or because of the exercise of
 4 his official duty.

5"

6 **SECTION 3.1.(#)** G.S. 17C-3 reads as rewritten:

7 **"§ 17C-3. North Carolina Criminal Justice Education and Training Standards Commission**
 8 **established; members; terms; vacancies.**

9 (a) There is established the North Carolina Criminal Justice Education and Training
 10 Standards Commission, hereinafter called "the Commission." The Commission shall be
 11 composed of ~~34~~35 members as follows:

12 ...

13 (3) Departments. – The Attorney General of the State of North Carolina; the
 14 Secretary of Public Safety; the Secretary of the Department of Adult
 15 Correction, the Director of the State Bureau of Investigation, the Commander
 16 of the State Highway Patrol, and the President of the North Carolina
 17 Community Colleges System.

18 ...

19 (6) ~~Adult Correction Prisons, Community Corrections, and Juvenile Justice.~~ –
 20 Four correctional officers in management positions ~~employed by the Division~~
 21 ~~of Adult Correction and Juvenile Justice of the Department of Public Safety~~
 22 shall be appointed, two from the ~~Section~~Division of Community Corrections
 23 of the Department of Public Safety upon the recommendation of the Speaker
 24 of the House of Representatives and two from the ~~Section of~~Division of
 25 Prisons of the Department of Adult Correction upon the recommendation of
 26 the President Pro Tempore of the Senate. Appointments by the General
 27 Assembly shall be made in accordance with G.S. 120-122. Appointments by
 28 the General Assembly shall serve two-year terms to conclude on June 30th in
 29 odd-numbered years or until the appointee no longer serves in a management
 30 position with the ~~Division of Adult Correction and Juvenile Justice, Division,~~
 31 whichever occurs first. The Governor shall appoint one correctional officer
 32 employed by the Division of Prisons of the Department of Adult Correction
 33 ~~and Juvenile Justice of the Department of Public Safety~~ and assigned to the
 34 Office of Staff Development and Training, and one juvenile justice officer
 35 employed by the Division of Juvenile Justice ~~Section of the Division of Adult~~
 36 ~~Correction and Juvenile Justice of the Department of Public Safety.~~ The
 37 Governor's appointments shall serve three-year terms or until the appointee is
 38 no longer assigned to the Office of Staff Development and Training or is no
 39 longer a juvenile justice officer, whichever occurs first.

40 (b) The members shall be appointed for staggered terms. The initial appointments shall
 41 be made prior to September 1, 1983, and the appointees shall hold office until July 1 of the year
 42 in which their respective terms expire and until their successors are appointed and qualified as
 43 provided hereafter:

44 ...

45 The Attorney General, the President of The University of North Carolina, the Dean of the
 46 School of Government at the University of North Carolina at Chapel Hill, the President of the
 47 North Carolina Community Colleges System, the Director of the State Bureau of Investigation,
 48 the Commander of the State Highway Patrol, and the Secretary of Public Safety shall be
 49 continuing members of the Commission during their tenure. These members of the Commission
 50 shall serve ex officio and shall perform their duties on the Commission in addition to the other
 51 duties of their offices. The ex officio members may elect to serve personally at any or all meetings

1 of the Commission or may designate, in writing, one member of their respective office,
 2 department, university or agency to represent and vote for them on the Commission at all
 3 meetings the ex officio members are unable to attend.

4"

5 **SECTION 3.1.(#)** G.S. 115D-5 reads as rewritten:

6 "**§ 115D-5. Administration of institutions by State Board of Community Colleges;**
 7 **personnel exempt from North Carolina Human Resources Act; extension**
 8 **courses; tuition waiver; in-plant training; contracting, etc., for establishment**
 9 **and operation of extension units of the community college system; use of existing**
 10 **public school facilities.**

11 ...

12 (b) In order to make instruction as accessible as possible to all citizens, the teaching of
 13 curricular courses and of noncurricular extension courses at convenient locations away from
 14 institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata
 15 portion of the established regular tuition rate charged a full-time student shall be charged a
 16 part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of
 17 Community Colleges shall establish a uniform registration fee, or a schedule of uniform
 18 registration fees, to be charged students enrolling in extension courses for which instruction is
 19 financed primarily from State funds. The State Board of Community Colleges may provide by
 20 general and uniform regulations for waiver of tuition and registration fees for the following:

21 ...

22 (2) Courses requested by the following entities that support the organizations'
 23 training needs and are on a specialized course list approved by the State Board
 24 of Community Colleges:

25 ...

26 g. The Division of Prisons of the Department of Adult Correction and the
 27 Division of Juvenile Justice of the Department of Public Safety for the
 28 training of full-time custodial employees and employees of the
 29 ~~Division~~ Divisions required to be certified under Article 1 of Chapter
 30 17C of the General Statutes and the rules of the Criminal Justice and
 31 Training Standards Commission.

32"

33 **SECTION 3.1.(#)** G.S. 115C-112.1(b) reads as rewritten:

34 "(b) The Council shall consist of a minimum of 24 members to be appointed as follows:
 35 four ex officio members; one individual with a disability and one representative of a private
 36 school appointed by the Governor; one member of the Senate and one parent of a child with a
 37 disability between the ages of birth and 26 appointed by the President Pro Tempore of the Senate;
 38 one member of the House of Representatives and one parent of a child with a disability appointed
 39 by the Speaker of the House of Representatives; and 14 members appointed by the State Board
 40 of Education. The State Board shall appoint members who represent individuals with disabilities,
 41 teachers, local school administrative units, institutions of higher education that prepare special
 42 education and related services personnel, administrators of programs for children with
 43 disabilities, charter schools, parents of children with disabilities, a State or local official who
 44 carries out activities under the federal McKinney-Vento Homeless Assistance Act, vocational,
 45 community, or business organizations concerned with the provision of transition services, and
 46 others as required by IDEA. The majority of members on the Council shall be individuals with
 47 disabilities or parents of children with disabilities. The Council shall designate a chairperson
 48 from among its members. The designation of the chairperson is subject to the approval of the
 49 State Board of Education. The Board shall adopt rules to carry out this subsection.

50 Ex officio members of the Council shall be the following:

51 (1) The Secretary of Health and Human Services or the Secretary's designee.

- 1 (2) The Secretary of Public Safety or the Secretary's designee.
- 2 (3) The Secretary of ~~Public Safety~~ Adult Correction or the Secretary's designee.
- 3 (4) The Superintendent of Public Instruction or the Superintendent's designee.

4 The term of appointment for all members except those appointed by the State Board of
 5 Education is two years. The term for members appointed by the State Board of Education is four
 6 years. No person shall serve more than two consecutive four-year terms.

7 Each Council member shall serve without pay, but shall receive travel allowances and per
 8 diem in the same amount provided for members of the North Carolina General Assembly."

9 **SECTION 3.1.(#)** G.S. 120-12.1 reads as rewritten:

10 **"§ 120-12.1. Reports on vacant positions in the ~~Judicial Department and two other various~~**
 11 **departments.**

12 The Judicial Department, the Department of Justice, ~~the Department of Adult Correction~~, and
 13 the Department of Public Safety shall each report by February 1 of each year to the Chairs of the
 14 House and Senate Appropriations Committees and the Chairs of the House and Senate
 15 Appropriations Subcommittees on Justice and Public Safety on all positions within that
 16 department that have remained vacant for 12 months or more. The report shall include the original
 17 position vacancy dates, the dates of any postings or repostings of the positions, and an
 18 explanation for the length of the vacancies."

19 **SECTION 3.1.(#)** G.S. 120-70.94(a) reads as rewritten:

20 "(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall
 21 examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems
 22 in North Carolina, in order to make ongoing recommendations to the General Assembly on ways
 23 to improve those systems and to assist those systems in realizing their objectives of protecting
 24 the public and of punishing and rehabilitating offenders. In this examination, the Committee
 25 shall:

- 26 (1) Study the budget, programs, and policies of the Department of Public Safety
 27 and the Department of Adult Correction to determine ways in which the
 28 General Assembly may improve the effectiveness of the
 29 ~~Department.~~Departments.
- 30 (2) Examine the effectiveness of the Division of Prisons of the Department of
 31 Adult Correction ~~and Juvenile Justice of the Department of Public Safety~~ in
 32 implementing the public policy stated in G.S. 148-26 of providing work
 33 assignments and employment for inmates as a means of reducing the cost of
 34 maintaining the inmate population while enabling inmates to acquire or retain
 35 skills and work habits needed to secure honest employment after their release.
 36 ...
- 37 (2b) Examine the effectiveness of the Division of ~~Adult Correction and Juvenile~~
 38 ~~Justice of the Department of Public Safety~~ in implementing the duties and
 39 responsibilities charged to the Division in Part 3 of Article 13 of Chapter 143B
 40 of the General Statutes and the overall effectiveness and efficiency of the
 41 juvenile justice system in the State.
 42 ...
- 43 (10) Study the needs of juveniles. This study may include, but is not limited to:
 44 a. Determining the adequacy and appropriateness of services:
 45 1. To children and youth receiving child welfare
 46 ~~services;~~services.
 47 2. To children and youth in the juvenile court ~~system;~~system.
 48 3. Provided by the Division of Social Services of the Department
 49 of Health and Human Services and the Division of ~~Adult~~
 50 ~~Correction and Juvenile Justice of the Department of Public~~
 51 ~~Safety;~~Safety.

4. To children and youth served by the Mental Health, Developmental Disabilities, and Substance Abuse Services system.

...."

SECTION 3.1.(#) The title of Part 10 of Article 5 of Chapter 122C of the General Statutes reads as rewritten:

"Part 10. Voluntary Admissions, Involuntary Commitments and Discharges, Inmates and Parolees, Division of ~~Adult Correction and Juvenile Justice of the Department of Public Safety~~. Prisons of the Department of Adult Correction."

SECTION 3.1.(#) G.S. 122C-421(b) reads as rewritten:

"(b) These special police officers may exercise any and all of the powers enumerated in this Part upon or in pursuit from the property formerly occupied by the Black Mountain Center and now occupied by the Division of ~~Adult Correction~~ Community Corrections of the Department of Public Safety. These special police officers shall exercise said powers upon the property transferred to the Division of ~~Adult Correction~~ Community Corrections of the Department of Public Safety only by agreement of the Division of ~~Adult Correction~~ Community Corrections of the Department of Public Safety and the Department of Health and Human Services."

SECTION 3.1.(#) G.S. 143-138(g) reads as rewritten:

"(g) Publication and Distribution of Code. — The Building Code Council shall cause to be printed, after adoption by the Council, the North Carolina State Building Code and each amendment thereto. It shall, at the State's expense, distribute copies of the Code and each amendment to State and local governmental officials, departments, agencies, and educational institutions, as is set out in the table below. (Those marked by an asterisk will receive copies only on written request to the Council.)

OFFICIAL OR AGENCY NUMBER OF COPIES
State Departments and Officials

Governor	1
Lieutenant Governor	1
Auditor	1
Treasurer	1
Secretary of State	1
Superintendent of Public Instruction.....	1
Attorney General (Library)	1

OFFICIAL OR AGENCY NUMBER OF COPIES

Commissioner of Labor.....	1
Commissioner of Insurance	1
Department of Environmental Quality.....	1
Department of Health and Human Services.....	1
Division of <u>Prisons of the Department of Adult Correction</u>	<u>1</u>
and <u>Division of Juvenile Justice of the</u>	
Department of Public Safety	1
Board of Transportation	1
Utilities Commission.....	1
Department of Administration	1
Clerk of the Supreme Court	1
Clerk of the Court of Appeals	1
Department of Natural and Cultural Resources [State	
Library]	1
Supreme Court Library	1
Legislative Library	1

1 Office of Administrative Hearings..... 1
 2 Rules Review Commission 1
 3 Schools
 4 All state-supported colleges and universities
 5 in the State of North Carolina * 1 each
 6 Local Officials
 7 Clerks of the Superior Courts..... 1 each
 8 Chief Building Inspector of each incorporated
 9 municipality or county 1

10 In addition, the Building Code Council shall make additional copies available at such price
 11 as it shall deem reasonable to members of the general public. The proceeds from sales of the
 12 Building Code shall be credited to the Insurance Regulatory Fund under G.S. 58-6-25."

13 **SECTION 3.1.(#)** G.S. 143-166.1 reads as rewritten:

14 **"§ 143-166.1. Purpose.**

15 In consideration of hazardous public service rendered to the people of this State, there is
 16 hereby provided a system of benefits for dependents of law-enforcement officers, firefighters,
 17 rescue squad workers, and senior Civil Air Patrol members killed in the discharge of their official
 18 duties, ~~and~~ for dependents of noncustodial employees of the Division of Prisons of the
 19 Department of Adult Correction and Juvenile Justice of the Department of Public Safety killed
 20 by an individual or individuals in the custody of the Division of Prisons of the Department of
 21 Adult Correction-Correction, and for dependents of noncustodial employees of the Division of
 22 Juvenile Justice of the Department of Public Safety killed by an individual or individuals in the
 23 custody of the Division of Juvenile Justice of the Department of Public Safety."

24 **SECTION 3.1.(#)** G.S. 143-166.2 reads as rewritten:

25 **"§ 143-166.2. Definitions.**

26 The following definitions apply in this Article:

- 27 (1) Covered person. – This term shall apply to all of the following individuals:
 28 a. Firefighters.
 29 b. Law enforcement officers.
 30 c. Noncustodial employees of either the Division of Adult Correction
 31 and Juvenile Justice of the Department of Public Safety-Safety or the
 32 Division of Prisons of the Department of Adult Correction.
 33 d. Rescue squad workers.
 34 e. Senior Civil Air Patrol members.
 35 (2) Custodial employee. – An employee of the either the Division of Prisons of
 36 the Department of Adult Correction and or the Division of Juvenile Justice of
 37 the Department of Public Safety who is a detention officer or a correctional
 38 officer or who otherwise has direct care and control over individuals in the
 39 custody of the Division of Prisons of the Department of Adult Correction and
 40 or the Division of Juvenile Justice of the Department of Public Safety.
 41 ...
 42 (6) Killed in the line of duty. – This term shall apply to all of the following deaths:
 43 ...
 44 c. The death of a noncustodial employee who, while performing his or
 45 her official duties, is killed in a manner reasonably determined by the
 46 Industrial Commission to be directly caused by an individual or
 47 individuals in the custody of either the Division of Prisons of the
 48 Department of Adult Correction and or the Division of Juvenile Justice
 49 of the Department of Public Safety.
 50 ...

- 1 (7) Law enforcement officer or officer. – This term shall apply to all of the
 2 following individuals:
 3 ...
 4 b. Full-time custodial employees of the Division of Prisons of the
 5 Department of Adult Correction and probation and parole officers of
 6 the ~~Division of Adult Correction and Juvenile Justice~~ Community
 7 Corrections of the Department of Public Safety.
 8 c. Full-time institutional and full-time, permanent part-time, and
 9 temporary detention employees of the Division of Juvenile Justice
 10 ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the
 11 Department of Public Safety.
 12 d. Full-time, permanent part-time, and temporary detention officers
 13 employed by any sheriff, county or municipality, whether paid or
 14 unpaid.
 15 ...
 16 (8) Noncustodial employee. – An employee of the Division of Prisons of the
 17 Department of Adult Correction ~~and~~ or the Division of Juvenile Justice of the
 18 Department of Public Safety who is not a custodial employee.

19"

20 **SECTION 3.1.(#)** G.S. 143-166.7 reads as rewritten:

21 "**§ 143-166.7. Applicability of Article.**

22 The provisions of this Article shall apply and be in full force and effect with respect to any
 23 law-enforcement officer, firefighter, rescue squad worker or senior Civil Air Patrol member
 24 killed in the line of duty on or after May 13, 1975. The provisions of this Article shall apply with
 25 respect to full-time, permanent part-time and temporary employees of the North Carolina Forest
 26 Service of the Department of Agriculture and Consumer Services killed in the line of duty on or
 27 after July 1, 1975. The provisions of this Article shall apply to county fire marshals and
 28 emergency services coordinators killed in the line of duty on and after July 1, 1988. The
 29 provisions of this Article shall apply to noncustodial employees of the Division of ~~Adult Prisons~~
 30 of the Department of Adult Correction and noncustodial employees of the Division of Juvenile
 31 Justice of the Department of Public Safety who are killed in the line of duty on and after April 1,
 32 2017."

33 **SECTION 3.1.(#)** G.S. 143-166.13(a) reads as rewritten:

34 "(a) The following persons who are subject to the Criminal Justice Training and Standards
 35 Act are entitled to benefits under this Article:

- 36 (1) State Government Security Officers, Department of
 37 ~~Administration;~~ Administration.
 38 (2) State Correctional Officers, Division of Prisons of the Department of Adult
 39 ~~Correction and Juvenile Justice of the Department of Public~~
 40 ~~Safety;~~ Correction.
 41 (3) State Probation and Parole Officers, Division of Adult Correction and Juvenile
 42 ~~Justice~~ Community Corrections of the Department of Public ~~Safety;~~ Safety.
 43 (4) Sworn State Law-Enforcement Officers with the power of arrest, Division of
 44 Adult Correction and Juvenile Justice of the Department of Public
 45 ~~Safety;~~ Safety.
 46 (5) Sworn Law Enforcement Officers in the Medicaid Fraud Unit of the
 47 Department of ~~Justice;~~ Justice.
 48 (6) State Highway Patrol Officers, Department of Public ~~Safety;~~ Safety.
 49 (7) General Assembly Special Police, General Assembly; Assembly.
 50 (8) Sworn State Law-Enforcement Officers with the power of arrest, Department
 51 of Health and Human ~~Services;~~ Services.

- 1 (9) Juvenile Justice Officers, Division of Juvenile Justice ~~Section of the Division~~
 2 ~~of Adult Correction and Juvenile Justice~~ of the Department of Public
 3 ~~Safety; Safety.~~
- 4 (10) Insurance Investigators, Department of ~~Insurance; Insurance.~~
- 5 (11) State Bureau of Investigation Officers and Alcohol Law Enforcement Agents,
 6 Department of Public ~~Safety; Safety.~~
- 7 (12) Director and Assistant Director, License and Theft Enforcement Section,
 8 Division of Motor Vehicles, Department of ~~Transportation; Transportation.~~
- 9 (13) Members of License and Theft Enforcement Section, Division of Motor
 10 Vehicles, Department of Transportation, designated by the Commissioner of
 11 Motor Vehicles as either "inspectors" or uniformed weigh station
 12 ~~personnel; personnel.~~
- 13 (14) Utilities Commission Transportation Inspectors and Special
 14 ~~Investigators; Investigators.~~
- 15 (15) North Carolina Ports Authority Police, Department of
 16 ~~Transportation; Transportation.~~
- 17 (16) Sworn State Law-Enforcement Officers with the power of arrest, Department
 18 of Environmental ~~Quality; Quality.~~

19"

20 **SECTION 3.1.(#)** G.S. 143B-179(a) reads as rewritten:

21 "(a) The Council on Developmental Disabilities of the Department of Health and Human
 22 Services shall consist of 32 members appointed by the Governor. The composition of the Council
 23 shall be as follows:

- 24 (1) Eleven members from the General Assembly and State government agencies
 25 as follows: One person who is a member of the Senate, one person who is a
 26 member of the House of Representatives, one representative of the
 27 Department of Public Instruction, one representative of the ~~Division~~
 28 Department of Adult Correction and Juvenile Justice of the ~~Department of~~
 29 ~~Public Safety, Correction,~~ and seven representatives of the Department of
 30 Health and Human Services to include the Secretary or his designee.

31"

32 **SECTION 3.1.(#)** G.S. 143B-1100 reads as rewritten:

33 "(a) There is hereby created the Governor's Crime Commission of the Department of
 34 Public Safety. The Commission shall consist of ~~37~~38 voting members and five nonvoting
 35 members. The composition of the Commission shall be as follows:

- 36 (1) The voting members shall be:
 37 a. The Governor, the Chief Justice of the Supreme Court of North
 38 Carolina (or the Chief Justice's designee), the Attorney General, the
 39 Director of the Administrative Office of the Courts, the Secretary of
 40 the Department of Health and Human Services, the Secretary of Public
 41 Safety (or the Secretary's designee), the Secretary of the Department
 42 of Adult Correction (or the Secretary's designee), and the
 43 Superintendent of Public Instruction;

44 ...

- 45 (2) The nonvoting members shall be the Director of the State Bureau of
 46 Investigation, the Deputy ~~Chief Director~~ of the Division of Juvenile Justice
 47 ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the
 48 Department of Public Safety who is responsible for Intervention/Prevention
 49 programs, the Deputy ~~Chief Director~~ of the Division of Juvenile Justice
 50 ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the
 51 Department of Public Safety who is responsible for Youth Development

1 programs, the ~~Section Chief of the Section~~ Director of Prisons of the ~~Division~~
 2 Department of Adult Correction and Juvenile Justice and ~~Correction~~, and the
 3 ~~Section Chief~~ Director of the ~~Section~~ Division of Community Corrections of
 4 the ~~Division of Adult Correction and Juvenile Justice~~ Department of Public
 5 Safety.

6 (b) The membership of the Commission shall be selected as follows:

7 (1) The following members shall serve by virtue of their office: the Governor, the
 8 Chief Justice of the Supreme Court, the Attorney General, the Director of the
 9 Administrative Office of the Courts, the Secretary of the Department of Health
 10 and Human Services, the Secretary of Public Safety, the Secretary of the
 11 Department of Adult Correction, the Director of the State Bureau of
 12 Investigation, the ~~Section Chief of the Section~~ Director of the ~~Division of~~
 13 ~~Prisons of the Division of Adult Correction and Juvenile Justice~~ Department
 14 of Adult Correction, the ~~Section Chief of the Section~~ Director of the ~~Division~~
 15 of Community Corrections of the ~~Division of Adult Correction and Juvenile~~
 16 ~~Justice~~ the Department of Public Safety, the Deputy ~~Chief~~ Director who is
 17 responsible for Intervention/Prevention of the Juvenile Justice ~~Section~~
 18 Division of the ~~Division of Adult Correction and Juvenile Justice of the~~
 19 Department of Public Safety, the Deputy ~~Chief~~ Director who is responsible
 20 for Youth Development of the Division of Juvenile Justice ~~Section of the~~
 21 ~~Division of Adult Correction and Juvenile Justice~~ of the Department of Public
 22 Safety, and the Superintendent of Public Instruction. Should the Chief Justice
 23 of the Supreme Court choose not to serve, his alternate shall be selected by
 24 the Governor from a list submitted by the Chief Justice which list must contain
 25 no less than three nominees from the membership of the Supreme Court.

26"

27 **SECTION 3.1.(#)** G.S. 148-4.1 reads as rewritten:

28 "**§ 148-4.1. Release of inmates.**

29 (a) Whenever the Secretary of ~~Public Safety~~ the Department of Adult Correction
 30 determines from data compiled by the Division of ~~Adult Correction and Juvenile Justice of the~~
 31 ~~Department of Public Safety~~ Prisons that it is necessary to reduce the prison population to a more
 32 manageable level or to meet the State's obligations under law, ~~he~~ the Secretary shall direct the
 33 Post-Release Supervision and Parole Commission to release on parole over a reasonable period
 34 of time a number of prisoners sufficient to that purpose. From the time the Secretary directs the
 35 Post-Release Supervision and Parole Commission until the prison population has been reduced
 36 to a more manageable level, the Secretary may not accept any inmates ordered transferred from
 37 local confinement facilities to the State prison system under G.S. 148-32.1(b). Further, the
 38 Secretary may return any inmate housed in the State prison system under an order entered
 39 pursuant to G.S. 148-32.1(b) to the local confinement facility from which the inmate was
 40 transferred. In order to meet the requirements of this section, the Parole Commission shall not
 41 parole any person convicted under Article 7B of Chapter 14 of a sex offense, under G.S. 14-39,
 42 14-41, or 14-43.3, under G.S. 90-95(h) of a drug trafficking offense, or under G.S. 14-17, or any
 43 other violent felon as defined in subsection (a1) of this section. The Parole Commission may
 44 continue to consider the suitability for release of such persons in accordance with the criteria set
 45 forth in Articles 85 and 85A of Chapter 15A.

46 (a1) Notwithstanding any other provision of this section, the Division of Prisons of the
 47 Department of Adult Correction and Juvenile Justice ~~of the Department of Public Safety~~ shall at
 48 all times secure the necessary prison space to house any violent felon or habitual felon for the
 49 full active sentence imposed by the court. For purposes of this subsection, the term "violent felon"
 50 means any person convicted of the following felony offenses: first or second degree murder,
 51 voluntary manslaughter, first or second degree rape, first or second degree sexual offense, any

1 sexual offense involving a minor, robbery, kidnapping, or assault, or attempting, soliciting, or
2 conspiring to commit any of those offenses.

3"

4 **SECTION 3.1.(#)** G.S. 148-29 reads as rewritten:

5 "**§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's**
6 **expense affidavit.**

7 (a) The sheriff having in charge any prisoner to be taken to the State prison system shall
8 send the prisoner to the custody of the Division of Prisons of the Department of Adult Correction
9 ~~and Juvenile Justice of the Department of Public Safety~~ after sentencing and the disposal of all
10 pending charges against the prisoner, if no appeal has been taken. Beginning on the day after the
11 ~~Section of Prisons of the Division of Adult Correction and Juvenile Justice~~ has been notified by
12 the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that
13 bedspace is not available for that prisoner, and continuing through the day the prisoner is received
14 by the ~~Section of Prisons of the Division of Adult Correction and Juvenile Justice~~, Division, the
15 ~~Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~ shall pay
16 the county:

- 17 (1) A standard sum set by the General Assembly in its appropriations acts for the
18 cost of providing food, clothing, personal items, supervision, and necessary
19 ordinary medical services to the prisoner awaiting transfer to the State prison
20 system; and
21 (2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by
22 prisoners awaiting transfer to the State prison system.

23 If the ~~Section of Prisons of the Division of Adult Correction and Juvenile Justice~~ determines that
24 bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner
25 is ready for transfer, reimbursement under this subsection shall be made beginning on the day
26 after the sheriff gave the notification.

27 (b) The sheriff having in charge any parolee or post-release supervisee to be taken to the
28 State prison system shall send the prisoner to the custody of the Division of Prisons of the
29 Department of Adult Correction and Juvenile Justice of the Department of Public Safety after
30 preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the day
31 after the ~~Section of Prisons of the Division of Adult Correction and Juvenile Justice~~ has been
32 notified by the sheriff that a prisoner is ready for transfer and the Division has informed the
33 sheriff that bedspace is not available for that prisoner, and continuing through the day the prisoner
34 is received by the ~~Section of Prisons of the Division of Adult Correction and Juvenile Justice~~,
35 Division, the ~~Division of Adult Correction and Juvenile Justice of the Department of Public~~
36 ~~Safety~~ shall pay the county:

- 37 (1) A standard sum set by the General Assembly in its appropriations acts for the
38 cost of providing food, clothing, personal items, supervision, and necessary
39 ordinary medical services to the parolee or post-release supervisee awaiting
40 transfer to the State prison system; and
41 (2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by
42 parolees or post-release supervisees awaiting transfer to the State prison
43 system.

44 If the ~~Section of Prisons of the Division of Adult Correction and Juvenile Justice~~ determines that
45 bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner
46 is ready for transfer, reimbursement under this subsection shall be made beginning on the day
47 after the sheriff gave the notification.

48"

49 **SECTION 3.1.(#)** G.S. 148-32.3 reads as rewritten:

50 "**§ 148-32.3. Inmate Construction Program.**

1 Notwithstanding any other provision of law, but subject to the provisions of this Article, the
 2 State Construction Office may utilize inmates in the custody of the Division of ~~Adult Correction~~
 3 ~~Prisons~~ of the Department of ~~Public Safety-Adult Correction~~ through the Inmate Construction
 4 Program for repair and renovation projects on State-owned facilities, with priority given to
 5 Department of ~~Public Safety-Adult Correction~~ construction projects. State agencies utilizing the
 6 Inmate Construction Program shall reimburse the Division of ~~Prisons of the Department of Adult~~
 7 ~~Correction of the Department of Public Safety~~ for the cost of transportation, custody, and wages
 8 for the inmate crews."

9 **SECTION 3.1.(#)** G.S. 148-40 reads as rewritten:

10 **"§ 148-40. Recapture of escaped prisoners.**

11 The rules and regulations for the government of the State prison system may provide for the
 12 recapture of convicts that may escape, or any convicts that may have escaped from the State's
 13 prison or prison camps, or county road camps of this State, and the Division of ~~Adult Correction~~
 14 ~~and Juvenile Justice-Prisons~~ of the Department of ~~Public Safety-Adult Correction~~ may pay to any
 15 person recapturing an escaped convict such reward or expense of recapture as the regulations
 16 may provide. Any citizen of North Carolina shall have authority to apprehend any convict who
 17 may escape before the expiration of ~~his~~ the convict's term of imprisonment whether ~~he~~ the convict
 18 be guilty of a felony or misdemeanor, and retain ~~him~~ the convict in custody and deliver ~~him~~ the
 19 convict to the Division of ~~Adult Correction and Juvenile Justice-Prisons~~ of the Department of
 20 ~~Public Safety-Adult Correction.~~"

21 **SECTION 3.1.(#)** G.S. 148-128 reads as rewritten:

22 **"§ 148-128. Authorization for Correction Enterprises.**

23 The ~~Section-Division~~ of Correction Enterprises ~~of the Division of Adult Correction and~~
 24 ~~Juvenile Justice~~ is established as a division of the ~~Division-Department~~ of ~~Adult Correction and~~
 25 ~~Juvenile Justice of the Department of Public Safety- Correction.~~ The ~~Section-Division~~ of
 26 Correction Enterprises ~~of the Division of Adult Correction and Juvenile Justice~~ may develop and
 27 operate industrial, agricultural, and service enterprises that employ incarcerated offenders in an
 28 effort to provide them with meaningful work experiences and rehabilitative opportunities that
 29 will increase their employability upon release from prison. Enterprises operated under this Article
 30 shall be known as "Correction Enterprises.""

31 **SECTION 3.1.(#)** G.S. 150B-1(e) reads as rewritten:

32 "(e) Exemptions From Contested Case Provisions. – The contested case provisions of this
 33 Chapter apply to all agencies and all proceedings not expressly exempted from the Chapter. The
 34 contested case provisions of this Chapter do not apply to the following:

35 ...

36 (7) The Division of ~~Adult Correction and Juvenile Justice of the Department of~~
 37 ~~Public Safety-Prisons~~ of the Department of Adult Correction.

38"

39 **SECTION 3.1.(#)** G.S. 153A-218 reads as rewritten:

40 **"§ 153A-218. County confinement facilities.**

41 A county may establish, acquire, erect, repair, maintain, and operate local confinement
 42 facilities and may for these purposes appropriate funds not otherwise limited as to use by law.
 43 Subject to the holdover provisions in G.S. 7B-2204, no person under the age of 18 may be held
 44 in a county confinement facility unless there is an agreement between the county confinement
 45 facility and the Division of ~~Adult Correction and Juvenile Justice~~ allowing the housing of persons
 46 under the age of 18 at the facility or a portion of the facility that has been approved as a juvenile
 47 detention facility by the ~~Division of Juvenile Justice-Section-Justice.~~ A juvenile detention facility
 48 may be located in the same facility as a county jail provided that the juvenile detention facility
 49 meets the requirements of this Article and G.S. 147-33.40."

50 **SECTION 3.1.(#)** G.S. 162-39(b1) reads as rewritten:

1 "~~(b1) The Department of Public Safety, Health Services Section, Division of Health~~
2 ~~Services of the Department of Adult Correction~~ shall maintain records of prisoners transferred to
3 a unit of the State prison system pursuant to subsection (b) of this section. The records shall
4 utilize unique identifiers for each transferred prisoner and shall include all of the following
5 information:

6 "

7 **SECTION 3.1.(#) G.S. 164-40 reads as rewritten:**

8 "**§ 164-40. Correction population simulation model; ~~Juvenile Justice Section of the Division~~**
9 **~~of Adult Correction and Juvenile Justice of the Department of Public Safety~~**
10 **juvenile justice facilities population simulation model.**

11 (a) The Commission shall develop a correctional population simulation model, and shall
12 have first priority to apply the model to a given fact situation, or theoretical change in the
13 sentencing laws, when requested to do so by the Chairman, the Executive Director, or the
14 Commission as a whole.

15 The Executive Director or the Chairman shall make the model available to respond to
16 inquiries by any State legislator, or by the Secretary of ~~Public Safety, the Department of Adult~~
17 ~~Correction~~, in second priority to the work of the Commission.

18 (b) The Commission shall develop a ~~Juvenile Justice Section of the Division of Adult~~
19 ~~Correction and Juvenile Justice of the Department of Public Safety~~ facilities population
20 simulation ~~model, model for juvenile justice facilities~~ and shall have first priority to apply the
21 model to a given fact situation, or theoretical change in the dispositional laws set forth in Chapter
22 7B of the General Statutes, when requested to do so by the Chairman, the Executive Director, or
23 the Commission as a whole.

24 The Executive Director or the Chairman shall make the model available to respond to
25 inquiries by any State legislator, or by the ~~Division of Juvenile Justice Section of the Division of~~
26 ~~Adult Correction and Juvenile Justice~~ of the Department of Public Safety, in second priority to
27 the work of the Commission."

28 **SECTION 3.1.(#) G.S. 164-43 reads as rewritten:**

29 "**§ 164-43. Priority of duties; reports; continuing duties.**

30 ...

31 (d) Once the primary duties of the Commission have been accomplished, it shall have the
32 continuing duty to monitor and review the criminal justice and corrections systems and the
33 juvenile justice system in this State to ensure that sentences and dispositions remain uniform and
34 consistent, and that the goals and policies established by the State are being implemented by
35 sentencing and dispositional practices, and it shall recommend methods by which this ongoing
36 work may be accomplished and by which the correctional population simulation model and the
37 ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the~~
38 ~~Department of Public Safety~~ juvenile justice facilities population simulation model developed
39 under G.S. 164-40 shall continue to be used by the State.

40 ...

41 (h) The Commission or its successor shall meet within 10 days after the last day for filing
42 general bills in the General Assembly for the purpose of reviewing bills as described in
43 subsections (e), (f), and (g). The Commission or its successor shall include in its report on a bill
44 an analysis based on an application of the correctional population simulation model or the
45 ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the~~
46 ~~Department of Public Safety~~ juvenile justice facilities population simulation model to the
47 provisions of the bill."

48 **SECTION 3.1.(#) G.S. 164-47 reads as rewritten:**

49 "**§ 164-47. Biennial Report on Recidivism.**

50 The Judicial Department, through the North Carolina Sentencing and Policy Advisory
51 Commission, the Division of Prisons of the Department of Adult Correction, and the Division of

1 ~~Adult Correction and Juvenile Justice~~ Community Corrections of the Department of Public
2 Safety shall jointly conduct ongoing evaluations of community corrections programs and
3 in-prison treatment programs and make a biennial report to the General Assembly. The report
4 shall include composite measures of program effectiveness based on recidivism rates, other
5 outcome measures, and costs of the programs.

6 During the 1998-99 fiscal year, the Sentencing and Policy Advisory Commission shall
7 coordinate the collection of all data necessary to create an expanded database containing offender
8 information on prior convictions, current conviction and sentence, program participation, and
9 outcome measures. Each program to be evaluated shall assist the Commission in the development
10 of systems and collection of data necessary to complete the evaluation process. The first
11 evaluation report shall be presented to the Chairs of the Senate and House Appropriations
12 Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice
13 and Public Safety by April 15, 2000, and future reports shall be made by April 15 of each
14 even-numbered year."
15

16 APPROPRIATIONS AND EFFECTIVE DATE

17 **SECTION 4.1.** There is appropriated from the General Fund to the Department of
18 Adult Correction the following:

- 19 (1) The sum of five million four hundred thousand dollars (\$5,400,000) in
20 recurring funds for the 2021-2023 fiscal biennium; and
- 21 (2) The sum of one million six hundred thousand dollars (\$1,600,000) in
22 nonrecurring funds for the 2021-2022 fiscal year.

23 **SECTION 4.2.** This act becomes effective July 1, 2021.