

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40282-ND-122A

Short Title: Modify Provisions Affecting Adult Correction. (Public)

Sponsors: Representative Carson Smith.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY LAWS CONCERNING ADULT CORRECTION, AS
3 RECOMMENDED BY THE DEPARTMENT OF ADULT CORRECTION.

4 The General Assembly of North Carolina enacts:

5
6 **EXPAND AVAILABLE METHODS OF DRUG AND ALCOHOL SCREENING OF**
7 **PROBATIONERS**

8 **SECTION 1.(a)** G.S. 15A-1343(b) reads as rewritten:

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

10 ...

11 (16) ~~Supply a breath, urine, or blood specimen~~ Submit to drug and alcohol
12 screening for analysis of the possible presence of prohibited drugs or alcohol
13 when instructed by the defendant's probation officer for purposes directly
14 related to the probation supervision. If the results of the analysis are positive,
15 the probationer may be required to reimburse the Division of Community
16 Supervision and Reentry of the Department of Adult Correction for the actual
17 costs of drug or alcohol screening and testing.

18 ...

19 In addition to these regular conditions of probation, a defendant required to serve an active
20 term of imprisonment as a condition of special probation pursuant to G.S. 15A-1344(e) or
21 G.S. 15A-1351(a) shall, as additional regular conditions of probation, obey the rules and
22 regulations of the Division of Prisons of the Department of Adult Correction and, if applicable,
23 the Division of Juvenile Justice of the Department of Public Safety, governing the conduct of
24 inmates while imprisoned and report to a probation officer in the State of North Carolina within
25 72 hours of his discharge from the active term of imprisonment.

26 Regular conditions of probation apply to each defendant placed on supervised probation
27 unless the presiding judge specifically exempts the defendant from one or more of the conditions
28 in open court and in the judgment of the court. It is not necessary for the presiding judge to state
29 each regular condition of probation in open court, but the conditions must be set forth in the
30 judgment of the court.

31 Defendants placed on unsupervised probation are subject to the provisions of this subsection,
32 except that defendants placed on unsupervised probation are not subject to the regular conditions
33 contained in subdivisions (2), (3), (6), (8), (13), (14), (15), (16) and (17) of this subsection."

34 **SECTION 1.(b)** This section becomes effective August 1, 2023, and applies to drug
35 and alcohol screening performed on or after that date.

36



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INCLUDE PROHIBITION OF FIREARM AMMUNITION IN REGULAR CONDITIONS OF PROBATION, POST-RELEASE SUPERVISION, AND PAROLE

SECTION 2.(a) G.S. 15A-1343(b), as amended by Section 1 of this act, reads as rewritten:

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

- ...
- (5) Possess no firearm, firearm ammunition, explosive device or other deadly weapon listed in G.S. 14-269 without the written permission of the court.

...."

SECTION 2.(b) G.S. 15A-1368.4(e) reads as rewritten:

"(e) Controlling Conditions. – Appropriate controlling conditions, violation of which may result in revocation of post-release supervision, are:

- ...
- (4) ~~Not possess a~~ Possess no firearm, ~~destructive~~ firearm ammunition, explosive device, or other ~~dangerous~~ deadly weapon listed in G.S. 14-269 unless granted written permission by the ~~Commission or a post-release supervision officer.~~ Commission.

...."

SECTION 2.(c) G.S. 15A-1374(b) reads as rewritten:

"(b) Appropriate Conditions. – As conditions of parole, the Commission may require that the parolee comply with one or more of the following conditions:

- ...
- (5) ~~Refrain from possessing a~~ Possess no firearm, ~~destructive~~ firearm ammunition, explosive device, or other dangerous deadly weapon listed in G.S. 14-269 unless granted written permission by the ~~Commission or the parole officer.~~ Commission.

...."

EXPAND DELEGATED AUTHORITY RELATED TO SPECIAL PROBATION

SECTION 3.(a) G.S. 15A-1343.2 reads as rewritten:

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

(a) Applicability. – This section applies only to persons sentenced under Article 81B and Article 82 of this Chapter. ~~Chapter~~, as well as those sentenced pursuant to Chapter 20 and Chapter 90 of the General Statutes.

...

(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 Division of Community Supervision ~~and Reentry~~ of the Department of Adult Correction may require an offender sentenced to community punishment to do any of the following:

...

If the 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 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

1 results of the risk assessment in G.S. 15A-1343.2, except that the condition at subdivision (5) of
2 this subsection may not be imposed unless the Division determines that the offender failed to
3 comply with one or more of the conditions ~~imposed by the court of probation~~. Nothing in this
4 section shall be construed to limit the availability of the procedures authorized under
5 G.S. 15A-1345.

6 The Division shall adopt guidelines and procedures to implement the requirements of this
7 section, which shall include a supervisor's approval prior to exercise of the delegation of authority
8 authorized by this section. Prior to imposing confinement pursuant to subdivision (5) of this
9 subsection, the probationer must first be presented with a violation report, with the alleged
10 violations noted and advised of the right (i) to a hearing before the court on the alleged violation,
11 with the right to present relevant oral and written evidence; (ii) to have counsel at the hearing,
12 and that one will be appointed if the probationer is indigent; (iii) to request witnesses who have
13 relevant information concerning the alleged violations; and (iv) to examine any witnesses or
14 evidence. The probationer may be confined for the period designated on the violation report upon
15 the execution of a waiver of rights signed by the probationer and by two officers acting as
16 witnesses. Those two witnesses shall be the probation officer and another officer to be designated
17 by the ~~Director~~ Deputy Secretary of the Division of Community Supervision and Reentry in
18 written Division policy.

19 (e1) Delegation to Probation Officer for Supervision for Conditional Discharge and
20 Deferred Prosecution. – Unless the presiding judge specifically finds in the judgment of the court
21 that delegation is not appropriate, the Division of Community Supervision and Reentry of the
22 Department of Adult Correction may require an offender placed on supervised probation for a
23 conditional discharge or a deferred prosecution to comply with any of the conditions in
24 subsection (e) of this section, with the exception of subdivision (5) of that subsection. If the
25 Division of Community Supervision and Reentry imposes any of the above requirements, then it
26 may subsequently reduce or remove those same requirements.

27 The probation officer may exercise authority delegated to the probation officer by the court
28 pursuant to this subsection after administrative review and approval by a chief probation officer.
29 The offender may file a motion with the court to review the action taken by the probation officer.
30 The offender shall be given notice of the right to seek such a court review. The Division of
31 Community Supervision and Reentry may exercise any authority delegated to it under this
32 subsection only if it first determines that the offender has failed to comply with one or more of
33 the conditions of probation or the offender is determined to be high risk based on the results of a
34 validated instrument to assess each probationer for risk of reoffending. Nothing in this section
35 shall be construed to limit the availability of the procedures authorized under G.S. 15A-1345.

36 (f) Delegation to Probation Officer in Intermediate Punishments. – Unless the presiding
37 judge specifically finds in the judgment of the court that delegation is not appropriate, the
38 Division of Community Supervision and Reentry of the Department of Adult Correction may
39 require an offender sentenced to intermediate punishment to do any of the following:

40 ...

- 41 (6) Submit to a period or periods of confinement in a local confinement facility
42 for a total of no more than six days per month during any three separate
43 months during the period of probation. The six days per month confinement
44 provided for in this subdivision may only be imposed as two-day or three-day
45 consecutive periods. When a defendant is on probation for multiple
46 judgments, confinement periods imposed under this subdivision shall run
47 concurrently and may total no more than six days per month. If the person
48 being ordered to a period or periods of confinement is under the age of 18,
49 that person must be confined in a detention facility approved by the Division
50 of Juvenile Justice of the Department of Public Safety to provide secure
51 confinement and care for juveniles or to a holdover facility as defined in

1 G.S. 7B-1501(11). If the person being ordered to a period or periods of
2 confinement reaches the age of 18 years while in confinement, the person may
3 be transported by personnel of the Division of Juvenile Justice, or personnel
4 approved by the Division of Juvenile Justice, to the custody of the sheriff of
5 the applicable local confinement facility.

6 ...

7 If the Division of Community Supervision and Reentry imposes any of the above
8 requirements, then it may subsequently reduce or remove those same requirements.

9 The probation officer may exercise authority delegated to him or her by the court pursuant to
10 subsection (f) of this section after administrative review and approval by a Chief Probation
11 Officer. The offender may file a motion with the court to review the action taken by the probation
12 officer. The offender shall be given notice of the right to seek such a court review. However, the
13 offender shall have no right of review if he or she has signed a written waiver of rights as required
14 by this subsection. The Division may exercise any authority delegated to it under this subsection
15 only if it first determines that the offender has failed to comply with one or more of the conditions
16 of probation ~~imposed by the court~~ or the offender is determined to be high risk based on the
17 results of the risk assessment in G.S. 15A-1343.2, except that the condition at subdivision (6) of
18 this subsection may not be imposed unless the Division determines that the offender failed to
19 comply with one or more of the conditions ~~imposed by the court~~ of probation. Nothing in this
20 section shall be construed to limit the availability of the procedures authorized under
21 G.S. 15A-1345.

22 The Division shall adopt guidelines and procedures to implement the requirements of this
23 section, which shall include a supervisor's approval prior to exercise of the delegation of authority
24 authorized by this section. Prior to imposing confinement pursuant to subdivision (6) of this
25 subsection, the probationer must first be presented with a violation report, with the alleged
26 violations noted and advised of the right (i) to a hearing before the court on the alleged violation,
27 with the right to present relevant oral and written evidence; (ii) to have counsel at the hearing,
28 and that one will be appointed if the probationer is indigent; (iii) to request witnesses who have
29 relevant information concerning the alleged violations; and (iv) to examine any witnesses or
30 evidence. The probationer may be confined for the period designated on the violation report upon
31 the execution of a waiver of rights signed by the probationer and by two officers acting as
32 witnesses. Those two witnesses shall be the probation officer and another officer to be designated
33 by the ~~Director~~ Deputy Secretary of the Division of Community Supervision and Reentry in
34 written Division policy.

35"

36 **SECTION 3.(b)** G.S. 20-179 is amended by adding a new subsection to read:

37 "(k5) Delegation to Probation Officer. – Unless the presiding judge specifically finds in the
38 judgement of the court that delegation is not appropriate, the Division of Community Supervision
39 and Reentry of the Department of Adult Correction may require an offender sentenced pursuant
40 to subsection (f3), (g), (h), (i), (j), or (k) of this section and placed on supervised probation to do
41 any of the following:

- 42 (1) Perform up to 20 hours of community services and pay the applicable
43 supervision fee prescribed by law.
- 44 (2) Report to the offender's probation officer on a frequency to be determined by
45 the officer.
- 46 (3) Submit to substance abuse assessment, monitoring, or treatment.
- 47 (4) Submit to house arrest with electronic monitoring.
- 48 (5) Submit to a period or periods of confinement in a local confinement facility
49 for a total of no more than six days per month during any three separate
50 months during the period of probation. The six days per month confinement
51 provided for in this subdivision may only be imposed as two-day or three-day

1 consecutive periods. When a defendant is on probation for multiple
2 judgments, confinement periods imposed under this subdivision shall run
3 concurrently and may total no more than six days per month. If the person
4 being ordered to a period or periods of confinement is under the age of 18,
5 that person must be confined in a detention facility approved by the Division
6 of Juvenile Justice of the Department of Public Safety to provide secure
7 confinement and care for juveniles or to a holdover facility as defined in
8 G.S. 7B-1501(11). If the person being ordered to a period or periods of
9 confinement reaches the age of 18 years while in confinement, the person may
10 be transported by personnel of the Division of Juvenile Justice, or personnel
11 approved by the Division of Juvenile Justice, to the custody of the sheriff of
12 the applicable local confinement facility.

13 (6) Submit to a curfew which requires the offender to remain in a specified place
14 for a specified period each day and wear a device that permits the offender's
15 compliance with the condition to be monitored electronically.

16 (7) Participate in an educational or vocational skills development program,
17 including an evidence-based program.

18 If the Division of Community Supervision and Reentry imposes any of the above
19 requirements, then it may subsequently reduce or remove those same requirements.

20 The probation officer may exercise authority delegated to the probation officer by the court
21 pursuant to this subsection after administrative review and approval by a chief probation officer.
22 The offender may file a motion with the court to review the action taken by the probation officer.
23 The offender shall be given notice of the right to seek such a court review. However, the offender
24 shall have no right of review if the offender has signed a written waiver of rights as required by
25 this subsection. The Division may exercise any authority delegated to it under this subsection
26 only if it first determines that the offender has failed to comply with one or more of the conditions
27 of probation or the offender is determined to be high risk based on the results of a validated
28 instrument to assess each probationer for risk of reoffending, except that the condition in
29 subdivision (5) of this subsection may not be imposed unless the Division determines that the
30 offender failed to comply with one or more of the conditions of probation. Nothing in this
31 subsection shall be construed to limit the availability of the procedures authorized under
32 G.S. 15A-1345.

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

46 **SECTION 3.(c)** This section becomes effective October 1, 2023.

47 **EARLY TRANSFERS TO JAILS AND LOCAL DETENTION FACILITIES**

48 **SECTION 4.(a)** G.S. 15A-1352 is amended by adding a new subsection to read:

49 "(g) Early Transfer. – To facilitate an efficient and orderly transfer of custody, a person
50 -serving a sentence in the Department of Adult Correction who is subject to an outstanding
51

1 sentence, detainer, or other lawful process authorizing detention may be transferred up to five
2 days before the expiration of the person's current sentence, and the remainder of the person's
3 current sentence may be served in the custody of the requesting local confinement facility. Early
4 transfers conducted pursuant to this subsection shall only be conducted at the request and expense
5 of the receiving local confinement facility.

6 Nothing in this subsection shall be construed to authorize the holding of a person beyond the
7 release date of the current sentence absent an outstanding sentence to be served, detainer, or
8 service of other lawful process authorizing detention.

9 For purposes of this subsection, "local confinement facility" means those facilities defined in
10 G.S. 153A-217(5)."

11 **SECTION 4.(b)** This section becomes effective October 1, 2023, and applies to
12 transfers occurring on or after that date.

13 **MODIFY LAWS SURROUNDING PRISONER TORT CLAIMS**

14 **SECTION 5.(a)** Article 2 of Chapter 148 of the General Statutes is amended by
15 adding a new section to read:

16 **"§ 148-18.2. Prisoner property.**

17 (a) In no event shall the personal property of an inmate in the custody of the Department
18 of Adult Correction exceed a maximum total value of two hundred fifty dollars (\$250.00).

19 (b) When the property of an inmate in the custody of the Department of Adult Correction
20 is lost, destroyed, or otherwise damaged through the negligent handling of a correctional facility
21 or its staff members, the Department of Adult Correction shall reimburse the inmate for the value
22 of the item or, when recommended by the Department's Administrative Remedy Procedure,
23 provide for replacement of the item. This shall be the inmate's sole remedy for property loss,
24 destruction, or damage.

25 (c) Reimbursement pursuant to this section shall be calculated in a manner authorized by
26 the Department of Adult Correction, but in no event shall reimbursement exceed a maximum of
27 two hundred fifty dollars (\$250.00) per incident, nor shall an inmate in the custody of the
28 Department of Adult Correction be reimbursed for lost, destroyed, or damaged State-issued
29 property."

30 **SECTION 5.(b)** Article 31 of Chapter 143 of the General Statutes is amended by
31 adding a new section to read:

32 **"§ 143-295.2. Inmate property claims against the Department of Adult Correction.**

33 When the property of an inmate in the custody of the Department of Adult Correction is lost,
34 destroyed, or otherwise damaged through the negligent handling of a correctional facility or its
35 staff members, the Department of Adult Correction shall reimburse the inmate for the value of
36 the item, or provide for replacement of the item, as described in G.S. 148-18.2, and the inmate
37 shall have no recourse under this Article."

38 **SECTION 5.(c)** G.S. 143-291 is amended by adding a new subsection to read:

39 (e) The Industrial Commission shall have no jurisdiction over any claim brought by an
40 inmate in the custody of the Department of Adult Correction, unless and until the inmate has first
41 exhausted the Department's Administrative Remedy Procedure, as established by
42 G.S. 148-118.2."

43 **SECTION 5.(d)** G.S. 148-118.2(b) reads as rewritten:

44 (b) No State ~~court~~ administrative body or court, including the North Carolina Industrial
45 Commission, shall entertain a prisoner's grievance or complaint which falls under the purview of
46 the Administrative Remedy Procedure unless and until the prisoner shall have exhausted the
47 remedies as provided in said procedure. If the prisoner has failed to pursue administrative
48 remedies through this procedure, any petition or complaint he files shall be stayed for 90 days to
49 allow the prisoner to file a grievance and for completion of the procedure. If at the end of 90 days
50 the prisoner has failed to timely file his grievance, then the petition or complaint shall be
51

1 dismissed. ~~Provided, however, that the court can waive the exhaustion requirement if it finds~~
2 ~~such waiver to be in the interest of justice."~~

3 **SECTION 5.(e)** G.S. 143-291.2 reads as rewritten:

4 **"§ 143-291.2. Costs and fees.**

5 (a) The Industrial Commission may by order tax the costs against the losing party in the
6 same amount and the same manner as costs are taxed in the Superior Court Division of the
7 General Court of Justice. In no event shall the Industrial Commission tax the cost against the
8 prevailing party. When a State department, institution, or agency appeals to the full commission
9 the decision rendered by a hearing commissioner, the State department, institution, or agency
10 shall furnish a copy of the transcript of the hearing to the appellee without cost. The State
11 department, institution, or agency concerned may pay the costs taxed against it. When costs are
12 not paid by a party from whom they are due, the Industrial Commission shall issue an execution
13 for the costs and attach a bill of costs to each execution. The Sheriff shall levy upon the execution
14 as provided in Chapter 6 of the General Statutes in civil actions.

15 ...

16 (c) In no event shall a currently incarcerated inmate bringing a claim under this Article
17 be granted indigent status if the inmate has, on three or more prior occasions while incarcerated
18 or detained in any State facility, brought an action or appeal before the Industrial Commission
19 which was dismissed on the grounds that it was any one or more of the following:

20 (1) Frivolous.

21 (2) Malicious.

22 (3) Not within the statute of limitations.

23 (4) Exceeding the exclusive jurisdiction of the Industrial Commission.

24 (5) Failing to state a claim upon which relief may be granted."

25 **SECTION 5.(f)** G.S. 143-295 reads as rewritten:

26 **"§ 143-295. Settlement of claims.**

27 (a) Any ~~claims-claims,~~ except claims of minors pending or hereafter ~~filed-filed,~~ against
28 the various departments, institutions and agencies of the State may be settled upon agreement
29 between either (i) the claimant and the Attorney General or (ii) the claimant and the various
30 departments, institutions, and agencies of the State, for ~~an~~ any amount not in excess of
31 twenty-five thousand dollars (\$25,000), without the approval of the Industrial Commission. The
32 Attorney General may also make settlements by agreement for claims in excess of twenty-five
33 thousand dollars (\$25,000) and claims of infants or persons **non sui juris**, provided ~~such~~ the
34 claims have been subject to review and approval by the Industrial Commission.

35 (b) In settlements under twenty-five thousand dollars (\$25,000), agreed upon between
36 either the Attorney General and the claimant or the various departments, institutions, and
37 agencies of the State and the claimant, the filing of an affidavit as set forth in G.S. 143-297 shall
38 not be required.

39"

40 **SECTION 5.(g)** G.S. 143-299.1A is amended by adding a new subsection to read:

41 "(c1) Nothing in subsection (b) of this section shall limit the application of the public duty
42 doctrine in cases where the claimant is an inmate in the custody of the Department of Adult
43 Correction, except where the injury arises as the result of gross negligence on the part of the
44 Department or its staff members."

45 **SECTION 5.(h)** Article 31 of Chapter 143 of the General Statutes is amended by
46 adding a new section to read:

47 **"§ 143-299.5. Limited liability for claims against the Department of Adult Correction.**

48 The Department of Adult Correction shall not be liable for damages under this Article for the
49 acts or omissions of its employees tasked with the supervision, protection, control, confinement,
50 or custody of the State's inmate population, unless the acts or omissions amount to gross
51 negligence."

1
2 **OFFENDER POPULATION MAY PURCHASE CORRECTION ENTERPRISES**
3 **PRODUCTS**

4 **SECTION 6.(a)** G.S. 148-132 reads as rewritten:

5 **"§ 148-132. Distribution of products and services.**

6 The Division of Correction Enterprises of the Department of Adult Correction is empowered
7 and authorized to market and sell products and services produced by Correction Enterprises to
8 any of the following entities:

9 ...

10 (5a) Any individual currently incarcerated within a Department of Adult
11 Correction facility.

12"

13 **SECTION 6.(b)** This section is effective when it becomes law.

14
15 **RETENTION AND REINVESTMENT OF UTILITY SAVINGS**

16 **SECTION 7.(a)** Part 1 of Article 16 of Chapter 143B of the General Statutes is
17 amended by adding a new section to read:

18 **"§ 143B-1445. Energy conservation savings.**

19 (a) The General Fund current operations appropriations credit balance remaining at the
20 end of each fiscal year for utilities from the Department of Adult Correction that is energy savings
21 realized from implementing an energy conservation measure shall be carried forward to the next
22 fiscal year. Sixty percent (60%) of the energy savings realized shall be utilized for energy
23 conservation measures by the Department of Adult Correction. The use of funds under this
24 section shall be limited to one-time capital and operating expenditures that will not impose
25 additional financial obligations on the State and are nonreverting. The Director of the Budget,
26 under the authority set forth in G.S. 143C-6-2, shall establish the General Fund current operations
27 credit balance remaining in each budget code of the Department of Adult Correction.

28 (b) The Director of the Budget shall not decrease the recommended continuation budget
29 requirements for utilities from the previous fiscal year for the Department of Adult Correction
30 by the amount of energy savings realized from implementing energy conservation measures,
31 including savings achieved through a guaranteed energy savings contract.

32 (c) The Department of Adult Correction shall submit an annual report on the use of funds
33 authorized pursuant to this section as required under G.S. 143-64.12.

34 (d) As used in this section, "energy savings," "guaranteed energy savings contract," and
35 "energy conservation measure" have the same meaning as in G.S. 143-64.17."

36 **SECTION 7.(b)** This section is effective when it becomes law.

37
38 **RETAIN PROCEEDS FROM SALE OF DEPARTMENT OF ADULT CORRECTION**
39 **PROPERTY**

40 **SECTION 8.(a)** G.S. 146-30(d) reads as rewritten:

41 "(d) Notwithstanding any other provision of this Subchapter, the following exceptions
42 apply:

43 ...

44 (15) The net proceeds derived from the sale or lease of land or facilities owned by
45 the Department of Adult Correction or owned by the State and solely
46 maintained by the Department of Adult Correction shall be deposited in a
47 capital improvement fund to the credit of the Department of Adult Correction
48 to make capital improvements on or to property owned by the Department of
49 Adult Correction or owned by the State and solely maintained by the
50 Department of Adult Correction. Expenditures from this capital fund shall be
51 subject to approval by the Office of State Budget and Management."

1 **SECTION 8.(b)** This section is effective when it becomes law and applies to
2 proceeds from sales occurring on or after that date.

3
4 **AUTHORIZATION TO DESIGNATE DAC EMPLOYEES TO CARRY CONCEALED**
5 **WEAPONS**

6 **SECTION 9.(a)** G.S. 14-269(b) reads as rewritten:

7 "(b) This prohibition shall not apply to any of the following persons:

8 (1) Officers and enlisted personnel of the Armed Forces of the United States when
9 in discharge of their official duties as such and acting under orders requiring
10 them to carry arms and ~~weapons;~~weapons.

11 (2) Civil and law enforcement officers of the United ~~States;~~States.

12 (3) Officers and soldiers of the militia and the National Guard when called into
13 actual ~~service;~~service.

14 ...

15 (4) Officers of the State, or of any county, city, town, or company police agency
16 charged with the execution of the laws of the State, when acting in the
17 discharge of their official ~~duties;~~duties.

18 (4a) Any person who is a district attorney, an assistant district attorney, or an
19 investigator employed by the office of a district attorney and who has a
20 concealed handgun permit issued in accordance with Article 54B of this
21 Chapter or considered valid under G.S. 14-415.24; provided that the person
22 shall not carry a concealed weapon at any time while in a courtroom or while
23 consuming alcohol or an unlawful controlled substance or while alcohol or an
24 unlawful controlled substance remains in the person's body. The district
25 attorney, assistant district attorney, or investigator shall secure the weapon in
26 a locked compartment when the weapon is not on the person of the district
27 attorney, assistant district attorney, or investigator. Notwithstanding the
28 provisions of this subsection, a district attorney may carry a concealed weapon
29 while in a ~~courtroom;~~courtroom.

30 (4b) Any person who is a qualified retired law enforcement officer as defined in
31 G.S. 14-415.10 and meets any one of the following conditions:

32 ...

33 c. Is certified by the North Carolina Criminal Justice Education and
34 Training Standards Commission pursuant to
35 ~~G.S. 14-415.26;~~G.S. 14-415.26.

36 (4c) Detention personnel or correctional officers employed by the State or a unit
37 of local government who park a vehicle in a space that is authorized for their
38 use in the course of their duties may transport a firearm to the parking space
39 and store that firearm in the vehicle parked in the parking space, provided that:
40 (i) the firearm is in a closed compartment or container within the locked
41 vehicle, or (ii) the firearm is in a locked container securely affixed to the
42 ~~vehicle;~~vehicle.

43 (4d) Any person who is a North Carolina district court judge, North Carolina
44 superior court judge, or a North Carolina magistrate and who has a concealed
45 handgun permit issued in accordance with Article 54B of this Chapter or
46 considered valid under G.S. 14-415.24; provided that the person shall not
47 carry a concealed weapon at any time while consuming alcohol or an unlawful
48 controlled substance or while alcohol or an unlawful controlled substance
49 remains in the person's body. The judge or magistrate shall secure the weapon
50 in a locked compartment when the weapon is not on the person of the judge
51 or ~~magistrate;~~magistrate.

(4e) Any person who is serving as a clerk of court or as a register of deeds and who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The clerk of court or register of deeds shall secure the weapon in a locked compartment when the weapon is not on the person of the clerk of court or register of deeds. This subdivision does not apply to assistants, deputies, or other employees of the clerk of court or register of ~~deeds;~~deeds.

(5) Sworn law-enforcement officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's ~~body;~~body.

...
(7a) A person employed by the Department of Adult Correction who (i) has been designated in writing by the Secretary of the Department, (ii) has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24, and (iii) has in the person's possession written proof of the designation by the Secretary of the Department, provided that the person shall not carry a concealed weapon at any time while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body.

...."

SECTION 9.(b) This section is effective when it becomes law and applies to designations made on or after that date.

EXEMPTIONS FROM CONTESTED CASE PROVISIONS

SECTION 10.(a) 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 Prisons of the~~ Department of Adult Correction.

...."

SECTION 10.(b) This section is effective when it becomes law and applies to proceedings occurring on or after that date.

EXTEND SUNSET DATE FOR USE OF SECURITY GUARDS AT STATE PRISONS

SECTION 11.(a) Section 4.15(c) of S.L. 2020-3, as amended by Section 2 of S.L. 2020-15, Section 19D.2 of S.L. 2021-180, and Section 19D.1 of S.L. 2022-74, reads as rewritten:

"**SECTION 4.15.(c)** This section is effective when it becomes law and expires upon the earlier of January 1, ~~2024,~~2026, or the date of completion of the Youth Development Center in Rockingham County."

SECTION 11.(b) This section is effective when it becomes law.

EXPAND AUTHORITY TO INCREASE WAGES PAID TO WORKING NORTH CAROLINA INMATES

SECTION 12.(a) G.S. 148-18(a) reads as rewritten:

"(a) Prisoners employed by Correction Enterprises shall be compensated as set forth in Article 14 of this Chapter. Prisoners participating in work assignments established by the

1 Division of Prisons shall be compensated at rates fixed by the Division of Prisons of the
2 Department of Adult Correction's rules and regulations; provided, that no prisoner so paid shall
3 receive more than one dollar (\$1.00) per day, unless the prisoner is performing work for the
4 Division's BRIDGE Program or the Secretary determines that the work assignment requires
5 special skills or training. Upon approval of the Secretary, inmates working for the BRIDGE
6 Program or in job assignments requiring special skills or training may be paid up to five dollars
7 (\$5.00) per day. The Correction Enterprises Fund shall be the source of wages and allowances
8 provided to inmates who are employed by the Division of Prisons of the Department of Adult
9 Correction in work assignments established by the Division of Prisons."

10 **SECTION 12.(b)** This section is effective when it becomes law and applies to work
11 performed on or after that date.

12 **EFFECTIVE DATE**

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