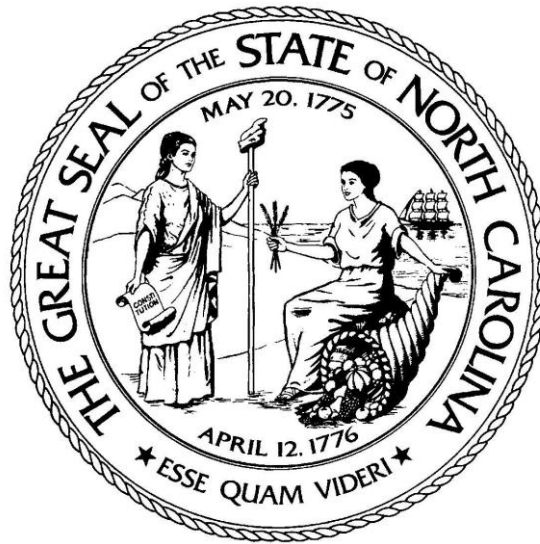


Senate Appropriations Committee on Justice and Public Safety

Proposed Special Provisions for H.B. 97, 2015 Appropriations Act



June 15, 2015

- (2) Review compliance of budget actions directed by the General Assembly.
- (3) Monitor expenditures, deviations, and changes made by the agencies set out in subdivision (1) of subsection (a) of this section to the certified budget.
- (4) Review policy changes as directed by law.
- (5) Receive presentations of reports from agencies directed in the law, including audits, studies, and other reports.
- (6) Review any issues that arise during the interim period between sessions of the General Assembly and provide a venue for any of these issues to be heard in a public setting.
- (7) Monitor the quality of services provided by cultural, natural, and economic resources agencies to other agencies and the public.
- (8) Identify opportunities for cultural, natural, and economic resources agencies to coordinate and collaborate to eliminate duplicative functions.
- (9) Have presentations and reports on any other matters that the Committee considers necessary to fulfill its mandate.

(b) The Committee may make reports to the General Assembly. A report to the General Assembly may contain legislation needed to implement a recommendation of the Committee.

"§ 120-312. Organization of Committee.

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Oversight Committee on Natural and Economic Resources. The Committee shall meet upon the joint call of the cochairs.

(b) A quorum of the Committee is five members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) Members of the Committee shall receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Directors of Legislative Assistants of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee.

(d) The Committee cochairs may establish subcommittees for the purpose of examining issues relating to services provided by particular divisions within the State's cultural, natural, and economic resources departments.

"§ 120-313. Reports to Committee.

Whenever a department, office, or agency set out in subdivision (1) of subsection (a) of G.S. 120-296 is required by law to report to the General Assembly or to any of its permanent committees or subcommittees on matters affecting the services the department or agency provides, the department or agency shall transmit a copy of the report to the cochairs of the Joint Legislative Oversight Committee on Natural and Economic Resources."

SECTION 15.24.(b) This section is effective August 1, 2015.

PART XVI. DEPARTMENT OF PUBLIC SAFETY

SUBPART XVI-A. GENERAL PROVISIONS

GRANT REPORTING AND MATCHING FUNDS

SECTION 16A.1.(a) The Department of Public Safety, the Department of Justice, and the Judicial Department shall report by May 1 of each year to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on grant

1 funds received or preapproved for receipt by those departments. The report shall include
2 information on the amount of grant funds received or preapproved for receipt by each
3 department, the use of the funds, the State match expended to receive the funds, and the period
4 to be covered by each grant. If the department intends to continue the program beyond the end
5 of the grant period, the department shall report on the proposed method for continuing the
6 funding of the program at the end of the grant period. Each department shall also report on any
7 information it may have indicating that the State will be requested to provide future funding for
8 a program presently supported by a local grant.

9 **SECTION 16A.1.(b)** Notwithstanding the provisions of G.S. 143C-6-9, the
10 Department of Public Safety may use up to the sum of one million two hundred thousand
11 dollars (\$1,200,000) during the 2015-2016 fiscal year from funds available to the Department
12 to provide the State match needed in order to receive grant funds. Prior to using funds for this
13 purpose, the Department shall report to the chairs of the House of Representatives and Senate
14 Appropriations Committees on Justice and Public Safety on the grants to be matched using
15 these funds.

16 **CHANGE RECIPIENTS OF VICTIMS' COMPENSATION REPORT**

17 **SECTION 16A.2.** G.S. 15B-21 reads as rewritten:

18 **"§ 15B-21. Annual report.**

19 The Commission shall, by March 15 each year, prepare and transmit to the ~~Governor and~~
20 ~~the General Assembly~~ chairs of the Joint Legislative Oversight Committee on Justice and Public
21 ~~Safety and to the chairs of the House and Senate Appropriations Committees on Justice and~~
22 ~~Public Safety~~ a report of its activities in the prior fiscal year and the current fiscal year to date.
23 The report shall include:

- 24 (1) The number of claims filed;
- 25 (2) The number of awards made;
- 26 (2a) The number of pending cases by year received;
- 27 (3) The amount of each award;
- 28 (4) A statistical summary of claims denied and awards made;
- 29 (5) The administrative costs of the Commission, including the compensation of
- 30 commissioners;
- 31 (6) The current unencumbered balance of the North Carolina Crime Victims
- 32 Compensation Fund;
- 33 (7) The amount of funds carried over from the prior fiscal year;
- 34 (8) The amount of funds received in the prior fiscal year from the Division of
- 35 Adult Correction of the Department of Public Safety and from the
- 36 compensation fund established pursuant to the Victims Crime Act of 1984,
- 37 42 U.S.C. § 10601, et seq.; and
- 38 (9) The amount of funds expected to be received in the current fiscal year, as
- 39 well as the amount actually received in the current fiscal year on the date of
- 40 the report, from the Division of Adult Correction of the Department of
- 41 Public Safety and from the compensation fund established pursuant to the
- 42 Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.

43 The Attorney General and State Auditor shall assist the Commission in the preparation of
44 the report required by this section."
45

46 **LIMITED AUTHORITY TO ELIMINATE AND RECLASSIFY CERTAIN POSITIONS**

47 **SECTION 16A.3.** Notwithstanding any other provision of law, subject to the
48 approval of the Director of the Budget, the Secretary of the Department of Public Safety may
49 reclassify or eliminate existing positions in the Division of Administration that are not
50 specifically addressed in this act as needed for the efficient operation of the Department. No
51

position shall be reclassified pursuant to this section solely for the purpose of providing a person in that position with a salary increase. The Secretary of the Department of Public Safety shall report any position reclassification undertaken pursuant to this section to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety and the Fiscal Research Division within 30 days of the reclassification. The report shall include the position number, original title, original fund code, original budgeted salary, new title, new fund code, and new budgeted salary for each reclassified position.

SAMARCAND TRAINING ACADEMY

SECTION 16A.4. The former juvenile detention facility known as Samarkand Manor, located in Moore County, is redesignated a law enforcement and corrections training facility and assigned to the Office of the Secretary of the Department of Public Safety. The facility shall be renamed Samarcand Training Academy and shall be administered by a Director. The operating budget for Samarcand Training Academy shall be funded by the Department of Public Safety but shall be independent of the operating budget of any Division within the Department and shall be managed and administered by the Director of the Academy with oversight by the Office of the Secretary of the Department of Public Safety.

SENSITIVE PUBLIC SECURITY INFORMATION IS NOT A PUBLIC RECORD

SECTION 16A.5. G.S. 132-1.7 reads as rewritten:

"§ 132-1.7. Sensitive public security information.

(a) Public records, as defined in G.S. 132-1, shall not include information containing specific details of public security plans and arrangements or the detailed plans and drawings of public buildings and infrastructure ~~facilities-facilities or plans, schedules, or other documents~~ that include information regarding patterns or practices associated with executive protection and security.

(a1) Public records, as defined in G.S. 132-1, shall not include specific security information or detailed plans, patterns, or practices associated with prison operations.

(a2) Public records, as defined in G.S. 132-1, shall not include specific security information or detailed plans, patterns, or practices to prevent or respond to criminal, gang, or organized illegal activity.

(b) Public records as defined in G.S. 132-1 do not include plans to prevent or respond to terrorist activity, to the extent such records set forth vulnerability and risk assessments, potential targets, specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public or the security of any governmental facility, building, structure, or information storage system.

(c) Information relating to the general adoption of public security plans and arrangements, and budgetary information concerning the authorization or expenditure of public funds to implement public security plans and arrangements, or for the construction, renovation, or repair of public buildings and infrastructure facilities shall be public records."

LAPSED SALARY SAVINGS

SECTION 16A.6. Notwithstanding G.S. 143C-6-9, the Department of Public Safety shall revert to the General Fund a minimum of seventeen million eight hundred ninety thousand two hundred nine dollars (\$17,890,209) from lapsed salary savings by June 30, 2016.

SUBPART XVI-B. DIVISION OF LAW ENFORCEMENT

USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT

SECTION 16B.1.(a) Seized and forfeited assets transferred to the Department of Public Safety during the 2015-2017 fiscal biennium pursuant to applicable federal law shall be credited to the budget of the department and shall result in an increase of law enforcement resources for the department. The Department of Public Safety shall make the following reports to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety:

- (1) A report upon receipt of any assets.
- (2) A report that shall be made prior to use of the assets on their intended use and the departmental priorities on which the assets may be expended.
- (3) A report on receipts, expenditures, encumbrances, and availability of these assets for the previous fiscal year, which shall be made no later than September 1 of each year.

SECTION 16B.1.(b) The General Assembly finds that the use of seized and forfeited assets transferred pursuant to federal law for new personnel positions, new projects, acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Public Safety is prohibited from using these assets for such purposes without the prior approval of the General Assembly.

SECTION 16B.1.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice, the United States Department of the Treasury, and the United States Department of Health and Human Services.

VOICE INTEROPERABILITY PLAN FOR EMERGENCY RESPONSE (VIPER) SYSTEM

SECTION 16B.2. The Department of Public Safety shall report annually no later than March 1 to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on the progress of the State's VIPER system.

GANGNET REPORT AND RECOMMENDATIONS

SECTION 16B.3.(a) Article 4 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-196.5. Report on gang prevention recommendations.

The State Highway Patrol, in conjunction with the State Bureau of Investigation and the Governor's Crime Commission, shall develop recommendations concerning the establishment of priorities and needed improvements with respect to gang prevention and shall report those recommendations to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on or before March 1 of each year."

SECTION 16B.3.(b) G.S. 143B-1101(b) reads as rewritten:

"(b) The Governor's Crime Commission shall review the level of gang activity throughout the State and assess the progress and accomplishments of the State, and of local governments, in preventing the proliferation of gangs and addressing the needs of juveniles who have been identified as being associated with gang activity.

~~The Governor's Crime Commission shall develop recommendations concerning the establishment of priorities and needed improvements with respect to gang prevention and shall report those recommendations to the Chairs of the Senate Appropriations Committee on Justice and Public Safety, the Chairs of the House of Representatives Appropriations Subcommittee on Justice and Public Safety, and to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on or before March 1 of each year."~~

STATE CAPITOL POLICE/RECEIPT-SUPPORTED POSITIONS

SECTION 16B.4.(a) The State Capitol Police may contract with State agencies for the creation of receipt-supported positions to provide security services to the buildings occupied by those agencies.

SECTION 16B.4.(b) The State Capitol Police shall report the creation of any position pursuant to this section to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and to the Fiscal Research Division within 30 days of the position's creation.

CHANGES TO EXPUNCTION AND METHAMPHETAMINE REPORTING REQUIREMENTS

SECTION 16B.5.(a) G.S. 15A-160 reads as rewritten:

"§ 15A-160. Reporting requirement.

The Department of Public Safety, in conjunction with the Department of Justice and the Administrative Office of the ~~Courts~~ Courts, shall report jointly to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety Oversight by September 1 of each year regarding expunctions. The report shall include all of the following information:

- (1) The number and types of expunctions granted during the fiscal year in which the report is made.
- (2) The number and type of expunctions granted each fiscal year for the five fiscal years preceding the date of the report.
- (3) A full accounting of how the agencies have spent the receipts generated by the expunction fees received during the fiscal year in which the report is made and for the five preceding fiscal years."

SECTION 16B.5.(b) G.S. 90-113.64 reads as rewritten:

"§ 90-113.64. SBI annual report.

Beginning with the 2011 calendar year, the State Bureau of Investigation shall determine the number of methamphetamine laboratories discovered in the State each calendar year and report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety and to the Legislative Commission on Methamphetamine Abuse by March 1, 2012, for the 2011 calendar year and each March 1 thereafter for the preceding calendar year. The State Bureau of Investigation shall participate in the High Intensity Drug Trafficking Areas (HIDTA) program, assist in coordinating the drug control efforts between local and State law enforcement agencies, and monitor the implementation and effectiveness of the electronic record-keeping requirements included in G.S. 90-113.52A and G.S. 90-113.56. The SBI shall include its findings in the report to the Commission required by this section."

CLARIFY BOXING COMMISSION FEE

SECTION 16B.6.(a) G.S. 143-655(b1) reads as rewritten:

"(b1) Admission Fees. – The Branch shall collect a fee in the amount of two dollars (\$2.00) per ~~each ticket sold~~ spectator to attend events regulated in this Article."

SECTION 16B.6.(b) This section is effective on July 1, 2015, and applies to fees collected or assessed on or after that date.

SBI/ALE ASHEVILLE REGIONAL OFFICE

SECTION 16B.7. Section 17.1(aaaa) of S.L. 2014-100 reads as rewritten:

"SECTION 17.1.(aaaa) The Department of Public Safety shall consolidate ALE and SBI Regions and Regional Offices. The Asheville Regional Office shall be operational ~~by July 1, 2015~~ upon completion of a new facility. All other Regional Offices shall be operational by October 1, 2014."

CLARIFY HAZARDOUS MATERIALS FEE

SECTION 16B.8.(a) G.S. 166A-29.1 reads as rewritten:

"§ 166A-29.1. Hazardous materials facility fee.

(a) Definitions. – The following definitions apply in this section:

- (1) EPCRA. – The federal Emergency Planning and Community Right-to-Know Act, P.L. No. 99-499 et. seq.
- (2) Extremely hazardous substance. – Any substance, regardless of its state, set forth in 40 C.F.R. Part 355, Appendix A or B.
- (3) Hazardous chemical. – As defined in 29 C.F.R. 1910.1200(c), except that the term does not include any of the following:
 - a. Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
 - b. Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
 - c. Any substance to the extent that it is used for personal, family, or household purposes or is present in the same form and concentration as a product packaged for distribution and use by the public.
 - d. Any substance to the extent that it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
 - e. Any substance to the extent that it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate consumer.

(b) Annual Fee Shall Be Charged. – A person or business required under Section 302 or 312 of EPCRA to submit a notification or an annual inventory form to the Division shall be required to pay to the Department an annual fee in the amount set forth in subsection (c) of this section.

(c) Amount of Fee. – The amount of the annual fee charged pursuant to subsection (b) of this section shall be calculated in accordance with the following, up to a maximum annual amount of ~~five thousand dollars (\$5,000)~~ five thousand dollars (\$5,000) per reporting site:

- (1) A fee of fifty dollars (\$50.00) shall be assessed for each substance at each site reported by a ~~facility~~ person or business that is classified as a hazardous chemical.
- (2) A fee of ninety dollars (\$90.00) shall be assessed for each substance at each site reported by a ~~facility~~ person or business that is classified as an extremely hazardous substance.

(d) Late Fees. – The Division may impose a late fee against a person or business for failure to submit a report or filing that substantially complies with the requirements of EPCRA by the federal filing deadline or for failure to pay any fee, including a late fee. This fee shall be in addition to the fee imposed pursuant to subsection (c) of this section. Prior to imposing a late fee, the Division shall provide the person or business who will be assessed the late fee with written notice that identifies the specific requirements that have not been met and informs the person or business of its intent to assess a late fee. The assessment of a late fee shall be subject to the following limitations:

- (1) If the report filing or fee is submitted within 30 days after receipt of the Division's notice that it intends to assess a late fee, no late fee shall be assessed.
- (2) If the report filing or fee has not been submitted by the end of the period set forth in subdivision (1) of this subsection, the Division may impose a late fee

- 1 in an amount equal to the amount of the fee charged pursuant to subsection
2 (c) of this section.
- 3 (e) Exemptions. – No fee shall be charged under this section to any of the following:
- 4 (1) An owner or operator of a family farm enterprise, a facility owned by a State
5 or local government, or a nonprofit corporation.
- 6 (2) An owner or operator of a facility where motor vehicle fuels are stored and
7 from which such fuels are offered for retail sale. However, hazardous
8 chemicals or extremely hazardous substances at such a facility, other than
9 motor vehicle fuels for retail sale, shall not be subject to this exemption.
- 10 (3) A motor vehicle dealer, as that term is defined in G.S. 20-286(11).
- 11 (f) Use of Fee Proceeds. – The proceeds of fees assessed pursuant to this section shall
12 be used for the following:
- 13 (1) To ~~pay offset~~ costs associated with the ~~establishment and~~ maintenance of a
14 hazardous materials ~~database~~-~~database~~ and a hazardous materials response
15 application.
- 16 (2) To ~~support the offset~~ costs associated with the operations of the regional
17 response program for hazardous materials emergencies and terrorist
18 incidents.
- 19 (3) To provide grants to counties for hazardous materials emergency response
20 planning, training, and related exercises.
- 21 (4) To offset Division costs that directly support hazardous materials emergency
22 preparedness and response."

23 **SECTION 16B.8.(b)** This section becomes effective on July 1, 2015, and applies
24 to fees assessed or collected on or after that date.

25
26 **AMEND NATIONAL GUARD FAMILY ASSISTANCE CENTERS ANNUAL REPORT**
27 **REQUIREMENTS**

28 **SECTION 16B.9.** G.S. 127A-64(b) reads as rewritten:

29 "(b) The Department of Public Safety shall report annually no later than September 1 to
30 the Chairs of the House of Representatives and Senate Appropriations ~~Subcommittees~~
31 Committees on Justice and Public Safety and to the House of Representatives Committee on
32 Homeland Security, Military, and Veterans Affairs on the activities of the National Guard
33 Family Assistance ~~Centers~~-Centers during the previous fiscal year. This report shall include
34 information on services provided as well as on the number and type of members of the active or
35 reserve components of the Armed Forces of the United States, veterans, and family members
36 served."

37
38 **SUBPART XVI-C. DIVISION OF ADULT CORRECTION**

39
40 **REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL**
41 **COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES**
42 **AWAITING TRANSFER TO STATE PRISON SYSTEM**

43 **SECTION 16C.1.** Notwithstanding G.S. 143C-6-9, the Department of Public
44 Safety may use funds available to the Department for the 2015-2017 fiscal biennium to pay the
45 sum of forty dollars (\$40.00) per day as reimbursement to counties for the cost of housing
46 convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison
47 system, as provided in G.S. 148-29. The Department shall report annually by February 1 of
48 each year to the chairs of the Joint Legislative Oversight Committee on Justice and Public
49 Safety and the chairs of the House of Representatives and Senate Appropriations Committees
50 on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners
51 awaiting transfer.

CENTER FOR COMMUNITY TRANSITIONS/CONTRACT AND REPORT

SECTION 16C.2. The Department of Public Safety may continue to contract with The Center for Community Transitions, Inc., a nonprofit corporation, for the purchase of prison beds for minimum security female inmates during the 2015-2017 fiscal biennium. The Center for Community Transitions, Inc., shall report by February 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on the annual cost per inmate and the average daily inmate population compared to bed capacity using the same methodology as that used by the Department of Public Safety.

USE OF CLOSED FACILITIES

SECTION 16C.3. In conjunction with the closing of prison facilities, youth detention centers, and youth development centers, the Department of Public Safety shall consult with the county or municipality in which the facility is located, with the elected State and local officials, and with State and federal agencies about the possibility of converting that facility to other use. The Department may also consult with any private for-profit or nonprofit firm about the possibility of converting the facility to other use. In developing a proposal for future use of each facility, the Department shall give priority to converting the facility to other criminal justice use. Consistent with existing law and the future needs of the Department of Public Safety, the State may provide for the transfer or the lease of any of these facilities to counties, municipalities, State agencies, federal agencies, or private firms wishing to convert them to other use. G.S. 146-29.1(f) through (g) shall not apply to a transfer made pursuant to this section. The Department of Public Safety may also consider converting some of the facilities recommended for closing from one security custody level to another, where that conversion would be cost-effective. A prison unit under lease to a county pursuant to the provisions of this section for use as a jail is exempt for the period of the lease from any of the minimum standards adopted by the Secretary of Health and Human Services pursuant to G.S. 153A-221 for the housing of adult prisoners that would subject the unit to greater standards than those required of a unit of the State prison system.

MEDICAL COSTS FOR INMATES AND JUVENILE OFFENDERS

SECTION 16C.4. Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-707.3. Medical costs for inmates and juvenile offenders.

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

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

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

1 available, hospitals with available capacity or other health care facilities in a region to
2 accomplish that goal. The Department shall make reasonable efforts to equitably distribute
3 inmates and juvenile offenders among all hospitals or other appropriate health care facilities.

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

- 7 (1) The percentage of the total inmates and juvenile offenders requiring
8 hospitalization or hospital services who receive that treatment at each
9 hospital.
- 10 (2) The volume of services provided by community medical providers that can
11 be scheduled in advance and, of that volume, the percentage of those
12 services that are provided by contracted providers.
- 13 (3) The volume of services provided by community medical providers that
14 cannot be scheduled in advance and, of that volume, the percentage of those
15 services that are provided by contracted providers.
- 16 (4) The volume of services provided by community medical providers that are
17 emergent cases requiring hospital admissions and emergent cases not
18 requiring hospital admissions.
- 19 (5) The volume of inpatient medical services provided to Medicaid-eligible
20 inmates and juvenile offenders, the cost of treatment, and the estimated
21 savings of paying the nonfederal portion of Medicaid for the services.
- 22 (6) The hospital utilization, including the amount paid to individual hospitals,
23 the number of inmates and juvenile offenders served, and the number of
24 claims."

25 26 STATEWIDE MISDEMEANANT CONFINEMENT FUND/MONTHLY AND ANNUAL 27 REPORTS

28 **SECTION 16C.6.(a)** The North Carolina Sheriffs' Association shall report monthly
29 by the 15th day of each month to the Office of State Budget and Management and the Fiscal
30 Research Division on the Statewide Misdemeanant Confinement Program. Each monthly report
31 shall include the following:

- 32 (1) The daily population, delineated by misdemeanor or DWI monthly housing.
- 33 (2) The cost of housing prisoners under the Program.
- 34 (3) The cost of transporting prisoners under the Program.
- 35 (4) Personnel costs.
- 36 (5) Inmate medical care costs.
- 37 (6) The number of counties that volunteer to house inmates under the Program.
- 38 (7) The administrative costs paid to the Sheriffs' Association and to the
39 Department of Public Safety.

40 **SECTION 16C.6.(b)** The North Carolina Sheriffs' Association shall report by
41 October 1 of each year to the Chairs of the House of Representatives and Senate
42 Appropriations Committees on Justice and Public Safety and the Joint Legislative Oversight
43 Committee on Justice and Public Safety on the Statewide Misdemeanant Confinement
44 Program. The annual report shall include the following with respect to the prior fiscal year:

- 45 (1) Revenue collected by the Statewide Misdemeanant Confinement Program.
- 46 (2) The cost of housing prisoners by county under the Program.
- 47 (3) The cost of transporting prisoners by county under the Program.
- 48 (4) Personnel costs by county.
- 49 (5) Inmate medical care costs by county.
- 50 (6) The number of counties that volunteer to house inmates under the Program.

- (7) The administrative costs paid to the Sheriffs' Association and to the Department of Public Safety.

INMATE CONSTRUCTION PROGRAM

SECTION 16C.7. Notwithstanding G.S. 66-58 or any other provision of law, during the 2015-2017 fiscal biennium, the State Construction Office may, wherever feasible, utilize inmates in the custody of the Division of Adult Correction of the Department of Public Safety through the Inmate Construction Program for repair and renovation projects on State-owned facilities, with priority given to Department of Public Safety construction projects.

MAINTENANCE OF PRISONS

SECTION 16C.8. The Department of Public Safety shall not expand private maintenance contracts to additional prison facilities or continue existing private contracts for prison maintenance unless authorized by the General Assembly. If the Department determines that expanding private maintenance contracts to additional prison facilities or continuing existing contracts is necessary, then it shall submit its request to the General Assembly by May 1, 2016, stating (i) the ways in which the State can realize savings by doing so and (ii) that safety can be maintained at the facilities where those contracts are expanded or continued.

REPORT ON CONTRACTS FOR HOUSING STATE PRISONERS/REPEAL AUTHORIZATION FOR LEASE-PURCHASE OF PRISON FACILITIES FROM PRIVATE FIRMS

SECTION 16C.10.(a) G.S. 148-37(i) reads as rewritten:

"(i) The Division of Adult Correction of the Department of Public Safety shall make a written report no later than March 1 of every ~~odd-numbered~~ year, beginning in 1997, on the substance of all outstanding contracts for the housing of State prisoners entered into under the authority of this section. The report shall be submitted to ~~the Council of State, the Department of Administration, the Joint Legislative Commission on Governmental Operations, and the Joint Legislative Oversight Committee on Justice and Public Safety.~~ In addition to the report, the Division of Adult Correction of the Department of Public Safety shall provide information on contracts for the housing of State prisoners as requested by these groups."

SECTION 16C.10.(b) G.S. 148-37.2 is repealed.

ANNUAL REPORT ON SAFEKEEPERS

SECTION 16C.11. Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-707.4. Annual report on safekeepers.

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

- (1) The number of safekeepers currently housed by the Department.
- (2) A list of the facilities where safekeepers are housed and the population of safekeepers by facility.
- (3) The average length of stay by a safekeeper in one of those facilities.
- (4) The amount paid by counties for housing and extraordinary medical care of safekeepers.
- (5) A list of the counties in arrears for safekeeper payments owed to the Department at the end of the fiscal year."

COLLECTION OF DELINQUENT SAFEKEEPER REIMBURSEMENTS

SECTION 16C.12. G.S. 148-10.4 is amended by adding a new subsection to read:

"(f) Upon notification from the Division of Adult Correction that an amount owed by a county for safekeeper reimbursements authorized under G.S. 162-39 is more than 120 days overdue, the Sheriffs' Association shall withhold funds from any reimbursements due to a county under this section and transmit those funds to the Division until that overdue safekeeper reimbursement is satisfied."

PRISON BEHAVIORAL HEALTH POSITIONS

SECTION 16C.13. Notwithstanding any other provision of law, the Section of Prisons of the Division of Adult Correction may post, advertise, accept applications for, and interview for positions established or authorized by this act related to behavioral health treatment prior to the effective date of the establishment of those positions.

EVALUATION REQUIREMENT FOR ELECTRICAL DEVICES

SECTION 16C.13A. G.S. 66-25 reads as rewritten:

"§ 66-25. Acceptable listings as to safety of goods.

(a) All electrical materials, devices, appliances, and equipment shall be evaluated for safety and suitability for intended use. Except as provided in subsection (b) of this section, this evaluation shall be conducted in accordance with nationally recognized standards and shall be conducted by a qualified testing laboratory. The Commissioner of Insurance, through the Engineering Division of the Department of Insurance, shall implement the procedures necessary to approve suitable national standards and to approve suitable qualified testing laboratories. The Commissioner may assign his authority to implement the procedures for specific materials, devices, appliances, or equipment to other agencies or bodies when they would be uniquely qualified to implement those procedures.

In the event that the Commissioner determines that electrical materials, devices, appliances, or equipment in question cannot be adequately evaluated through the use of approved national standards or by approved qualified testing laboratories, the Engineering Division of the Department of Insurance shall specify any alternative evaluations which safety requires.

The Engineering Division of the Department of Insurance shall keep in file, where practical, copies of all approved national standards and resumes of approved qualified testing laboratories.

(b) ~~Electrical devices, appliances, or equipment used by the Division of Adult Correction of the Department of Public Safety may be evaluated for safety and suitability by the Central Engineering Section of the Department of Public Safety. The evaluation shall be conducted in accordance with nationally recognized standards. Electrical devices, appliances, and equipment used by the Division that are not evaluated by the Central Engineering Section as provided by this subsection are subject to~~ in institutional kitchens and manufacturing equipment used by Correction Enterprises are exempt from the evaluation requirement of subsection (a) of this section."

PAROLE ELIGIBILITY REPORT

SECTION 16C.14. Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-721.1. Parole eligibility reports.

(a) Each fiscal year the Post-Release Supervision and Parole Commission shall, with the assistance of the North Carolina Sentencing and Policy Advisory Commission and the Department of Public Safety, analyze the amount of time each inmate who is eligible for parole on or before July 1 of the previous fiscal year has served compared to the time served by offenders under Structured Sentencing for comparable crimes. The Commission shall

determine if the person has served more time in custody than the person would have served if sentenced to the maximum sentence under the provisions of Article 81B of Chapter 15A of the General Statutes. The "maximum sentence", for the purposes of this section, shall be calculated as set forth in subsection (b) of this section.

(b) For the purposes of this section, the following rules apply for the calculation of the maximum sentence:

(1) The offense upon which the person was convicted shall be classified as the same felony class as the offense would have been classified if committed after the effective date of Article 81B of Chapter 15A of the General Statutes.

(2) The minimum sentence shall be the maximum number of months in the presumptive range of minimum durations in Prior Record Level VI of G.S. 15A-1340.17(c) for the felony class determined under subdivision (1) of this subsection. The maximum sentence shall be calculated using G.S. 15A-1340.17(d), (e), or (e1).

(3) If a person is serving sentences for two or more offenses that are concurrent in any respect, then the offense with the greater classification shall be used to determine a single maximum sentence for the concurrent offenses. The fact that the person has been convicted of multiple offenses may be considered by the Commission in making its determinations under subsection (a) of this section.

(c) The Commission shall reinitiate the parole review process for each offender who has served more time than that person would have under Structured Sentencing as provided by subsections (a) and (b) of this section.

(d) The Post-Release Supervision and Parole Commission shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety by April 1 of each year. The report shall include the following: the class of the offense for which each parole-eligible inmate was convicted and whether an inmate had multiple criminal convictions. The Commission shall also report on the number of parole-eligible inmates reconsidered in compliance with this section and the number who were actually paroled."

INTERSTATE COMPACT FEES TO SUPPORT TRAINING PROGRAMS AND EQUIPMENT PURCHASES

SECTION 16C.16. Notwithstanding the provisions of G.S. 148-65.7, fees collected for the Interstate Compact Fund during the 2015-2017 fiscal biennium may be used by the Division of Adult Correction of the Department of Public Safety during the 2015-2017 fiscal biennium to provide training programs and equipment purchases for the Section of Community Corrections, but only as long as sufficient funds remain available in the Fund to support the mission of the Interstate Compact Program.

SUBPART XVI-D. DIVISION OF JUVENILE JUSTICE

LIMIT USE OF COMMUNITY PROGRAM FUNDS

SECTION 16D.1.(a) Funds appropriated in this act to the Department of Public Safety for the 2015-2017 fiscal biennium for community program contracts that are not required for or used for community program contracts shall only be used for the following:

(1) Other statewide residential programs that provide Level 2 intermediate dispositional alternatives for juveniles.

(2) Statewide community programs that provide Level 2 intermediate dispositional alternatives for juveniles.

(3) Regional programs that are collaboratives of two or more Juvenile Crime Prevention Councils which provide Level 2 intermediate dispositional alternatives for juveniles.

(4) The Juvenile Crime Prevention Council funds to be used for the Level 2 intermediate dispositional alternatives for juveniles listed in G.S. 7B-2506(13) through (23).

SECTION 16D.1.(b) Under no circumstances shall funds appropriated by this act to the Department of Public Safety for the 2015-2017 fiscal biennium for community programs be used for staffing, operations, maintenance, or any other expenses of youth development centers or detention facilities.

SECTION 16D.1.(c) The Department of Public Safety shall submit an electronic report by October 1, 2015, and a second electronic report by October 1, 2016, on all expenditures made from the miscellaneous contract line in Fund Code 1230 to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the Fiscal Research Division. The report shall include all of the following: an itemized list of the contracts that have been executed, the amount of each contract, the date the contract was executed, the purpose of the contract, the number of juveniles that will be served and the manner in which they will be served, the amount of money transferred to the Juvenile Crime Prevention Council fund, and an itemized list of grants allocated from the funds transferred to the Juvenile Crime Prevention Council fund.

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

SECTION 16D.2. Funds appropriated in this act to the Department of Public Safety for the 2015-2016 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission shall consult with the Department of Public Safety regarding the criteria for awarding federal funds. The Office of State Budget and Management, the Governor's Crime Commission, and the Department of Public Safety shall report to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the 2015-2016 fiscal year and the allocation of funds by program and purpose.

PART XVII. DEPARTMENT OF JUSTICE

NO HIRING OF SWORN STAFF POSITIONS FOR THE NORTH CAROLINA STATE CRIME LABORATORY

SECTION 17.1. The Department of Justice shall not hire sworn personnel to fill vacant positions in the North Carolina State Crime Laboratory. Nothing in this section shall be construed to require the termination of sworn personnel, but as vacant positions in the State Crime Laboratory are filled, they shall be filled only with nonsworn personnel. Nothing in this section shall be construed to affect North Carolina State Crime Laboratory personnel who are sworn and employed by the Laboratory as of the effective date of this section and who continue to meet the sworn status retention standards mandated by the North Carolina Criminal Justice Education and Standards Commission.

AMEND DNA DATABASE REPORTING REQUIREMENTS

SECTION 17.2. G.S. 15A-266.5(c) reads as rewritten:

"(c) The Crime Laboratory shall report annually to the Joint Legislative Commission on Governmental Operations and to the Joint Legislative Oversight Committee on Justice and

Public Safety, on or before ~~February 1,~~ September 1, with information for the previous ~~calendar~~ fiscal year, which shall include: a summary of the operations and expenditures relating to the DNA Database and DNA Databank; the number of DNA records from arrestees entered; the number of DNA records from arrestees that have been expunged; and the number of DNA arrestee matches or hits that occurred with an unknown sample, and how many of those have led to an arrest and conviction; and how many letters notifying defendants that a record and sample have been expunged, along with the number of days it took to complete the expunction and notification process, from the date of the receipt of the verification form from the State."

STUDY COLLECTION OF DNA/ALL FELONY ARRESTS

SECTION 17.3. The Joint Legislative Oversight Committee on Justice and Public Safety shall study extending the collection of DNA samples to persons arrested for any felony and shall report its findings and recommendations to the 2016 Regular Session of the 2015 General Assembly. The report shall include all of the following:

- (1) A recommended time line for implementing a requirement that DNA samples be collected for persons arrested for committing any felony.
- (2) An estimate of initial nonrecurring costs and recurring operating costs required of implementing such a requirement.
- (3) Other costs and benefits of implementing such a requirement.
- (4) An estimate of capital costs to the State of implementing such a requirement.
- (5) Any other information that the Committee deems relevant.

DEPARTMENT OF JUSTICE POSITIONS

SECTION 17.4. Notwithstanding any other provision of law, the Department of Justice may post, advertise, accept applications for, and interview for positions established or authorized by this act in the Department of Justice prior to the effective date of the establishment of those positions.

PRIVATE LABS MUST COMPLY WITH CODIS

SECTION 17.6.(a) Article 13 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-270.2. Obtaining DNA analyses from entities other than the State Crime Laboratory; use of local DNA databases prohibited.

(a) Private Laboratories Shall Comply With CODIS Requirements. – A local law enforcement agency shall not obtain DNA analysis from an entity other than the State Crime Laboratory unless that entity meets the standards applicable to vendor laboratories as set forth in the Federal Bureau of Investigation's Quality Assurance Standards for Forensic DNA Testing and Databasing Laboratories. The State Crime Laboratory shall maintain a list of laboratories that meet those standards and shall make the list available on its Web site.

(b) Private DNA Databases Prohibited. – A local law enforcement agency shall not access or create any DNA database other than those that participate in the CODIS system."

SECTION 17.6.(b) This section becomes effective October 1, 2015.

PART XVIII. JUDICIAL DEPARTMENT

SUBPART XVIII-A. ADMINISTRATIVE OFFICE OF THE COURTS

AOC ANNUAL REPORT

SECTION 18A.1. G.S. 7A-343 reads as rewritten:

"§ 7A-343. Duties of Director.

The Director is the Administrative Officer of the Courts, and the Director's duties include all of the following:

...

- (8) Prepare and submit an annual report on the work of the Judicial Department to the Chief Justice, and transmit a copy by March 15 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittee Committees on Justice and Public Safety ~~and the Senate Appropriations Committee on Justice and Public Safety~~ and to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.

...."

ANNUAL REPORT ON CRIMINAL COURT COST WAIVERS

SECTION 18A.3.(a) Article 29 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-350. Annual report on criminal court cost waivers.

The Administrative Office of the Courts shall maintain records of all cases in which a judge makes a finding of just cause to grant a waiver of criminal court costs under G.S. 7A-304(a) and shall report on those waivers to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1 of each year. The report shall aggregate the waivers by the district in which the waiver or waivers were granted and by the name of each judge granting a waiver or waivers."

SECTION 18A.3.(b) The Administrative Office of the Courts shall make the necessary modifications to its information systems to maintain the records required under G.S. 7A-350, as enacted by subsection (a) of this section.

GRANT FUNDS

SECTION 18A.4. Notwithstanding G.S. 143C-6-9, the Administrative Office of the Courts may use up to the sum of one million five hundred thousand dollars (\$1,500,000) during the 2015-2016 fiscal year from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on the grants to be matched using these funds.

COLLECTION OF WORTHLESS CHECK FUNDS

SECTION 18A.5.(a) Notwithstanding the provisions of G.S. 7A-308(c), the Judicial Department may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2015, for the purchase or repair of office or information technology equipment during the 2015-2016 fiscal year. Prior to using any funds under this section, the Judicial Department shall report to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the Office of State Budget and Management on the equipment to be purchased or repaired and the reasons for the purchases.

SECTION 18A.5.(b) This section becomes effective June 30, 2015.

REIMBURSEMENT FOR USE OF PERSONAL VEHICLES

SECTION 18A.6. Notwithstanding the provisions of G.S. 138-6(a)(1), the Judicial Department, during the 2015-2017 fiscal biennium, may elect to establish a per-mile reimbursement rate for transportation by privately owned vehicles at a rate less than the business standard mileage rate set by the Internal Revenue Service.

**CONFERENCE OF DISTRICT ATTORNEYS GRANT FUNDS/AUTHORIZE
DISTRICT ATTORNEYS TO USE CERTAIN GRANT FUNDS TO OBTAIN
TOXICOLOGY ANALYSIS FROM PROVIDERS OF TOXICOLOGY ANALYSES
OTHER THAN HOSPITALS**

SECTION 18A.7. Section 18B.4 of S.L. 2013-360 reads as rewritten:

"**SECTION 18B.4.** Of the funds appropriated in this act to the Judicial Department, the sum of five hundred thousand dollars (\$500,000) in the 2013-2014 fiscal year shall be allocated to the Conference of District Attorneys and shall be used to establish a grant fund to provide district attorneys across the State with the resources to obtain toxicology analysis from local ~~hospitals~~ hospitals, or from other providers of toxicology analyses, on persons charged with driving while impaired whose conduct did not result in serious injury or death to others. The Conference of District Attorneys shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety ~~by October 1, 2014,~~ on the expenditure of these ~~funds.~~ funds by October 1 of each year until all of the grant funds have been expended."

DISTRICT ATTORNEY LEGAL ASSISTANTS

SECTION 18A.8.(a) G.S. 7A-347 reads as rewritten:

"~~§ 7A-347. Assistants for administrative and victim and witness services.~~District attorney legal assistants.

~~Assistant for administrative and victim and witness services.~~District attorney legal assistant positions are established under the district attorneys' offices. Each prosecutorial district is allocated at least one ~~assistant for administrative and victim and witness services.~~district attorney legal assistant to be employed by the district attorney. The Administrative Office of the Courts shall allocate additional assistants to prosecutorial districts on the basis of need and within available appropriations. Each district attorney may also use any volunteer or other personnel to assist the assistant. The assistant is responsible for coordinating efforts of the law-enforcement and judicial systems to assure that each victim and witness is provided fair treatment under Article 45 of Chapter 15A, Fair Treatment for Victims and Witnesses and shall also provide administrative and legal support to the district attorney's office."

SECTION 18A.8.(b) G.S. 7A-348 reads as rewritten:

"~~§ 7A-348. Training and supervision of assistants for administrative and victim and witness services.~~district attorney legal assistants.

Pursuant to the provisions of G.S. 7A-413, the Conference of District Attorneys shall:

- (1) Assist in establishing uniform statewide training for ~~assistants for administrative and victim and witness services;~~district attorney legal assistants; and
- (2) Assist in the implementation and supervision of this program."

SECTION 18A.8.(c) G.S. 15A-826 reads as rewritten:

"~~§ 15A-826. Assistants for administrative and victim and witness services.~~District attorney legal assistants.

In addition to providing administrative and legal support to the district attorney's office, ~~assistants for administrative and victim and witness services.~~district attorney legal assistants are responsible for coordinating efforts within the law-enforcement and judicial systems to assure that each victim and witness is treated in accordance with this Article."

REPORT ON DISMISSALS DUE TO DELAY IN ANALYSIS OF EVIDENCE

SECTION 18A.9. Whenever a criminal case is dismissed as a direct result of a

delay in the analysis of evidence by the State Crime Laboratory, the district attorney for the district in which the case was dismissed shall report that dismissal and the facts surrounding it to the Conference of District Attorneys. The Conference of District Attorneys shall compile any such reports of dismissals and shall report them quarterly starting October 30, 2015, to the

chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.

ALLOCATION OF ASSISTANT DISTRICT ATTORNEYS

SECTION 18A.10.(a) G.S. 7A-60 reads as rewritten:

"§ 7A-60. District attorneys and prosecutorial districts.

...

(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties ~~and the number of full time assistant district attorneys~~ set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3A	Pitt	11
3B	Carteret, Craven, Pamlico	12
4	Duplin, Jones, Onslow, Sampson	18
5	New Hanover, Pender	18
6	Bertie, Halifax, Hertford, Northampton	10
7	Edgecombe, Nash, Wilson	18
8	Greene, Lenoir, Wayne	14
9	Franklin, Granville, Vance, Warren	10
9A	Person, Caswell	6
10	Wake	41
11A	Harnett, Lee	9
11B	Johnston	10
12	Cumberland	23
13	Bladen, Brunswick, Columbus	13
14	Durham	18
15A	Alamance	11
15B	Orange, Chatham	10
16A	Scotland, Hoke	7
16B	Robeson	12
16C	Anson, Richmond	6
17A	Rockingham	7
17B	Stokes, Surry	8
18	Guilford	32
19A	Cabarrus	9
19B	Montgomery, Randolph	9
19C	Rowan	8
19D	Moore	5
20A		5
	Stanly	

1	20B	Union	10
2	21	Forsyth	25
3	22A	Alexander, Iredell	11
4	22B	Davidson, Davie	11
5	23	Alleghany, Ashe, Wilkes,	8
6		Yadkin	
7	24	Avery, Madison, Mitchell,	7
8		Watauga, Yancey	
9	25	Burke, Caldwell, Catawba	18
10	26	Mecklenburg	58
11	27A	Gaston	14
12	27B	Cleveland,	11
13		Lincoln	
14	28	Buncombe	14
15	29A	McDowell, Rutherford	7
16	29B	Henderson, Polk, Transylvania	8
17	30	Cherokee, Clay, Graham,	10
18		Haywood, Jackson, Macon,	
19		Swain.	

(a2) ~~Upon the convening of each regular session of the General Assembly and its reconvening in the even numbered year, the~~ The Administrative Office of the Courts shall report by March 15 of each year on its recommendations regarding the allocation of assistant district attorneys for the upcoming fiscal biennium and fiscal year to the General Assembly, including any request for additional assistant district attorneys. The report shall include the number of assistant district attorneys that the Administrative Office of the Courts recommends to be ~~has~~ allocated to each prosecutorial district and the workload formula established through the National Center for State Courts on which each ~~recommended~~ allocation is based. Any reports required under this subsection shall be made to ~~the Joint Legislative Commission of Governmental Operations,~~ the House of Representatives and Senate Appropriations ~~Subcommittees~~ Committees on Justice and Public, and the Fiscal Research Division.

...."

SECTION 18A.10.(b) G.S. 7A-63 reads as rewritten:

"§ 7A-63. Assistant district attorneys.

Each district attorney shall be entitled to the number of full-time assistant district attorneys ~~set out in this Subchapter, such number to be developed by the General Assembly allocated to that prosecutorial district by the Administrative Office of the Courts~~ after consulting the workload formula established through the National Center for State Courts, to be appointed by the district attorney, to serve at the district attorney's pleasure. A vacancy in the office of assistant district attorney shall be filled in the same manner as the initial appointment. An assistant district attorney shall take the same oath of office as the district attorney, and shall perform such duties as may be assigned by the district attorney. The district attorney shall devote full time to the duties of the office and shall not engage in the private practice of law during his or her term."

SECTION 18A.10(c) Article 9 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-69.2. Transfer of vacant positions.

Any assistant district attorney positions within a prosecutorial district that become vacant shall be transferred by the Administrative Office of the Courts to prosecutorial districts that are determined to be understaffed under the workload formula established through the National Center for State Courts if the Administrative Office of the Courts makes a determination that the district in which the vacancy occurred is overstaffed under that workload formula."

1 **SECTION 18A.10.(d)** The Administrative Office of the Courts, in conjunction
2 with the National Center for State Courts and the Conference of District Attorneys, shall revisit
3 the workload formula used to determine the allocation of assistant district attorneys under
4 G.S. 7A-60 and determine whether any adjustments should be made to the formula. The
5 Administrative Office of the Courts shall report by May 1, 2016, to the chairs of the Joint
6 Legislative Committee on Justice and Public Safety and the chairs of House of Representatives
7 and Senate Appropriations Committees on Justice and Public Safety on the conclusions reached
8 about the workload formula and any recommendations for adjustments.
9

10 **AMEND COURT COSTS**

11 **SECTION 18A.11.** G.S. 7A-304(a) reads as rewritten:

12 "(a) In every criminal case in the superior or district court, wherein the defendant is
13 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
14 prosecuting witness, the following costs shall be assessed and collected. No costs may be
15 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of
16 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs
17 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8),
18 (8a), (11), (12), or (13) of this section.
19

20 ...
21 ~~(2b) For the maintenance of misdemeanors in county jails, the sum of eighteen~~
22 ~~dollars (\$18.00) in the district court to be remitted to the Statewide~~
23 ~~Misdemeanor Confinement Fund in the Division of Adult Correction of the~~
24 ~~Department of Public Safety.~~

25 ...
26 (4) For support of the General Court of Justice, the sum of ~~one hundred~~
27 ~~twenty nine dollars and fifty cents (\$129.50)~~ one hundred forty-seven dollars
28 and fifty cents (\$147.50) in the district court, including cases before a
29 magistrate, and the sum of one hundred fifty-four dollars and fifty cents
30 (\$154.50) in the superior court, to be remitted to the State Treasurer. For a
31 person convicted of a felony in superior court who has made a first
32 appearance in district court, both the district court and superior court fees
33 shall be assessed. The State Treasurer shall remit the sum of one dollar and
34 fifty cents (\$1.50) of each fee collected under this subdivision to the North
35 Carolina State Bar for the provision of services described in G.S. 7A-474.4,
36 and ninety-five cents (\$.95) of each fee collected under this subdivision to
37 the North Carolina State Bar for the provision of services described in
38 G.S. 7A-474.19.

39 ...
40 ~~(4b) To provide for contractual services to reduce county jail populations, For~~
41 ~~additional support of the General Court of Justice, the sum of fifty dollars~~
42 ~~(\$50.00) for all offenses arising under Chapter 20 of the General Statutes~~
43 ~~and resulting in a conviction of an improper equipment offense, to be~~
44 ~~remitted to the Statewide Misdemeanor Confinement Fund in the Division of~~
45 ~~Adult Correction of the Department of Public Safety.~~ State Treasurer.
46 "

47 **FAMILY COURT PROGRAMS**

48 **SECTION 18A.13.** The Administrative Office of the Courts shall provide direction
49 and oversight to the existing family court programs in order to ensure that each district with a
50 family court program is utilizing best practices and is working effectively and efficiently in the
51 disposition of domestic and juvenile cases. The Administrative Office of the Courts shall report

on its efforts in this regard and the results of those efforts to the chairs of the House of Representatives and Senate Appropriations Committee on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety by March 1 of each year.

SPECIALTY COURTS/USE CLERK OF COURT PERSONNEL AND RESOURCES

SECTION 18A.14. Article 14 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-146.1. Specialty sessions of court; use of clerk of court personnel and resources.

Upon the request of a clerk of court or district attorney, or upon the judge's own initiative, a chief district court judge may, pursuant to the judge's authority under G.S. 7A-146(7) to arrange sessions for the trial of specialized cases, authorize the establishment in the district court district of the holding of sessions of court in which related specialized cases or matters are adjudicated, including the holding of family court, drug treatment court, veterans' court, DWI court, mental health court, or any other innovative use of a session of court. With the consent of the clerk of superior court, the court may make use of the personnel and resources of the clerk's office to administer these specialty sessions. The Administrative Office of the Courts shall provide direction and oversight to any such specialty session of district court in order to ensure that each district is utilizing best practices and is working effectively and efficiently in the disposition of such specialized cases and consistent with the provisions of G.S. 7A-272."

INNOCENCE INQUIRY COMMISSION

SECTION 18A.16. G.S. 15A-1462 reads as rewritten:

"§ 15A-1462. Commission established.

(a) There is established the North Carolina Innocence Inquiry Commission. The North Carolina Innocence Inquiry Commission shall be an independent commission under the ~~Judicial Department~~ Administrative Office of the Courts for administrative purposes.

(b) The Administrative Office of the Courts shall provide administrative support to the Commission as needed. The Director of the Administrative Office of the Courts shall not reduce or modify the budget of the Commission or use funds appropriated to the Commission without the approval of the Commission. The Administrative Office of the Courts shall conduct an annual audit of the Commission."

TRANSFER OFFICE OF INDIGENT DEFENSE SERVICES TO THE ADMINISTRATIVE OFFICE OF THE COURTS

SECTION 18A.17. G.S. 7A-498.2 reads as rewritten:

"§ 7A-498.2. Establishment of Office of Indigent Defense Services.

(a) The Office of Indigent Defense Services, which is administered by the Director of Indigent Defense Services and includes the Commission on Indigent Defense Services and the Sentencing Services Program established in Article 61 of this Chapter, is created within the ~~Judicial Department~~ Administrative Office of the Courts. As used in this Article, "Office" means the Office of Indigent Defense Services, "Director" means the Director of Indigent Defense Services, and "Commission" means the Commission on Indigent Defense Services.

(b) The Office of Indigent Defense Services shall exercise its prescribed powers independently of the head of the Administrative Office of the Courts. The Office may enter into contracts, own property, and accept funds, grants, and gifts from any public or private source to pay expenses incident to implementing its purposes.

(c) The Director of the Administrative Office of the Courts shall provide general administrative support to the Office of Indigent Defense Services. The term "general administrative support" includes purchasing, payroll, and similar administrative services.

(d) The budget of the Office of Indigent Defense Services shall be a part of the ~~Judicial Department's budget~~ budget of the Administrative Office of the Courts. The Commission on

1 Indigent Defense Services shall consult with the Director of the Administrative Office of the
2 Courts, who shall assist the Commission in preparing and presenting to the General Assembly
3 the Office's budget, but the Commission shall have the final authority with respect to
4 preparation of the Office's budget and with respect to representation of matters pertaining to the
5 Office before the General Assembly. The Administrative Office of the Courts shall conduct an
6 annual audit of the budget of the Office of Indigent Defense Services.

7 (e) The Director of the Administrative Office of the Courts shall not ~~reduce or~~ modify
8 the budget of the Office of Indigent Defense Services or use funds appropriated to the Office
9 without the approval of the Commission."

10
11 **STUDY FUTURE OF INDIGENT DEFENSE SERVICES COMMISSION AND**
12 **INNOCENCE INQUIRY COMMISSION**

13 **SECTION 18A.18.** The Joint Legislative Oversight Committee on Justice and
14 Public Safety shall study:

- 15 (1) The Office of Indigent Defense Services and determine whether changes
16 should be made to the ways in which appropriated funds are used to provide
17 legal assistance and representation to indigent persons.
18 (2) The North Carolina Innocence Inquiry Commission and determine whether
19 changes should be made to the way in which the Commission investigates
20 and determines credible claims of factual innocence made by criminal
21 defendants.

22 The Joint Legislative Oversight Committee on Justice and Public Safety shall report
23 its findings and recommendations, including any proposed legislation, to the 2015 General
24 Assembly when it reconvenes in 2016.

25
26 **ABOLISH THREE SPECIAL SUPERIOR COURT JUDGESHIPS**

27 **SECTION 18A.19.** G.S. 7A-45.1 reads as rewritten:

28 "**§ 7A-45.1. Special judges.**

29 ...

30 (a8) Notwithstanding any other provision of this section, the four special superior court
31 judgeships held as of April 1, 2014, by judges whose terms expire on April 29, 2015, October
32 20, 2015, and December 31, 2017, and the two special superior court judgeships held as of
33 April 1, 2015, by judges whose terms expire January 26, 2016, are abolished when any of the
34 following first occurs:

- 35 (1) Retirement of the incumbent judge.
36 (2) Resignation of the incumbent judge.
37 (3) Removal from office of the incumbent judge.
38 (4) Death of the incumbent judge.
39 (5) Expiration of the term of the incumbent judge.

40 (a9) Effective upon the retirement, resignation, removal from office, death, or expiration
41 of the term of the special superior court judge held as of April 1, 2014, by the judge whose term
42 expires on April 29, 2015, a new special superior court judgeship shall be created and filled
43 through the procedure for nomination and confirmation provided for in subsection (a10) of this
44 section. ~~Effective upon the retirement, resignation, removal from office, death, or expiration of~~
45 ~~the term of the special superior court judge held as of April 1, 2014, by the judge whose term~~
46 ~~expires on October 20, 2015, a new special superior court judgeship shall be created and filled~~
47 ~~through the procedure for nomination and confirmation provided for in subsection (a10) of this~~
48 ~~section.~~

49 Prior to submitting a nominee for the ~~judgeships~~ judgeship created under this subsection to
50 the General Assembly for confirmation, the Governor shall consult with the Chief Justice to
51 ensure that the ~~persons~~ person nominated to fill ~~these two judgeships~~ have this judgeship has

1 the requisite expertise and experience to be designated by the Chief Justice as a business court
2 ~~judges-judge~~ under G.S. 7A-45.3, and the Chief Justice is requested to designate ~~those two~~
3 ~~judges as business court judges-this judge as a business court judge.~~

4 ...

5 (a11) The Chief Justice is requested, pursuant to the authority under G.S. 7A-45.3 to
6 designate business court judges, to maintain at least five business court judgeships from among
7 the special superior court judgeships authorized under this section.

8"

10 COMPENSATION OF COURT REPORTERS

11 **SECTION 18A.20.** The Administrative Office of the Courts shall set the limits on
12 compensation and allowances of court reporters provided for in G.S. 7A-95(e) and
13 G.S. 7A-198(f) during the 2015-2017 fiscal biennium so that (i) the Administrative Office of
14 the Courts pays no more than fifty percent (50%) of the per-transcript-page rate paid by the
15 Administrative Office of the Courts during the 2011-2013 fiscal biennium and (ii) the Office of
16 Indigent Defense Services pays no more than fifty percent (50%) of the per-transcript-page rate
17 paid by the Office of Indigent Defense Services during the 2011-2013 fiscal biennium.

19 E-COURTS INFORMATION TECHNOLOGY INITIATIVE/STRATEGIC 20 PLAN/ADVISORY COMMITTEE

21 **SECTION 18A.21.(a)** The Administrative Office of the Courts shall establish a
22 strategic plan for the design and implementation of its e-Courts information technology
23 initiative by February 1, 2016. The plan shall:

- 24 (1) Clearly articulate the requirements for the e-Courts system, including
25 well-defined milestones, costs parameters, and performance measures.
- 26 (2) Prioritize the funding needs for implementation of the various elements of
27 the system, after consultation with the e-Courts advisory committee
28 established by subsection (c) of this section.
- 29 (3) Identify any potential issues that may arise in the development of the system
30 and plans for mitigating those issues.
- 31 (4) Address the potential for incorporating any currently existing resources into
32 the e-Courts system.

33 **SECTION 18A.21.(b)** The Administrative Office of the Courts shall report
34 quarterly beginning November 1, 2015, to the Joint Legislative Oversight Committee on Justice
35 and Public Safety and the Joint Legislative Oversight Committee on Information Technology
36 on the development, implementation, and specific costs of the strategic plan required by
37 subsection (a) of this section and on any changes in the projected costs for implementing the
38 e-Courts system or the schedule for implementation.

39 **SECTION 18A.21.(c)** The Administrative Office of the Courts shall establish an
40 e-Courts advisory committee consisting of clerks of superior court, judges, district attorneys,
41 public defenders, and representatives of the State Bar in order to ensure that, in the
42 development and implementation of the strategic plan required by subsection (a) of this section,
43 it has the input and advice of those stakeholders in the e-Courts system and the benefit of the
44 various stakeholders' expertise on the information technology needs of the courts. The advisory
45 committee shall be guided by an executive steering committee.

46 **SECTION 18A.21.(d)** Upon completion of the strategic plan required by
47 subsection (a) of this section, the Administrative Office of the Courts shall issue a Request For
48 Information (RFI) for a contractor to provide the e-Courts system as outlined in the strategic
49 plan. The Administrative Office of the Courts shall evaluate the responses to the RFI before
50 issuing a Request for Proposals (RFP) for the e-Courts system.

AMEND CHILD CUSTODY LAWS

SECTION 18A.22.(a) Article 1 of Chapter 50 of the General Statutes is amended by adding a new section to read:

"§ 50-13.01. Purposes.

It is the policy of the State of North Carolina to do the following:

- (1) Encourage focused, good-faith, best interest, and child-centered joint parenting agreement development to reduce needless litigation over child custody matters and to promote the best interest of the child.
- (2) Encourage parents to take responsibility for their child by setting the expectation that parenthood will be a significant and ongoing responsibility.
- (3) Encourage programs and court practices that maximize participation of both parents in the child's life and contact with both parents when such is in the child's best interest, regardless of the parents' present marital status, subject to laws regarding abuse, neglect, and dependency.
- (4) Encourage both parents to share equitably in the rights and responsibilities of raising their child, even after dissolution of marriage or unwed relationship.
- (5) Encourage each parent to establish and maintain a healthy relationship with the other parent to promote the best interest and welfare of the child."

SECTION 18A.22.(b) G.S. 50-13.2 reads as rewritten:

"§ 50-13.2. Who entitled to custody; terms of custody; visitation rights of grandparents; taking child out of State; consideration of parent's military service.

(a) An order for custody of a minor child entered pursuant to this section shall award the custody of such child to such person, agency, organization or institution as will best promote the interest and welfare of the child. In making the determination, the court shall consider all relevant ~~factors~~ factors, including all of the following:

- (1) ~~acts~~ Acts of domestic violence between the ~~parties~~, parties.
- (2) ~~the~~ The safety of the ~~child~~, child.
- (3) ~~and the~~ The safety of either party from domestic violence by the other ~~party~~ and ~~shall make findings accordingly~~. party.

An order for custody must include findings of fact ~~which~~ that reflect the consideration of each of these factors and that support the determination of what is in the best interest of the child.

(a1) Between the mother and father, whether natural or adoptive, no presumption shall apply as to who will better promote the interest and welfare of the child. ~~Joint custody to the parents shall be considered upon the request of either parent.~~

(b) An order for custody of a minor child may grant joint custody to the parents, exclusive custody to one person, agency, organization, or institution, or grant custody to two or more persons, agencies, organizations, or institutions. Any order for custody shall include such terms, including visitation, as will best promote the interest and welfare of the child. If the court finds that domestic violence has occurred, the court shall enter such orders that best protect the children and party who were the victims of domestic violence, in accordance with the provisions of G.S. 50B-3(a1)(1), (2), and (3). If a party is absent or relocates with or without the children because of an act of domestic violence, the absence or relocation shall not be a factor that weighs against the party in determining custody or visitation. Absent an order of the court to the contrary, each parent shall have equal access to the records of the minor child involving the health, education, and welfare of the child.

...."

SUBPART XVIII-B. OFFICE OF INDIGENT DEFENSE SERVICES**INDIGENT DEFENSE SERVICES ANNUAL REPORT DATE CHANGE**

SECTION 18B.1. G.S. 7A-498.9 reads as rewritten:

"§ 7A-498.9. Annual report on Office of Indigent Defense Services.

The Office of Indigent Defense Services shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and to the Chairs of the House of Representatives ~~Subcommittee and Senate Committees~~ on Justice and Public Safety ~~and the Senate Appropriations Committee on Justice and Public Safety~~ by ~~February 1~~ March 15 of each year on the following:

- (1) The volume and cost of cases handled in each district by assigned counsel or public defenders;
- (2) Actions taken by the Office to improve the cost-effectiveness and quality of indigent defense services, including the capital case program;
- (3) Plans for changes in rules, standards, or regulations in the upcoming year; and
- (4) Any recommended changes in law or funding procedures that would assist the Office in improving the management of funds expended for indigent defense services, including any recommendations concerning the feasibility and desirability of establishing regional public defender offices."

OFFICE OF INDIGENT DEFENSE SERVICES/STATE MATCH FOR GRANTS

SECTION 18B.2. Notwithstanding G.S. 143C-6-9, the Office of Indigent Defense Services may use the sum of up to fifty thousand dollars (\$50,000) during the 2015-2016 fiscal year from funds available to provide the State matching funds needed to receive grant funds. Prior to using funds for this purpose, the Office shall report to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on the grants to be matched using these funds.

REPORTS ON CRIMINAL CASE INFORMATION SYSTEM

SECTION 18B.3.(a) Section 18B.10 of S.L. 2013-360, as amended by Section 18A.2 of S.L. 2014-100, reads as rewritten:

"SECTION 18B.10. The Administrative Office of the Courts, in consultation with the Office of Indigent Defense Services, shall use the sum of three hundred fifty thousand dollars (\$350,000) in funds available to the Administrative Office of the Courts for the 2013-2015 fiscal biennium and the sum of three hundred fifty thousand dollars (\$350,000) in funds available to the Office of Indigent Defense Services for the 2013-2015 fiscal biennium to develop or acquire and to implement a component of the Department's criminal case information system for use by public defenders no later than ~~February 1, 2015~~ February 1, 2016. The Administrative Office of the Courts shall make ~~an interim report~~ quarterly reports on the development and implementation of this ~~system by February 1, 2014~~ system, including costs, milestones, and performance measures, and a final report on the completed implementation of the system by ~~July 1, 2015~~ July 1, 2016, to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and to the Chairs of the House of Representatives and Senate Appropriations Subcommittee ~~Committees~~ on Justice and Public Safety ~~and the Senate Appropriations Committee on Justice and Public Safety.~~"

SECTION 18B.3.(b) This section becomes effective June 30, 2015.

STUDY EFFICIENCY OF ESTABLISHING A SYSTEM OF AUTOMATED KIOSKS IN LOCAL CONFINEMENT FACILITIES TO ALLOW ATTORNEYS REPRESENTING INDIGENT DEFENDANTS TO CONSULT WITH THEIR CLIENTS REMOTELY

SECTION 18B.4.(a) The Administrative Office of the Courts, in conjunction with the Office of Indigent Defense Services and the North Carolina Sheriffs' Association, shall

study and determine whether savings can be realized through the establishment of a system of fully automated kiosks in local confinement facilities to allow attorneys representing indigent defendants to consult with their clients remotely. The system would incorporate technology through which meetings between attorneys and their clients cannot be monitored or recorded, would provide for end-to-end message encryption, and would have scheduling software integrated into the system.

SECTION 18B.4.(b) The Administrative Office of the Courts shall report its findings and recommendations, including recommendations of at least two potential pilot sites for the proposed system, to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2016.

STUDY FEE SCHEDULES USED BY OFFICE OF INDIGENT DEFENSE SERVICES

SECTION 18B.5. The Joint Legislative Oversight Committee on Justice and Public Safety shall study the creation and implementation of fee schedules to be used by the Office of Indigent Defense Services to compensate private assigned counsel representing indigent defendants. The Committee shall include its findings and recommendations in its report to the 2015 General Assembly when it reconvenes in 2016.

PART XIX. DEPARTMENT OF CULTURAL RESOURCES - RESERVED

PART XX. DEPARTMENT OF INSURANCE

INSURANCE REGULATORY CHARGE

SECTION 20.1. The percentage rate to be used in calculating the insurance regulatory charge under G.S. 58-6-25 is six and one-half percent (6.5%) for the 2016 calendar year.

PART XXI. DEPARTMENT OF THE STATE TREASURER

UPDATE ORBIT RETIREMENT SYSTEM

SECTION 21.1. The Department of State Treasurer, Retirement Systems Division, may use funds from receipts up to eight hundred fifty thousand dollars (\$850,000) for the purpose of upgrading the Online Retirement Benefits through Integrated Technology self-service retirement system and those funds are hereby appropriated for that purpose.

ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACT

SECTION 21.2.(a) Article 6 of Chapter 147 of the General Statutes is amended by adding a new section to read:

"§ 147-86.5. Achieving a Better Life Experience Trust Fund.

(a) Policy. – The General Assembly of North Carolina hereby finds and declares that encouraging and assisting individuals and families in saving private funds for the purpose of supporting individuals with disabilities to maintain health, independence, and a better quality of life is fully consistent with and furthers the long-established policy of the State to provide tools that strengthen opportunities for personal economic development and long-term financial planning.

(b) Definitions. – The following definitions apply in this section:

(1) ABLE account. – An account established and owned by an eligible individual and maintained pursuant to this section.

(2) Account owner. – The person who enters into an ABLE savings agreement pursuant to the provisions of this section. The account owner must be the