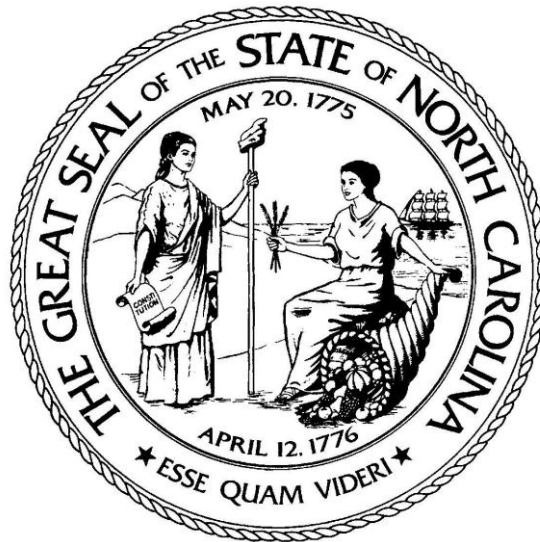


House Appropriations Subcommittee on Justice and Public Safety

Proposed Special Provisions for S.B. 744, Appropriations Act of 2014



June 10, 2014

- (1) By September 1 of each year, and more frequently as requested, report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on prior State fiscal year program activities, objectives, and accomplishments and prior State fiscal year itemized expenditures and fund sources.
- (2) Provide to the Fiscal Research Division a copy of the Center's annual audited financial statement within 30 days of issuance of the statement.

PART XVI. DEPARTMENT OF PUBLIC SAFETY

SUBPART XVI-A. GENERAL PROVISIONS

GOVERNOR'S CRIME COMMISSION

SECTION 16A.2. 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 ~~to the General Assembly~~ 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."

LIMITED AUTHORITY TO RECLASSIFY AND ELIMINATE CERTAIN POSITIONS

SECTION 16A.3. Notwithstanding any other provision of law, subject to the

approval of the Director of the Budget, the Secretary of the Department of Public Safety may reclassify or eliminate existing administrative positions that are not specifically addressed in this act as needed for the efficient operation of the Department. The Secretary of the Department of Public Safety shall report any position reclassification undertaken pursuant to this section to the Chairs of the House of Representatives Appropriations Subcommittee on Justice and Public Safety, the Chairs of the Senate Appropriations Committee 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.

SUBPART XVI-B. DIVISION OF LAW ENFORCEMENT

COMPLIANCE WITH CJIS DATA SECURITY STANDARDS

SECTION 16B.1. The Department of Public Safety shall use funds available to the

Division of Law Enforcement to ensure compliance with applicable Federal Bureau of Investigation security standards relating to the access of data in its Criminal Justice Information System. The Department is encouraged to use funds transferred to the State from federal asset forfeiture programs for this purpose.

ABC PERMIT FEE INCREASE

SECTION 16B.2.(a) G.S. 18B-903 reads as rewritten:

"§ 18B-903. Duration of permit; renewal and transfer.

...

(b) Renewal. – Application for renewal of an ABC permit shall be on a form provided by the Commission. An application for renewal shall be accompanied by an application fee of ~~twenty-five percent (25%) of the original application fee set in G.S. 18B-902, fee.~~ The application fee shall be the same amount as the initial fee set in G.S. 18B-902, except that the renewal application fee for each wine shop permit shall be five hundred dollars (\$500.00), and the renewal application fee for each mixed beverages permit and each guest room cabinet permit shall be ~~seven hundred fifty dollars (\$750.00)~~ one thousand dollars (\$1,000). A renewal fee shall not be refundable.

(b1) Registration. – Each person holding a malt beverage, fortified wine, or unfortified wine permit issued pursuant to G.S. 18B-902(d)(1) through G.S. 18B-902(d)(6) shall register by May 1 of each year on a form provided by the Commission, in order to provide information needed by the State in enforcing this Chapter and to support the costs of that enforcement. The registration required by this subsection shall be accompanied by an annual registration and inspection fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) for each permit held. The fee shall be paid by May 1 of each year. A registration fee shall not be refundable. Failure to pay the annual registration and inspection fee shall result in revocation of the permit.

...."

SECTION 16B.2.(b) This section applies to fees assessed or collected for permits issued or renewed on or after July 1, 2014.

ESTABLISH HAZARDOUS MATERIALS FACILITY FEE/NEW HAZMAT RESPONSE TEAM

SECTION 16B.3.(a) G.S. 166A-21 reads as rewritten:

"§ 166A-21. Definitions.

~~As used in this Article:~~ The following definitions apply in this Article:

(1) Department. – The Department of Public Safety.

(2) Division. – The Division of Emergency Management.

~~(1)(3)~~ "Hazardous materials emergency response team" or "hazmat team" means an Hazardous materials emergency response team or hazmat team. – An organized group of persons specially trained and equipped to respond to and control actual or potential leaks or spills of hazardous materials.

~~(2)(4)~~ "Hazardous material" means any Hazardous material. – Any material defined as a hazardous substance under 29 Code of Federal Regulations § 1910.120(a)(3).

~~(3)(5)~~ "Hazardous materials incident" or "hazardous materials emergency" means an Hazardous materials incident or hazardous materials emergency. – An uncontrolled release or threatened release of a hazardous substance requiring outside assistance by a local fire department or hazmat team to contain and control.

~~(4)(6)~~ "Regional response team" means a Regional response team. – A hazmat team under contract with the State to provide response to hazardous materials emergencies occurring outside the hazmat team's local jurisdiction at the direction of the Department of Public Safety, Division of Emergency Management.

~~(5)(7)~~ "Secretary" means the Secretary. – The Secretary of the Department of Public Safety.

~~(6)(8)~~ "Technician-level entry capability" means the Technician-level entry capability. – The capacity of a hazmat team, in terms of training and equipment as specified in 29 Code of Federal Regulations § 1910.120, to respond to a hazardous materials incident requiring affirmative measures,

such as patching, plugging, or other action necessary to stop and contain the release of a hazardous substance at its source.

~~(7)(9) "Terrorist incident" means activities~~ Terrorist incident. – Activities that occur within the territorial jurisdiction of the United States, involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any state, and are intended to do one of the following:

- a. Intimidate or coerce a civilian population.
- b. Influence the policy of a government by intimidation or coercion.
- c. Affect the conduct of a government by mass destruction, assassination, or kidnapping."

SECTION 16B.3.(b) Article 2 of Chapter 166A of the General Statutes is amended by adding a new section to read:

"§ 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) 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.

(3) Extremely hazardous substance. – Any substance, regardless of its state, set forth in 40 C.F.R. Part 355, Appendix A or B.

(b) Annual Fee Shall Be Charged. – A person 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:

(1) A fee of fifty dollars (\$50.00) shall be assessed for each substance reported by a facility that is classified as a hazardous chemical.

(2) A fee of ninety dollars (\$90.00) shall be assessed for each substance reported by a facility that is classified as an extremely hazardous substance.

(d) Late Fees. – The Division may impose a late fee 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 who will be assessed the late fee with written notice that identifies the specific requirements that have not been met and informs the person 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 in an amount equal to the amount of the fee charged pursuant to subsection (c) of this section.
- (e) Exemptions. – No fee shall be charged under this section to any of the following:
- (1) An owner or operator of a family farm enterprise, a facility owned by a State or local government, or a nonprofit corporation.
- (2) An owner or operator of a facility where motor vehicle fuels are stored and from which such fuels are offered for retail sale. However, hazardous chemicals or extremely hazardous substances at such a facility, other than motor vehicle fuels for retail sale, shall not be subject to this exemption.
- (f) Use of Fee Proceeds. – The proceeds of fees assessed pursuant to this section shall be used for the following:
- (1) To pay costs associated with the maintenance of a hazardous materials database.
- (2) To support the operations of the regional response program for hazardous materials emergencies and terrorist incidents.
- (3) To provide grants to counties for hazardous materials emergency response planning, training, and related exercises."

SECTION 16B.3.(c) The Department of Public Safety may establish and operate an additional hazmat team to serve Lee and Moore Counties and shall use proceeds from fees assessed and collected pursuant to G.S. 166A-29.1 to ensure that the hazardous materials emergency response capabilities in Moore and Lee Counties are sufficient to respond to any hazardous materials emergencies occurring in those counties as a result of natural gas exploration and extraction.

SECTION 16B.3.(d) G.S. 166A-22 reads as rewritten:
"§ 166A-22. Hazardous materials emergency response program.

(a) The Secretary shall adopt rules establishing a regional response program for hazardous materials emergencies and terrorist incidents, to be administered by the Division of Emergency Management. To the extent possible, the regional response program shall be coordinated with other emergency planning activities of the State. The regional response program shall include at least ~~six~~ seven hazmat teams located strategically across the State that are available to provide regional response to hazardous materials or terrorist incidents requiring technician-level entry capability and 24-hour dispatch and communications capability at the Division of Emergency Management Operations Center. The rules for the program shall include:

...."

SECTION 16B.3.(e) This section applies to fees assessed on or after July 1, 2014.

AMEND DEFINITION OF EMERGENCY

SECTION 16B.4. G.S. 166A-19.3(6) reads as rewritten:

"(6) Emergency. – An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property ~~resulting from~~ that may result from, but is not limited to, any natural or man-made accidental, military, paramilitary, weather-related, public health, ~~or riot-related~~ riot-related, ~~explosion, or terrorism-related~~ cause."

MOBILE VIPER RADIOS FOR THE STATE HIGHWAY PATROL

SECTION 16B.5. The Department of Public Safety shall use the sum of two million eight hundred ninety-four thousand one hundred eighty-eight dollars (\$2,894,188) of funds available to the Division of Law Enforcement to purchase mobile VIPER radios for the State Highway Patrol. The Department is encouraged to use funds transferred to the State from federal asset forfeiture programs for this purpose.

STATE CAPITOL POLICE/RECEIPT-SUPPORTED POSITIONS

SECTION 16B.6.(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.6.(b) The State Capitol Police shall report the creation of any position pursuant to this section to the Chairs of the House Appropriations Subcommittee on Justice and Public Safety and to the Chairs of the Senate Appropriations Committee on Justice and Public Safety within 30 days of the position's creation.

AUTHORIZE ADDITIONAL ASSISTANT ADJUTANT GENERAL POSITION

SECTION 16B.7. G.S. 127A-19 reads as rewritten:

"§ 127A-19. Adjutant General.

The military head of the militia shall be the Adjutant General who shall hold the rank of major general. The Adjutant General shall be appointed by the Governor in the Governor's capacity as commander in chief of the militia, in consultation with the Secretary of Public Safety, and shall serve at the pleasure of the Governor. No person shall be appointed as Adjutant General who has less than five years' commissioned service in an active status in any component of the Armed Forces of the United States. The Adjutant General, while holding this office, may be a member of the active North Carolina National Guard or naval militia.

Subject to the approval of the Governor and in consultation with the Secretary of Public Safety, the Adjutant General may appoint (i) a deputy adjutant general who may hold the rank of major general, and (ii) ~~an two assistant adjutant adjutants~~ general for Army National Guard, and an assistant adjutant general for Air National Guard, each of whom may hold the rank of brigadier general and who shall serve at the pleasure of the Governor. The Adjutant General may also employ staff members and other personnel as authorized by the Secretary and funded."

SUBPART XVI-C. DIVISION OF ADULT CORRECTION

ALL MISDEMEANANTS TO SERVE SENTENCES IN LOCAL CONFINEMENT FACILITIES

SECTION 16C.1.(a) G.S. 15A-1351(a) reads as rewritten:

"(a) The judge may sentence to special probation a defendant convicted of a criminal offense other than impaired driving under G.S. 20-138.1, if based on the defendant's prior record or conviction level as found pursuant to Article 81B of this Chapter, an intermediate punishment is authorized for the class of offense of which the defendant has been convicted. A defendant convicted of impaired driving under G.S. 20-138.1 may also be sentenced to special probation. Under a sentence of special probation, the court may suspend the term of imprisonment and place the defendant on probation as provided in Article 82, Probation, and in addition require that the defendant submit to a period or periods of imprisonment in the custody of the Division of Adult Correction of the Department of Public Safety or a designated local confinement or treatment facility at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court ~~determines~~ determines, as provided in this subsection. For probationary sentences for misdemeanors, including impaired driving under G.S. 20-138.1, all imprisonment under this subsection shall be in a designated local confinement or treatment

1 facility. In addition to any other conditions of probation which the court may impose, the court
2 shall impose, when imposing a period or periods of imprisonment as a condition of special
3 probation, the condition that the defendant obey the Rules and Regulations of the Division of
4 Adult Correction of the Department of Public Safety governing conduct of inmates, and this
5 condition shall apply to the defendant whether or not the court imposes it as a part of the
6 written order. ~~¶~~Except for probationary sentences for misdemeanors, including impaired
7 driving under G.S. 20-138.1, if imprisonment is for continuous periods, the confinement may
8 be in the custody of either the Division of Adult Correction of the Department of Public Safety
9 or a local confinement facility. Noncontinuous periods of imprisonment under special probation
10 may only be served in a designated local confinement or treatment facility. Except for
11 probationary sentences of impaired driving under G.S. 20-138.1, the total of all periods of
12 confinement imposed as an incident of special probation, but not including an activated
13 suspended sentence, may not exceed one-fourth the maximum sentence of imprisonment
14 imposed for the offense, and no confinement other than an activated suspended sentence may
15 be required beyond two years of conviction. For probationary sentences for impaired driving
16 under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special
17 probation, but not including an activated suspended sentence, shall not exceed one-fourth the
18 maximum penalty allowed by law. In imposing a sentence of special probation, the judge may
19 credit any time spent committed or confined, as a result of the charge, to either the suspended
20 sentence or to the imprisonment required for special probation. The original period of
21 probation, including the period of imprisonment required for special probation, shall be as
22 specified in G.S. 15A-1343.2(d), but may not exceed a maximum of five years, except as
23 provided by G.S. 15A-1342(a). The court may revoke, modify, or terminate special probation
24 as otherwise provided for probationary sentences."

25 **SECTION 16C.1.(b)** G.S. 15A-1352 reads as rewritten:

26 **"§ 15A-1352. Commitment to Division of Adult Correction of the Department of Public**
27 **Safety or local confinement facility.**

28 (a) ~~¶~~Except as provided in subsection (f) of this section, a person sentenced to
29 imprisonment for a misdemeanor under this Article or for nonpayment of a fine for conviction
30 of a misdemeanor under Article 84 of this Chapter shall be committed for the term designated
31 by the court to the custody of the Division of Adult Correction of the Department of Public
32 Safety or to a local confinement facility. If the sentence imposed for a misdemeanor is for a
33 period of 90 days or less, the commitment must be to a facility other than one maintained by
34 the Division of Adult Correction of the Department of Public Safety, except as provided in
35 G.S. 148-32.1(b). If the sentence or sentences imposed require confinement for more than 180
36 days, the commitment must be to the custody of the Division of Adult Correction of the
37 Department of Public Safety.Statewide Misdemeanant Confinement Program as provided in
38 G.S. 148-32.1 or, if the period is for 90 days or less, to a local confinement facility, except as
39 provided for in G.S. 148-32.1(b).

40 If a person is sentenced to imprisonment for a misdemeanor under this Article or for
41 nonpayment of a fine under Article 84 of this Chapter, the sentencing judge ~~shall~~ may make a
42 finding of fact as to whether the person would be suitable for placement in a county satellite
43 jail/work release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a
44 finding of fact that the person would be suitable for placement in a county satellite jail/work
45 release unit and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the
46 custodian of the local confinement facility may transfer the misdemeanant to a county satellite
47 jail/work release unit.

48 (b) A person sentenced to imprisonment for a felony under this Article or for
49 nonpayment of a fine for conviction of a felony under Article 84 of this Chapter shall be
50 committed for the term designated by the court to the custody of the Division of Adult
51 Correction of the Department of Public Safety.

(e) ~~A person sentenced to imprisonment for nonpayment of a fine under Article 84, Fines, shall be committed for the term designated by the court:~~

(1) ~~To the custody of the Division of Adult Correction of the Department of Public Safety if the person was fined for conviction of a felony;~~

(2) ~~To the custody of the Division of Adult Correction of the Department of Public Safety or to a local confinement facility if the person was fined for conviction of a misdemeanor, provided that (i) if the sentence imposed is for a period of 90 days or less, the commitment shall be to a facility other than one maintained by the Division of Adult Correction of the Department of Public Safety, except as provided in G.S. 148-32.1(b) and (ii) if the sentence or sentences imposed require confinement for more than 180 days, the commitment must be to the custody of the Division of Adult Correction of the Department of Public Safety.~~

(d) Notwithstanding any other provision of law, when the sentencing court, with the consent of the person sentenced, orders that a person convicted of a misdemeanor be granted work release, the court may commit the person to a specific prison facility or local confinement facility or satellite jail/work release unit within the county of the sentencing court in order to facilitate the work release arrangement. When appropriate to facilitate the work release arrangement, the sentencing court may, with the consent of the sheriff or board of commissioners, commit the person to a specific local confinement facility or satellite jail/work release unit in another county, ~~or, with the consent of the Division of Adult Correction of the Department of Public Safety, commit the person to a specific prison facility in another county. The Division of Adult Correction of the Department of Public Safety may transfer a prisoner committed to a specific prison facility to a different facility when necessary to alleviate overcrowding or for other administrative purposes.~~county.

(e) ~~A person sentenced for a misdemeanor who has a sentence imposed that requires confinement for a period of more than 90 days and up to 180 days, except for those serving sentences for an impaired driving offense under G.S. 20-138.1 under this Article or for nonpayment of a fine under Article 84 of this Chapter, shall be committed for the term designated by the court to confinement pursuant to the Statewide Misdemeanant Confinement Program established by G.S. 148-32.1.~~

(f) A person sentenced to imprisonment of any duration for impaired driving under G.S. 20-138.1, other than imprisonment required as a condition of special probation under G.S. 15A-1351(a) or G.S. 15A-1344(e), shall be committed to the Statewide Misdemeanant Confinement Program established under G.S. 148-32.1."

SECTION 16C.1.(c) G.S. 20-176(c1) is repealed.

SECTION 16C.1.(d) G.S. 20-179(f3) reads as rewritten:

"(f3) Aggravated Level One Punishment. – A defendant subject to Aggravated Level One punishment may be fined up to ten thousand dollars (\$10,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than 12 months and a maximum term of not more than 36 months. Notwithstanding G.S. 15A-1371, a defendant sentenced to a term of imprisonment pursuant to this subsection shall not be eligible for parole. However, the defendant shall be released from the ~~Division of Adult Correction of the Department of Public Safety~~Statewide Misdemeanant Confinement Program on the date equivalent to the defendant's maximum imposed term of imprisonment less four months and shall be supervised by the Section of ~~Prisons~~Community Supervision of the Division of Adult Correction under and subject to the provisions of Article 84A of Chapter 15A of the General Statutes and shall also be required to abstain from alcohol consumption for the four-month period of supervision as verified by a continuous alcohol monitoring system. For purposes of revocation, violation of the requirement to abstain from alcohol or comply with the use of a continuous alcohol monitoring system shall be deemed a controlling condition under G.S. 15A-1368.4.

1 The term of imprisonment may be suspended only if a condition of special probation is
2 imposed to require the defendant to serve a term of imprisonment of at least 120 days. If the
3 defendant is placed on probation, the judge shall impose as requirements that the defendant (i)
4 abstain from alcohol consumption for a minimum of 120 days to a maximum of the term of
5 probation, as verified by a continuous alcohol monitoring system pursuant to subsections (h1)
6 and (h3) of this section, and (ii) obtain a substance abuse assessment and the education or
7 treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of
8 probation. The judge may impose any other lawful condition of probation."

9 **SECTION 16C.1.(e)** G.S. 148-13 reads as rewritten:

10 **"§ 148-13. Regulations as to custody grades, privileges, gain time credit, etc.**

11 (a) The Secretary of Public Safety may issue regulations regarding the grades of
12 custody in which State prisoners are kept, the privileges and restrictions applicable to each
13 custody grade, and the amount of cash, clothing, etc., to be awarded to State prisoners after
14 their discharge or parole. The amount of cash awarded to a prisoner upon discharge or parole
15 after being incarcerated for two years or longer shall be at least forty-five dollars (\$45.00).

16 (a1) The Secretary of Public Safety shall adopt rules to specify the rates at, and
17 circumstances under, which earned time authorized by G.S. 15A-1340.13(d) and
18 G.S. 15A-1340.20(d) may be earned or forfeited by persons serving activated sentences of
19 imprisonment for felony or misdemeanor convictions.

20 (b) With respect to prisoners who are serving ~~prison or jail terms~~ sentences for impaired
21 driving offenses under G.S. 20-138.1, the Secretary of Public Safety may, in his discretion,
22 issue regulations regarding deductions of time from the terms of such prisoners for good
23 behavior, meritorious conduct, work or study, participation in rehabilitation programs, and the
24 like.

25 (c), (d) Repealed by Session Laws 1993, c. 538, s. 32, effective January 1, 1995.

26 (e) The Secretary's regulations concerning earned time and good time credits authorized
27 by this section shall be distributed to and followed by local jail administrators with regard to
28 sentenced jail prisoners.

29 (f) The provisions of this section do not apply to persons sentenced to a term of special
30 probation under G.S. 15A-1344(e) or G.S. 15A-1351(a)."

31 **SECTION 16C.1.(f)** G.S. 148-32.1 reads as rewritten:

32 **"§ 148-32.1. Local confinement, costs, alternate facilities, parole, work release.**

33 (a) Repealed by Session Laws 2009-451, s. 19.22A, effective July 1, 2009.

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

49 If no other local confinement facility is available and the reason for the requested transfer is
50 that the local confinement facility that would be required to house the prisoner cannot
51 reasonably accommodate any more prisoners due to segregation requirements for particular

prisoners or the local facility does not meet the minimum standards published pursuant to G.S. 153A-221, then the judge may order that a prisoner not housed pursuant to the Statewide Misdemeanant Confinement Program established in subsection (b2) of this section be transferred to a facility operated by the Division of Adult Correction of the Department of Public Safety as designated by the Division of Adult Correction. In no event, however, shall a prisoner whose term of imprisonment is less than 30 days be assigned or ordered transferred to a facility operated by the Division of Adult Correction.

(b1) It is the intent of the General Assembly to authorize the Division of Adult Correction to enter into voluntary agreements with counties to provide housing for misdemeanants serving periods of confinement of more than 90 days ~~and up to 180 days, except for those serving a sentence for an impaired driving offense and for all sentences imposed for impaired driving under G.S. 20-138.1, regardless of length.~~ It is further the intent of the General Assembly that the Division of Adult Correction, in conjunction with the North Carolina Sheriffs' Association, Inc., establish a program for housing misdemeanants serving periods of confinement of more than 90 days ~~and up to 180 days, except for those serving sentences for an impaired driving offense and for all sentences imposed for impaired driving under G.S. 20-138.1, regardless of length.~~ It is also the intent of the General Assembly that the Division of Adult Correction contract with the North Carolina Sheriffs' Association, Inc., to provide a service that identifies space in local confinement facilities that is available for housing these misdemeanants.

The General Assembly intends that the cost of housing and caring for these misdemeanants, including, but not limited to, care, supervision, transportation, medical, and any other related costs, be covered by State funds and not be imposed as a local cost. Therefore, the General Assembly intends that the funds in the Statewide Misdemeanant Confinement Fund established in G.S. 148-10.4 be used to provide funding to cover the costs of managing a system for providing that housing of misdemeanants in local confinement facilities as well as reimbursing the counties for housing and related expenses for those misdemeanants.

(b2) The Statewide Misdemeanant Confinement Program is established. The Program shall provide for the housing of misdemeanants from all counties serving sentences imposed for a period of more than 90 days ~~and up to 180 days, except for those serving sentences for an impaired driving offense under G.S. 20-138.1 and for all sentences imposed for impaired driving under G.S. 20-138.1, regardless of length.~~ Those misdemeanants shall be confined in local confinement facilities except as provided in subsections (b3) and (b4) of this section. The Program shall address methods for the placement and transportation of inmates and reimbursement to counties for the housing of those inmates. Any county that voluntarily agrees to house misdemeanants from that county or from other counties pursuant to the Program may enter into a written agreement with the Division of Adult Correction to do so.

This Program shall only operate as long as sufficient State funds are available through the Statewide Misdemeanant Confinement Fund established in G.S. 148-10.4(c).

...."

SECTION 16C.1.(g) This section becomes effective October 1, 2014, and applies to (i) persons placed on probation or sentenced to imprisonment for impaired driving under G.S. 20-138.1 on or after January 1, 2015, and (ii) persons placed on probation or sentenced to imprisonment for all other misdemeanors other than impaired driving under G.S. 20-138.1 on or after October 1, 2014.

REMOVE LIMITATION ON COMMUNITY WORK CREW FEE

SECTION 16C.2. G.S. 148-32.2 reads as rewritten:

"§ 148-32.2. Community work crew fee.

The Division of Adult Correction of the Department of Public Safety may charge a fee to any unit of local government to which it provides, upon request, a community work crew. The

1 amount of the fee shall be no more than the cost to the Division to provide the crew to the unit
2 of local government, ~~not to exceed a daily rate of one hundred fifty dollars (\$150.00) per work~~
3 ~~crew-government.~~"

4 5 **INMATE LABOR CONTRACT**

6 **SECTION 16C.3.** The Division of Adult Correction of the Department of Public
7 Safety shall prioritize inmate labor contracts in areas where prisons were closed during the
8 2013-2014 fiscal year. The Division shall charge a transportation fee equivalent to the mileage
9 cost of transporting inmates to and from the contract site. The Division shall also charge an
10 administrative fee as part of the inmate labor contract that reflects the other costs associated
11 with providing the inmate labor.

12 13 **EVALUATION OF ELECTRICAL DEVICES, APPLIANCES, AND EQUIPMENT** 14 **USED BY THE DIVISION OF ADULT CORRECTION**

15 **SECTION 16C.4.** G.S. 66-25(b) reads as rewritten:

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

23 24 **MAINTENANCE OF PRISONS**

25 **SECTION 16C.5.** Section 1.1 of S.L. 2011-412, as amended by Section 1.2 of S.L.
26 2011-412, reads as rewritten:

27 "**SECTION 1.1.** The Department of Public Safety shall study the potential benefits and
28 costs of contracting for maintenance services at prison facilities and report its findings to the
29 2013 Session of the General Assembly. ~~The Department shall not expand private maintenance~~
30 ~~contracts to additional prison facilities unless authorized by the 2013 Session of the General~~
31 ~~Assembly.~~ The Department may expand private maintenance contracts to additional prison
32 facilities if it determines that savings can be realized by doing so and that safety can be
33 maintained at those facilities. The Department shall report to the Joint Legislative Commission
34 on Governmental Operations on the anticipated savings and on safety considerations prior to
35 entering any prison maintenance contract under this section."

36 37 **ADULT AND JUVENILE INMATE MEDICAL COSTS**

38 **SECTION 16C.6.(a)** Section 16C.4(a) of S.L. 2013-360 reads as rewritten:

39 "**SECTION 16C.4.(a)** The Department of Public Safety shall reimburse those providers
40 and facilities providing approved inmate medical services outside the correctional or juvenile
41 facility the lesser amount of either a rate of seventy percent (70%) of the provider's then-current
42 prevailing charge or two times the then-current Medicaid rate for any given service. The
43 Department shall have the right to audit any given provider to determine the actual prevailing
44 charge to ensure compliance with this provision.

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

50 **SECTION 16C.6.(b)** Section 19.6(c) of S.L. 2010-31 reads as rewritten:

1 ~~"SECTION 19.6.(c) The Department of Correction~~Department of Public Safety shall
2 consult with the Division of Medical Assistance in the Department of Health and Human
3 Services to develop protocols for prisoners and juveniles committed to the Department who
4 would be eligible for Medicaid if they were not incarcerated to access Medicaid while in
5 ~~eustody or under extended limits of confinement.~~ custody, under extended limits of
6 confinement, or committed to the Department. The Department shall seek reimbursement from
7 Medicaid for those health care costs incurred by the Department in those instances when ~~an~~
8 ~~inmate's~~ the Medicaid eligibility of an inmate or of a juvenile held in secure custody or
9 committed to the Department has been temporarily reinstated due to a hospitalization. ~~The~~
10 ~~Department of Correction shall also work with the Division of Medical Assistance to determine~~
11 ~~the feasibility of applying for a Medicaid waiver to cover the inmate population."~~
12

13 **REPORT ON TREATMENT FOR EFFECTIVE COMMUNITY SUPERVISION** 14 **PROGRAM**

15 **SECTION 16C.7.(a)** Section 16C.12 of S.L. 2013-360 is repealed.

16 **SECTION 16C.7.(b)** G.S. 143B-1155(c) reads as rewritten:

17 "(c) The Division of Adult Correction shall report by March 1 of each year to the Chairs
18 of the ~~Senate and House of Representatives Appropriations Committees, the Senate and House~~
19 of Representatives Appropriations Subcommittees on Justice and Public ~~Safety,~~Safety and the
20 Joint Legislative Oversight Committee on Justice and Public Safety on the status of the
21 Treatment for Effective Community Supervision Program. The report shall include the
22 following information:

- 23 (1) The dollar amount and purpose of funds provided on a contractual basis to
24 service providers for the previous fiscal ~~year-year~~ and the amount of any
25 funds carried over from the previous fiscal year.
- 26 (2) An analysis of offender participation data received, including the following:
 - 27 a. The number of people on probation and post-release supervision that
28 are in the priority population that received services.
 - 29 b. The number of people on probation and post-release supervision that
30 are in the priority population that did not receive services.
 - 31 c. The number of people on probation and post-release supervision
32 outside of the priority population that received services.
 - 33 d. The type of services provided to these ~~populations-populations,~~
34 including data on each program's utilization, capacity, and
35 completion rates.
 - 36 e. The rate of revocations ~~and successful completions for~~ and the
37 educational progress and employment status of people who received
38 services.
 - 39 f. Other measures as determined appropriate.
- 40 (3) The dollar amount needed to provide additional services to meet the needs of
41 the priority population in the upcoming budget year.
- 42 (4) Details of personnel, travel, contractual, operating, and equipment
43 expenditures for each program type."
44

45 **CLARIFY THE IMPOSITION OF CONFINEMENT IN RESPONSE TO VIOLATIONS**

46 **SECTION 16C.8.(a)** G.S. 15A-1344(d2) reads as rewritten:

47 "(d2) Confinement in Response to Violation. – When a defendant under supervision for a
48 felony conviction has violated a condition of probation other than G.S. 15A-1343(b)(1) or
49 G.S. 15A-1343(b)(3a), the court may impose a period of confinement of 90 consecutive ~~days.~~
50 days to be served in the custody of the Division of Adult Correction of the Department of
51 Public Safety. The court may not revoke probation unless the defendant has previously received

1 a total of two periods of confinement under this subsection. A defendant may receive only two
2 periods of confinement under this subsection. ~~If The 90-day term of confinement ordered under~~
3 ~~this subsection for a felony shall not be reduced by credit for time already served in the case.~~
4 ~~Any such credit shall instead be applied to the suspended sentence. However, if the time~~
5 ~~remaining on the maximum imposed sentence on a defendant under supervision for a felony~~
6 ~~conviction is 90 days or less, then the term of confinement is for the remaining period of the~~
7 ~~sentence. Confinement under this section shall be credited pursuant to G.S. 15-196.1.~~

8 When a defendant under supervision for a misdemeanor conviction has violated a condition
9 of probation other than G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a), the court may impose a
10 period of confinement of up to 90 consecutive days. ~~days to be served where the defendant~~
11 ~~would have served an active sentence.~~ The court may not revoke probation unless the defendant
12 has previously received a total of two periods of confinement under this subsection. A
13 defendant may receive only two periods of confinement under this subsection. Confinement
14 under this section shall be credited pursuant to G.S. 15-196.1.

15 ~~If a defendant is arrested for violation of a condition of probation and is lawfully confined~~
16 ~~to await a hearing for the violation, then the judge shall first credit any confinement time spent~~
17 ~~awaiting the hearing to any confinement imposed under this subsection; any excess time shall~~
18 ~~be credited to the activated sentence.~~ The period of confinement imposed under this subsection
19 on a defendant who is on probation for multiple offenses shall run concurrently on all cases
20 related to the violation. Confinement shall be immediate unless otherwise specified by the
21 court.

22 ~~A defendant shall serve any confinement imposed under this subsection in the correctional~~
23 ~~facility where the defendant would have served an active sentence."~~

24 **SECTION 16C.8.(b)** This section becomes effective October 1, 2014, and applies
25 to probation violations occurring on or after that date.
26

27 **DETER INMATE ACCESS TO CELL PHONES**

28 **SECTION 16C.9.** In an effort to deter illegal access of cell phones by inmates in
29 the State's prison system, the Department of Public Safety is encouraged to identify
30 non-General Fund sources of funds, including federal and foundation grants and other receipts,
31 to fund enhanced prison security technology.
32

33 **USE OF CLOSED FACILITIES**

34 **SECTION 16C.10.** Section 16A.3 of S.L. 2013-360 reads as rewritten:

35 **"SECTION 16A.3.** In conjunction with the closing of prison facilities, youth detention
36 centers, and youth development centers, the Department of Public Safety shall consult with the
37 county or municipality in which the facility is located, with the elected State and local officials,
38 and with State and federal agencies about the possibility of converting that facility to other use.
39 The Department may also consult with any private for-profit or nonprofit firm about the
40 possibility of converting the facility to other use. In developing a proposal for future use of
41 each facility, the Department shall give priority to converting the facility to other criminal
42 justice use. Consistent with existing law and the future needs of the Department of Public
43 Safety, the State may provide for the transfer or the lease of any of these facilities to counties,
44 municipalities, State agencies, federal agencies, or private firms wishing to convert them to
45 other use. The Department of Public Safety may also consider converting some of the facilities
46 recommended for closing from one security custody level to another, where that conversion
47 would be cost-effective. A prison unit under lease to a county pursuant to the provisions of this
48 section for use as a jail is exempt for the period of the lease from any of the minimum standards
49 adopted by the Secretary of Health and Human Services pursuant to G.S. 153A-221 for the
50 housing of adult prisoners that would subject the unit to greater standards than those required of
51 a unit of the State prison system.

In addition, the Department of Public Safety may use available funds to reopen and convert closed facilities for use as treatment and behavior modification facilities for offenders serving a period of confinement in response to violation pursuant to G.S. 15A-1344(d2)."

JUSTICE REINVESTMENT ACT/LIMITED AUTHORITY TO RECLASSIFY VACANT POSITIONS

SECTION 16C.11. Section 16C.13 of S.L. 2013-360 reads as rewritten:

"SECTION 16C.13.(a) Notwithstanding any other provision of law, subject to the approval of the Director of the Budget, the Secretary of Public Safety may reclassify vacant positions within the Department to create up to 30 new field services specialist or chief probation/parole officer positions in order to meet the increasing caseloads resulting from the implementation of the Justice Reinvestment Act of 2011, S.L. 2011-192, as amended.

"SECTION 16C.13.(b) The Department of Public Safety shall report to the Chairs of the Senate Appropriations Committee on Justice and Public Safety and the House Appropriations Subcommittee on Justice and Public Safety by ~~March 1, 2014,~~ March 1, 2015, on the following:

- (1) The position number, position type, salary, and position location of each new position created under the authority of this section.
- (2) The position number, position type, fund code, and position location of each vacant position used to create new positions under the authority of this section."

TECHNICAL CORRECTION/STATE COMMUNITY CORRECTIONS ADVISORY BOARD APPOINTMENT

SECTION 16C.12. G.S. 143B-1157(b)(1) reads as rewritten:

"(b) The membership of the State Board shall be selected as follows:

- (1) The Governor shall appoint the following members: the county sheriff, the chief of a city police department, the member of the public who has been the victim of a crime, ~~a rehabilitated ex-offender,~~ the two rehabilitated ex-offenders, and the members selected from each of the service areas."

STUDY 340B DRUG PRICING OPPORTUNITIES

SECTION 16C.13. The Department of Public Safety, Division of Adult Correction, shall study opportunities for the State to obtain savings under the federal 340B Drug Pricing Program on drugs provided to prisoners in State correctional facilities. The Division shall conduct this study in conjunction with the University of North Carolina Health Care System. The Department shall report the results of this study by December 1, 2014, to the chairs of (i) the Joint Legislative Oversight Committee on Justice and Public Safety, (ii) the House Appropriations Subcommittee on Justice and Public Safety, and (iii) the Senate Appropriations Committee on Justice and Public Safety.

SUBPART XVI-D. RESERVED

PART XVII. DEPARTMENT OF JUSTICE

TRANSFER THE SBI AND THE ALCOHOL LAW ENFORCEMENT SECTION

SECTION 17.1.(a) The State Bureau of Investigation is hereby transferred to the Department of Public Safety as a new section within the Law Enforcement Division. This transfer shall have all of the elements of a Type I transfer, as described in G.S. 143A-6.

SBI TRANSFER – CREATION OF STATUTORY SUBPARTS

1 **SECTION 17.1.(b)** Part 4 of Article 13 of Chapter 143B of the General Statutes is
2 amended by adding a new Subpart to read:

3 "Subpart A. General Provisions."

4 **SECTION 17.1.(c)** Part 4 of Article 13 of Chapter 143B of the General Statutes is
5 amended by adding a new Subpart to read:

6 "Subpart B. State Capitol Police."

7 **SECTION 17.1.(d)** Part 4 of Article 13 of Chapter 143B of the General Statutes is
8 amended by adding a new Subpart to read:

9 "Subpart C. State Bureau of Investigation."

10
11 **SBI TRANSFER – REPEAL OF CERTAIN STATUTES AND RECODIFICATION OF**
12 **OTHER AFFECTED STATUTES**

13 **SECTION 17.1.(e)** G.S. 114-13 is repealed.

14 **SECTION 17.1.(f)** G.S. 114-2.7 is recodified as G.S. 143B-901 under Subpart A of
15 Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (b) of
16 this section.

17 **SECTION 17.1.(g)** G.S. 114-10 through G.S. 114-10.1 are recodified as
18 G.S. 143B-902 through G.S. 143B-905 under Subpart A of Part 4 of Article 13 of Chapter
19 143B of the General Statutes, as created by subsection (b) of this section.

20 **SECTION 17.1.(h)** G.S. 143B-900 is recodified as G.S. 143B-911 under Subpart B
21 of Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (c) of
22 this section.

23 **SECTION 17.1.(i)** G.S. 114-12 is recodified as G.S. 143B-915 under Subpart C of
24 Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (d) of
25 this section. The following statutes are recodified as G.S. 143B-917 through G.S. 143B-924
26 under Subpart C of Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by
27 subsection (d) of this section: G.S. 114-14 through G.S. 114-15.3 and G.S. 114-17 through
28 G.S. 114-18.

29 **SECTION 17.1.(j)** G.S. 114-19 is recodified as G.S. 143B-906 under Subpart A of
30 Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (b) of
31 this section.

32 **SECTION 17.1.(k)** G.S. 114-19.01 is recodified as G.S. 143B-925 under Subpart
33 C of Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (d)
34 of this section.

35 **SECTION 17.1.(l)** All of Part 2 of Article 4 of Chapter 114 of the General
36 Statutes, other than the section recodified by subsection (k) of this section, is recodified as
37 Subpart D of Part 4 of Article 13 of Chapter 143B of the General Statutes, "Criminal History
38 Record Checks", G.S. 143B-930 through G.S. 143B-981. Statutory sections of the former
39 statutes that were reserved for future codification shall have corresponding sections that are
40 reserved for future codification in the recodified statutes.

41 **SECTION 17.1.(m)** Part 3 of Article 4 of Chapter 114 of the General Statutes is
42 recodified as Subpart E of Part 4 of Article 13 of Chapter 143B of the General Statutes,
43 "Protection of Public Officials", G.S. 143B-986 through G.S. 143B-987.

44
45 **SBI TRANSFER – OTHER CHANGES**

46 **SECTION 17.1.(n)** The following statutes, as recodified by subsections (f) through
47 (m) of this section, as applicable, are amended by deleting the language "Department of
48 Justice" wherever it appears and substituting "Department of Public Safety": G.S. 14-208.15A,
49 14-415.19, 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, 15A-145.4(c) and (j), 15A-145.5(c),
50 15A-145.6(c), 15A-146, 18B-902, 19A-24, 48-3-309, 53-244.050, 58-71-51, 58-89A-60,
51 66-407, 70-13.1, 74C-8.1, 74D-2.1, 74F-18, 84-24, 85B-3.2, 90-11, 90-30, 90-85.15, 90-102.1,

90-113.5, 90-113.46A, 90-143.3, 90-171.48, 90-210.25, 90-224, 90-270.22, 90-270.26, 90-270.29A, 90-288.01, 90-622, 90-629, 90-629.1, 90-652, 90D-7, 93A-4, 95-47.2, 106-65.26, 110-90.2, 115C-238.73, 115C-332, 121-25.1, 143-166.13, 143-143.10A, 143B-930 through 143B-965, and 160A-304.

SECTION 17.1.(o) The following statutes, as recodified by subsections (f) through (m) of this section, as applicable, are amended by deleting the language "Attorney General" wherever it appears and substituting "Secretary of Public Safety": G.S. 15A-1475, 58-79-1 through 58-79-15, 58-79-25, 143B-921, and 163-278.

SECTION 17.1.(p) The following statutes, as recodified by subsections (f) through (m) of this section, as applicable, are amended by deleting the language "Division of Criminal Information" and "State Bureau of Investigation's Division of Criminal Information" wherever they appear and substituting "Department of Public Safety": G.S. 7B-2507, 15A-1340.14, 15A-1340.21, 20-26, 85B-3.2, 122C-80, 143B-935, 143B-943, 143B-954, and 143B-981.

SECTION 17.1.(q) The following statutes are amended by deleting the language "Division" wherever it appears and substituting "Department of Public Safety": G.S. 14-208.7, 14-208.8, 14-208.8A, 14-208.9, 14-208.9A, 14-208.12A, 14-208.15, 14-208.15A, 14-208.22, and 14-208.27. However, no substitution shall be made under this subsection to instances of the word "Division" that appear in the phrase "Division of Adult Correction."

SECTION 17.1.(r) G.S. 7A-349 reads as rewritten:

"§ 7A-349. Criminal history record check; denial of employment, contract, or volunteer opportunity.

The Judicial Department may deny employment, a contract, or a volunteer opportunity to any person who refuses to consent to a criminal history check authorized under ~~G.S. 114-19.19~~ G.S. 143B-950 and may dismiss a current employee, terminate a contractor, or terminate a volunteer relationship if that employee, contractor, or volunteer refuses to consent to a criminal history record check authorized under ~~G.S. 114-19.19~~ G.S. 143B-950."

SECTION 17.1.(s) G.S. 7B-1904 reads as rewritten:

"§ 7B-1904. Order for secure or nonsecure custody.

The custody order shall be in writing and shall direct a law enforcement officer or other authorized person to assume custody of the juvenile and to make due return on the order. The official executing the order shall give a copy of the order to the juvenile's parent, guardian, or custodian. If the order is for nonsecure custody, the official executing the order shall also give a copy of the petition and order to the person or agency with whom the juvenile is being placed. If the order is for secure custody, copies of the petition and custody order shall accompany the juvenile to the detention facility or holdover facility of the jail. A message of ~~the Division of Criminal Information, State Bureau of Investigation,~~ the Department of Public Safety stating that a juvenile petition and secure custody order relating to a specified juvenile are on file in a particular county shall be authority to detain the juvenile in secure custody until a copy of the juvenile petition and secure custody order can be forwarded to the juvenile detention facility. The copies of the juvenile petition and secure custody order shall be transmitted to the detention facility no later than 72 hours after the initial detention of the juvenile.

An officer receiving an order for custody which is complete and regular on its face may execute it in accordance with its terms and need not inquire into its regularity or continued validity, nor does the officer incur criminal or civil liability for its execution."

SECTION 17.1.(t) G.S. 8-58.20(c) reads as rewritten:

"(c) The analyst who analyzes the forensic sample and signs the report shall complete an affidavit on a form developed by the ~~State Bureau of Investigation, State Crime Laboratory.~~ In the affidavit, the analyst shall state (i) that the person is qualified by education, training, and experience to perform the analysis, (ii) the name and location of the laboratory where the analysis was performed, and (iii) that performing the analysis is part of that person's regular duties. The analyst shall also aver in the affidavit that the tests were performed pursuant to the

1 accrediting body's standards for that discipline and that the evidence was handled in accordance
2 with established and accepted procedures while in the custody of the laboratory. The affidavit
3 shall be sufficient to constitute prima facie evidence regarding the person's qualifications. The
4 analyst shall attach the affidavit to the laboratory report and shall provide the affidavit to the
5 investigating officer and the district attorney in the prosecutorial district in which the criminal
6 charges are pending. An affidavit by a forensic analyst sworn to and properly executed before
7 an official authorized to administer oaths is admissible in evidence without further
8 authentication in any criminal proceeding with respect to the forensic analysis administered and
9 the procedures followed."

10 **SECTION 17.1.(u)** G.S. 14-16.9 reads as rewritten:

11 **"§ 14-16.9. Officers-elect to be covered.**

12 Any person who has been elected to any office covered by this Article but has not yet taken
13 the oath of office shall be considered to hold the office for the purpose of this Article and
14 ~~G.S. 114-15.~~ G.S. 143B-919."

15 **SECTION 17.1.(v)** G.S. 14-132(c)(3) reads as rewritten:

16 "(3) Designated by the ~~Attorney General~~ Secretary of Public Safety in accordance
17 with ~~G.S. 114-20.1.~~ G.S. 143B-987."

18 **SECTION 17.1.(w)** G.S. 14-208.6 reads as rewritten:

19 **"§ 14-208.6. Definitions.**

20 The following definitions apply in this Article:

21 ...

22 (1c) ~~"Division"~~ "Department" means the ~~Division of Criminal Information of the~~
23 ~~Department of Justice.~~ Department of Public Safety.

24 ...

25 (8) "Statewide registry" means the central registry compiled by the ~~Division~~
26 Department in accordance with G.S. 14-208.14.

27"

28 **SECTION 17.1.(x)** G.S. 14-208.13 reads as rewritten:

29 **"§ 14-208.13. File with ~~Police~~ Criminal Information Network.**

30 (a) The ~~Division~~ Department of Public Safety shall include the registration information
31 in the ~~Police~~ Criminal Information Network as set forth in ~~G.S. 114-10.1.~~ G.S. 143B-905.

32 (b) The ~~Division~~ Department of Public Safety shall maintain the registration
33 information permanently even after the registrant's reporting requirement expires."

34 **SECTION 17.1.(y)** G.S. 14-208.14 reads as rewritten:

35 **"§ 14-208.14. Statewide registry; ~~Division of Criminal Statistics~~ Department of Public**
36 **Safety designated custodian of statewide registry.**

37 (a) The ~~Division of Criminal Statistics~~ Department of Public Safety shall compile and
38 keep current a central statewide sex offender registry. The ~~Division~~ Department is the State
39 agency designated as the custodian of the statewide registry. As custodian the ~~Division~~
40 Department has the following responsibilities:

41 (1) To receive from the sheriff or any other law enforcement agency or penal
42 institution all sex offender registrations, changes of address, changes of
43 academic or educational employment status, and prerelease notifications
44 required under this Article or under federal law. The ~~Division~~ Department
45 shall also receive notices of any violation of this Article, including a failure
46 to register or a failure to report a change of address.

47 (2) To provide all need-to-know law enforcement agencies (local, State,
48 campus, federal, and those located in other states) immediately upon receipt
49 by the ~~Division~~ Department of any of the following: registration information,
50 a prerelease notification, a change of address, a change of academic or
51 educational employment status, or notice of a violation of this Article.

- (2a) To notify the appropriate law enforcement unit at an institution of higher education as soon as possible upon receipt by the ~~Division~~Department of relevant information based on registration information or notice of a change of academic or educational employment status. If an institution of higher education does not have a law enforcement unit, then the ~~Division~~Department shall provide the information to the local law enforcement agency that has jurisdiction for the campus.
- (3) To coordinate efforts among law enforcement agencies and penal institutions to ensure that the registration information, changes of address, change of name, prerelease notifications, and notices of failure to register or to report a change of address are conveyed in an appropriate and timely manner.
- (4) To provide public access to the statewide registry in accordance with this Article.
- (4a) To maintain the system for public access so that a registrant's full name, any aliases, and any legal name changes are cross-referenced and a member of the public may conduct a search of the system for a registrant under any of those names.
- (5) To maintain a system allowing an entity to access a list of online identifiers of persons in the central sex offender registry.
- (b) The statewide registry shall include the following:
- (1) Registration information obtained by a sheriff or penal institution under this Article or from any other local or State law enforcement agency.
 - (2) Registration information received from a state or local law enforcement agency or penal institution in another state.
 - (3) Registration information received from a federal law enforcement agency or penal institution."

SECTION 17.1.(z) G.S. 14-208.31 reads as rewritten:

"§ 14-208.31. File with ~~Police~~Criminal Information Network.

(a) The ~~Division~~Department of Public Safety shall include the registration information in the ~~Police~~Criminal Information Network as set forth in ~~G.S. 114-10.1~~G.S. 143B-905.

(b) The ~~Division~~Department of Public Safety shall maintain the registration information permanently even after the registrant's reporting requirement expires; however, the records shall remain confidential in accordance with Article 32 of Chapter 7B of the General Statutes."

SECTION 17.1.(aa) G.S. 14-415.4(d)(5) reads as rewritten:

"(5) The petitioner submits his or her fingerprints to the sheriff of the county in which the petitioner resides for a criminal background check pursuant to ~~G.S. 114-19.28~~G.S. 143B-959."

SECTION 17.1.(bb) G.S. 15A-266.2(4) reads as rewritten:

"(4) 'DNA Sample' means blood, cheek swabs, or any biological sample containing cells provided by any person with respect to offenses covered by this Article or submitted to the ~~State Bureau of Investigation~~State Crime Laboratory pursuant to this Article for analysis pursuant to a criminal investigation or storage or both."

SECTION 17.1.(cc) G.S. 15A-1341(d) reads as rewritten:

"(d) Search of Sex Offender Registration Information Required When Placing a Defendant on Probation. – When the court places a defendant on probation, the probation officer assigned to the defendant shall conduct a search of the defendant's name or other identifying information against the registration information regarding sex offenders compiled by the ~~Division of Criminal Statistics of the Department of Justice~~Department of Public Safety in accordance with Article 27A of Chapter 14 of the General Statutes. The probation officer

1 may conduct the search using the Internet site maintained by the ~~Division of Criminal~~
2 ~~Statistics~~Department of Public Safety."

3 **SECTION 17.1.(dd)** G.S. 15A-298 reads as rewritten:

4 "**§ 15A-298. Subpoena authority.**

5 Pursuant to rules issued by the ~~Attorney General~~Department of Public Safety, the Director
6 of the State Bureau of Investigation or the Director's designee may issue an administrative
7 subpoena to a communications common carrier or an electronic communications service to
8 compel production of business records if the records:

- 9 (1) Disclose information concerning local or long-distance toll records or
10 subscriber information; and
11 (2) Are material to an active criminal investigation being conducted by the State
12 Bureau of Investigation."

13 **SECTION 17.1.(ee)** G.S. 18C-151(a)(3) reads as rewritten:

- 14 "(3) All proposals shall be accompanied by a bond or letter of credit in an amount
15 equal to not less than five percent (5%) of the proposal and the fee to cover
16 the cost of the criminal record check conducted under
17 ~~G.S. 114-19.6~~G.S. 143B-935."

18 **SECTION 17.1.(ff)** G.S. 74F-6(16) reads as rewritten:

- 19 "(16) Request that the ~~Department of Justice~~Department of Public Safety conduct
20 criminal history record checks of applicants for licensure and
21 apprenticeships pursuant to ~~G.S. 114-19.15~~G.S. 143B-946."

22 **SECTION 17.1.(gg)** G.S. 90-113.33(10) reads as rewritten:

- 23 "(10) Request that the ~~Department of Justice~~Department of Public Safety conduct
24 criminal history record checks of applicants for registration, certification, or
25 licensure pursuant to ~~G.S. 114-19.11A~~G.S. 143B-941."

26 **SECTION 17.1.(hh)** G.S. 90-171.23(b)(19) reads as rewritten:

- 27 "(19) Request that the ~~Department of Justice~~Department of Public Safety conduct
28 criminal history record checks of applicants for licensure pursuant to
29 ~~G.S. 114-19.11~~G.S. 143B-940."

30 **SECTION 17.1.(ii)** G.S. 90-270.63(b) reads as rewritten:

31 "(b) The Board may request that an applicant for licensure, an applicant seeking
32 reinstatement of a license, or a licensee under investigation by the Board for alleged criminal
33 offenses in violation of this Article consent to a criminal history record check. Refusal to
34 consent to a criminal history record check may constitute grounds for the Board to deny
35 licensure to an applicant, deny reinstatement of a license to an applicant, or revoke the license
36 of a licensee. The Board shall ensure that the State and national criminal history of an applicant
37 is checked. The Board shall be responsible for providing to the North Carolina ~~Department of~~
38 ~~Justice~~Department of Public Safety the fingerprints of the applicant or licensee to be checked, a
39 form signed by the applicant or licensee consenting to the criminal history record check and the
40 use of fingerprints and other identifying information required by the State or National
41 Repositories of Criminal Histories, and any additional information required by the ~~Department~~
42 ~~of Justice~~Department of Public Safety in accordance with ~~G.S. 114-19.27~~G.S. 143B-958. The
43 Board shall keep all information obtained pursuant to this section confidential. The Board shall
44 collect any fees required by the ~~Department of Justice~~Department of Public Safety and shall
45 remit the fees to the ~~Department of Justice~~Department of Public Safety for expenses associated
46 with conducting the criminal history record check."

47 **SECTION 17.1.(jj)** G.S. 90-345(b) reads as rewritten:

48 "(b) The Board may request that an applicant for licensure, an applicant seeking
49 reinstatement of a license, or a licensee under investigation by the Board for alleged criminal
50 offenses in violation of this Article consent to a criminal history record check. Refusal to
51 consent to a criminal history record check may constitute grounds for the Board to deny

1 licensure to an applicant, deny reinstatement of a license to an applicant, or revoke the license
2 of a licensee. The Board shall ensure that the State and national criminal history of an applicant
3 is checked. The Board shall be responsible for providing to the North Carolina ~~Department of~~
4 ~~Justice~~Department of Public Safety the fingerprints of the applicant or licensee to be checked, a
5 form signed by the applicant or licensee consenting to the criminal record check and the use of
6 fingerprints and other identifying information required by the State or National Repositories of
7 Criminal Histories, and any additional information required by the ~~Department of~~
8 ~~Justice~~Department of Public Safety in accordance with ~~G.S. 114-19.26~~G.S. 143B-957. The
9 Board shall keep all information obtained pursuant to this section confidential. The Board shall
10 collect any fees required by the ~~Department of Justice~~Department of Public Safety and shall
11 remit the fees to the ~~Department of Justice~~Department of Public Safety for expenses associated
12 with conducting the criminal history record check."

13 **SECTION 17.1.(kk)** G.S. 93E-1-6(c1) reads as rewritten:

14 "(c1) The Board shall also make an investigation as it deems necessary into the
15 background of the applicant to determine the applicant's qualifications with due regard to the
16 paramount interest of the public as to the applicant's competency, honesty, truthfulness, and
17 integrity. All applicants shall consent to a criminal history record check. Refusal to consent to a
18 criminal history record check may constitute grounds for the Board to deny an application. The
19 Board shall ensure that the State and national criminal history of an applicant is checked. The
20 Board shall be responsible for providing to the North Carolina ~~Department of~~
21 ~~Justice~~Department of Public Safety the fingerprints of the applicant to be checked, a form
22 signed by the applicant consenting to the criminal history record check, and the use of
23 fingerprints and other identifying information required by the State or National Repositories of
24 Criminal Histories and any additional information required by the ~~Department of Justice~~
25 Department of Public Safety in accordance with ~~G.S. 114-19.30~~G.S. 143B-961. The Board
26 shall keep all information obtained pursuant to this section confidential. The Board shall collect
27 any fees required by the ~~Department of Justice~~Department of Public Safety and shall remit the
28 fees to the ~~Department of Justice~~Department of Public Safety for expenses associated with
29 conducting the criminal history record check."

30 **SECTION 17.1.(ll)** G.S. 93E-2-11(b) reads as rewritten:

31 "(b) The Board may require that an applicant for registration as an appraisal management
32 company or a registrant consent to a criminal history record check. Refusal to consent to a
33 criminal history record check may constitute grounds for the Board to deny registration to an
34 applicant or registrant. The Board shall ensure that the State and national criminal history of an
35 applicant or registrant is checked. The Board shall be responsible for providing to the North
36 Carolina ~~Department of Justice~~Department of Public Safety the fingerprints of the applicant or
37 registrant to be checked, a form signed by the applicant or registrant consenting to the criminal
38 record check and the use of fingerprints and other identifying information required by the State
39 or National Repositories of Criminal Histories, and any additional information required by the
40 ~~Department of Justice~~Department of Public Safety in accordance with
41 ~~G.S. 114-19.30~~G.S. 143B-961. The Board shall keep all information obtained pursuant to this
42 section confidential. The Board shall collect any fees required by the ~~Department of~~
43 ~~Justice~~Department of Public Safety and shall remit the fees to the ~~Department of~~
44 ~~Justice~~Department of Public Safety for expenses associated with conducting the criminal
45 history record check."

46 **SECTION 17.1.(mm)** G.S. 101-5 reads as rewritten:

47 "**§ 101-5. Name change application requirements; grounds for clerk to order or deny**
48 **name change; certificate and record.**

49 ...

50 (e) The clerk shall forward the order granting the name change to:

51 ...

(2) ~~The Division of Criminal Information at the State Bureau of Investigation, Department of Public Safety,~~ which shall update its records to show the name change.

...

(g) Upon information obtained by the clerk of fraud or material misrepresentation in the application for a name change, the clerk on his or her own motion may set aside the order granting the name change after notice to the applicant and opportunity to be heard. If the clerk sets aside the name change order, the clerk shall notify the State Registrar of Vital Statistics and the ~~Division of Criminal Information, Department of Public Safety.~~"

SECTION 17.1.(nn) G.S. 110-90.2(g), as rewritten by subsection (n) of this section, reads as rewritten:

"(g) The child care provider shall pay the cost of the fingerprinting and the federal criminal history record check in accordance with ~~G.S. 114-19.5, G.S. 143B-934.~~ The Department of Public Safety shall perform the State criminal history record check. The Department of Health and Human Services shall pay for and conduct the county criminal history record check. Child care providers who reside outside the State bear the cost of the county criminal history record check and shall provide the county criminal history record check to the Division of Child Development as required by this section."

SECTION 17.1.(oo) G.S. 113-172(a) reads as rewritten:

"(a) The Secretary shall designate license agents for the Department. The Division and license agents designated by the Secretary under this section shall issue licenses authorized under this Article in accordance with this Article and the rules of the Commission. The Secretary may require license agents to enter into a contract that provides for their duties and compensation, post a bond, and submit to reasonable inspections and audits. If a license agent violates any provision of this Article, the rules of the Commission, or the terms of the contract, the Secretary may initiate proceedings for the forfeiture of the license agent's bond and may summarily suspend, revoke, or refuse to renew a designation as a license agent and may impound or require the return of all licenses, moneys, record books, reports, license forms and other documents, ledgers, and materials pertinent or apparently pertinent to the license agency. The Secretary shall report evidence or misuse of State property, including license fees, by a license agent to the State Bureau of Investigation as provided by ~~G.S. 114-15.1, G.S. 143B-920.~~"

SECTION 17.1.(pp) G.S. 114-2.7, as recodified as G.S. 143B-901 by subsection (f) of this section, reads as rewritten:

"§ 143B-901. Reporting system and database on certain domestic-violence-related homicides; reports by law enforcement agencies required; annual report to the General Assembly.

The ~~Attorney General's Office, Department of Public Safety,~~ in consultation with the North Carolina Council for Women/Domestic Violence Commission, the North Carolina Sheriffs' Association, and the North Carolina Association of Chiefs of Police, shall develop a reporting system and database that reflects the number of homicides in the State where the offender and the victim had a personal relationship, as defined by G.S. 50B-1(b). The information in the database shall also include the type of personal relationship that existed between the offender and the victim, whether the victim had obtained an order pursuant to G.S. 50B-3, and whether there was a pending charge for which the offender was on pretrial release pursuant to G.S. 15A-534.1. All State and local law enforcement agencies shall report information to the ~~Attorney General's Office, Department of Public Safety~~ upon making a determination that a homicide meets the reporting system's criteria. The report shall be made in the format adopted by the ~~Attorney General's Office, Department of Public Safety.~~ The ~~Attorney General's Office~~ Department of Public Safety shall report to the ~~Joint Legislative Committee on Domestic~~

~~Violence~~, Joint Legislative Oversight Committee on Justice and Public Safety, no later than February 1 of each year, with the data collected for the previous calendar year."

SECTION 17.1.(qq) G.S. 114-10, as recodified as G.S. 143B-902 by subsection (g) of this section, reads as rewritten:

"§ 143B-902. ~~Division of Criminal Information.~~Powers and duties of the Department of Public Safety with respect to criminal information.

~~The Attorney General shall set up in the Department of Justice a division to be designated as the Division of Criminal Information. There shall be assigned to this Division by the Attorney General duties as follows:~~In addition to its other duties, it shall be the duty of the Department of Public Safety to do all of the following:

...

(2) To collect, correlate, and maintain access to information that will assist in the performance of duties required in the administration of criminal justice throughout the State. This information may include, but is not limited to, motor vehicle registration, drivers' licenses, wanted and missing persons, stolen property, warrants, stolen vehicles, firearms registration, sexual offender registration as provided under Article 27A of Chapter 14 of the General Statutes, drugs, drug users and parole and probation histories. In performing this function, the ~~Division~~Department may arrange to use information available in other agencies and units of State, local and federal government, but shall provide security measures to insure that such information shall be made available only to those whose duties, relating to the administration of justice, require such information.

...

~~(5) To perform such other duties as may be from time to time prescribed by the Attorney General.~~

(6) To promulgate rules and regulations for the administration of this Article."

SECTION 17.1.(rr) G.S. 114-10.01, as recodified as G.S. 143B-903 by subsection (g) of this section, reads as rewritten:

"§ 143B-903. Collection of traffic law enforcement statistics.

(a) ~~In addition to the duties set forth in G.S. 114-10, the Division of Criminal Information~~In addition to its other duties, the Department of Public Safety shall collect, correlate, and maintain the following information regarding traffic law enforcement by law enforcement officers:

...

(b) For purposes of this section, "law enforcement officer" means any of the following:

(1) All State law enforcement officers.

(2) Law enforcement officers employed by county sheriffs or county police departments.

(3) Law enforcement officers employed by police departments in municipalities with a population of 10,000 or more persons.

(4) Law enforcement officers employed by police departments in municipalities employing five or more full-time sworn officers for every 1,000 in population, as calculated by the ~~Division~~Department for the calendar year in which the stop was made.

...

(d) Each law enforcement officer making a stop covered by subdivision (1) of subsection (a) of this section shall be assigned an anonymous identification number by the officer's employing agency. The anonymous identifying number shall be public record and shall be reported to the ~~Division~~Department to be correlated along with the data collected under subsection (a) of this section. The correlation between the identification numbers and the names

of the officers shall not be a public record, and shall not be disclosed by the agency except when required by order of a court of competent jurisdiction to resolve a claim or defense properly before the court.

(d1) Any agency subject to the requirements of this section shall submit information collected under subsection (a) of this section to the ~~Division~~Department within 60 days of the close of each month. Any agency that does not submit the information as required by this subsection shall be ineligible to receive any law enforcement grants available by or through the State until the information which is reasonably available is submitted.

(e) The ~~Division~~Department shall publish and distribute by December 1 of each year a list indicating the law enforcement officers that will be subject to the provisions of this section during the calendar year commencing on the following January 1."

SECTION 17.1(ss) G.S. 114-10.02, as recodified as G.S. 143B-904 by subsection (g) of this section, reads as rewritten:

"§ 143B-904. Collection of statistics on the use of deadly force by law enforcement officers.

(a) In addition to ~~the duties set forth in G.S. 114-10, the Division of Criminal Information~~its other duties, the Department of Public Safety shall collect, maintain, and annually publish the number of deaths, by law enforcement agency, resulting from the use of deadly force by law enforcement officers in the course and scope of their official duties.

(b) For purposes of this section, "law enforcement officer" means sworn law enforcement officers with the power of arrest, both State and local."

SECTION 17.1(tt) G.S. 114-10.1, as recodified as G.S. 143B-905 by subsection (g) of this section, reads as rewritten:

"§ 143B-905. Police-Criminal Information Network.

(a) The ~~Division of Criminal Information~~Department of Public Safety is authorized to establish, devise, maintain and operate a system for receiving and disseminating to participating agencies information collected, maintained and correlated under authority of ~~G.S. 114-10 of this Article~~G.S. 143B-902. The system shall be known as the ~~Division of Criminal Information~~ Network.

(b) The ~~Division of Criminal Information~~Department of Public Safety is authorized to cooperate with the Division of Motor Vehicles, Department of Administration, ~~the Department of Public Safety~~, and other State, local and federal agencies and organizations in carrying out the purpose and intent of this section, and to utilize, in cooperation with other State agencies and to the extent as may be practical, computers and related equipment as may be operated by other State agencies.

(c) The ~~Division of Criminal Information~~Department of Public Safety, after consultation with participating agencies, shall adopt rules and regulations governing the organization and administration of the ~~Division of Criminal Information~~ Network, including rules and regulations governing the types of information relating to the administration of criminal justice to be entered into the system, and who shall have access to such information. The rules and regulations governing access to the ~~Division of Criminal Information~~ Network shall not prohibit an attorney who has entered a criminal proceeding in accordance with G.S. 15A-141 from obtaining information relevant to that criminal proceeding. The rules and regulations governing access to the ~~Division of Criminal Information~~ Network shall not prohibit an attorney who represents a person in adjudicatory or dispositional proceedings for an infraction from obtaining the person's driving record or criminal history.

(d) ~~The Division of Criminal Information may impose an initial set up fee of two thousand six hundred fifty dollars (\$2,650) for agencies to participate in the Division of Criminal Information Network. This one-time fee shall be used to offset the cost of the router and data circuit needed to access the Network.~~

1 The ~~Division of Criminal Information Department~~ may also impose monthly fees on
2 participating agencies. The monthly fees collected under this subsection shall be used to offset
3 the cost of operating and maintaining the ~~Police-Criminal Information Network~~ Network.

4 (1) The ~~Division of Criminal Information Department~~ may impose a monthly
5 circuit fee on agencies that access the ~~Division of Criminal Information~~
6 Network through a circuit maintained and operated by the ~~Department of~~
7 ~~Justice~~ Department of Public Safety. The amount of the monthly fee is three
8 hundred dollars (\$300.00) plus an additional fee amount for each device
9 linked to the Network. The additional fee amount varies depending upon the
10 type of device. For a desktop device after the first seven desktop devices, the
11 additional monthly fee is twenty-five dollars (\$25.00) per device. For a
12 mobile device, the additional monthly fee is twelve dollars (\$12.00) per
13 device.

14 (2) The ~~Division of Criminal Information Department~~ may impose a monthly
15 device fee on agencies that access the ~~Police-Criminal~~ Information Network
16 through some other approved means. The amount of the monthly device fee
17 varies depending upon the type of device. For a desktop device, the monthly
18 fee is twenty-five dollars (\$25.00) per device. For a mobile device, the fee is
19 twelve dollars (\$12.00) per device."

20 **SECTION 17.1.(uu)** G.S. 114-12, as recodified as G.S. 143B-915 by subsection (i)
21 of this section, reads as rewritten:

22 "**§ 143B-915. Bureau of Investigation created; powers and duties.**

23 In order to secure a more effective administration of the criminal laws of the State, to
24 prevent crime, and to procure the speedy apprehension of criminals, the ~~Attorney~~
25 ~~General~~ Secretary of Public Safety shall set up in the Division of Law Enforcement of the
26 Department of ~~Justice~~ Public Safety a ~~division~~ section to be designated as the State Bureau of
27 Investigation. The ~~Division-Section~~ shall have charge of and administer the agencies and
28 activities herein set up for the identification of criminals, for their apprehension, and
29 investigation and preparation of evidence to be used in criminal courts; and the said Bureau
30 shall have charge of investigation of criminal matters herein especially mentioned, and of such
31 other crimes and criminal procedure as the Governor may direct.

32 In the personnel of the Bureau shall be included a sufficient number of persons of training
33 and skill in the investigation of crime and in the preparation of evidence as to be of service to
34 local enforcement officers, under the direction of the Governor, in criminal matters of major
35 importance.

36 ~~The State radio system shall be made available to the Bureau Laboratory for use in its~~
37 ~~work."~~

38 **SECTION 17.1.(vv)** G.S. 114-14, as recodified as G.S. 143B-917 by subsection (i)
39 of this section, reads as rewritten:

40 "**§ 143B-917. General powers and duties of ~~Director and assistants~~ law enforcement**
41 **officers of the State Bureau of Investigation.**

42 ~~The Director of the Bureau and his assistants~~ Sworn law enforcement officers of the State
43 Bureau of Investigation are given the same power of arrest as is now vested in the sheriffs of
44 the several counties, and their jurisdiction shall be statewide. ~~The Director of the Bureau and~~
45 ~~his assistants~~ Sworn law enforcement officers of the Bureau shall, at the request of the
46 Governor, give assistance to sheriffs, police officers, district attorneys, and judges when called
47 upon by them and so directed. ~~They shall also give assistance, when requested, to the~~
48 ~~Department of Public Safety in the investigation of cases pending before the parole office and~~
49 ~~of complaints lodged against parolees, when so directed by the Governor."~~

50 **SECTION 17.1.(ww)** G.S. 114-15, as recodified as G.S. 143B-919 by subsection
51 (i) of this section, reads as rewritten:

1 "§ 143B-919. Investigations of lynchings, election frauds, etc.; services subject to call of
2 Governor; witness fees and mileage for ~~Director and assistants~~employees.

3 (a) The Bureau shall, ~~through its Director and~~ upon request of the Governor, investigate
4 and prepare evidence in the event of any lynching or mob violence in the State; shall
5 investigate all cases arising from frauds in connection with elections when requested to do so
6 by the Board of Elections, and when so directed by the Governor. Such investigation, however,
7 shall in nowise interfere with the power of the Attorney General to make such investigation as
8 the Attorney General is authorized to make under the laws of the State. The Bureau is
9 authorized further, at the request of the Governor, to investigate cases of frauds arising under
10 the Social Security Laws of the State, of violations of the gaming laws, and lottery laws, and
11 matters of similar kind when called upon by the Governor so to do. In all such cases it shall be
12 the duty of the Department to keep such records as may be necessary and to prepare evidence
13 in the cases investigated, for the use of enforcement officers and for the trial of causes. The
14 services of ~~the Director of the Bureau, and of the Director's assistants~~employees of the Bureau
15 may be required by the Governor in connection with the investigation of any crime committed
16 anywhere in the State when called upon by the enforcement officers of the State, and when, in
17 the judgment of the Governor, such services may be rendered with advantage to the
18 enforcement of the criminal law. The State Bureau of Investigation is hereby authorized to
19 investigate without request the attempted arson of, or arson of, damage of, theft from, or theft
20 of, or misuse of, any State-owned personal property, buildings, or other real property or any
21 assault upon or threats against any legislative officer named in G.S. 147-2(1), (2), or (3), any
22 executive officer named in G.S. 147-3(c), or any court officer as defined in G.S. 14-16.10(1).

23 (a1) The Bureau also is authorized at the request of the Governor to conduct a
24 background investigation on a person that the Governor plans to nominate for a position that
25 must be confirmed by the General Assembly, the Senate, or the House of Representatives. The
26 background investigation of the proposed nominee shall be limited to an investigation of the
27 person's criminal record, educational background, employment record, records concerning the
28 listing and payment of taxes, and credit record, and to a requirement that the person provide the
29 information contained in the statements of economic interest required to be filed by persons
30 subject to Chapter 138A of the General Statutes. The Governor must give the person being
31 investigated written notice that the Governor intends to request a background investigation at
32 least 10 days prior to the date that the Governor requests the State Bureau of Investigation to
33 conduct the background investigation. The written notice shall be sent by regular mail, and
34 there is created a rebuttable presumption that the person received the notice if the Governor has
35 a copy of the notice.

36 ...
37 (c) All records and evidence collected and compiled by ~~the Director of the Bureau and~~
38 ~~his assistants~~employees of the Bureau shall, upon request, be made available to the district
39 attorney of any district if the same concerns persons or investigations in his district.

40 (d) In all cases where the cost is assessed against the defendant and paid by him, there
41 shall be assessed in the bill of cost, mileage and witness fees to ~~the Director and any of his~~
42 ~~assistants~~any employees of the Bureau who are witnesses in cases arising in courts of this
43 State. The fees so assessed, charged and collected shall be forwarded by the clerks of the court
44 to the Treasurer of the State of North Carolina, and there credited to the Bureau of
45 Identification and Investigation Fund."

46 **SECTION 17.1.(xx)** G.S. 114-19.1(d), as recodified by subsection (l) of this
47 section, reads as rewritten:

48 "(d) Nothing in this section shall be construed as enlarging any right to receive any
49 record of the State Bureau of Investigation. Such rights are and shall be controlled by
50 ~~G.S. 114-15, G.S. 114-19, G.S.~~G.S. 143B-919, 143B-906, 120-19.4A, and other applicable
51 statutes."

1 **SECTION 17.1.(yy)** G.S. 114-19.6(b), as recodified by subsection (l) of this
2 section and rewritten by subsection (o) of this section, reads as rewritten:

3 "(b) When requested by the Department of Health and Human Services or the Division
4 of Juvenile Justice of the Department of Public Safety, the North Carolina Department of
5 Public Safety may provide to the requesting department or division a covered person's criminal
6 history from the State Repository of Criminal Histories. Such requests shall not be due to a
7 person's age, sex, race, color, national origin, religion, creed, political affiliation, or
8 handicapping condition as defined by G.S. 168A-3. For requests for a State criminal history
9 record check only, the requesting department or division shall provide to the Department of
10 Public Safety a form consenting to the check signed by the covered person to be checked and
11 any additional information required by the Department of Public Safety. National criminal
12 record checks are authorized for covered applicants who have not resided in the State of North
13 Carolina during the past five years. For national checks the Department of Health and Human
14 Services or the Division of Juvenile Justice of the Department of Public Safety shall provide to
15 the North Carolina Department of Public Safety the fingerprints of the covered person to be
16 checked, any additional information required by the Department of Public Safety, and a form
17 signed by the covered person to be checked consenting to the check of the criminal record and
18 to the use of fingerprints and other identifying information required by the State or National
19 Repositories. The fingerprints of the individual shall be forwarded to the State Bureau of
20 Investigation for a search of the State criminal history record file and the State Bureau of
21 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a
22 national criminal history record check. The Department of Health and Human Services and the
23 Division of Juvenile Justice of the Department of Public Safety shall keep all information
24 pursuant to this section confidential. The Department of Public Safety shall charge a reasonable
25 fee for conducting the checks of the criminal history records authorized by this section."

26 **SECTION 17.1.(zz)** G.S. 114-20, as recodified as G.S. 143B-986 by subsection
27 (m) of this section, reads as rewritten:

28 **"§ 143B-986. Authority to provide protection to certain public officials.**

29 The North Carolina State Bureau of Investigation is authorized to provide protection to
30 public officials who request it, and who, in the discretion of the Director of the Bureau with the
31 approval of ~~the Attorney General, the Secretary of Public Safety,~~ demonstrate a need for such
32 protection. The bureau shall not provide protection for any individual other than the Governor
33 for a period greater than 30 days without review and reapproval by the ~~Attorney~~
34 ~~General, Secretary of Public Safety.~~ This review and reapproval shall be required at the end of
35 each 30-day period."

36 **SECTION 17.1.(aaa)** G.S. 114-20.1, as recodified as G.S. 143B-987 by subsection
37 (m) of this section, reads as rewritten:

38 **"§ 143B-987. Authority to designate areas for protection of public officials.**

39 (a) ~~The Attorney General~~Secretary of Public Safety is authorized to designate buildings
40 and grounds which constitute temporary residences or temporary offices of any public official
41 being protected under authority of ~~G.S. 114-20, G.S. 143B-986,~~ or any area that will be visited
42 by any such official, a public building or facility during the time of such use.

43 (b) ~~The Attorney General or the Director of the State Bureau of Investigation~~Secretary
44 of Public Safety may, with the consent of the official to be protected, make rules governing
45 ingress to or egress from such buildings, grounds or areas designated under this section."

46 **SECTION 17.1.(bbb)** G.S. 122C-80 reads as rewritten:

47 **"§ 122C-80. Criminal history record check required for certain applicants for**
48 **employment.**

49 ...

50 (b) Requirement. – An offer of employment by a provider licensed under this Chapter
51 to an applicant to fill a position that does not require the applicant to have an occupational

license is conditioned on consent to a State and national criminal history record check of the applicant. If the applicant has been a resident of this State for less than five years, then the offer of employment is conditioned on consent to a State and national criminal history record check of the applicant. The national criminal history record check shall include a check of the applicant's fingerprints. If the applicant has been a resident of this State for five years or more, then the offer is conditioned on consent to a State criminal history record check of the applicant. A provider shall not employ an applicant who refuses to consent to a criminal history record check required by this section. Except as otherwise provided in this subsection, within five business days of making the conditional offer of employment, a provider shall submit a request to the ~~Department of Justice~~Department of Public Safety under ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a criminal history record check required by this section or shall submit a request to a private entity to conduct a State criminal history record check required by this section. Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939, the ~~Department of Justice~~Department of Public Safety shall return the results of national criminal history record checks for employment positions not covered by Public Law 105-277 to the Department of Health and Human Services, Criminal Records Check Unit. Within five business days of receipt of the national criminal history of the person, the Department of Health and Human Services, Criminal Records Check Unit, shall notify the provider as to whether the information received may affect the employability of the applicant. In no case shall the results of the national criminal history record check be shared with the provider. Providers shall make available upon request verification that a criminal history check has been completed on any staff covered by this section. A county that has adopted an appropriate local ordinance and has access to the Division of Criminal Information data bank may conduct on behalf of a provider a State criminal history record check required by this section without the provider having to submit a request to the Department of Justice. In such a case, the county shall commence with the State criminal history record check required by this section within five business days of the conditional offer of employment by the provider. All criminal history information received by the provider is confidential and may not be disclosed, except to the applicant as provided in subsection (c) of this section. For purposes of this subsection, the term "private entity" means a business regularly engaged in conducting criminal history record checks utilizing public records obtained from a State agency.

...

(g) Conditional Employment. – A provider may employ an applicant conditionally prior to obtaining the results of a criminal history record check regarding the applicant if both of the following requirements are met:

- (1) The provider shall not employ an applicant prior to obtaining the applicant's consent for criminal history record check as required in subsection (b) of this section or the completed fingerprint cards as required in ~~G.S. 114-19.10~~G.S. 143B-939.
- (2) The provider shall submit the request for a criminal history record check not later than five business days after the individual begins conditional employment."

SECTION 17.1.(ccc) G.S. 122C-205(c) reads as rewritten:

"(c) Upon receipt of notice of an escape or breach of a condition of release as described in subsections (a) and (b) of this section, an appropriate law enforcement officer shall take the client into custody and have the client returned to the 24-hour facility from which the client has escaped or has been conditionally released. Transportation of the client back to the 24-hour facility shall be provided in the same manner as described in G.S. 122C-251 and G.S. 122C-408(b). Law enforcement agencies who are notified of a client's escape or breach of conditional release shall be notified of the client's return by the responsible 24-hour facility. Under the circumstances described in this section, the initial notification by the 24-hour facility

of the client's escape or breach of conditional release shall be given by telephone communication to the appropriate law enforcement agency or agencies and, if available and appropriate, by ~~Division of Criminal Information (DCI)~~ Department of Public Safety message to any law enforcement agency in or out of state and by entry into the National Crime Information Center (NCIC) telecommunications system. As soon as reasonably possible following notification, written authorization to take the client into custody shall also be issued by the 24-hour facility. Under this section, law enforcement officers shall have the authority to take a client into custody upon receipt of the telephone notification or ~~Division of Criminal Information~~ Department of Public Safety message prior to receiving written authorization. The notification of a law enforcement agency does not, in and of itself, render this information public information within the purview of Chapter 132 of the General Statutes. However, the responsible law enforcement agency shall determine the extent of disclosure of personal identifying and background information reasonably necessary, under the circumstances, in order to assure the expeditious return of a client to the 24-hour facility involved and to protect the general public and is authorized to make such disclosure. The responsible law enforcement agency may also place any appropriate message or entry into either the ~~Division of Criminal Information System~~ Department of Public Safety's Criminal Information System or National Crime Information System, or both, as appropriate."

SECTION 17.1.(ddd) G.S. 131D-10.3A reads as rewritten:

"§ 131D-10.3A. Mandatory criminal checks.

...

(d) The ~~Department of Justice~~ Department of Public Safety shall provide to the Department the criminal history of the individuals specified in subsection (a) of this section obtained from the State and National Repositories of Criminal Histories as requested by the Department. The Department shall provide to the ~~Department of Justice~~ Department of Public Safety, along with the request, the fingerprints of the individual to be checked, any additional information required by the ~~Department of Justice~~ Department of Public Safety, and a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the State or National Repositories signed by the individual to be checked. The fingerprints of the individual to be checked shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

...

(i) The ~~Department of Justice~~ Department of Public Safety shall perform the State and national criminal history checks on individuals required by this section and shall charge the Department a reasonable fee only for conducting the checks of the national criminal history records authorized by this section. The Division of Social Services, Department of Health and Human Services, shall bear the costs of implementing this section."

SECTION 17.1.(eee) G.S. 131D-40 reads as rewritten:

"§ 131D-40. Criminal history record checks required for certain applicants for employment.

(a) Requirement; Adult Care Home. – An offer of employment by an adult care home licensed under this Chapter to an applicant to fill a position that does not require the applicant to have an occupational license is conditioned on consent to a criminal history record check of the applicant. If the applicant has been a resident of this State for less than five years, then the offer of employment is conditioned on consent to a State and national criminal history record check of the applicant. The national criminal history record check shall include a check of the applicant's fingerprints. If the applicant has been a resident of this State for five years or more, then the offer is conditioned on consent to a State criminal history record check of the applicant. An adult care home shall not employ an applicant who refuses to consent to a

1 criminal history record check required by this section. Within five business days of making the
2 conditional offer of employment, an adult care home shall submit a request to the ~~Department~~
3 ~~of Justice~~Department of Public Safety under ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a State
4 or national criminal history record check required by this section, or shall submit a request to a
5 private entity to conduct a State criminal history record check required by this section.
6 Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939, the ~~Department of Justice~~Department of
7 Public Safety shall return the results of national criminal history record checks for employment
8 positions not covered by Public Law 105-277 to the Department of Health and Human
9 Services, Criminal Records Check Unit. Within five business days of receipt of the national
10 criminal history of the person, the Department of Health and Human Services, Criminal
11 Records Check Unit, shall notify the adult care home as to whether the information received
12 may affect the employability of the applicant. In no case shall the results of the national
13 criminal history record check be shared with the adult care home. Adult care homes shall make
14 available upon request verification that a criminal history check has been completed on any
15 staff covered by this section. All criminal history information received by the home is
16 confidential and may not be disclosed, except to the applicant as provided in subsection (b) of
17 this section.

18 (a1) Requirement; Contract Agency of Adult Care Home. – An offer of employment by a
19 contract agency of an adult care home licensed under this Chapter to an applicant to fill a
20 position that does not require the applicant to have an occupational license is conditioned upon
21 consent to a criminal history record check of the applicant. If the applicant has been a resident
22 of this State for less than five years, then the offer of employment is conditioned on consent to
23 a State and national criminal history record check of the applicant. The national criminal
24 history record check shall include a check of the applicant's fingerprints. If the applicant has
25 been a resident of this State for five years or more, then the offer is conditioned on consent to a
26 State criminal history record check of the applicant. A contract agency of an adult care home
27 shall not employ an applicant who refuses to consent to a criminal history record check
28 required by this section. Within five business days of making the conditional offer of
29 employment, a contract agency of an adult care home shall submit a request to the ~~Department~~
30 ~~of Justice~~Department of Public Safety under ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a State
31 or national criminal history record check required by this section, or shall submit a request to a
32 private entity to conduct a State criminal history record check required by this section.
33 Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939, the ~~Department of Justice~~Department of
34 Public Safety shall return the results of national criminal history record checks for employment
35 positions not covered by Public Law 105-277 to the Department of Health and Human
36 Services, Criminal Records Check Unit. Within five business days of receipt of the national
37 criminal history of the person, the Department of Health and Human Services, Criminal
38 Records Check Unit, shall notify the contract agency of the adult care home as to whether the
39 information received may affect the employability of the applicant. In no case shall the results
40 of the national criminal history record check be shared with the contract agency of the adult
41 care home. Contract agencies of adult care homes shall make available upon request
42 verification that a criminal history check has been completed on any staff covered by this
43 section. All criminal history information received by the contract agency is confidential and
44 may not be disclosed, except to the applicant as provided by subsection (b) of this section.

45 ...

46 (f) Conditional Employment. – An adult care home may employ an applicant
47 conditionally prior to obtaining the results of a criminal history record check regarding the
48 applicant if both of the following requirements are met:

- 49 (1) The adult care home shall not employ an applicant prior to obtaining the
50 applicant's consent for a criminal history record check as required in

subsection (a) of this section or the completed fingerprint cards as required in ~~G.S. 114-19.10~~G.S. 143B-939.

- (2) The adult care home shall submit the request for a criminal history record check not later than five business days after the individual begins conditional employment.

...."

SECTION 17.1.(fff) G.S. 131E-159(g) reads as rewritten:

"(g) An individual who applies for EMS credentials, seeks to renew EMS credentials, or holds EMS credentials is subject to a criminal background review by the Department. At the request of the Department, the Emergency Medical Services Disciplinary Committee, established by G.S. 143-519, shall review criminal background information and make a recommendation regarding the eligibility of an individual to obtain initial EMS credentials, renew EMS credentials, or maintain EMS credentials. The Department and the Emergency Medical Services Disciplinary Committee shall keep all information obtained pursuant to this subsection confidential. The Medical Care Commission shall adopt rules to implement the provisions of this subsection, including rules to establish a reasonable fee to offset the actual costs of criminal history information obtained pursuant to ~~G.S. 114-19.21~~G.S. 143B-952."

SECTION 17.1.(ggg) G.S. 131E-265 reads as rewritten:

"§ 131E-265. Criminal history record checks required for certain applicants for employment.

(a) Requirement; Nursing Home or Home Care Agency. – An offer of employment by a nursing home licensed under this Chapter to an applicant to fill a position that does not require the applicant to have an occupational license is conditioned on consent to a criminal history record check of the applicant. If the applicant has been a resident of this State for less than five years, then the offer of employment is conditioned on consent to a State and national criminal history record check of the applicant. The national criminal history record check shall include a check of the applicant's fingerprints. If the applicant has been a resident of this State for five years or more, then the offer is conditioned on consent to a State criminal history record check of the applicant. An offer of employment by a home care agency licensed under this Chapter to an applicant to fill a position that requires entering the patient's home is conditioned on consent to a criminal history record check of the applicant. In addition, employment status change of a current employee of a home care agency licensed under this Chapter from a position that does not require entering the patient's home to a position that requires entering the patient's home shall be conditioned on consent to a criminal history record check of that current employee. If the applicant for employment or if the current employee who is changing employment status has been a resident of this State for less than five years, then the offer of employment or change in employment status is conditioned on consent to a State and national criminal history record check. The national criminal history record check shall include a check of the applicant's or current employee's fingerprints. If the applicant or current employee has been a resident of this State for five years or more, then the offer is conditioned on consent to a State criminal history record check of the applicant or current employee applying for a change in employment status. A nursing home or a home care agency shall not employ an applicant who refuses to consent to a criminal history record check required by this section. In addition, a home care agency shall not change a current employee's employment status from a position that does not require entering the patient's home to a position that requires entering the patient's home who refuses to consent to a criminal history record check required by this section. Within five business days of making the conditional offer of employment, a nursing home or home care agency shall submit a request to the ~~Department of Justice~~Department of Public Safety under ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a State or national criminal history record check required by this section, or shall submit a request to a private entity to conduct a State criminal history record check required by this section. Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939,

1 the ~~Department of Justice~~ Department of Public Safety shall return the results of national
2 criminal history record checks for employment positions not covered by Public Law 105-277 to
3 the Department of Health and Human Services, Criminal Records Check Unit. Within five
4 business days of receipt of the national criminal history of the person, the Department of Health
5 and Human Services, Criminal Records Check Unit, shall notify the nursing home or home care
6 agency as to whether the information received may affect the employability of the applicant. In
7 no case shall the results of the national criminal history record check be shared with the nursing
8 home or home care agency. Nursing homes and home care agencies shall make available upon
9 request verification that a criminal history check has been completed on any staff covered by
10 this section. All criminal history information received by the home or agency is confidential
11 and may not be disclosed, except to the applicant as provided in subsection (b) of this section.

12 (a1) Requirement; Contract Agency of Nursing Home or Home Care Agency. – An offer
13 of employment by a contract agency of a nursing home or home care agency licensed under this
14 Chapter to an applicant to fill a position that does not require the applicant to have an
15 occupational license is conditioned upon consent to a criminal history record check of the
16 applicant. If the applicant has been a resident of this State for less than five years, then the offer
17 of employment is conditioned on consent to a State and national criminal history record check
18 of the applicant. The national criminal history record check shall include a check of the
19 applicant's fingerprints. If the applicant has been a resident of this State for five years or more,
20 then the offer is conditioned on consent to a State criminal history record check of the
21 applicant. A contract agency of a nursing home or home care agency shall not employ an
22 applicant who refuses to consent to a criminal history record check required by this section.
23 Within five business days of making the conditional offer of employment, a contract agency of
24 a nursing home or home care agency shall submit a request to the ~~Department of~~
25 ~~Justice~~ Department of Public Safety under ~~G.S. 114-19.10~~ G.S. 143B-939 to conduct a State or
26 national criminal history record check required by this section, or shall submit a request to a
27 private entity to conduct a State criminal history record check required by this section.
28 Notwithstanding ~~G.S. 114-19.10~~ G.S. 143B-939, the ~~Department of Justice~~ Department of
29 Public Safety shall return the results of national criminal history record checks for employment
30 positions not covered by Public Law 105-277 to the Department of Health and Human
31 Services, Criminal Records Check Unit. Within five business days of receipt of the national
32 criminal history of the person, the Department of Health and Human Services, Criminal
33 Records Check Unit, shall notify the contract agency of the nursing home or home care agency
34 as to whether the information received may affect the employability of the applicant. In no case
35 shall the results of the national criminal history record check be shared with the contract agency
36 of the nursing home or home care agency. Contract agencies of nursing homes and home care
37 agencies shall make available upon request verification that a criminal history check has been
38 completed on any staff covered by this section. All criminal history information received by the
39 contract agency is confidential and may not be disclosed, except to the applicant as provided by
40 subsection (b) of this section.

41 ...

42 (f) Conditional Employment. – A nursing home or home care agency may employ an
43 applicant conditionally prior to obtaining the results of a criminal history record check
44 regarding the applicant if both of the following requirements are met:

- 45 (1) The nursing home or home care agency shall not employ an applicant prior
46 to obtaining the applicant's consent for a criminal history record check as
47 required in subsection (a) of this section or the completed fingerprint cards
48 as required in ~~G.S. 114-19.10~~ G.S. 143B-939.
- 49 (2) The nursing home or home care agency shall submit the request for a
50 criminal history record check not later than five business days after the
51 individual begins conditional employment.

...."

SECTION 17.1.(hhh) G.S. 143-143.10(b)(6) reads as rewritten:

"(6) To request that the ~~Department of Justice~~Department of Public Safety conduct criminal history checks of applicants for licensure pursuant to ~~G.S. 114-19.13~~G.S. 143B-944."

SECTION 17.1.(iii) G.S. 148-37.3(c) reads as rewritten:

"(c) Any private corporation described in subsection (a) of this section shall reimburse the State and any county or other law enforcement agency for the full cost of any additional expenses incurred by the State or the county or other law enforcement agency in connection with the pursuit and apprehension of an escaped inmate from the facility.

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

SECTION 17.1.(jjj) G.S. 153A-94.2 reads as rewritten:

"§ 153A-94.2. Criminal history record checks of employees permitted.

The board of commissioners may adopt or provide for rules and regulations or ordinances concerning a requirement that any applicant for employment be subject to a criminal history record check of State and National Repositories of Criminal Histories conducted by the ~~Department of Justice~~Department of Public Safety in accordance with ~~G.S. 114-19.14~~G.S. 143B-945. The local or regional public employer may consider the results of these criminal history record checks in its hiring decisions."

SECTION 17.1.(kkk) G.S. 160A-164.2 reads as rewritten:

"§ 160A-164.2. Criminal history record check of employees permitted.

The council may adopt or provide for rules and regulations or ordinances concerning a requirement that any applicant for employment be subject to a criminal history record check of State and National Repositories of Criminal Histories conducted by the ~~Department of Justice~~Department of Public Safety in accordance with ~~G.S. 114-19.14~~G.S. 143B-945. The city may consider the results of these criminal history record checks in its hiring decisions."

SECTION 17.1.(lll) G.S. 164-44(a) reads as rewritten:

"(a) The Commission shall have the secondary duty of collecting, developing, and maintaining statistical data relating to sentencing, corrections, and juvenile justice so that the primary duties of the Commission will be formulated using data that is valid, accurate, and relevant to this State. All State agencies shall provide data as it is requested by the Commission. For the purposes of ~~G.S. 114-19.1~~G.S. 143B-930, the Commission shall be considered to be engaged in the administration of criminal justice. All meetings of the Commission shall be open to the public and the information presented to the Commission shall be available to any State agency or member of the General Assembly."

SECTION 17.1.(mmm) Subpart C of Part 2 of Article 4 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-926. Appointment and term of the Director of the State Bureau of Investigation.

(a) The Director of the State Bureau of Investigation shall be appointed by the Governor for a term of eight years subject to confirmation by the General Assembly by joint resolution. The name of the person to be appointed by the Governor shall be submitted by the Governor to the General Assembly for confirmation by the General Assembly on or before May 1 of the year in which the term for which the appointment is to be made expires. Upon failure of the Governor to submit a name as herein provided, the President Pro Tempore of the Senate and the Speaker of the House of Representatives jointly shall submit a name of an appointee to the General Assembly on or before May 15 of the same year. The appointment

shall then be made by enactment of a bill. The bill shall state the name of the person being appointed, the office to which the appointment is being made, the effective date of the appointment, the date of expiration of the term, the residence of the appointee, and that the appointment is made upon the joint recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Nothing precludes any member of the General Assembly from proposing an amendment to any bill making such an appointment.

(b) The Director may be removed from office by the Governor for any of the grounds set forth in G.S. 143B-13(b), (c), and (d). In case of a vacancy in the office of the Director of the State Bureau of Investigation for any reason prior to the expiration of the Director's term of office, the name of the Director's successor shall be submitted by the Governor to the General Assembly not later than 60 days after the vacancy arises. If a vacancy arises in the office when the General Assembly is not in session, the Director shall be appointed by the Governor to serve on an interim basis pending confirmation by the General Assembly."

SECTION 17.1.(nnn) Notwithstanding anything in G.S. 143B-926, as enacted by subsection (mmm) of this section, to the contrary, the Governor shall appoint an acting Director of the State Bureau of Investigation who shall serve until a new Director is appointed pursuant to G.S. 143B-926. A Director shall be appointed pursuant to G.S. 143B-926 no later than June 1, 2015, for a term that shall end on June 30, 2023.

SECTION 17.1.(ooo) Notwithstanding any other provision of law, there shall be no transfer of positions to or from the State Bureau of Investigation and no changes to the authorized budget of the State Bureau of Investigation, as it existed on March 1, 2014, prior to the transfer of the State Bureau of Investigation to the Department of Public Safety.

ALCOHOL LAW ENFORCEMENT SECTION TRANSFER

SECTION 17.1.(ppp) The Alcohol Law Enforcement Section shall be relocated as a branch under the State Bureau of Investigation.

SECTION 17.1.(qqq) G.S. 18B-500 reads as rewritten:

"§ 18B-500. Alcohol law-enforcement agents.

(a) Appointment. – The ~~Secretary of Public Safety~~ Director of the State Bureau of Investigation shall appoint alcohol law-enforcement agents and other enforcement personnel. The ~~Secretary of Public Safety~~ Director may also appoint regular employees of the Commission as alcohol law-enforcement agents. Alcohol law-enforcement agents shall be designated as "alcohol law-enforcement agents". Persons serving as reserve alcohol law-enforcement agents are considered employees of the Alcohol Law Enforcement ~~Section~~ Branch for workers' compensation purposes while performing duties assigned or approved by the ~~Director~~ Head of the Alcohol Law Enforcement ~~Section~~ Branch or the ~~Director's Head's~~ designee.

(b) Subject Matter Jurisdiction. – After taking the oath prescribed for a peace officer, an alcohol law-enforcement agent shall have authority to arrest and take other investigatory and enforcement actions for any criminal offense. The primary responsibility of an agent shall be enforcement of the ~~ABC laws, lottery laws, and Article 5 of Chapter 90 (The Controlled Substances Act); however, an agent may perform any law enforcement duty assigned by the Secretary of Public Safety or the Governor.~~ ABC and lottery laws.

...

(g) Shifting of Personnel From One District to Another. – The ~~Director~~ Head of the Alcohol Law Enforcement ~~Section~~ Branch, under rules adopted by the Department of Public Safety may, from time to time, shift the forces from one district to another or consolidate more than one district force at any point for special purposes. Whenever an agent of the Alcohol Law Enforcement Section is transferred from one district to another for the convenience of the State or for reasons other than the request of the agent, the Department shall be responsible for

transporting the household goods, furniture, and personal apparel of the agent and members of the agent's household."

SECTION 17.1.(rrr) The following statutes are amended by deleting the word "Section" wherever it appears in uppercase and substituting "Branch": G.S. 18B-101(5), 18B-201, 18B-202, 18B-203, 18B-504, 18B-805, 18B-902, 18B-903, 18B-904, 19-2.1, 105-259(b)(15), and 143-652.1 through 143-658.

SECTION 17.1.(sss) G.S. 143-651 reads as rewritten:

"§ 143-651. Definitions.

The following definitions apply in this Article:

...

(4a) Branch. – The Alcohol Law Enforcement Branch of the State Bureau of Investigation.

...

(23b) Sanctioned amateur match. – Any match regulated by an amateur sports organization that has been recognized and approved by the ~~Section~~Branch.

...

~~(24a) Section. – The Alcohol Law Enforcement Section of the Department of Public Safety.~~

...."

SECTION 17.1.(ttt) G.S. 114-19(a), recodified as G.S. 143B-906 by subsection (j) of this act, reads as rewritten:

"(a) It shall be the duty of the State Bureau of Investigation to receive and collect ~~police~~ criminal information, to assist in locating, identifying, and keeping records of criminals in this State, and from other states, and to compare, classify, compile, publish, make available and disseminate any and all such information to the sheriffs, constables, police authorities, courts or any other officials of the State requiring such criminal identification, crime statistics and other information respecting crimes local and national, and to conduct surveys and studies for the purpose of determining so far as is possible the source of any criminal conspiracy, crime wave, movement or cooperative action on the part of the criminals, reporting such conditions, and to cooperate with all officials in detecting and preventing."

MISCELLANEOUS PROVISIONS

SECTION 17.1.(uuu) The Department of Public Safety shall consolidate ALE and SBI Regions and Regional Offices. These regional offices shall be operational by October 1, 2014.

SECTION 17.1.(vvv) The Department of Public Safety shall make the following reports on progress implementing this section to the Joint Legislative Oversight Committee on Justice and Public Safety:

- (1) An interim report on or before January 1, 2015.
- (2) A second interim report on or before April 1, 2015.
- (3) A final report on or before October 1, 2015. This report may include any recommendations for changes to applicable statutes.

SECTION 17.1.(xxx) Subsection (ooo) of this section is effective when it becomes law. The remainder of this section becomes effective July 1, 2014.

STUDY MERGER OF STATE CRIME LAB AND OFFICE OF THE STATE MEDICAL EXAMINER

SECTION 17.3. The Joint Legislative Oversight Committee on Justice and Public Safety and the Joint Legislative Oversight Committee on Health and Human Services shall jointly study merging the North Carolina State Crime Laboratory and the Office of the State Medical Examiner into a single independent State agency and shall report their findings and

recommendations to the 2015 General Assembly. The study and report required by this section shall include at least the following:

- (1) An examination of whether the quality or quantity of services provided by each agency would improve if the two agencies were merged into a single independent State agency.
- (2) An analysis of potential cost-savings that might be realized as a result of the merger.
- (3) Identification of potential obstacles to the merger.

ENSURE PROPER ROLE FOR ATTORNEY GENERAL

SECTION 17.3A.(a) G.S. 120-32.6 reads as rewritten:

"§ 120-32.6. Certain employment authority.

(a) Use of Private Counsel. – G.S. 114-2.3 and G.S. 147-17 (a) through (c) shall not apply to the General Assembly.

(b) General Assembly as Client of Attorney General by Operation of Law. – Whenever the validity or constitutionality of an act of the General Assembly or a provision of the Constitution of North Carolina is the subject of an action in any court of this State, if the General Assembly hires outside counsel to represent the General Assembly in connection with that action, the General Assembly shall be deemed to be a client of the Attorney General for purposes of that action as a matter of law.

(c) General Assembly Counsel Shall Be Lead Counsel. – In those instances when the General Assembly employs counsel in addition to or other than the Attorney General, the Speaker of the House of Representatives and the President Pro Tempore of the Senate may jointly designate the counsel employed by the General Assembly as lead counsel. The lead counsel so designated shall possess final decision-making authority with respect to the representation, counsel, or service, and other cocounsel shall, consistent with the Rules of Professional Conduct, cooperate with such designated lead counsel.

(d) The rights provided by this section shall be supplemental to those provided by any other provision of law."

SECTION 17.3A.(b) This section is effective when it becomes law.

TRANSFER PRIVATE PROTECTIVE SERVICES BOARD AND ALARM SYSTEMS LICENSING BOARD TO THE DEPARTMENT OF PUBLIC SAFETY

SECTION 17.5.(a) The Private Protective Services Board and the Alarm Systems Licensing Board are hereby transferred to the Department of Public Safety. These transfers shall have all of the elements of a Type II transfer, as described in G.S. 143A-6.

SECTION 17.5.(b) The following statutes are amended by deleting "Attorney General" wherever it appears and substituting "Secretary of Public Safety": G.S. 74C-6, 74C-7, and 74C-13.

SECTION 17.5.(c) G.S. 74C-4 reads as rewritten:

"§ 74C-4. Private Protective Services Board established; members; terms; vacancies; compensation; meetings.

(a) The Private Protective Services Board is hereby established in the ~~Department of Justice~~ Department of Public Safety to administer the licensing and set educational and training requirements for persons, firms, associations, and corporations engaged in a private protective services profession within this State.

(b) The Board shall consist of 14 members: ~~the Attorney General or his~~ the Secretary of Public Safety or the Secretary's designated representative, ~~two persons appointed by the Attorney General, one person~~ three persons appointed by the Governor, five persons appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and five persons appointed by the General Assembly upon the recommendation of the

1 Speaker of the House of Representatives. All appointments by the General Assembly shall be
2 subject to the provisions of G.S. 120-121, and vacancies in the positions filled by those
3 appointments shall be filled pursuant to G.S. 120-122. One of those persons appointed by the
4 General Assembly upon the recommendation of the President Pro Tempore of the Senate and
5 all five persons appointed by the General Assembly upon the recommendation of the Speaker
6 of the House of Representatives shall be licensees under this Chapter; all other appointees may
7 not be licensees of the Board nor licensed by the Board while serving as Board members. All
8 persons appointed shall serve terms of three years. With the exception of the ~~Attorney General~~
9 ~~or his Secretary of Public Safety or the Secretary's designated representative~~, no person shall
10 serve more than eight consecutive years on the ~~Board, including years of service prior and~~
11 ~~subsequent to July 1, 1983.~~ Board. Board members may continue to serve until their successors
12 have been appointed.

13"

14 **SECTION 17.5.(d)** G.S. 74C-6, as rewritten by subsection (b) of this section, reads
15 as rewritten:

16 **"§ 74C-6. Position of Director created.**

17 The position of Director of the Private Protective Services Board is hereby created within
18 the ~~Department of Justice.~~ Department of Public Safety. The Secretary of Public Safety shall
19 appoint a person to fill this full-time position. The Director's duties shall be to administer the
20 directives contained in this Chapter and the rules promulgated by the Board to implement this
21 Chapter and to carry out the administrative duties incident to the functioning of the Board in
22 order to actively police the private protective services industry to ensure compliance with the
23 law in all aspects."

24 **SECTION 17.5.(e)** G.S. 74D-4(b) reads as rewritten:

25 "(b) The Board shall consist of seven members: the ~~Attorney General~~ Secretary of Public
26 Safety or his designee; two persons appointed by the Governor, one of whom shall be licensed
27 under this Chapter and one of whom shall be a public member; two persons appointed by the
28 General Assembly upon the recommendation of the President Pro Tempore of the Senate in
29 accordance with G.S. 120-121, one of whom shall be licensed under this Chapter and one of
30 whom shall be a public member; and two persons appointed by the General Assembly upon the
31 recommendation of the Speaker of the House of Representatives in accordance with
32 G.S. 120-121, one of whom shall be licensed under this Chapter and one of whom shall be a
33 public member."

34 **SECTION 17.5.(f)** G.S. 74D-5.1 reads as rewritten:

35 **"§ 74D-5.1. Position of Director created.**

36 The position of Director of the Alarm Systems Licensing Board is hereby created within the
37 Department of ~~Justice.~~ Public Safety. The ~~Attorney General~~ Secretary of Public Safety shall
38 appoint a person to fill this full-time position. The Director's duties shall be to administer the
39 directives contained in this Chapter and the rules promulgated by the Board to implement this
40 Chapter and to carry out the administrative duties incident to the functioning of the Board in
41 order to actively police the alarm systems industry to insure compliance with the law in all
42 aspects. The Director may issue a temporary grant or denial of a request for registration subject
43 to final action by the Board at its next regularly scheduled meeting."

44 **SECTION 17.5.(g)** G.S. 74D-5.2 reads as rewritten:

45 **"§ 74D-5.2. Investigative powers of the ~~Attorney General~~ Secretary of Public Safety.**

46 The ~~Attorney General for the State of North Carolina~~ Secretary of Public Safety shall have
47 the power to investigate or cause to be investigated any complaints, allegations, or suspicions
48 of wrongdoing or violations of this Chapter involving individuals licensed, or to be licensed,
49 under this Chapter. Any investigation conducted pursuant to this section is deemed confidential
50 and is not subject to review under G.S. 132-1 until the investigation is complete and a report is

presented to the Board. However, the report may be released to the licensee after the investigation is complete but before the report is presented to the Board."

PART XVIII. JUDICIAL DEPARTMENT

SUBPART XVIII-A. OFFICE OF INDIGENT DEFENSE SERVICES

INDIGENT DEFENSE SERVICES FEE TRANSPARENCY

SECTION 18A.1. The Office of Indigent Defense Services, in consultation and cooperation with the Office of the State Controller, the Office of State Budget and Management, and the Technology Services Division of the Administrative Office of the Courts, shall develop a plan for making all fee applications by attorneys publicly available online. The plan shall provide for (i) the information to be updated at least monthly, (ii) the fee applications to be searchable, and (iii) all fee applications in capital cases to be clearly labeled as such. The Office of Indigent Defense Services shall report on this plan to the Chairs of the Senate Appropriations Committee on Justice and Public Safety, the Chairs of the House Appropriations Subcommittee on Justice and Public Safety, and the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by October 1, 2014.

FINAL REPORT ON CRIMINAL CASE INFORMATION SYSTEM

SECTION 18A.2. Section 18B.10 of S.L. 2013-360 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. The Administrative Office of the Courts shall make an interim report on the development and implementation of this system by February 1, 2014, and a final report on the completed implementation of the system by ~~March 1, 2015~~ July 1, 2015, to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and to the Chairs of the House of Representatives Appropriations Subcommittee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety."

SUBPART XVIII-B. ADMINISTRATIVE OFFICE OF THE COURTS

AMEND VARIOUS PROVISIONS REQUIRING REPORTS ON THE OPERATIONS OF THE COURTS

SECTION 18B.1.(a) 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 to ~~each member of the General Assembly~~ the Chairs of the House of Representatives Appropriations Subcommittee 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. The annual report shall include the activities of each North Carolina Business Court site,

including the number of new, closed, and pending cases, the average age of pending cases, and the annual expenditures for the prior fiscal year.

...."

SECTION 18B.1.(b) G.S. 7A-343.2 reads as rewritten:

"§ 7A-343.2. Court Information Technology Fund.

(a) Fund. – The Court Information Technology Fund is established within the Judicial Department as a special revenue fund. Interest and other investment income earned by the Fund accrues to it. The Fund consists of the following revenues:

- (1) All monies collected by the Director pursuant to G.S. 7A-109(d) and G.S. 7A-49.5.
- (2) State judicial facilities fees credited to the Fund under G.S. 7A-304 through G.S. 7A-307.

(b) Use. – Money in the Fund derived from State judicial facilities fees must be used to upgrade, maintain, and operate the judicial and county courthouse phone systems. All other monies in the Fund must be used to supplement funds otherwise available to the Judicial Department for court information technology and office automation needs.

(c) Report. – The Director must report annually by August 1 and February 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety. The report must include the following:

- (1) Amounts credited in the preceding six months year to the Fund.
- (2) Amounts expended in the preceding six months year from the Fund and the purposes of the expenditures.
- (3) Proposed expenditures of the monies in the Fund."

SECTION 18B.1.(c) G.S. 7A-809 reads as rewritten:

"§ 7A-809. Reports.

The Conference of Clerks of Superior Court shall, in consultation with the registers of deeds, annually study the status of the individual counties and judicial districts as to whether or not the clerks of superior court or the registers of deeds are implementing G.S. 132-1.10(f1) and report results of the study to the Joint Legislative Commission on Governmental Operations Chairs of the House of Representatives Appropriations Subcommittee 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 on or before March 1 of each year."

SECTION 18B.1.(d) Section 15.4 of S.L. 2009-451 is repealed.

SECTION 18B.1.(e) Article 7 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-45.5. Annual report on Business Court activities.

The Administrative Office of the Courts shall report to the Chairs of the House of Representatives Appropriations Subcommittee 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 by March 1 of each year on the activities of each North Carolina Business Court site, including the number of new, closed, and pending cases, average age of pending cases, and annual expenditures for the prior fiscal year."

SECTION 18B.1.(f) G.S. 15A-1475 reads as rewritten:

"§ 15A-1475. Reports.

~~Beginning January 1, 2008, and annually thereafter, the~~ The North Carolina Innocence Inquiry Commission shall report annually by February 1 of each year on its activities to the Joint Legislative Oversight Committee on Justice and Public Safety and the State Judicial Council. The report may contain recommendations of any needed legislative changes related to

the activities of the Commission. The report shall recommend the funding needed by the Commission, the district attorneys, and the State Bureau of Investigation in order to meet their responsibilities under S.L. 2006-184. Recommendations concerning the district attorneys or the State Bureau of Investigation shall only be made after consultations with the North Carolina Conference of District Attorneys and the Attorney General."

SECTION 18B.1.(g) G.S. 7A-38.6 is repealed.

SECTION 18B.1.(h) G.S. 7A-409.1(g) reads as rewritten:

"(g) The State Judicial Council shall report annually to the General Assembly Chairs of the House of Representatives Appropriations Subcommittee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety, to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety, and to the Chief Justice no later than December 31, 2009, and no later than December 31 of every third year, regarding the implementation of S.L. 2006-184 S.L. 2006-184, the act creating the North Carolina Innocence Inquiry Commission, and shall include in its report the statistics regarding inquiries and any recommendations for changes. The House of Representatives and the Senate shall refer the report of the State Judicial Council to the Joint Legislative Oversight Committee on Justice and Public Safety and such other committees as the Speaker of the House of Representatives or the President Pro Tempore of the Senate shall deem appropriate, for their review."

SECTION 18B.1.(i) Section 18A.1 of S.L. 2013-360 is repealed.

SECTION 18B.1.(j) Article 39B of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 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 on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety by February 1 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."

SECTION 18B.1.(k) Section 18A.4 of S.L. 2013-360 reads as rewritten:

"SECTION 18A.4. The Office of Indigent Defense Services shall issue a request for proposals from private law firms or not-for-profit legal representation organizations for the provision of all classes of legal cases for indigent clients in all judicial districts. The Office of Indigent Defense Services shall report on the issuance of this request for proposals to the ~~Joint Legislative Commission on Governmental Operations by October 1, 2013.~~ Chairs of the House of Representatives Appropriations Subcommittee 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 by October 1 of each year. In cases where the proposed contract can provide representation services more efficiently than current costs and ensure that the quality of representation is sufficient to meet applicable constitutional and statutory standards, the Office of Indigent Defense Services shall use private assigned counsel funds to enter into contracts for this purpose. In selecting contracts, the Office of Indigent Defense Services shall consider the cost-effectiveness of the proposed contract. Disputes regarding the ability of the potential contractor to provide effective representation for

clients served by the contract shall be determined by the senior resident superior court judge for the district."

ANNUAL REPORT ON CRIMINAL COURT COST WAIVERS

SECTION 18B.2. Section 15.10(b) of S.L. 2011-145 reads as rewritten:

"**SECTION 15.10.(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~~ Chairs of the Senate Appropriations Committee on Justice and Public Safety, the Chairs of the House Appropriations Subcommittee 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."

COMPENSATION OF COURT REPORTERS

SECTION 18B.3. Section 18B.21 of S.L. 2013-360 reads as rewritten:

"**SECTION 18B.21.** The Administrative Office of the Courts, in consultation with the National Center for State Courts, shall study the most effective and efficient deployment of court reporters to produce timely records of court proceedings and the most appropriate and effective compensation for court reporters. The Administrative Office of the Courts shall make an interim report of its findings and recommendations to the Chairs of the House of Representatives Appropriations Subcommittee 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 by February 1, 2014. February 1, 2014, and a final report of its findings and recommendations by September 1, 2014."

TRAINING FOR SUPERIOR AND DISTRICT COURT JUDGES

SECTION 18B.5. The School of Government at the University of North Carolina at Chapel Hill, in cooperation with the Administrative Office of the Courts, the North Carolina Association of District Court Judges, the North Carolina Conference of Superior Court Judges, and the State Crime Laboratory, shall ensure that the continuing judicial education programs coordinated by the School of Government incorporate content related to the proper custody and handling of biological evidence, including relevant information about the work of the State Crime Laboratory. The topic shall be addressed in continuing legal education programs for superior and district court judges on a regular basis.

ABOLISH TWO SPECIAL SUPERIOR COURT JUDGESHIPS/AUTHORIZE TWO ADDITIONAL BUSINESS COURT JUDGES/PROVIDE FOR THE APPOINTMENT OF BUSINESS COURT JUDGES BY THE GOVERNOR IN CONSULTATION WITH THE CHIEF JUSTICE

SECTION 18B.6.(a) G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a8) Notwithstanding any other provision of this section, the two special superior court judgeships held as of April 1, 2014, by judges whose terms expire on January 26, 2016, are abolished when any of the following first occurs:

- (1) Retirement of the incumbent judge.
- (2) Resignation of the incumbent judge.
- (3) Removal from office of the incumbent judge.
- (4) Death of the incumbent judge.
- (5) Expiration of the term of the incumbent judge."

SECTION 18B.6.(b) G.S. 7A-45.3 reads as rewritten:

"§ 7A-45.3. Superior court judges designated for complex business cases.

(a) ~~The Chief Justice may exercise the authority under rules of practice prescribed pursuant to G.S. 7A-34 to designate one or more of the special superior court judges authorized by G.S. 7A-45.1 Governor, in consultation with the Chief Justice, shall appoint up to five special superior court judges as initially provided for in subsections (b) and (c) of this section to hear and decide complex business cases as prescribed by the rules of practice. Any judge so designated appointed shall be known as a Business Court Judge business court judge and shall preside in the Business Court business court. If there is more than one business court judge, the Chief Justice may designate one of them as the Senior Business Court Judge senior business court judge. If there is no designation by the Chief Justice, the judge with the longest term of service on the court shall serve as Senior Business Court Judge senior business court judge until the Chief Justice makes an appointment to the position.~~

(b) ~~The three special superior court judges designated by the Chief Justice as of April 1, 2014, as business court judges shall serve as three of the business court judges authorized under subsection (a) of this section until each judge's retirement, resignation, removal from office, or death or until the expiration of that judge's term. Upon the occurrence of each judge's retirement, resignation, removal from office, or death or until the expiration of the judge's term, the Governor shall appoint a successor as provided in subsection (a) of this section.~~

(c) ~~Notwithstanding the provisions of G.S. 7A-45.1, the two additional business court judges shall be filled by appointment of the Governor as provided in subsection (a) of this section upon the retirement, resignation, removal from office, or death or until the expiration of the term of the incumbent judge of each of the two special superior court judgeships held as of April 1, 2014, by judges whose terms expire on April 29, 2015, and October 20, 2015.~~

(d) ~~Upon appointment, each business court judge shall serve a term expiring five years from the date that each judge takes office."~~

AUTHORIZE THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A PRIVATE HOSPITAL PERFORMING TOXICOLOGICAL TESTING FOR A PROSECUTORIAL DISTRICT

SECTION 18B.14.(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. No costs may be assessed when a case is dismissed. Only upon entry of a written order, supported by findings of fact and conclusions of law, determining that there is just cause, the court may (i) waive costs assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a), (11), ~~or (12)~~ (12), or (13) of this section.

...

(7) For the services of the North Carolina State Crime Laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the Department of Justice for support of the Laboratory. This cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed DNA analysis of the crime, tests of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent.

(8) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the general fund of the local

governmental unit that operates the laboratory to be used for law enforcement purposes. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed DNA analysis of the crime, test of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The costs shall be assessed only if the court finds that the work performed at the local government's laboratory is the equivalent of the same kind of work performed by the North Carolina State Crime Laboratory under subdivision (7) of this subsection.

(8a) For the services of any private hospital performing toxicological testing under contract with a prosecutorial district, the district or superior court judge shall, upon conviction, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the State Treasurer for the support of the General Court of Justice. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed testing of bodily fluids of the defendant for the presence of alcohol or controlled substances. The costs shall be assessed only if the court finds that the work performed by the local hospital is the equivalent of the same kind of work performed by the North Carolina State Crime Laboratory under subdivision (7) of this subsection.

...

(11) For the services of an expert witness employed by the North Carolina State Crime Laboratory who completes a chemical analysis pursuant to G.S. 20-139.1 or a forensic analysis pursuant to G.S. 8-58.20 and provides testimony about that analysis in a defendant's trial, the district or superior court judge shall, upon conviction of the defendant, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the Department of Justice for support of the State Crime Laboratory. This cost shall be assessed only in cases in which the expert witness provides testimony about the chemical or forensic analysis in the defendant's trial and shall be in addition to any cost assessed under subdivision (7) of this subsection.

(12) For the services of an expert witness employed by a crime laboratory operated by a local government or group of local governments who completes a chemical analysis pursuant to G.S. 20-139.1 or a forensic analysis pursuant to G.S. 8-58.20 and provides testimony about that analysis in a defendant's trial, the district or superior court judge shall, upon conviction of the defendant, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the general fund of the local governmental unit that operates the laboratory to be used for local law enforcement. This cost shall be assessed only in cases in which the expert witness provides testimony about the chemical or forensic analysis in the defendant's trial and shall be in addition to any cost assessed under subdivision (8) of this subsection.

(13) For the services of an expert witness employed by a private hospital performing toxicological testing under contract with a prosecutorial district who completes a chemical analysis pursuant to G.S. 20-139.1 and provides testimony about that analysis in a defendant's trial, the district or superior court judge shall, upon conviction of the defendant, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the State Treasurer for the support of the General Court of Justice. This cost shall be assessed only

in cases in which the expert witness provides testimony about the chemical analysis in the defendant's trial and shall be in addition to any cost assessed under subdivision (8a) of this subsection."

SECTION 18B.14.(b) This section becomes effective December 1, 2014, and applies to fees assessed or collected on or after that date.

PART XIX. DEPARTMENT OF CULTURAL RESOURCES

CAP GRANTS FROM STATE AID TO LIBRARIES FUND

SECTION 19.2. The Department of Cultural Resources shall not allocate a grant to a municipal or single-county library from the Aid to Public Libraries Fund that exceeds four hundred thousand dollars (\$400,000) for the 2014-2015 fiscal year.

QUEEN ANNE'S REVENGE PROJECT SPECIAL FUND

SECTION 19.4. Part 1 of Article 2 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-53.3. Queen Anne's Revenge Project.

(a) Fund. – The Queen Anne's Revenge Project Special Fund is created as a special, interest-bearing revenue fund within the Department of Cultural Resources, Office of Archives and History. The Fund shall consist of all receipts derived from private donations, grant funds, and earned revenue. The revenue in the Fund may be used only for contracted services, personal services and operations, conference and meeting expenses, travel, staff salaries, operations for laboratory needs, museum exhibits, and other administrative costs related to the Queen Anne's Revenge Project. The staff of the Office of Archives and History and the Department of Cultural Resources shall determine how the funds will be used for the purposes of the Queen Anne's Revenge Project, and those funds are hereby appropriated for those purposes.

(b) Application. – This section applies to the Queen Anne's Revenge, the historic shipwreck owned by the State and managed by the Department of Cultural Resources, Office of Archives and History.

(c) Reports. – The Department of Cultural Resources shall submit a report by September 30 of each year to the Joint Legislative Commission on Governmental Operations, the House of Representatives Appropriations Subcommittee on General Government, the Senate Appropriations Committee on General Government and Information Technology, and the Fiscal Research Division. This report shall include the source and amount of all funds credited to the Fund and the purpose and amount of all expenditures from the Fund during the prior fiscal year.

EXEMPT DCR FROM OPERATING RULES REQUIREMENTS RELATED TO HISTORIC SITES AND MUSEUMS

SECTION 19.5.(a) G.S. 121-7.3 reads as rewritten:

"§ 121-7.3. Admission and related activity fees.~~fees and operating hours.~~

The Department of Cultural Resources may charge a reasonable admission and related activity fee to any historic site or museum administered by the Department. Admission and related activity fees collected under this section are receipts of the Department and shall be deposited in the appropriate special fund. The revenue collected pursuant to this section shall be used only for the individual historic site or museum where the receipts were generated. The Secretary may adopt rules necessary to carry out the provisions of this section. The Department is exempt from the requirements of Chapter 150B of the General Statutes and G.S. 12-3.1 when adopting, amending, or repealing rules for operating hours and admission fees or related activity fees at historic sites and museums. The Department shall submit a report to the Joint