1998

HOUSE APPROPRIATIONS – JUSTICE & PUBLIC SAFETY

MINUTES

HOUSE APPROPRIATIONS SUBCOMMITTEE

ON

JUSTICE AND PUBLIC SAFETY

1997 - 98

CHAIRMEN

REPRESENTATIVE LARRY JUSTUS
REPRESENTATIVE GREGG THOMPSON
REPRESENTATIVE JOE KISER

STAFF

JIM MILLS, FISCAL RESEARCH
CHARLES PERUSSE, FISCAL RESEARCH
ELISA WOLPER, FISCAL RESEARCH
ANDY WILLIS, FISCAL RESEARCH

BETH BARNES, BILL DRAFTING
SEAN DAIL, BILL DRAFTING

CLERKS

CAROLYN JUSTUS
EDNA SYKES
MARILYN HOLDER

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1997-98 Regular Session — HOUSE: APPROPRIATIONS--JUSTICE & PUBLIC SAFETY — Valid Through 19-NOV-1998

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 140	JUSTUS	EXTEND CRIME CONTROL STUDY	H -ASSIGNED TO APP-JPS	06-22-98	
H 162=	CRAWFORD	INCREASE DRUG PENALTIES	HF-POSTPONED INDEFINITELY	06-22-98	07-13-98
H 169=	JUSTUS	CONTINUE SENTENCING COMMISSION	H -ASSIGNED TO APP-JPS	06-22-98	
H 183	**BOWIE**	**DWI/FELONY PRIOR RECORD LEVEL**	***R -CH. SL 97-0486**	**04-08-97**	**04-22-97**
H 218	MCCRARY	CONFORM WITNESS TRAVEL FEES	*H -ASSIGNED TO APP-JPS	06-22-98	
H 449	**HACKNEY**	**DART CONTINUING CARE FUNDS**	**H -ASSIGNED TO APP-JPS**	**06-22-98**	
H 560	ALEXANDER	DIVORCE EDUCATION	*H -ASSIGNED TO APP-JPS	04-22-97	
H 573	**THOMPSON**	**PROJECT CHALLENGE FUNDS**	**H -ASSIGNED TO APP-JPS**	**06-22-98**	
H 654	SEXTON	TRANSFER ROCKINGHAM CORR. CENTER	H -ASSIGNED TO APP-JPS	06-22-98	
H 665=	EDDINS	CRIME VICTIMS' RIGHTS ACT	*H -ASSIGNED TO APP-JPS	08-04-97	06-18-98
H 665=	EDDINS	CRIME VICTIMS' RIGHTS ACT	*H -ASSIGNED TO APP-JPS	08-19-98	
H 743	**MORRIS**	**JUVENILE ASSESSMENT PROJECT FUNDS**	**H -ASSIGNED TO APP-JPS**	**06-22-98**	
H 938	**PRESTON**	**ACCIDENT VICTIM I.D./FUNDS**	**H -ASSIGNED TO APP-JPS**	**06-22-98**	
H 939	HURLEY	DRUG TAX FOR CRIMESTOPPERS	*H -ASSIGNED TO APP-JPS	05-14-97	
H 975	SEXTON	N.C.N.G. LENGTHY SERVICE BONUS	H -ASSIGNED TO APP-JPS	06-22-98	
H 986	**KISER**	**RAISE REIMBURSEMENT TO COUNTIES**	**H -ASSIGNED TO APP-JPS**	**06-22-98**	
H1093	NESBITT	HP HELICOPTER TO ASHEVILLE	H -ASSIGNED TO APP-JPS	06-22-98	
H1148	**DECKER**	**TEEN COURT FUNDS/GUIDELINES**	**H -ASSIGNED TO APP-JPS**	**06-22-98**	
H1163=	**HENSLEY**	**WAKE'S DOTF FUNDS**	**H -ASSIGNED TO APP-JPS**	**06-22-98**	
H1185	**INSKO**	**ORANGE TEEN COURT FUNDS**	**H -ASSIGNED TO APP-JPS**	**06-22-98**	
H1614	**SHERRILL**	**MEDIATION CENTER FUNDS-2**	**H -ASSIGNED TO APP-JPS**	**06-22-98**	
H1680	WARNER	MAGISTRATES' SALARY INCREASE	H -ASSIGNED TO APP-JPS	06-22-98	
H1733	**EDDINS**	**EXPEDITE DEATH PENALTY CASES/FUNDS**	**H -ASSIGNED TO APP-JPS**	**06-22-98**	
S 763=	COOPER	CRIME VICTIMS RIGHTS ACT	*H -CAL PURSUANT RULE 36(A)	09-14-98	09-16-98
S1262	**PLYLER**	**ATTORNEYS FEES/SETTLEMENT FUNDS**	***R -CH. SL 98-0164**	**09-24-98**	**09-29-98**

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.
* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.
BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

HOUSE APPROPRITIONS SUBCOMMITTEE
ON JUSTICE AND PUBLIC SAFETY
MEMBERSHIP

Rep. Larry Justus, Chair
Room 1013
733-5956

Rep. Gregory Thompson, Chair
Room 1002
733-5828

Rep. Joe Kiser, Chair
Room 1313
733-5803

Rep. Paul McCrary
Ranking Minority
Room 610
733-5780

Rep. Edwin Hardy
Room 637
733-5906

Rep. Ted Kinney
Room 1426
733-5602

Rep. David Redwine
Room 1420
733-5806

Rep. Wayne Sexton
Room 506
733-5974

Rep. Ronald Smith
Room 417-A
715-3019

Carolyn Justus, Clerk 733-5956
Edna Sykes, Clerk 733-5828
Marilyn Holder, Clerk 733-5803

Jim Mills, Fiscal Research 733-4910
Charles Perusse, Fiscal Research 733-4910
Elisa Wolper, Fiscal Research 733-4910
Andy Willis, Fiscal Research 733-4910

Beth Barnes, Bill Drafting 733-6660
Sean Dail, Bill Drafting 733-6660

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Rep. Larry Justus
Chairman



Rep. Gregg Thompson
Chairman



Rep. Joe Kiser
Chairman



Rep. Paul McCrary
Ranking Minority



Rep. Edwin Hardy



Rep. Ted Kinney



Rep. David Redwine



Rep. Wayne Sexton



Rep. Ronald Smith



SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY MEMBERSHIP

Sen. Wib Gulley, Chair
Room 2108
733-5651

Sen. Frank Ballance
Vice-Chair
Room 523
715-3032

Sen. Don East
Ranking Minority
Room 521
733-5655

Sen. John Blust
Room 2115
733-5804

Sen. Tony Rand
Room 300-C
733-9892

Sen. Allen Wellons
Room 1026
733-5850

Carol Resar, Clerk 733-5651

Jim Mills, Fiscal Research 733-4910
Charles Perusse, Fiscal Research 733-4910
Elisa Wolper, Fiscal Research 733-4910
Andy Willis, Fiscal Research 733-4910

Beth Barnes, Bill Drafting 733-6660
Sean Dail, Bill Drafting 733-6660

ATTENDANCE

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

DATES	5/12	5/20	5/26	5/28	6/2	6/4	6/9	6/11	6/16	6/17	6/18	6/23	6/24	6/25	6/30
Rep. Larry Justus	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Gregg Thompson	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Rep. Joe Kiser	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Paul McCrary	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Sandy Hardy		✓		✓	✓		✓		✓	✓	✓	✓		✓	
Rep. Ted Kinney		✓									✓				
Rep. David Redwine		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
Rep. Wayne Sexton	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Ronald Smith	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
Rep Ruth Easterling	✓														
Rep. James Crawford		✓						✓							
Rep. Billy Creech															
Rep. Leo Daughtry															
Rep. Theresa Esposito															
Rep. George Holmes										✓					
Rep. Julia Howard															
Rep. Stephen Wood															
Sen. Wib Gulley	✓	✓													
Sen Frank Ballance	✓	✓													
Sen John Blust		✓													
Sen Allen Wellons	✓	✓													

ATTENDANCE

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

DATES	7/1	7/2	7/9 am	7/9 pm	7/13	7/14	7/15	7/16	9/15	9/29					
Rep. Larry Justus	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					
Rep. Gregg Thompson	✓		✓	✓	✓	✓	✓	✓	✓						
Rep. Joe Kiser	✓	✓	✓	✓	✓	✓	✓	✓	✓						
Rep. Paul McCrary		✓				✓	✓	✓	✓	✓					
Rep. Sandy Hardy		✓				✓			✓						
Rep. Ted Kinney															
Rep. David Redwine	✓	✓	✓		✓	✓	✓	✓		✓					
Rep. Wayne Sexton	✓		✓	✓	✓	✓	✓	✓	✓	✓					
Rep. Ronald Smith	✓		✓	✓	✓	✓	✓	✓		✓					
Rep. James Crawford	✓														
Rep. Billy Creech															
Rep. Leo Daughtry															
Rep. Theresa Esposito															
Rep. George Holmes															
Rep. Julia Howard															
Rep. Stephen Wood															

APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

May 26, 1998
Room 612

HOUSE MEMBERS PRESENT: [8] Representatives Thompson, Justus, Kiser, McCrary, Redwine, Sexton, Smith, and Crawford

The Appropriations Subcommittee on Justice and Public Safety met on Tuesday, May 26, 1998 in Room 612 of the Legislative Office Building. Representative Thompson presided and introduced the pages for the day: Lindsay Goodson, McDowell County; Rep. Bob Hunter; James Holton, Richmond County; Rep. Wayne Goodwin.

Representative Thompson explained the Committee would be looking at the 1998 NON-TECHNOLOGY EXPANSION BUDGET REQUESTS FOR THE JUDICIAL BRANCH (Attachment A). He asked that the committee be presented the whole budget and not a revised version.

Douglas Cameron, Director, Administrative Office of the Courts thanked the Committee for the opportunity to work with them and Christopher Marks and Jeanne Bonds would be presenting the budget.

Jeanne Bonds gave an overview of the budget:

A. New Superior Court Judges requested: 6

Representative Kiser asked that the Committee be given the preliminary report as to how the efficiencies have increased.

Ms. Bonds will get this information for the Committee.

D. District Court Judges requested: 34

Discussion followed. Representative Thompson asked for a list of where the judges would do if funded - the Districts and the counties in each District.

Representative Thompson asked that the table Summary of 1998-99 Judicial Department Personnel Rankings (Attachment B) be passed out. Discussion followed.

G. Additional Clerk Personnel : 161 requested.

Rep. Kiser asked that the number of clerks for each county be shared with the Committee.

II. Ongoing Department Operating Requirements:

B. Increase in the Daily Rate for Emergency Judges in the Appellate and Trial Court Divisions from $200 to $400 a day. Discussion followed.

Rep. Justus asked for a schedule of retirement, District and Superior. How many years have to be put in before retirement. Add to the list the names of the ones who participate and how much they participate in the given years.

Mr. Marks will get this information for the Committee.

Rep. Thompson asked for a list of the judges who are eligible or who have requested and those who have requested by never been assigned. Mr. Marks will also get this for the Committee if possible.

Rep. Thompson asked if the assignment by the Chief Justice was statutory or is that policy. He asked that this statute be flagged to look at. If judges are vested at 5 years, he cannot retire until he is 60 years old. Is that correct. Could this information be provided for the Committee.

The Meeting adjourned at 10:00 AM.

Representative Gregg Thompson
Chairman

Edna Sykes
Committee Clerk

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday May 26, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus
Representative Joe Kiser
Representative Gregg Thompson, Presiding

II. PRESENTATIONS

- Review of the Judicial Department's Proposed Expansion Budget

  Jeanne Bonds, Deputy Director

  Chris Marks, Deputy Director

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — May 26, 1998

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JAMES HALTOM	Page Richmond County
Lindsay Goodson	Page McDowell County
Chris MARKS	AOC
[signature]	AOC
KEVIN Howell	NCBA
Kelly Tingle	Rep. Crawford's Intern
Lyn Rubert	CYPL
Peg Dorer	NC Conference of D.As
Ruth Sappre	NCDOT
A.A. Adams	Victim Advocate
Jeanne Bonds	AOC

ATTACHMENT A

THE NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT

1998 NON-TECHNOLOGY EXPANSION BUDGET REQUESTS FOR THE JUDICIAL BRANCH

The Honorable Burley B. Mitchell, Jr.
Chief Justice of North Carolina

Dallas A. Cameron, Jr.
Director
Administrative Office of the Courts

Christopher A. Marks
Deputy Director - Administrative Services
Administrative Office of the Courts

Jeanne M. Bonds
Deputy Director - Policy & Communications
Administrative Office of the Courts

Raleigh, North Carolina

Date: May 8, 1998

THE NORTH CAROLINA JUDICIAL BRANCH 5/8/98

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS
I. NECESSARY CORE-FUNCTION PERSONNEL	
A. New Superior Court Judges	
RECURRING COSTS:	$858,210
NON-RECURRING COSTS:	$60,948
SUBTOTAL:	$919,158
STAFF REQUEST	
6 Special Superior Court Judges (Eff. 7/1/98)	
NO. OF POSITIONS:	6.00
B. Additional Superior Court Support Staff	
RECURRING COSTS:	$236,730
NON-RECURRING COSTS:	$30,156
SUBTOTAL:	$266,886
STAFF REQUEST	
6 Superior Court Judicial Assistants II (Eff. 7/1/98)	6.00
NO. OF POSITIONS:	
C. New Superior Court Reporter Positions	
RECURRING COSTS:	$279,330
NON-RECURRING COSTS:	$39,384
SUBTOTAL:	$318,714
STAFF REQUEST	
6 Official Court Reporters (Eff. 7/1/98)	6.00
NO. OF POSITIONS:	
D. Additional District Court Judges	
RECURRING COSTS:	$3,877,598
NON-RECURRING COSTS:	$298,452
SUBTOTAL:	$4,176,050
STAFF REQUEST	
34 District Court Judges (Eff. 7/1/98)	
NO. OF POSITIONS:	34.00
E. Additional District Court Support Staff	
RECURRING COSTS:	$466,782
NON-RECURRING COSTS:	$71,178
SUBTOTAL:	$537,960

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS
E. Additional District Court Support Staff (Continued)	
STAFF REQUEST	
5 District Court Judicial Assistants II (Eff. 7/1/98)	
8 District Court Judicial Assistants I (Eff. 7/1/98)	
NO. OF POSITIONS:	13.00
F. Additional Magistrate Positions	
RECURRING COSTS:	$197,868
NON-RECURRING COSTS:	$27,462
SUBTOTAL:	$225,330
STAFF REQUEST	
6 Magistrates (Eff. 7/1/98)	
NO. OF POSITIONS:	6.00
G. Additional Clerk Personnel	
RECURRING COSTS:	$4,473,468
NON-RECURRING COSTS:	$617,692
SUBTOTAL:	$5,091,160
STAFF REQUEST	
16 Assistant Clerks (Eff. 7/1/98)	
145 Deputy Clerks (Eff. 7/1/98)	
NO. OF POSITIONS:	161.00
H. Additional Appellate Division Staff	
RECURRING COSTS:	$111,896
NON-RECURRING COSTS:	$8,154
SUBTOTAL:	$120,050
STAFF REQUEST	
1 Assistant Appellate Reporter (Eff. 7/1/98)	
1 Library Technical Assistant (Eff. 7/1/98)	
NO. OF POSITIONS:	2.00
I. Additional Sentencing Commission Research Personnel	
RECURRING COSTS:	$64,176
NON-RECURRING COSTS:	$9,756
SUBTOTAL:	$73,932

DESCRIPTION	1998-99 TOTALS
Additional Sentencing Commission Research Personnel (Continued)	
STAFF REQUEST	
1 Research & Policy Associate (Eff. 7/1/98)	
NO. OF POSITIONS:	1.00
J. Additional Special Counsel Support Staff	
RECURRING COSTS:	$41,741
NON-RECURRING COSTS:	$931
SUBTOTAL:	$42,672
STAFF REQUEST	
1 Assistant to the Special Counsel (Eff. 7/1/98)	
NO. OF POSITIONS:	1.00
K. New AOC Personnel	
New Personnel in AOC - General Administration	
RECURRING COSTS:	$336,005
NON-RECURRING COSTS:	$44,826
SUBTOTAL:	$380,831
STAFF REQUEST	
1 Information & Communication Specialist II (Web Page) (Eff. 7/1/98)	
1 Information & Communication Specialist I (Web Page) (Eff. 7/1/98)	
1 Trial Judges' Research Associate (Eff. 7/1/98)	
3 AOC Secretaries (Eff. 7/1/98)	
2 Microfilm Clerks (Eff. 7/1/98)	
NO. OF POSITIONS:	8.00
RECURRING TOTALS:	*$10,943,804*
NON-RECURRING TOTALS:	*$1,208,939*
CORE-FUNCTION SUBTOTALS:	*$12,152,743.00*
NUMBER OF PERSONNEL	*244.00*
II. ONGOING DEPARTMENT OPERATING REQUIREMENTS	
A. Replacement Equipment & Ongoing Department Supply Requirements	
(Supplies $ 245,961) RECURRING COSTS:	$362,803
(Equipment $1,533,828) NON-RECURRING COSTS:	$1,416,986
SUBTOTAL:	$1,779,789

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS

B. Increase in the Daily Rate for Emergency Judges in the Appellate and Trial Court Divisions from $200 to $400 a Day

RECURRING COSTS:	$556,490
NON-RECURRING COSTS:	$0
SUBTOTAL:	$556,490

C. Increased Funding Needed to Cover Operational Shortfalls within the Department's Budget
(Court Reporter Expenses $125,577)
(Postage $441,951)
(Lease $586,000)
(Lodging $192,510)

RECURRING COSTS:	$1,296,038
NON-RECURRING COSTS:	$50,000
SUBTOTAL:	$1,346,038

RECURRING TOTALS:	*$2,215,331*
NON-RECURRING TOTALS:	*$1,466,986*
OPERATING REQUIREMENTS SUBTOTALS:	*$3,682,317.00*

III. IMPROVE COURT DEFENSE SERVICES

A. New Public Defender Support Staff

RECURRING COSTS:	$819,931
NON-RECURRING COSTS:	$82,552
SUBTOTAL:	$902,483

STAFF REQUEST

- 5 Public Defender Investigators (Eff. 7/1/98)
- 5 Public Defender Paralegals (Eff. 7/1/98)
- 1 Public Defender Adm. Assistant II (Eff. 7/1/98)
- 10 Public Defender Legal Assistants (Eff. 7/1/98)

NO. OF POSITIONS: 21.00

DESCRIPTION	1998-99 TOTALS

B. *New Assistant Public Defenders*
(Via Transfer of $513,016 from Indigent Defense Fund)

RECURRING COSTS:	BY TRANSFER
NON-RECURRING COSTS:	BY TRANSFER
SUBTOTAL:	$0

STAFF REQUEST
7 Assistant Public Defenders (Eff. 7/1/98)

NO. OF POSITIONS: 7.00

C. Capital Case Office Pilot Program

RECURRING COSTS:	$368,936
NON-RECURRING COSTS:	$44,166
SUBTOTAL:	$413,102

STAFF REQUEST
3 Assistant Public Defenders (Eff. 7/1/98)
1 Public Defender Investigator (Eff. 7/1/98)
1 Public Defender Legal Assistant (Eff. 7/1/98)

NO. OF POSITIONS: 5.00

RECURRING TOTALS:	*$1,188,867*
NON-RECURRING TOTALS:	*$126,718*
DEFENSE SERVICES SUBTOTALS:	*$1,315,585.00*
NUMBER OF PERSONNEL	*33.00*

IV. ALTERNATIVE DISPUTE RESOLUTION PROGRAMS

A. Statewide Expansion of Court-Ordered Arbitration Program

RECURRING COSTS:	$507,446
NON-RECURRING COSTS:	$37,027
SUBTOTAL:	$544,473

STAFF REQUEST
7, 30-Hour (5.25 FTE) Arbitration Coordinators (Eff. 7/1/98)

NO. OF POSITIONS (FTE): 5.25

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS
B. Statewide Expansion of Custody Mediation Programs	
RECURRING COSTS:	$866,695
NON-RECURRING COSTS:	$8,429
SUBTOTAL:	$875,124
STAFF REQUEST	
1 Custody Med. Program Administrator (Eff. 7/1/98)	
NO. OF POSITIONS:	1.00
RECURRING TOTALS:	*$1,374,141*
NON-RECURRING TOTALS:	*$45,456*
ADR PROGRAM SUBTOTALS:	*$1,419,597.00*
NUMBER OF PERSONNEL	*6.25*
V. EXPANSION OF THE COMMUNITY PENALTIES PROGRAM	
Community Penalties Program Expansion	
RECURRING COSTS:	$635,108
NON-RECURRING COSTS:	$9,205
SUBTOTAL:	$644,313
STAFF REQUEST	
1 CCP Accounting Specialist (Eff. 7/1/98)	
NO. OF POSITIONS:	1.00
RECURRING TOTALS:	*$635,108*
NON-RECURRING TOTALS:	*$9,205*
COMMUNITY PENALTIES SUBTOTAL:	*$644,313.00*
NUMBER OF PERSONNEL	*1.00*

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS

VI. REAUTHORIZATION OR IMPLEMENTATION OF PILOT PROGRAM OPERATIONS

A. Reauthorization & Expansion of the N.C. Drug Treatment Court Program

RECURRING COSTS:	$998,926
NON-RECURRING COSTS:	$0
SUBTOTAL:	$998,926

STAFF REQUEST

1 Drug Treatment Court Program Administrator (Eff. 7/1/98)
1 Drug Treatment Court Coordinator - 26th District (Eff. 7/1/98)

NO. OF POSITIONS: 2.00

B. Judicial Assistants for Case Calendaring in the District Court

RECURRING COSTS:	$100,503
NON-RECURRING COSTS:	$0
SUBTOTAL:	$100,503

STAFF REQUEST

3 Judicial Assistants (Eff. 7/1/98) - Continuation of Pilot Program

NO. OF POSITIONS: 3.00

C. Reauthorization of the Bad Check Pilot Program

RECURRING COSTS:	$162,941
NON-RECURRING COSTS:	$0
SUBTOTAL:	$162,941

STAFF REQUEST

3 D.A.'s Legal Assistants (Eff. 7/1/98) - Reauthorization of Pilot Program
1 D.A.'s Legal Investigator (Eff. 7/1/98) - Reauthorization of Pilot Program
2 D.A.'s Half-time Investigators (Eff. 7/1/98) - Reauthorization of Pilot Program

NO. OF POSITIONS (FTE): 5.00

RECURRING TOTALS:	*$1,262,370*
NON-RECURRING TOTALS:	*$0*
PILOT PROGRAM SUBTOTAL:	*$1,262,370.00*
NUMBER OF PERSONNEL (FTE)	*10.00*

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS
VII. ***1998-99 CAPITAL IMPROVEMENT REQUEST*** THE NORTH CAROLINA JUSTICE BUILDING	
The Planning and Design of Improvements to North Carolina Justic Building (Supreme Court)	
CAPITAL IMPROVEMENT REQUIREMENTS:	$250,000
SUBTOTAL:	$250,000
PLANNING & DESIGN REQUIREMENTS:	*$250,000*
JUSTICE BUILDING DESIGN SUBTOTAL:	*$250,000.00*
TOTAL NON-TECHNOLOGY REQUEST	
TOTAL RECURRING:	$17,619,621
TOTAL NON-RECURRING:	$2,857,304
CAPITAL IMPROVEMENT REQUIREMENTS:	$250,000
TOTAL NON-TECHNOLOGY :	**$20,726,925**
NUMBER OF POSITIONS	**294.25**

THE NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT

1998 TECHNOLOGY EXPANSION BUDGET REQUESTS FOR THE JUDICIAL BRANCH

The Honorable Burley B. Mitchell, Jr.
Chief Justice of North Carolina

Dallas A. Cameron, Jr.
Director
Administrative Office of the Courts

Christopher A. Marks
Deputy Director - Administrative Services
Administrative Office of the Courts

Jeanne M. Bonds
Deputy Director - Policy & Communications
Administrative Office of the Courts

Raleigh, North Carolina

Date: May 8, 1998

THE NORTH CAROLINA JUDICIAL BRANCH 5/8/98

1998 SHORT SESSION EXPANSION BUDGET

1998-99 TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

	DESCRIPTION		1998-99 TOTALS
I.	**COMPUTER EQUIPMENT AND SOFTWARE**		
	A. Replacement Equipment		
	RECURRING COSTS:		$ 602,861
	NON-RECURRING COSTS:		$ 4,011,570
	SUBTOTAL:		$ 4,614,431
	Clerk of the Superior Courts	$1,334,851	
	District Attorneys	$447,270	
	Judges	$1,003,680	
	All Other Personnel	$1,025,930	
	Telecommunications & Fax	$802,700	
	B. New Equipment and Software		
	RECURRING COSTS:		$ 714,141
	NON-RECURRING COSTS:		$ 4,508,757
	SUBTOTAL:		$ 5,222,898
	Clerk of the Superior Courts	$1,030,860	
	District Attorneys/Public Defenders	$3,857,478	
	Judges	$334,560	
	RECURRING TOTALS:		*$ 1,317,002*
	NON-RECURRING TOTALS:		*$ 8,520,327*
	COMPUTER EQUIPMENT & SOFTWARE SUBTOTALS:		*$ 9,837,329*
II.	**INTERNET TECHNOLOGY**		
	Internet Technology		
	RECURRING COSTS:		$ 94,500
	NON-RECURRING COSTS:		$ 600,000
	SUBTOTAL:		$ 694,500

1998 SHORT SESSION EXPANSION BUDGET

1998-99 TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS
RECURRING TOTALS:	*$ 94,500*
NON-RECURRING TOTALS:	*$ 600,000*
INTERNET TECHNOLOGY SUBTOTALS:	*$ 694,500*

III. DATA CENTER / NETWORK UPGRADE

A. Central Processing Unit & Software, Data Center Operating Software, & Data Communications Increased Band Width

RECURRING COSTS:	$	1,042,500
NON-RECURRING COSTS:	$	1,600,000
SUBTOTAL:	$	2,642,500

B. New Systems Software & Software Maintenance

RECURRING COSTS:	$	25,020
NON-RECURRING COSTS:	$	139,000
SUBTOTAL:	$	164,020

C. Business Disaster Recovery Services

RECURRING COSTS:	$	150,000
NON-RECURRING COSTS:	$	130,000
SUBTOTAL:	$	280,000

RECURRING TOTALS:	*$*	*1,217,520*
NON-RECURRING TOTALS:	*$*	*1,869,000*
DATA CENTER/NETWORK UPGRADE SUBTOTALS:	*$*	*3,086,520*

THE NORTH CAROLINA JUDICIAL BRANCH 5/8/98

1998 SHORT SESSION EXPANSION BUDGET

1998-99 TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION		1998-99 TOTALS

IV. SYSTEM DEVELOPMENT & SUPPORT PERSONNEL

A. Existing System Support & Training

RECURRING COSTS:	$	1,624,439
NON-RECURRING COSTS:	$	52,344
SUBTOTAL:	$	1,676,783

STAFF REQUEST

9 Business Systems Analysts (Eff. 7/1/98)
5 Systems Trainers (Eff. 7/1/98)
3 Production Support Specialists (Eff. 7/1/98)
3 Computer Operators (Eff. 7/1/98)
1 Database Administrator (Eff. 7/1/98)
1 Systems Programmer (Eff. 7/1/98)
2 Help Desk Specialists (Eff. 7/1/98)

NO. OF POSITIONS: 24.00

B. Technology Support for District Attorneys - Additional Support Staff

RECURRING COSTS:	$	1,060,445
NON-RECURRING COSTS:	$	125,334
SUBTOTAL:	$	1,185,779

STAFF REQUEST

3 Analyst Programmers (Eff. 7/1/98)
3 Personal Computer Specialists (Eff. 7/1/98)
8 Remote LAN Administrators (Eff. 7/1/98)
2 Help Desk Specialists (Eff. 7/1/98)

NO. OF POSITIONS: 16.00

1998 SHORT SESSION EXPANSION BUDGET

1998-99 TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION		1998-99 TOTALS
C. Staff Development and Training		
RECURRING COSTS:	$	-
NON-RECURRING COSTS:	$	75,000
SUBTOTAL:	$	75,000

RECURRING TOTALS:	*$*	*2,684,884*
NON-RECURRING TOTALS:	*$*	*252,678*
NEW SYSTEM DEVELOPMENT & SUPPORT PERSONNEL SUBTOTALS:	*$*	*2,937,562*
NEW POSITION TOTAL:		*40.00*

TOTALS INFORMATION TECHNOLOGY EXPANSION BUDGET REQUEST

TOTAL RECURRING:	$	5,313,906
TOTAL NON-RECURRING:	$	11,242,005
TOTAL TECHNOLOGY :	$	16,555,911
NUMBER OF POSITIONS		40.00

THE NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT

1998 EXPANSION REQUESTS PERTAINING TO THE RECOMMENDATIONS OF THE GOVERNOR'S COMMISSION ON JUVENILE JUSTICE

Raleigh, North Carolina

Date: March 10, 1998

1998 EXPANSION REQUESTS ON

JUVENILE JUSTICE

3/10/98

1998 EXPANSION REQUESTS ON JUVENILE JUSTICE

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

DESCRIPTION	1998-99 TOTALS

IMPROVED COURT SERVICES FOR CHILDREN

A. New Juvenile Services Personnel

RECURRING COSTS:	$12,439,676
NON-RECURRING COSTS:	$1,298,188
TOTALS:	$13,737,864

STAFF REQUEST

- 30 Supervisory Court Counselors (Eff. 7/1/98)
- 71 Intensive Services Counselors (Eff. 7/1/98)
- 53 Intake Counselors (Eff. 7/1/98)
- 46 Probation & Aftercare (PRAF) Counselors (Eff. 7/1/98)
- 34 JSD Secretaries (Eff. 7/1/98)
- 12 Alternatives-to-Detention Counselors (Eff. 7/1/98)
- 22 FTE Upgrades of Tempory Transportation Officers to Permanent Transportation/Detention Officer's (Eff. 7/1/98)
- 2 New FTE Transportation/Detention Officers (Eff. 7/1/98)
- 38 Data Management Specialists (Eff. 7/1/98)

NO. OF POSITIONS (FTE): 308.00

B. TRANSFER OF ALTERNATIVES TO DETENTION FUNDS

Re-route current DHHS grant funding for the Alternatives to Detention Program by providing a direct appropriation to the Administrative Office of the Courts to continue the ongoing operations of the 19 ATD Counselors in this program.

RECURRING COSTS:	$716,160
NON-RECURRING COSTS:	$0
TOTALS:	$716,160

NO. OF POSITIONS (FTE): 19.00

1998 EXPANSION REQUESTS ON JUVENILE JUSTICE

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

DESCRIPTION	1998-99 TOTALS
C. ADMINISTRATIVE & OPERATIONAL SUPPORT	
(1) OPERATIONAL SERVICES	
(a) Certified Mail Requirements (R)	$50,000
(b) Electronic House Arrest Monitors & Supplies (R)	$141,350
(c) Drug Testing Funds (3,000 Tests $5.50 each) (R)	$16,500
(d) Rent of 52 Pagers for Transportation Units & Administrators. (R)	$6,240
(e) Restock First Aid Kits (N/R)	$1,700
(2) Equipment	
(a) 14 Copier Upgrades (N/R)	$80,500
(b) 29 FAX Machines (N/R)	$28,275
(c) 95 Cell Phones (N/R)	$5,750
(d) Copier Upgrade Maintenance Costs (R)	$7,182
(e) FAX Machine Line Charges (R)	$12,180
RECURRING COSTS:	$233,452
NON-RECURRING COSTS:	$116,225
TOTALS:	$349,677
D. JUVENILE SERVICES AUTOMATION PLAN	
System Description	
System Operating Costs	
(1) Division Computer Training (R)	$50,000
(2) Service & Maintenance (R)	$161,480
(3) System Data Line & Modem Connectivity Costs (N/R)	$150,000
(4) Line Data Charges for E-mail to Non-Courthouse Offices (R)	$33,600
(5) Wide-Area Network Cost - Data Line & Frame Relay (R)	$153,965
Equipment - Computers (N/R)	
272 Computer Systems & 30 File Servers	$1,614,800
536 Computer Workstations & Printer Stands	$198,856

3/10/98

1998 EXPANSION REQUESTS ON JUVENILE JUSTICE

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

DESCRIPTION		1998-99 TOTALS
Support Personnel		
1 MIS Project Director (R)		$86,990
(Effective 7/1/98)	(NR)	$9,186
5 LAN Support Specialists (R)		$414,385
(Effective 7/1/98)	(NR)	$45,930
	RECURRING COSTS:	$900,420
	NON-RECURRING COSTS:	$2,018,772
	TOTALS:	$2,919,192
	NO. OF POSITIONS (FTE):	6.00

RECURRING TOTALS:	*$14,289,708*
NON-RECURRING TOTALS:	*$3,433,185*
ADDITIONAL JUVENILE SERVICES DIVISION PERSONNEL TOTALS:	*$17,722,893.00*
NUMBER OF POSITIONS:	*333.00*

1998 EXPANSION BUDGET REQUESTS

OF THE GUARDIAN AD LITEM PROGRAM

NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT

3/10/98

1998 SESSION EXPANSION BUDGET REQUESTS FOR THE GUARDIAN AD LITEM PROGRAM

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

	DESCRIPTION	1998-99 TOTALS
I.	**GUARDIAN AD LITEM PERSONNEL INCREASES**	

Guardian ad Litem Staff Increases

RECURRING COSTS:	$1,602,829
NON-RECURRING COSTS:	$172,962
TOTALS:	$1,775,791

STAFF REQUESTS

Upgrade of One, 3/4-Time Regional Administrator to Full-time
Upgrade of 3.5 FTE District Secretaries to either 3/4 or Full-time
24 GAL Program Supervisors (Eff. 7/1/98)
13 Half-time GAL District Secretaries (Eff. 7/1/98)

NO. OF NEW POSITIONS (Upgrades not Included): 37.00

II.	**ENHANCED AUTOMATION SUPPORT FOR THE GUARDIAN AD LITEM PROGRAM**	

A. Network Staff Support Services

RECURRING COSTS:	$82,877
NON-RECURRING COSTS:	$9,186
SUBTOTALS:	$92,063

STAFF REQUEST

1 LAN Support Specialist (Eff. 7/1/98)

NO. OF POSITIONS: 1.00

NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT

3/10/98

1998 SESSION EXPANSION BUDGET REQUESTS FOR THE GUARDIAN AD LITEM PROGRAM

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

DESCRIPTION	1998-99 TOTALS
B. Replacement of 15 Old Computer Systems	
RECURRING COSTS:	$12,975
NON-RECURRING COSTS:	$50,730
SUBTOTALS:	$63,705
C. Installation of 31 New Computer Systems	
RECURRING COSTS:	$26,815
NON-RECURRING COSTS:	$104,842
SUBTOTALS:	$131,657
D. GAL System Connectivity for District Offices Not in Courthouses	
RECURRING COSTS:	$18,900
NON-RECURRING COSTS:	$17,640
SUBTOTALS:	$36,540
E. GAL District Office FAX Machines	
RECURRING COSTS:	$16,800
NON-RECURRING COSTS:	$24,234
SUBTOTALS:	$41,034

ENHANCED GAL AUTOMATION SUPPORT TOTALS	
RECURRING COSTS:	$158,367
NON-RECURRING COSTS:	$206,632
TOTALS:	$364,999
NO. OF POSITIONS:	1.00

NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT

3/10/98

1998 SESSION EXPANSION BUDGET REQUESTS FOR THE GUARDIAN AD LITEM PROGRAM

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

	DESCRIPTION	1998-99 TOTALS
III.	INCREASE IN GUARDIAN AD LITEM CONTRACTED ATTORNEY FEES	

Increase in Counsel Fees from $40 to $50 an Hour

RECURRING COSTS:	$500,000
NON-RECURRING COSTS:	$0
TOTALS:	$500,000

TOTAL REQUEST BREAKDOWN

TOTAL RECURRING:	$2,261,196
TOTAL NON-RECURRING:	$379,594
TOTAL EXPANSION REQUESTS :	$2,640,790
NUMBER OF POSITIONS:	38.00

ATTACHMENT B

Summary of 1998-99 Judicial Department Personnel Rankings

District Court Judges

1. 10 (Wake)
2. 11 (Harnett, Johnston, Lee)
3. 19C (Rowan)
4. 19B (Montgomery, Moore, Randolph)
5. 7 (Edgecombe, Nash, Wilson)
6. 12 (Cumberland)
7. 4 (Duplin, Jones, Onslow, Sampson)
8. 29 (Henderson, McDowell, Polk, Rutherford, Transylvania)
9. 26 (Mecklenburg)
10. 25 (Burke, Caldwell, Catawba)
11. 18 (Guilford)
12. 22 (Alexander, Davidson, Davie, Iredell)
13. 17A (Rockingham)
14. 19A (Cabarrus)
15. 28 (Buncombe)

Superior Court Judges

1. 8B (Wayne)
2. 2 (Beaufort, Hyde, Martin, Tyrell, Washington)
3. 22 (Alexander, Davidson, Davie, Iredell)
4. 11A (Harnett, Lee)
5. 15B (Orange, Chatham)
6. 4B (Onslow)
7. 19C (Rowan)
8. 19A (Cabarrus)
9. 23 (Alleghany, Ashe, Wilkes, Yadkin)
10. 4A (Duplin, Jones, Sampson)

Assistant District Attorneys

1. 18 (Guildford)
2. 26 (Mecklenburg)
3. 15A (Alamance)
4. 10 (Wake)
5. 7 (Edgecombe,Nash,Wilson)
6. 8 (Green,Lenoir,Wayne)
7. 13 (Bladen,Brunswick,Columbus)
8. 24 (Avery,Mitchell,Madison,Yancey,Watauga)
9. 19A (Cabarrus)
10. 22 (Alexander,Davidson,Davie,Iredell)

Magistrates

1. Forsyth
2. Gaston
3. Pitt

Tied 3. Wilson

5. Mecklenburg
6. New Hanover
7. Edgecombe
8. Onslow
9. Nash
10. Union

Tied 10. Alamance

Clerks of Court

1. Cumberland
2. Mecklenburg
3. Wake
4. Wayne
5. Guilford
6. Rowan
7. Robeson
8. Cabarrus
9. New Hanover
10. Catawba
11. Iredell
12. Davidson
13. Person
14. Wilson
15. Alamance
16. Gaston
17. Nash
18. Randolph
19. Cleveland
20. Sampson
21. Johnston
22. Scotland
23. Buncombe
24. Edgecombe
25. Pitt
26. Forsyth
27. Bladen
28. Halifax
29. Moore
30. Durham
31. Harnett
32. Bertie (S)
33. Vance
34. Orange
35. Granville
36. Carteret
37. Union
38. Burke
39. Craven
40. Haywood
41. Pender
42. Warren (S)
43. Onslow
44. Duplin (S)
45. Rutherford
46. Lee
47. Lincoln (S)
48. Pasquotank
49. Stanly
50. Lenoir
51. Richmond
52. Brunswick
53. Rockingham
54. Beaufort

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Thursday May 28, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus, Presiding
Representative Joe Kiser
Representative Gregg Thompson

II. PRESENTATIONS

- Continue Review of the Judicial Department's Proposed Expansion Budget

  Jeanne Bonds, Deputy Director

  Chris Marks, Deputy Director

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

MAY 28, 1998
ROOM 612

HOUSE MEMBERS PRESENT: [8] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Redwine, Sexton, and Smith

Representative Justus called the House Appropriations Subcommittee on Justice and Public Safety to order at 8:44 AM. Jeanne Bonds, Deputy Director Administrative Office of the Courts, was recognized to continue with her presentation.

- Continue Review of the Judicial Department's Proposed Expansion Budget

Ms. Bonds covered the material in Attachment 2 -- *Administrative Office of the Courts Equipment Inventory*. Representative Kiser asked when the 286 computers were purchased. John Taylor, Administrative Office of the Courts, replied these were purchased many years ago. Representative Justus asked how the nine million dollars given to AOC for technical equipment last year was spent. Mr. Taylor responded that the 386 computers were replaced with Pentium models. Representative Kiser asked for the annual cost to keep the computer system in AOC current. Mr. Taylor responded that the cost to keep AOC current would be six and a half million dollars in recurring money and two and three quarter million dollars for personnel and network cost or a total of nine million per year!

Representative Justus asked if there would be a reduction in AOC personnel with all of the planned technology. Ms. Bonds responded that AOC realizes that the end of the line for major requests for personnel has been reached. **Representative Justus asked for an organizational chart for LAN.**

Ms. Bonds continued with AOC Expansion Requests on Juvenile Justice. The proposed Juvenile Justice Bill has asked for 308 new juvenile services personnel. The bill also proposed to re-route current DHHS grant funding for the Alternatives to Detention Program by providing a direct appropriation to the Administrative Office of the Courts to continue the ongoing operations of the 19 ADT Counselors in this program. Representative Redwine asked if these 308 positions are included in the Governor's Juvenile Justice Bill. Ms. Bonds responded that AOC has not seen the details of the bill

but "hear" that the number of positions has been reduced from 308 to 100. Following discussion by committee members on the need vs. included positions for Juvenile Services; Chris Marks, AOC, suggested that the committee have Bob Atkinson appear. **Representative Justus stated that Bob Atkinson should appear before this committee during the discussion of the Juvenile Justice Bill.**

Ms. Bonds covered the 1998 Expansion Budget Requests of the Guardian Ad Litem Program. The GAL program has requested $1,775,791 for staff increases. This covers thirty-four positions. The GAL program also requested $364,999 for enhanced automation support and $5000,000 to increase counsel fees from $40 to $50 an hour.

Representative Justus reminded committee members to be prompt to committee meetings so there will not be a need for afternoon meetings. He also asked agencies to bring the handouts with three holes punched in them, again!.

The meeting was adjourned at 9:45 AM.

Larry Justus
Representative Larry Justus
Chairman

Carolyn Justus
Carolyn Justus
Committee Clerk

	Child Custody Mediation: [G.S. 7A-495]	Court-Ordered Arbitration: [G.S. 7A-37.1]	Mediated Settlement Conference: [G.S. 7A-38.1]	Dispute Settlement Centers: [G.S. 7A-346.1]
What Cases Covered?	Contested Child Custody and Visitation Cases (District Court program)	Civil cases for money damages of $15,000 or less (mostly District Court program)	Civil Superior Court cases	Minor criminal & civil matters; majority referred by Court (District Court program)
Court-Ordered?	Yes	Yes, but can file appeal to District Court	Yes	Majority of cases are court-referre parties can decline to participate
Fees Charged?	No	No	Amount set by agreement of parties; $100/hour,if mediator appt'd by Court (plus $100 per-case administrative fee)	Varies from Center to Center
Parties Pay Fees or State-paid?	State-funded	State-funded	Parties Pay Mediator	Parties Pay
Who Can Be the "Neutral"?	Masters level professional w/ education, training,& experience in human services fields (i.e., counseling)	Attys w/ 5 years experience, who have attended special arbitrator training session; approved for district's list by CDCJ and SRSCJ	Certified Mediators = attys w/ 5 yrs.experience OR non-attys w/5 yrs. mediator experience; all take 40-hr.mediation course	Volunteers w/20 hrs of mediation training; then mediate in pairs; all receive continuing education
What is Session Outcome?	Parenting Agreement which becomes a court order after parents & judge sign it	Arbitrator enters Award; if no appeal after 30 days, Award entered as Court's judg.	Parties sign agreement & file consent judgment or voluntary dismissal	Parties sign agreement, or "memorandum of understanding"
Program Status	Expanding in FY97-98 to a total of 25 districts (comprising 44 counties)	Expanding in FY97-98 to a total of 32 districts (comprising 65 counties)	MSC Program operates in each of the 46 Superior Court Judicial Districts	State provides funding for 27 Centers (which cover 62 counties)

Att. 1
5-27-98

The Administrative Office of the Courts
Equipment Inventory, by Court Official

Court Official	Personal Computers 286 MHz	386 MHz	486 MHz	Pentiums	Laptops	Screen Printers	System Printers	Terminals
Superior Court Judges	-	9	14	49	102	2	-	1
District Court Judges	1	3	13	58	107	-	-	-
District Attorneys	17	25	259	122	7	93	13	121
Public Defenders	4	6	50	13	-	10	-	5
Clerks	2	18	240	69	10	275	265	1,934
Magistrates	-	2	1	1	-	152	-	159
Total	24	63	577	312	226	532	278	2,220

Note: 286MHz PCs used as terminals only

THE NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT

1998 NON-TECHNOLOGY EXPANSION BUDGET REQUESTS FOR THE JUDICIAL BRANCH

The Honorable Burley B. Mitchell, Jr.
Chief Justice of North Carolina

Dallas A. Cameron, Jr.
Director
Administrative Office of the Courts

Christopher A. Marks
Deputy Director - Administrative Services
Administrative Office of the Courts

Jeanne M. Bonds
Deputy Director - Policy & Communications
Administrative Office of the Courts

Raleigh, North Carolina

Date: May 8, 1998

THE NORTH CAROLINA JUDICIAL BRANCH 5/8/98

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS
I. NECESSARY CORE-FUNCTION PERSONNEL	
A. New Superior Court Judges	
RECURRING COSTS:	$858,210
NON-RECURRING COSTS:	$60,948
SUBTOTAL:	$919,158
STAFF REQUEST	
6 Special Superior Court Judges (Eff. 7/1/98)	
NO. OF POSITIONS:	6.00
B. Additional Superior Court Support Staff	
RECURRING COSTS:	$236,730
NON-RECURRING COSTS:	$30,156
SUBTOTAL:	$266,886
STAFF REQUEST	
6 Superior Court Judicial Assistants II (Eff. 7/1/98)	6.00
NO. OF POSITIONS:	
C. New Superior Court Reporter Positions	
RECURRING COSTS:	$279,330
NON-RECURRING COSTS:	$39,384
SUBTOTAL:	$318,714
STAFF REQUEST	
6 Official Court Reporters (Eff. 7/1/98)	6.00
NO. OF POSITIONS:	
D. Additional District Court Judges	
RECURRING COSTS:	$3,877,598
NON-RECURRING COSTS:	$298,452
SUBTOTAL:	$4,176,050
STAFF REQUEST	
34 District Court Judges (Eff. 7/1/98)	
NO. OF POSITIONS:	34.00
E. Additional District Court Support Staff	
RECURRING COSTS:	$466,782
NON-RECURRING COSTS:	$71,178
SUBTOTAL:	$537,960

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS
E. Additional District Court Support Staff (Continued)	
STAFF REQUEST	
5 District Court Judicial Assistants II (Eff. 7/1/98)	
8 District Court Judicial Assistants I (Eff. 7/1/98)	
NO. OF POSITIONS:	13.00
F. Additional Magistrate Positions	
RECURRING COSTS:	$197,868
NON-RECURRING COSTS:	$27,462
SUBTOTAL:	$225,330
STAFF REQUEST	
6 Magistrates (Eff. 7/1/98)	
NO. OF POSITIONS:	6.00
G. Additional Clerk Personnel	
RECURRING COSTS:	$4,473,468
NON-RECURRING COSTS:	$617,692
SUBTOTAL:	$5,091,160
STAFF REQUEST	
16 Assistant Clerks (Eff. 7/1/98)	
145 Deputy Clerks (Eff. 7/1/98)	
NO. OF POSITIONS:	161.00
H. Additional Appellate Division Staff	
RECURRING COSTS:	$111,896
NON-RECURRING COSTS:	$8,154
SUBTOTAL:	$120,050
STAFF REQUEST	
1 Assistant Appellate Reporter (Eff. 7/1/98)	
1 Library Technical Assistant (Eff. 7/1/98)	
NO. OF POSITIONS:	2.00
I. Additional Sentencing Commission Research Personnel	
RECURRING COSTS:	$64,176
NON-RECURRING COSTS:	$9,756
SUBTOTAL:	$73,932

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS
Additional Sentencing Commission Research Personnel (Continued)	
STAFF REQUEST	
1 Research & Policy Associate (Eff. 7/1/98)	
NO. OF POSITIONS:	1.00
J. Additional Special Counsel Support Staff	
RECURRING COSTS:	$41,741
NON-RECURRING COSTS:	$931
SUBTOTAL:	$42,672
STAFF REQUEST	
1 Assistant to the Special Counsel (Eff. 7/1/98)	
NO. OF POSITIONS:	1.00
K. New AOC Personnel	
New Personnel in AOC - General Administration	
RECURRING COSTS:	$336,005
NON-RECURRING COSTS:	$44,826
SUBTOTAL:	$380,831
STAFF REQUEST	
1 Information & Communication Specialist II (Web Page) (Eff. 7/1/98)	
1 Information & Communication Specialist I (Web Page) (Eff. 7/1/98)	
1 Trial Judges' Research Associate (Eff. 7/1/98)	
3 AOC Secretaries (Eff. 7/1/98)	
2 Microfilm Clerks (Eff. 7/1/98)	
NO. OF POSITIONS:	8.00
RECURRING TOTALS:	*$10,943,804*
NON-RECURRING TOTALS:	*$1,208,939*
CORE-FUNCTION SUBTOTALS:	*$12,152,743.00*
NUMBER OF PERSONNEL	*244.00*
II. ONGOING DEPARTMENT OPERATING REQUIREMENTS	
A. Replacement Equipment & Ongoing Department Supply Requirements	
(Supplies $ 245,961) RECURRING COSTS:	$362,803
(Equipment $1,533,828) NON-RECURRING COSTS:	$1,416,986
SUBTOTAL:	$1,779,789

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS

B. Increase in the Daily Rate for Emergency Judges in the Appellate and Trial Court Divisions from $200 to $400 a Day

RECURRING COSTS:	$556,490
NON-RECURRING COSTS:	$0
SUBTOTAL:	$556,490

C. Increased Funding Needed to Cover Operational Shortfalls within the Department's Budget
(Court Reporter Expenses $125,577)
(Postage $441,951)
(Lease $586,000)
(Lodging $192,510)

RECURRING COSTS:	$1,296,038
NON-RECURRING COSTS:	$50,000
SUBTOTAL:	$1,346,038

RECURRING TOTALS:	*$2,215,331*
NON-RECURRING TOTALS:	*$1,466,986*
OPERATING REQUIREMENTS SUBTOTALS:	*$3,682,317.00*

III. IMPROVE COURT DEFENSE SERVICES

A. New Public Defender Support Staff

RECURRING COSTS:	$819,931
NON-RECURRING COSTS:	$82,552
SUBTOTAL:	$902,483

STAFF REQUEST

5 Public Defender Investigators (Eff. 7/1/98)
5 Public Defender Paralegals (Eff. 7/1/98)
1 Public Defender Adm. Assistant II (Eff. 7/1/98)
10 Public Defender Legal Assistants (Eff. 7/1/98)

NO. OF POSITIONS: 21.00

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS

B. *New Assistant Public Defenders*
(Via Transfer of $513,016 from Indigent Defense Fund)

RECURRING COSTS:	BY TRANSFER
NON-RECURRING COSTS:	BY TRANSFER
SUBTOTAL:	$0

STAFF REQUEST

7 Assistant Public Defenders (Eff. 7/1/98)

NO. OF POSITIONS: 7.00

C. Capital Case Office Pilot Program

RECURRING COSTS:	$368,936
NON-RECURRING COSTS:	$44,166
SUBTOTAL:	$413,102

STAFF REQUEST

3 Assistant Public Defenders (Eff. 7/1/98)
1 Public Defender Investigator (Eff. 7/1/98)
1 Public Defender Legal Assistant (Eff. 7/1/98)

NO. OF POSITIONS: 5.00

RECURRING TOTALS:	*$1,188,867*
NON-RECURRING TOTALS:	*$126,718*
DEFENSE SERVICES SUBTOTALS:	*$1,315,585.00*
NUMBER OF PERSONNEL	*33.00*

IV. ALTERNATIVE DISPUTE RESOLUTION PROGRAMS

A. Statewide Expansion of Court-Ordered Arbitration Program

RECURRING COSTS:	$507,446
NON-RECURRING COSTS:	$37,027
SUBTOTAL:	$544,473

STAFF REQUEST

7, 30-Hour (5.25 FTE) Arbitration Coordinators (Eff. 7/1/98)

NO. OF POSITIONS (FTE): 5.25

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS

B. Statewide Expansion of Custody Mediation Programs

RECURRING COSTS:	$866,695
NON-RECURRING COSTS:	$8,429
SUBTOTAL:	$875,124

STAFF REQUEST

1 Custody Med. Program Administrator (Eff. 7/1/98)

NO. OF POSITIONS:	1.00

RECURRING TOTALS:	*$1,374,141*
NON-RECURRING TOTALS:	*$45,456*
ADR PROGRAM SUBTOTALS:	*$1,419,597.00*
NUMBER OF PERSONNEL	*6.25*

V. EXPANSION OF THE COMMUNITY PENALTIES PROGRAM

Community Penalties Program Expansion

RECURRING COSTS:	$635,108
NON-RECURRING COSTS:	$9,205
SUBTOTAL:	$644,313

STAFF REQUEST

1 CCP Accounting Specialist (Eff. 7/1/98)

NO. OF POSITIONS:	1.00

RECURRING TOTALS:	*$635,108*
NON-RECURRING TOTALS:	*$9,205*
COMMUNITY PENALTIES SUBTOTAL:	*$644,313.00*
NUMBER OF PERSONNEL	*1.00*

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS

VI. REAUTHORIZATION OR IMPLEMENTATION OF PILOT PROGRAM OPERATIONS

A. Reauthorization & Expansion of the N.C. Drug Treatment Court Program

RECURRING COSTS:	$998,926
NON-RECURRING COSTS:	$0
SUBTOTAL:	$998,926

STAFF REQUEST

1 Drug Treatment Court Program Administrator (Eff. 7/1/98)
1 Drug Treatment Court Coordinator - 26th District (Eff. 7/1/98)

NO. OF POSITIONS: 2.00

B. Judicial Assistants for Case Calendaring in the District Court

RECURRING COSTS:	$100,503
NON-RECURRING COSTS:	$0
SUBTOTAL:	$100,503

STAFF REQUEST

3 Judicial Assistants (Eff. 7/1/98) - Continuation of Pilot Program

NO. OF POSITIONS: 3.00

C. Reauthorization of the Bad Check Pilot Program

RECURRING COSTS:	$162,941
NON-RECURRING COSTS:	$0
SUBTOTAL:	$162,941

STAFF REQUEST

3 D.A.'s Legal Assistants (Eff. 7/1/98) - Reauthorization of Pilot Program
1 D.A.'s Legal Investigator (Eff. 7/1/98) - Reauthorization of Pilot Program
2 D.A.'s Half-time Investigators (Eff. 7/1/98) - Reauthorization of Pilot Program

NO. OF POSITIONS (FTE): 5.00

RECURRING TOTALS:	*$1,262,370*
NON-RECURRING TOTALS:	*$0*
PILOT PROGRAM SUBTOTAL:	*$1,262,370.00*
NUMBER OF PERSONNEL (FTE)	*10.00*

THE NORTH CAROLINA JUDICIAL BRANCH 5/8/98

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS
VII. ***1998-99 CAPITAL IMPROVEMENT REQUEST*** THE NORTH CAROLINA JUSTICE BUILDING	
The Planning and Design of Improvements to North Carolina Justic Building (Supreme Court)	
CAPITAL IMPROVEMENT REQUIREMENTS:	$250,000
SUBTOTAL:	$250,000
PLANNING & DESIGN REQUIREMENTS:	***$250,000***
JUSTICE BUILDING DESIGN SUBTOTAL:	***$250,000.00***
TOTAL NON-TECHNOLOGY REQUEST	
TOTAL RECURRING:	$17,619,621
TOTAL NON-RECURRING:	$2,857,304
CAPITAL IMPROVEMENT REQUIREMENTS:	$250,000
TOTAL NON-TECHNOLOGY :	**$20,726,925**
NUMBER OF POSITIONS	**294.25**

THE NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT

1998 TECHNOLOGY EXPANSION BUDGET REQUESTS FOR THE JUDICIAL BRANCH

The Honorable Burley B. Mitchell, Jr.
Chief Justice of North Carolina

Dallas A. Cameron, Jr.
Director
Administrative Office of the Courts

Christopher A. Marks
Deputy Director - Administrative Services
Administrative Office of the Courts

Jeanne M. Bonds
Deputy Director - Policy & Communications
Administrative Office of the Courts

Raleigh, North Carolina

Date: May 8, 1998

THE NORTH CAROLINA JUDICIAL BRANCH 5/8/98

1998 SHORT SESSION EXPANSION BUDGET

1998-99 TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION		1998-99 TOTALS
I. COMPUTER EQUIPMENT AND SOFTWARE		
A. Replacement Equipment		
RECURRING COSTS:		$ 602,861
NON-RECURRING COSTS:		$ 4,011,570
SUBTOTAL:		$ 4,614,431
Clerk of the Superior Courts	$1,334,851	
District Attorneys	$447,270	
Judges	$1,003,680	
All Other Personnel	$1,025,930	
Telecommunications & Fax	$802,700	
B. New Equipment and Software		
RECURRING COSTS:		$ 714,141
NON-RECURRING COSTS:		$ 4,508,757
SUBTOTAL:		$ 5,222,898
Clerk of the Superior Courts	$1,030,860	
District Attorneys/Public Defenders	$3,857,478	
Judges	$334,560	
RECURRING TOTALS:		*$ 1,317,002*
NON-RECURRING TOTALS:		*$ 8,520,327*
COMPUTER EQUIPMENT & SOFTWARE SUBTOTALS:		*$ 9,837,329*
II. INTERNET TECHNOLOGY		
Internet Technology		
RECURRING COSTS:		$ 94,500
NON-RECURRING COSTS:		$ 600,000
SUBTOTAL:		$ 694,500

1998 SHORT SESSION EXPANSION BUDGET

1998-99 TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS
RECURRING TOTALS:	*$ 94,500*
NON-RECURRING TOTALS:	*$ 600,000*
INTERNET TECHNOLOGY SUBTOTALS:	*$ 694,500*

III. DATA CENTER / NETWORK UPGRADE

A. Central Processing Unit & Software, Data Center Operating Software, & Data Communications Increased Band Width

RECURRING COSTS:	$ 1,042,500
NON-RECURRING COSTS:	$ 1,600,000
SUBTOTAL:	$ 2,642,500

B. New Systems Software & Software Maintenance

RECURRING COSTS:	$ 25,020
NON-RECURRING COSTS:	$ 139,000
SUBTOTAL:	$ 164,020

C. Business Disaster Recovery Services

RECURRING COSTS:	$ 150,000
NON-RECURRING COSTS:	$ 130,000
SUBTOTAL:	$ 280,000

RECURRING TOTALS:	*$ 1,217,520*
NON-RECURRING TOTALS:	*$ 1,869,000*
DATA CENTER/NETWORK UPGRADE SUBTOTALS:	*$ 3,086,520*

1998 SHORT SESSION EXPANSION BUDGET

1998-99 TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION		1998-99 TOTALS
IV.	SYSTEM DEVELOPMENT & SUPPORT PERSONNEL	

A. Existing System Support & Training

RECURRING COSTS:	$	1,624,439
NON-RECURRING COSTS:	$	52,344
SUBTOTAL:	$	1,676,783

STAFF REQUEST

9 Business Systems Analysts (Eff. 7/1/98)
5 Systems Trainers (Eff. 7/1/98)
3 Production Support Specialists (Eff. 7/1/98)
3 Computer Operators (Eff. 7/1/98)
1 Database Administrator (Eff. 7/1/98)
1 Systems Programmer (Eff. 7/1/98)
2 Help Desk Specialists (Eff. 7/1/98)

NO. OF POSITIONS: 24.00

B. Technology Support for District Attorneys - Additional Support Staff

RECURRING COSTS:	$	1,060,445
NON-RECURRING COSTS:	$	125,334
SUBTOTAL:	$	1,185,779

STAFF REQUEST

3 Analyst Programmers (Eff. 7/1/98)
3 Personal Computer Specialists (Eff. 7/1/98)
8 Remote LAN Administrators (Eff. 7/1/98)
2 Help Desk Specialists (Eff. 7/1/98)

NO. OF POSITIONS: 16.00

1998 SHORT SESSION EXPANSION BUDGET

1998-99 TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION		1998-99 TOTALS
C. Staff Development and Training		
RECURRING COSTS:	$	-
NON-RECURRING COSTS:	$	75,000
SUBTOTAL:	$	75,000

RECURRING TOTALS:	*$*	*2,684,884*
NON-RECURRING TOTALS:	*$*	*252,678*
NEW SYSTEM DEVELOPMENT & SUPPORT PERSONNEL SUBTOTALS:	*$*	*2,937,562*
NEW POSITION TOTAL:		*40.00*

TOTALS INFORMATION TECHNOLOGY EXPANSION BUDGET REQUEST

TOTAL RECURRING:	$	5,313,906
TOTAL NON-RECURRING:	$	11,242,005
TOTAL TECHNOLOGY :	$	16,555,911
NUMBER OF POSITIONS		40.00

THE NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT

1998 EXPANSION REQUESTS PERTAINING TO THE RECOMMENDATIONS OF THE GOVERNOR'S COMMISSION ON JUVENILE JUSTICE

Raleigh, North Carolina

Date: March 10, 1998

1998 EXPANSION REQUESTS ON

JUVENILE JUSTICE

3/10/98

1998 EXPANSION REQUESTS ON JUVENILE JUSTICE

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

DESCRIPTION	1998-99 TOTALS

IMPROVED COURT SERVICES FOR CHILDREN

A. New Juvenile Services Personnel

RECURRING COSTS:	$12,439,676
NON-RECURRING COSTS:	$1,298,188
TOTALS:	$13,737,864

STAFF REQUEST

30 Supervisory Court Counselors (Eff. 7/1/98)
71 Intensive Services Counselors (Eff. 7/1/98)
53 Intake Counselors (Eff. 7/1/98)
46 Probation & Aftercare (PRAF) Counselors (Eff. 7/1/98)
34 JSD Secretaries (Eff. 7/1/98)
12 Alternatives-to-Detention Counselors (Eff. 7/1/98)
22 FTE Upgrades of Tempory Transportation Officers to Permanent Transportation/Detention Officer's (Eff. 7/1/98)
2 New FTE Transportation/Detention Officers (Eff. 7/1/98)
38 Data Management Specialists (Eff. 7/1/98)

NO. OF POSITIONS (FTE): 308.00

B. TRANSFER OF ALTERNATIVES TO DETENTION FUNDS

Re-route current DHHS grant funding for the Alternatives to Detention Program by providing a direct appropriation to the Administrative Office of the Courts to continue the ongoing operations of the 19 ATD Counselors in this program.

RECURRING COSTS:	$716,160
NON-RECURRING COSTS:	$0
TOTALS:	$716,160

NO. OF POSITIONS (FTE): 19.00

1998 EXPANSION REQUESTS ON JUVENILE JUSTICE

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

DESCRIPTION	1998-99 TOTALS
C. ADMINISTRATIVE & OPERATIONAL SUPPORT	
(1) OPERATIONAL SERVICES	
(a) Certified Mail Requirements (R)	$50,000
(b) Electronic House Arrest Monitors & Supplies (R)	$141,350
(c) Drug Testing Funds (3,000 Tests $5.50 each) (R)	$16,500
(d) Rent of 52 Pagers for Transportation Units & Administrators. (R)	$6,240
(e) Restock First Aid Kits (N/R)	$1,700
(2) Equipment	
(a) 14 Copier Upgrades (N/R)	$80,500
(b) 29 FAX Machines (N/R)	$28,275
(c) 95 Cell Phones (N/R)	$5,750
(d) Copier Upgrade Maintenance Costs (R)	$7,182
(e) FAX Machine Line Charges (R)	$12,180
RECURRING COSTS:	$233,452
NON-RECURRING COSTS:	$116,225
TOTALS:	$349,677
D. JUVENILE SERVICES AUTOMATION PLAN	
System Description	
System Operating Costs	
(1) Division Computer Training (R)	$50,000
(2) Service & Maintenance (R)	$161,480
(3) System Data Line & Modem Connectivity Costs (N/R)	$150,000
(4) Line Data Charges for E-mail to Non-Courthouse Offices (R)	$33,600
(5) Wide-Area Network Cost - Data Line & Frame Relay (R)	$153,965
Equipment - Computers (N/R)	
272 Computer Systems & 30 File Servers	$1,614,800
536 Computer Workstations & Printer Stands	$198,856

3/10/98

1998 EXPANSION REQUESTS ON JUVENILE JUSTICE

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

DESCRIPTION		1998-99 TOTALS
Support Personnel		
1 MIS Project Director (R)		$86,990
(Effective 7/1/98)	(NR)	$9,186
5 LAN Support Specialists (R)		$414,385
(Effective 7/1/98)	(NR)	$45,930
	RECURRING COSTS:	$900,420
	NON-RECURRING COSTS:	$2,018,772
	TOTALS:	$2,919,192
	NO. OF POSITIONS (FTE):	6.00

RECURRING TOTALS:	*$14,289,708*
NON-RECURRING TOTALS:	*$3,433,185*
ADDITIONAL JUVENILE SERVICES DIVISION PERSONNEL TOTALS:	*$17,722,893.00*
NUMBER OF POSITIONS:	*333.00*

1998 EXPANSION BUDGET REQUESTS

OF THE GUARDIAN AD LITEM PROGRAM

NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT

3/10/98

1998 SESSION EXPANSION BUDGET REQUESTS FOR THE GUARDIAN AD LITEM PROGRAM

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

	DESCRIPTION	1998-99 TOTALS

I. GUARDIAN AD LITEM PERSONNEL INCREASES

Guardian ad Litem Staff Increases

RECURRING COSTS:	$1,602,829
NON-RECURRING COSTS:	$172,962
TOTALS:	$1,775,791

STAFF REQUESTS

Upgrade of One, 3/4-Time Regional Administrator to Full-time
Upgrade of 3.5 FTE District Secretaries to either 3/4 or Full-time
24 GAL Program Supervisors (Eff. 7/1/98)
13 Half-time GAL District Secretaries (Eff. 7/1/98)

NO. OF NEW POSITIONS (Upgrades not Included): 37.00

II. ENHANCED AUTOMATION SUPPORT FOR THE GUARDIAN AD LITEM PROGRAM

A. Network Staff Support Services

RECURRING COSTS:	$82,877
NON-RECURRING COSTS:	$9,186
SUBTOTALS:	$92,063

STAFF REQUEST

1 LAN Support Specialist (Eff. 7/1/98)

NO. OF POSITIONS: 1.00

NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT

3/10/98

1998 SESSION EXPANSION BUDGET REQUESTS FOR THE GUARDIAN AD LITEM PROGRAM

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

DESCRIPTION	1998-99 TOTALS
B. Replacement of 15 Old Computer Systems	
RECURRING COSTS:	$12,975
NON-RECURRING COSTS:	$50,730
SUBTOTALS:	$63,705
C. Installation of 31 New Computer Systems	
RECURRING COSTS:	$26,815
NON-RECURRING COSTS:	$104,842
SUBTOTALS:	$131,657
D. GAL System Connectivity for District Offices Not in Courthouses	
RECURRING COSTS:	$18,900
NON-RECURRING COSTS:	$17,640
SUBTOTALS:	$36,540
E. GAL District Office FAX Machines	
RECURRING COSTS:	$16,800
NON-RECURRING COSTS:	$24,234
SUBTOTALS:	$41,034

ENHANCED GAL AUTOMATION SUPPORT TOTALS	
RECURRING COSTS:	$158,367
NON-RECURRING COSTS:	$206,632
TOTALS:	$364,999
NO. OF POSITIONS:	1.00

NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT

3/10/98

1998 SESSION EXPANSION BUDGET REQUESTS FOR THE GUARDIAN AD LITEM PROGRAM

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

	DESCRIPTION	1998-99 TOTALS
III.	INCREASE IN GUARDIAN AD LITEM CONTRACTED ATTORNEY FEES	

Increase in Counsel Fees from $40 to $50 an Hour

RECURRING COSTS:	$500,000
NON-RECURRING COSTS:	$0
TOTALS:	$500,000

TOTAL REQUEST BREAKDOWN

TOTAL RECURRING:	$2,261,196
TOTAL NON-RECURRING:	$379,594
TOTAL EXPANSION REQUESTS :	$2,640,790
NUMBER OF POSITIONS:	38.00

VISITOR REGISTRATION SHEET

APP/Sub Justice & Public Safety1 — May **28, 1998**

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
James Halton	Page Richmond County
Derrick Preston	Page - Rowan County
Chris Marks	AOC
Joanne Bonds	AOC
Patty Curran	Conf. of DA's
[illegible]	NCAA
John Taylor	AOC
Luke Barber	CJPC
Patsy Kinsey	JN Pease Assoc.
Anne Wind	NCAOCR
Ken D. Harrell	NCBIA
Lynn Muchmore	Fiscal Research - Gen'l Assembly

APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

June 2, 1998
Room 612

HOUSE MEMBERS PRESENT: [9] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Redwine, Sexton, Smith, and Crawford

The Appropriations Subcommittee on Justice and Public Safety met on Tuesday, June 2, 1998 in Room 612 of the Legislative Office Building. Representative Thompson presided and introduced the pages for the day: Stephanie Owens, Burke County, Representative Harold Brubaker is her sponsor; Sarah Owens, Rutherford County, Representative John Weatherly is her sponsor.

Representative Thompson stated the committee would be looking at the **Review of Current Special Provisions - Judicial Department** (Attachment A) and Charles Perusse, fiscal Research would be presenting the report.

Charles Perusse gave an overview of the provisions - pages 1 - 40.

Representative Justus asked that **N.C. State Bar Funds** on page 2 be flagged.

Representative Thompson asked that **Drug Treatment Funds** on page 8 be flagged.

Charles Perusse continued and stated that pages 14 through 22 were statutory changes.

Assistant Public Defenders - Page 23 Discussion Followed.

Representative Justus asked if there were any cases not represented by an attorney. Chris Marks stated not in the criminal cases. Charles Perusse will get this information for the Committee.

Study Commission on the Allocation of Judicial Resources, Page 28.
Representative Thompson reported the Senate had never appointed their committee members; however the House has its members appointed and waiting for the Senate to get back with them to activate the Commission.

Representative Redwine asked that **District Court Civil Case Management**, Page 36, be flagged.

Representative Thompson asked for a list of the programs funded through June 30. Charles Perusse will get this information for the committee.

Representative Thompson asked that **Teen Courts**, page 37 be flagged. Discussion followed. Representative Thompson felt the committee needed to know how each group operates and if all are operating and doing the same functions.

Representative Redwine asked that **Victims Rights**, page 10 be flagged.

Study of Public Defender Programs (Attachment B) was passed out by Charles Perusse.

Review of Crime Control and Public Safety's Entire Expansion Budget Requests (Attachment C) was presented by Joe Stewart, Legislative Liaison

A. **Summary List of Supplemental Expansion Requests -**

- Highway Fund

- General Fund

Representative Kiser asked that the 3 ½ positions in Emergency Management on page 2 of this report be flagged.

Representative Justus asked for a total amount in the budget for Crime Control and Public Safety general fund excluding Highway Patrol. Buddy Humphrey will get this information for the committee.

Charles Perusse continued with the **Review of Current Special Provisions - Crime Control and Public Safety.** (Attachment A, pages 86-96)

B. **Summary List of Capital Improvements Request.**

- Highway Fund - Discussion followed regarding the Highway Patrol positions and ratio per population.

- General Fund - These are all for the National Guard.

Representative Thompson explained the committee was working with the Department of Corrections to schedule Secretary Jarvis to appear before the committee to explain the RIF situation.

Meeting adjourned at 9:40 AM until 8:30 AM on Wednesday, June 3.

Representative Gregg Thompson
Chairman

Edna L. Sykes
Committee Clerk

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday June 2, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus
Representative Joe Kiser
Representative Gregg Thompson, Presiding

II. PRESENTATIONS

- Review of Current Special Provisions- Judicial Department

  Charles Perusse, Fiscal Research

- Review of Crime Control & Public Safety's Entire Expansion Budget Requests

  Joe Stewart, Legislative Liaison

- Review of Current Special Provisions- Crime Control & Public Safety

  Charles Perusse, Fiscal Research

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — June 2, 1998

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	NC Bar
Kenneth A. Hunt	State Construction Office
Kevin Howell	NC BA
Jeanne Bonds	AOC
[signature]	AOC
[signature]	NCAOCR
Joe Stewart	CCPS
Jan O. Gray	DOJ
A.A. Adams	Victim Advocate
[signature]	OSBM
[signature]	NCBA
Denise A. Seaborne	DOJ
Glon Willoughby	Wake Co DA.
Kelly Jo Tingle	Rep. Crawford's Intern
Peg Dorer	Conference of D.A.s
[signature]	OSP
[signature]	CYPC
Robert Weiss	Fiscal Research

ATTACHMENT A

JPS Special Provisions

Judicial

PART XVIII. JUDICIAL DEPARTMENT

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

Section 18. Funds appropriated to the Judicial Department in the 1997-99 biennium for equipment and supplies shall be certified in a reserve account. The Administrative Office of the Courts shall have the authority to transfer these funds to the appropriate programs and between programs as the equipment priorities and supply consumptions occur during the operating year. These funds shall not be expended for any other purpose. The Administrative Office of the Courts shall make quarterly reports on transfers made pursuant to this section to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senators Gulley, Ballance

N.C. STATE BAR FUNDS

Section 18.1. (a) Of the funds appropriated in the continuation budget as a grant-in-aid to the North Carolina State Bar for the 1997-99 fiscal biennium, the North Carolina State Bar may in its discretion use up to the sum of two hundred fifty thousand dollars ($250,000) for the 1997-98 fiscal year and up to the sum of two hundred fifty thousand dollars ($250,000) for the 1998-99 fiscal year to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

(b) Of the nonrecurring funds appropriated in the expansion budget as a grant-in-aid to the North Carolina State Bar for the 1997-98 fiscal year, the North Carolina State Bar may in its discretion use up to the sum of two hundred fifty thousand dollars ($250,000) to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

INDIGENT PERSONS' ATTORNEY FEE FUND

Section 18.2. (a) Effective July 1, 1997, the Administrative Office of the Courts shall each year of the 1997-99 biennium reserve funds for adult, juvenile, and guardian ad litem cases from the Indigent Persons' Attorney Fee Fund. These funds shall be allotted to each judicial district in which the superior and district courts are coterminous, and otherwise by county, according to the caseload of indigent persons who were not represented by the public defender in the districts or counties during 1996-97 and 1997-98, respectively. The remaining available funds in the Indigent Persons' Attorney Fee Fund shall be budgeted for capital cases and for transcripts, professional examinations, expert witness fees, and other supporting services.

The Administrative Office of the Courts shall notify all senior resident superior court judges, all chief district court judges, and the clerk of superior court within the district or county immediately after the allotment is made and shall provide a monthly report on the status of the allotment for the district or county.

The senior resident superior court judge and the chief district court judge of each district or county shall ask all judges holding court within the district or county: (i) to take into consideration the amount of money allotted at the beginning of the fiscal year and the amount of money remaining in the allotment when they award counsel fees to attorneys of indigent persons, and (ii) to make an effort to award fees equally and justly for legal services provided. The clerk of superior court for each county shall ensure that all judges holding court within the county receive this request from the senior resident superior court judge and the chief district court judge.

(b) If the funds allotted pursuant to subsection (a) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts shall allot any available funds from the reserve fund specified in subsection (a) or from unanticipated receipts. However, if necessary and appropriate due to unusual and unanticipated circumstances occurring in the current year, the Administrative Office of the Courts may allocate available funds to a district or county in a manner calculated to result in the reasonably fair distribution of remaining funds.

(c) If funds allocated in subsections (a) and (b) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts shall allot available funds from the Public Defender program.

(d) If the funds allotted pursuant to subsections (a), (b), and (c) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts is authorized to transfer funds between districts or counties only if the Administrative Office of the Courts determines that the funds transferred will not be needed to meet

the obligations incurred by the Indigent Persons' Attorney Fee Fund for the county or district from which the funds are transferred for the fiscal year.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REPORT ON DISPUTE SETTLEMENT CENTERS

Section 18.3. (a) All local dispute settlement centers currently receiving State funds shall report annually to the Judicial Department on the program's funding and activities, including:

(1) Types of dispute settlement services provided;
(2) Clients receiving each type of dispute settlement service;
(3) Number and type of referrals received, cases actually mediated, cases resolved in mediation, and total clients served in the cases mediated;
(4) Total program funding and funding sources;
(5) Itemization of the use of funds, including operating expenses and personnel;
(6) Itemization of the use of State funds appropriated to the center;
(7) Level of volunteer activity; and
(8) Identification of future service demands and budget requirements.

The Judicial Department shall compile and summarize the information provided pursuant to this subsection and shall provide the information to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by February 1 of each year.

(b) A local dispute settlement center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

(c) Each local dispute settlement center receiving State funds for the first time shall document in the information provided pursuant to G.S. 7A-346.1 that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from non-State sources.

(d) Each local dispute settlement center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

(e) Each local dispute settlement center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

(f) Each local dispute settlement center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

(g) The percentage that State funds comprise of the total funding of each dispute settlement center shall be

determined at the conclusion of each fiscal year with the information provided pursuant to G.S. 7A-346.1 and is intended as a funding ratio and not a matching funds requirement. Local dispute settlement centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

(h) A local dispute settlement center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the Administrative Office of the Courts for consideration by the Senate and House Appropriations Subcommittees on Justice and Public Safety.

(i) The provisions of G.S. 143-31.4 do not apply to local dispute settlement centers receiving State funds.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

COMMUNITY PENALTIES PROGRAM

Section 18.4. (a) Of the funds appropriated from the General Fund to the Judicial Department for the 1997-99 biennium to conduct the Community Penalties Program, the sum of four million three hundred fifty-five thousand three hundred eighty-two dollars ($4,355,382) for the 1997-98 fiscal year and the sum of four million three hundred fifty-five thousand three hundred eighty-two dollars ($4,355,382) for the 1998-99 fiscal year may be allocated by the Judicial Department in each year of the biennium in any amount among existing community penalties programs, including any State-operated programs, or may be used to establish new community penalties programs.

(b) The Judicial Department shall report annually to the Senate and House Appropriations Subcommittees on Justice and Public Safety and to the Fiscal Research Division on the administrative expenditures of the community penalties programs. The Judicial Department shall report quarterly to the Joint Legislative Commission on Governmental Operations on any elimination or reduction of funding for community penalties programs funded in the 1996-97 fiscal year or any program receiving initial funding during the 1997-99 biennium.

Requested by: Senators Gulley, Ballance

DRUG TREATMENT COURT FUNDS

Section 18.5. (a) Funds appropriated to the Judicial Department for the 1997-98 fiscal year for the North Carolina Drug Treatment Court Program shall be used primarily for substance abuse treatment and related program needs, but the sum of fifty-two thousand five hundred fifty-one dollars ($52,551) may be used to fund one program administrator position.

(b) Of the funds appropriated to the Judicial Department in the 1996-97 fiscal year for the North Carolina Drug Treatment Court Program, the sum of one hundred thousand dollars ($100,000) shall not revert at the end of the fiscal year, but shall remain in the Department during the 1997-98 fiscal year to be used for nonrecurring program items.

(c) Subsection (b) of this section becomes effective June 30, 1997.

Requested by: Senators Gulley, Ballance, Representatives Justus, Kiser, Thompson

MAKE SENTENCING COMMISSION PERMANENT

Section 18.6. (a) Section 8 of Chapter 1076 of the 1989 Session Laws, as amended by Chapters 812 and 816 of the 1991 Session Laws, Chapters 253, 321, and 591 of the 1993 Session Laws, and Chapter 236 of the 1995 Session Laws, reads as rewritten:

"Sec. 8. This act is effective upon ~~ratification, and shall expire June 30, 1997.~~ ratification."

(b) G.S. 164-38 reads as rewritten:

"**§ 164-38. Terms of members; compensation; expenses.**

The terms of existing members shall expire on June 30, ~~1995,~~ 1997, unless they resign or are removed. New members shall be appointed or the existing members reappointed by the appointing authorities to serve ~~until July 1, 1997,~~ terms of two years, unless they resign or are removed. Members serving by virtue of elective or appointive office or as designees of such officeholders may serve only so long as the officeholders hold those respective offices. Members appointed by the Speaker of the House and the President Pro Tempore of the Senate may be removed by the appointing authority without cause. Vacancies occurring before the expiration of a term shall be filled in the manner provided for the members first appointed. A member of the Commission may be removed only for disability, neglect of duty, incompetence, or malfeasance in office. Before removal, the member is entitled to a hearing. Effective with respect to members designated on or after July 1, 1992, a person making a designation pursuant to G.S. 164-37 may not make another designation, except that the person's successor in elective or appointive office may make a new designation.

The Commission members shall receive no salary for serving. All Commission members shall receive necessary subsistence and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6 as applicable."

(c) G.S. 164-36 reads as rewritten:

"**§ 164-36. Powers and duties.**

Sentences established for violations of the State's criminal laws should be based on the established purposes of our criminal justice and corrections systems. The Commission shall evaluate sentencing laws and policies in relationship to both the stated purposes of the criminal justice and corrections systems and the availability of sentencing options. The Commission shall make recommendations to the General Assembly for the modification of sentencing laws and policies, and for the addition, deletion, or expansion of sentencing options as necessary to achieve policy goals. The Commission shall make a report of its recommendations, including any recommended legislation, to the General Assembly annually."

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

VICTIMS' RIGHTS AMENDMENT/ASSISTANTS FOR ADMINISTRATIVE AND VICTIM AND WITNESS SERVICES

Section 18.7. (a) The assistants for administrative and victim and witness services funded in this act are intended to support the implementation of the Victims' Rights Amendment to the North Carolina Constitution and to address the current workload. These positions shall be allocated on the basis of workload and population. The Judicial Department shall report to the Joint Legislative Commission on Governmental Operations on the allocation of these positions by March 1, 1998.

(b) Of the funds appropriated to the Judicial Department for the 1997-99 biennium for assistants for administrative and victim and witness services, the sum of one million one hundred fifty-three thousand one hundred twenty dollars ($1,153,120) for the 1997-98 fiscal year and the sum of one million four hundred sixty-three thousand five hundred thirty-five dollars ($1,463,535) for the 1998-99 fiscal year shall be placed in a reserve. Funds in this reserve shall be expended to provide 45 assistants for administrative and victim and witness services only if the Crime Victims' Rights Act, House Bill 665 or Senate Bill 763, is enacted during the 1997 Regular Session. The Office of State Budget and Management may adjust these amounts appropriately if changes in the effective date of the Crime Victims' Rights Act increase or decrease the cost of the 45 assistants for administrative and victim and witness services.

(c) G.S. 7A-347 reads as rewritten:

"**§ 7A-347. ~~Victim and witness assistants.~~ Assistants for administrative and victim and witness services.**

~~Victim and witness assistant~~ Assistant for administrative and victim and witness services positions are established under the ~~District Attorneys Offices.~~ district attorneys' offices. Each prosecutorial district is allocated at least one ~~victim and witness~~ assistant for administrative and victim and witness services to be employed by the district attorney. The Administrative Office of the Courts shall allocate additional ~~victim and witness~~ assistants to prosecutorial districts on the basis of need and within available appropriations. Each district attorney may also use any volunteer or other personnel to assist the ~~victim and witness~~ assistant. The ~~victim and witness~~ assistant is responsible for coordinating efforts of the law-enforcement and judicial systems to assure that each victim and witness is provided fair treatment under Article 45 of Chapter 15A, Fair Treatment for Victims and Witnesses and shall ~~be used for no other purpose, except as may be approved pursuant to G.S. 7A-348.~~ also provide administrative and legal support to the district attorney's office."

(d) G.S. 7A-348 reads as rewritten:

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

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

(1) Assist in establishing uniform statewide training for ~~the victim and witness assistants;~~ assistants for administrative and victim and witness services;

(2) Assist in the implementation and supervision of this program; and

(3) With the Director of the Administrative Office of the Courts, report annually to the Joint Legislative Commission on Governmental Operations on the implementation and effectiveness of this act, beginning on or before February 1, 1987."

(e) G.S. 15A-826 reads as rewritten:

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

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

(f) The Administrative Office of the Courts and the Conference of District Attorneys shall provide for persons serving as victim and witness assistants on June 30, 1997, to be trained as assistants for administrative and victim and witness services by July 1, 1998. The Administrative Office of the Courts and the Conference of District Attorneys shall provide for persons serving as legal assistants on June 30, 1997, to be trained as assistants for administrative and victim and witness services by July 1, 1998. Prior to that time, when necessary to better manage workloads, the district attorney may temporarily assign a victim and witness assistant to perform duties normally performed by a legal assistant and may temporarily assign a legal assistant to perform duties normally performed by a victim and witness assistant.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

COMPUTER TRAINING

Section 18.8. Prior to the allocation of laptop computers for superior court and district court judges, each judge requesting a laptop computer shall complete a training course provided by the Administrative Office of the Courts in the use of a laptop computer and the appropriate software.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

CRIMINAL CASE MANAGEMENT FUNDS

Section 18.9. (a) The criminal case docket management programs funded in this act shall be distributed in a manner that ensures representation in all areas of the State.

(b) The Administrative Office of the Courts shall report by April 1, 1998, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the criminal case management programs established in 10 judicial districts. The report shall assess the success of these 10 programs in reducing the backlog of court cases and resolving new court cases more quickly and shall include recommendations for the location of additional criminal case management programs in the 1998-99 fiscal year.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

AOC TECHNOLOGY TASK FORCE

Section 18.10. The Administrative Office of the Courts shall establish a task force consisting of representatives of clerks of superior court, district attorneys, superior and district court judges, and magistrates to formulate a plan for the most efficient and effective use of funds appropriated to the Reserve for Technology. The plan shall address those items requested in the Administrative Office of the Courts' expansion budget, including:

(1) Automated forms in courtrooms, clerks' offices, and district attorneys' offices;
(2) District attorney and public defender case management systems;
(3) New personal computers for district attorneys, public defenders, and clerks of court;
(4) Technology support personnel; and
(5) Magistrate criminal information system.

If the task force determines that the funding amounts for these projects should be adjusted or that other projects not enumerated above should receive funding from the Reserve for Technology, it shall make those recommendations to the Administrative Office of the Courts.

Prior to the expenditure of funds appropriated to the Reserve for Technology, the Administrative Office of the Courts shall report the findings of the task force by November 1, 1997, to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

ADDITIONAL ASSISTANT DISTRICT ATTORNEYS/REESTABLISH ASSISTANT DISTRICT ATTORNEY POSITIONS IN DISTRICTS 19B AND 20

Section 18.11. (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	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	~~8~~ 9
3B	Carteret, Craven, Pamlico	~~8~~ 10
4	Duplin, Jones, Onslow, Sampson	~~12~~ 14
5	New Hanover, Pender	~~11~~ 13
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	~~12~~ 15
8	Greene, Lenoir, Wayne	~~10~~ 11
9	Franklin, Granville, Vance, Warren	~~9~~ 10
9A	Person, Caswell	~~3~~ 4
10	Wake	~~23~~ 28
11	Harnett, Johnston, Lee	~~11~~ 14
12	Cumberland	~~14~~ 17
13	Bladen, Brunswick, Columbus	~~8~~ 9
14	Durham	~~10~~ 12
15A	Alamance	7
15B	Orange, Chatham	~~6~~ 7
16A	Scotland, Hoke	~~4~~ 5
16B	Robeson	~~8~~ 9
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	~~22~~ 26
19A	Cabarrus	5
19B	Montgomery, Moore, Randolph	~~9~~ 11
19C	Rowan	5
20	Anson, Richmond, Stanly, Union	~~12~~ 14
21	Forsyth	~~13~~ 15
22	Alexander, Davidson, Davie, Iredell	~~13~~ 16
23	Alleghany, Ashe, Wilkes,	5

	Yadkin	
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	~~12~~ 14
26	Mecklenburg	~~29~~ 32
27A	Gaston	~~10~~ 12
27B	Cleveland, Lincoln	~~6~~ 8
28	Buncombe	~~9~~ 10
29	Henderson, McDowell, Polk, Rutherford, Transylvania	~~10~~ 11
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	7

(b) Subsections (c) and (d) of Section 5 of Chapter 589 of the 1995 Session Laws are repealed.

(c) Subsection (a) of this section becomes effective December 1, 1997.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

ADDITIONAL DISTRICT COURT JUDGES

Section 18.12. (a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	4	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	3	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	4	Pitt
3B	4 5	Craven
		Pamlico
		Carteret
4	6	Sampson
		Duplin
		Jones
		Onslow
5	6	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	6	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	1	Warren
		(part of Vance see subsection (b))
10	12	Wake

11	6	Harnett
		Johnston
		Lee
12	8	Cumberland
13	~~4~~ 5	Bladen
		Brunswick
		Columbus
14	5	Durham
15A	3	Alamance
15B	~~3~~ 4	Orange
		Chatham
16A	3	Scotland
		Hoke
16B	5	Robeson
17A	2	Rockingham
17B	3	Stokes
		Surry
18	11	Guilford
19A	3	Cabarrus
19B	5	Montgomery
		Moore
		Randolph
19C	3	Rowan
20	~~6~~ 7	Stanly
		Union
		Anson
		Richmond
21	7	Forsyth
22	~~7~~ 8	Alexander
		Davidson
		Davie
		Iredell
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	~~3~~ 4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	7	Burke
		Caldwell
		Catawba
26	14	Mecklenburg
27A	5	Gaston
27B	4	Cleveland
		Lincoln
28	5	Buncombe
29	5	Henderson
		McDowell
		Polk
		Rutherford

		Transylvania
30	4	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

(b) The Governor shall appoint additional district court judges for District Court Districts 3B, 13, 15B, 20, 22, and 24 as authorized by subsection (a) of this section. Those judges' successors shall be elected in the 2000 election for four-year terms commencing on the first Monday in December 2000.

(c) Subsection (a) of this section becomes effective December 1, 1997, as to any district where no county is subject to Section 5 of the Voting Rights Act of 1965. As to any district where any county is subject to Section 5 of the Voting Rights Act of 1965, subsection (a) of this section becomes effective December 1, 1997, or 15 days after the date upon which that subsection is approved under Section 5 of the Voting Rights Act.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

AUTHORIZE ADDITIONAL MAGISTRATES

Section 18.13. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.	Magistrates Max.	Additional Seats of Court
Camden	1	2	
Chowan	2	3	
Currituck	1	3	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	3	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	12	Farmville Ayden
Craven	7	10	Havelock
Pamlico	2	3	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	
Jones	2	3	
Onslow	8	14	
New Hanover	6	11	
Pender	4	6	
Halifax	9	14	Roanoke Rapids, Scotland Neck
Northampton	5	7	
Bertie	4	6	
Hertford	5	6	
Nash	7	10	Rocky Mount
Edgecombe	4	~~6~~ 7	Rocky Mount
Wilson	4	~~6~~ 7	
Wayne	5	~~11~~ 12	Mount Olive
Greene	2	4	
Lenoir	4	10	La Grange
Granville	3	7	
Vance	3	6	
Warren	3	4	
Franklin	3	~~6~~ 7	
Person	3	4	

Caswell	2	5	
Wake	12	20	Apex, Wendell, Fuquay-Varina, Wake Forest
Harnett	7	11	Dunn
Johnston	10	12	Benson, Clayton, Selma
Lee	4	6	
Cumberland	10	~~17~~ 18	
Bladen	4	6	
Brunswick	4	7	
Columbus	6	~~8~~ 9	Tabor City
Durham	8	~~12~~ 13	
Alamance	7	10	Burlington
Orange	4	11	Chapel Hill
Chatham	3	8	Siler City
Scotland	3	5	
Hoke	4	5	
Robeson	8	16	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
Rockingham	4	9	Reidsville, Eden, Madison
Stokes	2	5	
Surry	5	9	Mt. Airy
Guilford	20	26	High Point
Cabarrus	5	9	Kannapolis
Montgomery	2	4	
Randolph	5	10	Liberty
Rowan	5	10	
Stanly	5	6	
Union	4	6	
Anson	4	5	
Richmond	5	6	Hamlet
Moore	5	8	Southern Pines
Forsyth	3	15	Kernersville
Alexander	2	3	
Davidson	7	10	Thomasville
Davie	2	3	
Iredell	4	9	Mooresville
Alleghany	1	2	
Ashe	3	4	
Wilkes	4	6	
Yadkin	3	5	
Avery	3	4	

Madison	4	5	
Mitchell	3	4	
Watauga	4	6	
Yancey	2	4	
Burke	4	7	
Caldwell	4	7	
Catawba	6	10	Hickory
Mecklenburg	15	26	
Gaston	11	~~20~~ 21	
Cleveland	5	8	
Lincoln	4	7	
Buncombe	6	15	
Henderson	4	7	
McDowell	3	5	
Polk	3	4	
Rutherford	6	8	
Transylvania	2	4	
Cherokee	3	4	
Clay	1	2	
Graham	2	3	
Haywood	5	7	Canton
Jackson	3	4	
Macon	3	4	
Swain	2	3."	

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

ASSISTANT PUBLIC DEFENDERS

Section 18.14. From funds appropriated to the Indigent Persons' Attorney Fee Fund for the 1997-99 biennium, the Administrative Office of the Courts may use up to three hundred fourteen thousand two hundred forty dollars ($314,240) in the 1997-98 fiscal year, and up to five hundred twenty-four thousand five hundred twenty-eight dollars ($524,528) in the 1998-99 fiscal year for salaries, benefits, and related expenses to establish up to eight new assistant public defenders.

Requested by: Senators Perdue, Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

JUVENILE RECIDIVISM RATES

Section 18.15. (a) Article 54 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A-675.3. Juvenile recidivism rates.**

(a) On an annual basis, the Administrative Office of the Courts shall compute the recidivism rate of juveniles who are adjudicated delinquent for offenses that would be Class A, B1, B2, C, D, or E felonies if committed by adults and who subsequently are adjudicated delinquent or convicted and shall report the statistics to the Joint Legislative Commission on Governmental Operations by December 31 each year.

(b) The Chief Court Counselor of each judicial district shall forward to the Administrative Office of the Courts relevant information, as determined by the Administrative Office of the Courts, regarding every juvenile who is adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult for the purpose of computing the statistics required by this section."

(b) The Administrative Office of the Courts shall use funds available to the Office to implement this section.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

ADDITIONAL INVESTIGATORIAL ASSISTANTS

Section 18.16. G.S. 7A-69 reads as rewritten:

"**§ 7A-69. Investigatorial assistants.**

The district attorney in ~~the first, third-B, fourth, seventh, eighth, tenth, eleventh, twelfth, fourteenth, fifteenth-A, sixteenth, eighteenth, twentieth, twenty-first, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth and thirtieth~~ prosecutorial districts 1, 3B, 4, 6B, 7, 8, 10, 11, 12, 14, 15A, 15B, 18, 20, 21, 24, 25, 26, 27A, 27B, 28, 29, and 30 is entitled to one investigatorial assistant to be appointed by the district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

Requested by: Senators Plyler, Perdue, Odom, Representatives Justus, Kiser, Thompson

IRMC REVIEW OF INFORMATION TECHNOLOGY PLANS OF THE ADMINISTRATIVE OFFICE OF THE COURTS

Section 18.17. (a) G.S. 143B-472.41(b), as recodified by Section 2 of S.L. 1997-148, reads as rewritten:

"(b) Powers and Duties. -- The Commission has the following powers and duties:

(1) To develop, approve, and publish a statewide information technology strategy covering the current and following biennium that shall be updated annually and shall be submitted to the General Assembly on the first day of each regular session.

(2) To develop, approve, and sponsor statewide technology initiatives and to report on those initiatives in the annual update of the statewide information technology strategy.

(3) To review and approve biennially the information technology plans of the executive ~~agencies, including their~~ agencies and to review and comment biennially on the information technology plans of the Administrative Office of the Courts. This review shall include plans for the procurement and use of personal computers and workstations.

(4) To recommend to the Governor and the Office of State Budget and Management the relative priorities across executive agency information technology plans.

(5) To establish a quality assurance policy for all agency information technology projects, information systems training programs, and information systems documentation.

(6) To establish and enforce a quality review and expenditure review procedure for major agency information technology projects.

(7) To review and approve expenditures from appropriations made to the Office of State Budget and Management for the purpose of creating a Computer Reserve Fund.

(8) To develop and promote a policy and procedures for the fair and competitive procurement of information technology consistent with the rules of the Department of Administration and consistent with published industry standards for open systems that provide agencies with a vendor-neutral operating environment where different information technology hardware, software, and networks operate together easily and reliably."

(b) The Information Resources Management Commission shall review the information technology plans of the Administrative Office of the Courts and report its findings to

the Joint Legislative Commission on Governmental Operations by November 1, 1997.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

STUDY COMMISSION ON THE ALLOCATION OF JUDICIAL RESOURCES

Section 18.18. (a) The Study Commission on the Allocation of Judicial Resources is created. The Commission shall consist of 15 voting members as follows:

(1) Four members of the House of Representatives to be appointed by the Speaker of the House of Representatives;

(2) Four members of the Senate to be appointed by the President Pro Tempore of the Senate;

(3) Three judges of the General Court of Justice, one superior court judge and one district court judge to be appointed by the Speaker of the House of Representatives, and one superior or district court judge to be appointed by the President Pro Tempore of the Senate;

(4) Three court officials, one district attorney and one clerk of court to be appointed by the President Pro Tempore of the Senate, and one district attorney, clerk of court, or magistrate to be appointed by the Speaker of the House of Representatives;

(5) The Director of the Administrative Office of the Courts, or the Director's designee.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair from the General Assembly membership serving on the Commission. The Commission shall meet upon the call of the cochairs. A majority of the Commission shall constitute a quorum for the transaction of business.

(b) The Commission shall study the allocation of judicial resources, including superior court judges, district court judges, assistant district attorneys, deputy clerks of court, assistant clerks of court, magistrates, and support staff. The study shall include a review of the existing workload and staffing formulas for judicial personnel.

(c) The Commission may contract for consultant services as provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of the House of Representatives and Senate Supervisors of Clerks. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Commission, while in the discharge of official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession,

ascertainable from their records, or otherwise available to them, and the power to subpoena witnesses.

Members of the Commission shall receive per diem, subsistence, and travel allowances as follows:

(1) Commission members who are members of the General Assembly at the rate established in G.S. 120-3.1;

(2) Commission members who are officials or employees of the State or of local government agencies at the rate established in G.S. 138-6.

(d) The Commission shall report the results of its study and its recommendations to the 1999 General Assembly and may make an interim report to the 1998 Regular Session of the 1997 General Assembly. The Commission shall terminate upon filing its final report.

(e) There is allocated from the funds appropriated to the Legislative Services Commission's studies reserve to the Study Commission on the Allocation of Judicial Resources Study Commission the sum of fifteen thousand dollars ($15,000) for the 1997-98 fiscal year and the sum of fifteen thousand dollars ($15,000) for the 1998-99 fiscal year to conduct the study directed by this section.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

GUARDIAN AD LITEM ATTORNEY BILLINGS

Section 18.19. Attorneys providing legal services for the Guardian Ad Litem program shall bill the Judicial Department within 60 days after the end of each quarter of the fiscal year in order to be reimbursed for those services.

Requested by: Representatives Justus, Kiser, Thompson

PROJECT CHALLENGE REPORT

Section 18.20. (a) Of the funds appropriated in this act to the Administrative Office of the Courts for the 1997-98 fiscal year, the sum of one hundred thousand dollars ($100,000) shall be used to support the operation of Project Challenge North Carolina, Inc., a nonprofit corporation that provides alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined in District Court District 24, and for expansion of the program. The funds shall be used to:

(1) Provide community resources and dispositional alternatives for juveniles in the form of community services, including services to the elderly and economically disadvantaged;

(2) Promote the involvement of juveniles in community programs that instill in juveniles pride in their communities and develop self-respect and the skills needed for them to be productive, responsible members of their communities;

(3) Coordinate with the local schools and State and local law enforcement to educate juveniles regarding the justice system and to promote respect for authority and an appreciation of societal laws and mores; and

(4) Collaborate with community agencies and organizations to provide guidance to and positive role models for juveniles.

(b) Project Challenge North Carolina, Inc. shall report by March 1, 1998, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the effectiveness of the program, including information on the number of juveniles served. Thereafter, Project Challenge North Carolina, Inc. shall report quarterly to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the operations and effectiveness of the program.

Requested by: Representatives Morris, Hurley, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

CUMBERLAND JUVENILE ASSESSMENT CENTER

Section 18.21. (a) Of the funds appropriated in this act to the Administrative Office of the Courts for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to fund the Juvenile Assessment Project authorized by this section. These funds shall be matched by local funds on the basis of one dollar ($1.00) of local funds for every three dollars ($3.00) of State funds.

(b) The Administrative Office of the Courts, in collaboration with the Chief Court Counselor of District Court District 12, the Cumberland County Department of Social Services, and the appropriate local school administrative units, shall develop and implement a Juvenile Assessment Center Project in District Court District 12 to operate from the effective date of this act to June 30, 1998. The purpose of the Project is to facilitate efficient prevention and intervention service delivery to juveniles who are (i) alleged to be delinquent or undisciplined and have been taken into custody or (ii) at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even though they have not been taken into custody. The Project shall assist these juveniles by providing a centralized point of intake and assessment for the juveniles, by addressing the educational, emotional, and physical needs of the juveniles, and by providing juveniles with an atmosphere for learning personal responsibility, self-respect, and respect for others. The Administrative Office of the Courts shall consider the recommendations of the Juvenile Assessment Advisory Board in developing and implementing the Project.

(c) The Project shall be modeled after the Juvenile Assessment Center in Hillsborough County, Florida, and shall:

(1) Identify those juveniles who are alleged to be delinquent or undisciplined or are at risk of becoming delinquent or undisciplined;

(2) Evaluate the educational, emotional, and physical needs of the juveniles identified and determine whether the juveniles have problems related to substance abuse, depression, or other emotional conditions;

(3) Develop in-depth and comprehensive assessment plans for the juveniles identified that recommend appropriate treatment, counseling, and disposition of the juveniles; and

(4) Provide services to juveniles identified and their families through collaboration with public and private resources, including local law enforcement, parents' organizations, the Fayetteville Chamber of Commerce, and county and community programs and organizations that provide substance abuse treatment and child and family counseling.

(d) There is established the Juvenile Assessment Advisory Board to make recommendations to the Administrative Office of the Courts regarding the development and operations of the Project. The Board shall consist of 13 members, including:

(1) The director of the Department of Social Services of Cumberland County, or the director's designee.
(2) A representative from the local mental health area authority of Cumberland County.
(3) A member of the Cumberland County Board of Education.
(4) The sheriff of Cumberland County, or the sheriff's designee.
(5) The chief of police of the Fayetteville Police Department, or the designee of the chief of police.
(6) A judge of District Court District 12.
(7) A juvenile court counselor from District Court District 12.
(8) The director of the Guardian Ad Litem program in Cumberland County, or the director's designee.
(9) The director of the Health Department of Cumberland County, or the director's designee.
(10) Two public members appointed by the Fayetteville City Council.
(11) Two public members appointed by the Board of County Commissioners of Cumberland County.

The members of the Board shall, within 30 days after the initial appointment is made, meet and elect one member as chair. The Board shall meet at least once a month at the call of the chair, and a quorum of the Board shall consist of a majority of its members. The Board of County Commissioners of Cumberland County shall provide necessary clerical and professional assistance to the Board.

Initial appointments shall be made by October 1, 1997, and all terms shall expire June 30, 1998.

(e) The Administrative Office of the Courts, in consultation with the Department of Human Resources, shall evaluate the Project and report to the Chairs of the House and Senate Appropriations Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and Human Resources, and the Fiscal Research Division of the General Assembly by May 1, 1998, on the progress of the development and implementation of the Project. In the report, the Administrative Office of the Courts, in consultation with the Department of Human Resources, shall evaluate the effectiveness of the Project, including the number of juveniles served or expected to be served, and shall recommend whether the Project should be continued. If the report recommends that the Project be continued, it shall also provide a cost analysis outlining the long-term staffing and operating needs of the Project.

Requested by: Representatives Sexton, Eddins, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

BAD CHECK PILOT PROGRAM FUNDS/REPORT

Section 18.22. (a) G.S. 7A-308 is amended by adding a new section to read:

"(c) A person who participates in a program for the collection of worthless checks under G.S. 14-107.2 must pay a fee of fifty dollars ($50.00). The fee collected under this subsection must be remitted to the State by the clerk of court in the county in which the program is established and credited to the Collection of Worthless Checks Fund. The Collection of Worthless Checks Fund is created as a special revenue fund. Revenue in the Fund does not revert at the end of the fiscal year, and interest and other investment income earned by the Fund accrues to the Fund. The money in the Fund is subject to appropriation by the General Assembly and may be used solely for the expenses of the programs established under G.S. 14-107.2 for the collection of worthless checks."

(b) Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-107.2. Program for the collection of worthless check cases.**

A district attorney may establish a program for the collection of worthless check cases that would, if prosecuted under G.S. 14-107, be punishable as a Class 2 misdemeanor. The purpose of the program is to collect worthless checks in a more timely manner, to alleviate the need to prosecute each worthless check case, and to provide an opportunity for the check passer to avoid criminal prosecution. In creating the program, the district attorney must establish criteria for the types of worthless check cases that will be eligible for collection under the program. If the check passer participates in the program by paying the fee under G.S. 7A-308(c) and providing restitution to the check taker for (i) the amount of the check or draft, (ii) any service charges imposed on the check taker by a bank or depository for processing the dishonored check, and (iii) any processing fees imposed by the check taker pursuant to G.S. 25-3-512, then the district attorney will not prosecute the worthless check case under G.S. 14-107. The Administrative Office of the Courts must establish procedures for remitting the fee and providing restitution to the check taker. For the purposes of this section, the terms 'check passer' and 'check taker' have the same meanings as defined in G.S. 14-107.1."

(c) Of the funds appropriated to the Judicial Department for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to establish bad check collection pilot programs in Columbus, Durham, and Rockingham Counties.

The Administrative Office of the Courts shall report by May 1, 1998, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation

of the programs, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases.

(d) This act applies only to Columbus, Durham, and Rockingham Counties.

(e) This act becomes effective October 1, 1997, and expires June 30, 1998.

Requested by: Representatives Justus, Kiser, Thompson

DISTRICT COURT CIVIL CASE MANAGEMENT

Section 18.23. The Administrative Office of the Courts shall report by May 1, 1998, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the civil case management pilot programs established in District Court Districts 13, 18, and 30. The report shall assess the success of these programs in reducing the backlog of civil court cases and in resolving new cases more quickly.

Requested by: Representatives Redwine, Hackney, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

ESTABLISH TEEN COURTS IN ORANGE, COLUMBUS, BRUNSWICK, FORSYTH, AND CABARRUS COUNTIES AND TO PROVIDE ADDITIONAL FUNDING FOR THE TEEN COURTS IN WAKE AND DURHAM COUNTIES

Section 18.24. (a) Of the funds appropriated in this act to the Judicial Department, the Administrative Office of the Courts shall use:

(1) The sum of fifteen thousand dollars ($15,000) for the 1997-98 fiscal year and the sum of fifteen thousand dollars ($15,000) for the 1998-99 fiscal year to establish a "teen court" program in Orange County.

(2) The sum of twenty thousand dollars ($20,000) for the 1997-98 fiscal year and the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a "teen court" program in Columbus County.

(3) The sum of twenty thousand dollars ($20,000) for the 1997-98 fiscal year and the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a "teen court" program in Brunswick County.

(4) The sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1997-98 fiscal year and the sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1998-99 fiscal year to establish a "teen court" program in Forsyth County.

(5) The sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1997-98 fiscal year and the sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1998-99 fiscal year to establish a "teen court" program in Cabarrus County.

The Administrative Office of the Courts shall establish the programs pursuant to the guidelines and objectives set forth in Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(b) Of the funds appropriated in this act to the Judicial Department for the 1997-98 fiscal year, the sum of fifteen thousand dollars ($15,000) shall be used to provide additional funding for the "teen court" program currently operating in Durham County and the sum of fifteen thousand dollars ($15,000) shall be used to provide additional funding for the "teen court" program currently operating in Wake County.

(c) Each of the programs funded pursuant to this section shall report to the Administrative Office of the Courts on the expenditures and operations of the program by March 1, 1998, and thereafter on a quarterly basis. The Administrative Office of the Courts shall evaluate the effectiveness of the programs and report its findings and recommendations to the Joint Legislative Commission on Governmental Operations and to the

Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by April 15, 1998.

PART XIX. DEPARTMENT OF CORRECTION

Conviction

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

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

Section 19. (a) G.S. 148-29 reads as rewritten:

"**§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's expense affidavit.**

(a) The sheriff having in charge any prisoner to be taken to the State prison system shall send the prisoner to the custody of the Department of Correction within five days after sentencing and the disposal of all pending charges against the prisoner, if no appeal has been taken. Beginning on the sixth day after sentencing and disposal of all pending charges against the prisoner and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the ~~county a~~ county:

(1) A standard sum set by the General Assembly in its appropriations acts for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical services to the prisoner awaiting transfer to the State prison ~~system.~~ system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by prisoners awaiting transfer to the State prison system.

(b) The sheriff having in charge any parolee or post-release supervisee to be taken to the State prison system shall send the prisoner to the custody of the Department of Correction within five days after preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the sixth day after the hearing and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) A standard sum set by the General Assembly in its appropriations acts for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical services to the parolee or post-release supervisee awaiting transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by parolees or post-release supervisees awaiting transfer to the State prison system.

(c) The sheriff shall file with the board of commissioners of his county a copy of his affidavit as to necessary guard, together with a copy of his itemized account of expenses, both certified to by him as true copies of those on file in his office."

(b) The Department of Correction may use funds appropriated to the Department for the 1997-99 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement t

counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

Prior to the expenditure of more than the sum of six million five hundred thousand dollars ($6,500,000) for the 1997-98 fiscal year or more than the sum of four million dollars ($4,000,000) for the 1998-99 fiscal year to reimburse counties for prisoners awaiting transfer, the Department of Correction and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations on the necessity of that expenditure.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

INMATE HOUSING FUNDS

Section 19.1. If the Department of Correction determines that funds needed to contract for prison beds to house inmates in out-of-state prisons or in local jails will exceed appropriations for those purposes in the 1997-98 continuation budget, it may contract for those purposes using funds from the 1997-98 continuation budget reserves for operating prisons that become available because of delays in the construction of prison units. To the extent that funds from the reserves for operating prison units are not available, the Department of Correction may use funds available to the Department for the 1997-98 fiscal year to contract for prison beds to house inmates in out-of-state prisons or in local jails. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on these contracts. The report shall include the amount expended monthly for each contract, the source of funding used to pay for the contracts, the status of each contract, and the projected dates for returning the inmates housed out-of-state or in local jails to the State prison system.

Prior to the expenditure of more than the sum of one million dollars ($1,000,000) in additional funds authorized by this section to contract for out-of-state and local jail beds, the Department of Correction and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations on the necessity of that expenditure.

Requested by: Senator Gulley

EXEMPTION FROM LICENSURE AND CERTIFICATE OF NEED

Section 19.2. (a) Inpatient chemical dependency or substance abuse facilities that provide services exclusively to inmates of the Department of Correction shall be exempt from licensure by the Department of Human Resources under Chapter 122C of the General Statutes. If an inpatient chemical dependency or substance abuse facility provides services both to inmates of the Department of Correction and to members of the general public, the portion of the facility that serves inmates shall be exempt from licensure.

(b) Any person who contracts to provide inpatient chemical dependency or substance abuse services to inmates of the Department of Correction may construct and operate a new chemical dependency or substance abuse facility for that purpose without first obtaining a certificate of need from the Department of Human Resources pursuant to Article 9 of Chapter 131E of the General Statutes. However, a new facility or addition developed for that purpose without a certificate of need shall not be licensed pursuant to Chapter 122C of the General Statutes and shall not admit anyone other than inmates unless the owner or operator first obtains a certificate of need.

(c) This section applies to existing facilities, as well as future facilities contracting with the Department of Correction.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LIMIT USE OF OPERATIONAL FUNDS

Section 19.3. Funds appropriated in this act to the Department of Correction for operational costs for additional facilities shall be used for personnel and operating expenses set forth in the budget approved by the General Assembly in this act. These funds shall not be expended for any other purpose, except as provided for in this act, and shall not be expended for additional prison personnel positions until the new facilities are within 90 days of projected completion, except for certain management, security, and support positions necessary to prepare the facility for opening, as authorized in the budget approved by the General Assembly.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

USE OF FACILITIES CLOSED UNDER GPAC/PLAN FOR EFFICIENT OPERATION OF DIVISION OF PRISONS

Section 19.4. (a) In conjunction with the closing of small expensive prison units recommended for consolidation by the Government Performance Audit Committee, the Department of Correction shall consult with the county or municipality in which the unit is located or any private for-profit or nonprofit firm about the possibility of converting that unit to other use. Consistent with existing law and its future needs, the Department may provide for the transfer or the lease for 20 years or more of any of these units to counties, municipalities, or private firms wishing to convert them to other use. The Department of Correction may also consider converting some of the units recommended for closing from medium security to minimum security, 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 Human Resources 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.

Prior to any transfer or lease of these units, the Department of Correction shall report on the terms of the proposed transfer or lease to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee. The Department of Correction shall also provide quarterly summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section.

(b) The Department of Correction shall prepare a long-range plan for the closing, consolidation, or conversion of prison units or diagnostic centers that would contribute to the more efficient operation of the Division of Prisons. The Department shall present this plan to the Joint Legislative Corrections Oversight Committee by April 30, 1998.

Requested by: Representatives Justus, Kiser, Thompson

FEDERAL GRANT REPORTING

Section 19.5. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, and the Judicial Department shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

Requested by: Senator Gulley

HARRIET'S HOUSE FUNDS/FUNDS SHALL NOT REVERT

Section 19.6. (a) Funds appropriated in this act to the Department of Correction to support the programs of Harriet's House may be used for program operating costs, the purchase of equipment, and the rental of real property. Harriet's House shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program including information on the number of clients served and the number of clients who successfully complete the Harriet's House program.

(b) The balance of the two hundred thousand dollars ($200,000) appropriated in Chapter 507 of the 1995 Session Laws to the Department of Correction for the 1996-97 fiscal year to support the programs at Harriet's House shall not revert at the end of the fiscal year but shall remain available to the Department during the 1997-98 fiscal year to be used for program operating costs, the purchase of equipment, and the rental of real property.

(c) This section becomes effective June 30, 1997.

Requested by: Senators Gulley, Odom, Ballance

REPORT ON SUMMIT HOUSE

Section 19.7. (a) Summit House shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who have their probation revoked, and the number of clients who successfully complete the program while housed at Summit House.

(b) Summit House shall report by December 1, 1998, to the Joint Legislative Commission on Governmental Operations on (i) possible expansion of the programs in Mecklenburg and Guilford Counties; (ii) on possible expansion to other areas of the State; and (iii) the status of the Wake County program. This report shall include the estimated size of the population to be served, estimated costs, and anticipated obstacles to establishment of a residential program.

(c) The balance of the one million one hundred three thousand seven hundred fifty-eight dollars ($1,103,758), appropriated in Chapter 507 of the 1995 Session Laws and Chapter 18 of the Session Laws of the 1996 Second Extra Session to the Department of Correction for the 1996-97 fiscal year for support and expansion of the programs at Summit House in Greensboro and Mecklenburg and Wake Counties, shall not revert at the end of the fiscal year but shall remain in the Department during the 1997-9 fiscal year for that purpose.

(d) This section becomes effective June 30, 1997.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 19.8. (a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, grants made through the North Carolina State-County Criminal Justice Partnership Act for the 1997-98 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years. Appropriations not claimed or expended by the counties during the 1997-99 biennium shall be distributed as specified in G.S. 143B-273.15(1).

(b) G.S. 143B-273.4(a) reads as rewritten:

"(a) An eligible offender is an adult offender who either is in confinement awaiting trial, or was convicted of a misdemeanor or a felony offense and received a nonincarcerative sentence of an intermediate punishment or is serving a term of parole or post-release supervision after ~~completing~~ serving an active sentence of imprisonment."

(c) G.S. 143B-273.12(c) reads as rewritten:

"(c) The proposed program shall target ~~adult~~ eligible offenders ~~who either are in confinement awaiting trial, were convicted of a misdemeanor or a felony offense and received a nonincarcerative sentence of an intermediate punishment, or are serving a term of post-release supervision after completing active sentences of imprisonment. The priority populations shall be offenders sentenced to intermediate punishments and offenders who are appropriate for release from jail prior to trial under the supervision of a pretrial monitoring program.~~ as defined in G.S. 143B-273.4."

Requested by: Senator Gulley

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 19.9. The Post-Release Supervision and Parole Commission shall report to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee by March 1, 1998, on a staffing reorganization and reduction plan. The report shall address the impact on Commission staffing of the declining parole workload, the automation of Commission functions, and the anticipated role of the Commission in Post-Release Supervision. The report shall include a transition plan for implementing staff reductions over the next five years, including a minimum of a ten percent (10%) reduction in the 1998-99 fiscal year over the 1997-98 fiscal year.

Requested by: Senator Gulley

FEDERAL MATCHING FUNDS

Section 19.10. Appropriations made for the 1997-99 biennium to the Office of State Construction of the Department of Administration for the planning and construction of new prison beds are to match federal funds available for prison construction. Appropriations not needed or used to match federal funds may be made available for construction of new prison beds, segregation units, support buildings and systems, and other needed facilities.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

IMPACT DEFENDANTS IN DOC FACILITIES/CONTINUE IMPACT BOOT CAMP PROGRAM

Section 19.11. (a) G.S. 15A-1343(b1)(2a) reads as rewritten:

"(2a) Submit to a period of ~~imprisonment~~ confinement in a facility ~~for youthful offenders~~ operated by the Department of Correction for a minimum of 90 days or a maximum of 120 days under special probation, reference G.S. 15A-1351(a) or G.S. 15A-1344(e), and abide by all rules and regulations as provided in conjunction with the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), which provides an atmosphere for learning personal confidence, personal responsibility, self-respect, and respect for attitudes and value systems. This condition may also include a period of supervision through the Post-Boot Camp Probation Program."

(b) The Department of Correction may use up to the sum of three hundred fifty thousand dollars ($350,000) in funds available for the 1997-98 fiscal year to continue the pilot project established in subsection 19(b) of Chapter 24 of the Session Laws of the 1994 Extra Session to provide treatment for offenders completing the IMPACT boot camp program.

Requested by: Representatives Justus, Kiser, Thompson

REPORT ON WOMEN AT RISK

Section 19.12. Women at Risk shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds and on the effectiveness of the program, including information on the number of clients served, the number of clients who have had their probation revoked, and the number of clients who have successfully completed the program.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

PERFORMANCE AUDIT OF DIVISION OF ADULT PROBATION AND PAROLE

Section 19.13. The State Auditor shall conduct a performance audit of the Division of Adult Probation and Parole in the Department of Correction.

The State Auditor shall report the audit results to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, the Chairs of the Joint Legislative Corrections Oversight Committee, and the Joint Legislative Commission on Governmental Operations by June 1, 1998.

The performance audit of the Division of Adult Probation and Parole shall review the efficiency and effectiveness of major management policies, practices, and functions, including the following areas:

(1) Organization and structure;
(2) Effect of organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission;
(3) Current staffing patterns and workload;
(4) Current personnel and patronage practices, placing special emphasis on any existing abuses in those practices; and
(5) General effectiveness of probation and parole.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

WORKING HOURS OF EMPLOYEES IN STATE INSTITUTIONS

Section 19.14. G.S. 95-28 is repealed.

Requested by: Representatives Sexton, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

TRANSFER ROCKINGHAM CORRECTIONAL CENTER

Section 19.15. The General Assembly finds that the Department of Correction, the Department of Transportation, and Rockingham County have compelling needs for the use of the below described land:

All that property lying south of N.C. Highway 65 upon which is situated the former Rockingham County Correctional Center building and grounds containing approximately 24 acres.

Therefore, the General Assembly urges the Department of Administration to initiate negotiations between the Department of Correction, the Department of Transportation, and Rockingham County to develop an agreement for the transfer of all or part of the described property to Rockingham County and the use or transfer of part of the described property or of other acceptable property to the Department of Transportation in a manner that meets the needs of all the parties. The General Assembly further urges the parties to implement the agreement in accordance with applicable law as soon as practicable.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

FUNDING OF PRISON ROAD SQUADS

Section 19.16. Notwithstanding any other provision of law, the Department of Transportation shall reimburse the Department of Correction for the cost of inmate road squads on a cost basis, as provided for in G.S. 148-26.5.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

PRIVATE PRISON EXPANSION/MORATORIUM ON PRIVATE PRISONS FOR OUT-OF-STATE INMATES

Section 19.17. (a) The Department of Correction, in consultation with the United States Corrections Corporation, shall determine the feasibility of expanding each of the two 500-bed private confinement facilities presently under construction to 1,000-bed facilities and the cost savings of that expansion over the construction of new facilities. The Department shall report its findings to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee by December 1, 1997.

(b) The Department of Correction, in cooperation with the Department of Justice, Department of Insurance, and Office of State Construction, shall establish proposed standards for any private correctional facilities in this State that are used to confine inmates from a jurisdiction other than North Carolina or a political subdivision of North Carolina. These standards shall include provisions for all such facilities to:

(1) Meet minimum responsibility and insurance standards and may provide for the posting of surety bonds;

(2) Meet or exceed all standards applicable to the State prison system, particularly those standards relating to inmate care and treatment;

(3) Provide for the transfer or return of all inmates to the jurisdiction in which the inmates were originally convicted prior to release of the inmates;

(4) Permit officials of the State of North Carolina to conduct periodic inspections of all such facilities; and

(5) Meet any other standards the departments deem advisable.

The Department of Correction shall report on these proposed standards to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by May 1, 1998. The report shall include a recommendation on the appropriate regulatory agency or agencies to enforce these standards.

(c) No municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina until the Department of Correction has developed proposed standards for such private correctional facilities pursuant to subsection (b) of this section and the General Assembly has acted upon those standards. No private confinement facility authorized under G.S. 148-37(g) that receives payment from this State for the housing of State prisoners may conta

inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina without the written consent of the Secretary of Correction.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

TITLE VII FUNDS/REPORT

Section 19.18. The Department of Correction may use funds available to the Department during the 1997-98 fiscal year for payment to claimants as part of the settlement of the Title VII lawsuit over the recruitment, hiring, and promotion of females in the Department. Prior to final settlement of the lawsuit, the Department shall report on the proposed settlement to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

NEW POSITIONS/MODULAR UNITS

Section 19.19. (a) The Department of Correction may use funds available for the 1997-98 fiscal year to fund up to four new temporary positions to operate new modular units at Henderson Correctional Center and Haywood Correctional Center.

(b) The Department of Correction may use funds available for the 1997-98 fiscal year to purchase and install a new modular unit at Martin Correctional Center.

(c) The Department of Correction shall report on its progress in the installation of all modular units to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee by March 1, 1998.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

INMATE COSTS

Section 19.20. The Department of Correction may use funds available to the Department for the 1997-99 biennium to pay the cost of providing food and health care to inmates housed in the Division of Prisons if:

(1) The prison population exceeds the December 1996 population projections of the North Carolina Sentencing and Policy Advisory Commission; and

(2) The cost of providing food and health care to inmates is anticipated to exceed the continuation budget amounts provided for that purpose in this act.

Prior to making any expenditure authorized by this section, the Department of Correction shall report on its need to use these additional funds to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Committees.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

INCREASE REIMBURSEMENT TO COUNTIES FOR STATE INMATES HOUSED IN LOCAL CONFINEMENT FACILITIES

Section 19.21. (a) The Department of Correction may use up to the sum of one million five hundred eighty-seven thousand four hundred nineteen dollars ($1,587,419) in funds available for the 1997-98 fiscal year to raise the per diem reimbursement to counties from fourteen dollars and fifty cents ($14.50) per day to eighteen dollars ($18.00) per day for State inmates serving sentences of 30 days or more in local confinement facilities. If the Department finds it necessary to exceed this amount during the 1997-98 fiscal year in order to provide the required reimbursement, the Department shall report on its need to use additional funds to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Committees.

Of the funds appropriated to the Department of Correction in this act, the sum of one million nine hundred twelve thousand five hundred fifty-three dollars ($1,912,553) for the 1998-99 fiscal year shall be used to maintain the per diem reimbursement to counties at eighteen dollars ($18.00) per day for State inmates serving sentences of 30 days or more in local confinement facilities.

(b) This section becomes effective September 1, 1997.

Requested by: Senator Gulley

USE OF FEDERAL PRISON CONSTRUCTION GRANT FUNDS

Section 19.22. The Department of Correction shall use federal grant funds received from the U.S. Justice Department as part of the Violent Offender Incarceration Program and the Truth-In-Sentencing Incentive Grant Program for the further planning and design and construction of the following State prison facilities, provided that the project meets the criteria of the federal grant program:

Facility	Location	Number of Beds	Custody
Central Prison Diagnostic Center	Wake	196	Close
Warren Correctional Institution	Warren	168	Med/Close
Improvements to NCCIW	Wake	208	Med/Close
Scotland Facility	Scotland	712	Close
Alexander Facility	Alexander	520	Close
Metro Facility	Charlotte Area	520	Close

No more than the sum of seventeen million five hundred thousand dollars ($17,500,000) in federal funds may be allocated to the Central Prison Diagnostic Center Project, the proposed revised Phase I of the Central Prison Master Plan, or the planning and design of the Warren, NCCIW, or Metro projects until federal funds have been allocated to complete the working drawings phase of planning and design for the Alexander and Scotland Close Custody Prison Facilities.

The Department of Correction shall report quarterly to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee on the allocation of any federal funds received and of anticipated future federal grant funds.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

SUBSTANCE ABUSE FUNDS

Section 19.23. (a) Of the funds appropriated in the continuation budget to the Department of Correction for the 1997-99 biennium for private prison substance abuse beds, the Department shall allocate the sum of five hundred twenty-seven thousand eight hundred six dollars ($527,806) for the 1997-98 fiscal year and the sum of four hundred fifty-four thousand seven hundred fifteen dollars ($454,715) for the 1998-99 fiscal year to a Reserve for Substance Abuse. For the 1997-98 fiscal year, the Department shall allocate up to the sum of four hundred sixty-seven thousand eight hundred six dollars ($467,806) to the DART/DWI aftercare program at Cherry Hospital and up to the sum of sixty thousand dollars ($60,000) for an evaluation of the Department's substance abuse programs. The evaluation study shall review and update findings from the study of Department of Correction substance abuse programs funded by the General Assembly in Section 19.1 of Chapter 507 of the 1995 Session Laws, expand the study to include the DART/DWI aftercare program, and develop proposed performance measures for the Department's substance abuse programs. The Department shall use up to the sum of four hundred fifty-four thousand seven hundred fifteen dollars ($454,715) allocated for the 1998-99 fiscal year for the DART/DWI aftercare program at Cherry Hospital.

(b) The Secretary of Correction shall report to the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by May 1, 1998, on expenditures from the Reserve for Substance Abuse, on the cost and benefits the DART/DWI aftercare program, and the results of the substance abuse evaluation study.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REPORT ON DART/DWI PROGRAM AT CHERRY HOSPITAL

Section 19.24. The Department of Correction shall report by December 1, 1997, and by May 1, 1998, to the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Appropriations Subcommittees on Justice and Public Safety on the residential DWI/Substance Abuse Treatment Program for probationers and parolees at the DART facility at Cherry Hospital. The report shall include monthly statistical summaries of population versus capacity and comparisons of the percentage of offenders entering the program versus those completing the program, for both probationers and parolees. The report shall also include a budget report showing expenditures by purpose. If the program is not operating at capacity by the end of each reporting period, the Department of Correction shall explain the reasons for underutilization and its proposed strategies for addressing the problem of underutilization. Any new initiatives that would revise or expand the treatment model at the facility, along with the accompanying costs, shall also be included in each report.

Requested by: Representatives Justus, Kiser, Thompson

DIRECT CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO REVISE HIRING AND RECORD-KEEPING PROCEDURES FOR EMPLOYEES OF DEPARTMENT OF CORRECTION

Section 19.28. No later than June 30, 1998, the Criminal Justice Education and Training Standards Commission shall reestablish the hiring and record-keeping procedures for the employment of certified positions in the Department of Correction.

PART XX. DEPARTMENT OF JUSTICE



Requested by: Senators Gulley, Ballance, Rand

DEPARTMENT OF JUSTICE SALARY ADJUSTMENTS

Section 20. Of the funds appropriated in this act to the Department of Justice, the sum of ninety-three thousand four hundred fifty-three dollars ($93,453) for the 1997-98 fiscal year and the sum of ninety-three thousand four hundred fifty-three dollars ($93,453) for the 1998-99 fiscal year may be used to increase the salaries of attorneys who are eligible for salary adjustments based upon outstanding job performance for the preceding year.

Requested by: Senator Gulley

SBI FUNDS/SPENDING PRIORITIES

Section 20.1. Of the funds appropriated in this act to the Department of Justice, State Bureau of Investigation, for the 1997-99 biennium for overtime payments, the first priority for use of the funds by the Department shall be:

(1) To make overtime payments to SBI agents in the Field Investigations Division; and

(2) To make overtime payments to supervisory personnel receiving overtime payments as of June 30, 1997, up to a maximum of five thousand two hundred dollars ($5,200) annually per individual.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

SBI USE OF COURT-ORDERED REIMBURSEMENT FUNDS

Section 20.2. The State Bureau of Investigation (SBI) may use funds available from court-ordered reimbursement in undercover drug operations.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

PRIVATE PROTECTIVE SERVICES AND ALARM SYSTEMS LICENSING BOARDS PAY FOR USE OF STATE FACILITIES AND SERVICES

Section 20.3. The Private Protective Services and Alarm Systems Licensing Boards shall pay the appropriate State agency for the use of physical facilities and services provided to those boards by the State.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LIMITS ON COMPUTER SYSTEM UPGRADE

Section 20.4. Any proposed increase in mainframe computer capacity or system upgrade for the Judicial Department, the Department of Correction, the Department of Justice, or the Department of Crime Control and Public Safety, to be funded from the Continuation Budget, shall be reported to the Joint Legislative Commission on Governmental Operations, to the Chairs of the Senate and House of Representatives Appropriations Committees, and to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety before the department enters into any contractual agreement. This report is to be made jointly by the Information Resource Management Commission, the Office of State Budget and Management, and the requesting department.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS

Section 20.5. Client departments, agencies, and boards shall reimburse the Department of Justice for reasonable court fees, attorney travel and subsistence costs, and other costs directly related to litigation in which the Department of Justice is representing the department, agency, or board.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REIMBURSEMENT FOR UNC BOARD OF GOVERNORS LEGAL REPRESENTATION

Section 20.6. The Department of Justice shall be reimbursed by the Board of Governors of The University of North Carolina for two Attorney III positions to provide legal representation to The University of North Carolina system.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

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

Section 20.7. (a) Assets transferred to the Department of Justice during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended.

The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly, except during the 1997-98 fiscal year, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for SBI training; and

(2) Use an amount not to exceed fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

(b) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

DEPARTMENT OF JUSTICE RECORD CHECKS FUNDS AND REPORTS

Section 20.8. (a) The Department of Justice may use, for each year of the 1997-99 biennium, the sum of up to two hundred ten thousand five hundred sixty-three dollars ($210,563) to add up to five positions in the State Bureau of Investigation to facilitate record checks for concealed weapons permits. The Office of State Budget and Management may adjust the allotment of appropriations to the Department of Justice until receipts are realized. The Department of Justice may fund one and one-half positions per 10,000 record checks for concealed weapons permits. If the total number of annual criminal record checks performed by the State Bureau of Investigation falls below the level of 5,000 checks, the number of positions shall be reduced to one.

(b) The Department of Justice shall report by January 15 each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the receipts, costs for, and number of criminal record checks performed in connection with applications for concealed weapons permits. The report by the Department of Justice shall also include information on the number of applications received and approved for firearms safety courses.

Requested by: Senators Plyler, Perdue, Odom, Representatives Holmes, Esposito, Creech, Crawford

SALARY EQUITY FOR SBI LAW ENFORCEMENT

Section 20.9. (a) Of the funds appropriated in this act to the Department of Justice for the State Bureau of Investigation, the sum of two million seven hundred thousand dollars ($2,700,000) for the 1997-98 fiscal year and the sum of two million seven hundred thousand dollars ($2,700,000) for the 1998-99 fiscal year shall be used to adjust the salaries of law enforcement positions in the State Bureau of Investigation. These adjustments shall be based on factors, such as employee salary, position class title, position grade, and credible years of sworn service with the State Bureau of Investigation. No salary adjustment shall result in an increase beyond the maximum salary set for an officer's pay grade. If an officer's salary is near or at the top of the officer's pay grade, the officer shall be eligible to receive a salary adjustment up to the top of the officer's pay grade. If an officer is at the top of the officer's pay grade, then the officer is not eligible to receive a salary adjustment. Sworn officers holding the following management positions are not eligible to receive the salary adjustment: SBI Director, SBI Assistant Directors of Support Services, SBI Assistant Director, SBI Assistant Directors of Field Services, SBI Assistant Director of Crime Laboratory, Deputy Director of Medicaid Fraud.

(b) Within 30 days of any salary adjustment made pursuant to this section, the Department shall report its actions to the Chairs of the House and Senate Appropriations Committees.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

INCREASE THE NUMBER OF FICTITIOUS LICENSES AND REGISTRATION PLATES AUTHORIZED FOR PUBLICLY OWNED MOTOR VEHICLES AND REMOVE THE SUNSET ON PRIOR INCREASE ON NUMBER OF PLATES

Section 20.10. G.S. 20-39(h) reads as rewritten:

"(h) The Commissioner, notwithstanding any other provision of this Chapter, may lawfully and to the extent necessary, provide local, State or federal law-enforcement officers on special undercover assignments with motor vehicle drivers licenses and motor vehicle registration plates under assumed names using false or fictitious addresses. Such registration plates shall only be used on publicly owned or leased vehicles. Requests for these licenses and registration plates shall be made to the Commissioner by the head of the local, State or federal law-enforcement agency and be accompanied by approval in writing from the Director of the State Bureau of Investigation upon a specific finding by the Director that the request is justified and necessary. The Director shall keep a record of all such licenses, registration plates, assumed names, false or fictitious addresses, and law-enforcement officers using the licenses or registration plates, and shall request the immediate return of any license or registration plate that is no longer necessary. Licenses and registration plates provided under this subsection shall expire six months after initial issuance or subsequent validation after the request for extension has been approved in writing by the Director of the State Bureau of Investigation. The head of the local, State or federal law-enforcement agency shall be responsible for the use of the licenses and registration plates and shall return them immediately to the Commissioner for cancellation upon either (i) their expiration, (ii) request of the Director of the State Bureau of Investigation, or (iii) request of the Commissioner. Failure to return a license or registration plates issued pursuant to this subsection shall be punished as a Class 2 misdemeanor. At no time shall the number of valid licenses and registration plates issued under this act exceed ~~one hundred,~~ one hundred twenty-five, and those issued shall be strictly monitored by the Director. All of the private registration plates issued to special agents of the State Bureau of Investigation under the Department of Justice and to alcohol law enforcement agents under the Department of Crime Control and Public Safety, pursuant to G.S. 14-250, may be fictitious plates and shall not be counted in the total number of fictitious plates authorized by this subsection."

(b) Subsection (c) of Section 23 of Chapter 18 of the Session Laws of the 1996 Second Extra Session is repealed.

(c) This section becomes effective June 29, 1997.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

SHERIFF EDUCATION AND TRAINING STANDARDS COMMISSION TO ESTABLISH MINIMUM EMPLOYMENT, TRAINING, AND RETENTION STANDARDS FOR TELECOMMUNICATORS

Section 20.11. (a) Of the funds appropriated in this act to the Department of Justice for the 1997-99 biennium, the sum of one hundred one thousand six hundred thirty-five dollars ($101,635) for the 1997-98 fiscal year and the sum of one hundred thirty-two thousand two hundred thirty-one dollars ($132,231) for the 1998-99 fiscal year shall be used to fund a criminal justice research associate, a processing assistant, a criminal justice instructor-coordinator, and related expenses to implement this section.

(b) G.S. 17E-2(3) reads as rewritten:

"(3) 'Justice officer' ~~means a person who, through the special trust and confidence of the sheriff of the county, has taken the oath of office prescribed by Chapter 11 of these statutes as a peace officer in the office of a sheriff, or who has been duly appointed as a detention officer by the sheriff. The term includes 'deputy sheriffs' and 'special deputy sheriffs' but does not include clerical and support personnel not required to take an oath. The term 'special deputy' means a person who, through appointment by the sheriff, becomes an unpaid criminal justice officer to perform a specific act directed to the person by the sheriff. Justice officer shall also mean the administrator and the other custodial personnel of district confinement facilities as defined in G.S. 153A-219. Nothing in this Chapter shall transfer any supervisory or administrative control of employees of district confinement facilities to the office of the sheriff.~~ means:

a. A person who, through the special trust and confidence of the sheriff, has taken the oath of office prescribed by Chapter 11 of the General Statutes as a peace officer in the office of the sheriff. This term includes 'deputy sheriffs', 'reserve deputy sheriffs', and 'special deputy sheriffs', but does not include clerical and support personnel not required to take an oath. The term 'special deputy' means a person who, through appointment by the sheriff, becomes an unpaid criminal justice officer to perform a specific act directed by the sheriff; or

b. A person who, through the special trust and confidence of the sheriff, has been appointed as a detention officer by the sheriff; or

c. A person who is either the administrator or other custodial personnel of district confinement facilities as defined in G.S. 153A-219; however, nothing in this Chapter transfers any supervisory or administrative control over employees of district confinement facilities to the office of the sheriff; or

d. A person who, through the special trust and confidence of the sheriff, is under the direct supervision and control of the sheriff and serves as a telecommunicator, or who is presented to the Commission for appointment as a telecommunicator by an employing entity other than the sheriff for the purpose of obtaining certification from the Commission as a telecommunicator."

(c) G.S. 17E-7 reads as rewritten:

"**§ 17E-7. Required standards.**

(a) Justice ~~officers~~ officers, other than those set forth in subsection (c1) of this section, shall not be required to meet any requirements of subsections (b) and (c) of this section as a condition of continued employment, nor shall failure of a justice officer to fulfill such requirements make him ineligible for any promotional examination for which he is otherwise eligible if the officer held an appointment prior to July 1, 1983, and is a sworn law-enforcement officer with power of arrest. The legislature finds, and it is hereby declared to be the policy of this Chapter, that such officers have satisfied such requirements by their experience. It is the intent of the Chapter that all justice officers employed at the entry level after the Commission has adopted the required standards shall meet the requirements of this Chapter. All justice officers who are exempted from the required entry level standards by this subsection are subject to the requirements of subsections (b) and (c) of this section as well as the requirements of G.S. 17E-4(a) in order to retain certification.

(b) The Commission shall provide, by regulation, that no person may be appointed as a justice officer at entry level, except on a temporary or probationary basis, unless such person has satisfactorily completed an initial preparatory program of training at a school certified by the Commission or has been exempted from that requirement by the Commission pursuant to this Chapter. Upon separation of a justice officer from a sheriff's department within the temporary or probationary period of appointment, the probationary certification shall be terminated by the Commission. Upon the reappointment to the same department or appointment to another department of an officer who has separated from a department within the probationary period, the officer shall be charged with the amount of time served during his initial appointment and allowed the remainder of the probationary period to complete the basic training requirement. Upon the reappointment to the same department or appointment to another department of an officer who has separated from a

department within the probationary period and who has remained out of service for more than one year from the date of separation, the officer shall be allowed another probationary period to complete such training as the Commission shall require by rule for an officer returning to service.

(c) In addition to the requirements of subsection (b) of this section, the Commission, by rules and regulations, may fix other qualifications for the employment and retention of justice officers including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of the office, and the Commission shall prescribe the means for presenting evidence of fulfillment of these requirements.

Where minimum educational standards are not met, yet the individual shows potential and a willingness to achieve the standards by extra study, they may be waived by the Commission for the reasonable amount of time it will take to achieve the standards required. Upon petition from a sheriff, the Commission may grant a waiver of any provisions of this section (17E-7) for any justice officer serving that sheriff.

(c1) Any justice officer appointed as a telecommunicator at the entry level after March 1, 1998, shall meet all requirements of this Chapter. Any person employed in the capacity of a telecommunicator as defined by the Commission on or before March 1, 1998, shall not be required to meet any entry-level requirements as a condition of continued employment but shall be reported to the Commission for certification. All justice officers who are exempted from the required entry-level standards by this subsection are subject to the requirements of subsections (b) and (c) of this section as well as the requirements of G.S. 17E-4(a) in order to retain certification.

(d) The Commission may issue a certificate evidencing satisfaction of the requirements of subsections ~~(b) and (c)~~ (b), (c), and (c1) of this section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of instruction in another jurisdiction."

(d) Any entity, other than a sheriff's office, that employs telecommunicators is not required to submit telecommunicators under its employment for certification pursuant to Chapter 17E of the General Statutes and is not subject to criminal or civil liability if it does not do so.

Requested by: Representatives Preston, Justus, Kiser, Thompson

DEPARTMENT OF JUSTICE TO PROVIDE TRAINING TO STATE AND LOCAL LAW ENFORCEMENT OFFICERS IN THE IDENTIFICATION OF ACCIDENT-TRAUMA VICTIMS IN ORDER TO FACILITATE TIMELY IDENTIFICATION OF POTENTIAL ORGAN AND TISSUE DONORS AND TO PROVIDE FOR THE IDENTIFICATION OF ACCIDENT-TRAUMA VICTIMS

Section 20.12. (a) Of the funds appropriated in this act to the Department of Justice for the 1997-98 fiscal year, the sum of twenty-five thousand dollars ($25,000) shall be used by the North Carolina Criminal Justice Education and Standards Training Commission, the North Carolina Sheriffs' Education and Training Standards Commission, and the North Carolina Justice Academy to provide for the training of State and local law enforcement officers in the timely identification of accident-trauma victims in order to facilitate the identification of potential organ and tissue donors.

(b) Chapter 90 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 35.

"Accident-Trauma Victim Identification.

"§ 90-600. Short title.

This Article shall be known and may be cited as the Carolyn Sonzogni Act.

"§ 90-601. Purpose.

The identification of accident-trauma victims is crucial to the timely notification of the next of kin of accident-trauma victims and to the recovery of organs and tissues for organ transplants. In recognition of these facts, it is the policy of this State and the purpose of this act to provide for the timely identification of accident-trauma victims by law enforcement, fire, emergency, rescue, and hospital personnel.

"§ 90-602. Routine search for donor information.

(a) The following persons may make a reasonable search for a document of gift or other information identifying the bearer as an organ donor or as an individual who has refused to make an anatomical gift:

(1) A law enforcement officer, firefighter, paramedic, or other official emergency rescuer finding an individual who the searcher believes is near death; and

(2) A hospital, upon the admission of an individual at or near the time of death, if there is not immediately available any other source of that information.

(b) Any law enforcement officer or other person listed in subsection (a) of this section may conduct an administrative search of the accident-trauma victim's Division of Motor Vehicles driver record to determine the individual's authorization for organ donation or refusal of organ donation.

(c) A physical search pursuant to subsection (a) of this section may be conducted at or near the time of death or hospital admission and shall be limited to those personal effects of the

individual where a drivers license reasonably may be stored. Any information, document, tangible objects, or other items discovered during the search shall be used solely for the purpose of ascertaining the individual's identity, notifying the individual's next of kin, and determining whether the individual intends to make an anatomical gift, and in no event shall any such discovered material be admissible in any subsequent criminal or civil proceeding, unless obtained pursuant to a lawful search on other grounds.

"**§ 90-603. Timely notification of next of kin.**

A State or local law enforcement officer shall make a reasonable effort to notify the next of kin of an accident-trauma victim if the individual is hospitalized or dead. Whenever possible, the notification should be delivered in person and without delay after ensuring positive identification. If appropriate under the circumstances, the notification may be given by telephone in accordance with State and local law enforcement departmental policies. In addition to the notification of next of kin made by law enforcement personnel, other emergency rescue or hospital personnel may contact the next of kin, or the nearest organ procurement organization, in order to expedite decision making with regard to potential organ and tissue recovery.

"**§ 90-604. Use of body information tags.**

(a) In order to provide the identifying information necessary to facilitate organ and tissue transplants, a body information tag shall be attached to or transmitted with the body of an accident-trauma victim by the following persons:

(1) A law enforcement officer, firefighter, paramedic, or other official emergency rescuer who believes the seriously injured individual to be near death; and

(2) Hospital personnel, after the individual has been pronounced dead.

(b) The body information tag shall include information identifying the accident-trauma victim, identifying whether the individual is an organ donor, and providing any information on the next of kin. The Division of Motor Vehicles shall be responsible for producing and distributing body information tags to all State and local law enforcement departments. In addition, the tags shall be distributed by the Division of Motor Vehicles to all State and local agencies employing firefighters, paramedics, and other emergency and rescue personnel."

Requested by: Representatives Justus, Kiser, Thompson

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 20.13. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by April 15, 1998, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards;

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board;

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network; and

(4) The status of the implementation of the mobile data network system, including the amount of funds spent on the system as of the date of the report and the long-term costs of implementing the system statewide.

The Board shall make an interim report on these issues to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly by November 1, 1997.

Requested by: Representatives Redwine, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

ATTORNEY GENERAL OPINION REQUIRED FOR ALL STATE SETTLEMENTS

Section 20.14. (a) Chapter 114 of the General Statutes is amended by adding a new section to read:

"**§ 114-2.4. Attorney General to render opinion on settlement agreements.**

(a) The Attorney General shall review the terms of all proposed agreements entered into by the State or a State department, agency, institution, or officer to settle or resolve litigation or potential litigation, that involves the payment of public monies in the sum of seventy-five thousand dollars ($75,000) or more. In order for such an agreement or contract to be effective against the State, the Attorney General shall submit to the State or the State department, agency, institution, or officer a written opinion regarding the terms of the proposed agreement and the advisability of entering into the agreement, prior to entering into the agreement. The written opinion required by this section shall be maintained in the official file of the final settlement agreement. The Attorney General by rule may delegate to a deputy or assistant Attorney General or to another subordinate the authority to approve settlement agreements.

(b) The Attorney General shall report to the Joint Legislative Commission on Governmental Operations on all agreements entered into by the State or a State department, agency, institution, or officer to settle or resolve litigation or potential litigation, that involves the payment of public monies in the sum of seventy-five thousand dollars ($75,000) or more."

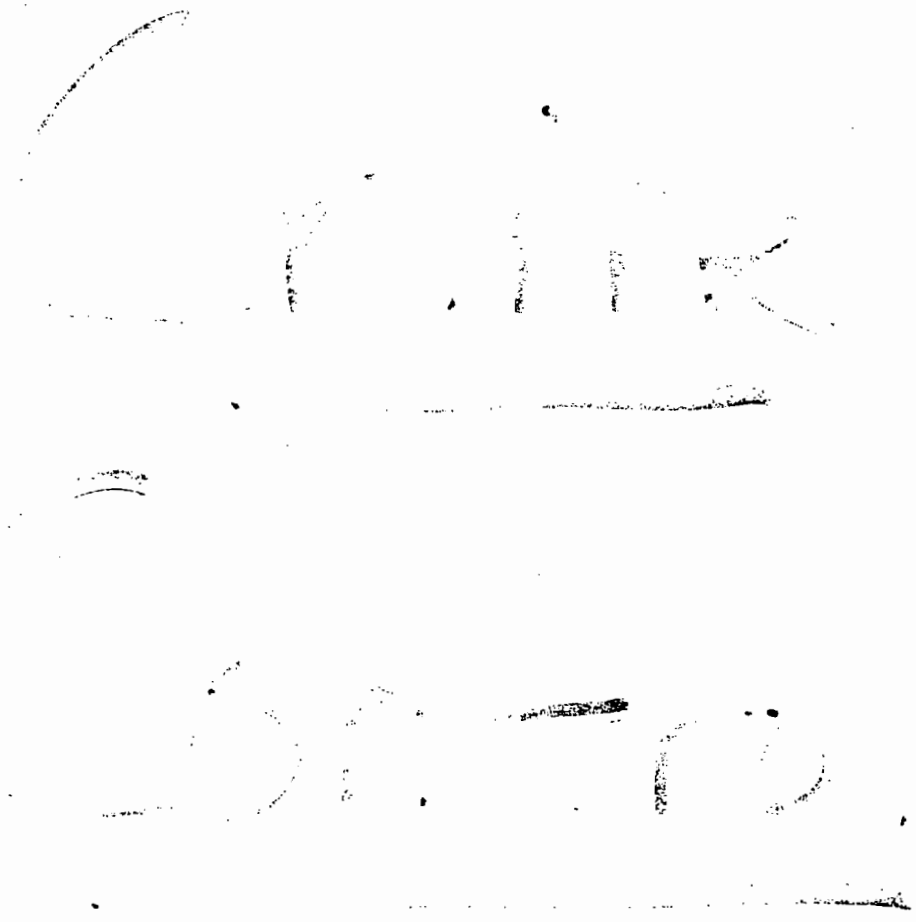
(b) This section is effective when this act becomes law and applies to settlements entered into on or after that date.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

STUDY FEE ADJUSTMENT FOR CRIMINAL RECORDS CHECKS

Section 20.15. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal records checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal records checks during the 1996-97 fiscal year. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal records checks. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on or before May 1, 1998.

PART XXI. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY



Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LEGISLATIVE REVIEW OF DRUG LAW ENFORCEMENT AND OTHER GRANTS

Section 21. (a) Section 1303(4) of the Omnibus Crime Control and Safe Streets Act of 1968 provides that the State application for Drug Law Enforcement Grants is subject to review by the State legislature or its designated body. Therefore, the Governor's Crime Commission of the Department of Crime Control and Public Safety shall report on the State application for grants under the State and Local Law Enforcement Assistance Act of 1986, Part M of the Omnibus Crime Control and Safe Streets Act of 1968 as enacted by Subtitle K of P.L. 99-570, the Anti-Drug Abuse Act of 1986, to the Senate and House Appropriations Subcommittees on Justice and Public Safety when the General Assembly is in session. When the General Assembly is not in session, the Governor's Crime Commission shall report on the State application to the Joint Legislative Commission on Governmental Operations.

(b) Unless a State statute provides a different forum for review, when a federal law or regulation provides that an individual State application for a grant shall be reviewed by the State legislature or its designated body and at the time of the review the General Assembly is not in session, that application shall be reviewed by the Joint Legislative Commission on Governmental Operations.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

VICTIMS ASSISTANCE NETWORK FUNDS

Section 21.1. Of the funds appropriated in this act to the Department of Crime Control and Public Safety, the sum of one hundred fifty thousand dollars ($150,000) for the 1997-98 fiscal year and the sum of one hundred fifty thousand dollars ($150,000) for the 1998-99 fiscal year shall be used to support the Victims Assistance Network. These funds shall be used by the Victims Assistance Network to perform the following functions under the direction of and as required by the Department of Crime Control and Public Safety:

(1) Conduct surveys and gather data on crime victims and their needs;
(2) Act as a clearinghouse for crime victims services;
(3) Provide an automated crime victims bulletin board for subscribers;
(4) Coordinate and support the activities of other crime victims advocacy groups;
(5) Identify training needs of crime victims services providers and criminal justice personnel and coordinate training efforts for those persons; and
(6) Provide other services as identified by the Governor's Crime Commission or the Department of Crime Control and Public Safety.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REPORT ON COMMUNITY SERVICE WORKERS

Section 21.2. The Department of Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division by March 1 and September 1 of each fiscal year of the 1997-99 biennium on the number of community service workers who were available during each month of the time period preceding that report to perform repairs and maintenance of the parks and when and where they were available.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

REPORT ON CRIME VICTIMS COMPENSATION FUND

Section 21.3. The Department of Crime Control and Public Safety shall report to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly by March 15 each year on the North Carolina Crime Victims Compensation Fund. The report shall include a statement regarding:

(1) The administrative expenses of the Fund for the prior fiscal year and the current fiscal year on the date of the report;

(2) The current unencumbered balance of the Fund;

(3) The amount of funds carried over from the prior fiscal year;

(4) The amount of funds received in the prior fiscal year from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.;

(5) The amount of funds expected to be received in the current fiscal year, as well as the amount actually received in the current fiscal year on the date of the report, from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.; and

(6) The total amount of funds paid to victims in the prior fiscal year and in the current fiscal year on the date of the report.

Requested by: Representatives Kiser, Justus, Thompson, Hill, Senators Gulley, Ballance, Rand

CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE

Section 21.4. (a) Article 12J of Chapter 120 of the General Statutes reads as rewritten:

"ARTICLE 12J.

"Joint Legislative Corrections and Crime Control Oversight Committee.

"§ 120-70.93. Creation and membership of Joint Legislative Corrections and Crime Control Oversight Committee.

The Joint Legislative Corrections and Crime Control Oversight Committee is established. The Committee consists of 16 members as follows:

(1) Eight members of the Senate appointed by the President Pro Tempore of the Senate, at least two of whom are members of the minority party; and

(2) Eight members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1995 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

"§ 120-70.94. Purpose and powers of Committee.

(a) The Joint Legislative Corrections and Crime Control Oversight Committee shall examine, on a continuing basis, the correctional ~~system~~ and law enforcement systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve the correctional ~~system~~ and law enforcement systems and to assist ~~that system in realizing its~~ those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

(1) Study the budget, programs, and policies of the ~~Department of Correction,~~ Departments of Correction and Crime Control and Public Safety, to determine ways in which the General Assembly may improve the effectiveness of ~~that Department;~~ those Departments;

(2) Examine the effectiveness of the Department of Correction in implementing the public policy stated in G.S. 148-26 of providing work assignments and employment for inmates as a means of reducing the

cost of maintaining the inmate population wh[ile] enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their ~~release; and~~ release;

(2a) Examine the effectiveness of the Department of Crime Control and Public Safety in implementing the duties and responsibilities charged to the Department in G.S. 143B-474 and the overall effectiveness and efficiency of law enforcement in the State; and

(3) Study any other ~~corrections~~ matters that the Committee considers necessary.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

"**§ 120-70.95. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Corrections and Crime Control Oversight Committee. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is nine members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, th[e] Committee has the powers of a joint committee under G.S. 120-[19] and G.S. 120-19.1 through G.S. 120-19.4.

(c) Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee."

(b) G.S. 147-16(b)(4) reads as rewritten:

"(4) The Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee."

(c) G.S. 148-37(c) reads as rewritten:

"(c) In addition to the authority contained in subsections (a) and (b) of this section, and in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction may enter into contracts with any public entity or any private nonprofit or for-profit firms for the confinement and care of State prisoners in any out-of-state correctional facility when to do so would most economically and effectively promote the purposes served by the Department of Correction. Contracts entered into under the authority of this subsection shall be for a period not to exceed two years and shall be renewable from time to time for a period not to exceed two years. Prisoners may

sent to out-of-state correctional facilities only when there are no available facilities in this State within the State prison system to appropriately house those prisoners. Any contract made under the authority of this subsection shall be approved by the Department of Administration before the contract is executed. Before expending more than the amount specifically appropriated by the General Assembly for the out-of-state housing of inmates, the Department shall obtain the approval of the Joint Legislative Commission on Governmental Operations and shall report such expenditures to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee."

(d) G.S. 148-37(g) reads as rewritten:

"(g) The Secretary of Correction may contract with private for-profit or nonprofit firms for the provision and operation of four or more confinement facilities totaling up to 2,000 beds in the State to house State prisoners when to do so would most economically and effectively promote the purposes served by the Department of Correction. This 2,000-bed limitation shall not apply to the 500 beds in private substance abuse treatment centers authorized by the General Assembly prior to July 1, 1995. Whenever the Department of Correction determines that new prison facilities are required in addition to existing and planned facilities, the Department may contract for any remaining beds authorized by this section before constructing State-operated facilities.

Contracts entered under the authority of this subsection shall be for a period not to exceed 10 years, shall be renewable from time to time for a period not to exceed 10 years. The Secretary of Correction shall enter contracts under this subsection only if funds are appropriated for this purpose by the General Assembly. Contracts entered under the authority of this subsection may be subject to any requirements for the location of the confinement facilities set forth by the General Assembly in appropriating those funds.

Once the Department has made a determination to contract for additional private prison beds, it shall issue a request for proposals within 30 days of the decision. The request for proposals shall require bids to be submitted within two months, and the Department shall award contracts at the earliest practicable date after the submission of bids. The Secretary of Correction, in consultation with the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the State Purchasing Officer on the final award decision. The State Purchasing Officer shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection may provide the State with an option to purchase the confinement facility or may provide for the purchase of the confinement facility by the State. Contracts made under the authority of this subsection shall state that plans and specifications for private confinement facilities shall be furnished to and reviewed by the Office of State Construction. The Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for habitation and to determine whether the project would be suitable for future acquisition by the State. All contracts for the housing of State prisoners in private confinement facilities shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private confinement facility.

Prisoners housed in private confinement facilities pursuant to this subsection shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The Secretary of Correction may review and approve the design and construction of private confinement facilities before housing State prisoners in these facilities. The rules regarding good time, gain time, and earned credits, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in private confinement facilities pursuant to this subsection. The operators of private confinement facilities may adopt any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by a private confinement facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction to defend themselves, to enforce the observance of discipline in compliance with confinement facility rules, to secure the person of a prisoner, and to prevent escape. Private firms under this subsection shall employ inmate disciplinary and grievance policies of the North Carolina Department of Correction."

(e) G.S. 148-37(i) reads as rewritten:

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

(f) All reports directed by this act to be made to the Joint Legislative Corrections Oversight Committee shall be made to the Joint Legislative Corrections and Crime Control Oversight

Committee. The Revisor of Statutes shall substitute any remaining references in the General Statutes to the Joint Legislative Corrections Oversight Committee with the Joint Legislative Corrections and Crime Control Oversight Committee.

(g) This section is effective when this act becomes law.

CODE NO. 98AOC-

Requested by:

STUDY OF PUBLIC DEFENDER PROGRAMS

Section @. The Administrative Office of the Courts shall study the efficiency and cost effectiveness of the public defender programs established in eleven judicial districts. The report shall include:

(1) A breakdown of the number of defendants in each district represented by public defenders and privately-assigned counsel by offense code;

(2) An analysis of the average cost per defendant or case for each public defender program and a comparison of that average to payments made to privately-assigned counsel in those districts;

(3) An implementation plan for potential expansion of public defender programs, including possible locations, a cost analysis of necessary personnel and equipment to operate the programs, and the estimate of savings to be realized in using those programs rather than providing for privately-assigned counsel.

The Administrative Office of the Courts shall report the results of its study to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by March 1, 1998?



Attachment A
(Due 3/2/98)

SUMMARY LIST OF SUPPLEMENTAL EXPANSION REQUESTS

Department **DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY-HIGHWAY FUND**

Priority Number	Program Description (Concise Sentences)		Requested 1998-99
	RECURRING REQUESTS		
1	Performance Pay for State Highway Patrol - not included in Continuation Budget Request		
		Requirements	$ 2,787,596
		Receipts	
		Federal	
		Local	
	Highway Fund	Other	2,787,596
		Appropriation	$ 0
		No. of Positions	0.00
2	Fund 40 new Trooper positions for State Highway Patrol		
		Requirements	$ 2,551,595
		Receipts	
		Federal	
		Local	
	Highway Fund	Other	2,551,595
		Appropriation	$ 0
		No. of Positions	40.00

ATTACHMENT C

Attachment A
(Due 3/2/98)

SUMMARY LIST OF SUPPLEMENTAL EXPANSION REQUESTS

Department DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY-HIGHWAY FUND

Priority Number	Program Description (Concise Sentences)			Requested 1998-99
	TOTAL RECURRING REQUESTS			5,339,191
	NON-RECURRING REQUESTS			
1	Criminal Justice Information System Phase III - State Highway Patrol	Requirements	$	2,906,611
		Receipts		
		Federal		
		Local		
	Highway Fund	Other		2,906,611
		Appropriation	$	0
		No. of Positions		0.00
1A	Mobile Data Computers - To complete installation in all patrol cars for State Highway Patrol	Requirements	$	6,749,434
		Receipts		
		Federal		
		Local		
	Highway Fund	Other		6,749,434
		Appropriation	$	0
		No. of Positions		0.00

Attachment A
(Due 3/2/98)

SUMMARY LIST OF SUPPLEMENTAL EXPANSION REQUESTS

Department DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY-HIGHWAY FUND

Priority Number	Program Description (Concise Sentences)	Requested 1998-99
	TOTAL NON-RECURRING REQUESTS	9,656,045

	Total Requirements	$	14,995,236
	Total Receipts		
	Federal		
	Local		
Highway Fund	Other		14,995,236
	Total Appropriation	$	0
	Total No. of Positions		40.00

Attachment A
(Due 3/2/98)

SUMMARY LIST OF SUPPLEMENTAL EXPANSION REQUESTS

Department DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY-GENERAL FUND

Priority Number	Program Description (Concise Sentences)		Requested 1998-99
	RECURRING REQUESTS		
1	Alcohol Law Enforcement - Pay Equity - Amount needed to bring ALE agents up to salary levels of State Highway Patrol		
		Requirements	$ 876,219
		Receipts	
		Federal	
		Local	
		Other	
		Appropriation	$ 876,219
		No. of Positions	0.00
2	Alcohol Law Enforcement - Support costs needed for operation of Alcohol Law Enforcement Division		
		Requirements	$ 156,000
		Receipts	
		Federal	
		Local	
		Other	
		Appropriation	$ 156,000
		No. of Positions	0.00

Attachment A
(Due 3/2/98)

SUMMARY LIST OF SUPPLEMENTAL EXPANSION REQUESTS

Department DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY-GENERAL FUND

Priority Number	Program Description (Concise Sentences)			Requested 1998-99
3	Victim and Justice Division - Funding for 10 new positions to support existing and anticipated workload increases due to New Sentencing Structure, DWI law and reduction in Blood Alcohol Content level	Requirements	$	341,619
		Receipts		
		Federal		
		Local		
		Other		
		Appropriation	$	341,619
		No. of Positions		10.00
4	Emergency Management - State funding for salaries for positions in federal programs in which funding has been reduced	Requirements	$	202,717
		Receipts		
		Federal		
		Local		
		Other		
		Appropriation	$	202,717
		No. of Positions		3.50

Attachment A
(Due 3/2/98)

SUMMARY LIST OF SUPPLEMENTAL EXPANSION REQUESTS

Department DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY-GENERAL FUND

Priority Number	Program Description (Concise Sentences)			Requested 1998-99
5	Emergency Management - Funding for an Emergency Management Reservist Program to ensure a trained and ready augmentation force is available when an emergency/disaster occurs	Requirements	$	47,440
		Receipts		
		Federal		
		Local		
		Other		
		Appropriation	$	47,440
		No. of Positions		0.00
6	National Guard - Funding for 4 new positions for the Air National Guard due to expansion of facilities they are required to maintain			
		Requirements	$	120,591
		Receipts		
		Federal		90,443
		Local		
		Other		
		Appropriation	$	30,148
		No. of Positions		4.00
	TOTAL RECURRING REQUESTS			1,654,143

Attachment A
(Due 3/2/98)

SUMMARY LIST OF SUPPLEMENTAL EXPANSION REQUESTS

Department DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY-GENERAL FUND

Priority Number	Program Description (Concise Sentences)		Requested 1998-99
	NON-RECURRING REQUESTS		
1	National Guard - Tarheel ChalleNGe Program - Funding for state match requirement in order to continue to receive federal funds for this program		
		Requirements	$ 2,168,000
		Receipts	
		Federal	1,626,000
		Local	
		Other	
		Appropriation	$ 542,000
		No. of Positions	0.00
2	Law Enforcement Support Services - Funding for equipment to be loaned to law enforcement agencies throughout the state for drug law enforcement		
		Requirements	$ 174,916
		Receipts	
		Federal	
		Local	
		Other	
		Appropriation	$ 174,916
		No. of Positions	0.00

Attachment A
(Due 3/2/98)

SUMMARY LIST OF SUPPLEMENTAL EXPANSION REQUESTS

Department DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY-GENERAL FUND

Priority Number	Program Description (Concise Sentences)		Requested 1998-99
3	Victim and Justice Division - Funding for purchase of computer equipment software for required automation of Community Service Program		
		Requirements	$ 1,570,077
		Receipts	
		Federal	
		Local	
		Other	
		Appropriation	$ 1,570,077
		No. of Positions	0.00
4	Emergency Management - Funding for Commercial Teleconferencing System to be utilized during emergency/disaster situations		
		Requirements	$ 159,675
		Receipts	
		Federal	
		Local	
		Other	
		Appropriation	$ 159,675
		No. of Positions	0.00

Attachment A
(Due 3/2/98)

SUMMARY LIST OF SUPPLEMENTAL EXPANSION REQUESTS

Department DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY-GENERAL FUND

Priority Number	Program Description (Concise Sentences)			Requested 1998-99
5	Emergency Management - Funding for purchase of 2-ton diesel engine truck to be used for response and rescue in emergency/disaster situations			
		Requirements	$	30,364
		Receipts		
		Federal		
		Local		
		Other		
		Appropriation	$	30,364
		No. of Positions		0.00
	TOTAL NON-RECURRING REQUESTS			2,477,032
		Total Requirements	$	5,847,618
		Total Receipts		
		Federal		1,716,443
		Local		
		Other		
		Total Appropriation	$	4,131,175
		Total No. of Positions		17.50

Attachment B
(Due 3/2/98)

SUMMARY LIST OF CAPITAL IMPROVEMENT REQUESTS
1998-99

Department CRIME CONTROL AND PUBLIC SAFETY-HIGHWAY FUND

Capital Priority Number	Project Description			1998-99
1	Highway Patrol Communications and Logistics Facility and Training Center		Requirements	$ 138,155,100
		Highway Fund	Receipts (Source)	138,155,100
			Appropriation	$ 0
2a	Highway Patrol Troop E Complex-Salisbury		Requirements	$ 3,569,100
		Highway Fund	Receipts (Source)	3,569,100
			Appropriation	$ 0
2b	Highway Patrol Troop A Complex-Greenville		Requirements	$ 3,646,200
		Highway Fund	Receipts (Source)	3,646,200
			Appropriation	$ 0
2c	Highway Patrol Troop G Complex-Asheville		Requirements	$ 3,646,200
		Highway Fund	Receipts (Source)	3,646,200
			Appropriation	$ 0

Attachment B
(Due 3/2/98)

SUMMARY LIST OF CAPITAL IMPROVEMENT REQUESTS
1998-99

Department: CRIME CONTROL AND PUBLIC SAFETY-HIGHWAY FUND

2d	Highway Patrol Troop B Complex-Fayetteville	Requirements	$	3,459,000
		Highway Fund Receipts (Source)		3,459,000
		Appropriation	$	0
		Total Requirements	$	152,475,600
		Highway Fund Total Receipts		152,475,600
		Total Appropriation	$	0

Submit 4 copies on 8 1/2 x 11-inch white paper.

Attachment B
(Due 3/2/98)

SUMMARY LIST OF CAPITAL IMPROVEMENT REQUESTS
1998-99

Department CRIME CONTROL AND PUBLIC SAFETY-GENERAL FUND

REPAIRS AND RENOVATIONS

Capital Priority Number	Project Description		1998-99
1	Parking lot repairs at 4 Armories	Requirements	$ 315,600
		Receipts (Source)	
		Appropriation	$ 315,600
2	Fire Alarm Systems for Various Armories-Phase II	Requirements	$ 1,273,900
		Receipts (Source)	
		Appropriation	$ 1,273,900
3	Lincolnton Armory Roof Replacement and Miscellaneous Repairs	Requirements	$ 154,400
		Receipts (Source)	
		Appropriation	$ 154,400
4	Woodland Armory Roof Replacement and Miscellaneous Repairs	Requirements	$ 154,400
		Receipts (Source)	
		Appropriation	$ 154,400

Attachment B
(Due 3/2/98)

SUMMARY LIST OF CAPITAL IMPROVEMENT REQUESTS
1998-99

Department	CRIME CONTROL AND PUBLIC SAFETY-GENERAL FUND			
5	Modification of the SE Region Combat Arms Training Brigade at Ft Bragg	Requirements	$	103,100
		Receipts (Source)		
		Appropriation	$	103,100
6	Building Accessibility Modifications to Meet ADA Requirements - Phase II	Requirements	$	758,300
		Receipts (Source)		
		Appropriation	$	758,300
7	Kitchen Hoods and Fire Suppression Systems for Various Armories - Phase II	Requirements	$	303,400
		Receipts (Source)		
		Appropriation	$	303,400
8	Asbestos Removal at C T Bowers Military Center-Raleigh Armory	Requirements	$	162,600
		Receipts (Source)		
		Appropriation	$	162,600
9	Stairwell Modifications for NC Military Academy West-Asheville	Requirements	$	103,100
		Receipts (Source)		
		Appropriation	$	103,100

Attachment B
(Due 3/2/98)

SUMMARY LIST OF CAPITAL IMPROVEMENT REQUESTS
1998-99

Department CRIME CONTROL AND PUBLIC SAFETY-GENERAL FUND

Total Requirements	$	3,328,800
Total Receipts		
Total Appropriation	$	3,328,800

Submit 4 copies on 8 1/2 x 11-inch white paper.

North Carolina Department of Crime Control and Public Safety

James B. Hunt Jr., Governor | March 24, 1998 | Richard H. Moore, Secretary

Mr. Marvin Dorman
State Budget Officer
Office of State Budget and Management
116 West Jones Street
Raleigh, NC 27603-8005

Dear Marvin:

Enclosed please find the materials that Commissioner Janice Faulkner asked us to put together regarding the moving of the Highway Patrol Training Center and Driving Track to Butner, North Carolina. As Commissioner Faulkner understands, under **absolutely no circumstances** are we willing to relocate the Driving Track without also relocating the Training Center.

Thank you for your assistance.

Sincerely,

Richard H. Moore/sls

Richard H. Moore
Secretary

RHM/sls

512 N. Salisbury Street • P. O. Box 29591 • Raleigh, North Carolina 27626-0591 • (919) 733-2126
An Equal Opportunity/Affirmative Action Employer

Attachment B
(Due 3/2/98)

SUMMARY LIST OF CAPITAL IMPROVEMENT REQUESTS
1998-99

Department CRIME CONTROL AND PUBLIC SAFETY-HIGHWAY FUND

Capital Priority Number	Project Description			1998-99
1	Highway Patrol Communications and Logistics Facility and Training Center		Requirements	$ 138,155,100
		Highway Fund	Receipts (Source)	138,155,100
			Appropriation	$ 0
2a	Highway Patrol Troop E Complex-Salisbury		Requirements	$ 3,569,100
		Highway Fund	Receipts (Source)	3,569,100
			Appropriation	$ 0
2b	Highway Patrol Troop A Complex-Greenville		Requirements	$ 3,646,200
		Highway Fund	Receipts (Source)	3,646,200
			Appropriation	$ 0
2c	Highway Patrol Troop G Complex-Asheville		Requirements	$ 3,646,200
		Highway Fund	Receipts (Source)	3,646,200
			Appropriation	$ 0

Attachment B
(Due 3/2/98)

SUMMARY LIST OF CAPITAL IMPROVEMENT REQUESTS
1998-99

Department	CRIME CONTROL AND PUBLIC SAFETY-HIGHWAY FUND			
2d	Highway Patrol Troop B Complex-Fayetteville		Requirements	$ 3,459,000
		Highway Fund	Receipts (Source)	3,459,000
			Appropriation	$ 0
			Total Requirements	$ 152,475,600
		Highway Fund	Total Receipts	152,475,600
			Total Appropriation	$ 0

Submit 4 copies on 8 1/2 x 11-inch white paper.

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Thursday June 4, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus, Presiding
Representative Joe Kiser
Representative Gregg Thompson

II. PRESENTATIONS

- Complete Review of Department of Justice Expansion Budget Requests

  Elisa Wolper, Fiscal Research

- Review Current Department of Justice Special Provisions

  Elisa Wolper, Fiscal Research

- Review Department of Justice Capital Budget Request

  Jane Gray, Deputy Attorney General

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

June 4, 1998
ROOM 612

HOUSE MEMBERS PRESENT: [7] Representatives Justus, Thompson, Kiser, McCrary, Redwine, Sexton, and Smith.

The House Appropriations Subcommittee on Justice and Public Safety met on Thursday, June 4, 1998, at 8:30 AM in Room 612 of the Legislative Office Building. Representative Justus called the meeting to order at 9:42 AM.

Ms. Jane Gray, Deputy Attorney General, was recognized to present answers to questions asked by committee members yesterday.

- Title Searches

Ms. Gray told the committee that the concept of having a Governor's list, and an Attorney General's List for attorneys to perform title searches started many years ago.. Many of the names are the same. An attorney calls in and asked to be placed on the list. If the attorney is in good status with the Bar Association, his name is placed on the list. The right-of-way agent contacts an attorney to perform the title search. This method of providing title searches is more economical than providing an agency attorney for title searches.

Representative Kiser asked how many title searches were performed. Ms. Gray replied that there were 1800 title searches in the last year.

- Child Support Enforcement

Ms. Gray explained that the Child Support Enforcement is run by fifty-six-county programs and thirty state run programs. Representative Kiser questioned the funding for this program. Ms. Gray replied that 2/3 of the money is federal and 1/3 is state.

Representative Justus introduced House pages Daniel Susko from Onslow County and Thomas Martin from Davidson County.

Representative Justus recognized Elisa Wolper, Fiscal Research, to review the Department of Justice Special Provisions. Ms. Wolper distributed Attachment 1 -- *Department of Justice Special Provisions.* Ms. Wolper began on page 67 of Attachment

2 -- JPS Special Provisions -- which is in the committee members' notebooks. The following Special Provisions were covered:

Section 20	Department of Justice Salary Adjustments
Section 20.1	SBI Overtime
Section 20.2	SBI use of court ordered reimbursement (applies to biennium)
Section 20.3	Private Entity pay for use of State Services (applies to biennium)
Section 20.4	Limit on Computer System Upgrade (applies to biennium)
Section 20.5	Certain Litigation Expenses (applies to biennium)
Section 20.6	Reimbursement for the Board of Governors (applies to biennium)
Section 20.7	Use of Seized and Forfeited Property (applies to biennium)
Section 20.8	Concealed Weapons Permit Checks (applies to biennium)
Section 20.9	SBI Salary Equity
Section 20.10	Fictitious Licenses

Mr. Coman, Director of the State Bureau of Investigation, told committee members that the SBI has 125 fictitious license tags. Ms. Gray added that the law has been amended and the agency would like to delete the special provision.

Section 20.11	Telecommunicatiors Standards -- Attachment 3
Section 20.12	Accident Trauma Victims
Section 20.13	CJIN Network Report

The CJIN Board is not required to report again. The committee may want to include additional reports. There was discussion as to the request by the CJIN Board to increase the Administrative Office Membership from two members to seven members. Ron Hawley, DOJ/SBI, replied that there needs to be a balance on the board. There is a balance at this time. This proposal is outlined on Attachment 4.

Section 20.14	AG Opinion on Settlements
Section 20.15	Study Fee for Criminal Record Checks

Representative Redwine asked for a Special Provision to provide oversight on issue settlements like Reebok. **Representative Justus asked that the staff draw up this proposal**. He further stated, "Perhaps the solution would be to rename the present Corrections and Crime Control Oversight Committee to the Justice and Public Safety Oversight Committee."

Representative Kiser questioned money collected by agencies. **He asked that Buddy Humphrey, Office of State Budget, provide this committee with a list of all money collected by Justice and Public Safety agencies and what can the money be spent for.** Representative Kiser asked if a special provision could correct the spending of collected money above the budget amount (for drug buy money). Buddy Humphrey said that this is a special provision.

The meeting was adjourned at 9:50 AM.

Larry Justus
Representative Larry Justus

Carolyn Justus
Carolyn Justus

Chairman

Committee Clerk

ATT. 1
6-4-98

NOTES ON DEPARTMENT OF JUSTICE SPECIAL PROVISIONS

Section 20: **Salary Adjustments** Applies to Biennium. Report available on distribution of pay increases which exhausted the $93,453.

Section 20.1: **SBI Overtime.** Applies to Biennium. Specifies maximum and priorities.

Section 20.2 **SBI use of court ordered reimbursement** Applies to Biennium Allows use in undercover drug operations.

Section 20.3 **Private Entity pay for use of State Services** Applies to Biennium

Section 20.4 **Limit on Computer System Upgrade** (all 4 Departments) Applies to Biennium. Clarification of Language?

Section 20.5 **Certain Litigation Expenses** Applies to Biennium

Section 20.6 **Reimbursement for Board of Governors** Applies to Biennium

Section 20.7 **Use of Seized and Forfeited** (CCPS too) Applies to Biennium. Requires prior approval of Gov Ops for certain uses.

Section 20.8 **Concealed Weapons Permit Checks** Applies to Biennium. Authorizes new positions as needed and annual report to Gov Ops and Chairs.

Section 20.9 **SBI Salary Equity** $2.66 Million in raises granted in 1997-98

Section 20.10 **Fictitious Licenses** If no action taken, plates permanently limited to 125

Section 20.11 **Telecommunicators Standards** Establishes program in statutes and specifies funding for 1997-9. Funding is recurring. (report available/awaiting expenditure report)

Section 20.12 **Accident Trauma Victims** Establishes programs and specified 1997-98 funding.

Section 20.13 **CJIN Network Report** Required interim report Nov. 1997 and final report April 15, 1998. Need action to continue reporting requirement . Could also include changes in Board Membership. Modify date, contents and recipients of report?

Section 20.14 **AG Opinion on Settlements** Statutory Change

Section 20.15 **Study Fee for Criminal Record Checks** Required May 1998 report. Action needed to repeat report in 1999.

ATT. 2
6-4-98

JPS Special Provisions

Judicial

PART XVIII. JUDICIAL DEPARTMENT

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

Section 18. Funds appropriated to the Judicial Department in the 1997-99 biennium for equipment and supplies shall be certified in a reserve account. The Administrative Office of the Courts shall have the authority to transfer these funds to the appropriate programs and between programs as the equipment priorities and supply consumptions occur during the operating year. These funds shall not be expended for any other purpose. The Administrative Office of the Courts shall make quarterly reports on transfers made pursuant to this section to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senators Gulley, Ballance

N.C. STATE BAR FUNDS

Section 18.1. (a) Of the funds appropriated in the continuation budget as a grant-in-aid to the North Carolina State Bar for the 1997-99 fiscal biennium, the North Carolina State Bar may in its discretion use up to the sum of two hundred fifty thousand dollars ($250,000) for the 1997-98 fiscal year and up to the sum of two hundred fifty thousand dollars ($250,000) for the 1998-99 fiscal year to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

(b) Of the nonrecurring funds appropriated in the expansion budget as a grant-in-aid to the North Carolina State Bar for the 1997-98 fiscal year, the North Carolina State Bar may in its discretion use up to the sum of two hundred fifty thousand dollars ($250,000) to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

INDIGENT PERSONS' ATTORNEY FEE FUND

Section 18.2. (a) Effective July 1, 1997, the Administrative Office of the Courts shall each year of the 1997-99 biennium reserve funds for adult, juvenile, and guardian ad litem cases from the Indigent Persons' Attorney Fee Fund. These funds shall be allotted to each judicial district in which the superior and district courts are coterminous, and otherwise by county, according to the caseload of indigent persons who were not represented by the public defender in the districts or counties during 1996-97 and 1997-98, respectively. The remaining available funds in the Indigent Persons' Attorney Fee Fund shall be budgeted for capital cases and for transcripts, professional examinations, expert witness fees, and other supporting services.

The Administrative Office of the Courts shall notify all senior resident superior court judges, all chief district court judges, and the clerk of superior court within the district or county immediately after the allotment is made and shall provide a monthly report on the status of the allotment for the district or county.

The senior resident superior court judge and the chief district court judge of each district or county shall ask all judges holding court within the district or county: (i) to take into consideration the amount of money allotted at the beginning of the fiscal year and the amount of money remaining in the allotment when they award counsel fees to attorneys of indigent persons, and (ii) to make an effort to award fees equally and justly for legal services provided. The clerk of superior court for each county shall ensure that all judges holding court within the county receive this request from the senior resident superior court judge and the chief district court judge.

(b) If the funds allotted pursuant to subsection (a) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts shall allot any available funds from the reserve fund specified in subsection (a) or from unanticipated receipts. However, if necessary and appropriate due to unusual and unanticipated circumstances occurring in the current year, the Administrative Office of the Courts may allocate available funds to a district or county in a manner calculated to result in the reasonably fair distribution of remaining funds.

(c) If funds allocated in subsections (a) and (b) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts shall allot available funds from the Public Defender program.

(d) If the funds allotted pursuant to subsections (a), (b), and (c) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts is authorized to transfer funds between districts or counties only if the Administrative Office of the Courts determines that the funds transferred will not be needed to meet

the obligations incurred by the Indigent Persons' Attorney Fee Fund for the county or district from which the funds are transferred for the fiscal year.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REPORT ON DISPUTE SETTLEMENT CENTERS

Section 18.3. (a) All local dispute settlement centers currently receiving State funds shall report annually to the Judicial Department on the program's funding and activities, including:

(1) Types of dispute settlement services provided;
(2) Clients receiving each type of dispute settlement service;
(3) Number and type of referrals received, cases actually mediated, cases resolved in mediation, and total clients served in the cases mediated;
(4) Total program funding and funding sources;
(5) Itemization of the use of funds, including operating expenses and personnel;
(6) Itemization of the use of State funds appropriated to the center;
(7) Level of volunteer activity; and
(8) Identification of future service demands and budget requirements.

The Judicial Department shall compile and summarize the information provided pursuant to this subsection and shall provide the information to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by February 1 of each year.

(b) A local dispute settlement center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

(c) Each local dispute settlement center receiving State funds for the first time shall document in the information provided pursuant to G.S. 7A-346.1 that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from non-State sources.

(d) Each local dispute settlement center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

(e) Each local dispute settlement center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

(f) Each local dispute settlement center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

(g) The percentage that State funds comprise of the total funding of each dispute settlement center shall be

determined at the conclusion of each fiscal year with the information provided pursuant to G.S. 7A-346.1 and is intended as a funding ratio and not a matching funds requirement. Local dispute settlement centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

(h) A local dispute settlement center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the Administrative Office of the Courts for consideration by the Senate and House Appropriations Subcommittees on Justice and Public Safety.

(i) The provisions of G.S. 143-31.4 do not apply to local dispute settlement centers receiving State funds.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

COMMUNITY PENALTIES PROGRAM

Section 18.4. (a) Of the funds appropriated from the General Fund to the Judicial Department for the 1997-99 biennium to conduct the Community Penalties Program, the sum of four million three hundred fifty-five thousand three hundred eighty-two dollars ($4,355,382) for the 1997-98 fiscal year and the sum of four million three hundred fifty-five thousand three hundred eighty-two dollars ($4,355,382) for the 1998-99 fiscal year may be allocated by the Judicial Department in each year of the biennium in any amount among existing community penalties programs, including any State-operated programs, or may be used to establish new community penalties programs.

(b) The Judicial Department shall report annually to the Senate and House Appropriations Subcommittees on Justice and Public Safety and to the Fiscal Research Division on the administrative expenditures of the community penalties programs. The Judicial Department shall report quarterly to the Joint Legislative Commission on Governmental Operations on any elimination or reduction of funding for community penalties programs funded in the 1996-97 fiscal year or any program receiving initial funding during the 1997-99 biennium.

Requested by: Senators Gulley, Ballance

DRUG TREATMENT COURT FUNDS

Section 18.5. (a) Funds appropriated to the Judicial Department for the 1997-98 fiscal year for the North Carolina Drug Treatment Court Program shall be used primarily for substance abuse treatment and related program needs, but the sum of fifty-two thousand five hundred fifty-one dollars ($52,551) may be used to fund one program administrator position.

(b) Of the funds appropriated to the Judicial Department in the 1996-97 fiscal year for the North Carolina Drug Treatment Court Program, the sum of one hundred thousand dollars ($100,000) shall not revert at the end of the fiscal year, but shall remain in the Department during the 1997-98 fiscal year to be used for nonrecurring program items.

(c) Subsection (b) of this section becomes effective June 30, 1997.

Requested by: Senators Gulley, Ballance, Representatives Justus, Kiser, Thompson

MAKE SENTENCING COMMISSION PERMANENT

Section 18.6. (a) Section 8 of Chapter 1076 of the 1989 Session Laws, as amended by Chapters 812 and 816 of the 1991 Session Laws, Chapters 253, 321, and 591 of the 1993 Session Laws, and Chapter 236 of the 1995 Session Laws, reads as rewritten:

"Sec. 8. This act is effective upon ~~ratification, and shall expire June 30, 1997.~~ ratification."

(b) G.S. 164-38 reads as rewritten:

"**§ 164-38. Terms of members; compensation; expenses.**

The terms of existing members shall expire on June 30, ~~1995,~~ 1997, unless they resign or are removed. New members shall be appointed or the existing members reappointed by the appointing authorities to serve ~~until July 1, 1997,~~ terms of two years, unless they resign or are removed. Members serving by virtue of elective or appointive office or as designees of such officeholders may serve only so long as the officeholders hold those respective offices. Members appointed by the Speaker of the House and the President Pro Tempore of the Senate may be removed by the appointing authority without cause. Vacancies occurring before the expiration of a term shall be filled in the manner provided for the members first appointed. A member of the Commission may be removed only for disability, neglect of duty, incompetence, or malfeasance in office. Before removal, the member is entitled to a hearing. Effective with respect to members designated on or after July 1, 1992, a person making a designation pursuant to G.S. 164-37 may not make another designation, except that the person's successor in elective or appointive office may make a new designation.

The Commission members shall receive no salary for serving. All Commission members shall receive necessary subsistence and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6 as applicable."

(c) G.S. 164-36 reads as rewritten:

"**§ 164-36. Powers and duties.**

Sentences established for violations of the State's criminal laws should be based on the established purposes of our criminal justice and corrections systems. The Commission shall evaluate sentencing laws and policies in relationship to both the stated purposes of the criminal justice and corrections systems and the availability of sentencing options. The Commission shall make recommendations to the General Assembly for the modification of sentencing laws and policies, and for the addition, deletion, or expansion of sentencing options as necessary to achieve policy goals. The Commission shall make a report of its recommendations, including any recommended legislation, to the General Assembly annually."

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

VICTIMS' RIGHTS AMENDMENT/ASSISTANTS FOR ADMINISTRATIVE AND VICTIM AND WITNESS SERVICES

Section 18.7. (a) The assistants for administrative and victim and witness services funded in this act are intended to support the implementation of the Victims' Rights Amendment to the North Carolina Constitution and to address the current workload. These positions shall be allocated on the basis of workload and population. The Judicial Department shall report to the Joint Legislative Commission on Governmental Operations on the allocation of these positions by March 1, 1998.

(b) Of the funds appropriated to the Judicial Department for the 1997-99 biennium for assistants for administrative and victim and witness services, the sum of one million one hundred fifty-three thousand one hundred twenty dollars ($1,153,120) for the 1997-98 fiscal year and the sum of one million four hundred sixty-three thousand five hundred thirty-five dollars ($1,463,535) for the 1998-99 fiscal year shall be placed in a reserve. Funds in this reserve shall be expended to provide 45 assistants for administrative and victim and witness services only if the Crime Victims' Rights Act, House Bill 665 or Senate Bill 763, is enacted during the 1997 Regular Session. The Office of State Budget and Management may adjust these amounts appropriately if changes in the effective date of the Crime Victims' Rights Act increase or decrease the cost of the 45 assistants for administrative and victim and witness services.

(c) G.S. 7A-347 reads as rewritten:

"**§ 7A-347.** ~~Victim and witness assistants.~~ Assistants for administrative and victim and witness services.

~~Victim and witness assistant~~ Assistant for administrative and victim and witness services positions are established under the ~~District Attorneys Offices.~~ district attorneys' offices. Each prosecutorial district is allocated at least one ~~victim and witness~~ assistant for administrative and victim and witness services to be employed by the district attorney. The Administrative Office of the Courts shall allocate additional ~~victim and witness~~ assistants to prosecutorial districts on the basis of need and within available appropriations. Each district attorney may also use any volunteer or other personnel to assist the ~~victim and witness~~ assistant. The ~~victim and witness~~ assistant is responsible for coordinating efforts of the law-enforcement and judicial systems to assure that each victim and witness is provided fair treatment under Article 45 of Chapter 15A, Fair Treatment for Victims and Witnesses and shall ~~be used for no other purpose, except as may be approved pursuant to G.S. 7A-348.~~ also provide administrative and legal support to the district attorney's office."

(d) G.S. 7A-348 reads as rewritten:

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

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

(1) Assist in establishing uniform statewide training for ~~the victim and witness assistants;~~ assistants for administrative and victim and witness services;

(2) Assist in the implementation and supervision of this program; and

(3) With the Director of the Administrative Office of the Courts, report annually to the Joint Legislative Commission on Governmental Operations on the implementation and effectiveness of this act, beginning on or before February 1, 1987."

(e) G.S. 15A-826 reads as rewritten:

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

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

(f) The Administrative Office of the Courts and the Conference of District Attorneys shall provide for persons serving as victim and witness assistants on June 30, 1997, to be trained as assistants for administrative and victim and witness services by July 1, 1998. The Administrative Office of the Courts and the Conference of District Attorneys shall provide for persons serving as legal assistants on June 30, 1997, to be trained as assistants for administrative and victim and witness services by July 1, 1998. Prior to that time, when necessary to better manage workloads, the district attorney may temporarily assign a victim and witness assistant to perform duties normally performed by a legal assistant and may temporarily assign a legal assistant to perform duties normally performed by a victim and witness assistant.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

COMPUTER TRAINING

Section 18.8. Prior to the allocation of laptop computers for superior court and district court judges, each judge requesting a laptop computer shall complete a training course provided by the Administrative Office of the Courts in the use of a laptop computer and the appropriate software.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

CRIMINAL CASE MANAGEMENT FUNDS

Section 18.9. (a) The criminal case docket management programs funded in this act shall be distributed in a manner that ensures representation in all areas of the State.

(b) The Administrative Office of the Courts shall report by April 1, 1998, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the criminal case management programs established in 10 judicial districts. The report shall assess the success of these 10 programs in reducing the backlog of court cases and resolving new court cases more quickly and shall include recommendations for the location of additional criminal case management programs in the 1998-99 fiscal year.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

AOC TECHNOLOGY TASK FORCE

Section 18.10. The Administrative Office of the Courts shall establish a task force consisting of representatives of clerks of superior court, district attorneys, superior and district court judges, and magistrates to formulate a plan for the most efficient and effective use of funds appropriated to the Reserve for Technology. The plan shall address those items requested in the Administrative Office of the Courts' expansion budget, including:

(1) Automated forms in courtrooms, clerks' offices, and district attorneys' offices;
(2) District attorney and public defender case management systems;
(3) New personal computers for district attorneys, public defenders, and clerks of court;
(4) Technology support personnel; and
(5) Magistrate criminal information system.

If the task force determines that the funding amounts for these projects should be adjusted or that other projects not enumerated above should receive funding from the Reserve for Technology, it shall make those recommendations to the Administrative Office of the Courts.

Prior to the expenditure of funds appropriated to the Reserve for Technology, the Administrative Office of the Courts shall report the findings of the task force by November 1, 1997, to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

ADDITIONAL ASSISTANT DISTRICT ATTORNEYS/REESTABLISH ASSISTANT DISTRICT ATTORNEY POSITIONS IN DISTRICTS 19B AND 20

Section 18.11. (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	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	~~8~~ 9
3B	Carteret, Craven, Pamlico	~~8~~ 10
4	Duplin, Jones, Onslow, Sampson	~~12~~ 14
5	New Hanover, Pender	~~11~~ 13
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	~~12~~ 15
8	Greene, Lenoir, Wayne	~~10~~ 11
9	Franklin, Granville, Vance, Warren	~~9~~ 10
9A	Person, Caswell	~~3~~ 4
10	Wake	~~23~~ 28
11	Harnett, Johnston, Lee	~~11~~ 14
12	Cumberland	~~14~~ 17
13	Bladen, Brunswick, Columbus	~~8~~ 9
14	Durham	~~10~~ 12
15A	Alamance	7
15B	Orange, Chatham	~~6~~ 7
16A	Scotland, Hoke	~~4~~ 5
16B	Robeson	~~8~~ 9
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	~~22~~ 26
19A	Cabarrus	5
19B	Montgomery, Moore, Randolph	~~9~~ 11
19C	Rowan	5
20	Anson, Richmond, Stanly, Union	~~12~~ 14
21	Forsyth	~~13~~ 15
22	Alexander, Davidson, Davie, Iredell	~~13~~ 16
23	Alleghany, Ashe, Wilkes,	5

	Yadkin	
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	~~12~~ 14
26	Mecklenburg	~~29~~ 32
27A	Gaston	~~10~~ 12
27B	Cleveland, Lincoln	~~6~~ 8
28	Buncombe	~~9~~ 10
29	Henderson, McDowell, Polk, Rutherford, Transylvania	~~10~~ 11
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	7

(b) Subsections (c) and (d) of Section 5 of Chapter 589 of the 1995 Session Laws are repealed.

(c) Subsection (a) of this section becomes effective December 1, 1997.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

ADDITIONAL DISTRICT COURT JUDGES

Section 18.12. (a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	4	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	3	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	4	Pitt
3B	4 5	Craven
		Pamlico
		Carteret
4	6	Sampson
		Duplin
		Jones
		Onslow
5	6	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	6	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	1	Warren
		(part of Vance see subsection (b))
10	12	Wake

11	6	Harnett
		Johnston
		Lee
12	8	Cumberland
13	~~4~~ 5	Bladen
		Brunswick
		Columbus
14	5	Durham
15A	3	Alamance
15B	~~3~~ 4	Orange
		Chatham
16A	3	Scotland
		Hoke
16B	5	Robeson
17A	2	Rockingham
17B	3	Stokes
		Surry
18	11	Guilford
19A	3	Cabarrus
19B	5	Montgomery
		Moore
		Randolph
19C	3	Rowan
20	~~6~~ 7	Stanly
		Union
		Anson
		Richmond
21	7	Forsyth
22	~~7~~ 8	Alexander
		Davidson
		Davie
		Iredell
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	~~3~~ 4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	7	Burke
		Caldwell
		Catawba
26	14	Mecklenburg
27A	5	Gaston
27B	4	Cleveland
		Lincoln
28	5	Buncombe
29	5	Henderson
		McDowell
		Polk
		Rutherford

		Transylvania
30	4	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

(b) The Governor shall appoint additional district court judges for District Court Districts 3B, 13, 15B, 20, 22, and 24 as authorized by subsection (a) of this section. Those judges' successors shall be elected in the 2000 election for four-year terms commencing on the first Monday in December 2000.

(c) Subsection (a) of this section becomes effective December 1, 1997, as to any district where no county is subject to Section 5 of the Voting Rights Act of 1965. As to any district where any county is subject to Section 5 of the Voting Rights Act of 1965, subsection (a) of this section becomes effective December 1, 1997, or 15 days after the date upon which that subsection is approved under Section 5 of the Voting Rights Act.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

AUTHORIZE ADDITIONAL MAGISTRATES

Section 18.13. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.-Max.		Additional Seats of Court
Camden	1	2	
Chowan	2	3	
Currituck	1	3	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	3	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	12	Farmville Ayden
Craven	7	10	Havelock
Pamlico	2	3	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	
Jones	2	3	
Onslow	8	14	
New Hanover	6	11	
Pender	4	6	
Halifax	9	14	Roanoke Rapids, Scotland Neck
Northampton	5	7	
Bertie	4	6	
Hertford	5	6	
Nash	7	10	Rocky Mount
Edgecombe	4	~~6~~ 7	Rocky Mount
Wilson	4	~~6~~ 7	
Wayne	5	~~11~~ 12	Mount Olive
Greene	2	4	
Lenoir	4	10	La Grange
Granville	3	7	
Vance	3	6	
Warren	3	4	
Franklin	3	~~6~~ 7	
Person	3	4	

Caswell	2	5	
Wake	12	20	Apex, Wendell, Fuquay-Varina, Wake Forest
Harnett	7	11	Dunn
Johnston	10	12	Benson, Clayton, Selma
Lee	4	6	
Cumberland	10	~~17~~ 18	
Bladen	4	6	
Brunswick	4	7	
Columbus	6	~~8~~ 9	Tabor City
Durham	8	~~12~~ 13	
Alamance	7	10	Burlington
Orange	4	11	Chapel Hill
Chatham	3	8	Siler City
Scotland	3	5	
Hoke	4	5	
Robeson	8	16	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
Rockingham	4	9	Reidsville, Eden, Madison
Stokes	2	5	
Surry	5	9	Mt. Airy
Guilford	20	26	High Point
Cabarrus	5	9	Kannapolis
Montgomery	2	4	
Randolph	5	10	Liberty
Rowan	5	10	
Stanly	5	6	
Union	4	6	
Anson	4	5	
Richmond	5	6	Hamlet
Moore	5	8	Southern Pines
Forsyth	3	15	Kernersville
Alexander	2	3	
Davidson	7	10	Thomasville
Davie	2	3	
Iredell	4	9	Mooresville
Alleghany	1	2	
Ashe	3	4	
Wilkes	4	6	
Yadkin	3	5	
Avery	3	4	

Madison	4	5	
Mitchell	3	4	
Watauga	4	6	
Yancey	2	4	
Burke	4	7	
Caldwell	4	7	
Catawba	6	10	Hickory
Mecklenburg	15	26	
Gaston	11	~~20~~ 21	
Cleveland	5	8	
Lincoln	4	7	
Buncombe	6	15	
Henderson	4	7	
McDowell	3	5	
Polk	3	4	
Rutherford	6	8	
Transylvania	2	4	
Cherokee	3	4	
Clay	1	2	
Graham	2	3	
Haywood	5	7	Canton
Jackson	3	4	
Macon	3	4	
Swain	2	3."	

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

ASSISTANT PUBLIC DEFENDERS

Section 18.14. From funds appropriated to the Indigent Persons' Attorney Fee Fund for the 1997-99 biennium, the Administrative Office of the Courts may use up to three hundred fourteen thousand two hundred forty dollars ($314,240) in the 1997-98 fiscal year, and up to five hundred twenty-four thousand five hundred twenty-eight dollars ($524,528) in the 1998-99 fiscal year for salaries, benefits, and related expenses to establish up to eight new assistant public defenders.

Requested by: Senators Perdue, Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

JUVENILE RECIDIVISM RATES

Section 18.15. (a) Article 54 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A-675.3. Juvenile recidivism rates.**

(a) On an annual basis, the Administrative Office of the Courts shall compute the recidivism rate of juveniles who are adjudicated delinquent for offenses that would be Class A, B1, B2, C, D, or E felonies if committed by adults and who subsequently are adjudicated delinquent or convicted and shall report the statistics to the Joint Legislative Commission on Governmental Operations by December 31 each year.

(b) The Chief Court Counselor of each judicial district shall forward to the Administrative Office of the Courts relevant information, as determined by the Administrative Office of the Courts, regarding every juvenile who is adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult for the purpose of computing the statistics required by this section."

(b) The Administrative Office of the Courts shall use funds available to the Office to implement this section.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

ADDITIONAL INVESTIGATORIAL ASSISTANTS

Section 18.16. G.S. 7A-69 reads as rewritten:

"**§ 7A-69. Investigatorial assistants.**

The district attorney in ~~the first, third-B, fourth, seventh, eighth, tenth, eleventh, twelfth, fourteenth, fifteenth-A, sixteenth, eighteenth, twentieth, twenty-first, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth and thirtieth~~ prosecutorial districts 1, 3B, 4, 6B, 7, 8, 10, 11, 12, 14, 15A, 15B, 18, 20, 21, 24, 25, 26, 27A, 27B, 28, 29, and 30 is entitled to one investigatorial assistant to be appointed by the district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

Requested by: Senators Plyler, Perdue, Odom, Representatives Justus, Kiser, Thompson

IRMC REVIEW OF INFORMATION TECHNOLOGY PLANS OF THE ADMINISTRATIVE OFFICE OF THE COURTS

Section 18.17. (a) G.S. 143B-472.41(b), as recodified by Section 2 of S.L. 1997-148, reads as rewritten:

"(b) Powers and Duties. -- The Commission has the following powers and duties:

(1) To develop, approve, and publish a statewide information technology strategy covering the current and following biennium that shall be updated annually and shall be submitted to the General Assembly on the first day of each regular session.

(2) To develop, approve, and sponsor statewide technology initiatives and to report on those initiatives in the annual update of the statewide information technology strategy.

(3) To review and approve biennially the information technology plans of the executive ~~agencies, including their~~ agencies and to review and comment biennially on the information technology plans of the Administrative Office of the Courts. This review shall include plans for the procurement and use of personal computers and workstations.

(4) To recommend to the Governor and the Office of State Budget and Management the relative priorities across executive agency information technology plans.

(5) To establish a quality assurance policy for all agency information technology projects, information systems training programs, and information systems documentation.

(6) To establish and enforce a quality review and expenditure review procedure for major agency information technology projects.

(7) To review and approve expenditures from appropriations made to the Office of State Budget and Management for the purpose of creating a Computer Reserve Fund.

(8) To develop and promote a policy and procedures for the fair and competitive procurement of information technology consistent with the rules of the Department of Administration and consistent with published industry standards for open systems that provide agencies with a vendor-neutral operating environment where different information technology hardware, software, and networks operate together easily and reliably."

(b) The Information Resources Management Commission shall review the information technology plans of the Administrative Office of the Courts and report its findings to

the Joint Legislative Commission on Governmental Operations by November 1, 1997.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

STUDY COMMISSION ON THE ALLOCATION OF JUDICIAL RESOURCES

Section 18.18. (a) The Study Commission on the Allocation of Judicial Resources is created. The Commission shall consist of 15 voting members as follows:

(1) Four members of the House of Representatives to be appointed by the Speaker of the House of Representatives;

(2) Four members of the Senate to be appointed by the President Pro Tempore of the Senate;

(3) Three judges of the General Court of Justice, one superior court judge and one district court judge to be appointed by the Speaker of the House of Representatives, and one superior or district court judge to be appointed by the President Pro Tempore of the Senate;

(4) Three court officials, one district attorney and one clerk of court to be appointed by the President Pro Tempore of the Senate, and one district attorney, clerk of court, or magistrate to be appointed by the Speaker of the House of Representatives;

(5) The Director of the Administrative Office of the Courts, or the Director's designee.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair from the General Assembly membership serving on the Commission. The Commission shall meet upon the call of the cochairs. A majority of the Commission shall constitute a quorum for the transaction of business.

(b) The Commission shall study the allocation of judicial resources, including superior court judges, district court judges, assistant district attorneys, deputy clerks of court, assistant clerks of court, magistrates, and support staff. The study shall include a review of the existing workload and staffing formulas for judicial personnel.

(c) The Commission may contract for consultant services as provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of the House of Representatives and Senate Supervisors of Clerks. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Commission, while in the discharge of official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession,

ascertainable from their records, or otherwise available to them, and the power to subpoena witnesses.

Members of the Commission shall receive per diem, subsistence, and travel allowances as follows:

(1) Commission members who are members of the General Assembly at the rate established in G.S. 120-3.1;

(2) Commission members who are officials or employees of the State or of local government agencies at the rate established in G.S. 138-6.

(d) The Commission shall report the results of its study and its recommendations to the 1999 General Assembly and may make an interim report to the 1998 Regular Session of the 1997 General Assembly. The Commission shall terminate upon filing its final report.

(e) There is allocated from the funds appropriated to the Legislative Services Commission's studies reserve to the Study Commission on the Allocation of Judicial Resources Study Commission the sum of fifteen thousand dollars ($15,000) for the 1997-98 fiscal year and the sum of fifteen thousand dollars ($15,000) for the 1998-99 fiscal year to conduct the study directed by this section.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

GUARDIAN AD LITEM ATTORNEY BILLINGS

Section 18.19. Attorneys providing legal services for the Guardian Ad Litem program shall bill the Judicial Department within 60 days after the end of each quarter of the fiscal year in order to be reimbursed for those services.

Requested by: Representatives Justus, Kiser, Thompson

PROJECT CHALLENGE REPORT

Section 18.20. (a) Of the funds appropriated in this act to the Administrative Office of the Courts for the 1997-98 fiscal year, the sum of one hundred thousand dollars ($100,000) shall be used to support the operation of Project Challenge North Carolina, Inc., a nonprofit corporation that provides alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined in District Court District 24, and for expansion of the program. The funds shall be used to:

(1) Provide community resources and dispositional alternatives for juveniles in the form of community services, including services to the elderly and economically disadvantaged;

(2) Promote the involvement of juveniles in community programs that instill in juveniles pride in their communities and develop self-respect and the skills needed for them to be productive, responsible members of their communities;

(3) Coordinate with the local schools and State and local law enforcement to educate juveniles regarding the justice system and to promote respect for authority and an appreciation of societal laws and mores; and

(4) Collaborate with community agencies and organizations to provide guidance to and positive role models for juveniles.

(b) Project Challenge North Carolina, Inc. shall report by March 1, 1998, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the effectiveness of the program, including information on the number of juveniles served. Thereafter, Project Challenge North Carolina, Inc. shall report quarterly to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the operations and effectiveness of the program.

Requested by: Representatives Morris, Hurley, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

CUMBERLAND JUVENILE ASSESSMENT CENTER

Section 18.21. (a) Of the funds appropriated in this act to the Administrative Office of the Courts for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to fund the Juvenile Assessment Project authorized by this section. These funds shall be matched by local funds on the basis of one dollar ($1.00) of local funds for every three dollars ($3.00) of State funds.

(b) The Administrative Office of the Courts, in collaboration with the Chief Court Counselor of District Court District 12, the Cumberland County Department of Social Services, and the appropriate local school administrative units, shall develop and implement a Juvenile Assessment Center Project in District Court District 12 to operate from the effective date of this act to June 30, 1998. The purpose of the Project is to facilitate efficient prevention and intervention service delivery to juveniles who are (i) alleged to be delinquent or undisciplined and have been taken into custody or (ii) at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even though they have not been taken into custody. The Project shall assist these juveniles by providing a centralized point of intake and assessment for the juveniles, by addressing the educational, emotional, and physical needs of the juveniles, and by providing juveniles with an atmosphere for learning personal responsibility, self-respect, and respect for others. The Administrative Office of the Courts shall consider the recommendations of the Juvenile Assessment Advisory Board in developing and implementing the Project.

(c) The Project shall be modeled after the Juvenile Assessment Center in Hillsborough County, Florida, and shall:

(1) Identify those juveniles who are alleged to be delinquent or undisciplined or are at risk of becoming delinquent or undisciplined;

(2) Evaluate the educational, emotional, and physical needs of the juveniles identified and determine whether the juveniles have problems related to substance abuse, depression, or other emotional conditions;

(3) Develop in-depth and comprehensive assessment plans for the juveniles identified that recommend appropriate treatment, counseling, and disposition of the juveniles; and

(4) Provide services to juveniles identified and their families through collaboration with public and private resources, including local law enforcement, parents' organizations, the Fayetteville Chamber of Commerce, and county and community programs and organizations that provide substance abuse treatment and child and family counseling.

(d) There is established the Juvenile Assessment Advisory Board to make recommendations to the Administrative Office of the Courts regarding the development and operations of the Project. The Board shall consist of 13 members, including:

(1) The director of the Department of Social Services of Cumberland County, or the director's designee.
(2) A representative from the local mental health area authority of Cumberland County.
(3) A member of the Cumberland County Board of Education.
(4) The sheriff of Cumberland County, or the sheriff's designee.
(5) The chief of police of the Fayetteville Police Department, or the designee of the chief of police.
(6) A judge of District Court District 12.
(7) A juvenile court counselor from District Court District 12.
(8) The director of the Guardian Ad Litem program in Cumberland County, or the director's designee.
(9) The director of the Health Department of Cumberland County, or the director's designee.
(10) Two public members appointed by the Fayetteville City Council.
(11) Two public members appointed by the Board of County Commissioners of Cumberland County.

The members of the Board shall, within 30 days after the initial appointment is made, meet and elect one member as chair. The Board shall meet at least once a month at the call of the chair, and a quorum of the Board shall consist of a majority of its members. The Board of County Commissioners of Cumberland County shall provide necessary clerical and professional assistance to the Board.

Initial appointments shall be made by October 1, 1997, and all terms shall expire June 30, 1998.

(e) The Administrative Office of the Courts, in consultation with the Department of Human Resources, shall evaluate the Project and report to the Chairs of the House and Senate Appropriations Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and Human Resources, and the Fiscal Research Division of the General Assembly by May 1, 1998, on the progress of the development and implementation of the Project. In the report, the Administrative Office of the Courts, in consultation with the Department of Human Resources, shall evaluate the effectiveness of the Project, including the number of juveniles served or expected to be served, and shall recommend whether the Project should be continued. If the report recommends that the Project be continued, it shall also provide a cost analysis outlining the long-term staffing and operating needs of the Project.

Requested by: Representatives Sexton, Eddins, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

BAD CHECK PILOT PROGRAM FUNDS/REPORT

Section 18.22. (a) G.S. 7A-308 is amended by adding a new section to read:

"(c) A person who participates in a program for the collection of worthless checks under G.S. 14-107.2 must pay a fee of fifty dollars ($50.00). The fee collected under this subsection must be remitted to the State by the clerk of court in the county in which the program is established and credited to the Collection of Worthless Checks Fund. The Collection of Worthless Checks Fund is created as a special revenue fund. Revenue in the Fund does not revert at the end of the fiscal year, and interest and other investment income earned by the Fund accrues to the Fund. The money in the Fund is subject to appropriation by the General Assembly and may be used solely for the expenses of the programs established under G.S. 14-107.2 for the collection of worthless checks."

(b) Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-107.2. Program for the collection of worthless check cases.**

A district attorney may establish a program for the collection of worthless check cases that would, if prosecuted under G.S. 14-107, be punishable as a Class 2 misdemeanor. The purpose of the program is to collect worthless checks in a more timely manner, to alleviate the need to prosecute each worthless check case, and to provide an opportunity for the check passer to avoid criminal prosecution. In creating the program, the district attorney must establish criteria for the types of worthless check cases that will be eligible for collection under the program. If the check passer participates in the program by paying the fee under G.S. 7A-308(c) and providing restitution to the check taker for (i) the amount of the check or draft, (ii) any service charges imposed on the check taker by a bank or depository for processing the dishonored check, and (iii) any processing fees imposed by the check taker pursuant to G.S. 25-3-512, then the district attorney will not prosecute the worthless check case under G.S. 14-107. The Administrative Office of the Courts must establish procedures for remitting the fee and providing restitution to the check taker. For the purposes of this section, the terms 'check passer' and 'check taker' have the same meanings as defined in G.S. 14-107.1."

(c) Of the funds appropriated to the Judicial Department for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to establish bad check collection pilot programs in Columbus, Durham, and Rockingham Counties.

The Administrative Office of the Courts shall report by May 1, 1998, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation

of the programs, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases.

(d) This act applies only to Columbus, Durham, and Rockingham Counties.

(e) This act becomes effective October 1, 1997, and expires June 30, 1998.

Requested by: Representatives Justus, Kiser, Thompson

DISTRICT COURT CIVIL CASE MANAGEMENT

Section 18.23. The Administrative Office of the Courts shall report by May 1, 1998, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the civil case management pilot programs established in District Court Districts 13, 18, and 30. The report shall assess the success of these programs in reducing the backlog of civil court cases and in resolving new cases more quickly.

Requested by: Representatives Redwine, Hackney, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

ESTABLISH TEEN COURTS IN ORANGE, COLUMBUS, BRUNSWICK, FORSYTH, AND CABARRUS COUNTIES AND TO PROVIDE ADDITIONAL FUNDING FOR THE TEEN COURTS IN WAKE AND DURHAM COUNTIES

Section 18.24. (a) Of the funds appropriated in this act to the Judicial Department, the Administrative Office of the Courts shall use:

(1) The sum of fifteen thousand dollars ($15,000) for the 1997-98 fiscal year and the sum of fifteen thousand dollars ($15,000) for the 1998-99 fiscal year to establish a "teen court" program in Orange County.

(2) The sum of twenty thousand dollars ($20,000) for the 1997-98 fiscal year and the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a "teen court" program in Columbus County.

(3) The sum of twenty thousand dollars ($20,000) for the 1997-98 fiscal year and the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a "teen court" program in Brunswick County.

(4) The sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1997-98 fiscal year and the sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1998-99 fiscal year to establish a "teen court" program in Forsyth County.

(5) The sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1997-98 fiscal year and the sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1998-99 fiscal year to establish a "teen court" program in Cabarrus County.

The Administrative Office of the Courts shall establish the programs pursuant to the guidelines and objectives set forth in Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(b) Of the funds appropriated in this act to the Judicial Department for the 1997-98 fiscal year, the sum of fifteen thousand dollars ($15,000) shall be used to provide additional funding for the "teen court" program currently operating in Durham County and the sum of fifteen thousand dollars ($15,000) shall be used to provide additional funding for the "teen court" program currently operating in Wake County.

(c) Each of the programs funded pursuant to this section shall report to the Administrative Office of the Courts on the expenditures and operations of the program by March 1, 1998, and thereafter on a quarterly basis. The Administrative Office of the Courts shall evaluate the effectiveness of the programs and report its findings and recommendations to the Joint Legislative Commission on Governmental Operations and to the

Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by April 15, 1998.

PART XIX. DEPARTMENT OF CORRECTION

Conviction

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

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

Section 19. (a) G.S. 148-29 reads as rewritten:

"**§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's expense affidavit.**

(a) The sheriff having in charge any prisoner to be taken to the State prison system shall send the prisoner to the custody of the Department of Correction within five days after sentencing and the disposal of all pending charges against the prisoner, if no appeal has been taken. Beginning on the sixth day after sentencing and disposal of all pending charges against the prisoner and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the ~~county a~~ county:

(1) A standard sum set by the General Assembly in its appropriations acts for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical services to the prisoner awaiting transfer to the State prison ~~system.~~ system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by prisoners awaiting transfer to the State prison system.

(b) The sheriff having in charge any parolee or post-release supervisee to be taken to the State prison system shall send the prisoner to the custody of the Department of Correction within five days after preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the sixth day after the hearing and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) A standard sum set by the General Assembly in its appropriations acts for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical services to the parolee or post-release supervisee awaiting transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by parolees or post-release supervisees awaiting transfer to the State prison system.

(c) The sheriff shall file with the board of commissioners of his county a copy of his affidavit as to necessary guard, together with a copy of his itemized account of expenses, both certified to by him as true copies of those on file in his office."

(b) The Department of Correction may use funds appropriated to the Department for the 1997-99 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement t

counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

Prior to the expenditure of more than the sum of six million five hundred thousand dollars ($6,500,000) for the 1997-98 fiscal year or more than the sum of four million dollars ($4,000,000) for the 1998-99 fiscal year to reimburse counties for prisoners awaiting transfer, the Department of Correction and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations on the necessity of that expenditure.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

INMATE HOUSING FUNDS

Section 19.1. If the Department of Correction determines that funds needed to contract for prison beds to house inmates in out-of-state prisons or in local jails will exceed appropriations for those purposes in the 1997-98 continuation budget, it may contract for those purposes using funds from the 1997-98 continuation budget reserves for operating prisons that become available because of delays in the construction of prison units. To the extent that funds from the reserves for operating prison units are not available, the Department of Correction may use funds available to the Department for the 1997-98 fiscal year to contract for prison beds to house inmates in out-of-state prisons or in local jails. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on these contracts. The report shall include the amount expended monthly for each contract, the source of funding used to pay for the contracts, the status of each contract, and the projected dates for returning the inmates housed out-of-state or in local jails to the State prison system.

Prior to the expenditure of more than the sum of one million dollars ($1,000,000) in additional funds authorized by this section to contract for out-of-state and local jail beds, the Department of Correction and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations on the necessity of that expenditure.

Requested by: Senator Gulley

EXEMPTION FROM LICENSURE AND CERTIFICATE OF NEED

Section 19.2. (a) Inpatient chemical dependency or substance abuse facilities that provide services exclusively to inmates of the Department of Correction shall be exempt from licensure by the Department of Human Resources under Chapter 122C of the General Statutes. If an inpatient chemical dependency or substance abuse facility provides services both to inmates of the Department of Correction and to members of the general public, the portion of the facility that serves inmates shall be exempt from licensure.

(b) Any person who contracts to provide inpatient chemical dependency or substance abuse services to inmates of the Department of Correction may construct and operate a new chemical dependency or substance abuse facility for that purpose without first obtaining a certificate of need from the Department of Human Resources pursuant to Article 9 of Chapter 131E of the General Statutes. However, a new facility or addition developed for that purpose without a certificate of need shall not be licensed pursuant to Chapter 122C of the General Statutes and shall not admit anyone other than inmates unless the owner or operator first obtains a certificate of need.

(c) This section applies to existing facilities, as well as future facilities contracting with the Department of Correction.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LIMIT USE OF OPERATIONAL FUNDS

Section 19.3. Funds appropriated in this act to the Department of Correction for operational costs for additional facilities shall be used for personnel and operating expenses set forth in the budget approved by the General Assembly in this act. These funds shall not be expended for any other purpose, except as provided for in this act, and shall not be expended for additional prison personnel positions until the new facilities are within 90 days of projected completion, except for certain management, security, and support positions necessary to prepare the facility for opening, as authorized in the budget approved by the General Assembly.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

USE OF FACILITIES CLOSED UNDER GPAC/PLAN FOR EFFICIENT OPERATION OF DIVISION OF PRISONS

Section 19.4. (a) In conjunction with the closing of small expensive prison units recommended for consolidation by the Government Performance Audit Committee, the Department of Correction shall consult with the county or municipality in which the unit is located or any private for-profit or nonprofit firm about the possibility of converting that unit to other use. Consistent with existing law and its future needs, the Department may provide for the transfer or the lease for 20 years or more of any of these units to counties, municipalities, or private firms wishing to convert them to other use. The Department of Correction may also consider converting some of the units recommended for closing from medium security to minimum security, 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 Human Resources 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.

Prior to any transfer or lease of these units, the Department of Correction shall report on the terms of the proposed transfer or lease to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee. The Department of Correction shall also provide quarterly summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section.

(b) The Department of Correction shall prepare a long-range plan for the closing, consolidation, or conversion of prison units or diagnostic centers that would contribute to the more efficient operation of the Division of Prisons. The Department shall present this plan to the Joint Legislative Corrections Oversight Committee by April 30, 1998.

Requested by: Representatives Justus, Kiser, Thompson

FEDERAL GRANT REPORTING

Section 19.5. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, and the Judicial Department shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

Requested by: Senator Gulley

HARRIET'S HOUSE FUNDS/FUNDS SHALL NOT REVERT

Section 19.6. (a) Funds appropriated in this act to the Department of Correction to support the programs of Harriet's House may be used for program operating costs, the purchase of equipment, and the rental of real property. Harriet's House shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program including information on the number of clients served and the number of clients who successfully complete the Harriet's House program.

(b) The balance of the two hundred thousand dollars ($200,000) appropriated in Chapter 507 of the 1995 Session Laws to the Department of Correction for the 1996-97 fiscal year to support the programs at Harriet's House shall not revert at the end of the fiscal year but shall remain available to the Department during the 1997-98 fiscal year to be used for program operating costs, the purchase of equipment, and the rental of real property.

(c) This section becomes effective June 30, 1997.

Requested by: Senators Gulley, Odom, Ballance

REPORT ON SUMMIT HOUSE

Section 19.7. (a) Summit House shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who have their probation revoked, and the number of clients who successfully complete the program while housed at Summit House.

(b) Summit House shall report by December 1, 1998, to the Joint Legislative Commission on Governmental Operations on (i) possible expansion of the programs in Mecklenburg and Guilford Counties; (ii) on possible expansion to other areas of the State; and (iii) the status of the Wake County program. This report shall include the estimated size of the population to be served, estimated costs, and anticipated obstacles to establishment of a residential program.

(c) The balance of the one million one hundred three thousand seven hundred fifty-eight dollars ($1,103,758), appropriated in Chapter 507 of the 1995 Session Laws and Chapter 18 of the Session Laws of the 1996 Second Extra Session to the Department of Correction for the 1996-97 fiscal year for support and expansion of the programs at Summit House in Greensboro and Mecklenburg and Wake Counties, shall not revert at the end of the fiscal year but shall remain in the Department during the 1997-9 fiscal year for that purpose.

(d) This section becomes effective June 30, 1997.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 19.8. (a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, grants made through the North Carolina State-County Criminal Justice Partnership Act for the 1997-98 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years. Appropriations not claimed or expended by the counties during the 1997-99 biennium shall be distributed as specified in G.S. 143B-273.15(1).

(b) G.S. 143B-273.4(a) reads as rewritten:

"(a) An eligible offender is an adult offender who either is in confinement awaiting trial, or was convicted of a misdemeanor or a felony offense and received a nonincarcerative sentence of an intermediate punishment or is serving a term of parole or post-release supervision after ~~completing~~ serving an active sentence of imprisonment."

(c) G.S. 143B-273.12(c) reads as rewritten:

"(c) The proposed program shall target ~~adult~~ eligible offenders ~~who either are in confinement awaiting trial, were convicted of a misdemeanor or a felony offense and received a nonincarcerative sentence of an intermediate punishment, or are serving a term of post-release supervision after completing active sentences of imprisonment. The priority populations shall be offenders sentenced to intermediate punishments and offenders who are appropriate for release from jail prior to trial under the supervision of a pretrial monitoring program.~~ as defined in G.S. 143B-273.4."

Requested by: Senator Gulley

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 19.9. The Post-Release Supervision and Parole Commission shall report to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee by March 1, 1998, on a staffing reorganization and reduction plan. The report shall address the impact on Commission staffing of the declining parole workload, the automation of Commission functions, and the anticipated role of the Commission in Post-Release Supervision. The report shall include a transition plan for implementing staff reductions over the next five years, including a minimum of a ten percent (10%) reduction in the 1998-99 fiscal year over the 1997-98 fiscal year.

Requested by: Senator Gulley

FEDERAL MATCHING FUNDS

Section 19.10. Appropriations made for the 1997-99 biennium to the Office of State Construction of the Department of Administration for the planning and construction of new prison beds are to match federal funds available for prison construction. Appropriations not needed or used to match federal funds may be made available for construction of new prison beds, segregation units, support buildings and systems, and other needed facilities.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

IMPACT DEFENDANTS IN DOC FACILITIES/CONTINUE IMPACT BOOT CAMP PROGRAM

Section 19.11. (a) G.S. 15A-1343(b1)(2a) reads as rewritten:

"(2a) Submit to a period of ~~imprisonment~~ confinement in a facility ~~for youthful offenders~~ operated by the Department of Correction for a minimum of 90 days or a maximum of 120 days under special probation, reference G.S. 15A-1351(a) or G.S. 15A-1344(e), and abide by all rules and regulations as provided in conjunction with the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), which provides an atmosphere for learning personal confidence, personal responsibility, self-respect, and respect for attitudes and value systems. This condition may also include a period of supervision through the Post-Boot Camp Probation Program."

(b) The Department of Correction may use up to the sum of three hundred fifty thousand dollars ($350,000) in funds available for the 1997-98 fiscal year to continue the pilot project established in subsection 19(b) of Chapter 24 of the Session Laws of the 1994 Extra Session to provide treatment for offenders completing the IMPACT boot camp program.

Requested by: Representatives Justus, Kiser, Thompson

REPORT ON WOMEN AT RISK

Section 19.12. Women at Risk shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds and on the effectiveness of the program, including information on the number of clients served, the number of clients who have had their probation revoked, and the number of clients who have successfully completed the program.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

PERFORMANCE AUDIT OF DIVISION OF ADULT PROBATION AND PAROLE

Section 19.13. The State Auditor shall conduct a performance audit of the Division of Adult Probation and Parole in the Department of Correction.

The State Auditor shall report the audit results to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, the Chairs of the Joint Legislative Corrections Oversight Committee, and the Joint Legislative Commission on Governmental Operations by June 1, 1998.

The performance audit of the Division of Adult Probation and Parole shall review the efficiency and effectiveness of major management policies, practices, and functions, including the following areas:

(1) Organization and structure;
(2) Effect of organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission;
(3) Current staffing patterns and workload;
(4) Current personnel and patronage practices, placing special emphasis on any existing abuses in those practices; and
(5) General effectiveness of probation and parole.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

WORKING HOURS OF EMPLOYEES IN STATE INSTITUTIONS

Section 19.14. G.S. 95-28 is repealed.

Requested by: Representatives Sexton, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

TRANSFER ROCKINGHAM CORRECTIONAL CENTER

Section 19.15. The General Assembly finds that the Department of Correction, the Department of Transportation, and Rockingham County have compelling needs for the use of the below described land:

All that property lying south of N.C. Highway 65 upon which is situated the former Rockingham County Correctional Center building and grounds containing approximately 24 acres.

Therefore, the General Assembly urges the Department of Administration to initiate negotiations between the Department of Correction, the Department of Transportation, and Rockingham County to develop an agreement for the transfer of all or part of the described property to Rockingham County and the use or transfer of part of the described property or of other acceptable property to the Department of Transportation in a manner that meets the needs of all the parties. The General Assembly further urges the parties to implement the agreement in accordance with applicable law as soon as practicable.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

FUNDING OF PRISON ROAD SQUADS

Section 19.16. Notwithstanding any other provision of law, the Department of Transportation shall reimburse the Department of Correction for the cost of inmate road squads on a cost basis, as provided for in G.S. 148-26.5.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

PRIVATE PRISON EXPANSION/MORATORIUM ON PRIVATE PRISONS FOR OUT-OF-STATE INMATES

Section 19.17. (a) The Department of Correction, in consultation with the United States Corrections Corporation, shall determine the feasibility of expanding each of the two 500-bed private confinement facilities presently under construction to 1,000-bed facilities and the cost savings of that expansion over the construction of new facilities. The Department shall report its findings to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee by December 1, 1997.

(b) The Department of Correction, in cooperation with the Department of Justice, Department of Insurance, and Office of State Construction, shall establish proposed standards for any private correctional facilities in this State that are used to confine inmates from a jurisdiction other than North Carolina or a political subdivision of North Carolina. These standards shall include provisions for all such facilities to:

(1) Meet minimum responsibility and insurance standards and may provide for the posting of surety bonds;

(2) Meet or exceed all standards applicable to the State prison system, particularly those standards relating to inmate care and treatment;

(3) Provide for the transfer or return of all inmates to the jurisdiction in which the inmates were originally convicted prior to release of the inmates;

(4) Permit officials of the State of North Carolina to conduct periodic inspections of all such facilities; and

(5) Meet any other standards the departments deem advisable.

The Department of Correction shall report on these proposed standards to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by May 1, 1998. The report shall include a recommendation on the appropriate regulatory agency or agencies to enforce these standards.

(c) No municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina until the Department of Correction has developed proposed standards for such private correctional facilities pursuant to subsection (b) of this section and the General Assembly has acted upon those standards. No private confinement facility authorized under G.S. 148-37(g) that receives payment from this State for the housing of State prisoners may contai

inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina without the written consent of the Secretary of Correction.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

TITLE VII FUNDS/REPORT

Section 19.18. The Department of Correction may use funds available to the Department during the 1997-98 fiscal year for payment to claimants as part of the settlement of the Title VII lawsuit over the recruitment, hiring, and promotion of females in the Department. Prior to final settlement of the lawsuit, the Department shall report on the proposed settlement to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

NEW POSITIONS/MODULAR UNITS

Section 19.19. (a) The Department of Correction may use funds available for the 1997-98 fiscal year to fund up to four new temporary positions to operate new modular units at Henderson Correctional Center and Haywood Correctional Center.

(b) The Department of Correction may use funds available for the 1997-98 fiscal year to purchase and install a new modular unit at Martin Correctional Center.

(c) The Department of Correction shall report on its progress in the installation of all modular units to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee by March 1, 1998.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

INMATE COSTS

Section 19.20. The Department of Correction may use funds available to the Department for the 1997-99 biennium to pay the cost of providing food and health care to inmates housed in the Division of Prisons if:

(1) The prison population exceeds the December 1996 population projections of the North Carolina Sentencing and Policy Advisory Commission; and

(2) The cost of providing food and health care to inmates is anticipated to exceed the continuation budget amounts provided for that purpose in this act.

Prior to making any expenditure authorized by this section, the Department of Correction shall report on its need to use these additional funds to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Committees.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

INCREASE REIMBURSEMENT TO COUNTIES FOR STATE INMATES HOUSED IN LOCAL CONFINEMENT FACILITIES

Section 19.21. (a) The Department of Correction may use up to the sum of one million five hundred eighty-seven thousand four hundred nineteen dollars ($1,587,419) in funds available for the 1997-98 fiscal year to raise the per diem reimbursement to counties from fourteen dollars and fifty cents ($14.50) per day to eighteen dollars ($18.00) per day for State inmates serving sentences of 30 days or more in local confinement facilities. If the Department finds it necessary to exceed this amount during the 1997-98 fiscal year in order to provide the required reimbursement, the Department shall report on its need to use additional funds to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Committees.

Of the funds appropriated to the Department of Correction in this act, the sum of one million nine hundred twelve thousand five hundred fifty-three dollars ($1,912,553) for the 1998-99 fiscal year shall be used to maintain the per diem reimbursement to counties at eighteen dollars ($18.00) per day for State inmates serving sentences of 30 days or more in local confinement facilities.

(b) This section becomes effective September 1, 1997.

Requested by: Senator Gulley

USE OF FEDERAL PRISON CONSTRUCTION GRANT FUNDS

Section 19.22. The Department of Correction shall use federal grant funds received from the U.S. Justice Department as part of the Violent Offender Incarceration Program and the Truth-In-Sentencing Incentive Grant Program for the further planning and design and construction of the following State prison facilities, provided that the project meets the criteria of the federal grant program:

Facility	Location	Number of Beds	Custody
Central Prison Diagnostic Center	Wake	196	Close
Warren Correctional Institution	Warren	168	Med/Close
Improvements to NCCIW	Wake	208	Med/Close
Scotland Facility	Scotland	712	Close
Alexander Facility	Alexander	520	Close
Metro Facility	Charlotte Area	520	Close

No more than the sum of seventeen million five hundred thousand dollars ($17,500,000) in federal funds may be allocated to the Central Prison Diagnostic Center Project, the proposed revised Phase I of the Central Prison Master Plan, or the planning and design of the Warren, NCCIW, or Metro projects until federal funds have been allocated to complete the working drawings phase of planning and design for the Alexander and Scotland Close Custody Prison Facilities.

The Department of Correction shall report quarterly to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee on the allocation of any federal funds received and of anticipated future federal grant funds.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

SUBSTANCE ABUSE FUNDS

Section 19.23. (a) Of the funds appropriated in the continuation budget to the Department of Correction for the 1997-99 biennium for private prison substance abuse beds, the Department shall allocate the sum of five hundred twenty-seven thousand eight hundred six dollars ($527,806) for the 1997-98 fiscal year and the sum of four hundred fifty-four thousand seven hundred fifteen dollars ($454,715) for the 1998-99 fiscal year to a Reserve for Substance Abuse. For the 1997-98 fiscal year, the Department shall allocate up to the sum of four hundred sixty-seven thousand eight hundred six dollars ($467,806) to the DART/DWI aftercare program at Cherry Hospital and up to the sum of sixty thousand dollars ($60,000) for an evaluation of the Department's substance abuse programs. The evaluation study shall review and update findings from the study of Department of Correction substance abuse programs funded by the General Assembly in Section 19.1 of Chapter 507 of the 1995 Session Laws, expand the study to include the DART/DWI aftercare program, and develop proposed performance measures for the Department's substance abuse programs. The Department shall use up to the sum of four hundred fifty-four thousand seven hundred fifteen dollars ($454,715) allocated for the 1998-99 fiscal year for the DART/DWI aftercare program at Cherry Hospital.

(b) The Secretary of Correction shall report to the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by May 1, 1998, on expenditures from the Reserve for Substance Abuse, on the cost and benefits the DART/DWI aftercare program, and the results of the substance abuse evaluation study.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REPORT ON DART/DWI PROGRAM AT CHERRY HOSPITAL

Section 19.24. The Department of Correction shall report by December 1, 1997, and by May 1, 1998, to the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Appropriations Subcommittees on Justice and Public Safety on the residential DWI/Substance Abuse Treatment Program for probationers and parolees at the DART facility at Cherry Hospital. The report shall include monthly statistical summaries of population versus capacity and comparisons of the percentage of offenders entering the program versus those completing the program, for both probationers and parolees. The report shall also include a budget report showing expenditures by purpose. If the program is not operating at capacity by the end of each reporting period, the Department of Correction shall explain the reasons for underutilization and its proposed strategies for addressing the problem of underutilization. Any new initiatives that would revise or expand the treatment model at the facility, along with the accompanying costs, shall also be included in each report.

Requested by: Representatives Justus, Kiser, Thompson

DIRECT CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO REVISE HIRING AND RECORD-KEEPING PROCEDURES FOR EMPLOYEES OF DEPARTMENT OF CORRECTION

Section 19.28. No later than June 30, 1998, the Criminal Justice Education and Training Standards Commission shall reestablish the hiring and record-keeping procedures for the employment of certified positions in the Department of Correction.

PART XX. DEPARTMENT OF JUSTICE



Requested by: Senators Gulley, Ballance, Rand

DEPARTMENT OF JUSTICE SALARY ADJUSTMENTS

Section 20. Of the funds appropriated in this act to the Department of Justice, the sum of ninety-three thousand four hundred fifty-three dollars ($93,453) for the 1997-98 fiscal year and the sum of ninety-three thousand four hundred fifty-three dollars ($93,453) for the 1998-99 fiscal year may be used to increase the salaries of attorneys who are eligible for salary adjustments based upon outstanding job performance for the preceding year.

Requested by: Senator Gulley

SBI FUNDS/SPENDING PRIORITIES

Section 20.1. Of the funds appropriated in this act to the Department of Justice, State Bureau of Investigation, for the 1997-99 biennium for overtime payments, the first priority for use of the funds by the Department shall be:

(1) To make overtime payments to SBI agents in the Field Investigations Division; and

(2) To make overtime payments to supervisory personnel receiving overtime payments as of June 30, 1997, up to a maximum of five thousand two hundred dollars ($5,200) annually per individual.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

SBI USE OF COURT-ORDERED REIMBURSEMENT FUNDS

Section 20.2. The State Bureau of Investigation (SBI) may use funds available from court-ordered reimbursement in undercover drug operations.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

PRIVATE PROTECTIVE SERVICES AND ALARM SYSTEMS LICENSING BOARDS PAY FOR USE OF STATE FACILITIES AND SERVICES

Section 20.3. The Private Protective Services and Alarm Systems Licensing Boards shall pay the appropriate State agency for the use of physical facilities and services provided to those boards by the State.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LIMITS ON COMPUTER SYSTEM UPGRADE

Section 20.4. Any proposed increase in mainframe computer capacity or system upgrade for the Judicial Department, the Department of Correction, the Department of Justice, or the Department of Crime Control and Public Safety, to be funded from the Continuation Budget, shall be reported to the Joint Legislative Commission on Governmental Operations, to the Chairs of the Senate and House of Representatives Appropriations Committees, and to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety before the department enters into any contractual agreement. This report is to be made jointly by the Information Resource Management Commission, the Office of State Budget and Management, and the requesting department.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS

Section 20.5. Client departments, agencies, and boards shall reimburse the Department of Justice for reasonable court fees, attorney travel and subsistence costs, and other costs directly related to litigation in which the Department of Justice is representing the department, agency, or board.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REIMBURSEMENT FOR UNC BOARD OF GOVERNORS LEGAL REPRESENTATION

Section 20.6. The Department of Justice shall be reimbursed by the Board of Governors of The University of North Carolina for two Attorney III positions to provide legal representation to The University of North Carolina system.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

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

Section 20.7. (a) Assets transferred to the Department of Justice during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended.

The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly, except during the 1997-98 fiscal year, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for SBI training; and

(2) Use an amount not to exceed fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

(b) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

DEPARTMENT OF JUSTICE RECORD CHECKS FUNDS AND REPORTS

Section 20.8. (a) The Department of Justice may use, for each year of the 1997-99 biennium, the sum of up to two hundred ten thousand five hundred sixty-three dollars ($210,563) to add up to five positions in the State Bureau of Investigation to facilitate record checks for concealed weapons permits. The Office of State Budget and Management may adjust the allotment of appropriations to the Department of Justice until receipts are realized. The Department of Justice may fund one and one-half positions per 10,000 record checks for concealed weapons permits. If the total number of annual criminal record checks performed by the State Bureau of Investigation falls below the level of 5,000 checks, the number of positions shall be reduced to one.

(b) The Department of Justice shall report by January 15 each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the receipts, costs for, and number of criminal record checks performed in connection with applications for concealed weapons permits. The report by the Department of Justice shall also include information on the number of applications received and approved for firearms safety courses.

Requested by: Senators Plyler, Perdue, Odom, Representatives Holmes, Esposito, Creech, Crawford

SALARY EQUITY FOR SBI LAW ENFORCEMENT

Section 20.9. (a) Of the funds appropriated in this act to the Department of Justice for the State Bureau of Investigation, the sum of two million seven hundred thousand dollars ($2,700,000) for the 1997-98 fiscal year and the sum of two million seven hundred thousand dollars ($2,700,000) for the 1998-99 fiscal year shall be used to adjust the salaries of law enforcement positions in the State Bureau of Investigation. These adjustments shall be based on factors, such as employee salary, position class title, position grade, and credible years of sworn service with the State Bureau of Investigation. No salary adjustment shall result in an increase beyond the maximum salary set for an officer's pay grade. If an officer's salary is near or at the top of the officer's pay grade, the officer shall be eligible to receive a salary adjustment up to the top of the officer's pay grade. If an officer is at the top of the officer's pay grade, then the officer is not eligible to receive a salary adjustment. Sworn officers holding the following management positions are not eligible to receive the salary adjustment: SBI Director, SBI Assistant Directors of Support Services, SBI Assistant Director, SBI Assistant Directors of Field Services, SBI Assistant Director of Crime Laboratory, Deputy Director of Medicaid Fraud.

(b) Within 30 days of any salary adjustment made pursuant to this section, the Department shall report its actions to the Chairs of the House and Senate Appropriations Committees.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

INCREASE THE NUMBER OF FICTITIOUS LICENSES AND REGISTRATION PLATES AUTHORIZED FOR PUBLICLY OWNED MOTOR VEHICLES AND REMOVE THE SUNSET ON PRIOR INCREASE ON NUMBER OF PLATES

Section 20.10. G.S. 20-39(h) reads as rewritten:

"(h) The Commissioner, notwithstanding any other provision of this Chapter, may lawfully and to the extent necessary, provide local, State or federal law-enforcement officers on special undercover assignments with motor vehicle drivers licenses and motor vehicle registration plates under assumed names using false or fictitious addresses. Such registration plates shall only be used on publicly owned or leased vehicles. Requests for these licenses and registration plates shall be made to the Commissioner by the head of the local, State or federal law-enforcement agency and be accompanied by approval in writing from the Director of the State Bureau of Investigation upon a specific finding by the Director that the request is justified and necessary. The Director shall keep a record of all such licenses, registration plates, assumed names, false or fictitious addresses, and law-enforcement officers using the licenses or registration plates, and shall request the immediate return of any license or registration plate that is no longer necessary. Licenses and registration plates provided under this subsection shall expire six months after initial issuance or subsequent validation after the request for extension has been approved in writing by the Director of the State Bureau of Investigation. The head of the local, State or federal law-enforcement agency shall be responsible for the use of the licenses and registration plates and shall return them immediately to the Commissioner for cancellation upon either (i) their expiration, (ii) request of the Director of the State Bureau of Investigation, or (iii) request of the Commissioner. Failure to return a license or registration plates issued pursuant to this subsection shall be punished as a Class 2 misdemeanor. At no time shall the number of valid licenses and registration plates issued under this act exceed ~~one hundred,~~ one hundred twenty-five, and those issued shall be strictly monitored by the Director. All of the private registration plates issued to special agents of the State Bureau of Investigation under the Department of Justice and to alcohol law enforcement agents under the Department of Crime Control and Public Safety, pursuant to G.S. 14-250, may be fictitious plates and shall not be counted in the total number of fictitious plates authorized by this subsection."

(b) Subsection (c) of Section 23 of Chapter 18 of the Session Laws of the 1996 Second Extra Session is repealed.

(c) This section becomes effective June 29, 1997.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

SHERIFF EDUCATION AND TRAINING STANDARDS COMMISSION TO ESTABLISH MINIMUM EMPLOYMENT, TRAINING, AND RETENTION STANDARDS FOR TELECOMMUNICATORS

Section 20.11. (a) Of the funds appropriated in this act to the Department of Justice for the 1997-99 biennium, the sum of one hundred one thousand six hundred thirty-five dollars ($101,635) for the 1997-98 fiscal year and the sum of one hundred thirty-two thousand two hundred thirty-one dollars ($132,231) for the 1998-99 fiscal year shall be used to fund a criminal justice research associate, a processing assistant, a criminal justice instructor-coordinator, and related expenses to implement this section.

(b) G.S. 17E-2(3) reads as rewritten:

"(3) 'Justice officer' ~~means a person who, through the special trust and confidence of the sheriff of the county, has taken the oath of office prescribed by Chapter 11 of these statutes as a peace officer in the office of a sheriff, or who has been duly appointed as a detention officer by the sheriff. The term includes 'deputy sheriffs' and 'special deputy sheriffs' but does not include clerical and support personnel not required to take an oath. The term 'special deputy' means a person who, through appointment by the sheriff, becomes an unpaid criminal justice officer to perform a specific act directed to the person by the sheriff. Justice officer shall also mean the administrator and the other custodial personnel of district confinement facilities as defined in G.S. 153A-219. Nothing in this Chapter shall transfer any supervisory or administrative control of employees of district confinement facilities to the office of the sheriff.~~ means:

a. A person who, through the special trust and confidence of the sheriff, has taken the oath of office prescribed by Chapter 11 of the General Statutes as a peace officer in the office of the sheriff. This term includes 'deputy sheriffs', 'reserve deputy sheriffs', and 'special deputy sheriffs', but does not include clerical and support personnel not required to take an oath. The term 'special deputy' means a person who, through appointment by the sheriff, becomes an unpaid criminal justice officer to perform a specific act directed by the sheriff; or

b. A person who, through the special trust and confidence of the sheriff, has been appointed as a detention officer by the sheriff; or

c. A person who is either the administrator or other custodial personnel of district confinement facilities as defined in G.S. 153A-219; however, nothing in this Chapter transfers any supervisory or administrative control over employees of district confinement facilities to the office of the sheriff; or

d. A person who, through the special trust and confidence of the sheriff, is under the direct supervision and control of the sheriff and serves as a telecommunicator, or who is presented to the Commission for appointment as a telecommunicator by an employing entity other than the sheriff for the purpose of obtaining certification from the Commission as a telecommunicator."

(c) G.S. 17E-7 reads as rewritten:

"**§ 17E-7. Required standards.**

(a) Justice ~~officers~~ officers, other than those set forth in subsection (c1) of this section, shall not be required to meet any requirements of subsections (b) and (c) of this section as a condition of continued employment, nor shall failure of a justice officer to fulfill such requirements make him ineligible for any promotional examination for which he is otherwise eligible if the officer held an appointment prior to July 1, 1983, and is a sworn law-enforcement officer with power of arrest. The legislature finds, and it is hereby declared to be the policy of this Chapter, that such officers have satisfied such requirements by their experience. It is the intent of the Chapter that all justice officers employed at the entry level after the Commission has adopted the required standards shall meet the requirements of this Chapter. All justice officers who are exempted from the required entry level standards by this subsection are subject to the requirements of subsections (b) and (c) of this section as well as the requirements of G.S. 17E-4(a) in order to retain certification.

(b) The Commission shall provide, by regulation, that no person may be appointed as a justice officer at entry level, except on a temporary or probationary basis, unless such person has satisfactorily completed an initial preparatory program of training at a school certified by the Commission or has been exempted from that requirement by the Commission pursuant to this Chapter. Upon separation of a justice officer from a sheriff's department within the temporary or probationary period of appointment, the probationary certification shall be terminated by the Commission. Upon the reappointment to the same department or appointment to another department of an officer who has separated from a department within the probationary period, the officer shall be charged with the amount of time served during his initial appointment and allowed the remainder of the probationary period to complete the basic training requirement. Upon the reappointment to the same department or appointment to another department of an officer who has separated from a

department within the probationary period and who has remained out of service for more than one year from the date of separation, the officer shall be allowed another probationary period to complete such training as the Commission shall require by rule for an officer returning to service.

(c) In addition to the requirements of subsection (b) of this section, the Commission, by rules and regulations, may fix other qualifications for the employment and retention of justice officers including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of the office, and the Commission shall prescribe the means for presenting evidence of fulfillment of these requirements.

Where minimum educational standards are not met, yet the individual shows potential and a willingness to achieve the standards by extra study, they may be waived by the Commission for the reasonable amount of time it will take to achieve the standards required. Upon petition from a sheriff, the Commission may grant a waiver of any provisions of this section (17E-7) for any justice officer serving that sheriff.

(c1) Any justice officer appointed as a telecommunicator at the entry level after March 1, 1998, shall meet all requirements of this Chapter. Any person employed in the capacity of a telecommunicator as defined by the Commission on or before March 1, 1998, shall not be required to meet any entry-level requirements as a condition of continued employment but shall be reported to the Commission for certification. All justice officers who are exempted from the required entry-level standards by this subsection are subject to the requirements of subsections (b) and (c) of this section as well as the requirements of G.S. 17E-4(a) in order to retain certification.

(d) The Commission may issue a certificate evidencing satisfaction of the requirements of subsections ~~(b) and (c)~~ (b), (c), and (c1) of this section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of instruction in another jurisdiction."

(d) Any entity, other than a sheriff's office, that employs telecommunicators is not required to submit telecommunicators under its employment for certification pursuant to Chapter 17E of the General Statutes and is not subject to criminal or civil liability if it does not do so.

Requested by: Representatives Preston, Justus, Kiser, Thompson

DEPARTMENT OF JUSTICE TO PROVIDE TRAINING TO STATE AND LOCAL LAW ENFORCEMENT OFFICERS IN THE IDENTIFICATION OF ACCIDENT-TRAUMA VICTIMS IN ORDER TO FACILITATE TIMELY IDENTIFICATION OF POTENTIAL ORGAN AND TISSUE DONORS AND TO PROVIDE FOR THE IDENTIFICATION OF ACCIDENT-TRAUMA VICTIMS

Section 20.12. (a) Of the funds appropriated in this act to the Department of Justice for the 1997-98 fiscal year, the sum of twenty-five thousand dollars ($25,000) shall be used by the North Carolina Criminal Justice Education and Standards Training Commission, the North Carolina Sheriffs' Education and Training Standards Commission, and the North Carolina Justice Academy to provide for the training of State and local law enforcement officers in the timely identification of accident-trauma victims in order to facilitate the identification of potential organ and tissue donors.

(b) Chapter 90 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 35.

"Accident-Trauma Victim Identification.

"**§ 90-600. Short title.**

This Article shall be known and may be cited as the Carolyn Sonzogni Act.

"**§ 90-601. Purpose.**

The identification of accident-trauma victims is crucial to the timely notification of the next of kin of accident-trauma victims and to the recovery of organs and tissues for organ transplants. In recognition of these facts, it is the policy of this State and the purpose of this act to provide for the timely identification of accident-trauma victims by law enforcement, fire, emergency, rescue, and hospital personnel.

"**§ 90-602. Routine search for donor information.**

(a) The following persons may make a reasonable search for a document of gift or other information identifying the bearer as an organ donor or as an individual who has refused to make an anatomical gift:

(1) A law enforcement officer, firefighter, paramedic, or other official emergency rescuer finding an individual who the searcher believes is near death; and

(2) A hospital, upon the admission of an individual at or near the time of death, if there is not immediately available any other source of that information.

(b) Any law enforcement officer or other person listed in subsection (a) of this section may conduct an administrative search of the accident-trauma victim's Division of Motor Vehicles driver record to determine the individual's authorization for organ donation or refusal of organ donation.

(c) A physical search pursuant to subsection (a) of this section may be conducted at or near the time of death or hospital admission and shall be limited to those personal effects of the

individual where a drivers license reasonably may be stored. Any information, document, tangible objects, or other items discovered during the search shall be used solely for the purpose of ascertaining the individual's identity, notifying the individual's next of kin, and determining whether the individual intends to make an anatomical gift, and in no event shall any such discovered material be admissible in any subsequent criminal or civil proceeding, unless obtained pursuant to a lawful search on other grounds.

"**§ 90-603. Timely notification of next of kin.**

A State or local law enforcement officer shall make a reasonable effort to notify the next of kin of an accident-trauma victim if the individual is hospitalized or dead. Whenever possible, the notification should be delivered in person and without delay after ensuring positive identification. If appropriate under the circumstances, the notification may be given by telephone in accordance with State and local law enforcement departmental policies. In addition to the notification of next of kin made by law enforcement personnel, other emergency rescue or hospital personnel may contact the next of kin, or the nearest organ procurement organization, in order to expedite decision making with regard to potential organ and tissue recovery.

"**§ 90-604. Use of body information tags.**

(a) In order to provide the identifying information necessary to facilitate organ and tissue transplants, a body information tag shall be attached to or transmitted with the body of an accident-trauma victim by the following persons:

(1) A law enforcement officer, firefighter, paramedic, or other official emergency rescuer who believes the seriously injured individual to be near death; and

(2) Hospital personnel, after the individual has been pronounced dead.

(b) The body information tag shall include information identifying the accident-trauma victim, identifying whether the individual is an organ donor, and providing any information on the next of kin. The Division of Motor Vehicles shall be responsible for producing and distributing body information tags to all State and local law enforcement departments. In addition, the tags shall be distributed by the Division of Motor Vehicles to all State and local agencies employing firefighters, paramedics, and other emergency and rescue personnel."

Requested by: Representatives Justus, Kiser, Thompson

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 20.13. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by April 15, 1998, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards;

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board;

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network; and

(4) The status of the implementation of the mobile data network system, including the amount of funds spent on the system as of the date of the report and the long-term costs of implementing the system statewide.

The Board shall make an interim report on these issues to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly by November 1, 1997.

Requested by: Representatives Redwine, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

ATTORNEY GENERAL OPINION REQUIRED FOR ALL STATE SETTLEMENTS

Section 20.14. (a) Chapter 114 of the General Statutes is amended by adding a new section to read:

"**§ 114-2.4. Attorney General to render opinion on settlement agreements.**

(a) The Attorney General shall review the terms of all proposed agreements entered into by the State or a State department, agency, institution, or officer to settle or resolve litigation or potential litigation, that involves the payment of public monies in the sum of seventy-five thousand dollars ($75,000) or more. In order for such an agreement or contract to be effective against the State, the Attorney General shall submit to the State or the State department, agency, institution, or officer a written opinion regarding the terms of the proposed agreement and the advisability of entering into the agreement, prior to entering into the agreement. The written opinion required by this section shall be maintained in the official file of the final settlement agreement. The Attorney General by rule may delegate to a deputy or assistant Attorney General or to another subordinate the authority to approve settlement agreements.

(b) The Attorney General shall report to the Joint Legislative Commission on Governmental Operations on all agreements entered into by the State or a State department, agency, institution, or officer to settle or resolve litigation or potential litigation, that involves the payment of public monies in the sum of seventy-five thousand dollars ($75,000) or more."

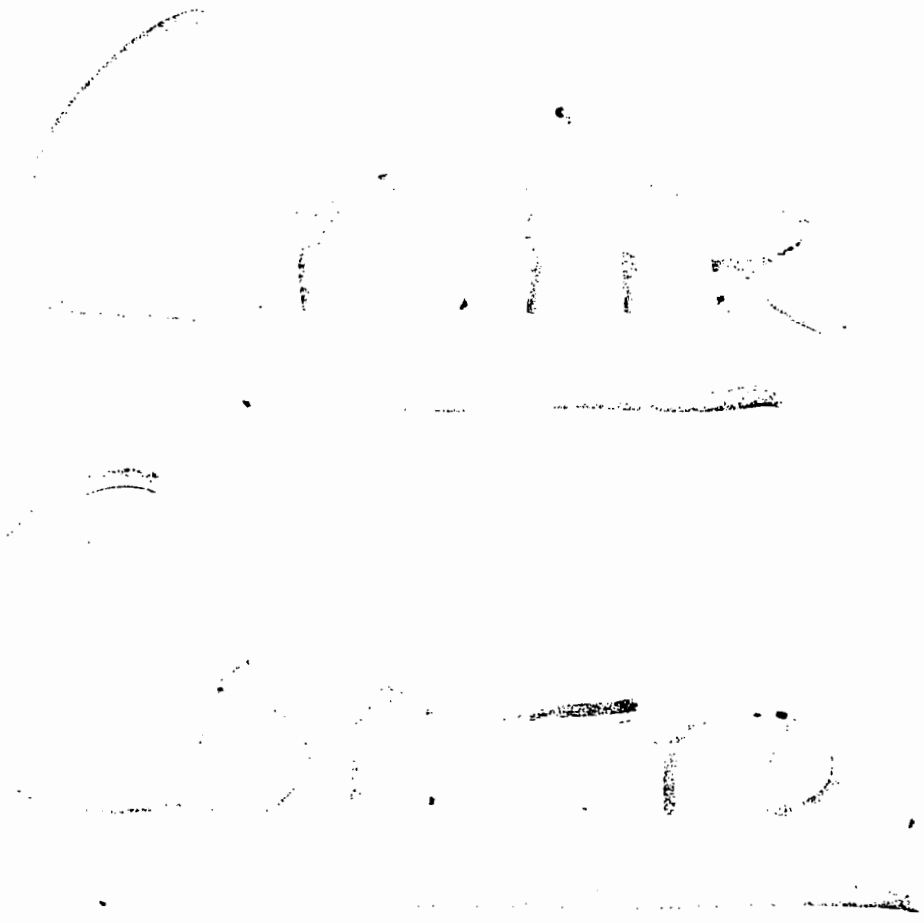
(b) This section is effective when this act becomes law and applies to settlements entered into on or after that date.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

STUDY FEE ADJUSTMENT FOR CRIMINAL RECORDS CHECKS

Section 20.15. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal records checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal records checks during the 1996-97 fiscal year. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal records checks. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on or before May 1, 1998.

PART XXI. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY



Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LEGISLATIVE REVIEW OF DRUG LAW ENFORCEMENT AND OTHER GRANTS

Section 21. (a) Section 1303(4) of the Omnibus Crime Control and Safe Streets Act of 1968 provides that the State application for Drug Law Enforcement Grants is subject to review by the State legislature or its designated body. Therefore, the Governor's Crime Commission of the Department of Crime Control and Public Safety shall report on the State application for grants under the State and Local Law Enforcement Assistance Act of 1986, Part M of the Omnibus Crime Control and Safe Streets Act of 1968 as enacted by Subtitle K of P.L. 99-570, the Anti-Drug Abuse Act of 1986, to the Senate and House Appropriations Subcommittees on Justice and Public Safety when the General Assembly is in session. When the General Assembly is not in session, the Governor's Crime Commission shall report on the State application to the Joint Legislative Commission on Governmental Operations.

(b) Unless a State statute provides a different forum for review, when a federal law or regulation provides that an individual State application for a grant shall be reviewed by the State legislature or its designated body and at the time of the review the General Assembly is not in session, that application shall be reviewed by the Joint Legislative Commission on Governmental Operations.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

VICTIMS ASSISTANCE NETWORK FUNDS

Section 21.1. Of the funds appropriated in this act to the Department of Crime Control and Public Safety, the sum of one hundred fifty thousand dollars ($150,000) for the 1997-98 fiscal year and the sum of one hundred fifty thousand dollars ($150,000) for the 1998-99 fiscal year shall be used to support the Victims Assistance Network. These funds shall be used by the Victims Assistance Network to perform the following functions under the direction of and as required by the Department of Crime Control and Public Safety:

(1) Conduct surveys and gather data on crime victims and their needs;
(2) Act as a clearinghouse for crime victims services;
(3) Provide an automated crime victims bulletin board for subscribers;
(4) Coordinate and support the activities of other crime victims advocacy groups;
(5) Identify training needs of crime victims services providers and criminal justice personnel and coordinate training efforts for those persons; and
(6) Provide other services as identified by the Governor's Crime Commission or the Department of Crime Control and Public Safety.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REPORT ON COMMUNITY SERVICE WORKERS

Section 21.2. The Department of Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division by March 1 and September 1 of each fiscal year of the 1997-99 biennium on the number of community service workers who were available during each month of the time period preceding that report to perform repairs and maintenance of the parks and when and where they were available.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

REPORT ON CRIME VICTIMS COMPENSATION FUND

Section 21.3. The Department of Crime Control and Public Safety shall report to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly by March 15 each year on the North Carolina Crime Victims Compensation Fund. The report shall include a statement regarding:

(1) The administrative expenses of the Fund for the prior fiscal year and the current fiscal year on the date of the report;

(2) The current unencumbered balance of the Fund;

(3) The amount of funds carried over from the prior fiscal year;

(4) The amount of funds received in the prior fiscal year from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.;

(5) The amount of funds expected to be received in the current fiscal year, as well as the amount actually received in the current fiscal year on the date of the report, from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.; and

(6) The total amount of funds paid to victims in the prior fiscal year and in the current fiscal year on the date of the report.

Requested by: Representatives Kiser, Justus, Thompson, Hill, Senators Gulley, Ballance, Rand

CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE

Section 21.4. (a) Article 12J of Chapter 120 of the General Statutes reads as rewritten:

"ARTICLE 12J.

"Joint Legislative Corrections and Crime Control Oversight Committee.

"§ 120-70.93. Creation and membership of Joint Legislative Corrections and Crime Control Oversight Committee.

The Joint Legislative Corrections and Crime Control Oversight Committee is established. The Committee consists of 16 members as follows:

(1) Eight members of the Senate appointed by the President Pro Tempore of the Senate, at least two of whom are members of the minority party; and

(2) Eight members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1995 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

"§ 120-70.94. Purpose and powers of Committee.

(a) The Joint Legislative Corrections and Crime Control Oversight Committee shall examine, on a continuing basis, the correctional ~~system~~ and law enforcement systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve the correctional ~~system~~ and law enforcement systems and to assist ~~that system in realizing its~~ those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

(1) Study the budget, programs, and policies of the ~~Department of Correction,~~ Departments of Correction and Crime Control and Public Safety, to determine ways in which the General Assembly may improve the effectiveness of ~~that Department;~~ those Departments;

(2) Examine the effectiveness of the Department of Correction in implementing the public policy stated in G.S. 148-26 of providing work assignments and employment for inmates as a means of reducing the

cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their ~~release; and~~ release;

(2a) Examine the effectiveness of the Department of Crime Control and Public Safety in implementing the duties and responsibilities charged to the Department in G.S. 143B-474 and the overall effectiveness and efficiency of law enforcement in the State; and

(3) Study any other ~~corrections~~ matters that the Committee considers necessary.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

"**§ 120-70.95. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Corrections and Crime Control Oversight Committee. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is nine members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee."

(b) G.S. 147-16(b)(4) reads as rewritten:

"(4) The Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee."

(c) G.S. 148-37(c) reads as rewritten:

"(c) In addition to the authority contained in subsections (a) and (b) of this section, and in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction may enter into contracts with any public entity or any private nonprofit or for-profit firms for the confinement and care of State prisoners in any out-of-state correctional facility when to do so would most economically and effectively promote the purposes served by the Department of Correction. Contracts entered into under the authority of this subsection shall be for a period not to exceed two years and shall be renewable from time to time for a period not to exceed two years. Prisoners may

sent to out-of-state correctional facilities only when there are no available facilities in this State within the State prison system to appropriately house those prisoners. Any contract made under the authority of this subsection shall be approved by the Department of Administration before the contract is executed. Before expending more than the amount specifically appropriated by the General Assembly for the out-of-state housing of inmates, the Department shall obtain the approval of the Joint Legislative Commission on Governmental Operations and shall report such expenditures to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee."

(d) G.S. 148-37(g) reads as rewritten:

"(g) The Secretary of Correction may contract with private for-profit or nonprofit firms for the provision and operation of four or more confinement facilities totaling up to 2,000 beds in the State to house State prisoners when to do so would most economically and effectively promote the purposes served by the Department of Correction. This 2,000-bed limitation shall not apply to the 500 beds in private substance abuse treatment centers authorized by the General Assembly prior to July 1, 1995. Whenever the Department of Correction determines that new prison facilities are required in addition to existing and planned facilities, the Department may contract for any remaining beds authorized by this section before constructing State-operated facilities.

Contracts entered under the authority of this subsection shall be for a period not to exceed 10 years, shall be renewable from time to time for a period not to exceed 10 years. The Secretary of Correction shall enter contracts under this subsection only if funds are appropriated for this purpose by the General Assembly. Contracts entered under the authority of this subsection may be subject to any requirements for the location of the confinement facilities set forth by the General Assembly in appropriating those funds.

Once the Department has made a determination to contract for additional private prison beds, it shall issue a request for proposals within 30 days of the decision. The request for proposals shall require bids to be submitted within two months, and the Department shall award contracts at the earliest practicable date after the submission of bids. The Secretary of Correction, in consultation with the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the State Purchasing Officer on the final award decision. The State Purchasing Officer shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection provide the State with an option to purchase the confinement facility or may provide for the purchase of the confinement facility by the State. Contracts made under the authority of this subsection shall state that plans and specifications for private confinement facilities shall be furnished to and reviewed by the Office of State Construction. The Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for habitation and to determine whether the project would be suitable for future acquisition by the State. All contracts for the housing of State prisoners in private confinement facilities shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private confinement facility.

Prisoners housed in private confinement facilities pursuant to this subsection shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The Secretary of Correction may review and approve the design and construction of private confinement facilities before housing State prisoners in these facilities. The rules regarding good time, gain time, and earned credits, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in private confinement facilities pursuant to this subsection. The operators of private confinement facilities may adopt any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by a private confinement facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction to defend themselves, to enforce the observance of discipline in compliance with confinement facility rules, to secure the person of a prisoner, and to prevent escape. Private firms under this subsection shall employ inmate disciplinary and grievance policies of the North Carolina Department of Correction."

(e) G.S. 148-37(i) reads as rewritten:

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

(f) All reports directed by this act to be made to the Joint Legislative Corrections Oversight Committee shall be made to the Joint Legislative Corrections and Crime Control Oversight

Committee. The Revisor of Statutes shall substitute any remaining references in the General Statutes to the Joint Legislative Corrections Oversight Committee with the Joint Legislative Corrections and Crime Control Oversight Committee.

(g) This section is effective when this act becomes law.

VISITOR REGISTRATION SHEET

APP/Sub Justice & Public Safety — June 4, **1998**

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kenneth A. Hunt	State Construction Office
Denise A. Seaborne	DOJ
Luke Barber	CJPC
Kelly Tingle	Rep. Crawford's intern
Bill Scoggin	NC Bar Assoc.
Ron Hawley	DOJ/SBI
Jane B. Gray	DOJ
[illegible]	NCAOC/C
Buddy Hemphill	OSBM
Darrell Carmel	SBI
Peg Dorer	Conference of D.As
Jim Comas	SBI
Jennifer Knox	NCBA
Lad Rubert	CJPC
Charlie Crane	OSP

ATT. 3
6-4-98

Telecommunicator Statistics for March 1, 1998 - May 8, 1998

Total Appointments Received	1639
Total Grandfathered Telecommunicators	1341
Total Probationary Telecommunicators	13
Total Pending Telecommunicators	285
Criminal History Cases Reviewed	2
Criminal History Cases Opened	2
Report of Separations Received	9

Sheriffs' Office Statistics

Total Agencies Reporting	58
Grandfathered Telecommunicators	824
Probationary Telecommunicators	13
Pending Telecommunicators	87

Police Department Statistics

Total Agencies Reporting	21
Grandfathered Telecommunicators	124
Probationary Telecommunicators	0
Pending Telecommunicators	29

Other Agency Statistics

Total Agencies Reporting	41
Grandfathered Telecommunicators	393
Probationary Telecommunicators	0
Pending Telecommunicators	169

Training Information

Number of Courses Delivered	4
Sheriffs' Office Sponsored Students	10
Police Department Sponsored Students	7
Other Agency Sponsored Students	11
Number of Courses Scheduled to begin after May 8, 1998	4

Elisa W. Att. 4
6-4-98

North Carolina Criminal Justice Information Network

Appointed By:	Current Membership	Original Membership Proposed During the CJIN Study	Recommended Membership with Additions by CJIN Governing Board (4/98)
[redacted]or	Director or employee of State Correction Agency	Director or employee of State Correction Agency	Director or employee of State Correction Agency
Governor	Employee of NC Department of Crime Control & Public Safety	Employee of NC Department of Crime Control & Public Safety	Employee of NC Department of Crime Control & Public Safety
Governor	Representative recommended by the Association of Chiefs of Police		Representative recommended by the Association of Chiefs of Police
General Assembly	Representative of general public, recommended by the President Pro Tempore of the Senate	Representative of general public, recommended by the President Pro Tempore of the Senate	Representative of general public, recommended by the President Pro Tempore of the Senate
General Assembly	Representative of general public, recommended by the President Pro Tempore of the Senate		Representative of general public, recommended by the President Pro Tempore of the Senate
General Assembly	Individual who is member of or working directly for the governing board of a NC municipality and recommended by President Pro Tempore of the Senate	Individual who is member of or working directly for the governing board of a NC municipality and recommended by President Pro Tempore of the Senate	Individual who is member of or working directly for the governing board of a NC municipality and recommended by President Pro Tempore of the Senate
General Assembly	Representative of the general public, recommended by the Speaker of the House of Representatives	Representative of the general public, recommended by the Speaker of the House of Representatives	Representative of the general public, recommended by the Speaker of the House of Representatives
General Assembly	Representative of the general public, recommended by the Speaker of the House of Representatives		Representative of the general public, recommended by the Speaker of the House of Representatives
General Assembly [redacted]	Individual who is a working member of or working directly for the governing board of a NC county, recommended by the Speaker of the House of Representatives	Individual who is a working member of or working directly for the governing board of a NC county, recommended by the Speaker of the House of Representatives	Individual who is a working member of or working directly for the governing board of a NC county, recommended by the Speaker of the House of Representatives
Attorney General	Employee of the Attorney General	Employee of the Attorney General	Employee of the Attorney General
Attorney General	Representative recommended by the NC Sheriffs' Association	Representative recommended by the NC Sheriffs' Association	Representative recommended by the NC Sheriffs' Association
Chief Justice, NC Supreme Court	Director or employee of the Administrative Office of the Courts	Director or employee of the Administrative Office of the Courts	Director or employee of the Administrative Office of the Courts
Chief Justice, NC Supreme Court	Either a Clerk of the Superior Court or a District Attorney		
Chief Justice, NC Supreme Court		Clerk of the Superior Court	Clerk of the Superior Court
Chief Justice, NC Supreme Court		Judge, trial court of the General Court of Justice	Judge, trial court of the General Court of Justice
Chief Justice, NC Supreme Court		Judge, trial court of the General Court of Justice	Judge, trial court of the General Court of Justice
Chief Justice, NC Supreme Court		District Attorney	District Attorney
Chief Justice, NC Supreme Court			Appellate Division Judge
Chief Justice, NC Supreme Court			Magistrate
Chair, Information Resource Management Commission	Chair or member of the IRMC	Chair or member of the IRMC	Chair or member of the IRMC
[redacted]nt, NC Chapter of Public [redacted]unications Officials [redacted]national	Active member of the NC Chapter of Public Communications Officials International		Active member of the NC Chapter of Public Communications Officials International

APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

June 9, 1998
Room 612

HOUSE MEMBERS PRESENT: [7] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Sexton, Smith.

Representative Thompson called the meeting to order at 8:45 AM. The pages for the day were Janet Bailey, Mecklenburg; sponsored by Rep. Jim Black: Kate Banner, Guilford, sponsored by Joanne Bowie.

Representative Thompson introduced Secretary Mack Jarvis, Department of Correction. To present the **Department of Correction Reduction in Force Actions/Reorganization.**

Secretary Jarvis brought the committee up to date on the N&O article (**ATTACHMENT A**) regarding the RIF employees. He stated there were a lot of things not exactly as they were printed. He gave and overview of the Reduction in Force Actions/Reorganization. He explained the severance packages and the implications that were taken regarding the actions taken.

In the Span of Control there were 16 levels cut to 11 levels: 5 levels cut in the Division of Prisons and in Probation and Parole cut out 3 levels going from 9 levels down to 6. He explained the process taken as well as steps taken in the case of Harry Allsbrook and Mike Bumgarner. They are attempting to set up as retired employee utilization program inorder to have a list of employees to be able to call in to work when the need arises.

Representative Kiser asked how was the amount of the RIF program determined? Jeff Becker, Personnel Director, Department of Correction, explained the formula used. Representative Kiser asked if it was the final salary used in the formula? Yes. Representative Kiser - Where did the monies to pay these RIF payments come from? Mr. Becker responded from the lapse salaries.

Representative Kiser asked for the number of people with 25 years of service or more that were in the RIF without a RIF payment be given to the Committee.

Representative Thompson asked Jeff Becker to give his report.

Handout # 1 (Attached) - **DEPARTMENT OF CORRECTION SPAN OF CONTROL**

Mr Becker gave an overview of the material. Discussion followed.

Representative Kiser asked the committee be given the total RIF positions for 1995-96 and 1996-97 (2 years).

Mr. Becker felt that when the report was completed the committee would be pleased with what had been accomplished.

Representative Justus asked if the Span of Control was statutory or executive order.

Mr. Becker stated it was statutory - under the GPAC it was ordered the number of layers be reduced.

Representative Thompson asked that when the budget was put together in 1997 did the Senate not push to get that done in shorter span than originally planned? Also there were lower level positions included in the Span of Control which would not have been included.

Robert Powell from the State Budget Office thought this was true to the best of his knowledge.

Handout # 2 (Attached) **REDUCTION-IN-FORCE POLICY**

Mr. Becker gave an overview of this material. The last page showed an example of retirement rollover option.

Discussion followed.

Representative Justus said he was not sold on all the things GPAC did. He felt there was very little time spent on this study. He also asked if anyone present knew how much time was spent at the Department of Correction. No one present knew.

Handout # 3 (Attached) **DEPARTMENT OF CORRECTION SPAN OF CONTROL**

Mr. Becker gave an overview of this and a brief discussion of where the Department is and where they hoped be by December 31, 1998.

Handout # 4 (Attached) **A CHART ON SAVINGS**

Discussion followed

Representative Thompson asked that this item be flagged to see how they came up with $5.3 million the Department is credited for and look at the 170 positions. He asked that the committee be given another list of the 170 positions that were RIF that are credited for the $5.3 million.

Representative Smith stated it appears the Department has done what they were directed to do and feels they have done a good job.

The meeting adjourned at 10:00 AM.

Representative Gregg Thompson
Chairman

Edna L. Sykes
Committee Clerk

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday June 9, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus Representative Joe Kiser
Representative Gregg Thompson, Presiding

II. PRESENTATIONS

- Department of Correction Reduction in Force Actions/Reorganization

  Mack Jarvis, Secretary
  Department of Correction

  Jeff Becker, Personnel Director
  Department of Correction

- State Reduction in Force and Severance Pay Policies

  Carl Goodwin, Director of Employee Risk Control/Legislative Liaison
  Office of State Personnel

  Robert Powell, Deputy Director
  Office of State Budget and Management

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — June 9, 1998

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	NCAA
Kenneth A. Hunt	State Constitutional Officer
Theresa Matula	NCGA
Jennifer Knox	NCBA
Mollie Schmidt	OSP
Dusty Wall	OSP
Carl Goodwin	OSP
[signature] Bocker	DOC
[signature] Hamilton	DOC
John Barbare	CJPC
Robert Purcell	OSBM
[signature] Annerley	OSBM
[signature] Stewart	CCPS

ATTACHMENT A

Department of Correction bent rules to reward a select few

A severance plan meant to reduce bureaucracy has been used to sweeten benefits for managers intending to retire.

BY JOSEPH NEFF
STAFF WRITER

The state Department of Correction has quietly rewarded several veteran prison officials by eliminating their jobs and capping off their careers with what amounts to bonuses of up to $50,000.

The payments — totaling about $500,000 to 12 managers thus far — was accomplished through a personnel procedure called Reduction in Force, or RIF. Agencies must offer an employee whose job has been eliminated a comparable job, or give him a severance package of up to eight months pay, depending on his length of service.

Prison officials say the RIF payments were an attempt to streamline management and save money, but the department's management team is not getting smaller, it's getting bigger. Over the past two years, while the department was handing out RIF payments, it added 160 managerial jobs to the payroll.

Several retired prison officials told The News & Observer that the Department of Correction manipulated personnel rules and that, in some cases, its RIF payments were little more than retirement gifts.

"I've never said anything negative about anything at the department," said Frank Gunter, a former assistant director of prison operations who received a RIF package last April. "I suspect strongly that some of the people RIFed might have been friends of somebody, so they could get severance pay in addition to retirement."

The N&O found that:

- Several payments were made to prison superintendents whose positions were not eliminated.
- Several veterans were promotedjust before their jobs were eliminated.
- Some were moved into jobs slated for dimination, triggering a RIF.
- Prison officials did not advertise that severance packages were available, lut selectively approached employees to offer the payments.
- The department has requested permission to use RIF payments to eliminate the jobs of 23 other employees of retirement age in July.

Correction Secretary Max Jarvis defends the RIFs. He said his department had more layers of bureaucracy than any other in state government. Reorganizing the department saved money because highly paid veteran employees were

SEE RIF, PAGE 16A

RIF

CONTINUED FROM PAGE 1A

taken off the state payroll, he said.

"This is not a good old boy thing," Jarvis said. "I've not approached it that way. It's been approached to make the department work.

"A lot of them were in their 50s, and they didn't want to retire. A severance package makes it more attractive."

One of the first officials to get a RIF payment was R.O. Barbour, a 38-year veteran and a close friend of Jarvis. Barbour and Jarvis, who was the deputy secretary when Barbour got the payment, golf together frequently and own adjacent mobile homes at the beach.

In November 1995, Barbour was transferred from his job as an assistant secretary in Raleigh to the South Central Administrative office in Hoke County, a move that gave him a promotion and a 10 percent raise. Barbour's mission was to clean up a sexual harassment mess and close down the South Central Area office.

Eight months later, the department eliminated Barbour's job and sent him into retirement with $43,461 in severance pay. The department immediately put Barbour on contract, inspecting private drug rehabilitation facilities one day a week at $22 an hour.

Barbour said he had made it clear to top correctional officials that he was thinking about retirement several months before he was moved to Hoke County.

"They didn't offer me another job or anything like that — they knew I was ready to retire," he said. "I had been telling them for a while that I was about ready to hang it up."

Correction personnel director Jeff Becker said the department did not offer Barbour another job, saying they couldn't find anything of comparable pay within 35 miles of the shuttered office in Hoke County.

However, Barbour never lived in Hoke County — he commuted in a state car every day from Raleigh, where he has lived since 1984.

Franklin Freeman, who was Secretary of Correction at the time and who is now Gov. Jim Hunt's chief of staff, said he can't remember any effort to avoid a RIF payment by offering Barbour another job.

"I don't think there was much consideration about it," Freeman

Retiring with something extra

Here's a look at the Department of Correction managers given severance pay at retirement.



Gary T. Dixon
Title: Institutional Command Manager
Service: 33 years, 1 month
RIF pay: $51,210.66
RIF date: June 30, 1997
RIF age: 54



Woodley G. Lee
Title: Deputy Director, Division of Adult Probation and Parole
Service: 33 years, 7 months
RIF pay: $51,210.66
RIF date: June 30, 1997
RIF age: 59



Frank O. Gunter
Title: Assistant Director for Operations, Division of Prisons
Service: 22 years, 10 months
RIF pay: $50,922.66
RIF date: March 31, 1997
RIF age: 59



Talmadge L. Barnett
Title: Assistant Director for Human Services, Division of Prisons
Service: 28 years, 10 months
RIF pay: $48,986.00
RIF date: June 30, 1997
RIF age: 61



Harry L. Allsbrook Jr.
Title: Superintendent, Nash Correctional Institution
Service: 30 years, 3 months
RIF pay: $45,438.66
RIF date: Oct. 31, 1997
RIF age: 54



Lloyd W. Parker
Title: Eastern Area Administrator
Service: 39 years, 7 months
RIF pay: $45,438.66
RIF date: Dec. 31, 1997
RIF age: 60



R. O. Barbour
Title: South Central Area Administrator
Service: 38 years, 2 months
RIF pay: $43,461.34
RIF date: June 30, 1996
RIF age: 61



Fletcher K. Sanders
Title: Special Assistant to the Secretary
Service: 33 years, 2 months
RIF pay: $42,609.34
RIF date: June 30, 1995
RIF age: 54



William K. Jones
Title: Superintendent, Wake Correctional Center
Service: 32 years, 10 months
RIF pay: $38,753.34
RIF date: June 30, 1997
RIF age: 56



Grant M. Spicer
Title: Western Area Administrator
Service: 30 years, 8 months
RIF pay: $36,834.00
RIF date: April 30, 1997
RIF age: 57



Albert K. Pruitt
Title: Superintendent, Warren Correctional Center
Service: 35 years, 10 months
RIF pay: $35,320.66
RIF date: June 30, 1997
RIF age: 58

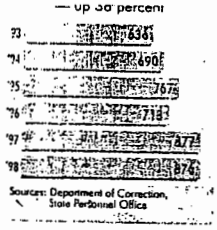


Kenneth L. Setzer
Title: Superintendent, McDowell Correctional Center
Service: 38 years, 6 months
RIF pay: $34,459.34
RIF date: Sept. 30, 1995
RIF age: 60

Number of DOC managers

The number of Correction Department managers rose during a period when the department said it was streamlining management.

Midlevel and upper level managers — up 30 percent



Sources: Department of Correction, State Personnel Office

Albert Pruitt, a 35-year veteran, was moved into a job slated for elimination.

Pruitt, the superintendent of the 80-bed Blanch Youth Institution for eight years, was transferred to the 46-bed Warren Correctional Center in November 1996. Three years earlier, the General Assembly had voted to close Warren. Eight months after moving Pruitt to Warren Correctional Center, the department closed the center, and paid Pruitt $35,320 for the job that was eliminated.

Others were promoted into jobs that made them eligible for a RIF payment.

In April 1997, the department moved Woodley Lee up two pay grades to deputy director of adult probation and parole and gave him a 10 percent raise, even though the department was planning to eliminate all deputy director positions. Three months later, the department cut the job and paid him $51,210. The promotion increased his severance pay by $4,289.

Personnel Director Becker said Lee's 11th-hour promotion was meant to "cap off his career."

"I never felt like they were trying to force me out or anything like that," said Lee, who has suffered a stroke and a heart attack since retiring. "It was a situation where they came to me with an incentive package to leave, and I took it because my health was so bad.

"It was a pretty good package, but you have to remember I had been there for a long, long time. I was making more than $70,000 when I left. I think they probably saved some money by getting me to retire."

Secretary Jarvis said in an interview that he preferred using RIFs for employees with 30 years of experience because they had reached full retirement benefits.

"I make no apologies for looking after long-term employees," said Jarvis, a 35-year correction veteran.

Other big state agencies have used the RIF process for few employees of retirement age over the past few years. Of the 178 RIFs by Transportation, Environment and Natural Resources, and Health and Human Services, only 11 involved mid- or upper-level managers of retirement age.

saved $5.4 million in complying with a 1995 law ordering state government to eliminate excessive layers of management and unnecessary supervisory positions.

But at least $4 million of the "savings" had nothing to do with streamlining management: the closing of small prison units as recommended by a 1993 audit or the elimination of reserve positions that had never been filled.

The clearest example of the department streamlining management is the merger of two parallel chains of command, one for large prisons and another for small prisons that historically provided labor for highway road squads.

But this accounts for only three of 12 RIFs.

For a select few

Last year the General Assembly debated, but did not enact, a bill that would have opened a window for senior state employees to take buyouts and retire early. The bill passed the House but not the Senate. The proposal would have allowed retirement-eligible employees to leave work and receive 85 percent of their annual salary until they turned 62. The process would have been open and available to all employees who qualified for retirement.

In contrast, the Department of Correction's retirement program has been quiet and available only to those approached by management.

Department spokeswoman Patty McQuillan attended many of the retirement parties and wrote articles about the departing managers for Correction News, the department's in-house newspaper. She said she had no idea that long-term employees were retiring with generous severance packages until contacted by a reporter.

"It was not widespread knowledge," McQuillan said.

Former Secretary Freeman, now Hunt's chief of staff, acknowledged the process left something to be desired.

"I think always, the more notice you can give, the fairer the process will be," Freeman said.

Staff Writer Bob Williams contributed to this report

Joseph Neff can be reached

Leader of the pack

Ironically, the RIF payments to managers began in 1995 with an official who was not a Hunt administration insider: Fletcher Sanders, a holdover from the Martin administration, was a special assistant to Freeman. Sanders had a reputation as a conservative, hard-nosed prison veteran who didn't mind ruffling feathers.

To cumply with Hunt's call for a 2 percent budget reduction, Freeman cut two senior assistants from his staff — Sanders and Bob Brinson, who landed a job as director of information resources.

Sanders researched the law and realized he would be due eight months' severance pay if the department cut his position and didn't offer him another job at the same pay within a 35-mile radius.

The secretary made a vague pledge to find him a job, Sanders said.

Knowing he was unpopular with his peers, Sanders chose retirement with severance pay. The strategy worked for Sanders because the department did not go beyond Freeman's vague promise and offer Sanders a specific job, which would have voided his RIF payment.

"They didn't try to force one on me," Sanders said.

Freeman said he did not recall the details of his conversations with Sanders.

The deal the department gave Sanders was the birth of what some correction officials refer to as the "Fletcher plan," shorthand for being RIFed into retirement.

Retired and rehired

One of Jarvis' good friends is Lloyd Parker, a 39-year veteran. His job as director of Eastern Area Administration was eliminated Dec. 31, the same day he retired. His RIF payment was $45,438. Twelve days later, Parker went to work for the Department of Correction as a consultant to close Nash Correctional Institution.

Parker's job was to shut down the Eastern Area Office.

Personnel Director Becker's assistant, Mary Jones, a 32-year veteran, was paid $25,360 when her job was eliminated on June 30, 1997. The next day, she began working on contract, performing the same duties three days a week for $15 an hour.

Other employees received RIF payments even though their positions still exist.

In the case of Harry Allsbrook, a 30-year veteran, the department performed a bureaucratic sleight of hand.

Allsbrook was superintendent of Nash Correctional Institution when he went to his bosses and asked about retiring with a RIF severance package he knew other managers had received.

To make that RIF work, the department got the State Budget Office to OK a trade. The Correction Department kept Allsbrook's position, but eliminated the job of youth institution manager held by Mike Bumgardner. Bumgardner took over Allsbrook's job running the Nash prison — and Allsbrook retired with a $45,438 RIF payment.

"I wanted to make sure it would help me and help the department," Allsbrook said of his retirement request. "It worked out pretty well for me."

W.K. Jones, a 32-year veteran and the former superintendent of Wake Correctional Center, was made eligible for a RIF payment in a similar

DEPARTMENT OF CORRECTION SPAN OF CONTR

DAPP / 12 Layers

SECRETARY

⇓

DEPUTY SECRETARY

⇓

DAPP DIRECTOR

⇓

DAPP DEPUTY DIRECTOR

⇓

DAPP ASSIST. DIRECTOR

⇓

JUDICIAL DIV. CHIEF

⇓

ASST. JUD. DIV. CHIEF

⇓

JUD. DIV. MGR. III, II, I

⇓

ASST. JUD. DIV. MGR.

⇓

P/P UNIT SUPV. I, III

⇓

(INTEN.) PROB./PAR. OFF.

⇓

P/P SUPV. OFFICER

⇓

DOP / 16 Layers

SECRETARY

⇓

DEPUTY SECRETARY

⇓

DOP DIRECTOR

⇓

DOP DEPUTY DIRECTOR

⇓

DOP ASST. DIRECTOR

⇓

COMMAND MGR.

⇓

AREA ADMIN.

⇓

DEPUTY AREA ADMIN.

⇓

COR. SUPT. III, II, I

⇓

ASST. SUPT. I, II

⇓

CORR. CAPTAIN

⇓

CORR. LT

⇓

CORR. SGT.

⇓

LEAD C.O.

⇓

CORR. OFFICER

3

N.C. State Budget, 1997-99: Summary of Recommendations
Further Adjustments - Continued

Agency Salary Line Reductions

1. **Salary Reductions/Span of Control Study**

The 1995 General Assembly under House Bill 229, Section 10.1 directed the Office of State Budget and Management to conduct an audit of the span of control in state government and submit that study to the 1996 General Assembly. The legislation stemmed from the report of the Government Performance Audit Committee (GPAC) which identified four specific areas of concern in state government including:

- Excessively narrow spans of control
- Excessive layers of management
- One-on-one reporting relationships
- Numerous units with small numbers of staff

With this as the framework and using data available as of August 31, 1995, the Office of State Budget and Management conducted the study and submitted its report to the General Assembly in May of 1996. The report points out that there are departments with considerable numbers of supervisors who have low spans of control and some department with many organizational levels. Using this report as the basis, cabinet agencies have been directed to implement internal studies to focus on issues identified in this report and have been given targets for salary reductions to their operating budgets effective July 1, 1997. The goal is to implement the findings of the report to the extent possible over an extended period of time with the first phase of the implementation impacting agencies as follows:

	1997-98	1998-99
Administration	$ 572,185	85,141
Crime Control & Public Safety	407,292	43,254
Commerce	672,485	99,038
Cultural Resources	610,262	346,047
Human Resources	2,952,032	6,570,092
Correction	8,528,430	5,359,641
Revenue	592,976	49,830
Environment, Health & Natural Resources	2,335,425	662,588 + 934,338 (Health)

ACTUAL SPAN OF RECORDS

The specific details on how each of the above agencies will make these reductions to their respective budgets will be provided to the General Assembly by May 15, 1997.

	#14,738,257 $ (16,671,086)	$ (16,671,086)
Total Further Adjustments	$ 131,419,350	$ 145,627,345
	$ 247,612,358	$ 256,273,050

Post-it® Fax Note 7671	Date 5/26/98	# of pages ▶ 1 OF 1	
To JOE HAMILTON	From ANNE BANDER		
Co./Dept. DOC	Co. OSBM		
Phone #	Phone # 3-7061		
Fax # 715 6879	Fax # 3-0640		

OFFICE OF STATE BUDGET'S DEPARTMENT OF CORRECTION CREDITED SPAN OF CONTROL CUTS

Objective 2. Document Cost Savings from Eliminating Positions

The General Assembly directed the study to document cost savings available from eliminating positions. These cost savings were to be based on a reduced number of organizational layers and positions or a reduced number of supervisors due to increasing employee to supervisor ratios. Agencies were asked to provide a listing of all positions, with position numbers, that were eliminated due to span of control or layer improvements, and to identify the actual cost savings. Table 4 below summarizes what each agency reported. The detail is shown in Appendix F of this report. The total reported and documented savings statewide was approximately $14.7 million out of $18.8 million in budgeted salaries. (Note: Some agencies reported span and/or level improvements where positions were converted from supervisory to non-supervisory, for example, or other similar changes. While this was a positive step of redirecting administrative resources to program functions, presumably, it did not necessarily result in a direct cost savings through the elimination of positions—thus the difference between budgeted and actual saved.)

TABLE 4—DOCUMENTED COST SAVINGS

Agency Name	Positions Affected by Span or Level Change	Total Budgeted for Positions Affected	Actual Positions whose change had some Fiscal Impact	Actual Positions Eliminated which had Fiscal Impact	Total Actual Cost Savings Reported by Agencies
Administration	5	$202,543	5	1	$85,141
Commerce	4	$170,261	1	1	$99,038
Correction -see note-App.F	170	$5,389,641	170	170	$5,389,641
Crime Control	4	$115,602	3	1	$43,254
Cultural Resources	10	$277,421	10	10	$346,047
DENR	127	$4,306,875	15	15	$662,588
ESC	10	$293,196	10	10	$293,196
DHHS - Health Only	16	$934,338	16	16	$934,338
DHHS - w/o Health	151	$6,570,092	151	151	$6,570,092
Insurance	2	$102,876	2	1	$72,912
Labor	1	$0	0	0	$0
Public Instruction	1	$65,100	1	0	$5,100
Revenue	3	$150,945	3	0	$49,830
SIPS/Commerce	1	$28,289	0	0	$0
State Controller	1	$73,971	1	1	$73,971
Transportation	4	$136,297	4	3	$113,105
TOTAL	510	$18,817,447	392	380	$14,738,254

Agency	Position Number	Position Title	Budgeted Salary	Savings
Correction				
	4540-4030-3047-330	Corr. Food Service Supvr I Moore Corr. Ctr.)	$21,057	$21,057
	4540-4030-3547-530	Corr. Food Service Supvr I (Richmond Corr. Ctr.)	$21,057	$21,057
	4540-4030-3547-422	Correctional Sergeant (downsizing)	$21,906	$21,906
	4540-4030-3547-575	Corr. Program Supvr.(Richmond Corr. Ctr.)	$22,794	$22,794
	4540-4030-3047-375	Corr. Program Supvr.(Moore Corr. Ctr.)	$22,794	$22,794
	4540-4030-0046-035	Sergeant (S.Central Area Ofc.)	$22,903	$22,903
	4540-4020-2043-621	Corr. Sergeant (Warren Ctr. closure)	$23,343	$23,343
	4540-4020-6045-022	Corr Sergeant (Vance Corr. Ctr.closure)	$23,343	$23,343
	4540-4020-6045-023	Corr Sergeant (Vance Corr. Ctr.closure)	$23,343	$23,343
	4540-4040-5050-819	Corr. Sergeant (Rockingham Corr. Ctr. closure)	$23,363	$23,363
	4540-4020-4544-530	Corr. Food Service Supvr. I (Person Corr. Ctr. closure)	$23,465	$23,465
	4540-4060-1055-262	Lead Corr. Ofcr. (Alexander Ctr. convert to minimum sec.)	$23,757	$23,757
	4530-1090-0003-346	Correction Programs Supv	$23,831	$23,831
	4540-4030-0046-098	Behavioral Specialist II (S.Central Area Ofc.)	$23,831	$23,831
	4540-4020-6045-130	Corr Food Service Supvr. (Vance Corr. Ctr.closure)	$23,866	$23,866
	4540-4020-4544-423	Corr. Sergeant (Person Corr. Ctr. closure)	$24,043	$24,043
	4540-4020-7045-417	Corr. Sergeant (Warren Ctr. closure)	$24,215	$24,215
	4540-4040-2549-846	Lead Correctional Officer (Davie Corr. Ctr. closure)	$24,237	$24,237
	4540-3030-3034-720	Corr. Sergeant (Halifax Corr. Ctr. closure)	$24,260	$24,260
	4540-4040-5050-975	Corr Programs Supvr. (Rockingham Corr. Ctr. closure)	$24,296	$24,296
	4540-4020-7045-420	Corr. Sergeant (Warren Ctr. closure)	$24,394	$24,394
	4540-4010-6541-931	Corr. Food Supvr I (Washington Corr Ctr. closure)	$24,407	$24,407
	4540-4010-6541-824	Correctional Sergeant (Washington Corr Ctr. closure)	$24,414	$24,414
	4540-4010-6541-825	Correctional Sergeant (Washington Corr Ctr. closure)	$24,414	$24,414
	4540-4040-5050-820	Corr. Sergeant (Rockingham Corr. Ctr. closure)	$24,414	$24,414
	4540-4020-2043-623	Corr. Sergeant (Warren Ctr. closure)	$24,414	$24,414
	4540-4020-4544-420	Corr. Sergeant (Person Corr. Ctr. closure)	$24,414	$24,414
	4540-4020-2043-730	Corr Food Service Supvr. (Warren Ctr. closure)	$24,414	$24,414
	4540-4010-6541-821	Correctional Sergeant (Washington Corr Ctr. closure)	$24,414	$24,414
	4540-4010-6541-841	Lead Corr. Officer (Washington Corr Ctr. closure)	$24,656	$24,656
	4540-3030-3034-723	Corr. Sergeant (Halifax Corr. Ctr. closure)	$24,679	$24,679
	4540-4020-4544-418	Corr. Sergeant (Person Corr. Ctr. closure)	$24,689	$24,689
	4540-4040-5050-822	Corr. Sergeant (Rockingham Corr. Ctr. closure)	$24,769	$24,769
	4540-4030-0046-032	Lieutenant (S.Central Area Ofc.)	$24,838	$24,838

Agency	Position Number	Position Title	Budgeted Salary	Savings
	4540-3070-0037-820	Corr Diagnostic Ctr. Dir.	$28,172	$28,172
	4540-4030-0046-088	Lead Nurse (S.Central Area Ofc.)	$28,172	$28,172
	4540-4040-6051-257	Lead Corr Ofcr. (Yadkin Center converted to minimum sec.)	$28,206	$28,206
	4540-4020-2043-622	Corr. Sergeant (Warren Ctr. closure)	$28,474	$28,474
	4540-4010-6541-843	Lead Corr. Officer (Washington Corr Ctr. closure)	$28,640	$28,640
	4540-4020-4544-572	Corr. Program Supvr. (Person Corr. Ctr. closure)	$28,728	$28,728
	4540-4040-5050-930	Corr. Food Service Supvr. I (Rockingham Corr. Ctr. closure)	$29,085	$29,085
	4540-4040-5050-844	Lead Corr. Officer (Rockingham Corr. Ctr. closure)	$29,139	$29,139
	4540-4030-2046-992	Corr Diagnostic Director	$29,287	$29,287
	4540-3030-3034-865	Corr. Program Supvr. (Halifax Corr. Ctr. closure)	$29,353	$29,353
	4540-4030-3547-402	Corr Supt I (Richmond Corr. Ctr.)	$29,376	$29,376
	4540-3030-3034-724	Corr. Sergeant (Halifax Corr. Ctr. closure)	$29,638	$29,638
	4540-4040-2549-823	Correctional Sergeant (Davie Corr. Ctr. closure)	$29,797	$29,797
	4540-4020-6045-020	Corr Sergeant (Vance Corr. Ctr.closure)	$29,866	$29,866
	4540-4020-7045-423	Corr. Sergeant (Warren Ctr. closure)	$30,480	$30,480
	4540-4060-0055-032	Corr. Lieutenant (Western Area Ofc.)	$30,877	$30,877
	4540-0000-0010-138	Accountant	$31,327	$31,327
	4540-4060-5056-602	Corr. Supt. I (McDOwell converted to minimumsec.)	$31,947	$31,947
	4540-4030-3047-202	Corr Supt II (Moore Corr. Ctr.)	$31,947	$31,947
	4540-4030-0046-085	Nurse supervisor II (S.Central Area Ofc.)	$32,016	$32,016
	4540-4010-6541-835	Lead Corr. Officer (Washington Corr Ctr. closure)	$32,056	$32,056
	4540-4020-2043-624	Corr. Sergeant (Warren Ctr. closure)	$32,056	$32,056
	4540-4060-0055-088	Lead Nurse (Western Area Ofc.)	$32,056	$32,056
	4540-4020-4544-422	Corr. Sergeant (Person Corr. Ctr. closure)	$32,450	$32,450
	4540-4010-6541-810	Asst. Corr. Supt Custody (Washington Corr Ctr. closure)	$32,952	$32,952
	4540-4040-2549-930	Corr. Food Service Supvr. I (Davie Corr. Ctr. closure)	$33,036	$33,036
	4540-2020-0022-504	Asst Education Dir	$33,440	$33,440
	4530-1055-0003-286	Substance Abuse Counselor I	$33,686	$33,686
	4530-1055-0003-287	Substance Abuse Counselor I	$33,686	$33,686
	4530-1055-0003-290	Substance Abuse Counselor I	$33,686	$33,686
	4540-4020-6045-010	Asst Corr Supt (Vance Corr. Ctr.closure)	$34,021	$34,021
	4540-4040-5050-810	Asst Corr Supt Custody (Rockingham Corr. Ctr. closure)	$34,152	$34,152
	4540-2030-0023-502	Education Program Dir II	$34,447	$34,447
	4540-3070-0037-702	Education Program Dir II	$34,447	$34,447
	4540-3085-0038-925	Education Program Director II	$34,637	$34,637
	4540-4040-2549-820	Correctional Sergeant (Davie Corr. Ctr. closure)	$35,053	$35,053

Agency	Position Number	Position Title	Budgeted Salary	Savings
	4540-4020-4544-440	Corr. Sergeant (Person Corr. Ctr. closure)	$35,195	$35,195
	4540-3030-3034-710	Asst. Corr. Supt. (Halifax Corr. Ctr. closure)	$35,681	$35,681
	4540-3030-1033-605	Education Program Dir II	$35,831	$35,831
	4540-4060-0055-051	Facility Maint Supv. IV (Western Area Ofc.)	$35,873	$35,873
	4540-4030-0046-026	Corr. District Manager (S.Central Area Ofc.)	$36,573	$36,573
	4540-4060-0055-108	Corr. Programs Dir II (Western Area Ofc.)	$37,200	$37,200
	4515-0010-0001-836	Personnel Technician II	$38,040	$38,040
	4540-3030-3034-702	Corr. Supt. II (Halifax Corr. Ctr. closure)	$39,733	$39,733
	4540-4040-2549-810	Asst. Corr. Supt. (Davie Corr. Ctr. closure)	$39,774	$39,774
	4540-3030-2034-405	Education Program Dir II	$39,792	$39,792
	4540-4040-5050-802	Corr. Supt. II (Rockingham Corr. Ctr. closure)	$39,795	$39,795
	4540-4020-7045-410	Asst Corr Supt Custody (Warren Ctr. closure)	$40,141	$40,141
	4540-4020-4544-410	Asst. Corr. Supt. (Person Corr. Ctr. closure)	$40,385	$40,385
	4540-4030-0046-002	Corr. Administrator I (S.Central Area Ofc.)	$41,896	$41,896
	4540-4040-2549-802	Corr. Supt. II (Davie Corr. Ctr. closure)	$42,728	$42,728
	4540-4020-2043-602	Corr Supt I (Warren Ctr. closure)	$43,443	$43,443
	4540-4020-2043-610	Asst Corr Supt (Warren Ctr. closure)	$44,165	$44,165
	4540-4020-4544-402	Corr. Supt. I (Person Corr. Ctr. closure)	$45,312	$45,312
	4540-4060-0055-026	Corr. District Manager (Western Area Ofc.)	$45,562	$45,562
	4540-4060-0055-010	Admin. Officer II (Western Area Ofc.)	$46,242	$46,242
	4540-1630-0016-306	Cor Asst Command Manager	$46,353	$46,353
	4560-2000-0060-203	Mgr. Special Program for Parole Comm	$46,434	$46,434
	4540-4020-6045-002	Corr Supt II (Vance Corr. Ctr.closure)	$46,942	$46,942
	4540-4060-0055-105	Corr. Programs Dir III (Western Area Ofc.)	$47,005	$47,005
	4540-4010-6541-802	Corr. Supt II (Washington Corr Ctr. closure)	$48,636	$48,636
	4540-1620-0016-206	Cor Asst Command Manager	$49,352	$49,352
	4540-4020-7045-402	Corr Supt II (Warren Ctr. closure)	$49,413	$49,413
	4540-3050-0035-547	Education Program Director I	$50,741	$50,741
		Reduction of Reserves 7127-2 Correctional Capts @27,017 ea.	$54,034	$54,034
	4540-0000-0010-098	Cor Asst Command Manager	$54,115	$54,115
	4540-4060-0055-002	Corr. Administrator I (Western Area Ofc.)	$55,251	$55,251
	4540-4020-6545-202	Corr Superintendent III	$58,130	$58,130
	4540-4020-3544-002	Cor Administrator I	$68,158	$68,158
	4550-1000-0060-102	Asst Dir of Operations (DAPP)	$70,020	$70,020
	4540-0000-0010-052	Asst Dir for Human Services	$73,329	$73,329
	4540-0000-0010-009	Asst Dir for Operations	$76,384	$76,384
	4540-1640-0016-405	Correctional Administrator II	$76,816	$76,816
		Reduction of Reserves 7127-3 Computer Systems Admin II @ 27,017 eac	$81,051	$81,051
		Reduction of Reserves 7127-2 Psych Prog Coor II @43872 ea.	$87,744	$87,744

Agency	Position Number	Position Title	Budgeted Salary	Savings
		Reduction of Reserves 7120—4 Correc. Sgts @ 22903 ea.	$88,372	$88,372
	4500-0000-0010-100	Special Assistant, Title VII	$92,017	$92,017
		Reduction of Reserves 7120 —4 Correc. Capts @ 27017 ea.	$108,068	$108,068
	4540-4030-3547-418, 420,	5 Corr. Sgts (Richmond Corr. Ctr.) @ 21906 ea	$109,530	$109,530
	4540-4030-3047-219thru22	6 Corr. Sgts (Moore Corr. Ctr.) @ 21906 ea	$131,436	$131,436
		Total: Correction	**$5,389,641**	**$5,389,641**
Crime Control & Public Safety				
	4971-0000-0009-031	Com Svc Dist Sup/Com Svc Dist Coord	$24,991	$0
	4971-0000-0009-065	Com Svc Dist Sup/Com Svc dist Cord	$22,903	$1,935
	4971-0000-0009-086	Com Svc Dist Sup/Com Svc Dist oord	$28,324	$1,935
	4971-0000-0009-001	Adm. Officer II (abolished)	$39,384	$39,384
		Total: Crime Control & Public Safety	**$115,602**	**$43,254**
Cultural Resources				
	2534	Housekeeping Sup. I	$17,900	$17,900
	not established	Sales Manager II	$18,037	$18,037
	2174	Processing Unit Sup.	$19,451	$19,451
	3169	Staff Dev. Tech II	$23,404	$23,404
	2192	Archives Tech. Serv. Sup.	$28,168	$28,168
	2068	Historical Publ. Editor	$29,005	$29,005
	2758	History Museum Curator	$29,133	$29,133
	not established	History Museum Curator	$29,449	$29,449
	2751	State History Mus. Asst. Adm.	$34,612	$34,612
	4635	Librarian V	$48,262	$48,262
		Fringe Benefits (lump sum)		$68,626
		Total: Cultural Resources	**$277,421**	**$346,047**

Agency	Position Number	Position Title	Budgeted Salary	Savings
	4540-4060-1055-264	Lead Corr. Ofcr. (Alexander Ctr. convert to minimum sec.)	$24,871	$24,871
	4540-3030-3034-830	Corr. Food Service Supvr. I (Halifax Corr. Ctr. closure)	$24,883	$24,883
	4540-4020-6045-024	Corr Sergeant (Vance Corr. Ctr.closure)	$25,084	$25,084
	4540-4020-7045-530	Corr Food Service Supvr. (Warren Ctr. closure)	$25,307	$25,307
	4540-0000-0010-136	Correctional Lieutenant	$25,335	$25,335
	4540-4040-2549-822	Correctional Sergeant (Davie Corr. Ctr. closure)	$25,391	$25,391
	4540-3030-3034-725	Corr. Sergeant (Halifax Corr. Ctr. closure)	$25,507	$25,507
	4540-4020-6045-021	Corr Sergeant (Vance Corr. Ctr.closure)	$25,552	$25,552
	4540-3030-3034-721	Corr. Sergeant (Halifax Corr. Ctr. closure)	$25,937	$25,937
	4540-4040-5050-838	Lead Corr. Officer (Rockingham Corr. Ctr. closure)	$25,960	$25,960
	4540-4010-6541-822	Correctional Sergeant (Washington Corr Ctr. closure)	$25,963	$25,963
	4540-4020-4544-421	Corr. Sergeant (Person Corr. Ctr. closure)	$26,033	$26,033
	4540-4020-2043-775	Corr. Program Supvr. (Warren Ctr. closure)	$26,112	$26,112
	4540-4040-5050-824	Corr. Sergeant (Rockingham Corr. Ctr. closure)	$26,159	$26,159
	4540-4040-2549-819	Correctional Sergeant (Davie Corr. Ctr. closure)	$26,202	$26,202
	4540-4010-6541-975	Corr. Programs Supv. (Washington Corr Ctr. closure)	$26,206	$26,206
	4540-0000-0010-129	Correction Programs Dir I	$26,446	$26,446
	4540-0000-0010-150	Correction Programs Dir I	$26,446	$26,446
	4540-4040-2549-824	Correctional Sergeant (Davie Corr. Ctr. closure)	$26,575	$26,575
	4540-4020-7045-424	Corr. Sergeant (Warren Ctr. closure)	$26,635	$26,635
	4540-4020-7045-422	Corr. Sergeant (Warren Ctr. closure)	$26,652	$26,652
	4540-4010-6541-823	Correctional Sergeant (Washington Corr Ctr. closure)	$26,714	$26,714
	4540-4040-5050-849	Lead Corr. Officer (Rockingham Corr. Ctr. closure)	$26,774	$26,774
	4540-4020-4544-424	Corr. Sergeant (Person Corr. Ctr. closure)	$26,819	$26,819
	4540-4040-2549-821	Correctional Sergeant (Davie Corr. Ctr. closure)	$26,839	$26,839
	4540-4020-6045-175	Corr Program Dir (Vance Corr. Ctr.closure)	$26,905	$26,905
	4540-4020-2043-618	Corr. Sergeant (Warren Ctr. closure)	$26,910	$26,910
	4540-4020-6045-019	Corr Sergeant (Vance Corr. Ctr.closure)	$26,910	$26,910
	4540-4030-3047-210	Asst. Corr Supt (Moore Corr. Ctr.)	$26,946	$26,946
	4540-4040-5050-823	Corr. Sergeant (Rockingham Corr. Ctr. closure)	$27,158	$27,158
	4540-4020-7045-575	Corr. Program Supvr. (Warren Ctr. closure)	$27,244	$27,244
	4540-4040-2549-975	Corr Programs Supvr. (Davie Corr. Ctr. closure)	$27,294	$27,294
	4540-3030-3034-722	Corr. Sergeant (Halifax Corr. Ctr. closure)	$27,315	$27,315
	4540-4010-6541-820	Correctional Sergeant (Washington Corr Ctr. closure)	$27,461	$27,461
	4540-4040-5050-821	Corr. Sergeant (Rockingham Corr. Ctr. closure)	$27,591	$27,591
	4540-4020-7045-418	Corr. Sergeant (Warren Ctr. closure)	$27,640	$27,640
	4540-4020-2043-620	Corr. Sergeant (Warren Ctr. closure)	$27,751	$27,751

Projected Budget Reductions – June 30, 1998
Positions Currently Occupied

Title	Salary Grade
Central Area Office Closing	
Assistant Superintendent For Programs	71
Correctional Lieutenant	66
Correctional Administrator II	81
Correctional District Manager	75
Eastern Area Office Closing	
District Manager	75
Programs Director II	70
Correctional Lieutenant	66
North Piedmont Area Closing	
Correctional Administrator I	78
Administrative Services Manager	73
Span of Control D.O.C.	
Training Coordinator II	75
Special Assistant to Secretary	76
Span of Control D.A.P.P.	
Manager of Program Services	76
Assistant Judicial Division Chief	75
Assistant Judicial Division Chief	75
Assistant Judicial Division Chief	75
Assistant Judicial Division Chief	75
Parole Commission	
Computing Support Technician I	61
Parole Case Analyst	68

Reorganization

Title	Salary Grade
Correctional Superintendent II	73
Mental Health Administrator	72
Program Assistant IV	59
Quality Assurance Specialist II	70
Assistant Superintendent Custody/Operations III	74
Facility Maintenance Manager II	77

North Carolina Office of State Personnel
PERSONNEL MANUAL

Section: 5
Page Number: 7
Effective Date: December 1, 1995

Subject:

REDUCTION-IN-FORCE

Policy

An agency may separate an employee whenever it is necessary due to shortage of funds or work, abolishment of a position, or other material change in duties or organization. Retention of employees in classes affected shall be based on systematic consideration, at a minimum, of the following factors:

- type of appointment
- relative efficiency
- actual or potential adverse impact on the diversity of the work force
- length of service

Neither temporary, probationary, nor trainee employees in their initial six months of training shall be retained in classes where employees with a permanent appointment (those who have satisfactorily completed a probationary or equivalent trial period) must be separated in the same or related class.

In determining the length of service, an eligible veteran shall be accorded one year of state service for each year or fraction thereof of military service, up to a maximum of five (5) years credit.

Agency Responsibility

Each agency shall develop written guidelines for reduction-in-force that meet its particular needs and provides assurance to employees that potential reductions shall be considered on a fair and systematic basis. These guidelines must be openly available for review by any employee of the agency at a publicized location. The guidelines for each agency shall also be filed with the Office of State Personnel as a public record.

It is the employing agency's responsibility to inform the employee of separation as soon as possible, and to inform the employee, in writing, of the reasons for the reduction-in-force, their eligibility for priority reemployment consideration, applicable appeal rights, and other benefits available.

The separating agency must provide employees with a minimum of thirty (30) calendar days official written notification. For employees desiring priority consideration, the releasing agency must submit an application to the Office of State Personnel requesting priority consideration. If the employee does not want assistance in finding another State job, the agency shall get a written statement to this effect and share a copy of the Office of State Personnel.

Appeals

A career state employee, as defined in statute, who is separated due to reduction-in-force shall have the right to appeal to the State Personnel Commission for a review to assure that systematic procedures were applied in making reduction-in-force separation decisions. Provisions of the agency appeal procedure shall first be followed.

Subject:

REDUCTION-IN-FORCE (continued)

Affirmative Action

In accordance with federal guidelines affecting equal employment opportunity and affirmative action, all decisions concerning reduction-in-force must be analyzed to determine their impact on agency utilization goals by race and sex and to avoid adverse impact in violation of Section 4.d of the Uniform Guidelines on Employee Selection Procedures.

Leave

Vacation Leave: Employees are paid in a lump sum for accumulated vacation leave not to exceed 240 hours.

Sick Leave: Employees separated due to reduction-in-force shall be informed that their sick leave shall be reinstated if employed in any agency within five years.

Subject:

SUGGESTED GUIDELINES FOR REDUCTION IN FORCE

Introduction

Separation of employees through reduction in force should not occur until management has exhausted every feasible alternative available to avoid it. Therefore, a reduction-in-force decision should be reached only after measures such as a hiring freeze on vacant positions, limits on purchasing and travel, retirement options, and job sharing and work schedule alternatives have proven insufficient.

A reduction in force necessarily compels a thorough evaluation of the accomplishments of specific programs, the need for particular positions, and the relative value of specific employees so that an agency can provide the highest level of service possible with a reduced work force. The determination as to the retention or separation of a particular employee should include an evaluation of the relative skills, knowledge and productivity of the employee in comparison to the services necessary to give the above factors more weight than other considerations, such as length of service. An agency's guidelines should provide an opportunity to systematically determine when an individual with less skills, knowledge and productivity should be separated to allow the retention of an individual with greater skills, knowledge and productivity.

Suggested Guidelines

The agency's guidelines for reduction in force should include, in addition to or in lieu of other factors, the following criteria:

1. Determination of the number of positions which must be deleted to meet the established goal

2. The feasibility of eliminating entire programs or parts of programs

3. Identification of areas where the number of positions must be reduced or eliminated

4. Identification of the classification of positions to be eliminated to determine whether personnel can be interchanged with other work units. Before deletion, attention should be given to using vacant positions to utilize employees who would otherwise be separated.

5. Exploration of all measures which would avoid the involuntary separation of employees

6. Evaluation of employees subject to reduction in force by using the following criteria, where possible, and others where appropriate:

   a. Needs of agency to deliver services

   b. Relative skills, knowledge, productivity and value of employees (refer to documentation available from Work/Planning/Performance Review Program)

   c. Length of service of employees

7. Documentation of steps followed in reduction in force

*8. An impact analysis of proposed reduction in force on the agency's workforce demographics.

It is also recommended that agencies contact the Equal Opportunity Services Division to review model procedures for conducting an impact analysis and agency considerations for minimizing and/or avoiding potential reduction in force administrative problems.

Subject:

REDUCTION IN FORCE POLICY

PREFACE

Reduction in force is the separation of an employee or employees as a result of the shortage of funds or work, the abolishment of a position(s), or other changes in organizational structure. To provide all employees with a basic understanding of the responsibilities of the Department and the rights of the employee, the following policy has been developed. This document shall be provided to managers in all work units and be posted on work unit bulletin boards.

POLICY

It is the policy of the Department of Correction to exhaust every feasible alternative to avoid reduction in force. In those instances when reduction is force cannot be avoided, consideration for retention of employees at work unit locations shall be determined based on the following elements:

1. Type of appointment;
2. Relative efficiency supported by the Performance Management System instrument;
3. Actual or potential adverse impact on protected group individuals; and
4. Length of service;

The relative weight of these elements may vary because of the uniqueness of the Department of Correction and the diversity of responsibility of positions within the divisions of the Department. However, no temporary, probationary, or trainee employee in the initial six (6) months of trainee status shall be retained in classes at a given work unit location where employees with a permanent appointment *(those who have satisfactorily completed a probationary or equivalent trial period)* must be separated in the same or related class.

NOTE: *In determining length of service, an eligible veteran shall be granted one (1) year of state service for each year or fraction thereof of military service, up to a maximum of five (5) years. Eligible veterans include individuals that served in the Armed Forces of the United States on active duty, for reasons other than training, during periods of war, and were discharged under other than dishonorable conditions. Also included are disabled veterans, spouses of disabled veterans, and the surviving spouse or dependent(s) of a veteran who died on active duty during periods of war either directly or indirectly as the result of such service. Also included are veterans who suffer disabling injuries through service-related reasons during peacetime, the spouse of such veterans, and the surviving spouse or dependent(s) of a veteran who died through service-related reasons during peacetime.*

Subject:

REDUCTION IN FORCE POLICY

Note, continued

Periods of war include WWI (4/16/17 - 11/11/18), WWII (12/7/41 - 12/31/46), the Korean Conflict (6/27/50 - 1/31/55), and the period between January 31, 1955 and the end of the hostilities in Viet Nam (5/7/75), and any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.

ELIGIBILITY

This policy applies to all employees in permanent positions subject to the State Personnel Act. Employees in positions designated as policy-making/confidential exempt who are removed from their position for reasons other than just cause are not entitled to reduction in force priority, but may be entitled to priority reemployment rights based on the policy-making/confidential exempt priority consideration provided in G.S. 126-5(e)(1)(2) and severance salary continuation.

RESPONSIBILITY OF THE DEPARTMENT

The Department of Correction, prior to reduction in force, shall explore any and all feasible alternatives such as a hiring freeze, spending restrictions, retirement options or other administratively sound alternatives. When it has been determined that there is no alternative to reduction in force authorized managers shall complete the following steps:

1. Determine the number of positions that must be eliminated to meet the established goal.

2. Determine the feasibility of eliminating an entire program or parts of program.

3. Identify areas where the number of positions must be reduced or eliminated.

4. Identify the classification of positions to be eliminated to determine whether personnel can be interchanged with other work units. Before deletion, attention should be given to using vacant positions to utilize employees who would otherwise be separated.

5. Explore all measures that would avoid the involuntary separation of employees.

6. Evaluate employees subject to reduction in force by using the following criteria, where possible, and others were appropriate:

   a. Needs of agency to deliver services.
   b. Relative skills, knowledge, productivity and value of employees *(refer to documentation available from the Performance Management System)*.
   c. Length of service of employees.
   d. Type of appointment;

7. Document steps followed in reduction in force.

*

After considering all of the above, employees affected by the reduction in force shall immediately be notified verbally and by letter of the action, the reason for the action, and the priority reemployment consideration available. The agency shall provide the affected employees with a minimum of thirty (30) calendar days written notification of imminent separation prior to the effective date of the reduction in force. The affected employee shall also be notified through a one-on-one conference. The employee shall be furnished a copy of the agency's reduction in force policy, the guidelines for "priority reemployment consideration" as outlined in the State Personnel Manual, appeal rights, if applicable, vacation leave, sick leave, and health insurance benefits explanations.

RE-EMPLOYMENT

Eligible employees shall be provided priority reemployment consideration in accordance with the provisions of applicable State Personnel policy *(State Personnel Manual, Section Two)*. Eligible employee(s) shall be provided the opportunity to apply for priority reemployment rights. The Personnel Office shall be responsible for forwarding the employee's application to the Office of State Personnel for priority listing if the employee requests such assistance.

If an employee affected by reduction in force does not wish to be placed on the priority consideration listing, the agency shall obtain a written statement to this effect and forward a copy of the statement to the Office of State Personnel.

APPEALS

A non-probationary employee separated due to reduction-in-force shall have the right to file an internal appeal to the Personnel Director for a review to assure that systematic procedures were applied.

Subject:

REDUCTION IN FORCE POLICY

This appeal shall be in writing and must be submitted within fifteen (15) calendar days of receipt of the written notice of reduction-in-force. The written appeal must be received in the Personnel Director's Office on or before the fifteenth (15th) calendar day following receipt of the written notice of imminent separation due to reduction-in-force in order to be considered timely filed. Failure to comply shall mean that the appeal will not be considered.

A career employee separated due to reduction-in-force shall have the right to further appeal to the State Personnel Commission for a review to assure that systematic procedures were applied.

An employee wishing to appeal must file his/her appeal with the Office of Administrative Hearings, 424 N. Blount Street, Raleigh, NC 27601-2817 or Post Office Drawer 27447, Raleigh, NC 27611-7447, and must also serve a copy of the appeal by certified mail on the agency's registered agent, NC Department of Correction, Post Office Box 29540, Raleigh, NC 27676-0540 withing thirty (30) calendar days of receipt of the written notice of reduction-in-force.

LEAVE AND SALARY INCREASES

Vacation leave - Employees shall be paid in a lump sum for accumulated vacation leave not to exceed 240 hours *(prorated for part-time employees)*.

Sick leave - Sick leave may not be paid as terminal leave upon separation. Employees separated due to reduction in force should be informed that their sick leave shall be reinstated if employed in any agency within five (5) years.

*

Health Insurance - The State shall maintain coverage for employees separated due to reduction in force under the State's group health plan for twelve (12) months following the effective date of separation and under the conditions coverage would have been provided if the employee had continued employment. Any share of the health plan premiums which an employee had paid prior to the separation must continue to be paid by the employee during the leave period.

Salary Increases - If re-employed during the twelve (12) month period, time earned toward a salary increase shall be considered in determining eligibility for the next salary increase.

Subject:

REDUCTION IN FORCE POLICY

EQUAL EMPLOYMENT OPPORTUNITY

When a reduction in force is to occur, careful consideration shall be given to the impact it will have on diversification of the workforce within a unit location and the Department as a whole. It is imperative that managers develop equitable plans for reduction in force to preserve equal employment opportunities for all persons of state and to ensure more diversity in all aspects of the state's workforce.

SPAN OF CONTROL

EXAMPLE OF RETIREMENT ROLLOVER OPTION

HARRY ALLSBROOK (78)
CORRECTIONAL ADMINISTRATOR I
NASH CORRECTIONAL INSTITUTION
***ELIGIBLE FOR RETIREMENT**

MIKE BUMGARDNER (81)
CORRECTIONAL ADMINISTRATOR II
YOUTH COMMAND MANAGER
***LESS THAN 30 YRS OF SERVICE**

- YOUTH COMMAND ELIMINATED DUE TO REORGANIZATION/SPAN OF CONTROL
- YOUTH COMMAND MANAGER TRANSFERRED TO NASH CORRECTIONAL ADMINISTRATOR I
- NASH CORRECTIONAL ADMINISTRATOR I GIVEN RIF PACKAGE AS INCENTIVE TO RETIRE.

#2

DEPARTMENT OF CORRECTION SPAN OF CONTROL

DAPP / 8 Layers

SECRETARY

⇓

DEPUTY SECRETARY

⇓

DAPP DIRECTOR

⇓

JUDICIAL DIV. CHIEF

⇓

ASST. JUD. DIV. CHIEF

⇓

JUDICIAL DIST. MGR.

⇓

CHIEF PROB/PAROLE OFFICER

⇓

PROB/PAROLE OFFICER

DOP / 11 Layers

SECRETARY

⇓

DEPUTY SECRETARY

⇓

DOP DIRECTOR

⇓

***REGIONAL DIRECTOR**

⇓

CORR. SUPT. I, II, III, IV

⇓

ASST. SUPT.

⇓

CORR. CAPTAIN

⇓

CORR. LT.

⇓

CORR. SERGEANT

⇓

LEAD CORR. OFFICER

⇓

CORR. OFFICER

⇓

CORR. LT.

⇓

CORRR. SGT.

⇓

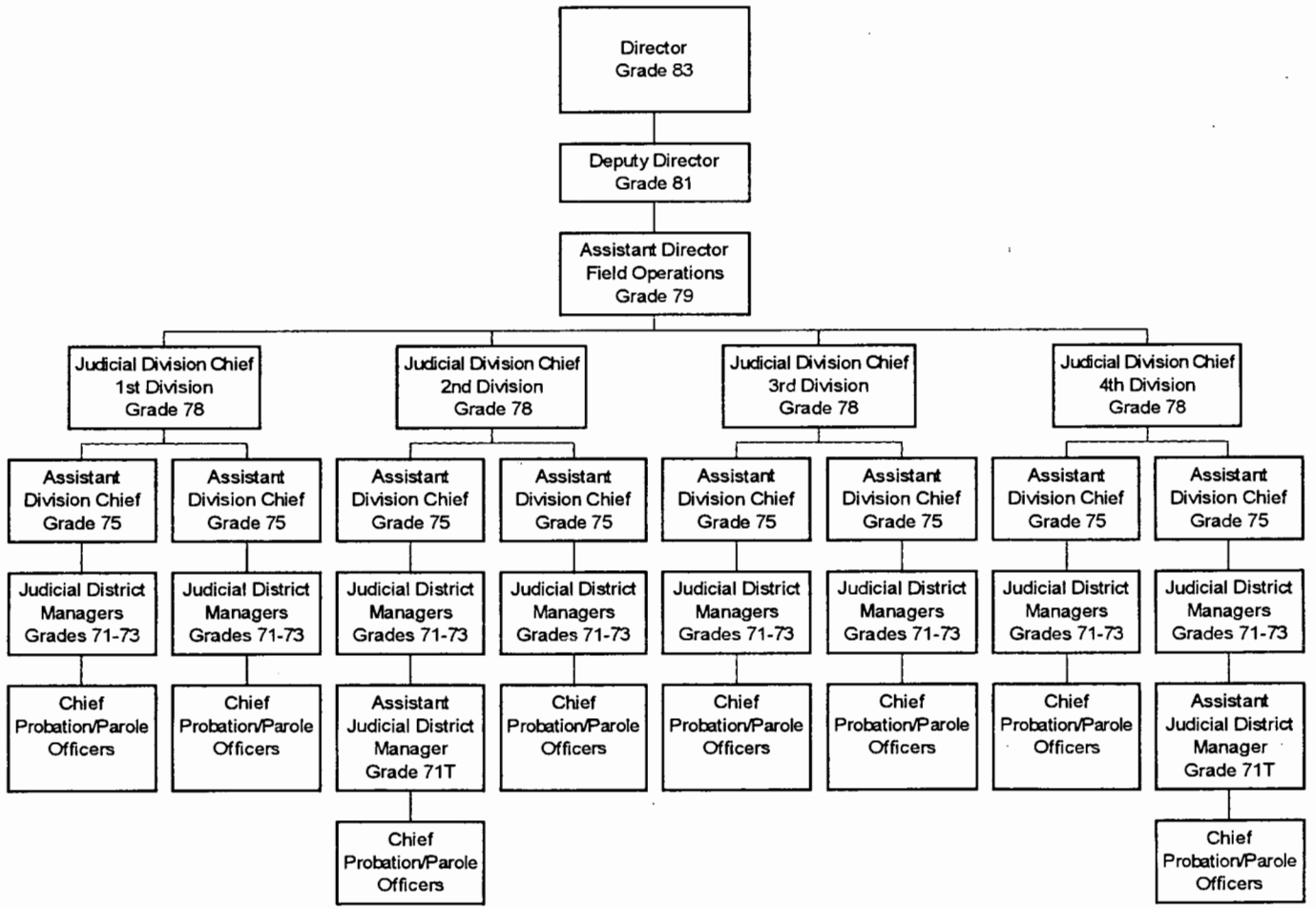
LEAD C.O.

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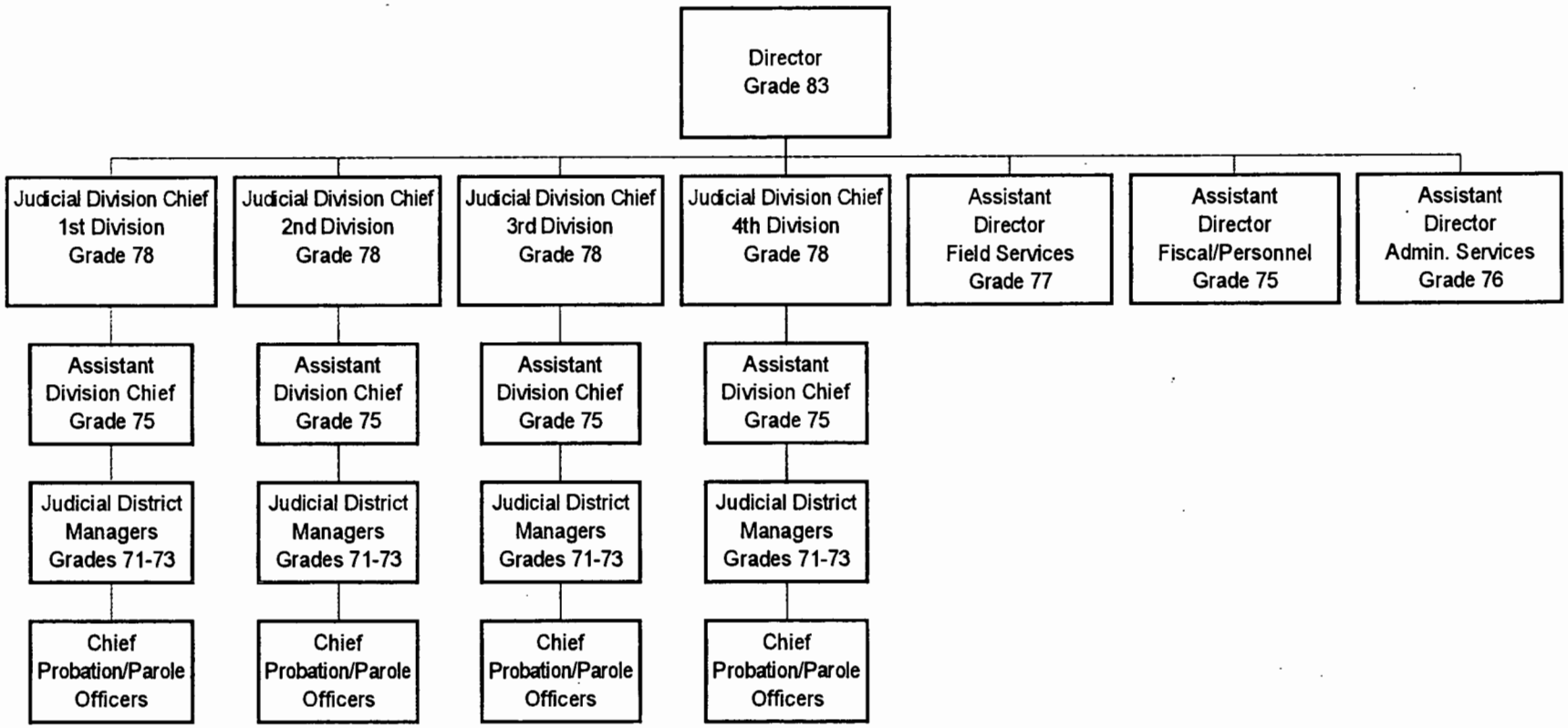
CORR. OFFICER

Department of Correction
Division of Adult Probation and Parole

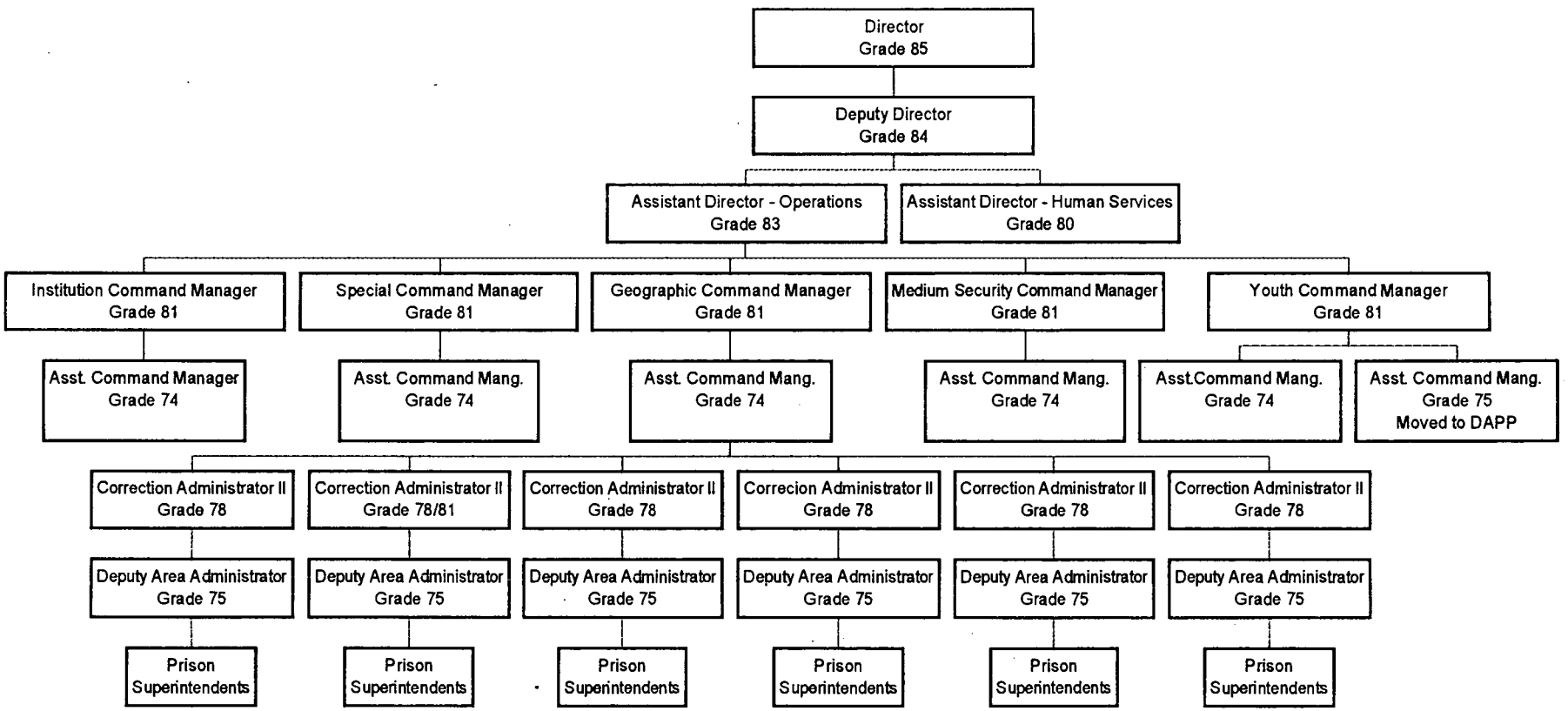
Management



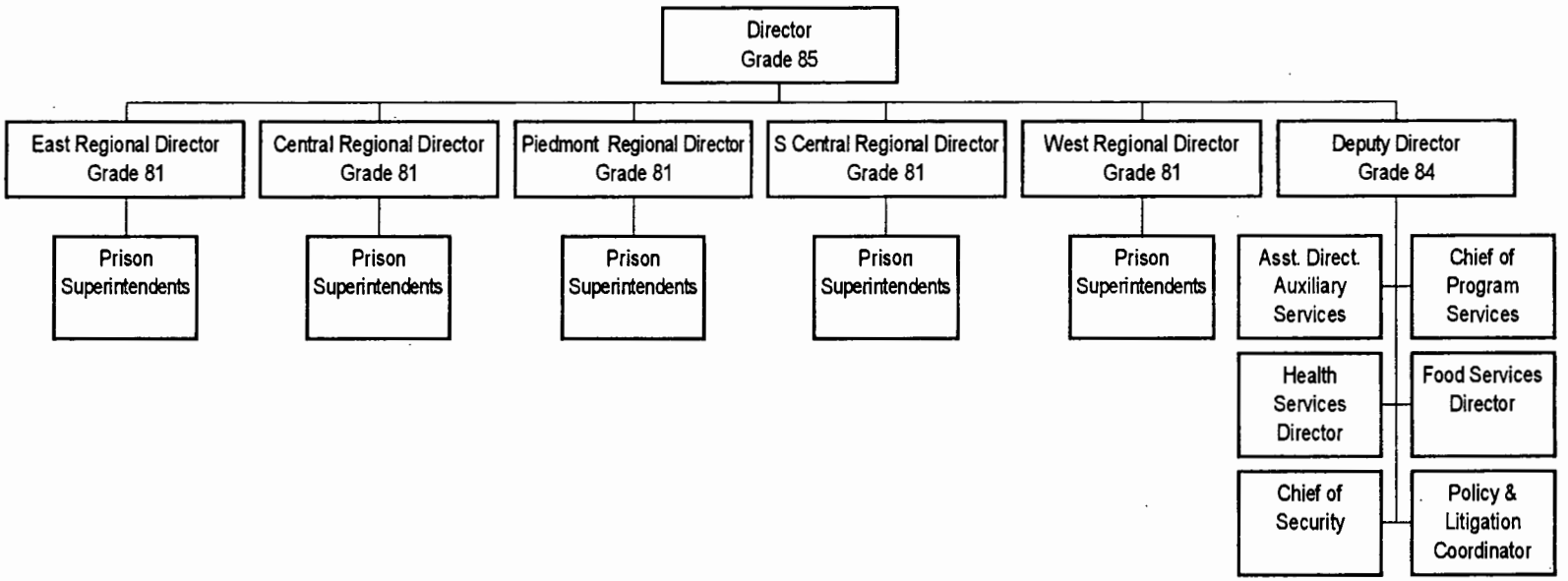
Department of Correction
Division of Adult Probation and Parole



Department of Correction
Division of Prisons



Department of Correction
Division of Prisons



NAME	JOB TITLE	SALARY	SALARY & BENEFITS/ TWELVE	SEVERANCE PAY	HEALTH INSURANCE	# MTHS. RECOUP PMT.	SAVINGS/ MONTH
Gary T. Dixon	Corr. Admin. II(81)	$76,816.00	$91,011.60/12 = $7,584.30	$51,210.66	$578.66	6.83	$7,584.30
Woodley G. Lee	Deputy Dir., DAPP(81)	$76,816.00	$91,011.60/12 = $7,584.30	$51,210.66	$578.66	6.83	$7,584.30
Frank O. Gunter	Asst. Dir./Operations DOP(82T)	$76,384.00	$90,499.76/12 = $7,641.65	$50,922.66	$578.66	6.83	$7,584.30
T.L. Barnett	Asst. Dir./Human Services DOP (80T)	$73,329.00	$86,880.20/12 = $7,240.02	$48,886.00	$578.66	6.83	$7,240.02
Lloyd W. Parker	Corr. Admin. I(78)	$68,158.00	$80,753.60/12 = $6,729.47	$45,438.66	$578.66	6.84	$6,729.47
R.O. Barbour	Corr. Admin. I(78)	$65,192.00	$77,239.48/12 = $6,436.62	$43,461.34	$578.66	6.84	$6,436.62
Fletcher K. Sanders	Special Asst. to Sec. (FR)	$63,914.00	$75,725.31/12 = $6,310.44	$42,609.34	$578.66	6.84	$6,310.44
Grant M. Spicer	Corr. Admin. I(78)	$55,251.00	$65,461.38/12 = $5,455.12	$36,834.00	$578.66	6.86	$5,455.12
Albert K. Pruitt	Corr. Supt. II(73)	$52,981.00	$62,771.89/12 = $5,230.99	$35,320.66	$578.66	6.86	$5,230.99
Kenneth L. Setzer	Corr. Supt. II(73)	$51,689.00	$61,241.13/12 = $5,103.43	$34,459.34	$578.66	6.87	$5,103.43
*Harry L. Allsbrook, Jr.	Corr. Admin. I(78)	$68,158.00	$80,753.60/12 = $6,729.47	$45,438.66	$578.66	8.52	$5,785.68
**W.K. Jones	Corr. Supt. III(75)	$58,130.00	$68,872.42/12 = $5,739.37	$38,753.34	$578.66	5.94	$6,177.84
						TOTAL	$77,222.51

HANDOUT # 4

Formula:

$$\frac{\text{Severance Pay + Health Insurance Premiums for 4 months}}{\text{(Salary + Benefits)/12}} = \text{\# months to recoup cost of RIF}$$

Benefits are calculated as 0.1848 percent of annual salary.

The health insurance premiums for 4 months have been included in the calculations as a cost of the RIF because under state policy and law, employees separated from employment when their position is eliminated are entitled to health insurance coverage for up to 12 months. All of the individuals in question retired after collecting severance pay over a 4 month period, therefore, the state only paid the health insurance premium for 4 months. Afterwards, the health insurance premium was part of the retirement benefits and would not be considered a cost of the RIF.

*Michael Bumgarner was reassigned with the position he occupied (Correctional Administrator II, salary grade 81) to function as the Correctional Administrator I at Nash Correctional Institution following Mr. Allsbrook's separation. While the position Mr. Bumgarner occupied was reallocated down, his salary remained the same. Mr. Bumgarner's salary was greater that Mr. Allsbrook's and this was included in the above calculations. Please note the following:

Mr. Bumgarner's salary	$77,717.00
Benefits	+14,362.10
Salary & Benefits	$92,079.10
Allsbrook's Salary & Benefits	-80,753.60
Difference	$11,325.50 Represents the annual cost
Difference Divided by 12	$ 943.79 Represents an additional monthly cost

The difference in Mr. Bumgarner's salary and benefits and Mr. Allsbrooks salary and benefits was included in the calculations as a cost.

$$\frac{\text{Severance + Insurance Premiums for 4 months + Annual Difference}}{\text{(Allsbrook's Salary \& Benefits)/12}} = \frac{57,342.82}{6,729.47} = 8.52 \text{ months}$$

If Mr. Bumgarner had been separated through reduction in force, he would have collected almost the same amount of severance pay as Mr. Allsbrook and exercised his priority reemployment rights as he was not eligible for retirement. By policy, the employee's salary grade and salary rate at the time of separation must be met in order to satisfy the employee's entitlements.

***David R. Osborne was reassigned with the position he occupied (Assistant Command Manager, salary grade 74)) to function as theCorrectional Superintendent III at Wake Correctional Center following Mr. Jones' separation. The position Mr. Osborne occupied was reallocated up, and his salary increased, but remained less than what Mr. Jones' salary had been while Correctional Superintendent III at Wake Correctional Center. Mr. Osborne's salary was less than Mr. Jones' and this was included in the above calculations. Please note the following:

Mr. Osborne's salary	$53,689.00
Benefits	+9,921.73
Salary & Benefits	$63,610.73
Jones' Salary & Benefits	-68,872.42
Difference	$<5,261.69> Represents the annual savings
Difference Divided by 12	$ <438.47> Represents an additional monthly savings

The difference in Mr. Osborne's salary and benefits and Mr. Jones' salary and benefits was included in the calculations as a savings.

$$\frac{\text{Severance + Insurance Premiums for 4 months + Annual Difference}}{\text{(Jones' Salary \& Benefits)/12}} = \frac{38,753.34 + 578.66 + <5,261.69>}{5,739.37} = \frac{34,070.31}{5,739.37} = 5.94 \text{ months}$$

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Thursday June 11, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus, Presiding
Representative Joe Kiser
Representative Gregg Thompson

II. PRESENTATIONS

- Department of Correction – Special Provisions from 1997 Session

  Jim Mills
  Fiscal Research Staff

  Elisa Wolper
  Fiscal Research Staff

  Departmental Management

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

June 11, 1998
ROOM 612

HOUSE MEMBERS PRESENT: [7] Representatives Justus, Thompson, Kiser, McCrary, Redwine, Sexton, and Smith.

Representative Justus called the Thursday, June 11, 1998, meeting of the House Appropriations Subcommittee on Justice and Public Safety to order at 8:45 AM. Representative Justus introduced House Pages Amanda Thompson from Henderson County and Jamie Reed from Guilford County.

Representative Justus announced that this committee will consider the Victims Rights Bill next Tuesday or Wednesday.

- Department of Correction -- Special Provisions from 1997 Session

Jim Mills, Fiscal Staff, proceeded with Attachment 2 -- JPS Special Provisions – on page 29. *Reimburse Counties for Housing and Extraordinary Medical Costs for Inmates, parolees, and Post-Release Supervisees Awaiting Transfer to State Prison System* $4,161,000 (request to use available funds; amount is the "worst case" scenario if all month to month contracts extend full year).

Attachment 1 -- Jail Beds in the Department of Correction Budget -- was distributed. Representative Justus asked Gregg Stahl, Department of Correction, for the amount of available funds. Gregg Stahl replied that 32 million is available, mostly from lapsed salaries (vacancies at this time are 1000 a day). **Representative Kiser asked for the amount of money left over in the Department of Correction budget in any form that has not been spent. Buddy Humphrey estimated this figure at 14 - 15 million dollars. Mr. Humphrey will provide this figure. Representative Kiser asked for the amount spent from funds available. Jim Mills will provide this information.**

Jim Mills continued on Page 39. The Department of Correction spent nine million of the funds available this year. Representative Kiser asked where the "cut off" is if the Department of Correction is operating at 170% capacity in some units and at 120% capacity of the Department total. Gregg Stahl, DOC, replied that thirty some odd units are not touched by litigation. There is a problem with idleness when a unit is operating at expanded operating capacity. Representative Thompson added that the Avery-Mitchell correctional facility is scheduled to open at expanded capacity. Jim Mills reported that

there is a potential for 2943 extra beds at the end of 1999. Six hundred beds would be subtracted if the GPAC units are closed leaving 2200 extra beds. Gregg Stahl responded that the types of beds need to be considered when discussing these figures. Representative Thompson added that if the Department of Correction was operating at standard operating capacity there would not be an excess of beds but a deficit of 2000 beds. Representative Kiser asked if segregation beds are included in the number of beds available. Gregg Stahl replied that segregation beds are not included. Representative Kiser asked for the number of segregation beds. Jim Mills replied that there are 1400 segregation beds. Gregg Stahl stated that hospital beds are not shown in available bed counts. Representative Thompson asked for the number of correctional facilities that are operating at expanded operating capacity that need to have the number of beds lowered. **Gregg Stahl said that Dan Steineke will look into this matter.**

Jim Mills said this committee needs to look at the amount authorized by the Department of Correction to pay for the jail backlog for 98-99. Nine million dollars was spent from available funds. (1998-99 Budget allowed funding of the jail backlog out of available funds up to $4 million without reporting to Corrections Oversight Committee, JPS Appropriations Sub committee or Governmental Operations Committee). The Department of Correction recommended funding is $1,903,920 of available funds. This figure assumes a backlog average of 100 inmates.

Representative Justus asked that committee members be present and on time next week when the Victims Rights Bill will be considered.

The meeting was adjourned at 9:50 AM.

Larry Justus
Representative Larry Justus
Chairman

Carolyn Justus
Carolyn Justus
Committee Clerk

6-11-98
ATT. 1

JAIL BEDS IN DEPARTMENT OF CORRECTION BUDGET*

Budget Item	**1997-98 Budget**	**1997-98 Expend. (est.)**	**1998-99 Budget**	**Revised DOC Recommended 1998-99 Budget/Funding**
1. **DOC Jail Contracts** – DOC contracts to house State prisoners in county jails at $40 a day	$5,818,800 appropriations; (also authorized to use available funds up to $1mill. If necessary).	$4,404,107	$0	$4,161,000 (request to use available funds; amount is "worst-case" scenario if all month to month contracts extend full year)
2. **Jail Backlog** –State inmates awaiting transfer to state prisons; payment starts on 6th day @$40 day	$0 (this item funded out of available funds up to $6.5 million in 97-98 without report)	$9,026,300	$0 (this item funded out of available funds up to $4 million without reporting)	$1,903,920 (request to use available funds up to this amount; assumes backlog avg. of 100).
3. **State Misdemeanants Housed in County Jails** ($14.50 per day to $18 9/1/97)	$7,935,906 approp. (also authorized to use up to $1,587,419 in available funds)	$9,311,027	$9,848,459 approp.	$9,848,459 approp.

*Source for budget figures – Department of Correction 5/21/98 and 6/5/98 estimates and DOC 1997-99 certified budget.

FRD Rev 1 6/5/98

ATT. 2

JPS Special Provisions

Judicial

PART XVIII. JUDICIAL DEPARTMENT

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

Section 18. Funds appropriated to the Judicial Department in the 1997-99 biennium for equipment and supplies shall be certified in a reserve account. The Administrative Office of the Courts shall have the authority to transfer these funds to the appropriate programs and between programs as the equipment priorities and supply consumptions occur during the operating year. These funds shall not be expended for any other purpose. The Administrative Office of the Courts shall make quarterly reports on transfers made pursuant to this section to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senators Gulley, Ballance

N.C. STATE BAR FUNDS

Section 18.1. (a) Of the funds appropriated in the continuation budget as a grant-in-aid to the North Carolina State Bar for the 1997-99 fiscal biennium, the North Carolina State Bar may in its discretion use up to the sum of two hundred fifty thousand dollars ($250,000) for the 1997-98 fiscal year and up to the sum of two hundred fifty thousand dollars ($250,000) for the 1998-99 fiscal year to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

(b) Of the nonrecurring funds appropriated in the expansion budget as a grant-in-aid to the North Carolina State Bar for the 1997-98 fiscal year, the North Carolina State Bar may in its discretion use up to the sum of two hundred fifty thousand dollars ($250,000) to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

INDIGENT PERSONS' ATTORNEY FEE FUND

Section 18.2. (a) Effective July 1, 1997, the Administrative Office of the Courts shall each year of the 1997-99 biennium reserve funds for adult, juvenile, and guardian ad litem cases from the Indigent Persons' Attorney Fee Fund. These funds shall be allotted to each judicial district in which the superior and district courts are coterminous, and otherwise by county, according to the caseload of indigent persons who were not represented by the public defender in the districts or counties during 1996-97 and 1997-98, respectively. The remaining available funds in the Indigent Persons' Attorney Fee Fund shall be budgeted for capital cases and for transcripts, professional examinations, expert witness fees, and other supporting services.

The Administrative Office of the Courts shall notify all senior resident superior court judges, all chief district court judges, and the clerk of superior court within the district or county immediately after the allotment is made and shall provide a monthly report on the status of the allotment for the district or county.

The senior resident superior court judge and the chief district court judge of each district or county shall ask all judges holding court within the district or county: (i) to take into consideration the amount of money allotted at the beginning of the fiscal year and the amount of money remaining in the allotment when they award counsel fees to attorneys of indigent persons, and (ii) to make an effort to award fees equally and justly for legal services provided. The clerk of superior court for each county shall ensure that all judges holding court within the county receive this request from the senior resident superior court judge and the chief district court judge.

(b) If the funds allotted pursuant to subsection (a) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts shall allot any available funds from the reserve fund specified in subsection (a) or from unanticipated receipts. However, if necessary and appropriate due to unusual and unanticipated circumstances occurring in the current year, the Administrative Office of the Courts may allocate available funds to a district or county in a manner calculated to result in the reasonably fair distribution of remaining funds.

(c) If funds allocated in subsections (a) and (b) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts shall allot available funds from the Public Defender program.

(d) If the funds allotted pursuant to subsections (a), (b), and (c) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts is authorized to transfer funds between districts or counties only if the Administrative Office of the Courts determines that the funds transferred will not be needed to meet

the obligations incurred by the Indigent Persons' Attorney Fee Fund for the county or district from which the funds are transferred for the fiscal year.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REPORT ON DISPUTE SETTLEMENT CENTERS

Section 18.3. (a) All local dispute settlement centers currently receiving State funds shall report annually to the Judicial Department on the program's funding and activities, including:

(1) Types of dispute settlement services provided;
(2) Clients receiving each type of dispute settlement service;
(3) Number and type of referrals received, cases actually mediated, cases resolved in mediation, and total clients served in the cases mediated;
(4) Total program funding and funding sources;
(5) Itemization of the use of funds, including operating expenses and personnel;
(6) Itemization of the use of State funds appropriated to the center;
(7) Level of volunteer activity; and
(8) Identification of future service demands and budget requirements.

The Judicial Department shall compile and summarize the information provided pursuant to this subsection and shall provide the information to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by February 1 of each year.

(b) A local dispute settlement center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

(c) Each local dispute settlement center receiving State funds for the first time shall document in the information provided pursuant to G.S. 7A-346.1 that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from non-State sources.

(d) Each local dispute settlement center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

(e) Each local dispute settlement center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

(f) Each local dispute settlement center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

(g) The percentage that State funds comprise of the total funding of each dispute settlement center shall be

determined at the conclusion of each fiscal year with the information provided pursuant to G.S. 7A-346.1 and is intended as a funding ratio and not a matching funds requirement. Local dispute settlement centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

(h) A local dispute settlement center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the Administrative Office of the Courts for consideration by the Senate and House Appropriations Subcommittees on Justice and Public Safety.

(i) The provisions of G.S. 143-31.4 do not apply to local dispute settlement centers receiving State funds.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

COMMUNITY PENALTIES PROGRAM

Section 18.4. (a) Of the funds appropriated from the General Fund to the Judicial Department for the 1997-99 biennium to conduct the Community Penalties Program, the sum of four million three hundred fifty-five thousand three hundred eighty-two dollars ($4,355,382) for the 1997-98 fiscal year and the sum of four million three hundred fifty-five thousand three hundred eighty-two dollars ($4,355,382) for the 1998-99 fiscal year may be allocated by the Judicial Department in each year of the biennium in any amount among existing community penalties programs, including any State-operated programs, or may be used to establish new community penalties programs.

(b) The Judicial Department shall report annually to the Senate and House Appropriations Subcommittees on Justice and Public Safety and to the Fiscal Research Division on the administrative expenditures of the community penalties programs. The Judicial Department shall report quarterly to the Joint Legislative Commission on Governmental Operations on any elimination or reduction of funding for community penalties programs funded in the 1996-97 fiscal year or any program receiving initial funding during the 1997-99 biennium.

Requested by: Senators Gulley, Ballance

DRUG TREATMENT COURT FUNDS

Section 18.5. (a) Funds appropriated to the Judicial Department for the 1997-98 fiscal year for the North Carolina Drug Treatment Court Program shall be used primarily for substance abuse treatment and related program needs, but the sum of fifty-two thousand five hundred fifty-one dollars ($52,551) may be used to fund one program administrator position.

(b) Of the funds appropriated to the Judicial Department in the 1996-97 fiscal year for the North Carolina Drug Treatment Court Program, the sum of one hundred thousand dollars ($100,000) shall not revert at the end of the fiscal year, but shall remain in the Department during the 1997-98 fiscal year to be used for nonrecurring program items.

(c) Subsection (b) of this section becomes effective June 30, 1997.

Requested by: Senators Gulley, Ballance, Representatives Justus, Kiser, Thompson

MAKE SENTENCING COMMISSION PERMANENT

Section 18.6. (a) Section 8 of Chapter 1076 of the 1989 Session Laws, as amended by Chapters 812 and 816 of the 1991 Session Laws, Chapters 253, 321, and 591 of the 1993 Session Laws, and Chapter 236 of the 1995 Session Laws, reads as rewritten:

"Sec. 8. This act is effective upon ~~ratification, and shall expire June 30, 1997.~~ ratification."

(b) G.S. 164-38 reads as rewritten:

"**§ 164-38. Terms of members; compensation; expenses.**

The terms of existing members shall expire on June 30, ~~1995,~~ 1997, unless they resign or are removed. New members shall be appointed or the existing members reappointed by the appointing authorities to serve ~~until July 1, 1997,~~ terms of two years, unless they resign or are removed. Members serving by virtue of elective or appointive office or as designees of such officeholders may serve only so long as the officeholders hold those respective offices. Members appointed by the Speaker of the House and the President Pro Tempore of the Senate may be removed by the appointing authority without cause. Vacancies occurring before the expiration of a term shall be filled in the manner provided for the members first appointed. A member of the Commission may be removed only for disability, neglect of duty, incompetence, or malfeasance in office. Before removal, the member is entitled to a hearing. Effective with respect to members designated on or after July 1, 1992, a person making a designation pursuant to G.S. 164-37 may not make another designation, except that the person's successor in elective or appointive office may make a new designation.

The Commission members shall receive no salary for serving. All Commission members shall receive necessary subsistence and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6 as applicable."

(c) G.S. 164-36 reads as rewritten:

"**§ 164-36. Powers and duties.**

Sentences established for violations of the State's criminal laws should be based on the established purposes of our criminal justice and corrections systems. The Commission shall evaluate sentencing laws and policies in relationship to both the stated purposes of the criminal justice and corrections systems and the availability of sentencing options. The Commission shall make recommendations to the General Assembly for the modification of sentencing laws and policies, and for the addition, deletion, or expansion of sentencing options as necessary to achieve policy goals. The Commission shall make a report of its recommendations, including any recommended legislation, to the General Assembly annually."

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

VICTIMS' RIGHTS AMENDMENT/ASSISTANTS FOR ADMINISTRATIVE AND VICTIM AND WITNESS SERVICES

Section 18.7. (a) The assistants for administrative and victim and witness services funded in this act are intended to support the implementation of the Victims' Rights Amendment to the North Carolina Constitution and to address the current workload. These positions shall be allocated on the basis of workload and population. The Judicial Department shall report to the Joint Legislative Commission on Governmental Operations on the allocation of these positions by March 1, 1998.

(b) Of the funds appropriated to the Judicial Department for the 1997-99 biennium for assistants for administrative and victim and witness services, the sum of one million one hundred fifty-three thousand one hundred twenty dollars ($1,153,120) for the 1997-98 fiscal year and the sum of one million four hundred sixty-three thousand five hundred thirty-five dollars ($1,463,535) for the 1998-99 fiscal year shall be placed in a reserve. Funds in this reserve shall be expended to provide 45 assistants for administrative and victim and witness services only if the Crime Victims' Rights Act, House Bill 665 or Senate Bill 763, is enacted during the 1997 Regular Session. The Office of State Budget and Management may adjust these amounts appropriately if changes in the effective date of the Crime Victims' Rights Act increase or decrease the cost of the 45 assistants for administrative and victim and witness services.

(c) G.S. 7A-347 reads as rewritten:

"**§ 7A-347. ~~Victim and witness assistants.~~ Assistants for administrative and victim and witness services.**

~~Victim and witness assistant~~ Assistant for administrative and victim and witness services positions are established under the ~~District Attorneys Offices.~~ district attorneys' offices. Each prosecutorial district is allocated at least one ~~victim and witness~~ assistant for administrative and victim and witness services to be employed by the district attorney. The Administrative Office of the Courts shall allocate additional ~~victim and witness~~ assistants to prosecutorial districts on the basis of need and within available appropriations. Each district attorney may also use any volunteer or other personnel to assist the ~~victim and witness~~ assistant. The ~~victim and witness~~ assistant is responsible for coordinating efforts of the law-enforcement and judicial systems to assure that each victim and witness is provided fair treatment under Article 45 of Chapter 15A, Fair Treatment for Victims and Witnesses and shall ~~be used for no other purpose, except as may be approved pursuant to G.S. 7A-348.~~ also provide administrative and legal support to the district attorney's office."

(d) G.S. 7A-348 reads as rewritten:

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

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

(1) Assist in establishing uniform statewide training for ~~the victim and witness assistants;~~ assistants for administrative and victim and witness services;

(2) Assist in the implementation and supervision of this program; and

(3) With the Director of the Administrative Office of the Courts, report annually to the Joint Legislative Commission on Governmental Operations on the implementation and effectiveness of this act, beginning on or before February 1, 1987."

(e) G.S. 15A-826 reads as rewritten:

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

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

(f) The Administrative Office of the Courts and the Conference of District Attorneys shall provide for persons serving as victim and witness assistants on June 30, 1997, to be trained as assistants for administrative and victim and witness services by July 1, 1998. The Administrative Office of the Courts and the Conference of District Attorneys shall provide for persons serving as legal assistants on June 30, 1997, to be trained as assistants for administrative and victim and witness services by July 1, 1998. Prior to that time, when necessary to better manage workloads, the district attorney may temporarily assign a victim and witness assistant to perform duties normally performed by a legal assistant and may temporarily assign a legal assistant to perform duties normally performed by a victim and witness assistant.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

COMPUTER TRAINING

Section 18.8. Prior to the allocation of laptop computers for superior court and district court judges, each judge requesting a laptop computer shall complete a training course provided by the Administrative Office of the Courts in the use of a laptop computer and the appropriate software.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

CRIMINAL CASE MANAGEMENT FUNDS

Section 18.9. (a) The criminal case docket management programs funded in this act shall be distributed in a manner that ensures representation in all areas of the State.

(b) The Administrative Office of the Courts shall report by April 1, 1998, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the criminal case management programs established in 10 judicial districts. The report shall assess the success of these 10 programs in reducing the backlog of court cases and resolving new court cases more quickly and shall include recommendations for the location of additional criminal case management programs in the 1998-99 fiscal year.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

AOC TECHNOLOGY TASK FORCE

Section 18.10. The Administrative Office of the Courts shall establish a task force consisting of representatives of clerks of superior court, district attorneys, superior and district court judges, and magistrates to formulate a plan for the most efficient and effective use of funds appropriated to the Reserve for Technology. The plan shall address those items requested in the Administrative Office of the Courts' expansion budget, including:

(1) Automated forms in courtrooms, clerks' offices, and district attorneys' offices;
(2) District attorney and public defender case management systems;
(3) New personal computers for district attorneys, public defenders, and clerks of court;
(4) Technology support personnel; and
(5) Magistrate criminal information system.

If the task force determines that the funding amounts for these projects should be adjusted or that other projects not enumerated above should receive funding from the Reserve for Technology, it shall make those recommendations to the Administrative Office of the Courts.

Prior to the expenditure of funds appropriated to the Reserve for Technology, the Administrative Office of the Courts shall report the findings of the task force by November 1, 1997, to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

ADDITIONAL ASSISTANT DISTRICT ATTORNEYS/REESTABLISH ASSISTANT DISTRICT ATTORNEY POSITIONS IN DISTRICTS 19B AND 20

Section 18.11. (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	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	~~8~~ 9
3B	Carteret, Craven, Pamlico	~~8~~ 10
4	Duplin, Jones, Onslow, Sampson	~~12~~ 14
5	New Hanover, Pender	~~11~~ 13
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	~~12~~ 15
8	Greene, Lenoir, Wayne	~~10~~ 11
9	Franklin, Granville, Vance, Warren	~~9~~ 10
9A	Person, Caswell	~~3~~ 4
10	Wake	~~23~~ 28
11	Harnett, Johnston, Lee	~~11~~ 14
12	Cumberland	~~14~~ 17
13	Bladen, Brunswick, Columbus	~~8~~ 9
14	Durham	~~10~~ 12
15A	Alamance	7
15B	Orange, Chatham	~~6~~ 7
16A	Scotland, Hoke	~~4~~ 5
16B	Robeson	~~8~~ 9
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	~~22~~ 26
19A	Cabarrus	5
19B	Montgomery, Moore, Randolph	~~9~~ 11
19C	Rowan	5
20	Anson, Richmond, Stanly, Union	~~12~~ 14
21	Forsyth	~~13~~ 15
22	Alexander, Davidson, Davie, Iredell	~~13~~ 16
23	Alleghany, Ashe, Wilkes,	5

	Yadkin	
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	~~12~~ 14
26	Mecklenburg	~~29~~ 32
27A	Gaston	~~10~~ 12
27B	Cleveland, Lincoln	~~6~~ 8
28	Buncombe	~~9~~ 10
29	Henderson, McDowell, Polk, Rutherford, Transylvania	~~10~~ 11
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	7

(b) Subsections (c) and (d) of Section 5 of Chapter 589 of the 1995 Session Laws are repealed.

(c) Subsection (a) of this section becomes effective December 1, 1997.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

ADDITIONAL DISTRICT COURT JUDGES

Section 18.12. (a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	4	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	3	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	4	Pitt
3B	4 5	Craven
		Pamlico
		Carteret
4	6	Sampson
		Duplin
		Jones
		Onslow
5	6	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	6	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	1	Warren
		(part of Vance see subsection (b))
10	12	Wake

11	6	Harnett
		Johnston
		Lee
12	8	Cumberland
13	~~4~~ 5	Bladen
		Brunswick
		Columbus
14	5	Durham
15A	3	Alamance
15B	~~3~~ 4	Orange
		Chatham
16A	3	Scotland
		Hoke
16B	5	Robeson
17A	2	Rockingham
17B	3	Stokes
		Surry
18	11	Guilford
19A	3	Cabarrus
19B	5	Montgomery
		Moore
		Randolph
19C	3	Rowan
20	~~6~~ 7	Stanly
		Union
		Anson
		Richmond
21	7	Forsyth
22	~~7~~ 8	Alexander
		Davidson
		Davie
		Iredell
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	~~3~~ 4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	7	Burke
		Caldwell
		Catawba
26	14	Mecklenburg
27A	5	Gaston
27B	4	Cleveland
		Lincoln
28	5	Buncombe
29	5	Henderson
		McDowell
		Polk
		Rutherford

		Transylvania
30	4	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

(b) The Governor shall appoint additional district court judges for District Court Districts 3B, 13, 15B, 20, 22, and 24 as authorized by subsection (a) of this section. Those judges' successors shall be elected in the 2000 election for four-year terms commencing on the first Monday in December 2000.

(c) Subsection (a) of this section becomes effective December 1, 1997, as to any district where no county is subject to Section 5 of the Voting Rights Act of 1965. As to any district where any county is subject to Section 5 of the Voting Rights Act of 1965, subsection (a) of this section becomes effective December 1, 1997, or 15 days after the date upon which that subsection is approved under Section 5 of the Voting Rights Act.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

AUTHORIZE ADDITIONAL MAGISTRATES

Section 18.13. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.-Max.		Additional Seats of Court
Camden	1	2	
Chowan	2	3	
Currituck	1	3	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	3	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	12	Farmville Ayden
Craven	7	10	Havelock
Pamlico	2	3	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	
Jones	2	3	
Onslow	8	14	
New Hanover	6	11	
Pender	4	6	
Halifax	9	14	Roanoke Rapids, Scotland Neck
Northampton	5	7	
Bertie	4	6	
Hertford	5	6	
Nash	7	10	Rocky Mount
Edgecombe	4	~~6~~ 7	Rocky Mount
Wilson	4	~~6~~ 7	
Wayne	5	~~11~~ 12	Mount Olive
Greene	2	4	
Lenoir	4	10	La Grange
Granville	3	7	
Vance	3	6	
Warren	3	4	
Franklin	3	~~6~~ 7	
Person	3	4	

Caswell	2	5	
Wake	12	20	Apex, Wendell, Fuquay-Varina, Wake Forest
Harnett	7	11	Dunn
Johnston	10	12	Benson, Clayton, Selma
Lee	4	6	
Cumberland	10	~~17~~ 18	
Bladen	4	6	
Brunswick	4	7	
Columbus	6	~~8~~ 9	Tabor City
Durham	8	~~12~~ 13	
Alamance	7	10	Burlington
Orange	4	11	Chapel Hill
Chatham	3	8	Siler City
Scotland	3	5	
Hoke	4	5	
Robeson	8	16	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
Rockingham	4	9	Reidsville, Eden, Madison
Stokes	2	5	
Surry	5	9	Mt. Airy
Guilford	20	26	High Point
Cabarrus	5	9	Kannapolis
Montgomery	2	4	
Randolph	5	10	Liberty
Rowan	5	10	
Stanly	5	6	
Union	4	6	
Anson	4	5	
Richmond	5	6	Hamlet
Moore	5	8	Southern Pines
Forsyth	3	15	Kernersville
Alexander	2	3	
Davidson	7	10	Thomasville
Davie	2	3	
Iredell	4	9	Mooresville
Alleghany	1	2	
Ashe	3	4	
Wilkes	4	6	
Yadkin	3	5	
Avery	3	4	

Madison	4	5	
Mitchell	3	4	
Watauga	4	6	
Yancey	2	4	
Burke	4	7	
Caldwell	4	7	
Catawba	6	10	Hickory
Mecklenburg	15	26	
Gaston	11	~~20~~ 21	
Cleveland	5	8	
Lincoln	4	7	
Buncombe	6	15	
Henderson	4	7	
McDowell	3	5	
Polk	3	4	
Rutherford	6	8	
Transylvania	2	4	
Cherokee	3	4	
Clay	1	2	
Graham	2	3	
Haywood	5	7	Canton
Jackson	3	4	
Macon	3	4	
Swain	2	3."	

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

ASSISTANT PUBLIC DEFENDERS

Section 18.14. From funds appropriated to the Indigent Persons' Attorney Fee Fund for the 1997-99 biennium, the Administrative Office of the Courts may use up to three hundred fourteen thousand two hundred forty dollars ($314,240) in the 1997-98 fiscal year, and up to five hundred twenty-four thousand five hundred twenty-eight dollars ($524,528) in the 1998-99 fiscal year for salaries, benefits, and related expenses to establish up to eight new assistant public defenders.

Requested by: Senators Perdue, Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

JUVENILE RECIDIVISM RATES

Section 18.15. (a) Article 54 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A-675.3. Juvenile recidivism rates.**

(a) On an annual basis, the Administrative Office of the Courts shall compute the recidivism rate of juveniles who are adjudicated delinquent for offenses that would be Class A, B1, B2, C, D, or E felonies if committed by adults and who subsequently are adjudicated delinquent or convicted and shall report the statistics to the Joint Legislative Commission on Governmental Operations by December 31 each year.

(b) The Chief Court Counselor of each judicial district shall forward to the Administrative Office of the Courts relevant information, as determined by the Administrative Office of the Courts, regarding every juvenile who is adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult for the purpose of computing the statistics required by this section."

(b) The Administrative Office of the Courts shall use funds available to the Office to implement this section.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

ADDITIONAL INVESTIGATORIAL ASSISTANTS

Section 18.16. G.S. 7A-69 reads as rewritten:

"**§ 7A-69. Investigatorial assistants.**

The district attorney in ~~the first, third-B, fourth, seventh, eighth, tenth, eleventh, twelfth, fourteenth, fifteenth-A, sixteenth, eighteenth, twentieth, twenty-first, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth and thirtieth~~ prosecutorial districts 1, 3B, 4, 6B, 7, 8, 10, 11, 12, 14, 15A, 15B, 18, 20, 21, 24, 25, 26, 27A, 27B, 28, 29, and 30 is entitled to one investigatorial assistant to be appointed by the district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

Requested by: Senators Plyler, Perdue, Odom, Representatives Justus, Kiser, Thompson

IRMC REVIEW OF INFORMATION TECHNOLOGY PLANS OF THE ADMINISTRATIVE OFFICE OF THE COURTS

Section 18.17. (a) G.S. 143B-472.41(b), as recodified by Section 2 of S.L. 1997-148, reads as rewritten:

"(b) Powers and Duties. -- The Commission has the following powers and duties:

(1) To develop, approve, and publish a statewide information technology strategy covering the current and following biennium that shall be updated annually and shall be submitted to the General Assembly on the first day of each regular session.

(2) To develop, approve, and sponsor statewide technology initiatives and to report on those initiatives in the annual update of the statewide information technology strategy.

(3) To review and approve biennially the information technology plans of the executive ~~agencies, including their~~ agencies and to review and comment biennially on the information technology plans of the Administrative Office of the Courts. This review shall include plans for the procurement and use of personal computers and workstations.

(4) To recommend to the Governor and the Office of State Budget and Management the relative priorities across executive agency information technology plans.

(5) To establish a quality assurance policy for all agency information technology projects, information systems training programs, and information systems documentation.

(6) To establish and enforce a quality review and expenditure review procedure for major agency information technology projects.

(7) To review and approve expenditures from appropriations made to the Office of State Budget and Management for the purpose of creating a Computer Reserve Fund.

(8) To develop and promote a policy and procedures for the fair and competitive procurement of information technology consistent with the rules of the Department of Administration and consistent with published industry standards for open systems that provide agencies with a vendor-neutral operating environment where different information technology hardware, software, and networks operate together easily and reliably."

(b) The Information Resources Management Commission shall review the information technology plans of the Administrative Office of the Courts and report its findings to

the Joint Legislative Commission on Governmental Operations by November 1, 1997.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

STUDY COMMISSION ON THE ALLOCATION OF JUDICIAL RESOURCES

Section 18.18. (a) The Study Commission on the Allocation of Judicial Resources is created. The Commission shall consist of 15 voting members as follows:

(1) Four members of the House of Representatives to be appointed by the Speaker of the House of Representatives;

(2) Four members of the Senate to be appointed by the President Pro Tempore of the Senate;

(3) Three judges of the General Court of Justice, one superior court judge and one district court judge to be appointed by the Speaker of the House of Representatives, and one superior or district court judge to be appointed by the President Pro Tempore of the Senate;

(4) Three court officials, one district attorney and one clerk of court to be appointed by the President Pro Tempore of the Senate, and one district attorney, clerk of court, or magistrate to be appointed by the Speaker of the House of Representatives;

(5) The Director of the Administrative Office of the Courts, or the Director's designee.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair from the General Assembly membership serving on the Commission. The Commission shall meet upon the call of the cochairs. A majority of the Commission shall constitute a quorum for the transaction of business.

(b) The Commission shall study the allocation of judicial resources, including superior court judges, district court judges, assistant district attorneys, deputy clerks of court, assistant clerks of court, magistrates, and support staff. The study shall include a review of the existing workload and staffing formulas for judicial personnel.

(c) The Commission may contract for consultant services as provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of the House of Representatives and Senate Supervisors of Clerks. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Commission, while in the discharge of official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession,

ascertainable from their records, or otherwise available to them, and the power to subpoena witnesses.

Members of the Commission shall receive per diem, subsistence, and travel allowances as follows:

(1) Commission members who are members of the General Assembly at the rate established in G.S. 120-3.1;

(2) Commission members who are officials or employees of the State or of local government agencies at the rate established in G.S. 138-6.

(d) The Commission shall report the results of its study and its recommendations to the 1999 General Assembly and may make an interim report to the 1998 Regular Session of the 1997 General Assembly. The Commission shall terminate upon filing its final report.

(e) There is allocated from the funds appropriated to the Legislative Services Commission's studies reserve to the Study Commission on the Allocation of Judicial Resources Study Commission the sum of fifteen thousand dollars ($15,000) for the 1997-98 fiscal year and the sum of fifteen thousand dollars ($15,000) for the 1998-99 fiscal year to conduct the study directed by this section.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

GUARDIAN AD LITEM ATTORNEY BILLINGS

Section 18.19. Attorneys providing legal services for the Guardian Ad Litem program shall bill the Judicial Department within 60 days after the end of each quarter of the fiscal year in order to be reimbursed for those services.

Requested by: Representatives Justus, Kiser, Thompson

PROJECT CHALLENGE REPORT

Section 18.20. (a) Of the funds appropriated in this act to the Administrative Office of the Courts for the 1997-98 fiscal year, the sum of one hundred thousand dollars ($100,000) shall be used to support the operation of Project Challenge North Carolina, Inc., a nonprofit corporation that provides alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined in District Court District 24, and for expansion of the program. The funds shall be used to:

(1) Provide community resources and dispositional alternatives for juveniles in the form of community services, including services to the elderly and economically disadvantaged;

(2) Promote the involvement of juveniles in community programs that instill in juveniles pride in their communities and develop self-respect and the skills needed for them to be productive, responsible members of their communities;

(3) Coordinate with the local schools and State and local law enforcement to educate juveniles regarding the justice system and to promote respect for authority and an appreciation of societal laws and mores; and

(4) Collaborate with community agencies and organizations to provide guidance to and positive role models for juveniles.

(b) Project Challenge North Carolina, Inc. shall report by March 1, 1998, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the effectiveness of the program, including information on the number of juveniles served. Thereafter, Project Challenge North Carolina, Inc. shall report quarterly to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the operations and effectiveness of the program.

Requested by: Representatives Morris, Hurley, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

CUMBERLAND JUVENILE ASSESSMENT CENTER

Section 18.21. (a) Of the funds appropriated in this act to the Administrative Office of the Courts for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to fund the Juvenile Assessment Project authorized by this section. These funds shall be matched by local funds on the basis of one dollar ($1.00) of local funds for every three dollars ($3.00) of State funds.

(b) The Administrative Office of the Courts, in collaboration with the Chief Court Counselor of District Court District 12, the Cumberland County Department of Social Services, and the appropriate local school administrative units, shall develop and implement a Juvenile Assessment Center Project in District Court District 12 to operate from the effective date of this act to June 30, 1998. The purpose of the Project is to facilitate efficient prevention and intervention service delivery to juveniles who are (i) alleged to be delinquent or undisciplined and have been taken into custody or (ii) at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even though they have not been taken into custody. The Project shall assist these juveniles by providing a centralized point of intake and assessment for the juveniles, by addressing the educational, emotional, and physical needs of the juveniles, and by providing juveniles with an atmosphere for learning personal responsibility, self-respect, and respect for others. The Administrative Office of the Courts shall consider the recommendations of the Juvenile Assessment Advisory Board in developing and implementing the Project.

(c) The Project shall be modeled after the Juvenile Assessment Center in Hillsborough County, Florida, and shall:

(1) Identify those juveniles who are alleged to be delinquent or undisciplined or are at risk of becoming delinquent or undisciplined;

(2) Evaluate the educational, emotional, and physical needs of the juveniles identified and determine whether the juveniles have problems related to substance abuse, depression, or other emotional conditions;

(3) Develop in-depth and comprehensive assessment plans for the juveniles identified that recommend appropriate treatment, counseling, and disposition of the juveniles; and

(4) Provide services to juveniles identified and their families through collaboration with public and private resources, including local law enforcement, parents' organizations, the Fayetteville Chamber of Commerce, and county and community programs and organizations that provide substance abuse treatment and child and family counseling.

(d) There is established the Juvenile Assessment Advisory Board to make recommendations to the Administrative Office of the Courts regarding the development and operations of the Project. The Board shall consist of 13 members, including:

(1) The director of the Department of Social Services of Cumberland County, or the director's designee.
(2) A representative from the local mental health area authority of Cumberland County.
(3) A member of the Cumberland County Board of Education.
(4) The sheriff of Cumberland County, or the sheriff's designee.
(5) The chief of police of the Fayetteville Police Department, or the designee of the chief of police.
(6) A judge of District Court District 12.
(7) A juvenile court counselor from District Court District 12.
(8) The director of the Guardian Ad Litem program in Cumberland County, or the director's designee.
(9) The director of the Health Department of Cumberland County, or the director's designee.
(10) Two public members appointed by the Fayetteville City Council.
(11) Two public members appointed by the Board of County Commissioners of Cumberland County.

The members of the Board shall, within 30 days after the initial appointment is made, meet and elect one member as chair. The Board shall meet at least once a month at the call of the chair, and a quorum of the Board shall consist of a majority of its members. The Board of County Commissioners of Cumberland County shall provide necessary clerical and professional assistance to the Board.

Initial appointments shall be made by October 1, 1997, and all terms shall expire June 30, 1998.

(e) The Administrative Office of the Courts, in consultation with the Department of Human Resources, shall evaluate the Project and report to the Chairs of the House and Senate Appropriations Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and Human Resources, and the Fiscal Research Division of the General Assembly by May 1, 1998, on the progress of the development and implementation of the Project. In the report, the Administrative Office of the Courts, in consultation with the Department of Human Resources, shall evaluate the effectiveness of the Project, including the number of juveniles served or expected to be served, and shall recommend whether the Project should be continued. If the report recommends that the Project be continued, it shall also provide a cost analysis outlining the long-term staffing and operating needs of the Project.

Requested by: Representatives Sexton, Eddins, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

BAD CHECK PILOT PROGRAM FUNDS/REPORT

Section 18.22. (a) G.S. 7A-308 is amended by adding a new section to read:

"(c) A person who participates in a program for the collection of worthless checks under G.S. 14-107.2 must pay a fee of fifty dollars ($50.00). The fee collected under this subsection must be remitted to the State by the clerk of court in the county in which the program is established and credited to the Collection of Worthless Checks Fund. The Collection of Worthless Checks Fund is created as a special revenue fund. Revenue in the Fund does not revert at the end of the fiscal year, and interest and other investment income earned by the Fund accrues to the Fund. The money in the Fund is subject to appropriation by the General Assembly and may be used solely for the expenses of the programs established under G.S. 14-107.2 for the collection of worthless checks."

(b) Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-107.2. Program for the collection of worthless check cases.**

A district attorney may establish a program for the collection of worthless check cases that would, if prosecuted under G.S. 14-107, be punishable as a Class 2 misdemeanor. The purpose of the program is to collect worthless checks in a more timely manner, to alleviate the need to prosecute each worthless check case, and to provide an opportunity for the check passer to avoid criminal prosecution. In creating the program, the district attorney must establish criteria for the types of worthless check cases that will be eligible for collection under the program. If the check passer participates in the program by paying the fee under G.S. 7A-308(c) and providing restitution to the check taker for (i) the amount of the check or draft, (ii) any service charges imposed on the check taker by a bank or depository for processing the dishonored check, and (iii) any processing fees imposed by the check taker pursuant to G.S. 25-3-512, then the district attorney will not prosecute the worthless check case under G.S. 14-107. The Administrative Office of the Courts must establish procedures for remitting the fee and providing restitution to the check taker. For the purposes of this section, the terms 'check passer' and 'check taker' have the same meanings as defined in G.S. 14-107.1."

(c) Of the funds appropriated to the Judicial Department for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to establish bad check collection pilot programs in Columbus, Durham, and Rockingham Counties.

The Administrative Office of the Courts shall report by May 1, 1998, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation

of the programs, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases.

(d) This act applies only to Columbus, Durham, and Rockingham Counties.

(e) This act becomes effective October 1, 1997, and expires June 30, 1998.

Requested by: Representatives Justus, Kiser, Thompson

DISTRICT COURT CIVIL CASE MANAGEMENT

Section 18.23. The Administrative Office of the Courts shall report by May 1, 1998, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the civil case management pilot programs established in District Court Districts 13, 18, and 30. The report shall assess the success of these programs in reducing the backlog of civil court cases and in resolving new cases more quickly.

Requested by: Representatives Redwine, Hackney, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

ESTABLISH TEEN COURTS IN ORANGE, COLUMBUS, BRUNSWICK, FORSYTH, AND CABARRUS COUNTIES AND TO PROVIDE ADDITIONAL FUNDING FOR THE TEEN COURTS IN WAKE AND DURHAM COUNTIES

Section 18.24. (a) Of the funds appropriated in this act to the Judicial Department, the Administrative Office of the Courts shall use:

(1) The sum of fifteen thousand dollars ($15,000) for the 1997-98 fiscal year and the sum of fifteen thousand dollars ($15,000) for the 1998-99 fiscal year to establish a "teen court" program in Orange County.

(2) The sum of twenty thousand dollars ($20,000) for the 1997-98 fiscal year and the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a "teen court" program in Columbus County.

(3) The sum of twenty thousand dollars ($20,000) for the 1997-98 fiscal year and the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a "teen court" program in Brunswick County.

(4) The sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1997-98 fiscal year and the sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1998-99 fiscal year to establish a "teen court" program in Forsyth County.

(5) The sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1997-98 fiscal year and the sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1998-99 fiscal year to establish a "teen court" program in Cabarrus County.

The Administrative Office of the Courts shall establish the programs pursuant to the guidelines and objectives set forth in Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(b) Of the funds appropriated in this act to the Judicial Department for the 1997-98 fiscal year, the sum of fifteen thousand dollars ($15,000) shall be used to provide additional funding for the "teen court" program currently operating in Durham County and the sum of fifteen thousand dollars ($15,000) shall be used to provide additional funding for the "teen court" program currently operating in Wake County.

(c) Each of the programs funded pursuant to this section shall report to the Administrative Office of the Courts on the expenditures and operations of the program by March 1, 1998, and thereafter on a quarterly basis. The Administrative Office of the Courts shall evaluate the effectiveness of the programs and report its findings and recommendations to the Joint Legislative Commission on Governmental Operations and to the

Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by April 15, 1998.

PART XIX. DEPARTMENT OF CORRECTION

Conviction

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

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

Section 19. (a) G.S. 148-29 reads as rewritten:

"**§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's expense affidavit.**

(a) The sheriff having in charge any prisoner to be taken to the State prison system shall send the prisoner to the custody of the Department of Correction within five days after sentencing and the disposal of all pending charges against the prisoner, if no appeal has been taken. Beginning on the sixth day after sentencing and disposal of all pending charges against the prisoner and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the ~~county a~~ county:

(1) A standard sum set by the General Assembly in its appropriations acts for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical services to the prisoner awaiting transfer to the State prison ~~system.~~ system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by prisoners awaiting transfer to the State prison system.

(b) The sheriff having in charge any parolee or post-release supervisee to be taken to the State prison system shall send the prisoner to the custody of the Department of Correction within five days after preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the sixth day after the hearing and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) A standard sum set by the General Assembly in its appropriations acts for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical services to the parolee or post-release supervisee awaiting transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by parolees or post-release supervisees awaiting transfer to the State prison system.

(c) The sheriff shall file with the board of commissioners of his county a copy of his affidavit as to necessary guard, together with a copy of his itemized account of expenses, both certified to by him as true copies of those on file in his office."

(b) The Department of Correction may use funds appropriated to the Department for the 1997-99 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement t

counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

Prior to the expenditure of more than the sum of six million five hundred thousand dollars ($6,500,000) for the 1997-98 fiscal year or more than the sum of four million dollars ($4,000,000) for the 1998-99 fiscal year to reimburse counties for prisoners awaiting transfer, the Department of Correction and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations on the necessity of that expenditure.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

INMATE HOUSING FUNDS

Section 19.1. If the Department of Correction determines that funds needed to contract for prison beds to house inmates in out-of-state prisons or in local jails will exceed appropriations for those purposes in the 1997-98 continuation budget, it may contract for those purposes using funds from the 1997-98 continuation budget reserves for operating prisons that become available because of delays in the construction of prison units. To the extent that funds from the reserves for operating prison units are not available, the Department of Correction may use funds available to the Department for the 1997-98 fiscal year to contract for prison beds to house inmates in out-of-state prisons or in local jails. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on these contracts. The report shall include the amount expended monthly for each contract, the source of funding used to pay for the contracts, the status of each contract, and the projected dates for returning the inmates housed out-of-state or in local jails to the State prison system.

Prior to the expenditure of more than the sum of one million dollars ($1,000,000) in additional funds authorized by this section to contract for out-of-state and local jail beds, the Department of Correction and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations on the necessity of that expenditure.

Requested by: Senator Gulley

EXEMPTION FROM LICENSURE AND CERTIFICATE OF NEED

Section 19.2. (a) Inpatient chemical dependency or substance abuse facilities that provide services exclusively to inmates of the Department of Correction shall be exempt from licensure by the Department of Human Resources under Chapter 122C of the General Statutes. If an inpatient chemical dependency or substance abuse facility provides services both to inmates of the Department of Correction and to members of the general public, the portion of the facility that serves inmates shall be exempt from licensure.

(b) Any person who contracts to provide inpatient chemical dependency or substance abuse services to inmates of the Department of Correction may construct and operate a new chemical dependency or substance abuse facility for that purpose without first obtaining a certificate of need from the Department of Human Resources pursuant to Article 9 of Chapter 131E of the General Statutes. However, a new facility or addition developed for that purpose without a certificate of need shall not be licensed pursuant to Chapter 122C of the General Statutes and shall not admit anyone other than inmates unless the owner or operator first obtains a certificate of need.

(c) This section applies to existing facilities, as well as future facilities contracting with the Department of Correction.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LIMIT USE OF OPERATIONAL FUNDS

Section 19.3. Funds appropriated in this act to the Department of Correction for operational costs for additional facilities shall be used for personnel and operating expenses set forth in the budget approved by the General Assembly in this act. These funds shall not be expended for any other purpose, except as provided for in this act, and shall not be expended for additional prison personnel positions until the new facilities are within 90 days of projected completion, except for certain management, security, and support positions necessary to prepare the facility for opening, as authorized in the budget approved by the General Assembly.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

USE OF FACILITIES CLOSED UNDER GPAC/PLAN FOR EFFICIENT OPERATION OF DIVISION OF PRISONS

Section 19.4. (a) In conjunction with the closing of small expensive prison units recommended for consolidation by the Government Performance Audit Committee, the Department of Correction shall consult with the county or municipality in which the unit is located or any private for-profit or nonprofit firm about the possibility of converting that unit to other use. Consistent with existing law and its future needs, the Department may provide for the transfer or the lease for 20 years or more of any of these units to counties, municipalities, or private firms wishing to convert them to other use. The Department of Correction may also consider converting some of the units recommended for closing from medium security to minimum security, 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 Human Resources 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.

Prior to any transfer or lease of these units, the Department of Correction shall report on the terms of the proposed transfer or lease to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee. The Department of Correction shall also provide quarterly summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section.

(b) The Department of Correction shall prepare a long-range plan for the closing, consolidation, or conversion of prison units or diagnostic centers that would contribute to the more efficient operation of the Division of Prisons. The Department shall present this plan to the Joint Legislative Corrections Oversight Committee by April 30, 1998.

Requested by: Representatives Justus, Kiser, Thompson

FEDERAL GRANT REPORTING

Section 19.5. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, and the Judicial Department shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

Requested by: Senator Gulley

HARRIET'S HOUSE FUNDS/FUNDS SHALL NOT REVERT

Section 19.6. (a) Funds appropriated in this act to the Department of Correction to support the programs of Harriet's House may be used for program operating costs, the purchase of equipment, and the rental of real property. Harriet's House shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program including information on the number of clients served and the number of clients who successfully complete the Harriet's House program.

(b) The balance of the two hundred thousand dollars ($200,000) appropriated in Chapter 507 of the 1995 Session Laws to the Department of Correction for the 1996-97 fiscal year to support the programs at Harriet's House shall not revert at the end of the fiscal year but shall remain available to the Department during the 1997-98 fiscal year to be used for program operating costs, the purchase of equipment, and the rental of real property.

(c) This section becomes effective June 30, 1997.

Requested by: Senators Gulley, Odom, Ballance

REPORT ON SUMMIT HOUSE

Section 19.7. (a) Summit House shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who have their probation revoked, and the number of clients who successfully complete the program while housed at Summit House.

(b) Summit House shall report by December 1, 1998, to the Joint Legislative Commission on Governmental Operations on (i) possible expansion of the programs in Mecklenburg and Guilford Counties; (ii) on possible expansion to other areas of the State; and (iii) the status of the Wake County program. This report shall include the estimated size of the population to be served, estimated costs, and anticipated obstacles to establishment of a residential program.

(c) The balance of the one million one hundred three thousand seven hundred fifty-eight dollars ($1,103,758), appropriated in Chapter 507 of the 1995 Session Laws and Chapter 18 of the Session Laws of the 1996 Second Extra Session to the Department of Correction for the 1996-97 fiscal year for support and expansion of the programs at Summit House in Greensboro and Mecklenburg and Wake Counties, shall not revert at the end of the fiscal year but shall remain in the Department during the 1997-9 fiscal year for that purpose.

(d) This section becomes effective June 30, 1997.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 19.8. (a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, grants made through the North Carolina State-County Criminal Justice Partnership Act for the 1997-98 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years. Appropriations not claimed or expended by the counties during the 1997-99 biennium shall be distributed as specified in G.S. 143B-273.15(1).

(b) G.S. 143B-273.4(a) reads as rewritten:

"(a) An eligible offender is an adult offender who either is in confinement awaiting trial, or was convicted of a misdemeanor or a felony offense and received a nonincarcerative sentence of an intermediate punishment or is serving a term of parole or post-release supervision after ~~completing~~ serving an active sentence of imprisonment."

(c) G.S. 143B-273.12(c) reads as rewritten:

"(c) The proposed program shall target ~~adult~~ eligible offenders ~~who either are in confinement awaiting trial, were convicted of a misdemeanor or a felony offense and received a nonincarcerative sentence of an intermediate punishment, or are serving a term of post-release supervision after completing active sentences of imprisonment. The priority populations shall be offenders sentenced to intermediate punishments and offenders who are appropriate for release from jail prior to trial under the supervision of a pretrial monitoring program.~~ as defined in G.S. 143B-273.4."

Requested by: Senator Gulley

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 19.9. The Post-Release Supervision and Parole Commission shall report to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee by March 1, 1998, on a staffing reorganization and reduction plan. The report shall address the impact on Commission staffing of the declining parole workload, the automation of Commission functions, and the anticipated role of the Commission in Post-Release Supervision. The report shall include a transition plan for implementing staff reductions over the next five years, including a minimum of a ten percent (10%) reduction in the 1998-99 fiscal year over the 1997-98 fiscal year.

Requested by: Senator Gulley

FEDERAL MATCHING FUNDS

Section 19.10. Appropriations made for the 1997-99 biennium to the Office of State Construction of the Department of Administration for the planning and construction of new prison beds are to match federal funds available for prison construction. Appropriations not needed or used to match federal funds may be made available for construction of new prison beds, segregation units, support buildings and systems, and other needed facilities.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

IMPACT DEFENDANTS IN DOC FACILITIES/CONTINUE IMPACT BOOT CAMP PROGRAM

Section 19.11. (a) G.S. 15A-1343(b1)(2a) reads as rewritten:

"(2a) Submit to a period of ~~imprisonment~~ confinement in a facility ~~for youthful offenders~~ operated by the Department of Correction for a minimum of 90 days or a maximum of 120 days under special probation, reference G.S. 15A-1351(a) or G.S. 15A-1344(e), and abide by all rules and regulations as provided in conjunction with the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), which provides an atmosphere for learning personal confidence, personal responsibility, self-respect, and respect for attitudes and value systems. This condition may also include a period of supervision through the Post-Boot Camp Probation Program."

(b) The Department of Correction may use up to the sum of three hundred fifty thousand dollars ($350,000) in funds available for the 1997-98 fiscal year to continue the pilot project established in subsection 19(b) of Chapter 24 of the Session Laws of the 1994 Extra Session to provide treatment f offenders completing the IMPACT boot camp program.

Requested by: Representatives Justus, Kiser, Thompson

REPORT ON WOMEN AT RISK

Section 19.12. Women at Risk shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds and on the effectiveness of the program, including information on the number of clients served, the number of clients who have had their probation revoked, and the number of clients who have successfully completed the program.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

PERFORMANCE AUDIT OF DIVISION OF ADULT PROBATION AND PAROLE

Section 19.13. The State Auditor shall conduct a performance audit of the Division of Adult Probation and Parole in the Department of Correction.

The State Auditor shall report the audit results to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, the Chairs of the Joint Legislative Corrections Oversight Committee, and the Joint Legislative Commission on Governmental Operations by June 1, 1998.

The performance audit of the Division of Adult Probation and Parole shall review the efficiency and effectiveness of major management policies, practices, and functions, including the following areas:

(1) Organization and structure;
(2) Effect of organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission;
(3) Current staffing patterns and workload;
(4) Current personnel and patronage practices, placing special emphasis on any existing abuses in those practices; and
(5) General effectiveness of probation and parole.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

WORKING HOURS OF EMPLOYEES IN STATE INSTITUTIONS

Section 19.14. G.S. 95-28 is repealed.

Requested by: Representatives Sexton, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

TRANSFER ROCKINGHAM CORRECTIONAL CENTER

Section 19.15. The General Assembly finds that the Department of Correction, the Department of Transportation, and Rockingham County have compelling needs for the use of the below described land:

All that property lying south of N.C. Highway 65 upon which is situated the former Rockingham County Correctional Center building and grounds containing approximately 24 acres.

Therefore, the General Assembly urges the Department of Administration to initiate negotiations between the Department of Correction, the Department of Transportation, and Rockingham County to develop an agreement for the transfer of all or part of the described property to Rockingham County and the use or transfer of part of the described property or of other acceptable property to the Department of Transportation in a manner that meets the needs of all the parties. The General Assembly further urges the parties to implement the agreement in accordance with applicable law as soon as practicable.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

FUNDING OF PRISON ROAD SQUADS

Section 19.16. Notwithstanding any other provision of law, the Department of Transportation shall reimburse the Department of Correction for the cost of inmate road squads on a cost basis, as provided for in G.S. 148-26.5.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

PRIVATE PRISON EXPANSION/MORATORIUM ON PRIVATE PRISONS FOR OUT-OF-STATE INMATES

Section 19.17. (a) The Department of Correction, in consultation with the United States Corrections Corporation, shall determine the feasibility of expanding each of the two 500-bed private confinement facilities presently under construction to 1,000-bed facilities and the cost savings of that expansion over the construction of new facilities. The Department shall report its findings to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee by December 1, 1997.

(b) The Department of Correction, in cooperation with the Department of Justice, Department of Insurance, and Office of State Construction, shall establish proposed standards for any private correctional facilities in this State that are used to confine inmates from a jurisdiction other than North Carolina or a political subdivision of North Carolina. These standards shall include provisions for all such facilities to:

(1) Meet minimum responsibility and insurance standards and may provide for the posting of surety bonds;

(2) Meet or exceed all standards applicable to the State prison system, particularly those standards relating to inmate care and treatment;

(3) Provide for the transfer or return of all inmates to the jurisdiction in which the inmates were originally convicted prior to release of the inmates;

(4) Permit officials of the State of North Carolina to conduct periodic inspections of all such facilities; and

(5) Meet any other standards the departments deem advisable.

The Department of Correction shall report on these proposed standards to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by May 1, 1998. The report shall include a recommendation on the appropriate regulatory agency or agencies to enforce these standards.

(c) No municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina until the Department of Correction has developed proposed standards for such private correctional facilities pursuant to subsection (b) of this section and the General Assembly has acted upon those standards. No private confinement facility authorized under G.S. 148-37(g) that receives payment from this State for the housing of State prisoners may conta

inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina without the written consent of the Secretary of Correction.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

TITLE VII FUNDS/REPORT

Section 19.18. The Department of Correction may use funds available to the Department during the 1997-98 fiscal year for payment to claimants as part of the settlement of the Title VII lawsuit over the recruitment, hiring, and promotion of females in the Department. Prior to final settlement of the lawsuit, the Department shall report on the proposed settlement to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

NEW POSITIONS/MODULAR UNITS

Section 19.19. (a) The Department of Correction may use funds available for the 1997-98 fiscal year to fund up to four new temporary positions to operate new modular units at Henderson Correctional Center and Haywood Correctional Center.

(b) The Department of Correction may use funds available for the 1997-98 fiscal year to purchase and install a new modular unit at Martin Correctional Center.

(c) The Department of Correction shall report on its progress in the installation of all modular units to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee by March 1, 1998.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

INMATE COSTS

Section 19.20. The Department of Correction may use funds available to the Department for the 1997-99 biennium to pay the cost of providing food and health care to inmates housed in the Division of Prisons if:

(1) The prison population exceeds the December 1996 population projections of the North Carolina Sentencing and Policy Advisory Commission; and

(2) The cost of providing food and health care to inmates is anticipated to exceed the continuation budget amounts provided for that purpose in this act.

Prior to making any expenditure authorized by this section, the Department of Correction shall report on its need to use these additional funds to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Committees.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

INCREASE REIMBURSEMENT TO COUNTIES FOR STATE INMATES HOUSED IN LOCAL CONFINEMENT FACILITIES

Section 19.21. (a) The Department of Correction may use up to the sum of one million five hundred eighty-seven thousand four hundred nineteen dollars ($1,587,419) in funds available for the 1997-98 fiscal year to raise the per diem reimbursement to counties from fourteen dollars and fifty cents ($14.50) per day to eighteen dollars ($18.00) per day for State inmates serving sentences of 30 days or more in local confinement facilities. If the Department finds it necessary to exceed this amount during the 1997-98 fiscal year in order to provide the required reimbursement, the Department shall report on its need to use additional funds to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Committees.

Of the funds appropriated to the Department of Correction in this act, the sum of one million nine hundred twelve thousand five hundred fifty-three dollars ($1,912,553) for the 1998-99 fiscal year shall be used to maintain the per diem reimbursement to counties at eighteen dollars ($18.00) per day for State inmates serving sentences of 30 days or more in local confinement facilities.

(b) This section becomes effective September 1, 1997.

Requested by: Senator Gulley

USE OF FEDERAL PRISON CONSTRUCTION GRANT FUNDS

Section 19.22. The Department of Correction shall use federal grant funds received from the U.S. Justice Department as part of the Violent Offender Incarceration Program and the Truth-In-Sentencing Incentive Grant Program for the further planning and design and construction of the following State prison facilities, provided that the project meets the criteria of the federal grant program:

Facility	Location	Number of Beds	Custody
Central Prison Diagnostic Center	Wake	196	Close
Warren Correctional Institution	Warren	168	Med/Close
Improvements to NCCIW	Wake	208	Med/Close
Scotland Facility	Scotland	712	Close
Alexander Facility	Alexander	520	Close
Metro Facility	Charlotte Area	520	Close

No more than the sum of seventeen million five hundred thousand dollars ($17,500,000) in federal funds may be allocated to the Central Prison Diagnostic Center Project, the proposed revised Phase I of the Central Prison Master Plan, or the planning and design of the Warren, NCCIW, or Metro projects until federal funds have been allocated to complete the working drawings phase of planning and design for the Alexander and Scotland Close Custody Prison Facilities.

The Department of Correction shall report quarterly to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee on the allocation of any federal funds received and of anticipated future federal grant funds.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

SUBSTANCE ABUSE FUNDS

Section 19.23. (a) Of the funds appropriated in the continuation budget to the Department of Correction for the 1997-99 biennium for private prison substance abuse beds, the Department shall allocate the sum of five hundred twenty-seven thousand eight hundred six dollars ($527,806) for the 1997-98 fiscal year and the sum of four hundred fifty-four thousand seven hundred fifteen dollars ($454,715) for the 1998-99 fiscal year to a Reserve for Substance Abuse. For the 1997-98 fiscal year, the Department shall allocate up to the sum of four hundred sixty-seven thousand eight hundred six dollars ($467,806) to the DART/DWI aftercare program at Cherry Hospital and up to the sum of sixty thousand dollars ($60,000) for an evaluation of the Department's substance abuse programs. The evaluation study shall review and update findings from the study of Department of Correction substance abuse programs funded by the General Assembly in Section 19.1 of Chapter 507 of the 1995 Session Laws, expand the study to include the DART/DWI aftercare program, and develop proposed performance measures for the Department's substance abuse programs. The Department shall use up to the sum of four hundred fifty-four thousand seven hundred fifteen dollars ($454,715) allocated for the 1998-99 fiscal year for the DART/DWI aftercare program at Cherry Hospital.

(b) The Secretary of Correction shall report to the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by May 1, 1998, on expenditures from the Reserve for Substance Abuse, on the cost and benefits the DART/DWI aftercare program, and the results of the substance abuse evaluation study.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REPORT ON DART/DWI PROGRAM AT CHERRY HOSPITAL

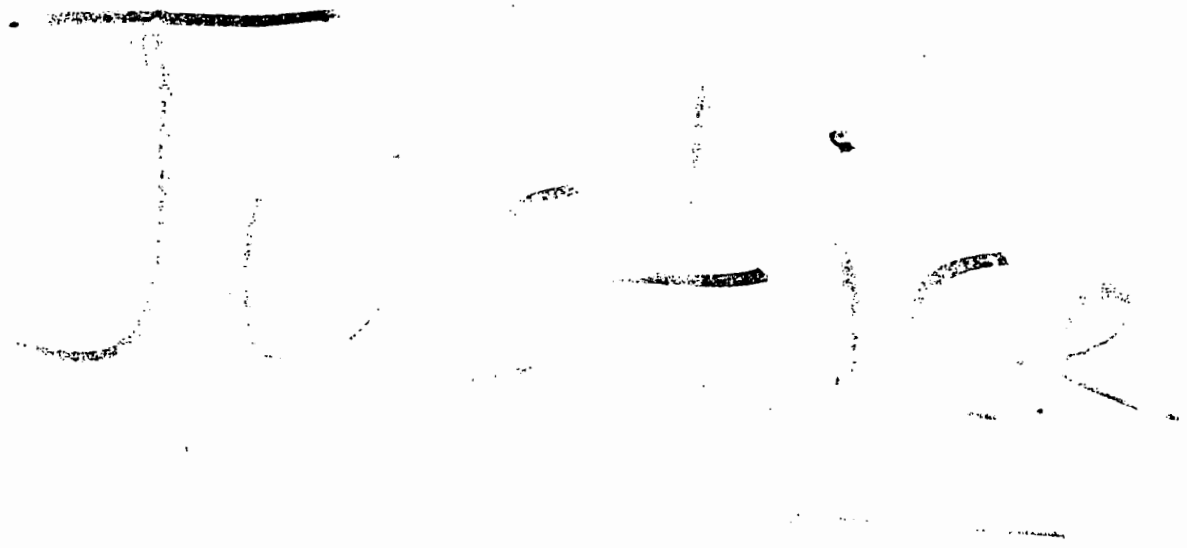
Section 19.24. The Department of Correction shall report by December 1, 1997, and by May 1, 1998, to the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Appropriations Subcommittees on Justice and Public Safety on the residential DWI/Substance Abuse Treatment Program for probationers and parolees at the DART facility at Cherry Hospital. The report shall include monthly statistical summaries of population versus capacity and comparisons of the percentage of offenders entering the program versus those completing the program, for both probationers and parolees. The report shall also include a budget report showing expenditures by purpose. If the program is not operating at capacity by the end of each reporting period, the Department of Correction shall explain the reasons for underutilization and its proposed strategies for addressing the problem of underutilization. Any new initiatives that would revise or expand the treatment model at the facility, along with the accompanying costs, shall also be included in each report.

Requested by: Representatives Justus, Kiser, Thompson

DIRECT CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO REVISE HIRING AND RECORD-KEEPING PROCEDURES FOR EMPLOYEES OF DEPARTMENT OF CORRECTION

Section 19.28. No later than June 30, 1998, the Criminal Justice Education and Training Standards Commission shall reestablish the hiring and record-keeping procedures for the employment of certified positions in the Department of Correction.

PART XX. DEPARTMENT OF JUSTICE



Requested by: Senators Gulley, Ballance, Rand

DEPARTMENT OF JUSTICE SALARY ADJUSTMENTS

Section 20. Of the funds appropriated in this act to the Department of Justice, the sum of ninety-three thousand four hundred fifty-three dollars ($93,453) for the 1997-98 fiscal year and the sum of ninety-three thousand four hundred fifty-three dollars ($93,453) for the 1998-99 fiscal year may be used to increase the salaries of attorneys who are eligible for salary adjustments based upon outstanding job performance for the preceding year.

Requested by: Senator Gulley

SBI FUNDS/SPENDING PRIORITIES

Section 20.1. Of the funds appropriated in this act to the Department of Justice, State Bureau of Investigation, for the 1997-99 biennium for overtime payments, the first priority for use of the funds by the Department shall be:

(1) To make overtime payments to SBI agents in the Field Investigations Division; and

(2) To make overtime payments to supervisory personnel receiving overtime payments as of June 30, 1997, up to a maximum of five thousand two hundred dollars ($5,200) annually per individual.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

SBI USE OF COURT-ORDERED REIMBURSEMENT FUNDS

Section 20.2. The State Bureau of Investigation (SBI) may use funds available from court-ordered reimbursement in undercover drug operations.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

PRIVATE PROTECTIVE SERVICES AND ALARM SYSTEMS LICENSING BOARDS PAY FOR USE OF STATE FACILITIES AND SERVICES

Section 20.3. The Private Protective Services and Alarm Systems Licensing Boards shall pay the appropriate State agency for the use of physical facilities and services provided to those boards by the State.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LIMITS ON COMPUTER SYSTEM UPGRADE

Section 20.4. Any proposed increase in mainframe computer capacity or system upgrade for the Judicial Department, the Department of Correction, the Department of Justice, or the Department of Crime Control and Public Safety, to be funded from the Continuation Budget, shall be reported to the Joint Legislative Commission on Governmental Operations, to the Chairs of the Senate and House of Representatives Appropriations Committees, and to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety before the department enters into any contractual agreement. This report is to be made jointly by the Information Resource Management Commission, the Office of State Budget and Management, and the requesting department.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS

Section 20.5. Client departments, agencies, and boards shall reimburse the Department of Justice for reasonable court fees, attorney travel and subsistence costs, and other costs directly related to litigation in which the Department of Justice is representing the department, agency, or board.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REIMBURSEMENT FOR UNC BOARD OF GOVERNORS LEGAL REPRESENTATION

Section 20.6. The Department of Justice shall be reimbursed by the Board of Governors of The University of North Carolina for two Attorney III positions to provide legal representation to The University of North Carolina system.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

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

Section 20.7. (a) Assets transferred to the Department of Justice during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended.

The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly, except during the 1997-98 fiscal year, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for SBI training; and

(2) Use an amount not to exceed fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

(b) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

DEPARTMENT OF JUSTICE RECORD CHECKS FUNDS AND REPORTS

Section 20.8. (a) The Department of Justice may use, for each year of the 1997-99 biennium, the sum of up to two hundred ten thousand five hundred sixty-three dollars ($210,563) to add up to five positions in the State Bureau of Investigation to facilitate record checks for concealed weapons permits. The Office of State Budget and Management may adjust the allotment of appropriations to the Department of Justice until receipts are realized. The Department of Justice may fund one and one-half positions per 10,000 record checks for concealed weapons permits. If the total number of annual criminal record checks performed by the State Bureau of Investigation falls below the level of 5,000 checks, the number of positions shall be reduced to one.

(b) The Department of Justice shall report by January 15 each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the receipts, costs for, and number of criminal record checks performed in connection with applications for concealed weapons permits. The report by the Department of Justice shall also include information on the number of applications received and approved for firearms safety courses.

Requested by: Senators Plyler, Perdue, Odom, Representatives Holmes, Esposito, Creech, Crawford

SALARY EQUITY FOR SBI LAW ENFORCEMENT

Section 20.9. (a) Of the funds appropriated in this act to the Department of Justice for the State Bureau of Investigation, the sum of two million seven hundred thousand dollars ($2,700,000) for the 1997-98 fiscal year and the sum of two million seven hundred thousand dollars ($2,700,000) for the 1998-99 fiscal year shall be used to adjust the salaries of law enforcement positions in the State Bureau of Investigation. These adjustments shall be based on factors, such as employee salary, position class title, position grade, and credible years of sworn service with the State Bureau of Investigation. No salary adjustment shall result in an increase beyond the maximum salary set for an officer's pay grade. If an officer's salary is near or at the top of the officer's pay grade, the officer shall be eligible to receive a salary adjustment up to the top of the officer's pay grade. If an officer is at the top of the officer's pay grade, then the officer is not eligible to receive a salary adjustment. Sworn officers holding the following management positions are not eligible to receive the salary adjustment: SBI Director, SBI Assistant Directors of Support Services, SBI Assistant Director, SBI Assistant Directors of Field Services, SBI Assistant Director of Crime Laboratory, Deputy Director of Medicaid Fraud.

(b) Within 30 days of any salary adjustment made pursuant to this section, the Department shall report its actions to the Chairs of the House and Senate Appropriations Committees.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

INCREASE THE NUMBER OF FICTITIOUS LICENSES AND REGISTRATION PLATES AUTHORIZED FOR PUBLICLY OWNED MOTOR VEHICLES AND REMOVE THE SUNSET ON PRIOR INCREASE ON NUMBER OF PLATES

Section 20.10. G.S. 20-39(h) reads as rewritten:

"(h) The Commissioner, notwithstanding any other provision of this Chapter, may lawfully and to the extent necessary, provide local, State or federal law-enforcement officers on special undercover assignments with motor vehicle drivers licenses and motor vehicle registration plates under assumed names using false or fictitious addresses. Such registration plates shall only be used on publicly owned or leased vehicles. Requests for these licenses and registration plates shall be made to the Commissioner by the head of the local, State or federal law-enforcement agency and be accompanied by approval in writing from the Director of the State Bureau of Investigation upon a specific finding by the Director that the request is justified and necessary. The Director shall keep a record of all such licenses, registration plates, assumed names, false or fictitious addresses, and law-enforcement officers using the licenses or registration plates, and shall request the immediate return of any license or registration plate that is no longer necessary. Licenses and registration plates provided under this subsection shall expire six months after initial issuance or subsequent validation after the request for extension has been approved in writing by the Director of the State Bureau of Investigation. The head of the local, State or federal law-enforcement agency shall be responsible for the use of the licenses and registration plates and shall return them immediately to the Commissioner for cancellation upon either (i) their expiration, (ii) request of the Director of the State Bureau of Investigation, or (iii) request of the Commissioner. Failure to return a license or registration plates issued pursuant to this subsection shall be punished as a Class 2 misdemeanor. At no time shall the number of valid licenses and registration plates issued under this act exceed ~~one hundred,~~ one hundred twenty-five, and those issued shall be strictly monitored by the Director. All of the private registration plates issued to special agents of the State Bureau of Investigation under the Department of Justice and to alcohol law enforcement agents under the Department of Crime Control and Public Safety, pursuant to G.S. 14-250, may be fictitious plates and shall not be counted in the total number of fictitious plates authorized by this subsection."

(b) Subsection (c) of Section 23 of Chapter 18 of the Session Laws of the 1996 Second Extra Session is repealed.

(c) This section becomes effective June 29, 1997.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

SHERIFF EDUCATION AND TRAINING STANDARDS COMMISSION TO ESTABLISH MINIMUM EMPLOYMENT, TRAINING, AND RETENTION STANDARDS FOR TELECOMMUNICATORS

Section 20.11. (a) Of the funds appropriated in this act to the Department of Justice for the 1997-99 biennium, the sum of one hundred one thousand six hundred thirty-five dollars ($101,635) for the 1997-98 fiscal year and the sum of one hundred thirty-two thousand two hundred thirty-one dollars ($132,231) for the 1998-99 fiscal year shall be used to fund a criminal justice research associate, a processing assistant, a criminal justice instructor-coordinator, and related expenses to implement this section.

(b) G.S. 17E-2(3) reads as rewritten:

"(3) 'Justice officer' ~~means a person who, through the special trust and confidence of the sheriff of the county, has taken the oath of office prescribed by Chapter 11 of these statutes as a peace officer in the office of a sheriff, or who has been duly appointed as a detention officer by the sheriff. The term includes 'deputy sheriffs' and 'special deputy sheriffs' but does not include clerical and support personnel not required to take an oath. The term 'special deputy' means a person who, through appointment by the sheriff, becomes an unpaid criminal justice officer to perform a specific act directed to the person by the sheriff. Justice officer shall also mean the administrator and the other custodial personnel of district confinement facilities as defined in G.S. 153A-219. Nothing in this Chapter shall transfer any supervisory or administrative control of employees of district confinement facilities to the office of the sheriff.~~ means:

a. A person who, through the special trust and confidence of the sheriff, has taken the oath of office prescribed by Chapter 11 of the General Statutes as a peace officer in the office of the sheriff. This term includes 'deputy sheriffs', 'reserve deputy sheriffs', and 'special deputy sheriffs', but does not include clerical and support personnel not required to take an oath. The term 'special deputy' means a person who, through appointment by the sheriff, becomes an unpaid criminal justice officer to perform a specific act directed by the sheriff; or

b. A person who, through the special trust and confidence of the sheriff, has been appointed as a detention officer by the sheriff; or

c. A person who is either the administrator or other custodial personnel of district confinement facilities as defined in G.S. 153A-219; however, nothing in this Chapter transfers any supervisory or administrative control over employees of district confinement facilities to the office of the sheriff; or

d. A person who, through the special trust and confidence of the sheriff, is under the direct supervision and control of the sheriff and serves as a telecommunicator, or who is presented to the Commission for appointment as a telecommunicator by an employing entity other than the sheriff for the purpose of obtaining certification from the Commission as a telecommunicator."

(c) G.S. 17E-7 reads as rewritten:

"**§ 17E-7. Required standards.**

(a) Justice ~~officers~~ officers, other than those set forth in subsection (c1) of this section, shall not be required to meet any requirements of subsections (b) and (c) of this section as a condition of continued employment, nor shall failure of a justice officer to fulfill such requirements make him ineligible for any promotional examination for which he is otherwise eligible if the officer held an appointment prior to July 1, 1983, and is a sworn law-enforcement officer with power of arrest. The legislature finds, and it is hereby declared to be the policy of this Chapter, that such officers have satisfied such requirements by their experience. It is the intent of the Chapter that all justice officers employed at the entry level after the Commission has adopted the required standards shall meet the requirements of this Chapter. All justice officers who are exempted from the required entry level standards by this subsection are subject to the requirements of subsections (b) and (c) of this section as well as the requirements of G.S. 17E-4(a) in order to retain certification.

(b) The Commission shall provide, by regulation, that no person may be appointed as a justice officer at entry level, except on a temporary or probationary basis, unless such person has satisfactorily completed an initial preparatory program of training at a school certified by the Commission or has been exempted from that requirement by the Commission pursuant to this Chapter. Upon separation of a justice officer from a sheriff's department within the temporary or probationary period of appointment, the probationary certification shall be terminated by the Commission. Upon the reappointment to the same department or appointment to another department of an officer who has separated from a department within the probationary period, the officer shall be charged with the amount of time served during his initial appointment and allowed the remainder of the probationary period to complete the basic training requirement. Upon the reappointment to the same department or appointment to another department of an officer who has separated from a

department within the probationary period and who has remained out of service for more than one year from the date of separation, the officer shall be allowed another probationary period to complete such training as the Commission shall require by rule for an officer returning to service.

(c) In addition to the requirements of subsection (b) of this section, the Commission, by rules and regulations, may fix other qualifications for the employment and retention of justice officers including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of the office, and the Commission shall prescribe the means for presenting evidence of fulfillment of these requirements.

Where minimum educational standards are not met, yet the individual shows potential and a willingness to achieve the standards by extra study, they may be waived by the Commission for the reasonable amount of time it will take to achieve the standards required. Upon petition from a sheriff, the Commission may grant a waiver of any provisions of this section (17E-7) for any justice officer serving that sheriff.

(c1) Any justice officer appointed as a telecommunicator at the entry level after March 1, 1998, shall meet all requirements of this Chapter. Any person employed in the capacity of a telecommunicator as defined by the Commission on or before March 1, 1998, shall not be required to meet any entry-level requirements as a condition of continued employment but shall be reported to the Commission for certification. All justice officers who are exempted from the required entry-level standards by this subsection are subject to the requirements of subsections (b) and (c) of this section as well as the requirements of G.S. 17E-4(a) in order to retain certification.

(d) The Commission may issue a certificate evidencing satisfaction of the requirements of subsections ~~(b) and (c)~~ (b), (c), and (c1) of this section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of instruction in another jurisdiction."

(d) Any entity, other than a sheriff's office, that employs telecommunicators is not required to submit telecommunicators under its employment for certification pursuant to Chapter 17E of the General Statutes and is not subject to criminal or civil liability if it does not do so.

Requested by: Representatives Preston, Justus, Kiser, Thompson

DEPARTMENT OF JUSTICE TO PROVIDE TRAINING TO STATE AND LOCAL LAW ENFORCEMENT OFFICERS IN THE IDENTIFICATION OF ACCIDENT-TRAUMA VICTIMS IN ORDER TO FACILITATE TIMELY IDENTIFICATION OF POTENTIAL ORGAN AND TISSUE DONORS AND TO PROVIDE FOR THE IDENTIFICATION OF ACCIDENT-TRAUMA VICTIMS

Section 20.12. (a) Of the funds appropriated in this act to the Department of Justice for the 1997-98 fiscal year, the sum of twenty-five thousand dollars ($25,000) shall be used by the North Carolina Criminal Justice Education and Standards Training Commission, the North Carolina Sheriffs' Education and Training Standards Commission, and the North Carolina Justice Academy to provide for the training of State and local law enforcement officers in the timely identification of accident-trauma victims in order to facilitate the identification of potential organ and tissue donors.

(b) Chapter 90 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 35.

"Accident-Trauma Victim Identification.

"§ 90-600. Short title.

This Article shall be known and may be cited as the Carolyn Sonzogni Act.

"§ 90-601. Purpose.

The identification of accident-trauma victims is crucial to the timely notification of the next of kin of accident-trauma victims and to the recovery of organs and tissues for organ transplants. In recognition of these facts, it is the policy of this State and the purpose of this act to provide for the timely identification of accident-trauma victims by law enforcement, fire, emergency, rescue, and hospital personnel.

"§ 90-602. Routine search for donor information.

(a) The following persons may make a reasonable search for a document of gift or other information identifying the bearer as an organ donor or as an individual who has refused to make an anatomical gift:

(1) A law enforcement officer, firefighter, paramedic, or other official emergency rescuer finding an individual who the searcher believes is near death; and

(2) A hospital, upon the admission of an individual at or near the time of death, if there is not immediately available any other source of that information.

(b) Any law enforcement officer or other person listed in subsection (a) of this section may conduct an administrative search of the accident-trauma victim's Division of Motor Vehicles driver record to determine the individual's authorization for organ donation or refusal of organ donation.

(c) A physical search pursuant to subsection (a) of this section may be conducted at or near the time of death or hospital admission and shall be limited to those personal effects of the

individual where a drivers license reasonably may be stored. Any information, document, tangible objects, or other items discovered during the search shall be used solely for the purpose of ascertaining the individual's identity, notifying the individual's next of kin, and determining whether the individual intends to make an anatomical gift, and in no event shall any such discovered material be admissible in any subsequent criminal or civil proceeding, unless obtained pursuant to a lawful search on other grounds.

"**§ 90-603. Timely notification of next of kin.**

A State or local law enforcement officer shall make a reasonable effort to notify the next of kin of an accident-trauma victim if the individual is hospitalized or dead. Whenever possible, the notification should be delivered in person and without delay after ensuring positive identification. If appropriate under the circumstances, the notification may be given by telephone in accordance with State and local law enforcement departmental policies. In addition to the notification of next of kin made by law enforcement personnel, other emergency rescue or hospital personnel may contact the next of kin, or the nearest organ procurement organization, in order to expedite decision making with regard to potential organ and tissue recovery.

"**§ 90-604. Use of body information tags.**

(a) In order to provide the identifying information necessary to facilitate organ and tissue transplants, a body information tag shall be attached to or transmitted with the body of an accident-trauma victim by the following persons:

(1) A law enforcement officer, firefighter, paramedic, or other official emergency rescuer who believes the seriously injured individual to be near death; and

(2) Hospital personnel, after the individual has been pronounced dead.

(b) The body information tag shall include information identifying the accident-trauma victim, identifying whether the individual is an organ donor, and providing any information on the next of kin. The Division of Motor Vehicles shall be responsible for producing and distributing body information tags to all State and local law enforcement departments. In addition, the tags shall be distributed by the Division of Motor Vehicles to all State and local agencies employing firefighters, paramedics, and other emergency and rescue personnel."

Requested by: Representatives Justus, Kiser, Thompson

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 20.13. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by April 15, 1998, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards;

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board;

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network; and

(4) The status of the implementation of the mobile data network system, including the amount of funds spent on the system as of the date of the report and the long-term costs of implementing the system statewide.

The Board shall make an interim report on these issues to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly by November 1, 1997.

Requested by: Representatives Redwine, Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

ATTORNEY GENERAL OPINION REQUIRED FOR ALL STATE SETTLEMENTS

Section 20.14. (a) Chapter 114 of the General Statutes is amended by adding a new section to read:

"**§ 114-2.4. Attorney General to render opinion on settlement agreements.**

(a) The Attorney General shall review the terms of all proposed agreements entered into by the State or a State department, agency, institution, or officer to settle or resolve litigation or potential litigation, that involves the payment of public monies in the sum of seventy-five thousand dollars ($75,000) or more. In order for such an agreement or contract to be effective against the State, the Attorney General shall submit to the State or the State department, agency, institution, or officer a written opinion regarding the terms of the proposed agreement and the advisability of entering into the agreement, prior to entering into the agreement. The written opinion required by this section shall be maintained in the official file of the final settlement agreement. The Attorney General by rule may delegate to a deputy or assistant Attorney General or to another subordinate the authority to approve settlement agreements.

(b) The Attorney General shall report to the Joint Legislative Commission on Governmental Operations on all agreements entered into by the State or a State department, agency, institution, or officer to settle or resolve litigation or potential litigation, that involves the payment of public monies in the sum of seventy-five thousand dollars ($75,000) or more."

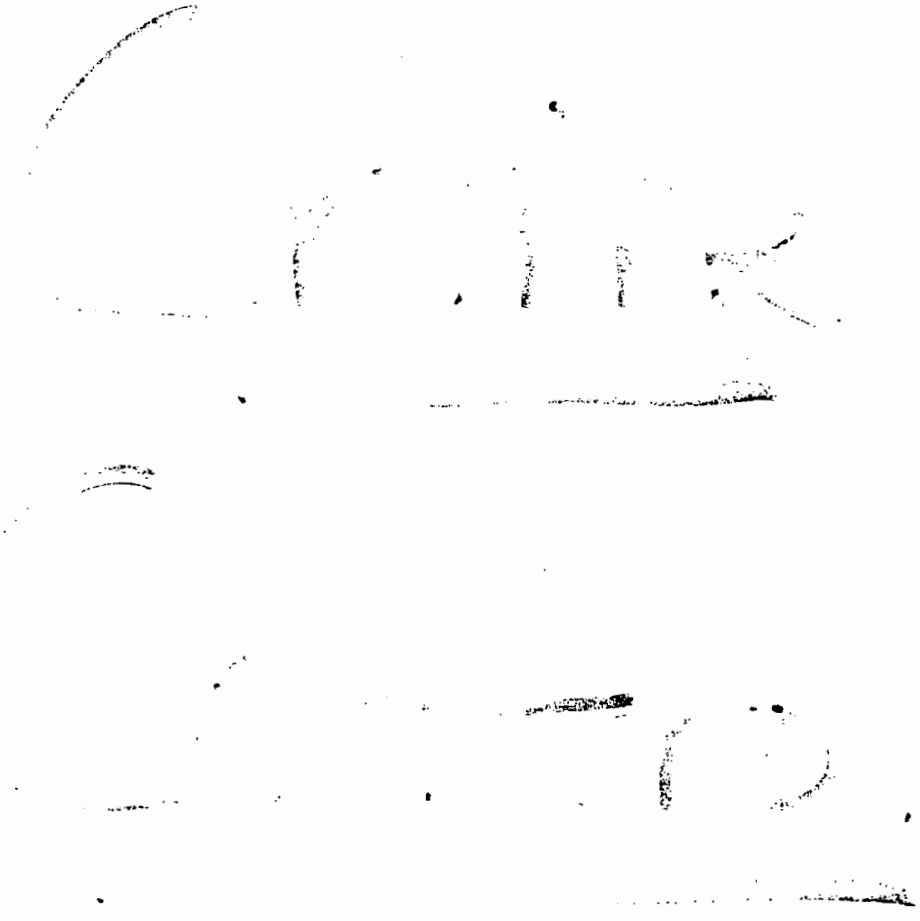
(b) This section is effective when this act becomes law and applies to settlements entered into on or after that date.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

STUDY FEE ADJUSTMENT FOR CRIMINAL RECORDS CHECKS

Section 20.15. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal records checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal records checks during the 1996-97 fiscal year. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal records checks. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on or before May 1, 1998.

PART XXI. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY



Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LEGISLATIVE REVIEW OF DRUG LAW ENFORCEMENT AND OTHER GRANTS

Section 21. (a) Section 1303(4) of the Omnibus Crime Control and Safe Streets Act of 1968 provides that the State application for Drug Law Enforcement Grants is subject to review by the State legislature or its designated body. Therefore, the Governor's Crime Commission of the Department of Crime Control and Public Safety shall report on the State application for grants under the State and Local Law Enforcement Assistance Act of 1986, Part M of the Omnibus Crime Control and Safe Streets Act of 1968 as enacted by Subtitle K of P.L. 99-570, the Anti-Drug Abuse Act of 1986, to the Senate and House Appropriations Subcommittees on Justice and Public Safety when the General Assembly is in session. When the General Assembly is not in session, the Governor's Crime Commission shall report on the State application to the Joint Legislative Commission on Governmental Operations.

(b) Unless a State statute provides a different forum for review, when a federal law or regulation provides that an individual State application for a grant shall be reviewed by the State legislature or its designated body and at the time of the review the General Assembly is not in session, that application shall be reviewed by the Joint Legislative Commission on Governmental Operations.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

VICTIMS ASSISTANCE NETWORK FUNDS

Section 21.1. Of the funds appropriated in this act to the Department of Crime Control and Public Safety, the sum of one hundred fifty thousand dollars ($150,000) for the 1997-98 fiscal year and the sum of one hundred fifty thousand dollars ($150,000) for the 1998-99 fiscal year shall be used to support the Victims Assistance Network. These funds shall be used by the Victims Assistance Network to perform the following functions under the direction of and as required by the Department of Crime Control and Public Safety:

(1) Conduct surveys and gather data on crime victims and their needs;
(2) Act as a clearinghouse for crime victims services;
(3) Provide an automated crime victims bulletin board for subscribers;
(4) Coordinate and support the activities of other crime victims advocacy groups;
(5) Identify training needs of crime victims services providers and criminal justice personnel and coordinate training efforts for those persons; and
(6) Provide other services as identified by the Governor's Crime Commission or the Department of Crime Control and Public Safety.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REPORT ON COMMUNITY SERVICE WORKERS

Section 21.2. The Department of Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division by March 1 and September 1 of each fiscal year of the 1997-99 biennium on the number of community service workers who were available during each month of the time period preceding that report to perform repairs and maintenance of the parks and when and where they were available.

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

REPORT ON CRIME VICTIMS COMPENSATION FUND

Section 21.3. The Department of Crime Control and Public Safety shall report to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly by March 15 each year on the North Carolina Crime Victims Compensation Fund. The report shall include a statement regarding:

(1) The administrative expenses of the Fund for the prior fiscal year and the current fiscal year on the date of the report;
(2) The current unencumbered balance of the Fund;
(3) The amount of funds carried over from the prior fiscal year;
(4) The amount of funds received in the prior fiscal year from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.;
(5) The amount of funds expected to be received in the current fiscal year, as well as the amount actually received in the current fiscal year on the date of the report, from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.; and
(6) The total amount of funds paid to victims in the prior fiscal year and in the current fiscal year on the date of the report.

Requested by: Representatives Kiser, Justus, Thompson, Hill, Senators Gulley, Ballance, Rand

CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE

Section 21.4. (a) Article 12J of Chapter 120 of the General Statutes reads as rewritten:

"ARTICLE 12J.

"Joint Legislative Corrections and Crime Control Oversight Committee.

"§ 120-70.93. Creation and membership of Joint Legislative Corrections and Crime Control Oversight Committee.

The Joint Legislative Corrections and Crime Control Oversight Committee is established. The Committee consists of 16 members as follows:

(1) Eight members of the Senate appointed by the President Pro Tempore of the Senate, at least two of whom are members of the minority party; and

(2) Eight members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1995 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

"§ 120-70.94. Purpose and powers of Committee.

(a) The Joint Legislative Corrections and Crime Control Oversight Committee shall examine, on a continuing basis, the correctional ~~system~~ and law enforcement systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve the correctional ~~system~~ and law enforcement systems and to assist ~~that system in realizing its~~ those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

(1) Study the budget, programs, and policies of the ~~Department of Correction,~~ Departments of Correction and Crime Control and Public Safety, to determine ways in which the General Assembly may improve the effectiveness of ~~that Department;~~ those Departments;

(2) Examine the effectiveness of the Department of Correction in implementing the public policy stated in G.S. 148-26 of providing work assignments and employment for inmates as a means of reducing the

cost of maintaining the inmate population wh[ile] enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their ~~release; and~~ release;

(2a) Examine the effectiveness of the Department of Crime Control and Public Safety in implementing the duties and responsibilities charged to the Department in G.S. 143B-474 and the overall effectiveness and efficiency of law enforcement in the State; and

(3) Study any other ~~corrections~~ matters that the Committee considers necessary.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

"**§ 120-70.95. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Corrections and Crime Control Oversight Committee. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is nine members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-[19] and G.S. 120-19.1 through G.S. 120-19.4.

(c) Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee."

(b) G.S. 147-16(b)(4) reads as rewritten:

"(4) The Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee."

(c) G.S. 148-37(c) reads as rewritten:

"(c) In addition to the authority contained in subsections (a) and (b) of this section, and in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction may enter into contracts with any public entity or any private nonprofit or for-profit firms for the confinement and care of State prisoners in any out-of-state correctional facility when to do so would most economically and effectively promote the purposes served by the Department of Correction. Contracts entered into under the authority of this subsection shall be for a period not to exceed two years and shall be renewable from time to time for a period not to exceed two years. Prisoners may

sent to out-of-state correctional facilities only when there are no available facilities in this State within the State prison system to appropriately house those prisoners. Any contract made under the authority of this subsection shall be approved by the Department of Administration before the contract is executed. Before expending more than the amount specifically appropriated by the General Assembly for the out-of-state housing of inmates, the Department shall obtain the approval of the Joint Legislative Commission on Governmental Operations and shall report such expenditures to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee."

(d) G.S. 148-37(g) reads as rewritten:

"(g) The Secretary of Correction may contract with private for-profit or nonprofit firms for the provision and operation of four or more confinement facilities totaling up to 2,000 beds in the State to house State prisoners when to do so would most economically and effectively promote the purposes served by the Department of Correction. This 2,000-bed limitation shall not apply to the 500 beds in private substance abuse treatment centers authorized by the General Assembly prior to July 1, 1995. Whenever the Department of Correction determines that new prison facilities are required in addition to existing and planned facilities, the Department may contract for any remaining beds authorized by this section before constructing State-operated facilities.

Contracts entered under the authority of this subsection shall be for a period not to exceed 10 years, shall be renewable from time to time for a period not to exceed 10 years. The Secretary of Correction shall enter contracts under this subsection only if funds are appropriated for this purpose by the General Assembly. Contracts entered under the authority of this subsection may be subject to any requirements for the location of the confinement facilities set forth by the General Assembly in appropriating those funds.

Once the Department has made a determination to contract for additional private prison beds, it shall issue a request for proposals within 30 days of the decision. The request for proposals shall require bids to be submitted within two months, and the Department shall award contracts at the earliest practicable date after the submission of bids. The Secretary of Correction, in consultation with the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the State Purchasing Officer on the final award decision. The State Purchasing Officer shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection provide the State with an option to purchase the confinement facility or may provide for the purchase of the confinement facility by the State. Contracts made under the authority of this subsection shall state that plans and specifications for private confinement facilities shall be furnished to and reviewed by the Office of State Construction. The Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for habitation and to determine whether the project would be suitable for future acquisition by the State. All contracts for the housing of State prisoners in private confinement facilities shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private confinement facility.

Prisoners housed in private confinement facilities pursuant to this subsection shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The Secretary of Correction may review and approve the design and construction of private confinement facilities before housing State prisoners in these facilities. The rules regarding good time, gain time, and earned credits, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in private confinement facilities pursuant to this subsection. The operators of private confinement facilities may adopt any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by a private confinement facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction to defend themselves, to enforce the observance of discipline in compliance with confinement facility rules, to secure the person of a prisoner, and to prevent escape. Private firms under this subsection shall employ inmate disciplinary and grievance policies of the North Carolina Department of Correction."

(e) G.S. 148-37(i) reads as rewritten:

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

(f) All reports directed by this act to be made to the Joint Legislative Corrections Oversight Committee shall be made to the Joint Legislative Corrections and Crime Control Oversi

Committee. The Revisor of Statutes shall substitute any remaining references in the General Statutes to the Joint Legislative Corrections Oversight Committee with the Joint Legislative Corrections and Crime Control Oversight Committee.

(g) This section is effective when this act becomes law.

VISITOR REGISTRATION SHEET

APP./Sub. Justice & Public Safety — June 11,**1998**

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kenneth Hamilton	State Constitution Office
Bucky Haught	OSBA
Luke Barber	CTPC
Doug Arnold	DOC
Joe Hamilton	DOC
Jennifer Hall	NCBA
Patrick Reeder	NCACC
Chuck Cranor	OSPL
LAO Rubert	CYPC

APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

June 16, 1998
Room 612

HOUSE MEMBERS PRESENT: [9] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Redwine, Sexton, Smith, and Crawford

The Appropriations Subcommittee on Justice and Public Safety met on June 16, 1998 in Room 612. Representative Thompson presided and called the meeting to order at 8:40 AM. Representative Thompson introduced the pages Katie Gould, Hendersonville, sponsored by Representative Larry Justus; Jennifer Franklin, Wake County, sponsored by Representative Eddins.

Jim Mills, Fiscal Analyst presented the first item on the agenda:

Department of Correction - Special Provisions from 1997 Session (Attachment A) Pages 41 - 57

Page 41 - Inmate Housing Funds. Discussion followed.

Page 42 - Exemption From Licensure and Certificate of Need. Discussion followed.
Representative Kiser asked if this referred only to private prisons? He asked that they to back to page 41 - If this projection for paying backlog based on the present population throughout the year.

Page 43 - Limit Use of Operational Funds. Discussion followed.

Page 44 - Use of Facilities Closed Under GPAC/Plan for Efficient Operation of Division of Prisons. Jim Mills also passed out **(Attachment B). Section 19.4(6) Special Provision, 1997 Long Session Division of Prisons Plan for Closing Prison Facilities.**

Mr. Mills gave an overview of the closings of the facilities. Discussion followed.

Page 45 - Federal Grant Reporting. Discussion Followed.

Elisa Wolper gave a report on the following items.

Page 46 - Harriet's House Funds/Funds Shall not Revert.

Page 47 - Report on Summit House.

Page 48 - Modification of Funding Formula for the North Carolina State-County Criminal Justice Partnership Act.

Page 49 - Post-Release Supervision and Parole Commission/Report on Staffing Reorganization and Reduction.

Page 51 - Impact Defendants in DOC Facilities/Continue Impact Boot Camp Program. Discussion followed. Representative Redwine asked the Department about the young lady who died in the boot camp recently.

Joe Hamilton explained the steps and procedures taken in this incident. Discussion followed.

Representative Thompson asked why the SBI was asked to conduct an investigation.

Joe Hamilton explained that it was due to all the controversy surrounding the case.

Representative Kiser stated it was a very unfortunate situation with all the publicity involved. He felt that some of the publicity should have been avoided.

Representative Thompson asked that when the SBI and DOC investigation was completed that a report be given to the Committee

Page 52 - Report on Women at Risk.

Page 53 - Performance Audit of Division of Adult Probation and Parole.

Page 64 - Substance Abuse Funds.

Page 65 - Report on DART/DWI Program at Cherry Hospital.

Jim Mills Presented the Following:

Page 50 - Federal Matching Funds.

Page 55 - Transfer Rockingham Correctional Center. Discussion followed.

Representative Sexton stated he hoped no other county would have the problems Rockingham has had in trying to build a new court house and jail of the property they were to use after the prison closed down. The Department of Transportation wants the property and is giving them a very hard time about it. The problem has not been settled as of this time.

Greg Stahl said the problem is with the wording regarding the law.

Representative Justus felt the committee should do something about this situation.

Representative Thompson asked that this item be flagged for further study.

Page 56 - Funding of Prison Road Squads.

Representative Justus asked if the Department of Transportation was paying on time and as they should.

Joe Hamilton stated they were paying on time after he calls them every quarter to remind them. They are paid up to date.

Representative Justus stated the Governor had made a big issue of these inmates being on the road working so the public could see they were doing something. Would like to know if there is support of the Department and the Governor on this issue.

Page 57 - Private Prison Expansion/Moratorium on Private Prisons for Out-of-State Inmates. Discussion followed.

Representative Thompson said the committee would take up the Victim's Rights Bill tomorrow.

Meeting adjourned at 9:50 AM.

Representative Gregg Thompson
Chairman

Edna L. Sykes
Committee Clerk

Requested by: Senators Gulley, Ballance, Rand, Representati Justus, Kiser, Thompson, Hill

INMATE HOUSING FUNDS

Section 19.1. If the Department of Correction determines that funds needed to contract for prison beds to house inmates in out-of-state prisons or in local jails will exceed appropriations for those purposes in the 1997-98 continuation budget, it may contract for those purposes using funds from the 1997-98 continuation budget reserves for operating prisons that become available because of delays in the construction of prison units. To the extent that funds from the reserves for operating prison units are not available, the Department of Correction may use funds available to the Department for the 1997-98 fiscal year to contract for prison beds to house inmates in out-of-state prisons or in local jails. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on these contracts. The report shall include the amount expended monthly for each contract, the source of funding used to pay for the contracts, the status of each contract, and the projected dates for returning the inmates housed out-of-state or in local jails to the State prison system.

Prior to the expenditure of more than the sum of one million dollars ($1,000,000) in additional funds authorized this section to contract for out-of-state and local jail bed the Department of Correction and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations on the necessity of that expenditure.

Requested by: Senator Gulley

EXEMPTION FROM LICENSURE AND CERTIFICATE OF NEED

Section 19.2. (a) Inpatient chemical dependency or substance abuse facilities that provide services exclusively to inmates of the Department of Correction shall be exempt from licensure by the Department of Human Resources under Chapter 122C of the General Statutes. If an inpatient chemical dependency or substance abuse facility provides services both to inmates of the Department of Correction and to members of the general public, the portion of the facility that serves inmates shall be exempt from licensure.

(b) Any person who contracts to provide inpatient chemical dependency or substance abuse services to inmates of the Department of Correction may construct and operate a new chemical dependency or substance abuse facility for that purpose without first obtaining a certificate of need from the Department of Human Resources pursuant to Article 9 of Chapter 131E of the General Statutes. However, a new facility or addition developed for that purpose without a certificate of need shall not be licensed pursuant to Chapter 122C of the General Statutes and shall not admit anyone other than inmates unless the owner or operator first obtains a certificate of need.

(c) This section applies to existing facilities, as well as future facilities contracting with the Department of Correction.

Requested by: Senator Gulley, Representatives Justus, Kis Thompson

LIMIT USE OF OPERATIONAL FUNDS

Section 19.3. Funds appropriated in this act to the Department of Correction for operational costs for additional facilities shall be used for personnel and operating expenses set forth in the budget approved by the General Assembly in this act. These funds shall not be expended for any other purpose, except as provided for in this act, and shall not be expended for additional prison personnel positions until the new facilities are within 90 days of projected completion, except for certain management, security, and support positions necessary to prepare the facility for opening, as authorized in the budget approved by the General Assembly.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

USE OF FACILITIES CLOSED UNDER GPAC/PLAN FOR EFFICIENT OPERATION OF DIVISION OF PRISONS

Section 19.4. (a) In conjunction with the closing of small expensive prison units recommended for consolidation by the Government Performance Audit Committee, the Department of Correction shall consult with the county or municipality in which the unit is located or any private for-profit or nonprofit firm about the possibility of converting that unit to other use. Consistent with existing law and its future needs, the Department may provide for the transfer or the lease for 20 years or more of any of these units to counties, municipalities, or private firms wishing to convert them to other use. The Department of Correction may also consider converting some of the units recommended for closing from medium security to minimum security, 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 Human Resources 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.

Prior to any transfer or lease of these units, the Department of Correction shall report on the terms of the proposed transfer or lease to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee. The Department of Correction shall also provide quarterly summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section.

(b) The Department of Correction shall prepare a long-range plan for the closing, consolidation, or conversion of prison units or diagnostic centers that would contribute to the more efficient operation of the Division of Prisons. The Department shall present this plan to the Joint Legislative Corrections Oversight Committee by April 30, 1998.

Requested by: Representatives Justus, Kiser, Thompson

FEDERAL GRANT REPORTING

Section 19.5. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, and the Judicial Department shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

Requested by: Senator Gulley

HARRIET'S HOUSE FUNDS/FUNDS SHALL NOT REVERT

Section 19.6. (a) Funds appropriated in this act to the Department of Correction to support the programs of Harriet's House may be used for program operating costs, the purchase of equipment, and the rental of real property. Harriet's House shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program including information on the number of clients served and the number of clients who successfully complete the Harriet's House program.

(b) The balance of the two hundred thousand dollars ($200,000) appropriated in Chapter 507 of the 1995 Session Laws to the Department of Correction for the 1996-97 fiscal year to support the programs at Harriet's House shall not revert at the end of the fiscal year but shall remain available to the Department during the 1997-98 fiscal year to be used for program operating costs, the purchase of equipment, and the rental of real property.

(c) This section becomes effective June 30, 1997.

Requested by: Senators Gulley, Odom, Ballance

REPORT ON SUMMIT HOUSE

Section 19.7. (a) Summit House shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who have their probation revoked, and the number of clients who successfully complete the program while housed at Summit House.

(b) Summit House shall report by December 1, 1998, to the Joint Legislative Commission on Governmental Operations on (i) possible expansion of the programs in Mecklenburg and Guilford Counties; (ii) on possible expansion to other areas of the State; and (iii) the status of the Wake County program. This report shall include the estimated size of the population to be served, estimated costs, and anticipated obstacles to establishment of a residential program.

(c) The balance of the one million one hundred three thousand seven hundred fifty-eight dollars ($1,103,758), appropriated in Chapter 507 of the 1995 Session Laws and Chapter 18 of the Session Laws of the 1996 Second Extra Session to the Department of Correction for the 1996-97 fiscal year for support and expansion of the programs at Summit House in Greensboro and Mecklenburg and Wake Counties, shall not revert at the end of the fiscal year but shall remain in the Department during the 1997- fiscal year for that purpose.

(d) This section becomes effective June 30, 1997.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 19.8. (a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, grants made through the North Carolina State-County Criminal Justice Partnership Act for the 1997-98 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years. Appropriations not claimed or expended by the counties during the 1997-99 biennium shall be distributed as specified in G.S. 143B-273.15(1).

(b) G.S. 143B-273.4(a) reads as rewritten:

"(a) An eligible offender is an adult offender who either is in confinement awaiting trial, or was convicted of a misdemeanor or a felony offense and received a nonincarcerative sentence of an intermediate punishment or is serving a term of parole or post-release supervision after ~~completing~~ serving an active sentence of imprisonment."

(c) G.S. 143B-273.12(c) reads as rewritten:

"(c) The proposed program shall target ~~adult~~ eligible offenders ~~who either are in confinement awaiting trial, were convicted of a misdemeanor or a felony offense and received a nonincarcerative sentence of an intermediate punishment, or are serving a term of post-release supervision after completing active sentences of imprisonment. The priority populations shall be offenders sentenced to intermediate punishments and offenders who are appropriate for release from jail prior to trial under the supervision of a pretrial monitoring program.~~ as defined in G.S. 143B-273.4."

Requested by: Senator Gulley

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 19.9. The Post-Release Supervision and Parole Commission shall report to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee by March 1, 1998, on a staffing reorganization and reduction plan. The report shall address the impact on Commission staffing of the declining parole workload, the automation of Commission functions, and the anticipated role of the Commission in Post-Release Supervision. The report shall include a transition plan for implementing staff reductions over the next five years, including a minimum of a ten percent (10%) reduction in the 1998-99 fiscal year over the 1997-98 fiscal year.

Requested by: Senator Gulley

FEDERAL MATCHING FUNDS

Section 19.10. Appropriations made for the 1997-99 biennium to the Office of State Construction of the Department of Administration for the planning and construction of new prison beds are to match federal funds available for prison construction. Appropriations not needed or used to match federal funds may be made available for construction of new prison beds, segregation units, support buildings and systems, and other needed facilities.

Requested by: Representatives Justus, Kiser, Thompson, Hi
Senators Gulley, Ballance, Rand

IMPACT DEFENDANTS IN DOC FACILITIES/CONTINUE IMPACT BOOT CAMP PROGRAM

Section 19.11. (a) G.S. 15A-1343(b1)(2a) reads as rewritten:

"(2a) Submit to a period of ~~imprisonment~~ confinement in a facility ~~for youthful offenders~~ operated by the Department of Correction for a minimum of 90 days or a maximum of 120 days under special probation, reference G.S. 15A-1351(a) or G.S. 15A-1344(e), and abide by all rules and regulations as provided in conjunction with the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), which provides an atmosphere for learning personal confidence, personal responsibility, self-respect, and respect for attitudes and value systems. This condition may also include a period of supervision through the Post-Boot Camp Probation Program."

(b) The Department of Correction may use up to the sum of three hundred fifty thousand dollars ($350,000) in funds available for the 1997-98 fiscal year to continue the pilot project established in subsection 19(b) of Chapter 24 of th Session Laws of the 1994 Extra Session to provide treatment f offenders completing the IMPACT boot camp program.

Requested by: Representatives Justus, Kiser, Thompson

REPORT ON WOMEN AT RISK

Section 19.12. Women at Risk shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds and on the effectiveness of the program, including information on the number of clients served, the number of clients who have had their probation revoked, and the number of clients who have successfully completed the program.

Requested by: Representatives Justus, Kiser, Thompson, Hi
Senators Gulley, Ballance, Rand

PERFORMANCE AUDIT OF DIVISION OF ADULT PROBATION AND PAROLE

Section 19.13. The State Auditor shall conduct a performance audit of the Division of Adult Probation and Parole in the Department of Correction.

The State Auditor shall report the audit results to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, the Chairs of the Joint Legislative Corrections Oversight Committee, and the Joint Legislative Commission on Governmental Operations by June 1, 1998.

The performance audit of the Division of Adult Probation and Parole shall review the efficiency and effectiveness of major management policies, practices, and functions, including the following areas:

(1) Organization and structure;
(2) Effect of organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission;
(3) Current staffing patterns and workload;
(4) Current personnel and patronage practices, placing special emphasis on any existing abuses in those practices; and
(5) General effectiveness of probation and parole.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

WORKING HOURS OF EMPLOYEES IN STATE INSTITUTIONS

Section 19.14. G.S. 95-28 is repealed.

Requested by: Representatives Sexton, Justus, Kiser, Thompsc Hill, Senators Gulley, Ballance, Rand

TRANSFER ROCKINGHAM CORRECTIONAL CENTER

Section 19.15. The General Assembly finds that the Department of Correction, the Department of Transportation, and Rockingham County have compelling needs for the use of the below described land:

All that property lying south of N.C. Highway 65 upon which is situated the former Rockingham County Correctional Center building and grounds containing approximately 24 acres.

Therefore, the General Assembly urges the Department of Administration to initiate negotiations between the Department of Correction, the Department of Transportation, and Rockingham County to develop an agreement for the transfer of all or part of the described property to Rockingham County and the use or transfer of part of the described property or of other acceptable property to the Department of Transportation in a manner that meets the needs of all the parties. The General Assembly further urges the parties to implement the agreement in accordance with applicable law as soon as practicable.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

FUNDING OF PRISON ROAD SQUADS

Section 19.16. Notwithstanding any other provision of law, the Department of Transportation shall reimburse the Department of Correction for the cost of inmate road squads on a cost basis, as provided for in G.S. 148-26.5.

Requested by: Representatives Justus, Kiser, Thompson, Hill, Senators Gulley, Ballance, Rand

PRIVATE PRISON EXPANSION/MORATORIUM ON PRIVATE PRISONS FOR OUT-OF-STATE INMATES

Section 19.17. (a) The Department of Correction, in consultation with the United States Corrections Corporation, shall determine the feasibility of expanding each of the two 500-bed private confinement facilities presently under construction to 1,000-bed facilities and the cost savings of that expansion over the construction of new facilities. The Department shall report its findings to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee by December 1, 1997.

(b) The Department of Correction, in cooperation with the Department of Justice, Department of Insurance, and Office of State Construction, shall establish proposed standards for any private correctional facilities in this State that are used to confine inmates from a jurisdiction other than North Carolina or a political subdivision of North Carolina. These standards shall include provisions for all such facilities to:

(1) Meet minimum responsibility and insurance standards and may provide for the posting of surety bonds;

(2) Meet or exceed all standards applicable to the State prison system, particularly those standards relating to inmate care and treatment;

(3) Provide for the transfer or return of all inmates to the jurisdiction in which the inmates were originally convicted prior to release of the inmates;

(4) Permit officials of the State of North Carolina to conduct periodic inspections of all such facilities; and

(5) Meet any other standards the departments deem advisable.

The Department of Correction shall report on these proposed standards to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by May 1, 1998. The report shall include a recommendation on the appropriate regulatory agency or agencies to enforce these standards.

(c) No municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina until the Department of Correction has developed proposed standards for such private correctional facilities pursuant to subsection (b) of this section and the General Assembly has acted upon those standards. No private confinement facility authorized under G.S. 148-37(g) that receives payment from this State for the housing of State prisoners may contain

inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina without the written consent of the Secretary of Correction.

North Carolina Department of Correction

Division of Prisons

831 West Morgan Street • P.O. Box 29540 • Raleigh, North Carolina 27626-0540

James B. Hunt Jr., Governor | Daniel L. Stieneke, Director of Prisons | Mack Jarvis, Secretary

MEMORANDUM **DATE: April 29, 1998**

TO: Jim Mills, Senior Fiscal Research Analyst
General Assembly

FROM: Dan Stieneke

RE: **Section 19.4(6) Special Provision, 1997 Long Session**
Division of Prisons Plan for Closing Prison Facilities

DATE: April 29, 1998

A special provision of the 1997 Legislative Session requires the Department of Correction to prepare a long range plan for the closing, consolidation or conversion of prisons facilities and diagnostic centers that would contribute to the more efficient operation of the Division of Prisons. The enclosed chart provides an historical listing of prisons and diagnostic centers already closed or consolidated, a summary of facilities to be closed with the opening of the new regional prison in Avery-Mitchell, a list of facilities proposed to close as part of the Governor's 98-99 budget reductions and a proposed list of future prison facility closings.

The enclosed proposals are made in consideration of the following factors:

Sentencing Commission inmate population projections compared to DOP capacity projections.

DOC Research and Planning projections of inmate population projections and custody classification.

DOC assessments of daily cost per inmate for different facilities.

Division of Prisons operational requirements.

Please let me know if there are any questions or clarifications needed.

DLS:ght

Attachment
cc: Mack Jarvis, Joe Hamilton, Theodis Beck, Greg Stahl

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DIVISION OF PRISONS

SECTION 19.4 (b) SPECIAL PROVISION, 1997 LONG SESSION

"The Department of Correction shall prepare a long-range plan for the closing, consolidation, or conversion of prison units or diagnostic centers that would contribute to the more efficient operation of the Division of Prisons."

PAST ACTIONS AND LONG RANGE PLAN

FACILITY NAME	SECURITY LEVEL	CLOSED FACILITY SOC	CLOSED DATE	CONV. FACILITY SOC	CONVERTED TO MINIMUM DATE	CONSOLIDATED WITH FACILITY	CONSOLIDATED SOC	DATE	DATE RECOMMENDED TO CLOSE
PREVIOUSLY CLOSED OR CONSOLIDATED:									
BURKE YOUTH	MINIMUM	48	6/92						
CRAGGY	MEDIUM	116	5/89						
DAVIE	MEDIUM	48	10/97						
GRANVILLE	MINIMUM	30	10/96						
HALIFAX	MINIMUM	40	10/96						
MCDOWELL	MINIMUM					MARION	38	7/95	
MONTGOMERY	MINIMUM					SOUTHERN	148	2/96	
MOORE	MEDIUM	42	6/95						
NASH	MINIMUM					NASH	48	12/93	
PERSON	MINIMUM	44	9/96						
POLK-Raleigh	MEDIUM	340	11/97						
RICHMOND	MINIMUM	26	6/95						
ROCKINGHAM	MEDIUM	52	9/96						
TRIANGLE	MINIMUM	280	8/94						
VANCE	MEDIUM	44	11/96						
WARREN	MINIMUM	56	5/97						
WASHINGTON	MEDIUM	44	11/96						
SUBTOTAL		**1,210**					**234**		
PLANNED TO CLOSE WHEN AVERY/MITCHELL OPENS:									
AVERY	MEDIUM	48							4/99
WATAUGA	MINIMUM	48							4/99
YANCEY	MEDIUM	46							4/99
SUBTOTAL		**142**							
PROPOSED TO CLOSE IN GOVERNOR'S 98-99 REDUCTIONS:									
ALAMANCE	MINIMUM	68							1/99
ALEXANDER	MINIMUM	46		46	10/96				1/99
MARTIN	MINIMUM	30							1/99
MECKLENBURG	MINIMUM	76							2/99
SANDY RIDGE	MINIMUM	66							1/99
SCOTLAND	MINIMUM	44		44	10/96				3/99
STANLY	MEDIUM	64							2/99
STOKES	MINIMUM	68							2/99
UNION	MEDIUM	64							3/99
SUBTOTAL		**526**		**90**					
FUTURE ANTICIPATED CLOSINGS:									
BLANCH	CLOSE	80							1/00
CLEVELAND	MEDIUM			64	1/00				
CURRITUCK	MEDIUM	56							1/00
GATES	MINIMUM	76							1/00
GOLDSBORO	MINIMUM	64							2/00
IREDELL	MEDIUM	60							2/00
YADKIN	MINIMUM	72		72	10/96				3/00
SUBTOTAL		**408**		**136**					
GRAND TOTAL		**2,286**		**226**			**234**		

DIAGNOSTIC CENTER SECTIONS WITHIN:			CONSOLIDATED WITH FACILITY	DATE
HOKE	MEDIUM		CRAVEN	3/97
SOUTHERN	CLOSE		CRAVEN	3/97
GUILFORD	MINIMUM		NEUSE	9/97

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday June 16, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus
Representative Joe Kiser
Representative Gregg Thompson, Presiding

II. PRESENTATIONS

- Department of Correction – Special Provisions from 1997 Session

  Jim Mills
  Fiscal Research Staff

  Elisa Wolper
  Fiscal Research Staff

  Departmental Management

- Department of Correction – Original Expansion Budget Request

  Departmental Management

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — June 16, 1998

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Frances Graham	NC Assn Official Court Reporters
Jean McINERNEY	" "
Loretta Armstrong, RPR	President, NC Assoc. of Official Ct. Reporters
Linda EMERY	NC Assn. Official Court Reporters
Barry Hamby	OSBM
Joe Stewart	CCPS
Eddie Caldwell	H McCC+C
Steve Winner	NC AOCR
A.A. Adams	Durham Advocate
Kelly Yingling	Rep. Crawford's Intern
Joe Hamilton	DOC
Gregg Stahl	DOC
Patricia Keeler	
LAO RUBERT	CYPC
Rebecca A. Geiger	
Stanhard Boyce	DC Bar
Ken D. Hurdle	NC Bar Assoc.

JUSTICE & PUBLIC SAFETY

June 17, 1998 Room 612

HOUSE MEMBERS PRESENT: [10] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Redwine, Sexton, Smith, Holmes and Crawford

The House Appropriations Subcommittee on Justice and Public Safety met on Wednesday June 17, 1998 in Room 612 of the Legislative Office Building. Representative Kiser called the meeting to order at 8:45AM and introduced the pages: Josh Morton III, Stanly County, sponsored by Representative Bobby Barbee and Kimberly S. McKoy, Pender County, sponsored by Representative Thomas Wright. Representative Kiser said we would have: **Discussion of House Bill 665, Crime Victims' Right Act, Proposed changes to PCS 7371 (PCS 7371 was approved by House JPS 8/24/97).** Senator Allen Wellons and Representative Rich Eddins were present for the presentation.

Motion was made by Representative Sexton to reconsider House Bill 665

Representative Kiser called on Jim Mills, Fiscal Research, for presentation of House Bill 665.

Mr. Mills presented the following:

1. Effective date
- Changes effective date of substantive portion of bill from July 1, 1998 to October 1, 1998.

2. Domestic Violence
- **Retain language** in HB 665 requiring district attorneys to use their authority under current Fair Treatment Act to provide services to victims of serious misdemeanors to emphasize services to victims of domestic violence misdemeanors that could involve infliction of serious injuries **(Page 10, Line 15 Current bill and Page 12, Line 40 in Proposed Committee Substitute)**

3. Duties of Law Enforcement
- **Rewrites HB 665 law enforcement section** to allow notices to victims and to other law enforcement agencies and DA offices to be provided as practicable but within 72 hours. (HB 665 now says 24 hours) **(starts on Page 3, line 12 Proposed Committee Substitute.)**

  Revises HB 665 (Page 3, Line 36 Proposed Committee Substitute) section dealing with law enforcement to expand duties from just notification of victims to direct assistance such as helping victims obtain services - this will have major fiscal impact on law enforcement agencies It is assumed that these duties would requiring adding victim assistant positions and costs would have to be funded by local government or

State (through grants). Currently there are over 450 law enforcement entities. Assuming $30,000 first year costs per position (effective October 1, 1998) and 80 positions, cost would be $1,840,000 in 98-99 if state were to pay full costs through grants. (80 number assumes all la enforcement agencies serving population of 25,000 or more would need one position. If up to 160 were hired, costs would be $3,680,00 first year (October 1, 1998) and $4,614,400 in 99-2000. Conceivably, providing funding for more than 80 positions could allow allocation of positions proportionately based on population and offenses.

4. State Grants to Law Enforcement

- **Replace old Section 1.1 with a new Section 1.1 (Page 11, Line 5 in Proposed Committee Substitute)** by requiring Crime Control to establish a grant program to assist law enforcement with implementation of HB 665. **(Replaces language requiring a study of funding of local law enforcement.)** Criteria for funding shall include documentation of services and assurances that funding is not duplicating funding from other sources.

5. Justice Wide Area Network (JWAN) and Automated Victim Notification System

- **New Section 3 (Page 13, Line 3, Proposed Committee Substitute.)** requires a pilot program to study and develop software that will integrate criminal justice information systems with the automated victim notification system. Estimated cost is one time expenditures of $750,000 in 98-99. The major outcome is anticipated to be development of software that could be used statewide at an estimated additional cost of $125,000 to $200,000 per district.

6. Other Substantive Changes

- **New Section 4 (Page 13, Line 15 Proposed Committee Substitute.)** is HB 1523 which restricts Judicial Department from using funds to pay for jury consultants for indigent defendants.

- **New Section 5 (Page 13, Line 19 Proposed Committee Substitute.)** is HB 1733 which requests N.C. Supreme Court to consider and adopt rules to expedite appeals for cases where defendant is convicted of first degree murder and is sentenced to death.

- **New Section 6 and 7 (Page 13, Line 24 Proposed Committee Substitute.)** is HB 1734 which requires the judge to instruct the jury about the review of life without parole sentences and allow the District Attorney to inform the jury about the review of life without parole sentences.

Mr. Mills said they were all of the substantive changes for the bill and there were no other changes except technical corrections.

Representative Kiser asked if there were any questions.

Representative Sexton asked question on domestic violence. What is the definition of a misdemeanor that involves serious bodily injury?.

Mr. Mills responded this is somewhat at the discretion of the District Attorney. Some examples are: assault with deadly weapon, assault inflicting serious injury, assault on a female, simple assault and assault by pointing a gun.

Representative Sexton asked if they are like A-1 Misdemeanors.

Mr. Mill said he did not recall each individual at what levels they are, but will get them for committee.

Representative Kiser asked if there were any further discussion on the motion

The No's carried the motion.

Representative Kiser asked Mr. Charles Perusse, Fiscal Research Division, to come forward and present the **Updated Fiscal Impact on Committee Substitute for HB 665 - Crime Victims' Right Act.**

Representative Redwine raised questions concerning proposed changes listed in Sections 4, 5 and 6 of the bill..

Representative Eddins went over items concerning the bill for Representative Redwine's benefit.

Mr. Perusse continued with updated **Fiscal Impact of Committee Substitute for HB 665 (dated 6/16/98) Attachment II.**

Items 1-4 were in original bill that committee took up this past year.

Items 5 & 6 estimated impact due to changes of 160 additional law enforcement victim witness positions and also the Justice Wide Area Network Pilot program estimated to cost about $750,000. In updating the fiscal note take in consideration, the 10% increase is based on increased filings; those changes were incorporated in this updated fiscal note.

Representative Justus said if there are not any questions I would like to say I have been on this committee 12 of my 14 years and up until recent years it has always been the defendants in these horrendous cases that have always had the edge both in support and money. This is the first time we have given the victims an even playing field and I would move for a favorable report for the Committee Substitute and an unfavorable report for the original bill.

Representative Kiser said you have heard the motion and now ask for a vote.

The bill was passed unanimously for a favorable report for the Committee Substitute for House Bill 665.

Representative Kiser adjourned meeting at 9:50 AM.

Joe L. Kiser

Representative Joe L. Kiser
Chairman

Marilyn R. Holder
Committee Clerk

Attachments

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:
By Representative(s) **Justus, Thompson, and Kiser** for the Permanent Subcommittee on **Justice & Public Safety** of the Standing Committee on **APPROPRIATIONS**.

☒ Committee Substitute for
H.B. 665 ☐ A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIME VICTIMS' RIGHTS ACT, TO ASSIST VICTIMS OF DOMESTIC VIOLENCE, TO ALLOW THE ENFORCEMENT OF ORDERS FOR RESTITUTION IN CRIMINAL CASES IN THE SAME MANNER AS CIVIL JUDGMENTS, TO CREATE AN EXCEPTION TO THE STATUTORY EXEMPTIONS FOR EXECUTION OF RESTITUTION JUDGMENTS, AND TO CHANGE THE ORDER OF PRIORITY FOR DISBURSEMENT OF FUNDS IN CRIMINAL CASES.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:
Rep. Holmes for the Standing Committee on APPROPRIATIONS

s/ George N. Holmes

☐ With a favorable report.
☐ With a favorable report, as amended.
☒ With a favorable report as to committee substitute bill ~~(# _____)~~, ☒ which changes the title, unfavorable as to original bill (~~Committee Substitute Bill # _____~~). (and recommendation that the committee substitute bill ~~(# _____)~~ be referred to the Committee on Judiciary I .)
☐ And having received a unanimous vote in committee, be placed on the Consent Calendar. (PUBLIC BILLS ONLY)

4/24/97

FOR JOURNAL USE ONLY

____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.

____ The (committee substitute) bill/resolution (as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(a), the (House) committee substitute bill (No. ___)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/ resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV____ ____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV____ ____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV ____ ____,) ( ) This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ ____ RC) (, by EV ____ ____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ ____ RC) (, by EV ____ ____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
_____ House amendment (s).
_____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ ____ RC) (, by EV ____ ____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 665
Committee Substitute Favorable 6/25/97
Committee Substitute #2 Favorable 7/10/97
Proposed Committee Substitute H665-CSLL-012
WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Crime Victims' Rights Act. (Public)

Sponsors:

Referred to:

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIME VICTIMS' RIGHTS ACT, TO ASSIST VICTIMS OF DOMESTIC VIOLENCE, TO ALLOW THE ENFORCEMENT OF ORDERS FOR RESTITUTION IN CRIMINAL CASES IN THE SAME MANNER AS CIVIL JUDGMENTS, TO CREATE AN EXCEPTION TO THE STATUTORY EXEMPTIONS FOR EXECUTION OF RESTITUTION JUDGMENTS, TO CHANGE THE ORDER OF PRIORITY FOR DISBURSEMENT OF FUNDS IN CRIMINAL CASES, TO PROHIBIT THE USE OF STATE FUNDS FOR JURY CONSULTANTS, TO REQUEST THE NORTH CAROLINA SUPREME COURT TO CONSIDER AND ADOPT RULES TO EXPEDITE APPEALS FROM CAPITAL CASES THAT INCLUDE A SENTENCE OF DEATH, AND TO REQUIRE A JUDGE PRESIDING IN A CAPITAL TRIAL TO INSTRUCT THE SENTENCING JURY REGARDING THE REVIEW OF SENTENCES OF LIFE IMPRISONMENT WITHOUT PAROLE,

The General Assembly of North Carolina enacts:

Section 1. Chapter 15A of the General Statutes is amended by adding a new Subchapter to read:

"SUBCHAPTER XVI. CRIME VICTIMS' RIGHTS.

"ARTICLE 101.

"Crime Victims' Rights Act.

"§ 15A-2010. Definitions.

(a) The following definitions apply in this Article:

(1) Accused. -- A person who has been arrested and charged with committing a crime covered by this Article.

(2) Law enforcement agency. -- Law enforcement agency includes the following:

a. Arresting law enforcement agency. -- The law enforcement agency that makes the arrest of an accused.

b. Custodial agency. -- The agency that has legal custody of an accused or defendant arising from a charge or conviction of a crime covered by this Article including, but not limited to, local jails or detention facilities, regional jails or detention facilities, or the Department of Correction.

c. Investigating law enforcement agency. -- The law enforcement agency with primary responsibility for investigating the crime committed against the victim.

(3) Next of kin. -- The victim's spouse, children, parents, siblings, or grandparents. The term does not include the accused unless the charges are dismissed or the person is found not guilty.

(4) Victim. -- A person against whom there is probable cause to believe one of the following crimes was committed:

a. A Class A, B1, B2, C, D, or E felony.

b. A Class F felony if it is a violation of one of the following: G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3); 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.2; 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-288.9; or 20-138.5;

c. A Class G felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.

d. A Class H felony if it is a violation of one of the following: G.S. 14-32.3(a); 14-32.3(c); or 14-33.2.

e. A Class I felony if it is a violation of one of the following: G.S. 14-277.3; 14-32.3(b); 14-34.6(b); or 14-190.17A.

f. An attempt of any of the felonies listed in this subdivision if the attempted felony is punishable as a felony.

(b) If the victim is deceased, then the next of kin, in the order set forth in the definition contained in this section, is entitled to the victim's rights under this Article, except for the rights contained in G.S. 15A-2014. An individual entitled to exercise the victim's rights as a member of the class of next of kin may designate anyone in the class to act on behalf of the class.

"**§ 15A-2011. Responsibilities of law enforcement agency.**

(a) As soon as practicable but within 72 hours after identifying a victim covered by this Article, the investigating law enforcement agency shall provide the victim with the following information:

(1) The availability of medical services, if needed.

(2) The availability of crime victims' compensation funds under Chapter 15B of the General Statutes and the address and telephone number of the agency responsible for dispensing the funds.

(3) The address and telephone number of the district attorney's office that will be responsible for prosecuting the victim's case.

(4) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact if the victim has not been notified of an arrest in the victim's case within six months after the crime was reported to the law enforcement agency.

(5) Information about an accused's opportunity for pretrial release.

(6) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact to find out whether the accused has been released from custody.

The investigating law enforcement agency shall also be available to provide victims with more direct assistance in understanding the criminal justice process and the scope of victims' services available to assist them. The investigating law enforcement agency shall assist a victim in obtaining any of those services upon the request of the victim.

(b) As soon as practicable but within 72 hours after receiving notification from the arresting law enforcement agency that the accused has been arrested, the investigating law enforcement

agency shall forward to the district attorney's office that will be responsible for prosecuting the case the victim's name, address, date of birth, social security number, race, sex, and telephone number, unless the victim refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall so inform the district attorney's office.

(c) Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the investigating law enforcement agency, indicate whether the victim wishes to receive any further notices from the investigating law enforcement agency. If the victim elects to receive further notices, the victim shall be responsible for notifying the investigating law enforcement agency of any changes in the victim's name, address, and telephone number.

(d) As soon as practicable but within 72 hours after the arrest of a person believed to have committed a crime covered by this Article, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. As soon as practicable but within 72 hours of being notified of the arrest, the investigating law enforcement agency shall notify the victim of the arrest.

"**§ 15A-2012. Responsibilities of the district attorney's office.**

(a) Within 21 days after the arrest of the accused, but not less than 24 hours before the accused's first scheduled probable cause hearing, the district attorney's office shall provide to the victim a pamphlet or other written material that explains in a clear and concise manner the following:

(1) The victim's rights under this Article, including the right to confer with the attorney prosecuting the case about the disposition of the case and the right to provide a victim impact statement.

(2) The responsibilities of the district attorney's office under this Article.

(3) The victim's eligibility for compensation under the Crime Victims' Compensation Act and the deadlines by which the victim must file a claim for compensation.

(4) The steps generally taken by the district attorney's office when prosecuting a felony case.

(5) Suggestions on what the victim should do if threatened or intimidated by the accused or someone acting on the accused's behalf.

(6) The name and telephone number of a victim and witness assistant in the district attorney's office whom the victim may contact for further information.

(b) Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the district attorney's office, indicate whether the victim wishes to receive notices of some, all, or none of the trial and posttrial proceedings involving the accused. If the victim elects to receive notices, the victim shall be responsible for notifying the district attorney's office or any other department or agency that has a responsibility under this Article of any changes in the victim's address and telephone number. The victim may alter the request for notification at any time by notifying the district attorney's office and completing the form provided by the district attorney's office.

(c) The district attorney's office shall notify a victim of the date, time, and place of all trial court proceedings of the type which the victim has elected to receive notice. All notices required to be given by the district attorney's office shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the court proceeding.

(d) Whenever practical, the district attorney's office shall provide a secure waiting area during court proceedings that does not place the victim in close proximity to the defendant or the defendant's family.

(e) When the victim is to be called as a witness in a court proceeding, the court shall make every effort to permit the fullest attendance possible by the victim in the proceedings.

(f) Prior to the disposition of the case, the district attorney's office shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about the disposition of the case, including the victim's views about dismissal, plea or negotiations, sentencing, and any pretrial diversion programs.

(g) At the sentencing hearing, the prosecuting attorney shall submit to the court a copy of a form containing the identifying information set forth in G.S. 15A-2011(b) about any victim electing to receive further notices under this Article. The form shall be included with the final judgment and commitment transmitted to the Department of Correction or other agency receiving custody of the defendant and shall be maintained by the custodial agency as a confidential file.

"**§ 15A-2013. Evidence of victim impact.**

(a) A victim has the right to offer evidence of the impact of the crime, which shall be considered by the court or jury, as the case may be, in sentencing the defendant. The evidence may include the following:

(1) A description of the nature and extent of any physical, psychological, or emotional injury suffered by the victim as a result of the offense committed by the defendant.

(2) An explanation of any economic or property loss suffered by the victim as a result of the offense committed by the defendant.

(3) A request for restitution and an indication of whether the victim has applied for or received compensation under the Crime Victims' Compensation Act.

(b) No victim shall be required to offer evidence of the impact of the crime. No inference or conclusion shall be drawn from a victim's decision not to offer evidence of the impact of the crime.

"§ 15A-2014. Restitution.

(a) Upon conviction of the defendant or upon a plea of guilty, the court shall, in addition to any penalty authorized by law, require that the defendant make restitution to a victim or the victim's estate for any injuries or damages arising out of the offense committed by the defendant. In determining the amount of restitution, the court shall consider the following:

(1) The cost of any medical or other professional services and devices or equipment required by the victim.

(2) The cost of physical therapy, occupational therapy, and rehabilitation required by the victim.

(3) Any income loss, after taxes, suffered by the victim.

(4) The cost of any psychological or medical treatment for the victim's next of kin.

(5) The cost of the victim's funeral and any related services.

(6) Any other injuries or damages arising out of the offense committed by the defendant.

(b) The court may require that the victim or the victim's estate provide evidence that documents the costs claimed by the victim or the victim's estate under this section. Any such documentation shall be shared with the defendant before the sentencing hearing.

(c) In determining the amount of restitution to be made, the court shall take into consideration the resources of the defendant including all real and personal property owned by the defendant and the income derived from the property, the defendant's ability to earn, the defendant's obligation to support dependents, and any other matters that pertain to the defendant's ability to make restitution, but the court is not required to make findings of fact or conclusions of law on these matters. The amount of restitution must be limited to that supported by the record, and the court may order partial restitution when it appears that the damage or loss caused by the offense is greater than that which the defendant is able to pay.

(d) An order providing for restitution does not abridge the right of a victim or the victim's estate to bring a civil action against the defendant for damages arising out of the offense committed by the defendant.

(e) The court may order the defendant to make restitution to a person other than the victim, or to any organization, corporation, or association, including the Crime Victims' Compensation Fund that provided assistance to the victim following the commission of the offense by the defendant. Restitution shall be made to the victim or the victim's estate before it is made to any other person, organization, corporation, or association.

(f) The court may require the defendant to make full restitution no later than a certain date or, if the circumstances warrant, may allow the defendant to make restitution in installments over a specified time period.

(g) If the defendant is placed on probation or post-release supervision, any restitution ordered under this Article shall be a condition of probation or post-release supervision.

(h) If the court orders partial restitution, the court shall state on the record the reasons for such an order.

"**§ 15A-2015. Enforcement of order for restitution.**

(a) An order for restitution under this Article may be enforced in the same manner as a civil judgment, subject to the provisions of this section.

(b) The order for restitution under this Article shall be docketed and indexed in the county of the original conviction in the same manner as a civil judgment. The order for restitution may be collected in the same manner as a civil judgment unless the order to pay restitution is a condition of probation. If the order to pay restitution is a condition of probation, the

judgment may only be collected in accordance with subsection (c) of this section.

(c) If the defendant is ordered to pay restitution as a condition of probation, the docketed judgment may not be collected until the date of notification to the clerk of superior court in the county of the original conviction that the judge presiding at the probation termination or revocation hearing has made a finding that restitution in a sum certain remains due and payable, that the defendant's probation has been terminated or revoked, and that the remaining balance of restitution owing may be collected by execution on the judgment. The clerk shall then enter upon the judgment docket the amount that remains due and payable on the judgment, together with amounts equal to the standard fees for docketing, copying, certifying, and mailing, as appropriate, and shall notify the victim by first-class mail at the victim's last known address that the judgment may be executed upon, together with the amount of the judgment. Until the clerk receives notification of termination or revocation of probation and the amount that remains due and payable on the order of restitution, the clerk shall not be required to update the judgment docket to reflect partial payments on the order of restitution as a condition of probation.

(d) An appeal of the conviction upon which the order of restitution is based shall stay execution on the judgment until the appeal is completed. If the conviction is overturned, the judgment shall be removed from the judgment docket.

"**§ 15A-2016. Posttrial responsibilities.**

(a) Within 30 days after the final proceeding of the trial phase of the case, the district attorney's office shall notify the victim, in writing, of:

(1) The final disposition of the case.

(2) The crimes of which the defendant was convicted.

(3) The defendant's right to appeal, if any.

(b) Upon a defendant's giving notice of appeal to the Court of Appeals or the Supreme Court, the district attorney's office shall forward to the Attorney General's Office the victim's name, address, and telephone number. Upon receipt of this information, and thereafter as the circumstances require, the Attorney General's Office shall provide the victim with the following:

(1) A clear and concise explanation of how the appellate process works, including information about possible actions that may be taken by the appellate court.

(2) Notice of the date, time, and place of any appellate proceedings involving the defendant. Notice shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the proceedings.

(3) The final disposition of an appeal.

(c) If the defendant has been released on bail pending the outcome of the appeal, the agency that has custody of the defendant shall notify the investigating law enforcement agency, and the investigating law enforcement agency shall notify the victim that the defendant has been released.

(d) If the defendant's conviction is overturned, and the district attorney's office decides to retry the case or the case is remanded to superior court for a new trial, the victim shall be entitled to the same rights under this Article as if the first trial did not take place.

(e) The Conference of District Attorneys shall maintain a repository relating to victims' identities, addresses, and other appropriate information for use by agencies charged with responsibilities under this Article.

"**§ 15A-2017. Responsibilities of agency with custody of defendant.**

The Department of Correction shall notify the victim of:

(1) The projected date by which the defendant can be released from custody. The calculation of the release date shall be as exact as possible, including earned time and disciplinary credits if the sentence of imprisonment exceeds 90 days.

(2) An inmate's assignment to a minimum custody unit and the address of the unit. This notification shall include notice that the inmate's minimum custody status may lead to the inmate's participation in one or more community-based programs such as work release or supervised leaves in the community.

(3) The victim's right to submit any concerns to the agency with custody and the procedure for submitting such concerns.

(4) The defendant's escape from custody.

(5) The defendant's capture.

(6) The date the defendant is scheduled to be released from the facility. Whenever practical, notice shall be given 60 days before release.

(7) The defendant's death.

"§ 15A-2018. Responsibilities of Division of Adult Probation and Parole.

The Division of Adult Probation and Parole shall notify the victim of:

(1) The defendant's regular conditions of probation or post-release supervision, special or added conditions, supervision requirements, and any subsequent changes.

(2) The date of a hearing to determine whether the defendant's supervision should be revoked, continued with or without modifications, or terminated.

(3) The final disposition of any hearing referred to in subdivision (2) of this section.

(4) Any restitution modification.

(5) The defendant's movement into or out of any intermediate sanction as defined in G.S. 15A-1340.11(6).

(6) The defendant absconding supervision.

(7) The capture of a defendant described in subdivision (6) of this section.

(8) The date when the defendant is terminated or discharged.

(9) The defendant's death.

"§ 15A-2019. Notice of commuted sentence or pardon.

The Governor's Clemency Office shall notify a victim when it is considering commuting the defendant's sentence or pardoning the defendant. The Governor's Clemency Office shall also give notice that the victim has the right to present a written statement to be considered by the Office before the defendant's sentence is commuted or the defendant is pardoned. The Governor's Clemency Office shall notify the victim of its decision. Notice shall be given in a manner that is reasonably calculated to allow for a timely response to the commutation or pardon decision.

"§ 15A-2020. No money damages.

This Article does not create a claim for damages against the State, a county, or a municipality, or any of its agencies, instrumentalities, officers, or employees.

"§ 15A-2021. No ground for relief.

The failure or inability of any person to provide a right or service under this Article may not be used by a defendant in a criminal case, by an inmate, or by any other accused as a ground for relief in any criminal or civil proceeding.

"§ 15A-2022. Incompetent victim's rights exercised.

When a victim is rendered mentally or physically incompetent or when the victim is a minor, the victim's rights under this Article, other than the rights provided by G.S. 15A-2014 and G.S. 15A-2015, may be exercised by the victim's next of kin."

Section 1.1. If the General Assembly appropriates funds for State grants to local and State law enforcement to implement the provisions of this act, the Department of Crime Control and Public Safety shall establish criteria for the allocation of these State grants. These criteria shall include a requirement that the requesting law enforcement agency document services and man-hours that directly relate to the provisions of this act. The criteria shall also require documentation that the requesting law enforcement agency is not receiving funding from any other source for that specific service. The Department of Crime Control and Public Safety shall report quarterly to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the development of the grant program and allocation of funding.

Section 2. The provisions of Article 45 of Subchapter VIII of Chapter 15A of the General Statutes are supplemental to the provisions of Article 101 of Subchapter XVI of Chapter 15A of the General Statutes as enacted in Section 1 of this act. If there is any conflict between the provisions of Article 45 and Article 101, the provisions of Article 101 shall control.

Section 2.1. G.S. 1C-1601(e) reads as rewritten:

"(e) Exceptions. -- The exemptions provided in this Article are inapplicable to claims

(1) Of the United States or its agencies as provided by federal law;

(2) Of the State or its subdivisions for taxes, appearance bonds or fiduciary bonds;

(3) Of lien by a laborer for work done and performed for the person claiming the exemption, but only as to the specific property affected;

(4) Of lien by a mechanic for work done on the premises, but only as to the specific property affected;

(5) For payment of obligations contracted for the purchase of the specific real property affected;

(6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1224, s. 6;

(7) For contractual security interests in the specific property affected; provided, that the exemptions

shall apply to the debtor's household goods notwithstanding any contract for a nonpossessory, nonpurchase money security interest in any such goods;

(8) For statutory liens, on the specific property affected, other than judicial liens;

(9) For child support, alimony or distributive award order pursuant to Chapter 50 of the General ~~Statutes.~~ Statutes;

(10) For criminal restitution orders docketed as civil judgments pursuant to G.S. 15A-2015."

Section 2.2. G.S. 7A-304(d) reads as rewritten:

"(d) In any criminal case in which the liability for costs, fines, restitution, or any other lawful charge has been finally determined, the clerk of superior court shall, unless otherwise ordered by the presiding judge, disburse such funds when paid in accordance with the following priorities:

(1) Sums in restitution prorated among the persons entitled thereto;

~~(1)~~(2) Costs due the county;

~~(2)~~(3) Costs due the city;

~~(3)~~(4) Fines to the county school fund;

~~(4) Sums in restitution prorated among the persons entitled thereto;~~

(5) Costs due the State;

(6) Attorney's fees.

Sums in restitution received by the clerk of superior court shall be disbursed when:

(1) Complete restitution has been received; or

(2) When, in the opinion of the clerk, additional payments in restitution will not be collected; or

(3) Upon the request of the person or persons entitled thereto; and

(4) In any event, at least once each calendar year."

Section 2.3. Article 45 of Subchapter VIII of Chapter 15A of the General Statutes is amended by adding a new section to read:

"**§ 15A-828. Assistance to victims of domestic violence.**

In the allocation of resources to persons the district attorney determines are victims of serious misdemeanors, the district attorney shall, to the extent possible, provide the services listed in G.S. 15A-825 to victims of domestic violence

misdemeanors that could involve the infliction of serious bodily injury."

Section 3. The Department of Crime Control and Public Safety shall establish a pilot program to integrate the Justice Wide Area Network (JWAN) with the proposed Victim Information and Notification Everyday (VINE) automated victim notification system. The pilot program shall include the development of a software application that can be implemented Statewide to integrate the VINE system with other criminal justice networks. The Department shall report to the Chairs of the Joint Legislative Correction and Crime Control Oversight Committee and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by April 1, 1999 on the progress of the pilot program.

Section 4. Funds appropriated to the Judicial Department may not be used to contract for the services of jury consultants in criminal cases where the defendant has been assigned counsel by the court.

Section 5. The General Assembly requests the North Carolina Supreme Court to consider and adopt rules to expedite appeals from all cases in which the defendant is convicted of murder in the first degree and the judgment of the superior court includes a sentence of death.

Section 6. G.S. 15A-2002 reads as rewritten:

"**§ 15A-2002. Capital offenses; jury verdict and sentence.**

(a) If the recommendation of the jury is that the defendant be sentenced to death, the judge shall impose a sentence of death in accordance with the provisions of Chapter 15, Article 19 of the General Statutes. If the recommendation of the jury is that the defendant be imprisoned for life in the State's prison, the judge shall impose a sentence of imprisonment for life in the State's prison, without parole.

(b) The judge shall instruct the jury, in words substantially equivalent to those of this section, that a sentence of life imprisonment means a sentence of life without parole.

(c) The judge shall instruct the jury about the review of sentences of life imprisonment without parole in words substantially equivalent to those of G.S. 15A-1380.5."

Section 7. G.S. 15A-2000 is amended by adding a new subsection to read:

"(d1) Argument by District Attorney. -- The district attorney may inform the jury in the closing argument about the review of sentences of life imprisonment without parole in words substantially equivalent to those of G.S. 15A-1380.5."

Section 8. The provisions of this act are severable. If any provision of this act is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

Section 9. Sections 1.1, 2.3, 5, and this section of this act are effective when they become law. Section 4 of this act becomes effective July 1, 1998. Sections 6 and 7 of this become effective December 1, 1998, and apply to capital sentencing hearings or rehearings begun on or after that date. The remainder of this act becomes effective October 1, 1998.

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Thursday June 18, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus, Presiding
Representative Joe Kiser
Representative Gregg Thompson

II. PRESENTATIONS

- Complete Discussion of Special Provisions from 1997

  Jim Mills
  Fiscal Research Staff

  Departmental Representatives

- Department of Correction Expansion Budget Request

  Joe Hamilton, Deputy Secretary Department of Correction

- Department of Justice; Vacancies and Capital Request

  Departmental Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

June 18, 1998
ROOM 612

HOUSE MEMBERS PRESENT: [9] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Kinney, Redwine, Sexton and Smith.

The Appropriations Subcommittee on Justice and Public Safety met on Thursday, June 18, 1998, at 9:00 AM. Representative Justus called the meeting to order at 9:02 AM and introduced House Pages Agiree Whaley sponsored by Representative McCombs and Kimberly Dahl sponsored by Representative Culp.

Representative Kiser stated that in reviewing minutes he has noticed that committee members are requesting information that is not being provided. Ms. Wolper, Fiscal Staff, added that in some instances the Departments provide information to the staff. This material is held until that topic is covered again. **Representative Thompson asked that a time be allotted at the beginning of each committee meeting to provide coverage of informational requests.**

Representative Justus told the committee that the Victims Rights Bill has been re referred to Judiciary I to cover the additional bills that this committee included in the committee substitute.

Elisa Wolper, Fiscal Staff, asked that the committee move to the second item on the agenda, --Department of Correction Expansion Budget Request -- as Jim Mills is meeting with the Senate Justice and Public Safety Committee and cannot cover the first item (Complete Discussion of Special Provisions from 1997).

Gregg Stahl, Deputy Secretary Department of Corrections, covered the material on Attachment 1. Supplemental Expansion Budget Worksheet. Mr. Stahl reported that this request for two victim assistance coordinators and two office support staff in Wake and Craven Counties. These items are not in the Governor's budget. A Federal Grant funding these positions is due to expire June 30, 1998. The Department of Correction is being contacted by a large number of crime victims seeking advice and requesting information. Probation/parole officers can not always respond to these requests. Victims do not get the attention they need. This project provides a mechanism by which victims may access information regarding the correctional status of the offender. Representative Redwine asked if the positions were necessary to implement the Victims Rights Bill. Mr. Stahl replied that the positions are not necessary but they would be nice to have. These positions go beyond what the bill specifies.

Representative Justus asked for documentation on this plan; funding costs; and the cost for the plan to become state wide. Representative Kiser asked if the people in these positions "keep up" with restitution. Mr. Stahl replied that restitution is tracked by the positions. **Representative Kiser requested information on whether restitution payment is greater in these two pilot programs than in other parts of the state.**

Representative Justus asked for the total number of victim contacts in these two areas.

Attachment 2 -- covers the request for State funding to support twelve Office Assistant III positions (PG. 57) to replace temporaries hired through temporary agencies. These positions would provide clerical support for one Chief Probation/Parole Officer and 8 - 15 line Probation/Parole Officers.

Elisa Wolper continued with the 1997 Special Provisions. Ms. Wolper covered page 59 -- Title VII Funds/Report. Joe Hamilton, Department of Correction, explained that Judge Boyle retained jurisdiction over this case. The Department of Correction may use funds available to the Department during the 1997-98 fiscal year for payment to claimants as part of the settlement of the Title VII lawsuit over the recruitment, hiring, and promotion of females in the Department. Prior to final settlement of the lawsuit, the Department shall report on the proposed settlement to the Joint Legislative Corrections Oversight Committee, and the Chairs of the Senate and House Appropriations Subcommittee on Justice and Public Safety.

Section 19.19 New Positions/Modular Units -- the committee will wait on Jim Mills for this report
Section 19.20 Inmate Costs -- the committee will wait on Jim Mills
Section 19.21 Increase reimbursement to counties for state inmates housed in local confinement facilities. Ms. Wolper stated that the committee may want to continue with this special provision.

Representative Justus recognized Jane Gray, Deputy Attorney General, for her presentation. Ms. Gray covered the material in Attachment 3 -- North Carolina State Bureau of Investigation Facility. The cost of the SBI facility has increased from twelve million dollars ten years ago to $18,653,400 at present. Representative Justus stated this is the cost of waiting and that he had predicted the increase years ago!

Ms. Gray continued with the vacancy list for the State Bureau of Investigation. There has been an SBI agent I vacant since July of 1997. There were not enough new positions for a second training class. No person was found the half time Office Assistant IV. Representative Thompson asked that the vacancy lists from all JPS agencies be revisited before putting the budget together.

The meeting was adjourned at 9:50 AM.

Larry Justus
Representative Larry Justus
Chairman

Carolyn Justus
Carolyn Justus
Committee Clerk

Attachment A1
Worksheet
(Due 3/2/98)

SUPPLEMENTAL EXPANSION BUDGET WORKSHEET

Priority No. 4 of 6

BUDGET CODE: 14500 DEPARTMENT: CORRECTION DIVISION/ INSTITUTION: PROBATION/PAROLE
FUND NUMBER: 1430 FUND TITLE: PROBATION/PAROLE FIELD SERVICES
PROGRAM NUMBER: 3210 PROGRAM TITLE: PROBATION SERVICES
TITLE OF REQUEST: VICTIM'S ASSISTANCE PROGRAM

STATUTORY CHANGES/SPECIAL PROVISIONS REQUIRED TO IMPLEMENT?
YES [ ] NO [X]
IF YES, ATTACH A COPY OF THE DRAFT.

	1998-99
TOTAL REQUIREMENTS	143,287
TOTAL RECEIPTS	
APPROPRIATION	143,287
TOTAL POSITIONS	4.0

NARRATIVE:

This request if for 2 victim assistance coordinators and 2 office support staff in Wake & Craven Counties. It was intended to pick up the four existing positions covered by a federal grant which is due to expire June 30, 1998, (Provided second year funding through federal grants is successful.). With the rise of crime in North Carolina, the Department of Correction is constantly being contacted by a large number of crime victims seeking advice and requesting information.. Because of the high-volumn of workloads of probation/parole officers, they can not always respond to these requests. Due to the large number of offenders and the probation/parole officer's responsibilities, the victims do not get the attention they need. This project will provide a mechanism by which victims may access information regarding the correctional status of the offender.

Att. 1
6-18

ATTACHMENT A1 - PAGE 2 Priority No. 4 of 6

BUDGET: G.S. 143-3.5 *Detail of budget is to be provided at the SAS Agency Management Report detail level.*

REQUIREMENTS:

OBJECT NO.	OBJECT TITLE	Authorized 1997-1998	Authorized 1998-1999	Request 1998-1999	1999-00	2000-01	2001-02	2002-03
531211	SALARY AND WAGES			86,514				
531511	SOCIAL SECURITY CONTRIBUTIONS			6,618				
531521	RETIREMENT CONTRIBUTIONS			9,482				
531561	MEDICAL INSURANCE CONTRIBUTIONS			6,944				
533210	JANITORIAL SUPPLIES			0				
533690	OTHER PHARM. SUPPLIES			0				
533120	DATA PROCESSING SUPPLIES			2,120				
533240	CARPENTRY & HARDWARE SUPPLIES			0				
533110	GENERAL OFFICE SUPPLIES			1,920				
533900	OTHER SUPPLIES AND MATERIALS			2,640				
533150	SECURITY & SAFETY SUPPLIES			0				
532714	TRANSP-GRND - IN STATE			5,796				
532724	MEALS - IN STATE			4,808				
532715	TRANSP GRND - OUT STATE			0				
532811	TELEPHONE (MONTHLY SERVICE)			2,880				
532840003	POSTAGE			0				
532133	EMPLOYEE PHYSICALS			0				
532133	BLOODBORNE PATHOGENS - INNOCULATION			2,000				
532512	RENT/LEASE OF OFFICES			8,800				
532199	MISC. CONTRACTUAL SERVICES			0				
534521	OFFICE EQUIPMENT			765				
532850	PRINTING & BINDING			2,000				
	Requirements			143,287				
	Number of Positions (F.T.E.)	0.0	0.0	4.0				

RECEIPTS:

	Receipts			0	0	0	0	0
	APPROPRIATION							
	CHANGE IN CASH BALANCE							

* *Complete Detail information for total positions requested on the following page.*

ATTACHMENT A1 - PAGE 3 | Priority No. 4 | of 6

POSITIONS REQUESTED: *Detail of the positions included in this expansion request.*

GRADE	CLASSIFICATION/EFFECTIVE DATE:	1998-99 F.T.E.	Annual Salary**	1998-99 Budgeted Salary
64	Victim Assistance Coordinators	2	$25,843	$51,686
57	Office Assistant II	2	$17,414	$34,828
				$0
				$0
				$0
				$0
				$0
				$0
				$0
				$0
				$0
				$0
				$0
TOTAL		4		$86,514

*** Minimum level salary for the classification requested unless supporting OSP documentation attached.*

DOES THIS EXPANSION REQUEST RELATE TO A CAPITAL IMPROVEMENT PROJECT? YES [ ] NO [X]

IF YES, TITLE OF C.I. PROJECT: _____

C.I. BUDGET CODE: _____ ITEM NUMBER: _____ PROJECTED COMPLETION DATE: _____

SPACE REQUIREMENTS: G.S. 120-36.7 (c)

DOES THIS REQUEST REQUIRE ADDITIONAL SPACE? YES [ ] NO [X] IF YES, COMPLETE THE FOLLOWING:

	Office	Storage	Other	1997-98	1998-99	1999-00	2000-01	2001-02
Type of Space:								
Additional Square Footage Required								
Estimated Cost of Space Requirements.								

MOTOR POOL REQUIREMENTS:

DOES THIS REQUEST REQUIRE ADDITIONAL VEHICLES FROM THE STATE MOTOR POOL? YES [ ] NO [X]

IF YES, HOW MANY? [ ]

Submit 4 copies on 8 1/2 x 11-inch white paper.

Attachment A1
Worksheet
(Due 3/2/98)

SUPPLEMENTAL EXPANSION BUDGET WORKSHEET

Priority No. 5 of 6

BUDGET CODE: 14500 DEPARTMENT: CORRECTION DIVISION/ INSTITUTION: PROBATION/PAROLE
FUND NUMBER: 1430 FUND TITLE: PROBATION/PAROLE FIELD SERVICES
PROGRAM NUMBER: 3210 PROGRAM TITLE: PROBATION SERVICES
TITLE OF REQUEST: 12 Office Assistant III Positions to Replace 12 Temporaries

STATUTORY CHANGES/SPECIAL PROVISIONS REQUIRED TO IMPLEMENT?
YES [ ] NO [X]
IF YES, ATTACH A COPY OF THE DRAFT.

	1998-99
TOTAL REQUIREMENTS	572,749
TOTAL RECEIPTS	
APPROPRIATION	572,749
TOTAL POSITIONS	12.0

NARRATIVE:

This is a request for State funding to support twelve (12) Office Assistant III positions (PG 57) to replace temporaries hired through temporary agencies. These positons would provide clerical support for one Chief Probation/Parole Officer and 8-15 line Probation/Parole Officers.

ATTACHMENT A1 - PAGE 2 | Priority No. 5 of 6

BUDGET: G.S. 143-3.5 *Detail of budget is to be provided at the SAS Agency Management Report detail level.*

REQUIREMENTS:

OBJECT NO.	OBJECT TITLE	Authorized 1997-1998	Authorized 1998-1999	Request 1998-1999	1999-00	2000-01	2001-02	2002-03
531211	SALARY AND WAGES			177,264				
531511	SOCIAL SECURITY CONTRIBUTIONS			13,560				
531521	RETIREMENT CONTRIBUTIONS			19,428				
531561	MEDICAL INSURANCE CONTRIBUTIONS			17,360				
533210	JANITORIAL SUPPLIES			200				
533690	OTHER PHARM. SUPPLIES			0				
533120	DATA PROCESSING SUPPLIES			10,600				
533240	CARPENTRY & HARDWARE SUPPLIES			2,400				
533110	GENERAL OFFICE SUPPLIES			4,800				
533900	OTHER SUPPLIES AND MATERIALS			6,600				
533150	SECURITY & SAFETY SUPPLIES			0				
532714	TRANSP-GRND - IN STATE			0				
532724	MEALS - IN STATE			8,900				
532715	TRANSP GRND - OUT STATE			0				
532811	TELEPHONE (MONTHLY SERVICE)			10,800				
532840003	POSTAGE			3,600				
532133	EMPLOYEE PHYSICALS			0				
532133	BLOODBORNE PATHOGENS - INNOCULATION			0				
532512	RENT/LEASE OF OFFICES			26,400				
532199	MISC. CONTRACTUAL SERVICES			2,400				
534521	OFFICE EQUIPMENT			128,726				
532430	MAINTENANCE AGREEMENTS-EQUIPMENT			12,500				
534528	COMMUNICATIONS EQUIPMENT			3,000				
534522	COMPUTER EQUIPMENT			124,211				
	Requirements			572,749				
	Number of Positions (F.T.E.)	0.0	0.0	12.0				

RECEIPTS:

	Receipts			0	0	0	0	0
	APPROPRIATION							
	CHANGE IN CASH BALANCE							

* *Complete Detail information for total positions requested on the following page.*

ATTACHMENT A1 - PAGE 3

Priority No. 5 of 6

POSITIONS REQUESTED: *Detail of the positions included in this expansion request.*

GRADE	CLASSIFICATION/EFFECTIVE DATE:	1998-99 F.T.E.	Annual Salary**	1998-99 Budgeted Salary
				$0
57	Office Assistant II 9/1/98	12	$14,772	$177,264
				$0
				$0
				$0
				$0
				$0
				$0
				$0
				$0
				$0
				$0
				$0
TOTAL		12		$177,264

*** Minimum level salary for the classification requested unless supporting OSP documentation attached.*

DOES THIS EXPANSION REQUEST RELATE TO A CAPITAL IMPROVEMENT PROJECT? YES [ ] NO [X]

IF YES, TITLE OF C.I. PROJECT:

C.I. BUDGET CODE: _____ ITEM NUMBER: _____ PROJECTED COMPLETION DATE: _____

SPACE REQUIREMENTS: G.S. 120-36.7 (c)

DOES THIS REQUEST REQUIRE ADDITIONAL SPACE? YES [X] NO [ ] IF YES, COMPLETE THE FOLLOWING:

	Office	Storage	Other	1997-98	1998-99	1999-00	2000-01	2001-02
Type of Space:								
Additional Square Footage Required								
Estimated Cost of Space Requirements.					$26,400.00			

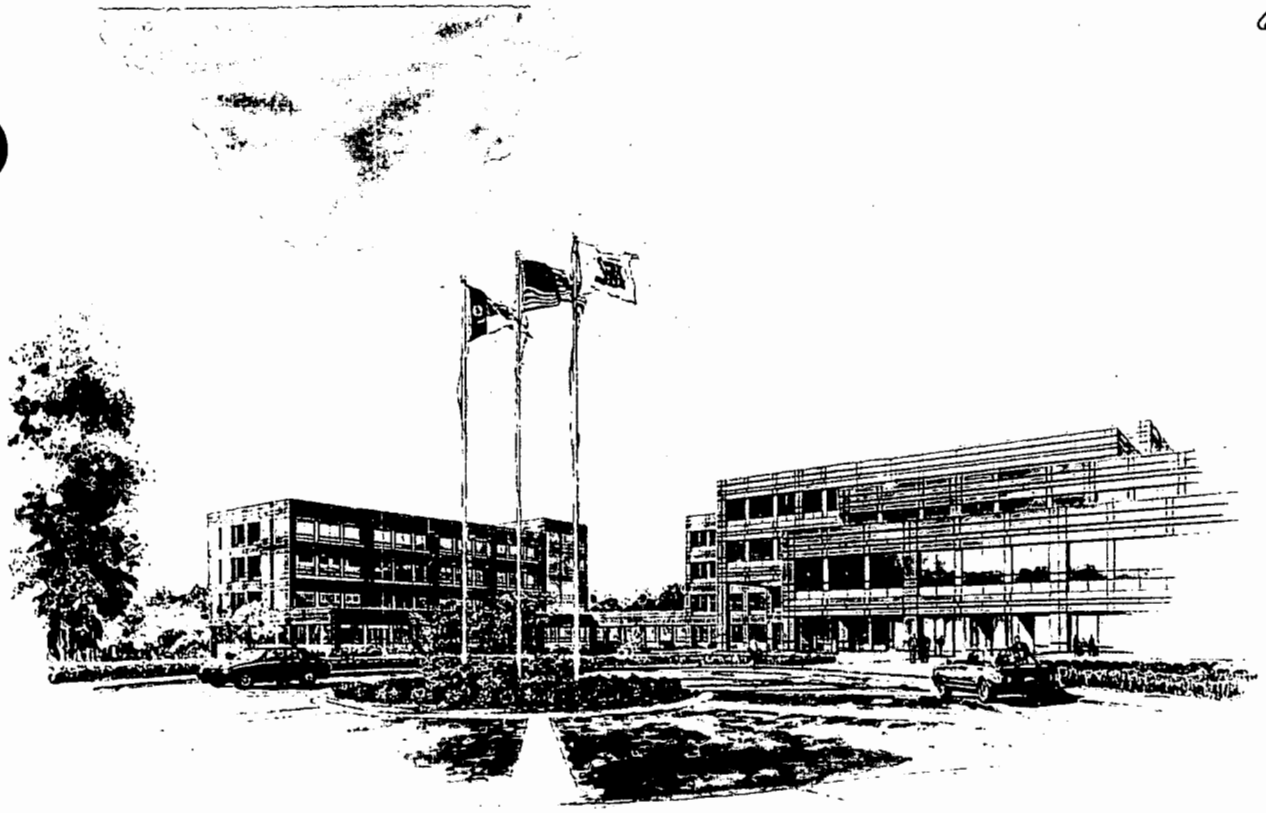
MOTOR POOL REQUIREMENTS:

DOES THIS REQUEST REQUIRE ADDITIONAL VEHICLES FROM THE STATE MOTOR POOL? YES [ ] NO [X]

IF YES, HOW MANY? [ ]

Submit 4 copies on 8 1/2 x 11-inch white paper.

ATT. 3
6-18-98

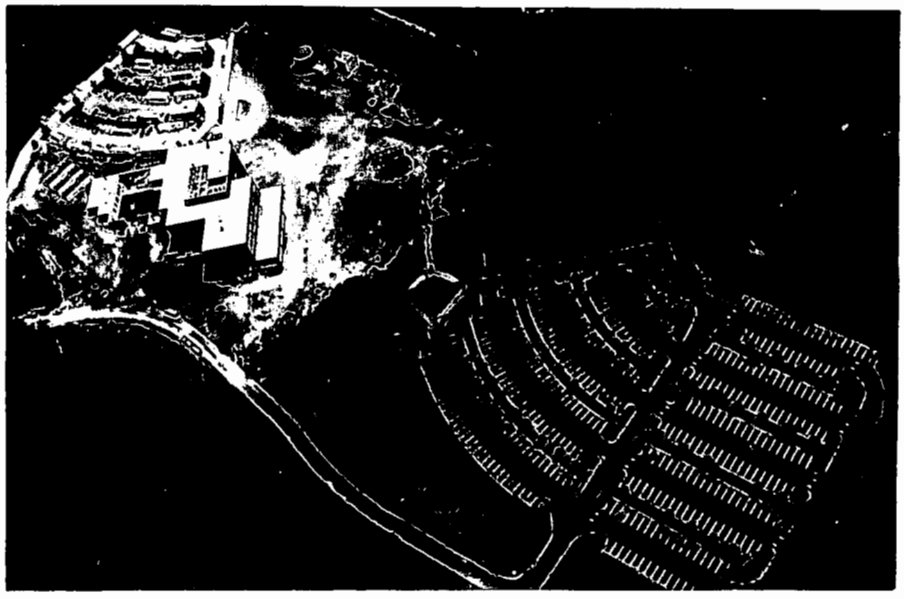


NORTH CAROLINA STATE
BUREAU OF INVESTIGATION FACILITY
MACRAE-BELL ASSOCIATES
ARCHITECT

RALEIGH
NORTH CAROLINA
COOPER CARRY & ASSOC.
CONSULTING ARCHITECT

Because of the unsafe, dilapidated condition of the existing facilities for the State Bureau of Investigation, the North Carolina General Assembly approved funding for a new facility in the 1988 Session. The state was able to obtain ideal property on Hammond and Tryon Roads near the present facilities for the Bureau and the Highway Patrol on Old Garner Road in Raleigh. A design team was chosen and their work began immediately.

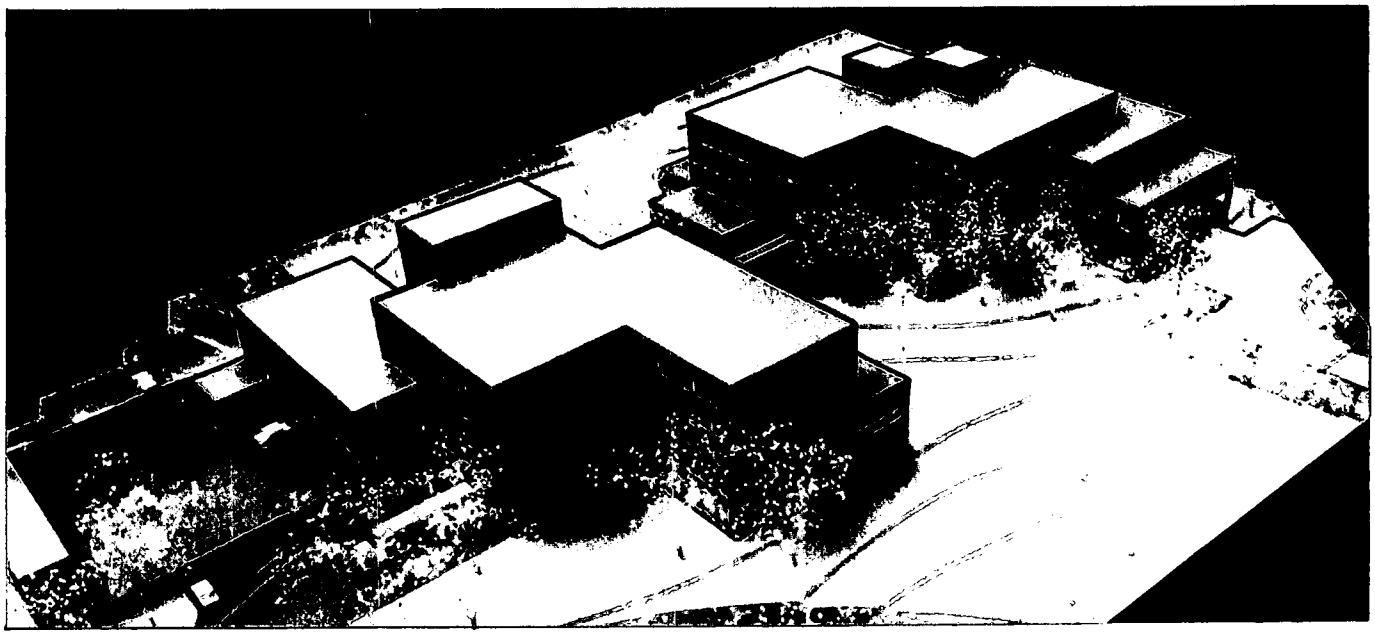
The building was designed to house forensic laboratories, the computers and staff for the Division of Criminal Information, administration, classrooms and conference rooms for training, the SBI's Capital District Offices, and the Financial Crime Investigations unit.



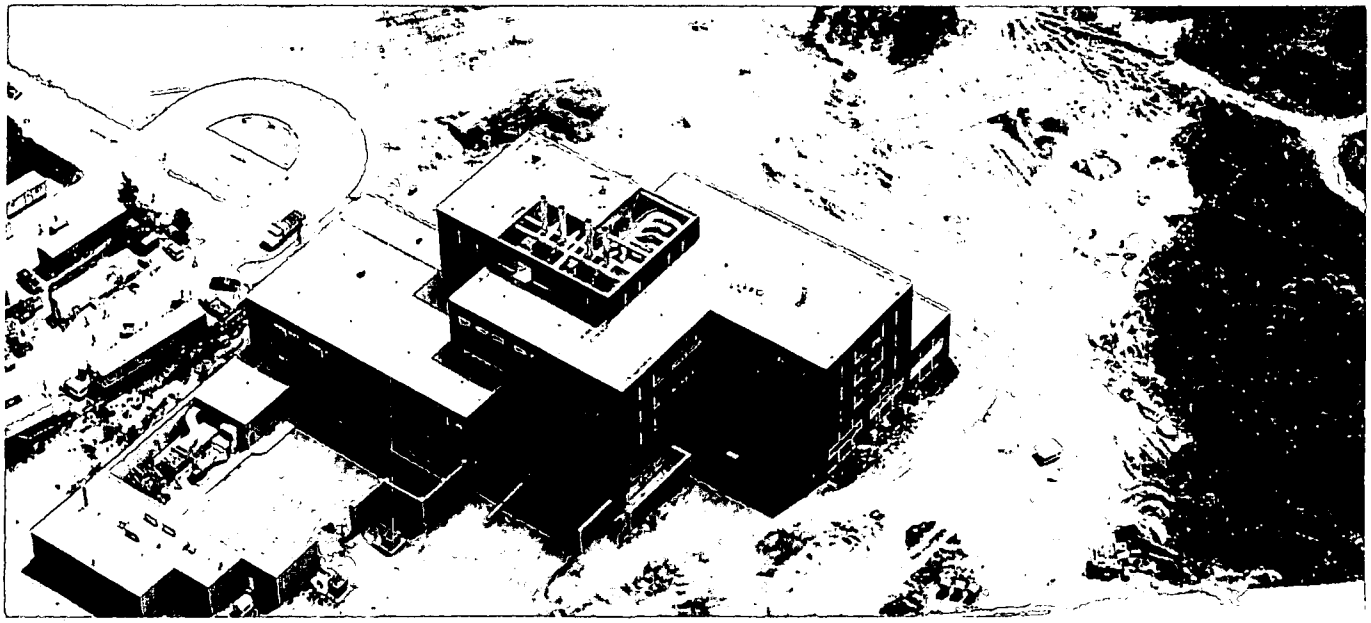
In 1989-90 the General Assembly withdrew funding for all construction except the site preparation. Site work was completed the following year and detailed contract documents for bidding and construction of the building were completed.

Funding was restored by the 1993-94 Legislature for half of the building. That portion of the building is complete and is occupied by the SBI Crime Laboratory and Support Services.

A great deal of thought, time, effort and money have been invested in this project. Thirty two acres of land have been developed for the entire facility, including underground utilities, drives, and parking lots. The mechanical systems are designed to operate efficiently with the entire building in place. Boilers and chillers for the complete building are installed. The current estimate to complete the building, issued by the Office of State Construction, projects the cost to be $18,653,400 including the furnishings.



The completed project will be a valuable asset for the SBI, which is a key element in North Carolina's anti-crime efforts. Obviously, the Bureau is less efficient and more expensive to operate with its functions spread out on different sites. A visit to the current facilities on Old Garner Road, two locations downtown, and one in North Raleigh will show clearly how badly the entire building is needed.



The laboratory wing, shown here under construction, is now occupied. Completion of the rest of the facility for the State Bureau of Investigation, combining the crime laboratory with the other operations, will benefit the operations of the SBI, the law enforcement agencies it supports and serves, and the people of North Carolina.

VISITOR REGISTRATION SHEET

APP/Sub Justice & Public Safety — June 18, 1998

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
* [illegible]	NCBA
Eddie Caldwell	NC Sheriffs Assn / NC Law Enf. Off. Assn.
Kevin Howell	NCBA
Mike Barber	CJPC
Joe Hamilton	DOC
* [illegible]	DOC
* Robert Lee Guy	
Leo Ruben	CJPC
* Jane B. Gray	DOJ
Patrice Ponder	NCAGC
Barney Humphrey	OSBM

* votes speaker

APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

June 23, 1998
Room 612

HOUSE MEMBERS PRESENT: [8] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Redwine, Sexton, Smith.

Representative Gregg Thompson presided today and called the meeting to order at 8:40 AM. He introduced the pages for today: Karen Gupton, Wake County; Phil Feagon, Polk County - sponsor Rep. Dedmon.

Representative Thompson introduced Mr. Dale Talbert, Special Deputy Attorney General, Corrections Section, Attorney General's Office to present the first item on the agenda.

Department of Correction Sexual Harassment Case (Robinson versus DOC)

Mr. Talbert passed out the N&O article (ATTACHMENT A).

Mr. Talbert gave a broad overview of the case.

Discussion followed.

Representative Thompson stated there was a bill in Judiciary I Committee with an amendment to address issues such as this one.

Representative Justus made the following motion at 9:25 AM: "I move to h old a closed session pursuant to GS 143-318.11(a)(3) in order to consult with the Attorney General's office regarding the lawsuit entitled Robinson v. Department of Correction and preserve the attorney-client privilege of the parties to that lawsuit and pursuant to GS 143-318.11(a)(6) to consider the performance of individual employees of the Department of Correction.

Motion carried.

The Committee went into closed executive session.

Mr. Talbert discussed details of the lawsuit covered by the attorney-client privilege, as well as facts bearing on the performance of employees of the Department of Correction.

Representative Justus moved that the committee come out of closed executive session at 9:45.

Motion carried.

Representative Thompson stated the committee would continue with the agenda tomorrow morning at 8:30 AM.

Meeting adjourned at 9:50 AM.

Representative Gregg Thompson
Chairman

Edna L. Sykes
Committee Clerk

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday June 23, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus
Representative Joe Kiser
Representative Gregg Thompson, Presiding

II. PRESENTATIONS

- Department of Correction Sexual Harassment Case (Robinson versus DOC)

  DOC Representatives

  Dale Talbert, Special Deputy Attorney General,
  Corrections Section, Attorney General's Office

- Complete Discussion of Department of Correction Special Provisions from 1997

  Jim Mills
  Fiscal Research Staff

- Follow up Items from Previous Meetings

  Fiscal Staff

  Departmental Management

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — June 23, 1998

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Luke Barber	CJPC
Bucky Humphrey	DSTM
Jane B. Gray	DOJ
Dale Talbert	DOJ
Chris Stahl	DOC
Joe Hamilton	DOC
Ken Howell	NCBA
Lynn Wimmer	NCAOCL
[illegible]	NC [illegible]
Robert Lee Coley	DOC, DAPP
Howard Lunger	DC Voice
Lad Rubsam	CYA

ATTACHMENT A

THE NEWS & OBSERVER

RALEIGH, NORTH CAROLINA

FINAL EDITION
50 CENTS

SATURDAY, JUNE 6, 1998

www.news-observer.com



Pamela Robinson worked for the Correction Department.

STAFF PHOTO BY CHRIS SEWARD

State rules against woman in sex bias case

Panel says law doesn't prc ıibit harassment

BY JOSEPH NEFF
STAFF WRITER

The record shows that Pamela Robinson followed all of the rules.

She believed she was a victim of sexual harassment from her boss at the state Department of Correction, so she consulted personnel guidelines and took her complaint through three levels of state government procedures.

At each step, investigators and hearing officers found substantial evidence that Robert Terry Jr., a Correction Department probation and parole supervisor, had fondled and propositioned Robinson.

But Robinson is the one who ultimately lost her job.

And the state Personnel Commission dropped a bombshell on Robinson and every other state employee pinched, ogled, propositioned or sexually demeaned by a boss.

State law doesn't prohibit sexual harassment, the commission said.

"There is no jurisdiction [under state law for Robinson's] claim she was discriminated against on the basis of her sex by having to work in a hostile environment," the state Personnel Commission ruled May 11. State law "does not prohibit sexual harassment, either in the form of quid pro quo or hostile environment."

This is the same four-member commission — two men and two women — that said Robinson's account was believable and that expressed concerns that the Correction Department had retaliated against her for complaining.

The ruling seems directly to contradict the Office of State Personnel's regulations, which say an "intimidating, hostile or offen-

SEE HARASS, PAGE 14A

HARASS

CONTINUED FROM PAGE 1A

sive working environment" is sex discrimination prohibited by state law.

The Department of Correction's personnel manual says the same.

State Personnel Director Ronald G. Penny struggled to explain the inconsistencies.

Sexual harassment "is not allowed," Penny said. "It is a violation of the law. But the statute does not give [the] state Personnel Commission jurisdiction to handle these cases."

The state can only handle sex discrimination cases when the discrimination alters the terms of workers' jobs, Penny said. This means an employee has to be fired, demoted or transferred as a result of the harassment, he said. Working in a hostile environment in and of itself is not enough, he said.

The state's position is that Robinson's job status did not change because of the harassment.

But why do state personnel manuals say that sexual harassment in and of itself is illegal? And why do the manuals counsel employees about how to file complaints with the state?

"It's misleading employees if the regulations don't spell it out correctly," said Penny, who referred further inquiries to the Attorney General's Office.

Neil Dalton, the deputy attorney general handling the case, declined to comment because the case is still pending.

Burton Craige, Robinson's attorney, said the commission's ruling means that state employees have no recourse if they work in a hostile work environment, whether it is sexual or racial.

"If you are black, and your white boss puts KKK signs up and down the hall, there would be no remedy for you," Craige said.

Robinson "has spent two years following the procedures they told her to follow and now they're telling her that their own procedures are a sham," Craige, of Raleigh, said.

No comment

Yet state workers with grievances are compelled to go through the state process because courts take a dim view of lawsuits where the employee has not exhausted the administrative process.

Robinson, who has taken the case to Wake County Superior Court, declined to comment on the advice of Craige.

Terry also declined to comment, saying the Attorney General's Office had advised him not to talk. Terry still has his $38,196 a year supervisor's job.

Robinson began working for the state in May 1991 as a deputy court clerk in Henderson. In March 1995, she took a job as a stenographer in the Henderson office of the Division of Adult Probation and Parole, because the hours were more compatible with her child care duties.

According to Robinson's testimony at grievance hearings, Terry touched her inappropriately at least five times. He made references to them having an affair, she said.

On one occasion, she said, Terry told her he had dreamed about her, saying, " 'I can't tell you what it was about, because it might get me into trouble.' " Robinson said she interpreted this as a sexual remark. Later, she said Terry told her that they should sleep together during a two-day computer seminar in Raleigh.

Four witnesses testified that Robinson told them about the proposition soon after it happened.

Terry denied the allegations of sexual harassment.

After Robinson filed her complaint, the Correction Department conducted an internal investigation that concluded Terry's conduct did not rise to the level of sexual harassment.

Robinson, appealed to the Office of Administrative Hearings.

After 11 days of testimony and revlewing dozens of documents, Administrative Law Judge Thomas R. West Jr. said that he believed Robinson's testimony and that he found Terry's testimony "not credible".

He said the state should reinstate Robinson and give her back pay.

Other women had testified about being sexually harassed by Terry. Other Correction Department employees corroborated Robinson's testimony.

"Terry repeatedly subjected [Robinson] to offensive touching, sexual suggestions and innuendoes," West wrote. "He made an explicit proposition that she spend the night with him at a state-sponsored seminar. He then subjected her to degrading inquiries about her relationships with other men. Each of these incidents was deliberate, unsolicited and unwelcome."

Internal missteps

Furthermore, West also found that the Department of Correction had botched its internal investigation. The department refused to interview key witnesses who did not work for the department. It also rejected Robinson's offer to take a polygraph test.

And West determined that Alfonza Fullwood, the Correction official in charge of the department's internal investigation, altered the conclusion of his initial report after a telephone call with Theodis Beck, the director of the Division of Adult Probation and Parole.

Beck could not be reached for comment.

Fullwood's first report contained extensive evidence that tended to support Robinson's contentions and refute Terry's denial.

After the phone call with Beck, Fullwood inserted the statement "Terry's conduct did not rise to the level of sexual harassment" into the report. In a deposition before the administrative law hearing, Fullwood denied changing the report, but recanted when he testified before West. At the hearing, Fullwood also admitted destroying his original report shortly before his deposition.

West also found that the department had retaliated against Robinson after she filed her grievance by giving her an unfavorable job evaluation, even though there were no unfavorable records in her file until she filed her grievance.

In addition, parole officials ordered Robinson to keep working in the same office as Terry, even after Robinson's doctor, Anita Blosser, said it would be detrimental to Robinson's health.

"Indeed, in light of Dr. Blosser's medical opinion, the inference is inescapable that [the Department of Correction] knew its order would force [Robinson's] resignation," West wrote.

Robinson refused to work in the same office as Terry. Craige, her lawyer, tried to work out a compromise, but the department did not respond to his letters.

The Division of Adult Probation and Parole terminated Robinson on April 29, 1996, saying her refusal to return to the office with Terry meant that she had resigned without giving notice.

She was dismissed two days short of becoming a five-year state employee, the point at which you become eligible for retirement benefits.

Joseph Neff can be reached at 829-4516 or jneff@nando.com

JUSTICE & PUBLIC SAFETY

June 24, 1998 Room 612

HOUSE MEMBERS PRESENT: [6] Representatives Justus, Kiser, Thompson, McCrary, Sexton, Smith

The Appropriations Subcommittee on Justice and Public Safety met on Wednesday, June 24, 1998. Representative Kiser called the meeting to order at 8:40 AM and introduced House Pages David Bentley, Durham County, sponsored by Representative Paul Lubke and Kyle Patterson, Davidson County, sponsored by Representative Paul McCrary.

Representative Kiser called on Jeanne Bonds, Judicial Branch, to make a presentation on Report on Federal Grants.

Ms. Bonds said she would go over spread sheet of all the Governor's Crime Commission grants. These are federal grant funding to the Administrative Office of the Courts. These are by Fund Number, Project Title, Grant Amount (Federal Funds Available), State Cash Match Required, Grant Period, Grantor, Purpose of the Grant, Grant Funded Positions and Will State Funding for Continuation be Sought? (Attachment I). Also is a more detailed sheet of summaries of Current Administrative Office of Courts Grants. (Attachment II).

Fund Numbers

2140 - 2 year grant. Evaluation of pilot drug treatment court program.

Representative Justus said Mr. Doug Warren was here from Charlotte and feels this is a successful program.

Fund 2141 - 4 year grant. To assess and improve foster care and adoption court proceedings. Set to end June 30th

2148 - To develop statewide courthouse security standards.

2156 - To develop a conceptual plan for an information system. Expires September 30th.

Representative Justus asked Ms. Bonds as she goes through these grants can she tell the committee when these grants expire and will they receive any other grants and do we have to fund any of these through appropriations.

Representative Kiser asked Ms. Bonds to also include how much money is left over in each grant and what can be done with that money..

2158 - Brady Bill to study and improve data flow for non-criminal information that is need for handgun checks.

2159 - 1 year grant. To provide comprehensive domestic program for prosecutors.

2166 - First and second year law students to work as interns for Judges and DA's.

2168 - Interfacing with other state and local criminal justice agencies

2169 - 2 year project. To help DA's handle cases involving juvenile victims and offenders.

2201 - 2 year grant. Victims services training program for prosecutors and victim/witness assistants.
2202 - To link fourth grade classes to produce a satellite video and develop a Web-based curriculum about the courts.
2203 - Provide travel cost and registration costs for specialized training for judges, DA's, Clerks, Magistrates, public defenders, trial court administrators, and Administrative Office of Court staff.
2204 - 1 year grant. To survey jurors to determine whether they were treated well, how they spent their time, opinion of the jury system.
2205 - 1 year grant. Best practice approaches for staff safety in the field.
2206 - 2 year match from City of Raleigh. Special sessions of court will be held for the targeted cases.

Representative Thompson asked question on 2206 - Violent Adult and Teen Squad (District 10) (formerly Dangerous Offender Task Force). Would the additional court time be for Juvenile Court only? Do we have any documentation or proof that it's working, how many additional days of court are being held?

Ms. Bonds said she would check and get a copy of report for the committee.

Representative Kiser said I will remind you again, when the committee asks for something, if it is possible to get, we want it, everything we ask for would like for all the members to get copies.

Representative Sexton asked how long has this program been there and why do we not have any feedback.

Representative Justus pointed out that if we don't get the information back, then it will certainly affect the budget in the areas that particular information is needed. If we don't have it then we cannot act on it. A lot of grants expire in 98. If they expire is that the end of their grant period and are we expected to fund them in this cycle.

Representative Justus said the ones that are bothering me are the bills we are working on now, counted six in domestic rights, victims rights implementation, several are in that category and it runs into a fairly large amount of money if they are lumped together. We are hearing lots of conversation in various committees about the need for more people and we have given them a lot of people, but if these grants expire the people in those positions now have to be replaced. Charles, I wonder did you use these totals when you totaled up all the monies for victims in the sheet we asked for that came to 37 million?

Charles Perusee said he will ask and report back to the committee
2207 - Conference of District Attorneys. Send prosecutors to educational programs sponsored by the US Department of Justice.

2208 - 1 year grant. Assistance to victims including children of domestic violence. Report at the conclusion of their grant program.
2209 - 1 year grant, no match. Provide alternatives to training schools for juvenile offenders.
Representative Justus asked on 2208 Victims First Program - Is that one of the 9 Pilot Program in Domestic Violence?

Ms. Traux responded there are about 35 programs with 35 different districts. Will provide summary to the committee.

Representative Justus said he would like to know if the other 34 courts are as successful as Mr. Keith's and if not what rate of success are they getting.

2213 -Durham DA - domestic violence court.
2214 - Orange County Domestic Violence Program
2215 - Funding two DA's and two secretaries

Representative Thompson requested for the four departments that fall under this subcommittee would like grants that have been given by the Crime Commission by County, updated information for these four departments for the last four years.

Rob Luditz responded he will get the information by county for committee.

2216 - Victims response team coordinator providing assistance to victims through District Attorney's office
2217 - To improve services offered elderly and child victims.
2218 - Program to see if we need to make changes.
2220 - To reduce recidivism and recommitment of juveniles by providing more intensive supervision
Representative Justus asked question on number 2220 Intensive Aftercare (Juvenile Services Division) how can you determine in one year what happens to recidivism. Can we get some figures. This is an important program; would like to see if it matches.

Ms. Bonds said this concludes all the federal grants.

Representative Kiser called on Denise Sessoms to give report on NC Department of Justice.

Ms. Sessoms went over grants by Project Title, Period of Grant, Total Amount of Grant, Federal Amount & Source, State Amount & Source, Contact Person and Employees. (Attachment III).
Ms. Sessoms highlighted the five pages on NC Department of Justice. She said on page one Medicaid Fraud Investigation is a federal grant. The feds have offered us more money to expand that program. The other grants on page one are Governor's Crime

commission grants with no employees. The CD Rom Tower Information grant is 25% asset forfeiture match. On second page all the grants are Governor's Crime Commission grants that require 25% asset forfeiture match. On page 3 we have Data Sharing Standards Development grant where position is vacant? One Polymeric spectroscopy Grant position available but not filled. All these are Governor's Crime Commission grants. On Page 4 Dare Southeast Training Center grant federal funds are given to a private non-profit organization and they distribute funds. North Carolina is the Southeast Training Center. Two positions are funded. Traffic Enforcement and Investigation Instructional Support grant is funded 100% by Governor's Highway. Marijuana Eradication and Suppression of Illicit Marijuana is a federal Drug Enforcement Administration program, Gas Chromatography for DWI Analysis is funded through Governor's Crime Commission. On page 5 North Carolina Crime Reporting Redesign Project grant was canceled second year and was asked to reapply for new grant. DNA Laboratory Improvement is funded by Department of Justice and Child Victim Assistance Program Training grant is funded by Governor's Crime Commission.

Representative Kiser asked Rob Luditz if it would be possible to bring to the committee the percentage of your grants over the past 3 or 4 years. The grants that have gone to State Government, compared to the ones going to local government and is that staying pretty level.

Ms. Sessoms said that since the committee had asked for more information on NC Crime Reporting Redesign Project she would ask Doug Kappler to give a report on success stories of this project.

Meeting adjourned at 9:50 AM.

Joe L. Kiser
Representative Joe L. Kiser
Chairman

Marilyn R. Holder
Marilyn R. Holder
Committee Clerk

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — 6-24-98

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Buddy Humphrey	OSJM
Doug Clark	AOC
Gordon Peart	Project Challenge
Lee Barber	CTPL
SUSAN OWENS	AOC
JEANNE BONDS	AOC
Rob Lewitz	Governors Crime Commission
Peg Dorer	Conference of D.A.s
Chris Mayhew	AOC
Jane P. Gray	DOJ
Denise A Seabourne	DOJ
Kerrie Tsuda	DOJ
Tony Kaggler	DOJ

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Wednesday June 24, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus
Representative Joe Kiser, Presiding
Representative Gregg Thompson

II. PRESENTATIONS

- Report on Federal Grants

  Jeanne Bonds
  Judicial Branch

  Denise Sessoms
  Department of Justice

  Gregg Stahl
  Department of Correction

  Joe Stewart
  Department of Crime Control & Public Safety

- Complete Discussion of Department of Correction Special Provisions from 1997

  Jim Mills
  Fiscal Research Staff

- Follow up Items from Previous Meetings

  Fiscal Staff

  Departmental Management

	FEDERAL GRANT FUNDING TO THE ADMINISTRATIVE OFFICE OF THE COURTS							
	Report includes all active federal grants as of June 24, 1998							
Fund #	Project Title	Grant Amount (Fed. funds avail.)	State Cash Match Required	Grant Period	Grantor	Purpose	Grant-funded Positions	Will state funding for continuation be sought?
2140	Drug Treatment Court Eval. (Legal Serv. Div.)	$81,274	$27,092	7/1/96 - 6/30/98	Governor's Crime Commission	To design a process evaluation and an outcome evaluation of pilot drug treatment court programs.	1 Data Coord.	Federal continuation funding decision pending.
2141	Court Improvement Project (Programs Div.)	$235,512	$78,504	1/15/97-1/14/99	Administration for Children and Families	To assess and improve foster care and adoption court proceedings. Pilot sites operating in two judicial districts.	1 Proj. Coord., 2 Site Coords., 3 Case Managers	Add. grant funds are avail.
2148	Court Security Project (Research Serv. Div.)	$68,991	$22,997	7/1/96 - 6/30/98	Governor's Crime Commission	To develop statewide courthouse security standards that counties may apply to future and existing facilities.	none	Proj. will be complete
2156	Juvenile Case Management System (Juv. Serv. Div.)	$249,728	$83,242 (Cash match provided by the Division of Youth Services)	7/1/96 - 9/30/98	Governor's Crime Commission	To develop a conceptual plan for an information system that will provide timely and accurate information about juveniles to the courts, law enforcement, correction officials, and treatment and service providers.	1 Proj. Coord., 1 Secretary	Implementation Request in Governor's budget.
2158	Advanced State Award Program (Info. Serv. Ct. Man. Div.)	$244,250	$0	9/1/96 - 12/31/98	Governor's Crime Commission	To study and improve data flow for non-criminal information that is needed for handgun checks, as required by the Brady bill.	Proj. Director	state or federal money would be needed to implement findings
2159	Domestic Violence Prosecution Training (Conf. of DAs)	$224,305	In-kind match	10/1/96 - 10/31/98	Governor's Crime Commission	To provide a comprehensive domestic violence program for prosecutors that includes training and implementation of local programs to coordinate law enforcement and prosecution response to domestic violence.	Legal Asst.	Proj. will be complete

Fund #	Project Title	Grant Amount (Fed. funds avail.)	State Cash Match Required	Grant Period	Grantor	Purpose	Grant-funded Positions	Will state funding for continuation be sought?
2166	Judicial Interns (Human Res. Div.)	$24,920	$8,307	5/1/97 - 4/30/98	Governor's Crime Commission	To provide judges and district attorneys with law student summer interns from North Carolina law schools.	none	Second year grt. funding will be available
2168	AOC Criminal Data Needs Analysis (Info. Serv. Ct. Man. Div.)	$64,320	$21,440	7/1/97 - 9/30/98	Governor's Crime Commission	To develop a database model to analyze how data would be organized (what fields would be included, how the tables would be organized, and how the user would access the information in the database, etc) to interface with other state and local agencies.	none	State or Fed. money would be needed to re-engineer the Crim. and Infrac. Systems.
2169	Comprehensive Protection and Prosecution for Juvenile Offenders and Victims (Dist. 27B)	$142,153	$0	7/1/97 - 6/30/98	Governor's Crime Commission	To develop prosecutorial procedures to better handle cases involving juvenile victims and offenders in Prosecutorial District 27B.	1 full-time asst. dist. atty., 1 part-time asst. dist. atty.	Second year grt. funding will be available
2201	Victim's Rights Implementation Training (Conf. of DAs)	$13,915	$4,638	7/1/97 - 6/30/99	Governor's Crime Commission	The Conference of District Attorneys will develop a victims services training program for prosecutors and Victim/Witness Assistants.	none	Second year grant funding allowed 6/3/98
2202	Tele-court: Improving Understanding of the Judicial Branch of Government (Policy and Comm. Div)	$41,406	$13,802	7/1/97 - 9/30/98	Governor's Crime Commission	To link fourth grade classes to produce a satellite "Meet the Courts" video and develop a Web-based curriculum about the courts. The video will be distributed to every elementary school in North Carolina.	1 Info. and Comm. Spec.	Project will be complete
2203	Judicial Training (Admin. Serv. Div.)	$50,000	$16,667	7/1/97 - 6/30/98	Governor's Crime Commission	To provide travel and registration costs for specialized training for judges, district attorneys, clerks, magistrates, public defenders, trial court administrators, and AOC staff.	none	Second year grt. funding will be available

Fund #	Project Title	Grant Amount (Fed. funds avail.)	State Cash Match Required	Grant Period	Grantor	Purpose	Grant-funded Positions	Will state funding for continuation be sought?
2204	Juror Survey (Legal Serv. Div.)	$22,450	$7,484	7/1/97 - 6/30/98	Governor's Crime Commission	To survey jurors to determine whether they feel that they were treated well when on jury service, how they spent their time, and their opinions of the jury system.	none	Project will be complete
2205	Safety Manual (Juv. Serv. Div.)	$6,600	$0	7/1/97 - 9/30/98	Governor's Crime Commission	To create a document that outlines best-practice approaches to staff safety. The manual will consolidate current policies, procedures, and practices.	none	Project will be complete
2206	Violent Adult and Teen Squad (Dist. 10) (formerly Dangerous Offender Task Force)	$171,914	$0 (City of Raleigh provides match)	7/1/97 - 6/30/98	Governor's Crime Commission	To target cases for vigorous prosecution without plea bargaining in Prosecutorial District 10. Special sessions of court will be held for the targeted cases.	2 asst. dist. attys., 2 invest., 1 legal asst.	Second year grt. funding will be available
2207	Prosecutor Training Program (Conf. of DAs)	$49,920	$16,640	7/1/97 - 6/30/98	Governor's Crime Commission	To send prosecutors to educational programs sponsored by the U.S. Department of Justice, the National College of District Attorneys, and the American Prosecutors Research Institute.	none	Rec'd notice on 6/3/98 that second year grant funding approved
2208	Victims First Program (VOCA) -- Dist. 20	$104,250	In-kind match	7/1/97 - 6/30/98	Governor's Crime Commission	Prosecutorial District 20 will coordinate a community-based approach to domestic violence, and develop a protocol to ensure professional investigations, arrests, prosecutions, conviction, and support for victims.	2 victim asst.	Written approval for second year funding pending
2209	Alternatives to Incarceration (Juv. Serv. Div.)	$157,600	$0	7/1/97 - 6/30/98	Governor's Crime Commission	To evaluate existing programs that provide alternatives to training schools for juvenile offenders, and to develop new programs.	1 proj. dir., 1 part-time res. tech.	Proj. will be complete

Fund #	Project Title	Grant Amount (Fed. funds avail.)	State Cash Match Required	Grant Period	Grantor	Purpose	Grant-funded Positions	Will state funding for continuation be sought?
2213	Criminal Justice Intervention Program for Domestic Violence (Dist. 14)	$188,051	In-kind match	7/1/97 - 6/30/98	Governor's Crime Commission	Prosecutorial District 14 will establish a specialized domestic violence court and improve coordination with other agencies involved with domestic violence cases.	1 asst. dist. Atty., 1 victim asst., 1 part-time deputy clerk	Second year grt. funding will be available
2214	ADALA Program (Dist. 15B) (Orange/Durham Coalition for Battered Women)	$120,286	In-kind match	7/1/97 - 6/30/98	Governor's Crime Commission	To assist victims of domestic violence, and to increase success in prosecution of domestic violence in Prosecutorial District 15B.	1 asst. dist. atty., 1 court liaison	Second year grt. funding will be available
2215	Victims First Program (VAWA) -- Dist. 20	$114,559	In-kind match	7/1/97 - 6/30/98	Governor's Crime Commission	This grant funds different aspects of the project described above (fund 2208).	2 asst. dist. atty., 2 secretaries	Second year grt. funding will be available
2216	Victim Response Team (Dist. 7)	$89,086	In-kind match	7/1/97 - 6/30/98	Governor's Crime Commission	To recruit and train volunteers to assist victims on court dates and establish a protocol with local agencies to assist victims with such issues as payment of medical bills, and gathering restitution information in Prosecutorial District 7.	3 victim asst.	Second year grt. funding available
2217	Child and Elderly Victims Relief Program (Dist. 9A)	$48,384	In-kind match	7/1/97 - 6/30/98	Governor's Crime Commission	To improve services offered to elderly and child victims in Prosecutorial District 9A, and to provide a liaison between law enforcement, social services, victims, and the court.	1 victim asst.	Second year grt. funding will be available
2218	Custody and Visitation Mediation Study (Legal Serv. Div.)	$91,531	$30,510	7/1/97 - 6/30/98	Governor's Crime Commission	To collect and analyze empirical data on the program to determine whether the program benefits litigants and the courts	1 full-time res. tech., 1 part-time res. tech.	Project will be complete
2220	Intensive Aftercare (Juv. Serv. Div.)	$151,000	$0	8/1/97 - 7/31/98	Governor's Crime Commission	To reduce recidivism and re-commitment of juveniles by providing more intensive supervision, and structured, client -specific interventions after release from training schools.	3 juv. ct. couns.	Uncertain at this time

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Thursday June 25, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus , Presiding
Representative Joe Kiser
Representative Gregg Thompson

II. PRESENTATIONS

- Report on Federal Grants

  Gregg Stahl
  Department of Correction

  Joe Stewart
  Department of Crime Control & Public Safety

- Complete Discussion of Department of Correction Special Provisions from 1997

  Jim Mills
  Fiscal Research Staff

- Follow up Items from Previous Meetings

  Fiscal Staff

  Departmental Management

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY 1997-98 June 25, 1998

House Members Present: [6] Representatives Justus, Kiser, McCrary, Hardy, Redwine, Sexton,

- CALL TO ORDER

The House Appropriations Subcommittee on Justice and Public Safety met on Thursday, June 25, 1998, in Room 612 of the Legislative Office Building. Representative Justus called the meeting to order at 8:45 AM and introduced House Pages Jennie Currin from Alamance County and Courtney Haynie from Madison County.

- PRESENTATIONS

REPORT ON FEDERAL GRANTS

Representative Justus recognized Gregg Stahl, Deputy Secretary, Department of Corrections, for the Department of Correction report on Federal Grants. Mr. Stahl distributed Attachment 1 -- Department of Correction Federally Funded Programs. Mr. Stahl reported that most of these programs are funded by the Governor's Crime Commission. The following items were covered:

Budget Code 245000

Fund #	Project Title	Purpose of program
2101	Title I IASA	EDUCATIONAL PROGRAM
2118	IDEA VI-B	EDUCATIONAL PROGRAM FOR PRISONERS WITH DISABILITIES
2121	AUTOMATED FINGERPRINT ID	EQUIPMENT GRANT TO AUGMENT SBI'S AUTOMATED FINGERPRINT ID SYSTEM
2123	SUBSTANCE ABUSE SCREEING	SUBSTANCE ABUSE SCREENING MECHANISM FOR DOC AND Adult PROBATION & PAROLE
2129	NC PRIDE	TO ALLOW DOC TO SEEK PRIVATE INDUSTRY TO PROVIDE ON-SITE WORK OPPORTUNITIES FOR INMATE POPULATION

2126	CORRECTIONS FUTURES	GRANTS TO ESTABLISHED PERFORMANCE-BASED MEASUREMENT SYSTEM FOR EACH DIVISION AND A 10 YEAR PLAN FOR DOC
2127	DAPP VICTIM SERVICES	GRANT TO ESTABLISH A VICTIM COORDINATOR IN OFFICE OF SECRETARY & TWO VICTIM'S ADVOCATES IN DAPP AT PILOT SITES IN JUDICIAL DISTRICTS 3B

Mr. Stahl added that items 2121, 2123, 2129, 2126, and 2127 are grant programs that are ending. The money has generally been used for equipment.

Representative Justus asked if this money is shown in total budget figures. Buddy Humphrey, Office of State Budget, replied that if a request was made for the total Department of Corrections budget, then these figures would be included.

2132	AUTOMATED PROB/PAROLE	PILOT PROJECT TO PROVIDE A WIDE AREA NETWORK IN THE 29TH JUDICIAL DISTRICT IN HENDERSONVILLE COUNTY FOR CUSTOMIZATION OF COMPUTER HARDWARE AND SOFTWARE FOR DAPP AUTOMATION
2136	ALTERNATIVES - PITT CO.	GRANTS FUNDS TO PROVIDE DAPP TRAINING ON COGNITIVE DEVELOPMENTAL DISABILITIES
2137	ALTERNATIVES - CATAWBA CO.	GRANT FUNDS TO PROVIDE DAPP TRAINING ON PROBATIONERS WITH COGNITIVE DEVELOPMENTAL DISABILITIES
2138	ELECTRONIC HOUSE ARREST	GRANTS TO ALLOW DAPP OFFICERS TO COMMUNICATE QUICKLY AND DIRECTLY TO LAW ENFORCEMENT AGENCIES
2127	DAPP VICTIM SERVICES	GRANT TO ESTABLISH VICTIM COORDINATOR IN OFFICE OF SECRETARY AND TWO VICTIM/S ADVOCATES IN DAPP AT PILOT SITES IN JUDICIAL DISTRICT 3 B - THIS IS NOT IN THE GOVERNOR'S BUDGET
2128	CJPP INFORMATION SYSTEM	FUNDS TO CREATE INFORMATION FOR PARTNERSHIP PROGRAM

		(ENDING)
2131	NC VOL-TIS	FUNDS FOR PRISON CONSTRUCTION UNDER VIOLENT OFFENDER INCARCERATION & TRUTH IN SENTENCING PROGRAM
2133	DECISION SUPPORT	GRANT FOR FIRST YEAR OF TECHNOLOGY SUPPORT PROJECT TO PROVIDE MANAGEMENT INFO. TO DAPP VIA INTERNET
2134	CRIMINAL JUSTICE DATA SERVICES	GRANT FIRST YEAR OF PROGRAMMING PROJECT TO ALLOW FOR ELECTRONIC TRANSFER OF JUDGMENT AND COMMITTEE INFORMATION FROM AOC TO DOC

Mr. Stahl told the committee that the following five grants have been awarded by the Crime Commission this year. Budget codes have not been assigned to them.

	Victim Services	Provide staff service for better response to requests for information and services from victims.
	Victim Services Outreach	Provide staff & resources to work with Victim Services Coordinators to develop training programs and educational material
	Cognitive Behavioral Interventions	task force I& pilot for cognitive behavioral interventions across various divisions within the department
	Prison Video Conferencing	video conferencing technology in DOP
	"I'm Worth it"	Pilot program operated by non-profit cooperation to provide pre-release, transition & aftercare to women in prison

Representative Justus asked if these new programs that will have an impact on Victims Rights are included in the budget figures for Victims. **He asked that Mr. Charles Perusse, Fiscal Staff, add these figures to the list of money spent for Victims Rights.**

Representative Justus noted that this committee may find an overlap in services for victims. The committee will want to look at this matter again.

Representative Justus recognized Joe Stewart, Department of Crime Control and Public Safety, to present Federal Grant Funding to the NC Department of Crime Control and Public Safety (Attachment 2). The following items were covered:

- LESS 96 Police Corps (To implement the NC State Police Corps Program envisioned by the Violent crime Control Act of 1994)
- Training for Professionals Working with Child Abuse
- Administration of the Drug Control and System Improvement Assistance Program ('96) (These funds will be used to administer the DCSI grant program, which the Governor's Crime Commission uses to award grants to assist state and local units of government.

Representative Justus asked for the life of a grant. Rob Lubitz, Governor's Crime Commission, replied that a grant is for two years. This is limited by the Administrative Code (except VOCA or VAWA; both have an additional year). Representative Justus stated that these programs would be greatly hurt with the loss of VOCA and VAWA funds. Mr. Lubitz said that the administrative code will need changing to allow the continuation of these funds.

Representative Kiser asked for a synopsis of - domestic violence services, shelters and training funding by VOCA and VAWA. Mr. Lubitz said that the hope is to get the program "off the ground" and have the funding "picked-up" locally.

Mr. Stewart continued with the State Highway Patrol Operation Helping Hand and the Administration of Victims Compensation Benefits. Mr. Stewart stated that there is some consideration to increasing the maximum award for victims.

The meeting was adjourned at 9:50 AM.

Representative Larry Justus
Chairman

Carolyn Justus
Committee Clerk

Department of Correction
Federally Funded Programs
June 30, 1998

Budget Code 24500 Fund #	Project Title	Total Annual Budget	State Cash Match	Grantee/ Grant Period	Program Purpose
2101	Title I IASA (ongoing funding)	$784,070	$ 0	Dept. Of Public Instruction 7/1/97 - 6/30/98	Educational Program which augments resources for students in prison (under 21) not achieving at grade level Program Staff:11
2118	IDEA VI-B (ongoing funding)	113,887	0	Dept. Of Public Instruction 7/1/97 - 6/30/98	Educational program which addressees the special students in prison (under 21) with disabilities Program Staff: 0
2121	Automated Fingerprint ID (Second year extension)	614,772	0	Crime Control & Public Safety 7/1/95 -9/30/98	Equipment grant to augment the SBI's Automated Fingerprint Identification System (AFIS) Program Staff:3
2123	Substance Abuse Screening (Second year extension)	155,567	0	Crime Control & Public Safety 7/1/95 -9/30/98	Evaluation grant to validate a substance abuse screening mechanism for the Divisions of Prison and Adult Probation and Parole Program Staff:4
2129	NC PRIDE (Second year of two)	21,173	0	Crime Control & Public Safety 7/1/96 -6/30/98	Resources to allow the Department to seek private industry to provide on-site work opportunities for the inmate population. Funds will be used to construct a shell building and contract of services of an industry specialist . Program Staff:1
2126	Corrections Futures (Second year of two)	$ 305,326	$ 0	Crime Control & Public Safety 7/1/96 - 9/30/98	Grant to establish a performance-based measurement system for each division and a 10 year plan for the Department of Correction Program Staff: 5

ATT. 1
6-25-98

Budget Code 24500 Fund #	Project Title	Total Annual Budget	State Cash Match	Grantee	Program Purpose
2127	DAPP Victim Services (Second year of two)	256,580	56,030	Crime Control & Public Safety 7/1/96 - 9/30/98	Grant to establish a victim coordinator in the Office of the Secretary and two victim's advocates in DAPP at pilot sites in Judicial Districts 3B (Craven, Carteret, and Pamlico) and 10 (Wake) Program Staff: 5
2128	CJPP Information System (Second year of two)	269,978	0	Crime Control & Public Safety 7/1/96 - 9/30/98	Funds to create an information system for the Partnership Program in conjunction with the Department's OPUS system Program Staff: 0
2131	North Carolina VOI-TIS	27,086,637	10%	US Department of Justice 9/30/96 - 9/29/02	Initial and second year awards for prison construction under the Violent Offender Incarceration and Truth In Sentencing Programs. Additional funding is expected in 1998. Program Staff: 2
2133	Decision Support (First year of Two)	699,095	174,774	Crime Control & Public Safety 7/1/97 - 9/30/98	Grant for first year of technology support project which will provide management information to DAPP supervisors via the Internet. Program Staff: 5
2134	Criminal Justice Data Services (First Year of Two)	247,488	61,872	Crime Control & Public Safety 7/1/97 -9/30/98	Grant for first year of programing project which will allow for the electronic transfer of judgement and committee information from AOC to DOC Program Staff:4

Budget Code 24500 Fund #	Project Title	Total Annual Budget	State Cash Match	Grantee	Program Purpose
2130	Automated Prob/Parole (Second year of two)	$ 20,840	$ 4,324	Crime Control & Public Safety 7/1/96 - 6/30/98	Pilot project to provide a Wide Area Network in the 29th Judaical District in Henderson County to allow for the customization of computer hardware and software for the automation of DAPP case management. Program Staff: 0
2132	SARGE Program (Second year)	617,720	28,000	Crime Control & Public Safety 1/1/97 - 12/31/98	Special grant funds to establish drug treatment programs for young offenders and juvenile offenders. Treatment programs target offenders just prior to release. Treatment beds are currently located Dillon Training School and Cameron Morrison Youth Institution. Program Staff: 20
2135	SARGE Community Transactions (First year of two)	31,800	0	Crime Control & Public Safety 7/1/97 - 6/30/98	Grant funds to provide aftercare for the young offenders and juveniles who receive treatment through the SARGE Program. Project will contract for community based services for approximately 50 young offenders and 50 juveniles. Program Staff:0
2136	Alternatives - Pitt Co (First Year of One)	50,000	0	DHR 7/01/97 - 6/30/98	Grant funds to provide training to DAPP staff on probationers with cognitive developmental disabilities. Program Staff: 0
2137	Alternatives-Catawba Co. (First year of One)	50,000	0	DHR 7/01/97 -6/30/98	Grant funds to provide training to DAPP staff on probationers with cognitive developmental disabilities. Program Staff: 0
2138	Electronic House Arrest	50,006	0	Crime Control & Public Safety 4/21/98 - 06/30/98	Grant funds to allow DAPP officers to communicate quickly and directly to law enforcement agencies thru the use of communication equipment. Program Staff :0
2133	Decision Support (Second year of Two)	703,420	175,855	Crime Control & Public Safety 10/1/98 - 9/30/99	Continuation grant for technology support project which will provide management information to DAPP supervisors via the Internet. Program Staff: 5

Budget Code 24500 Fund #	Project Title	Total Annual Budget	State Cash Match	Grantee	Program Purpose
2134	Criminal Justice Data Services (Second Year of Two)	350,213	87,553	Crime Control & Public Safety 10/1/98 -9/30/99	Continuation grant for second year of programing project which will allow for the electronic transfer of judgement and committee information from AOC to DOC Program Staff: 4
	Victim Services (First Year of Two)	138,246	34,561	Crime Control & Public Safety 7/1/98 -6/30/99	Provides staff services to enable Department to better respond to requests for information and services from victims. Based upon services developed by the Parole Commission. Program Staff: 3
	Victim Services Outreach (First Year of Two)	52,397	13,099	Crime Control & Public Safety 7/1/98 -6/30/99	Provides staff and resources to work in conjunction with the victim services coordinators to develop training programs and educational materials for department employees in the areas of victim sensitivity awareness, victims rights and sentencing laws. Program Staff: 1
	Cognitive Behavioral Interventions (First Year of Two)	299,945	74,986	Crime Control & Public Safety 7/1/98 -6/30/99	Provides resources to establish a task force and pilot project sites for cognitive behavioral interventions across the various divisions within the department. Cognitive behavioral programs have proven effective in rehabilitating offenders through changing an offender's thoughts, attitudes, and expectations that contribute to criminal behavior and activities. Program Staff: 4
	Prison Video Conferencing (First Year of Two)	472,694	118,734	Crime Control & Public Safety 7/1/98 -6/30/99	Provides start-up funding for process design, equipment acquisition, staff training and implementation for video conferencing technology in the Division of Prisons. The technology will provide for more efficient delivery of health services (telemedicine) , education and training (distance learning), operations and administration (collaborative meetings), due process proceedings (classification and disciplinary hearings), and possibly appearances before various state courts court (writs) directly from prison facilities and administrative offices. Program Staff: 1
	"I'm Worth It" (First Year of Two)	121,018	30,255	Crime Control & Public Safety 7/1/98 -6/30/99	Pilot program to be operated by non-profit cooperation to provide pre-release, transition and aftercare services to women in prison.

FEDERAL GRANT FUNDING TO THE NC DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
Report includes all active federal grants (including pre-approved funds) as of May 31, 1998
NOTE: Match figures include obligations that span several fiscal years.

FUND	PROJECT TITLE	GRANT TOTAL	STATE CASH MATCH REQUIRED	GRANTOR	GRANT PERIOD	PURPOSE	SEEK STATE $ AT END OF GRANT?
1110112 LESS	LESS 96 Police Corps	$22,364.00	$0.00	Governor's Crime Commission	8/1/96- 7/31/98	To implement the NC State Police Corps Program envisioned by the Violent Crime Control Act of 1994.	Federal program.
1710726 GCC	Training for Professionals Working with Child Abuse	$20,000.00	$0.00	Governor's Crime Commission	7/1/97 - 6/30/98	To provide training and travel for professionals involved in the investigation, prosecution of child abuse cases and the treatment of child abuse victims.	GCC program.
1710715 GCC	Administration of the Drug Control and System Improvement Assistance Program ('96) *3 @ 100% Fed 4 @ 50% Fed 2 @ 75% Fed 1 @ 32% Fed	$1,244,323.00	$414,774.00	Governor's Crime Commission	6/1/97 - 9/30/98	These funds will be used to administer the DCSI grant program, which the Governor's Crime Commission uses to award grants to assist state and local units of government.	Funds to administer federal grant program.
1710710 GCC	Planning and Administration of 1997 JJDP Grant *2 @ 100% Fed	$202,200.00	$202,200.00	Governor's Crime Commission	7/1/97 - 10/1/99	Funds are used to administer the JJDP grant program.	Funds to administer federal grant program.
1710712 GCC	State Advisory Group Allocation	$30,000.00	$0.00	Governor's Crime Commission	10/1/97 - 9/30/98	Funds are used for travel and training of the State Advisory Group	Funds to administer federal grant program.
1710748 GCC	Victims of Crime Act Administration Funds *2 @ 100% Fed 5 @ 25% Fed	$523,750.00	$0.00	Office of Victims of Crime	7/1/97 - 6/30/99	Funds are used to administer the VOCA grant program	Funds to administer federal grant program.
1710749 GCC	Violence Against Women Act Administration Funds 1997	$166,600.00	$0.00	Office of Victims of Crime	7/1/97 - 9/30/99	Funds are used to administer the VAWA grant program.	Funds to administer federal grant program.
1710750 GCC	North Carolina(SAC-1) Statistical Analysis Center Program * 1 @ 100% Fed	$71,095.00	$0.00	Governor's Crime Commission	9/1/97 - 8/31/98	To provide technical and financial assistance to State SAC organizations in collection and analysis of common justice system statistical data promoting sharing between states and federal governments.	Funds associated with federal grant programs.
2670 SHP	National Law Enforcement Liaison Grant	$52,000.00	$0.00	Dept. of Transportation	9/1/97 - 8/31/98	To provide assistance in the preparation of a plan to increase the use of safety belts nationwide	One-time project.

ATT. 2
6-25-98

FUND	PROJECT TITLE	GRANT TOTAL	STATE CASH MATCH REQUIRED	GRANTOR	GRANT PERIOD	PURPOSE	PURPOSE
2651 SHP	SHP Operation Helping Hand	$340,038.00	$36,764.00	Governor's Crime Commission	7/1/96 - 6/30/98	To allow SBI, NC State Highway Patrol, NC Dept. of Justice's Safe Neighborhood Program and Division of Crime Prevention to provide support for community policing efforts across North Carolina.	Pilot project; value of effort to be determined based on results of from two years of operation.
1610613 V&J	Victim's Comp-Administration of Victims Compensation Benefits *1 @ 100% Fed	$55,600.00	$0.00	Office of Victims of Crime	10/1/96 - 9/30/98	Administration of Victims Compensation Benefits	Funds to promote availability of victims' compensation.
1110115 LESS	NC Police Corps Program *1 @ 100% Fed	$338,781.00	$0.00	Governor's Crime Commission	10/1/97 - 9/30/99	Administration of the Police Corps Program in North Carolina	Federal program.
1110116 LESS	Law Enforcement Equipment Procurement Prog*2 @ 100% Fed	$188,272.00	$0.00	U.S. Dept of Justice	10/1/197 - 9/30/99	Administration of the LESS Equipment Procurement Program	Federal program.
1710722 GCC	Center for Improvement for Juvenile Justice	$160,080.00	$53,360.00	U.S. Dept of Justice	4/14/97 - 6/30/98	To conduct comprehensive review of juvenile justice in North Carolina	One-time project.
1810817 CP	Watch Your Car Program *1 @ 100% Fed	$113,632.00	$0.00	Governor's Crime Commission	10/1/97 - 3/31/99	Administration of a national voluntary motor vehicle theft prevention program	Program encourages locals to adopt effort.
1210235 NG	Joint Counterdrug Task Force	$46,945.00	$0.00	Governor's Crime Commission	7/1/97 - 6/30/98	To provide training for National Guard Counterdrug Task Force through middle Atlantic Training Academy at Ft. Fisher	One-time project.
1410440 ALE	Tobacco Investigation Grant	$603,674.00	$0.00	HHS-FDA	2/23/98 - 8/22/99	To help eliminate tobacco purchases to minors	One-time project.
1710728 GCC	Law Enforcement Training Grant	$50,000.00	$0.00	Governor's Crime Commission	3/1/98 - 2/28/99	To provide funds for law enforcement training	GCC program.
1810818 CP	Drug Deglamorization Project	$46,000.00	$0.00	Governor's Crime Commission	8/15/97 - 8/14/98	To develop research and data on social market technology and results	One-time project.
2680 SHP	Together in Education	$99,900.00	$0.00	Cannon Foundation	5/1/98 - 5/1/2000	To provide training to law enforcement officers throughout the state	Set-up cost; some on-going operational cost.
1510566 EM	Americorps	$216,199.00	$59,828.00	Governor's Office of Citizen's Affairs	10/1/97 - 9/30/98	To institute a public education campaign to raise awareness about risks of natural disasters.	Results to be evaluated; seeking state funds to continue not anticipated.
TOTALS		**$4,591,453.00**	**$766,926.00**				
TOTAL FEDERAL AND STATE		**$5,358,379.00**					

VISITOR REGISTRATION SHEET

APP./Justice & Public Safety — **June 25 , 1998**

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rob Lubitow	Governor's Crime Commission
Gregg Reid	DOC
Bucky Hampton	OSBM
L. Lee Barbee	CJPC
Karen Morrissey	NC citizen
Edelia Caldwell	NC Sheriffs / NC Law Enf Off.

APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

June 30, 1998
Room 612

HOUSE MEMBERS PRESENT: [6] Representatives Justus, Thompson, Kiser, McCrary, Redwine, Sexton

Representative Thompson called the meeting to order at 8:40 AM. He introduced the pages: Laura Anderson, Edgecombe County, sponsor, Joe Tolson; Audrey Bowerman, Wake County, sponsor, Julia Howard.

Representative Thompson introduced Mr. Ralph Campbell, State Auditor to give the first presentation on the agenda.

Presentation on Performance Audit of Division of Adult Probation and Parole:

Mr. Campbell gave an overview of the performance audit (Attachment A).

Mr. Campbell introduced Janet Hayes, Audit Supervisor to explain the findings and recommendations of the audit.

There were 5 major objectives in the audit (Attachment B).

1. Organization and staffing.
2. Personnel & Patronage practices.
3. Relationships with other programs.
4. Review the effectiveness of probation and parole.
5. Comparison with other states.

Ms. Hayes gave an overview of these items.

Representative Kiser asked while looking at the increase in positions did they look at increase in probation and parole as well? Ms. Hayes referred to page 50 of the report (Attachment A).

Representative Kiser questioned how 2500 hours has saved $10,229,616. Ms. Hayes referred to page 1, 23, 24 of the report for a breakdown. Mr. Campbell will get more information back to the committee.

Regarding administrative effectiveness, Representative Kiser asked where one could find the policies and procedures. Ms. Hayes stated page 49 of the report. Discussion followed.

Mr. Robert Gay, DAPP Director gave an overview on the response to the audit (starting on page 111 of the report (Attachment A). He also commented on Case Management Plan (Attachment C).

Discussion followed.

Representative Kiser questioned why the officers were not allowed to be armed. Gregg Stahl explained the duties have a bearing on this and where there is high risk. There will be 500 officers armed.

Discussion followed.

Representatives Sexton felt all the officers should be armed.

Representative Justus felt all should be armed and also felt that the training in pepper spray should not be done on the officers. Discussion followed.

Mr. Guy stated the number one issue of the staff is the safety package.

Meeting adjourned at 9:50 AM.

Representative Gregg Thompson
Chairman

Edna Sykes
Committee Clerk

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday June 30, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus
Representative Joe Kiser
Representative Gregg Thompson, Presiding

II. PRESENTATIONS

- Presentation on Performance Audit of Division of Adult Probation and Parole
  Mr. Ralph Campbell
  State Auditor

  Janet Hayes
  Audit Supervisor

- Recent Changes in the Division of Probation and Parole

  Robert Guy
  DAPP Director

- Completion of Federal Grant Report

  Joe Stewart
  Crime Control and Public Safety

- Follow up Items from Previous Meetings

  Fiscal Staff
  Departmental Management

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — June 30, 1998

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ralph Campbell	State Auditor
Janet Hayes	"
[illegible]	DOC
[illegible]	DOC, DAPP
[illegible]	State Auditor
Regina Hill	State Auditor
Tracy Little	PRS + Parole Comm.
[illegible]	NCBA
[illegible]	NCBA
A.D. Adams	Victim Advocate
[illegible]	[illegible] OSP
Patrice Roesler	NCACE

ATTACHMENT A

STATE OF NORTH CAROLINA

PERFORMANCE AUDIT

DEPARTMENT OF CORRECTION
DIVISION OF ADULT PROBATION AND PAROLE

JUNE 1998

OFFICE OF THE STATE AUDITOR
RALPH CAMPBELL, JR.
State Auditor

STATE OF NORTH CAROLINA
Office of the State Auditor

RALPH CAMPBELL, JR.
STATE AUDITOR

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PRESS RELEASE

For Immediate Release: June 1, 1998

For additional information contact: Bob Slade, Deputy State Auditor
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raslade@aud.osa.state.nc.us

STATE AUDITOR RALPH CAMPBELL, JR. RELEASES REPORT ON THE DIVISION OF ADULT PROBATION AND PAROLE

The Division of Adult Probation and Parole (DAPP), one of the three divisions within the Department of Correction, was organized in 1972 by authority of the Executive Reorganization Act of 1971. The General Statutes establishing the Department of Correction direct the Secretary to provide for the general safety of North Carolina citizens by operating and maintaining prisons, supervising probationers and parolees, and providing certain rehabilitative and educational programs to individuals supervised by the Department. North Carolina enacted its first probation laws in 1919, and established the Probation Commission in 1937. The Post-Release Supervision and Parole Commission, as it is now known, works closely with DAPP in supervision of parolees.

Probation is a period of offender supervision used by the courts in lieu of or before incarceration, while parole is a period of supervision used in criminal justice systems in lieu of offenders' full service of sentence. The number of offenders on probation has grown steadily, while the number on parole increased until 1994 then began to decline with the passage of structured sentencing. For FY1996-97, there were approximately 116,000 offenders on either probation or parole supervised by 2,509 DAPP employees organized into 4 divisions, subdivided into groups of judicial districts.

A performance audit was conducted as mandated by the 1997 General Assembly in Senate Bill 352, Section 19.13. The objectives were to:

- review organizational structure, current staffing patterns, and workloads;
- examine current personnel and patronage practices, placing special emphasis on any existing abuses in those practices;
- determine the effect of organizational relationships with other community correction programs, including the Post-Release Supervision and Parole Commission;
- analyze general effectiveness of probation and parole; and
- compare North Carolina's adult probation and parole program to similar programs in other states.

OVER

State Auditor Ralph Campbell, Jr. stated, "The report contains our conclusions on the issues raised by the legislation. Specifically, we concluded that in general the current organization structure is efficient and effective and that overall DAPP is adequately staffed. The DAPP adheres to the State personnel policies and procedures; and the relationships between DAPP, other community corrections programs, and the Post-Release Supervision and Parole Commission are well defined and working effectively. Both the Department and DAPP management have developed and implemented effective administrative policies and procedures. DAPP has responded timely and effectively to the challenges posed by the implementation of structured sentencing; and our probation and parole program compares favorably with other states' programs.

"Our major concern was that DAPP's effectiveness and efficiency is hampered by the lack of advanced technology," Auditor Campbell noted. "We found that DAPP could possibly save over $200,000 annually from assigning state cars to officers, establishing shared office space, and implementing a telecommuting program. Further, DAPP could save an estimated 2,500 hours annually from the use of computerized case file documentation for field staff. This time could be used to provide more direct contacts with offenders."

"On a very positive note," Auditor Campbell said, "as the number of probation/parole officers and the number of face-to-face interactions has increased, the revocation rates, which reflect the re-activation of sentences for offenders who violated the terms of their probation or parole, have significantly decreased. While it is still too early to determine the full impact of structured sentencing on DAPP, revocation rates fell from 42% for probation in FY1991-92 to 24.7% in FY1996-97. Revocation rates for parolees during the same period fell from 31% to 23.5%, respectively."

Auditor Campbell continued, "The cooperation and communication between DAPP and the Post-Release Supervision and Parole Commission could be improved, specifically in providing information requested by the Commission. Additionally, improved cooperation between DAPP and the local judicial agencies would more effectively serve offenders."

State Auditor Campbell noted, "Other areas of concern noted in the report include:

- a need to reclassify the probation/parole officer positions to probation/parole officer I, probation/parole officer II, and probation/parole officer III to better reflect the supervision needs of the offenders under structured sentencing;
- a need to better balance caseloads of individual probation/parole officers and to fill vacancies timely;
- a need to clarify the responsibilities relative to pre-sentence investigations and community penalties plans;
- a need to expedite access and data exchange with other databases within the criminal justice system; and
- a need to establish a comprehensive, on-going training program for DAPP personnel."

Auditor Campbell concluded, "Secretary Jarvis and DAPP management have already begun taking steps to address issues contained in this report. To the credit of the General Assembly, the Department of Correction and the Division of Adult Probation and Parole, North Carolina has the reputation of being an innovator in the handling of probationers and parolees."

Copies of this performance audit report, including the response from the Secretary of the Department of Correction, are available by contacting the Office of the State Auditor at the address above or by electronic mail **(reports@aud.osa.state.nc.us).** The full report is also available on the OSA Internet home page, **http://www.osa.state.nc.us**.

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PERFORMANCE AUDIT

DEPARTMENT OF CORRECTION
DIVISION OF ADULT PROBATION AND PAROLE

JUNE 1998

STATE OF NORTH CAROLINA
Office of the State Auditor

RALPH CAMPBELL, JR.
STATE AUDITOR

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RALEIGH, N. C. 27603-5903
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AUDITOR'S TRANSMITTAL

June 1, 1998

The Honorable James B. Hunt, Jr., Governor
Secretary Mack Jarvis, Department of Correction
Members of the North Carolina General Assembly

Ladies and Gentlemen:

We are pleased to submit this performance audit of the *Department of Correction, Division of Adult Probation and Parole*. This audit was mandated by the 1997 General Assembly in Senate Bill 352, Section 19.13. The objectives of the audit were to examine the efficiency and effectiveness of major management policies, practices, and functions, including the organization and structure, current staffing patterns and workloads, effect of organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission, current personnel and patronage practices, and general effectiveness of probation and parole.

This report consists of an executive summary, program overview, and operational findings and recommendations. The Secretary of Correction has reviewed a draft copy of this report. His written comments are included as Appendix G.

We wish to express our appreciation to Secretary Jarvis and the Division of Adult Probation and Parole staff for the courtesy, cooperation, and assistance provided us during this effort.

Respectfully submitted,

Ralph Campbell, Jr.
State Auditor

TABLE OF CONTENTS

Page

EXECUTIVE SUMMARY 1
AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY 3
BACKGROUND INFORMATION 5
FINDINGS AND RECOMMENDATIONS 21
- **Organization and Staffing** 21
- **Personnel and Patronage Practices** 33
- **Relationships with Other Programs** 38
- **Effectiveness of Probation and Parole** 45
- **Comparison to Other States** 57

ISSUES FOR FURTHER STUDY 63

TABLES:
1 IMPACT Admissions, 1992 through 1997 10
2 DAPP State Appropriations Budget Overview FY97-98 11
3 DAPP Personnel Overview, 3-27-98 11
4 Parole Commission Events for 1996 and 1997 16
5 DAPP Minimum Face-to-Face Supervision Requirements 26
6 Caseload Averages Showing Vacancies and New Positions—Regular Probation/Parole 29
7 Intensive Caseload Data, FY96-97 30
8 Offenders Who Have Absconded, by County, 1995 through 1997 31
9 Length of Position Vacancies, 7-1-96 through 12-31-97 33
10 Incomplete Information Requests and Forms, FY96-97 42
11 North Carolina Punishment Costs, FY96-97 50
12 Number of Admissions and Average Stay, in Months—IMPACT, Intensive Probation, and Electronic House Arrest, FY95-96 and FY96-97 51
13 Electronic House Arrest Data, FY90-91 through FY96-97 52
14 Probationers' Employment History, 1996 and 1997 52
15 Recidivism Rates for Probation and Parole, FY92-93 through FY94-95 54
16 Revocation Rates by Supervision Type, FY91-92 through FY96-97 54
17 Probation Revocation Rates by Judicial District, FY95-96 and FY96-97 55
18 Parole Revocation Rates by Judicial District, FY95-96 and FY96-97 56
19 Types of State Program Administration 58
20 Average Caseloads for Probation and Parole, 1996 59
21 Entries and Exits of Probation Population, 1996 60
22 Jurisdiction of State Correction Agency 61
23 Paroling Authority Characteristics 62

EXHIBITS:
1 Division of Adult Probation and Parole Organizational Structure, 12/22/97 8
2 Location of District Offices 9
3 Prison and Parole Population, 1987 through 1997 16
4 NC Post-Release Supervision and Parole Commission Organizational Structure, 1/30/98 18
5 Change in the Number of DAPP Positions, 1992 through 1998 20
6 Probation and Parole Population, 1987 through 1997 50
7 Average Stay in Years—Regular Probation and Parole, FY92-93 through FY96-97 50

APPENDICES:
A Employee Survey Results 67
B Other States Survey 71
C States With Combined Probation/Parole Function 75
D States Without Combined Probation/Parole Function 79
E Structured Sentencing Act 81
F Types of Felonies 97
G Auditee Response 109

DISTRIBUTION OF AUDIT REPORT 117

EXECUTIVE SUMMARY

We have conducted a performance audit of the Division of Adult Probation and Parole, Department of Correction. This audit was mandated by the 1997 General Assembly in Senate Bill 352, Section 19.13. As specified in the legislation, the audit focused on the efficiency and effectiveness of major management policies, practices, and functions, including the organization and structure, current staffing patterns and workloads, effect of organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission, current personnel and patronage practices, and general effectiveness of probation and parole.

The Division of Adult Probation and Parole (DAPP) is the largest community correction agency in the North Carolina Criminal Justice System. DAPP's goal is to protect society by applying necessary control over the offender, while at the same time coordinating community resources to enable those under its supervision the opportunity to reform, support their families, pay restitution or reparation to their victims, and to become productive, law abiding citizens. In FY96-97, DAPP's 2,509 employees were responsible for approximately 116,000 offenders sentenced to serve out their punishments in the communities of North Carolina.

The Secretary of Correction, as well as DAPP management reviewed the draft report. The Secretary's response is included as Appendix G, page 109.

FINDINGS

Page

ORGANIZATION AND STAFFING 21

SPANS OF CONTROL MAY BE TOO LARGE FOR THE CHIEF PROBATION/PAROLE OFFICERS. 22

DAPP's RAPID GROWTH HAS CAUSED PROBLEMS IN PROJECTING AND PROVIDING ADEQUATE OFFICE SPACE. 22

MANUAL PREPARATION OF CASE FILES IS INEFFICIENT. 23

THERE IS A LACK OF COMMUNICATION BETWEEN AND AMONG DAPP ADMINISTRATION, THE DIVISIONS, AND THE DISTRICTS. 24

THE ROLES OF REGULAR AND INTENSIVE PROBATION/PAROLE OFFICERS HAVE BECOME BLURRED AS A RESULT OF STRUCTURED SENTENCING. 25

CASELOADS VARY SIGNIFICANTLY AMONG PPO's. 28

DAPP POLICY ON NUMBER OF CONTACTS MAY BE EXCESSIVE. 30

FINDINGS (concluded)

Page

PERSONNEL AND PATRONAGE PRACTICES 33

VACANCIES ARE NOT FILLED ON A TIMELY BASIS. 33

POSITION HISTORY FILES ARE NOT MAINTAINED AS REQUIRED BY REGULATIONS. 34

DAPP's RECORD RETENTION POLICY IS OUTDATED AND IN CONFLICT WITH THE MERIT BASED HIRING AND SELECTION PLAN. 34

DAPP IS NOT IN FULL COMPLIANCE WITH STATE PERSONNEL HIRING AND PROMOTION POLICIES. 35

DAPP's TIME KEEPING RECORDS DO NOT ACCURATELY REFLECT TIME WORKED, LEAVE EARNED OR TAKEN, OR WAGES PAID 36

RELATIONSHIPS WITH OTHER PROGRAMS 38

THERE IS DUPLICATION OF FUNCTIONS BETWEEN DAPP's PRE-SENTENCE INVESTIGATIONS AND COMMUNITY PENALTIES PLANS. 41

LACK OF COMPLETE AND TIMELY RESPONSES TO INFORMATION REQUESTS HAMPERS EFFECTIVE COMMISSION OPERATIONS. 41

THE DAPP SUPERVISION OFFICE DOES NOT HAVE ADEQUATE PROCEDURES FOR TRACKING AND FOLLOW-UP OF COMMISSION REQUESTS. 43

IMPROVED COOPERATION BETWEEN DAPP AND LOCAL JUDICIAL AGENCIES WOULD MORE EFFECTIVELY SERVE OFFENDERS. 43

EFFECTIVENESS OF PROBATION AND PAROLE 45

DAPP DOES NOT HAVE AN ON-GOING, COMPREHENSIVE TRAINING PROGRAM FOR STAFF. 46

FIELD OFFICE PERSONNEL DO NOT HAVE ALL NECESSARY EQUIPMENT. 47

THE EHA COMPUTER SOFTWARE IS NOT CAPABLE OF PRODUCING NEEDED STATISTICAL REPORTS. 48

DAPP DOES NOT HAVE THE ABILITY TO ACCESS OTHER DATABASES WITHIN THE CRIMINAL JUSTICE SYSTEM. 48

THE LACK OF CLEARLY WRITTEN, SPECIFIC POLICIES AND PROCEDURES HAMPERS EFFECTIVE OPERATIONS. 49

COMPARISON TO OTHER STATES 57

AUDIT OBJECTIVES, SCOPE AND METHODOLOGY

North Carolina General Statute §147-64 empowers the State Auditor with authority to conduct performance audits of any State agency or program. Performance audits are reviews of activities and operations to determine whether resources are being used economically, efficiently, and effectively.

This performance audit of the Division of Adult Probation and Parole (DAPP), within the Department of Correction (Department), was mandated by the 1997 General Assembly in Senate Bill 352, Section 19.13. The State Auditor was directed to conduct a performance audit to review the efficiency and effectiveness of major management policies, practices, and functions, including the organization and structure, effect of organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission, current staffing patterns and workloads, current personnel and patronage practices, and general effectiveness of probation and parole.

Given this mandate, our specific objectives were to:

- review organizational structure, current staffing patterns, and workloads;
- examine current personnel and patronage practices, placing special emphasis on any existing abuses in those practices;
- determine the effect of organizational relationships with other community correction programs, including Post-Release Supervision and Parole Commission;
- analyze general effectiveness of probation and parole; and
- compare North Carolina's adult probation and parole program to similar programs in other states.

The scope of the audit encompassed all aspects of the operations of DAPP. In addition, the operations of the Parole Commission were included to the extent necessary to conduct the review of DAPP.

During the period January 8, 1998 through April 3, 1998, we conducted the on-site fieldwork for the audit of DAPP. To achieve the audit objectives, we employed various auditing techniques which adhere to the generally accepted auditing standards as promulgated in *Government Auditing Standards* issued by the Comptroller General of the United States. These techniques included:

- review of existing General Statutes and North Carolina Administrative Code as they relate to DAPP;
- review of policies and procedures of DAPP and the Department of Correction, as well as the Parole Commission;
- survey of a sample of 250 current DAPP employees as identified by management;
- survey of a sample of other states;
- in-depth interviews with 173 members of DAPP staff, and 15 members of the Parole Commission, as well as representatives of 7 other community correction programs;
- site visits to 13 DAPP division and district offices and interviews with staff;
- review of existing studies and reports on the operations of DAPP;
- examination of organizational charts, payroll data, job descriptions, time records, and workload indicators;
- review of a sample of personnel files;
- analysis of a sample of expenditures; and

- analysis of the organizational structure and operations of other states' adult probation and parole programs.

This report contains the results of the audit as well as specific recommendations aimed at improving the operations of DAPP in terms of economy, efficiency, and effectiveness. Because of the test nature and other inherent limitations of an audit, together with the limitations of any system of internal and management controls, this audit would not necessarily disclose all weaknesses in the system or lack of compliance. Also, projection of any of the results contained in this report to future periods is subject to the risk that procedures may become inadequate due to changes in conditions and/or personnel, or that the effectiveness of the design and operation of the policies and procedures may deteriorate.

HISTORY OF THE DIVISION OF ADULT PROBATION AND PAROLE

The North Carolina Department of Correction is presently divided into three major operational sections: the Division of Prisons, the Division of Alcohol and Chemical Dependency, and the Division of Adult Probation and Parole. The General Statutes establishing the Department direct the Secretary to provide for the general safety of North Carolina citizens by operating and maintaining prisons, supervising probationers and parolees, and providing certain rehabilitative and educational programs to individuals supervised by the department.

The Division of Adult Probation and Parole was organized in 1972 by authority of the *Executive Reorganization Act of 1971* as the Department of Social Rehabilitation and Control. In July 1974, the Department was renamed the Department of Correction.

The history of corrections in North Carolina reflects the continued development and refining of the prison, probation, and parole segments of the Department. In 1919, North Carolina enacted its first probation laws but limited first offender female prostitutes and certain juveniles to the supervision of female officers. In 1937, legislation was enacted forming the Probation Commission to supervise a statewide network of male and female offenders reporting to probation officers. In 1972, the Commission was disbanded when the present division was formed within the then Department of Social Rehabilitation and Control. At first, probation officers retained exclusive probation supervision caseloads, but by mid-1974 the officers began carrying parole caseloads as well. Thus the questions surrounding overlapping and duplication of services between probation and parole officers began. This issue continued to be debated during the 80's and into the early 90's as two separate management structures developed and functioned under the umbrella of the Division of Adult Probation and Parole (DAPP).

Parole began as a system of pardons and commutations granted by the Governor in the original constitution of North Carolina in 1776. This system was maintained in the Reconstruction Constitution of 1868. In 1919, the General Assembly established an Advisory Board of Paroles that made recommendations to the Governor. This board was eliminated in 1925, with the Commissioner of Pardons given the duties of the board. In 1929, this position was called the Office of Executive Counsel, and later became the Commissioner of Paroles in 1935. It was the 1935 legislation that created the position of parole officer under the supervision of the Commissioner.

The 1953 session of the General Assembly abolished the office of Commissioner and established the Board of Paroles consisting of three members. At the same time a constitutional amendment was approved in the 1954 general election to give the board full authority to grant, revoke, or terminate paroles. (See page 14 for a more detailed history of the Parole Commission.)

The prison overcrowding crisis and a prison cap (enacted in response to the lawsuit of Small vs. Martin) caused a rapid erosion of public trust in the criminal justice system's ability to punish offenders during the late 80's and early 90's. This led to the

development and passage of structured sentencing in October 1994 by the General Assembly. The legislation established three levels of punishment: active (prison); intermediate (intensive, electronic house arrest, IMPACT, residential, split sentence, day reporting); and community (traditional probation programs).

In 1993, the Division of Adult Probation and Parole developed and implemented a comprehensive "Community Correction Strategy" designed to more effectively and efficiently manage its resources to better control and treat the offenders sentenced to intermediate and community punishment. The two-year plan included reorganization along judicial districts and a merger of traditional probation and parole services in order to maximize existing resources.

DIVISION OF ADULT PROBATION AND PAROLE

The Division of Adult Probation and Parole (DAPP) is the largest community correction agency in the North Carolina Criminal Justice System. DAPP's goal is to protect society by applying necessary control over the offender, while at the same time coordinating community resources to enable those under its supervision the opportunity to reform, support their families, pay restitution or reparation to their victims, and become productive, law abiding citizens. In FY 1996-97, 2,509 employees of DAPP were responsible for approximately 116,000 offenders sentenced to serve out their punishments in the communities of North Carolina.

The foundation of DAPP's community correction strategy is the establishment and utilization of a graduated continuum of community-based sanctions. These sanctions provide supervision and control at an expense considerably below the cost of incarceration, while reserving prison space for the violent and non-conforming community offender.

Mission of the Division of Adult Probation and Parole

The Division of Adult Probation and Parole has as its goal the ". . . development and implementation of a comprehensive community correction strategy aimed at restoring the public's confidence in our criminal justice system, protecting society and enabling offenders under our supervision the opportunity to reform and become productive, law abiding citizens." DAPP's specific mission is to:

- provide quality supervision of those offenders placed under its jurisdiction;
- establish a streamlined management structure comprised of leaders committed to professionalism, integrity, and teamwork;
- maintain and improve traditional probation and post-release programs;
- develop, evaluate, and operate a continuum of community correction sanctions and supervision levels to ensure an appropriate delivery of services, including protection and restitution for victims;

- promote employee safety through better resources, training, sound policy and procedure;
- review, develop, and implement policy and procedure to ensure achievement of the primary Division goal to protect society and to assist the offender in becoming a law abiding citizen; and
- enhance public awareness and appreciation for the Division's mission, philosophy, and vital role in the criminal justice system.

Statutory Authority

North Carolina GS §143B-261, outlines the duties and responsibilities of the Department of Correction related to probation and parole. Specifically, *". . . It shall be the duty of the Department to provide the necessary custody, supervision, and treatment to control and rehabilitate criminal offenders and juvenile delinquents and thereby to reduce the rate and cost of crime and delinquency."* GS §143B-262(a) further states, *". . . the Department of Correction shall comprise . . . all functions . . . of the State in relation to corrections and the rehabilitation of adult offenders and juvenile delinquents including detention, parole, and aftercare supervision . . ."*

GS §15-205 outlines the duties of the probation officers as ". . . making pre-sentence investigations as the court orders; keeping informed concerning the conduct and condition of each person on probation under supervision by visiting, requiring reports, and in other ways; reporting on probationers' "conduct and condition" as often as the court or the Secretary of Correction requires; and maintaining detailed work records. Probation officers are further given the powers of arrest in the execution of duties and, to the extent necessary for the performance of duties, the same right to execute process as is now given, or law may hereafter give, to the sheriffs of this state."

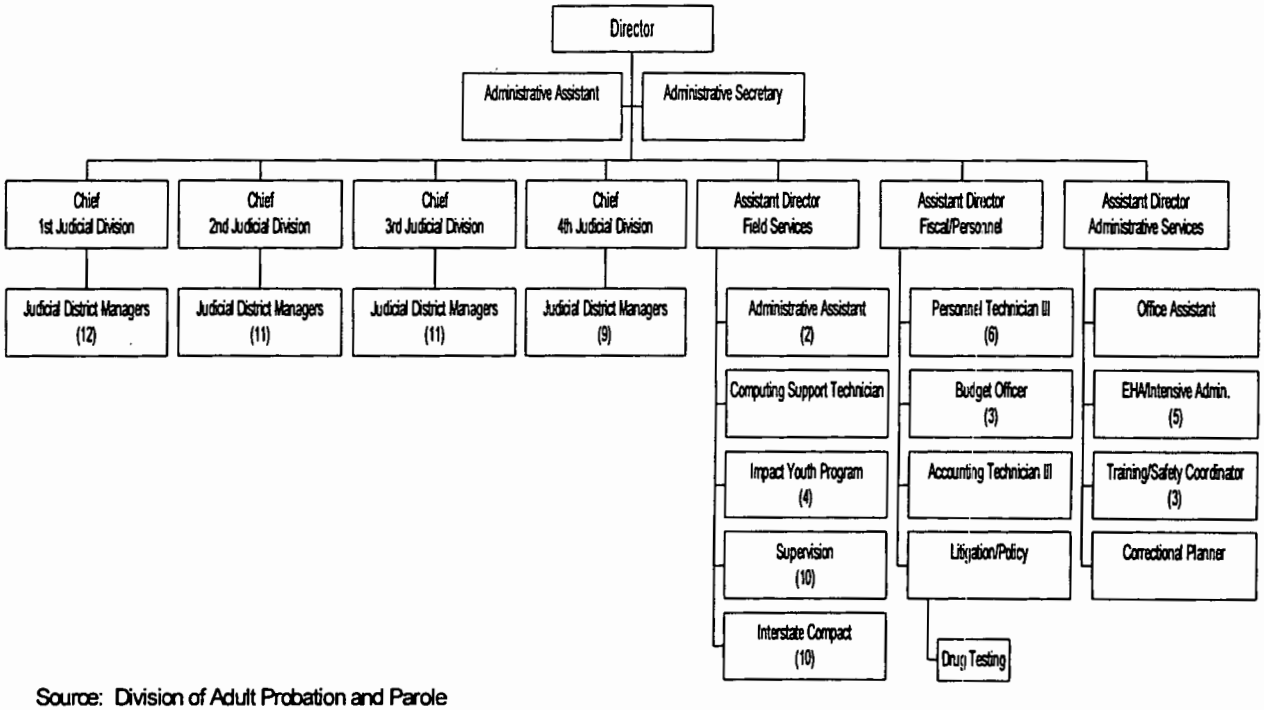
GS §148-54 requires parole officers to exercise supervision and authority over paroled prisoners, assist paroled prisoners, and those who are to be paroled in finding and retaining self-supporting employment, and to promote rehabilitation work with paroled prisoners to the end that they may become law abiding citizens.

DAPP's reorganization, begun in 1993, consolidated the role of probation and parole officers into one in order to better utilize existing resources resulting from the Structured Sentencing Act. (Appendix E, page 81.)

Organizational Structure and Staffing

The organizational structure in place during the audit featured four distinct areas: Field Operations; Field Services; Fiscal/Personnel; and Administrative Services. Exhibit 1 depicts this structure.

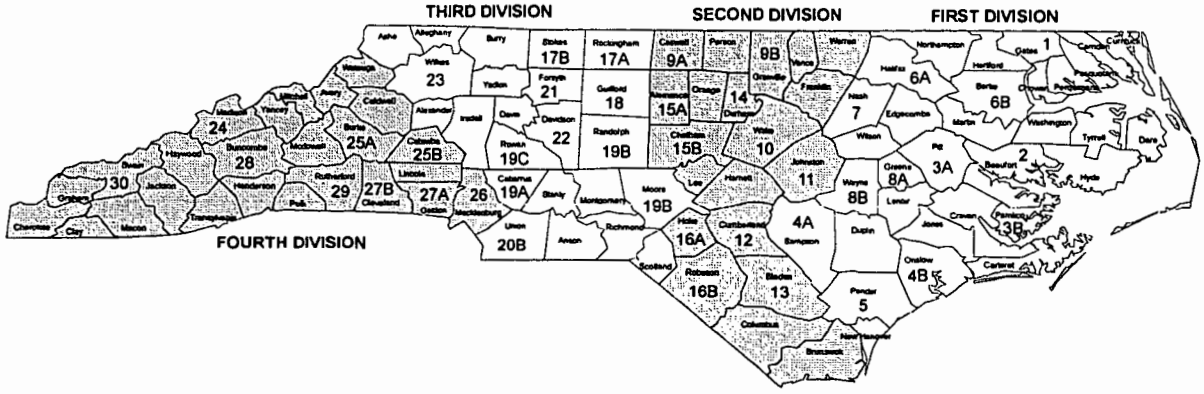
EXHIBIT 1
DIVISION OF ADULT PROBATION AND PAROLE
CURRENT ORGANIZATIONAL STRUCTURE
AS OF 12/22/97



Source: Division of Adult Probation and Parole

The **Field Operations Section** completed a two-year reorganization plan in 1995. Field Operations is comprised of four judicial divisions, each headed by a Division Chief. Each division is sub-divided into judicial districts, headed by District Managers, as follows: Division One – 12 judicial districts encompassing 32 counties; Division Two – 11 judicial districts encompassing 21 counties; Division Three – 11 judicial districts encompassing 22 counties; and Division Four – 9 judicial districts encompassing 25 counties. Exhibit 2, page 9 shows the breakdown of divisions. Reorganization achieved a consolidated, more streamlined management structure with judicial integrity. It has allowed DAPP to maximize its existing resources and decentralize decision making. The reorganization was in response to structured sentencing. During this period, DAPP underwent a significant expansion of personnel and resources, adding some 636 positions within a two-year period. As of March 28, 1998, total staffing in the four divisions stands at 2,481 employees, with 269 vacancies.

EXHIBIT 2
DIVISION OF ADULT PROBATION AND PAROLE
LOCATION OF DISTRICT OFFICES



FOURTH DIVISION		THIRD DIVISION		SECOND DIVISION		FIRST DIVISION	
Judicial District	Counties	Judicial District	Counties	Judicial District	Counties	Judicial District	Counties
24:	Hardison	17A:	Rockingham	9A:	Caswell	1:	Gates
	Yancey	17B:	Stokes		Person		Chowan
	Mitchell		Surry	9B:	Granville		Perquimans
	Avery	18:	Guilford		Vance		Pasquotank
	Watauga	19A:	Cabarrus		Warren		Camden
25A:	Burke	19B:	Moore		Franklin		Currituck
	Caldwell		Randolph	10:	Wake		Dare
25B:	Catawba		Montgomery	11:	Harnett	2:	Beaufort
26:	Mecklenburg	19C:	Rowan		Johnston		Martin
27A:	Gaston	20A:	Richmond		Lee		Washington
27B:	Cleveland		Anson	12:	Cumberland		Tyrrell
28:	Buncombe	20B:	Union	13:	Bladen		Hyde
29:	Rutherford		Stanly		Columbus	3A:	Pitt
	Polk	21:	Forsyth		Brunswick	3B:	Pamlico
	McDowell	22:	Davidson	14:	Durham		Craven
	Henderson		Davie	15A:	Alamance		Carteret
	Transylvania		Iredell	15B:	Chatham	4A:	Sampson
30:	Cherokee		Alexander		Orange		Duplin
	Graham	23:	Ashe	16A:	Hoke		Jones
	Clay		Alleghany		Scotland	4B:	Onslow
	Swain		Wilkes	16B:	Robeson	5:	Pender
	Macon		Yadkin				New Hanover
	Jackson					6A:	Halifax
	Haywood					6B:	Northampton
							Hertford
							Bertie
						7:	Nash
							Edgecombe
							Wilson
						8A:	Greene
							Lenoir
						8B:	Wayne

Source: Division of Adult Probation and Parole

The **Field Services Section**, headed by an Assistant Director, is responsible for all field and support operations. In addition to a wide variety of responsibilities and special projects as a member of the leadership team, the Assistant Director of Field Services also directs and manages approximately 204 employees. Support services provided by the

Section include the IMPACT Boot Camps, (Table 1), Post-Release/Parole Supervision Office, Post-Release/Parole Revocation Hearing Officers, Interstate Compact for the Supervision of Parolees and Probationers, and the Information Resource and Technical Assistance Center.

TABLE 1
IMPACT ADMISSIONS 1992-1997

Year	Admission
1992	380
1993	384
1994	632
1995	650
1996	700
1997	770

Notes: IMPACT-West opened 10/31/94 with 90 beds; additional 90 added in 1995. IMPACT-East added 90 additional beds in 1994. Capacity for each facility is 1,560 per year.

Source: Division of Adult Probation and Parole

The Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) is a condition of split sentence/special probation (GS §15A-1343(b1)(2a), 15A-1343.1). An offender in the IMPACT program must serve part of an active sentence (ninety to one hundred twenty days) and then remain on supervised probation. IMPACT is an intermediate punishment for offenders between the ages of sixteen and thirty, with no restriction due to previous periods of incarceration. The goal of the IMPACT program is to instill discipline, work ethic and self-confidence by the administration of a strictly regimented, work-intensive, paramilitary system providing youthful offenders incentive to change their behavior and develop new positive attitudes. The annual capacity of IMPACT is 1,560 based on four 90-day cycles using 180 beds at IMPACT East and 180 beds at IMPACT West. Currently IMPACT is only available to males; a female facility (60 beds) will open in the spring of 1998.

The Field Services section also monitors the Post-Boot Camp Probation Program (IMPACT Aftercare) that was formed by a partnership with the Substance Abuse Section, Division of Mental Health/Developmental Disability/Substance Abuse of the Department of Health and Human Services. This is a pilot project in four sites - Edgecombe/Nash Counties, Forsyth County, Mecklenburg County, and New Hanover County. DAPP contracts with local Treatment Alternatives to Street Crime (TASC) programs to provide high-risk offenders with specialized treatment and support services, in addition to probation's close monitoring and control of the offender in the community.

The Post-Release/Parole Supervision office serves as liaison between the "field" and the Post-Release Supervision and Parole Commission (Commission). Staff perform the role of reviewing agent to assure that fieldwork and recommendations to the Commission are appropriate and within policy and procedure. Post-release and parole decisions relative to violations, condition modifications, revocations, non-compliances, letters of reprimand, hearings, reinstatements, recessions, absconders, new convictions, captures, and discharges are processed here. Staff also assist Probation/Parole Officers by securing approval for warrants, including requests for emergency warrants, from the Commission. Staff schedule and prepare paperwork for the Hearing Officers conducting preliminary hearings for each parole violation.

GS §15A-1376 provides Post-Release/Parole Revocation Hearing Officers the authority to conduct preliminary revocation hearings. The Hearing Officers are further authorized to rescind warrants and immediately reinstate under supervision parolees, conditional releasees, and post-releasees for whom no probable cause for revocation exists. Hearing

Officers can reinstate even if probable cause exists and there appears to be reasonable probability that the individual can remain at liberty without violating the law, providing such reinstatement will be compatible with the welfare of society.

The Interstate Compact for the supervision of parolees and probationers provides the sole statutory authority (GS §148-65.1 to 148-65.2) for regulating the transfer of adult parole and probation supervision across state boundaries. The Compact has two primary goals - community protection and the rehabilitation of the offender. Community protection is facilitated by the regulation of offender interstate travel; monitoring of offender community adjustment in the receiving state; and the removal of the offender from the receiving state's community upon violation. Regulation of the offender and rehabilitative efforts have been assisted historically by ensuring parole and probation program continuity across state boundaries. The Assistant Director is the designated Compact Administrator for the State of North Carolina.

The Information Resource and Technical Assistance Center operates DAPP's Helpdesk. Staff in this unit respond to questions from field staff regarding the OPUS[1] system. This office also serves as liaison with the Department's Management Information System Section regarding OPUS enhancements, as well as system changes.

The **Fiscal/Personnel Services Section,** headed by an Assistant Director provides much of the needed support for day-to-day operations in the functional areas of budget management, procurement, fiscal policy management, motor fleet management, property management, communications, position management, employee benefits, recruitment and selection, employee relations, salary administration and classification, litigation coordination, drug testing services, and other related personnel administration matters. A total of 14 employees work in this section. In addition to managing a budget of $118,580,497, staff has responsibility for 1,354 state vehicles, 139 leases, and 2,750 employees. Table 2 gives an overview of the State

TABLE 2
DAPP STATE APPROPRIATIONS
BUDGET OVERVIEW FY 97-98

DAPP Administration	$ 2,851,332
Regular Probation	72,735,440
Intensive Probation	32,543,788
Special Programs	10,449,937
TOTAL	$118,580,497
FEDERAL GRANTS	
Victim Assistance Program	$ 165,709
Automated Case Management	20,839
Developmental Disabilities	100,000

Source: Division of Adult Probation and Parole

TABLE 3
DAPP PERSONNEL OVERVIEW
AS OF MARCH 27, 1998

Number of Positions	Classification
4	Probation/Parole Pre-Release Investigators
363	Probation/Parole Surveillance Officers
150	Administrative Probation Officers
1,092	Regular Probation/Parole Officers
363	Intensive Probation/Parole Officers
14	High-risk Officers
184	Chief Probation/Parole Officers
6	Parole Revocation Hearing Officers
172	Office Assistant IIIs - CPPO Support
44	Judicial District Managers/Asst. Managers
55	Judicial District Support Staff (Office Asst. IIIs & IVs)
12	Judicial DAPP Chiefs (4)/Asst. Chiefs (8)
45	DAPP Administration
13	Drug Testing Program
179	IMPACT (Boot Camp) Program
30	Electronic Monitoring Center (Technology Center)
4	Correctional Training Instructors
20	Judicial DAPP Office Support Staff
2,750	**TOTAL DAPP POSITIONS**

Source: Division of Adult Probation and Parole

[1] OPUS is the Offender Population Unified System operated by the Department of Correction.

appropriations for DAPP. Table 3 gives a breakdown of the number and classification of DAPP positions.

The **Administrative Services Section**, headed by an Assistant Director, is responsible for providing special services in the areas of grants, basic Probation/Parole Officer training, all in-service training, and program support to the Technical Services and Technology Center. The Administrative Services Section is comprised of a total of 36 employees.

The Training Unit is responsible for coordinating all training that occurs within DAPP. All officer new hires and employees promoted to certified positions are referred to the Department's Office of Staff Development and Training for completion of courses required by the Criminal Justice Standards Commission. In-service training is designed by DAPP's training unit and approved by the Department's Office of Staff Development and Training's In-Service Section. Additionally, OPUS training is coordinated and delivered by the training unit. The Training Coordinator approves all other training requests, as well as educational assistance. The training unit publishes a training calendar each month.

DAPP formed an Officer Safety Task Force to examine officer safety issues and make recommendations for the implementation of policies, practices, and training specifically designed to enhance the personal safety of officers during the performance of their duties. The Training Coordinator, chairperson of the task force, is responsible for reporting to the Technology Council and DAPP's Leadership Team. This unit also manages DAPP's safety program, including training in bloodborne pathogens, OSHA guidelines, and inspections.

The Technical Services and Technology unit has 32 employees who provide a variety of services for DAPP. Included are services such as electronic house arrest (EHA) monitoring, DCI (Division of Criminal Information) terminal operation and monitoring, absconder warrant packages and extradition liaison, EHA and intensive sanction programmatic issues, sex offender and domestic violence offender control projects, Community Policing, Gang Awareness, and Technology Council - Offender Tracking Activities.

Electronic House Arrest (EHA) is an intermediate sanction as defined by structured sentencing in which the offender can be ordered to serve a period of probation or post-release supervision with the additional condition of EHA. EHA uses radio, computer, and electronic telecommunication technologies to monitor offender compliance with the goals of punishment and control. It is a restrictive supervision tool designed to enhance safety and control while allowing the Supervising Officer an opportunity to work with the offender and provide resources essential to rehabilitation.

The EHA Monitoring Unit of the Technology Center is responsible for the operation of several different types of computer monitoring systems and field equipment. Staff ensure the accuracy of the computer systems and electronic telecommunication data transfers,

provide data entry of offender information, and provide a first response to offender violations through data equipment verifications and communication of valid violation situations to field officers and managers. Additionally, staff provide a constant review of system operations, data records, curfew schedule modifications, violation data, and officer response to violations to ensure the integrity of EHA and public safety. Monitoring services are provided statewide, and the monitoring systems have a capacity to handle approximately 2,500 offenders without additional system modifications. The EHA Unit operates 24 hours per day 365 days per year.

In addition, the EHA unit provides monitoring services to outside agencies such as Administrative Office of the Courts-Juvenile Services, sheriffs' departments, Criminal Justice Partnership Programs, the Federal Bureau of Indian Affairs, and the Eastern Cherokee Nation. Services provided to these agencies include monitoring, first violation response, and equipment training. These services allow the participating agencies to avoid the associated cost of monitoring their clients. In the case of sheriffs' departments, this effort results in additional free bed spaces for violent offenders. Approximately 20 agencies now receive these services from the section.

The DCI unit is responsible for the operation of a computer terminal with network linkage to the National Crime Information Center (NCIC) and the Police Information Network (PIN) through the State Bureau of Investigation. Staff ensure the accuracy of electronic data on wanted criminal offenders, as well as maintaining and coordinating all records throughout the wanted person and extradition process. Staff provide quality control of absconder warrant packages, enter wanted person data into the OPUS mainframe computer system, enter wanted person data into the DCI network, and respond to agency requests to confirm the identity of wanted offenders 24 hours a day, 365 days a year. Additionally, DAPP stolen property reports (such as handguns and vehicles) and communication with District Attorneys' offices and law enforcement agencies across the State, nation, and internationally come through this unit. There are approximately 15,000 warrants for which the unit is responsible. The unit submits to annual audits from the State Bureau of Investigation and the Federal Bureau of Investigation on a random basis.

In addition, the DCI unit provides criminal history background record checks for all DAPP personnel and those required in coordination with the responsibilities of the Interstate Compact Office and Post-release Supervision Office. Personnel record checks are provided as a service for 12 other administrative sections or divisions of the Department. These include the Parole Commission, Central Engineering, Combined Records, Criminal Justice Data, Extradition, Department of Correction-Controller, Enterprise, Integrated Network Services, Management Information Systems, Purchasing, Research and Planning, and Safety offices.

The Technical Services staff also handle special projects for DAPP. Current projects include:

- development of a domestic violence offender control program where the victim is included in monitoring;

- a sex offender control project that is reviewing the possibility of Global Positioning Satellite equipment to track offenders' whereabouts at all times;
- establishment of formalized DAPP-law enforcement agency partnerships across the State to share information, surveillance activities, and community interdiction and prevention efforts;
- development of a gang awareness program to enhance community supervision;
- review of various types of electronic monitoring and offender tracking equipment through the Offender Tracking Subcommittee of the DAPP Technology Council; and
- participation on the Officer Safety Task Force to assist in the review and development of officer safety issues and training.

Staff also provide statistical data regarding the utilization of the EHA and intensive sanctions, maintain and assist field offices with EHA equipment asset records and equipment repairs, and provide case management assistance for the EHA and intensive sanctions as needed.

Lastly, a Correctional Planner is located within the Administrative Services Section. The primary purpose of this position is to provide the Director with ongoing monitoring and evaluation of the various elements of DAPP's "Community Corrections Strategy" as it is carried out statewide. This employee works closely with the Department's Office of Research and Planning, serving as liaison and a contact point for DAPP.

HISTORY OF THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION

The origins of parole in North Carolina can be traced to 1868, when the Governor was given the authority to grant reprieves, commutations, and pardons by the State Constitution. The definition of pardon was expanded to include parole. There was no provision for an in-depth investigation into proposed release plans and there was no supervision upon release.

In 1935, the General Assembly provided for a Commissioner of Paroles to assist the Governor in all matters related to Executive Clemency. For the first time, a staff was authorized to make investigations and provide supervision to men and women released on parole. This method of operation continued until 1955.

In 1953, the General Assembly passed an act to amend the Constitution to establish a Board of Paroles with complete authority to grant, revoke and terminate parole. An amendment to the Constitution was passed by the voters and the forerunner of the present day Commission was established July 1, 1955. The Governor no longer had authority to grant parole after June 30, 1955. The Commission was expanded to the present day complement of five members in 1974.

Prior to 1981, the Commission maintained considerable discretion in releasing offenders with primary considerations being rehabilitation and public safety. The Fair Sentencing Act was the State's effort to reduce sentence disparity and to assist in controlling the

prison population. North Carolina was not alone in its efforts; other states also enacted laws anticipated to stabilize or even reduce the prison population. Such was not the case. Within two years, sentences lengthened, prisons became overcrowded, and disparity in sentences approached pre-Fair Sentencing levels.

In 1983, the Legislature enacted Community Service Parole, which provided the Commission discretion in releasing individuals from select groups of offenders. This permitted the least dangerous offenders to be selected from these groups rather than indiscriminately reducing sentences for all offenders. The Commission proceeded in a cautious fashion and was conservative in releasing offenders on community service parole until 1987.

The General Assembly passed the Prison Population Stabilization Act, better known as the prison cap, in 1987. Under the cap, the Commission was mandated to control the prison population at a level prescribed by law. The cap remained in effect until January 1, 1996. The parole process in North Carolina changed dramatically during the nine years the "cap" was in place. The Commission, out of necessity, chose to parole misdemeanants primarily as a class of offender rather than on the individual's likelihood to re-offend. Many thousands of these offenders were moved in and out of prison quickly under a system called parole and terminate. This decision to parole misdemeanants as a class was made primarily so that staff and Commission members' time could be spent on reviews of the more dangerous and violent felon offenders.

The passage of the Structured Sentencing Act in 1994 created more changes for the Commission, including its name, but had little impact on its day-to-day operations until 1996. Structured Sentencing eliminated parole as it existed under prior sentencing law. However, the new sentencing law did not alter the Commission's discretion with respect to offenders whose crimes were committed prior to its enactment. This means the Commission will have the responsibility for making discretionary parole decisions for many years to come.

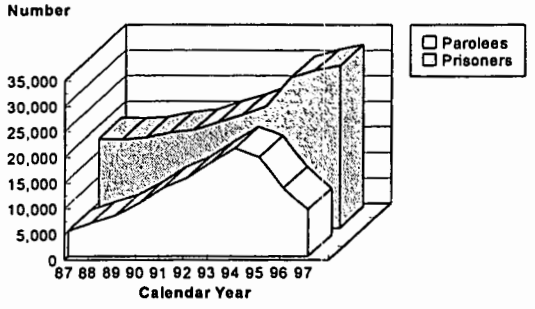
Although the Commission does not make decisions concerning when offenders convicted under the Structured Sentencing Act will be released, it is responsible for establishing the conditions of post-release supervision for certain felon offenders whose release is followed by a period of supervision in the community. This requirement applies to offenders whose crimes are class B1 - E felonies. (Appendix F, page 97, contains data on the types of felonies by class.) Examples of crimes in these categories are second degree rape, assault with a deadly weapon, kidnapping, armed robbery, burglary, voluntary manslaughter, and some drug trafficking offenses. The Commission also has the authority to revoke parole of offenders who violate the conditions of post-release supervision.

Because the period of supervision is short - either six or nine months, except for sex offenders - it is imperative that the conditions established by the Commission are tailored to an offender's needs. Parole case analysts examine a post-release case before the anticipated release date to identify needs, to review prison program participation, and to

recommend supervision conditions matching an offender's needs with community resources.

Repeal of the prison cap in January 1996, and the passage of the Structured Sentencing Act in 1994, has allowed the Commission to begin a transition back to a true parole review process, where decisions are based on an offender's likelihood to re-offend rather than "by the numbers." The Commission has changed its parole review process to include more detailed analysis and investigation.

EXHIBIT 3
PRISIONER AND PAROLEE POPULATIONS
for 1987 through 1997



Source: DAPP Research and Planning

TABLE 4
PAROLE COMMISSION EVENTS
FOR CALENDAR YEARS

Event	1996	1997
Parole Reviews Completed	25,886	20,996
Paroles Denied	12,237	11,476
Paroles Approved	12,558	9,520
Work Releases Denied	30	27
Work Releases Approved	28	36
Supervision Files Received	14,650	10,111
DWI School Consideration	1,879	2,013
Status Review	44,778	48,248
General Comments	3,647	7,802
Eligibility Date Certified	30,650	25,000

Source: NC Parole Commission

While the prison population and the number of paroles skyrocketed in the 1980's and early 1990's, the number of staff remained somewhat constant. The staff totaled 53 in 1987, when the prison cap was enacted, and rose to 65 in 1992. The total number of positions currently assigned to the Commission is forty-nine (5 Commissioners and 44 staff). Exhibit 3 show the number of prisoners and the number of offenders on parole for the past ten years. Table 4 shows the number of parole cases handled and other events for the past two years.

Mission, Goals and Responsibilities

The mission of the Post-Release Supervision and Parole Commission (Commission) is to protect the safety and welfare of the State's citizens. In cases where the Commission has discretionary release authority, this mission is accomplished by thorough analyses to determine when and under what circumstances it is in society's best interests to allow an offender to be released from prison and serve a portion of the sentence under supervision in the community. In cases where the Commission does not have discretionary release authority, this mission is accomplished through establishing conditions of supervision and an aftercare program that will enhance the probability that the offender will be successfully reintegrated back into the community.

The Commission is committed to the philosophy that it is in the public's best interest to prepare offenders for release and to provide close constructive supervision for that portion of their sentences served in the community. To this end, the Commission has the following goals and responsibilities:

- to participate in identifying prison programs that will prepare the offender to re-enter society through a well-planned aftercare program;
- to establish conditions of supervision that provide control and rehabilitation by utilizing agency and community resources as a bridge to help the offender reach self-sufficiency and law-abiding citizenship;
- to monitor offenders' compliance with supervision and to take appropriate action such as modification of conditions or revocation when warranted; and
- to protect victims' rights by providing accurate information, timely notification, and encouraging input for the Commission's consideration.

Statutory Authority

The Post-Release Supervision and Parole Commission was created by GS § 143B-266 and given the authority for making all parole decisions and/or setting conditions of supervision for all prison inmates within the Department of Correction prison system. Specifically, the overall function, purpose, and duty of the Commission is:

- to grant paroles, including both regular and temporary paroles, to persons held by virtue of any final order or judgment of any court of this State who has been found eligible for parole;
- to revoke, terminate, and suspend paroles of such persons (including persons placed on parole on or before the effective date of the Executive Organization Act of 1973);
- to assist the Governor in exercising his authority in granting reprieves, commutations, and pardons, and to perform such other services as may be required by the Governor in exercising his powers of executive clemency; and
- to revoke and terminate persons on post-release supervision.

Organizational Structure and Staffing

The Commission is composed of five full-time members appointed by the Governor, who designates one as the chairman. Members serve staggered four-year terms of office. The Commission employs an Executive Director to manage the administrative staff and carry out all administrative duties required by the Commission. The Secretary of Correction provides all clerical and other services required by the Commission. Exhibit 4, page 18, depicts the organizational structure in place during the audit. This organization featured four distinct areas: commissioners, analytical staff, support staff, and special programs staff. Following is a discussion of the major functions assigned to each section.

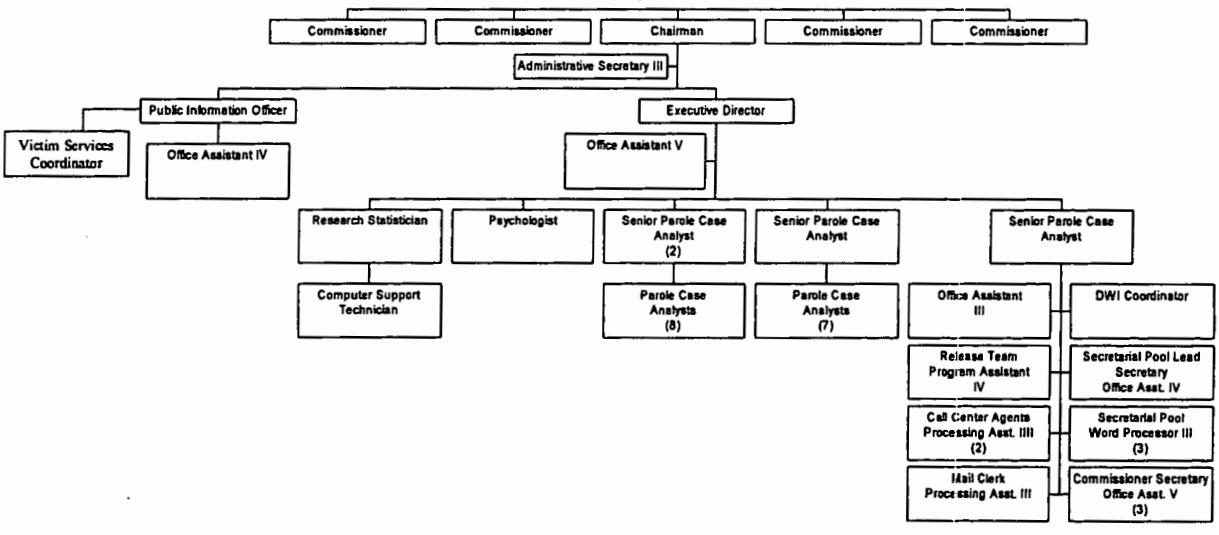
The **Commissioners** are responsible for making all discretionary release decisions and establishing conditions of supervision. Additionally, they are responsible for conducting final revocation hearings, conducting meetings with crime victims, issuing warrants for arrest, and modifying terms of parole agreements.

The **Analytical Staff** is responsible for maintaining files on offenders, calculating parole eligibility, scheduling and conducting reviews of cases, as applicable, corresponding with interested parties, and meeting with offenders' advocates upon request. Functions included in this section are:

- reviewing and analyzing cases to make a recommendation to the Commission that parole be approved or denied;
- identifying and referring appropriate offenders for placement in the DWI parole facility in Goldsboro; and
- managing the receipt of files from DAPP officers seeking action from the Commission on cases under active supervision.

The DWI (Driving While Impaired) program coordinator is included as part of the analytical staff. The coordinator recommends cases to the Commissioners, implements their decisions, and processes appropriate paperwork for transfer of offenders to the DWI facility.

EXHIBIT 4
NORTH CAROLINA POST-RELEASE SUPERVISION AND PAROLE COMMISSION
CURRENT ORGANIZATIONAL STRUCTURE
AS OF JANUARY 30, 1998



Source: NC Post-Release Supervision and Parole Commission

The **Support Staff** performs administrative tasks - typing and proofreading, dictation, processing paperwork associated with parole decisions such as denial and investigation letters, and coordinating release papers. Additionally, the section is responsible for serving as call center agent, providing general information to citizens who call the Commission office, transferring offender files and parolee supervision files to Commissioners for parole decisions, and coordinating meeting, planning, and purchasing functions.

The **Special Programs Staff** includes the psychologist, the research/statistician, the public information officer, and the victim services coordinator. These staff members are responsible for the following functions:

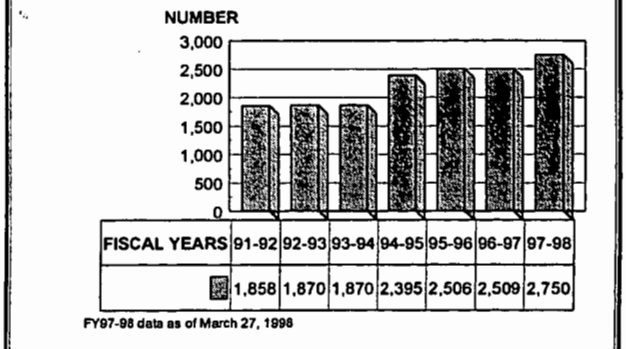
- conducting complete psychological evaluations on persons referred by the Commission, conducting case consultations with Division of Prisons mental health staff for offenders who have an identified mental disorder, and monitoring offenders who participated in the Sex Offender Accountability and Responsibility (SOAR) program;
- gathering data related to Commission operations, researching information related to the accuracy of parole projections and legal issues, and serving as the site security coordinator for computer operations;
- responding to all media inquires, issuing news releases and publishing the Commission's newsletter, drafting speeches and position papers for the Commission Chairman, making presentations to citizens groups, and serving as the Commission's legislative liaison; and
- managing the victim services program, which includes notification and distribution of an information sheet and victim impact statement.

ORGANIZATION AND STAFFING

Objective: *To review organizational structure, current staffing patterns, and workloads.*

The Division of Adult Probation and Parole (DAPP) began reorganization in 1993 as a result of the Structured Sentencing Act that prompted reorganization along judicial district lines. The Legislature, as a result of Structured Sentencing, authorized 515 new positions for DAPP during the Crime Session held in 1994. Altogether, 880 positions have since been authorized, resulting in a 47% increase in staff since 1993 as shown in Exhibit 5. The reorganization, which was finalized effective July 1, 1995, resulted in the creation of forty-three new statewide district offices that replaced the twelve branch offices and seven parole offices. The goals of the reorganization were to create a consolidated, cost-effective organizational structure to better manage resources and to prepare for the projected offender population growth associated with the implementation of structured sentencing and its corresponding increased need for community resources.

EXHIBIT 5
CHANGE IN THE NUMBER OF DAPP POSITIONS
FY91-92 through FY97-98



FISCAL YEARS	91-92	92-93	93-94	94-95	95-96	96-97	97-98
	1,858	1,870	1,870	2,395	2,506	2,509	2,750

FY97-98 data as of March 27, 1998

Source: Division of Adult Probation and Parole

Conclusion: **The reorganization decentralized the purchasing, personnel, and training functions performed by DAPP. As a result, the field offices now have the authority to better manage their responsibilities and duties. Overall, each division is adequately staffed to handle current caseloads. Based on our analyses of the organizational structure and staffing levels, we believe the current structure generally is efficient and effective. However, several observations were noted. Below is a discussion of the issues and recommendations for improvements.**

Organizational Issues:

SPANS OF CONTROL MAY BE TOO LARGE FOR THE CHIEF PROBATION/PAROLE OFFICERS.

During site visits and review of organizational charts, we noted that Chief PPO's are responsible for the direct supervision of as many as fourteen PPO's (Probation/Parole Officers). This ratio may vary from fourteen to seven within the same district. Because of space limitations, these PPO's may be housed in several different locations. As a result, it is difficult for many Chief PPO's to provide adequate daily supervision to their staffs. Additionally, our examination of personnel records showed that normally the Chief PPO's handle any personnel or disciplinary actions for all staff within their districts. However, the organizational chart shows that the surveillance officer, who is paired with an intensive case officer to comprise an "intensive team," reports directly to and is supervised by the intensive probation/parole officer (IPPO). Based on information obtained during our site visits, it appears that this reporting relationship, in many instances, is on paper only. Reporting relationships among personnel should reflect the lines of authority as established on the organizational chart of DAPP.

RECOMMENDATION

DAPP should strive for a span of control ratio not to exceed 10:1 as recommended by the General Assembly in the 1997 position allocations. Surveillance Officers should report directly to the Chief Probation/Parole Officer and be counted in the span of control ratio. We believe with the placement of surveillance officers under the direct supervision of the Chief PPO and new computerized technology available to DAPP, the goal of 10:1 is achievable. (See discussion on page 23 relative to technology.)

DAPP's RAPID GROWTH HAS CAUSED PROBLEMS IN PROJECTING AND PROVIDING ADEQUATE OFFICE SPACE.

Current legislation requires counties to provide office space for each regular PPO. DAPP is responsible for leasing office space throughout the State in order to provide workspace for all remaining staff. This practice results in staff within a given county being housed in several different locations. The total annual cost of all leased office space (excluding administrative offices in Raleigh) is currently $1,825,181 per year.

One solution to this problem as DAPP continues to grow and expand is assigning state vehicles to officers and allowing them to either telecommute or work out of "shared office space" within their districts. This would allow the officers the opportunity to spend more time in the field making required contact visits and provide a more visible presence in the community. Additionally, all officers are on call each night. If an officer receives a call at night now, he/she must first drive to the district office and pick up a

state vehicle before responding to the call. Currently, state vehicles are assigned to each District office, with some officers sharing cars. In three areas, DAPP is leasing parking space for these vehicles since they are not used for commuting. Vandalism has occurred to state vehicles, especially in urban areas, as a result of the Department's policy that all state vehicles be maintained at the district office overnight. According to data supplied by DAPP[2], 2,014 officers are currently authorized to drive state vehicles. Using this information, the estimated cost for each officer to be assigned a state car would total $1,617,772 per year. As stated above, the current annual cost of leases statewide for all District staff totals $1,825,181. Therefore, DAPP could possibly save $207,409 per year from assigning a state vehicle to all officers, establishing shared office space, and implementing a telecommuting program. (See technology discussion below.)

RECOMMENDATION

DAPP should explore the use of shared office space and telecommuting by officers. Additionally, each officer should be assigned a state vehicle. These options would address the continuing problems faced by DAPP in procuring adequate office space as it continues to grow and expand.

Auditor's Note: In March, 1998, management instructed staff to pursue the acquisition and assignment of state vehicles for all authorized officers based on statutory authority defining "law enforcement officers". Law enforcement officers are defined as officers that 1) carry firearms; 2) execute search warrants, and; 3) make arrests (other than citizen arrests). This legislation allows officers to commute without reimbursement to the State from the officer.

MANUAL PREPARATION OF CASE FILES IS INEFFICIENT.

During site visits, we learned that officers are required to spend on average 15 (37.5%) hours each week documenting contacts with offenders and maintaining case files. This is time that could be spent actively working caseloads. DAPP is conducting a pilot project in Henderson County using computerized case files. Officers within the district have been issued laptop computers to use in the field to document cases. The officers then download this data onto DAPP's mainframe computer for storage. Special computer edits and audits have been incorporated into the system to ensure user integrity. Thus, case file data is available for review at any time by the CPPO without having to obtain an actual case file from the officer.

[2] DAPP conducted a survey in February, 1998, to determine the number of officers authorized to drive state vehicles and the total commuting mileage for each officer.

RECOMMENDATION

DAPP should seek funding from the General Assembly to implement this system statewide. The approximate cost per officer is $3,421 plus a one-time network cost of approximately $143,200 and a recurring annual fee of $21,200, thereby necessitating a total appropriation of $7,573,463 to equip all officers. Once the equipment is acquired, DAPP should provide appropriate training to all officers in the use of this technology. An estimated 2,500 hours could be saved annually from use of the computerized case file documentation. These hours (valued at $10,229,616 based on average salaries for field staff) could be used for more direct contacts with offenders.

THERE IS A LACK OF COMMUNICATION BETWEEN AND AMONG DAPP ADMINISTRATION, THE DIVISIONS, AND THE DISTRICTS.

DAPP has some 2,750 employees located across the State in 4 division offices and 43 district offices. During the audit we noted instances involving poor communication and/or misinterpretation of policies and procedures among the various levels of DAPP. PPO's feel they must receive supervisory approval from their Chief PPO for routine tasks. However, management believes the current policies and procedures provide adequate direction and allow for officer judgment in certain areas. For instance, a judge may inadvertently sentence an offender to intensive probation and EHA. In certain districts, curfew checks required under intensive probation are being performed on the offender while he/she is being computer monitored by EHA. Curfew checks should begin only when the offender has completed the EHA requirements. Also, decisions which have been delegated to the division and district level relating to such areas as expenditures, dress codes for field officers, and specifications for office leases are interpreted differently across the State.

RECOMMENDATION

DAPP management should review all policies and procedures to be sure they are clear. Then management should conduct training on implementation of those policies and procedures with staff at all levels of DAPP. Further, DAPP should pursue the statewide implementation of a WAN/LAN system which would allow for improved communication through e-mail and more immediate sharing of information. Estimated costs of a WAN/LAN are $1,725,998.

Staffing/Workload Issues:

THE ROLES OF REGULAR AND INTENSIVE PROBATION/PAROLE OFFICERS HAVE BECOME BLURRED AS A RESULT OF STRUCTURED SENTENCING.

As of March 27, 1998, DAPP had 1,242 regular probation/parole officers' positions, 363 intensive probation/parole officer positions, 363 surveillance officer positions, and 14 probation/parole high-risk officer positions. Historically, the "regular" PPO was responsible for offenders assigned to administrative, minimum, maximum, and some high-risk supervision levels. The intensive PPO, along with a surveillance officer, was responsible for offenders assigned to high-risk and intensive supervision. Table 5, page 26 summarizes the contact requirements by supervision level.

Under structured sentencing, supervision levels are still referred to as intensive, high-risk, maximum, minimum, and administrative, determined by the risk/needs assessment. However, punishment levels are referred to as either intermediate or community. Intermediate punishment is supervised probation, which may include house arrest with electronic monitoring, a day reporting or residential program, or special probation[3]. Community punishment does not include an active or intermediate punishment. It may include, but is not limited to, one or more of the following: supervised probation, any authorized condition of probation except those defined as an intermediate punishment, out-patient drug/alcohol treatment, community service, referral to TASC (Treatment Alternatives to Street Crime), restitution, or fines. Additionally, post-release and parole cases may include both intermediate or community punishment once an offender is released from prison. Thus, it is misleading to simply classify an offender as either on regular or intensive probation. DAPP management has recognized this problem and has proposed a graduated reclassification of probation/parole officer positions - PPO I, PPO II, or PPO III.

RECOMMENDATION

We concur with DAPP's assessment for the need to reclassify the PPO positions. By classifying DAPP PPO's as either PPO I, II, or III, DAPP would gain more flexibility in the use of officers and better reflect the supervision needs of offenders under structured sentencing.

[3] Special probation can be a split sentence or IMPACT program, an intensive program, or other conditions under community punishment.

Table 5
Division of Adult Probation and Parole
Minimum Face to Face Supervision Requirements

LEVEL/LENGTH	PERSONAL CONTACT (PC)	FIELD CONTACT	HOME VISITS (HV)	OTHER REQUIREMENTS
INTENSIVE/6 Mos. Min.				
9 Mos. Max.				
Phase 1: 3 Months	1 per week by:	1per week by ICO	3 per week by: Intensive	1 Collateral Visit (CV) within five calendar
	Intensive Case Officer (ICO)	(must be a personal contact)	Surveillance Officer (ISO)	days of Intake:
			(must be after curfew)	- for initial supervision contact
			(must be personal contact)	
				1 PC per month
				(must be on the weekend after curfew)
				(may be one of the PC or HV by ISO or ICO)
				1 CV per week to verify employ/school
				2 CV per month to verify school performance
				2 CV per week to check arrest records
				Verify completion of community service with agency
Phase 2: 3Months	1 per week by ICO		2 per week by ISO	1 HV per month on weekend:
				- to check curfew
HIGH-RISK/6 Mos. Min.	1 every 15 Calendar Days	1 every 30 Calendar Days	1 HV (2 every 90 Days)	1 HV (2 within ten calendar days of intake)
12 Mos. Max.		(must be a personal contact)	(must be after 6 pm)	- for initial supervision contact
		(may be 1 of the 15 day contacts)		- upon notification of address change
				1 verification every 30 calendar days:
				- of employment, education
				- of treatment compliance
				(may be one of the field contacts)
				1 CV every 30 calendar days:
				- to determine criminal activity
				(may be 1 of the field contacts)

Table 5 (concluded)

LEVEL/LENGTH	PERSONAL CONTACT (PC)	FIELD CONTACT	HOME VISITS (HV)	OTHER REQUIREMENTS
MAXIMUM/6-18 Mos.	1 every 30 Calendar Days	1 every 60 Calendar Days	1HV (2 every 120 Days)	1 HV (2 within ten calendar days of intake)
Recommended		(must be a personal contact)		- for initial supervision contact
		(may be 1 of the 30 day contacts)		- upon notification of address change
				1 CV every 30 calendar days:
				- to verify employment/education:
				(may be 1 of the field contacts)
				1 CV every 60 calendar days:
				- to verify treatment and determine
				criminal activity
				(may be 1 of the field contacts)
MINIMUM/Predetermined	1 every 60 Calendar Days	1 every 120 Calendar Days	1HV every 180 Days	1 CV every 60 calendar days:
by Supv. period (satisfactory		(must be a personal contact)		- to determine possible criminal
completion of all conditions)		(may be 1 of the 60 day contacts)		activity
				1 CV every 90 calendar days:
				- to verify employment/education
				(may be 1 of 60 day CV's)
ADMINISTRATIVE/	Initial Office Visit (OV)			1 CV every 90 calendar days:
Predetermined by Supv.	Within 10 days of Intake			- to verify employ./educ. compliance:
period (satisfactory				- to determine possible criminal activity
completion of all conditions)	1 OV Every 90 Days			
				1 CV/w record check every 90 calendar days:
				(for offenders unavailable for PC)
				- to determine validity of Supervision status
SUSPENDED/active pursuit		Frequent Field Contacts	Frequent HV's until	1 CV every 90 Calendar Days
until warrant served or		w/family, acquaintances to	offender verified no longer	- ensured by Officer and Chief
withdrawn		discover leads	there or whereabouts unknown	- should correlate w/respective Supv. level
				OPUS, ESC, and global records checks
				- to verify offender not in another
				jurisdiction or in the Division of Prisons

SOURCE: DAPP Policies and Procedures Manual

CASELOADS VARY SIGNIFICANTLY AMONG PPO's.

The Criminal Procedures Act states, ". . . it is the goal of the General Assembly that caseloads for probation officers supervising persons sentenced to community punishment should not exceed an average of 90 offenders per officer, and caseloads for offenders sentenced to intermediate punishment should not exceed an average of 60 offenders per officer by July 1, 1998." DAPP has worked to achieve averages of 30 cases per intensive officer, 60 cases per high-risk officer, and 90 cases per regular officer. As shown in Table 6, page 29, the overall averages are relatively close to the goals established by legislation and DAPP. However, the averages are deceiving. As can be seen from Tables 6 and 7, the caseload averages fluctuate significantly among districts. The fluctuations occur primarily due to the size and population of a county, as well as the number of vacant positions within the district. Although it is DAPP policy for each Chief PPO to absorb the cases resulting from vacant positions, we found some CPPO's were reassigning these cases to the other officers within the district. As a result, we noted individual active caseloads as high as 165. High caseloads have resulted in low morale for many officers since they cannot be managed effectively and officers feel they are not able to meet the needs of individual offenders.

Furthermore, cases generally are not assigned to officers based on geographic location. This often results in an officer having to crisscross the county to perform contact visits with offenders. We found that in some districts, officers will exchange cases among themselves based on an offender's residence to better balance their caseloads. However, many districts prohibit this practice.

RECOMMENDATION

We commend the General Assembly and DAPP for their efforts in establishing caseload goals for PPO's. DAPP should continue to work toward reasonable caseloads for all classes of PPO's. To better balance caseloads, DAPP should implement a policy requiring each district manager to assign cases based on geographical location or a specific zone within the district where practical. Further, the CPPO's should absorb any vacant position's caseload, as is required by DAPP policy. These steps, along with the reclassification and use of technology recommended above, should work to alleviate excessive caseloads and afford officers more time to work on cases.

TABLE 6
CASELOAD AVERAGES SHOWING VACANCIES AND NEW POSITIONS
REGULAR PROBATION/PAROLE

Judicial District	July 1995 With Absconders	June 1996 Without Absconders	June 1996 With Absconders	June 1997 Without Absconders	June 1997 With Absconders	Vacancies June 1997	New Positions FY97-98	Vacancies April 1998
DIV. 1								
1	87	75	83	90	100	1	2	4
2	76	66	72	61	66			1
3A	79	74	83	80	94		3	5
3B	94	85	95	95	106	2	3	1
4A	88	75	81	77	85		2	3
4B	83	69	88	71	90		1	
5	115	93	103	107	107	2	6	6
6A	84	74	82	71	80		2	3
6B	94	85	90	80	87	1	2	3
7	86	75	81	68	75	1	1	4
8A	93	85	92	74	85	2	2	3
8B	81	71	81	75	85		2	3
Subtotal	88	77	86	78	88			
DIV. 2								
9A	100	73	77	78	84	2	2	2
9B	103	92	100	90	100	3	4	5
10	85	84	103	85	107	4	15	21
11	92	78	85	79	90		2	4
12	92	88	103	98	111	2	8	8
13	83	83	94	78	90	1	3	7
14	79	84	101	86	101	2	7	10
15A	76	67	76	66	77	2	1	
15B	93	91	102	89	101	3	4	4
16A	88	65	71	62	70	1		6
16B	90	74	84	77	84		3	5
Subtotal	89	80	91	81	92			
DIV. 3								
17A	99	90	101	80	88	1	2	1
17B	79	71	76	70	77		1	2
18	99	90	103	87	100	3	8	4
19A	89	86	95	78	88	1	2	5
19B	119	91	101	88	101		5	3
19C	87	89	110	100	124		8	4
20A	91	78	86	71	81		2	3
20B	100	81	93	80	91		2	2
21	91	76	92	75	89	2	5	8
22	80	85	94	78	90	2	3	3
23	69	77	86	77	87	1	3	2
Subtotal	91	83	94	80	92			
DIV 4								
24	88	77	83	71	80		2	4
25A	84	84	91	90	96	1	3	4
25B	97	63	69	63	70		1	2
26	90	91	103	82	93	2	9	22
27A	103	80	89	71	80	2	2	2
27B	84	75	80	72	78		2	3
28	117	97	111	90	105	2	6	8
29	113	99	109	106	118	1	7	2
30	84	91	102	91	103	3	3	5
Subtotal	96	84	93	82	91	TOTAL VACANCIES & NEW POSITIONS		
STATE-WIDE AVG.	**91**	**81**	**91**	**80**	**91**	**50**	**151**	**197**

Source: Division of Adult Probation and Parole

TABLE 7
INTENSIVE CASELOAD DATA
FY96-97

	District #	Number of Teams	Average Caseload FY 95-96	Average Caseload FY96-97
Judicial Division 1:	1	9	15.7	19.5
	2	9	15.5	17.9
	3A	6	30.9	37.6
	3B	8	20.6	23.6
	4A	7	18.6	23.5
	4B	5	24.5	31.7
	5	14	21.8	25.9
	6A	5	31.3	26.9
	6B	6	26.1	27.0
	7	9	30.8	32.3
	8A	6	24.0	19.9
	8B	4	32.5	38.0
	Subtotal	88	23.4	26.1
Judicial Division 2:	9A	3	21.0	24.0
	9B	9	23.6	24.6
	10	14	26.2	31.7
	11	11	17.3	19.1
	12	9	25.2	24.1
	13	7	26.2	29.7
	14	12	20.2	24.4
	15A	6	19.2	22.1
	15B	5	15.1	18.7
	16A	5	28.8	33.1
	16B	7	20.5	27.9
	Subtotal	88	22.7	25.6
Judicial Division 3:	17A	4	21.6	25.2
	17B	6	23.0	26.8
	18	16	23.7	26.4
	19A	5	20.5	18.7
	19B	6	15.6	19.8
	19C	6	23.5	23.5
	20A	7	22.9	25.2
	20B	5	24.7	26.5
	21	15	17.9	25.0
	22	16	22.1	23.5
	23	4	21.9	24.4
	Subtotal	90	21.5	24.6
Judicial Division 4:	24	3	16.9	29.4
	25A	6	19.3	20.2
	25B	6	13.1	17.2
	26	16	32.8	42.6
	27A	7	24.2	29.3
	27B	8	11.5	14.5
	28	9	14.0	17.7
	29	12	14.1	19.8
	30	5	15.1	15.5
	Subtotal	72	19.3	24.9
Statewide Total		338	21.7	25.3

Source: Division of Adult Probation and Parole.

DAPP POLICY ON NUMBER OF CONTACTS MAY BE EXCESSIVE.

Currently, DAPP policy requires Surveillance Officers to conduct curfew checks three times weekly, a significant amount of time for each officer. This leaves little time to

track absconders (offenders whose whereabouts are unknown to their probation/parole officer). Our testwork revealed a high number of absconder cases throughout the State. Table 8 contains a breakdown of absconders by county. The number of absconders statewide was 11,582 for fiscal year 96-97, 10.7% of the total offender population under supervision for that period, with Mecklenburg and Wake counties showing more than 1,000 absconders each. Management stated that offenders who are regarded as absconders too quickly might inflate the numbers. It is management's opinion that a significant number of absconders could be located if more aggressive follow-up procedures were performed. However, we noted during site visits that many surveillance officers are currently overwhelmed in performing curfew checks. In several instances, surveillance officers were required to perform curfew checks in more than one county due to position vacancies. The results are insufficient time for many officers to pursue offenders who have absconded.

TABLE 8
OFFENDERS WHO HAVE ABSCONDED BY COUNTY
FOR 1995 THROUGH 1997

	Absconded Years				Absconded Years				Absconded Years		
County	1995	1996	1997	County	1995	1996	1997	County	1995	1996	1997
Alamance	212	212	244	Forsyth	535	733	692	Onslow	190	183	209
Alexander	35	32	52	Franklin	40	63	64	Orange	86	80	104
Alleghany	15	33	25	Gaston	204	198	146	Pamlico	11	11	7
Anson	33	26	27	Gates	1	7	8	Pasquotank	29	37	55
Ashe	8	30	21	Graham	8	5	11	Pender	48	96	86
Avery	3	9	7	Granville	85	59	68	Perquimans	4	5	11
Beaufort	52	71	41	Greene	15	17	16	Person	23	35	38
Bertie	18	27	19	Guilford	572	771	703	Pitt	151	194	208
Bladen	40	35	38	Halifax	89	117	104	Polk	11	14	19
Brunswick	111	137	124	Harnett	96	106	129	Randolph	158	178	223
Buncombe	227	307	404	Haywood	41	46	45	Richmond	82	91	106
Burke	53	75	60	Henderson	63	87	69	Robeson	153	158	162
Cabarrus	158	154	142	Hertford	14	26	35	Rockingham	108	107	81
Caldwell	105	104	88	Hoke	45	74	65	Rowan	323	311	325
Camden	5	2	3	Hyde	4	5	7	Rutherford	37	45	35
Carteret	41	65	39	Iredell	192	208	210	Sampson	56	46	58
Caswell	8	21	28	Jackson	9	2	12	Scotland	43	86	99
Catawba	120	163	134	Johnston	126	152	173	Stanly	39	44	26
Chatham	28	52	35	Jones	7	8	6	Stokes	22	23	22
Cherokee	31	50	40	Lee	72	99	87	Surry	70	61	98
Chowan	4	19	26	Lenoir	79	115	93	Swain	12	4	15
Clay	4	7	9	Lincoln	45	45	29	Transylvania	22	22	22
Cleveland	74	59	66	Macon	12	21	18	Tyrrell	2	4	3
Columbus	56	77	65	Madison	3	31	11	Union	113	142	104
Craven	78	124	130	Martin	27	15	43	Vance	65	57	71
Cumberland	359	410	269	McDowell	29	32	31	Wake	934	917	1079
Currituck	20	14	9	Mecklenburg	1120	1245	1078	Warren	26	14	23
Dare	25	20	39	Mitchell	10	12	13	Washington	12	11	18
Davidson	135	282	218	Montgomery	37	31	46	Watauga	24	33	29
Davie	23	31	44	Moore	60	74	105	Wayne	194	209	192
Duplin	63	68	73	Nash	86	107	101	Wilkes	109	88	85
Durham	343	412	486	New Hanover	319	403	445	Wilson	99	144	126
Edgecombe	50	74	96	Northampton	24	33	21	Yadkin	28	50	50
								Yancey	5	15	8
								TOTALS	9895	11664	11582

Source: Division of Adult Probation and Parole.

RECOMMENDATION

DAPP should immediately review its contact requirements for all PPO classification levels. Specific attention should be paid to the frequency of curfew checks performed by surveillance officers. Other alternatives such as EHA should be considered as applicable. Additionally, DAPP should work to fill all vacancies in a timely manner. (See page 33.) These steps should allow officers the time required to perform adequate follow-up procedures in locating absconders.

PERSONNEL AND PATRONAGE PRACTICES

Objective: *To examine current personnel and patronage practices, placing special emphasis on any existing abuses in those practices.*

Our examination of the personnel and patronage practices of DAPP involved analysis of a sample of 121 personnel files - 50 (41.3%) files of new hires, 65 (53.7%) files of employees promoted, and 6 (5%) files relating to hiring questions identified during field visits. We also examined vacancy listings from July 1, 1996 through December 31, 1997 (701 total), and reviewed a sample of 200 time sheets for 25 employees for a six month period.

Conclusion: **Based on our analyses, we conclude that, while DAPP has generally adhered to State personnel policies and procedures, there are several areas where improvements can be made. As to questionable personnel practices, our sample of 121 personnel files revealed only 6 (5.0%) instances where patronage appeared to have been a deciding factor in the final hiring or promotional decision. All 6 of these instances occurred prior to Merit Based Hiring. Specific findings and recommendations are detailed below.**

VACANCIES ARE NOT FILLED ON A TIMELY BASIS.

We reviewed DAPP's use of its personnel resources to assess effectiveness. We obtained a position listing from the Office of State Personnel (OSP) showing all DAPP positions that were either vacant or filled between July 1, 1996 and December 31, 1997, a total of 701 positions. We reviewed the position history for these vacancies to determine the length of time required to fill the position. Table 9 summarizes our findings. The average length of time required to fill these positions was 101 days. However, 50 (7.1%) of the positions remained vacant in excess of six months. Of these 50 positions, nine remained vacant for 9 months, one for 11 months, one for 13 months, and one for 17 months, for a total of 12 positions (1.7% of the total sample) that remained vacant in excess of nine months. Management stated that many of these positions were vacant as a result of either difficulty hiring employees at the current salary level or a lack of qualified applicants. Vacant positions create a burden for DAPP due to the increased workloads required of the other employees.

TABLE 9
LENGTH OF POSITION VACANCIES
FOR PERIOD 7-1-96 THROUGH 12-31-97

Length of Time Vacant	Number of Positions
Less than 60 days	78
60-90 days	222
91-120 days	205
121-180 days	146
More than 180 days	50
Total	701
Average = 101 days	

Source: Office of State Personnel, Position Histories

RECOMMENDATION

DAPP should continue to aggressively attempt to fill all positions as they become vacant. If salary ranges are a factor in not being able to fill positions in a timely manner, DAPP should request a salary study from OSP along with consideration for reclassifying the PPO positions. (See discussion on page 25.)

POSITION HISTORY FILES ARE NOT MAINTAINED AS REQUIRED BY REGULATIONS.

During the audit, we examined 121 personnel files pulled randomly from 1993 to 1998. Of the 121 files examined, 43 were from the current administration. Effective October 15, 1997, the Merit Based Hiring and Selection Plan requires position history files to include the following items: job analysis, vacancy announcement, recruitment sources, selection tools and criteria, all applications, priority re-employment, written justification supporting application categorization, and final recommendations. The policy also states that positions history files should be maintained for a period of three years for each hiring event. Thirty-three of the 121 files contained hiring events that took place after October, 1997. Of those, none contained all the required documentation. At the request of the auditors, DAPP personnel compiled as much of the data as was available and tried to determine what may have happened to the missing data. The information collected was sufficient to conduct a reasonable evaluation of hiring events. While maintenance of the personnel files is the responsibility of current management, this deficiency can be partially contributed to the organizational change experienced by DAPP over the last three years. In addition, the organization has filled close to 800 new positions during the past four years.

RECOMMENDATION

The DAPP Personnel Section should completely implement the Merit Based Hiring and Selection Plan. Personnel files should contain all required documentation in the proper format. Procedures should assure that files are maintained for all hiring events.

DAPP's RECORD RETENTION POLICY IS OUTDATED AND IN CONFLICT WITH THE MERIT BASED HIRING AND SELECTION PLAN.

As noted above, we examined personnel files from 1993 to 1998. We experienced difficulty trying to evaluate promotions that occurred before January 1996 because nine of 78 records had already been destroyed. This difficulty was the by-product of DAPP's record retention policy allowing the employment application files of applicants not

interviewed to be destroyed 2 years after receipt[4]. We noted that the Department had distributed its merit based hiring plan, dated October 1, 1997, which required Divisions to retain records for 3 years. However, the retention policy approved by the Department has not been updated since November 1985. Under GS §121 and 132, agency retention policies should be reviewed and updated every five years. We further noted that the existing records retention policy is in conflict with the Merit Based Hiring and Selection Plan which requires position history files to be maintained for 3 years.

RECOMMENDATION

The Department and DAPP management should immediately review and update the record retention policy. A copy of the updated policy should be submitted to the Division of Archives and History as required by statute. Until the policy has been reviewed and updated, the Personnel Section should stop the destruction of its public records. DAPP should include the updated version of its record retention policy in its *Operations, Policy and Procedures Manual.*

DAPP IS NOT IN FULL COMPLIANCE WITH STATE PERSONNEL HIRING AND PROMOTION POLICIES.

During the examination of personnel records, we noted two hiring and promotion events in which political referrals were used in order to help the applicant obtain the position. In these cases, the candidates selected were not the most qualified based on the education/experience requirements for the positions. In another instance, the position was not posted before filling; therefore, we were unable to determine whether the most qualified candidate was hired. Additionally, we noted three cases where candidates were selected based on administrative decision. In approving these selections DAPP did not comply with Section 2.4 of the *State Personnel Manual* that requires authorities to "reasonably document hiring decisions . . . and explain their basis for selection."

RECOMMENDATION

DAPP management, along with the Personnel Director, should review all state hiring and promotional requirements. Specific procedures should be developed and implemented to follow the requirements for selecting applicants for state employment. If there are questions as to interpretation, DAPP should contact the Department Personnel Division or the Office of State Personnel for clarification.

[4] Statewide policy for record retention was 2 years for this period of time.

DAPP's TIME KEEPING RECORDS DO NOT ACCURATELY REFLECT TIME WORKED, LEAVE EARNED OR TAKEN, OR WAGES PAID.

We reviewed a sample of time keeping records for a six month period (May 25, 1997 to January 3, 1998) involving 200 time reports for 25 different employees. Approximately 16% of the time reports included in our sample were not available at the Department's Central Payroll Office and had to be obtained directly from the individual district offices despite the fact that the time reports are the source documents for payroll. Further, the review revealed that numerous inconsistencies exist among supervisors in their recording of payroll activities. Even though DAPP has standardized procedures for the recording of time, these are not being consistently followed for compensatory time, overtime, vacation time, and sick time earned or taken. DAPP does not have a cumulative tracking system for compensatory time, overtime, and child involvement leave, nor are beginning and ending balances recorded on the current time reports for these types of time and leave.[5] Office of State Personnel regulations require that the individual employee and the supervisor ensure that all time be reported appropriately. DAPP requires both the employee and supervisor to sign the monthly time reports. Specific concerns noted were:

- 8 instances (4.0%) where vacation time was applied to sick leave balances (see Auditor's Note[1]);
- 15 instances (7.5%) where employees were granted compensatory time off in lieu of overtime but the compensatory hours were not computed at time and a half as required by the Fair Labor Standards Act;
- 31 instances (15.5%) where recorded overtime hours did not mathematically agree to the dollar value of those hours recorded in the premium payroll register (some overpaid, some underpaid—see Auditor's Note[2]); and
- 55 instances (27.5%) of other mathematical errors.

Auditor's Notes:
[1]Currently, the State's personnel policies allow employees to convert vacation time in excess of 240 hours to sick leave only at the end of the year.
[2]Since the completion of the field work, the Department's Controller's Office has examined the overpayments and underpayments identified in the sample. The Controller has determined that all differences have been properly paid and that the differences were due to an acceptable modified accounting procedure.

RECOMMENDATION

DAPP management should immediately examine the time keeping processing and recording procedures currently in use. In our opinion, DAPP's standardized time sheet should be revised to reflect the beginning and ending leave balances for all types of leave each pay

[5] Current policy is that any overtime earned will be paid in the period it is earned. However, due to payroll cut off dates, there are instances where the actual payment might not be made until the following period.

period. Finally, the format should include a statement to be signed by both the employee and supervisor that indicates that recorded items are true and accurate. DAPP management should also implement internal control procedures that require all payroll source documents (time reports) be kept on site at the Department's Central Payroll office.

RELATIONSHIPS WITH OTHER PROGRAMS

Objective: *To determine the effect of organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission.*

In analyzing the effect of the organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission, we identified the various programs/options, the agencies with oversight responsibility for the programs, and their relationships with DAPP. We interviewed the applicable agency/program staff to determine what services are offered/received, whether there are overlapping duties and/or duplication of services, and whether all available resources are being used. Below is a discussion of the community correction programs identified.

North Carolina Sentencing Commission

The Governor created the North Carolina Sentencing Commission in 1990 to make recommendations for changes in the criminal justice system. The Commission recommended structured sentencing, which was enacted by the General Assembly. The Commission's primary function is to monitor structured sentencing, review results, and set policy. As a result of its initial recommendations regarding structured sentencing, the Criminal Justice Partnership was created to form a local/state partnership to address local correctional needs.

Governor's Crime Commission

The Governor's Crime Commission was established in the 1970's under the Department of Crime Control & Public Safety. The Commission functions as the chief policy advisor to the Governor on crimes, administers approximately $25 million per year in federal grant dollars to programs in North Carolina, performs analysis and gathers statistical data. The Crime Commission is composed of 40 members who meet quarterly.

Division of Prisons

The Division of Prisons oversees 89 prison units located throughout the State. The Division of Prisons and DAPP serve much of the same offender population. However, there are no programs, which are directly provided to or received from DAPP.

Community Penalties Program

In 1983 the General Assembly enacted the Community Penalties Program Act to reduce prison overcrowding. The Act authorized private nonprofit agencies to apply for state grants for Community Penalties Programs that provide sentencing plans to judges "to be used in lieu of and at less cost than imprisonment." Community Penalties Programs, which target offenders convicted of misdemeanors or felonies that are facing an imminent and substantial threat of imprisonment, is administered by the Administrative Office of the Courts. Local boards of directors govern Community Penalties Programs within the framework of the Community Penalties Act and general guidelines issued by the Administrative Office of the Courts. Each local program is required to provide matching funds. Programs are operated by non-profit corporations, county governments, Administrative Office of the Courts, and local Council of Governments.

Criminal Justice Partnership Program

When it created structured sentencing, the General Assembly also passed the State-County Criminal Justice Partnership Act. The Partnership Act provides for state grants to counties to establish and expand community-based punishments for offenders sentenced to intermediate punishments or to establish pretrial monitoring programs. The purposes of the act are to:

- implement recommendations of the North Carolina Sentencing and Policy Advisory Commission by providing supplemental community-based corrections programs;
- expand sentencing options;
- promote coordination between State and county community corrections programs; and
- to improve public confidence in community based corrections programs.

The Partnership is administered at the State level by the Criminal Justice Partnership Program (CJPP) in the North Carolina Department of Correction. The Act also created a State Advisory Board. Counties choosing to join must create a local advisory board, which is responsible for developing, implementing, operating, evaluating and updating a local community corrections plan. Programs eligible for funding are substance abuse services, day reporting centers, employment services and job development, pretrial monitoring, residential facilities, restitution centers, and aftercare support services.

Community Service Work Program

The purpose of the Community Service Work Program is to provide opportunity for offenders to repay the community for damages resulting from their criminal acts. Offenders perform free work for public and nonprofit agencies. Community service work is used as a sanction at every stage of the criminal justice system. It can be used as a sole sanction or in conjunction with other sanctions. Community service work became a statewide program in 1983, administered by the Division of Victim and Justice Services in the Department of Crime Control and Public Safety. Each judicial district throughout North Carolina is required to have at least one community service coordinator to

interview, place, and monitor community service work. Each offender is charged $100 for participation in the Community Service Work Program.

Mental Health and Substance Abuse Assessment and Treatment Services

The purpose of mental health and substance abuse services for offenders is to reduce risk to public safety by dealing with the offender's criminogenic (crime-producing) needs. Mental health and substance abuse assessment and treatment services are community punishments. It is in the judge's discretion to order an offender to obtain either mental health or substance abuse assessment and treatment. Each area program is required to provide certain services, either directly or by contracting with other public or private entities. Most area programs provide a combination of mandated and optional services. Programs administered by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services in the Department of Health & Human Services include the Treatment Alternative To Street Crimes (TASC), Drug Education Schools (DES), and Post-Boot Camp Probation (Aftercare) Program.

Post-Release Supervision and Parole Commission

The purposes of the Post-Release Supervision and Parole Commission are to protect the public and assist the offender in reintegrating into the community. Under the Structured Sentencing Act, certain felony offenders are required to be on post-release supervision after they complete their period of incarceration. The Commission sets the conditions of post-release supervision, including the supervision level in the community. Parole eligibility depends on laws in effect prior to the Structured Sentencing Act. Under these laws, the Commission determines the parole release date and sets the conditions of parole supervision.

Conclusion: **The relationships between DAPP, the other community corrections programs, and the Post-Release Supervision and Parole Commission are well defined and appear to be working effectively. In order to successfully implement the Structured Sentencing Act, agencies that administer punishments in the community formed the Community Corrections Coalition (CCC). The goal of the Community Corrections Coalition is to do a more effective job of punishing and rehabilitating offenders in the community. The Coalition consists of division managers from the community corrections programs/agencies. DAPP works closely with the Coalition to maximize community correction program options. Our interviews and analysis of program criteria and operations revealed no apparent overlap of duties or duplication of functions between DAPP and most programs. We did note some overlap of duties between DAPP and the Community Penalties Program. Specific findings and recommendations are discussed below.**

Community Corrections Programs

THERE IS DUPLICATION OF FUNCTIONS BETWEEN DAPP's PRE-SENTENCE INVESTIGATIONS AND COMMUNITY PENALTIES PLANS.

A community penalty plan is presented in writing to the sentencing judge providing a detailed description of the targeted offender's proposed community penalty. The plan is prepared by community penalty program personnel. A pre-sentence investigation is prepared by a Probation/Parole Officer at the direction of the Court. A detailed pre-sentence investigation includes many of the same elements contained in the community penalty plan: defendant's social history, previous criminal background, the results of assessments (capabilities, mental, emotional, and physical health) and, if requested by the Court, sentence recommendations. However, the community penalty clients are monitored and supervised by the Probation/Parole Officer. When a PPO is required to prepare a pre-sentence investigation, this takes time away from his/her supervision of offenders. Also, we learned the offender's attorney can discard a community penalty plan if the attorney does not agree with the proposed sentencing recommendations. Currently, there is no requirement that the plan be communicated to the judge. However, if a judge orders a community penalty plan, it cannot be discarded.

RECOMMENDATION

The General Statutes pertaining to the community penalty plans should be revised to require communication of the plan to the Court. To avoid any potential duplication and/or overlap of functions, the statutes should require the community penalty program personnel to complete the plans.

Post-Release Supervision and Parole Commission

LACK OF COMPLETE AND TIMELY RESPONSES TO INFORMATION REQUESTS HAMPERS EFFECTIVE COMMISSION OPERATIONS.

The Post-Release Supervision and Parole Commission (Commission) is statutorily charged with reviewing and ruling on the eligibility of prisoners for parole. The Commission, composed of 5 appointed members, relies on staff provided by the Department of Correction to supply and analyze information relative to each eligible prisoner's suitability for parole. The analysts are permanently assigned to the Commission; however, the actual investigations must be performed by DAPP field staff; i.e., probation/parole officers. Specific data needed by the Commission includes:

- **Crime Versions/Victim Data investigations**--used to determine suitability for parole, due back to Commission 30 days from date of request;
- **Non-Compliance Reports**--submitted when an offender fails to comply with conditions of parole for Commission to determine whether to continue parole with same conditions, modify

parole, or request the PPO to complete paperwork for a warrant for the re-arrest of the offender;

- **Request for Warrant**--prepared when an offender has violated conditions of parole and the Commission has determined re-arrest is called for; and
- **Termination Request Forms**--prepared by PPO's when offenders have met statutory maximum term of parole.

Interviews with Commissioners and case analysts revealed concerns relative to the timely submission of these required forms. A delay in the Commission receiving Crime Versions/Victim Data investigations could result in offenders remaining incarcerated for longer than necessary and unnecessary costs to the State to house them. Lack of adequate information on the Non-Compliance Form impedes the Commission's decision regarding the continuance or modification of parole or the issuance of a warrant. Incomplete or inaccurate information on warrants could result in a warrant not being issued when it is actually needed or a warrant issued based on lack of information (to protect the public but the offender is released when a preliminary hearing is held). Failure to file a Termination Request when an offender has reached the maximum term of parole could result in the offender paying excess supervision fees and/or performing more community service than required, as well as require the PPO to continue supervision of that offender. The Commission provided 6 examples to support their concerns.

As a result of the concerns noted above, we randomly selected and reviewed twenty-three Commission case files. The review revealed:

- 2 instances (9%) in which non-compliance reports were not properly completed or submitted timely; and
- 14 instances (61%) in which offenders had pending charges outstanding and there appeared to be no follow-up by the Supervision Office regarding the disposition of the charges. (See next finding.)

Table 10 summarizes the number of information requests and forms returned for additional information. Although the number of requests for additional information appears immaterial, the lack of complete and timely information hampers the operation of the Commission.

TABLE 10
INCOMPLETE INFORMATION REQUESTS AND FORMS
FY 1996-97

Requester	Type	Total	Incomplete	Percent of Total
Commission	Crime Versions/ Victim Data	10,646	336 victim data 72 crime versions	3.8%
Supervision Office	Non-Compliance	4,261	385	9.0%
	Requests for Warrants	5,138	716	14.0%

Note: Data on the number of termination requests was not available.
Source: DAPP Supervision Office

RECOMMENDATION

The Probation/Parole Officers should respond to all requests for information in a timely manner. This includes crime versions/victim data investigations, as well as, additional information for non-compliance reports. The Chief Probation/Parole Officer and Judicial District Manager should take steps to ensure the information is

completed and submitted timely. DAPP management should review existing policies and procedures to assure information required by the Post-Release Supervision and Parole Commission is properly handled. Further, the two sections should meet at least monthly to discuss problems that have arisen.

THE DAPP SUPERVISION OFFICE DOES NOT HAVE ADEQUATE PROCEDURES FOR TRACKING AND FOLLOW-UP OF COMMISSION REQUESTS.

An examination of the procedures used by the Supervision Office showed weaknesses in its procedures for tracking and follow-up of requests for information. Specifically, while the Supervision Office does track warrants, it does not track non-compliance reports. Additionally, if an offender has outstanding charges, his parole cannot be revoked until the outstanding charges have been disposed of. Once the charges have been disposed, a preliminary hearing is conducted to determine if there is probable cause to revoke the offender's parole. A review of fourteen cases (see previous finding) with pending charges outstanding revealed that the Supervision Office had found the charges but had not followed up on the disposition of the charges. Instead, the cases were returned to the Commission with a request for review of the files to determine the desired status of each case. Both these situations could result in an unnecessary delay in disposition of an offender's case.

RECOMMENDATION

The Supervision Office should develop a tracking mechanism to ensure that any request for additional information sent to the field is received back in a timely manner and forwarded to the Commission. Also, the Supervision Office should review cases with pending charges outstanding to determine the disposition of the charges rather than forwarding these to the Commission for review. Supervision Office procedures should be modified to assure prompt handling of all information requests.

> ***Auditor's Note:*** *Since the completion of the fieldwork, the Supervision Office has developed a tracking system for all information requests.*

IMPROVED COOPERATION BETWEEN DAPP AND LOCAL JUDICIAL AGENCIES WOULD MORE EFFECTIVELY SERVE OFFENDERS.

During our interviews, DAPP personnel expressed concerns regarding the cooperation between their office and some local judicial agencies. Specifically, their concerns included the following issues:

- The amount of time spent by both the PPO and offender sitting in court waiting for a probation violation hearing. The local District Attorneys are responsible for scheduling court cases. In some counties, specific court days have been assigned to the DAPP officers, but not in all counties. The PPO's time could be better spent supervising offenders and the offender could be working rather than sitting in court.
- Electronic House Arrest and other sanctions may be underutilized by judges. Currently, curfew checks are performed by surveillance officers. This function could be performed with the use of electronic house arrest equipment, thereby, providing the surveillance officers with additional time for pursuing absconders.

Interviews with personnel from the Administrative Office of the Courts (AOC) revealed the following concerns regarding interactions with the DAPP field officers:

- DAPP officers send offenders to the Clerk of Superior Court's office to inquire about the offender's remaining balance. The officers have access to the Clerk's Financial Management System and can inform an offender of his/her remaining balance

> ***Auditor's Note:*** *The PPO's may not have access to the financial management system in all counties. In other counties, only a limited number of PPO's may have been granted access by the Clerks.*

- DAPP officers do not provide the name of the person to whom restitution is to be paid. Therefore, the Clerk can not disburse any funds and the funds may eventually have to be escheated to the North Carolina State Treasurer.
- DAPP officers need to verify that an offender has paid all monies to the Clerk before probation is terminated.

Based on our interviews, it appears that DAPP and AOC personnel have not discussed some of these issues. Neither office has a person assigned to work with the other office. The lack of communication has led to frustration and confusion for the Probation/Parole Officers, personnel in the Clerks' offices, and other local personnel.

RECOMMENDATION

To better serve the offender and provide the PPO's with additional time for supervision, we suggest the local District Attorneys explore the possibility of assigning specific court dates for probation violation hearings. As a part of the continuing education and/or conferences for judges, we recommend training on the use of and benefits of electronic house arrest and other sanctions. Further, we recommend each agency assign a contact person and any issues or concerns relative to interaction between the agencies be routed through that person.

> ***Auditor's Note:*** *DAPP has recently discussed participation with AOC in the continuing education courses for judges given by the Institute of Government.*

EFFECTIVENESS OF PROBATION AND PAROLE

Objective: *To analyze the general effectiveness of the Division.*

In analyzing the effectiveness of the Division of Adult Probation and Parole, we looked at two distinct areas: administrative effectiveness and program effectiveness. To assess administrative effectiveness, we surveyed a sample of 250 DAPP employees (see Appendix A, page 67), examined a sample of expenditures for FY94-95 through FY96-97, and reviewed existing policies and procedures. To assess program effectiveness, we reviewed the mission of DAPP, interviewed individuals both internal and external to DAPP relative to program effectiveness, identified the total offender population on probation or parole, determined the average length of time under supervision, determined the recidivism rates for FY92-93 through FY94-95 (the latest data available), and compared the revocation rates for probation/parolees from FY91-92 to FY96-97. Additionally, we reviewed the effect of structured sentencing on DAPP.

Conclusion: **Administrative effectiveness--In general, Department and DAPP management have developed and implemented effective administrative policies and procedures. The examination of expenditures showed only minor non-compliance with established State procedures. These were discussed with the Department Controller and steps have been taken to address the deficiencies. The review of existing policies and procedures identified a few areas where updates or modifications are necessary. Lastly, survey respondents and interviewees at different levels within DAPP helped identify shortcomings in the areas of training and equipment. Specific findings and recommendations are discussed below.**

Program effectiveness--Department and DAPP management have established an organizational structure which lends itself to the achievement of DAPP's goals and objectives. (See discussion on page 21.) All activities appear to be directly related to the mission of DAPP. Examination of program data revealed DAPP has responded timely and effectively to the challenges posed by the implementation of structured sentencing; however, it is still too early to determine its full impact on DAPP. Recidivism rates, which only reflect offender re-arrests (and do not consider whether the offender was actually convicted), have increased slightly from 32.6% in FY92-93 to 37.3% in FY94-95. However, revocation rates, which reflect re-activation of sentences for offenders who violated the terms of their probation/parole, actually fell from 42% for probation in FY91-92 to 24.7%

in FY96-97; rates for parole during the same period fell from 31% to 23.5%. Also, as anticipated, the probation population has increased and the parole population has decreased since the implementation of this new legislation. The probation population totaled 93,267 in 1994 and 108,658 in 1997, and the parole population totaled 21,131 in 1994 and 9,173 in 1997. See discussion on pages 49 to 56 for statistics on program effectiveness.

Administrative Effectiveness

DAPP DOES NOT HAVE AN ON-GOING, COMPREHENSIVE TRAINING PROGRAM FOR STAFF.

Currently, training for both DAPP personnel and Commission staff is conducted either in-house or by the Office of Staff Development and Training. In-service training is voluntarily conducted by DAPP's staff members. One of the most consistent needs identified from staff interviews was the need for more on-going and job-specific training. Also identified was the need for cross-training within and between sections at DAPP, along with training between DAPP personnel and the Parole Commission. We heard this from the field personnel, central administrative office personnel, and the Parole Commission. Specific training needs identified included the following:

- Offender Population Unified System(OPUS);
- Financial Management System(FMS);
- Search and seizure (currently have annual training);
- Street survival;
- Spanish;
- Unarmed self-defense (currently have annual training);
- Electronic House Arrest:
- Interstate Compact; and
- Parole Commission training.

Proper training increases the safety, knowledge, and ability of the staff. Lack of training may lead to confusion over initiatives, policies, and procedures.

RECOMMENDATION

DAPP should establish a task force to determine the generic and specialized courses necessary to develop a comprehensive and on-going training program for staff. A plan of study should be developed for each specialized area. Each staff member's experience and existing competencies should be determined and a training plan developed for each person depending on his/her needs. This program should be updated as methods change. DAPP should also monitor training to make sure it is received in a timely manner by field personnel. Additionally, cross-training should be conducted within and between sections of DAPP and between DAPP and the Parole

Commission. This training should include the roles and duties of each section, as well as, training on policies and procedures.

Auditor's Note: DAPP is in the process of re-evaluating its training requirements for its field personnel. Basic and intensive training will have to be completed prior to field work by a probation and parole officer. Management plans to incorporate OPUS and FMS into the basic training for the field personnel. These changes will have to be submitted to the North Carolina Criminal Justice Education and Training Standards Commission for final approval.

FIELD OFFICE PERSONNEL DO NOT HAVE ALL NECESSARY EQUIPMENT.

During site visits, we learned that officers need additional equipment to effectively and safely perform their duties. The following equipment was identified for probation and parole officers:

- communication devices (pagers, hand held radio or cellular phone);
- bullet proof vest;
- pepper spray;
- assigned state vehicles, along with first aid kits, fire extinguishers , road reflectors, reflective vests, and jumper cable for the vehicle;
- laptop computers and computer software;
- firearms;
- security lockers; and
- security measures for office locations.

DAPP management appointed an Officer Safety Task Force to examine officer safety issues and make recommendations on policies, practices, and safety training needs. Management has approved the recommended safety equipment for each officer classification. Additionally, within the last year DAPP management has made considerable effort to provide these resources. Proper equipment is needed to ensure the officer's safety in hostile communities and situations, provide supervision control over the offender, and improve communications with probationers, law enforcement agencies, and the general public. The General Assembly has recognized the needs of PPO's and has provided funding to properly equip the most recently hired officers. Further, the Department and DAPP have included the cost of proper equipment in all budget requests.

RECOMMENDATION

We fully support DAPP's efforts to have officers properly equipped to perform their duties. We encourage the Department and DAPP to continue efforts to secure funding for proper equipment for all officers. Should the classifications of probation and parole officers be

redefined (see page 25), equipment should be issued based upon the specific need of each classification of officer.

THE EHA COMPUTER SOFTWARE IS NOT CAPABLE OF PRODUCING NEEDED STATISTICAL REPORTS.

The Electronic House Arrest (EHA) Section produces a weekly activity report summarizing various monitoring data. The summary report is used internally to determine the status of all offenders on EHA. These reports are prepared manually from data faxed in from each district office. Presently, the EHA computer software is not capable of producing these reports. This results in the inefficient use of staff resources to summarize and reflect this data in a manual report.

RECOMMENDATION

DAPP should explore upgrading the existing EHA software to allow computer-generated reports.

Auditor's Note: *DAPP is in the process of examining options for updating this software.*

DAPP DOES NOT HAVE THE ABILITY TO ACCESS OTHER DATABASES WITHIN THE CRIMINAL JUSTICE SYSTEM.

During the audit, we learned that DAPP is unable to use computerized systems to access data from other court and law enforcement agencies. This data is needed to ensure the accuracy of DAPP's records and to obtain information relevant to the offenders DAPP is responsible for monitoring. In 1996, the General Assembly created the Criminal Justice Information Network Governing Board to implement a system for sharing information within the Criminal Justice system. The commission concluded that the main constraints to effective data sharing are the differing data standards and systems and the manner in which data is captured at each agency. DAPP management believes access to the Division of Motor Vehicles' "STAR" system and to the State Bureau of Investigation system to be possible with existing equipment. However, because the Administrative Office of the Courts involves decentralized Clerk offices across the State, it may take another four to five years before significant gains are made towards a centralized AOC database. Until the compatibility and data capture issues are resolved, access to the information contained in these various databases is available to DAPP through other means that require significant effort and time on the part of DAPP staff.

RECOMMENDATION

DAPP should continue to pursue the ability to exchange data electronically with other State agencies. The Department and DAPP should continue to request funding for the necessary computer

equipment and programming to effect data exchange. Electronic linking would greatly enhance the reliability and accuracy of data relating to DAPP's offender population. It would also provide another tool officers could use to locate offenders who have absconded. Additionally, electronic access to DAPP's records would enhance the effectiveness of other law enforcement agencies.

> ***Auditor's Note:*** *We strongly support the recommendations of the Criminal Justice Information Network Governing Board relative to the need for sharing of information among the various component agencies of the criminal justice system.*

THE LACK OF CLEARLY WRITTEN, SPECIFIC POLICIES AND PROCEDURES HAMPERS EFFECTIVE OPERATIONS.

DAPP has a *Policies and Procedures Manual,* dated June 1, 1996. One of the most consistent needs identified during staff interviews was the need for the manual to be specific, clearly written, and contain step-by-step procedures. Staff identified the need to further develop policies for the following areas:

- Illegal immigrations;
- Power to arrest;
- Interstate Compact;
- Electronic House Arrest;
- Case Management; and
- Parole Commission.

We also noted the need to update some of the General Statute references throughout the *Manual.* The lack of specific procedures has contributed to staff confusion, frustration, and inconsistent practices.

RECOMMENDATION

DAPP management should review policies and procedures for each major section within DAPP. Specific, step-by-step procedures should be included in each section's manual. A system for distributing manuals in a timely manner should also be implemented. Once the procedures are in place, management should enforce strict adherence to the procedures.

Program Effectiveness

DAPP's goal is to develop and implement "a comprehensive community correction strategy while protecting society and enabling offenders under its supervision to reform and become productive law abiding citizens." This section of the report contains statistical data on DAPP's programs that address whether DAPP is achieving its goal.

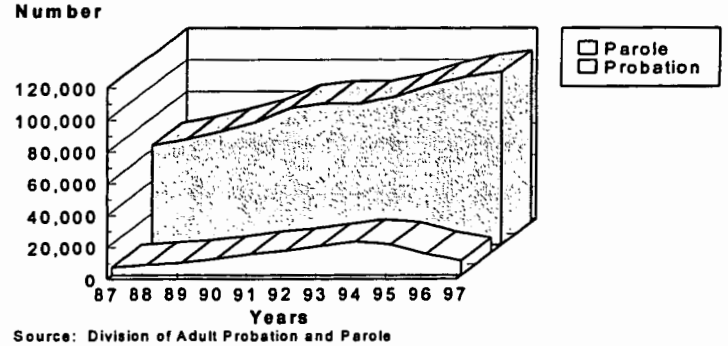
Program Costs: Probation and parole are alternative correction strategies that allow the State to punish offenders in a cost effective manner while assisting the offenders in becoming self-sufficient. Table 11 shows the average daily cost of DAPP programs versus the daily cost of incarceration in the prison system. Exhibit 6 shows the number of offenders under probation and parole for calendar years 1987 through 1997. As can be seen, the number of offenders on probation has grown steadily, while the number on parole increased until 1994 then began to decrease with the passing of structured sentencing. The 117,831 offenders on probation/parole would be in prison if these programs did not exist. Exhibit 7 shows the average stay on probation and parole for regular supervision, while Table 12, page 51, shows the average stay on intensive supervision (including electronic house arrest) by district. As can be seen, the average length of stay has increased slightly since 1994 for probationers and decreased for parolees.

Table 11
North Carolina Punishment Costs
FY96-97

Division of Adult Probation & Parole		Division of Prisons	
Type	Ave. Daily Cost/Offender	Type	Ave. Daily Cost/Offender
Intensive Supervision	$7.55	Close Custody	$79.96
Electronic House Arrest	$4.96	Medium Custody	$67.85
Regular Probation	$1.62	Minimum Custody	$53.63
Average	$4.71	Average	$63.27

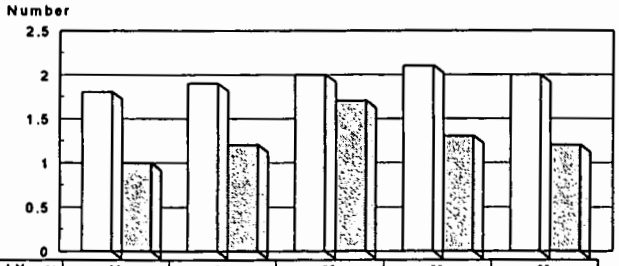
Source: Division of Adult Probation and Parole and Division of Prisons

EXHIBIT 6
PROBATION AND PAROLE POPULATIONS
for 1987 through 1997



Source: Division of Adult Probation and Parole

EXHIBIT 7
AVERAGE STAY IN YEARS --REGULAR PROBATION VS. PAROLE
for FY1992-93 through FY1996-97



Fiscal Years	93	94	95	96	97
Probation	1.8	1.9	2.0	2.1	2.0
Parole	1.0	1.2	1.7	1.3	1.2

Source: Division of Adult Probation and Parole

TABLE 12
NUMBER OF ADMISSIONS AND AVERAGE STAY IN MONTHS
IMPACT, INTENSIVE PROBATION, AND ELECTRONIC HOUSE ARREST (EHA)
FOR FY95-96 AND FY96-97

	1996					1997				
Judicial District	IMPACT Referrals	Intensive Admissions	Intensive Ave. Stay	EHA Admissions	EHA Ave. Stay	IMPACT Referrals	Intensive Admissions	Intensive Ave. Stay	EHA Admissions	EHA Ave. Stay
1	11	295	*6.67	127	2.03	25	334	6.12	178	1.90
2	11	255	7.75	84	2.16	7	366	4.97	114	3.70
3A	29	359	7.25	112	2.00	32	396	5.59	118	2.63
3B	49	279	7.23	88	2.55	33	390	5.67	79	2.85
4A	21	241	7.37	62	4.12	18	253	7.12	79	3.35
4B	26	195	8.49	45	3.84	7	198	10.03	27	3.48
5	20	625	6.95	151	2.30	37	695	6.19	127	2.74
6A	7	270	7.20	285	1.99	13	246	5.59	352	1.33
6B	29	251	8.67	259	1.87	14	273	6.93	242	1.57
7	62	481	7.46	316	3.58	68	513	7.00	396	2.90
8A	41	251	7.46	106	2.05	23	229	4.63	78	2.00
8B	8	180	9.60	124	2.80	14	203	7.28	151	2.15
9A	19	104	6.69	48	3.16	5	123	7.34	72	3.43
9B	59	322	8.39	250	3.10	83	384	6.86	246	1.06
10	31	707	7.20	130	2.40	37	860	6.05	121	2.06
11	14	464	4.90	55	1.64	40	575	4.33	47	2.67
12	62	425	5.56	123	3.11	68	406	6.34	128	5.33
13	17	326	7.35	134	2.17	6	332	7.72	130	3.48
14	21	358	8.58	139	1.78	27	582	6.20	134	2.03
15A	16	267	5.15	41	0.29	17	291	6.04	76	0.47
15B	11	156	7.62	45	3.40	34	201	5.86	73	2.07
16A	39	252	8.00	222	3.15	54	259	6.30	220	1.87
16B	19	265	6.02	111	2.38	14	328	7.72	146	2.98
17A	12	168	5.93	48	2.08	23	220	4.74	54	0.24
17B	43	318	6.19	150	3.23	75	306	6.57	157	2.56
18	69	664	6.96	222	2.15	88	865	5.86	253	1.84
19A	22	204	4.94	68	2.00	31	208	4.96	42	1.71
19B	27	203	6.21	128	3.64	16	309	8.00	126	2.12
19C	14	261	6.25	157	2.22	23	334	4.78	191	1.94
20A	23	255	8.24	75	1.35	14	206	4.53	58	1.97
20B	12	264	7.45	60	3.43	41	270	5.84	53	5.21
21	36	576	7.42	257	1.65	49	718	7.48	295	0.96
22	24	720	6.22	181	2.86	31	800	5.42	220	2.15
23	24	170	6.92	58	2.80	19	174	6.92	62	2.86
24	17	89	9.03	35	3.67	8	153	6.72	43	1.04
25A	34	252	5.48	89	2.68	45	289	4.94	102	2.18
25B	21	182	5.93	58	2.12	35	236	5.69	73	2.13
26	79	820	8.03	158	2.21	155	1017	8.57	155	2.96
27A	23	245	9.26	41	2.09	33	270	9.10	43	1.46
27B	3	179	6.44	30	2.40	20	213	5.52	29	2.12
28	29	211	7.51	85	2.27	41	354	6.66	83	2.75
29	17	295	7.28	84	1.75	24	508	6.27	115	1.92
30	31	146	6.25	25	4.00	15	136	6.24	41	1.33

Source: Division of Adult Probation and Parole.

Continuum of Correction Options: Offenders assigned to probation or parole are classified based on the degree of risk of having them in the community. DAPP utilizes several different levels of supervision for offenders based on the classification. These

range from administrative supervision (the least restrictive) to intensive supervision (the most restrictive). To expand the continuum of options further, DAPP works closely with various community correction programs offering alternatives to regular probation and parole. Additionally, DAPP is responsible for several innovative community correction programs such as electronic house arrest (EHA). EHA allows offenders to be monitored electronically while continuing their lives with less face-to-face supervision. Table 13 contains data on the number of offenders participating in EHA.

TABLE 13
ELECTRONIC HOUSE ARREST DATA
FY 1991–1997

	Total Admission					Total Monitored/Supervised				
Year	Probation	Parole	Sheriff***	Juvenile	Total	Probation	Parole	Sheriff***	Juvenile	Total
90-91					0					3,942
91-92*					4,131					4,838
92-93	4,910	857	72		5,839	5,343	747	99		6,189
93-94	4,687	264	93		5,044	5,562	354	112		6,028
94-95**	4,358	857	72	52	5,339	5,152	908	85	53	6,198
95-96	4,713	703	180	172	5,768	5,417	953	201	179	6,750
96-97	5,044	458	367	262	6,131	5,945	635	409	292	7,281

* Breakdown of total not available before FY 1993.
** In FY 1995 juveniles were added to EHA system.
*** EHA monitors offenders for Sheriff Offices referred through pre-trial release programs and juvenile offenders referred through AOC Juvenile Services Division. Any violation responses are the responsibility of these programs.
Source: Electronic House Arrest, DAPP

Assisting Offenders: A part of DAPP's goal is to assist offenders in becoming productive, law abiding citizens. Table 14, pages 52 – 54, shows the employment history for offenders on probation for 1996 and 1997 by county. The totals show that more offenders are employed than are not employed. PPO's work with community employers to identify jobs and to place offenders.

TABLE 14
PROBATIONERS' EMPLOYMENT HISTORY
FOR 1996 AND 1997

	1996						1997					
	Employ Status—Current Year			Employ History			Employ Status—Current Year			Employ History		
County	Yes	No	Unk	Emp	Unemp	Unk	Yes	No	Unk	Emp	Unemp	Unk
Alamance	1073	323	1	1074	322	1	1067	268	2	1065	270	2
Alexander	171	54	2	182	43	2	172	76	0	183	65	0
Alleghany	78	14	0	81	11	0	72	25	0	81	16	0
Anson	151	76	2	166	61	2	153	66	2	163	56	2
Ashe	84	41	0	93	32	0	78	52	0	97	33	0
Avery	74	18	0	75	17	0	50	16	0	56	10	0
Beaufort	264	128	1	288	104	1	334	137	3	357	114	3
Bertie	235	70	1	236	69	1	210	49	0	212	47	0
Bladen	205	121	3	254	72	3	201	168	2	272	97	2
Brunswick	408	84	5	416	76	5	407	110	4	429	88	4
Buncombe	781	428	17	891	318	17	811	545	10	980	376	10
Burke	465	115	3	450	130	3	403	135	2	409	129	2
Cabarrus	704	250	2	742	212	2	703	303	4	811	195	4
Caldwell	321	110	2	331	100	2	334	174	0	351	157	0

TABLE 14 (continued)

	1996						1997					
	Employ Status—Current Year			Employ History			Employ Status—Current Year			Employ History		
County	Yes	No	Unk	Emp	Unemp	Unk	Yes	No	Unk	Emp	Unemp	Unk
Camden	19	17	0	23	13	0	18	23	0	18	23	0
Carteret	279	98	14	277	100	14	375	144	17	408	111	17
Caswell	107	34	3	107	34	3	166	50	6	169	47	6
Catawba	764	302	7	784	282	7	834	277	2	839	272	2
Chatham	200	43	0	198	45	0	188	27	0	171	44	0
Cherokee	153	21	0	144	30	0	99	42	0	106	35	0
Chowan	102	43	1	112	33	1	78	47	0	86	39	0
Clay	37	6	0	36	7	0	35	13	0	39	9	0
Cleveland	225	136	3	248	113	3	198	96	3	206	88	3
Columbus	310	84	1	311	83	1	344	135	9	361	118	9
Craven	446	171	19	444	173	19	500	302	5	588	214	5
Cumberland	1270	495	13	1404	361	13	1353	666	3	1545	474	3
Currituck	55	61	3	68	48	3	77	61	0	89	49	0
Dare	213	63	8	205	71	8	274	46	4	274	46	4
Davidson	968	317	4	1022	263	4	894	432	9	1013	313	9
Davie	197	57	1	198	56	1	174	60	0	166	68	0
Duplin	367	63	1	351	79	1	283	100	5	314	69	5
Durham	1330	665	45	1367	628	45	1703	830	17	1747	786	17
Edgecombe	299	168	2	337	130	2	360	252	8	401	211	8
Forsyth	1305	464	11	1352	417	11	1482	539	5	1561	460	5
Franklin	224	76	3	227	73	3	182	71	0	205	48	0
Gaston	404	237	3	468	173	3	390	282	3	498	174	3
Gates	55	13	2	56	12	2	61	18	2	61	18	2
Graham	48	15	1	55	8	1	17	19	0	24	12	0
Granville	159	97	1	179	77	1	191	42	0	188	45	0
Greene	67	41	1	80	28	1	92	45	1	109	28	1
Guilford	1342	477	32	1435	384	32	1294	662	26	1466	490	26
Halifax	621	166	7	562	225	7	759	113	0	670	202	0
Harnett	377	71	3	383	65	3	528	64	0	493	99	0
Haywood	266	71	1	266	71	1	282	74	1	276	80	1
Henderson	312	79	4	328	63	4	400	111	9	409	102	9
Hertford	225	174	4	263	136	4	190	137	1	217	110	1
Hoke	236	75	2	240	71	2	199	81	1	201	79	1
Hyde	31	13	0	32	12	0	35	16	1	38	13	1
Iredell	968	272	9	977	263	9	909	308	1	949	268	1
Jackson	132	25	0	145	12	0	137	40	0	146	31	0
Johnston	403	102	1	412	93	1	526	168	3	559	135	3
Jones	42	7	0	44	5	0	43	5	0	41	7	0
Lee	322	135	2	339	118	2	337	135	2	342	130	2
Lenoir	417	191	12	451	157	12	458	189	0	501	146	0
Lincoln	120	59	2	136	43	2	122	59	2	121	60	2
Macon	129	34	0	135	28	0	110	23	2	98	35	2
Madison	75	40	3	75	40	3	70	28	2	72	26	2
Martin	188	90	0	205	73	0	156	86	1	170	72	1
McDowell	156	55	3	160	51	3	191	69	0	193	67	0
Mecklenburg	3313	1370	113	3593	1090	113	2858	1517	147	3346	1029	147
Mitchell	56	15	0	52	19	0	48	17	0	52	13	0
Montgomery	183	92	1	204	71	1	199	91	8	219	71	8
Moore	316	126	4	345	97	4	472	187	2	494	165	2
Nash	253	155	6	281	127	6	303	145	4	319	129	4
New Hanover	1285	336	9	1299	322	9	1724	563	14	1788	499	14
Northampton	167	80	3	177	70	3	143	104	0	177	70	0
Onslow	576	242	22	640	178	22	557	391	10	681	267	10

TABLE 14 (concluded)

	1996						1997					
	Employ Status—Current Year			Employ History			Employ Status—Current Year			Employ History		
County	Yes	No	Unk	Emp	Unemp	Unk	Yes	No	Unk	Emp	Unemp	Unk
Orange	324	97	4	341	80	4	324	118	1	342	100	1
Pamlico	44	20	0	50	14	0	57	48	0	83	22	0
Pasquotank	236	153	6	274	115	6	271	197	2	319	149	2
Pender	165	28	0	152	41	0	171	34	3	144	61	3
Perquimans	57	21	0	56	22	0	48	15	2	46	17	2
Person	179	65	5	177	67	5	225	60	2	231	54	2
Pitt	741	483	22	860	364	22	689	582	7	856	415	7
Polk	79	11	0	84	6	0	104	22	2	111	15	2
Randolph	589	210	7	643	156	7	639	242	9	707	174	9
Richmond	280	140	2	300	120	2	269	168	5	299	138	5
Robeson	813	343	11	874	282	11	848	332	9	906	274	9
Rockingham	620	232	0	647	205	0	618	257	5	642	233	5
Rowan	668	436	12	809	295	12	727	485	4	857	355	4
Rutherford	327	79	3	325	81	3	445	143	10	461	127	10
Sampson	380	76	1	394	62	1	439	77	3	441	75	3
Scotland	324	195	2	343	176	2	306	160	7	302	164	7
Stanly	230	80	3	245	65	3	271	85	1	268	88	1
Stokes	231	56	0	244	43	0	273	63	1	264	72	1
Surry	459	112	3	457	114	3	416	87	4	406	97	4
Swain	82	16	0	75	23	0	83	21	0	82	22	0
Transylvania	146	30	0	153	23	0	131	29	1	133	27	1
Tyrrell	27	12	0	27	12	0	27	5	0	31	1	0
Union	474	191	1	518	147	1	517	166	1	546	137	1
Vance	224	80	1	233	71	1	286	122	6	326	82	6
Wake	3109	890	27	3175	824	27	3375	1102	25	3490	987	25
Warren	96	34	1	102	28	1	79	35	0	82	32	0
Washington	65	40	0	64	41	0	85	39	1	95	29	1
Watauga	125	37	0	125	37	0	126	39	1	133	32	1
Wayne	597	301	12	659	239	12	547	402	4	640	309	4
Wilkes	410	138	2	418	130	2	454	155	5	462	147	5
Wilson	323	87	2	333	77	2	495	126	2	518	103	2
Yadkin	151	38	0	158	31	0	152	33	0	153	32	0
Yancey	70	24	1	71	23	1	63	22	2	65	20	2
Total	39,773	14,926	557	41,897	12,802	557	41,973	17,597	490	45,131	14,439	490

Source: Department of Correction, Research and Planning.

TABLE 15
RECIDIVISM RATES FOR PROBATION AND PAROLE
FY92-93 THROUGH FY94-95

Type of Offense	1993 %	1994 %	1995 %
Any Offense	32.6	36.8	37.3
Violent Offense	8.8	6.4	6.9
Sex Offense	3.8	0.4	0.4
Property Offense	19.9	18.2	17.3
Drug Offense	12.2	12.1	12.4
Other	6.5	4.8	5.6

Source: Division of Adult Probation and Parole

Achieving Results: Both the probation and parole segments seek to protect citizens while enforcing correction options against offenders as deemed appropriate by the State's justice system. Table 15 contains data on recidivism rates for all offenders on probation and parole. Offenders who are re-arrested are included in these numbers. However, the numbers may be deceiving since the offender is counted even if he/she is acquitted of the charges and does not return to prison. Perhaps a more accurate reflection of DAPP's effectiveness is the

TABLE 16
REVOCATION RATES BY SUPERVISION TYPE
FOR FY91-92 THROUGH FY96-97

Fiscal Year	Probation	Parole
91-92	42.0%	31.0%
92-93	27.0%	30.0%
93-94	24.0%	35.0%
94-95	22.0%	34.0%
95-96	22.8%	32.8%
96-97	24.7%	23.5%

Source: Division of Adult Probation and Parole.

revocation rates for probation and parole. Table 16 shows the overall percentage rates for revocations from FY91-92 to FY96-97. Revocations for both probation and parole have declined significantly during that period. This is an indication that DAPP is working more effectively with the offenders in keeping them in the community in a productive role. Tables 17 and 18 show the revocation rates by district for the FY96-97 for probation and parole, respectively.

TABLE 17
PROBATION REVOCATION RATES BY JUDICIAL DISTRICT
FOR FISCAL YEARS 1996-1997

	FY95-96			FY96-97		
Judicial District	Number Revoked	Total Exits	Percentage Revoked	Number Revoked	Total Exits	Percentage Revoked
Missing	2,103	10,483	20.1%	11	59	18.6%
1	137	639	21.4%	216	956	22.6%
2	107	398	26.9%	236	863	27.3%
3A	162	610	26.6%	330	1,103	29.9%
3B	149	706	21.1%	273	1,005	27.2%
4A	63	540	11.7%	127	874	14.5%
4B	105	683	15.4%	168	935	18.0%
5	209	940	22.2%	426	1,704	25.0%
6A	113	637	17.7%	194	762	25.5%
6B	125	562	22.2%	211	868	24.3%
7	303	901	33.6%	508	1,496	34.0%
8A	162	479	33.8%	245	900	27.2%
8B	80	514	15.6%	130	845	15.4%
9A	72	213	33.8%	88	409	21.5%
9B	227	672	33.8%	457	1,167	39.2%
10	624	2,112	29.5%	1,000	3,630	27.5%
11	288	956	30.1%	432	1,460	29.6%
12	226	996	22.7%	356	1,549	23.0%
13	234	867	27.0%	334	1,275	26.2%
14	243	1,329	18.3%	432	1,460	29.6%
15A	167	773	21.6%	219	1,093	20.0%
15B	85	430	19.8%	128	706	18.1%
16A	162	530	30.6%	240	748	32.1%
16B	205	915	22.4%	245	1,157	21.2%
17A	96	505	19.0%	136	810	16.8%
17B	74	468	15.8%	105	684	15.4%
18	282	1,279	22.0%	487	1,937	25.1%
19A	175	634	27.6%	210	915	23.0%
19B	152	632	24.1%	293	1,325	22.1%
19C	149	601	24.8%	229	1,070	21.4%
20A	182	704	25.9%	237	883	26.8%
20B	176	591	29.8%	235	1,011	23.2%
21	336	1,280	26.3%	557	1,805	30.9%
22	482	1,848	26.1%	792	2,892	27.4%
23	157	633	24.8%	221	890	24.8%
24	50	333	15.0%	62	506	12.3%
25A	162	701	23.1%	241	990	24.3%
25B	132	710	18.6%	247	903	27.4%
26	766	3,287	23.3%	1,115	4,713	23.7%
27A	144	530	27.2%	259	809	32.0%
27B	94	396	23.7%	148	634	23.3%
28	152	867	17.5%	327	1,293	25.3%
29	101	702	14.4%	282	1,285	21.9%
30	94	538	17.5%	186	921	20.2%
Total	10,307	45,124	22.8%	13,375	53,300	25.1%

Source: Division of Adult Probation and Parole.

TABLE 18
PAROLE REVOCATION RATES BY JUDICIAL DISTRICT
FOR FISCAL YEARS 1995-96 THROUGH FY96-97

	FY95-96			FY96-97		
Judicial District	Number Revoked	Total Exits	Percentage Revoked	Number Revoked	Total Exits	Percentage Revoked
Missing	545	1,302	42%	1	20	5%
1	72	184	39%	36	150	24%
2	86	250	34%	46	207	22%
3A	58	224	26%	56	256	22%
3B	75	217	35%	57	224	25%
4A	42	211	20%	39	194	20%
4B	38	140	27%	22	113	19%
5	183	476	38%	115	446	26%
6A	48	177	27%	47	196	24%
6B	39	149	26%	31	174	18%
7	195	604	32%	140	542	26%
8A	54	168	32%	33	225	15%
8B	68	289	24%	38	255	15%
9A	25	74	34%	23	106	22%
9B	121	387	31%	81	369	22%
10	255	700	36%	206	746	28%
11	163	497	33%	92	454	20%
12	112	407	28%	126	486	26%
13	74	290	26%	58	293	20%
14	92	313	29%	83	362	23%
15A	133	390	34%	78	285	27%
15B	67	204	33%	27	143	19%
16A	37	149	25%	69	206	33%
16B	117	370	32%	77	358	22%
17A	63	185	34%	38	214	18%
17B	40	168	24%	21	127	17%
18	231	691	33%	171	644	27%
19A	96	240	40%	42	218	19%
19B	72	262	27%	54	287	19%
19C	71	240	30%	48	274	18%
20A	78	333	23%	60	267	22%
20B	57	214	27%	49	189	26%
21	219	587	37%	124	543	23%
22	186	666	28%	127	531	24%
23	47	164	29%	38	172	22%
24	16	58	28%	6	59	10%
25A	86	296	29%	56	286	20%
25B	77	290	27%	56	210	27%
26	412	1,063	39%	343	1,244	28%
27A	105	305	34%	103	329	31%
27B	91	265	34%	91	290	31%
28	94	281	33%	76	300	25%
29	97	328	30%	53	266	20%
30	26	116	22%	18	129	14%
Total	4,863	14,924	33%	3,155	13,389	24%

Source: Division of Adult Probation and Parole.

COMPARISON TO OTHER STATES

Objective: *To compare North Carolina's probation and parole programs to similar programs in other states.*

We surveyed North Carolina and 28 other states to obtain information about their probation and parole program(s) for comparison to North Carolina's. We received responses from 24 states, an 83% response rate. Appendices C and D, pages 75 through 80, contains summary data from that survey. Additionally, we reviewed reports from other sources, such as the Criminal Justice Institute's *1997 Corrections Yearbook,* to learn more about other states' programs. All data was also considered in our assessment of program effectiveness. (See page 45.) We have summarized the information from other states and our research on other state programs in this section.

Conclusion: **North Carolina's probation and parole program compares favorably with other states' programs. In fact, during our research, we learned that North Carolina is one of the leading states in the implementation of structured sentencing. To the credit of the General Assembly, the Department of Correction, and the Division of Adult Probation and Parole, North Carolina has the reputation of being an innovator in the handling of probationers and parolees.**

General Administration of Probation and Parole Agencies[6]

Probation is a period of offender supervision used by the courts in lieu of or before incarceration, while parole is a period of supervision used in criminal justice systems in lieu of offenders' full service of sentence. Both types of supervision are generally provided in the community. Probationers include adult offenders whom courts place in community supervision instead of incarceration. Parolees include those adults conditionally released to community supervision after serving a prison term. They are subject to being returned to jail or prison for rule violations or other offenses. These service agencies are administered by means of a variety of arrangements and structures. Below are some key points noted from our research.

- The average caseload for probation officers (regular, intensive, electronic, and special) was 111 in those states which, like North Carolina, administer both probation and parole under one agency.
- Probation and parole are administered by the same agency in 33 states and in the federal prison system. The other states operate under separate probation and parole administrations. Several of

[6] Extracted from the *1997 Corrections Yearbook*, Criminal Justice Institute.

the states operate under the state courts--such as Illinois, which operates under the Administrative Officer of the Supreme Court.

- Probation is administered at the county level in 8 states. The counties are responsible for supervision while the state agency performs many of the administrative support, oversight and program development functions. In another 6 states, supervision responsibility is divided between the state and counties.
- Thirty departments of correction include probation and 40 include parole; 20 include both probation and parole agencies. In 11 departments of correction, neither probation nor parole is included.
- There are 51 jurisdictions (including the federal system) which have a parole function, while only 36 of these have a full time parole board.
- Sizes of the Parole Board range from 0 to 19 members with the average being 6.45. The number of salaried boards is 40. Other boards may receive per diem plus expenses, may not be full time, or may be paid by other methods.
- Support employees for the Boards number 1,060 for the 51 jurisdictions, or an average of 20.78 per Board.
- The number of Board members required to be at hearings ranges from 0-7 with the average being 2.
- In 15 jurisdictions, staff conduct hearings in lieu of board members.
- National average 1997 budget when probation and parole are under one agency--$58,345,725; national average when the probation function is in an agency separate from parole--$83,349,990.
- The average probation administrator earned $80,024 annually; the average parole administrator earned $110,291; and the average probation/parole administrator earned $68,511.

Administration

The Criminal Justice Institute reports that 33 jurisdictions combine the administration of probation and parole into one agency, while 18 jurisdictions have separate agencies: one for probation and one for parole. Table 19 contains this data.

Table 20, page 59, contains data on the average caseload per officer for each state by administrative type. Table 21, page 60, contains data on the number of probationers by state.

TABLE 19
TYPES OF STATE PROGRAM ADMINISTRATION

Separate Probation and Parole		
Arizona	Hawaii	New Jersey
California	Illinois	New York
Colorado	Indiana	South Dakota
Connecticut	Kansas	Tennessee
District of Columbia	Massachusetts	Texas
Georgia	Nebraska	West Virginia
Combined Probation and Parole		
Alabama	Michigan	Oklahoma
Alaska	Minnesota	Oregon
Arkansas	Mississippi	Pennsylvania
Delaware	Missouri	Rhode Island
Florida	Montana	South Carolina
Idaho	Nevada	Utah
Iowa	New Hampshire	Vermont
Kentucky	New Mexico	Virginia
Louisiana	North Carolina	Washington
Maine	North Dakota	Wisconsin
Maryland	Ohio	Wyoming
Federal		

Source: Criminal Justice Institute

Table 20
AVERAGE CASELOADS FOR PROBATION AND PAROLE
1996

PROBATION	Regular	Intensive	Electronic	Special
Arizona	60	13		
Arkansas	173	15		
California	900	43	43	53
Connecticut	213	25		
Dist. of Col.	108	11		68.5
Florida	76	25	25	56
Georgia	218	23		
Hawaii	190	79	2.5	
Illinois	125	12		40
Kansas	71	7		
Michigan	88			
Nebraska	85	20		
New Jersey	152	20		
New Mexico	71	20		25
Rhode Island	302	66		267
Tennessee	85	21		
Texas		33		40
Vermont	137			
Average	180	27	24	79

PAROLE	Regular	Intensive	Electronic	Special
Arizona	49		15	
Arkansas	65	10		
California	88	59		35
Colorado	60	20		
Connecticut	50			20
Dist. of Col.	176	54		118
Georgia	60		25	
Hawaii	80	38		30
Indiana	67			
Kansas	63			
Massachusetts	60	15		19
Michigan	95			
Nebraska	40	3		
New Jersey	86	25	16	25
New Mexico	71	20		25
New York	100	40		65
Rhode Island	95		39	
South Dakota	31	15		
Tennessee	54			
Texas	80	28	28	47
Vermont	10			
West Virginia	30			
Average	69	27	25	43

PROBATION & PAROLE	Regular	Intensive	Electronic	Special
Alabama	165	20	20	
Alaska	59	15		
Delaware	113	40	19	20
Idaho	72		30	30
Iowa	100	25		
Kentucky	87			
Louisiana	95			
Maine	152			
Maryland	98			
Minnesota	89	11		
Mississippi	118		17	
Missouri	66			
Montana	118			
Nevada	75	30	30	
New Hampshire	80	2		18
North Carolina	90	25		60
North Dakota	97	15		
Ohio	53			
Oklahoma	80			
Oregon	100			
Pennsylvania	72			
South Carolina	97			
Utah		22	25	55
Virginia	76	28		
Washington	98			
Wisconsin	72	25		
Wyoming	69	10	10	
Federal	70	26	26	
Average	91	21	22	37

Source: 1997 Corrections Yearbook, Criminal Justice Institute

Probation and Parole officers had an annual average of 30 face-to-face contacts with offenders on regular supervision; 141 contacts with offenders on intensive supervision; 115 contacts with offenders on electronic monitoring; and 67 contacts with offenders on special caseloads in 1996.

Probation officers had an average of 13 face-to-face contacts with probationers on regular supervision, 76 contacts with probationers on intensive supervision, 98 contacts with probationers on electronic monitoring, and 48 face-to-face contacts with probationers on special caseloads.

Parole officers had an average of 19 face-to-face contacts with parolees on regular supervision, 62 contacts with parolees on intensive monitoring, 69 contacts with parolees on electronic monitoring, and 53 contacts with parolees on special caseloads.

TABLE 21
ENTRIES AND EXITS OF PROBATION POPULATION
1996

State	Probation Population Jan 1, 1996	Entries to Probation During 1996	Exits from Probation During 1996	Probation Population Dec 31, 1996
Alabama	33410	7416	4251	38764
Alaska	3481	1699	1420	3760
Arkansas	22397	7828	6192	24033
Arizona	40614	12854	10278	43190
California	280545	147585	136111	292019
Colorado	42687	20919	18619	41212
Connecticut	54507	37290	35819	55978
Dist. of Columbia	10414	5399	6073	9740
Delaware	16124			16528
Florida	243736	156044	147648	249479
Georgia	142954	71241	70038	144157
Hawaii	12957	7082	5801	14238
Idaho	5308	2239	1692	5855
Illinois	109489	72672	66658	115503
Indiana	95267	77962	73639	99590
Iowa	16579	12559	13754	15384
Kansas	16547	13805	14620	15732
Kentucky	11499	7503	6171	11689
Louisiana	33753	11920	10298	35375
Maine	8641	2651	3596	7696
Maryland	71029	35467	35943	70553
Massachusetts	43680	36436	35258	44858
Michigan	141436	117050	112937	148595
Minnesota	83778	57314	55853	88039
Mississippi	9595	3827	3423	9999
Missouri	41728	23799	20804	44644
Montana	4318	1509	1354	4473
Nebraska	13895	12753	12145	14503
Nevada	8634	5733	4607	9760
New Hampshire	4347	3232	3165	4414
New Jersey	126759	61851	62729	125881
New Mexico	8524	9197	8793	8928
New York	168012	47502	34934	180580
North Carolina	97921	54271	49111	102483
North Dakota	2320	1581	1380	2521
Ohio	103327	65556	64155	102755
Oklahoma	27866	13970	13729	28090
Oregon	39725	16878	14311	42292
Pennsylvania	106823	41643	37934	110532
Rhode Island	18850	9385	7789	20446
South Carolina	39821	15479	13218	42082
South Dakota	3745	4324	4151	3484
Tennessee	36485	20685	19769	37401
Texas	421213	192793	188217	425789
Utah	8562	4125	3576	9111
Vermont	7322	3981	3083	8220
Virginia	24264	25543	20187	29620
Washington	120466	46198	38878	125317
West Virginia	6127			5669
Wisconsin	47269	21975	19827	51669
Wyoming	3654	2023	2047	3432
Subtotals	3042404	1632748	1525985	3146062
Federal	35,457.00	18,796.00	19,952.00	34,301.00
Totals	3,077,861.00	1,651,544.00	1,545,937.00	3,180,363.00

Source: US Department of Justice Statistics

County Level Jurisdiction over Probation/Paroles

Parole is not administered at the county level in any jurisdiction. Probation is administered at the county level in 8 jurisdictions (Arizona, California, Illinois, Indiana, Massachusetts, New Jersey, New York, and Texas). Where the counties are responsible for supervision, the state agency performs many administrative, support, oversight, and program development functions. Supervision responsibilities are divided between the county and the state in Kansas, Michigan, Minnesota, Ohio, Pennsylvania, and Tennessee.

Jurisdiction of State Correction Agency

Thirty departments of correction include probation and 40 include parole. In 11 departments of corrections, parole alone is included. In 2 departments of correction, probation alone is included. In 11 other departments of correction, neither probation nor parole is included. Table 22 summarizes this data.

Paroling Authority Characteristics on January 1, 1997

Each state agency charged with the responsibility of paroling inmates has slightly different characteristics. Table 23, page 62 contains a summary of the characteristics of the paroling authority in the various states.

TABLE 22
JURISDICTION OF STATE CORRECTION AGENCY

Both Probation and Parole in Corrections Agency		
Alaska	Michigan	Ohio
Delaware	Minnesota	Oklahoma
Florida	Mississippi	Oregon
Idaho	Missouri	Rhode Island
Iowa	Montana	Utah
Kentucky	New Hampshire	Vermont
Louisiana	New Mexico	Virginia
Maine	North Carolina	Washington
Maryland	North Dakota	Wisconsin
		Wyoming
Probation but not Parole in Corrections Agency		
Georgia	Tennessee	
Parole but not Probation in Corrections Agency		
Arizona	Illinois	New Jersey
California	Indiana	South Dakota
Colorado	Kansas	West Virginia
Connecticut	Nebraska	
Neither in Corrections Agency		
Alabama	Massachusetts	South Carolina
Arkansas	Nevada	Texas
Dist. of Columbia	New York	Federal
Hawaii	Pennsylvania	

Source: Criminal Justice Institute

TABLE 23
PAROLING AUTHORITY CHARACTERISTICS

State	Parole Board		Board Members		Support Employees	No. Bd. Members Required at Hearings	Staff Conduct Hearings in Lieu of Board
	Yes/No	Full Time	Size	Salaried			
Alabama	Yes	Yes	3	Yes		2	No
Alaska	Yes	No	5	No	5	3	Yes
Arizona	Yes	Yes	7	Yes	30	2	Yes
Arkansas	Yes	Yes	6	Yes	4	1	No
California	Yes	Yes	9	Yes	69	2	Yes
Colorado	Yes	Yes	7	Yes	7	1	No
Connecticut	Yes	No	13	No	72	2	No
Delaware	Yes	No	5	No	6	3	No
Dist of Columbia	Yes	Yes	5	Yes	21	0	Yes
Florida	Yes	Yes	3	Yes	161	3	Yes
Georgia	Yes	Yes	5	Yes	30	1	Yes
Hawaii	Yes	No	3	No	14	2	No
Idaho	Yes	No	5	Yes	12	3	Yes
Illinois	Yes	Yes	12	Yes	20	3	No
Indiana	Yes	Yes	5	Yes	3	5	No
Iowa	Yes	Yes	5	Yes	11	3	No
Kansas	Yes	Yes	5	Yes	5	1	No
Kentucky	Yes	Yes	7	Yes	7	3	No
Louisiana	Yes	Yes	7	Yes	6	3	No
Maine	Yes	No	5	No	1	3	No
Maryland	Yes	Yes	8	Yes	7	2	Yes
Massachusetts	Yes	Yes	7	Yes	1	2	No
Michigan	Yes	Yes	10	Yes	2	3	No
Minnesota	No						
Mississippi	Yes	Yes	3	Yes	17	2	No
Missouri	Yes	Yes	7	Yes		1	No
Montana	Yes	No	3	Yes		2	No
Nebraska	Yes	Yes	5	Yes	7	3	No
Nevada	Yes	Yes	7	Yes	7	2	No
New Hampshire	Yes	No	7	No	3.5	3	No
New Jersey	Yes	Yes	9	Yes	100	2	Yes
New Mexico	Yes	Yes	4	Yes		3	No
New York	Yes	Yes	19	Yes	9	2	No
North Carolina	Yes	Yes	5	Yes	50	3	No
North Dakota	Yes	No	3	No	3	2	No
Ohio	Yes	Yes	12	Yes	57	1	Yes
Oklahoma	Yes	No	5	Yes	38	3	No
Oregon	Yes	Yes	3	Yes			
Pennsylvania	Yes	Yes	6	Yes			
Rhode Island	Yes	No	7	Yes	4.5	3	No
South Carolina	Yes	No	7	No	50	7	No
South Dakota	Yes	No	6	No	6	4	No
Tennessee	Yes	Yes	7	Yes	7	0	Yes
Texas	Yes	Yes	18	Yes	127	0	Yes
Utah	Yes	Yes	5	Yes	1	Yes	
Vermont	Yes	No	5	No	2	3	No
Virginia	Yes	Yes	5	Yes	10	0	Yes
Washington	Yes	Yes	3	Yes	8	2	No
West Virginia	Yes	Yes	5	Yes	3	3	No
Wisconsin	Yes	Yes	5	Yes	7	1	No
Wyoming	Yes	No	7	No	5	3	No
Federal	Yes	Yes	3	Yes	45	0	Yes
Totals	51	36	329	40	1,060	109	15
Averages			6.5		20.1	2.1	

Source: 1997 Corrections Yearbook, Criminal Justice Institute

ISSUES FOR FURTHER STUDY

During the audit, we noted an issue that we believe needs to be examined closer by the Governor's Commission on Juvenile Crime and Justice. Specifically, the structured sentencing guidelines do not consider offenders' juvenile criminal history. Offenders are considered to be juveniles until they reach the age of sixteen. However, juveniles committing a capital offense may either be tried in juvenile or adult court depending on the District Attorney. If an offender commits an offense as an adult, he is categorized as a "C" class offender and sentenced to regular probation even though he may have a serious juvenile record. The structured sentencing formula for determining the required sentence of an offender does not take into consideration an offenders' past juvenile record.

APPENDICES

Appendix	Description	Page
A	Employee Survey Results	67
B	Other States Survey	71
C	States With Combined Probation/Parole Function	75
D	States Without Combined Probation/Parole Function	79
E	Structured Sentencing Act	81
F	Types of Felonies	97
G	Auditee Response	109

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TOTAL MAILED: 250; TOTAL RETURNED: 159; PERCENT RETURNED: 63.6% APPENDIX A

OFFICE OF THE STATE AUDITOR
Division Of Adult Probation & Parole--*Employee Questionnaire*

PURPOSE: The Office of the State Auditor is currently conducting a performance audit of the Division of Adult Probation & Parole. This questionnaire will help the auditors identify the strengths and weaknesses of the Division's operations. It will also give you the opportunity to offer your opinions as well as suggestions for improvements. **Individuals responses will remain strictly confidential.** Only summary data will be included in the final report. Please complete and return in the enclosed envelope by **Friday, January 16, 1998**.

INSTRUCTIONS: Please check your responses. If you need more space for your response to any question, please attach additional sheets. Be sure to cross reference the question number on any additional sheets. For questions, which ask, you to indicate your opinion on a scale from 1 (poor) to 10 (excellent), please circle the number that most closely reflects your opinion.

GENERAL DATA:

1. In which section do you work? (If your section is not listed, please check "Other" and write in the name.) **158 RESPONSES**

☐	a) Administration	8	5.06%	☐	e) Administrative	13	8.23%
☐	b) Judicial	10	6.33%	☐	f) Other (Please list)	18	11.39%
☐	c) Field Services	109	68.99%	☐			
☐	d) Fiscal/Personnel	0	0.00%				

2. Indicate the type of job you have: **159 RESPONSES**

☐	a) Management	13	8.18%	☐	d) Probation/Parole Surveillance Officer	15	9.43%
☐	b) Probation/Parole Officer	54	33.96%	☐	e) Probation/Parole Unit Supervisor	13	8.18%
☐	c) Probation/Parole Intensive or Admin. Case Officer	34	21.38%	☐	f) Other (Please list)	30	18.87%

3. How long have you been in your **current** position? **158 RESPONSES**

☐	a) Less than 1 year	23	14.56%	☐	d) 11 to 15 years	10	6.33%
☐	b) 1 to 5 years	87	55.06%	☐	e) 16 to 20 years	4	2.53%
☐	c) 6 to 10 years	29	18.35%	☐	f) More than 20 years	5	3.16%

4. How long have you been employed with the Division of Adult Probation and Parole? **158 RESPONSES**

☐	a) Less than 1 year	21	13.29%	☐	d) 11 to 15 years	17	10.76%
☐	b) 1 to 5 years	55	34.81%	☐	e) 16 to 20 years	8	5.06%
☐	c) 6 to 10 years	35	22.15%	☐	f) More than 20 years	22	13.92%

COMMUNICATIONS: (For questions which use a scale of 1 to 10, please circle the number that most closely reflects your opinion.)

5. Under the current organizational structure, communications **among** staff members are: **158 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average			Good		Excellent

5.5 AVERAGE

6. Under the current organizational structure, communications with the public and other governmental agencies are: **159 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average			Good		Excellent

5.7 AVERAGE

7. Do you understand the missions and operations of the Division of Adult Probation and Parole and how you fit in? **156 RESPONSES**

☐	a) Yes	148	94.87%	☐	b) No	8	5.13%

8. How would you characterize staff motivation? **159 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average			Good		Excellent

4.8 AVERAGE

9. How would you characterize staff morale? **159 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average			Good		Excellent

4.3 AVERAGE

SKILLS AND TRAINING:

10. Utilization of your skills by management is: **157 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average			Good		Exce

6.0 AVERAGE

11. Has any specific technical training been provided to you in relation to your duties? **158 RESPONSES**

☐ a) Yes **135** **85.44%** ☐ b) No **23** **14.56%**

12. Training provided has been: **155 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average			Good		Excellent

6.1 AVERAGE

13. What type of training do you believe would enhance your job performance? (please list) **175 RESPONSES**

☐	a) Basic	48	27.43%	☐ d) EHART (Electronic House Arrest)	14	8.00%
☐	b) Intensive	40	22.86%	☐ e) Other (Please list)	73	41.71%

14. Do you have an internal policies and procedures manual available to you? If no, what areas need to have policies and procedures developed? **159 RESPONSES**

☐ a) Yes **144** **90.57%** ☐ b) No **9** **5.66%** ☐ c) Don't Know **6** **3.77%**

15. Please indicate the State policies and procedures manuals to which management has provided you access. **178 RESPONSES**

☐	a) Budget Manual	5	2.81%	☐ d) Cash Management Manual	2	1.12%
☐	b) Personnel Manual	106	59.55%	☐ e) Fixed Assets Manual	5	2.81%
☐	c) Purchasing Manual	5	2.81%	☐ f) Other (Please list)	55	30.90%

RESOURCE MANAGEMENT:

16. Space and facilities for the Office are: **156 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average			Good		Excellent

5.2 AVERAGE

17. Support equipment for the staff is: **157 RESPONSES**

☐ a) Adequate **92** **58.60%** ☐ b) Inadequate **65** **41.40%**
(Please list needs)

18. What equipment issued to you by DOC benefits you most? **254 RESPONSES**

☐	a) Firearms	23	9.06%	☐ d) Computer	94	37.01%
☐	b) Communications	38	14.96%	☐ e) Clothing	10	3.94%
☐	c) Vehicle	75	29.53%	☐ d) Other (Please list)	14	5.51%

19. Are you normally able to complete your duties within the 40 hour work week? **160 RESPONSES**

☐ a) Yes **100** **62.50%** ☐ b) No **60** **37.50%**
Skip to question #20

20. How are hours worked in excess of 40 per week handled? 105 RESPONSES

☐ a) Paid overtime 38 36.19% ☐ b) Receive compensatory time 48 45.71% ☐ c) Other (Please explain) 19 18.1%

21. Is the Office effectively managing its available resources (facilities, personnel, funding, etc.)? If no, please explain. 156 RESPONSES

a) Yes 83 53.21% ☐ b) No 28 17.95% ☐ c) Don't Know 45 28.85%

22. Do you feel your office is a safe working environment? 158 RESPONSES

☐ a) Yes 103 65.19% ☐ b) No 47 29.75% ☐ c) Don't Know 8 5.06%

ORGANIZATIONAL STRUCTURE:

23. Are there other jobs that overlap or duplicate your job? If yes, please describe. 155 RESPONSES

☐ a) Yes 29 18.71% ☐ b) No 114 73.55% ☐ c) Don't Know 12 7.74%

- THE SUPERVISION OF OUT OF STATE PROBATIONERS.
- TRANSPORTING INMATES AND ABSCONDERS
- INTERNAL AUDITS ON CASES

24. Are you aware of any work delays or impediments to your job performance? If yes, please describe and offer your solutions. 155 RESPONSES

☐ a) Yes 49 31.61% ☐ b) No 93 60.00% ☐ c) Don't Know 13 8.39%

- DAs CLERKS, AND JUDGES: DELAY CASES TO FIELD OFFICES
- LACK OF RESOURCES (VEHICLES, EQUIPMENT)
- COURT SYSTEM
- COMPUTER SUPPORT

25. Do you believe the current organizational structure is meeting the needs of the public? If no, please explain. 159 RESPONSES

☐ a) Yes 85 53.46% ☐ b) No 45 28.30% ☐ c) Don't Know 29 18.24%

- EMPHASIS SHOULD BE ON QUALITY OF PROGRAM, NOT NUMBER OF OFFENDERS IN A PROGRAM
- NO, DUE TO CASE OVERLOADS
- NO, UNQUALIFIED OFFICER

26. What organizational changes would you make to your work unit? Why?

- REDUCTION IN TIME SPENT IN COURT
- ADDITIONAL STAFF TO EASE WORKLOAD
- MORE TRAINING ON GANGS, DOMESTIC VIOLENCE, AND SURVIVAL SKILLS
- QUICKER TURN-AROUND WHEN ORDERING EQUIPMENT
- MORE EQUITABLE HIRING PRACTICES
- MORE TRAINING FOR SUPERVISORS

27. What are the greatest strengths of the Division? (Give examples, details)

- WORK RELATIONSHIPS WITH LOCAL AGENCIES
- ADAPTABILITY TO CHANGE AND NEW PROGRAMS
- MANAGEMENT OF EXCESSIVE WORKLOADS
- DEDICATED EMPLOYEES
- ELECTRONIC MONITORING SYSTEM

28. What areas continue to need the most improvement? (Give examples, details)

- EQUITABLE SALARIES
- EQUITABLE HIRING AND PROMOTIONS
- TIME SPENT IN THE COURT SYSTEM
- TRAINING AND EQUIPMENT
- COMMUNICATIONS THROUGHOUT DIVISION



NORTH CAROLINA OFFICE OF THE STATE AUDITOR
DOC-Adult Probation & Parole Survey
Questionnaire for Other States

Purpose: The NC Office of the State Auditor is conducting a performance audit on our State's Adult Probation and Parole Program. We are seeking information from other states as to the operations of their programs for purposes of comparison. Please complete this questionnaire and return in the pre-addressed, stamped envelope provided by *Monday, February 16, 1998*. Thank you for your participation.

State _____ Contact Person _____
Name of Agency _____ Position _____
Address _____ Phone # _____

Probation and Parole Section [PLEASE CIRCLE MULTIPLE CHOICE ANSWERS.]

1. Briefly describe the operational duties, functions, and responsibilities of the Probation/Paroles Section. [Please include a copy of your organization chart for both the Probation and Parole Section and the Oversight Group with your completed questionnaire.]

_____
_____
_____
_____

2. Are Adult Probation & Parole combined in your state?
☐ a. Yes ☐ b. No

3. Officers are hired at the
☐ a. State Level ☐ b. County Level

4. How many employees work in the
A. Probation and Parole Section (if combined)?
a. Total # employees _____ b. # of Officers _____

B.. Probation Section?
a. Total # employees _____ b. # of Officers _____

C. Parole Section?
a. Total # employees _____ b. # of Officers _____

5. To whom does your Division Director report? _____

6. The Division Director is
☐ a. Appointed (by whom) ☐ b. Hired (by whom)
_____

7. What are the employment qualifications for Division Director?

_____
_____
_____
_____

8. Is your state organized in [Please indicate number of each.]
☐ a. District Offices ☐ b. Field Offices
_____

9. How many of the officers are under the direct supervision of the chief probation officer or unit manager at the **State level**?_____

10. Average number of officer vacancies in calendar year 1997?
a. Probation _____ b. Parole _____ c. Probation/Parole, if combined ____

11. Please list the different categories and levels of probation and/or parole officers and salary ranges. (Ex: Probation Officer I, II, III, etc.)

_____

_____

_____

_____

12. Are cases assigned to Probation/Parole Officers based on specialty type?
☐ a. Yes ☐ b. No

13. Are all Probation/Parole officers issued weapons or safety items? **[If no, skip to question 15.]**
☐ a. Yes ☐ b. No

14. What types of weapons or safety items are issued?
☐ a. guns ☐ b. night sticks ☐ c. cars with cages ☐ d. bullet-proof vests ☐ e. other (please list)

15. What types of communications devices are issued to Probation/Parole officers?
☐ a. cellular phone ☐ b. cars equipped with radios ☐ c. pagers ☐ d. other (please list)

16. What was the average caseload in 1997 of
a. Probation _____ b. Parole _____ c. Probation/Parole, if combined ____

17. Caseload averages include [check all that apply]
☐ a. Parolees ☐ b. Post-release supervision ☐ c. Absconders ☐ d. Community punishment ☐ e. Inactive cases ☐ f. Other (please list)

18. What was the 1997 average length of
a. Intensive Probation _____ b. Regular Probation _____

19. What type of programs do you offer offenders?
☐ a. Education ☐ b. Employment ☐ c. Training ☐ d. job placement ☐ e. Other (Please List)

20. How do you measure program results or outcomes of the Probation/Parole function?

_____

_____

_____

21. Does your state have Structured Sentencing laws?
☐ a. Yes ☐ b. No

22. What effect has Structured Sentencing had on the
A. Number of officers?
☐ a. increased (by what %) ☐ b. decreased (by what %) ☐ c. no change ☐ d. too soon to tell

B. Number of administrative and support staff?
☐ a. increased (by what %) ☐ b. decreased (by what %) ☐ c. no change ☐ d. too soon to tell

C. Officer case load?
☐ a. increased (by what %) ☐ b. decreased (by what %) ☐ c. no change ☐ d. too soon to tell

D. Division budget?
☐ a. increased (by what %) ☐ b. decreased (by what %) ☐ c. no change ☐ d. too soon to tell

Oversight Group [PLEASE CIRCLE MULTIPLE CHOICE ANSWERS.]

1. What agency/group performs the oversight function of Probation/Parole?
   ☐ a. Parole Commission ☐ b. Dept. of Correction ☐ c. Other (please list)

2. Do the members meet as a group to make decisions on offenders to be paroled?
   ☐ a. Yes ☐ b. No

3. How many members serve on the oversight group? _____

4. Are members of the oversight group?
   ☐ a. Appointed (by whom) ☐ b. Elected ☐ c. Dept. staff ☐ d. Other (please explain)

5. What qualifications are required to serve on the oversight group?

_____

_____

_____

_____

6. How long are their terms of office?_____

7. Do the oversight members work a regular 40 hour week?
   ☐ a. Yes ☐ b. No

8. How is the oversight group paid? [Please provide the salary classification & ranges and/or the per diem rates.]
   ☐ a. Set Salary ☐ b. Per Diem ☐ c. Salary + Expenses ☐ d. Other (please explain)

9. What was the average caseload for the oversight group? _____

10. If your State has Structured Sentencing, what effect has it had on the number of
    A. Oversight Group members?
    ☐ a. increased (by what %) ☐ b. decreased (by what %) ☐ c. no change ☐ d. too soon to tell

    B. Case loads?
    ☐ a. increased (by what %) ☐ b. decreased (by what %) ☐ c. no change ☐ d. too soon to tell

PLEASE INCLUDE ANY OTHER DATA ABOUT YOUR OPERATIONS THAT YOU FEEL WILL BE HELPFUL IN THE COMPARISON TO NORTH CAROLINA'S OPERATIONS.

APPENDIX C
STATES WITH COMBINED PROBATION/PAROLES FUNCTION

NR = NO RESPONSE
NA = NOT APPLICABLE

Issues	North Carolina	Alabama	Delaware	Florida	Idaho	Kentucky	Louisiana	Maryland	Michigan	Mississippi	Missouri	Montana
Are Adult Probation and Parole combined in your state?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
To whom does your Division Director report?	Deputy Secretary, DOC	Executive Director, Bd. of Pardons/ Paroles	Bureau Chief, Community Correction	Secretary, DOC	Director, DOC	Deputy Commissioner, Community Services & Local Facilities	Secretary, Dept. of Public Safety & Corrections	Secretary, Dept of Public Safety & Correctional Services	Department Director, DOC	Commissioner, Community Services	DOC Director	DOC Director, Director
Division Director is appointed or hired? By whom?	Appointed by Governor	Merit System Promotion	Hired	Appointed by DOC Secretary	Hired by Director, DOC	Appointed by the Governor	Hired by Secretary Public Safety & Corr.	Appointed by Secretary with Senate confirmation	Hired by Director DOC	Commissioner is appointed by the Governor	Appointed by Governor, with Senate confirmation	DOC Director
Are cases assigned to Probation/Parole officers based on Specialty Type?	Yes	Generally No Some exceptions	Yes	Yes	Yes	Yes (for sex offenders)	Yes	No	No (some exceptions)	Yes	Yes	No
Are all probation and parole officers issued weapons and safety items?	Yes (No weapons)	Yes	Yes	No	Yes	Yes	Yes	No	No (personal weapons)	Yes	Yes (personal weapons)	Yes (except for Juvenile officers)
Average Caseload in 1997?	91	170	Regular 110 Intensive 45	76	68	85	97	97	90 units 63 bodies	102	82	80+
Caseload Averages Include:												
Paroles	x	x	x	x	x	x	x	x	x		x	x
Post-Release Supervision	x		x	x	x	x	x	x	x		x	
Absconders	x	x				x						
Community Punishment							x		x		x	x
Inactive Cases		x										
Other:												
Probationers	x		x	x					x	x	x	
Interstate Furloughs												x
Active												
Split Sentence												
Average length of Probation in 1997												
Intensive Probation	6.47 months	90 days	Unknown	Unavailable	6 months	3 to 6 months	NA	21 months	NR	Cannot answer	NR	9 to 14 months
Regular Probation	20 months	3 years	Unknown	Unavailable		18 months	3 years	21 months	2 years			4 to 6 years
Types of programs for offenders												
Education	x	x	x	x	x			x	NR	x	x	NR
Employment	x	x	x	x	x					x	x	
Training	x	x		x				x				
Job Placement	x	x		x	x			x				
Other:												
Treatment/referral	x			x							x	
Domestic Abuse/Ed												
Violent Offenders												
Young Offenders												
Substance Abuse			x			x	x					
Sex Offender			x			x						
Work release												
Community Service												

APPENDIX C (continued)
STATES WITH COMBINED PROBATION/PAROLES FUNCTION

NR = NO RESPONSE
NA = NOT APPLICABLE

Issues	North Carolina	Alabama	Delaware	Florida	Idaho	Kentucky	Louisiana	Maryland	Michigan	Mississippi	Missouri	Montana
State has Structured Sentencing Laws	Yes	No Truth in Sentencing	Yes	Yes	No	No	No	No	No	No	No	No
Agency/Group performing oversight function for probation/parole	Parole Commission	Pardon & Paroles Board	Department of Correction	Department of Correction	Department of Correction	Department of Correction	NA	Public Safety & Correctional Services	Department of Correction	Department of Correction	DOC-Administrative Parole Bd-Releases	Department of Correction
Oversight members meet as group to make decisions on offenders to be paroled?	No	Yes	NR	No	Yes	Yes	NA	No	No	No oversight group	Yes	No
Number of members on Oversight Group?	5	3	NR	NA	5	7	NA	NR	10	NR	7	0
Members of the Oversight Group are												
Appointed	By Governor	By Governor	NR	NR	By Board of Correction	By Governor	NA	Department	By Director of Corrections	NR	x	By Governor
Elected								Staff				
Department staff												
Other												
Average caseload - Oversight Group 1997?	Unknown	Review cases	NR	NR	200 per month	NA	NA	NR	NR	NR	NA	NR

APPENDIX C (continued)
STATES WITH COMBINED PROBATION/PAROLES FUNCTION

NR = NO RESPONSE
NA = NOT APPLICABLE

Issues	New Hampshire	New Mexico	North Dakota	Ohio	Pennsylvania	Rhode Island	South Carolina	Utah	Vermont	Virginia	Washington	Wyoming
Are Adult Probation and Parole combined in your state?	Yes	Yes	Yes	Yes	Yes,county	Yes	Yes	Yes	Yes	Yes	Yes	Yes
To whom does your Division Director report?	Commissioner of Corrections	Deputy Cabinet Secretary	Director, DOC	Chief of Adult Probation/ Paroles	Chairman of the Probation/ Parole Bd.	Assistant Director, DOC	Director, DOC	Executive Director, DOC	Correctional Services Director	Deputy Director, DOC	Secretary, DOC	Director, DOC
Division Director is appointed or hired? By whom?	Appointed by Governor	Appointed by Deputy Cabinet Secretary	Hired by DOC Director	Appointed by Director of Rehabilitation & Corrections	Hired by Board of Probation/ Parole	Appointed by DOC Director	Appointed by Director of DOC	Appointed by DOC Director	Hired by Commis-sioner, Corrections	Hired by Deputy Director, DOC	Appointed by Secretary of DOC	Hired by Director, DOC
Are cases assigned to Probation/Parole officers based on Specialty Type?	No (few exceptions)	NR	Yes (depends on caseloads)	No	County courts determine	Yes	No	No	Yes	Yes (exceptions)	No (exceptions for mentally ill and drug or sex offenders)	No
Are all probation and parole officers issued weapons and safety items?	Yes	NR	Yes	Yes	Yes (court decides)	No	Yes	Yes	No	Voluntary	Yes	No
Average Caseload in 1997?	100	NR	82	45-50	County 115	Probation 308 Parole 71	100	75	Court/Rep 200 Risk Mgmt 45	70.03	Workload hours are 127/month	55-60
Caseload Averages Include:												
Paroles	x	NR	x	x	x	NR	x	x	x	x	x	x
Post-Release Supervision	x		x	x	x				x	x	x	x
Absconders	x		x	x	x						x	
Community Punishment	x		x	x	x		x	x	x	x	x	
Inactive Cases			x		x			x	x			
Other:												
Probationers	x				x							
Interstate Furloughs				x								
Active			x									
Split Sentence												
Average length of Probation in 1997												
Intensive Probation	Unknown	NR	NR	NR	NR	Unknown	6 months	6 months	NA	9 months	NA	2.7-3.4 months
Regular Probation	Unknown	NR	NR	Maximum 5 yrs	18 months		2 years	18 months	1 year	2.3 years	NR	8.2-16.6 months
Types of programs for offenders												
Education	NR	NR	NR	x	x	NR		x	x	x	x	
Employment				x	x		x (limited)	x	x	x	x	
Training				x					x		x	x
Job Placement				x	x				x	x	x	x

APPENDIX C (concluded)
STATES WITH COMBINED PROBATION/PAROLES FUNCTION

NR = NO RESPONSE
NA = NOT APPLICABLE

Issues	New Hampshire	New Mexico	North Dakota	Ohio	Pennsylvania	Rhode Island	South Carolina	Utah	Vermont	Virginia	Washington	Wyoming
Types of programs for offenders												
Other:												
Treatment/ referral	x			x								
Domestic Abuse/Ed									x			
Violent Offenders									x			
Young Offenders									x			
Substance Abuse									x	x	x	
Sex Offender									x	x		
Work release												
Community Service											x	
State has Structured Sentencing Laws	No	NR	No	Yes	No	No	No	No	No	Voluntary Guidelines	Yes	No
Agency/Group performing oversight function for probation/parole	Department of Correction	NR	Parole Commission	Department of Correction	President Judge	Department of Correction	Member of Governor's Cabinet	Dept. of Correction & Parole Commission	Department of Correction	Board of Corrections	Department of Correction	Dept. of Correction & Paroles Board
Oversight members meet as group to make decisions on offenders to be paroled?	Yes, Parole Board meets as	NR	Yes	No	No	NR	NA	Yes	No	No	No	Yes
Number of members on Oversight Group?	NR	NR	3	12	NA	NR	NA	5	NA	5	3	7
Members of the Oversight Group are												
Appointed	NR	NR	By Governor	Chair Only				x		By Governor	By Governor	By Governor
Elected					x							
Department staff				11 Bd Members								
Other												
Average caseload - Oversight Group 1997?	NR	NR	65 hearings	NR	NA	NR	NA	NR	NA	16,461 reviews	NR	No caseloads

APPENDIX D
STATES WHICH DO NOT HAVE A COMBINED PROBATIONS/PAROLE FUNCTION

NR = NO RESPONSE
NA = NOT APPLICABLE

Issues	Georgia		Illinois		Indiana		Tennessee		West Virginia	
	(Probation)	(Parole)	(Probation Only)	(Parole)	(Probation)	(Parole)	(Probation)	(Parole)	(Probation)	(Parole)
Are Adult Probation and Parole combined in your state?	No	No	Probation: No	NR from Parole Administration	NR from Probation	No	No	No	No	NR from Parole
To whom does your Division Director report?	Commissioner of Corrections	Director of Paroles Board	Administrative Officer of the Courts Supreme Court		Administration	All on county level	Commissioner of Corrections	Parole Board	No Division Director at Local Level	Administration
Division Director is appointed or hired? By whom?	Commissioner of Corrections	Appointed by Parole Director w/Board approval	Hired by Director Administrative Office of the Courts			County level	Appointed by Commissioner of Corrections	Appointed by Parole Board	NR	
Are cases assigned to Probation/Parole officers based on Specialty Type?	Yes (Intensive and sex offenders)	Yes (depends on size/ location)	NR			Varies by county	Yes, in metro areas	Yes	No	
Are all probation and parole officers issued weapons and safety items?	Yes	Yes				Varies by county	Yes	No	No	
Average Caseload in 1997?	205	60	10-75			County level	75-80	57	75	
Caseload Averages Include:										
Paroles	NR	x	NR			County level		x		
Post-Release Supervision							x	x		
Absconders		x								
Community Punishment							x			
Inactive Cases							x			
Other:										
Probationers							x			
Interstate Furloughs										
Active										
Split Sentence										
Average length of Probation in 1997										
Intensive Probation	6 months	NA	1-2.5 years			County level	16 months	0		
Regular Probation	2 years	NA	28 months				3 years	0		
Types of programs for offenders										
Education						County level	x	x		
Employment								x		
Training	x							x		
Job Placement	x	x	NR				x	x		
Other:										
Treatment/referral		Referrals						x		
Domestic Abuse/Ed										
Violent Offenders										

APPENDIX D (concluded)
STATES WHICH DO NOT HAVE A COMBINED PROBATIONS/PAROLE FUNCTION

NR = NO RESPONSE
NA = NOT APPLICABLE

Issues	Georgia		Illinois		Indiana		Tennessee		West Virginia	
	(Probation)	(Parole)	(Probation Only)	(Parole)	(Probation)	(Parole)	(Probation)	(Parole)	(Probation)	(Parole)
Types of programs for offenders										
Other:										
Substance Abuse								x		
Sex Offender										
Work release										
Community Service										
State has Structured Sentencing Laws	No	No	No			NR	NR	Yes		
Agency/Group performing oversight function for probation/parole	Department of Correction	Parole Board	NR			NR	Department of Correction	Legislative Oversight Committee		
Oversight members meet as group to make decisions on offenders to be paroled?	NA	Generally No	NR			NR	NA	No		
Number of members on Oversight Group?	NA	5	NR			NR	NA	14		
Members of the Oversight Group are										
Appointed	NA	By Governor with Senate confirmation	NR			NR	NA			
Elected								By Public		
Department staff										
Other										
Average caseload - Oversight Group 1997?	NA	In 1997, 30,000	NR			NR	NA	Unknown		

ARTICLE 81B. Structured Sentencing of Persons Convicted of Crimes.

Part 1. General Provisions.

15A-1340.10. Applicability of structured sentencing.

This Article applies to criminal offenses in North Carolina, other than impaired driving under G.S. 20-138.1 and failure to comply with control measures under G.S. 130A-25, that occur on or after October 1, 1994. This Article does not apply to violent habitual felons sentenced under Article 2B of Chapter 14 of the General Statutes.

(1993, c. 538, s. 1; ; 1993 (Reg. Sess., 1994), c. 767, s. 17; 1994, Ex. Sess., c. 22, s. 35; c. 24, s. 14(a), (b).)

15A-1340.11. Definitions.

The following definitions apply in this Article:

(1) Active punishment. -- A sentence in a criminal case that requires an offender to serve a sentence of imprisonment and is not suspended. Special probation, as defined in G.S. 15A-1351, is not an active punishment.

(2) Community punishment. -- A sentence in a criminal case that does not include an active punishment, an intermediate punishment, or any of the conditions of probation listed in subdivision (6) of this section.

(3) Day-reporting center. -- A facility to which offenders are required, as a condition of probation, to report on a daily or other regular basis at specified times for a specified length of time to participate in activities such as counseling, treatment, social skills training, or employment training.

(4) [Deleted, 1997, c. 57, s. 2.]

(4a) House arrest with electronic monitoring. -- Probation in which the offender is required to remain at his or her residence unless the court or the probation officer authorizes the offender to leave for the purpose of employment, counseling, a course of study, or vocational training. The offender shall be required to wear a device which permits the supervising agency to monitor the offender's compliance with the condition electronically.

(5) Intensive probation. -- Probation that requires the offender to submit to supervision by officers assigned to the Intensive Supervision Program established pursuant to G.S. 143B-262(c), and to comply with the rules adopted for that Program. Unless otherwise ordered by the court, intensive supervision also requires multiple contacts by a probation officer per week, a specific period each day during which the offender must be at his or her residence, and that the offender remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training that will equip the offender for suitable employment.

(6) Intermediate punishment. -- A sentence in a criminal case that places an offender on supervised probation and includes at least one of the following conditions:

a. Special probation as defined in G.S. 15A-1351(a).

b. Assignment to a residential program.

c. House arrest with electronic monitoring.

d. Intensive probation.

e. Assignment to a day-reporting center.

In addition, a sentence to regular supervised probation imposed pursuant to a community penalties plan as defined in G.S. 7A-771(2) is an intermediate punishment, regardless of whether any of the above conditions is imposed, if the plan is accepted by the court and the plan does not include active punishment.

(7) Prior conviction. -- A person has a prior conviction when, on the date a criminal judgment is entered, the person being sentenced has been previously convicted of a crime:

a. In the district court, and the person has not given notice of appeal and the time for appeal has expired; or

b. In the superior court, regardless of whether the conviction is on appeal to the appellate division; or

c. In the courts of the United States, another state, the armed services of the United States, or another country, regardless of whether the offense would be a crime if it occurred in North Carolina, regardless of whether the crime was committed before or after the effective date of this Article.

(8) Residential program. -- A program in which the offender, as a condition of probation, is required to reside in a facility for a specified period and to participate in activities such as counseling, treatment, social skills training, or employment training, conducted at the residential facility or at other specified locations.

[Editor's Note: 1997 Act 80, Section 16, provides: "This act becomes effective December 1, 1997, and applies to offenses committed on or after that date."]

(1997, c. 57, s. 2; 1997, c. 80, s. 6.)

15A-1340.12. Purposes of sentencing.

The primary purposes of sentencing a person convicted of a crime are to impose a punishment commensurate with the injury the offense has caused, taking into account factors that may diminish or increase the offender's culpability; to protect the public by restraining offenders; to assist the offender toward rehabilitation and restoration to the community as a lawful citizen; and to provide a general deterrent to criminal behavior.

(1993, c. 538, s. 1.; 1994, Ex. Sess., c. 24, s. 14(b).)

Part 2. Felony Sentencing.

15A-1340.13. Procedure and incidents of sentence of imprisonment for felonies.

(a) Application to Felonies Only. -- This Part applies to sentences imposed for felony convictions.

(b) Procedure Generally; Requirements of Judgment; Kinds of Sentences. -- Before imposing a sentence, the court shall determine the prior record level for the offender pursuant to G.S. 15A-1340.14. The sentence shall contain a sentence disposition specified for the class of offense and prior record level, and its minimum term of imprisonment shall be within the range specified for the class of offense and prior record level, unless applicable statutes require or authorize another minimum sentence of imprisonment. The kinds of sentence dispositions are active punishment, intermediate punishment, and community punishment.

(c) Minimum and Maximum Term. -- The judgment of the court shall contain a minimum term of imprisonment that is consistent with the class of offense for which the sentence is being imposed and with the prior record level for the offender. The maximum term of imprisonment applicable to each minimum term of imprisonment is, unless otherwise provided, as specified in G.S. 15A-1340.17. The maximum term shall be specified in the judgment of the court.

(d) Service of Minimum Required; Earned Time Authorization. -- An offender sentenced to an active punishment shall serve the minimum term imposed. The maximum term may be reduced to, but not below, the minimum term by earned time credits awarded to an offender by the Department of Correction or the custodian of the local confinement facility, pursuant to rules adopted in accordance with law.

(e) Deviation from Sentence Ranges for Aggravation and Mitigation; No Sentence Dispositional Deviation Allowed. -- The court may deviate from the presumptive range of minimum sentences of imprisonment specified for a class of offense and prior record level if it finds, pursuant to G.S. 15A- 1340.16, that aggravating or mitigating circumstances support such a deviation. The amount of the deviation is in the court's discretion, subject to the limits specified in the class of offense and prior record level for mitigated and aggravated punishment. Deviations for aggravated or mitigated punishment are allowed only in the ranges of minimum and maximum sentences of imprisonment, and not in the sentence dispositions specified for the class of offense and prior record level, unless a statute specifically authorizes a sentence dispositional deviation.

(f) Suspension of Sentence. -- Unless otherwise provided, the court shall not suspend the sentence of imprisonment if the class of offense and prior record level do not permit community or intermediate punishment as a sentence disposition. The court shall suspend the sentence of imprisonment if the class of offense and prior record level require community or intermediate punishment as a sentence disposition. The court may suspend the sentence of imprisonment if the class of offense and prior record level authorize, but do not require, active punishment as a sentence disposition.

(g) Dispositional Deviation for Extraordinary Mitigation. -- Except as provided in subsection (h) of this section, the court may impose an intermediate punishment for a class of offense and prior record level that requires the imposition of an active punishment if it finds in writing all of the following:

(1) That extraordinary mitigating factors of a kind significantly greater than in the normal case are present.

(2) Those factors substantially outweigh any factors in aggravation.

(3) It would be a manifest injustice to impose an active punishment in the case.

The court shall consider evidence of extraordinary mitigating factors, but the decision to find any such factors, or to impose an intermediate punishment is in the discretion of the court. The extraordinary mitigating factors which the court finds shall be specified in its judgment.

(h) Exceptions When Extraordinary Mitigation Shall Not Be Used. -- The court shall not impose an intermediate sanction pursuant to subsection (g) of this section if:

(1) The offense is a Class A or Class B1 felony;

(2) The offense is a drug trafficking offense under G.S. 90-95(h) or a drug trafficking conspiracy offense under G.S. 90-95(i); or

(3) The defendant has five or more points as determined by G.S. 15A-1340.14.

[Editor's Note: 1995 Act 375, Section 2, provides: "This act becomes effective December 1, 1995, and applies to offenses committed on or after that date."]

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 14, ss. 18, 18.1, 19; c. 22, s. 9; c. 24, s. 14(b); 1995, c. 375, s. 1.)

15A-1340.14. Prior record level for felony sentencing.

(a) Generally. -- The prior record level of a felony offender is determined by calculating the sum of the points assigned to each of the offender's prior convictions that the court finds to have been proved in accordance with this section.

(b) Points. -- Points are assigned as follows:

(1) For each prior felony Class A conviction, 10 points.

(1a) For each prior felony Class B1 conviction, 9 points.

(2) For each prior felony Class B2, C, or D conviction, 6 points.

(3) For each prior felony Class E, F, or G conviction, 4 points.

(4) For each prior felony Class H or I conviction, 2 points.

(5) For each prior Class A1 or Class 1 misdemeanor conviction, 1 point, except that convictions for Class 1 misdemeanor offenses under Chapter 20 of the General Statutes, other than conviction for misdemeanor death by vehicle (G.S. 20-141.4(a2)), shall not be assigned any points for purposes of determining a person's prior record for felony sentencing.

(6) If all the elements of the present offense are included in any prior offense for which the offender was convicted, whether or not the prior offense or offenses were used in determining prior record level, 1 point.

(7) If the offense was committed while the offender was on supervised or unsupervised probation, parole, or post-release supervision, or while the offender was serving a sentence of imprisonment, or while the offender was on escape from a correctional institution while serving a sentence of imprisonment, 1 point.

For purposes of determining prior record points under this subsection, a conviction for a first degree rape or a first degree sexual offense committed prior to the effective date of this subsection shall be treated as a felony Class B1 conviction, and a conviction for any other felony Class B offense committed prior to the effective date of this subsection shall be treated as a felony Class B2 conviction.

(c) Prior Record Levels for Felony Sentencing. -- The prior record levels for felony sentencing are:

(1) Level I -- 0 points.

(2) Level II -- At least 1, but not more than 4 points.

(3) Level III -- At least 5, but not more than 8 points.

(4) Level IV -- At least 9, but not more than 14 points.

(5) Level V -- At least 15, but not more than 18 points.

(6) Level VI -- At least 19 points.

In determining the prior record level, the classification of a prior offense is the classification assigned to that offense at the time the offense for which the offender is being sentenced is committed.

(d) Multiple Prior Convictions Obtained in One Court Week. -- For purposes of determining the prior record level, if an offender is convicted of more than one offense in a single superior court during one calendar week, only the conviction for the offense with the highest point total is used. If an offender is convicted of more than one offense in a single session of district court, only one of the convictions is used.

(e) Classification of Prior Convictions From Other Jurisdictions. -- Except as otherwise provided in this subsection, a conviction occurring in a jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in which the offense occurred classifies the offense as a felony, or is classified as a Class 3 misdemeanor if the jurisdiction in which the offense occurred classifies the offense as a misdemeanor. If the offender proves by the preponderance of the evidence that an offense classified as a felony in the other jurisdiction is substantially similar to an offense that is a misdemeanor in North Carolina, the conviction is treated as that class of misdemeanor for assigning prior record level points. If the State proves by the preponderance of the evidence that an offense classified as either a misdemeanor or a felony in the other jurisdiction is substantially similar to an offense in North Carolina that is classified as a Class I felony or higher, the conviction is treated as that class of felony for assigning prior record level points. If the State proves by the preponderance of the evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially similar to an offense

classified as a Class A1 or Class 1 misdemeanor in North Carolina, the conviction is treated as a Class A1 or Class 1 misdemeanor for assigning prior record level points.

(f) Proof of Prior Convictions. -- A prior conviction shall be proved by any of the following methods:

(1) Stipulation of the parties.

(2) An original or copy of the court record of the prior conviction.

(3) A copy of records maintained by the Division of Criminal Information, the Division of Motor Vehicles, or of the Administrative Office of the Courts.

(4) Any other method found by the court to be reliable.

The State bears the burden of proving, by a preponderance of the evidence, that a prior conviction exists and that the offender before the court is the same person as the offender named in the prior conviction. The original or a copy of the court records or a copy of the records maintained by the Division of Criminal Information, the Division of Motor Vehicles, or of the Administrative Office of the Courts, bearing the same name as that by which the offender is charged, is prima facie evidence that the offender named is the same person as the offender before the court, and that the facts set out in the record are true. For purposes of this subsection, "a copy" includes a paper writing containing a reproduction of a record maintained electronically on a computer or other data processing equipment, and a document produced by a facsimile machine. The prosecutor shall make all feasible efforts to obtain and present to the court the offender's full record. Evidence presented by either party at trial may be utilized to prove prior convictions. Suppression of prior convictions is pursuant to G.S. 15A-980. If a motion is made pursuant to that section during the sentencing stage of the criminal action, the court may grant a continuance of the sentencing hearing. If asked by the defendant in compliance with G.S. 15A-903, the prosecutor shall furnish the defendant's prior criminal record to the defendant within a reasonable time sufficient to allow the defendant to determine if the record available to the prosecutor is accurate.

[Editor's Note: 1995 Act 507, Section 28.12, is a severability clause.

1995 Act 507, Section 19.5(q), provides: "This section becomes effective December 1, 1995, and applies to offenses committed on or after that date.

1997 Act 80, Section 16, provides: "This act becomes effective December 1, 1997, and applies to offenses committed on or after that date."]

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 22, s. 10; c. 24, s. 14(b); 1993 (Reg. Sess., 1994), c. 767, ss. 11-13; 1995, c. 507, s. 19.5(f); 1995 (Reg. Sess. 1996), c. 742, s. 15; 1997, c. 80, s. 7.)

15A-1340.15. Multiple convictions.

(a) Consecutive Sentences. -- This Article does not prohibit the imposition of consecutive sentences. Unless otherwise specified by the court, all sentences of imprisonment run concurrently with any other sentences of imprisonment.

(b) Consolidation of Sentences. -- If an offender is convicted of more than one offense at the same time, the court may consolidate the offenses for judgment and impose a single judgment for the consolidated offenses. The judgment shall contain a sentence disposition specified for the class of offense and prior record level of the most serious offense, and its minimum sentence of imprisonment shall be within the ranges specified for that class of offense and prior record level, unless applicable statutes require or authorize another minimum sentence of imprisonment.

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 24, s. 14(b).)

15A-1340.16. Aggravated and mitigated sentences.

(a) Generally, Burden of Proof. -- The court shall consider evidence of aggravating or mitigating factors present in the offense that make an aggravated or mitigated sentence appropriate, but the decision to depart from the presumptive range is in the discretion of the court. The State bears the burden of proving by a preponderance of the evidence that an aggravating factor exists, and the offender bears the burden of proving by a preponderance of the evidence that a mitigating factor exists.

(b) When Aggravated or Mitigated Sentence Allowed. -- If the court finds that aggravating or mitigating factors exist, it may depart from the presumptive range of sentences specified in G.S. 15A-1340.17(c)(2). If the court finds that aggravating factors are present and are sufficient to outweigh any mitigating factors that are present, it may impose a sentence that is permitted by the aggravated range described in G.S. 15A- 1340.17(c)(4). If the court finds that mitigating factors are present and are sufficient to outweigh any aggravating factors that are present, it may impose a sentence that is permitted by the mitigated range described in G.S. 15A-1340.17(c)(3).

(c) Written Findings; When Required. -- The court shall make findings of the aggravating and mitigating factors present in the offense only if, in its discretion, it departs from the presumptive range of sentences specified in G.S. 15A-1340.17(c)(2). Findings shall be in writing. The requirement to make findings in order to depart from the presumptive range applies regardless of whether the sentence of imprisonment is activated or suspended.

(d) Aggravating Factors. -- The following are aggravating factors:

(1) The defendant induced others to participate in the commission of the offense or occupied a position of leadership or dominance of other participants.

(2) The defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.

(3) The offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.

(4) The defendant was hired or paid to commit the offense.

(5) The offense was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.

(6) The offense was committed against a present or former law enforcement officer, employee of the Department of Correction, jailer, fireman, emergency medical technician, ambulance attendant, justice or judge, clerk or assistant or deputy clerk of

court, magistrate, prosecutor, juror, or witness against the defendant, while engaged in the performance of that person's official duties or because of the exercise of that person's official duties.

(7) The offense was especially heinous, atrocious, or cruel.

(8) The defendant knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person.

(9) The defendant held public office at the time of the offense and the offense related to the conduct of the office.

(10) The defendant was armed with or used a deadly weapon at the time of the crime.

(11) The victim was very young, or very old, or mentally or physically infirm, or handicapped.

(12) The defendant committed the offense while on pretrial release on another charge.

(13) The defendant involved a person under the age of 16 in the commission of the crime.

(14) The offense involved an attempted or actual taking of property of great monetary value or damage causing great monetary loss, or the offense involved an unusually large quantity of contraband.

(15) The defendant took advantage of a position of trust or confidence to commit the offense.

(16) The offense involved the sale or delivery of a controlled substance to a minor.

(17) The offense for which the defendant stands convicted was committed against a victim because of the victim's race, color, religion, nationality, or country of origin.

(18) The defendant does not support the defendant's family.

(18a) The defendant has previously been adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

(19) The serious injury inflicted upon the victim is permanent and debilitating.

(20) Any other aggravating factor reasonably related to the purposes of sentencing.

Evidence necessary to prove an element of the offense shall not be used to prove any factor in aggravation, and the same item of evidence shall not be used to prove more than one factor in aggravation. Evidence necessary to establish that an enhanced sentence is required under G.S. 14-2.2 may not be used to prove any factor in aggravation.

The judge shall not consider as an aggravating factor the fact that the defendant exercised the right to a jury trial.

(e) Mitigating Factors. -- The following are mitigating factors:

(1) The defendant committed the offense under duress, coercion, threat, or compulsion that was insufficient to constitute a defense but significantly reduced the defendant's culpability.

(2) The defendant was a passive participant or played a minor role in the commission of the offense.

(3) The defendant was suffering from a mental or physical condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability for the offense.

(4) The defendant's age, immaturity, or limited mental capacity at the time of commission of the offense significantly reduced the defendant's culpability for the offense.

(5) The defendant has made substantial or full restitution to the victim.

(6) The victim was more than 16 years of age and was a voluntary participant in the defendant's conduct or consented to it.

(7) The defendant aided in the apprehension of another felon or testified truthfully on behalf of the prosecution in another prosecution of a felony.

(8) The defendant acted under strong provocation, or the relationship between the defendant and the victim was otherwise extenuating.

(9) The defendant could not reasonably foresee that the defendant's conduct would cause or threaten serious bodily harm or fear, or the defendant exercised caution to avoid such consequences.

(10) The defendant reasonably believed that the defendant's conduct was legal.

(11) Prior to arrest or at an early stage of the criminal process, the defendant voluntarily acknowledged wrongdoing in connection with the offense to a law enforcement officer.

(12) The defendant has been a person of good character or has had a good reputation in the community in which the defendant lives.

(13) The defendant is a minor and has reliable supervision available.

(14) The defendant has been honorably discharged from the United States armed services.

(15) The defendant has accepted responsibility for the defendant's criminal conduct.

(16) The defendant has entered and is currently involved in or has successfully completed a drug treatment program or an alcohol treatment program subsequent to arrest and prior to trial.

(17) The defendant supports the defendant's family.

(18) The defendant has a support system in the community.

(19) The defendant has a positive employment history or is gainfully employed.

(20) The defendant has a good treatment prognosis, and a workable treatment plan is available.

(21) Any other mitigating factor reasonably related to the purposes of sentences.

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 7, s. 6; c. 22, s. 22; c. 24, s. 14(b); 1995, c. 509, s. 13.)

15A-1340.16A. Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D, or E felony and the defendant used, displayed, or threatened to use or display a firearm during the commission of the felony.

(a) If a person is convicted of a Class A, B1, B2, C, D, or E felony and the court finds that the person used, displayed, or threatened to use or display a firearm at the time of the felony, the court shall increase the minimum term of imprisonment to which the person is sentenced by 60 months. The court shall not suspend the 60-month minimum term of imprisonment imposed as an enhanced sentence under this section and shall not place any person sentenced under this section on probation for the enhanced sentence.

(b) Subsection (a) of this section does not apply in any of the following circumstances:

(1) The person is not sentenced to an active term of imprisonment.

(2) The evidence of the use, display, or threatened use or display of a firearm is needed to prove an element of the underlying Class A, B1, B2, C, D, or E felony.

(3) The person did not actually possess a firearm about his or her person.

(1994, Ex. Sess., c. 22, s. 20.)

15A-1340.17. Punishment limits for each class of offense and prior record level.

(a) Offense Classification; Default Classifications. -- The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a felony for which there is no classification, it is a Class I felony.

(b) Fines. -- Any judgment that includes a sentence of imprisonment may also include a fine. If a community punishment is authorized, the judgment may consist of a fine only. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. Unless otherwise provided, the amount of the fine is in the discretion of the court.

(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described. -- The authorized punishment for each class of offense and prior record level is as specified in the chart below. Prior record levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:

(1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; "A" indicates that an active punishment is authorized; and "Life Imprisonment Without Parole" indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.

(2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A-1340.16 that an aggravated or mitigated

sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.

(3) A mitigated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.

(4) An aggravated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

PRIOR RECORD LEVEL

	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	Life Imprisonment Without Parole or Death as Established by Statute						
	A 240-300	A 288-360	A 336-420	A 384-480	A Life Imprisonment Without Parole	A	DISPOSITION Aggravated
B1	192-240 144-192	230-288 173-230	269-336 202-269	307-384 230-307	346-433 260-346	384-480 288-384	PRESUMPTIVE Mitigated
	A 157-196	A 189-237	A 220-276	A 251-313	A 282-353	A 313-392	DISPOSITION Aggravated
B2	125-157 94-125	151-189 114-151	176-220 132-176	201-251 151-201	225-282 169-225	251-313 188-251	PRESUMPTIVE Mitigated
	A 73-92	A 100-125	A 116-145	A 133-167	A 151-188	A 168-210	DISPOSITION Aggravated
C	58-73 44-58	80-100 60-80	93-116 70-93	107-133 80-107	121-151 90-121	135-168 101-135	PRESUMPTIVE Mitigated
	A 64-80	A 77-95	A 103-129	A 117-146	A 133-167	A 146-183	DISPOSITION Aggravated
D	51-64 38-51	61-77 46-61	82-103 61-82	94-117 71-94	107-133 80-107	117-146 88-117	PRESUMPTIVE Mitigated
	I/A 25-31	I/A 29-36	A 34-42	A 46-58	A 53-66	A 59-74	DISPOSITION Aggravated
E	20-25 15-20	23-29 17-23	27-34 20-27	37-46 28-37	42-53 32-42	47-59 35-47	PRESUMPTIVE Mitigated
	I/A 16-20	I/A 19-24	I/A 21-26	A 25-31	A 34-42	A 39-49	DISPOSITION Aggravated
F	13-16 10-13	15-19 11-15	17-21 13-17	20-25 15-20	27-34 20-27	31-39 23-31	PRESUMPTIVE Mitigated
	I/A 13-16	I/A 15-19	I/A 16-20	I/A 20-25	A 21-26	A 29-36	DISPOSITION Aggravated
G	10-13 8-10	12-15 9-12	13-16 10-13	16-20 12-16	17-21 13-17	23-29 17-23	PRESUMPTIVE Mitigated

	C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
	6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
	4-5	4-6	6-8	7-9	9-12	12-16	Mitigated

	C	C/I	I	I/A	I/A	I/A	DISPOSITION
	6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
	3-4	3-4	4-5	4-6	5-7	6-8	Mitigated

(d) Maximum Sentences Specified for Class F through Class I Felonies. - Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class F through Class I felonies. The first figure in each cell in the table is the minimum term and the second is the maximum term.

3-4	4-5	5-6	6-8	7-9	8-10	9-11	10-12
11-14	12-15	13-16	14-17	15-18	16-20	17-21	18-22
19-23	20-24	21-26	22-27	23-28	24-29	25-30	26-32
27-33	28-34	29-35	30-36	31-38	32-39	33-40	34-41
35-42	36-44	37-45	38-46	39-47	40-48	41-50	42-51
43-52	44-53	45-54	46-56	47-57	48-58	49-59	

(e) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms up to 339 Months. -- Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class B1 through Class E felonies. The first figure in each cell of the table is the minimum term and the second is the maximum term.

15-27	16-29	17-30	18-31	19-32	20-33	21-35	22-36
23-37	24-38	25-39	26-41	27-42	28-43	29-44	30-45
31-47	32-48	33-49	34-50	35-51	36-53	37-54	38-55
39-56	40-57	41-59	42-60	43-61	44-62	45-63	46-65
47-66	48-67	49-68	50-69	51-71	52-72	53-73	54-74
55-75	56-77	57-78	58-79	59-80	60-81	61-83	62-84
63-85	64-86	65-87	66-89	67-90	68-91	69-92	70-93
71-95	72-96	73-97	74-98	75-99	76-101	77-102	78-103
79-104	80-105	81-107	82-108	83-109	84-110	85-111	86-113
87-114	88-115	89-116	90-117	91-119	92-120	93-121	94-122
95-123	96-125	97-126	98-127	99-128	100-129	101-131	102-132
103-133	104-134	105-135	106-137	107-138	108-139	109-140	110-141
111-143	112-144	113-145	114-146	115-147	116-149	117-150	118-151
119-152	120-153	121-155	122-156	123-157	124-158	125-159	126-161
127-162	128-163	129-164	130-165	131-167	132-168	133-169	134-170
135-171	136-173	137-174	138-175	139-176	140-177	141-179	142-180
143-181	144-182	145-183	146-185	147-186	148-187	149-188	150-189
151-191	152-192	153-193	154-194	155-195	156-197	157-198	158-199
159-200	160-201	161-203	162-204	163-205	164-206	165-207	166-209
167-210	168-211	169-212	170-213	171-215	172-216	173-217	174-218
175-219	176-221	177-222	178-223	179-224	180-225	181-227	182-228
183-229	184-230	185-231	186-233	187-234	188-235	189-236	190-237
191-239	192-240	193-241	194-242	195-243	196-245	197-246	198-247
199-248	200-249	201-251	202-252	203-253	204-254	205-255	206-257
207-258	208-259	209-260	210-261	211-263	212-264	213-265	214-266
215-267	216-269	217-270	218-271	219-272	220-273	221-275	222-276
223-277	224-278	225-279	226-281	227-282	228-283	229-284	230-285
231-287	232-288	233-289	234-290	235-291	236-293	237-294	238-295
239-296	240-297	241-299	242-300	243-301	244-302	245-303	246-305

247-306	248-307	249-308	250-309	251-311	252-312	253-313	254-314
255-315	256-317	257-318	258-319	259-320	260-321	261-323	262-324
263-325	264-326	265-327	266-329	267-330	268-331	269-332	270-333
271-335	272-336	273-337	274-338	275-339	276-341	277-342	278-343
279-344	280-345	281-347	282-348	283-349	284-350	285-351	286-353
287-354	288-355	289-356	290-357	291-359	292-360	293-361	294-362
295-363	296-365	297-366	298-367	299-368	300-369	301-371	302-372
303-373	304-374	305-375	306-377	307-378	308-379	309-380	310-381
311-383	312-384	313-385	314-386	315-387	316-389	317-390	318-391
319-392	320-393	321-395	322-396	323-397	324-398	325-399	326-401
327-402	328-403	329-404	330-405	331-407	332-408	333-409	334-410
335-411	336-413	337-414	338-415	339-416			

(e1) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms of 340 Months or More. -- Unless provided otherwise in a statute establishing a punishment for a specific crime, when the minimum sentence is 340 months or more, the corresponding maximum term of imprisonment shall be equal to the sum of the minimum term of imprisonment and twenty percent (20%) of the minimum term of imprisonment, rounded to the next highest month, plus nine additional months.

[Editor's Note: 1995 Act 507, Section 28.12, is a severability clause.

1995 Act 507, Section 19.5(q), provides: "This section becomes effective December 1, 1995, and applies to offenses committed on or after that date.

1997 Act 80, Section 16, provides: "This act becomes effective December 1, 1997, and applies to offenses committed on or after that date."]

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 14, ss. 20, 21; c. 22, s. 7; c. 24, s. 14(b); 1995, c. 507, s. 19.5(l); 1997, c. 80, s. 3.)

15A-1340.18, 15A-1340.19. [Reserved.]

Part 3. Misdemeanor Sentencing.

15A-1340.20. Procedure and incidents of sentence of imprisonment for misdemeanors.

(a) Application to Misdemeanors Only. -- This Part applies to sentences imposed for misdemeanor convictions.

(b) Procedure Generally; Term of Imprisonment. -- A sentence imposed for a misdemeanor shall contain a sentence disposition specified for the class of offense and prior conviction level, and any sentence of imprisonment shall be within the range specified for the class of offense and prior conviction level, unless applicable statutes require otherwise. The kinds of sentence dispositions are active punishment, intermediate punishment, and community punishment. Except for the work and earned time credits authorized by G.S. 162-60, or earned time credits authorized by G.S. 15A-1355(c), if applicable, an offender whose sentence of imprisonment is activated shall serve each day of the term imposed.

(c) Suspension of Sentence. -- Unless otherwise provided, the court shall suspend a sentence of imprisonment if the class of offense and prior conviction level requires community or intermediate punishment as a sentence disposition.

(c1) Active Punishment Exception. -- The court may impose an active punishment for a class of offense and prior conviction level that does not otherwise authorize the imposition of an active punishment if the term of imprisonment is equal to or less than the total amount of time the

offender has already spent committed to or in confinement in any State or local correctional, mental, or other institution as a result of the charge that culminated in the sentence.

(d) Earned Time Authorization. -- An offender sentenced to a term of imprisonment that is activated is eligible to receive earned time credit for misdemeanant offenders awarded by the Department of Correction or the custodian of a local confinement facility, pursuant to rules adopted in accordance with law and pursuant to G.S. 162-60. These rules and statute combined shall not award misdemeanant offenders more than four days of earned time credit per month of incarceration.

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 24, s. 14(b); 1993 (Reg. Sess., 1994), c. 767, s. 1; 1997, c. 79, s. 1.)

15A-1340.21. Prior conviction level for misdemeanor sentencing.

(a) Generally. -- The prior conviction level of a misdemeanor offender is determined by calculating the number of the offender's prior convictions that the court finds to have been proven in accordance with this section.

(b) Prior Conviction Levels for Misdemeanor Sentencing. -- The prior conviction levels for misdemeanor sentencing are:

(1) Level I -- 0 prior convictions.

(2) Level II -- At least 1, but not more than 4 prior convictions.

(3) Level III -- At least 5 prior convictions.

In determining the prior conviction level, a prior offense may be included if it is either a felony or a misdemeanor at the time the offense for which the offender is being sentenced is committed.

(c) Proof of Prior Convictions. -- A prior conviction shall be proved by any of the following methods:

(1) Stipulation of the parties.

(2) An original or copy of the court record of the prior conviction.

(3) A copy of records maintained by the Division of Criminal Information, the Division of Motor Vehicles, or of the Administrative Office of the Courts.

(4) Any other method found by the court to be reliable.

The State bears the burden of proving, by a preponderance of the evidence, that a prior conviction exists and that the offender before the court is the same person as the offender named in the prior conviction. The original or a copy of the court records or a copy of the records maintained by the Division of Criminal Information, the Division of Motor Vehicles, or of the Administrative Office of the Courts, bearing the same name as that by which the offender is charged, is prima facie evidence that the offender named is the same person as the offender before the court, and that the facts set out in the record are true. For purposes of this subsection, "copy" includes a paper writing containing a reproduction of a

record maintained electronically on a computer or other data processing equipment, and a document produced by a facsimile machine. Evidence presented by either party at trial may be utilized to prove prior convictions. Suppression of prior convictions is pursuant to G.S. 15A-980. If a motion is made pursuant to that section during the sentencing stage of the criminal action, the court may grant a continuance of the sentencing hearing.

(d) Multiple Prior Convictions Obtained in One Court Week. For purposes of this section, if an offender is convicted of more than one offense in a single session of district court, or in a single week of superior court or of a court in another jurisdiction, only one of the convictions may be used to determine the prior conviction level.

[Editor's Note: 1997 Act 80, Section 16, provides: "This act becomes effective December 1, 1997, and applies to offenses committed on or after that date."]

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 24, s. 14(b); 1993 (Reg. Sess., 1994), c. 767, s. 13.1; 1997, c. 80, s. 8.)

15A-1340.22. Multiple convictions.

(a) Limits on Consecutive Sentences. -- If the court elects to impose consecutive sentences for two or more misdemeanors and the most serious misdemeanor is classified in Class A1, Class 1, or Class 2, the cumulative length of the sentences of imprisonment shall not exceed twice the maximum sentence authorized for the class and prior conviction level of the most serious offense. Consecutive sentences shall not be imposed if all convictions are for Class 3 misdemeanors.

(b) Consolidation of Sentences. - If an offender is convicted of more than one offense at the same session of court, the court may consolidate the offenses for judgment and impose a single judgment for the consolidated offenses. Any sentence imposed shall be consistent with the appropriate prior conviction level of the most serious offense.

(1993, c. 538, s. 1.; 1994, Ex. Sess., c. 24, s. 14(b); 1995 (Reg. Sess. 1996), c. 742, s. 16.)

15A-1340.23. Punishment limits for each class of offense and prior conviction level.

(a) Offense Classification; Default Classifications. - The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a misdemeanor for which there is no classification, it is as classified in G.S. 14-3.

(b) Fines. - Any judgment that includes a sentence of imprisonment may also include a fine. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. If a community punishment is authorized, the judgment may consist of a fine only. Unless otherwise provided for a specific offense, the maximum fine that may be imposed is two hundred dollars ($200.00) for a Class 3 misdemeanor and one thousand dollars ($1,000) for a Class 2 misdemeanor. The amount of the fine for a Class 1 misdemeanor and a Class A1 misdemeanor is in the discretion of the court.

(c) Punishment for Each Class of Offense and Prior Conviction Level; Punishment Chart Described. - Unless otherwise provided for a specific offense, the authorized punishment for each class of offense and prior conviction level is as specified in the chart below. Prior conviction levels are indicated by the Roman numerals placed horizontally on the top of the

chart. Classes of offenses are indicated by the Arabic numbers placed vertically on the left side of the chart. Each grid on the chart contains the following components:

(1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; and "A" indicates that an active punishment is authorized; and

(2) A range of durations for the sentence of imprisonment: any sentence within the duration specified is permitted.

	PRIOR CONVICTION LEVELS		
MISDEMEANOR OFFENSE CLASS	LEVEL I No Prior Convictions	LEVEL II One to Four Prior Convictions	LEVEL III Five or More Prior Convictions
A1	1-60 days C/I/A	1-75 days C/I/A	1-150 days C/I/A
1	1-45 days C	1-45 days C/I/A	1-120 days C/I/A
2	1-30 days C	1-45 days C/I	1-60 days C/I/A
3	1-10 days C	1-15 days C/I	1-20 days C/I/A.

[Editor's Note: 1995 Act 507, Section 28.12, is a severability clause.

1995 Act 507, Section 19.5(q), provides: "This section becomes effective December 1, 1995, and applies to offenses committed on or after that date.]

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 24, s. 14(b); 1995, c. 507, s. 19.5(g).)

APPENDIX F FELONY CLASSIFICATION UNDER THE STRUCTURED SENTENCING LAW		
FELONY CLASS	**GENERAL STATUTES SECTION**	**OFFENSE**
A	G.S. 14-17	Murder in the 1st degree.
B1	G.S. 14-27.2	1st degree rape.
B1	G.S. 14-27.4	1st degree sexual offense.
B1	G.S. 14-27.7A(a)	Statutory rape or sexual offense of person who is 13, 14, or 15 years old.
B2	G.S. 14-17	Murder in the 2nd degree.
C	G.S. 14-7.6	Sentencing of habitual felons.
C	G.S. 14-27.3	2nd degree rape.
C	G.S. 14-27.5	2nd degree sexual offense.
C	G.S. 14-27.7A(a)	Statutory rape or sexual offense of person who is 13, 14, or 15 years old.
C	G.S. 14-28	Malicious castration.
C	G.S. 14-30	Malicious maiming.
C	G.S. 14-32(a)	Assault with deadly weapon with intent to kill inflicting serious injury.
C	G.S. 14-32.2(b)(1)	Patient abuse and neglect, intentional conduct proximately causes death.
C	G.S. 14-34.4(a)	Adulterated or misbranded food, drugs, etc. Intent to cause serious injury or death.
C	G.S. 14-34.4(b)	Adulterated or misbranded food, drugs, etc.; intention to extort.
C	G.S. 14-39	Kidnapping in the 1st degree.
C	G.S. 14-159.1	Contaminating a public water system.
C	G.S. 14-401.11(b)(3)	Distribution of certain food at Halloween and all other times prohibited (poisonous chemical/foreign substance).
C	G.S. 90-95(h)(4)c	Trafficking in opium or heroin (28 grams or more).
C	G.S. 90-95.1	Continuing criminal enterprise.
C	G.S. 143-215.88B(f)(1)	Enforcement procedures: criminal penalties (Oil pollution and hazardous substance control).
C	G.S. 143-215.114B(h)(1)	Enforcement procedures: criminal penalties (Air pollution control).
D	G.S. 14-49(a)	Malicious use of explosive or incendiary.
D	G.S. 14-49.1	Malicious damage of occupied property by use of explosive or incendiary.
D	G.S. 14-51	Burglary in the 1st degree.
D	G.S. 14-53	Breaking out of dwelling house burglary.
D	G.S. 14-57	Burglary with explosives.
D	G.S. 14-58	Arson in the 1st degree.
D	G.S. 14-58.2	Burning of mobile home, manufacture-type house or recreational trailer home.
D	G.S. 14-87	Robbery with firearms or other dangerous weapons.
D	G.S. 14-88	Train robbery.
D	G.S. 14-190.16	1st degree sexual exploitation of a minor.
D	G.S. 14-190.18	Promoting prostitution of a minor.
D	G.S. 90-95(h)(1)d	Trafficking in marijuana (10,000 pounds or more).
D	G.S. 90-95(h)(2)c	Trafficking in methaqualone (10,000 or more dosage units).
D	G.S. 90-95(h)(3)c	Trafficking in cocaine (400 grams or more).
D	G.S. 90-95(h)(3a)c	Trafficking in amphetamine (10,000 or more dosage units).
D	G.S. 90-95(h)(3b)c	Trafficking in methamphetamine (400 grams or more).

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
D	G.S. 90-95(h)(4a)c	Trafficking in Lysergic Acid Diethylamide (1,000 or more dosage units).
E	G.S. 14-18	Voluntary manslaughter.
E	G.S. 14-27.7	Intercourse and sexual offense with certain victims (Parent, Custodian).
E	G.S. 14-29	Castration or other maiming without malice aforethought.
E	G.S. 14-30.1	Malicious throwing of corrosive acid or alkali.
E	G.S. 14-31	Maliciously assaulting in a secret manner.
E	G.S. 14-32(b)	Assault with deadly weapon inflicting serious injury.
E	G.S. 14-32(c)	Assault with deadly weapon with intent to kill.
E	G.S. 14-32.2(b)(2)	Patient abuse and neglect, culpably negligent conduct proximately causes death.
E	G.S. 14-34.1	Discharging certain barreled weapons or a firearm into occupied property.
E	G.S. 14-34.5	Assault with a firearm on a law enforcement officer.
E	G.S. 14-39	Kidnapping in the 2nd degree.
E	G.S. 14-318.4(a)	Child abuses inflicting serious injury.
E	G.S. 14-318.4(a1)	Child abuse – prostitution.
E	G.S. 14-318.4(a2)	Child abuse – sexual act.
E	G.S. 90-95(e)(5)	Selling or delivering a controlled substance by a person 18 or over to a person under 16.
E	G.S. 90-95(e)(8)	Manufacture, sell or deliver, or possess with intent to manufacture, sell, or deliver a controlled substance within 300 feet of an elementary or secondary school.
E	G.S. 90-95(h)(4)b	Trafficking in opium or heroin (14 grams or more, less than 28 grams).
F	G.S. 14-8	Rebellion against the state.
F	G.S. 14-16.6(b)	Assault with deadly weapon on executive or legislative officer.
F	G.S. 14-16.6(c)	Assault inflicting serious bodily injury on executive or legislative officer.
F	G.S. 14-18	Involuntary manslaughter.
F	G.S. 14-32.1(e)	Aggravated assault/assault and battery on a handicapped person.
F	G.S. 14-32.2(b)(3)	Patient abuse and neglect, conduct proximately causes serious bodily injury.
F	G.S. 14-32.3(b)	Domestic abuse, neglect, and exploitation of disabled or elder adults.
F	G.S. 14-34.2	Assault with a firearm or other deadly weapon upon governmental officers or employees, company police officers, or campus police officers.
F	G.S. 14-34.5	Assault or affray on an emergency medical technician, ambulance attendant, emergency department nurse, or emergency department physician.
F	G.S. 14-41	Abduction of children.
F	G.S. 14-43.2	Involuntary servitude.
F	G.S. 14-43.3	Felonious restraint.
F	G.S. 14-59	Burning of certain public buildings.
F	G.S. 14-60	Burning of schoolhouses or buildings of educational institutions.
F	G.S. 14-61	Burning of certain bridges and buildings.
F	G.S. 14-62	Burning of churches and certain other buildings.
F	G.S. 14-91	Embezzlement of state property by public officers and employees.

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
F	G.S. 14-92	Embezzlement of funds by public officers and trustees.
F	G.S. 14-99	Embezzlement of taxes by officers.
F	G.S. 14-118.4	Extortion.
F	G.S. 14-178	Incest between certain near relatives.
F	G.S. 14-190.17	2nd degree sexual exploitation of a minor.
F	G.S. 14-190-19	Participating in prostitution of a minor.
F	G.S. 14-202.1	Taking indecent liberties with children.
F	G.S. 14-209	Perjury.
F	G.S. 14-217(a)	Bribery of officials.
F	G.S. 14-218	Offering bribes.
F	G.S. 14-220	Bribery of jurors.
F	G.S. 14-221	Breaking or entering jails with intent to injure prisoners.
F	G.S. 14-258	Conveying messages and weapons to or trading with convicts and other prisoners resulting in murder, assault, or escape.
F	G.S. 14-258.2	Possession of dangerous weapon in prison resulting in bodily injury or escape.
F	G.S. 14-258.3	Taking of hostage, etc., by prisoner.
F	G.S. 14-284.2	Dumping of toxic substances.
F	G.S. 14-288.8	Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction.
F	G.S. 14-288.9	Assault on emergency personnel with a dangerous weapon or substance.
F	G.S. 14-288.2(e)	Inciting to riot (property damage greater than $1500 or serious bodily injury).
F	G.S. 14-329(b)	Manufacturing, trafficking in, transporting, or possessing poisonous alcoholic beverages.
F	G.S. 14-401.11(b)(2)	Distribution of certain food at Halloween and all other times prohibited (any controlled substances).
F	G.S. 63-28	Infliction of serious bodily injury by operation of an aircraft while impaired.
F	G.S. 75A-18(d)(2)	Penalties (Boat Safety Act)
F	G.S. 75D-7	False testimony as to any material fact by any person examined under the Racketeer Influenced and Corrupt Organizations Chapter.
F	G.S. 76-40(a1)(2)	Discharging medical waste in Atlantic Ocean or waters of state, creating substantial risk of injury.
F	G.S. 90-95(h)(1)c	Trafficking in marijuana (2000 pounds or more, less than 10,000 pounds).
F	G.S. 90-95(h)(2)b	Trafficking in methaqualone (5,000 or more dosage units, less than 10,000)
F	G.S. 90-95(h)(3)b	Trafficking in cocaine (200 grams or more, less than 400 grams).
F	G.S. 90-95(h)(3a)b	Trafficking in amphetamine (5,000 or more dosage units, less than 10,000).
F	G.S. 90-95(h)(3b)b	Trafficking in methamphetamine (200 grams or more, less than 400 grams).
F	G.S. 90-95(h)(4)a	Trafficking in opium or heroin (4 grams or more, less than 14 grams).
F	G.S. 90-95(h)(4a)b	Trafficking in Lysergic Acid Diethylamide (500 or more dosage units, less than 1,000 dosage units).
F	G.S. 120-86	Bribing of legislators.
F	G.S. 143-63	Financial interest of officers in sources of supply: acceptance of bribes (Secretary of Administration, assistant, or A.B.C. member).

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
F	G.S. 143-214.2A(c)(2)	Discharging medical waste in Atlantic Ocean or waters of state, creating substantial risk of injury.
G	G.S. 14-32.3(b)	Domestic abuse, neglect, and exploitation of disabled or elder adults.
G	G.S. 14-49(b)	Malicious use of explosives or incendiary.
G	G.S. 14-51	Burglary in the 2nd degree.
G	G.S. 14-58	Arson in the 2nd degree.
G	G.S. 14-87.1	Common law robbery.
G	G.S. 14-113.5	Making, distributing, possessing, transferring, or programming a device for theft of telecommunication service (5 or more devices).
G	G.S. 14-415.1	Possession of firearms, etc., by felon prohibited.
G	G.S. 14-454	Accessing computers.
G	G.S. 14-455	Damaging computers, computer systems, computer networks, and resources.
G	G.S. 15A-287(e)	Interception and disclosure of wire, oral, or electronic communications prohibited.
G	G.S. 20-138.5(b)	Habitual impaired driving.
G	G.S. 20-141.4	Felony death by vehicle (causing death by impaired driving).
G	G.S. 90-95(h)(1)b	Trafficking in marijuana (100 pounds or more, less than 2,000 pounds).
G	G.S. 90-95(h)(2)a	Trafficking in methaqualone (1,000 or more dosage units, less than 5,000).
G	G.S. 90-95(h)(3)a	Trafficking in cocaine (28 grams or more, less than 200 grams).
G	G.S. 90-95(h)(3a)a	Trafficking in amphetamine (1,000 or more dosage units, less than 5,000).
G	G.S. 90-95(h)(3b)a	Trafficking in methamphetamine (28 grams or more, less than 200 grams.)
G	G.S. 90-95(h)(4a)a	Trafficking in Lysergic Acid Diethylamide (100 or more dosage units, less than 500 dosage units).
H	G.S. 14-7.20	Continuing criminal enterprise.
H	G.S. 14-11	Activities aimed at overthrow of government; use of public buildings (2nd offense).
H	G.S. 14-12.1	Certain subversive activities made unlawful.
H	G.S. 14-32.3(a)	Domestic abuse, neglect, and exploitation of disabled or elder adults.
H	G.S. 14-33.2	Habitual misdemeanor assault.
H	G.S. 14-44	Using drugs or instruments to destroy unborn child.
H	G.S. 14-54	Breaking or entering a building.
H	G.S. 14-62.1	Burning of building or structure in process of construction.
H	G.S. 14-63	Burning of boats and barges.
H	G.S. 14-64	Burning of ginhouses and tobacco houses.
H	G.S. 14-65	Fraudulently setting fire to dwelling houses.
H	G.S. 14-66	Burning of personal property.
H	G.S. 14-67.1	Burning of other buildings.
H	G.S. 14-72	Larceny of property worth more than $1,000.
H	G.S. 14-72	Receiving stolen goods (G.S. 14-71) or possessing stole goods worth more than $1,000.
H	G.S. 14-72(b)(1)	Larceny from the person; receiving or possession from the person.

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
H	G.S. 14-72(b)(2)	Larceny pursuant to burglary, breaking or entering, or burglary with explosives; receiving or possessing stolen goods pursuant to these offenses.
H	G.S. 14-72(b)(3)	Larceny of explosive or incendiary device or substance.
H	G.S. 14-72(b)(4)	Larceny of firearm; receiving or possessing stolen firearm.
H	G.S. 14-72(b)(5)	Larceny of record or paper in the custody of N.C. State Archives; receiving or possessing stolen record or paper.
H	G.S. 14-72.2	Unauthorized use of an aircraft.
H	G.S. 14-74	Larceny by servants and other employees.
H	G.S. 14-75	Larceny of chose in action.
H	G.S. 14-75.1	Larceny of secret technical processes.
H	G.S. 14-79	Larceny of ginseng.
H	G.S. 14-80	Larceny of wood and other property from land (with felonious intent).
H	G.S. 14-81(a)	Larceny of horses, mules, swine, or cattle.
H	G.S. 14-85	Pursuing livestock with intent to steal.
H	G.S. 14-90	Embezzlement of property received by virtue of office or employment.
H	G.S. 14-93	Embezzlement of treasures of charitable and religious organizations.
H	G.S. 14-94	Embezzlement by officers of railroad companies.
H	G.S. 14-97	Appropriation of partnership funds by partner to personal use.
H	G.S. 14-98	Embezzlement by surviving partner.
H	G.S. 14-100	Obtaining property by false pretenses.
H	G.S. 14-101	Obtaining signatures by false pretenses.
H	G.S. 14-121	Selling of certain forged securities.
H	G.S. 14-122	Forgery of deeds, wills, and certain other instruments.
H	G.S. 14-168.1	Conversion by bailee, lessee, tenant, or attorney-in-fact for more than $400.00.
H	G.S. 14-221.2	Altering court documents or entering unauthorized judgements.
H	G.S. 14-225.2(a)(1)	Harassment of and communication with jurors.
H	G.S. 14-226	Intimidating or interfering with witnesses.
H	G.S. 14-254	Malfeasance of corporation officers and agents.
H	G.S. 14-258	Conveying messages and weapons to or trading with convicts and other prisoners.
H	G.S. 14-258.1(a)	Furnishing poison, controlled substances, deadly weapons, cartridges, ammunition or alcoholic beverages to inmates of charitable, mental or penal institutions or local confinement facilities.
H	G.S. 14-258.2	Possession of dangerous weapon in prison.
H	G.S. 14-258.2(b)	Assisting a prisoner in attempting to escape and committing an assault resulting in bodily injury or effecting the escape.
H	G.S. 14-269.8	Purchase of firearms by person subject to domestic violence order prohibited.
H	G.S. 14-288.2(c)	Riot (property damage greater than $1500 or serious bodily injury).
H	G.S. 14-288.6(b)	Looting.
H	G.S. 14-288.20(b)	Training on certain weapons for use in a civil disorder.
H	G.S. 14-329(a)	Manufacturing, trafficking in, transporting, or possessing poisonous alcoholic beverages.

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
H	G.S. 14-367	Altering the brands of and misbranding another's livestock (Larceny).
H	G.S. 14-398	Theft or destruction of property of public libraries, museums, etc. worth more than $50.
H	G.S. 14-401.11(b)(1)b	Distribution of certain food at Halloween and all other times prohibited (greater than mild physical discomfort without any lasting effect).
H	G.S. 14-415.3	Possession of a firearm or weapon of mass destruction by persons acquitted of certain crimes by reason of insanity or persons determined to be incapable to proceed prohibited.
H	G.S. 14-457	Extortion (maliciously threatens to commit an act described in G.S. 14-455).
H	G.S. 15A-287(a)	Interception and disclosure of wire, oral, or electronic communication intercepting devices prohibited.
H	G.S. 15A-288	Manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices prohibited.
H	G.S. 20-106	Receiving or transferring stolen vehicles.
H	G.S. 20-166(a)	Duty to stop in event of accident or collision.
H	G.S. 48-10-102	Unlawful payments related to adoption (second offense).
H	G.S. 53-124	Examiner making false report.
H	G.S. 53-129	Misapplication of bank funds by officer or employee.
H	G.S. 53-130	Making false entries in banking accounts; misrepresenting assets and liabilities of banks.
H	G.S. 58-2-161	False statement to procure or deny benefits of insurance policy or certificate.
H	G.S. 58-2-162	Embezzlement by insurance agents, brokers, or administrators.
H	G.S. 58-30-12(c)	Duty to report insurer impairment; violation; penalties.
H	G.S. 58-50-40	Willful failure to pay group insurance premiums; notice to persons insured; penalty; restitution; examination of insurance transactions.
H	G.S. 62-273	Embezzlement of C.O.D. shipments.
H	G.S. 63-25	Taking of aircraft made crime of larceny (intent to deprive).
H	G.S. 70-40	Penalties (knowingly acquire human skeletal remains removed from unmarked burials in North Carolina).
H	G.S. 75-1	Combinations in restraint of trade illegal.
H	G.S. 78A-57	Criminal penalties (fraud under Securities Act).
H	G.S. 78C-39	Criminal penalties (fraudulent practices of investment advisors).
H	G.S. 80-11.1(b)	Criminal use of counterfeit trademark (value more than $10,000).
H	G.S. 80-11.1(c)	Criminal use of counterfeit trademark device.
H	G.S. 90-95(b)(1)	Manufacture, sell, or deliver, or possess with intent to manufacture, sell, or deliver a Schedule I or II Controlled Substance.
H	G.S. 90-95(h)(1)a	Trafficking in marijuana (more than 50 pounds, less than 100 pounds).
H	G.S. 90-120.70(a)	Embezzlement of funeral funds, penalties.
H	G.S. 106-145.6	Denial, revocation, and suspension of license; penalties for violations.
H	G.S. 106-363	Damaging dipping vats a felony.

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
H	G.S. 108A-60	Protection of patient property (Medical Assistance Program; willfully embezzle, convert, appropriate).
H	G.S. 133-24	Government contracts; violations of G.S. 75-1 and 75-2.
H	G.S. 133-25	Conviction; punishment (violation of 133-24).
H	G.S. 136-13	Malfeasance of officers and employees of Department of Transportation, members of Board of Transportation, contractors, and others.
H	G.S. 136-13.2	Falsifying highway inspection reports.
H	G.S. 143-215.88B(e)	Enforcement procedures: criminal penalties (Air pollution control).
H	G.S. 143-215.114B(g)	Enforcement procedures: criminal penalties (Oil pollution control and hazardous substance control).
I	G.S. 7A-456(a)	False statements to the question of indigency.
I	G.S. 10A-12(c)	Notary taking acknowledgement or performing verification knowing it is false or fraudulent.
I	G.S. 14-3(c)	Class 1 misdemeanor offense committed because of the victim's race, color, religion, nationality, or country of origin.
I	G.S. 14-12.12(b)-12.15	Placing burning/flaming cross on property of another or on public street or highway.
I	G.S. 14-12.13,-12.15	Placing an exhibit with intention of intimidating, etc., another.
I	G.S. 14-12.14-12.15	Placing exhibit while wearing mask, hood, or other disguise.
I	G.S. 14-13	Counterfeiting coin and uttering coin that is counterfeit.
I	G.S. 14-14	Possessing tools for counterfeiting.
I	G.S. 14-16.6(a)	Assault on executive or legislative officers.
I	G.S. 14-16.7(a)	Threats against executive or legislative officers.
I	G.S. 14-16.7(b)	Threats against executive or legislative officers by mail.
I	G.S. 14-32.3(b)	Domestic abuse, neglect, and exploitation of disabled or elder adults.
I	G.S. 14-34.5(b)	Assault or affray on an emergency medical technician, ambulance attendant, emergency department nurse, or emergency department physician.
I	G.S. 14-45	Using drugs or instruments to produce miscarriage or injure pregnant woman.
I	G.S. 14-46	Concealing birth of child.
I	G.S. 14-55	Preparation to commit burglary or other housebreaking.
I	G.S. 14-56	Breaking or entering into/out of railroad cars, motor vehicles, trailers, etc.
I	G.S. 14-56.1	Breaking into or forcibly opening coin- or currency-operated machines.
I	G.S. 14-56.3	Breaking into paper currency machines.
I	G.S. 14-69.1(b)	Making a false report concerning destructive device.
I	G.S. 14-69.2(b)	Perpetrating hoax by use of false bomb or other device.
I	G.S. 14-81(a1)	Larceny of dogs.
I	G.S. 14-89.1	Safecracking.
I	G.S. 14-107	Worthless checks (amount more than $2,000)
I	G.S. 14-113.9.-113.17(b)	Financial transaction card theft.
I	G.S. 14-113.11-113.117(b)	Forgery of financial transaction card.
I	G.S. 14-113.13(a),(b),-113.17(b)	Financial transaction card fraud, value over $500.

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
I	G.S. 14-113.14,-113.17(b)	Criminal possession of financial transaction card forgery devices.
I	G.S. 14-113.15,-113.17(b)	Criminal receipt of goods and services fraudulently obtained worth more than $500.00.
I	G.S. 14-113.15A,-113.17(b)	Criminal factoring of financial transaction card records.
I	G.S. 14-119	Forgery of notes, checks, and other securities.
I	G.S. 14-120	Uttering forged paper or instrument containing a forged endorsement.
I	G.S. 14-123	Forging names to petitions and uttering forged petitions.
I	G.S. 14-124	Forging certificate of corporate stock and uttering forged certificates.
I	G.S. 14-125	Forgery of bank notes and other instruments by connecting genuine parts.
I	G.S. 14-136	Intentionally setting fire to grass and brushlands and woodlands.
I	G.S. 14-141	Burning or otherwise destroying crops in the field, damage over $2,000.
I	G.S. 14-149	Desecrating, plowing over or covering up graves.
I	G.S. 14-159.2(c)	Interference with animal research (if the animal has an infectious disease).
I	G.S. 14-163	Poisoning livestock.
I	G.S. 14-163.1	Injuring, maiming, or killing law-enforcement agency animal.
I	G.S. 14-177	Crime against nature.
I	G.S. 14-183	Bigamy.
I	G.S. 14-190.1	Obscene literature and exhibitions.
I	G.S. 14-190.6	Employing or permitting minor to assist in obscenity offense.
I	G.S. 14-190.7	Dissemination to minors under the age of 16 years.
I	G.S. 14-190.8	Dissemination to minors under the age of 13 years.
I	G.S. 14-190.17A	3rd degree sexual exploitation of a minor.
I	G.S. 14-208.11	Failure to register – Sex Offender Registration Program (second or subsequent offense).
I	G.S. 14-210	Subornation of perjury.
I	G.S. 14-211	Perjury before legislative committees.
I	G.S. 14-221.1	Altering, destroying, or stealing evidence of criminal conduct.
I	G.S. 14-225.2(a)(2)	Harassment of and communication with jurors.
I	G.S. 14-228	Buying and selling offices.
I	G.S. 14-233	Making of false report by bank examiners; Accepting bribes.
I	G.S. 14-253	Failure of certain railroad officers to account with successors.
I	G.S. 14-256	Prison breach and escape from county/municipal confinement facilities/officers by convicted felons.
I	G.S. 14-259	Harboring or aiding certain persons charged or convicted of a felony.
I	G.S. 14-269	Carrying concealed weapons (pistol or gun) (second or subsequent offense).
I	G.S. 14-269.2(b)	Possess firearm or explosive on educational property.
I	G.S. 14-269.2(c)	Aid minor to possess firearm or explosive on educational property.
I	G.S. 14-277.3	Stalking (second conviction within five years).
I	G.S. 14-277.4	Obstruction of health care facilities (third conviction within three years).

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
I	G.S. 14-278	Willful injury to property of railroads.
I	G.S. 14-280	Shooting or throwing at trains or passengers.
I	G.S. 14-282	Displaying false lights on seashore.
I	G.S. 14-309.5(b)	Bingo.
I	G.S. 14-309.14	Beach bingo (with a prize of $50.00 or greater).
I	G.S. 14-315(a1)	Selling or giving weapons to minors (Sale of Handguns).
I	G.S. 14-320.1	Transporting child outside the state with intent to violate custody order.
I	G.S. 14-322.1	Abandonment of child or children for six months.
I	G.S. 14-362.1(d)	Animal fights, other than cockfights, and animal baiting (second offense).
I	G.S. 14-373	Bribery of players, managers, coaches, referees, umpires, or officials.
I	G.S. 14-374	Acceptance of bribes by players, managers, coaches, referees, umpires, or officials.
I	G.S. 14-377	Intentional losing of athletic contest or limiting margin of victory or defeat.
I	G.S. 14-399(e)	Littering in an amount exceeding 500 pounds or 100 cubic feet for commercial purposes.
I	G.S. 14-401.11(b)(1)a	Distribution of certain food at Halloween and all other times prohibited (limited to mild physical discomfort without any lasting effect).
I	G.S. 14-409.9	Machine guns and other like weapons.
I	G.S. 14-433,-437(a)(1)	Recording of live concerts or recorded sounds and distribution, etc., of such recordings unlawful in certain circumstances (at least 1000 unauthorized Sound recordings or 100 unauth. audiovisual recordings; second offense).
I	G.S. 14-434,-437(a)(1)	Retailing, etc., of certain recorded devices unlawful (1000 unauthorized sound recordings/100 unauthorized audiovisual recordings; second offense).
I	G.S. 14-435,-437(a)(1)	Recording devices to show true name and address of manufacturer (1000 unauthorized sound recordings/100 unauthorized audiovisual recordings; second offense).
I	G.S. 15A-543(b)	Failure to appear (if released in connection with a felony charge or conviction).
I	G.S. 15B-7	Filing of false application for compensation award (more than $400.00).
I	G.S. 18B-307(c)	Unlawful manufacturing of alcoholic beverages (second offense).
I	G.S. 20-30(7)	Violations of License or Learner's Permit provisions.
I	G.S. 20-31	Making false affidavits perjury (Uniform Driver's License Act).
I	G.S. 20-34.1	Unlawful to issue licenses for anything of value except prescribed fees.
I	G.S. 20-71	Altering or forging certificate of title, registration card or application.
I	G.S. 20-106.1	Fraud in connection with rental of motor vehicles.
I	G.S. 20-106.2(d)	Sublease and loan assumption arranging regulated.
I	G.S. 20-109(a)	Altering or changing engine or other numbers (willful).
I	G.S. 20-109(b)	Altering or changing engine or other numbers (intent to conceal).
I	G.S. 20-112	Making false affidavit perjury (Anti-theft Provisions, Motor Vehicle Act of 1937).

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
I	G.S. 20-136	Smoke screens.
I	G.S. 20-177	Penalty for felony (Motor Vehicle Act of 1937).
I	G.S. 20-183.8(c)	Forging a motor vehicle inspection sticker.
I	G.S. 20-279.31(c1)	Making false affidavit perjury (Motor Vehicle Safety and Financial Responsibility Act of 1953).
I	G.S. 20-343	Unlawful change of mileage.
I	G.S. 20-350	Criminal offense (unlawful change of mileage).
I	G.S. 21-42	Issuing false bills or violating Chapter made felony.
I	G.S. 23-43	False taking of debtor's oath.
I	G.S. 53-131	False certification of a check.
I	G.S. 53-132	Receiving deposits in insolvent banks.
I	G.S. 58-2-180	Punishment for making false statement in financial or other statement.
I	G.S. 58-7-50	Maintenance and removal of records and assets.
I	G.S. 58-8-1	Mutual insurance companies organized; requisites for doing business (false oath in respect to certificate).
I	G.S. 58-19-50	Sanctions (Insurance holding companies).
I	G.S. 58-24-180(d)	Violating 58-24-65: Consolidations and mergers of fraternal benefit societies.
I	G.S. 58-24-180(e)	False statement under oath in any verified report/declaration required by law from fraternal benefit societies, perjury.
I	G.S. 58-70-1	Permit from Commissioner of Insurance; penalty for violation; exception.
I	G.S. 58-71-165	Monthly report required.
I	G.S. 63-27	Operation of aircraft while impaired (second conviction).
I	G.S. 65-71	Penalties (Cemeteries).
I	G.S. 66-135	Bond and trust account required.
I	G.S. 66-225	Violations (Credit Repair Services Act).
I	G.S. 75-12	False swearing by person responding to investigation of trusts and monopolies.
I	G.S. 78A-57	Criminal penalties (Securities Act).
I	G.S. 78C-39	Criminal penalties (Investment Advisors).
I	G.S. 78C-78	Remedies for violation; criminal penalty (athlete agents).
I	G.S. 78D-24	Criminal penalties (Commodities).
I	G.S. 80-11.1(b)	Criminal use of counterfeit trademark (value of more than $3,000 up to $10,000).
I	G.S. 90-95(b)(2)	Manufacture, sell, or deliver, or possess with intent to manufacture, sell, or deliver, a Schedule III, IV, V, or VI Controlled Substance.
I	G.S. 90-95(d)(1)	Possession of a Schedule I Controlled Substance.
I	G.S. 90-95(d)(2)	Possession of more than four dosage units of Hydromorphine.
I	G.S. 90-95(d)(2)	Possession of more than 100 dosage units of any controlled substance.
I	G.S. 90-95(d)(2)	Possession of any amount of Cocaine or Phencyclidine or derivative thereof.
I	G.S. 90-95(d)(4)	Possession of more than 1.5 ounces of Marijuana or .15 ounces of Hashish.
I	G.S. 90-95(e)(3)	Drug offense punishable by not more than two years and offender has been previously convicted of a drug offense.
I	G.S. 90-108	Prohibited acts; penalties (Controlled Substance Act).
I	G.S. 90-113.23(c)	Manufacture or delivery of drug paraphernalia (from person over 18 to person under 18).

APPENDIX F (concluded)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
I	G.S. 93A-40	Registration required of time share projects; real estate salesmen license required.
I	G.S. 93A-58	Registrar required; criminal penalties; project broker (real estate development).
I	G.S. 95-197	Withholding hazardous substance trade secret information.
I	G.S. 105-236(7)	Penalties (attempt to evade or defeat tax).
I	G.S. 105-236(9a)	Penalties (aid or assist in filing fraudulent returns).
I	G.S. 106-350	Sale of tubercular animal a felony.
I	G.S. 106-443	Issuance of false receipt a felony; punishment.
I	G.S. 106-549.26	Inspection of establishment; bribery of or malfeasance of inspector.
I	G.S. 108A-39(b)	Fraudulent misrepresentation (AFDC in amount of more than $400.00)
I	G.S. 108A-53(a)	Fraudulent misrepresentation (Food Stamp Program in amount more than $1,000).
I	G.S. 108A-63(c)	Medical assistance provider fraud.
I	G.S. 108A-64(c)(1)	Medical assistance recipient fraud (value of assistance is more than $400.00).
I	G.S. 113-209	Taking polluted shellfish at night or with prior conviction forbidden; penalty.
I	G.S. 130A-26A(b)	Violations of Article 4 (Vital Records Law).
I	G.S. 130A-26.1(f)	Criminal violation of Article 9 (transporting hazardous waste to a facility which does not have a permit).
I	G.S. 130A-26.1(g)	Criminal violation of Article 9 (handling hazardous waste without required documents).
I	G.S. 130A-431	Certain vaccine diversions made felony.
I	G.S. 133-31	Perjury; punishment (Public works).
I	G.S. 136-14	Members not eligible for other employment with Department; no sales to Department by employees; members not to sell or trade property with Department; profiting from official position.
I	G.S. 143-54	False certification that bids are submitted without collusion.
I	G.S. 143-215.6B(g)	Enforcement procedures: criminal penalties (Pollution control).
I	G.S. 148-45(a)	Escaping or attempting escape from state prison system (first offense).
I	G.S. 148-45(b)	Escaping or attempting escape from state prison system.
I	G.S. 148-46.1	Inflicting or assisting in infliction of self- injury to prisoner resulting in incapacity to perform assigned duties.
I	G.S. 157-29.1	Fraudulent misrepresentation (Housing Assistance for more than $400).
I	G.S. 163-72.4(f)	Registration by mail (willfully giving false information).
I	G.S. 163-81	Driver license examiners to accept applications to register voters (willfully giving false information).
I	G.S. 163-90.3	Making false affidavit perjury (Elections).
I	G.S. 163-226.3	Certain acts declared felonies (Elections).
I	G.S. 163-237(c)	Forgery of signature on absentee ballot.
I	G.S. 163-275	Certain acts declared felonies (Elections).
I	G.S. 163-278.53	Criminal punishment (Elections).
Source: NC Sentencing Commission		

North Carolina Department of Correction
214 West Jones Street • P.O. Box 29540 • Raleigh, North Carolina 27626-0540

James B. Hunt Jr., Governor

Mack Jarvis, Secretary

May 26, 1998

Mr. Ralph Campbell Jr.
Office of the State Auditor
Legislative Office Building
300 North Salisbury Street
Raleigh, N.C. 27603-5903

Dear Mr. Campbell:

On behalf of the N.C. Department of Correction, Division of Adult Probation and Parole, I wish to express my sincere appreciation to you and your staff for the comprehensive, objective and fair audit recently completed on our agency. We were very happy to have assisted your audit team in this endeavor and are anticipating many positive outcomes from this experience.

The work of the Division of Adult Probation and Parole is a critical component of our overall correction effort. Under the concept of structured sentencing, the Division has become the vital link to improving public safety through its community correction strategy. Our effectiveness will greatly impact the success of the structured sentencing legislation.

The conclusions and recommendations referenced in the report will be a valuable management tool as we plan to further enhance the effectiveness and efficiency of our operations. Attached you will find our written response which further supports our mutual beliefs that the overall outcome of the performance audit was a very positive one which we can build upon for the future.

Sincerely,

Mack Jarvis

Mack Jarvis
Secretary of Correction

An Equal Opportunity / Affirmative Action Employer

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DIVISION OF ADULT PROBATION AND PAROLE PERFORMANCE AUDIT RESPONSE

ORGANIZATION AND STAFFING

Conclusion

We concur with the conclusion that overall we are adequately staffed to handle the current caseloads. We further agree that our recent decentralization has enhanced our current structure to be more efficient and effective.

ORGANIZATIONAL ISSUES:

SPANS OF CONTROL MAY BE TOO LARGE FOR THE CHIEF PROBATION/PAROLE OFFICERS

DAPP agrees with the audit recommendation of a 10:1 span of control ratio with the Surveillance Officer reporting directly to the Chief Probation/Parole Officer. To achieve this recommendation, it will necessitate funding of an additional 36 Chief Probation/Parole Officers and 36 Office Assistants III at a start up cost of $4,025,016.

DAPP'S RAPID GROWTH HAS CAUSED PROBLEMS IN PROJECTING AND PROVIDING ADEQUATE OFFICE SPACE

DAPP is very much interested in exploring how we could better utilize and manage our current leased space. We think it is important to carefully consider the long-term implications of shared office space prior to a commitment. Each field officer should have a state vehicle to perform their duties, as well as the law enforcement designation to allow the officer to respond to emergency situations in a timely and efficient manner.

MANUAL PREPARATION OF CASE FILES IS INEFFICIENT

DAPP agrees with the audit's recommendation. The project cited in Henderson County has proven to be a model that DAPP desires to implement statewide. A computerized case management system is critical to our success in the future. The Director has identified funds to expand the pilot project to several other districts beginning in the next couple of months. As noted in the recommendation, funds to expand statewide are needed and supported by DAPP.

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THERE IS A LACK OF COMMUNICATION BETWEEN AND AMONG DAPP ADMINISTRATION, THE DIVISIONS, AND THE DISTRICTS

DAPP supports and has made significant progress towards expanding the WAN/LAN systems to our 139 lease locations as well as our office locations in the county courthouses. In the areas where this has occurred the immediate effects have been profound. To be effective, we recommend immediate funding so that a conversion and training period would run concurrently. DAPP plans on reviewing current policies and procedures and incorporating changes into an electronic format available to all staff.

STAFFING/WORKLOAD ISSUES:

THE ROLES OF REGULAR AND INTENSIVE PROBATION/PAROLE OFFICERS HAVE BECOME BLURRED AS A RESULT OF STRUCTURED SENTENCING

CASELOADS VARY SIGNIFICANTLY AMONG PPO'S

DAPP POLICY ON NUMBER OF CONTACTS MAY BE EXCESSIVE

In April of this year the Director appointed a Case Management Task Force. These 30 plus individuals have been working on an Intermediate Punishment and Community Punishment Case Management Plan for the Division. This will involve the reclassification of the officer positions as we know them. The offender contact requirements will be reevaluated and aligned according to punishment level. The Chief Probation/Parole Officer will be required to fill in as vacancies occur and or the need arises. Beginning July 1, 1998 all classes of officers will report directly to the CPPO in an effort to provide good services to the community through a sound operational structure (span of control). This realignment will initiate the reclassification of a number of PPO positions to the new PPO II class. This effort will begin in July 1998 and be completed by July 1999 (due to salary reserve limitations). Our caseload goals of 60 cases for intermediate punishment and 90 cases for community punishment can be achieved. DAPP encourages all judicial district managers to assign cases in a manner that best suits the needs of the particular area. We must maintain a high level of contact with the offenders and the community to remain effective and informed. Our realignment and rededication to a supported case management system will positively impact the concerns about excessive contact requirements. Additionally, the Surveillance Officer's major job responsibility is to perform the required curfew contacts as set out. The absconder work performed by that class plays an important specialization role in the management of our caseloads.

PERSONNEL AND PATRONAGE PRACTICES

Conclusion

We agree with the audit's conclusion that DAPP has generally adhered to State Personnel Policies and Procedures. As to instances in which patronage may have influenced a hiring or

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promotional decision, we are proud to say based on the findings of the auditors that among the sample of 121 files reviewed, this may have occurred in only 5% of the decisions. In addition, among the 6 instances cited, all selected candidates were pre merit-based hiring decisions which met the minimum education and experience requirements for the position sought.

VACANCIES ARE NOT FILLED ON A TIMELY BASIS.

While we do not disagree with the analysis, the Personnel Office is not aware of any recruitment difficulties experienced by the Division of Adult Probation and Parole sufficient to warrant a classification study. However, as the State Auditor's Office has suggested, if salary is the obstacle to recruitment, then a more appropriate approach would be to conduct a labor market analysis/salary survey. Furthermore, other avenues for addressing recruitment problems are available and should be considered prior to undertaking a labor market analysis/salary survey.

POSITION HISTORY FILES ARE NOT MAINTAINED AS REQUIRED BY REGULATIONS.

The Department of Correction Personnel Office developed a Merit-Based Recruitment and Selection Plan, which included procedures for the development and maintenance of position history files. This plan has been reviewed by the Office of State Personnel and approved by the State Personnel Commission. The Personnel Office distributed the Merit-Based Recruitment and Selection Plan to agency management on October 1, 1997, thereby providing advance notice of the new procedures inclusive of the procedures governing the position history file. The Personnel Office has also conducted in-depth training to all human resource professionals and agency managers and continues to provide training as requested and informal guidance when contacted. Finally, while the Department may have some technical and/or procedural issues associated with the position history files to resolve, we believe the agency is in compliance with the original intent of Executive Order 113 and the Merit-Based Recruitment and Selection Plan and the audit validates our belief.

The records reviewed were from 1993 through 1998. Employment transactions occurring prior to October 15, 1997 were not subject to the Merit-Based Recruitment and Selection Process; therefore, the information to be included in a position history file was dispersed among the various managers that would have been involved in the recruitment, selection, and employment process. Any transaction occurring after October 15, 1997 would have been subject to the Merit-Based Recruitment and Selection Plan; however, depending on when the employment transaction had been completed, all materials may not yet have been consolidated into a single position history file.

Finally, the Merit-Based Recruitment and Selection Plan has been in place for only seven (7) months and as with any new process, there is an adjustment period. Given that there have been more than 300 personnel transactions during this period, it is possible that that the position history files have not been consolidated into a single file for each of these hiring events

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DAPP'S RECORD RETENTION POLICY IS OUTDATED AND IN CONFLICT WITH THE MERIT-BASED RECRUITMENT AND SELECTION PLAN.

We do not dispute the fact that the Department of Corrections Records Retention Schedule on file with the Department of Cultural Resources, Division of Archives and Records is outdated. The Personnel Office is aware of this but is not prepared to revise the records retention schedule until the Department of Correction completes the required Office of State Budget and Management forms study designed to eliminate duplicated and unnecessary forms within all agencies. It is our position that this would be a futile project under these circumstances. In addition, the agency personnel policies and fiscal policies provide for a retention schedule unique to the specific record(s) addressed in that policy.

DAPP IS NOT IN FULL COMPLIANCE WITH STATE PERSONNEL HIRING AND PROMOTION POLICIES.

State Personnel Policy governing recruitment and posting of vacancies provides for situations where posting requirements do not apply. Specifically, where an agency determines that it will not openly recruit, the agency is not required to post the position. The State Personnel Policy provides a list of examples where posting may be waived. This list is not all inclusive as it would be impossible to identify and describe every single situation where a waiver to posting may be necessary. The inception of the Merit-Based Recruitment and Selection Plan did not change or alter an agency's ability to waive posting under certain circumstances in accordance with State Personnel Policy.

DAPP'S TIME KEEPING RECORDS DO NOT ACCURATELY REFLECT TIME WORKED, LEAVE EARNED OR TAKEN, OR WAGES PAID.

Payroll and personnel for the Department of Correction are complex and are further complicated by the volume of more than 19,000 employees and 500 different position classifications, most of which are subject to the Fair Labor Standards Act (FLSA). In administering the FLSA, the Department uses the 207k law enforcement exemption, agricultural exemption, as well as the exemptions for executive, administrative, and professional employees, and employees subject to overtime. We believe our policies, procedures, and practices are in full compliance with all applicable Federal and State laws, statutes, and regulations as well as all State and Department policies and procedures, but we will use the State Auditor's observations to improve our vigilance in this important area.

RELATIONSHIPS WITH OTHER PROGRAMS

Conclusion

We agree with the conclusion that our relationships with other programs are well defined and work effectively. We further agree that there is some relationship issues with Community Penalties and AOC.

The response from the Department has been reformatted to conform with the style and format of the rest of the audit report. However, no data has been changed.

Community Corrections Programs

THERE IS A DUPLICATION OF FUNCTIONS BETWEEN DAPP'S PRE-SENTENCE INVESTIGATION AND COMMUNITY PENALTIES PLAN

DAPP disagrees with the recommendation as it is cited regarding community penalties. Leadership with the Department of Correction and AOC agreed in the fall of 1997 to appoint a committee to resolve the issue of duplication of services. This group has been working with the Institute of Government throughout the process. There are many specific issues that need research and exploration prior to stating what agency should complete a sentencing plan/pre-sentence report. We do agree that there should be one agency responsible for presenting consistent and reliable information to the court. Our efforts to improve the flow of information will enhance the court's ability to target/match the offender into the proper sanction.

Post-Release Supervision and Parole Commission

THE LACK OF COMPLETE AND TIMELY RESPONSES TO INFORMATION REQUESTS HAMPERS EFFECTIVE COMMISSION OPERATIONS

DAPP agrees that all requests and reports should be provided to the Post-Release Supervision and Parole Commission within the time frames as set out by policies and procedures. The percentage of incomplete reports is small based upon the large volume of reports/requests submitted to the Commission (see Table 10). It is important to note that no offenders have been kept in prison longer than necessary based solely upon a failure to provide information in a timely manner. Furthermore, no unnecessary costs to the State have occurred. We have initiated monthly meetings.

THE DAPP SUPERVISION OFFICE DOES NOT HAVE ADEQUATE PROCEDURES FOR TRACKING AND FOLLOW-UP OF COMMISSION REQUESTS

DAPP agrees with the recommendation and has developed a tracking system for all requested information.

IMPROVED COOPERATION BETWEEN DAPP AND LOCAL JUDICIAL AGENCIES WOULD MORE EFFECTIVELY SERVE OFFENDERS

DAPP agrees with the suggestion that District Attorneys set aside specific court dates for probation violations which currently occurs in many districts throughout the State. Our local managers have worked very hard to maintain a level of efficiency. We have recently, and hope to continue to participate in various seminars for judicial officials so that we may continue to provide information about our supervision programs and services. We welcome any assistance and participation AOC is willing to offer.

The response from the Department has been reformatted to conform with the style and format of the rest of the audit report. However, no data has been changed.

EFFECTIVENESS OF PROBATION AND PAROLE

Conclusion

DAPP agrees with the conclusion that we have developed and implemented effective administrative policies and procedures as well as established an organizational structure that lends itself to the achievement of our goals and objectives.

DAPP DOES NOT HAVE AN ON-GOING, COMPREHENSIVE TRAINING PROGRAM FOR STAFF

DAPP's training staff has started a re-evaluation process that includes revamping the training requirements for each employee classification. We recognize the need for establishing a system that includes a frequent review of training needs. DAPP has been fortunate to have a very able training staff to effectively evaluate and design a training program to suit the needs of the field staff. DAPP agrees with the recommendation to develop a training plan for each staff member but lack the necessary resources to implement and monitor an effective, ongoing training program. We estimate that each Judicial Division Office needs to have four (4) additional Correctional Training Instructors to satisfy the organizations needs at a start up cost of $858,032.

FIELD OFFICE PERSONNEL DO NOT HAVE ALL NECESSARY EQUIPMENT

DAPP has made significant progress in acquiring and distributing the necessary equipment for the field officers. Our new case management system and the realignment of the officer classes will most likely fit well with the current protective equipment in the field.

THE LACK OF CLEARLY WRITTEN, SPECIFIC POLICIES AND PROCEDURES HAMPERS EFFECTIVE OPERATIONS

DAPP prefers not to set out step by step procedures in the policy manual. It is critical to our success that the policy and procedures manual be a framework in which each and every district can apply local practices. Our new case management system will require a major overhaul of our current manual and we intend to contract with an individual to devote full time to this task. We further intend to create a manual that is accessible to all field staff on line electronically.

COMPARISON TO OTHER STATES

Conclusion

DAPP agrees with the conclusion that North Carolina is one of the leading states in community correction practices. We are very innovative and progressive in our approach to corrections.

The response from the Department has been reformatted to conform with the style and format of the rest of the audit report. However, no data has been changed.

DISTRIBUTION OF AUDIT REPORT

In accordance with G.S. § 147-64.5 and G.S. § 147-64.6(c)(14), copies of this report have been distributed to the public officials listed below. Additional copies are provided to other legislators, state officials, the press, and the general public upon request.

EXECUTIVE BRANCH

The Honorable James B. Hunt, Jr.	Governor of North Carolina
The Honorable Dennis A. Wicker	Lieutenant Governor of North Carolina
The Honorable Harlan E. Boyles	State Treasurer
The Honorable Michael F. Easley	Attorney General
Mr. Marvin K. Dorman, Jr.	State Budget Officer
Mr. Edward Renfrow	State Controller
Mr. H. David Bruton, M.D.	Secretary, Department of Health and Human Services
Mr. Mack Jarvis	Secretary, Department of Correction

LEGISLATIVE BRANCH

Appointees of the Joint Legislative Commission on Governmental Operations

Senator Marc Basnight, Co-Chairman	Representative Harold J. Brubaker, Co-Chairman
Senator Austin Allran	Representative James W. Crawford, Jr.
Senator Frank W. Ballance, Jr.	Representative Billy Creech
Senator Betsy L. Cochrane	Representative N. Leo Daughtry
Senator Roy A. Cooper, III	Representative Theresa H. Esposito
Senator Wilbur P. Gulley	Representative Robert Grady
Senator David Hoyle	Representative Lyons Gray
Senator Howard N. Lee	Representative George M. Holmes
Senator Fountain Odom	Representative Larry T. Justus
Senator Beverly M. Perdue	Representative Richard T. Morgan
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Senator Anthony E. Rand	Representative Carolyn B. Russell
Senator Robert G. Shaw	Representative Timothy N. Tallent
Senator Ed N. Warren	Representative Stephen W. Wood
Senator Allen H. Wellons	

Other Legislative Officials

Representative James B. Black	Minority Leader of the N.C. House of Representatives
Mr. Thomas L. Covington	Director, Fiscal Research Division

June 1, 1998

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ATTACHMENT B

STATE OF NORTH CAROLINA

PRESENTATION TO

THE HOUSE JUSTICE AND PUBLIC SAFETY SUBCOMMITTEE

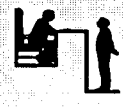
DEPARTMENT OF CORRECTION
DIVISION OF ADULT PROBATION AND PAROLE

JUNE 30, 1998

OFFICE OF THE STATE AUDITOR
RALPH CAMPBELL, JR.

REASON FOR AUDIT

- MANDATED BY 1997 GENERAL ASSEMBLY
  - SENATE BILL 352, SECTION 19.13



AUDIT OBJECTIVES

- ORGANIZATION, STAFFING AND WORKLOADS
- PERSONNEL AND PATRONAGE PRACTICES
- RELATIONSHIPS WITH OTHER COMMUNITY CORRECTION PROGRAMS
- GENERAL EFFECTIVENESS
- COMPARISON TO OTHER STATES



▸ ORGANIZATION AND STAFFING

CONCLUSION

- INCREASED 47% FROM FY92-93 TO FY97-98 = 880 POSITIONS
- REORGANIZED INTO 43 JUDICIAL DISTRICTS
  - DECENTRALIZED OPERATIONS
- DIVISIONS ADEQUATELY STAFFED



▸ ORGANIZATION AND STAFFING

CONCERNS

- RAPID GROWTH = OFFICE SPACE PROBLEMS
- MANUAL PREPARATION OF CASE FILES
- NEED TO REEXAMINE PPO CLASSIFICATIONS
- SIGNIFICANT VARIATIONS IN CASELOADS



▸ PERSONNEL AND PATRONAGE

CONCLUSION

- DAPP GENERALLY ADHERES TO STATE PERSONNEL POLICIES
- SAMPLE OF 121 PERSONNEL FILES
  - ONLY 6 (5%) REVEALED PATRONAGE
  - ALL OCCURRED PRIOR TO MERIT BASED HIRING



▸ PERSONNEL AND PATRONAGE

CONCERNS

- VACANCIES NOT FILLED TIMELY
- MERIT BASED HIRING NOT FULLY IMPLEMENTED
  - POSITION HISTORY FILES NOT IN ONE PLACE
  - RECORDS RETENTION POLICY OUTDATED
- TIME KEEPING RECORDS MAY NOT BE ACCURATE



▸ RELATIONSHIPS WITH OTHER PROGRAMS

CONCLUSION

- RELATIONSHIPS ARE WELL-DEFINED, EFFECTIVE
  - ▸ DAPP WORKS CLOSELY WITH COMMUNITY CORRECTIONS COALITION
- MINOR OVERLAP OF DUTIES WITH COMMUNITY PENALTIES PROGRAM



▸ RELATIONSHIPS WITH OTHER PROGRAMS

CONCERNS

- DUPLICATION OF FUNCTIONS
  - ▸ DAPP's PRE-SENTENCE INVESTIGATION
  - ▸ COMMUNITY PENALTIES PLANS
- COMMUNICATIONS ISSUES BETWEEN DAPP AND POST-RELEASE SUPERVISION AND PAROLE COMMISSION
  - ▸ INCOMPLETE OR UNTIMELY INFORMATION
  - ▸ NO TRACKING OF COMMISSION REQUESTS
- NEED FOR BETTER SCHEDULING OF COURT DATES

Office of the State Auditor
June 1998



► EFFECTIVENESS OF PROBATION AND PAROLE

CONCLUSION

- EFFECTIVE ADMINISTRATIVE POLICIES AND PROCEDURES
- DAPP HAS RESPONDED EFFECTIVELY AND TIMELY TO STRUCTURED SENTENCING



► ADMINISTRATIVE EFFECTIVENESS

CONCERNS

- NEED TO UPDATE POLICIES AND PROCEDURES
- PPOs NEED JOB SPECIFIC TRAINING AND PROPER EQUIPMENT
- NEED TO ACCESS OTHER CRIMINAL JUSTICE SYSTEM DATABASES



▸ PROGRAM EFFECTIVENESS

CONCLUSION

- TOO EARLY TO DETERMINE IMPACT OF STRUCTURED SENTENCING
- REVOCATION RATES HAVE DROPPED
  - PROBATION: FY91-92 = 42.0%
FY96-97 = 24.7%
  - PAROLE: FY91-92 = 31.0%
FY96-97 = 23.5%



▸ COMPARISON TO OTHER STATES

CONCLUSIONS

- NC COMPARES FAVORABLY TO OTHER STATES
  - REPUTATION AS INNOVATOR
  - LEADER IN STRUCTURED SENTENCING



ISSUE FOR FURTHER STUDY

★ STRUCTURED SENTENCING DOES NOT CONSIDER OFFENDERS' JUVENILE CRIMINAL HISTORY

+ MAY BE PLACED ON REGULAR PROBATION EVEN THOUGH HAS SERIOUS JUVENILE RECORD



Office of the State Auditor
June 1998

ATTACHMENT C



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North Carolina Department of Correction
ADULT PROBATION AND PAROLE
2020 Yonkers Road • P.O. Box 29540
Raleigh, North Carolina 27626-0540
(919) 716-3100 • Fax: (919) 716-3996

James B. Hunt Jr., Governor | Robert Lee Guy, Director | Mack Jarvis, Secretary

TO : Division of Community Corrections Staff DATE : May 22, 1998

FROM: Robert Lee Guy
Director

RE : Community Correction Strategy 98/99
Case Management Plan

The North Carolina Department of Correction, Division of Community Corrections is embarking on a bold new strategy in the "way we do business." This is as a result of structured sentencing, the merger of the Criminal Justice Partnership Program (CJPP) and the Division's commitment to tough punishment that makes sense. The main goals of this new strategy are twofold. First and foremost is officer safety.

Intermediate Case Management Plan will incorporate a new class(es) of officer - PPO III, PPO II and ISO. The Division recognizes these officers, all of whom will supervise intermediate punishment level cases and probation violators will be required to conduct the vast majority of offender contacts in the field, away from the relative safety of the office. Community Case Management Plan will also create a new class of officer - PPO I. The Division recognizes these officers will supervise community punishment level cases which will require limited field contacts with offenders.

The second goal of the new strategy is to emphasize and provide quality over quantitative supervision. This will be accomplished by reducing the number of cases per officer. This reduction, however, will take time. The intermediate punishment supervision officer (PPO III) will continue to carry 25 intensive cases. The other type of intermediate punishment supervision officer (PPO II) will carry a caseload of 60. This along with the updated supervision requirements will promote quality supervision to those offenders adjudicated by the court to be in need of greater supervision. The community punishment or traditional supervision officer (PPO I) will carry a caseload of 90. These offenders having been adjudicated by the court to be in need of lessor supervision. The following chart represents a brief summary of the duties and responsibilities of the above classes.

PPO IV (pay grade 70)
Chief Probation/Parole Officers – supervises and manages the unit

PPO III (pay grade 68) Intermediate Punishment Level
Intensive
Community Policing Initiatives
Community/Other "I" Failures
Serve on EHART Rotation
Expected to work flextime, shift premium, weekend shifts
Intermediate Officer Safety Package
State Car Commuting Policy available

PPO II (pay grade 67T) Intermediate Punishment Level
Split Sentence, IMPACT, RCC, EHA, DRC (Statutory "I" Sanctions)
DWI Levels I & II
Post Release
Specialized Caseloads (sex offenders, domestic violence, community policing, etc)
Graduates from Intensive/Failures from Community
Serve on EHART Rotation
Expected to work flextime, shift premium, weekend shifts
Intermediate Officer Safety Package
State Car Commuting Policy available

PPO I (pay grade 66) Traditional Probation Supervision
PPO Trainee (2 year progression) Traditional Probation Supervision
Community Punishment Cases
DWI level III, IV, V
Responsible for working all courts, PRE-PR/PSI Investigations
Monday - Friday, 8-5pm work schedule
WFT/TFU Cases
Parole
Traditional Officer Safety Package

Surveillance Officer (pay grade 64)
Member Intensive Team (reports to PPO IV/CPPO)
Other Duties :
Curfew Checks, DRC
EHA Response; Equipment Checks
Community Policing Support
Extradition/Absconder Caseload/List
Transportation Officers (IMPACT, Extradition, etc.)
Specialized Offender Tracking (sex offenders, domestic violence, etc)
Intermediate Officer Safety Package
State Car Commuting Policy available

[illegible]

5/1/98:	MERGER WITH CJPP
7/1/98:	OFFICIAL NAME CHANGE
7/1/98:	FINALIZE ORGANIZATIONALSTRUCTURE
7/1/98:	IMPLEMENT INTERMEDIATE PUNISHMENT CASE MANAGEMENT PLAN
7/1/98:	IMPLEMENT OFFICER SAFETY PACKAGE
7/1/98-6/30/99:	DEVELOP RCC STRATEGY
7/1/98-6/30/99:	DEVELOP & IMPLEMENT DIVISION EVALUATION STRATEGY
7/1/98-6/30/99:	AGRESSIVE PUBLIC RELATIONS CAMPAIGN

Implementation Action Plan

- Intermediate Punishment Case Management Plan
- Community Punishment Case Management Plan
- State Career Development & Advancement Plan
- OPUS/MIS
- Enhancement/Training/Implementation Plan
- Administrative Impact/Response Plan

Intermediate Punishment Case Management Plan

- Target Population
- Caseload Goals
- Resource Needs and Projections
- Control Policy & Procedures
- Treatment/Community Resource/Collaboration Plan
- Compliance Incentives, Rewards
- Enforcement, Response to Violations, Rearrest
- Special Initiatives

Community Punishment Case Management Plan

- Target Population
- Caseload Goals
- Resource Needs & Projections
- Treatment/Community Collaboration Plan
- Compliance Incentives/Rewards
- Enforcement/Response to Violations/Rearrest
- Special Initiatives

Staff Career Development and Advancement Plan

- Officer Classification Ladder
- Job Descriptions/Essential Functions
- Certification/Training Requirements
- Officer Safety Packages
- Work Schedules/On-Call Status

Monitoring Evaluation Planning Strategy

- Data Collection Analysis
- Effectiveness I Case Management
- Effectiveness C Case Management
- Effectiveness Special Initiatives
- Development Of Work Unit Formulas
- Overall Success Measurements
  - Revocation — New Conviction vs. Technical
  - Recidivism — Rearrest vs. Revocation
- Development Of Offender Profiles
- Matching Offender Profiles with Sanctions
- Overall Evaluation Strategy
- Planning for Future

OPUS/MIS Enhancement, Training Implementation Plan

- Enhancements to Achieve '98' Strategy
- Review, Analyze Data Entry Problems
- Define Staff Roles Related to OPUS
- "User Friendly" Strategy
- Develop Staff Manual
- Training Plan
- Monitoring Plan
- Report Development/Utilization

Administrative Impact/Response Plan

- Organizational Structure/Name Change
- Policy Manual Updates
- Statutory Changes
- AOC Judgement Modification
- Fiscal Impact Analysis
- Structured Sentencing Impact
- Equipment Needs
- I.D. Problems Outside Control
- Public Relations Plan

JUSTICE & PUBLIC SAFETY

July 1, 1998 Room 612

HOUSE MEMBERS PRESENT: [7] Representatives Justus, Kiser, Thompson, McCrary, Sexton, Smith, Redwine and Crawford

The Appropriations Subcommittee on Justice and Public Safety met on Wednesday, July 1, 1998. Representative Kiser called meeting to order at 8:40 AM and introduced House Pages Anna Stavredes, Wake County, sponsored by Speaker Brubaker and Jeremy Burleson, Stanly County, sponsored by Representative Barbee.

Representative Kiser called on Robert Guy, Director, North Carolina Department of Correction Adult Probation and Parole, to continue presentation on Community Correction Strategy 98/99 - Case Management Plan where he stopped on June 30, 1998.

Mr. Guy said the North Carolina Department of Correction, Division of Community Corrections is embarking on a bold new strategy in the "way we do business." This is a result of structured sentencing, the merger of the Criminal Justice Partnership Program (CJPP) and the Division's commitment to tough punishment that makes sense. The main goals of the new strategy are twofold. First and foremost is officer safety.

Intermediate Case Management plan will incorporate a new class(es) of officer - PPO III, PPO II and ISO. The Division recognizes that these officers will supervise community punishment level cases which will require limited field contacts with offenders.

The second goal of the new strategy is to emphasize and provide quality over quantitative supervision. This will be accomplished by reducing the number of cases per officer. This reduction, however, will take time. The intermediate punishment supervision officer (PPO III) will continue to carry 25 intensive cases. The other type of intermediate punishment supervision officer (PPO II) will carry a caseload of 60. This along with the updated supervision requirements will promote quality supervision to those offenders adjudicated by the court to be in need of greater supervision. The community punishment on traditional supervision officer (PPO I) will carry a caseload of 90; these offenders having been adjudicated by the court to be in need of lessor supervision. The following chart represents a brief summary of the duties and responsibilities of the above classes.

Mr. Guy said the next twelve months will be critical. Hope to come back in the long session and give a good report on what we have achieved in a short period of time.

Representative Kiser asked Joe to expand on your officers that are working with Community Policing.

Mr. Guy responded there is a brochure on Community Policing Partnership in packet explaining this program. He said this program began in Wake County abou 2 ½ years

ago with Chief of Police Mitchell Brown. In Wake County alone there are 7,000 offenders under our supervision. In the past police officers, deputy sheriffs and probation officers have not communicated like we should have in sharing communication. We do communicate on arrests and things of that nature. The whole concept of community policing means putting the probation officers in the community with the community police officers working side by side sharing information is a critical piece. We are not out there just to enforce, it is a big enforcement piece to just arrest. Community is a 3rd partner in partnership, we let them know who is in the neighborhood, if someone has a curfew and lives in the community, the police officer does not know this and the community does not know. We share information with the police officers, it gives us extra eyes and ears as to what is taking place in the community. It gives us more control of the offender. We look at the enforcement side, say we know you have a curfew, do not want to see you on the street corner past 7 PM.

Enclosed you will find materials outlining the following programs:

- North Carolina Tough Punishments That Make Sense
- Community Policing Partnerships
- Criminal Justice Partnership Program
- Domestic Violence Offender Control Program
- Post-Boot Camp Probation Program
- School Partnership Program
- Sex Offender Control Program

Domestic Violence Program is using specialized officers for these caseloads with additional training and equipment. Big piece is adding the victims to that program. What we are doing there is through our House Arrest Vendor they have developed a device we can place in the home of the victim. We are running a pilot program in Winston Salem and Forsyth County that the DA and Chief of Police are involved in. If someone is a domestic violence offender we will place him on house arrest. With the victim volunteering, we put a small monitoring device in the home of the victim that is also compatible to our equipment so when he leaves on house arrest to go to work during the day and goes by that victim's home or goes in close proximity to that home we notify our base station and immediately call 911. Now in Forsyth as pilot and look to expand this program. This has been a very successful program. We are looking for more funds to expand to various districts.

Representative Kiser asked on Domestic violence, what are the added expenses for this program.
Mr. Guy responded he did not have the figures. Will get figures.

Representative Justus asked on Satellite Tracking what is the cost for this program? Can you get me a average cost.
Mr. Guy responded will get technology counselor to provide numbers.

Representative Sexton said on Domestic Violence, they had multiple activities around the shelter and singular ones.

Representative Justus asked Representative Sexton if this was pretty common and could he get figures on the number of multiple activities around the shelter and singular ones too.
Representative Sexton said he would get number for committee.

Representative Justus asked if they knew the backlog in the Court System. We all know it is substantial. We have given the DA's, the Clerks and Judges people and will probably give them lots more people which should increase in the number of people going into the system and coming back into your system. Have you taken that into consideration. Can you give us backlog of cases yet to come to court for sentencing.
Mr. Guy responded he would ask Sentencing Commission for numbers.

Representative Justus asked what is the recidivism rate. What about revocations. Can you get exact figures as close as you can?
Mr. Guy said he would ask and report back

Representative Justus said the committee needs to get a further report on Community Services.

Representative Kiser said we had some questions yesterday that the staff has brought to the committee today. We are going to try and take time to answer questions we have asked for and we will call on Elisa Wolper to give a report.

Ms. Wolper said Representative Kiser had raised a question of an inconsistency in an Auditor's Report. Lines were left out. Attached is a copy of an amendment to Auditor's Report on p. 24 and Probation Populations and Parole and Post-Release Populations.

Representative Kiser called on Joe Stewart, Crime Control and Public Safety, for completion of Federal Grant Report.

Mr. Stewart reported that he would continue where we stopped on Page 2. Federal Grant Funding to the NC Department of Crime Control and Public Safety, Fund, Project Tile, Grant Total, State Cash Match Required, Grantor, Grant Period, Purpose and Seek State $ at End of Grant?
Fund Numbers
2651 - To provide support for community policing efforts across North Carolina. Pays for overtime.
1610613 - Federal grant to help promote the availability of victims compensation in the State.

1110115 - comes from US Department of Justice. Money that comes to the State for Law Enforcement Police Corp program. Four year scholarship in exchange for 4 years of work.
1110116 - Federal military equipment given to local law enforcement. Provides local resources to local law enforcement.
Mr. Stewart said in the future they would like to make presentation on their concerns on Fleet of Helicopters utilized by the Highway Patrol.
Representative Sexton asked what makes up this fleet?
Mr. Stewart said he would provide information.
1710722 - To conduct comprehensive review of juvenile justice
1810817 -Motor Vehicle theft prevention program
1210235 - Provide training for National Guard Counterdrug Task Force

Representative Sexton responded on Fund 1210235, This is a very successful program. Would like to see it continued.

Representative Justus asked can you get the committee a few examples of epochal surges that we have stabilized.
1410440 - to help eliminate tobacco purchases to minors.
1710728 - provide funds for law enforcement training.
1810818 - develop research and data on social market technology and results.
2680- to provide training to law enforcement officers throughout the state.
1519566 - to institute a public education campaign to raise awareness about risks of natural disasters.
Representative Justus asked since we have heard the last report, whether or not we have had improvements in the Community Service Program.

Representative Kiser said since Governor's Crime Commission recently granted grants to different agencies and counties can you tell the committee total amount of money that went to the different categories, Information network, Technology, Domestic Violence, etc
Joe responded will provide by category and county.

Mr. Stewart said he had one final comment to report. The US Senate budget report ws reported out last week. The 20 million earmark we requested for CIJN, was included specifically at the 20 million dollar figure. Much credit of this goes to Senator Faircloth, the diligence of his staff in working for that. This will be the 3rd year that the Criminal Justice Information Network has received a federal earmark. We appreciate Senator Faircloth bringing this home again. House will be reported out this week.
Meeting adjourned at 9:50 AM

Joe L. Kiser — Marilyn R. Holder

Representative Joe L. Kiser
Chairman
Attachments

Marilyn R. Holder
Committee Clerk

FUND	PROJECT TITLE	GRANT TOTAL	STATE CASH MATCH REQUIRED	GRANTOR	GRANT PERIOD	PURPOSE	PURPOSE
2651 SHP	SHP Operation Helping Hand	$340,038.00	$36,764.00	Governor's Crime Commission	7/1/96 - 6/30/98	To allow SBI, NC State Highway Patrol, NC Dept. of Justice's Safe Neighborhood Program and Division of Crime Prevention to provide support for community policing efforts across North Carolina.	Pilot project; value of effort to be determined based on results of from two years of operation.
1610613 V&J	Victim's Comp-Administration of Victims Compensation Benefits *1 @ 100% Fed	$55,600.00	$0.00	Office of Victims of Crime	10/1/96 - 9/30/98	Administration of Victims Compensation Benefits	Funds to promote availability of victims' compensation.
1110115 LESS	NC Police Corps Program *1 @ 100% Fed	$338,781.00	$0.00	Governor's Crime Commission	10/1/97 - 9/30/99	Administration of the Police Corps Program in North Carolina	Federal program.
1110116 LESS	Law Enforcement Equipment Procurement Prog*2 @ 100% Fed	$188,272.00	$0.00	U.S. Dept of Justice	10/1/197 - 9/30/99	Administration of the LESS Equipment Procurement Program	Federal program.
1710722 GCC	Center for Improvement for Juvenile Justice	$160,080.00	$53,360.00	U.S. Dept of Justice	4/14/97 - 6/30/98	To conduct comprehensive review of juvenile justice in North Carolina	One-time project.
1810817 CP	Watch Your Car Program *1 @ 100% Fed	$113,632.00	$0.00	Governor's Crime Commission	10/1/97 - 3/31/99	Administration of a national voluntary motor vehicle theft prevention program	Program encourages locals to adopt effort.
1210235 NG	Joint Counterdrug Task Force	$46,945.00	$0.00	Governor's Crime Commission	7/1/97 - 6/30/98	To provide training for National Guard Counterdrug Task Force through middle Atlantic Training Academy at Ft. Fisher	One-time project.
1410440 ALE	Tobacco Investigation Grant	$603,674.00	$0.00	HHS-FDA	2/23/98 - 8/22/99	To help eliminate tobacco purchases to minors	One-time project.
1710728 GCC	Law Enforcement Training Grant	$50,000.00	$0.00	Governor's Crime Commission	3/1/98 - 2/28/99	To provide funds for law enforcement training	GCC program.
1810818 CP	Drug Deglamorization Project	$46,000.00	$0.00	Governor's Crime Commission	8/15/97 - 8/14/98	To develop research and data on social market technology and results	One-time project.
2680 SHP	Together in Education	$99,900.00	$0.00	Cannon Foundation	5/1/98 - 5/1/2000	To provide training to law enforcement officers throughout the state	Set-up cost; some on-going operational cost.
1510566 EM	Americorps	$216,199.00	$59,828.00	Governor's Office of Citizen's Affairs	10/1/97 - 9/30/98	To institute a public education campaign to raise awareness about risks of natural disasters.	Results to be evaluated; seeking state funds to continue not anticipated.
TOTALS		**$4,591,453.00**	**$766,926.00**				
TOTAL FEDERAL AND STATE		**$5,358,379.00**					

FEDERAL GRANT FUNDING TO THE NC DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
Report includes all active federal grants (including pre-approved funds) as of May 31, 1998
NOTE: Match figures include obligations that span several fiscal years.

FUND	PROJECT TITLE	GRANT TOTAL	STATE CASH MATCH REQUIRED	GRANTOR	GRANT PERIOD	PURPOSE	SEEK STATE $ AT END OF GRANT?
1110112 LESS	LESS 96 Police Corps	$22,364.00	$0.00	Governor's Crime Commission	8/1/96- 7/31/98	To implement the NC State Police Corps Program envisioned by the Violent Crime Control Act of 1994.	Federal program.
1710726 GCC	Training for Professionals Working with Child Abuse	$20,000.00	$0.00	Governor's Crime Commission	7/1/97 - 6/30/98	To provide training and travel for professionals involved in the investigation, prosecution of child abuse cases and the treatment of child abuse victims.	GCC program.
1710715 GCC	Administration of the Drug Control and System Improvement Assistance Program ('96) *3 @ 100% Fed 4 @ 50% Fed 2 @ 75% Fed 1 @ 32% Fed	$1,244,323.00	$414,774.00	Governor's Crime Commission	6/1/97 - 9/30/98	These funds will be used to administer the DCSI grant program, which the Governor's Crime Commission uses to award grants to assist state and local units of government.	Funds to administer federal grant program.
1710710 GCC	Planning and Administration of 1997 JJDP Grant *2 @ 100% Fed	$202,200.00	$202,200.00	Governor's Crime Commission	7/1/97 - 10/1/99	Funds are used to administer the JJDP grant program.	Funds to administer federal grant program.
1710712 GCC	State Advisory Group Allocation	$30,000.00	$0.00	Governor's Crime Commission	10/1/97 - 9/30/98	Funds are used for travel and training of the State Advisory Group	Funds to administer federal grant program.
1710748 GCC	Victims of Crime Act Administration Funds *2 @ 100% Fed 5 @ 25% Fed	$523,750.00	$0.00	Office of Victims of Crime	7/1/97 - 6/30/99	Funds are used to administer the VOCA grant program	Funds to administer federal grant program.
1710749 GCC	Violence Against Women Act Administration Funds 1997	$166,600.00	$0.00	Office of Victims of Crime	7/1/97 - 9/30/99	Funds are used to administer the VAWA grant program.	Funds to administer federal grant program.
1710750 GCC	North Carolina(SAC-1) Statistical Analysis Center Program * 1 @ 100% Fed	$71,095.00	$0.00	Governor's Crime Commission	9/1/97 - 8/31/98	To provide technical and financial assistance to State SAC organizations in collection and analysis of common justice system statistical data promoting sharing between states and federal governments.	Funds associated with federal grant programs.
2670 SHP	National Law Enforcement Liaison Grant	$52,000.00	$0.00	Dept. of Transportation	9/1/97 - 8/31/98	To provide assistance in the preparation of a plan to increase the use of safety belts nationwide	One-time project.



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North Carolina Department of Correction
ADULT PROBATION AND PAROLE
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Raleigh, North Carolina 27626-0540
(919) 716-3100 • Fax: (919) 716-3996

James B. Hunt Jr., Governor | Robert Lee Guy, Director | Mack Jarvis, Secretary

June 24, 1998

Dear Criminal Justice Professional:

In 1993, the Division of Adult Probation and Parole embarked on an aggressive plan designed to enhance structured sentencing and restore the public's faith in our criminal justice system by "Changing the Way We Do Business." The two major areas of change represent the agency's reorganization and implementation of a comprehensive community correction strategy. On July 1, 1998, the Division of Adult Probation and Parole will change its name to the Division of Community Corrections to better reflect its new strategy and embrace the recent merger with the Impact Program and Criminal Justice Partnership Program.

In an effort to better inform our colleagues and the public of our community correction strategy, we have enclosed, for your review, an introductory pamphlet about the Division of Community Corrections, as well as, six (6) brochures representing innovative programs already underway. We hope you will join our campaign in educating others regarding the Division's community correction strategy and our mission to make our streets, schools and community at large safer places for all.

Enclosed you will find materials outlining the following programs:

- *North Carolina Tough Punishments That Make Sense*
- *Community Policing Partnerships*
- *Criminal Justice Partnership Program*
- *Domestic Violence Offender Control Program*
- *Post-Boot Camp Probation Program*
- *School Partnership Program*
- *Sex Offender Control Program*

If you need additional information, please e-mail Misty Arnold in my office at AMR02@doc.state.nc.us.

Sincerely,

Robert Lee Guy
Director

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Wedneday July 1, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus, Presiding
Representative Joe Kiser
Representative Gregg Thompson

II. PRESENTATIONS

- Recent Changes in the Division of Probation and Parole

  Robert Guy
  DAPP Director

- Completion of Federal Grant Report

  Joe Stewart
  Crime Control and Public Safety

- Follow up Items from Previous Meetings

  Fiscal Staff
  Departmental Management

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY 7-1-98

Name of Committee Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	[illegible]
Robert [illegible] Guy	DOC, DAPP
Ken D. [illegible]	NCBA
Roslyn Savitt	NC Coalition against Domestic Violence
Melissa Lovell	DOJ
Jane P. Gray	DOJ
[illegible] Barber	CJPC
Buddy [illegible]	OSBM
[illegible]	NC AOC

PROBATION AND PAROLE CASELOADS

SENATE BILL 352 funded 25 additional intensive teams and 151 probation parole officers with the goal of meeting the following average caseloads:

	1997-8	1998-9
Intensive	27:1	25:1
Community/Regular	90:1	90:1
Intermediate*	80:1	70:1

*(Division's goal and the target included in the Structured Sentencing Act is 60:1)

Based on population today and projections for next year, the following caseload averages apply:

	1997-8	1998-9
Intensive	25.6:1	25.5:1
Community/Regular	90:1	90:1
Intermediate*	76:1	76:1

The differences between the intent in SB 352 and the actual averages is a result of changes in the population projections. DAPP now includes Levels 1 & 2 and Habitual DWI in their intermediate punishment population and their projections show an increasing rather than decreasing population.

FRD June 1998

POPULATION UNDER SUPERVISION

By Supervision Level	1998-9	1999-0	2000-1	2001-2
Intensive	9,252	9,563	9,662	9,891
Intermediate Caseload	31,659	32,135	32,699	33,333
Community	75,703	76,043	76,862	78,158
TOTAL	***116,614***	***117,741***	***119,223***	***121,382***
By Type of Case				
Parole	3,585	2,989	2,279	1,937
Probation	112,440	113,967	115,971	119,445
Post-Release	380	590	785	974

Dapp March 1998

Marilyn



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James B. Hunt Jr., Governor | Robert Lee Guy, Director | Mack Jarvis, Secretary

TO : Division of Community Corrections Staff DATE : May 22, 1998

FROM: Robert Lee Guy
Director

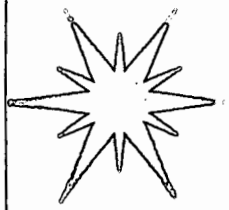
RE : Community Correction Strategy 98/99
Case Management Plan

The North Carolina Department of Correction, Division of Community Corrections is embarking on a bold new strategy in the "way we do business." This is as a result of structured sentencing, the merger of the Criminal Justice Partnership Program (CJPP) and the Division's commitment to tough punishment that makes sense. The main goals of this new strategy are twofold. First and foremost is officer safety.

Intermediate Case Management Plan will incorporate a new class(es) of officer - PPO III, PPO II and ISO. The Division recognizes these officers, all of whom will supervise intermediate punishment level cases and probation violators will be required to conduct the vast majority of offender contacts in the field, away from the relative safety of the office. Community Case Management Plan will also create a new class of officer - PPO I. The Division recognizes these officers will supervise community punishment level cases which will require limited field contacts with offenders.

The second goal of the new strategy is to emphasize and provide quality over quantitative supervision. This will be accomplished by reducing the number of cases per officer. This reduction, however, will take time. The intermediate punishment supervision officer (PPO III) will continue to carry 25 intensive cases. The other type of intermediate punishment supervision officer (PPO II) will carry a caseload of 60. This along with the updated supervision requirements will promote quality supervision to those offenders adjudicated by the court to be in need of greater supervision. The community punishment or traditional supervision officer (PPO I) will carry a caseload of 90. These offenders having been adjudicated by the court to be in need of lessor supervision. The following chart represents a brief summary of the duties and responsibilities of the above classes.

5/1/98:	MERGER WITH CJPP
7/1/98:	OFFICIAL NAME CHANGE
7/1/98:	FINALIZE ORGANIZATIONAL STRUCTURE
7/1/98:	IMPLEMENT INTERMEDIATE PUNISHMENT CASE MANAGEMENT PLAN
7/1/98:	IMPLEMENT OFFICER SAFETY PACKAGE
7/1/98-6/30/99:	DEVELOP RCC STRATEGY
7/1/98-6/30/99:	DEVELOP & IMPLEMENT DIVISION EVALUATION STRATEGY
7/1/98-6/30/99:	AGRESSIVE PUBLIC RELATIONS CAMPAIGN



Intermediate Punishment Case Management Plan

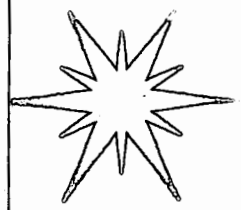
Community Punishment Case Management Plan

State Career Development & Advancement Plan

OPUS/MIS

Enhancement/Training/Implementation Plan

Administrative Impact/Response Plan



Target Population

Caseload Goals

Resource Needs and Projections

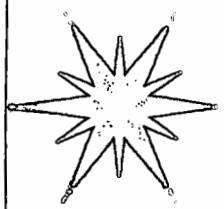
Control Policy & Procedures

Treatment/Community Resource/Collaboration Plan

Compliance Incentives, Rewards

Enforcement, Response to Violations, Rearrest

Special Initiatives



Target Population

Caseload Goals

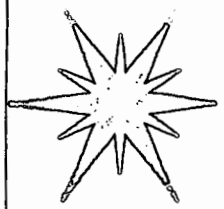
Resource Needs & Projections

Treatment/Community Collaboration Plan

Compliance Incentives/Rewards

Enforcement/Response to Violations/Rearrest

Special Initiatives



Officer Classification Ladder

Job Descriptions/Essential Functions

Certification/Training Requirements

Officer Safety Packages

Work Schedules/On-Call Status

Administrative Impact/Response

- Organizational Structure/Name Change
- Policy Manual Updates
- Statutory Changes
- AOC Judgement Modification
- Fiscal Impact Analysis
- Structured Sentencing Impact
- Equipment Needs
- I.D. Problems Outside Control
- Public Relations Plan

Monitoring Evaluation Planning

Strategy

- Data Collection Analysis
- Effectiveness I Case Management
- Effectiveness C Case Management
- Effectiveness Special Initiatives
- Development Of Work Unit Formulas
- Overall Success Measurements
  - Revocation — New Conviction vs. Technical
  - Recidivism — Rearrest vs. Revocation
- Development Of Offender Profiles
- Matching Offender Profiles with Sanctions
- Overall Evaluation Strategy
- Planning for Future

OPUS/MIS Enhancement

Evaluation, Improvement and Plan

- Enhancements to Achieve '98' Strategy
- Review, Analyze Data Entry Problems
- Define Staff Roles Related to OPUS
- "User Friendly" Strategy
- Develop Staff Manual
- Training Plan
- Monitoring Plan
- Report Development/Utilization

Attachment IV

DEPARTMENT OF CORRECTION RECEIPTS*

Program	Budget 97-98/98-99	97-98 Receipts	Difference – Budget vs. Receipts	Governor Recom. Reduct. 98-99	Senate Recom. Reduction 98-99
Federal Nutrition Program	$2,736,343	$3,265,909	**$529,566**	($450,000)	($450,000)
Medical reimburse-ment from counties	$876,492	$1,624,867	**$748,375**	($450,000)	($600,000)
Federal Alien reimburse-ment funds	$1,308,081	$2,428,136	**$1,120,055**	0	($550,000)

Source: Department of Correction Controllers Office 7/8/98

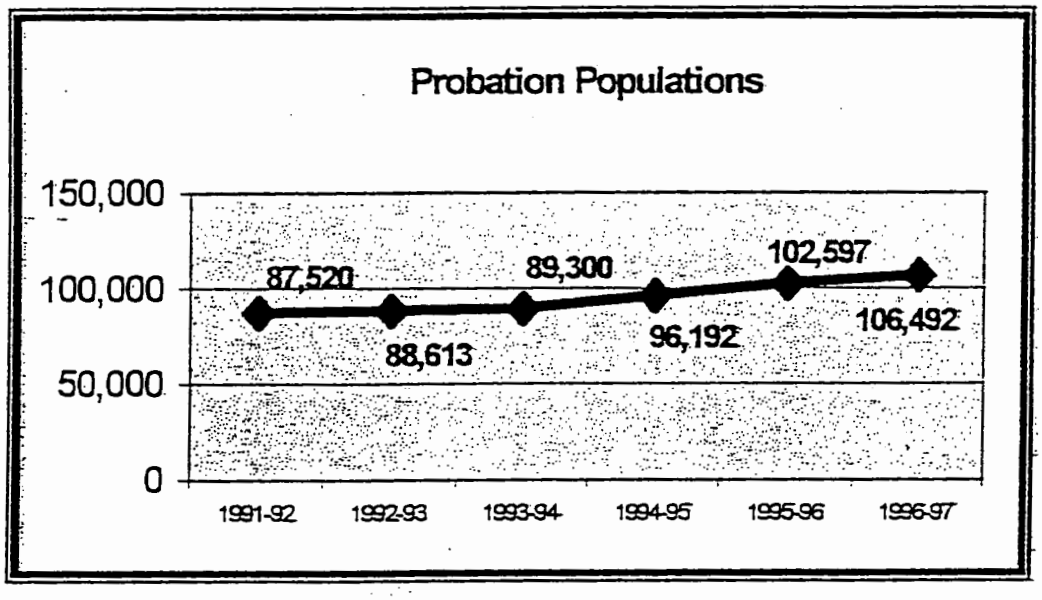
*Reductions are reductions in General Fund because of excess/over-realized receipts (greater than budgeted amount). Total receipts received in 98-99 may increase or decrease from receipt levels in 97-98; recommended reductions in General Fund assume that at least a portion of the excess receipts from 97-98 will be received in 98-99.

FOLLOW UP TO QUESTIONS FROM JUNE 30TH

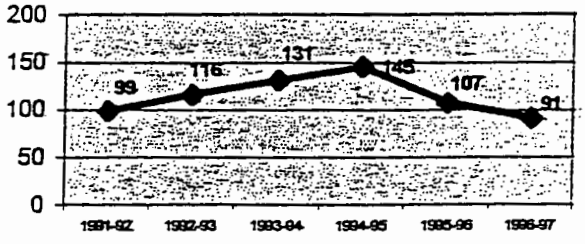
Please amend Auditor's Report on p. 24

An estimated **736,608** hours could be saved annually from use of the computerized case file documentation. These hours (valued at $10,229,616 based on average salaries for field staff) could be used for more direct contacts with offenders.

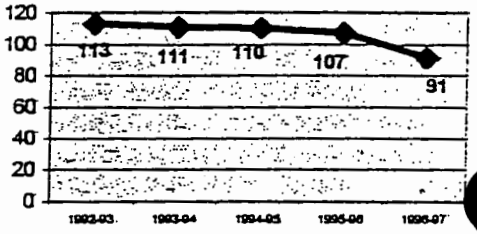
Note: that comes to an average of **371 hours per officer per year** or 7.4 hours per week, based on 1,982 Intensive, Surveillance, Regular, High Risk and Administrative Officers. The savings is valued at an average cost of **$13.88/hour**. Minimum salary for a regular Probation Parole Officer averages $14.35 an hour.



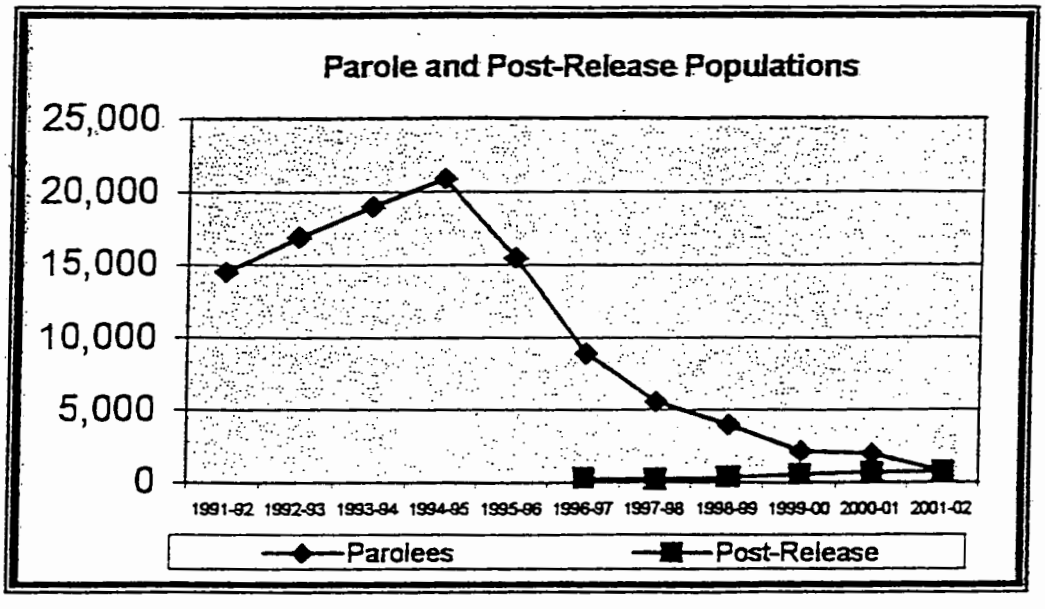
Parole/Post-Release Caseload Averages



Probation Caseload Averages



The Probation population in NC continues to increase, however, caseload averages are on the decline due to the additional resources provided by the General Assembly and the good case management practices of the DAPP field staff.



HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Thursday July 2, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus, Presiding
Representative Joe Kiser
Representative Gregg Thompson

II. PRESENTATIONS

- Follow up Items from Previous Meetings

  Fiscal Staff
  Departmental Management

- Bills Referred to House Appropriations Subcommittee on JPS

  Fiscal Staff

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

July 2, 1998
ROOM 612

HOUSE MEMBERS PRESENT: [5] Representatives Justus, Kiser, McCrary, Hardy, and Redwine.

The House Appropriations Subcommittee on Justice and Public Safety met on Thursday, July 2, 1998, in Room 612 of the Legislative Office Building. Representative Justus called the meeting to order at 9:50 AM and introduced House Pages Matt True, from Henderson County and Jeanene Allison from Cumberland County.

Presentations

Follow up Items from Previous Meetings

Representative Justus recognized Elisa Wolper, Fiscal Staff, for these items. Ms. Wolper covered the following items:

1. Recidivism report -- Ms. Wolper noted that the re-arrest rate overall is 32.8%. Representative Kiser added that marriage helps prevent re-arrest according to this chart. Attachment 1.
2. Information on DAPP's (Division of Adult Probation and Parole) Pilot Program on Victim Advocacy. Attachment 2 The cost to expand this program statewide is 3.08 million dollars. The two pilot programs are funded by a Federal grant that expired yesterday.
3. Grants Funded Community Correction Programs -- Attachment 3. Three grant programs funded by the Department of Corrections -- Summit House, Harriet's House, and Women at Risk -- have not presented their second quarter report that was due in May. Governmental Operations has not met during Session. Attachment 3 covers these reports.

Representative Kiser asked if the Department of Corrections is showing a true reflection of restitution paid the pilot programs shown in Attachment 2 or did the Department "Shop" for counties to compare. Gregg Stahl replied that this could be due to a variety of reasons. Representative Kiser added that if these are true numbers, then this program appears to be very worthwhile.

Representative Justus asked if this program would add additional victim witness assistants. Jim Mills, Fiscal Staff, replied that these positions were included in the overall chart. A local grant should not duplicate what is already in place. Representative Justus added that the committee needs to check for duplicate positions. Catherine Smith, VAN, stated that the Governor's Crime Commission has a list of grants available and quite a few are local positions.

Representative Kiser told Jim Mills that the report this committee has was made prior to the last round of grants by the Governor's Crime Commission. At yesterdays meeting, Representative Kiser asked for the dollar amount of the last grants to victims and in particular for domestic violence.

4. North Carolina State Bureau of Investigation (NCSBI) Evidence Handling Field Guide. Attachment 4 was distributed. One copy of the NCSBI Evidence Handling Field Guide would be sent to each law enforcement agency. Representative Kiser noted that if a SBI agent needs a handbook to take into the field, then we are not providing proper training. Elisa Wolper answered that this was geared at local agencies.

5. Approved Title Attorneys -- Attorney General -- Attachment 5A
   Approved Title Attorneys -- Governor -- Attachment 5 B.

Representative Kiser asked if there is a set fee for attorneys. Elisa Wolper will provide this information.

6. NC Department of Correction -- Calculation of Estimated Total Lapsed Salary and Related Fringe Benefits -- Attachment 7. Another update will be done since this is for the year end. **Representative Justus asked for the total reversion figures as of June 30. This will be provided.**

Bills Assigned to House JPS Subcommittee -- July 2, 1998

Matt Bronson, Fiscal Staff, distributed Attachment 8. He reported that all bills except two have been considered. Representative Justus added that HB 975 NC NG Lengthy Service Bonus was being held by request from the National Guard.

Three bills have been assigned to this committee during the 1998 Session:

HB 1614 Mediation Center Funds -- 2

HB 1680 Magistrates' Salary Increase

HB 1733 Expedite Death Penalty Cases/Funds (already in HB 665 - Victims Rights)

The actual bill has an appropriation of $25,000. And this was not included in the Victims Rights Bill.

The meeting was adjourned at 9:50 PM

Larry T. Justus
Representative Larry Justus
Chairman

Carolyn Justus
Carolyn Justus
Committee Clerk

April 1998 Recidivism Report 7-2-98
on 94-95 ATT-1
(3 yr follow-up)

PROBATION

Number of clients (N): 31,081

Age in years:	
Mean	28.5
Median	26.4
Gender:	**%**
Male	78.0
Female	22.0
Race:	**%**
White	41.5
Black	55.0
Other	3.5
Marital status:	**%**
Single	62.6
Divorced/Separated	19.1
Married/Widowed	17.7
Other/Unknown	0.6
Self-reported completion of high school	**%** 42.2
Percentage with at least one prior fingerprinted arrest:	**%** 63.9
Mean number of prior fingerprinted arrests:	
Any offense	1.57
Violent offense	0.25
Sex offense (felony)	0.02
Property offense	0.86
Drug offense	0.40
Other offense	0.20
Current Offense:	**%**
Violent felony	3.2
Sex felony	1.8
Property felony	11.1
Drug felony	15.0
Other felony	1.4
Violent misdemeanor	12.8
Property misdemeanor	27.4
Drug misdemeanor	7.8
Other misdemeanor	8.4
Other unknown	11.1
Percentage who served time in prison immediately before beginning probation:	0.7
Mean number of months served in prison, excluding those who served none:	6.26
Rearrest rates (fingerprinted rearrest):	**%**
Any offense	32.8
Violent offense	5.9
Sex offense (felony)	0.3
Property offense	15.0
Drug offense	10.8
Other offense	5.0
Mean number of subsequent arrests:	0.62
Mean number of months for recidivism follow-up:	34.9
Participation in programs:	**%**
TASC	2.2
Intensive Probation	13.4
Electronic House Arrest-Probation	2.1
Community Service-Probation	35.7
Community Penalties Program	1.6
IMPACT	2.4
Special Probation	6.1
Regular Probation	87.6
Residential Facility	0.1

Att. 2

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Raleigh, North Carolina 27626-0540
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James B. Hunt Jr., Governor | Robert Lee Guy, Director | Mack Jarvis, Secretary

June 18, 1998

TO : *House Appropriations Subcommittee on Justice and Public Safety*

FROM : *Robert Lee Guy*
Director

RE : *Request for Information: DAPP's Victim Advocacy Program*

Per your request I have provided below additional information regarding the Victim Advocacy Program in the Division of Adult Probation and Parole.

Program Elements (Judicial District 10 & 3B)

A. *Restitution: Enforcement/Collection of restitution is a top priority (see below)*

Restitution Collected:

District	*Before (95/96) Program*	*With Program (97/98)*
District 10 (Wake)	*673,158.22*	*1,142,248.25*
District 3B (Craven, Pamlico, & Carteret)	*390,769.99*	*515,907.02*

**** Comparison to District without Program (Comparable to size above)***

District	*95/96*	*97/98*
District 21 (Forsyth)	*1,324,701.45*	*498,019.61*
District 6B	*444,658.24*	*361,768.81*

GRANT FUNDED COMMUNITY CORRECTION PROGRAMS

MAY 1998 REPORTS

ATT. 3

Summit HOUSE

State Office
319 Smyres Place
Greensboro, NC 27403
(336) 691-9888 fax (336) 691-0903 e-mail: smthouse@nr.infi.net

To: **The Honorable Harold J. Brubaker, Speaker**
North Carolina House of Representatives

The Honorable Marc Basnight, President Pro Tempore
North Carolina Senate

Members, Joint Legislative Commission on Governmental Operations

From: **Karen V. Chapple, CEO**

Date: **April 24, 1998**

RE: **Report on Programs FY97-98 – July 1997 – March 1998**

Enclosed is the biannual report from Summit House, which operates three Residential Therapeutic Communities within the state of North Carolina and Day Reporting Program for Females in North Carolina.

Executive Summary:

- 65 mothers and children were served in residential programs during the first three quarters of FY97-98 – 15% of the mothers were pregnant and two healthy babies were born
- Of the 26 mothers served, 39% have remained drug free for a year, as documented by urinalysis testing
- Only two women's probation status has been revoked (7.6%)
- A recidivism study enclosed notes that of the mothers served from 1990 through 1998 only 25% were reconvicted of a misdemeanor or felony and only 5% were convicted of a felony within 1-1095 days (3 years) after leaving the program.
- A cost effectiveness sheet which is enclosed details if a mother goes to prison and her child goes into foster care the state pays $226 a day. If the same family is served at a Summit House the cost is $110 a day. Of the $110 a day at Summit House tax dollars support $80 a day --- $8 a day more than the cost of housing only the woman in prison.

If you have any questions regarding this report or would like to tour one of the Summit House programs, do not hesitate to call me.

Keeping families together, changing women's and children's lives.
Recipient of the 1996 President's Service Award

Summit House FY97-98 Demographic Statistics

July 1997 – March 1998

Residential Programs	CLT	GSO	RAL	TOTAL
1. Number of clients served	27	26	12	65
Mothers	11	9	6	26
Children	16	17	6	39
2. Total number of new clients admitted	9	8	10	27
Mothers	4	3	5	12
Children	5	5	5	15
3. Number of continuing clients (FY96-97)	18	18	2	38
Mothers	7	6	1	14
Children	11	12	1	24
4. Number of pregnant women served	1	1	2	4
5. Number of babies born	1	1	0	2
Race	bi	bi		
Birth Weight	7/6	7/9oz		
Gender	F	M		
6. Number of referrals received	33	36	37	106
7. Number of intakes conducted	18	28	10	56
8. Number of mothers this fiscal year who:				
a. Completed parenting	2	8	3	13
b. Secured their GED	0	0	0	0
c. Completed substance abuse treatment	5	3	2	10
d. Remained drug free for a year (documented)	4	5	1	10
e. Competed further training for employment	2	4	3	9
f. Secured part-time employment	5	1	1	7
g. Secured full-time employment	1	1	1	3
h. Secured independent living arrangements	1	0	2	3
Number of children who:				
Succeeded in public school or day care	10	14	2	26
Completed counseling	0	10	0	10
Received a developmental screening & services	0	4	1	5
9. Number of clients who graduated	2	0	0	2
Mothers	1			1
Children	1			1
11. **Number of prison days saved**	1934	1474	421	3829
12. **Number of potential foster care days saved**	2239	2708	509	5456
13. Number of clients non-compliant/reported	0	4	2	6
14. Number of clients whose probation was revoked	0	1	1	2
15. Number of clients transferred	0	2	0	2

Greensboro Resource Center

1. Number of active clients at end of quarter Residential After care clients Non-Residential clients	13 6 1 6
2. Number of referrals this year	69
3. Number of intakes/interview	19
4. Number of treatment plans developed	14
5. Number of clients non-compliant/reported	8

Recidivism Study of
Summit House Residents

1990 – April 1998

Report to the North Carolina General Assembly

Compiled by:
Sarah Adeline Keith
Policy and Program Research Assistant
April 24, 1998

Summit House 1998 Recidivism Report

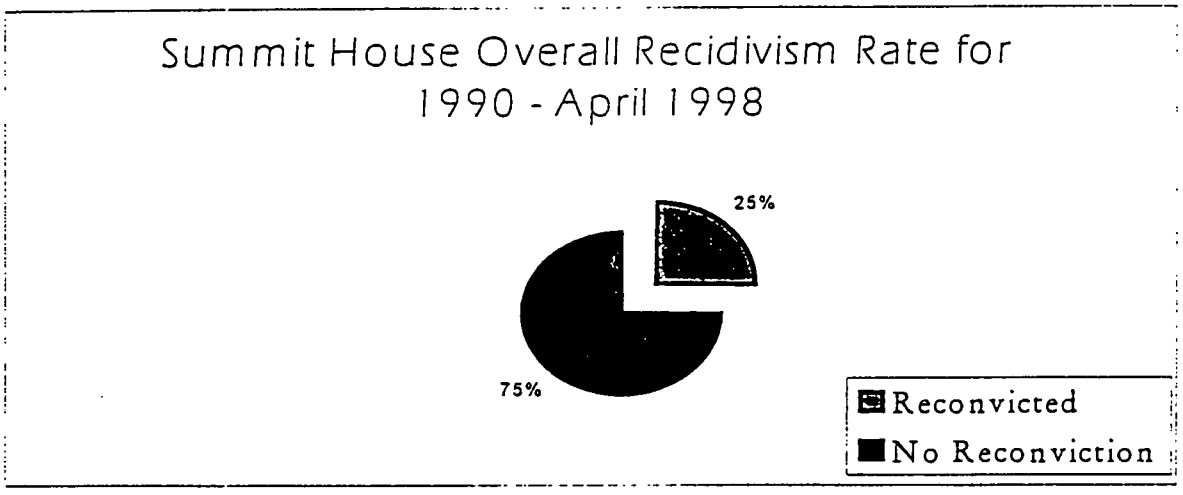
Summit House of North Carolina Mission Statement: The Summit House program strengthens the family by intervening in the lives of non-violent women offenders and their children. Comprehensive services are administered to the women and their children through the efforts of a public-private partnership in a highly structured environment. The program strives to break the cycle of crime. Summit House also advocates nationally for community based sentencing programs.

Data: In the past 8 years, Summit House has served 75 mothers from 1990 - April 1998 who have left the program. Summit House expanded their services in 1995 to two other locations outside of Greensboro: Summit House of Raleigh and Summit House Charlotte. Our recidivism study includes all three programs and the women that we have served. Since each residence serves 8 families at a time, the reconviction data was pulled from multiple years at a time to increase the validity of the study. Summit House serves a high-risk population as shown in the Recidivism of Offenders assigned to Community Corrections programs in North Carolina for FY 94-95 the percentage of prior finger printed arrests was 86.5% for residential programs.[1]

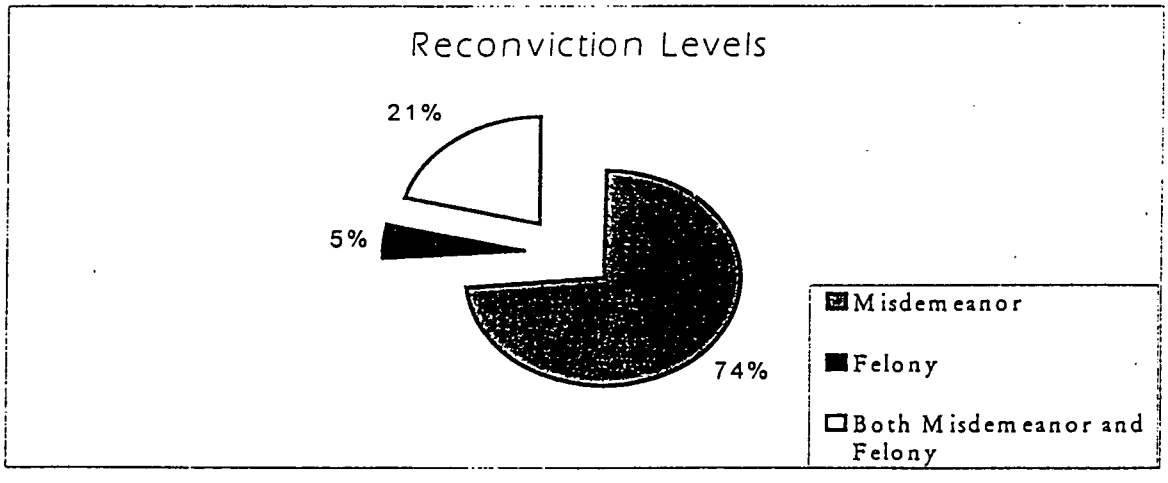
Definition of recidivism: Data was collected only from the North Carolina AOC database due to the inability to access other databases. Each person was pulled on a statewide name search with verification of identification by their birth date, social security number and/or their NC Department of Correction number. The data was then compiled on all reconvictions after their last day of residence at Summit House. Reconviction includes felonies, misdemeanors, all levels of DUI's, and whether or not the client returned to prison after three years out of the program. Probation violations and arrests without convictions were not included in the study.

The following is information on the outcome and reconviction rates/percentages of Summit House residents during the eight-year period.

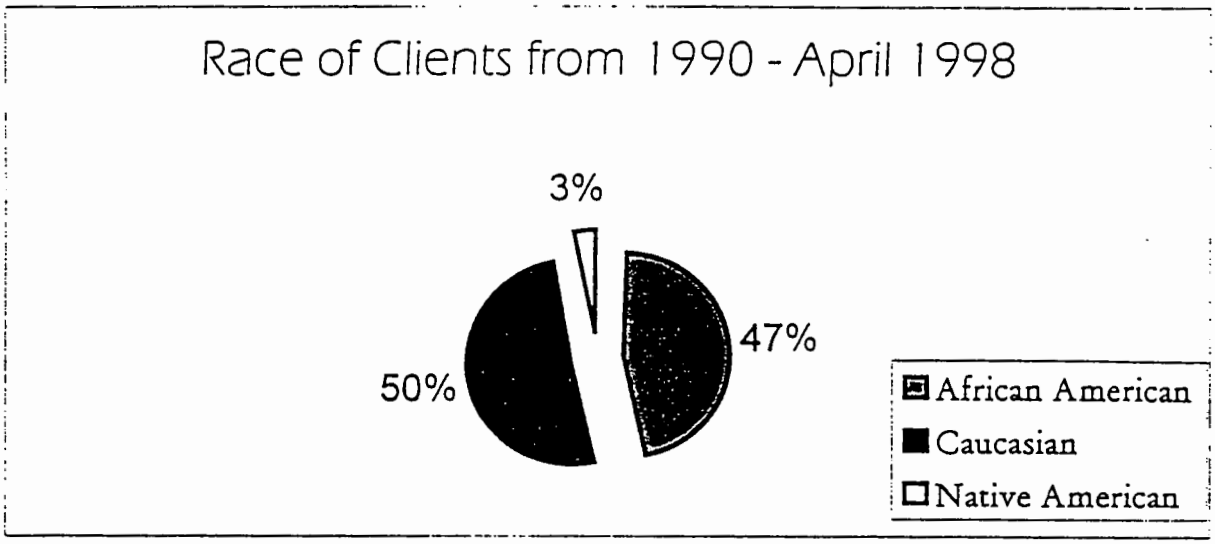
[1] Recidivism of Offenders Assigned to Community Corrections Programs or Released from Prison in North Carolina Fiscal Year 1994-95. Prepared by the North Carolina Sentencing and Policy Advisory Commission in conjunction with the North Carolina Department of Correction, April 1998.



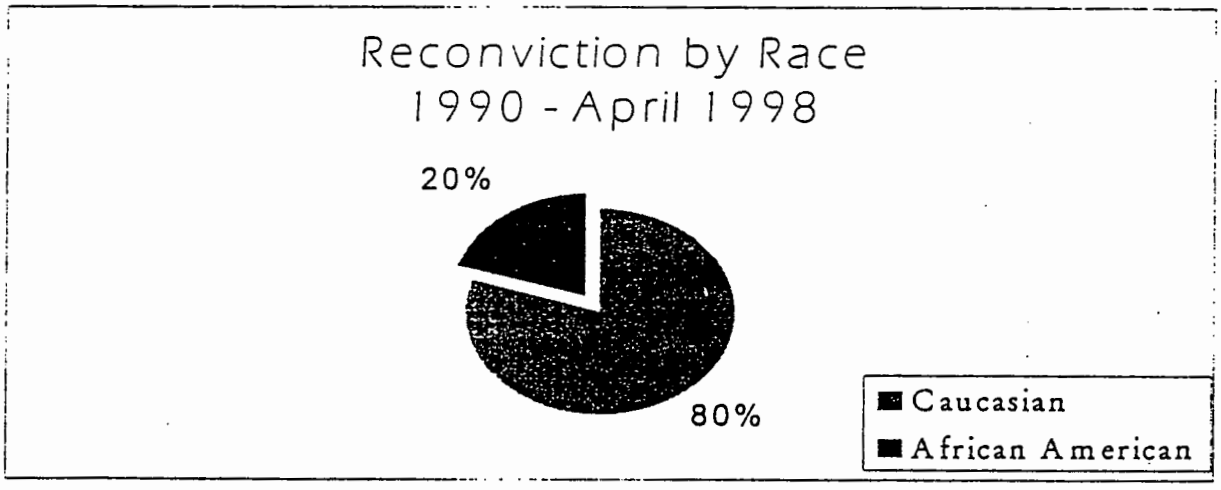
The overall recidivism rate for Summit House from 1990 – April 1998: 75% of the clients were not reconvicted within a three year period, 25% of the women were reconvicted.



Of the 25% of clients that were reconvicted only five percent of the clients were convicted of only felonies. Seventy four percent of the 25% were convicted of only misdemeanor. Twenty one percent of the women who were reconvicted were convicted of both felony and misdemeanor charges within three years of leaving Summit House.



Fifty percent of the Summit House clients are Caucasian, Forty seven percent were African American and Three percent were Native American.



Of the women who were reconvicted, 80% were Caucasian and 20% were African American. There were no Native Americans reconvicted after three years out of Summit House.

Comparison of Summit House Costs and Prison/Foster Care

April, 1998

If a mother with one child goes to prison and the child goes to foster care the daily costs are:

- The mother's costs per day at North Carolina Correctional Institution for Women is $72.69
- The child's daily cost at a medium level of foster care is $153.50
- The daily costs for this family are $226.19

If the mother with one child comes to Summit House the daily costs are:

- The woman's costs per day is $53.34
- The child's costs per day is $56.93
- The daily costs for this family are $110.27

The savings to the state of North Carolina for this family are $115.92 a day.

SUMMIT HOUSE OF NORTH CAROLINA

Keeping Families Together - Changing Women's and Children's Lives

1998 FACT AND IMPACT SHEET

FACTS ON NORTH CAROLINA FEMALE OFFENDERS:

- There was an 85% increase of pregnant women admitted to prisons in North Carolina from 1994 to 1996
- 24-48 hours after birth babies are taken from incarcerated mothers
- Over 3,300 children are without their mothers due to incarceration
- Children of incarcerated parents are much more likely to be incarcerated in the future themselves(1)
- Over 1,900 women are incarcerated in our state on any day(2)

FISCAL IMPACT TO OUR STATE:

- The average cost of foster care per day is $153.50 (3)
- Commitment to a state training school in North Carolina is $48,441 annually at $132.72 day for 1997. (4)
- The annual cost to incarcerate a woman is $26,531.85 at $72.69 a day(2) at the Correctional Institution for Women in Raleigh for FY96-97.
- The recidivism rate over a three year period, based on women released in FY88-89 was 40%(2) - which adds an additional $3,538 annually to the cost of maintaining one woman in prison.
- The cost of building a minimum security prison cell for a female facility is $19,940 as of 3/21/96

SUMMIT HOUSE FISCAL IMPACT:

- Annual operating costs per mother at Summit House residential program was $19,472 at $53.34 per day FY96-97. (5)
- Annual operating costs per child in a Summit House residential program were $20,780 at $56.93 per day for FY96-97. (5)
- The operating costs per mother in the day reporting center, at the Greensboro Summit House Resource Center, are $820.59 for FY96-97.

SERVICE DIFFERENCES BETWEEN SUMMIT HOUSE AND PRISON:

- Every mother completes parenting classes and is able to use those skills by living in residence with her child(ren).
- Every mother, if appropriate (80%), must complete all substance abuse counseling, participate in random drug screening and continue to attend NA/AA.
- Every mother learns appropriate behaviors via an intensive cognitive behavior modification program linked to her treatment plan and goals.
- Every mother must complete their GED to graduate.
- Every mother must obtain employment at a pay rate above minimum wage to graduate.

Summit House State Office: 319 Smyres Place Greensboro, NC (336) 691-9888
Residential and/or Day Reporting Sites in Charlotte, Greensboro and Raleigh.

(1) National Association of School Psychologists, 1994
(2) Data provided by the DOC Research and Planning on 2/20/98 based on FY96-97, this is the most current recidivism study completed on female offenders, the next update will be in 7/98
(3) NC Department of Human Resources Division of Social Services 10/96
(4) Data provided by the Division of Youth Services - 2/20/98
(5) All Summit House residential financial and statistical data used based on FY96-97

Summit House, Inc.
612-B W. Friendly Ave.

Greensboro NC 27401
====(F)ull (A)udit (T)rail====

Run Date:04/10/98
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CONSOLIDATED INC STMT MAR 1998

INCOME STATEMENT
Covering 07/01/97 to 03/31/98 MARCH

JULY THRU MAR

GL Number	Description	===== Current Period ====== Actual	%	BUDGET	%	===== Year to Date ===== Actual	%	BUDGET	%
	SUPPORT AND REVENUES								
	MAJOR INDIVIDUAL DONORS	9000.00	15.8	1249.98	720.0	45884.00	3.6	11249.82	407.8
	SMALL INDIVIDUAL DONORS	177.63	0.3	1374.99	12.9	9971.78	0.8	12374.91	80.5
	CORPORATE DONORS	0.00	0.0	9999.99	0.0	29413.00	2.3	89999.91	32.6
	ORGANIZATIONS/CHURCHES	450.00	0.7	4583.32	9.8	32412.00	2.6	41249.88	78.5
	ORGANIZATIONS & CLUBS	2523.00	4.4	833.32	302.7	7819.00	0.6	7499.88	104.2
	BOARD DONATIONS	3850.00	6.8	758.33	507.6	12138.01	0.9	6824.97	177.8
	UNITED WAY/CFC	4597.73	8.1	3750.00	122.6	38736.39	3.1	34125.00	113.5
	TOTAL FOUNDATIONS	14000.00	24.7	7426.73	188.5	36750.00	7.7	86840.57	111.4
	TOTAL PUBLIC SUPPORT	34598.36	61.1	29976.66	115.4	263124.18	21.9	290164.94	94.1
	GOVERNMENT SUPPORT								
	GUILFORD COUNTY	0.00	0.0	2136.25	0.0	10681.25	0.8	14953.75	71.4
	COMMUNITY BLOCK GRANT	0.00	0.0	717.50	0.0	6457.50	0.5	6457.50	100.0
		16668.00	29.4	8333.33	200.0	66670.00	5.3	58333.31	114.2
	STATE OF NORTH CAROLINA	0.00	0.0	0.00	0.0	827818.50	66.4	827818.50	100.0
	TOTAL GOVERNMENT SUPPORT	16668.00	29.4	11187.08	148.9	911627.25	73.2	907563.06	100.4
	REVENUES								
	ROOM AND BOARD	2385.98	4.2	2999.99	79.5	20356.60	1.6	26999.91	75.3
	INTEREST INCOME	2890.21	5.1	183.66	1573.	17012.63	1.3	1652.94	1029.
	NET FUNDRAISING	25.00	0.0	166.66	15.0	9001.51	0.7	9499.94	94.7
	MISCELLANEOUS INCOME	50.00	0.0	41.66	120.0	14117.39	1.1	374.94	37
	TOTAL REVENUES	5351.19	9.4	3391.97	157.7	60488.13	4.8	38527.73	156.9
	TOTAL SUPPORT AND REVENUES	$ 56617.55	100.0	$ 44555.71	127.0	$ 1235239.56	100.0	$ 1236255.73	100.7
	EXPENSES								
	OPERATING EXPENSES								
	EMPLOYEE COMPENSATION	90570.77	159.9	91672.03	98.7	823283.44	66.1	853183.17	96.4
	PROFESSIONAL FEES	1014.07	1.7	3207.80	31.6	34908.91	2.8	41944.70	83.2
	SUPPLIES	709.71	1.2	1102.08	64.3	12056.80	0.9	9918.72	121.5
	TELEPHONE	1933.21	3.4	2262.50	85.4	20702.77	1.6	20362.50	101.6
	POSTAGE	1419.33	2.5	916.67	154.8	7199.60	0.5	8250.03	87.2
	OCCUPANCY	7173.70	12.6	7591.62	94.4	60305.16	4.8	64674.58	93.2
	RENTAL/MAINTENANCE OF EQUIPMENT	1567.76	2.7	1170.16	133.9	11738.75	0.9	10531.44	111.4
	PRINTING AND PUBLICATIONS	2112.85	3.7	1422.89	148.4	14568.82	1.1	12806.01	113.7
	TRAVEL AND TRANSPORTATION	3068.52	5.4	3146.61	97.5	33963.63	2.7	34019.49	99.8
	SPECIFIC ASSISTANCE TO INDIVIDUALS (+ MEETING EXPENSES)	4126.06	7.2	8599.03	47.9	62539.49	5.0	77391.27	80.8
	DUES, MEMBERSHIPS AND AWARDS	580.88	1.0	446.16	130.1	2519.41	0.2	4015.44	62.7
	INSURANCE	741.82	1.3	742.01	99.9	6767.38	0.5	6678.09	101.3
	BANK CHARGES AND MISCELLANEOUS	276.47	0.4	441.65	62.5	4664.01	0.3	3974.85	117.3
	TOTAL OPERATING EXPENSES	115295.15	203.6	122721.21	93.9	1095218.17	87.9	1147750.29	95.4
	CAPITAL NEEDS								
	EQUIPMENT PURCHASES (SMALL) +DEPRECIATION	4417.00	7.8	349.99	1262.	42787.17	3.4	3149.91	1358.
	TOTAL CAPITAL NEEDS	4417.00	7.8	349.99	1262.	42787.17	3.4	3149.91	1358.
	TOTAL EXPENSES	119712.15	211.4	123071.20	97.2	1138005.34	91.3	1150900.20	98.8
	EXCESS (DEFICIENCY) ==========>>	$ -63094.60	-111.	$ -78515.49	80.3	$ 97234.22	8.6	$ 85355.53	125

WOMEN AT RISK

POST OFFICE BOX 7472 • ASHEVILLE, NC 28802 • 704-252-2485 • FAX 704-252-5944

May 1, 1998

The Hon. Marc Basnight, President Pro Tempore
Co-Chair, Legislative Commission on
Governmental Operations
NC General Assembly
Raleigh, NC 27603-5925

The Hon. Harold J. Brubaker, Speaker of the House
Co-Chair, Legislative Commission on
Governmental Operations
NC General Assembly
Raleigh, NC 27603-5925

Dear President Basnight and Speaker Brubaker:

Please find enclosed ***An Interim Report to the NC General Assembly,*** July 1, 1997 - March 31, 1998, from the **Women At Risk Program**, sponsored by Western Carolinians for Criminal Justice, Inc.

We are pleased to report that FY 97-98 has been our most robust year at Women At Risk. In only nine months we have nearly surpassed the number of cases opened (intakes) and clients served during all of last year. By June 30, we also expect to exceed last year's number of program graduates and active clients. (See page 1.)

In addition, we are extremely encouraged by the low probation revocation rate of Women At Risk graduates (See page 2). Twice a year, our staff review court records to determine how well Women At Risk graduates manage probation. This spring we are pleased to report that nearly 85% of Women At Risk graduates (58 offenders), from July 1, 1995 - March 31, 1998, have stayed out of custody and on probation.

On the other hand, women who either dropped out of, or were terminated by, Women At Risk have not done as well on probation. Court records indicate that 31% of Program drop-outs, from July 1, 1995 - March 31, 1998, have had their probation revoked and suspended sentences activated.

This tells us that Women At Risk is heading in the right direction, as we assist offenders with probation, by helping them overcome self-destructive and abusive behaviors which brought them to the court's attention and risk of imprisonment.

Thank you again for the state's support of the Women At Risk Program. We look forward to a strong finish this fiscal year and an even more promising FY 98-99. Please let me know if you need further information.

Sincerely,

Ellen Clarke, Executive Director

Enclosures

cc Julie Carpenter, Budget Officer, NC Department of Correction
Elisa Wolper, Fiscal Research Division, NC General Assembly

The Women At Risk Program©

sponsored by

Western Carolinians for Criminal Justice, Inc.

An Interim Report to the NC General Assembly

May 1, 1998



Women at Risk is a community-based sentencing alternative for women who are at risk of going to jail or prison.

Ellen Clarke, WCCJ Executive Director
Brenda Carleton, WAR Program Director
PO Box 7472
Asheville, NC 28802
704/252-2485

The Women at Risk Program

Table of Contents

Contents	Page
Activity Reports	1-2
Referral Sources	3
Demographics of Clients	4
Financial Statements	5

The Women at Risk Program

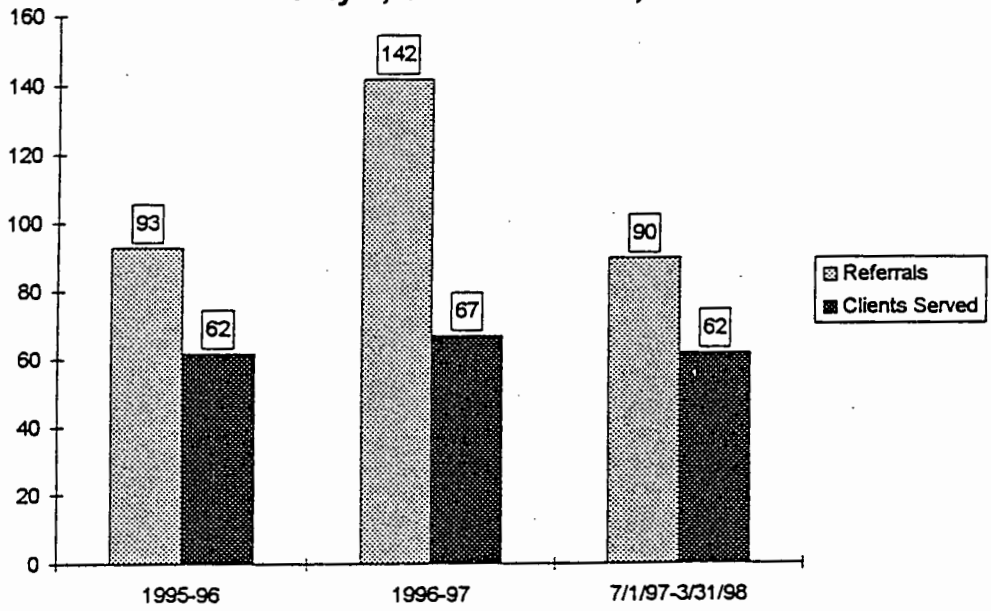
Activity Reports

ACTIVITY	FY 1995-96	FY 1996-97	FY 7/1/97-3/31/98
Referrals	93	142	90
Intakes	54	67	64
BC Jail Screening	37	81	64
Terminations	26	50	42
Clients Served	62	67	62
Terminations of Clients Served	19	28	n/a
Graduates	19	30	19
Active Clients(On Schedule)	36	28	31
Successful Progress*	55	58	50
Graduates with Probation Revoked	4	5	1
Terminations with Probation Revoked	6	9	7

*Successful Progress = Graduates + Active Clients

Referrals and Clients Served

July 1, 1995- March 31, 1998

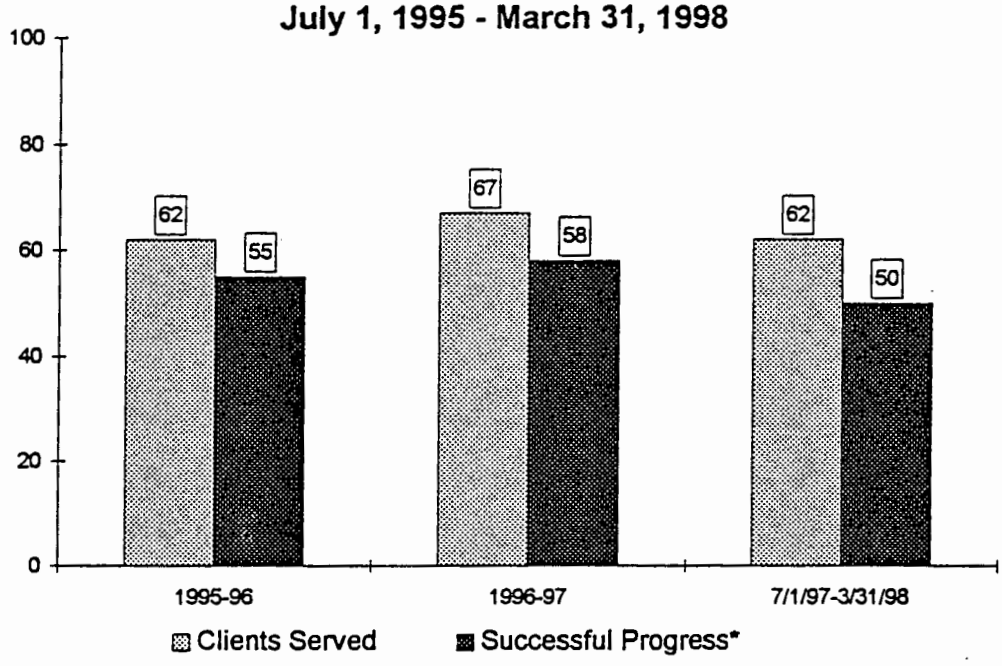


The Women at Risk Program

Activity Reports

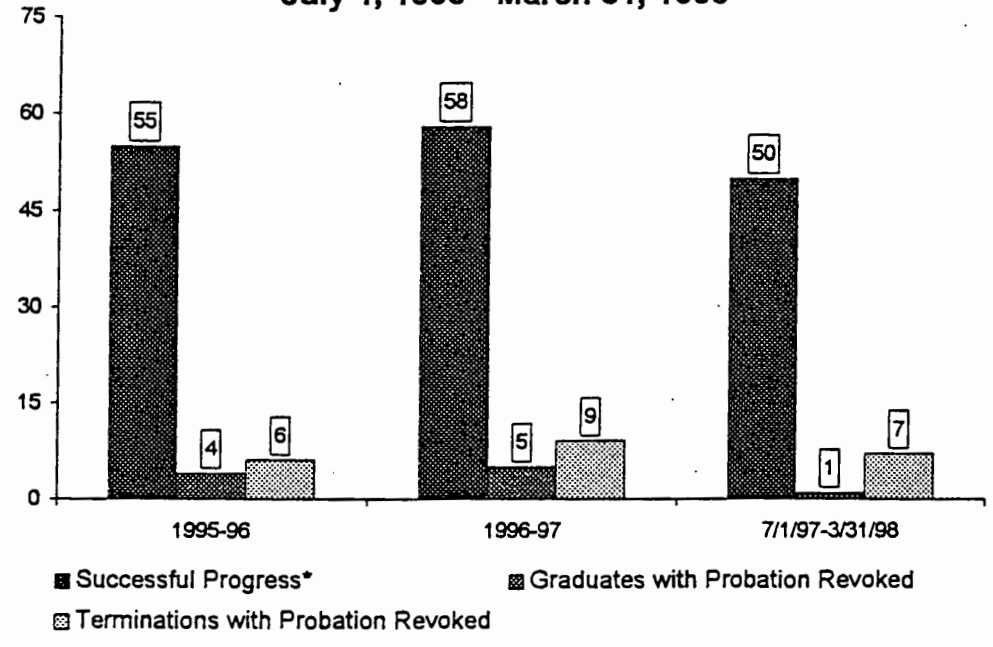
Successful Clients

July 1, 1995 - March 31, 1998



Probation Revocation

July 1, 1995 - March 31, 1998



The Women at Risk Program

Referral Sources
July 1, 1995 - March 31, 1998

Referral Source	FY 1995-96	FY 1996-97	FY 7/1/97-3/31/98
Attorneys/Public Defenders	30	62	16
Buncombe Alternatives/C.P.P.	9	5	3
Bench	10	20	12
Probation	11	13	7
HELPMATE	2	0	0
Jail	10	9	12
Pretrial Release	1	1	0
D.S.S.	5	5	4
Health Dept.	1	0	2
Client/Self	5	13	7
MAPSAP	3	0	2
Mary Benson House/Blue Ridge Ctr.	1	1	2
H.O.P.E.	1	0	0
W.C.C.J./C.P.P./W.A.R.	1	5	5
D.R.C.	2	1	1
Another Client/Friend	0	1	5
Bridgeway	0	1	1
Oxford house	0	1	0
Other	1	4	11
TOTAL	93	142	90

The Women at Risk Program

Demographics of Clients Served
July 1, 1995 - March 31, 1998

DESCRIPTION	FY 1995-96	FY 1996-97	FY 7/1/97-3/31/98
Cases Opened (* Previously Counted As Clients Served)	62*	67*	64
Principle Charge			
Drugs	6	13	4
DWLR/DWI	0	5	10
Fraud	4	2	3
Larceny	8	11	6
Probation Violation	17	16	9
Prostitution	0	3	3
Shoplifting	3	2	4
Worthless Checks/Forgery & Uttering	0	5	7
Assault			3
Embezzlement			2
Resisting Arrest			2
Other (Child Abuse, Hit & Run, Obtaining Property under False Pretense, Failure to Comply, Contempt of Court)	0	5	5
DSS (Termination of Parental Rights, Non-support of Child)			6
Race			
White	42	40	39
African American	20	26	24
Asian American/Hispanic	0	1	1
Employed	23	31	22
Income Source			
Wages	23	31	22
Public Assistance	24	18	11
Food Stamps	32	22	26
Disability	0	1	4
Highest Grade Completed (HS)	11th	11th	11th
Clients who Are Mothers	54	56	52
Children			
Average Number per Client	2.0	2.3	2.5
Average Age of Client (at Birth of 1st Child)	19.0	19.0	18.0
Average Age of Client's Mother (at Birth of 1st)	18.0	18.0	18.0

Western Carolinians for Criminal Justice

Profit and Loss

July 1997 through March 1998

		Jul '97 - Mar '98
Ordinary Income/Expense		
Income		
405 · W A R Funding		
405.1 · WAR General Assembly		93,750.00
405.2 · WAR Buncombe County		10,000.00
405.4 · WARChurches		5,800.00
405.6 · WAR Client Fees		1,231.03
405.8 · WAR/Misc.		300.00
405.91 · WAR Replication/Repay		1,200.00
Total 405 · W A R Funding		112,281.03
410 · WCCJ Education/Advocacy		
411 · WCCJ Extra Contrib.		500.00
Total 410 · WCCJ Education/Advocacy		500.00
415 · Fundraising		2,075.00
Total Income		114,856.03
Expense		
501 · Personnel		
501.1 · Gross Salaries		73,184.04
502 · BENEFITS		
502.1 · Health Insurance	10,575.38	
502.2 · Workers' Comp Insurance	0.00	
502.3 · Unemployment	273.78	
502.6 · Misc. Benefit	110.00	
Total 502 · BENEFITS		10,959.16
Total 501 · Personnel		84,143.20
510 · CONTRACTUAL		
510.1 · Accounting, Audit		1,057.66
510.3 · Clinicians		8,790.63
510.4 · Childcare		556.00
510.6 · Client Services/CONTR.		75.00
Total 510 · CONTRACTUAL		10,479.29
512 · TRAVEL		
512.1 · Transportation		666.09
512.2 · Subsistence		21.39
512.3 · Training		1,079.29
Total 512 · TRAVEL		1,766.77
513 · OFFICE SUPPLIES		
513.1 · General Supplies		534.77
513.3 · Computer supplies		15.00
513.4 · Copier Supplies		195.22
Total 513 · OFFICE SUPPLIES		744.99
525 · OPERATING EXPENSES		
504 · Client Supplies/Svcs.		517.33
505 · Insurance		
505.1 · Personal Property/Liability	400.00	
505.2 · Bonding	34.00	
Total 505 · Insurance		434.00
506 · LOCInterest/FinanceCharges		329.89
514 · Postage and Delivery		
514.1 · Fundraising/Newsletter	14.04	
514 · Postage and Delivery - Other	261.49	
Total 514 · Postage and Delivery		275.53
515 · TELEPHONE		
515.1 · S. Bell/Asheville	1,398.92	
515.6 · MCI	397.21	
5150 · MODEMS/COMPUTER		
5150.1 · Asheville Modem	185.36	

Western Carolinians for Criminal Justice

Profit and Loss

July 1997 through March 1998

	Jul '97 - Mar '98	
Total 5150 · MODEMS/COMPUTER	185.36	
Total 515 · TELEPHONE		1,981.49
516 · Office Rent		4,521.27
517 · Repairs/Maint.		157.50
518 · Dues and Subscriptions		126.83
519 · Printing and Reproduction		216.90
520 · UTILITIES		
520.1 · Electricity	376.90	
520.2 · Public Svc/Gas	110.41	
Total 520 · UTILITIES		487.31
Total 525 · OPERATING EXPENSES		9,048.05
530 · Miscellaneous		146.55
531 · Purchase/Equipment		335.98
Total Expense		106,664.83
Net Ordinary Income		8,191.20
Net Income		8,191.20

Harriet's House transitional housing for ex-offender women and their children

A program operated by

Passage Home Community Development Coporation

A Report to the NC General Assembly Governmental Operations Committee on the Cost Effectiveness of the Harriet's House Program

May 1998

"I have crossed the line of which I had so long been dreaming. I was free; but there was no one to welcome me..." ...Harriet Tubman

Lisa Crosslin, Program Manager

Jeanne Tedrow, Executive Director

Louise Davis, Chairperson for Harriet's House

EXECUTIVE SUMMARY

In response to the increasing number of female inmates imprisoned in Raleigh, the Harriet's House program was initiated in 1992 by women in the faith community to help women with children make a positive transition out of prison into society. Currently there are over 1200 women housed at Raleigh Correctional Center for Women and NC Correctional Center for Women.

Harriet's House offers an intergenerational approach to assist female ex-offenders and their children re-unite as a family and in the community. Harriet's House is a transitional housing program based on a clustered community living approach. That is, women live in apartments near one another, and when they are ready, usually at the end of six months, they begin to assume legal and physical custody of their children.

During the first six months they are preparing themselves to take increasing responsibility for their lives. They will acquire a job and begin a budgeting program that includes savings, debt reduction and credit cleansing. If possible they will complete a GED, acquire new skills through on the job training, or through the community college system, or other training opportunities. Women are able to stay in the program for up to two years, though the average length of stay would be about one year.

During the first phase, participants complete an initial housing analysis that determines the type of permanent housing they might be able to afford once independent of the program. For some, public housing or Section 8 Housing Certificates are their only course because of their limited income earning potential. For others, a higher wage and therefore different housing based on their income, such as low income housing tax credit developments, may be available to them. Still others will move into market rental, and others will become homeowners.

During these first few years, the Harriet's House program has evolved and undergone a number of changes. The structure of the program, the rules and routines and the therapeutic interventions have changed as program staff and the Advisory Committee have sought to refine and improve upon the basic concept of providing women an opportunity to make significant life changes after paying their obligations to society for crimes committed.

This program offers ex-offenders the opportunity to make a new start, to assume a responsible and productive position within the community, and regain their role as mothers. It is expected that the benefits of this program accrue not only to the women themselves, but just as importantly, to their children.

As a core operating philosophy of Harriet's House, we believe that the women and their children need to learn to develop the social skills and protective factors that will help them overcome adversity in the future. Historically, and when they leave prison,

they are assessed to be high risk mothers, with children who are also high risk. They are at high risk for continued anti-social behaviors that will cause them to hurt themselves and others.

Toward this end, we have adopted a "Resiliency Based" model of intervention that assesses the individual and family risk factors, and measures their protective factors. Recognizing that the risk factors are present and a part of the family history, we concentrate on helping to build and strengthen their protective factors. In this way, they will become more resilient and strong in their ability to overcome adversity.

As of the writing of this report, Harriet's House has assisted 28 families and 81 individuals, since the beginning of the program. By the end of this fiscal year, two more families are planned to be released from prison who have been accepted into the program.

The following report will show that 67 % of the Harriet House women, during the first few years of its existence have not returned to prison. This represents a 33% recidivism rate. Regular parole re-arrest rate is 47.8% (any offense). Community Service Parole re-arrest rate is 50%. Intensive Parole is 47.9%. Residential Programs re-arrest rate is 45.9% (any offense). Parole and Terminate re-arrest rate is 40.5% (any offense).* Please note, however, that comparative recidivism rates are difficult measures to use for evaluative purposes because the population overall includes individuals with different risk factors within groups which may skew the results.

The average cost per family is $29,089 and the average cost per individual is $10,055. This is compared to the total cost of incarceration assuming 2 children in foster care at $79,859 for maximum security and $66,268 for minimum security.

annual?

To the degree that we are able to serve more families, the average cost is reduced. However, there are fixed administrative and support costs regardless of the number of families in the program. We also believe that program costs could be reduced, and increased numbers of women and children served if we were able to house the women in a group home, prior to reunification with their children. This would allow us to consolidate program services in one place, and reduce the housing cost line item. This is an area that we would like consideration in terms of program expansion.

Up until June of 1995, Harriet's House operated under a scattered site leasing program. We rented apartments in different locations around the community and administered the program from site to site. This approach allowed us to open the program with no property to own or manage and without having to overcome the community barrier issues of zoning that are associated with such a "house" that might be located in a residential neighborhood. This was not the ideal design but we were determined to try to establish the program. Eventually we knew that we wanted to secure property that would allow us to have more control over rents and the distribution of

women and their children in the community. Also, we wanted to bring the families closer together to reduce staff and supervision time traveling from unit to unit.

In June of 1995, through a private donation, ands loans from First Citizens Bank, The NC Community Development Initiative, and the McCauley Institute, Passage Home was able to acquire three duplexes in west Raleigh to house the Harriet's House Program. Passage Home is grateful to all the community women who have worked so hard to make this program a reality and to the founding mothers who came together in shared faith and vision to help make life better for women leaving prison.

Though this is a vast improvement over the scattered site approach, we continue to hope for the day that we would be able to establish a first phase in the community where women will first live in a group setting. During this first phase they would have close supervision, assessments and planning, and intensive counseling, From this setting the women would move out to our duplexes where they would care for their children for up to an additional eighteen months.

We are committed to work to improve upon this pilot program and continue to look at cost effective ways to assure that when mothers leave prison, they have the opportunity to rebuild their lives and become positive members of our community. In this way, we hope that the chances that their children, who are seven times more likely to go to prison if their mother has been there, are greatly diminished. We appreciate the opportunity to chart new territory in developing public private partnerships that work.

Our families have histories of violence, neglect and poverty. The Harriet's House program gives them a safe environment to learn new skills, to learn to care for themselves, to take pride in personal responsibility and the care they are now able to give to their own children, and to help them move to a higher level of self sufficiency.

We especially appreciate the early support of the Legislature in helping to make this program a reality. The Harriet's House program works with high risk mothers who have been separated from their children for long periods of time, who have been out of the job and housing market, who may have never been employed, and those who have a history of substance abuse, limited education, limited employment skills and who themselves may first have been victims of crime through physical and sexual abuse.

Respectfully Submitted,

Jeanne Tedrow	Lisa Croslin	Louise Davis
Executive Director	Program Manager	Chair, Harriet's House Advisory Committee

May, 1998

* "When Comparing the re-arrest rates of offenders in the various programs, it cannot be assumed that a high re-arrest rate for a program means that the program is less effective than programs with lower re-arrest rates. The various programs may contain more or less offenders that are at high risk. Programs with a large percentage of high risk offenders are more likely to have a high re-arrest rate." Re-arrest information taken from "Recidivism of Offenders Assigned to Community Corrections Programs or Released From Prison in North Carolina: Fiscal Year 1994-95, prepared by NC Sentencing and Policy Advisory Commission. Harriet's House information is current from the program inception and tracked through the Dept. of Probation and Parole. Harriet's House women have included those who are released on intensive parole, community service parole, parole and terminate and those who were placed onto intensive parole while in the program.

Passage Home - Harriet House

PROGRAM GOALS

Financial

- Meet Parole obligations including community service & restitution
- Initiate credit repair plan
- Initiate planned savings program
- Initiate debt reduction plan
- Pay program fees
- Develop and manage personal budget

Housing

- Develop home management skills
- Identify long term, permanent housing plan

Employment

- Complete vocational assessment and initiate employment plan
- Gain and maintain full-time employment

Substance Abuse

- Maintain abstinence or sobriety

Family

- Gain or regain custody of children
- Become actively involved in children's educational program
- Strengthen children participation and progress in academic program
- Strengthen parenting skills
- Develop healthy social-recreational outlets for family activities

HARRIET HOUSE PROGRAM
SUMMARY STATISTICS 1994-98

Overall projected to be served:	30
Total Served Year To Date (unduplicated count):	28
94-96	7
96-97	13
97-98	11
Currently Waiting Release	2
Number of Women With Re-Arrests	9
% of Total Re-Arrests	33%
Number of Women Not Re-Arrested	19
% of Total Non-Re-Arrests	67%
Total Expenses 94-98 year to date	$814,497
Total NC-GA Appropriation	$800,000
Total Number of Families Served	28
Total Number of Individuals Served	81
Average Cost Per Family	$29,089*
(Average Cost Per Family NC Share	28,571)
Average Cost Per Individual	10,055

*Total Expenses divided by x total served

COMPARATIVE DATA

Costs of Incarceration	Daily	Annual
NC Center for Women (maximum custody)	$72.69	$26,531
Raleigh Correctional Center (minimum)	36.44	13,300
Additional Costs For Children of Women who are incarcerated:		
If children are placed in Foster Care*	73.05	26,664
Total Cost of Incarceration		
Max Security plus (2) foster care		79,859
Min Security plus (2) foster care		66,628

* This assumes the lowest level of foster care which is private family foster care. If a child is placed in special programs including group care, the cost can increase to $4,669 per month or $56,028 per child per year. Conversely, a child can be placed with related family members where the family receives the standard AFDC payment for the child.

Profiles of Women Served:

Crime Profile: Crimes Committed

- Larceny
- Shoplifting
- Simple Assault
- Wanton Injury
- Credit Card Theft
- Credit Card Fraud
- Uttering
- Forgery
- Habitual Felon
- Drug Para
- Murder

More than 90% African American
More than 90% experience substance abuse issues and addiction
More than 90% are from low wealth communities or families
More than 90% have limited education and job skills
All of the Harriet's House women are mothers

Snapshots: Harriet House Stories

TM

TM is an African American woman in her late twenties with two children. When she entered prison she was in her early twenties, had one child, and had completed high school. When she left prison her choice was to return home where she first got into trouble, where she would have no access to public transportation to go to and from a job, and where she would be on her own to care for a child for whom she had never taken responsibility.

Instead of returning to her home county, she came to Harriet's House, went to work, regained custody of her child, participated in regular AA/NA meetings, attended Safe Child parenting groups, learned to budget her money and care for herself. Today, TM is married, has had a second child and she and her husband have completed Passage Home's Home Buyer Club and have begun working with a Realtor to buy a home of their own. They will become homeowners in 1999.

JS

JS is a white female with one child. Shortly after entering the Harriet's House program JS obtained employment as a receptionist in a medical office. JS is a HS grad with a few semesters of college. JS moved up quickly on her job from receptionist to office manager within her first 6 months with an increases in salary. While in HH JS learned how to obtain and maintain employment while staying clean and sober. JS improved her parenting skills with her 18 month o/d whom she gave birth to while in prison. With the help of the HH program and Safe Child JS learned techniques on how to handle an active toddler with out losing her temper. JS had never parented her child and within the first couple of supervised visits with her case manager JS had improved dramatically with the care of her daughter, but still had a way to go before JS's aunt and uncle would relinquish physical custody to JS.

After 8 months in HH program JS began to feel that the HH program's rules and regulations were something she did not want to deal with anymore. She wanted more freedom but still in a controlled environment. JS took the initiative to seek out other programs and did find one she could transition to that would just focus on her recovery. She could work and pay rent for her room. HH felt this was a positive transition for JS because she felt she had outgrown HH and sought after what she wanted instead of opting to return to her home town. JS still keeps in touch and is doing well. She is still employed as an office manager and has weekly visits with her daughter. JS is looking to complete her college degree next spring.

WU

WU is an African American woman with four children. Before she entered prison she had completed college but had allowed herself to get sidetracked with drugs, and then other illegal activities. When she left prison she knew she wanted to take care of her children, and also, that she would never (want) to go back. But when she left prison, she also knew that she would need a lot of help and support to make her return to community life permanent.

At Harriet's House she has been able to go to work with increasing wage income to $10-12 per hour working as a data entry support person. She has been able to reduce her debt, clean up her credit and begin to think about entering the Home Buyer Club. Her goal is to own her own home. While at Harriet's House, she regained custody of 3 of her 4 children, two of whom were teen age sons. One of the sons was able to go on to community college to complete his GED and gain work related skills, and the other son went on to a four year college program . She continues to take of the youngest, still in day care, and is seeking to regain custody of her fourth child, a boy, age 6. She has decided that once she is stable with custody of all her children, and has remained employed at her permanent job, she will reach further for her goal of home ownership.

JI

JI is an African American woman with four sons, all younger than twelve at the time she left prison and entered Harriet's House. JI could not have all of her children when she left prison, they had to be released from protective care foster care. When they came back to live with her they came back two by two. This was very difficult for her because she wanted them all, all at once. But she needed to learn how to work, and then to get a job that could support them.

Her first job out of prison was working fast food. She stayed at this job long enough to learn the self discipline and routine that she needed while taking care of other critical personal issues - staying clean and sober. Within a year JI was able to let go of her job in fast food, obtain a temp agency job and since then has been able to secure permanent jobs even in the face of being laid off. She has all four of the boys back, has them enrolled in after school sports activities and continues to develop her own talents as a poet. She is supporting herself and her four boys on her full time job and has been accepted into public housing.

JR

JR is a white female with 4 children. The youngest two are in foster care. The oldest two live with family members. Upon entering the HH program JR was able to obtain training enabling her to work in the manufacturing industry. JR gained reunification with one of her children who was not in the foster care system. At HH, JR attended parenting, budgeting and life skill workshops in order to regain custody of her other children while also maintaining her sobriety. After 1 year in the HH program JR met a man whom she felt would help her in her quest for independence. JR decided to leave the HH program to get married and establish a stable home for her children. JR is currently living with her husband's family while they wait to purchase a trailer home in Wake County.

Passage Home - Harriet House

PROGRAM GOALS

Financial

- Meet Parole obligations including community service & restitution;
- Initiate credit repair plan;
- Initiate planned savings program;
- Initiate debt reduction plan;
- Pay program fees;
- Develop and manage personal budget.

Housing

- Develop home management skills;
- Identify long term, permanent housing plan.

Employment

- Complete vocational assessment and initiate employment plan;
- Gain and maintain full-time employment.

Substance Abuse

- Maintain abstinence or sobriety

Family

- Gain or regain custody of children;
- Become actively involved in children's educational program;
- Strengthen children participation and progress in academic program;
- Strengthen parenting skills;
- Develop healthy social-recreational outlets for family activities.

DOC (60)

06/17/98

10:22

FROM: 7/01/97 TO: 5/31/98

	PROJECT TOTALS	100.00% OF BUDGET	PROJECT VARIANCE
REVENUE			
4090 NC-DOC grant	$200,000.00		$200,000.00
Total REVENUE	$200,000.00		$200,000.00
EMPLOYEE COMPENSATION			
4999			
5000 Salaries and wages	116,633.80		116,633.80
5010 Employee benefits	7,192.11		7,192.11
5020 Employer's FICA	7,275.68		7,275.68
5030 Employer's Medicare	1,830.56		1,830.56
5040 Worker's comp.	1,072.00		1,072.00
5050 State unemployment tax	975.86		975.86
Total EMPLOYEE COMPENSATION	$134,980.01		$134,980.01
NON-PERSONNEL EXPENSES			
5494			
5495 ADMINISTRATIVE			
5496			
5499 Occupancy Costs			
5500 Office rent	6,325.00		6,325.00
5510 Office utilities	21.58		21.58
5699 Licenses, fees, charges			
5899 Communication expenses			
5900 Telephone equipment	385.28		385.28
5910 Telephone service	6,028.48		6,028.48
5920 Pagers	455.66		455.66
5940 Postage	83.51		83.51
6199 Computer-Related Expenses			
6399 Supplies			
6410 Printing/photocopying	2.09		2.09
6430 Office supplies	535.82		535.82
6440 Other supplies	47.29		47.29
6599 Staff-Related expenses			
6600 Parking	967.23		967.23
6610 Mileage reimbursement	287.87		287.87
6620 Meals/lodging	40.82		40.82
6630 Other staff-related exp	46.16		46.16
6899 Transportation Expenses			
6910 Fuel for vehicle	1,461.73		1,461.73
6920 Vehicle maintenance	230.97		230.97
6940 Vehicle taxes	230.49		230.49
7099 Insur exc. health/auto			
7299 Professional Fees			
7330 Temporary help	70.91		70.91
7499 Staff & Org. Development			
7520 Books	105.30		105.30

FROM: 7/01/97 TO: 5/31/98

		PROJECT TOTALS	100.00% OF BUDGET	PROJECT VARIANCE
7540	Staff training	144.00		144.00
7699	Repairs and maintenance			
7899	Services			
7940	Other services	55.00		55.00
8099	Fundaising Expenses			
8299	Miscellaneous Expenses			
8310	Advertising	221.75		221.75
8320	Moving	50.00		50.00
8330	Other	729.00		729.00
8495				
TOTAL ADMIN. EXPENSES		18,525.94		18,525.94
8497				
8498	CLIENT HOUSING EXPENSES			
8499				
8500	Rent	41,941.83		41,941.83
8509	Utilities			
8510	Electricity	2,420.89		2,420.89
8520	Natural Gas	3,319.26		3,319.26
8530	Telephone	3,810.93		3,810.93
8540	Water and sewer	483.29		483.29
8699	Repairs and maintenance			
8710	Building R & M	491.88		491.88
8720	Equipment R & M	65.00		65.00
	Other R & M	38.00		38.00
	Household Furn & Supplies	404.53		404.53
9	Services			
8910	Moving	365.65		365.65
8920	Cleaning	230.00		230.00
8950	Other services	108.94		108.94
9092				
TOTAL CLIENT HOUSING EXP		53,680.20		53,680.20
9094				
9095	DIRECT SERVICES			
9096				
9099	Education and Development			
9120	Recognition and awards	125.00		125.00
9130	Other educ. & devel. exp	76.85		76.85
9299	Counseling Services			
9300	Counseling	1,879.08		1,879.08
9320	Clinical supervision	1,300.00		1,300.00
9330	Other counseling svcs.	850.00		850.00
9499	Household support			
9500	Food	505.10		505.10
9520	Bus tickets	[50.00]		[50.00]
9530	Personal Supplies	56.10		56.10

Passage Home CDC
DOC (60)

06/17/98

10:22

FROM: 7/01/97 TO: 5/31/98

	PROJECT TOTALS	100.00% OF BUDGET	PROJECT VARIANCE
9540 Medical expenses	2.00		2.00
9550 Other HH support expense	111.38		111.38
9700 Drug Screening	615.00		615.00
9710 Emergency Housing Asst.	448.50		448.50
9720 CONNECTIONS	192.18		192.18
9730 Special events	8.03		8.03
9740 Children's Services	143.36		143.36
9749 Miscellaneous Expenses			
9750 Client Emergencies	5.00		5.00
9760 Home Visits	35.87		35.87
9770 Storage	678.00		678.00
9790 Other miscellaneous exp.	213.93		213.93
9897			
TOTAL DIRECT SERVICES	7,195.38		7,195.38
9899			
Total NON-PERSONNEL EXPENSES	$79,401.52		$79,401.52
Total EXPENSES	$214,381.53		$214,381.53
EXCESS OF REVENUE OVER EXPENSES	[$14,381.53]		[$14,381.53]

Att. 4
6/24/98 9-2-9

North Carolina State Bureau of Investigation (NCSBI) Evidence Handling Field Guide

The purpose of this project is to develop a *North Carolina State Bureau of Investigation (NCSBI) Evidence Handling Field Guide* for all sworn law enforcement officers who work within North Carolina and handle evidence on a routine basis. Such a guide will provide law enforcement officers with easy to follow instructions for the proper collection, preservation, packaging, and submission of all types and categories of evidence. In addition, the field guide will be produced in a format which will easily facilitate the distribution and insertion of future updates. The field guide will clearly state all of the current capabilities of the NCSBI Crime Laboratory, and the information will be produced in a durable "*field guide*" format that may be maintained with the officer (i.e., in the vehicle) for ready accessibility. By making the field guide in a format which permits ready accessibility, law enforcement officers will be less likely to overlook and/or mishandle evidence when investigating a crime.

There is a real need for the *Evidence Handling Field Guide* because evidence in major crimes is often overlooked and/or mishandled due to the fact that many law enforcement officers lack a thorough knowledge of all evidence handling procedures. This is true because basic law enforcement training prepares a law enforcement officer for *basic* evidence handling procedures. When major crimes - or unusual evidence - are encountered, many law enforcement officers simply lack the knowledge to properly collect, preserve, package, and submit the evidence. In other cases, officers are not aware of the varied forensic capabilities of the NCSBI Crime Laboratory. In the absence of this information, they fail to collect what could be valuable items of evidence.

The NCSBI has addressed this problem in the past with the publication of the *SBI Evidence Manual.* While a great deal of effort was put into the production of the manual, two key points could not be adequately addressed due to budget limitations. First, the manual was only produced in a quantity sufficient to provide each *department* with one copy. In many departments, the copy of the manual provided may now be found sitting on the bookshelf of departmental libraries or in the office of an administrator - instead of in the hands of crime scene search officers where it belongs.

The second factor is that the document was produced as a *manual* (i.e., large binder), meaning it is too bulky and awkward to be carried by the crime scene search officer at all times. This may result in the manual (and the important information contained within) not being *with* the officer at the scene of a crime - the exact time it is needed the most. In addition, having been compiled and published over five years ago, the existing manual is now outdated in many respects.

Upon completion of the *Evidence Handling Field Guide*, a list of all law enforcement agencies in North Carolina will be obtained from the NCSBI Division of Criminal Information (DCI). Using this list, one copy of the guide, along with a cover letter, will be sent to each law enforcement agency. The cover letter will basically explain the purpose of the *Evidence Handling Field Guide* and will inform the agencies that additional copies will be furnished, upon request, to all personnel who routinely handle evidence.

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919-433-2222

P. O. Box 1884
Fayetteville, NC 28302

02/26/93
Arthur L. Lane
919-483-7946

P. O. Box 675
Fayetteville, NC 28302

04/12/93
Doran J. Berry
919-483-3107

P. O. Box 53883
Fayetteville, NC 28305

CURRITUCK

09/13/93
Brinkley A. Faulcon
919-335-7600

P. O. Drawer 605
Elizabeth City, NC 27909

03/04/94
Charles D. Evans
919-441-4338

3120 N. Croatan Hwy.
Kill Devil Hills, NC 27948

06/21/95
Jeff Mallarney
919-473-3484

P. O. Box 339
Manteo, NC 27954

06/21/95
Dan L. Merrell
919-261-2020
Fax: 919-261-4477

P. O. Drawer 270
Kitty Hawk, NC 27949

DARE

03/04/94
Charles D. Evans
919-441-4338

3120 N. Croatan Hwy.
Kill Devil Hills, NC 27948

06/21/95
Jeff Mallarney
919-473-3484

P. O. Box 339
Manteo, NC 27954

06/21/95
Dan L. Merrell
919-480-2500

P. O. Box 1775
Nags Head, NC 27959

DAVIDSON

02/26/93
Mark E. Klass
704-246-2303

12 Court Square
Lexington, NC 27292

02/26/93
Rosalind Baker
704-249-0660

P. O. Box 1962
Lexington, NC 27293-1962

10/11/95
Ted S. Royster, Jr.
704-249-0228
704-249-0229

12 Court Square
P.O. Box 144
Lexington, NC 27292

DAVIE

01/04/94
George W. Martin
704-634-2171

P. O. Box 1068
Mocksville, NC 27028

DUPLIN

02/26/93 William B. Sutton, Jr. 919-592-2266	P. O. Box 1310 Clinton, NC 28328

DURHAM

02/26/93 George W. Miller, Jr. 919-682-5747	P. O. Box 2975 Durham, NC 27715
02/26/93 H. M. Michaux 919-596-8181 ext. 9892	P. O. Box 2152 Durham, NC 27702
02/26/93 James B. Maxwell 919-683-1561	P. O. Box 2252-A Durham, NC 27702
02/26/93 Robert T. Perry 919-683-8685	P. O. Box 25010 Durham, NC 27702
02/26/93 William A. Marsh, Jr. 919-688-2374	P. O. Box 125 Durham, NC 27702
10/12/94 Sharon A. Thompson 919-688-9646	P. O. Box 2164 Durham, NC 27702

EDGECOMBE

05/20/93 Edward B. Simmons 919-823-5700	P. O. Box 1223 Tarboro, NC 27886
07/26/93 Walter H. Godwin, Jr. 919-823-0463	P. O. Box 306 Tarboro, NC 27886
07/26/93 Herbert H. Taylor, Jr.	P. O. Drawer 308

919-823-8108 Tarboro, NC 27886-0308

02/08/94 - REMOVED FROM LIST -EAS-10/9/95
John S. Rainey, Jr. P. O. Box 217
919-445-5188 Enfield, NC 27823
08/25/95
George G. Whitaker P. O. Box 8386
919-937-2294 Rocky Mount, NC 27804

11/04/94
Roy A. Cooper, III P. O. Drawer 4538
919-442-3115 Rocky Mount, NC 27803-0538

12/8/95
George Goodwyn - DECEASED P.O. Box 615
919-823-1111 Tarboro, NC 27886-0615

FORSYTH

03/15/93
Garry Whitaker 1 N. Marshall St.
919-777-1178 Winston-Salem, NC 27101

03/15/93 - TAKE OFF LIST - 12-13-94- EAS
John W. Totten, II 8 W. Third St.
919-721-1969 BB&T Plaza, No. M-5
Winston-Salem, NC 27101

03/15/93
Richard G. Badgett 200 W. First St.
919-724-3821 Winston-Salem, NC 27101

03/15/93 DELETE - SUPERIOR COURT JUDGE
L. Todd Burke P. O. Box 1411
919-722-4140 Winston-Salem, NC 27102

03/15/93 - TAKE OFF LIST - 12-13-95 - EAS
Anderson Cromer P. O. Box 84
919-721-3600 Winston-Salem, NC 27102

09/01/93
R. Michael Wells
919-725-1829

380 Knollwood St.
Winston-Salem, NC 27103

12/06/93
Robert B. Lloyd, Jr.
Turner Enochs & Lloyd, PA
919-373-1300

P. O. Box 160
Greensboro, NC 27402-0160

02/09/95
Billy D. Friende, Jr.
910-772-4140

P. O. Drawer 995
Winston-Salem, NC 27102

FRANKLIN

03/15/93
Rep. Richard H. Moore
919-438-4134

P. O. Drawer 19
Henderson, NC 27536

GASTON

02/26/93
Carl J. Stewart
704-864-2715

283 West Main Ave.
Gastonia, NC 28052

02/26/93 - JUDGE - DO NOT SEND
Ralph C. Gingles, Jr.
704-864-2421

506 W. Main Street
Gastonia, NC 28052

03/04/93
Alan G. Cloninger
704-864-3466

P. O. Box 406
Dallas, NC 28034

GRAHAM

05/19/93
Donna K. Cody
704-479-3826

P. O. Box 786
Robbinsville, NC 28771

08/04/93
Thomas M. Jordan
704-452-5871

273 N. Main St.
Waynesville, NC 28786

GRANVILLE

03/08/93
Rep. Richard H. Moore
919-438-4134

P. O. Drawer 19
Henderson, NC 27536

GUILFORD

02/26/93
Donald R. Vaughan
919-273-1415

301 South Greene Street
Greensboro, NC 27401

02/26/93
Edward N. Post
919-887-7566

P. O. Box 2531
High Point, NC 27261

02/26/93 ASKED TO BE REMOVED 1-17-95
Ronald Barbee
919-379-1630

P. O. Box 21401
Greensboro, NC 27420

02/26/93 (Remove from list 11/15/96 per EAS-letter from L. Moore)
Larry I. Moore, III
919-373-1600

P. O. Box 3463
Greensboro, NC 27402

03/04/93
Donald L. Murphy
919-379-9011

P. O. Box 21592
Greensboro, NC 27420-1592

12/06/93
Robert B. Lloyd, Jr.
Turner Enochs & Lloyd, PA
919-373-1300

P. O. Box 160
Greensboro, NC 27402-0160

01/05/95
Richard C. Forman
910-378-0172

Drawer 2020
Greensboro, NC 27402-2020

1/7/97

John T. Higgins
910-373-1500

P. O. Box 3112
Greensboro, NC 27402

8/8/97
Kim Gallimore
910-884-4444

P. O. Drawer 2086
High Point, NC 27261

8/8/97
Bruce Laney
910-884-4444

P. O. Drawer 2086
High Point, NC 27261

8/11/97
Richard Greene
910-274-3200

201 S. Elm Street
Suite 300
Greensboro, NC 27401

8/13/97
Marc L. Isaacson
910-275-7626

Post Office Box 1888
Greensboro, NC 27402

8/13/97
Henry H. Isaacson
910-275-7626

Post Office Box 1888
Greensboro, NC 27402

8/13/97
Kimberly L. McLamb
910-275-7626

Post Office Box 1888
Greensboro, NC 27402

8/25/97
Everett B. Saslow, Jr.
910-372-1390

Post Office Box 989
Greensboro, NC 27402

HALIFAX

02/26/93
W. Lunsford Crew
919-537-3508

P. O. Box 160
Roanoke Rapids, NC 27870

02/08/94
John S. Rainey, Jr.
919-445-5188

P. O. Box 217
Enfield, NC 27823

REMOVED FROM LIST 10/9/95 PER LETTER-SUSAN RABON

HARNETT

09/18/95 Cecil B. Jones 919-892-2184	P. O. Box 397 Dunn, NC 28335
09/18/95 Rhonda H. Ennis 919-893-4765	P. O. Box 1102 Lillington, NC 27546

HAYWOOD

02/26/93 Leon M. Killian, III 919-452-5801	P. O. Drawer 1260 Waynesville, NC 28796
08/04/93 Thomas M. Jordan 704-452-5871	273 N. Main St. Waynesville, NC 28786
05/23/94 Porter W. Staples 704-254-8999	1407 BB&T Building Asheville, NC 28801
05/30/95 Herbert A. Wallace 704-258-3009	Suite 1B 15 Allesarn Rd. Asheville, NC 28804

HENDERSON

06/22/93 D. Samuel Neill 704-693-1739	222 3rd Avenue, W Hendersonville, NC 28739
03/38/94 Jonathan C. Parce 704-255-0309	70 Woodfin Place, Suite 321 Asheville, NC 28801
05/23/94 Porter W. Staples	1407 BB&T Building

704-254-8999 Asheville, NC 28801

06/24/93
James H. Toms & Assoc., PA P. O. Box 988
704-693-0421 Hendersonville, NC 28793-0988
REMOVED FROM LIST 10/9/95 PER LETTER - SUSAN RABON

05/30/95
Herbert A. Wallace Suite 1B
704-258-3009 15 Allesarn Rd
Asheville, NC 28804

HERTFORD

03/15/93
Rosiland T. Grant P. O. Box 129
919-332-6122 Ahoskie, NC 27910

HYDE

06/11/93
George Thomas Davis, Jr. P. O. Box 277
919-926-3781 Swan Quarter, NC 27885-0277

06/11/93
John S. Fletcher, II P. O. Box 247
919 926-7911 Swan Quarter, NC 27885

03/04/94
Charles D. Evans 3120 N. Croatan Hwy.
919-441-4338 Kill Devil Hills, NC 27948

5/14/98
Harvey W. Raynor III The Raynor Firm
919-643-6111 225 East Main Street
P. O. Box 9
Belhaven, NC 27810

IREDELL

03/15/93
Jack R. Harris (DECEASED)
704-872-7691

P. O. Drawer 31
Statesville, NC 28687

03/15/93
David Parker
704-871-0300

P. O. Box 112
Statesville, NC 28677

03/15/93
Phillip H. Redmond, Jr.
704-873-2172

P. O. Box 149
Statesville, NC 28677

JACKSON

08/04/93
Thomas M. Jordan
704-452-5871

273 N. Main St.
Waynesville, NC 28786

06/24/94
James H. Toms & Assoc., PA
704-693-0421

P. O. Box 988
Hendersonville, NC 28793-0983
REMOVE FROM LIST 10/9/95 PER LETTER-S.RABON-EAS

JOHNSTON

03/15/93
Luther D. Starling, Jr.
919-934-5012

P. O. Drawer 1960
Smithfield, NC 27577

03/15/93
James R. Lawrence, Jr.
919-934-5012

P. O. Drawer 1960
Smithfield, NC 27577

03/19/93
George B. Mast
919-934-6187

P. O. Box 119
Smithfield, NC 27577

LEE

03/16/93 Norman C. Post, Jr. 919-775-5616	P. O. Box 1320 Sanford, NC 27330
03/16/93 Ron L. Perkinson 919-775-5616	P. O. Box 1320 Sanford, NC 27330
09/18/95 Rhonda H. Ennis 919-893-4765	P. O. Box 1102 Lillington, NC 27546

LENOIR

10/20/93 James B. Stephenson, II 919-527-8000	P. O. Box 3169 Kinston, NC 28502-3169
10/20/93 Joretta Durant 919-527-1016	P. O. Box 2365 Kinston, NC 28501-2365
10/20/93 C. Gray Johnsey 919-527-8000	P. O. Box 3169 Kinston, NC 28502-3169
10/20/93 Bob D. Worthington 919-523-2114	P. O. Drawer 756 Kinston, NC 28501

LINCOLN

02/14/95 Clarence E. Leatherman 704-735-7451	P. O. Box 641 Lincolnton, NC 28092-0641

MACON

02/26/93 Joseph M. Collins 704-524-9201	P. O. Box 1237 Franklin, NC 28734

02/26/93
Russell R. Bowling
704-524-5070

4 W. Main Street
Franklin, NC 28734

MADISON

03/15/93
Leon M. Killian, III
919-452-5801

P. O. Drawer 1260
Waynesville, NC 28786

03/28/94
Jonathan C. Parce
704-255-0309

70 Woodfin Place, Suite 321
Asheville, NC 28801

05/23/94
Porter W. Staples
704-254-8999

1407 BB&T Building
Asheville, NC 28801

05/30/95
Herbert A. Wallace
704-258-3009

Suite 1B
15 Allesarn Rd
Asheville, NC 28804

MARTIN

08/01/94
Daniel A. Manning
919-792-2206

P. O. Box 892
Williamston, NC 27892

03/24/95
John Melvin Bowen
919-792-2222

P. O. Box 627
Williamston, NC 27892

03/24/95
James R. Batchelor, Jr.
919-792-2222

P. O. Box 627
Williamston, NC 27892

03/24/95
Richard S. James
919-792-2565 or 792-3115

P. O. Box 187
Williamston, NC 27892

McDOWELL

02/26/93
Robert C. Hunter
704-652-2844

P. O. Drawer 1330
Marion, NC 28752

MECKLENBURG

02/26/93
John S. Arrowood
704-372-9870

600 S. College St
Charlotte, NC 28202

02/26/93
T. LaFontaine Odom, Jr.
704-372-4800

1100 S. Tryon St.
Charlotte, NC 28203-4244

02/26/93 OFF LIST
Linwood O. Foust
704-372-5585

1001 Elizabeth Ave., Suite 2A
Charlotte, NC 28204

10/07/94
George C. Covington
704-331-7400

100 N. Tryon St, Suite 4200
Charlotte, NC 28202-4006

05/10/95
James E. Martin, Jr.
704-333-4711
Fax: 704-333-2884

Post Office Box 36331
Charlotte, NC 28236

MITCHELL

06/11/93
Hal G. Harrison
704-765-6796

P. O. Box 908
Spruce Pine, NC 28777

MOORE

04/22/93
Michael J. McCrann
919-944-7638

704 N. Sandhills Blvd.
Aberdeen, NC 28385-2599

NASH

02/08/94

John S. Rainey, Jr.
919-445-5188
P. O. Box 217
Enfield, NC 27823

11/04/94 - NO LONGER DOES TITLE WORK - SUSAN RABON - 2/20/95
Kim L. Bayless
919-446-2341
P. O. Box 353
Rocky Mount, NC 27802-0353

11/04/94
Marshall A. Gallop, Jr.
919-937-2200
P. O. Box 7100
Rocky Mount, NC 27804-0100

11/04/94
Joseph M. Hester, Jr.
919-977-1911
P. O. Box 2626
Rocky Mount, NC 27802-2626

11/04/94
James W. Keel, Jr.
919-977-1050
P. O. Box 4307
Rocky Mount, NC 27803-4307

11/04/94
Robert D. Kornegay
919-442-8037
P. O. Box 7666
Rocky Mount, NC 27804

08/25/95
George G. Whitaker
919-937-2294
P. O. Box 8386
Rocky Mount, NC 27804

NEW HANOVER

01/11/94 - NO LONGER DOES TITLE WORK - SUSAN RABON
02/26/93
Alexander M. Hall
919-343-8433
718 Market St.
Wilmington, NC 28401

02/26/93
Douglas A. Fox
919-762-2422
P. O. Box 479
Wilmington, NC 28402

02/26/93- NO TITLES PER HIS LETTER 10/3/97
David E. Huffine
919-762-0595
P. O. Box 4
Wilmington, NC 28402

02/26/93 - NO MORE TITLES BY LETTER 11/07/94
J. Russell Sugg, Jr. — P. O. Box 1744
919-763-4261 — Wilmington, NC 28402

02/07/94
Jeffrey W. Porter — 711 Princess St.
910-763-2417 — Wilmington, NC 28401

10/2/97
David Barefoot — Post Office Box 1766
910-762-0255 — Wilmington, NC 28402

NORTHAMPTON

02/12/93
Thomas M. Harvey — P. O. Box 666
919-539-2111 — Rich Square, NC 27869-0666

08/04/93
Ronnie C. Reaves — P. O. Box 587
919-536-2503 — Weldon, NC 27890

08/26/93
Charles J. Vaughan — P. O. Box 370
919-587-5631 — Woodland, NC 27897

02/08/94
John S. Rainey, Jr. — P. O. Box 217
919-445-5188 — Enfield, NC 27823
REMOVE FROM LIST PER LETTER - 10/9/95-EAS -SUSAN RABON

ONSLOW

03/19/93
J. Dewey Edwards — P. O. Box 1057
919-455-9494 — Jacksonville, NC 28540

ORANGE

05/05/93
Joe Hackney — P. O. Box 1329

919-929-0323	Chapel Hill, NC 27514-1329
09/07/95 Griffin Graves 919-968-4717	P. O. Box 2869 Chapel Hill, NC 27514

PASQUOTANK

09/13/93 Brinkley A. Faulcon 919-335-7600	P. O. Drawer 605 Elizabeth City, NC 27909

PENDER

10/15/93 Richard Von Biberstein, Jr. 919-259-2175	P. O. Box 428 Burgaw, NC 28425
02/10/95 Harold Lee Pollock 910-259-6030 Fax: 910-259-6035	P. O. Drawer 999 Burgaw, NC 28425

PERQUIMANS

03/15/93 OFF LIST - JUDGE J. C. Cole 919-426-8282	P. O. Box 631 Hertford, NC 27944
09/10/93 Walter G. Edwards, Jr. 919-426-7387	P. O. Box 245 Hertford, NC 27944
09/13/93 Brinkley A. Faulcon 919-335-7600	P. O. Drawer 605 Elizabeth City, NC 27909
10/28/93 John V. Matthews, Jr. 919-426-5451	P. O. Box 516 Hertford, NC 27944

PERSON

10/20/93
George B. Daniel
919-694-4363

P. O. Drawer O
Yanceyville, NC 27379

PITT

07/15/93
James A. Nelson, Jr.
919-758-4278

P. O. Box 36
Greenville, NC 27834

07/15/93
Phillip R. Dixon
919-355-8100

P. O. Box 8668
Greenville, NC 27835-8668

07/15/93
Charles Ellis
919-355-3030

P. O. Box 8088
Greenville, NC 27835-8088

POLK

05/30/95
Herbert A. Wallace
704-258-3009

Suite 1B
15 Allesarn Rd
Asheville, NC 28804

RANDOLPH

01/11/94
Edward N. Post
919-887-7566

P. O. Box 2531
High Point, NC 27261

RICHMOND

01/01/94
William R. Webb, Jr.
910-997-2206

P. O. Box 1657
Rockingham, NC 28379

02/09/95 Henry L. Kitchin 910-997-2206	P. O. Box 1657 Rockingham, NC 28379
4/22/98 Derek G. Crawford	Law Firm of Crawford and Smith-Little P.O. Box 1228 Hamlet, NC 28345

ROBESON

03/30/95 Arlie Jacobs 910-521-3413	203 S. Vance St. Pembroke, NC 28372
05/05/95 Fred L. Musselwhite 910-738-5277	P. O. Box 1448 Lumberton, NC 28359

ROCKINGHAM

03/16/93 Joseph G. Maddrey 919-623-4491	P. O. Box 507 Eden, NC 27289
03/16/93 J. Randolph Cresenzo 919-627-0044	612-A Business Park Drive Eden, NC 27289
03/16/93 Alexander P. Sands, III 919-349-7041	P. O. Box 449 Reidsville, NC 27230
10/20/93 George B. Daniel 919-694-4363	P. O. Drawer O Yanceyville, NC 27379

ROWAN

02/26/93
Carl M. Short, Jr.
704-633-5000

P. O. Box 829
Salisbury, NC 28144

02/26/93
Michael L. King
704-636-2176

P. O. Box 1737
Salisbury, NC 28145

RUTHERFORD

03/16/93
Martin L. Nesbitt
704-258-2447

29 N. Market St.
Asheville, NC 28801

05/30/95
Herbert A. Wallace
704-258-3009

Suite 1B
15 Allesarn Rd
Asheville, NC 28804

SAMPSON

03/04/93
William B. Sutton, Jr.
919-592-2266

P. O. Box 1310
Clinton, NC 28328

STOKES

10/12/95
Andy Cromer
Stover, Cromer & Bennett
910-983-3177

P.O. Box 775
King, NC 27021

SURRY

02/26/93
Michael F. Royster
919-368-4455

P. O. Box 1396
Pilot Mountain, NC 27041

02/12/93

Stephen G. Royster
919-789-5127

P. O. Box 1005
Mount Airy, NC 27030

02/26/93
Thomas W. Anderson
919-368-9621

P. O. Box 1273
Pilot Mountain, NC 27041

SWAIN

08/04/93
Thomas M. Jordan
704-452-5871

273 N. Main St.
Waynesville, NC 28786

05/30/95
Herbert A. Wallace
704-258-3009

Suite 1B
15 Allesarn Rd.
Asheville, NC 28804

TYRRELL

03/15/93
Charles W. Ogletree
919-796-8561

P. O. Box 510
Columbia, NC 27925

03/04/94
Charles D. Evans
919-441-4338

3120 N. Croatan Hwy.
Kill Devil Hills, NC 27948

UNION

03/15/93
Bobby H. Griffin
704-283-8148

P. O. Box 308
Monroe, NC 28111

5/1/98
William F. Helms, III
704-283-8148

Clark, Griffin & McCollum, L.L.P.
P.O. Box 308
Monroe, NC 28111

VANCE

03/15/93
Rep. Richard H. Moore
919-438-4134
P. O. Drawer 19
Henderson, NC 27536

03/15/93
J. Henry Banks
919-438-4015
P. O. Box 1482
Henderson, NC 27536

03/15/93
D. Bernard Alston
919-438-2044
P. O. Box 2224
Henderson, NC 27536

WAKE

02/26/93
Joseph T. Howell
919-365-6000
P. O. Box 729
Wendell, N.C. 27591

02/26/93- DISBARRED 7/96-OFF LIST PER B. HAYWOOD
Mark R. Edmondson
919-834-4632
P. O. Box 1903
Raleigh, NC 27602

02/26/93 - REMOVE BY LETTER 3-31-95
B. Davis Horne, Jr.
919-821-1220
P. O. Box 2447
Raleigh, NC 27602

02/26/93
Nathaniel Currie
919-856-0414
P. O. Box 28208
Raleigh, NC 27611

02/26/93
Anita Davis-Pearson
919-839-8158
P. O. Box 25808
Raleigh, NC 27611

02/26/93
Maola Jones
919-834-8877
P. O. Box 28270
Raleigh, NC 27611

03/04/93(N.C. Bar matter pending)
Randy Meares
919-846-4770
808-105 Salem Woods Drive
Raleigh, NC 27615

03/25/93 Gary S. Lawrence 919-781-2217	4700 Homewood Court Suite 245 Raleigh, NC 27609-7206
08/26/93 Young, Moore, Henderson & Alvis 919-782-6860	P. O. Box 31627 Raleigh, NC 27622
09/22/93 J. Everett Noland 919-821-0933	P. O. Box 981 Raleigh, NC 27602
10/28/93 Donna R. Cohen 919-676-9543	P. O. Box 99434 Raleigh, NC 27624-9434

WARREN

03/08/93 Rep. Richard H. Moore 919-438-4134	P. O. Drawer 19 Henderson, NC 27536
02/08/94 John S. Rainey, Jr. 919-445-5188	P. O. Box 217 Enfield, NC 27823

WASHINGTON

5/14/98 Harvey W. Raynor III 919-643-6111	The Raynor Firm 225 East Main Street P. O. Box 9 Belhaven, NC 27810

WATAUGA

05/24/93 Anthony di Santi 704-264-4734	P. O. Box 193 Boone, NC 28607

5/1/96
Casey & Casey
704-262-5075

567 West King Street
P.O. Box 127
Boone, NC 28607

WILKES

02/26/93 (removed from list 3/11/96)
George G. Cunningham
919-838-7500

P. O. Drawer 520
Wilkesboro, NC 28697-0520

3/11/96
Russell F. Ferree
838-0024 (office)
838-7600 (fax)

P.O. Box 979
Wilkesboro, NC 28697-0979

3/11/96
Max L. Ferree
838-0024 (office)
838-7600 (fax)

P.O. Box 979
Wilkesboro, NC 28697-0979

WILSON

12/19/94
Allen G. Thomas
919-243-3000

P. O. Box 2848
Wilson, NC 27894-2848

12/19/94
Charles P. Farris, Jr.
919-243-3000

P. O. Box 2848
Wilson, NC 27894-2848

2/13/97
William T. Cozart
Gibbons, Cozart, Jones, Hughes,
Sallenger & Taylor
919-243-7800

P.O. Box 1883
Wilson, NC 27894-1883

YADKIN

01/04/94
Zachary, Zachary & Zachary
919-679-8823

P. O. Box 608
Yadkinville, NC 27055

12/30/96
Henry B. Shore
910-679-2076

P. O. Box 936
Yadkinville, NC 27055

YANCEY

04/22/93
Heather Hockaday
704-682-7060

P. O. Box 65
Burnsville, NC 28714

ATT. 5 B

APPROVED TITLE ATTORNEYS

GOVERNOR

ATTORNEY/PHONE NO.	ADDRESS
ALAMANCE	
02/12/93 George B. Daniel 919-226-0683	P. O. Box 1210 Graham, NC 27253
04/13/93 Wiley P. Wooten 919-227-8851	P. O. Drawer 2958 Burlington, NC 27216-2958
02/12/93 D. Thomas Lambeth, Jr. 919-584-3388	P. O. 1988 Burlington, NC 27216-1988
ALEXANDER	
04/13/93 Joel C. Harbinson 919-632-4264	106 W. Main Ave. Taylorsville, NC 28681
ALLEGHANY	
04/13/93 Daniel R. Murray 919-372-5681	P. O. Box 639 Sparta, NC 28675
ANSON REMOVE FROM LIST - LIZ CARLTON - DOES NOT DO TITLE WORK 02/22/94 F. O'Neil Jones 704-694-3139	P. O. Box 798 Wadesboro, NC 28170
ASHE	
11/01/93 Benjamin G. Hurley 919-246-3144	P. O. Box 24 West Jefferson, NC 28694

BEAUFORT

04/13/93
Christopher B. McLendon
P. O. Box 997
Washington, NC 27889

BLADEN

07/20/93
Alan I. Maynard
919-862-8461
P. O. Box 875
Elizabethtown, NC 28337

07/20/93
Gary A. Grady
919-862-3191
P. O. Drawer 127
Elizabethtown, NC 28337-0127

BRUNSWICK

04/13/93
Roy D. Trest
919-754-6582
P. O. Box 36
Shallotte, NC 28459

BUNCOMBE

02/12/93
Larry B. Leake
704-253-3661
P. O. Box 7526
Asheville, NC 28807

02/12/93
F. Wade Hall
704-252-6745
233 S. Liberty St.
Asheville, NC 28801

02/12/93
John A. Powell
704-253-1492
75 N. Market St.
Asheville, NC 28801

02/12/93 - OFF LIST - SUP. CT. JUDGE
Dennis J. Winner
704-258-0094
81-B Central Ave.
Asheville, NC 28801

02/12/93
Howard C. McGlohon
not listed
22 South Pack Square
Asheville NC 28801

02/12/93
M. Charles Cloninger
704-254-8806

P. O. Box 3180
Asheville, NC 28802

02/12/93
Martin L. Nesbitt
704-258-2447

29 N. Market St.
Asheville, NC 28801

02/12/93 ASKED TO BE REMOVED FROM LIST - NO REAL ESTATE ATTORNEY IN FIRM - 3-6-95 - EBH
Bruce A. Elmore
704-253-1492

53 N. Market St.
Asheville, NC 28801-2997

02/12/93
John S. Stevens
704-252-6600

P. O. Box 7647
Asheville, NC 28802

02/01/94
S. Thomas Walton
704-252-3550

1509 BB&T Building
Asheville, NC 28802

BURKE

04/13/93
Juleigh Sitton
704-437-9301

216 East Concord St.
Morganton, NC 28655

04/13/93
Samuel J. Ervin, IV
704-437-4220

P. O. Drawer 1269
Morganton, NC 28680-1269

CABARRUS

04/13/93
Cecil R. Jenkins, Jr.

P. O. Box 65
Kannapolis, NC 28081-0065

CALDWELL

04/13/93
Bruce L. Cannon
704-758-2376

P. O. Box 269
Lenoir, NC 28645

8/22/96
Whisnant, Simmons, Groome, Tuttle & Pike — P.O. Box 776
704-758-0141 — Lenoir, NC 28645
Fax: 704-758-5326

CARTERET
DO NOT SEND - WORKS IN HUMAN RESOURCES - EAS 01/11/94
04/13/93
Jack W. Jenkins — P. O. Drawer 128
919-247-5164 — Morehead City, NC 28557

10/25/93
Hugh C. Talton, Jr. — P. O. Box 689
919-728-7715 — Beaufort, NC 28516

CASWELL

02/12/93
George B. Daniel — P. O. Drawer O
919-694-4363 — Yanceyville, NC 27379

04/13/93
R. Lee Farmer — P. O. Drawer B
919-694-4361 — Yanceyville, NC 27379-0330

04/13/93
W. Osmond Smith, III — P. O. Box 249
919-694-4168 — Yanceyville, NC 27379

CATAWBA

04/13/93
Allen W. Wood, III — P. O. Box 145
704-466-2100 — Newton, NC 28658-0145

04/13/93
Robert A. Mullinax — 11 N. Main Ave., Suite One
704-464-0420 — Newton, NC 28658

CHATHAM

04/13/93
Wade Barber, Jr.(RES.SUP. JUDGE) — P. O. Box 602
919-542-2400 — Pittsboro, NC 27312

04/13/93 Patrick Bradshaw 919-542-2400	P. O. Box 602 Pittsboro, NC 27312
04/13/93 J. Samuel Williams 919-742-5614	P. O. Box 665 Siler City, NC 27344

CHEROKEE

06/19/95 Noland W. Smith 804-873-2178	P. O. Box 596 Murphy, NC 28906

CHOWAN

02/12/93 William T. Culpepper, III 919-482-2175	P. O. Box 344 Edenton, NC 27932

CLEVELAND

04/13/93 W. Robinson Deaton, Jr. 704-482-7300	P. O. Box 458 Shelby, NC 28150
04/13/93 O. Max Gardner, III 704-487-0616	P. O. Box 1000 Shelby, NC 28151-1000

CRAVEN

04/13/93 David L. Ward, Jr. 919-633-1000	P. O. Box 867 New Bern, NC 28563-0867
04/13/93 James R. Sugg 919-633-3131	P. O. Drawer 847 New Bern, NC 28563-0847
11/01/93 Benjamin G. Alford 919-638-5792	P. O. Drawer U New Bern, NC 28560

11/01/93 B. Hunt Baxter, Jr. 919-638-5792	P. O. Drawer U New Bern, NC 28560
11/01/93 J. Randal Hunter 919-636-3788	P. O. Box 947 New Bern, NC 28560
07/27/94 Donald G. Lawrence 919-447-1529	805 E. Main St. Havelock, NC 28532

CUMBERLAND

04/13/93 Talmadge S. Baggett	1839 Middle Road Fayetteville, NC 28301-9750
04/13/93 Randy S. Gregory 919-433-2222	1333 Morganton Rd.,Suite 101 Fayetteville NC 28305

DARE

04/13/93 Charles D. Evans 919-473-2171	P. O. Box 189 Manteo, NC 27954
04/13/93 G. Irvin Aldridge 919-473-3484	P. O. Box 339 Manteo, NC 27954

DAVIDSON

04/13/93 D. Linwood Bunce, II 704-249-9128	P. O. Box 476 Lexington, NC 27293-0476
04/13/93 William F. Fritts 704-249-9961	P. O. Box 743 Lexington, NC 27293-0743
04/13/93 R. B. Smith, Jr. 704-249-6811	P. O. Box 1734 Lexington, NC 27293-1734

04/13/93
Michael A. Swann(Personal Injury Atty.-no titles) P. O. Drawer 1503
704-249-7777 Lexington, NC 27293

DUPLIN

04/13/93
David T. Phillips P. O. Box 727
919-296-0215 Kenansville, NC 28349-0727

04/13/93
The Honorable Dave Henderson P. O. Box 247
919-285-3164 Wallace, NC 28466-0247

04/13/93
Graham A. Phillips, Jr. P. O. Box 247
919-285-3164 Wallace, NC 28466-0247

DURHAM

02/16/93
George W. Miller, Jr. P. O. Box 451
919-682-5747 Durham, NC 27702-0451

04/13/93 - DELETE (at his request 11-30-93 - LB)
William H. Breeze, Jr. 911 N. Gregson St.
919-688-5761 Durham, NC 27701

08/15/94
Sharon A. Thompson P. O. Box 2164
919-688-9646 Durham, NC 27702

EDGECOMBE

05/18/93
Roy A. Cooper, III P. O. Drawer 4538
919-442-3115 Rocky Mount, NC 27803-0538

FORSYTH

04/13/93
Walter C. Holton 601 N. Cherry St., Suite 155
919-777-3480 Winston-Salem, NC 27101

04/13/93
George L. Little, Jr.
919-725-2351

1001 W. 4th St.
Winston-Salem, NC 27101

04/13/93
R. Michael Wells
919-725-1829

380 Knollwood St., Suite 610
Winston-Salem, NC 27103

04/13/93 (Has moved to Charlotte-no title work for Forsyth-letter 1/23/96)
Gary W. Jackson
919-721-3600

P. O. Drawer 84
Winston-Salem, NC 27102

GASTON

02/12/93
Lin B. Hollowell, Jr.
919-864-3425

P. O. Box 995
Gastonia, NC 28053-0995

02/12/93
Thomas B. Kakassy
919-867-1795

P. O. Box 2436
Gastonia, NC 28052

GRANVILLE

04/13/93
Daniel F. Finch
919-693-8161

P. O. Box 247
Oxford, NC 27565-0247

GREENE

04/13/93
Lonnie W. Carraway
919-747-5152

P. O. Drawer 748
Snow Hill, NC 28580

GUILFORD
REMOVE FROM LIST - DEPUTY SEC. OF HUMAN RESOURCES - EBH 03/24/94
02/12/93
Barry S. Stanback
919-274-1648/282-8893

P. O. Box 21746
Greensboro, NC 27401

04/13/93 (Removed from list per EAS 11/15/95-letter from Hagan(w/L. Moore)
Charles T. Hagan, III
919-373-1600

P. O. Box 3463
Greensboro, NC 27402

04/13/93 David L. Maynard 919-889-8733	P. O. Box 1550 High Point, NC 27261
04/13/93 James H. Slaughter 919-273-1797	P. O. Box 1260 Greensboro, NC 27402
04/13/93 Thomas E. Terrell, Jr. 919-884-4444	P. O. Drawer 2086 High Point, NC 27261-2086
04/13/93 Frank B. Wyatt 919-884-4444	P. O. Drawer 2086 High Point, NC 27261-2086
04/13/93 Brooks, Pierce, McLendon, Humphrey & Leonard 919-373-8850	P. O. Drawer U Greensboro, NC 27402
8/15/97 H. Mack Giles,Jr. Dees, Giles, Tedder, Tate and Gaylord 910-218-0602 Fax: 910-218-0025	P. O. Box 4544 Greensboro, NC 27404
8/15/97 James W. Miles, Jr. Stern & Klepfer 910-373-1500 Fax: 910-272-8258	P. O. Box 3112 Greensboro, NC 27402
8/15/97 Robert O. Klepfer, Jr. Stern & Klepfer 910-373-1500 Fax: 910-272-8258	P. O. Box 3112 Greensboro, NC 27402

<u>HALIFAX</u>

02/12/93 George A. Hux 919-445-5188	P. O. Box 217 Enfield, NC 27823

04/13/93
Cary Whitaker
919-537-8204

P. O. Box 1129
Roanoke Rapids, NC 27870

HARNETT

04/13/93
Gerald Hayes, Jr.
919-892-2178

804 W. Broad St.
Dunn, NC 28334

04/13/93
W. Glenn Johnson
919-893-5107

P. O. Box 69
Lillington, NC 27546

04/13/93
Nathan Johnson Tilghman
919-892-5406

P. O. Box 928
Dunn, NC 28335

HAYWOOD

02/12/93
Leon M. Killian, III
704-452-5801

P. O. Drawer 1260
Waynesville, NC 28786

04/13/93
Richard W. Riddle
704-456-8429

P. O. Box 1616
Waynesville, NC 28786

HENDERSON

04/13/93
W. Harley Stepp, Jr.
704-693-4135

112 S. Main St.
Hendersonville, NC 28792

04/13/93
James H. Toms
704-693-0421

P. O. Box 988
Hendersonville, NC 28793-0988

04/13/93
D. Samuel Neill
704-693-1739

222 3rd Ave., W
Hendersonville, NC 28739

IREDELL

04/13/93
Constantine H. Kutteh, II
704-873-2131

P. O. Box 1776
Statesville, NC 28677

JACKSON

6/23/97
R. Phillip Haire
Haire & Bridgers
Telephone: 704-586-3131
Fax: 704-586-3763

P. O. Box 248
Sylva, NC 28779

JOHNSTON

04/13/93
Robert V. Lucas
919-934-1091

P. O. Box 2308
Smithfield, NC 27577

04/13/93
Allen H. Wellons
919-934-0553

P. O. Box 1046
Smithfield, NC 27577

LEE

04/13/93
Jimmy L. Love
919-775-7119

P. O. Box 309
Sanford, NC 27331

LENOIR

04/13/93
Robert W. Griffin
919-523-5145

213 E. Gordon St.
Kinston, NC 28501

04/13/93
Vernon H. Rochelle
919-523-2000

P. O. Box 3557
Kinston, NC 28502-3557

LINCOLN

04/13/93
Daniel W. Barefoot

709 S. Aspen St.
Lincolnton, NC 28092-3103

MACON

02/16/93
Richard S. Jones, Jr.
704-524-4444

19 E. Main St.
Franklin, NC 28734

MADISON

02/12/93
Larry B. Leake
704-649-3883

P. O. Box 451
Marshall, NC 28753

MARTIN

04/13/93
James R. Batchelor
919-792-2222

P. O. Box 627
Williamston, NC 27892

03/17/95
J. Melvin Bowen
919-792-2222

P. O. Box 627
Williamston, NC 27892

03/17/95
Daniel A. Manning
919-792-2206

P. O. Box 892
Williamston, NC 27892

McDOWELL

02/12/93
Robert C. Hunter
704-652-2844

P. O. Drawer 1330
Marion, NC 28752

02/12/93
E. Penn Dameron, Jr.
704-652-2441

P. O. Box 1049
Marion, NC 28752

MECKLENBURG

04/13/93
Mark R. Bernstein
704-372-9000
2600 Charlotte Plaza
Charlotte, NC 28244

04/13/93
John S. Arrowood
704-372-9870
Suite 3000, 600 S. College St.
Charlotte, NC 28202

02/12/93
Pender R. McElroy
704-372-9870
Suite 3000, 600 S. College St.
Charlotte, NC 28202

04/13/93
Henry Hall Wilson, III
704-376-1904
801 Baxter St., Suite 410
Charlotte, NC 28202

04/13/93(Is a Federal Appointee-not with firm any longer.)
Mark T. Calloway
704-372-9870
Suite 3000, 600 S. College St.
Charlotte, NC 28202

04/13/93
Larry J. Dagenhart
704-343-2000
P. O. Box 31247
Charlotte, NC 28231

04/13/93
H. Parks Helms
704-372-4884
2300 Two 1st Union Ctr.
Charlotte, NC 28282

04/13/93
Steven A. Hockfield
704-333-7220
112 S. Tryon St., Suite 1560
Charlotte, NC 28284

03/24/95
C. Phillip Wells(Does not do titles anymore.)
704-342-2000
2400 NationsBank Plaza
Charlotte, NC 28280

04/13/93 - DO NOT SEND - JUDGE
Sydnor Thompson
704-372-9000
2600 Charlotte Plaza
Charlotte, NC 28244

Property Control List Only
04/13/93
Robin L. Hinson
704-377-2536

101 N. Tryon St., Suite 1900
Charlotte, NC 28246

MITCHELL

07/27/94
Watson & Hunt, P.A.
704-765-2062

P. O. Box 506
Spruce Pine, NC 28777

MONTGOMERY

04/13/93
Russell J. Hollers
919-572-3638

P. O. Box 567
Troy, NC 27371

MOORE

06/03/93
John M. May
919-692-4900

P. O. Box 370
Pinehurst, NC 28374

NASH

04/13/93
Lawrence G. Diedrick
919-977-1911

P. O. Box 2626
Rocky Mount, NC 27802-2626

04/13/93
Charles T. Lane
919-446-2341

P. O. Box 353
Rocky Mount, NC 27802-0353

04/13/93
J. McLain Wallace, Jr.
919-937-2200

P. O. Box 7100
Rocky Mount, NC 27804-0100

ONSLOW

04/13/93
John D. Warlick, Jr.
919-455-3637

P. O. Drawer 1006
Jacksonville, NC 28540

ORANGE

05/06/93
Robin Lackey
919-929-0323

P. O. Box 1329
Chapel Hill, NC 27514-1329

PASQUOTANK

04/13/93
Edward A. O'Neal
919-338-4151

P. O. Drawer 99
Elizabeth City, NC 27909-0099

07/27/94
Hornthal Riley Ellis & Maland
919-335-0871

301 E. Main St.
Elizabeth City, NC 27909-0220

10/4/96
Abbott, Mullen, Brumsey & Small
919-335-5442
Fax: 919-335-2788

Post Office Box 69
Elizabeth City, NC 27907

PERQUIMANS

04/13/93
James C. Cole

P. O. Box 631
Hertford, NC 27944

10/28/93
John V. Matthews, Jr.
919-426-5451

P. O. Box 516
Hertford, NC 27944

PITT

04/13/93
Clifton Everett, Jr.
919-758-4257

P. O. Box 1220
Greenville, NC 27835-1220

04/13/93
James A. Nelson, Jr.
919-758-4276

P. O. Box 36
Greenville, NC 27834

04/13/93
Thomas F. Taft
919-752-2000

P. O. Box 1766
Greenville, NC 27835-1766

RANDOLPH

04/13/93
Lillian B. O'Briant(NO TITLES)
919-629-2121

117 Sunset Ave.
Asheboro, NC 27203

Robert P. Williams(NO TITLES)
919-625-9700

P. O. Box 1395
Asheboro, NC 27204-1395

ROBESON

04/13/93
W. Edward Musselwhite, Jr.
919-738-5277

P. O. Box 1448
Lumberton, NC 28359

ROCKINGHAM

04/13/93
J. Hoyle Stultz, Jr. - DECEASED
919-623-8436

708 W. Washington St.
Eden, NC 27288

ROWAN

02/12/93
Carl M. Short, Jr.
704-633-5000

P. O. Box 829
Salisbury, NC 28144

02/12/93
William C. Kluttz, Jr.
919-636-7100

P. O. Drawer 1617
Salisbury, NC 28145-1617

3/5/97
Edward P. Norvell
704-636-0440
Fax: 704-636-7597

P.O. Box 508
414 West Fisher Street
Salisbury, NC 28144
IS PLANNING TO CLOSE HIS PRACTICE,
DOES NOT WANT ADDITIONAL TITLES.
PER LETTER OF OCT. 29, 1997.

SAMPSON

04/13/93
W. Douglas Parsons
919-592-7066

P. O. Box 1400
Clinton, NC 28328

SCOTLAND

04/13/93
J. Robert Gordon
919-276-7825

P. O. Box 587
Laurinburg, NC 28352

STANLY

04/13/93
Robert L. Slaughter
704-983-6900

P. O. Box 1028
Albemarle, NC 28002

04/13/93
Charles P. Brown
704-982-2141

P. O. Box 400
Albemarle, NC 28002

STOKES

04/13/93
Mark H. Badgett
919-983-3192

P. O. Box 961
King, NC 27021

SURRY

02/12/93
Carroll F. Gardner
919-789-5502

P. O. Box 866
Mount Airy, NC 27030

02/12/93
Marion M. Boone(DOES NOT DO TITLES)
919-386-9199

P. O. Box 1312
Dobson, NC 27017

02/12/93
C. Ricky Bowman
919-386-8721

P. O. Box 1188
Dobson, 27017
IS NOW DA FOR DIST 17-B
PER LETTER OF 12-1-97.

SWAIN

04/13/93 (No longer in Swain County- moved out of state)
Joseph A. Pachnowski

P. O. Box 1304
Bryson City, NC 28713

TRANSYLVANIA

04/13/93 John K. Smart, Jr. 704-884-4113	One N. Gaston St. Brevard, NC 28712

TYRRELL

01/28/94 Charles W. Ogletree 919-796-8561	P. O. Box 510 Columbia, NC 27925

UNION

04/13/93 C. Frank Griffin 704-289-4577	P. O. Box 99 Monroe, NC 28110

VANCE

04/13/93 Charles F. Blackburn 919-438-8131	P. O. Box 139 Henderson, NC 27536

WAKE

Robert E. Zaytoun 919-782-9322	P. O. Box 12065 Raleigh, NC 27605
04/13/93 W. Thurston Debnam 919-250-2000	P. O. Box 26268 Raleigh, NC 27611
04/13/93 J. Donald Hobart, Jr.(OFF LIST BY REQUEST- 919-828-8207 PER GGK)	P. O. Box 27525 Raleigh, NC 27611
04/13/93 Tharrington, Smith and Hargrove 919-821-4711	P. O. Box 1151 Raleigh, NC 27602
04/13/93 Poyner and Spruill	P. O. Box 10096

919-783-6400 Raleigh, NC 27605-0096

05/13/93
R. Jonathan Charleston P. O. Box 26268
919-250-2000 Raleigh, NC 27611-6268

07/27/94
Bass Bryant & Moore P. O. Drawer 909
919-832-9661 Raleigh, NC 2760

5/23/96 - REMOVE FROM LIST PER LETTER 4/10/98-KW
Katherine White P.O. Box 1486
919-833-3386 Raleigh, NC 27602
Fax - 919-833-3373
E-Mail: KWhite@nando.net

WASHINGTON

04/13/93
R. Wendel Hutchins P. O. Drawer 1085
919-793-9026 Plymouth, NC 27962

WATAUGA

04/13/93
Charles E. Clement P. O. Drawer 32
704-264-6411 Boone, NC 28607

04/13/93 - REMOVE FROM LIST BY LETTER 3-31-95
Jan W. Lamm P. O. Box 328
704-264-8296 Boone, NC 28607-0328

9/27/96 - per Garland Garrett, Sec. DOT
James M. Deal,Jr. P.O. Box 311 DTS
704-264-4734 Boone, NC 28607

9/27/96 - per Garland Garrett, Sec. DOT
C. Philip Ginn P.O. Box 1791
704-265-0016 Boone, NC 28607

WAYNE

04/13/93
Baddour, Parker and Hine P. O. Drawer 916

919-735-7275 Goldsboro, NC 27533-0916

WILKES

02/12/93
George G. Cunningham P. O. Drawer 520
919-838-7500 Wilkesboro, NC 28697-0520
(removed from list-3/11/96 per Susan Rabon)

02/12/93 (updated 3/11/96)
Russell F. Ferree P. O. Box 979
Office - 838-0024 Wilkesboro, NC 28697-0979
Fax - 838-7600

3/11/96
Max L. Ferree P.O. Box 979
Office - 838-0024 Wilkesboro,NC 28697-0979
Fax - 838-7600

WILSON

04/13/93
B. Perry Morrison, Jr. P. O. Drawer 279
919-237-3153 Wilson, NC 27894-0279

04/13/93 (Requested to be removed from list per letter from Sallenger-12/20/95)
Thomas R. Sallenger P. O. Box 1883
919-243-2217 Wilson, NC 27894-1883

04/13/93
Stephen L. Beaman P. O. Box 1907
919-237-9020 Wilson, NC 27894-1907

04/13/93
Allen G. Thomas P. O. Box 2848
919-243-3000 Wilson, NC 27894-2848

3/7/97
William T. Cozart P.O. Box 1883
Gibbons, Cozart,Jones, Hughes, Sallenger & Taylor Wilson, NC 27894-1883
Fax: 919-243-7800

YADKIN

1/8/97
Shore Hudspeth & Harding
910-679-2076
Fax: 910-679-7234

P.O. Box 936
Yadkinville, NC 27055

8/18/97
Richard N. Randleman
910-679-2412
(Added to list per Dan DeVane for Sec.'s Office)

Post Office Box 727
Yadkinville, NC 27055

YANCEY

02/12/93
Staunton Norris
704-682-7410

P. O. Box 548
Burnsville, NC 28714-0548

ATT. 6

Followup Information Requested by House Appropriations Subcommittee
on Justice and Public Safety – Department of Correction

1. Lapsed Salary Use 1997-98 ((See chart)

2. Positions Funded to bring prisons up to Expanded Operating Capacity (EOC) 420 positions (See chart)

3. Medical Reimbursement from Counties/Safekeeper Invoices – DOC estimates $1.5 million will be collected from counties in 97-98 for medical cost to DOC for county safe keepers. (budget reduction proposed by Governor assumes about $1,317,000 in 98-99 or $450,000 greater than continuation budget of $867,000). Another $750,000 is collected for per diem ($18 a day) for total of $2.25 million.

For County Safekeepers held by DOC, $290,763 was due to state from county through March 28 (run May 21, 1998) for medical and per diem. DOC indicates all or most of invoices are eventually paid

Safekeepers are capped at 200; last count was 181.

4. Henderson Correctional Center – Projected average cost per day for 1997-98 is $48.49 compared to $74.94 in 1996-97. (statewide average was $53 in 96-97 for minimum security institutions).

5. Prisoner Legal Services – Continuation Budget in DOC Prisons budget is $1,703,450 in each year of the biennium but since budget was developed, contract was renegotiated to amount of $1,849,826. Any increase would be paid from lapsed salaries since it is a contractual services line item. The $1.85 figure could increase in 1998-99.

ATT. 7

N. C. Department of Correction
Calculation of Estimated Total Lapsed Salary and Related Fringe Benefits
Generated During Fiscal Year Ending June 30, 1998
As of June 12, 1998

Line No.	Description	Amount
1.	Total Lapsed Salary & Fringe Benefits Usage (as of May 31, 1998)	$29,956,881
2.	Remaining Unexpended Salary Budget	9,443,000
3.	Remaining Unexpended Fringe Benefits	6,350,000
4.	Less Salary Reserve Balance @ 6/12/98	(181,988)
5.	Total Lapsed Salary and Related Fringe Benefits Generated During FY 1998	$45,567,893

N. C. Department of Correction
Schedule of Lapsed Salary Usage
For Fiscal Year 1997-98
As of June 12, 1998

606 No.	Approval Date	Description	Amount
110052	19-Sep-97	Impact Boot Camp Pilot Program	$350,000
110004	30-Sep-97	Controller's Office-Acct. I Time Limited	12,251
110033	30-Sep-97	20 Corr.Officers-Durham Co.Detent.Ctr.	550,512
110058	30-Sep-97	Title VII Legal Fees	3,790
110075	30-Sep-97	Temporaries,Contractual	1,154,921
110076	30-Sep-97	Trnfs.to OSBM-Mgmt.Imp.Initiative Program	30,000
120004	30-Sep-97	Corr.Off.Applicant Tracking System	94,210
120007	30-Sep-97	Controller's Office PC Programmer	28,706
110046	16-Oct-97	DOC&IOG Pilot Mgmt. Program	23,000
110101	14-Nov-97	DAPP/ Voc.Rehab. Agreement	4,324
120012	30-Nov-97	Workers Comp.Transfer to OSC	62,334
110127	03-Dec-97	Comm.on Subs.Abuse Treatment	25,804
110128	03-Dec-97	Year 2000 Conversion Funding-OSBM	5,000,000
110144	19-Dec-97	Jail Backlog	4,226,355
110149	31-Dec-97	Temporaries	1,102,500
110143	16-Jan-98	OSDT-Training Instructer	20,400
110150	16-Jan-98	Jail Backlog	2,273,645
110155	31-Jan-98	Workers Comp.Transfer/Moving	96,334
110154	09-Feb-98	Bd.of Ethics-Governor's Office	15,000
110152	13-Feb-98	Attorney Gen.Attorney/Paralegal Trnsf.	136,348
140171	23-Feb-98	Holiday Pay, O/T, Shift Premium	364,911
110159	24-Feb-98	State Auditor's Fee	20,432
110163	12-Mar-98	Jail Backlog	3,000,000
140211	25-Mar-98	O/Time,Shift Prem.Holiday Pay	2,222,538
140246	23-Apr-98	O/Time,Shift Prem.Hol. Pay,Wrkrs.Comp.	2,411,030
140261	30-Apr-98	Longevity,Disability,Tort	3,507
110172	30-Apr-98	Med.Cont.($480,577),Fees/Serv.($1,559,000)	2,039,577
110170	03-May-98	Substance Abuse Seminar	2,750
140280	18-May-98	O/Time,Shift Prem.Hol. Pay,Wrkrs.Comp.	2,079,518
140292	28-May-98	O/Time,Shift Prem.Disability	448,640
110177	31-May-98	Medical Care($1,269,165) & Food ($635,000)	1,904,165
140294	31-May-98	Tort, Longevity,Disability	88,064
110178	31-May-98	Workers Comp.quarterly payment	161,315
		Total as of 5/31/98	$29,956,881

N. C. Department of Correction
Calculation of Anticipated Lapsed Salary Usage
For the Time Period of June 1 - June 30, 1998

Line No.	Description	Amount
1.	Overtime Pay, Longevity,Wrkrs.Comp. (531411-531411001,531461,531631)	($1,375,000)
2.	Shift Premium, Call-Back, Holiday Pay (531421-531441)	(1,375,305)
3.	Contractual Employee - Medical (531321-531321005)	(641,272)
4.	Medical Fees/Services (532131-532132992, 532199)	(1,435,364)
5.	Food (533410-533800016)	(1,778,499)
6.	Long-Term Disability (535221)	(93,000)
7.	Tort (Based on FY 98 monthly average) (535112 - 535112003) [1]	(55,000)
8.	Total Anticipated Lapsed Salary Usage	($6,753,440)

[1] Anticipated Tort costs are unpredictable. These costs could range from zero amount to millions.

N. C. Department of Correction
Calculation of Total Lapsed Salary and Related Fringe Benefits
Generated For Fiscal Year Ended June 30, 1997

Line No.	Description	Amount	
1.	Total Lapsed Salary & Fringe Benefits Usage	$35,592,947	[1]
2.	Remaining Unexpended Salary Budget	8,866,461	[2]
3.	Remaining Unexpended Fringe Benefits	4,814,229	[3]
4.	Less Salary Reserve Balance @ 6/30/97	(2,198,328)	[4]
5.	Total Lapsed Salary for FY 1997	$47,075,309	

[1] Schedule A -1

[2] Schedule A - 2

[3[Schedule A - 3

[4] Amount obtained from OSBM Salary Reserve System

ATT 8

Bills Assigned to House JPS Subcommittee--July 2, 1998

Bills from 1997 Session

Bill	Title	In 97-98 Budget Bill?	Changes From Original Bill to Budget Document
HB 140	Extend Crime Control Study	yes (Page 406)	combined with Cor. Over. Comm.
HB 162	Increase Drug Penalties	yes (Page 376)	none
HB 169	Continue Sentencing Comm.	yes (Page 349)	none
HB 218	Conform Witness Travel Fees*	**no**	-
HB 449	DART Continuing Care Funds	yes (Page 374)	raised allocation to $467,806
HB 573	Project Challenge Funds	yes (Page 361)	none
HB 654	Transfer Rockingham Cor. Ctr.	yes (Page 371)	joint neg.w/ DOT, DOC, & county
HB 743	Juvenile Assess. Proj. Funds	yes (Page 362)	raised allocation to $150,000
HB 938	Accident Victim I.D. Funds	yes (Page 402)	none
HB 975	NC N.G. Lengthy Service Bonus*	**no**	-
HB 986	Raise Reimbursement to County	yes (Page 373)	lowered allocation to $1,587,419
HB 1093	HP Helicopter in Asheville	yes (line-item approp.)	none
HB 1148	Teen Court Funds/Guidelines	yes (Pgs. 364-5)	addressed funding only
HB 1163	Wake's DOTF Funds	yes (line-item approp.)	none
HB 1185	Orange Teen Court Funds	yes (Page 364)	lowered allocation to $15,000

*no action taken on bill during last session

Bills from 1998 Session

Bill	Title
HB 1614	Mediation Center Funds-2
HB 1680	Magistrates' Salary Increase
HB 1733	Expedite Death Pen. Cases/Funds (already in HB 665-Victims Rights)

VISITOR REGISTRATION SHEET

APP/Sub Justice & Public Safety — **July 2, 1998**

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John S Carpenter	Correction
[illegible]	NCAOC
Lydia Barbour	CJPL
Renee Winn	NCAOC
Lee Rubert	CJPC
Doug Stahl	DOC

APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

July 8, 1998
Room 612

HOUSE MEMBERS PRESENT: [6] Representatives Justus, Thompson, Kiser, Redwine, Sexton, Smith.

Representative Thompson called the meeting to order at 8:45AM. Representative Thompson introduced House Pages Ashley Davidson from Henderson County and Ivy Capell from Henderson County. Representative Thompson announced that this committee will review the Senate Budget.

- Review of Senate Budget - Department of Correction

Jim Mills, Fiscal Staff, proceeded with Attachment A. He started on page D7 Corrections #43 - Increase Operating Receipts/Reduce General Fund.
(1) Federal Nutrition Programs - ($450,000). Representative Kiser made a suggestion to make this cut of ($500,000).
(2) Medicaid Reimbursement from Counties ($600,000). Representative Justus made a suggestion that the committee cut this amount to ($675,000) and look at again when the final figures were in.
(3) Federal Alien Reimbursement Funds ($550,000). Discussion followed. Representative Kiser asked Mr. Mills to explain how the figure of 559 aliens were calculated. Was it on actual head count of known aliens in our Department of Corrections. Mr. Mills explained they do a head count of foreign born inmates which the last count was in June 1998 and it was 559. The INS and DOJ make a determination how many are illegal aliens and give a percent share. **Representative Kiser asked after they arrive at the number what is the rate per day**? Joe Hamilton does not know how they come up with the figure. Representative Justus made a suggestion that the Committee cut $800,000 and then look at this again when the figures are all in.

#46 Page D8 Increase Receipts from Correction Enterprises ($500,000). Discussion followed. Representative Justus asked what percentage went for Victim's Rights? Joe Hamilton thought it was about 5% after profits. Elisa thought the victim's rights was about $800,000 this was from memory. Representative Kiser asked how much profit is this account and how much can the Senate Budget extract from the profit - What is the net left. Mr. Mills could not give a definite figure. Representative Thompson asked Joe Hamilton to give a list of the projects that Correction Enterprises wants to do. Mr. Hamilton gave a list of the projects that there are approved job orders on and or approved by the Governor: Apex Warehouse Upfit $5,000,000: Caledonia Farm Vegetable Dist. Center $1,100,000: Columbus Sewing Plant $3,000,000: Dan River Greenhouse Project $2,100,000: Caledonia Farm Upgrades: Equipment Shelter $500,000; Chemical Storage

Bldg. $500,000; Other Structures $500,000: New Food Processing Center $1,100,000: Megastar Building Purchase $1,000,000: Megastar Building Upfit $2,250,000: Optical Plant Startup $500,000: Dan River Service Building $500,000: Dan River Warehouse Cooler $500,000: Laundry Consolidation $500,000: Relocation of Duplicating Plant $500,000: New /Replacement Equipment $5,000,000: Maintenance Projects $1,000,000. Representative Kiser suggested to cut this only $250,000. Representative Justus asked what the cash on hand balance was? Mr. Hamilton stated they projected July cash on hand of 22 million and these commitment get subtracted from this amount. This would leave around 17 million. Representative Justus recommended that the cut be $750,000 and re-look at this item.

49 Eliminate Matching Funds for Federal Grants ($325,000). Representative Justus suggested the committee take the Senate reduction and using profits from Correction Enterprises.

#47 Staff Reductions - Division of Alcoholism and Chemical Dependency ($250,000).
#48 - Staff Reduction - Department Management ($818,888) Joe Hamilton will have an up-to-date report later today showing positions reduced and if filled, etc. Representative Thompson suggested to take the Senate reduction on these items and look at the report when available.

Page D9, #51 Support Vocational Teachers from Welfare Fund ($374,103) Discussion followed.
#52 Transfer of Inmate Canteen Fund Profits ($334,000). Discussion followed.
Representative Justus asked how many teachers in system? Where, do you hire them outside and use them all from the Community College system and what is the total cost? Mr. Mills will get this information for the committee. The last number of teachers he had within DOC was 97. Does not have the Community College number. **Representative Sexton asked for a breakdown of how the cost is being funded**.

#51 Representative Thompson suggested accept the Senate reduction.
#52 Representative Thompson asked that this item be flagged to look at later.
#53 Increase Receipts from Work Release Fund ($291,000) Representative Kiser suggested that the payment be raised to $14.00/day. Representative Redwine asked how the money in this fund was handled. Gregg Stahl explained how this worked and the priority order which was statutory

Meeting adjourned at 10:00 AM. May meet again after session.

Representative Gregg Thompson
Chairman

Edna Sykes
Committee Clerk

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Wednesday July 8, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus
Representative Joe Kiser
Representative Gregg Thompson, Presiding

II. PRESENTATIONS

- Review of Senate Budget – Department of Correction

  Jim Mills
  Elisa Wolper

  Fiscal Research Division

  DOC Management

- Review of Senate Budget – Other Justice and Public Safety Agencies

  Charles Perusse
  Marilyn Chism
  Elisa Wolper

  Fiscal Research Division

  Departmental Management

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — July 8, 1998

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kristen Mitchell	NH Regional Newspapers
Barry Hough	DSDHS
Joe Hamilton	DOC
Jack Ford	DOC
Jan D. Gray	DOJ
Linda Gwozdz	Parole Commission
Judy Court	Public Ave Advocacy Center
Doug Lassiter	McClees Consulting

Senate Subcommittee on Justice and Public Safety

Judicial

GENERAL FUND

	FY 98-99
Total Budget Approved 1997 Session	**$327,102,308**

Budget Changes

1	**Reduce Salary Reserve Funds** Reduce Department's available salary reserve funds - these funds are generated by filling positions at a salary less than the budgeted salary authorized by the General Assembly.	($300,000)	R
2	**Robeson Dispute Settlement Center Funds** Eliminate state funds for the Robeson Dispute Settlement Center for FY 1998-99 since the Center discontinued providing services. The General Assembly will review the viability of the Center and determine whether it should continue receiving funds next year.	($39,166)	NR
3	**Reduce Funds in Magistrates and Clerks Pay Plans** Reduce funds needed to implement the magistrate ($363,960) and clerks ($742,099) pay plans. These reductions are possible because of updated salary figures and actions taken by the 1997 Session of the General Assembly.	($1,106,059)	R
4	**District Court Judges** Provide funds for 8 additional District Court Judges to be located in Districts 4, 7, 10, 11, 12, 14, 19C and 26. All positions are effective December 1, 1998.	$542,240 $70,224 8.00	R NR
5	**Judges Support Staff** Provide funds for 8 additional judicial assistant I positions effective December 1, 1998.	$153,704 $42,768 8.00	R NR
6	**Assistant and Deputy Clerks of Court** Provide funding for 4 assistant clerks and 25 deputy clerks effective December 1, 1998.	$479,295 $111,808 29.00	R NR
7	**Court Reporters in Superior Court** Provide funds to establish 2 additional court reporter positions effective December 1, 1998.	$54,726 $13,128 2.00	R NR
8	**Assistant District Attorney** Provide funds for an assistant district attorney to be located in District #30, effective December 1, 1998	$40,408 $1,020 1.00	R NR

9 Magistrate Positions — $104,958 R; $22,885 NR; 5.00

Provide funds for 5 additional magistrate positions to be located in Currituck, Pamlico, Mecklenburg and Wake Counties. Also provides funds for a half-time magistrate in Columbus County. All positions are effective December 1, 1998.

10 Sentencing Commission Position — $37,656 R; $59,756 NR; 1.00

Provide funding for a research and policy position to assist the Commission in meeting its additional duties. The position is effective December 1, 1998. Also provides $50,000 in contractual service funds to assist the Commission in evaluating correctional programs.

11 Assistant PD's from Indigent Fund — $0 R; $0 NR; 4.00

Allows the Department to transfer up to $179,220 in FY 1998-99 from the Indigent Persons' Attorney Fee Fund to establish 4 additional assistant public defenders. All positions are effective December 1, 1998.

12 North Carolina Business Court — $33,213 R; $85,000 NR; 1.00

Provides recurring funds for a judicial assistant I position and associated operating expenses effective October 1, 1998. Also provides nonrecurring funds to purchase furniture and equipment, and to establish an electronic court.

13 Transfer Indigent Funds for Capital Case Pilot — $[redacted] R; $0 NR; 4.00

Allows the Department to transfer up to $180,040 from the Indigent Persons' Attorney Fee Fund to establish 2 assistant public defenders, 1 investigator, and 1 legal assistant, who work specifically on capital cases. All positions are effective December 1, 1998.

14 Public Defender Support Staff — $139,533 R; $19,161 NR; 6.00

Provide funds to establish 3 additional investigators and legal assistants effective December 1, 1998.

15 Arbitration Program — $200,000 R; $18,844 NR; 3.00

Provide funds for four 30-hour coordinator positions to expand the superior court arbitration program to 7 additional districts, effective December 1, 1998. The program would be operational in 37 of 45 superior court districts.

16 Custody Mediation Program — $300,000 R

Provide funds to expand the custody mediation program to 7 additional district court districts effective December 1, 1998. The program would be operational in 32 of 39 districts.

17 Community Penalties — $150,000 R; $9,205 [redacted]; 1.0

Provide funds to create an accounting specialist position to assist local Community Penalties programs with fiscal management. Also provides $109,139 for local and state programs to expand and enhance their programs. The position is effective December 1, 1998.

18 Continue Drug Treatment Court Program — $62,716 R; $936,210 NR; 2.00

The Drug Treatment Court Program began as a pilot in 1995 to allow the court system to closely supervise offenders addicted to drugs or alcohol. Funds are used for case-management and substance abuse treatment services. These nonrecurring funds continue the pilot programs in Mecklenburg, Wake, Person/Caswell, Warren and Forsyth, add a new program in Durham and expand programs in Mecklenburg, Wake and Vance Counties. The Program Administrator's position is funded with recurring funds.

19 Continue Civil Case Management Programs — $100,503 NR; 3.00

Provide funds to continue pilot programs in Districts 13, 18, and 30, which assist district court judges with case management and setting of court calendars in civil cases.

20 Continue Bad Check Programs — $162,941 NR; 5.00

Continues bad check programs in Columbus, Durham, and Rockingham Counties. These programs are designed to reduce the amount of time spent on prosecuting these cases, and to assist worthless check victims in recovering restitution.

21 Dangerous Offender Task Force — $200,000 R

Provide contractual funds for the Task Force located in District 10 which works to prosecute serious violent offenders more quickly. These funds would be used to establish 2 assistant district attorney and 2 investigator positions.

22 Guardian Ad Litem Attorney and Equipment Funds — $150,000 R; $381,852 NR

Provides funds to increase the rate paid to attorneys to assist in retaining experienced counsel. A portion of the nonrecurring funds will be used to replace 15 outdated computer systems in offices statewide.

23 Dispute Settlement Center Funds — $100,000 NR

Provide additional funds to the Chatham ($10,000), Cumberland ($10,000), Durham ($15,000), Eastern Carolina ($15,000), Moore ($20,000) and Wake ($15,000) Centers. Also provides $15,000 for the Mediation Network of North Carolina.

24 Teen Court Funds — $55,000 NR

Provides $20,000 for teen court programs in Guilford and Durham Counties and $15,000 in Wake County. Teen courts provide a peer review of juveniles who have committed non-violent misdemeanors and recommend different types of punishment, including community service and restitution.

25 Access to Civil Justice — $1,000,000 NR

Provide additional funds through the State Bar to Legal Services of North Carolina for representation of indigents in civil cases.

26	**Center for Death Penalty Litigation** Provide additional funds to the Center for Death Penalty Litigation which provides training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.	$500,000	NR
27	**Funds for Equipment and Supplies** Provide additional funds for general office equipment and supplies to be distributed statewide based on need.	$200,000	NR
28	**District Court Mediated Settlement Pilot** Provide funds to establish pilot programs in district court which assist in mediating equitable distribution, alimony, and child support issues.	$50,000	NR
29	**Reserve for Court Information Technology Plan** Provides $500,000 for contractual services to assist in developing a long range technology plan for the court system.	$500,000	NR
30	**Replace Computer Equipment / Network Upgrade** Provide funds to replace worn and outdated computer equipment for court offices statewide. Also provides funds to purchase hardware and software required to increase the capacity of the mainframe computer system.	$150,000 $950,000	R NR
	Budget Changes	**$1,392,390** **$5,351,139**	**NR**
	Total Position Changes	83.00	
	Revised Total Budget	**$333,845,837**	

Justice

GENERAL FUND

	FY 98-99
Total Budget Approved 1997 Session	**$67,165,852**

Budget Changes

31	**Reduce SBI Salary Equity Funds** Of the $2.7 Million appropriated for salary increases for SBI agents, $2.666 Million was allocated, leaving $34,000 for reduction.	($34,000)	R
32	**Appellate Section** Provide additional staff for the Appellate Section of the Criminal Division due to increased workload. Positions include 2 Attorney II's, 2 Attorney III's, a Paralegal and Program Assistant. All positions are effective November 1, 1998.	$209,170 $28,300 6.00	R NR
33	**Capital Litigation Unit** Funds to add 2 Attorney III's, 2 Attorney IV's and a Program Assistant to the Capital Litigation Unit in the Criminal Division. All positions are effective November 1, 1998.	$201,650 $37,500 5.00	R NR
34	**Consumer Protection Division** Add 2 Consumer Protection Specialists, 2 Program Assistants, a Public Information Assistant and an Attorney II to the Consumer Protection Division due to increased number of citizen complaints and inquiries. All positions are effective November 1, 1998.	$143,341 $18,000 6.00	R NR
35	**Medicaid Fraud Unit** Provide state matching funds to add 2 Investigators, 2 Auditors, 1 Clerical and 1 Attorney II position to the Medicaid Fraud Division effective October 1, 1998. Federal funds cover 75% of the cost of these positions.	$53,198 $13,322 6.00	R NR
36	**Law Enforcement Technology Improvements/DCI Staff** Provide funds for 3 computer operators which will allow the Division of Criminal Information to provide 2 person coverage on all shifts. Also adds a database specialist to maintain increasingly complex criminal information databases. Also provides $57,000 to replace antiquated computers at Justice Academy East. All positions are effective November 1, 1998.	$107,315 $57,000 4.00	R NR

37 Justice Academy Positions Provide funds for 3 additional housekeeper / maintenance staff at the Justice Academy East effective November 1, 1998. Also provides $19,000 in recurring funds and $6,000 in nonrecurring funds to replace classroom furnishings on a rotating basis and to upgrade fire alarm systems.	$60,506 $6,000 3.00	R NR
38 SBI Rent Adjustment Funds to cover increased rental costs at District field offices located in Fayetteville, Greenville and Asheville.	$167,341	NR
39 Environmental Division Staff Add an Attorney II and Program Assistant to work on Marine Fisheries issues in Morehead City. Also establishes 2 Attorney II positions to assist on groundwater and water quality issues. All positions are effective November 1, 1998.	$147,224 $19,800 4.00	R NR
40 CJIN Coordinator Funds The Criminal Justice Information Network has been operating without full-time staff since its inception. These funds would support a full-time Information Systems Director effective November 1, 1998. Operating costs associated with the position would come from the CJIN Reserve.	$51,414 1.00	R
41 NC LEAF Funds Provide funding to the NC Legal Education Assistance Foundation to assist with loan repayment for public service attorneys.	$125,000	
42 Criminal Justice Information Network—AFIS System Funds to continue implementation of the Statewide Automated Fingerprint Identification System by placing live scan devices in additional counties.	$150,000	NR
Budget Changes	**$939,818** **$622,263**	**R** **NR**
Total Position Changes	35.00	
Revised Total Budget	**$68,727,933**	

Correction

GENERAL FUND

FY 98-99

Total Budget Approved 1997 Session **$867,817,472**

Budget Changes

43 Increase Operating Receipts/Reduce General Fund ($1,600,000) R

DOC estimates they will receive additional receipts in three programs, thus allowing a decrease in the General Fund budget:

(1) Federal Nutrition Programs ($450,000)

DOC received more receipts than anticipated from the federal program that provides free breakfast and lunch to youthful offenders (<21 years of age); a similar level of receipts is anticipated in 1998-99 allowing for a decrease in the General Fund.

(2) Medical Reimbursement from Counties ($600,000)

Counties pay the State to provide medical care for "safekeepers" that counties have requested DOC to hold in state prisons. These reimbursements have increased in 1997-98 and are anticipated to increase at the same level in 1998-99, allowing for a reduction in the General Fund.

(3) Federal Alien Reimbursement Funds ($550,000)

North Carolina receives federal funds to partially fund the cost of housing illegal aliens that are inmates in the North Carolina prison system. Receipts have increased allowing a reduction in the General Fund.

44 Reduce Non Personnel Line Items ($1,511,757) R

Reduce non-personnel line items in the following areas:

Division of Probation and Parole:
- Purchased services ($100,000)
- Supplies ($100,000)
- CJPP Contracts ($38,000)
- Phone, supplies, drug reagents in reserve for new officers ($150,000)

Reserve for Enhanced Criminal Penalties($135,000)

Division of Alcoholism & Chemical Dependency
- Supplies ($30,000)

Departmental Management
- Contractual services, office and computer supplies and equipment ($366,709)

Division of Prisons
- Computer Equipment ($392,048)

Reserve for New Beds
- Engineering/Construction Support ($200,000)

45 Staff Reductions--Division of Probation and Parole ($561,033)

Reduce 11 positions due to Span of Control (4 Assistant Division Chiefs, 1 Deputy Director Position), reduced workload (2 Parole Hearing Officers) and changes in staffing patterns (4 Pre-Parole Investigators). -11.00

46 Increase Receipts from Correction Enterprises ($500,000) R

Correction Enterprises transfers a portion of the profits in the Enterprise Special Fund to the General Fund; by increasing the amount transferred from $1,060,000 per year to $1,560,000, the General Fund can be reduced (amount level since 1979-80 fiscal year).

47 Staff Reductions--Div of Alcoholism and Chem Depen ($250,000) R

Eliminate funding for 7 positions: 3 Supervisors, 1 Counselor, 1 Substance Abuse Worker and 2 Support Staff. -7.00

48 Staff Reduction--Department Management ($818,888) R

Abolish 3 support positions in Central Area Office due to consolidation; abolish 12 mid level managers in departmental management, area offices and institutions. -15.00

49 Eliminate Matching Funds for Federal Grants ($325,000) R

Since the amount of State funds needed to match federal grants fluctuates widely each year, the DOC is recommending eliminating the remaining appropriation and using other funding sources. The Senate budget recommends using profits from Correction Enterprises.

50 Reduce Staff at Parole Commission ($233,000) R

Reduce staff by 8 positions: 7 clerical and 1 analyst. These reductions are in response to declining workload and a study of the longterm needs of the Commission. This also reduces the supply budget to achieve a 10% reduction in the budget. -8.00

51 Support Vocational Teachers from Welfare Fund ($374,103) R

DOC has gradually been funding more education related positions and costs from the Inmate Canteen/Welfare Fund. This reduction would allow DOC to decrease the General Fund by funding one academic director and 6 teachers from the Inmate Fund.

52 Transfer of Inmate Canteen Fund Profits ($334,000) R

By increasing the amount of personal funds an inmate can draw down weekly ($35 to $40) and increasing the DOC profit margin on inmate purchases from the canteen (17% to 18%), receipts can be increased and the General Fund reduced.

53 Increase Receipts from Work Release Fund ($291,000) R

Inmates on work release pay the DOC $12.50 a day; this reduction is based on increasing that payment by $1 and reducing the General Fund.

54 Close Small Inefficient Prison Units ($3,048,365) R

The Government Performance Audit Committee (GPAC) recommended closing small inefficent prison units as sufficient prison beds become available. The recommended closings are based on the opening of new prisons and current prison population projections. Prisons would be closed in phases as new beds come on-line. The following units would close January 1, 1999: -188.00

Alamance	($485,889; 27 positions)
Alexander	($504,232; 27 positions)
Martin	($432,051; 24 positions)
Sandy Ridge	($427,657; 24 positions)

The following units would close February 1,1999:

Mecklenburg	($814,840; 60 positions)
Stokes	($383,696; 26 positions)

55 Reduce Inmate Costs for Closed Prison Units ($352,871) R

The Governor's budget reduction for closing GPAC prison units did not include inmate costs (e.g.food, medical); however, further reductions can be taken since there will be funding available due to additional prisons coming on line and slower growth in the prison population.

56 Reduction from Construction Delays

Changes in anticipated completion dates for new prisons will delay the need to hire staff at the Avery/Mitchell and Albemarle facilities which are currently under construction. Also pushes back the dates when the two private prison contracts begin (new start dates are 8/98 in Pamlico and 12/98 in Avery/Mitchell). ($12,226,442) NR

57	**Medical Staff for Central Prison and NCCIW** Funding to expand medical staff at Central Prison and NCCIW (Womens Prison). This includes 39 positions at NCCIW, 11 at Central, and one new Physician III Director for the Division of Prisons.	$1,740,563 51.00	R
58	**Criminal Justice Partnership Program** These funds restore some of the funding reduced from the program in 1996. This funding increases the appropriation for grants to county programs to $7.1 Million for 1998-99.	$500,000 $2,000,000	R NR
59	**Post Boot Camp Aftercare Program** The Post Boot Camp Aftercare program began as a pilot in 1996 and was continued with available funds in 1997-98. These funds will be used to continue programs in Forsyth, Mecklenburg, Nash/Edgecombe and New Hanover Counties and to expand to a 5th site on October 1, 1998.	$495,782	NR
60	**John Hyman Funds** Provides a one time grant of $62,500 to support the John Hyman Foundation's work in several northeastern counties with offenders with substance abuse problems.	$62,500	NR
61	**Stanly Correctional Center – Conversion** Convert Stanly Correctional Center from medium to minimum custody to reduce operating costs.	($270,473) -23.00	R
62	**Union Correctional Center – Conversion** Convert Union Correctional Center from medium to minimum custody to reduce operating costs.	($213,297) -15.00	
63	**Summit House Facilities** Summit House is a residential community correction program for women offenders and their children in Guilford, Wake and Mecklenburg Counties. These funds will allow them to upgrade their facilities to meet licensing requirements, to do general repairs, and to eliminate outstanding mortgage debt.	$625,000	NR
64	**Probation and Parole Victim's Assistance Program** These funds continue pilot programs in Wake and Craven Counties which provide services to victims. Funds provide a victim's assistance coordinator and clerical position in each site to assist victims with restitution and obtaining information about the status of the offender. The pilots are currently funded with federal funds which expire June 30, 1998.	$143,287 4.00	NR

Budget Changes	**($8,443,224)** **($8,899,873)**	R NR
Total Position Changes	-212.00	
Revised Total Budget	**$850,474,375**	

Crime Control and Public Safety

GENERAL FUND

	FY 98-99
Total Budget Approved 1997 Session	**$33,720,830**

Budget Changes

65	**Eliminate One Position in Crime Prevention** Eliminate one supervisory level position to improve the department's span of control.	($52,437) -1.00	R
66	**Reduce Equipment Funds in Emergency Management** Reduce the line item for equipment to reflect actual funds needed.	($9,556)	R
67	**Tarheel Challenge Program** Provide state matching funds for the National Guard Challenge program. The program will be funded on a 75% federal to 25% state match basis beginning in FY 1999.	$542,000	NR
68	**Air National Guard Maintenance Positions** Provide funds for the 25% state matching requirement for 4 new positions at expanded Air National Guard facilities. The positions are effective October 1, 1998.	$22,611 4.00	R
69	**Alcohol Law Enforcement Position** Provide funds for an additional ALE officer in Wake County (District IV). The position is effective July 1, 1998.	$43,092 $31,516 1.00	R NR
70	**Airborne and Special Operations Museum** Provide funds to supplement funds received and/or committed to the Airborne and Special Operations Museum in Fayetteville. This museum will be dedicated to the men and women who have made sacrifices serving our country in Airborne and Special Operations units.	$2,000,000	NR
71	**Highway Patrol Automatic Salary Increase** Provide $2,787,596 in recurring funds from the Highway Fund for the portion of the Highway Patrol automatic salary increase which was inadvertently omitted from the continuation budget.	$0	R
72	**CJIN Hardware / Software** Provide $2,406,611 of nonrecurring funds from the Highway Fund to complete the third of four phases of the Mobile Data Network project. Funds will be used to install 38 transmitters in 23 counties. The Mobile Data Network is a component of the statewide Criminal Justice Information Network.	$0	NR

73 Additional Mobile Data Computers

Provide $2,249,812 in nonrecurring funds from the Highway Fund to purchase 234 additional mobile data computers for Highway Patrol cruisers. Use of the mobile data computers to access data contributes to the maximum use of the Mobile Data Network.

$0 NR

74 Additional Highway Patrol Troopers

$0 R

Provide $403,900 in recurring funds and $1,583,295 in nonrecurring funds from the Highway Fund for forty new troopers effective December 1, 1998. The department will provide the remaining $943,325 by reallocating 5 management positions.

$0 NR

75 State Highway Patrol Salary Schedule

$0 R

Provide $162,956 in recurring funds from the Highway Fund to increase the salary differential between First Sergeants and Lieutenants from 5% to 10%.

$0 NR

76 State Highway Patrol Helicopter Pad

Provide $75,000 in nonrecurring funds from the Highway Fund to purchase 2 acres of land in Union County for a helicopter pad.

$0 NR
0.00

Budget Changes	**$3,710** **$2,573,516**
Total Position Changes	4.00
Revised Total Budget	**$36,298,056**

JUSTICE & PUBLIC SAFETY

July 9, 1998

HOUSE MEMBERS PRESENT: [7] Representatives Justus, Thompson, Kiser, Redwine, Sexton, Smith

The House Appropriations Subcommittee on Justice and Public Safety met on Thursday, July 9, 1998 in Room 612 of the Legislative Office Building. Representative Joe Kiser called the meeting to order at 8:40 AM and introduced the pages: Matthew Wilson, Johnston County, sponsored by Representative Billy Creech, and Ivy Capell, Henderson County, sponsored by Representative Larry Justus. Representative Kiser called on Jim Mills to continue Review of Senate Budget - Department of Correction.

Mr. Mills said he would continue with Department of Correction Senate Budget, continuing with Item 54, Page D9 of Handout on Senate Subcommittee on Justice and Public Safety, Judicial (Attachment I).

Budget Change Items.

54 Close Small Inefficient Prison Units - Senate recommended closing 6 prison units and converting two, total savings of 3.5 million compared to closing all 9 units recommended by the Governor, with a savings of 5 million.

55 Reduce Inmate Costs for Closed Prison Units - The Governor did not include in those totals for the GPAC Units the inmate cost. Only included the cost for basic security and basic programs. Inmate cost for food, medical, etc., the department did not recommend reducing that, instead transfer to other prison units. Senate feels like the Department could absorb those reduction in inmate cost at total of $352,871 for the six units. All 9 units closed 98-99 for a total of $514,815.

56 Reduction from Construction Delays - One time reduction last year in delays and construction. Changes in anticipated completion dates for new prisons will delay the need to hire staff at the Avery/Mitchell and Albemarle facilities which are currently under construction. Also pushes back the dates when the two private prison contracts begin in Pamlico 8/98 and in Avery/Mitchell 12/98. Generate 3 million dollars non-recurring funds for both due to delay in opening (Attachment II).

Representative Justus asked Joe can you give us an average so that we know whether at the middle of that hiring period you have hired 200.
Joe Hamilton responded he would get figures.

57 Medical Staff for Central Prison and NCCIW - Governor recommended and the Senate approved funding to expand medical staff at Central Prison and NCCIW (Women's Prison). This included 39 positions at NCCIW, 11 at Central and one new Physician III Director for the Division of Prisons. Total reduction available $12,226,442 non-recurring. Governor recommended $11,131,014 non-recurring. Remaining funds $1,095,428 non-recurring (Attachment III).

Representative Thompson asked had McDowell Unit had about 90% turnover. Joe Hamilton said he would go back and check.

Jim Mills said this completes items under budget changes and would continue with receipts. (Attachment IV). On Federal Nutrition Program, the Governor recommended reduction 98-99 $450,000, Senate recommended same. Representative Larry Justus recommended reduction of $475,000. Motion approved by the committee. On Medical reimbursement from counties, the Governor recommended reduction for 98-99 $450,000, Senate recommended reduction for 98-99 of $600,000, Representative Joe Kiser recommended reduction of $675,000. Motion approved by the committee. Federal Alien reimbursement funds, Governor recommended 0 reduction for 98-99, Senate recommended $550,000 reduction for 98-99, Representative Greg Thompson recommended 1 million reduction for 98-99. Motion approved by the committee.

Mr. Mills continued with Senate Subcommittee on Justice and Public Safety budget items on Correction, Page D8 (Attachment I).

46 Increase Receipts from Correction Enterprises - Governor recommended transferring profits to general funds allowing reduction in general funds of $500,000 recurring. Senate took governor's recommendation. Representative Larry Justus recommended $500,000 recurring and $500,000 non-recurring.
51 Support Vocational Teachers from Welfare Fund - Representative Joe Kiser recommended to the committee to flag this item until more information could be obtained. Motion carried by the committee..
52 Transfer of Inmate Canteen Fund Profits - Representative Larry Justus recommended no funding for this item.

Representative Kiser asked Representative Justus to chair so a bill could be presented.

Representative Justus said Representative Kiser has a bill of importance that needs to be taken care of and asked Representative Kiser to come forward and present HB162 Drug Sales to Minors. Representative Kiser explained the bill and said the bill was assigned to this committee. After explaining bill, Representative Justus asked do we have a motion for a favorable report for the bill.

Representative Sexton moved for a favorable report, and the motion carried unanimously. All members agreed. Representative Smith moved that the bill be referred to Appropriations and the Committee concurred.
Meeting adjourned at 9:50 AM.

Joe L. Kiser

Representative Joe L. Kiser
Chairman

Marilyn R. Holder

Marilyn R. Holder
Committee Clerk

Attachments

JUSTICE & PUBLIC SAFETY

July 9, 1998 Room 612

HOUSE MEMBERS PRESENT: [6] Representatives Justus, Thompson, Kiser, Sexton and Smith

The House Appropriations Subcommittee on Justice and Public Safety met on Thursday, July 9, 1998, in Room 612 of the Legislative Office Building. Representative Joe Kiser called the meeting to order at 12:30 PM. Representative Kiser called on Elisa Wolper, Fiscal Research, to continue Review of Senate Budget - Department of Correction.

Ms. Wolper said Jim Mills did part of the items on Community Correction and I will complete items in Senate Subcommittee on Justice and Public Safety handout, Page D8 (Attachment I).

Budget changes

44 Reduce Non Personnel Line Items- Reduction in Senate Budget is almost same as Governor's budget. Representative Greg Thompson recommended cutting $350,000 and flag item. Supplies $100,000 cut. $38,000 from contracts from Criminal Justice Partnership housed in Prison & Parole. Line item is $300,000 used for technical contracts. Additional cuts in service and supplies, reserve for new officers. Additional cuts in operating expenses in Probation & Parole is $350,000. Total cuts of $600,000 in that budget. Enhance for Criminal Penalties one time appropriation included for 98-99 in Senate Bill 352 for the cost of criminal penalties bill included in the budget. This appropriation has been eliminated.

47 Staff Reduction - Division of Alcoholism and Chemical Dependency- Final version of the governor's recommended cut in this area was $130,000 cut in the DWI Dark Cherry Program - after care program. Not all the funds appropriated this year are being spent. Senate did not touch any of the Dark Cherry DWI After Care funding but took $30,000 cut in the supplies part of Division of Alcoholism and Chemical Dependency. Representative Greg Thompson recommended cutting $135,000.

48 Staff Reduction-Department of Management & 49 Eliminate Matching Funds for Federal Grants - These two items are for non personal items in other divisions. One is in Department of Management and it comes from a variety of categories: contractual services, office computer, supplies and equipment for a total of $366,709. Division of Prison - taking from computer line item $392,048. Representative Greg Thompson recommended rounding figures off to $400,000 each. Reserves for new beds. Engineering involved with construction support for $200,000.

50 Reduce Staff at Parole Commission -Reduce staff, 11 total. Some due to Span & Control and others due in staffing patterns. Cut number of Assistants in each division from 2 to 1 and eliminate 4 of the Assistant Division Chiefs and also eliminate Deputy Director which is currently vacant. Eliminate 2 parole hearing officers, decrease number of parole hearings. Eliminate 4 pre-parole investigators, work will be absorbed by other

staff. Reduce staff at Parole commission, changes in workload. Eliminate 8 positions, 7 clerical and 1 analyst.

Ms. Wolper said this included all the proposed cuts in Department of Correction.

Expansion Items

58 Criminal Justice Partnership Program - Restore part of the funding that was cut from the program in 1996. This would bring funding for next year, the appropriated amount to 7.1 million dollars for grants to counties for implementation and discretionary grants. Projected needs of the program: they are projecting by the end of the year to have 95 counties participating. Requirement for implementation of grants for those counties would come to 8.6 million. 2.6 million to carry over to next fiscal year. Senate went $500,000 beyond the governor's recommended budget, 2 million recurring. Senate recommended 2 million recurring and ½ million non-recurring. 8.6 million needed to grant all counties. Representative Greg Thompson recommended reducing to 1 ½ million and get the list of needs.

Representative Justus recommended using 1 ½ million recommended by Representative Thompson and get a list of discretionary grants for proposal and work out difference in Conference.
Representative Sexton said he would like to know more about their needs in the counties.
Representative Thompson asked Greg Stahl to bring us the 2.1 million by county and what it will be used for.

59 Post Boot Camp Aftercare Program - This was a pilot program that expired last year. It was continued with available funds this current fiscal year. This program works with defenders who have completed the Impact Post Boot Camp Program. The proposal in the Governor's budget was to continue in Forsyth and add fifth site at a cost of $80,000. The Senate recommended $60,000 to continue Forsyth and add 5th site not yet designated. Representative Greg Thompson recommended to continue Forsyth and look at 5th site at a later date.

60 John Hyman Funds - Provides a one time grant of $62,500 to support the John Hyman Foundation's work in several northeastern counties with offenders with substance abuse problems. Representative Larry Justus recommended cutting out one time grant and debate issue with Senate.

63 Summit House Facilities - Summit House is a residential community correction program for women offenders and their children in Guilford, Wake and Mecklenburg Counties. These funds will allow them to upgrade their facilities to meet licensing requirements, to do general repairs, and to eliminate outstanding mortgage debt.

Governor recommended one time additional appropriation fund. Senate recommended $625,000 non recurring funds. Representative Greg Thompson recommended no funds.

64 Probation and Parole Victim's Assistance Program - These funds continue pilot programs in Wake and Craven Counties which provide services to victims. Funds provide a victim's assistance coordinator and clerical position in each site to assist victims with restitution and obtaining information about the status of the offender. The pilots are currently funded with federal funds which expire June 30, 1998. Senate recommended continue pilot program for one year.

Representative Justus asked to leave this out until we see what happens on the other bill and work with Senate in the Conference Committee.

Representative Kiser asked do we hear any objections.
No objections.

Ms. Wolper said this concludes all the items in Department of Correction's Senate budget.

Representative Justus made a motion to accept items agreed upon. Motion carried unanimously.

Meeting adjourned at 1:45 PM.

Joe L. Kiser
Representative Joe L. Kiser
Chairman

Marilyn R. Holder
Marilyn R. Holder
Committee Clerk

Attachments

Senate Subcommittee on Justice and Public Safety

Correction

GENERAL FUND

	FY 98-99
Total Budget Approved 1997 Session	**$867,817,472**

Budget Changes

43 Increase Operating Receipts/Reduce General Fund ($1,600,000) R

DOC estimates they will receive additional receipts in three programs, thus allowing a decrease in the General Fund budget:

(1) Federal Nutrition Programs ($450,000)

DOC received more receipts than anticipated from the federal program that provides free breakfast and lunch to youthful offenders (<21 years of age); a similar level of receipts is anticipated in 1998-99 allowing for a decrease in the General Fund.

(2) Medical Reimbursement from Counties ($600,000)

Counties pay the State to provide medical care for "safekeepers" that counties have requested DOC to hold in state prisons. These reimbursements have increased in 1997-98 and are anticipated to increase at the same level in 1998-99, allowing for a reduction in the General Fund.

(3) Federal Alien Reimbursement Funds ($550,000)

North Carolina receives federal funds to partially fund the cost of housing illegal aliens that are inmates in the North Carolina prison system. Receipts have increased allowing a reduction in the General Fund.

44 Reduce Non Personnel Line Items ($1,511,757) R

Reduce non-personnel line items in the following areas:

Division of Probation and Parole:
- Purchased services ($100,000)
- Supplies ($100,000)
- CJPP Contracts ($38,000)
- Phone, supplies, drug reagents in reserve for new officers ($150,000)

Reserve for Enhanced Criminal Penalties($135,000)

Division of Alcoholism & Chemical Dependency
- Supplies ($30,000)

Departmental Management
- Contractual services, office and computer supplies and equipment ($366,709)

Division of Prisons
- Computer Equipment ($392,048)

Reserve for New Beds
- Engineering/Construction Support ($200,000)

45 Staff Reductions--Division of Probation and Parole ($561,033)

Reduce 11 positions due to Span of Control (4 Assistant Division Chiefs, 1 Deputy Director Position), reduced workload (2 Parole Hearing Officers) and changes in staffing patterns (4 Pre-Parole Investigators). -11.00

46 Increase Receipts from Correction Enterprises ($500,000) R

Correction Enterprises transfers a portion of the profits in the Enterprise Special Fund to the General Fund; by increasing the amount transferred from $1,060,000 per year to $1,560,000, the General Fund can be reduced (amount level since 1979-80 fiscal year).

47 Staff Reductions--Div of Alcoholism and Chem Depen ($250,000) R

Eliminate funding for 7 positions: 3 Supervisors, 1 Counselor, 1 Substance Abuse Worker and 2 Support Staff. -7.00

48 Staff Reduction--Department Management ($818,888) R

Abolish 3 support positions in Central Area Office due to consolidation; abolish 12 mid level managers in departmental management, area offices and institutions. -15.00

49 Eliminate Matching Funds for Federal Grants ($325,000) R

Since the amount of State funds needed to match federal grants fluctuates widely each year, the DOC is recommending eliminating the remaining appropriation and using other funding sources. The Senate budget recommends using profits from Correction Enterprises.

57	**Medical Staff for Central Prison and NCCIW** Funding to expand medical staff at Central Prison and NCCIW (Womens Prison). This includes 39 positions at NCCIW, 11 at Central, and one new Physician III Director for the Division of Prisons.	$1,740,563 51.00	R
58	**Criminal Justice Partnership Program** These funds restore some of the funding reduced from the program in 1996. This funding increases the appropriation for grants to county programs to $7.1 Million for 1998-99.	$500,000 $2,000,000	R NR
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61	**Stanly Correctional Center -- Conversion** Convert Stanly Correctional Center from medium to minimum custody to reduce operating costs.	($270,473) -23.00	R
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	Budget Changes	**($8,443,224)** **($8,899,873)**	R NR
	Total Position Changes	-212.00	
	vised Total Budget	**$850,474,375**	

50 Reduce Staff at Parole Commission ($233,000) R

Reduce staff by 8 positions: 7 clerical and 1 analyst. These reductions are in response to declining workload and a study of the longterm needs of the Commission. This also reduces the supply budget to achieve a 10% reduction in the budget. -8.00

51 Support Vocational Teachers from Welfare Fund ($374,103) R

DOC has gradually been funding more education related positions and costs from the Inmate Canteen/Welfare Fund. This reduction would allow DOC to decrease the General Fund by funding one academic director and 6 teachers from the Inmate Fund.

52 Transfer of Inmate Canteen Fund Profits ($334,000) R

By increasing the amount of personal funds an inmate can draw down weekly ($35 to $40) and increasing the DOC profit margin on inmate purchases from the canteen (17% to 18%), receipts can be increased and the General Fund reduced.

53 Increase Receipts from Work Release Fund ($291,000) R

Inmates on work release pay the DOC $12.50 a day; this reduction is based on increasing that payment by $1 and reducing the General Fund.

54 Close Small Inefficient Prison Units ($3,048,365) R

The Government Performance Audit Committee (GPAC) recommended closing small inefficent prison units as sufficient prison beds become available. The recommended closings are based on the opening of new prisons and current prison population projections. Prisons would be closed in phases as new beds come on-line. The following units would close January 1, 1999: -188.0

Alamance	($485,889; 27 positions)
Alexander	($504,232; 27 positions)
Martin	($432,051; 24 positions)
Sandy Ridge	($427,657; 24 positions)

The following units would close February 1,1999:

Mecklenburg	($814,840; 60 positions)
Stokes	($383,696; 26 positions)

55 Reduce Inmate Costs for Closed Prison Units ($352,871) R

The Governor's budget reduction for closing GPAC prison units did not include inmate costs (e.g.food, medical); however, further reductions can be taken since there will be funding available due to additional prisons coming on line and slower growth in the prison population.

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Correction

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HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Thursday July 9, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus
Representative Joe Kiser, Presiding
Representative Gregg Thompson

II. PRESENTATIONS

- Review of Senate Budget – Department of Correction

  Jim Mills
  Elisa Wolper

  Fiscal Research Division

  DOC Management

- Review of Senate Budget – Other Justice and Public Safety Agencies

  Charles Perusse
  Marilyn Chism
  Elisa Wolper

  Fiscal Research Division

  Departmental Management

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 162*
Proposed Committee Substitute H162-CSLH-001
WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Drug Sales to Minors. (Public)

Sponsors:

Referred to:

February 13, 1997

A BILL TO BE ENTITLED

AN ACT TO INCREASE OR ESTABLISH CRIMINAL AND CIVIL PENALTIES FOR THE OFFENSES OF SELLING DRUGS TO A MINOR, HIRING OR INTENTIONALLY USING A MINOR TO COMMIT A DRUG LAW VIOLATION, AND PURCHASING OR RECEIVING DRUGS FROM A MINOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-95(e) reads as rewritten:

"(e) The prescribed punishment and degree of any offense under this Article shall be subject to the following conditions, but the punishment for an offense may be increased only by the maximum authorized under any one of the applicable conditions:

(1), (2) Repealed by Session Laws 1979, c. 760, s. 5.

(3) If any person commits a Class 1 misdemeanor under this Article and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be punished as a Class I felon. The prior conviction used to raise the current offense to a Class I felony shall not be used to calculate the prior record level;

(4) If any person commits a Class 2 misdemeanor, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a Class 1 misdemeanor. The prior conviction used to raise the current offense to a Class 1 misdemeanor shall not be used to calculate the prior conviction level;

(5) Any person 18 years of age or over who violates G.S. 90-95(a)(1) by selling or delivering a controlled substance to a person under 16 years of age but more than 13 years of age or a pregnant female shall be punished as a Class D felon. Any person 18 years of age or over who violates G.S. 90-95(a)(1) by selling or delivering a controlled substance to a person who is 13 years of age or younger shall be punished as a Class C felon. Mistake of age is not a defense to a prosecution under this section. It shall not be a defense that the defendant did not know that the recipient was pregnant;

(6) For the purpose of increasing punishment under G.S. 90-95(e)(3) and (e)(4), previous convictions for offenses shall be counted by the number of separate trials at which final convictions were obtained and not by the number of charges at a single trial;

(7) If any person commits an offense under this Article for which the prescribed punishment requires that any sentence of imprisonment be suspended, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a Class 2 misdemeanor;

(8) Any person 21 years of age or older who commits an offense under G.S. 90-95(a)(1) on property used for an elementary or secondary school or within 300 feet of the boundary of real property used for an elementary or secondary school shall be punished as a Class E felon. For purposes of this subdivision, the transfer of less than five grams of marijuana

for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1).

(9) Any person who violates G.S. 90-95(a)(3) on the premises of a penal institution or local confinement facility shall be guilty of a Class H felony."

Section 2. G.S. 90-95.4 reads as rewritten:

"**§ 90-95.4. Employing or intentionally using minor to commit a drug law violation.**

(a) A person who is at least 18 years old but less than 21 years old who hires or intentionally uses a minor to violate G.S. 90-95(a)(1) shall be guilty of a felony. An offense under this subsection shall be punishable as follows:

(1) If the minor was more than 13 years of age, then as a felony that is one class more severe than the violation of G.S. 90-95(a)(1) for which the minor was ~~hired.~~ hired or intentionally used.

(2) If the minor was 13 years of age or younger, then as a felony that is two classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was hired or intentionally used.

(b) A person 21 years of age or older who hires or intentionally uses a minor to violate G.S. 90-95(a)(1) shall be guilty of a felony. An offense under this subsection shall be punishable as follows:

(1) If the minor was more than 13 years of age, then as a felony that is ~~two~~ three classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was ~~hired.~~ hired or intentionally used.

(2) If the minor was 13 years of age or younger , then as a felony that is four classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was hired or intentionally used.

(c) Mistake of Age. Mistake of age is not a defense to a prosecution under this section.

(d) The term "minor" as used in this section is defined as an individual who is less than 18 years of age."

Section 3. G.S. 90-95.5 reads as rewritten:

"**§ 90-95.5. Civil liability - employing a minor to commit a drug offense.**

A person 21 years of age or older, who ~~hires or employs~~ hires, employs, or intentionally uses a person under 18 years of age to commit a violation of G.S. 90-95 is liable in a civil action for damages for drug addiction proximately caused by the violation.

The doctrines of contributory negligence and assumption of risk are no defense to liability under this section."

Section 4. Article 5 of Chapter 90 of the General Statutes is amended by adding the following new sections to read:

"§ 90-95.6. Promoting drug sales by a minor.

(a) A person who is 21 years of age or older is guilty of promoting drug sales by a minor if the person knowingly:

(1) Entices, forces, encourages, or otherwise facilitates a minor in violating G.S. 90-95(a)(1).

(2) Supervises, supports, advises, or protects the minor in violating G.S. 90-95(a)(1).

(b) Mistake of age is not a defense to a prosecution under this section.

(c) A violation of this section is a Class D felony.

"§ 90-95.7. Participating in a drug violation by a minor.

(a) A person 21 years of age or older who purchases or receives a controlled substance from a minor who possesses, sells, or delivers the controlled substance in violation of G.S. 90-95(a)(1) is guilty of participating in a drug violation of a minor.

(b) Mistake of age is not a defense to a prosecution under this section.

(c) A violation of this section is a Class F felony."

Section 5. This act becomes effective December 1, 1998, and applies to offenses committed on or after that date.

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — 7-9-98

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jeff Hamilton	DOC
Gregg Stahl	DOC
Bill Hoagland	OSTBM
Keith Givens	Parole Commission
Jane P. Gray	DOJ
[illegible]	OSBM of the GOV.
John McMillan	Planning Fellow & Skinner PA
Joanne Bonds	AOC
Candice Griff	AOC
Lou Rubsam	CYPC
Bill Scobbin	NC BAR ASSOC.

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) **Justus, Thompson, and Kiser** for the Permanent Subcommittee on **Justice & Public Safety** of the Standing Committee on **APPROPRIATIONS.**

☒ Committee Substitute #2 for
H.B. 665 ☐ A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIME VICTIMS' RIGHTS ACT, TO ASSIST VICTIMS OF DOMESTIC VIOLENCE, TO ALLOW THE ENFORCEMENT OF ORDERS FOR RESTITUTION IN CRIMINAL CASES IN THE SAME MANNER AS CIVIL JUDGMENTS, TO CREATE AN EXCEPTION TO THE STATUTORY EXEMPTIONS FOR EXECUTION OF RESTITUTION JUDGMENTS, AND TO CHANGE THE ORDER OF PRIORITY FOR DISBURSEMENT OF FUNDS IN CRIMINAL CASES.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on .

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Holmes for the Standing Committee on APPROPRIATIONS.

s/ George M. Holmes

☐ With a favorable report.

☐ With a favorable report, as amended.

☒ With a favorable report as to committee substitute bill ~~(#3)~~, ☐ which changes the title, unfavorable as to ~~original bill~~ (Committee Substitute Bill # 2), and recommendation that ~~the~~ committee substitute bill ~~(#3)~~ be referred to the Committee on Judiciary I.

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar. (PUBLIC BILLS ONLY)

4/24/97

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — 7-9-98

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Scoggin	AL Bar Assoc
[signature]	[illegible]
Juanita Goodmon	Parole Commission
Joanne Boodo	AOC
Chris Marks	AOC

Judicial

CODE NO. 98AOC-H16A

Requested by: Representatives Justus, Kiser, Thompson

IRMC REVIEW OF AOC INFORMATION TECHNOLOGY PLANS/LONG-RANGE REPORT

Section 16. (a) G.S. 143B-472.41 reads as rewritten:

"**§ 143B-472.41. Information Resource Management Commission.**

(a) Creation; Membership. -- The Information Resource Management Commission is created in the Department of Commerce. The Commission consists of the following members:

(1) Four members of the Council of State, appointed by the Governor.

(1a) The Secretary of State.

(2) The Secretary of Administration.

(3) The State Budget Officer.

(4) Two members of the Governor's cabinet, appointed by the Governor.

(5) One citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(6) One citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(7) The Chair of the Governor's Committee on Data Processing and Information Systems.

(8) The Chair of the State Information Processing Services Advisory Board.

(9) The Chair of the Criminal Justice Information Network Governing Board.

(10) The State Controller.

(11) The Director of the Administrative Office of the Courts or the Director's designee.

Members of the Commission shall not be employed by or serve on the board of directors or other corporate governing body of any information systems, computer hardware, computer software, or telecommunications vendor of goods and services to the State of North Carolina.

The two initial cabinet members appointed by the Governor and the two initial citizen members appointed by the General Assembly

shall each serve a term beginning September 1, 1992, and expiring on June 30, 1995. Thereafter, their successors shall be appointed for four-year terms, commencing July 1. Members of the Governor's cabinet shall be disqualified from completing a term of service of the Commission if they are no longer cabinet members.

The appointees by the Governor from the Council of State shall each serve a term beginning on September 1, 1992, and expiring on June 30, 1993. Thereafter, their successors shall be appointed for four-year terms, commencing July 1. Members of the Council of State shall be disqualified from completing a term of service on the Commission if they are no longer members of the Council of State.

Vacancies in the two legislative appointments shall be filled as provided in G.S. 120-122.

The Commission chair shall be elected in the first meeting of each calendar year from among the appointees of the Governor from the Council of State and shall serve a term of one year. The Secretary of Commerce shall be secretary to the Commission.

No member of the Information Resource Management Commission shall vote on an action affecting solely his or her own State agency.

(b) Powers and Duties. -- The Commission has the following powers and duties:

(1) To develop, approve, and publish a statewide information technology strategy covering the current and following biennium that shall be updated annually and shall be submitted to the General Assembly on the first day of each regular session.

(2) To develop, approve, and sponsor statewide technology initiatives and to report on those initiatives in the annual update of the statewide information technology strategy.

(3) To review and approve biennially the information technology plans of the executive agencies and ~~to review and comment biennially on the information technology plans of~~ the Administrative Office of the Courts. This review shall include plans for the procurement and use of personal computers and workstations.

(4) To recommend to the Governor and the Office of State Budget and Management the relative priorities across executive agency information technology plans.

(5) To establish a quality assurance policy for all agency information technology projects, information systems training programs, and information systems documentation.

(6) To establish and enforce a quality review and expenditure review procedure for major agency information technology projects.

(7) To review and approve expenditures from appropriations made to the Office of State Budget and Management for the purpose of creating a Computer Reserve Fund.

(8) To develop and promote a policy and procedures for the fair and competitive procurement of information technology consistent with the rules of the Department of Administration and consistent with published industry standards for open systems that provide agencies with a vendor-neutral operating environment where different information technology hardware, software, and networks operate together easily and reliably.

(c) Meetings. -- The Information Resources Management Commission shall adopt bylaws containing rules governing its meeting procedures. The Information Resources Management Commission shall meet at least monthly."

(b) The Administrative Office of the Courts shall develop a strategic information systems and technology plan to both serve the courts in the present and assist the courts in adapting to future changes. The plan shall:

(1) Identify and document the information technology goals and objectives of the Judicial Department;

(2) Review and evaluate the findings and recommendations outlined in the Maddox and Ferguson report completed in September 1996;

(3) Provide an inventory of existing hardware and software in the court system statewide, including the age of and proposed replacement schedules, for personal computers, laptop computers, mainframe and midrange computers, servers, terminals, printers, and communications infrastructure devices;

(4) Assess the effectiveness of existing computer-based applications, including the district attorney and public defender case management system, courtroom automation, the civil case processing system, and the financial management system, and outline any

changes that may be needed to meet the future needs of the court system;

(5) Develop an architectural strategy and quality assurance review that is consistent with existing State standards;

(6) Identify areas where the use of information technology would improve the efficiency and effectiveness of the court system in providing services to the public;

(7) Develop a long-term implementation plan and cost analysis for the new Magistrates Criminal Information System; and

(8) Recommend alternative five-year proposals for implementing the court system's technology plan, including a cost analysis of each alternative that specifies the order of priority in which various projects should be implemented.

The Administrative Office of the Courts shall report on the strategic information systems and technology plan developed pursuant to this section to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety. The Administrative Office of the Courts shall make an interim report by April 1, 1999, and a final report by May 1, 1999.

(c) The Judicial Department may use up to the sum of two hundred fifty thousand dollars ($250,000) in funds appropriated to the Department for the 1998-99 fiscal year to contract for consultant services in the development of the strategic information systems and technology plan required by this section. Prior to expending these funds, the Department shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Subcommittees on Justice and Public Safety on the consultant selected and the proposed uses of these funds.

CODE NO. 98AOC-H16.1-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY OF PUBLIC DEFENDER PROGRAMS

Section 16.1. The Administrative Office of the Courts shall study the efficiency and cost-effectiveness of the public defender programs established in 11 judicial districts. The report shall include:

(1) A comparison outlining the number of defendants in each district represented by public defenders and privately assigned counsel by type of offense;

(2) An analysis of the average cost per defendant or case for each public defender program and a comparison of that average to payments made to privately assigned counsel in those districts;

(3) An implementation plan for potential expansion of public defender programs to additional districts, including possible locations, a cost analysis of necessary personnel and equipment to operate the programs, and the estimate of savings to be realized in using those programs rather than providing for privately assigned counsel.

The Administrative Office of the Courts shall report the results of its study to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Indigent Fund Study Commission established in Section 16.5 of this act by January 1, 1999.

CODE NO. 98AOC-H16.2-S

Requested by: Representatives Justus, Kiser, Thompson

REVISE RECIDIVISM REPORTING DATE

Section 16.2. G.S. 7A-675.3 reads as rewritten:

"**§ 7A-675.3. Juvenile recidivism rates.**

(a) On an annual basis, the Administrative Office of the Courts shall compute the recidivism rate of juveniles who are adjudicated delinquent for offenses that would be Class A, B1, B2, C, D, or E felonies if committed by adults and who subsequently are adjudicated delinquent or convicted and shall report the statistics to the Joint Legislative Commission on Governmental Operations by ~~December 31~~ February 15 each year.

(b) The Chief Court Counselor of each judicial district shall forward to the Administrative Office of the Courts relevant information, as determined by the Administrative Office of the Courts, regarding every juvenile who is adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult for the purpose of computing the statistics required by this section."

CODE NO. 98AOC-H16.3A

Requested by: Representatives Justus, Kiser, Thompson

EXTEND SUNSET ON BAD CHECK PROGRAM/ADD LINCOLN AND WAKE COUNTY PILOTS

Section 16.3. (a) Subsection (e) of Section 18.22 of S.L. 1997-443 reads as rewritten:

"(e) This ~~act~~ section becomes effective October 1, 1997, and expires June 30, ~~1998.~~ 1999."

(b) Subsection (c) of Section 18.22 of S.L. 1997-443 reads as rewritten:

"(c) Of the funds appropriated to the Judicial Department for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to establish bad check collection pilot programs in Columbus, Durham, and Rockingham Counties.

Of the funds appropriated to the Judicial Department for the 1998-99 fiscal year, the sum of two hundred seventy-two thousand six hundred forty-seven dollars ($272,647) shall be used to continue the bad check collection pilot programs in Columbus, Durham, and Rockingham Counties and to establish bad check collection pilot programs in Lincoln and Wake Counties.

The Administrative Office of the Courts shall report by ~~May 1, 1998,~~ April 1, 1999, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the programs, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases."

(c) Subsection (d) of Section 18.22 of S.L. 1997-443 reads as rewritten:

"(d) This act apples only to Columbus, Durham, ~~and Rockingham~~ Lincoln, Rockingham, and Wake Counties."

(d) Subsection (a) of this section becomes effective June 30, 1998.

CODE NO. 98AOC-H16.4A

Requested by: Representatives Justus, Kiser, Thompson

TEEN COURT FUNDS DO NOT REVERT/ESTABLISH TEEN COURT PROGRAMS IN ONSLOW AND GUILFORD COUNTIES

Section 16.4. (a) The funds appropriated in S.L. 1997-443 to the Judicial Department for teen court programs throughout the State shall not revert at the end of the 1997-98 fiscal year and shall remain available to the Department for the 1998-99 fiscal year to be used for teen court programs.

(b) Of the funds appropriated in this act to the Judicial Department, the Administrative Office of the Courts shall use the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a teen court program in Onslow County pursuant to the guidelines and objectives set forth in Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(c) Of the funds appropriated in this act to the Judicial Department, the Administrative Office of the Courts shall use the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a teen court program in Guilford County pursuant to the guidelines and objectives set forth in Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(d) Subsection (a) of this section becomes effective June 30, 1998.

CODE NO. 98AOC-H16.5A

Requested by: Representatives Justus, Kiser, Thompson

INDIGENT FUND STUDY COMMISSION

Section 16.5. (a) The Administrative Office of the Courts shall establish a Study Commission on the Indigent Persons' Attorney Fee Fund. The Commission shall consist of nine voting members as follows:

(1) Two members appointed by the Speaker of the House of Representatives;

(2) Two members appointed by the President Pro Tempore of the Senate;

(3) One member appointed by the Chief Justice of the Supreme Court;

(4) One member appointed by the North Carolina Association of Public Defenders;

(5) One member appointed by the North Carolina State Bar;

(6) One member appointed by the North Carolina Bar Association; and

(7) One member appointed by the Conference of District Attorneys of North Carolina.

The Commission shall elect a chair upon being convened at the call of the Chief Justice's appointee.

(b) The Commission shall study methods for improving the management and accountability of funds being expended to provide counsel to indigent defendants without compromising the quality of legal representation mandated by State and federal law. In conducting its study, the Commission shall:

(1) Evaluate the current procedures for determining the indigency of defendants and recommend any possible improvements in those procedures;

(2) Determine whether sufficient information is available when evaluating compensation requests from assigned private counsel and expert witnesses;

(3) Assess the effectiveness of the current management structure for the Indigent Persons' Attorney Fee Fund and outline any additional standards or guidelines that could be implemented to allow for greater accountability of the funds being expended;

(4) Evaluate whether establishing an Indigent Defense Council to oversee the State's expenditure of funds on a district, regional, or Statewide basis would

make the functioning of the Indigent Persons' Attorney Fee Fund more efficient and economical;

(5) Evaluate the effectiveness of existing methods of providing legal representation to indigent defendants, including the use of public defenders, appointed counsel, and contract lawyers;

(6) Review methods used by other states to provide legal representation to indigent defendants;

(7) Assess the potential effectiveness of distributing funds in other ways, including the hiring of contract attorneys on a retainer basis and the expansion of public defender programs; and

(8) Outline additional suggestions that would improve the provision of legal representation to indigent defendants.

The Administrative Office of the Courts shall assign professional and clerical staff to assist in the work of the Commission. The Commission shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety no later than May 1, 1999. The report shall include a cost analysis demonstrating the additional personnel and equipment necessary to implement the Commission's recommendations. The report shall also include any legislation necessary to implement the Commission's recommendations.

(c) The Administrative Office of the Courts may use up to the sum of fifty thousand dollars ($50,000) from the Indigent Persons' Attorney Fee Fund to contract for consultant services to assist in meeting the Commission's responsibilities.

CODE NO. 98AOC-H16.6-S

Requested by: Representatives Justus, Kiser, Thompson

CUMBERLAND JUVENILE ASSESSMENT CENTER

Section 16.6. (a) Section 18.21 of S.L. 1997-443 reads as rewritten:

"Section 18.21. (a) Of the funds appropriated in this act to the Administrative Office of the Courts for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to fund the Juvenile Assessment Project authorized by this section. These funds shall be matched by local funds on the basis of one dollar ($1.00) of local funds for every three dollars ($3.00) of State funds. These funds shall not revert at the end of the 1997-98 fiscal year, but shall remain in the Department during the 1998-99 fiscal year to implement this section.

(b) The Administrative Office of the Courts, in collaboration with the Chief Court Counselor of District Court District 12, the Cumberland County Department of Social Services, and the appropriate local school administrative units, shall develop and implement a Juvenile Assessment Center Project in District Court District 12 to operate from the effective date of this act to ~~June 30, 1998.~~ June 30, 1999. The purpose of the Project is to facilitate efficient prevention and intervention service delivery to juveniles who are (i) alleged to be delinquent or undisciplined and have been taken into custody or (ii) at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even though they have not been taken into custody. The Project shall assist these juveniles by providing a centralized point of intake and assessment for the juveniles, by addressing the educational, emotional, and physical needs of the juveniles, and by providing juveniles with an atmosphere for learning personal responsibility, self-respect, and respect for others. The Administrative Office of the Courts shall consider the recommendations of the Juvenile Assessment Advisory Board in developing and implementing the Project.

(c) The Project shall be modeled after the Juvenile Assessment Center in Hillsborough County, Florida, and shall:

(1) Identify those juveniles who are alleged to be delinquent or undisciplined or are at risk of becoming delinquent or undisciplined;

(2) Evaluate the educational, emotional, and physical needs of the juveniles identified and determine

whether the juveniles have problems related to substance abuse, depression, or other emotional conditions;

(3) Develop in-depth and comprehensive assessment plans for the juveniles identified that recommend appropriate treatment, counseling, and disposition of the juveniles; and

(4) Provide services to juveniles identified and their families through collaboration with public and private resources, including local law enforcement, parents' organizations, the Fayetteville Chamber of Commerce, and county and community programs and organizations that provide substance abuse treatment and child and family counseling.

(d) There is established the Juvenile Assessment Advisory Board to make recommendations to the Administrative Office of the Courts regarding the development and operations of the Project. The Board shall consist of 13 members, including:

(1) The director of the Department of Social Services of Cumberland County, or the director's designee.

(2) A representative from the local mental health area authority of Cumberland County.

(3) A member of the Cumberland County Board of Education.

(4) The sheriff of Cumberland County, or the sheriff's designee.

(5) The chief of police of the Fayetteville Police Department, or the designee of the chief of police.

(6) A judge of District Court District 12.

(7) A juvenile court counselor from District Court District 12.

(8) The director of the Guardian Ad Litem program in Cumberland County, or the director's designee.

(9) The director of the Health Department of Cumberland County, or the director's designee.

(10) Two public members appointed by the Fayetteville City Council.

(11) Two public members appointed by the Board of County Commissioners of Cumberland County.

The members of the Board shall, within 30 days after the initial appointment is made, meet and elect one member as chair. The Board shall meet at least once a month at the call of the chair, and a quorum of the Board shall consist of a majority of its members. The Board of County Commissioners of Cumberland

County shall provide necessary clerical and professional assistance to the Board.

Initial appointments shall be made by October 1, 1997, and all terms shall expire ~~June 30, 1998.~~ June 30, 1999.

(e) The Administrative Office of the Courts, in consultation with the Department of ~~Human Resources,~~ Health and Human Services, shall evaluate the Project and report to the Chairs of the House and Senate Appropriations Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and ~~Human Resources,~~ Health and Human Services and the Fiscal Research Division of the General Assembly by ~~May 1, 1998,~~ May 1, 1999, on the progress of the development and implementation of the Project. In the report, the Administrative Office of the Courts, in consultation with the Department of ~~Human Resources,~~ Health and Human Services, shall evaluate the effectiveness of the Project, including the number of juveniles served or expected to be served, and shall recommend whether the Project should be continued. If the report recommends that the Project be continued, it shall also provide a cost analysis outlining the long-term staffing and operating needs of the Project."

(b) This section becomes effective June 30, 1998.

CODE NO. 98AOC-H16.9-S

Requested by: Representatives Justus, Kiser, Thompson

ADD NEW DISTRICT COURT CIVIL CASE MANAGEMENT PILOTS/REPORT

Section 16.9. Section 18.23 of S.L. 1997-443 reads as rewritten:

"Section 18.23. The Administrative Office of the Courts shall report by ~~May 1, 1998,~~ April 1, 1999, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the civil case management pilot programs established in District Court Districts 13, 18, 27B, 29, and 30. The report shall assess the success of these programs in reducing the backlog of civil court cases and in resolving new cases more quickly."

CODE NO. 98AOC-H16.11A

Requested by: Representatives Justus, Kiser, Thompson

AUTHORIZE ADDITIONAL MAGISTRATES

Section 16.11. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.-Max.		Additional Seats of Court
Camden	1	2	
Chowan	2	3	
Currituck	1	~~3~~ 4	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	3	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	~~12~~ 13	Farmville Ayden
Craven	7	10	Havelock
Pamlico	2	3	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	
Jones	2	3	
Onslow	8	14	
New Hanover	6	11	
Pender	4	6	
Halifax	9	14	Roanoke Rapids, Scotland Neck
Northampton	5	7	
Bertie	4	6	
Hertford	5	6	
Nash	7	10	Rocky Mount
Edgecombe	4	7	Rocky Mount
Wilson	4	7	
Wayne	5	12	Mount Olive
Greene	2	4	
Lenoir	4	10	La Grange
Granville	3	7	
Vance	3	6	
Warren	3	4	

1	Franklin	3	7	
2	Person	3	4	
3	Caswell	2	5	
4	Wake	12	20	Apex,
5				Wendell,
6				Fuquay-
7				Varina,
8				Wake Forest
9	Harnett	7	11	Dunn
10	Johnston	10	12	Benson,
11				Clayton,
12				Selma
13	Lee	4	6	
14	Cumberland	10	18	
15	Bladen	4	6	
16	Brunswick	4	~~7~~ 8	
17	Columbus	6	9	Tabor City
18	Durham	8	13	
19	Alamance	7	10	Burlington
20	Orange	4	11	Chapel Hill
21	Chatham	3	8	Siler City
22	Scotland	3	5	
23	Hoke	4	5	
24	Robeson	8	16	Fairmont,
25				Maxton,
26				Pembroke,
27				Red Springs,
28				Rowland,
29				St. Pauls
30	Rockingham	4	9	Reidsville,
31				Eden,
32				Madison
33	Stokes	2	5	
34	Surry	5	9	Mt. Airy
35	Guilford	20	26	High Point
36	Cabarrus	5	9	Kannapolis
37	Montgomery	2	4	
38	Randolph	5	10	Liberty
39	Rowan	5	10	
40	Stanly	5	6	
41	Union	4	6	
42	Anson	4	5	
43	Richmond	5	6	Hamlet
44	Moore	5	8	Southern
45				Pines
46	Forsyth	3	~~15~~ 16	Kernersville
47	Alexander	2	3	
48	Davidson	7	10	Thomasville
49	Davie	2	3	
50	Iredell	4	9	Mooresville
51	Alleghany	1	2	
52	Ashe	3	4	
53	Wilkes	4	6	

16

1	Yadkin	3	5	
2	Avery	3	~~4~~ 5	
3	Madison	4	5	
4	Mitchell	3	4	
5	Watauga	4	6	
6	Yancey	2	4	
7	Burke	4	7	
8	Caldwell	4	7	
9	Catawba	6	10	Hickory
10	Mecklenburg	15	~~26~~ 27	
11	Gaston	11	~~21~~ 22	
12	Cleveland	5	8	
13	Lincoln	4	7	
14	Buncombe	6	15	
15	Henderson	4	7	
16	McDowell	3	5	
17	Polk	3	4	
18	Rutherford	6	8	
19	Transylvania	2	4	
20	Cherokee	3	4	
21	Clay	1	2	
22	Graham	2	3	
23	Haywood	5	7	Canton
24	Jackson	3	4	
25	Macon	3	4	
26	Swain	2	3."	

CODE NO. 98AOC-H16.12A

Requested by: Representatives Justus, Kiser, Thompson

ASSISTANT PUBLIC DEFENDERS

Section 16.12. From funds appropriated to the Indigent Persons' Attorney Fee Fund for the 1998-99 fiscal year, the Administrative Office of the Courts may use up to one hundred thirty-four thousand four hundred fifteen dollars ($134,415) for salaries, benefits, equipment, and related expenses to establish up to three new assistant public defender positions.

CODE NO. 98AOC-H16.13-S

Requested by: Representatives Justus, Kiser, Thompson

ELIMINATE REQUIREMENT OF CERTIFIED MAIL NOTICE IN BAIL BOND FORFEITURE CASES

Section 16.13. G.S. 15A-544(b) reads as rewritten:

"(b) If the principal does not comply with the conditions of the bail bond, the court having jurisdiction must enter an order declaring the bail to be forfeited. If forfeiture is ordered by the court, a copy of the order of forfeiture and notice that judgment will be entered upon the order after 60 days must be served on each obligor. Service is to be made by the clerk mailing by ~~certified mail, return receipt requested,~~ first-class mail a copy of the order of forfeiture and notice to each obligor at each obligor's address as noted on the bond and note on the original the date of mailing. Service is complete three days after the mailing."

CODE NO. 98AOC-H16.15A

Requested by: Representatives Justus, Kiser, Thompson

EXTEND SUNSET ON DRUG TREATMENT COURT

Section 16.15. (a) Section 21.6(c) of Chapter 507 of the 1995 Session Laws reads as rewritten:

"(c) Subsection (a) of this section becomes effective July 1, 1995, and expires ~~June 30, 1998.~~ June 30, 1999. The remainder of this section becomes effective October 1, 1995."

CODE NO. 98AOC-H16.16A

Requested by: Representatives Justus, Kiser, Thompson

ADDITIONAL DISTRICT COURT JUDGES

Section 16.16. (a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	4	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	3	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	4	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	6	Sampson
		Duplin
		Jones
		Onslow
5	6	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	6	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	1	Warren
		(part of Vance
		see subsection (b))

1	10	~~12~~ 13	Wake
2	11	~~6~~ 7	Harnett
3			Johnston
4			Lee
5	12	8	Cumberland
6	13	5	Bladen
7			Brunswick
8			Columbus
9	14	5	Durham
10	15A	3	Alamance
11	15B	4	Orange
12			Chatham
13	16A	3	Scotland
14			Hoke
15	16B	5	Robeson
16	17A	2	Rockingham
17	17B	3	Stokes
18			Surry
19	18	11	Guilford
20	19A	3	Cabarrus
21	19B	~~5~~ 6	Montgomery
22			Moore
23			Randolph
24	19C	~~3~~ 4	Rowan
25	20	7	Stanly
26			Union
27			Anson
28			Richmond
29	21	7	Forsyth
30	22	8	Alexander
31			Davidson
32			Davie
33			Iredell
34	23	4	Alleghany
35			Ashe
36			Wilkes
37			Yadkin
38	24	4	Avery
39			Madison
40			Mitchell
41			Watauga
42			Yancey
43	25	~~7~~ 8	Burke
44			Caldwell
45			Catawba
46	26	14	Mecklenburg
47	27A	5	Gaston
48	27B	4	Cleveland
49			Lincoln
50	28	5	Buncombe
51	29	5	Henderson
52			McDowell
53			Polk

22

			Rutherford
			Transylvania
	30	4	Cherokee
			Clay
			Graham
			Haywood
			Jackson
			Macon
			Swain."

(b) The Governor shall appoint additional district court judges for District Court Districts 10, 11, 19B, 19C, and 25 as authorized by subsection (a) of this section. Those judges' successors shall be elected in the 2000 election for four-year terms commencing on the first Monday in December 2000.

(c) Subsection (a) of this section becomes effective on the later of:

(1) December 15, 1998;

(2) The date upon which the Governor has appointed all of the district court judges authorized under subsection (a) of this section; and

(3) As to a district where any county is subject to Section 5 of the Voting Rights Act of 1965, 15 days after the date upon which that subsection is approved under Section 5 of the Voting Rights Act.

CODE NO. 98AOC-H16.20A

Requested by: Representatives Justus, Kiser, Thompson

ADDITIONAL ASSISTANT DISTRICT ATTORNEYS

Section 16.20. (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	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	13
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	15
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	10
9A	Person, Caswell	4
10	Wake	28
11	Harnett, Johnston, Lee	14
12	Cumberland	17
13	Bladen, Brunswick, Columbus	9
14	Durham	12
15A	Alamance	7
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	9
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	26
19A	Cabarrus	5
19B	Montgomery, Moore, Randolph	11
19C	Rowan	5
20	Anson, Richmond, Stanly, Union	14
21	Forsyth	~~15~~ 17
22	Alexander, Davidson, Davie, Iredell	16

23	Alleghany, Ashe, Wilkes, Yadkin	5	
24	Avery, Madison, Mitchell, Watauga, Yancey	4	
25	Burke, Caldwell, Catawba	14	
26	Mecklenburg	32	
27A	Gaston	12	
27B	Cleveland, Lincoln	8	
28	Buncombe	~~10~~ 11	
29	Henderson, McDowell, Polk, Rutherford, Transylvania	11	
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	7	

(b) This section becomes effective December 1, 1998.

CODE NO. 98AOC-H001

Requested by: Representatives Justus, Thompson, Kiser

ADDITIONAL INVESTIGATORIAL ASSISTANTS

Section @. G.S. 7A-69 reads as rewritten:

"**§ 7A-69. Investigatorial assistants.**

The district attorney in prosecutorial districts 1, 3B, 4, 6B, 7, 8, 10, 11, 12, 13, 14, 15A, 15B, 18, 19B, 20, 21, 24, 25, 26, 27A, 27B, 28, 29, and 30 is entitled to one investigatorial assistant to be appointed by the district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

CODE NO. 98AOC-H002A

Requested by: Representatives Justus, Kiser, Thompson, Hardy

ADD TWO SPECIAL SUPERIOR COURT JUDGES/CLARIFY TERMS OF EXISTING SPECIAL SUPERIOR COURT JUDGES

Section @. (a) G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a3) Effective December 15, 1998, the Governor may appoint two special superior court judges to serve terms expiring five years from the date that each judge takes office. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to five-year terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

(b) G.S. 7A-45.1(a2) reads as rewritten:

"(a2) Effective December 15, 1996, the Governor may appoint four special superior court judges to serve terms expiring ~~December 14, 2001.~~ five years from the date that each judge takes office. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to five-year terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

CODE NO. 98AOC-H005

Requested by: Representatives Justus, Kiser, Thompson

REPORTS ON VACANT POSITIONS

Section @. The Judicial Department, the Department of Correction, the Department of Justice, and the Department of Crime Control and Public Safety shall each report by May 1 and December 1 of each year to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on all positions within that department that have remained vacant for twelve months or more. The report shall include the original position vacancy dates, the dates of any postings or repostings of the positions, and an explanation for the length of the vacancies.

Correction

CODE NO. 98CORR-H17A

Requested by: Representatives Justus, Kiser, Thompson

REALLOCATE LAND TO NC STATE UNIVERSITY

Section 17. The 17.4-acre tract of State-owned land adjacent to Schenck Forest that is described in the Memorandum of Agreement made in October 1992, by and between the North Carolina Department of Correction and North Carolina State University, is reallocated to North Carolina State University. The land shall be used for the purpose of teaching, research, and extension, including timber management practices, and forestry demonstration purposes associated with the North Carolina State University College of Forest Resources. North Carolina State University shall maintain this land in good condition according to current timber management practices, excluding commercial timber harvesting.

CODE NO. 98CORR-H17.1-S

Requested by: Representatives Justus, Kiser, Thompson

REPORT ON BOOT CAMPS

Section 17.1. Subsection (c) of Section 19 of Chapter 24 of the Session Laws of the 1994 Extra Session, as amended by Section 19.3 of Chapter 324 of the 1995 Session Laws, reads as rewritten:

"(c) The Department of Correction shall evaluate the IMPACT program and the post-Boot Camp probation program funded under this section and report by ~~January 1~~ March 1 of each year to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, and the Fiscal Research Division. The evaluation of the IMPACT program and the post-Boot Camp probation program shall ~~include a comparison of that program's effectiveness, cost, and recidivism rate to other corrections programs for offenders in the same age group and similar offense classes as that covered by the IMPACT program.~~ focus on the performance, behavior, and attitudes of the offenders while in the program. Specific topics shall include measures of participation and completion, data on completion of educational, substance abuse treatment, and community service programs, drug testing and probation revocation statistics, and the current status of IMPACT graduates. The evaluation shall also include any available information on the difference in outcome among offenders who attend the IMPACT program only, offenders who attend both the IMPACT program and aftercare, and similar offenders who receive other intermediate sanctions."

CODE NO. 98CORR-H17.2-S

Requested by: Representatives Justus, Kiser, Thompson

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

Section 17.2. Section 19(b) of S.L. 1997-443 reads as rewritten:

"(b) The Department of Correction may use funds appropriated to the Department for the 1997-99 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

Prior to the expenditure of more than the sum of six million five hundred thousand dollars ($6,500,000) for the 1997-98 fiscal year or more than the sum of ~~four million dollars ($4,000,000)~~ two million dollars ($2,000,000) for the 1998-99 fiscal year to reimburse counties for prisoners awaiting transfer, the Department of Correction and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental ~~Operations~~ Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the necessity of that expenditure."

CODE NO. 98CORR-H17.3A

Requested by: Representatives Justus, Kiser, Thompson

INMATE HOUSING FUNDS

Section 17.3. (a) The Department of Correction may use funds available to the Department for the 1998-99 fiscal year to contract for prison beds to house inmates in local jails. Prior to the expenditure of more than the sum of three million dollars ($3,000,000) in additional funds authorized by this section to contract for local jail beds, the Department of Correction and the Office of State Budget and Management shall report to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the necessity of that expenditure.

(b) The Department of Correction and the Office of State Budget and Management shall report by December 1, 1998, to the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the status of contracts to house inmates in local jails, including the amount expended to date, the anticipated amount to be expended, and the dates each contract is expected to terminate.

CODE NO. 98CORR-H17.5-S

Requested by: Representatives Justus, Kiser, Thompson

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 17.5. Subsection (a) of Section 19.8 of S.L. 1997-443 reads as rewritten:

"(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, ~~grants~~ appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the ~~1997-98 fiscal year~~ 1997-99 biennium shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years. Appropriations not claimed or expended by the counties during the 1997-99 biennium shall be distributed as specified in G.S. 143B-273.15(1)."

CODE NO. 98CORR-H17.6-S

Requested by: Representatives Justus, Kiser, Thompson

PROGRESS REPORT/PERFORMANCE AUDIT OF DIVISION OF ADULT PROBATION AND PAROLE

Section 17.6. The Division of Adult Probation and Parole shall report to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and the Fiscal Research Division by January 1, 1999, on any actions taken or planned in response to the June 1, 1998, performance audit of the Division. The report shall include details on any changes in funding, classification, staffing levels, or organization structure that have occurred since the June 1 audit and should highlight those changes that are directly related to issues raised in the audit.

CODE NO. 98CORR-H17.7-S

Requested by: Representatives Justus, Kiser, Thompson

FUNDING OF PRISON ROAD SQUADS

Section 17.7. In preparing the continuation budget, the Office of State Budget and Management shall adjust the estimated receipts from the Highway Fund to the Department of Correction for the use of prison road squads to reflect only those costs authorized for reimbursement by G.S. 148-26.5.

CODE NO. 98CORR-H17.8-S

Requested by: Representatives Justus, Kiser, Thompson

INMATE COSTS

Section 17.8. Section 19.20 of S.L. 1997-443 reads as rewritten:

"Section 19.20. The Department of Correction may use funds available to the Department for the 1997-99 biennium to pay the cost of providing food and health care to inmates housed in the Division of Prisons ~~if:~~

~~(1) The prison population exceeds the December 1996 population projections of the North Carolina Sentencing and Policy Advisory Commission; and~~

~~(2)~~ ~~The~~ if the cost of providing food and health care to inmates is anticipated to exceed the continuation budget amounts provided for that purpose in this act.

Prior to making any expenditure authorized by this section, the Department of Correction shall report on its need to use these additional funds to the Joint Legislative Commission on Governmental Operations, ~~the Joint Legislative Corrections Oversight Committee, and~~ the Chairs of the House and Senate Appropriations ~~Committees.~~ Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

The Office of State Budget and Management, in consultation with the Department of Correction, shall (i) analyze the basis for increases in the cost of providing food service and health care to inmates since the 1994-95 fiscal year, including an analysis of the major areas of expenditure growth, and an identification of major areas where cost-efficient actions have been taken, and (ii) determine future actions that will improve efficiency in the delivery of food service and health care to inmates. The Office of State Budget and Management shall report on the results of this study to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by February 15, 1999."

CODE NO. 98CORR-H17.9-S

Requested by: Representatives Justus, Kiser, Thompson

TITLE VII FUNDS/REPORT

Section 17.9. Section 19.18 of S.L. 1997-443 reads as rewritten:

"Section 19.18. The Department of Correction may use funds available to the Department during the ~~1997-98 fiscal year~~ 1997-99 biennium for payment to claimants as part of the settlement of the Title VII lawsuit over the recruitment, hiring, and promotion of females in the Department. Prior to final settlement of the lawsuit, the Department shall report on the proposed settlement to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety."

CODE NO. 98CORR-H17.10-S

Requested by: Representatives Justus, Kiser, Thompson

DIRECT CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO REVISE HIRING AND RECORD-KEEPING PROCEDURES FOR EMPLOYEES OF DEPARTMENT OF CORRECTION

Section 17.10. (a) Section 19.28 of S.L. 1997-443 reads as rewritten:

"Section 19.28. No later than ~~June 30, 1998,~~ October 1, 1998, the Criminal Justice Education and Training Standards Commission shall reestablish the hiring and record-keeping procedures for the employment of certified positions in the Department of Correction."

(b) The Criminal Justice Education and Training Standards Commission shall report by October 1, 1998, to the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, on its progress in complying with the provisions of this section.

(c) This section becomes effective June 30, 1998.

CODE NO. 98CORR-H17.11A

Requested by: Representatives Justus, Kiser, Thompson

FEDERAL GRANT MATCHING FUNDS

Section 17.11. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of eight hundred seventy-five thousand dollars ($875,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds.

CODE NO. 98CORR-H17.12A

Requested by: Representatives Justus, Kiser, Thompson

SUBSTANCE ABUSE FUNDS

Section 17.12. (a) Of the four hundred sixty-seven thousand eight hundred six dollars ($467,806) appropriated in S.L. 1997-443 to the Department of Correction for the 1997-98 fiscal year to be allocated to the DART/DWI aftercare program at Cherry Hospital, the sum of one hundred thousand dollars ($100,000) shall not revert at the end of the fiscal year but shall remain available to the Department during the 1998-99 fiscal year to be used for the purchase of hardware and software needed to implement an offender and inmate tracking and program evaluation system for the Substance Abuse Program. These funds may not be expended until the Department has developed a plan for this new system and reported on the plan to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

(b) Of the funds appropriated to the Department of Correction for the 1998-99 fiscal year, the Department may use up to the sum of three hundred nineteen thousand seven hundred fifteen dollars ($319,715) for DART/DWI aftercare.

(c) The Department of Correction shall report by March 1 of each year to the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on their efforts to provide effective treatment to offenders with substance abuse problems. The report shall include:

(1) Details of any new initiatives and expansion or reduction of programs;

(2) Details on any treatment efforts conducted in conjunction with other departments;

(3) Utilization of the DART/DWI program, including its aftercare program;

(4) Progress in the development of an offender and inmate tracking and program evaluation system; and

(5) A report on the number of current inmates with substance abuse problems, the number of inmates currently receiving treatment, the number of these inmates who are receiving treatment for a second or subsequent time, and the numbers who have completed treatment. As an offender and inmate tracking

system becomes operational, this report shall also include information on the recidivism of inmates who have previously completed substance abuse treatment and been released from prison.

CODE NO. 98CORR-H17.13A

Requested by: Representatives Justus, Kiser, Thompson

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 17.13. The Post-Release Supervision and Parole Commission shall report by March 1, 1999 to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and upon request of the Joint Legislative Corrections and Crime Control Oversight Committee after March 1, 1999 on:

(1) The Commission's progress in reviewing cases requiring review in light of the decision of the North Carolina Supreme Court in **Robbins v. Freeman**; and

(2) An updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 1999-2000 fiscal year over the 1998-99 fiscal year.

CODE NO. 98CORR-H17.14-S

Requested by: Representatives Justus, Kiser, Thompson

PRIVATE PRISON CONTRACTS

Section 17.14. If the Department of Correction determines, in consultation with the Attorney General's Office, the Office of State Budget and Management, and the Corrections Corporation of America, that it is appropriate to modify the terms of the contracts for the leasing and operation of one or both of the two private confinement facilities in Pamlico and Avery/Mitchell, the Department may use funds available to the Department for the 1998-99 fiscal year to modify the lease contract and the operating agreement as necessary. Prior to taking actions or obligating funds as authorized by this section, the Department of Correction shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the justification for using available funds to modify the contracts.

CODE NO. 98CORR-H17.15A

Requested by: Representatives Justus, Kiser, Thompson

STUDY SPECIAL EDUCATION OBLIGATIONS OF DEPARTMENT OF CORRECTION

Section 17.15. The Joint Legislative Corrections and Crime Control Oversight Committee shall study the issue of limiting the obligations of the Department of Correction to provide special education and related services to incarcerated youth ages 18 through 21. The Committee shall consider the recent amendment to the federal Individuals with Disabilities Education Act (IDEA) that allows states to reduce the responsibility of their prisons to identify and serve inmates not previously identified and served in the public schools. The Committee shall report its findings and recommendations to the 1999 General Assembly.

CODE NO. 98CORR-H17.16A

Requested by: Representatives Justus, Kiser, Thompson

ADDITIONAL PRISON BEDS/PROVIDE THAT A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE SHALL BE IMPOSED FOR A SECOND OR SUBSEQUENT CONVICTION OF A CLASS B1 FELONY IF THERE ARE NO MITIGATING CIRCUMSTANCES AND THE VICTIM IS THIRTEEN YEARS OF AGE OR YOUNGER/ENHANCE THE PUNISHMENT IMPOSED FOR INJURING A PREGNANT WOMAN IN THE COMMISSION OF A FELONY, ACT OF DOMESTIC VIOLENCE, OR UNLAWFUL OPERATION OF A MOTOR VEHICLE CAUSING A MISCARRIAGE OR STILLBIRTH/INCREASE THE PENALTY FOR CRUELTY TO ANIMALS

Section 17.16. (a) Article 81B of Chapter 15A of the General Statutes is amended by adding a new section to read:

"**§ 15A-1340.16B. Life imprisonment without parole for a second or subsequent conviction of a Class B1 felony.**

(a) Notwithstanding the sentencing dispositions in G.S. 15A-1340.17, a person convicted of a Class B1 felony shall be sentenced to life imprisonment without parole if:

(1) The offense was committed against a victim who was 13 years of age or younger at the time of the offense;

(2) The person has one or more prior convictions of a Class B1 felony; and

(3) The court finds that there are no mitigating factors in accordance with G.S. 15A-1340.16(e).

(b) If the sentencing court finds that there are mitigating circumstances, then the court shall sentence the person in accordance with G.S. 15A-1340.17.

(c) A prior conviction of a Class B1 felony shall be proved in accordance with G.S. 15A-1340.14."

(b) Article 6 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-18.2. Injury to pregnant woman.**

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

(1) Miscarriage. -- The interruption of the normal development of the fetus, other than by a live birth, and which is not an induced abortion permitted under G.S. 14-45.1, resulting in the complete expulsion or extraction from a pregnant woman of the fetus.

(2) Stillbirth. -- The death of a fetus prior to the complete expulsion or extraction from a woman irrespective of the duration of pregnancy and which

is not an induced abortion permitted under G.S. 14-45.1.

(b) A person who in the commission of a felony causes injury to a woman, knowing the woman to be pregnant, which injury results in a miscarriage or stillbirth by the woman is guilty of a felony that is one class higher than the felony committed.

(c) A person who in the commission of a misdemeanor that is an act of domestic violence as defined in Chapter 50B of the General Statutes causes injury to a woman, knowing the woman to be pregnant, which results in miscarriage or stillbirth by the woman is guilty of a misdemeanor that is one class higher than the misdemeanor committed. If the offense was a Class A1 misdemeanor, the defendant is guilty of a Class I felony.

(d) This section shall not apply to acts committed by a pregnant woman which result in a miscarriage or stillbirth by the woman."

(c) Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-141.5. Injury to pregnant woman by vehicle.**

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

(1) Miscarriage. -- The interruption of the normal development of the fetus, other than by a live birth, and which is not an induced abortion permitted under G.S. 14-45.1, resulting in the complete expulsion or extraction from a pregnant woman of the fetus.

(2) Stillbirth. -- The death of a fetus prior to the complete expulsion or extraction from a woman irrespective of the duration of pregnancy and which is not an induced abortion permitted under G.S. 14-45.1.

(b) Any person who in the unlawful operation of a motor vehicle commits a felony which causes a pregnant woman to suffer a miscarriage or stillbirth is guilty of a felony that is one class higher than the felony committed."

(d) G.S. 14-360 reads as rewritten:

"**§ 14-360. Cruelty to animals; construction of section.**

(a) If any person shall willfully overdrive, overload, wound, injure, ~~torture, torment,~~ or deprive of necessary sustenance, ~~cruelly beat, needlessly mutilate or kill~~ or cause or procure to be overdriven, overloaded, wounded, injured, ~~tortured, tormented,~~ or deprived of necessary sustenance, ~~cruelly beaten, needlessly mutilated or killed as aforesaid, any useful beast, fowl or~~ any

animal, every such offender shall for every such offense be guilty of a Class 1 misdemeanor. ~~In this section, and in every law which may be enacted relating to animals, the words "animal" and "dumb animal" shall be held to include every living creature; the words "torture," "torment" or "cruelty" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. Such terms shall not be construed to prohibit the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission.~~

(b) If any person shall willfully torture, torment, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, tormented, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal, every such offender shall for every such offense be guilty of a Class I felony. The word 'willfully', as used in this subsection, shall mean an act done intentionally, with bad motive or purpose and without justifiable excuse.

(c) In this section, the term 'animal' shall be held to include every domestic or otherwise useful animal. This section shall not apply to animals under the jurisdiction and regulation of the Wildlife Resources Commission, lawful activities conducted for purposes of biomedical research or training, lawful activities for sport or other lawful entertainment, the production of livestock or poultry, or the lawful destruction of any animal for the purpose of protecting the public, other animals, the public health, or for lawful veterinary purposes."

(e) This section becomes effective December 1, 1998, and applies to offenses committed on or after that date.

CODE NO. 98CORR-H17.18A

Requested by: Representatives Justus, Kiser, Thompson

USE OF FEDERAL PRISON CONSTRUCTION GRANT FUNDS

Section 17.18. Section 19.22 of S.L. 1997-443 reads as rewritten:

"Section 19.22. The Department of Correction shall use federal grant funds received from the U.S. Justice Department as part of the Violent Offender Incarceration Program and the Truth-In-Sentencing Incentive Grant Program and any State funds appropriated for the further planning and design and construction of the following State prison facilities, provided that the project meets the criteria of the federal grant program:

Facility	Location	Number of Beds	Custody
Central Prison Diagnostic Center	Wake	196	Close
Warren Correctional Institution	Warren	168	Med/Close
Improvements to NCCIW	Wake	208	Med/Close
Scotland Facility	Scotland	712	Close
Alexander Facility (or replacement site)	Alexander	520	Close
Metro Facility	Charlotte Area	520	Close

~~No more than the sum of seventeen million five hundred thousand dollars ($17,500,000) in federal funds may be allocated to the Central Prison Diagnostic Center Project, the proposed revised Phase I of the Central Prison Master Plan, or the planning and design of the Warren, NCCIW, or Metro projects until federal funds have been allocated to complete the working drawings phase of planning and design for the Alexander and Scotland Close Custody Prison Facilities.~~

If the Department of Correction identifies a replacement for the Alexander Facility, the Department of Correction shall report on the site selected to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee.

Prior to major redesign or expansion of plans for Scotland, Alexander, and Metro, the Department of Correction shall report to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee.

The Department of Correction shall not initiate further construction on any of the projects listed in this section other than the Central Prison Diagnostic Center, which is already under contract, or on Central Prison Medical Center project until the Department reports to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee on the proposed construction plans and the short-term and long-term costs of the projects.

The Department of Correction shall report ~~quarterly~~ by October 1, 1998, to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, ~~to the Joint Legislative Commission on Governmental Operations and~~ the Joint Legislative Corrections and Crime Control Oversight Committee on the allocation of any federal funds received and of anticipated future federal grant funds."

CODE NO. 98CORR-H002

Requested by: Representatives Justus, Kiser, Thompson

REQUIRE INMATE ROAD SQUADS IN DAVIDSON COUNTY TO WEAR UNIFORMS IDENTIFYING THEM AS INMATES

Section @. The Department of Correction and the Department of Transportation shall require all inmate road squads, maintenance road squads, and community work crews working in Davidson County to wear horizontally striped uniforms with stripes of three inches in width and color-coded by inmate classification in a manner consistent with the color-coding used by Davidson County for its road squads.

CODE NO. 98CORR-H003

Requested by: Representatives Justus, Kiser, Thompson

REMOVE IMPACT AS OPTION FOR SPECIAL PROBATION

Section @. (a) G.S. 15A-1344(e) reads as rewritten:

"(e) Special Probation in Response to Violation. -- When a defendant has violated a condition of probation, the court may modify his probation to place him on special probation as provided in this subsection. In placing him on special probation, the court may continue or modify the conditions of his probation and in addition require that he submit to a period or periods of imprisonment, either continuous or noncontinuous, at whatever time or intervals within the period of probation the court determines. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the Rules and Regulations of the Department of Correction governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. If imprisonment is for continuous periods, the confinement may be in either the custody of the Department of Correction or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. Except for probationary sentences for impaired driving under ~~G.S. 20-138.1 and probationary sentences which include a period of imprisonment in the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) under G.S. 15A-1343(b1)(2a),~~ G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, may not exceed six months or one fourth the maximum sentence of imprisonment imposed for the offense, whichever is less. For probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. ~~For probationary sentences which include a period of imprisonment in the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) under G.S. 15A-1343(b1)(2a), the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed six months or~~

~~one-half the maximum term of the suspended sentence of imprisonment, whichever is less.~~ No confinement other than an activated suspended sentence may be required beyond the period of probation or beyond two years of the time the special probation is imposed, whichever comes first."

(b) G.S. 15A-1351(a) reads as rewritten:

"(a) The judge may sentence to special probation a defendant convicted of a criminal offense other than impaired driving under G.S. 20-138.1, if based on the defendant's prior record or conviction level as found pursuant to Article 81B of this Chapter, an intermediate punishment is authorized for the class of offense of which the defendant has been convicted. A defendant convicted of impaired driving under G.S. 20-138.1 may also be sentenced to special probation. Under a sentence of special probation, the court may suspend the term of imprisonment and place the defendant on probation as provided in Article 82, Probation, and in addition require that the defendant submit to a period or periods of imprisonment in the custody of the Department of Correction or a designated local confinement or treatment facility at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court determines. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the Rules and Regulations of the Department of Correction governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. If imprisonment is for continuous periods, the confinement may be in the custody of either the Department of Correction or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. Except for probationary sentences of impaired driving under ~~G.S. 20-138.1 and probationary sentences which include a period of imprisonment in the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) under G.S. 15A-1343(b1)(2a),~~ G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, may not exceed six months or one fourth the maximum sentence of imprisonment imposed for the offense, whichever is less, and no confinement other than an activated suspended sentence may be required beyond two years of conviction. For probationary sentences for impaired driving under G.S. 20-138.1,

the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. ~~For probationary sentences which include a period of imprisonment in the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) under G.S. 15A-1343(b1)(2a), the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed six months or one-half of the maximum term of the suspended sentence, whichever is less.~~ In imposing a sentence of special probation, the judge may credit any time spent committed or confined, as a result of the charge, to either the suspended sentence or to the imprisonment required for special probation. The original period of probation, including the period of imprisonment required for special probation, shall be as specified in G.S. 15A-1343.2(d), but may not exceed a maximum of five years, except as provided by G.S. 15A-1342(a). The court may revoke, modify, or terminate special probation as otherwise provided for probationary sentences."

(c) This section becomes effective December 1, 1998.

CODE NO. 98CORR-H004

Requested by: Representatives Justus, Kiser

ABOLISH EXECUTION BY LETHAL GAS AND PROVIDE THAT A PERSON CONVICTED OF A CRIMINAL OFFENSE WHO IS SENTENCED TO DEATH SHALL BE EXECUTED BY THE ADMINISTRATION OF LETHAL DRUGS

Section @. (a) G.S. 15-187 reads as rewritten:

"**§ 15-187. Death by administration of lethal ~~gas or~~ drugs.**

Death by electrocution under sentence of law ~~is hereby abolished~~ and death by the administration of lethal gas ~~substituted therefor, except that if any person sentenced to death so chooses, he may at least five days prior to his execution date, elect in writing to be executed by the administration of a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent.~~ under sentence of law are abolished. Any person convicted of a criminal offense and sentenced to death shall be executed only by the administration of a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent."

(b) G.S. 15-188 reads as rewritten:

"**§ 15-188. Manner and place of execution.**

~~Except as otherwise provided in~~ In accordance with G.S. 15-187, the mode of executing a death sentence must in every case be by ~~causing~~ administering to the convict or felon ~~to inhale lethal gas of sufficient quantity to cause death, and the administration of such lethal gas must be continued until such~~ a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent until the convict or felon is dead; and when any person, convict or felon shall be sentenced by any court of the State having competent jurisdiction to be so executed, ~~such~~ the punishment shall only be inflicted within a permanent death chamber which the superintendent of the State penitentiary is hereby authorized and directed to provide within the walls of the North Carolina penitentiary at Raleigh, North Carolina. The superintendent of the State penitentiary shall also cause to be provided, in conformity with this Article and approved by the Governor and Council of State, the necessary ~~appliances for the infliction of the punishment of death in accordance with the requirements of this Article.~~ appliances for the infliction of the punishment of death and qualified personnel to set up and prepare the injection, administer the preinjections, insert the IV catheter and to perform other tasks

required for this procedure in accordance with the requirements of this Article."

(c) This section is effective when it becomes law and applies to all executions after the effective date of this section.

Justice

CODE NO. 98ATTY-H012-S

Requested by: Representatives Justus, Kiser, Thompson

SALARY EQUITY FOR SBI LAW ENFORCEMENT

Section 18. Subsection (a) of Section 20.9 of S.L. 1997-443 reads as rewritten:

"(a) Of the funds appropriated in this act to the Department of Justice for the State Bureau of Investigation, the sum of two million seven hundred thousand dollars ($2,700,000) for the 1997-98 fiscal year and the sum of ~~two million seven hundred thousand dollars ($2,700,000)~~ two million six hundred sixty-six thousand dollars ($2,666,000) for the 1998-99 fiscal year shall be used to adjust the salaries of law enforcement positions in the State Bureau of Investigation. These adjustments shall be based on factors, such as employee salary, position class title, position grade, and credible years of sworn service with the State Bureau of Investigation. No salary adjustment shall result in an increase beyond the maximum salary set for an officer's pay grade. If an officer's salary is near or at the top of the officer's pay grade, the officer shall be eligible to receive a salary adjustment up to the top of the officer's pay grade. If an officer is at the top of the officer's pay grade, then the officer is not eligible to receive a salary adjustment. Sworn officers holding the following management positions are not eligible to receive the salary adjustment: SBI Director, SBI Assistant Directors of Support Services, SBI Assistant Director, SBI Assistant Directors of Field Services, SBI Assistant Director of Crime Laboratory, Deputy Director of Medicaid Fraud."

CODE NO. 98ATTY-H006-S

Requested by: Representatives Justus, Kiser, Thompson

LIMITS ON COMPUTER SYSTEM UPGRADE

Section 18.1. Section 20.4 of S.L. 1997-443 reads as rewritten:

"Section 20.4. Any ~~proposed increase in mainframe computer capacity or~~ major new computer system or major computer system upgrade for the Judicial Department, the Department of Correction, the Department of Justice, or the Department of Crime Control and Public Safety, to be funded all or in part from the Continuation Budget, shall be reported to the Joint Legislative Commission on Governmental Operations, to the Chairs of the Senate and House of Representatives Appropriations Committees, and to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety before the department enters into any contractual agreement. A major computer system upgrade includes any proposed enhancement, modification, or capacity increase to the computing and telecommunications infrastructure or to program applications where the total cost is anticipated to exceed five hundred thousand dollars ($500,000). This report is to be made jointly by the Information Resource Management Commission, the Office of State Budget and Management, and the requesting department."

CODE NO. 98ATTY-H007-S

Requested by: Representatives Justus, Kiser, Thompson

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 18.2. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by March 1, 1999, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards.

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board.

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point.

The membership of the Criminal Justice Information Network Governing Board established in G.S. 163-661 shall remain in effect for the 1998-99 fiscal year.

CODE NO. 98ATTY-H008-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY FEE ADJUSTMENT FOR CRIMINAL RECORDS CHECKS

Section 18.3. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal records checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal records checks. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal records checks and how those costs have changed since the 1995-96 fiscal year. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on or before March 1, 1999.

CODE NO. 98ATTY-H009-S

Requested by: Representatives Justus, Kiser, Thompson

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

Section 18.5. Section 20.7(a) of S.L. 1997-443 reads as rewritten:

"(a) Assets transferred to the Department of Justice during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections and Crime Control Oversight Committee upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended.

The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly, except during the ~~1997-98~~ 1998-99 fiscal year, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for SBI training; and

(2) Use an amount not to exceed fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle."

CODE NO. 98ATTY-H010-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY RECIPROCITY OF CONCEALED HANDGUN PERMITS

Section 18.4. (a) The Joint Legislative Corrections and Crime Control Oversight Committee shall study the issue of providing that a nonresident who has been issued a valid handgun permit in a reciprocal state may carry a concealed handgun in accordance with Article 54B of Chapter 14 of the General Statutes as if the permit were issued by this State. The Committee shall report its findings and recommendations to the 1999 General Assembly.

(b) The Attorney General shall prepare a list of those states that provide for concealed handgun permits that are equal to or more stringent than those required by North Carolina in order to assist the Joint Legislative Corrections and Crime Control Oversight Committee in its study.

CODE NO. 98ATTY-H011

Requested by: Representatives Justus, Kiser, Thompson

SBI USE OF COURT-ORDERED REIMBURSEMENT FUNDS

Section . Section 20.2 of S.L. 1997-443 reads as rewritten:

"Section 20.2. The State Bureau of Investigation (SBI) may use funds available from court-ordered reimbursement in undercover drug operations. Any funds received from the court may be budgeted upon receipt from the court and may be used in addition to any funds appropriated by the General Assembly."

Crime Control

CODE NO. 98CCPS-H002-S

Requested by: Representatives Justus, Kiser, Thompson

ACTIVATION OF NATIONAL GUARD FOR SPECIAL OLYMPICS

Section 19. With funds available, the Governor may place units or portions of units of the North Carolina National Guard on State Active Duty during the period from January 1, 1999, to September 30, 1999, to assist with the planning, support, and execution of events associated with the International Special Olympic Games.

CODE NO. 98CCPS-H003-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY TARHEEL CHALLENGE PROGRAM

Section 19.1. With funds available, the Department of Crime Control and Public Safety shall contract with an external consultant to study the effectiveness of the National Guard Tarheel Challenge Program as an intervention method for preventing delinquent or criminal behavior and improving individual skills and employment potential of the participants in the Program. The study shall include:

(1) An evaluation of the goals of the Program and long-term effects of participation in the Program;

(2) A comparison of the Program to (i) other similar programs that offer job training and behavior modification and (ii) a control group of students not participating in intervention programs; and

(3) A cost-benefit analysis of the Program.

The Department shall report the results of the study, including any recommendations, to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives by March 1, 1999.

CODE NO. 98CCPS-H004-S

Requested by: Representatives Justus, Kiser, Thompson

VICTIMS ASSISTANCE NETWORK REPORT

Section 19.2. The Department of Crime Control and Public Safety shall report on the expenditure of funds allocated in Section 21.1 of S.L. 1997-443 for the Victims Assistance Network. The Department shall also report on the Network's efforts to gather data on crime victims and their needs, act as a clearinghouse for crime victims' services, provide an automated crime victims' bulletin board for subscribers, coordinate and support activities of other crime victims' advocacy groups, identify the training needs of crime victims' services providers and criminal justice personnel, and coordinate training for these personnel. The Department shall submit its report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives and to the Joint Legislative Corrections and Crime Control Oversight Committee by October 1, 1998.

CODE NO. 98CCPS-H005-S

Requested by: Representatives Justus, Kiser, Thompson

USE OF HIGHWAY PATROL AIRCRAFT

Section 19.6. (a) G.S. 20-196.1 is repealed.

(b) G.S. 20-196.2 reads as rewritten:

"§ 20-196.2. Use of ~~airplanes~~ aircraft to discover certain motor vehicle ~~violations of §§ 20-138 to 20-171; testimony of pilots and observers;~~ violations; declaration of policy.

The State Highway Patrol is hereby permitted the use of ~~airplanes~~ aircraft to discover violations of Part 10 of Article 3 of Chapter 20 of the General Statutes relating to operation of motor vehicles and rules of the ~~road; provided, however, neither the observer nor the pilot shall be competent to testify in any court of law in a criminal action charging violations of G.S. 20-141, 20-141.1, and 20-144.~~ road. It is hereby declared the public policy of North Carolina that the ~~airplanes~~ aircraft should be used primarily for accident prevention and should also be used incident to the issuance of warning citations in accordance with the provisions of G.S. 20-183."

CODE NO. 98CCPS-H006-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY EMERGENCY MANAGEMENT POSITIONS

Section 19.7. (a) The Joint Legislative Corrections and Crime Control Oversight Committee shall study the State and local assistance funding eligibility criteria of the Division of Emergency Management of the Department of Crime Control and Public Safety that requires local governments to have a full-time or part-time Emergency Program Manager. In its deliberations, the Committee shall consider:

(1) The burden placed on local governments to maintain a full-time or part-time position pursuant to the funding eligibility requirements.

(2) The feasibility and advisability of revising the funding eligibility criteria of the Division of Emergency Management to allow small local governments to:

a. Share federal funds and an Emergency Program Manager; or

b. Add the responsibilities of an Emergency Program Manager to an appropriate official or employee of the local government.

(3) The feasibility and advisability of opening regional emergency management offices and allocating funds to regions rather than local governments.

(b) The Committee shall report its findings and recommendations to the 1999 General Assembly.

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Monday, July 13, 1998 – 3:30 p.m.
Room 612, Legislative Office Building

AGENDA

I. **CALL TO ORDER**

Chairmen: Representative Larry Justus, Presiding
Representative Joe Kiser
Representative Gregg Thompson

II. **PRESENTATIONS**

- Review of Justice & Public Safety Special Provisions

  Charles Perusse
  Jim Mills
  Elisa Wolper
  Marilyn Chism

  Fiscal Research Division

III. **COMMITTEE DISCUSSION/OTHER BUSINESS**

IV. **ADJOURNMENT**

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY

July 13, 1998
ROOM 612

HOUSE MEMBERS PRESENT: [6] Representatives Justus, Thompson, Kiser, Redwine, Sexton, and Smith

The House Appropriations Subcommittee on Justice and Public Safety met on Monday, July 13, 1998, in Room 612 of the Legislative Office Building. Representative Justus called the meeting to order at 4:00 PM. Representative Justus announced that the committee would review special provision I the budget. Attachment 1 was distributed to committee members.

Charles Perusse, Fiscal Staff, was recognized by Representative Justus for his presentation on the Judicial Department Special Provisions. Mr. Perusse covered the following:

Judicial

- IRMC Review of AOC Information Technology Plans/Long-Range Report. (Similar to Senate House has $250,000 and Senate has $500,000)
- Study of Public Defender Programs (also in Senate Budget)
- Revise Recidivism Reporting Date
- Extend Sunset on Bad Check program/Add Lincoln and Wake County Pilots (House adds Lincoln and Wake counties)
- Teen Court Funds Do Not Revert/Establish Teen Court Programs in Onslow and Guilford Counties
- Indigent Fund Study Commission (In Senate budget. Senate allows use of up to $100,000 while House allows use of $50,000)
- Cumberland Juvenile Assessment Center (in Senate budget)
- Add New District Court Civil Case Management Pilots/Report
- Authorize Additional Magistrates
- Assistant Public Defenders (3 in House budget and 4 in Senate budget)
- Eliminate Requirement of Certified Mail Notice in Bail Bond Forfeiture Cases (requested by clerks of court)
- Extend Sunset on Drug Treatment Court (House extends until June 30, 1999- Senate extends permanently)
- Additional District Court Judges (five additional district court judges for districts 10, 11, 19B, 19C, and 25
- Additional Assistant District Attorneys (two in District 21 and one in District 28)

- Additional Investigatorial Assistants (additional in district 13 and 19B)
- Add Two Special Superior Court Judges/Clarify Terms of Existing Special Superior Court Judges
- Reports on Vacant Positions

Chris Marks, AOC, asked that the reporting date on the Study of Public Defender Programs on page 5 be moved. Representative Smith stated that the study should include retirement pay.

Corrections

Representative Justus recognized Elisa Wolper, Fiscal Staff, for her presentation on the Department of Corrections. Ms. Wolper covered the following items:

- Report on Boot Camps (moves reporting date from January 1 to March 1)
- Modification of Funding Formula For The North Carolina State-County Criminal Justice Partnership Act (Identical to Senate)
- Progress Report/Performance Audit of Division of Adult Probation and Parole (Identical to Senate)
- Substance Abuse Funds **Representative Justus again requested a list of all drug programs in all state agencies and the money spent on each program.**
- Post-Release Supervision and Parole Commission/Report on Staffing Reorganization and Reduction (Similar to Senate – Senate has report to Appropriations while House includes Corrections Oversight)
- Remove Impact as Option for Special Probation

Representative Justus recognized Jim Mills, Fiscal Staff, for the remainder of the Corrections Special Provisions.

- Reallocate Land to NC State University (Senate special provision would not require this to be approved by Governmental Operations Committee)
- Reimburse Counties For Housing and Extraordinary medical Costs For Inmates, Parolees, and Post-Release Supervisees Awaiting Transfer to State Prison System. (Same as Senate)
- Inmate Housing Funds
- Funding of Prison Road Squads (agree with Senate)
- Inmate Costs
- Title VII Funds/Report
- Direct Criminal Justice Education and Training Standards Commission to Revise Hiring and Record-Keeping Procedures For Employees of Department of Correction.
- Federal Grant Matching Funds (Senate directs that money be taken from Corrections Enterprise profits)

- Private Prison Contracts

Representative Thompson noted that Sean Dail is working on a special provision to extend the moratorium.

- Study Special Education Obligations of Department of Correction (Senate has Education Oversight looking at this while the House has Corrections Oversight)
- Additional Prison Beds/Provide That a Sentence of Life Imprisonment Without Parole Shall Be Imposed For a Second or Subsequent Conviction of a Class B1 Felony if There Are No Mitigating Circumstances and the Victim is Thirteen Years of Age or Younger/Enhance the Punishment Imposed for Injuring a Pregnant Woman in the Commission of a Felony, Act of Domestic Violence, or Unlawful Operation of a Motor Vehicle Causing a Miscarriage or Stillbirth/Increase the Penalty for Cruelty to Animals. (These bills have passed the House and the Senate placed their version in the budget bill.)

Representative Redwine asked if his bill to raise the penalty from a misdemeanor to a Class D felony for taking a weapon into a domestic violence center. Representative Redwine added that this bill has no fiscal impact. Representative Kiser noted that this proposed bill has not been heard in a Judiciary committee. Representative Redwine will provide material on this bill at the next meeting. Representative Justus asked that this issue be flagged.

- Use of Federal Prison Construction Grant Funds (Different reporting date in Senate proposal)
- Require Inmate Road Squads in Davidson County to Wear Uniforms Identifying Them as Inmates. (Not is Senate Budget)
- Abolish Execution by Lethal Gas and Provide That A Person Convicted of a Criminal Offense Who Is Sentenced To Death Shall Be Executed By the Administration Of Lethal Drugs.

Department of Justice

Representative Justice recognized Elisa Wolper to cover the Department of Justice Special Provisions.

- Salary Equity For SBI Law Enforcement
- Limit on Computer System Upgrade (identical to Senate)
- Criminal Justice Information Network Report (Senate adds four members to CJIN Board)
- Study Fee Adjustment For Criminal Records Checks (Identical to Senate)
- Use of Seized and Forfeited Property Transferred to State Law Enforcement Agencies by the Federal Government (House adds report to Corrections Oversight)
- Study Reciprocity of Concealed Handgun Permits (Identical to Senate)

- SBI Use of Court-Ordered Reimbursement Funds (Not in Senate)

Representative Kiser stated that there is confusion concerning Salary Equity for SBI Law Enforcement and moved that the special provision be removed. Motion carried without objection.

Department of Crime Control and Public Safety

Marilyn Chism, Fiscal Research, was recognized by Representative Justus to present the Department of Crime Control and Public Safety Special Provisions.

- Activation of National Guard For Special Olympics (Same as Senate) Joe Stewart, Department of Crime Control, added that the National Guard is working with Congress to allow deployment.
- Study Tarheel Challenge Program (Basically the same except the Senate has included that the external consultant may have no prior connection with the Department of Crime Control or the National Guard. The Senate provision also appropriates $25,000.)
- Victim's Assistance Network Report (Difference is House requires additional report to Corrections and Crime Control Oversight)
- Use of Highway Patrol Aircraft (Same)
- Study Emergency Management Positions (House recommends study of feasibility of small counties sharing Federal Funds and regional emergency management offices.)

Representative Justus announced that the committee will look at Representative Redwine's bill and other additions tomorrow.

He meeting was adjourned at 5:10 PM.

Larry T. Justus
Representative Larry Justus
Chairman

Carolyn Justus
Carolyn Justus
Committee Clerk

ATT. 1
7-13-98

Judicial

CODE NO. 98AOC-H16A

Requested by: Representatives Justus, Kiser, Thompson

IRMC REVIEW OF AOC INFORMATION TECHNOLOGY PLANS/LONG-RANGE REPORT

Section 16. (a) G.S. 143B-472.41 reads as rewritten:

"**§ 143B-472.41. Information Resource Management Commission.**

(a) Creation; Membership. -- The Information Resource Management Commission is created in the Department of Commerce. The Commission consists of the following members:

(1) Four members of the Council of State, appointed by the Governor.

(1a) The Secretary of State.

(2) The Secretary of Administration.

(3) The State Budget Officer.

(4) Two members of the Governor's cabinet, appointed by the Governor.

(5) One citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(6) One citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(7) The Chair of the Governor's Committee on Data Processing and Information Systems.

(8) The Chair of the State Information Processing Services Advisory Board.

(9) The Chair of the Criminal Justice Information Network Governing Board.

(10) The State Controller.

(11) <u>The Director of the Administrative Office of the Courts or the Director's designee.</u>

Members of the Commission shall not be employed by or serve on the board of directors or other corporate governing body of any information systems, computer hardware, computer software, or telecommunications vendor of goods and services to the State of North Carolina.

The two initial cabinet members appointed by the Governor and the two initial citizen members appointed by the General Assembly

shall each serve a term beginning September 1, 1992, and expiring on June 30, 1995. Thereafter, their successors shall be appointed for four-year terms, commencing July 1. Members of the Governor's cabinet shall be disqualified from completing a term of service of the Commission if they are no longer cabinet members.

The appointees by the Governor from the Council of State shall each serve a term beginning on September 1, 1992, and expiring on June 30, 1993. Thereafter, their successors shall be appointed for four-year terms, commencing July 1. Members of the Council of State shall be disqualified from completing a term of service on the Commission if they are no longer members of the Council of State.

Vacancies in the two legislative appointments shall be filled as provided in G.S. 120-122.

The Commission chair shall be elected in the first meeting of each calendar year from among the appointees of the Governor from the Council of State and shall serve a term of one year. The Secretary of Commerce shall be secretary to the Commission.

No member of the Information Resource Management Commission shall vote on an action affecting solely his or her own State agency.

(b) Powers and Duties. -- The Commission has the following powers and duties:

(1) To develop, approve, and publish a statewide information technology strategy covering the current and following biennium that shall be updated annually and shall be submitted to the General Assembly on the first day of each regular session.

(2) To develop, approve, and sponsor statewide technology initiatives and to report on those initiatives in the annual update of the statewide information technology strategy.

(3) To review and approve biennially the information technology plans of the executive agencies and ~~to review and comment biennially on the information technology plans of~~ the Administrative Office of the Courts. This review shall include plans for the procurement and use of personal computers and workstations.

(4) To recommend to the Governor and the Office of State Budget and Management the relative priorities across executive agency information technology plans.

(5) To establish a quality assurance policy for all agency information technology projects, information systems training programs, and information systems documentation.

(6) To establish and enforce a quality review and expenditure review procedure for major agency information technology projects.

(7) To review and approve expenditures from appropriations made to the Office of State Budget and Management for the purpose of creating a Computer Reserve Fund.

(8) To develop and promote a policy and procedures for the fair and competitive procurement of information technology consistent with the rules of the Department of Administration and consistent with published industry standards for open systems that provide agencies with a vendor-neutral operating environment where different information technology hardware, software, and networks operate together easily and reliably.

(c) Meetings. -- The Information Resources Management Commission shall adopt bylaws containing rules governing its meeting procedures. The Information Resources Management Commission shall meet at least monthly."

(b) The Administrative Office of the Courts shall develop a strategic information systems and technology plan to both serve the courts in the present and assist the courts in adapting to future changes. The plan shall:

(1) Identify and document the information technology goals and objectives of the Judicial Department;

(2) Review and evaluate the findings and recommendations outlined in the Maddox and Ferguson report completed in September 1996;

(3) Provide an inventory of existing hardware and software in the court system statewide, including the age of and proposed replacement schedules, for personal computers, laptop computers, mainframe and midrange computers, servers, terminals, printers, and communications infrastructure devices;

(4) Assess the effectiveness of existing computer-based applications, including the district attorney and public defender case management system, courtroom automation, the civil case processing system, and the financial management system, and outline any

changes that may be needed to meet the future needs of the court system;

(5) Develop an architectural strategy and quality assurance review that is consistent with existing State standards;

(6) Identify areas where the use of information technology would improve the efficiency and effectiveness of the court system in providing services to the public;

(7) Develop a long-term implementation plan and cost analysis for the new Magistrates Criminal Information System; and

(8) Recommend alternative five-year proposals for implementing the court system's technology plan, including a cost analysis of each alternative that specifies the order of priority in which various projects should be implemented.

The Administrative Office of the Courts shall report on the strategic information systems and technology plan developed pursuant to this section to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety. The Administrative Office of the Courts shall make an interim report by April 1, 1999, and a final report by May 1, 1999.

(c) The Judicial Department may use up to the sum of two hundred fifty thousand dollars ($250,000) in funds appropriated to the Department for the 1998-99 fiscal year to contract for consultant services in the development of the strategic information systems and technology plan required by this section. Prior to expending these funds, the Department shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Subcommittees on Justice and Public Safety on the consultant selected and the proposed uses of these funds.

CODE NO. 98AOC-H16.1-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY OF PUBLIC DEFENDER PROGRAMS

Section 16.1. The Administrative Office of the Courts shall study the efficiency and cost-effectiveness of the public defender programs established in 11 judicial districts. The report shall include:

(1) A comparison outlining the number of defendants in each district represented by public defenders and privately assigned counsel by type of offense;

(2) An analysis of the average cost per defendant or case for each public defender program and a comparison of that average to payments made to privately assigned counsel in those districts;

(3) An implementation plan for potential expansion of public defender programs to additional districts, including possible locations, a cost analysis of necessary personnel and equipment to operate the programs, and the estimate of savings to be realized in using those programs rather than providing for privately assigned counsel.

The Administrative Office of the Courts shall report the results of its study to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Indigent Fund Study Commission established in Section 16.5 of this act by January 1, 1999.

CODE NO. 98AOC-H16.2-S

Requested by: Representatives Justus, Kiser, Thompson

REVISE RECIDIVISM REPORTING DATE

Section 16.2. G.S. 7A-675.3 reads as rewritten:

"**§ 7A-675.3. Juvenile recidivism rates.**

(a) On an annual basis, the Administrative Office of the Courts shall compute the recidivism rate of juveniles who are adjudicated delinquent for offenses that would be Class A, B1, B2, C, D, or E felonies if committed by adults and who subsequently are adjudicated delinquent or convicted and shall report the statistics to the Joint Legislative Commission on Governmental Operations by ~~December 31~~ February 15 each year.

(b) The Chief Court Counselor of each judicial district shall forward to the Administrative Office of the Courts relevant information, as determined by the Administrative Office of the Courts, regarding every juvenile who is adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult for the purpose of computing the statistics required by this section."

CODE NO. 98AOC-H16.3A

Requested by: Representatives Justus, Kiser, Thompson

EXTEND SUNSET ON BAD CHECK PROGRAM/ADD LINCOLN AND WAKE COUNTY PILOTS

Section 16.3. (a) Subsection (e) of Section 18.22 of S.L. 1997-443 reads as rewritten:

"(e) This ~~act~~ section becomes effective October 1, 1997, and expires June 30, ~~1998.~~ 1999."

(b) Subsection (c) of Section 18.22 of S.L. 1997-443 reads as rewritten:

"(c) Of the funds appropriated to the Judicial Department for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to establish bad check collection pilot programs in Columbus, Durham, and Rockingham Counties.

Of the funds appropriated to the Judicial Department for the 1998-99 fiscal year, the sum of two hundred seventy-two thousand six hundred forty-seven dollars ($272,647) shall be used to continue the bad check collection pilot programs in Columbus, Durham, and Rockingham Counties and to establish bad check collection pilot programs in Lincoln and Wake Counties.

The Administrative Office of the Courts shall report by ~~May 1, 1998,~~ April 1, 1999, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the programs, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases."

(c) Subsection (d) of Section 18.22 of S.L. 1997-443 reads as rewritten:

"(d) This act apples only to Columbus, Durham, ~~and Rockingham~~ Lincoln, Rockingham, and Wake Counties."

(d) Subsection (a) of this section becomes effective June 30, 1998.

CODE NO. 98AOC-H16.4A

Requested by: Representatives Justus, Kiser, Thompson

TEEN COURT FUNDS DO NOT REVERT/ESTABLISH TEEN COURT PROGRAMS IN ONSLOW AND GUILFORD COUNTIES

Section 16.4. (a) The funds appropriated in S.L. 1997-443 to the Judicial Department for teen court programs throughout the State shall not revert at the end of the 1997-98 fiscal year and shall remain available to the Department for the 1998-99 fiscal year to be used for teen court programs.

(b) Of the funds appropriated in this act to the Judicial Department, the Administrative Office of the Courts shall use the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a teen court program in Onslow County pursuant to the guidelines and objectives set forth in Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(c) Of the funds appropriated in this act to the Judicial Department, the Administrative Office of the Courts shall use the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a teen court program in Guilford County pursuant to the guidelines and objectives set forth in Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(d) Subsection (a) of this section becomes effective June 30, 1998.

CODE NO. 98AOC-H16.5A

Requested by: Representatives Justus, Kiser, Thompson

INDIGENT FUND STUDY COMMISSION

Section 16.5. (a) The Administrative Office of the Courts shall establish a Study Commission on the Indigent Persons' Attorney Fee Fund. The Commission shall consist of nine voting members as follows:

(1) Two members appointed by the Speaker of the House of Representatives;

(2) Two members appointed by the President Pro Tempore of the Senate;

(3) One member appointed by the Chief Justice of the Supreme Court;

(4) One member appointed by the North Carolina Association of Public Defenders;

(5) One member appointed by the North Carolina State Bar;

(6) One member appointed by the North Carolina Bar Association; and

(7) One member appointed by the Conference of District Attorneys of North Carolina.

The Commission shall elect a chair upon being convened at the call of the Chief Justice's appointee.

(b) The Commission shall study methods for improving the management and accountability of funds being expended to provide counsel to indigent defendants without compromising the quality of legal representation mandated by State and federal law. In conducting its study, the Commission shall:

(1) Evaluate the current procedures for determining the indigency of defendants and recommend any possible improvements in those procedures;

(2) Determine whether sufficient information is available when evaluating compensation requests from assigned private counsel and expert witnesses;

(3) Assess the effectiveness of the current management structure for the Indigent Persons' Attorney Fee Fund and outline any additional standards or guidelines that could be implemented to allow for greater accountability of the funds being expended;

(4) Evaluate whether establishing an Indigent Defense Council to oversee the State's expenditure of funds on a district, regional, or Statewide basis would

make the functioning of the Indigent Persons' Attorney Fee Fund more efficient and economical;

(5) Evaluate the effectiveness of existing methods of providing legal representation to indigent defendants, including the use of public defenders, appointed counsel, and contract lawyers;

(6) Review methods used by other states to provide legal representation to indigent defendants;

(7) Assess the potential effectiveness of distributing funds in other ways, including the hiring of contract attorneys on a retainer basis and the expansion of public defender programs; and

(8) Outline additional suggestions that would improve the provision of legal representation to indigent defendants.

The Administrative Office of the Courts shall assign professional and clerical staff to assist in the work of the Commission. The Commission shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety no later than May 1, 1999. The report shall include a cost analysis demonstrating the additional personnel and equipment necessary to implement the Commission's recommendations. The report shall also include any legislation necessary to implement the Commission's recommendations.

(c) The Administrative Office of the Courts may use up to the sum of fifty thousand dollars ($50,000) from the Indigent Persons' Attorney Fee Fund to contract for consultant services to assist in meeting the Commission's responsibilities.

CODE NO. 98AOC-H16.6-S

Requested by: Representatives Justus, Kiser, Thompson

CUMBERLAND JUVENILE ASSESSMENT CENTER

Section 16.6. (a) Section 18.21 of S.L. 1997-443 reads as rewritten:

"Section 18.21. (a) Of the funds appropriated in this act to the Administrative Office of the Courts for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to fund the Juvenile Assessment Project authorized by this section. These funds shall be matched by local funds on the basis of one dollar ($1.00) of local funds for every three dollars ($3.00) of State funds. These funds shall not revert at the end of the 1997-98 fiscal year, but shall remain in the Department during the 1998-99 fiscal year to implement this section.

(b) The Administrative Office of the Courts, in collaboration with the Chief Court Counselor of District Court District 12, the Cumberland County Department of Social Services, and the appropriate local school administrative units, shall develop and implement a Juvenile Assessment Center Project in District Court District 12 to operate from the effective date of this act to ~~June 30, 1998.~~ June 30, 1999. The purpose of the Project is to facilitate efficient prevention and intervention service delivery to juveniles who are (i) alleged to be delinquent or undisciplined and have been taken into custody or (ii) at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even though they have not been taken into custody. The Project shall assist these juveniles by providing a centralized point of intake and assessment for the juveniles, by addressing the educational, emotional, and physical needs of the juveniles, and by providing juveniles with an atmosphere for learning personal responsibility, self-respect, and respect for others. The Administrative Office of the Courts shall consider the recommendations of the Juvenile Assessment Advisory Board in developing and implementing the Project.

(c) The Project shall be modeled after the Juvenile Assessment Center in Hillsborough County, Florida, and shall:

(1) Identify those juveniles who are alleged to be delinquent or undisciplined or are at risk of becoming delinquent or undisciplined;

(2) Evaluate the educational, emotional, and physical needs of the juveniles identified and determine

whether the juveniles have problems related to substance abuse, depression, or other emotional conditions;

(3) Develop in-depth and comprehensive assessment plans for the juveniles identified that recommend appropriate treatment, counseling, and disposition of the juveniles; and

(4) Provide services to juveniles identified and their families through collaboration with public and private resources, including local law enforcement, parents' organizations, the Fayetteville Chamber of Commerce, and county and community programs and organizations that provide substance abuse treatment and child and family counseling.

(d) There is established the Juvenile Assessment Advisory Board to make recommendations to the Administrative Office of the Courts regarding the development and operations of the Project. The Board shall consist of 13 members, including:

(1) The director of the Department of Social Services of Cumberland County, or the director's designee.

(2) A representative from the local mental health area authority of Cumberland County.

(3) A member of the Cumberland County Board of Education.

(4) The sheriff of Cumberland County, or the sheriff's designee.

(5) The chief of police of the Fayetteville Police Department, or the designee of the chief of police.

(6) A judge of District Court District 12.

(7) A juvenile court counselor from District Court District 12.

(8) The director of the Guardian Ad Litem program in Cumberland County, or the director's designee.

(9) The director of the Health Department of Cumberland County, or the director's designee.

(10) Two public members appointed by the Fayetteville City Council.

(11) Two public members appointed by the Board of County Commissioners of Cumberland County.

The members of the Board shall, within 30 days after the initial appointment is made, meet and elect one member as chair. The Board shall meet at least once a month at the call of the chair, and a quorum of the Board shall consist of a majority of its members. The Board of County Commissioners of Cumberland

County shall provide necessary clerical and professional assistance to the Board.

Initial appointments shall be made by October 1, 1997, and all terms shall expire ~~June 30, 1998.~~ June 30, 1999.

(e) The Administrative Office of the Courts, in consultation with the Department of ~~Human Resources,~~ Health and Human Services, shall evaluate the Project and report to the Chairs of the House and Senate Appropriations Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and ~~Human Resources,~~ Health and Human Services and the Fiscal Research Division of the General Assembly by ~~May 1, 1998,~~ May 1, 1999, on the progress of the development and implementation of the Project. In the report, the Administrative Office of the Courts, in consultation with the Department of ~~Human Resources,~~ Health and Human Services, shall evaluate the effectiveness of the Project, including the number of juveniles served or expected to be served, and shall recommend whether the Project should be continued. If the report recommends that the Project be continued, it shall also provide a cost analysis outlining the long-term staffing and operating needs of the Project."

(b) This section becomes effective June 30, 1998.

CODE NO. 98AOC-H16.9-S

Requested by: Representatives Justus, Kiser, Thompson

ADD NEW DISTRICT COURT CIVIL CASE MANAGEMENT PILOTS/REPORT

Section 16.9. Section 18.23 of S.L. 1997-443 reads as rewritten:

"Section 18.23. The Administrative Office of the Courts shall report by ~~May 1, 1998,~~ April 1, 1999, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the civil case management pilot programs established in District Court Districts 13, 18, 27B, 29, and 30. The report shall assess the success of these programs in reducing the backlog of civil court cases and in resolving new cases more quickly."

CODE NO. 98AOC-H16.11A

Requested by: Representatives Justus, Kiser, Thompson

AUTHORIZE ADDITIONAL MAGISTRATES

Section 16.11. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.-Max.		Additional Seats of Court
Camden	1	2	
Chowan	2	3	
Currituck	1	~~3~~ 4	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	3	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	~~12~~ 13	Farmville Ayden
Craven	7	10	Havelock
Pamlico	2	3	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	
Jones	2	3	
Onslow	8	14	
New Hanover	6	11	
Pender	4	6	
Halifax	9	14	Roanoke Rapids, Scotland Neck
Northampton	5	7	
Bertie	4	6	
Hertford	5	6	
Nash	7	10	Rocky Mount
Edgecombe	4	7	Rocky Mount
Wilson	4	7	
Wayne	5	12	Mount Olive
Greene	2	4	
Lenoir	4	10	La Grange
Granville	3	7	
Vance	3	6	
Warren	3	4	

1	Franklin	3	7	
2	Person	3	4	
3	Caswell	2	5	
4	Wake	12	20	Apex,
5				Wendell,
6				Fuquay-
7				Varina,
8				Wake Forest
9	Harnett	7	11	Dunn
10	Johnston	10	12	Benson,
11				Clayton,
12				Selma
13	Lee	4	6	
14	Cumberland	10	18	
15	Bladen	4	6	
16	Brunswick	4	~~7~~ 8	
17	Columbus	6	9	Tabor City
18	Durham	8	13	
19	Alamance	7	10	Burlington
20	Orange	4	11	Chapel Hill
21	Chatham	3	8	Siler City
22	Scotland	3	5	
23	Hoke	4	5	
24	Robeson	8	16	Fairmont,
25				Maxton,
26				Pembroke,
27				Red Springs,
28				Rowland,
29				St. Pauls
30	Rockingham	4	9	Reidsville,
31				Eden,
32				Madison
33	Stokes	2	5	
34	Surry	5	9	Mt. Airy
35	Guilford	20	26	High Point
36	Cabarrus	5	9	Kannapolis
37	Montgomery	2	4	
38	Randolph	5	10	Liberty
39	Rowan	5	10	
40	Stanly	5	6	
41	Union	4	6	
42	Anson	4	5	
43	Richmond	5	6	Hamlet
44	Moore	5	8	Southern
45				Pines
46	Forsyth	3	~~15~~ 16	Kernersville
47	Alexander	2	3	
48	Davidson	7	10	Thomasville
49	Davie	2	3	
50	Iredell	4	9	Mooresville
51	Alleghany	1	2	
52	Ashe	3	4	
53	Wilkes	4	6	

16

1	Yadkin	3	5	
2	Avery	3	~~4~~ 5	
3	Madison	4	5	
4	Mitchell	3	4	
5	Watauga	4	6	
6	Yancey	2	4	
7	Burke	4	7	
8	Caldwell	4	7	
9	Catawba	6	10	Hickory
10	Mecklenburg	15	~~26~~ 27	
11	Gaston	11	~~21~~ 22	
12	Cleveland	5	8	
13	Lincoln	4	7	
14	Buncombe	6	15	
15	Henderson	4	7	
16	McDowell	3	5	
17	Polk	3	4	
18	Rutherford	6	8	
19	Transylvania	2	4	
20	Cherokee	3	4	
21	Clay	1	2	
22	Graham	2	3	
23	Haywood	5	7	Canton
24	Jackson	3	4	
25	Macon	3	4	
26	Swain	2	3."	

17

CODE NO. 98AOC-H16.12A

Requested by: Representatives Justus, Kiser, Thompson

ASSISTANT PUBLIC DEFENDERS

Section 16.12. From funds appropriated to the Indigent Persons' Attorney Fee Fund for the 1998-99 fiscal year, the Administrative Office of the Courts may use up to one hundred thirty-four thousand four hundred fifteen dollars ($134,415) for salaries, benefits, equipment, and related expenses to establish up to three new assistant public defender positions.

CODE NO. 98AOC-H16.13-S

Requested by: Representatives Justus, Kiser, Thompson

ELIMINATE REQUIREMENT OF CERTIFIED MAIL NOTICE IN BAIL BOND FORFEITURE CASES

Section 16.13. G.S. 15A-544(b) reads as rewritten:

"(b) If the principal does not comply with the conditions of the bail bond, the court having jurisdiction must enter an order declaring the bail to be forfeited. If forfeiture is ordered by the court, a copy of the order of forfeiture and notice that judgment will be entered upon the order after 60 days must be served on each obligor. Service is to be made by the clerk mailing by ~~certified mail, return receipt requested,~~ first-class mail a copy of the order of forfeiture and notice to each obligor at each obligor's address as noted on the bond and note on the original the date of mailing. Service is complete three days after the mailing."

CODE NO. 98AOC-H16.15A

Requested by: Representatives Justus, Kiser, Thompson

EXTEND SUNSET ON DRUG TREATMENT COURT

Section 16.15. (a) Section 21.6(c) of Chapter 507 of the 1995 Session Laws reads as rewritten:

"(c) Subsection (a) of this section becomes effective July 1, 1995, and expires ~~June 30, 1998.~~ June 30, 1999. The remainder of this section becomes effective October 1, 1995."

CODE NO. 98AOC-H16.16A

Requested by: Representatives Justus, Kiser, Thompson

ADDITIONAL DISTRICT COURT JUDGES

Section 16.16. (a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	4	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	3	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	4	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	6	Sampson
		Duplin
		Jones
		Onslow
5	6	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	6	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	1	Warren
		(part of Vance
		see subsection (b))

1	10	~~12~~ 13	Wake
2	11	~~6~~ 7	Harnett
3			Johnston
4			Lee
5	12	8	Cumberland
6	13	5	Bladen
7			Brunswick
8			Columbus
9	14	5	Durham
10	15A	3	Alamance
11	15B	4	Orange
12			Chatham
13	16A	3	Scotland
14			Hoke
15	16B	5	Robeson
16	17A	2	Rockingham
17	17B	3	Stokes
18			Surry
19	18	11	Guilford
20	19A	3	Cabarrus
21	19B	~~5~~ 6	Montgomery
22			Moore
23			Randolph
24	19C	~~3~~ 4	Rowan
25	20	7	Stanly
26			Union
27			Anson
28			Richmond
29	21	7	Forsyth
30	22	8	Alexander
31			Davidson
32			Davie
33			Iredell
34	23	4	Alleghany
35			Ashe
36			Wilkes
37			Yadkin
38	24	4	Avery
39			Madison
40			Mitchell
41			Watauga
42			Yancey
43	25	~~7~~ 8	Burke
44			Caldwell
45			Catawba
46	26	14	Mecklenburg
47	27A	5	Gaston
48	27B	4	Cleveland
49			Lincoln
50	28	5	Buncombe
51	29	5	Henderson
52			McDowell
53			Polk

22

			Rutherford
			Transylvania
	30	4	Cherokee
			Clay
			Graham
			Haywood
			Jackson
			Macon
			Swain."

(b) The Governor shall appoint additional district court judges for District Court Districts 10, 11, 19B, 19C, and 25 as authorized by subsection (a) of this section. Those judges' successors shall be elected in the 2000 election for four-year terms commencing on the first Monday in December 2000.

(c) Subsection (a) of this section becomes effective on the later of:

(1) December 15, 1998;

(2) The date upon which the Governor has appointed all of the district court judges authorized under subsection (a) of this section; and

(3) As to a district where any county is subject to Section 5 of the Voting Rights Act of 1965, 15 days after the date upon which that subsection is approved under Section 5 of the Voting Rights Act.

23

CODE NO. 98AOC-H16.20A

Requested by: Representatives Justus, Kiser, Thompson

ADDITIONAL ASSISTANT DISTRICT ATTORNEYS

Section 16.20. (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	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	13
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	15
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	10
9A	Person, Caswell	4
10	Wake	28
11	Harnett, Johnston, Lee	14
12	Cumberland	17
13	Bladen, Brunswick, Columbus	9
14	Durham	12
15A	Alamance	7
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	9
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	26
19A	Cabarrus	5
19B	Montgomery, Moore, Randolph	11
19C	Rowan	5
20	Anson, Richmond, Stanly, Union	14
21	Forsyth	~~15~~ 17
22	Alexander, Davidson, Davie, Iredell	16

23	Alleghany, Ashe, Wilkes, Yadkin	5
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	14
26	Mecklenburg	32
27A	Gaston	12
27B	Cleveland, Lincoln	8
28	Buncombe	~~10~~ 11
29	Henderson, McDowell, Polk, Rutherford, Transylvania	11
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	7

(b) This section becomes effective December 1, 1998.

CODE NO. 98AOC-H001

Requested by: Representatives Justus, Thompson, Kiser

ADDITIONAL INVESTIGATORIAL ASSISTANTS

Section @. G.S. 7A-69 reads as rewritten:

"**§ 7A-69. Investigatorial assistants.**

The district attorney in prosecutorial districts 1, 3B, 4, 6B, 7, 8, 10, 11, 12, 13, 14, 15A, 15B, 18, 19B, 20, 21, 24, 25, 26, 27A, 27B, 28, 29, and 30 is entitled to one investigatorial assistant to be appointed by the district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

CODE NO. 98AOC-H002A

Requested by: Representatives Justus, Kiser, Thompson, Hardy

ADD TWO SPECIAL SUPERIOR COURT JUDGES/CLARIFY TERMS OF EXISTING SPECIAL SUPERIOR COURT JUDGES

Section @. (a) G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a3) Effective December 15, 1998, the Governor may appoint two special superior court judges to serve terms expiring five years from the date that each judge takes office. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to five-year terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

(b) G.S. 7A-45.1(a2) reads as rewritten:

"(a2) Effective December 15, 1996, the Governor may appoint four special superior court judges to serve terms expiring ~~December 14, 2001.~~ five years from the date that each judge takes office. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to five-year terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

CODE NO. 98AOC-H005

Requested by: Representatives Justus, Kiser, Thompson

REPORTS ON VACANT POSITIONS

Section @. The Judicial Department, the Department of Correction, the Department of Justice, and the Department of Crime Control and Public Safety shall each report by May 1 and December 1 of each year to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on all positions within that department that have remained vacant for twelve months or more. The report shall include the original position vacancy dates, the dates of any postings or repostings of the positions, and an explanation for the length of the vacancies.

Correction

CODE NO. 98CORR-H17A

Requested by: Representatives Justus, Kiser, Thompson

REALLOCATE LAND TO NC STATE UNIVERSITY

Section 17. The 17.4-acre tract of State-owned land adjacent to Schenck Forest that is described in the Memorandum of Agreement made in October 1992, by and between the North Carolina Department of Correction and North Carolina State University, is reallocated to North Carolina State University. The land shall be used for the purpose of teaching, research, and extension, including timber management practices, and forestry demonstration purposes associated with the North Carolina State University College of Forest Resources. North Carolina State University shall maintain this land in good condition according to current timber management practices, excluding commercial timber harvesting.

CODE NO. 98CORR-H17.1-S

Requested by: Representatives Justus, Kiser, Thompson

REPORT ON BOOT CAMPS

Section 17.1. Subsection (c) of Section 19 of Chapter 24 of the Session Laws of the 1994 Extra Session, as amended by Section 19.3 of Chapter 324 of the 1995 Session Laws, reads as rewritten:

"(c) The Department of Correction shall evaluate the IMPACT program and the post-Boot Camp probation program funded under this section and report by ~~January 1~~ March 1 of each year to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, and the Fiscal Research Division. The evaluation of the IMPACT program and the post-Boot Camp probation program shall ~~include a comparison of that program's effectiveness, cost, and recidivism rate to other corrections programs for offenders in the same age group and similar offense classes as that covered by the IMPACT program.~~ focus on the performance, behavior, and attitudes of the offenders while in the program. Specific topics shall include measures of participation and completion, data on completion of educational, substance abuse treatment, and community service programs, drug testing and probation revocation statistics, and the current status of IMPACT graduates. The evaluation shall also include any available information on the difference in outcome among offenders who attend the IMPACT program only, offenders who attend both the IMPACT program and aftercare, and similar offenders who receive other intermediate sanctions."

CODE NO. 98CORR-H17.2-S

Requested by: Representatives Justus, Kiser, Thompson

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

Section 17.2. Section 19(b) of S.L. 1997-443 reads as rewritten:

"(b) The Department of Correction may use funds appropriated to the Department for the 1997-99 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

Prior to the expenditure of more than the sum of six million five hundred thousand dollars ($6,500,000) for the 1997-98 fiscal year or more than the sum of ~~four million dollars ($4,000,000)~~ two million dollars ($2,000,000) for the 1998-99 fiscal year to reimburse counties for prisoners awaiting transfer, the Department of Correction and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental ~~Operations~~ Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the necessity of that expenditure."

CODE NO. 98CORR-H17.3A

Requested by: Representatives Justus, Kiser, Thompson

INMATE HOUSING FUNDS

Section 17.3. (a) The Department of Correction may use funds available to the Department for the 1998-99 fiscal year to contract for prison beds to house inmates in local jails. Prior to the expenditure of more than the sum of three million dollars ($3,000,000) in additional funds authorized by this section to contract for local jail beds, the Department of Correction and the Office of State Budget and Management shall report to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the necessity of that expenditure.

(b) The Department of Correction and the Office of State Budget and Management shall report by December 1, 1998, to the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the status of contracts to house inmates in local jails, including the amount expended to date, the anticipated amount to be expended, and the dates each contract is expected to terminate.

CODE NO. 98CORR-H17.5-S

Requested by: Representatives Justus, Kiser, Thompson

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 17.5. Subsection (a) of Section 19.8 of S.L. 1997-443 reads as rewritten:

"(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, ~~grants~~ appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the ~~1997-98 fiscal year~~ 1997-99 biennium shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years. Appropriations not claimed or expended by the counties during the 1997-99 biennium shall be distributed as specified in G.S. 143B-273.15(1)."

CODE NO. 98CORR-H17.6-S

Requested by: Representatives Justus, Kiser, Thompson

PROGRESS REPORT/PERFORMANCE AUDIT OF DIVISION OF ADULT PROBATION AND PAROLE

Section 17.6. The Division of Adult Probation and Parole shall report to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and the Fiscal Research Division by January 1, 1999, on any actions taken or planned in response to the June 1, 1998, performance audit of the Division. The report shall include details on any changes in funding, classification, staffing levels, or organization structure that have occurred since the June 1 audit and should highlight those changes that are directly related to issues raised in the audit.

CODE NO. 98CORR-H17.7-S

Requested by: Representatives Justus, Kiser, Thompson

FUNDING OF PRISON ROAD SQUADS

Section 17.7. In preparing the continuation budget, the Office of State Budget and Management shall adjust the estimated receipts from the Highway Fund to the Department of Correction for the use of prison road squads to reflect only those costs authorized for reimbursement by G.S. 148-26.5.

CODE NO. 98CORR-H17.8-S

Requested by: Representatives Justus, Kiser, Thompson

INMATE COSTS

Section 17.8. Section 19.20 of S.L. 1997-443 reads as rewritten:

"Section 19.20. The Department of Correction may use funds available to the Department for the 1997-99 biennium to pay the cost of providing food and health care to inmates housed in the Division of Prisons ~~if:~~

~~(1) The prison population exceeds the December 1996 population projections of the North Carolina Sentencing and Policy Advisory Commission; and~~

~~(2)~~ ~~The~~ if the cost of providing food and health care to inmates is anticipated to exceed the continuation budget amounts provided for that purpose in this act.

Prior to making any expenditure authorized by this section, the Department of Correction shall report on its need to use these additional funds to the Joint Legislative Commission on Governmental Operations, ~~the Joint Legislative Corrections Oversight Committee, and~~ the Chairs of the House and Senate Appropriations ~~Committees.~~ Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

The Office of State Budget and Management, in consultation with the Department of Correction, shall (i) analyze the basis for increases in the cost of providing food service and health care to inmates since the 1994-95 fiscal year, including an analysis of the major areas of expenditure growth, and an identification of major areas where cost-efficient actions have been taken, and (ii) determine future actions that will improve efficiency in the delivery of food service and health care to inmates. The Office of State Budget and Management shall report on the results of this study to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by February 15, 1999."

CODE NO. 98CORR-H17.9-S

Requested by: Representatives Justus, Kiser, Thompson

TITLE VII FUNDS/REPORT

Section 17.9. Section 19.18 of S.L. 1997-443 reads as rewritten:

"Section 19.18. The Department of Correction may use funds available to the Department during the ~~1997-98 fiscal year~~ 1997-99 biennium for payment to claimants as part of the settlement of the Title VII lawsuit over the recruitment, hiring, and promotion of females in the Department. Prior to final settlement of the lawsuit, the Department shall report on the proposed settlement to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety."

CODE NO. 98CORR-H17.10-S

Requested by: Representatives Justus, Kiser, Thompson

DIRECT CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO REVISE HIRING AND RECORD-KEEPING PROCEDURES FOR EMPLOYEES OF DEPARTMENT OF CORRECTION

Section 17.10. (a) Section 19.28 of S.L. 1997-443 reads as rewritten:

"Section 19.28. No later than ~~June 30, 1998,~~ October 1, 1998, the Criminal Justice Education and Training Standards Commission shall reestablish the hiring and record-keeping procedures for the employment of certified positions in the Department of Correction."

(b) The Criminal Justice Education and Training Standards Commission shall report by October 1, 1998, to the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, on its progress in complying with the provisions of this section.

(c) This section becomes effective June 30, 1998.

CODE NO. 98CORR-H17.11A

Requested by: Representatives Justus, Kiser, Thompson

FEDERAL GRANT MATCHING FUNDS

Section 17.11. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of eight hundred seventy-five thousand dollars ($875,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds.

CODE NO. 98CORR-H17.12A

Requested by: Representatives Justus, Kiser, Thompson

SUBSTANCE ABUSE FUNDS

Section 17.12. (a) Of the four hundred sixty-seven thousand eight hundred six dollars ($467,806) appropriated in S.L. 1997-443 to the Department of Correction for the 1997-98 fiscal year to be allocated to the DART/DWI aftercare program at Cherry Hospital, the sum of one hundred thousand dollars ($100,000) shall not revert at the end of the fiscal year but shall remain available to the Department during the 1998-99 fiscal year to be used for the purchase of hardware and software needed to implement an offender and inmate tracking and program evaluation system for the Substance Abuse Program. These funds may not be expended until the Department has developed a plan for this new system and reported on the plan to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

(b) Of the funds appropriated to the Department of Correction for the 1998-99 fiscal year, the Department may use up to the sum of three hundred nineteen thousand seven hundred fifteen dollars ($319,715) for DART/DWI aftercare.

(c) The Department of Correction shall report by March 1 of each year to the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on their efforts to provide effective treatment to offenders with substance abuse problems. The report shall include:

(1) Details of any new initiatives and expansion or reduction of programs;

(2) Details on any treatment efforts conducted in conjunction with other departments;

(3) Utilization of the DART/DWI program, including its aftercare program;

(4) Progress in the development of an offender and inmate tracking and program evaluation system; and

(5) A report on the number of current inmates with substance abuse problems, the number of inmates currently receiving treatment, the number of these inmates who are receiving treatment for a second or subsequent time, and the numbers who have completed treatment. As an offender and inmate tracking

system becomes operational, this report shall also include information on the recidivism of inmates who have previously completed substance abuse treatment and been released from prison.

CODE NO. 98CORR-H17.13A

Requested by: Representatives Justus, Kiser, Thompson

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 17.13. The Post-Release Supervision and Parole Commission shall report by March 1, 1999 to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and upon request of the Joint Legislative Corrections and Crime Control Oversight Committee after March 1, 1999 on:

(1) The Commission's progress in reviewing cases requiring review in light of the decision of the North Carolina Supreme Court in **Robbins v. Freeman**; and

(2) An updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 1999-2000 fiscal year over the 1998-99 fiscal year.

CODE NO. 98CORR-H17.14-S

Requested by: Representatives Justus, Kiser, Thompson

PRIVATE PRISON CONTRACTS

Section 17.14. If the Department of Correction determines, in consultation with the Attorney General's Office, the Office of State Budget and Management, and the Corrections Corporation of America, that it is appropriate to modify the terms of the contracts for the leasing and operation of one or both of the two private confinement facilities in Pamlico and Avery/Mitchell, the Department may use funds available to the Department for the 1998-99 fiscal year to modify the lease contract and the operating agreement as necessary. Prior to taking actions or obligating funds as authorized by this section, the Department of Correction shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the justification for using available funds to modify the contracts.

CODE NO. 98CORR-H17.15A

Requested by: Representatives Justus, Kiser, Thompson

STUDY SPECIAL EDUCATION OBLIGATIONS OF DEPARTMENT OF CORRECTION

Section 17.15. The Joint Legislative Corrections and Crime Control Oversight Committee shall study the issue of limiting the obligations of the Department of Correction to provide special education and related services to incarcerated youth ages 18 through 21. The Committee shall consider the recent amendment to the federal Individuals with Disabilities Education Act (IDEA) that allows states to reduce the responsibility of their prisons to identify and serve inmates not previously identified and served in the public schools. The Committee shall report its findings and recommendations to the 1999 General Assembly.

CODE NO. 98CORR-H17.16A

Requested by: Representatives Justus, Kiser, Thompson

ADDITIONAL PRISON BEDS/PROVIDE THAT A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE SHALL BE IMPOSED FOR A SECOND OR SUBSEQUENT CONVICTION OF A CLASS B1 FELONY IF THERE ARE NO MITIGATING CIRCUMSTANCES AND THE VICTIM IS THIRTEEN YEARS OF AGE OR YOUNGER/ENHANCE THE PUNISHMENT IMPOSED FOR INJURING A PREGNANT WOMAN IN THE COMMISSION OF A FELONY, ACT OF DOMESTIC VIOLENCE, OR UNLAWFUL OPERATION OF A MOTOR VEHICLE CAUSING A MISCARRIAGE OR STILLBIRTH/INCREASE THE PENALTY FOR CRUELTY TO ANIMALS

Section 17.16. (a) Article 81B of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-1340.16B. Life imprisonment without parole for a second or subsequent conviction of a Class B1 felony.

(a) Notwithstanding the sentencing dispositions in G.S. 15A-1340.17, a person convicted of a Class B1 felony shall be sentenced to life imprisonment without parole if:

(1) The offense was committed against a victim who was 13 years of age or younger at the time of the offense;

(2) The person has one or more prior convictions of a Class B1 felony; and

(3) The court finds that there are no mitigating factors in accordance with G.S. 15A-1340.16(e).

(b) If the sentencing court finds that there are mitigating circumstances, then the court shall sentence the person in accordance with G.S. 15A-1340.17.

(c) A prior conviction of a Class B1 felony shall be proved in accordance with G.S. 15A-1340.14."

(b) Article 6 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-18.2. Injury to pregnant woman.

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

(1) Miscarriage. -- The interruption of the normal development of the fetus, other than by a live birth, and which is not an induced abortion permitted under G.S. 14-45.1, resulting in the complete expulsion or extraction from a pregnant woman of the fetus.

(2) Stillbirth. -- The death of a fetus prior to the complete expulsion or extraction from a woman irrespective of the duration of pregnancy and which

is not an induced abortion permitted under G.S. 14-45.1.

(b) A person who in the commission of a felony causes injury to a woman, knowing the woman to be pregnant, which injury results in a miscarriage or stillbirth by the woman is guilty of a felony that is one class higher than the felony committed.

(c) A person who in the commission of a misdemeanor that is an act of domestic violence as defined in Chapter 50B of the General Statutes causes injury to a woman, knowing the woman to be pregnant, which results in miscarriage or stillbirth by the woman is guilty of a misdemeanor that is one class higher than the misdemeanor committed. If the offense was a Class A1 misdemeanor, the defendant is guilty of a Class I felony.

(d) This section shall not apply to acts committed by a pregnant woman which result in a miscarriage or stillbirth by the woman."

(c) Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-141.5. Injury to pregnant woman by vehicle.**

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

(1) Miscarriage. -- The interruption of the normal development of the fetus, other than by a live birth, and which is not an induced abortion permitted under G.S. 14-45.1, resulting in the complete expulsion or extraction from a pregnant woman of the fetus.

(2) Stillbirth. -- The death of a fetus prior to the complete expulsion or extraction from a woman irrespective of the duration of pregnancy and which is not an induced abortion permitted under G.S. 14-45.1.

(b) Any person who in the unlawful operation of a motor vehicle commits a felony which causes a pregnant woman to suffer a miscarriage or stillbirth is guilty of a felony that is one class higher than the felony committed."

(d) G.S. 14-360 reads as rewritten:

"**§ 14-360. Cruelty to animals; construction of section.**

(a) If any person shall willfully overdrive, overload, wound, injure, ~~torture, torment,~~ or deprive of necessary sustenance, ~~cruelly beat, needlessly mutilate or kill~~ or cause or procure to be overdriven, overloaded, wounded, injured, ~~tortured, tormented,~~ or deprived of necessary sustenance, ~~cruelly beaten, needlessly mutilated or killed as aforesaid, any useful beast, fowl or~~ any

animal, every such offender shall for every such offense be guilty of a Class 1 misdemeanor. ~~In this section, and in every law which may be enacted relating to animals, the words "animal" and "dumb animal" shall be held to include every living creature; the words "torture," "torment" or "cruelty" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. Such terms shall not be construed to prohibit the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission.~~

(b) If any person shall willfully torture, torment, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, tormented, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal, every such offender shall for every such offense be guilty of a Class I felony. The word 'willfully', as used in this subsection, shall mean an act done intentionally, with bad motive or purpose and without justifiable excuse.

(c) In this section, the term 'animal' shall be held to include every domestic or otherwise useful animal. This section shall not apply to animals under the jurisdiction and regulation of the Wildlife Resources Commission, lawful activities conducted for purposes of biomedical research or training, lawful activities for sport or other lawful entertainment, the production of livestock or poultry, or the lawful destruction of any animal for the purpose of protecting the public, other animals, the public health, or for lawful veterinary purposes."

(e) This section becomes effective December 1, 1998, and applies to offenses committed on or after that date.

CODE NO. 98CORR-H17.18A

Requested by: Representatives Justus, Kiser, Thompson

USE OF FEDERAL PRISON CONSTRUCTION GRANT FUNDS

Section 17.18. Section 19.22 of S.L. 1997-443 reads as rewritten:

"Section 19.22. The Department of Correction shall use federal grant funds received from the U.S. Justice Department as part of the Violent Offender Incarceration Program and the Truth-In-Sentencing Incentive Grant Program and any State funds appropriated for the further planning and design and construction of the following State prison facilities, provided that the project meets the criteria of the federal grant program:

Facility	Location	Number of Beds	Custody
Central Prison Diagnostic Center	Wake	196	Close
Warren Correctional Institution	Warren	168	Med/Close
Improvements to NCCIW	Wake	208	Med/Close
Scotland Facility	Scotland	712	Close
Alexander Facility (or replacement site)	Alexander	520	Close
Metro Facility	Charlotte Area	520	Close

~~No more than the sum of seventeen million five hundred thousand dollars ($17,500,000) in federal funds may be allocated to the Central Prison Diagnostic Center Project, the proposed revised Phase I of the Central Prison Master Plan, or the planning and design of the Warren, NCCIW, or Metro projects until federal funds have been allocated to complete the working drawings phase of planning and design for the Alexander and Scotland Close Custody Prison Facilities.~~

If the Department of Correction identifies a replacement for the Alexander Facility, the Department of Correction shall report on the site selected to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee.

Prior to major redesign or expansion of plans for Scotland, Alexander, and Metro, the Department of Correction shall report to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee.

The Department of Correction shall not initiate further construction on any of the projects listed in this section other than the Central Prison Diagnostic Center, which is already under contract, or on Central Prison Medical Center project until the Department reports to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee on the proposed construction plans and the short-term and long-term costs of the projects.

The Department of Correction shall report ~~quarterly~~ by October 1, 1998, to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, ~~to the Joint Legislative Commission on Governmental Operations and~~ the Joint Legislative Corrections and Crime Control Oversight Committee on the allocation of any federal funds received and of anticipated future federal grant funds."

CODE NO. 98CORR-H002

Requested by: Representatives Justus, Kiser, Thompson

REQUIRE INMATE ROAD SQUADS IN DAVIDSON COUNTY TO WEAR UNIFORMS IDENTIFYING THEM AS INMATES

Section @. The Department of Correction and the Department of Transportation shall require all inmate road squads, maintenance road squads, and community work crews working in Davidson County to wear horizontally striped uniforms with stripes of three inches in width and color-coded by inmate classification in a manner consistent with the color-coding used by Davidson County for its road squads.

CODE NO. 98CORR-H003

Requested by: Representatives Justus, Kiser, Thompson

REMOVE IMPACT AS OPTION FOR SPECIAL PROBATION

Section @. (a) G.S. 15A-1344(e) reads as rewritten:

"(e) Special Probation in Response to Violation. -- When a defendant has violated a condition of probation, the court may modify his probation to place him on special probation as provided in this subsection. In placing him on special probation, the court may continue or modify the conditions of his probation and in addition require that he submit to a period or periods of imprisonment, either continuous or noncontinuous, at whatever time or intervals within the period of probation the court determines. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the Rules and Regulations of the Department of Correction governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. If imprisonment is for continuous periods, the confinement may be in either the custody of the Department of Correction or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. Except for probationary sentences for impaired driving under ~~G.S. 20-138.1 and probationary sentences which include a period of imprisonment in the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) under G.S. 15A-1343(b1)(2a),~~ G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, may not exceed six months or one fourth the maximum sentence of imprisonment imposed for the offense, whichever is less. For probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. ~~For probationary sentences which include a period of imprisonment in the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) under G.S. 15A-1343(b1)(2a), the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed six months or~~

~~one-half the maximum term of the suspended sentence of imprisonment, whichever is less.~~ No confinement other than an activated suspended sentence may be required beyond the period of probation or beyond two years of the time the special probation is imposed, whichever comes first."

(b) G.S. 15A-1351(a) reads as rewritten:

"(a) The judge may sentence to special probation a defendant convicted of a criminal offense other than impaired driving under G.S. 20-138.1, if based on the defendant's prior record or conviction level as found pursuant to Article 81B of this Chapter, an intermediate punishment is authorized for the class of offense of which the defendant has been convicted. A defendant convicted of impaired driving under G.S. 20-138.1 may also be sentenced to special probation. Under a sentence of special probation, the court may suspend the term of imprisonment and place the defendant on probation as provided in Article 82, Probation, and in addition require that the defendant submit to a period or periods of imprisonment in the custody of the Department of Correction or a designated local confinement or treatment facility at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court determines. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the Rules and Regulations of the Department of Correction governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. If imprisonment is for continuous periods, the confinement may be in the custody of either the Department of Correction or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. Except for probationary sentences of impaired driving under ~~G.S. 20-138.1 and probationary sentences which include a period of imprisonment in the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) under G.S. 15A-1343(b1)(2a),~~ G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, may not exceed six months or one fourth the maximum sentence of imprisonment imposed for the offense, whichever is less, and no confinement other than an activated suspended sentence may be required beyond two years of conviction. For probationary sentences for impaired driving under G.S. 20-138.1,

the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. ~~For probationary sentences which include a period of imprisonment in the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) under G.S. 15A-1343(b1)(2a), the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed six months or one-half of the maximum term of the suspended sentence, whichever is less.~~ In imposing a sentence of special probation, the judge may credit any time spent committed or confined, as a result of the charge, to either the suspended sentence or to the imprisonment required for special probation. The original period of probation, including the period of imprisonment required for special probation, shall be as specified in G.S. 15A-1343.2(d), but may not exceed a maximum of five years, except as provided by G.S. 15A-1342(a). The court may revoke, modify, or terminate special probation as otherwise provided for probationary sentences."

(c) This section becomes effective December 1, 1998.

CODE NO. 98CORR-H004

Requested by: Representatives Justus, Kiser

ABOLISH EXECUTION BY LETHAL GAS AND PROVIDE THAT A PERSON CONVICTED OF A CRIMINAL OFFENSE WHO IS SENTENCED TO DEATH SHALL BE EXECUTED BY THE ADMINISTRATION OF LETHAL DRUGS

Section @. (a) G.S. 15-187 reads as rewritten:

"**§ 15-187. Death by administration of lethal ~~gas or~~ drugs.**

Death by electrocution under sentence of law ~~is hereby abolished~~ and death by the administration of lethal gas ~~substituted therefor, except that if any person sentenced to death so chooses, he may at least five days prior to his execution date, elect in writing to be executed by the administration of a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent.~~ under sentence of law are abolished. Any person convicted of a criminal offense and sentenced to death shall be executed only by the administration of a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent."

(b) G.S. 15-188 reads as rewritten:

"**§ 15-188. Manner and place of execution.**

~~Except as otherwise provided in~~ In accordance with G.S. 15-187, the mode of executing a death sentence must in every case be by ~~causing~~ administering to the convict or felon ~~to inhale lethal gas of sufficient quantity to cause death, and the administration of such lethal gas must be continued until such~~ a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent until the convict or felon is dead; and when any person, convict or felon shall be sentenced by any court of the State having competent jurisdiction to be so executed, ~~such~~ the punishment shall only be inflicted within a permanent death chamber which the superintendent of the State penitentiary is hereby authorized and directed to provide within the walls of the North Carolina penitentiary at Raleigh, North Carolina. The superintendent of the State penitentiary shall also cause to be provided, in conformity with this Article and approved by the Governor and Council of State, the necessary ~~appliances for the infliction of the punishment of death in accordance with the requirements of this Article.~~ appliances for the infliction of the punishment of death and qualified personnel to set up and prepare the injection, administer the preinjections, insert the IV catheter and to perform other tasks

required for this procedure in accordance with the requirements of this Article."

(c) This section is effective when it becomes law and applies to all executions after the effective date of this section.

Justice

CODE NO. 98ATTY-H012-S

Requested by: Representatives Justus, Kiser, Thompson

SALARY EQUITY FOR SBI LAW ENFORCEMENT

Section 18. Subsection (a) of Section 20.9 of S.L. 1997-443 reads as rewritten:

"(a) Of the funds appropriated in this act to the Department of Justice for the State Bureau of Investigation, the sum of two million seven hundred thousand dollars ($2,700,000) for the 1997-98 fiscal year and the sum of ~~two million seven hundred thousand dollars ($2,700,000)~~ two million six hundred sixty-six thousand dollars ($2,666,000) for the 1998-99 fiscal year shall be used to adjust the salaries of law enforcement positions in the State Bureau of Investigation. These adjustments shall be based on factors, such as employee salary, position class title, position grade, and credible years of sworn service with the State Bureau of Investigation. No salary adjustment shall result in an increase beyond the maximum salary set for an officer's pay grade. If an officer's salary is near or at the top of the officer's pay grade, the officer shall be eligible to receive a salary adjustment up to the top of the officer's pay grade. If an officer is at the top of the officer's pay grade, then the officer is not eligible to receive a salary adjustment. Sworn officers holding the following management positions are not eligible to receive the salary adjustment: SBI Director, SBI Assistant Directors of Support Services, SBI Assistant Director, SBI Assistant Directors of Field Services, SBI Assistant Director of Crime Laboratory, Deputy Director of Medicaid Fraud."

CODE NO. 98ATTY-H006-S

Requested by: Representatives Justus, Kiser, Thompson

LIMITS ON COMPUTER SYSTEM UPGRADE

Section 18.1. Section 20.4 of S.L. 1997-443 reads as rewritten:

"Section 20.4. Any ~~proposed increase in mainframe computer capacity or~~ major new computer system or major computer system upgrade for the Judicial Department, the Department of Correction, the Department of Justice, or the Department of Crime Control and Public Safety, to be funded all or in part from the Continuation Budget, shall be reported to the Joint Legislative Commission on Governmental Operations, to the Chairs of the Senate and House of Representatives Appropriations Committees, and to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety before the department enters into any contractual agreement. A major computer system upgrade includes any proposed enhancement, modification, or capacity increase to the computing and telecommunications infrastructure or to program applications where the total cost is anticipated to exceed five hundred thousand dollars ($500,000). This report is to be made jointly by the Information Resource Management Commission, the Office of State Budget and Management, and the requesting department."

CODE NO. 98ATTY-H007-S

Requested by: Representatives Justus, Kiser, Thompson

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 18.2. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by March 1, 1999, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards.

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board.

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point.

The membership of the Criminal Justice Information Network Governing Board established in G.S. 163-661 shall remain in effect for the 1998-99 fiscal year.

CODE NO. 98ATTY-H008-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY FEE ADJUSTMENT FOR CRIMINAL RECORDS CHECKS

Section 18.3. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal records checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal records checks. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal records checks and how those costs have changed since the 1995-96 fiscal year. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on or before March 1, 1999.

CODE NO. 98ATTY-H009-S

Requested by: Representatives Justus, Kiser, Thompson

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

Section 18.5. Section 20.7(a) of S.L. 1997-443 reads as rewritten:

"(a) Assets transferred to the Department of Justice during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections and Crime Control Oversight Committee upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended.

The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly, except during the ~~1997-98~~ 1998-99 fiscal year, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for SBI training; and

(2) Use an amount not to exceed fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle."

CODE NO. 98ATTY-H010-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY RECIPROCITY OF CONCEALED HANDGUN PERMITS

Section 18.4. (a) The Joint Legislative Corrections and Crime Control Oversight Committee shall study the issue of providing that a nonresident who has been issued a valid handgun permit in a reciprocal state may carry a concealed handgun in accordance with Article 54B of Chapter 14 of the General Statutes as if the permit were issued by this State. The Committee shall report its findings and recommendations to the 1999 General Assembly.

(b) The Attorney General shall prepare a list of those states that provide for concealed handgun permits that are equal to or more stringent than those required by North Carolina in order to assist the Joint Legislative Corrections and Crime Control Oversight Committee in its study.

CODE NO. 98ATTY-H011

Requested by: Representatives Justus, Kiser, Thompson

SBI USE OF COURT-ORDERED REIMBURSEMENT FUNDS

Section . Section 20.2 of S.L. 1997-443 reads as rewritten:

"Section 20.2. The State Bureau of Investigation (SBI) may use funds available from court-ordered reimbursement in undercover drug operations. Any funds received from the court may be budgeted upon receipt from the court and may be used in addition to any funds appropriated by the General Assembly."

Crime Control

CODE NO. 98CCPS-H002-S

Requested by: Representatives Justus, Kiser, Thompson

ACTIVATION OF NATIONAL GUARD FOR SPECIAL OLYMPICS

Section 19. With funds available, the Governor may place units or portions of units of the North Carolina National Guard on State Active Duty during the period from January 1, 1999, to September 30, 1999, to assist with the planning, support, and execution of events associated with the International Special Olympic Games.

CODE NO. 98CCPS-H003-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY TARHEEL CHALLENGE PROGRAM

Section 19.1. With funds available, the Department of Crime Control and Public Safety shall contract with an external consultant to study the effectiveness of the National Guard Tarheel Challenge Program as an intervention method for preventing delinquent or criminal behavior and improving individual skills and employment potential of the participants in the Program. The study shall include:

(1) An evaluation of the goals of the Program and long-term effects of participation in the Program;

(2) A comparison of the Program to (i) other similar programs that offer job training and behavior modification and (ii) a control group of students not participating in intervention programs; and

(3) A cost-benefit analysis of the Program.

The Department shall report the results of the study, including any recommendations, to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives by March 1, 1999.

CODE NO. 98CCPS-H004-S

Requested by: Representatives Justus, Kiser, Thompson

VICTIMS ASSISTANCE NETWORK REPORT

Section 19.2. The Department of Crime Control and Public Safety shall report on the expenditure of funds allocated in Section 21.1 of S.L. 1997-443 for the Victims Assistance Network. The Department shall also report on the Network's efforts to gather data on crime victims and their needs, act as a clearinghouse for crime victims' services, provide an automated crime victims' bulletin board for subscribers, coordinate and support activities of other crime victims' advocacy groups, identify the training needs of crime victims' services providers and criminal justice personnel, and coordinate training for these personnel. The Department shall submit its report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives and to the Joint Legislative Corrections and Crime Control Oversight Committee by October 1, 1998.

CODE NO. 98CCPS-H005-S

Requested by: Representatives Justus, Kiser, Thompson

USE OF HIGHWAY PATROL AIRCRAFT

Section 19.6. (a) G.S. 20-196.1 is repealed.

(b) G.S. 20-196.2 reads as rewritten:

"§ 20-196.2. Use of ~~airplanes~~ aircraft to discover certain motor vehicle ~~violations of §§ 20-138 to 20-171; testimony of pilots and observers;~~ violations; declaration of policy.

The State Highway Patrol is hereby permitted the use of ~~airplanes~~ aircraft to discover violations of Part 10 of Article 3 of Chapter 20 of the General Statutes relating to operation of motor vehicles and rules of the ~~road; provided, however, neither the observer nor the pilot shall be competent to testify in any court of law in a criminal action charging violations of G.S. 20-141, 20-141.1, and 20-144.~~ road. It is hereby declared the public policy of North Carolina that the ~~airplanes~~ aircraft should be used primarily for accident prevention and should also be used incident to the issuance of warning citations in accordance with the provisions of G.S. 20-183."

CODE NO. 98CCPS-H006-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY EMERGENCY MANAGEMENT POSITIONS

Section 19.7. (a) The Joint Legislative Corrections and Crime Control Oversight Committee shall study the State and local assistance funding eligibility criteria of the Division of Emergency Management of the Department of Crime Control and Public Safety that requires local governments to have a full-time or part-time Emergency Program Manager. In its deliberations, the Committee shall consider:

(1) The burden placed on local governments to maintain a full-time or part-time position pursuant to the funding eligibility requirements.

(2) The feasibility and advisability of revising the funding eligibility criteria of the Division of Emergency Management to allow small local governments to:

a. Share federal funds and an Emergency Program Manager; or

b. Add the responsibilities of an Emergency Program Manager to an appropriate official or employee of the local government.

(3) The feasibility and advisability of opening regional emergency management offices and allocating funds to regions rather than local governments.

(b) The Committee shall report its findings and recommendations to the 1999 General Assembly.

VISITOR REGISTRATION SHEET

APP./Justice & Public Safety — **July 13, 1998**

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Denise A. Sessoms	DOJ
Jan Lewis	SBI 3320 Casa Rd, Raleigh 27626
Hope Mazzia	DOT
[illegible]	DOT
Robert C. Watson	Office of the Governor
Stephanie Mansur	NC Assoc. of REALTORS
Bill Scoggin	NC Bar Assoc.
Elayne Bonds	AOC
[illegible]	AOC
Joe Hamilton	DOC
Gregg Stahl	DOC
Virginia Price	DOC
Lee Dorer	Conference of DAs
[illegible]	DSBM
[illegible]	CCPS

APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

July 14, 1998
Room 612

HOUSE MEMBERS PRESENT: [8] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Kinney, Redwine, Sexton, and Smith

Representative Thompson called the meeting to order at 8:45 AM and introduced the pages for today: Tenille Rachelle Barnes, Pitt County, Sponsor-Representative Dan Blue; Tera Call, Davidson County, Sponsor-Stephen Wood. Representative Thompson announced the committee would be finishing the Special Provision.

Representative Redwine explained : H006 - Increase Penalty For Domestic Criminal Trespass If The Trespass Is Committed Upon Property Operated As A Safe House For Victims Of Domestic Violence And The Person Trespassing Is Armed With A Deadly Weapon. (Attachment 1).

Representative Kiser moved the provision be adopted.

Rif Abuses Limited - H001, (Attachment 2); Jim Mills explained this provision. Representative Redwine agreed with Section a but did not agree with Section b. Representative Justus moved to strike Section b and accept the rest of the provision.

Drug Sales to Minors House Bill 162. (Attachment 3) Representative Kiser explained the Bill and it was being offered to be turned into a special provision. This will be made a special provision.

Study Disaster Mitigation and Relief Funding (Attachment 4). Representative Thompson explained this was to incorporate a study. Joe Stewart spoke on the issue. Representative Justus recommended the provision be included.

Representative Thompson announced the committee would continue review of Senate Justice and Public Safety Budget: (Attachment 5)

Charles Perusse, Fiscal Research proceeded with Attachment 5. He started on Page D1.

1. Reduce Salary Reserve Funds ($300,000) Representative Kiser recommended add the cut to $400,000. There was no objection.

2. Robeson Dispute Settlement Center Funds ($39,166). This amount was accepted.

3. Reduce Funds in Magistrates and Clerks Pay Plans ($1,106,059). This amount was accepted.

4. District Court Judges ($542,240R $70,224 NR). Representative Justus recommended cutting districts 4,7,12,14,26. The districts would be 10,11,19B,19C,25.

5. Judges Support Staff($153,704 R and $42,768 NR) Representative Justus recommended that the 8 be cut to 4. **Representative Thompson asked that if the 8 were funded could the placement of these be presented to the committee. Chris Marks AOC will provide this to the committee.**

6. Assistant and Deputy Clerks of Court ($479,295 R; $111,808 NR) Representative Justus recommended that the number of clerks and assistants be increased to 125 clerks and 10 assistant = 135. **Representative Justus asked for a list of where these would be placed if funded. Chris Marks will provide this information to the committee.**

7. Court Reporters in Superior Court ($54,726 R; $13,128NR). Representative Kiser suggested the 2 additional court reporters be deleted.

8. Assistant District Attorney ($40,408 R; $1,020 NR). Representative Justus suggested that an assistant District Attorney be added in Dist. 28 and 21 (2 positions in District 21) (1 in 28). The cost will be $120,000. Representative Redwine asked that item number 28 be taken up since it was going to be in JII Committee this morning. This was pertaining to HB 1470. Representative Kiser asked that this be worked out in JII and then it will be discussed in the committee.

9. Magistrate Positions ($104,958 R; $22,885 NR). Representative Kiser suggested that there be 7 additional positions and they be in the following counties: Avery, Brunswick, Forsyth, Gaston, Pitt, Currituck, Mecklenburg and half-time in Columbus. Representative Redwine asked that the ½ position in Columbus be eliminated.

10. Sentencing Commission Position ($37,656R; $59,756 NR). Representative Kiser suggested that the $50,000 be taken from contractual services.

11. Assistant PD's from Indigent Fund. ($0) Representative Justus suggested to make it 3 instead of 4 Assistant Public Defenders.

12. NC Business Court. ($33,213 R; $85,000 NR) Representative Justus suggested they accept the Senate provisions as given.

The meeting adjourned at 9:55 AM.

Representative Greg Thompson
Chairman

Edna Sykes
Committee Clerk

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday July 14, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus
Representative Joe Kiser
Representative Gregg Thompson, Presiding

II. PRESENTATIONS

- Additional Justice & Public Safety Special Provisions

Fiscal Research Division Staff

- Continue Review of Senate Justice & Public Safety Budget

Fiscal Research Division Staff
Departmental Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — July 14, 1998

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Denise A. Sessoms	DOJ
Buzz Humphrey	OSBM
David Ferrell	Hofer, McNamara, Caldwell et al
Hope Mayonga	DOT
Elaine Irwin	NCAOCR
Margaret Lexington	Wake Co Teen Court
Kirstin Frescoln	Wake Co Teen Court
BILL SCOGGIN	NC BAR ASSOC.
Jeanne Bonds	AOC
Chris Marks	AOC
Lou Rubsent	CYPC
Jay Stewart	CCPS
Peg Dorer	Conference of D.A.s
Robert C. Watson	Office of the Governor
EDDIE CALDWELL	NC Sheriffs Assn / NC Law Enf. Off Assn
Scott Brady	Mediation Network

CODE NO. 98CORR-H006

Requested by: Representatives Redwine, Justus, Kiser, Thompson

INCREASE PENALTY FOR DOMESTIC CRIMINAL TRESPASS IF THE TRESPASS IS COMMITTED UPON PROPERTY OPERATED AS A SAFE HOUSE FOR VICTIMS OF DOMESTIC VIOLENCE AND THE PERSON TRESPASSING IS ARMED WITH A DEADLY WEAPON

Section @ (a) G.S. 14-134.3 reads as rewritten:

"**§ 14-134.3. Domestic criminal trespass.**

(a) Any person who enters after being forbidden to do so or remains after being ordered to leave by the lawful occupant, upon the premises occupied by a present or former spouse or by a person with whom the person charged has lived as if married, shall be guilty of a misdemeanor if the complainant and the person charged are living apart; provided, however, that no person shall be guilty if said person enters upon the premises pursuant to a judicial order or written separation agreement which gives the person the right to enter upon said premises for the purpose of visiting with minor children. Evidence that the parties are living apart shall include but is not necessarily limited to:

(1) A judicial order of separation;

(2) A court order directing the person charged to stay away from the premises occupied by the complainant;

(3) An agreement, whether verbal or written, between the complainant and the person charged that they shall live separate and apart, and such parties are in fact living separate and apart; or

(4) Separate places of residence for the complainant and the person charged.

~~On~~ Except as provided in subsection (b) of this section, upon conviction, said person is guilty of a Class 1 misdemeanor.

(b) A person convicted of a violation of this section is guilty of a Class G felony if the person is trespassing upon property operated as a safe house or haven for victims of domestic violence and the person is armed with a deadly weapon at the time of the offense."

(b) This section becomes effective December 1, 1998, and applies to offenses committed on or after that date.

CODE NO. 98EMP-H001

Requested by: Representatives Redwine, Justus, Thompson, Kiser

RIF ABUSES LIMITED

Section @. G.S. 143-27.2 reads as rewritten:"**§ 143-27.2. Discontinued service retirement allowance and severance wages for certain State employees.**

(a) When the Director of the Budget determines that the closing of a State institution or a reduction in force will accomplish economies in the State Budget, he shall pay either a discontinued service retirement allowance or severance wages to any affected State employee, provided reemployment is not available. As used in this section, "economies in the State Budget" means economies resulting from elimination of a job and its responsibilities or from a lack of funds to support the job. In determining whether to pay a discontinued service retirement allowance or severance wages, the Director of the Budget shall consider the recommendation of the department head involved and any recommendation of the State Personnel Director. Severance wages shall not be paid to an employee who chooses a discontinued service retirement. Severance wages shall not be subject to employer or employee retirement contributions. Severance wages shall be paid according to the policies adopted by the State Personnel Commission.

Notwithstanding any other provisions of the State's retirement laws, any employee of the State who is a member of the Teachers' and State Employees' Retirement System or the Law-Enforcement Officers' Retirement System and who has his job involuntarily terminated as a result of economies in the State Budget may be entitled to a discontinued service retirement allowance, subject to the approval of the employing agency and the availability of agency funds. An unreduced discontinued service retirement allowance, not otherwise allowed, may be approved for employees with 20 or more years of creditable retirement service who are at least 55 years of age; or a discontinued service retirement allowance, not otherwise allowed, may be approved for employees with 20 or more years of creditable retirement service who are at least 50 years of age, reduced by one-fourth of one percent (1/4 of 1%) for each month that retirement precedes his fifty-fifth birthday. In cases where a discontinued service retirement allowance is approved, the employing agency shall make a lump sum payment to the Administrator of the State Retirement Systems equal to the actuarial present value of the additional

liabilities imposed upon the System, to be determined by the System's consulting actuary, as a result of the discontinued service retirement, plus an administrative fee to be determined by the Administrator.

The salary used to determine severance wages under this section, is the last annual salary except that if the employee was promoted within the previous twelve months, the last annual salary is that annual salary prior to the promotion. If the annual salary prior to the promotion is used, it shall be adjusted to account for any across-the-board legislative salary increases. Excluded from any calculation are any benefits such as but not limited to overtime pay, shift pay, holiday premium, or longevity pay.

(b) Any employee separated from State government and paid severance wages under this section shall not be employed under a contractual arrangement by the same department until 12 months have elapsed since the separation. This subsection does not affect any reduction in force rights that the employee may have."

ATTACHMENT 3

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 162*
Proposed Committee Substitute H162-PCS1591-LH001

Short Title: Drug Sales to Minors. (Public)

Sponsors:

Referred to:

February 13, 1997

A BILL TO BE ENTITLED

AN ACT TO INCREASE OR ESTABLISH CRIMINAL AND CIVIL PENALTIES FOR THE OFFENSES OF SELLING DRUGS TO A MINOR, HIRING OR INTENTIONALLY USING A MINOR TO COMMIT A DRUG LAW VIOLATION, AND PURCHASING OR RECEIVING DRUGS FROM A MINOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-95(e) reads as rewritten:

"(e) The prescribed punishment and degree of any offense under this Article shall be subject to the following conditions, but the punishment for an offense may be increased only by the maximum authorized under any one of the applicable conditions:

(1), (2) Repealed by Session Laws 1979, c. 760, s. 5.

(3) If any person commits a Class 1 misdemeanor under this Article and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be punished as a Class I felon. The prior conviction used to raise the current offense to a Class I felony shall not be used to calculate the prior record level;

(4) If any person commits a Class 2 misdemeanor, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a Class 1 misdemeanor. The prior conviction used to raise the current offense to a Class 1 misdemeanor shall not be used to calculate the prior conviction level;

(5) Any person 18 years of age or over who violates G.S. 90-95(a)(1) by selling or delivering a controlled substance to a person under 16 years of age but more than 13 years of age or a pregnant female shall be punished as a Class D felon. Any person 18 years of age or over who violates G.S. 90-95(a)(1) by selling or delivering a controlled substance to a person who is 13 years of age or younger shall be punished as a Class C felon. Mistake of age is not a defense to a prosecution under this section. It shall not be a defense that the defendant did not know that the recipient was pregnant;

(6) For the purpose of increasing punishment under G.S. 90-95(e)(3) and (e)(4), previous convictions for offenses shall be counted by the number of separate trials at which final convictions were obtained and not by the number of charges at a single trial;

(7) If any person commits an offense under this Article for which the prescribed punishment requires that any sentence of imprisonment be suspended, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a Class 2 misdemeanor;

(8) Any person 21 years of age or older who commits an offense under G.S. 90-95(a)(1) on property used for an elementary or secondary school or within 300 feet of the boundary of real property used for an elementary or secondary school shall be punished as a Class E felon. For purposes of this subdivision, the transfer of less than five grams of marijuana

for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1).

(9) Any person who violates G.S. 90-95(a)(3) on the premises of a penal institution or local confinement facility shall be guilty of a Class H felony."

Section 2. G.S. 90-95.4 reads as rewritten:

"**§ 90-95.4. Employing or intentionally using minor to commit a drug law violation.**

(a) A person who is at least 18 years old but less than 21 years old who hires or intentionally uses a minor to violate G.S. 90-95(a)(1) shall be guilty of a felony. An offense under this subsection shall be punishable as follows:

(1) If the minor was more than 13 years of age, then as a felony that is one class more severe than the violation of G.S. 90-95(a)(1) for which the minor was ~~hired.~~ hired or intentionally used.

(2) If the minor was 13 years of age or younger, then as a felony that is two classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was hired or intentionally used.

(b) A person 21 years of age or older who hires or intentionally uses a minor to violate G.S. 90-95(a)(1) shall be guilty of a felony. An offense under this subsection shall be punishable as follows:

(1) If the minor was more than 13 years of age, then as a felony that is ~~two~~ three classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was ~~hired.~~ hired or intentionally used.

(2) If the minor was 13 years of age or younger, then as a felony that is four classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was hired or intentionally used.

(c) Mistake of Age. Mistake of age is not a defense to a prosecution under this section.

(d) The term "minor" as used in this section is defined as an individual who is less than 18 years of age."

Section 3. G.S. 90-95.5 reads as rewritten:

"**§ 90-95.5. Civil liability - employing a minor to commit a drug offense.**

A person 21 years of age or older, who ~~hires or employs~~ hires, employs, or intentionally uses a person under 18 years of age to commit a violation of G.S. 90-95 is liable in a civil action for damages for drug addiction proximately caused by the violation.

The doctrines of contributory negligence and assumption of risk are no defense to liability under this section."

Section 4. Article 5 of Chapter 90 of the General Statutes is amended by adding the following new sections to read:

"**§ 90-95.6. Promoting drug sales by a minor.**

(a) A person who is 21 years of age or older is guilty of promoting drug sales by a minor if the person knowingly:

(1) Entices, forces, encourages, or otherwise facilitates a minor in violating G.S. 90-95(a)(1).

(2) Supervises, supports, advises, or protects the minor in violating G.S. 90-95(a)(1).

(b) Mistake of age is not a defense to a prosecution under this section.

(c) A violation of this section is a Class D felony.

"**§ 90-95.7. Participating in a drug violation by a minor.**

(a) A person 21 years of age or older who purchases or receives a controlled substance from a minor who possesses, sells, or delivers the controlled substance in violation of G.S. 90-95(a)(1) is guilty of participating in a drug violation of a minor.

(b) Mistake of age is not a defense to a prosecution under this section.

(c) A violation of this section is a Class F felony."

Section 5. This act becomes effective December 1, 1998, and applies to offenses committed on or after that date.

CODE NO. 98CCPS-H001

Requested by: Representatives Thompson, Sexton

STUDY DISASTER MITIGATION AND RELIEF FUNDING

Section @. The Department of Crime Control and Public Safety shall study the feasibility and advisability of establishing a disaster mitigation and relief fund to provide disaster relief and recovery assistance to individuals and local governments adversely affected by natural or man-made disasters through grants awarded to persons, corporations, nonprofit corporations, local governments, or other political subdivisions of the State. The Department shall consider and make recommendations regarding:

(1) Administration of the fund, including the membership of the body that establishes grant criteria and awards grants to applicants.

(2) Objectives and criteria for awarding grants, including the eligibility requirements are appropriate for obtaining grants.

(3) Limitations on the amount of funds to be awarded to individuals and private entities or corporations, including the requirement that grant recipients obtain and maintain insurance against future loss of the property to be replaced, restored, repaired, or constructed with the funds awarded.

(4) Guidelines for prioritizing the allocation of funds to serve the needs of those citizens of the State who cannot obtain financial assistance under any other State or federal program or from any other source and who do not have insurance, including consideration of whether grants should be awarded on a competitive basis only or should be distributed equally to local governments for disaster mitigation on an annual basis.

(5) The intended use of the funds awarded to local governments, including training, upgrade, and standardization of communications capabilities Statewide.

(6) Establishment of a system of damage assessment whereby the Secretary of the Department of Crime Control and Public Safety determines whether the damage involved and its effects are of a severity and magnitude as to be beyond the response

capabilities of the affected local government or political subdivision and makes recommendations regarding whether a grant should be awarded.

(7) The preferred method of funding a disaster mitigation and relief fund.

The Department shall report its recommendations and legislative proposals to the Joint Legislative Commission on Governmental Operations and to the Chairs of the House of Representative and Senate Appropriations Committees by March 1, 1999. A written copy of the report shall be sent to the Fiscal Research Division of the General Assembly by March 1, 1999.

Senate Subcommittee on Human Resources

Budget Changes	**$5,684,382**	**R**
	$48,438,400	**NR**
Total Position Changes	1.00	
Revised Total Budget	**$2,714,666,681**	

Judicial

GENERAL FUND

	FY 98-99
Total Budget Approved 1997 Session	**$327,102,308**

Budget Changes

1	**Reduce Salary Reserve Funds** Reduce Department's available salary reserve funds - these funds are generated by filling positions at a salary less than the budgeted salary authorized by the General Assembly.	($300,000)	R
2	**Robeson Dispute Settlement Center Funds** Eliminate state funds for the Robeson Dispute Settlement Center for FY 1998-99 since the Center discontinued providing services. The General Assembly will review the viability of the Center and determine whether it should continue receiving funds next year.	($39,166)	NR
3	**Reduce Funds in Magistrates and Clerks Pay Plans** Reduce funds needed to implement the magistrate ($363,960) and clerks ($742,099) pay plans. These reductions are possible because of updated salary figures and actions taken by the 1997 Session of the General Assembly.	($1,106,059)	R
4	**District Court Judges** Provide funds for 8 additional District Court Judges to be located in Districts ~~4~~, 7, 10, ~~11~~, ~~12~~, ~~14~~, 19C and ~~25~~. All positions are effective December 1, 1998.	$542,240 $70,224 8.00	R NR
5	**Judges Support Staff** Provide funds for 8 additional judicial assistant I positions effective December 1, 1998.	$153,704 $42,768 8.00	R NR
6	**Assistant and Deputy Clerks of Court** Provide funding for 4 assistant clerks and 25 deputy clerks effective December 1, 1998.	$479,295 $111,808 29.00	R NR
7	**Court Reporters in Superior Court** Provide funds to establish 2 additional court reporter positions effective December 1, 1998.	$54,726 $13,128 2.00	R NR
8	**Assistant District Attorney** Provide funds for an assistant district attorney to be located in District #30, effective December 1, 1998	$40,408 $1,020 1.00	R NR

9 Magistrate Positions — $104,958 R; $22,885 NR; 5.00

Provide funds for 5 additional magistrate positions to be located in Currituck, Pamlico, Mecklenburg and Wake Counties. Also provides funds for a half-time magistrate in Columbus County. All positions are effective December 1, 1998.

10 Sentencing Commission Position — $37,656 R; $59,756 NR; 1.00

Provide funding for a research and policy position to assist the Commission in meeting its additional duties. The position is effective December 1, 1998. Also provides $50,000 in contractual service funds to assist the Commission in evaluating correctional programs.

11 Assistant PD's from Indigent Fund — $0 R; $0 NR; 4.00

Allows the Department to transfer up to $179,220 in FY 1998-99 from the Indigent Persons' Attorney Fee Fund to establish 4 additional assistant public defenders. All positions are effective December 1, 1998.

12 North Carolina Business Court — $33,213 R; $85,000 NR; 1.00

Provides recurring funds for a judicial assistant I position and associated operating expenses effective October 1, 1998. Also provides nonrecurring funds to purchase furniture and equipment, and to establish an electronic court.

13 Transfer Indigent Funds for Capital Case Pilot — $0 R; $0 NR; 4.00

Allows the Department to transfer up to $180,040 from the Indigent Persons' Attorney Fee Fund to establish 2 assistant public defenders, 1 investigator, and 1 legal assistant, who work specifically on capital cases. All positions are effective December 1, 1998.

14 Public Defender Support Staff — $139,533 R; $19,161 NR; 6.00

Provide funds to establish 3 additional investigators and legal assistants effective December 1, 1998.

15 Arbitration Program — $200,000 R; $18,844 NR; 3.00

Provide funds for four 30-hour coordinator positions to expand the superior court arbitration program to 7 additional districts, effective December 1, 1998. The program would be operational in 37 of 45 superior court districts.

16 Custody Mediation Program — $300,000 R

Provide funds to expand the custody mediation program to 7 additional district court districts effective December 1, 1998. The program would be operational in 32 of 39 districts.

17 Community Penalties — $150,000 R; $9,205 NR; 1.00

Provide funds to create an accounting specialist position to assist local Community Penalties programs with fiscal management. Also provides $109,139 for local and state programs to expand and enhance their programs. The position is effective December 1, 1998.

18 Continue Drug Treatment Court Program — $62,716 R

The Drug Treatment Court Program began as a pilot in 1995 to allow the court system to closely supervise offenders addicted to drugs or alcohol. Funds are used for case-management and substance abuse treatment services. These nonrecurring funds continue the pilot programs in Mecklenburg, Wake, Person/Caswell, Warren and Forsyth, add a new program in Durham and expand programs in Mecklenburg, Wake and Vance Counties. The Program Administrator's position is funded with recurring funds.

$936,210 NR
2.00

19 Continue Civil Case Management Programs

Provide funds to continue pilot programs in Districts 13, 18, and 30, which assist district court judges with case management and setting of court calendars in civil cases.

$100,503 NR
3.00

20 Continue Bad Check Programs

Continues bad check programs in Columbus, Durham, and Rockingham Counties. These programs are designed to reduce the amount of time spent on prosecuting these cases, and to assist worthless check victims in recovering restitution.

$162,941 NR
5.00

21 Dangerous Offender Task Force — $200,000 R

Provide contractual funds for the Task Force located in District 10 which works to prosecute serious violent offenders more quickly. These funds would be used to establish 2 assistant district attorney and 2 investigator positions.

22 Guardian Ad Litem Attorney and Equipment Funds — $150,000 R

Provides funds to increase the rate paid to attorneys to assist in retaining experienced counsel. A portion of the nonrecurring funds will be used to replace 15 outdated computer systems in offices statewide.

$381,852 NR

23 Dispute Settlement Center Funds

Provide additional funds to the Chatham ($10,000), Cumberland ($10,000), Durham ($15,000), Eastern Carolina ($15,000), Moore ($20,000) and Wake ($15,000) Centers. Also provides $15,000 for the Mediation Network of North Carolina.

$100,000 NR

24 Teen Court Funds

Provides $20,000 for teen court programs in Guilford and Durham Counties and $15,000 in Wake County. Teen courts provide a peer review of juveniles who have committed non-violent misdemeanors and recommend different types of punishment, including community service and restitution.

$55,000 NR

25 Access to Civil Justice

Provide additional funds through the State Bar to Legal Services of North Carolina for representation of indigents in civil cases.

$1,000,000 NR

26	**Center for Death Penalty Litigation** Provide additional funds to the Center for Death Penalty Litigation which provides training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.	$500,000	NR
27	**Funds for Equipment and Supplies** Provide additional funds for general office equipment and supplies to be distributed statewide based on need.	$200,000	NR
28	**District Court Mediated Settlement Pilot** Provide funds to establish pilot programs in district court which assist in mediating equitable distribution, alimony, and child support issues.	$50,000	NR
29	**Reserve for Court Information Technology Plan** Provides $500,000 for contractual services to assist in developing a long range technology plan for the court system.	$500,000	NR
30	**Replace Computer Equipment / Network Upgrade** Provide funds to replace worn and outdated computer equipment for court offices statewide. Also provides funds to purchase hardware and software required to increase the capacity of the mainframe computer system.	$150,000 $950,000	R NR

Budget Changes	**$1,392,390** **$5,351,139**	R NR
Total Position Changes	83.00	
Revised Total Budget	**$333,845,837**	

Justice

GENERAL FUND

	FY 98-99
Total Budget Approved 1997 Session	**$67,165,852**

Budget Changes

31	**Reduce SBI Salary Equity Funds** Of the $2.7 Million appropriated for salary increases for SBI agents, $2.666 Million was allocated, leaving $34,000 for reduction.	($34,000)	R
32	**Appellate Section** Provide additional staff for the Appellate Section of the Criminal Division due to increased workload. Positions include 2 Attorney II's, 2 Attorney III's, a Paralegal and Program Assistant. All positions are effective November 1, 1998.	$209,170 $28,300 6.00	R NR
33	**Capital Litigation Unit** Funds to add 2 Attorney III's, 2 Attorney IV's and a Program Assistant to the Capital Litigation Unit in the Criminal Division. All positions are effective November 1, 1998.	$201,650 $37,500 5.00	
34	**Consumer Protection Division** Add 2 Consumer Protection Specialists, 2 Program Assistants, a Public Information Assistant and an Attorney II to the Consumer Protection Division due to increased number of citizen complaints and inquiries. All positions are effective November 1, 1998.	$143,341 $18,000 6.00	R NR
35	**Medicaid Fraud Unit** Provide state matching funds to add 2 Investigators, 2 Auditors, 1 Clerical and 1 Attorney II position to the Medicaid Fraud Division effective October 1, 1998. Federal funds cover 75% of the cost of these positions.	$53,198 $13,322 6.00	R NR
36	**Law Enforcement Technology Improvements/DCI Staff** Provide funds for 3 computer operators which will allow the Division of Criminal Information to provide 2 person coverage on all shifts. Also adds a database specialist to maintain increasingly complex criminal information databases. Also provides $57,000 to replace antiquated computers at Justice Academy East. All positions are effective November 1, 1998.	$107,315 $57,000 4.00	R NR

37	**Justice Academy Positions** Provide funds for 3 additional housekeeper / maintenance staff at the Justice Academy East effective November 1, 1998. Also provides $19,000 in recurring funds and $6,000 in nonrecurring funds to replace classroom furnishings on a rotating basis and to upgrade fire alarm systems.	$60,506 $6,000 3.00	R NR
38	**SBI Rent Adjustment** Funds to cover increased rental costs at District field offices located in Fayetteville, Greenville and Asheville.	$167,341	NR
39	**Environmental Division Staff** Add an Attorney II and Program Assistant to work on Marine Fisheries issues in Morehead City. Also establishes 2 Attorney II positions to assist on groundwater and water quality issues. All positions are effective November 1, 1998.	$147,224 $19,800 4.00	R NR
40	**CJIN Coordinator Funds** The Criminal Justice Information Network has been operating without full-time staff since its inception. These funds would support a full-time Information Systems Director effective November 1, 1998. Operating costs associated with the position would come from the CJIN Reserve.	$51,414 1.00	R
41	**NC LEAF Funds** Provide funding to the NC Legal Education Assistance Foundation to assist with loan repayment for public service attorneys.	$125,000	NR
42	**Criminal Justice Information Network—AFIS System** Funds to continue implementation of the Statewide Automated Fingerprint Identification System by placing live scan devices in additional counties.	$150,000	NR

Budget Changes	**$939,818** **$622,263**	R NR
Total Position Changes	35.00	
Revised Total Budget	**$68,727,933**	

Correction

GENERAL FUND

FY 98-99

Total Budget Approved 1997 Session **$867,817,472**

Budget Changes

43 Increase Operating Receipts/Reduce General Fund ($1,600,000) R

DOC estimates they will receive additional receipts in three programs, thus allowing a decrease in the General Fund budget:

(1) Federal Nutrition Programs ($450,000)

DOC received more receipts than anticipated from the federal program that provides free breakfast and lunch to youthful offenders (<21 years of age); a similar level of receipts is anticipated in 1998-99 allowing for a decrease in the General Fund.

(2) Medical Reimbursement from Counties ($600,000)

Counties pay the State to provide medical care for "safekeepers" that counties have requested DOC to hold in state prisons. These reimbursements have increased in 1997-98 and are anticipated to increase at the same level in 1998-99, allowing for a reduction in the General Fund.

(3) Federal Alien Reimbursement Funds ($550,000)

North Carolina receives federal funds to partially fund the cost of housing illegal aliens that are inmates in the North Carolina prison system. Receipts have increased allowing a reduction in the General Fund.

44 Reduce Non Personnel Line Items ($1,511,757) R

Reduce non-personnel line items in the following areas:

Division of Probation and Parole:
- Purchased services ($100,000)
- Supplies ($100,000)
- CJPP Contracts ($38,000)
- Phone,supplies, drug reagents in reserve for new officers ($150,000)

Reserve for Enhanced Criminal Penalties($135,000)

Division of Alcoholism & Chemical Dependency
- Supplies ($30,000)

Departmental Management
- Contractual services, office and computer supplies and equipment ($366,709)

Division of Prisons
- Computer Equipment ($392,048)

Reserve for New Beds
- Engineering/Construction Support ($200,000)

45 Staff Reductions--Division of Probation and Parole ($561,033) R

Reduce 11 positions due to Span of Control (4 Assistant Division Chiefs, 1 Deputy Director Position), reduced workload (2 Parole Hearing Officers) and changes in staffing patterns (4 Pre-Parole Investigators). -11.00

46 Increase Receipts from Correction Enterprises ($500,000) R

Correction Enterprises transfers a portion of the profits in the Enterprise Special Fund to the General Fund; by increasing the amount transferred from $1,060,000 per year to $1,560,000, the General Fund can be reduced (amount level since 1979-80 fiscal year).

47 Staff Reductions--Div of Alcoholism and Chem Depen ($250,000) R

Eliminate funding for 7 positions: 3 Supervisors, 1 Counselor, 1 Substance Abuse Worker and 2 Support Staff. -7.00

48 Staff Reduction--Department Management ($818,888) R

Abolish 3 support positions in Central Area Office due to consolidation; abolish 12 mid level managers in departmental management, area offices and institutions. -15.00

49 Eliminate Matching Funds for Federal Grants ($325,000) R

Since the amount of State funds needed to match federal grants fluctuates widely each year, the DOC is recommending eliminating the remaining appropriation and using other funding sources. The Senate budget recommends using profits from Correction Enterprises.

50 Reduce Staff at Parole Commission ($233,000) R

Reduce staff by 8 positions: 7 clerical and 1 analyst. These reductions are in response to declining workload and a study of the longterm needs of the Commission. This also reduces the supply budget to achieve a 10% reduction in the budget. -8.00

51 Support Vocational Teachers from Welfare Fund ($374,103) R

DOC has gradually been funding more education related positions and costs from the Inmate Canteen/Welfare Fund. This reduction would allow DOC to decrease the General Fund by funding one academic director and 6 teachers from the Inmate Fund.

52 Transfer of Inmate Canteen Fund Profits ($334,000) R

By increasing the amount of personal funds an inmate can draw down weekly ($35 to $40) and increasing the DOC profit margin on inmate purchases from the canteen (17% to 18%), receipts can be increased and the General Fund reduced.

53 Increase Receipts from Work Release Fund ($291,000) R

Inmates on work release pay the DOC $12.50 a day; this reduction is based on increasing that payment by $1 and reducing the General Fund.

54 Close Small Inefficient Prison Units ($3,048,365) R

The Government Performance Audit Committee (GPAC) recommended closing small inefficent prison units as sufficient prison beds become available. The recommended closings are based on the opening of new prisons and current prison population projections. Prisons would be closed in phases as new beds come on-line. The following units would close January 1, 1999: -188.00

Alamance	($485,889; 27 positions)
Alexander	($504,232; 27 positions)
Martin	($432,051; 24 positions)
Sandy Ridge	($427,657; 24 positions)

The following units would close February 1,1999:

Mecklenburg	($814,840; 60 positions)
Stokes	($383,696; 26 positions)

55 Reduce Inmate Costs for Closed Prison Units ($352,871) R

The Governor's budget reduction for closing GPAC prison units did not include inmate costs (e.g.food, medical); however, further reductions can be taken since there will be funding available due to additional prisons coming on line and slower growth in the prison population.

56 Reduction from Construction Delays ($12,226,442) NR

Changes in anticipated completion dates for new prisons will delay the need to hire staff at the Avery/Mitchell and Albemarle facilities which are currently under construction. Also pushes back the dates when the two private prison contracts begin (new start dates are 8/98 in Pamlico and 12/98 in Avery/Mitchell).

57	**Medical Staff for Central Prison and NCCIW** Funding to expand medical staff at Central Prison and NCCIW (Womens Prison). This includes 39 positions at NCCIW, 11 at Central, and one new Physician III Director for the Division of Prisons.	$1,740,563 51.00	R
58	**Criminal Justice Partnership Program** These funds restore some of the funding reduced from the program in 1996. This funding increases the appropriation for grants to county programs to $7.1 Million for 1998-99.	$500,000 $2,000,000	R NR
59	**Post Boot Camp Aftercare Program** The Post Boot Camp Aftercare program began as a pilot in 1996 and was continued with available funds in 1997-98. These funds will be used to continue programs in Forsyth, Mecklenburg, Nash/Edgecombe and New Hanover Counties and to expand to a 5th site on October 1, 1998.	$495,782	NR
60	**John Hyman Funds** Provides a one time grant of $62,500 to support the John Hyman Foundation's work in several northeastern counties with offenders with substance abuse problems.	$62,500	NR
61	**Stanly Correctional Center -- Conversion** Convert Stanly Correctional Center from medium to minimum custody to reduce operating costs.	($270,473) -23.00	R
62	**Union Correctional Center -- Conversion** Convert Union Correctional Center from medium to minimum custody to reduce operating costs.	($213,297) -15.00	R
63	**Summit House Facilities** Summit House is a residential community correction program for women offenders and their children in Guilford, Wake and Mecklenburg Counties. These funds will allow them to upgrade their facilities to meet licensing requirements, to do general repairs, and to eliminate outstanding mortgage debt.	$625,000	NR
64	**Probation and Parole Victim's Assistance Program** These funds continue pilot programs in Wake and Craven Counties which provide services to victims. Funds provide a victim's assistance coordinator and clerical position in each site to assist victims with restitution and obtaining information about the status of the offender. The pilots are currently funded with federal funds which expire June 30, 1998.	$143,287 4.00	NR
	Budget Changes	**($8,443,224)** **($8,899,873)**	**R** **NR**
	Total Position Changes	-212.00	
	Revised Total Budget	**$850,474,375**	

Crime Control and Public Safety

GENERAL FUND

	FY 98-99
Total Budget Approved 1997 Session	**$33,720,830**

Budget Changes

65	**Eliminate One Position in Crime Prevention** Eliminate one supervisory level position to improve the department's span of control.	($52,437) -1.00	R
66	**Reduce Equipment Funds in Emergency Management** Reduce the line item for equipment to reflect actual funds needed.	($9,556)	R
67	**Tarheel Challenge Program** Provide state matching funds for the National Guard Challenge program. The program will be funded on a 75% federal to 25% state match basis beginning in FY 1999.	$542,000	NR
68	**Air National Guard Maintenance Positions** Provide funds for the 25% state matching requirement for 4 new positions at expanded Air National Guard facilities. The positions are effective October 1, 1998.	$22,611 4.00	
69	**Alcohol Law Enforcement Position** Provide funds for an additional ALE officer in Wake County (District IV). The position is effective July 1, 1998.	$43,092 $31,516 1.00	R NR
70	**Airborne and Special Operations Museum** Provide funds to supplement funds received and/or committed to the Airborne and Special Operations Museum in Fayetteville. This museum will be dedicated to the men and women who have made sacrifices serving our country in Airborne and Special Operations units.	$2,000,000	NR
71	**Highway Patrol Automatic Salary Increase** Provide $2,787,596 in recurring funds from the Highway Fund for the portion of the Highway Patrol automatic salary increase which was inadvertently omitted from the continuation budget.	$0	R
72	**CJIN Hardware / Software** Provide $2,406,611 of nonrecurring funds from the Highway Fund to complete the third of four phases of the Mobile Data Network project. Funds will be used to install 38 transmitters in 23 counties. The Mobile Data Network is a component of the statewide Criminal Justice Information Network.	$0	NR

73 Additional Mobile Data Computers

Provide $2,249,812 in nonrecurring funds from the Highway Fund to purchase 234 additional mobile data computers for Highway Patrol cruisers. Use of the mobile data computers to access data contributes to the maximum use of the Mobile Data Network.

$0 NR

74 Additional Highway Patrol Troopers

$0 R

Provide $403,900 in recurring funds and $1,583,295 in nonrecurring funds from the Highway Fund for forty new troopers effective December 1, 1998. The department will provide the remaining $943,325 by reallocating 5 management positions.

$0 NR

75 State Highway Patrol Salary Schedule

$0 R

Provide $162,956 in recurring funds from the Highway Fund to increase the salary differential between First Sergeants and Lieutenants from 5% to 10%.

$0 NR

76 State Highway Patrol Helicopter Pad

Provide $75,000 in nonrecurring funds from the Highway Fund to purchase 2 acres of land in Union County for a helicopter pad.

$0 NR
0.00

Budget Changes	**$3,710**	**R**
	$2,573,516	**NR**
Total Position Changes	4.00	
Revised Total Budget	**$36,298,056**	

JUSTICE & PUBLIC SAFETY

July 15, 1998 Room 612

HOUSE MEMBERS PRESENT: [7] Representatives Justus, Thompson, Kiser, McCrary, Redwine, Sexton and Smith

The House Appropriations Subcommittee on Justice and Public Safety met on Wednesday, July 15, 1998 in Room 612 of the Legislative Office Building. Representative Kiser called the meeting to order at 4:13 PM and called on Elisa Wolper to continue the Senate Subcommittee on Justice and Public Safety, Budget Changes in Justice.

Ms. Wolper said she would continue with Item 31.

31 Reduce SBI Salary Equity funds - Senate took a $34,000 reduction and Representative Joe Kiser recommended a $32,460 reduction. Motion carried by the committee.

32 Consumer Protection Division - Senate granted full request of $209,170 recurring and $28,300 non recurring to provide additional staff for the Appellate Section of the Criminal Division due to increased workload. Positions are effective 11-1-98. Representative Larry Justus said we will need some additional recurring and non-recurring funds as we move in to other areas. I am requesting we reduce Appellate Section to one Attorney II, one Attorney III and one Paralegal effective 12-1-98 and staff adjust funds accordingly. Motion carried by the Committee.

Ms. Wolper said items 33 and 34 were top priority.

33 Capital Litigation Unit - Senate provided $201,650 recurring and $28,300 non recurring for 5 positions effective 11-1-98. Representative Larry Justus recommended to take away one Attorney III, one Attorney IV effective 12-1-98 and staff adjust money accordingly. Motion carried by the Committee.

34 Consumer Protection Division - Senate funded $143,341 recurring and $18,000 non recurring funds to add 2 Consumer Protection Specialists, 2 Program Assistants, a Public Information Assistant and an Attorney II to the Consumer Protection Division effective 11-1-98. Representative Greg Thompson recommended to cut back to three positions effective 12-1-98 and staff adjust funds accordingly. Motion carried by the Committee.

35 Medicaid Fraud Unit - Senate provided $53,198 recurring and $13,322 non recurring funds to add 6 positions to the Medicaid Fraud Division effective 10-1-98. Representative Larry Justus recommended 6 positions effective 12-1-98 and staff adjust funds accordingly. Motion carried by the committee.

36 Law Enforcement Technology Improvements/DCI Staff - Senate funded $107,315 recurring funds for six positions and $57,000 non recurring funds to replace antiquated computers at Justice Academy East. Positions are effective 11-1-98. Representative Larry Justus recommended 4 positions effective 12-1-98 and have staff adjust funds accordingly. Motion carried by the committee.

37 Justice Academy Positions - Senate funded $41,506 recurring funds to provide 3 positions at the Justice Academy East effective 11-1-98 and $19,000 recurring funds and $6,000 in non recurring funds to replace classroom furnishings on a rotating basis and to upgrade fire alarm systems. Representative Greg Thompson recommended providing funds for 3 housekeeping positions effective 12-1-98 and adjust funds accordingly and $3,000 non recurring funds for equipment. Motion carried by the committee.

38 SBI Rent Adjustment - Senate funded $167,341 non recurring funds to cover increased rental costs at District field offices located in Fayetteville, Greenville and Asheville. Representative Kiser recommended $167,341 non recurring funds. Motion carried by the committee.

39 Environmental Division Staff - Senate funded $147,224 recurring and $19,800 non recurring funds for 2 positions in Marine Fisheries and establish 2 Attorney II positions to assist on groundwater and water quality issues, effective 11-1-98. Representative Kiser recommended 4 positions effective 12-1-98 and staff adjust funds accordingly. Motion carried by the committee.

40 CJIN Coordinator Fund - Senate funded $51,414 recurring funds to support a full time Information Systems Director effective 11-1-98. Representative Joe Kiser recommended funding position effective 12-1-98 and staff adjust funds accordingly. Motion carried by the committee.

41 NC Leaf Funds - Senate funded $125,000 non recurring funds to assist with loan repayment for public service attorneys. Representative Larry Justus recommended no funding. Motion carried by the committee.

42 Criminal Justice Information Network - AFIS System - Senate funded $150,000 non recurring funds to continue implementation of the Statewide automated Fingerprint Identification System by placing live scan devices in additional counties. Representative Larry Justus recommended $650,000 non recurring funds to provide live scan devices in more counties. Motion carried by the committee.

Representative Kiser said there were a couple of items that we need answers to.

SBI Safe Neighborhood Initiative Program - Representative Greg Thompson recommended $125,000 recurring funds to fill position to run the Safe Neighborhood program and for office supplies. Motion carried by the committee.

SBI Lab Supplies, Equipment and Maintenance Agreement - Representative Joe Kiser asked staff to change provision to let the Director determine how the funds can be used. Representative Kiser recommended $225,000 recurring funds for lab supplies. Motion carried by the committee.

Representative Kiser asked if there were any additions to Justice.

Representative Larry Justus tentatively recommended $3.5 million non recurring funds to add a dormitory at Western Justice Academy. Motion carried by the committee.

Representative Kiser asked Marilyn Chism to come forward to present items on Crime Control and Public Safety.

Ms. Chism said she would start with items 65 in handout of Senate Subcommittee on Justice and Public Safety on Page D11. Ms. Chism said there were two reductions in the Governor's proposal.

65 Eliminate One Position in Crime Prevention - Senate recommended $52,437 recurring to eliminate one supervisory position. Representative Kiser recommended $52,437 recurring funds to keep position. Motion carried by the committee.

66 Reduce Equipment Funds in Emergency Management - Senate recommended $9,556 recurring funds to reduce the line item for equipment to reflect actual funds needed. Representative Larry Justus recommended a reduction of $10,000. Motion carried by the committee.

67 Tarheel Challenge Program - Senate recommended $542,000 non recurring funds to provide state matching funds for the National Guard Challenge Program. Representative Justus recommended $400,000 non recurring funds and to keep this in mind when we go to Conference. Motion carried by the committee.

68 Air National Guard Maintenance Positions - Senate recommended $22,611 recurring funds to provide funds for the 25% state matching requirement for 4 new positions at expanded Air National Guard facilities effective 10-1-98. Representative Joe Kiser recommended effective day of 12-1-98 with funds adjusted accordingly. Motion carried by the committee.

69 Alcohol Law Enforcement Position - Senate recommended $43,092 recurring and $31,516 non recurring funds to provide funds for additional ALE officer in Wake County with effective date of 7-1-98. Representative Joe Kiser recommended no funding. Motion carried by the committee.

70 Airborne and Special Operations Museum - Senate recommended $2 million non recurring funds to provide funds to supplement funds received and/or committed to the

Airborne and Special Operations Museum in Fayetteville. Representative Joe Kiser recommended $700,000 non recurring funding. Motion carried by the committee.

71 Highway Patrol Automatic Salary Increase - Provide $2,787,596 in recurring funds from the Highway Fund for the portion of the Highway Patrol automatic salary increase which was inadvertently omitted from the continuation budget. Senate recommended no funding. Representative Joe Kiser recommended no funding. Motion carried by the committee.

72 CJIN Hardware/Software - Provide $2,406,6ll of non recurring funds from the Highway Fund to complete the third of four phases of the Mobile Data Network project. Funds will be used to install 38 transmitters in 23 counties. Senate recommended no funding. Representative Kiser recommended no funding. Motion carried by the committee.

73 Additional Mobile Data Computers - Provide $2,249,812 in non recurring funds from the Highway Fund to purchase 234 additional mobile data computers for Highway Patrol cruisers. Senate recommended no funding. Representative Kiser recommended no funding. Motion carried by the committee.

74 Additional Highway Patrol Troopers- Provide $403,900 in recurring funds and $1,583,295 in non recurring funds from the Highway Fund for forty new troopers effective 12-1-98. The department will provide the remaining $943,325 by reallocating 5 management positions. Senate recommended no funding. Representative Larry Justus recommended 40 troopers if funds are available in budget. Motion carried by the committee.

75 State Highway Patrol Salary Schedule - Provide $162,956 in recurring funds from the Highway Fund to increase the salary differential between First Sergeants and Lieutenants from 5% to 10%. Senate recommended no funding. Representative Joe Kiser said this is included in the Senate Budget.

76 State Highway Patrol Helicopter Pad - Provide $75,000 in non recurring funds from the Highway Fund to purchase 2 acres of land in Union County for a helicopter pad. Senate recommended no funding. Representative Joe Kiser said this is included in the Senate Budget.

Representative Kiser asked committee if there were any new items of interest in this part of the budget.

Representative Sexton asked committee if it would be possible to help with the maintenance and tuition assistance with the National Guard.

Representative Greg Thompson recommended $500,0000 non recurring funds to help with maintenance and $300,000 non recurring for tuition assistance. Representative

Larry Justus made a motion to not have a limit on this if we can find the money. Motion carried by the committee.

Representative Kiser said we have some special provisions we need to go over before we adjourn.

Charles Perusse reported on reimbursement of out of state travel. Raise reimbursement pay to out of state witnesses to the same reimbursement that is used for other state employees. In talking with Administrative Office of Courts they said they did not think it would affect too many people and they could absorb any minimum cost with additional appropriation that you provide. Motion carried by the committee.

Elisa Wolper reported on Evaluation of Correction Programs. To do an expanded recidivism study of correctional programs. What shall be included in that study and when it will be reported. Motion carried by the committee.

Charles Perusse reported that the Administrative Office of Courts expansion budget would provide additional funds to the Judicial Department to upgrade computers and computer related problems. Set a cap of $500,000 that AOC could use in 98-99 and the department would report to you quarterly on expenditures that are used for this purpose. Motion carried by the committee.

Meeting adjourned at 6:00 PM.

Joe L. Kiser
Representative Joe L. Kiser
Chairman

Marilyn R. Holder
Committee Clerk

Attachments

Justice

GENERAL FUND

	FY 98-99
Total Budget Approved 1997 Session	**$67,165,852**

Budget Changes

31	**Reduce SBI Salary Equity Funds** Of the $2.7 Million appropriated for salary increases for SBI agents, $2.666 Million was allocated, leaving $34,000 for reduction.	($34,000)	R
32	**Appellate Section** Provide additional staff for the Appellate Section of the Criminal Division due to increased workload. Positions include 2 Attorney II's, 2 Attorney III's, a Paralegal and Program Assistant. All positions are effective November 1, 1998.	$209,170 $28,300 6.00	R NR
33	**Capital Litigation Unit** Funds to add 2 Attorney III's, 2 Attorney IV's and a Program Assistant to the Capital Litigation Unit in the Criminal Division. All positions are effective November 1, 1998.	$201,650 $37,500 5.00	R NR
34	**Consumer Protection Division** Add 2 Consumer Protection Specialists, 2 Program Assistants, a Public Information Assistant and an Attorney II to the Consumer Protection Division due to increased number of citizen complaints and inquiries. All positions are effective November 1, 1998.	$143,341 $18,000 6.00	R NR
35	**Medicaid Fraud Unit** Provide state matching funds to add 2 Investigators, 2 Auditors, 1 Clerical and 1 Attorney II position to the Medicaid Fraud Division effective October 1, 1998. Federal funds cover 75% of the cost of these positions.	$53,198 $13,322 6.00	R NR
36	**Law Enforcement Technology Improvements/DCI Staff** Provide funds for 3 computer operators which will allow the Division of Criminal Information to provide 2 person coverage on all shifts. Also adds a database specialist to maintain increasingly complex criminal information databases. Also provides $57,000 to replace antiquated computers at Justice Academy East. All positions are effective November 1, 1998.	$107,315 $57,000 4.00	R NR

37 Justice Academy Positions Provide funds for 3 additional housekeeper / maintenance staff at the Justice Academy East effective November 1, 1998. Also provides $19,000 in recurring funds and $6,000 in nonrecurring funds to replace classroom furnishings on a rotating basis and to upgrade fire alarm systems.	$60,506 $6,000 3.00	R NR
38 SBI Rent Adjustment Funds to cover increased rental costs at District field offices located in Fayetteville, Greenville and Asheville.	$167,341	NR
39 Environmental Division Staff Add an Attorney II and Program Assistant to work on Marine Fisheries issues in Morehead City. Also establishes 2 Attorney II positions to assist on groundwater and water quality issues. All positions are effective November 1, 1998.	$147,224 $19,800 4.00	R NR
40 CJIN Coordinator Funds The Criminal Justice Information Network has been operating without full-time staff since its inception. These funds would support a full-time Information Systems Director effective November 1, 1998. Operating costs associated with the position would come from the CJIN Reserve.	$51,414 1.00	R
41 NC LEAF Funds Provide funding to the NC Legal Education Assistance Foundation to assist with loan repayment for public service attorneys.	$125,000	NR
42 Criminal Justice Information Network—AFIS System Funds to continue implementation of the Statewide Automated Fingerprint Identification System by placing live scan devices in additional counties.	$150,000	NR
Budget Changes	**$939,818** **$622,263**	**R** **NR**
Total Position Changes	35.00	
Revised Total Budget	**$68,727,933**	

Crime Control and Public Safety

GENERAL FUND

	FY 98-99
Total Budget Approved 1997 Session	**$33,720,830**

Budget Changes

65	**Eliminate One Position in Crime Prevention** Eliminate one supervisory level position to improve the department's span of control.	($52,437) -1.00	R
66	**Reduce Equipment Funds in Emergency Management** Reduce the line item for equipment to reflect actual funds needed.	($9,556)	R
67	**Tarheel Challenge Program** Provide state matching funds for the National Guard Challenge program. The program will be funded on a 75% federal to 25% state match basis beginning in FY 1999.	$542,000	NR
68	**Air National Guard Maintenance Positions** Provide funds for the 25% state matching requirement for 4 new positions at expanded Air National Guard facilities. The positions are effective October 1, 1998.	$22,611 4.00	R
69	**Alcohol Law Enforcement Position** Provide funds for an additional ALE officer in Wake County (District IV). The position is effective July 1, 1998.	$43,092 $31,516 1.00	R NR
70	**Airborne and Special Operations Museum** Provide funds to supplement funds received and/or committed to the Airborne and Special Operations Museum in Fayetteville. This museum will be dedicated to the men and women who have made sacrifices serving our country in Airborne and Special Operations units.	$2,000,000	NR
71	**Highway Patrol Automatic Salary Increase** Provide $2,787,596 in recurring funds from the Highway Fund for the portion of the Highway Patrol automatic salary increase which was inadvertently omitted from the continuation budget.	$0	R
72	**CJIN Hardware / Software** Provide $2,406,611 of nonrecurring funds from the Highway Fund to complete the third of four phases of the Mobile Data Network project. Funds will be used to install 38 transmitters in 23 counties. The Mobile Data Network is a component of the statewide Criminal Justice Information Network.	$0	NR

73 Additional Mobile Data Computers

Provide $2,249,812 in nonrecurring funds from the Highway Fund to purchase 234 additional mobile data computers for Highway Patrol cruisers. Use of the mobile data computers to access data contributes to the maximum use of the Mobile Data Network.

$0 NR

74 Additional Highway Patrol Troopers

$0 R

Provide $403,900 in recurring funds and $1,583,295 in nonrecurring funds from the Highway Fund for forty new troopers effective December 1, 1998. The department will provide the remaining $943,325 by reallocating 5 management positions.

$0 NR

75 State Highway Patrol Salary Schedule

$0 R

Provide $162,956 in recurring funds from the Highway Fund to increase the salary differential between First Sergeants and Lieutenants from 5% to 10%.

$0 NR

76 State Highway Patrol Helicopter Pad

Provide $75,000 in nonrecurring funds from the Highway Fund to purchase 2 acres of land in Union County for a helicopter pad.

$0 NR
0.00

Budget Changes	**$3,710 R** **$2,573,516**
Total Position Changes	4.00
Revised Total Budget	**$36,298,056**

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — 7-15-98

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Denise A. Sessoms	DOJ
~~Susan Raber~~ DOT	
Warren Hughes	CSC, Vance County
Billy Hughes	
Lynne Winn	NCAOCR
Hope Mozingo	DOT
David Ferrell	Hafer, McNamara, Caldwell et al
BILL SCOGGIN	NC BAR ASSOC
Margaret Livingston	Wake County Teen Court
Krystan Frescoln	Wake Co. Teen Court
[illegible]	Summit House
Sue Stewart	CCPS
BUDDY HUMPHRIES	OSBM
[illegible]	NCAA
Lee Rutsum	CYC
Jeanne Bonds	AOC
Peg Dorer	Conference of District Attorneys
[illegible]	AOC
*PM SESSION	7-15-98 PM
Denise A. Sessoms	DOJ
Susan W. Raber	DOJ
Hope Mozingo	DOT
Ron Hensley	DOT

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Wednesday July 15, 1998 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus
Representative Joe Kiser, Presiding
Representative Gregg Thompson

II. PRESENTATIONS

- Continue Review of Senate Justice & Public Safety Budget; Judicial, Crime Control & Public Safety, Department of Justice, Correction

Fiscal Research Division Staff
Departmental Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

Special Investigation Funds
Eleven Year History

FY	Expenditures			Revenue	
	Certified	Authorized	Expended	Restitutions	Certified
FY88	787,643	897,643	874,412	171,001	-
FY89	787,643	990,143	975,369	179,558	-
FY90	788,026	915,526	893,787	131,867	-
FY91	788,026	888,026	872,186	114,466	-
FY92	588,026	738,026	600,791	156,329	-
FY93	588,026	698,026	679,816	129,091	-
FY94	628,026	703,026	676,119	111,991	40,000
FY95	588,026	671,085	671,075	141,221	-
FY96	588,026	586,524	585,724	146,725	170,847
FY97	588,026	587,808	587,807	143,604	170,847
FY98	588,026	700,298	699,683	128,766	170,847
Eleven year average	684,320	781,486	738,070	141,511	
Last five year average	598,026	649,748	644,482	134,461	
First five year average	747,873	885,873	843,309	151,044	

Source of Information:
Agency Management Report (BD701) for each fiscal year

Appropriations	Object
FY88-FY95	4920
FY96-FY98	535900001

Revenue	Object
FY88-FY95	0760
FY96-FY98	435500

7/13/98 18:06
dc

Attachment II
7-15-98

NC DEPARTMENT OF JUSTICE

PROJECT TITLE	PERIOD OF GRANT	TOTAL AMOUNT OF GRANT	FEDERAL AMOUNT & SOURCE	STATE AMOUNT & SOURCE	CONTACT PERSON	EMPLOYEES
MEDICAID FRAUD INVESTIGATION	10/01/97 TO 09/30/98	$1,929,053.00	75% $1,446,790.00 US OFFICE OF INSPECTOR GENERAL	25% $ 482,263.00 GENERAL FUND APPR.	CHRIS BREWER	20
TO DETECT, INVESTIGATE, AND PROSECUTE MEDICAID FRAUD AND PATIENT ABUSE BY PROVIDERS OF MEDICAL ASSISTANCE.						
CHILD SEXUAL ABUSE GRANT - AG OFFICE 170-296-003-H008	08/26/97 TO 06/30/98	$15,243.00	100% $ 15,243.00 CC&PS	$0.00	WANDA BRYANT	0
TO PROVIDE DIRECT ASSISTANCE TO CHILDREN WHO WERE SEXUALLY ABUSED WITH THE HELP OF TRAINED VOLUNTEERS.						
SBI/NCHIP AUTOMATED FINGERPRINT INFO SYSTEM (AFIS) 170-195-A-N001	12/01/95 TO 12/31/98	$2,445,255.	100% $2,445,255. CC&PS	$0.00	LARRY WILKE	0
A MAJOR GOAL OF THE SBI TO DEVELOP AFIS PROCESS THAT WILL PROVIDE THE IMMEDIATE & POSITION INDENTATION OF INDIVIDUALS AT THE POINT OF BOOKING.						
CD ROM TOWER INFORMATION 170-196-15-D093	07/01/96 TO 03/31/98	$54,153.00	75% $ 40,615.00 CC&PS	25% $ 13,538.00 ASSET FORFEITURE	IRVIN ALLCOX	0
TO PURCHASE A 21 CD-ROM TOWER TO STORE INFORMATION THAT CAN BE MADE QUICKLY AVAILABLE TO LAW ENFORCEMENT PERSONNEL.						
NCHIP PLAN PHASE II SBI-DCI 170-196-2A-F001	10/01/96 TO 12/31/98	$1,495,381.00	100% $1,495,381.00 CC&PS	$0.00	LARRY WILKE	0
TO IMPLEMENT A REAL-TIME, ON-LINE 24 HOUR POSITIVE IDENTIFICATION PROGRAM BY ELECTRONIC FINGERPRINT SYSTEM (EFIPS) FROM THE POINT OF BOOKING.						

PROJECT TITLE	PERIOD OF GRANT	TOTAL AMOUNT OF GRANT	FEDERAL AMOUNT & SOURCE	STATE AMOUNT & SOURCE	CONTACT PERSON	EMPLOYEES
DNA RESEARCH SBI-LAB 170-196-15A-D094	07/01/96 TO 09/30/98	TOTAL $ 91,786.00 1st Year $ 48,793.00 2nd Year $ 42,993.00	75% 1st Year $ 36,595.00 2nd Year $ 32,245.00 CC&PS	25% 1st Year $ 12,198.00 2nd Year $ 10,748.00 ASSET FORFEITURE	MARK NELSON	1-ended 2-98 0 - to -9-98
TO HIRE A POST-DOCTORAL PH.D. IN MOLECULAR BIOLOGY TO HELP THE BUREAU RESEARCH NEWER DNA TECHNOLOGIES.						
MITOCHONDRIAL DNA SBI-LAB 170-196-15A-D095	07/01/96 TO 09/30/98	TOTAL $172,000.00 1st Year $162,000.00 2nd Year $ 10,000.00	75% 1st Year $121,500.00 2nd Year $ 7,500.00 CC&PS	25% 1st Year $ 40,500.00 2nd Year $ 2,500.00 ASSET FORFEITURE	MARK NELSON	0
PURCHASE EQUIPMENT AND SUPPLIES FOR THE BEST DNA TESTING METHOD FOR IDENTIFICATION OF SKELETAL REMAINS, CHARRED REMAINS, AND TO TYPE SHED HAIR.						
DNA DATABASE SBI-LAB 170-196-15A-D092	07/01/96 TO 09/30/98	TOTAL $376,000.00 1st Year $246,000.00 2nd Year $130,000.00	75% 1st Year $184,500.00 2nd Year $ 97,500.00 CC&PS	25% 1st Year $ 61,500.00 2nd Year $ 32,500.00 ASSET FORFEITURE	MARK NELSON	0
USE OF NEWER, FASTER, AND LESS LABOR INTENSIVE DNA TECHNOLOGY TESTING OF SHORT TANDEM REPEAT (STP) SEQUENCES TO REDUCE THE 17,000 SAMPLE BACKLOG OF CONVICTED FELON SAMPLES RECEIVED FROM THE DEPT. OF CORRECTIONS THAT NOW ARE IN THE DNA DATABASE AND EXPECTED TO CONTINUE TO GROW BY 5,000 SAMPLES PER YEAR.						
NCSBI EVIDENCE HANDLING FIELD GUIDE 170-1-97-15A-D-187	07/01/97 TO 06/30/98	$45,000.00	75% $ 33,750.00 CC&PS	25% $ 11,250.00 ASSET FORFEITURE	ERIC R. HICKS	0
DEVELOP A NORTH CAROLINA STATE BUREAU OF INVESTIGATION (NCSBI) EVIDENCE HANDLING FIELD GUIDE FOR ALL SWORN LAW ENFORCEMENT OFFICERS WHO WORK WITHIN NORTH CAROLINA AND HANDLE EVIDENCE ON A ROUTINE BASIS.						

PROJECT TITLE	PERIOD OF GRANT	TOTAL AMOUNT OF GRANT	FEDERAL AMOUNT & SOURCE	STATE AMOUNT & SOURCE	CONTACT PERSON	EMPLOYEES
DATA SHARING STANDARDS DEVELOPMENT 170-1-97-15B-D-186	05/01/97 TO 06/30/98 07/01/98 TO 06/30/99	TOTAL $746,480.00 1st Year $382,690.00 2nd Year $363,790.00	75% 1st Year $ 287,017.00 2nd Year $ 272,843.00 CC&PS	25% 1st Year $ 95,673.00 2nd Year $ 90,947.00 GENERAL FUND	RONALD P. HAWLEY & JUDY BREEDEN	2
THE CJIN GOVERNING BOARD WILL FORM A DATA SHARING STANDARDS SUBCOMMITTEE WITH REPRESENTATION FROM EACH CJIN AGENCY, INCLUDING LOCAL LAW ENFORCEMENT, THE ADMINISTRATIVE OFFICE OF THE COURTS, DEPT. OF TRANSPORTATION, DEPT. OF CORRECTION, STATE BUREAU OF INVESTIGATION'S DIVISION OF CRIMINAL INVESTIGATION, AND THE STATE HIGHWAY PATROL.						
ELECTRONIC CRIME INVESTIGATION ENHANCEMENT 170-1-97-003-J-090	07/01/97 TO 06/30/98 (1 YEAR ONLY) Completed	$69,996.00	100% $ 69,996.00 CC&PS	$0.00	CURTIS L. ELLIS	0
PROVIDE THE SBI WITH NEW MULTI-MEDIA READY COMPUTERS WITH LARGE HARD DRIVES, CD ROMS, HIGH-RESOLUTION MONITORS, AS WELL AS SOFTWARE WHICH WILL ALLOW INVESTIGATORS TO THOROUGHLY SEARCH HARD DRIVES AND OTHER MEDIA.						
NC CRIME REPORTING REDESIGN 170-1-97-15B-D-193	07/01/97 TO 09/30/98 07/01/98 TO 06/30/99	TOTAL $1,800,704. 1st Year $ 1.200,098.00 2nd Year $600,606.00	75% 1st Year $ 900,073.50 2nd Year $ 450,454.50 CC&PS	25% 1st Year $ 300,024.50 2nd Year $ 150,151.50 FORFEITURE FUNDS	RONALD P. HAWLEY & DOUG KAPPLER	0
REDESIGN THE CURRENT CRIME REPORTING PROGRAM FROM A LEGACY SYSTEM TO A RELATIONAL DATA BASE, RESIDING ON A STAND ALONE SYSTEM.						
POLYMERIC SPECTROSCOPY GRANT 170-1-97-15A-D192	07/01/97 TO 06/30/98 07/01/98 TO 06/30/99	TOTAL $ 94,335.40 1st Year $ 52,364.74 2nd Year $ 41,970.66	75% 1st Year $ 39,273.56 2nd Year $ 31,478.00 CC&PS	25% 1st Year $ 13,091.18 2nd Year $ 10,492.66 FORFEITURE FUNDS	JOHN W. BENDURE	1
ENHANCEMENT OF WORK THAT WAS INITIATED IN JULY OF 1995 WHICH ENABLES THE TRACE EVIDENCE SECTION OF THE S.B.I. CRIME LABORATORY TO PURCHASE AN INFRARED MICROSCOPE AND A MICROSPECTROPHOTOMETER WHICH WERE TOOLS NECESSARY FOR A RESEARCH CHEMIST TO BEGIN WORK ON A COMPUTERIZED SPECTRAL DATABASE THAT WILL AUTOMATE THE SEARCH OF POLYMERIC MATERIAL STANDARDS.						

PROJECT TITLE	PERIOD OF GRANT	TOTAL AMOUNT OF GRANT	FEDERAL AMOUNT & SOURCE	STATE AMOUNT & SOURCE	CONTACT PERSON	EMPLOYEES
DARE SOUTHEAST TRAINING CENTER SBI-DARE	09/01/97 TO 08/31/98	$261,200.00	100% $ 261,200.00 DARE AMERICA FROM BUREAU JUSTICE ASSISTANCE	$0.00	HANDY GUNTER	2
TO SCHEDULE AND PROVIDE THE HIGHEST QUALITY D.A.R.E. OFFICER TRAINING AT THE MOST REASONABLE COST TO OFFICERS. THE ULTIMATE GOAL IS TO ELIMINATE DRUG ABUSE AMONG CHILDREN AND ALDOLESCENTS THROUGH A COHERENT COMPREHENSIVE CURRICULUM COMPETENT INSTRUCTORS AND COMMITTED COMMUNITY INVOLVEMENT.						
TRAFFIC ENFORCEMENT & INVESTIGATION INSTRUCTIONAL SUPPORT PT 98-06-09	10/01/97 TO 09/30/98	$40,000.00	100% $ 40,000.00. NC GOVERNOR'S HWY SAFETY PROGRAM	$0.00	ROBERT GARBETT	0
PROVIDE TRAINING AND MATERIALS FOR STANDARD FIELD SOBRITETY TRAINING AND ACCIDENT INVESTIGATION COURSES AT THE NC JUSTICE ACADEMY.						
MARIJUANA ERADICATION & SUPPRESSION OF ILLICIT MARIJUANA	01/01/98 TO 12/31/98	$110,000.00	100% $ 110,000.00. DRUG ENFORCEMENT ADMINISTRATION	$0	RAY EASTMAN	0
THE NCSBI, WILL, WITH ITS OWN LAW ENFORCEMENT PERSONNELL AND EMPLOYEES WILL PERFORM THE ACTIVITIES AND DUTIES DESCRIBED: GATHER & REPORT INTELLIGENCE DATA RELATING TO THE ILLICIT POSSESSION & DISTRIBUTION OF MARIJUANA INVESTIGATE & REPORT INSTACES INVOLVING TRAFFICKING IN CONTROLLED SUBSTANCES. AND EMPLOYEES AS HEREINAFTER SPECIFIED, PERFORMTHE ACTIVITES, AND DUTIES DESCRIBED ABOVE.						
GAS CHROMATOGRAPHY FOR DWI ANALYSIS	07/01/98 TO 06/30/99	$75,000.00	75% $56,250.00 CC & PS	25% $18,750.00 ASSET FORFEITURE	RICHARD WAGGONER	0
THIS PROJECT WILL ENABLE THE SBI CRIME LABORATORY TO ACQUIRE NEW GAS CHROMATOGRAPHS TO ANALYZE ALCOHOL IN BLOOD SAMPLES OBTAINED FROM SUSPECTED DWI DRIVERS.						

PROJECT TITLE	PERIOD OF GRANT	TOTAL AMOUNT OF GRANT	FEDERAL AMOUNT & SOURCE	STATE AMOUNT & SOURCE	CONTACT PERSON	EMPLOYEES
CJIN-SAFIS	07/01/98 TO 06/30/98	$3,000,000.00	'75% $2,250,000.00 CC&PS	25% $750,000.00 CJIN	LARRY WILKIE	0
THE MAJOR GOAL OF THIS PROJECT IS TO CONTINUE THE PHASED PLACEMENT OF AT LEAST ONE LIVE SCAN DEVICE IN EACH COUNTY WITH AN ELCTRONIC INTERFACE TO THE SAFIS IN RALEIGH.						
NC CRIME REPORTING REDESIGN PROJEC	07/01/98 TO 06/30/99	$600,000.00	75% $450,454.00 CC&PS	25% $150,152.00 GENERAL FUND/ASSET FORFEITURE	DOUG KAPPLER	0
THIS GRANT IS TO PROVIDE THE BALANCE OF PHASE TWO FOR FISCAL YEAR 1998-99						
DNA LABORATORY IMPROVEMENT	01/01/98 TO 12/31/98	$73,000.00	100% $73,000.00 USDOJ	$0	MARK NELSON	0
THIS IS FOR EQUIPEMENT AND SOFTWARD FOR TESTING DNA						
CHILD VICTIM ASSISTANCE PROGRAM TRAINING	02/01/98 TO 09/30/98	$11,439.00	100% $11,439.00 CC&PS	$0	WANDA BRYANT	0
THIS PROJECT WILL PROVIDE TRAINING TO ENSURE THAT THE DIRECTOR AND THE FIVE CHILD VICTIM ASSISTANTS. OF THE PROGRAM AND HAVE THE MOST CURRENT KNOWLEDGE AND SKILLS ON ISSUES RELATING TO CHILD VICTIMIZATION.						

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Thursday July 16, 1998 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. **CALL TO ORDER**

Chairmen: Representative Larry Justus, Presiding.
Representative Joe Kiser
Representative Gregg Thompson

II. **PRESENTATIONS**

- Review of Proposed House Justice and Public Safety 1998-99 Budget

Fiscal Research Division Staff

III. **COMMITTEE DISCUSSION/OTHER BUSINESS**

IV. **ADJOURNMENT**

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

July 16, 1998
ROOM 612

HOUSE MEMBERS PRESENT: [8] Representatives Justus, Thompson, Kiser, McCrary, Redwine, Sexton, Smith, and Crawford.

The House Appropriations Subcommittee on Justice and Public Safety met on Thursday, July 16, 1998, in Room 612 of the Legislative Office Building. Representative Justus called the meeting to order at 8:41 AM and introduced House Pages Kara Crocker from Wake County and Katie Webb from Haywood County.

Representative Justus explained that the Co Chairmen met with the Appropriations Chairmen last night and some money has been reallocated.

Jim Mills, Fiscal Staff, distributed Attachment 1 -- *Budget Changes*. Mr. Mills explained the following budget items:

1. Increase Operating Receipts/Reduce General Fund -- No Change
2. Reduce Non personnel Line Items -- No Change
3. Staff Reductions -- Division on Probation and Parole -- No Change
4. Increase Receipts from Correction Enterprises -- No Change
5. Staff Reductions -- Division of Alcoholism and Chemical Dependency -- No Change
6. Eliminate Matching Funds for Federal Grants -- No Change
7. Staff Reduction -- Department Management -- No Change
8. Reduce Staff at parole commission -- No Change
9. Support Vocational Teachers from Welfare Fund -- No Change
10. Increase Receipts from Work Release Fund -- No Change
11. Close Small Inefficient Prison Units -- Governor recommends closing nine units, Senate closed six units, and House closed three units. (Alamance, Stokes, Sandy Ridge stay open)
12. Reduce Inmate Costs for closed Prison Units -- Slight Change
13. Reduction from Construction Delays -- changed
14. Criminal Justice Partnership Program -- No Change
15. Post Boot Camp Aftercare program -- No Change
16. Program Assistant/Iredell Correctional Center -- No Change
17. Medical Staff for Central Prison and NCCIW -- No Change
18. Modular Unit/Henderson Correctional Center
19. Women at Risk -- Added to budget

20. Inmate Food and Medical Costs -- No Change

Marilyn Chism, Fiscal Staff, presented the changes in the Crime Control and Public Safety Budget.

21. Reduce Equipment Funds in Emergency Management -- No Change
22. Tarheel Challenge Program -- No Change
23. Upgrade Positions in Community Service Program $15,000.
24. Highway Patrol Automatic Salary Increase -- No Change
25. CJIN Hardware/Software -- No Change
26. Additional Mobile Data Computers -- No Change
27. Additional Highway Patrol Troopers -- Reduced from 60 to 40
28. National Guard Armory Maintenance Funds -- Additional $250,000
29. National Guard Tuition Assistance -- No Change
30. Air National Guard Maintenance Positions -- Change effective date to December 1.

Representative Justus recognized Charles Perusse, Fiscal Staff, to present the Judicial Section.

31. Reduce Salary Reserve Funds -- No Change
32. Robeson Dispute Settlement Center Funds -- No Change
33. Reduce Funds in Magistrates and clerks Pay Plans -- No Change
34. District Court Judges -- No Change
35. Special Superior Court Judges -- No Change
36. Judges Support Staff -- No Change
37. Court Reporters in Superior Court -- No Change
38. Assistant and Deputy Clerks of Court -- Adds 14 Deputy clerks
39. Assistant District Attorneys -- No Change
40. Sentencing Commission Position -- No Change
41. District Attorney Investigator Positions -- No Change
42. Magistrate Positions -- No Change
43. Assistant PD's from the Indigent Fund -- No Change
44. North Carolina Business Court -- No Change
45. Public Defender Support Staff -- No Change
46. Custody Mediation Program -- Should be 3.5 instead of 3.25
47. Arbitration Program -- No Change
48. Continue Drug Treatment Courts/Add 4 Programs -- No Change
49. Continue Civil Case Mgt. Programs/Add 2 Programs -- No Change
50. Continue Bad Check Pilots/Add 2 Programs -- No Change
51. Dispute Settlement Center Funds --
52. Teen Court Funds -- No Change
53. Project Challenge Funds -- No Change
54. Reserve for Court Information Technology Plan -- No Change
55. District Court Mediated Settlement Pilot
56. Funds For Equipment and Supplies -- Increase from $550,000 to $611,000

57. Replace Computer Equipment/Network Upgrade -- Increase 2.4 million to 3.65 million

Representative Justus recognized Alicia Wolper, Fiscal Staff, to present changes in the Department of Justice.

58. Eliminate Vacant Positions in Citizens Rights -- No Change
59. Reduce SBI Salary Equity -- No Change
60. Appellate Section -- No Change
61 Capital Litigation Unit -- No Change
62 Consumer Protection Division -- No Change
63. Medicaid Fraud Unit -- No Change
64. Division of Criminal Information Staff -- No Change
65. Justice Academy Positions -- No Change
66. SBI Rent Adjustment -- No Change
67. Environmental Division Staff -- No Change
68. CJIN Coordinator Funds -- No Change
69. Criminal Justice Information Network –AFIS System -- increase $650,000
70. SBI Crime Lab Scientific Supplies -- Increase form $225,000 to $230,000

Representative Kiser moved the accept these changes. Motion carried.

Additional Special Provisions
Judicial

Charles Perusse, Fiscal Staff, presented new special provisions in Attachment 2.
Mr. Perusse stated that pages 1 through page 20 are the same. The new special provisions are:
Page 22 Appointment of Judges, five by the Speaker and five by the Pro Tempore.

Mr. Perusse continued that Pages 29 - 37 were discussed yesterday.

Corrections

Jim Mills, Fiscal Staff, covered new or changed special provisions pertaining to the Department of Corrections:

Page 38 -- The House Special Provision requires that the transfer go through Council of State and Governmental Operations. This Special Provision also allows for timber management practices.
Page 69 -- This Special Provision requires the Department of Corrections and the Department of Justice to consult on the required report.

Justice

Elisa Wolper, Fiscal Research Team, presented the Department Of Justice Special Provision Changes.

Page 72 -- Salary Equity for Law Enforcement. This provision corrected the money amount.
Page 80 -- SBI/Spending Priorities -- added laboratory employees.

Crime Control and Public Safety

Page 89 -- Community Service Noncompliance Report.

Representative Redwine asked that Representative Baddour's name added to the special provision on page 32. The motion carried.

Representative Sexton made the motion that the report of the changes to the special provisions be accepted. Motion carried.

Representative Justus thanked the committee for the hard work done on this budget. He added that the chairmen will work to retain the requests by committee members in the budget. Representative Justus told the committee to notify Sean Dail if they would like their name placed on any special provision.

The meeting was adjourned at 9:15 AM.

Larry T. Justus
Representative Larry Justus
Chairman

Carolyn Justus
Carolyn Justus
Committee Clerk

ATT 1
2-16-98

House Subcommittee on Justice and Public Safety

Correction

GENERAL FUND

	FY 98-99
Total Budget Approved 1997 Session	**$867,817,472**

Budget Changes

1 Increase Operating Receipts / Reduce General Fund ($2,150,000) R

DOC estimates they will receive additional receipts in three programs, thus allowing a decrease in the General Fund budget:

(1) Federal Nutrition Programs ($475,000)

DOC received more receipts than anticipated from the federal program that provides free breakfast and lunch to youthful offenders (<21 years of age); a similar level of receipts is anticipated in 1998-99 allowing for a decrease in the General Fund.

(2) Medical Reimbursement from Counties ($675,000)

Counties pay the State to provide medical care for "safekeepers" that counties have requested DOC to hold in state prisons. These reimbursements have increased in 1997-98 and are anticipated to increase at the same level in 1998-99, allowing for a reduction in the General Fund.

(3) Federal Alien Reimbursement Funds ($1,000,000)

North Carolina receives federal funds to partially fund the cost of housing illegal aliens that are inmates in the North Carolina prison system. Receipts have increased allowing a reduction in the General Fund.

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2 Reduce Non Personnel Line Items ($1,938,000)

Reduce non-personnel line items in the following areas:

Division of Probation and Parole:
- Purchased services ($350,000)
- Supplies ($100,000)
- CJPP Contracts ($38,000)
- Phone, supplies, drug reagents in reserve for new officers ($150,000)

Reserve for Enhanced Criminal Penalties($135,000)

Division of Alcoholism & Chemical Dependency
- Supplies ($30,000)
- DART-DWI (Cherry) Aftercare ($135,000)

Departmental Management
- Contractual services, office and computer supplies and equipment ($400,000)

Division of Prisons
- Computer Equipment ($400,000)

Reserve for New Beds
- Engineering/Construction Support ($200,000)

3 Staff Reductions--Division of Probation and Parole ($561,033)

Reduce 11 positions due to Span of Control (4 Assistant Division Chiefs, 1 Deputy Director Position), reduced workload (2 Parole Hearing Officers) and changes in staffing patterns (4 Pre-Parole Investigators). -11.00

4 Increase Receipts from Correction Enterprises ($500,000) R

Correction Enterprises transfers a portion of the profits in the Enterprise Special Fund to the General Fund; by increasing the amount transferred from $1,060,000 per year to $1,560,000, the General Fund can be reduced (amount level since 1979-80 fiscal year).

5 Staff Reductions--Div of Alcoholism and Chem Depen ($250,000) R

Eliminate funding for 7 positions: 3 Supervisors, 1 Counselor, 1 Substance Abuse Worker and 2 Support Staff. -7.00

6 Eliminate Matching Funds for Federal Grants ($325,000) R

Since the amount of State funds needed to match federal grants fluctuates widely each year, the DOC is recommending eliminating the remaining appropriation and using other funding sources.

7 Staff Reduction--Department Management ($818,888) R

Abolish 3 support positions in Central Area Office due to consolidation; abolish 12 mid- level managers in departmental management, area offices and institutions. -15.00

8 Reduce Staff at Parole Commission ($233,000) R

Reduce staff by 8 positions: 7 clerical and 1 analyst. These reductions are in response to declining workload and a study of the long-term needs of the Commission. This also reduces the supply budget to achieve a 10% reduction in the budget. -8.00

9 Support Vocational Teachers from Welfare Fund ($374,103) R

DOC has gradually been funding more education related positions and costs from the Inmate Canteen/Welfare Fund. This reduction would allow DOC to decrease the General Fund by funding one academic director and 6 teachers from the Inmate Fund.

10 Increase Receipts from Work Release Fund ($436,500) R

Inmates on work release pay the DOC $12.50 a day; this reduction is based on increasing that payment by $1.50 to $14.00 a day and reducing the General Fund.

11 Close Small Inefficient Prison Units ($3,825,774) R

The Government Performance Audit Committee (GPAC) recommended closing small inefficient prison units as sufficient prison beds become available. The recommended closings are based on the opening of new prisons and current prison population projections. Prisons would be closed in phases as new beds come on-line. 280.00

The following units would close January 1, 1999:

Martin	($432,051; 24 positions)
Alexander	($504,232; 27 positions)

The following units would close February 1,1999:

Mecklenburg	($814,840; 60 positions)
Scotland	($494,657; 42 positions)
Stanly	($979,223; 72 positions)
Union	($600,771; 55 positions)

12 Reduce Inmate Costs for Closed Prison Units ($339,070) R

The Governor's budget reduction for closing GPAC prison units did not include inmate costs (e.g.food, medical); however, further reductions can be taken since there will be funding available due to additional prisons coming on line and slower growth in the prison population.

13 Reduction from Construction Delays

Changes in anticipated completion dates for new prisons will delay the need to hire staff at the Avery/Mitchell and Albemarle facilities which are currently under construction. Also pushes back the dates when the two private prison contracts begin (new start dates are 8/98 in Pamlico and 12/98 in Avery/Mitchell). ($16,073,706) NR

14 Criminal Justice Partnership Program $500,000 R

These funds restore some of the funding reduced from the program in 1996. This funding increases the appropriation for grants to county programs to $6.6 Million for 1998-99. $1,500,000 NR

15 Post Boot Camp Aftercare Program — $435,782 NR

The Post Boot Camp Aftercare program began as a pilot in 1996 and was continued with available funds in 1997-98. These funds will be used to continue programs in Forsyth, Mecklenburg, Nash/Edgecombe and New Hanover Counties.

16 Program Assistant / Iredell Correctional Center — $14,770 R

Funds add a Program Assistant I at the Iredell Unit effective December 1, 1998. — 1.00

17 Medical Staff for Central Prison and NCCIW — $1,740,563 R

Funding to expand medical staff at Central Prison and NCCIW (Womens Prison). This includes 39 positions at NCCIW, 11 at Central, and one new Physician III Director for the Division of Prisons. — 51.00

18 Modular Unit/Henderson Correctional Center — $350,000 NR

Provide funds to add a modular housing unit at the Henderson Correctional Center.

19 Women at Risk — $35,000 NR

Provide funds for the Women at Risk program to expand to Burke and Catawba counties. The program works with women on probation on substance abuse, psychological, family and employment issues.

20 Inmate Food and Medical Costs — $1,700,000

Provides one-time funding due to increased costs for food service delivery ($400,000) and medical care ($1,300,000) for inmates.

Budget Changes	**($9,496,035)**	R
	($12,052,924)	NR
Total Position Changes	291.00	
Revised Total Budget	**$846,268,513**	

	Recurring	NonRecurring
Reductions	-11,751,368	-16,073,706
Increases	2,255,333	4,020,782

Crime Control and Public Safety

GENERAL FUND

	FY 98-99
Total Budget Approved 1997 Session	**$33,720,830**

Budget Changes

21 Reduce Equipment Funds in Emergency Management Reduce the line item for equipment to reflect actual funds needed.	($10,000)	R
22 Tarheel Challenge Program Provide state matching funds for the National Guard Challenge program. The program will be funded on a 75% federal to 25% state match basis beginning in FY 1999.	$400,000	NR
23 Upgrade Positions in Community Service Program Funds to upgrade clerical positions to coordinator positions in the Community Service Work Program. The program currently has 131 coordinators.	$15,000	R
24 Highway Patrol Automatic Salary Increase Provide $2,787,596 in recurring funds from the Highway Fund for the portion of the Highway Patrol automatic salary increase which was inadvertently omitted from the continuation budget.	$0	R
25 CJIN Hardware / Software Provide $2,406,611 of nonrecurring funds from the Highway Fund to complete the third of four phases of the Mobile Data Network project. Funds will be used to install 38 transmitters in 23 counties. The Mobile Data Network is a component of the statewide Criminal Justice Information Network.	$0	NR
26 Additional Mobile Data Computers Provide $2,249,812 in nonrecurring funds from the Highway Fund to purchase 234 additional mobile data computers for Highway Patrol cruisers. Use of the mobile data computers to access data contributes to the maximum use of the Mobile Data Network.	$0	NR
27 Additional Highway Patrol Troopers Provide $403,900 in recurring funds and $1,583,295 in nonrecurring funds from the Highway Fund for forty new troopers effective December 1, 1998. The department will provide the remaining $943,325 by reallocating 5 management positions.		

28 National Guard Armory Maintenance Funds $750,000 NR

Provide funds for repair and maintenance of National Guard Armories. These funds will be used to address the National Guard's backlog of requests for repairs and maintenance of armories.

29 National Guard Tuition Assistance $300,000 NR

Provide funds to increase the amount and number of educational benefits for members of the National Guard.

30 Air National Guard Maintenance Positions $17,586 R

Provide funds for the 25% state matching requirement for 4 new positions at expanded Air National Guard facilities. The positions are effective December 1, 1998. 4.00

Budget Changes	**$22,586**	R
	$1,450,000	NR
Total Position Changes	4.00	
Revised Total Budget	**$35,193,416**	

	Recurring	NonRecurring
Reductions	-10,000	
Increases	32,586	1,450,000

Judicial

GENERAL FUND

	FY 98-99
Total Budget Approved 1997 Session	**$327,102,308**

Budget Changes

31 Reduce Salary Reserve Funds Reduce Department's available salary reserve funds - these funds are generated by filling positions at a salary less than the budgeted salary authorized by the General Assembly.	($400,000)	R
32 Robeson Dispute Settlement Center Funds Eliminate state funds for the Robeson Dispute Settlement Center for FY 1998-99 since the Center discontinued providing services. The General Assembly will review the viability of the Center and determine whether it should continue receiving funds next year.	($39,166)	NR
33 Reduce Funds in Magistrates and Clerks Pay Plans Reduce funds needed to implement the magistrate ($363,960) and clerks ($742,099) pay plans. These reductions are possible because of updated salary figures and actions taken by the 1997 Session of the General Assembly.	($1,106,059)	R
34 District Court Judges Provide funds for 10 additional District Court Judges to be located in Districts 4, 7, 10, 12, 14, 11, 19B, 21, 25 and 29. All positions are effective December 1, 1998.	$677,800 $87,780 10.00	R NR
35 Special Superior Court Judges Provide funds for 2 additional Special Superior Court Judges effective December 1, 1998.	$175,326 $20,316 2.00	R NR
36 Judges Support Staff Provide funds for 10 additional judicial assistant I positions effective December 1, 1998.	$192,130 $53,460 10.00	R NR
37 Court Reporters in Superior Court Provide funds to establish 8 additional court reporters effective December 1, 1998.	$218,904 $52,512 8.00	R NR
38 Assistant and Deputy Clerks of Court Provide funding for 10 assistant clerks and 139 deputy clerks effective December 1, 1998.	$2,427,057 $569,302 149.00	R NR
39 Assistant District Attorneys Provide funds for additional assistant district attorney positions to be located in Districts 21 and 28. All positions are effective December 1, 1998.	$121,224 $3,060 3.00	R NR

40 Sentencing Commission Position — $37,656

Provide funding for a research and policy position to assist the Commission in meeting its additional duties. The position is effective December 1, 1998. Also provides $50,000 in contractual service funds to assist the Commission in evaluating correctional programs.

$59,756 NR
1.00

41 District Attorney Investigator Positions — $55,282 R

Provide funds for district attorney investigator positions to be located in districts 13 and 19B. All positions are effective December 1, 1998.

$3,598 NR
2.00

42 Magistrate Positions — $144,430 R

Provide funds for 7 additional magistrate positions to be located in Avery, Brunswick, Currituck, Forsyth, Gaston, Mecklenburg, and Pitt Counties. Also provides funds for half-time magistrate in Columbus County. All positions are effective December 1, 1998.

$32,039 NR
7.00

43 Assistant PD's from the Indigent Fund — $0 R

Allows the Department to transfer up to $134,415 in FY 1998-99 from the Indigent Persons' Attorney Fee Fund to establish 3 additional assistant public defenders. All positions are effective December 1, 1998.

$0 NR
3.00

44 North Carolina Business Court — $33,213 R

Provides recurring funds for a judicial assistant I position and associated operating expenses effective October 1, 1998. Also provides nonrecurring funds to purchase furniture and equipment, lease and renovate office space, and establish an electronic court.

$180,000
1.00

45 Public Defender Support Staff — $48,343 R

Provides funds to establish 1 additional investigator and legal assistant effective December 1, 1998.

$6,490 NR
2.00

46 Custody Mediation Program — $150,000 R

Provide funds to expand the custody mediation program in district court. A portion of the funds would be used to establish two full time mediator and two 30-hour mediators effective December 1, 1998. The program currently operates in 25 of 39 districts.

3.25

47 Arbitration Program — $100,000 R

Provides funds to expand superior court arbitration programs. A portion of the funds would be used to upgrade three existing 20-hour coordinator positions to 30-hour positions and add two new 30-hour coordinator positions effective December 1, 1998. The program currently operates in 30 of 45 superior court districts.

$9,422 NR
2.25

48 Continue Drug Treatment Courts / Add 4 Programs

The Drug Treatment Court Program began as a pilot in 1995 to allow the court system to closely supervise offenders addicted to drugs or alcohol. Funds are used for case-management and substance abuse treatment services. These funds continue the existing programs in Mecklenburg, Wake, Person/Caswell, Warren, and Forsyth Counties, and add programs in Districts 13, 25, 27A, and 29.

$888,428 NR
2.00

49 Continue Civil Case Mgt Programs / Add 2 Programs

Provides funds to continue existing programs in Districts 13, 18, and 30, and adds new programs in Districts 27B and 29. These programs assist district court judges with case management and setting of court calendars in civil cases.

$149,621 NR
5.00

50 Continue Bad Check Pilots / Add 2 Programs

Continues existing bad check programs in Columbus, Durham, and Rockingham Counties, and establishes new programs in Wake and Lincoln Counties. These programs are designed to reduce the amount of time spent on prosecuting these cases, and to assist worthless check victims in recovering restitution.

$272,647 NR
9.00

51 Dispute Settlement Center Funds

Provides additional funds to the Alamance ($5,000), Albemarle ($18,000) Blue Ridge ($20,000), Cape Fear ($10,000), Piedmont ($20,000), and Transylvania ($10,000) Centers. Also provides $35,000 for the Mediation Network of North Carolina.

$118,000 NR

52 Teen Court Funds

Provides funds for teen court programs in Buncombe ($10,000), Guilford ($20,000), Onslow ($20,000), Duplin ($20,000) and Wake ($15,000) Counties. Teen courts provide a peer review of juveniles who have committed non-violent misdemeanors and recommend different types of punishment, including community service and restitution.

$85,000 NR

53 Project Challenge Funds

Provide funds for Project Challenge Inc, a nonprofit organization which provides alternative dispositions to delinquent or undisciplined juveniles in Districts 24, 25, 29, and 30. A portion of the funds would be used to expand the program to additional districts.

$200,000 NR

54 Reserve for Court Information Technology Plan

Provides $250,000 for contractual services to assist in developing a long range technology plan for the court system.

$250,000 NR

55 District Court Mediated Settlement Pilot

Provide funds to establish pilot programs in district court which assist in mediating equitable distribution, alimony, and child support issues.

$50,000 NR

56 Funds for Equipment and Supplies

Provide additional funds for general office equipment and supplies to be distributed statewide based on need.

$611,000 NR

57 Replace Computer Equipment / Network Upgrade $100,000

Provide funds to replace worn and outdated computer equipment for court offices statewide. Also provides funds to purchase hardware and software required to increase the capacity of the mainframe computer system. $3,650,000 NR

Budget Changes	**$2,975,306**	**R**
	$7,313,265	**NR**
Total Position Changes	219.50	
Revised Total Budget	**$337,390,879**	

	Recurring	NonRecurring
Reductions	-1,506,059	-39,166
Increases	4,481,365	7,352,431

Justice

GENERAL FUND

	FY 98-99	
Total Budget Approved 1997 Session	**$67,165,852**	
Budget Changes		
58 Eliminate Vacant Positions in Citizens Rights	($125,048)	R
Eliminate 3.5 vacant positions in the Safe Neighborhoods Initiative in the Citizens Rights Division. This leaves the program with $93,132.	-3.50	
59 Reduce SBI Salary Equity	($32,460)	R
Of the $2.7 million appropriated for salary increases for SBI agents in the 1997 Session, $2.676 was appropriated, leaving $32,460 for reduction.		
60 Appellate Section	$96,020	R
Provide additional staff for the Appellate Section of the Criminal Division due to increased workload. Positions include 1 Attorney II, 1 Attorney III and a Paralegal. All positions are effective December 1, 1998.	$14,150 3.00	NR
61 Capital Litigation Unit	$98,006	R
Funds to add 1 Attorney III, 1 Attorney IV and a Program Assistant to the Capital Litigation Unit in the Criminal Division. All positions are effective December 1, 1998.	$22,500 3.00	NR
62 Consumer Protection Division	$71,558	R
Funds add 1 Consumer Protection Specialist, 1 Program Assistant and 1 Attorney II to the Consumer Protection Division due to increased number of citizen complaints and inquiries. All positions are effective December 1, 1998.	$9,000 3.00	NR
63 Medicaid Fraud Unit	$41,736	R
Provide state matching funds to add 2 Investigators, 2 Auditors, 1 Clerical and 1 Attorney II position to the Medicaid Fraud Division effective December 1, 1998. Federal funds cover 75% of the cost of these positions.	$13,322 6.00	NR
64 Division of Criminal Information Staff	$93,896	R
Provide funds for 3 computer operators which will allow the Division of Criminal Information to provide 2 person coverage on all shifts. Also adds a database specialist to maintain increasingly complex criminal information databases. All positions are effective December 1, 1998.	4.00	

65 Justice Academy Positions $55,316

Provide funds for 3 additional housekeeper / maintenance staff at the Justice Academy East effective December 1, 1998. Also provides $19,000 in recurring funds and $3,000 in nonrecurring funds to replace classroom furnishings on a rotating basis and to upgrade fire alarm systems.

$3,000 NR
3.00

66 SBI Rent Adjustment

Funds to cover increased rental costs at District field offices located in Fayetteville, Greenville and Asheville. $167,341 NR

67 Environmental Division Staff $77,138 R

Add an Attorney II and an Attorney III to work on Marine Fisheries, groundwater, and other water quality issues. Both positions effective December 1, 1998.

$11,000 NR
2.00

68 CJIN Coordinator Funds $44,985 R

The Criminal Justice Information Network has been operating without full-time staff since its inception. These funds will support a full-time Information Systems Director effective December 1, 1998. Operating costs associated with the position would come from the CJIN Reserve.

1.00

69 Criminal Justice Information Network--AFIS System

Funds to continue implementation of the Statewide Automated Fingerprint Identification System by placing live scan devices in additional counties. $2,350,000 NR

70 SBI Crime Lab Scientific Supplies $230,000

These funds increase the annual budget for scientific supplies for the SBI Crime Lab to reflect increased cost of new forensic technologies, including DNA analysis.

Budget Changes	**$651,147**	R
	$2,590,313	NR
Total Position Changes	21.50	
Revised Total Budget	**$70,407,312**	

	Recurring	NonRecurring
Reductions	-157,508	
Increases	808,655	2,590,313

ATT. 2
7-16-98

DRAFT
FOR REVIEW ONLY

Judicial

CODE NO. 98AOC-H16A

Requested by: Representatives Justus, Kiser, Thompson

IRMC REVIEW OF AOC INFORMATION TECHNOLOGY PLANS/LONG-RANGE REPORT

Section 16. (a) G.S. 143B-472.41 reads as rewritten:

"**§ 143B-472.41. Information Resource Management Commission.**

(a) Creation; Membership. -- The Information Resource Management Commission is created in the Department of Commerce. The Commission consists of the following members:

(1) Four members of the Council of State, appointed by the Governor.

(1a) The Secretary of State.

(2) The Secretary of Administration.

(3) The State Budget Officer.

(4) Two members of the Governor's cabinet, appointed by the Governor.

(5) One citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(6) One citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(7) The Chair of the Governor's Committee on Data Processing and Information Systems.

(8) The Chair of the State Information Processing Services Advisory Board.

(9) The Chair of the Criminal Justice Information Network Governing Board.

(10) The State Controller.

(11) The Director of the Administrative Office of the Courts or the Director's designee.

Members of the Commission shall not be employed by or serve on the board of directors or other corporate governing body of any information systems, computer hardware, computer software, or telecommunications vendor of goods and services to the State of North Carolina.

The two initial cabinet members appointed by the Governor and the two initial citizen members appointed by the General Assembly

shall each serve a term beginning September 1, 1992, and expiring on June 30, 1995. Thereafter, their successors shall be appointed for four-year terms, commencing July 1. Members of the Governor's cabinet shall be disqualified from completing a term of service of the Commission if they are no longer cabinet members.

The appointees by the Governor from the Council of State shall each serve a term beginning on September 1, 1992, and expiring on June 30, 1993. Thereafter, their successors shall be appointed for four-year terms, commencing July 1. Members of the Council of State shall be disqualified from completing a term of service on the Commission if they are no longer members of the Council of State.

Vacancies in the two legislative appointments shall be filled as provided in G.S. 120-122.

The Commission chair shall be elected in the first meeting of each calendar year from among the appointees of the Governor from the Council of State and shall serve a term of one year. The Secretary of Commerce shall be secretary to the Commission.

No member of the Information Resource Management Commission shall vote on an action affecting solely his or her own State agency.

(b) Powers and Duties. -- The Commission has the following powers and duties:

(1) To develop, approve, and publish a statewide information technology strategy covering the current and following biennium that shall be updated annually and shall be submitted to the General Assembly on the first day of each regular session.

(2) To develop, approve, and sponsor statewide technology initiatives and to report on those initiatives in the annual update of the statewide information technology strategy.

(3) To review and approve biennially the information technology plans of the executive agencies and ~~to review and comment biennially on the information technology plans of~~ the Administrative Office of the Courts. This review shall include plans for the procurement and use of personal computers and workstations.

(4) To recommend to the Governor and the Office of State Budget and Management the relative priorities across executive agency information technology plans.

2

(5) To establish a quality assurance policy for all agency information technology projects, information systems training programs, and information systems documentation.

(6) To establish and enforce a quality review and expenditure review procedure for major agency information technology projects.

(7) To review and approve expenditures from appropriations made to the Office of State Budget and Management for the purpose of creating a Computer Reserve Fund.

(8) To develop and promote a policy and procedures for the fair and competitive procurement of information technology consistent with the rules of the Department of Administration and consistent with published industry standards for open systems that provide agencies with a vendor-neutral operating environment where different information technology hardware, software, and networks operate together easily and reliably.

(c) Meetings. -- The Information Resources Management Commission shall adopt bylaws containing rules governing its meeting procedures. The Information Resources Management Commission shall meet at least monthly."

(b) The Administrative Office of the Courts shall develop a strategic information systems and technology plan to both serve the courts in the present and assist the courts in adapting to future changes. The plan shall:

(1) Identify and document the information technology goals and objectives of the Judicial Department;

(2) Review and evaluate the findings and recommendations outlined in the Maddox and Ferguson report completed in September 1996;

(3) Provide an inventory of existing hardware and software in the court system statewide, including the age of and proposed replacement schedules, for personal computers, laptop computers, mainframe and midrange computers, servers, terminals, printers, and communications infrastructure devices;

(4) Assess the effectiveness of existing computer-based applications, including the district attorney and public defender case management system, courtroom automation, the civil case processing system, and the financial management system, and outline any

changes that may be needed to meet the future needs of the court system;

(5) Develop an architectural strategy and quality assurance review that is consistent with existing State standards;

(6) Identify areas where the use of information technology would improve the efficiency and effectiveness of the court system in providing services to the public;

(7) Develop a long-term implementation plan and cost analysis for the new Magistrates Criminal Information System; and

(8) Recommend alternative five-year proposals for implementing the court system's technology plan, including a cost analysis of each alternative that specifies the order of priority in which various projects should be implemented.

The Administrative Office of the Courts shall report on the strategic information systems and technology plan developed pursuant to this section to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety. The Administrative Office of the Courts shall make an interim report by April 1, 1999, and a final report by May 1, 1999.

(c) The Judicial Department may use up to the sum of two hundred fifty thousand dollars ($250,000) in funds appropriated to the Department for the 1998-99 fiscal year to contract for consultant services in the development of the strategic information systems and technology plan required by this section. Prior to expending these funds, the Department shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Subcommittees on Justice and Public Safety on the consultant selected and the proposed uses of these funds.

CODE NO. 98AOC-H16.1-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY OF PUBLIC DEFENDER PROGRAMS

Section 16.1. The Administrative Office of the Courts shall study the efficiency and cost-effectiveness of the public defender programs established in 11 judicial districts. The report shall include:

(1) A comparison outlining the number of defendants in each district represented by public defenders and privately assigned counsel by type of offense;

(2) An analysis of the average cost per defendant or case for each public defender program and a comparison of that average to payments made to privately assigned counsel in those districts;

(3) An implementation plan for potential expansion of public defender programs to additional districts, including possible locations, a cost analysis of necessary personnel and equipment to operate the programs, and the estimate of savings to be realized in using those programs rather than providing for privately assigned counsel.

The Administrative Office of the Courts shall report the results of its study to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Indigent Fund Study Commission established in Section 16.5 of this act by April 1, 1999.

CODE NO. 98AOC-H16.2-S

Requested by: Representatives Justus, Kiser, Thompson

REVISE RECIDIVISM REPORTING DATE

Section 16.2. G.S. 7A-675.3 reads as rewritten:

"**§ 7A-675.3. Juvenile recidivism rates.**

(a) On an annual basis, the Administrative Office of the Courts shall compute the recidivism rate of juveniles who are adjudicated delinquent for offenses that would be Class A, B1, B2, C, D, or E felonies if committed by adults and who subsequently are adjudicated delinquent or convicted and shall report the statistics to the Joint Legislative Commission on Governmental Operations by ~~December 31~~ February 15 each year.

(b) The Chief Court Counselor of each judicial district shall forward to the Administrative Office of the Courts relevant information, as determined by the Administrative Office of the Courts, regarding every juvenile who is adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult for the purpose of computing the statistics required by this section."

CODE NO. 98AOC-H16.3A

Requested by: Representatives Justus, Kiser, Thompson

EXTEND SUNSET ON BAD CHECK PROGRAM/ADD LINCOLN AND WAKE COUNTY PILOTS

Section 16.3. (a) Subsection (e) of Section 18.22 of S.L. 1997-443 reads as rewritten:

"(e) This ~~act~~ section becomes effective October 1, 1997, and expires June 30, ~~1998.~~ 1999."

(b) Subsection (c) of Section 18.22 of S.L. 1997-443 reads as rewritten:

"(c) Of the funds appropriated to the Judicial Department for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to establish bad check collection pilot programs in Columbus, Durham, and Rockingham Counties.

Of the funds appropriated to the Judicial Department for the 1998-99 fiscal year, the sum of two hundred seventy-two thousand six hundred forty-seven dollars ($272,647) shall be used to continue the bad check collection pilot programs in Columbus, Durham, and Rockingham Counties and to establish bad check collection pilot programs in Lincoln and Wake Counties.

The Administrative Office of the Courts shall report by ~~May 1, 1998,~~ April 1, 1999, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the programs, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases."

(c) Subsection (d) of Section 18.22 of S.L. 1997-443 reads as rewritten:

"(d) This act apples only to Columbus, Durham, ~~and Rockingham~~ Lincoln, Rockingham, and Wake Counties."

(d) Subsection (a) of this section becomes effective June 30, 1998.

CODE NO. 98AOC-H16.4A

Requested by: Representatives Justus, Kiser, Thompson

TEEN COURT FUNDS DO NOT REVERT/ESTABLISH TEEN COURT PROGRAMS IN DUPLIN, GUILFORD, AND ONSLOW COUNTIES

Section 16.4. (a) The funds appropriated in S.L. 1997-443 to the Judicial Department for teen court programs throughout the State shall not revert at the end of the 1997-98 fiscal year and shall remain available to the Department for the 1998-99 fiscal year to be used for teen court programs.

(b) Of the funds appropriated in this act to the Judicial Department, the Administrative Office of the Courts shall use the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a teen court program in Duplin County pursuant to the guidelines and objectives set forth in Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(c) Of the funds appropriated in this act to the Judicial Department, the Administrative Office of the Courts shall use the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a teen court program in Guilford County pursuant to the guidelines and objectives set forth in Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(d) Of the funds appropriated in this act to the Judicial Department, the Administrative Office of the Courts shall use the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a teen court program in Onslow County pursuant to the guidelines and objectives set forth in Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(e) Subsection (a) of this section becomes effective June 30, 1998.

CODE NO. 98AOC-H16.5A

Requested by: Representatives Justus, Kiser, Thompson

INDIGENT FUND STUDY COMMISSION

Section 16.5. (a) The Administrative Office of the Courts shall establish a Study Commission on the Indigent Persons' Attorney Fee Fund. The Commission shall consist of nine voting members as follows:

(1) Two members appointed by the Speaker of the House of Representatives;

(2) Two members appointed by the President Pro Tempore of the Senate;

(3) One member appointed by the Chief Justice of the Supreme Court;

(4) One member appointed by the North Carolina Association of Public Defenders;

(5) One member appointed by the North Carolina State Bar;

(6) One member appointed by the North Carolina Bar Association; and

(7) One member appointed by the Conference of District Attorneys of North Carolina.

The Commission shall elect a chair upon being convened at the call of the Chief Justice's appointee.

(b) The Commission shall study methods for improving the management and accountability of funds being expended to provide counsel to indigent defendants without compromising the quality of legal representation mandated by State and federal law. In conducting its study, the Commission shall:

(1) Evaluate the current procedures for determining the indigency of defendants and recommend any possible improvements in those procedures;

(2) Determine whether sufficient information is available when evaluating compensation requests from assigned private counsel and expert witnesses;

(3) Assess the effectiveness of the current management structure for the Indigent Persons' Attorney Fee Fund and outline any additional standards or guidelines that could be implemented to allow for greater accountability of the funds being expended;

(4) Evaluate whether establishing an Indigent Defense Council to oversee the State's expenditure of funds on a district, regional, or Statewide basis would

make the functioning of the Indigent Persons' Attorney Fee Fund more efficient and economical;

(5) Evaluate the effectiveness of existing methods of providing legal representation to indigent defendants, including the use of public defenders, appointed counsel, and contract lawyers;

(6) Review methods used by other states to provide legal representation to indigent defendants;

(7) Assess the potential effectiveness of distributing funds in other ways, including the hiring of contract attorneys on a retainer basis and the expansion of public defender programs; and

(8) Outline additional suggestions that would improve the provision of legal representation to indigent defendants.

The Administrative Office of the Courts shall assign professional and clerical staff to assist in the work of the Commission. The Commission shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety no later than May 1, 1999. The report shall include a cost analysis demonstrating the additional personnel and equipment necessary to implement the Commission's recommendations. The report shall also include any legislation necessary to implement the Commission's recommendations.

(c) The Administrative Office of the Courts may use up to the sum of fifty thousand dollars ($50,000) from the Indigent Persons' Attorney Fee Fund to contract for consultant services to assist in meeting the Commission's responsibilities.

CODE NO. 98AOC-H16.6-S

Requested by: Representatives Justus, Kiser, Thompson

CUMBERLAND JUVENILE ASSESSMENT CENTER

Section 16.6. (a) Section 18.21 of S.L. 1997-443 reads as rewritten:

"Section 18.21. (a) Of the funds appropriated in this act to the Administrative Office of the Courts for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to fund the Juvenile Assessment Project authorized by this section. These funds shall be matched by local funds on the basis of one dollar ($1.00) of local funds for every three dollars ($3.00) of State funds. These funds shall not revert at the end of the 1997-98 fiscal year, but shall remain in the Department during the 1998-99 fiscal year to implement this section.

(b) The Administrative Office of the Courts, in collaboration with the Chief Court Counselor of District Court District 12, the Cumberland County Department of Social Services, and the appropriate local school administrative units, shall develop and implement a Juvenile Assessment Center Project in District Court District 12 to operate from the effective date of this act to ~~June 30, 1998.~~ June 30, 1999. The purpose of the Project is to facilitate efficient prevention and intervention service delivery to juveniles who are (i) alleged to be delinquent or undisciplined and have been taken into custody or (ii) at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even though they have not been taken into custody. The Project shall assist these juveniles by providing a centralized point of intake and assessment for the juveniles, by addressing the educational, emotional, and physical needs of the juveniles, and by providing juveniles with an atmosphere for learning personal responsibility, self-respect, and respect for others. The Administrative Office of the Courts shall consider the recommendations of the Juvenile Assessment Advisory Board in developing and implementing the Project.

(c) The Project shall be modeled after the Juvenile Assessment Center in Hillsborough County, Florida, and shall:

(1) Identify those juveniles who are alleged to be delinquent or undisciplined or are at risk of becoming delinquent or undisciplined;

(2) Evaluate the educational, emotional, and physical needs of the juveniles identified and determine

whether the juveniles have problems related to substance abuse, depression, or other emotional conditions;

(3) Develop in-depth and comprehensive assessment plans for the juveniles identified that recommend appropriate treatment, counseling, and disposition of the juveniles; and

(4) Provide services to juveniles identified and their families through collaboration with public and private resources, including local law enforcement, parents' organizations, the Fayetteville Chamber of Commerce, and county and community programs and organizations that provide substance abuse treatment and child and family counseling.

(d) There is established the Juvenile Assessment Advisory Board to make recommendations to the Administrative Office of the Courts regarding the development and operations of the Project. The Board shall consist of 13 members, including:

(1) The director of the Department of Social Services of Cumberland County, or the director's designee.

(2) A representative from the local mental health area authority of Cumberland County.

(3) A member of the Cumberland County Board of Education.

(4) The sheriff of Cumberland County, or the sheriff's designee.

(5) The chief of police of the Fayetteville Police Department, or the designee of the chief of police.

(6) A judge of District Court District 12.

(7) A juvenile court counselor from District Court District 12.

(8) The director of the Guardian Ad Litem program in Cumberland County, or the director's designee.

(9) The director of the Health Department of Cumberland County, or the director's designee.

(10) Two public members appointed by the Fayetteville City Council.

(11) Two public members appointed by the Board of County Commissioners of Cumberland County.

The members of the Board shall, within 30 days after the initial appointment is made, meet and elect one member as chair. The Board shall meet at least once a month at the call of the chair, and a quorum of the Board shall consist of a majority of its members. The Board of County Commissioners of Cumberland

County shall provide necessary clerical and professional assistance to the Board.

Initial appointments shall be made by October 1, 1997, and all terms shall expire ~~June 30, 1998.~~ June 30, 1999.

(e) The Administrative Office of the Courts, in consultation with the Department of ~~Human Resources,~~ Health and Human Services, shall evaluate the Project and report to the Chairs of the House and Senate Appropriations Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and ~~Human Resources,~~ Health and Human Services and the Fiscal Research Division of the General Assembly by ~~May 1, 1998,~~ May 1, 1999, on the progress of the development and implementation of the Project. In the report, the Administrative Office of the Courts, in consultation with the Department of ~~Human Resources,~~ Health and Human Services, shall evaluate the effectiveness of the Project, including the number of juveniles served or expected to be served, and shall recommend whether the Project should be continued. If the report recommends that the Project be continued, it shall also provide a cost analysis outlining the long-term staffing and operating needs of the Project."

(b) This section becomes effective June 30, 1998.

CODE NO. 98AOC-H16.9-S

Requested by: Representatives Justus, Kiser, Thompson

ADD NEW DISTRICT COURT CIVIL CASE MANAGEMENT PILOTS/REPORT

Section 16.9. Section 18.23 of S.L. 1997-443 reads as rewritten:

"Section 18.23. The Administrative Office of the Courts shall report by ~~May 1, 1998,~~ April 1, 1999, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the civil case management pilot programs established in District Court Districts 13, 18, 27B, 29, and 30. The report shall assess the success of these programs in reducing the backlog of civil court cases and in resolving new cases more quickly."

CODE NO. 98AOC-H16.11A

Requested by: Representatives Justus, Kiser, Thompson

AUTHORIZE ADDITIONAL MAGISTRATES

Section 16.11. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.	Magistrates Max.	Additional Seats of Court
Camden	1	2	
Chowan	2	3	
Currituck	1	~~3~~ 4	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	3	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	~~12~~ 13	Farmville Ayden
Craven	7	10	Havelock
Pamlico	2	3	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	
Jones	2	3	
Onslow	8	14	
New Hanover	6	11	
Pender	4	6	
Halifax	9	14	Roanoke Rapids, Scotland Neck
Northampton	5	7	
Bertie	4	6	
Hertford	5	6	
Nash	7	10	Rocky Mount
Edgecombe	4	7	Rocky Mount
Wilson	4	7	
Wayne	5	12	Mount Olive
Greene	2	4	
Lenoir	4	10	La Grange
Granville	3	7	
Vance	3	6	
Warren	3	4	

1	Franklin	3	7	
2	Person	3	4	
3	Caswell	2	5	
4	Wake	12	20	Apex,
5				Wendell,
6				Fuquay-
7				Varina,
8				Wake Forest
9	Harnett	7	11	Dunn
10	Johnston	10	12	Benson,
11				Clayton,
12				Selma
13	Lee	4	6	
14	Cumberland	10	18	
15	Bladen	4	6	
16	Brunswick	4	~~7~~ 8	
17	Columbus	6	9	Tabor City
18	Durham	8	13	
19	Alamance	7	10	Burlington
20	Orange	4	11	Chapel Hill
21	Chatham	3	8	Siler City
22	Scotland	3	5	
23	Hoke	4	5	
24	Robeson	8	16	Fairmont,
25				Maxton,
26				Pembroke,
27				Red Springs,
28				Rowland,
29				St. Pauls
30	Rockingham	4	9	Reidsville,
31				Eden,
32				Madison
33	Stokes	2	5	
34	Surry	5	9	Mt. Airy
35	Guilford	20	26	High Point
36	Cabarrus	5	9	Kannapolis
37	Montgomery	2	4	
38	Randolph	5	10	Liberty
39	Rowan	5	10	
40	Stanly	5	6	
41	Union	4	6	
42	Anson	4	5	
43	Richmond	5	6	Hamlet
44	Moore	5	8	Southern
45				Pines
46	Forsyth	3	~~15~~ 16	Kernersville
47	Alexander	2	3	
48	Davidson	7	10	Thomasville
49	Davie	2	3	
50	Iredell	4	9	Mooresville
51	Alleghany	1	2	
52	Ashe	3	4	
53	Wilkes	4	6	

16

1	Yadkin	3	5	
2	Avery	3	~~4~~ 5	
3	Madison	4	5	
4	Mitchell	3	4	
5	Watauga	4	6	
6	Yancey	2	4	
7	Burke	4	7	
8	Caldwell	4	7	
9	Catawba	6	10	Hickory
10	Mecklenburg	15	~~26~~ 27	
11	Gaston	11	~~21~~ 22	
12	Cleveland	5	8	
13	Lincoln	4	7	
14	Buncombe	6	15	
15	Henderson	4	7	
16	McDowell	3	5	
17	Polk	3	4	
18	Rutherford	6	8	
19	Transylvania	2	4	
20	Cherokee	3	4	
21	Clay	1	2	
22	Graham	2	3	
23	Haywood	5	7	Canton
24	Jackson	3	4	
25	Macon	3	4	
26	Swain	2	3."	

17

CODE NO. 98AOC-H16.12A

Requested by: Representatives Justus, Kiser, Thompson

ASSISTANT PUBLIC DEFENDERS

Section 16.12. From funds appropriated to the Indigent Persons' Attorney Fee Fund for the 1998-99 fiscal year, the Administrative Office of the Courts may use up to one hundred thirty-four thousand four hundred fifteen dollars ($134,415) for salaries, benefits, equipment, and related expenses to establish up to three new assistant public defender positions.

CODE NO. 98AOC-H16.15A

Requested by: Representatives Justus, Kiser, Thompson

EXTEND SUNSET ON DRUG TREATMENT COURT

Section 16.15. Section 21.6(c) of Chapter 507 of the 1995 Session Laws reads as rewritten:

"(c) Subsection (a) of this section becomes effective July 1, 1995, and expires ~~June 30, 1998.~~ June 30, 1999. The remainder of this section becomes effective October 1, 1995."

CODE NO. 98AOC-H16.16C

Requested by: Representatives Justus, Kiser, Thompson

ADDITIONAL DISTRICT COURT JUDGES

Section 16.16. (a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	4	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	3	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	4	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	~~6~~ 7	Sampson
		Duplin
		Jones
		Onslow
5	6	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	~~6~~ 7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	1	Warren
		(part of Vance see subsection (b))

1	10	~~12~~ 13	Wake
2	11	~~6~~ 7	Harnett
3			Johnston
4			Lee
5	12	~~8~~ 9	Cumberland
6	13	5	Bladen
7			Brunswick
8			Columbus
9	14	~~5~~ 6	Durham
10	15A	3	Alamance
11	15B	4	Orange
12			Chatham
13	16A	3	Scotland
14			Hoke
15	16B	5	Robeson
16	17A	2	Rockingham
17	17B	3	Stokes
18			Surry
19	18	11	Guilford
20	19A	3	Cabarrus
21	19B	~~5~~ 6	Montgomery
22			Moore
23			Randolph
24	19C	3	Rowan
25	20	7	Stanly
26			Union
27			Anson
28			Richmond
29	21	~~7~~ 8	Forsyth
30	22	8	Alexander
31			Davidson
32			Davie
33			Iredell
34	23	4	Alleghany
35			Ashe
36			Wilkes
37			Yadkin
38	24	4	Avery
39			Madison
40			Mitchell
41			Watauga
42			Yancey
43	25	~~7~~ 8	Burke
44			Caldwell
45			Catawba
46	26	14	Mecklenburg
47	27A	5	Gaston
48	27B	4	Cleveland
49			Lincoln
50	28	5	Buncombe
51	29	~~5~~ 6	Henderson
52			McDowell
53			Polk

21

			Rutherford
			Transylvania
	30	4	Cherokee
			Clay
			Graham
			Haywood
			Jackson
			Macon
			Swain."

(b) The vacancies created by subsection (a) of this section in District Court Districts 11, 19B, 21, 25, and 29 shall be filled by appointment of the General Assembly upon the recommendation of the Speaker of the House of Representatives pursuant to G.S. 120-121. The vacancies created by subsection (a) of this section in District Court Districts 4, 7, 10, 12, and 14 shall be filled by appointment of the General Assembly upon the recommendation of the President Pro Tempore of the Senate pursuant to G.S. 120-121. Successors to these judges shall be elected in the 2002 election for four-year terms commencing on the first Monday in December 2002.

(c) Subsection (a) of this section becomes effective December 15, 1998, as to any district where no county is subject to Section 5 of the Voting Rights Act of 1965. As to any district where any county is subject to the Section 5 of the Voting Rights Act of 1965, subsection (a) of this section becomes effective December 15, 1998 or 15 days after the date upon which that subsection is approved under Section 5 of the Voting Rights Act, whichever is later.

CODE NO. 98AOC-H16.20A

Requested by: Representatives Justus, Kiser, Thompson

ADDITIONAL ASSISTANT DISTRICT ATTORNEYS

Section 16.20. (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	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	13
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	15
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	10
9A	Person, Caswell	4
10	Wake	28
11	Harnett, Johnston, Lee	14
12	Cumberland	17
13	Bladen, Brunswick, Columbus	9
14	Durham	12
15A	Alamance	7
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	9
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	26
19A	Cabarrus	5
19B	Montgomery, Moore, Randolph	11
19C	Rowan	5
20	Anson, Richmond, Stanly, Union	14
21	Forsyth	~~15~~ 17
22	Alexander, Davidson, Davie, Iredell	16

23	Alleghany, Ashe, Wilkes, Yadkin	5	
24	Avery, Madison, Mitchell, Watauga, Yancey	4	
25	Burke, Caldwell, Catawba	14	
26	Mecklenburg	32	
27A	Gaston	12	
27B	Cleveland, Lincoln	8	
28	Buncombe	~~10~~	11
29	Henderson, McDowell, Polk, Rutherford, Transylvania	11	
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	7	

(b) This section becomes effective December 1, 1998.

CODE NO. 98AOC-H001

Requested by: Representatives Justus, Thompson, Kiser

ADDITIONAL INVESTIGATORIAL ASSISTANTS

Section @. G.S. 7A-69 reads as rewritten:

"**§ 7A-69. Investigatorial assistants.**

The district attorney in prosecutorial districts 1, 3B, 4, 6B, 7, 8, 10, 11, 12, 13, 14, 15A, 15B, 18, 19B, 20, 21, 24, 25, 26, 27A, 27B, 28, 29, and 30 is entitled to one investigatorial assistant to be appointed by the district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

CODE NO. 98AOC-H002A

Requested by: Representatives Justus, Kiser, Thompson, Hardy

ADD TWO SPECIAL SUPERIOR COURT JUDGES/CLARIFY TERMS OF EXISTING SPECIAL SUPERIOR COURT JUDGES

Section @. (a) G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a3) Effective December 15, 1998, the Governor may appoint two special superior court judges to serve terms expiring five years from the date that each judge takes office. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to five-year terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

(b) G.S. 7A-45.1(a2) reads as rewritten:

"(a2) Effective December 15, 1996, the Governor may appoint four special superior court judges to serve terms expiring ~~December 14, 2001.~~ five years from the date that each judge takes office. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to five-year terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

CODE NO. 98AOC-H005

Requested by: Representatives Justus, Kiser, Thompson

REPORTS ON VACANT POSITIONS

Section @. The Judicial Department, the Department of Correction, the Department of Justice, and the Department of Crime Control and Public Safety shall each report by May 1 and December 1 of each year to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on all positions within that department that have remained vacant for twelve months or more. The report shall include the original position vacancy dates, the dates of any postings or repostings of the positions, and an explanation for the length of the vacancies.

CODE NO. 98AOC-H006

Requested by: Representatives Justus, Kiser, Thompson

PROJECT CHALLENGE REPORT

Section @. Subsection (a) of Section 18.20 of S.L. 1997-443 reads as rewritten:

"(a) Of the funds appropriated in this act to the Administrative Office of the Courts for the ~~1997-98 fiscal year,~~ 1997-99 biennium, the sum of one hundred thousand dollars ($100,000) for the 1997-98 fiscal year and the sum of two hundred thousand dollars ($200,000) for the 1998-99 fiscal year shall be used to support the operation of Project Challenge Nort Carolina, Inc., a nonprofit corporation that provides alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined in District Court ~~District~~ Districts 24, 25, 29, and 30 and for expansion of the ~~program.~~ program into additional districts. The funds shall be used to:

(1) Provide community resources and dispositional alternatives for juveniles in the form of community services, including services to the elderly and economically disadvantaged;

(2) Promote the involvement of juveniles in community programs that instill in juveniles pride in their communities and develop self-respect and the skills needed for them to be productive, responsible members of their communities;

(3) Coordinate with the local schools and State and local law enforcement to educate juveniles regarding the justice system and to promote respect for authority and an appreciation of societal laws and mores; and

(4) Collaborate with community agencies and organizations to provide guidance to and positive role models for juveniles."

CODE NO. 98AOC-H007

Requested by: Representatives Justus, Kiser, Thompson, McCrary

RECONFORM THE MILEAGE REIMBURSEMENT FOR OUT-OF-STATE WITNESSES TO THAT RECEIVED BY IN-STATE WITNESSES AND STATE EMPLOYEES

Section @. (a) G.S. 7A-314(c) reads as rewritten:

"(c) A witness who resides in a state other than North Carolina and who appears for the purpose of testifying in a criminal action and proves his attendance may be compensated at the rate ~~of ten cents (10¢) a mile~~ allowed to State officers and employees by subdivisions (1) and (2) of G.S. 138-6(a) for one round-trip from his place of residence to the place of appearance, and five dollars ($5.00) for each day that he is required to travel and attend as a witness, upon order of the court based upon a finding that the person was a necessary witness. If such a witness is required to appear more than one day, he is also entitled to reimbursement for actual expenses incurred for lodging and meals, not to exceed the maximum currently authorized for State employees."

(b) G.S. 15A-813 reads as rewritten:

"§ 15A-813. Witness from another state summoned to testify in this State.

If a person in any state which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence in this State, is a material witness in a prosecution pending in a court of record in this State, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court, stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this State to assure his attendance in this State. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is summoned to attend and testify in this State he shall be ~~tendered the sum of ten cents (10¢) a mile~~ compensated at the rate allowed to State officers and employees by subdivisions (1) and (2) of G.S. 138-6(a) for each mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars ($5.00) for each day that he is required to travel and attend as a witness. A witness

who has appeared in accordance with the provisions of the summons shall not be required to remain within this State a longer period of time than the period mentioned in the certificate unless otherwise ordered by the court. If such a witness is required to appear more than one day, he is also entitled to reimbursement for actual expenses incurred for lodging and meals, not to exceed the maximum currently authorized for State employees when traveling in the State. If such witness, after coming into this State, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State."

(c) This section is effective when it becomes law and applies to all out-of-state witness travel expenses incurred on or after that date.

30

CODE NO. 98AOC-H16.18-S

Requested by: Representatives Justus, Kiser, Thompson

EVALUATION OF CORRECTIONAL PROGRAMS

Section 16.18. (a) The Judicial Department, through the North Carolina Sentencing and Policy Advisory Commission, and the Department of Correction shall jointly conduct ongoing evaluations of community corrections programs and in-prison treatment programs and make a biennial report to the General Assembly. The report shall include composite measures of program effectiveness based on recidivism rates, other outcome measures, and costs of the programs.

During the 1998-99 fiscal year, the Sentencing and Policy Advisory Commission shall coordinate the collection of all data necessary to create an expanded database containing offender information on prior convictions, current conviction and sentence, program participation, and outcome measures. Each program to be evaluated shall assist the Commission in the development of systems and collection of data necessary to complete the evaluation process. The first evaluation report shall be presented to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by April 15, 2000, and future reports shall be made by April 15 of each even-numbered year.

The Judicial Department may use the sum of fifty thousand dollars ($50,000) in funds appropriated for the 1998-99 fiscal year to conduct the study provided for in this section.

(b) Section 22.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session is repealed.

CODE NO. 98AOC-H16.19A

Requested by: Representatives Justus, Kiser, Thompson, Redwine

ESTABLISH PILOT PROGRAM OF SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY ISSUES

Section 16.19. (a) G.S. 7A-38.4 reads as rewritten:

"**§ 7A-38.4. ~~Mediated settlement conferences~~ Settlement procedures in district court actions.**

(a) The purpose of this section is to authorize the design, implementation, and evaluation of a pilot program in which parties to district court actions involving equitable distribution, alimony, and support may be required to attend a pretrial mediated settlement conference or other settlement procedure.

~~(b) The Dispute Resolution Commission established under the Judicial Department shall, with the advice of the Director of the Administrative Office of the Courts, design the pilot program and its coordination with existing settlement programs. The planning and design phase of the program shall include representatives from the Conference of Chief District Court Judges, the AOC Child Custody Mediation Advisory Committee, the Court Ordered Arbitration Subcommittee of the Supreme Court's Dispute Resolution Committee, the North Carolina Mediation Network, the North Carolina Association of Professional Family Mediators, the North Carolina Association of Clerks of Superior Court, the North Carolina Association of Trial Court Administrators, the Family Law Section of the North Carolina Bar Association, and the Dispute Resolution Section of the North Carolina Bar Association.~~

(c) The Supreme Court may adopt rules to implement this section. The definitions in G.S. 7A-38.1(b)(2) and (b)(3) apply to this section.

(d) ~~The chief district court judge~~ District court judges of any participating district may order a mediated settlement conference or another settlement procedure for any action pending in the district involving issues of equitable distribution, alimony, or child or spousal ~~support.~~ support, pursuant to rules adopted by the Supreme Court. The chief district court judge may by local rule order all such cases, not otherwise exempted by Supreme Court rule, to mediated settlement conference.

(e) The parties to a district court action in which a mediated settlement conference is ordered, their attorneys, and other persons or entities with authority, by law or by contract, to settle the parties' claims shall attend the mediated settlement conference, or other settlement procedure ordered by ~~the court,~~ a

district court judge pursuant to rules of the Supreme Court, unless excused by ~~the rules of the Supreme Court or by order of the chief district court judge.~~ those rules. Nothing in this section shall require any party or other participant in the conference to make a settlement offer or demand which it deems is contrary to its best interests.

(f) Any person required to attend a mediated settlement conference or other settlement procedure ordered by the court who, without good cause, fails to attend in compliance with this section and the rules adopted under this section, shall be subject to any appropriate monetary sanction imposed by a ~~chief or presiding~~ district court ~~judge,~~ judge pursuant to rules of the Supreme Court, including the payment of attorneys' fees, mediator fees, and expenses incurred in attending the ~~conference.~~ settlement procedure. If the court imposes sanctions, it shall do so, after notice and hearing, in a written order, making findings of fact and conclusions of law. An order imposing sanctions shall be reviewable upon appeal where the entire record as submitted shall be reviewed to determine whether the order is supported by substantial evidence.

(g) The parties to a district court action in which a mediated settlement conference is to be held pursuant to this section shall have the right to designate a mediator. Upon failure of the parties to designate within the time established by the rules of the Supreme Court, a mediator shall be appointed by ~~the chief~~ a district court judge ~~or its designee.~~ pursuant to rules of the Supreme Court.

(h) ~~The~~ Pursuant to rules of the Supreme Court, a chief district court judge, at the request of a party and with the consent of ~~the~~ all parties, may order the parties to attend and participate in any other settlement procedure authorized by rules ~~of~~ adopted by the Supreme Court or adopted by local district court rules, in lieu of attending a mediated settlement conference. ~~Neutral third parties~~ Neutrals acting pursuant to this section shall be selected and compensated in accordance with ~~the~~ rules of the Supreme Court or pursuant to agreement of the parties. Nothing herein shall prohibit the parties from participating in other dispute resolution procedures, including arbitration, to the extent authorized under State or federal law.

(i) Mediators and other neutrals acting pursuant to this section shall have judicial immunity in the same manner and to the same extent as a judge of the General Court of Justice, except that mediators and other neutrals may be disciplined in

accordance with enforcement procedures adopted by the Supreme Court pursuant to G.S. 7A-38.2.

(j) Costs of mediated settlement conferences and other settlement procedures shall be borne by the parties. Unless otherwise ordered by the court or agreed to by the parties, the mediator's fees shall be paid in equal shares by the parties. The rules adopted by the Supreme Court implementing this section shall set out a method whereby parties found by the court to be unable to pay the costs of settlement procedures are afforded an opportunity to participate without cost to an indigent party and without expenditure of State funds.

(k) Evidence of statements made and conduct occurring in a ~~mediated settlement conference~~ settlement proceeding conducted pursuant to this section shall not be subject to discovery and shall be inadmissible in any proceeding in the action or other actions on the same claim. However, no evidence otherwise discoverable shall be inadmissible merely because it is presented or discussed in a ~~mediated settlement conference.~~ settlement proceeding.

No mediator, or other neutral conducting a settlement procedure pursuant to this section, shall be compelled to testify or produce evidence concerning statements made and conduct occurring in a mediated settlement conference or other settlement procedure in any civil proceeding for any purpose, except proceedings for sanctions under this section, disciplinary hearings before the State Bar or any agency established to enforce standards of conduct for mediators, and proceedings to enforce laws concerning juvenile or elder abuse.

(l) The Supreme Court may adopt standards for the certification and conduct of mediators and other neutrals who participate ~~in the mediated settlement conference program established~~ settlement procedures conducted pursuant to this section. The standards may also regulate mediator training programs. The Supreme Court may adopt procedures for the enforcement of those standards. The administration of mediator certification, regulation of mediator conduct, and decertification shall be conducted through the Dispute Resolution Commission.

(m) An administrative fee not to exceed two hundred dollars ($200.00) may be charged by the Administrative Office of the Courts to applicants for certification and annual renewal of certification for mediators and mediator training programs operation under this section. The fees collected may be used by the Director of the Administrative Office of the Courts to

establish and maintain the operations of the Commission and its staff. The administrative fee shall be set by the Director of the Administrative Office of the Courts in consultation with the Dispute Resolution Commission.

(n) The Administrative Office of the Courts, in consultation with the Dispute Resolution Commission, may require the chief district court judge of any participating district to report statistical data about settlement procedures conducted pursuant to this section for administrative purposes.

~~(m)~~ (o) Nothing in this section or rules adopted pursuant to it shall restrict the right to jury trial."

(b) G.S. 7A-38.2(c) reads as rewritten:

"(c) The Dispute Resolution Commission shall consist of ~~nine~~ 14 members: ~~two~~ five judges appointed by the Chief Justice of the Supreme ~~Court;~~ Court, at least two of whom shall be superior court judges, and at least two of whom shall be district court judges; two mediators certified to conduct superior court mediated settlement conferences and two mediators certified to conduct equitable distribution mediated settlement conferences appointed by the Chief Justice of the Supreme Court; two practicing attorneys who are not certified as mediators appointed by the President of the North Carolina State ~~Bar;~~ Bar, one of whom shall be a family law specialist; and three citizens knowledgeable about mediation, one of whom shall be appointed by the Governor, one by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, and one by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. Members appointed by the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate shall not be attorneys. Members shall initially serve four-year terms, except that one judge, one mediator, one attorney, and the citizen member appointed by the Governor, shall be appointed for an initial term of two years. ~~Members may serve no more than two consecutive terms.~~ The Chief Justice shall designate one of the judge members to serve as chair for a two-year term. Members of the Commission shall be compensated pursuant to G.S. 138-5.

Vacancies shall be filled for unexpired terms and full terms in the same manner as incumbents were appointed. Appointing authorities may receive and consider suggestions and recommendations of persons for appointment from the Dispute Resolution Commission, the Family Law, Litigation, and Dispute Resolution Sections of the North Carolina Bar Association, the

North Carolina Association of Professional Family Mediators, the North Carolina Association of Clerks of Superior Court, the North Carolina Conference of Court Administrators, the Mediation Network of North Carolina, the Dispute Resolution Committee of the Supreme Court, the Conference of Chief District Court Judges, the Conference of Superior Court Judges, the Director of the Administrative Office of the Courts, and the Child Custody Mediation Advisory Committee of the Administrative Office of the Courts."

(c) The Administrative Office of the Courts may solicit and accept funds from private sources to evaluate the pilot program conducted pursuant to this section. The Administrative Office of the Courts shall report its findings and recommendations to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by April 1, 2001.

(d) Of the funds appropriated to the Judicial Department for the 1998-99 fiscal year, the sum of fifty thousand dollars ($50,000) shall be used to fund the activities of the Dispute Resolution Commission in association with the pilot program authorized by this section. No such funds shall be expended for the payment of mediator fees.

(e) This section becomes effective October 1, 1998.

CODE NO. 98AOC-H008

Requested by: Representatives Justus, Kiser, Thompson

COMPUTER REPLACEMENT FUNDS

Section @. The Judicial Department may use up to the sum of five hundred thousand dollars ($500,000) from funds available during the 1998-99 fiscal year to replace computers and associated equipment in response to computer-related problems that may occur during the fiscal year. The Department shall report quarterly to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittee on Justice and Public Safety on the expenditure of funds for this purpose.

Correction.

CODE NO. 98CORR-H17A

Requested by: Representatives Justus, Kiser, Thompson

REALLOCATE LAND TO NC STATE UNIVERSITY

Section 17. The 17.4-acre tract of State-owned land adjacent to Schenck Forest that is described in the Memorandum of Agreement made in October 1992, by and between the North Carolina Department of Correction and North Carolina State University, is reallocated to North Carolina State University. The land shall be used for the purpose of teaching, research, and extension, including timber management practices, and forestry demonstration purposes associated with the North Carolina State University College of Forest Resources. North Carolina State University shall maintain this land in good condition according to current timber management practices.

CODE NO. 98CORR-H17.1-S

Requested by: Representatives Justus, Kiser, Thompson

REPORT ON BOOT CAMPS

Section 17.1. Subsection (c) of Section 19 of Chapter 24 of the Session Laws of the 1994 Extra Session, as amended by Section 19.3 of Chapter 324 of the 1995 Session Laws, reads as rewritten:

"(c) The Department of Correction shall evaluate the IMPACT program and the post-Boot Camp probation program funded under this section and report by ~~January 1~~ March 1 of each year to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, and the Fiscal Research Division. The evaluation of the IMPACT program and the post-Boot Camp probation program shall ~~include a comparison of that program's effectiveness, cost, and recidivism rate to other corrections programs for offenders in the same age group and similar offense classes as that covered by the IMPACT program.~~ focus on the performance, behavior, and attitudes of the offenders while in the program. Specific topics shall include measures of participation and completion, data on completion of educational, substance abuse treatment, and community service programs, drug testing and probation revocation statistics, and the current status of IMPACT graduates. The evaluation shall also include any available information on the difference in outcome among offenders who attend the IMPACT program only, offenders who attend both the IMPACT program and aftercare, and similar offenders who receive other intermediate sanctions."

CODE NO. 98CORR-H17.2-S

Requested by: Representatives Justus, Kiser, Thompson

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

Section 17.2. Section 19(b) of S.L. 1997-443 reads as rewritten:

"(b) The Department of Correction may use funds appropriated to the Department for the 1997-99 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

Prior to the expenditure of more than the sum of six million five hundred thousand dollars ($6,500,000) for the 1997-98 fiscal year or more than the sum of ~~four million dollars ($4,000,000)~~ two million dollars ($2,000,000) for the 1998-99 fiscal year to reimburse counties for prisoners awaiting transfer, the Department of Correction and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental ~~Operations~~ Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the necessity of that expenditure."

CODE NO. 98CORR-H17.3A

Requested by: Representatives Justus, Kiser, Thompson

INMATE HOUSING FUNDS

Section 17.3. (a) The Department of Correction may use funds available to the Department for the 1998-99 fiscal year to contract for prison beds to house inmates in local jails. Prior to the expenditure of more than the sum of three million dollars ($3,000,000) in additional funds authorized by this section to contract for local jail beds, the Department of Correction and the Office of State Budget and Management shall report to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the necessity of that expenditure.

(b) The Department of Correction and the Office of State Budget and Management shall report by December 1, 1998, to the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the status of contracts to house inmates in local jails, including the amount expended to date, the anticipated amount to be expended, and the dates each contract is expected to terminate.

CODE NO. 98CORR-H17.5-S

Requested by: Representatives Justus, Kiser, Thompson

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 17.5. Subsection (a) of Section 19.8 of S.L. 1997-443 reads as rewritten:

"(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, ~~grants~~ appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the ~~1997-98 fiscal year~~ 1997-99 biennium shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years. Appropriations not claimed or expended by the counties during the 1997-99 biennium shall be distributed as specified in G.S. 143B-273.15(1)."

CODE NO. 98CORR-H17.6-S

Requested by: Representatives Justus, Kiser, Thompson

PROGRESS REPORT/PERFORMANCE AUDIT OF DIVISION OF ADULT PROBATION AND PAROLE

Section 17.6. The Division of Adult Probation and Parole shall report to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and the Fiscal Research Division by January 1, 1999, on any actions taken or planned in response to the June 1, 1998, performance audit of the Division. The report shall include details on any changes in funding, classification, staffing levels, or organization structure that have occurred since the June 1 audit and should highlight those changes that are directly related to issues raised in the audit.

CODE NO. 98CORR-H17.7-S

Requested by: Representatives Justus, Kiser, Thompson

FUNDING OF PRISON ROAD SQUADS

Section 17.7. In preparing the continuation budget, the Office of State Budget and Management shall adjust the estimated receipts from the Highway Fund to the Department of Correction for the use of prison road squads to reflect only those costs authorized for reimbursement by G.S. 148-26.5.

CODE NO. 98CORR-H17.8-S

Requested by: Representatives Justus, Kiser, Thompson

INMATE COSTS

Section 17.8. Section 19.20 of S.L. 1997-443 reads as rewritten:

"Section 19.20. The Department of Correction may use funds available to the Department for the 1997-99 biennium to pay the cost of providing food and health care to inmates housed in the Division of Prisons ~~if:~~

~~(1) The prison population exceeds the December 1996 population projections of the North Carolina Sentencing and Policy Advisory Commission; and~~

~~(2) The~~ if the cost of providing food and health care to inmates is anticipated to exceed the continuation budget amounts provided for that purpose in this act.

Prior to making any expenditure authorized by this section, the Department of Correction shall report on its need to use these additional funds to the Joint Legislative Commission on Governmental Operations, ~~the Joint Legislative Corrections Oversight Committee, and~~ the Chairs of the House and Senate Appropriations ~~Committees.~~ Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

The Office of State Budget and Management, in consultation with the Department of Correction, shall (i) analyze the basis for increases in the cost of providing food service and health care to inmates since the 1994-95 fiscal year, including an analysis of the major areas of expenditure growth, and an identification of major areas where cost-efficient actions have been taken, and (ii) determine future actions that will improve efficiency in the delivery of food service and health care to inmates. The Office of State Budget and Management shall report on the results of this study to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by February 15, 1999."

CODE NO. 98CORR-H17.9-S

Requested by: Representatives Justus, Kiser, Thompson

TITLE VII FUNDS/REPORT

Section 17.9. Section 19.18 of S.L. 1997-443 reads as rewritten:

"Section 19.18. The Department of Correction may use funds available to the Department during the ~~1997-98 fiscal year~~ 1997-99 biennium for payment to claimants as part of the settlement of the Title VII lawsuit over the recruitment, hiring, and promotion of females in the Department. Prior to final settlement of the lawsuit, the Department shall report on the proposed settlement to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety."

CODE NO. 98CORR-H17.10-S

Requested by: Representatives Justus, Kiser, Thompson

DIRECT CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO REVISE HIRING AND RECORD-KEEPING PROCEDURES FOR EMPLOYEES OF DEPARTMENT OF CORRECTION

Section 17.10. (a) Section 19.28 of S.L. 1997-443 reads as rewritten:

"Section 19.28. No later than ~~June 30, 1998,~~ October 1, 1998, the Criminal Justice Education and Training Standards Commission shall reestablish the hiring and record-keeping procedures for the employment of certified positions in the Department of Correction."

(b) The Criminal Justice Education and Training Standards Commission shall report by October 1, 1998, to the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, on its progress in complying with the provisions of this section.

(c) This section becomes effective June 30, 1998.

CODE NO. 98CORR-H17.11A

Requested by: Representatives Justus, Kiser, Thompson

FEDERAL GRANT MATCHING FUNDS

Section 17.11. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of eight hundred seventy-five thousand dollars ($875,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds.

CODE NO. 98CORR-H17.12A

Requested by: Representatives Justus, Kiser, Thompson

SUBSTANCE ABUSE FUNDS

Section 17.12. (a) Of the four hundred sixty-seven thousand eight hundred six dollars ($467,806) appropriated in S.L. 1997-443 to the Department of Correction for the 1997-98 fiscal year to be allocated to the DART/DWI aftercare program at Cherry Hospital, the sum of one hundred thousand dollars ($100,000) shall not revert at the end of the fiscal year but shall remain available to the Department during the 1998-99 fiscal year to be used for the purchase of hardware and software needed to implement an offender and inmate tracking and program evaluation system for the Substance Abuse Program. These funds may not be expended until the Department has developed a plan for this new system and reported on the plan to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

(b) Of the funds appropriated to the Department of Correction for the 1998-99 fiscal year, the Department may use up to the sum of three hundred nineteen thousand seven hundred fifteen dollars ($319,715) for DART/DWI aftercare.

(c) The Department of Correction shall report by March 1 of each year to the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on their efforts to provide effective treatment to offenders with substance abuse problems. The report shall include:

(1) Details of any new initiatives and expansion or reduction of programs;

(2) Details on any treatment efforts conducted in conjunction with other departments;

(3) Utilization of the DART/DWI program, including its aftercare program;

(4) Progress in the development of an offender and inmate tracking and program evaluation system; and

(5) A report on the number of current inmates with substance abuse problems, the number of inmates currently receiving treatment, the number of these inmates who are receiving treatment for a second or subsequent time, and the numbers who have completed treatment. As an offender and inmate tracking

system becomes operational, this report shall also include information on the recidivism of inmates who have previously completed substance abuse treatment and been released from prison.

CODE NO. 98CORR-H17.13A

Requested by: Representatives Justus, Kiser, Thompson

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 17.13. The Post-Release Supervision and Parole Commission shall report by March 1, 1999 to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and upon request of the Joint Legislative Corrections and Crime Control Oversight Committee after March 1, 1999 on:

(1) The Commission's progress in reviewing cases requiring review in light of the decision of the North Carolina Supreme Court in **Robbins v. Freeman**; and

(2) An updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 1999-2000 fiscal year over the 1998-99 fiscal year.

CODE NO. 98CORR-H17.14A

Requested by: Representatives Justus, Kiser, Thompson

PRIVATE PRISON CONTRACTS

Section 17.14. If the Department of Correction determines, in consultation with the Attorney General's Office, the Office of State Budget and Management, and the Corrections Corporation of America, that it is appropriate to modify the terms of the contracts for the leasing and operation of one or both of the two private confinement facilities in Pamlico and Avery/Mitchell, the Department may use funds available to the Department for the 1998-99 fiscal year to modify the lease contract and the operating agreement as necessary. Prior to taking actions or obligating funds as authorized by this section, the Department of Correction shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the justification for using available funds to modify the contracts.

CODE NO. 98CORR-H17.15A

Requested by: Representatives Justus, Kiser, Thompson

STUDY SPECIAL EDUCATION OBLIGATIONS OF DEPARTMENT OF CORRECTION

Section 17.15. The Joint Legislative Corrections and Crime Control Oversight Committee shall study the issue of limiting the obligations of the Department of Correction to provide special education and related services to incarcerated youth ages 18 through 21. The Committee shall consider the recent amendment to the federal Individuals with Disabilities Education Act (IDEA) that allows states to reduce the responsibility of their prisons to identify and serve inmates not previously identified and served in the public schools. The Committee shall report its findings and recommendations to the 1999 General Assembly.

CODE NO. 98CORR-H17.16B

Requested by: Representatives Justus, Kiser, Thompson

ADDITIONAL PRISON BEDS/PROVIDE THAT A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE SHALL BE IMPOSED FOR A SECOND OR SUBSEQUENT CONVICTION OF A CLASS B1 FELONY IF THERE ARE NO MITIGATING CIRCUMSTANCES AND THE VICTIM IS THIRTEEN YEARS OF AGE OR YOUNGER/ENHANCE THE PUNISHMENT IMPOSED FOR INJURING A PREGNANT WOMAN IN THE COMMISSION OF A FELONY, ACT OF DOMESTIC VIOLENCE, OR UNLAWFUL OPERATION OF A MOTOR VEHICLE CAUSING A MISCARRIAGE OR STILLBIRTH/INCREASE THE PENALTY FOR CRUELTY TO ANIMALS/INCREASE OR ESTABLISH CRIMINAL AND CIVIL PENALTIES FOR THE OFFENSES OF SELLING DRUGS TO A MINOR, HIRING OR INTENTIONALLY USING A MINOR TO COMMIT A DRUG LAW VIOLATION, AND PURCHASING OR RECEIVING DRUGS FROM A MINOR

Section 17.16. (a) Article 81B of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-1340.16B. Life imprisonment without parole for a second or subsequent conviction of a Class B1 felony.

(a) Notwithstanding the sentencing dispositions in G.S. 15A-1340.17, a person convicted of a Class B1 felony shall be sentenced to life imprisonment without parole if:

(1) The offense was committed against a victim who was 13 years of age or younger at the time of the offense;

(2) The person has one or more prior convictions of a Class B1 felony; and

(3) The court finds that there are no mitigating factors in accordance with G.S. 15A-1340.16(e).

(b) If the sentencing court finds that there are mitigating circumstances, then the court shall sentence the person in accordance with G.S. 15A-1340.17.

(c) A prior conviction of a Class B1 felony shall be proved in accordance with G.S. 15A-1340.14."

(b) Article 6 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-18.2. Injury to pregnant woman.

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

(1) Miscarriage. -- The interruption of the normal development of the fetus, other than by a live birth, and which is not an induced abortion permitted under G.S. 14-45.1, resulting in the

complete expulsion or extraction from a pregnant woman of the fetus.

(2) Stillbirth. -- The death of a fetus prior to the complete expulsion or extraction from a woman irrespective of the duration of pregnancy and which is not an induced abortion permitted under G.S. 14-45.1.

(b) A person who in the commission of a felony causes injury to a woman, knowing the woman to be pregnant, which injury results in a miscarriage or stillbirth by the woman is guilty of a felony that is one class higher than the felony committed.

(c) A person who in the commission of a misdemeanor that is an act of domestic violence as defined in Chapter 50B of the General Statutes causes injury to a woman, knowing the woman to be pregnant, which results in miscarriage or stillbirth by the woman is guilty of a misdemeanor that is one class higher than the misdemeanor committed. If the offense was a Class A1 misdemeanor, the defendant is guilty of a Class I felony.

(d) This section shall not apply to acts committed by a pregnant woman which result in a miscarriage or stillbirth by the woman."

(c) Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-141.5. Injury to pregnant woman by vehicle.**

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

(1) Miscarriage. -- The interruption of the normal development of the fetus, other than by a live birth, and which is not an induced abortion permitted under G.S. 14-45.1, resulting in the complete expulsion or extraction from a pregnant woman of the fetus.

(2) Stillbirth. -- The death of a fetus prior to the complete expulsion or extraction from a woman irrespective of the duration of pregnancy and which is not an induced abortion permitted under G.S. 14-45.1.

(b) Any person who in the unlawful operation of a motor vehicle commits a felony which causes a pregnant woman to suffer a miscarriage or stillbirth is guilty of a felony that is one class higher than the felony committed."

(d) G.S. 14-360 reads as rewritten:

"**§ 14-360. Cruelty to animals; construction of section.**

(a) If any person shall willfully overdrive, overload, wound, injure, ~~torture, torment,~~ or deprive of necessary sustenance, ~~cruelly beat, needlessly mutilate or kill~~ or cause or procure to be overdriven, overloaded, wounded, injured, ~~tortured, tormented,~~ or deprived of necessary sustenance, ~~cruelly beaten, needlessly mutilated or killed as aforesaid, any useful beast, fowl or~~ any animal, every such offender shall for every such offense be guilty of a Class 1 misdemeanor. ~~In this section, and in every law which may be enacted relating to animals, the words "animal" and "dumb animal" shall be held to include every living creature; the words "torture," "torment" or "cruelty" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. Such terms shall not be construed to prohibit the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission.~~

(b) If any person shall willfully torture, torment, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, tormented, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal, every such offender shall for every such offense be guilty of a Class I felony. The word 'willfully', as used in this subsection, shall mean an act done intentionally, with bad motive or purpose and without justifiable excuse.

(c) In this section, the term 'animal' shall be held to include every domestic or otherwise useful animal. This section shall not apply to animals under the jurisdiction and regulation of the Wildlife Resources Commission, lawful activities conducted for purposes of biomedical research or training, lawful activities for sport or other lawful entertainment, the production of livestock or poultry, or the lawful destruction of any animal for the purpose of protecting the public, other animals, the public health, or for lawful veterinary purposes."

(e) G.S. 90-95(e) reads as rewritten:

"(e) The prescribed punishment and degree of any offense under this Article shall be subject to the following conditions, but the punishment for an offense may be increased only by the maximum authorized under any one of the applicable conditions:

(1), (2) Repealed by Session Laws 1979, c. 760, s. 5.

(3) If any person commits a Class 1 misdemeanor under this Article and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable

under any provision of this Article, he shall be punished as a Class I felon. The prior conviction used to raise the current offense to a Class I felony shall not be used to calculate the prior record level;

(4) If any person commits a Class 2 misdemeanor, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a Class 1 misdemeanor. The prior conviction used to raise the current offense to a Class 1 misdemeanor shall not be used to calculate the prior conviction level;

(5) Any person 18 years of age or over who violates G.S. 90-95(a)(1) by selling or delivering a controlled substance to a person under 16 years of age <u>but more than 13 years of age</u> or a pregnant female shall be punished as a Class D felon. <u>Any person 18 years of age or over who violates G.S. 90-95(a)(1) by selling or delivering a controlled substance to a person who is 13 years of age or younger shall be punished as a Class C felon.</u> Mistake of age is not a defense to a prosecution under this section. It shall not be a defense that the defendant did not know that the recipient was pregnant;

(6) For the purpose of increasing punishment under G.S. 90-95(e)(3) and (e)(4), previous convictions for offenses shall be counted by the number of separate trials at which final convictions were obtained and not by the number of charges at a single trial;

(7) If any person commits an offense under this Article for which the prescribed punishment requires that any sentence of imprisonment be suspended, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a Class 2 misdemeanor;

(8) Any person 21 years of age or older who commits an offense under G.S. 90-95(a)(1) on property used for an elementary or secondary school or within 300

feet of the boundary of real property used for an elementary or secondary school shall be punished as a Class E felon. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1).

(9) Any person who violates G.S. 90-95(a)(3) on the premises of a penal institution or local confinement facility shall be guilty of a Class H felony."

(f) G.S. 90-95.4 reads as rewritten:

"**§ 90-95.4. Employing or intentionally using minor to commit a drug law violation.**

(a) A person who is at least 18 years old but less than 21 years old who hires or intentionally uses a minor to violate G.S. 90-95(a)(1) shall be guilty of a felony. An offense under this subsection shall be punishable as follows:

(1) If the minor was more than 13 years of age, then as a felony that is one class more severe than the violation of G.S. 90-95(a)(1) for which the minor was ~~hired.~~ hired or intentionally used.

(2) If the minor was 13 years of age or younger, then as a felony that is two classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was hired or intentionally used.

(b) A person 21 years of age or older who hires or intentionally uses a minor to violate G.S. 90-95(a)(1) shall be guilty of a felony. An offense under this subsection shall be punishable as follows:

(1) If the minor was more than 13 years of age, then as a felony that is ~~two~~ three classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was ~~hired.~~ hired or intentionally used.

(2) If the minor was 13 years of age or younger, then as a felony that is four classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was hired or intentionally used.

(c) Mistake of Age. Mistake of age is not a defense to a prosecution under this section.

(d) The term "minor" as used in this section is defined as an individual who is less than 18 years of age."

(g) G.S. 90-95.5 reads as rewritten:

"**§ 90-95.5. Civil liability - employing a minor to commit a drug offense.**

58

A person 21 years of age or older, who ~~hires or employs~~ hires, employs, or intentionally uses a person under 18 years of age to commit a violation of G.S. 90-95 is liable in a civil action for damages for drug addiction proximately caused by the violation. The doctrines of contributory negligence and assumption of risk are no defense to liability under this section."

(h) Article 5 of Chapter 90 of the General Statutes is amended by adding the following new sections to read:

"**§ 90-95.6. Promoting drug sales by a minor.**

(a) A person who is 21 years of age or older is guilty of promoting drug sales by a minor if the person knowingly:

(1) Entices, forces, encourages, or otherwise facilitates a minor in violating G.S. 90-95(a)(1).

(2) Supervises, supports, advises, or protects the minor in violating G.S. 90-95(a)(1).

(b) Mistake of age is not a defense to a prosecution under this section.

(c) A violation of this section is a Class D felony.

"**§ 90-95.7. Participating in a drug violation by a minor.**

(a) A person 21 years of age or older who purchases or receives a controlled substance from a minor who possesses, sells, or delivers the controlled substance in violation of G.S. 90-95(a)(1) is guilty of participating in a drug violation of a minor.

(b) Mistake of age is not a defense to a prosecution under this section.

(c) A violation of this section is a Class F felony."

(i) This section becomes effective December 1, 1998, and applies to offenses committed on or after that date.

CODE NO. 98CORR-H006

Requested by: Representatives Justus, Kiser, Thompson, Redwine

INCREASE PENALTY FOR DOMESTIC CRIMINAL TRESPASS IF THE TRESPASS IS COMMITTED UPON PROPERTY OPERATED AS A SAFE HOUSE FOR VICTIMS OF DOMESTIC VIOLENCE AND THE PERSON TRESPASSING IS ARMED WITH A DEADLY WEAPON

Section @ (a) G.S. 14-134.3 reads as rewritten:

"**§ 14-134.3. Domestic criminal trespass.**

(a) Any person who enters after being forbidden to do so or remains after being ordered to leave by the lawful occupant, upon the premises occupied by a present or former spouse or by a person with whom the person charged has lived as if married, shall be guilty of a misdemeanor if the complainant and the person charged are living apart; provided, however, that no person shall be guilty if said person enters upon the premises pursuant to a judicial order or written separation agreement which gives the person the right to enter upon said premises for the purpose of visiting with minor children. Evidence that the parties are living apart shall include but is not necessarily limited to:

(1) A judicial order of separation;

(2) A court order directing the person charged to stay away from the premises occupied by the complainant;

(3) An agreement, whether verbal or written, between the complainant and the person charged that they shall live separate and apart, and such parties are in fact living separate and apart; or

(4) Separate places of residence for the complainant and the person charged.

~~On~~ Except as provided in subsection (b) of this section, upon conviction, said person is guilty of a Class 1 misdemeanor.

(b) A person convicted of a violation of this section is guilty of a Class G felony if the person is trespassing upon property operated as a safe house or haven for victims of domestic violence and the person is armed with a deadly weapon at the time of the offense."

(b) This section becomes effective December 1, 1998, and applies to offenses committed on or after that date.

CODE NO. 98CORR-H17.18A

Requested by: Representatives Justus, Kiser, Thompson

USE OF FEDERAL PRISON CONSTRUCTION GRANT FUNDS

Section 17.18. Section 19.22 of S.L. 1997-443 reads as rewritten:

"Section 19.22. The Department of Correction shall use federal grant funds received from the U.S. Justice Department as part of the Violent Offender Incarceration Program and the Truth-In-Sentencing Incentive Grant Program and any State funds appropriated for the further planning and design and construction of the following State prison facilities, provided that the project meets the criteria of the federal grant program:

Facility	Location	Number of Beds	Custody
Central Prison Diagnostic Center	Wake	196	Close
Warren Correctional Institution	Warren	168	Med/Close
Improvements to NCCIW	Wake	208	Med/Close
Scotland Facility	Scotland	712	Close
Alexander Facility (or replacement site)	Alexander	520	Close
Metro Facility	Charlotte Area	520	Close

~~No more than the sum of seventeen million five hundred thousand dollars ($17,500,000) in federal funds may be allocated to the Central Prison Diagnostic Center Project, the proposed revised Phase I of the Central Prison Master Plan, or the planning and design of the Warren, NCCIW, or Metro projects until federal funds have been allocated to complete the working drawings phase of planning and design for the Alexander and Scotland Close Custody Prison Facilities.~~

If the Department of Correction identifies a replacement for the Alexander Facility, the Department of Correction shall report on the site selected to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee.

Prior to major redesign or expansion of plans for Scotland, Alexander, and Metro, the Department of Correction shall report to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee.

The Department of Correction shall not initiate further construction on any of the projects listed in this section other than the Central Prison Diagnostic Center, which is already under contract, or on Central Prison Medical Center project until the Department reports to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee on the proposed construction plans and the short-term and long-term costs of the projects.

The Department of Correction shall report ~~quarterly~~ by October 1, 1998, to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, ~~to the Joint Legislative Commission on Governmental Operations and~~ the Joint Legislative Corrections and Crime Control Oversight Committee on the allocation of any federal funds received and of anticipated future federal grant funds."

CODE NO. 98CORR-H002

Requested by: Representatives Dockham, Justus, Kiser, Thompson, McCrary

REQUIRE INMATE ROAD SQUADS IN DAVIDSON COUNTY TO WEAR UNIFORMS IDENTIFYING THEM AS INMATES

Section @. The Department of Correction and the Department of Transportation shall require all inmate road squads, maintenance road squads, and community work crews working in Davidson County to wear horizontally striped uniforms with stripes of three inches in width and color-coded by inmate classification in a manner consistent with the color-coding used by Davidson County for its road squads.

CODE NO. 98CORR-H003

Requested by: Representatives Justus, Kiser, Thompson

REMOVE IMPACT AS OPTION FOR SPECIAL PROBATION

Section @. (a) G.S. 15A-1344(e) reads as rewritten:

"(e) Special Probation in Response to Violation. -- When a defendant has violated a condition of probation, the court may modify his probation to place him on special probation as provided in this subsection. In placing him on special probation, the court may continue or modify the conditions of his probation and in addition require that he submit to a period or periods of imprisonment, either continuous or noncontinuous, at whatever time or intervals within the period of probation the court determines. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the Rules and Regulations of the Department of Correction governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. If imprisonment is for continuous periods, the confinement may be in either the custody of the Department of Correction or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. Except for probationary sentences for impaired driving under ~~G.S. 20-138.1 and probationary sentences which include a period of imprisonment in the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) under G.S. 15A-1343(b1)(2a),~~ G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, may not exceed six months or one fourth the maximum sentence of imprisonment imposed for the offense, whichever is less. For probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. ~~For probationary sentences which include a period of imprisonment in the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) under G.S. 15A-1343(b1)(2a), the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed six months or~~

~~one-half the maximum term of the suspended sentence of imprisonment, whichever is less.~~ No confinement other than an activated suspended sentence may be required beyond the period of probation or beyond two years of the time the special probation is imposed, whichever comes first."

(b) G.S. 15A-1351(a) reads as rewritten:

"(a) The judge may sentence to special probation a defendant convicted of a criminal offense other than impaired driving under G.S. 20-138.1, if based on the defendant's prior record or conviction level as found pursuant to Article 81B of this Chapter, an intermediate punishment is authorized for the class of offense of which the defendant has been convicted. A defendant convicted of impaired driving under G.S. 20-138.1 may also be sentenced to special probation. Under a sentence of special probation, the court may suspend the term of imprisonment and place the defendant on probation as provided in Article 82, Probation, and in addition require that the defendant submit to a period or periods of imprisonment in the custody of the Department of Correction or a designated local confinement or treatment facility at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court determines. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the Rules and Regulations of the Department of Correction governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. If imprisonment is for continuous periods, the confinement may be in the custody of either the Department of Correction or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. Except for probationary sentences of impaired driving under ~~G.S. 20-138.1 and probationary sentences which include a period of imprisonment in the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) under G.S. 15A-1343(b1)(2a),~~ G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, may not exceed six months or one fourth the maximum sentence of imprisonment imposed for the offense, whichever is less, and no confinement other than an activated suspended sentence may be required beyond two years of conviction. For probationary sentences for impaired driving under G.S. 20-138.1,

the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. ~~For probationary sentences which include a period of imprisonment in the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) under G.S. 15A-1343(b1)(2a), the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed six months or one-half of the maximum term of the suspended sentence, whichever is less.~~ In imposing a sentence of special probation, the judge may credit any time spent committed or confined, as a result of the charge, to either the suspended sentence or to the imprisonment required for special probation. The original period of probation, including the period of imprisonment required for special probation, shall be as specified in G.S. 15A-1343.2(d), but may not exceed a maximum of five years, except as provided by G.S. 15A-1342(a). The court may revoke, modify, or terminate special probation as otherwise provided for probationary sentences."

(c) This section becomes effective December 1, 1998.

66

CODE NO. 98CORR-H004

Requested by: Representatives Justus, Kiser

ABOLISH EXECUTION BY LETHAL GAS AND PROVIDE THAT A PERSON CONVICTED OF A CRIMINAL OFFENSE WHO IS SENTENCED TO DEATH SHALL BE EXECUTED BY THE ADMINISTRATION OF LETHAL DRUGS

Section @. (a) G.S. 15-187 reads as rewritten:

"**§ 15-187. Death by administration of lethal ~~gas or~~ drugs.**

Death by electrocution under sentence of law ~~is hereby abolished~~ and death by the administration of lethal gas ~~substituted therefor, except that if any person sentenced to death so chooses, he may at least five days prior to his execution date, elect in writing to be executed by the administration of a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent.~~ under sentence of law are abolished. Any person convicted of a criminal offense and sentenced to death shall be executed only by the administration of a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent."

(b) G.S. 15-188 reads as rewritten:

"**§ 15-188. Manner and place of execution.**

~~Except as otherwise provided in~~ In accordance with G.S. 15-187, the mode of executing a death sentence must in every case be by ~~causing~~ administering to the convict or felon ~~to inhale lethal gas of sufficient quantity to cause death, and the administration of such lethal gas must be continued until such~~ a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent until the convict or felon is dead; and when any person, convict or felon shall be sentenced by any court of the State having competent jurisdiction to be so executed, ~~such~~ the punishment shall only be inflicted within a permanent death chamber which the superintendent of the State penitentiary is hereby authorized and directed to provide within the walls of the North Carolina penitentiary at Raleigh, North Carolina. The superintendent of the State penitentiary shall also cause to be provided, in conformity with this Article and approved by the Governor and Council of State, the necessary ~~appliances for the infliction of the punishment of death in accordance with the requirements of this Article.~~ appliances for the infliction of the punishment of death and qualified personnel to set up and prepare the injection, administer the preinjections, insert the IV catheter and to perform other tasks

required for this procedure in accordance with the requirements of this Article."

(c) This section is effective when it becomes law and applies to all executions after the effective date of this section.

CODE NO. 98CORR-H005A

Requested by: Representatives Justus, Kiser, Thompson

PROHIBIT ESCAPE FROM PRIVATE CORRECTIONAL FACILITIES/PROPOSED STANDARDS FOR PRIVATE PRISONS FOR OUT-OF-STATE INMATES/ CLARIFY MORATORIUM ON PRIVATE PRISONS FOR OUT-OF-STATE INMATES

Section @ (a) Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-256.1. Escape from private correctional facility.**

It is unlawful for any person convicted in a jurisdiction other than North Carolina but housed in a private correctional facility located in North Carolina to escape from that facility. Violation of this section is a Class I felony."

(b) Subsection (b) of Section 19.17 of S.L. 1997-443 reads as rewritten:

"(b) The Department of Correction, in cooperation with the Department of Justice, Department of Insurance, and Office of State Construction, shall establish proposed standards for any private correctional facilities in this State that are used to confine inmates from a jurisdiction other than ~~North Carolina or~~ North Carolina, a political subdivision of ~~North Carolina.~~ North Carolina, or the federal government. These standards shall include provisions for all such facilities to:

(1) Meet minimum responsibility and insurance standards and may provide for the posting of surety bonds;

(2) Meet or exceed all standards applicable to the State prison system, particularly those standards relating to inmate care and treatment;

(3) Provide for the transfer or return of all inmates to the jurisdiction in which the inmates were originally convicted prior to release of the inmates;

(4) Permit officials of the State of North Carolina to conduct periodic inspections of all such facilities; and

(5) Meet any other standards the departments deem advisable.

The Department of Correction shall report on these proposed standards to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by ~~May 1, 1998.~~ January 15, 1999. The report shall include a

recommendation on the appropriate regulatory agency or agencies to enforce these ~~standards.~~ standards and on the necessary enforcement authority to be vested in that agency or agencies. The report shall also include a draft of legislation necessary to enact the proposed standards and regulatory authority.

The Department of Correction shall also consult with the Department of Justice on the appropriateness of the penalty provided for in G.S. 14-256.1, enacted in subsection (a) of this section, and on the implications of convicting inmates already serving sentences imposed by other jurisdictions in private prisons located in North Carolina. The Department of Correction shall include the conclusions reached during its consultation with the Department of Justice in the report required by this section."

(c) Subsection (c) of Section 19.17 of S.L. 1997-443 reads as rewritten:

"(c) No municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates from any jurisdiction other than North ~~Carolina or~~ Carolina, a political subdivision of North ~~Carolina~~ Carolina, or the federal government until the Department of Correction has developed proposed standards for such private correctional facilities pursuant to subsection (b) of this section and the General Assembly has acted upon those standards. No private confinement facility authorized under G.S. 148-37(g) that receives payment from this State for the housing of State prisoners may contain inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina without the written consent of the Secretary of Correction."

CODE NO. 98CORR-H008

Requested by: Representatives Justus, Kiser, Thompson

WOMEN AT RISK FUNDS

Section @. Of the funds appropriated to the Department of Correction for the 1998-99 fiscal year, the Department shall use the sum of thirty-five thousand dollars ($35,000) to expand the Women at Risk program into Burke and Catawba Counties.

Justice



CODE NO. 98ATTY-H012-S

Requested by: Representatives Justus, Kiser, Thompson

SALARY EQUITY FOR SBI LAW ENFORCEMENT

Section 18. Subsection (a) of Section 20.9 of S.L. 1997-443 reads as rewritten:

"(a) Of the funds appropriated in this act to the Department of Justice for the State Bureau of Investigation, the sum of two million seven hundred thousand dollars ($2,700,000) for the 1997-98 fiscal year and the sum of ~~two million seven hundred thousand dollars ($2,700,000)~~ two million six hundred sixty-seven thousand five hundred forty dollars ($2,667,540) for the 1998-99 fiscal year shall be used to adjust the salaries of law enforcement positions in the State Bureau of Investigation. These adjustments shall be based on factors, such as employee salary, position class title, position grade, and credible years of sworn service with the State Bureau of Investigation. No salary adjustment shall result in an increase beyond the maximum salary set for an officer's pay grade. If an officer's salary is near or at the top of the officer's pay grade, the officer shall be eligible to receive a salary adjustment up to the top of the officer's pay grade. If an officer is at the top of the officer's pay grade, then the officer is not eligible to receive a salary adjustment. Sworn officers holding the following management positions are not eligible to receive the salary adjustment: SBI Director, SBI Assistant Directors of Support Services, SBI Assistant Director, SBI Assistant Directors of Field Services, SBI Assistant Director of Crime Laboratory, Deputy Director of Medicaid Fraud."

CODE NO. 98ATTY-H006-S

Requested by: Representatives Justus, Kiser, Thompson

LIMITS ON COMPUTER SYSTEM UPGRADE

Section 18.1. Section 20.4 of S.L. 1997-443 reads as rewritten:

"Section 20.4. Any ~~proposed increase in mainframe computer capacity or~~ major new computer system or major computer system upgrade for the Judicial Department, the Department of Correction, the Department of Justice, or the Department of Crime Control and Public Safety, to be funded all or in part from the Continuation Budget, shall be reported to the Joint Legislative Commission on Governmental Operations, to the Chairs of the Senate and House of Representatives Appropriations Committees, and to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety before the department enters into any contractual agreement. A major computer system upgrade includes any proposed enhancement, modification, or capacity increase to the computing and telecommunications infrastructure or to program applications where the total cost is anticipated to exceed five hundred thousand dollars ($500,000). This report is to be made jointly by the Information Resource Management Commission, the Office of State Budget and Management, and the requesting department."

CODE NO. 98ATTY-H007-S

Requested by: Representatives Justus, Kiser, Thompson

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 18.2. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by March 1, 1999, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards.

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board.

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point.

The membership of the Criminal Justice Information Network Governing Board established in G.S. 163-661 shall remain in effect for the 1998-99 fiscal year.

CODE NO. 98ATTY-H008-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY FEE ADJUSTMENT FOR CRIMINAL RECORDS CHECKS

Section 18.3. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal records checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal records checks. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal records checks and how those costs have changed since the 1995-96 fiscal year. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on or before March 1, 1999.

CODE NO. 98ATTY-H009-S

Requested by: Representatives Justus, Kiser, Thompson

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

Section 18.5. Section 20.7(a) of S.L. 1997-443 reads as rewritten:

"(a) Assets transferred to the Department of Justice during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections and Crime Control Oversight Committee upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended.

The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly, except during the ~~1997-98~~ 1998-99 fiscal year, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for SBI training; and

(2) Use an amount not to exceed fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle."

CODE NO. 98ATTY-H010-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY RECIPROCITY OF CONCEALED HANDGUN PERMITS

Section 18.4. (a) The Joint Legislative Corrections and Crime Control Oversight Committee shall study the issue of providing that a nonresident who has been issued a valid handgun permit in a reciprocal state may carry a concealed handgun in accordance with Article 54B of Chapter 14 of the General Statutes as if the permit were issued by this State. The Committee shall report its findings and recommendations to the 1999 General Assembly.

(b) The Attorney General shall prepare a list of those states that provide for concealed handgun permits that are equal to or more stringent than those required by North Carolina in order to assist the Joint Legislative Corrections and Crime Control Oversight Committee in its study.

CODE NO. 98ATTY-H011

Requested by: Representatives Justus, Kiser, Thompson

SBI USE OF COURT-ORDERED REIMBURSEMENT FUNDS

Section . Section 20.2 of S.L. 1997-443 reads as rewritten:

"Section 20.2. The State Bureau of Investigation (SBI) may use funds available from court-ordered reimbursement in undercover drug operations. Any funds received from the court may be budgeted upon receipt from the court and may be used in addition to any funds appropriated by the General Assembly."

CODE NO. 98ATTY-H005C

Requested by: Representatives Justus, Thompson, Kiser, Redwine

ATTORNEY GENERAL REPORT OF STATE SETTLEMENTS AND COURT ORDERS

Section @. Article 1 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-2.5. Attorney General to report payment of public monies pursuant to settlement agreements and final court orders.

(a) Prior to the distribution of public monies to local governments, local school administrative units, or nonprofit organizations pursuant to an agreement or final court order in a case in which the State or a State department, agency, institution, or officer is a party, the Attorney General shall report to the Joint Legislative Commission on Governmental Operations and the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives on the amount of funds to be paid pursuant to the agreement or order and the terms or conditions of payment set forth in the agreement or order. The Attorney General shall submit a written report to the Fiscal Research Division of the General Assembly.

(b) This section only applies to the distribution of monies pursuant to executed settlement agreements and final orders or judgments of the court and shall in no way affect the authority of the Attorney General to negotiate the settlement of cases in which the State or a State department, agency, institution, or officer is a party."

CODE NO. 98ATTY-H014

Requested by: Representatives Justus, Thompson, Kiser

SBI FUNDS/SPENDING PRIORITIES

Section @. Section 20.1 of S.L. 1997-443 reads as rewritten:

"Section 20.1. Of the funds appropriated in this act to the Department of Justice, State Bureau of Investigation, for the 1997-99 biennium for overtime payments, the first priority for use of the funds by the Department shall be:

(1) To make overtime payments to SBI agents in the Field Investigations ~~Division; and~~ Division and in the crime laboratories; and

(2) To make overtime payments to supervisory personnel receiving overtime payments as of June 30, 1997, up to a maximum of five thousand two hundred dollars ($5,200) annually per individual."

Crime Control

CODE NO. 98CCPS-H002-S

Requested by: Representatives Justus, Kiser, Thompson, Esposito

ACTIVATION OF NATIONAL GUARD FOR SPECIAL OLYMPICS

Section 19. With funds available, the Governor may place units or portions of units of the North Carolina National Guard on State Active Duty during the period from January 1, 1999, to September 30, 1999, to assist with the planning, support, and execution of events associated with the International Special Olympic Games.

CODE NO. 98CCPS-H003-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY TARHEEL CHALLENGE PROGRAM

Section 19.1. With funds available, the Department of Crime Control and Public Safety shall contract with an external consultant to study the effectiveness of the National Guard Tarheel Challenge Program as an intervention method for preventing delinquent or criminal behavior and improving individual skills and employment potential of the participants in the Program. The study shall include:

(1) An evaluation of the goals of the Program and long-term effects of participation in the Program;

(2) A comparison of the Program to (i) other similar programs that offer job training and behavior modification and (ii) a control group of students not participating in intervention programs; and

(3) A cost-benefit analysis of the Program.

The Department shall report the results of the study, including any recommendations, to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives by March 1, 1999.

CODE NO. 98CCPS-H004-S

Requested by: Representatives Justus, Kiser, Thompson

VICTIMS ASSISTANCE NETWORK REPORT

Section 19.2. The Department of Crime Control and Public Safety shall report on the expenditure of funds allocated in Section 21.1 of S.L. 1997-443 for the Victims Assistance Network. The Department shall also report on the Network's efforts to gather data on crime victims and their needs, act as a clearinghouse for crime victims' services, provide an automated crime victims' bulletin board for subscribers, coordinate and support activities of other crime victims' advocacy groups, identify the training needs of crime victims' services providers and criminal justice personnel, and coordinate training for these personnel. The Department shall submit its report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives and to the Joint Legislative Corrections and Crime Control Oversight Committee by October 1, 1998.

CODE NO. 98CCPS-H005-S

Requested by: Representatives Justus, Kiser, Thompson

USE OF HIGHWAY PATROL AIRCRAFT

Section 19.6. (a) G.S. 20-196.1 is repealed.

(b) G.S. 20-196.2 reads as rewritten:

"§ 20-196.2. Use of ~~airplanes~~ aircraft to discover certain motor vehicle ~~violations of §§ 20-138 to 20-171; testimony of pilots and observers;~~ violations; declaration of policy.

The State Highway Patrol is hereby permitted the use of ~~airplanes~~ aircraft to discover violations of Part 10 of Article 3 of Chapter 20 of the General Statutes relating to operation of motor vehicles and rules of the ~~road; provided, however, neither the observer nor the pilot shall be competent to testify in any court of law in a criminal action charging violations of G.S. 20-141, 20-141.1, and 20-144.~~ road. It is hereby declared the public policy of North Carolina that the ~~airplanes~~ aircraft should be used primarily for accident prevention and should also be used incident to the issuance of warning citations in accordance with the provisions of G.S. 20-183."

CODE NO. 98CCPS-H006-S

Requested by: Representatives Justus, Kiser, Thompson

STUDY EMERGENCY MANAGEMENT POSITIONS

Section 19.7. (a) The Joint Legislative Corrections and Crime Control Oversight Committee shall study the State and local assistance funding eligibility criteria of the Division of Emergency Management of the Department of Crime Control and Public Safety that requires local governments to have a full-time or part-time Emergency Program Manager. In its deliberations, the Committee shall consider:

(1) The burden placed on local governments to maintain a full-time or part-time position pursuant to the funding eligibility requirements.

(2) The feasibility and advisability of revising the funding eligibility criteria of the Division of Emergency Management to allow small local governments to:

a. Share federal funds and an Emergency Program Manager; or

b. Add the responsibilities of an Emergency Program Manager to an appropriate official or employee of the local government.

(3) The feasibility and advisability of opening regional emergency management offices and allocating funds to regions rather than local governments.

(b) The Committee shall report its findings and recommendations to the 1999 General Assembly.

CODE NO. 98CCPS-H008A

Requested by: Representatives Justus, Kiser, Thompson

UPGRADE CLERICAL POSITIONS IN DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Section . Of the funds appropriated in this act to the Department of Crime Control and Public Safety for the 1998-99 fiscal year, up to fifteen thousand dollars ($15,000) may be used to upgrade clerical positions to coordinator positions in the community service work program established in the Department pursuant to G.S. 143B-475.1. The Office of State Personnel shall approve each upgrade of clerical positions prior to the use of funds authorized by this section.

CODE NO. 98CCPS-H001A

Requested by: Representatives Thompson, Justus, Kiser, Sexton

STUDY DISASTER MITIGATION AND RELIEF FUNDING

Section @. The Department of Crime Control and Public Safety shall study the feasibility and advisability of establishing a disaster mitigation and relief fund to provide disaster relief and recovery assistance to individuals and local governments adversely affected by natural or man-made disasters through grants awarded to persons, corporations, nonprofit corporations, local governments, or other political subdivisions of the State. The Department shall consider and make recommendations regarding:

(1) Administration of the fund, including the membership of the body that establishes grant criteria and awards grants to applicants.

(2) Objectives and criteria for awarding grants, including the eligibility requirements that are appropriate for obtaining grants.

(3) Limitations on the amount of funds to be awarded to individuals and private entities or corporations, including the requirement that grant recipients obtain and maintain insurance against future loss of the property to be replaced, restored, repaired, or constructed with the funds awarded.

(4) Guidelines for prioritizing the allocation of funds to serve the needs of those citizens of the State who cannot obtain financial assistance under any other State or federal program or from any other source and who do not have insurance, including consideration of whether grants should be awarded on a competitive basis only or should be distributed equally to local governments for disaster mitigation on an annual basis.

(5) The intended use of the funds awarded to local governments, including training, upgrade, and standardization of communications capabilities Statewide.

(6) Establishment of a system of damage assessment whereby the Secretary of the Department of Crime Control and Public Safety determines whether the damage involved and its effects are of a severity and magnitude as to be beyond the response

capabilities of the affected local government or political subdivision and makes recommendations regarding whether a grant should be awarded.

(7) The preferred method of funding a disaster mitigation and relief fund.

The Department shall report its recommendations and legislative proposals to the Joint Legislative Commission on Governmental Operations, the Chairs of the Appropriations Committees of the House of Representatives and the Senate, the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the House of Representatives and the Senate, and the Joint Legislative Corrections and Crime Control Oversight Committee by March 1, 1999. A written copy of the report shall be sent to the Fiscal Research Division of the General Assembly by March 1, 1999.

CODE NO. 98CCPS-H010A

Requested by: Representative Hardy

COMMUNITY SERVICE NONCOMPLIANCE REPORT

Section @. The Division of Victim and Justice Services of the Department of Crime Control and Public Safety shall review its procedures on response to offenders who do not comply with community service requirements. The Division shall report to the Joint Legislative Corrections and Crime Control Oversight Committee by March 1, 1999 on the extent to which offenders comply with the Community Service Work Program. This report shall include statistics on compliance/noncompliance by category of offender, statistics on the number of court hearings and probation violations related to noncompliance, and any recommended changes in sanctions related to failure to complete community service requirements.

VISITOR REGISTRATION SHEET

APP/Sub. Justice & Public Safety — **July 16 , 1998**

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	NCHAN
Jeanne Bonds	AOC
Denise A. Sessoms	DOJ
Hope Mozingo	DOT
Bill Scott	NC Bar
Chris Mabe	AOC
Buzzy Hanger	OSBM
Joe Hamilton	DOC
Andy Eller	NCRMA
Jim Dean	NCRMA
Joe Stewart	CCPS
Peg Dorer	Conference of DAs
Scott Brady	McDuffie Nelson
R Watson	Governor Office
Eddie Caldwell	NC Sheriffs Assn / NC Law Enf Officers Assn
Thomas V. Bennett	

1998

HOUSE APPROPRIATIONS – JUSTICE & PUBLIC SAFETY

MINUTES

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday September 15, 1998 – 9:00 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Larry Justus, Presiding
Representative Joe Kiser
Representative Gregg Thompson

II. PRESENTATIONS

- Proposed House Committee Substitute for SB 763 – Crime Victims Rights Act

Fiscal Research Division Staff

Bill Drafting Division Staff

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

September 15, 1998
ROOM 612

HOUSE MEMBERS PRESENT: [7] Representatives Justus, Thompson, McCrary, Hardy, Sexton, and Howard.

The House Appropriations Subcommittee on Justice and Public Safety met on Tuesday, September 15, 1998, in Room 612 of the Legislative Office Building. Representative Justus called the meeting to order at 9:07 AM. Representative Justus explained that when House Bill 665 left this committee, we thought we had a bill that covered the felonies and the most serious misdemeanors. He stated that the Crime Victims' Rights Act is one of the most important bills in the last two years. This bill will be settled in the conference appropriations committee. Victims are waiting while we coddle criminals. Today we have an opportunity to send out a good bill. Representative Thompson moved that the proposed committee substitute for Senate Bill 763 -- Crime Victims Rights Act – (Attachment 1) be placed before the committee. Motion carried.

Representative Justus recognized Jim Mills, Fiscal Staff, to explain the proposed committee substitute. Mr. Mills distributed Attachment 2 -- HB 665/SB 763 -- Crime Victims Rights Act -- to committee members. Mr. Mills explained the changes in this bill as follows:

A. Changes to JPS Subcommittee Version of HB 665 (CSLL-012 6/6/98) by House Judiciary Committee (Committee Substitute 5th edition)
B. Proposed House Committee Substitute for Senate Bill 763 -- CSLL-001 (9/15/98)

Two differences from House Judiciary Bill: Effective date and domestic violence

C. Changes to HB 665 on 6/16/98 continued in Proposed House Committee Substitute for SB 763 (CSLL-001)

1. Duties of Law Enforcement
2. State Grants to Law Enforcement
3. Justice Wide Area Network (JWAN) and Automated Victim Notification System
4. Other substantive changes

Representative Kiser stated that local law enforcement cannot depend on grants from the Governor's Crime Commission. It is imperative that we fund this so that everyone gets an equal amount of money.

Representative Hardy added that the Crime Commission has money. His county has three victim/witness assistants provided by the Governor's Crime Commission.

Representative Justus replied that every effort will be made to place money for local law enforcement in this bill during the conference committee. Representative Justus noted that Crime Commission grants are for a limited time.

Representative Justus recognized Tom Keith, District Attorney, from Winston-Salem for comments. Mr. Keith stated that the District Attorneys are in favor of prosecuting domestic violence if the resources are there. Winston-Salem has five grant positions to handle domestic violence cases. This has resulted in a reduction of murders in domestic violence cases. The forty-five victim witness assistants that were included in the budget are not for domestic violence misdemeanors; they are for felonies. One or two victim witness assistants for each county "will not cut it." The district Attorneys office have a no drop policy and the law enforcement officials operate under a must arrest policy pertaining to domestic violence.

Mr. Keith continued that notification of a victim in domestic violence can take two hours with an average notification time of thirty-seven minutes. If misdemeanor domestic violence is added to the victims' rights bill, Forsyth County will need an additional five District Attorney victim/witness assistants.

Representative Kiser asked for the number of domestic violence calls in Tom Keith's district. Mr. Keith replied that there were 5000 domestic violence calls each for Forsyth, Charlotte, and Wake Counties.

Representative Justus stated that those items not in this bill will be eligible for negotiation with the Senate. Representative Justus asked that Jim Mills report on the allocations that have been directed to the victims' rights issue. Jim Mills reported that in the 1997 Session there were 105 victim witness/legal assistants (45 are in reserve), 54 assistant district attorneys, 100 deputy clerks of court, and 8 court reporters. In the 1998 budgets the Senate has 25 deputy clerks of court while the House has 149. The House budget also includes 10 court reporters and 10 judges.

Representative Howard commented that the chairmen should meet with the Human Resources Chairman to look at the possibility of using some TENNIF block grant funds.

Representative Kiser, a former sheriff, stated that when some members talk they sound as if we have left domestic violence out of the bill. We have included felony domestic violence. No one can tell us how many domestic violence misdemeanor crimes are committed in North Carolina.

Representative Justus recognized Catherine Smith, VAN (North Carolina Victims Assistance Network) director, for comments. Ms. Smith said that domestic violence is very important to this bill. The District Attorneys are doing a yeoman's job and there is

an imperative need for additional funding. Local law enforcement is traditionally not funded by the state; but if local law enforcement is not included, some counties will be left out.

Representative Kiser moved a favorable report for the committee substitute. Motion carried.

The meeting was adjourned at 9:40 AM.

Larry T. Justus
Representative Larry Justus
Chairman

Carolyn Justus
Carolyn Justus
Committee Clerk

ATT. 1
9-15-98

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 763
Judiciary Committee Substitute Adopted 8/26/98
Third Edition Engrossed 9/2/98
Proposed House Committee Substitute S763-CSLL-001
WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Crime Victims' Rights Act. (Public)

Sponsors:

Referred to:

April 8, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIME VICTIMS' RIGHTS ACT TO ASSIST VICTIMS OF FELONIES, TO ALLOW THE ENFORCEMENT OF ORDERS FOR RESTITUTION IN CRIMINAL CASES IN THE SAME MANNER AS CIVIL JUDGMENTS, TO CREATE AN EXCEPTION TO THE STATUTORY EXEMPTIONS FOR EXECUTION OF RESTITUTION JUDGMENTS, TO CHANGE THE ORDER OF PRIORITY FOR DISBURSEMENT OF FUNDS IN CRIMINAL CASES, TO PROHIBIT THE USE OF STATE FUNDS FOR JURY CONSULTANTS, TO REQUEST THE NORTH CAROLINA SUPREME COURT TO CONSIDER AND ADOPT RULES TO EXPEDITE APPEALS FROM CAPITAL CASES THAT INCLUDE A SENTENCE OF DEATH, AND TO ELIMINATE THE REVIEW OF SENTENCES OF LIFE IMPRISONMENT WITHOUT PAROLE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 15A of the General Statutes is amended by adding a new Subchapter to read:

"SUBCHAPTER XVI. CRIME VICTIMS' RIGHTS.

"ARTICLE 101.

"Crime Victims' Rights Act.

"§ 15A-2010. Definitions.

(a) The following definitions apply in this Article:

(1) Accused. -- A person who has been arrested and charged with committing a crime covered by this Article.

(2) Law enforcement agency. -- Law enforcement agency includes the following:

a. Arresting law enforcement agency. -- The law enforcement agency that makes the arrest of an accused.

b. Custodial agency. -- The agency that has legal custody of an accused or defendant arising from a charge or conviction of a crime covered by this Article including, but not limited to, local jails or detention facilities, regional jails or detention facilities, or the Department of Correction.

c. Investigating law enforcement agency. -- The law enforcement agency with primary responsibility for investigating the crime committed against the victim.

(3) Next of kin. -- The victim's spouse, children, parents, siblings, or grandparents. The term does not include the accused unless the charges are dismissed or the person is found not guilty.

(4) Victim. -- A person against whom there is probable cause to believe one of the following crimes was committed:

a. A Class A, B1, B2, C, D, or E felony.

b. A Class F felony if it is a violation of one of the following: G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3); 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.2; 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-288.9; or 20-138.5.

c. A Class G felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.

d. A Class H felony if it is a violation of one of the following: G.S. 14-32.3(a); 14-32.3(c); or 14-33.2.

e. A Class I felony if it is a violation of one of the following: G.S. 14-277.3; 14-32.3(b); 14-34.6(b); or 14-190.17A.

f. An attempt of any of the felonies listed in this subdivision if the attempted felony is punishable as a felony.

(b) If the victim is deceased, then the next of kin, in the order set forth in the definition contained in this section, is entitled to the victim's rights under this Article, except for the rights contained in G.S. 15A-2014. An individual entitled to exercise the victim's rights as a member of the class of next of kin may designate anyone in the class to act on behalf of the class.

"§ 15A-2011. Responsibilities of law enforcement agency.

(a) As soon as practicable but within 72 hours after identifying a victim covered by this Article, the investigating law enforcement agency shall provide the victim with the following information:

(1) The availability of medical services, if needed.

(2) The availability of crime victims' compensation funds under Chapter 15B of the General Statutes and the address and telephone number of the agency responsible for dispensing the funds.

(3) The address and telephone number of the district attorney's office that will be responsible for prosecuting the victim's case.

(4) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact if the victim has not been notified of an arrest in the victim's case within six months after the crime was reported to the law enforcement agency.

(5) Information about an accused's opportunity for pretrial release.

(6) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact to find out whether the accused has been released from custody.

The investigating law enforcement agency shall also be available to provide victims with more direct assistance in understanding the criminal justice process and the scope of victims' services available to assist them. The investigating law enforcement agency shall assist a victim in obtaining any of those services upon the request of the victim.

(b) As soon as practicable but within 72 hours after receiving notification from the arresting law enforcement agency that the accused has been arrested, the investigating law enforcement

agency shall forward to the district attorney's office that will be responsible for prosecuting the case the victim's name, address, date of birth, social security number, race, sex, and telephone number, unless the victim refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall so inform the district attorney's office.

(c) Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the investigating law enforcement agency, indicate whether the victim wishes to receive any further notices from the investigating law enforcement agency. If the victim elects to receive further notices, the victim shall be responsible for notifying the investigating law enforcement agency of any changes in the victim's name, address, and telephone number.

(d) As soon as practicable but within 72 hours after the arrest of a person believed to have committed a crime covered by this Article, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. As soon as practicable but within 72 hours of being notified of the arrest, the investigating law enforcement agency shall notify the victim of the arrest.

"§ 15A-2012. Responsibilities of the district attorney's office.

(a) Within 21 days after the arrest of the accused, but not less than 24 hours before the accused's first scheduled probable cause hearing, the district attorney's office shall provide to the victim a pamphlet or other written material that explains in a clear and concise manner the following:

(1) The victim's rights under this Article, including the right to confer with the attorney prosecuting the case about the disposition of the case and the right to provide a victim impact statement.

(2) The responsibilities of the district attorney's office under this Article.

(3) The victim's eligibility for compensation under the Crime Victims' Compensation Act and the deadlines by which the victim must file a claim for compensation.

(4) The steps generally taken by the district attorney's office when prosecuting a felony case.

(5) Suggestions on what the victim should do if threatened or intimidated by the accused or someone acting on the accused's behalf.

(6) The name and telephone number of a victim and witness assistant in the district attorney's office whom the victim may contact for further information.

(b) Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the district attorney's office, indicate whether the victim wishes to receive notices of some, all, or none of the trial and posttrial proceedings involving the accused. If the victim elects to receive notices, the victim shall be responsible for notifying the district attorney's office or any other department or agency that has a responsibility under this Article of any changes in the victim's address and telephone number. The victim may alter the request for notification at any time by notifying the district attorney's office and completing the form provided by the district attorney's office.

(c) The district attorney's office shall notify a victim of the date, time, and place of all trial court proceedings of the type which the victim has elected to receive notice. All notices required to be given by the district attorney's office shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the court proceeding.

(d) Whenever practical, the district attorney's office shall provide a secure waiting area during court proceedings that does not place the victim in close proximity to the defendant or the defendant's family.

(e) When the victim is to be called as a witness in a court proceeding, the court shall make every effort to permit the fullest attendance possible by the victim in the proceedings.

(f) Prior to the disposition of the case, the district attorney's office shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about the disposition of the case, including the victim's views about dismissal, plea or negotiations, sentencing, and any pretrial diversion programs.

(g) At the sentencing hearing, the prosecuting attorney shall submit to the court a copy of a form containing the identifying information set forth in G.S. 15A-2011(b) about any victim electing to receive further notices under this Article. The form shall be included with the final judgment and commitment transmitted to the Department of Correction or other agency receiving custody of the defendant and shall be maintained by the custodial agency as a confidential file.

"§ 15A-2013. Evidence of victim impact.

(a) A victim has the right to offer evidence of the impact of the crime, which shall be considered by the court or jury, as the case may be, in sentencing the defendant. The evidence may include the following:

(1) A description of the nature and extent of any physical, psychological, or emotional injury suffered by the victim as a result of the offense committed by the defendant.

(2) An explanation of any economic or property loss suffered by the victim as a result of the offense committed by the defendant.

(3) A request for restitution and an indication of whether the victim has applied for or received compensation under the Crime Victims' Compensation Act.

(b) No victim shall be required to offer evidence of the impact of the crime. No inference or conclusion shall be drawn from a victim's decision not to offer evidence of the impact of the crime.

"**§ 15A-2014. Restitution.**

(a) Upon conviction of the defendant or upon a plea of guilty, the court shall, in addition to any penalty authorized by law, require that the defendant make restitution to a victim or the victim's estate for any injuries or damages arising out of the offense committed by the defendant. In determining the amount of restitution, the court shall consider the following:

(1) The cost of any medical or other professional services and devices or equipment required by the victim.

(2) The cost of physical therapy, occupational therapy, and rehabilitation required by the victim.

(3) Any income loss, after taxes, suffered by the victim.

(4) The cost of any psychological or medical treatment for the victim's next of kin.

(5) The cost of the victim's funeral and any related services.

(6) Any other injuries or damages arising out of the offense committed by the defendant.

(b) The court may require that the victim or the victim's estate provide evidence that documents the costs claimed by the victim or the victim's estate under this section. Any such documentation shall be shared with the defendant before the sentencing hearing.

(c) In determining the amount of restitution to be made, the court shall take into consideration the resources of the defendant including all real and personal property owned by the defendant and the income derived from the property, the defendant's ability to earn, the defendant's obligation to support dependents, and any other matters that pertain to the defendant's ability to make restitution, but the court is not required to make findings of fact or conclusions of law on these matters. The amount of restitution must be limited to that supported by the record, and the court may order partial restitution when it appears that the damage or loss caused by the offense is greater than that which the defendant is able to pay.

(d) An order providing for restitution does not abridge the right of a victim or the victim's estate to bring a civil action against the defendant for damages arising out of the offense committed by the defendant.

(e) The court may order the defendant to make restitution to a person other than the victim, or to any organization, corporation, or association, including the Crime Victims' Compensation Fund that provided assistance to the victim following the commission of the offense by the defendant. Restitution shall be made to the victim or the victim's estate before it is made to any other person, organization, corporation, or association.

(f) The court may require the defendant to make full restitution no later than a certain date or, if the circumstances warrant, may allow the defendant to make restitution in installments over a specified time period.

(g) If the defendant is placed on probation or post-release supervision, any restitution ordered under this Article shall be a condition of probation or post-release supervision.

(h) If the court orders partial restitution, the court shall state on the record the reasons for such an order.

"§ 15A-2015. Enforcement of order for restitution.

(a) An order for restitution under this Article may be enforced in the same manner as a civil judgment, subject to the provisions of this section.

(b) The order for restitution under this Article shall be docketed and indexed in the county of the original conviction in the same manner as a civil judgment. The order for restitution may be collected in the same manner as a civil judgment unless the order to pay restitution is a condition of probation. If the order to pay restitution is a condition of probation, the

judgment may only be collected in accordance with subsection (c) of this section.

(c) If the defendant is ordered to pay restitution as a condition of probation, the docketed judgment may not be collected until the date of notification to the clerk of superior court in the county of the original conviction that the judge presiding at the probation termination or revocation hearing has made a finding that restitution in a sum certain remains due and payable, that the defendant's probation has been terminated or revoked, and that the remaining balance of restitution owing may be collected by execution on the judgment. The clerk shall then enter upon the judgment docket the amount that remains due and payable on the judgment, together with amounts equal to the standard fees for docketing, copying, certifying, and mailing, as appropriate, and shall notify the victim by first-class mail at the victim's last known address that the judgment may be executed upon, together with the amount of the judgment. Until the clerk receives notification of termination or revocation of probation and the amount that remains due and payable on the order of restitution, the clerk shall not be required to update the judgment docket to reflect partial payments on the order of restitution as a condition of probation.

(d) An appeal of the conviction upon which the order of restitution is based shall stay execution on the judgment until the appeal is completed. If the conviction is overturned, the judgment shall be removed from the judgment docket.

"§ 15A-2016. Posttrial responsibilities.

(a) Within 30 days after the final proceeding of the trial phase of the case, the district attorney's office shall notify the victim, in writing, of:

(1) The final disposition of the case.

(2) The crimes of which the defendant was convicted.

(3) The defendant's right to appeal, if any.

(b) Upon a defendant's giving notice of appeal to the Court of Appeals or the Supreme Court, the district attorney's office shall forward to the Attorney General's office the victim's name, address, and telephone number. Upon receipt of this information, and thereafter as the circumstances require, the Attorney General's office shall provide the victim with the following:

(1) A clear and concise explanation of how the appellate process works, including information about possible actions that may be taken by the appellate court.

(2) Notice of the date, time, and place of any appellate proceedings involving the defendant. Notice shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the proceedings.

(3) The final disposition of an appeal.

(c) If the defendant has been released on bail pending the outcome of the appeal, the agency that has custody of the defendant shall notify the investigating law enforcement agency, and the investigating law enforcement agency shall notify the victim that the defendant has been released.

(d) If the defendant's conviction is overturned, and the district attorney's office decides to retry the case or the case is remanded to superior court for a new trial, the victim shall be entitled to the same rights under this Article as if the first trial did not take place.

(e) The Conference of District Attorneys shall maintain a repository relating to victims' identities, addresses, and other appropriate information for use by agencies charged with responsibilities under this Article.

"**§ 15A-2017. Responsibilities of agency with custody of defendant.**

The Department of Correction shall notify the victim of:

(1) The projected date by which the defendant can be released from custody. The calculation of the release date shall be as exact as possible, including earned time and disciplinary credits if the sentence of imprisonment exceeds 90 days.

(2) An inmate's assignment to a minimum custody unit and the address of the unit. This notification shall include notice that the inmate's minimum custody status may lead to the inmate's participation in one or more community-based programs such as work release or supervised leaves in the community.

(3) The victim's right to submit any concerns to the agency with custody and the procedure for submitting such concerns.

(4) The defendant's escape from custody.

(5) The defendant's capture.

(6) The date the defendant is scheduled to be released from the facility. Whenever practical, notice shall be given 60 days before release.

(7) The defendant's death.

"§ 15A-2018. Responsibilities of Division of Adult Probation and Parole.

The Division of Adult Probation and Parole shall notify the victim of:

(1) The defendant's regular conditions of probation or post-release supervision, special or added conditions, supervision requirements, and any subsequent changes.

(2) The date of a hearing to determine whether the defendant's supervision should be revoked, continued with or without modifications, or terminated.

(3) The final disposition of any hearing referred to in subdivision (2) of this section.

(4) Any restitution modification.

(5) The defendant's movement into or out of any intermediate sanction as defined in G.S. 15A-1340.11(6).

(6) The defendant absconding supervision.

(7) The capture of a defendant described in subdivision (6) of this section.

(8) The date when the defendant is terminated or discharged.

(9) The defendant's death.

"§ 15A-2019. Notice of commuted sentence or pardon.

The Governor's Clemency Office shall notify a victim when it is considering commuting the defendant's sentence or pardoning the defendant. The Governor's Clemency Office shall also give notice that the victim has the right to present a written statement to be considered by the Office before the defendant's sentence is commuted or the defendant is pardoned. The Governor's Clemency Office shall notify the victim of its decision. Notice shall be given in a manner that is reasonably calculated to allow for a timely response to the commutation or pardon decision.

"§ 15A-2020. No money damages.

This Article does not create a claim for damages against the State, a county, or a municipality, or any of its agencies, instrumentalities, officers, or employees.

"§ 15A-2021. No ground for relief.

The failure or inability of any person to provide a right or service under this Article may not be used by a defendant in a criminal case, by an inmate, or by any other accused as a ground for relief in any criminal or civil proceeding.

"§ 15A-2022. Incompetent victim's rights exercised.

When a victim is rendered mentally or physically incompetent or when the victim is a minor, the victim's rights under this Article, other than the rights provided by G.S. 15A-2014 and G.S. 15A-2015, may be exercised by the victim's next of kin."

Section 1.1. If the General Assembly appropriates funds for State grants to local and State law enforcement to implement the provisions of this act, the Department of Crime Control and Public Safety shall establish criteria for the allocation of these State grants. These criteria shall include a requirement that the requesting law enforcement agency document services and man-hours that directly relate to the provisions of this act. The criteria shall also require documentation that the requesting law enforcement agency is not receiving funding from any other source for that specific service. The Department of Crime Control and Public Safety shall report quarterly to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the development of the grant program and allocation of funding.

Section 2. The provisions of Article 45 of Subchapter VIII of Chapter 15A of the General Statutes are supplemental to the provisions of Article 101 of Subchapter XVI of Chapter 15A of the General Statutes as enacted in Section 1 of this act. If there is any conflict between the provisions of Article 45 and Article 101, the provisions of Article 101 shall control.

Section 2.1. G.S. 1C-1601(e) reads as rewritten:

"(e) Exceptions. -- The exemptions provided in this Article are inapplicable to claims

(1) Of the United States or its agencies as provided by federal law;

(2) Of the State or its subdivisions for taxes, appearance bonds or fiduciary bonds;

(3) Of lien by a laborer for work done and performed for the person claiming the exemption, but only as to the specific property affected;

(4) Of lien by a mechanic for work done on the premises, but only as to the specific property affected;

(5) For payment of obligations contracted for the purchase of the specific real property affected;

(6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1224, s. 6;

(7) For contractual security interests in the specific property affected; provided, that the exemptions

shall apply to the debtor's household goods notwithstanding any contract for a nonpossessory, nonpurchase money security interest in any such goods;

(8) For statutory liens, on the specific property affected, other than judicial liens;

(9) For child support, alimony or distributive award order pursuant to Chapter 50 of the General ~~Statutes.~~ Statutes;

(10) For criminal restitution orders docketed as civil judgments pursuant to G.S. 15A-2015."

Section 2.2. G.S. 7A-304(d) reads as rewritten:

"(d) In any criminal case in which the liability for costs, fines, restitution, or any other lawful charge has been finally determined, the clerk of superior court shall, unless otherwise ordered by the presiding judge, disburse such funds when paid in accordance with the following priorities:

(1) Sums in restitution prorated among the persons entitled thereto;

~~(1)~~(2) Costs due the county;

~~(2)~~(3) Costs due the city;

~~(3)~~(4) Fines to the county school fund;

~~(4) Sums in restitution prorated among the persons entitled thereto;~~

(5) Costs due the State;

(6) Attorney's fees.

Sums in restitution received by the clerk of superior court shall be disbursed when:

(1) Complete restitution has been received; or

(2) When, in the opinion of the clerk, additional payments in restitution will not be collected; or

(3) Upon the request of the person or persons entitled thereto; and

(4) In any event, at least once each calendar year."

Section 2.3. Article 45 of Subchapter VIII of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-828. Assistance to victims of domestic violence.

In the allocation of resources to persons the district attorney determines are victims of serious misdemeanors, the district attorney shall, to the extent possible, provide the services listed in G.S. 15A-825 to victims of domestic violence

misdemeanors that could involve the infliction of serious bodily injury."

Section 3. The Department of Crime Control and Public Safety shall establish a pilot program to integrate the Justice Wide Area Network (JWAN) with the proposed Victim Information and Notification Everyday (VINE) automated victim notification system. The pilot program shall include the development of a software application that can be implemented statewide to integrate the VINE system with other criminal justice networks. The Department shall report to the Chairs of the Joint Legislative Correction and Crime Control Oversight Committee and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by April 1, 1999, on the progress of the pilot program.

Section 4. Funds appropriated to the Judicial Department may not be used to contract for the services of jury consultants in criminal cases where the defendant has been assigned counsel by the court.

Section 5. The General Assembly requests the North Carolina Supreme Court to consider and adopt rules to expedite appeals from all cases in which the defendant is convicted of murder in the first degree and the judgment of the superior court includes a sentence of death.

Section 6. Article 85B of Chapter 15A is repealed.

Section 7. The provisions of this act are severable. If any provision of this act is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

Section 8. Sections 1.1, 2.3, 5, and this section of this act are effective when they become law. Section 4 of this act becomes effective July 1, 1998. Section 6 of this act becomes effective December 1, 1998, and applies to offenses committed on or after that date. The remainder of this act becomes effective January 1, 1999.

ATT. 2
9-15-98

HB 665/SB 763 – Crime Victims Rights Act

A. Changes to JPS Subcommittee Version of HB 665 (CSLL - 012 6/16/98) by House Judiciary Committee (Committee Substitute 5th edition)

1. Domestic Violence Misdemeanors

House Judiciary added requirement that victims of certain domestic violence misdemeanors would receive the same services as victims of felonies, effective July 1, 1999.

2. Repeal of Review of Sentence of Life Without Parole

JPS included HB 1734 in their version of the Victims Bill (CSLL - 012). HB 1734 required the judge to instruct the jury about the review of life without parole sentences and allowed the District Attorney to inform the jury about the review. House Judiciary repealed the law requiring a review.

B. Proposed House Committee Substitute for Senate Bill 763 – **CSLL - 001** (9/15/98)

Two differences from House Judiciary Bill

1. Effective Date

- Substantive portion of the Bill now effective **January 1, 1999** (JPS and Judiciary versions had effective date of October 1, 1998.

2. Domestic Violence

- **CSLL - 001** does not retain House Judiciary language adding domestic violence misdemeanors. **Retains language** in HB 665 requiring district attorneys to use their authority under current Fair Treatment Act to provide services to victims of serious misdemeanors to emphasize services to victims of domestic violence misdemeanors that could involve infliction of serious injuries. **(Page 12, Line 40 in Proposed Committee Substitute).**

(**NOTE: CSLL - 001** includes the House Judiciary language repealing the law requiring a judicial review of sentences of life without parole. (replaces HB 1734 which required instructions to jury about review process)

C. Changes to HB 665 on 6/16/98 continued in Proposed House Committee Substitute for SB 763 (CSLL - 001).

1. Duties of Law Enforcement

- **Continues revision of law enforcement section** to allow notices to victims and to other law enforcement agencies and DA offices to be provided as practicable but within 72 hours. **(starts on Page 3, line 11 Proposed Comm. Sub.)**

- **Continues revision expanding law enforcement duties from just notification of victims to direct assistance** such as helping victims obtain services. It is assumed that these duties would require adding professional victims personnel. These positions and costs would have to be funded by local government or State (through grants). Currently there are over 450 law enforcement entities. Assuming that all law enforcement agencies with a population to be served of 25,000 or more would need a position, 80 positions would be needed at estimated cost of $1,280,000 in 98-99 (1/1/99) and $2,307,200 in 99-2000. If more positions were needed in larger jurisdictions, assume 160 positions and cost would be $2,560,000 in 98-99 and $4,614,000 in 99-2000. Average between the two would be $1,920,000 in 98-99 for 120 positions and $3,460,800 in 99-2000.

  These amounts are **in addition** to estimated cost to local law enforcement of approximately **$471,000 in 98-99 and $962,000 in 99-2000 for notification and coordination** duties already required in the Bill.

2. State Grants to Law Enforcement

- **Continues language** requiring Crime Control to establish a grant program to assist law enforcement with implementation of the Bill. Criteria for funding shall include documentation of services and assurances that funding is not duplicating funding from other sources. **(Section 1.1, Page 11, Line 5)**

3. Justice Wide Area Network (JWAN) and Automated Victim Notification System

- **Continues language (Section 3, Page 13, Line 3, Proposed Comm. Sub.)** requiring a pilot program to study and develop software that will integrate criminal justice information systems with the automated victim notification system. Estimated cost is one time expenditure of $750,000 in 98-99. The

major outcome is anticipated to be development of software that could be used statewide at an estimated additional cost of $125,000 to $200,000 per district.

4. Other Substantive Changes

- **Continues Section 4 (Page 13, Line 15 Proposed Comm. Sub.) which is** same as HB 1523 which restricts Judicial Department from using funds to pay for jury consultants for indigent defendants.

- **Continues Section 5 (Page 13, Line 19 Proposed Comm. Sub.) which is** HB 1733 which requests N.C. Supreme Court to consider and adopt rules to expedite appeals for cases where defendant is convicted of first degree murder and is sentenced to death.

FRD 9/15/98

1998 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) **Justus, Thompson, Kiser** for the Permanent Subcommittee on **Justice and Public Safety** of the Standing Committee on **Appropriations**.

☑ Committee Substitute for
S.B. 763 ☐ A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIME VICTIMS' RIGHTS ACT, TO ASSIST VICTIMS OF DOMESTIC VIOLENCE, TO ALLOW THE ENFORCEMENT OF ORDERS FOR RESTITUTION IN CRIMINAL CASES IN THE SAME MANNER AS CIVIL JUDGMENTS, TO CREATE AN EXCEPTION TO THE STATUTORY EXEMPTIONS FOR EXECUTION OF RESTITUTION JUDGMENTS, TO CHANGE THE ORDER OF PRIORITY FOR DISBURSEMENT OF FUNDS IN CRIMINAL CASES, AND TO MAKE CHANGES TO THE CRIME VICTIMS COMPENSATION ACT.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on .

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. for the Standing Committee on _____.

s/ George M. Holmes

☐ With a favorable report.

☐ With a favorable report, as amended.

☑ With a favorable report as to committee substitute bill (~~#~~), ☑ which changes the title, unfavorable as to ~~original bill~~ (Committee Substitute Bill # ~~)~~. ~~(and recommendation that the committee substitute bill (#) be referred to the Committee on .)~~

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar. (PUBLIC BILLS ONLY)

3/25/98

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 763
Judiciary Committee Substitute Adopted 8/26/98
Third Edition Engrossed 9/2/98
Proposed House Committee Substitute S763-PCS6882-LL001

Short Title: Crime Victims' Rights Act. (Public)

Sponsors:

Referred to:

April 8, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIME VICTIMS' RIGHTS ACT TO ASSIST VICTIMS OF FELONIES, TO ALLOW THE ENFORCEMENT OF ORDERS FOR RESTITUTION IN CRIMINAL CASES IN THE SAME MANNER AS CIVIL JUDGMENTS, TO CREATE AN EXCEPTION TO THE STATUTORY EXEMPTIONS FOR EXECUTION OF RESTITUTION JUDGMENTS, TO CHANGE THE ORDER OF PRIORITY FOR DISBURSEMENT OF FUNDS IN CRIMINAL CASES, TO PROHIBIT THE USE OF STATE FUNDS FOR JURY CONSULTANTS, TO REQUEST THE NORTH CAROLINA SUPREME COURT TO CONSIDER AND ADOPT RULES TO EXPEDITE APPEALS FROM CAPITAL CASES THAT INCLUDE A SENTENCE OF DEATH, AND TO ELIMINATE THE REVIEW OF SENTENCES OF LIFE IMPRISONMENT WITHOUT PAROLE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 15A of the General Statutes is amended by adding a new Subchapter to read:

"SUBCHAPTER XVI. CRIME VICTIMS' RIGHTS.

"ARTICLE 101.

"Crime Victims' Rights Act.

"**§ 15A-2010. Definitions.**

(a) The following definitions apply in this Article:

(1) Accused. -- A person who has been arrested and charged with committing a crime covered by this Article.

(2) Law enforcement agency. -- Law enforcement agency includes the following:

a. Arresting law enforcement agency. -- The law enforcement agency that makes the arrest of an accused.

b. Custodial agency. -- The agency that has legal custody of an accused or defendant arising from a charge or conviction of a crime covered by this Article including, but not limited to, local jails or detention facilities, regional jails or detention facilities, or the Department of Correction.

c. Investigating law enforcement agency. -- The law enforcement agency with primary responsibility for investigating the crime committed against the victim.

(3) Next of kin. -- The victim's spouse, children, parents, siblings, or grandparents. The term does not include the accused unless the charges are dismissed or the person is found not guilty.

(4) Victim. -- A person against whom there is probable cause to believe one of the following crimes was committed:

a. A Class A, B1, B2, C, D, or E felony.

b. A Class F felony if it is a violation of one of the following: G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3); 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.2; 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-288.9; or 20-138.5.

c. A Class G felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.

d. A Class H felony if it is a violation of one of the following: G.S. 14-32.3(a); 14-32.3(c); or 14-33.2.

e. A Class I felony if it is a violation of one of the following: G.S. 14-277.3; 14-32.3(b); 14-34.6(b); or 14-190.17A.

f. An attempt of any of the felonies listed in this subdivision if the attempted felony is punishable as a felony.

(b) If the victim is deceased, then the next of kin, in the order set forth in the definition contained in this section, is entitled to the victim's rights under this Article, except for the rights contained in G.S. 15A-2014. An individual entitled to exercise the victim's rights as a member of the class of next of kin may designate anyone in the class to act on behalf of the class.

"§ 15A-2011. Responsibilities of law enforcement agency.

(a) As soon as practicable but within 72 hours after identifying a victim covered by this Article, the investigating law enforcement agency shall provide the victim with the following information:

(1) The availability of medical services, if needed.

(2) The availability of crime victims' compensation funds under Chapter 15B of the General Statutes and the address and

telephone number of the agency responsible for dispensing the funds.

(3) The address and telephone number of the district attorney's office that will be responsible for prosecuting the victim's case.

(4) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact if the victim has not been notified of an arrest in the victim's case within six months after the crime was reported to the law enforcement agency.

(5) Information about an accused's opportunity for pretrial release.

(6) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact to find out whether the accused has been released from custody.

The investigating law enforcement agency shall also be available to provide victims with more direct assistance in understanding the criminal justice process and the scope of victims' services available to assist them. The investigating law enforcement agency shall assist a victim in obtaining any of those services upon the request of the victim.

(b) As soon as practicable but within 72 hours after receiving notification from the arresting law enforcement agency that the accused has been arrested, the investigating law enforcement agency shall forward to the district attorney's office that will be responsible for prosecuting the case the victim's name, address, date of birth, social security number, race, sex, and telephone number, unless the victim refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall so inform the district attorney's office.

(c) Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the investigating law enforcement agency, indicate whether the victim wishes to receive any further notices from the investigating law enforcement agency. If the victim elects to receive further notices, the victim shall be responsible for notifying the investigating law enforcement agency of any changes in the victim's name, address, and telephone number.

(d) As soon as practicable but within 72 hours after the arrest of a person believed to have committed a crime covered by this Article, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. As soon as practicable but within 72 hours of being notified of the arrest, the investigating law enforcement agency shall notify the victim of the arrest.

"**§ 15A-2012. Responsibilities of the district attorney's office.**

(a) Within 21 days after the arrest of the accused, but not less than 24 hours before the accused's first scheduled probable cause hearing, the district attorney's office shall provide to the victim a pamphlet or other written material that explains in a clear and concise manner the following:

(1) The victim's rights under this Article, including the right to confer with the attorney prosecuting the case about the disposition of the case and the right to provide a victim impact statement.

(2) The responsibilities of the district attorney's office under this Article.
(3) The victim's eligibility for compensation under the Crime Victims' Compensation Act and the deadlines by which the victim must file a claim for compensation.
(4) The steps generally taken by the district attorney's office when prosecuting a felony case.
(5) Suggestions on what the victim should do if threatened or intimidated by the accused or someone acting on the accused's behalf.
(6) The name and telephone number of a victim and witness assistant in the district attorney's office whom the victim may contact for further information.

(b) Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the district attorney's office, indicate whether the victim wishes to receive notices of some, all, or none of the trial and posttrial proceedings involving the accused. If the victim elects to receive notices, the victim shall be responsible for notifying the district attorney's office or any other department or agency that has a responsibility under this Article of any changes in the victim's address and telephone number. The victim may alter the request for notification at any time by notifying the district attorney's office and completing the form provided by the district attorney's office.

(c) The district attorney's office shall notify a victim of the date, time, and place of all trial court proceedings of the type which the victim has elected to receive notice. All notices required to be given by the district attorney's office shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the court proceeding.

(d) Whenever practical, the district attorney's office shall provide a secure waiting area during court proceedings that does not place the victim in close proximity to the defendant or the defendant's family.

(e) When the victim is to be called as a witness in a court proceeding, the court shall make every effort to permit the fullest attendance possible by the victim in the proceedings.

(f) Prior to the disposition of the case, the district attorney's office shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about the disposition of the case, including the victim's views about dismissal, plea or negotiations, sentencing, and any pretrial diversion programs.

(g) At the sentencing hearing, the prosecuting attorney shall submit to the court a copy of a form containing the identifying information set forth in G.S. 15A-2011(b) about any victim electing to receive further notices under this Article. The form shall be included with the final judgment and commitment transmitted to the Department of Correction or other agency receiving custody of the defendant and shall be maintained by the custodial agency as a confidential file.

"§ 15A-2013. Evidence of victim impact.

(a) A victim has the right to offer evidence of the impact of the crime, which shall be considered by the court or jury, as the case may be, in sentencing the defendant. The evidence may include the following:

(1) A description of the nature and extent of any physical, psychological, or emotional injury suffered by the victim as a result of the offense committed by the defendant.

(2) An explanation of any economic or property loss suffered by the victim as a result of the offense committed by the defendant.

(3) A request for restitution and an indication of whether the victim has applied for or received compensation under the Crime Victims' Compensation Act.

(b) No victim shall be required to offer evidence of the impact of the crime. No inference or conclusion shall be drawn from a victim's decision not to offer evidence of the impact of the crime.

"**§ 15A-2014. Restitution.**

(a) Upon conviction of the defendant or upon a plea of guilty, the court shall, in addition to any penalty authorized by law, require that the defendant make restitution to a victim or the victim's estate for any injuries or damages arising out of the offense committed by the defendant. In determining the amount of restitution, the court shall consider the following:

(1) The cost of any medical or other professional services and devices or equipment required by the victim.

(2) The cost of physical therapy, occupational therapy, and rehabilitation required by the victim.

(3) Any income loss, after taxes, suffered by the victim.

(4) The cost of any psychological or medical treatment for the victim's next of kin.

(5) The cost of the victim's funeral and any related services.

(6) Any other injuries or damages arising out of the offense committed by the defendant.

(b) The court may require that the victim or the victim's estate provide evidence that documents the costs claimed by the victim or the victim's estate under this section. Any such documentation shall be shared with the defendant before the sentencing hearing.

(c) In determining the amount of restitution to be made, the court shall take into consideration the resources of the defendant including all real and personal property owned by the defendant and the income derived from the property, the defendant's ability to earn, the defendant's obligation to support dependents, and any other matters that pertain to the defendant's ability to make restitution, but the court is not required to make findings of fact or conclusions of law on these matters. The amount of restitution must be limited to that supported by the record, and the court may order partial restitution when it appears that the damage or loss caused by the offense is greater than that which the defendant is able to pay.

(d) An order providing for restitution does not abridge the right of a victim or the victim's estate to bring a civil action against the defendant for damages arising out of the offense committed by the defendant.

(e) The court may order the defendant to make restitution to a person other than the victim, or to any organization, corporation, or association, including the Crime Victims' Compensation Fund that provided assistance to the victim following the commission of the offense by the defendant. Restitution shall be made to the victim or the victim's estate before it is made to any other person, organization, corporation, or association.

(f) The court may require the defendant to make full restitution no later than a certain date or, if the circumstances warrant, may allow the defendant to make restitution in installments over a specified time period.

(g) If the defendant is placed on probation or post-release supervision, any restitution ordered under this Article shall be a condition of probation or post-release supervision.

(h) If the court orders partial restitution, the court shall state on the record the reasons for such an order.

"**§ 15A-2015. Enforcement of order for restitution.**

(a) An order for restitution under this Article may be enforced in the same manner as a civil judgment, subject to the provisions of this section.

(b) The order for restitution under this Article shall be docketed and indexed in the county of the original conviction in the same manner as a civil judgment. The order for restitution may be collected in the same manner as a civil judgment unless the order to pay restitution is a condition of probation. If the order to pay restitution is a condition of probation, the judgment may only be collected in accordance with subsection (c) of this section.

(c) If the defendant is ordered to pay restitution as a condition of probation, the docketed judgment may not be collected until the date of notification to the clerk of superior court in the county of the original conviction that the judge presiding at the probation termination or revocation hearing has made a finding that restitution in a sum certain remains due and payable, that the defendant's probation has been terminated or revoked, and that the remaining balance of restitution owing may be collected by execution on the judgment. The clerk shall then enter upon the judgment docket the amount that remains due and payable on the judgment, together with amounts equal to the standard fees for docketing, copying, certifying, and mailing, as appropriate, and shall notify the victim by first-class mail at the victim's last known address that the judgment may be executed upon, together with the amount of the judgment. Until the clerk receives notification of termination or revocation of probation and the amount that remains due and payable on the order of restitution, the clerk shall not be required to update the judgment docket to reflect partial payments on the order of restitution as a condition of probation.

(d) An appeal of the conviction upon which the order of restitution is based shall stay execution on the judgment until the appeal is completed. If the conviction is overturned, the judgment shall be removed from the judgment docket.

"**§ 15A-2016. Posttrial responsibilities.**

(a) Within 30 days after the final proceeding of the trial phase of the case, the district attorney's office shall notify the victim, in writing, of:

(1) The final disposition of the case.

(2) The crimes of which the defendant was convicted.

(3) The defendant's right to appeal, if any.

(b) Upon a defendant's giving notice of appeal to the Court of Appeals or the Supreme Court, the district attorney's office shall forward to the Attorney General's office the victim's name, address, and telephone number. Upon receipt of this information, and thereafter as the circumstances require, the Attorney General's office shall provide the victim with the following:

(1) A clear and concise explanation of how the appellate process works, including information about possible actions that may be taken by the appellate court.

(2) Notice of the date, time, and place of any appellate proceedings involving the defendant. Notice shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the proceedings.

(3) The final disposition of an appeal.

(c) If the defendant has been released on bail pending the outcome of the appeal, the agency that has custody of the defendant shall notify the investigating law enforcement agency, and the investigating law enforcement agency shall notify the victim that the defendant has been released.

(d) If the defendant's conviction is overturned, and the district attorney's office decides to retry the case or the case is remanded to superior court for a new trial, the victim shall be entitled to the same rights under this Article as if the first trial did not take place.

(e) The Conference of District Attorneys shall maintain a repository relating to victims' identities, addresses, and other appropriate information for use by agencies charged with responsibilities under this Article.

"**§ 15A-2017. Responsibilities of agency with custody of defendant.**

The Department of Correction shall notify the victim of:

(1) The projected date by which the defendant can be released from custody. The calculation of the release date shall be as exact as possible, including earned time and disciplinary credits if the sentence of imprisonment exceeds 90 days.

(2) An inmate's assignment to a minimum custody unit and the address of the unit. This notification shall include notice that the inmate's minimum custody status may lead to the inmate's participation in one or more community-based programs such as work release or supervised leaves in the community.

(3) The victim's right to submit any concerns to the agency with custody and the procedure for submitting such concerns.

(4) The defendant's escape from custody.

(5) The defendant's capture.
(6) The date the defendant is scheduled to be released from the facility. Whenever practical, notice shall be given 60 days before release.
(7) The defendant's death.

"**§ 15A-2018. Responsibilities of Division of Adult Probation and Parole.**

The Division of Adult Probation and Parole shall notify the victim of:

(1) The defendant's regular conditions of probation or post-release supervision, special or added conditions, supervision requirements, and any subsequent changes.
(2) The date of a hearing to determine whether the defendant's supervision should be revoked, continued with or without modifications, or terminated.
(3) The final disposition of any hearing referred to in subdivision (2) of this section.
(4) Any restitution modification.
(5) The defendant's movement into or out of any intermediate sanction as defined in G.S. 15A-1340.11(6).
(6) The defendant absconding supervision.
(7) The capture of a defendant described in subdivision (6) of this section.
(8) The date when the defendant is terminated or discharged.
(9) The defendant's death.

"**§ 15A-2019. Notice of commuted sentence or pardon.**

The Governor's Clemency Office shall notify a victim when it is considering commuting the defendant's sentence or pardoning the defendant. The Governor's Clemency Office shall also give notice that the victim has the right to present a written statement to be considered by the Office before the defendant's sentence is commuted or the defendant is pardoned. The Governor's Clemency Office shall notify the victim of its decision. Notice shall be given in a manner that is reasonably calculated to allow for a timely response to the commutation or pardon decision.

"**§ 15A-2020. No money damages.**

This Article does not create a claim for damages against the State, a county, or a municipality, or any of its agencies, instrumentalities, officers, or employees.

"**§ 15A-2021. No ground for relief.**

The failure or inability of any person to provide a right or service under this Article may not be used by a defendant in a criminal case, by an inmate, or by any other accused as a ground for relief in any criminal or civil proceeding.

"**§ 15A-2022. Incompetent victim's rights exercised.**

When a victim is rendered mentally or physically incompetent or when the victim is a minor, the victim's rights under this Article, other than the rights provided by G.S. 15A-2014 and G.S. 15A-2015, may be exercised by the victim's next of kin."

Section 1.1. If the General Assembly appropriates funds for State grants to local and State law enforcement to implement the provisions of this act, the

Department of Crime Control and Public Safety shall establish criteria for the allocation of these State grants. These criteria shall include a requirement that the requesting law enforcement agency document services and man-hours that directly relate to the provisions of this act. The criteria shall also require documentation that the requesting law enforcement agency is not receiving funding from any other source for that specific service. The Department of Crime Control and Public Safety shall report quarterly to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the development of the grant program and allocation of funding.

Section 2. The provisions of Article 45 of Subchapter VIII of Chapter 15A of the General Statutes are supplemental to the provisions of Article 101 of Subchapter XVI of Chapter 15A of the General Statutes as enacted in Section 1 of this act. If there is any conflict between the provisions of Article 45 and Article 101, the provisions of Article 101 shall control.

Section 2.1. G.S. 1C-1601(e) reads as rewritten:

"(e) Exceptions. -- The exemptions provided in this Article are inapplicable to claims

(1) Of the United States or its agencies as provided by federal law;

(2) Of the State or its subdivisions for taxes, appearance bonds or fiduciary bonds;

(3) Of lien by a laborer for work done and performed for the person claiming the exemption, but only as to the specific property affected;

(4) Of lien by a mechanic for work done on the premises, but only as to the specific property affected;

(5) For payment of obligations contracted for the purchase of the specific real property affected;

(6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1224, s. 6;

(7) For contractual security interests in the specific property affected; provided, that the exemptions shall apply to the debtor's household goods notwithstanding any contract for a nonpossessory, nonpurchase money security interest in any such goods;

(8) For statutory liens, on the specific property affected, other than judicial liens;

(9) For child support, alimony or distributive award order pursuant to Chapter 50 of the General ~~Statutes.~~ Statutes;

(10) For criminal restitution orders docketed as civil judgments pursuant to G.S. 15A-2015."

Section 2.2. G.S. 7A-304(d) reads as rewritten:

"(d) In any criminal case in which the liability for costs, fines, restitution, or any other lawful charge has been finally determined, the clerk of superior court shall, unless otherwise ordered by the presiding judge, disburse such funds when paid in accordance with the following priorities:

(1) Sums in restitution prorated among the persons entitled thereto;
~~(1)~~(2) Costs due the county;
~~(2)~~(3) Costs due the city;
~~(3)~~(4) Fines to the county school fund;
~~(4) Sums in restitution prorated among the persons entitled thereto;~~
(5) Costs due the State;
(6) Attorney's fees.

Sums in restitution received by the clerk of superior court shall be disbursed when:
(1) Complete restitution has been received; or
(2) When, in the opinion of the clerk, additional payments in restitution will not be collected; or
(3) Upon the request of the person or persons entitled thereto; and
(4) In any event, at least once each calendar year."

Section 2.3. Article 45 of Subchapter VIII of Chapter 15A of the General Statutes is amended by adding a new section to read:

"**§ 15A-828. Assistance to victims of domestic violence.**

In the allocation of resources to persons the district attorney determines are victims of serious misdemeanors, the district attorney shall, to the extent possible, provide the services listed in G.S. 15A-825 to victims of domestic violence misdemeanors that could involve the infliction of serious bodily injury."

Section 3. The Department of Crime Control and Public Safety shall establish a pilot program to integrate the Justice Wide Area Network (JWAN) with the proposed Victim Information and Notification Everyday (VINE) automated victim notification system. The pilot program shall include the development of a software application that can be implemented statewide to integrate the VINE system with other criminal justice networks. The Department shall report to the Chairs of the Joint Legislative Correction and Crime Control Oversight Committee and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by April 1, 1999, on the progress of the pilot program.

Section 4. Funds appropriated to the Judicial Department may not be used to contract for the services of jury consultants in criminal cases where the defendant has been assigned counsel by the court.

Section 5. The General Assembly requests the North Carolina Supreme Court to consider and adopt rules to expedite appeals from all cases in which the defendant is convicted of murder in the first degree and the judgment of the superior court includes a sentence of death.

Section 6. Article 85B of Chapter 15A is repealed.

Section 7. The provisions of this act are severable. If any provision of this act is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

Section 8. Sections 1.1, 2.3, 5, and this section of this act are effective when they become law. Section 4 of this act becomes effective July 1, 1998. Section

6 of this act becomes effective December 1, 1998, and applies to offenses committed on or after that date. The remainder of this act becomes effective January 1, 1999.

VISITOR REGISTRATION SHEET

APP./Sub. Justice and Public Safety — **September 15** , **1998**

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	NCAA
Tom Keith	NC Cons. of Dist Attys
Reg Jones	NC Conference of DAs
Karl Moore	Dist Attorney - 28th Dist MCT
Amy Jo Baum	Smith Anderson
John Kirk	NCFPC
Melissa Lovell	DOJ
Susan Moore	Adm. Asst. - Sen. Cooper
Allison Hurl	DOC
Brenda Hemmens	NC Equity

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday September 29, 1998 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. **CALL TO ORDER**

Chairmen: Representative Larry Justus, Presiding
Representative Joe Kiser
Representative Gregg Thompson

II. **PRESENTATIONS**

- SB 1262 "Attorneys Fees/Settlement Funds"

III. **COMMITTEE DISCUSSION/OTHER BUSINESS**

IV. **ADJOURNMENT**

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

September 29, 1998.
ROOM 612

HOUSE MEMBERS PRESENT: [5] Representatives Justus, McCrary, Redwine, Sexton, Smith.

The House Appropriations Subcommittee on Justice and Public Safety met on Tuesday, September 29, 1998, in Room 612 of the Legislative Office Building. Representative Justus called the meeting to order at 8:35 AM. Representative Justus explained that this committee will be considering Senate 1262 -- Attorneys Fees/Settlement Funds. (Attachment 1) Included in this time sensitive bill are the attorney fees for redistricting and the Bailey case. This amounts to attorneys fees of 400 million dollars. Representative Justus stated this bill must be passed by 5 PM or the whole case may have to be retried! Representative Justus added that Gerry Cohen, Bill Drafting, and Eddie Speas, Chief Deputy Attorney General, are available for questions.

Representative Smith moved that the bill receive a favorable report. Motion carried.

The meeting was adjourned at 8:45 AM.

Larry T Justus
Representative Larry Justus
Chairman

Carolyn Justus
Carolyn Justus
Committee Clerk

Att. 1
9/29/98

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 3

SENATE BILL 1262
Appropriations Committee Substitute Adopted 9/23/98
Third Edition Engrossed 9/23/98

Short Title: Attorneys Fees/Settlement Funds. (Public)

Sponsors:

Referred to:

May 27, 1998

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR ATTORNEYS FEES IN A CASE CHALLENGING THE 1992 CONGRESSIONAL REDISTRICTING PLAN AND TO AUTHORIZE THE TRANSFER OF FUNDS TO THE RESERVE FUND FOR THE BAILEY/EMORY/PATTON CASES REFUNDS.

The General Assembly of North Carolina enacts:

Section 1. (a) There is established a special reserve fund in the Office of State Budget and Management to compensate the law firm of Maupin Taylor & Ellis, P.A. for its representation of Art Pope and others in the case of Pope v. Hunt, which is a challenge to the congressional redistricting plan adopted by the 1991 General Assembly. The fund shall be entitled "Reserve for Attorneys Fees in the Case of Pope v. Hunt."

(b) There is appropriated from the General Fund to the Office of State Budget and Management the sum of five hundred fifty thousand dollars ($550,000) for the 1998-99 fiscal year. The Director of the Budget shall allocate the funds from the Reserve for Attorneys Fees in the Case of Pope v. Hunt pursuant to the order entered in the case of Pope v. Hunt (97-1697, 4th Circuit Court of Appeals).

(c) Any funds remaining in the reserve established pursuant to this section after the firm of Maupin Taylor & Ellis, P.A. has been compensated pursuant to the Court's order shall revert to the General Fund.

Section 2. There is established in the Office of State Treasurer a Reserve Fund for the Bailey/Emory/Patton Cases Refunds.

There is transferred from General Fund overcollections for the 1997-98 fiscal year to the Office of State Treasurer, Reserve for the Bailey/Emory/Patton Cases Refunds, the sum of four hundred million dollars ($400,000,000). These funds are hereby appropriated and shall be held in reserve and allocated pursuant to the Consent Order entered in the Bailey/Emory/Patton cases, 92 CVS 10221, 94 CVS 06904, 95 CVS 06625, 95 CVS 08230, 98 CVS 00738, and 95 CVS 04346, in Wake County Superior Court on 10 June 1998.

Notwithstanding the provisions of G.S. 114-2.1 and G.S. 114-2.2, the Consent Order shall be effective when approved by the Court and the Governor signs this legislation into law.

Section 3. This act becomes effective July 1, 1998.

1998 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) **Justus, Thompson, Kiser** for the Permanent Subcommittee on **Justice & Public Safety** of the Standing Committee on **Appropriations**.

☑ Committee Substitute for

S.B. 1262 ☐ A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ATTORNEYS FEES IN A CASE CHALLENGING THE 1992 CONGRESSIONAL REDISTRICTING PLAN AND TO AUTHORIZE THE TRANSFER OF FUNDS TO THE RESERVE FUND FOR THE BAILEY/EMORY/PATTON CASES REFNDS.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on .

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on .

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Holmes for the Standing Committee on Appropriations

s/ George M. Holmes

☑ With a favorable report.

☐ With a favorable report, as amended.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on .)

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar. (PUBLIC BILLS ONLY)

3/25/98

VISITOR REGISTRATION SHEET

APP. SUB. JUSTICE & PUBLIC SAFETY — 9/29/98

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	NC Bar
[signature]	NCBA
Melissa Rorabaugh	LSNC
Tony Adams	Legal Services of NC
GERRY COHEN	Bill Drafting
[signature]	UCSB
[signature]	AGO
Jeanne Bonds	AOC
Jane B. Gray	DOJ