

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35135-ND-50

Short Title: Support the Dept. of Adult Correction.-AB (Public)

Sponsors: Senators Daniel, Britt, and B. Newton (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO SUPPORT THE WORK OF THE DEPARTMENT OF ADULT CORRECTION.
3 The General Assembly of North Carolina enacts:

4
5 **PART I. COMMUNITY SUPERVISION**

6
7 **WAIVE TUITION FOR SURVIVORS OF FALLEN PROBATION OFFICERS**

8 **SECTION 1.1.(a)** G.S. 115B-1 reads as rewritten:

9 **"§ 115B-1. Definitions.**

10 The following definitions apply in this Chapter:

11 ...

12 (4) Permanently and totally disabled as a direct result of a traumatic injury
13 sustained in the line of duty. – A person: (i) who as a law enforcement officer,
14 correctional officer, probation officer, firefighter, volunteer firefighter, or
15 rescue squad worker suffered a disabling injury while in active service or
16 training for active service, (ii) who at the time of active service or training was
17 a North Carolina resident, and (iii) who has been determined to be
18 permanently and totally disabled for compensation purposes by the North
19 Carolina Industrial Commission.

20 (4c) Probation officer. – An employee of an employer who is certified as a
21 probation officer under the provisions of Article 1 of Chapter 17C of the
22 General Statutes.

23 ...

24 (6) Survivor. – Any person whose parent, legal guardian, legal custodian, or
25 spouse: (i) was a law enforcement officer, a correctional officer, a probation
26 officer, a firefighter, a volunteer firefighter, or a rescue squad worker, (ii) was
27 killed while in active service or training for active service or died as a result
28 of a service-connected disability, and (iii) at the time of active service or
29 training was a North Carolina resident. The term does not include the widow
30 or widower of a law enforcement officer, correctional officer, probation
31 officer, firefighter, volunteer firefighter, or a rescue squad worker if the
32 widow or widower has remarried.

33"

34 **SECTION 1.1.(b)** G.S. 115B-2(a) reads as rewritten:



1 "(a) The constituent institutions of The University of North Carolina and the community
2 colleges as defined in G.S. 115D-2(2) shall permit the following persons to attend classes for
3 credit or noncredit purposes without the required payment of tuition:

4 ...

5 (2) Any person who is the survivor of a law enforcement officer, correctional
6 officer, probation officer, firefighter, volunteer firefighter, or rescue squad
7 worker killed as a direct result of a traumatic injury sustained in the line of
8 duty.

9 (3) The spouse of a law enforcement officer, correctional officer, probation
10 officer, firefighter, volunteer firefighter, or rescue squad worker who is
11 permanently and totally disabled as a direct result of a traumatic injury
12 sustained in the line of duty.

13 (4) Any child, if the child is at least 17 years old but not yet 24 years old, whose
14 parent, legal guardian, or legal custodian is a law enforcement officer,
15 correctional officer, probation officer, firefighter, volunteer firefighter, or
16 rescue squad worker who is permanently and totally disabled as a direct result
17 of a traumatic injury sustained in the line of duty. However, a child's eligibility
18 for a waiver of tuition under this Chapter shall not exceed: (i) 54 months, if
19 the child is seeking a baccalaureate degree, or (ii) if the child is not seeking a
20 baccalaureate degree, the number of months required to complete the
21 educational program to which the child is applying.

22 "

23 **SECTION 1.1.(c)** G.S. 115B-5(b) reads as rewritten:

24 "(b) The officials of the institutions charged with administration of this Chapter shall
25 require the following proof to insure that a person applying to the institution and who requests a
26 tuition waiver under G.S. 115B-2(a)(2), (3), or (4) is eligible for the benefits provided by this
27 Chapter.

28 ...

29 (3) The cause of death of the law enforcement officer, correctional officer,
30 probation officer, firefighter, volunteer firefighter, or rescue squad worker
31 shall be verified by certification from the records of the Department of State
32 Treasurer, the appropriate city or county law enforcement agency that
33 employed the deceased, the administrative agency for the fire department or
34 fire protection district recognized for funding under the Department of State
35 Auditor, or the administrative agency having jurisdiction over any paid
36 firefighters of all counties and cities.

37 "

38 **SECTION 1.1.(d)** This section is effective when it becomes law and applies to
39 waivers of tuition granted on or after that date.

40
41 **MODIFY TECHNICAL REQUIREMENTS FOR ELECTRONIC**
42 **MONITORING/SATELLITE-BASED MONITORING**

43 **SECTION 1.2.(a)** G.S. 15A-101.1 reads as rewritten:

44 "**§ 15A-101.1. Electronic technology in criminal process and procedure.**

45 As used in this Chapter, in Chapter 7A of the General Statutes, in Chapter 15 of the General
46 Statutes, and in all other provisions of the General Statutes that deal with criminal process or
47 procedure:

48 (1) ~~"Attach" or "attached" means, when Attach or attached. – When referring to~~
49 documents existing in paper form, physical attachment by staples, clips, or
50 other mechanical means, or managed such that neither document is stored or
51 delivered without the other. When referring to documents stored in electronic

1 form, the term means either storage as a single digital file or storage in a
2 manner that a user interface for access to the documents displays clearly the
3 logical association between them, to the exclusion of other, unassociated
4 documents displayed with them. When referring to documents delivered in
5 electronic form, the term means documents delivered simultaneously and via
6 the same mechanism or medium, including, but not limited to, any of the
7 following: (i) delivery via a single email message, (ii) delivery on a single unit
8 of removable electronic media, or (iii) delivery in immediate,
9 contemporaneous sequence with one another from the same source to the same
10 recipient. It is not necessary that the relationship between documents appear
11 on the face of the documents in order to be deemed attached.

12 (1a) ~~"Copy" means all Copy.~~ – All identical versions of a document created or
13 existing in paper or electronic form, including the original and all other
14 identical versions of the document. Except where otherwise expressly
15 provided by law or when authority is vested only in a certified copy, a copy
16 of a document is equally authoritative as the original.

17 (2) ~~"Document" means any Document.~~ – Any pleading, criminal process,
18 subpoena, complaint, motion, application, notice, affidavit, commission,
19 waiver, consent, dismissal, order, judgment, or other writing intended in a
20 criminal or contempt proceeding to authorize or require an action, to record a
21 decision or to communicate or record information. A document may be
22 created and exist in paper form or in electronic form or in both forms. Each
23 document shall contain the legible, printed name of the person who signed the
24 document.

25 (3) ~~"Electronic" means relating Electronic.~~ – Relating to technology having
26 electrical, digital, magnetic, wireless, optical, electromagnetic, Internet, or
27 similar capabilities.

28 (3a) ~~"Electronic monitoring" or "electronically monitor" or "satellite-based
29 monitoring" means monitoring Electronic monitoring or electronically
30 monitor or satellite-based monitoring.~~ – Monitoring with an electronic
31 monitoring device that is not removed from a person's body, that is utilized by
32 the supervising agency in conjunction with a Web-based computer system that
33 actively monitors, identifies, tracks, and records a person's location at least
34 once every minute 24 hours a day, ~~that has a battery life of at least 48 hours
35 without being recharged,~~ that timely records and reports or records the
36 person's presence near or within a crime scene or prohibited area or the
37 person's departure from a specified geographic location, and that has
38 incorporated into the software the ability to automatically compare crime
39 scene data with locations of all persons being electronically monitored so as
40 to provide any correlation daily or in real time. In areas of the State where lack
41 of cellular coverage requires the use of an alternative device, the supervising
42 agency shall use an alternative device that works in concert with the software
43 and records location and tracking data for later download and crime scene
44 comparison.

45 (4) ~~"Electronic Repository" means an Electronic repository.~~ – An automated
46 electronic repository for criminal process created and maintained pursuant to
47 G.S. 15A-301.1.

48 ...

49 (6) ~~"Entered" means signed Entered.~~ – Signed and filed in the office of the clerk
50 of superior court of the county in which the document is to be entered. A
51 document may be entered in either paper form or electronic form.

(7) ~~"Filing" or "filed" means:~~Filing or filed. –

...

(8) ~~"Issued" applies~~Issued. – Applies to documents in either paper form or electronic form. A document that is first created in paper form is issued when it is signed. A document that is first created in electronic form is issued when it is signed and filed in the office of the clerk of superior court of the county for which it is to be issued.

(9) ~~"Original" means:~~Original. –

...

(10) ~~"Signature" means any~~Signature. – Any symbol, including, but not limited to, the name of an individual, which is executed by that individual, personally or through an authorized agent, with the intent to authenticate or to effect the issuance or entry of a document. A document may be signed by the use of any manual, mechanical or electronic means that causes the individual's signature to appear in or on the document. Any party challenging the validity of a signature shall have the burden of pleading, producing evidence, and proving that the signature was not the act of the person whose signature it appears to be."

SECTION 1.2.(b) This section is effective when it becomes law and applies to an electronic monitoring device used on or after that date.

EXTENSION OF MAXIMUM ALLOWABLE PERIOD OF PROBATION

SECTION 1.3.(a) G.S. 15A-1342(a) reads as rewritten:

"(a) Period. – The court may place a convicted offender on probation for the appropriate period as specified in G.S. 15A-1343.2(d), not to exceed a maximum of five ~~years.~~ years, unless an extension is authorized pursuant to G.S. 15A-1344 thereby extending the maximum by one additional year. The court may place a defendant as to whom prosecution has been deferred or who receives a conditional discharge on probation for a maximum of two years. The probation remains conditional and subject to revocation during the period of probation imposed, unless terminated as provided in subsection (b) or G.S. 15A-1341(c).

~~Extension.— In addition to G.S. 15A-1344, the court with the consent of the defendant may extend the period of probation beyond the original period (i) for the purpose of allowing the defendant to complete a program of restitution, or (ii) to allow the defendant to continue medical or psychiatric treatment ordered as a condition of the probation. The period of extension shall not exceed three years beyond the original period of probation. The special extension authorized herein may be ordered only in the last six months of the original period of probation. Any probationary judgment form provided to a defendant on supervised probation shall state that probation may be extended pursuant to this subsection."~~

SECTION 1.3.(b) G.S. 15A-1343.2(d) reads as rewritten:

"(d) Lengths of Probation Terms Under Structured Sentencing. – Unless the court makes specific findings that longer or shorter periods of probation are necessary, the length of the original period of probation for offenders sentenced under Article 81B shall be as follows:

...

If the court finds at the time of sentencing that a longer period of probation is necessary, that period may not exceed a maximum of five years, as specified in G.S. 15A-1342 and ~~G.S. 15A-1351.~~ G.S. 15A-1351, unless an extension is authorized pursuant to G.S. 15A-1344 thereby extending the maximum by one additional year.

~~Extension.— The court may with the consent of the offender extend the original period of the probation if necessary to complete a program of restitution or to complete medical or psychiatric treatment ordered as a condition of probation. This extension may be for no more than three years, and may only be ordered in the last six months of the original period of probation."~~

1 **SECTION 1.3.(c)** G.S. 15A-1344(d) reads as rewritten:

2 "(d) Extension and Modification; Response to Violations. – At any time prior to the
3 expiration or termination of the probation period or in accordance with subsection (f) of this
4 section, the court may after notice and ~~hearing~~ hearing, unless the probationer waives the hearing,
5 and for good cause shown extend the period of probation up to the maximum allowed under
6 G.S. 15A-1342(a) and may modify the conditions of ~~probation~~ probation, however, no more
7 than one extension of any probation period may be ordered except that the court may extend the
8 total time on probation by up to one additional year if the probationer admits the probationer has
9 violated their conditions of probation or is found by the court to have violated the conditions of
10 their probation. Total time on any probation term, including any extension, shall not exceed the
11 maximum term as established in G.S. 15A-1342(a) plus one additional year if the probationer
12 admits or the court finds that the probationer has violated their conditions of probation. A hearing
13 extending or modifying probation may be held in the absence of a defendant who fails to appear
14 for the hearing after a reasonable effort to notify the defendant. If a probationer violates a
15 condition of probation at any time prior to the expiration or termination of the period of probation,
16 the court, in accordance with the provisions of G.S. 15A-1345, may continue the defendant on
17 probation, with or without modifying the conditions, may place the defendant on special
18 probation as provided in subsection (e), or, if continuation, modification, or special probation is
19 not appropriate, may revoke the probation and activate the suspended sentence imposed at the
20 time of initial sentencing, if any, or may order that charges as to which prosecution has been
21 deferred be brought to trial; provided that probation may not be revoked solely for conviction of
22 a Class 3 misdemeanor. The court, before activating a sentence to imprisonment established when
23 the defendant was placed on probation, may reduce the sentence, but the reduction shall be
24 consistent with subsection (d1) of this section. A sentence activated upon revocation of probation
25 commences on the day probation is revoked and runs concurrently with any other period of
26 probation, parole, or imprisonment to which the defendant is subject during that period unless
27 the revoking judge specifies that it is to run consecutively with the other period."

28 **SECTION 1.3.(d)** This section becomes effective December 1, 2025, and applies to
29 new terms of probation ordered on or after that date.

30 31 **PART II. INSTITUTIONS**

32 33 **SEXUALLY VIOLENT PREDATOR DETERMINATIONS**

34 **SECTION 2.1.(a)** G.S. 14-208.20(b) reads as rewritten:

35 "(b) Prior to sentencing a person as a sexually violent predator, the court shall order a
36 presentence investigation in accordance with G.S. 15A-1332(c). However, the study of the
37 defendant and whether the defendant is a sexually violent predator shall be conducted by a board
38 of experts selected by the Division of Prisons of the Department of Adult Correction. The board
39 of experts shall be composed of at least four people. Two of the board members shall be experts
40 in the field of the behavior and treatment of sexual offenders, one of whom shall be selected from
41 a panel of experts in those fields provided by the North Carolina Medical Society and not be
42 employed full time with the Division of Prisons of the Department of Adult Correction or
43 employed on a full-time basis with any other State agency. One of the board members shall be a
44 victims' rights advocate, and one of the board members shall be a representative of law
45 enforcement agencies."

46 **SECTION 2.1.(b)** This section becomes effective December 1, 2025, and applies to
47 boards of experts selected on or after that date.

48 49 **EXTEND SUNSET DATE FOR USE OF SECURITY GUARDS AT STATE PRISONS**

1 **SECTION 2.2.(a)** Section 4.15(c) of S.L. 2020-3, as amended by Section 2 of S.L.
2 2020-15, Section 19D.2 of S.L. 2021-180, Section 12 of S.L. 2022-58, Section 19D.1 of S.L.
3 2022-74, and Section 9(a) of S.L. 2023-121, reads as rewritten:

4 "**SECTION 4.15.(c)** This section is effective when it becomes law and expires on June 30,
5 ~~2025-2027.~~"

6 **SECTION 2.2.(b)** This section is effective when it becomes law.
7

8 **PART III. SUPPORT SERVICES**

9 **USE OF AVAILABLE FUNDS FOR REPAIR AND RENOVATION PURPOSES**

10 **SECTION 3.1.(a)** G.S. 143C-8-13 is amended by adding a new subsection to read:

11 "(e) Notwithstanding any provision of G.S. 143C-8-7 to the contrary, the Secretary of the
12 Department of Adult Correction may pay for projects for repairs and renovations with funds
13 available to the agency according to the following requirements:
14

15 (1) The project meets all of the following requirements:

16 a. The total project costs do not exceed one million dollars (\$1,000,000).

17 b. The project is one of the types set forth in subdivisions (1) through
18 (13) of subsection (a) of this section, regardless of whether the relevant
19 facilities and related infrastructure are supported from the General
20 Fund or the State Capital and Infrastructure Fund.

21 (2) The Department reports on projects undertaken pursuant to this subsection to
22 the Fiscal Research Division on a quarterly basis. The report shall include all
23 of the following information for each project:

24 a. The facility at which the project is being undertaken.

25 b. The nature and scope of the project.

26 c. The source of funds for the project.

27 d. The category of projects set forth in subsection (a) of this section that
28 the project falls within.

29 (3) Any funds from a General Fund appropriation that are contractually obligated
30 for a project pursuant to this subsection shall not revert at the end of the fiscal
31 year but shall remain available to fund the completion of the project."

32 **SECTION 3.1.(b)** This section is effective when it becomes law and applies to
33 payments for projects for repairs and renovations occurring on or after that date.
34

35 **REMAINING BALANCES FROM OLD INDEBTEDNESS PROJECTS**

36 **SECTION 3.2.(a)** Notwithstanding S.L. 2006-66 and S.L. 2015-241, the Department
37 of Adult Correction may use up to one million six hundred twelve thousand four hundred
38 eighty-one dollars and fourteen cents (\$1,612,481.14) from the projects described in Section
39 23.12(g) of S.L. 2006-66 and Section 31.22 of S.L. 2015-241 to finance capital facility costs of
40 HVAC projects at State facilities. No additional special indebtedness may be issued or incurred
41 to finance these projects. The use of funds authorized by this section shall not require further
42 approval by the Council of State pursuant to Chapter 142 of the General Statutes.

43 **SECTION 3.2.(b)** This section is effective when it becomes law.
44

45 **PART IV. COMPREHENSIVE HEALTH SERVICES**

46 **TEMPORARY EMPLOYEE 31-DAY SEPARATION EXCEPTION**

47 **SECTION 4.1.(a)** G.S. 126-6.3 reads as rewritten:

48 "**§ 126-6.3. Temporary employment needs of Cabinet and Council of State agencies; use of**
49 **the Temporary Solutions Program.**
50

1 (a) Use of Temporary Solutions Required for Cabinet Agencies. – Notwithstanding
 2 G.S. 126-5 or any other provision of law, all Cabinet agencies that utilize temporary employees
 3 to perform work that is not health services-related in the Department of Adult Correction and the
 4 Department of Health and Human Services or information technology-related shall employ them
 5 through the Temporary Solutions Program administered by the Office of State Human Resources
 6 (OSHR). Council of State agencies may use the Temporary Solutions Program in the discretion
 7 of the agency.

8 ...

9 (b1) Exemption. – Notwithstanding this section and the policies and rules adopted
 10 pursuant to it, health services-related temporary employees working in the Department of Adult
 11 Correction and the Department of Health and Human Services shall be exempt from any
 12 break-in-service requirement. This exemption is only for purposes of Article 1 of Chapter 126 of
 13 the General Statutes. This subsection does not apply to the mandatory break-in-service
 14 requirement for purposes of Chapter 135 of the General Statutes.

15"

16 **SECTION 4.1.(b)** This section is effective when it becomes law and applies to
 17 temporary employees hired on or after that date.

18 **PART V. OFFICE OF STAFF DEVELOPMENT AND TRAINING (OSDT)**

20 **VESTED PROBATION AND PAROLE OFFICERS MAINTAIN ELIGIBILITY FOR** 21 **SUPPLEMENTAL RETIREMENT WHEN SERVING IN NONCERTIFIED ROLES**

22 **SECTION 5.1.(a)** G.S. 135-1 reads as rewritten:

23 **"§ 135-1. Definitions.**

24 The following words and phrases as used in this Chapter, unless a different meaning is plainly
 25 required by the context, shall have the following meanings:

- 26 (1) ~~"Accumulated contributions" shall mean the~~ Accumulated contributions. –
 27 The sum of all the amounts deducted from the compensation of a member and
 28 accredited to his individual account in the annuity savings fund, together with
 29 regular interest thereon as provided in G.S. 135-8.
- 30 (2) ~~"Actuarial equivalent" shall mean a~~ Actuarial equivalent. – A benefit of equal
 31 value when computed upon the basis of actuarial assumptions as shall be
 32 adopted by the Board of Trustees.
- 33 (3) ~~"Annuity" shall mean payments~~ Annuity. – Payments for life derived from
 34 that "accumulated contribution" of a member. All annuities shall be payable
 35 in equal monthly installments.
- 36 (4) ~~"Annuity reserve" shall mean the~~ Annuity reserve. – The present value of all
 37 payments to be made on account of any annuity or benefit in lieu of any
 38 annuity, computed upon the basis of such mortality tables as shall be adopted
 39 by the Board of Trustees, and regular interest.
- 40 (4a) ~~"Authorized~~ Authorized representatives who are assisting the Retirement
 41 Systems Division staff" means only staff. – Only other staff of the Department
 42 of State Treasurer, staff of the Department of Justice, or persons providing
 43 internal auditing assistance required under G.S. 143-746(b).

44 ...

- 45 (5) ~~"Average~~ Average final compensation" shall mean the compensation. – The
 46 average annual compensation of a member during the four consecutive
 47 calendar years of membership service producing the highest such average; but
 48 shall not include any compensation, as determined by the Board of Trustees,
 49 for the reimbursement of expenses or payments for housing or any other
 50 allowances whether or not classified as salary and wages. Payout of vacation
 51

1 leave shall be included in "average final compensation" only if the payout is
 2 received by the member during the four consecutive calendar years of
 3 membership service producing the highest average annual compensation of
 4 the member. In the event a member is or has been in receipt of a benefit under
 5 the provisions of G.S. 135-105 or G.S. 135-106, the compensation used in the
 6 calculation of "average final compensation" shall be the higher of
 7 compensation of the member under the provisions of this Article or
 8 compensation used in calculating the payment of benefits under Article 6 of
 9 this Chapter as adjusted for percentage increases in the post disability benefit.

10 (6) ~~"Beneficiary" shall mean any Beneficiary.~~ – Any person in receipt of a
 11 pension, an annuity, a retirement allowance or other benefit as provided by
 12 this Chapter.

13 (7) ~~"Board of Trustees" shall mean the Board of Trustees.~~ – The Board provided
 14 for in G.S. 135-6 to administer the Retirement System.

15 (7a) a. ~~"Compensation" shall mean all Compensation.~~ – All salaries and wages
 16 prior to any reduction pursuant to sections 125, 401(k), 403(b), 414(h)(2), and
 17 457 of the Internal Revenue Code, not including any terminal payments for
 18 unused sick leave, derived from public funds which are earned by a member
 19 of the Retirement System for service as an employee or teacher in the unit of
 20 the Retirement System for which he is performing full-time work. In addition
 21 to the foregoing, "compensation" shall include:

22 ...

23 (7b) ~~"Compliance investigation" means an Compliance investigation.~~ – An
 24 independent review or examination by Retirement Systems Division staff or
 25 authorized representatives who are assisting the Retirement Systems Division
 26 staff of records, activities, actions, or decisions by employers or other
 27 affiliated or associated entities having an impact on a Retirement System or
 28 benefits administered by the Board of Trustees. The purpose of a compliance
 29 investigation is to help detect errors and ensure compliance and full
 30 accountability in the use of pension funds.

31 (7c) ~~"Conduct Conduct directly related to the office or employment" shall mean~~
 32 ~~conduct employment.~~ – Conduct by the member resulting in a felony
 33 conviction that:

34 ...

35 (7d) ~~"Consumer Consumer Price Index" shall mean the Index.~~ – The Consumer
 36 Price Index for All Urban Consumers (CPI-U), U.S. City Average, all items,
 37 not seasonally adjusted, standard reference base, as published by the Bureau
 38 of Labor Statistics of the U.S. Department of Labor.

39 (8) ~~"Creditable service" shall mean the Creditable service.~~ – The total of "prior
 40 service" plus "membership service" plus service, both noncontributory and
 41 purchased, for which credit is allowable as provided under this Article. In no
 42 event, however, shall "creditable service" be deemed "membership service"
 43 for the purpose of determining eligibility for benefits accruing under this
 44 Article.

45 (8a) ~~"Duly acknowledged" means notarized, Duly acknowledged.~~ – Notarized,
 46 including electronic notarization, or verified through an identity
 47 authentication service approved by the Department of State Treasurer.

48 (9) ~~"Earnable compensation" shall mean the Earnable compensation.~~ – The full
 49 rate of the compensation that would be payable to a teacher or employee if he
 50 worked in full normal working time. In cases where compensation includes

1 maintenance, the Board of Trustees shall fix the value of that part of the
2 compensation not paid in money.

3 (10) ~~"Employee" shall mean all Employee.~~ – All full-time employees, agents or
4 officers of the State of North Carolina or any of its departments, bureaus and
5 institutions other than educational, whether such employees are elected,
6 appointed or employed: Provided that the term "employee" shall not include
7 employees of the University of North Carolina Health Care System who are
8 not eligible for participation under G.S. 135-5.6, employees of the East
9 Carolina University School of Medicine or Dental School of Medicine who
10 are not eligible for participation under G.S. 135-5.7, any person who is a
11 member of the Consolidated Judicial Retirement System, any member of the
12 General Assembly or any part-time or temporary employee. Notwithstanding
13 any other provision of law, "employee" shall include all employees of the
14 General Assembly except participants in the Legislative Intern Program,
15 pages, and beneficiaries in receipt of a monthly retirement allowance under
16 this Chapter who are reemployed on a temporary basis. "Employee" also
17 includes any participant whose employment is interrupted by reason of service
18 in the Uniformed Services, as that term is defined in section 4303(16) of the
19 Uniformed Services Employment and Reemployment Rights Act, Public Law
20 103-353, if that participant was an employee at the time of the interruption; if
21 the participant does not return immediately after that service to employment
22 with a covered employer in this System, then the participant shall be deemed
23 "in service" until the date on which the participant was first eligible to be
24 separated or released from his or her involuntary military service. In all cases
25 of doubt, the Board of Trustees shall determine whether any person is an
26 employee as defined in this Chapter. "Employee" shall also mean every
27 full-time civilian employee of the North Carolina National Guard who is
28 employed pursuant to section 709 of Title 32 of the United States Code and
29 paid from federal appropriated funds, but held by the federal authorities not to
30 be a federal employee: Provided, however, that the authority or agency paying
31 the salaries of such employees shall deduct or cause to be deducted from each
32 employee's salary the employee's contribution in accordance with applicable
33 provisions of G.S. 135-8 and remit the same, either directly or indirectly, to
34 the Retirement System; coverage of employees described in this sentence shall
35 commence upon the first day of the calendar year or fiscal year, whichever is
36 earlier, next following the date of execution of an agreement between the
37 Secretary of Defense of the United States and the Adjutant General of the State
38 acting for the Governor in behalf of the State, but no credit shall be allowed
39 pursuant to this sentence for any service previously rendered in the
40 above-described capacity as a civilian employee of the North Carolina
41 National Guard: Provided, further, that the Adjutant General, in the Adjutant
42 General's discretion, may terminate the Retirement System coverage of the
43 above-described North Carolina National Guard employees if a federal
44 retirement system is established for such employees and the Adjutant General
45 elects to secure coverage of such employees under such federal retirement
46 system. Any full-time civilian employee of the North Carolina National Guard
47 described above who is now or hereafter may become a member of the
48 Retirement System may secure Retirement System credit for such service as
49 a North Carolina National Guard civilian employee for the period preceding
50 the time when such employees became eligible for Retirement System
51 coverage by paying to the Retirement System an amount equal to that which

- 1 would have constituted employee contributions if the employee had been a
2 member during the years of ineligibility, plus interest. Employees of State
3 agencies, departments, institutions, boards, and commissions who are
4 employed in permanent job positions on a recurring basis must work at least
5 30 hours per week for nine or more months per calendar year in order to be
6 covered by the provisions of this subdivision. On and after August 1, 2001, a
7 person who is a nonimmigrant alien and who otherwise meets the
8 requirements of this subdivision shall not be excluded from the definition of
9 "employee" solely because the person holds a temporary or time-limited visa.
- 10 (11) ~~"Employer" shall mean the Employer.~~ – The State of North Carolina, the
11 county board of education, the city board of education, the State Board of
12 Education, the board of trustees of the University of North Carolina, the
13 University of North Carolina Health Care System, the board of trustees of
14 other institutions and agencies supported and under the control of the State, or
15 any other agency of and within the State by which a teacher or other employee
16 is paid. For purposes of reporting under the pronouncements by the
17 Governmental Accounting Standards Board, the Retirement System is a
18 multi-employer plan.
- 19 (11a) ~~"Filing" when Filing.~~ – When used in reference to an application for
20 retirement shall mean the receipt of an acceptable application on a form
21 provided by the Retirement System.
- 22 (11b) ~~"Fraud investigation" means an Fraud investigation.~~ – An independent review
23 or examination by Retirement Systems Division staff or authorized
24 representatives who are assisting the Retirement Systems Division staff of
25 records, activities, actions, or decisions by employers or other affiliated or
26 associated entities having an impact on the Retirement System. The purpose
27 of a fraud investigation is to help detect and prevent fraud and to ensure full
28 accountability in the use of pension funds.
- 29 (11c) ~~"Law Enforcement Officer" means a Law Enforcement Officer.~~ – A full-time
30 paid employee of an employer who is actively serving in a position with
31 assigned primary duties and responsibilities for prevention and detection of
32 crime or the general enforcement of the criminal laws of the State of North
33 Carolina or serving civil processes, and who possesses the power of arrest by
34 virtue of an oath administered under the authority of the State.
35 "Law-Enforcement Officer" also means a probation/parole officer as defined
36 in this section with respect to any service rendered on or after July 1, 2017.
- 37 (12) ~~"Medical board" shall mean the Medical board.~~ – The board of physicians
38 provided for in G.S. 135-6.
- 39 (13) ~~"Member" shall mean any Member.~~ – Any teacher or State employee included
40 in the membership of the System as provided in G.S. 135-3 and 135-4.
- 41 (14) ~~"Membership service" shall mean service Membership service.~~ – Service as a
42 teacher or State employee rendered while a member of the Retirement System
43 or membership service in a North Carolina Retirement System that has been
44 transferred into this system.
- 45 (15) ~~"Pension reserve" shall mean the Pension reserve.~~ – The present value of all
46 payments to be made on account of any pension or benefit in lieu of any
47 pension computed upon the basis of such mortality tables as shall be adopted
48 by the Board of Trustees, and regular interest.
- 49 (16) ~~"Pensions" shall mean payments Pensions.~~ – Payments for life derived from
50 money provided by the State of North Carolina, and by county or city boards
51 of education. All pensions shall be payable in equal monthly installments.

- 1 (17) ~~"Prior service" shall mean service~~ Prior service. – Service rendered prior to
2 the date of establishment of the Retirement System for which credit is
3 allowable under G.S. 135-4; provided, persons now employed by the Board
4 of Transportation shall be entitled to credit for employment in road
5 maintenance by the various counties and road districts prior to 1931.
- 6 (17a) ~~"Probation/Parole Officer" shall mean a Probation/Parole Officer.~~ – A
7 full-time paid employee of the Division of Community Supervision and
8 Reentry of the Department of Adult Correction whose duties include
9 supervising, evaluating, or otherwise instructing offenders who have been
10 placed on probation, parole, or post-release supervision or have been assigned
11 to any other community-based program operated by the Division of
12 Community Supervision and Reentry, or a full-time paid employee
13 of the Department of Adult Correction's Office of Staff Development and
14 Training who is certified as a Probation/Parole Officer and works exclusively
15 in a training role.
- 16 (18) ~~"Public school" shall mean any Public school.~~ – Any day school conducted
17 within the State under the authority and supervision of a duly elected or
18 appointed city or county school board, and any educational institution
19 supported by and under the control of the State.
- 20 (19) ~~"Regular interest" shall mean interest~~ Regular interest. – Interest compounded
21 annually at such a rate as shall be determined by the Board of Trustees in
22 accordance with G.S. 135-7, subsection (b).
- 23 (20) ~~"Retirement" under Retirement.~~ – Under this Chapter, except as otherwise
24 provided, means the commencement of monthly retirement benefits along
25 with termination of employment and the complete separation from active
26 service with no intent or agreement, express or implied, to return to service.
27 A retirement allowance under the provisions of this Chapter may only be
28 granted upon retirement of a member. In order for a member's retirement to
29 become effective in any month, the member must perform no work for an
30 employer, including part-time, temporary, substitute, or contractor work, at
31 any time during the six months immediately following the effective date of
32 retirement. A member who is a full-time faculty member of The University of
33 North Carolina may effect a retirement allowance under this Chapter,
34 notwithstanding the six-month requirement above, provided the member
35 immediately enters the University's Phased Retirement Program for Tenured
36 Faculty as that program existed on May 25, 2011. For purposes of this
37 subdivision, all of the following shall not be considered service or work:
38 ...
- 39 (21) ~~"Retirement allowance" shall mean the Retirement allowance.~~ – The sum of
40 the "annuity and the pensions," or any optional benefit payable in lieu thereof.
- 41 (22) ~~"Retirement System" shall mean the Retirement System.~~ – The Teachers' and
42 State Employees' Retirement System of North Carolina as defined in
43 G.S. 135-2.
- 44 (23) ~~"Service" shall mean service~~ Service. – Service as a teacher or State employee
45 as described in subdivision (10) or (25) of this section.
- 46 (24) ~~"Social security breakpoint" shall mean the Social security breakpoint.~~ – The
47 maximum amount of taxable wages under the Federal Insurance Contributions
48 Act as from time to time in effect.
- 49 (25) ~~"Teacher" shall mean (i) any Teacher.~~ – Any (i) teacher, helping teacher,
50 teacher in a job-sharing position under G.S. 115C-326.5 except for a
51 beneficiary in that position, librarian, superintendent principal, supervisor,

1 superintendent of public schools or any full-time employee, city or county, of
 2 public instruction, or any full-time employee of the Department of Public
 3 Instruction, president, dean or teacher, or any full-time employee in any
 4 educational institution supported by and under the control of the ~~State~~; State,
 5 who (ii) ~~who~~ works at least 30 or more hours per week for at least nine or
 6 more months per calendar year. The term "teacher" shall not include any
 7 employee or teacher in a part-time, temporary, or substitute position, except
 8 for a teacher in a job-sharing position. The term "teacher" does not include
 9 those participating in an optional retirement program provided for in
 10 G.S. 135-5.1 or G.S. 135-5.4. In all cases of doubt, the Board of Trustees shall
 11 determine whether any person is a teacher as defined in this Chapter. On and
 12 after August 1, 2001, a person who is a nonimmigrant alien and who otherwise
 13 meets the requirements of this subdivision shall not be excluded from the
 14 definition of "teacher" solely because the person holds a temporary or
 15 time-limited visa. Notwithstanding the foregoing, the term "teacher" shall not
 16 include any nonimmigrant alien employed in elementary or secondary public
 17 schools, whether employed in a full-time, part-time, temporary, permanent, or
 18 substitute teacher position, and participating in an exchange visitor program
 19 designated by the United States Department of State pursuant to 22 C.F.R.
 20 Part 62 or by the United States Department of Homeland Security pursuant to
 21 8 C.F.R. Part 214.2(q).

22 (26) ~~"Year" as Year.~~ – As used in this Article shall mean the regular fiscal year
 23 beginning July 1 and ending June 30 in the following calendar year unless
 24 otherwise defined by regulation of the Board of Trustees."

25 **SECTION 5.1.(b)** This section is effective when it becomes law and applies to
 26 determinations under Article 1 of Chapter 135 of the General Statutes made on or after that date.

27
 28 **PART VI. TECHNICAL CORRECTIONS**

29
 30 **POST-RELEASE SUPERVISION ELIGIBILITY AND PROCEDURE**

31 **SECTION 6.1.(a)** G.S. 15A-1368.2(c1) reads as rewritten:

32 "(c1) Notwithstanding subsection (c) of this section, a person required to submit to
 33 satellite-based monitoring pursuant to G.S. 15A-1368.4(b1)(6) shall continue to participate in
 34 satellite-based monitoring beyond the period of post-release supervision until the ~~Commission~~
 35 superior court in the county where the conviction occurred releases the person from that
 36 requirement pursuant to G.S. 14-208.43."

37 **SECTION 6.1.(b)** This section is effective when it becomes law and applies to
 38 satellite-based monitoring releases ordered on or after that date.

39
 40 **EXCLUDE DEPARTMENT OF ADULT CORRECTION INVESTIGATIONS FROM**
 41 **CERTAIN INFORMATION TECHNOLOGY RESTRICTIONS**

42 **SECTION 6.2.(a)** G.S. 143-805(d) reads as rewritten:

43 "(d) Subsections (a) and (b) of this section shall not apply to an official or employee that
 44 is engaged in any of the following activities in the course of that official's or employee's official
 45 duties:

- 46 ...
- 47 (8) Investigating matters involving offenders incarcerated with, or otherwise
 48 under the supervision of, the Department of Adult Correction or matters
 49 related to the misuse of devices owned by the Department of Adult
 50 Correction."

1 **SECTION 6.2.(b)** This section is effective when it becomes law and applies to
2 investigations occurring before, on, or after that date.

3
4 **PART VII. SEVERABILITY AND EFFECTIVE DATE**

5
6 **SEVERABILITY CLAUSE**

7 **SECTION 7.1.** If any part, section, or provision of this act is declared
8 unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or
9 any part other than the part declared to be unconstitutional or invalid.

10
11 **EFFECTIVE DATE**

12 **SECTION 7.2.** Except as otherwise provided, this act is effective when it becomes
13 law.