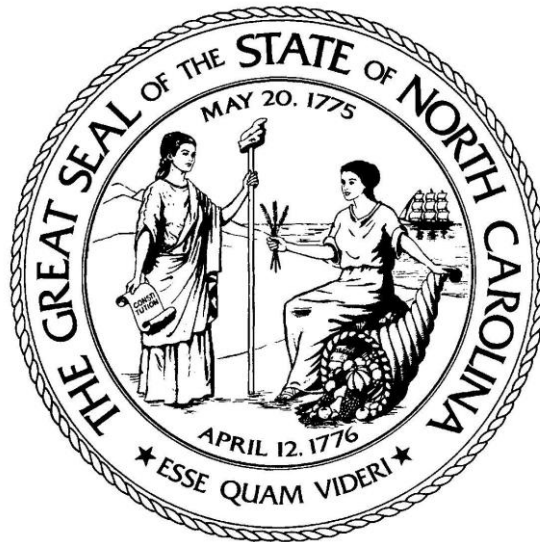


House Appropriations Committee on Justice and Public Safety

Proposed Special Provisions for H.B. 1030, 2016 Appropriations Act



May 12, 2016

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-DPS-H3-P

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by

- 1 ***REPEAL POSITION RECLASSIFICATION AUTHORITY***
- 2 **SECTION #.** Section 16A.3 of S.L. 2015-241 is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-DPS-H4-P

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by

EXEMPT SBI & DPS FROM DIT OVERSIGHT

SECTION #. G.S. 143B-1320(b) reads as rewritten:

"(b) Exemptions. – Except as otherwise specifically provided by law, the provisions of this Chapter do not apply to the following entities: the General Assembly, the Judicial Department, the State Bureau of Investigation, the Department of Public Safety, and The University of North Carolina and its constituent institutions. These entities may elect to participate in the information technology programs, services, or contracts offered by the Department, including information technology procurement, in accordance with the statutes, policies, and rules of the Department. The election must be made in writing, as follows:

- (1) For the General Assembly, by the Legislative Services Commission.
- (2) For the Judicial Department, by the Chief Justice.
- (3) For The University of North Carolina, by the Board of Governors.
- (4) For the constituent institutions of The University of North Carolina, by the respective boards of trustees.
- (5) For the State Bureau of Investigation, by the Director.
- (6) For other divisions or sections of the Department of Public Safety, by the Secretary."

Included for Information Only

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-DPS-H5-P

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by

1 ***EXEMPT SBI & DPS FROM ENTERPRISE ACTIVE DIRECTORY PARTICIPATION***

2 **SECTION #.** Section 7.25 of S.L. 2015-241 reads as rewritten:

3 **"AGENCY USE OF ENTERPRISE ACTIVE DIRECTORY**

4 **"SECTION 7.25.(a)** On or before July 1, 2016, unless exempted by the Governor, all State
5 agencies identified as principal departments under G.S. 143B-6 shall become direct members of
6 and shall use the Enterprise Active Directory. A principal department may submit to the State
7 Chief Information Officer a written request to deviate from certain requirements of the Enterprise
8 Active Directory, provided that any deviation shall be consistent with available funding and shall
9 be subject to any terms and conditions specified by the State Chief Information Officer.

10 **"SECTION 7.25.(b)** Subsection (a) of this section shall not apply to the State Bureau of
11 Investigation or to the Department of Public Safety."

Included for Information Only

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-LAW-H1-P

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

Requested by

REQUIRE QUARTERLY VIPER REPORT

SECTION #. Section 16B.2 of S.L. 2015-241 reads as rewritten:

**"VOICE INTEROPERABILITY PLAN FOR EMERGENCY RESPONSE (VIPER)
SYSTEM**

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-LAW-H2-P

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

Requested by

CHANGE DOMESTIC VIOLENCE HOMICIDE REPORT DUE DATE

SECTION #. G.S. 143B-901 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 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 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 Department of Public Safety. The Department of Public Safety shall report to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety, no later than ~~February~~ April 1 of each year, with the data collected for the previous calendar year."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Bill Processing
SPECIAL PROVISION



2016-CORR-H4

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

Requested by

- 1 ***MISDEMEANANT CONFINEMENT FUND***
- 2 **SECTION #.** Funds appropriated for the Statewide Misdemeanant Confinement
- 3 Program shall not be transferred to a special fund.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Bill Processing
SPECIAL PROVISION



2016-CORR-H1

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

Requested by

INMATE GRIEVANCE RESOLUTION BOARD REPORT CHANGES

SECTION #. Section 16C.13B(b) of S.L. 2015-241 reads as rewritten:

"SECTION 16C.13B.(b). The Department of Public Safety and the Inmate Grievance Resolution Board 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 Inmate Grievance Resolution Board. The annual report shall include the following with respect to the prior fiscal year:

- (1) Brief summary of the inmate grievance process.
- (2) Number of ~~grievances submitted~~ grievance appeals received to the Board.
- (3) Number of ~~grievances~~ grievance appeals resolved by the Board.
- (4) Type of grievance by category.
- (5) Number of orders ~~filed~~ written by examiners."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-CORR-H2-P

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

Requested by

1 *STUDY WHETHER PROBATION AND PAROLE OFFICERS SHOULD TAKE STATE*
2 *VEHICLES HOME*

3 **SECTION #.** The Department of Public Safety in consultation with the Division of
4 Adult Correction shall study whether probation and parole officers should be allowed to take their
5 State vehicles home with them and the possible tax implications of doing so and report their
6 findings and recommendations to the chairs of the Joint Legislative Oversight Committee on
7 Justice and Public Safety by March 1, 2017.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-CORR-H3-P

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

Requested by

REVISION TO TREATMENT FOR EFFECTIVE COMMUNITY SUPERVISION REPORT

SECTION #. G.S. 143B-1155(c) reads as rewritten:

"(c) ~~The Division of Adult Correction~~ The Department of Public Safety, Community Corrections Section, shall report by March 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the status of the programs funded through the Treatment for Effective Community Supervision Program. The report shall include the following ~~information~~:information from each of the following components:

- (1) ~~The dollar amount and purpose of funds provided on a contractual basis to service providers for the previous fiscal year and the amount of any funds carried over from the previous fiscal year.~~Recidivism Reduction Services:
 - a. The method by which offenders are referred to the program.
 - b. The target population.
 - c. The amount of services contracted for and the amount of funding expended in each fiscal year.
 - d. The supervision type.
 - e. The risk level of the offenders served.
 - f. The number of successful and unsuccessful core service exits with a breakdown of reasons for unsuccessful exits.
 - g. The demographics of the population served.
 - h. The number and kind of mandatory and optional services received by offenders in this program.
 - i. Employment status at entry and exit.
 - j. Supervision outcomes, including completion, revocation, and termination.
- (2) ~~An analysis of offender participation data received, including the following:~~Community Intervention Centers (CIC):
 - a. ~~The number of people on probation and post-release supervision that are in the priority population that received services.~~The target population.
 - b. ~~The number of people on probation and post-release supervision that are in the priority population that did not receive services.~~The amount of funds contracted for and expended each fiscal year.
 - c. ~~The number of people on probation and post-release supervision outside of the priority population that received services.~~The supervision type.
 - d. ~~The type of services provided to these populations, including data on each program's utilization, capacity, and completion rates.~~The risk level of the offenders served.
 - e. ~~The rate of revocations and the educational progress and employment status of people who received services.~~The number of successful and

- 1 unsuccessful core service exits with a breakdown of reasons for
2 unsuccessful exits.
- 3 f. ~~Other measures as determined appropriate.~~The demographics of the
4 population served.
- 5 g. Supervision outcomes, including completion, revocation, and
6 termination.
- 7 (3) ~~The dollar amount needed to provide additional services to meet the needs of~~
8 ~~the priority population in the upcoming budget year.~~Transitional and
9 Temporary Housing:
- 10 a. The target population.
11 b. The amount of funds contracted for and expended each fiscal year.
12 c. The supervision type.
13 d. The risk level of the offenders served.
14 e. The number of successful and unsuccessful core service exits with a
15 breakdown of reasons for unsuccessful exits.
16 f. The demographics of the population served.
17 g. The employment status at entry and exit.
18 h. Supervision outcomes, including completion, revocation, and
19 termination.
- 20 (4) ~~Details of personnel, travel, contractual, operating, and equipment expenditures~~
21 ~~for each program type.~~Local Reentry Councils (LRC):
- 22 a. The target population.
23 b. The amount of funds contracted for and expended each fiscal year.
24 c. The supervision type.
25 d. The risk level of the offenders served.
26 e. The number of successful and unsuccessful core service exits with a
27 breakdown of reasons for unsuccessful exits.
28 f. The demographics of the population served.
29 g. The employment status at entry and exit including, wherever possible,
30 the average wage received at entry and exit.
31 h. Supervision outcomes, including completion, revocation, and
32 termination.
- 33 (5) Intensive Outpatient Services. – If the Department enters into a contract for
34 Intensive Outpatient Services, the Department of Public Safety shall report in
35 the next fiscal year on this service including the following:
- 36 a. The target population.
37 b. The amount of funds contracted for and expended each fiscal year.
38 c. The supervision type.
39 d. The risk level of the offenders served.
40 e. The number of successful and unsuccessful core service exits with a
41 breakdown of reasons for unsuccessful exits.
42 f. The demographics of the population served.
43 g. Supervision outcomes, including completion, revocation, and
44 termination."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-ATTY-H1-P

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

Requested by

1 ***CREATION OF SOCIAL MEDIA TRAINING FOR LAW ENFORCEMENT***

2 **SECTION #.** The North Carolina Justice Academy shall develop and make available
3 to law enforcement officers in this State an online training course on the use of social media. The
4 course shall include methods individual law enforcement officers can take to protect their personal
5 information.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-IDS-H2-P

Indigent Defense Services
House Appropriations, Justice and Public Safety

Requested by

CLARIFICATION OF IDS BUDGET AUTHORITY

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

"(e) The Director of the Administrative Office of the Courts may modify the budget of the Office of Indigent Defense Services and may use funds appropriated to the Office ~~without the approval of the Commission or the Office of Indigent Defense Services~~ only after direct consultation with a quorum of the Commission."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-IDS-H3-P

Indigent Defense Services
House Appropriations, Justice and Public Safety

Requested by

DIRECT IDS TO STUDY THE NEED FOR SATELLITE OFFICES FOR CAPITAL DEFENDERS

SECTION #.(a) The Office of Indigent Defense Services may use appropriated funds during the 2016-2017 fiscal year for the expansion of existing offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services, considering cost-effectiveness and other needs. Funds may be used for the creation of new positions or offices within existing public defender programs including satellite offices of the Office of Capital Defender, for the establishment of regional public defender programs, or for positions related to the contract system of providing legal services. Notwithstanding the defender districts established by G.S. 7A-498.7, the Office of Indigent Defense Services may use a portion of these funds to create positions within existing public defender programs to handle cases in adjacent counties or districts. These funds may be used for the salaries, benefits, equipment, and related expenses for up to eight attorney positions and four nonattorney positions during the fiscal year with the total annualized cost of these positions to be no more than one million two hundred fifty thousand dollars (\$1,250,000). Prior to using funds for this purpose, the Office of Indigent Defense Services shall report to the chairs of the House of Representatives and the Senate Appropriations Committees on Justice and Public Safety on the proposed expansion by March 1, 2017.

SECTION #.(b) The Office of Indigent Defense Services shall study the need for new satellite offices to handle potentially capital cases at the trial level which shall be staffed by full-time assistant capital defenders and appropriate support staff in areas in which the use of salaried attorneys will ensure that effective representation is provided in a cost-effective manner. The Office of Indigent Defense Services shall consider the addition of capital defenders to existing public defender offices before making a recommendation as to the creation of separate satellite offices. If it is determined that such offices should be established, the Office of Indigent Defense Services shall provide data regarding (i) the determination to create new satellite offices, (ii) the counties to be serviced by the offices, (iii) the number of attorney appointments made in the counties served, (iv) the number of attorney appointments made in the counties served in the past three fiscal years, and (v) the current number of eligible private counsel and local public defenders who are available in those counties. The Office of Indigent Services shall report its findings and recommendations to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2017.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-IDS-H4-P

Indigent Defense Services
House Appropriations, Justice and Public Safety

Requested by

STUDY CAPITAL CASE PROSECUTION

SECTION #. The Office of Indigent Defense Services in consultation with the Conference of District Attorneys shall study what changes can be made to the current system of identifying, from the pool of cases in which a defendant is charged with first-degree or undesignated murder, (i) those that merit the cost of a capital prosecution and defense and (ii) what steps can be taken to facilitate the appointment of local counsel in most cases. The Office of Indigent Defense Services shall report its findings and make any recommendations to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by October 1, 2016.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Bill Processing
SPECIAL PROVISION



2016-IDS-H6

Indigent Defense Services
House Appropriations, Justice and Public Safety

Requested by

PRIVATE ASSIGNED COUNSEL FUNDING

SECTION #.(a) There is appropriated from the General Fund to the Office of Indigent Defense Services the sum of five million one hundred thousand dollars (\$5,100,000) for the 2015-2016 fiscal year to compensate private assigned counsel who have represented indigent defendants. Any of these funds that are not needed to pay private assigned counsel bills received by the Office of Indigent Defense Services by June 30, 2016, shall revert to the General Fund.

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

Included for Information Only

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-AOC-H1-P

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

Requested by

GRANT FUNDS

SECTION #. Section 18A.4 of S.L. 2015-241 reads as rewritten:

"SECTION 18A.4. Notwithstanding G.S. 143C-6-9, the Administrative Office of the Courts may use up to the sum of one million five hundred thousand dollars (\$1,500,000) in each year of the fiscal biennium 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

Session 2016

Proofed
SPECIAL PROVISION



2016-AOC-H2-P

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

Requested by

COLLECTION OF WORTHLESS CHECK FUNDS

SECTION #. Section 18A.5(a) of S.L. 2015-241 reads as rewritten

"SECTION 18A.5.(a) Notwithstanding the provisions of G.S. 7A-308(c), the Judicial Department may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2015, for the purchase or repair of office or information technology equipment during the 2015-2016 fiscal ~~year~~ year and may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2016, for the purchase or repair of office or information technology equipment during the 2016-2017 fiscal year. Prior to using any funds under this section, the Judicial Department shall report to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the Office of State Budget and Management on the equipment to be purchased or repaired and the reasons for the purchases."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed
SPECIAL PROVISION



2016-AOC-H3-P

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

Requested by

1 *ALLOCATION OF ASSISTANT DISTRICT ATTORNEYS*

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

3 "§ 7A-60. District attorneys and prosecutorial districts.

4 ...

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

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

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

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

...."