

House Appropriations Committee on Justice and Public Safety

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



May 14, 2015

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-DPS-H2-P

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by: Representative

GRANT REPORTING AND MATCHING FUNDS

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

SECTION #.(b) Notwithstanding the provisions of G.S. 143C-6-9, the Department of Public Safety may use up to the sum of one million two hundred thousand dollars (\$1,200,000) during the 2015-2016 fiscal year and up to the sum of one million two hundred thousand dollars (\$1,200,000) during the 2016-2017 fiscal year from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2015-DPS-H3-P

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by: Representative

CHANGE RECIPIENTS OF VICTIMS' COMPENSATION REPORT

SECTION #. G.S. 15B-21 reads as rewritten:

"§ 15B-21. Annual report.

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

The report shall include:

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

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

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SPECIAL PROVISION



2015-DPS-H4-P

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by: Representative

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

2 **SECTION #.** Notwithstanding any other provision of law, subject to the approval
3 of the Director of the Budget, the Secretary of the Department of Public Safety may reclassify
4 or eliminate existing positions in the Division of Administration that are not specifically
5 addressed in this act as needed for the efficient operation of the Department. No position shall
6 be reclassified pursuant to this section solely for the purpose of providing a person in that
7 position with a salary increase. The Secretary of the Department of Public Safety shall report
8 any position reclassification undertaken pursuant to this section to the chairs of the House and
9 Senate Appropriations Committees on Justice and Public Safety and the Fiscal Research
10 Division within 30 days of the reclassification. The report shall include the position number,
11 original title, original fund code, original budgeted salary, new title, new fund code, and new
12 budgeted salary for each reclassified position.

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SPECIAL PROVISION



2015-CORR-H20-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***SAMARCAND TRAINING ACADEMY***

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

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SPECIAL PROVISION



2015-CORR-H21-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

- 1 ***TRANSFER FROM STATEWIDE MISDEMEANANT CONFINEMENT FUND***
- 2 **SECTION #.** There is transferred from the Statewide Misdemeanant Confinement
- 3 Fund (Budget Code 24550-2325) to the General Fund the sum of two million eight hundred
- 4 ninety-eight thousand seven hundred seventy-nine dollars (\$2,898,779) for the 2015-2016 fiscal
- 5 year.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2015-LAW-H1-P

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

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

SECTION #.(a) Assets transferred to the Department of Justice or to the Department of Public Safety during the 2015-2017 fiscal biennium pursuant to applicable federal law shall be credited to the budgets of the respective departments and shall result in an increase of law enforcement resources for those departments. The Departments of Justice and Public Safety shall make the following reports to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety:

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

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

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

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2015-LAW-H2-P

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

- 1 ***VOICE INTEROPERABILITY PLAN FOR EMERGENCY RESPONSE (VIPER) SYSTEM***
- 2 **SECTION #.** The Department of Public Safety shall report annually no later than
- 3 March 1 to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety
- 4 on the progress of the State's VIPER system.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2015-LAW-H3-P

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

GANGNET REPORT AND RECOMMENDATIONS

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

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2015-LAW-H4-P

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***STATE CAPITOL POLICE/RECEIPT-SUPPORTED POSITIONS***

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

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

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2015-LAW-H5-P

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

CHANGES TO EXPUNCTION AND METHAMPHETAMINE REPORTING REQUIREMENTS

SECTION #.(a) G.S. 15A-160 reads as rewritten:

"§ 15A-160. Reporting requirement.

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

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

SECTION #.(b) G.S. 90-113.64 reads as rewritten:

"§ 90-113.64. SBI annual report.

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

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2015-LAW-H6-P

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***CLARIFY BOXING COMMISSION FEE***

2 **SECTION #.(a)** G.S. 143-655(b1) reads as rewritten:

3 "(b1) Admission Fees. – The Branch shall collect a fee in the amount of two dollars
4 (\$2.00) per ~~each ticket sold~~ spectator to attend events regulated in this Article."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2015-LAW-H7-P

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

1 *SBI/ALE ASHEVILLE REGIONAL OFFICE*

2 SECTION #. Section 17.1(aaaa) of S.L. 2014-100 reads as rewritten:

3 "SECTION 17.1(aaaa) The Department of Public Safety shall consolidate ALE and SBI
4 Regions and Regional Offices. The Asheville Regional Office shall be operational ~~by July 1,~~
5 2015-upon completion of a new facility. All other Regional Offices shall be operational by
6 October 1, 2014."

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2015-LAW-H8-P

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

CLARIFY HAZARDOUS MATERIALS FEE

SECTION #.(a) G.S. 166A-29.1 reads as rewritten:

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

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

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

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

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

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

(d) Late Fees. – The Division may impose a late fee against a person or business for failure to submit a report or filing that substantially complies with the requirements of EPCRA

1 by the federal filing deadline or for failure to pay any fee, including a late fee. This fee shall be
2 in addition to the fee imposed pursuant to subsection (c) of this section. Prior to imposing a late
3 fee, the Division shall provide the person or business who will be assessed the late fee with
4 written notice that identifies the specific requirements that have not been met and informs the
5 person or business of its intent to assess a late fee. The assessment of a late fee shall be subject
6 to the following limitations:

- 7 (1) If the report filing or fee is submitted within 30 days after receipt of the
8 Division's notice that it intends to assess a late fee, no late fee shall be
9 assessed.
- 10 (2) If the report filing or fee has not been submitted by the end of the period set
11 forth in subdivision (1) of this subsection, the Division may impose a late fee
12 in an amount equal to the amount of the fee charged pursuant to subsection
13 (c) of this section.
- 14 (e) Exemptions. – No fee shall be charged under this section to any of the following:
 - 15 (1) An owner or operator of a family farm enterprise, a facility owned by a State
16 or local government, or a nonprofit corporation.
 - 17 (2) An owner or operator of a facility where motor vehicle fuels are stored and
18 from which such fuels are offered for retail sale. However, hazardous
19 chemicals or extremely hazardous substances at such a facility, other than
20 motor vehicle fuels for retail sale, shall not be subject to this exemption.
 - 21 (3) A motor vehicle dealer, as that term is defined in G.S. 20-286(11).

22 (f) Use of Fee Proceeds. – The proceeds of fees assessed pursuant to this section shall
23 be used for the following:

- 24 (1) To ~~pay-offset~~ costs associated with the establishment and maintenance of a
25 hazardous materials ~~database~~ database and a hazardous materials response
26 application.
- 27 (2) To ~~support the offset costs associated with the~~ operations of the regional
28 response program for hazardous materials emergencies and terrorist
29 incidents.
- 30 (3) To provide grants to counties for hazardous materials emergency response
31 planning, training, and related exercises.
- 32 (4) To offset Division costs that directly support hazardous materials emergency
33 preparedness and response."

34 **SECTION #.(b)** This section becomes effective on July 1, 2015, and applies to
35 fees assessed or collected on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION



2015-NATG-H1-P

National Guard
House Appropriations, Justice and Public Safety

Requested by: Representative

*AMEND NATIONAL GUARD FAMILY ASSISTANCE CENTERS ANNUAL REPORT
REQUIREMENTS*

SECTION #. Section 1(b) of S.L. 2011-185 reads as rewritten:

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-CORR-H1-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2015-CORR-H2-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION



2015-CORR-H16-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***USE OF CLOSED FACILITIES***

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

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2015-CORR-H3-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

MEDICAL COSTS FOR INMATES AND JUVENILE OFFENDERS

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

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

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

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

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

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

- (1) The percentage of the total inmates and juvenile offenders requiring hospitalization or hospital services who receive that treatment at each hospital.
- (2) The volume of services provided by community medical providers that can be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers.
- (3) The volume of services provided by community medical providers that cannot be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers.
- (4) The volume of services provided by community medical providers that are emergent cases requiring hospital admissions and emergent cases not requiring hospital admissions.

- 1 (5) The volume of inpatient medical services provided to Medicaid-eligible
- 2 inmates and juvenile offenders, the cost of treatment, and the estimated
- 3 savings of paying the nonfederal portion of Medicaid for the services.
- 4 (6) The hospital utilization, including the amount paid to individual hospitals,
- 5 the number of inmates and juvenile offenders served, and the number of
- 6 claims."

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2015-CORR-H4-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

STATEWIDE MISDEMEANANT CONFINEMENT FUND/MONTHLY AND ANNUAL REPORTS

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

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

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

- (1) Revenue collected by the Statewide Misdemeanant Confinement Program.
- (2) The cost of housing prisoners by county under the Program.
- (3) The cost of transporting prisoners by county under the Program.
- (4) Personnel costs by county.
- (5) Inmate medical care costs by county.
- (6) The number of counties that volunteer to house inmates under the Program.
- (7) The administrative costs paid to the Sheriffs' Association and to the Department of Public Safety.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

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SPECIAL PROVISION



2015-CORR-H5-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***INMATE CONSTRUCTION PROGRAM***

2 **SECTION #.** Notwithstanding G.S. 66-58 or any other provision of law, during the
3 2015-2017 fiscal biennium, the State Construction Office may, wherever feasible, utilize
4 inmates in the custody of the Division of Adult Correction of the Department of Public Safety
5 through the Inmate Construction Program for repair and renovation projects on State-owned
6 facilities, with priority given to Department of Public Safety construction projects.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2015-CORR-H6-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***MAINTENANCE OF PRISONS***

2 **SECTION #.** The Department of Public Safety shall not expand private
3 maintenance contracts to additional prison facilities or continue existing private contracts for
4 prison maintenance unless authorized by the General Assembly. If the Department determines
5 that expanding private maintenance contracts to additional prison facilities or continuing
6 existing contracts is necessary, then it shall submit its request to the General Assembly by May
7 1, 2016, stating (i) the ways in which the State can realize savings by doing so and (ii) that
8 safety can be maintained at the facilities where those contracts are expanded or continued.

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2015-CORR-H7-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***DETER INMATE ACCESS TO CELL PHONES***

2 **SECTION #.** The Department of Public Safety, Division of Adult Correction, may
3 use funds available to fund enhanced prison security technology to deter illegal access of cell
4 phones by inmates in the State's prison system. The Division of Adult Correction is encouraged
5 to identify non-General Fund sources of funds, including federal and foundation grants and
6 other receipts, to achieve this purpose.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION



2015-CORR-H13-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

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

SECTION #.(a) G.S. 148-37(i) reads as rewritten:

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

SECTION #.(b) G.S. 148-37.2 is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-CORR-H14-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

ANNUAL REPORT ON SAFEKEEPERS

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

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

The Department of Public Safety shall report by October 1 of each year to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on county prisoners housed in the State prison system pursuant to safekeeping orders under G.S. 162-39(b) to avoid security risks in county jails or due to insufficient or inadequate county facilities. The report shall include:

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-CORR-H15-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***COLLECTION OF DELINQUENT SAFEKEEPER REIMBURSEMENTS***

2 SECTION #. G.S. 148-10.4 is amended by adding a new subsection to read:

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-CORR-H17-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***PRISON BEHAVIORAL HEALTH POSITIONS***

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-CORR-H9-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

PAROLE ELIGIBILITY REPORT

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

"§ 143B-721.1. Parole eligibility reports.

(a) Each fiscal year the Post-Release Supervision and Parole Commission shall, with the assistance of the North Carolina Sentencing and Policy Advisory Commission and the Department of Public Safety, analyze the amount of time each inmate who is eligible for parole on or before July 1 of the previous fiscal year has served compared to the time served by offenders under Structured Sentencing for comparable crimes. The Commission shall determine if the person has served more time in custody than the person would have served if sentenced to the maximum sentence under the provisions of Article 81B of Chapter 15A of the General Statutes. The "maximum sentence", for the purposes of this section, shall be calculated as set forth in subsection (b) of this section.

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

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

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

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

(c) The Post-Release Supervision and Parole Commission shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety by April 1 of each year. The report shall include the following: the class of the offense for which each parole-eligible inmate was convicted and whether an inmate had multiple criminal convictions. The Commission shall reinstate the parole review process for each offender who has served more time than that person would have under Structured Sentencing as provided by subsections (a) and (b) of this section.

- 1 The Commission shall also report on the number of parole-eligible inmates reconsidered in
- 2 compliance with this section and the number who were actually paroled."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-CORR-H12A

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

PROBATION AND PAROLE VEHICLES

SECTION #.(a) G.S. 143-341(i) reads as rewritten:

"§ 143-341. Powers and duties of Department.

The Department of Administration has the following powers and duties:

(8) General Services:

i. To establish and operate a central motor pool and such subsidiary related facilities as the Secretary may deem necessary, and to that end:

3. To require on a schedule determined by the Department all State agencies to transfer ownership, custody or control of any or all passenger motor vehicles within the ownership, custody or control of that agency to the Department, except those motor vehicles (i) under the ownership, custody or control of the Highway Patrol, the State Bureau of Investigation, or the constituent institutions of The University of North Carolina which are used primarily for law-enforcement purposes; or (ii) under the ownership, custody, or control of the Section of Community Corrections of the Division of Adult Correction of the Department of Public Safety that are used primarily for supervising offenders who have been placed on probation, parole, post-release supervision, or other community-based programs.

..."

SECTION #.(b) All vehicles exempted from motor fleet requirements under G.S. 143-341(8)i.3.(ii), as enacted by subsection (a) of this section, that are assigned to probation and parole positions in the Section of Community Corrections of the Division of Adult Correction of the Department of Public Safety and housed with the Department of Administration as of June 30, 2015, are transferred to the Department of Public Safety effective July 1, 2015.

SECTION #.(c) Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-707.5. Probation and parole vehicles.

The Department of Public Safety shall be responsible for insuring, maintaining, and replacing as needed all vehicles under the ownership, custody, or control of the Section of Community Corrections of the Division of Adult Correction and exempted from the motor fleet

1 requirements under G.S. 143-341(8)i.3.(ii) for use as probation and parole vehicles. The
2 Department may contract with private vendors for the maintenance and upfitting of those
3 vehicles, or it may use resources within the Department for those purposes if the costs are
4 equivalent or cost-savings may be realized by doing so. The Department shall report annually
5 to the Chairs of the House of Representatives and Senate Appropriations Committees on Justice
6 and Public Safety and the Chairs of the Joint Legislative Oversight Committee on Justice and
7 Public Safety on the number of vehicles being used as probation and parole vehicles, the
8 replacement schedule for those vehicles, and the costs of fueling, insuring, and maintaining
9 those vehicles."

10 **SECTION #.(d)** The Department of Administration shall transfer from the Motor
11 Fleet Fund to the Department of Public Safety up to the sum of ten million one hundred twenty-
12 one thousand sixty-nine dollars (\$10,121,069) during the 2015-2017 biennium for the purchase
13 of vehicles for probation and parole officers.

14 **SECTION #.(e)** The Department of Public Safety may use funds appropriated to
15 the Department for probation and parole vehicles to create new positions within the Department
16 for the support and maintenance of those vehicles if it finds, pursuant to its authority under G.S.
17 143B-707.5, as enacted by subsection (c) of this section, that the costs are equivalent or that
18 cost-savings may be realized by using Department resources rather than contracting with
19 private vendors. The Department shall report by July 1, 2016, to Chairs of the House of
20 Representatives and Senate Appropriations Committees on Justice and Public Safety and the
21 Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on any
22 positions created pursuant to this subsection.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-CORR-H19-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

INTERSTATE COMPACT FEES TO SUPPORT OPERATING NEEDS

SECTION #. G.S. 148-65.7(a) reads as rewritten:

"(a) Persons convicted in this State who make a request for transfer to another state pursuant to the compact shall pay a transfer application of two hundred fifty dollars (\$250.00) for each transfer application submitted. The transfer application fee shall be paid to the Compact Commissioner upon submission of the transfer application. The Commissioner or the Commissioner's designee may waive the application fee if either the Commissioner or the Commissioner's designee finds that payment of the fee will constitute an undue economic burden on the offender.

All fees collected pursuant to this section shall be deposited in the Interstate Compact Fund and shall be used ~~only~~ to support administration of the Interstate ~~Compact.~~ Compact and operational costs for the Section of Community Corrections of the Division of Adult Correction.

The Interstate Compact Fund is established within the Division of Adult Correction of the Department of Public Safety as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert, and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Division of Adult Correction of the Department of Public Safety pursuant to this subsection shall be remitted to the State Treasurer to be deposited and held in this Fund. Moneys in the Fund shall be used to supplement funds otherwise available to the Division of Adult Correction of the Department of Public Safety for the administration of the Interstate ~~Compact.~~ Compact and operational costs for the Section of Community Corrections."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-JUV-H1-P

Division of Juvenile Justice - DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

LIMIT USE OF COMMUNITY PROGRAM FUNDS

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

- (1) Other statewide residential programs that provide Level 2 intermediate dispositional alternatives for juveniles.
- (2) Statewide community programs that provide Level 2 intermediate dispositional alternatives for juveniles.
- (3) Regional programs that are collaboratives of two or more Juvenile Crime Prevention Councils which provide Level 2 intermediate dispositional alternatives for juveniles.
- (4) The Juvenile Crime Prevention Council funds to be used for the Level 2 intermediate dispositional alternatives for juveniles listed in G.S. 7B-2506(13) through (23).

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-JUV-H3-P

Division of Juvenile Justice - DPS
House Appropriations, Justice and Public Safety

Requested by: Representative

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

SECTION #. Funds appropriated in this act to the Department of Public Safety for each fiscal year of the 2015-2017 fiscal biennium may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission shall consult with the Department of Public Safety regarding the criteria for awarding federal funds. The Office of State Budget and Management, the Governor's Crime Commission, and the Department of Public Safety shall report to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the 2015-2016 fiscal year, the amount of funds anticipated for the 2016-2017 fiscal year, and the allocation of funds by program and purpose.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-ATTY-H3-P

Attorney General's Office
House Appropriations, Justice and Public Safety

Requested by: Representative

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-ATTY-H4-P

Attorney General's Office
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***AMEND DNA DATABASE REPORTING REQUIREMENTS***

2 **SECTION #.** G.S. 15A-266.5(c) reads as rewritten:

3 "(c) The Crime Laboratory shall report annually to ~~the Joint Legislative Commission on~~
4 ~~Governmental Operations and to~~ the Joint Legislative Oversight Committee on Justice and
5 Public Safety, on or before ~~February 1, September 1,~~ with information for the previous ~~calendar~~
6 ~~fiscal~~ year, which shall include: a summary of the operations and expenditures relating to the
7 DNA Database and DNA Databank; the number of DNA records from arrestees entered; the
8 number of DNA records from arrestees that have been expunged; and the number of DNA
9 arrestee matches or hits that occurred with an unknown sample, and how many of those have
10 led to an arrest and conviction; and how many letters notifying defendants that a record and
11 sample have been expunged, along with the number of days it took to complete the expunction
12 and notification process, from the date of the receipt of the verification form from the State."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-ATTY-H5-P

Attorney General's Office
House Appropriations, Justice and Public Safety

Requested by: Representative

COLLECT DNA/ALL VIOLENT FELONY ARRESTS

SECTION #.(a) G.S. 15A-266.3A(f) reads as rewritten:

"(f) This section shall apply to a person arrested for violating any one of the following offenses in Chapter 14 of the General Statutes:

(1) [G.S. 14-16.6\(b\), Assault with a deadly weapon on executive, legislative, or court officer; and G.S. 14-16.6\(c\), Assault inflicting serious bodily injury on executive, legislative, or court officer.](#)

(1a) G.S. 14-17, First and Second Degree Murder.

(2) G.S. 14-18, Manslaughter.

(2a) [Any felony offense in Article 6A, Unborn Victims.](#)

(3) Any offense in Article 7A, Rape and Other Sex Offenses.

(4) [G.S. 14-28, Malicious castration; G.S. 14-29, Castration or other maiming without malice aforethought; G.S. 14-30, Malicious maiming; G.S. 14-30.1, Malicious throwing of corrosive acid or alkali; G.S. 14-31, Maliciously assaulting in a secret manner; G.S. 14-32, Felonious assault with deadly weapon with intent to kill or inflicting serious injury; ~~G.S. 14-32.4\(a\), G.S. 14-32.1\(e\), Aggravated assault or assault and battery on handicapped person; G.S. 14-32.2\(a\) when punishable pursuant to G.S. 14-32.2\(b\)\(1\), Patient abuse and neglect, intentional conduct proximately causes death; G.S. 14-32.3\(a\), Domestic abuse of disabled or elder adults resulting in injury; G.S. 14-32.4, Assault inflicting serious bodily injury; injury or injury by strangulation; G.S. 14-33.2, Habitual misdemeanor assault; G.S. 14-34.1, Discharging certain barreled weapons or a firearm into occupied property; G.S. 14-34.2, Assault with a firearm or other deadly weapon upon governmental officers or employees, company police officers, or campus police officers; G.S. 14-34.4, Adulterated or misbranded food, drugs, etc.; intent to cause serious injury or death; intent to extort; G.S. 14-34.5, Assault with a firearm on a law enforcement, probation, or parole officer or on a person employed at a State or local detention facility; G.S. 14-34.6, Assault or affray on a firefighter, an emergency medical technician, medical responder, emergency department nurse, or emergency department physician; and~~ G.S. 14-34.7, Assault inflicting serious injury on a law enforcement, probation, or parole officer or on a person employed at a State or local detention facility; ~~facility; G.S. 14-34.9, Discharging a firearm from within an enclosure; and G.S. 14-34.10, Discharge firearm within enclosure to incite fear.~~](#)

(5) Any offense in Article 10, Kidnapping and Abduction, or Article 10A, Human Trafficking.

- 1 (5a) [Any offense in Article 13, Malicious Injury or Damage by Use of Explosive](#)
2 [or Incendiary Device or Material.](#)
3 (6) G.S. 14-51, First and second degree burglary; G.S. 14-53, Breaking out of
4 dwelling house burglary; [G.S. 14-54\(a1\), Breaking or entering buildings](#)
5 [with intent to terrorize or injure;](#) G.S. 14-54.1, Breaking or entering a place
6 of religious worship; and G.S. 14-57, Burglary with explosives.
7 (7) Any offense in Article 15, Arson.
8 (8) G.S. 14-87, Armed ~~robbery~~[robbery; Common law robbery punishable](#)
9 [pursuant to G.S. 14-87.1; and G.S. 14-88, Train robbery.](#)
10 (8a) [G.S. 14-163.1\(a1\), Assaulting a law enforcement agency animal, an](#)
11 [assistance animal, or a search and rescue animal willfully killing the animal.](#)
12 (9) Any offense which would require the person to register under the provisions
13 of Article 27A of Chapter 14 of the General Statutes, Sex Offender and
14 Public Protection Registration Programs.
15 (10) G.S. 14-196.3, Cyberstalking.
16 (10a) [G.S. 14-202, Secretly peeping into room occupied by another person.](#)
17 (10b) [G.S. 14-258.2, Possession of dangerous weapon in prison resulting in bodily](#)
18 [injury or escape; G.S. 14-258.3, Taking of hostage, etc., by prisoner; and](#)
19 [G.S. 14-258.4, Malicious conduct by prisoner.](#)
20 (11) G.S. 14-277.3A, Stalking.
21 (12) [G.S. 14-288.9, Assault on emergency personnel with a dangerous weapon or](#)
22 [substance.](#)
23 (13) [G.S. 14-288.21, Unlawful manufacture, assembly, possession, storage,](#)
24 [transportation, sale, purchase, delivery, or acquisition of a nuclear,](#)
25 [biological, or chemical weapon of mass destruction; exceptions; and](#)
26 [G.S. 14-288.22, Unlawful use of a nuclear, biological, or chemical weapon](#)
27 [of mass destruction.](#)
28 (14) [G.S. 14-318.4\(a\), Child abuse inflicting serious injury and](#)
29 [G.S. 14-318.4\(a3\), Child abuse inflicting serious bodily injury.](#)
30 (15) [G.S. 14-360\(a1\), Cruelty to animals; maliciously kill by intentional](#)
31 [deprivation of necessary sustenance; and G.S. 14-360\(b\), Cruelty to animals;](#)
32 [maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill.](#)
33 (16) [G.S. 14-401.22\(e\), Attempt to conceal evidence of non-natural death by](#)
34 [dismembering or destroying remains."](#)

35 **SECTION #.(b)** This section becomes effective December 1, 2015, and applies to
36 arrests occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-ATTY-H6-P

Attorney General's Office
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***DEPARTMENT OF JUSTICE POSITIONS***

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-AOC-H5-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

AOC ANNUAL REPORT

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

"§ 7A-343. Duties of Director.

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

...

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

...."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

**DRAFT
SPECIAL PROVISION**



2015-AOC-H7-P

**Administrative Office of the Courts
House Appropriations, Justice and Public Safety**

Requested by: Representative

- 1 ***CONSOLIDATE BUSINESS COURT REPORTS***
- 2 **SECTION #. G.S. 7A-343(8a) is repealed.**

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-AOC-H13-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

1 *ANNUAL REPORT ON CRIMINAL COURT COST WAIVERS*

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

4 "**§ 7A-350. Annual report on criminal court cost waivers.**

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-AOC-H10-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

1 **GRANT FUNDS**

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-AOC-H11-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***COLLECTION OF WORTHLESS CHECK FUNDS***

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-AOC-H9-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***REIMBURSEMENT FOR USE OF PERSONAL VEHICLES***

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-AOC-H12-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

CONFERENCE OF DISTRICT ATTORNEY GRANT FUNDS

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-AOC-H17-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

DISTRICT ATTORNEY LEGAL ASSISTANTS

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

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

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

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

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

DRAFT
SPECIAL PROVISION



2015-AOC-H2-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***REPORT ON DISMISSALS DUE TO DELAY IN ANALYSIS OF EVIDENCE***

2 **SECTION #.** Whenever a criminal case is dismissed as a direct result of a delay in
3 the analysis of evidence by the State Crime Laboratory, the district attorney for the district in
4 which the case was dismissed shall report that dismissal and the facts surrounding it to the
5 Conference of District Attorneys. The Conference of District Attorneys shall compile any such
6 reports of dismissals and shall report them quarterly starting October 30, 2015, to the chairs of
7 the House of Representatives and Senate Appropriations Committees on Justice and Public
8 Safety and to the chairs of the Joint Legislative Oversight Committee on Justice and Public
9 Safety.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

**DRAFT
SPECIAL PROVISION**



2015-AOC-H8-P

Administrative Office of the Courts House Appropriations, Justice and Public Safety

Requested by: Representative

ALLOCATION OF ASSISTANT DISTRICT ATTORNEYS

SECTION #. G.S. 7A-60 reads as rewritten:

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

...

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

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

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

28 (a2) ~~Upon the convening of each regular session of the General Assembly and its~~
 29 ~~reconvening in the even numbered year, the~~The Administrative Office of the Courts shall
 30 report ~~by March 15 of each year on its recommendations regarding the~~ allocation of assistant
 31 district attorneys for the upcoming fiscal biennium and fiscal year to the General Assembly,
 32 including any request for additional assistant district attorneys. The report shall include the
 33 number of assistant district attorneys that the Administrative Office of the Courts ~~recommends~~
 34 ~~to be~~ allocated to each prosecutorial district and the workload formula established through
 35 the National Center for State Courts on which each ~~recommended~~ allocation is based. Any
 36 reports required under this subsection shall be made to ~~the Joint Legislative Commission of~~
 37 ~~Governmental Operations,~~ the House of Representatives and Senate Appropriations
 38 ~~Subcommittees~~Committees on Justice and Public, and the Fiscal Research Division.
 39"

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2015-AOC-H6A-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

AMEND COURT COSTS

SECTION #. 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), (12), or (13) of this section.

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

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

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

...."

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2015-AOC-H3-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

AMEND CERTIFICATE OF RELIEF/FEE

SECTION #.(a) G.S. 15A-173.2(a) reads as rewritten:

"(a) An individual who is convicted of ~~no more than two Class G, H, or I felonies or misdemeanors in one session of court, and who has no other convictions for a felony or misdemeanor other than a traffic violation,~~ criminal offenses no higher than a Class G felony may petition the court where the individual was convicted of his or her most serious offense for a Certificate of Relief relieving collateral consequences as permitted by this Article. Except as otherwise provided in this subsection, after payment by the petitioner of the fee required by G.S. 7A-313.2, the petition shall be heard by the senior resident superior court judge if the convictions were in superior court, or the chief district court judge if the convictions were in district court. The senior resident superior court judge and chief district court judge in each district may delegate their authority to hold hearings and issue, modify, or revoke Certificates of Relief to judges, clerks, or magistrates in that district."

SECTION #.(b) Article 28 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-313.2. Certificate of relief fee.

A person who petitions the court for a Certificate of Relief pursuant to Article 6 of this Chapter shall pay an administrative fee of fifty dollars (\$50.00) at the time of the filing of the petition. The fee shall be remitted to the State Treasurer for support of the General Court of Justice."

SECTION #.(c) This section becomes effective October 1, 2015, and applies to certificates issued on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

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2015-AOC-H14-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***FAMILY COURT PROGRAMS***

2 **SECTION #.** The Administrative Office of the Courts shall provide direction and
3 oversight to the existing family court programs in order to ensure that each district with a
4 family court program is utilizing best practices and is working effectively and efficiently in the
5 disposition of domestic and juvenile cases. The Administrative Office of the Courts shall report
6 on its efforts in this regard and the results of those efforts to the chairs of the House of
7 Representatives and Senate Appropriations Committee on Justice and Public Safety and the
8 Joint Legislative Oversight Committee on Justice and Public Safety by March 1 of each year.

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SPECIAL PROVISION



2015-AOC-H18-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***SPECIALTY COURTS/USE CLERK OF COURT PERSONNEL AND RESOURCES***

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

4 "**§ 7A-146.1. Specialty sessions of court; use of clerk of court personnel and resources.**

5 Upon the request of a clerk of court or district attorney, or upon the judge's own initiative, a
6 chief district court judge may, pursuant to the judge's authority under G.S. 7A-146(7) to
7 arrange sessions for the trial of specialized cases, authorize the establishment in the district
8 court district of the holding of sessions of court in which related specialized cases or matters
9 are adjudicated, including the holding of family court, drug treatment court, veterans' court,
10 DWI court, mental health court, or any other innovative use of a session of court. With the
11 consent of the clerk of superior court, the court may make use of the personnel and resources of
12 the clerk's office to administer these specialty sessions."

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SPECIAL PROVISION**



2015-AOC-H21-P

**Administrative Office of the Courts
House Appropriations, Justice and Public Safety**

Requested by: Representative

1 ***COMPENSATION OF COURT REPORTERS***

2 **SECTION #.** Section 18B.21A of S.L. 2013-360 is repealed.

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SPECIAL PROVISION



2015-AOC-H20-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

1 *INNOCENCE INQUIRY COMMISSION*

2 SECTION #. G.S. 15A-1462 reads as rewritten:

3 "§ 15A-1462. Commission established.

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

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

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SPECIAL PROVISION



2015-AOC-H4A-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

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

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

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

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

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

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

(d) The budget of the Office of Indigent Defense Services shall be a part of the ~~Judicial Department's budget~~ budget of the Administrative Office of the Courts. The Commission on Indigent Defense Services shall consult with the Director of the Administrative Office of the Courts, who shall assist the Commission in preparing and presenting to the General Assembly the Office's budget, but the Commission shall have the final authority with respect to preparation of the Office's budget and with respect to representation of matters pertaining to the Office before the General Assembly. The Administrative Office of the Courts shall conduct an annual audit of the budget of the Office of Indigent Defense Services.

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

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2015-AOC-H16-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by: Representative

***STUDY FUTURE OF INDIGENT DEFENSE SERVICES COMMISSION AND
INNOCENCE INQUIRY COMMISSION***

SECTION #. The Legislative Research Commission shall study:

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

The Legislative Research Commission shall report its findings and recommendations, including any proposed legislation, to the 2015 General Assembly when it reconvenes in 2016.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2015-IDS-H1-P

Indigent Defense Services
House Appropriations, Justice and Public Safety

Requested by: Representative

INDIGENT DEFENSE SERVICES ANNUAL REPORT DATE CHANGE

SECTION #. G.S. 7A-498.9 reads as rewritten:

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2015-IDS-H5-P

Indigent Defense Services
House Appropriations, Justice and Public Safety

Requested by: Representative

1 ***OFFICE OF INDIGENT DEFENSE SERVICES/STATE MATCH FOR GRANTS***

2 **SECTION #.** Notwithstanding G.S. 143C-6-9, during the 2015-2017 fiscal
3 biennium, the Office of Indigent Defense Services may use the sum of up to fifty thousand
4 dollars (\$50,000) from funds available to provide the State matching funds needed to receive
5 grant funds. Prior to using funds for this purpose, the Office shall report to the Chairs of the
6 House of Representatives and Senate Appropriations Committees on Justice and Public Safety
7 on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION



2015-IDS-H2-P

Indigent Defense Services
House Appropriations, Justice and Public Safety

Requested by: Representative

1 **REPORTS ON CRIMINAL CASE INFORMATION SYSTEM**

2 **SECTION #.** Section 18B.10, as amended by Section 18A.2 of S.L. 2013-360,
3 reads as rewritten:

4 **"SECTION 18B.10.** The Administrative Office of the Courts, in consultation with the
5 Office of Indigent Defense Services, shall use the sum of three hundred fifty thousand dollars
6 (\$350,000) in funds available to the Administrative Office of the Courts for the 2013-2015
7 fiscal biennium and the sum of three hundred fifty thousand dollars (\$350,000) in funds
8 available to the Office of Indigent Defense Services for the 2013-2015 fiscal biennium to
9 develop or acquire and to implement a component of the Department's criminal case
10 information system for use by public defenders no later than February 1, 2015. The
11 Administrative Office of the Courts shall make ~~an interim report~~ interim reports on the
12 development and implementation of this system by February 1, 2014, and July 1, 2015, and a
13 final report on the completed implementation of the system by July 1, 2015, by February 1 of
14 each year through the completed implementation of the system to the Chairs of the Joint
15 Legislative Oversight Committee on Justice and Public Safety and to the Chairs of the House of
16 Representatives and Senate Appropriations ~~Subcommittee~~ Committees on Justice and Public
17 ~~Safety and the Senate Appropriations Committee on Justice and Public~~ Safety."

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION



2015-IDS-H9-P

Indigent Defense Services
House Appropriations, Justice and Public Safety

Requested by: Representative

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

SECTION #.(a) The Office of Indigent Defense Services shall study and determine whether savings can be realized through the establishment of a system of fully automated kiosks in local confinement facilities to allow attorneys representing indigent defendants to consult with their clients remotely. The system would incorporate technology through which meetings between attorneys and their clients cannot be monitored or recorded.

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