A BILL TO BE ENTITLED
AN ACT TO CREATE THE DEPARTMENT OF ADULT CORRECTION, TO CREATE THE DIVISION OF JUVENILE JUSTICE AND THE DIVISION OF COMMUNITY CORRECTIONS IN THE DEPARTMENT OF PUBLIC SAFETY, TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES, AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

PART I. DEPARTMENT OF ADULT CORRECTION

ESTABLISH THE DEPARTMENT OF ADULT CORRECTION

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

(1) Prisons Section.

(2) Alcohol and Chemical Dependency Treatment Program except the DART-Cherry and the Black Mountain Substance Abuse Treatment Center for Women.

(3) Health Services Section.

(4) Correction Enterprises Section.

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

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


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

…

(12) Department of Adult Correction."

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

"§ 143B-6. Principal departments.

In addition to the principal departments enumerated in the Executive Organization Act of 1971, all executive and administrative powers, duties, and functions not including those of the General Assembly and its agencies, the General Court of Justice and the administrative agencies created pursuant to Article IV of the Constitution of North Carolina, and higher education
previously vested by law in the several State agencies, are vested in the following principal
departments:

…
(14) Department of Adult Correction."

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

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

…
o. Department of Adult Correction."

STATUTORY CHANGES CREATING THE DEPARTMENT OF ADULT
CORRECTION

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

"Article 16.
"Department of Adult Correction.

"§ 143B-1440. Organization.
There is established the Department of Adult Correction. The Department shall perform all
functions of the executive branch of the State in relation to the detention and correction of adult
offenders.

"§ 143B-1442. Powers and duties of the Secretary.
The head of the Department is the Secretary of the Department of Adult Correction. The
Secretary shall have the powers and duties as are conferred on the Secretary by this Article,
delegated to the Secretary by the Governor, and conferred on the Secretary by the Constitution
and laws of this State. The Secretary is authorized to adopt rules and procedures for the
implementation of this Article.

"§ 143B-1444. Definitions.
As used in this Article, the following meanings shall apply:

(1) Department. – The Department of Adult Correction.
(2) Justice and Public Safety Appropriations Committees. – The Senate
Appropriations Committee on Justice and Public Safety and the House of
Representatives Appropriations Committee on Justice and Public Safety.
(3) Program. – The Alcoholism and Chemical Dependency Treatment Program.
(4) Secretary. – The Secretary of the Department of Adult Correction."

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

SECTION 1.2.(#) G.S. 143B-711 is repealed. G.S. 143B-630 of Part 1A of Article
13 of Chapter 143B and G.S. 701-705, 707, 707.4, and 709 of Subpart A of Part 2 of Article 13
of Chapter 143B are recodified as Part 2 of Article 16 of Chapter 143B of the General Statutes as
follows:
SECTION 1.2(#) G.S. 143B-707.5 through 707.10 of Subpart A of Part 2 of Article 13 of Chapter 143B are recodified as Part 3 of Article 16 of Chapter 143B of the General Statutes as follows:

<table>
<thead>
<tr>
<th>Former Citation</th>
<th>Recodified Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subpart A</td>
<td>Part 3</td>
</tr>
<tr>
<td>143B-707.3</td>
<td>143B-1470</td>
</tr>
<tr>
<td>143B-707.5</td>
<td>143B-1471</td>
</tr>
<tr>
<td>143B-707.6</td>
<td>143B-1472</td>
</tr>
<tr>
<td>143B-707.7</td>
<td>143B-1473</td>
</tr>
<tr>
<td>143B-707.8</td>
<td>143B-1474</td>
</tr>
<tr>
<td>143B-707.9</td>
<td>143B-1475</td>
</tr>
<tr>
<td>143B-707.10</td>
<td>143B-1476</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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

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

"§ 143B-1450. Creation of Division of Adult Correction and Juvenile Justice; Prisons; powers."
There is hereby created and established a division to be known as the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. Prisons within the Department. The Division of Prisons shall have the power and duty to implement Parts 2 and 3 of this Article and shall have such other powers and duties as are set forth in this Chapter and are prescribed by the Secretary of the Department of Public Safety. Secretary.

§ 143B-1451. Division of Adult Correction and Juvenile Justice of the Department of Public Safety-Prisons—duties.

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

§ 143B-1452. Division of Adult Correction and Juvenile Justice of the Department of Public Safety-Prisons—rules and regulations.

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

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

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

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

§ 143B-1454. Division of Adult Correction and Juvenile Justice of the Department of Public Safety-Prisons—functions with respect to adults.

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

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

1. The State Department of Correction and Commission of Correction,
2. Repealed by Session Laws 1999-423, s. 8, effective July 1, 1999.
3. The State Probation Commission,
4. The State Board of Paroles;
(5) The Interstate Agreement on Detainers, and

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

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

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

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

(1) Administer and coordinate all substance abuse programs, grants, contracts, and related functions in the Division of Adult Correction and Juvenile Justice Prisons of the Department of Public Safety, Adult Correction.

(2) Develop and maintain working relationships and agreements with agencies and organizations that will assist in developing and operating alcoholism and chemical dependency treatment and recovery programs in the Division of Adult Correction and Juvenile Justice Prisons of the Department of Public Safety, Adult Correction.

... Supervise directly the facility and district program managers, other specialized personnel, and programs that exist or may be developed in the Division of Adult Correction and Juvenile Justice Prisons of the Department of Public Safety, Adult Correction.

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

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

The Division of Adult Correction and Juvenile Justice Prisons of the Department of Public Safety, Adult Correction shall report by March 1 of each year to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations...
Subcommittees in Justice and Public Safety Appropriations Committees on their efforts to provide effective treatment to offenders with substance abuse problems. The report shall include:

...  
(3) Utilization of the community-based programs at DART-Cherry and Black Mountain Substance Abuse Treatment Center for Women.  
...
(7) Evaluation of each substance abuse treatment program funded by the Division of Adult Correction and Juvenile Justice Prisons of the Department of Public Safety—Adult Correction. Evaluation measures shall include reduction in alcohol and drug dependency, improvements in disciplinary and infraction rates, recidivism (defined as return-to-prison rates), and other measures of the programs’ success.

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

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

....

"§ 143B-1458. Security Staffing."

(a) The Division of Adult Correction and Juvenile Justice Prisons of the Department of Public Safety—Adult Correction shall conduct:

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

"Part 3. Medical Costs; Medicaid Services.

"§ 143B-1470. Medical costs for inmates and juvenile offenders—inmates.

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

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

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

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

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

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

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

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

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

§ 143B-1471. Medicaid services for inmates.

(a) The Department of Public Safety—Division of Health Services of the Department of Adult Correction and the Department of Health and Human Services shall work together to enable social workers in the Department of Public Safety, Health Services Section, and receive federal reimbursement for performing administrative activities related to Medicaid eligibility for inmates. The Department of Public Safety, Health Services Section, Adult Correction, Division of Health Services, shall develop policies and procedures to account for the time social workers in the Division of Health Services Section spend on administrative activities related to Medicaid eligibility for inmates. All social workers in the Division of Health Services Section who perform administrative activities related to Medicaid eligibility shall be required to receive eligibility determination training provided by the Department of Health and Human Services at least quarterly.

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

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

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

**General Assembly Of North Carolina**

**Session 2021**

**Page 8**

DRS15164-MMa-24C

**General Assembly Of North Carolina**

```
General Assembly Of North Carolina
Page 8

DRS15164-MMa-24C

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

§ 143B-1472. Medication losses related to inmate transfer.
(a) The Health Services Section shall collect data on medication losses that occur during inmate transfer. The collection methods shall provide, at a minimum, for all of the following:

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

§ 143B-1473. Contract for limited use of local purchase of inmate pharmacy needs.
(a) The Health Services Section shall adopt a statewide reimbursement for local purchases of limited quantities of medicine. The statewide reimbursement rate shall be based on the North Carolina State Health Plan for Teachers and State Employees reimbursement rate for prescription drugs. Any pharmacy willing to accept the statewide reimbursement rate shall have the right to participate in the plan.

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

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

§ 143B-1474. Federal 340B Program – Department of Public Safety/Department of Adult Correction/Department of Health and Human Services partnership.
The Department of Public Safety (DPS)–Adult Correction (DAC) shall establish and implement a partnership with the Department of Health and Human Services (DHHS) in order for DPS–DAC to be eligible to operate as a 340B covered entity. The Department of Public Safety DAC shall contract for consultant services in order to implement this section. In order to implement the requirements of this section, DPS–DAC shall do all of the following:

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

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

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

... Develop mechanisms to ensure that the communication between the UNC-HCS prescriber and the DPS-DAC physician maintains the quality and continuity of care that inmates currently receive.

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

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

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

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

CONFORMING CHANGES REGARDING DEPARTMENT OF ADULT CORRECTION

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


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

PART II. MODIFICATIONS TO DEPARTMENT OF PUBLIC SAFETY

GENERAL PROVISIONS

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

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

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

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

1. The Division of Motor Vehicles.
2. The Department of Health and Human Services.
4. The North Carolina Community College System.
5. The Division of Adult Correction and Juvenile Justice Community Corrections of the Department of Public Safety.
6. A nonprofit entity that provides reentry services or reentry programs.
7. Any other agency that the Secretary deems relevant."

DIVISION OF JUVENILE JUSTICE

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

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

"Subpart A. Creation of Division."

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

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

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

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

(b) The Section of Juvenile Justice shall be considered a continuation of the Office of Juvenile Justice for the purpose of succession to all rights, powers, duties, and obligations of the Office and of those rights, powers, duties, and obligations exercised by the Office of the Governor on
behalf of the Office of Juvenile Justice. Where the Office of Juvenile Justice or the Division of
Adult Correction and Juvenile Justice of the Department of Public Safety is referred to by law,
contract, or other document, that reference shall apply to the Division of Juvenile Justice
Section of the Division of Adult Correction and Juvenile Justice. Where the Office of the Governor is
referred to by contract or other document, where the Office of the Governor is acting on behalf
of the Office of Juvenile Justice, that reference shall apply to the Section Division.

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

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

"§ 143B-805. Definitions.
In this Part, unless the context clearly requires otherwise, the following words have the listed
meanings:

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

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

..."

SECTION 2.2.(c) The following statutes are amended by deleting the language
"Division of Adult Correction and Juvenile Justice" wherever it appears and substituting
"Division of Juvenile Justice": G.S. 7B-1501, 7B-2204, 106-915, 115C-106.3, 115C-107.6,

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

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

DIVISION OF COMMUNITY CORRECTIONS

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

"§ 143B-1152. Definitions.
The following definitions apply in this Subpart:

..."

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

(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 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:


(a) The Justice Reinvestment Council is established to act as an advisory body to the Commissioner of Adult Correction and 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.(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
the Speaker of the House of Representatives, and 10 of whom shall be appointed by the President
Pro Tempore of the Senate. The ex officio members other than the Chief Medical Examiner may
designate representatives from their particular departments, divisions, or offices to represent
them on the Task Force. In making appointments or designating representatives, appointing
authorities and ex officio members shall use best efforts to select members or representatives
with sufficient knowledge and experience to effectively contribute to the issues examined by the
Task Force and, to the extent possible, to reflect the geographical, political, gender, and racial
diversity of this State. The members shall be as follows:

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

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

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

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

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

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

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

... (5) Knowingly install, place, or use an electronic tracking device without consent,
or cause an electronic tracking device to be installed, placed, or used without
consent, to track the location of any person. The provisions of this subdivision
do not apply to the installation, placement, or use of an electronic tracking
device by any of the following:

a. A law enforcement officer, judicial officer, probation or parole officer,
or employee of the Division of Corrections, Prisons, Department of
Public Safety, Adult Correction, when any such person is engaged in
the lawful performance of official duties and in accordance with State
or federal law.

..."

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

"§ 14-415.10. Definitions.

The following definitions apply to this Article:

... (4a) Qualified retired correctional officer. — An individual who retired from service
as a State correctional officer, other than for reasons of mental disability, who
has been retired as a correctional officer two years or less from the date of the
permit application and who meets all of the following criteria:

a. Immediately before retirement, the individual met firearms training
standards of the Division of Prisons of the Department of Adult Correction and Juvenile Justice of the Department of Public Safety and was authorized by the Division of Prisons of the Department of Adult Correction and Juvenile Justice of the Department of Public Safety to carry a handgun in the course of assigned duties.
b. The individual retired in good standing and was never a subject of a disciplinary action by the Division of Prisons of the Department of Adult Correction and Juvenile Justice of the Department of Public Safety that would have prevented the individual from carrying a handgun.

c. The individual has a vested right to benefits under the Teachers' and State Employees' Retirement System of North Carolina established under Article 1 of Chapter 135 of the General Statutes.

d. The individual is not prohibited by State or federal law from receiving a firearm.

…

(4c) Qualified retired probation or parole certified officer. – An individual who retired from service as a State probation or parole certified officer, other than for reasons of mental disability, who has been retired as a probation or parole certified officer two years or less from the date of the permit application and who meets all of the following criteria:

a. Immediately before retirement, the individual met firearms training standards of the Division of Adult Correction and Juvenile Justice Community Corrections of the Department of Public Safety and was authorized by the Division of Adult Correction and Juvenile Justice Community Corrections of the Department of Public Safety to carry a handgun in the course of duty.

b. The individual retired in good standing and was never a subject of a disciplinary action by the Division of Adult Correction and Juvenile Justice Community Corrections of the Department of Public Safety that would have prevented the individual from carrying a handgun.

c. The individual has a vested right to benefits under the Teachers' and State Employees' Retirement System of North Carolina established under Article 1 of Chapter 135 of the General Statutes.

d. The individual is not prohibited by State or federal law from receiving a firearm.

…"
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:


..."

(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:


..."

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

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

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

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

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

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

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

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

"...

SECTION 3.1(#) G.S. 15A-1343.2 reads as rewritten:
§ 15A-1343.2. Special probation rules for persons sentenced under Article 81B.

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

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

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

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

The probation officer may exercise authority delegated to him or her by the court pursuant to subsection (e) of this section after administrative review and approval by a Chief Probation Officer. The offender may file a motion with the court to review the action taken by the probation officer. The offender shall be given notice of the right to seek such a court review. However, the offender shall have no right of review if he or she has signed a written waiver of rights as required by this subsection. The Section Division may exercise any authority delegated to it under this subsection only if it first determines that the offender has failed to comply with one or more of the conditions of probation imposed by the court or the offender is determined to be high risk based on the results of the risk assessment in G.S. 15A-1343.2, except that the condition at subdivision (5) of this subsection may not be imposed unless the Section Division determines that the offender failed to comply with one or more of the conditions imposed by the court.

Nothing in this section shall be construed to limit the availability of the procedures authorized under G.S. 15A-1345.

The Division shall adopt guidelines and procedures to implement the requirements of this section, which shall include a supervisor's approval prior to exercise of the delegation of authority authorized by this section. Prior to imposing confinement pursuant to subdivision (5) of this subsection, the probationer must first be presented with a violation report, with the alleged violations noted and advised of the right (i) to a hearing before the court on the alleged violation, with the right to present relevant oral and written evidence; (ii) to have counsel at the hearing, and that one will be appointed if the probationer is indigent; (iii) to request witnesses who have relevant information concerning the alleged violations; and (iv) to examine any witnesses or evidence. The probationer may be confined for the period designated on the violation report upon the execution of a waiver of rights signed by the probationer and by two officers acting as witnesses. Those two witnesses shall be the probation officer and another officer to be designated by the Chief Director of the Community Corrections Section Division in written Division policy.
Delegation to Probation Officer in Intermediate Punishments. – Unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate, the Division of Community Corrections of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may require an offender sentenced to intermediate punishment to do any of the following:

6. Submit 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 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 Division of Juvenile Justice or personnel approved by the Juvenile Justice Section, to the custody of the sheriff of the applicable local confinement facility.

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

The probation officer may exercise authority delegated to him or her by the court pursuant to subsection (f) of this section after administrative review and approval by a Chief Probation Officer. The offender may file a motion with the court to review the action taken by the probation officer. The offender shall be given notice of the right to seek such a court review. However, the offender shall have no right of review if he or she has signed a written waiver of rights as required by this subsection. The Division may exercise any authority delegated to it under this subsection only if it first determines that the offender has failed to comply with one or more of the conditions of probation imposed by the court or the offender is determined to be high risk based on the results of the risk assessment in G.S. 15A-1343.2, except that the condition at subdivision (6) of this subsection may not be imposed unless the Division determines that the offender failed to comply with one or more of the conditions imposed by the court.

Nothing in this section shall be construed to limit the availability of the procedures authorized under G.S. 15A-1345.

The Division shall adopt guidelines and procedures to implement the requirements of this section, which shall include a supervisor's approval prior to exercise of the delegation of authority authorized by this section. Prior to imposing confinement pursuant to subdivision (6) of this subsection, the probationer must first be presented with a violation report, with the alleged violations noted and advised of the right (i) to a hearing before the court on the alleged violation, with the right to present relevant oral and written evidence; (ii) to have counsel at the hearing, and that one will be appointed if the probationer is indigent; (iii) to request witnesses who have relevant information concerning the alleged violations; and (iv) to examine any witnesses or evidence. The probationer may be confined for the period designated on the violation report upon the execution of a waiver of rights signed by the probationer and by two officers acting as witnesses. Those two witnesses shall be the probation officer and another officer to be designated by the Chief Director of the Community Corrections Division in written Division policy.
SECTION 3.1.(#) G.S. 15A-1351(a) reads as rewritten:

"(a) The judge may sentence to special probation a defendant convicted of a criminal offense other than impaired driving under G.S. 20-138.1, if based on the defendant's prior record or conviction level as found pursuant to Article 81B of this Chapter, an intermediate punishment is authorized for the class of offense of which the defendant has been convicted. A defendant convicted of impaired driving under G.S. 20-138.1 may also be sentenced to special probation. Under a sentence of special probation, the court may suspend the term of imprisonment and place the defendant on probation as provided in Article 82, Probation, and in addition require that the defendant submit to a period or periods of imprisonment in the custody of the Division of Prisons of the Department of Adult Correction and Juvenile Justice of the Department of Public Safety, or a designated local confinement or treatment facility at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court determines, as provided in this subsection. For probationary sentences for misdemeanors, including impaired driving under G.S. 20-138.1, all imprisonment under this subsection shall be in a designated local confinement or treatment facility. If the person being ordered to a period or periods of imprisonment reaches the age of 18, that person must be imprisoned 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 imprisonment reaches the age of 18 while imprisoned, the person may be transported by personnel of the Division of Juvenile Justice Section of the Division of Adult Correction, Justice, or personnel approved by the Division of Juvenile Justice Section, Justice, to the custody of the sheriff of the applicable local confinement facility. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the Rules and Regulations of the Division of Prisons of the Department of Adult Correction and Juvenile Justice of the Department of Public Safety governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. Except for probationary sentences for misdemeanors, including impaired driving under G.S. 20-138.1, if imprisonment is for continuous periods, the confinement may be in the custody of either the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. If the person being ordered continuous or noncontinuous periods of imprisonment is under the age of 18, that person must be imprisoned 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 imprisonment reaches the age of 18 while imprisoned, the person may be transported by personnel of the Division of Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice, or personnel approved by the Juvenile Justice Section, Division, to the custody of the sheriff of the applicable local confinement facility. Except for probationary sentences of impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, may not exceed one-fourth the maximum sentence of imprisonment imposed for the offense, and no confinement other than an activated suspended sentence may be required beyond two years of conviction. For probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. In imposing a sentence of special probation, the judge may credit any time spent committed or confined, as a result of the charge, to either the suspended sentence or to the imprisonment required for special probation.
The original period of probation, including the period of imprisonment required for special probation, shall be as specified in G.S. 15A-1343.2(d), but may not exceed a maximum of five years, except as provided by G.S. 15A-1342(a). The court may revoke, modify, or terminate special probation as otherwise provided for probationary sentences."

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

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

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

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

If the person sentenced to imprisonment is under the age of 18, the person must be committed to 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. Personnel of the Division of Juvenile Justice Section of the Division, or personnel approved by the Division of Juvenile Justice Section, shall transport the person to the detention facility. If the person sentenced to imprisonment reaches the age of 18 years while imprisoned, the person may be transported by personnel of the Juvenile Justice Section of the Division, or personnel approved by the Juvenile Justice Section, Division, to the custody of the sheriff of the applicable local confinement facility.

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

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

If the person sentenced to imprisonment is under the age of 18, the person must be committed to 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. Personnel of the Division of Juvenile Justice Section, or personnel approved by the Division of Juvenile Justice Section, shall transport the person to the detention facility. If the person sentenced to imprisonment reaches the age of 18 years while imprisoned, the person may be transported by personnel of the Division of Juvenile Justice Section, or personnel approved by the Division of Juvenile Justice Section, to the custody of the sheriff of the applicable local confinement facility."

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

"§ 15A-1368.6. Arrest and hearing on post-release supervision violation.
(c) Officers to Conduct Preliminary Hearing. – The preliminary hearing on post-release supervision violation shall be conducted by a judicial official, or by a hearing officer designated by the Commission. A person employed by the Division of Adult Correction and Juvenile Justice Community Corrections of the Department of Public Safety shall not serve as a hearing officer at a hearing provided by this section unless that person is a member of the Commission, or is employed solely as a hearing officer.

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

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

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

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

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

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

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

…

(8) The capital felony was committed against a law-enforcement officer, employee of the Division of Prisons of the Department of Adult Correction and Juvenile Justice Correction, an employee of the Division of Community Corrections of the Department of Public Safety, jailer, fireman, judge or
justice, former judge or justice, prosecutor or former prosecutor, juror or former juror, or witness or former witness against the defendant, while engaged in the performance of his official duties or because of the exercise of his official duty.

"..."

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

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

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

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

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

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

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

..."

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

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

..."

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

... Courses requested by the following entities that support the organizations' training needs and are on a specialized course list approved by the State Board of Community Colleges:

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

..."

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

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

Ex officio members of the Council shall be the following:

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

(3) The Secretary of Adult Correction or the Secretary's designee.

(4) The Superintendent of Public Instruction or the Superintendent's designee.

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

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

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

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

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

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

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

(1) Study the budget, programs, and policies of the Department of Public Safety and the Department of Adult Correction to determine ways in which the General Assembly may improve the effectiveness of the Departments.

(2) Examine the effectiveness of the Division of Prisons of the Department of Adult Correction and Juvenile Justice of the Department of Public Safety in implementing the public policy stated in G.S. 148-26 of providing work assignments and employment for inmates as a means of reducing the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release.

(2b) Examine the effectiveness of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in implementing the duties and responsibilities charged to the Division in Part 3 of Article 13 of Chapter 143B of the General Statutes and the overall effectiveness and efficiency of the juvenile justice system in the State.

(10) Study the needs of juveniles. This study may include, but is not limited to:

a. Determining the adequacy and appropriateness of services:
   1. To children and youth receiving child welfare services.
   2. To children and youth in the juvenile court system.
   3. Provided by the Division of Social Services of the Department of Health and Human Services and the Division of Adult Correction and Juvenile Justice of the Department of Public 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
Commissioner of Labor ................................................. 1
Commissioner of Insurance ............................................ 1
Department of Environmental Quality .......................... 1
Department of Health and Human Services .................... 1
Division of Prisons of the Department of Adult Correction .... 1
Division of Juvenile Justice of the 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
SECTION 3.1. (#) G.S. 143-166.1 reads as rewritten:

"§ 143-166.1. Purpose.
In consideration of hazardous public service rendered to the people of this State, there is hereby provided a system of benefits for dependents of law enforcement officers, firefighters, rescue squad workers, and senior Civil Air Patrol members killed in the discharge of their official duties, and for dependents of noncustodial employees of the Division of Prisons of the Department of Adult Correction and Juvenile Justice of the Department of Public Safety killed by an individual or individuals in the custody of the Division of Prisons of the Department of Adult Correction, and for dependents of noncustodial employees of the Division of Juvenile Justice of the Department of Public Safety killed by an individual or individuals in the custody of the Division of Juvenile Justice of the Department of Public Safety."

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

"§ 143-166.2. Definitions.
The following definitions apply in this Article:

(1) Covered person. – This term shall apply to all of the following individuals:
   a. Firefighters.
   b. Law enforcement officers.
   c. Noncustodial employees of either the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, Safety or the Division of Prisons of the Department of Adult Correction,
   d. Rescue squad workers.
   e. Senior Civil Air Patrol members.

(2) Custodial employee. – An employee of the either the Division of Prisons of the Department of Adult Correction and or the Division of Juvenile Justice of the Department of Public Safety who is a detention officer or a correctional officer or who otherwise has direct care and control over individuals in the custody of the Division of Prisons of the Department of Adult Correction and or the Division of Juvenile Justice of the Department of Public Safety.

(6) Killed in the line of duty. – This term shall apply to all of the following deaths:

   c. The death of a noncustodial employee who, while performing his or her official duties, is killed in a manner reasonably determined by the Industrial Commission to be directly caused by an individual or individuals in the custody of either the Division of Prisons of the Department of Adult Correction and or the Division of Juvenile Justice of the Department of Public Safety.
(7) Law enforcement officer or officer. – This term shall apply to all of the following individuals:

...  

b. Full-time custodial employees of the Division of Prisons of the Department of Adult Correction and probation and parole officers of the Division of Adult Correction and Juvenile Justice Community Corrections of the Department of Public Safety.

c. Full-time institutional and full-time, permanent part-time, and temporary detention employees of the Division of Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

d. Full-time, permanent part-time, and temporary detention officers employed by any sheriff, county or municipality, whether paid or unpaid.

...

(8) Noncustodial employee. – An employee of the Division of Prisons of the Department of Adult Correction and Parole Officers of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety who is not a custodial employee.

...

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

"§ 143-166.7. Applicability of Article.

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

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

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

(1) State Government Security Officers, Department of Administration.

(2) State Correctional Officers, Division of Prisons of the Department of Adult Correction and Juvenile Justice of the Department of Public Safety.

(3) State Probation and Parole Officers, Division of Adult Correction and Juvenile Justice Community Corrections of the Department of Public Safety.

(4) Sworn State Law Enforcement Officers with the power of arrest, Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

(5) Sworn Law Enforcement Officers in the Medicaid Fraud Unit of the Department of Justice.

(6) State Highway Patrol Officers, Department of Public Safety.

(7) General Assembly Special Police, General Assembly.  

(8) Sworn State Law Enforcement Officers with the power of arrest, Department of Health and Human Services.

..."
(9) Juvenile Justice Officers, Division of Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

(10) Insurance Investigators, Department of Insurance.

(11) State Bureau of Investigation Officers and Alcohol Law Enforcement Agents, Department of Public Safety.

(12) Director and Assistant Director, License and Theft Enforcement Section, Division of Motor Vehicles, Department of Transportation.

(13) Members of License and Theft Enforcement Section, Division of Motor Vehicles, Department of Transportation, designated by the Commissioner of Motor Vehicles as either "inspectors" or uniformed weigh station personnel.

(14) Utilities Commission Transportation Inspectors and Special Investigators.

(15) North Carolina Ports Authority Police, Department of Transportation.

(16) Sworn State Law-Enforcement Officers with the power of arrest, Department of Environmental Quality.

…"

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

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

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

…"

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

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

(1) The voting members shall be:

a. The Governor, the Chief Justice of the Supreme Court of North Carolina (or the Chief Justice's designee), the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of Public Safety (or the Secretary's designee), the Secretary of the Department of Adult Correction (or the Secretary's designee), and the Superintendent of Public Instruction;

…"

(2) The nonvoting members shall be the Director of the State Bureau of Investigation, the Deputy Chief Director of the Division of Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety who is responsible for Intervention/Prevention programs, the Deputy Chief Director of the Division of Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety who is responsible for Youth Development
sections. The membership of the Commission shall be selected as follows:

1. The following members shall serve by virtue of their office: the Governor, the Chief Justice of the Supreme Court, the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of Public Safety, the Secretary of the Department of Adult Correction, the Director of the State Bureau of Investigation, the Section Chief of the Section Director of the Division of Prisons of the Division of Adult Correction and Juvenile Justice, the Secretary of Public Safety, the Deputy Chief Director who is responsible for Intervention/Prevention of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the Deputy Chief Director who is responsible for Youth Development of the Division of Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and the Superintendent of Public Instruction. Should the Chief Justice of the Supreme Court choose not to serve, his alternate shall be selected by the Governor from a list submitted by the Chief Justice which list must contain no less than three nominees from the membership of the Supreme Court.

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

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

(a1) Notwithstanding any other provision of this section, the Division of Prisons of the Department of Adult Correction and Juvenile Justice of the Department of Public Safety shall at all times secure the necessary prison space to house any violent felon or habitual felon for the full active sentence imposed by the court. For purposes of this subsection, the term "violent felon" means any person convicted of the following felony offenses: first or second degree murder, voluntary manslaughter, first or second degree rape, first or second degree sexual offense, any
sexual offense involving a minor, robbery, kidnapping, or assault, or attempting, soliciting, or
conspiring to commit any of those offenses.

"..."

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

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

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

(1) A standard sum set by the General Assembly in its appropriations acts for the
cost of providing food, clothing, personal items, supervision, and necessary
ordinary medical services to the prisoner awaiting transfer to the State prison
system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by
prisoners awaiting transfer to the State prison system.

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

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

(1) A standard sum set by the General Assembly in its appropriations acts for the
cost of providing food, clothing, personal items, supervision, and necessary
ordinary medical services to the parolee or post-release supervisee awaiting
transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by
parolees or post-release supervisees awaiting transfer to the State prison
system.

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

"..."

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

"§ 148-32.3. Inmate Construction Program."
Notwithstanding any other provision of law, but subject to the provisions of this Article, the
State Construction Office may utilize inmates in the custody of the Division of Adult Correction
Prisons of the Department of Public Safety to Adult Correction through the Inmate Construction
Program for repair and renovation projects on State-owned facilities, with priority given to
Department of Public Safety Adult Correction construction projects. State agencies utilizing the
Inmate Construction Program shall reimburse the Division of Prisons of the Department of Adult
Correction of the Department of Public Safety for the cost of transportation, custody, and wages
for the inmate crews.

SECTION 3.1.(#) G.S. 148-40 reads as rewritten:
"§ 148-40. Recapture of escaped prisoners.

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

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

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

SECTION 3.1.(#) G.S. 150B-1(e) reads as rewritten:
"(e) Exemptions From Contested Case Provisions. – The contested case provisions of this
Chapter apply to all agencies and all proceedings not expressly exempted from the Chapter. The
contested case provisions of this Chapter do not apply to the following:

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

"§ 153A-218. County confinement facilities.

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

SECTION 3.1.(#) G.S. 162-39(b1) reads as rewritten:
"(b1) The Department of Public Safety, Health Services Section, Division of Health Services of the Department of Adult Correction shall maintain records of prisoners transferred to a unit of the State prison system pursuant to subsection (b) of this section. The records shall utilize unique identifiers for each transferred prisoner and shall include all of the following information:

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

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

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

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

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

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

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

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

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

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

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


The Judicial Department, through the North Carolina Sentencing and Policy Advisory Commission, the Division of Prisons of the Department of Adult Correction, and the Division of
Adult Correction and Juvenile Justice—Community Corrections of the Department of Public Safety shall jointly conduct ongoing evaluations of community corrections programs and in-prison treatment programs and make a biennial report to the General Assembly. The report shall include composite measures of program effectiveness based on recidivism rates, other outcome measures, and costs of the programs.

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

APPROPRIATIONS AND EFFECTIVE DATE

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

(1) The sum of five million four hundred thousand dollars ($5,400,000) in recurring funds for the 2021-2023 fiscal biennium; and

(2) The sum of one million six hundred thousand dollars ($1,600,000) in nonrecurring funds for the 2021-2022 fiscal year.

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