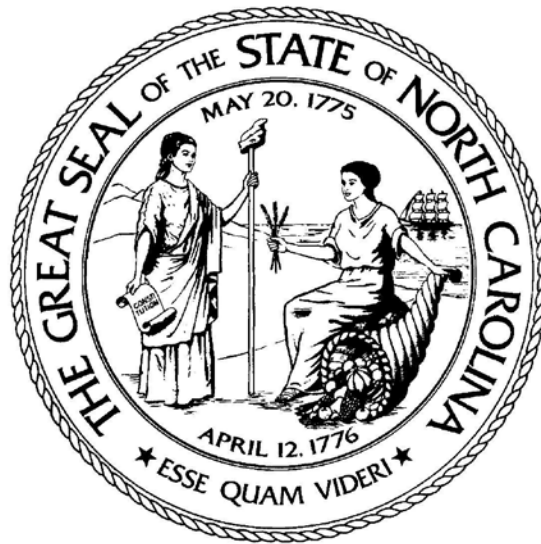


House Appropriations Committee on Justice and Public Safety

Proposed Special Provisions for S.B. 257, Appropriations Act of 2017



May 25, 2017

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed
SPECIAL PROVISION



2017-DPS-H4(S16.1)-P

Department of Public Safety
House Appropriations, Justice and Public Safety

**CREATE DIVISIONS – ALCOHOL LAW ENFORCEMENT AND STATE CAPITOL
POLICE IN DEPARTMENT OF PUBLIC SAFETY**

**CREATE DIVISION OF ALCOHOL LAW ENFORCEMENT IN THE DEPARTMENT
OF PUBLIC SAFETY**

SECTION 16.1.(a) The Alcohol Law Enforcement Branch of the State Bureau of Investigation shall be relocated as a Division of the Department of Public Safety.

SECTION 16.1.(b) Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new Subpart to read:

"Subpart F. Alcohol Law Enforcement Division.

**"§ 143B-990. Creation of Alcohol Law Enforcement Division of the Department of Public
Safety.**

There is created the Alcohol Law Enforcement Division of the Department of Public Safety with the organization, powers, and duties defined in Article 1 of this Chapter, except as modified in this Part."

SECTION 16.1.(c) G.S. 143B-928 is repealed.

SECTION 16.1.(d) G.S. 18B-500 reads as rewritten:

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

(a) Appointment. – ~~The Director of the State Bureau of Investigation shall~~ Division of Alcohol Law Enforcement of the Department of Public Safety may appoint alcohol law-enforcement agents and other enforcement personnel; a sufficient number of assistants who shall be competent and qualified to do the work of the Division. The Director may also appoint regular employees of the Commission as alcohol law-enforcement agents; shall have the sole authority to make all personnel-related decisions regarding employees of the Division subject to the applicable provisions of Chapter 126 of the General Statutes. G.S. 143A-9 shall not function as a limitation upon the authority granted to the Director by this section. Alcohol law-enforcement agents shall be designated as "alcohol law-enforcement agents". Persons serving as reserve alcohol law-enforcement agents are considered employees of the Alcohol Law Enforcement Branch-Division for workers' compensation purposes while performing duties assigned or approved by the Head-Director of the Alcohol Law Enforcement Branch Division or the Head's-Director's designee.

(b) Subject Matter Jurisdiction. – After taking the oath prescribed for a peace officer, an alcohol law-enforcement agent shall have authority to arrest and take other investigatory and enforcement actions for any criminal offense. The primary responsibility of an agent shall be enforcement of the ABC ~~and lottery laws~~, lottery laws, and Article 5 of Chapter 90 of the General Statutes (North Carolina Controlled Substances Act).

...

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

1 Enforcement ~~Section~~Division is transferred from one district to another for the convenience of
2 the State or for reasons other than the request of the agent, the Department shall be responsible
3 for transporting the household goods, furniture, and personal apparel of the agent and members
4 of the agent's household."

5 **SECTION 16.1.(f)** The Department of Public Safety shall continue to consolidate
6 ALE and SBI Regions and Regional Offices in the same manner so that all district offices
7 remain co-located.

8 **SECTION 16.1.(g)** G.S. 143B-919(c) reads as rewritten:

9 **"§ 143B-919. Investigations of lynchings, election frauds, etc.; services subject to call of**
10 **Governor; witness fees and mileage for employees.**

11 ...

12 (c) The State Bureau of Investigation is further authorized, upon request of the
13 Governor or the Attorney General, to investigate the commission or attempted commission of
14 the crimes defined in the following statutes:

15 (1) ~~All sections of~~ Article 4A of Chapter 14 of the General Statutes;

16 (1a) G.S. 14-43.11;

17 (2) G.S. 14-277.1;

18 (3) G.S. 14-277.2;

19 (4) G.S. 14-283;

20 (5) G.S. 14-284;

21 (6) G.S. 14-284.1;

22 (7) G.S. 14-288.2;

23 (8) G.S. 14-288.7;

24 (9) G.S. 14-288.8;

25 (10) G.S. 14-288.20;

26 (10a) G.S. 14-288.21;

27 (10b) G.S. 14-288.22;

28 (10c) G.S. 14-288.23;

29 (10d) G.S. 14-288.24;

30 (11) G.S. 14-284.2;

31 (12) G.S. 14-399(e);

32 (12a) G.S. 15A-287 and G.S. 15A-288;

33 (13) G.S. 130A-26.1;

34 (14) G.S. 143-215.6B;

35 (15) G.S. 143-215.88B; and

36 (16) G.S. 143-215.114B."

37 **SECTION 16.1.(h)** G.S. 143-651 reads as rewritten:

38 **"§ 143-651. Definitions.**

39 The following definitions apply in this Article:

40 ...

41 (4a) ~~Branch. — The Alcohol Law Enforcement Branch of the State Bureau of~~
42 ~~Investigation.~~

43 ...

44 (7a) Division. — The Alcohol Law Enforcement Division of the Department of
45 Public Safety.

46 ...

47 (23b) Sanctioned amateur match. — Any match regulated by an amateur sports
48 organization that has been recognized and approved by the ~~Branch~~Division.

49"

50 **SECTION 16.1.(i)** The following statutes are amended by deleting the word
51 "Branch" wherever it appears in uppercase and substituting "Division": G.S. 18B-101(5),

1 18B-201, 18B-202, 18B-203, 18B-504, 18B-805, 18B-902, 18B-903, 18B-904, 18C-163(b),
2 19-2.1, 105-259(b)(15), and 143-652.1 through 143-656.

3 **SECTION 16.1.(j)** Notwithstanding any other provision of law, there shall be no
4 transfer of positions to or from the Alcohol Law Enforcement Branch (Budget Code 14550,
5 fund code 1401) and no changes to the total authorized budget of the Alcohol Law
6 Enforcement Branch, as it existed on March 1, 2017, prior to the transfer of the Alcohol Law
7 Enforcement Branch from the State Bureau of Investigation to the Department of Public Safety.
8 Under no circumstances shall funds be expended from Budget Code 24555-2410 – Law
9 Enforcement – ALE Federal Forfeiture – US DOJ or Budget Code 24555-2415 – Law
10 Enforcement – ALE Federal Forfeiture – US Treasury prior to the transfer of the Alcohol Law
11 Enforcement Branch to the Department of Public Safety, unless those expenditures were
12 reported to the General Assembly on or before March 1, 2017. This subsection shall not apply
13 to transfers of positions or changes to the total authorized budget of the Alcohol Law
14 Enforcement Branch that are expressly required by the Committee Report described in Section
15 ## of this act.

16
17 **CREATE DIVISION OF STATE CAPITOL POLICE IN THE DEPARTMENT OF**
18 **PUBLIC SAFETY**

19 **SECTION 16.1.(k)** The State Capitol Police Section of the State Highway Patrol
20 shall be relocated as a Division of the Department of Public Safety.

21 **SECTION 16.1.(l)** Subpart B of Part 4 of Article 13 of Chapter 143B of the
22 General Statutes reads as rewritten:

23 "Subpart B. State Capitol ~~Police~~ Police Division.

24 "**§ 143B-911. Creation of State Capitol Police Section—Division; powers and duties.**

25 (a) ~~Section—Division Established. – There is hereby established, within the State~~
26 ~~Highway Patrol of the Department of Public Safety, There is created the State Capitol Police~~
27 ~~Section, which shall be organized and staffed in accordance with applicable laws and~~
28 ~~regulations and within the limits of authorized appropriations. The Chief, special officers, and~~
29 ~~employees of the State Capitol Police Section are not considered members of the State~~
30 ~~Highway Patrol.~~ Division of the Department of Public Safety with the organization, powers, and
31 duties defined in Article 1 of this Chapter, except as modified in this Part.

32 (b) Purpose. – The State Capitol Police ~~Section~~ Division shall serve as a special police
33 agency of the Department of Public Safety. The Chief of the State Capitol Police, appointed by
34 the Secretary pursuant to G.S. 143B-602, with the approval of the Governor, may appoint as
35 special police officers such reliable persons as ~~he~~ the Chief may deem necessary.

36"

37 **SECTION 16.1.(m)** G.S. 143B-602(8) reads as rewritten:

38 "**§ 143B-602. Powers and duties of the Secretary of Public Safety.**

39 The Secretary of Public Safety shall have the powers and duties as are conferred on the
40 Secretary by this Article, delegated to the Secretary by the Governor, and conferred on the
41 Secretary by the Constitution and laws of this State. These powers and duties include the
42 following:

43 ...

44 (8) Other powers and duties. – The Secretary has the following additional
45 powers and duties:

46 ...

47 f. Appointing, with the Governor's approval, a special police officer to
48 serve as Chief of the State Capitol Police ~~Section of the State~~
49 ~~Highway Patrol.~~ Division.

50"

1 **SECTION 16.1.(n)** Notwithstanding any other provision of law, there shall be no
2 transfer of positions to or from the State Capitol Police Section (Budget Code 14550, fund code
3 1402) and no changes to the total authorized budget of the State Capitol Police Section, as it
4 existed on March 1, 2017, prior to the transfer of the State Capitol Police from the State
5 Highway Patrol to the Department of Public Safety. This subsection shall not apply to transfers
6 of positions or changes to the total authorized budget of the State Capitol Police that are
7 expressly required by the Committee Report described in Section ## of this act.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed
SPECIAL PROVISION



2017-DPS-H1(S16.2)i-P

Department of Public Safety
House Appropriations, Justice and Public Safety

NO TRANSFER OF POSITIONS TO OTHER STATE AGENCIES

SECTION 16.2.(a) Notwithstanding any other provision of law, the Office of State Budget and Management shall not transfer any positions, personnel, or funds from the Department of Public Safety to any other State agency during the 2017-2019 fiscal biennium unless the transfer was included in the base budget for one or both fiscal years of the biennium. This subsection shall not apply to any of the following annual transfers to the Office of the Governor:

(1) Two hundred thirty-four thousand eight hundred ninety-one dollars (\$234,891) for administrative support.

(2) Up to fifty thousand dollars (\$50,000) for litigation expenses.

SECTION 16.2.(b) This section becomes effective July 1, 2017. If any transfers that violate this section are made prior to this section becoming effective, those transfers shall be undone within 15 days of this section becoming effective.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-DPS-H2(S16.3)i

Department of Public Safety
House Appropriations, Justice and Public Safety

LAPSED SALARY REPORT

SECTION 16.3. The Department of Public Safety shall report on February 1 and August 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 Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety. The report shall include the following:

- (1) Amount of lapsed salary generated by fund code for the previous six months.
- (2) An itemized accounting of the use of lapsed salary funds including:
 - a. Fund code.
 - b. Current certified budget.
 - c. Annual projected expenditure.
 - d. Annual projected shortfall.
 - e. Amount of lapsed salary funds transferred to date.

The August 1 report shall include an annual accounting of this information for the previous fiscal year.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-DPS-H8(S16.4)

Department of Public Safety
House Appropriations, Justice and Public Safety

PILOT PROJECT TO TREAT OPIATE OVERDOSE

SECTION #.(a) Pilot Project. – The Department of Public Safety, in conjunction with the City of Wilmington, shall develop and implement a pilot project to establish a Quick Response Team (QRT) to address the needs of opiate and heroin overdose victims who are not getting follow-up treatment. The QRT shall be staffed by firefighters, police officers, medics, behavioral health specialists, and other law enforcement as determined by the Department of Public Safety and the City of Wilmington. The Department of Public Safety and the City of Wilmington shall work together to develop the policy and procedures for the QRT. In doing so, all of the following shall be considered:

- (1) Increase engagement and treatment with family counseling and recovery groups.
- (2) Provide follow-up care to survivable overdose incidents with police or medics and licensed counselors.
- (3) Provide short-term and long-term support to overdose victims and families.
- (4) Provide follow-up within three to five days after an initial incident.
- (5) Create a fatality review panel to analyze and keep track of the deaths of those served by QRT.

SECTION #.(b) Report. – The Department of Public Safety and the City of Wilmington shall report on the results of the pilot project to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-DPS-H5(S16.5)i

Department of Public Safety
House Appropriations, Justice and Public Safety

GRANT REPORTING AND MATCHING FUNDS

SECTION 16.5.(a) The Department of Public Safety, the Department of Justice, and the Judicial Department shall each report by May 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee 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 a department intends to continue the program beyond the end of the grant period, that 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 16.5.(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 2017-2018 fiscal year and up to the sum of one million two hundred thousand dollars (\$1,200,000) during the 2018-2019 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 Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed
SPECIAL PROVISION



2017-DPS-H6-P

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by

EXPAND CRIME VICTIMS' SERVICES

SECTION #.(a) G.S. 15B-2 reads as rewritten:

"§ 15B-2. Definitions.

As used in this Article, the following definitions apply, unless the context requires otherwise:

- (1) Allowable expense. – Reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, medically-related property, and other remedial treatment and care.

Allowable expense includes a total charge not in excess of five thousand dollars (\$5,000) for expenses related to funeral, cremation, and burial, including transportation of a body, but excluding expenses for flowers, gravestone, and other items not directly related to the funeral service.

Allowable expense for medical care, counseling, rehabilitation, medically-related property, and other remedial treatment and care of a victim shall be limited to sixty-six and two-thirds percent (66 2/3%) of the amount usually charged by the provider for the treatment or care. By accepting the compensation paid as allowable expense pursuant to this subdivision, the provider agrees that the compensation is payment in full for the treatment or care and shall not charge or otherwise hold a claimant financially responsible for the cost of services in addition to the amount of allowable expense.

Allowable expense also includes:

- a. A charge not in excess of three thousand dollars (\$3,000) for counseling for immediate family members of children under the age of 18 who are victims of rape, sexual assault, or domestic violence.
- b. A charge not in excess of three thousand dollars (\$3,000) for family and/or grief counseling for immediate family members of homicide victims.

- (2) Claimant. – Any of the following persons who claims an award of compensation under this Article:

...

- f. An immediate family member applying for benefits for the purpose of obtaining family or grief counseling.
- g. An immediate family member of an adolescent rape, sexual assault, or domestic violence victim for the purpose of obtaining counseling. The claimant, however, may not be the offender or an accomplice of the offender who committed the criminally injurious conduct, except as provided in sub-subdivision e. of this subdivision.

1 The claimant, however, may not be the offender or an accomplice of the
2 offender who committed the criminally injurious conduct, except as
3 provided in sub-subdivision e. of this subdivision.
4 "

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-DPS-H10

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by

GRANTS FOR LAW ENFORCEMENT CAMERAS

SECTION #.(a) The sum of two million dollars (\$2,000,000) in nonrecurring funds for the 2017-2018 fiscal year is appropriated in this act to the Department of Public Safety and shall be used to provide matching grants to local and county law enforcement agencies to purchase and place into service body-worn or in-car video cameras, and for training and related expenses. These grant funds shall be administered by the Governor's Crime Commission, which shall develop guidelines and procedures for the administration and distribution of grants to those agencies. These guidelines and procedures shall include the following requirements and limitations:

- (1) The maximum grant amount shall not exceed one hundred thousand dollars (\$100,000).
- (2) Recipient law enforcement agencies shall be required to provide two dollars (\$2.00) of local funds for every one dollar (\$1.00) of grant funds received.
- (3) Grantees shall be required to have appropriate policies and procedures in place governing the operation of body-worn or in-car cameras and the proper storage of images recorded with those cameras.

SECTION #.(b) The Governor's Crime Commission shall submit a report on the grant funds distributed pursuant to this section during the 2017-2018 fiscal year to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety no later than August 1, 2018.

SECTION #.(c) Definition. – The term "body-worn camera" means an operational video camera, including a microphone or other mechanism for allowing audio capture, affixed to a law enforcement officer's uniform and positioned in a way that allows the video camera to capture interactions the law enforcement officer has with the public.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-LAW-H1(S16B.1)i

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

STATE CAPITOL POLICE/CREATION OF RECEIPT-SUPPORTED POSITIONS

SECTION 16B.1.(a) Creation of Receipt-Supported Positions Authorized. – The State Capitol Police may contract with State agencies for the creation of receipt-supported positions to provide security services to the buildings occupied by those agencies.

SECTION 16B.1.(b) Annual Report Required. – No later than September 1 of each fiscal year, the State Capitol Police shall report to the Joint Legislative Oversight Committee on Justice and Public Safety the following information for the fiscal year in which the report is due:

- (1) A list of all positions in the State Capitol Police. For each position listed, the report shall include at least the following information:
 - a. The position type.
 - b. The agency to which the position is assigned.
 - c. The source of funding for the position.
- (2) For each receipt-supported position listed, the contract and any other terms of the contract.

SECTION 16B.1.(c) Additional Reporting Required Upon Creation of Receipt-Supported Positions. – In addition to the report required by subsection (b) of this section, the State Capitol Police shall report the creation of any position pursuant to subsection (a) of this section to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and to the Fiscal Research Division within 30 days of the position's creation. A report submitted pursuant to this section shall include at least the following information:

- (1) The position type.
- (2) The agency to which the position is being assigned.
- (3) The position salary.
- (4) The total amount of the contract.
- (5) The terms of the contract.

SECTION 16B.1.(d) Format of Reports. – Reports submitted pursuant to this section shall be submitted electronically and in accordance with any applicable General Assembly standards.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-LAW-H2(S16B.2)i

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

USE OF SEIZED AND FORFEITED PROPERTY

SECTION 16B.2.(a) Seized and forfeited assets transferred to the Department of Justice or to the Department of Public Safety during the 2017-2019 fiscal biennium pursuant to applicable federal law shall be credited to the budget of the recipient department and shall result in an increase of law enforcement resources for that department. The Department of Public Safety and the Department of Justice shall each make the following reports to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and Senate Appropriations Committee on Justice and Public Safety:

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

SECTION 16B.2.(b) The General Assembly finds that the use of seized and forfeited assets transferred pursuant to federal law for new personnel positions, new projects, acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and Department of Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

SECTION 16B.2.(c) Nothing in this section prohibits State 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.

SECTION 16B.2.(d) The Joint Legislative Oversight Committee on Justice and Public Safety shall study the impact on State and local law enforcement efforts of the receipt of seized and forfeited assets. The Committee shall report its findings and recommendations prior to the convening of the 2018 Regular Session of the 2017 General Assembly.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-LAW-H3(S16B.4)i

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

LIEUTENANT GOVERNOR EXECUTIVE PROTECTION DETAIL

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

"§ 20-189.1. Lieutenant Governor Executive Protection Detail.

(a) Creation. – There is created within the Highway Patrol a Lieutenant Governor's Executive Protection Detail. The Lieutenant Governor shall submit the names of three sworn members in good standing of the North Carolina Highway Patrol to the Commander, and the Commander shall assign those officers to serve in the Lieutenant Governor's Executive Protection Detail. The Lieutenant Governor is authorized to remove any members of the detail, with or without cause. If the Lieutenant Governor removes a member of the detail, the Lieutenant Governor shall submit to the Commander the name of an officer to replace the member who has been removed and the Commander shall assign the replacement. Members of the Lieutenant Governor's Executive Protection Detail shall continue to be employed by the North Carolina Highway Patrol subject to the laws, rules, and regulations of the Highway Patrol. The North Carolina Highway Patrol shall provide vehicles necessary for the carrying out of the Detail's duties under this Article.

(b) Duties. – The members of the Lieutenant Governor's Executive Protection Detail shall protect the Lieutenant Governor and the Lieutenant Governor's immediate family and perform duties as assigned by the Lieutenant Governor relating to the protection of the Lieutenant Governor."

SECTION 16B.4.(b) This section is effective when this act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed
SPECIAL PROVISION



2017-LAW-H5(S16B.5)-P

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

STUDIES TO ENHANCE PUBLIC SAFETY/PED

SECTION 16B.5.(a) The Joint Legislative Program Evaluation Oversight Committee shall revise the biennial 2017-2018 work plan for the Program Evaluation Division to include the following:

- (1) An evaluation of the Voice Interoperability Plan for Emergency Responders (VIPER) and FirstNet technologies. Specifically, the Program Evaluation Division shall:
 - a. Examine the current state of VIPER and FirstNet technology and identify long-term future equipment needs and upgrades.
 - b. Identify efficiencies and cost-sharing methods for ensuring sustainability of system operations and maintenance.
 - c. Determine whether system functions are duplicated.
 - d. Identify the most effective governance and operational financing structure to ensure equitable and reasonable cost-sharing and optimal system adoption by public safety agency stakeholders.
- (2) An evaluation of the current security measures for the downtown Raleigh State Government complex and options to create cost-efficient and comprehensive security plans.

SECTION 16B.5.(b) The Program Evaluation Division shall submit the evaluation required under subdivision (a)(1) of this section to the Joint Legislative Program Evaluation Oversight Committee and to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2018.

SECTION 16B.5.(c) Pursuant to G.S. 132-1.7, the public security information collected by the Program Evaluation Division as a result of the evaluation required under subdivision (a)(2) of this section is not a public record. The Program Evaluation Division shall complete its evaluation no later than March 1, 2018. Notwithstanding G.S. 120-36.16(3), the Program Evaluation Division shall submit its evaluation, including findings and recommendations to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The evaluation is not a public record as defined in G.S. 132-1.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

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SPECIAL PROVISION



2017-LAW-H4(S16B.7)i

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

SHP ELIGIBLE FOR PSAP GRANT/911 PROJECTS

SECTION 16B.7. G.S. 143B-1407 is amended by adding a new subsection to read:

"(f) Application to State Highway Patrol. – The State Highway Patrol is an eligible PSAP for purposes of applying to the 911 Board for a grant from the PSAP Grant and Statewide 911 Projects Account. This subsection applies to funds collected on or after July 1, 2017."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed
SPECIAL PROVISION



2017-CORR-H1(S16C.1)-P

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

USE OF CLOSED FACILITIES

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

SECTION #.(b) The Department may convert closed facilities for the following purposes:

- (1) Training needs.
- (2) Behavior modification facilities.
- (3) Transitional housing.

Sixty days prior to converting facilities to these purposes, the Department shall report to the Joint Legislative Oversight Committee on Justice and Public Safety. The report shall include the justification for the conversion, operational requirements for the facility, and available resources for staffing and operating the facility. If the proposed facility will require additional funding in the future, the report shall provide a five-year projection of those funding needs.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-CORR-H2(S16C.2)i

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

***REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL
EXPENSES***

SECTION 16C.2. Notwithstanding G.S. 143C-6-9, the Department of Public Safety may use funds available to the Department for the 2017-2019 fiscal biennium to reimburse 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 reimbursement may not exceed forty dollars (\$40.00) per day per prisoner awaiting transfer. 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 Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-CORR-H3(S16C.3)i

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

CENTER FOR COMMUNITY TRANSITIONS/ CONTRACT AND REPORT

SECTION 16C.3. The Department of Public Safety may continue to contract with The Center for Community Transitions, Inc., a nonprofit corporation, for the purchase of prison beds for minimum security female inmates during the 2017-2019 fiscal biennium. The Center for Community Transitions, Inc., shall report by February 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the annual cost per inmate and the average daily inmate population compared to bed capacity using the same methodology as that used by the Department of Public Safety.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-CORR-H4(S16C.4)i

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

INMATE CONSTRUCTION PROGRAM

SECTION 16C.4. Notwithstanding any other provision of law but subject to Article 3 of Chapter 148 of the General Statutes, during the 2017-2019 fiscal biennium, the State Construction Office may utilize inmates in the custody of the Division of Adult Correction of the Department of Public Safety through the Inmate Construction Program for repair and renovation projects on State-owned facilities, with priority given to Department of Public Safety construction projects. State agencies utilizing the Inmate Construction Program shall reimburse the Division of Adult Correction of the Department of Public Safety for the cost of transportation, custody, and wages for the inmate crews.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-CORR-H5(S16C.5)i

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

STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM

SECTION 16C.5.(a) The North Carolina Sheriffs' Association shall report no later than 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 all of 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 16C.5.(b) The North Carolina Sheriffs' Association shall report no later than October 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the Statewide Misdemeanant Confinement Program. The 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.

SECTION 16C.5.(c) Of the funds appropriated in this act for the Statewide Misdemeanant Confinement Program:

- (1) The sum of one million dollars (\$1,000,000) shall be transferred to the North Carolina Sheriffs' Association, Inc., a nonprofit corporation, to support the Program and for administrative and operating expenses of the Association and its staff.
- (2) The sum of two hundred twenty-five thousand dollars (\$225,000) shall be allocated to the Division of Adult Correction for its administrative and operating expenses for the Program.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-CORR-H6(S16C.6)i

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

WESTERN YOUTH INSTITUTION ASSET REPORT

SECTION 16C.6. The Department of Public Safety (DPS) shall make every effort to ensure that equipment and other State resources in buildings that are scheduled for demolition or otherwise not being used are recovered for use elsewhere. DPS shall report by March 1, 2018, on assets salvaged from the Western Youth Institution prior to demolition. The report shall include the type of asset salvaged, the estimated value of the asset, where it was used, and the savings associated with relocating the asset to another facility.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-CORR-H7(S16C.7)i

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

- 1 ***ELIMINATE OBSOLETE PILOT PROGRAM***
- 2 **SECTION 16C.7.** G.S. 143B-706 is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-CORR-H8(S16C.8)i

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

DOT CONTRACT FOR INMATE LITTER CREW

SECTION 16C.8. After the issuance of a request for information (RFI) and receipt of bids by the Department of Transportation for litter pickup on State highways and roads, the Department of Transportation shall first offer the contract to the Division of Adult Correction upon the same terms and conditions as the most favorable bid received by the Department of Transportation from a suitable contractor. The Division of Adult Correction shall have 30 days to accept or decline the offered contract.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-CORR-H9(S16C.9)i

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

WORKERS' COMPENSATION/PRISON INMATES

SECTION 16C.9.(a) G.S. 97-13 reads as rewritten:

"§ 97-13. Exceptions from provisions of Article.

(a) Employees of Certain Railroads. – This Article shall not apply to railroads or railroad employees nor in any way repeal, amend, alter or affect Article 8 of Chapter 60 or any section thereof relating to the liability of railroads for injuries to employees, nor upon the trial of any action in tort for injuries not coming under the provisions of this Article, shall any provision herein be placed in evidence or be permitted to be argued to the jury. Provided, however, that the foregoing exemption to railroads and railroad employees shall not apply to employees of a State-owned railroad company, as defined in G.S. 124-11, or to electric street railroads or employees thereof; and this Article shall apply to electric street railroads and employees thereof and to this extent the provisions of Article 8 of Chapter 60 are hereby amended.

(b) Casual Employment, Domestic Servants, Farm Laborers, Federal Government, Employer of Less than Three Employees. – This Article shall not apply to casual employees, farm laborers when fewer than 10 full-time nonseasonal farm laborers are regularly employed by the same employer, federal government employees in North Carolina, and domestic servants, nor to employees of such persons, nor to any person, firm or private corporation that has regularly in service less than three employees in the same business within this State, except that any employer without regard to number of employees, including an employer of domestic servants, farm laborers, or one who previously had exempted himself, who has purchased workers' compensation insurance to cover his compensation liability shall be conclusively presumed during life of the policy to have accepted the provisions of this Article from the effective date of said policy and his employees shall be so bound unless waived as provided in this Article; provided however, that this Article shall apply to all employers of one or more employees who are employed in activities which involve the use or presence of radiation.

(c) Most Prisoners. – This Article shall not apply to prisoners being worked by the State or any subdivision thereof, ~~except to the following extent: as provided in this subsection and subsection (c1) of this section.~~ Whenever any prisoner assigned to the Division of Adult Correction of the Department of Public Safety shall suffer accidental injury or accidental death arising out of and in the course of the employment to which he had been assigned, if there be death or if the results of such injury continue until after the date of the lawful discharge of such prisoner to such an extent as to amount to a disability as defined in this Article, then such discharged prisoner or the dependents or next of kin of such discharged prisoner may have the benefit of this Article by applying to the Industrial Commission as any other employee; provided, such application is made within 12 months from the date of the discharge; and provided further that the maximum compensation to any prisoner or to the dependents or next of kin of any deceased prisoner shall not exceed thirty dollars (\$30.00) per week and the period of compensation shall relate to the date of his discharge rather than the date of the accident. If any person who has been awarded compensation under the provisions of this subsection shall be recommitted to prison upon conviction of an offense committed subsequent to the award,

1 such compensation shall immediately cease. Any awards made under the terms of this
2 subsection shall be paid by the Department of Public Safety from the funds available for the
3 operation of the Division of Adult Correction of the Department of Public Safety. The
4 provisions of G.S. 97-10.1 and 97-10.2 shall apply to prisoners and discharged prisoners
5 entitled to compensation under this subsection and to the State in the same manner as said
6 section applies to employees and employers.

7 (c1) Certain Inmates. – The average weekly wage of inmates employed pursuant to the
8 Prison Industry Enhancement Program shall be calculated pursuant to G.S. 97-2(5).

9 (d) Sellers of Agricultural Products. – This Article shall not apply to persons, firms or
10 corporations engaged in selling agricultural products for the producers thereof on commission
11 or for other compensation, paid by the producers, provided the product is prepared for sale by
12 the producer."

13 **SECTION 16C.9.(b)** This section is effective when this act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-JUV-H1(S16D.1)i

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

LIMIT USE OF COMMUNITY PROGRAM FUNDS

SECTION 16D.1.(a) Funds appropriated in this act to the Department of Public Safety for the 2017-2019 fiscal biennium for community program contracts that are not required for or used for community program contracts may be used only for the following:

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

SECTION 16D.1.(b) Funds appropriated by this act to the Department of Public Safety for the 2017-2019 fiscal biennium for community programs may not be used for staffing, operations, maintenance, or any other expenses of youth development centers or detention facilities.

SECTION 16D.1.(c) The Department of Public Safety shall submit an electronic report by October 1 of each year of the 2017-2019 fiscal biennium on all expenditures made in the preceding fiscal year from the miscellaneous contract line in Fund Code 1230 to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee 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 2017

Drafting
SPECIAL PROVISION



2017-JUV-H2(S16D.2)i

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

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

SECTION 16D.2. Funds appropriated in this act to the Department of Public Safety for each fiscal year of the 2017-2019 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 Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee 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 2017-2018 fiscal year, the amount of funds anticipated for the 2018-2019 fiscal year, and the allocation of funds by program and purpose.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-JUV-H3(S16D.3)i

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

JUVENILE CRIME PREVENTION COUNCIL FUNDS

SECTION 16D.3. G.S. 143B-852(a) reads as rewritten:

"(a) On or before February 1 of each year, the Department of Public Safety shall submit to the Chairs of the Joint Legislative ~~Commission on Governmental Operations Oversight~~ Committee on Justice and Public Safety and the Chairs of the ~~Senate and House of Representatives Appropriations Subcommittees~~ Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety a list of the recipients of the grants awarded, or preapproved for award, from funds appropriated to the Department for local Juvenile Crime Prevention Council (JCPC) grants, including the following information:

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed
SPECIAL PROVISION



2017-EMNG-H2-P

Emergency Management National Guard
House Appropriations, Justice and Public Safety

Requested by

SEARCH AND RESCUE CHANGES

SECTION #. Article 6 of Chapter 166A of the General Statutes reads as rewritten:

"Article 6.

~~"Urban State~~ Search and Rescue.

"§ 166A-65. Definitions.

The following definitions apply in this Article:

- (1) Contract response team. – ~~An urban~~ A search and rescue team, specialty rescue team, or incident support team.
- (2) Incident support team. – A team of trained emergency response personnel, organized to provide coordination between governmental agencies and nongovernmental organizations as well as technical and logistical support to ~~urban~~ search and rescue teams and specialty rescue teams.
- (2a) Search and rescue team. – A specialized team or group of teams, organized with capabilities equivalent to search and rescue teams established under the Federal Emergency Management Agency in order to assist in the removal of trapped victims during emergencies, including, but not limited to, collapsed structures, trench excavations, elevated locations, and other technical rescue situations.
- (3) Secretary. – The Secretary of the Department of Public Safety.
- (4) Specialty rescue team. – A specialized response team, organized to provide technical rescue assistance to first responders. The term includes, but is not limited to, a canine search and rescue or disaster response team, a cave search and rescue team, a collapse search and rescue team, a mine and tunnel search and rescue team, and a swift water or flood search and rescue team. A specialty rescue team shall be aligned with one or more of the search and rescue categories within the Federal Emergency Management Agency's national resource typing system.
- (5) ~~Urban search and rescue team. – A specialized team or group of teams, organized with capabilities equivalent to urban search and rescue teams established under the Federal Emergency Management Agency in order to assist in the removal of trapped victims during emergencies, including, but not limited to, collapsed structures, trench excavations, elevated locations, and in other technical rescue situations.~~

"§ 166A-66. Urban State Search and Rescue Program.

(a) The Secretary shall adopt rules establishing a program for ~~urban~~ search and rescue that relies on contracts with contract response teams. The program shall be administered by the Division of Emergency Management. To the extent possible, the program shall be coordinated with other emergency planning activities of the State. The program shall include contract response teams located strategically across the State that are available to provide 24-hour

dispatch from the Division of Emergency Management Operations Center. The rules for the program shall include:

- (1) Standards, including training, equipment, and personnel standards required to operate a contract response team.
- (2) Guidelines for the dispatch of a contract response team to ~~an urban~~ a search and rescue team or specialty rescue team mission.
- (3) Guidelines for the on-site operations of a contract response team.
- (4) Standards for administration of a contract response team, including procedures for reimbursement of response costs.
- (5) Refresher and specialist training for members of contract response teams.
- (6) Procedures for recovering the costs of ~~an urban~~ a search and rescue team or specialty rescue team mission.
- (7) Procedures for bidding and contracting for ~~urban~~ search and rescue team and specialty rescue team missions.
- (8) Criteria for evaluating bids for ~~urban~~ search and rescue team and specialty rescue team missions.
- (9) Delineation of the roles of the contract response team, local public safety personnel, the Division of Emergency Management's area coordinator, and other State agency personnel participating in ~~an urban~~ a search and rescue team or specialty rescue team mission.
- (10) Procedures for the Division of Emergency Management to audit the contract response teams to ensure compliance with State and federal guidelines.

(b) Within available appropriations, the Division of Emergency Management shall spend the necessary funds for training, equipment, and other items necessary to support the operations of contract response teams. The Division of Emergency Management may also administer any grants of other funds made available for contract response teams, in accordance with applicable rules and regulations approved by the Director of the State Budget.

(c) In developing the ~~Urban~~ State Search and Rescue Program and adopting the rules required by this section, the Secretary shall consult with the ~~Urban~~ State Search and Rescue Team Advisory Committee established pursuant to G.S. 166A-69.

"§ 166A-67. Contracts; equipment loans.

(a) The Secretary may contract with any unit or units of local government for the provision of a contract response team to implement the ~~Urban~~ State Search and Rescue Program. Contracts are to be let consistent with the bidding and contract standards and procedures adopted pursuant to G.S. 166A-66(a)(7) and G.S. 166A-66(a)(8). In entering into contracts with units of local government, the Secretary may agree to provide any of the following:

- (1) A loan of equipment.
- (2) Reimbursement of personnel costs, including the cost of callback personnel, when a contract response team is authorized by the Department to respond to ~~urban~~ search and rescue team and specialty rescue team missions.
- (3) Reimbursement for use of equipment and vehicles owned by the contract response team.
- (4) Replacement of disposable materials and damaged equipment.
- (5) Training expenses.
- (6) Anything else agreed to by the Secretary and the contract response team.

(b) The Secretary shall not agree to provide reimbursement for standby time.

(c) Any contract entered into between the Secretary and a unit of local government for the provision of a contract response team shall specify that the members of the contract response team, when performing under the contract, shall not be employees of the State and shall not be entitled to benefits under the Teachers' and State Employees' Retirement System or

1 for the payment by the State of federal Social Security, employment insurance, or workers'
2 compensation.

3 (d) Contract response teams that have the use of a State vehicle may use the vehicle for
4 local purposes. Where a State vehicle is used for purposes other than authorized contract
5 response to ~~an urban~~ a search and rescue team and specialty rescue team mission, the contract
6 response team shall be liable for repairs or replacements directly attributable to that use.

7 **"§ 166A-68. Immunity of contract response team personnel.**

8 Members of a contract response team shall be protected from liability under the provisions
9 of G.S. 166A-19.60(a) while on ~~an urban~~ a search and rescue team or specialty rescue team
10 mission pursuant to authorization from the Division of Emergency Management.

11 **"§ 166A-69. Urban-State Search and Rescue Team Advisory Committee.**

12 (a) The ~~Urban-State~~ Search and Rescue Team Advisory Committee is created. The
13 Secretary shall appoint the members of the Committee and shall designate the Director or
14 Deputy Director of the North Carolina Division of Emergency Management as the chair. In
15 making appointments, the Secretary shall take into consideration the expertise of the appointees
16 in the management of ~~urban~~ search and rescue or specialty response team missions. The
17 Secretary shall appoint one representative from each of the following:

- 18 (1) The Division of North Carolina Emergency Management, who shall be the
19 Director or Deputy Director of the North Carolina Division of Emergency
20 Management and who shall serve as the chair.
- 21 (2) Each state ~~USAR~~ regional contract response team's Chief or Deputy Chief.
- 22 (3) The North Carolina Office of State Fire Marshal.
- 23 (4) The North Carolina Highway Patrol.
- 24 (5) The North Carolina National Guard.
- 25 (6) The North Carolina Association of Rescue and E.M.S., Inc.
- 26 (7) The North Carolina Association of Fire Chiefs.
- 27 (8) The North Carolina State Firefighters' Association.
- 28 (9) The North Carolina Emergency Management Association.

29 (b) The Advisory Committee shall meet on the call of the chair, or at the request of the
30 Secretary, provided that the Committee shall meet no less than once every year. The
31 Department of Public Safety shall provide space for the Advisory Committee to meet. The
32 Department shall also provide the Advisory Committee with necessary support staff and
33 supplies to enable the Committee to carry out its duties in an effective manner.

34 (c) Members of the Advisory Committee shall serve without pay, but shall receive
35 travel allowance, lodging, subsistence, and per diem as provided by G.S. 138-5.

36 (d) The Contract Response Team Advisory Committee shall advise the Secretary on the
37 establishment of the ~~Urban-State~~ Search and Rescue Program. The Committee shall also
38 evaluate and advise the Secretary of the need for additional contract response teams to serve the
39 State."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-ATTY-H1(S17.1)i

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

NO HIRING OF SWORN STAFF POSITIONS FOR NC STATE CRIME LAB

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

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SPECIAL PROVISION



2017-ATTY-H2(S17.3)i

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

***PED TO STUDY ALLOCATION OF ATTORNEYS BETWEEN THE ATTORNEY
GENERAL'S OFFICE AND DEPARTMENTS***

SECTION 17.3. The Joint Legislative Program Evaluation Oversight Committee shall revise the biennial 2017-2018 work plan for the Program Evaluation Division to include an evaluation of the allocation of attorneys in State Government, including the use of general counsel within State agencies, the use of private attorneys, and the use of attorneys in the Department of Justice. The Program Evaluation Division shall submit its evaluation to the Joint Legislative Program Evaluation Oversight Committee and to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2018.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

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SPECIAL PROVISION



2017-ATTY-H4-P

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

Requested by

SAMARCAND AS VENUE FOR SPECIALIZED INSTRUCTOR TRAINING

SECTION #. The Criminal Justice Education and Training Standards Commission may authorize specialized instructor training courses offered by authorized instructors at the Samarcand Training Academy, and the Samarcand Training Academy is a permissible venue for such courses. The courses shall be limited to those that are certified by the North Carolina Criminal Justice Training and Standards Division and identified in the North Carolina Administrative Code under Title 12, Chapter 09, subchapter B, Section .0200. The courses shall include, but are not limited to, the following:

- (1) 12 NCAC 09B .0226 – Specialized Firearms Instructor Training (Range).
- (2) 12 NCAC 09B .0227 – Specialized Driver Instructor Training (Driving Track).
- (3) 12 NCAC 09B .0232 – Specialized Subject Control Arrest Techniques Instructor Training (Mat Rooms).
- (4) 12 NCAC 09B .0233 – Specialized Physical Fitness Instructor Training (Mat Rooms).
- (5) 12 NCAC 09B .0417 – Specialized Explosives and Hazardous Materials Instructor Training.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

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SPECIAL PROVISION



2017-IDS-H1(S18A.1)i

Indigent Defense Services
House Appropriations, Justice and Public Safety

IDS MATCH FOR GRANTS

SECTION 18A.1. Notwithstanding G.S. 143C-6-9, during the 2017-2019 fiscal biennium, Indigent Defense Services may use the sum of up to fifty thousand dollars (\$50,000) from funds available to provide the State matching funds needed to receive grant funds. Prior to using funds for this purpose, Indigent Defense Services shall report to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-IDS-H3(S18A.3)i

Indigent Defense Services
House Appropriations, Justice and Public Safety

STANDARDS FOR INDIGENCY

SECTION 18A.3. The Administrative Office of the Courts, in conjunction with Indigent Defense Services, shall study and develop specific statewide standards for determining indigency for defendants. The study shall include a review of the practices of other states regarding determination of indigency, analysis of the cost-effectiveness of alternatives to the status quo, and implementation plans for the standards agreed upon. The standards may take local expenses and cost-of-living into account. The implementation plans should include procedures for auditing future indigency determinations to ensure that the new standards are working as intended. The Administrative Office of the Courts and Indigent Defense Services shall issue a report to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2018.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

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SPECIAL PROVISION



2017-AOC-H1(S18B.1)i

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

COLLECTION OF WORTHLESS CHECKS

SECTION 18B.1. 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, 2017, for the purchase or repair of office or information technology equipment during the 2017-2018 fiscal year and may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2018, for the purchase or repair of office or information technology equipment during the 2018-2019 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 2017

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SPECIAL PROVISION



2017-AOC-H2(S18B.2)i

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

GRANT FUNDS

SECTION 18B.2. 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 2017-2019 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 submit a report to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

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SPECIAL PROVISION



2017-AOC-H3(S18B.3)i

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

THIRD-PARTY ACCESS TO COURT RECORDS ANNUAL REPORT

SECTION 18B.3.(a) G.S. 7A-109(e) reads as rewritten:

"§ 7A-109. Record-keeping procedures.

...

(e) If any contracts entered into under ~~G.S. 7A-109(d)~~ subsection (d) of this section are in effect during any calendar year, the Director of the Administrative Office of the Courts shall submit to the ~~Joint Legislative Commission on Governmental Operations~~ House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety not later than February 1 of the following year a report on all those contracts."

SECTION 18B.3.(b) This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

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SPECIAL PROVISION



2017-AOC-H4(S18B.4)i

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

BUSINESS COURT REPORTS

SECTION 18B.4.(a) G.S. 7A-45.5 is repealed.

SECTION 18B.4.(b) G.S. 7A-343(8a) reads as rewritten:

"(8a) Prepare and submit a semiannual report on the activities of each North Carolina business court site to the Chief ~~Justice~~ Justice, the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety, the chairs of the of the Joint Legislative Oversight Committee on Justice and Public Safety, and to each member all other members of the General Assembly. Assembly on February 1 and August 1. The semiannual report required under this subdivision shall be separate from the report required under subdivision (8) of this section and shall include the total number of civil cases pending in each business court site over three years after being designated as a mandatory complex business case, motions pending over six months after being filed, and civil cases in which bench trials have been concluded for over six months without entry of judgment, including any accompanying explanation provided by the Business Court. report shall include the following information for each business court site:

- a. The number of new, closed, and pending cases for the previous three years.
- b. The average age of pending cases.
- c. The number of motions pending over six months after being filed.
- d. The number of cases in which bench trials have been concluded for over six months without entry of judgment, including any accompanying explanation provided by the Business Court.

The August 1 report shall include an accounting of all business court activities for the previous fiscal year, including the itemized annual expenditures."

SECTION 18B.4.(c) This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

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SPECIAL PROVISION



2017-AOC-H5(S18B.5)i

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

DIGITAL FORENSICS INCLUDED IN COURT COSTS

SECTION 18B.5.(a) G.S. 7A-304(a) reads as rewritten:

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

...

(9a) For the services of the North Carolina State Crime Laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the Department of Justice to be used for laboratory purposes. This cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed digital forensics, including the seizure, forensic imaging, and acquisition and analysis of digital media.

(9b) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the general fund of the local law enforcement unit to be used for laboratory purposes. The cost shall be assessed only in (i) cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed digital forensics, including the seizure, forensic imaging, and acquisition and analysis of digital media, and (ii) if the court finds that the work performed at the local government's laboratory is the equivalent of the same kind of work performed by the North Carolina State Crime Laboratory under subdivision (9a) of this subsection.

...

(11) For the services of an expert witness employed by the North Carolina State Crime Laboratory who completes a chemical analysis pursuant to ~~G.S. 20-139.1~~ or a G.S. 20-139.1, a forensic analysis pursuant to ~~G.S. 8-58.20~~ G.S. 8-58.20, or a digital forensics analysis and provides testimony about that analysis in a defendant's trial, the district or superior court judge shall, upon conviction of the defendant, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the Department of Justice for support of the State Crime Laboratory. This cost shall be assessed only in cases in which the expert witness provides testimony about the chemical or forensic analysis in the defendant's trial and shall be in addition to any cost assessed under subdivision (7) or (9a) of this subsection.

(12) For the services of an expert witness employed by a crime laboratory operated by a local government or group of local governments who completes a chemical analysis pursuant to ~~G.S. 20-139.1~~ or ~~a~~ G.S. 20-139.1, a forensic analysis pursuant to G.S. 8-58.20, or a digital forensics analysis and provides testimony about that analysis in a defendant's trial, the district or superior court judge shall, upon conviction of the defendant, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the general fund of the local governmental unit that operates the laboratory to be used for the local law enforcement. ~~enforcement laboratory.~~ This cost shall be assessed only in cases in which the expert witness provides testimony about the chemical or forensic analysis in the defendant's trial and shall be in addition to any cost assessed under subdivision (8) or (9b) of this subsection.

...."

SECTION 18B.5.(b) This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-AOC-H6(S18B.6)

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

FEE WAIVER

SECTION 18B.6. 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. No court may waive or remit all or part of any court fines or costs without providing notice and opportunity to be heard by all government entities directly affected. The court shall provide notice to the government entities directly affected of (i) the date and time of the hearing and (ii) the right to be heard and make an objection to the remission or waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be made to the government entities affected by first-class mail to the address provided for receipt of court costs paid pursuant to the order.

...."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-AOC-H7(S18B.8)i

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

SUPREME COURT BICENTENNIAL CELEBRATION

SECTION 18B.8. Notwithstanding G.S. 7A-10(a), in honor of the court's bicentennial celebration, the court may, by rule, hold sessions in any location across the State. This section only applies to the calendar years 2018 through 2020.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-AOC-H8(S18B.9)

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

ALLOCATION OF ASSISTANT DISTRICT ATTORNEYS

SECTION #.(a) G.S. 7A-60(a1) reads as rewritten:

"(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 12
3B	Carteret, Craven, Pamlico	12 13
4	Duplin, Jones, Onslow, Sampson	18 20
5	New Hanover, Pender	18 20
6	Bertie, Halifax, Hertford, Northampton	10 11
7	Edgecombe, Nash, Wilson	18 19
8	Greene, Lenoir, Wayne	14
9	Franklin, Granville, Vance, Warren	10 11
9A	Person, Caswell	6
10	Wake	41 42
11A	Harnett, Lee	9 12
11B	Johnston	10
12	Cumberland	23 25
13	Bladen, Brunswick, Columbus	13 14
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 35
19A	Cabarrus	9
19B	Montgomery, Randolph	9 10

1	19C	Rowan	8
2	19D	Moore	56
3	20A	Stanly	5
4	20B	Union	1011
5	21	Forsyth	2526
6	22A	Alexander, Iredell	1112
7	22B	Davidson, Davie	1112
8	23	Alleghany, Ashe, Wilkes,	89
9		Yadkin	
10	24	Avery, Madison, Mitchell,	78
11		Watauga, Yancey	
12	25	Burke, Caldwell, Catawba	1821
13	26	Mecklenburg	58
14	27A	Gaston	1416
15	27B	Cleveland, Lincoln	1112
16	28	Buncombe	14
17	29A	McDowell, Rutherford	78
18	29B	Henderson, Polk, Transylvania	89
19	30	Cherokee, Clay, Graham,	1012
20		Haywood, Jackson, Macon,	
21		Swain."	

SECTION #.(b) G.S. 7A-60(a2) is repealed.

SECTION #.(c) G.S. 7A-63 reads as rewritten:

"§ 7A-63. Assistant district attorneys.

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed
SPECIAL PROVISION



2017-AOC-H9-P

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

Requested by

ELIMINATE ACCESS TO CIVIL JUSTICE FUNDS

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

"§ 7A-304. Costs in criminal actions.

(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.

...

(4) For support of the General Court of Justice, the sum of 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.~~

...."

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

"§ 7A-305. Costs in civil actions.

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

...

(2) For support of the General Court of Justice, the sum of one hundred eighty dollars (\$180.00) in the superior court and the sum of one hundred thirty dollars (\$130.00) in the district court except that if the case is assigned to a magistrate the sum shall be eighty dollars (\$80.00). If a case is designated as a mandatory complex business case under G.S. 7A-45.4, upon assignment to a Business Court Judge, the party filing the designation shall pay an additional one thousand one hundred dollars (\$1,100) for support of the General Court of Justice. If a case is designated as a complex business case under Rule 2.1 and Rule 2.2 of the General Rules of Practice for the Superior and District Courts, upon assignment to a Business Court Judge, the plaintiff shall pay an additional one thousand one hundred dollars (\$1,100) for

1 support of the General Court of Justice. Sums collected under this
2 subdivision shall be remitted to the State Treasurer. ~~The State Treasurer shall~~
3 ~~remit the sum of one dollar and fifty cents (\$1.50) of each fee collected~~
4 ~~under this subdivision to the North Carolina State Bar for the provision of~~
5 ~~services described in G.S. 7A-474.4, and ninety five cents (\$.95) of each fee~~
6 ~~collected under this subdivision to the North Carolina State Bar for the~~
7 ~~provision of services described in G.S. 7A-474.19."~~

8 **SECTION #.(c)** Article 37A of Chapter 7A of the General Statutes is repealed.

9 **SECTION #.(d)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-AOC-H11(S18B.7)

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

MODIFY EMERGENCY RECALL JUDGES

SECTION #.(a) G.S. 7A-45.2 reads as rewritten:

"§ 7A-45.2. Emergency special judges of the superior court; qualifications, appointment, removal, and authority.

- (a) Any justice or judge of the appellate division of the General Court of Justice who:
- (1) Retires under the provisions of the Consolidated Judicial Retirement Act, Article 4 of Chapter 135 of the General Statutes, or who is eligible to receive a retirement allowance under that act;
 - (2) Has not reached the mandatory retirement age specified in G.S. 7A-4.20;
 - (3) Has served at least five years as a superior court judge or five years as a justice or judge of the appellate division of the General Court of Justice, or any combination thereof, whether or not eligible to serve as an emergency justice or judge of the appellate division of the General Court of Justice; and
 - (4) Whose judicial service ended within the preceding 10 years;
- may apply to the Governor for appointment as an emergency special superior court judge in the same manner as is provided for application as an emergency superior court judge in G.S. 7A-53. If the Governor is satisfied that the applicant meets the requirements of this section and is physically and mentally able to perform the duties of a superior court judge, the Governor shall issue a commission appointing the applicant as an emergency special superior court judge until the applicant reaches the mandatory retirement age for superior court judges specified in G.S. 7A-4.20.
- (b) Any emergency special superior court judge appointed as provided in this section shall:
- (1) Have the same powers and duties, when duly assigned to hold court, as provided for an emergency superior court judge by G.S. 7A-48;
 - (2) Be subject to assignment in the same manner as provided for an emergency superior court judge by G.S. 7A-46 and 7A-52(a);
 - (3) Receive the same compensation, expenses, and allowances, when assigned to hold court, as an emergency superior court judge as provided by G.S. 7A-52(b);
 - (4) Be subject to the provisions and requirements of the Canons of Judicial Conduct; and
 - (5) Not engage in the practice of law during any period for which the emergency special superior court judgeship is commissioned. However, this subdivision shall not be construed to prohibit an emergency special superior court judge appointed pursuant to this section from serving as a referee, arbitrator, or mediator, during service as an emergency special superior court judge when the service does not conflict with or interfere with the emergency special superior court judge's judicial service in emergency status.

1 (c) Upon reaching mandatory retirement age for superior court judges as set forth in
2 G.S. 7A-4.20, any emergency special superior court judge appointed pursuant to this section,
3 whose commission has expired, may be recalled as a recalled emergency special superior court
4 judge to preside over any regular or special session of the superior court under the following
5 circumstances:

- 6 (1) The judge shall consent to the recall;
- 7 (2) The Chief Justice may order the recall;
- 8 (3) Prior to ordering recall, the Chief Justice shall be satisfied that the recalled
9 judge is capable of efficiently and promptly discharging the duties of the
10 office to which recalled;
- 11 (4) Jurisdiction of a recalled emergency special superior court judge is as set
12 forth in G.S. 7A-48;
- 13 (5) Orders of recall and assignment shall be in writing and entered upon the
14 minutes of the court to which assigned; and
- 15 (6) Compensation, expenses, and allowances of recalled emergency special
16 superior court judges are the same as for recalled emergency superior court
17 judges under G.S. 7A-52(b).
- 18 (7) The emergency special superior court judge is listed as active on the list
19 described in 7A-52(a).

20 (d) Any former justice or judge of the appellate division of the General Court of Justice
21 who otherwise meets the requirements of subsection (a) of this section to be appointed an
22 emergency special superior court judge but has already reached the mandatory retirement age
23 for superior court judges set forth in G.S. 7A-4.20 on retirement may, in lieu of serving as an
24 emergency judge of the court from which he retired, apply to the Governor to be appointed as
25 an emergency special superior court judge as provided in this section. If the Governor issues a
26 commission to the applicant, the retired justice or judge is subject to recall as an emergency
27 special superior court judge as provided in subsection (c) of this section.

28 (e) No justice or judge appointed as an emergency special superior court judge or
29 subject to recall as provided in this section shall, during the period so appointed or subject to
30 recall, contemporaneously serve as an emergency justice or judge of the appellate division of
31 the General Court of Justice.

32 **SECTION #.(b)** G.S. 7A-52 reads as rewritten:

33 **"§ 7A-52. Retired district and superior court judges may become emergency judges**
34 **subject to recall to active service; compensation for emergency judges on recall.**

35 (a) Judges of the district court and judges of the superior court who have not reached
36 the mandatory retirement age specified in G.S. 7A-4.20, but who have retired under the
37 provisions of G.S. 7A-51, or under the Uniform Judicial Retirement Act after having completed
38 five years of creditable service, may apply as provided in G.S. 7A-53 to become emergency
39 judges of the court from which they retired. From the commissioned emergency district,
40 superior, and special superior court judges, the Chief Justice of the Supreme Court shall create
41 two lists of active emergency judges and two lists of inactive emergency judges. For
42 emergency superior and special superior court judges, the active list shall be limited to a
43 combined total of fifteen emergency judges; all other emergency superior and special superior
44 court judges shall be on an inactive list. For emergency district court judges, the active list shall
45 be limited to thirty-five emergency judges; all other emergency district court judges shall be on
46 an inactive list. There is no limit to the number of emergency judges on either inactive list. In
47 the Chief Justice's discretion, emergency judges may be added or removed from their respective
48 active and inactive lists, as long as the respective numerical limits on the active lists are
49 observed. The Chief Justice is requested to consider geographical distribution in assigning
50 emergency judges to an active list, but may utilize any factor in determining which emergency
51 judges are assigned to an active list. The Chief Justice of the Supreme Court may order any

1 emergency district, superior, or special superior court judge on an active list judge of the
2 district or superior court who, in his opinion, is competent to perform the duties of a judge of
3 the court from which such judge retired to hold regular or special sessions of the court from
4 which the judge retired such court, as needed. Order of assignment shall be in writing and
5 entered upon the minutes of the court to which such emergency judge is assigned.

6 (a1) An emergency judge of the superior court may be recalled to active service by the
7 Chief Justice and assigned to hear and decide complex business cases if, at the time of the
8 judge's retirement, all of the following conditions are met:

9 (1) The judge is a special superior court judge who is retiring from a term to
10 which the judge was appointed pursuant to G.S. 7A-45.1.

11 (2) The judge is retiring from a term for which the judge was assigned by the
12 Chief Justice to hear and decide complex business cases as a business court
13 judge pursuant to G.S. 7A-45.3.

14 (3) The judge's nomination to serve a successive term in the same office is
15 pending before the General Assembly, or was not acted upon by the General
16 Assembly prior to adjournment sine die.

17 (4) If confirmed and appointed to the successive term of office for which
18 nominated, the judge would reach mandatory retirement age before
19 completing that term of office.

20 An emergency judge assigned to hear and decide complex business cases pursuant to this
21 subsection shall be designated by the Chief Justice as a senior business court judge and shall be
22 eligible to serve in that capacity for five years from the issuance date of the judge's commission
23 under G.S. 7A-53 or until the judge's commission expires, whichever occurs first. Order of
24 assignment shall be in writing and entered upon the minutes of the court to which such
25 emergency judge is assigned. An emergency judge assigned to hear and decide complex
26 business cases shall not be counted in the combined total of active emergency superior and
27 special superior court judges described in subsection (a).

28 (b) In addition to the compensation or retirement allowance the judge would otherwise
29 be entitled to receive by law, each emergency judge of the district or superior court who is
30 assigned to temporary active service by the Chief Justice shall be paid by the State the judge's
31 actual mileage and any necessary lodging and meal expenses, plus four hundred dollars
32 (\$400.00) for each day of active service rendered upon recall, and each emergency judge
33 designated as a senior business court judge pursuant to subsection (a1) of this section shall be
34 paid by the State the judge's actual expenses, plus five hundred dollars (\$500.00) for each day
35 of active service rendered upon recall as a senior business court judge. No day of active service
36 rendered by an emergency judge pursuant to assignment under subsection (a) of this section
37 shall overlap with a day of active service rendered pursuant to assignment under subsection
38 (a1) of this section. No recalled retired trial judge shall receive from the State total annual
39 compensation for judicial services in excess of that received by an active judge of the bench to
40 which the judge is recalled. Emergency judges on an inactive list shall not receive
41 reimbursement for continuing legal or judicial education.

42 **SECTION #.(c) G.S. 7A-57 reads as rewritten:**

43 **"§ 7A-57. Recall of active and emergency trial judges who have reached mandatory**
44 **retirement age.**

45 Superior and district court judges retired because they have reached the mandatory
46 retirement age, and emergency superior and district court judges whose commissions have
47 expired because they have reached the mandatory retirement age, may be recalled to preside
48 over regular or special sessions of the court from which retired under the following
49 circumstances:

50 (1) The judge must consent to the recall.

51 (2) The Chief Justice is authorized to order the recall.

- 1 (3) Prior to ordering recall, the Chief Justice shall be satisfied that the judge is
2 capable of efficiently and promptly discharging the duties of the office to
3 which recalled.
- 4 (4) Jurisdiction of a recalled retired superior court judge is as set forth in
5 G.S. 7A-48, and jurisdiction of a recalled retired district court judge is as set
6 forth in G.S. 7A-53.1.
- 7 (5) Orders of recall and assignment shall be in writing and entered upon the
8 minutes of the court to which assigned.
- 9 (6) Compensation of recalled retired trial judges is the same as for recalled
10 emergency trial judges under G.S. 7A-52(b).
- 11 (7) Recalled emergency judges who served as a senior business court judge and
12 whose commission expired upon reaching the mandatory retirement age may
13 be recalled by the Chief Justice and assigned to hear and decide complex
14 business cases as a senior business court judge for up to five years from the
15 issuance date of their commission under G.S. 7A-53.
- 16 (8) The emergency judge is listed as active on the list described in 7A-52(a).
17 This does not apply to an emergency judge who qualifies under (7)."

18 **SECTION #.(d)** The Administrative Office of the Courts shall report annually to
19 the Joint Legislative Oversight Committee on Justice and Public Safety by August 1st on the
20 preceding fiscal year's activities. The report shall include:

- 21 (1) An updated list of all active superior court and district court emergency
22 judges.
- 23 (2) A list of all cases where an emergency court judge was assigned including
24 what districts the cases were located in and the reason for the assignment.
- 25 (3) A list of all expenses broken down by the daily fee for emergency judges,
26 travel for service to assignment, and travel for continuing judicial education.
- 27 (4) A list of on bench time for all emergency judges.

28 **SECTION #.(e)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

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SPECIAL PROVISION



2017-AOC-H13

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

Requested by

1 ***MAGISTRATE POSITION TRANSFER***

2 **SECTION #.** The following positions, #60066073 and #60006074, are transferred
3 to Wilkes County.