1998

SENATE APPROPRIATIONSJUSTICE & PUBLIC SAFETY COMMITTEE

MINUTES

JOINT MEETINGS OF THE HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

1998 Short Session

May 12, 1998 May 13, 1998 May 19, 1998 May 20, 1998 May 21, 1998

Some materials from these meetings can be found in the notebooks of the Joint Meetings of the Appropriations Subcommittee on Justice and Public Safety for 1998.

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY MEMBERSHIP

Sen. Wib Gulley, Chair Room 418 715-3036

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

Sen. Don East Ranking Minority Room 521 733-5655

Sen. John Blust Room 1117 733-7850

Sen. Tony Rand Room 300-C 733-9892

Sen. Allen Wellons Room 1026 733-5850

Sen. Fountain Odom Room 300-B 733-5707

Carol Resar, Clerk 715-3036

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

SENATE APPROPRIATIONS SUBCOMMITTEE ON

JUSTICE AND PUBLIC SAFETY

Tuesday May 26, 1998 – 8:30 a.m. Room 415, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairman: Senator Wib Gulley, Presiding

II. PRESENTATIONS

 Governor's Recommended Expansion Budget/Additional Reduction for Department of Correction

Gregg Stahl, Assistant Director, DOC

Joe Hamilton, Deputy Director, DOC

 Governors Recommended Budget Reductions for the Department of Correction

Jim Mills, Fiscal Research

Elisa Wolper, Fiscal Research

Departmental Management

 Review of Current 1997-99 Special Provisions – Department of Correction

Jim Mills, Fiscal Research

Elisa Wolper, Fiscal Research

Departmental Management

MINUTES SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY MAY 26, 1998, 8:30 AM

The Senate Appropriations Subcommittee on Justice and Public Safety met at 8:30 am on Tuesday, May 26, 1998 in Room 415 of the Legislative Office Building. Two members were present. Senator Gulley, Chair, presided.

Senator Gulley asked Mr. Gregg Stahl with the Department of Corrections (DOC) to convey to Secretary Jarvis that the Subcommittee would like him to appear before it tomorrow to answer questions regarding the DOC's Reduction in Force policy.

Next, Mr. Stahl gave the Subcommittee and overview of the appropriation request for the Criminal Justice Partnership Act which was item #2 of Handout #1). Mr. Stahl told the Subcommittee that this was basically a technical item due to the department inadvertently leaving it out of the budget for 1998. Elisa Wolper, Fiscal Analyst, gave the Subcommittee a funding summary of the Criminal Justice Partnership programs (see Handout #2). She also gave the Subcommittee a list of the thirteen counties that are expected to begin a program and the five counties that are not expected to participate in the Criminal Justice Partnership program (see Handout #3).

Senator Gulley asked Mr. Stahl if DOC still felt this was a good program. Mr. Stahl responded that DOC was still working toward a quality program and it was better with having the program under the Department of Adult Parole and Probation.

Next, Mr. Guy reviewed for the Subcommittee the expansion budget request for item #3 of Handout #1 with dealt with Post Boot Camp Aftercare Program. Mr. Guy reported that there was currently 93% participation in the east and west IMPACT program with 188 participants. Senator Gulley asked it there were any studies that showed the effectiveness of the Post Boot Camp Aftercare Program. Mr. Guy responded that the program is too new to have any extensive data and the first 32 graduates were finishing the program this fiscal year. Senator Wellons stated that studies show that without aftercare, the boot camp program does not work. Mr. Guy added that North Carolina has the only aftercare program in the country. Senator Gulley asked that DOC continue to track this program and Mr. Guy said they would. Senator Wellons asked Mr. Guy to furnish the Subcommittee with a list of counties that have aftercare for post release supervision. Ms. Wolper stated that the DART-Cherry program would be an analogy for the Boot Camp Aftercare Program.

Senator Gulley asked how many people can go through the program annually. Mr. Guy stated 1,560. Senator Gulley asked Mr. Guy to furnish the number of people that have actually been through the program this fiscal year and if he thought 1,000 have gone through. Mr. Guy replied he thought at least 1,000. Senator Gulley then stated that if only 142 were in aftercare then that was only 15% of the people in Boot Camp and

perhaps the money was being misplaced. It might be better to have less go through Boot Camp and 100% receiving Aftercare. Mr. Guy stated that all IMPACT people do go back into probation supervision but the Department does not have the money for the services for all of these people. Mr. Stahl reminded the Subcommittee that the Boot Camp program has changed over the years from a first offender program to a serious offender program and it might be changing again. Senator Gulley stated that by November he would like to look at the figures and what was happening to this population. Mr. Jim Mills, Fiscal Analyst, suggested that the Subcommittee may want to rewrite the special provision that discusses the reporting requirements for this program.

Next, Mr. Mills reviewed for the Subcommittee the budget reduction item #4 of Handout #1, One Time Appropriation Reduction From Construction Delay. Mr. Joe Hamilton of DOC stated the projected dates for the new facilities to open will be reviewed in the next couple of weeks. Mr. Hamilton also stated that he would ask CCA about the dates for the private prisons. Mr. Mills added that a possible side issue with the private prisons might be regarding staffing. The new vendor is reviewing the contract and they may decide that the staffing patterns may require an increase in the staff numbers in order to run the prisons safely. The additional staff would require more money.

The meeting was adjourned at 10:00 am.

Senator Wib Gulley, Chair

Carol Resar. Committee Clerk

TPS

1998-99 Recommended Changes General Fund - Continued

Department of Correction

1998-99

Sandout #

1. Upgrade Health Services

It is recommended that additional funds be appropriated to support 51 medical related positions to be established at Central Prison and the North Carolina Correctional Institute for Women. These positions are necessary in order to continue to provide a level of service consistent with prevailing standards in the medical community. Both institutions have under gone an extensive and independent review.

Number of Positions

\$ 1,740,563 51.0

2. Criminal Justice Partnership Act

When the continuation budget for 1998-99 was prepared, a one time reduction in appropriation for the Criminal Justice Partnership Act made for 1997-98 was inadvertently continued into the second year of the biennium. The amount originally reduced was \$5,000,000, but the department believes that it can operate in 1998-99 with only \$2,000,000 restored.

2,000,000

3. Post Boot Camp Aftercare Program

It is recommended that funds be appropriated to continue post boot camp aftercare programs for those youths that complete the department's boot camp. Most states reporting success with the boot camp program have the aftercare component. This program follows up with the youths that are most often released into the same environment that may have caused their encounter with the legal system in the first place.

515,782

4. One Time Appropriation Reduction From Construction Delay
It is recommended that a one time reduction be made to operating
reserves in the department's budget due to delays in new facilities
coming online.

(11,131,014) NR

Total Recommended Changes for Department of Correction Number of Positions \$ (6,874,669) 51.0

NR - Nonrecurring

Handout # 2

CRIMINAL JUSTICE PARTNERSHIP PROGRAM

FULL FUNDING

\$9.6 Million Implementation \$2.4 Million Discretionary

\$12.0 Million Total

1997-8 FUNDING

\$4.6 Million Appropriation

\$7.8 Million Carry Over

\$12.4 Million Total

(\$2.1 Million) for 1996-7 invoices

\$10.3 Million Available

(\$ 7.9 Million) Implementation Grants (79 Counties)

(\$ 2.5 Million) Discretionary Grants

(\$55,000) Remaining

1998-9 FUNDING

\$5.4 Million
Projected Carryover from County Reversions (based on 25%)
\$4.6 Million
Continuation Budget Appropriation

\$2.0 Million
Proposed Expansion/Restoration of Cut
\$12.0 Million

Projected 1997-98 Invoices to be paid July-Oct 1

\$9.2 Million Available

(\$8.6 Million) Implementation (based on 82 counties full year;

13 part year)

\$.6 Million Available for Discretionary

(\$2.5 Million) Projected Need for Discretionary (based on

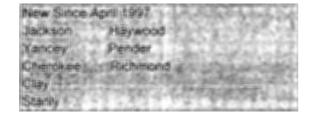
March 1 applications)

(\$1.9 Million) Shortfall

NON PARTICIPATING COUNTIES AS OF JULY 1, 1998

Expected to Submit Implemention Grants	ALLOCATION
(By June 1999)	
ACHE	# 50,000
ASHE	\$56,098
BEAUFORT	\$75,911
CABARRUS	\$126,892
HYDE	\$46,458
JOHNSTON	\$107,081
MADISON	\$40,479
MITCHELL	\$40,809
NASH	\$102,597
ROWAN	\$136,630
TYRRELL	\$47,798
UNION	\$111,020
WASHINGTON	\$49,972
YADKIN	\$61,965
subtotal	\$1,003,710 ·
Not Expected To Participate 1998-99	
DIADEN	¢70.440

BLADEN	\$70,149
DARE	\$53,074
LINCOLN	\$72,071
RUTHERFORD	\$84,474
SAMPSON	\$83,416
subtotal	\$363,184





<u>Prison</u>	Projected Completion Date (4/97)	Revised Projected Completion Date 4/8/98)	1998-99 <u>Budget</u> *	Revised 1998-99 Budget (5/6/98)	Potential Reduction (Non- Recurring)
Reserve 7127			:		
1. Avery/Mitchell	10/1/98	12/1/98	\$13,334,180	\$12,394,760	\$ (939,420)
2. Albemarle (Southern Piedmont)	10/1/98	7/1/99	13,334,180	5,544,911	(7,789,269)
3. Adjustment for GPAC closure	s				+217,821
Reserve 7128	i .				
4. Private Prison - Pamlico	5/98	8/98	9,809,994	9,154,256	(655,738)
5. Private Prison - Mt. View	8/98	12/98	9,221,253	6,161,417	(3,059,836)
		Gov	al Reduction Avails vernor's Recommen naining Funds		\$(12,226,442) NR \$(11,131,014) NR \$1,095,428 NR

^{*1998-99} is final budget authorized by 1997 General Assembly after taking reductions for completion dates that were established in April, 1997.

Jandout # 4=

VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice &	Public Safety 5/26/98 AM
Name of Committee	Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS	
Hope Mozenje	Q0T	
De Hamilton	DOC	
They Hall	1 Dec	
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MINUTES SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY MAY 26, 1998, 2:30 PM

The Senate Appropriations Subcommittee on Justice and Public Safety met at 2:30 pm on Tuesday, May 26, 1998 in Room 415 of the Legislative Office Building. Five members were present. Senator Gulley, Chair, presided.

Senator Gulley asked Mr. Jim Mills, Fiscal Analyst, to go over the summary sheet of Governor Hunt's recommended budget changes (see Handout #1). Mr. Mills pointed out that the Governor does not recommend changes to the Judicial Department budget. That is presented separately. The Judicial Department has \$50 million in budget requests.

Next, Jim Mills reviewed the Department of Corrections (DOC) proposed budget reductions (see Handout #2). Senator Gulley asked if these cuts were recurring cuts, and Mr. Mills said that they were. With regard to item #2 on the list, Senator Wellons asked if the state made money from the federal nutrition programs. DOC will find out. Senator Ballance asked if the \$1.00 increase in item #5 would come from the inmates' work release money and Mr. Joe Hamilton stated that it would. Senator East asked if the \$12.50 is paid to the prisons and Mr. Hamilton stated it was and additional work release money is taken from the inmates for court costs, child support, etc. Senator East asked how it is determined which inmates are allowed on work release. Mr. Hamilton said only minimum custody level III inmates qualify for work release. Mr. Hamilton also stated that some smaller units do not have inmates available for work release because all the inmates at those units are assigned to duties at the facility. Judges can recommend a inmate for work release, but the unit supervisor can also recommend work release without a judge's recommendation. Senator Gulley asked for the total funds budgeted for the work release program.

There was a discussion with regard to item #6 that deals with increasing the amount an inmate can have in the Inmate Welfare/Canteen Fund. Senator Ballance wanted to know the feasibility of having a minimum balance at the Canteen, like a required savings program, so an inmate would have some money when he is released from prison. Mr. Gregg Stahl with DOC will look into it.

With regard to item #8 on the lists of proposed reductions, Mr. Mills handed out a list of positions that are vacant or are going to be reduced (see Handout #3).

Next, Elisa Wolper, Fiscal Analyst, reviewed the Parole Commission's proposed budget reductions (see Handout #4). There was a brief discussion regarding this handout and Ms. Tracy Little with the Parole Commission also answered questions from the Subcommittee.

The meeting was adjourned at 4:30 pm.

Senator Wib Gulley, Chair

Carol Resar, Committee Clerk

Handout #1

Governor's Recommended 1998-99 Budget Changes for JPS Agencies

Department of Correction	FY 1998-99	
Reductions – Recurring Nonrecurring	(\$11,321,797) (\$11,131,014)	
Expansion – Recurring	\$4,256,345	R
Nonrecurring	\$4,230,343 \$0	R
Nonecuring	3 0	
Total Recommended Governor's Budget for DOC	(\$7,065,452) (\$11,131,014)	
Department of Crime Control & Public Safety	(411,101,011)	
Reductions – Recurring	(\$61,993)	R
Nonrecurring	(\$0)	NR
Expansion – Recurring	\$232,865	R
Nonrecurring	\$2,542,000	NR
1.02m00-m-mg	4 _,0 1_,000	
Total Recommended Governor's Budget for CCPS	\$170,872	R
2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 20000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2	\$2,542,000	NR
	. ,, = , = ,	
*Recommended Changes for CCPS – Highway Fund	\$3,755,896	R
	\$6,239,718	NR
Department of Justice		
Reductions – Recurring	(\$0)	R
Nonrecurring	(\$0)	NR
Expansion – Recurring	\$170,929	R
Nonrecurring	\$2,513,322	NR
Nomecuring	Ψ2,313,322	1111
Total Recommended Governor's Budget for DOJ	\$170,929	R
Total Recommended Governor's Budget for Box	\$2,513,322	NR
Judicial Department	Ψ2,515,522	
oudiciai Department		
Reductions – Recurring	(\$0)	R
Nonrecurring	(\$0)	NR
Expansion – Recurring	\$0	R
Nonrecurring	\$0	NR
,		
Total Recommended Governor's Budget for AOC	\$0	R
	\$0	NR
Total Recommended Governor's Budget for JPS Agencies : * ***	(\$6,723,651)	·R • * 2
ter deservation of the state of	*(\$6,075,692)*	200

Handout#2

GOVERNOR'S PROPOSED 1998-99 BUDGET REDUCTIONS -DEPARTMENT OF CORRECTION

<u>1998-99</u>

DEPARTMENTAL MANAGEMENT

1. Non-Personnel Line Items

(\$366,709)

Reduction is mixture of contractual, office supplies and equipment, and computer equipment and software.

RECEIPT ADJUSTMENTS AND INCREASES

2. Federal Nutrition Programs

(\$450,000)

Estimated additional receipts to provide free breakfast and lunch to youthful offenders (under 21); allows decrease in General Fund budget.

3. Medical Reimbursement from Counties

(\$450,000)

Estimated additional receipts from counties to pay the State for providing medical care to safekeepers will allow for decrease in General Fund

4. Transfer Correction Enterprise Profits to General Fund

(\$500,000)

Enterprises transfers a portion of profits to General Fund; by increasing transfer from \$1,060,000 per year to \$1,560,000, the General Fund can be reduced (amount not increased since 1979-80).

5. Transfer increase in Work Release Fund to General Fund

(\$291,000)

Inmates on work release are required to pay a per diem to DOC of \$12.50 per day. This reduction is based on increasing that payment by \$1.00 and reducing General Fund

6. Transfer increase in profits in Inmate Welfare/Canteen Fund to General Fund

(\$334,000)

DOC is recommending that an inmates weekly money draw to purchase items from the canteen be increased from \$35 to \$40 (last adjusted in 1990-91); DOC is also recommending increasing the prison's profit margin on canteen items from 17% to 18%. (last adjusted in 1981-82). These two changes combined will allow DOC to increase receipts and decrease General Fund by amount shown.

7. Fund seven teaching positions from Inmate Welfare/Canteen Fund instead of General Fund

(\$374,103)

DOC has been gradually funding more academic staff and activities through inmate Welfare Fund. This reduction would allow DOC to decrease General Fund by funding one academic director and 6 teachers from the Welfare Fund.

SUBSTANCE ABUSE

8. Reduce seven positions due to Span Control Study and office supplies. Four positions are vacant.

(\$250,000)

(7)

9. Reduce DART-Cherry aftercare program (\$130,000)

(\$130,000)

DART-Cherry aftercare funds were included in Reserve for Substance Abuse. This leaves \$354,715 for the aftercare program for 1998-99. The program anticipates spending about \$356,225 this year and leaving at least \$111,500 unspent. If the program is allowed to carry over this balance, available funds will be at least \$466,000.

POSITION REDUCTIONS/REORGANIZATION - DEPARTMENT MANAGEMENT AND DIVISION OF PRISONS

1998-99

10. Abolish 3 positions in Central Area Office Command

(\$84,222)

(3)

Central Area Command was consolidated resulting in three support positions that could be eliminated.

11. Abolish 12 mid level managers due to Span of Control Study

(\$734,666)

(12)

Positions are managers in departmental management, area offices, and institutions.

DIVISION OF PRISONS

12. Reduce Custody and Security line items

(\$392,048)

Reduction is in line item for computer equipment

13. Reduce Reserve for 1,384 New Beds (Engineering Support items)

(\$200,000)

Reserve to operate new prisons includes funding for DOC engineering and construction staff and support costs. DOC is proposing reducing support budget.

14. Close GPAC Prison Units (See Attachment)

(\$5,123,016)

(357)

PAROLE COMMISSION

15. Reduce budget by eight positions and reduce supply budget

(\$233,000)

(8)

In response to report on staffing reorganization and reduction and plan for a minimum 10% reduction as directed by SB352. Seven of the positions are clerical and one is an analyst. Three of the clerical positions are vacant. This leaves 36 staff positions.

DIVISION OF ADULT PROBATION AND PAROLE

16. Abolish 5 positions due to Span of Control

(\$368,453)

(5)

Elimination of vacant Deputy Director position and reduction of number of Assistant Chiefs in each Division from 2 to 1.

17. Abolish 2 parole hearing officer positions

(\$74,650)

(2)

Due to decrease in workload as number of parolees has fallen. Positions are vacant.

	<u>1998-99</u>
18. Abolish 4 pre-parole investigator positions	(\$117,930) (4)
These are the last remaining investigator positions; Duties have been absorbed by other positions due to past reorganizations.	
19. Reduce non-personnel line items	(\$373,000)
Reductions in purchased services (\$100,000) and supplies (\$100,000) and Criminal Justice Partnership Program contracts (\$38,000). Also eliminates Reserve for Enhanced Criminal Penalties (\$135,000).)
20. Reserve for Structured Sentencing - DAPP Probation and Parole Officers	(\$150,000)
Reduction in supply, equipment and misc. costs associated with officers added in 1997-98.	
GRAND TOTAL OF REDUCTIONS	(\$11,321,797) (398)

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GPAC UNITS PROPOSED TO BE CLOSED BY GOVERNOR 1998-99

1999 CLOSE <u>DATE</u>	FACILITY <u>NAME</u>	SECURITY LEVEL	TOTAL ANNUAL OPERATING COSTS	1996-97 PER DIEM <u>COST</u> 1	ESTIMATED 1997-98 PER DIEM COST2	INMA CAPAC SOC	CITY	PROPOSED 1998-99 REDUCTION3	PROPOSED 1998-99 POSITION REDUCTION
1/1	Alamance	Minimum	\$ 1,071,191	50.04	55.04	68	78	\$ (485,889)	27
1/1	Alexander	Minimum	1,158,383	92.44	70.00	46	54	(504,232)	27
1/1	Martin	Minimum	935,849	70.91	78.00	30	40	(432,051)	24
1/1	Sandy Ridge	Minimum	978,479	53.80	59.18	66	72	(427,657)	24
3/1	Mecklenburg	Minimum	2,177,628	54.07	59.48	76	110	(814,840)	60
3/1	Scotland	Minimum	1,600,582	93.20	70.00	44	48	(494,657)	42
3/1	Stanly	Medium	2,500,019	79.93	87.92	64	92	(979,223)	72
3/1	Stokes	Minimum	1,112,526	54.69	60.16	68	78	(383,696)	26
3/1	Union	Medium	1,979,881	79.95	87.95	<u>64</u>	<u>94</u>	(600,771)	<u>55</u>
	TOTALS		\$ 13,514,538			526	666	\$ (5,123,016)	357

⁽¹⁾ Per diem cost is average cost per day per inmate, including security, programs, support, and administrative overhead

⁽²⁾ Rough estimate of 97-98 per diem cost based on 10% increase in budget

⁽³⁾ Reduction does not include inmate costs (food, laundry, medical) or cost of operating road squads

Landour 3

N. C. Department of Correction Summary of Span of Control Position Reductions As Proposed in 1.5% Budget Reductions For Fiscal Years 1998-99 and 1999-00

			Pay	Position		
Reduction	Position Classification	County	Grade	Number	Vacant	Supervisory
Abolish Substance Abuse	Substance Abuse Worker	Wayne	60	00237		
Positions Due to Span of	Processing Assistant III	Wayne	57	00242	X	
Control - 7 Positions	Admin. Secretary II	Wake	60	43020		
	Substance Abuse Prog. Supv.	Wake	68	03170	X	
	Substance Abuse Counselor I	McDowell	63	03213	Х	
	Substance Abuse Prog. Supv.	McDowell	68	03282		
·	Substance Abuse Prog. Supv.	Pasquotank	68	03283	X	
Abolish Mid-level Managers Due	Special Asst. to Secretary	Wake	76T	00035		
to Span of Control-12 Positions	Corr.Training Coord. II	Wake	75	00304		,
•	Facility Maint. Mgr. II	Wake	77	10013		
	Corr. Administrator II	Wake	81	43002		X
	Correctional Lieutenant	Pitt	66	40032		X
	Correctional Lieutenant	Wake	66	43031		Х
	Correctional Dist. Mgr.	Wake	75	43025		X
	Corr. Programs Dir. II	Pitt	70	40107		X
	Asst.Corr. Supt.for Pgm.l	Johnston	71	43971		Х
	Asst.Corr. Supt.for Pgm.l	Wake	71	45371		X
·	Corr. Programs Dir. I	Wake	67	45372		X
	Corr. Programs Dir. I	Wake	67	46994		
Abolish DAPP Positions Due	Prob/Parole Branch Mgr.	Johnston	75	64501		X
to Span of Control-5 Positions	Prob/Parole Branch Mgr.	Forsythe	75	64002		X
•	Prob/Parole Branch Mgr.	Buncombe	75	62503		X
	Prob/Parole Branch Mgr.	Buncombe	75	66502		X
	Deputy Dir.Adlt.Prob/Parole	Wake	81	64654		X

N.C. Department of Correction Detail Account Distribution Decrease in Operating Requirements For Parole Commission 9 For Fiscal Year 1998-99

Line 6 of 1.5% Proposed Budget Reduction

							Date Proc.	
Fund	Position		Salary Account	Soc. Sec. Account	Retirement Account	Med. Ins. Account	Services Account	
No.	No.	Position/Item Title	531211	531511	531521	531561	532821	Total
1500	69057	Computing Support Tech. I	\$26,862	\$2,055	\$2,909	\$1,736	\$0	\$33,562
1500	60273	Processing Assistant III	18,972	1,451	2,055	1,736	0	24,214
1500	60230	Word Processor III	18,972	1,451	2,055	1,736	0	24,214
1500	60249	Word Processor III	18,972	1,451	2,055	1,736	0	24,214
1500	60219	Parole Case Analyst	37,730	2,886	4,086	1,736	0	46,439
1500	60270	Word Processor III	18,425	1,410	1,995	1,736	0	23,566
1500	60241	Word Processor III	18,972	1,451	2,055	1,736	0	24,214
1500	60276	Processing Assistant III	19,340	1,480	2,095	1,736	0	24,650
1500	n/a	Data Processing Services	0	0	0	0	7,927	7,927
		Grand Total	\$178,245	\$13,636	\$19,304	\$13,888	\$7,927	\$233,000

Handout #4

VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety 5/26/98 PM

¥ Name of Committee

* Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JENNIFER KNOW	NCBA
Dracy Little	Nc Parole Commission
3) PATRICLE HANNALL	Sen Bellance Intern
KEN SNOW (INDERNA)	Sen Ballange.
6) / Dex = / L	el doc
Vani Juse	NCBIT
* De Stagner Hon	Joc-
5 Bull Sund	0513m
Nay Shoma	CLerk of Court Forsyth
Muad Mord	Mohin + Berell - W-5

SENATE APPROPRIATIONS SUBCOMMITTEE ON

JUSTICE AND PUBLIC SAFETY

Thursday May 28, 1998 – 8:30 a.m. Room 415, Legislative Office Building

A GENDA

I. CALL TO ORDER

Chairman: Senator Wib Gulley, Presiding

II. PRESENTATIONS

• Governors Recommended Budget Reductions for the Department of Correction

Jim Mills, Fiscal Research Elisa Wolper, Fiscal Research

Departmental Management

• Special Provisions for the Department of Correction

Jim Mills, Fiscal Research Elisa Wolper, Fiscal Research

Departmental Management

Special Provisions for the Department of Justice

Elisa Wolper, Fiscal Research

Departmental Management

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

SENATE APPROPRIATIONS SUBCOMMITTEE ON

JUSTICE AND PUBLIC SAFETY

Wednesday May 27, 1998 – 9:00 a.m. Room 415, Legislative Office Building

A GENDA

I. CALL TO ORDER

Chairman:

Senator Wib Gulley, Presiding

II. PRESENTATIONS

• Presentation on Department of Correction's Reduction in Force (RIF) Policies

Mack Jarvis, Secretary of Department of Correction

Jeff Becker, Director of Personnel, DOC

• Governors Recommended Budget Reductions for the Department of Correction

Jim Mills, Fiscal Research

Elisa Wolper, Fiscal Research

Departmental Management

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

MINUTES SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY MAY 27, 1998, 9:00 AM

The Senate Appropriations Subcommittee on Justice and Public Safety met at 9:00 am on Wednesday, May 27, 1998 in Room 415 of the Legislative Office Building. Six Senate members and Representative Thompson, House Co-Chair, were present. Senator Gulley, Chair, presided.

Senator Gulley asked Department of Corrections(DOC) Secretary Jarvis to discuss the issue of the DOC's Reduction in Force (RIF) policy in response to the News and Observer article. Secretary Jarvis told the Subcommittee that he felt no rules had been bent and that all the severance packages went through the normal channels. He also took exception to the article when it implied that he was helping friends with these RIF packages. He said that he had been with DOC since 1959 and was a close friend with many of the people in the department. Secretary Jarvis further briefly responded to the other accusations in the article. Secretary Jarvis also told the Subcommittee that he had sent a written response to the News and Observer (see Handout #4).

Next, Mr. Gregg Stahl with DOC distributed a packet of information to the Subcommittee and Mr. Jeff Becker, Director of DOC Personnel, discussed the DOC Span of Control (see Handout #1). Next, Mr. Becker discussed the managerial organization of DOC (see Handout #2). Senator Ballance asked if everyone in state government who is RIF receives a severance package and Mr. Becker said yes. Mr. Goodwin with the Office of State Personnel and Mr. Wall with the State Personnel Department answered questions from the Subcommittee regarding general RIF policies in state government. Mr. Goodwin told Senator Gulley that the State Personnel is going to look into the DOC RIF situation and would report back to the Subcommittee within two weeks. He further told the Subcommittee that the Office of State Personnel approved the large DOC RIF plan but did not look at specific individual situations. Mr. Powell with the State Budget Office told the Subcommittee that they approved the rollover plan that was of some concern to the Subcommittee.

After a brief discussion about a specific DOC RIF package, Senator Gulley asked DOC to be available for further discussion on this matter and then adjourned the meeting.

Senator Wib Gulley, Chair

Carol Resar, Committee Clerk

DEPARTMENT OF CORRECTION SPAN OF CONTROL

DAPP

SECRETARY (FR) 1

DEPUTY SEC. (GR. 85) 2

DAPP DIRECTOR (GR. 83) 1

DAPP DEPUTY DIR. (GR. 81) 1

DAPP ASST. DIR. (GR. 79) 1

JUDICIAL DIV. CHIEF (GR. 78) 4

ASST. JUD. DIV. CHIEF (GR. 75) 8

JUD. DIV. MGR. III,II,I (GR. 73, 72, 71) 43

ASST. JUD. DIV. MGR. (GR. 71) 2 *

P/P UNIT SUPV. I,III (GR. 68,70)

(INTEN.) PROB./PAR. OFF. (GR. 68,66)

P/P SURV. OFFICER (GR. 64)

DOP

SECRETARY (FR) 1

DEPUTY SEC. (GR. 85) 2

DOP DIRECTOR (GR. 85) 1

DOP DEPUTY DIR.(GR. 83) 1

DOP ASST. DIR. (GR. 82) 1

COMMAND MGR. (GR. 81) 5

₩ASSISTANT COMMAND MGR. (GR. 74) 5

AREA ADMIN. (GR. 78) 5

DEPUTY AREA ADMIN. (GR. 75) 5

CORR. SUPT. III, II, I (GR. 75)

ASST. SUPT. I,II (GR. 69,71,73)

CORR. CAPTAIN (GR. 68)

CORR. LT. (GR. 66)

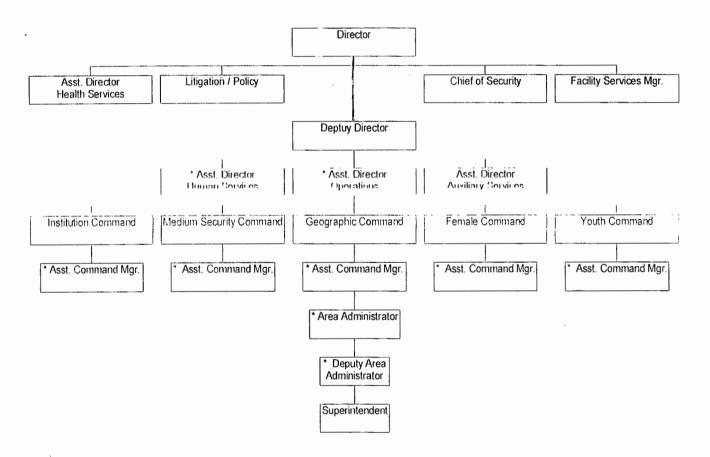
CORR. SGT. (GR. 64)

LEAD C.O. (GR. 63)

CORR. OFFICER (GR. 62)

Department of Correction Division of Prisons

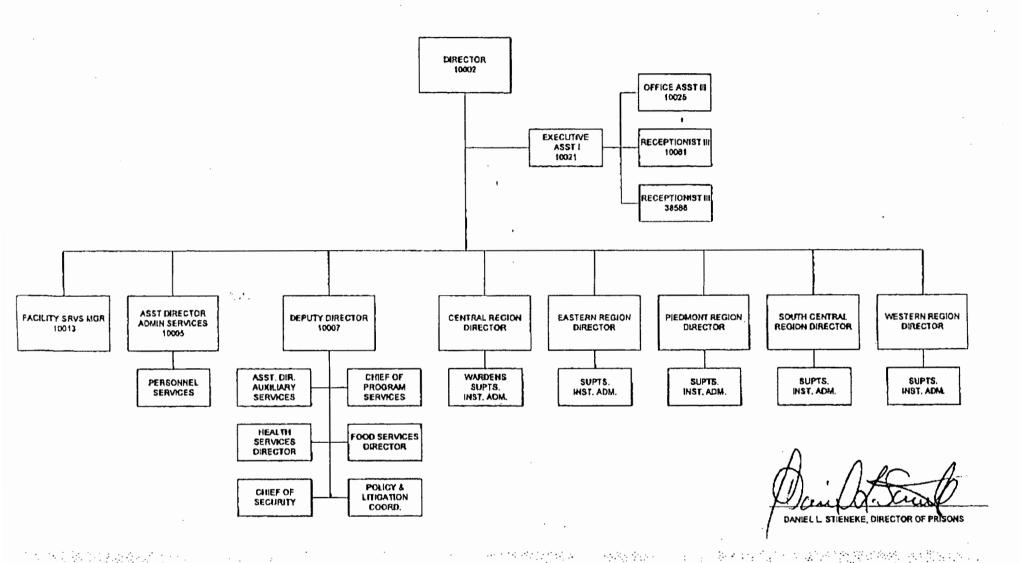
8 Layers to Superintendent



^{*} Span of Control Reductions

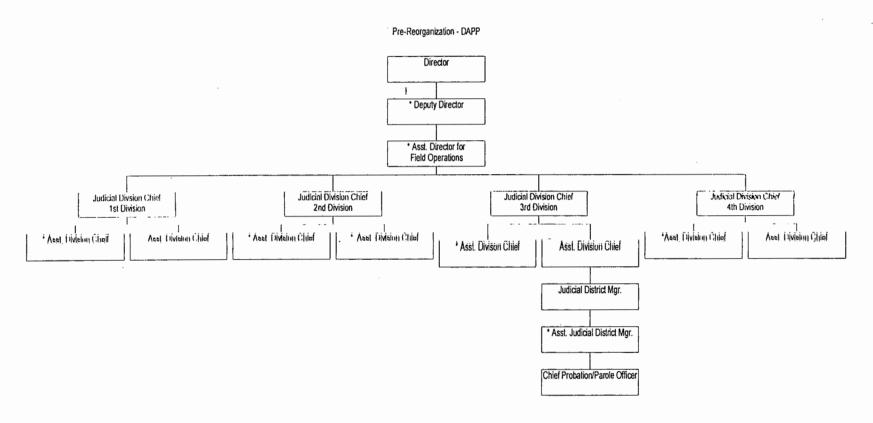
Shordout # 2

2 Layers to the Director



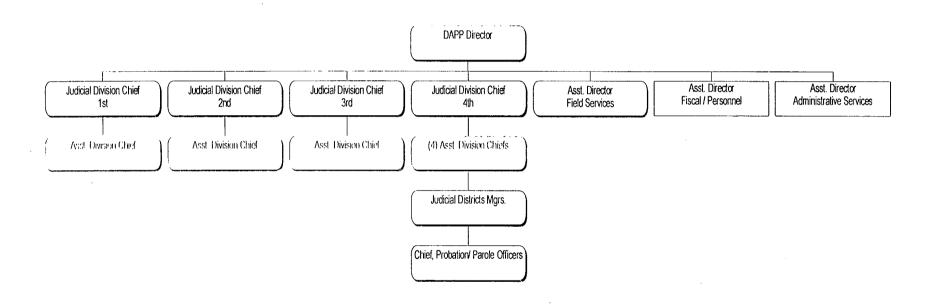
8 Layers of Management

Pre-Reorganization - DAPP



* Span of Control Reduction 8 Total Asst. Chiefs

Department of Correction DAPP



Total 4 Asst. Division Chiefs)

Handout #3

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.

Handout #4





North Carolina Department of Correction

Office of the Secretary

214 West Jones Street • P.O. Box 29540 • Raleigh, North Carolina 27626-0540

James B. Hunt Jr., Governor

Mack Jarvis, Secretary

May 26, 1998

Letter-to-the Editor
The News and Observer
P. O. Box 191
Raleigh, North Carolina 27602

Dear Editor,

I am writing to express my disappointment with the tone of Joe Neff's May 24th article on personnel actions taken by the Department of Correction. Although Neff spent many hours researching this story and gathering data, many facts were omitted.

The department did not bend the rules as the headline indicated. Each one of the severance packages was submitted through the normal approval process of the Office of State Personnel and the Office of State Budget and Management. As a matter of fact, the \$5.4 million savings Neff quoted me on is a figure that comes straight from the Office of State Budget, an April, 1998 report. Thus, it is not a Department of Correction figure as inferred.

The implication that in my capacity as secretary of Correction, I singled out my professional and personal friends for severance packages is not true. I have worked in this organization for almost 37 years, and I knew these managers just as I know all of our prison superintendents and probation field managers.

It's good business practice to bring back those people who have had many years of experience and knowledge of the agency while at the same time allowing them to continue in the workforce on a limited basis. This has proven to be a cost-efficient benefit to the agency.

To have not offered retirement packages to those managers who were eligible for retirement and instead eliminated the next generation of managers would have left the department vulnerable.

Neff failed to point out that the percentage of management positions has not changed since 1993 when DOC had approximately 13,000 employees, even though 15 new prisons, hundreds of probation and parole officer positions and new community corrections programs have been added. Despite the enormous operational growth, which resulted in DOC growing to almost 20,000 employees, the correction department has eliminated five layers of mid-management positions in the Division of Prisons and three layers of management in the Division of Adult Probation and Parole, a 33% reduction in management layers.

During my time at the department, I have come to know and trust R.O. Barbour who has indeed become a close friend. However, the job he was sent to do, closing down the South Central Area Office, was not a pleasant task. Having been an area administrator before, he was uniquely qualified and in a position to carry out those duties.

In another case, a superintendent refused to accept a captain's position found for him, and was unwilling to voluntarily retire, which made him eligible for the reduction-in-force retirement package.

The department has made tremendous strides in the past five years. Parole was abolished, violent criminals are serving more time, working hard, and serving their entire sentence. Non-violent offenders are being diverted to community punishment programs. The crime rate has dropped. People are safer. One judge called it a miracle that the Department of Correction could turn around so rapidly and effectively in such a short period of time.

It's another miracle that the department was able to eliminate the dozens of mid-level management positions while opening new prisons and establishing effective correction plans.

The Department of Correction has been extremely open to the press and especially to Joe Neff. I don't understand why he chose not to report the facts as they were given to him.

Sincerely,

Mack Jarvis

Secretary

Department of Correction Reduction in Force List Employees RIF'ed since January 1993

NAME	YEAR	CLASSIFICATION	LOCATION	REASON	
Richards, James F.	1993	Wastewater Treatment Area Operator	Eastern Corr. Institution	2% Budget Reduction	
Elliott, Keith C.	1993	Med. Lab. Technologist II	Division of Prisons Administration	Drug Lab Consolidation	
Gardner, William A.	1993	Correctional Officer	Halifax Corr. Center	2% Budget Reduction Offered job but refused	
McLaughlin, Steven P.	1993	Wastewater Treatment Area Operator	Western Areal Administration	2% Budget Reduction	
Richards, James F.	1993	Wastewater Treatment Area Operator	Eastern Corr. Institution	2% Budget Reduction	
Ross, James H.	1993	Wastewater Treatment Area Operator	McCain Hospital	2% Budget Reduction	
Kittrell, Lisa C.	1994	Electronic House Arrest Specialist	Electronic House Arrest	Closed Winston Salem Office - House Arrest Office combined with Raleigh Office	
Hoyng, Kathleen B.	1994	Electronic House Arrest Specialist	Electronic House Arrest	Closed Winston Salem Office - House Arrest Office combined with Raleigh Office	
Leinbach, Angela D.	1994	Deputy Clerk	Electronic House Arrest	Closed Winston Salem Office - House Arrest Office combined with Raleigh Office	
McCoin, Laura M.	1994	Electronic House Arrest Specialist	Electronic House Arrest	Closed Winston Salem Office - House Arrest Office combined with Raleigh Office	

Sanders, Fletcher K.	1995	Spec Asst. to Sec, of Corrections	Secretary's Office	Downsizing Secretary's Staff - Mid-Managemen Reductions
Setzer, Kenneth L.	1995	Corr. Superintendent	McDowell Corr. Center	GPAC McDowell Converted
Barber, Arthur G., Jr.	1996	Teacher	Piedmont Corr. Institution.	Budget Reduction - Conversion of Adult Facility Education Programs to Community College
Barbour, Robert O.	1996	Corr. Administrator I	S. Central Area Administration	Dissolution of the Area Office - Span of Control
Carrigan, Bobby D.	1996	Correctional Officer	Alexander Corr. Center	Facility Custody Conversion
Carroll, Kenneth T.	1996	Teacher	Piedmont Corr. Institution	Budget Reduction - Conversion of Adult Facility Education Programs to Comm. College
Fisher, Donna D.	1996	Teacher	Mecklenburg Corr. Center	Budget Reduction - Conversion of Adult Facility Education Programs to Comm. College
Fox, John D.	1996	Correctional Officer	Alexander Corr. Center	Facility Conversion
Hilderbrand, Sidney E., Jr.	1996	Correctional Officer	Alexander Corr. Center	Facility Conversion
Murphy, Edward L.	1996	Teacher	Fountain Corr. Center/Women	Budget Reduction - Conversion of Adult Facility Education Programs to Comm. College
Pilley, James A.	1996	Teacher	Caledonia Corr. Institution	Budget Reduction - Conversion of Adult Facility Education Programs to Comm. College

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Murray, Harlin	1996	Education Program Dir. I	Piedmont Corr. Institution	Budget Reduction - Conversion of Adult Facility Education Programs to Come. College
Spicer, Grant M.	1997	Corr. Administrator I	Western Area Administration	Area Office Closed - Span of Control
Pruitt, Allbert K.	1997	Corr. Superintendent	Warren Correctional Center	Span of Control
Allsbrook, Harry L., Jr.	1997	Correctional Administrator I	Allsbrook, Harry L., Jr.	Re-organization
Barnett, Talmadge L.	1997	Asst. Dir. for Human Services, (DOP)	Division. of Prisons Administration	Span of Control
Braswell, Ira IV	1997	Parole Case Analyst	Parole Commission	Reduction in Force
Dixon, Gary T.	1997	Corr. Administrator	Division of Prisons Administration	Re-organization
Fisher, Hobert W.	1997	Corr. Superintendent	Davie Corr. Center	GPAC - Davie Closed
Gunter, Frank O.	1997	Asst. Dir. for Operations (DOP)	Division of Prisons Administration	Span of Control
Jones, Mary S.	1997	Personnel Technician	DOC Personnel Office	Span of Control
Jones, William K.	1997	Corr. Superintendent	Wake Corr. Center	Re-organization
Lee, Woodley G.	1997	Deputy Dir., Adult Probation/Parole	Division of Adult Probation/Parole Administration	Span of Control
Parker, Lloyd W.	1997	Corr. Administrator I	Eastern Area Administration	Area Office Closed / Re- organization - Span of Control
Poplin, Jo H.	1997	Office Assistant IV	Davie Corr. Center	Facility Closed

N.C. State Budget, 1997-99: Summary of Recommendations Further Adjustments - Continued

3

1998-99

Agency Salary Line Reductions

1997-98

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:

Administration	\$ 572.185 \$5,141
Crime Control & Public Safety	407,292 43, 254
Commerce	672,485 99,031
Cultural Resources	610,262 346,047
Human Resources	2,952,032 6,570,092
Correction	8,528,430 5,389,641
Revenue	502 076 49 83 0
Environment, Health & Natural Resources	2,335,425 662,588 + 934, 338 (Health)

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.

14,738,254

\$ (16,671,086)

131,419,350

ACTUAL SPAN "IT REPORTED

\$ (16,671,086)

145,627,345

Post-it ^a Fax Note	7671	Date 5	26/98 pages	10=1
TO LOE HAMILT	ON	From	AUNE BAN	TES.
Co/Dept. DOC	٠.	Co. E	JSB M	
Phone I		Phone #	3-7061	
Fax# 715 68	19	Fax#	3-0640	

\$ 247,612,358

\$ 256,273,050

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	l	\$99,038
Correction -see note-App.F	170	\$ 5,389,641	170	170	\$5,389,641
Crime Control	4	\$115,602	3	l	\$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	ı	\$ 73,971
Transportation	4	\$ 136,297	4	3	S 113,105
TOTAL	510	\$18,817,447	392	380	\$14,738.254

Position Number	Position Title	Budgeted Salary	Savings
4540-4030-3047-330	Соп. 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
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, 7 69
4540-4030-0046-032	Lieutenant (S.Central Area Ofc.)	\$24,838	\$24,838

Agency

Correction

7	
	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
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

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 ¹ -992	Corr Diagnostic Director	\$29,287	\$29,287
4540-3030-3034-865	Corr. Program Supvr. (Halifax Corr. Ctr. closure)	\$29,353 \$20,376	\$29,353 \$29,376
4540-4030-3547-402	Corr Supt I (Richmond Corr. Ctr.)	\$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
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

4

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	\$7 3,329
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
	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
		5 Соп. Sgts (Richmond Con. Ctr.) @ 21906 ea	\$109,530	\$109,530
	4540-4030-3047-219thru22	2 6 Соп. Sgts (Moore Соп. 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

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Budget Reductions Positions Currently Occupied

<u>Name</u>	Mos. Srv.	<u>Title</u>	Salary	Salary Grade	
Central Area Office Closing					
Don Jones	346	Programs Director I	41,110	67	
Raymond Perry	368	Asst. Supt. For Programs	46,137	71	
Larry Tippett	344	Correctional Lieutenant	39,273	66	
Robert Parrott	432	Correctional Administrator II	78,352	81	
James Inscoe	- 423	Correctional District Manager	59,293	75	
Eastern Area Of	fice Closing				
Lee Ann Smith	372	Programs Director II	45,486	70	
Gerald Gurley	457	Correctional Lieutenant	38,133	66	
Span of Control	D.O.C.				
Ann Porter-Fowle	er 435	Training Coordinator II	53,870	75	
L. B. Denning	440	Special Assistant to Secretary	58,940	76	
Span of Control	Substance Abus	se			
Manuel Cruz	131	Subs. Abuse Program Supervisor	30,430	68	
Span of Control	D.A.P.P.				
W. L. Harris	344	Manager of Program Services	62,103	76	
Charles White	415	Asst. Judicial Div. Chief	58,980	75	
George Pettigrew	410	Asst. Judicial Div. Chief	59,293	75	
Evelyn Wooten	344	Asst. Judicial Div. Chief	58,052	75	
James Parks	356	Asst. Judicial Div. Chief	50,516	75	
Parole Commissi	on				
Linda Creech	344	Computing Support Technician I	26,862	61	
Frank Rush	341	Parole Case Analyst	37,730	68	

Reorganization

Name	Mos. Srv.	Title	Salary	Salary Grade
William Barker	430	Correctional Superintendent II	53,700	73
Stephen Berry	436	Mental Health Administrator	51,614	72
James Brown	382	Correctional Administrator I	61,970	78
Cody Phillips	356	Admin. Services Manager	44,344	73
Melva Dunn	469	Program Assistant IV	28,981	59
Hal Farthing	419	Quality Assurance Spec. II	40,571	70
Harvey Yow	- 382	Asst. Superintendent Cus/Ops III	54,900	74

VISITOR REGISTRATION SHEET



Appropriations Subcommittee on Justice & Public Safety 5/27/98 AM

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cassandha Atlania	05P - 116 W. Jones St
Carl Goodwin	OSP
Dusty Wall	OSP
MEX Maron	BILL DRAFTING
Luke Barbar	CJPC
Robert Poven	OSBM
BODG HUMPIKEY	//
Bryce Morrison	IBM - Raleigh, nc
Jenni Per Kotai	NeBA
Path Pinsen	On Pease Assor. Chareste
Shor Ark	2 AUC

VISITOR REGISTRATION SHEET

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Appropriations Subcommittee on Justice & Public Safety 5/27/98 AM

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS				
Ja Hamilton	DOC				
Less Hamilton Less Becker	DOC.				
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SENATE APPROPRIATIONS SUBCOMMITTEE ON

JUSTICE AND PUBLIC SAFETY

Thursday May 28, 1998 – 8:30 a.m. Room 415, Legislative Office Building

A GENDA

I. CALL TO ORDER

Chairman:

Senator Wib Gulley, Presiding

II. PRESENTATIONS

 Governors Recommended Budget Reductions for the Department of Correction

> Jim Mills, Fiscal Research Elisa Wolper, Fiscal Research

Departmental Management

• Special Provisions for the Department of Correction

Jim Mills, Fiscal Research Elisa Wolper, Fiscal Research

Departmental Management

Special Provisions for the Department of Justice

Elisa Wolper, Fiscal Research

Departmental Management

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

MINUTES SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY MAY 28, 1998, 8:30 AM

The Senate Appropriations Subcommittee on Justice and Public Safety met at 8:30 am on Tuesday, May 28, 1998 in Room 415 of the Legislative Office Building. Four members were present. Senator Gulley, Chair, presided.

First, Senator Gulley asked Elisa Wolper, Fiscal Analyst, to continue the review of Governor Hunt's proposed budget reductions for the Department of Corrections (DOC) (see Handout #1) beginning with item #15. Senator Gulley asked Mr. Joe Hamilton with DOC how they arrived at the cuts in the non-personnel line items and was there an inclination to spend all the money so the department did not lose it. Mr. Hamilton responded that the Legislature was taking a more responsive approach in recent years so the department would not lose money that was not spent. Senator Gulley asked what Mr. Hamilton thought of the idea that DOC would retain a portion of unspent money and the rest would revert back to the General Fund. Mr. Hamilton replied that he felt that if the money was not used for something in the planning stage, then the department should be able to retain it rather than lose it. Senator Gulley stated he thought that would be more of an incentive to be cost effective so if the department saved money in one area, it could use it in another. Hamilton agreed. Senator Gulley then asked DOC to help to put that policy into effect. Senator Ballance added that perhaps the state program to award individuals who present cost saving ideas could be tied into Senator Gulley's proposal.

Senator Gulley summarized Handout #1 by stated that the Subcommittee was going to flag item #7 regarding the increased profit margin for the prison canteen and the use of the canteen money being used for the cost of teachers; also item #14 with addresses the closes of some of the GPAC prison units. Senator Blust stated that he was concerned that some legislators can save the units in their districts, while other legislators have to deal with units being closed in their districts. He felt the Subcommittee needed to take the heat as a Committee when it came to closing units and saving the State money.

Next, Jim Mills, Fiscal Analyst, reviewed the DOC special provisions starting on page 39 of Handout #2. He began by reviewing jail bed availability (see Handout #3). Mr. Mills stated that Handout #4 showed the county jail bed contracts for 1998-99 fiscal year which could total \$3.6 million. Mr. Gregg Stahl told the Subcommittee that the lag time in notification by the county jails can cost the State \$2 million because the counties are not notifying the DOC in timely manner that they have an inmate for them. There is current on statute language that requires notification. Senator Gulley asked Mr. Mills and DOC to work together on language to address this problem. Also on page 41 of the special provision Handout the words "out-of-state" will be deleted because there are no inmates being housed out of state.

Senator Blust asked for a list of counties that use the safekeepers program. Mr. Stahl told the Subcommittee that some counties abuse the safekeepers program because the county who makes the referral is not always the county of the inmate's residence so neither county pays the state for safekeeper. Senator Gulley again asked Mr. Mills and the DOC to work on this problem.

With regard to the special provision on page 42, "Exemption from Licensure and Certificate of Need," Senator Gulley asked what assurances are there that the facilities are using proper procedure if they are not licensed. Mr. Stahl stated that DOC monitors the facilities.

With regard to the special provision on page 44(b), Senator Blust asked for a running total of savings to the State from the GPAC unit closings. Senator Gulley asked that that be included in the report DOC will give to the Subcommittee in the near future. Also, there was some concern over the closed GPAC facilities being sold to for-profit companies be sold at fair value or use value. Mr. Stahl stated that usually the county or municipalities lease them from the State, but DOC will take into consideration the concern of the Subcommittee if the closed units are sold to for-profit or even non-profit companies.

The meeting was adjourned at 10:00 am.

Senator Wib Gulley, Chair

Carol Resar, Committee Clerk

Sandout #1

GOVERNOR'S PROPOSED 1998-99 BUDGET REDUCTIONS -DEPARTMENT OF CORRECTION

<u>1998-99</u>

DEPARTMENTAL MANAGEMENT

1. Non-Personnel Line Items

(\$366,709)

Reduction is mixture of contractual, office supplies and equipment, and computer equipment and software.

RECEIPT ADJUSTMENTS AND INCREASES

2. Federal Nutrition Programs

(\$450,000)

Estimated additional receipts to provide free breakfast and lunch to youthful offenders (under 21); allows decrease in General Fund budget.

3. Medical Reimbursement from Counties

(\$450,000)

Estimated additional receipts from counties to pay the State for providing medical care to safekeepers will allow for decrease in General Fund

4. Transfer Correction Enterprise Profits to General Fund

(\$500,000)

Enterprises transfers a portion of profits to General Fund; by increasing transfer from \$1,060,000 per year to \$1,560,000, the General Fund can be reduced (amount not increased since 1979-80).

5. Transfer increase in Work Release Fund to General Fund

(\$291,000)

Inmates on work release are required to pay a per diem to DOC of \$12.50 per day. This reduction is based on increasing that payment by \$1.00 and reducing General Fund

6. Transfer increase in profits in Inmate Welfare/Canteen Fund to General Fund

(\$334,000)

DOC is recommending that an inmates weekly money draw to purchase items from the canteen be increased from \$35 to \$40 (last adjusted in 1990-91); DOC is also recommending increasing the prison's profit margin on canteen items from 17% to 18%. (last adjusted in 1981-82). These two changes combined will allow DOC to increase receipts and decrease General Fund by amount shown.

7. Fund seven teaching positions from Inmate Welfare/Canteen Fund instead of General Fund

(\$374,103)

DOC has been gradually funding more academic staff and activities through inmate Welfare Fund. This reduction would allow DOC to decrease General Fund by funding one academic director and 6 teachers from the Welfare Fund.

SUBSTANCE ABUSE

8. Reduce seven positions due to Span Control Study and office supplies. Four positions are vacant.

(\$250,000)

(7)

9. Reduce DART-Cherry aftercare program (\$130,000)

(\$130,000)

DART-Cherry aftercare funds were included in Reserve for Substance Abuse. This leaves \$354,715 for the aftercare program for 1998-99. The program anticipates spending about \$356,225 this year and leaving at least \$111,500 unspent. If the program is allowed to carry over this balance, available funds will be at least \$466,000.

POSITION REDUCTIONS/REORGANIZATION - DEPARTMENT MANAGEMENT AND DIVISION OF PRISONS

1998-99

10. Abolish 3 positions in Central Area Office Command

(\$84,222)

(3)

Central Area Command was consolidated resulting in three support positions that could be eliminated.

1998-99

 Transfer increase in profits in Inmate Welfare/Canteen Fund to General Fund (\$334,000)

DOC is recommending that an inmates weekly money draw to purchase items from the canteen be increased from \$35 to \$40 (last adjusted in 1990-91); DOC is also recommending increasing the prison's profit margin on canteen items from 17% to 18%. (last adjusted in 1981-82). These two changes combined will allow DOC to increase receipts and decrease General Fund by amount shown.

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(\$250,000)

(7

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(\$130.000)

DART-Cherry aftercare funds were included in Reserve for Substance Abuse. The program anticipates spending about \$356,225 this year and leaving at least \$111,500 unspent.

If the program is allowed to carry over this balance, available funds will be at least \$436,000 for 1998-99. Without carryover available funds will be \$324,715.

<u>POSITION REDUCTIONS/REORGANIZATION - DEPARTMENT</u> MANAGEMENT AND DIVISION OF PRISONS

1998-99

10. Abolish 3 positions in Central Area Office Command

(\$84,222)

(3)

Central Area Command was consolidated resulting in three support positions that could be eliminated.

11. Abolish 12 mid level managers due to Span of Control Study

(\$734,666)

(12)

Positions are managers in departmental management, area offices, and institutions.

DIVISION OF PRISONS

12. Reduce Custody and Security line items

(\$392,048)

Reduction is in line item for computer equipment

13. Reduce Reserve for 1,384 New Beds (Engineering Support items)

(\$200,000)

Reserve to operate new prisons includes funding for DOC engineering and construction staff and support costs. DOC is proposing reducing support budget.

14. Close GPAC Prison Units (See Attachment)

(\$5,123,016)

(357)

PAROLE COMMISSION

15. Reduce budget by eight positions and reduce supply budget

(\$233,000)

(8)

In response to report on staffing reorganization and reduction and plan for a minimum 10% reduction as directed by SB352. Seven of the positions are clerical and one is an analyst. Three of the clerical positions are vacant. This leaves 36 staff positions.

DIVISION OF ADULT PROBATION AND PAROLE

16. Abolish 5 positions due to Span of Control-

(\$368,453)

(5)

Elimination of vacant Deputy Director position and reduction of number of Assistant Chiefs in each Division from 2 to 1.

17. Abolish 2 parole hearing officer positions

(\$74,650)

(2)

Due to decrease in workload as number of parolees has fallen. Positions are vacant.

<u>1998-99</u>

18. Abolish 4 pre-parole investigator positions

(\$117,930)

(4)

These are the last remaining investigator positions; Duties have been absorbed by other positions due to past reorganizations.

19. Reduce non-personnel line items

(\$373,000)

Reductions in purchased services (\$100,000) and supplies (\$100,000) and Criminal Justice Partnership Program contracts (\$38,000). Also eliminates Reserve for Enhanced Criminal Penalties (\$135,000).

20. Reserve for Structured Sentencing - DAPP Probation and Parole Officers

(\$150,000)

Reduction in supply, equipment and misc. costs associated with officers added in 1997-98.

GRAND TOTAL OF REDUCTIONS

(\$11,321,797)

(398)



1999 CLOSE <u>DATE</u>	FACILITY NAME	SECURITY LEVEL	TOTAL ANNUAL OPERATING COSTS	1996-97 PER DIEM <u>COST</u> 1	ESTIMATED 1997-98 PER DIEM COST2	INMA CAPAC SOC	CITY	PROPOSED 1998-99 REDUCTION3	PROPOSED 1998-99 POSITION REDUCTION
1/1	Alamance	Minimum	\$ 1,071,191	50.04	55.04	68	78	\$ (485,889)	27
1/1	Alexander	Minimum	1,158,383	92.44	70.00	46	54	(504,232)	27
1/1	Martin	Minimum	935,849	70.91	78.00	30	40	(432,051)	24
1/1	Sandy Ridge	Minimum	978,479	53.80	59.18	66	72	(427,657)	24
3/1	Mecklenburg	Minimum	2,177,628	54.07	59.48	76	110	(814,840)	60
3/1	Scotland	Minimum	1,600,582	93.20	70.00	44	48	(494,657)	42
3/1	Stanly	Medium	2,500,019	79.93	87.92	64	92	(979,223)	72
3/1	Stokes	Minimum	1,112,526	54.69	60.16	68	78	(383,696)	26
3/1	Union	Medium	1,979,881	79.95	87.95	<u>64</u>	<u>94</u>	(600,771)	<u>55</u>
	TOTALS		\$ 13,514,538			526	666	\$ (5,123,016)	357

⁽¹⁾ Per diem cost is average cost per day per inmate, including security, programs, support, and administrative overhead

⁽²⁾ Rough estimate of 97-98 per diem cost based on 10% increase in budget

⁽³⁾ Reduction does not include inmate costs (food, laundry, medical) or cost of operating road squads

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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 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 Commission shall of its The make a report qoals. 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.

the funds appropriated to the Of 1997-99 biennium assistants for for the 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 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 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 attorney. employed by the district to be 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 victim and witness assistant. responsible for coordinating efforts of is 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 C.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:

- 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,	9
	Dare, Gates, Pasquotank,	
•	Perquimans	-
. 2	Beaufort, Hyde, Martin,	5
2.5	Tyrrell, Washington	0.0
3A	Pitt	8 9 8 10
3B	Carteret, Craven, Pamlico	
4	Duplin, Jones, Onslow,	12 <u>14</u>
F	Sampson	11 12
5	New Hanover, Pender	11 13
6A	Halifax	4 4
6B	Bertie, Hertford,	4
7	Northampton	12 15
	Edgecombe, Nash, Wilson	10 11
8 9	Greene, Lenoir, Wayne	$\frac{10}{9}$ 10
9	Franklin, Granville,	y 10
9A	Vance, Warren	3 4
10	Person, Caswell Wake	23 28
11	Harnett, Johnston, Lee	$\frac{33}{11} \frac{26}{14}$
12	Cumberland	$\frac{14}{14} \frac{14}{17}$
13	Bladen, Brunswick, Columbus	8 9 17
14	Durham	10 12
14 15A	Alamance	7 12 7
15A 15B	Orange, Chatham	6 7
16A	Scotland, Hoke	4 / 5
16B	Robeson	8 <u>5</u> 8 <u>9</u>
10B 17A	Rockingham	6 7 4 <u>5</u> 8 <u>9</u> 5
17B	Stokes, Surry	5
18	Guilford	22 26
19A	Cabarrus	5
19B	Montgomery, Moore, Randolph	9 11
19C	Rowan	5 11
20	Anson, Richmond,	12 <u>14</u>
20	Stanly, Union	
21	Forsyth	13 15
22	Alexander, Davidson, Davie,	$\frac{13}{13} \frac{15}{16}$
22	Iredell	20 20
23	Alleghany, Ashe, Wilkes,	5
23	milegion, mone, miles	-

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

(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:

DistrictJudges			County
	1		Camden Chowan Currituck Dare Gates Pasquotank
	2	3	Perquimans Martin Beaufort Tyrrell Hyde
	3 A	4	Washington Pitt
	3B	4 <u>5</u>	Craven Pamlico Carteret
	4	6	Sampson Duplin Jones Onslow
	5	6	New Hanover Pender
	6A 6B	2 3	Halifax 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 <u>5</u>	Bladen
		Brunswick
		Columbus
14	5 3 3 <u>4</u>	Durham
15A	3	Alamance
15B	3 <u>4</u>	Orange
		Chatham
16A	3 ,	Scotland
		Hoke
16B	5	Robeson
17A	5 2 3	Rockingham
17B	3	Stokes
		Surry
18	11	Guilford
19A	3	Cabarrus
19B	5	Montgomery
	•	Moore
		Randolph
19C	3	Rowan
20	3 6	Stanly
20	<u> </u>	Union
	•	Anson
		Richmond
21	7	Forsyth
22	7 7 <u>8</u>	Alexander
22	+ <u>0</u>	Davidson
		Davie
		Iredell
23	4	Alleghany
23	4	Ashe
		Wilkes
		Yadkin
24	3 4	
24	₹ <u>₹</u>	Avery Madison
		Mitchell
		Watauga
		Yancey
25	7	Burke
25	. 1	Caldwell
		Catawba
26	14	Mecklenburg
20 27A	5	Gaston
	4	Cleveland
27B	4	Lincoln
20	E	Buncombe
28 29	5 5	Henderson
23	5	McDowell
		Polk
		Rutherford
		KUCHELIOIG

30 4

Transylvania
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 Gull Justus, Kiser, Thompson, Hill Senators Gulley, Ballance, Rand, Representatives 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:

	W	: -++	Additional	
Cour		istrates Max.	Seats of Court	
		· · · · · · · · · · · · · · · · · · ·	Courc	
Camo		2		
Chov		3		
	rituck 1	3		
Dare	3	8		
Gate		3 3 8 3 5		
	uotank 3	5		
	uimans 2			
Mart		8	•	
	ifort 4	8	•	
Tyrı		8 3 4		
Hyde				
	ington 3	4		
Pitt	10	12	Farmville	
			Ayden	
Crav		10	Havelock	
Pam]		3		
Cart	eret 5	8		
Samp		8		
Dupl	in 9	11		
Jone		3		
Onsl	.ow 8	14		
New	Hanover 6	11		
Pend	ler 4	6		
Hali	fax 9	14	Roanoke	
			Rapids,	
			Scotland Neck	
Nort	hampton 5	7		
Bert		6		
Hert	ford 5	6		
Nash	1 7	10	Rocky Mount	
Edge	ecombe 4	6 7	Rocky Mount	
Wiĺs		€ 7	-	
Wayr		11 12	Mount Olive	
Gree		4		
Lenc		10	La Grange	
		7		
Vanc		6		
Warr	ren 3	4		
	klin 3	6 7		
Pers	ion 3	4 -		

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

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, Bl, 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, Bl, 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:

- 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;
- Three court officials, one district attorney and (4)one clerk of court to be appointed by the President Tempore of the Senate, and one district clerk of court, or magistrate to be attorney, Speaker of appointed bv the 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.
- Commission may contract for consultant (C) The 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, and departments of the State to provide agencies, data, documents within their possession, information, or

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.

Representatives Justus, Kiser, Thompson Requested by: PROJECT CHALLENGE REPORT

(a) Of the funds appropriated in this Section 18.20. 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 dispositional and alternatives for juveniles in the form of community services, including services to the elderly and

economically disadvantaged;

Promote the involvement of juveniles in community (2) 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;

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

Collaborate with community agencies (4)organizations to provide guidance to and positive

role models for juveniles.

Project Challenge North Carolina, Inc. shall report 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 Thereafter, Project Challenge juveniles served. 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.

- The Administrative Office of the Courts, (b) 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 (i) alleged iuveniles who are to be delinguent 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 The Project shall assist these not been taken into custody. providing a centralized point of intake juveniles by assessment for the juveniles, by addressing the educational, emotional, and physical needs of the juveniles, and by providing learning with atmosphere for an responsibility, for others. The self-respect, and respect the shall consider Office Courts Administrative οf 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.

the Courts, (e) The Administrative Office of 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:
- "<u>§ 14-107.2.</u> 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, 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. The Administrative Office of the Courts must establish procedures for remitting the fee and providing restitution to the For the purposes of this section, the terms 'check check taker. 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.

Representatives Redwine, Hackney, Justus, Kiser, Requested by: 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.
- The sum of twenty thousand dollars (\$20,000) for (2) the 1997-98 fiscal year and the sum of twenty thousand dollars (\$20,000) for the 1998-99 fiscal to establish a "teen court" program in Columbus County.
- The sum of twenty thousand dollars (\$20,000) for (3) 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 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.

- Of the funds appropriated in this act to the (b) 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.
- Each of the programs funded pursuant to this (C) 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

Orrect 100

Requested by: Senator Gulley, Representatives Justus, Kisel 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; and

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 fun appropriated to the Department for the 1997-99 biennium to p 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) 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, Representativ 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 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 or million dollars (\$1,000,000) in additional funds authorized 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, Kise 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. 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 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 Each department shall also report on any the grant period. 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 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 Committee March 1, 1998, on staffing Oversight by а 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 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 This condition may also value systems. include a period of supervision through the Post-Boot Camp Probation Program."

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 pile project established in subsection 19(b) of Chapter 24 of t 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 SOUADS

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, Hile, Senators Gulley, Ballance, Rand
PRIVATE PRISON EXPANSION/MORATORIUM ON PRIVATE PRISONS FOR OUTOF-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 the Joint Legislative Commission on standards to proposed Joint Legislative Corrections the Governmental Operations, Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by May The report shall include a recommendation on the 1, 1998. enforce these to appropriate regulatory agency or agencies 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 confinem facility authorized under G.S. 148-37(g) that receives payme 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.

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. The Department of Correction may (a) 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 If the Department finds it necessary to exceed this facilities. 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 the Governmental Operations, 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	Wake	196	Close
Diagnostic Center			
Warren Correctional	Warren	168	Med/Close
Institution			
Improvements to	Wake	208	Med/Close
NCCIW			
Scotland Facility	Scotland	712	Close
Alexander Facility	Alexander	520	Close
Metro Facility	Charlotte	520	Close
-	Area		

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 propositive Phase I of the Central Prison Master Plan, or planning and design of the Warren, NCCIW, or Metro projects untifiederal 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 sixtythousand 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 The evaluation study Department's substance abuse programs. 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.

REPORT ON DART/DWI PROGRAM AT CHERRY HOSPITAL

The Department of Correction shall Section 19.24. 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 DWI/Substance Abuse Treatment Program residential facility at probationers and parolees at the DART 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. 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

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.

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.

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.

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 Legislative Commission on Governmental Operations, to the Chairs Senate and House of Representatives Appropriations Committees, and to the Chairs of the Senate and Appropriations Subcommittees on Justice and Public Safety before the department enters into any contractual agreement. report is to be made jointly by the Information Resource Management Commission, the Office of State Budget and Management, and the requesting department.

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.

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.

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.

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.

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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. 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 If an officer is at the top of the officer's pay grade. officer's pay grade, then the officer is not eligible to receive salary adjustment. Sworn officers holding the following management positions are not eligible to receive the salary SBI Director, SBI Assistant Directors of Support adjustment: 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:

- The Commissioner, notwithstanding any other provision of this Chapter, may lawfully and to the extent necessary, provide 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 lawenforcement 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, assumed names, registration plates, 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 person who, through the special trust and confidence of the sheriff, has taken the oath of office prescribed by Chapter 11 General Statutes as a peace officer in office of the sheriff. This term includes 'deputy sheriffs', 'reserve deputy sheriffs' and 'special deputy sheriffs', but does not include clerical and support personnel required to take an oath. The term 'special who, through deputy' means a person 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

- 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.

- 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 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 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 (cl) 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 document, tangible objects, or other items information, discovered during the search shall be used solely for the purpose ascertaining the individual's identity, notifying 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 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.

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:

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

and

Hospital personnel, after the individual has been

pronounced dead.

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 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 settlement approve 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 The Office of Section 20.15. State Budget 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 The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing State Budget The Office of criminal records checks. 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

Crime

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

LEGISLATIVE REVIEW OF DRUG LAW ENFORCEMENT AND OTHER GRANTS

Section 1303(4) of the Omnibus Crime Section 21. (a) 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 application to the Joint Legislative Commission Governmental Operations.

Unless a State statute provides a different forum (b) 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, Kise 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 the report, from the Department of Correction a 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 <u>and Crime Control</u>
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 whi enabling inmates to acquire or retain skills also 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, to Committee has the powers of a joint committee under 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) $\overline{G.S.}$ 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 fa period not to exceed two years and shall be renewable from the to time for a period not to exceed two years. Prisoners may be

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 the earliest at practicable date after the submission of bids. The Secretary of Correction, in consultation with the Chairs of the 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 n provide the State with an option to purchase the confineme 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 subsection. The operators of private confinement facilities m 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 policies Department the North Carolina grievance 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 t Joint Legislative Corrections Oversight Committee shall be ma 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.

Handout # 3

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 (or use of available funds)
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	\$3,626,000 (request to use available funds up to this amount)
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)
3. State Misdemean- ants 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)	\$9,559,692	\$9,848,459 approp.	\$9,848,459 approp.

^{*}Source for budget figures - Department of Correction and 1997-99 certified budget

Handout #4

DIVISION OF PRISONS

COUNTY JAIL CONTRACTS TO EXTEND INTO 1998-99 FY

				TOTAL	
				REQUIRED	
COUNTY JAIL	INMATES	RATE	# MONTHS	1998-99	COMMENTS
Burke-Catawba	104	40	12	1,518,400	Contract extended month to month
Dare	69	40	12	1,007,400	Contract extended month to month
Durham	48	27	10	467,200	Contract ends 4/17/99
Northampton	40	40	1	49,600	Contract ends 7/31/98
Wilson	40	40	12	584,000	Contract extended month to month
TOTALS	301			3,626,600	

VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety 5/28/98 AM (\$\frac{2}{5}\)

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

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SENATE APPROPRIATIONS SUBCOMMITTEE ON

JUSTICE AND PUBLIC SAFETY

Tuesday June 9, 1998 – 8:30 a.m. Room 415, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairman:

Senator Wib Gulley, Presiding

II. PRESENTATIONS

• Presentation of Judicial Branch's Expansion Budget Request

Jeanne Bonds, Deputy Director AOC Chris Marks, Deputy Director AOC

• Discussion of Justice & Public Safety Special Provisions

Fiscal Research Division Staff

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

MINUTES SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY JUNE 9, 1998, 8:30 AM

The Senate Appropriations Subcommittee on Justice and Public Safety met at 8:30 am on Tuesday, June 9, 1998 in Room 415 of the Legislative Office Building. Five members were present. Senator Gulley, Chair, presided.

First, Mr. Cameron, Director of Administrative Office of the Courts (AOC), addressed the Subcommittee with brief remarks regarding the budget proposals the AOC and Judicial Department would like to be included in the budget.

Next, Ms. Jeanne Bonds, Deputy Director of AOC, reviewed for the Subcommittee the expansion budget requests for the Judicial Department (see Handout #1). There was a brief discussion about the money that could saved if the Department did not have to send bond forfeitures and juvenile delinquent notices by certified mail. After the discussion. Ms. Bonds distributed a summary sheet showing the technological budget requests (see Handout #2).

Senator Ballance questioned the number of judges who actually use their computers. Mr. John Taylor, AOC Information Services Director, stated the Department tries to find out who is not using the computer and either give it to someone else, or get further training for the judge. Senator Ballance also questioned the need for District Attorneys having lap top computers in the courtroom.

Mr. Taylor stated that the critical item on the technology requests was the money for the Central Processing Unit and Software, & Data Communications Increased Band Width. Ms. Bonds finished her overview by giving a summary of the expansion budget requests. Senator Gulley asked why the technology requests did not include anything for juvenile services. Mr. Taylor responded that the Department wanted to show the juvenile and court request separately.

Senator Wellons asked if the Guardian Ad Litem program requests took into consideration the recommendations made by the Guardian Ad Litem Study Commission with regard to the billing procedures used by attorneys. Mr. Chris Marks, Deputy Director of AOC, stated that no change in the billing procedures have been made. Senator Gulley asked that Senator Wellons make recommendations to the Subcommittee about the Guardian Ad Litem program.

Next, Senator Gulley stated that the total for the budget requests from AOC was \$57 million and he asked AOC to prioritize these items in light of the Bailey decision, etc. which will leave very little money this year for the expansion budget. Ms. Bonds stated that after talking with Chief Justice Mitchell, it was his priority to help the clerks and judges and the drug treatment programs. With regard to the technology requests, the

replacement equipment, the data center and the new equipment requests were the most important. Senator Wellons stated that he hoped the Subcommittee could give the courts some priority because of how well the system works and the shortages of personnel they are facing. Senator Ballance requested again that the certified mail statute be looked at. Sean Dail with Bill Drafting, and Mr. Marks will look at drafting a special provision to eliminate this requirement.

Senator Gulley also asked Mr. Marks for an itemized cost of the Data Center items (page 2, item A of Handout #1). Mr. Taylor will get that information to the fiscal staff. With regard to the Court Clerks, Senator Gulley asked which was more important, more positions or upgrading the salary scale. Ms. Rachel Joyner, Nash County Clerk of Superior Court, replied that addition personnel was more important. Mr. Marks added that a change in the statutes to allow more flexibility in the pay plan would help with the salaries.

The meeting was adjourned at 9:45 am.

Senator Wib Gulley

Carol Resar, Committee Clerk

Sandout # 1

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 1998 SHORT SESSION EXPANSION BUDGET 1998-99 NON-TECHNOLOGY EXPANSION REQUESTS EXECUTIVE SUMMARY

		1998-99
	DESCRIPTION	TOTALS
	NECESSARY	
	CORE-FUNCTION PERSONNEL	
A. New Supe	rior Court Judges	
	RECURRING COSTS: NON-RECURRING COSTS:	\$858,210 \$60,948
	SUBTOTAL:	<u>\$919,158</u>
6 Specia	STAFF REQUEST al Superior Court Judges (Eff. 7/1/98)	
	NO. OF POSITIONS:	6.00
B. Additional	Superior Court Support Staff	
	RECURRING COSTS: NON-RECURRING COSTS:	\$236,730 \$30,156
	SUBTOTAL:	\$266,886
6 5	STAFF REQUEST	6.00
o Supe	erior Court Judicial Assistants II (Eff. 7/1/98)	0.00
	NO. OF POSITIONS:	
C. New Supe	rior Court Reporter Positions	4070 000
	RECURRING COSTS: NON-RECURRING COSTS:	\$279,330 \$39,384
	SUBTOTAL:	\$318,714
	STAFF REQUEST	
6 Offici	ial 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: <u>STAFF REQUEST</u>	<u>\$4,176,050</u>
. 34 Dis	trict Court Judges (Eff. 7/1/98)	
	NO. OF POSITIONS:	34.00
E. Additional	District Court Support Staff	
	RECURRING COSTS: NON-RECURRING COSTS:	\$466,782 \$71,178
	SUBTOTAL:	<u>\$537,960</u>

THE NORTH CAROLINA JUDICIAL BRANCH 1998 SHORT SESSION EXPANSION BUDGET 1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

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: NON-RECURRING COSTS:	\$197,868 \$27,462
SUBTOTAL:	<u>\$225,330</u>
STAFF REQUEST	
6 Magistrates (Eff. 7/1/98)	
NO. OF POSITIONS:	6.00
G. Additional Clerk Personnel	
RECURRING COSTS: NON-RECURRING COSTS:	\$4,473,468 \$617,692
SUBTOTAL:	<u>\$5.091,160</u>
STAFF REQUEST	
16 Assistant Clerks (Eff. 7/1/98)	
145 Deputy Clerks (Eff. 7/1/98)	161.00
NO. OF POSITIONS:	161.00
H. Additional Appellate Division Staff	
RECURRING COSTS:	\$111,896
NON-RECURRING COSTS:	\$8,154
SUBTOTAL:	<u>\$120.050</u>
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:	<u> \$73.932</u>

THE NORTH CAROLINA JUDICIAL BRANCH 1998 SHORT SESSION EXPANSION BUDGET 1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

	1998-99
DESCRIPTION	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: NON-RECURRING COSTS:	\$41,741 \$931
SUBTOTAL:	<u>\$42,672</u>
STAFF REQUEST 1 Assistant to the Special Counsel (Eff. 7/1/98)	
NO. OF POSITIONS:	1.00
. New AOC Personnel	
New Personnel in AOC - General Administration	
RECURRING COSTS: NON-RECURRING COSTS:	\$336,005 \$44,826
SUBTOTAL:	<u>\$380.831</u>
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: NON-RECURRING TOTALS:	\$10,943,804 \$1,208,939
CORE-FUNCTION SUBTOTALS:	<u>\$12,152,743.00</u>
NUMBER OF PERSONNEL	244.00
ONGOING DEPARTMENT	
OPERATING REQUIREMENTS	
. Replacement Equipment & Ongoing Department Supply Requirements	
(Supplies \$ 245,961) RECURRING COSTS: (Equipment \$1,533,828) NON-RECURRING COSTS:	\$362,803 \$1,416,986
SUBTOTAL:	\$1,779,789

THE NORTH CAROLINA JUDICIAL BRANCH 1998 SHORT SESSION EXPANSION BUDGET 1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

· ·	1998-99	
DESCRIPTION	TOTALS	
Increase in the Daily Rate for Emergency Judges in the Appellate and Trial Court Divisions from \$200 to \$400 a Day		
RECURRING COSTS: NON-RECURRING COSTS:	\$556,490 \$0	
SUBTOTAL:	<u>\$556,490</u>	
Increased Funding Needed to Cover Operational Shortfalls within the Department's Budget (Court Reporter Expenses \$125,577)		
(Postage \$441,951) RECURRING COSTS:	\$1,296,038 \$50,000	
(Lease \$586,000) NON-RECURRING COSTS: (Lodging \$192,510)	\$50,000	
SUBTOTAL:	<u>\$1.346.038</u>	
RECURRING TOTALS:	<i>\$2,215,331</i>	
NON-RECURRING TOTALS:	\$1,466,986	
OPERATING REQUIREMENTS SUBTOTALS:	\$3.682.317.00	
IMPROVE COURT		
DEFENSE SERVICES		
. New Public Defender Support Staff		
RECURRING COSTS: NON-RECURRING COSTS:	\$819,931 \$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)		

THE NORTH CAROLINA JUDICIAL BRANCH

1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

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DESCRIPTION

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:

<u>\$0</u>

STAFF REQUEST

7 Assistant Public Defenders

(Eff. 7/1/98)

7.00

C. Capital Case Office Pilot Program

RECURRING COSTS:

NO. OF POSITIONS:

\$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)

5.00

RECURRING TOTALS:

NO. OF POSITIONS:

NON-RECURRING TOTALS:

\$1,188,867

\$126,718

DEFENSE SERVICES SUBTOTALS:

\$1,315,585.00

NUMBER OF PERSONNEL

<u>33.00</u>

IV. ALTERNATIVE DISPUTE RESOLUTION PROGRAMS

A. Statewide Expansion of Court-Ordered Arbitration Program

RECURRING COSTS:

\$507,446

NON-RECURRING COSTS:

\$37,027

SUBTOTAL:

<u>\$544.473</u>

STAFF REQUEST

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

NO. OF POSITIONS (FTE):

5.25

\$644.313.00

1.00

THE NORTH CAROLINA JUDICIAL BRANCH 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: NON-RECURRING COSTS:	\$866,695 \$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:	<u>\$1,419,597.00</u>
NUMBER OF PERSONNEL	<u>6.25</u>
. EXPANSION OF THE COMMUNITY	
PENALTIES PROGRAM	
PENALTIES PROGRAM Community Penalties Program Expansion	
PENALTIES PROGRAM Community Penalties Program Expansion RECURRING COSTS:	\$635,108 \$9,205
PENALTIES PROGRAM Community Penalties Program Expansion	\$635,108 \$9,205 \$644,313
PENALTIES PROGRAM Community Penalties Program Expansion RECURRING COSTS: NON-RECURRING COSTS:	\$9,205
PENALTIES PROGRAM Community Penalties Program Expansion RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: STAFF REQUEST	\$9,205 \$644,313
PENALTIES PROGRAM Community Penalties Program Expansion RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: STAFF REQUEST 1 CCP Accounting Specialist (Eff. 7/1/98)	\$9,205

COMMUNITY PENALTIES SUBTOTAL:

NUMBER OF PERSONNEL

THE NORTH CAROLINA JUDICIAL BRANCH 1998 SHORT SESSION EXPANSION BUDGET

1998-99 NON-TECHNOLOGY EXPANSION REQUESTS

		1998-99
	DESCRIPTION	TOTALS

i. [REAUTHORIZATION OR IMPLEMENTATION OF PILOT PROGRAM OPERATIONS	
	Reauthorization & Expansion of the N.C. Drug Treatment Court Program	
	RECURRING COSTS: NON-RECURRING COSTS:	\$998,926 \$0
	SUBTOTAL:	<u>\$998,926</u>
	<u>STAFF REQUEST</u> 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
	Judicial Assistants for Case Calendaring in the District Court	
	RECURRING COSTS: NON-RECURRING COSTS:	\$100,503 \$0
	SUBTOTAL:	<u>\$100.503</u>
	STAFF REQUEST	
	3 Judicial Assistants (Eff. 7/1/98) - Continuation of Pilot Program	
	NO. OF POSITIONS:	3.00
C. I	Reauthorization of the Bad Check Pilot Program	
	RECURRING COSTS: NON-RECURRING COSTS:	\$162,941 \$0
	SUBTOTAL:	<u>\$162.941</u>
	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: NON-RECURRING TOTALS:	\$1,262,370 \$0
	PILOT PROGRAM SUBTOTAL:	<u>\$1,262,370.00</u>
	NUMBER OF PERSONNEL (FTE)	<u>10.00</u>

THE NORTH CAROLINA JUDICIAL BRANCH 1998 SHORT SESSION EXPANSION BUDGET 1998-99 NON-TECHNOLOGY EXPANSION REQUESTS EXECUTIVE SUMMARY

DESCRIPTION	1998-99 TOTALS
VIII 1000 00 CARITAL IMPROVEMENT REQUEST	
VII. <u>1998-99 CAPITAL IMPROVEMENT REQUEST</u> THE NORTH CAROLINA JUSTICE BUILDING	
The Planning and Design of Improvements to North Carolina Justic Building (Supreme Court)	
CAPITAL IMPROVEMENT REQUIREMENTS:	\$250,000
SUBTOTAL:	<u>\$250,000</u>
	· · · · · · · · · · · · · · · · · · ·
PLANNING & DESIGN REQUIREMENTS:	\$250,000
JUSTICE BUILDING DESIGN SUBTOTAL:	<u>\$250,000.00</u>
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 1998 SHORT SESSION EXPANSION BUDGET 1998-99 TECHNOLOGY EXPANSION REQUESTS EXECUTIVE SUMMARY

			1998-99
DESCRIPTION			TOTALS

COMPUTER EQUIPMENT AND SOFTWARE			
. Replacement Equipment			
RECURRING COSTS: NON-RECURRING COSTS:		\$ \$	602,86 4,011,57
SUBTOTAL:		\$	4,614,43
Clerk of the Superior Courts District Attorneys Judges All Other Personnel Telecommunications & Fax	\$1,334,851 \$447,270 \$1,003,680 \$1,025,930 \$802,700		
. New Equipment and Software			
RECURRING COSTS: NON-RECURRING COSTS:		\$ \$	714,14 4,508,75
SUBTOTAL:		\$.	5,222,89
Clerk of the Superior Courts District Attorneys/Public Defenders Judges	\$1,030,860 \$3,857,478 \$334,560		
RECURRING TOTALS: NON-RECURRING TOTALS:		\$	1,317,00. 8,520,32
COMPUTER EQUIPMENT & SOFTWARE SUBTOTALS:		\$	9,837,32
INTERNET			
TECHNOLOGY Internet Technology			
RECURRING COSTS: NON-RECURRING COSTS:		\$ \$	94,500 600,000
SUBTOTAL:		\$	694,500

THE NORTH CAROLINA JUDICIAL BRANCH 1998 SHORT SESSION EXPANSION BUDGET 1998-99 TECHNOLOGY EXPANSION REQUESTS

	· ·		1998-99	
	DESCRIPTION		TOTALS	
	RECURRING TOTALS:	\$	94,500	
	NON-RECURRING TOTALS:	\$	600,000	
	INTERNET TECHNOLOGY SUBTOTALS:	\$	694,500	
	DATA CENTER / NETWORK UPGRADE			
A. Central Process	ing Unit & Software, Data Center Operating			
Software, & Da	ta Communications Increased Band Width			
Software, & Da	RECURRING COSTS:	\$		
Software, & Da		\$	1,600,000	
•	RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL:	\$	1,600,000	
•	RECURRING COSTS: NON-RECURRING COSTS:	\$ \$ \$	1,600,000 2,642,500	
	RECURRING COSTS: NON-RECURRING COSTS: SÜBTOTAL: Software & Software Maintenance	\$ \$	1,600,000	
•	RECURRING COSTS: NON-RECURRING COSTS: SÜBTOTAL: Software & Software Maintenance RECURRING COSTS:	\$ \$ \$	1,600,000 2,642,500 25,020	
B. New Systems S	RECURRING COSTS: NON-RECURRING COSTS: SÜBTOTAL: Software & Software Maintenance RECURRING COSTS: NON-RECURRING COSTS:	\$	1,600,000 2,642,500 25,020 139,000	
B. New Systems S	RECURRING COSTS: NON-RECURRING COSTS: SÜBTOTAL: Software & Software Maintenance RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: er Recovery Services RECURRING COSTS:	\$	25,020 139,000 150,000	
B. New Systems S	RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: Software & Software Maintenance RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: er Recovery Services RECURRING COSTS: NON-RECURRING COSTS:	\$	1,600,000 2,642,500 25,020 139,000 164,020 150,000 130,000	
B. New Systems S	RECURRING COSTS: NON-RECURRING COSTS: SÜBTOTAL: Software & Software Maintenance RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: er Recovery Services RECURRING COSTS:	\$	25,020 139,000 150,000	
B. New Systems S	RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: Software & Software Maintenance RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: er Recovery Services RECURRING COSTS: NON-RECURRING COSTS:	\$	1,600,000 2,642,500 25,020 139,000 164,020 150,000 130,000	
B. New Systems S	RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: Software & Software Maintenance RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: er Recovery Services RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: SUBTOTAL:	\$	1,600,000 2,642,500 25,020 139,000 164,020 150,000 280,000	
B. New Systems S	RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: Software & Software Maintenance RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: er Recovery Services RECURRING COSTS: NON-RECURRING COSTS: SUBTOTAL: SUBTOTAL:	\$	139,000 164,020 150,000 130,000 280,000	

THE NORTH CAROLINA JUDICIAL BRANCH 1998 SHORT SESSION EXPANSION BUDGET 1998-99 TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	,	1998-99 TOTALS	
DESCRIPTION		TOTALS	
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

THE NORTH CAROLINA JUDICIAL BRANCH 1998 SHORT SESSION EXPANSION BUDGET 1998-99 TECHNOLOGY EXPANSION REQUESTS EXECUTIVE SUMMARY

1998-99 TOTALS	
\$ \$	75,000 75,000
\$ \$	2,684,884 252,678
<u>\$</u>	<u>2.937.562</u>
	\$ \$ \$

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

1998 EXPANSION REQUESTS ON JUVENILE JUSTICE

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

1998-99

DESCRIPTION

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:

\$7.16,160

NON-RECURRING COSTS:

\$0

TOTALS:

<u>\$716,160</u>

NO. OF POSITIONS (FTE):

<u>19.00</u>

1998 EXPANSION REQUESTS ON JUVENILE JUSTICE

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

1	9	9	8	-9	9

DESCRIPTION

TOTALS

C. ADMINISTRATIVE & OPERATIONAL SUPPORT

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:

TOTALS:

\$349,677

\$116,225

System Description

D. JUVENILE SERVICES AUTOMATION PLAN

System Operating Costs	
(1) Division Computer Training (R)	\$50,000
(2) Service & Maintenance (R)	\$161,480
(3) System Data Line & Modern 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

1998 EXPANSION REQUESTS ON JUVENILE JUSTICE

EXECUTIVE SUMMARY OF EXPANSION REQUESTS

		1998-99
DESC	DESCRIPTION	
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:	<u>\$2.919.192</u>
	NO. OF POSITIONS (FTE):	<u>6.0</u>
		444 000 700
	RECURRING TOTALS: NON-RECURRING TOTALS:	\$14,289,708 \$3,433,185
	HON-ILCOMMIC TOTALS.	¥3, 7 33,703
	ADDITIONAL JUVENILE SERVICES	147
	DIVISION PERSONNEL TOTALS:	<u>\$17,722,893.00</u>
	NUMBER OF POSITIONS:	333.0

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

1998-99

DESCRIPTION

TOTALS

GUARDIAN AD LITEM PERSONNEL INCREASES

Guardian ad Litem Staff Increases

RECURRING COSTS: NON-RECURRING COSTS:

\$1,602,829

\$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):

<u>37.00</u>

I. 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

		1998-99	
DESCR	RIPTION	TOTALS	
B. Replacement of 15 Old Com	puter Systems		
	RECURRING COSTS:	\$12,975	
•	NON-RECURRING COSTS:	\$50,730	
	SUBTOTALS:	\$63,705	
C. Installation of 31 New Comp	outer Systems		
	RECURRING COSTS:	\$26,815	
	NON-RECURRING COSTS:	\$104,842	
•	SUBTOTALS:	\$131,657	
D. GAL System Connectivity fo Not in Courthouses	RECURRING COSTS:	\$18,900	
	NON-RECURRING COSTS:	\$17,640	
	SUBTOTALS:	\$36,540	
E. GAL District Office FAX Mad	<u>chines</u>		
	RECURRING COSTS:	\$16,800	
	NON-RECURRING COSTS:	\$24,234	
	SUBTOTALS:	\$41,034	
ENHANCED GAL AUTOM	IATION SUPPORT TOTALS		
ENHANCED GAL AUTOM	IATION SUPPORT TOTALS RECURRING COSTS:	\$158,367	
ENHANCED GAL AUTOM		\$158,367 - \$206,632	
ENHANCED GAL AUTOM	RECURRING COSTS:		

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

	1998-99
DESCRIPTION	TOTALS
III. INCREASE IN GUARDIAN AD LITEM CONTRACTED ATTORNEY FEES	
Increase in Counsel Fees from \$40 to \$50 an Hour	
RECURRING COSTS: NON-RECURRING COSTS:	\$500,000 \$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

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

		Personal Co	omputers			Screen	System	
Court Official	286 MHz	386 MHz	486 MHz	Pentiums	Laptops	Printers	Printers	Terminals
Superior Court	-	9	14	49	102	2	-	1
Judges								
District Court	1	3	13	. 58	107	· -	-	-
Judges								
District Attorneys	17	25	259	122	7	93	13	121
Public Defenders	4	6	50	13	-	10	•	
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

VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety 6/9/98 AM

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Sandra Grekers	Part Country Clare of Superior Can
Jose Harrece	Theene Country, Clark of Court
Hayes Peather	Halifay Collect & Court
Rochel m. Joine	Mash co. CS.
Tomme Just	Camb. Co CSC.
alellan	AOC
Stanne Bonds	AOC
Kerth C. HARRIS	PRESIDENT NC MOGISTROTE'S ASSN.
CHRIS MORKS	Aoc
Laso Rubent	CJPC
Le Hersel	NCBA

VISITOR REGISTRATION SHEET

Appropriations Subcommittee or	Justice & Pu	ublic Safety	6/9/98 AM
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Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Taylor	NEAC
Bukie Strut	PPAB
Jenne Wine	NCADER
Ohn Cram	9512
Nellin V. Enell	Ade
Candice Gruffin	AOC

SENATE APPROPRIATIONS SUBCOMMITTEE ON

JUSTICE AND PUBLIC SAFETY

Wednesday June 10, 1998 – 9:00 a.m. Room 415, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairman:

Senator Wib Gulley, Presiding

II. PRESENTATIONS

 Presentation of Performance Audit of Division of Probation and Parole

> Mr. Ralph Campbell, State Auditor Mr. John McLawhorn, Performance Auditor

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

MINUTES SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY JUNE 10, 1998, 9:00 AM

The Senate Appropriations Subcommittee on Justice and Public Safety met at 9:00 am on Wednesday, June 10, 1998 in Room 415 of the Legislative Office Building. Four members were present. Senator Gulley, Chair, presided.

Senator Gulley called the meeting to order and then ask Mr. Ralph Campbell, State Auditor, to make a few brief comments regarding the audit that was done on the Division of Probation and Parole (DAPP). Mr. Campbell told the Subcommittee that the probation and parole revocation rates have dropped in the passed five years due to an increase in face to face contact with the parolees and the supervising officers, but that the Division was still hampered by a lack of technology. Mr. Campbell further stated that money could be saved if certain steps were taken as outlined in Handout #1.

Next, Mr. John McLawhorn, the performance auditor who did the audit, gave the Subcommittee an overview of the audit report (see Handout #1). Senator Gulley asked about the lack of office space that was brought out in the report. Mr. McLawhorn responded that county space is provided for regular probation and parole officers (PPO) but not for intensive PPOs. Mr. Guy with DAPP added that the state leased space for the intensive PPOs and supervisors so the burden is off the counties and that counties cannot keep up with DAPP's rapid growth. Senator Gulley stated that he would like to see the originally structure restored with regard to provided space for the PPOs. Mr. Guy said that field officers could do work at home which would allow the state to get out of leasing space. Mr. Campbell added that \$24 million could be saved by telecommuticating or sharing office space. Mr. Guy stated that those steps were already being implemented at the auditor's suggestion.

Senator Gulley then asked about the patronage figures. Mr. Campbell stated that the reported 5% was very insignificant. Senator Gulley asked about the report that vacancies were not being filled in a timely manner. Mr. McLawhorn replied that in fairness to DAPP, it has been granted 800 positions over the last four years, which is a lot of jobs to fill in a short time. Mr. Stahl also stated that there was too much bureaucracy in DOC personnel and they intend to regionalize over time so all the paper work will no longer have to come from Raleigh. Mr. Guy further stated that regionalization will also help with merit based hiring as well.

Senator Ballance asked about the variation in the caseloads. Mr. McLawhorn replied that the ideal caseload would be 90 parolees per regular officer and 30 per intensive officer, but in some areas the caseload can be 165 parolees. Usually the chief PPO will absorb the caseload if there is a vacancy.

Mr. McLawhorn told the Subcommittee that one of the problem areas of DAPP was its record keeping. If employees worked overtime, they were given comp time, but it was not always given as time and half.

A full report was then made available to the Subcommittee members. Mr. Campbell told the Subcommittee that the Department was to be given \$600,000, but it was never received. Senator Rand congratulated the Auditor's department for the job that they do. He felt that the Auditor needed additional staff so the State would not have to hire outside people to perform audits. However, Senator Rand reported that the Appropriations Subcommittee on General Government has taken four auditor positions out of the budget recently. Senator Gulley said he would speak to Senator Warren about that issue.

Mr. Gregg Stahl further thanked the Auditor for the professional manner in which the audit was conducted.

The meeting was adjourned at 9:50 am.

Senator Wib Gulley, Chair

Carol Resar, Committee Clerk

Gandout #1



STATE OF NORTH CAROLINA

PRESENTATION TO

JUSTICE AND PUBLIC SAFETY APPROPRIATIONS SUBCOMMITTEE

JUNE 10, 1998

OFFICE OF THE STATE AUDITOR
RALPH CAMPBELL, JR.
State Auditor

REASON FOR AUDIT

- MANDATED BY 1997 GENERAL ASSEMBLY
 - SENATE BILL 352, SECTION 19.13

Office of the State Auditor
June 1998



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

Office of the State Auditor



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

Office of the State Auditor



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

Office of the State Auditor
June 1998



► RELATIONSHIPS WITH OTHER CONCERNS PROGRAMS

- 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



► EFFECTIVENESS OF PROBATION AND PAROLE

CONCLUSION

- EFFECTIVE ADMINISTRATIVE POLICIES
 AND PROCEDURES
- DAPP HAS RESPONDED EFFECTIVELY AND TIMELY TO STRUCTURED SENTENCING

Office of the State Auditor June 1998



- ADMINISTRATIVE EFFECTIVENESS

<u>CONCERNS</u>

- 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%

Office of the State Auditor
June 1998



► 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





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

VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety	3/20/96 Alvi Vance 1098
Annuanciations Subsammittee on Justice & Dublic Safety	5/26/08 ANA

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John May	Ne ewa
Jenne-Kara	NCBA
Kevin Howell	NCBA
Fresh Hray	N.C. Collector Assa.
Patrice Roesles	neace
River Les Sica	DEPP
Grean Shill	NOC
Jeacy Little	PRS + Parole Commission
Ken Swaw	Sen Ballance
,	

SENATE APPROPRIATIONS SUBCOMMITTEE ON

JUSTICE AND PUBLIC SAFETY

Thursday, June 25, 1998 – 4:00 p.m. Room 415, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairman: Senator Wib Gulley, Presiding

II. PRESENTATIONS

• Discussion of 1998-99 Proposed Budget for Justice and Public Safety

Fiscal Research Staff

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

MINUTES SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY JUNE 25, 1998, 4:00 PM

The Senate Appropriations Subcommittee on Justice and Public Safety met at 4:00 pm on Thursday, June 25, 1998 in Room 415 of the Legislative Office Building. Five members were present. Senator Gulley, Chair, presided.

Senator Gulley announced to the Subcommittee that Handout #1 was a list of proposed recurring and non-recurring items for the expansion budget.

First Elisa Wolper, Fiscal Analyst, went over the items for the Justice Department for the 1998-99 fiscal year. Senator Gulley added some brief comments about the items funded being the priority items from the Department. Senator Rand moved to approve the items in this section of the budget for the Justice Department as presented. Motion carried.

Next, Charles Perusse, Fiscal Analyst, reviewed the items in the Judicial Department portion of the proposed budget (see Handout#1). Senator Gulley again added brief comments. Senator Ballance moved to approve the budget items for the Judicial Department except the item for a research assistant position and the item appropriating money for the Business Court building renovation. Motion carried. Senator Rand then moved to add an Assistant District Attorney in the 30th Judicial District (Haywood County) to the Judicial Department budget. Motion carried.

Next, Jim Mills, Fiscal Analyst, reviewed the items for the Department of Corrections (see Handout #1). After his review, <u>Senator Ballance moved to approve the items for the Department of Corrections budget.</u> Motion carried.

Senator Gulley then asked Marilyn Chism, Fiscal Analyst, to go over the budget items for the Department of Crime Control and Public Safety (see Handout #1). After a brief discussion, Senator Ballance moved to approve the budget items for the Department of Crime Control and Public Safety. Motion carried.

Next, the Subcommittee quickly reviewed the special provisions for the Justice and Public Safety budget (see Handout #2). Senator Rand questioned the need for provision 98CCPS-S001 which uses helicopters for traffic violations. Mr. Joe Stewart with the Department of Crime Control and Public Safety stated that the intent of this provision was to help observe aggressive drivers, but they would also like to catch speeders. Senator Rand responded that he felt the maintenance for the helicopters was too expensive to be used for this purpose and would like to see the resources used for other purposes. Further, he did not like the idea of pilots being required to testify in court in these cases. Senator Ballance moved to give this special provision more thought and consideration. Motion carried.

Next, Senator Wellons questioned special provision 98AOC-S018 which deals with including domestic violence victims as defined by the Governor's Crime Commission. Senator Rand was concerned about using that definition because it could change as the Commission changed, and felt it would be better to define domestic violence statutorily. Sean Dail with the Drafting Division suggested drafting a separate provision to define domestic violence. Senator Wellons agreed to this proposal if it is included in the budget bill. Senator Rand then added that he felt the place to write this definition was in the Judiciary Committee. Senator Wellons withdrew his suggestion.

Senator Blust then stated, with regards to provision 98CCPS-S010, that he would like to see the Department of Crime Control and Public Safety approve the grants rather than the Governmental Operations Commission. Mr. Mills suggested that the provision be clarified to read only recipients of state agency grants. Also, Mr. Mills stated that the General Assembly does not approve the grants, but only reviews them.

Senator Ballance moved to accept the special provisions as revised, and any additional ones that may need to be included in the final version of the Justice and Publice Safety portion of the budget. Motion carried.

There being no further business, the meeting was adjourned.

Senator Wib Gulley, Chair

Carol Resar, Committee Clerk



PROPOSED SENATE JPS BUDGET

1998 SHORT SESSION



FY 1998-99

	Recurring	Non-Recurring
<u>JUDICIAL</u>		
Reduce Salary Reserve Funds	-\$300,000	\$0
District Court Judges (8 effective 12/1/98)	\$542,240	\$70,224
Judges Support Staff (8 effective 12/1/98)	\$153,704	\$42,768
Assistant and Deputy Clerks (25 and 4 effective 12/1/98)	\$479,295	\$111,808
Court Reporters (2 effective 12/1/98)	\$54,726	\$13,128
Magistrates (5.5 effective 12/1/98 in Currituck, Pamlico, Wake, Columbus, Meck)	\$104,958	\$22,885
Sentencing Commission Position (effective 12/1/98)	\$37,656	\$9,756
Assistant PD's from Indigent Fund (4 effective 12/1/98, \$179,220)	\$0	\$0
Capital Case Pilot from Indigent Fund (2 APD's, 1 LA, 1 Inves; \$180,040)	\$0	\$0
Public Defender Support Staff (3 investigators & 3 legal asst's effective 12/1/98)	\$139,533	\$19,161
Arbitration Program (4, 30 hour coordinators effective 12/1/98)	\$200,000	\$18,844
Custody Mediation Program (expand to 7 districts)	\$300,000	\$0
Community Penalties (Acct Spec effective 12/1/98 plus \$109,139)	\$150,000	\$9,205
Continue Drug Treatment Court Program (Director's positions recurring)	\$62,716	\$936,210
Continue Civil Case Management Program (Districts 13, 18, 30)	\$0	\$100,503
Continue Bad Check Programs	\$0	\$162,941
Funds for Equipment, Supplies & Operation	\$0	\$200,000
Teen Court Funds (Durham, Wake & Guilford)	\$0	\$55,000
Access to Civil Justice - State Bar Funds	\$0	\$1,000,000
Center for Death Penalty Litigation	\$0	\$500,000
Increase GAL Attorney Fees / Replace Old Equipment	\$150,000	\$381,852
Dispute Settlement Center Funds (Chatham 10k, Cumberland 10k, Durham 15k	\$0	\$100,000
ECU 15k, Mediation of NC 15k, Moore 20k, Wake 15k)		
North Carolina Business Court	\$138,188	\$135,000
Dangerous Offender Task Force	\$200,000	\$0
District Court Mediated Settlement Pilot	\$0	\$50,000
Sentencing Commission Recidivism / Program Evaluation Report	\$0	\$50,000
Funds for a 5 year Infrastructure Plan	\$0	\$230,000
Replace Outdated Computer Equipment and Software / Upgrade CPU	\$150,000	\$1,185,000
Subtotal for Judicial	\$2,563,016	\$5,404,285

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FY 199	98-99
Recurring	Non-Recurring
-\$34,000	\$0
\$209,170	\$28,300
\$201,650	\$37,500
\$143,341	\$18,000
\$53,198	\$13,321
\$66,235	\$0
\$41,080	\$0
\$0	\$57,000
\$60,506	\$6,000
\$0	\$167,341
\$147,224	\$19,800
\$51,414	\$0
\$0	\$125,000
\$0	\$150,000
\$939,818	\$622,262
-\$600,000	-\$1,095,428
-\$352,871	\$0
\$1,740,563	\$0
\$500,000	\$2,500,000
\$0	\$895,782
-\$400,000	\$0
\$0	\$625,000
\$0	\$62,500
\$0	\$143,287
\$887,692	\$3,131,141
	-\$34,000 \$209,170 \$201,650 \$143,341 \$53,198 \$66,235 \$41,080 \$0 \$60,506 \$0 \$147,224 \$51,414 \$0 \$0 \$0 \$939,818 -\$600,000 -\$352,871 \$1,740,563 \$500,000 \$0 -\$400,000 \$0 \$0 \$0

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	Recurring	Non-Recurring
CRIME CONTROL		
Tarheel Challenge Program	\$0	\$542,000
National Guard Maintenance Positions (effective 10/1/98)	\$22,611	\$0
Alcohol Law Enforcement Agent (Wake County July 1)	\$43,092	\$31,516
Highway Patrol Troopers (40 @ 12/1, Hwy Fund \$403,900R + \$1,583,295 NR)	\$0	\$0
Highway Patrol Salary Increase (Highway Fund - \$2,787,596 R)	\$0	\$0
Purchase 2 Acres for Helicopter Pad (\$75,000 Highway Fund)	\$0	\$0
Increase Salary Grades between First Sergeant and Lieutenant (\$162,956 HF)	\$0	\$0
CJIN (Highway Fund - \$2,406,611NR)	\$0	\$0
Mobile Data Computers (Highway Fund - \$2,249,812 NR)	\$0	\$0
Subtotal for Crime Control	\$65,703	\$573,516
Total for JPS Agencies	\$4,456,229	\$9,731,204

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Requested by: Senator Gulley

IRMC REVIEW OF AOC INFORMATION TECHNOLOGY PLANS/LONG-RANGE REPORT

Section @. (a) G.S. 143B-472.41 reads as rewritten:

- 2 "\$143B-472.41. Information Resource Management Commission.
- 3 (a) Creation; Membership. -- The Information Resource 4 Management Commission is created in the Department of Commerce. 5 The Commission consists of the following members:
 - (1) Four members of the Council of State, appointed by the Governor.
 - (la) 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 35 the board of directors or other corporate governing body of any 36 information systems, computer hardware, computer software, or 37 telecommunications vendor of goods and services to the State of 38 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.

8 The appointees by the Governor from the Council of State shall 9 each serve a term beginning on September 1, 1992, and expiring on 10 June 30, 1993. Thereafter, their successors shall be appointed 11 for four-year terms, commencing July 1. Members of the Council of 12 State shall be disqualified from completing a term of service on 13 the Commission if they are no longer members of the Council of 14 State.

15 Vacancies in the two legislative appointments shall be filled 16 as provided in G.S. 120-122.

17 The Commission chair shall be elected in the first meeting of 18 each calendar year from among the appointees of the Governor from 19 the Council of State and shall serve a term of one year. The 20 Secretary of Commerce shall be secretary to the Commission.

No member of the Information Resource Management Commission 22 shall vote on an action affecting solely his or her own State 23 agency.

- 24 (b) Powers and Duties. -- The Commission has the following 25 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

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- 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.

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- (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.
- 23 (c) Meetings. -- The Information Resources Management 24 Commission shall adopt bylaws containing rules governing its 25 meeting procedures. The Information Resources Management 26 Commission shall meet at least monthly."
- 27 (b) The Administrative Office of the Courts shall 28 develop a strategic information systems and technology plan to 29 both serve the courts in the present and assist the courts in 30 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;

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- (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 21 the strategic information systems and technology plan developed 22 pursuant to this section to the Chairs of the Senate and House 23 Appropriations Committees and the Chairs of the Senate and House 24 Appropriations Subcommittees on Justice and Public Safety. The 25 Administrative Office of the Courts shall make an interim report 26 by April 1, 1999 and a final report by May 1, 1999.

(c) The Judicial Department shall use up to the sum of 28 two hundred thirty thousand dollars (\$230,000) in funds 29 appropriated to the Department for the 1998-99 fiscal year to 30 contract for consultant services in the development of the 31 strategic information systems and technology plan required by 32 this section.

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Requested by: Senator Gulley

STUDY OF PUBLIC DEFENDER PROGRAMS

Section @. The Administrative Office of the Courts 2 shall study the efficiency and cost effectiveness of the public 3 defender programs established in eleven judicial districts. The 4 report shall include:

- 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 20 results of its study to the Chairs of the Senate and House 21 Appropriations Committees, the Chairs of the Senate and House 22 Appropriations Subcommittees on Justice and Public Safety, and 23 the Indigent Fund Study Commission established in Section ____ of 24 this act by January 1, 1999.

Requested by: Senator Gulley

REVISE RECIDIVISM REPORTING DATE

Section @. G.S. 7A-675.3 reads as rewritten:

2 "§ 7A-675.3. Juvenile recidivism rates.

- 3 (a) On an annual basis, the Administrative Office of the 4 Courts shall compute the recidivism rate of juveniles who are 5 adjudicated delinquent for offenses that would be Class A, Bl, 6 B2, C, D, or E felonies if committed by adults and who 7 subsequently are adjudicated delinquent or convicted and shall 8 report the statistics to the Joint Legislative Commission on 9 Governmental Operations by December 31 February 15 each year.
- 10 (b) The Chief Court Counselor of each judicial district shall 11 forward to the Administrative Office of the Courts relevant 12 information, as determined by the Administrative Office of the 13 Courts, regarding every juvenile who is adjudicated delinquent 14 for an offense that would be a Class A, B1, B2, C, D, or E felony 15 if committed by an adult for the purpose of computing the 16 statistics required by this section."

Requested by: Senator Gulley

EXTEND SUNSET ON BAD CHECK PROGRAM

- Section @. (a) Subsection (e) of Section 18.22 of S.L. 2 1997-443 reads as rewritten:
- 3 "(e) This $\frac{\text{section}}{\text{section}}$ becomes effective October 1, 1997, and 4 expires June 30, $\frac{1998}{\text{section}}$ 1999."
- 5 (b) Subsection (c) of Section 18.22 of S.L. 1997-443 6 reads as rewritten:
- 7 "(c) Of the funds appropriated to the Judicial Department for 8 the 1997-98 fiscal year, the sum of one hundred fifty thousand 9 dollars (\$150,000) shall be used to establish bad check 10 collection pilot programs in Columbus, Durham, and Rockingham 11 Counties.
- The Administrative Office of the Courts shall report by May 1, 13 1998, April 1, 1999, to the Chairs of the Senate and House 14 Appropriations Committees and the Chairs of the Senate and House 15 Appropriations Subcommittees on Justice and Public Safety on the 16 implementation of the programs, including their effectiveness in 17 assisting the recipients of worthless checks in obtaining 18 restitution and the amount of time saved in prosecuting worthless 19 check cases."
- 20 (c) Subsection (a) of this section becomes effective 21 June 30, 1998.

Requested by:

TEEN COURT FUNDS DO NOT REVERT

- Section @. (a) The funds appropriated in S.L. 1997-443 to the Judical Department for teen court programs throughout the 3 State shall not revert at the end of the 1997-98 fiscal year and 4 shall remain available to the Department for the 1998-99 fiscal 5 year to be used for teen court programs.
- 6 (b) This section becomes effective June 30, 1998.

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Requested by: Senator Gulley

INDIGENT FUND STUDY COMMISSION

The Administrative Office of the Courts 1 Section 0. (a) establish a Study Commission on the Indigent Persons' 2 shall The Commission shall consist of eleven voting 3 Attorney Fee Fund. 4 members as follows: One member appointed by the Speaker of the House of 5 (1)6 Representatives; 7

- One member appointed by the President Pro Tempore (2) of the Senate;
- One member appointed by the Chief Justice of the (3) Supreme Court;
- (4)member appointed by the North Carolina Conference of District Court Judges;
- member appointed by the North Carolina (5) Conference of Superior Court Judges;
- member appointed bv the North Carolina (6) Association of Public Defenders;
- (7) One member appointed by the Conference of District Attorneys of North Carolina;
- One member appointed by the North Carolina State (8) Bar;
- One member appointed by the North Carolina Bar (9) Association;
- (10) One member appointed by the North Carolina Academy of Trial Lawyers; and
- (11) The Director of the Administrative Office of the Courts or the Director's designee.

The Commission shall elect a chair upon being convened at the 28 call of the Chief Justice's appointee.

- The Commission shall study methods for improving the 30 management and accountability of funds being expended to provide 31 counsel to indigent defendants without compromising the quality 32 of legal representation mandated by State and federal law. 33 conducting its study, the Commission shall:
 - Evaluate the current procedures for determining the indigency of defendants and recommend any possible improvements in those procedures;
 - Determine whether sufficient information (2) when evaluating compensation requests available 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 could be implemented to allow for greater accountability of the funds being expended;

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- (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.

25 Administrative Office of the Courts shall 26 professional and clerical staff to assist in the work of the The Commission shall report its findings 27 Commission. and 28 recommendations the Chairs of the Senate and to House 29 Appropriations Committees and the Chairs of the Senate and House 30 Appropriations Subcommittees on Justice and Public Safety no 31 later than May 1, 1999. The report shall include a cost analysis 32 demonstrating the additional personnel and equipment necessary to 33 implement the Commission's recommendations. The report shall legislation necessary 34 also include any to implement the 35 Commission's recommendations.

36 (c) The Administrative Office of the Courts may use up to the 37 sum of one hundred thousand dollars (\$100,000) from the Indigent 38 Persons' Attorney Fee Fund to contract for consultant services to 39 assist in meeting the Commission's responsibilities.

Requested by:

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CUMBERLAND JUVENILE ASSESSMENT CENTER

Section 18.21 of S.L. 1997-443 reads as Section @. (a) 1 2 rewritten:

"Section 18.21. (a) Of the funds appropriated in this 4 act to the Administrative Office of the Courts for the 1997-98 5 fiscal year, the sum of one hundred fifty thousand dollars 6 (\$150,000) shall be used to fund the Juvenile Assessment Project 7 authorized by this section. These funds shall be matched by local 8 funds on the basis of one dollar (\$1.00) of local funds for every 9 three dollars (\$3.00) of State funds. These funds shall not 10 revert at the end of the 1997-98 fiscal year, but shall remain in 11 the Department during the 1998-99 fiscal year to implement this 12 section.

- 13 (b) The Administrative Office of the Courts, 14 collaboration with the Chief Court Counselor of District Court 15 District 12, the Cumberland County Department of Social Services, 16 and the appropriate local school administrative units, shall 17 develop and implement a Juvenile Assessment Center Project in 18 District Court District 12 to operate from the effective date of 19 this act to June 30, 1998. June 30, 1999. The purpose of the 20 Project is to facilitate efficient prevention and intervention 21 service delivery to juveniles who are (i) alleged to 22 delinquent or undisciplined and have been taken into custody or 23 (ii) at risk of becoming delinquent or undisciplined because they 24 have behavioral problems and have committed delinquent acts even 25 though they have not been taken into custody. The Project shall 26 assist these juveniles by providing a centralized point of intake 27 and assessment for the juveniles, by addressing the educational, 28 emotional, and physical needs of the juveniles, and by providing 29 juveniles with an atmosphere for learning personal 30 responsibility, self-respect, and respect for others. The Office of the Courts shall consider the 31 Administrative 32 recommendations of the Juvenile Assessment Advisory Board in 33 developing and implementing the Project.
- (c) The Project shall be modeled after the Juvenile 35 Assessment Center in Hillsborough County, Florida, and shall:
 - Identify those juveniles who are alleged to be (1)delinguent or undisciplined or are at risk becoming delinguent 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:

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- (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.
- 17 (d) There is established the Juvenile Assessment 18 Advisory Board to make recommendations to the Administrative 19 Office of the Courts regarding the development and operations of 20 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 43 initial appointment is made, meet and elect one member as chair.
44 The Board shall meet at least once a month at the call of the

1 chair, and a quorum of the Board shall consist of a majority of 2 its members. The Board of County Commissioners of Cumberland 3 County shall provide necessary clerical and professional 4 assistance to the Board.

Initial appointments shall be made by October 1, 1997, 6 and all terms shall expire June 30, 1998.

- (e) The Administrative Office of the 8 consultation with the Department of Human Resources, Health and 9 Human Services, shall evaluate the Project and report to the 10 Chairs of the House and Senate Appropriations Committees, the 11 Chairs of the House and Senate Appropriations Subcommittees on 12 Justice and Public Safety and Human Resources, Health and Human 13 Services and the Fiscal Research Division of the General Assembly 14 by May 1, 1998, May 1, 1999, on the progress of the development 15 and implementation of the Project. In the report, 16 Administrative Office of the Courts, in consultation with the 17 Department of Human Resources, Health and Human Services, shall 18 evaluate the effectiveness of the Project, including the number 19 of juveniles served or expected to be served, and shall recommend 20 whether the Project should be continued. If the 21 recommends that the Project be continued, it shall also provide a 22 cost analysis outlining the long-term staffing and operating 23 needs of the Project."
- 24 (b) This section becomes effective June 30, 1998.

CODE NO. 98AOC-S010B

Requested by: Senator Gulley

N.C. STATE BAR FUNDS

Section @. Of the nonrecurring funds appropriated in the expansion budget as a grant-in-aid to the North Carolina State Bar for the 1998-99 fiscal year, the North Carolina State Bar may in its discretion use up to the sum of five hundred thousand dollars (\$500,000) 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.

Requested by: Senator Gulley

COMMUNITY PENALTIES PROGRAMS

1 Section @. Subsection (a) of Section 18.4 of S.L. 1997-2 443 reads as rewritten:

"(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) four million four hundred sixtyfour thousand five hundred twenty-one dollars (\$4,464,521) for
the 1998-99 fiscal year may be allocated by the Judicial
Department in each year of the biennium in any amount among
sexisting community penalties programs, including any Stateoperated programs, or may be used to establish new community
penalties programs."

Requested by: Senator Gulley

DISTRICT COURT CIVIL CASE MANAGEMENT

1 Section 0. Section 18.23 of S.L. 1997-443 reads as 2 rewritten:

"Section 18.23. The Administrative Office of the Courts 4 shall report by May 1, 1998, April 1, 1999, to the Chairs of the 5 Senate and House Appropriations Committees and the Chairs of the 6 Senate and House Appropriations Subcommittees on Justice and 7 Public Safety on the civil case management pilot programs 8 established in District Court Districts 13, 18, and 30. The 9 report shall assess the success of these programs in reducing the 10 backlog of civil court cases and in resolving new cases more 11 quickly."

Requested by: Senator Gulley

CAPITAL CASE PILOT PROGRAM

- Section @. (a) The Administrative Office of the Courts 2 shall establish a capital case pilot program to be incorporated 3 into the Office of the Appellate Defender to provide assistance 4 to districts experiencing difficulty in locating qualified 5 private counsel to handle capital cases.
- The Administrative Office of the Courts may use up of hundred eighty thousand 7 to the sum one forty dollars 8 (\$180,040) from the Indigent Persons' Attorney Fee Fund for the 9 1998-99 fiscal year for salaries, benefits, and related expenses 10 to establish two new assistant public defender positions, one 11 legal assistant position, and one investigator 12 specifically on capital cases.
- (c) The Administrative Office of the Courts shall report 14 to the Chairs of the Senate and House Appropriations Committees 15 and the Chairs οf the Senate and House Appropriations 16 Subcommittees on Justice and Public Safety by May 1, 1999 on the 17 effectiveness of the program, including information on which 18 districts have received assistance, the average cost 19 defendant served, and an estimate of the savings to be realized 20 in using this program rather than privately-assigned counsel.

Requested by: Senator Gulley

AUTHORIZE ADDITIONAL MAGISTRATES

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

2 "(c) Each county shall have the numbers of magistrates and 3 additional seats of district court, as set forth in the following 4 table:

5				
5 6				Additional
7		Magis	strates	 Seats of
8	County	Min	-Max.	Court
9				
10	Camden	1	2	
11	Chowan	2	3	
12	Currituck	1	<u> 3</u> <u>4</u>	
13	Dare	3	8	
14	Gates	2	3 3 <u>4</u> 8 3 5 3	
15	Pasquotank	3	5	
16	Perquimans	2		
17	Martin	5	8	
18	Beaufort	4	8	
19	Tyrrell	1	3	
20	Hyde	2	4	
21	Washington	3	4	
22	Pitt	10	12	Farmville
23				Ayden
24	Craven	7	10	Havelock
25	Pamlico	2	3 4	
26	Carteret	5	8 —	
27	Sampson	6	8	
28	Duplin	9	11	
29	Jones	2	3	
30	Onslow	8	14	
31	New Hanover	6	11	
32	Pender	4	6	
33	Halifax	9	14	Roanoke
34				Rapids,
35				Scotland Neck
36	Northampton	5	7.	
37	Bertie	4	6	
38	Hertford	5	6	
39	Nash	7	10	Rocky Mount
40	Edgecombe	4	7	Rocky Mount
41	Wilson	4	7	•
42	Wayne	5	12	Mount Olive
43	Greene	2	4	
44	Lenoir	4	10	La Grange
45	Granville	3	7	3 ·
46	Vance	3	6	

1 2 3 4	Warren Franklin Person Caswell	3 3 3 2	4 7 4 5	
5 6 7 8 9	Wake	12	20 <u>21</u>	Apex, Wendell, Fuquay- Varina, Wake Forest
10 11 12 13	Harnett Johnston	7 10	11 12	Dunn Benson, Clayton, Selma
14 15 16 17	Lee Cumberland Bladen Brunswick	4 10 4 4	6 18 6 7	Tabasa Gibas
18 19 20 21	Columbus Durham Alamance Orange	6 8 7 4	9 13 10 11	Tabor City Burlington Chapel Hill
22 23 24	Chatham Scotland Hoke	3 3 4	8 5 5	Siler City
25 26 27 28 29 30	Robeson	8	16	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
31 32 33	Rockingham	4	9	Reidsville, Eden, Madison
34	Stokes	2	5	
35	Surry	5	9	Mt. Airy
36	Guilford	20	26	High Point
37 38	Cabarrus	5	9 4	Kannapolis
39	Montgomery Randolph	2	10	Liberty
40	Rowan	5 5 5	10	Liber of
41	Stanly	5		
42	Union	4	6 6 5 6	
43	Anson	4	5	
44	Richmond	5		Hamlet
45	Moore	5	8	Southern
46	-	2	1.5	Pines Kernersville
47	Forsyth	3 2	15 3	kernersville
48 49	Alexander Davidson	2 7	10	Thomasville
50	Davidson	2	3	111011100 4 1116
51	Iredell	4	9	Mooresville
52	Alleghany	1	2	-
53	Ashe	3	4	

1	Wilkes	4	6	
2	Yadkin	3	5	
3	Avery	3	4	
	Madison	4	5	
4 5 6	Mitchell	3	4	
6	Watauga	4	6	
7	Yancey	2	4	
8	Burke	4	7	
9	Caldwell	4	7	
10	Catawba	6	10	Hickory
11	Mecklenburg	15	(26)	
12	Gaston	11	21	
13	Cleveland	5	8	
14	Lincoln	4	7	
15	Buncombe	6	15	
16	Henderson	4	7	
17	McDowell	3	5	
18	Polk	3	4	
19	Rutherford	6	8	
20	Transylvania	2	4	
21	Cherokee	3	4	
22	Clay	1	2 3	
23	Graham	2	3	
24	Haywood	5	7	Canton
25	Jackson	3	4	
26	Macon	3	4	
27	Swain	2	3."	

Requested by: Senator Gulley

ASSISTANT PUBLIC DEFENDERS

Section @. 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 seventy-nine thousand two hundred twenty dollars (\$179,220) for salaries, benefits, equipment, and related expenses to establish up to four new assistant public defender positions.

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Requested by: Senator Gulley

ELIMINATE REQUIREMENT OF CERTIFIED MAIL NOTICE IN BAIL BOND FORFEITURE CASES

Section @. G.S. 15A-544(b) reads as rewritten:

"(b) If the principal does not comply with the conditions of 3 the bail bond, the court having jurisdiction must enter an order 4 declaring the bail to be forfeited. If forfeiture is ordered by 5 the court, a copy of the order of forfeiture and notice that 6 judgment will be entered upon the order after 60 days must-be 7 served on each obligor. Service is to be made by the clerk 8 mailing by certified mail, return receipt requested, first-class 9 mail a copy of the order of forfeiture and notice to each obligor 10 at each obligor's address as noted on the bond and note on the 11 original the date of mailing. Service is complete three days 12 after the mailing."

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Requested by: Senator Gulley

PROVIDE THAT THE CLERK OF SUPERIOR COURT DOES NOT HAVE TO INVENTORY A DECEDENT'S SAFE-DEPOSIT BOX IF A QUALIFIED PERSON IS PRESENT AT THE OPENING OF THE BOX

- 1 Section @. Article 15 of Chapter 28A of the General 2 Statutes is amended by adding a new section to read:
- 3 "<u>§ 28A-15-13. Opening and inventory of decedent's safe-deposit</u> 4 box.
- 5 (a) Definitions. -- The following definitions apply to this 6 section:
 - (1) Institution. -- Any entity or person having supervision or possession of a safe-deposit box to which a decedent had access.
 - Letter of authority. -- Letters of administration, (2) letters testamentary, an affidavit of collection of personal property, an order of summary administration, or a letter directed to the institution designating a person entitled receive the contents of a safe-deposit box to which the decedent had access. The letter of authority must be signed by the clerk of superior court or by the clerk's representative.
 - Qualified person. -- A person possessing a letter of authority or a person named as a lessee or cotenant of the safe-deposit box to which the decedent had access.
- (b) Presence of Clerk Required. -- Any safe-deposit box to which a decedent had access shall be sealed by the institution having supervision or possession of the box. Except as provided in subsection (c) of this section, the presence of the clerk of superior court of the county where the safe-deposit box is located or the presence of the clerk's representative is required before the box may be opened. The clerk or the clerk's representative shall open the safe-deposit box in the presence of the person possessing a key to the box and a representative of the institution having supervision or possession of the box. The clerk shall make an inventory of the contents of the box and furnish a copy to the institution and to the person possessing a key to the box.
- 36 <u>(c) An Inventory and the Presence of Clerk Not Required. --</u>
 37 Neither an inventory nor the presence of the clerk of superior

- 1 court or the clerk's representative is required when the person
 2 requesting the opening of the decedent's safe-deposit box is a
 3 qualified person.
- 4 (d) Testamentary Instrument in Box. -- If the safe-deposit box 5 contains any writing that appears to be a will, codicil, or any 6 other instrument of a testamentary nature, then the clerk of 7 superior court or the qualified person shall file the instrument 8 in the office of the clerk of superior court.
- 9 (e) Release of Contents. -- Except as provided in subsection 10 (d) for testamentary instruments, the institution shall not 11 release any contents of the safe-deposit box to anyone other than 12 a qualified person.
- 13 (f) No Tax Waiver Required. -- Notwithstanding the provisions 14 in G.S. 105-24(a), no tax waiver is required for the release of 15 the contents of the decedent's safe-deposit box."
- 16 (b) G.S. 105-24(b), (c), and (e) are repealed.
- 17 (c) This section becomes effective October 1, 1998, and 18 applies to estates of decedents who die on or after that date.

Requested by: Senator Gulley

ASSISTANTS FOR ADMINISTRATIVE AND VICTIM AND WITNESS SERVICES

1 Section @. Subsection (b) of Section 18.7 of S.L. 1997-2 443 reads as rewritten:

"(b) 3 Of the funds appropriated to the Judicial 4 Department for the 1997-99 biennium for assistants 5 administrative and victim and witness services, the sum of one 6 million one hundred fifty-three thousand one hundred twenty 7 dollars (\$1,153,120) for the 1997-98 fiscal year and the sum of 8 one million four hundred sixty-three thousand five hundred 9 thirty-five dollars (\$1,463,535) for the 1998-99 fiscal year Funds in this reserve shall be 10 shall be placed in a reserve. 11 expended to provide 45 assistants for administrative and victim 12 and witness services only if the Crime Victims' Rights Act, House 13 Bill 665 or Senate Bill 763, is enacted during the 1997 Regular 14 Session. 1998 Regular Session of the 1997 General Assembly. 15 Office of State Budget and Management may adjust these amounts 16 appropriately if changes in the effective date of the Crime 17 Victims' Rights Act increase or decrease the cost of the 45 18 assistants for administrative and victim and witness services."

Requested by: Senator Gulley

CONTINUE DRUG TREATMENT COURT

- Section @. (a) Section 21.6(c) of Chapter 507 of the 2 1995 Session Laws reads as rewritten:
- 3 "(c) Subsection (a) of this section becomes effective July 1, 4 1995, and expires June 30, 1998. July 1, 1995. The remainder of 5 this section becomes effective October 1, 1995."
- 6 (b) G.S. 7A-791 reads as rewritten:

7 "§ 7A-791. Purpose.

8 The General Assembly recognizes that a critical need exists in 9 this State for criminal justice system programs that will reduce 10 the incidence of drug use and drug addiction and crimes committed 11 as a result of drug use and drug addiction. It is the intent of 12 the General Assembly by this Article to create a program to 13 facilitate the creation of Local drug treatment court pilot 14 programs."

(c) G.S. 7A-793 reads as rewritten:

16 "§ 7A-793. Establishment of Program.

The North Carolina Drug Treatment Court Program is established 18 in the Administrative Office of the Courts to facilitate the 19 creation of drug treatment court programs and the funding of 20 pilot local drug treatment court programs. The Director of the 21 Adminstrative Office of the Courts shall provide any necessary 22 staff for planning, organizing, and administering the program. 23 Drug Local drug treatment court programs funded pursuant to this 24 Article shall be operated consistent consistently with the 25 quidelines promulgated by the Director of the Administrative 26 Office of the Courts in consultation with the State Drug 27 Treatment Court Advisory Committee established in G.S. 7A-795. In 28 promulgating the guidelines, the Director and the Advisory 29 Committee shall consider the Substance Abuse and the Courts 30 Action Plan and other recommendations of the Substance Abuse and 31 the Courts State Task Force. adopted pursuant to G.S. 7A-795."

32 (d) G.S. 7A-794 reads as rewritten:

33 "§ 7A-794. Fund administration.

The Drug Treatment Court Program Fund is created in the 35 Administrative Office of the Courts and is administered by the 36 Director the Administrative of Office of the Courts 37 consultation with the State Drug Treatment Court Advisory 38 Committee. The Director of the Administrative Office of the 39 Courts shall award grants from this Fund and implement local

1 drug treatment court programs in a minimum of two judicial
2 districts. programs. Grants shall be awarded based upon the
3 general guidelines set forth by the Director of the
4 Administrative Office of the Courts and the State Drug Treatment
5 Court Advisory Committee."

(e) G.S. 7A-795 reads as rewritten:

7 "§ 7A-795. State Drug Treatment Court Advisory Committee.

8 The State Drug Treatment Court Advisory Committee is 9 established to develop and recommend to the Director of the 10 Administrative Office of the Courts guidelines for the drug 11 treatment court program and to monitor local programs wherever 12 they are implemented. The Committee shall be chaired by the 13 Director of the Administrative Office of the Courts or the 14 Director's designee and shall consist of not less than seven 15 members appointed by the Director and broadly representative of 16 the courts, law enforcement, corrections, and substance abuse 17 treatment communities. In developing guidelines, the Advisory 18 Committee shall consider the Substance Abuse and the Courts 19 Action Plan and other recommendations of the Substance Abuse and 120 the Courts State Task Force."

21 (f) G.S. 7A-796 reads as rewritten:

22 "§ 7A-796. Local drug treatment court management committee.

Each judicial district choosing to establish a drug treatment 24 court or applying to participate in a funded pilot program shall 25 form a local drug treatment court management committee, 26 consisting of the following persons, appointed by the senior 27 resident superior court judge with the concurrence of the 28 district attorney for that district:

- (1) A judge of the superior court;
- (2) A judge of the district court;
- (3) A district attorney or assistant district attorney;
- (4) A public defender or assistant public defender in judicial districts served by a public defender;
 - (5) A member of the private criminal defense bar;
- 35 (6) A clerk of superior court;

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- (7) The trial court administrator in judicial districts served by a trial court administrator;
 - (8) A probation officer;
- (9) A local law enforcement officer;
- 40 (10) A representative of the local community college;
- 41 (11) A representative of the treatment providers;
- 42 (12) The local program director provided for in G.S. 7A-43 798; and

(13) Any other persons selected by the local management committee.

3 The local drug treatment court management committee shall 4 develop local guidelines and procedures, not inconsistent with 5 the State guidelines, that are necessary for the operation and 6 evaluation of the local drug treatment court."

- (g) G.S. 7A-798 reads as rewritten:
- 8 "\$ 7A-798. Drug treatment court grant application; local program 9 director.
- 10 (a) Crant applications for the pilot programs Applications for funding to develop or implement local drug treatment court programs shall be submitted to the Director of the Administrative 13 Office of the Courts, in such form and with such information as 14 the Director may require consistent with the provisions of this 15 Article. Grants shall be awarded to two or more judicial 16 districts that submit the most comprehensive and feasible plans 17 for the implementation and operation of a drug treatment court. 18 The Director shall award and administer grants in accordance with 19 any laws made for that purpose, including appropriations acts and 20 provisions in appropriations acts, and may adopt rules for the 21 implementation, operation, and monitoring of grant-funded 22 programs.
- 23 (b) Grant applications shall specify a local program director
 24 administrator who shall be responsible for local administration
 25 of the project. the local program. Grant funds may be used to
 26 fund a full-time or part-time local program director position.
 27 position and other necessary staff. The local program director
 28 staff may be an employee employees of the grant recipient, an
 29 employee employees of the court, or a grant-established position
 30 positions under the senior resident superior court judge or chief
 31 district court judge."
 - (h) G.S. 7A-800 reads as rewritten:
- 33 "§ 7A-800. Payment of costs of treatment program.

34 Each defendant <u>or offender</u> shall contribute to the cost of the 35 substance abuse treatment received in the drug treatment court 36 program, based upon guidelines developed by the local drug 37 treatment court management committee."

- (i) G.S. 7A-801 reads as rewritten:
- 39 "§ 7A-801. Plan for evaluation.

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40 Each grant application requesting funding for the pilot program
41 shall include a method for evaluating the pilot program's
42 effectiveness, based upon the goals stated in G.S. 7A-792. The
43 Administrative Office of the Courts shall develop a Statewide
44 model and conduct ongoing evaluations of all local drug treatment

1 court programs. A report of these evaluations shall be submitted
2 to the General Assembly by March 1 of each year. Each funded
3 local drug treatment court program shall submit evaluation
4 reports to the Administrative Office of the Courts as requested.
5 Additionally, the Administrative Office of the Courts shall be
6 responsible for developing an evaluation model on the State level
7 to compare the effectiveness of all pilot programs and shall
8 submit a report to the General Assembly by May 1, 1998."
9 (j) Subsection (a) of this section becomes effective
10 June 30, 1998.

Requested by: Senator Gulley

ADDITIONAL DISTRICT COURT JUDGES

Section @. (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:

4							
5 6 7 8	DistrictJudges		County				
8	1	4	Camden				
9			Chowan				
10			Currituck				
11			Dare				
12			Gates				
13			Pasquotank				
14			Perquimans				
15	2	3	Martin				
16			Beaufort				
17			Tyrrell				
18			Hyde				
19			Washington				
20	3A	4	Pitt				
21	3B	5	Craven				
22			Pamlico				
23			Carteret				
24	4	6 <u>7</u>	Sampson				
25	•	_	Duplin				
26			Jones				
27			Onslow				
28	5	6	New Hanover				
29			Pender				
30	6A	2	Halifax				
31	6B	2 3	Northampton				
32			Bertie				
33			Hertford				
34	7	6 <u>7</u>	Nash				
35	•	- -	Edgecombe				
36			Wilson				
37	8	6	Wayne				
38			Greene				
3 9			Lenoir				
40	9	4	Granville				
41	,	•	(part of Vance				
42			see subsection (b))				
43			Franklin				
44	9A	2	Person				
45	JA	2	Caswell				
46	9В	1	Warren				
40	76	1	1102 2 0.1				

1 2			(part of Vance see subsection (b))
3 4 5	10 11	12 13 6 7	Wake Harnett Johnston
1 2 3 4 5 6 7 8 9	12 13	<u>8</u> <u>9</u> 5	Lee Cumberland Bladen Brunswick
10 11 12 13 14	14 15A 15B	5 <u>6</u> 3	Columbus Durham Alamance Orange Chatham
15	16A	3	Scotland
16 17 18 19 20	16 17 16B 5 18 17A 2 19 17B 3	5 2 3	Hoke Robeson Rockingham Stokes
21	18	11	Surry Guilford
22	19A	3	Cabarrus
23 24	19B	5	Montgomery
25			Moore Randolph
26	19C	<u> 3</u> <u>4</u>	Rowan
27	20	3 <u>4</u> 7	Stanly
28			Union
29			Anson
30 31	2.1	7	Richmond
32	21 22	7 8	Forsyth Alexander
33	22	O	Davidson
34			Davie
35			Iredell
36	23	4	Alleghany
37			Ashe
38			Wilkes
39	2.4	4	Yadkin
40 41	24	4	Avery Madison
42			Mitchell
43			Watauga
44			Yancey
45	25	7	Burke
46			Caldwell
47			Catawba
48	26	14 <u>15</u>	Mecklenburg
49 50	27A	5 4	Gaston Cleveland
51	27B	4	Lincoln
52	28	5	Buncombe
53	29	5	Henderson

1 McDowell 2 Polk 3 Rutherford 4 Transylvania 5 30 Cherokee 6 Clay 7 Graham 8 Haywood 9 Jackson 10 Macon Swain." 11 12 (b) The Governor shall appoint additional district 13 court judges for District Court Districts 4, 7, 10, 11, 12, 14, 14 19C, and 26 as authorized by subsection (a) of this section. 15 Those judges' successors shall be elected in the 2002 election 16 for four-year terms commencing on the first Monday in December 17 2002. 18 (c) Subsection (a) of this section becomes effective 19 December 1, 1998 as to any district where no county is subject to 20 Section 5 of the Voting Rights Act of 1965. As to any district 21 where any county is subject to Section 5 of the voting Rights Act 22 of 1965, subsection (a) of this section becomes effective 23 December 1, 1998, or 15 days after the date upon which that 24 subsection is approved under Section 5 of the Voting Rights Act.

Requested by: Senator Gulley

EVALUATION OF CORRECTIONAL PROGRAMS

Section @. (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 10 Advisory Commission shall coordinate the collection of all data 11 necessary to create an expanded database containing offender 12 information prior convictions, current conviction on 13 sentence, program participation, and outcome measures. Each 14 program to be evaluated shall assist the Commission in the 15 development of systems and collection of data necessary to 16 complete the evaluation process. The first evaluation report 17 shall be presented to the Chairs of the Senate and House 18 Appropriations Committees and the Chairs of the Senate and House 19 Appropriations Subcommittees on Justice and Public Safety by 20 April 15, 2000 and future reports shall be made by April 15 of 21 each even-numbered year.

- 22 The Judicial Department may use the sum of fifty thousand 23 dollars (\$50,000) in funds appropriated for the 1998-99 fiscal 24 year to conduct the study provided for in this section.
- 25 (b) Section 22.3 of Chapter 18 of the Session Laws of 26 the 1996 Second Extra Session is repealed.

Requested by: Senator Gulley

ESTABLISH PILOT PROGRAM OF SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY ISSUES

Section 0. (a) G.S. 7A-38.4 reads as rewritten:

2 "§ 7A-38.4. Mediated settlement conferences Settlement procedures 3 in district court actions.

- 4 (a) The purpose of this section is to authorize the design, 5 implementation, and evaluation of a pilot program in which 6 parties to district court actions involving equitable 7 distribution, alimony, and support may be required to attend a 8 pretrial mediated settlement conference or other settlement 9 procedure.
- (b) The Dispute Resolution Commission established under the 11 Judicial Department shall, with the advice of the Director of the 12 Administrative Office of the Courts, design the pilot program and 13 its coordination with existing settlement programs. The planning 14 and design phase of the program shall include representatives 15 from the Conference of Chief District Court Judges, the AOC Child 16 Custody Mediation Advisory Committee, the Court Ordered 17 Arbitration Subcommittee of the Supreme Court's Dispute 18 Resolution Committee, the North Carolina Madiation Network, the 19 North Carolina Association of Professional Family Mediators, the 20 North Carolina Association of Clerks of Superior Court, the North 21 Carolina Association of Trial Court Administrators, the Family 22 Law Section of the North Carolina Bar Association, and the 23 Dispute Resolution Section of the North Carolina Bar Association. The Supreme Court may adopt rules to implement this 25 section. The definitions in G.S. 7A-38.1(b)(2) and (b)(3) apply 26 to this section.
- 27 (d) The chief district court judge District court judges of 28 any participating district may order a mediated settlement 29 conference or another settlement procedure for any action pending 30 in the district involving issues of equitable distribution, 31 alimony, or child or spousal support. support, pursuant to rules 32 adopted by the Supreme Court. The chief district court judge may 33 by local rule order all such cases, not otherwise exempted by 34 Supreme Court rule, to mediated settlement conference.
- 35 (e) The parties to a district court action in which a mediated 36 settlement conference is ordered, their attorneys, and other 37 persons or entities with authority, by law or by contract, to 38 settle the parties' claims shall attend the mediated settlement

- 1 conference, or other settlement procedure ordered by the court, a
 2 district court judge pursuant to rules of the Supreme Court,
 3 unless excused by the rules of the Supreme Court or by order of
 4 the chief district court judge. those rules. Nothing in this
 5 section shall require any party or other participant in the
 6 conference to make a settlement offer or demand which it deems is
 7 contrary to its best interests.
- 8 (f) Any person required to attend a mediated settlement 9 conference or other settlement procedure ordered by the court 10 who, without good cause, fails to attend in compliance with this 11 section and the rules adopted under this section, shall be 12 subject to any appropriate monetary sanction imposed by a chief 13 or presiding district court judge, judge pursuant to rules of the 14 Supreme Court, including the payment of attorneys' fees, mediator 15 fees, and expenses incurred in attending the conference. 16 settlement procedure. If the court imposes sanctions, it shall 17 do so, after notice and hearing, in a written order, making 18 findings of fact and conclusions of law. An order imposing 19 sanctions shall be reviewable upon appeal where the entire record 20 as submitted shall be reviewed to determine whether the order is 19 supported by substantial evidence.
- 22 (g) The parties to a district court action in which a mediated 23 settlement conference is to be held pursuant to this section 24 shall have the right to designate a mediator. Upon failure of the 25 parties to designate within the time established by the rules of 26 the Supreme Court, a mediator shall be appointed by the chief a 27 district court judge or its designee. pursuant to rules of the 28 Supreme Court.
- The Pursuant to rules of the Supreme Court, a chief (h) 30 district court judge, at the request of a party and with the 31 consent of the all parties, may order the parties to attend and 32 participate in any other settlement procedure authorized by rules 33 of adopted by the Supreme Court or adopted by local district attending a mediated lieu of settlement 34 court in rules, Neutral third parties Neutrals acting pursuant to 35 conference. 36 this section shall be selected and compensated in accordance with 37 the rules of the Supreme Court or pursuant to agreement of the 38 parties. Nothing herein shall prohibit the parties 39 participating in other dispute resolution procedures, including 40 arbitration, to the extent authorized under State or federal law. Mediators and other neutrals acting pursuant to this 42 section shall have judicial immunity in the same manner and to 43 the same extent as a judge of the General Court of Justice, 44 except that mediators and other neutrals may be disciplined in

- 1 accordance with enforcement procedures adopted by the Supreme 2 Court pursuant to G.S. 7A-38.2.
- 3 (j) Costs of mediated settlement conferences and other 4 settlement procedures shall be borne by the parties. Unless 5 otherwise ordered by the court or agreed to by the parties, the 6 mediator's fees shall be paid in equal shares by the parties. The 7 rules adopted by the Supreme Court implementing this section 8 shall set out a method whereby parties found by the court to be 9 unable to pay the costs of settlement procedures are afforded an 10 opportunity to participate without cost to an indigent party and 11 without expenditure of State funds.
- 12 (k) Evidence of statements made and conduct occurring in a mediated settlement conference settlement proceeding conducted 14 pursuant to this section shall not be subject to discovery and 15 shall be inadmissible in any proceeding in the action or other 16 actions on the same claim. However, no evidence otherwise 17 discoverable shall be inadmissible merely because it is presented 18 or discussed in a mediated settlement conference. settlement 19 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.
- The Supreme Court may adopt standards 30 certification and conduct of mediators and other neutrals who 31 participate in the mediated settlement conference program 32 established settlement procedures conducted pursuant to this The standards may also regulate mediator training 33 section. The Supreme Court may adopt procedures 34 programs. 35 enforcement of those standards. The administration of mediator 36 certification, regulation of mediator 37 decertification shall be conducted through the Dispute Resolution 38 Commission.
- 39 (m) An administrative fee not to exceed two hundred dollars 40 (\$200.00) may be charged by the Administrative Office of the 41 Courts to applicants for certification and annual renewal of 42 certification for mediators and mediator training programs 43 operation under this section. The fees collected may be used by 44 the Director of the Administrative Office of the Courts to

- 1 establish and maintain the operations of the Commission and its 2 staff. The administrative fee shall be set by the Director of 3 the Administrative Office of the Courts in consultation with the 4 Dispute Resolution Commission.
- 5 (n) The Administrative Office of the Courts, in consultation
 6 with the Dispute Resolution Commission, may require the chief
 7 district court judge of any participating district to report
 8 statistical data about settlement procedures conducted pursuant
 9 to this section for administrative purposes.
- 10 $\frac{\text{(m)}}{\text{(o)}}$ Nothing in this section or rules adopted pursuant to 11 it shall restrict the right to jury trial."
 - (b) G.S. 7A-38.2(c) reads as rewritten:

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- 13 The Dispute Resolution Commission shall consist of nine 14 fourteen members: two five judges appointed by the Chief Justice 15 of the Supreme Court; Court, at least two of whom shall be 16 superior court judges, and at least two of whom shall be district 17 court judges; two mediators certified to conduct superior court 18 mediated settlement conferences and two mediators certified to 19 conduct equitable distribution mediated settlement conferences 20 appointed by the Chief Justice of the Supreme Court; two 21 practicing attorneys who are not certified as mediators appointed 22 by the President of the North Carolina State Bar; Bar, one of 23 whom shall be a certified family law specialist; and three 24 citizens knowledgeable about mediation, one of whom shall be 25 appointed by the Governor, one by the General Assembly upon the 26 recommendation of the Speaker of the House of Representatives in 27 accordance with G.S. 120-121, and one by the General Assembly 28 upon the recommendation of the President Pro Tempore of the 29 Senate in accordance with G.S. 120-121. Members shall initially 30 serve four-year terms, except that one judge, one mediator, one 31 attorney, and the citizen member appointed by the Governor, shall 32 be appointed for an initial term of two years. Members may serve 33 no more than two consecutive terms. The Chief Justice shall 34 designate one of the judge members to serve as chair for a two-35 year term. Members of the Commission shall be compensated 36 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

- 1 Carolina Conference of Court Administrators, the Mediation
 2 Network of North Carolina, the Dispute Resolution Committee of
 3 the Supreme Court, the Conference of Chief District Court Judges,
 4 the Conference of Superior Court Judges, the Director of the
 5 Administrative Office of the Courts, and the Child Custody
 6 Mediation Advisory Committee of the Administrative Office of the
 7 Courts."
- (c) The Administrative Office of the Courts may solicit 8 9 and accept funds from private sources to evaluate the pilot 10 program conducted pursuant to this section. The Administrative its findings 11 Office of the Courts shall report to the Chairs of the House and Senate 12 recommendations 13 Appropriations Committees and the Chairs of the House and Senate 14 Appropriations Subcommittees on Justice and Public Safety by 15 April 1, 2001.
- (d) Of the funds appropriated to the Judicial 17 Department for the 1998-99 fiscal year, the sum of thirty 18 thousand dollars (\$30,000) shall be used to provide grant-19 matching funds for the evaluation study authorized by this 20 section.
- (e) 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.

CODE NO. 98CORR-S002A

Requested by: Senators Gulley, Ballance

SUBSTANCE ABUSE FUNDS

Section @. Of the funds appropriated to the Department 2 of Correction for the 1998-99 fiscal year, the Department may use 3 the sum of sixty-two thousand five hundred dollars (\$62,500) to 4 provide additional funding to the John Hyman Foundation for its 5 ongoing community-based substance abuse programs for offenders.

CODE NO. 98CORR-S003A

Requested by: Senator Gulley

REALLOCATE LAND TO NC STATE UNIVERSITY

1 Section @. (a) The 17.4-acre tract of State-owned land 2 adjacent to Schenck Forest that is described in the Memorandum of 3 Agreement made in October 1992, by and between the North Carolina 4 Department of Correction and North Carolina State University, is 5 reallocated to North Carolina State University. The land shall 6 be used for the purpose of teaching, research, and extension, 7 including timber management practices, and forestry demonstration 8 purposes associated with the North Carolina State University North Carolina State University 9 College of Forest Resources. 10 shall maintain this land in good condition according to current management practices, excluding commercial 11 timber 12 harvesting.

13 (b) The provisions of G.S. 143-341(4)g. do not apply to 14 the reallocation of land set out in this section.

CODE NO. 98CORR-S004

Requested by: Senators Gulley, Ballance

REPORT ON BOOT CAMPS

Section @. Subsection (c) of Section 19 of Chapter 24 2 of the Session Laws of the 1994 Extra Session, as amended by 3 Section 19.3 of Chapter 324 of the 1995 Session Laws, reads as 4 rewritten:

"(c) The Department of Correction shall evaluate the IMPACT 6 program and the post-Boot Camp probation program funded under 7 this section and report by January 1 March 1 of each year to the 8 Joint Legislative Commission on Governmental Operations, the Legislative Corrections and Crime Control 10 Committee, and the Fiscal Research Division. The evaluation of 11 the IMPACT program and the post-Boot Camp probation program shall 12 include a comparison of that program's effectiveness, cost, and 13 recidivism rate to other corrections programs for offenders in 14 the same age group and similar offense classes as that covered by 15 the IMPACT program, focus on the performance, behavior, and 16 attitudes of the offenders while in the program. Specific topics 17 shall include measures of participation and completion, data on 18 completion of educational, substance abuse treatment, 19 community service programs, drug testing and probation revocation 20 statistics, and the current status of IMPACT graduates. 21 evaluation shall also include any available information on the 22 difference in outcome among offenders who attend the IMPACT 23 program only, offenders who attend both the IMPACT program and 24 aftercare, and similar offenders who receive other intermediate 25 sanctions."

CODE NO. 98CORR-S005A

Requested by: Senator Gulley

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

1 Section @. Subsection (b) of Section 19 of S.L. 1997-2 443 reads as rewritten:

The Department of Correction may use funds appropriated 4 to the Department for the 1997-99 biennium to pay the sum of 5 forty dollars (\$40.00) per day as reimbursement to counties for 6 the cost of housing convicted inmates and parolees and post-7 release supervisees awaiting transfer to the State prison system, 8 as provided in G.S. 148-29. The Department shall report 9 quarterly to the Joint Legislative Commission on Governmental 10 Operations, the Joint Legislative Corrections 11 Committee, the Chairs of the Senate and House Appropriations 12 Committees, and the Chairs of the Senate and House Appropriations 13 Subcommittees on Justice and Public Safety on the expenditure of 14 funds to reimburse counties for prisoners awaiting transfer and 15 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 1997-18 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 20 fiscal year to reimburse counties for prisoners awaiting 21 transfer, the Department of Correction and the Office of State 22 Budget and Management shall report to the Joint Legislative 23 Commission on Governmental Operations Operations, the Chairs of 24 the Senate and House Appropriations Committees, and the Chairs of 25 the Senate and House Appropriations Subcommittees on Justice and 26 Public Safety on the necessity of that expenditure."

CODE NO. 98CORR-S006

Requested by: Senator Gulley

INMATE HOUSING FUNDS

Section 3. (a) The Department of Correction may use 2 funds available to the Department for the 1998-99 fiscal year to 3 contract for prison beds to house inmates in local jails. Prior 4 to the expenditure of more than the sum of three million dollars 5 (\$3,000,000) in additional funds authorized by this section to 6 contract for local jail beds, the Department of Correction and 7 the Office of State Budget and Management shall report to the 8 Chairs of the Senate and House Appropriations Committees and the 9 Chairs of the Senate and House Appropriations Subcommittees on 10 Justice and Public Safety on the necessity of that expenditure.

11 (b) The Department of Correction and the Office of 12 State Budget and Management shall report by December 1, 1998 to 13 the Chairs of the Senate and House Appropriations Committee and 14 the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the status of contracts to house 16 inmates in local jails, including the amount expended to date, 17 the anticipated amount to be expended, and the dates each 18 contract is expected to terminate.

CODE NO. 98CORR-S007

36 section."

Requested by: Senator Gulley

USE OF FACILITIES CLOSED UNDER GPAC

Section @. Subsection (a) of Section 19.4 of S.L. 1997-2 443 reads as rewritten:

"(a) In conjunction with the closing of small expensive prison 4 units recommended for consolidation by the Government Performance 5 Audit Committee, the Department of Correction shall consult with 6 the county or municipality in which the unit is located or any 7 private for-profit or nonprofit firm located, with the elected 8 officials governing or representing the county or municipality, 9 and with State agencies about the possibility of converting that 10 unit to other use. The Department may also consult with any 11 private for-profit or nonprofit firm about the possibility of 12 converting the unit to other use. Consistent with existing law 13 and its future needs, the Department the future needs of the 14 Department of Correction, the State may provide for the transfer 15 or the lease for 20 years or more of any of these units to 16 counties, municipalities, State agencies, or private firms 17 wishing to convert them to other use. The Department 18 Correction may also consider converting some of the units 19 recommended for closing from medium security to minimum security, 20 where that conversion would be cost-effective. A prison unit 21 under lease to a county pursuant to the provisions of this 22 section for use as a jail is exempt for the period of the lease 23 from any of the minimum standards adopted by the Secretary of 24 Human Resources pursuant to G.S. 153A-221 for the housing of 25 adult prisoners that would subject the unit to greater standards 26 than those required of a unit of the State prison system. Prior to any transfer or lease of these units, the Department 27 28 of Correction shall report on the terms of the proposed transfer 29 or lease to the Joint Legislative Commission on Governmental Joint Legislative Corrections Oversight 30 Operations and the The Department of Correction shall also provide 31 Committee. 32 quarterly summary reports to the Joint Legislative Commission on 33 Governmental Operations and the Joint Legislative Corrections 34 Oversight Committee on the conversion of these units to other use

35 and on all leases or transfers entered into pursuant to this

CODE NO. 98CORR-S008A

15 273.15(1)."

Requested by: Senator Gulley

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

Section @. (a) Subsection (a) of Section 19.8 of S.L. 1 2 1997-443 reads as rewritten: "(a) Notwithstanding the funding formula set forth in G.S. 4 143B-273.15, grants appropriations made to the Department of 5 Correction through the North Carolina State-County Criminal 6 Justice Partnership Act for the 1997-98 fiscal year 1997-99 7 biennium shall be distributed to the counties as specified in 8 G.S. 143B-273.15(2) only, and not as discretionary funds. 9 Department may also use funds from the State-County Criminal 10 Justice Partnership Account in order to maintain the counties' million 11 allocations of nine six hundred thousand dollars in 12 (\$9,600,000) as provided previous fiscal years. 13 Appropriations not claimed or expended by the counties during the 14 1997-99 biennium shall be distributed as specified in G.S. 143B-

CODE NO. 98CORR-S009

Requested by: Senator Gulley

PROGRESS REPORT/PERFORMANCE AUDIT OF DIVISION OF ADULT PROBATION AND PAROLE

Section @. The Division of Adult Probation of 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-S010A

Requested by: Senator Gulley

FUNDING OF PRISON ROAD SQUADS

Section @. In preparing the continuation budget, the 2 Office of State Budget and Management shall adjust the estimated 3 receipts from the Highway Fund to the Department of Correction 4 for the use of prison road squads to reflect only those costs 5 authorized for reimbursement by G.S. 148-26.5.

CODE NO. 98CORR-S011

Requested by: Senator Gulley

INMATE COSTS

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1 Section 0. Section 19.20 of S.L. 1997-443 reads as 2 rewritten:

3 "Section 19.20. The Department of Correction may use funds 4 available to the Department for the 1997-99 biennium to pay the 5 cost of providing food and health care to inmates housed in the 6 Division of Prisons if:

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

10 $\frac{(2)}{(2)}$ The <u>if the</u> cost of providing food and health care to 11 inmates is anticipated to exceed the continuation budget amounts 12 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, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

The Department of Correction and the Office of State Budget and
Management shall (i) analyze the basis for increases in the cost
of providing food 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 and
health care to inmates. The Department of Correction and 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-S012

Requested by: Senator Gulley

TITLE VII FUNDS/REPORT

1 Section 0. Section 19.18 of S.L. 1997-443 reads as 2 rewritten:

"Section 19.18. The Department of Correction may use funds 4 available to the Department during the 1997-98 fiscal year 1997-5 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-S013

7 Correction."

Requested by: Senator Gulley

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

- 1 Section 0. Section 19.28 of S.L. 1997-443 reads as 2 rewritten:
- 3 "Section 19.28. No later than June 30, 1998, October 1, 1998, 4 the Criminal Justice Education and Training Standards Commission 5 shall reestablish the hiring and record-keeping procedures for 6 the employment of certified positions in the Department of

Senator Gulley Requested by:

SUBSTANCE ABUSE FUNDS

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Section 0. (a) The balance of the four hundred sixty-2 seven thousand eight hundred six dollars (\$467,806) appropriated 3 in S.L. 1997-443 to the Department of Correction for the 1997-98 4 fiscal year to be allocated to the DART/DWI aftercare program at 5 Cherry Hospital shall not revert at the end of the fiscal year 6 but shall remain available to the Department during the 1998-99 7 fiscal year to be used as authorized in this section.

- Of the funds appropriated to the Department of 9 Correction for the 1998-99 fiscal year and the funds available 10 pursuant to subection (a) of this section:
 - The Department may use up to the (1)hundred thousand dollars (\$400,000) for DART/DWI aftercare:
 - The Department may use up to the sum of one hundred (2) thousand dollars (\$125,000) twenty-five contractual services (i) to assist in identifying the type of program and management information that should be collected to allow for offender inmate tracking and program evaluation; (ii) staff training related to the tracking and evaluation system described in this subsection; and (iii) for other staff training, with priority given to training in proper screening and assessment procedures for identifying inmates with substance abuse problems.
 - The sum of one hundred thousand dollars (\$100,000) (3) shall be placed in a reserve for the purchase of hardware and software needed to implement the offender and inmate tracking and program evaluation system developed pursuant to subdivision (b)(2) of this section.

The Department shall report by September 15, 1998 to the Chairs 32 33 of the Senate and House Appropriations Committees and the Chairs 34 of the Senate and House Appropriations Subcommittees on Justice 35 and Public Safety on their progress in identifying and retaining 36 consultants to assist in developing a plan for an offender and 37 inmate tracking and program evaluation system. Funds in the 38 reserve established in subdivision (3) of this section may not be 39 allocated for this purpose until the Department has submitted a

- 1 plan for an offender and inmate tracking and program evaluation 2 system. If the Department has presented its final plan in 3 writing to the Chairs of the Senate and House Appropriations 4 Committees and the Chairs of the Senate and House Appropriations 5 Subcommittees on Justice and Public Safety by the convening of 6 the 1999 General Assembly, funds in the reserve may be allocated 7 for implementation of the plan. If the Department has not 8 submitted its plan by the convening of the 1999 General Assembly, 9 the funds shall be allocated by the 1999 General Assembly.
- 10 (c) Any funds remaining after the Department of 11 Correction has used the authorized funds for the purposes 12 provided by subsection (b) of this section may be used for 13 innovative pilot projects for offenders with substance abuse 14 problems and for the expansion of program evaluation of the 15 Substance Abuse Program.
- 16 (d) The Department of Correction shall report by March 17 1 of each year to the Chairs of the Senate and House 18 Appropriations Committees and the Chairs of the Senate and House 19 Appropriations Subcommittees on Justice and Public Safety on 20 their efforts to provide effective treatment to offenders with 21 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 sustance abuse problems, the numbers currently receiving treatment, and the numbers who have completed treatment.

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CODE NO. 98CORR-S016

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Requested by: Senator Gulley

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

- Section @. The Post-Release Supevision and Parole Commission shall report by March 1, 1999 to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety 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 2002-03 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-S018A

Requested by: Senator Gulley

STUDY SPECIAL EDUCATION OBLIGATIONS OF DEPARTMENT OF CORRECTION

Section @. The Joint Legislative Education Oversight 2 Committee shall study the issue of limiting the obligations of 3 the Department of Correction to provide special education and 4 related services to incarcerated youth ages 18 through 21. The 5 Committee shall consider the recent amendment to the federal 6 Individuals with Disabilities Education Act (IDEA) that allows 7 states to reduce the responsibility of their prisons to identify 8 and serve inmates not previously identified and served in the 9 public schools. The Committee shall report its findings and 10 recommendations to the 1999 General Assembly.

Requested by: Senator Gulley

SALARY EQUITY FOR SBI LAW ENFORCEMENT

1 Section @. Subsection (a) of Section 20.9 of S.L. 1997-2 443 reads as rewritten:

Of the funds appropriated in this act to the Department 4 of Justice for the State Bureau of Investigation, the sum of two 5 million seven hundred thousand dollars (\$2,700,000) for the 1997-6 98 fiscal year and the sum of two million seven hundred thousand 7 dollars (\$2,700,000) two million six hundred sixty-six thousand 8 dollars (\$2,660,000) for the 1998-99 fiscal year shall be used to 9 adjust the salaries of law enforcement positions in the State 10 Bureau of Investigation. These adjustments shall be based on 11 factors, such as employee salary, position class title, position 12 grade, and credible years of sworn service with the State Bureau No salary adjustment shall result in an 13 of Investigation. 14 increase beyond the maximum salary set for an officer's pay If an officer's salary is near or at the top of the 16 officer's pay grade, the officer shall be eligible to receive a 17 salary adjustment up to the top of the officer's pay grade. 18 an officer is at the top of the officer's pay grade, then the 19 officer is not eligible to receive a salary adjustment. 20 officers holding the following management positions are 21 eligible to receive the salary adjustment: SBI Director, 22 Assistant Directors of Support Services, SBI Assistant Director, 23 SBI Assistant Directors of Field Services, SBI Assistant Director 24 of Crime Laboratory, Deputy Director of Medicaid Fraud."

Requested by: Senator Gulley

LIMITS ON COMPUTER SYSTEM UPGRADE

Section @. Section 20.4 of S.L. 1997-443 reads as rewritten:

3 "Section 20.4. Any proposed increase in mainframe computer

4 capacity or major new computer system or major computer system 5 upgrade for the Judicial Department, the Department 6 Correction, the Department of Justice, or the Department of Crime 7 Control and Public Safety, to be funded all or in part from the 8 Continuation Budget, shall be reported to the Joint Legislative 9 Commission on Governmental Operations, to the Chairs of the 10 Senate and House of Representatives Appropriations Committees, 11 and to the Chairs of the Senate and House Appropriations 12 Subcommittees on Justice and Public Safety before the department 13 enters into any contractual agreement. A major computer system 14 upgrade includes any proposed enhancement, modification, 15 capacity increase to the computing and telecommunications 16 infrastructure or to program applications where the total cost is 17 anticipated to exceed five hundred thousand dollars (\$500,000). 18 This report is to be made jointly by the Information Resource 19 Management Commission, the Office of State Budget and Management, 20 and the requesting department." 21

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Requested by: Senator Gulley

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

(a) The Criminal Justice Information Network 1 Section @. 2 Governing Board created pursuant to Section 23.3 of Chapter 18 of 3 the Session Laws of the 1996 Second Extra Session shall report by 1999, to the Chairs of the Senate and 5 Appropriations Committees, the Chairs of the Senate and House 6 Appropriations Subcommittees on Justice and Public Safety, and 7 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.
- A long-term strategic plan and cost analysis for (3) statewide implementation of the Criminal Justice Information Network. For each component of the ofinitial cost estimate the Network, the component, the amount of funds spent to date on the component, the source of funds for expenditures to and a timetable for completion of that component, including additional resources needed at each point.
- (b) G.S. 143-661(b) reads as rewritten:
- 26 "(b) The Board shall consist of 15 members, appointed as 27 follows:
 - Three members appointed by the Governor, including (1)one member who is a director or employee of a State correction agency for a term to begin September 1, 1996 and to expire on June 30, 1997, one member who is an employee of the North Carolina Department of Public Safety for Control and beginning September 1, 1996 and to expire on June 30, 1997, and one member selected from the North Carolina Association of Chiefs of Police for a term to begin September 1, 1996 and to expire on June 30, 1999.

(2) Six members appointed by the General Assembly in accordance with G.S. 120-121, as follows:

- Three members recommended by the President Pro Tempore of the Senate, including two members of the general public for terms to begin on September 1, 1996 and to expire on June 30, 1997, and one member selected from the North Carolina League of Municipalities who is a member of, or an employee working directly for, the governing board of a North Carolina municipality for a term to begin on September 1, 1996 and to expire on June 30, 1999; and
- b. Three members recommended by the Speaker of the House of Representatives, including two members of the general public for terms to begin on September 1, 1996 and to expire on June 30, 1999, and one member selected from the North Carolina Association of County Commissioners who is a member of, or an employee working directly for, the governing board of a North Carolina county for a term to begin on September 1, 1996 and to expire on June 30, 1997.
- (3) Two members appointed by the Attorney General, including one member who is an employee of the Attorney General for a term to begin on September 1, 1996 and to expire on June 30, 1997, and one member from the North Carolina Sheriffs' Association for a term to begin on September 1, 1996 and to expire on June 30, 1999.
- (4) Two Six members appointed by the Chief Justice of the North Carolina Supreme Court, including the Director or an employee of the Administrative Office of the Courts for a term to begin on September 1, 1996 and to expire on June 30, 1997, and one member who is either a clerk of the superior court or a district attorney, or employee of a district attorney, for a term to begin on September 1, 1996 and to expire on June 30, 1999. Court, as follows:
 - a. The Director of the Administrative Office of the Courts, or an employee of the Administrative Office of the Courts, for a

term beginning	July	1,	1997	and	expiring	June
30, 2001.		-				

- b. One member who is a district attorney or an assistant district attorney, for a term beginning July 1, 1998 and expiring June 30, 1999.
- Two members who are superior court or district court judges for terms beginning July 1, 1998 and expiring June 30, 2001.
- d. One member who is a magistrate for a term beginning July 1, 1998 and expiring June 30, 1999.
- e. One member who is a clerk of superior court term beginning July 1, 1998 and expiring June 30, 1999.
- (5) One member appointed by the Chair of the Information Resource Management Commission, who is the Chair or a member of that Commission, for a term to begin on September 1, 1996 and to expire on June 30, 1999.
- (6) One member appointed by the President of the North Carolina Chapter of the Association of Public Communications Officials International, who is an active member of the Association, for a term to begin on September 1, 1996 and to expire on June 30, 1999.

The respective appointing authorities are encouraged to appoint persons having a background in and familiarity with criminal information systems and networks generally and with the criminal information needs and capacities of the constituency from which the member is appointed.

As the initial terms expire, subsequent members of the Board 33 shall be appointed to serve four-year terms. At the end of a 34 term, a member shall continue to serve on the Board until a 35 successor is appointed. A member who is appointed after a term 36 is begun serves only for the remainder of the term and until a 37 successor is appointed. Any vacancy in the membership of the 38 Board shall be filled by the same appointing authority that made 39 the appointment, except that vacancies among members appointed by 40 the General Assembly shall be filled in accordance with G.S. 120-41 122."

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Requested by: Senator Gulley

STUDY FEE ADJUSTMENT FOR CRIMINAL RECORDS CHECKS

1 Section @. The Office of State Budget and Management, 2 in consultation with the Department of Justice, shall study the 3 feasibility of adjusting the fees charged for criminal records 4 checks conducted by the Division of Criminal Information of the 5 Department of Justice as a result of the increase in receipts 6 from criminal records checks. The study shall include an 7 assessment of the Division's operational, personnel, and overhead 8 costs related to providing criminal records checks and how those 9 costs have changed since the 1995-96 fiscal year. The Office of Budget and Management shall report its findings and 10 State 11 recommendations the Chairs of the Senate and to House 12 Appropriations Committees, the Chairs of the Senate and House 13 Appropriations Subcommittees on Justice and Public Safety, and 14 the Fiscal Research Division of the General Assembly on or before 15 March 1, 1999. 16

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Requested by: Senator Gulley

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

Section @. Subsection (a) of Section 20.7 of S.L. 1997-2 443 reads as rewritten:

"(a) Assets transferred to the Department of Justice during the 4 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited 5 to the budget of the Department and shall result in an increase law enforcement resources for the Department. 7 transferred to the Department of Crime Control and Public Safety 8 during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall 9 be credited to the budget of the Department and shall result in 10 an increase of law enforcement resources for the Department. 11 Departments of Justice and Crime Control and Public Safety shall 12 report to the Joint Legislative Commission on Governmental 13 Operations upon receipt of the assets and, before using the 14 assets, shall report on the intended use of the assets and the 15 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."

Requested by: Senator Gulley

ACTIVATION OF NATIONAL GUARD FOR SPECIAL OLYMPICS

Section @. 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 4 September 30, 1999 to assist with the planning, support, and 5 execution of events associated with the International Special 6 Olympic Games.

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Requested by: Senator Gulley

STUDY TARHEEL CHALLENGE PROGRAM

1 Section @. From the Reserve for Juvenile Justice, the 2 Department of Crime Control and Public Safety shall use up to the 3 sum of twenty-five thousand dollars (\$25,000) for the 1998-99 4 fiscal year to contract with an external consultant to study the 5 effectiveness of the National Guard Tarheel Challenge Program as 6 an intervention method for preventing delinquent or criminal 7 behavior and improving individual skills and employment potential 8 of the participants in the Program. The consultant selected shall 9 have substantial professional experience in program evaluation, 10 but shall have no current or prior association, direct or 11 indirect, with the Department of Crime Control and Public Safety, 12 the National Guard Tarheel Challenge Program, or the staff of 13 either. The study shall include:

- (1) An evaluation of the goals of the Program and longterm effects of participation in the Program;
- (2) A comparison of the Program to (a) other similar programs that offer job training and behavior modification and (b) a control group of students not participating in intervention programs; and
- 20 (3) A cost-benefit analysis of the Program.
- 21 The Department shall report the results of the study, including 22 any recommendations, to the Chairs of the Appropriations 23 Subcommittees on Justice and Public Safety of the Senate and 24 House of Representatives by March 1, 1999.

Requested by: Senator Gulley

VICTIMS ASSISTANCE NETWORK REPORT

Section @. The Department of Crime Control and Public 2 Safety shall report on the expenditure of funds allocated in 3 Section 21.1 of S.L. 1997-443 for the Victims Assistance Network. 4 The Department shall also report on the Network's efforts to 5 gather data on crime victims and their needs, act as a 6 clearinghouse for crime victims services, provide an automated 7 crime victims bulletin board for subscribers, coordinate and 8 support activities of other crime victims advocacy groups, 9 identify the training needs of crime victims services providers 10 and criminal justice personnel, and coordinate training for these 11 personnel. The Department shall submit its report to the Chairs 12 of the Appropriations Subcommittees on Justice and Public Safety 13 of the Senate and House of Representatives by October 1, 1998.

Requested by: Senator Plyler

HIGHWAY PATROL SALARIES

Section @. There is appropriated from the Highway Fund 2 to the Reserve for Compensation Increases the sum of one hundred 3 sixty-two thousand nine hundred fifty-six dollars (\$162,956) for 4 the 1998-99 fiscal year to implement a salary range revision for 5 the State Highway Patrol that makes the difference between the 6 salary of a first sergeant and a lieutenant ten percent (10%) 7 instead of five percent (.5%). In implementing this range 8 revision, the State Highway Patrol shall, to the extent that 9 funds are available to do so, consider individual salary 10 increases in any amount up to a total amount that does not exceed 11 the difference between the maximum salaries of the old range and 12 the new range.

Requested by: Senators Plyler, Perdue, Odom, Gulley

CRIME COMMISSION GRANTS/REPORT TO GOVERNMENTAL OPERATIONS

1 Section 0. G.S. 143B-476 is amended by adding a new 2 subsection to read:

"(h) Prior to selecting recipients to whom to award grants for use in pursuing the objectives of the Governor's Crime Commission pursuant to subsection (a) of this section, the Secretary shall report to the Joint Legislative Commission on Governmental Operations for its review of the proposed grant awards by March 15 each year."

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Requested by: Senator Gulley

USE OF HIGHWAY PATROL HELICOPTERS

Section @. (a) The State Highway Patrol may use funds appropriated for the 1998-99 fiscal year to deploy airplanes and helicopters to discover violations of Part 10 of Article 3 of 4 Chapter 20 of the General Statutes relating to operations of 5 motor vehicles and rules of the road.

- (b) G.S. 20-196.1 is repealed.
- (c) G.S. 20-196.2 reads as rewritten:

8 "§ 20-196.2. Use of airplanes to discover <u>certain motor vehicle</u> 9 <u>violations of §§ 20-138 to 20-171; testimony of pilots and</u> 10 observers; violations; declaration of policy.

The State Highway Patrol is hereby permitted the use of 12 airplanes to discover violations of Part 10 of Article 3 of 13 Chapter 20 of the General Statutes relating to operation of motor 14 vehicles and rules of the road; provided, however, neither the 15 observer nor the pilot shall be competent to testify in any court of law in a criminal action charging violations of C.S. 20-141, 17 20-141.1, and 20-144. road. It is hereby declared the public 18 policy of North Carolina that the airplanes should be used 19 primarily for accident prevention and should also be used 20 incident to the issuance of warning citations in accordance with 21 the provisions of G.S. 20-183."

VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety 6/25/98 PM

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS			
Deborah Weissman	regal Ivs. NC			
The Stwart	CCPS			
Deanne Bon s	Aoc			
Dey Sall	Dept of Corredon.			
John Milla	Manning Freton & Kumes			
Debarah Por	Rau			
Bu Score	NCTBA			
Patrice Ceren	NCACC			

Box 6

- 1. 1997 Senate Appropriations Natural & Economic Resources
- 2. 1998 Senate Appropriations Natural & Economic Resources
- 3. 1997 Senate Appropriations Transportation
- 4. 1998 Senate Appropriations Transportation
- 5. 1997 Senate Agriculture/Environment/Natural Resources
- 6. 1998 Senate Agriculture/Environment/Natural Resources
- 7. 1997 Senate Children & Human Resources
- 8. 1998 Senate Children & Human Resources
- 9. 1997 Senate Commerce (cont'd. to Box 7)