

GENERAL ASSEMBLY OF NORTH CAROLINA  
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SENATE BILL DRS45239-ND-46

Short Title: Prison Reform Omnibus. (Public)

Sponsors: Senator Applewhite (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REFORM PRISON LABOR LAWS IN NORTH CAROLINA TO ENSURE FAIR  
3 COMPENSATION, MEANINGFUL REHABILITATION, EQUITABLE WORK  
4 OPPORTUNITIES, AND PROTECTIONS AGAINST LABOR EXPLOITATION.

5 Whereas, the current statutory framework governing prison labor in North Carolina  
6 prioritizes State cost-savings over rehabilitation and workforce readiness; and

7 Whereas, national best practices, including New York, Maryland, and the Prison  
8 Industry Enhancement Certification Program (PIECP), provide models for fair, rehabilitative,  
9 and economically beneficial prison labor policies; and

10 Whereas, ninety-four percent (94%) of incarcerated individuals will reenter society,  
11 and equipping them with vocational skills, fair wages, and work experience is essential for  
12 reducing recidivism and increasing public safety; and

13 Whereas, the North Carolina agricultural industry is facing labor shortages, and prison  
14 labor must not be exploited as a replacement for migrant or seasonal workers; and

15 Whereas, transparency, oversight, and independent auditing are critical to ensuring  
16 prison labor programs serve the interests of rehabilitation, workforce development, and ethical  
17 labor standards; and

18 Whereas, strengthening employment placement programs and offering tax incentives  
19 to businesses hiring formerly incarcerated individuals will enhance North Carolina's economy  
20 and reduce recidivism; Now, therefore,

21 The General Assembly of North Carolina enacts:

22 **SECTION 1.** The following sections of Article 3 of Chapter 148 of the General  
23 Statutes are repealed:

- 24 (1) G.S. 148-26.
- 25 (2) G.S. 148-26.1.
- 26 (3) G.S. 148-26.5.
- 27 (4) G.S. 148-32.2.
- 28 (5) G.S. 148-32.3.
- 29 (6) G.S. 148-33.

30 **SECTION 2.** Article 3 of Chapter 148 of the General Statutes, as amended by  
31 Section 1 of this act, reads as rewritten:

32 "Article 3.

33 "~~Labor of Prisoners, Fair and Rehabilitative Prison Labor Act.~~

34 "**§ 148-27.1. State policy on employment of incarcerated individuals.**

35 (a) It is the policy of the State of North Carolina that all incarcerated individuals who are  
36 medically and physically fit, as determined by a licensed healthcare professional, may be



1 provided with voluntary work opportunities that are rehabilitative, workforce-oriented, and fairly  
2 compensated.

3 (b) Work programs under this Article shall do each of the following:

- 4 (1) Prioritize training and skill development in industries with viable employment  
5 opportunities upon release.
- 6 (2) Ensure that prison labor is not used to displace non-incarcerated workers,  
7 including migrant and seasonal agricultural workers.
- 8 (3) Comply with labor standards set forth in the Prison Industry Enhancement  
9 Certification Program (PIECP), ensuring prevailing wage standards where  
10 applicable.
- 11 (4) Offer meaningful vocational education, apprenticeship, and certification  
12 programs.
- 13 (5) Establish gender-equitable labor policies, ensuring access to diverse work  
14 opportunities for both male and female incarcerated individuals.
- 15 (6) Provide fair compensation, with wages at least equal to the State minimum  
16 wage for PIECP-certified programs and no less than five dollars (\$5.00) per  
17 hour for non-PIECP programs.
- 18 (7) Ensure incarcerated individuals are provided post-release employment  
19 assistance in collaboration with the North Carolina Department of Commerce,  
20 workforce development boards, and private employers.

21 **"§ 148-27.2. Definitions.**

22 Unless otherwise specified or understood from the surrounding context, the following  
23 definitions apply in this Article:

- 24 (1) Division. – The Division of Prisons of the Department of Adult Correction.
- 25 (2) Incarcerated individual. – A person in the custody of the Department of Adult  
26 Correction or any other State or law enforcement agency, often referred to as  
27 an inmate or prisoner.
- 28 (3) PIECP. – The Prison Industry Enhancement Certification Program.
- 29 (4) Secretary. – The Secretary of the Department of Adult Correction.

30 **"§ 148-27.3. Prohibition on using prison labor to replace agricultural and private-sector**  
31 **workers.**

32 (a) No prison labor shall be used to replace, displace, or supplement migrant, seasonal,  
33 or documented agricultural workers who have been affected by State or federal immigration  
34 enforcement actions.

35 (b) Before approving any prison labor contracts in the agricultural sector, the North  
36 Carolina Department of Labor shall conduct a labor market assessment to confirm a legitimate  
37 labor shortage exists.

38 (c) Any incarcerated individual engaged in agricultural work shall be compensated at or  
39 above the prevailing wage for agricultural laborers in the State.

40 (d) Private farms are prohibited from contracting directly with any representative or  
41 entity of the Department of Adult Correction for prison labor.

42 (e) No later than March 1 and September 1 of each year, the Department of Adult  
43 Correction shall report to the Governor and General Assembly regarding the use of incarcerated  
44 individuals in agricultural labor, including, at a minimum, all of the following information:

- 45 (1) Total hours worked by incarcerated individuals during the current and  
46 previous calendar year.
- 47 (2) Total and individual wages paid to incarcerated individuals during the current  
48 and previous calendar year.
- 49 (3) Number of non-incarcerated agricultural jobs affected by the use of prison  
50 labor pursuant to this Article during the current and previous calendar year.

1 **"§ 148-28. Sentencing ~~prisoners~~ incarcerated individuals to Central Prison; youthful**  
2 **offenders.**

3 When a sentenced offender is to be taken to the Central Prison at Raleigh, a sheriff or other  
4 appropriate officer of the county shall cause ~~such prisoner~~ the incarcerated individual to be  
5 delivered with the proper commitment papers to the warden of the Central Prison. A person under  
6 16 years of age convicted of a felony shall not be imprisoned in the Central Prison at Raleigh  
7 ~~unless~~ unless both of the following circumstances exist:

8 (1) The person was convicted of a capital ~~felony~~ or felony.

9 (2) ~~He~~ The person has previously been imprisoned in a county jail or under the  
10 authority of the Division of Prisons of the Department of Adult Correction  
11 upon conviction of a felony.

12 This provision shall not limit the authority of the Secretary of the Department of Adult Correction  
13 from transferring a person under 16 years of age to Central Prison when in the Secretary's  
14 determination this person would not benefit from confinement in separate facilities for youthful  
15 offenders or when it has been determined that ~~his~~ the person's presence would be detrimental to  
16 the implementation of programs designed for the benefit of other youthful offenders. Nor shall  
17 this provision limit the authority of the judges of the superior courts of this State or the Secretary  
18 of the Department of Adult Correction from committing or transferring a person under 16 years  
19 of age to Central Prison for medical or psychiatric treatment.

20 **"§ 148-29. Transportation of ~~convicts~~ incarcerated individuals to prison; reimbursement**  
21 **to counties; sheriff's expense affidavit.**

22 (a) The sheriff having in charge any ~~prisoner~~ incarcerated individual to be taken to the  
23 State prison system shall send the ~~prisoner~~ incarcerated individual to the custody of the Division  
24 of Prisons of the Department of Adult Correction after sentencing and the disposal of all pending  
25 charges against the ~~prisoner~~ incarcerated individual, if no appeal has been taken. Beginning on  
26 the day after the Division has been notified by the sheriff that ~~a prisoner~~ an incarcerated  
27 individual is ready for transfer and the Division has informed the sheriff that bedspace is not  
28 available for that ~~prisoner~~ incarcerated individual, and continuing through the day the ~~prisoner~~  
29 incarcerated individual is received by the Division, the Division shall pay the ~~county~~ county all  
30 of the following:

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

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

37 If the Division determines that bedspace is not available for ~~a prisoner~~ an incarcerated individual  
38 after the sheriff has notified the Division that the ~~prisoner~~ incarcerated individual is ready for  
39 transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff  
40 gave the notification.

41 (b) The sheriff having in charge any parolee or post-release supervisee to be taken to the  
42 State prison system shall send the ~~prisoner~~ incarcerated individual to the custody of the Division  
43 of Prisons of the Department of Adult Correction after preliminary hearing held under  
44 G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the day after the Division has been  
45 notified by the sheriff that ~~a prisoner~~ an incarcerated individual is ready for transfer and the  
46 Division has informed the sheriff that bedspace is not available for that ~~prisoner~~ incarcerated  
47 individual, and continuing through the day the ~~prisoner~~ incarcerated individual is received by the  
48 Division, the Division shall pay the ~~county~~ county all of the following:

49 (1) A standard sum set by the General Assembly in its appropriations acts for the  
50 cost of providing food, clothing, personal items, supervision, and necessary

1 ordinary medical services to the parolee or post-release supervisee awaiting  
2 transfer to the State prison system; ~~and system.~~

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

6 If the Division determines that bedspace is not available for a ~~prisoner~~ an incarcerated individual  
7 after the sheriff has notified the Division that the ~~prisoner~~ incarcerated individual is ready for  
8 transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff  
9 gave the notification.

10 (c) The sheriff shall file with the board of commissioners of ~~his~~ the sheriff's county a  
11 copy of ~~his~~ the sheriff's affidavit as to necessary guard, together with a copy of ~~his~~ the sheriff's  
12 itemized account of expenses, both certified to by ~~him~~ the sheriff as true copies of those on file  
13 in ~~his~~ the sheriff's office.

14 **"§ 148-31. Maintenance of Central Prison; warden; powers and duties.**

15 The Central Prison shall be maintained in such a manner as to conform to all the requirements  
16 of Article XI of the State Constitution, relating to a State's prison. A suitable person shall be  
17 appointed warden of the Central Prison, and ~~he~~ that person shall succeed to and be vested with  
18 all the rights, duties, and powers heretofore vested by law in the superintendent of the State's  
19 prison or the warden thereof with respect to capital punishment, or any matter of discipline of the  
20 ~~inmates~~ incarcerated individuals of the prison not otherwise provided for in this Article.

21 **"§ 148-32.1. Local confinement, costs, alternate facilities, parole, work release.**

22 ...

23 (b) In the event that the custodian of the local confinement facility certifies in writing to  
24 the clerk of the superior court in the county in which the local confinement facility is located that  
25 the local confinement facility is filled to capacity, or that the facility cannot reasonably  
26 accommodate any more ~~prisoners~~ incarcerated individuals due to segregation requirements for  
27 particular ~~prisoners~~ incarcerated individuals or that the custodian anticipates, in light of local  
28 experiences, an influx of temporary ~~prisoners~~ incarcerated individuals at that time, or if the local  
29 confinement facility does not meet the minimum standards published pursuant to G.S. 153A-221,  
30 any judge of the district court in the district court district as defined in G.S. 7A-133 where the  
31 facility is located, or any superior court judge who has jurisdiction pursuant to G.S. 7A-47.1 or  
32 G.S. 7A-48 in a district or set of districts as defined in G.S. 7A-41.1 where the facility is located  
33 may order that a ~~prisoner~~ an incarcerated individual not housed pursuant to the Statewide  
34 Misdemeanant Confinement Program established in subsection (b2) of this section be transferred  
35 to any other qualified local confinement facility within that district or within another such district  
36 where space is available, including a satellite jail unit operated pursuant to G.S. 153A-230.3 if  
37 the ~~prisoner~~ incarcerated individual is a non-violent misdemeanor, which local facility shall  
38 accept the transferred ~~prisoner~~ incarcerated individual.

39 If no other local confinement facility is available and the reason for the requested transfer is  
40 that the local confinement facility that would be required to house the ~~prisoner~~ incarcerated  
41 individual cannot reasonably accommodate any more ~~prisoners~~ incarcerated individuals due to  
42 segregation requirements for particular ~~prisoners~~ incarcerated individuals or the local facility  
43 does not meet the minimum standards published pursuant to G.S. 153A-221, then the judge may  
44 order that a ~~prisoner~~ an incarcerated individual not housed pursuant to the Statewide  
45 Misdemeanant Confinement Program established in subsection (b2) of this section be transferred  
46 to a facility operated by the Division of Prisons of the Department of Adult Correction as  
47 designated by the Division of Prisons. In no event, however, shall a ~~prisoner~~ an incarcerated  
48 individual whose term of imprisonment is less than 30 days be assigned or ordered transferred to  
49 a facility operated by the Division of Prisons.

50 ...

(b2) The Statewide Misdemeanant Confinement Program is established. The Program shall provide for the housing of misdemeanants from all counties serving sentences imposed for a period of more than 90 days and for all sentences imposed for impaired driving under G.S. 20-138.1, regardless of length. Those misdemeanants shall be confined in local confinement facilities except as provided in subsections (b3) and (b4) of this section. The Program shall address methods for the placement and transportation of inmates and reimbursement to counties for the housing of those inmates. Any county that voluntarily agrees to house misdemeanants from that county or from other counties pursuant to the Program may enter into a written agreement with the Division of Prisons to do so.

The North Carolina Sheriffs' Association shall:

...

(2) Report no later than October 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the Statewide Misdemeanant Confinement Program. The report shall include the following with respect to the prior fiscal year:

- a. The cost of housing ~~prisoners~~ incarcerated individuals by county under the Program.
- b. The cost of transporting ~~prisoners~~ incarcerated individuals by county under the Program.
- c. Personnel costs by county.
- d. ~~Inmate~~ Incarcerated individual medical care costs by county.
- e. The number of counties that volunteer to house ~~inmates~~ incarcerated individuals under the Program.

...

(b3) The custodian of a local confinement facility may request a judicial order to transfer a misdemeanant housed pursuant to the Statewide Misdemeanant Confinement Program to a facility operated by the Division of Prisons by certifying in writing to the clerk of the superior court in the county in which the local confinement facility is located that one of the following conditions is met:

(1) The misdemeanant poses a security risk because the misdemeanant:

...

- c. Needs to be protected from other ~~inmates~~ incarcerated individuals, and the county jail facility cannot provide ~~such that~~ protection.
- d. Is a female or a person 18 years of age or younger, and the county jail facility does not have adequate housing for ~~such prisoners~~ those incarcerated individuals.

...

- f. Otherwise poses an imminent danger to the staff of the county jail facility or to other ~~prisoners~~ incarcerated individuals in the facility.

...

(3) The local confinement facility that would be required to house the ~~prisoner~~ incarcerated individual (i) cannot reasonably accommodate any more ~~prisoners~~ incarcerated individuals due to segregation requirements for particular ~~prisoners~~ incarcerated individuals, or the local facility does not meet the minimum standards published pursuant to G.S. 153A-221, and (ii) no other local confinement facility is available.

Upon receiving such request and certification in writing, any superior or district court judge for the district in which the local confinement facility is located may, after ascertaining that the request meets the criteria set forth in subdivision (1), (2), or (3) of this subsection, order the

1 misdemeanor transferred to a unit of the State prison system designated by the Secretary of the  
2 Department of Adult Correction or the Secretary's authorized representative. Individuals meeting  
3 the condition set forth in subdivision (2) of this subsection may be ordered to be transferred for  
4 an initial period not to exceed 30 days. The sheriff of the county from which the ~~prisoner~~  
5 incarcerated individual is removed shall be responsible for conveying the ~~prisoner~~incarcerated  
6 individual to the prison unit where the ~~prisoner~~incarcerated individual is to be held and for  
7 returning the ~~prisoner~~incarcerated individual to the jail of the county from which the ~~prisoner~~  
8 incarcerated individual was transferred. The officer in charge of the prison unit designated by the  
9 Secretary of the Department of Adult Correction shall receive custody of the ~~prisoner~~  
10 incarcerated individual in accordance with the terms of the order. Prior to the conclusion of the  
11 30-day period, the Division of Prisons shall conduct an assessment of treatment and venue needs.  
12 The assessment shall be conducted by the attending medical or mental health professional and  
13 shall assess the medical and mental health needs of the ~~prisoner~~incarcerated individual and make  
14 a recommendation on whether the ~~prisoner~~incarcerated individual should remain in the custody  
15 of the Division of Prisons of the Department of Adult Correction or if the ~~prisoner~~incarcerated  
16 individual should be returned to the custody of the county. To extend the order beyond the initial  
17 30-day period, the sheriff shall provide the Division of Prisons assessment and any other relevant  
18 information to the resident judge or the superior court or any judge holding superior court in the  
19 district or any district court judge who shall determine whether to extend the transfer of the  
20 ~~prisoner~~incarcerated individual to a unit of the State prison system beyond the initial 30-day  
21 period. If the judge determines that the ~~prisoner~~incarcerated individual should remain in the  
22 custody of the Division of Prisons, the judge shall renew the order and include a date certain for  
23 review by the court. Prior to the date of review, the Division shall conduct a reassessment of  
24 treatment and venue needs and the sheriff shall provide the reassessment and any other relevant  
25 information to the court, as described in this subsection. If the judge determines that the ~~prisoner~~  
26 incarcerated individual should not remain in the custody of the Division of Prisons, the officer in  
27 charge of the prison unit designated by the Secretary of the Department of Adult Correction shall  
28 release custody of the ~~prisoner~~incarcerated individual in accordance with the court order and the  
29 instructions of the attending medical or mental health professional. The Division of Prisons shall  
30 be reimbursed from the Statewide Misdemeanant Confinement Fund for the costs of housing the  
31 misdemeanor, including the care, supervision, and transportation of the misdemeanor.

32 ...

33 (d) When a ~~prisoner~~an incarcerated individual serving a sentence of 30 days or more in  
34 a local confinement facility is placed on work release pursuant to a recommendation of the  
35 sentencing court, the custodian of the facility shall forward the ~~prisoner's~~incarcerated  
36 individual's work-release earnings to the Division of Prisons, which shall disburse the earnings  
37 as determined under G.S. 148-33.1(f). When a ~~prisoner~~an incarcerated individual serving a  
38 sentence of 30 days or more in a local confinement facility is placed on work release pursuant to  
39 an order of the sentencing court, the custodian of the facility shall forward the ~~prisoner's~~  
40 incarcerated individual's work-release earnings to the clerk of the court that sentenced the  
41 ~~prisoner~~incarcerated individual or to the Division of Prisons, as provided in the ~~prisoner's~~  
42 incarcerated individual's commitment order. The clerk or the Division, as appropriate, shall  
43 disburse the earnings as provided in the ~~prisoner's~~incarcerated individual's commitment order.  
44 Upon agreement between the Division of Prisons and the custodian of the local confinement  
45 facility, however, the clerk may disburse to the local confinement facility the amount of the  
46 earnings to be paid for the cost of the ~~prisoner's~~incarcerated individual's keep, and that amount  
47 shall be set off against the reimbursement to be paid by the Department to the local confinement  
48 facility pursuant to G.S. 148-32.1(a).

49 (e) Upon entry of a ~~prisoner~~an incarcerated individual serving a sentence of  
50 imprisonment for impaired driving under G.S. 20-138.1 into a local confinement facility or to a  
51 detention facility approved by the Division of Juvenile Justice of the Department of Public Safety

1 pursuant to this section, the custodian of the local confinement facility or detention facility shall  
2 forward to the Post-Release Supervision and Parole Commission information pertaining to the  
3 ~~prisoner~~ incarcerated individual so as to make ~~him~~ the individual eligible for parole consideration  
4 pursuant to G.S. 15A-1371. ~~Such~~ This information shall include date of incarceration, jail credit,  
5 and ~~such~~ other information as may be required by the Post-Release Supervision and Parole  
6 Commission. The Post-Release Supervision and Parole Commission shall approve a form upon  
7 which the custodian shall furnish this information, which form will be provided to the custodian  
8 by the Division of Prisons.

9 **"§ 148-32.4. Oversight of Department of Transportation and forestry work assignments.**

10 (a) No later than March 1 and September 1 of each year, the Department of Adult  
11 Correction, in consultation with the Department of Transportation (DOT) and the North Carolina  
12 Forest Service, shall report to the Governor and General Assembly regarding the work of  
13 incarcerated individuals on DOT and forestry work assignments, including, at a minimum, all of  
14 the following information:

15 (1) Total hours worked by incarcerated individuals.

16 (2) Wages paid and any deductions applied.

17 (3) Estimated cost-savings to the State compared to civilian labor costs.

18 (4) Work site safety measures implemented.

19 (5) Skill certifications and job placements available to incarcerated workers upon  
20 release.

21 (b) No incarcerated individual shall be compelled to work in road maintenance,  
22 construction, or forestry without voluntary participation and fair wages.

23 (c) Any forestry, conservation, or wildfire suppression work performed by incarcerated  
24 individuals shall provide industry-recognized certification opportunities in firefighting, land  
25 management, and forestry to improve post-release employability.

26 (d) Medical assessments for DOT and forestry work shall include, at a minimum, each of  
27 the following requirements:

28 (1) No incarcerated individual shall be assigned physically demanding labor  
29 based on outward physical appearance alone.

30 (2) Eligibility for DOT and forestry work shall be based on a comprehensive  
31 medical evaluation conducted by a licensed healthcare professional.

32 (e) The Prison Labor Oversight Board created by G.S. 148-32.5 shall conduct an annual  
33 audit of DOT and forestry work programs to ensure compliance with fair labor standards,  
34 workforce training goals, and public transparency requirements.

35 **"§ 148-32.5. Independent oversights, public transparency, and worker protections.**

36 (a) A Prison Labor Oversight Board shall be established within the Department of Adult  
37 Correction to do each of the following:

38 (1) Conduct annual audits of all prison labor programs.

39 (2) Ensure compliance with PIECP standards and fair wage requirements.

40 (3) Investigate allegations of forced labor, unsafe working conditions, or wage  
41 exploitation.

42 (b) No later than March 1 and September 1 of each year, the Department of Adult  
43 Correction shall report to the Governor and General Assembly regarding the work of incarcerated  
44 individuals, including, at a minimum, all of the following information:

45 (1) The types of work assignments offered to incarcerated individuals.

46 (2) The total revenue generated from prison labor contracts.

47 (3) Job placement rates of formerly incarcerated individuals who participated in  
48 work programs.

49 (4) The overall impact of prison labor programs on North Carolina's economy and  
50 workforce development efforts.

1 (c) The Department of Adult Correction shall establish a Prison Labor Complaint  
2 Hotline, allowing incarcerated individuals, their families, and advocates to anonymously report  
3 labor violations, wage theft, or unsafe conditions related to the work of incarcerated individuals.  
4 **"§ 148-33.1. Sentencing, quartering, and control of ~~prisoners~~ incarcerated individuals with**  
5 **work-release privileges.**

6 (a) Whenever a person is sentenced to imprisonment for a term to be served in the State  
7 prison system or a local confinement facility, the Secretary of the Department of Adult Correction  
8 may authorize the Director of Prisons or the custodian of the local confinement facility to grant  
9 work-release privileges to any ~~inmate~~ incarcerated individual who is eligible for work release  
10 and who has not been granted work-release privileges by order of the sentencing court. The  
11 Secretary of the Department of Adult Correction shall authorize immediate work-release  
12 privileges for any person serving a sentence not exceeding five years in the State prison system  
13 and for whom the presiding judge shall have recommended work-release privileges when (i) it is  
14 verified that appropriate employment for the person is available in an area where, in the judgment  
15 of the Secretary, the Division of Prisons of the Department of Adult Correction has facilities to  
16 which the person may suitably be assigned, and (ii) custodial and correctional considerations  
17 would not be adverse to releasing the person without supervision into the free community.

18 ...

19 (c) The Division of Prisons of the Department of Adult Correction shall from time to  
20 time, as the need becomes evident, designate and adapt facilities in the State prison system for  
21 quartering ~~prisoners~~ incarcerated individuals with work-release privileges. No State or county  
22 ~~prisoner~~ incarcerated individual shall be granted work-release privileges by the Director of  
23 Prisons or the custodian of a local confinement facility until suitable facilities for quartering ~~him~~  
24 the incarcerated individual have been provided in the area where the ~~prisoner~~ incarcerated  
25 individual has employment or the offer of employment.

26 (d) The Secretary of the Department of Adult Correction is authorized and directed to  
27 establish a work-release plan under which an eligible ~~prisoner~~ incarcerated individual may be  
28 released from actual custody during the time necessary to proceed to the place of ~~his~~ the  
29 incarcerated individual's employment, perform ~~his~~ the incarcerated individual's work, and return  
30 to quarters designated by the prison authorities. If the ~~prisoner~~ incarcerated individual shall  
31 violate any of the conditions prescribed by prison rules and regulations for the administration of  
32 the work-release plan, then ~~such prisoner~~ the incarcerated individual may be withdrawn from  
33 work-release privileges, and the ~~prisoner~~ incarcerated individual may be transferred to the  
34 general prison population to serve out the remainder of ~~his~~ the incarcerated individual's sentence.  
35 Rules and regulations for the administration of the work-release plan shall be established in the  
36 same manner as other rules and regulations for the government of the State prison system.

37 (e) The State Department of Labor shall exercise the same supervision over conditions  
38 of employment for persons working in the free community while serving sentences imposed  
39 under this section as the Department does over conditions of employment for free persons.

40 (f) ~~A prisoner~~ An incarcerated individual who is convicted of a felony and who is granted  
41 work-release privileges shall give ~~his~~ the incarcerated individual's work-release earnings, less  
42 standard payroll deductions required by law, to the Division of Prisons of the Department of  
43 Adult Correction. ~~A prisoner~~ An incarcerated individual who is convicted of a misdemeanor, is  
44 committed to a local confinement facility, and is granted work-release privileges by order of the  
45 sentencing court shall give ~~his~~ the incarcerated individual's work-release earnings, less standard  
46 payroll deductions required by law, to the custodian of the local confinement facility. Other  
47 misdemeanants granted work-release privileges shall give their work-release earnings, less  
48 standard payroll deductions required by law, to the Division of Prisons of the Department of  
49 Adult Correction. The Division of Prisons of the Department of Adult Correction or the  
50 sentencing court, as appropriate, shall determine the amount to be deducted from ~~a prisoner's~~ an  
51 incarcerated individual's work-release earnings to pay for the cost of the ~~prisoner's~~ incarcerated



1 individual's keep and to accumulate a reasonable sum to be paid the ~~prisoner~~ incarcerated  
 2 individual when ~~he~~ the individual is paroled or discharged from prison. The Division or  
 3 sentencing court shall also determine the amount to be disbursed by the Division or clerk of court,  
 4 as appropriate, for each of the following:

- 5 (1) To pay travel and other expenses of the ~~prisoner~~ incarcerated individual made  
 6 necessary by ~~his employment;~~ the incarcerated individual's employment.
- 7 (2) To provide a reasonable allowance to the ~~prisoner~~ incarcerated individual for  
 8 ~~his~~ the incarcerated individual's incidental personal expenses; ~~expenses.~~
- 9 (3) To make payments for the support of the ~~prisoner's~~ incarcerated individual's  
 10 dependents in accordance with an order of a court of competent jurisdiction,  
 11 or in the absence of a court order, in accordance with a determination of  
 12 dependency status and need made by the local department of social services  
 13 in the county of North Carolina in which ~~such~~ the dependents reside; ~~reside.~~
- 14 (3a) To make restitution or reparation as provided in G.S. 148-33.2.
- 15 (4) To comply with an order from any court of competent jurisdiction regarding  
 16 the payment of an obligation of the ~~prisoner~~ incarcerated individual in  
 17 connection with any judgment rendered by the court.
- 18 (5) To comply with a written request by the ~~prisoner~~ incarcerated individual to  
 19 withhold an amount, when the request has been granted by the Division or the  
 20 sentencing court, as appropriate.

21 Any balance of ~~his~~ the incarcerated individual's earnings remaining at the time the ~~prisoner~~  
 22 incarcerated individual is released from prison shall be paid to ~~him~~ the incarcerated individual.  
 23 The Social Services Commission is authorized to promulgate uniform rules and regulations  
 24 governing the duties of county social services departments under this section.

25 (g) No ~~prisoner~~ incarcerated individual employed in the free community under the  
 26 provisions of this section shall be deemed to be an agent, employee, or involuntary servant of the  
 27 State prison system while working in the free community or going to or from ~~such~~ that  
 28 employment.

29 (h) Any ~~prisoner~~ incarcerated individual employed under the provisions of this section  
 30 shall not be entitled to any benefits under Chapter 96 of the General Statutes entitled  
 31 "Employment Security" during the term of the sentence.

32 (i) No recommendation for work release shall be made at the time of sentencing in any  
 33 case in which the presiding judge shall suspend the imposition of sentence and place a convicted  
 34 ~~person~~ incarcerated individual on probation; however, if probation be subsequently revoked and  
 35 the active sentence of imprisonment executed, the court may at that time recommend work  
 36 release. Neither a recommendation for work release by the court or the decision of the Secretary  
 37 of the Department of Adult Correction to place a person on work release shall give rise to any  
 38 vested statutory right to an individual to be placed on or continued on work release.

39 (j) The provisions of subsections (f), (g), and (h) of this section shall also apply to  
 40 ~~prisoners~~ incarcerated individuals employed in private prison enterprises conducted pursuant to  
 41 G.S. 148-70.

42 **"§ 148-33.2. Restitution by ~~prisoners~~ incarcerated individuals with work-release privileges.**

43 (a) Repealed by Session Laws 1985, c. 474, s. 4.

44 (b) As a rehabilitative measure, the Secretary of the Department of Adult Correction is  
 45 authorized to require any ~~prisoner~~ incarcerated individual granted work-release privileges to  
 46 make restitution or reparation to an aggrieved party from any earnings gained by the defendant  
 47 while on work release when the sentencing court recommends that restitution or reparation be  
 48 paid by the defendant out of any earnings gained by the defendant if ~~he~~ the defendant is granted  
 49 work-release privileges and out of other resources of the defendant, including all real and  
 50 personal property owned by the defendant and the income derived from such property. The  
 51 Secretary shall not be bound by ~~such~~ this recommendation, but if ~~they~~ elect the Secretary elects

1 not to implement the recommendation, ~~they~~ the Secretary shall state in writing the reasons  
2 ~~therefor, for not doing so~~ and shall forward the same to the sentencing court.

3 (c) When an active sentence is imposed, the court shall consider whether, as a  
4 rehabilitative measure, it should recommend to the Secretary of the Department of Adult  
5 Correction that restitution or reparation be made by the defendant out of any earnings gained by  
6 the defendant if ~~he~~ the defendant is granted work-release privileges and out of other resources of  
7 the defendant, including all real and personal property owned by the defendant, and income  
8 derived from ~~such~~ that property. If the court determines that restitution or reparation should not  
9 be recommended, it shall so indicate on the commitment. If, however, the court determines that  
10 restitution or reparation should be recommended, the court shall make its recommendation a part  
11 of the order committing the defendant to custody. The recommendation shall be in accordance  
12 with the applicable provisions of G.S. 15A-1343(d) and Article 81C of Chapter 15A of the  
13 General Statutes. If the offense is one in which there is evidence of physical, mental or sexual  
14 abuse of a minor, the court may order the defendant to pay from work release earnings the cost  
15 of rehabilitative treatment for the minor. The Administrative Office of the Courts shall prepare  
16 and distribute forms which provide ample space to make restitution or reparation  
17 recommendations incident to commitments, which forms shall be conveniently structured to  
18 enable the sentencing court to make its recommendation.

19 (d) The Secretary of the Department of Adult Correction shall establish rules and  
20 regulations to implement this section, which shall include adequate notice to the ~~prisoner~~  
21 incarcerated individual that the payment of restitution or reparation from any earnings gained by  
22 the ~~prisoner~~ incarcerated individual while on work release is being considered as a condition of  
23 any work-release privileges granted the ~~prisoner, incarcerated individual~~, and opportunity for the  
24 ~~prisoner~~ incarcerated individual to be heard. ~~Such~~ These rules and regulations shall also provide  
25 additional methods whereby facts may be obtained to supplement the recommendation of the  
26 sentencing court.

27 **"§ 148-36. Secretary of the Department of Adult Correction to control classification and**  
28 **operation of prison facilities.**

29 All facilities established or acquired by the Division of Prisons of the Department of Adult  
30 Correction shall be under the administrative control and direction of the Secretary of the  
31 Department of Adult Correction, and operated under rules and regulations proposed by the  
32 Secretary and adopted by the Division of Prisons of the Department of Adult Correction as  
33 provided in G.S. 148-11. Subject to ~~such~~ these rules and regulations, the Secretary shall classify  
34 the facilities of the State prison system and develop a variety of programs so as to permit proper  
35 segregation and treatment of ~~prisoners~~ incarcerated individuals according to the nature of the  
36 offenses committed, the character and mental condition of the ~~prisoners, incarcerated individuals,~~  
37 and ~~such~~ other factors as should be considered in providing an individualized system of  
38 discipline, care, and correctional treatment of persons committed to the Division. The Secretary  
39 of the Department of Adult Correction, or ~~his~~ the Secretary's authorized representative, shall  
40 designate the places of confinement where sentences to imprisonment in the State's prison system  
41 shall be served. The Secretary or ~~his~~ the Secretary's representative may designate any available  
42 facility appropriate for the individual in view of custodial and correctional considerations.

43 **"§ 148-37. Additional facilities authorized; contractual arrangements.**

44 (a) Subject to the provisions of G.S. 143-341, the Division of Prisons of the Department  
45 of Adult Correction may establish additional facilities for use by the Division, ~~such~~ these  
46 facilities to be either of a permanent type of construction or of a temporary or movable type as  
47 the Division may find most advantageous to the particular needs, to the end that the ~~prisoners~~  
48 incarcerated individuals under its supervision may be so distributed throughout the State as to  
49 facilitate individualization of treatment designed to prepare ~~them~~ the incarcerated individuals for  
50 lawful living in the community where ~~they are~~ each is most likely to reside after ~~their~~  
51 from prison. For this purpose, the Division may purchase or lease sites and suitable lands adjacent

1 ~~thereto to those sites~~ and erect necessary buildings ~~thereon, on those sites and lands,~~ or purchase  
2 or lease existing facilities, all within the limits of allotments as approved by the Department of  
3 Administration.

4 (b) The Secretary of the Department of Adult Correction may contract with the proper  
5 official of the United States or of any county or city of this State for the confinement of federal  
6 ~~prisoners-incarcerated individuals~~ after they have been sentenced, county, or city ~~prisoners~~  
7 ~~incarcerated individuals~~ in facilities of the State prison system or for the confinement of State  
8 ~~prisoners-incarcerated individuals~~ in any county or any city facility located in North Carolina, or  
9 any facility of the United States Bureau of Prisons, when to do so would most economically and  
10 effectively promote the purposes served by the Division of Prisons of the Department of Adult  
11 Correction. Except as otherwise provided, any contract made under the authority of this  
12 subsection shall be for a period of not more than two years, and shall be renewable from time to  
13 time for a period not to exceed two years. Contracts made under the authority of this subsection  
14 for the confinement of State ~~prisoners-incarcerated individuals~~ in local or district confinement  
15 facilities may be for a period of not more than 10 years and renewable from time to time for a  
16 period not to exceed 10 years, and shall be subject to the approval of the Council of State and the  
17 Department of Administration after consultation with the Joint Legislative Commission on  
18 Governmental Operations. Contracts for receiving federal, county and city ~~prisoners-incarcerated~~  
19 ~~individuals~~ shall provide for reimbursing the State in full for all costs involved. The financial  
20 provisions shall have the approval of the Department of Administration before the contract is  
21 executed. Payments received under ~~such-these~~ contracts shall be deposited in the State treasury  
22 for the use of the Division of Prisons of the Department of Adult Correction. ~~Such-These~~  
23 ~~payments are hereby shall be~~ appropriated to the Division of Prisons of the Department of Adult  
24 Correction as a supplementary fund to compensate for the additional care and maintenance of  
25 ~~such-the prisoners as are~~ received under ~~such-these~~ contracts.

26 ...

27 (c) In addition to the authority contained in subsections (a) and (b) of this section, and in  
28 addition to the contracts ratified by subsection (f) of this section, the Secretary of the Department  
29 of Adult Correction may enter into contracts with any public entity or any private nonprofit or  
30 for-profit firms for the confinement and care of State ~~prisoners-incarcerated individuals~~ in any  
31 out-of-state correctional facility when to do so would most economically and effectively promote  
32 the purposes served by the Division of Prisons of the Department of Adult Correction. Contracts  
33 entered into under the authority of this subsection shall be for a period not to exceed two years  
34 and shall be renewable from time to time for a period not to exceed two years. ~~Prisoners~~  
35 ~~Incarcerated individuals~~ may be sent to out-of-state correctional facilities only when there are no  
36 available facilities in this State within the State prison system to appropriately house those  
37 ~~prisoners-incarcerated individuals~~. Any contract made under the authority of this subsection shall  
38 be approved by the Department of Administration before the contract is executed. Before  
39 expending more than the amount specifically appropriated by the General Assembly for the  
40 out-of-state housing of ~~inmates, incarcerated individuals,~~ the Division shall obtain the approval  
41 of the Joint Legislative Commission on Governmental Operations and shall report such  
42 expenditures to the Chairs of the Senate and House Appropriations Committees, the Chairs of  
43 the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Chairs  
44 of the Joint Legislative Oversight Committee on Justice and Public Safety.

45 (d) ~~Prisoners-Incarcerated individuals~~ confined in out-of-state correctional facilities  
46 pursuant to subsection (c) of this section shall remain subject to the rules adopted for the conduct  
47 of persons committed to the State prison system. The rules regarding good time and gain time,  
48 discipline, classification, extension of the limits of confinement, transfers, housing arrangements,  
49 and eligibility for parole shall apply to ~~inmates-incarcerated individuals~~ housed in those  
50 out-of-state correctional facilities. The operators of those out-of-state correctional facilities may  
51 promulgate any other rules as may be necessary for the operation of those facilities with the

1 written approval of the Secretary of the Department of Adult Correction. Custodial officials  
2 employed by an out-of-state correctional facility are agents of the Secretary of the Department  
3 of Adult Correction and may use those procedures for use of force authorized by the Secretary  
4 of the Department of Adult Correction not inconsistent with the laws of the State of situs of the  
5 facility to defend themselves, to enforce the observance of discipline in compliance with  
6 correctional facility rules, to secure the person of a ~~prisoner~~, an incarcerated individual, and to  
7 prevent escape. Prisoners-Incarcerated individuals confined to out-of-state correctional facilities  
8 may be required to perform reasonable work assignments within those facilities. Private firms  
9 under subsection (c) of this section shall employ inmate disciplinary and grievance policies of  
10 the Division of Prisons of the Department of Adult Correction.

11 ...

12 (g) The Secretary of the Department of Adult Correction may contract with private  
13 for-profit or nonprofit firms for the provision and operation of four or more confinement facilities  
14 totaling up to 2,000 beds in the State to house State ~~prisoners~~ incarcerated individuals when to  
15 do so would most economically and effectively promote the purposes served by the Division of  
16 Prisons of the Department of Adult Correction. This 2,000-bed limitation shall not apply to the  
17 500 beds in private substance abuse treatment centers authorized by the General Assembly prior  
18 to July 1, 1995. Whenever the Division of Prisons of the Department of Adult Correction  
19 determines that new prison facilities are required in addition to existing and planned facilities,  
20 the Division may contract for any remaining beds authorized by this section before constructing  
21 State-operated facilities.

22 Contracts entered under the authority of this subsection shall be for a period not to exceed 10  
23 years, shall be renewable from time to time for a period not to exceed 10 years. The Secretary of  
24 the Department of Adult Correction shall enter contracts under this subsection only if funds are  
25 appropriated for this purpose by the General Assembly. Contracts entered under the authority of  
26 this subsection may be subject to any requirements for the location of the confinement facilities  
27 set forth by the General Assembly in appropriating those funds.

28 Once the Division has made a determination to contract for additional private prison beds, it  
29 shall issue a request for proposals within 30 days of the decision. The request for proposals shall  
30 require bids to be submitted within two months, and the Division shall award contracts at the  
31 earliest practicable date after the submission of bids. The Secretary of the Department of Adult  
32 Correction, in consultation with the Chairs of the Joint Legislative Oversight Committee on  
33 Justice and Public Safety and the Chairs of the House and Senate Appropriations Subcommittees  
34 on Justice and Public Safety, shall make recommendations to the State Purchasing Officer on the  
35 final award decision. The State Purchasing Officer shall make the final award decision, and the  
36 contract shall then be subject to the approval of the Council of State after consultation with the  
37 Joint Legislative Commission on Governmental Operations.

38 Contracts made under the authority of this subsection may provide the State with an option  
39 to purchase the confinement facility or may provide for the purchase of the confinement facility  
40 by the State. Contracts made under the authority of this subsection shall state that plans and  
41 specifications for private confinement facilities shall be furnished to and reviewed by the Office  
42 of State Construction. The Office of State Construction shall inspect and review each project  
43 during construction to ensure that the project is suitable for habitation and to determine whether  
44 the project would be suitable for future acquisition by the State. All contracts for the housing of  
45 State ~~prisoners~~ incarcerated individuals in private confinement facilities shall require a minimum  
46 of ten million dollars (\$10,000,000) of occurrence-based liability insurance and shall hold the  
47 State harmless and provide reimbursement for all liability arising out of actions caused by  
48 operations and employees of the private confinement facility.

49 Prisoners-Incarcerated individuals housed in private confinement facilities pursuant to this  
50 subsection shall remain subject to the rules adopted for the conduct of persons committed to the  
51 State prison system. The Secretary of the Department of Adult Correction may review and

1 approve the design and construction of private confinement facilities before housing State  
2 ~~prisoners~~ incarcerated individuals in these facilities. The rules regarding good time, gain time,  
3 and earned credits, discipline, classification, extension of the limits of confinement, transfers,  
4 housing arrangements, and eligibility for parole shall apply to ~~inmates~~ incarcerated individuals  
5 housed in private confinement facilities pursuant to this subsection. The operators of private  
6 confinement facilities may adopt any other rules as may be necessary for the operation of those  
7 facilities with the written approval of the Secretary of the Department of Adult Correction.  
8 Custodial officials employed by a private confinement facility are agents of the Secretary of the  
9 Department of Adult Correction and may use those procedures for use of force authorized by the  
10 Secretary of the Department of Adult Correction to defend themselves, to enforce the observance  
11 of discipline in compliance with confinement facility rules, to secure the person of a ~~prisoner~~, an  
12 incarcerated individual, and to prevent escape. Private firms under this subsection shall employ  
13 inmate disciplinary and grievance policies of the Division of Prisons of the Department of Adult  
14 Correction.

15 ...

16 (i) The Division of Prisons of the Department of Adult Correction shall make a written  
17 report no later than March 1 of every year, beginning in 1997, on the substance of all outstanding  
18 contracts for the housing of State ~~prisoners~~ incarcerated individuals entered into under the  
19 authority of this section. The report shall be submitted to the Joint Legislative Oversight  
20 Committee on Justice and Public Safety.

21 **"§ 148-37.1. Prohibition on private prisons housing out-of-state ~~inmates~~ incarcerated**  
22 **individuals.**

23 (a) Except as otherwise provided in this section or authorized by North Carolina law, no  
24 municipality, county, or private entity may authorize, construct, own, or operate any type of  
25 correctional facility for the confinement of ~~inmates~~ incarcerated individuals serving sentences  
26 for violation of the laws of a jurisdiction other than North Carolina.

27 (b) The provisions of this section shall not apply to facilities owned or operated by the  
28 federal government and used exclusively for the confinement of ~~inmates~~ incarcerated individuals  
29 serving sentences for violation of federal law, but only to the extent that ~~such~~ those facilities are  
30 not subject to restriction by the states under the provisions of the United States Constitution.

31 **"§ 148-37.3. Authority of private correctional officers employed pursuant to a contract**  
32 **with the Federal Bureau of Prisons.**

33 (a) Correctional officers and security supervisors employed at private correctional  
34 facilities pursuant to a contract between their employer and the Federal Bureau of Prisons may,  
35 in the course of their employment as correctional officers or security supervisors, use necessary  
36 force and make arrests consistent with the laws applicable to the Division of Prisons of the  
37 Department of Adult Correction, which force shall not exceed that authorized to Division of  
38 Prisons of the Department of Adult Correction officers, provided that the employment policies  
39 of ~~such~~ those private corporations meet the same minimum standards and practices followed by  
40 the Division of Prisons of the Department of Adult Correction in employing its correctional  
41 personnel, and ~~if~~ if either of the following circumstances applies:

42 (1) Those correctional officers and security supervisors have been certified as  
43 correctional officers as provided under Article 1 of Chapter 17C of the  
44 General ~~Statutes~~; or Statutes.

45 (2) Those correctional officers and security supervisors employed by the private  
46 corporation at the facility have completed a training curriculum that meets or  
47 exceeds the standards required by the North Carolina Criminal Justice  
48 Education and Training Standards Commission for correctional personnel.

49 ...

50 (c) Any private corporation described in subsection (a) of this section shall reimburse the  
51 State and any county or other law enforcement agency for the full cost of any additional expenses

1 incurred by the State or the county or other law enforcement agency in connection with the  
2 pursuit and apprehension of an escaped ~~inmate~~incarcerated individual from the facility.

3 In the event of an escape from the facility, any private corporation described in subsection  
4 (a) of this section shall immediately notify the sheriff in the county in which the facility is located,  
5 who shall cause an immediate entry into the Department of Public Safety's Criminal Information  
6 Network. The sheriff of the county in which the facility is located shall be the lead law  
7 enforcement officer in connection with the pursuit and apprehension of an escaped ~~inmate~~  
8 incarcerated individual from the facility.

9 ...  
10 **"§ 148-40. Recapture of escaped ~~prisoners~~incarcerated individuals.**

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

22 **"§ 148-41. Recapture of escaping ~~prisoners~~incarcerated individuals; reward.**

23 The Secretary of the Department of Adult Correction shall use every means possible to  
24 recapture, regardless of expense, any ~~prisoners~~incarcerated individuals escaping from or leaving  
25 without permission any of the State prisons, camps, or farms. When any person who has been  
26 confined or placed to work escapes from the State prison system, the Secretary shall immediately  
27 notify the Governor, and accompany the notice with a full description of the escaped ~~prisoner~~;  
28 incarcerated individual, together with such information as will aid in the recapture. The Governor  
29 may offer ~~such~~ rewards as ~~he~~the Governor may deem desirable and necessary for the recapture  
30 and return to the State prison system of any person who may escape or who ~~heretofore~~has  
31 ~~escaped therefrom~~escaped. ~~The~~ reward earned shall be paid by warrant of the Division of  
32 Prisons of the Department of Adult Correction and accounted for as a part of the expense of  
33 maintaining the State's prisons.

34 **"§ 148-44. Separation as to sex.**

35 The Department shall provide quarters for female ~~prisoners~~incarcerated individuals separate  
36 from those for male ~~prisoners~~incarcerated individuals.

37 **"§ 148-45. Escaping or attempting escape from State prison system; failure of conditionally  
38 and temporarily released ~~prisoners~~incarcerated individuals and certain  
39 youthful offenders to return to custody of Division of Prisons of the Department  
40 of Adult Correction.**

41 (a) Any person in the custody of the Division of Prisons of the Department of Adult  
42 Correction in any of the classifications ~~hereinafter~~in this subsection who shall escape  
43 from the State prison system, shall for the first such offense, except as provided in subsection (g)  
44 of this section, be guilty of a Class 1 misdemeanor:

- 45 (1) ~~A prisoner~~An incarcerated individual serving a sentence imposed upon  
46 conviction of a ~~misdemeanor~~misdemeanor.
- 47 (2) A person who has been charged with a misdemeanor and who has been  
48 committed to the custody of the Division of Prisons of the Department of  
49 Adult Correction under the provisions of ~~G.S. 162-39~~G.S. 162-39.

50 ...

1 (b) Any person in the custody of the Division of Prisons of the Department of Adult  
2 Correction, in any of the classifications ~~hereinafter set forth,~~ forth in this subsection, who shall  
3 escape from the State prison system, shall, except as provided in subsection (g) of this section,  
4 be punished as a Class H felon:

5 (1) ~~A prisoner~~ An incarcerated individual serving a sentence imposed upon  
6 conviction of a ~~felony;~~ felony.

7 (2) A person who has been charged with a felony and who has been committed to  
8 the custody of the Division of Prisons of the Department of Adult Correction  
9 under the provisions of ~~G.S. 162-39;~~ G.S. 162-39.

10 ...

11 (4) A person who shall have been convicted of a felony and who shall have been  
12 committed to the Division of Prisons of the Department of Adult Correction  
13 for presentence diagnostic study under the provisions of ~~G.S. 15A-1332(e);~~  
14 G.S. 15A-1332(c).

15 (5) Any person previously convicted of escaping or attempting to escape from the  
16 State prison system.

17 ...

18 (f) Any person convicted of an escape or attempt to escape classified as a felony by this  
19 section shall be immediately classified and treated as a convicted felon even if ~~such~~ the person  
20 has time remaining to be served in the State prison system on a sentence or sentences imposed  
21 upon conviction of a misdemeanor or misdemeanors.

22 (g) (1) Any person convicted and in the custody of the Division of Prisons of the  
23 Department of Adult Correction and ordered or otherwise assigned to work  
24 under the work-release program, G.S. 148-33.1, or any convicted person in  
25 the custody of the Division of Prisons of the Department of Adult Correction  
26 and temporarily allowed to leave a place of confinement by the Secretary of  
27 the Department of Adult Correction or ~~his~~ the Secretary's designee or other  
28 authority of law, who shall fail to return to the custody of the Division of  
29 Prisons of the Department of Adult Correction, shall be guilty of the crime of  
30 escape and subject to the applicable provisions of this section and shall be  
31 deemed an escapee. For the purpose of this subsection, escape is defined to  
32 include, but is not restricted to, willful failure to return to an appointed place  
33 and at an appointed time as ordered.

34 (2) If a person, who would otherwise be guilty of a first violation of  
35 G.S. 148-45(g)(1), voluntarily returns to his place of confinement within 24  
36 hours of the time at which ~~he~~ the person was ordered to return, ~~such~~ that person  
37 shall not be charged with an escape as provided in this section but shall be  
38 subject to ~~such~~ administrative action as may be deemed appropriate for an  
39 escapee by the Division of Prisons of the Department of Adult Correction;  
40 ~~said~~ that escapee shall not be allowed to be placed on work release for a  
41 four-month period or for the balance of ~~his~~ the escapee's term if less than four  
42 months; provided, however, that if ~~such~~ that person commits a subsequent  
43 violation of this section then ~~such~~ that person shall be charged with that  
44 offense and, if convicted, punished under the provisions of this section.

45 **"§ 148-46. Degree of protection against violence allowed.**

46 (a) When any ~~prisoner,~~ incarcerated individual, or several ~~combined~~ combined, shall  
47 offer violence to any officer, overseer, or correctional officer, or to any fellow ~~prisoner,~~  
48 incarcerated individual, or attempt to do any injury to the prison building, or to any workshop,  
49 or other equipment, or shall attempt to escape, or shall resist, or disobey any lawful command,  
50 the officer, overseer, or correctional officer shall use any means necessary to defend himself, or

1 to enforce the observance of discipline, or to secure the person of the offender, and to prevent an  
2 escape.

3 (b) A misdemeanor ~~prisoner~~ incarcerated individual classified and treated as a convicted  
4 felon as the result of a consecutive felony sentence or sentences, or a convicted felon placed in  
5 the custody of the Secretary of the Department of Adult Correction pending the outcome of an  
6 appeal, or a defendant charged with a felony or felonies and placed in the custody of the Secretary  
7 of the Department of Adult Correction pending trial, shall be considered as a convicted felon in  
8 the custody of the Secretary of the Department of Adult Correction against whom any means  
9 reasonably necessary, including deadly force, may be used to prevent an escape.

10 **"§ 148-46.1. Inflicting or assisting in infliction of self injury to ~~prisoner~~ an incarcerated**  
11 **individual resulting in incapacity to perform assigned duties.**

12 Any person serving a sentence or sentences within the State prison system who, during the  
13 term of such imprisonment, willfully and intentionally inflicts upon himself any injury resulting  
14 in a permanent or temporary incapacity to perform work or duties assigned to ~~him~~ that person by  
15 the Division of Prisons of the Department of Adult Correction, or any ~~prisoner~~ incarcerated  
16 individual who aids or abets any other ~~prisoner~~ incarcerated individual in the commission of such  
17 offense, shall be punished as a Class H felon.

18 **"§ 148-46.2. Procedure when consent is refused by ~~prisoner~~ an incarcerated individual.**

19 When the Secretary of the Department of Adult Correction finds as a fact that the injury to  
20 any ~~prisoner~~ incarcerated individual was willfully and intentionally self-inflicted and that an  
21 operation or treatment is necessary for the preservation or restoration of the health of the ~~prisoner~~  
22 incarcerated individual and that the ~~prisoner~~ incarcerated individual is competent to act for  
23 himself or herself; and that attempts have been made to obtain consent for the proposed operation  
24 or treatment but ~~such~~ the consent was refused, and the findings have been reduced to writing and  
25 entered into the ~~prisoner's~~ incarcerated individual's records as a permanent part ~~thereof~~, of those  
26 records, then the chief medical officer of the prison hospital or prison institution shall be  
27 authorized to give or withhold, on behalf of the ~~prisoner~~, incarcerated individual, consent to the  
28 operation or treatment.

29 In all cases coming under the provisions of this section, the medical staff of the hospital or  
30 institution shall keep a careful and complete medical record of the treatment and surgical  
31 procedures undertaken. The record shall be signed by the chief medical officer of the hospital or  
32 institution and the surgeon performing any surgery. Any treatment of self-inflicted injuries shall  
33 also be subject to the provisions of G.S. 90-21.13 and G.S. 90-21.16.

34 **"§ 148-47. Disposition of child born of female ~~prisoner~~ incarcerated individual.**

35 Any child born of a female ~~prisoner~~ incarcerated individual while ~~she~~ the individual is in  
36 custody shall as soon as practicable be surrendered to the director of social services of the county  
37 ~~wherein~~ where the child was born upon a proper order of the domestic relations court or juvenile  
38 court of ~~said~~ that county affecting the custody of ~~said~~ the child. When it appears to be for the best  
39 interest of the child, the court may place custody beyond the geographical bounds of Wake  
40 County: Provided, however, that all subsequent proceedings and orders affecting custody of ~~said~~  
41 the child shall be within the jurisdiction of the proper court of the county where the infant is  
42 residing at the time ~~such~~ the proceeding is commenced or ~~such~~ the order is sought: Provided,  
43 further, that nothing in this section shall affect the right of the mother to consent to the adoption  
44 of ~~her~~ the child nor shall the right of the mother to place ~~her~~ the child with the legal father or  
45 other suitable relative be affected by the provisions of this section.

46 **"§ 148-48. Parole powers of Parole Commission unaffected.**

47 Nothing in this Chapter shall be construed to limit or restrict the power of the Parole  
48 Commission to parole ~~prisoners~~ incarcerated individuals under ~~such~~ conditions as it may impose  
49 or prevent the reimprisonment of ~~such~~ prisoners incarcerated individuals upon violation of the  
50 conditions of ~~such~~ that parole, as now provided by law.

51 ...."



1                   **SECTION 3.** If any section or provision of this act is declared unconstitutional or  
2 invalid by the courts, it does not affect the validity of this act as a whole or any part other than  
3 the part declared to be unconstitutional or invalid.

4                   **SECTION 4.** This act becomes effective July 1, 2026.