

# **Appropriations Subcommittee on Justice and Public Safety**

## **Draft Special Provisions April 12, 2011**

**G = Governor's Provision**  
**Gm = Governor's Provision Modified**  
**A = Agency Request**  
**Am = Agency Request Modified**

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



*Boilerplate*  
2011-AOC-H4

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-AOC-H4

Requested by: Representative

**GRANT FUNDS**

**SECTION #.** 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) 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 Subcommittees on Justice and Public Safety and to the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

*Bodley plate*

DRAFT  
SPECIAL PROVISION



2011-AOC-H3

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-AOC-H3

1 Requested by: Representative

2 **TRANSFER OF EQUIPMENT AND SUPPLY FUNDS**

3 **SECTION #.** Funds appropriated to the Judicial Department in the 2011-2013  
4 fiscal biennium for equipment and supplies shall be certified in a reserve account. The  
5 Administrative Office of the Courts may transfer these funds to the appropriate programs and  
6 between programs as the equipment priorities and supply consumptions occur during the  
7 operating year. These funds shall not be expended for any other purpose.  
8

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



*Baderplate*

2011-AOC-H7

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-AOC-H7

1 Requested by: Representative

2 **REIMBURSEMENT FOR USE OF PERSONAL VEHICLES**

3 **SECTION #.** Notwithstanding the provisions of G.S. 138-6(a)(1), the Judicial  
4 Department, during the 2011-2013 fiscal biennium, may elect to establish a per-mile  
5 reimbursement rate for transportation by privately owned vehicles at a rate less than the  
6 business standard mileage rate set by the Internal Revenue Service.

7

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



*Boctor plate*

2011-AOC-H5

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-AOC-H5

1 Requested by: Representative

2 **COLLECTION OF WORTHLESS CHECK FUNDS**

3 **SECTION #.** Notwithstanding the provisions of G.S. 7A-308(c), the Judicial  
4 Department may use any balance remaining in the Collection of Worthless Checks Fund on  
5 June 30, 2011, for the purchase or repair of office or information technology equipment during  
6 the 2011-2013 fiscal year. Prior to using any funds under this section, the Judicial Department  
7 shall report to the Joint Legislative Commission on Governmental Operations and the Chairs of  
8 the House of Representatives and Senate Appropriations Subcommittees on Justice and Public  
9 Safety on the equipment to be purchased or repaired and the reasons for the purchases.

10

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

*Boiler plate*

**DRAFT  
SPECIAL PROVISION**



**2011-AOC-H6**

**Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety**

**Special Provision 2011-AOC-H6**

1 Requested by: Representative

2 **DISPUTE RESOLUTION FEES**

3 **SECTION #.** Notwithstanding the provisions of G.S. 143C-1-2(b), certification  
4 and renewal fees collected by the Dispute Resolution Commission are nonreverting and are  
5 only to be used at the direction of the Commission.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



*Follow \$*  
2011-AOC-H10

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-AOC-H10

Requested by: Representative

STATE BAR FUNDS

SECTION #.(a) G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

...

(4) For support of the General Court of Justice, the sum of one hundred dollars and fifty cents (\$100.50) in the district court, including cases before a magistrate, and the sum of one hundred two dollars and fifty cents (\$102.50) in the superior court, to be remitted to the State Treasurer. For a person convicted of a felony in superior court who has made a first appearance in district court, both the district court and superior court fees shall be assessed. The State Treasurer shall remit the sum of ~~two dollars and five cents (\$2.05)~~ one dollar (\$1.00) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.19.

..."

SECTION #.(b) G.S. 7A-305(a) reads as rewritten:

"(a) In every civil action in the superior or district court, except for actions brought under Chapter 50B of the General Statutes, shall be assessed:

...

(2) For support of the General Court of Justice, the sum of one hundred twenty-five dollars (\$125.00) in the superior court, except that if a case is assigned to a special superior court judge as a complex business case under G.S. 7A-45.3, an additional one thousand dollars (\$1,000) shall be paid upon its assignment, and the sum of eighty dollars (\$80.00) in the district court except that if the case is assigned to a magistrate the sum shall be fifty-five dollars (\$55.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of ~~two dollars and five cents (\$2.05)~~ one dollar (\$1.00) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.19."

SECTION #.(c) G.S. 7A-306(a) reads as rewritten:

1       "(a) In every special proceeding in the superior court, the following costs shall be  
2 assessed:

3       ...

4       (2) For support of the General Court of Justice the sum of seventy-five dollars  
5 (\$75.00). In addition, in proceedings involving land, except boundary  
6 disputes, if the fair market value of the land involved is over one hundred  
7 dollars (\$100.00), there shall be an additional sum of thirty cents (30¢) per  
8 one hundred dollars (\$100.00) of value, or major fraction thereof, not to  
9 exceed a maximum additional sum of two hundred dollars (\$200.00). Fair  
10 market value is determined by the sale price if there is a sale, the appraiser's  
11 valuation if there is no sale, or the appraised value from the property tax  
12 records if there is neither a sale nor an appraiser's valuation. Sums collected  
13 under this subdivision shall be remitted to the State Treasurer. The State  
14 Treasurer shall remit the sum of ~~two dollars and five cents (\$2.05)~~ one dollar  
15 (\$1.00) of each seventy-five-dollar (\$75.00) General Court of Justice fee  
16 collected under this subdivision to the North Carolina State Bar for the  
17 provision of services described in G.S. 7A-474.4."

18       **SECTION #.(d)** G.S. 7A-307(a) reads as rewritten:

19       "(a) In the administration of the estates of decedents, minors, incompetents, of missing  
20 persons, and of trusts under wills and under powers of attorney, in trust proceedings under G.S.  
21 36C-2-203, and in collections of personal property by affidavit, the following costs shall be  
22 assessed:

23       ...

24       (2) For support of the General Court of Justice, the sum of seventy-five dollars  
25 (\$75.00), plus an additional forty cents (40¢) per one hundred dollars  
26 (\$100.00), or major fraction thereof, of the gross estate, not to exceed six  
27 thousand dollars (\$6,000). Gross estate shall include the fair market value of  
28 all personalty when received, and all proceeds from the sale of realty coming  
29 into the hands of the fiduciary, but shall not include the value of realty. In  
30 collections of personal property by affidavit, the fee based on the gross  
31 estate shall be computed from the information in the final affidavit of  
32 collection made pursuant to G.S. 28A-25-3 and shall be paid when that  
33 affidavit is filed. In all other cases, this fee shall be computed from the  
34 information reported in the inventory and shall be paid when the inventory is  
35 filed with the clerk. If additional gross estate, including income, comes into  
36 the hands of the fiduciary after the filing of the inventory, the fee for such  
37 additional value shall be assessed and paid upon the filing of any account or  
38 report disclosing such additional value. For each filing the minimum fee  
39 shall be fifteen dollars (\$15.00). Sums collected under this subdivision shall  
40 be remitted to the State Treasurer. The State Treasurer shall remit the sum of  
41 ~~two dollars and five cents (\$2.05)~~ one dollar (\$1.00) of each  
42 seventy-five-dollar (\$75.00) General Court of Justice fee collected under this  
43 subdivision to the North Carolina State Bar for the provision of services  
44 described in G.S. 7A-474.4.

45       ..."



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

**DRAFT  
SPECIAL PROVISION**



**2011-AOC-H22**

**Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety**

**Special Provision 2011-AOC-H22**

Requested by: Representative

**WORKLOAD FORMULA FOR SUPERIOR COURT JUDGES**

**SECTION #.** The Administrative Office of the Courts shall use funds available to contract with the National Center for State Courts to develop a workload formula for superior court judges. The results of this formula shall be submitted to the to the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by December 1, 2011.

DRAFT  
SPECIAL PROVISION

2011-AOC-H11

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

## Special Provision 2011-AOC-H11

Requested by: Representative

MAGISTRATES MAY HEAR INFRACTIONS AND MEDIATIONS WITH THE  
APPROVAL OF THE CLERK OF SUPERIOR COURT

SECTION #.(a) G.S. 7A-273 reads as rewritten:

## "§ 7A-273. Powers of magistrates in infractions or criminal actions.

In criminal actions or infractions, any magistrate has power:

- (1) In infraction cases in which the maximum penalty that can be imposed is not more than fifty dollars (\$50.00), exclusive of costs, or in Class 3 misdemeanors, other than the types of infractions and misdemeanors specified in subdivision (2) of this section, to accept guilty pleas or admissions of responsibility and enter judgment;
- (2) In misdemeanor or infraction cases involving alcohol offenses under Chapter 18B of the General Statutes, traffic offenses, hunting, fishing, State park and recreation area rule offenses under Chapter 113 of the General Statutes, boating offenses under Chapter 75A of the General Statutes, and littering offenses under G.S. 14-399(c) and G.S. 14-399(c1), to accept written appearances, waivers of trial or hearing and pleas of guilty or admissions of responsibility, in accordance with the schedule of offenses and fines or penalties promulgated by the Conference of Chief District Judges pursuant to G.S. 7A-148, and in such cases, to enter judgment and collect the fines or penalties and costs;
- (2a) In misdemeanor cases involving the violation of a county ordinance authorized by law regulating the use of dune or beach buggies or other power-driven vehicles specified by the governing body of the county on the foreshore, beach strand, or the barrier dune system, to accept written appearances, waivers of trial or hearing, and pleas of guilty or admissions of responsibility, in accordance with the schedule of offenses and fines or penalties promulgated by the Conference of Chief District Court Judges pursuant to G.S. 7A-148, and in such cases, to enter judgment and collect the fines or penalties and costs;
- (3) To issue arrest warrants valid throughout the State;
- (4) To issue search warrants valid throughout the county;
- (5) To grant bail before trial for any noncapital offense;
- (6) Notwithstanding the provisions of subdivision (1) of this section, to hear and enter judgment as the chief district judge shall direct in all worthless check cases brought under G.S. 14-107, when the amount of the check is two thousand dollars (\$2,000) or less. Provided, however, that under this section magistrates may not impose a prison sentence longer than 30 days;
- (7) To conduct an initial appearance as provided in G.S. 15A-511; and
- (8) To accept written appearances, waivers of trial and pleas of guilty in violations of G.S. 14-107 when the amount of the check is two thousand dollars (\$2,000) or less, restitution, including service charges and processing

1 fees allowed by G.S. 14-107, is made, and the warrant does not charge a  
2 fourth or subsequent violation of this statute, and in these cases to enter  
3 judgments as the chief district judge ~~directs~~ directs;

4 (8a) Notwithstanding the provisions of subdivisions (1) and (2) of this section,  
5 and upon approval of the clerk of superior court, to adjudicate any infraction  
6 case following the procedure set forth in Article 66 of Chapter 15A of the  
7 General Statutes; and

8 (8b) Upon approval of the clerk of superior court, to act as a mediator in any  
9 matter for which the clerk finds that the magistrate has the appropriate  
10 knowledge and experience.

11 (9) Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s. 118(d)."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



*agency*  
2011-AOC-H21

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-AOC-H21

Requested by: Representative

**STUDY FEASIBILITY OF OFFICE OF PROSECUTORIAL SERVICES**

**SECTION #.(a)** The School of Government of The University of North Carolina shall study the feasibility and cost of creating an Office of Prosecutorial Services within the Judicial Branch. The study shall compare North Carolina's judicial branch structure to that of other states in terms of organizational placement of prosecutorial and defense services within the context of the unified court system, and shall also determine the necessary resources and costs required to make an Office of Prosecutorial Services viable as an independent agency under the Judicial Branch. The School of Government shall submit the report by April 1, 2012, to the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety.

**SECTION #.(b)** The Conference of District Attorneys may use funds available during the 2011-2012 fiscal year to contract for fiscal management and analysis services to analyze the differences between budgeted and actual position and associated costs in prosecutors' offices.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-AOC-H1

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-AOC-H1

Requested by: Representative Spear

**ENSURE MINIMUM NUMBER OF CLERK OF COURT STAFF**

SECTION #. G.S. 7A-102(a) reads as rewritten:

"(a) The numbers and salaries of assistant clerks, deputy clerks, and other employees in the office of each clerk of superior court shall be determined by the Administrative Officer of the Courts after consultation with the clerk concerned. However, no office of clerk of superior court shall have fewer than five total staff positions in addition to the elected clerk of superior court. All personnel in the clerk's office are employees of the State. The clerk appoints the assistants, deputies, and other employees in the clerk's office to serve at his or her pleasure. Assistant and deputy clerks shall take the oath of office prescribed for clerks of superior court, conformed to the office of assistant or deputy clerk, as the case may be. Except as provided by subsection (c2) of this section, the job classifications and related salaries of each employee within the office of each superior court clerk shall be subject to the approval of the Administrative Officer of the Courts after consultation with each clerk concerned and shall be subject to the availability of funds appropriated for that purpose by the General Assembly."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-AOC-H17

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-AOC-H17

1 Requested by: Representative

2 **STUDY INFRACTIONS AND WAIVABLE OFFENSES**

3 **SECTION #.** The Revenue Laws Study Committee shall study the penalties and  
4 fines for infractions and waivable offenses and determine whether the current amounts are at a  
5 level appropriate for the associated offenses. The Committee shall report its findings, together  
6 with any recommended legislation, to the 2012 Regular Session of the 2011 General Assembly  
7 upon its convening.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



Follow \$  
2011-AOC-H18

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-AOC-H18

Requested by: Representative

**WAIVER OF CRIMINAL COURT COSTS ONLY WHEN JUDGE MAKES FINDING  
OF JUST CAUSE TO GRANT WAIVER**

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

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, ~~except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no~~ collected. No costs may be assessed when a case is dismissed. Costs under this section may not be waived unless the judge makes a finding of just cause to grant such a waiver.

..."

**SECTION #.(b)** The Administrative Office of the Courts shall make the necessary modifications to its information systems to maintain records of all cases in which the 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 Joint Legislative Commission on Governmental Operations by October 1 of each year.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

*Modified Boilerplate*

DRAFT  
SPECIAL PROVISION



2011-AOC-H2

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-AOC-H2

Requested by: Representative

**OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS/EXPANSION OF  
PUBLIC DEFENDER OFFICES**

**SECTION #.** The Judicial Department, Office of Indigent Defense Services, may use up to the sum of two million one hundred fifty thousand dollars (\$2,150,00) in appropriated funds during the 2011-2012 fiscal year and up to the sum of five million dollars (\$5,000,000) in appropriated funds during the 2012-2013 fiscal year for the expansion of existing offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services, for the creation of new public defender offices within existing public defender programs, or for the establishment of regional public defender programs. Notwithstanding the defender districts established by G.S. 7A-498.7, the Office of Indigent Defense Services may use a portion of these funds to create positions within existing public defender programs to handle cases in adjacent counties or districts. These funds may be used to create up to 50 new attorney positions and 25 new support staff positions during the 2011-2012 and 2012-2013 fiscal years and for the salaries, benefits, equipment, and related expenses for these positions in both years of the biennium. Position creation will be staggered across the two years of the biennium. Prior to using funds for this purpose, the Office of Indigent Defense Services shall report to the Chairs of the House of Representatives and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion.



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



*Baile plate*  
2011-AOC-H8

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-AOC-H8

Requested by: Representative

**OFFICE OF INDIGENT DEFENSE SERVICES REPORT**

**SECTION #.** The Office of Indigent Defense Services shall report to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on:

- (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, 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-AOC-H9

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

**Special Provision 2011-AOC-H9**

1 Requested by: Representative

2 **AUDIT OF FARMWORKER LEGAL AID PROGRAM**

3 **SECTION #.** The State Auditor shall conduct a financial audit of the Farmworker  
4 Legal Aid program of Legal Aid of North Carolina. The audit shall include assessments of  
5 compliance with all State and federal mandates regarding use of funds under the Access to  
6 Civil Justice Act, and shall assess whether State and federal funds are commingled in the  
7 administration and operation of this legal aid program. The State Auditor shall publish this  
8 audit not later than October 1, 2011.  
9

**Conference Appropriations Subcommittee on JPS  
Final Fee Increases  
FY 2011-2012**

**General Fund Fees**

<b>Fee</b>	<b>Current Fee</b>	<b>Fee Increase</b>	<b>New Fee</b>	<b>Amount Generated</b>	<b>Funds Go To:</b>	<b>Total (Incl. Other Fees)</b>
1 Superior Court - Civil	\$125.00	\$55.00	\$180.00	\$1,492,315	GF	\$200.00
2 Superior Court - Criminal	\$102.50	\$52.00	\$154.50	\$140,244	GF	\$200.00
3 District Court - Civil	\$80.00	\$50.00	\$130.00	\$8,004,800	GF	\$150.00
4 District Court - Criminal	\$100.50	\$24.00	\$124.50	\$23,663,976	GF	\$170.00
5 Magistrate - Civil (Small Claims)	\$55.00	\$25.00	\$80.00	\$6,193,975	GF	\$100.00
6 Special Proceedings	\$75.00	\$31.00	\$106.00	\$465,000	GF	\$120.00
7 Estates	\$75.00	\$31.00	\$106.00	\$1,085,000	GF	\$120.00
8 Additional Civil Motions	\$0.00	\$20.00	\$20.00	\$3,139,860	GF	\$20.00
9 Fee to Reissue Summons	\$0.00	\$15.00	\$15.00	\$820,455	GF	\$15.00
10 Double Foreclosure Fee	\$150.00	\$150.00	\$300.00	\$8,875,350	GF	\$300.00
11 Counterclaim Filing Fee District	\$0.00	\$130.00	\$130.00	\$1,466,660	GF	
12 Counterclaim Filing Fee Superior	\$0.00	\$130.00	\$130.00	\$414,310	GF	
13 Reduce Access to CJ Pass-through				\$2,231,221	GF	

**Subtotal Court Fees      \$57,993,166**

<b>Facility Fees</b>	<b>Current Fee</b>	<b>Fee Increase</b>	<b>New Fee</b>	<b>Amount Generated</b>	<b>Funds Go To:</b>	<b>Total</b>
14 District Court	\$12.00	\$18.00	\$30.00	\$19.1 million	Counties	
15 Superior Court	\$30.00	\$0.00	\$30.00	\$0	Counties	
16 Civil Court	\$16.00	\$0.00	\$16.00	\$0	Counties	
17 Special Proceedings/Estates	\$10.00	\$0.00	\$10.00	\$0	Counties	
18 Phone System Fee	\$4.00	\$0.00	\$4.00	\$0	Counties	

**Additional Criminal Fees**

19 LEO Retirement	\$7.50				Law Enforcement	
20 LEO Training	\$2.00				DOJ	
21 DNA Fee	\$2.00				DOJ	

<b>Other Fee Increases-Non GF</b>	<b>Current Fee</b>	<b>Fee Increase</b>	<b>New Fee</b>	<b>Amount Generated</b>	<b>Funds Go To:</b>	<b>Total</b>
22 Increase Civil Process Fee	\$15.00	\$15.00	\$30.00	\$3.3 million	Counties	
23 Daily Jail Fee	\$5.00	\$5.00	\$10.00	N/A	Counties	

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-AOC-H19

Administrative Office of the Courts  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-AOC-H19

Requested by: Representative

STATEWIDE PUBLIC DEFENDER OFFICES

SECTION #.(a) Effective January 1, 2015, G.S. 7A-498.7 reads as rewritten:

"(a) The following counties of the State are organized into the defender districts listed below, and in each of those defender districts an office of public defender is established:

Defender District	Counties
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans
2	Beaufort, Hyde, Martin, Tyrell, Washington
3A 3	Carteret, Craven, Pamlico, Pitt
3B	Carteret
4	Duplin, Jones, Onslow, Sampson
5	New Hanover Hanover, Pender
6	Bertie, Halifax, Hertford, Northampton
7	Edgecombe, Nash, Wilson
8	Greene, Lenoir, Wayne
9	Caswell, Franklin, Granville, Person, Vance, Warren
10	Wake
11	Harnett, Johnston, Lee
12	Cumberland
13	Bladen, Brunswick, Columbus
14	Durham
15B 15	Orange, Chatham Alamance, Chatham, Orange
16A 16	Scotland, Hoke Hoke, Robeson, Scotland
16B	Robeson
17	Rockingham, Stokes, Surry
18	Guilford
19A	Cabarrus, Rowan
19B	Montgomery, Moore, Randolph
20	Anson, Richmond, Stanly, Union
21	Forsyth
22	Alexander, Davidson, Davie, Iredell
23	Alleghany, Ashe, Wilkes, Yadkin

1 24

2

3 25

4 26

5 27A 27

6 28

7 29B 29

8

9 30

10

11 ~~After notice to, and consultation with, the affected district bar, senior resident superior court~~  
12 ~~judge, and chief district court judge, the Commission on Indigent Defense Services may~~  
13 ~~recommend to the General Assembly that a district or regional public defender office be~~  
14 ~~established. A legislative act is required in order to establish a new office or to abolish an~~  
15 ~~existing office."~~

16

**SECTION #.(b)** This section becomes effective January 1, 2015.

17

Avery, Madison, Mitchell,

Watauga, Yancey

Burke, Caldwell, Catawba

Mecklenburg

Gaston, Cleveland, Gaston, Lincoln

Buncombe

Henderson, McDowell, Polk,

Rutherford, Transylvania

Cherokee, Clay, Graham,

Haywood, Jackson, Macon, Swain.

# GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

**DRAFT  
SPECIAL PROVISION**



**2011-AOC-H15A**

## **Administrative Office of the Courts Appropriations Subcommittee on Justice and Public Safety**

### **Special Provision 2011-AOC-H15A**

Requested by: Representative

### **CONSOLIDATE PROSECUTORIAL DISTRICTS**

**SECTION #.(a)** Effective January 1, 2013, G.S. 7A-60 reads as rewritten:

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

(a) The State shall be divided into prosecutorial districts, as shown in subsection (a1) of this section. There shall be a district attorney for each prosecutorial district, as provided in subsections (b) and (c) of this section who shall be a resident of the prosecutorial district for which elected. A vacancy in the office of district attorney shall be filled as provided in Article IV, Sec. 19 of the Constitution. The number of assistant district attorneys authorized for the office of each district attorney shall be determined by the Director of the Administrative Office of the Courts after consultation with the district attorney concerned and following a study of the caseload and other criteria determined by the Administrative Office of the Courts.

(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
6A	Halifax	5
6B	Bertie, Hertford, Northampton	6
7	Edgecombe, Nash, Wilson	19
8	Greene, Lenoir, Wayne	14
9	Franklin, Granville, Vance, Warren	12
9A	Person, Caswell	6
10	Wake	42
11A 11	Harnett, <del>Lee</del> Johnston, Lee, Moore	9
11B	<del>Johnston</del>	10
12	Cumberland	23
13	Bladen, Brunswick, Columbus	13
14	Durham	18

1	15A	Alamance	11
2	15B	Orange, Chatham	10
3	16A 16	<u>Scotland, Hoke Hoke, Robeson, Scotland</u>	7
4	16B	Robeson	13
5	17A	Rockingham	7
6	17B	Stokes, Surry	8
7	18	<u>Guilford Guilford, Randolph</u>	32
8	19A	Cabarrus	9
9	19B	Montgomery, Randolph	10
10	19C	Rowan	8
11	19D	Moore	5
12	20A	Anson, <u>Montgomery</u> , Richmond,	12
13		Stanly	
14	20B	Union	10
15	21	Forsyth	25
16	22A 22	Alexander, <u>Davidson, Davie</u> , Iredell	11
17	22B	<u>Davidson, Davie</u>	11
18	23	Alleghany, Ashe, Wilkes,	8
19		Yadkin	
20	24	Avery, Madison, Mitchell,	7
21		Watauga, Yancey	
22	25	Burke, Caldwell, Catawba	19
23	26	Mecklenburg	58
24	27A	Gaston	15
25	27B	Cleveland, Lincoln	11
26	28	Buncombe	14
27	29A	McDowell, Rutherford	7
28	29B	Henderson, Polk, Transylvania	8
29	30	Cherokee, Clay, Graham,	11
30		Haywood, Jackson, Macon,	
31		Swain."	

(a2) ~~Upon the convening of each regular session of the General Assembly and its reconvening in the even numbered year, the Administrative Office of the Courts shall report 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 allocated to each prosecutorial district and the caseload and criteria 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 on Justice and Public, and the Fiscal Research Division.~~

(b) ~~Except as provided in subsection (c) of this section, each district attorney for a prosecutorial district as defined in subsection (a1) of this section, other than District 19B, who is in office on December 31, 1988, shall continue in office for that prosecutorial district, for a term expiring December 31, 1990. In the general election of 1990, and every four years thereafter, a district attorney shall be elected for a four year term for each prosecutorial district other than Districts 16A and 19B, and shall take office on the January 1 following such election. The district attorney for Prosecutorial District 19B, who is elected in the general election of 1988 for a four year term beginning January 1, 1989, shall serve that term for Prosecutorial District 19B. In the general election of 1992, and every four years thereafter, a~~

1 ~~district attorney shall be elected for a four-year term for Prosecutorial Districts 16A and 19B~~  
2 ~~and shall take office on the January 1 following such election.~~

3 ~~(c) The office and term of the district attorney for Prosecutorial District 12 formerly~~  
4 ~~consisting of Cumberland and Hoke Counties are allocated to Prosecutorial District 12 as~~  
5 ~~defined by subsection (a1) of this section. The office and the term of the district attorney for~~  
6 ~~former Prosecutorial District 16 consisting of Robeson and Scotland Counties are allocated to~~  
7 ~~Prosecutorial District 16B as defined by subsection (a1) of this section. The initial district~~  
8 ~~attorney for Prosecutorial District 16A as defined in subsection (a1) of this section shall be~~  
9 ~~elected in the general election of November 1988, from nominations made in accordance with~~  
10 ~~G.S. 163-114 as if a vacancy had occurred in nomination, and shall serve an initial term~~  
11 ~~expiring December 31, 1992. In all other respects, subsection (b) of this section shall apply to~~  
12 ~~the district attorneys for Prosecutorial Districts 12, 16A, and 16B to the same extent as all other~~  
13 ~~district attorneys."~~

14 **SECTION #.(b)** The district attorney for the consolidated Prosecutorial District 11  
15 established in subsection (a) of this section shall be the district attorney currently serving  
16 Prosecutorial District 11B whose term ends December 31, 2014. Effective December 31, 2012,  
17 the end of the current term, the district attorney position currently authorized for Prosecutorial  
18 District 11A is abolished. A successor to the district attorney for consolidated Prosecutorial  
19 District 11 shall be elected in the 2014 general election.

20 **SECTION #.(c)** The district attorney for the consolidated Prosecutorial District 16  
21 established in subsection (a) of this section shall be the district attorney currently serving  
22 Prosecutorial District 16B whose term ends December 31, 2014. Effective December 31, 2012,  
23 the end of the current term, the district attorney position currently authorized for Prosecutorial  
24 District 16A is abolished. A successor to the district attorney for consolidated Prosecutorial  
25 District 16 shall be elected in the 2014 general election.

26 **SECTION #.(d)** The district attorney for the consolidated Prosecutorial District 18  
27 established in subsection (a) of this section shall be the district attorney currently serving  
28 Prosecutorial District 18 whose term ends December 31, 2014. Effective December 31, 2012,  
29 the end of the current term, the district attorney position currently authorized for Prosecutorial  
30 District 16A is abolished. A successor to the district attorney for consolidated Prosecutorial  
31 District 16 shall be elected in the 2014 general election.

32 **SECTION #.(e)** The district attorney for the consolidated Prosecutorial District 22  
33 established in subsection (a) of this section shall be the district attorney currently serving  
34 Prosecutorial District 22B whose term ends December 31, 2014. Effective December 31, 2012,  
35 the end of the current term, the district attorney position currently authorized for Prosecutorial  
36 District 22A is abolished. A successor to the district attorney for consolidated Prosecutorial  
37 District 22 shall be elected in the 2014 general election.

38 **SECTION #.(f)** Effective January 1, 2015, G.S. 7A-60(a1), as amended by  
39 subsection (a) of this section, reads as rewritten:

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

Prosecutorial District	Counties
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans
2	Beaufort, Hyde, Martin, Tyrrell, Washington
3A 3	Carteret, Craven, Pamlico, Pitt



1	3B	<del>Carteret, Craven, Pamlico</del>
2	4	Duplin, Jones, Onslow,
3		Sampson
4	5	New Hanover, Pender
5	6A 6	<del>Halifax</del> <u>Bertie, Halifax,</u>
6		<u>Hertford, Northampton</u>
7	6B	<del>Bertie, Hertford, Northampton</del>
8	7	Edgecombe, Nash, Wilson
9	8	Greene, Lenoir, Wayne
10	9	<u>Caswell, Franklin, Granville,</u>
11		<u>Person, Vance, Warren</u>
12	9A	<del>Person, Caswell</del>
13	10	Wake
14	11	Harnett, Johnston, <del>Lee, Moore</del> <u>Lee</u>
15	12	Cumberland
16	13	Bladen, Brunswick, Columbus
17	14	Durham
18	15A 15	<del>Alamance</del> <u>Alamance, Chatham, Orange</u>
19	15B	<del>Orange, Chatham</del>
20	16	Hoke, Robeson, Scotland
21	17A 17	<del>Rockingham</del> <u>Rockingham, Stokes, Surry</u>
22	17B	<del>Stokes, Surry</del>
23	18	<del>Guilford, Randolph</del> <u>Guilford</u>
24	19A	<del>Cabarrus</del> <u>Cabarrus, Rowan</u>
25	19B	<u>Montgomery, Moore, Randolph</u>
26	19C	<del>Rowan</del>
27	20A 20	Anson, <del>Montgomery,</del> Richmond,
28		<del>Stanly</del> <u>Stanly, Union</u>
29	20B	<del>Union</del>
30	21	Forsyth
31	22	Alexander, Davidson, Davie, Iredell
32	23	Alleghany, Ashe, Wilkes,
33		Yadkin
34	24	Avery, Madison, Mitchell,
35		Watauga, Yancey
36	25	Burke, Caldwell, Catawba
37	26	Mecklenburg
38	27A 27	<del>Gaston</del> <u>Cleveland, Gaston, Lincoln</u>
39	27B	<del>Cleveland, Lincoln</del>
40	28	Buncombe
41	29A 29	<u>Henderson, McDowell, Rutherford Polk,</u>
42		<u>Rutherford, Transylvania</u>
43	29B	<del>Henderson, Polk, Transylvania</del>
44	30	Cherokee, Clay, Graham,
45		Haywood, Jackson, Macon,
46		Swain."

47        **SECTION #.(g)** The district attorneys for the consolidated Prosecutorial Districts  
48 3, 6, 9, 15, 17, 19A, 19B, 20, 27, and 29 established in subsection (a) of this section shall be  
49 elected in the 2014 general election. Effective December 31, 2014, the end of the current term,  
50 the district attorney position currently authorized for Prosecutorial Districts 3A, 3B, 6A, 6B,  
51 9A, 15A, 15B, 17A, 17B, 19C, 20A, 20B, 27A, 27B, 29A, and 29B are abolished.

1           **SECTION #.(h)** As to any district that does not include a county subject to Section  
2 5 of the Voting Rights Act of 1965, as amended, subsection (a) of this section becomes  
3 effective January 1, 2013. As to any district in a county subject to Section 5 of the Voting  
4 Rights Act of 1965, as amended, this subsection (a) of this section becomes effective January 1,  
5 2013, or the date upon which the district receives preclearance pursuant to Section 5 of the  
6 Voting Rights Act of 1965, as amended, whichever comes last.

7           As to any district that does not include a county subject to Section 5 of the Voting Rights  
8 Act of 1965, as amended, subsection (f) of this section becomes effective January 1, 2015. As  
9 to any district in a county subject to Section 5 of the Voting Rights Act of 1965, as amended,  
10 this subsection (f) of this section becomes effective January 1, 2015, or the date upon which the  
11 district receives preclearance pursuant to Section 5 of the Voting Rights Act of 1965, as  
12 amended, whichever comes last.  
13

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



*Boilerplate*

2011-ATTY-H2

Attorney General's Office  
Appropriations Subcommittee on Justice and Public Safety

**Special Provision 2011-ATTY-H2**

Requested by: Representative

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

**SECTION #.(a)** Assets transferred to the Departments of Justice, Correction, and Crime Control and Public Safety during the 2011-2013 fiscal biennium pursuant to applicable federal law shall be credited to the budgets of the respective departments and shall result in an increase of law enforcement resources for those departments. The Departments of Justice, Correction, and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended.

**SECTION #.(b)** The General Assembly finds that the use of 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 Justice, the Department of Correction, and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

**SECTION #.(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.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-ATTY-H6

Attorney General's Office  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-ATTY-H6

1 Requested by: Representative

2 **PURCHASE OF TIME MANAGEMENT SOFTWARE**

3 **SECTION #.** The Department of Justice shall use funds available to purchase, or  
4 purchase licenses for, time management software to be used to ensure adequate recordkeeping  
5 and management of Department attorneys' time. The software shall be of a quality and type  
6 generally used by attorneys in the private sector.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



*Boclerplate, mod*

2011-ATTY-H1A

Attorney General's Office  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-ATTY-H1A

1 Requested by: Representative

2 **PRIVATE PROTECTIVE SERVICES AND ALARM SYSTEMS LICENSING BOARDS**

3 **PAY FOR USE OF STATE FACILITIES AND SERVICES**

4 **SECTION #.(a)** G.S. 74C-4 is amended by adding a new subsection to read:

5 "(h) The Board shall pay the appropriate State agency for the use of physical facilities  
6 and services provided to it by the State."

7 **SECTION #.(b)** G.S. 74D-4 is amended by adding a new subsection to read:

8 "(h) The Board shall pay the appropriate State agency for the use of physical facilities  
9 and services provided to it by the State."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



*Follow §*  
2011-ATTY-H7

Attorney General's Office  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-ATTY-H7

1 Requested by: Representative

2 **SEX OFFENDER VERIFICATION FORMS SHALL BE SENT BY THE DIVISION OF**  
3 **CRIMINAL INFORMATION VIA FIRST CLASS MAIL**

4 **SECTION #.** G.S. 14-208.9A(a)(1) reads as rewritten:

5 "(a) The information in the county registry shall be verified semiannually for each  
6 registrant as follows:

7 (1) Every year on the anniversary of a person's initial registration date, and  
8 again six months after that date, the Division shall ~~mail~~ send by first class  
9 mail a nonforwardable verification form to the last reported address of the  
10 person."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



*Boilerplate,  
modified*  
2011-ATTY-H3A

Attorney General's Office  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-ATTY-H3A

1 Requested by: Representative

2 **CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS**

3 SECTION #. G.S. 114-8.2 reads as rewritten:

4 "**§ 114-8.2. Charges for legal services.**

5 ~~The Department of Justice shall charge State boards and commissions that are totally~~  
6 ~~supported by receipts from fees or surcharges for legal services rendered by the Department to~~  
7 ~~the board or commission. Client State departments, agencies, boards, and commissions shall~~  
8 ~~reimburse the Department of Justice for reasonable court fees, attorney travel and subsistence~~  
9 ~~costs, and other costs directly related to litigation in which the Department of Justice is~~  
10 ~~representing the department, agency, or board."~~

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

*Boclerplate*

DRAFT  
SPECIAL PROVISION



2011-ATTY-H4

Attorney General's Office  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-ATTY-H4

1 Requested by: Representative

2 **HIRING OF SWORN STAFF POSITIONS FOR THE STATE BUREAU OF**  
3 **INVESTIGATION**

4 **SECTION #.** The Department of Justice may hire sworn personnel to fill vacant  
5 positions in the State Bureau of Investigation only in the following circumstances: (i) the  
6 position's regular responsibilities involve warrant executions, property searches, criminal  
7 investigations, or arrest activities that are consistent in frequency with the responsibilities of  
8 other sworn agents; (ii) the position is a promotion for a sworn agent who was employed at the  
9 State Bureau of Investigation prior to July 1, 2007; (iii) the position is a forensic drug chemist  
10 position which requires "responding to clandestine methamphetamine laboratories" as a  
11 primary duty; (iv) the position is a forensic impressions analyst position which requires  
12 "responding to clandestine methamphetamine laboratories" as a primary duty; or (v) the  
13 position primarily involves supervising sworn personnel.



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



Baierplate  
G

2011-DJJDP-H2

Department of Juvenile Justice and Delinquency Prevention  
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

1 ***STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS***

2       **SECTION #.** Funds appropriated in this act to the Department of Juvenile Justice  
3 and Delinquency Prevention for the 2011-2012 fiscal year may be used as matching funds for  
4 the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile  
5 Accountability Incentive Block Grants or a notice of funds to be awarded, the Office of State  
6 Budget and Management and the Governor's Crime Commission shall consult with the  
7 Department of Juvenile Justice and Delinquency Prevention regarding the criteria for awarding  
8 federal funds. The Office of State Budget and Management, the Governor's Crime  
9 Commission, and the Department of Juvenile Justice and Delinquency Prevention shall report  
10 to the Appropriations Committees of the Senate and House of Representatives and the Joint  
11 Legislative Commission on Governmental Operations prior to allocation of the federal funds.  
12 The report shall identify the amount of funds to be received for the 2011-2012 fiscal year, the  
13 amount of funds anticipated for the 2011-2012 fiscal year, and the allocation of funds by  
14 program and purpose.

Boilerplate  
G.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-DJJDP-H1

Department of Juvenile Justice and Delinquency Prevention  
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

1 ***ANNUAL EVALUATION OF COMMUNITY PROGRAMS***

2 **SECTION #.** The Department of Juvenile Justice and Delinquency Prevention  
3 shall conduct an evaluation of the wilderness camp programs and of multipurpose group  
4 homes.

5 In conducting the evaluation of each of these programs, the Department shall  
6 consider whether participation in each program results in a reduction of court involvement  
7 among juveniles. The Department also shall identify whether the programs are achieving the  
8 goals and objectives of the Juvenile Justice Reform Act, S.L. 1998-202. The Department shall  
9 report the results of the evaluation to the Joint Legislative Corrections, Crime Control, and  
10 Juvenile Justice Oversight Committee, the chairs of the Senate and House of Representatives  
11 Appropriations Committees and the chairs of the Subcommittees on Justice and Public Safety  
12 of the Senate and House of Representatives Appropriations Committees by March 1 of each  
13 year.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-DJJDP-H10

Department of Juvenile Justice and Delinquency Prevention  
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

- 1 ***ALLOCATE REALIZED SAVINGS OF WILDERNESS CAMPS TO FUND CERTAIN***
- 2 ***LEVEL 2 INTERMEDIATE DISPOSITIONAL ALTERNATIVES FOR JUVENILES***
- 3 **SECTION #.** If any funds appropriated by this act to the Department of Juvenile
- 4 Justice and Delinquency Prevention for the 2011-2013 fiscal biennium for wilderness camps
- 5 are not required for or expended for wilderness camps, then those funds shall be allocated to
- 6 the Juvenile Crime Prevention Council grants fund to be used for the Level 2 intermediate
- 7 dispositional alternatives for juveniles listed in G.S. 7B-2506(13) through (23).

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

Boilerplate

DRAFT  
SPECIAL PROVISION



2011-DJJDP-H4

Department of Juvenile Justice and Delinquency Prevention  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-DJJDP-H4

Requested by: Representative

JUVENILE CRIME PREVENTION COUNCIL FUNDS

SECTION #.(a) On or before October 1 of each year, the Department of Juvenile Justice and Delinquency Prevention shall submit to the Joint Legislative Commission on Governmental Operations and the Appropriations Committees of the Senate and House of Representatives a list of the recipients of the grants awarded, or preapproved for award, from funds appropriated to the Department for local Juvenile Crime Prevention Council grants, including:

- (1) The amount of the grant awarded.
- (2) The membership of the local committee or council administering the award funds on the local level.
- (3) The type of program funded.
- (4) A short description of the local services, programs, or projects that will receive funds.
- (5) Identification of any programs that received grant funds at one time but for which funding has been eliminated by the Department.
- (6) The number of at-risk, diverted, and adjudicated juveniles served by each county.
- (7) The Department's actions to ensure that county JCPCs prioritize funding for dispositions of intermediate and community-level sanctions for court-adjudicated juveniles under minimum standards adopted by the Department.
- (8) The total cost for each funded program, including the cost per juvenile and the essential elements of the program.

An electronic copy of the list and other information regarding the projects shall also be sent to the Fiscal Research Division of the General Assembly.

SECTION #.(b) Of the funds appropriated by this act for the 2011-2012 fiscal year to the Department of Juvenile Justice and Delinquency Prevention for Juvenile Crime Prevention Council grants the sum of one hundred twenty-one thousand six hundred dollars (\$121,600) shall be transferred to Project Challenge North Carolina, Inc., to be used for the continued support of Project Challenge programs throughout the State.

New

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-DJJDH-H9

Department of Juvenile Justice and Delinquency Prevention  
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

***DJJDH AND DOH JOINT EFFORT TO MAKE IN-HOME MONITORING AVAILABLE  
AS ALTERNATIVE TO DETENTION FOR JUVENILES***

SECTION #. It is the intent of the General Assembly to reduce the State's reliance on detention facilities and youth development centers in the Department of Juvenile Justice and Delinquency Prevention as correctional options for juveniles by increasing the use of community-based alternatives whenever possible. Therefore, the Department of Juvenile Justice and Delinquency Prevention and the Department of Correction shall work together to increase the use of in-home monitoring as an alternative to detention for juveniles. The Department of Correction and the Department of Juvenile Justice and Delinquency Prevention shall assess the monitoring needs for both the adult and juvenile systems, identify the contracts that the Department of Correction currently has for monitoring services, and determine which contracts if any, may be negotiated or renegotiated to cover monitoring services for both the adult and juvenile systems. The Department of Juvenile Justice and Delinquency Prevention and the Department of Correction may also identify other options to increase the use of in-home monitoring as an alternative to detention for juveniles that may work well and be cost-effective.

The Department of Juvenile Justice and Delinquency Prevention and the Department of Correction shall report to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, and the Fiscal Research Division regarding their findings and recommendations by September 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-DJJD-H3

Department of Juvenile Justice and Delinquency Prevention  
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

1 ***TREATMENT STAFFING MODEL AT YOUTH DEVELOPMENT CENTERS***

2 SECTION #. The Department shall implement the staffing treatment model  
3 presented to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight  
4 Committee as part of the Department's November 14, 2006, report regarding the joint use with  
5 the Department of Correction of the Swannanoa Youth Development Center campus.

6 The staffing levels of the new youth development centers shall be capped at 66 staff  
7 for a 32-bed facility and 198 staff for the 96-bed facility for the 2011-2013 fiscal biennium.  
8 Staffing ratios shall be no more than 2.1 staff per every juvenile committed at every other  
9 existing youth development center.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-DJJD-P-H5

Department of Juvenile Justice and Delinquency Prevention  
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

***YOUTH DEVELOPMENT CENTER ANNUAL REPORT***

SECTION #. The Department of Juvenile Justice and Delinquency Prevention shall report by October 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, and the Fiscal Research Division on the Youth Development Center (YDC) population, staffing, and capacity in the preceding fiscal year. Specifically, the report shall include all of the following:

- (1) The on-campus population of each YDC, including the county the juveniles are from.
- (2) The housing capacity of each YDC.
- (3) A breakdown of staffing for each YDC, including number, type of position, position title, and position description.
- (4) The per-bed and average daily population cost for each facility.
- (5) The operating cost for each facility, including personnel and non-personnel items.
- (6) A brief summary of the treatment model, education, services, and plans for reintegration into the community offered at each facility.
- (7) The average length of stay in the YDCs.
- (8) The number of incidents of assaults/attacks on staff at each facility.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-DJJDH-H6

Department of Juvenile Justice and Delinquency Prevention  
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

1 ***DJJDH FACILITY MONTHLY COMMITMENT REPORT***

2       SECTION #. The Department of Juvenile Justice and Delinquency Prevention  
3 shall report electronically on the first day of each month to the Fiscal Research Division  
4 regarding each juvenile correctional facility and the average daily population for the previous  
5 month. The report shall include: (i) the average daily population for each detention center,  
6 and (ii) the monthly summary of the Committed Youth Report.



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-DJJDP-H7

Department of Juvenile Justice and Delinquency Prevention  
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

1 *USE OF INMATE LABOR FOR REPAIR AND RENOVATION OF YOUTH*  
2 *DEVELOPMENT CENTERS*

3 SECTION #. The Department of Juvenile Justice and Delinquency Prevention and  
4 the Department of Correction in consultation with the Governor's Crime Commission shall  
5 establish policies regarding the appropriate use of inmate construction crews provided by the  
6 Department of Correction for repair and renovation projects located on property owned or  
7 controlled by the Department of Juvenile Justice and Delinquency Prevention. The policies  
8 shall be developed and ready for implementation by September 1, 2011.

Follows \$

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-DJJD-P-H8

Department of Juvenile Justice and Delinquency Prevention  
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

1 ***ALLOCATE FUNDS FOR REPAIRS AND RENOVATIONS TO STONEWALL JACKSON***  
2 ***AND C.A. DILLON YOUTH DEVELOPMENT CENTERS***  
3 **SECTION #.** Of the funds appropriated by this act to the Department of Juvenile  
4 Justice and Delinquency Prevention for the 2011-2012 fiscal year the sum of two million three  
5 hundred thirty thousand nine hundred dollars (\$2,330,900) shall be allocated to the Stonewall  
6 Jackson Youth Development Center and the sum of one million five hundred thirty-one  
7 thousand dollars (\$1,531,000) shall be allocated to the C.A. Dillon Youth Development Center  
8 to be used for repairs and renovations that (i) will increase operational capacity at those  
9 facilities and (ii) satisfy the requirements of G.S. 143C-4-3(b). This allocation is separate from  
10 and in addition to any allocation of funds that might be made pursuant to [THE PROVISION  
11 THAT ALLOCATES R&R FUNDS].

**DRAFT  
SPECIAL PROVISION**



2011-CORR-H3

**Department of Correction  
Appropriations Subcommittee on Justice and Public Safety**

**Special Provision 2011-CORR-H3**

Requested by: Representative

**FEDERAL GRANT REPORTING**

**SECTION #.** The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, the Judicial Department, and the Department of Juvenile Justice and Delinquency Prevention shall report by May 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the House of Representatives and Senate Appropriations Committees, and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

*Boilerplate*

**DRAFT  
SPECIAL PROVISION**



2011-CORR-H9

**Department of Correction  
Appropriations Subcommittee on Justice and Public Safety**

**Special Provision 2011-CORR-H9**

1 Requested by: Representative

2 **FEDERAL GRANT MATCHING FUNDS**

3       **SECTION #.** Notwithstanding the provisions of G.S. 143C-6-9, the Department of  
4 Correction may use up to the sum of one million two hundred thousand dollars (\$1,200,000)  
5 during the 2011-2012 fiscal year and up to the sum of one million two hundred thousand  
6 dollars (\$1,200,000) during the 2012-2013 fiscal year from funds available to the Department  
7 to provide the State match needed in order to receive federal grant funds. Prior to using funds  
8 for this purpose, the Department shall report to the Chairs of the House of Representatives and  
9 Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative  
10 Commission on Governmental Operations on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

*bill/replace*

DRAFT  
SPECIAL PROVISION



2011-CORR-H5

Department of Correction  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-CORR-H5

Requested by: Representative

USE OF CLOSED PRISON FACILITIES

SECTION #. In conjunction with the closing of prison facilities, including small expensive prison units recommended for consolidation by the Government Performance Audit Committee, the Department of Correction shall consult with the county or municipality in which the unit is located, with the elected State and local officials, and with State and federal agencies about the possibility of converting that unit to other use. The Department may also consult with any private for-profit or nonprofit firm about the possibility of converting the unit to other use. In developing a proposal for future use of each unit, the Department shall give priority to converting the unit to other criminal justice use. Consistent with existing law and the future needs of the Department of Correction, the State may provide for the transfer or the lease of any of these units to counties, municipalities, State agencies, federal agencies, or private firms wishing to convert them to other use. The Department of Correction may also consider converting some of the units 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

bill/replace

DRAFT  
SPECIAL PROVISION



2011-CORR-H6

Department of Correction  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-CORR-H6

1 Requested by: Representative

2 **LIMIT USE OF OPERATIONAL FUNDS**

3       **SECTION #.** Funds appropriated in this act to the Department of Correction for  
4 operational costs for additional facilities shall be used for personnel and operating expenses set  
5 forth in the budget approved by the General Assembly in this act. These funds shall not be  
6 expended for any other purpose, except as provided for in this act, and shall not be expended  
7 for additional prison personnel positions until the new facilities are within 120 days of  
8 projected completion, except that the Department may establish critical positions prior to 120  
9 days of completion representing no more than twenty percent (20%) of the total estimated  
10 number of positions.  
11

**DRAFT  
SPECIAL PROVISION**



2011-CORR-H4

**Department of Correction  
Appropriations Subcommittee on Justice and Public Safety**

**Special Provision 2011-CORR-H4**

Requested by: Representative

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

**SECTION #.** Notwithstanding G.S. 143C-6-9, the Department of Correction may use funds available to the Department for the 2011-2013 biennium to pay the sum of forty dollars (\$40.00) per day as reimbursement to counties for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, the Chairs of the House of Representatives and Senate Appropriations Committees, and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

*bill/late*

**DRAFT  
SPECIAL PROVISION**



**2011-CORR-H7**

**Department of Correction  
Appropriations Subcommittee on Justice and Public Safety**

**Special Provision 2011-CORR-H7**

1 Requested by: Representative

2 **CENTER FOR COMMUNITY TRANSITIONS/CONTRACT AND REPORT**

3 **SECTION #.** The Department of Correction may continue to contract with The  
4 Center for Community Transitions, Inc., a nonprofit corporation, for the purchase of prison  
5 beds for minimum security female inmates during the 2011-2013 biennium. The Center for  
6 Community Transitions, Inc., shall report by February 1 of each year to the Joint Legislative  
7 Commission on Governmental Operations on the annual cost per inmate and the average daily  
8 inmate population compared to bed capacity using the same methodology as that used by the  
9 Department of Correction.

10





1 Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to  
2 the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on  
3 the number of inmates enrolled in the mutual agreement parole program, the number  
4 completing the program and being paroled, and the number who enrolled but were terminated  
5 from the program. The information should be based on the previous calendar year.

6 **SECTION #.(e)** The Department of Correction and the Post-Release Supervision  
7 and Parole Commission shall report by March 1 of each year to the Chairs of the House of  
8 Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to  
9 the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on  
10 the number of inmates proposed for release, considered for release, and granted release under  
11 Chapter 84B of Chapter 15A of the General Statutes, providing for the medical release of  
12 inmates who are either permanently and totally disabled, terminally ill, or geriatric.  
13

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



*boilerplate*  
2011-CORR-H10

Department of Correction  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-CORR-H10

Requested by: Representative

**CRIMINAL JUSTICE PARTNERSHIP**

**SECTION #.(a)** Notwithstanding any other provision of law, a county may use funds appropriated pursuant to the Criminal Justice Partnership Act, Article 6A of Chapter 143B of the General Statutes, to provide more than one community-based corrections program.

**SECTION 19.11.(b)** Effective July 1, 2011, the Department of Correction shall recalculate the county allocation funding formula mandated under G.S. 143B-273.15 using updated data.

**SECTION 19.11.(c)** Notwithstanding the provisions of G.S. 143B-273.15 specifying that grants to participating counties are for the full fiscal year and that unobligated funds are returned to the State-County Criminal Justice Partnership Account at the end of the grant period, the Department of Correction may reallocate unspent or unclaimed funds distributed to counties participating in the State-County Criminal Justice Partnership Program in an effort to maintain the level of services realized in previous fiscal years.

**SECTION 19.11.(d)** The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully developed plan for each type of sanction.

**SECTION 19.11.(e)** The Department of Correction shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Committees, the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the status of the State-County Criminal Justice Partnership Program. The report shall include the following information:

- (1) The amount of funds carried over from the prior fiscal year;
- (2) The dollar amount and purpose of grants awarded to counties as discretionary grants for the current fiscal year;
- (3) Any counties the Department anticipates will submit requests for new implementation grants;
- (4) An update on efforts to ensure that all counties make use of the electronic reporting system, including the number of counties submitting offender participation data via the system;
- (5) An analysis of offender participation data received, including data on each program's utilization and capacity;
- (6) An analysis of comparable programs prepared by the Division of Research and Planning, Department of Correction, including a comparison of programs in each program type on selected outcome measures developed by the Division of Community Corrections in consultation with the Fiscal Research Division and the Division of Research and Planning, and a summary of the reports prepared by county Criminal Justice Partnerships Advisory Boards;

- 1 (7) A review of whether each sentenced offender program is meeting established
- 2 program goals developed by the Division of Community Corrections in
- 3 consultation with the Division of Research and Planning and the State
- 4 Criminal Justice Partnership Advisory Board;
- 5 (8) The number of community offenders and intermediate offenders served by
- 6 each county program;
- 7 (9) The amount of Criminal Justice Partnership funds spent on community
- 8 offenders and intermediate offenders; and
- 9 (10) A short description of the services and programs provided by each
- 10 partnership, including who the service providers are and the amount of funds
- 11 each service provider receives.
- 12

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



*Follows money*  
2011-CORR-H16

Department of Correction  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-CORR-H16

1 Requested by: Representative

2 **ELIMINATE DIVISION OF ALCOHOL AND CHEMICAL DEPENDENCY**  
3 **PROGRAMS AND TRANSFER PROGRAM FUNCTIONS TO DIVISION OF**  
4 **PRISONS**

5 **SECTION #.** The statutory authority, powers, duties, and functions, records,  
6 personnel, property, unexpended balances of appropriations, allocations or other funds,  
7 including the functions of budgeting and purchasing, of the Division of Alcohol and Chemical  
8 Dependency Programs of the Department of Correction are transferred to the Division of  
9 Prisons of the Department of Correction, with all the elements of a Type I transfer as defined  
10 by G.S. 143A-6.  
11

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-CORR-H18

Department of Correction  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-CORR-H18

1 Requested by: Representative

2 **SWANNANOA CORRECTIONAL CENTER FOR WOMEN**

3 **SECTION #.** The Department of Correction shall relocate the fence at Swannanoa  
4 Correctional Center for Women so that the school building is located on the side of the campus  
5 housing the Department of Correction facilities, and the Department shall retain the sight and  
6 sound barrier between the adults and juveniles at the center.

DRAFT  
SPECIAL PROVISION

2011-CORR-H20

Department of Correction  
Appropriations Subcommittee on Justice and Public Safety

## Special Provision 2011-CORR-H20

1 Requested by: Representative

2 **INMATE MEDICAL COST CONTAINMENT**

3 **SECTION #.(a)** The Department of Correction shall reimburse those providers and  
4 facilities providing approved inmate medical services outside the correctional facility the lesser  
5 amount of either a rate of seventy percent (70%) of the provider's then-current prevailing  
6 charge or two times the then-current Medicaid rate for any given service. The DOC shall have  
7 the right to audit any given provider to determine actual prevailing charge to ensure compliance  
8 with this provision.

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

14 **SECTION #.(b)** The Department of Correction shall make every effort to contain  
15 inmate medical costs by making use of its own hospital and health care facilities to provide  
16 health care services to inmates. To the extent that the Department of Correction must utilize  
17 other facilities and services to provide health care services to inmates, the Department shall  
18 make reasonable efforts to make use of hospitals or other providers with which it has a contract  
19 or, if none is reasonably available, hospitals with available capacity or other health care  
20 facilities in a region to accomplish that goal. The Department shall make reasonable efforts to  
21 equitably distribute inmates among all hospitals or other appropriate health care facilities. With  
22 respect to any single hospital, the Department of Correction shall continue to make its best effort  
23 to seek admission of the number of inmates representing no more than nine percent (9%) of all  
24 inmates requiring hospitalization or hospital services on an annual basis beginning in  
25 FY2011-12, unless the failure to do so would jeopardize the health of an inmate or unless a  
26 higher level is agreed to by contract. The Department shall also give preference to those  
27 hospitals or other health care facilities in the same county or an adjoining county to the  
28 correctional facility where an inmate requiring hospitalization is incarcerated. The Department  
29 will continue these efforts until it has reached a number which represents no more than five  
30 percent (5%) of all inmates requiring hospitalization or hospital services on an annual basis at  
31 any single hospital by July 1, 2013, unless the failure to do so would jeopardize the health of an  
32 inmate or unless a higher level is agreed to by contract.

33 **SECTION #.(c)** Notwithstanding the provisions of G.S. 143C-9-1 or any other  
34 provision of law, a provider that elects not to provide non-emergency medical care to inmates  
35 in the custody of the Department of Correction upon request of the Department shall not be  
36 eligible for disproportionate share status or to receive disproportionate share hospital payments.

37 **SECTION #.(d)** The Department of Correction shall report to the Joint Legislative  
38 Commission on Governmental Operations no later than November 1, 2011, and quarterly  
39 thereafter on:

- 40 (1) The volume of services provided by community medical providers that can  
41 be scheduled in advance and, of that volume, the percentage of those  
42 services that are provided by contracted providers; and

- 1 (2) The volume of services provided by community medical providers that  
2 cannot be scheduled in advance and, of that volume, the percentage of those  
3 services that are provided by contracted providers.



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

*Follow \$*

DRAFT  
SPECIAL PROVISION



2011-CCPS-H5

Department of Crime Control and Public Safety  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-CCPS-H5

Requested by: Representative

**ABOLISH STATE CAPITOL POLICE AND TRANSFER ITS OFFICERS' POWERS  
WITH RESPECT TO STATE BUILDINGS IN WAKE COUNTY TO THE STATE  
BUREAU OF INVESTIGATION**

**SECTION #.(a)** The State Capitol Police Division of the Department of Crime Control and Public Safety is abolished.

**SECTION #.(b)** G.S. 114-14 reads as rewritten:

**"§ 114-14. General powers and duties of Director and assistants.**

The Director of the Bureau and his assistants are given the same power of arrest as is now vested in the sheriffs of the several counties, and their jurisdiction shall be statewide.

Additionally, the Director of the Bureau and his assistants shall have the authority of a deputy sheriff on property owned, leased, or maintained by the State located in the County of Wake.

The Director of the Bureau and his assistants shall, at the request of the Governor, give assistance to sheriffs, police officers, district attorneys, and judges when called upon by them and so directed. They shall also give assistance, when requested, to the office of the Department of Correction in the investigation of cases pending before the parole office and of complaints lodged against parolees, when so directed by the Governor."

**SECTION #.(c)** Part 9 of Article 11 of Chapter 143B of the General Statutes and G.S. 143B-476(a)(6) are repealed.

56

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

*Fellow \$*

DRAFT  
SPECIAL PROVISION



2011-CCPS-H4

Department of Crime Control and Public Safety  
Appropriations Subcommittee on Justice and Public Safety

Special Provision 2011-CCPS-H4

Requested by: Representative

**ELIMINATE LAW ENFORCEMENT SUPPORT SERVICES DIVISION**

**SECTION #.(a)** The Law Enforcement Support Services Division of the Department of Crime Control and Public Safety is abolished.

**SECTION #.(b)** The evidence warehouse that was operated by the Law Enforcement Support Services Division of the Department of Crime Control and Public Safety prior to the effective date of this section, and all State-owned personal property located in or associated with the warehouse, is hereby reallocated to the State Bureau of Investigation of the Department of Justice. The Department of Justice shall assume any lease to which the warehouse is subject at the time this section becomes effective.

**SECTION #.(c)** Part 7 of Article 11 of Chapter 143B of the General Statutes is repealed.

**SECTION #.(d)** G.S. 114-12 reads as rewritten:

**"§ 114-12. Bureau of Investigation created; powers and duties.**

In order to secure a more effective administration of the criminal laws of the State, to prevent crime, and to procure the speedy apprehension of criminals, the Attorney General shall set up in the Department of Justice a division to be designated as the State Bureau of Investigation. The Division shall have charge of and administer the agencies and activities herein set up for the identification of criminals, for their apprehension, for the scientific analysis of evidence of crime, for the storage and management of evidence, and investigation and preparation of evidence to be used in criminal courts; and the said Bureau shall have charge of investigation of criminal matters herein especially mentioned, and of such other crimes and criminal procedure as the Governor may direct."

**SECTION #.(e)** Article 4 of Chapter 114 of the General Statutes is amended by adding a new section to read:

**"§ 114-16.1. Storage and management of evidence.**

The Bureau shall do all of the following with respect to the storage and management of evidence:

- (1) Provide central storage and management of evidence according to the provisions of Article 13 of Chapter 15A of the General Statutes and create and maintain a data bank of statewide storage locations of postconviction evidence or other similar programs.
- (2) Provide central storage and management of rape kits according to the federal Violence Against Women and Department of Justice Reauthorization Act of 2005 with specific protections against release of names of victims providing anonymous or "Jane Doe" rape kits without victim consent."

57