2005-2006

JOINT APPROPRIATIONS – JUSTICE & PUBLIC SAFETY

COMMITTEE MINUTES

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday, February 22, 2005
Room 415 LOB
8:30 a.m.

The Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Tuesday, February 22, 2005 in Room 415, LOB. Six members of the Senate Subcommittee attended along with Representatives Haire, Kiser, Frye, Goodwin, Ray, Sutton, and Miller. Senator Scott Thomas presided.

Senator Thomas called the meeting to order and welcomed the Pages, staff, and visitors. Senator Thomas asked his co-chairs, Representatives Haire and Kiser for their opening remarks followed by introductions of Members, staff and agency personnel, review of schedule and rules by Chairs and a review of the appropriation process/role of staff by Denise Thomas of the Fiscal Research Staff. (See Attachment #1).

Jim Mills, Fiscal Research Staff, presented an Overview of Justice and Public Safety Budgets and Programs. (See Attachment #2).

Jim Mills, Denise Thomas, Chloe Gossage, and Doug Holbrook presented the budget summaries for the Justice and Public Safety Subcommittee on Appropriations, each in their respective department assignments.

The meeting adjourned at 10:00 a.m. to reconvene at 1:30 p.m.

Scott Thomas

Senator Scott Thomas, Co-Chair

Vickie Spears

Vickie Spears, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
February 22, 2005 8:30 A.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas, Presiding

Representative Phillip Haire
Representative Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Introductions of Members, Staff, Agency Personnel

Review of Schedule and Rules by Chairs

Review of Appropriation Process/Role of Staff

Denise Thomas
Fiscal Research Staff

Overview of Justice and Public Safety Budgets and Programs

Jim Mills
Fiscal Research Staff

Summary of JPS Agency Budgets

Fiscal Research Staff

III. OTHER BUSINESS

IV. ADJOURNMENT

Attachment # 1.

APPROPRIATIONS COMMITTEE PROCESS/ ROLE OF GENERAL ASSEMBLY STAFF

JOINT APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY
FEBRUARY 22, 2005

Continuation and Expansion Budget

- **Continuation Budget** is the recommended funding to carry on the operations of programs at the level of support previously approved by the General Assembly. *Allowable increases* from previous funding levels include:
  - Inflation for certain operating costs (e.g. food, gas, medical)
  - Annualizing costs of programs funded part year in the previous fiscal year (e.g. programs started Jan. 1, 05 will need full funding in FY 05-06)).
  - Operating funding for newly completed facilities (e.g. operating funds for prisons that will open during 2005-07)

  Funding for new programs or to expand current programs must be requested in the expansion budget

- **Expansion Budget** includes new programs; expansion of existing programs; or permanently funding programs originally funded as pilots or with one-time funding. Expansion budget review was limited in 2001 and 2002 due to budget deficits.

  Expansion items include members' bills or suggestions; Governor's recommendations; and, expansion requests by the Department of Justice and the Judicial Department, which are often submitted separately from the Governor's budget.

- **Governor's Budget Documents**
  (1) Governor's Recommended Continuation Budget for JPS Agencies 2005-07. This document is the agency recommended base operating budget, as completed in December 2004 by most Departments. This budget includes both reductions and increases in the **Continuation** budget.

  (2) Governors Recommended Budget Adjustments for 2005-07. This document summarizes reductions to the Continuation Budget as well as any Expansion Budget items.

- **Budget Review Schedule:** Review in Joint Subcommittee normally takes approximately 6 weeks before the House and Senate split to develop their respective budgets. In 2005, the Senate will develop their budget first. The Joint committee schedule will be partly based on the Senate's projected date for sending a budget to the House

- **Budget Targets** – Typically, the House and Senate Subcommittees are each given a budget target by their respective Full Appropriations Chairpersons. The target usually is a total JPS budget amount, not a target for each agency.

- **Subcommittee Goal** – Prepare the JPS Budget as represented through the Subcommittee Budget Report and Special Budget Provisions for presentation to full Appropriations. **(See Attachments 1 and 2 for examples from FY 2004-05)**

Role of Fiscal Staff

- **Budget and Policy Analysis** -- Review continuation and expansion budgets for each department with State Budget staff and departmental staff prior to Subcommittee review. Analysts will then highlight for Subcommittee discussion the following in

each Department: (1) cost components (staffing, contracts, etc.) of major programs (2) recent reductions or expansion of these programs; (3) the details of the major budget changes proposed by the Governor for 2005-07; and, (4) other budgetary or policy options. During this process, analysts will conduct further analysis of budget and policy issues identified by members.

- **Requests:** Fiscal Staff will work with State agencies to handle Subcommittee member requests for information. Staff will also maintain a list of any programs or areas that are "flagged" by member for possible increase or decrease since votes on budget reductions or increases are generally not taken until later in the subcommittee process.

- **Special Budget Provisions** – As budget issues are discussed and decisions are considered, members may suggest special language that directs certain policy actions and/or specifies how budgeted monies are to be used. Bill Drafting staff, in consultation with members and fiscal staff, draft these "special provisions".

- **Coordination**- Fiscal staff also coordinates daily meetings and agenda with subcommittee chairs; develop and track subcommittee schedules for chairs; and, prepare the Subcommittee budget reports.

- **Fiscal Notes** - JPS Fiscal staff prepare fiscal notes on most criminal justice bills. As required by NC Statute, a fiscal note must be prepared for any criminal penalty bill that affects prison incarceration rates.

Role of Other Staff in the Appropriations Process

- **General Assembly Bill Drafting Staff** – Besides drafting bills, the staff assist members with research on legal issues affecting

Subcommittee deliberations and assist members in writing special budget provisions. Two to three bill drafters are normally assigned to the JPS subcommittee.

- **Departmental Staff** – Departments will answer members' questions during committee meetings and work with fiscal staff to obtain additional information if needed. Departments may also make presentations on budget issues and on studies required by the General Assembly.

- **Office of State Budget and Management – (OSBM)** will assist members and fiscal staff with information on departmental budgets and programs.

(See Attachment 3 for list of staff assignments)

Attachment 1

Overview: 2004 Session Fiscal and Budgetary Actions

Juvenile Justice & Delinquency Prevention

GENERAL FUND

	FY 04-05
Total Budget Approved 2003 Session	**$130,585,498**

Budget Changes

Administrative Services

63 MIS Staffing Needs for NC-JOIN

Provide four (4) positions, effective the following dates, and computer equipment to further establish an automated state-wide juvenile information system. The Governor recommended five (5) positions.

Computing Consultant (74), 01/01/2005
Computing Consultant (74), 01/01/2005
Applications Programmer II (74), 10/01/04
IT Project Manager II (81), 10/01/04

$159,376	R	
$112,011	NR	
4.00		

Department-Wide

64 Establish Additional Staff Development Positions

Funds are provided to add 2 new Staff Development Specialist III positions, Pay Grade 71, effective July 2004. These positions will be used to correct deficiencies identified in the 2003 State Auditor report. The specialists will develop and implement a training program for direct care staff in Youth Development Centers. The Governor recommended four trainers.

$101,899	R	
$7,000	NR	
2.00		

Intervention/Prevention Services

65 Additional JCPC Funding

The continuation budget for the Juvenile Crime Prevention Councils (JCPC) is increased by $500,000 R for a competitive grant award process to provide alternative community-based diversion and dispositional programs for juveniles who would otherwise be committed to youth development centers. The Governor's budget requested $662,462 to be divided among all 100 JCPCs for diversion and disposition resources. However, the resulting individual county allocations would have been insufficient for providing alternatives to commitments. (HB 1414 Section 16.7)

$500,000	R

Attachment 2

ALTERNATIVES TO JUVENILE COMMITMENT/JUVENILE CRIME PREVENTION COUNCILS

SECTION 16.7. Of the funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention, the sum of five hundred thousand dollars ($500,000) shall be used for demonstration projects of the Juvenile Crime Prevention Councils to identify effective community programs for juvenile offenders who have been committed to, or who potentially may be committed to youth development centers. These projects should be community-based and shall serve only juvenile offenders residing in the specific geographical locations. The Department shall develop a competitive grant award process that gives consideration to (i) the commitment rates or how frequently the court orders commitment as a disposition, (ii) programs that target juveniles in rural areas, (iii) geographical representation, and (iv) collaboration among counties. The Department may award up to 10 grants to Juvenile Crime Prevention Councils and no individual grant may exceed one hundred thousand dollars ($100,000). On June 30, 2005, any funds allocated for demonstration projects pursuant to this Section that have not been awarded by the Department shall revert to the General Fund.

Attachment 3

FISCAL RESEARCH DIVISION
SUITE 619 LOB
919 733-4910
FAX 919 715-3589

Jim Johnson, Director

JUSTICE AND PUBLIC SAFETY

DEPARTMENT/ASSIGNMENTS	**ANALYSTS**
Crime Control and Public Safety	Denise Thomas
Alcohol Law Enforcement	
Butner Public Safety	
Civil Air Patrol	
Emergency Management Division	
Governor's Crime Commission	
State Highway Patrol	
NC National Guard	
Victim and Justice Services	
NC Boxing Authority	
Department of Justice	Chloe Gossage
Legal Services	
Citizen's Rights Division	
Consumer Protection Office	
Environmental Division	
Law Enforcement Services (SBI/DCI)	
State Bureau of Investigation	
Training and Standards	
Justice Academy	
Department of Correction	
Department Management	Jim Mills
Division of Prisons	Jim Mills
Substance Abuse Program	Jim Mills
Community Corrections	Chloe Gossage
Adult Probation and Parole	
Criminal Justice Partnership Program (CJPP)	
Parole and Post-Release Supervision Commission	
Judicial System	Doug Holbrook
Supreme Court	
Court of Appeals	
Superior and District Courts	
Offices of Clerks of Superior Court	

JUSTICE AND PUBLIC SAFETY (Continued)

DEPARTMENT/ASSIGNMENTS	ANALYSTS
Judicial System (Continued)	Doug Holbrook
Office - District Attorneys	
Custody Mediation Program	
Dispute Settlement Centers	
Arbitration Program	
Judicial Standards Commission	
Drug Treatment Courts	
NC Sentencing Commission	
Office of Indigent Defense	Doug Holbrook
Public Defender Services	
Indigent Persons Attorney Fee Fund	
Sentencing Services	
Department of Juvenile Justice and Delinquency Prevention	
Department Management	Jim Mills
Youth Development Centers and Detention Centers	Jim Mills
Community Programs (State/Local)	Denise Thomas
Juvenile Crime Prevention Councils (JCPC's)	
Eckerd Wilderness Camps	
Support Our Students Program (SOS)	
Governor's One- on-One Program	
Teen Courts	
Court Counselors	Denise Thomas
Other Programs	
Criminal Justice Information Network (CJIN)	Denise Thomas
Fiscal Note Writer/Research Assistant	Aaron Paul
Team Leader:	Jim Mills 733-4910

Attachment 2

OVERVIEW OF JUSTICE AND PUBLIC SAFETY DEPARTMENTS

Joint Appropriations Subcommittee on Justice and Public Safety

Fiscal Research Division

February 22, 2005

Justice and Public Safety Departments

- Correction
- Crime Control and Public Safety
- Judicial
  - Office of Indigent Defense (*New 2000*)
- Justice
- Juvenile Justice and Delinquency Prevention (*New Office 99; Dept. July 1, 2000*)

Major JPS Programs

- Correction
  - Prisons:
    - Security Inmate Programs Inmate Medical
  - Community Corrections: (Probation and Parole, Partnership Program (CJPA), Comm. Service)
  - Substance Abuse Treatment
  - Parole and Post-Release Supervision Commission
- Crime Control and Public Safety
  - Law Enforcement (ALE, Butner, Highway Patrol)
  - National Guard
  - Emergency Management
  - Victims Services

Major JPS Programs

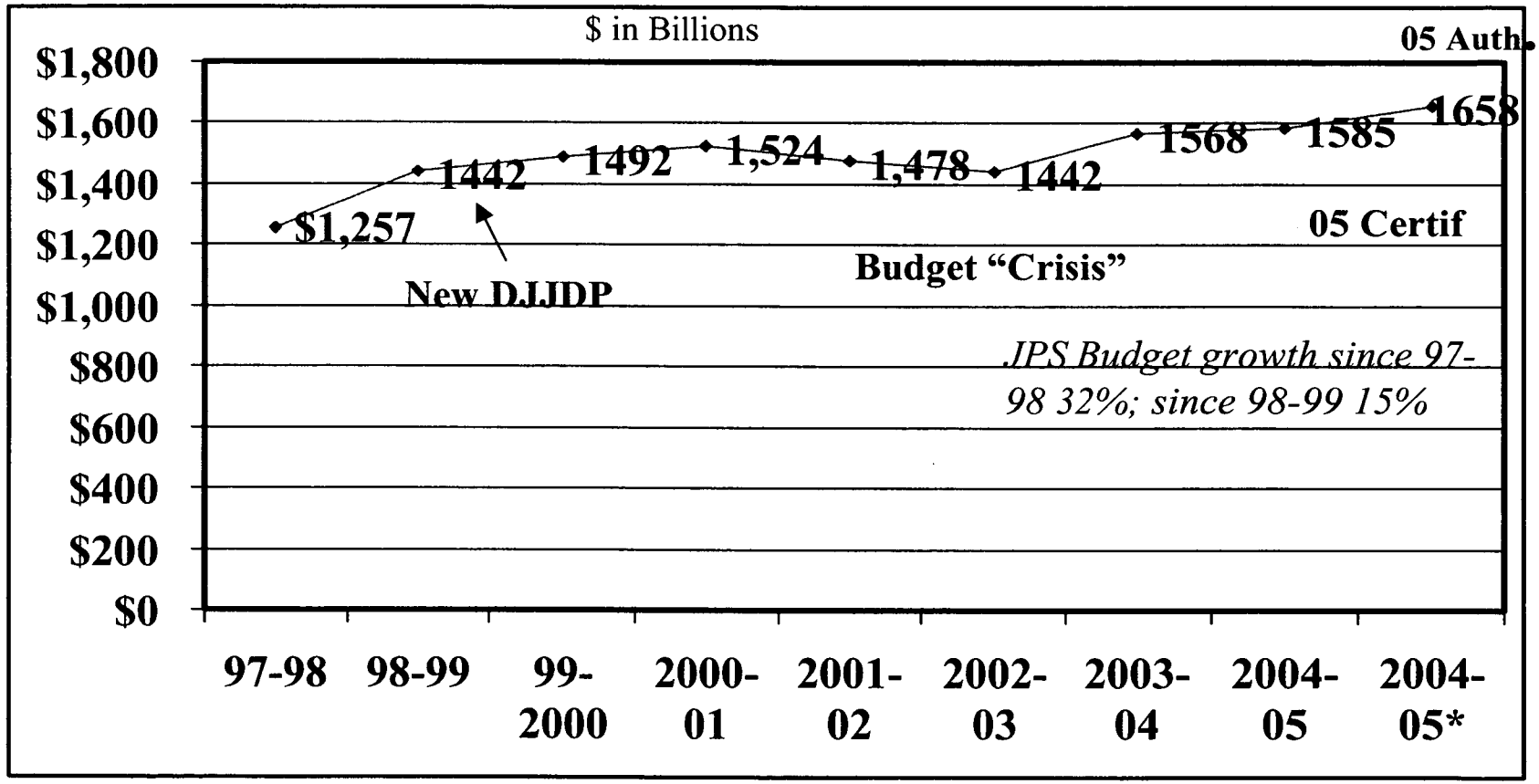
- Judicial
  - Administrative Office of the Courts
  - Courts – Judges, Clerks, Magistrates
  - District Attorneys
  - Programs (Mediation, Arbitration, GAL)
- Office of Indigent Defense
    - Assigned Private Counsel and Public Defenders

Major JPS Programs

- Justice
  - Attorney General
  - SBI
  - Criminal Justice Stds
- CJIN
  - Criminal Justice Information Network
- Juvenile Justice & Delinquency Prevention
  - Institutions
  - Community Programs
  - Court Counselors

JPS Budget Trends – Actual Expenditures

1997-98 to 2004-05*



*NOTES: All years are actual expenditures except 2004-05. 2004-05 Certified Budget is agency specific budget passed by General Assembly; Authorized budget includes various statewide reserves moved to JPS and other agencies at later date, such as 2.5% salary increase.

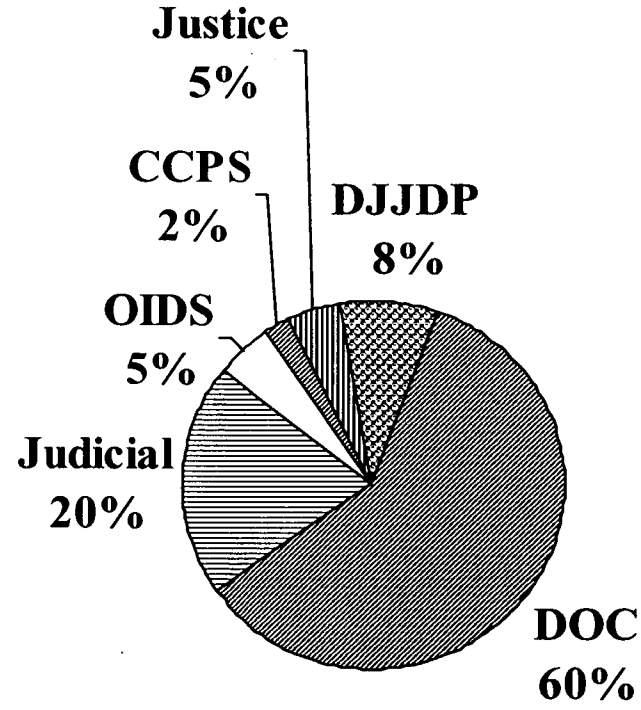
JPS Budget Trends 2001-03

- In 2002 over 1,000 positions were cut in JPS, the highest total of any budget area
- Specific cuts over two year period included:
  - Closing prisons and boot camps and a juvenile training school
  - Reducing funding for substance abuse treatment and adult and juvenile community based programs
  - Cut agency line item operating budgets (e.g. travel, vehicle replacement, building repair) and/or revert funds to Governor's Budget Office

Justice and Public Safety State General Fund Certified Budget 2004-05

- **State Appropriations**
  - DOC $948.63M
  - Judicial 318.2
  - OIDS 82
  - CCPS 32
  - Justice 72.2
  - DJJDP 132

  TOTAL =$1.585 Billion

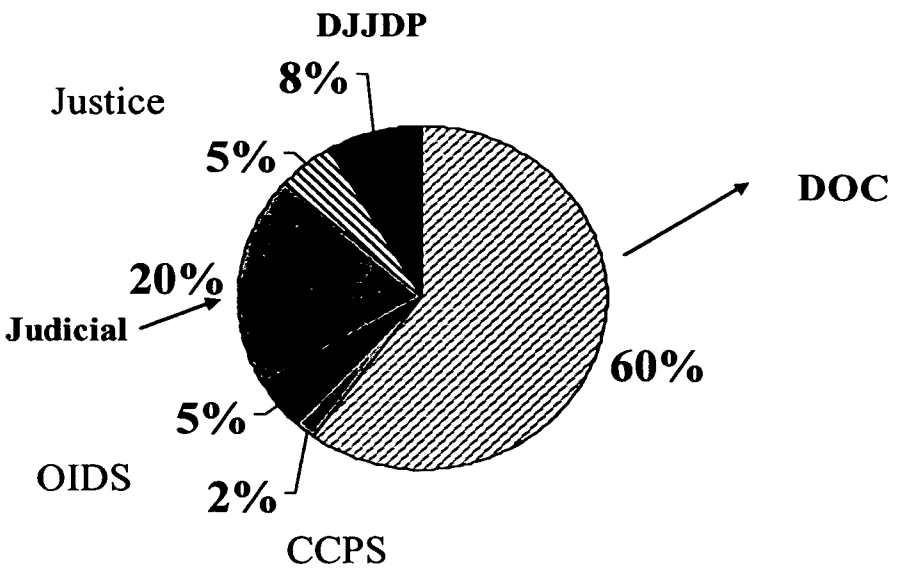


Justice and Public Safety State General Fund Authorized Budget – FY 2004-05

State Appropriations

DOC	**$994.6 M.**
CCPS	33.6
DOJ	76.6
Judicial	333.9
OIDS	83.2
DJJDP	137.2

TOTAL = $1.659 B



Positions: 28,820 Authorized for 2004-05; (19,000 plus or 68% is DOC)

Major Budget Changes in Justice and Public Safety FY 03-04 and 04-05

- Correction
  - Created 1,086 new prison beds by double celling at Avery/ Mitchell and making temp. beds permanent system-wide
  - Reductions in line item budgets, overtime budgets in prisons and community corrections and one-time reductions of $10 million in 03-04 and $13 million in 04-05
  - Funding for DNA collection from convicted felons
  - Startup funds for new close custody prisons.

Major Budget Changes in JPS FY 2003-04 and 04-05

- Crime Control
  - Eliminated Boxing Commission and transferred boxing enforcement to ALE
  - Reduced operating expenses by $2,200,000 R
  - Increased funds for Crime Victims' Compensation $2,600,000
  - Expanded arrest authority of Motor Carrier Enforcement Officers to equal that of Highway Patrol Trooper

Major Budget Changes in JPS FY 2003-04 and 04-05

- Justice
  - Management flexibility reduction - $1.6 million in FY03-04; $553,000 in FY04-05
  - Eliminated 16 vacant positions and added 27 new positions; net increase of 11 positions and $1.1 million (annualized)
  - Expanded methamphetamine response team (positions, equipment, leased lab space)
  - Expanded the DNA section of the SBI Crime Lab and outsourced rape kits to reduce the backlog.

Major Budget Changes in JPS
FY 2003-04 and 04-05

- Judicial
  - Added 20 positions to respond to domestic violence laws
  - Provided $1 million for interpreter services
  - Added 40 new deputy clerks statewide
  - Provided $2.5 million recurring and $8.5 million non-recurring for indigent representation, and authorized two new Public Defender offices.

Major Budget Changes in JPS
FY 2003-04 and 04-05

- Juvenile Justice & Delinquency Prevention
  - Added 6 positions for MIS and Staff Development
  - Provided $500,000 R for demonstration projects for community-based alternatives to commitments
  - Required DPI to pay for the educational component of Eckerd Camp treatment with a corresponding $750,000 R reduction to DJJDP appropriation.
  - Authorized issuance of debt to build up to 224 new Youth Development Center beds ($13 million in 04-05 and $22 million in 05-06)

Major JPS Issues
2005-07

- Operating Cost of New 1,000 Bed Prisons
  - Estimated cost of $92 million for 5 prisons by 07.
- Funding and Generating Prison Bed Capacity
- Impact of Criminal Penalty Bills on Prison Beds
- Inmate Medical Budget
- Probation and Parole Caseloads/Responsibilities
- Responsibility for Post-Release Supervision
- Juvenile Facilities and Community Based Programs

Major JPS Issues
2005-07

- Increasing claims for crime victim's compensation
- Insufficient permanent staff to address emergencies and natural disasters
- Need for a state-wide emergency voice communications system -- VIPER
- Need to replace electronic fingerprint system (SAFIS)

Major JPS Issues
2005-07

- Remaining backlog of untested rape kits
- Increasing number of clandestine methamphetamine labs
- Increasing numbers of indigent defendants in court
- Outdated court information systems
- Growing need for prosecutorial resources

Attachment #3

BUDGET SUMMARIES – JUSTICE AND PUBLIC SAFETY

JOINT SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

FISCAL RESEARCH DIVISION
FEBRUARY 22, 2005

JUDICIAL BRANCH BUDGET SUMMARY

Budget Summary—State Appropriations

	2003-04	Original 2004-05	Revised 2004-05
AOC			
Certified Budget	$304,340, 731	$311,499,694	$318,241,612
Actual Expenditures	$309,192,499	NA	NA
# Employees	5,193	5,168	5,240
OIDS			
Certified Budget	$73,264,829	$71,019,451	$82,019,451
Actual Expenditures	$73,705,551	NA	NA
# Employees	305	284	284

2004-05 Certified Budget by Major Functional Areas

AOC

Program	**Budget**	**% of Total**
Courts	$105,567,762	33%
Clerks of Court	$97,703,497	30%
District Attorneys	$57,250,630	18%
Administrative Services (including Technology)	$29,752,184	9%
Guardian ad Litem	$7,686,686	2%
Special Programs	$7,594,664	2%
Other	$12,686,189	4%
Total	$318,241,612.00	100%

OIDS

Program	**Budget***	**% of Total**
Indigent Persons Atty Fund	$59,959,316	73%
Public Defenders	$14,438,416	17%
Sentencing Services	$3,620,117	4%
Other	$4,001,602	5%
Total	$82,019,451.00	100%

2004-05 Budget by Purpose

- *73%* Salaries and Benefits ($291 million) *(overall, including both AOC and OIDS)*
- *15%* Contracted Attorney Services for Indigent Defendants ($59 million)

Major Changes in 2003-05 Budget by General Assembly

- Established 73 new positions in AOC, the bulk of which were 40 deputy clerk positions in 2004
- The Office of Indigent Defense Services was allowed to create up to 12 new positions with existing funds in order to control growth in the Attorney Fee fund
- Increased funding for the Indigent Persons Attorney Fee Fund by $2.5 million recurring and $8.5 million nonrecurring
- Provided $1 million for interpreter services
- Established new Public Defender offices in two districts
- Increased funding and positions in the court system to improve the state's response to domestic violence
- Provided funds to expand and sustain custody mediation, family court, drug treatment court, and community mediation.

Major Issues for the 2005-07 Biennium

- The Office of Indigent Defense Services will continue to require growth funding to keep up with the demand for services.
- The Judicial Branch will seek additional funding for technology purchases including both software such as licenses, maintenance agreements, and information system enhancements, and hardware such as personal computers, printers, and servers.
- The AOC will seek to sustain the drug treatment court program, which has been established in several judicial districts using federal grant funds.
- The Judicial Branch will seek new prosecutors during this biennium to meet rising caseloads, coupled with additional victim/witness legal assistants.

DEPARTMENT OF JUSTICE BUDGET SUMMARY

Budget Summary—State Appropriations

	2003-04	Original 2004-05	Revised 2004-05
Certified Budget*	$71,041,310	$71,459,312	$72,213,779
Actual Expenditures	$71,932,041	NA	NA
# Employees	1,212.5	1,212.5	1,228.5

2004-05 Budget* by Major Functional Areas

Program	Budget	% of Total
Administration	$ 2,351,366	3%
Legal Services	$20,396,098	28%
Law Enforcement - SBI	$41,476,659	57%
Criminal Justice Training & Standards	$ 7,989,656	11%

*Net General Fund appropriation (subtract receipts/revenues)

2004-05 Budget by Purpose

- 78% of expenditures support salary/benefits cost ($69.1 million)
- 11% of expenditures are for purchased services ($9.6 million)
- $271,000 pass-through funding to NC Legal Education Assistance Foundation

Major Changes in 2003-05 Budget by General Assembly

⇓ Management flexibility reduction - $1.6 million in 03-04; $553,000 in 04-05

⇓ Eliminated Department's requested increase in SBI Auto Replacement of approx. $265,000; additional nonrecurring reduction of $175,000 in 04-05

⇓ Eliminated 16 vacant positions - $631,000

⇑ Expansion funding of $250,000 to outsource backlogged rape kits

⇑ Expansion funding of $71,000 for NC LEAF – increased funding to $271,000 R

⇑ Added 11 new positions for DNA analysis, 14 positions to combat methamphetamine labs, and 2 positions to address domestic violence training requirements - $1.7 million annualized

⇑ Authorized expansion of the SBI crime lab using funds left over from other capital projects in the state - $4.5 million authorized

Issues for the 2005-07 Biennium

- ***Rape Kits and Other DNA Analysis:*** Since 2002, the General Assembly has increased the number of DNA analysts, directed the SBI to outsource some of the backlogged kits, and authorized an expansion of the SBI lab building (the expansion had not begun as of February 2005 and will take 18 months to complete). The SBI has also received federal grant funding for DNA analysis. There is still a backlog of untested rape kits, and the SBI's long-term goal is to expand DNA testing to other types of cases as well. The SBI will likely request additional DNA analysts in 2005.

- ***Methamphetamine Response:*** The number of methamphetamine labs found in North Carolina has increased each year, from 34 labs in 2001 to more than 300 labs in 2004. In 2004, the Department of Justice proposed increasing penalties for meth-related offenses, and requested 42 new positions to combat methamphetamine. The General Assembly increased the penalties for manufacture of meth and other meth-related offenses, and provided funding for 14 SBI agents and analysts. The Department will likely request additional positions for meth response this year.

- ***SAFIS Infrastructure Upgrade:*** The Statewide Automated Fingerprint Identification System (SAFIS) allows for rapid identification of offenders via electronic fingerprint submissions. The current SAFIS infrastructure and hardware are reaching the end of their life cycles, and the manufacturer will not provide maintenance contracts after December 2006. Estimated costs to replace the state and local equipment are approximately $20 to $30 million.

DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BUDGET SUMMARY

Budget Summary—State Appropriations

	2003-04	Original 2004-05	Revised 2004-05
Certified Budget	$130,313,473	$130,585,498	$132,319,567
Actual Expenditures	$131,257,847	NA	NA
# Positions	1,878.5	1,867.75	1,904.75

2004-05 Certified G.F. Budget by Major Programs/Functions

Program	Budget	% of Total
Youth Development Centers and Detention Centers	$49,079,671	37.0%
Intervention/Prevention (Court Counselors &JCPC's)	$53,011,755	40.0%
Special Initiatives (e.g. Eckerd, Group Homes, Teen Courts)	$17,831,724	13.5%
S.O.S. (After School programs)	$6,206,575	4.7%
Administration	$5,891,992	4.4%

2004-05 Budget by Purpose

- 54% - Salaries and Benefits ($77 million)
- 35% - Aid and Public Assistance (e.g. community programs, JCPC's, Eckerd, Group Homes, Detention Subsidy, etc. ($50 million)
- 7% - Purchased Services e.g. contracts, ($10 million)

Major Actions during 2003-05 General Assembly Session

- Reduced departmental operating line items by $1.4 million

- Increased funding for Juvenile Crime Prevention Councils (JCPC's)
  - $500,000 R for formula funding
  - $500,000 R for competitive grants to fund demonstrations of alternative to commitment programs

- Fund treatment programs at Samarkand for female offenders (31 positions formerly grant funded)

- Authorize use of current funds and positions (42) to establish pilot treatment programs at Samarkand and Stonewall. These programs are the starting point for the transition to treatment based facilities.

- Authorized issuance of $35 million in debt to construct up to 224 new YDC beds; $13 million in 04-05 and $22 million in 05-06. Directed development of Capital and Staffing Plans.

Major Issues for the 2005-07 Biennium

- *Juvenile Crime Prevention Councils:* Targeting JCPC funds to those programs that are proven to be effective and cost-beneficial for prevention and services for adjudicated and diverted juvenile offenders.

- *Community-based intervention/treatment*: Is there a sufficient quantity of effective programs/services available for adjudicated juveniles as an alternative to YDC commitment?

- *Capital and Program needs at Youth Development Centers*: While growth in population has slowed, YDC's operate in aging facilities that are inadequate for security, programs, and staff. The proposed plans for the construction and operation of new facilities will need to be balanced with current repair needs and the goal of the Juvenile Justice Reform Act to reduce training school beds.
  - *Reorganizing Youth Development Centers as Treatment Based Facilities.* DJJDP has proposed reorganizing YDC operations from a control based environment to a treatment based environment. The costs/benefits of this proposal will continue to be reviewed in 2005 as the pilot project progresses.

DEPARTMENT OF CORRECTION BUDGET SUMMARY

Budget Summary—State Appropriations

	2003-04	Original 2004-05*	Revised 2004-05
Certified Budget	$940,246,590	$$959,947,282	$948,637,385
Actual Expenditures	$947,136,570	NA	NA
# Employees	19,389	19,308.5	19,502.5

Original certified budget was passed in 2003 and revised in 2004

2004-05 Certified Budget by Major Functional Areas

Program	Budget*	% of Total
Prisons	$810,772,587	82%
Community Corrections	126,720,028	13%
Substance Abuse Treatment	12,116,414	<1%
Parole/PR Commission	1,363,783	<1%
Dept. Mgmnt	39,659,647	4%

2004-05 Certified Budget by Purpose

- *70%* Salaries and Benefits ($687.5 million)
- *14%* Purchased Services ($135.7 million) including rent of buildings and vehicles, data processing services, hospital costs for inmates, and payments for jail misdemeanants
- 8% Supplies ($79.9 million) including inmate food, clothing and pharmaceuticals.

Major Changes in 2003-05 Budget by General Assembly

Prisons

- Established negative reserves, or one time cuts for each year of biennium -- $10.7 million in 04 and $13.2 million in 05.
- Cut overtime budget by $3.3 million to match actual and projected usage.
- Expanded DNA collection to include all convicted felons
- Funded 1,086 new prison beds by double celling at Avery Mitchell and making system-wide temporary beds permanent. Cost was approximately $2.8 million in 04-05 with annualized cost of approximately $3.7 million in 05-06
- Funded startup funds for new prisons – Maury and Bertie, and Warren expansion
- Reduced line item budgets in most sections

Community Corrections

- Reduced overtime by $610,000 to more closely reflect actual expenditures
- Reduced other operating budget line items by $300,000
- Expanded local programs: added another county to the Criminal Justice Partnership Program ($76,000 annualized) and increased pass-through funding to Women At Risk program by $25,000.

Major Issues for the 2005-07 Biennium

- Fund operating costs of 1,000 bed prisons in Maury and Bertie due to come on line in 2005-06.
- Determine policy options for handling short and long-term shortage of prison beds. Shortage will be at least 1000 beds until 2009 when population will exceed capacity by close to 2000 beds. Options for discussion include: *building new beds; identifying bed capacity in existing prisons; considering alternatives for reducing population through changes in Sentencing Act; and revisiting parole policies.*
- Review results of system-wide "audit" of DOC security staff needs as recommended by National Institute of Corrections and General Assembly.
- Inmate medical budget is experiencing increased costs primarily due to volume of inmates and increase rates and usage of private hospitals. DOC "hospitals" are old and out of date. Estimated capital costs of $165 million to replace/expand Women's Prison and Central Prison
- Review probation/parole caseloads, staffing, and available sanctions
- Review Criminal Justice Partnership Program changes, funding, and effectiveness
- Review the Post-Release Supervision and Parole Commission's responsibility in administering post-release supervision.

CRIME CONTROL AND PUBLIC SAFETY

Budget Summary—State Appropriations

	2003-04	Original 2004-05	Revised 2004-05
Certified Budget	$28,744,326	$28,139,010	$32,051,638
Actual Expenditures	$34,790,125	NA	NA
# Employees	557.0	517.0	522.0

2004-05 Budget by Major Functional Areas

Program	Budget*	% of Total
Administration	$ 1,408,265	4.4%
National Guard	$ 10,080,718	31.5%
Civil Air Patrol	$ 119,151	0.4%
Butner Public Safety	$ 2,670,730	8.3%
ALE	$ 7,626,674	23.8%
Emergency Mgmt	$ 2,476,715	7.7%
Victims' & Justice Ser.	$ 6,859,136	21.4%
Crime Commission	$ 810,248	2.5%

* Net of receipts, Highway Patrol's budget is receipt-based, no g.f.

2004-05 Budget by Purpose

- 50% of budget is for are salary/benefits cost ($25.6 million)
- 25% of budget is for aid and public assistance ($12.3 million)
- 13% of budget supports purchased services ($6.6 million)

Major Actions during 2003 General Assembly Session

- Provided $1.5 million NR for armory construction, maintenance, and repair.

- Accepted the Governor's recommendation to reduce Crime Victims' compensation budget by $400,000 R. Then provided one-time expansion of $2.5 million NR in the following year.
  - Capped the medical reimbursement rate to allow the program to assist more victims

- Provided $250,000 NR for emergency financial assistance to families of National Guard members. This amount was intended to provide

assistance until enough revenue is generated from the sale of "In God We Trust" license plates.

- Eliminated the NC Boxing Commission and transferred the authority to regulate boxing to the ALE Division.

- Expanded the arrest authority of Motor Carrier Enforcement Officers to equal that of State Troopers (SL 2004-148)

Issues for the 2005-07 Biennium

- The potential reduction or elimination of federal block grant funds available to the Governor's Crime Commission to award to local law enforcement and community agencies.

- Voice Communications - The CJIN Board and the State Highway Patrol have submitted a report to the legislature outlining the plan and cost to construct an 800-megahertz radio system, which will enable state, county, and local agencies to communicate during emergencies and disasters. The estimated cost to complete the system is around $155 million NR and another $12 million R for annual operating costs. No state funds are currently appropriated for this purpose. The report includes several funding options, which would include a general fund appropriation, Highway Fund appropriation, and/or debt financing.

- Demand for crime victims' compensation funds continues to rise

- Additional state and federal funding needed to complete floodplain maps for the western part of the State.

- Lack of permanently established state programs to assist individuals and businesses that suffer damages/loss from natural disasters. Such assistance includes housing repairs and replacement; business loans, private roads and bridge repairs., etc.

VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — February 22, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jim Nowell	IDS
Doug Heron	NC Bar Assoc.
Rex Whaley	AOC
Elisa Wolper	AOC
Tye Hunter	IDS
Eddie Caldwell	NC Sheriffs' Assn
[illegible]	AOC
[illegible]	AOC
James Kloppvic	GCC
Casandra Skinner	NCCCPS
Marvin R. Waters	NC CCPS

VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — February 22, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rudy Rudisill	Crime Control & Public Safety
Bennie Aiken	CCPS
William Dudley	CC & PS
Jon Williams	CCPS
Gary McLeod	AOC AGO
Roy Cooper	AG
Kristi Hyman	NC DOJ
Byron Harris	OSBM
Mildred Spearman	NCDOC
Tracy Little	NCDOC
Ginny Hevener	NC Sentencing Commission

VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — February 22, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
S. Katzenelson	Sentencing Com.
Karen Jones	"
Scott Perry	NC Dept. of Justice
Julia Lohman	NC Dept of Justice
Mark Stanford	NC Dept. of Justice
Wayne Woodard	NC Dept of Justice
Bill Wilson	NCATL

VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — February 22, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS

VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — February 22, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
2005-2006

CHAIRMAN

Representative Phil Haire
Representative Joe Kiser

VICE CHAIRMAN

Representative Karen Ray
Representative Ron Sutton

MEMBERS

Rep. Phillip Frye
Rep. Melanie Goodwin
Rep. Edward Jones
Rep. Carolyn Justus
Rep. Paul Miller

STAFF

Jim Mills, Fiscal Research
Chloe Gossage, Fiscal Research
Doug Holbrook, Fiscal Research
Denise Thomas, Fiscal Research
Beth Barnes Braswell, Bill Drafting
Sean Dail, Bill Drafting

COMMITTEE ASSISTANTS

Sara Jane Lennard – Marilyn Holder

APPROPRIATIONS SUBCOMITTEE ON JUSTICE AND PUBLIC SAFETY

SENATE MEMBERS

Chairman	Senator Scott Thomas
Vice Chairman	Senator John Snow
Ranking Minority Member	Senator Stan Bingham

MEMBERS;

Senator Tom Apodaca
Senator Ellie Kinnaird
Senator Keith Presnell
Senator Tony Rand

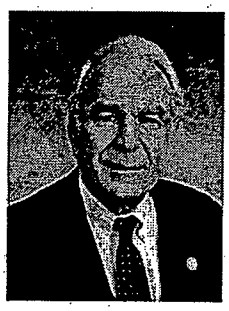
HOUSE MEMBERS

Chairman	Representative Phil Haire
Chairman	Representative Joe Kiser
Vice Chairman	Representative Karen Ray
Vice Chairman	Representative Ron Sutton

MEMBERS;

Representative Phillip Frye
Representative Melanie Goodwin
Representative Edward Jones
Representative Carolyn Justus

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE APPROPRIATIONS SUBCOMMITTEE
ON JUSTICE AND PUBLIC SAFETY
COMMITTEE NAME
2005 – 2006 SESSION



Rep. Haire
Chair

Rep. Kiser
Chair

Rep. Ray
Vice-Chair

Rep. Sutton
Vice-Chair

Rep. Frye

Rep. Goodwin

Rep. Hall

Rep. Justus

Rep. Miller

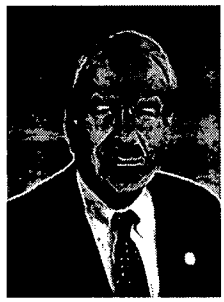
Rep. Culpepper
Ex-officio

Rep. Cunningham
Ex-officio

Rep. Eddins
Ex-officio

Rep. Hackney
Ex-officio

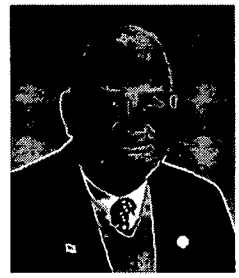
NORTH CAROLINA GENERAL ASSEMBLY
HOUSE APPROPRIATIONS SUBCOMMITTEE
ON JUSTICE AND PUBLIC SAFETY
COMMITTEE NAME
2005 – 2006 SESSION



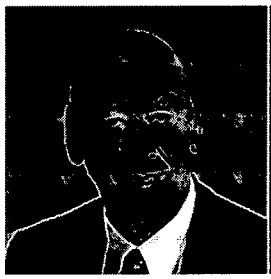
Rep. Haire
Chair

Rep. Kiser
Chair

Rep. Ray
Vice-Chair

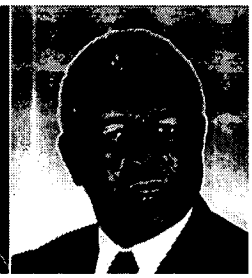


Rep. Sutton
Vice-Chair



Rep. Frye

Rep. Goodwin



Rep. Jones

Rep. Justus

Rep. Miller

Rep. Culpepper
Ex-officio

Rep. Cunningham
Ex-officio

Rep. Eddins
Ex-officio

Rep. Hackney
Ex-officio

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
REPRESENTATIVES				
Phil Haire, Chair	Sara Jane Lennard	715-3005	419 B	47
Joe L. Kiser, Chair	Marilyn Holder	733-5782	1326	40
Karen Ray, V Chair	Mary Ann Norwood	733-5741	1025	75
Ron Sutton, V Chair	Juanita Coley	715-0875	1321	72
Phillip Frye	Mary Hayes	733-5661	1019	62
Melanie Goodwin	Jane McMillian	733-5823	1305	91
Edward Jones	Joan Peacock	733-5878	404	60
Carolyn Justus	Glenda Jones	733-5956	1023	27
Paul Miller	Eryn Gee	733-5872	640	43
SENATORS				
Scott Thomas, Chair	Suzanne Gunter	733-6275	313	14
John Snow	John Snow III	733-5875	517	21
Stan Bingham	Judy Chriscoe	733-5665	2117 B	34
Tom Apodaca	Nancy Pulley	733-5745	1127	38
Ellie Kinnaird	Kathie Young	733-5804	2115	7
Keith Presnell	Rhonda Todd	733-3460	2111	37
Tony Rand	Evelyn Costello	733-9892	300 C	2

Bill	Short Title		Date	Latest Action
$ H 18	**CUMBERLAND MAGISTRATE FUNDS.**	**H**	**01-31-2005**	**Ref To Com On Appropriations Subcommittee on Justice and Public Safety**
$ H 385	**ALAMANCE ADA FUNDS.**	**H**	**02-24-2005**	**Ref To Com On Appropriations Subcommittee on Justice and Public Safety**
$ H 394	**DISTRICT 18 JUDICIAL PERSONNEL FUNDS.**	**H**	**02-28-2005**	**Ref To Com On Appropriations Subcommittee on Justice and Public Safety**
$ H 459	**PERSON/CASWELL ADA FUNDS.**	**H**	**03-03-2005**	**Ref To Com On Appropriations Subcommittee on Justice and Public Safety**
H 479	STUDY MAGISTRATES' RETIREMENT.	H	03-07-2005	Ref To Com On Appropriations Subcommittee on Justice and Public Safety
$ H 548=	**BOYS AND GIRLS CLUB FUNDS.**	**H**	**03-10-2005**	**Ref To Com On Appropriations Subcommittee on Justice and Public Safety**
$ H 568	**ADD'L SUPERIOR COURT JUDGE/DIST. 20B/FUNDS.**	**H**	**03-10-2005**	**Ref To Com On Appropriations Subcommittee on Justice and Public Safety**
$ H 590	**PENDER ASSIST. CLERK FUNDS.**	**H**	**03-10-2005**	**Ref To Com On Appropriations Subcommittee on Justice and Public Safety**
$ H 620	**FUNDS FOR ALE AGENTS.**	**H**	**03-14-2005**	**Ref To Com On Appropriations Subcommittee on Justice and Public Safety**
H 633	ELECTRONIC COURT FILING.-AB	H	04-06-2005	Re-ref Com On Appropriations Subcommittee on Justice and Public Safety
$ H 975=	**ADD'L DISTRICT CT JUDGES/DISTRICT 10/FUNDS.**	**H**	**03-29-2005**	**Ref To Com On Appropriations Subcommittee on Justice and Public Safety**
$ H1066	**DURHAM JUDICIAL PERSONNEL FUNDS.**	**H**	**03-31-2005**	**Ref To Com On Appropriations Subcommittee on Justice and Public Safety**
$ H1276	**ORANGE DEPUTY CLERK FUNDS.**	**H**	**04-19-2005**	**Ref To Com On Appropriations Subcommittee on Justice and Public Safety**
$ H1321	**ADD'L DISTRICT CT JUDGE/DISTRICT 15B/FUNDS.**	**H**	**04-20-2005**	**Ref To Com On Appropriations Subcommittee on Justice and Public Safety**

'$' indicates the bill is an appropriations bill.
A bold line indicates the bill is an appropriations bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY

March 1, 2005, 2:00 p.m.
Room 415

HOUSE MEMBERS PRESENT: (7) Representatives Phil Haire, Joe Kiser, Ron Sutton, Phillip Frye, Melanie Goodwin, Carolyn Justus, and Paul Miller.

SENATE MEMBERS PRESENT: (7) Senators Scott Thomas, John Snow, Stan Bingham, Tom Apodaca, Ellie Kinnaird, Keith Presnell, and Tony Rand.

A Visitors Registration Sheet is attached and made part of these minutes.

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday, March 1, 2005, in Room 415 of the Legislative Office Building. Representative Phil Haire called the meeting to order at 2:05 p.m. and introduced the House and Senate Pages. House Sergeant at Arms were Frank Prevo and Jim Womack. Senate Sergeant at Arms were Mary Perry and Charles Marslais.

Rep. Haire recognized Ms. Denise Thomas, Fiscal Research Staff who presented Handout #1 – JPS Agency Budget Proposals as well as Handout #2 – JPS Section of the NC State Budget. Mr. Jim Mills, Fiscal Research Staff then presented Handout #3 – Department of Correction Budget Summary.

Rep. Haire then introduced Mr. Theodis Beck, Secretary of the North Carolina Department of Correction who gave a detailed report of the Department of Correction Programs and Budget –Handout #3.

- Budget Summary – State Appropriations
- Major Changes in 2003-2005 Budget by General Assembly
- Major Issues for the 2005-2007 Biennium
- Budget Summary – State Appropriations
- Major Changes in 2003-2005 Budget by General Assembly
- Major Issues for the 2—5-2007 Bienium

Rep. Haire adjourned the meeting at 3:30 p.m.

Respectfully submitted,

Representative Phil Haire
Chair

Sara Jane Lennard
Committee Assistant

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES		March 1 8:00	March 10 8:30	March 30 8:30	March 30 2:00										
HOUSE															
Rep. Phil Haire, CHAIR		✓	✓	✓	✓										
Rep. Joe Kiser, CHAIR		✓	✓	✓	✓										
Rep. Karen Ray, VICE CHAIR			✓		✓										
Rep. Ron Sutton, VICE CHAIR		✓	✓	✓	✓										
Rep. Phillip Frye		✓		✓	✓										
Rep. Melanie Goodwin		✓	✓	✓	✓										
Rep. John Hall															
Rep. Carolyn Justus		✓	✓	✓	✓										
Rep. Paul Miller		✓													
SENATE															
Sen. Scott Thomas, CHAIR		✓	✓		✓										
Sen. John Snow, VICE- CHAIR		✓	✓	✓	✓										
Sen. Stan Bingham, RANKING MINORITY MEMBER		✓	✓	✓	✓										
Sen. Tom Apodaca		✓	✓	✓											
Sen. Ellie Kinnaird		✓	✓	✓	✓										
Sen. Keith Presnell		✓	✓	✓	✓										
Sen. Tony Rand		✓		✓	✓										

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 1, 2005 2:00 P.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas

Representative Phillip Haire, Presiding
Representative Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Overview of JPS Agency Budgets

Denise Thomas
Jim Mills
Fiscal Research Staff

Presentation of Department of Correction Programs and Budget

Theodis Beck, Secretary

III. OTHER BUSINESS

IV FUTURE MEETINGS

March 2 8:30 AM Crime Control and Judicial Budgets
March 3 8:30 AM Departments of Justice and Juvenile Justice

Next Week
No meeting Tuesday March 8 Special Session;
Joint JPS Meeting Wed. March 9 at 8:30 AM

Joint JPS/DOT Meeting **MARCH 9 AT 2PM** (Viper and Highway Patrol Expansion Budget requests)

V. ADJOURNMENT

VISITOR REGISTRATION SHEET

APPROPRIATIONS-JUSTICE AND PUBLIC SAFETY — 3/1/05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Wilson	NCATL
Anne Dixon	Attorney
Theodis Beck	DOC
Tracy Little	DOC
James Klopman	GCC
Melissa Lovell	DOJ
Greg Hall	ASC
S. Katzenelson	Sentencing Com.
Ginny Hevener	Sentencing Comm.
Ron Aycock	County Com Assoc
Patrice Reeves	NCACC

VISITOR REGISTRATION SHEET

APPROPRIATIONS-JUSTICE AND PUBLIC SAFETY 2/1/05

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jim Nowell	IDS
Byron K. Harris	OSBM
Doug Hilton	NCBA
Michelle Frazier	NCBA
Lou Russell	Justice Policy Center
Lee Hecht	NCCLH
Rebecca Troutman	NCACC
John McHugh	Governor's

Justice and Public Safety Agency Budget Proposals
FY 2005-06

Agency	Certified Budget FY 2004-05	FY 2005-06 Recommended Continuation Budget	FY 2005-06 Reduction	FY 2005-06 Expansion	FY 2005-06 Governor's Recommended Budget
Correction	948,637,385	1,045,627,365	0	902,000	1,046,529,365
Judicial-AOC	318,241,612	342,043,618	0	5,550,000	347,593,618
Judicial- OIDS	82,019,451	96,688,190	0	0	96,688,190
Justice	72,213,779	78,155,004	0	499,229	78,654,233
Juvenile Justice	132,319,567	139,857,825	0	1,750,780	141,608,605
Crime Control	32,051,638	34,086,632	0	1,622,000	35,708,632
Total JPS	**1,585,483,432**	**1,736,458,634**	**0**	**10,324,009**	**1,746,782,643**

March 1, 2005
Handout # 1

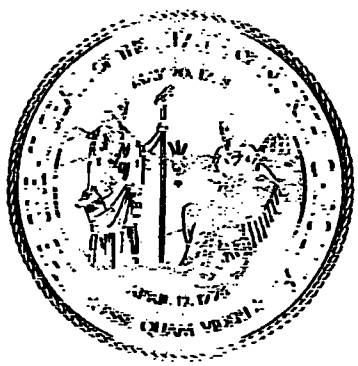
Justice and Public Safety Agency Budget Proposals
FY 2005-06

Agency	Certified Budget FY 2004-05	FY 2005-06 Recommended Continuation Budget	FY 2005-06 Reduction	FY 2005-06 Expansion	FY 2005-06 Governor's Recommended Budget
Correction	948,637,385	1,045,627,365	0	902,000	1,046,529,365
Judicial-AOC	318,241,612	342,043,618	0	5,550,000	347,593,618
Judicial- OIDS	82,019,451	96,688,190	0	0	96,688,190
Justice	72,213,779	78,155,004	0	499,229	78,654,233
Juvenile Justice	132,319,567	139,857,825	0	1,750,780	141,608,605
Crime Control	32,051,638	34,086,632	0	1,622,000	35,708,632
Total JPS	**1,585,483,432**	**1,736,458,634**	**0**	**10,324,009**	**1,746,782,643**

March 1, 2005
Handout # 1

March 1, 2005
J Pol Section of
Budget
Handout # 2

State of
North Carolina



North Carolina
State Budget
2005-2007

Summary of Recommendations

Michael F. Easley
Governor

Judicial Branch (12000)

Recommended Budget and Positions

	2005-06	2006-07
Budget		
Worksheet I Continuation	$342,043,618	$345,843,618
Reductions	-	-
Expansion	$5,550,000	$4,500,000
RECOMMENDED BUDGET	$347,593,618	$350,343,618
Positions		
Worksheet I Continuation	5,269.430	5,269.430
Reductions	-	-
Expansion	67.000	67.000
RECOMMENDED POSITIONS	5,336.430	5,336.430

Appropriation Items -- Recommended Adjustments

Expansion

2005-06 2006-07

Equipment and Supply

1. **Critical Equipment Needs**

The Governor recommends funds for the replacement of outdated office and data processing equipment not covered in the continuation budget recommendations for the Judicial Branch.

Appropriation - Nonrecurring $1,500,000

District Court

1. **District Attorneys**

The Governor recommends the creation of forty-five (45) assistant district attorney positions and the addition of twenty-two (22) victim-witness/legal assistant positions to support these new prosecutors, effective October 1, 2005. This recommendation reflects the need to respond to the continued growth in the criminal workload of the General Court of Justice and the increased pressures on prosecutors related to open discovery and new drug related criminal penalty legislation. It also reflects a commitment to helping prosecutors replace key staff that have been supported by federal and other grants but where grant funding is ending. These staff have been working in the areas of sexual assault, gang and

firearm related prosecution, as well as substantial work on domestic violence cases.

Appropriation	**$3,750,000**	**$4,500,000**
Appropriation - Nonrecurring	**$300,000**	
Number of Positions	**67.000**	**67.000**

Total Recommended Expansion

	2005-06	2006-07
Recurring		
Requirements	$3,750,000	$4,500,000
Receipts	-	-
Appropriation	$3,750,000	$4,500,000
Number of Positions	67.000	67.000
Nonrecurring		
Requirements	$1,800,000	-
Receipts	-	-
Appropriation	$1,800,000	-
Number of Positions	-	-

Total Recommended Adjustments for Judicial Branch 2005-07

	2005-06	2006-07
Recurring		
Requirements	$3,750,000	$4,500,000
Receipts	-	-
Appropriation	$3,750,000	$4,500,000
Number of Positions	67.000	67.000
Nonrecurring		
Requirements	$1,800,000	-
Receipts	-	-
Appropriation	$1,800,000	-
Number of Positions	-	-
Total Budget Adjustments	$5,550,000	$4,500,000
Total Position Adjustments	67.000	67.000

Judicial Branch - Indigent Defense (12001)

Recommended Budget and Positions

	2005-06	2006-07
Budget		
Worksheet I Continuation	$96,688,190	$91,688,190
Reductions	-	-
Expansion	-	-
RECOMMENDED BUDGET	$96,688,190	$91,688,190
Positions		
Worksheet I Continuation	305.000	305.000
Reductions	-	-
Expansion	-	-
RECOMMENDED POSITIONS	305.000	305.000

Department of Justice (13600)

Recommended Budget and Positions

	2005-06	2006-07
Budget		
Worksheet I Continuation	$78,155,004	$78,855,004
Reductions	-	-
Expansion	$499,229	$767,979
RECOMMENDED BUDGET	$78,654,233	$79,622,983
Positions		
Worksheet I Continuation	1,242.240	1,242.240
Reductions	-	-
Expansion	17.000	17.000
RECOMMENDED POSITIONS	1,259.240	1,259.240

Appropriation Items -- Recommended Adjustments

Expansion

	2005-06	2006-07
Law Enforcement - SBI		
1. **Computer Crimes Unit Positions**		
The Governor recommends funding for 2 additional positions for the Computer Crimes Unit; one (1) Computer Crimes Agent/Criminal Specialist and one (1) sworn Forensic Computer Analyst. These positions would conduct computer examinations resulting from the growing number of child exploitation and child predator cases investigated by the State Bureau of Investigation and local law enforcement. These positions would become effective on January 1, 2006.		
Requirements	**$56,770**	**$100,677**
Requirements - Nonrecurring	**$63,771**	
Receipts - Nonrecurring	**$52,027**	**-**
Appropriation	**$68,514**	**$100,677**
Number of Positions	**2.000**	**2.000**

2. **State Bureau of Investigation Methamphetamine Response Team**

The Governor recommends funding for eight (8) positions for the SBI's Methamphetamine Response Team; four (4) sworn Drug Chemists and two (2) non-sworn Drug Chemistry Technicians. Additional trained responders to assist in methamphetamine responses will provide improved geographical response across the state.

Requirements	**$357,460**	**$365,820**
Receipts	**$93,360**	
Appropriation	**$264,100**	**$365,820**
Number of Positions	**8.000**	**8.000**

State Bureau of Investigation Laboratory

1. **Expand Utilization of DNA Evidence**

The Governor recommends additional funding for the plan to expand the crime lab's ability to effectively process DNA evidence. This recommendation includes funding for 6 Geneticists, 1 Evidence Technician, and related travel, equipment and supply funding. The analyst positions would be non-sworn positions effective January 1, 2006.

Requirements	**$206,798**	**$364,093**
Requirements - Nonrecurring	**$623,300**	
Receipts	**$62,611**	**$62,611**
Receipts - Nonrecurring	**$600,872**	
Appropriation	**$166,615**	**$301,482**
Number of Positions	**7.000**	**7.000**

Total Recommended Expansion

	2005-06	2006-07
Recurring		
Requirements	$621,028	$830,590
Receipts	155,971	62,611
Appropriation	$465,057	$767,979
Number of Positions	17.000	17.000
Nonrecurring		
Requirements	$687,071	-
Receipts	652,899	-
Appropriation	$34,172	-
Number of Positions	-	-

Total Recommended Adjustments for Department of Justice 2005-07

	2005-06	2006-07
Recurring		
Requirements	$621,028	$830,590
Receipts	155,971	62,611
Appropriation	$465,057	$767,979
Number of Positions	17.000	17.000
Nonrecurring		
Requirements	$687,071	-
Receipts	652,899	-
Appropriation	$34,172	-
Number of Positions	-	-
Total Budget Adjustments	$499,229	$767,979
Total Position Adjustments	17.000	17.000

Department of Juvenile Justice and Delinquency Prevention (14060)

Recommended Budget and Positions

	2005-06	2006-07
Budget		
Worksheet I Continuation	$139,857,825	$140,157,825
Reductions	-	-
Expansion	$1,750,780	$2,000,780
RECOMMENDED BUDGET	$141,608,605	$142,158,605
Positions		
Worksheet I Continuation	1,918.500	1,918.500
Reductions	-	-
Expansion	-	45.500
RECOMMENDED POSITIONS	1,918.500	1,964.000

Appropriation Items -- Recommended Adjustments

Expansion

	2005-06	2006-07
Special Initiatives		
1. **Additional Eckerd Bed Purchases**		
The Governor recommends funding to increase the number of Eckerd Beds under contract for placement of committed youths from 322 per day to 336 per day. The Eckerd Wilderness Education System is a year-round, residential wilderness camp treatment program that addresses the individual needs of adolescents, over half of whom are direct referral from juvenile court services.		
Appropriation	**$500,780**	**$500,780**

Youth Development Centers

1. **Transition - Youth Development Staff and Training**

As part of the department's transition to a more therapeutic approach in working with juveniles, the Governor recommends funding to implement Phase I of the new staffing configuration for two "Demonstration" projects at Stonewall Jackson and Samarkand Youth Development facilities. The funding for Phase I is for reallocation of existing positions. In addition, the Governor is recommending funding for the establishment of 45.5 positions, effective January 1, 2006, to

continue the implementation of Phase II of the new Youth Development Treatment implementation program.

Appropriation	**$750,000**	**$1,000,000**
Number of Positions	**-**	**45.500**

Intervention/Prevention Services

1. **Juvenile Crime Prevention Councils - Expansion of Community Services**

In order to increase the availability of diversion and disposition resources proven to be effective in reducing recidivism, the Governor recommends funding to provide additional community services through the Juvenile Crime and Prevention Councils.

Appropriation	**$500,000**	**$500,000**

Total Recommended Expansion

	2005-06	2006-07
Recurring		
Requirements	$1,750,780	$2,000,780
Receipts	-	-
Appropriation	$1,750,780	$2,000,780
Number of Positions	-	45.500
Nonrecurring		
Requirements	-	-
Receipts	-	-
Appropriation	-	-
Number of Positions	-	-

Total Recommended Adjustments for Department of Juvenile Justice and Delinquency Prevention 2005-07

	2005-06	2006-07
Recurring		
Requirements	$1,750,780	$2,000,780
Receipts	-	-
Appropriation	$1,750,780	$2,000,780
Number of Positions	-	45.500
Nonrecurring		
Requirements	-	-
Receipts	-	-
Appropriation	-	-
Number of Positions	-	-
Total Budget Adjustments	$1,750,780	$2,000,780
Total Position Adjustments	-	45.500

Department of Correction (14500)

Recommended Budget and Positions

	2005-06	2006-07
Budget		
Worksheet I Continuation	$1,045,627,365	$1,060,627,365
Reductions	-	-
Expansion	$902,000	$1,191,851
RECOMMENDED BUDGET	$1,046,529,365	$1,061,819,216
Positions		
Worksheet I Continuation	20,367.500	20,388.500
Reductions	-	-
Expansion	31.000	31.000
RECOMMENDED POSITIONS	20,398.500	20,419.500

Appropriation Items -- Recommended Adjustments

Expansion

	2005-06	2006-07

Prison Health Services

1. **Increase Health Services Staff**

The Governor recommends funding for Nurse Extender positions and Licensed Practical Nurses (LPN's) to allow nurses to focus more on higher level clinical duties and for Medical Records Clerk positions to do data entry of vital healthcare data to assist in cost containment efforts. Fourteen (14) LPN positions are effective November 1, 2005; ten (10) Medical Records Asst. III positions are effective November 1, 2005; and ten (10) are effective January 1, 2006.

Appropriation	**$425,434**	**$700,000**
Appropriation - Nonrecurring	**$74,566**	
Number of Positions	**24.000**	**24.000**

Department Management

1. **Safety Positions**

The Governor recommends funding for additional safety positions, which will allow the department's Safety Office to more effectively comply with workplace safety and health requirements, including annual inspections of all facilities,

training, technical assistance and adherence to safety regulations and standards. The five (5) positions are effective November 1, 2005.

Appropriation	**$161,624**	**$241,851**
Appropriation - Nonrecurring	**$30,376**	
Number of Positions	**5.000**	**5.000**

2. **Internet Technology Security**

The Governor recommends funding for four additional IT Security positions to help secure, monitor, and improve the IT infrastructure. Funding will include firewalls to protect the department from outside threats, and intrusion detection systems software. Included in this recommendation are two (2) Telecom Engineer positions, effective February 1, 2006.

Appropriation	**$147,385**	**$250,000**
Appropriation - Nonrecurring	**$62,615**	
Number of Positions	**2.000**	**2.000**

Total Recommended Expansion

	2005-06	2006-07
Recurring		
Requirements	$734,443	$1,191,851
Receipts	-	-
Appropriation	$734,443	$1,191,851
Number of Positions	31.000	31.000
Nonrecurring		
Requirements	$167,557	-
Receipts	-	-
Appropriation	$167,557	-
Number of Positions	-	-

Total Recommended Adjustments for Department of Correction 2005-07

	2005-06	2006-07
Recurring		
Requirements	$734,443	$1,191,851
Receipts	-	-
Appropriation	$734,443	$1,191,851
Number of Positions	31.000	31.000
Nonrecurring		
Requirements	$167,557	-
Receipts	-	-
Appropriation	$167,557	-
Number of Positions	-	-
Total Budget Adjustments	$902,000	$1,191,851
Total Position Adjustments	31.000	31.000

Department of Crime Control and Public Safety (14900)

Recommended Budget and Positions

	2005-06	2006-07
Budget		
Worksheet I Continuation	$34,086,632	$34,186,632
Reductions	-	-
Expansion	$1,622,000	$2,133,313
RECOMMENDED BUDGET	$35,708,632	$36,319,945
Positions		
Worksheet I Continuation	483.500	483.500
Reductions	-	-
Expansion	6.000	6.000
RECOMMENDED POSITIONS	489.500	489.500

Appropriation Items -- Recommended Adjustments

Expansion

		2005-06	2006-07
National Guard			
1. **Operation ROTC**			
When soldiers are deployed overseas, many families become temporarily single-parent households and are faced with new demands. The Governor recommends funding for Operation ROTC (Reaching out to Children) which provides financial assistance for extended daycare for military dependents and is distributed through the Family Services Support Centers at the bases.			
	Appropriation	**$500,000**	**$500,000**
Victim Compensation Services			
1. **Victims Compensation Funds and Staff**			
Funding is recommended by the Governor to address the continuing backlog in victim compensation claims due to insufficient funding and shortage of staff to properly investigate and examine claims received. This recommendation includes the addition of one (1) Investigator position, and one (1) Claims Examiner position for a total cost of $86,288. The additional funds for payment of claims is $1,462,000 for fiscal year 2005-2006 and $2,262,000 for fiscal year 2006-2007.			

Requirements	**$1,548,228**	**$2,348,228**
Receipts	**$548,228**	**$848,228**
Appropriation	**$1,000,000**	**$1,500,000**
Number of Positions	**2.000**	**2.000**

Adjutant General's Office

1. **Staffing for New Fort Bragg Facility**

In order to provide staffing for facility management, maintenance, grounds keeping and housekeeping for the new $21 million facility for the 139th Training Regiment (Combat Arms) of the North Carolina National Guard, the Governor recommends funding for one (1) Facility Maintenance Manager, one (1) Maintenance Mechanic III, one (1) Groundskeeper, and one (1) Housekeeper to maintain this building. These positions will be effective October 1, 2005.

Appropriation	**$122,000**	**$133,313**
Number of Positions	**4.000**	**4.000**

Total Recommended Expansion

	2005-06	2006-07
Recurring		
Requirements	$2,170,228	$2,981,541
Receipts	548,228	848,228
Appropriation	$1,622,000	$2,133,313
Number of Positions	6.000	6.000
Nonrecurring		
Requirements	-	-
Receipts	-	-
Appropriation	-	-
Number of Positions	-	-

Total Recommended Adjustments for Department of Crime Control and Public Safety 2005-07

	2005-06	2006-07
Recurring		
Requirements	$2,170,228	$2,981,541
Receipts	548,228	848,228
Appropriation	$1,622,000	$2,133,313
Number of Positions	6.000	6.000
Nonrecurring		
Requirements	-	-
Receipts	-	-
Appropriation	-	-
Number of Positions	-	-
Total Budget Adjustments	$1,622,000	$2,133,313
Total Position Adjustments	6.000	6.000

Handout # 3

DEPARTMENT OF CORRECTION BUDGET SUMMARY

Budget Summary—State Appropriations

	2003-04	Original 2004-05*	Revised 2004-05
Certified Budget	$940,246,590	$$959,947,282	$948,637,385
Actual Expenditures	$947,136,570	NA	NA
# Employees	19,389	19,308.5	19,502.5

Original certified budget was passed in 2003 and revised in 2004

2004-05 Certified Budget by Major Functional Areas

Program	Budget*	% of Total
Prisons	$810,772,587	82%
Community Corrections	126,720,028	13%
Substance Abuse Treatment	12,116,414	<1%
Parole/PR Commission	1,363,783	<1%
Dept. Mgmnt	39,659,647	4%

2004-05 Certified Budget by Purpose

- *70%* Salaries and Benefits ($687.5 million)
- *14%* Purchased Services ($135.7 million) including rent of buildings and vehicles, data processing services, hospital costs for inmates, and payments for jail misdemeanants
- 8% Supplies ($79.9 million) including inmate food, clothing and pharmaceuticals.

Major Changes in 2003-05 Budget by General Assembly

Prisons

- Established negative reserves, or one time cuts for each year of biennium -- $10.7 million in 04 and $13.2 million in 05.
- Cut overtime budget by $3.3 million to match actual and projected usage.
- Expanded DNA collection to include all convicted felons
- Funded 1,086 new prison beds by double celling at Mt. View and making system-wide temporary beds permanent. Cost was approximately $2.8 million in 04-05 with annualized cost of approximately $3.7 million in 05-06
- Funded startup funds for new prisons – Maury and Bertie, and Warren expansion
- Reduced line item budgets in most sections

Community Corrections

- Reduced overtime by $610,000 to more closely reflect actual expenditures
- Reduced other operating budget line items by $300,000
- Expanded local programs: added another county to the Criminal Justice Partnership Program ($76,000 annualized) and increased pass-through funding to Women At Risk program by $25,000.

Major Issues for the 2005-07 Biennium

- Fund operating costs of 1,000 bed prisons in Maury and Bertie due to come on line in 2005-06.
- Determine policy options for handling short and long-term shortage of prison beds. Shortage will be at least 1000 beds until 2009 when population will exceed capacity by close to 2000 beds. Options for discussion include: *building new beds; identifying bed capacity in existing prisons; considering alternatives for reducing population through changes in Sentencing Act; and revisiting parole policies.*
- Review results of system-wide "audit" of DOC security staff needs as recommended by National Institute of Corrections and General Assembly.
- Inmate medical budget is experiencing increased costs primarily due to volume of inmates and increase rates and usage of private hospitals. DOC "hospitals" are old and out of date. Estimated capital costs of $165 million to replace/expand Women's Prison and Central Prison
- Review probation/parole caseloads, staffing, and available sanctions
- Review Criminal Justice Partnership Program changes, funding, and effectiveness
- Review the Post-Release Supervision and Parole Commission's responsibility in administering post-release supervision.

Handout # 3

DEPARTMENT OF CORRECTION BUDGET SUMMARY

Budget Summary—State Appropriations

	2003-04	Original 2004-05*	Revised 2004-05
Certified Budget	$940,246,590	$$959,947,282	$948,637,385
Actual Expenditures	$947,136,570	NA	NA
# Employees	19,389	19,308.5	19,502.5

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- Review the Post-Release Supervision and Parole Commission's responsibility in administering post-release supervision.

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Monday, March 2, 2005
Room 415 LOB
8:30 a.m.

The Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Monday, March 2, 2005 in Room 415, LOB. Six members of the Senate Subcommittee attended along with Representatives Haire, Frye, Goodwin, Sutton, and Miller. Senator Scott Thomas presided.

Senator Thomas called the meeting to order and welcomed the Pages, staff, and visitors.

Denise Thomas, Fiscal Research Staff, presented the budget summary for the General Fund of the Department of Crime Control and Public Safety.

Bryan Beatty, Secretary of the Department of Crime Control and Public Safety presented an overall view of the Department of Crime Control and Public citing the different divisions and the other sources of income for those divisions.

Judge Ralph Walker, Administrative Officer of the Courts presented to the committee the 2005-07 Expansion Budget Requirements for the North Carolina Judicial Branch.

The meeting adjourned at 10:00 a.m.

Scott Thomas

Senator Scott Thomas, Co-Chair

Vickie Spears

Vickie Spears, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 2, 2005 8:30 A.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas, Presiding

Representative Phillip Haire
Representative Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Presentation of Crime Control and Public Safety Programs, Issues, and Budget

Denise Thomas, Fiscal Research

Bryan Beatty, Secretary

Presentation of Judicial Branch Programs and Budget

Judge Ralph Walker
Administrative Officer of the Courts

III. OTHER BUSINESS

IV FUTURE MEETINGS

March 3 8:30 AM Departments of Justice and Juvenile Justice

Next Week
No meeting Tuesday March 8 Special Session
Joint JPS Meeting Wed. March 9 at 8:30 AM

Joint JPS/DOT Meeting **MARCH 9 AT 2PM** (Viper and Highway Patrol Expansion Budget requests)

V. ADJOURNMENT

3-2-05

House Pages

1. Name: Casey Horne
   County: Columbus
   Sponsor: Hill

2. Name:
   County:
   Sponsor:

3. Name:
   County:
   Sponsor:

4. Name: Amanda Eubanks - SENATE
   County: Carteret
   Sponsor: Senator Thomas

5. Name: Ben Abele
   County: Caswell
   Sponsor: Senator Webster

HOUSE Sgt-At-Arms

1. Name: Jim Womack
2. Name: Frank Prevo
3. Name:
4. Name:

SENATE

Mary Penny

Charles Marsalis

Attachment # 1

CRIME CONTROL AND PUBLIC SAFETY

Budget Summary—State Appropriations

	2003-04	Original 2004-05	Revised 2004-05
Certified Budget	$28,744,326	$28,139,010	$32,051,638
Actual Expenditures	$34,790,125	NA	NA
# Employees	557.0	517.0	522.0

2004-05 Budget by Major Functional Areas

Program	Budget*	% of Total
Administration	$ 1,408,265	4.4%
National Guard	$ 10,080,718	31.5%
Civil Air Patrol	$ 119,151	0.4%
Butner Public Safety	$ 2,670,730	8.3%
ALE	$ 7,626,674	23.8%
Emergency Mgmt	$ 2,476,715	7.7%
Victims' & Justice Ser.	$ 6,859,136	21.4%
Crime Commission	$ 810,248	2.5%

* Net of receipts, Highway Patrol's budget is receipt-based, no g.f.

2004-05 Budget by Purpose

- 50% of budget is for are salary/benefits cost ($25.6 million)
- 25% of budget is for aid and public assistance ($12.3 million)
- 13% of budget supports purchased services ($6.6 million)

Major Actions during 2003 General Assembly Session

- Provided $1.5 million NR for armory construction, maintenance, and repair.

- Accepted the Governor's recommendation to reduce Crime Victims' compensation budget by $400,000 R. Then provided one-time expansion of $2.5 million NR in the following year.
  - Capped the medical reimbursement rate to allow the program to assist more victims

- Provided $250,000 NR for emergency financial assistance to families of National Guard members. This amount was intended to provide

assistance until enough revenue is generated from the sale of "In God We Trust" license plates.

- Eliminated the NC Boxing Commission and transferred the authority to regulate boxing to the ALE Division.

- Expanded the arrest authority of Motor Carrier Enforcement Officers to equal that of State Troopers (SL 2004-148)

Issues for the 2005-07 Biennium

- The potential reduction or elimination of federal block grant funds available to the Governor's Crime Commission to award to local law enforcement and community agencies.

- Voice Communications - The CJIN Board and the State Highway Patrol have submitted a report to the legislature outlining the plan and cost to construct an 800-megahertz radio system, which will enable state, county, and local agencies to communicate during emergencies and disasters. The estimated cost to complete the system is around $155 million NR and another $12 million R for annual operating costs. No state funds are currently appropriated for this purpose. The report includes several funding options, which would include a general fund appropriation, Highway Fund appropriation, and/or debt financing.

- Demand for crime victims' compensation funds continues to rise

- Additional state and federal funding needed to complete floodplain maps for the western part of the State.

- Lack of permanently established state programs to assist individuals and businesses that suffer damages/loss from natural disasters. Such assistance includes housing repairs and replacement; business loans, private roads and bridge repairs., etc.

INCREASED JURY FEES Currently $12 per day, $30 6th day onward. Increases this amount to $20 per day for days 2-5, $40 per day for the 6th day onward and increases the grand juror rate from $12 to $20.	$973,833 $0 $973,833	$973,833 $0 $973,833	R NR
NEW COURT OF APPEALS PERSONNEL Add 2 Appellate Clerks I to help cope with the increase in the Court's workload.	$88,198 $13,766 $101,964 2.00	$88,838 $0 $88,838 2.00	R NR FTE
JUDICIAL STANDARDS COMMISSION EXPANSION Add 2 staff and increase the Commission from 7 to 13 members *Attorney, Investigator effective Jan 1, 2006*	$84,220 $15,655 $99,875 2.00	$168,174 $0 $168,174 2.00	R NR FTE
BUSINESS COURT EXPANSION Guilford County - Upgrades needed to become primary data collection and case distribution point for the expansion to a total of three (3) Business Courts	$55,580 $62,937 $118,517	$65,660 $0 $65,660	R NR
BUSINESS COURT EXPANSION Establishing Mecklenburg County site	$76,632 $169,995 $246,627 2.00	$126,194 $0 $126,194 2.00	R NR FTE
BUSINESS COURT EXPANSION Establishing Wake County/Triangle site	$140,632 $298,195 $438,827 2.00	$208,194 $0 $208,194 2.00	R NR FTE
FULLY FUND INTERPRETER FEE PAYMENTS Based on reductions to the Continuation Budget, the current allocation for interpreter fees is now $1.02 million of the $1.8 million in the predicted annual cost.	$775,000 $0 $775,000	$775,000 $0 $775,000	R NR
INCREASE EMERGENCY JUDGE RATE Increase the daily rate paid to emergency judges from $300 to $400. *Rate was last changed in 1998.*	$700,710 $0 $700,710	$700,710 $0 $700,710	R NR
TELEPHONE SYSTEMS FOR NEW COURTHOUSES Includes LAN improvements required in Mecklenburg (05-06); Clay and Cabarrus (06-07)	$0 $1,504,138 $1,504,138	$0 $210,000 $210,000	R NR
REPLACEMENT OF OLD TELEPHONE SYSTEMS Replace or upgrade old telephone systems within the General Court of Justice on a consistent basis.	$2,350,000 $0 $2,350,000	$2,350,000 $0 $2,350,000	R NR
JUDICIAL SUPPORT STAFF POSITION INCREASES Provide support staff for the seven (7) new judgeships created in 2004-2005. *4 ADA, 10 clerks, 4 JA*	$800,016 $59,216 $859,232 18.00	$804,078 $0 $804,078 18.00	R NR FTE
EXTRA LONGEVITY STEPS FOR JUDICIAL OFFICIALS *25 YR/30 YR; affects 13 Superior Ct Judges, 10 Dist Ct, 12 DA, 25 ADA, 21 CSC*	$615,567 $0 $615,567	$615,567 $0 $615,567	R NR
GRAND TOTAL RECURRING: **GRAND TOTAL NON-RECURRING:** **GRAND TOTAL REQUEST:** **GRAND TOTAL NUMBER OF POSITIONS:**	$28,835,252 $9,147,501 $37,982,753 283.25	$28,998,743 $277,500 $29,276,243 283.25	R NR FTE

KEY: R = RECURRING NR = NON-RECURRING FTE = FULL TIME EQUIVALENT

THE NORTH CAROLINA JUDICIAL BRANCH
2005-07 EXPANSION BUDGET REQUIREMENTS

DESCRIPTION	2005-06	2006-07	
NEW PROSECUTORS & SUPPORT STAFF	$7,496,790	$7,551,927	R
New assistant district attorneys (75) and prosecutorial support	$489,312	$0	NR
staff (39) that the Judicial Branch and Conference of District	$7,986,102	$7,551,927	
Attorneys propose as essential for effective operations.	114.00	114.00	FTE
Includes picking up grant funded positions.			
Governor recommends 45 ADA and 22 VWLA , Oct 1, $4.5M annualized			
CRITICAL DEPARTMENT EQUIPMENT NEEDS	$1,246,007	$1,689,729	R
Provide for the replacement of tech and office equipment not	$2,500,000	$0	NR
covered in the 2005-07 Continuation Budget. This amount allows	$3,746,007	$1,689,729	
us to replace technology equipment at leat 5 years old and			
to continue replacing audio machines in District Court			
Governor recommends $1.5 Million			
ADDITIONAL DEPUTY CLERK PERSONNEL	$2,012,760	$2,029,680	R
60 new deputy clerk positions that are essential to the effective	$154,680	$0	NR
operation of the General Court of Justice	$2,167,440	$2,029,680	
	60.00	60.00	FTE
CRITICAL TECHNOLOGY INITIATIVES	$5,640,715	$4,766,568	R
Funds needed for several critical technology projects & initiatives.	$1,686,765	$67,500	NR
eCitation, Casewise, Jwise, NCAWARE, eCourtroom including	$7,327,480	$4,834,068	
development of electronic payment options, judgment abstracting,	28.00	28.00	FTE
portions of the criminal system			
EXPANSION OF CUSTODY MEDIATION PROGRAM	$532,371	$528,803	R
Expand coverage to the last 11 outstanding Judicial Districts.	$33,026	$0	NR
G.S. 7A-494(a) requires statewide implementation.	$565,397	$528,803	
Staff is 7 mediators (all part-time) and .75 Secretary positions	7.75	7.75	FTE
FAMILY COURT PROGRAM EXPANSION	$816,359	$820,539	R
Expands the current Family Court Program	$75,215	$0	NR
into three (3) new Judicial Districts. *Cost based on one*	$891,574	$820,539	
urban district, 1 multi-county rural district, 1 mid-sized district	14.00	14.00	FTE
NEW GUARDIAN AD LITEM DISTRICT STAFF	$673,231	$676,075	R
Requested for the GAL Programs based on workload priorities.	$36,342	$0	NR
Staffing was last increased in 2000-01	$709,573	$676,075	
	12.00	12.00	
OPEN FILE DISCOVERY PROJECT---TSD	$1,200,000	$1,500,000	R
Track evidence to ensure proper disclosure as required by law.	$1,987,000	$0	NR
New hardware, new software, and cost of integration into existing	$3,187,000	$1,500,000	
DA/PD Case Management System for an imaging and a	2.00	2.00	FTE
document retrieval/management system			
STATE FUNDING FOR GRANT-SUPPORTED DTCs	$2,204,608	$2,204,608	R
Covers 9 Drug Treatment Courts (DTCs) plus support staff.	$9,682	$0	NR
Section 14.2B of S.L. 2004-124 requires that the AOC	$2,214,290	$2,204,608	
develop a plan for the continuation of non-State funded DTCs.	15.50	15.50	FTE
This includes 2 Juvenile and 1 Family program.			
INNOCENCE CLAIM REVIEW COMMISSION & STAFF	$352,023	$354,566	R
This request will establish a permanent Innocence Claim	$51,577	$0	NR
Commission and staff as requested by the Chief Justice.	$403,600	$354,566	
	4.00	4.00	FTE

KEY: R = RECURRING NR = NON-RECURRING FTE = FULL TIME EQUIVALENT

3-2-05

VISITOR REGISTRATION SHEET

3-2-05

Name of Committee | Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Pee Dorn	Conference of DAs
Ralph Walker	AOC
Bennie Aiken	CCPS
Renee Gleaton	CCPS
Casandra Skinner	CCPS
Bryan Beatty	CCPS
Don Williams	CCPS
William T. Boyd	CCPS (NG)
F. Doug Phillips	NCNG
James Carmichael	CCPS
Marvin R. Waters	CCPS
Thurston C. Turner	
Geoff Gledhill	AOC
Cliff Boyman	AOC
Elisa Wolper	AOC
Rex Whaley	AOC
Jim Mallen	Jim Mallen Co.
Jim Nawell	IDS
Mildred Spearman	NCDOC
James Kloppoun	GCC
Doug Heron	NC BAR ASSOC
Byron K. Harris	OSBM
Inga Lee	John Locke Fdn
Lee Rubon	CJLG
Charles Hall	Department of Environment
S. Kirk Swenson	Sentencing Com.

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	3/3	3/6 AM	3/16 PM	3/22 AM	3/22 PM	3/24 AM									
HOUSE															
Rep. Phil Haire, CHAIR	✓	✓	✓			✓									
Rep. Joe Kiser, CHAIR	✓	✓	✓	✓	✓	✓									
Rep. Karen Ray, VICE CHAIR	✓	✓	✓	✓	✓	✓									
Rep. Ron Sutton, VICE CHAIR	✓	✓	✓			✓									
Rep. Phillip Frye	✓	✓		✓	✓										
Rep. Melanie Goodwin	✓	✓	✓	✓	✓	✓									
Rep. John Hall															
Rep. Carolyn Justus		✓	✓	✓	✓	✓									
Rep. Paul Miller					✓										
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓	✓	✓											
Sen. John Snow, VICE- CHAIR	✓	✓	✓	✓	✓	✓									
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓	✓	✓	✓	✓									
Sen. Tom Apodaca	✓	✓	✓	✓											
Sen. Ellie Kinnaird	✓	✓	✓	✓	✓	✓									
Sen. Keith Presnell	✓	✓	✓	✓	✓	✓									
Sen. Tony Rand	✓														

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 3, 2005 8:30 A.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas
Representative Phillip Haire
Representative Joe Kiser, Presiding

II. PRESENTATIONS

Opening Remarks by Chairs

Presentation of Judicial Branch Programs and Budget

Judge Ralph Walker
Administrative Officer of the Courts

Presentation of Justice Department Programs and Budget

Chloe Gossage
Fiscal Research Division

Roy A. Cooper
Attorney General

Nels Roseland
Deputy Chief of Staff/Chief Financial Officer

III. OTHER BUSINESS

IV FUTURE MEETINGS

Next Week

No meeting Tuesday March 8 Special Session

March 9 8:30 AM Department Juvenile Justice and Delinquency Prevention; begin Crime Control and Public Safety budget detail.

Joint JPS/DOT Meeting **MARCH 9 AT 2PM** (Viper and Highway Patrol Expansion Budget requests)

V. ADJOURNMENT

House Pages

1. Name: _____

   County: _____

   Sponsor: _____

2. Name: _____

   County: _____

   Sponsor: _____

3. Name: _____

   County: _____

   Sponsor: _____

4. Name: Alexandra Kyerematen → SENATE

   County: Wake

   Sponsor: Sen. Neal Hunt

5. Name: Missy Flowers

   County: Franklin

   Sponsor: Doug Berger

Sgt-At-Arms

1. Name: MARY PERRY } Senate
2. Name: Charles MARSLAIS }
3. Name: Frank Prevo } House
4. Name: Jim Womack }

VISITOR REGISTRATION SHEET

Appropriations and Public Safety / 3-3-05

Name of Committee / Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Julia Lohman	NCDOJ - Sheriff's Standards
S. Katzenelson	Sentencing Com.
M. Spratt	NCDOC
[illegible]	AOC
[illegible]	AOC
[illegible]	[illegible]
[illegible]	Conference of D.A.s
Rex Whaley	AOC
Michael Haley	DJJDP
MIKE DESILVA	DOJ / SBI
[illegible]	GCC
Charlie Hobgood	NC DOJ - Medicaid Investigations Unit
Paul Reinhartsen	AOC
Melanie Thomas	DOJ | SBI
Lee ALLEN	DOJ - SBI
BILL WEIS	DOJ - SBI
DAVID DUNN	DOJ-SBI
Jim Newell	IDS
Byron K. Harris	OSBM
Doug Heran	NC Bar Assoc
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	CCPS
[illegible]	Fayetteville City Council
Josh Stein	NCDOJ
Kevin Hayes II	Gov's Office
Eddie Caldwell	NC Sheriffs Assn.

VISITOR REGISTRATION SHEET

APPROPRIATIONS-JUSTICE AND PUBLIC SAFETY 2-3-05

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Melissa Lovell	DOJ
Gary McLeod	DOJ
Nels Rosland	DOJ
Kristi Hyman	NCDOT
Michael Budzynski	SBI
Ann C. Hamlin	SBI
Deena Koontz	SBI
Kevin West	SBI
Robin Pendergraft	SBI
Scott Perry	DOJ
Markie Stanford	DOT

DEPARTMENT OF JUSTICE BUDGET SUMMARY

Budget Summary—State Appropriations

	2003-04	Original 2004-05	Revised 2004-05
Certified Budget*	$71,041,310	$71,459,312	$72,213,779
Actual Expenditures	$71,932,041	NA	NA
# Employees	1,212.5	1,212.5	1,228.5

2004-05 Budget* by Major Functional Areas

Program	Budget	% of Total
Administration	$ 2,351,366	3%
Legal Services	$20,396,098	28%
Law Enforcement - SBI	$41,476,659	57%
Criminal Justice Training & Standards	$ 7,989,656	11%

*Net General Fund appropriation (subtract receipts/revenues)

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- 78% of expenditures support salary/benefits cost ($69.1 million)
- 11% of expenditures are for purchased services ($9.6 million)
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Major Changes in 2003-05 Budget by General Assembly

⇓ Management flexibility reduction - $1.6 million in 03-04; $553,000 in 04-05

⇓ Eliminated Department's requested increase in SBI Auto Replacement of approx. $265,000; additional nonrecurring reduction of $175,000 in 04-05

⇓ Eliminated 16 vacant positions - $631,000

⇑ Expansion funding of $250,000 to outsource backlogged rape kits

⇑ Expansion funding of $71,000 for NC LEAF – increased funding to $271,000 R

⇑ Added 11 new positions for DNA analysis, 14 positions to combat methamphetamine labs, and 2 positions to address domestic violence training requirements - $1.7 million annualized

⇑ Authorized expansion of the SBI crime lab using funds left over from other capital projects in the state - $4.5 million authorized

⇑ Funded salary increases for SBI field agents – approx. $564,000

Issues for the 2005-07 Biennium

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- ***Methamphetamine Response:*** The number of methamphetamine labs found in North Carolina has increased each year, from 34 labs in 2001 to more than 300 labs in 2004. In 2004, the Department of Justice proposed increasing penalties for meth-related offenses, and requested 42 new positions to combat methamphetamine. The General Assembly increased the penalties for manufacture of meth and other meth-related offenses, and provided funding for 14 SBI agents and analysts. The Department will likely request additional positions for meth response this year.

- ***SAFIS Infrastructure Upgrade:*** The Statewide Automated Fingerprint Identification System (SAFIS) allows for rapid identification of offenders via electronic fingerprint submissions. The current SAFIS infrastructure and hardware are reaching the end of their life cycles, and the manufacturer will not provide maintenance contracts after December 2006. Estimated costs to replace the state and local equipment are approximately $20 to $30 million.

Roy A. Cooper 3_3.05

Attorney General Roy Cooper
North Carolina Department of Justice

Department Overview

The Attorney General and the Department of Justice provide legal representation and advice to all state government departments, agencies and commissions. The Attorney General also provides legal opinions at the request of other public officials and handles all criminal appeals from state trial courts. When public interests are at stake, the Attorney General can take legal action on behalf of the State and its citizens.

The Attorney General, through his Consumer Protection Section, works to protect North Carolina consumers from frauds and scams. The State Bureau of Investigation provides expert technical analysis of crime scene evidence that helps put dangerous criminals behind bars, and the North Carolina Justice Academy provides training and technical assistance so that local law enforcement agencies can do a better job protecting your community. The Department also houses and administers the Address Confidentiality Program for domestic violence, sexual assault and stalking victims.

Organization

The Department of Justice is divided into Law Enforcement and Legal Services.

LAW ENFORCEMENT

- The **State Bureau of Investigation** (SBI) assists local law enforcement agencies in identifying criminals, analyzing evidence, and preparing evidence for use in court. The SBI also plays a critical role in Homeland Security. The SBI conducts investigations when requested to do so by the Attorney General, the Governor, sheriffs, police chiefs, district attorneys or judges. SBI Divisions include: the SBI Crime Laboratory; Field Operations; and Support Services.

  The **SBI Crime Laboratory**, headquartered in Raleigh with an auxiliary lab in Asheville, examines evidence gathered in criminal investigations. Experts who provide laboratory services to any public law enforcement agency in North Carolina, including local, state, federal, military and railroad police organizations staff both labs. Areas of expertise include: drug chemistry; forensic biology; arson; trace evidence; latent evidence; digital evidence; and firearm identification and ballistics.

  The **SBI Field Division** operates eight district offices across North Carolina. SBI Special Agents and Criminal Specialists participate in criminal investigations within their district.

SBI Support Services houses specialized units including the Intelligence Unit, Technical Services Unit, Hazardous Devices Unit, Diversion and Environmental Crimes Unit, Financial Crimes Investigation Unit, Air Wing and the Division of Criminal Information.

- The **Training and Standards** Division of the Attorney General's Office administers programs related to training and standards for law enforcement officers. This Division administers the programs of the Sheriffs' Standards Training Commission, the Criminal Justice Training and Standards Commission, the Private Protective Services Board and the Alarm Systems Licensing Board.

- The Training and Standards Division also includes the **North Carolina Justice Academy**, located in Edneyville and Salemburg, which develops and conducts training courses for local and state law enforcement professionals. The Justice Academy provides training programs and technical assistance for law enforcement professionals through the seven centers of the Training Division: Community Policing; Investigations; Legal; Management and Supervision; Specialized Instructor/Tactical/Technical; Specialized Sheriffs; and Traffic.

LEGAL SERVICES

- The **Administrative Division** provides legal advice and representation to most State agencies. Sections within the Administrative Division include: Services to State Agencies; Elections; Financial Services; Health and Public Assistance; Human Services and Medical Facilities; Real Estate; Personnel; and Torts.

- The **Civil Division** handles civil claims and litigation involving the State, its officials and employees. Sections include: Insurance; Labor; Motor Vehicles; Property Control; Revenue; Transportation; and the Western Office located in Asheville.

- The **Consumer Protection Division** protects the public from deceptive and unfair business practices. Consumer Protection assists consumer victims and also works to educate the public about frauds and scams. The Division is charged with enforcing the Do Not Call law in state courts. In addition, the Division handles antitrust and utilities cases, and the Managed Care Patients Assistance Program.

- The **Criminal Division** handles criminal matters for which the Attorney General is responsible, including criminal appeals, capital punishment appeals and cases involving the Department of Correction. Sections include: Criminal Appellate; Capital Litigation/Federal Habeas; and Corrections.

- The **Environmental Division** advises and represents the Department of Environment and Natural Resources and various environmental commissions. The Division also investigates and prosecutes environmental crimes and civil actions. Sections include: Air and Natural Resources; Waste Management; and Water and Land.

- The **Law Enforcement and Prosecutions Division** provides legal representation and advice related to law enforcement and assists in prosecuting certain criminal cases.

Sections include: Crime Control Section, which represents the Department of Crime Control and Public Safety, including the Highway Patrol; Law Enforcement Liaison, which provides legal support to the Division of Criminal Information and the Criminal Justice Standards, Private Protective Services and Judicial Standards commissions; Medicaid Investigative, which investigates Medicaid fraud and abuse; and Special Prosecutions, which prosecutes or assists in criminal cases upon request of a local district attorney.

- The **Special Litigation Division** handles complex litigation in which the public has a vital stake. Within this Division, the Education Section represents the University of North Carolina System, the State Board of Education, the Department of Public Instruction, and the Department of Community Colleges. Staff members also advise local school boards and public school administrators.

- The **Victims and Citizens Services Section** of the Attorney General's Office works to protect the rights of victims and to educate citizens about the Justice System. Victims and Citizens Services also helps develop policy and legislation, provides crime prevention programs, connects citizens with community resources, and works with other agencies to coordinate Department of Justice services for citizens. Areas of expertise include: child abuse; domestic violence; elder abuse; hate crimes; victims' rights; open government and legal information resources. Programs housed within Victims and Citizens Services include the Child Victim Assistance Program and the Child Identification Kit Program.

3-3-05 Attachment I Page 2

Judge Ralph Walker

THE NORTH CAROLINA JUDICIAL BRANCH
2005-07 EXPANSION BUDGET REQUIREMENTS

DESCRIPTION	2005-06	2006-07	
NEW PROSECUTORS & SUPPORT STAFF	$7,496,790	$7,551,927	R
New assistant district attorneys (75) and prosecutorial support	$489,312	$0	NR
staff (39) that the Judicial Branch and Conference of District	$7,986,102	$7,551,927	
Attorneys propose as essential for effective operations.	114.00	114.00	FTE
Includes picking up grant funded positions.			
Governor recommends 45 ADA and 22 VWLA , Oct 1, $4.5M annualized			
CRITICAL DEPARTMENT EQUIPMENT NEEDS	$1,246,007	$1,689,729	R
Provide for the replacement of tech and office equipment not	$2,500,000	$0	NR
covered in the 2005-07 Continuation Budget. This amount allows	$3,746,007	$1,689,729	
us to replace technology equipment at leat 5 years old and			
to continue replacing audio machines in District Court			
Governor recommends $1.5 Million			
ADDITIONAL DEPUTY CLERK PERSONNEL	$2,012,760	$2,029,680	R
60 new deputy clerk positions that are essential to the effective	$154,680	$0	NR
operation of the General Court of Justice	$2,167,440	$2,029,680	
	60.00	60.00	FTE
CRITICAL TECHNOLOGY INITIATIVES	$5,640,715	$4,766,568	R
Funds needed for several critical technology projects & initiatives.	$1,686,765	$67,500	NR
eCitation, Casewise, Jwise, NCAWARE, eCourtroom including	$7,327,480	$4,834,068	
development of electronic payment options, judgment abstracting,	28.00	28.00	FTE
portions of the criminal system			
EXPANSION OF CUSTODY MEDIATION PROGRAM	$532,371	$528,803	R
Expand coverage to the last 11 outstanding Judicial Districts.	$33,026	$0	NR
G.S. 7A-494(a) requires statewide implementation.	$565,397	$528,803	
Staff is 7 mediators (all part-time) and .75 Secretary positions	7.75	7.75	FTE
FAMILY COURT PROGRAM EXPANSION	$816,359	$820,539	R
Expands the current Family Court Program	$75,215	$0	NR
into three (3) new Judicial Districts. *Cost based on one*	$891,574	$820,539	
urban district, 1 multi-county rural district, 1 mid-sized district	14.00	14.00	FTE
NEW GUARDIAN AD LITEM DISTRICT STAFF	$673,231	$676,075	R
Requested for the GAL Programs based on workload priorities.	$36,342	$0	NR
Staffing was last increased in 2000-01	$709,573	$676,075	
	12.00	12.00	
OPEN FILE DISCOVERY PROJECT---TSD	$1,200,000	$1,500,000	R
Track evidence to ensure proper disclosure as required by law.	$1,987,000	$0	NR
New hardware, new software, and cost of integration into existing	$3,187,000	$1,500,000	
DA/PD Case Management System for an imaging and a	2.00	2.00	FTE
document retrieval/management system			
STATE FUNDING FOR GRANT-SUPPORTED DTCs	$2,204,608	$2,204,608	R
Covers 9 Drug Treatment Courts (DTCs) plus support staff.	$9,682	$0	NR
Section 14.2B of S.L. 2004-124 requires that the AOC	$2,214,290	$2,204,608	
develop a plan for the continuation of non-State funded DTCs.	15.50	15.50	FTE
This includes 2 Juvenile and 1 Family program.			
INNOCENCE CLAIM REVIEW COMMISSION & STAFF	$352,023	$354,566	R
This request will establish a permanent Innocence Claim	$51,577	$0	NR
Commission and staff as requested by the Chief Justice.	$403,600	$354,566	
	4.00	4.00	FTE

KEY: R = RECURRING NR = NON-RECURRING FTE = FULL TIME EQUIVALENT

INCREASED JURY FEES Currently $12 per day, $30 6th day onward. Increases this amount to $20 per day for days 2-5, $40 per day for the 6th day onward and increases the grand juror rate from $12 to $20.	$973,833 $0 $973,833	$973,833 $0 $973,833	R NR
NEW COURT OF APPEALS PERSONNEL Add 2 Appellate Clerks I to help cope with the increase in the Court's workload.	$88,198 $13,766 $101,964 2.00	$88,838 $0 $88,838 2.00	R NR FTE
JUDICIAL STANDARDS COMMISSION EXPANSION Add 2 staff and increase the Commission from 7 to 13 members *Attorney, Investigator effective Jan 1, 2006*	$84,220 $15,655 $99,875 2.00	$168,174 $0 $168,174 2.00	R NR FTE
BUSINESS COURT EXPANSION Guilford County - Upgrades needed to become primary data collection and case distribution point for the expansion to a total of three (3) Business Courts	$55,580 $62,937 $118,517	$65,660 $0 $65,660	R NR
BUSINESS COURT EXPANSION Establishing Mecklenburg County site	$76,632 $169,995 $246,627 2.00	$126,194 $0 $126,194 2.00	R NR FTE
BUSINESS COURT EXPANSION Establishing Wake County/Triangle site	$140,632 $298,195 $438,827 2.00	$208,194 $0 $208,194 2.00	R NR FTE
FULLY FUND INTERPRETER FEE PAYMENTS Based on reductions to the Continuation Budget, the current allocation for interpreter fees is now $1.02 million of the $1.8 million in the predicted annual cost.	$775,000 $0 $775,000	$775,000 $0 $775,000	R NR
INCREASE EMERGENCY JUDGE RATE Increase the daily rate paid to emergency judges from $300 to $400. *Rate was last changed in 1998.*	$700,710 $0 $700,710	$700,710 $0 $700,710	R NR
TELEPHONE SYSTEMS FOR NEW COURTHOUSES Includes LAN improvements required in Mecklenburg (05-06); Clay and Cabarrus (06-07)	$0 $1,504,138 $1,504,138	$0 $210,000 $210,000	R NR
REPLACEMENT OF OLD TELEPHONE SYSTEMS Replace or upgrade old telephone systems within the General Court of Justice on a consistent basis.	$2,350,000 $0 $2,350,000	$2,350,000 $0 $2,350,000	R NR
JUDICIAL SUPPORT STAFF POSITION INCREASES Provide support staff for the seven (7) new judgeships created in 2004-2005. *4 ADA, 10 clerks, 4 JA*	$800,016 $59,216 $859,232 18.00	$804,078 $0 $804,078 18.00	R NR FTE
EXTRA LONGEVITY STEPS FOR JUDICIAL OFFICIALS *25 YR/30 YR; affects 13 Superior Ct Judges, 10 Dist Ct, 12 DA, 25 ADA, 21 CSC*	$615,567 $0 $615,567	$615,567 $0 $615,567	R NR
GRAND TOTAL RECURRING: **GRAND TOTAL NON-RECURRING:** **GRAND TOTAL REQUEST:** **GRAND TOTAL NUMBER OF POSITIONS:**	$28,835,252 $9,147,501 $37,982,753 283.25	$28,998,743 $277,500 $29,276,243 283.25	R NR FTE

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Chloe Cassagne 3-3-05 Attachment II

DEPARTMENT OF JUSTICE BUDGET SUMMARY

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Roy A. Cooper 3-3-05 Attachment III

Attorney General Roy Cooper
North Carolina Department of Justice

Using DNA To Bring Criminals To Justice

DNA technology is a remarkable crime-fighting tool that can pinpoint or eliminate suspects and help local law enforcement officers solve crimes in communities across North Carolina. Here are a few examples of the dramatic results achieved by the SBI Crime Lab in 2004 and 2005 thanks to DNA technology:

- ***Terry Hyatt.*** On July 10, 1987, a 19-year-old woman was leaving work at a local grocery store in Charlotte when she was kidnapped, raped and murdered by an unknown attacker. For 17 years, the crime remained unsolved until investigators were able to match DNA evidence recovered from the victim's body with DNA included in the state's database of convicted offender DNA. The database hit lead law enforcement to Terry Hyatt, a convicted murderer currently serving time on Death Row. Hyatt was charged in January 2005 for these crimes.

- ***Suspect John Doe.*** In July 2004, a Cumberland County woman was severely beaten with a beer bottle and then raped by an unknown attacker. Without any other leads, local police submitted DNA samples from the crime to the SBI lab for analysis. In October 2004, the SBI used that DNA evidence to search the state's DNA database and got a hit. The DNA matched that of suspect John Doe. The suspect is now in custody awaiting trial.

- ***Stacey Jones.*** On July 22, 1996, a stranger pulled a Greenville woman from her shower and raped her, hit her and dragged her down a staircase. Local police identified a potential suspect, but they were unable to collect enough evidence to bring charges. The case remained unsolved for years until police learned that the SBI was asking local law enforcement to submit rape kits from unsolved cases for DNA analysis. Police submitted the rape kit to the SBI lab in September of 2004, and investigators used DNA evidence contained in the kit to search the national DNA database. They got a hit to a man named Stacey Jones, now serving time in a Georgia prison for a drug conviction. Based on the DNA evidence, a 12 person Grand Jury indicted Jones on February 14, 2005 on charges of first-degree burglary, second-degree rape, second degree kidnapping, second degree sexual offense and assault on a female.

- ***Larry Eugene Bowman.*** On November 1, 2002, a 13-year-old was found raped and murdered in her home. DNA evidence linked the crime to 23-year-old Larry Eugene Bowman. He was convicted of first-degree rape and first-degree murder in February 2004 [Tonya Maxwell, "Tips lead to arrest in teen's death," *Asheville Citizens-Times*, November 8, 2002; Tonya Maxwell, "Bowman gets life for girl's murder," *Asheville Citizens-Times*, February 27, 2004].

- ***Jasper Calven Summers.*** A UNC-Greensboro psychology student was alone inside a coin-operated laundry in 1992 when she was kidnapped and raped. The case remained cold for years until police resubmitted evidence to the SBI forensic lab. DNA found on the woman's shorts matched that of Jasper Calven Summers. On December 13, 2004, DNA evidence helped ensure that Summers was found guilty of first-degree rape, three counts of first-degree sexual offense, second degree kidnapping, and attempted robbery. Summers was sentenced to four consecutive life sentences plus 90 years [Eric Collins, "Man Convicted in 1992 Rape: A Judge Ordered Jasper Summers to Serve Four Consecutive Life Sentences in Prison," *Greensboro News & Record*, December 14, 2004].

- ***Phillip Lemont Hairston.*** Thanks to DNA analysis, a convicted felon a day away from getting out of prison remains behind bars. DNA evidence linked 34-year-old Phillip Lemont Hairston to a June 2002 rape in Greensboro. Just days later, DNA analysis also identified Hairston as a suspect in a May 2003 rape [Ellica Church, "Prisoner Charged with 2002 Rape," *Greensboro News & Record*, September 30, 2004; North Carolina Department of Justice, "Statement by Attorney General Roy Cooper on DNA evidence linking a suspect to a second rape in Greensboro," October 5, 2004].

- ***Ronald D. Miles.*** In May 2004, police charged Ronald D. Miles with four rapes – two in Greensboro and two in Burlington – based on DNA evidence that linked him to the crimes [Associated Press, "AG Cooper says lab will work rape cases statewide," May 27, 2004].

- ***Otis Williams Ray Jr.*** On Aug. 8, 2004, Raleigh police arrested the 23-year-old for breaking and entering after a 25-year-old woman found him in her apartment in the middle of the night. Authorities thought he matched the description of a suspect in a July sexual assault that occurred near NC State University [*State v. Otis Williams Ray*, 04 CR 062423-062428]. Raleigh police rushed DNA evidence left at the July crime scene to the SBI crime lab. The SBI lab linked Ray to the July crime and to another nearby attack from March 2002. Ray was charged with two counts of first-degree kidnapping, two counts of second-degree sexual offense, first-degree burglary, and breaking and entering.

Roy A. Cooper

3305 Attachment IV

North Carolina Department of Justice 2005-2007 Expansion Budget Recommendations

		FY 2005-06	FY 2006-07
EXPAND UTILIZATION OF DNA EVIDENCE - SBI DNA EXPANSION YEAR II		**$ 197,644**	**$ 478,221**
Provides funding for second year of plan to expand the crime lab's ability	*Pos.*	7.00	7.00
to effectively process DNA evidence. Provides funding for 6 Geneticists,			
1 Evidence Tech and related travel, equipment and supply funding.			
Governor recommended full funding of these seven positions .			
COMPUTER CRIMES AGENT EXPANSION		**$ 483,312**	**$ 443,955**
Four new SBI field agents are recommended to partner with the FBI	*Pos.*	7.00	7.00
National Internet Crimes Against Children Task Force. These agents will primarily			
work on child exploitation and sexual predator cases. Three positions are also			
added to the Crime Laboratory to conduct forensic computer examinations.			
Positions are effective January 1, 2006. **Governor recommended 2.0**			
positions including 1.0 field agent and 1.0 computer forensic lab agent.			
SBI METHAMPHETAMINE RESPONSE TEAM		**$ 836,670**	**$ 748,144**
A total of 13 SBI positions are recommended to combat illegal methamphetamine	*Pos.*	13.00	13.00
lab operations in North Carolina. This includes 6 SBI chemists, 2 Drug Chemistry			
technicians, 4 SBI Field Agents and 1 Special Agent Supervisor that would			
oversee a coordinated statewide Methamphetamine elimination strategy.			
Governor recommended 6.0 chemists and 2.0 chemistry technicians,			
for a total of eight positions and $264,100 in FY 0506. These positions are			
also critical to address the Governor's DWI Task Force recommendation to improve			
[redacted]g chemistry processing.			
SBI CRIME LAB INFORMATION SYSTEM		**$ 411,982**	**$ 96,500**
In order to address the Governor's DWI Task Force recommendations, the current			
evidence tracking system must be replaced to significantly improve the processing			
of evidence samples through bar coding and process automation.			
IMPLEMENTATION OF 2000 LEO PAY PLAN		**$ 2,235,661**	**$ 2,235,661**
Provides funding to support un-funded Pay Plan authorized by OSP in 2000,			
for all sworn SBI agents and crime laboratory staff. This request is the			
second year balance that remains after FY 0405 increase of $564,087.			
LEGAL SERVICES DIVISION EXPANSION		**$ 480,292**	**$ 458,292**
Additional legal resources are needed to address workload demand in several legal	*Pos.*	*5.00*	*5.00*
services sections. Priority position requests include an Elections Section Attorney,			
Revenue Section Attorney, DENR Water/Land Section Attorney, Appellate Section			
Attorney and Law Enforcement Liaison Attorney II.			
MEDICAID FRAUD SECTION - NEW SWORN INVESTIGATORS		**$ 72,618**	**$ 75,022**
The growth and expansion of the Medicaid program has resulted in a significant	*Pos.*	*4.00*	*4.00*
increase in Medicaid fraud and abuse activity throughout North Carolina. As a			
result, DOJ recommends that another four sworn Medicaid Fraud Investigators			
be added to the Medicaid Fraud Section.			

		FY 2005-06	FY 2006-07
IT DIVISION - NETWORK SECURITY RESOURCES		**$ -**	**$**
A $6.00 increase to the DCI PIN monthly service charge is recommended.	*Pos.*	*3.00*	*3.00*
For FY 0506, $141,360 in new receipts would support these new positions,			
remaining $74670 would support replacement rental costs for DCI PIN office			
located on Blount Street which is scheduled for sale to private developers.			
IN SERVICE LEO TRAINING EXPANSION		**$ 408,521**	**$ 361,021**
In order to implement new training standards for law enforcement officers	*Pos.*	*6.00*	*6.00*
six new positions are recommended which include three new Academy instructors			
two Sheriff Standards investigators and one investigator in the Criminal			
Justice Standards Division.			
CONSUMER PROTECTION - MILITARY LIAISON & WORKLOAD ASSISTANCE		**$ 170,768**	**$ 157,568**
An additional Consumer Protection Specialist dedicated to addressing consumer	*Pos.*	*3.00*	*3.00*
fraud issues involving military personnel stationed in North Carolina is			
recommended. A Financial Investigator and Office Assistant are also recommended			
to address significant increases in consumer fraud claims.			
OPEN FILE DISCOVERY IMPLEMENTATION		**$ 449,697**	**$ 355,879**
The adoption of SB52 concerning Open File discovery has required that	*Pos.*	*7.00*	*7.00*
professional law enforcement and legal personnel spend significant time to			
comply with new Open File discovery standards. Seven additional administrative			
positions are recommended for the SBI and Legal Services Division.			
Statewide Automated Fingerprint Identification System - The Department of Justice			
will be submitting a separate expansion budget request related to the replacement			
of this critical law enforcement system. Final requested funding amounts are			
contingent on the completion of a comprehensive cost, benefit, risk assessment			
and project management plan.			
DOJ TOTAL STATE APPROPRIATION REQUEST		**$ 5,747,164**	**$ 5,410,263**
	Total Positions	***55.00***	***55.00***

Roy [redacted] Cooper

3.3.05 Attachment V

NORTH CAROLINA DEPARTMENT OF JUSTICE - SUMMARY LIST OF CONTINUATION BUDGET RECOMMENDATIONS

Description	DOJ Requested 2005-06	OSBM Target Adjustment	Net Adjustment 2005-06	DOJ Requested 2006-07	OSBM Target Adjustment	Net Adjustment 2006-07
STARTING FY 0405 AUTHORIZED BUDGET	$ 76,555,004	$ 76,555,004	$ 76,555,004	$ 76,555,004	$ 76,555,004	$ 76,555,004
SBI LEO REPLACEMENT EQUIPMENT	$ 659,185	$ (266,000)	$ 393,185	$ 1,956,185	$ (1,528,450)	$ 427,735
FY 0506 request includes $164K for SBI Field Agent replacement body armour. Replacement laboratory equipment totalling $495K will improve the efficiency of drug chemistry and gunshot residue evidence processing. FY 0607 critical equipment needs include replacement of field radios and crime lab water filtration systems used for evidence processing. OSBM adjustments will extend the replacement schedule for field radios and lab equipment.						
SBI GASOLINE OPERATING SHORTFALL	$ 250,172	$ -	$ 250,172	$ 250,172	$ -	$ 250,172
The SBI has an authorized gasoline budget of $275,000. In FY 0304, actual expenditures for the SBI were $347,911, exceeding budgeted levels by $72,911. Current fiscal year gasoline expenses are projected to exceed budgeted levels by $250,172. As a result of increased gasoline prices, the SBI has to reduce funding for automobile, LEO equipment, and related expenses to make up the difference.						
LEO AUTOMOBILE REPLACEMENT	$ 998,933	$ (652,829)	$ 346,104	$ 1,508,234	$ (355,841)	$ 1,152,393
The DOJ will have 122 of 356 total vehicles (34%) in its LEO fleet with over 80,000 miles by July 2005. For FY0607, 74 vehicles can be replaced with available continuation budget funding, leaving 79 autos (22% of fleet) that exceed the 80,000 mile standard. For FY0607, an additional 108 vehicles can be replaced with continuation funds, leaving 11 autos (3% of fleet) that exceed 80K miles.						
SBI SUPPLEMENTAL PENSION PAYMENT SHORTFALL	$ 296,933	$ (296,933)	$ -	$ 296,933	$ (296,933)	$ -
Provides funding to adjust supplemental pension payments to actual projected expenditures. In FY 0304, the SBI expended $1,856,236 in pension payments and has a certified budget of $1,580,404, resulting in a shortfall of $275,832. This trend is continuing through FY 0405 and is expected to continue through the next biennium. In order to meet OSBM reduction targets, DOJ will absorb any pension payment shortfalls with the use of lapse salaries.						
SBI OVERTIME BUDGET SHORTFALL	$ 313,265	$ (313,265)	$ -	$ 313,265	$ (313,265)	$ -
Provides funding to adjust sworn agent overtime payments to projected expenditures. The SBI has exceeded its overtime budget (53-1411) for the last three fiscal years. FY 0304 shortfall was $313,265. This adjustment was eliminated to address OSBM budget reduction targets.						

Description	Requested 2005-06	Target Adjustment	Adjustment 2005-06	Requested 2006-07	Target Adjustment	Adjustment 2006-07
METHAMPHETIMINE RESPONSE TEAM ANNUALIZATION The 2004 General Assembly provided $510,703 in recurring funding for 14 new SBI positions assigned to combating illegal methamphetimine lab operations. These positions are effective in January 2005 and $472,328 is recommended to provide for full annualized funding.	$ 472,328	$ (20,000)	$ 452,328	$ 472,328	$ (20,000)	$ 452,328
WILDLIFE COMMISSION TELECOMMUNICATIONS CHARGE For several years, annual operating charges for telecommunication services have been charged to SBI Seized and Forfeited Asset Funds. These are recurring operating expenses to provide law enforcement radio communication services to SBI field agents. It is recommended that the SBI continuation budget be revised to include these ongoing operating expenses.	$ 30,789	$ (30,789)	$ -	$ 30,789	$ (30,789)	$ -
SBI DISTRICT OFFICE LEASES Eleven lease agreements supporting SBI district offices and related facilities were reviewed and projected future payments were calculated for the next biennium. Increased continuation funding for these lease expenses is recommended for the next biennium.	$ 56,219	$ -	$ 56,219	$ 57,968	$ -	$ 57,968
LEO OTHER VEHICLE REPLACEMENT The SBI has 4 aircraft in its fleet, two of which have experienced extensive wear on their airframes. Highest priority replacement need is a Cessna 206 used for marijuana eradication, crime scene suspect searches, undercover surveillance and related uses. The King Air was also scheduled for replacement in FY 0607. Both of these replacement aircraft were eliminated from the continuation budget in order to address OSBM reduction targets.	$ 200,000	$ (200,000)	$ -	$ 700,000	$ (700,000)	$ -
Continuation Budget Accounting Adjustments for Non Recurring Items Non recurring FY 0405 appropriation increases were eliminated and non recurring FY 0405 appropriation decreases were restored.	$ 101,992	$ -	$ 101,992	$ 101,992	$ -	$ 101,992
	$ 3,379,816	$ (1,779,816)	$ 1,600,000	$ 5,500,619	$ (3,200,619)	$ 2,300,000
	$ 79,934,820	$ 74,775,188	$ 78,155,004	$ 82,242,871	$ 73,309,726	$ 78,997,593

JOINT APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION

Minutes

March 9, 2005

2:00 P.M.

Room 544 LOB

The Joint Appropriations Subcommittee on Transportation met jointly with the Justice and Public Safety Committee on March 9, 2005 at 2:00 p.m. in room 544 of the Legislative Office Building. Representative Lorene Coates and Senator Scott Thomas presided. Seven members of the Senate committee were present. A visitor registration list is attached and made a part of these minutes. The following members of the House committee were in attendance:

Rep. Lorene Coates	
Rep. Nelson Cole	Rep. Jim Gulley
Rep. Mary McAllister	Rep. Greer Martin
Rep. Bonner Stiller	Rep. Ed McMahan
Rep. David Almond	Rep. Tim Moore
Rep. Larry Brown	Rep. Drew Saunders
Rep. Linda Coleman	Rep. Fred Steen
Rep. Margaret Dickson	Rep. Arthur Williams

Representative Lorene Coates opened the meeting and introduced the Pages and Sergeant-at-Arms present. She welcomed everyone and introduced her Co-Chair for the meeting, Senator Scott Thomas, Chair of the Senate Justice and Public Safety Committee.

Representative Coates then recognized Denise Thomas, of the Legislative Fiscal Research Division to explain the current funding situation for the VIPER Program. She stated that the Voice Interoperability Plan for Emergency Responders the (VIPER System) cost an estimated 350 million with less than 20 million in funds spent to date. The Study Committee recommendation called for funding from the General Fund, the Highway Fund, fees and debt financing as possible ways to finance the project.

She went on to explain that the General Assembly established the Criminal Justice Information Network in 1996, from recommendations made by the Criminal Justice Study Committee in 1995. The Study identified some critical weaknesses in information and communications in the Criminal Justice Network. Including: it was taking too long to properly identify persons and there was no single way to check a person's criminal history or to check for warrants. A lot of redundancy among departments and there is no statewide interagency, mobile voice or mobile communications system. So the Study recommended the VIPER System, which is outlined in the handout. Its purpose is to allow First Responders to communicate effectively in the time of an emergency. The Highway Patrol is the lead agency but it is a statewide program for all agencies involved in emergency preparedness.

The estimated cost for the VIPER System is 350 million and to date approximately 20 million has been spent towards developing the program. This is the same 800megahertz system that was started with a Federal Grant in the late 1980's.
See (Handout #1 and #1A) attached as a part of the minutes.
Questions and answers followed.

Representative Coates welcomed Bryan Beatty, Secretary of Crime Control and Public Safety for remarks. Secretary Beatty thanked the Committee for the opportunity to discuss this important issue for our State and he appreciated the fine job that Denise Thomas did on giving the Committee an overview of the background on the VIPER System. He told about how he started in law enforcement over 23 years ago and while working undercover he had no communications with backup or a cover team. Just another example of how critical it is for those who need to respond to be able to communicate to save lives when lives are at risk. That is the purpose of what VIPER is. Currently in our State almost all Public Safety Officials are on different radio communication systems. The City Police Officer cannot communicate with the Fire Fighter or the Sheriff's Office, or the neighboring Police Departments or the State Highway Patrol, or the State Bureau of Investigation. All those agencies and most communities across our State are on different systems and cannot communicate with each other. That means they have to call their dispatcher to call another dispatcher, then they have to figure out which agency is the closest to respond to the situation. All of these are inefficient ways of operating. The lack of inoperability makes the work of all of these agencies not only inefficient but it leaves the men and women who do these jobs, as well as, all the people who they have sworn to protect and serve more vulnerable. This is a day-to-day problem but it is even more important when we have major events. All reports have indicated that an inability to communicate is a critical issue.

Secretary Beatty gave additional examples of problems that exist when agencies are not able to communicate during major situations. It has been recommended that the Federal Government and the Homeland Security Agency put this as a top priority, to fund Voice Interoperability Plans for Emergency Responders. After every disaster, in fact after every exercise the number one problem that is always identified is the inability of the agencies to communicate because of incompatible communications systems. In our State, the State Emergency Response Commission, the Governors Crime Commission, the Criminal Justice Information Network and the Metropolitan Commission have all concluded that funding VIPER is the number one priority for use of the Homeland Security funds that our State is receiving. We have attempted to direct much of the funding we have been receiving from the Federal Government to this program. Now I know that some of you have heard complaints for using this Federal money for this important system. I do not think we have to apologize because we are using this money for what has been identified not only nationally but right here in our State as a number one priority.

However Governor Easley and I are asking for your help in providing the State funding that is needed for this critical project. We cannot continue to rely on Federal funds to pay for this system. The Federal funds are limited and they will probably decrease every year as they have over the last few years. Many people have expressed concerns, will VIPER work and I ask you to talk with counties that are already using the 800megahertz system and how well it is working, even in the mountains. They understand how important this system is and it is completely voluntary. No one is being forced to participate and those who don't wish too participate don't have to spend one dime. Only those who want to participate and are ready to so and understand the importance of it will join us. They will save money if we can fund the infrastructure for them. He ended with an appeal on behalf of all of the Troopers, Public Safety Officers and those other Law Enforcement Officers who I send out everyday to risk their lives to save and protect the people of this State. On behalf of the Sheriff's and others who couldn't be here, we ask for your help in funding this critical public safety project here in our State. The time is now we can't wait until lives are lost to start funding it.

Then Representative Coates recognized Bob Brinson, Chairman of the Criminal Justice Information Network Governing Board. He talked about FEMA's involvement with VIPER. He also spoke about why the State Highway Patrol was chosen as the lead agency since they have a successful statewide communications network in operation. It is recommended that the funding be done in a short time frame no more than five years or the technology changes and you are always chasing the end result. Funding for a project this size is problematic and can be done by appropriations, fees, debt or bond financing. All which have there own problems and the Committee is better equipped to decide this question but the funding should be done so the project can be completed in a five year time period so the technology is current. Which means you have to commit rather significant money to it every year. He went on to detail some funding options in the report. This is an example of the State Highway Patrol taking the lead for all the agencies involved and while you may not like the price tag. I would submit to you that if all the agencies start coming to you individually seeking a new radio system the cost will be even greater and the system less efficient. Funding VIPER would be a better cost effective way to fund a statewide radio network.

Representative Coates recognized Senator Scott Thomas to conduct the reminder of the meeting. Senator Thomas called on Major Woody Sandy of the State Highway Patrol to explain a slide show presentation about the need and cost of the VIPER System.
See (Handout #2) attached as a part of the minutes.

Then Senator Thomas recognized Rebecca Troutman, NC Association of County Commissioners. She called on some of the County Responders to speak about their experiences and the serious need for VIPER across the State, especially those who are already using the 800megahertz technology and know how well it works.

Senator Thomas called on Charles Archer, NC League of Municipalities to discuss the VIPER advantage versus the old VHF system, which would never have given us the true interoperability system that we need statewide. The League went on record that they support the development of a statewide interoperability voice network system that will allow First Responder Personnel to communicate via a two-way radio system. He stated how important it is for Responders not affected by a disaster to be able to communicate and respond to areas affected directly by the disaster. The only way to do this is a statewide network that ties together and maximizes all levels of Responders in one network that will ultimately benefit the citizens that we serve.

With the Chairs permission Charles Archer called on Chief Gambia, Chief of the Manteo Police Department. He spoke about the need for this important tool during the 911 eras not to mention that we have one of the most hurricane prone coastlines in the world. With our sounds and the Outer Banks we have one of the third longest coastlines in the United States. He stated the importance of being able to speak to other agencies in the time of an emergency. Several other Responders were recognized to talk about the need to communicate effectively with each other.

Then Senator Thomas called on Randy Thompson, NC Emergency Managers Association. He read a position statement from the North Carolina Emergency Management Association that was approved on March 7, 2005. "It is the position of the North Carolina Emergency Management Association that the State Legislature should adequately fund the radio interoperable system known as VIPER with sources other than Homeland Security funding designated for projects that meet identified strategies in accordance with DHS guidelines." Then Senator Thomas called on several Emergency Managers present to speak about the counties needs for VIPER.

Senator Thomas then recognized Eddie Caldwell, NC Sheriff's Association. He spoke about how important this issue is to the NC Sheriff's Association and the need to have adequate funding for the VIPER system. The leadership voted last year to support this vital program and they voted again this year to support the VIPER system. He called on Sheriff Bane Masterson, a twenty-six year veteran from Wilkes County to speak about his personal experiences without adequate communications. He has been a deputy, now a Sheriff. Someone who has been out there on the road at three o'clock in the morning in those situations where you needed to talk to a State Trooper, Volunteer Fire Fighter, a City Police Officer. Now as the Sheriff he is responsible for managing that operation. Yet he is in a County where he is still out there at three o'clock in the morning sometimes without that communication and he is here to speak on behalf of all of the Sheriff's in North Carolina.

Sheriff Masterson talked about his personal experiences out at night without communication and how hard it was to give and receive help with other Responders without interoperability voice communications and the critical importance of making VIPER a reality across the State of North Carolina. He ask that the State, Local Governments and Homeland Security all help fund it because we will all be served by it.

Senator Thomas noted that the Committee's time was up and he knew there were many questions on the member's minds. Today we only scratched the surface of this issue; it is a major expenditure of State dollars and a major change for our Counties and municipalities who will have to use some of their Homeland Security funding for this project. We will end up having another meeting and we will try to get some these presenters back when we can ask more questions and have some dialog on this issue. He encouraged the presenters to contact members of the Committee about the program and he requested a county-by-county breakdown from Major Sandy on the true cost of the program.

With no further business to conduct, Senator Thomas adjourned the meeting at 2:55 p.m.

Respectfully submitted:

Scott Thomas
Senator Scott Thomas, Co-Chair

Vickie Spears
Vickie Spears, Committee Assistant

JOINT MEETING
JOINT TRANSPORTATION APPROPRIATIONS SUBCOMMITTEE
JOINT JUSTICE AND PUBLIC SAFETY APPROPRIATIONS SUBCOMMITTEE
Room 544 Legislative Office Building
March 9, 2005, 2:00 P.M.

I. CALL TO ORDER

Chairs:
Sen. Scott Thomas, Presiding
Rep. Phillip Haire
Rep. Joe Kiser
Sen. Clark Jenkins
Rep. Lorene Coates, Presiding
Rep. Nelson Cole

II. PRESENTATIONS

Opening Remarks by Chairs

Voice Interoperability Plan for Emergency Responders (VIPER)

Denise Thomas, Fiscal Research

Bryan Beatty, Secretary
Department of Crime Control and Public Safety

Bob Brinson, Chairman,
Criminal Justice Information Network Governing Board

Maj. Woody Sandy,
State Highway Patrol Division

Rebecca Troutman, Dir. Research and Public Technology
NC Association of County Commissioners

Charles Archer, Assoc. Dir. for Operations and Federal Relations
NC League of Municipalities

Randy Thompson, Vice President
NC Emergency Manager' Association

Eddie Caldwell, Executive Director
NC Sheriffs' Association

State Highway Patrol FY 2005-07 Expansion Requests

Col. Fletcher Clay, Commander
NC State Highway Patrol

Attachment #1

CRIMINAL JUSTICE INFORMATION NETWORK (CJIN)
Voice Interoperability Plan for Emergency Responders (VIPER)

1. The General Assembly established the Criminal Justice Information Network (CJIN) Board in 1996 to implement the recommendations from a 1995 Price Waterhouse study. The study identified some critical weaknesses in the information systems available to law enforcement agencies and the courts:

- Takes too long to positively identify persons
- No single, comprehensive criminal history
- No single source of outstanding warrants
- Excessive redundant data entry
- No statewide, interagency mobile voice and data communications

2. The study recommended a number of statewide systems, including the following, and most of them have been fully implemented:

- An automated fingerprint system
- A magistrate system
- Upgrading end user technology
- Warrant repository system
- Courtroom automation
- Mobile data system
- Voice communication system

3. The total cost to implement all of the recommended systems was estimated at that time to be about $350 million. However, to date, less than $20 million in state funds have been appropriated to develop the CJIN projects. Most of the work has been supported using one-time federal funding.

4. The VIPER System is one of the last CJIN components to be developed. Its purpose is to allow state, local, and other first responders to speak to each other during emergencies and natural disasters. The Highway Patrol has assumed the role of the lead state agency to design and implement this system. However, it is not a " Highway Patrol" system. Similar to the Mobile Data Network, its users will include local police departments, county sheriff's departments, fire fighters, emergency services, etc.

5. In 2003, the CJIN Board contracted with the Gartner Group to independently assess the need for a statewide voice communication system and to determine if the original technology was still the most appropriate. Gartner determined that this system is still needed and that the original recommendation, an 800 MHZ radio system, is still the most appropriate technological approach.

6. The 2004 Budget Bill included a provision, see below, directing the CJIN Board and the Department of Crime Control and Public Safety to report to the both the Transportation and the Correction, Crime Control and Juvenile Justice Oversight Committees on the plan and cost for this system. That report was submitted in December 2004 and includes several options to fund VIPER using several sources, i.e. General Fund, Highway Fund, fees, and debt financing. The Governor's budget includes a request for $15,000,000 R from the Highway Fund to continue developing the system.

REPORT ON VIPER SYSTEM

SECTION 18.4. The Criminal Justice Information Network (CJIN) Governing Board and the Department of Crime Control and Public Safety shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the Voice Interoperability Plan for Emergency Responders (VIPER) system. The report shall include a detailed project plan for the VIPER system, the projected costs to the State for the system, the revenue sources to fund the system, and the amount of total State funding, including Highway Fund support, recommended by the CJIN Board and the Department. The report shall also address the potential cost to, and any other impact on, county and local governments. The Department and the CJIN Board shall report pursuant to this section on or before December 1, 2004.

Attachment #1 A

VIPER (Voice Interoperability Plan for Emergency Responders)

Interoperable communications is the ability of public safety agencies to communicate with one another on a single radio.

Need

- There exists a need in North Carolina for public safety officials, regardless of discipline to communicate with one another without having to relay the message through a communications center.
- Interoperable communications helps make public safety agencies more efficient and effective and thereby better serving the citizens of North Carolina.
- Interoperable communications is a benefit for all public safety agencies whether dealing with daily emergency calls or large scale disasters.
- Interoperable communications was identified in the 911 Commission report and the NC Legislative CJIN report of 1995 as a critical need for public safety agencies when responding to emergencies.
- Most public safety officials in North Carolina cannot talk directly with other public safety officials.

Current efforts and plans

- The Highway Patrol has been charged with developing and implementing two communications strategies; a short-term (Tactical) and long-term (Strategic) plan.
- Tactical communications solution is the implementation of 17 communications gateways across North Carolina to link disparate radio systems together as a temporary solution until the statewide Strategic plan can be implemented.
- Strategic communications solution is the construction of a statewide 800 MHz radio system that will provide interoperable communications for all public safety agencies in North Carolina.

Cost

- Statewide infrastructure is estimated at $189m. These estimates are hard numbers compiled by members of the State Highway Patrol during their planning efforts. 238 transmitter sites statewide.
- In an effort to reduce the overall cost of construction, the State Highway Patrol is acting as prime contractor and will manage the subcontractors.
- Approximately $33m has been provided for VIPER through partnerships with local agencies using Homeland Security and other grants leaving a balance of $156m.

Cost avoidance opportunities for local agencies

As an example of opportunities for local agencies to upgrade their communications without major outlay for infrastructure; Granville County had obtained quotes to build a new county 800 MHz communications system prior to participating in VIPER. The estimate was $3.2m for the infrastructure alone. Now, by partnering with VIPER, they only need to purchase the radios. **Cost savings $3.2m**.

VIPER Partnerships

The following localities have partnered with VIPER:

Granville County
Chowan County
City of Asheville
Lincoln County
City of Mooresville
Cleveland County
Duplin County
Harnett County
Craven County
Carteret County
Pitt County
Orange County
City of Chapel Hill
Cherokee County
Sampson County
Wake County
Lenoir County
Surry County
Charlotte/Mecklenburg

These localities have recently contacted us expressing interest in participating in VIPER:

Rockingham County
Lee County
Caswell County
Hoke County
Union County
Halifax County
Bladen County
Catawba County
Alamance County
Davie County
Pender County

Possible Alternatives

Leased commercially owned private radio system

This involves a vendor building a statewide radio system for public safety and charging a user fee for each and every user. Too expensive. The estimated fee for each radio on the network would exceed $75.00 per month.

Public Radio Systems

Another alternative is Nextel. However, the estimated number of towers needed to cover ALL NC could exceed 600. Return on investment for vendors would not be reasonably realized for rural areas. Not compliant with public safety APCO 25 Standards.

Satellite

Satellite technology does have one advantage over typical trunked radio systems in that it is not terrestrial based. However, the primary drawback to satellite systems is that the radio must be in constant view of the sky. This would eliminate operation inside buildings or in areas of dense foliage or during heavy rainfall or intense cloud cover.

VIPER Frequently Asked Questions

There have been several questions asked and concerns expressed about using 800 MHz as our radio frequencies for the VIPER network, and about the VIPER Network in general. Below are listed some of the most common.

- **800 MHz will not work in the mountains.**

  800 MHz radios have been proven to work in mountainous areas across the United States, and in fact the current CJIN mobile data network is operating on 800 MHz frequencies. The states of Utah, Colorado, West Virginia and Pennsylvania are using 800 MHz radios for their radio systems.

- **This radio network is simply a new radio system for the State Highway Patrol.**

  The State Highway Patrol was identified by the Legislative CJIN Report to be the managing agency of the 800 MHz statewide voice and the statewide data system. The Secretary of Crime Control and Public Safety through the Division of the State Highway Patrol is statutorily required to maintain a statewide radio system. The State Highway Patrol, as with the Mobile Data Network, will be a small user in comparison to the number of local users on the network.

- **The cost of construction will be expensive.**

  As with all new technologies, there is an expense to implement and maintain this new statewide network. However, when compared to modern radio systems installed in the states of Michigan, Pennsylvania and Ohio our estimates for North Carolina are not unreasonable. It should be noted that the state of New York has recently received a bid for a statewide radio system that is estimated to cost one billion dollars.

- **Will there be voice and text pager capabilities with VIPER?**

  No. Unfortunately, the technology used for 800 MHz trunked radio systems does not allow for a paging solution. Agencies requiring paging will have to continue to support their existing paging system. However, where available, tower space will be offered to VIPER participants on State Highway Patrol owned towers for local agency paging antennas.

- **What about satellite communications?**

  Satellite technology does have one advantage over typical trunked radio systems in that it is not terrestrial based. This essentially means that a satellite based communications system would be relatively free from harm as related to most natural or manmade disasters. However, the primary drawback to satellite based systems is that in order to function, the subscriber handset or radio unit must be in constant view of the sky. This would eliminate operation inside buildings or in areas of dense foliage or during heavy rainfall or intense cloud cover. Satellite communications often don't work well in "urban canyons" (in streets and alleyways between tall buildings) because there is no line of sight to the satellites on the horizon. All of these detractions far outweigh the benefit of the system being somewhat impervious to being dependant on easily damaged infrastructure on earth. Satellite systems also suffer from lengthy delays as the conversation is routed up into the sky many hundreds of miles and back down again to the receiving radio or handset. Furthermore, satellite based technology will have to be refreshed as the orbit of the satellite can only be sustained for a finite number of years. However, satellite communications would be a viable option in areas where terrestrial infrastructure would be too costly to serve the population; such as the desert southwest of the US or the Middle East.

- **Do I have to buy a certain brand of radio to operate on the VIPER network?**

  No. VIPER is the expansion of an existing Motorola radio system owned by the State, so obviously Motorola radios will work on the network. We have demonstrated the successful operation of EF Johnson radios on the VIPER network. So if a user prefers to use radios other than Motorola, they have the option of using EF Johnson radios.

- **Will there be a cost to use the VIPER network?**

  The success of VIPER depends on our partnerships with state and local agencies, and the sharing of existing resources which may range from property to build the towers on to re-use of existing towers. These in-kind contributions will help keep the overall cost of construction lower than if we had to buy property and build new towers where state owned towers are not available. It was those partnerships that allowed the state to build the statewide mobile data network for less that $20m as compared to the estimate in 1993 of more than $100m for the state to build the infrastructure. Our goal is not to ask the locals for free use of their land and/or towers and then require them to pay to use the system. We don't want to find ourselves in a situation where all our partners demand that we pay them for their resources so they can pay a users' fee. Additionally, there are many rural area departments that would not be able to pay a user fee and therefore would not be able to participate in VIPER at all.

- **Will local agencies continue to dispatch their own personnel or will that be taken over by the Highway Patrol?**

  Local agencies will continue to dispatch and control their personnel as they do today. However, they will need to incorporate 800 MHz radios into their dispatch center consoles so they can communicate with their personnel.

- **This project will be awarded to a single vendor!**

  This is an expensive project and there will be large amounts of funds spent. However, with the Patrol acting as prime contractor, there is not a single vendor profiting from the total project funds. There are many products that will be purchased from different vendors who will be required to compete in the competitive bid process and many pieces purchased of the State's standing convenience contracts. However, there may be circumstances such as product integration with existing infrastructure and compatibility where a single or fewer vendors may be selected, but those vendors will not profit from other infrastructure equipment. These products include, but are not limited to, equipment buildings, towers and tower work, generators, microwave equipment, intellirepeaters and network routers.

- **Can VIPER use cell towers?**

  Most cell towers are not high enough to get the desired coverage for the each site. However, in cases where cellular companies have erected tall towers we will take them into consideration if offered access. In an effort to keep the annual recurring operating cost at a minimum, we seek tower space that does not require us to pay monthly lease fees.

- **Wouldn't the Tactical Solution be sufficient?**

  No. Unfortunately the Tactical solution is a temporary measure that should only be used during emergencies. The Tactical Solution will connect existing radio systems together to allow agencies to talk with one another. It does not increase radio capacity, but rather increases radio traffic on existing channels. A comparison is much like the old party-line phone system where there were many users trying to use a single phone line or channel. The Tactical solution is a measure to provide basic interoperable communications until the Strategic Solution is constructed.

- **Will local agencies be mandated to use VIPER?**

  No, there are no mandates to participate in VIPER. The VIPER project is an effort to assist in the efficiency and effectiveness of state and local public safety agencies by using a common interoperable communications system. Optimally it would be more effective if all agencies were on VIPER, however we realize that some agencies have recently invested in their own systems and have not realized a return on that investment. And we understand that there are agencies that have no desire to be a part of VIPER at all.

- **VIPER Radios will cost $5000 each.**

  Like almost all technology products, radio prices vary depending upon the number and cost of options purchased regardless of the radio system they will be used on. Radios used to access VIPER can vary in price from $1500 to $4000.

Attachment # 2

Voice Interoperability Plan for Emergency Responders

A CJIN Module

Voice Communications System

Legislative Report

December 2004

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Executive Summary

This Legislative Report is being prepared as mandated in North Carolina General Statute House Bill 1414 Part XVIII, Section 18.4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

SESSION LAW 2004-124
HOUSE BILL 1414

PART XVIII. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

REPORT ON VIPER SYSTEM
SECTION 18.4. The Criminal Justice Information Network (CJIN) Governing Board and the Department of Crime Control and Public Safety shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the Voice Interoperability Plan for Emergency Responders (VIPER) system. The report shall include a detailed project plan for the VIPER system, the projected costs to the State for the system, the revenue sources to fund the system, and the amount of total State funding, including Highway Fund support, recommended by the CJIN Board and the Department. The report shall also address the potential cost to, and any other impact on, county and local governments. The Department and the CJIN Board shall report pursuant to this section on or before December 1, 2004.

Background

Wireless radio communications is the life line for public safety officials and is a critical need that is essential to the protection of life and property. Yet, our state's public safety personnel often rely on outdated wireless technologies and radio systems that have surpassed their service life. The age of existing systems, combined with technological advances in wireless communications, changing mission requirements of public safety agencies and FCC regulations, are compelling agencies to look at replacing their radio systems. The problems associated with aging systems include excessive maintenance and repair costs, inadequate vendor support,

unavailable replacement parts, and system failures, not to mention that these systems do not allow interoperable communications.

A robust and expandable communications system is paramount to support the changing mission requirements of public safety operations in our state. Police, fire and emergency medical operations are more complex today than ever before. With the introduction of new mission responsibilities such as community oriented policing, anti-terrorism and advanced life support emergency medical services, public safety personnel are taking on new responsibilities and placing diverse requirements on their communications systems.

The need for interoperable communications has been an issue for many years. In 1994, then Attorney General Rufus Edmisten commissioned a study group to report on the need for a statewide common radio system for public safety. This study group, referred to as the Statewide Interagency Public Safety Radio Communications (SWIPS) group was made up of representatives from multiple state agencies that relied on radio communications on a daily basis. This group produced a document outlining the need for statewide, interoperable communications.

This need for a statewide interoperable communications system was further demonstrated during the 1994 Special Crime Session of the General Assembly. The Criminal Justice Information Network (CJIN) Study examined communications needs, as well as other data sharing requirements of criminal justice agencies in North Carolina. This study, which was delivered in 1995, confirmed the immediate need for a statewide 800 MHz radio system and recommended that construction of the network begin within two years. In an effort to continually address technology trends, the CJIN Board contracted with The Gartner Group in 2002 to refresh the findings of the 1995 study.

In both cases, the studies identified an immediate need for a statewide interoperable communications system and as stated in the CJIN Governing Board study, the State Highway Patrol was recommended to perform the function of developing and managing a new, statewide voice radio system.

In light of continued natural and manmade disasters that occur inside North Carolina and with the increase in terrorist activity nationwide, it is imperative that our state move forward with the implementation of a statewide, interoperable public safety voice radio system accessible to all emergency responders.

The very nature of providing emergency services to the citizens of North Carolina requires reliable, robust interoperable communications. During house fires, auto accidents and even during snow and ice storms, emergency response involves multi-disciplined agencies providing fire fighting, emergency medical treatment and law enforcement services. These responses could be more efficient and effective if these agencies could talk to one another using a single common radio network.

Goals

Current radio systems and technology in use by state agencies in North Carolina along with a majority of smaller local jurisdictions statewide is such that significant dollars need to be invested to solve such problems as overcrowding of channels, antiquated or unserviceable equipment, and federal mandates towards narrower bandwidth to conserve and better use available frequency spectrum.

In addition, incompatibility of equipment amongst agencies, at all levels of government, greatly hampers collaborative efforts and inhibits interagency communications.

The goal of the Voice Interoperability Plan for Emergency Responders (VIPER) project is to move forward with the construction of a statewide voice radio communications system to ensure that emergency responder users can communicate quickly and effectively, each and every time they call for assistance, and to provide a communications system that promotes interoperability between public safety agencies.

Project Approach

Both the 1995 CJIN Governing Board study and the re-validation study in 2002, recognized that a statewide voice radio communications system should be constructed using the 800 MHz frequency spectrum, due in part to the availability of 800 MHz frequencies for public safety, but also because of the widespread use of 800 MHz by most of North Carolina's major metropolitan areas and the commencement of 800 MHz system development by the State Highway Patrol in 1999.

In addition to a statewide 800 MHz voice radio communications system, Crime Control and Public Safety Secretary, Bryan E. Beatty, asked the State Highway Patrol to develop and implement a short term solution to address interoperable communications across North Carolina to assist agencies while development of a long term system was being performed. This short term solution simply serves to connect many of the antiquated and disparate communications systems in use today, but offers no long term replacement for these systems and requires operator intervention to establish connections between agencies. The short term and long term VIPER projects are referred to as the Tactical and Strategic solutions, respectively.

Construction of the VIPER Tactical solution is underway now, funded in its entirety by 2003 Department of Homeland Security funds directed to North Carolina. The construction of the VIPER Strategic solution has been hampered in past years by the lack of significant funding, although

continual efforts to use Congressional Earmarks and Hazard Mitigation funds from FEMA have allowed the project to move forward. The State Highway Patrol has been successful in forging partnerships with counties to also grow the implementation of the VIPER Strategic solution and is poised to continue this approach in 2004 with the recent awards of Homeland Security Law Enforcement Terrorism Prevention Program (LETPP) and State Homeland Security Grant Program (SHSGP) funding towards expanding VIPER.

Aside from influxes of Homeland Security funding, the State Highway Patrol proposes to continue the implementation of the VIPER Strategic solution, using a multi-year phased approach that is anticipated to take up to five years to deploy, assuming available funding.

Summary of Findings

The State Highway Patrol currently operates a Motorola SmartZone 800 MHz system with over forty remote voice radio transmitter sites across North Carolina and it is upon this system that the VIPER Strategic solution will be expanded. The State Highway Patrol has access to a considerable number of radio tower locations and jointly operates a statewide digital microwave radio system with the University of North Carolina Public Television system. These components have formed the basis for a project that has involved careful examination of all of the potential resources needed to construct a statewide voice radio system of this magnitude. The State Highway Patrol has conducted on site surveys of all radio tower sites used by the State Highway Patrol and CJIN for its present voice and data communications systems and developed a matrix to determine the suitability for reuse and the associated costs for doing so. Many local counties and municipalities have contributed to the success of the CJIN Mobile Data Network (CJIN-MDN), yet current tower structures are not capable of additional weight and wind loading necessary to support

additional VIPER infrastructure. In almost every instance that a partnership already exists with a local government, efforts have been made to improve the present radio tower site environment, not only to support the VIPER Strategic project, but to also afford in kind improvements to local agencies as well.

Recommendations

The goal of VIPER is to provide interoperable communications for public safety agencies in North Carolina. Interoperable communications as intended for the VIPER Network is the ability for public safety agencies to communicate with each other using a single, common radio system. With the assessments of available resources complete, the VIPER team recommends that deployment of the 800 MHz SmartZone system and the associated digital microwave system continue, with a suitable funding package in place to produce statewide coverage within five years. This will involve significant upgrades to existing radio tower sites and infrastructure, the development and construction of new radio tower sites where identified and the addition of support staff members to the State Highway Patrol's present Technical Services Unit to provide support for construction, on going maintenance and management of the final VIPER Strategic solution product. Based upon the State Highway Patrol's findings, it is estimated that the total cost of system construction, including capital costs, will total $190M. The re-occurring costs, including system maintenance, utilities and salaries and benefits for support personnel will approach $12M when the project reaches maximum deployment.

Introduction

Wireless radio communications is the life line for public safety officials and is a critical need that is essential to the protection of life and property. Yet, our state's public safety personnel often rely on outdated wireless technologies and radio systems that have surpassed their service life. The age of existing systems, combined with technological advances in wireless communications, changing mission requirements of public safety agencies and FCC regulations, are compelling agencies to look at replacing their radio systems. The problems associated with aging systems include excessive maintenance and repair costs, inadequate vendor support, unavailable replacement parts, and system failures, not to mention that these systems do not allow interoperable communications. As an example, a lightning strike at one of the State Highway Patrol's communications sites in June of 2004 knocked out the radio transmitter. When the technician called the vendor to get a replacement part, the vendor reported that because the parts were so old, they only had 2 of those parts left in inventory.

A robust and expandable communications system is paramount to support the changing mission requirements of public safety operations in our state. Police, fire and emergency medical operations are more complex today than ever before. With the introduction of new mission responsibilities such as community oriented policing, anti-terrorism and advanced life support emergency medical services, public safety personnel are taking on new responsibilities and placing diverse requirements on their communications systems.

There have been several high profile events nationally where interoperable communications hindered the efforts of public safety. The Columbine High School attack in 1999, the Murrah Federal Building bombing in Oklahoma City in 1995, and the terrorist attack on the Twin

Towers and the Pentagon in 2001. Additionally, there have been major events in North Carolina where interoperable communications hampered the efficiency and effectiveness of emergency responders including, but not limited to, the air crash at Raleigh-Durham Airport in 1994, Hurricane Fran in 1996, and Hurricane Floyd and the subsequent flooding in 1999. Most recently, in 2003, Hurricane Isabel knocked out all public safety communications in Perquimans County and flooded communications equipment in Hyde County, thus rendering those counties helpless when trying to respond to emergencies.

The need for interoperable communications has been an issue for many years. In 1994, then Attorney General Rufus Edmisten commissioned a study group to report on the need for a statewide common radio system for public safety. This study group, referred to as the Statewide Interagency Public Safety Radio Communications (SWIPS) group was made up of representatives from the Department of Insurance, the Department of Transportation, State Telecommunications Services, Wildlife Resources, Emergency Management, the State Highway Patrol, the State Bureau of Investigation, Emergency Medical Services and Emergency Management. This group produced a document outlining the need for interoperable communications. As stated in the document "*The myriad of governmental wireless communications systems currently operating within the geographic boundaries of North Carolina for public safety and public services have been evolving over the years in a piecemeal, uncoordinated and fragmented manner. Because of the narrow focus only on the singular needs and desires of a particular organization, without consideration for communications with other entities, the opportunities for the interlocking and the coordination of networks were foregone. As a result, many incompatibilities among the communications systems of federal, state and local agencies and institutions have been created. Because of the widespread proliferation and use of many different and irreconcilable technologies, the vast majority of these entities can* ***NOT***

communicate with each other, either by voice or data. Equally important, many of the current radio systems are old, obsolete and unable to meet present requirements and future needs. The ability to access and react promptly and efficiently to emergency situations is influenced greatly by being able to establish direct communications among the responding and responsible agencies."[1]

During the 1994 Special Crime Session of the General Assembly, the legislature commissioned the Criminal Justice Information Network (CJIN) study. Price Waterhouse was awarded a contract to compile the findings of the Legislative Blue Ribbon panel. This study included a component to examine the feasibility of a statewide 800 MHz mobile data and a statewide voice radio system. The following excerpt from the Executive Summary report further indicates the need for a statewide interoperable communications system. *"We have noted repeated frustration with the inability of most law enforcement / public safety agencies to communicate through incompatible mobile radios while participating in a joint response. In addition, there is a growing need for mobile data access for all law enforcement and public safety agencies, ranging from simple vehicle and driver's license checks, to full criminal history searches, photo imaging, and remote entry of incident, arrest, accident, and citation information from the field. Due to the lack of statewide standards and definitions, considerable funds are being spent in an effort to address this problem in an uncoordinated fashion. The result is multiple pockets of expensive implementations throughout the state, based on differing technology, without the ability to interconnect adjoining sites."*[2]

The study addressed the need for a managing organization and identified the requirements for that organization. *"The managing organization should have the following attributes:*

- *Be a large stakeholder in a statewide mobile voice and data*
- *Have experience in the implementation of statewide radio systems*

- *Demonstrate a willingness to support and an ability to understand a variety of user requirements*
- *Be willing to work with local agencies to support their initiatives*
- *Be capable and willing to work with all levels of government, including the Governor's Office and the General Assembly to build support for mobile voice and data systems*
- *Understand the dependencies of law enforcement and public safety of radio systems.*

Based on these requirements, it is recommended that the State Highway Patrol perform this function. They currently maintain a statewide radio system which supports numerous agencies. They have already played a leadership role in directing attention to the need for statewide mobile voice and data. And they have also demonstrated a concern for supporting the needs of other agencies outside the criminal justice and public safety arena."[3] Additionally, the State Highway Patrol is statutorily authorized and directed under general statute 20-196 to setup and maintain a statewide radio system.

Most recently, the 9/11 Commission hearings have revealed that the lack of interoperable communications hindered the rescue efforts at the twin towers in New York and the Pentagon. As reported in a May 2004 article by the American National Standards Institute (ANSI) *"Interoperability in communications technology such as radio equipment used by first responders proved to be a critical topic of discussion during the hearing. Based on evidence that first responders in the New York fire and police departments had tremendous difficulty communicating among themselves and between agencies on 9/11, a strong call for standardization in this area of technology was made."*[4]

It is imperative that North Carolina pursue the implementation of a statewide interoperable public safety communications system to

better equip our emergency responders so that they may serve and protect the citizens of our state.

Goals

Ultimately, the goal of VIPER is to construct a statewide mixed – mode voice radio communications system to insure that our users can communicate quickly and easily each and every time they use their radio and to provide a communications system that allows interoperable communications between public safety agencies.

It is well established that for public safety providers, radio communications is often the single lifeline that provides access to help and support in life threatening situations. The reliable operation, coverage, security and ease of use of the radio system are major factors that can positively or negatively affect user safety. One of the highest priorities that VIPER has identified for the State's voice communications system users is the need to improve the safety of our public safety officials and the general public.

Existing Systems

Current Situation

Radio technology is a fundamental tool of law enforcement and public safety; therefore it goes without saying that every public safety agency has some sort of radio communications. According to the 1995 CJIN report, estimates set the number of radios in use in public safety statewide as high as 75,000 units. The study also reported, "*Incompatible radio equipment is inhibiting interagency communications in routine and emergency situations. A lack of statewide guidance and standards in radio communication technology fosters discordance and escalates the cost of providing communications statewide. In addition, FCC frequency refarming proposals may inevitably force the state to replace most of its transmitters and radios.*"[5]

As a prime example of the state of communications in North Carolina, the existing State Highway Patrol's statewide radio communications infrastructure is based on technology which is over forty years old and is extremely limited in capability compared to present technology. Maintenance and support has become a burdensome task as this equipment is so old that replacement parts are no longer stocked by the vendors. Many local governments are facing the same issues.

Current Radio Systems do not allow for state officials to communicate with local agencies and often local agencies can't effectively communicate with officials in neighboring counties. Unfortunately, current and planned investments in incompatible technologies will exacerbate the above problems well into the next century unless statewide action is taken now. Smaller agencies lack the technical and financial resources to effectively procure and manage the 800 MHz trunking technology infrastructure.

The state-of-the-art approach to large scale voice radio communications systems today is based on 800 MHz trunking technology. Trunking enables many users to share fewer channels by using technology which is more efficient use of radio spectrum. When a user makes a call, a frequency is assigned to that user for the duration of the call. At the completion of the call, the frequency is released for the next call. In this architecture, user capacity only becomes a problem when the number of users who want to make calls at any one instance exceeds the number of available frequencies at any given trunked radio transmitter site.

A rule of thumb used in the industry today supports that, based upon the number of radio calls made by public safety officials during a normal day, each channel of a 5 channel trunked radio transmitter site can support the routine radio traffic of 100 users.

In 2002, the CJIN Board commissioned a "refresh" study of the Voice Trunking Network (CJIN-VTN) study completed in 1995. This study, conducted by Gartner Consulting, included a user survey of potential users, two regional meetings held in Greensboro and New Bern, and survey data analysis. 700 surveys were mailed with a 28% return rate that according to Gartner was within reasonable expectations for such a survey. Some of the findings of the survey were:

- *80% of county representation that represented 95% of the state's population.*
- *Existing radio systems used by respondents*
  - *69% low band or high band*
  - *40% UHF*
  - *21% 800 MHz*
- *83% of 800 MHz responders use Motorola infrastructure*
- *30% of respondents were dissatisfied with the ability to inter-operate with agencies within their county*
- *62% of responders were dissatisfied with the ability to inter-operate with other state agencies*
- *Almost one third of survey responders were dissatisfied with the performance of their current radio system.*

Interest in Statewide Partnership

Most respondents agreed that a statewide CJIN-VTN would provide the following benefits:

- *Seamless statewide voice communications*
- *Seamless interagency communications*
- *Unobstructed flow of criminal information across agencies*

- *Improved officer safety*
- *Better public safety service to the citizens of North Carolina*

80% of respondents expressed an interest in statewide partnership, with 50% expressing a very strong interest.[6]

State and local agencies have already invested more than $270 million in 800 MHz technologies for their public safety officials. Those that have invested in Motorola SmartNet or SmartZone based systems in the state include:

- Asheville
- Charlotte
- Concord
- Durham
- Fayetteville
- Greensboro
- High Point
- Jacksonville
- Kernersville
- Lenoir County
- New Bern
- New Hanover County
- Rocky Mount
- Salisbury
- Shelby
- Tarboro
- Winston-Salem
- Raleigh Durham Airport Authority
- Cary
- Wake County
- East Carolina Univ.

There are currently four non-Motorola 800 MHz Systems in North Carolina.

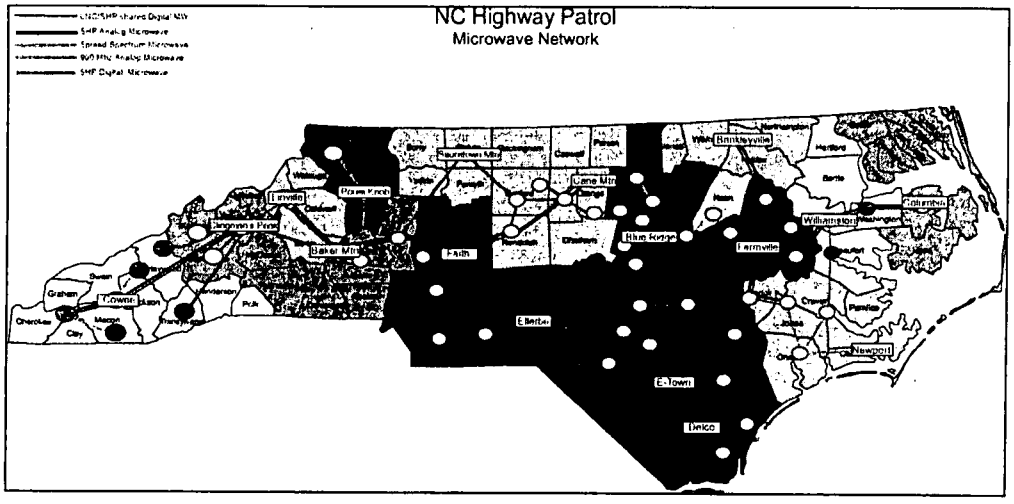
- Harnett County
- Hickory
- Johnston County
- Wilson

The VIPER Plan

The Voice Interoperability Plan for Emergency Responders (VIPER) is a phased solution to the lack of interoperable communication among public safety officials in North Carolina. The first phase is an immediate, short term solution that is referred to as the Tactical Solution and the second is a long term, Strategic Solution.

Tactical Solution

The Tactical solution is already under construction at the time of this document and consists of 17 remotely installed Raytheon JPS ACU 1000 communications gateways that will serve anywhere from four to seven counties depending on the geography of the areas surrounding the sites as illustrated in the accompanying graphic. Each of these sites will be interconnected via the State Highway Patrol's microwave network and will be controlled at each of the State Highway Patrol's eight Communications Centers across the state, the Emergency Operations Center (EOC), the State Highway Patrol's Technical Services Unit and Emergency Management's Disaster Recovery Operations Center (DROC).



VIPER Tactical remote communications gateways.

There will be three portable communications trailers with 100 foot telescoping towers placed across the state to support any long term (more than 4 hours) manmade or natural disaster or emergency requiring interoperable communications among the public safety responders. The plan calls for these units to be placed in locations that allow for deployment anywhere in the state within three hours.

Funding in the amount of $3.2m has been made available from the State's portion of the 2003 Part II Department of Homeland Security funding. Current plans call for the project to be completed by 31 December 2004.

Strategic Solution

The Strategic Solution consists of building a statewide trunked 800 MHz radio system by expanding on the existing investment made by the State Highway Patrol and Wake County. The State Highway Patrol purchased the communications equipment loaned to the US Special Olympics Committee to support the Special Olympics hosted in North Carolina in 1999. This equipment was installed in the Wake County area and began supporting limited communications for the State Highway Patrol. In 2000, as a result of Hurricane Floyd, the State Highway Patrol realized a need to help facilitate the evacuation of the heavily populated southern beaches surrounding the Wilmington area. This evacuation route would require the reversal of all traffic lanes of Interstate 40 west bound for nearly 100 miles to intersect with Interstate 95.

The State Highway Patrol received a Federal Emergency Management Agency (FEMA) Hazardous Mitigation Grant and a federal grant through Senator John Edwards to provide communications infrastructure equipment to cover this portion of Interstate 40 to coordinate the movement of traffic and to secure all the highway access points. This was

achieved by adding eleven new sites to the Motorola SmartZone 3.0 system purchased from the Special Olympics.

The State Highway Patrol partnered with Wake County in 1999 to upgrade the State Highway Patrol's existing SmartZone 3.0 system to a mixed mode Motorola SmartZone 4.1 system and support the additional sites needed to provide countywide coverage. This partnership has allowed the State Highway Patrol to upgrade its older system and position itself to support digital communications and expand the coverage in the Wake and surrounding areas.

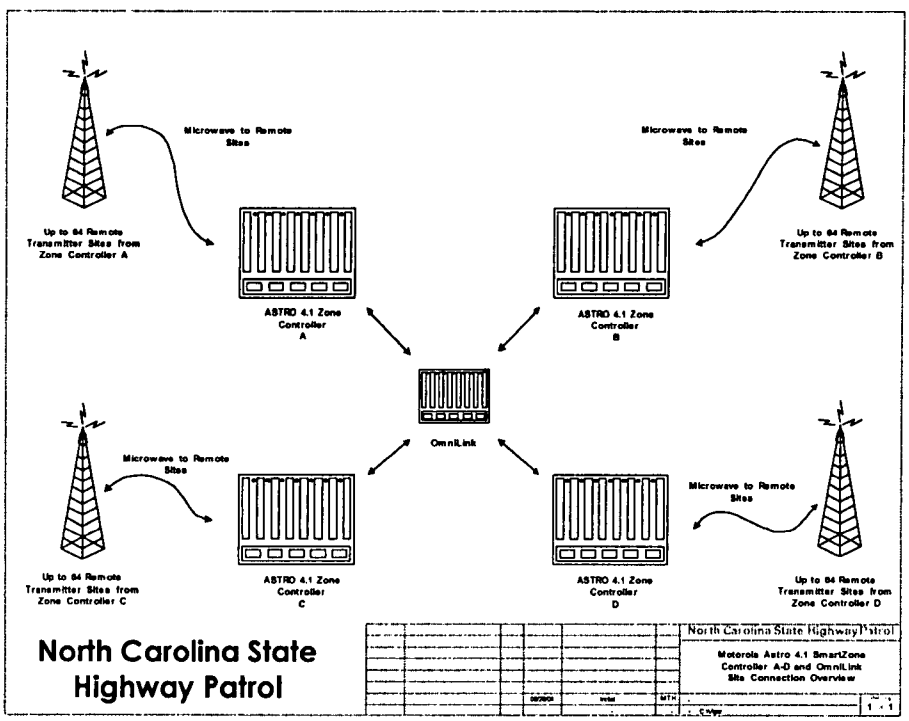
Senator Edwards and Congressman Price were successful in securing a federal grant of nearly $1m in 2003 to expand the radio system. These funds are being used to expand the currently named VIPER network along the Interstate 95 and Interstate 85 corridors.

The State's Homeland Security Strategy in 2003, identified interoperable communications for public safety agencies and emergency responders as the most important project for North Carolina's preparation to combat and respond to terrorist attacks. With that came the prioritization of grants for VIPER communications in the solicitation for Law Enforcement Terrorism Prevention Program and State Homeland Security grants. These funds have been awarded to be spent on the installation of VIPER infrastructure.

The statewide VIPER Network will be based upon the expansion of the existing Motorola SmartZone 4.1 mixed-mode system. The use of the 4.1 mixed-mode system allows for the support of digital communications as well as backward compatible support of analog communications. As mentioned in the previous section concerning existing systems, many

agencies that have already invested in 800 MHz technology have analog systems. It is the intent of the VIPER Network to have interoperable communications between VIPER and those existing 800 MHz systems.

SmartZone 4.1 systems are based on the use of SmartZone Controllers that act as routers. These controllers can support up to 64 transmitters sites and can be linked together using a device called Omni Link when multiple zone controllers are needed to support additional sites. It is estimated that the statewide VIPER network will necessitate 238 remote transmitter sites which will require four SmartZone controllers. These zone controllers will be decentralized with one being installed in western North Carolina, one in eastern North Carolina and two in the Raleigh area. As designed, the 4.1 system can support up to 64,000 radios with more than 4,000 talk groups.



VIPER Network

Each agency on VIPER will have its own autonomous talk group and handle their own call taking and dispatching as is their normal practice today. VIPER will simply be the radio system that they use for communications that has more features and wider coverage. Wider coverage allows officials from that agency to travel across the state and continue to communicate with their dispatchers. With most local systems, they can only communicate when in the coverage area of their communications system which generally covers their city or county. With the VIPER Network, they will be able to travel across the state and communicate as if they were still in their area.

When needed, public safety officials will be able to switch, or change channels, to a mutual aid talk group that will allow them to have interoperable communications with other public safety agencies.

Network Monitoring

The VIPER 800 MHz Network and the digital microwave network that provides the connections for each of the remote radio sites are part of a complex communications network crossing all of North Carolina. In order to be able to perform accurate and real time network monitoring and management of both the Motorola 800 MHz Astro voice radio communications system and the Alcatel MDR8000 digital microwave, the State Highway Patrol utilizes a comprehensive network fault management (NFM) system referred to as "MOSCAD". MOSCAD provides the ability to customize both inputs and outputs at each of the remote site locations and provides critical site monitoring of functions such as; building temperature, generator operation, building access and entry alarms, as well as electrical power from utility, generator or battery back up. In addition, MOSCAD is designed to directly interface to each of the critical radio and microwave site components individually to provide network monitoring

staff with the ability to remotely troubleshoot system alarms, alternate between redundant systems, initiate test procedures and enable and disable infrastructure components for various other purposes. MOSCAD's central monitoring software can be specifically tailored to provide network monitoring personnel with exact, front panel like views of the equipment being monitored such that when technicians arrive on site, together the technical staff can directly see the result of changes made during the repair process. This feature and others also available all contribute to the State Highway Patrol's ability to achieve maximum efficiency in managing this complex system and minimizing system downtime, greatly enhancing officer safety and the delivery of services to the citizens of North Carolina

Microwave Network

The State Highway Patrol has been using microwave communications to link transmitter sites and transport voice communications since the early 1970's. Over the years, the State Highway Patrol has partnered with UNC-TV to share the microwave backbone they use to transport TV signals. The State Highway Patrol builds spurs off the main microwave backbone out to remote transmitter sites to allow for system connectivity and data transfer.

In 2002, UNC-TV and the State Highway Patrol began upgrading many of the analog microwave paths to new, more efficient digital technology. These microwave communications provide a laser like beam or path of narrowly focused radio waves that transports voice and data wirelessly from point to point. This means of communications, mostly in the 6.6 - 6.9 GHz range is more secure for public safety agencies since it's not open to outside networks, is supported by public safety employees and eliminates the risks associated with buried and pole mounted wired communications.

There exists an opportunity for savings for the Department Of Justice in the form of collocating present CJIN mobile data sites with VIPER sites to eliminate the need to have wired telephone, point-to-point data circuits that produce a recurring cost by using new digital microwave.

Local Agency Communications Center access to the VIPER network

Connections to the VIPER network from local communications centers can be accomplished in several different ways. If the local communications center is already using Gold Elite Console technology, a direct connection to the SmartZone Embassy switch (AEB) could be made via microwave or fiber optic connection, or through the use of radio control stations connected to the Gold Elite Central Electronics Bank (CEB). If consoles other than Gold Elite Consoles are being used, connection through the use of radio control stations is the only available option. With the deployment of ACU-1000's across the state as part of the VIPER Tactical solution, a potential for reuse of this equipment exists as counties migrate to the VIPER Strategic system. Utilizing the ACU-1000's, dedicated connections could be made to support planned conversions from the current, locally operated radio system to the VIPER Strategic solution during transition.

Frequency Plan

VIPER will be constructed based on the plan adopted by the National Public Safety Planning Advisory Committee (NPSPAC) – NPSPAC is an open membership committee which enables the public safety community and the public to participate in spectrum management through recommendations on policy, technical standards, and procedures to satisfy long-term public requirements. Based on NPSPAC's report, the FCC allocated the 821-824/866-869 MHz bands (often called the NPSPAC channels) for public safety use, and adopted policies, procedures and rules that constitute a national plan for public safety

services. Additionally, the national plan specified that regional plans would be developed before frequencies would be allocated.

This process is now closed with the adoption of the plan by the FCC. North Carolina's plan falls in the Region 31 of the NPSPAC plan, and its 800 MHz plan was filed with the FCC in 1997.

System Coverage

The intent of the VIPER Team is to construct a statewide 800 MHz trunked radio system that provides 95% in the street coverage with a 3 watt portable radio. However, the possibility exists that this coverage will not provide the building penetration desired by some local agencies. In those cases, it is the responsibility of the local agency to conduct the building penetration coverage analysis, secure the necessary additional tower location(s), purchase and install the transmitter(s) and required microwave equipment and to provide the necessary network connectivity to link it/them to the VIPER network.

Secure Communications

It is anticipated that some of the VIPER users will require the transmission of secure information. For operations such as surveillance operations, drug task force operations and anti-terrorist activities, it is imperative that the safety of the system users not be compromised by non-secure communications. This makes it a priority for the system to support both digital and secure encrypted voice communications.

The Motorola ASTRO 4.1 Trunked solution is intended to support several encryption methods. These are of varying vintages and capabilities.

DES (Digital Encryption Standard) Developed by the National Bureau of Standards in the 1970's. DES is not authorized to encrypt communications deemed to be in the interest of national security. DES is an analog, 56 bit

encryption format that has a maximum number of 7.2 x 1016 different key combinations. It will pass over an analog ASTRO 4.1 mixed mode channel.

DES-XL (Digital Encryption Standard – Enhanced) Developed by and proprietary to Motorola as an improvement to the original DES 56 bit format. The original DES key suffered from up to a 30% range reduction and the "XL" variant eliminated the range loss problem. This too will pass over an analog ASTRO 4.1 mixed mode channel.

DES-OFB (Digital Encryption Standard – Output Feedback) Developed as a 64 bit encryption format as part of the APCO Project 25 suite of standards. DES-OFB is the recommended encryption for digital operation and will pass over an ASTRO 4.1 digital channel.

AES (Advanced Encryption Standard) Approved by the US Secretary of Commerce as the official US government standard, effective May 26, 2002. AES is the Federal Information Processing Standard (FIPS) that specifies a cryptographic algorithm for use by US government organizations to protect sensitive, unclassified information. AES is a 256 bit algorithm and will pass over an ASTRO 4.1 digital channel.

KVL (key Variable Loader) A handheld user level device required to "load" a secure key into an encryption equipped subscriber radio.

OTAR (Over the Air Re-Keying) a method in which a secure key can be directed to a subscriber radio or radios without having to individually load an encryption key with the KVL. OTAR requires the presence of a Key Management Computer (KMC) that controls the flow of the keys over the systems radio channels and directs the new secure keys to the intended radios in the field. The KMC can also be used to "wipe" keys from radios. OTAR is a very expensive and somewhat cumbersome device since it is recommended that there be only one on a system. This would require the State Highway Patrol to perform this function for others. OTAR is not an

acceptable solution to the federal government, nor is it one that is currently recommended for VIPER.

Support Analog and Digital Communications

Clearly the trend in any communications network, whether wired or wireless, voice or data, is the movement of information via digital transport rather than analog. The advantages of digital communications is well documented and includes improved audio quality (especially with encrypted communications), increased capacity through more efficient use of available frequency spectrum, enhanced features contributing to ease of use, and the opportunity to move to a non-proprietary standards based system and multiple subscriber choices.

With this in mind, it is a given that a long-term goal of the statewide VIPER radio system is to support digital only operation, compliant or compatible with user and industry standards. Thus any improvements or upgrades considered should be made that support this upgrade to meet the long-term goal.

At the same time, there are 38 existing Motorola 800 MHz radio systems in North Carolina, the majority of which only support analog voice communications. These systems represent a major investment by local agencies, and most of these radios have a good bit of useful life remaining. Therefore, one of the short term goals for the statewide radio system is to continue to support analog communications using the existing trunked radios, and add support for digital communications (ideally compliant with standards, i.e. Project 25) in order to establish a migration to a future all digital system. It will be required that all radios purchased in the future to access VIPER be digital capable to support a system conversion to digital when it occurs; eliminating the need to replace radios that may not have met or exceeded their service life cycle.

Support Additional Spectrum / 700 MHz

Existing trunked radio systems have limited ability to support additional frequency spectrum. While additional spectrum is critical to enable the needed coverage and capacity improvements (short and long-term), the existing systems are severely limited in their ability to expand using new spectrum. This report has also noted that the best source for the frequencies to allow expansion will come from the 700 MHz band as the TV broadcast stations relinquish it and possibly additional 800 MHz spectrum should the FCC approve the Nextel consensus plan.

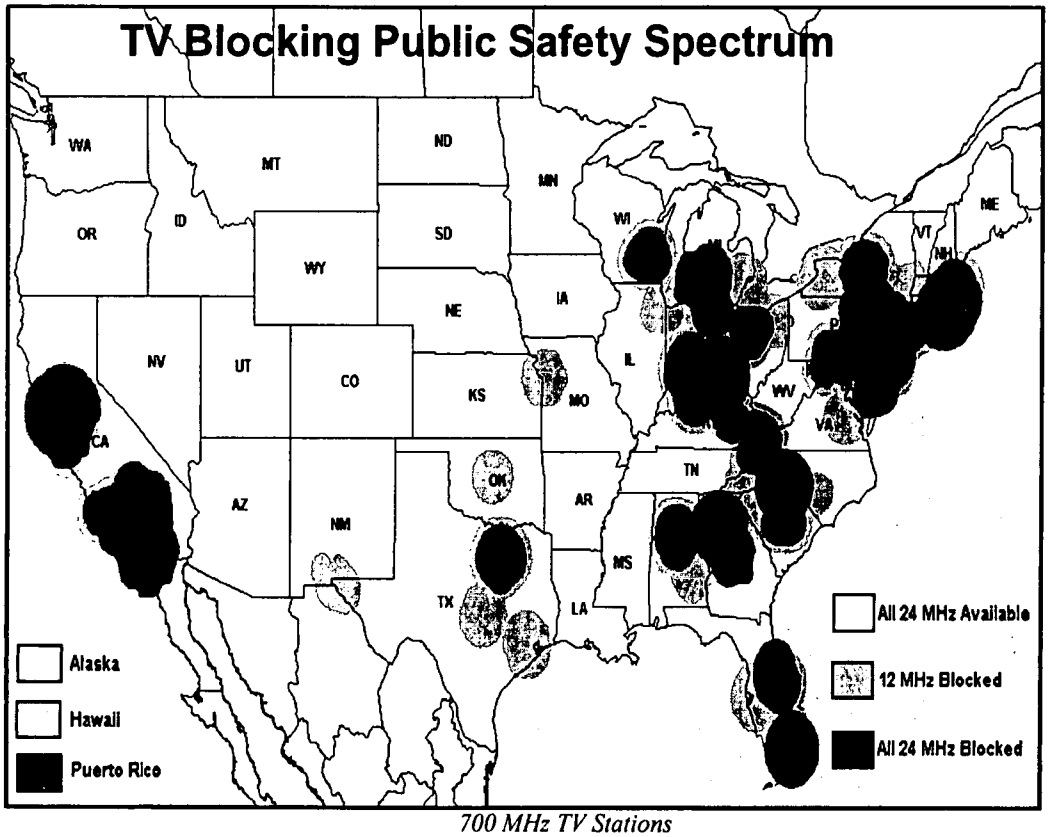
TV channels 63-64 and 68-69 have been identified by the FCC as public safety spectrum. However, there are two things that must take place before this spectrum can be used. First, each state must compile, and the FCC must approve, a plan to use these frequencies. This plan is filed as the NPSPAC plan for each region of the country. North Carolina's plan will be filed as the Region 31 Plan. National Public Safety Planning Advisory Committee (NPSPAC) – NPSPAC is an open membership committee which enables the public safety community and the public to participate in spectrum management through recommendations on policy, technical standards, and procedures to satisfy long-term public requirements. Second, and most important, the spectrum must be vacated by the currently licensed TV stations. The FCC has set a date of 2006 for these frequencies to be available to public safety. At the time of this document there has been no indication that this deadline will be met.

The need to support 700 MHz spectrum in order to allow expansion of the systems coverage and capacity is a notable concern. However, it is established as a long-term goal only in recognition that the 700 MHz channels are unlikely to be available for use for at least 5 or more years, and the benefit of migrating to 700 MHz may not justify the cost of the migration.

Similarly, VIPER has, as a long-term goal, the ability to implement new digital technologies that support "narrowband" channels of 12.5 KHz bandwidth. This technology could provide a means to create more usable channels using current VIPER licensed spectrum by using less bandwidth for each channel. Taking advantage of this technology requires a system that only uses digital and does not support analog traffic.

This would require a complete replacement of all existing infrastructure equipment and those subscribers units not capable of 700 MHz operation. Therefore, it is encouraged that consideration be given to purchasing subscriber units that support 700 MHz operation.

The accompanying chart shows where 700 MHz spectrum is currently in use by TV stations.



700 MHz TV Stations

An option that exists for the future use of 700 MHz spectrum could be to use the wideband channels for the Data Network and reuse the 800 MHz data channels in the voice network. Wideband data channels will increase bandwidth and throughput which would allow for wireless transmission of photographs, large reports and even video in some cases. However, the option to use 700 MHz channels should be evaluated when they become available to determine if the benefits are worth the expense.

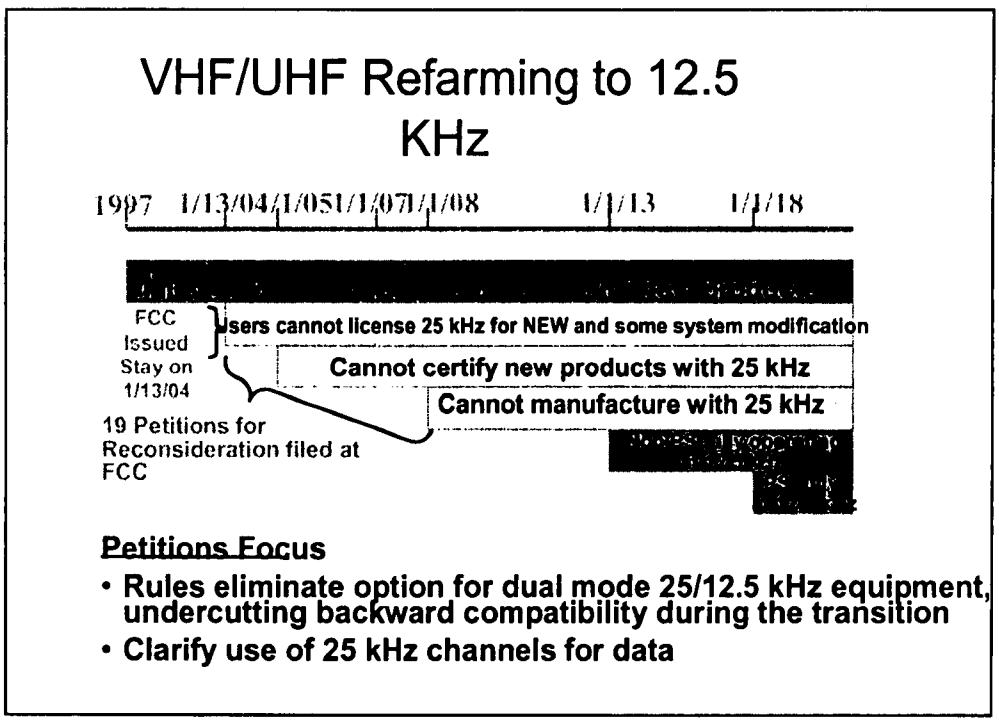
Narrow Banding

In 1997, the FCC implemented a plan to make more efficient use of public safety radio spectrum. It was determined that wide band, 25 KHz channels currently below 512 MHz, would be reduced in two stages. The first stage from 25 KHz to 12.5 KHz, and the second reducing to 6.25 KHz to create additional radio channels. This plan is referred to as narrow banding and commonly called re-farming. The original plan to reduce channel spacing from 25 KHz to 12.5 KHz would be mandatory by 2018 giving agencies time to budget and plan for radio equipment replacement. This plan also required that radio manufacturers build dual band radios beginning in 1997. Additionally, the rules required that any system changes or upgrades to existing radio system after January 13, 2004, must be narrow band.

Obviously, this requirement would create havoc on existing systems where older wideband subscriber units would not work on a mixed mode network. APCO, on behalf of Public Safety agencies, filed a petition with the FCC, a reconsideration of the narrowband requirements, and requested a stay of those requirements until a decision was rendered by the FCC. The FCC granted the "stay" until a ruling is made on the reconsideration. A concession offered in the request for reconsideration was that the narrow banding date for 12.5 KHz be rolled back from 2018

to 2013. A date for 6.25 KHz narrow banding has not been determined; however, narrow banding to the 6.25 KHz level will require that radios operate in a digital mode.

The FCC narrow band rules also require that manufacturers no longer produce wideband capable radios beginning in 2008. This too was included in the APCO request for reconsideration and stay due to agencies not being able to buy replacement radios for existing wideband systems.



Alternative Communications Solutions

In researching the VIPER strategic plan, the team examined commercially available solutions to determine if there were any avenues available that would address the needs of a statewide system with the level of coverage required for both state and local emergency responders. South Carolina has a Motorola SmartZone 4.1 infrastructure available to emergency responders; yet they do not own the system. Motorola, Inc., owns, controls and maintains the entire infrastructure and backbone in South Carolina. This system approach began as a partnership between the State of South Carolina and South Carolina Natural Gas (SCANA); however, due to the state's inability to continue to fund support or expand the system beyond its original, limited coverage; a privatization of the system was sought as a solution. The immediate problem of providing capital for system expansion and ongoing funding for maintenance and operation was addressed; regrettably with the inordinately high user fees ($75 per subscriber radio), they have experienced only a limited adoption of the system by potential users.

Another alternative being offered to public safety has been one provided by Nextel. This involves the prioritization of public safety users, equipped with a commercial handset (radio/phone combination), on a public, commercial radio system. The Nextel solution presently does not provide a statewide communications platform and discussions with Nextel as part of our research does not lead us to believe that this will occur anytime in the near future. In addition, the IDEN technology utilized by Nextel, although it is a trunked radio method, is not APCO certified, nor a recognized public safety communications standard in any area of the world. Nextel handsets are made by only one vendor and require an ongoing, monthly financial commitment with no guarantee of service.

The VIPER team also examined satellite based technologies to determine if they were suitable for a statewide communications system. Satellite technology does have one advantage over typical trunked radio systems in that it is not terrestrial based. This essentially means that a satellite based communications system would be relatively free from harm as related to most natural or manmade disasters. However, the primary drawback to satellite based systems is that in order to function, the subscriber handset or radio unit must be in constant view of the sky. This would eliminate operation inside buildings or in areas of dense foliage or during heavy rainfall or intense cloud cover. All of these detractions far outweigh the benefit of the system being somewhat impervious to being dependant on easily damaged infrastructure on earth. Satellite systems also suffer from lengthy delays as the conversation is routed up into the sky many hundreds of miles and back down again to the receiving radio or handset. Furthermore, satellite based technology will have to be refreshed as the orbit of the satellite can only be sustained for a finite number of years. North Carolina is facing this challenge at the present with the Satellite based system that it uses for pre and post disaster responses within Emergency Management. The present satellite provider has informed the state that within a five year time frame, a wholesale change-out of the current equipment will be required to work in conjunction with a new satellite, soon to be launched. Satellite based systems are often most beneficial in areas where no terrestrial based infrastructure exists or would be vastly cost prohibitive to build. Examples of this might be the areas of the United States in the southern desert and southwestern states and overseas in the desert areas of Africa, Australia and the Middle East.

The Following sections are considered part of the VIPER Strategic detailed project plan.

The following Assumptions and Constraints were taken into consideration in the compilation of the VIPER project plan:

Assumptions

- Project fully funded
- Will be able to purchase land in areas where we do not have tower sites
- Vendor material availability through the life cycle of construction
- VIPER will provide statewide interoperable communications for all public safety agencies in North Carolina.
- Implementation and construction will be achieved through a phased five year plan.
- The General Assembly will approve the support and maintenance positions requested in the VIPER plan.
- VIPER has the sponsorship of the leadership of the State Highway Patrol, Secretary of Crime Control and Public Safety and the Governor's Office.
- High participation from local and state public safety agencies
- Technology deployed will be backward compatible with majority of existing 800 MHz radio systems in North Carolina.
- State or local agency property can be used for tower sites where no tower exists

Constraints

- FAA approval of tower sites selected
- FCC spectrum availability at time of license
- Funding must be available for each phase of the five-phased project to be completed in a timely manner.

- VIPER is dependent upon the support and maintenance personnel positions being approved by the General Assembly.
- VIPER is dependent upon radio spectrum availability in the 800 MHz range of frequencies.
- Timelines for tower work and installations may be impacted by inclement weather.

Milestones

The major milestones for the VIPER Project are as follows:

- ***Milestone 1***
  Successful completion on Phase Zero — 4th Quarter 2006
- ***Milestone 2***
  Successful completion of Phase One — 4th Quarter 2007*
- ***Milestone 3***
  Successful completion of Phase Two — 4th Quarter 2008*
- ***Milestone 4***
  Successful completion of Phase Three — 4th Quarter 2009*
- **Milestone 5**
  Successful completion of Phase Four — 4th Quarter 2010*

** Completion dates are based on project full funding being available beginning in 2005.*

Acceptance Criteria

The following criteria will used to determine when a newly constructed VIPER site is declared accepted and operational for use by public safety agencies:

- All major components of a VIPER transmitter site must operate for 30 continuous days with 100% reliability.
- Digital microwave links must pass a 5 day bit error rate test (BERT).
- New tower construction sites must pass an independent tower inspection.
- Emergency power sources must operate all major communications components for a continuous 8 hour period.
- Where new buildings are installed, buildings must meet or exceed state or local building codes as determined by building location.
- Successful demonstration of two-way communications from a newly constructed site to any or all of the constructed operational sites in the VIPER network.

Quality Assurance Review

Internal

The State Highway Patrol has developed two Work Breakdown Structures, (WBS) for the implementation of the VIPER infrastructure during the anticipated five year implementation process. These two WBS represent both VIPER remote site implementation at a location in which a new radio tower must first be constructed prior to the installation of the VIPER equipment, and at locations where a radio tower is existing, yet improvements must be made to accommodate the installation of the VIPER equipment. Upon completion of the installation of equipment in either of the WBS, a quality assurance process has been included. This

quality assurance review consists of several steps and includes several audits and tests that follow industry standards or manufacturer recommended tests.

Motorola, Incorporated, as part of its internal review process for site implementation, and submitted as part of the company's Six Sigma certification, developed a standardized site implementation and measuring protocol referred to by the communications industry as the Motorola R56 standard. This standard addresses a wide area of topics directly related to sound technical practices in the communications industry and it is against these standards that the State Highway Patrol intends to compare work performed. This will include work performed by both internal staff and external contractors related to site construction. A sample copy of the Motorola R56 audit is attached as Appendix 1.

There are several commercially available automated test procedure (ATP) packages available and almost all seem to have been used and tested by agencies constructing similar systems to that proposed for VIPER. The State Highway Patrol is continuing to evaluate which of the commercial products it will procure and utilize for the ATP.

To complete the internal quality assurance review, the State Highway Patrol has derived the following tasks that will be part of the WBS and consists of the following steps:

1. Conduct R56 Compliance at site (2 day duration)
2. Develop punch list of items needed to bring site into compliance. (1 day duration)
3. Engineering group to address shortfalls or necessary modifications (1 week duration)
4. Perform audit of documentation and required submittals of regulatory items to include but not limited to: Construction Permit

sign offs, FCC licensing documentation, FAA documentation (2 day duration)

5. Perform ATP to ensure site functionality per design. (1 day duration)
6. Perform ATP to ensure appropriate radio coverage has met or exceeded 95% portable in the street coverage on a per site basis. (2 day duration)

Quality Assurance Review

Independent Verification & Validation (IV & V)

The Information Technology Services (ITS) will provide the external Quality Assurance Review through their Independent Verification & Validation (IV & V) process. Using ITS to provide this service will save the project approximately 5% of the overall project cost as compared to hiring an outside vendor.

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Interoperable Communications

The National Task Force on Interoperability published a document titled "Why Can't We Talk" and it defines interoperability as "*...the ability of public safety agencies to talk to one another via radio communication systems – to exchange voice and/or data with one another on demand, in real time, when needed.*"[7] In the publication, "*Statement of Requirements for Public Safety Wireless Communications & Interoperability*" published by the Department of Homeland Security's SAFCOM Program opens the section on "Public Safety Requirements and Roles" by stating, "*Public safety operations require effective command, control, coordination, communication, and sharing of information with numerous criminal justice and public safety agencies, as well as public utilities, transportation companies, and private industry. Thousands of incidents that require mutual aid and coordinated response occur every day. High-profile incidents, such as bombings or plane crashes, test the ability of public safety service organizations to mount well-coordinated responses. In an era where technology can bring news, current events, and entertainment to the farthest reaches of the world, many law enforcement officers, firefighters, and emergency medical service (EMS) personnel cannot communicate with each other during routine operations let alone during major emergencies, such as the Oklahoma City Bombing.*"[8]

There are more than 18,000 law enforcement agencies in the United States. Approximately 95 percent of these agencies employ fewer than 100 sworn officers. Additionally, there are over 32,000 fire and EMS agencies across the Nation. Due to the fragmented nature of this community, most public safety communications systems are stovepipe, or individual systems that do not communicate with one another or facilitate interoperability. Just as the public safety community is fragmented, so is radio spectrum. Public safety radio frequencies are distributed across four isolated frequency bands from lowband VHF (25-50 MHz) to 800 MHz (806-869 MHz).

Voice communications are critical, but voice communication requirements are not the only issue. Because of advances in technology, public safety operations are increasingly dependent on the sharing of data, images, and video. New technologies promote the convergence of information and communication systems with the result that mobile units are increasingly being viewed as merely wireless nodes within information networks.

The public safety community requires interoperable communications-the ability to communicate and share information as authorized when it is needed, where it is needed, and in a mode or form that allows the practitioners to effectively use it. Broadly defined, the public safety community performs emergency first response missions to protect and preserve life, property, and natural resources and to serve the public welfare. Public safety support includes those elements of the public safety community whose primary mission might not fall within the classic public safety definition, but whose mission may provide vital support to the general public and/or the public safety official. Law enforcement, fire, and emergency medical services fit the first category, while transportation or public utility workers fit the second".

SAFCOM defines interactive voice communications as "*...communications between public safety practitioners and their supervisors, dispatchers, members of the task force, etc., require immediate and high quality response, with much higher performance demands than those required by commercial users of wireless communications. Commands, instructions, advice, and information are exchanged that often result in life and death situations for public safety practitioners, as well as for the public.*"[9]

In North Carolina we've had several high profile incidents that interoperable communications would have enhanced the efficiency and effectiveness of public safety responders. They include, but are not limited to, Hurricanes Fran, Floyd and Isabel and the air crash at RDU.

Most recently, the hurricanes and tropical storms impact on North Carolina has brought to light the need for interoperable communications. Unfortunately, the public safety responders from fire, emergency medical services, and state, local and county law enforcement agencies couldn't communicate with each other on a single radio.

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APCO Standards

In the mid-1970's, as trunked radio systems were being developed, the Association of Public Safety Communications Officials (APCO) recognized the need for standards in new radio communications systems. From this realization, came a set of minimum standards for trunked radio systems, known as APCO Project 16. This standard, defined a series of technical requirements that included emergency notification from portable and mobile radios and the ability to identify and disable radios to prevent unauthorized use. APCO Project 16 did not however set forth a uniform standard to which all manufacturers of trunked radio systems and subscriber units would adhere to and therefore did not produce across the board interoperability amongst manufacturers. With these shortcomings recognized, APCO set about to champion a new effort to ensure communications interoperability, Project 25.

Project 25 (P25) is now the recognized standard within the United States to define an interoperable two-way, wireless, digital communications platform. It was developed with input from all levels of government and was directed by the Telecommunications Industry Association (TIA). Project 25 strived to produce four clearly defined results for public safety communications; 1) effective, efficient and reliable communications amongst agency responders and to also afford the ability to communicate with other responding public safety disciplines; 2) to ensure competition in system life cycle procurement; 3) to provide user friendly equipment; and 4) to improve radio spectrum efficiency.

Project 25 applies not only to 800 MHz systems, but also to systems in the VHF and UHF bands as well. Indeed, Project 25 has been so successful in demonstrating a commitment from both users and manufacturers, that the Federal Communications Commission (FCC) has

gone on record by stating that Project 25 will be the standard to which systems operating in the new 700 MHz public safety spectrum will be required to adhere to.

Project 25 has two distinct phases; Phase 1 specifies the Common Air Interface (CAI) and Improved Multi Band Excitation (IMBE) vocoder requirements for operation within a 12.5 KHz bandwidth. The VIPER system will begin by meeting the 12.5 KHz bandwidth and CAI requirements, while maintaining a transition for analog users, by continuing with a 3600 baud control channel, while at the same time providing an infrastructure capable of migration to 9600 baud and full Project 25 Phase 1 digital only operation. Phase 2 is still under development. This level will ultimately attempt to further improve spectrum efficiency by reducing system bandwidth down to 6.25KHz operation, yet remaining compatible with all of the four original goals and Phase 1 system operation.

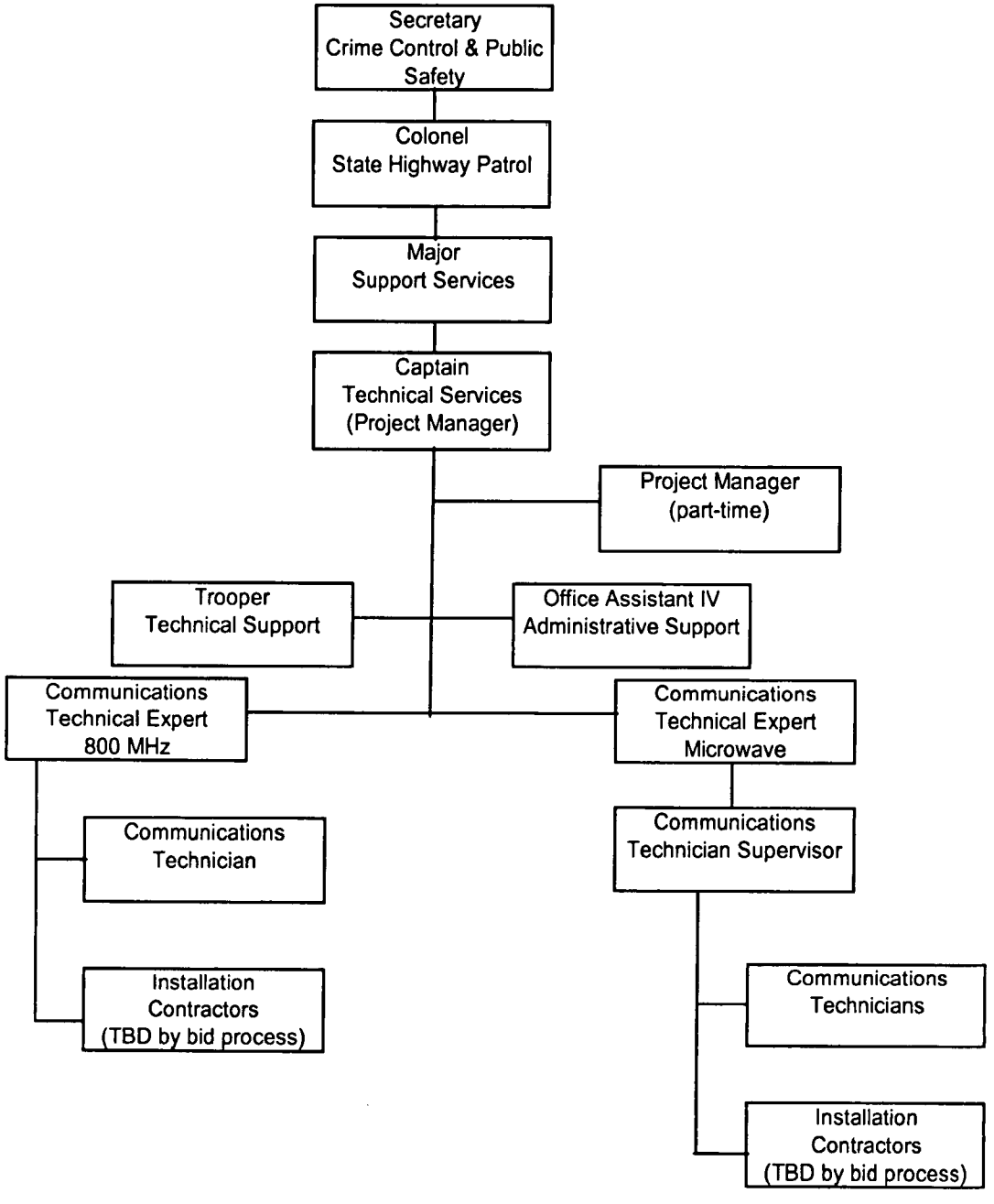
Radios (subscriber units)

As mentioned previously in this document, it is the intent of the VIPER Plan to be backward compatible with the majority of existing analog 800 MHz radio systems and still provide digital communications to those possessing the necessary equipment. With that said, it is our recommendation that no analog only radios be purchased to access VIPER, we strongly recommend that only digital radios be placed into service on VIPER. The reason for this recommendation is to prevent agencies from having to purchase new radios when the VIPER Network goes to digital only operations when that system transition occurs. This would eliminate the need for agencies to seek funding to have their entire stock of radios replaced.

Further, these radios must be configured for, or upgradeable to, OmniLink. SmartZone is the trunking method used by VIPER and OmniLink is the protocol that supports multiple SmartZone controllers, as is the configuration of VIPER's anticipated four Zones.

A separate table in this document outlines the basic needs and cost of upgrading radios to the VIPER minimum requirements. It should be noted that these prices are good only as of the date of publication of this document and do not represent any programming or labor charges agencies may encounter from their vendor when upgrading radios. The State's Information Technology Services Section maintains a state convenience contract for radios that contains current pricing.

VIPER Organizational Structure



In order to effectively enable each group that will be a part of the overall *VIPER Project*, roles and responsibilities are clearly defined and are as follows:

Project Role	Description	DCC&PS Resource	Other Agency Resource	Dependencies
Sponsor	• Sustain executive and organizational commitment and support for the VIPER project. • Communicate business direction changes to senior management.	Secretary Beatty and Colonel Clay		
Project Manager	• Initial POC • Hold initial meeting to explain concept, approach, roles, and timeline. • Maintain open communication with all groups. • Utilize standards and procedures. • Coordinate activities among multiple parties. • Publish documents to respective parties. • Overall project status reporting.	Captain W. F. Sandy and Part-time Project Manager		
Technical Expert/ System Manager	• Provide engineering support • Provides system design and architectural concepts • Provides feedback to Project Manager on project progress • Maintains a database of all site equipment and user equipment on the network • Maintains a database of all fleet mapping	Mike Hodgson		
Infrastructure Vendors	• Provide vendor specific network components • Provides support of equipment purchased • Responsible for delivering infrastructure needed to support environments	Mike Hodgson and Harold Meacombs		
Infrastructure Installation Contractors	• Responsible for individual job site construction, equipment installation and optimization	Dick Wooten and Mike Hardy		

Project Role	Description	DCC&PS Resource	Other Agency Resource	Dependencies
Construction Manager	• Responsible for the oversight of new transmitter site construction • Responsible for the oversight of existing site reconfiguration • Provides progress reports to Project Manager • Coordinates with construction contractors to maintain project timelines	Harold Meacombs		
Technical Support Personnel	• Responsible for supporting construction manager and the Technical Expert in the oversight of contractual services • Provides feedback to the construction manager and Technical Expert on issues concerning the network construction	Dick Wooten Joe Allison Thomas Hunsinger Ken Fountaine		
Procurement	• Procures equipment and services in compliance with state rules and regulations • Enters procurement requests in the state ITS procurement system	Robert Lukaszewski		
Administrative Support	• Maintains database of procured items • Monitors equipment delivery • Files/maintains/monitors service contracts • Files regulatory paperwork (FCC, FAA, EPA) • Monitors financial expenditures • Assist with project reporting	Diane Bumgardner Robert Lukaszewski		
Network Monitoring Manager	• Responsible for monitoring the health of the network to maintain uninterrupted service provided from those sites on-line • Reports network troubles to the technical support personnel • Network Management • Responsible for scheduling network staff to monitor the network	Rodney Spell		
Facilities	• Responsible for power generators • Responsible for HVAC • Grounds maintenance	Dick Wooten and New Requested Positions		

Maintenance and Support Personnel

As with any large project, the VIPER Network will require support personnel to keep it operating at optimal levels 24 hours per day 7 days per week. As a primary communication system, there is the need to strive for zero down time. With this requirement comes the need to strategically place support personnel, some with multiple roles and others with specific roles to keep the system operational.

Technical Support Team

There will be a need for two technical support teams, one in the east and one assigned to the west. These technicians will be responsible for maintaining the 800 MHz intellirepeaters (minimum of five at each site) the microwave communications equipment and all system monitoring equipment at each of the 238 sites across the state. Not only will this group be responsible for repairing broken or out of service equipment, but they will be required to visit each site every six months to perform preventative maintenance in an effort to reduce the amount of out of service equipment. It is estimated that there will be a need for 25 technicians classified as Telecommunications Equipment Technician II and 2 supervisors, one east and one west, classified as Telecommunications Maintenance Supervisor II. The salary cost of these employees and the associated tools, equipment and vehicles are identified in a spreadsheet in this document.

Power Distribution Technicians

As identified in the blackout of the August 2003 in the Northeastern United States, the need for auxiliary power for critical communications is absolutely necessary. With this in mind, each VIPER site will be equipped with an auxiliary generator and an Uninterruptible Power Supply (UPS) to maintain public safety communications in the event of a power outage.

Additionally, the microwave system is powered by 48 volt battery power and the necessary charging equipment. This equipment will need to be serviced and maintained on a regular basis to ensure its uninterrupted operation. To support this equipment, we recommend that 10 Power Distribution Technician II personnel be hired to support all the electrical support and distribution at each of the 238 remote sites. These technicians will also be assigned to eastern and western teams.

HVAC Mechanics

As with any sensitive electronic components, the radio and microwave equipment used in the VIPER Network must be operated in a controlled temperature environment. This electronic equipment is extremely sensitive to overheating and due to security needs at each transmitter site there exist minimal or no ventilation. Because of this, each site will be equipped with air conditioning and in some cases on high mountain tops, heat will be installed. We recommend that 2 HVAC Mechanics be hired to support, service, and maintain the heating and air conditioning equipment at these 238 sites, and be assigned east and west areas of responsibilities.

Grounds Maintenance

The property of the transmitter sites will need to be maintained. Grass and brush will need to be kept cut for security and operational issues as there will also be a need to maintain the access roads, some of which are very remote and need constant repairs. It has been speculated, that a tower in eastern North Carolina fell during Hurricane Isabel because trees hadn't been trimmed away from the guy wire paths. It is thought that trees fell on the guy wires starting a fatal oscillation of the tower. We want to insure that doesn't happen to any of the 238 VIPER sites. It is recommended that 2 Facility Management Coordinator II positions be

hired as crew supervisors and 8 Facility Management Coordinator I positions be hired and divided up into east and western teams to support the VIPER sites.

Depot Technicians

A centralized service shop will be maintained by nine Telecommunication Equipment Technician I positions. These personnel will maintain a stock of spare parts, tools and support equipment, and coordinate the shipping and receiving of vendor repaired parts and equipment. They will maintain a database of all site repairs, individual base station repairs and failures, generator and microwave repairs and other system equipment so that quality control can be monitored and tracked to ensure vendors are providing service at the contracted level and to identify network components that need replacing because of abnormal service issues.

Tower Maintenance Crews

With antennas, transmission lines and microwave dishes mounted on more than 238 towers, there is the need for 2 tower crews to climb these towers and perform annual inspections of the transmission line tie-downs, antennas and microwave dishes. They will also replace antennas damaged by lightning and ice storms. Additionally, these personnel will be responsible for painting towers and changing and maintaining the lighting systems required by the Federal Aviation Administration (FAA). It is recommended that two crews be employed with one supervisor at a salary grade 69, two supervisors at salary grade 65, and four tower workers at salary grade 63. There does not exist job classifications for tower workers in the current NC Office of State Personnel (OSP) Salary Plan. It is recommended that the VIPER team consult with OSP to create these job classifications.

Network Monitoring

It will be necessary to monitor the VIPER Network to ensure the entire network is working properly. To achieve this will require 6 Network Control Technician I positions and 1 Network Control Supervisor. Currently there are 3 Network Control Technicians and a Network Control Supervisor on staff with the State Highway Patrol monitoring the Criminal Justice Information Network – Mobile Data Network (CJIN-MDN). The Network Control Technicians are funded through a Byrne Grant and the Network Control Supervisor is a permanent full time position with the State Highway Patrol. It is recommended that permanent funding be provided for the Technicians and the number be increased to 6 to provide around the clock coverage. These positions can provide network monitoring for both the Mobile Data Network and the VIPER voice network.

Administrative Support

There are several positions that will be needed to ensure the effective flow of information and the processing of administrative requirements. They are identified as:

One **Safety Consultant I** position will be needed to evaluate and monitor all the VIPER sites and process to ensure compliance with OSHA rules and regulations. This person will also be responsible for maintaining safety training classes and training records for those all the VIPER personnel.

One **Electrical Inspector Supervisor** to inspect all the work done on VIPER sites to ensure that electrical work is performed in a safe and electrical code compliant manner.

One **Contract Supervisor** will be required to compose and consult with legal staff on service contracts and leases, and to monitor those recurring contracts for tower space or services. This position will be responsible

with working the Information Technology Services purchasing and contracts group to ensure that all VIPER contracts are conducted within the rules and guidelines set forth by ITS for these services. Additionally, this person will monitor all renewable contracts and take the necessary steps to renew and/or re-bid contracts on a timely basis.

One **Administrative Assistant III** will be responsible for maintaining, filing and renewing the more than 1100 Federal Communication Commission (FCC) licenses for all the VIPER radio transmitters. It is imperative that VIPER FCC licenses be filed and renewed in a timely manner to avoid losing our licensed frequencies.

There will be a need for 2 **Office Assistant IV** positions to handle phone calls, process paper work and other administrative needs for the VIPER support staff.

Network Engineer

A Telecommunications Engineer will be needed to be responsible for the oversight during construction, and the continued operation and management of this large and complex network. This person will be responsible for advising State Highway Patrol management and the VIPER Governance Committee on issues affecting the network. This position is already on staff with the State Highway Patrol in a full time permanent position.

Network Control Facility and Depot

A new building is needed to safely and securely house two of the VIPER Network SmartZone Controllers and the network operations and monitoring equipment and personnel. This building will also house the depot staff, parts and equipment to keep supplied the field technicians and to coordinate the shipping and receiving of vendor repaired parts and

equipment. Additionally, this building will house the network control and management personnel and equipment for the Mobile Data Network. This modern building will provide the necessary security and environmental controls needed to protect this sensitive electronic equipment that will provide critical data and voice communications to public safety officials across the state. There should be room in this facility for equipment to be assembled and tested before being deployed to remote radio transmitter sites. It is recommended that this building be built on the State Highway Patrol Training Academy campus, existing state property and near the termination point of the Mobile Data Network's current control equipment.

Land Acquisition Team

Following the suggestion of the Michigan State Police, who built a statewide interoperable voice network in 1984, we recommend creating a Land Requisition Team to scout, research, and work closely with the State Property Office to purchase property needed to build VIPER Network towers where no existing tower resources are available. This team should consist of four uniformed members of the State Highway Patrol and one staff attorney.

This team should be assembled upon approval of the plan and remain active until the final parcel of land is acquired. After the completion of these tasks, these members will return to their normal duties within the State Highway Patrol and the Department of Crime Control and Public Safety.

User Training Team

The Michigan State Police also informed us that most of the initial problems perceived by new system users were due to the lack of user understanding of systems features and operation and could be mitigated through new user training. They implemented a training program and

recommend that we assign two teams of two trainers each to provide end user and departmental train-the-trainer training to ensure that all new users be properly trained and be capable of using the radios in times of emergencies.

Governance Committee

It is recommended that a governing committee be composed to guide and recommend management of the VIPER Network. The public safety community will provide input to decisions that affect VIPER through the Governance Committee. This Governance Committee approach has been adopted as a best practices model in other states and at the federal level. This committee should be made up of no more than 15 members representing all public safety disciplines. Each member should represent an agency that is an active participant on the VIPER Network. It is recommended that the Governance Committee have the following representation:

- NC Fire Chief's Assn.
- Emergency Medical Services
- State Highway Patrol
- State Bureau of Investigation
- NC Emergency Management
- NC Sheriff's Assn.
- NC Police Chief's Assn.
- CJIN Board
- Wake County Representative
- NCSUN
- Local EM Coordinator
- Local Fire Chief
- Local Sheriff
- Local EMS Coordinator
- US Marshall's Service

The State Highway Patrol Commander shall serve as chairman of the Governance Committee for the first year. After the first year, the chairman would be voted on by the committee members.

In identifying members of the VIPER Governance Committee, Wake County has been selected as part of the first years committee due in part to them being the first agency to partner with the Highway Patrol in the construction of VIPER, and the significant investment in the upgrade and expansion of the Highway Patrols 800 MHz radio system.

Additionally, it is recommended that the Governance Committee create a technical sub-committee to provide technical advice on issues that could have statewide impact on the network. Membership of the technical sub-committee should come from agencies participating on the network.

It is further recommended that the Secretary of the NC Department of Crime Control and Public Safety make the initial appointments to the committee. After one year, the original committee members will be replaced by nominations from VIPER participating agencies and serve on a staggered 1 or 2 year term to be determined by original committee.

A nominal budget has been recommended to pay for "official travel" for committee members to attend meetings.

Network Costs

An extensive survey and analysis has been conducted on sites currently owned and those leased by the State Highway Patrol to determine their reuse potential. Additionally, contact has been made with the major utility companies operating in North Carolina to determine if any of their tower sites are available for re-use. Our goal has been to reuse as many existing sites as possible to reduce the overall cost of building the network and it should be noted that we expect the overall cost to be reduced by building partnerships with utility companies and others as we gain funding to construct the network. However, this report uses estimates that are known at the time of publication. With this in mind, it is anticipated that VIPER will require 238 tower sites across the state to provide 95% in the street coverage. Of these 238 sites, 120 sites will require construction of a new tower (59 of the 120 sites will require the rebuilding of existing, overloaded towers and 61 of the 120 sites will require constructing new towers where no tower exists), 118 sites have existing, ready-to-use towers.

There are many equipment and service parts to the VIPER plan that will be bid separately and/or purchased off existing State Convenience Contracts. There is not a single vendor or a prime contractor. In an effort to reduce the project cost, the State Highway Patrol's technical staff will act as the prime contract and manage subcontractors to perform individual tasks that cannot be done by Patrol personnel.

Federal Funding

To date, there has been $31,327,789 in federal funds awarded towards the construction of the VIPER network. $8,829,032 was awarded through the 2004 Homeland Security Law Enforcement Terrorism Prevention Program grants, $21,453,757 in 2004 State Homeland Security Grant Program grants and $1,045,000 awarded through the 2004 Homeland

Security Urban Area Strategic Initiative Grant program. Nearly all of this funding was awarded to local agencies that passed the funds through to the state for construction of VIPER in their areas. In addition to the Homeland Security funds the Patrol received a 2003 Congressional Earmark in the amount of $1.5m for VIPER expansion that is already underway.

State Funding

In the 2004 Legislative Session an appropriation was approved in the amount of $500,000 to support the expansion of VIPER in Cleveland County.

Other Funding

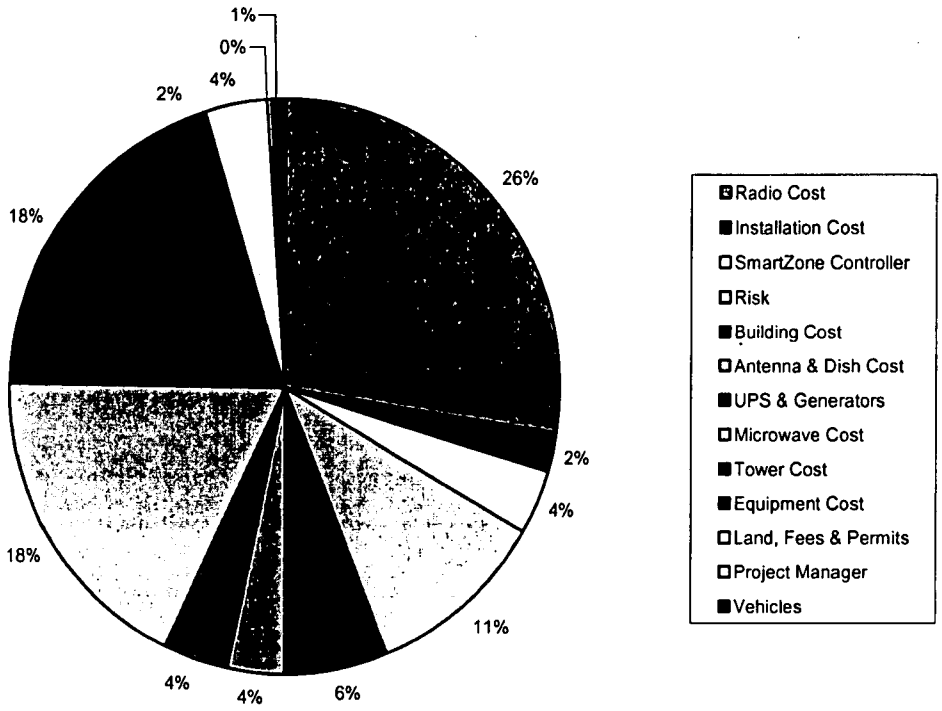
In addition to federal and state funding, appropriations from Patrol funds and county funds have provided an additional $164,671 in support of the VIPER Network.

It is our recommendation that a four year construction funding plan be provided as identified in the spreadsheet below.

VIPER One-Time / Construction Cost Summary

	Total Project Cost	Less 2004 LETPP	Less 2004 SHSGP	Less 2004 UASI grant	Less 2004 Legislative Appropriations	Less 2004 Other Available Funds	Total Remaining Project Cost
Infrastructure	$ 156,610,460	$ 8,829,032	$ 21,453,757	$ 1,045,000	$ 500,000	$ 1,664,671	$ 123,118,000
Network Building	$ 6,500,000						$ 6,500,000
Risk Mitigation	$ 20,000,000						$ 20,000,000
Tools and Equipment	$ 4,396,671						$ 4,396,671
Project Manager for Project	$ 400,000						$ 400,000
Vehicles	$ 1,605,000						$ 1,605,000
Total	189,512,131						$ 156,019,671

VIPER - One-Time / Construction Cost Breakdown



Recurring Costs

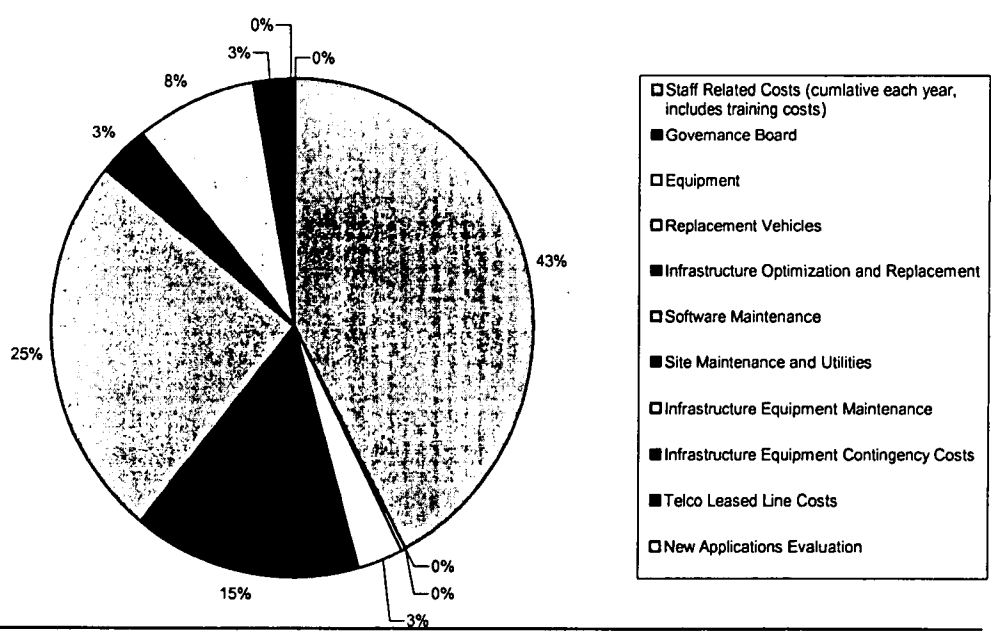
As with any large complex communications network, there is a significant amount of funding needed to operate and maintain the network. These costs include support staff, vehicles and equipment, maintenance agreements on equipment and software, equipment replacement and site utility and maintenance costs which are also identified on the VIPER Cost Summary spreadsheet.

This network will provide lifeline communications for public safety agencies and must be maintained and supported at 100% at all times. We believe the personnel, equipment and maintenance identified will provide the resources to do that. The recurring cost will increase proportionally each year during the construction phases.

VIPER Recurring Costs Summary

Infrastructure Recurring cost	Year Zero	First Year	Second Year	Third Year	Fourth Year	Annual Recurring
Staff Related Costs (*cumlative each year, includes training costs*)		$ 2,118,897	$ 3,209,870	$ 4,239,666	$ 4,858,024	$ 4,858,024
Governance Board		$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000
Equipment		$ 25,000	$ 25,000	$ 25,000	$ 25,000	$ 25,000
Replacement Vehicles					$ 348,000	$ 348,000
Infrastructure Optimization and Replacement		$ 825,000	$ 1,045,500	$ 1,326,510	$ 1,750,993	$ 1,750,993
Software Maintenance		$ 2,813,762	$ 2,841,700	$ 2,869,917	$ 2,898,416	$ 2,898,416
Site Maintenance and		$ 88,500	$ 178,770	$ 270,837	$ 364,727	$ 364,727
Infrastructure Equipment Maintenance		$ 173,900	$ 334,290	$ 869,771	$ 946,668	$ 946,668
Infrastructure Equipment Contingency Costs		$ 67,850	$ 138,414	$ 211,773	$ 288,012	$ 288,012
Telco Leased Line Costs		$ 12,006	$ 12,012	$ 12,018	$ 12,024	$ 12,024
New Applications Evaluation		$ 10,000	$ 10,200	$ 10,404	$ 10,612	$ 10,612
Total Phase Recurring Cost		$ 6,144,915	$ 7,805,756	$ 9,845,896	$ 11,512,476	$ 11,512,476

VIPER Recurring Costs



CJIN – Department of Crime Control & Public Safety/VIPER Legislative Subcommittee Report

Potential cost to counties and local governments and VIPER infrastructure funding

In compliance with legislative requirements, the Department of Crime Control and Public Safety and the Criminal Justice Information Network (CJIN) assembled a VIPER Subcommittee to address the legislative issues that included; cost of the network, potential cost to counties and local governments to participate on VIPER, requested funding from the Highway Fund, and possible revenue sources to fund VIPER. This committee's membership included representatives from state and local law enforcement, state and local emergency management, state and local fire service and emergency medical services agencies.

The VIPER Subcommittee has made the following recommendations based on the assumptions listed below:

- The estimated number of radios needed to equip first responders in the State is approximately 21,900. First responders are defined as Law Enforcement and Emergency Services personnel. We determined this by surveying Granville, Iredell, and Lenoir Counties to determine the number of first responders and the number of shifts for each category of first responders. The data from these three moderate sized counties was averaged together and produced a 'multiplier' that represents one hundred NC counties. It should be noted that we have no way of knowing how many of these personnel are permanently assigned a radio (take home) or how many are issued a radio at the beginning of their shift and return them at the end of their shift.
- A general obligation bond would take one year from its inception to being passed and funds were available.

- Revenues generated would come directly to the VIPER fund for use on the VIPER project and be considered carry-forward funds.
- The VIPER Governance Committee would have oversight on the revenue fund expenditures.
- Any fee increase or surcharge would be in addition to what's already out there today.
- All recommendations made here are merely proposals on ways to generate funding, and not necessarily supported by the individual groups being affected.

Potential cost to counties and local governments

There are many benefits to counties and local governments' participation. Naming a few of the most important issues include; counties and local governments will have autonomous talk groups, much like they have their own channels now, and will have common talk groups where they can communicate with other agencies during routine assignments and emergencies. If funded as identified in this report, counties and local governments will not have to maintain the network as they do now with their standalone radio systems, and county and local governments will not have to worry about improving their own system to comply with the Federal Communications Commission's regulation requiring narrow banding of radio spectrum.

The most obvious cost to counties and local governments when they choose to access the VIPER network will be the purchase of radios. As mentioned previously in this document, the exact number of radios used by counties and local governments is unknown. However, we've estimated the number of radios in three average counties and used that as a multiplier for the 100 counties. We do not know what extra features would be desired by counties and local governments, nor how many of

which type of radio, portable (handheld) or mobile (vehicle mounted), would be needed. Many of the more populated counties and local governments already use 800 MHz radios and will not need to purchase new radios to access VIPER.

The following chart gives pricing for basic configurations for each tier of both portable and mobile radios. These radios are available for purchase on the State convenience contract.

Examples of Radio Deployments

For the purpose of illustration, the following are examples of radio deployments within the three primary disciplines of public safety agencies. These examples are not to be taken as exact deployments by every agency; they are simply examples of radio deployments.

A typical radio deployment for **law enforcement** agencies is to install into each enforcement vehicle a mobile radio and to provide a portable radio to each on-duty member of that agency. The feature set of options for radios is up to the discretion of the agency, however the higher tier with more features are usually assigned to supervisors and command staff personnel.

For **fire department** personnel, a typical radio assignment would include mobile radios installed in each of the fire fighting apparatus and a complement of portable radios assigned to each apparatus directed by the departments Insurance Service Organization (ISO) classification. Other radios may be required as desired by the agency's command staff as determined by each agency.

For **emergency medical services** personnel, a typical radio deployment might include installation of one radio in each ambulance with operator

controls in the driver's compartment and the patient transport and treatment area, and a portable radio assigned to the vehicle supervisor.

Portable Radio Cost Estimates			
Potential number of radios	Low Tier Portable radio price	Mid Tier Portable radio price	High Tier Portable radio price
per unit	$ 1,568	$ 3,100	$ 4,200
21,900	$ 34,339,200	$ 67,890,000	$ 91,980,000
Mobile Radio Cost Estimates			
Potential number of radios	Low Tier Mobile radio price	Mid Tier Portable radio price	High Tier Mobile radio price
per unit	$ 1,700	$ 3,100	$ 4,500
21,900	$ 37,230,000	$ 67,890,000	$ 98,550,000
Note: These prices are estimates based on average configurations. Actual pricing will vary based on feature options purchased.			

A potential cost to counties and local governments when they elect to participate could concern additional system coverage. The basic VIPER Network's goal is to provide 95% in the street coverage using a 3 watt portable radio. However, the possibility exists that this coverage will not provide the building penetration desired by some local agencies. In those cases, it is the responsibility of the local agency to conduct the building penetration coverage analysis, secure the necessary additional tower location(s), purchase and install the transmitter(s) and required microwave equipment and to provide the necessary network connectivity to link it/them to the VIPER network.

The accompanying spreadsheet on page 66 offers radio pricing for different tiers and options at the time of this document.

VIPER Frequently Asked Questions

There have been several questions asked and concerns expressed about using 800 MHz as our radio frequencies for the VIPER network, an about the VIPER Network in general. Below are listed some of the most common.

- 800 MHz will not work in the mountains.

  800 MHz radios have been proven to work in mountainous areas across the United States, and in fact the current CJIN mobile data network is operating on 800 MHz frequencies. The states of Utah, Colorado, West Virginia and Pennsylvania are using 800 MHz radios for their radio systems.

- This radio network is simply a new radio system for the State Highway Patrol.

  The State Highway Patrol was identified by the CJIN Legislative Report to be the managing agency of the 800 MHz statewide voice and the statewide data system. The Secretary of Crime Control and Public Safety through the Division of the State Highway Patrol is statutorily required to maintain a statewide radio system. The State Highway Patrol, as with the Mobile Data Network, will be a small user in comparison to the number of local users on the network.

- The cost of construction will be expensive.

  As with all new technologies, there comes an expense to implement and maintain this new statewide network. However, when compared to modern radio systems installed in the states of Michigan, Pennsylvania and Ohio our estimates for North Carolina are not unreasonable. It should be noted that the state of New York has recently received a bid for a statewide radio system that is estimated to cost one billion dollars.

- Will there be voice and text pager capabilities with VIPER?

  No. Unfortunately, the technology used for 800 MHz trunked radio systems does not allow for a paging solution. Agencies requiring paging will have to continue to support their existing paging system. However, where available, tower space will be offered to VIPER participants on State Highway Patrol owned towers for local agency paging antennas.

- What about satellite communications?

Satellite technology does have one advantage over typical trunked radio systems in that it is not terrestrial based. This essentially means that a satellite based communications system would be relatively free from harm as related to most natural or manmade disasters. However, the primary drawback to satellite based systems is that in order to function, the subscriber handset or radio unit must be in constant view of the sky. This would eliminate operation inside buildings or in areas of dense foliage or during heavy rainfall or intense cloud cover. Satellite communications often don't work well in "urban canyons" (in streets and alleyways between tall buildings) because there is not line of sight to the satellites on the horizon. All of these detractions far outweigh the benefit of the system being somewhat impervious to being dependant on easily damaged infrastructure on earth. Satellite systems also suffer from lengthy delays as the conversation is routed up into the sky many hundreds of miles and back down again to the receiving radio or handset. Furthermore, satellite based technology will have to be refreshed as the orbit of the satellite can only be sustained for a finite number of years. However, satellite communications would be a viable option in areas where terrestrial infrastructure would be too costly to serve the population; such as the desert southwest of the US or the Middle East.

- Do I have to buy a certain brand of radio to operate on the VIPER network?

No. VIPER is the expansion of an existing Motorola radio system, obviously Motorola radios will work on the network. We have demonstrated the successful operation of EF Johnson radios on the VIPER network. So if a user prefers to use radios other than Motorola, they have the option of using EF Johnson radios.

- Will there be a cost to use the VIPER network?

The success of VIPER depends on our partnerships with state and local agencies, and the sharing of existing resources which may range from land to build towers on to re-use of existing towers. These in-kind contributions will help keep the overall cost of construction lower than if we had to buy property and build new towers everywhere a state owned tower was not available. It was those partnerships that allowed the state to build the statewide mobile data network for less that $20m as compared to the estimate in 1993 of more than $100m for the state to build the infrastructure.

- Will local agencies continue to dispatch their own personnel or will that be taken over by the Highway Patrol?

Local agencies will continue to dispatch and control their personnel as they do today. However, they will need to incorporate 800 MHz radios into their dispatch center consoles so they can communicate with their personnel.

- This project will be awarded to a single vendor!

We've heard this complaint from several sources. This is an expensive project and there will be large amounts of funds spent. However, with the Patrol acting as prime contractor, there is not a single vendor profiting from the total project funds. There are many products that will be purchased from different vendors who will be required to compete in the competitive bid process. However, there may be circumstances such as product integration with existing infrastructure and compatibility where a single or fewer vendors may be selected, but those vendors will not profit from other infrastructure equipment. These products include, but are not limited to, equipment buildings, towers and tower work, generators, microwave equipment, intellirepeaters, network routers and quality assurance.

Eligibility Requirements for 800 MHz Portable Radios:

Any existing Motorola or EF Johnson radios may be utilized on the VIPER system as long as they meet the following criteria. Any existing ANALOG LTS2000/LCS2000, MTS2000/MCS2000 or EF Johnson analog series radios MUST be capable of at least SMARTZONE operation and SHOULD be capable of OMNILINK operation as well. Any existing DIGITAL ready or DIGITAL capable AstroSaber/XTS3000/Astro Spectra or XTS2500/XTS5000/XTL5000 series radios MUST be capable of SMARTZONE operation and SHOULD be capable of OMNILINK operation as well. ALL DIGITAL ready or DIGITAL capable radios MUST be configured to operate on a DIGITAL talkgroup to access the VIPER network. NO NEW ANALOG radios will be permitted on the system. Analog talkgroups will be assigned only to customers with existing analog only radios that are capable of a minimum of SMARTZONE operation. New VIPER users who do not currently operate 800 MHz VIPER compatible radios MUST purchase radios capable of DIGITAL operation with SMARTZONE or SMARTZONE OMNILINK.

Motorola 800 MHz Portable Radios (Analog) compatible with VIPER:	Base Radio Cost	SmartZone Operation Cost	OmniLink Operation Cost	Digital CAI Option	Digital ID Display Option	Rapid Desk Charger	Rapid Vehicular Charger	SmartZone Operation Upgrade Cost	OmniLink Operation Upgrade Cost	Digital CAI Upgrade Cost	Digital ID Display Upgrade Cost
LTS2000 Model III, Front Display (H10UCH6DC5AN/BN)	N/A	N/A	N/A	N/A		$100.00	N/A	Available only at time of original order	N/A	N/A	
MTS2000 Model I, Top Display (Model Number H01UCD6PW1AN/BN)	N/A	N/A	N/A	N/A		$100.00	$385.00	$523.00	$200.00	N/A	
MTS2000 Model II, Front Display, Limited Keypad (Model Number H01UCF6PW1AN/BN)	N/A	N/A	N/A	N/A		$100.00	$385.00	$523.00	$200.00	N/A	
MTS2000 Model III, Front Display, Full Keypad (Model Number H01UCH6PW1AN/BN)	N/A	N/A	N/A	N/A		$100.00	$385.00	$523.00	$200.00	N/A	

Motorola 800 MHz Mobile Radios (Analog) compatible with VIPER:	Base Radio Cost	SmartZone Operation Cost	OmniLink Operation Cost	Digital CAI Option	Digital ID Display Option	Rapid Desk Charger	Rapid Vehicular Charger	SmartZone Operation Upgrade Cost	OmniLink Operation Upgrade Cost	Digital CAI Upgrade Cost	Digital ID Display Upgrade Cost
LCS2000 Model III, Front Display (M10UCH6DC5AN/BN)	N/A	N/A	N/A	N/A		$100.00	N/A	Available only at time of original order	N/A	N/A	
MCS2000 Model I, Limited Display, No Keypad (Model Number M01UCD6PW1AN/BN)	N/A	N/A	N/A	N/A		$100.00	$385.00	$475.00	$200.00	N/A	
MCS2000 Model II, Single Line Display, Limited Keypad (Model Number M01UCF6PW1AN/BN)	N/A	N/A	N/A	N/A		$100.00	$385.00	$475.00	$200.00	N/A	
MCS2000 Model III, Dual Line Display, Full Keypad (Model Number M01UCH6PW1AN/BN)	N/A	N/A	N/A	N/A		$100.00	$385.00	$475.00	$200.00	N/A	

Motorola 800 MHz Portable Radios (Digital) compatible with VIPER:	Base Radio Cost	SmartZone Operation Cost	OmniLink Operation Cost	Digital CAI Option	Digital ID Display Option	Rapid Desk Charger	Rapid Vehicular Charger	SmartZone Operation Upgrade Cost	OmniLink Operation Upgrade Cost	Digital CAI Upgrade Cost	Digital ID Display Upgrade Cost
Astro Saber Model II, Front Display, Limited Keypad (Model Number H04UCF9PW7AN/BN)	N/A	N/A	N/A	$0.00	$64.00	$100.00	N/A	$440.00	$200.00	$770.00	$75.00
Astro Saber Model III, Front Display, Full Keypad (Model Number H04UCH9PW7AN/BN)	N/A	N/A	N/A	$0.00	$64.00	$100.00	N/A	$440.00	$200.00	$770.00	$75.00
XTS3000 Model I, Top Display, No Keypad (Model Number H09UCC9PW7AN/BN)	$1,637.00	$1,275.00	$170.00	$438.00	$64.00	$100.00	$385.00	$475.00	$200.00	$700.00	$75.00
XTS3000 Model II, Front Display, Limited Keypad (Model Number H09UCF9PW7AN/BN)	$1,926.00	$1,275.00	$170.00	$438.00	$64.00	$100.00	$385.00	$475.00	$200.00	$700.00	$75.00
XTS3000 Model III, Front Display, Limited Keypad (Model Number H09UCH9PW7AN/BN)	$2,215.00	$1,275.00	$170.00	$438.00	$64.00	$100.00	$385.00	$475.00	$200.00	$700.00	$75.00
XTS1500 Model I, No Display, No Keypad (Model Number H66UCC9PW5BN)	$638.00	$830.00	Incl.	Incl.	Incl.	$100.00	N/A	$490.00	Incl.	Incl.	Incl
XTS2500 Model I, Front Display, Limited Keypad (Model Number H46UCC9PW5AN/BN)	$807.00	$1,675.00	Incl.	Incl.	Incl.	$100.00	N/A	$490.00	Incl	Incl.	Incl
XTS2500 Model II, Front Display, Limited Keypad (Model Number H46UCF9PW6 AN/BN)	$1,318.00	$1,675.00	Incl.	Incl.	Incl.	$100.00	N/A	$490.00	Incl.	Incl.	Incl.
XTS2500 Model III, Front Display, Limited Keypad (Model Number H46UCH9PW7AN/BN)	$1,658.00	$1,675.00	Incl.	Incl.	Incl	$100.00	N/A	$490.00	Incl	Incl.	Incl.
XTS5000 Model I, Top Display, No Keypad (Model Number H18UCC9PW5AN/BN)	$1,388.00	$1,275.00	$170.00	$438.00	$64.00	$100.00	$385.00	$475.00	$200.00	$700.00	$75.00
XTS5000 Model II, Front Display, Limited Keypad (Model Number H18UCF9PW6AN/BN)	$1,834.00	$1,275.00	$170.00	$438.00	$64.00	$100.00	$385.00	$475.00	$200.00	$700.00	$75.00
XTS5000 Model III, Front Display, Limited Keypad (Model Number H18UCH9PW7AN/BN)	$2,110.00	$1,275.00	$170.00	$438.00	$64.00	$100.00	$385.00	$475.00	$200.00	$700.00	$75.00

EF Johnson 800 MHz Portable Radios (Digital) compatible with VIPER:	Base Radio Cost	SmartZone Operation Cost	OmniLink Operation Cost	Digital CAI Option	Digital ID Display Option	Rapid Desk Charger	Rapid Vehicular Charger	SmartZone Operation Upgrade Cost	OmniLink Operation Upgrade Cost	Digital CAI Upgrade Cost	Digital ID Display Upgrade Cost
5100 Model II, Limited Keypad (Model Number 5182-810-22-0000)	$2,360.00	Incl.	N/A	Incl.	Incl.	$120.00	N/A	N/A	N/A	N/A	N/A
5100 Model III, Full Keypad (Model Number 5183-810-22-0000)	$2,556.00	Incl.	N/A	Incl.	Incl	$120.00	N/A	N/A	N/A	N/A	N/A

Motorola 800 MHz Mobile Radios (Digital) compatible with VIPER:	Base Radio Cost	SmartZone Operation Cost	OmniLink Operation Cost	Digital CAI Option	Digital ID Display Option	Dash Mount/Remote Mount (Choose One)	Control Head Cost	SmartZone Operation Upgrade Cost	OmniLink Operation Upgrade Cost	Digital CAI Upgrade Cost	Digital ID Display Upgrade Cost
Astro Spectra (All Models regardless of control head configuration)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$475.00	$200.00	$770.00	$75.00
Astro Spectra Plus (All Models regardless of control head configuration)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$475.00	$200.00	$770.00	$75.00
XTL5000 Handheld Control Head, Limited Keypad (Model Number M20URS9PW1AN/BN)	$1,497.00	$1,275.00	$170.00	$438.00	$64.00	$107.00/$252.00	$804.00	$475.00	$200.00	$770.00	$75.00
XTL5000 Rotary Control Head, Limited Keypad (Model Number M20URS9PW1AN/BN)	$1,497.00	$1,275.00	$170.00	$438.00	$64.00	$107.00/$252.00	$367.00	$475.00	$200.00	$770.00	$75.00
XTL5000 Pushbutton Control Head, Limited Keypad (Model Number M20URS9PW1AN/BN)	$1,497.00	$1,275.00	$170.00	$438.00	$64.00	$107.00/$252.00	$367.00	$475.00	$200.00	$770.00	$75.00
XTL5000 Pushbutton Control Head, Full Keypad (Model Number M20URS9PW1AN/BN)	$1,497.00	$1,275.00	$170.00	$438.00	$64.00	$107.00/$252.00	$501.00	$475.00	$200.00	$770.00	$75.00
XTL5000 Pushbutton Control Head, Full Keypad 9000e Remote only configuration (Model Number M20URS9PW1AN/BN)	$1,497.00	$1,275.00	$170.00	$438.00	$64.00	$252.00 (Remote Only)	$804.00	$475.00	$200.00	$770.00	$75.00

EF Johnson 800 MHz Mobile Radios (Digital) compatible with VIPER:	Base Radio Cost	SmartZone Operation Cost	OmniLink Operation Cost	Digital CAI Option	Digital ID Display Option	Dash Mount/Remote Mount (Choose One)	Control Head Cost	SmartZone Operation Upgrade Cost	OmniLink Operation Upgrade Cost	Digital CAI Upgrade Cost	Digital ID Display Upgrade Cost
5300 Model III Pushbutton Control Head, Full Keypad (Model Number 5383-810-22-0000)	$3,450.00	Incl.	N/A	Incl	Incl.	$100.00/200.00	Incl	N/A	N/A	N/A	N/A
5300 Model III Handheld Control Head, Full Keypad (Model Number 5383-810-22-0000)	$3,950.00	Incl.	N/A	Incl	Incl.	$200.00 (Remote Only)	Incl	N/A	N/A	N/A	N/A

Tone and Voice Paging

The VIPER network, like all other 800 MHz trunked radio systems, will not support paging capabilities. It will be incumbent upon local agencies to provide or continue to support paging systems for their personnel. Where available, the State Highway Patrol will continue to extend access to State Highway Patrol managed tower sites to support local paging operations.

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Potential VIPER Revenue Sources

In times of fiscal restraint, it is difficult to identify funding in a general budget for such large expenditures. However, as identified in the aftermath of the attacks on the United States on September 11, 2001, interoperable communications was the single most identified impediment to emergency responses during those emergencies. Likewise, interoperable communications is vital everyday for public safety and a funding solution should be sought.

Funding Streams

The CJIN-DCC&PS VIPER Subcommittee discussed how to fund VIPER during our meetings. In the time we had to produce this report we have identified the dollars needed for construction costs, recurring costs, and possible funding sources. However, the sources of those funds should be researched and validated by the Legislative Fiscal Staff.

Many states are facing the same interoperability issues after the release of the 9-11 Commission Report that indicated the lack of communications was an obstacle in the effectiveness of emergency responders. Interoperable communications is the number one issue identified by states for addressing homeland security and preparing for a terrorist attack or natural disaster. Unfortunately, with the absence of federal funding, this is an issue that must be addressed by the states.

The following assumptions were made:

- The estimated number of radio equipped first responders in the State is approximately 21,900. We determined this by surveying Granville, Iredell, and Lenoir counties to determine the number of first responders and the number of shifts for each category of first responders. The data from these three moderate sized counties was averaged together and produced a 'multiplier' that represents one hundred NC counties.

- A general obligation bond would take one year from its inception to being passed and funds were available.

- The logistics of collecting the revenue from the various sources could be resolved in a timely manner.

- Revenues generated would come directly to the VIPER fund for use on the VIPER project. They would be considered carry-forward funds, as opposed to reverted funds which go away at the end of a State fiscal year.

- The VIPER Governance Committee would have oversight on the revenue fund expenditures.

- Any fee increase or surcharge would be in addition to what's already out there today.

- All recommendations made here are merely proposals on ways to generate funding, and not necessarily supported by the individual groups being affected.

- Recurring funds in the VIPER budget are for upkeep of items that are damaged such as lightening strikes that are not covered under maintenance agreements and warranty periods. They are not for technology upgrades for the network.

Proposed VIPER Funding Streams

	First Year	Second Year	Third Year	Fourth Year	Fifth Year	Totals
Non Recurring (NR) Infrastructure	$ 47,780,168	$ 45,213,168	$ 31,119,168	$ 31,907,168	$ -	$ 156,019,672
Recurring (R) Operations	$ 6,144,915	$ 7,805,756	$ 9,845,896	$ 11,512,476	$ 11,512,476	N/A

Option 1: 100% general obligation public safety bond, $0 State appropriation

* bond money is available in year 2 (first year is spent getting the bond approved)

Infrastructure	First Year	Second Year	Third Year	Fourth Year	Fifth Year	Totals
NR State appropriation	$ -	$ -	$ -	$ -	$ -	$ -
NR Bond money	not available yet	$ 47,780,168	$ 45,213,168	$ 31,119,168	$ 31,907,168	$ 156,019,672
Operations						
R Other sources of revenues	$ -	$ 6,144,915	$ 7,805,756	$ 9,845,896	$ 11,512,476	N/A

Option 2: A combination of general obligation public safety bond money and State appropriations
(Based on the strategy that VIPER will have the same % user breakdown as CJIN-MDN has today)

* SHP is 15% of CJIN-MDN users (funded by highway fund), other state agencies are 3% of CJIN-MDN users (JPS to fund), bond money does the rest
* state money is available starting in year 1, bond money is available starting in year 2 (first year is spent getting the bond approved)

Infrastructure	First Year	Second Year	Third Year	Fourth Year	Fifth Year	Totals
NR State appropriation - Highway fund	$ 7,167,025	$ 6,781,975	$ 4,667,875	$ 4,786,075	$ -	$ 23,402,951
NR State appropriation - JPS	$ 1,433,405	$ 1,356,395	$ 933,575	$ 957,215	$ -	$ 4,680,590
NR Bond money	not available yet	$ 39,641,798	$ 39,611,718	$ 25,375,878	$ 23,306,738	$ 127,936,131
						$ 156,019,672
Operations						$ 156,019,672
R Other sources of revenues	$ 1,228,983	$ 5,073,741	$ 8,369,012	$ 9,785,605	$ 11,512,476	N/A
note: percentages used due to delayed start of bond monies (rounded)	20%	65%	85%	85%	100%	

Proposed VIPER Funding Streams (continued)

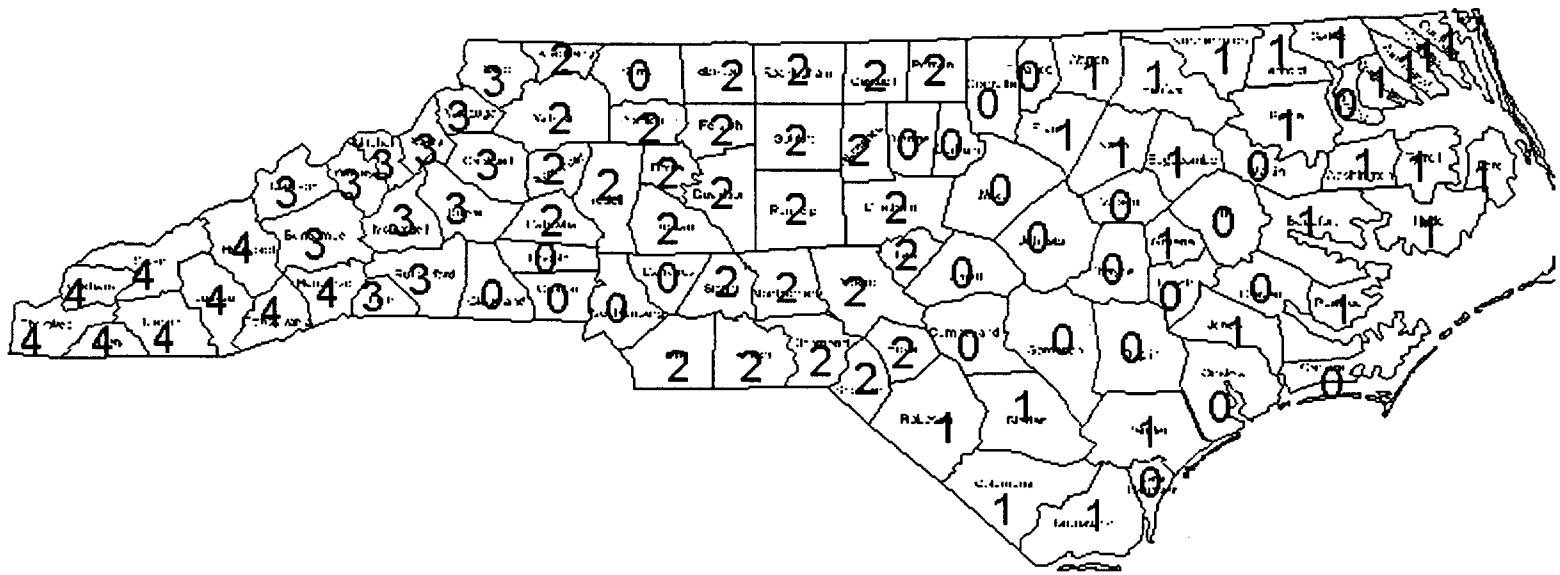
Option 3: All State appropriations, $0 Bond
(Based on the strategy that VIPER will have the same % user breakdown as CJIN-MDN has today)
* SHP is 15% of CJIN-MDN users (funded by highway fund), other state agencies are 3% of CJIN-MDN users (JPS to fund), general appropriation does the rest
* state money is available starting in year 1

Infrastructure	First Year	Second Year	Third Year	Fourth Year	Fifth Year	Totals
NR State appropriation - Highway fund	$ 7,167,025	$ 6,781,975	$ 4,667,875	$ 4,786,075	$ -	$ 23,402,951
NR State appropriation - JPS	$ 1,433,405	$ 1,356,395	$ 933,575	$ 957,215	$ -	$ 4,680,590
NR State appropriation - general fund	$ 39,179,738	$ 37,074,798	$ 25,517,718	$ 26,163,878	$ -	$ 127,936,131
NR Bond money	$ -	$ -	$ -	$ -	$ -	$ -
						$ 156,019,672
Operations						
R Other sources of revenues	$ 6,144,915	$ 7,805,756	$ 9,845,896	$ 11,512,476	$ 11,512,476	N/A

Option 4: A "Fast Start VIPER" approach of State appropriations in years 1-2, Bond
* Ask Highway Fund and JPS to advance us more money in earlier years until the bond money is available in year 2
* This option lets you get started while the bond is being prepared and appproved in year 1.

Infrastructure	First Year	Second Year	Third Year	Fourth Year	Fifth Year	Totals
NR State appropriation - Highway fund	$ 10,000,000	$ 10,000,000	$ 4,692,951	$ -	$ -	$ 24,692,951
NR State appropriation - JPS	$ 2,000,000	$ 2,000,000	$ 938,590	$ -	$ -	$ 4,938,590
NR Bond money (available in year 2)	Not available yet	$ 35,780,168	$ 39,581,627	$ 31,119,168	$ 19,907,168	$ 126,388,131
						$ 156,019,672
Operations						
R Other sources of revenues	$ 1,536,229	$ 5,073,741	$ 8,369,012	$ 10,361,228	$ 11,512,476	
note: percentages used due to delayed start of bond monies	25%	65%	85%	90%	100%	

VIPER Five Year Phased Map



Year Four 4

Year Three 3

Year Two 2

Year One 1

Year Zero 0

Proposed Funding Sources for VIPER Recurring Operational Costs

The VIPER Subcommittee's proposed funding sources for VIPER recurring operational costs are grouped into three categories:

* highly recommended
* recommended / endorsed
* not recommended.

Highly Recommended

- Add a surcharge on 911 wired fees and 911 wireless fees; add a one-time fee to new cell phone accounts upon activation.
- Add a public safety surcharge to real and personal property insurance policies.
- Add a surcharge to the tire disposal fee and the battery disposal fee.
- Add a surcharge to tobacco products

Recommended

- Increase the driver's license fee
- Increase the vehicle registration fee
- Increase the alcoholic beverage tax.

Not Recommended

The following potential funding sources for VIPER recurring costs were discussed but not recommended for various reasons:

- Collect a toll / install toll booths on NC Interstate Highways. The rationale is that everyone driving on the NC Interstate Highway benefits from VIPER so they should help pay for its operations. This recommendation was not pursued because NC does not presently

have toll roads. However, it should be considered in the future if toll roads become a reality

- Add a NC surcharge to the current Federal Communications Commission (FCC) licensing which collected by the federal government. This recommendation was not pursued because the general consensus was that it would be cost prohibitive to implement this idea.

- Add a NC surcharge to the fuel tax. This recommendation was not pursued because NC already has some of the highest fuel taxes of neighboring states.

- Increase the vehicle inspection fee. This recommendation was not pursued because some counties are presently increasing the fee for emissions control.

- Increase court costs. This recommendation was not pursued because recent increases in county fees have gone to the general fund.

- Charge a VIPER subscriber user fee. The VIPER Subcommittee was 100% unanimous that we should **not** charge a user fee. VIPER should be accessible to all first responders in the State, regardless of agency budget. In addition, VIPER is a partnership between the State and the county/local governments. Many of our partners are presently donating in-kind services today, but might be compelled to start charging VIPER for use of their resources if they had to pay an access fee or even decide not to participate at all.

VIPER Revenues for Recurring Costs

Category	Source	Possible Increase/ Surcharge	Annual Transactions	Annual Revenues Generated
Highly Recommended	**Insurance Policy Premium Surcharge**	$5.00	unknown	
Highly Recommended	**Tire disposal fee surcharge/tire ***	$ 1.00	8,407,248	$ 8,407,248
Highly Recommended	**Battery disposal fee surcharge ****	$ 1.00	80,912	$ 80,912
Highly Recommended	**Tobacco tax increase *****	$ 0.01	877,375,117	$ 8,773,751
Highly Recommended	**New cell phone activation: one-time fee**	unknown	unknown	
Highly Recommended	**Wireless 911 fees #**	$ 0.05	3,500,000	$ 2,100,000
Highly Recommended	**Wired 911 fees #**	$ 0.05	4,400,000	$ 2,640,000
Recommended	**Registration fee Increase ##**	$ 1.00	7,000,000	$ 7,000,000
Recommended	**Drivers License Increase ##**	$ 1.00	2,000,000	$ 2,000,000
Recommended	**Alcoholic beverage tax increase**	unknown	unknown	
			Total Annual Revenues	**$ 31,001,911**
			Recurring Cost Needed:	**$ 11,512,476**

* www.wastenotnc.org
**http://wastenot.enr.state.nc.us/swhome/SW01-02_AR.doc
*** www.cdc.gov/tobacco/statehi
# Estimate based on population and NC census number of households
DOT/DMV

Endnotes:

[1]" Statewide Interagency Public Safety Radio Communications" Document Introduction, 1994

[2]Price Waterhouse LLP, "Criminal Justice Information Network Final Report" Executive Summary, page 10 electronic copy 1995

[3]Price Waterhouse LLP, "Criminal Justice Information Network Final Report" Statewide Voice and Data, page 228, electronic copy 1995

[4]American National Standards Institute, News Article: 9-11 Commission Hearing Calls for Standards in Areas of Emergency Response *Homeland Security Secretary Tom Ridge Calls for Adoption of National Emergency Preparedness Standards Development by ANSI and NFPA,* May 19,2004

[5]Price Waterhouse LLP, "Criminal Justice Information Network Final Report" Statewide Voice and Data, page 201, electronic copy 1995

[6]Gartner Consulting, State of North Carolina Criminal Justice Information Network-Voice Trunking Network, "CJIN Governing Board Presentation", pages 16-22, 14 November 2002

[7]National Task Force on Interoperability, *Why Can't We Talk?, Page 5, February 2003*

[8]The SAFECOM Program, Department of Homeland Security, *Statement of Requirements for Public Safety Wireless Communications & Interoperability,* Version 1.0, Page 1, March, 10, 2004

[9]The SAFECOM Program, Department of Homeland Security, *Statement of Requirements for Public Safety Wireless Communications & Interoperability,* Version 1.0, Page 3, March, 10, 2004

R56 COMPLIANCE AUDIT

F.1 PURPOSE

The purpose of the R56 compliance audit is to provide an audit form based on the Motorola Standards and Guidelines for Communication Sites manual (R56) requirements, to ensure the overall performance of individuals and contractors performing or supervising installations.

F.2 SCOPE

It is the Motorola policy that all contracted installations shall either conform to or exceed the minimum guidelines established in the "Motorola Standards and Guidelines for Communication Sites" manual (R56). As new equipment is developed and requirements are strengthened, the installation procedures are updated in an effort to provide the customer with a fault-free communication system. These checklists will enable management personnel to better understand deficiencies associated with the installation affording them the opportunity to take corrective action.

Motorola provides this audit and the opinions solely for the purpose of assisting in the compliance to Motorola installation standards. No opinions or recommendations expressed in this audit shall result in liability to Motorola for any losses, damages, expenses, claims, causes of action incurred or sustained by the customer for any reasons whatsoever. Any work resulting from this audit process involving electrical systems, panels, automatic transfer switches, conduits or outlets must be completed by a suitably qualified and licensed electrician. All work must be performed by properly trained, licensed and qualified contractors.

3. **Specific Deficiencies / Reasons**

   In this area, identify and explain any specific deficiencies that were observed at the site. After this is completed, proceed to the explanation of N/A entries.

   Example:

   2.b: Cable runway system does not meet ceiling separation requirements. A separation of 10 cm (4 in.) was measured.

4. **Explanation of N/A Entries**

   In this area, identify and explain any not applicable (N/A) audit points that were identified. After this is completed, send the cover sheet and a copy of the R56 Compliance Audit to the Project Manager.

   Example:

   3.o.15: There are no security bars or metallic window frames at this location.

F.3.3 R56 COMPLIANCE AUDIT

The R56 Compliance Audit starts on page F-7. Begin by filling in all the required information at the top of the page. Once this has been completed, proceed with the audit.

The Reference column on the audit form provides references to the applicable Motorola requirements within the "Motorola Standards and Guidelines for Communication Sites" (R56) manual.

The remainder of the audit is divided into five separate segments for marking as follows:

R56 Compliance Audit Cover Sheet

Customer Name: _____

Equipment Location: _____

Inspector's Name _____

Inspection Results: Motorola____% Customer:____% Date:_____

Site/system Description:

_____

_____

_____

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Specific Deficiencies/reasons:

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Explanation of N/A Entries:

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R56 Compliance Audit

Customer Name:	**Project Name:**
Project Manager:	**Project #:**
Inspector's Name:	**Audit Date:**
Site Name:	

DESCRIPTION	Motorola Responsibility		Customer Responsibility			Motorola Failure	Customer Failure	
	Passed	Failed	Passed	Failed	N/A	Date Corrected	Date Corrected	Reference
1 GENERAL								
a. A copy of the Project Manager's Compliance Sheet has been completed, certified and supplied for attachment to this audit.								
b. Project Manager's Compliance Sheet shows that all appropriate requirements have been met.								
TOTALS FOR SECTION								
2 BUILDING DESIGN AND INSTALLATION								
a. The ceiling height is sufficient to meet requirements for equipment installation.								Paragraph 5.6.1
b. Cable runway system meets the proper installation requirements.								Paragraph 5.10
c. The floor is sealed as required.								Paragraph 5.6.2
d. Transmission line entry ports, holes or openings which penetrate the outer surface of the building have been properly sealed.								Paragraph 5.7
e. Adequate lighting requirements have been met.								Paragraph 5.11
f. Minimum required fire suppression equipment is properly installed.								Paragraph 5.12
g. A first aid kit is available and meets requirements.								Paragraph 5.12.6.1
h. Required personal protective safety items are available for servicing batteries which require such items.								Paragraph 5.12.6.2
i. A telephone, microwave link, or cellular phone has been made available.								Paragraph 5.12.8
j. Phone numbers of importance are posted at the site.								Paragraph 5.12.8
k. The minimum required signage is posted at the site.								Paragraph 5.13
TOTALS FOR SECTION								

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R56 Compliance Audit

DESCRIPTION	Motorola Responsibility Passed	Motorola Responsibility Failed	Customer Responsibility Passed	Customer Responsibility Failed	N/A	Motorola Failure Date Corrected	Customer Failure Date Corrected	Reference
3 EXTERNAL GROUNDING								
a. An External Ground Bus bar (EGB) of suitably sized material is properly installed at the transmission line entry point.								Paragraph 6.3.3
b. The EGB grounding electrode conductor has been properly installed.								Paragraph 6.3.3
c. When a tower ground bus bar (TGB) is used, it meets the proper installation and bonding requirements.								Paragraph 6.3.4
d. Each transmission line outer shield is properly bonded to the tower or TGB at the transition of the vertical transmission line run with a weather sealed transmission line grounding kit.								Paragraph 6.4.5
e. Each transmission line outer shield is properly bonded to the EGB with a weather sealed transmission line grounding kit.								Paragraph 6.4.5
f. The tower is properly bonded with the required number of #4 grounding conductors.								Paragraph 6.4.5
g. Ice bridges / cable supports have been properly bonded to the EGB.								Paragraph 6.4.3
h. Each ice bridge / cable support post has been properly bonded to the grounding electrode system.								Paragraph 6.4.3
i. Ice bridges / cable supports have been properly isolated from the tower.								Paragraph 6.4.3
j. Guy wires are properly bonded and their grounding conductor maintains a continuous vertical drop to the grounding electrode.								Paragraph 6.4.5
k. Fencing has been properly bonded to a ground system as required.								Paragraph 6.4.2
l. Each fence gate is properly bonded to its supporting fence post as required.								Paragraph 6.4.2
m. Gate supporting fence posts are properly bonded as required.								Paragraph 6.4.2
n. Generator and support skids have been properly bonded as required.								Paragraph 6.4.1
o. Items listed below are properly bonded to the grounding electrode system as required.								Paragraph 6.4.1
o.1 Metallic entry ports								Paragraph 6.4.1

R56 Compliance Audit

DESCRIPTION	Motorola Responsibility		Customer Responsibility			Motorola Failure	Customer Failure	
	Passed	Failed	Passed	Failed	N/A	Date Corrected	Date Corrected	Reference
o.2 Cable conduits or raceways								Paragraph 6.4.1
o.3 Metallic piping (water, gas, electrical conduits, etc.)								Paragraph 6.4.1
o.4 Air conditioner units								Paragraph 6.4.1
o.5 Metal siding and/or roofing on buildings								Paragraph 6.4.1
o.6 Vent covers and grates								Paragraph 6.4.1
o.7 Metal fuel storage tanks (above or below ground)								Paragraph 6.4.1
o.8 Building slab or pier foundations								Paragraph 6.4.1
o.9 Anchors on prefabricated buildings								Paragraph 6.4.1
o.10 Metallic structures for antenna supports, light fixtures, etc.								Paragraph 6.4.1
o.11 Satellite dish supports								Paragraph 6.4.1
o.12 GPS antenna supports								Paragraph 6.4.1
o.13 Hand and safety rails								Paragraph 6.4.1
o.14 Ladders and safety cages								Paragraph 6.4.1
o.15 Security bars and window frames								Paragraph 6.4.1
o.16 Main electrical ground								Paragraph 6.4.1
o.17 Main telco ground								Paragraph 6.4.1
p. Approved bonding techniques have been used for the connection of dissimilar metals.								Paragraph 5.5.2
q. Approved methods have been used for conductor connection and termination.								Paragraph 5.5
r. Bonding surfaces for lugs and clamps are free of paint and corrosion and a conductive anti-oxidant compound has been applied.								Paragraph 5.5
s. All painted or galvanized bonding surfaces for exothermic welds were cleaned and painted to inhibit rusting.								Paragraph 6.5
t. All grounding conductors have been routed towards the EGB, TGB or the grounding electrode system and the minimum bending radius has been observed.								Paragraph 6.3.2+K84
u. Grounding conductors are routed as straight as possible and protected from physical damage as required.								Paragraph 6.3.2
v. Grounding conductors maintain the minimum required separation from other cable groups.								Paragraph 6.3.2.3

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R56 Compliance Audit

DESCRIPTION	Motorola Responsibility Passed	Motorola Responsibility Failed	Customer Responsibility Passed	Customer Responsibility Failed	N/A	Motorola Failure Date Corrected	Customer Failure Date Corrected	Reference
w. Grounding conductors are securely fastened as required.								Paragraph 5.4.9
x. Grounding conductors meet or exceed the conductor size requirements.								Paragraph 6.3.2.3
y. Braided grounding conductors are not used anywhere in the external ground system.								Paragraph 6.3.2.1
TOTALS FOR SECTION								

4 INTERNAL GROUNDING								
a. A properly sized Master Ground Bus Bar (MGB) is installed as required.								Paragraph 7.2
b. The MGB grounding electrode conductor has been properly bonded and routed towards the grounding electrode system.								Paragraph 7.2
c. All conductor connections to the MGB follow approved connection methods.								Paragraphs 7.4
d. Where required a Sub System Ground Bus Bar (SSGB) has been properly installed.								Paragraph 7.2.2
e. The SSGB has been bonded back to the MGB as required.								Paragraph 7.2.2
f. All conductor connections to the SSGB follow the approved connection methods.								Paragraphs 7.4
g. Where required an Internal Perimeter Ground Bus (IPGB) is properly installed.								Paragraph 7.3.2
h. Only ancillary equipment is bonded to the IPGB.								Paragraph 7.3.5.3
i. Each ancillary support apparatus is properly bonded to the IPGB, MGB, or SSGB.								Paragraph 7.3
j. Items listed below are properly bonded to the MGB, SSGB, or IPGB using approved connection methods.								Paragraph 7.3.2
j.1 Piping systems								Paragraph 7.3.2.4
j.2 Steel roof trusses								Paragraph 7.3.2.4
j.3 Exposed support beams or columns								Paragraph 7.3.2.4
j.4 Ceiling grids								Paragraph 7.3.2.4
j.5 Raised equipment floor support structure at the proper intervals.								Paragraph 7.3.2.4
j.6 Any exposed metallic building materials (metal siding)								Paragraph 7.3.2.4

R56 Compliance Audit

DESCRIPTION	Motorola Responsibility		Customer Responsibility			Motorola Failure	Customer Failure	Reference
	Passed	Failed	Passed	Failed	N/A	Date Corrected	Date Corrected	
k. Surge Suppression Device (SPD) metal housings are bonded to the MGB, SSGB or IPGB as required.								Paragraph 7.3.5.8
l. Separately derived AC electrical systems are bonded to the MGB or SSGB as required.								Paragraph 7.3
m. Primary telephone, control, and data network circuit SPDs are properly installed and bonded to the MGB or SSGB as required.								Paragraph 7.3.5.6
n. RF transmission line SPDs are bonded to the MGB or a separate equipment area SSGB as required.								Paragraph 7.3.5.5
o. Cable runways are bonded to the MGB or SSGB as required.								Paragraph 7.3.3.4
p. Each cable runway section is bonded to the adjoining section as required.								Paragraph 7.3.4
q. Ground bus conductors and their extensions are sized as required.								Paragraph 7.3.1.2
r. All ground bus conductors, ground bus extensions and equipment grounding conductors are routed towards the MGB or SSGB as required.								Paragraph 7.3.1
s. Bonding connections to a ground bus or its extensions have been properly insulated as required.								Paragraph 7.3.1.3
t. Cabinets have been properly bonded back to the MGB, SSGB or ground bus by approved methods.								Paragraph 7.2.2.4
u. Racks have been properly bonded back to the MGB, SSGB or ground bus by approved methods.								Paragraph 7.2.2.4
v. Any RGB located within a cabinet or rack is properly bonded back to the MGB, SSGB or ground bus as required.								Paragraph 7.2.2.4
w. Individual system component chassis equipment is properly bonded as required.								Paragraph 7.2.2+K117.4
x. Secondary telephone, control, and data network circuit SPDs are properly installed and bonded back to MGB or SSGB as required.								Paragraph 7.3.5.6
y. All required control center and dispatch equipment is properly bonded back to the MGB, SSGB, or ground bus conductor as required.								Paragraph 7.6
TOTALS FOR SECTION								

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R56 Compliance Audit

DESCRIPTION	Motorola Responsibility		Customer Responsibility			Motorola Failure	Customer Failure	
	Passed	Failed	Passed	Failed	N/A	Date Corrected	Date Corrected	
5 POWER SOURCES								
a. Circuit breakers are labeled to identify the receptacle outlet they are protecting.								Parag
b. Proper clearance requirements are being observed for power panels.								Paragr
c. Outlet boxes are permanently marked to identify their assigned circuit breakers and panels.								Paragr
d. Power receptacle outlets are mounted securely to the supporting structure.								Paragr
e. Adequate service receptacle outlets are provided for the technician.								Paragr
f. Each critical piece of equipment has a dedicated branch circuit and dedicated simplex receptacle.								Paragr
g. Power receptacles are installed by the equipment load as required.								Paragra
h. Extension cords including temporary outlet strips are not used in the final installation.								Paragra
i. Exterior receptacle outlets and circuits are GFCI protected as required.								Paragra
j. AC power receptacle outlets and strips are of the proper type and securely mounted as required.								Paragra
k. Appropriate clearance is being observed for safe servicing of UPS and battery banks.								Paragra
l. The neutral - ground bonding conductor has been properly installed in the main service disconnect as required.								Paragrap
m. Equipment grounding conductors have been installed as required.								Paragrap
n. Solar panels have been located away from objects that could damage or block sunlight to the panel.								Paragrap
o. Proper mounting practices are being observed for solar panels or wind generators.								Paragraph
p. Battery racks are bolted to the floor or wall.								Paragraph

R56 Compliance Audit

DESCRIPTION	Motorola Responsibility Passed	Motorola Responsibility Failed	Customer Responsibility Passed	Customer Responsibility Failed	N/A	Motorola Failure Date Corrected	Customer Failure Date Corrected	Reference
q. Battery conductors are enclosed in PVC, metallic conduit or raceways.								Paragraph 8.8.8
r. A battery disconnect and suitable circuit protection device has been installed as required.								Paragraph 8.8.8
s. When a standby power generator has been installed, it meets the proper installation requirements.								Paragraph 8.9.2
t. Standby generators are located in areas only accessible by authorized personnel.								Paragraph 8.9.2
u. Standby generators have an adequate area provided for servicing.								Paragraph 8.9.2
v. Fuel storage tanks for standby generators are located within a secured area.								Paragraph 8.9.3
w. A dedicated electrical circuit has been provided at the generator.								Paragraph 8.9.5
x. A transfer switch of the proper ampacity rating has been installed to perform the switching between commercial power and standby generator power.								Paragraph 8.9.4
y. A main service disconnect has been installed as required.								Paragraph 8.9.4
z. Electrical panelboard ampacity ratings are properly coordinated.								Paragraph 8.9.4
TOTALS FOR SECTION								

6 TRANSIENT VOLTAGE SURGE SUPPRESSION							
a. A Type 1 SAD/MOV surge protection device (SPD) is installed as required.							Paragraph 9.4.2.2
b. A Type 2 MOV surge protection device (SPD) is installed as required.							Paragraph 9.4.2.3
c. Primary SPDs for telephone circuits are installed as required.							Paragraph 9.5.1
d. Secondary SPDs for telephone circuits are installed as required.							Paragraph 9.5.2
e. Primary SPDs for control circuits are installed as required.							Paragraph 9.5
f. Secondary SPDs for control circuits installed as required.							Paragraph 9.5

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R56 Compliance Audit

DESCRIPTION	Motorola Responsibility		Customer Responsibility			Motorola Failure	Customer Failure	Reference
	Passed	Failed	Passed	Failed	N/A	Date Corrected	Date Corrected	
g. Primary SPDs for data network circuits are installed as required.								Paragraph 9.5
h. Secondary SPDs for data network circuits are installed as required.								Paragraph 9.5
i. All RF transmission lines, including unused spares, have coaxial RF type SPDs properly installed as required.								Paragraph 9.6
j. Where a tower top amplifier has been installed, the sample port and its control cables have SPDs installed as required.								Paragraph 9.8
k. Tower lighting system AC power and data/alarm circuits have SPDs properly installed as required.								Paragraph 9.9
TOTALS FOR SECTION								

7 EQUIPMENT INSTALLATION							
a. Equipment spacing and aisle widths conform to guidelines.							Paragraph 11.3.1
b. Equipment is level and plumb.							Paragraph 11.4.5
c. Equipment is square with surrounding equipment and walls.							Paragraph 11.4.5
d. Where applicable, seismic installation practices have been observed.							Paragraph 11.4.1
e. Cabinets and racks are secured as required.							Paragraph 11.8
f. Cables and cable groups of different function maintain minimum separation of 5 cm (2 in.) as required.							Paragraph 11.8.1
g. RF cables meet or exceed minimum bending radius requirements.							Paragraph 11.8.9
h. Plenum-rated cables are installed as required.							Paragraph 11.8.2
i. Proper cable lengths are used.							Paragraph 11.8.1.2
j. Cables are properly secured at the required intervals.							Paragraph 11.8.1.1
k. AC power conductors installed on cable runway systems meet installation requirements.							Paragraph 11.8.4+K178
l. Cables are properly identified with a standard, double-ended system.							Paragraph 11.8.13

R56 Compliance Audit

DESCRIPTION	Motorola Responsibility		Customer Responsibility			Motorola Failure	Customer Failure	
	Passed	Failed	Passed	Failed	N/A	Date Corrected	Date Corrected	Reference
m. Distribution frame wiring conforms to the proper punch-down or wire-wrap techniques.								Paragraph 11.8.12
n. CAT-5 cables maintain the proper separation from AC power cables.								Paragraph 11.8.7.4
o. CAT-5 cables do not have any sharp bends.								Paragraph 11.8.7.3
p. CAT-5 cables meet all other installation requirements.								Paragraph 11.8.7
q. Cables installed below raised flooring systems are properly installed.								Paragraph 11.9.7
r. Cables installed above suspended ceilings are properly installed.								Paragraph 11.8.2
s. Electrostatic discharge practices are observed as required.								Paragraph 11.9
TOTALS FOR SECTION								

AUDIT TOTALS	MOTOROLA		CUSTOMER			
	Number of Passed	Number of Failed	Number of Passed	Number of Failed	Total N/A	

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Appendix 2

COOPERATIVE AGREEMENT

Between
County/City/Town

and the

NC Department of Crime Control and Public Safety,
Division of State Highway Patrol

for the

USE

of the

VIPER 800 MHZ MIXED MODE
TRUNKED RADIO SUBSYSTEM

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INTERLOCAL AGREEMENT

BETWEEN

THE COUNTY/CITY/TOWN OF _____ AND THE NORTH CAROLINA STATE HIGHWAY PATROL

REGARDING

USE AND SUPPORT OF THE VIPER 800 MHz TRUNKED RADIO NETWORK

This Agreement entered into this, the _____ day of _____, 200___, by and between the COUNTY/CITY/TOWN of _____, hereinafter referred to as "CITY","COUNTY", or "TOWN" and the North Carolina State Highway Patrol, hereinafter referred to as "PATROL," pursuant to the provisions of Article 20 of Chapter 160A of the North Carolina General Statutes.

WITNESSETH

WHEREAS, the parties to this Agreement are committed to delivery of the highest possible level of fire, law enforcement, medical emergency and related services; and

WHEREAS, the parties to this Agreement believe that interoperability – the ability for public safety agencies and communications centers to seamlessly communicate with each other – is a critical component of state-of-the-art public safety radio communications; and

WHEREAS, the parties to this Agreement are committed to participating in the use and support of such state-of-the-art public safety radio communications and computer aided dispatching systems that:

- Provide for efficient and effective support of the delivery of public safety services to people who need help;
- Provide the greatest support possible for firefighters, paramedics, law enforcement officers and others for whom reliable, interoperable communications can mean the difference between life and death;

WHEREAS, the COUNTY/CITY/TOWN has entered into an Agreement (hereinafter referred to as the, "COUNTY/CITY/TOWN and PATROL Agreement") with the State of North Carolina, through the PATROL, a copy of which is attached hereto as Exhibit A (without Appendix A of that Agreement outlining the technical radio components which the COUNTY/CITY/TOWN shall acquire) and incorporated herein, to work in partnership to develop a state-of-the-art interoperable public safety radio communications system based upon the 800 megahertz analog/digital trunked radio system ("800 MHz system") that is capable of

supporting analog or digital trunked radio services and capable of being expanded in a manner consistent with current public safety communications technical standards; and

WHEREAS, the COUNTY/CITY/TOWN and PATROL Agreement provides for COUNTY/CITY/TOWN and PATROL approval of the use of radio communications created by that Agreement (and COUNTY/CITY/TOWN procurement and construction of an 800 MHz system that operates in a manner consistent with the provisions of the COUNTY/CITY/TOWN and PATROL Agreement) by parties in addition to the COUNTY/CITY/TOWN and the PATROL; and

ARTICLE I - PURPOSE

1.01 The purpose of this Agreement is to define the rights and obligations of the COUNTY/CITY/TOWN and PATROL with respect to the coordinated operation, maintenance, and upgrades of the 800 MHz mixed mode radio system.

ARTICLE II - COOPERATION

2.01 The COUNTY/CITY/TOWN and PATROL will cooperate and use their best efforts to ensure that the various provisions of this Agreement are fulfilled. The parties agree in good faith to undertake resolutions of disputes, if any, in an equitable and timely manner and in accordance with the provisions of this Agreement.

ARTICLE III - DEFINITION OF TERMS

3.01 AGREEMENT. "Agreement" means this document as approved by appropriate action through ordinance, resolution, or other method, pursuant to the ordinances, resolutions, or charter of the governing bodies of the COUNTY/CITY/TOWN and the PATROL.

3.02 AMENDMENT. "Amendment" means a change to this Agreement as submitted to and approved by the governing bodies of the COUNTY/CITY/TOWN and PATROL.

3.03 APPORTIONMENT OF COSTS AND REVENUES. "Apportionment Of Costs And Revenues" means the manner in which the operating, maintenance, and upgrade costs of the 800 MHz mixed mode trunked radio systems may be identified and allocated between the COUNTY/CITY/TOWNS and the PATROL.

3.04 AUTHORIZED USERS. "Authorized users" are COUNTY/CITY/TOWN users duly authorized by the Agreement with the PATROL to utilize the 800 MHz mixed mode trunked radio systems.

3.05 COUNTY/CITY/TOWN. "COUNTY/CITY/TOWN" means the city, county, consolidated city-county, town, local BOARD of Education, sanitary district, facility authority created under Part 4 of § 160A-460, or other local political subdivision, authority, or agency of local government, party to this Agreement.

3.06 COUNTY/CITY/TOWN RADIO EQUIPMENT. "COUNTY/CITY/TOWN radio equipment" means portable, mobile, fixed control stations, or related hardware purchased by the COUNTY/CITY/TOWN for use within the 800 MHz mixed mode radio system. In the event that the COUNTY/CITY/TOWN dissolves this Agreement or otherwise leaves the system, the COUNTY/CITY/TOWN shall retain ownership of any COUNTY/CITY/TOWN radio equipment.

3.07 ELIGIBLE RADIO USERS. "Eligible radio users" means those public and private non-profit entities and individuals eligible to hold FCC licenses in the Public Safety, Local Government, Highway Maintenance, and Special Emergency Radio Services as defined in C.F.R. Part 90, Subparts B and C, and those entities and individuals eligible to operate radios in the Public Safety, Local Government, Highway Maintenance, and Special Emergency Radio Services under the provisions of 47 C.F.R. §90.421, and approved by COUNTY/CITY/TOWN and PATROL pursuant Article 3.08 of the COUNTY/CITY/TOWN/PATROL Agreement.

3.08 FCC. "FCC" means the Federal Communications Commission as established by The Communications Act of 1934.

3.09 FISCAL YEAR. "Fiscal Year" means the period commencing on July 1 of any calendar year and concluding on June 30 of the following calendar year.

3.10 FUNDING. "Funding," means the monies that will be provided by the COUNTY/CITY/TOWN through the PATROL to fund the operation, maintenance, and upgrades to the 800 MHz mixed mode radio system.

3.11 INFRASTRUCTURE. "Infrastructure" is, collectively, the equipment (including hardware and software) that supports shared use of digital and analog mobile and portable radios on the 800 MHz band frequencies licensed to the COUNTY/CITY/TOWN or PATROL for public safety and other authorized use.

3.12 INFRASTRUCTURE ENHANCEMENT. "Infrastructure enhancement" means acquisition and installation of 800 MHz equipment (including hardware and/or software) that serves to enhance the performance of (or add capabilities to) the 800 MHz mixed mode radio system.

3.13 INFRASTRUCTURE MAINTENANCE. "Infrastructure maintenance" means those services required to maintain the operating capability of the 800 MHz mixed mode radio systems, including (but not limited to) replacement of worn or broken components with a unit cost of less than $100,000 (when not otherwise covered by insurance) as well as the maintenance of and utilities for transmission sites, insurance premiums, and any related items as presented to the PATROL.

3.14 INFRASTRUCTURE PURCHASE. "Infrastructure Purchase" means acquisition and installation of 800 MHz mixed mode radio system equipment (including hardware and/or

software) that is required to establish and continually support the designed operating capability of the 800 MHz systems.

3.15 MUTUAL AID USE. "Mutual aid use" means authorized limited and temporary use of the 800 MHz mixed mode radio system for cross-jurisdictional, cross-service, or cross-technology intercommunications required among eligible users not supported as authorized users within the system.

3.16 NPSPAC. "NPSPAC" means the National Public Safety Planning Advisory Committee.

3.17 OPERATING FUND. "Operating Fund" means a financial account specially designated to provide operating funds for the 800 MHz mixed mode radio systems.

3.18 RADIO. "Radio" means the 800 MHz mixed mode radio system.

3.19 SEVERABILITY. "Severability" means that if any provision of the State of North Carolina Inter-local Cooperation Act, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

3.20 SYSTEM. "System" means the 800 MHz mixed mode radio system.

3.21 TERM. "Term" means the period of time for which this Agreement is in effect.

3.22 TERMINATION. "Termination" means dissolution of this Agreement.

ARTICLE IV - TERM

4.01 This Agreement shall take effect upon execution by both parties hereto, and shall remain in effect for a period of ten (10) years, starting upon the day in which the governing bodies of the COUNTY/CITY/TOWN and PATROL have executed this Agreement.

4.02 If no action is taken to dissolve this Agreement and the COUNTY/CITY/TOWN and PATROL fail to extend the Agreement after ten (10) years, the Agreement shall automatically be renewed for additional twelve (12) month period(s).

ARTICLE V - DEFAULT

5.01 Any material violation of the Agreement during the term of this Agreement shall constitute a default. In the event of an alleged default, the PATROL shall give the allegedly defaulting party notice of such alleged default. Upon notice, the party alleged to have defaulted shall have a period of thirty (30) calendar days to cure the alleged default or appeal the decision of the PATROL pursuant to this Agreement provided further that the matter is subject to appeal. If the default is not cured to the satisfaction of the PATROL within the thirty (30) day cure period or during the appeal process, Article 10.04-G of this Agreement may apply.

5.02 Except as provided in Article V of this Agreement, either the COUNTY/CITY/TOWN or PATROL may terminate this Agreement upon one hundred (180) days notice.

ARTICLE VI - CONFORMANCE TO PLANS, ETC.

6.01 COUNTY/CITY/TOWN equipment operating on the 800 MHz mixed mode radio system shall comply with technical and performance standards established or adopted by the PATROL.

6.02 The failure of the COUNTY/CITY/TOWN to comply with the provisions of Article 6.01 of this Agreement shall be considered a default as defined in Article 5.01 of this Agreement.

ARTICLE VII - OWNERSHIP OF INFRASTRUCTURE

7.01 The PATROL shall own all infrastructure associated with the 800 MHz systems unless otherwise stated within this Agreement. COUNTY/CITY/TOWN shall not be expected to purchase Fixed Assets except as may be required to provide special system functionality unique to COUNTY/CITY/TOWN.

ARTICLE VIII – SYSTEM FUNDING

8.01 The PATROL shall be responsible for the initial 800 MHz mixed mode radio infrastructure purchase and installation, and for subsequent infrastructure purchases required to maintain the designed operability of the systems.

8.02 In the event that a COUNTY/CITY/TOWN not previously party to this Agreement wishes to join in the shared use of the 800 MHz mixed mode radio and systems and that said COUNTY/CITY/TOWN has determined that infrastructure enhancements need to be made to accommodate the shared use of the 800 MHz mixed mode radio system, that COUNTY/CITY/TOWN shall be responsible for providing for purchase of any infrastructure necessary to make such enhancements to accommodate that COUNTY/CITY/TOWN use of the 800 MHz and systems without interfering with, or otherwise degrading, system capabilities for another COUNTY/CITY/TOWN that is a party to this Agreement.

ARTICLE IX - FCC LICENSE AND USE OF FREQUENCIES

9.01 The PATROL shall be responsible for the maintenance of all FCC licenses required to operate the 800 MHz mixed mode radio system, regardless of whether said licenses are in the name of the COUNTY/CITY/TOWN or the Patrol.

9.02 A participating COUNTY/CITY/TOWN may authorize allocated 800 MHz frequencies for which it is licensed to be utilized by the PATROL 800 MHz mixed mode radio system. COUNTY/CITY/TOWN is not expected to contribute frequencies to the PATROL if such

frequencies cannot be utilized by the 800 MHz mixed mode radio system or if required for the continuing operation of the COUNTY/CITY/TOWN.

9.03 All COUNTY/CITY/TOWN radios used for law enforcement shall be capable of transmission and reception on NPSPAC frequencies.

9.04 Any COUNTY/CITY/TOWN shall operate two-way radio equipment in accordance with the rules of the FCC.

ARTICLE X – GOVERNANCE COMMITTEE AND TECHNICAL SUBCOMMITTEE

10.01 To assist the PATROL in the administration of the radio systems, a GOVERNANCE COMMITTEE ("COMMITTEE") shall be established to develop fiscal and performing policies governing all users of the systems. The COMMITTEE shall meet at least twice per year.

10.02 The COMMITTEE shall be made up of no more than 15 members representing all public safety disciplines. Each member should represent an agency that is an active participant on the VIPER Network. It is recommended that the COMMITTEE have the following representation:

NC Fire Chief's Assn
Emergency Medical Services
State Highway Patrol
State Bureau of Investigation
NC Emergency Management
NC Sheriff's Assn
NC Police Chief's Assn
CJIN Board
Wake County Representative
NCSUN
Local EM Coordinator
Local Fire Chief
Local Sheriff
Local EMS Coordinator
US Marshall's Service

10.03 The Patrol Commander's designee shall serve as chairman of the COMMITTEE.

10.04 Additionally, the COMMITTEE shall create a technical sub-committee to provide technical advice on issues that could have statewide impact on the network. Membership of the technical sub-committee should come from agencies participating on the network.

10.05 Items for consideration by the COMMITTEE shall include, but not be limited to:

A. Review and respond to matters pertaining to the operation of the VIPER system.

B. With respect to Article 8 of this Agreement, establish the criteria through which governments and other authorized governmental bodies may participate in the radio systems.

C. Develop capital improvement funding plans for infrastructure enhancement.

D Develop a membership allocation voting method for itself and for the Operations Group, in the event that consensus among either body cannot be reached.

E. Recommend to the PATROL when an Interlocal Agreement with a COUNTY/CITY/TOWN should be terminated following a finding that the COUNTY/CITY/TOWN is in default of this Agreement.

F. Review operational matters within the purview of this Agreement and through collegial discussion and non-secret voting, recommend appropriate policies to ensure that the operations of the radio system are reliable.

G. Review applications for membership within the system and make recommendations to the PATROL relative to admission.

H. Review applications for and approve, when appropriate, additional system "talk groups."

I. Review system operating information for the purpose of developing documentation to support requests for additional channel capacity as may be needed.

J. Develop and review general performance standards that serve as the foundation for technical specifications required for radios used by public

safety and non-public safety users that can be procured by all system users at the lowest, responsive vendor price.

K. Submit policies for users of the 800 MHz mixed mode radio systems to the PATROL for approval.

L. Review and approve communications procedures to be utilized during emergencies to ensure that the 800 MHz mixed mode radio system will perform as efficiently and effectively as possible for all users during such an emergency.

10.06 COUNTY/CITY/TOWN shall assume responsibility for costs of attendance at COMMITTEE meetings. The PATROL shall not assume any costs of any kind relative to the attendance or participation of a COUNTY/CITY/TOWN employee at a PATROL or COMMITTEE meeting.

10.07 In the event that the PATROL issues a directive or other such action compelling any party to this Agreement to take certain actions and the COUNTY/CITY/TOWN fails to comply with the instructions of the PATROL, such COUNTY/CITY/TOWN shall be considered to be in default as defined in Article 5.01 of this Agreement.

10.08 In the event that a COUNTY/CITY/TOWN is declared to be in default as defined in Article 5.01 of this Agreement and disagrees with the action of the PATROL, such COUNTY/CITY/TOWN may appeal the directive or action of the PATROL to the COMMITTEE. The COMMITTEE shall consult with a representative of the PATROL or other neutral and disinterested party as appropriate to determine if the PATROL'S actions are contrary to the COUNTY/CITY/TOWN and PATROL Agreement. If the PATROL'S actions are consistent with the COUNTY/CITY/TOWN and PATROL Agreement, the PATROL and appealing COUNTY/CITY/TOWN shall be advised that there is no basis for appeal. However, if the PATROL'S actions are contrary to the COUNTY/CITY/TOWN and PATROL Agreement, the COMMITTEE shall advise the PATROL of the inconsistency permitting the PATROL to amend its action(s) as necessary. The PATROL shall amend the action necessitating the COUNTY/CITY/TOWN to appeal in order to comply with the COUNTY/CITY/TOWN and PATROL Agreement.

10.09 In the event that a COUNTY/CITY/TOWN desires to appeal a decision of the PATROL to the COMMITTEE and such PATROL decision was based upon a requirement or upgrade plan of the PATROL, no appeal shall be heard and the action of the PATROL will be final.

10.10 The authority of the PATROL does not extend to the internal operations of the COUNTY/CITY/TOWN when such operations have no substantial impact upon the management or performance of the 800 MHz and system.

ARTICLE XI – RADIO SYSTEMS USES AND LIMITATIONS

11.01 Permitted users of the radio system may include the COUNTY/CITY/TOWN'S public safety and non-public safety users.

11.02 The non-public safety users of the COUNTY/CITY/TOWN shall be afforded a lower system priority than public safety users.

11.03 To ensure that the channel capacity of the radio system will not be unnecessarily reduced, neither the COUNTY/CITY/TOWN shall utilize any radio with a telephone interconnect capability except as approved by the PATROL.

ARTICLE XII - NOTICE

12.01 Any notice, report of demand which must be given or made by a party hereto under the terms of this Agreement shall be sent by registered or certified mail, return receipt requested. Notices to the PATROL shall be sent to NORTH CAROLINA STATE HIGHWAY PATROL, Technical Services Section, 4702 Mail Services Center, Raleigh North Carolina 27699.

12.02 Any notice, report of demand which must be given or made by a party hereto under the terms of this Agreement shall be in writing and shall be sent by registered or certified mail. Notices to the COUNTY/CITY/TOWN shall be sent to _____.

ARTICLE XIII - MERGER AND MODIFICATION

13.01 It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supercedes all oral arguments, previous written agreements, and negotiations between the COUNTY/CITY/TOWN and the PATROL.

13.02 Any alterations, variations, modifications, or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing and signed by parties hereto as an amendment to this Agreement and signed by the parties hereto.

ARTICLE XIV – RECORDS, AVAILABILITY

14.01 COUNTY/CITY/TOWN and PATROL agree that each party hereto, will cooperate with the State, County or municipal Auditor or any of their duly authorized representatives at any time during normal business hours, and as often

as they deem reasonably necessary, and further, that such auditor shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the other party hereto and involve transactions relating to this Agreement.

14.02 The COUNTY/CITY/TOWN and PATROL agree to maintain all records relative to this Agreement and the use of the system during the period in which such system is used by the COUNTY/CITY/TOWN and further, for an additional period of time as prescribed by law or absent such prescription, for five years beyond the expiration date of the Agreement.

14.03 In the event that legislation is passed by either the United States Congress or the North Carolina General Assembly delimiting public access to the financial, operational, or other relevant records of public safety 800 MHz mixed mode radio system, the State, County or municipal auditor conducting such review shall agree to maintain as confidential any information or data permitted to be excluded from public access and review. Such protected information and data shall not be included in written findings of an auditor nor discussed in any forum open to the public. The COUNTY/CITY/TOWN and PATROL agree to include such restrictions in any public solicitations or contracts for audit services.

ARTICLE XV - INDEPENDENT CONTRACTOR AND INDEMNIFICATION

15.01 The COUNTY/CITY/TOWN and PATROL are, and shall remain, independent contractors with respect to all services performed under this Agreement. Except as provided within this Agreement, the COUNTY/CITY/TOWN and PATROL shall select the means, method, and manner of performing their respective services herein. Nothing is intended or should be construed in any manner as creating or establishing the relationship of co-partners between the COUNTY/CITY/TOWN and PATROL hereto or as constituting either party as the agent, representative, or employee of the other for any purpose or in any manner whatsoever. The COUNTY/CITY/TOWN represents that it has or will secure at its own expense all personnel required in performing services under this Agreement where proportionate reimbursement from a COUNTY/CITY/TOWN as defined by the PATROL is required. Any and all personnel of the COUNTY/CITY/TOWN or other persons engaged in the performance of any work or services under this Agreement shall have no contractual relationship with the other party, and shall not be considered an employee of any other party. Any and all claims that might arise under the Unemployment Compensation Act, the Worker's Compensation Act of the State of North Carolina, or any other applicable Federal or State law, rule, or regulation on behalf of said personnel, arising out of employment or alleged employment, including, without limitation, claims of discrimination against either party, its officers, agents, contractors, or employees shall in no way be the responsibility of the other party. Each party

shall defend, indemnify, and hold the other party, its officers, agents, and employees harmless from any and all such claims. Such personnel or other persons shall neither require nor be entitled to any compensation, rights, or benefits of any kind whatsoever from the other party, including, without limitation tenure rights, medical and hospital care, sick and vacation leave, worker's compensation, Re-Employment Insurance, disability, severance pay, or PERA.

ARTICLE XVI - GOVERNING LAW AND APPLICABLE PROVISIONS OF LAW

16.01 The laws of the State of North Carolina shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations and performance and obligations between the PATROL and COUNTY/CITY/TOWN.

16.02 Applicable provisions of North Carolina State Law, Federal Law, and any applicable local ordinance shall be considered as a part of this Agreement as though fully set forth herein. Specifically, the PATROL and COUNTY/CITY/TOWN agree to comply with all applicable Federal and State laws as well as local ordinances relating to non-discrimination, affirmative action, public purchases, contracting, employment including worker's compensation and state labor wage provisions, and surety deposits required for construction contracts.

COUNTY/CITY/TOWN and **PATROL APPROVAL**

CITY/TOWN, having signed this Agreement, and the PATROL having duly approved this Agreement on the _____ day of _____, 20____, and pursuant to such approval, the proper PATROL and COUNTY/CITY/TOWN officials having signed this Agreement, the parties hereto agree to be bound by the provisions herein set forth.

COUNTY/CITY/TOWN

_____
Authorized Signatory

Approved as to Form:

STATE HIGHWAY PATROL

_____
ATTORNEY GENERAL

By: _____
SECTION DIRECTOR

_____
Date

Approved as to Form and Execution

_____
Legal Counsel

_____
Date

Risk Management Plan– VIPER Strategic Plan

Voice Communications System

Category	Description (Defined Risk)	Approach Response (Mitigation Plan)	Likelihood	Severity	Significance	Level of Control	Assigned To	Status
Funding Project Staff	Project Staff • Reassignment of current state employees.	• Reassignment of duties to other VIPER team members. • Assignment of new members to VIPER team.	1	3	4	1	Col. Clay/Sec. Beatty	Completed
Funding for Equipment	Equipment • Capital infrastructure funding (hardware, antennas, towers, communications equipment).	• Project implementation via phased approach as funding becomes available.	3	5	8	5	Legislature/ Sec. Beatty	In Process
Site Availability	Capacity • Physical tower space and building capacity. Suitability • Access to utilities. • Site upgrades. • Security. Microwave access • New hardware. • Upgrades and improvements to existing hardware. Local assistance Lease contracts	• Make necessary improvements/upgrades or secure new equipment. • Identify alternate locations as needed. • Construct new facilities or secure a lease. • Identify shared resources from allied agencies. • Sign Memorandums of Agreement with allied agencies.	2	2	4	2	Col. Clay/Sec. Beatty	On going

Risk Management Plan– VIPER Strategic Plan

Voice Communications System

Category	Description (Defined Risk)	Approach Response (Mitigation Plan)	Likelihood	Severity	Significance	Level of Control	Assigned To	Status
Personnel	Project staff • Reassignment • Failure to create new support positions	• Request creation of new technical support personnel to perform installation and operational support duties. • Contract technical personnel (costly)	3	5	8	5	Legislature/ Sec. Beatty	In-process
Procurement	Delivery • Availability Compatibility • Compatibility with existing resources; state, and local. State Procurement • Compliance with ITS/state procurement rules. Migration • Migration path to future technologies.	• Identify alternate sources of equipment. • Ensure vendor specifications and equipment selection provides for compatibility with existing resources. • Comply with State procurement rules. • Ensure vendor specifications and equipment selection provides for migration to future technologies where possible.	1	2	3	2	Cpt. Sandy/M. Hodgson/ H. Meacombs	Not started

Risk Management Plan– VIPER Strategic Plan

Voice Communications System

Category	Description (Defined Risk)	Approach Response (Mitigation Plan)	Likelihood	Severity	Significance	Level of Control	Assigned To	Status
Spectrum availability	FCC license • Availability of 800 MHz frequencies. (Present)	• Aggressively identify and license appropriate 800 MHz frequencies.	1	3	4	2	Meacombs/ Hodgson/ Spell	On going
State CIO Approval	Comply with State CIO requirements • Architecture	• Meet with State CIO and staff and comply with requirements.	1	3	4	1	Sandy/ Hodgson	On-going
Implementation	Personnel • Lack of available personnel. Weather • Inclement weather Budget issues • Cost overruns	• Reallocation of personnel. • Contract services if needed (costly) • Implementation schedule will be designed around potential inclement weather. • Close monitoring of expenditures will be conducted to ensure budget compliance. • Cost overruns and unforeseen expenditures mitigated through project risk funds. • Seek alternate sub	2	3	5	3	Sandy/ Meacombs/ Hodgson	Not started

Category	Description (Defined Risk)	Approach Response (Mitigation Plan)	Likelihood	Severity	Significance	Level of Control	Assigned To	Status
Implementation	Installation issues • Sub contractors • Component availability System testing and acceptance • Fails to achieve intended result. • Define automated test plan (ATP). Training • Adequate training for system operation. • Training to describe system capabilities and operation to end users.	contractors and sources of key components. • Incremental testing to ensure overall successful operation prior to project completion. • Training will be conducted for all control point personnel. • End user training available.						
Engineering Issues	Software levels • System requires continual software upgrades. Firmware revisions – Chip sets, ram,	• Ongoing software support budgeted. • Ongoing firmware support budgeted. • Network	1	2	3	1	M. Hodgson	On going

Category	Description (Defined Risk)	Approach Response (Mitigation Plan)	Likelihood	Severity	Significance	Level of Control	Assigned To	Status
	etc. • System requires periodic firmware upgrades. Hardware upgrades • Significant delays in project funding may cause costly technology refresh..	construction proceeds in a timely manner provided budget funds are available.						
Construction	Local ordinances • Compliance with local ordinances may be required. FCC Mandates • Compliance with FCC regulations is required. FAA Mandates • Compliance with FAA regulations is required. EPA Mandates • Compliance with EPA regulations is	• Seek available State property when possible to minimize compliance with local ordinances. • Complete FCC submissions in an efficient and timely manner. • Complete FAA submissions in an efficient and timely manner. • Complete EPA submissions in an efficient and timely manner. • Complete State Construction submissions in an efficient and timely	3	3	6	3	Cpt. Sandy/H. Meacombs/C C&PS Legal Staff	Not started

Category	Description (Defined Risk)	Approach Response (Mitigation Plan)	Likelihood	Severity	Significance	Level of Control	Assigned To	Status
	required. State Construction • Involve state construction as required on state property. State Property • Involve State Property Office as required.	manner. • Complete State Property submissions for lease agreements and property purchases.						

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety And Joint Appropriations on Department of Transportation — March 9, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doc Nunnery	Cumberland Co Emergency Services
MIKE COSTA	Cumberland Co. EMERGENCY SERVICES
Dudley Watts	MANAGER - GRANVILLE COUNTY
Rebecca TROUTMAN	NCACC
GLEN ALLEN	NC Assoc Chiefs of Police Henderson P.D.
TOM YOUNG	NC Assoc. Chiefs of Police NC STATE UNIVERSITY
LANE HOBBS	NC State Highway PATROL RALEIGH. N.C.
Major W.F. Sandy	"
MAJOR W.J. Wilson Jr.	"
MAJOR M.R. JOHNSON	"
LT. COLONEL C.E LOCKLEY	"

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety And Joint Appropriations on Department of Transportation — March 9, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
COLONEL W.F. CLAY	NC STATE HIGHWAY PATROL, RALEIGH
MAJOR J.J. HATCHER	NC STATE HIGHWAY PATROL, RALEIGH
Major W.D. Munday	NC State Highway Patrol, Raleigh
MICHAEL T. HODGSON	NC STATE HIGHWAY PATROL, RALEIGH
Bethany Khouri-Lisbon	CJ III
BATTALION CHIEF DAVID MCFEE	ASHEVILLE FIRE RESCUE
CHIEF GREG GRAYSON	"
Martin L. Chriscoe	Wake County Public Safety
MAC E. MANNING, JR.	SHERIFF - PITT COUNTY
CHARLES ARCHER	NCLM
Chief Francis T. D'Ambra	Manteo Police Dept

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety And Joint Appropriations on Department of Transportation — March 9, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robin Pendergraft	SBI - Raleigh
Frank Palombo	NBPD - New Bern
Jeff Brito	NC Public Health
Harold Meacombs	N.C. Highway Patrol - Raleigh
Beau Mills	SVC Metropolitan Coalition/ACLU
Ron Aycock	N.C. Assn of County Commissioners
Rebecca Troutman	NCACC
B. Randolph Sims	NCHBA
Dana Martin	NC Sheriff's Association; Wilkes County Sheriff
Eddie Caldwell	NC Sheriffs' Assn

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety And Joint Appropriations on Department of Transportation — March 9, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mildred Spearman	NCDOC
Kathy Hawkins	Progress Energy
Patrick Clancy	Speaker's Office
Byron K. Harris	OSBM
Colleen Kochanek	NCACP & NCLEOA
Renee Hoffman	CCPS
R Everett Cleudevin	SHP
Cassandra Skinner	CCPS
Renee Gleaton	CCPS
Marvin Atkins	CCPS
Bennie Aiken	CCPS

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety And Joint Appropriations on Department of Transportation — March 9, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mike Causey	Causey & Associates
Jon Williams	CCPS
Warren Black	OSBM
Nick Coop	OSBM
Betsy Bailey	NCPTA
Rob Robinson	Rowan County 911/EMA
Randy Thompson	N.C. EM. Association
Pat Beekman	Union County Homeland Security
Darren Currie	Columbus County
Leonard Hayes	Columbus County EM
Stephanie Dorko	Charlotte Chamber

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety And Joint Appropriations on Department of Transportation — March 9, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kay Isenhour	Intern - Sen. P. Berger
Joey Gardner	DMV License + Theft
Portia Manley	NCDOT / DMV
NELS ROSELAND	NCDOJ
BOB BRANSON	CORRECTION / CSIN
Debra Den	Bell South
Tom Wescott	Sprint
Tom Moore	Sprint
Dwight Allen	NC Telephone Cooperatives

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Monday, March 9, 2005
Room 415 LOB
8:30 a.m.

The Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Monday, March 9, 2005 in Room 415, LOB. Seven members of the Senate Subcommittee attended along with Representatives Haire, Kiser, Frye, Goodwin, Justus, Ray, and Sutton. Senator Scott Thomas presided.

Senator Thomas called the meeting to order and welcomed the Pages, staff, and visitors.

Jim Mills of the Fiscal Research Staff presented to the committee the budget summary for the Department of Juvenile Justice and Delinquency Prevention. (See Attachment #1).

Secretary George Sweat, Secretary of the Department of Juvenile Justice and Delinquency Prevention, presented to the committee his global view for the department and also talked about the Governor's budget recommendations. (See Attachment #2).

The meeting adjourned at 10:00 a.m.

Scott Thomas
Senator Scott Thomas, Co-Chair

Vickie Spears
Vickie Spears, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 9, 2005 8:30 A.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas, Presiding

Representative Phillip Haire
Representative Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Presentation of Juvenile Justice and Delinquency Prevention Programs and Budget

Jim Mills, Fiscal Research

George Sweat, Secretary

Review of Crime Control and Public Safety Budget

Denise Thomas, Fiscal Research

III. OTHER BUSINESS

IV FUTURE MEETINGS

Joint JPS/DOT Meeting **MARCH 9th AT 2PM, Room 544** - Viper and Highway Patrol Expansion Budget requests

March 10th, 8:30 AM - Continue Crime Control and Public Safety budget detail.

March 15, 8:30 AM - Complete Crime Control and Public Safety budget review; begin Department of Correction budget review

V. ADJOURNMENT

Attachment #1

DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BUDGET SUMMARY

Budget Summary—State Appropriations

	2003-04	Original 2004-05	Revised 2004-05
Certified Budget	$130,313,473	$130,585,498	$132,319,567
Actual Expenditures	$131,257,847	NA	NA
# Positions	1,878.5	1,867.75	1,904.75

2004-05 Certified G.F. Budget by Major Programs/Functions

Program	Budget	% of Total
Youth Development Centers and Detention Centers	$49,079,671	37.0%
Intervention/Prevention (Court Counselors &JCPC's)	$53,011,755	40.0%
Special Initiatives (e.g. Eckerd, Group Homes, Teen Courts)	$17,831,724	13.5%
S.O.S. (After School programs)	$6,206,575	4.7%
Administration	$5,891,992	4.4%

2004-05 Budget by Purpose

- 54% - Salaries and Benefits ($77 million)
- 35% - Aid and Public Assistance (e.g. community programs, JCPC's, Eckerd, Group Homes, Detention Subsidy, etc. ($50 million)
- 7% - Purchased Services e.g. contracts, ($10 million)

Major Actions during 2003-05 General Assembly Session

- Reduced departmental operating line items by $1.4 million

- Increased funding for Juvenile Crime Prevention Councils (JCPC's)
  - $500,000 R for formula funding
  - $500,000 R for competitive grants to fund demonstrations of alternative to commitment programs

- Fund treatment programs at Samarkand for female offenders (31 positions formerly grant funded)

- Authorize use of current funds and positions (42) to establish pilot treatment programs at Samarkand and Stonewall. These programs are the starting point for the transition to treatment based facilities.

- Authorized issuance of $35 million in debt to construct up to 224 new YDC beds; $13 million in 04-05 and $22 million in 05-06. Directed development of Capital and Staffing Plans.

Major Issues for the 2005-07 Biennium

- *Juvenile Crime Prevention Councils:* Targeting JCPC funds to those programs that are proven to be effective and cost-beneficial for prevention and services for adjudicated and diverted juvenile offenders.

- *Community-based intervention/treatment*: Is there a sufficient quantity of effective programs/services available for adjudicated juveniles as an alternative to YDC commitment?

- *Capital and Program needs at Youth Development Centers*: While growth in population has slowed, YDC's operate in aging facilities that are inadequate for security, programs, and staff. The proposed plans for the construction and operation of new facilities will need to be balanced with current repair needs and the goal of the Juvenile Justice Reform Act to reduce training school beds.
    - *Reorganizing Youth Development Centers as Treatment Based Facilities.* DJJDP has proposed reorganizing YDC operations from a control based environment to a treatment based environment. The costs/benefits of this proposal will continue to be reviewed in 2005 as the pilot project progresses.

Attachment #2

Overview of Comprehensive Strategy

Problem Behavior ➢ Noncriminal Misbehavior ➢ Delinquency ➢ Serious, Violent, and Chronic Offending

Prevention

Target Population: At-Risk Youth

Graduated Sanctions

Target Population: Delinquent Youth

Programs for All Youth ➢ Programs for Youth at Greatest Risk ➢ Immediate Intervention ➢ Intermediate Sanctions ➢ Community Confinement ➢ Youth Development Centers ➢ Post-Release Supervision

Youth Development Goals

- Healthy and nurturing families.
- Safe communities.
- School attachment.
- Pro-social peer relations.
- Personal development and life skills.
- Healthy lifestyle choices.

Youth Habilitation Goals

- Healthy family participation.
- Community reintegration.
- Educational success and skills development.
- Healthy peer network development.
- Pro-social values development.
- Healthy lifestyle choices.

adapted from OJJDP's *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Offenders, page 8.*

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - March 9, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lou Rubert	CYPC
Cassandra Skinner	NC CCPS
Bennie Aiken	CCPS
Marvin Waters	CCPS
Brian Lewis	Covenant w NC's Children
Eddie Caldwell	NC Sheriffs' Assn.
Shane Wynne	
Patrice Roesler	NCACC

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY

March 10, 2005, 8:30 p.m.
Room 415

HOUSE MEMBERS PRESENT: (6) Representatives Phil Haire, Joe Kiser, Karen Ray, Ron Sutton, Melanie Goodwin, and Carolyn Justus.

SENATE MEMBERS PRESENT: (6) Senators Scott Thomas, John Snow, Stan Bingham, Tom Apodaca, Ellie Kinnaird, and Keith Presnell.

A Visitors Registration Sheet is attached and made part of these minutes.

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday, March 1, 2005, in Room 415 of the Legislative Office Building. Representative Phil Haire called the meeting to order at 8:30 a.m. and introduced the House and Senate Pages. House Sergeant at Arms were Frank Prevo and Jim Womack. Senate Sergeant at Arms were Mary Perry and Charles Marslais.

Rep. Haire recognized Ms. Denise Thomas, Fiscal Research Staff, who presented a review of Crime Control and Public Safety Budget with Handout #1 – Department of Crime Control and Public Safety – Program and Budget Review: Handout #2 – 2004 Grant List; and Handout #3 – Federal Funding Adminstered by the Governor's Crime Commission. Ms. Thomas began with Handout #1. Sen. Bingham referred to page 14 asking where the Accountability Incentive Block Grant goes? Ms. Thomas replied that she did not have specific details, but would get the information. Rep. Sutton asked how much flexibility the state has with Homeland Security? Ms. Thomas stated that they did not have much flexibility.
Rep. Kiser inquired as to how much money the state is required to spend on VIPER Ms. Thomas replied that 50% would support VIPER. Rep. Kiser remarked that it didn't seem fair to counties. Ms. Thomas stated that she would follow up with Sec. Beatty. After many questions and discussion concerning VIPER, it was suggested that there was a need to schedule a representative from the Department of Crime Control and Public Safety to speak to the Committee. A staff member from the Department of Crime Control and Public Safety made a call to Secretary Bryan Beatty who immediately came over from his office to address the issues in question. After a lengthy discussion of the VIPER program and questions were answered by Sec. Beatty, the meeting was adjourned by Rep. Haire at 3:30 p.m.

Respectfully submitted:

Representative Phil Haire
Chair

Sara Jane Lennard
Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 10, 2005 8:30 A.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas

Representative Phillip Haire, Presiding
Representative Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Review of Crime Control and Public Safety Budget

Denise Thomas, Fiscal Research

III. OTHER BUSINESS

IV FUTURE MEETINGS

March 15, 8:30 AM - Complete Crime Control and Public Safety budget review; begin Department of Correction budget review

March 15, 2:00 PM – Continue Department of Correction Budget Review

V. ADJOURNMENT

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES		March 1 8:00	March 10 8:30	March 30 8:30	March 30 8:00										
HOUSE															
Rep. Phil Haire, CHAIR		✓	✓	✓	✓										
Rep. Joe Kiser, CHAIR		✓	✓	✓	✓										
Rep. Karen Ray, VICE CHAIR			✓		✓										
Rep. Ron Sutton, VICE CHAIR		✓	✓	✓	✓										
Rep. Phillip Frye		✓		✓	✓										
Rep. Melanie Goodwin		✓	✓	✓	✓										
Rep. John Hall															
Rep. Carolyn Justus		✓	✓	✓	✓										
Rep. Paul Miller		✓													
SENATE															
Sen. Scott Thomas, CHAIR		✓	✓		✓										
Sen. John Snow, VICE- CHAIR		✓	✓	✓	✓										
Sen. Stan Bingham, RANKING MINORITY MEMBER		✓	✓	✓	✓										
Sen. Tom Apodaca		✓	✓	✓											
Sen. Ellie Kinnaird		✓	✓	✓	✓										
Sen. Keith Presnell		✓	✓	✓	✓										
Sen. Tony Rand		✓		✓	✓										

VISITOR REGISTRATION SHEET

APPROPRIATIONS-JUSTICE AND PUBLIC SAFETY 3/10/05

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jamie Carmichael	CCPS
Marvin R Waters	CCPS
Mildred Spearman	NCDOC
Cassandra Skinner	NCCPS
Bennie Aiken	NCCPS
Byron Harris	OSBM
Eddie Caldwell	NC Sheriffs' Assn.
Chip Killian	ABC Council of N C
Lee Hodge	KCLH
John McHugh	Gov Office
Brian Lewis	Communities in NC's Children

VISITOR REGISTRATION SHEET

APPROPRIATIONS-JUSTICE AND PUBLIC SAFETY — 2/10/05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gary Mund	ADO
Bryan Beatty	CCPS

Department of Crime Control and Public Safety (CCPS)

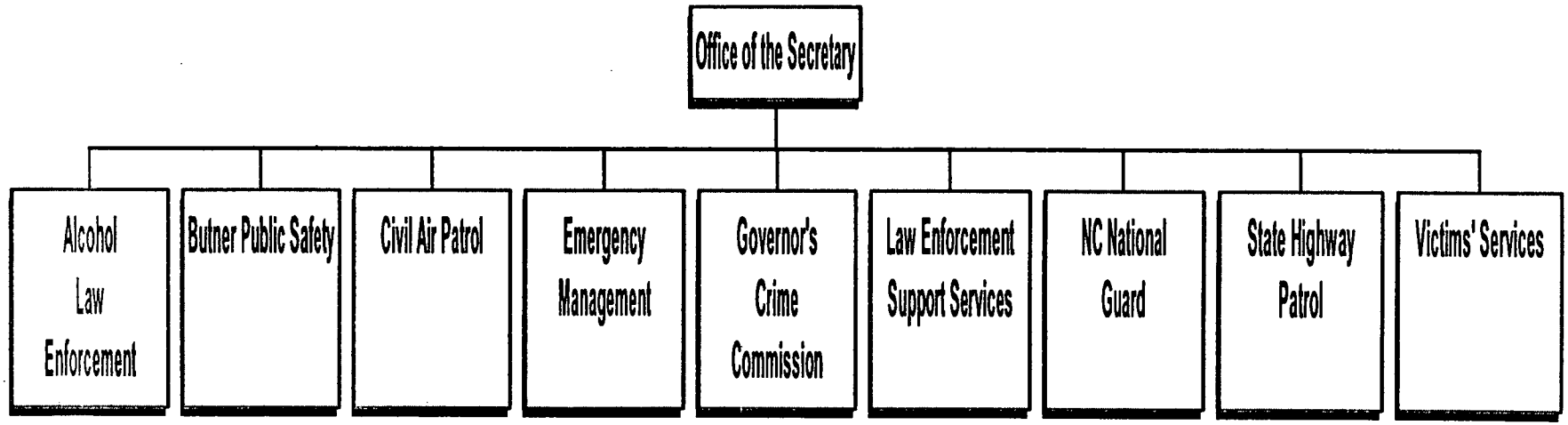
Program and Budget Review

JPS Appropriations Subcommittee

March 9, 2005

March 10, 2005
Handout #1

Crime Control & Public Safety Organization



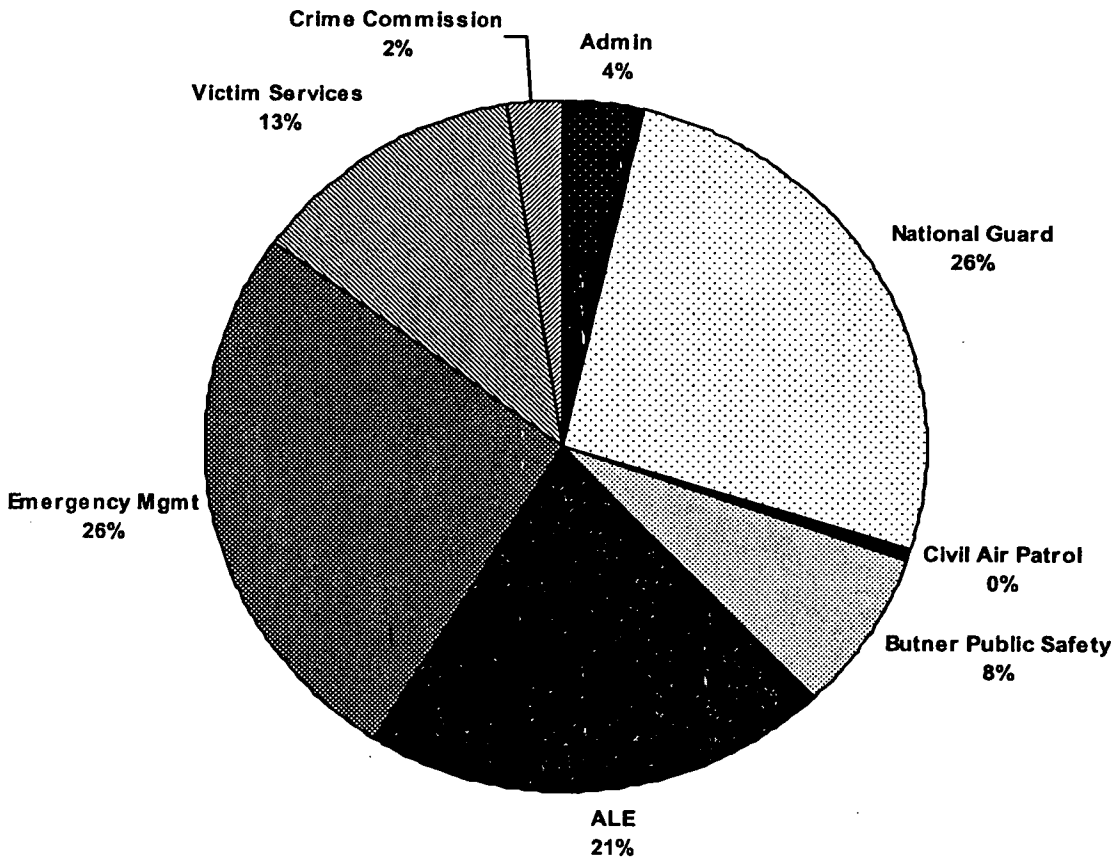
Crime Control and Public Safety

- 2,781 Positions
  - 522 Positions Across all Divisions excluding State Highway Patrol
  - 2,259 Positions in the State Highway Patrol Division
    - 374 Positions from the Department of Transportation's DMV Enforcement Section were transferred to the Department in 2003

Legislative Action since 2003

- Eliminated NC Boxing Commission and transferred boxing enforcement to ALE
- Expanded arrest authority of Motor Carrier Enforcement Officers
- Converted five EMD positions from temporary to permanent
- Provided $2,500,000 NR for Crime Victims' Compensation
- Provided $250,000 NR NG family emergency financial assistance
- Reduced operating budget by $2,200,000 R
- Salary Increase for ALE Officers

% FY03-04 Expenditures by Division



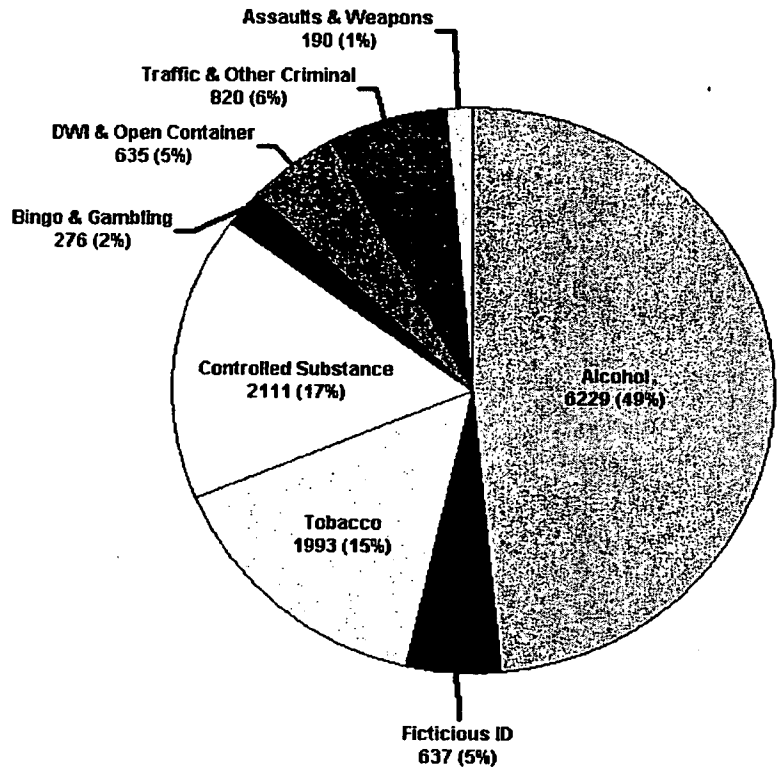
Note: General Fund only

Alcohol Law Enforcement

- Enforces laws related to the sale, purchase, transportation, manufacture, consumption, and possession of alcoholic beverages
- Enforces tobacco, controlled substance and gambling laws
- Nuisance Abatement Program
- Houses the Center for Missing Persons
- Regulates Boxing

Alcohol Law Enforcement

- FY04-05 Budget is $8,459,118
  - 123 positions, includes 104 sworn agents
- 2004 budget included $376,000 R to provide 5% salary increases for agents
- In 2004, 12,891 charges for alcohol, tobacco, controlled substances, gambling, and other violations

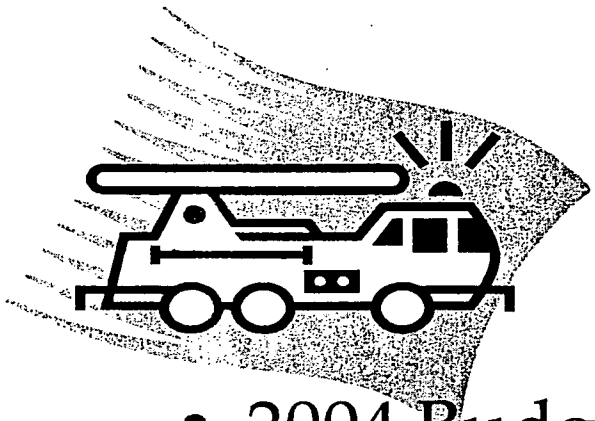


Butner Public Safety

- Butner Public Safety is the sole police and fire authority for a 36 square-mile area which crosses both Durham and Granville Counties
  - Butner is the only state-administered town in North Carolina.
- A public safety surcharge is added to the Butner property tax to partially offset the cost of police and fire protection. Amount collected in FY04-05:
  - Durham County: $11,720
  - Granville County: $795,509
- FY04-05 budget: $2,670,730
    - 49 positions, including 43 sworn
    - Officers are certified as law enforcement and firefighters

State, Federal and other Facilities Located in Butner

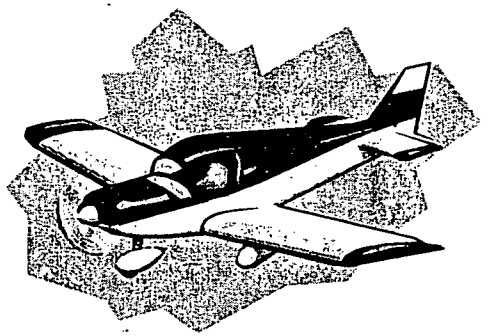
- John Umstead Hospital
- Murdoch Center
- Alcohol Drug Abuse Treatment Center
- Dillon YDC
- Whitaker School
- Butner Adolescent Treatment Center
- Umstead Correctional Center
- Polk Youth Center
- Federal BOP Medical Center
- Federal BOP Low Security Facility
- Federal BOP Medium Security Facility
- Federal BOP Prison Camp
- NC National Guard Training Camp
- NC Food Distribution
- NCSU Beef Cattle Research
- DHHS Butner Town Complex
- 2 County Schools



BPS Fire Fighting Equipment

- 2004 Budget appropriated $150,000 R in the DHHS budget for a lease-purchase agreement to replace the old pumper truck
- In July 2004, BPS received a $228,000 federal grant to purchase a pumper.
- BPS is using the general fund appropriation to purchase a ladder pumper truck $500,000
- Both trucks scheduled for delivery this spring

CIVIL AIR PATROL



- An auxiliary of the US Air Force, CAP conducts search and rescue operations for missing aircraft
  - Provides aerial photography and other critical information before and after natural disasters
- 1,700 plus members
- FY04-05 budget: $123,724
    - 2 positions

EMERGENCY MANAGEMENT

- Responsible for Disaster preparedness, response, recovery, and mitigation activities
  - Assists local governments with emergency planning
  - Develop hazard mitigation plans
  - Floodplain mapping
- FY 04-05 certified budget: $9.0 million from General Fund
  - 151 positions, only 12 are general fund supported
  - $235 million in federal disaster assistance funds budgeted for current year

Governor's Crime Commission

- Administers the federal criminal justice and juvenile justice block grant funds
  - Funds are awarded to government, education, and social service agencies
- Currently administering 7 block grants for a total of about $24 million
  - Down about $5 million from prior year
- FY04-05 certified budget: $810,248
  - 36 positions

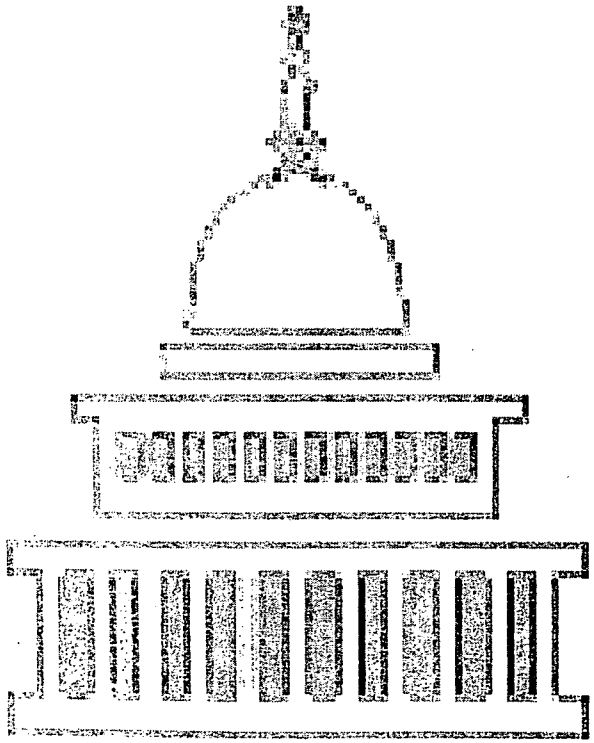
Governor's Crime Commission
FY 2004-05 Federal Block Grants

Federal Block Grant	$ Amount
Edward Byrne (Drug Control and System Improvement Act)	$7,976,154
Victims of Crime (VOCA)	$ 9,700,000
Violence Against Women (VAWA)	$ 2,600,000
Juvenile Justice Delinquency Prevention	$1,685,000
Juvenile Accountability Incentive Block Grant	$1,204,600
Juvenile Justice Title V	$337,000
Children's Justice Funds	$456,987
Total	**$23,959,741**

Federal Block Grant Proposals

- The President's 2006 Budget Request eliminates or significantly reduces 3 of the 7 block grants administered by the Crime Commission
  - Justification: historically low crime rate ; lack of evidence that the programs are effective
- Department staff estimates that under the President's request NC block grant total will decrease from the current year total of $24 million to $14.4 million in FY 2006

PRESIDENT'S FY2006 FEDERAL BLOCK GRANT PROPOSALS



- Nationally, $1.3 billion to be eliminated:
  - $804 million - Byrne
  - $250 million - COPS
  - $55 million - JAIBG:
  - $305 million - State Criminal Alien Assistance Program

Homeland Security Funding

- Some federal block grant funding has been shifted to address homeland security needs
  - For example, the President's proposal transfers funds for COPS Interoperable Communications Technology from the US Department of Justice to the Homeland Security Department
- Shifts the emphasis of local level funding from a variety of purposes to terrorism defense/ first responder needs

traditional Block Grant Funding

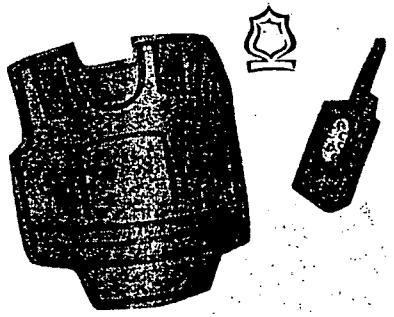
Homeland Security vs. T Funding

Homeland Security

- 80% must be passed through to local first responders
- Equipment
- Planning
- Exercises
- Administration

Traditional Block Grants

- Personnel, equipment, and training
- Control violent and drug-related crime
- Improve law enforcement operation/coordination
- Grantees included courts, state agencies; and community agencies



Law Enforcement Support Services (LESS)

- Provides excess Department of Defense equipment free of charge to state and local law enforcement agencies to use in law enforcement activities
- Maintains a pool of equipment to loan to law enforcement agencies
  - examples of equipment includes helmets, goggles, coveralls, boots, batteries, sleeping bags, cots, trucks, cars, computers, generators, and trailers

Law Enforcement Support Services

- Provides a means for law enforcement agencies to purchase equipment using Federal government contracts.
- Administers the NC Police Corps
  - Program pays for a four-year college education and operates a 24-week training academy in exchange for a four-year commitment to serve in a NC law enforcement agency
- FY 2004-05 budget: $201,382
  - ~~10~~ 8 positions

NC National Guard

- 11,744 members of the NC National Guard
  - Army: 10,155
  - Air: 1,589
- In February 2005, 1,702 NC National Guard members were deployed
  - 1,215 in Iraq and Afghanistan
- 2004 Session authorized the "In God We Trust" license plate with the proceeds going to Airmen's Assistance Fund

NC National Guard

- FY 2004-05 General Fund budget: $10,080,718
  - $1,800,000 for NG Tuition Assistance Program
  - $1,008,000 for Tarheel Challenge as match for $1,600,000 federal funds and $112,000 local funds.
- The FY 2004 budget includes two one-time expansion items:
  - $975,000 pass-through funding to match federal and local funds to replace the Caldwell County Armory
  - $250,000 to provide emergency financial assistance to the families of deployed National Guard members.

National Guard Expansion Requests

- $500,000 R - Operation ROTC
- Continues an existing privately funded program to provide financial assistance for extended daycare for military dependents

- Funds will be passed through to the Family Services Support Centers at NC military bases.

- $122,000 R for 4 positions, effective October 1, at the newly built National Guard training facility
  - Facility Maintenance Manager ($38,773)
  - Maintenance Mechanic III ($24,108)
  - Groundskeeper ($19,418)
  - Housekeeper ($18,692)

State Highway Patrol

- FY04-05 certified budget: $137,473,691
- Funded by the Highway Fund
  - Transportation Subcommittee appropriates funds to SHP
- 77 % of budget is for salary, benefit, and personal services costs
- 2,259 positions

Victims' and Justice Services

- Victims Compensation Services reimburses persons who incur medical costs, lost wages, and other expenses as a result of being an innocent victim of a crime committed in North Carolina
  - victims of rape, assault, child sexual abuse, domestic violence, and drunk driving, and families of homicide victims are eligible to apply for financial help.
- 2004 Budget provided $2.5 million NR to reduce backlog of approved but unpaid claims
  - Special provision reduced the medical reimbursement rate from 100% to 66 2/3% effective 7/1/04

Victims' and Justice Services

- Rape Victims' Assistance
  - FY 2004-05 Budget: $258,000
  - About $45,000 used to purchase and distribute rape kits to hospitals and law enforcement agencies and to reimburse medical providers for collecting the evidence
  - Balance is used to compensate rape victims

Victims' and Justice Services

- FY04-05 certified budget: $6,859,136
  - 10 positions
- Current year funds available for victims' compensation: $9.2 million
  - $3,700,000 R general fund
  - $2,500,000 NR general fund
  - $740,000 DOC receipts (estimate)
  - $2,250,000 VOCA (federal) receipts

Victims' and Justice Services

- Over 1,400 claims totaling $7.1 million were paid from July1 through December 31, 2004
- At the end of February 2005, there were 174 approved claims totaling $1.8 million awaiting payment
- Agency staff project that by June 30, 2005, there will be 720 claims approved but unpaid for a total of $3.6 million
  - 175 to 200 claims received each month

Governor's FY05-07 Request for Victims' and Justice Services

- 2.0 positions
  - $86,288 R – annual position costs
    - Investigator (PG 70); annual salary $42,000
    - Claims Examiner (PG 61); annual salary $28,000
- Additional funds for victims' claims
  - FY 2005-06: $913,712 R
  - FY 2006-07: $1,413,712 R

Current Year (2004-05) Budget

- FY 2004-05 Certified Budget
  - $49,773,809 expenditures
  - $17,722,172 receipts (excluding Highway Patrol, National Guard, Governor's Crime Commission, and Emergency Management)
  - **$32,051,637 general fund appropriation**

- FY 2004-05 budget was increased by $3.9 million, (13.9 percent), over the amount originally funded in 2003.

- Major categories of budgeted expenditures:
  - 50 percent for salary, benefits, and other personal services costs
  - 25 percent for aid and public assistance
  - 13 percent for purchased services such as contracts; maintenance/service agreements; travel, etc

Division	FY04-05 General Fund Budget	% of Total
Administration	$1,408,265	4.4%
National Guard	$10,080,718	31.5%
Civil Air Patrol	$119,151	0.4%
Butner Public Safety	$2,670,730	8.3%
Alcohol Law Enforcement	$7,626,674	23.8%
Emergency Management	$2,476,715	7.7%
Victims' and Justice Services	$6,859,136	21.4%
Governor's Crime Commission	$810,248	2.5%

Governor's Recommended CCPS Budget

	Fiscal Year 2005-06	Fiscal Year 2006-07
Recommended Continuation Budget	$34,086,632	$34,186,632
Recommended Reductions	0	0
Recommended Expansion	$1,622,000	$2,133,313
Total Recommended Adjustments	$1,622,000	$2,133,313
Recommended Budget	$35,708,632	$36,319,945

Governor's Recommended CCPS Budget

- Four NR expansion items from the 2004-05 Budget were erroneously included the Governor's recommended continuation budget for 2005-07:
  - VIPER: $500,000
  - Caldwell County Armory: $975,000
  - NG Family Assistance: $250,000
  - Victims' Compensation: $2,500,000
- $4,225,000 must be deducted from the recommended continuation budget

CORRECTED CCPS Budget Request

	Fiscal Year 2005-06	Fiscal Year 2006-07
Recommended Continuation Budget	$29,861,632	$29,961,632
Recommended Reductions	0	0
Recommended Expansion	$1,622,000	$2,133,313
Total Recommended Adjustments	$1,622,000	$2,133,313
Recommended Budget	$31,483,632	$32,094,945

Continuation Budget Comparisons

- $34,790,115 - FY03-04 Actual expenditures (last year)
- $32,051,638 - FY04-05 Certified Budget (current year)
  - 7.9 percent less than FY03-04 actual expenditures
- $29,861,632 - FY05-06 Continuation Request
  - 14.2 percent less than FY03-04 actual expenditures
  - 6.8 percent less than the current year certified budget
- $29,961,632 - FY06-07 Continuation Request
  - 13.9 percent less than FY03-04 actual expenditures
  - 6.5 percent less than the current year certified budget

Continuation Budget Reduction

- CCPS requested $616,215 in allowable continuation budget increases for FY 2005-06
- OSBM directed CCPS to reduce the request from $616,215 to $500,000
- CCPS reduced various purchased services and supply line items to meet the target:
  - The most significant reductions ($103,000) were in the amounts budgeted for the National Guard's natural gas and ALE's leases for office spaces.

Continuation Budget Increases by Purpose

Purpose	FY 2005-06	FY 2006-07
Personal Services	17,501	29,414
Purchased Services	258,438	344,958
Supplies	191,461	193,628
Property/Equipment	26,500	26,500
Other Expenses and Adjustments	0	0
Aid & Public Assistance	0	0
Intergovernmental	0	0
Total	**493,900**	**594,500**

Governor's Crime Commission
Handout # 2

2004 Grant List

County/Implementing Agency	Project		Grant Amount
Alamance			
Alamance County Sheriff's Office	ACSO Domestic Violence Unit		$268,287.12
Family Abuse Services	Safe Exchange Center		$102,122.69
Graham Police Department	Domestic Violence Investigations		$93,795.65
Family Abuse Services of Alamance County	DV Basic Services Court Advocate		$41,000.00
Haw River Police Department	Haw River Anti-Drug Program		$3,034.44
		County Total:	$508,239.90
Alexander			
Domestic Violence Resource Center	Domestic Violence Shelter Managers a		$94,691.97
Alexander County Sheriffs Office	Mobile Data Terminals		$11,914.50
Domestic Violence Resource Center of Alexander Cou	Basic Court Advocate and Project Coor		$41,000.00
		County Total:	$147,606.47
Alleghany			
DANA (Domestic Abuse is Not Acceptable)	Crisis Intervention Services		$40,928.33
		County Total:	$40,928.33
Anson			
Anson County Domestic Violence Coalition	Basic Services 04-05		$21,974.83
Anson County Domestic Violence Coalition	Sexual Assault Support Services		$53,581.13
		County Total:	$75,555.96
AOC			
Dist. Ct. Judges' Office/Chief Judge Joe Buckner	Orange County Drug Treatment Court		$61,329.27
Joyce Hamilton, Chief District Court Judge	Wake County Court Improvement Proje		$64,755.00
AOC Drug Treatment Court	AOC Drug Treatment Court Enhanceme		$395,000.00
NC Administrative Office of the Courts	North Carolina Actual Innocence Comm		$28,680.38
Cumberland County Clerk of Superior Court	SAFE-LINK Domestic Violence Assista		$181,027.41
Cumberland County District Court Judges' Office	STARS Drug Treatment Court		$159,679.08
Administrative Office of the Courts	Comprehensive Court Improvement Initi		$432,000.00
District Attorney-2nd Prosecutorial District	1-800-VICTIMS		$265,707.98
NC Administrative Office of the Courts	Statewide Automated Victim Assist. & N		$397,917.00
Administrative Office of the Courts	AOC-LEA eCitation Printer Distribution		$379,275.00
19-C District Court	Court Improvement Rowan		$30,493.73
NC Conference of District Attorneys	Victim Services for the Latino Populatio		$99,987.72
Guardian ad Litem Services Division	Staff, Attorney and Volunteer Training		$141,867.94
District Attorney's Office – District 27A	Prosecutorial Victim Assistance Progra		$112,984.52
Cumberland County Family Court	SAFE HAVENS Supervised Visitation &		$321,584.54
Guardian ad Litem Services Division	Volunteer Resource Coordinator		$61,889.00
NC Administrative Office of the Courts	NC Statewide Warrant Repository		$424,996.56
Administrative Office of the Courts	Electronic Citation Project: eCitation		$223,659.38
Dist. Court Judge's Office/Chief Judge Joe Buckner	Youth Team Coordinator		$77,043.76
		County Total:	$3,859,878.27
Ashe			
Ashe Family Resource Center	Basic Services-Shelter		$41,000.00
		County Total:	$41,000.00
Avery			
Banner Elk Police Department	Municipal Drug Task Force		$57,936.59
ACADA Home Inc.	Domestic Violence Project		$41,000.00
		County Total:	$98,936.59
Beaufort			
Washington Police Department	Mobile Data Computers		$30,000.00
Options to Domestic Violence and Sexual Assault	Beaufort County Program Director/& Co		$97,000.00
		County Total:	$127,000.00
Bertie			
Bertie County Day Reporting Center	Probationers in Substance Abuse Treat		$19,185.00
		County Total:	$19,185.00

County/Implementing Agency	Project		Grant Amount
Brunswick			
Leland Police Department	Mobile Data Computers		$12,787.50
Communities In Schools of Brunswick County, Inc.	CIS Adventures in Learning		$106,000.00
Hope Harbor Home, Inc.	Domestic Violence Program		$41,000.00
		County Total:	$159,787.50
Buncombe			
Weaverville Police Department	Information Technology-Sharing		$14,934.75
Helpmate, Inc.	Court Advocacy Project		$41,000.00
Woodfin Police Department	Mobile Data Computers		$14,853.00
Pisgah Legal Services	The Court Advocate Project		$39,875.39
		County Total:	$110,663.14
Burke			
Burke County Public Schools	Judges in Schools		$104,612.74
Morganton Department of Public Safety	Public Safety Mobile Data Computers		$60,000.00
Options, Inc.	Long Range and Development Program		$41,000.00
		County Total:	$205,612.74
Cabarrus			
Kannapolis Police Department	Mobile Data Information Systems		$37,432.19
Cabarrus Victims Assistance Network	Basic Domestic Violence Services		$40,974.60
NorthEast Medical Center	Forensic Nursing Program		$182,695.21
		County Total:	$261,102.00
Caldwell			
Shelter Home of Caldwell County	Court Advocate/Child Advocate		$41,000.00
		County Total:	$41,000.00
Carteret			
Carteret County Domestic Violence Program, Inc.	Caroline's House Children's Program		$41,000.00
Boys & Girls Club of Coastal Carolina	Teen Outreach		$200,000.00
Carteret County Domestic Violence Program, Inc.	Professional and Community Training P		$9,437.90
Newport Police Department	Drug Interdiction Program		$8,839.45
Newport Police Department	Mobile Data Computers		$15,000.00
Carteret County Rape Crisis Program	Counseling Sexual Assault/Abuse Victi		$63,166.80
		County Total:	$337,444.15
Caswell			
Caswell County Parish, Inc.	Caswell Family Violence Prevention Pro		$41,000.00
		County Total:	$41,000.00
Catawba			
Rape Crisis Center of Catatwba County, Inc.	Catawba County SART Sexual Assault		$24,758.14
Catawba County Sheriff's Office	Child Sexual Abuse Investigator		$45,840.00
Newton Police Department	MDC Expansion Phase 2 Continued		$20,132.31
First Step Domestic Violence Services	Enhanced Victim Advocacy		$40,999.79
		County Total:	$131,730.24
CC&PS			
GCC	'04 DCSI Admin. Funds		$1,282,385.60
GCC	'04 VAWA Admin. Funds		$148,707.30
GCC	'04 VOCA Admin. Funds		$492,600.00
North Carolina State Highway Patrol	800 MHz Radios for State Troopers		$248,137.01
North Carolina State Highway Patrol	Mobile Data Network Technicians		$125,855.84
GCC	'04 JJDP SAG Funds		$30,000.00
Governor's Crime Commission	SAVAN		$517,560.00
GCC	'04 JJDP Admin. Funds		$150,000.00
North Carolina Counterdrug Task Force	MANTA 2004		$349,955.29
GCC	'04 JAIBG Admin. Funds		$120,460.00
Victim Compensation Services	Victim Outreach Project		$86,700.00
		County Total:	$3,552,361.04
Chatham			
Family Violence & Rape Crisis Services	Comprehensive & Bilingual Sexual Ass		$90,000.00

County/Implementing Agency	Project		Grant Amount
Family Violence & Rape Crisis Services	Domestic Violence Advocacy Services		$41,000.00
		County Total:	$131,000.00
Cherokee			
Cherokee County Sheriff's Office	Multiple Agency Narcotics Unit		$150,000.00
Cherokee County Sheriff's Office	Mobile Data Computer Project		$12,525.00
Task Force on Family Violence/REACH Inc.	COURT ADVOCATE/BASIC GRANT		$41,000.00
Family Resource Center	H.A.V.E.N. Child Advocacy Center		$100,366.56
		County Total:	$303,891.56
Chowan			
Chowan County Sheriff's Office	MDC Project		$37,500.00
		County Total:	$37,500.00
Clay			
REACH of Clay Co. Inc.	Court Advocate / DV services		$41,000.00
		County Total:	$41,000.00
Cleveland			
Cleveland County Sheriff's Office	Mobile Data Computers		$75,000.00
		County Total:	$75,000.00
Columbus			
Families First, Inc.	SART Project		$55,565.34
Families First, Inc.	Basic Services and Satellite Office		$54,414.49
		County Total:	$109,979.83
Craven			
Coastal Women's Shelter	Craven Basics/Jones & Pamlico Satellit		$69,000.00
Boys & Girls Club of Lenoir County	B&GCLC Teen Outreach		$200,000.00
		County Total:	$269,000.00
Cumberland			
Cumberland County ABC Board	ABC Mobile Data ComputerJ 2004		$15,000.00
Fayetteville Police Department	Cyber Crimes and Child Pornography o		$44,136.75
		County Total:	$59,136.75
Dare			
Dare County Sheriff's Office	Dare DV Investigation Unit Pilot Project		$189,261.60
Manteo Police Department	Overtime Project Enforcement Need (O		$22,492.46
Manteo Police Department	Childsafe Investigator		$41,345.02
Southern Shores Police Department	Computer Server Upgrade		$14,250.00
Dare County Sheriff's Office	Dare Co. Sheriff's Office Substance Ab		$22,499.51
Outer Banks Hotline, Inc.	Hotline's DV Shelter Program		$40,993.12
Duck Police Department	Mobile Data Computer Deployment Proj		$15,000.00
		County Total:	$345,841.71
Davidson			
Family Services of Davidson County, Inc.	Shelter Manager Project		$40,987.15
Thomasville Police Department	Livescan Fingerprint Station		$41,100.00
		County Total:	$82,087.15
Davie			
Davie Domestic Violence Serv & Rape Crisis Center	Client Services		$27,000.00
		County Total:	$27,000.00
DENR			
N.C. Marine Fisheries	N.C. Marine Patrol MDT Grant Program		$36,000.00
		County Total:	$36,000.00
DOC			
NC Department of Correction	Security Threat Group Mgt Unit - Imple		$509,807.00
NC Department of Correction	Enhanced Offender Information for Law		$133,950.00
		County Total:	$643,757.00
DOJ			
NC State Bureau Of Investigation	SBI DNA Enhancement		$238,050.00
NC State Bureau Of Investigation	SBI Polygraph Unit		$11,637.00
NC State Bureau Of Investigation	SBI Crime Scene Search Unit		$93,864.00

County/Implementing Agency	Project		Grant Amount
NC State Bureau Of Investigation	SBI Methamphetamine Initiative		$470,780.25
NC Department of Justice - IT Division	SOR and CHP Application Conversion		$161,700.00
NC DOJ - Information Technology Division	DOJ - ITD Network Enhancement		$136,425.00
NC Department of Justice - IT Division	Integrated Criminal Justice Information		$132,375.00
		County Total:	$1,244,831.25
Duplin			
Sarah's Refuge, Inc.	The Shelter		$41,000.00
		County Total:	$41,000.00
Durham			
Durham Crisis Response Center	Domestic Violence Shelter Services		$41,000.00
Criminal Justice Resource Center - A New Day	JDRC - Therapeutic Model For Delinqu		$52,318.80
Durham Crisis Response Center	Sexual Assault Services		$98,729.65
Durham Police Department	Durham Information Integration Project		$172,500.00
Criminal Justice Resource Center - A New Day	Truancy Intervention Project		$208,000.00
		County Total:	$572,548.45
Eastern Band of Cherokee			
Cherokee Indian Police Department	Patrol Interlink Project		$30,000.00
		County Total:	$30,000.00
Edgecombe			
My Sister's House, Inc.	Basic Shelter / Project Outreach		$55,000.00
Twin County Challenge Program	Twin County Challenge Program		$160,813.54
		County Total:	$215,813.54
Forsyth			
Forsyth Sheriff's Office	Mobile Data Communication		$140,295.00
YMCA of Northwest N.C. Community Outreach Svcs.	LaDeara Crest After-school Program		$79,659.00
Forsyth Council for Children and Families	Over Representation of Minority Youth		$32,884.26
Family Services, Inc.	Family Violence Support Project		$41,000.00
District Attorney's Office -- 21st	Zero Armed Perpetrators (ZAP)		$51,196.13
Family Services, Inc.	Vantage Pointe - Child Recovery Progra		$161,598.75
		County Total:	$506,633.14
Franklin			
Safe Space, Inc.	Safe Space. Inc		$41,000.00
Franklin County Sheriffs' Office	Mobile Data Communications		$25,500.00
		County Total:	$66,500.00
Gaston			
Dallas Police Department	Drug Control & Substance Abuse Overti		$18,446.90
Shelter of Gaston County	Project SEA (Spanish and English Advo		$40,995.50
Alliance for Children and Youth	Child Dependency Mediation Program		$72,708.10
		County Total:	$132,150.50
Granville			
Families Living Violence-Free	Domestic Violence Crisis Center		$117,180.00
Granville County Sheriff's Department	2004 Mobile Data Computer Program		$26,745.00
		County Total:	$143,925.00
Guilford			
SCV Ministries Inc.	HOPE: La Comunidad -- 2nd Yr.		$239,323.79
Family Service of the Piedmont, Inc.	Carpenter House/Clara House Basic Sh		$82,000.00
Family Service of the Piedmont, Inc.	Domestic Violence Intervention Project		$76,000.00
		County Total:	$397,323.79
Halifax			
Hannah's Place, Inc.	Basic Domestic Violence Services		$41,000.00
		County Total:	$41,000.00
Harnett			
Harnett County Sheriff's Office	Mobile Data Terminal Project		$45,120.00
S.A.F.E. of Harnett County, Inc.	S.A. F. E. Judicial Advocate Program		$41,000.00
Harnett County Sheriff's Office	Special Victim's Unit		$37,095.83
Dunn Police Department	Safeway Communications 2004		$28,500.00

County/Implementing Agency	Project		Grant Amount
		County Total:	$151,715.83
Haywood			
aggie Valley Police Department	Criminal Justice Agency Access		$6,581.25
Region A Partnership for Children	Haywood/Macon Parents as Teachers		$121,450.50
REACH of Haywood County	REACH House Emergency Shelter		$41,000.00
		County Total:	$169,031.75
Henderson			
Boys & Girls Club of Hendersonville/Henderson Co	YES!: at-risk Youth Experiencing Succ		$120,000.00
Henderson County Sheriff's Office	Family Violence Prevention/Enforceme		$71,941.39
The Healing Place	Support for Survivors		$70,000.00
Henderson County Sheriffs Office	Mobile Crime Scene Unit		$58,767.52
The Healing Place	CARE-Child Advocacy Resource and E		$99,349.61
		County Total:	$420,058.52
Hertford			
Roanoke Chowan SAFE	Hertford Basic Domestic Violence		$142,939.46
Hertford County Day Reporting Center	Combat Drug Abuse		$17,100.00
Roanoke Chowan S.A.F.E.	RAPE CRISIS		$34,000.00
Murfreesboro Police Department	Mobile Terminal III		$13,212.00
		County Total:	$207,251.46
Hoke			
Hoke County Sheriff's Office	Mobile Data Terminal Project		$36,752.25
		County Total:	$36,752.25
Iredell			
Appropriate Punishment Options, Inc.	Youth Incentive Program		$89,250.00
Unity Children and Family Services	Unity Children and Family Services SO		$129,000.00
Diakonos, Inc.	My Sister's House Counseling, Basic		$41,000.00
		County Total:	$259,250.00
ackson			
Sylva Police Department	Police Officer Safety Initiative		$11,715.00
AWAKE, Inc.	Child Abuse Team Response		$51,467.45
REACH of Jackson County, Inc.	Basic Emergency Shelter & Support Se		$41,000.00
REACH of Jackson County, Inc.	Children's Counseling Center		$100,000.00
		County Total:	$204,182.45
Johnston			
Harbor, Inc.	Safe Space		$40,912.08
Johnston County Youth Services, Inc.	BATS		$68,160.33
Clayton Police Department	Computer Project		$21,000.00
Harbor, Inc	Safe Family		$76,198.60
Eleventh Judicial District, ReEntry, Inc.	ReEntry's HALT/SAS Program		$177,331.69
Benson Police Department	Computers on Patrol		$15,000.00
		County Total:	$398,602.70
Jones			
Maysville Police Department	Mobile Data Terminal 2004		$6,750.00
		County Total:	$6,750.00
Lee			
HAVEN in Lee County, Inc.	Sexual Assault Shelter Services		$37,648.39
HAVEN in Lee County, Inc.	Shelter Project		$41,000.00
		County Total:	$78,648.39
Lenoir			
S.A.F.E. IN LENOIR COUNTY	Basic Victim Advocate/Victims Outreac		$55,000.00
		County Total:	$55,000.00
incoln			
incoln County Coalition Against Domestic Violence	Amy's House		$38,288.00
		County Total:	$38,288.00
Macon			
Macon County Sheriff's Office	Macon County Narcotics Unit		$50,000.00

County/Implementing Agency	Project		Grant Amount
REACH of Macon County	Domestic Violence Basic Services		$41,000.00
Kids InterDisciplinary Services, Inc.	Child Abuse Victim's Advocacy Initiative		$52,540.60
Franklin Police Department	Mobil Data Computers		$19,875.00
Macon County Sheriff's Office	Macon Crime Scene Unit		$48,273.75
		County Total:	$211,689.35
Madison			
Helpmate of Madison	Basic Shelter Project		$41,000.00
Madison County Sheriff's Department	21st Century Technology Grant		$15,000.00
Madison County Sheriff's Department	Drug Case Investigator		$34,143.00
Madison County Sheriff's Department	Sex Crimes/Domestic Violence Investig		$36,165.75
		County Total:	$126,308.75
McDowell			
Family Services of McDowell County, Inc.	Basic DV Direct Client Services		$41,000.00
		County Total:	$41,000.00
Mecklenburg			
Mecklenburg County Area Mental Health	Child Development-Community Policing		$257,437.34
REACH ONE-TEACH ONE	REACH ONE-TEACH ONE		$193,140.60
United Family Services, Victim Assistance	Continuing Basic Services for Victims		$41,000.00
Mecklenburg County Sheriff's Office	Metrolina JusticeXchange Web Portal P		$74,943.75
Alexander Youth Network (AYN)	MST Intervention for Court-Involved Yo		$307,853.79
Summit House Charlotte	Summit House Substance Abuse Progr		$18,431.93
United Family Services	Union County Sexual Assault Program		$90,109.12
Trial Court Administrator	Electronic Courtroom		$58,901.50
Elite Program	ABLE Program		$81,097.00
		County Total:	$1,122,915.03
Mitchell			
Mitchell County SafePlace, Inc.	Mitchell County SafePlace Basic DV Sh		$41,000.00
Mitchell County SafePlace	DV Transitional Housing		$65,500.00
Mitchell County SafePlace, Inc.	Sexual Assault Victim Outreach Center		$68,993.25
Mitchell County Sheriffs Department	Mobile Data Computer		$5,925.00
		County Total:	$181,418.25
Montgomery			
Crisis Council, Inc.	Montg. Co. Shelter-Court/Victim Advoca		$82,000.00
Star Police Department	MDT System		$15,000.00
		County Total:	$97,000.00
Moore			
Southern Pines Police Department	Mobile Digital Dispatch and CJIN Data		$22,192.50
Friend to Friend	Shelter Outreach Program		$41,000.00
Moore Buddies	Goal Oriented Structured Day		$125,512.25
Moore County Sheriff's Office	Mobile Data Computers and Supporting		$52,500.00
		County Total:	$241,204.75
Nash			
Spring Hope Police Department	Southern Nash County Technology Gra		$15,000.00
		County Total:	$15,000.00
New Hanover			
Housing Authority of the City of Wilmington, NC	DreamBuilders		$66,975.00
Carousel Center, Inc.	Project Hope - Expanded		$127,280.29
Domestic Violence Shelter and Services, Inc.	Domestic Violence Basic Services		$41,000.00
Leading Into New Communities	New Workforce Program		$235,602.16
Wilmington Health Access for Teens, Inc.	WHAT Teen Sexual Assault Victim Med		$31,255.02
New Hanover County	New Hanover County DMC Project		$110,000.00
Wilmington Police Department	Wilmington Youth Fitness & Mentoring		$24,414.52
New Hanover County Schools	Positive Achievement with Students (P		$31,026.00
Wilmington Police Department	Street Walkers Addiction Task Force P		$60,000.00
Rape Crisis Center of Coastal Horizons Center, Inc	Rape Crisis Center of SE North Carolin		$150,000.00
Domestic Violence Shelter and Services, Inc.	Elder Abuse Intervention Project		$88,441.96

County/Implementing Agency	Project		Grant Amount
New Hanover County	Intercept		$215,447.22
Carolina Beach Police Department	Mobile Data Computers (2)		$13,105.95
		County Total:	$1,194,548.12
Office of Juvenile Justice			
Dept. of Juvenile Justice and Delinquency Preventi	Lipsey-Howell Project		$225,000.00
		County Total:	$225,000.00
Onslow			
Jacksonville Police Department	Technology Increasing Patrol Efficiency		$75,000.00
Swansboro Police Department	MDT PROJECT		$8,322.00
North Topsail Beach Police Department	Mobile Data Terminal Project		$10,530.00
Onslow Women's Center, Inc.	CHILD V		$41,000.00
		County Total:	$134,852.00
Orange			
Chapel Hill Police Department	Communidad Unido		$100,863.14
Chapel Hill Police Department	Crime Analysis and Mapping		$51,617.70
The Family Violence Prevention Center of Orange Co	Domestic Violence Basic Services		$104,989.62
		County Total:	$257,470.46
Pasquotank			
Pasquotank County Sheriff's Office	Multi-Jurisdictional Drug and Violence T		$144,643.35
Albemarle Hopeline	Fall Collaboration 4		$12,885.00
Children's Advocacy Centers of North Carolina, Inc	CACNC Child Abuse Allied Response I		$121,882.00
Albemarle Hopeline	Safe Families 4 Basic Grant		$192,195.09
		County Total:	$471,605.44
Pender			
Safe Haven of Pender, Inc	Domestic Violence Services		$41,000.00
		County Total:	$41,000.00
Person			
Safe Haven of Person County, Inc.	Victims Basic Shelter		$41,000.00
		County Total:	$41,000.00
Pitt			
Greenville Police Department	Victim Advocacy: A Component of Fam		$65,000.00
Family Violence Program, Inc. of Pitt County	Family Center Proactive Intervention Pr		$243,330.80
Family Violence Program, Inc. of Pitt County	Adult Counseling and Program Manage		$41,000.00
Grifton Police Department	COMMUNITY DRUG CRACKDOWN		$22,071.62
		County Total:	$371,402.42
Polk			
Steps to HOPE, Inc.	Basic Shelter Services		$40,769.21
Polk County Sheriff's Office	Domestic Violence Investigator		$70,637.58
		County Total:	$111,406.79
Randolph			
Randolph County Family Crisis Center, Inc	Basic HOPE III (Helping Others Peacef		$41,000.00
Archdale Police Department	2004 Mobile Data Computers		$12,720.00
		County Total:	$53,720.00
Richmond			
Richmond County Sheriff's Office	Richmond County Drug Investigations P		$21,799.13
Womenfolk Unlimited	Project Safe Shelter		$41,000.00
		County Total:	$62,799.13
Robeson			
Horizon Point	Horizon Point		$152,164.10
Pembroke Police Department	Mobile Data Implementation		$6,833.14
Palmer Prevention, Inc.	County Addiction Treatment Services		$104,867.17
Southeastern Family Violence Center	SFVC Court and Shelter Services		$41,000.00
Pembroke Police Department	The Investigation and Disruption of Dru		$21,972.39
		County Total:	$326,836.80
Rockingham			
Help, Incorporated: Center Against Violence	Basic Advocacy and Shelter Services		$41,000.00

County/Implementing Agency	Project		Grant Amount
Help, Incorporated: Center Against Violence	Latina Outreach Project		$123,455.13
Madison Police Department	Mobile Data Computers		$11,130.00
Reidsville Police Department	Mobile Data Computers		$31,053.75
Reidsville Parks and Recreation Department	Reidsville Youth Center		$112,500.00
		County Total:	$319,138.88
Rowan			
Healthy Children of Rowan County	EMPOWERING YOUTH TO A BETTER		$186,604.00
Rowan County ABC Board-Law Enforcement Division	ABC Law Enforcement Mobile Data		$9,734.25
Rockwell Police Department	GCC MDT Computer		$6,734.25
East Spencer Police Department	East Spencer PD Mobile Data Systems		$15,000.00
		County Total:	$218,072.50
Rutherford			
Isothermal Planning and Development Commission	Promoting Positive Outcomes		$464,326.13
Family Resources of Rutherford County	Path Comprehensive Shelter Services		$41,000.00
		County Total:	$505,326.13
Sampson			
U Care, Inc.	Domestic Violence Shelter Services		$40,999.20
Roseboro Police Department	MDC's		$15,000.00
		County Total:	$55,999.20
Scotland			
Domestic Violence & Rape Crisis Center of Scotland	Domestic Violence & Rape Crisis Cente		$41,000.00
		County Total:	$41,000.00
Stanly			
Stanly County Sheriff's Office	COMSTAT		$27,750.00
Stanly County Sheriff's Office	GOT-U (Ground Operations Tactical		$26,977.50
Locust Police Department	Over-air		$4,702.50
Albemarle Police Department	Albemarle Wireless		$37,500.00
		County Total:	$96,930.00
Surry			
Surry Women's Shelter, Inc.	Surry Women's Shelter, Inc.		$41,000.00
		County Total:	$41,000.00
Swain			
Swain/Qualla SAFE, Inc.	Domestic Violence Services in Swain C		$41,000.00
		County Total:	$41,000.00
Transylvania			
Transylvania County Sheriff's Office	Transylvania Narcotics Task Force Ove		$21,932.19
The Children's Center of Transylvania County	Addressing Child Abuse and Neglect		$66,694.40
Safe Inc. of Transylvania County	EMERGENCY SHELTER FOR VICTIM		$41,000.00
Transylvania County Sheriff's Office	Mobile DATA Terminals		$43,071.00
		County Total:	$172,697.59
Union			
Turning Point of Union County, Inc.	Court Advocacy, Counseling and Shelt		$39,360.00
Wingate Police Department	Laptop 2004		$15,000.00
Stallings Police Department	Mobile Data		$11,415.00
		County Total:	$65,775.00
Universities			
NCCU School of Law	Domestic Violence Advocacy Project		$150,000.00
Elizabeth City State University	Survey of CJ Needs Phase Two		$29,423.27
Center for Community Safety	Comp. Community Safety Planning Initi		$261,838.13
N.C. Community College System	Minority Male Mentoring Initiative		$125,000.00
Ctr. for Youth, Family, & Community Partnerships	Addressing DMC in Guilford County		$110,000.50
Center for Community Safety	Planning Grant for DJJDP Strategic Trai		$37,866.00
		County Total:	$714,127.90
Vance			
Henderson Police Department	MDT Project		$28,125.00
Area Christians Together in Service	Heart's Haven		$41,000.00

County/Implementing Agency	Project		Grant Amount
Kerr-Tar Regional Council of Governments	North Central Alliance for Youth (NCAY		$285,626.25
Kerr-Tar Regional Council of Governments	North Central Alliance for Youth		$134,802.26
		County Total:	$489,553.51
Wake			
Triangle Family Services	Family Violence Treatment for Abusive		$300,000.00
Summit House Raleigh	Rehabilitation for Re-Entry Project		$36,198.72
Passage Home, Inc	Harriet's House Re- Entry Transitional		$175,288.50
Mission House for Women	MHW Job Coach and Educational Deve		$228,554.31
NC Coalition Against Sexual Assault	Main Office Operations & Training Instit		$153,698.94
Legal Aid of North Carolina, Inc	Domestic Violence Initiative		$999,563.86
Triangle Family Services	Supervised Visitation and Monitored Ex		$372,769.43
Wake Teen Medical Services	Family Team Work		$68,187.34
NCACDSS	DSS & DV Community Partnership		$91,956.13
The Family Violence Prevention Center (Interact)	Court Advocate for Domestic Violence		$41,000.00
		County Total:	$2,467,217.23
Warren			
Citizens Against Domestic Violence/Helping Hands	Citizens Against Domestic Violence		$27,000.00
		County Total:	$27,000.00
Watauga			
Boone Police Department	Expansion of Boone Police Laptop Initia		$29,376.75
OASIS, Inc.	Direct Services- Volunteer and Children'		$41,000.00
OASIS, Inc.	Transitional Housing		$24,390.00
Watauga County Sheriff's Office	Northwest Methamphetamine Task Forc		$140,625.00
Watauga County Sheriffs Department	Overtime Resources Grant		$22,494.82
		County Total:	$257,886.57
Wayne			
The Lighthouse of Wayne County, Inc.	Victim Advocacy		$40,828.36
The Lighthouse of Wayne County, Inc.	Project Lifestyle		$37,501.35
		County Total:	$78,329.71
Wilkes			
Wilkes County Sheriff's Office	Critical Response Group		$42,956.25
SAFE, Inc.	Basic Domestic Violence Services of W		$41,000.00
		County Total:	$83,956.25
Wilson			
Wayne Co. Youth Outreach Program, Inc.	Smart Choices		$119,515.14
Stantonsburg Police Department	Record Management System		$15,144.75
Wesley Shelter, Inc.	Basic Children's Services		$41,000.00
Wilson County Sheriff's Office	Mobile Data Interoperability Project		$45,000.00
		County Total:	$220,659.89
Yadkin			
Yadkinville Police Department	MDT2004		$12,150.00
Yadkin Valley Economic Development District, Inc.	Free to be Safe		$41,000.00
		County Total:	$53,150.00
Yancey			
Yancey County Sheriff's Office	2004 MOBILE DATA TERMINALS		$15,000.00
Family Violence Coalition of Yancey County, Inc.	FVC Direct Service		$39,360.01
Burnsville Police Department	Mobile Data Computers		$14,565.08
		County Total:	$68,925.09
		Grand Total:	$28,683,405.09

Handout # 3

FEDERAL FUNDING ADMINSITERED BY THE GOVERNOR'S CRIME COMMISSION

FUND	2001	2002	2003	2004	2005		2006	
JUVENILE JUSTICE FUNDS								
Challenge		$205,000.00	$324,000.00				$0.00	
Children's Justice	$465,316.00	$456,987.00	$456,987.00	$474,693.00	$456,987.00		$456,987.00	
Juvenile Accountability Block Grant	$5,710,000.00	$4,727,800.00	$3,642,800.00	$1,204,600.00	$1,204,600.00		$0.00	
Juvenile Justice Delinquency Prevention		$1,790,612.00	$1,574,000.00	$1,685,000.00	$1,685,000.00		$1,685,000.00	
Juvenile Justice Title V		$647,000.00		$337,000.00	$337,000.00			
Total	$6,175,316.00	$7,827,399.00	$5,997,787.00	$3,701,293.00	$3,683,587.00	*	$2,141,987.00	***
DRUG CONTROL & SYSTEM IMPROVEMENT FUNDS								
Edward Byrne	$12,892,369.00	$13,048,474.00	$13,116,953.00	$12,823,856.00	$7,976,154.00		$0	
Total	$12,892,369.00	$13,048,474.00	$13,116,953.00	$12,823,856.00	$7,976,154.00	**	$0	***
VICTIMS SERVICES FUNDS								
Victims of Crime Act	$9,719,000.00	$10,531,000.00	$9,767,000.00	$9,852,000.00	$9,700,000.00		$9,700,000.00	
Violence Against Women Act	$2,803,000.00	$3,386,000.00	$3,363,000.00	$2,974,146.00	$2,600,000.00		$2,600,000.00	
Total	$12,522,000.00	$13,917,000.00	$13,130,000.00	$12,826,146.00	$12,300,000.00	*	$12,300,000.00	***
TOTAL	$31,589,685.00	$34,792,873.00	$32,244,740.00	$29,351,295.00	$23,959,741.00	*	$14,441,987.00	***
*** Estimated Amount of Awards**								
**** New Justice Assistant Program (Competitive Part)**								
***** President's Proposed Budget**								

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday, March 15, 2005
Room 415 LOB
8:30 a.m.

The Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Tuesday, March 15, 2005 in Room 415, LOB. Five members of the Senate Subcommittee attended along with Representatives Kiser, Haire, Ray, Goodwin, Frye, Justus, Sutton, and Miller. Senator Scott Thomas presided.

Senator Thomas called the meeting to order and welcomed the Pages, staff, and visitors.

Denise Thomas, Fiscal Research Staff, continued with her presentation and review of the Crime Control and Public Safety budget. (See Attachment #1).

Denise Thomas, Fiscal Research Staff then presented the committee with a review of Homeland Security Grants and the VIPER proposal. (See Attachment #2).

Secretary Bryan Beatty of the Department of Crime Control and Public Safety presented to the committee the Homeland Security Grant Program (HSGP) recommendations for the allocations of funding. (See Attachment #3).

The meeting adjourned at 10:00 a.m.

Scott Thomas
Senator Scott Thomas, Co-Chair

Vickie Spears
Vickie Spears, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 15, 2005 8:30 A.M. and 2 P.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas, Presiding

Representative Phillip Haire
Representative Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Review of Crime Control and Public Safety Budget

Denise Thomas, Fiscal Research

Review of Homeland Security Grants and VIPER Proposal

Denise Thomas, Fiscal Research

Bryan Beatty, Secretary
Department of Crime Control and Public Safety

2 P.M.
Opening Remarks by Chairs

Discussion of Rules, Targeted Zero Based Budget, and JPS Budget Target

Review of Department Correction Budget – Overview and System-wide Budget Issues

Jim Mills, Fiscal Research

III. OTHER BUSINESS

IV FUTURE MEETINGS

March 16, 8:30 AM and 2pm – Presentation by Sentencing Commission on Adult Population Projections/Discussion of Prison Bed Capacity by Staff and DOC; Review of Parole and Post Release Commission Responsibilities and Budget

V. ADJOURNMENT

Attachment #1

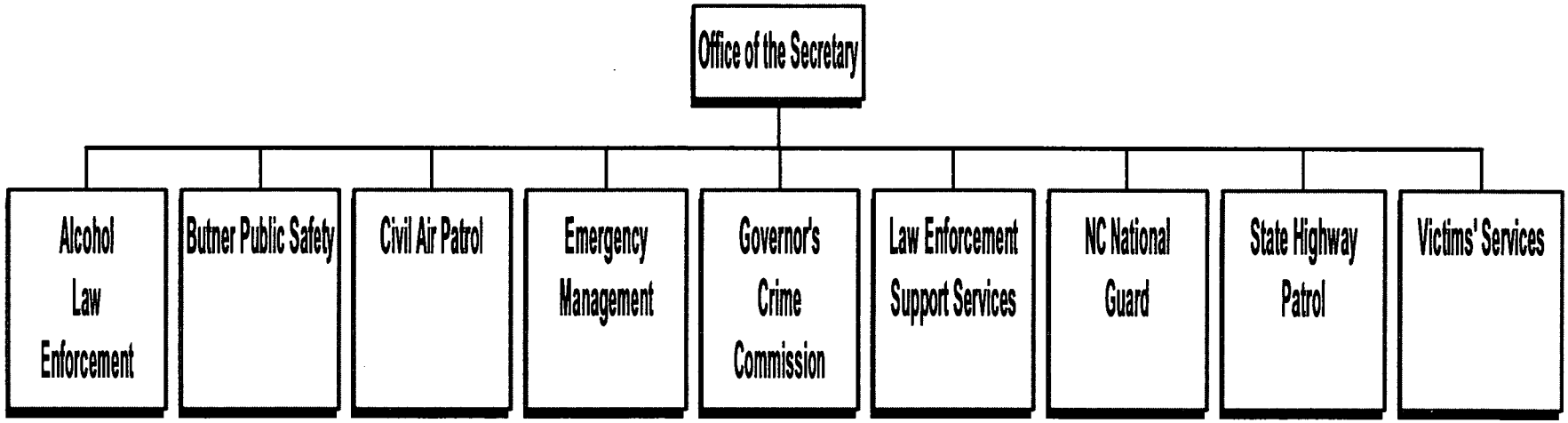
Department of Crime Control and Public Safety (CCPS)

Program and Budget Review

JPS Appropriations Subcommittee

March 9, 2005

Crime Control & Public Safety Organization



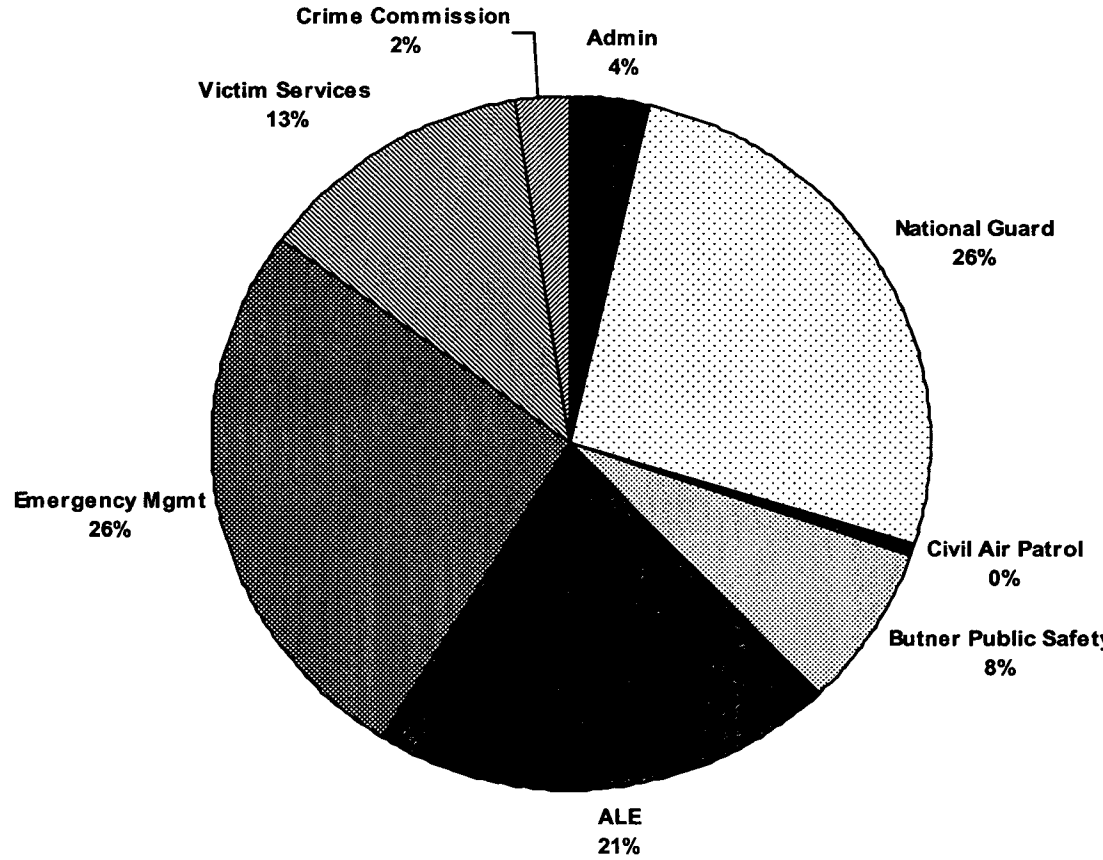
Crime Control and Public Safety

- 2,781 Positions
  - 522 Positions Across all Divisions excluding State Highway Patrol
  - 2,259 Positions in the State Highway Patrol Division
    - 374 Positions from the Department of Transportation's DMV Enforcement Section were transferred to the Department in 2003

Legislative Action since 2003

- Eliminated NC Boxing Commission and transferred boxing enforcement to ALE
- Expanded arrest authority of Motor Carrier Enforcement Officers
- Converted five EMD positions from temporary to permanent
- Provided $2,500,000 NR for Crime Victims' Compensation
- Provided $250,000 NR NG family emergency financial assistance
- Reduced operating budget by $2,200,000 R
- Salary Increase for ALE Officers

% FY03-04 Expenditures by Division



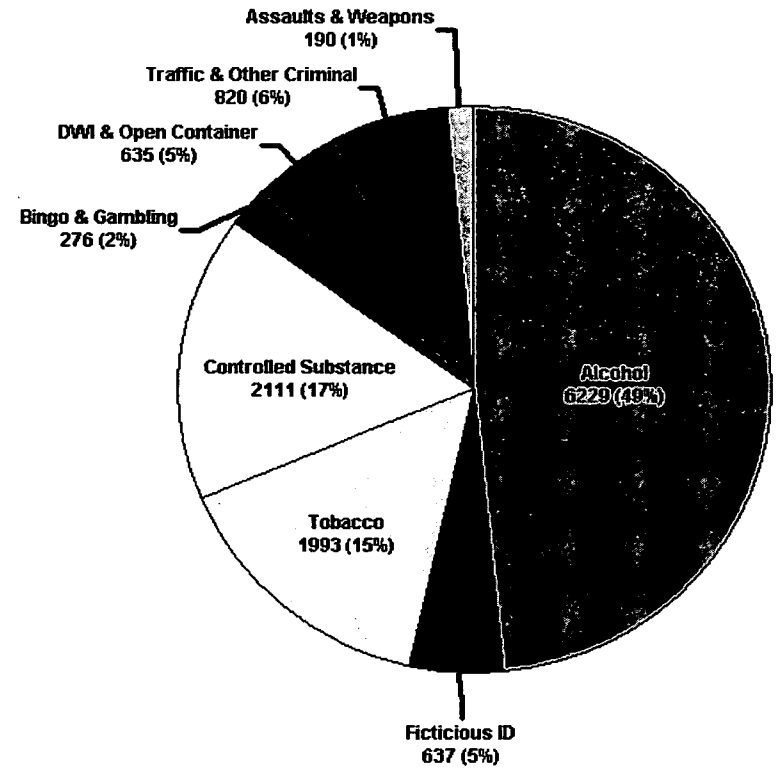
Note: General Fund only

Alcohol Law Enforcement

- Enforces laws related to the sale, purchase, transportation, manufacture, consumption, and possession of alcoholic beverages
- Enforces tobacco, controlled substance and gambling laws
- Nuisance Abatement Program
- Houses the Center for Missing Persons
- Regulates Boxing

Alcohol Law Enforcement

- FY04-05 Budget is $8,459,118
  - 123 positions, includes 104 sworn agents
- 2004 budget included $376,000 R to provide 5% salary increases for agents
- In 2004, 12,891 charges for alcohol, tobacco, controlled substances, gambling, and other violations



Butner Public Safety

- Butner Public Safety is the sole police and fire authority for a 36 square-mile area which crosses both Durham and Granville Counties
  - Butner is the only state-administered town in North Carolina.
- A public safety surcharge is added to the Butner property tax to partially offset the cost of police and fire protection. Amount collected in FY04-05:
  - Durham County: $11,720
  - Granville County: $795,509
- FY04-05 budget: $2,670,730
    - 49 positions, including 43 sworn
    - Officers are certified as law enforcement and firefighters

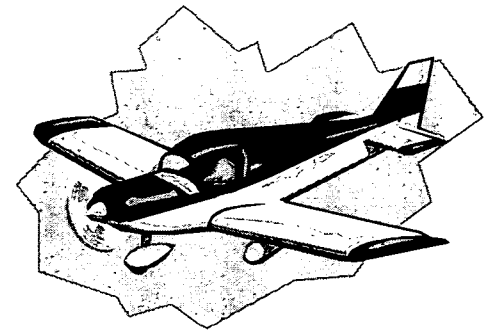
State, Federal and other Facilities Located in Butner

- John Umstead Hospital
- Murdoch Center
- Alcohol Drug Abuse Treatment Center
- Dillon YDC
- Whitaker School
- Butner Adolescent Treatment Center
- Umstead Correctional Center
- Polk Youth Center
- Federal BOP Medical Center
- Federal BOP Low Security Facility
- Federal BOP Medium Security Facility
- Federal BOP Prison Camp
- NC National Guard Training Camp
- NC Food Distribution
- NCSU Beef Cattle Research
- DHHS Butner Town Complex
- 2 County Schools

BPS Fire Fighting Equipment

- 2004 Budget appropriated $150,000 R in the DHHS budget for a lease-purchase agreement to replace the old pumper truck
- In July 2004, BPS received a $228,000 federal grant to purchase a pumper.
- BPS is using the general fund appropriation to purchase a ladder pumper truck
- Both trucks scheduled for delivery this spring

CIVIL AIR PATROL



- An auxiliary of the US Air Force, CAP conducts search and rescue operations for missing aircraft
  - Provides aerial photography and other critical information before and after natural disasters
- 1,700 plus members
- FY04-05 budget: $123,724
    - 2 positions

EMERGENCY MANAGEMENT

- Responsible for Disaster preparedness, response, recovery, and mitigation activities
  - Assists local governments with emergency planning
  - Develop hazard mitigation plans
  - Floodplain mapping
- FY 04-05 certified budget: $9.0 million from General Fund
  - 151 positions, only 12 are general fund supported
  - $235 million in federal disaster assistance funds budgeted for current year

Governor's Crime Commission

- Administers the federal criminal justice and juvenile justice block grant funds
  - Funds are awarded to government, education, and social service agencies
- Currently administering 7 block grants for a total of about $24 million
  - Down about $5 million from prior year
- FY04-05 certified budget: $810,248
  - 36 positions

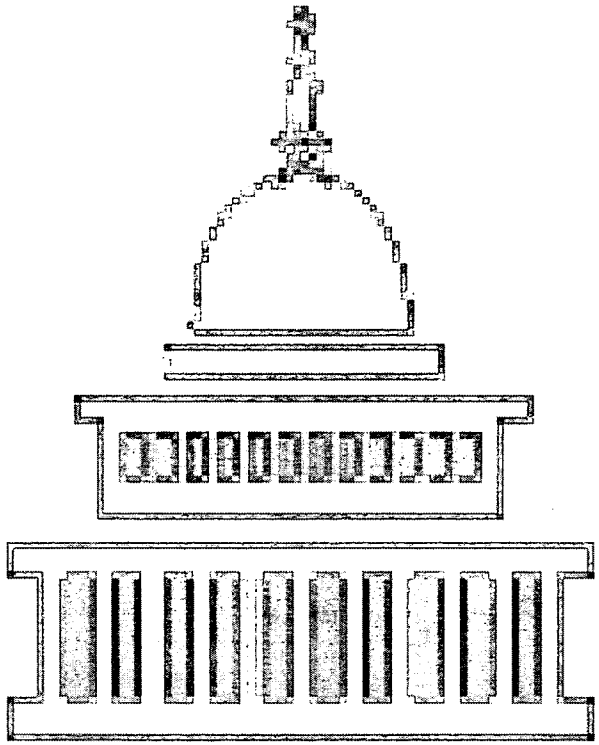
Governor's Crime Commission
FY 2004-05 Federal Block Grants

Federal Block Grant	$ Amount
Edward Byrne (Drug Control and System Improvement Act)	$7,976,154
Victims of Crime (VOCA)	$ 9,700,000
Violence Against Women (VAWA)	$ 2,600,000
Juvenile Justice Delinquency Prevention	$1,685,000
Juvenile Accountability Incentive Block Grant	$1,204,600
Juvenile Justice Title V	$337,000
Children's Justice Funds	$456,987
Total	**$23,959,741**

Federal Block Grant Proposals

- The President's 2006 Budget Request eliminates or significantly reduces 3 of the 7 block grants administered by the Crime Commission
  - Justification: historically low crime rate ; lack of evidence that the programs are effective
- Department staff estimates that under the President's request NC block grant total will decrease from the current year total of $24 million to $14.4 million in FY 2006

PRESIDENT'S FY2006 FEDERAL BLOCK GRANT PROPOSALS



- Nationally, $1.3 billion to be eliminated:
  - $804 million - Byrne
  - $250 million - COPS
  - $55 million - JAIBG:
  - $305 million - State Criminal Alien Assistance Program

Homeland Security Funding

- Some federal block grant funding has been shifted to address homeland security needs
  - For example, the President's proposal transfers funds for COPS Interoperable Communications Technology from the US Department of Justice to the Homeland Security Department
- Shifts the emphasis of local level funding from a variety of purposes to terrorism defense/ first responder needs

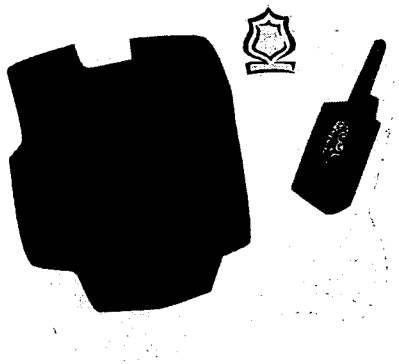
Homeland Security vs. T Funding

Homeland Security

- 80% must be passed through to local first responders
- Equipment
- Planning
- Exercises
- Administration

Traditional Block Grants

- Personnel, equipment, and training
- Control violent and drug-related crime
- Improve law enforcement operation/coordination
- Grantees included courts, state agencies; and community agencies



Law Enforcement Support Services (LESS)

- Provides excess Department of Defense equipment free of charge to state and local law enforcement agencies to use in law enforcement activities
- Maintains a pool of equipment to loan to law enforcement agencies
  - examples of equipment includes helmets, goggles, coveralls, boots, batteries, sleeping bags, cots, trucks, cars, computers, generators, and trailers

Law Enforcement Support Services

- Provides a means for law enforcement agencies to purchase equipment using Federal government contracts.
- Administers the NC Police Corps
  - Program pays for a four-year college education and operates a 24-week training academy in exchange for a four-year commitment to serve in a NC law enforcement agency
- FY 2004-05 budget: $201,382
  - 10 positions

NC National Guard

- 11,744 members of the NC National Guard
  - Army: 10,155
  - Air: 1,589
- In February 2005, 1,702 NC National Guard members were deployed
  - 1,215 in Iraq and Afghanistan
- 2004 Session authorized the "In God We Trust" license plate with the proceeds going to Airmen's Assistance Fund

NC National Guard

- FY 2004-05 General Fund budget: $10,080,718
  - $1,800,000 for NG Tuition Assistance Program
  - $1,008,000 for Tarheel Challenge as match for $1,600,000 federal funds and $112,000 local funds.
- The FY 2004 budget includes two one-time expansion items:
  - $975,000 pass-through funding to match federal and local funds to replace the Caldwell County Armory
  - $250,000 to provide emergency financial assistance to the families of deployed National Guard members.

National Guard Expansion Requests

- $500,000 R - Operation ROTC
- Continues an existing privately funded program to provide financial assistance for extended daycare for military dependents

- Funds will be passed through to the Family Services Support Centers at NC military bases.

- $122,000 R for 4 positions, effective October 1, at the newly built National Guard training facility
  - Facility Maintenance Manager ($38,773)
  - Maintenance Mechanic III ($24,108)
  - Groundskeeper ($19,418)
  - Housekeeper ($18,692)

State Highway Patrol

- FY04-05 certified budget: $137,473,691
- Funded by the Highway Fund
  - Transportation Subcommittee appropriates funds to SHP
- 77 % of budget is for salary, benefit, and personal services costs
- 2,259 positions

Victims' and Justice Services

- Victims Compensation Services reimburses persons who incur medical costs, lost wages, and other expenses as a result of being an innocent victim of a crime committed in North Carolina
  - victims of rape, assault, child sexual abuse, domestic violence, and drunk driving, and families of homicide victims are eligible to apply for financial help.
- 2004 Budget provided $2.5 million NR to reduce backlog of approved but unpaid claims
  - Special provision reduced the medical reimbursement rate from 100% to 66 2/3% effective 7/1/04

Victims' and Justice Services

- Rape Victims' Assistance
  - FY 2004-05 Budget: $258,000
  - About $45,000 used to purchase and distribute rape kits to hospitals and law enforcement agencies and to reimburse medical providers for collecting the evidence
  - Balance is used to compensate rape victims

Victims' and Justice Services

- FY04-05 certified budget: $6,859,136
  - 10 positions
- Current year funds available for victims' compensation: $9.2 million
  - $3,700,000 R general fund
  - $2,500,000 NR general fund
  - $740,000 DOC receipts (estimate)
  - $2,250,000 VOCA (federal) receipts

Victims' and Justice Services

- Over 1,400 claims totaling $7.1 million were paid from July1 through December 31, 2004
- At the end of February 2005, there were 174 approved claims totaling $1.8 million awaiting payment
- Agency staff project that by June 30, 2005, there will be 720 claims approved but unpaid for a total of $3.6 million
  - 175 to 200 claims received each month

Governor's FY05-07 Request for Victims' and Justice Services

- 2.0 positions
  - $86,288 R – annual position costs
    - Investigator (PG 70); annual salary $42,000
    - Claims Examiner (PG 61); annual salary $28,000
- Additional funds for victims' claims
  - FY 2005-06: $913,712 R
  - FY 2006-07: $1,413,712 R

Current Year (2004-05) Budget

- FY 2004-05 Certified Budget
  - $49,773,809 expenditures
  - $17,722,172 receipts (excluding Highway Patrol, National Guard, Governor's Crime Commission, and Emergency Management)
  - **$32,051,637 general fund appropriation**

- FY 2004-05 budget was increased by $3.9 million, (13.9 percent), over the amount originally funded in 2003.

- Major categories of budgeted expenditures:
  - 50 percent for salary, benefits, and other personal services costs
  - 25 percent for aid and public assistance
  - 13 percent for purchased services such as contracts; maintenance/service agreements; travel, etc

Division	FY04-05 General Fund Budget	% of Total
Administration	$1,408,265	4.4%
National Guard	$10,080,718	31.5%
Civil Air Patrol	$119,151	0.4%
Butner Public Safety	$2,670,730	8.3%
Alcohol Law Enforcement	$7,626,674	23.8%
Emergency Management	$2,476,715	7.7%
Victims' and Justice Services	$6,859,136	21.4%
Governor's Crime Commission	$810,248	2.5%

Governor's Recommended CCPS Budget

	Fiscal Year 2005-06	Fiscal Year 2006-07
Recommended Continuation Budget	$34,086,632	$34,186,632
Recommended Reductions	0	0
Recommended Expansion	$1,622,000	$2,133,313
Total Recommended Adjustments	$1,622,000	$2,133,313
Recommended Budget	$35,708,632	$36,319,945

Governor's Recommended CCPS Budget

- Four NR expansion items from the 2004-05 Budget were erroneously included the Governor's recommended continuation budget for 2005-07:
  - VIPER: $500,000
  - Caldwell County Armory: $975,000
  - NG Family Assistance: $250,000
  - Victims' Compensation: $2,500,000
- $4,225,000 must be deducted from the recommended continuation budget

CORRECTED CCPS Budget Request

	Fiscal Year 2005-06	Fiscal Year 2006-07
Recommended Continuation Budget	$29,861,632	$29,961,632
Recommended Reductions	0	0
Recommended Expansion	$1,622,000	$2,133,313
Total Recommended Adjustments	$1,622,000	$2,133,313
Recommended Budget	$31,483,632	$32,094,945

Continuation Budget Comparisons

- $34,790,115 - FY03-04 Actual expenditures (last year)
- $32,051,638 - FY04-05 Certified Budget (current year)
  - 7.9 percent less than FY03-04 actual expenditures
- $29,861,632 - FY05-06 Continuation Request
  - 14.2 percent less than FY03-04 actual expenditures
  - 6.8 percent less than the current year certified budget
- $29,961,632 - FY06-07 Continuation Request
  - 13.9 percent less than FY03-04 actual expenditures
  - 6.5 percent less than the current year certified budget

Continuation Budget Reduction

- CCPS requested $616,215 in allowable continuation budget increases for FY 2005-06
- OSBM directed CCPS to reduce the request from $616,215 to $500,000
- CCPS reduced various purchased services and supply line items to meet the target:
  - The most significant reductions ($103,000) were in the amounts budgeted for the National Guard's natural gas and ALE's leases for office spaces.

Continuation Budget Increases by Purpose

Purpose	FY 2005-06	FY 2006-07
Personal Services	17,501	29,414
Purchased Services	258,438	344,958
Supplies	191,461	193,628
Property/Equipment	26,500	26,500
Other Expenses and Adjustments	0	0
Aid & Public Assistance	0	0
Intergovernmental	0	0
Total	**493,900**	**594,500**

Attachment # 3

North Carolina Department of Crime Control and Public Safety

Division of Emergency Management

4713 Mail Service Center • Raleigh, NC 27699-4713

Michael F. Easley
Governor

Bryan E. Beatty
Secretary

February 08, 2005

C. Ronald Aycock
Executive Director
North Carolina Association of County Commissioners
215 North Dawson Street
Raleigh, NC 27603

Subject: FY2005 Homeland Security Grant Program

Dear Director Aycock :

I am writing to request your assistance in disseminating the State's FY 2005 Department of Homeland Security Grant Program (HSGP) application process as set forth in this correspondence.

The DHS FY 2005 HSGP funding guidance strongly encourages states to consider regionalization in prioritizing funding allocations within their jurisdiction. I believe we are well on our way towards meeting the intent of DHS's regionalization concept, as North Carolina has already initiated this concept through the State's Hazardous Materials Regional Response Teams.

Likewise the Department of Health and Human Services, Public Health Division, the Department of Agriculture and Consumer Services, Emergency Programs Division, and the Department of Environment and Natural Resources use similar regional areas. For FY 2005, the NC Homeland Security funding allocation will focus on regionalization through multi-jurisdictional partnerships.

Under the FY 2005 HSGP the allocation for the individual State Homeland Security Program (SHSP) and Law Enforcement Terrorism Prevention Program (LETPP) are:

State Homeland Security Program (SHSP).....$26,126,856
Law Enforcement terrorism Prevention Program (LETPP).....$9,500,675

DHS guidance dictates that each state shall obligate ***not less than 80%*** of the total grant program amount in **SHSP** and **LETPP** to local units of government within ***60*** days of the grant award date.

All applications for FY 2005 State Homeland Security Program (SHSP) funding must build on existing regional capability or develop new regional response capacities. Proposed projects must conform to the State Homeland Security Strategy, must meet the guidelines of the US DHS ODP State Homeland Security Program, version 2 dated 12-22-2004, and must be built on a region's risk and vulnerability.

With this strategy in mind, the funding priorities for the FY 2005 State Homeland Security Program (SHSP) and Law Enforcement Terrorism Prevention Program (LETPP) are to:

SHSP:

1) Establish regional partnerships in interoperable communications;

    a. Must be VIPER Infrastructure compliant; NCSHP will provide technical assistance

    b. A minimum of 50% of the local share will be applied to interoperable communications

2) Enhance community-based regional response capabilities such as in USAR, HAZMAT, Disaster Medical, and etc;

3) Build new initiatives in regional exercises and training

LETPP:

1) Establish interoperable communications

    a. Must be VIPER Infrastructure compliant; NCSHP will provide technical assistance

    b. A minimum of 50% of the local share will be applied to interoperable communications

2) Enhance community-based regional capabilities in terrorism prevention

3) Build new initiatives in regional exercises and training

The application process requires the state to obligate funds within 60 days of the grant award by DHS. Local jurisdictions have 45 days to prepare and submit their applications on-line through the Governor's Crime Commission grant application system. Attachment 1 provides details of the application process and timelines.

After receipt, applications will be scored and ranked by a review committee whose members will represent emergency responders, county and municipal officials, and state response agencies. Applicants improve their chances for funding success by coordinating efforts with current regional response agencies, by identifying unmet needs, and by forming multi-county response efforts.

I encourage your members to build regional, cooperative efforts which we believe will make effective use of funds for our citizens.

Thank you for your assistance in making these requirements known to the association. For your questions or comments, please contact Mr. Joe Fitzpatrick, Homeland Security Branch Manager, NC Division of Emergency Management at 919-715-8000, extension 340.

Sincerely

Bryan E. Beatty
Secretary

cc: Rebecca Troutman

Attachment:
Application Process, FY 2005 HSGP

FY05 Homeland Security Funding Application Process and Timeline

Applications will be considered in a statewide pool, with consideration to multi-jurisdictional distribution. All projects must be in conformance with the 2004-2006 State Homeland Security Strategy, must meet the guidelines of the US DHS ODP FY 2005 Homeland Security Grant Program guidance, version 2 dated 12-22-2004, and must be submitted by a single, managing jurisdiction.

All applications must have a strategic approach supporting multi-jurisdictional, regionally based efforts to enhance existing regionally-based emergency response, or build new capacity for regionally-based emergency response while addressing a region's risk and vulnerability.

A letter of agreement from participating partners must be provided as part of the application review process. Applications from single jurisdictions (county or city) which do not include partnerships with multi-jurisdictions will not be considered.

Following the receipt of the grants, the review committee will score and rank all application. Applicants will be notified within one week of their award. The successful applicants will be required to complete the Initial Strategy and Implementation Plan (ISIP) for their project

Timeline

February 9 – March 25	Local governments prepare and submit applications on-line through the Governor's Crime Commission grant application system
March 25	Application Deadline
March 25 – April 2	Applications scored, ranked, and awarded
April 3 – April 10	Successful applicants prepare and submit the ISIPs

Attachment # 3

FY 2004 County Plan - 10,000 base for 0.5

3/14/2005
4:35 PM

ctr	Jurisdiction	Population Apr 2000	share factor	grant amount							
									per jurisd	# jurisd	total
	total NC population	8,049,313					50% of local share				16,456,000
	DHS grant			41,140,000			local base amount		10,000	101	1,010,000
	state agencies share		0.2000	8,228,000			population amount				15,446,000
	Local government share			32,912,000			local total				16,456,000
	Jurisdiction	Population Apr 2000	base amount	grant amount	total amount		Jurisdiction	Population Apr 2000	base amount	grant amount	total amount
1	ALAMANCE	130,800	10,000	250,995	260,995	52	JOHNSTON	121,965	10,000	234,041	244,041
2	ALEXANDER	33,603	10,000	64,482	74,482	53	JONES	10,381	10,000	19,920	29,920
3	ALLEGHANY	10,677	10,000	20,488	30,488	54	LEE	49,040	10,000	94,104	104,104
4	ANSON	25,275	10,000	48,501	58,501	55	LENOIR	59,648	10,000	114,460	124,460
5	ASHE	24,384	10,000	46,791	56,791	56	LINCOLN	63,780	10,000	122,389	132,389
6	AVERY	17,167	10,000	32,942	42,942	57	MACON	29,811	10,000	57,205	67,205
7	BEAUFORT	44,958	10,000	86,271	96,271	58	MADISON	19,635	10,000	37,678	47,678
8	BERTIE	19,773	10,000	37,943	47,943	59	MARTIN	25,593	10,000	49,111	59,111
9	BLADEN	32,278	10,000	61,939	71,939	60	MCDOWELL	42,151	10,000	80,884	90,884
10	BRUNSWICK	73,143	10,000	140,356	150,356	61	MECKLENBURG	695,454	10,000	1,334,522	1,344,522
11	BUNCOMBE	206,330	10,000	395,931	405,931	62	MITCHELL	15,687	10,000	30,102	40,102
12	BURKE	89,148	10,000	171,068	181,068	63	MONTGOMERY	26,822	10,000	51,469	61,469
13	CABARRUS	131,063	10,000	251,500	261,500	64	MOORE	74,769	10,000	143,476	153,476
14	CALDWELL	77,415	10,000	148,553	158,553	65	NASH	87,420	10,000	167,752	177,752
15	CAMDEN	6,885	10,000	13,212	23,212	66	NEW HANOVER	160,307	10,000	307,617	317,617
16	CARTERET	59,383	10,000	113,951	123,951	67	NORTHAMPTON	22,086	10,000	42,381	52,381
17	CASWELL	23,501	10,000	45,097	55,097	68	ONSLOW	150,355	10,000	288,519	298,519
18	CATAWBA	141,685	10,000	271,882	281,882	69	ORANGE	118,227	10,000	226,868	236,868
19	CHATHAM	49,329	10,000	94,658	104,658	70	PAMLICO	12,934	10,000	24,819	34,819
20	CHEROKEE	24,047	10,000	46,144	56,144	71	PASQUOTANK	34,897	10,000	66,965	76,965
21	CHOWAN	14,526	10,000	27,874	37,874	72	PENDER	41,082	10,000	78,833	88,833
22	CLAY	8,775	10,000	16,839	26,839	73	PERQUIMANS	11,368	10,000	21,814	31,814
23	CLEVELAND	96,287	10,000	184,767	194,767	74	PERSON	35,623	10,000	68,358	78,358
24	COLUMBUS	54,749	10,000	105,059	115,059	75	PITT	133,798	10,000	256,748	266,748
25	CRAVEN	91,436	10,000	175,459	185,459	76	POLK	18,324	10,000	35,162	45,162
26	CUMBERLAND	302,963	10,000	581,362	591,362	77	RANDOLPH	130,454	10,000	250,331	260,331
27	CURRITUCK	18,190	10,000	34,905	44,905	78	RICHMOND	46,564	10,000	89,353	99,353
28	DARE	29,967	10,000	57,504	67,504	79	ROBESON	123,339	10,000	236,678	246,678
29	DAVIDSON	147,246	10,000	282,554	292,554	80	ROCKINGHAM	91,928	10,000	176,403	186,403
30	DAVIE	34,835	10,000	66,846	76,846	81	ROWAN	130,340	10,000	250,112	260,112
31	DUPLIN	49,063	10,000	94,148	104,148	82	RUTHERFORD	62,899	10,000	120,698	130,698
32	DURHAM	223,314	10,000	428,522	438,522	83	SAMPSON	60,161	10,000	115,444	125,444
33	EBCI	8,092	10,000	15,528	25,528	84	SCOTLAND	35,998	10,000	69,077	79,077
34	EDGECOMBE	55,606	10,000	106,704	116,704	85	STANLY	58,100	10,000	111,489	121,489
35	FORSYTH	306,067	10,000	587,319	597,319	86	STOKES	44,711	10,000	85,797	95,797
36	FRANKLIN	47,260	10,000	90,688	100,688	87	SURRY	71,219	10,000	136,664	146,664
37	GASTON	190,365	10,000	365,295	375,295	88	SWAIN	8,845	10,000	16,973	26,973
38	GATES	10,516	10,000	20,179	30,179	89	TRANSYLVANIA	29,334	10,000	56,290	66,290
39	GRAHAM	7,515	10,000	14,421	24,421	90	TYRRELL	4,149	10,000	7,962	17,962
40	GRANVILLE	48,498	10,000	93,064	103,064	91	UNION	123,677	10,000	237,326	247,326
41	GREENE	18,974	10,000	36,410	46,410	92	VANCE	42,954	10,000	82,425	92,425
42	GUILFORD	421,048	10,000	807,958	817,958	93	WAKE	627,846	10,000	1,204,787	1,214,787
43	HALIFAX	57,370	10,000	110,089	120,089	94	WARREN	19,972	10,000	38,325	48,325
44	HARNETT	91,025	10,000	174,670	184,670	95	WASHINGTON	13,723	10,000	26,333	36,333
45	HAYWOOD	54,033	10,000	103,685	113,685	96	WATAUGA	42,695	10,000	81,928	91,928
46	HENDERSON	89,173	10,000	171,116	181,116	97	WAYNE	113,329	10,000	217,469	227,469
47	HERTFORD	22,601	10,000	43,370	53,370	98	WILKES	65,632	10,000	125,943	135,943
48	HOKE	33,646	10,000	64,564	74,564	99	WILSON	73,814	10,000	141,643	151,643
49	HYDE	5,826	10,000	11,180	21,180	100	YADKIN	36,348	10,000	69,749	79,749
50	IREDELL	122,660	10,000	235,375	245,375	101	YANCEY	17,774	10,000	34,107	44,107
51	JACKSON	29,881	10,000	57,339	67,339						

$10,000 each plus population base

FY 2003 County Plan - 2003 total

3/14/2005

County	2,003	2003-II	total		County	2,003	2003-II	total
ALAMANCE	133,542	402,608	536,150		JOHNSTON	125,169	375,413	500,582
ALEXANDER	41,416	103,431	144,847		JONES	19,407	31,953	51,360
ALLEGHANY	19,688	32,864	52,552		LEE	56,048	150,947	206,995
ANSON	33,524	77,798	111,322		LENOIR	66,103	183,599	249,702
ASHE	32,680	75,055	107,735		LINCOLN	70,019	196,318	266,337
AVERY	25,839	52,841	78,680		MACON	37,824	91,760	129,584
BEAUFORT	52,179	138,383	190,562		MADISON	28,178	60,437	88,615
BERTIE	28,309	60,862	89,171		MARTIN	33,826	78,776	112,602
BLADEN	40,162	99,353	139,515		MCDOWELL	49,519	129,743	179,262
BRUNSWICK	78,894	225,137	304,031		MECKLENBURG	668,728	2,140,637	2,809,365
BUNCOMBE	205,131	635,093	840,224		MITCHELL	24,436	48,285	72,721
BURKE	94,063	274,401	368,464		MONTGOMERY	34,991	82,559	117,550
CABARRUS	133,791	403,418	537,209		MOORE	80,435	230,142	310,577
CALDWELL	82,943	238,287	321,230		NASH	92,426	269,082	361,508
CAMDEN	16,094	21,192	37,286		NEW HANOVER	161,509	493,432	654,941
CARTERET	65,851	182,783	248,634		NORTHAMPTON	30,501	67,982	98,483
CASWELL	31,843	72,337	104,180		ONSLOW	152,076	462,799	614,875
CATAWBA	143,859	436,112	579,971		ORANGE	121,625	363,908	485,533
CHATHAM	56,322	151,837	208,159		PAMLICO	21,826	39,811	61,637
CHEROKEE	32,360	74,018	106,378		PASQUOTANK	42,644	107,414	150,058
CHOWAN	23,337	44,712	68,049		PENDER	48,506	126,452	174,958
CLAY	17,885	27,010	44,895		PERQUIMANS	20,343	34,991	55,334
CLEVELAND	100,830	296,375	397,205		PERSON	43,332	109,649	152,981
COLUMBUS	61,460	168,520	229,980		PITT	136,383	411,836	548,219
CRAVEN	96,233	281,444	377,677		POLK	26,936	56,402	83,338
CUMBERLAND	296,720	932,533	1,229,253		RANDOLPH	133,214	401,543	534,757
CURRITUCK	26,809	55,990	82,799		RICHMOND	53,702	143,326	197,028
DARE	37,971	92,240	130,211		ROBESON	126,471	379,643	506,114
DAVIDSON	149,129	453,229	602,358		ROCKINGHAM	96,698	282,958	379,656
DAVIE	42,585	107,224	149,809		ROWAN	133,106	401,192	534,298
DUPLIN	56,070	151,018	207,088		RUTHERFORD	69,184	193,606	262,790
DURHAM	221,227	687,370	908,597		SAMPSON	66,589	185,178	251,767
EBCI	17,238	24,908	42,146		SCOTLAND	43,687	110,803	154,490
EDGECOMBE	62,271	171,158	233,429		STANLY	64,636	178,834	243,470
FORSYTH	299,662	942,087	1,241,749		STOKES	51,946	137,622	189,568
FRANKLIN	54,362	145,468	199,830		SURRY	77,070	219,215	296,285
GASTON	189,998	585,952	775,950		SWAIN	17,952	27,225	45,177
GATES	19,535	32,369	51,904		TRANSYLVANIA	37,371	90,291	127,662
GRAHAM	16,690	23,131	39,821		TYRRELL	13,500	12,771	26,271
GRANVILLE	55,535	149,279	204,814		UNION	126,790	380,683	507,473
GREENE	27,552	58,403	85,955		VANCE	50,280	132,214	182,494
GUILFORD	408,642	1,296,004	1,704,646		WAKE	604,648	1,932,537	2,537,185
HALIFAX	63,944	176,587	240,531		WARREN	28,497	61,475	89,972
HARNETT	95,842	280,179	376,021		WASHINGTON	22,575	42,240	64,815
HAYWOOD	60,782	166,316	227,098		WATAUGA	50,035	131,417	181,452
HENDERSON	94,087	274,478	368,565		WAYNE	116,982	348,831	465,813
HERTFORD	30,989	69,567	100,556		WILKES	71,775	202,018	273,793
HOKE	41,458	103,564	145,022		WILSON	79,529	227,203	306,732
HYDE	15,090	17,933	33,023		YADKIN	44,019	111,881	155,900
IREDELL	125,826	377,553	503,379		YANCEY	26,415	54,709	81,124
JACKSON	37,890	91,975	129,865		Grand Total	8,595,600	24,776,128	33,371,728

Part I: $10,000 each plus population base **Part II:** Population base

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - March 15, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CASANDRA SKINNER	NC CCPS
Bennie Aiken	CCPS
KENNETH B. TAYLOR	CCPS - EMERGENCY MGT.
Woody Sandy	CCPS - SHP
C.E. Lockley	SHP
David Jones	CCC - CCPS
Neil Woodcock	CCPS - L.E.S.S.
Janice Carmichael	CCPS - Victims Compensation
Catherine Anderson	NJJDP
Doug HERON	NC BAR ASSOC
JAMES KLOPOVIC	GCC

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - March 15, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mildred Spearman	NCDOC
William Ratliff	NCNG
F. Doug Phelps	NCNG
Michael Dupree	CCPS/Pastor Public Safety
Jon Williams	CCPS
[signature]	NC ALE
W. Chandler	NC ALE
[signature]	NCALE
Byron Harris	OSBM
Lou Russell	CJPC
[signature]	DJJDP

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - March 15, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ryan Beatty	CCPS
Rudy Rudisill	CCPS
[illegible]	[illegible]
NELS ROSELAND	NCDOJ
[illegible]	[illegible]
[illegible]	[illegible]
Melissa Lovell	DOJ
[illegible]	Gov's office
[illegible]	[illegible]
Michelle Frazier	NC Bar Assoc.

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday, March 15, 2005
Room 415 LOB
2:00 p.m.

The Joint Appropriations Subcommittee on Justice and Public Safety met at 2:00 p.m. on Tuesday, March 15, 2005 in Room 415, LOB. Five members of the Senate Subcommittee attended along with Representatives Kiser, Haire, Ray, Goodwin, Justus, and Sutton. Senator Scott Thomas presided.

Senator Thomas called the meeting to order and welcomed the Pages, staff, and visitors.

Jim Mills, Fiscal Research Staff, presented to the committee the budget proposals for the fiscal year 2005-06 for the Justice and Public Safety Agency. The adjusted recommended continuation budget was $1,731,633,634. with a $10,324,009. expansion in the 2005-06 budget, calling for a $62,838,282.00 reduction and a target of $1,668,795,352. Jim Mills also went over the Rules for the Joint Appropriations Subcommittee on Justice and Public Safety and the targeted zero-based budgeting approach. (See Attachment #1, #2, and #3).

Jim Mills, Fiscal Research Staff, presented to the committee a review of the Department of Correction budget and an overview of the Department of Correction budget. (See Attachment #4, and #5).

The meeting adjourned at 3:30 p.m.

Scott Thomas
Senator Scott Thomas, Co-Chair

Vickie Spears
Vickie Spears, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 15, 2005 8:30 A.M. and 2 P.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas, Presiding

Representative Phillip Haire
Representative Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Review of Crime Control and Public Safety Budget

Denise Thomas, Fiscal Research

Review of Homeland Security Grants and VIPER Proposal

Denise Thomas, Fiscal Research

Bryan Beatty, Secretary
Department of Crime Control and Public Safety

2 P.M.
Opening Remarks by Chairs

Discussion of Rules, Targeted Zero Based Budget, and JPS Budget Target

Review of Department Correction Budget – Overview and System-wide Budget Issues

Jim Mills, Fiscal Research

III. OTHER BUSINESS

IV FUTURE MEETINGS

March 16, 8:30 AM and 2pm – Presentation by Sentencing Commission on Adult Population Projections/Discussion of Prison Bed Capacity by Staff and DOC; Review of Parole and Post Release Commission Responsibilities and Budget

V. ADJOURNMENT

Attachment #1

Justice and Public Safety Agency Budget Proposals
FY 2005-06

Agency	Certified Budget FY 2004-05	Author. Budget FY 2004-05	FY 2005-06 Governor's Recommended Continuation Budget	**FY 2005-06 Adjusted Recommended Continuation Budget**	FY 2005-06 Governor's Recommended Expansion Budget	FY 2005-06 Governor's Total Recommended Budget
Correction	948,637,385	994,589,309	1,045,627,365	***1,045,627,365***	902,000	1,046,529,365
Judicial-AOC	318,241,612	333,843,618	342,043,618	***341,443,618***	5,550,000	346,993,618
Judicial- OIDS	82,019,451	83,188,190	96,688,190	***96,688,190***	0	96,688,190
Justice	72,213,779	76,555,004	78,155,004	***78,155,004***	499,229	78,654,233
Juvenile Justice	132,319,567	137,157,825	139,857,825	***139,857,825***	1,750,780	141,608,605
Crime Control	32,051,638	33,586,632	34,086,632	***29,861,632***	1,622,000	31,483,632
Total JPS	**1,585,483,432**	**1,658,920,578**	**1,736,458,634**	***1,731,633,634***	**10,324,009**	**1,741,957,643**

JPS JOINT TARGET: $1,668,795,352

Target Compared to 2004-05 Authorized Budget: $9,874,774 increase

Target Compared to Adjusted Recommended Continuation: $62,838,282 Reduction

Target Compared to Governors Total Recommended Budget for FY 05-06: $73,162,291 Reduction

Attachment # 2

RULES FOR JOINT APPROPRIATIONS SUBCOMMITTEES
2005 SESSION
March 9, 2005

1. Subcommittee targets are spending targets. Subcommittees are encouraged to maximize recurring reductions.

2. Identify all budget adjustments (reductions or expansion) as recurring and non-recurring.

3. Nonrecurring reductions shall not be made to fund recurring expansion items.

4. Negative reserves or "management flexibility" reductions shall not be allowed.

5. Non-recurring expansion items are not allowed in the 2nd year of the biennium (FY 2006-07).

6. Program expansion is not allowed in the 2nd year of the biennium (FY 2006-07). This means no expansion of a program or item funded in the 1st year, and no new programs created in the 2nd year.

7. Expansion positions shall not be phased in during the fiscal biennium, but shall be effective July 1, 2005.

8. Identify all General Fund position changes (eliminations, fund shifts, newly established).

9. Identify all new receipt-supported positions recommended by the subcommittee as either time-limited or permanent positions. If time-limited, **specify** the anticipated timeframe for which the positions will be funded.

10. Special provisions shall not authorize the expenditure of reversions.

11. Refer **all** salary-related, state employee health plan, retirement, debt service, and other statewide reserve issues to the Full Appropriations Committee Chairs.

12. Subcommittees considering fee increases to help meet the subcommittee's spending target must **first** consult with Full Chairs.

13. Reduction strategies should minimize the impact on direct services to clients and consumers. Reduction strategies should address the following:
    - Reduction in layers of management and elimination of duplication of effort (Span of Control);
    - Elimination of administrative inefficiencies;
    - Streamlining and consolidation of departments, programs, offices, and services;
    - Elimination of ineffective or obsolete programs; and
    - Reduction in non-essential government services

Fiscal Research Division
Budget Development Team

Attachment # 3

JOINT APPROPRIATIONS SUBCOMMITTEES
TARGETED ZERO-BASED BUDGETING APPROACH

The targeted zero-based budget approach assumes the "zeroing out" of certain programs, line items, and funds from the continuation/base budget to permit the subcommittees to hear information from state agencies and nonprofits justifying the continuation of expenditures for these purposes.

As a starting point, the following, as presented in the Governor's Recommended Continuation Budget, are subject to this targeted zero-based budgeting approach for the 2005-07 biennium.

1. Subcommittees should apply the zero-based budget methodology to as many individual programs as possible to help identify non-essential government services, ineffective and obsolete programs, and duplication of effort.
2. Direct appropriations and grants to nonprofit organizations
3. Contracted personal services (expenditure account 531321)
4. Miscellaneous contractual services (expenditure account 532199)
5. Rental/lease of equipment (expenditure accounts 532521 to 532525)
6. Travel and other employee expense (expenditure accounts 5327xx)
7. Cellular phone services (expenditure accounts 532814)
8. Furniture and equipment replacement schedules (expenditure accounts 534500 to 534550)
9. Discretionary grants (expenditure accounts 5364AA)
10. Directed grants (expenditure accounts 5366AA)
11. Loans (expenditure accounts 5367AA)
12. Other aids and grants (expenditure accounts 5369AA)
13. Special fund cash balances (2xxxx budget codes)
14. Positions vacant for 6 months or more as of January 1 2005. (**Note**: *This excludes public school teachers and community college faculty, critical law enforcement and public safety positions, and positions responsible for the custody and care of persons for whom the state is responsible*).
15. Any other programs and expenditures identified by the subcommittees as appropriate for review using a targeted zero-based budget approach.

Subcommittees should also consider:

1. The recommendations applicable to the subcommittee's jurisdiction contained in the Final Report of the Governor's Commission to Promote Government Efficiency and Savings on State Spending, December 2002.
2. The recommendations of other available audits or studies applicable to the subcommittee's jurisdiction.
3. Funding allocation formulas to determine if changes can be implemented to improve the method and achieve cost savings.
4. Agency fees to determine if any increases are appropriate and can be used to off-set operating appropriations.

Attachment #4

DEPARTMENT OF CORRECTION

ACCOUNT	DESCRIPTION	LAPSE 2003-04	CERTIFIED BUDGET 2004-05	REQUIRED 2004-05	REQUIRED LAPSE 2004-05
532131 & 32	MEDICAL FEES AND SERVICES	6,052,085	46,573,015	55,551,737	8,978,722
532170002	TEMPORARIES	527,697	100,135	607,484	507,349
531321	CONTRACTUAL EMPLOYEES	753,705	894,044	3,392,212	2,498,168
531321	MEDICAL CONTRACTUAL EMPLOYEES	5,217,575	4,727,056	11,500,000	6,772,944
532140	ITS MISC CONTRACTUAL	58,000	810,011	1,000,000	189,989
532199	JAIL BACKLOG	11,150,000	0	350,000	350,000
532199	MISCELLANEOUS CONTRACTS	724,000	2,491,184	2,491,184	0
532199	JAIL MISDEMEANANTS		11,255,486	11,255,486	0
532199	JAIL MISDEMEANANTS-MEDICAL PAYMENTS		0	460,850	460,850
532199	SUBSTANCE ABUSE PRIVATE BED FACILITIES	360,533	4,679,525	5,390,058	710,533
531411	OVERTIME-MEDICAL	540,591	895,724	1,107,070	211,346
531411	OVERTIME-CUSTODY	2,346,833	5,649,549	6,988,654	1,339,105
531421	HOLIDAY PAY	326,605	4,377,395	4,377,395	0
531431	SHIFT PREMIUM PAY	6,519,481	14,178,506	20,499,120	6,320,614
531441	CALLBACK/STANDBY PAY	195,595	516,043	615,063	99,020
531461	LONGEVITY PAY	1,246,598	4,169,750	6,000,000	1,830,250
531621	SEVERANCE PAY	76,004	0	0	0
531631	WORKERS COMP-MEDICAL PAYMENTS	7,554,376	1,924,306	12,000,000	10,075,694
531627	DISABILITY	578,200	1,079,892	2,000,000	920,108
535241	UNEMPLOYMENT COMPENSATION PAYMENTS	500,000	43,327	43,327	0
	STATE MATCH FED GRANTS	161,200	0	650,000	650,000
535112003	TORT CLAIMS - NON EMPLOYEE	86,400	148,760	148,760	0
	TITLE VII-BENEFIT PORTION/LAWSUIT SETTLEMENT		0	23,053	23,053
	TITLE VII	286,524	0	316,837	316,837
535112	EMPLOYEE SETTLEMENTS	120,200	141,738	250,000	108,262
538010	ADMINISTRATIVE FEES TO OSC-DEPENDENT CARE	127,534	34,375	152,520	118,145
	HURRICANE RESERVE FUND	1,989,562	0	7,456,770	7,456,770
	LEGAL SETTLEMENT	17,791	0	970,000	970,000
532812 & 2821	ITS LINE CHARGES	1,100,000	7,346,516	9,500,000	2,153,484
	GOVERNOR'S OFFICE SHARED EMPLOYEE	3,848	0	20,000	20,000
	FUNDING NEGATIVE RESERVE	10,757,916	0	13,239,260	13,239,260
537179	MANAGEMENT FLEXIBILITY RESERVE	2,442,304			
	CJPP PRIOR YEAR EXPENDITURES	992,788			
	NEW PRISON PRIOR YR EQUIPMENT	919,854			
	OSBM REVERSION TARGET	8,772,811			
	SUB TOTAL REQUIREMENTS:	**72,506,610**	**112,036,337**	**178,356,841**	**66,320,504**
	PROJECTED LAPSE SALARIES:	**72,506,610**			**60,000,000**
	LAPSE REVERSION TOTAL:	**0**			**(6,320,504)**

Attachment #5

Overview
Department of Correction Budget

Joint Appropriations Subcommittee on Justice and Public Safety

Fiscal Research Division
March 15, 2005

Correction Budget Review

March 15 to March 23

- Today: Overview of DOC Budget Trends, Major Budget Drivers, Governor's Recommended Budget, and Targeted Zero Base Budgeting
- Wednesday: Prison Population Projections and Bed Capacity; Parole and Post Release Commission – Budget, Workload, Study of Post Release
- Thursday: Inmate Programs/Substance Abuse Treatment/Enterprises and Special Funds

Next Week

- Security Budget including Staffing and Reserves for New Prisons
- Inmate Costs: Food, Medical
- Community Corrections: Probation and Parole; Partnership Act; Community Service

Correction Program/Budget Structure

- Dept Mgmnt
  - Secy Office
  - MIS
  - Acct/Budget/Personnel
  - Vehicle Replacement
  - Central Engineering and Central Warehouse
- Div of Alcohol and Chemical Dependency
  - Private Programs
  - DOC In-Prison
  - Dart Cherry
- Prisons
  - Mgmnt
  - Custody and Security
  - Inmates: Food, Medical, Clothing
  - Programs: Case Mgmnt; Work Crews, Education

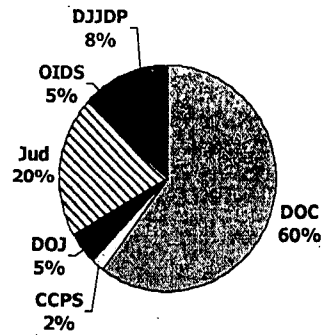
Correction Program/Budget Structure

- Community Corrections
  - Management
  - Probation and Parole
  - Criminal Justice Partnership Act
  - Community Service Work Program
- Parole and Post Release Supervision
  - Consider parole for pre-Structured Sentencing Inmates and DWI's
  - Set Conditions for Post Release Supervision (Structured Sentencing)

JPS AUTHORIZED BUDGET 2004-05

State Appropriations

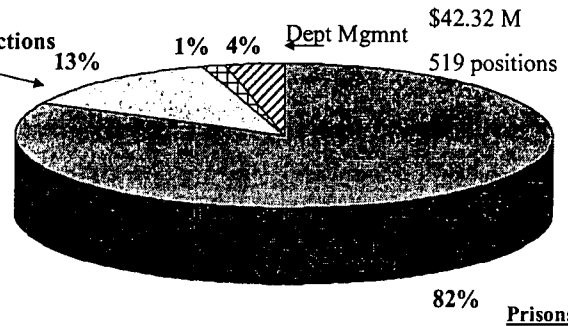
DOC $994.6M
CCP 33.6
DOJ 76.6
Judicial 333.9
OIDS 83.2
DJJDP 137
Total = $1.659 Billion



JPS Target for 05-06:
$1.668 Billion

Department of Correction Authorized Budget 04-05

Community Corrections
$132.5M
2,597 Positions

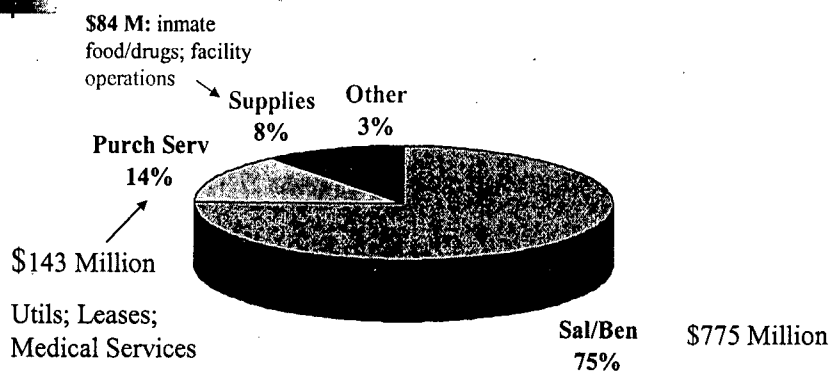


$42.32 M
519 positions

Prisons: $841 M
(16,065 positions)
C&S: $566 M
Medical: $153M
Programs: 41M

Total Budget: $1,024 Billion
State Appropriations: $994.6
19,563 Positions

Correction 2004-05 Authorized Budget by Type of Expenditure



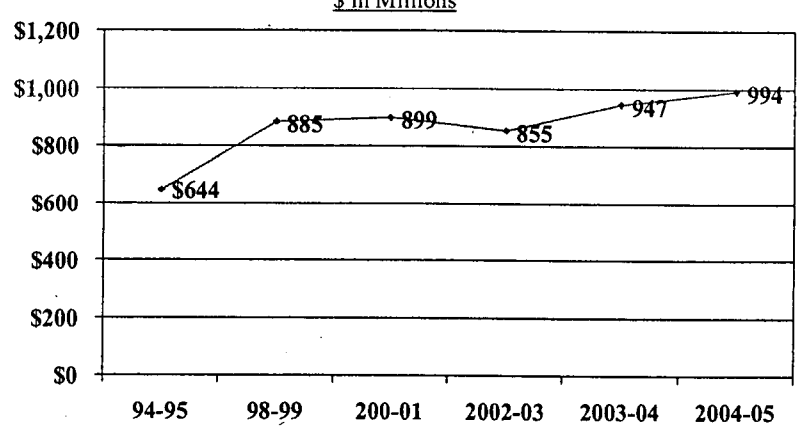
Total Budget: $1,024 Billion

State Appropriations: $994.6

Budget Drivers in Correction

- Staffing to Supervise and Treat the Prison and Probation/Parole Population. Admin. Staff: (e.g. Acct., Personnel, MIS)
  - 75% of budget; 19,563 employees
- Repair and Maintenance of Prisons
- Purchasing and Repair of Equipment
- Rent/Lease of Space for Staff
- Basic Needs of Inmates: Food, Medical, Clothing
- Treatment: Programs, Substance Abuse

Correction Budget Trends –State Appropriations



Actual expenditures each year except 2004-05 is authorized

DOC Budget Trends

- Mid 90's – Growth after Special Session on Crime
- Late 90's -- Slowdown in Prison Population
- FY 2001-03 -- Statewide Budget reductions. In DOC, closed prisons and boot camps; cut programs;efficiency reductions in overtime, inmate costs
  - 846 positions cut in 2002-03 (371 filled)
- Since early 90's 30 prisons closed
- Operating costs of new prisons driving budget increases– will be $90 million plus for 5,000 new beds by 06-07

Correction Budget Facts

	12/31/04	12/31/95
Inmate Population	35,756	29,485
Probation/Parole Population	118,092 (3,701 parole)	119,791 (19,410 parole)
Prison Admissions	**25,906 (04)**	**27,472 (94-95)**
A-E Felons	**58%**	**36%**
Inmates 50+	**3,317 (8.3%)**	**1,298 (4.4%)**
DOC Employees	19,563	16,883
Avg Cost Per bed	$62 or $22,630 (03-04)	$57.35 (95-96)
State Appropriations	$994 million (04-05 authorized)	$733 million (expend. 95-96)

Recent DOC Budget Trends 2003-05 Biennium

- Created 1,086 new prison beds by double celling 2/3 of Mt View and making temp bed permanent
- Reduced line item operating budgets in all divisions, overtime budgets in Prisons and Comm. Corrections
- "Mgmnt. Flexibility"reductions of $10 million in 03-04 and $13.2 million in 04-05
- Startup funds for new 1,000 bed prisons

Governors Recommended Budget FY 2005-07 Department of Correction

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Governor's Recommended Budget for Correction

	FY 03/04 Actual	FY 04/05 Author.	FY 05/06 Gov Recomm. (Contin)	FY 06/07 Gov Recomm. (Contin.)
Budget	$947.13	**$994.58**	$1045.62	$1060.6
Positions	19,389.5	19,563.5	20,367.5	20,388.5

Expansion Budget Recommendation is $902,000 for Total Recommended Budget of $1,046,529,365 in 2005-06

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What are Basic Parameters for the Continuation Budget?

- 2004-05 Authorized Budget is starting point
- State Budget instructions allow
  - Inflation factors certain items (gas, food)
  - Per diem increases (prisons)
  - Operate new facilities
  - Restores one-time cuts/annualizes positions
- Items backed out
  - One –time new funding from 04-05 (e.g. equipment)
  - Adjust budget to meet actual needs or budget target
- New programs are Expansion Budget items

15

What are major changes in DOC Continuation Budget?

- Start: $994 Million/Net Increase $51 Million
- Major Changes
  - +$10.9 Million Non Recurring (Restore One time Cuts/Back out One Time expansion)
  - +$9.7 Million Salary and Benefits: Overtime Pay; Shift Pay; Workers Comp; Longevity Increases
  - +$29 Million in Reserves to operate Maury & Bertie 1000 bed prisons
  - +$1 million for Partnership Program to correct error in 2003-05 Continuation Budget
  - +$3.4 M for Inmate Medical
  - Minus $7.4 million for Rent/Lease (Private prisons)
  - Minus $1.7 million for vehicle replacement

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What DOC Requests were not funded in Continuation Budget?

- Original Worksheet requested $15 million plus above the $1,045,627,365. Major items cut were
  - $800,000 inflation for inmate food budget
  - $5 million to fully fund weekend shift pay for correctional officers
  - $1.4 million inflation for inmate medical
  - $1.5 million to pay for ITS service charges
  - $7.37 million for per diem increases for prison population growth and 135 positions
  - $568,372 for 17 DOC mgmnt positions

DOC System-wide Budget Issues for Discussion

- Lapsed Salaries
- Workers Compensation
- Vehicle Replacement

Lapsed Salary

- Lapsed Salary is amount of funds available from vacant positions
- Uses must be for personal services (e.g contract for services, temp. personnel)
- Cannot be used to establish permanent positions or permanent salary increases
- December 31, 04: DOC had 1,802 vacancies or 9.2% = $53.2 million

- Major uses by DOC in 04-05 $66M (projected)
  - $10 M Worker Comp
  - $15.7M Inmate Med
  - $6.3M Shift Pay
  - $13.2M Neg Reserve
  - $7.45M Hurricane
  - $2.5 MContract Employ.

Workers Compensation

- Expenditure Growth
  - 2003-04: $9.478 Million
  - 2004-05: $12 million (projected)
  - 2005-06: $13 million (use lapsed)
    - Budget is $5.9 million
  - Increase in claims:
    - 10% in 04-05
    - 8% of Total # DOC employees vs. 7% in 03-04
  - Expansion request for five Safety Positions
    - $192,000/$241,851 annualized
    - Two safety consultants to be assigned regionally

Vehicle Replacement in Correction

- $5.1 million in 03-04
- $4.38 million in 04-05 authorized
- $2.83 million in 05-06 Recommended
  - Replace only vehicles with 110,000 miles or more
  - Receipts from sales only $143,000

What are Major Targeted Zero-Based Budget Areas in Correction?

- Travel
- Contracts
  - Miscellaneous Contractual Services
  - Personal Services
- Equipment
  - Office
  - Computers
- Pass Through Funding to Non-Profits
  - $1.78 million to three community based programs for offenders

Trends in Targeted Zero Based Items in Correction

Category	2001-02 Actual	2003-04 Actual	2004-05 Auth.	2005- 06 Recomm
Equipt.	$3.4M (Auth. $10.2)	$20.1 M	$16.9 M	$15.4 M
Misc Contracts	$11.9M	$32.1M	$18.79	$19.7
Personal Service Contracts	$12.6M	$11.5 M	6.1 M	$6.5
Travel	$1.5 M(est.) ($2.7 Auth)	$1.2M	$1.7 M	$1.96 M

Targeted Zero Based Items in Correction

- Travel
  - Primary Travel Budget in Mgmnt, Prisons and Community Corrections
  - 05-06 Budget Increases Management Travel by $264,000
  - Travel limited since 01-02
  - Travel by Purpose will be discussed in each area

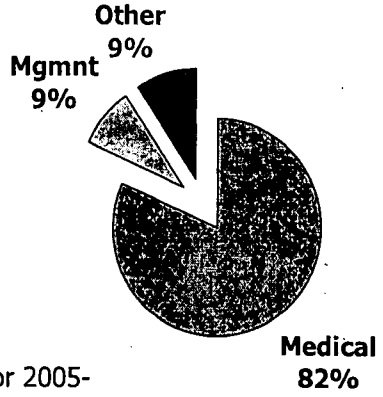
Targeted Zero Based Items in Correction

- Equipment
  - Jump in 03-04 to $20 million due to catch up vehicle replacement and office equipment. Vehicle replacement is cut in 05-06 and office equipment budget is $1 million less than 2003-04
  - FY 05-06 $15.4 Million
    - PC/Printer replacement ($3.085 M) (Act. 04 $2.14M)
      - *PC's now on 4 year Replacement Schedule*
    - Office Eqpt ($1.862M) (Act. 04: $2.98M)
    - Vehicles ($2.83) (Actual 04: $4.45M)

Targeted Zero Based Items in Correction

- Miscellaneous Contracts ($19.7 M in 05-06)
  - High figures in previous years primarily Jail Backlog
  - Payment to Counties for Jail Misdemeanants ($18 a day)
  - Prisoner Legal Services Contract
- Contracted Personal Services
  - Actual $11.5 in 2003-04
  - Projected $14 million in 05-06
    - Budget is $6.5 million/balance with lapsed

Contracted Personal Services in Correction: Projected for 2005-06



Total Projected for 2005-06 is $14.785 Million. $6.5 Million budgeted

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - March 15, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barbara Baker	DOC
Tracy Little	DOC
Theodis Beck	DOC
Mildred Spearman	NCDOC
Larry Dix	DJJDP
Melissa Lovell	DOJ
Bennie Aiken	CCPS
Thurman Turner	CCPS
Lee Hodges	KCLH
Doug Heron	NC BAR Assoc.
Rex Whaley	AOC

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - March 15, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Byron K. Harris	OSBM
Dianna Jones	FRC, Inc., Jacksonville NC
Pamela Navey	APO, Statesville, NC
Catherine Anderson	DJJDP

Joint Appropriations Subcommittee
On
Justice and Public Safety

March 16, 2005 8:30 AM
Room 415

HOUSE MEMBERS PRESENT: (7) Representatives Kiser, Haire, Ray, Sutton, Frye, Goodwin and Justus

SENATE MEMBERS PRESENT (6) Senators Thomas, Snow, Bingham, Apodaca, Kinnaird and Presnell

The Joint Appropriations Subcommittee on Justice and Public Safety met on Wednesday, March 16, 2005 in Room 415 of the Legislative Office Building. **Representative Kiser** called the meeting to order at 8:35 AM and introduced Senate pages, John Calvin Young, Johnston County, sponsored by Senator Smith and J.J. Harris, Wake County, sponsored by Senator Hunt and House page Patrick Britt, Wake, sponsored by Rep. Capps and Representative Weiss. Senate Sergeant at Arms Mary Perry and Charles Marsalis and House Sergeant at Arms Touissant Aventand Jim Womack.

Representative Kiser introduced **Susan Katzenelson**, Staff Director, Sentencing and Policy Advisory Commission, to present:

- **Presentation of Adult Prison Population Projections (Attachment I and Attachment II)**

Senator Bingham asked Department if they could furnish information on reason for influx of other States in our prisons and percentage.

Representative Kiser asked **Ms. Katzenelson** can you furnish us with statistics on Fair Sentencing vs. Structured Sentencing. **Ms. Katzenelson** said she would work with Department and Parole Commission to get this information. **Representative Kiser** said the committee would like this information. **Mr. Mills** said someone would be speaking this afternoon and should furnish this information.

Representative Kiser said he was going to call time. We have had some of our Appropriations Chairs here; one had to leave but **Representative Sherrill** wants to speak to the committee.

Representative Sherrill, Appropriations Chair, apologized to Ms. Katzenelson for interrupting. **Representative Sherrill** said you have received your targets and the four chairs have talked very seriously because some of the rumors that are going around are saying the targets are not serious and they will come up with money. I want to tell you as

we look at the big picture the targets are serious. I am not sure we are going to find any new revenues and we have a serious shortfall. I know you have a tough job and you have got to help us fill this hole. This is a very serious conversation, very deep conversation. I am very interested and would love to stay but I think this is the message we decided to give each of the subcommittee chairs this morning that this is no joke, this is very serious and we appreciate what you are going to do, it will be hard to meet your target. We are here to say thank you and to help us. **Representative Kiser** thanked **Representative Sherrill** for coming.

Representative Kiser introduced the next speaker **Jim Mills**, Fiscal Research, to present:

- **Review of Prison Bed Capacity (Attachment III)**

Senator Thomas responded that last year they asked the Department to conduct an analysis on doubling cell beds. **Mr. Mills** said that would be made available to committee.

Senator Thomas asked have we determined yet with the sewer authority how much it would cost them to upgrade their system to be able to accommodate the 300 new inmates. **Mr. Mills** said he would get that information for the committee.

Senator Thomas asked about revocations. **Mr. Mills** said in the upcoming meetings he would make sure this was addressed.

Senator Kinnaird asked how many offenders are mentally ill and are receiving drugs. How many of these reoffenders have not gotten the help they needed when they leave. **Tracy Little** said we do not have this number for you today but will furnish that information to committee.

Representative Kiser asked how many inmates do we have at Mt. View today. Can you bring the last report to the committee? **Mr. Bennett** will furnish this information.

Representative Kiser adjourned the meeting at 9:50AM.

Joe L. Kiser

Representative Joe L. Kiser
Chair

Marilyn R. Holder

Marilyn R. Holder
Committee Assistant

March 16-2005

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 16, 2005 8:30 A.M. and 2 P.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas

Representative Joe Kiser, Presiding
Representative Phillip Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Presentation of Adult Prison Population Projections

Susan Katzenelson, Staff Director
Sentencing and Policy Advisory Commission

Review of Prison Bed Capacity

Jim Mills, Fiscal Research

2 P.M.
Opening Remarks by Chairs

Review of Post-Release Supervision and Parole Commission Budget and Policy Issues

Chloe Gossage, Fiscal Research

Presentation of Study of Post Release Supervision (Section 17.10, HB 1414)

Susan Katzenelson, Staff Director
Sentencing and Policy Advisory Commission

III. OTHER BUSINESS

IV FUTURE MEETINGS

March 17, 8:30 AM Continue Review of Department of Correction Budget

V. ADJOURNMENT

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	3/3	3/6 AM	3/16 PM	3/22 AM	3/22 PM	3/24 AM									
HOUSE															
Rep. Phil Haire, CHAIR	✓	✓	✓			✓									
Rep. Joe Kiser, CHAIR	✓	✓	✓	✓	✓	✓									
Rep. Karen Ray, VICE CHAIR	✓	✓	✓	✓	✓	✓									
Rep. Ron Sutton, VICE CHAIR	✓	✓	✓			✓									
Rep. Phillip Frye	✓	✓		✓	✓										
Rep. Melanie Goodwin	✓	✓	✓	✓	✓	✓									
[redacted]. John Hall															
Rep. Carolyn Justus		✓	✓	✓	✓	✓									
Rep. Paul Miller					✓										
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓	✓	✓											
Sen. John Snow, VICE- CHAIR	✓	✓	✓	✓	✓	✓									
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓	✓	✓	✓	✓									
Sen. Tom Apodaca	✓	✓	✓	✓											
Sen. Ellie Kinnaird	✓	✓	✓	✓	✓	✓									
Sen. Keith Presnell	✓	✓	✓	✓	✓	✓									
Sen. Tony Rand	✓														

VISITOR REGISTRATION SHEET

House Appropriations Subcommittee 3-16-05
Name of Committee Date
on Justice and Public Safety

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Richard Guy	DOC/DCC
Virginia Price	DOC
Troy Little	DOC
Karen Gottovi	Sentencing Comm.
S. Katzenelson	-4-
Byron K. Jones	OSBM
MELITA GROOMES	PAROLE COMMISSION
Juanita H. Baker	parole commission
Charles L. Mann Jr	Parole Commission
TROY PAGE	N.C. Sentencing Commission
Debbie Davies	NC Sentencing Commission
Jimmy Hewiner	NC Sentencing Commission
Matt Osborne	AOC
Mildred Spearman	NCDOC
Jewyl E. Dunn	Parole Commission
Bill Wilson	NCATL
Tonya Wallace	DCI Judge - 20th Jud District
John Mackey	Governors
[illegible] DIX	DJJDP
Lee Hodges	KCCH
Garland Pinel	Rep

3-16-05
Attachment 1
8:30 AM

Dynamics of the Projected Prison Population 2005-2014

North Carolina Sentencing and Policy Advisory Commission

January 2005

Dynamics of the Projected Prison Population 2005-2014

North Carolina's prison population is projected to be at 36,855 inmates by the end of FY 2004/05. The prison populations projected for the next ten years take into account the decline of the resident prison population (*i.e.*, offenders who are in prison at the beginning of the projection period) and the buildup of the new inmate population over the projection period. The size of the overall inmate population is primarily influenced by the growth patterns for the State's population and the stacking up of violent and repeat offenders convicted under Structured Sentencing.

Examining the distribution of the projected prison populations for 2005-2014 (*see* Table 1) and Structured Sentencing convictions in FY 2003/04 (*see* Table 2 and Figure 1), three different population dynamics emerge. These dynamics seem to drive the projected prison population and help explain the changing composition of this population over time. The dynamics become evident upon categorization of the felony offense classes into the following groups: 1) Classes A-D[1]; 2) Classes E-G; and 3) Classes H and I.

Class A-D felonies have a long-term effect on the prison population due to the long sentences imposed in these classes, which result in a "stacking" effect. Under Structured Sentencing, all Class A-D offenders are required to serve an Active sentence, with the exception of extraordinary mitigation. During FY 2003/04, the average minimum sentence imposed for Class A-D felonies was 101 months. The average estimated time served was 135 months. While offenders in Classes A-D comprised only 9% of all felony convictions for the year, they accounted for 53.4% of the projected prison population for 2005 and increased to 55.9% of the projected prison population by 2009 and 57.1% by 2014, indicating their "stacking" effect.

Class E-G offenders represented 24% of all felony convictions in FY 2003/04. Almost 46% of these convictions resulted in Active sentences, with an average minimum sentence imposed of 20 months and an average estimated time served of 24 months. An examination of the projected prison population by offense class indicates that the proportion of prisoners falling into Classes E-G remains fairly stable over the projection period (25.0% for 2005, 25.3% for 2009, and 24.8% for 2014).

Classes H and I represent the largest group of felony convictions (67%), as well as the highest volume of Active sentences (47%). Twenty-six percent of Class H and I convictions resulted in an Active sentence, with an average minimum sentence imposed of nine months and an average estimated time served of ten months. Class H and I felons contribute to the prison population by their high volume, their short prison sentences, and through their high rate of technical probation revocations to prison. Class H and I offenders account for a decreasing proportion of the prison population over the projection period (19.8% in 2005, 17.2% in 2009, and 16.7% in 2014).

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[1] While felonies falling into Classes A-E are typically considered to be the "violent felonies," a comparison of sentence lengths indicates that Class E should be considered apart from this group for this analysis.

PRISON POPULATION PROJECTIONS:
UPDATED JANUARY 2005

PREPARED IN CONJUNCTION WITH THE DEPARTMENT OF CORRECTION'S OFFICE OF RESEARCH AND PLANNING

TABLE 1
DISTRIBUTION OF THE PROJECTED PRISON POPULATION BY OFFENSE CLASS FELONIES ONLY

Offense Class	Average Estimated Time Served in Months[2]	Percent by Fiscal Year		
		2005	2009	2014
A	600	4.1	4.8	5.6
Viol. Hab. Felon	600	0.0	0.0	0.1
B1	311	5.3	6.0	6.6
B2	194	7.0	8.2	8.9
C	96	21.9	22.0	21.3
D	80	15.1	14.9	14.6
A-D SUBTOTAL	135	53.4	55.9	57.1
E	33	5.4	5.9	5.8
F	28	8.2	8.3	8.1
G	20	11.4	11.1	10.9
E-G SUBTOTAL	24	25.0	25.3	24.8
H	11	15.8	13.5	13.1
I	6	4.0	3.7	3.6
H-I SUBTOTAL	10	19.8	17.2	16.7
Unknown	N/A	1.9	1.6	1.4
TOTAL	42	100.0	100.0	100.0

NOTE: Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Structured Sentencing Simulation Model

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[2] For analysis purposes, the sentence length imposed for convictions resulting in life or death sentences was estimated at 600 months.

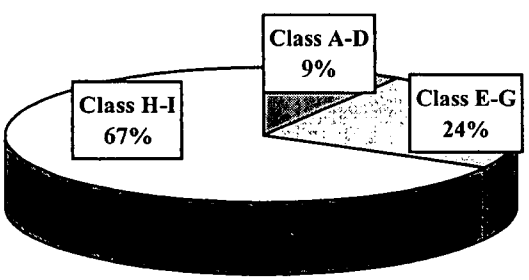
TABLE 2
CONVICTIONS AND SENTENCES BY OFFENSE CLASS
FY 2003/04 FELONIES

Felony Offense Class	Type of Punishment Imposed						Minimum Active Sentence (months)	Total
	Active		Intermediate		Community			
	#	%	#	%	#	%		
A	101	100.0	.	.	.	.	Life/Death	101
B1	114	100.0	.	.	.	.	255	114
B2	253	100.0	.	.	.	.	174	253
C	877	100.0	.	.	.	.	89	877
D	853	100.0	.	.	.	.	71	853
A-D SUBTOTAL	2,198	100.0	.	.	.	.	101	2,198
E	529	49.2	547	50.8	.	.	31	1,076
F	884	46.8	1,004	53.2	.	.	19	1,888
G	1,325	43.5	1,719	56.5	.	.	15	3,044
E-G SUBTOTAL	2,738	45.6	3,270	54.4	.	.	20	6,008
H	3,735	36.7	5,075	49.8	1,374	13.5	10	10,184
I	684	10.5	2,628	40.3	3,214	49.2	7	6,526
H-I SUBTOTAL	4,419	26.4	7,703	46.1	4,588	27.5	9	16,710
TOTAL	9,355	37.5	10,973	44.0	4,588	18.4	33	24,916

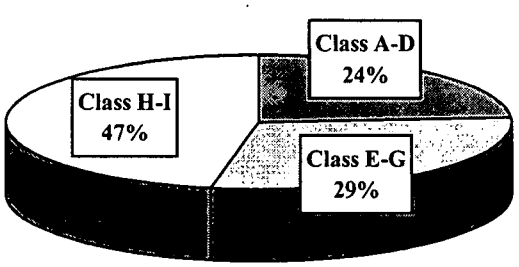
Note: Of the 27,830 felony Structured Sentencing convictions in FY 2003/2004, 2,914 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Sentences resulting in life without parole or death were excluded from the calculation of the average minimum sentences.

FIGURE 1
DISTRIBUTION OF CONVICTIONS AND SENTENCES

ALL FELONY CONVICTIONS



ALL ACTIVE SENTENCES



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Preliminary Felony Statistical Report Data

3-16-05
Attachment 2
8:30 AM

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

CURRENT POPULATION PROJECTIONS
FISCAL YEAR 2004/05 to FISCAL YEAR 2013/14

Prepared in Conjunction with the
Department of Correction's Office of Research and Planning

RELEASED: JANUARY 2005

INTRODUCTION:

The attached table shows ten-year prison population projections by fiscal year. The prison population projections were completed in two parts. The Sentencing Commission prepared prison population projections for all offenders sentenced on or after July 1, 2004 (new population). The Department of Correction prepared projections for all offenders in prison as of June 30, 2004 (resident prison population). The final combined projections take into account the decline of the resident prison population (structured sentencing releases, parole releases, and "max-outs") and the buildup of the new inmate population (new sentences, probation revocations, parole revocations, and post-release supervision revocations). Added to these figures is the estimated number of "safekeepers" and DWI offenders held in the state prison system.

ASSUMPTIONS:

- On average, all Fair Sentencing Act (FSA) and pre-FSA prisoners will serve 42 percent of their sentence imposed (the average percentage served by FSA and pre-FSA prisoners released in FY 2003/04).

- On average, all Structured Sentencing Act (SSA) felons will serve 109 percent of their minimum Active sentences and all SSA misdemeanants will serve 95 percent of their Active sentences (the average percentages served by SSA offenders released from prison during FY 2003/04).

- Rates of Active sentences will match rates during FY 2003/04 for all SSA offenders. Overall, 38 percent of felons received an Active sentence, with an average estimated time served of 42 months. These rates assume no changes in judicial or prosecutorial behavior regarding convictions and sentencing.

- Technical probation revocation rates will match rates during FY 2003/04. While 58 percent of felony admissions to prison in FY 2003/04 resulted from Active sentences for a new conviction, 42 percent of the admissions resulted from technical revocations of probation. In FY 2003/04, 50 percent of misdemeanor admissions to prison resulted from Active sentences for a new conviction and 50 percent resulted from technical revocations of probation.

CHANGES FROM PREVIOUS PROJECTIONS:

The current prison population projection for 2005 is very similar to last year's projection for this year. However, the projected prison population represents an increase from last year's projection for the remainder of the ten-year projection period. This projected increase can be attributed primarily to an increase in the number of active sentences imposed, to an increase in the average estimated time served, and to legislative changes to criminal penalties that were passed in previous years and whose impact could not be projected.

While the Sentencing Commission's *Forecasting Advisory Group* found no reason to adjust the projected growth rate for misdemeanor convictions, the group adjusted the projected growth rate for felony convictions downward for the first two years of the projection period.[1] Factors considered by the *Forecasting Advisory Group* included a continued decrease in the crime rate, the current rate of population growth for North Carolina, and law enforcement and court resources.

	Felony		Misdemeanor	
	Previous	Current	Previous	Current
Time Period	Growth Rate	Growth Rate	Growth Rate	Growth Rate
FY 2004/05	2%	1%	1%	1%
FY 2005/06	2%	1%	1%	1%
FY 2006/07	2%	2%	1%	1%
FY 2007/08	2%	2%	1%	1%
FY 2008/09	2%	2%	1%	1%

- This projection does not account for any increases in the prison population from legislative changes to criminal penalties from the 2004 Short Session of the General Assembly since the legislative changes either created new offenses for which there are no historical data or amended penalties for existing offenses with elements that could not be modeled. For example, this projection does not account for any increases in the prison population as a result of legislative changes that strengthen domestic violence laws or that increase methamphetamine penalties.

- In its June 2004 opinion on *Blakely v. Washington*, the U.S. Supreme Court ruled unconstitutional any aggravated sentence based on a finding of aggravating factors by a judge rather than a jury. The 2005 Session of the North Carolina General Assembly will consider legislation to address the *Blakely* ruling. In the meanwhile, it might have resulted in a reduced number of aggravated sentences in the state and, consequently, somewhat lower prison population figures for 2005.

- Prison population projections continue to be affected by parole practices due to the number of FSA and pre-FSA offenders currently in prison. On December 31, 2004, there were 4,921 FSA

[1] The *Forecasting Advisory Group* convenes annually and consists of representatives from the Sentencing Commission, Administrative Office of the Courts, Office of Indigent Defense Services, Department of Correction, Department of Juvenile Justice and Delinquency Prevention, State Bureau of Investigation, Governor's Crime Commission, and Office of State Budget and Management. The group forecasts growth rates after reviewing recent crime trends, arrest trends, court filing trends, state demographic trends, and prison admission trends.

and pre-FSA offenders in prison (including 2,740 with life sentences and 88 with death sentences), representing about 14 percent of the state's inmates. The percent of sentence served by FSA and pre-FSA prison releases (excluding those with life or death sentences) has been increasing (from 32 percent in FY 1997/98 to 42 percent in FY 2003/04), as has their average time served (from an average of 43 months in FY 1997/98 to 125 months in FY 2003/04).

PROJECTED PRISON POPULATION:

Projected Prison Population and Capacity

The population projected by the Commission's simulation model for June 30, 2004, was **35,861**. The actual average population for June 2004 was **35,363**, a difference of 498 (or 1.4 percent). The first table and the following chart present the projected prison population and capacity for FY 2004/05 through FY 2013/14.

Updated prison capacity projections were provided by the Department of Correction's Division of Prisons in December 2004. These projections include both the Expanded Operating Capacity (EOC) and the Standard Operating Capacity (SOC) of all prison facilities. Based on these figures, the projected prison population will exceed both standard and expanded operating prison capacity for all ten years of the projection.

Projected Prison Population by Offense Class

The Sentencing Commission also provides data on the distribution of the projected prison population of felons by offense class, as shown in the second table. This distribution might serve as an indication of changing custody level needs.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

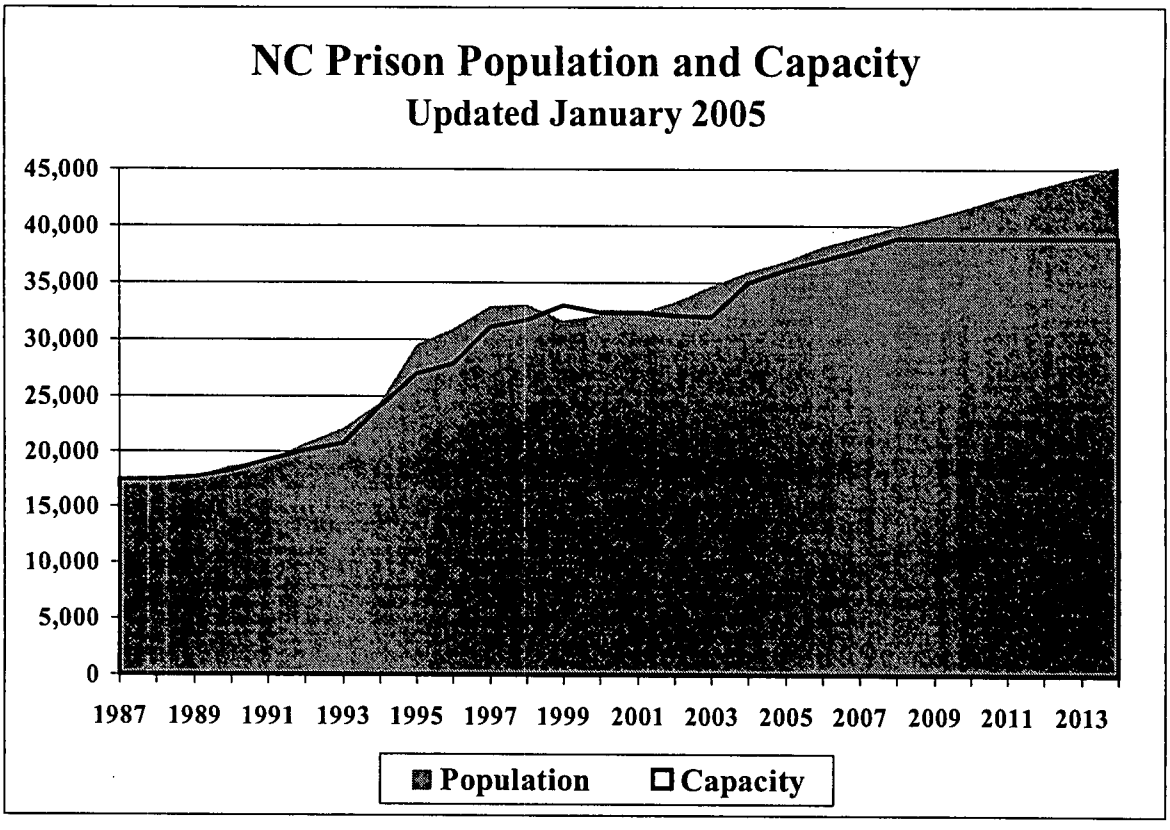
PRISON POPULATION PROJECTIONS:
UPDATED JANUARY 2005

PREPARED IN CONJUNCTION WITH THE DEPARTMENT OF CORRECTION'S OFFICE OF RESEARCH AND PLANNING

FISCAL YEAR	PREVIOUS PROJECTION as of June 30	CURRENT PROJECTION as of June 30	*ESTIMATE OF EXPANDED OPERATING PRISON CAPACITY*[1]	*ESTIMATE OF STANDARD OPERATING PRISON CAPACITY*[2]
2005	36,973	**36,885**	36,119	31,500
2006	37,705	**38,106**	37,015	32,396
2007	38,613	**39,021**	37,911	33,292
2008	39,567	**39,864**	38,807	34,188
2009	40,498	**40,750**	38,807	34,188
2010	41,396	**41,668**	38,807	34,188
2011	42,304	**42,594**	38,807	34,188
2012	43,197	**43,499**	38,807	34,188
2013	44,094	**44,381**	38,807	34,188
2014	N/A	**45,312**	38,807	34,188

[1] Expanded Operating Capacity (EOC) is the number of inmates housed in dormitories that operate at varying percentages (not to exceed 130%) beyond their Standard Operating Capacity (SOC), plus the number of single cells with one inmate per cell, plus the number of single cells that house two inmates per cell that meet American Correctional Association (ACA) standards for space per inmate.

[2] Standard Operating Capacity (SOC) is the number of single cells with one inmate per cell plus the number of inmates who can be housed in dormitories by dividing the gross square feet of each dormitory by 50 square feet and rounding to the closest double bunk configuration.



Note: Prison capacity figures reflect Expanded Operating Capacity.

SOURCE: NC Sentencing and Policy Advisory Commission and NC Department of Correction

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

PRISON POPULATION PROJECTIONS:
UPDATED JANUARY 2005

PREPARED IN CONJUNCTION WITH THE DEPARTMENT OF CORRECTION'S OFFICE OF RESEARCH AND PLANNING

DISTRIBUTION OF THE PROJECTED PRISON POPULATION BY OFFENSE CLASS FELONIES ONLY

Offense Class	Average Estimated Time Served in Months[1]	Percent by Fiscal Year		
		2005	2009	2014
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TOTAL	42	100.0	100.0	100.0

NOTE: Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Structured Sentencing Simulation Model

[1] For analysis purposes, the sentence length imposed for convictions resulting in life or death sentences was estimated at 600 months.

3_16_05
Attachment 3
8:30AM

DEPARTMENT OF CORRECTION PRISON BED CAPACITY

WHAT IS PRISON BED CAPACITY?

Prison bed capacity is the number of prison beds currently used to house inmates and the projected number of future beds if the beds have been authorized by the General Assembly. The two primary types of capacity are:

Standard Operating Capacity (SOC) – The SOC is the number of beds at: (1) 50 gross square feet of housing space per inmate in dormitories (includes bunk, locker etc.) or (2) one inmate per cell in single cell general population cells. **When operating at the SOC, a prison is 100% of capacity.**

Expanded Operating Capacity (EOC) – Each prison is also assigned an EOC bed count. The Department's EOC is calculated by determining:

(1) The number of single cells with one inmate (same as SOC);
(2) The number of single cells with two inmates (Mt View only); and,
(3) The number of beds in dormitories at less than the 50 square feet used in SOC. For example, housing inmates at 35 square feet per inmate in a dorm allows a prison to operate at an EOC that is 130% of the SOC.

Prisons that operate at the EOC level do so by DOC policy or as originally allowed by court consent decrees. Settlement of the Small V. Hunt lawsuit originally required operation of 49 prisons at the SOC (100% or 50 Square feet) but modification of the consent decree over time allowed these 49 prisons to operate up to 130% of capacity (35 square feet).

Examples of Prison SOC and EOC

Mt View	SOC = 552	EOC = 884	(552 Single Cells; 2/3of cells have two inmates per cell)
Avery /Mitchell:	SOC = 624	EOC = 816	(Dorms; Medium Custody)
Tyrrell Work Farm	SOC = 500	EOC = 500	(Dorms; Minimum Custody)
Scotland	SOC 896	EOC 896	(Single Cells; one inmate per cell)

WHAT DOES DOC INCLUDE IN PRISON BED CAPACITY FIGURES?

- All regular prison beds
- Special use beds such as general hospital beds and mental health beds at prison units with hospitals (not infirmary beds)
- Bed designated for offenders in substance abuse treatment in prison and in two minimum custody privately run treatment programs.

*WHAT BEDS ARE **NOT INCLUDED** IN OFFICIAL CAPACITY*

Segregation beds --primary purpose is control of inmate behavior, not to create extra bed space. As of March 14, 2005, there were 1,534 segregation beds.

Special Medical -- Infirmary (sick call) beds, Acute Medical and Mental Health Beds. As of March 14, 2005 there were 382 Acute beds

Temporary beds – Extra beds in dorms or dayrooms established to meet temporary bed shortages without additional staffing. There were 499 temporary beds on March 14, 2005. DOC goal is to eliminate most of these beds when new beds become available.

In 2004, at legislative direction, DOC converted 754 temporary beds to permanent at cost of $961,438

POPULATION AND CAPACITY

The current inmate population projections by the Sentencing Commission indicate:

- Population is projected at 38,106 by June 30, 2006. DOC bed capacity figures will be 37,015. Population will exceed bed capacity by 1,091 inmates at the end of FY 2006. (SEE ATTACHMENT 1).

- Population will exceed bed capacity by 1,900 inmates by 2009 and 4,692 by 2012

- The projections assume no changes by the General Assembly in criminal penalties that increase the incarceration rate and no change in current judicial or correctional practices.

- The projections do not include likely increases in prison population from criminal penalty changes in the domestic violence and methamphetamine bills ratified in the 2004 Session

POLICIES FOR HANDLING BED SHORTAGE

Two basic options: decrease population or increase bed capacity

1. **Build new prison beds**

- Prisons 4 and 5 will open in 2006 and Prison # 6 in 2008. These beds are already counted in official bed capacity numbers
- DOC has withdrawn request to begin construction of any more new beds in 2005-07
- Long Range DOC plan
    - Matches latest custody model which shows greater need for more medium and minimum custody beds
    - Plan is lower cost than 1,000 bed facilities since focus is to build dormitory style prisons, many of which would be adjacent to existing prisons.

2. **Expand Capacity at current Minimum and Medium Custody prisons**

- DOC is reviewing current bed capacity again at various prisons

3. **House two inmates per cell at certain prisons**

DOC shows 9,495 single cells in EOC as of March 8, 2005 (excludes new prisons: Maury, Bertie, Columbus)

Key Issues

- Size of cell. ACA standard is 74 square feet encumbered for two inmates. Issue relevant mostly with smallest cells
    - Size of cells range from 49 Square feet at Caledonia to 81 square feet at Mt. View and Pamlico
    - Most single cells in DOC system are 66 to 69 square feet
- Does the facility have the physical space to expand: kitchen, warehouse, and recreation space?
- Additional security and programs are needed to reduce idleness and ensure safety of staff and inmates
    - Court decisions focus more on safety and security, not size of cell; inmates must prove "substantial risk of injury and manifest deliberate indifference to risk."
    - Double celling at Mt View included expansion of space, security staff, program staff and community college programs

- Custody level
  - Under DOC policy, "double celling" converts cell from close to medium custody so DOC gains medium beds/loses close beds
  - DOC would also need to increase classification activity to match up the right offenders

Recent Actions

- DOC 2004 study did not support double celling at prisons for several reasons
  - Inadequate space for programs, kitchens, recreation
  - Limited opportunities to expand programs
  - Increased safety and security needs
  - Size of prison cells (square footage)

- General Assembly directed housing of two inmates per cell at Mt View and review of potential at Pamlico
  - Both prisons 81 square feet
  - Added 332 inmates (two of three tiers at cost of $2.7 million) at Mt View
  - Pamlico has sewer capacity issues

- DOC has recommended housing two inmates per cell in two of four wings at the Columbus 1,000 bed prison when it opens in 2008. This would provide for approximately 1,000 medium double cell beds with the remaining 500 beds for close, medium single cell, and segregation

4. **Release more parole eligible offenders**

- More than 2,900 felons were parole eligible in the second quarter of FY 04-05, and 344 of them were released; approximately 60 percent of the 2,900 were Class A-E Felons.
- There are currently more than 2,200 parole-eligible, pre-structured sentencing offenders.
- Time served for A-E pre-structured sentencing and pre-fair sentencing felons is 177 months versus 57 months for SSA inmates
- 37 percent of offenders denied parole in FY 2004-05 were in minimum custody

5. **Medical Release**

- G.S. 148-4 allows release under "limits of confinement" for terminally ill and permanently and totally disabled. Today, there are 16 terminally ill inmates and 171 that fit the latter category
- No inmate has been released to date under this Statute due to public safety concerns and questions about whether DOC would still be responsible for medical bills.

6. **Purchase Beds through Contract**

- Local Jail Beds
- Out of State Beds

7. **Jail Backlog**

- Expand jail backlog by paying counties to house DOC inmates until beds are available (jail backlog at $40 a day)

8. **Review the Structured Sentencing Act to determine policy options for slowing down the growth in prison population**

- In 2003, four sentencing alternative bills were introduced but were not ratified.
- Overall, the four bills would save over 3,000 beds by 2012
- Time served by felons would go from average of 42 months today to 39 to 40 months for three of four proposals

NORTH CAROLINA PRISON POPULATION PROJECTIONS
COMPARED TO PRISON CAPACITY (January 2005)

Attachment 1

Fiscal Year Ending	Inmate Population Projection*	DOC Expanded Operating Capacity**	**Prison Beds Over/Under**	DOC Standard Operating Capacity**	Prison Beds Over/Under
6/30/2005	36,885	36,119	**-766**	31,500	-5,385
6/30/2006	38,106	37,015	**-1,091**	32,396	-5,710
6/30/2007	39,021	37,911	**-1,110**	33,292	-5,729
6/30/2008	39,864	38,807	**-1,057**	34,188	-5,676
6/30/2009	40,750	38,807	**-1,943**	34,188	-6,562
6/30/2010	41,668	38,807	**-2,861**	34,188	-7,480
6/30/2011	42,594	38,807	**-3,787**	34,188	-8,406
6/30/2012	43,499	38,807	**-4,692**	34,188	-9,311
6/30/2013	44,381	38,807	**-5,574**	34,188	-10,193

Population Projections by Sentencing and Policy Advisory Commission January 2005. Population projections assume no future change in criminal penalty laws that affect incarceration and exclude criminal penalty bills passed in 2004 where prison population impact could not be projected.

****Bed Capacity estimates by Dept. of Correction, December 9, 2004***. Expanded Operating Capacity (EOC) is (1) one inmate per cell in single cells; (2) two inmates per cell; or, (3) less than 50 square feet per inmate in dorms (35 square feet is 130% of standard capacity)
Standard Operating Capacity (SOC) is 50 square feet per inmate in dorms and one inmate per cell in single cells
Capacity figures include three new 1,000 bed prisons: Maury, Bertie and Columbus. Figures do not assume double celling part of Columbus

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POPULATION AND CAPACITY

The current inmate population projections by the Sentencing Commission indicate:

- Population is projected at 38,106 by June 30, 2006. DOC bed capacity figures will be 37,015. Population will exceed bed capacity by 1,091 inmates at the end of FY 2006. (SEE ATTACHMENT 1).

- Population will exceed bed capacity by 1,900 inmates by 2009 and 4,692 by 2012

- The projections assume no changes by the General Assembly in criminal penalties that increase the incarceration rate and no change in current judicial or correctional practices.

- The projections do not include likely increases in prison population from criminal penalty changes in the domestic violence and methamphetamine bills ratified in the 2004 Session

POLICIES FOR HANDLING BED SHORTAGE

Two basic options: decrease population or increase bed capacity

1. **Build new prison beds**

- Prisons 4 and 5 will open in 2006 and Prison # 6 in 2008. These beds are already counted in official bed capacity numbers
- DOC has withdrawn request to begin construction of any more new beds in 2005-07
- Long Range DOC plan
    - Matches latest custody model which shows greater need for more medium and minimum custody beds
    - Plan is lower cost than 1,000 bed facilities since focus is to build dormitory style prisons, many of which would be adjacent to existing prisons.

2. **Expand Capacity at current Minimum and Medium Custody prisons**

- DOC is reviewing current bed capacity again at various prisons

3. **House two inmates per cell at certain prisons**

DOC shows 9,495 single cells in EOC as of March 8, 2005 (excludes new prisons: Maury, Bertie, Columbus)

Key Issues

- Size of cell. ACA standard is 74 square feet encumbered for two inmates. Issue relevant mostly with smallest cells
    - Size of cells range from 49 Square feet at Caledonia to 81 square feet at Mt. View and Pamlico
    - Most single cells in DOC system are 66 to 69 square feet
- Does the facility have the physical space to expand: kitchen, warehouse, and recreation space?
- Additional security and programs are needed to reduce idleness and ensure safety of staff and inmates
    - Court decisions focus more on safety and security, not size of cell; inmates must prove "substantial risk of injury and manifest deliberate indifference to risk."
    - Double celling at Mt View included expansion of space, security staff, program staff and community college programs

- Custody level
  - Under DOC policy, "double celling" converts cell from close to medium custody so DOC gains medium beds/loses close beds
  - DOC would also need to increase classification activity to match up the right offenders

Recent Actions

- DOC 2004 study did not support double celling at prisons for several reasons
  - Inadequate space for programs, kitchens, recreation
  - Limited opportunities to expand programs
  - Increased safety and security needs
  - Size of prison cells (square footage)

- General Assembly directed housing of two inmates per cell at Mt View and review of potential at Pamlico
  - Both prisons 81 square feet
  - Added 332 inmates (two of three tiers at cost of $2.7 million) at Mt View
  - Pamlico has sewer capacity issues

- DOC has recommended housing two inmates per cell in two of four wings at the Columbus 1,000 bed prison when it opens in 2008. This would provide for approximately 1,000 medium double cell beds with the remaining 500 beds for close, medium single cell, and segregation

4. **Release more parole eligible offenders**

- More than 2,900 felons were parole eligible in the second quarter of FY 04-05, and 344 of them were released; approximately 60 percent of the 2,900 were Class A-E Felons.
- There are currently more than 2,200 parole-eligible, pre-structured sentencing offenders.
- Time served for A-E pre-structured sentencing and pre-fair sentencing felons is 177 months versus 57 months for SSA inmates
- 37 percent of offenders denied parole in FY 2004-05 were in minimum custody

5. **Medical Release**

- G.S. 148-4 allows release under "limits of confinement" for terminally ill and permanently and totally disabled. Today, there are 16 terminally ill inmates and 171 that fit the latter category
- No inmate has been released to date under this Statute due to public safety concerns and questions about whether DOC would still be responsible for medical bills.

6. **Purchase Beds through Contract**

- Local Jail Beds
- Out of State Beds

7. **Jail Backlog**

- Expand jail backlog by paying counties to house DOC inmates until beds are available (jail backlog at $40 a day)

8. **Review the Structured Sentencing Act to determine policy options for slowing down the growth in prison population**

- In 2003, four sentencing alternative bills were introduced but were not ratified.
- Overall, the four bills would save over 3,000 beds by 2012
- Time served by felons would go from average of 42 months today to 39 to 40 months for three of four proposals

NORTH CAROLINA PRISON POPULATION PROJECTIONS
COMPARED TO PRISON CAPACITY (January 2005)

Attachment 1

Fiscal Year Ending	Inmate Population Projection*	DOC Expanded Operating Capacity*	**Prison Beds Over/Under**	DOC Standard Operating Capacity*	Prison Beds Over/Under
6/30/2005	36,885	36,119	**-766**	31,500	-5,385
6/30/2006	38,106	37,015	**-1,091**	32,396	-5,710
6/30/2007	39,021	37,911	**-1,110**	33,292	-5,729
6/30/2008	39,864	38,807	**-1,057**	34,188	-5,676
6/30/2009	40,750	38,807	**-1,943**	34,188	-6,562
6/30/2010	41,668	38,807	**-2,861**	34,188	-7,480
6/30/2011	42,594	38,807	**-3,787**	34,188	-8,406
6/30/2012	43,499	38,807	**-4,692**	34,188	-9,311
6/30/2013	44,381	38,807	**-5,574**	34,188	-10,193

Population Projections by Sentencing and Policy Advisory Commission January 2005. Population projections assume no future change in criminal penalty laws that affect incarceration and exclude criminal penalty bills passed in 2004 where prison population impact could not be projected.

****Bed Capacity estimates by Dept. of Correction, December 9, 2004***. Expanded Operating Capacity (EOC) is (1) one inmate per cell in single cells; (2) two inmates per cell; or, (3) less than 50 square feet per inmate in dorms (35 square feet is 130% of standard capacity)
Standard Operating Capacity (SOC) is 50 square feet per inmate in dorms and one inmate per cell in single cells
Capacity figures include three new 1,000 bed prisons: Maury, Bertie and Columbus. Figures do not assume double celling part of Columbus

Joint Appropriations Subcommittee
On
Justice and Public Safety

March 16, 2005 – 2:00PM
Room 415

HOUSE MEMBERS PRESENT: (6) Representatives Kiser, Hair, Ray, Sutton, Goodwin and Justus

SENATE MEMBERS PRESENT: (6) Senators Thomas, Snow, Bingham, Apodaca, Kinnaird and Presnell

The Joint Appropriations Subcommittee on Justice and Public Safety met on Wednesday, March 16, 2005 in Room 415 of the Legislative Office Building. **Representative Kiser** called the meeting to order at 2:05 PM. and introduced Senate Page Clara Polk, Nash County, sponsored by Senator Swindell and Cory Barnard, Wake County, sponsored by Senator Dannelly. Representative Kiser introduced House Sergeant at Arms, Walter Spell and Wesley Oakley and Senate Sergeant at Arms Mary Perry and Charles Marsalis.

Representative Kiser introduced **Chloe Gossage**, Fiscal Research to present:

- **Review of Post-Release Supervision and Parole Commission Budget and Policy Issues (Attachment I).**
-

Representative Kiser asked **Ms. Gossage** to explain post release to new members.

Ms. Gossage reported that when structured sentencing was enacted, there was a piece that was added which was a period of supervision like parole. Class BI-E offenders, which tend to be the more violent serious offenders with longer sentences. They receive nine months period of supervision, essentially parole except that it is mandatory. They are released during that period during which they are under the supervision of a probation parole officer. Recommendations can be made for revocation if defenders are not following the conditions of release. A hearing officer within the Division of Community Corrections would review that recommendation and a parole officer will make a final determination of whether or not to revoke. This is similar to parole but it is for the more serious felons under structured sentencing and for sex offenders whose post release supervision is for five years rather than the nine months.

Representative Sutton, Senator Kinnaird and **Representative Kiser** were concerned about the average sentence and time served. They were concerned about fair sentencing. They expressed that some other approach needs to be taken and what should be done. **Representative Kiser** asked how many people are involved in the Class H? **Representative Kiser** and **Sutton** both agreed that something should be done about structured sentencing. **Ms. Gossage** said she would talk to Research and Planning in the Department of Correction and see if we can get more details and accurate figures.

Representatives Kiser, Haire and Ray raised questions concerning mandatory parole. Ms. Melita Grooms, Administrator for Parole Commission, spoke to the committee on Mandatory Parole. Ms. Grooms said by law these are required and offenders are released 90 days before the expiration of their sentences for transition purposes. Many have been paroled before that 90 day point and I think what we are not talking about with the numbers are the people that have already been paroled. Of the 2,231 paroled, 454 have been back in the system at least one time, if not more. I will give you statistical data later. Types of offenders that remain in the system now, of the 2231 remaining, there are roughly 60% that fall under what is classified today as a violent felony, they have at least one violent felony offense within their sentence chain. The classes C-I actually have a lot of multiple sentences. In looking at the cases we have remaining there are approximately 1100 inmates that are serving time for lst and 2nd degree murder, this being the most serious offense. There are 76 offenders who have 1st or 2nd degree rape, 61 who have 1st or 2nd degree sexual offense; there are a number of offenders with manslaughter, kidnapping, robbery, and assault. These are the kinds of offenders that are remaining in the system when the commission has to make a determination as to whether to release them or not. There are certain mandatory types of things they have to do. They must contact the District Attorney to see if parole is feasible or not, they are required in certain instance, and in all the cases that I just mentioned, all the violent offenders, we have to notify victims about possibility of offenders being paroled. Law enforcement has the opportunity to provide input as to whether they feel parole should be granted. The media has to be notified as to whether a person is coming up for release in their community. These types of things garner a lot of feedback from the community. Victims are particularly alarmed when we begin to talk about parole consideration for some of these defenders. Need to back up and talk about defenders and their sentence length. Because that is a big thing. We have done a lot to talk about the average amount of time that is served by a prestructured sentence felony vs. a structured sentence felony. As most of you are aware when fair sentence felons were actually in effect judges had the option of being able to give some pretty long term sentences and in most instances they did. There are many offenders remaining in prison now who are serving life sentences for robbery with a dangerous weapon, which under structured sentencing could not happen, not even at the highest crime record level. When we contact law enforcement or court officials about the possibility of parole they do not do the comparison. What they tell us , if the person was sentenced to life then that is what we would like for you to do. Victims are afraid, they express their concerns by their fears and these things do influence whether someone is paroled or not. **Representative Haire** said he was confused on the reasons for not releasing offenders, why are you imposing more time because of public opinion. **Ms. Grooms** said because the sentence in prison is for life they are going to keep them, there are guidelines to follow for release. **Representative Sutton** and **Kiser** said the committee should address issues on Structured Sentencing. **Senator Apodaca** requested that Ms. Grooms submit numbers she talked about on parole eligible offenders. **Representative Kiser** asked about an inmate in his district. The Commission said he would not be eligible until 2009, which almost put it for 20 years on a 40-year sentence. **Ms. Grooms** asked what the crime was for and **Representative Kiser** did not know. **Ms. Grooms** said if he would furnish the information she would give him an answer. **Representative Kiser** introduced the next

speaker **Susan Katzenelson**, Staff Director for Sentencing and Policy Advisory Commission. She will be speaking on **(Presentation of Study of Post Release Supervision (Attachment 2). Senator Apodaca** asked if committee could have number of post release revocations. **Ms. Jones** said she would get the number for the committee. **Representative Kiser** said he was glad to have the three Parole commissioners here today and asked them if they would like to speak.

Representative Kiser adjourned meeting and said we would meet March 17th at 8:30.

Joe L. Kiser

Representative Joe L. Kiser
Chair

Marilyn R. Holder

Marilyn R. Holder
Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 16, 2005 8:30 A.M. and 2 P.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas

Representative Joe Kiser, Presiding
Representative Phillip Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Presentation of Adult Prison Population Projections

Susan Katzenelson, Staff Director
Sentencing and Policy Advisory Commission

Review of Prison Bed Capacity

Jim Mills, Fiscal Research

2 P.M.
Opening Remarks by Chairs

Review of Post-Release Supervision and Parole Commission Budget and Policy Issues

Chloe Gossage, Fiscal Research

Presentation of Study of Post Release Supervision (Section 17.10, HB 1414)

Karen Jones, Sentencing and Policy Advisory Commission

III. OTHER BUSINESS

IV FUTURE MEETINGS

March 17, 8:30 AM Continue Review of Department of Correction Budget

V. ADJOURNMENT

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	3/3	3/16 AM	3/16 PM	3/22 AM	3/22 PM	3/24 AM									
HOUSE															
Rep. Phil Haire, CHAIR	✓	✓	✓			✓									
Rep. Joe Kiser, CHAIR	✓	✓	✓	✓	✓	✓									
Rep. Karen Ray, VICE CHAIR	✓	✓	✓	✓	✓	✓									
Rep. Ron Sutton, VICE CHAIR	✓	✓	✓			✓									
Rep. Phillip Frye	✓	✓		✓	✓										
Rep. Melanie Goodwin	✓	✓	✓	✓	✓	✓									
[redacted]. John Hall															
Rep. Carolyn Justus		✓	✓	✓	✓	✓									
Rep. Paul Miller					✓										
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓	✓	✓											
Sen. John Snow, VICE- CHAIR	✓	✓	✓	✓	✓	✓									
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓	✓	✓	✓	✓									
Sen. Tom Apodaca	✓	✓	✓	✓											
Sen. Ellie Kinnaird	✓	✓	✓	✓	✓	✓									
Sen. Keith Presnell	✓	✓	✓	✓	✓	✓									
Sen. Tony Rand	✓														

VISITOR REGISTRATION SHEET

APPROPRIATIONS-JUSTICE AND PUBLIC SAFETY — 3/16/05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hatten Dalton	NC Senate
Jimmy Hevener	NC Sentencing Commission
Sandy Pearce	DOC
Boyd Bennett	DOC
Bill Stovall	DOC
Virginia Price	DOC
Tracy Little	DOC
Byron K. Harris	OSBM
Debbie Davis	Sentencing Commission
Karen Good	" "
TROY PAGE	" "

VISITOR REGISTRATION SHEET

APPROPRIATIONS-JUSTICE AND PUBLIC SAFETY 3/16/05

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mildred Spearman	NCDOC
Larry Dix	DJJDP
Dan Lee	NCCU
Rebecca Troutman	NCACC

3-16-05 PM
Meeting
Attachment

Marilyn Holder (Rep. Kiser)

[redacted]om: Chloe Gossage (Fiscal Research)
[redacted]nt: Monday, March 21, 2005 3:28 PM
To: Rep. Carolyn Justus; Rep. Joe Kiser; Rep. Karen B. Ray; Rep. Melanie Goodwin; Rep. Paul Miller; Rep. Phillip D. Frye; Rep. Phillip Haire; Rep. Ron Sutton; Sen. Ellie Kinnaird; Sen. John Snow; Sen. Keith Presnell; Sen. Scott Thomas; Sen. Stan Bingham; Sen. Tom Apodaca; Sen. Tony Rand
Cc: @FRD J & PS Team
Subject: Parole Information

In response to questions from the JPS Subcommittee last week, the Parole Commission prepared the attached document. Please let me know if you would like any additional information.

Chloe Gossage

Fiscal Research Division
N.C. General Assembly
300 N. Salisbury Street, Room 619
Raleigh, NC 27603-5925
(919) 733-4910 (Fax) (919) 715-3589
chloeg@ncleg.net

Word for Windows 97

[redacted]

[redacted]

3/21/05

INFORMATION ON PAROLE ELIGIBLE OFFENDERS[1]

(AS CITED IN THE JPS COMMITTEE MEETING ON 3/16/05)

- There are currently 2231 offenders eligible for parole as of 3/11/05 (source: DOC: Office of Research and Planning).

- G.S. 148-4.1 allows the Secretary of Correction to reduce the prison population to more manageable levels or to meet the state's obligations under law. The Secretary is able to direct the Post Release Supervision and Parole Commission to release on parole over a reasonable period of time a number of prisoners sufficient to that purpose. However, the Commission is prohibited by this law to release offenders were convicted of sex offenses, Kidnapping, Abduction of Children, Felonious Restraint, drug trafficking offenses, 1st or 2nd Degree Murder, or those considered to have committed violent offenses (by law, these would also include Voluntary Manslaughter, 1st or 2nd Degree Rape, 1st or 2nd Degree Sexual Offense, any sexual offense involving a minor, Robbery, Assault, and any offense involving attempting, soliciting, or conspiring to commit any of these offenses. Of the current parole eligible offenders, 63% have committed at least one of these offenses.

  - 1st or 2nd Degree Murder, Manslaughter - approximately 1100 offenders (49% of the current eligible population)
  - 1st or 2nd Degree Rape - approximately 75 offenders (3% of the current eligible population)
  - 1st or Sexual Degree Sexual Offense - approximately 60 offenders (2.6% of the current eligible population)
  - Armed Robbery - approximately 60 offenders (2.6% of the current eligible population)
  - Kidnapping - approximately 50 offenders (2% of the current eligible population)
  - Assault - approximately 20 offenders (.9% of the current eligible population)
  - Trafficking - approximately 31 offenders (1.3% of the current eligible population)

- Approximately 550 of the remaining parole offenders (25%) have committed at least one offense of Arson, Burglary, Burning Property, Indecent Liberties, Common Law Robbery, Incest, Possession of Firearm by a Felon, Crime Against Nature, or

[1] Information submitted by the Post Release Supervision and Parole Commission on 3/21/05.

March 16
JPR
Attachment I

Post-Release Supervision & Parole Commission

- Independent agency
- 3 Commissioners – 4-year terms
- 22 staff positions
- Reduced workload due to structured sentencing
- Majority of releases are mandatory

1

Parole-Eligible Inmates: Group 1

1. Pre-Structured Sentencing Felons
   - Sentenced prior to the enactment of Structured Sentencing in 1994.
   - Eligible for discretionary parole after serving a certain proportion of their sentence.
   - Mandatory parole date – six months for some inmates but three months for most inmates – prior to the end of their sentence.
   - May have been paroled one or more times and had their parole revoked.
   - 4,407 offenders in prison; 2,231 of these are currently eligible for parole

2

Parole-Eligible Inmates: Group 2

2. DWI Offenders
   - Usually misdemeanants.
   - Not subject to Structured Sentencing
   - Must complete a substance abuse treatment course, or be paroled into such a course (e.g. DART Cherry), prior to release .

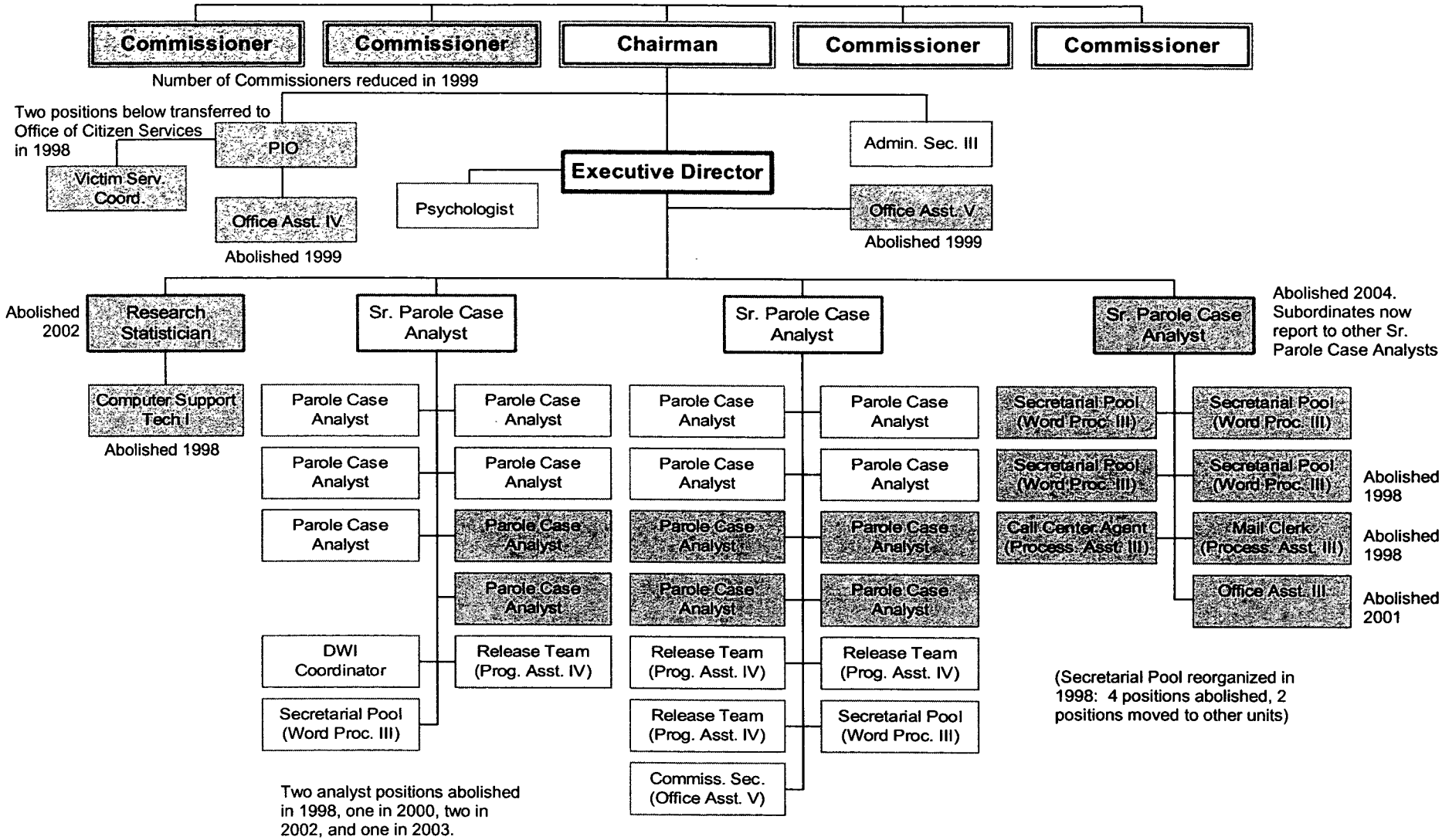
3

2004-05 Certified Budget

- General Fund Budget = $1.4 million
- Special provision reduced budget at least 10% each year from 1999 to 2003
  - 14% reduction (5 positions) in 2002-03
  - 4% reduction (1 position) in 2003-04
  - 4% reduction (1 position) in 2004-05
- 94% is personal services
- Special provision directed Sentencing Commission to review alternative placements for Post-Release Supervision administration.

4

Parole & Post-Release Supervision Commission: Organization & Staffing Changes 1998 to 2004



= positions eliminated since FY 1997-98

Workload Decrease

- Total number of reviews has decreased 37% since 1999.
- Parole reviews have decreased by 46%, while post-release supervision reviews have increased.

Number of Cases Reviewed

	1999-00	2000-01	2001-02	2002-03	2003-04
Parole Reviews	11,415	9,292	7,329	6,738	6,158
Post-Release Reviews	937	1,041	1,289	1,486	1,579
Total	**12,352**	**10,333**	**8,618**	**8,224**	**7,737**

6

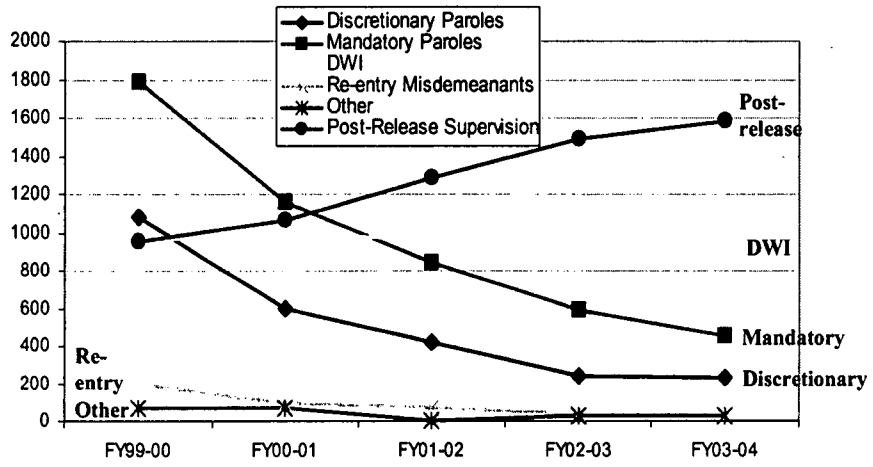
Caseload Per Analyst

- Caseloads have increased due to staff reductions, but are still lower than 1999 levels.
- Figures below are for the 9 remaining case analyst positions.

	1999-00	2000-01	2001-02	2002-03	2003-04
Parole Reviews	649	530	421	452	425
Post-Release Reviews	67	80	99	135	175
Total	**716**	**610**	**520**	**587**	**600**
Percent PRS	9%	13%	19%	23%	29%

7

1999-2004 Release Trends



8

Releases July – Dec. 2004

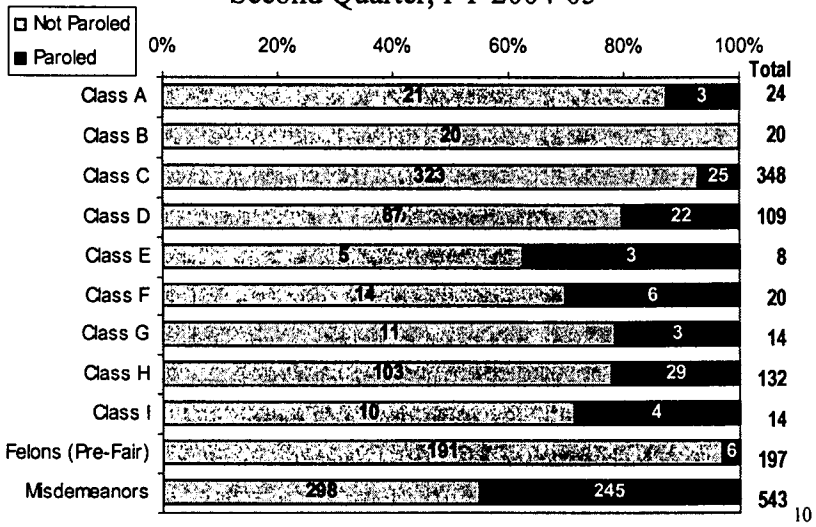
- Parole Eligible: 3,710
  - Incarcerated (not paroled): 2,876 (78%)
  - Paroled (mandatory): 162 (4%)
  - Paroled (discretionary): 133 (4%)
  - Paroled (DWI discretionary): 483 (13%)
  - Paroled (Re-entry misd.): 43 (1%)
- Post-Release: 949
- 37% parole-eligible not released were in minimum custody facilities

9

Minimum Custody, Parole-Eligible Offenders

Percent & Number Paroled, By Offense Class

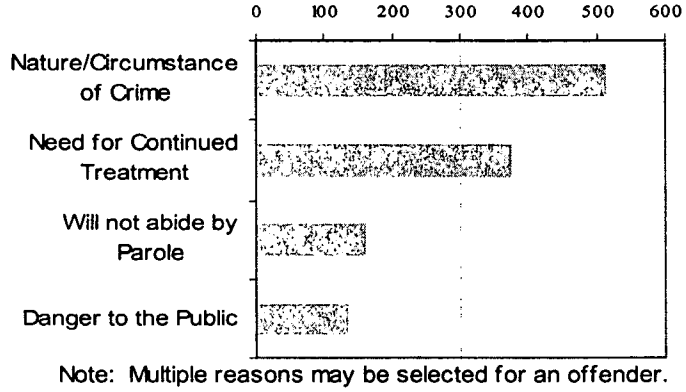
Second Quarter, FY 2004-05



10

Minimum Custody

Reasons for Parole Denial

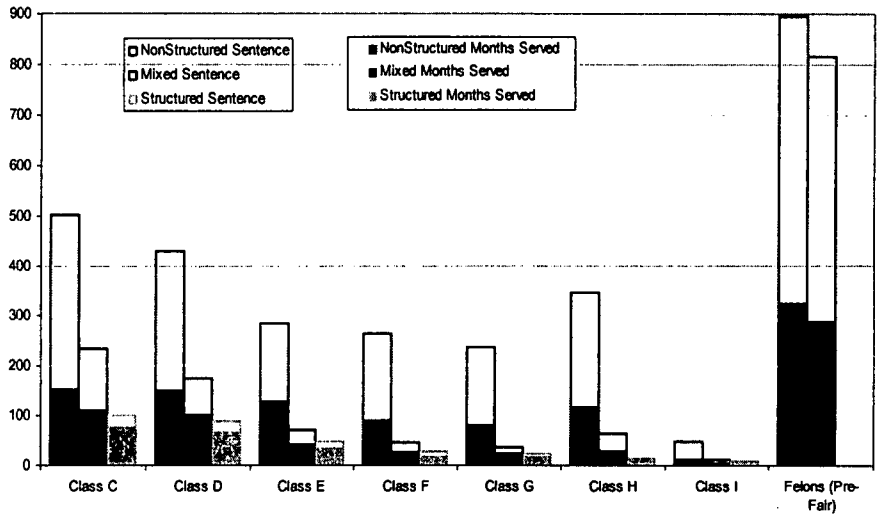


Note: Multiple reasons may be selected for an offender.

- Commissioners may select any (or all) of four reasons for denying parole.
- The most frequently chosen reason is "nature or circumstance of crime;" the reason chosen least is "danger to the public."

11

Average Sentence and Time Served
Second Quarter, FY 2004-05



12

Average Sentence and Time Served
Second Quarter FY 2004-05

- Solid colors represent average months served; outlines represent the average months remaining in the sentence.
- For most felony classes, parole-eligible (non-structured sentencing) inmates still in prison have served more time than the sentence length for structured sentencing offenders in the same offense class.
- Sentence and time served include *total* sentenced time – offenders (particularly those pre-structured sentencing felons still in prison) may have multiple convictions that run consecutively.
- Data source: N.C. Department of Correction, Division of Research & Planning. Data provided as backup to N.C. Post Release Supervision and Parole Commission, *Report on Inmates Eligible for Parole*, January 15, 2004.

13

Average Sentence and Time Served
Second Quarter FY 2004-05

Comparison of Non-Structured Sentencing, Structured Sentencing, and Combined (mixed) Sentencing Offenders

	NonStructured Sentences		Structured Sentences		Mixed Sentences	
	Months Served	Sentence	Months Served	Sentence	Months Served	Sentence
Class C	155	501	78	100	111	235
Class D	153	431	68	88	101	176
Class E	129	284	35	49	43	71
Class F	92	264	22	26	28	45
Class G	83	237	19	23	25	37
Class H	118	348	11	14	29	63
Class I	13	49	7	9	7	12
Felons (Pre-Fair)	327	896			290	815
Avg. A - E, Prefair	***177***	***522***	***57***	***75***	***92***	***181***
Misdemeanants	3	13	3	4	5	14

14

Average Sentence and Time Served
Second Quarter FY 2004-05 (cont.'d)

- For most felony classes, parole-eligible (non-structured sentencing) inmates still in prison have served more time than the sentence length for structured sentencing offenders in the same offense class.
- Sentence and time served include *total* sentenced time – offenders (particularly those pre-structured sentencing felons still in prison) may have multiple convictions that run consecutively.
- Multiple sentences, consecutive and concurrent sentence structures, shifts in crimes between classes, and other significant circumstantial differences which have occurred in sentencing practice over the years make direct comparison between sentencing groups difficult.

15

Considerations for 2005-07

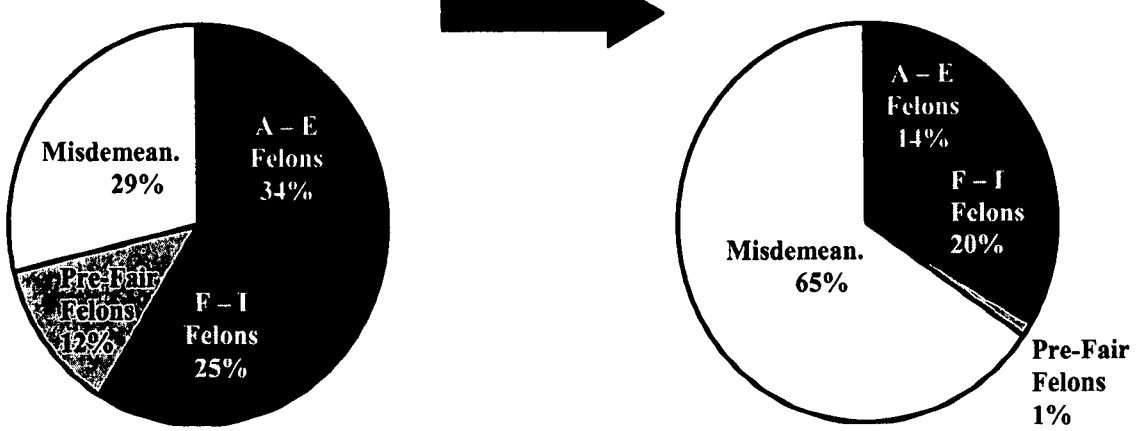
- Significant cuts would require reducing positions.
- Staff has been reduced each year since 1998. There are currently 2 vacancies.
- Current workload is lower than in 1999. Additional ways to reduce staff workload:
  - Move post-release supervision to Courts
  - Require less-frequent reviews for some parole-eligible offenders
  - Encourage more paroles for a long-term reduction in parole reviews
- Option discussed last year: decrease number of Commissioners or change two Commissioners to part-time since number of discretionary reviews has decreased.

16

Minimum Custody, Parole-Eligible Inmates (includes DWI Misdemeanants)
Parole-Eligible vs. Paroled Population
July – December 2004

- **Parole Rate:** Including DWI misdemeanants, 23 percent of parole-eligible inmates in minimum custody were paroled. 11 percent of eligible felons and 51 percent of eligible misdemeanants were paroled.
- **Serious Felonies:** A – E felons comprised 34 percent of all parole-eligible inmates in minimum custody, but only 14 percent of those released on parole. 10 percent of eligible A - E felons were paroled.

All Parole-Eligible (1,642 Inmates) → **23% Paroled (373 Inmates)**



Please note: the 1,642 parole-eligible inmates in the graph above include DWI misdemeanants. The bullets below provide data on the 769 parole-eligible *felons* who were in minimum custody on February 9, 2005.

Minimum Custody, Parole-Eligible Felons (does not include DWI Misdemeanants)
Snapshot on February 9, 2005

- **Number:** 769 parole-eligible offenders in minimum custody; 121 of these on work-release. This is a 14% decrease in minimum custody compared to a year ago.
- **Prior Convictions:** 58 percent had one or no prior convictions to prison or probation, and 19 percent had at least 5 prior convictions.
- **Offense Level:** 352 parole-eligible felons in minimum custody (46%) have life sentences.
- **Time in Minimum Custody:** Median time is 5 years for offenders on work release and 2 years for offenders not work release.
- **Time on Work-Release:** While offenders on work-release have been in minimum custody for several years, most have been placed on work-release in the last year. Median time on work-release is 7 months; 18 percent have been on work-release for more than a year, and 7 percent for more than two years.
- **Time Parole-Eligible:** The majority of offenders (654, or 85% of the 769) have been parole-eligible for at least two years.
- **Time Left:** Excluding those offenders with life sentences, inmates have approximately 33 months (median) to serve before their sentence expires.

Data Source: N.C. Post Release Supervision and Parole Commission, *Report on Inmates Eligible for Parole*, January 15, 2004, and additional information provided by DOC Research & Planning, February 2005.

Attachment I a
3-16-05 PM

N.C. POST RELEASE SUPERVISION and PAROLE COMMISSION

REPORT ON INMATES ELIGIBLE FOR PAROLE

FY 2004 - 2005

Section 16.20 of HB 1414

The Post Release Supervision and Parole Commission shall report by January 15 and July 15 of each year to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on inmates eligible for parole.

COMMISSIONERS

JUANITA H. BAKER, CHAIRMAN
JEWYL E. DUNN
CHARLES L. MANN, SR.

January 15, 2005

Provision #1

The Post Release Supervision and Parole Commission is to provide the total number of Fair Sentencing and Pre-Fair Sentencing inmates that were parole eligible during the fiscal year and the total number of those inmates that were paroled. The report should group these inmates by offense type, custody classification, and type of parole. The report should also include a more specific analysis of those inmates who were parole eligible and assigned to minimum custody classification but not released.

Snapshot of Offender Data

- This report provides data on the first and second quarters of fiscal year 2004– 2005. The data is included in table format for purposes of this report. Tables 1 and 2 (pages 4 through 7) represent all inmates eligible for parole and post release supervision during the first two quarters of the fiscal year. All data was compiled by the Office of Research and Planning, Department of Correction.

- **Inmates Eligible for Parole**:

  First Quarter

  1. Of the 3,772 inmates eligible for a supervised release, 3,309 were parole eligible.
  2. Of the 3,309 inmates eligible for parole, 2,889 were not paroled while 420 inmates were paroled.
  3. Of the 2,889 inmates not paroled, 394 (14%) were in close custody, 1,422 (49%) were in medium custody, and 1,073 (37%) were in minimum custody.

  Second Quarter

  4. Of the 3,776 inmates eligible for a supervised release, 3,290 were parole eligible.
  5. Of the 3,290 inmates eligible for parole, 2,876 were not paroled while 414 inmates were paroled.
  6. Of the 2,876 inmates not paroled, 395 (14%) were in close custody, 1,398 (49%) were in medium custody, and 1,083 (37%) were in minimum custody.

- **Inmates Eligible for Post Release Supervision:**

  First Quarter

  Of the 3,772 inmates eligible for a supervised release, there were a total of 463 offenders released to post release supervision.

Second Quarter

Of the 3,776 inmates eligible for a supervised release, there were a total of 486 offenders released to post release supervision.

Offenders Released to Parole Supervision

- Tables 3 and 4 (page 8) provide the supervised releases for the first two quarters of FY 2004-2005. A description of each type of parole can be found on pages 9 through 12.

Analysis of Parole Eligible Offenders in Minimum Custody

The data for the analysis of the minimum custody parole eligible offender population is generated by the Department of Correction's Office of Research and Planning. Due to other departmental and/or legislative commitments, this data could not be provided by the due date for this report. This information will be submitted upon completion.

Provision 1
Section 16.20

Table 1
Parole/Post Release Eligible Offenders for First Quarter FY 2004 - 2005

		Paroled		PRS	
Crime Class	**Custody**	**No**	**Yes**	**App.**	**Total**
Class A	Close	10	0	0	10
	Medium	24	0	0	24
	Minimum	23	1	0	24
Class A Total		**57**	**1**	**0**	**58**
Class B	Close	10	0	0	10
	Medium	37	0	0	37
	Minimum	19	0	0	19
Class B Total		**66**	**0**	**0**	**66**
Class B2 SS	Close	0	0	1	1
	Medium	0	0	7	7
	Minimum	0	0	9	9
Class B2SS Total		**0**	**0**	**17**	**17**
Class C	Close	158	2	4	164
	Medium	597	19	35	651
	Minimum	345	27	60	432
Class C Total		**1100**	**48**	**99**	**1247**
Class D	Close	79	3	10	92
	Medium	198	15	70	283
	Minimum	101	21	93	215
Class D Total		**378**	**39**	**173**	**590**
Class E	Close	7	0	12	19
	Medium	5	0	58	63
	Minimum	6	3	102	111
Class E Total		**18**	**3**	**172**	**193**
Class F	Close	7	0	0	7
	Medium	32	5	0	37
	Minimum	15	2	0	17
Class F Total		**54**	**7**	**0**	**61**
Class G	Close	3	0	0	3
	Medium	8	0	0	8
	Minimum	12	6	0	18
Class G Total		**23**	**6**	**0**	**29**

Table 1 (Cont'd)

		Paroled		PRS	
Crime Class	**Custody**	**No**	**Yes**	**App.**	**Total**
Class H	Close	46	1	0	47
	Medium	149	24	0	173
	Minimum	117	35	0	152
Class H Total		**312**	**60**	**0**	**372**
Class I	Close	3	0	0	3
	Medium	2	1	0	3
	Minimum	6	5	0	11
Class I Total		**11**	**6**	**0**	**17**
Class J (Fair)	Close	0	0	0	0
	Medium	0	0	0	0
	Minimum	0	0	0	0
Class J Total		**0**	**0**	**0**	**0**
Felons (Pre-Fair)	Close	71	0	0	71
	Medium	370	1	0	371
	Minimum	197	4	0	201
Felons (Pre-Fair) Total		**638**	**5**	**0**	**643**
Misdemeanors	Close	0	0	0	0
	Medium	0	1	0	0
	Minimum	232	244	0	476
Misdemeanors Total		**232**	**244**	**0**	**476**
Non-Class Code	Close	0	0	0	0
	Medium	0	0	0	0
	Minimum	0	0	0	0
Non-Class Code Total		**0**	**0**	**0**	**0**
Unknown	Close	0	0	1	1
	Medium	0	1	1	2
	Minimum	0	0	0	0
Unknown Total		**0**	**1**	**2**	**3**
Grand Totals		**2889**	**420**	**463**	**3772**

Provision 1
Section 16.20

Table 2
Parole/Post Release Eligible Offenders for Second Quarter FY 2004 - 2005

		Paroled		PRS	
Crime Class	**Custody**	**No**	**Yes**	**App.**	**Total**
Class A	Close	10	0	0	10
	Medium	27	0	0	27
	Minimum	21	3	0	24
Class A Total		**58**	**3**	**0**	**61**
Class B	Close	12	0	0	12
	Medium	37	0	0	37
	Minimum	20	0	0	20
Class B Total		**69**	**0**	**0**	**69**
Class B1	Close	0	0	0	0
	Medium	0	0	0	0
	Minimum	0	0	0	0
Class B1 Total		**0**	**0**	**0**	**0**
Class B2 SS	Close	0	0	1	1
	Medium	0	0	3	3
	Minimum	0	0	4	4
Class B2SS Total		**0**	**0**	**8**	**8**
Class C	Close	157	2	4	163
	Medium	597	13	43	653
	Minimum	323	25	68	416
Class C Total		**1077**	**40**	**115**	**1232**
Class D	Close	79	2	18	99
	Medium	191	19	72	282
	Minimum	87	22	89	198
Class D Total		**357**	**43**	**179**	**579**
Class E	Close	6	0	17	23
	Medium	4	0	71	75
	Minimum	5	3	95	103
Class E Total		**15**	**3**	**183**	**201**
Class F	Close	8	1	0	9
	Medium	28	4	0	32
	Minimum	14	6	0	20
Class F Total		**50**	**11**	**0**	**61**
Class G	Close	3	0	0	3
	Medium	10	1	0	11
	Minimum	11	3	0	14
Class G Total		**24**	**4**	**0**	**28**

Table 2 (Cont'd)

		Paroled		PRS	
Crime Class	**Custody**	**No**	**Yes**	**App.**	**Total**
Class H	Close	46	2	0	48
	Medium	136	19	0	155
	Minimum	103	29	0	132
Class H Total		**285**	**50**	**0**	**335**
Class I	Close	2	1	0	3
	Medium	2	1	0	3
	Minimum	10	4	0	14
Class I Total		**14**	**6**	**0**	**20**
Class J (Fair)	Close	0	0	0	0
	Medium	0	0	0	0
	Minimum	0	0	0	0
Class J Total		**0**	**0**	**0**	**0**
Felons (Pre-Fair)	Close	72	0	0	72
	Medium	366	3	0	369
	Minimum	191	6	0	197
Felons (Pre-Fair) Total		**629**	**9**	**0**	**638**
Misdemeanors	Close	0	0	0	0
	Medium	0	0	0	0
	Minimum	298	245	0	543
Misdemeanors Total		**298**	**245**	**0**	**543**
Non-Class Code	Close	0	0	0	0
	Medium	0	0	0	0
	Minimum	0	0	0	0
Non-Class Code Total		**0**	**0**	**0**	**0**
Unknown	Close	0	0	0	0
	Medium	0	0	1	1
	Minimum	0	0	0	0
Unknown Total		**0**	**0**	**0**	**0**
Grand Totals		**2876**	**414**	**486**	**3776**

Offenders Released to Supervision - First Quarter 2004 - 2005

Table 3

Exit Type	Frequency
1/3 PAR	1
90 DA MAN PAR	85
COM SER PAR	45
CYO CN RL PAR	2
DECLINED TO REVOKE	8
DWI SC PAR	252
PRE-FAIR PAR	0
REENT MIS PAR	15
REGULAR PAR	12
PAROLE & TERMINATE	0
POST RELEASE	463

Offenders Released to Supervision - Second Quarter 2004 - 2005

Table 4

Exit Type	Frequency
1/3 PAR	1
6 MTH MAND PAR	1
90 DA MAN PAR	76
COM SER PAR	55
CYO CN RL PAR	0
DECLINED TO REVOKE	7
DWI SC PAR	231
PRE-FAIR PAR	5
REENT MIS PAR	27
REGULAR PAR	11
POST RELEASE	486

TYPES OF PAROLES

TYPES OF PAROLE	DESCRIPTION
Community Service Parole *(discretionary)*	If serving a fair sentence felon term that exceeds 6 months, eligible for Community Service Parole after service of 1/4 of term less jail credit, good time, gain time, and meritorious time. Exceptions - The following crimes are excluded from consideration if the crimes occurred on/after 2/1/89: 1st and 2nd Degree Rape, including attempt 1st and 2nd Degree Sexual Offense, including attempt Intercourse and Sexual Offense with Certain Victims, Consent No Defense (including sex by substitute parent) Abduction of Children Felonious Restraint Drug Trafficking Offenses, including Conspiracy If crime occurred prior to 7/1/81, felons eligible after service of 1/2 of the minimum term less jail credit, good time, gain time, and meritorious time.
90 Day Mandatory Parole *(mandatory)*	If serving a Fair Sentence felon term that is 18 months or greater, parole is mandatory 90 days prior to the end of the felon term. This type of parole can only be received once per term.
6 Months Mandatory Parole *(discretionary with restrictions)*	Applies to Pre-Fair sentence felons. If offender has not been paroled prior to the last 6 months of the term, offender must be released on parole unless a sentence of probation is to follow the active term or the offender, the offender had been released to supervision during service of the sentence,

TYPES OF PAROLE	DESCRIPTION
	or the is found to be a danger to himself or others.
Re-Entry Parole *(discretionary)*	Applies to pre-structured sentence misdemeanor offenses. Misdemeanors eligible at admission unless serving a sentence for a DWI offense, which carries service requirements, including mandatory minimums.
Parole and Termination *(discretionary)*	Applies to offenders whose offenses occurred between 7/1/81 and 9/30/84. The Commission is authorized simultaneously to parole and terminate supervision of an offender when the offender has less than 180 days remaining on his/her maximum sentence, and when the Commission finds that such action would not be incompatible with the public interest.
Pre-Fair Parole *(discretionary)*	If the crime occurred prior to 7/1/78, parole eligibility is ¼ of the determinate sentence. If a minimum and maximum sentence is imposed, eligibility is determined at ¼ of minimum. All calculations are less good time and pre-trial confinement credit. If felony crime occurred 7/1/78 through 6/30/81 and sentence is determinate (or flat), immediately eligible for parole. If felony crime occurred 7/1/78 through 6/30/81 and sentence is indeterminate (has minimum and maximum), eligible upon service of the minimum sentence less good time and pre-trial confinement credit ***or*** 1/5 of the statutory maximum for the offense committed less good time and pre-trial confinement credit; whichever is less.
Conditional Release *(discretionary)*	Applies to Committed Youthful Offenders. Eligible at date of admission. If crime occurred on/after 2/1/89, the following

TYPES OF PAROLE	DESCRIPTION
	exceptions apply: 1) eligible within last 9 months of CYO sentence if offender committed the crime of drug trafficking. 2) eligible after service of 2 years if the crime of carrying drugs into a penal institution or possession of drugs in a penal institution was committed.
Regular Parole *(discretionary)*	If serving a sentence of life imprisonment where the crime occurred prior to 4/8/74, eligible after service of 10 years less good time and pre-trial confinement credit. If serving a sentence of life imprisonment where the crime occurred 4/8/74 - 6/30/78, eligible after service of 20 years less good time and pre-trial confinement credit. If serving a sentence of life - life (indeterminate sentence) where crime occurred 7/1/78 through 6/30/81, eligible after service of 20 years less good time and pre-trial confinement credit. If serving a determinate sentence (no minimum sentence) of life imprisonment where crime occurred 7/1/78 through 6/30/81, eligible immediately unless the crime is a capital offense. If a capital offense, eligible after service of 20 years less good time and pre-trial confinement credit. CAPITAL OFFENSES: 7/1/78 - 12/31/79 - 1st Degree Murder and 1st Degree Rape 1/1/80 - 6/30/81 - 1ST Degree Murder If serving a term of life imprisonment as a

TYPES OF PAROLE	DESCRIPTION
	Fair Sentence Class A or Class B felon, eligible after service of 20 years less pre-trial confinement credit only.
	If serving a term of life imprisonment as a Fair Sentence Class C felon, eligible after service of 20 years less good time and pre-trial confinement credit.
Parole to DWI Facility *(discretionary)*	Applies to offenders serving sentences for DWI offenses. These offenders can be paroled to the DART/Cherry Facility for residential treatment after meeting all service requirements for DWI offenses. Parole to this facility satisfies all assessment and treatment requirements prescribed by law.
1/3 Parole *(discretionary)*	If serving a misdemeanor sentence of 30 days - 17 months, 29 days, eligible for parole at 1/3 of maximum sentence imposed (7/1/78 - 9/30/94). If serving a sentence for DWI, must receive assessment and treatment prior to parole approval.
	If serving a felon sentence of 30 days - 17 months, 29 days, eligible for parole at 1/3 of maximum sentence imposed (7/1/78 - 6/30/81).

Provision #2

The Post Release Supervision and Parole Commission is to provide the average time served, by offense class, of Fair Sentencing and Pre-Fair Sentencing inmates compared to inmates sentenced under Structured Sentencing.

Refer to pages 14 through 15 for tables of this data, by quarter. It is to be noted that the Fair Sentencing and Pre-Fair Sentencing inmates appear on the charts under their equivalent Structured Sentencing classes.

Provi[redacted] 2
Average Time Served
First Quarter - FY2004-2005

		Mixed			Non-Structure			Structured		
Crime Class	Custody	Avg Months	Avg Sentence	Avg % Served	Avg Months	Avg Sentence	Avg % Served	Avg Months	Avg Sentence	Avg % Served
CLASS A	MINIMUM				237	893	26%			
CLASS B	MEDIUM				206	146	141%			
CLASS B2 SS	CLOSE	121	131	92%						
	MEDIUM							106	135	78%
	MINIMUM							106	137	77%
CLASS C	CLOSE				135	280	49%	89	103	86%
	MEDIUM	124	208	61%	146	383	39%	79	101	79%
	MINIMUM	107	241	69%	163	595	30%	77	100	77%
CLASS D	CLOSE				164	383	46%	68	81	85%
	MEDIUM	120	252	49%	146	400	37%	72	93	78%
	MINIMUM	94	145	70%	157	462	34%	65	87	76%
CLASS E	CLOSE	99	172	58%	125	195	64%	42	53	78%
	MEDIUM	45	67	70%				38	51	74%
	MINIMUM	36	63	62%	133	373	36%	32	46	70%
CLASS F	CLOSE	134	246	54%				21	24	88%
	MEDIUM	35	54	76%				23	27	86%
	MINIMUM	18	29	62%	92	264	36%	21	26	79%
CLASS G	CLOSE	42	43	98%				26	28	91%
	MEDIUM	25	31	81%	119	298	40%	20	24	85%
	MINIMUM	24	41	72%	65	207	31%	18	23	80%
CLASS H	CLOSE	77	135	71%	113	134	86%	16	17	92%
	MEDIUM	46	117	63%	128	361	43%	13	15	85%
	MINIMUM	24	48	66%	111	353	32%	11	13	80%
CLASS I	CLOSE				13	61	21%	11	13	87%
	MEDIUM	12	16	76%	5	24	22%	8	10	86%
	MINIMUM	7	12	60%	21	61	36%	7	9	81%
FELONS (PREFAIR)	MEDIUM	290	815	36%	325	882	38%			
	MINIMUM				328	904	37%			
MISD	MINIMUM	5	14	40%	3	13	31%	3	4	85%

Average Time Served
Second Quarter - FY 2004-2005

		Mixed			Non-Structure			Structured		
Crime Class	Custody	Avg Months Served	Avg Sentence	Avg % Served	Avg Months Served	Avg Sentence	Avg % Served	Avg Months Served	Avg Sentence	Avg % Served
CLASS A	MINIMUM				258	974	26%			
CLASS B2 SS	CLOSE							108	137	79%
	MEDIUM	118	148	80%				110	139	79%
	MINIMUM	108	139	77%				109	140	78%
CLASS C	CLOSE	133	202	66%				68	80	85%
	MEDIUM	126	210	61%	155	387	40%	76	97	79%
	MINIMUM	110	194	56%	165	597	28%	71	93	76%
CLASS D	CLOSE	131	210	62%	177	386	46%	65	81	80%
	MEDIUM	118	199	59%	152	361	42%	62	82	75%
	MINIMUM	103	235	57%	137	393	35%	64	87	73%
CLASS E	CLOSE	91	183	50%				39	48	81%
	MEDIUM	53	101	52%	49	377	13%	35	48	73%
	MINIMUM	37	55	68%	152	571	27%	31	45	69%
CLASS F	CLOSE	3	3	94%				23	24	96%
	MEDIUM	26	50	51%	104	304	34%	27	32	85%
	MINIMUM	23	40	59%	139	292	47%	20	25	80%
CLASS G	CLOSE	42	43	100%				23	26	88%
	MEDIUM	23	28	81%				23	26	85%
	MINIMUM	37	79	47%				18	23	80%
CLASS H	CLOSE	22	38	57%	130	243	53%	16	18	91%
	MEDIUM	39	74	53%	70	195	36%	14	16	84%
	MINIMUM	17	36	62%	82	281	28%	10	13	77%
CLASS I	CLOSE	11	11	100%				7	9	81%
	MEDIUM	7	8	88%	15	61	25%	8	9	88%
	MINIMUM	7	16	43%	47	133	35%	7	9	77%
FELONS (PREFAIR)	MEDIUM	108	141	76%	304	771	39%			
	MINIMUM				293	974	30%			
MISD	MINIMUM	5	15	32%	3	13	22%	3	4	81%

Provision #3

The Post Release Supervision and Parole Commission is to provide the projected number of parole eligible inmates to be paroled or released by the end of the 2003 – 2004 fiscal year and by the end of each of the next five fiscal years, beginning with the 2004 – 2005 fiscal year.

Table 5 below addresses the legislative request.

Table 5

Parole/Post Release Projections Through 2005

Fiscal Year	Paroles[1]	Post Release Supervision Cases[2]	Totals
2003 - 2004	1,534	1,442	2,976
2004 – 2005	1,351	1,517	2,868
2005 - 2006	1,235	1,585	2,820
2006 - 2007	1,161	1,647	2,808
2007 - 2008	1,114	1,704	2,818
2008 - 2009	1,085	1,758	2,843

[1] Source: Office of Research and Planning, Department of Correction, April 7, 2003. As this information is updated, it will be provided.

[2] Source: Office of Research and Planning, Department of Correction, April 7, 2003. As this information is updated, it will be provided.

March 14
JPR
Attachment II

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

REPORT ON STUDY OF POST-RELEASE SUPERVISION PURSUANT TO SESSION LAW 2004-124, SECTION 17.10

March 2005

I. Mandate

The Sentencing and Policy Advisory Commission, in consultation with the Post-Release Supervision and Parole Commission, the Department of Correction, and the Administrative Office of the Courts, shall review the post-release supervision sentencing system and alternatives for transferring the responsibility for administering post-release supervision to another division within the Department of Correction, to the Judicial Department, or to both. Based upon its study, the Sentencing and Policy Advisory Commission shall make written recommendations to the Chairs of the House of Representatives and Senate Appropriations Committees, the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Commission on Governmental Operations no later than March 1, 2005 (Session Law 2004-124, Section 17.10).

II. Recommendations

At its December 4, 2004, meeting, the North Carolina Sentencing and Policy Advisory Commission approved the following recommendations:

1) Given the mandated review of transferring the administration of the post-release supervision system to either the Department of Correction, the Judicial Department, or to both, the Judicial Department is the best alternative (*i.e.*, Judicial Model);
2) In the event the General Assembly decides to retain the current post-release supervision system (*i.e.*, Parole Model), the current system should be modified.

The Judicial Model incorporates substantive changes to post-release supervision (most notably, a separate sentence pronounced by the judge), which would bring it more in line with the philosophy of structured sentencing. Similar changes are recommended in the Parole Model, if the General Assembly opts to retain the current system. For a step-by-step comparison of the current parole model, Judicial Model, and Administrative Model, see the following table.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

COMPARISON OF POST-RELEASE SUPERVISION MODELS

STEP	PAROLE	JUDICIAL	ADMINISTRATIVE
SENTENCING	• Judicial Department	• Judicial Department	• Judicial Department
PRE-RELEASE PLANNING	• Department of Correction • Post-Release Supervision and Parole Commission	• Department of Correction	• Department of Correction
RELEASE	• Department of Correction • Post-Release Supervision and Parole Commission	• Department of Correction • Judicial Department	• Department of Correction
CONDITIONS	• Post-Release Supervision and Parole Commission • Department of Correction	• Judicial Department • Department of Correction	• Department of Correction
SUPERVISION	• Department of Correction	• Department of Correction	• Department of Correction
VIOLATIONS	• Department of Correction • Post-Release Supervision and Parole Commission	• Judicial Department • Department of Correction	• Department of Correction
REVOCATION	• Post-Release Supervision and Parole Commission	• Judicial Department	• Department of Correction
RECOMMITMENT	• Post-Release Supervision and Parole Commission	• Judicial Department	• Department of Correction
RE-RELEASE	• Post-Release Supervision and Parole Commission	N/A	• Department of Correction

March 16
IPR
Attachment III

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

P.O. BOX 2472
RALEIGH, NC 27602
TEL: (919) 789-3684
FAX: (919) 789-8313

JUDGE W. ERWIN SPAINHOUR
CHAIRMAN

SUSAN KATZENELSON
EXECUTIVE DIRECTOR

February 2, 2005

Honorable Marc Basnight
President Pro Tempore
Room 2007, Legislative Building
Raleigh, NC 27601-2808

Honorable James B. Black
Speaker of the House
Room 2304, Legislative Building
Raleigh, NC 27601-1096

Dear Senator Basnight and Representative Black:

On behalf of the North Carolina Sentencing and Policy Advisory Commission, I am submitting to you the Commission's *Report on Study of Post-Release Supervision.* As required by Session Law 2004-124, Section 17.10, "the Sentencing and Policy Advisory Commission, in consultation with the Post-Release Supervision and Parole Commission, the Department of Correction, and the Administrative Office of the Courts, shall review the post-release supervision sentencing system and alternatives for transferring the responsibility for administering post-release supervision to another division within the Department of Correction, to the Judicial Department, or to both." The recommendations contained in the attached report are presented by the Sentencing Commission for consideration by the General Assembly.

If you have any questions or would like additional information, please do not hesitate to contact the Commission.

Sincerely yours,

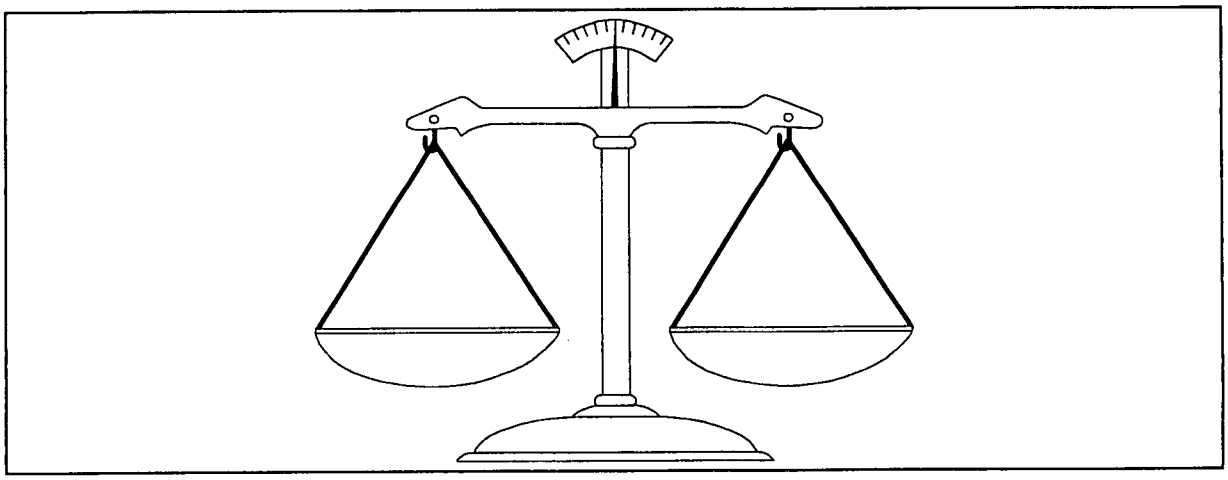
W. Erwin Spainhour

W. Erwin Spainhour
Chair

cc: Chairs of the House of Representatives and Senate Appropriations Committees

Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety
Joint Legislative Commission on Governmental Operations
Janet Pruitt, Principal Clerk of the Senate
Denise Weeks, Principal Clerk of the House of Representatives
NCGA Legislative Library

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION



REPORT ON STUDY OF POST-RELEASE SUPERVISION PURSUANT TO SESSION LAW 2004-124, SECTION 17.10

SUBMITTED TO THE 2005 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

MARCH 2005

THE HONORABLE W. ERWIN SPAINHOUR
CHAIRMAN

SUSAN KATZENELSON
EXECUTIVE DIRECTOR

NC SENTENCING AND POLICY ADVISORY COMMISSION MEMBERSHIP

Hon. W. Erwin Spainhour, Chairman
Superior Court Judge

Talmage Baggett
NC Association of County Commissioners

Hon. Joanne W. Bowie
State Representative

Locke T. Clifford
NC Bar Association

William A. Dudley
NC Dept. of Crime Control & Public Safety Designee

Dr. Bertus R. Ferreira
Professor, East Carolina University

Melita Groomes
NC Post-Release Supervision & Parole Commission Designee

Hon. R. Phillip Haire
State Representative

Donn Hargrove
NC Department of Juvenile Justice and Delinquency Prevention

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NC Community Sentencing Association

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NC Academy of Trial Lawyers

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

REPORT ON STUDY OF POST-RELEASE SUPERVISION PURSUANT TO SESSION LAW 2004-124, SECTION 17.10

March 2005

I. Introduction

The North Carolina Sentencing and Policy Advisory Commission established the Post-Release Supervision Subcommittee at its September 10, 2004, meeting. The Subcommittee was assigned the task of responding to the mandate from the 2004 Session of the General Assembly. The mandate follows:

> The Sentencing and Policy Advisory Commission, in consultation with the Post-Release Supervision and Parole Commission, the Department of Correction, and the Administrative Office of the Courts, shall review the post-release supervision sentencing system and alternatives for transferring the responsibility for administering post-release supervision to another division within the Department of Correction, to the Judicial Department, or to both. Based upon its study, the Sentencing and Policy Advisory Commission shall make written recommendations to the Chairs of the House of Representatives and Senate Appropriations Committees, the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Commission on Governmental Operations no later than March 1, 2005 (Session Law 2004-124, Section 17.10).

The Subcommittee met on October 22 and November 5, 2004, to review the system and to address transferring of the administration of post-release supervision to another division. A final report of the Subcommittee's work was submitted to the full Commission on December 3, 2004. At that meeting, the Commission discussed and voted on all of the issues presented by the Subcommittee and subsequently adopted the recommendations that are found in this document.

II. Background and Description of Alternative Models

In 1992, the Sentencing Commission's Durational Subcommittee developed a post-release supervision model, but decided not to submit it to the General Assembly (*see* Appendix A). The General Assembly debated the issue of post-release supervision, determined the need to supervise offenders in the community once they had completed their time in prison, and developed a post-release supervision model that was based upon the existing parole statutes. The post-release supervision model designed did not encompass the basic philosophy of structured sentencing. Because the maximum sentence included the term of post-release supervision, truth-in-sentencing had been diluted. For fiscal reasons, post-release supervision was limited to

offenders sentenced to prison for B1 through E felonies. All offenders on post-release supervision would serve a six-month period of supervision. Nine months were added to the maximum sentence in these classes to serve as the revocation period, not to be reduced by the time the offender spent on supervision prior to revocation. The task of administering post-release supervision was assigned to the Post-Release Supervision and Parole Commission. In 1996, based upon recommendations by the Sentencing Commission, the General Assembly amended the post-release supervision statutes to extend the period of supervision to nine months for Class B1 through E felons except for sex offenders, for whom the period was extended to five years. The revocation period remained at nine months.

The current Subcommittee, established to study the 2004 directive (Session Law 2004-124, Section 17.10), reviewed the history of post-release supervision statutes, the current statutes, and current procedures. The agencies involved in post-release supervision presented information on their parts of the process and their concerns.

To review available empirical information, Sentencing Commission staff presented data on short-term trends for offenders who are eligible for post-release supervision. In FY 2002-03, there were a total of 2,628 active sentences for B1 through E felonies. Class C felonies made up the majority of the Class B1 through E convictions, and most of the offenders in the Class C category were habitual felons. The Department of Correction staff presented data on the projected post-release supervision entries for the next five years as well as exits by reason for FY 2003-04. Close to 1,600 offenders entered post-release supervision during FY 2003-04; this number is projected to increase within the next five years to an annual total of 2,500 offenders. Of the 1,418 offenders exiting post-release supervision in FY 2003-04, approximately 18% (N = 254) of post-release supervisees were revoked for a technical violation (12%) or a new crime (6%). The numbers indicate that a small proportion of offenders are currently on post-release supervision with an even smaller number being revoked. However, the figures will increase over time as offenders in higher-level offense classes who are incarcerated under structured sentencing laws become eligible for post-release supervision. For statistical information, see Appendix B.

The Subcommittee reviewed the current system and studied two alternative models, the Administrative and the Judicial. The current system, which is based on a Parole Model, was developed after a review of the statutes and discussions with the Department of Correction and Post-Release Supervision and Parole Commission staff and included law and policy in its analysis *(see* Appendix D). The Administrative Model is based upon the 1992 Sentencing Commission's Durational Subcommittee's post-release supervision model. The Administrative Office of the Courts staff developed and presented the Judicial Model. In the Judicial Model, the Judicial Branch would have the authority at all of the major decision points of post-release supervision. The models had nine process steps administered by three primary agencies: the Post-Release Supervision and Parole Commission, the Department of Correction (Division of Prisons and Division of Community Corrections), and the Judicial Department (*i.e.,* Court). The Subcommittee also examined post-release supervision in other jurisdictions including Kansas, Minnesota, and the United States as examples of the Parole Model, the Administrative Model, and the Judicial Model, respectively. Relevant material from the other states is provided in Appendix C.

Current (or Parole) Model

Listed below is a description of the post-release supervision system by steps, with discrepancies between the law and policies identified.

Sentencing

- Post-release supervision is mandatory for the most serious felons, Class B1 through E (with the exception of convicted B1 felons who receive a sentence of life without parole).
- The period of supervision is nine months unless the prisoner was convicted of a Class B1 through E offense for which he/she is required to register under the Sex Offender Registry Act, requiring a period of supervision of five years.
- A period of nine months is built into the maximum prison sentence for imprisonment if post-release supervision is revoked.
- The period of post-release supervision is not sentenced as a separate sanction.
- The District Attorney's office handles all relevant interactions with the victim(s).

Pre-Release Planning

- The Department of Correction's Division of Prisons develops a release plan for the offender prior to release.
- Absent statutory authority, the Post-Release Supervision and Parole Commission reviews the release plan and makes modifications if necessary.
- The Department of Correction's Division of Community Corrections conducts the residency and employment investigation prior to the offender's release.

Release

- The release is automatic by statute at the maximum sentence, less the nine months of post-release supervision, less any earned time.
- The Department of Correction's Combined Records determines the release date.
- The Post-Release Supervision and Parole Commission sends additional release materials to the Division of Prisons.
- The Division of Community Corrections conducts the release at the Division of Prisons' facility and reviews materials with the offender.
- The Department of Correction and the Post-Release Supervision and Parole Commission separately notify victims of the offender's release and post-release supervision conditions.

Conditions

- The Post-Release Supervision and Parole Commission imposes the required conditions of post-release supervision, which are controlling, reintegrative, or discretionary.
- The Post-Release Supervision and Parole Commission can modify the conditions during the period of supervision for good cause shown.

Supervision

- The Division of Community Corrections supervises the offenders on post-release supervision.
- Post-release supervision is conditional and subject to revocation.
- The statutes allow the reduction as time on supervision by awarding earned time credit for compliance with reintegrative conditions. However, the Post-Release Supervision and Parole Commission does not award earned time credits against the period of supervision.

Violation

- Initially, the Division of Community Corrections reviews the violations internally to determine a response.
- The Post-Release Supervision and Parole Commission has informally given some authority to the Division of Community Corrections to handle minor violations.
- The Division of Community Corrections designates a hearing officer to hold a preliminary hearing to determine probable cause.
- Two Post-Release Supervision and Parole Commissioners review the hearing officer's report and either accept or modify the findings. It is reported that the Commissioners accept 98% of the hearings officer's findings.
- Once a violation has occurred, the Post-Release Supervision and Parole Commission may continue supervision as is, modify conditions, or revoke supervision.
- The Post-Release Supervision and Parole Commission conducts a final hearing on revocation if requested by the offender.

Revocation

- An offender on post-release supervision may be revoked for a single violation of the controlling conditions or repeated violations of reintegrative conditions.

Recommitment

- The Post-Release Supervision and Parole Commission may revoke an offender's supervision and re-imprison him/her for up to the time remaining on his/her maximum sentence.
- The offender is eligible for earned time credit against the sentence while in prison.

Re-Release

- The Post-Release Supervision and Parole Commission may re-release the offender on post-release supervision at any time during the period of recommitment; however, it is the Post-Release Supervision and Parole Commission's policy not to re-release offenders.

In summary, the Post-Release Supervision and Parole Commission is authorized to administer post-release supervision. The Division of Community Corrections monitors an offender's post-release supervision and is responsible for reporting violations of post-release supervision to the Post-Release Supervision and Parole Commission. The Judicial Branch has no involvement in post-release supervision once the offender has been sentenced (*see* Appendix D for summary).

Kansas is a structured sentencing state that has kept its Parole Board. Its function is similar to North Carolina's Post-Release Supervision and Parole Commission. One difference between the two states is that the judges in Kansas pronounce the period of supervised release at the time of sentencing.

Administrative Model

Under the Administrative Model, the Department of Correction would administer post-release supervision and would monitor offenders through the Division of Community Corrections. Conditions would be statutorily defined with the Division of Community Corrections having the ability to set discretionary conditions. The Division of Community Corrections would have delegated authority to modify certain post-release supervision conditions within the same level of punishment. The Department of Correction would handle violations and revocations internally.

The Judicial Branch would have no involvement once the offender had been sentenced. Since the Post-Release Supervision and Parole Commission would not have a role in post-release supervision, the Department of Correction would need to establish a separate entity to handle the revocation hearings (*see* Appendix E).

Minnesota is a structured sentencing state where post-release supervision is administered by the Department of Correction. The period of post-release supervision is set statutorily and stated at the time of sentencing. The Department of Correction monitors the offenders on post-release supervision and handles any violation and revocation hearings internally.

Judicial Model

Under the Judicial Model, the court administers post-release supervision. The Judicial Branch would have the authority at all of the major decision points of post-release supervision. The judge would impose the post-release supervision and revocation periods at the time of sentencing, with controlling and reintegrative conditions being set statutorily. The original order would be transferred to the district where the offender was to reside after release from prison. The Division of Community Corrections would monitor the offender and report violations to the Court. The Division of Community Corrections would have delegated authority to modify certain post-release supervision conditions within the same level of punishment.

The Court would have the primary role in the revocation process, similar to their role in probation. The Division of Community Corrections' role would be similar to its current role except it would report violations to the Court. The Post-Release Supervision and Parole Commission would have no role (*see* Appendix F).

The federal system's post-release supervision is an example of the judicial model. The United States federal court system orders supervised release following imprisonment at the time of sentencing. The conditions are set statutorily and can be amended by the Court. There are three grades of violations with statutorily defined responses to those violations depending on the grade that is imposed by the Court.

III. Recommendations

The North Carolina Sentencing and Policy Advisory Commission, in response to the mandate contained in Session Law 2004-124, Section 17.10, presents the following as recommendations to be considered by the General Assembly.

1. Given its mandated review of transferring the administration of the post-release supervision system to either the Department of Correction, the Judicial Department, or to both, the Sentencing Commission recommends that the Judicial Department is the best alternative.

Commentary: The Subcommittee discussed the pros and cons of the Administrative Model and the Judicial Model. The Subcommittee's primary concern regarding the Administrative Model involved potential problems with ensuring due process for offenders. Subcommittee members felt that if the law was changed so that judges pronounced two separate sentences at the

sentencing phase--the active sentence and the period of post-release supervision--an administrative body should not make decisions which affect the violation or revocation of post-release supervision. The Subcommittee believed that not having judges hear matters involving a judgment (*e.g.*, post-release supervision violation hearing) could result in problems with due process, such as: the offender not being able to confront witnesses, have an attorney, and review evidence. Since the Administrative Model would most likely create a new entity under the Department of Correction, the Department was given the opportunity to respond. The Department of Correction noted philosophical concerns regarding conflicts of interest with the same department setting conditions, enforcing conditions, and exercising control over offenders whose post-release supervision was revoked. The Department of Correction also questioned the efficiency of setting up another entity to do work which would be similar to that of the Post-Release Supervision and Parole Commission. Given these reasons, members voted to eliminate the Administrative Model from further consideration, thereby leaving the Judicial Model as the alternative for administering post-release supervision.

Under the Judicial Model, the courts would have the primary authority at the major decision points of post-release supervision. In other words, in addition to the Court's current statutory duties regarding post-release supervision at the sentencing phase, it would also be responsible for imposing a separate sanction for post-release supervision, setting and/or amending conditions, hearing violations, and making decisions on revocations. Many of the members of the Subcommittee believed that judges should handle these decision points in order to eliminate the risk of due process problems. After reviewing the handout describing the Judicial Model (*see* Appendix F), members also discussed the possible inclusion of the following provisions:

- giving judges discretion to increase the term of post-release supervision (up to a designated cap) in cases which involve payment of victim restitution or treatment needs of the offender;
- allowing judges to run periods of post-release supervision consecutively in cases which involve multiple convictions;
- transferring the original order to the district where the offender is residing upon release;
- giving the Division of Community Corrections the authority to obtain an arrest warrant;
- giving the Division of Community Corrections delegated authority to modify certain post-release supervision conditions within the same level of punishment;
- giving the Division of Community Corrections the discretion to determine an offender's level of supervision upon release onto post-release supervision;
- not allowing offenders to receive earned time credits for complying with reintegrative conditions;
- revoking post-release supervision for a single violation of a controlling condition or repeated violation of reintegrative conditions which create danger to public safety;
- setting up a bond process for offenders placed in jail awaiting a violation hearing;
- giving credit to offenders for time spent in jail awaiting a revocation hearing when bond cannot be posted; and
- not re-releasing offenders whose post-release supervision was revoked (with the exception of sex offenders).

It was also noted by the Subcommittee that placing the administration of the post-release supervision system under the Judiciary would offer more structure to the process. The system would be more driven by law than by policy and structured in the same manner as probation, both of which would add consistency to the process. Members agreed that supervision of the

offender and the monitoring of conditions should remain under the Division of Community Corrections.

2. The Sentencing Commission recommends that, in the event the General Assembly decides to retain the current post-release supervision system (*i.e.*, Parole Model), the current system be modified.

Commentary: In its mandate, the General Assembly directed the Sentencing Commission to review the post-release supervision system. If the legislature decides to keep the current system, the Subcommittee recommends that certain changes be made to it. The changes that were discussed by the Subcommittee included:

- separating the period of post-release supervision from the active sentence during the sentencing phase;
- allowing judges to run periods of post-release supervision consecutively in cases which involve multiple convictions;
- giving the Division of Community Corrections the authority to obtain a warrant;
- giving the Division of Community Corrections delegated authority to modify certain post-release supervision conditions within the same level of punishment;
- not allowing offenders to receive earned time credits for complying with reintegrative conditions;
- revoking post-release supervision for a single violation of a controlling condition or repeated violation of reintegrative conditions which create danger to public safety;
- authorizing the Division of Community Corrections to seek criminal contempt when offenders are violating the conditions of post-release supervision;
- setting up a bond process for offenders placed in jail awaiting a violation hearing;
- giving credit to offenders for time spent in jail awaiting a revocation hearing when bond cannot be posted; and
- not re-releasing offenders whose post-release supervision was revoked (with the exception of sex offenders).

IV. Other Issues

Since 2001, the Sentencing Commission has recommended legislation regarding post-release supervision during every session of the General Assembly. During the 2004 Session of the General Assembly, the Sentencing Commission had a bill on post-release supervision reintroduced; Senate Bill 1124 (*see* Appendix G), like its predecessors, sought to clarify and, in some instances, change the post-release supervision statutes. Like the previous post-release supervision bills, SB 1124 was not passed by the General Assembly.

The Sentencing Commission's past recommendations became relevant during the Subcommittee's discussion of the three post-release supervision models. In working through all of the models, members noted that changes to the current post-release supervision laws would be recommended even if the General Assembly made the decision to retain the current post-release supervision system. This would most likely necessitate the passing of legislation, separate and apart from any legislative response to the current mandate.

Finally, the Subcommittee raised several other issues that were related to post-release supervision. Subcommittee members were concerned that attention be paid to victims during the various phases of the post-release supervision process, and realized that any changes in the

administration of post-release supervision must consider the rights of victims. The Subcommittee also discussed the merits of structuring some parts of the pre-release planning process through statute rather than through policy, which is contrary to the current practice.

V. Summary

The Sentencing Commission recommends that:

1. given its mandated review of transferring the administration of the post-release supervision system to either the Department of Correction, the Judicial Department, or to both, that the Judicial Department is the best alternative (*i.e.*, Judicial Model);
2. in the event the General Assembly decides to retain the current post-release supervision system (*i.e.*, Parole Model), the current system be modified.

The Judicial Model incorporates substantive changes to post-release supervision (most notably, a separate sentence pronounced by the judge), which would bring it more in line with the philosophy of structured sentencing. Similar changes are recommended in the Parole Model, if the General Assembly opts to retain the current system.

Based on the alternative recommended by the Sentencing Commission, staff would continue working with the Department of Correction and the Administrative Office of the Courts to further discuss the details of that alternative and draft proposed legislation.

APPENDICES

A. 1992 Durational Subcommittee Report/Minutes

B. Data: Department of Correction Statistics on Post-Release Supervision;
Sentencing Commission Statistics on Felony Convictions in Offense Classes B1-E: Short-Term Trends

C. Post-Release Supervision: Kansas, Minnesota, and United States

D. Post-Release Supervision: Current Law and Policy (Parole Model)

E. Post-Release Supervision: Administrative Model

F. Post-Release Supervision: Judicial Model

G. Senate Bill 1124---2003 Session of the General Assembly

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday, March 17, 2005
Room 415 LOB
8:30 a.m.

The Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Thursday, March 17, 2005 in Room 415, LOB. Six members of the Senate Subcommittee attended along with Representatives Kiser, Haire, Frye, Goodwin, Justus, and Sutton. Senator Scott Thomas presided.

Senator Thomas called the meeting to order and welcomed the Pages, staff, and visitors.

Jim Mills, Fiscal Research Staff, continued the presentation of the Department of Corrections budget starting with an overview of the DART Substance Abuse Treatment Programs. (See Attachment #1).

Karen Brown, Director of Prison Enterprises, presented to the committee the purpose, structure, and financial information for Corrections Enterprises. (See Attachment #2).

The meeting adjourned at 10:00 a.m.

Scott Thomas
Senator Scott Thomas, Co-Chair

Vickie Spears
Vickie Spears, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 17, 2005 8:30 AM.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas, Presiding
Representative Joe Kiser
Representative Phillip Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Review of Department of Correction Substance Abuse Treatment Program and Budget

Jim Mills, Fiscal Research Division

Department of Correction Prison Enterprises

Karen Brown, Director
Prison Enterprises

III. OTHER BUSINESS

IV. FUTURE MEETINGS

Tuesday March 22 – Review Correction Budget for Security, Programs, and Inmate Medical
Wednesday March 23 – Community Corrections Budget and Programs
Thursday March 24 – Complete Community Corrections; Begin Judicial

V. ADJOURNMENT

Attachment #1.

Overview of DART Substance Abuse Treatment Programs in Department of Correction

Joint Appropriations Subcommittee
On Justice and Public Safety
March 17, 2005

FRD 3/17/05

Background

- General Assembly established the Drug and Alcohol Recovery Treatment (DART) Program in 1987 (G.S. 143B-262 and 262.1)
- Program is run by Division of Alcohol and Chemical Dependency (DACDP)
- Goal is to provide a "continuum of care" that reduces chemical dependency and likelihood of recurring criminal activity
- #1 Priority for admission to treatment was court ordered referral until HB 352 in 2003
  - HB 352 requires screening/assessment before participation in DART programs.

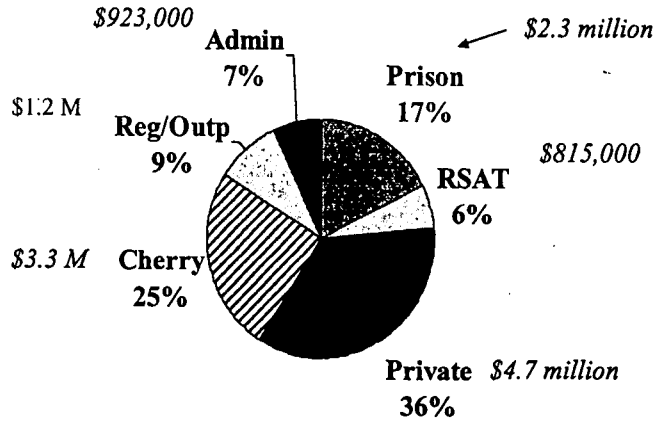
Background -- Continuum of Care

- DART 24, a short education program
- 35 to 90 day residential programs
  - In prison follow-up programs
- 180 to 365 day Therapeutic Communities
- DART Aftercare with DHHS
- What works?
  - Threshold of improvement is 3 months
  - Therapeutic Communities (TC) with aftercare
  - Federal model is 9 to 12 months in TC followed by 12 months aftercare
    - DOC has federal funds for 276 beds TC beds until June 2006

DACDP Fact Sheet FY 03-04

- Budget is $12.36 million in 2004-05
- 21 residential programs with 1,563 beds
- Prison Beds
  1. Dart Residential Beds : 797
  2. DART Private Beds: 190
  3. RSAT Beds (Federal) 276
- Probation and Parole: Dart Cherry 300 Beds
- Number of inmates treated: 5,115
  - Does not include 3,176 offenders receiving treatment through Partnership Programs in DCC
- Inmates Screened in Prison
  - 22,863 screened; 13,577 with "serious" problem (59%); 8,183 referred for treatment

DACDP Budget by Program in FY 2004-05



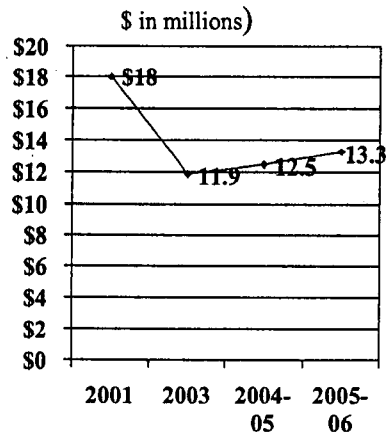
TOTAL Budget: $13.1 million

State Budget $12.3 million

Budget Trends DACDP

Budget Trends

- 2001 Session
  - Closed two private treatment programs ($3 Million)
- 2002 Session (-$2.3 M)
  - Reduce #beds/49 staff @ $1.7 million (Re-focus on med/minimum)
  - Cut 10 positions at Dart Cherry ($292,434)
  - Reduced Regional Offices from 4 to 2 ($351,088)



Are the DACDP programs effective?

- Studies directed by General Assembly showed inconsistent screening and assessment; curricula not standard or up to date; ~~and, lack of information to track these inmates~~
  - Partial funding for computer equipment and link to OPUS offender data system
- DOC Substance Abuse Advisory Council recommended major restructuring of programs (in-prison and DART Cherry) in 2003
  - Use validated assessment tools (now in place; funding needed to finish; 2005-06 Contin Budget includes $250,000 for Screening and Assessment Tools)
  - Develop standard curricula and more therapeutic communities (In progress but funds lacking; partial purpose of RSAT but money ends in 06)
  - Treat inmate closer to release and improve aftercare (Primary treatment programs now in medium and minimum; DOC working with DHHS on aftercare)

Are the DACDP programs effective?

- Recidivism rate for inmates in DART program show no difference compared to rates for other prisoners; DART Cherry rates are higher than other intermediate offenders; Private program rates better but low risk population and no recent data
  - Programs to be reviewed again after implementation of DOC Advisory Council recommendations
  - Other evaluation efforts: Process: making sure standardized process and tools are used and used correctly. Outcome based on reduced dependency as well as recidivism

DART Prison Programs– State Funded

- DART Residential Treatment 797 beds at 12 prisons
  - Budget is $2.3 Million in 04-05 or 17% of budget
  - Cost per Day is $13.96 (plus daily cost of prison bed)
  - 5,115 enrolled; Avg. daily population is 653
  - Most programs are 90 days
  - Capacity vs Population Rate ranges from 72% to 95% with most in mid 80's
    - Utilization at 100% not possible because of inmate transfer, type of programs and turnover
  - 69% of those enrolled complete program

DART Prison Programs –State Funded Private Contracts

- Mary Frances
  - Female Offenders
  - 180 to 365 days
  - 100 minimum beds counted in SOC/EOC
  - Capacity Rate 100%
  - 64% complete program
  - Cost Per day for new contract is $82.14
  - 2005-06 Contract Cost is $2,998,110
- Evergreen
  - Male Offenders
  - 180 to 365 days
  - 90 Minimum beds counted in SOC/EOC
  - Capacity is 99%
  - 60% complete program
  - Cost Per day for new contract is $65.70
  - 2005-06 contract cost is $2,158,245

What is History of Private Programs?

- RFP's Issued in mid 90's; Four contracts
- Goals were to
  - Expand continuum of care by creating longer term residential beds
  - Increase possibility of lowering recidivism
  - Treat inmates closer to their release
- Right Turn and Cornell Programs closed in 2002-03 due to budget crisis and issues raised about effectiveness
- New RFP issued 2004; only Evergreen and Mary Frances submitted bids
- 2005-06 Budget is $5,156,355 an increase of $476,830

Are the Private programs effective?

- No recent studies
- Sentencing Commission 2000 Recidivism report showed 32% return to prison vs. 43% for other DART prison programs but lower risk offenders in private programs
- Cost per day higher than average for minimum custody prison ($49 a day) but DOC figures do not include treatment.
- Portion of inmates and funds from programs closed in 02-03 were used for in house programs – Can DOC develop comparable programs at lower costs?
  - Bed capacity issues
  - Space/capital budget issues

Residential Substance Abuse Treatment Program (RSAT)

- Federal funds to develop adult and juvenile offender programs based on federal model – long term residential Therapeutic Communities
- Federal RSAT funds likely to be eliminated
- 04-05 budget is $815,000 but additional funds to be received. DOC has funding until June 06
- 8 prisons with 276 beds

Background –DART Cherry Program

- Only non-prison state operated male residential treatment facility
- Serves Probationers and Parolees
  - 48% parolees (mainly DWI); 52% probationers
- HB 352 requires screening and assessment before probationers can be referred to DART Cherry
- Capacity is 300 beds - -Operates close to capacity
- Programs 28 to 90 days. DOC reviewing possibility of more 90 day programs
- 92% of offenders complete program
- Budget is $3.2 million; Cost per Day is $34.23

Is DART Cherry Program Effective?

- 2003 Substance Abuse Advisory Council recommended changes in curricula, training, and assessment and screening of offenders before admitting. Action being taken to restructure program
- 2004 Recidivism Study
  - 1998-99 releases show re-arrest rate 33% after two years and 49.8 % after four years
  - 1998-99 rates for other intermediate offenders is 32% and 44.8% respectively
  - Controlling for higher risk, four year rates still exceed other intermediate offenders
- Physical plant/buildings need ongoing repairs
- 2002 study showed DWI offenders would stay in prison longer and more probationers would go to prison if DART Cherry or other male residential program not available

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Budget Areas for Discussion--DACDP

- DART Prison Programs: Should programs be funded closer to utilization rate?
- DART Cherry: Is program effective? What are options if program budget reduced and what are impacts on prison system?
- Private Contracts: Cost to Serve 190 inmates is 36% of DACDP budget—Could other residential and transition be developed in house at lower cost?
  - Program beds are counted in capacity
  - Most effective treatment is long term residential – only programs besides private contracts is RSAT – funding to end after 05-06
- What are long-term funding needs to improve DACDP programs?

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Attachment # 2

North Carolina Department of Correction
Correction Enterprises

Correction Enterprises is a self-supported division of the Department of Correction that receives no state appropriations. Revenue is derived from the sale of commodities and services manufactured utilizing inmate labor.

Purpose

- To provide a means of reducing the cost of incarceration by utilizing inmate labor to manufacture the goods and services used by the Department of Correction.
- To provide a means of reducing prison idleness, provide marketable job skills and improve the prospects for successful inmate transition to the community upon release.
- To manufacture products and services for sale to state agencies, county and municipal governments.

Structure

- Operates 31 locations in 16 different industries located throughout the State of North Carolina
- Employs and trains 2,200 inmate workers

Financial Information

- Annual Sales - $78 M (FY 03/04)
- Annual Contributions - $5.5 M (FY 03/04) allocated to:
    - Crime Victims Compensation Fund
    - State's General Fund
    - DOC General Fund
    - Non-Correction Enterprises Inmate Wages
- Contributed over $35 M to state funds since FY 00/01.

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - March 17, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
James Lassiter	DACDP DART/Cherry Goldsboro, NC.
Tracy Little	DOC
Virginia Price	DOC
Sandy Pearce	DOC
Karen Brown	DOC - Correction Enterprises
ANDY ARTOLA	DOC - Correction Enterprises
Byron K. Haris	OSBM
Becky Ebron	NC Sentencing Commission
Karen Jones	" "
J. Katzenelson	" "
Doug Heron	NC BAR ASSOC

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - March 17, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mildred Spearman	NCDOC
Lee Hodge	ICCLA
[signature]	[signature]
BRIAN LEWIS	Covenant w NC's Children

Joint Appropriations Subcommittee
On
Justice and Public Safety

March 22, 2005 8:30 AM
Room 415

HOUSE MEMBERS PRESENT: (5) Representatives Kiser, Ray, Frye, Goodwin, Justus and Miller

SENATE MEMBERS PRESENT (6) Senators Thomas, Snow, Bingham, Apodaca, Kinnaird and Presnell

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday, March 22nd in Room 415 of the Legislative Office building. **Representative Kiser** called meeting to order at 8:45 AM and introduced Senate Pages: Brian Mathis, Wake County, sponsored by Senator Tillman, Darius Dawson sponsored by Senator Rand. House Pages Christopher Craven, sponsored by Representative Ray and Brian Dlugosz, sponsored by Rep. Gulley. House Sergeant at Arms is Earl Coker and James Worth. Senate Sergeant at Arms is Charles Marsalis and Charles Harper. We are thankful for all the good help. **Representative Kiser** introduced **Jim Mills** who would be presenting **Department of Correction Overview of Division of Prisons Custody and Security (Attachment I).** **Representative Kiser** asked if we could have a list for members of counties not paying medical bills. **Senator Kinnaird** asked could you explain other, (page 4). **Mr. Mills** said he would look that up and get details. **Representative Justice** asked what is the number of employee included in Salaries and Benefits (page 4)? **Mr. Mills** said he would get the figures for 2000. **Representative Kiser** asked what is the total fuel budget for vehicles. **Mr. Mills** said committee would furnish that information. **Representative Kiser** and **Kinnaird** asked about 10 million for Road Squads. **Mr. Mills** said that committee would get figures of how this is broken down. **Representative Kiser** asked about three items on Prison Budget Reserves (page 6) $29.61 million: Maury and Bertie 1,000 bed prisons; $2,721,066 to double cell at Mt. View and $961,438 to fund temp beds permanently (2004 Budget Actions), and $1.7 million to operate new 168 beds at Warren (2003 and 2004 Budget Action). **Tracy Little** said she would get specific numbers. **Representative Kiser** asked how much savings do you see when you delay opening of new prison. **Boyd Bennett** with **Department of Correction** said by pushing back five months it would be a savings of $22.00 a day. **Senator Kinnaird** asked how many employees went into military. **Tracy Little** said she would get the exact number. **Representative Kiser** asked in the entire department in the correctional officers what is the ratio between Correctional Officers, Sergeants, Lieutenants, and Captains? **Tracy Little** said she would furnish committee with this information. **Senator Thomas** asked if we close these three units, where would you put inmates. **Mr. Mills** said that was a central question, the department is looking for additional capacity right now. It would cause a shortage in the following year. **Senator Thomas** followed up by asking if all three were minimum custody. If you need medium beds what would it take to upgrade these facilities? **Boyd**

Bennett said it would take a large investment. These facilities were built in the 1930's; upgrade to be usable would be expensive. We certainly need the capacity. If we closed these now we would go into a jail backlog.

Meeting adjourned at 9:50. We will meet this afternoon at 2:00 PM.

Joe L. Kiser

Representative Joe L. Kiser
Chair

Marilyn R. Holder
Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 22, 2005 8:30 A.M. and 2 P.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas

Representative Joe Kiser, Presiding
Representative Phillip Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Review of Division of Prisons Budget – Custody and Security

Jim Mills, Fiscal Research

Review of Prisons Medical Budget

Jim Mills, Fiscal Research

2 P.M.
Opening Remarks by Chairs

Review DOC Inmate Programs Budget

Jim Mills, Fiscal Research

III. OTHER BUSINESS

IV FUTURE MEETINGS

March 23, 8:30 AM Continue Review of Department of Correction Budget—Community Corrections

V. ADJOURNMENT

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	3/3	3/16 AM	3/16 PM	3/22 AM	3/22 PM	3/24 AM									
HOUSE															
Rep. Phil Haire, CHAIR	✓	✓	✓			✓									
Rep. Joe Kiser, CHAIR	✓	✓	✓	✓	✓	✓									
Rep. Karen Ray, VICE CHAIR	✓	✓	✓	✓	✓	✓									
Rep. Ron Sutton, VICE CHAIR	✓	✓	✓			✓									
Rep. Phillip Frye	✓	✓		✓	✓										
Rep. Melanie Goodwin	✓	✓	✓	✓	✓	✓									
[redacted]. John Hall															
Rep. Carolyn Justus		✓	✓	✓	✓	✓									
Rep. Paul Miller					✓										
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓	✓	✓											
Sen. John Snow, VICE- CHAIR	✓	✓	✓	✓	✓	✓									
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓	✓	✓	✓	✓									
Sen. Tom Apodaca	✓	✓	✓	✓											
Sen. Ellie Kinnaird	✓	✓	✓	✓	✓	✓									
Sen. Keith Presnell	✓	✓	✓	✓	✓	✓									
Sen. Tony Rand	✓														

VISITOR REGISTRATION SHEET

APPROPRIATIONS-JUSTICE AND PUBLIC SAFETY 3-22-05 AM

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lou Rubsee	CJPC
Mike Munns	DOC
Tracy Little	DOC
Boyd Garrett	DOC
NORMA BATTEN	DOC
Paula J. Smith	DOC
Jarrell Saunders	DOC
Mildred Spearman	DOC
James Klopovic	GCC
Patrice Roesler	NCACC
Barry Dick	DJJDP

Attachment I
3-22-05
8:30AM

Department of Correction Overview of Division of Prisons Custody and Security Budget

Joint Appropriations Subcommittee on Justice and Public Safety

Fiscal Research Division
March 22, 2005

1

What does it cost to operate a prison bed?

- Statewide Average: $62.03 in 2003-04; Range from $65 to $57 in last five years
  - Close Custody: $82.46
  - Medium Custody: $65.59
  - Minimum Custody: $49.34
- What's included in cost?
  - Inmate Costs (food, medical, etc.)
  - *Staff Costs (Custody, programs,medical)*
  - *Facility Operating Costs (non-salary line items)*
  - Overhead/Mgmt Costs (Central Office and *Prison)*

2

Department of Correction Authorized 2004-05 Budget for Division of Prisons

Prisons Budget:

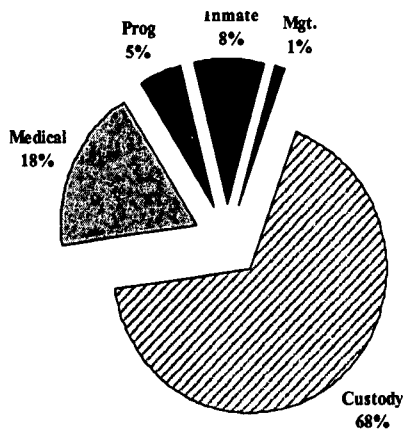
Custody/Secty: $566.4M

Medical: $153.5

Inmate Costs:$69.87

Programs: $41.14

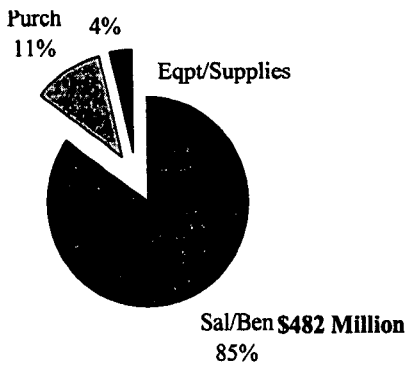
Mgmnt: $10.44



Total Budget
$831,351,923

3

Division of Prisons –Custody and Security 2004-05 Authorized Budget



Total Budget $566.46 Million

4

What are major components of the Custody and Security Budget?

- Salaries and Benefits (85%)
  - Total number of correctional officer positions is 9,720
  - Minimum Salary is $25,007/with benefits $31,806
  - Overtime costs were $6.24 million in 2003-04
  - Shift Pay is authorized for weekends since 2001
    - Changed from O to 10% on day shift; From 10 to 20% on evening and night shifts
- Equipment($7.6 million or 1.3%) and Supplies ($13.2 million or 2.3%)
  - Office Eqpt; Computers; Phones; Building repair parts; officer uniforms; gasoline; office supplies
- Purchased Services and Contracts ($63.42 million or 11%)

5

Purchased Services –2004-05 Authorized Budget

- Purchased Services and Contracts
  - Miscellaneous Contracts: $13.74 million
  - Rents/Leases
  - ITS Computer Charges: $2.68 million
  - Utility Bills for Prisons:$27.3 million

6

Targeted Zero Base Budgeting-- Miscellaneous Contractual Services

- Total was $26 million in 03-04 but $12.7 million was Jail Backlog
- ~~Total in FY 04-05 at $13.74 million~~
- Total for 05-06 is $14,127,097
- $11,255,486 is for Jail Misdemeanant Contracts (Actual was $11.03 million in 03-04)
  - Misdemeanants with sentences of 90 days or less must be sentenced to local confinement facilities (G.S. 15A-1352)
  - DOC must pay at rate set by G.A. ($18 a day plus medical) for offenders sentenced to 30 days or more (G.S. 148-32.1)
- $2,511,820 is Prisoner Legal Services Contract which is a negotiated rate to provide legal services to inmates. Services required by court settlement
- $337, 479 balance is contract for 20 bed minimum custody prison for female inmates –ECO, Inc

7

Custody and Security Budget – Growth in Targeted Zero Base Areas

$ in millions

Purpose	99-2000 Actual	02-03 Actual	03-04 Actual	04-05 Auth.	**05-06 Gov Recomm.**
Salaries/ Benefits	$384.1	$396.8	$434.5	$481.6	$486.95
Purchase Services	$77.1	$70.1	$78.1	$63.42	$59.42
Supplies	$10.96	$10.6	$12.65	$13.196	13.708
Eqpt	$7.9	$2.8	$10.95	$7.59	$7.59
Other	$8.4	$2.97	$$4.8	$ .66	$ .71
TOTAL	$488.46	$483.27	$541	***$566.46***	***568.37***

8

What are major recommended changes in Custody and Security Budget for 05-06?

- Overall change is a net $1,911,638
- Salaries and Benefits +$5.35 Million
  - +$1,386,300 Shift pay ($16.5 million overall)
  - +$542,934 Overtime ($6.2 million overall)
    - Was $11.6 million in 99-2000
  - + $220,925 for holiday pay ($4.317 million overall)
  - + $1.906 million Workers Comp
- Purchased services is Minus $4.04 Million
  - Reduce lease by $7.4 million (former private prisons)
  - Utilities for Prisons:+$2.7 million
- Supplies
  - Gasoline+$511,308 ($1.21 cents per gallon)

9

Budget Options for Discussion

- Salaries and Benefits
  - What would be fiscal and employee impact of reducing shift pay from 20% to 10% on weekend evening and night shifts
  - Should shift pay increase of $1.386 million be allowed for 05-06?
  - Should holiday pay remain at 75% (increase from 50%)
- Contracts: Jail Misdemeanants
  - Impact of reducing payments for one year?
  - Impact of requiring jails to pay for inmates sentenced to 45 days or less (Now 30 days or less)
- Supplies: Impact of reduction to 2003-04 levels ($12,657,000 vs. $13,708,006); $511,000 is gasoline inflation
- Equipment: Office eqpt. line item is $1.4 million below 03-04 actual PC/Printer line item is $500,000 more than 03-04 actual

10

Prison Budget Reserves

- Funds in Reserves not counted in $566.4 million budget for Custody and Security
- Prison Reserves are not budgeted to Custody and Security until utilized
- Total is $35 million in Reserves over and above prisons budget:
  - $29.61 million: Maury and Bertie 1,000 bed prisons
  - $2,721,066 to double cell at Mt View and $961,438 to fund temp beds permanently (2004 Budget Actions)
  - $1.7 million to operate new 168 beds at Warren (2003 and 204 Budget Actions)

11

Prison Budget Reserves –New Prisons

Bertie

- 1,000 beds/410 positions; typical 1,000 bed staffing of 1 staff for every 2.48 inmates.
- Est. completion date is Feb. 06/Inmate occupancy date is July 06
- Positions to be established on rolling basis; Sept 05 to Feb. 06.

Maury

- 1,000 beds/459 positions
- Primary Difference from Maury is Regional medical operation
- Completion date is Nov.05/April 06 inmate occupancy
- Positions to be established from August 05 to Nov 05

12

Budget Reduction Options for Discussion—New Prisons

- Based on completion dates and inmate occupancy dates, can hiring of staff be delayed one month? Two months?
  - What is dollar savings? Total for two prison is $1 million NR for one month and $2 million NR for two months delay
  - Will this delay prison opening?
  - What are training needs between opening and occupancy?
- Should regional medical unit be established?
  - How will this reduce medical budget?
  - Is this expansion budget item?
  - Should these positions all be delayed until 2006-07?

13

Security Staffing in Prisons

14

Staffing in Adult Prisons

- Baseline is DOC staffing guidelines; then review individual facilities in all areas including:
  - Layout of buildings and property (compact or spread out)
  - Design and size of dorms or cells
  - Custody level and type of inmates
  - Program type and hours of activity
- Determine where a custody "post" should be assigned and then determine how many hours a day and days of week a "post" is needed
- Assign relief factor to account for days off– training, holidays etc. to ensure post coverage.

15

Example of a Prison Post Audit

POSTS	8-4 Post	4-12 Post	12-8 Post	Relief Factor	Total Posi-tions
Dorm A Floor	2	3	2	7 X 1.73=	12
Dorm A Floor	2	2	1	5 X 1.73=	9
All Dorms	30	40	25	95 X *1.76*	167
All dorms	30	40	25	95 X *1.73*	164

16

Staffing Reductions in 2002-03 Session

- Elimination of custody positions:
  - 236 correctional officers
  - 30 Sgts. and 16 Lts.
- 135 of 236 officers eliminated due to reducing relief formula from 1.76 to 1.73 for 7 day/24 hour posts
- Staffing Study Directed by General Assembly

17

DOC Staffing Study

- DOC required to update relief formula and post audits and have staffing reviewed by outside consultant
- Study initiative due to:
  - Low ratio of inmates to custody staff compared to other states
  - Post audit/staffing analysis of each prison out of date (DOC had started update)
  - Relief formula (staff needs for training leave etc.) had not been updated since inception

18

NIC Study of DOC Staffing

National Institute of Correction staff noted that DOC was staff intensive compared to other states for the following reasons:

- State's commitment to inmate programs: approx. 80% of inmates active compared to 50% or less in many states
- Staffing requirements due to lawsuits in some prisons and out of concern for staff/inmate safety and future lawsuits in others
- Size of State facilities not efficient: too many small prisons despite closing 27 GPAC units
- Continued operation of towers (24 hours = 5 positions) instead of electronic intrusion systems at some institutions
- One inmate per cell (doubling up can be successful with proper staffing and programs in certain facilities)
- Lack of central control or automation of post assignments and leave records for determining relief formula (Formula recently update after records sample)

19

DOC Actions Since NIC Study

- Inmate program activity level remains high as matter of policy
- DOC proposes closing towers/installing EIS/cutting staff at several prisons but needs up front capital or R and R money
  - Reduction of 31 positions and $334,000 in 06-07 at Caledonia
- Double celling at one prison –Mt View
- Automation of Prison Staffing – Centralized Post Tracking to Minimize "new posts" and overtime
- Updated Relief Formula
- Constructing two more 1000 bed prisons
- System-wide Post Audit

20

DOC System-wide Post Audit

- Two man HQ team
- Survey/Field Trip to Every Prison
- "Zero Based" Staffing
  - Walked every post; reviewed transportation records, work and program activity; visiting attendance; sight lines/design of facility
- Preliminary Recommendation is need for 39 more correctional officers system wide
  - 22 Prisons would lose positions
  - 42 prisons would gain positions
- Staffing Relief Formula shows increase in rate from 1.73 to 1.77
- Next Study Phase: Review Staffing Levels and Duties of Sgts/Lts/Captains

21

Are there ways to reduce Security Staffing?

- Fund EIS Systems/Eliminate most towers (5 positions for every 24 hr tower)
  - 2006-7 Budget eliminates positions/$334,000
- Supervision Levels: Needs further review
- Reduce program activity/tradeoff is idleness
  - Community Work Crews
  - Road Squads
  - Prison Jobs
- Transportation of inmates is major staff driver
  - Records need to be standardized in prisons to track needs
  - Should local jails do more transportation?

22

Inmate to Staff Ratios: Custody Staff and Total Prison Staff

Date of DOC Report	Inmates to Staff Ratio (Custody)*	Inmates to Staff Ratio (All prison staff)*
2/99	2.76: 1	2.0: 1
4/2000	2.8: 1	2.1: 1
2/2001	2.64:1	2.1:1
2/2002	2.92:1	2.18:1
3/2003	3.08:1	2.3:1
3/2005	3.04:1*	2.28:1*

*DOC indicates ratio would be higher if Alexander and Lanesboro were at 1,000 inmates – now at 865 and 866 respectively

23

Inmate to Staff Ratios by Custody Level

Prison Custody Level	Inmate to Staff ratio (Custody only)	Inmate to Staff Ratio (All prison staff)
Close	2.6 : 1 3/03 2.46 3/05	1.87: 1 3/03 1.81 3/05
Medium	2.77: 1 2.92: 1	2.2: 1 2.31
Minimum	4.49: 1 4.59: 1	3.16: 1 3.24: 1
System Avg.	**3.08: 1** **3.04: 1**	**2.3: 1** **2.28: 1**

24

Other Budget Options for Discussion

- State has closed 27 of 30 GPAC prisons; three remaining GPAC prisons are minimum custody
- Haywood: $1,292,829/36 positions @$49.96 a day
- Union: $1,157,396/32@$51.99 a day
- Gates: $1,019,120/28 @$49.92 a day
- Prison beds 1,000 short by June 06; greatest shortage in medium custody adult males and in all youth male beds/slight overage in minimum custody adult males beds
- Total EOC beds are 96 Gates, 128 Haywood, and 82 Union or 306 beds
- Each prison has community work crews and Union strong work release program

25

Joint Appropriations Subcommittee
On
Justice and Public Safety

Mach 22, 2005 2:00 PM
Room 415

HOUSE MEMBERS PRESENT (6) Representatives Kiser, Ray, Frye, Goodwin, Justus and Miller

SENATE MEMBERS PRESENT (4) Senators Snow, Bingham, Kinnaird and Presnell

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday, March 22nd in Room 414 of the Legislative Office Building. **Representative Kiser** called meeting to order at 2:10 PM and introduced Senate Pages: Danielle Robinson, Duplin, sponsored by Senator Albertson, Brantly Braswell, Wake County, sponsored by Senator Basnight, Mark Best, Wake, sponsored by Senator Hunt, Eric Spitter, Wake County, sponsored by Senator Hunt, Brittany Cherry, Wake County, sponsored by Senator Stevens, Reginald Dawson, Cumberland, sponsored by Senator Rand and Ariel Cochran Brown, Wake, sponsored by Senator Stevens. House page Ashlee Hilton, Forsyth County, sponsored by Representative Womble. House Sergeant at Arms: Earl Coker and James Worth. Senate Sergeant at Arms: Charles Marsalis and Charles Harper.

Representative Kiser introduced **Jim Mills** who would be presenting **Review DOC Inmate Programs Budget (Attachment I).**

- **DOC Budget for Inmate Health Care**
- **Division of Prisons Authorized 2004-05 Budget**
- **DOC Health Care Policies for Inmates**
- **National Studies – Inmate Health Care**
- **Trends in DOC Medical Budget**
- **Inmate Medical Budget Drivers**
- **Recent Budget Actions in Inmate Medical**
- **Inmate Medical Budget Cost Containment Actions**
- **Why is Inmate Medical Budget Increasing:**
- **What is driving cost increase in 2004-05**
- **What changes in medical budget are in Governor's Recommended Budget:**
- **Budget Issues Inmate Medical Release**
- **Budget Issues for Inmate Medical**
-

Representative Kiser said there has been a lot of talk about releasing prisoners who have medical problems that are incurring a lot of expenses. I am hearing this from members. Is this possible under Structured Sentencing? **Tracy Little** responded that under the Structured Sentencing Law as it is currently written, it is not possible to release inmates unless they serve minimum portion of their sentence, or their sentence is commuted. Currently, the way the statue is written it is not possible. **Mr. Mills** read the current law on **Inmate Medical Release GS 148-4. Senator Kinnaird** asked of the 16 inmates, how

many are parole eligible and how many are structured sentencing. **Mr. Mills** said he asked for this and the department should furnish this information to committee this week. **Mr. Mills** said he would stop for one other budget point. He said this morning we were talking about Maury Prison, one of the 1000 bed facilities. It is staffed a little different than the other 1000 bed facilities because they have added a Regional Medical staff and perhaps the department could elaborate on that. Most of the 1000 bed prisons are staffed at 410 positions and Maury is at 459, I believe Alexander is too, both of them are intended to be Regional Medical Facilities, that is over and above the basic operating budget. I will give the Department a chance to add to this. **Mr. Bennett** said they were trying to consolidate our medical services into as few facilities as possible. That is what we did in the Alexander Prison. We closed down some mental health programs at other prisons, moved program and staff to Alexander, and we have a pretty good medical mental health hub in the Western part of the State. We cover central part of the state with Central Prison Hospital as well as we can. We want to start a hub in the Eastern part of the state and that would be the Maury Facility. In our budget request we have asked for additional medical staff, mental health staff to consolidate those programs down there as much as we can and hopefully later on tie into East Carolina University. **Dr. Smith** said with lack of resources we have been unable to provide the same level of services in every prison. So we have been able to hub our sicker inmates into nine units across our State. We feel this will be more cost effective for the entire department. When we cannot get nurses we are trying to pool our resources into the areas in which we have the greatest needs. **Senator Kinnaird** asked about McCain. **Mr. Bennett** said it was worn out. In our ten-year plan, we may have a plan as to what we would like to do for replacement. **Senator Bingham** asked about AIDS patients and how they are housed. **Dr. Smith** said they are housed the same as other inmates unless they become really sick with AIDS, then they may be housed in one of the chronic care units or hospital at Central Prison or McCain.

Representative Justus asked why the 50% jump from 03-04 in Hospitals, is it normally that much increase? **Dr. Smith** said this was the first time for this jump, the contracts are normally for 2-3 years but we have found in this last year it has been difficult to negotiate with some of the hospitals that we have used over the years because they have experienced a lot of shortages and monies they have depended upon. **Mr. Mills** asked the Department to elaborate on what they are doing with leasing with other facilities. **Dr. Smith** said they have negotiated good rates with Kendrid Hospital in Greensboro, to house some of our sicker inmates that we are unable to care for. We have inmates who are completely dependent upon ventilators and acute hospitals like UNC and Wake Med have done all they can. We now use Kendrid for these types of services. **Representative Kiser** asked about staffing for these patients. **Dr. Smith** said they are trying to work with Kendrid to have one unit they use for these inmates, so that it will require fewer officers. **Mr. Mills** said a longer term issue, the Department of Correction has presented capital budget plans to replace Central Hospital and build some regional medical facilities, that plan and request is on hold for this particular session because of the budget problems and the debt service issues. **Mr. Mills** told Committee they would come back with information on the 340B program and the issues on limits and confinement of Medicaid as we get it from DHS and the Attorney General's office. **Senator Presnell** asked about dentist. **Dr. Smith** responded that is paid for by the Department. **Senator Kinnaird**

asked if we could have a discussion on Welfare Fund on phone calls, that is a burden for the families. **Mr. Mills** said before we leave Correction I can bring a copy of the special phone call inmate welfare funds and information on phone calls, if we have time we will do it in Committee, if not I will try and bring it to the Committee tomorrow. **Mr. Mills** said next item for discussion is **Department of Correction, Overview of Inmate Programs Budget (Fund 1350) (Attachment II), NC Division of Prisons Community Work Crews (Attachment III)**: **Representative Kiser** asked about some of the facilities where there are Chapels that have been erected. There are people in Catawba County calling every year, can you tell me the story on this? **Mr. Bennett**, I think we have met with these people and we have a plan that we are both satisfied with. **Representative Kiser** asked if we have any problems with the different religions. **Mr. Bennett** said this is something that we have to work at.

Representative Kiser said he had one question from this morning. He asked about the reduction in Caledonia in the number of workers **Mr. Mills** said they were saving positions by closing towers.

Representative Kiser thanked members for attending

Meeting adjourned at 3:35PM. Will meet March 23 at 8:30AM.

Joe L. Kiser
Representative Joe L. Kiser
Chair

Marilyn R. Holder
Marilyn R. Holder
Committee Assistant

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	3/3	3/16 AM	3/16 PM	3/22 AM	3/22 PM	3/24 AM									
HOUSE															
Rep. Phil Haire, CHAIR	✓	✓	✓			✓									
Rep. Joe Kiser, CHAIR	✓	✓	✓	✓	✓	✓									
Rep. Karen Ray, VICE CHAIR	✓	✓	✓	✓	✓	✓									
Rep. Ron Sutton, VICE CHAIR	✓	✓	✓			✓									
Rep. Phillip Frye	✓	✓		✓	✓										
Rep. Melanie Goodwin	✓	✓	✓	✓	✓	✓									
[redacted]. John Hall															
Rep. Carolyn Justus		✓	✓	✓	✓	✓									
Rep. Paul Miller					✓										
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓	✓	✓											
Sen. John Snow, VICE- CHAIR	✓	✓	✓	✓	✓	✓									
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓	✓	✓	✓	✓									
Sen. Tom Apodaca	✓	✓	✓	✓											
Sen. Ellie Kinnaird	✓	✓	✓	✓	✓	✓									
Sen. Keith Presnell	✓	✓	✓	✓	✓	✓									
Sen. Tony Rand	✓														

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	3/3	3/16 AM	3/16 PM	3/22 AM	3/22 PM	3/24 AM	5/17 AM	5/17 PM							
HOUSE															
Rep. Phil Haire, CHAIR	✓	✓	✓			✓	✓	✓							
Rep. Joe Kiser, CHAIR	✓	✓	✓	✓	✓	✓	✓	✓							
Rep. Karen Ray, VICE CHAIR	✓	✓	✓	✓	✓	✓	✓	✓							
Rep. Ron Sutton, VICE CHAIR	✓	✓	✓			✓	✓								
Rep. Phillip Frye	✓	✓		✓	✓										
Rep. Melanie Goodwin	✓	✓	✓	✓	✓	✓									
[redacted]. John Hall / Jones							✓	✓							
Rep. Carolyn Justus		✓	✓	✓	✓	✓	✓	✓							
Rep. Paul Miller					✓		✓	✓							
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓	✓	✓											
Sen. John Snow, VICE- CHAIR	✓	✓	✓	✓	✓	✓									
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓	✓	✓	✓	✓									
Sen. Tom Apodaca	✓	✓	✓	✓											
Sen. Ellie Kinnaird	✓	✓	✓	✓	✓	✓									
Sen. Keith Presnell	✓	✓	✓	✓	✓	✓									
Sen. Tony Rand	✓														

VISITOR REGISTRATION SHEET

Justice & Public Safety — 3/22/05

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Melinda Wallace	FirstHealth of the Carolinas
Roxanne Lepper	FirstHealth of the Carolinas
Brian Lewis	Covenant with NC's Children
Rick Rhodes	DOC
Stacy Little	DOC
Boyd Lemon	DOC
Paula Y. Smith	DOC
Monica Robbins	DOC
Lee Hodges	KCLH
Mildred Spearman	NCDOC
J. Kabeuelton	Sentencing Com.
Mark Bacon	Capitol Police

VISITOR REGISTRATION SHEET

3-22-05

Name of Committee | Date AM

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Ly Hoang	KCLH
S. Katzenstein	Sentencing Com.

March 22, 2005
PM -
Attachment I

DOC Budget for Inmate Health Care

Joint Appropriations Subcommittee on Justice and Public Safety

March 22, 2005

FRD 3/22/05

1

Division of Prisons Authorized 2004-05 Budget

Prisons Budget:

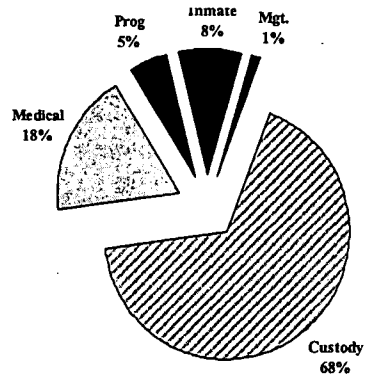
Custody/Secty: $566.4M

Medical: $153.5

Inmate Costs:$69.87

Programs: $41.14

Mgmnt: $10.44



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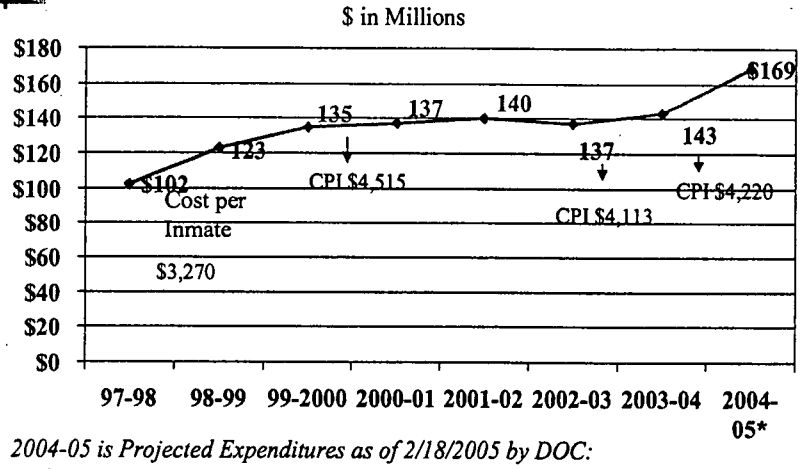
Trends in DOC Medical Budget



2004-05 is Projected Expenditures as of 2/18/2005 by DOC: Authorized Budget is $154 million

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Inmate Medical Budget Drivers

Four areas drive costs and were responsible for 10 to 20% ~~yearly increases in health expenditures in late 1990's.~~ Expenditures flat FY 2000-FY 2003 and 4% increase in 04.

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    - Inmates on chronic disease clinics 8,821 medical and 4,203 mental illness. 36% of population
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Why is inmate medical budget increasing?

Category	FY 03-04 Actual	FY 04-05 Projected*	% Increase (Projected)*
Contractual	$10.8 Million	$12.73 million	17%
Employee Costs	$64.57 million	$71.2 million	10.3%
Hospitals	***$27.1 million***	***$40.8 million***	***50%***
Prescription Drugs	$ 16.88	$19.72 million	16.8%
Other Providers	$19.8 million	$19.8 million	None

*FY 04-05 is projected by DOC as of Feb 18, 2005

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What is driving cost increase in 2004-05

- Hospitals
  - Admissions 131 a month vs. 116 in FY 04
    - Utilization review denial rate is 11.8%; down from 12.8%
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14

Dynamics of the Projected Prison Population 2005-2014

North Carolina Sentencing and Policy Advisory Commission

January 2005

Dynamics of the Projected Prison Population 2005-2014

North Carolina's prison population is projected to be at 36,855 inmates by the end of FY 2004/05. The prison populations projected for the next ten years take into account the decline of the resident prison population (*i.e.*, offenders who are in prison at the beginning of the projection period) and the buildup of the new inmate population over the projection period. The size of the overall inmate population is primarily influenced by the growth patterns for the State's population and the stacking up of violent and repeat offenders convicted under Structured Sentencing.

Examining the distribution of the projected prison populations for 2005-2014 (*see* Table 1) and Structured Sentencing convictions in FY 2003/04 (*see* Table 2 and Figure 1), three different population dynamics emerge. These dynamics seem to drive the projected prison population and help explain the changing composition of this population over time. The dynamics become evident upon categorization of the felony offense classes into the following groups: 1) Classes A-D[1]; 2) Classes E-G; and 3) Classes H and I.

Class A-D felonies have a long-term effect on the prison population due to the long sentences imposed in these classes, which result in a "stacking" effect. Under Structured Sentencing, all Class A-D offenders are required to serve an Active sentence, with the exception of extraordinary mitigation. During FY 2003/04, the average minimum sentence imposed for Class A-D felonies was 101 months. The average estimated time served was 135 months. While offenders in Classes A-D comprised only 9% of all felony convictions for the year, they accounted for 53.4% of the projected prison population for 2005 and increased to 55.9% of the projected prison population by 2009 and 57.1% by 2014, indicating their "stacking" effect.

Class E-G offenders represented 24% of all felony convictions in FY 2003/04. Almost 46% of these convictions resulted in Active sentences, with an average minimum sentence imposed of 20 months and an average estimated time served of 24 months. An examination of the projected prison population by offense class indicates that the proportion of prisoners falling into Classes E-G remains fairly stable over the projection period (25.0% for 2005, 25.3% for 2009, and 24.8% for 2014).

Classes H and I represent the largest group of felony convictions (67%), as well as the highest volume of Active sentences (47%). Twenty-six percent of Class H and I convictions resulted in an Active sentence, with an average minimum sentence imposed of nine months and an average estimated time served of ten months. Class H and I felons contribute to the prison population by their high volume, their short prison sentences, and through their high rate of technical probation revocations to prison. Class H and I offenders account for a decreasing proportion of the prison population over the projection period (19.8% in 2005, 17.2% in 2009, and 16.7% in 2014).

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[1] While felonies falling into Classes A-E are typically considered to be the "violent felonies," a comparison of sentence lengths indicates that Class E should be considered apart from this group for this analysis.

PRISON POPULATION PROJECTIONS:
UPDATED JANUARY 2005

PREPARED IN CONJUNCTION WITH THE DEPARTMENT OF CORRECTION'S OFFICE OF RESEARCH AND PLANNING

TABLE 1
DISTRIBUTION OF THE PROJECTED PRISON POPULATION BY OFFENSE CLASS FELONIES ONLY

Offense Class	Average Estimated Time Served in Months[2]	Percent by Fiscal Year		
		2005	2009	2014
A	600	4.1	4.8	5.6
Viol. Hab. Felon	600	0.0	0.0	0.1
B1	311	5.3	6.0	6.6
B2	194	7.0	8.2	8.9
C	96	21.9	22.0	21.3
D	80	15.1	14.9	14.6
A-D SUBTOTAL	135	53.4	55.9	57.1
E	33	5.4	5.9	5.8
F	28	8.2	8.3	8.1
G	20	11.4	11.1	10.9
E-G SUBTOTAL	24	25.0	25.3	24.8
H	11	15.8	13.5	13.1
I	6	4.0	3.7	3.6
H-I SUBTOTAL	10	19.8	17.2	16.7
Unknown	N/A	1.9	1.6	1.4
TOTAL	42	100.0	100.0	100.0

NOTE: Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Structured Sentencing Simulation Model

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[2] For analysis purposes, the sentence length imposed for convictions resulting in life or death sentences was estimated at 600 months.

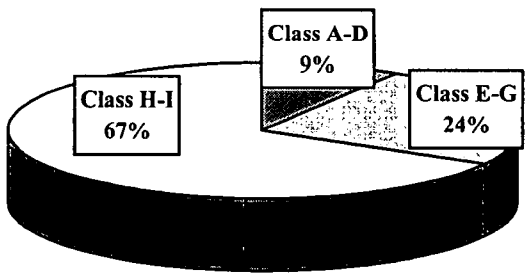
TABLE 2
CONVICTIONS AND SENTENCES BY OFFENSE CLASS
FY 2003/04 FELONIES

Felony Offense Class	Type of Punishment Imposed						Minimum Active Sentence (months)	Total
	Active		Intermediate		Community			
	#	%	#	%	#	%		
A	101	100.0	.	.	.	.	Life/Death	101
B1	114	100.0	.	.	.	.	255	114
B2	253	100.0	.	.	.	.	174	253
C	877	100.0	.	.	.	.	89	877
D	853	100.0	.	.	.	.	71	853
A-D SUBTOTAL	2,198	100.0	.	.	.	.	101	2,198
E	529	49.2	547	50.8	.	.	31	1,076
F	884	46.8	1,004	53.2	.	.	19	1,888
G	1,325	43.5	1,719	56.5	.	.	15	3,044
E-G SUBTOTAL	2,738	45.6	3,270	54.4	.	.	20	6,008
H	3,735	36.7	5,075	49.8	1,374	13.5	10	10,184
I	684	10.5	2,628	40.3	3,214	49.2	7	6,526
H-I SUBTOTAL	4,419	26.4	7,703	46.1	4,588	27.5	9	16,710
TOTAL	9,355	37.5	10,973	44.0	4,588	18.4	33	24,916

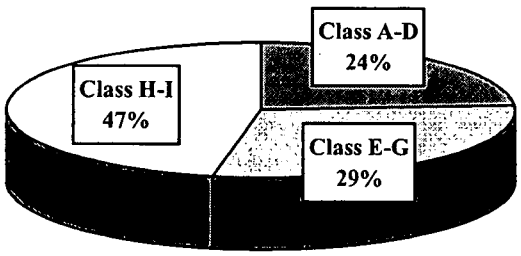
Note: Of the 27,830 felony Structured Sentencing convictions in FY 2003/2004, 2,914 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Sentences resulting in life without parole or death were excluded from the calculation of the average minimum sentences.

FIGURE 1
DISTRIBUTION OF CONVICTIONS AND SENTENCES

ALL FELONY CONVICTIONS



ALL ACTIVE SENTENCES



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Preliminary Felony Statistical Report Data

3-22-05 PM
Attachment III b

3/10/20056:10 PM

NC Division of Prisons
Community Work Crews

Facility	# Crews	# Inmates
Anson	2	20
Black Mountain	1	10
Bladen (3)	3	30
Buncombe (0)	3	30
Cabarrus	2	20
Caldwell (2)	2	20
Carteret (3)	3	30
Catawba (0)	2	20
Charlotte	1	10
Dan River (3)	12	120
Davidson	1	10
Duplin	3	30
Durham	2	20
Foothills	4	40
Forsyth	2	20
Fountain	2	20
Gaston	2	20
Gates	1	10
Greene (6)	9	90
Haywood (2)	3	30
Hyde	2	20
Marion	2	20
McCain	1	10
Morrison	4	40
Neuse	3	30
New Hanover (2)	5	50
North Piedmont CCW	2	20
Orange	1	10
Pasquotank	4	40
Robeson	3	30
Rowan	2	20
Rutherford	2	20
Sanford (0)	3	30
Southern (2)	3	30
Tillery	3	30
Tyrrell	7	70
Umstead	2	20
Wake	2	20
Warren	2	20
Wilkes (2)	2	20
(40) Totals	**115**	**1150**
Bold = Chain Saw Crews (35)		

March 22, 2005
PM
Attachment I

DOC Budget for Inmate Health Care

Joint Appropriations Subcommittee on Justice and Public Safety

March 22, 2005

FRD 3/22/05

1

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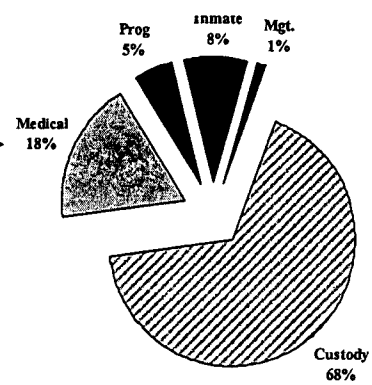

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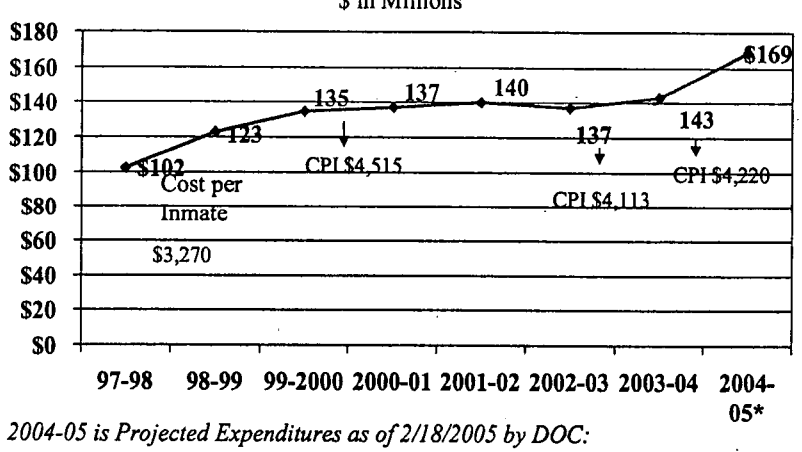

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14

March 22, 2005
Attachment III a

DEPARTMENT OF CORRECTION
OVERVIEW OF INMATE PROGRAMS BUDGET (FUND 1350)
JOINT APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

I. Program Budget Components

- Reception and Diagnostic Centers: Eight centers for intake, assessment and assignment. All centers are operating at or over processing capacity

- Program Services: Staffing for case management, coordination of services and work programs in prison and community. Community work programs include road squads and inmate community work crews. Primary job titles are program directors and assistants and clerical staff.

- Prison Chaplain program is also part of program budget

	Positions	04/05 Budget	Per Cent
Diagnostic Centers	127	$4.9 Million	13%
Program Staff	792	$30.4 M	83%
Chaplains	43	$1.5 M	4%
Total	**962**	**$ 36.8 M**	100%

Education Budget is separate and is a mix of State ($4.2million); Federal ($1.65 million) and inmate canteen fund receipts ($1.548 million) or total of $7.4 million budget; this excludes Community College expenditures

II. Program Budget Trends

- *2001-03 Budget Changes*
    - Cut program assistant and supervisors by 10 positions (01-02)
    - Cut six positions in R & D Centers based on workload variances (01-02)
    - Closed Rowan Diagnostic Center (02-03)
    - Cut 13 community work crews and authorized conversion of another 39 to work on litter control for DOT) (02-03)
    - Cut 36 clerical staff assigned to program supervisors and assistants (02-03)
    - Program staff positions also cut when prisons are closed –2 closed in 2001-03
    - Increased work release fees charged to inmates from $15 to $16 dollars a day (receipt item plus $337,000)
    - Directed DOT to pay full operating cost of inmate road squads ($10 million per year) and add litter crews ($1.3 million) (receipt item)

- Minor reductions in line items in 2003-05

Programs (1350) Expenditure History

FY 2000-01-	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06 Gov Recom
$34.5 M	$33.1M 993 posit.	$29.8M	$32.1M	$36.8M 962 posit.	$37M 962 posit.

Recommended Governor's Continuation Budget: Only recommended change is in salary line items (longevity)

III. Program Budget Issues for 2005-07

#1 Program Staffing: Should caseloads and staffing be adjusted further for program staff?

- Program staff are case managers for inmates – direct inmates to prison treatment and work programs, monitor progress for classification purposes; keep inmate records, coordinate community groups that want to work with inmates.

- DOC goal is 50 inmates per program staff (program directors, programs assistants)

- Reductions in 2001-02 and 03 increased ratio of inmates to staff to from 1:52 to 1:55. March 05 ratio is 55 to 1 for all program staff but includes some supervisors who carry partial caseloads so higher for program assistants.

- Program Directors also performing former duties of Custody Classification coordinators after budget cuts

- What is impact of reducing budget/increasing caseloads above 55:1?

#2 Prison Chaplain Program:

- Chaplain Services and religious activity are provided through a mix of volunteers, community funded chaplains, state chaplains and contract chaplains

- DOC Chaplains are trained to minister to all faiths

- Chaplain budget in 2000-01 was approximately $2.9 million dollars. In FY 2002 and 03, the program was

reduced by 30.4 positions. Prisons with fewer than 400 inmates were directed to provide chaplain services through community based options, which was the policy for prisons with 200 or fewer inmates.

- Currently the state operates with:
  - 43 full time state chaplains
  - 16 contractual
  - 19 community funded @ 20 hours per week (two chaplains are funded 50/50 with DOC)
  - 19 volunteers @ 15 hours per week
- DOC also allows various religious organizations to assist with bible study and ministry – five groups are in multiple prisons
- In 2002 the General Assembly also required DOC to study whether to reduce state funded positions and replace these positions with a mix of community volunteers, community funded chaplains, and contract chaplains.
- *DOC did not recommend a change in the current mix and General Assembly made no further changes. Other* states do use various methods to provide services (2003 data)
  - *Colorado*: community and contract/no permanent positions
  - *South Carolina*: State, community, and contract
  - *Georgia*: Part-time state positions
  - *Texas*: State funded and contract
  - *Virginia*: Contracts with "Chaplaincy Services of Virginia," an organization funded by various non-state funds

#3 Community Work Crews:

- DOC operates 115 inmate community work crews/with 1150 inmates participating. There are 8 to 10 inmates per crew. Projects examples include: painting and grounds cleanup.

- Cost is $38,000 per crew or $4,370,000 annually.

- In 2002 General Assembly cut 13 work crews and converted 39 to litter crews for DOT (DOT pays $1.3 million a year)

Fee for Service

The General Assembly also recommended that DOC prepare a report identifying:

- All projects where inmate work is performed at no charge to state and local governments.
- *Whether to charge a fee.* G.S. 148-26.5 states that inmate work projects shall be reimbursed by state and local governments but it refers to "contracts" – these projects are not handled by contractual arrangement.

- DOC did not recommend charging for services and General Assembly did not require new fee. Concern was that local governments ands schools may not be able to pay and needed maintenance work would not be carried out. DOC also believes administrative procedures for collecting receipts could be burdensome

One option could be flat daily fee to local governments

#4 Work Release Programs

- 20004: 2,319 inmates participated in work release at 39 prisons
- Inmates must be at highest level of minimum custody (Level 3)
- Fee is $16 a day plus $2.50 for transportation
- Work Release Account: $13.88 million in FY 03-04
  - $4,203,018 to DOC in 2003-04. Pays for overhead
  - $1.440 million: family expenses
  - $649,892 voluntary child support
  - $263,667 court ordered child support
  - $2 million in release draw

Should work release fee be increased to reduce General Fund budget? Last increase in 2001 Session to $16 a day and $2.50 transportation?

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday, March 23, 2005
Room 415 LOB
8:30 a.m.

The Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Thursday, March 23, 2005 in Room 415, LOB. Six members of the Senate Subcommittee attended along with Representatives Kiser, Haire, Frye, Justus, and Sutton. Senator Scott Thomas presided.

Senator Thomas called the meeting to order and welcomed the Pages, staff, and visitors.

Chloe Gossage, Fiscal Research Staff, presented to the committee an overview of the Division of Community Corrections – Organization, Programs, and Staffing. (See Attachment #1).

Robert Guy, Director of the Division of Community Corrections presented to the committee Community Corrections Caseload Study and Proposed Changes. (See Attachment #2).

The meeting adjourned at 10:00 a.m.

Scott Thomas
Senator Scott Thomas, Co-Chair

Vickie Spears
Vickie Spears, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 23, 2005 8:30 A.M. and 2 P.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas, Presiding
Representative Joe Kiser
Representative Phillip Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Overview of Division of Community Corrections – Organization, Programs, Staffing

Chloe Gossage, Fiscal Research

Community Corrections Caseload Study and Proposed Changes

Robert Guy, Director, Division of Community Corrections

2 P.M.
Opening Remarks by Chairs

Review of Division of Community Corrections Budget: Probation/Parole, Criminal Justice Partnership Program, Other Topics

Chloe Gossage, Fiscal Research

III. OTHER BUSINESS

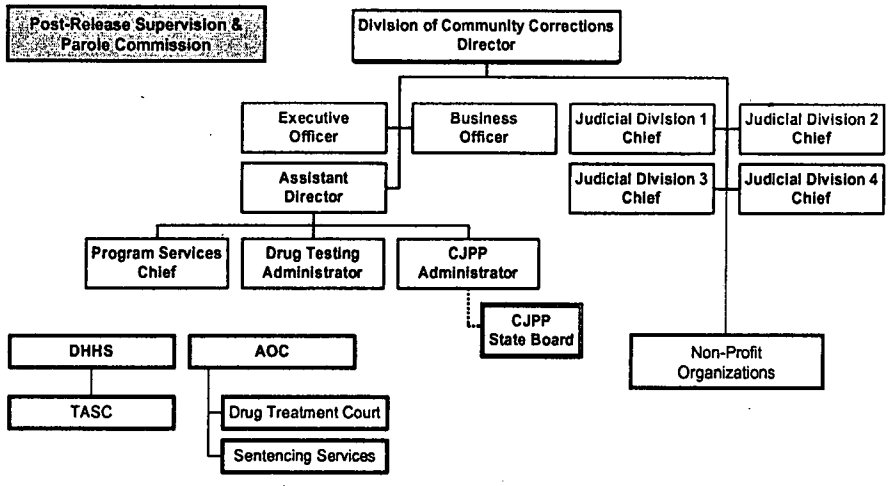
IV FUTURE MEETINGS

March 24, 8:30 AM Complete Review of Department of Correction Budget
Begin Review of Judicial Budget

V. ADJOURNMENT

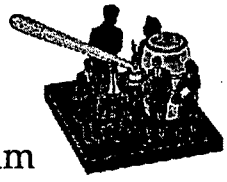
Attachment #1

Community Corrections Organization



1

Community Programs



DCC Programs:

- Probation and Parole
- Criminal Justice Partnership Program
- Community Service Work Program
- Non-profit grant-funded programs

Other Agencies' Programs:

- Treatment Alternatives to Street Crime (TASC) - DHHS
- Drug Treatment Court – AOC
- Sentencing Services – AOC-Indigent Defense

2

Population Served by the Division of Community Corrections

	Prior Record Level					
	I	II	III	IV	V	VI
A felony	Death or Life Without Parole					
B1 felony	A	A	A	A	A	A
B2 felony	A	A	A	A	A	A
C felony	A	A	A	A	A	A
D felony	A	A	A	A	A	A
E felony	I A	I A	A	A	A	A
F felony	I A	I A	I A	A	A	A
G felony	I A	I A	I A	I A	A	A
H felony	C/I A	I A	I A	I A	I A	A
I felony	C	C/I	I	I A	I A	I A
1A misd.	I A	I A	I A			
1 misd.	C	I A	I A			
2 misd.	C	C/I	I A			
3 misd.	C	C/I	I A			

= Post-Release = Probation

A = Active sentence
I = Intermediate sanction
C = Community sanction

Plus: DWI offenders (Probation and Parole)
Drug Offenses (Probation and Parole/Post-Release)
Pre-Structured Sentencing Parolees (Parole)

Probation Conditions

- Duration determined by judge
  - May be extended to complete treatment program or payment of fees
  - May be moved from supervised to unsupervised probation upon completion of requirements
- May be modified or revoked by judge
  - Violations documented by PPO
  - PPO may have delegated authority for some modifications

4

Post-Release Conditions

- Determined by Post-Release Supervision & Parole Commission
- May be modified or revoked by Commission
  - Violations documented by PPO
- Parole: Pre-Structured Sentencing offenders
- Structured-sentencing B1- E felons are supervised for 9 months after release
- Sex offenders are supervised for 5 years

5

Intermediate Sanctions

- Intensive Probation
- Special Probation – Split Sentence
- Electronic House Arrest
- CJPP Day Reporting Center
- Drug Treatment Court (new in 04-05)

6

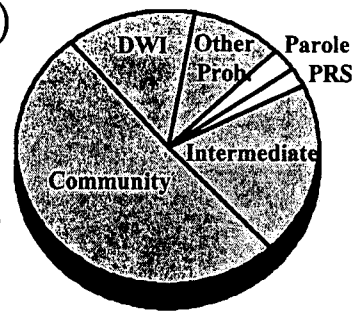
Other Programs & Tools

- Supervised Probation
- CJPP Resource Center and Satellite Substance Abuse Center
- Community Service
- Non-profit programs for women
- Substance Abuse Screening
- Targeted programs for specific groups

7

DCC Population 2003-04

- Relatively constant over time
  - Probation increasing, Parole decreasing
- End-of-year population: 101,124
- Entries: 64,619 (see chart)
- Exits: 65,046
- Average length of time (probation only): 21 mos.

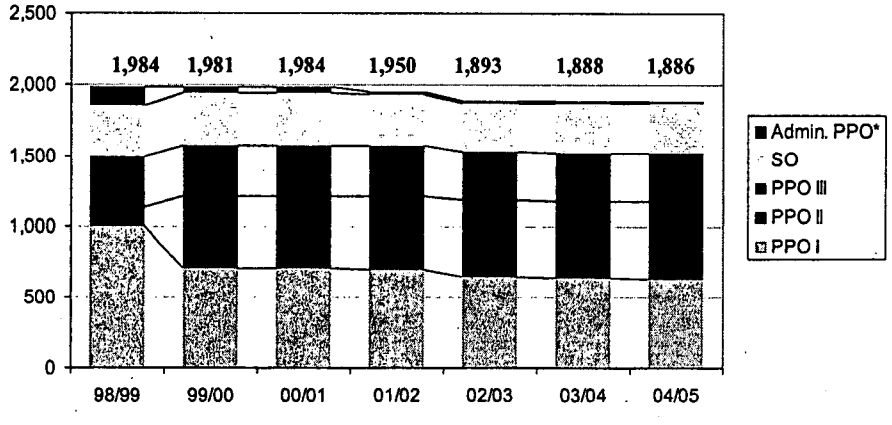


Probation/Parole Staffing

PPO I: 626 avg. caseload=93 goal=90	Community sanctions, court liaisons; unarmed
PPO II: 556 avg. caseload=64 goal=60	Intermediate sanctions, community punishment violators
PPO III: 347 avg. caseload=23 goal=25	Intensive supervision (teamed with SO)
Surveil. Officer: 341 avg. caseload=51	Intensive team, absconders

9

Staffing Trends



*NOTE: Administrative PPOs are now Victims Assistance Coordinators

10

Other Program Staff

- **Victim Advocate/Notification Coord.: 16**
  - New role for Administrative PPO I
  - Assist/respond to victims (14 positions)
  - Oversee offenders supervised by other states
- **Community Service Coordinators: 130**
  - Moved to DCC in Jan. 2002
  - Coordinate community service placements for unsupervised and supervised probationers

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Probation/Parole Staffing Changes

- Urban task forces – specialized units
- Case management at DRCs
- Changing staff roles and numbers
  - In 1999, Admin. PPO numbers were reduced, role was changed
  - PPO I role was expanded
  - PPO II numbers increased
- NIC caseload study (see handout)

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Selected NIC Findings & Recommendations

Assignment and Sentencing of Offenders (may require statutory changes):

- DCC should conduct pre-sentence investigations on all felons in I/A cells.
- Pre-sentence investigations and risk assessment tools should be used to assign probationers to community or intermediate officers. (Judges sentence offenders to intermediate or community punishments, and specify the intermediate sanction.)
- DCC should have the authority to supervise offenders assessed as low risk with Community Punishment Officers (PPO I) even if the offenders have been given intermediate punishments. DCC should also have the authority to supervise high risk offenders given community punishments with Intermediate Officers (PPO II).
- Low-risk cases being supervised solely for the collection of monies should be transferred to non-reporting caseloads, unsupervised probation, or supervision by paraprofessional staff. Supervision should be terminated when offenders are at a risk level that does not warrant supervision (use risk assessment).
- DWI level 4 and 5 offenders should be prohibited from being placed on supervised probation.
- Delegated authority should be expanded to make available to any offender the intermediate sanctions of DRC, EHA, and Intensive (as deemed appropriate by a validated risk assessment).

DCC Organization & Policy:

- If offenders are appropriately assigned, PPO I caseloads should be increased.
- Increase the number of specialized program officers – day reporting center, drug court, domestic violence, and sex offender control.
- Intermediate and Intensive caseloads should be blended.
- Chiefs should supervise no more than 12 officers (now 18 in practice, 10 in statute).
- DCC should consider using paraprofessional/non-certified officers to assist with duties such as criminal record checks, monitoring of financial obligation, data entry, court processing, etc.
- Offender contact requirements should be modified to emphasize quality, rather than quantity – current system is too rigid and punitive. Surveillance Officer duties should be reevaluated.

Other (may require statutory changes):

- In addition to caseloads per position, DCC should report caseloads with vacancies.
- PPOs should be considered law enforcement officers; PPO I should carry gun, etc.
- Change from a monthly supervision fee to a flat fee.

Attachment # 2

North Carolina Division of Community Corrections

Presentation to

Joint Appropriations Justice & Public Safety

March 23, 2005

Budget	127 Million	Offender Population:	127,476
Staff	2,596	Supervised:	118,131
		Unsupervised/CSWP:	9,345

Programs/Sanction Oversight

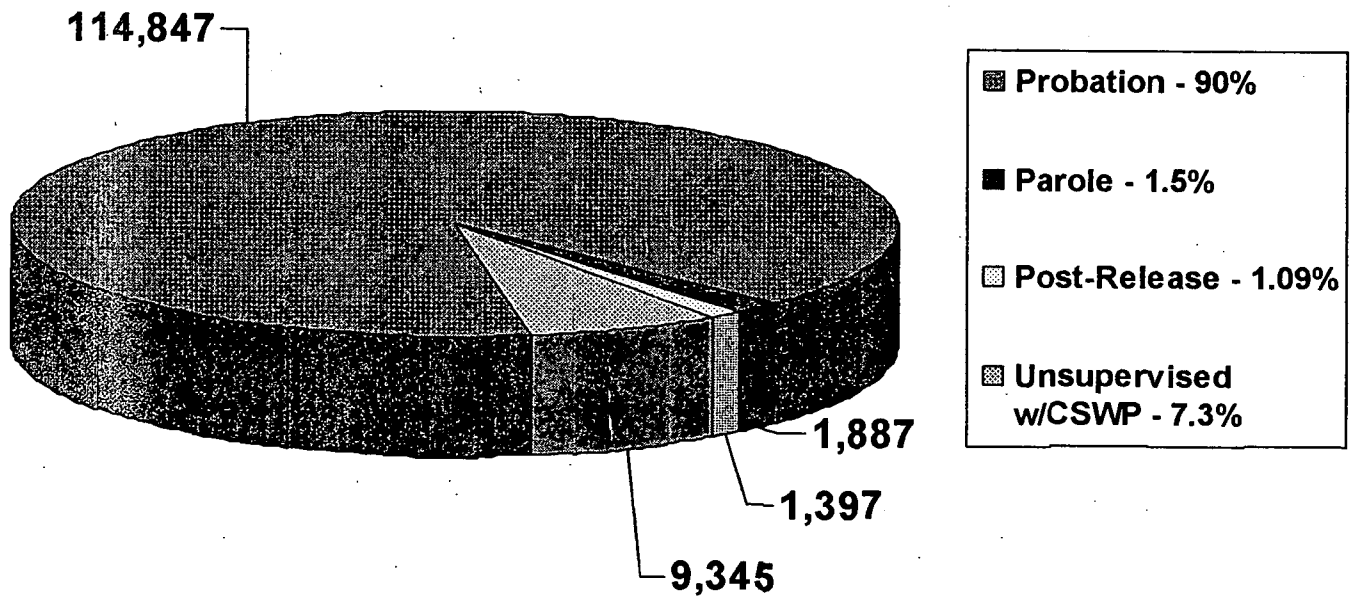
- Day Reporting Centers* (19)
- Electronic House Arrest
- Intensive Control Program
- Community Service Work Program
- Substance Abuse Screening and Intervention Program
- Resource Centers* (20)
- Satellite Substance Abuse* (43)
- Pre-Trial* (26)
- Post-Release/Parole
- Victims Advocate Program

*CJPP Funded

Offender Statistics

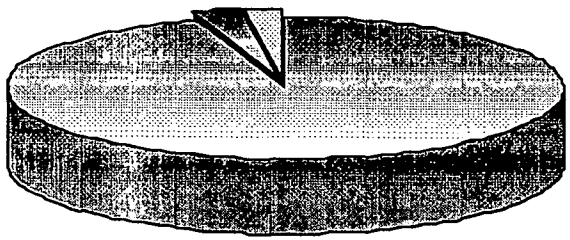
- Supervised Offender Populations

Total Offenders = 127,476 (1/31/05)
***Supervised with CSWP is included in Probation Population**



Offender New Admissions

(Supervised with CSWP is included in Probation)

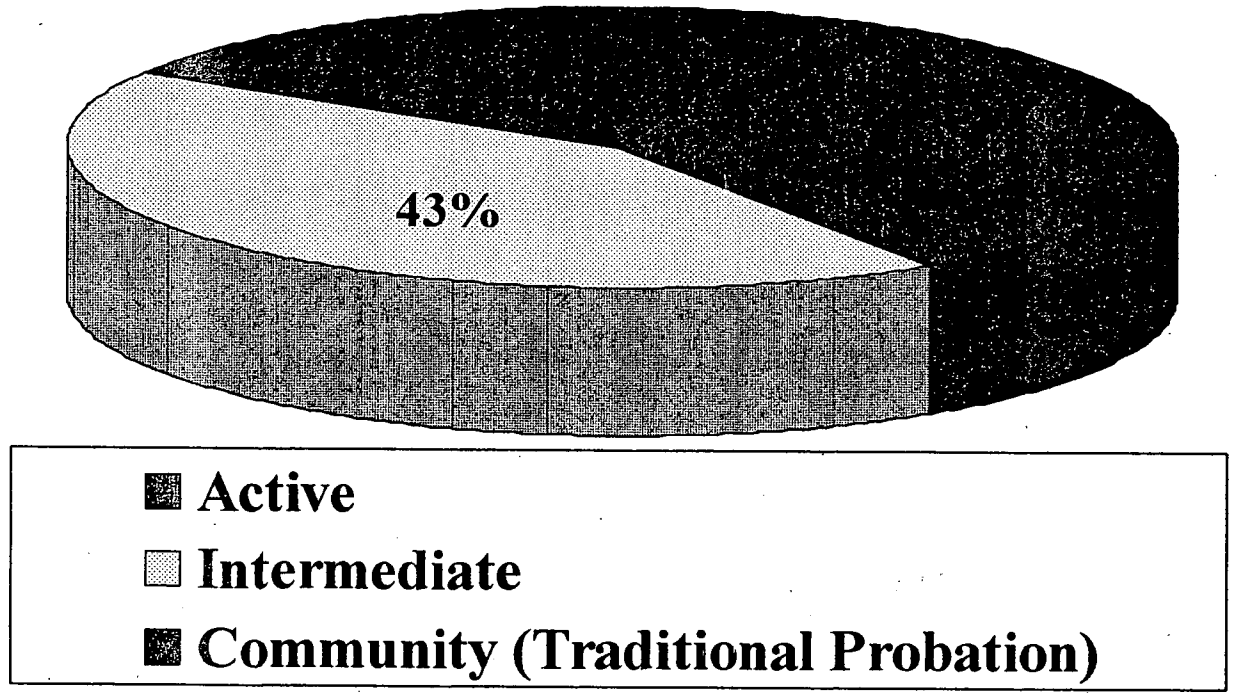


Distribution of FY 2003-2004 Probation Entries by Punishment Type

Intermediate -21.5%
Community – 53.5%
DWI – 14.9%
Pre-Structured Sentencing - 1.1%
Non-NC Offenses – 2.5%
Other - 6.5%

Not listed above: Unsupervised with CSWP – 34,881

Felons Sentenced Under North Carolina's Structured Sentencing Law



Felony Non-Trafficking Drug and Property Offenders comprise more than 60% of the Intermediate Population

Caseload Numbers

Location on 2/5/05	Current Staff by Work Assignment				Caseload Average by Officer Class				Staffing Needs to Meet Offender Case Load Goals		
	PPO1	PPO2	ICO	SO	PPO1	PPO2	ICO	SO*	PPO1	PPO2	ICO
STATEWIDE	624	558	347	341	92.7	62.4	21.9	50.0	642.8	580.1	303.8
DIVISION 1	133	134	91	88	99.2	62.3	21.4	40.7	146.6	139.1	77.8
DIVISION 2	187	152	91	89	88.4	59.5	20.9	55.5	183.6	150.7	76.2
DIVISION 3	165	153	90	91	99.4	62.2	23.4	54.7	182.2	158.7	84.3
DIVISION 4	139	119	75	73	84.4	66.4	21.8	48.6	130.4	131.6	65.4

Intermediate/Post-Release Staff

- (60:1) Intermediate Probation Officers 558
- (25:1) Intensive Case Officers 347
- Surveillance Officers 341

- (30-40:1) Special Operations (Select Urban Districts)
  - (24) Day Reporting Officers
  - (16) Drug Treatment Court Officers
  - (44) Sex Offender Officers
  - (27) Domestic Violence Officers

Community Punishment Staff

- (90:1) Community Probation Officers (PO-1) 624
- (185:1) Community Service Coordinators (CSWP) 130

DCC Field Operations Management

- (4) Judicial Division Chiefs
- (4) Assistant Judicial Division Chiefs
- (43) Judicial District Managers
- (2) Assistant Judicial District Managers
- (190) Chief Probation/Parole Officers

Analysis of Optimal Caseloads

Following issues involving offender caseloads and position resources are noted:

- Recognition of the need for different strategies between Urban and Rural.
- Need to continue to assess numbers and adjust resources.
- Continue to establish Special Operations Officers where feasible to manage High Risk/Need Offenders.
- Need for assessment instrument.
- Impact of In-service Training being delivered by caseload carrying officers.
- Impact of specialized courts.
- Impact of vacancies, extended leave, military leave.

DCC Initiatives

Urban Plan: (14 Judicial Districts)

Total Offenders: 58,312 (Includes Unsupervised w/CSWP)

Total Staff: 1,054

Objectives:

- Eliminate duplication of services by placing DCC Officers in case management positions in Day Reporting Centers (Budget reduction $344,490 FY 2002-2003).
- Assign Surveillance Officers to DRC to enforce curfews and promote immediate response to violators.
- Special Operations Unit designed to handle High Risk/High Need Offenders, Sex Offenders, Domestic Violence, Drug Treatment Court and Electronic House Arrest (EHA).
- Units to maintain traditional supervision of Community, Intermediate and Intensive Caseloads.
- Judicial Services Team specializing in Court Services, Case Management of Low Risk Offenders, Community Service Coordination and Monitoring, Investigations, Data Entry and *Assessments. (NIC Report)

DCC Initiatives

Blended Plan: (19 Judicial Districts)

Types of Blending:

- Blending Intermediate/Intensive
- Blending Intermediate/Community
- Blending Special Offender Populations

Why Blend?

- Caseload Numbers
- Court Volume
- Staff Size
- Geographic/Travel Time

DCC Initiatives

Position Management:

- Policy that requires all levels of management to assess workloads and recommend appropriate action as vacancies occur.

  2003-2004

- (35) Vacant positions transferred and posted in counties of higher need.
- (17) Positions reallocated to address case management needs.

This position management strategy promotes best use of resources and is responsive to changes in offender population, district by district and county by county.

DCC Budget Projections

Sentencing Commission Projections:

Intermediate Supervision Projections

FISCAL YEAR	PROJECTED END OF YEAR SUPERVISION POPULATION ON JUNE 30	REQUIRED OFFICER RESOURCES[1]	CURRENT OFFICER RESOURCES[2]	ADDITIONAL RESOURCES NEEDED
FY 04-05	35,712	595	556	39
FY 05-06	35,962	599	556	43
FY 06-07	36,394	607	556	51
FY 07-08	36,843	614	556	58
FY 08-09	37,303	622	556	66

Community Supervision Projections

FISCAL YEAR	PROJECTED END OF YEAR SUPERVISION POPULATION ON JUNE 30	REQUIRED OFFICER RESOURCES[3]	CURRENT OFFICER RESOURCES[2]	ADDITIONAL RESOURCES NEEDED
FY 04-05	58,157	646	626	20
FY 05-06	58,617	651	626	25
FY 06-07	59,152	657	626	31
FY 07-08	59,696	663	626	37
FY 08-09	60,248	669	626	43

Projections by DOC Research & Planning
1 Based on administrative caseload goals
2 Provided by Division of Community Corrections
3 Based on Legislative caseload goals
4 Excluding Absconders

DCC Budget Projections

Intensive Vs. Intermediate

Intensive Supervision Projections

FISCAL YEAR	PROJECTED END OF YEAR SUPERVISION POPULATION ON JUNE 30	REQUIRED OFFICER RESOURCES[1]	CURRENT OFFICER RESOURCES[2]	ADDITIONAL RESOURCES NEEDED
FY 04-05	7,883	315	347	-32
FY 05-06	7,980	319	347	-28
FY 06-07	8,119	325	347	-22
FY 07-08	8,260	330	347	-17
FY 08-09	8,403	336	347	-11

- INTENSIVE SANCTION" DECLINING
- INTERMEDIATE POPULATION INCREASING
- SHIFTING OF "I" RESOURCES
- BLENDING IN RURAL AREAS
- SPECIALIZED IN URBAN

Current DCC Resource Needs

(Based on current Structured Sentencing Standards)

- Caseload Projections/Resource Needs: (Continuation Budget)

Caseload Goal	Classification	Resource Needs
(25:1)	ICO	-22
(60:1)	IPO	+51
(90:1)	Comm. PO	+31

Fiscal Analysis	2005-06	2006-07
Total Requirements	$2,563,771	$3,385,161
Net Total Positions	56	72

- Additional Current Resource Needs: (Expansion)

	No. Positions	(05-06)	(06-07)
Trainers, CPPO, Support Staff	20	$920,205	$931,977

DCC Budget/Operations Strategy (2005-2007)

- Action: Increase caseload goal for Community Offenders from 90 – 110 (NIC Report)
- Objective: Utilize existing resources to implement case management strategies in both Urban and Rural Districts

"NO ONE COOKIE CUTTER"

- Use staff resources made available with above action to:
  - Reallocate positions to Intermediate Level to address projected shortages as well as special operations case management (NIC Report)
  - Establish DCC full-time Trainers
  - Increase number of Chief PPO in needed areas to provide sufficient supervision of officers and caseload monitoring
  - Develop para-professional role in Urban Areas to deal with high volume of court activities as well as assist in case management for low risk offenders (NIC Report)
- Develop and implement a Risk/Needs Assessment Instrument to better target appropriate case management strategies

Caseload Projections/Resource Needs

Caseload Goals	Classification	Resource Needs
(25:1)	ICO	-22
(60:1)	IPO	+51
(110:1)*	Comm. PO	-88

*Note: Adjusting Community Caseload Goal from 90:1 to 110:1

Proposal:

- Shift (22) ICO to IPO
- Reallocate (29) PPO I to IPO

Result:

(51) IPO needs addressed using existing resources

(59) PPO I remaining for additional needs as previously cited

Remaining Positions utilized as follows:

- (26) Reallocated to IPO to address caseload demands created by new domestic violence strategies, as well as, high IPO caseloads in urban areas resulting from DRC/Sex Offender Case Management
- Instructors to address training needs
- Positions to reduce Supervisor ratios in rural/multi-county and Urban districts

Sentencing Commission Projection Cost Analysis

▪ Current Request:	No. Pos.	(05-06)	No. Pos.	(06-07)
Continuation	(56)	$2,563,771	(72)	$3,385,161
Expansion	(20)	$ 920,205	(20)	931,977
Totals	(76)	$3,483,976	(92)	$4,317,138

▪ Modified Plan:

✱ No New Positions

✱ (88) PPO I Positions targeted to address needs

Total Reallocation Cost (Year 1) . . . . . .$ 866,458

Personnel Cost . . . . . .$ 376,342

Operating Cost. . . . . $ 490,116

Net Savings . . . . . .$ 2,617,518

Justification For Modification Plan

NIC Report ordered by 2003 General Assembly recommends the following:

- 3.2 The division increase the caseloads of community punishment officers. We recommend we progress to 110 as stated above and reevaluate the goal once we have developed and implemented a risk/needs assessment instrument, also recommended in the NIC Report.
- 3.4 That the sex offender control program, day reporting officers, domestic violence officers and drug treatment court officers be increased. The necessary positions for expanded specialization will be made available from internal transfers as community officer caseloads are increased. (see above 3.2)
- 2.5 That the division hire full-time trainers. In 2003, over 10,000 hours of training was provided by 130 current officers (adjunct instructors). This training was in addition to their primary supervision duties.
- 3.1 That the division continue to implement their blending caseload concept in rural areas.

Other Justifications

Managers/supervisory support to assist or support officers is often unavailable due to the fact that chiefs are managing too many staff. Also a 10:1 CPPO ratio to staff cannot be fairly applied in all jurisdictions, for example, multi-county jurisdictions need a smaller ratio because of availability of staff and travel time.

Future Strategy

- CONTINUE TO DEVELOP AND PILOT STRATEGIES TO ADDRESS:
  - CASE MANAGEMENT (DISTRICT BY DISTRICT)
    - FIELD SERVICES
    - JUDCIAL SERVICES
    - SPECIAL OPS
  - ORGANIZATIONAL STRUCTURE (DISTRICT BY DISTRICT)
    - REVIEW OF POSITION CLASS.
    - PARA PROFESSIONALS VS PO
    - CPPO RATIOS
    - TRAINING

VISITOR REGISTRATION SHEET

Joint JPS — 3-23-05
Name of Committee — Date 8:30 am

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joe Pater	NC Doc - DCC
Sherry Pilkington	NC DOC DCC
Robert Lee Guy	DCC - DOC
Sandy Pearce	DOC
Becky Ebron	NC Sentencing Commission
Karen Joe	" "
Mildred Spearman	NCDOC
Doug Heeter	NC BAR Assoc.
Lou Rubsam	CJPC
Peter Shellem	CRAN C
Catherine Smith	DOC-DCC

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tracy Little	DOC
Tye Hunter	IDS
Cherry Dick	DJJDP
Melissa Lacer	DOJ
Chip Killian	Nelson Mullins (Hunter's County)
A A Adams	Victim Advocate

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday, March 23, 2005
Room 415 LOB
2:00 p.m.

The Joint Appropriations Subcommittee on Justice and Public Safety met at 2:00 a.m. on Thursday, March 23, 2005 in Room 415, LOB. Six members of the Senate Subcommittee attended along with Representatives Kiser, Haire, Frye, Justus, and Sutton. Senator Scott Thomas presided.

Senator Thomas called the meeting to order and welcomed the Pages, staff, and visitors.

Chloe Gossage, Fiscal Research Staff, presented to the committee a review of the Division of Community Corrections Budget. She first presented the progress report on the Electronic Monitoring Request for Proposals. (See Attachment #1), and then presented to the committee the Criminal Justice Partnership Program Fund Options. (See Attachment #2).

Chloe Gossage, Fiscal Research Staff, presented to the committee the Division of Community Corrections Program Detail report which covered intermediate sanction trends, program/sanction costs, monies collected 2003-04, probation revocation rates, recidivism rates, and then DCC budget requirements, trends, recommended budget and budget issues. (See Attachment #3).

The meeting adjourned at 3:30 p.m.

Scott Thomas
Senator Scott Thomas, Co-Chair

Vickie Spears
Vickie Spears, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 23, 2005 8:30 A.M. and 2 P.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas, Presiding
Representative Joe Kiser
Representative Phillip Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Overview of Division of Community Corrections – Organization, Programs, Staffing

Chloe Gossage, Fiscal Research

Community Corrections Caseload Study and Proposed Changes

Robert Guy, Director, Division of Community Corrections

2 *P.M.*
Opening Remarks by Chairs

Review of Division of Community Corrections Budget: Probation/Parole, Criminal Justice Partnership Program, Other Topics

Chloe Gossage, Fiscal Research

III. OTHER BUSINESS

IV FUTURE MEETINGS

March 24, 8:30 AM Complete Review of Department of Correction Budget
Begin Review of Judicial Budget

V. ADJOURNMENT

Attachment #1

North Carolina Department of Correction

214 West Jones Street • 4201 MSC • Raleigh, North Carolina 27699-4201
(919) 716-3700 • (919) 716-3794 (fax)

Michael F. Easley
Governor

Theodis Beck
Secretary

MEMORANDUM

To: Senator Linda Garrou
Senator Walter H. Dalton
Senator Kay R. Hagan
Representative Debbie Clary
Representative James W. Crawford, Jr.
Representative Beverly M. Earle
Representative Edd Nye
Representative Bill Owens
Representative Wilma M. Sherrill
Senator Scott Thomas
Representative R. Phillip Haire
Representative Joe L. Kiser

FROM: Tracy A. Little, Deputy Secretary

RE: Progress Report - Electronic Monitoring Request for Proposals

DATE: March 1, 2005

Section 17.8 of S. L. 2004-124 requires the Department of Correction to report by March 1, 2005 on the responses to request for proposals for electronic equipment and electronic monitoring services for the Division of Community Corrections electronic house arrest and electronic monitoring programs.

Below is a summary of activities which have occurred, to date, as well as those which are anticipated to take place:

- August 31, 2004 - Committees named to prepare bid specifications. The committees included representatives from the Division of Community Corrections as well as the Department of Correction's Purchasing and MIS sections.
- November, 2004 - Bid specifications forwarded to DOC Purchasing.
- November, 2004 - Draft RFPs forwarded to DOC Purchasing and ITS and then to Fiscal Research Division.
- December 30, 2004 - RFPs issued.

- January 14, 2005 - Pre-proposal conference held and questions received.
- January 20, 2005 - Deadline to submit written questions by vendors.
- January 26, 2005 - Bid addendum to GPS RFP posted.
- January 27, 2005 - Bid addendum to EM RFP posted.
- February 4, 2005 - Bid openings conducted
    - 5 bids received for electronic monitoring;
    - 5 bids received for global positioning satellite tracking; and
    - 2 alternate bids received proposing the combining of EM and GPS services with single vendor.
- February 8, 2005 - Committees met to discuss evaluation process and begin initial review of bids.
- February 11, 2005 - Clarifications needed from vendors submitted by committees to DOC Purchasing.
- February 21, 2005 - Received financial statement evaluations from DOC Controller's Office. Committees begin next phase of bid reviews.
- March 3, 2005 – Anticipated date to determine, through DOC Purchasing, vendors to be considered further and to be evaluated by site visit for demonstrations, based on evaluation findings from the committees.
- March 14 - 18, 2005 – Anticipated dates to conduct site visits and to receive demonstrations of the proposed systems.
- April, 2005 – Anticipated date to complete evaluations.

The Department of Correction shall issue a final report as soon as possible. Department staff is available to provide additional information as needed.

TL:MS/jk

cc: Jim Mills
Byron Harris
Dan Stieneke
Chloe Gossage
Robert L. Guy
Mildred Spearman

Attachment #2

Criminal Justice Partnership Program Funding Options

- Department of Correction restored $1 million nonrecurring cut, so the proposed continuation budget for CJPP for 2005-06 is approximately $9 million.

- Corrections Oversight report presents four new methods for distributing funds by county. The amount – in addition to the $1 million – required to ensure that no county receives less than its FY 2004-05 allocation is listed at the bottom of each chart. In all cases, this amount is less than $60,000.

- The Corrections Oversight Committee also requested information on the distribution of funds by Judicial District, if program participation was mandatory. This data is included as a separate map and chart.

- Targeted Zero-Based Budgeting directs Subcommittees to consider funding allocation formulas to determine if changes can be implemented to improve the method and achieve cost savings. If, for example, the continuation budget for CJPP was reduced by $500,000, the program would still have $500,000 more than in FY 2004-05. Example is illustrated below. See attached charts for details.

	Update Data Only	**Update & Change Data**	**Update Data & Change Weights**	**Update & Change Data, Weights**
Fund CJPP at $500,000 more than FY 2004-05:				
"Hold Harmless" Amt:	$144,000	$177,000	$146,000	$164,000
Fund CJPP at $500,000 more than FY 2004-05 and cap losses at 5%, gains at 20%:				
Reduction of 5% or less:	32 programs	35 programs	19 programs	23 programs
Gain of 5% or less	18 programs	18 programs	19 programs	11 programs
Gain of 5% - 10%	13 programs	11 programs	14 programs	23 programs
Gain of 10% - 20%	23 programs	22 programs	34 programs	29 programs

Change Probation Data: Since the largest CJPP target population is intermediate offenders, use intermediate probation entries instead of all probation entries in the formula. Use several years of data to stabilize the formula.

Change Formula Weights: Since some large counties have had high population growth in the last ten years, change the formula weights to place less emphasis on population and more on the base and probation amounts.

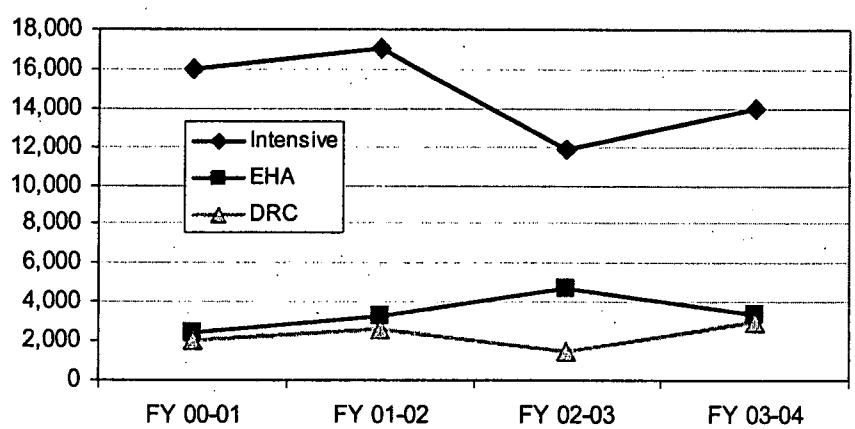
Please note: The decision by the JPS Subcommittee on which funding allocation formula to use will be drafted as a special provision for the Subcommittee's review.

Attachment #3

DCC Program Detail

1

Intermediate Sanction Trends



2

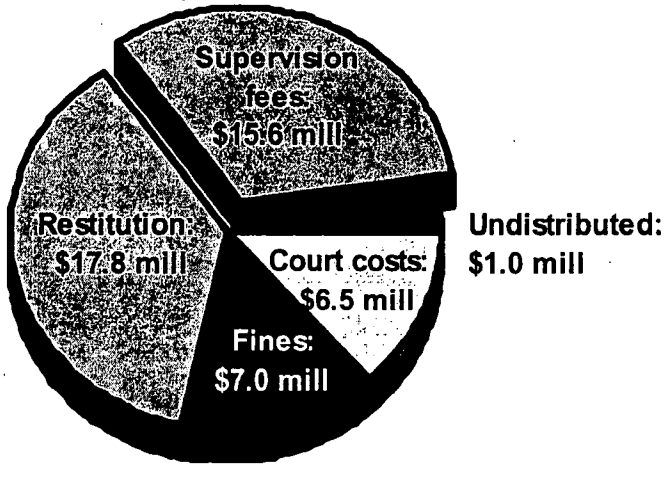
Program/Sanction Costs

- Intensive Probation: $10.94/day
  - Average 6 month duration
- Electronic House Arrest: $5.89/day
  + supervision cost = $7.64/day
  - Average 3 month duration
- CJPP Sentenced Offender: $11.61/day
  - Average 5 month duration
- Regular Probation: $1.75/day
- Community Service: $0.67/day
- Drug screen: $3.84/specimen

3

Monies Collected 2003-04

Total = $47.9 million



4

Probation Revocation* Rates

- All probationers: **34%**
  - Intermediate SSA offenders:** **52%**
  - Community SSA offenders:** **34%**
- Approx. 18,300 probationers (30% of exits) revoked to prison in FY 2003-04
- Revoked probationers were 55% of prison entries (40% technical)

*Rates are technical and new crime revocations plus "Elect to Serve"

**Does not include DWI or other non-SSA Grid offenders

5

Recidivism Rates

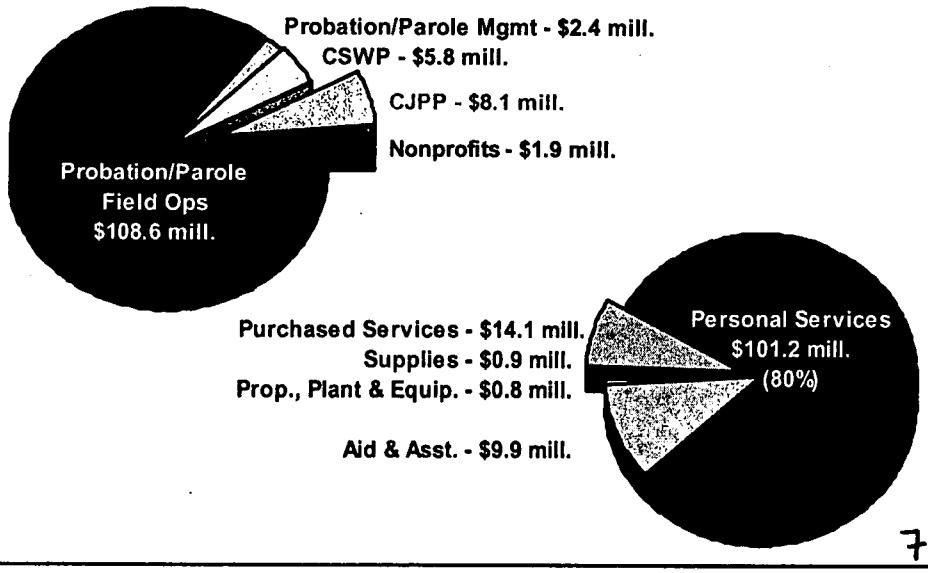
- Re-Arrest rate (4 yrs): 37%
  - Intermediate offenders: 45%
  - Community offenders: 34%
  - Intensive probation: 52%
  - Special probation: 45%
  - Electronic house arrest: 45%
  - Community service: 41%
- Prison re-arrest rate: 55%

Source: Sentencing Commission Recidivism Study

6

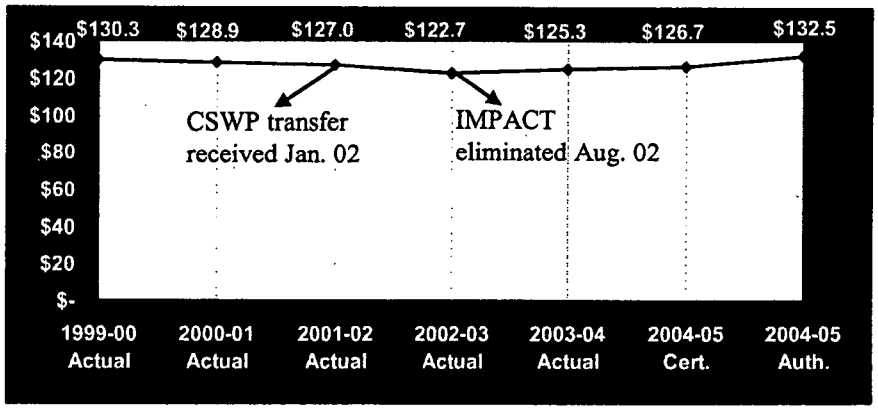
DCC Requirements 2004-05

Total DCC = $132 million



7

Budget Trends



8

2005-06 Division Recommended Budget

Total: $134,789,961

Major Differences:

- Increase of $2.3 million over 2004-05
- Restored nonrecurring $1 mill. cut to CJPP
- Salary/benefit adjustments: $958,190
  - Overtime: $152,655
  - Shift Premium Pay: $281,536
  - Longevity Pay: $445,859
  - Short-term Disability: $57,146
- Lease increases: $327,145

9

Targeted Zero-Based Items

- Personal services contracts:
  - 7 contractual hearing officers, 1 administrative officer
- Miscellaneous contracts:
  - $339,063 recommended (Governor) FY 05-06
  - $165,438 actual 03-04
  - $151,600 projected for 2004-05
  - DCC plans to use funds in this line item in 2005-06 to contract for a risk assessment tool

10

Targeted Zero-Based Items

TRAVEL	FY 03-04 Actual	FY 04-05 Projected
Authorized Budget	$ 194,355	$236,165
Training - Operational	$ 74,709	$102,685
DCC Conference Expenses	$ 20,140	$ 32,640
DCC Management Travel	$ 26,398	$ 42,613
Total	$ 121,247	$177,938

CELL PHONES	FY 03-04 Actual	FY 04-05 Projected	FY 04-05 Authorized
Management	12,006	5,004	12,006
Field	170,984	308,667	200,984
Total	$ 182,990	$ 313,672	$ 212,990

11

Targeted Zero-Based Items

- Equipment line items: Office Equipment
  - Actual FY 2003-04 = $276,491
  - Authorized FY 2004-05 = $367,224
  - Recommended Budget = $367,224
  - DCC reason for increase in 04-05: backlog due to lower funding in previous years.
  - DCC reason for 05-06: anticipated increase in the purchase/use of digital cameras

12

2003-05 Budget Changes

- Reduced overtime budget to more closely resemble actual expenditures ($610,000)
- Reduced operating budget line items ($300,000)
- $800,000 in lapsed salary towards management flexibility reserve of $13.2 million in 2004-05

2003-05 Budget Changes

- Maintained CJPP funding, added a county
- Increased funding for Women at Risk
- Directed DCC to use a consultant to study probation officer caseloads
- Directed RFPs for Electronic House Arrest (current program) and GPS tracking (was a pilot program in 2004)

DCC Budget Issues

- Officer Caseload
  - 80% of DCC Budget is Personnel
  - Significant cuts would require reducing positions, which would increase caseloads
  - NIC study found that PPO I caseloads could be reduced if all offenders on caseload were low risk
  - DCC's proposal frees 59 PPO I positions for specialized caseloads, training, and field supervisors

15

DCC Budget Issues

- CJPP funding formula
- GPS Monitoring

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VISITOR REGISTRATION SHEET

Senate Justice and Public Safety Joint 3/25/03 2:00

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Larry Dix	DJJDP
Mildred Spearman	NCDOC
Joe Frazier	NCDOC
Sherry Pilkington	NCDOC
Tracy Liddle	DOC
Robert Lee Guy	DCC/DOC
Sandy Pearce	DOC
Karen Joyner	NC Sentencing Commission
Bucky Ebim	
Andrea Selbki	Intern
MIKE MANN	NCBAA

VISITOR REGISTRATION SHEET

Senate Justice and Public Safety Joint 3/23/05 2:00

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lou Rubert	CYPC
Melissa Lovell	DOT
Steve Shaber	Poyner & Spruill
Gary McLeod	NCAGO
LaFonda Jones	NC-FAMM

8:30 AM

House Pages

Name Of Committee: JPS Date: 03/23/05

1. Name: Brian Mathis –
   County: Raleigh
   Sponsor: Senator Tillman
2. Name: Matt Southern –
   County: Forsythe County
   Sponsor: Senator East
3. Name: Britney Cherry –
   County: Wake
   Sponsor: Senator Stevens
4. Name: Ariel Cochrane Brown –
   County: Wake
   Sponsor: Senator Stevens
5. Name: Christopher Craven –
   County: Iredell
   Sponsor: Representative Ray
6. Will Fanning –
   Wake
   Representative Frye

Sgt-At-Arms

1. Name: Mary Perry } Senate
2. Name: Charles Morsalis }
3. Name: Jim Womack } House
4. Name:
5. Name:

Joint Appropriations Subcommittee
On
Justice and Public Safety

March 24, 2005 8:30 AM
Room 415

HOUSE MEMBERS PRESENT: (6) Representatives Haire, Kiser, Sutton, Goodwin, and Justus, Ray

SENATE MEMBERS PRESENT: (5) Senators Snow, Bingham Presnell and Kinnaird
The Joint Appropriations Subcommittee on Justice and Public Safety met on Thursday, March 24th in Room 415 of the Legislative Office building. **Representative Haire** called the meeting to order at 8:35 AM. Pages were: Sarah Stroud, Wake County, sponsored by Representative Eddins, Elliott Tomlinson, Darrell Coston, Jr., Wake, sponsored by Representative Ross, Elliott Tomlinson, Franklin Count, sponsored by Senator Horton, Jamie Keener, Wake, sponsored by Senator Stevens, Reginald J. Dawson, Cumberland County, sponsored by Senator Rand and Joel Rubin, Wake, sponsored by Senator Dorsett. House Sergeant at Arm Jim Womack and Senate Sergeant at Arms: Mary Perry and Charles Marsalis. **Representative Haire** introduced **Douglas Holbrook**, Fiscal Research. **Mr. Holbrook** said he would be presenting **Overview of Judicial Branch (Attachment I)**

- **Judicial Branch Structure**
- **Judicial Branch Organization**
- **Judicial Branch (exc OIDS)**
- **Indigent Defense Services**
- **Judicial Branch Positions by Program 2000-01**
- **Legislative Actions 2003-2004**

Representative Kiser asked of the 106 judges, does that include Emergency Judges. **Mr. Holbrook** said that did not include Emergency Judges. **Representative Kiser** followed up with what would special judges do here. **Mr. Holbrook** said Special Superior Court Judges may hear any kind of case, they travel across the State and are not tied to any specific district, they can hear business court. There is only one judge handling business court, but he will go anywhere. **Representative Kiser** followed up with how many Emergency Superior Court Judges do we have. **Ralph Walker** said it may be as high as 20. **Representative Kiser** followed up with how many court reporters do we have. **Greg Stahl** said there are about 120 total. **Representative Kiser** followed up with what is the total number of Superior Court Judges that would be active any particular day. I am getting complaints that we are not holding court because we do not have court reporters. **Greg Stahl** responded that it is not just court reporters, we have other issues. **Representative Sutton** asked how many special judges do we have and are all the vacancies filled. **Mr. Holbrook** said there are 13 and two are currently vacant. **Representative Haire** asked about 157 Administrative Positions, under Judicial Branch, (Page 14) where are these located. Mr. Holbrook said that is a statewide program for both technology and court administration analysis. **Senator Snow** asked how many

districts still do not have custody mediation. **Mr. Holbrook** said 60 counties have custody medication and 40 do not. They are doing expansion of 5 to 6 counties at a time. **Senator Snow** followed up with how many years has custody mediation been started. **Judge Walker** said it has been approximately 15 years. Representative Goodwin asked about domestic violence prosecution. Is recurring funding distributed on a grant application? **Mr. Holbrook** said the General Assembly created a reserve last year. It created 11 new prosecution positions that were placed in specific districts and also created new superior and district court judgeships. Some money was included in that bill that went to the Department of Administration to increase grants for treatment and shelters but that is not included in our section of the budget. That was all in the large bill and for us it was only for prosecution matters. **Senator Kinnaird** asked about federal funds. **Mr. Holbrook** said the Crime Commission is the principal source of these funds. The department is paying very close attention to the federal budget. That could have an impact on operations. **Representative Kiser** said he had been getting feedback about District Courts equipment being worn out. How much of the money went for replacing tape recorder equipment and how much went for telephone system. **Mr. Holbrook** said telephone system around $400,000 and $600,000 went for tape recorder equipment. **Mr. Stahl** said this would be a multi year process that we will have to work with you on. **Representative Kiser** followed up with how many total district court rooms do you have recording equipment in. **Mr. Stahl** said we are primarily looking at Civil and where they hold juvenile court. There are 350+ courtrooms that are used for district courts across the State, so again we are trying to figure out which ones of those could be Civil and which ones could be Juvenile only, and not put machines in courtrooms that want be used very long. **Representative Ray** said that 99% of the court reporters in the State do not have the equipment to transcribe from those tapes, which is a real problem. Are you going to put in a system that is compatible with the equipment that the court reporters use to provide transcripts? **Mr. Stahl** said they would need to match up this new equipment with equipment they have. **Representative Ray** said instead of hit and miss it would be better use of State's money if you coordinated this with court reporters. **Representative Kiser** said he had been told that the price they pay for each page of a transcript differs between a regular court reporter and a substitute or temporary court reporter. **Mr. Stahl** said the indigent pay is the same no matter who prepares that transcript and we pay a separate pay for second copy. It is market rate for non indigent or civil cases. May vary with court reporters. **Representative Ray** said the pay rate for market is two to three times higher than state court reporters and hopes there will come a day when we can look at increasing court reporters. **Senator Snow** asked how much does it cost to expand the Family Court program into one additional district. **Mr. Holbrook** said he has the numbers for each district and will share them with committee. **Senator Snow** said he was against funding any more family court systems until we have custody mediation throughout the state. **Representative Kiser** asked how do we keep the worthless check program funds from going back into the general fund. A few years ago this committee raised court fees and they were told that it would remain with the AOC and it did not happen. I am looking for a mechanism to do it again and make it happen. **Mr. Holbrook** said we have now asked them to prioritize spending it on starting new programs subject upon funding availability. **Representative Kiser** asked if we had a separate bill outside the budget to raise court fees where we could direct it to stay in AOC. **Mr. Stahl** said the

funds have been depleted every year and no funds are reverted back. **Representative Justus** asked about the Worthless Check Program that we are discussing here is in the DA's office, are there not other Worthless Check Programs? **Mr. Holbrook** said some Mediation Resolution Centers handle worthless check matters as well. **Representative Kiser** asked if Mediation Centers handle this do they keep the funds? **Mr. Holbrook** said it goes into a General Funds. **Representative Haire** said you might add that a few years ago we put a fee of $50.00 to apply if you were found to be indigent that you could pay sometime later on if you were convicted and the courts struck that down. **Ty Hunter**, you were asked to pay at the beginning of your representation, but you were not required to pay if you did not have the money. If you paid the $50.00, it would be deducted from the total amount you would owe for the lawyers fee at the end of the case. If you were acquitted you had to pay. That is the part the Supreme Court found unconstitutional. We still collect the $50.00 as best as we can after the conviction. Collection varies from county to county. **Representative Sutton** is there a mechanism in place to follow up and check to see how many people commit fraud when they say they are indigent and they really are not indigent, are their investigators who look at that or is it taken on face value. **Ty Hunter** said that the courts do not have the time to look into this. There used to be a pilot program that did not work and I would like to start a new pilot program in Wake County and try this again. I will be glad to share this data with the Committee at the appropriate time. **Senator Snow** said if it is just a matter of being able to tell these people it's got to be done, and then we need to mandate this and use the funds to help this budget work. I would like to see something done to collect these funds. **Representative Sutton** asked what recourse does the defendant have if the judge declares that he is not indigent? **Ty Hunter** said he does not have any administrative recourse and if he goes through with the trial and is found guilty that could be an issue on an appeal. As a practical matter there is very little recourse. **Senator Presnell** asked are we preaching to the judges or clerk of courts. **Ty Hunter** said we are preaching to both. **Representative Goodwin** asked who is responsible for collecting judgments? **Ty Hunter** said we are. They have recovered as much as two million from income tax refunds. Collection fees vary from county to county. Some counties do not collect any funds. **Senator Snow** said if they are denied counseling the only right they have then is a continuance so they can then try and get a lawyer and then they have to come back and deal with the case on their own. Representative Haire adjourned meeting until Tuesday, March 29th at 8:00.

Representative Joe L. Kiser
Chair

Marilyn R. Holder
Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 24, 2005 8:30 A.M..

I. CALL TO ORDER

Chairmen: Senator Scott Thomas
Representative Joe Kiser
Representative Phillip Haire, Presiding

II. PRESENTATIONS

Opening Remarks by Chairs

Overview of Judicial Branch of Government

Douglas Holbrook, Fiscal Research

Review of Office of Indigent Defense Budget

Douglas Holbrook, Fiscal Research

III. OTHER BUSINESS

IV FUTURE MEETINGS

March 29, 8:30 and 2:00	Continue Review of Judicial Budget
March 30, 8:30 and 2:00	Review Department of Justice Budget

V. ADJOURNMENT

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	3/3	3/16 AM	3/16 PM	3/22 AM	3/22 PM	3/24 AM	5/17 AM	5/17 PM							
HOUSE															
Rep. Phil Haire, CHAIR	✓	✓	✓			✓	✓	✓							
Rep. Joe Kiser, CHAIR	✓	✓	✓	✓	✓	✓	✓	✓							
Rep. Karen Ray, VICE CHAIR	✓	✓	✓	✓	✓	✓	✓	✓							
Rep. Ron Sutton, VICE CHAIR	✓	✓	✓			✓	✓								
Rep. Phillip Frye	✓	✓		✓	✓										
Rep. Melanie Goodwin	✓	✓	✓	✓	✓	✓									
John Hall / Jones							✓	✓							
Rep. Carolyn Justus		✓	✓	✓	✓	✓	✓	✓							
Rep. Paul Miller					✓		✓	✓							
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓	✓	✓											
Sen. John Snow, VICE- CHAIR	✓	✓	✓	✓	✓	✓									
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓	✓	✓	✓	✓									
Sen. Tom Apodaca	✓	✓	✓	✓											
Sen. Ellie Kinnaird	✓	✓	✓	✓	✓	✓									
Sen. Keith Presnell	✓	✓	✓	✓	✓	✓									
Sen. Tony Rand	✓														

VISITOR REGISTRATION SHEET

JPS — Name of Committee

03/24/05 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Barry Dix	DJJDP
Gray Styers	Rep
Rex Whaley	AOC
Ralph A. Walker	AOC
Joe Hunter	IDS
John Rowell	IDS
Anne Winner	AOC
Patricia Rowland	NCACC
Lou Rubert	CJPC
Melissa Lovell	DOJ
J. Kabellidon	Sen. Com.
Ueike Reamer	NC BAA
Chip Kallam	Person County (Nelson McElroy)
Lee Hall	ICCLH
Doug Heron	NC Bar Assoc
Peg Dorer	Conference of DAs

House Pages

Name Of Committee: JPS Date: 03/24/05

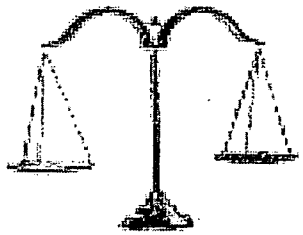
1. Name: Sarah Stroud, Darrell Coston jr
   County: Wake Wake
   Sponsor: Representative Eddins Deborah Ross
2. Name: Elliott Tomlinson
   County: Franklin
   Sponsor: Senator Horton
3. Name: Jamie Keener
   County: Wake
   Sponsor: Sen. Stevens
4. Name: Reginald J. Dawson
   County: Cumberland
   Sponsor: Senator T. Rand
5. Name: Joel Rubin
   County: Wake
   Sponsor: Sen. Dorsett

Sgt-At-Arms

1. Name:
2. Name:
3. Name: Mary Perry
4. Name: Charles Marshall
5. Name: Jim Womack

March 24, 2005
Attachment I

Overview of Judicial Branch

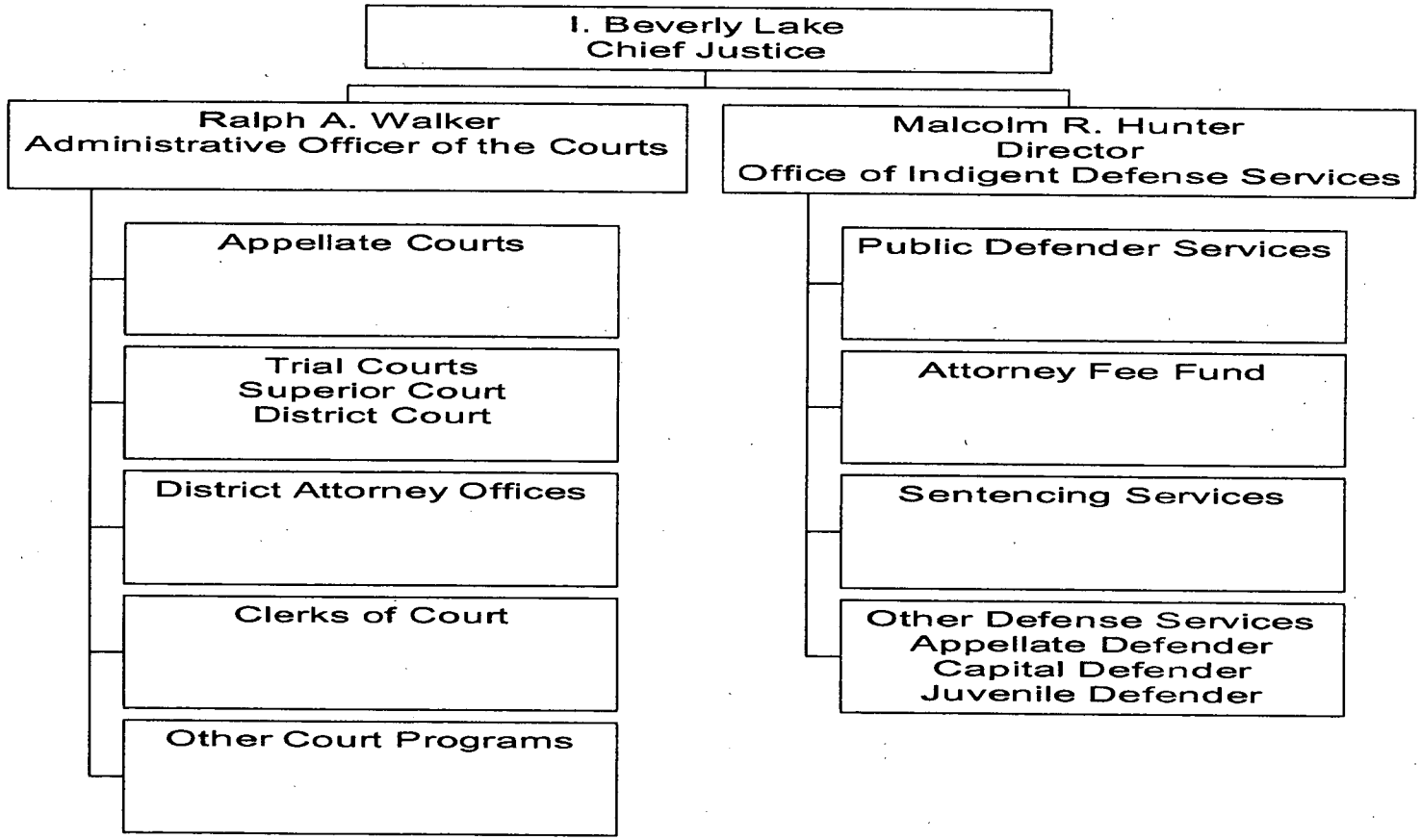


Joint Appropriations Subcommittee on Justice and Public Safety

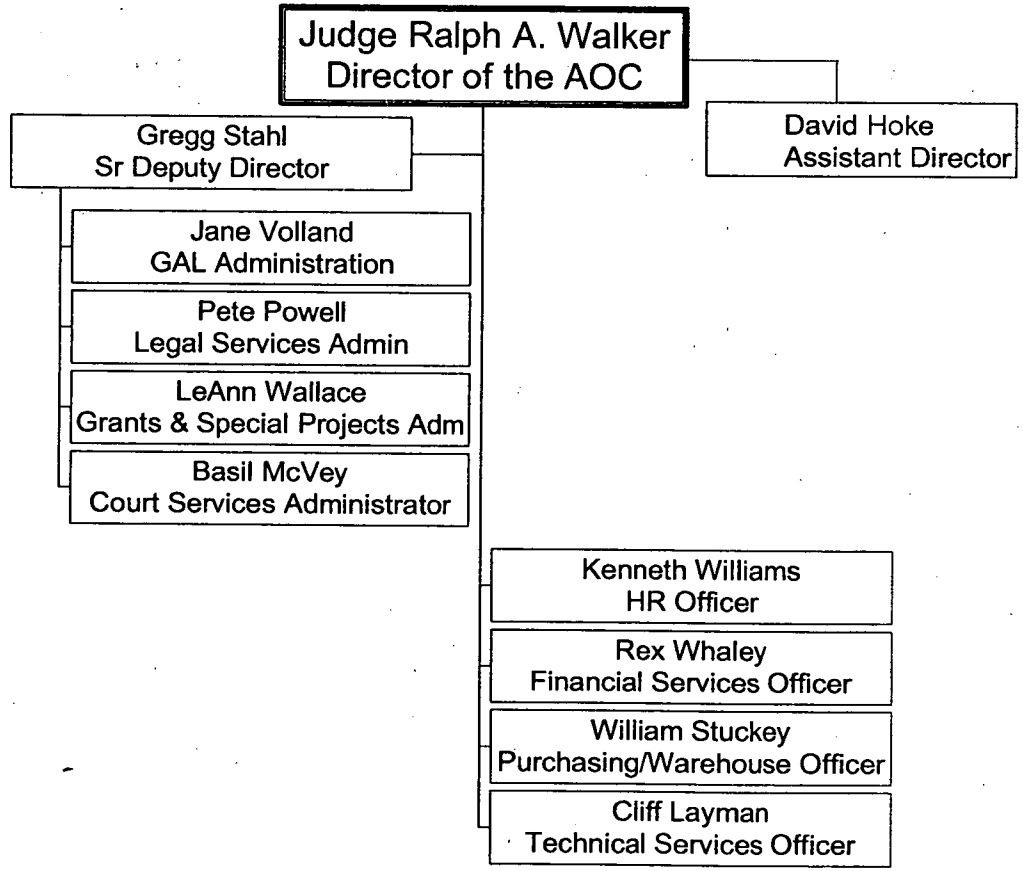
April 3, 2005

Fiscal Research Division

Judicial Branch Structure



Judicial Branch Organization



Judicial Branch Structure

- Appellate Division
  - Supreme Court – 7 Justices handled 192 appeals in 2003-04
  - Court of Appeals – 15 Judges handled 1702 appeals in 2003-04

Judicial Branch Structure

- Superior Court Division
  - 106 Judges serving in 47 districts
  - Court of principle jurisdiction for felony criminal cases and civil jury trials
  - Handled over 321,000 cases in 2003-04

Judicial Branch Structure

- District Court Division
  - 235 judges serving in 39 districts
  - "People's Court" handling misdemeanors, family/domestic matters including child custody and divorces, juvenile matters, traffic cases, etc.
  - Disposed over 2.6 million cases in 2003-04

Judicial Branch Structure

- District Attorney's Offices
  - 39 elected District Attorneys and 435 Assistant District Attorneys statewide
  - Represent the State in criminal trials
  - May manage other local programs such as worthless check programs, domestic violence prosecution, etc.
  - Include victim/witness legal assistants

Judicial Branch Structure

- Clerks of Superior Court
  - 100 elected Clerks of Court, one per county, and 2,259 staff
  - Maintain records on all trials and other matters handled in court
  - Handle numerous other special proceedings

Judicial Branch Structure

- AOC manages several other specialized programs:
  - Guardian ad Litem provides advocacy services for abused or neglected children in custody proceedings
  - Custody Mediation seeks to resolve child custody matters in a more private, non-confrontational matter

Judicial Branch Structure

- Drug Treatment Court provide connection to treatment and accountability for drug and alcohol addicted offenders
- Family Court focuses domestic matters on a single civil calendar and organizes mediation services for civil domestic cases

Judicial Branch (exc OIDS) Authorized Expenditures by Program Dec 31, 2004

AOC Budget (in millions)

Admin: $ 32.5

Courts: $113

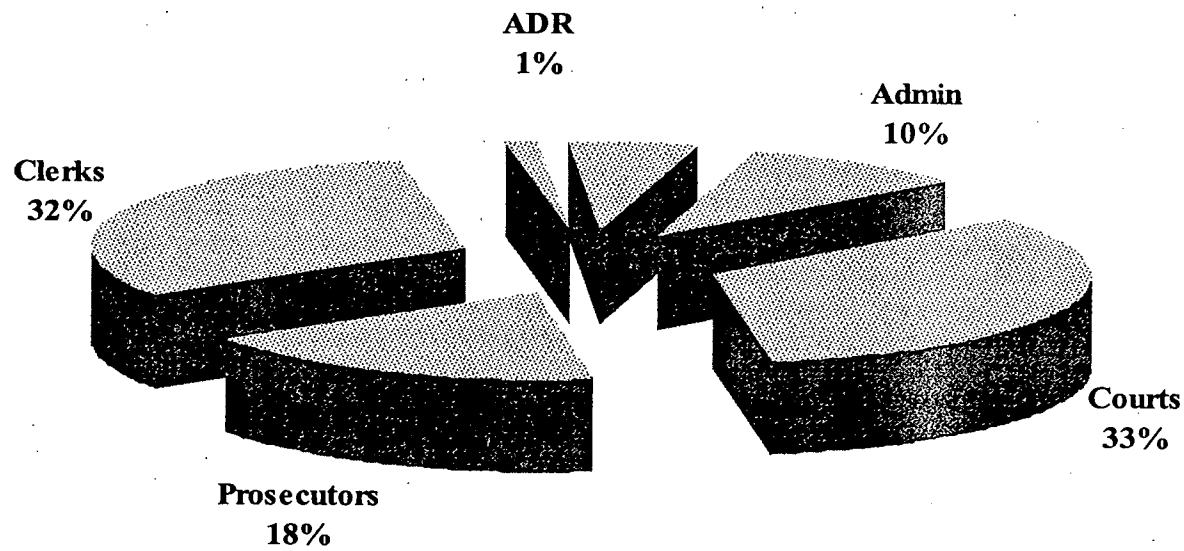
Clerks: $ 106

DA's: $ 60.5

Alternative Dispute : $ 5

Other $ 18.5

TOTAL: $ 335.6



Other includes Family Court, Drug Treatment Court, Guardian Ad Litem, and Commissions

Source: BD701

Indigent Defense Services
Authorized Expenditures by Program
Dec 31, 2004

AOC Budget (in millions)

Attorney Fee Fund: $ 65

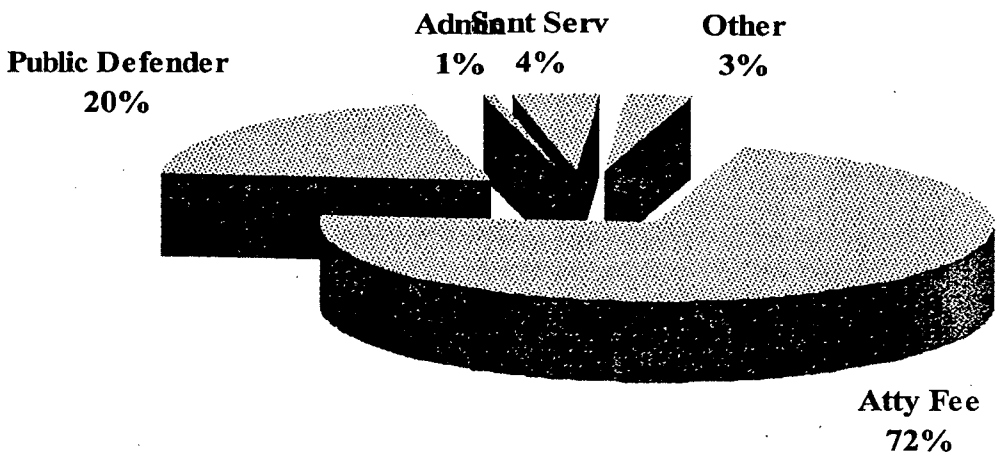
Public Defenders: $18

Admin: $.63

Sentencing Services: $3.7

Other $2.8

TOTAL: $ 91



Other includes Family Court, Drug Treatment Court, Guardian Ad Litem, and Commissions

Source: BD701

Judicial Branch (exc OIDS) Authorized Expenditures by Type Dec 31, 2004

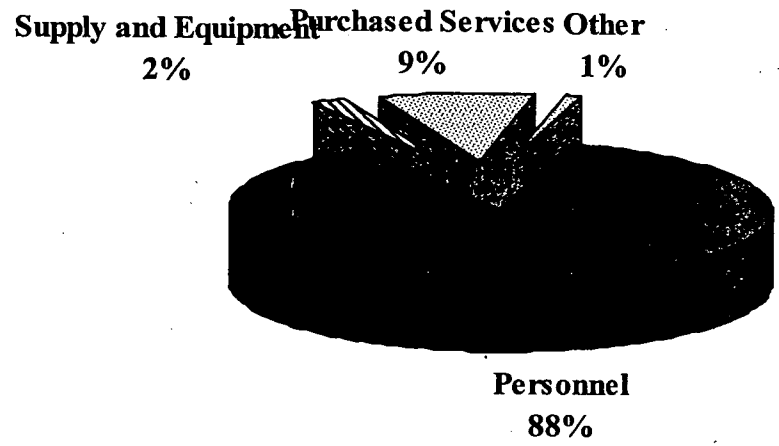
AOC Budget (in millions)

Personnel: $293

Purchased Services: $ 31

Supply & Equip: $ 6.3

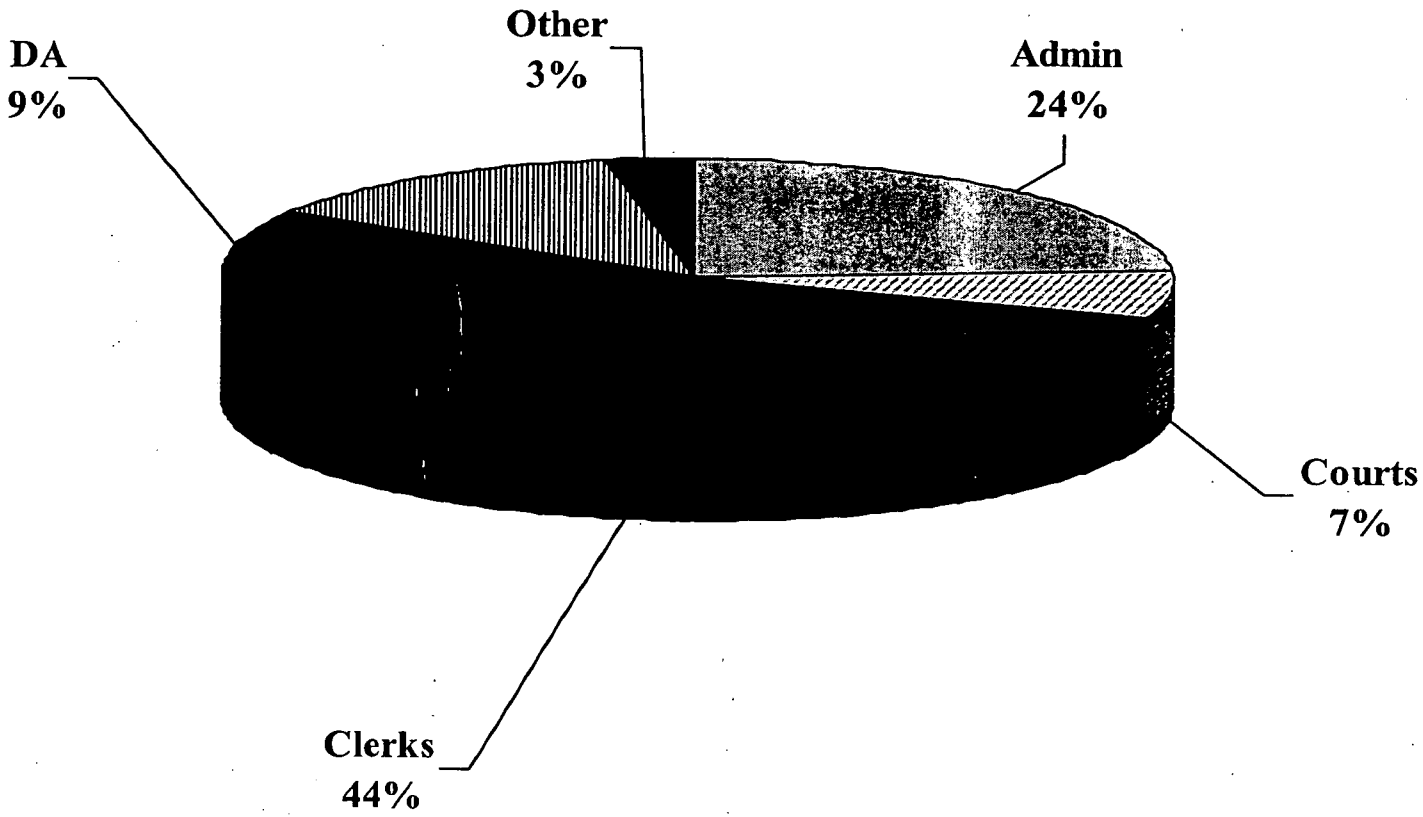
Other: $ 3



Source: BD701

Judicial Branch
Positions by Program 2000-01

Positions	
Adm:	1257
Courts:	363
Clerks:	2,359
DA's:	478
Magistrates:	716
Other	163
TOTAL	5,336



Source: AOC June 30, 2004

Legislative Actions 2003-2004

2003 Session---Judicial

- $1 Million recurring reductions in operating expenses plus $3.4 M nonrecurring management flexibility reserve in 1st year; $1.5 M recurring reduction in Salary Reserve
- Reduced the appropriation to Mediation Centers ($131,000 R)
- Took reductions totaling $85,000 in several specialized court programs including drug treatment court and Guardian ad Litem.
- Created a new Superior Court District

Legislative Actions 2003-2004

2003 Session---Indigent Defense

- Reduced growth amount built into IDS continuation budget ($1.4 million)
- Budgeted $401,000 R in recoupment receipts

Legislative Actions 2003-04

2004 Session--AOC

- Appropriated $1 million for interpreter services
- Expanded the Custody Mediation program ($50,000)
- Appropriated over $1 million R for increased prosecution of domestic violence cases.

Legislative Actions 2003-04

2004 Session--AOC

- Provided $35,000 to two community mediation programs
- Authorized a number of new positions, including ADAs, investigators, and magistrates
- Sustained three drug court programs that were losing federal funding

Legislative Actions 2003-04

2004 Session--AOC

- Provided over $1 million NR for tape recording equipment and telephone systems in courthouses
- Expanded the Family Court program into one additional district
- Increased average fee paid to GAL lawyers from $35/hour to $45/hour ($550,000)

Legislative Actions 2003-04

2004 Session--AOC

- Added 40 new deputy clerk positions statewide ($980,000)
- Provided resources for a videoconferencing pilot study in Judicial District 27B
- Provided $500,000 NR to complete crucial steps in NC AWARE warrant repository system.

Legislative Actions 2003-04

2004 Session--AOC

- Directed Corrections Oversight to study mediation center funding
- Directed AOC to develop a continuity plan for drug treatment courts receiving federal funds
- Authorized the Director to establish new worthless check programs wherever feasible with available funds

Legislative Actions 2003-2004

2004 Session—Indigent Defense

- Provided $2.5 million R and $8.5 million NR to help eliminate the backlog of payments to court-appointed attorneys
- Created an Office of Juvenile Defender
- Established new public defender districts in District 1 and 10

Indigent Defense Services

- The Office of Indigent Defense Services oversees the constitutionally-mandated provision of counsel to indigent defendants in criminal matters in state courts. This is provided either through court-appointed attorneys on a case-by-case basis or by Public Defenders who are state employees.

Indigent Defense Services

- Twelve judicial districts have public defenders. In these offices, there are 143 assistant public defenders handling cases.
- The 2004-05 authorized budget for public defender services is $18 million, $17 million of which is salaries and benefits.

Indigent Defense Services

- The other 27 districts provide services through assigned counsel paid through the Indigent Persons' Attorney Fee Fund.
- The Fee Fund authorized budget for 2004-05 is $64.9 million, less $8 million in receipts.

Indigent Defense Services

- The Governor's Continuation budget for the Fee Fund in 2005-06 is $79 million, a $13 million increase to bring the fund up to meet actual demand.

Indigent Defense Services

- The Office also manages the Sentencing Services Program. This program will be discussed in greater detail in a later portion of the Judicial presentation.

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday, March 29, 2005
Room 415 LOB
8:30 a.m.

The Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Thursday, March 29, 2005 in Room 415, LOB. Six members of the Senate Subcommittee attended along with Representatives Kiser, Haire, Frye, Goodwin, Justus, and Ray. Senator Scott Thomas presided.

Senator Thomas called the meeting to order and welcomed the Pages, staff, and visitors.

Douglas Holbrook, Fiscal Research Staff, presented to the committee an overview of the Judicial Budget, which included Indigent Defense Services, AOC continuation budget and expansion items as well as reductions, trends in the judicial budget, lapsed salaries, court fees and the zero-based budget approach. (See Attachment #1).

The meeting adjourned at 10:00 a.m.

Scott Thomas
Senator Scott Thomas, Co-Chair

Vickie Spears
Vickie Spears, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 29, 2005 8:30 A.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas, Presiding
Representative Joe Kiser
Representative Phillip Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Overview of Judicial Budget: Courts

Douglas Holbrook, Fiscal Research

III. OTHER BUSINESS

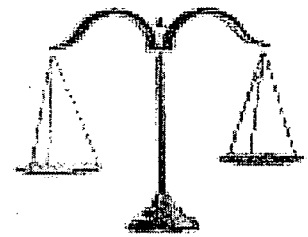
IV FUTURE MEETINGS

March 30,	8:30 and 2:00	Review Department of Justice Budget, including SAFIS
March 31,	8:30	Highway Patrol Budget and Mediation Centers
	1:00	SBI Lab Tour *(Tentative)*

V. ADJOURNMENT

Attachment 1

Overview of Judicial Branch



Joint Appropriations Subcommittee on Justice and Public Safety

March 29, 2005

Fiscal Research Division

Indigent Defense Services

- The total proposed continuation budget for OIDS is $96,688,190.
  - To achieve 4% cut to meet JPS target, OIDS would need to cut $3,867,528.
  - A 5% cut would be $4,834,410
  - A 6% cut would be $5,801,291

AOC Continuation Budget

			2003-04 Actual	2004-05 Authorized	2005-06 Continuation
1100	Admin & Services		$29,861,302	$32,083,759	$31,001,571
1200	Appellate				
	1210	Supreme Court		$4,330,244	$4,864,388
	1220	Court of Appeals		$6,216,089	$6,305,636
	1400	Judicial Standards		$127,929	$125,037
	Subtotal Appellate		$10,090,211	$10,674,262	$11,295,061
1300	Trial Court				
	1230	Superior		$32,314,533	$33,031,362
	1240	District		$70,474,116	$70,443,161
	1251	Family		$1,770,045	$1,971,976
	1260	Clerks		$106,722,462	$108,180,958
	1340	Guardian Ad Litem		$8,264,543	$8,080,016
	1710	Custody Mediation		$1,647,274	$1,609,143
	1715	Dispute Res Comm		$31,888	$30,649
	1720	Arbitration		$572,109	$549,031
	1740	Dispute Set Center		$1,483,067	$1,506,706
	1791	Drug Treatment		$1,119,653	$1,078,744
	Subtotal Trial Courts		$211,016,580	$224,399,690	$226,481,746
1500	Equip & Other Reserves				
	Subtotal Equipment		$2,745,747	$5,445,042	$10,337,244
1600	District Attorney				
	1600	District Attorney		$60,263,055	$60,906,590
	1610	Conference of DA's		$277,822	$271,514
	1620	Crimininal Case Mgmt		$396,629	$396,861
	1630	Bad Check Program		$7,449	$8,668
	Subtotal District Attorney		$56,324,793	$60,944,955	$61,583,633
1750	Sent & Policy Adv Comm		$549,254	$762,005	$744,363
Total AOC			**$310,587,887**	**$334,309,713**	**$341,443,618**

AOC Expansion Items

Assistant District Attorneys (75)	$7.9 million
Equipment needs	$3.7 million
Deputy Clerks (60)	$2.1 million
Technology Projects	$7.3 million
Expand Custody Mediation	$565,000
Expand Family Court	$891,000
Expand Guardian ad Litem	$709,000
Open File Discovery project	$3.1 million
Maintain Grant-Funded Drug Courts	$2.2 million
Establish Innocence Review Commission	$403,000
Increase Jury Fees	$973,000
Add COA staff	$101,000
Add Judicial Standards staff	$99,000
Expand Business Court	$803,000
Fully Fund Interpreters	$775,000

AOC Expansion Items

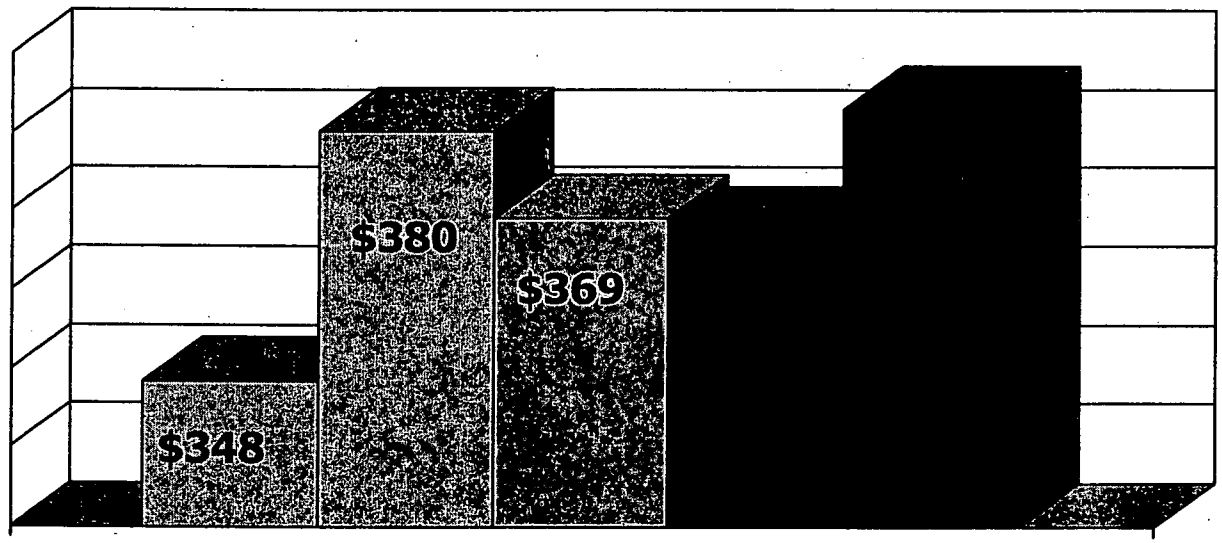
Increase Emergency Judge Rate	$700,000
Telephone Systems for New Courthouse	$1.5 million
Replacement of Old Phone Systems	$2.3 million
Support Staff for DV Judgeships	$859,000
Extra Longevity Steps for Judicial Officials	$615,000
Additional Magistrates	$150,000
Total Expansion Requested	**$38 million**

AOC Continuation—Reductions

- The total AOC continuation budget, net of receipts, is $341,443,618
  - To achieve a 4% cut to meet the JPS target, AOC would need to cut $13,657,745
  - A 5% cut would be $17,072,181
  - A 6% cut would be $20,866,617
  - To fund AOC expansion requests fully, an 11% cut would be required.

Trends in Judicial Budget

Expenditures ($ Mill)



10% increase 1999-00 to current year

(Includes OIDS)

Targeted Zero-Based Budgeting

- Grants to non-profits:
  - AOC passes through $1.4 million to community mediation centers
- Contractual Services
  - AOC spent over $1.2 million on miscellaneous contractual services between July 1, 2004, and January 1, 2005.
  - Sixty-eight percent of the contractual spending ($858,782) was on technology projects.

Targeted Zero-Based Budgeting

- AOC provides cellular phones for 215 employees at a total annual cost of $113,347.
- AOC's travel budget adds up to $4.1 million, over half in the trial court division; including $742,000 in fixed payments to Superior Court Judges

Lapsed Salary

- Lapsed salary is the amount of money made available by vacancies in positions
- Lapsed salary cannot generally be used to cover recurring costs such as annualization of new positions.
- Lapsed salary cannot generally be used to cover non-personnel costs (e.g. equipment)
- To use lapsed salary to cover omissions from the budget would require a special provision

Lapsed Salary

- AOC depends heavily on lapsed salary to meet certain obligations not adequately covered in the budget.
- AOC projects that they will generate $9.2 million by year-end. In 03-04, they generated $9.5 million.
- Major uses of lapsed salary include temporaries ($2.7m projected), contractual services ($1.8m), and cash match for grants ($1.25m)

Court Fees

- Court fees go to General Fund and local governments
- Annual collections approximately $139 M State General Court of Justice Fees and $32.4 M to local governments
- Current fees: $95 District Court
  $120 Superior Court
- The Courts also collected and distributed almost $84 million in fines and forfeitures to local school systems
- A $1 increase in the court fee would produce $1.5 million in revenue.

Zero-based Budget Approach

- Dispute Resolution Centers
  - $1.4 million authorized budget in 2004-05
  - Money is passed through to 25 local non-profits which performed 15,910 mediations and reached resolution in 14,563 cases, a 92% success rate
  - Corrections Oversight studied the issue of a funding formula for mediation centers, and recommended JPS settle the issue; a more detailed discussion of this issue is planned when all JPS non-profits appear in committee.

Zero-based Budget Approach

- Family Court Program
  - $1.7 million authorized budget in 2004-05
  - Operating in nine judicial districts
  - Budget provides 34 program staff, including case managers, administrators, and support.
  - Principal focus is calendar organization to provide for "one judge, one family"

Zero-based Budget Approach

- Family Court Program
  - No criminal cases are heard in Family Court
  - Cases include pro se divorces, child custody, equitable distribution, and child support matters
  - Case managers leverage existing resources such as custody mediation, supervised visitation, and dispute settlement centers to facilitate court process

Zero-based Budget Approach

- Guardian ad Litem Program
  - $8.2 million authorized budget in 2004-05
  - Provides court advocacy services to children in abuse/neglect proceedings in court
  - Agency budget made up of administration/training ($5.6 million; 115 positions) and legal services ($2.1 million) and other supporting expenses

Zero-based Budget Approach

- Guardian ad Litem Program
  - Administration provides training to volunteers who represent children in court proceedings (3,890 volunteers in 2003-04)
  - GAL also provides legal services through contractual arrangements with lawyers throughout the state
  - GAL contract management approach results in wide differences in cost-per-child across the state, from $1.13 per child in District 3A to $6.66 in District 30 (2003-04 data)

Zero-based Budget Approach

- Worthless Check Program
  - $862,000 authorized budget in 2004-05
  - Program is receipt-based; it is budgeted for $855,000 in receipts in 2004-05
  - Offers bad check writers the option of settling their accounts by paying restitution and a worthless check fee, avoiding prosecution

Zero-based Budget Approach

- Worthless Check Program
  - In 2004, the legislature authorized AOC to expand the program into any new district subject to availability of funds and financial viability.
  - After two years of operation, most programs become self-supporting, and often produce over-realized receipts, which become the source of new startups.

Zero-based Budget Approach

- Custody Mediation Program
  - $1.6 million authorized budget in 2004-05
  - 60 program staff work with parents in custody disputes to reach agreements in a non-confrontational manner
  - Program operates in 30 districts (60 counties) currently.

Zero-based Budget Approach

- Drug Treatment Court Program
  - $1.1 million authorized budget in 2003-04
  - The program receives a large amount of federal and local funding ($2.4 million)
  - There are 12 adult treatment courts in the state providing accountability and referral services for 1,002 drug addicted offenders.
  - A special provision in 2004 made DTC an Intermediate Sanction under Structured Sentencing

Zero-based Budget Approach

- Sentencing Services Program
  - $3.7 million authorized budget in 2003-04
  - 37 local programs assess offenders for risk and needs, and make recommendations to the sentencing judge
  - Judges may accept the plan, reject the plan, or select options within a plan.
  - Sentencing Services cannot provide data on the number of plans accepted

Zero-based Budget Approach

- Sentencing Services Program
  - Program staff made over 11,000 initial contacts in 2003-04, and presented over 1,800 plans in court in the same period
  - The average cost per plan presented is $1,800; cost would be higher for accepted plans only. Costs per plan range from $725 to $6,692
  - Plans are implemented by the Division of Community Corrections

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - March 29, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ralph Walton	AOC
Greg Stahl	AOC
Rex Wrigley	AOC
Tye Hunter	IDS
Danielle Carman	IDS
SUSAN BROOKS	IDS - SENTENCING SERVICES
Jim Nowell	IDS
Melissa Lovell	DOJ
Mike Scearce	Randolph Co Drug Court
Pam Hall	Randolph/Montgomery Day Reporting
Lou Russell	CJPC

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - March 29, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lewie Davis	ReEntry Inc (Raleigh NC) P.O. Box 729
CASANDRA SKINNER	NCCCPS
Anne Wrenn	AOC
Tony Gibbons	ReDirections - Rockingham Co. Mediation & Sentencing Services MNNC
Anita Watkins	NCLM
S. Katherine Nelson	Sentencing Com.
Chip Killian	Henderson Co (Nelson Mullins)
Michelle Frazier	NC Bar Ass'n

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY

March 30, 2005, 8:30 a.m.
Room 415

HOUSE MEMBERS PRESENT: (6) Representatives Phil Haire, Joe Kiser, Ron Sutton, Phillip Frye, Melanie Goodwin, and Carolyn Justus.

SENATE MEMBERS PRESENT: (6) Senators John Snow, Stan Bingham, Tom Apodaca, Ellie Kinnaird, Keith Presnell, and Tony Rand.

A Visitors Registration Sheet is attached and made part of these minutes.

The Joint Appropriations Subcommittee on Justice and Public Safety met on Wednesday, March 30, 2005, in Room 415 of the Legislative Office Building. Representative Phil Haire called the meeting to order at 8:35 and introduced the House Pages, Catherine Allran – Catawba, Dana Lucas – Cumberland, Amisha Bell – Cumberland: Senate Pages Johnson Biggs-Chowan, Jana Hughes-Chowan, and Sarah Peele-Chowan. House Sergeant at Arms were Frank Prevo and Jim Womack. Senate Sergeant at Arms were Mary Perry and Charles Marslais.

Rep. Haire recognized Ms. Chloe Gossage, Fiscal Research Staff, who presented an Handout #1 -Overview of Department of Justice Programs & Budget. Mr. Nels Rosland, Chief Financial Officer for the Governor's Office, was available to answer questions.

Mr. Bill Weiss – SBI – was asked to get a breakdown on DNA cases and present some figures. Senator Rand also asked for information on what it would take to get all electronic fingerprints.

Rep Haire adjourned the meeting at 9:40 a.m.

Respectfully submitted,

Representative Phil Haire
Chair

Sara Jane Lennard
Committee Assistant

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES		March 1 8:00	March 10 8:30	March 30 8:30	March 30 8:00										
HOUSE															
Rep. Phil Haire, CHAIR		✓	✓	✓	✓										
Rep. Joe Kiser, CHAIR		✓	✓	✓	✓										
Rep. Karen Ray, VICE CHAIR			✓		✓										
Rep. Ron Sutton, VICE CHAIR		✓	✓	✓	✓										
Rep. Phillip Frye		✓		✓	✓										
Rep. Melanie Goodwin		✓	✓	✓	✓										
Rep. John Hall															
Rep. Carolyn Justus		✓	✓	✓	✓										
Rep. Paul Miller		✓													
SENATE															
Sen. Scott Thomas, CHAIR		✓	✓		✓										
Sen. John Snow, VICE- CHAIR		✓	✓	✓	✓										
Sen. Stan Bingham, RANKING MINORITY MEMBER		✓	✓	✓	✓										
Sen. Tom Apodaca		✓	✓	✓											
Sen. Ellie Kinnaird		✓	✓	✓	✓										
Sen. Keith Presnell		✓	✓	✓	✓										
Sen. Tony Rand		✓		✓	✓										

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 30, 2005 8:30 A.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas
Representative Joe Kiser
Representative Phillip Haire, Presiding

II. PRESENTATIONS

Opening Remarks by Chairs

Overview of Department of Justice Programs & Budget

Chloe Gossage, Fiscal Research

III. OTHER BUSINESS

IV. FUTURE MEETINGS

March 30, 2:00 — Continue Department of Justice Budget
Highway Patrol Budget
Mediation Centers

V. ADJOURNMENT

VISITOR REGISTRATION SHEET

JPS — Name of Committee

03/30/05 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
W. Luther Cley	NCSHP
Mj MARK JOHNSON	NCSHP
JAMIE HATCHER	NCSHP
Woody Sandy	NCSHP
Walter J. Wilson Jr	NCSHP
Charlie J. Carden Jr	NCSHP
[illegible]	NCCDS
James Klopovic	GCC
Melissa Lovell	DOJ
Ed Johnson	DOJ
Bennie Aiken	CCPS
Di Shun Cain	OCDC
Mildred Spearman	NCDOC
Doug Heron	NC BAR ASSN
Ralph Walker	ROC
Duane Seigle	CDSS
Frances Henderson	Mediation Network of NC
Tony Gibbons	Mediation Network NC
[illegible]	[illegible]
Blythe Tennent	mediation Center of Eastern Carolina
BILL WEIS	SBI
Robin Pendergraft	SBI
Lee Allen	SBI
Kristi Hyman	NCDOJ
[illegible]	NCDOJ
Wells Roseland	NC DOS
Byron Harris	OSBM

VISITOR REGISTRATION SHEET

JPS — Name of Committee

03/30/05 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
James Klopman	GCC
Trust Hyman	DOT
Jerry Richardson	SBI
BILL WEIS	SBI
Robin Pendergraft	SBI
Melanie Thomas	SBI
Lee ALLEN	SBI
Byron Harris	OSBM
Melissa Lovell	DOJ
Larry Dix	DJJDP
Curtis Woods	INTERN (REP. SUTTON)
[illegible]	[illegible]
Rebecca Troutman	NCACC
David Arden	PFFPAC
Eddie Caldwell	NC Sheriffs Assn
Gary McLeod	NC AFCO

March 30, 8:30a.m.
Handout #1

DOJ Mission

- **Legal Services**

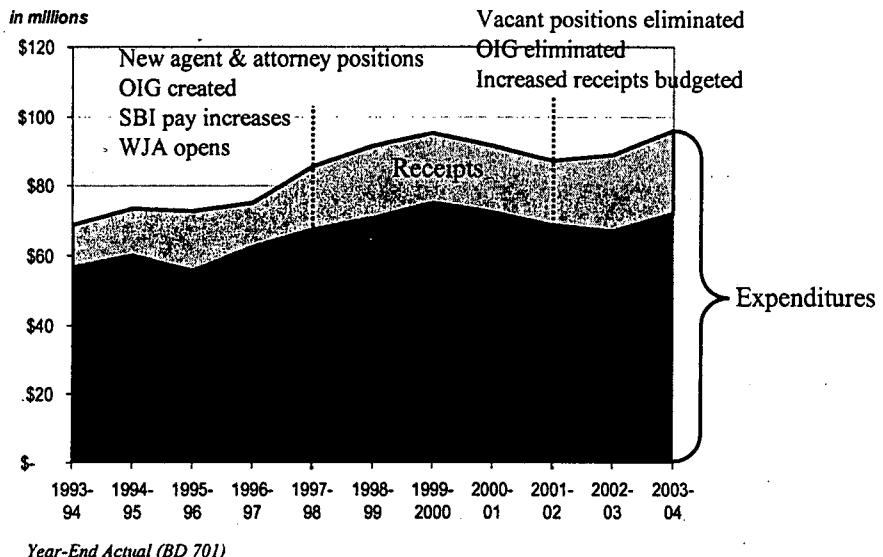
  - Represent all state agencies
  - Consult with and advise court officials
  - Institute proceedings before court

- **Law Enforcement**

  - Assist law enforcement agencies
  - Provide professional education and training
  - Establish and enforce minimum standards

1

General Fund Budget Trends



Year-End Actual (BD 701)

2

DOJ Revenue/Receipts

- FY 03-04 receipts/revenue: $23.9 million
- Two-thirds of revenue/receipts generated within Legal Services
  - Transfers from other agencies/departments
  - Fines, penalties, assessed fees
- Forfeited/seized assets
  - Unencumbered balance: $1.7 million
- Federal Grants – 22 grants in 2004

3

FY 04-05 Budget by Division

Division	2004-05 Requirements	2004-05 Receipts	2004-05 G.F. Appropriation	# Positions*
Admin.	**$2,493,893**	**- 0 -**	**$ 2,493,893**	**42.0**
Legal Services	**$35,651,681**	**$13,685,078**	**$21,966,603**	**414.5**
SBI – Law Enforcement	**$49,350,779**	**$5,552,295**	**$43,798,484**	**637.0**
Training & Standards	**$8,368,181**	**$175,271**	**$8,296,024**	**135.0**
Total	**$95,967,648**	**$19,412,644**	**$76,555,004**	**1,228.5**

*from Governor's Certified Budget, 2004, GF only

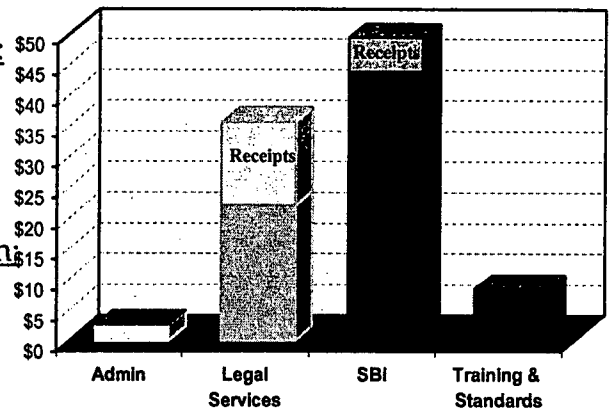
4

2004-05 Certified Budget (G.F.)

Expenditures:
$96 million

Receipts:
$19 million

Appropriation:
$77 million



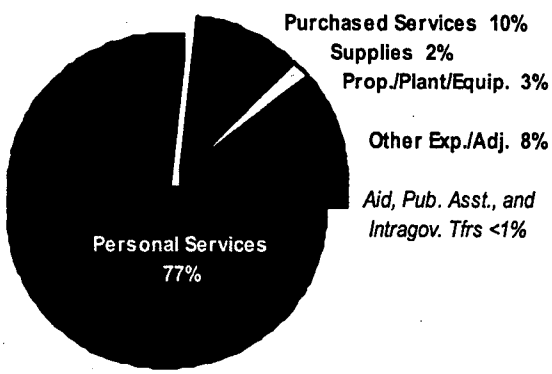
5

2004-05 Budget

Requirements:
$96.0 million

Receipts:
$19.4 million

Appropriation:
$76.6 million

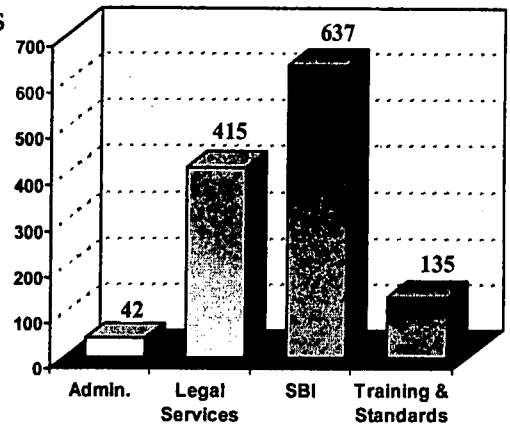


2004-05 Certified Budget – 2005-06 Worksheet I

6

DOJ Staffing

- 1,228 Total Positions
- Half SBI
  - 377 Sworn Agents
- One-third Legal Services
  - 235 attorneys



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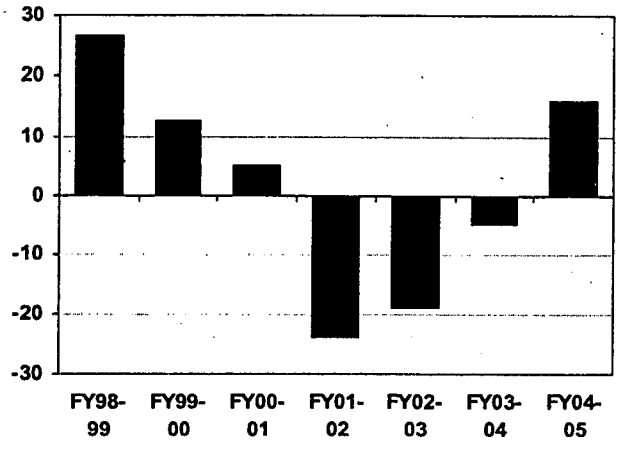
Net Position Changes

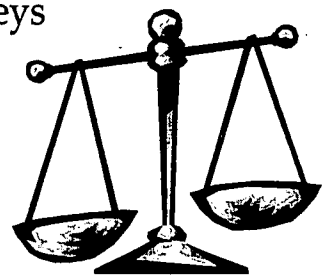


General Fund positions only

8

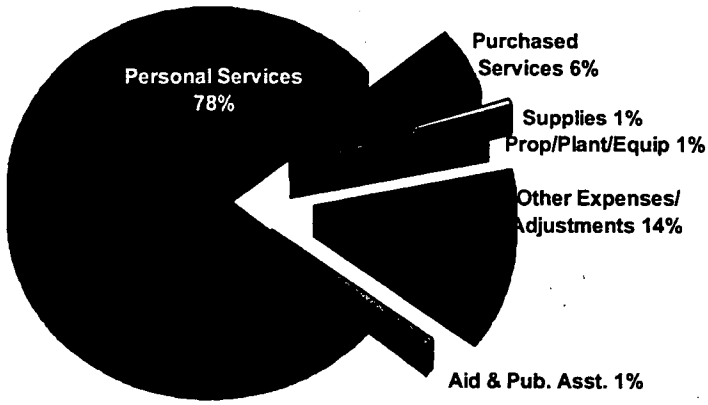
Legal Services

- 426 Positions - 235 attorneys
- 6 Divisions:
  - Administrative
  - Civil
  - Criminal
  - Environmental
  - Law Enforcement and Prosecutions
  - Special Litigation and Education
- Plus the Citizen's Rights Section



Legal Services

FY 2004-05 Budgeted Requirements ($35.7 million)



2004-05 Certified Budget – 2005-06 Worksheet I

Legal Services

Settlement Agreements

- AG reports on settlement agreements and court judgments that exceed $75,000
- AG reports to NCGA 30 days prior to disbursing funds
- AG reports on pending cases that challenge the constitutionality of laws or request more than $1 million

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Legal Services

Citizen's Rights Section: 50 positions

- Victims & Citizens Services: 11 positions, $560,000
  - Provides general assistance and refers individuals to agencies and community programs
  - Information on domestic violence, elder abuse, hate crimes, victims rights, Child Victim Assistance Program (pilot)
- Consumer Protection: 39 positions, $2.2 million
  - Assists consumers, educates the public, enforces Do Not Call in state courts.
  - Handles antitrust and utilities cases and the Managed Care Patients Assistance Program.
  - Handled approx. 19,000 written complaints last year

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Law Enforcement

- State Bureau of Investigation (SBI)
- Training and Standards Division

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State Bureau of Investigation

- 637 Positions
  - 377 Sworn positions (58%)
- Divisions:
  - Administrative & Technical Services
  - Crime Lab
  - Field Operations
  - Field Support/Criminal Information
  - Human Resources
  - Special Investigations

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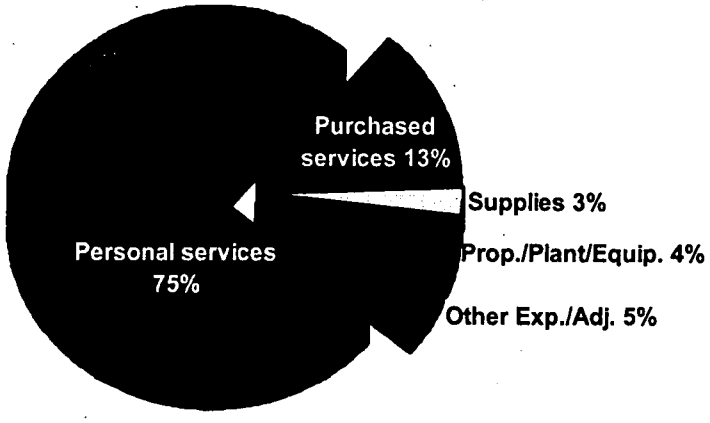
State Bureau of Investigation

FY 2004-05 Budgeted Requirements ($49.7 million)



2004-05 Certified Budget – 2005-06 Worksheet I

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State Bureau of Investigation

Position Changes

- No new field agents in 1998-2003
- Eight meth-related field agents in 2004
- New computer forensics unit (begun with grant funds)
- 17 new lab positions – DNA and drug chemistry (meth)
- Special provision directed nonsworn positions in Lab, with exceptions

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State Bureau of Investigation

Sworn Lab Positions

SECTION 15.2.(d) It is the intent of the General Assembly that the Department of Justice hire only non-sworn personnel to fill vacant positions in the State Bureau of Investigation laboratory for which the regular duties do not include serving warrants, responding to crimes prior to the crime scene being secured by other law enforcement officers, or entering hazardous situations that may require the use of force, unless there is a compelling reason to employ sworn agents in these positions. No less than 30 days prior to filling those positions with sworn agents, the Department shall consult with the Joint Legislative Commission on Governmental Operations and report to the Chairs of the Senate and House of Representatives Appropriations Committees and Appropriations Subcommittees on Justice and Public Safety. Nothing in this subsection shall prevent the Department from promoting sworn personnel who were hired prior to July 1, 2004, into such positions.

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State Bureau of Investigation

Sworn Lab Positions

Following positions are sworn:

- Chemists (drug and trace)
- Forensic Biologists (DNA)
- Forensic Impressions Analysts (Latent)
- Forensic Documents Analysts (Computers)
- Forensic Document Examiners - were sworn, but will no longer be filled with sworn agents upon vacancy
- Forensic Firearms Analysts – still under review by DOJ for sworn status

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State Bureau of Investigation

SBI Issues

- Rape kit backlog
- Increase in methamphetamine labs
- Computer crimes unit
- Electronic Fingerprints - SAFIS

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State Bureau of Investigation

Background checks

- Conducts criminal history checks for criminal justice and non-criminal justice agencies, concealed handgun permits
- "Name check" or "fingerprint check"
- Fee charged for non-criminal justice agency background checks (with exceptions)

- Most fingerprints submitted electronically:
  - 87% of arrest fingerprints (135,000)
  - 74% of other criminal justice agency fingerprints (38,000)
    26% of non-criminal justice (24,000)

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Training & Standards Division

- 135 G.F. positions; 21 S.F. positions
- 2004-05 Appropriation: $8.3 million
- Organization
  - Criminal Justice Training & Standards
  - Sheriff's Standards
  - Justice Academies
  - Private Protective Services & Alarm Systems Licensing Boards
- 2 Commissions
  - Criminal Justice Commission: 33 members
  - Sheriff's Commission: 17 members

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Training & Standards Division

Criminal Justice and Sheriff's Standards

Oversee certification process for criminal justice and sheriff personnel:

- Certification of officers
- Review applications for certificates
- Establish training standards
- Certify instructors
- Certification examinations

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Training & Standards Division

Justice Academy

- Conduct courses on and off campus, including online courses
- "Train the Trainer" format
- Train local, state, and other personnel
- Campuses used by other agencies for training
  - DOC; SBI; DMV; AOC; ALE

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JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY

March 30, 2005, 2:00 p.m.
Room 415 – Legislative Office Building

HOUSE MEMBERS PRESENT: (7) Representatives Phil Haire, Joe Kiser, Karen Ray, Ron Sutton, Phillip Frye, Melanie Goodwin, and Carolyn Justus.

SENATE MEMBERS PRESENT: (6) Senators Scott Thomas, John Snow, Stan Bingham, Ellie Kinnaird, Keith Presnell, and Tony Rand.

A Visitors Registration Sheet is attached and made part of these minutes.

The Joint Appropriations Subcommittee on Justice and Public Safety met on March 30, 2005, in Room 415 of the Legislative Office Building. Representative Phil Haire called the meeting to order at 2:00 p.m., with the introduction of Pages and Sergeant at Arms.

Rep. Haire recognized Ms. Chloe Gossage, Staff, for a continuation of Handout #1 - Department of Justice – Legislative Actions and Continuation Budget.

As requested at the 8:30 p.m. meeting, Ms. Robin Pendergraft, SBI, presented Handout #2 – a sheet from the SBI Crime Laboratory - Rape Kit Counts and Agencies Visited by SBI Laboratory Agents.

The meeting was continued with an explanation of Handout #3 – North Carolina Department of Justice 2005-2007 Expansion Budget Recommendations.

Mr. Doug Holbrook, Staff, discussed Handout #4 – Dispute Settlement Centers Funding Issues.

Col. Fletcher Clay, North Carolina State Highway Patrol, introduced members of his staff in attendance and answered questions regarding Handout #5 – State Highway Patrol Appropriations.

Rep. Haire announced that JPS would meet on Monday afternoon at 4:00 p.m. and adjourned the meeting at 3:45 p.m.

Respectfully submitted,

Rep. Phil Haire
Chair

Sara Jane Lennard
Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
March 30, 2005 2:00 P.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas

Representative Joe Kiser
Representative Phillip Haire, Presiding

II. PRESENTATIONS

Opening Remarks by Chairs

Complete Review of Department of Justice Programs & Budget

Chloe Gossage, Fiscal Research

Mediation Centers

Douglas Holbrook, Fiscal Research

State Highway Patrol Expansion Budget Request

Colonel Fletcher Clay, Commander
State Highway Patrol

III. OTHER BUSINESS

IV. FUTURE MEETINGS

Monday April 4, 4:00 p.m.: Review Non-profit Funding
Tuesday, April 5, 8:30 a.m.: Review Juvenile Justice Programs and Budget

V. ADJOURNMENT

VISITOR REGISTRATION SHEET

JPS — 03/30/05

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
James Klopman	GCC
Trust Hyman	DOT
Jerry Richardson	SBI
BILL WEIS	SBI
Robin Pendergraft	SBI
Melanie Thomas	SBI
Lee ALLEN	SBI
Byron Harris	OSBM
Melissa Lovell	DOJ
LARRY DIX	DJJDP
CURTIS WOODS	INTERN (REP. SUTTON)
[illegible]	[illegible]
Rebecca Troutman	NCHCC
David Anders	PFFPAC
Eddie Caldwell	NC Sheriffs Assn
Gary McLeod	NCACDD

March 30, 2:00 p.m.
Handout # 1

Department of Justice

Recent Legislative Actions and Continuation Budget

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Key Legislative Activity

(2003 and 2004 Sessions)

- Management flexibility reduction - $1.6 million in FY03-04; $553,000 in FY04-05
- Eliminated 16 vacant positions and added 27 new positions; net increase of 11 positions and $1.1 million (annualized)
- Expanded methamphetamine response team (positions, equipment, leased lab space)
- Expansion funding of $71,000 for NC LEAF – increased funding to $271,000 R
- Funded salary adjustment for SBI field agents - $564,087.

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Key Legislative Activity

(2003 and 2004 Sessions)

- Expanded the DNA section of the SBI Crime Lab and outsourced rape kits to reduce the backlog.
- Added two positions to address new domestic violence training requirements for law enforcement.
- Funded a pilot project for video testimony between the SBI Lab and the courts.
- Permitted written reports of lab analyses of forensic evidence to be admissible in court without the presence of the analyst unless the defense objects.
- Directed the SBI to use only nonsworn personnel to fill vacant crime lab positions, with certain exceptions.

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Federal Grant Funds

- 22 active Federal Grants in FY 2003-04
  - Medicaid fraud
  - Telemarketing fraud/privacy
  - Internet crimes against children/cybercrime
  - Child sexual assault
  - DNA analysis
  - Methamphetamines
  - Fingerprint & other computer upgrades
  - Anti-terrorism
  - Marijuana eradication

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	Issue Description	2004-05 Authorized Budget	Original DOJ Request 2005-06	Adjusted Total 2005-06	Total Recommended 2005-06
1	SBI Replacement - Body Armor & Lab Equipment	$343,058	$659,185	$393,185	$736,243
2	SBI Gasoline	$273,696	$250,172	$250,172	$523,868
3	SBI/CJTS Vehicle Replacement	$1,182,590	$913,933	$261,104	$1,443,694
4	Annualize Meth Response Team Expenditures	$510,703	$472,328	$452,328	$963,031
5	SBI District Office Leases	$756,469	$56,219	$56,219	$812,688
6	SBI Supplemental Pension Payment (Anticipated Shortfall)	$1,856,237	$296,933	$0	$1,856,237
7	SBI Overtime Budget (Anticipated Shortfall)*	$584,200	$313,265	$0	$584,200
8	Wildlife Commission Telecom Charge**		$30,789	$0	
9	Other Vehicle (Airplane) Replacement		$200,000	$0	
10	Remove Non Recurring FY 0405 Appropriation Increases		($146,341)	($146,341)	($146,341)
11	Remove Non Recurring FY 0405 Appropriation Decreases		$333,333	$333,333	$333,333
	Total Appropriation	**$76,555,004**	**$3,379,816**	**$1,600,000**	**$78,155,004**

*Request included $49,000 in retirement and social security. These lines are not included in the authorized budget figure.

**Currently paid with federal Seized/Forfeited Asset funds

Major Continuation Budget Increases

- Inflation increase for gas
  - Authorized budget for SBI is $275,000
  - Increase of $250,172 in recommended budget
- SBI equipment replacement – Lab & Security
  - Authorized budget is $343,058
  - Increase of $659,185 requested by DOJ; increase of $393,185 recommended by Governor
  - Increase covers body armor and lab equipment.
- SBI/CJTS vehicle replacement
  - Authorized budget is $1,182,590 (appropriation)
  - Requested increase of $913,933; increase of $261,104 recommended by Governor

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Continuation Budget Requests not Recommended by Gov.

- SBI equipment replacement (balance: $266,000)
- Vehicle replacement (balance: $652,829)
- Airplane replacement ($200,000)
- SBI Overtime and LEO Supplemental Pension Plan projected shortfalls ($313,265 and $296,933)
- Wildlife Commission Telecom charge ($30,789)

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Zero-Based Budgeting

- Cell phones: 369 phones, $172,841.
  - 314 phones, $156,320 in SBI
- Miscellaneous contracts:
  - $36,653 actual 03-04
  - $253,120 authorized for 04-05, requested for 05-06
  - $250,000 = funds to outsource rape kits (new in 04-05)

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Zero-Based Budgeting

TRAVEL				04-05
Purpose	03-04 Expenditures	Receipts*	03-04 Net Gen. Fund	Authorized Expenditures
General Administrative work	$7,855	$0	$7,855	$7,890
Court Appearances, Legal Proceedings, and Continuing Education	$233,074	($99,056)	$134,018	$260,170
Field Work, Criminal Investigations, and Continuing Education	$367,825	($2,790)	$365,035	$375,020
Training & Licensing	$131,557	($1,395)	$130,162	$155,724
TOTAL	**$740,311**	**($103,241)**	**$637,070**	**$798,804**

*42.5% of total Legal Services expenses were billed and collected through client agencies. Registration fees collected to off set workshop expenses for SBI and Justice Academy.

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Handout # 2
March 30, '05

SBI Crime Laboratory

Forensic Biology Section

(as of 3/28/05)

Rape Kit Counts

# Agencies Responding (untested kits) 2004	446	89%
# of Untested Kits Stored by Agencies	6292	100%
# of No-suspect Kits Received by SBI	**487**	**8%**
# of Kits Eliminated	5322	85%
# of Kits Reviewed (By SBI & Local Law Enforcement Agencies)	5586	89%
# Kits Need further Review by Local Law Enforcement Agencies for No-Suspect Status	432	7%
# of Agencies Contacted by SBI (as of 4/1/05)	500	100%

Note: Kit counts supplied by Local Law Enforcement Agencies may vary (see chart below)

Agencies Visited By SBI Laboratory Agents

Agency Visited	Original #	# Reviewed	# Eliminated	# Submitted	More Review by Agcy
Asheville PD	500	433	346	76	11
Cumberland SO	58	53	43	10	0
Fayetteville PD	50	309	60	11	238
Greensboro PD	500	517	508	8	1
Guilford SO	41	41	38	3	0
Raleigh PD	590	704	501	29	174
Winston-Salem PD	489	550	481	62	7

March 30, 2:00 p.m
Handout #3

North Carolina Department of Justice 2005-2007 Expansion Budget Recommendations

		FY 2005-06	FY 2006-07
EXPAND UTILIZATION OF DNA EVIDENCE - SBI DNA EXPANSION YEAR II		$ 197,644	$ 478,221
Provides funding for second year of plan to expand the crime lab's ability	*Pos.*	7.00	7.00
to effectively process DNA evidence. Provides funding for 6 Geneticists,			
1 Evidence Tech and related travel, equipment and supply funding.			
Governor recommended full funding of these seven positions .			
COMPUTER CRIMES AGENT EXPANSION		$ 483,312	$ 443,955
Four new SBI field agents are recommended to partner with the FBI	*Pos.*	7.00	7.00
National Internet Crimes Against Children Task Force. These agents will primarily			
work on child exploitation and sexual predator cases. Three positions are also			
added to the Crime Laboratory to conduct forensic computer examinations.			
Positions are effective January 1, 2006. **Governor recommended 2.0**			
positions including 1.0 field agent and 1.0 computer forensic lab agent.			
SBI METHAMPHETAMINE RESPONSE TEAM		$ 836,670	$ 748,144
A total of 13 SBI positions are recommended to combat illegal methamphetamine	*Pos.*	13.00	13.00
lab operations in North Carolina. This includes 6 SBI chemists, 2 Drug Chemistry			
technicians, 4 SBI Field Agents and 1 Special Agent Supervisor that would			
oversee a coordinated statewide Methamphetamine elimination strategy.			
Governor recommended 6.0 chemists and 2.0 chemistry technicians,			
for a total of eight positions and $264,100 in FY 0506. These positions are			
also critical to address the Governor's DWI Task Force recommendation to improve			
[redacted]ug chemistry processing.			
SBI CRIME LAB INFORMATION SYSTEM		$ 411,982	$ 96,500
In order to address the Governor's DWI Task Force recommendations, the current			
evidence tracking system must be replaced to significantly improve the processing			
of evidence samples through bar coding and process automation.			
IMPLEMENTATION OF 2000 LEO PAY PLAN		$ 2,235,661	$ 2,235,661
Provides funding to support un-funded Pay Plan authorized by OSP in 2000,			
for all sworn SBI agents and crime laboratory staff. This request is the			
second year balance that remains after FY 0405 increase of $564,087.			
LEGAL SERVICES DIVISION EXPANSION		$ 480,292	$ 458,292
Additional legal resources are needed to address workload demand in several legal	*Pos.*	*5.00*	*5.00*
services sections. Priority position requests include an Elections Section Attorney,			
Revenue Section Attorney, DENR Water/Land Section Attorney, Appellate Section			
Attorney and Law Enforcement Liaison Attorney II.			
MEDICAID FRAUD SECTION - NEW SWORN INVESTIGATORS		$ 72,618	$ 75,022
The growth and expansion of the Medicaid program has resulted in a significant	*Pos.*	*4.00*	*4.00*
increase in Medicaid fraud and abuse activity throughout North Carolina. As a			
result, DOJ recommends that another four sworn Medicaid Fraud Investigators			
be added to the Medicaid Fraud Section.			

		FY 2005-06	FY 2006-07
IT DIVISION - NETWORK SECURITY RESOURCES		$ -	$
A $6.00 increase to the DCI PIN monthly service charge is recommended.	*Pos.*	*3.00*	*3.*
For FY 0506, $141,360 in new receipts would support these new positions,			
remaining $74670 would support replacement rental costs for DCI PIN office			
located on Blount Street which is scheduled for sale to private developers.			
IN SERVICE LEO TRAINING EXPANSION		$ 408,521	$ 361,021
In order to implement new training standards for law enforcement officers	*Pos.*	*6.00*	*6.00*
six new positions are recommended which include three new Academy instructors			
two Sheriff Standards investigators and one investigator in the Criminal			
Justice Standards Division.			
CONSUMER PROTECTION - MILITARY LIAISON & WORKLOAD ASSISTANCE		$ 170,768	$ 157,568
An additional Consumer Protection Specialist dedicated to addressing consumer	*Pos.*	*3.00*	*3.00*
fraud issues involving military personnel stationed in North Carolina is			
recommended. A Financial Investigator and Office Assistant are also recommended			
to address significant increases in consumer fraud claims.			
OPEN FILE DISCOVERY IMPLEMENTATION		$ 449,697	$ 355,879
The adoption of SB52 concerning Open File discovery has required that	*Pos.*	*7.00*	*7.00*
professional law enforcement and legal personnel spend significant time to			
comply with new Open File discovery standards. Seven additional administrative			
positions are recommended for the SBI and Legal Services Division.			
Statewide Automated Fingerprint Identification System - The Department of Justice			
will be submitting a separate expansion budget request related to the replacement			
of this critical law enforcement system. Final requested funding amounts are			
contingent on the completion of a comprehensive cost, benefit, risk assessment			
and project management plan.			
DOJ TOTAL STATE APPROPRIATION REQUEST		$ 5,747,164	$ 5,410,263
	Total Positions	*55.00*	*55.00*

March 30, '05 2:00pm
Handout # 4

DISPUTE SETTLEMENT CENTERS
FUNDING ISSUES

History

Dispute Settlement, or Mediation, Centers have been receiving state funds since 1979. In the 1990s, the legislature passed the Community Mediation Act, which formalized the role of the centers. The act did not, however, specify the allocation of state funds. Funding is not currently tied to workload or any other measure. In 2004, the General Assembly charged Corrections Oversight Committee to study the issue of a funding formula for mediation centers. The Oversight Committee looked at current operations, and heard from two different models offered by groups of mediation centers, and voted to have the Appropriations Subcommittee on Justice and Public Safety settle the matter in the budget process. **There is disagreement among the 25 programs in the state over the best model for a funding formula. In the past year, two centers have left the umbrella organization, the Mediation Network of North Carolina, and have formed the Community Mediation Alliance. Each group was given an opportunity to propose a funding formula to the Oversight Committee.**

FORMULA OPTIONS

1. The Mediation Network proposed a formula model based on the population of the area served by each center. Funding to centers would be based, under this model, on county population and number of counties served, but not including court-referred workload. The following table demonstrates the gradation of counties and the application of funding for multi-county centers.

Population	County Size	Single County Center	Multi County Center
15 K and Under	Very Small	$55,000	$15,000
16 K – 49K	Small	$55,000	$35,000
50 K – 99 K	Medium	$75,000	$50,000
100K and over	Large	$125,000	$75,000

Under this model, a center serving one "very small" county would receive $55,000, and a center serving two counties with population less than 15,000 each would receive $30,000. If the center served a "very small" county and a "medium" county, it would receive $65,000. Because of this structure and these amounts, the current overall appropriation would be inadequate to fund the mediation program.

2. The Community Mediation Alliance proposed a more complex model providing for gradations by population served, but also placing priority on handling of court-referred mediation cases. This model, like the Network model, establishes base amounts for each center, and builds on those bases to arrive at overall funding levels. This formula is driven by population and caseload, and thus can result in higher allocations than the current appropriation.

3. As an alternative example, the current appropriation has been run through a formula based on the existing Criminal Justice Partnership Act formula. This formula applies county share to an overall appropriation amount based on a combination of factors: 20% equal share, 60% population share, 20% probation admissions share. Applying this logic to the mediation centers, a model formula would consist of 20% equal share, 60% population share, and 20% share of court-referred cases. These three models are compared in the attached spreadsheet.

Dispute Settlement Centers Appropriation Formulas

County	Current App.	SMART Formula		Network Formula		Workload Formula	
		Sugg. App.	Deviation	Sugg. App.	Deviation	Sugg.App.	Deviation
Alamance	$ 36,720	$ 48,000	$ 11,280	$ 125,000	$ 88,280	$ 34,847	$ (1,873)
Albemarle	$ 47,715	$ 47,715	$ -	$ 165,000	$ 117,285	$ 28,130	$ (19,585)
Blue Ridge	$ 45,900	$ 157,688	$ 111,788			58746.93375	$ 12,847
Cabarrus	$ 39,474	$ 56,250	$ 16,776	$ 125,000	$ 85,526	$ 35,266	$ (4,208)
Carolina (Wake)	$ 134,028	$ 162,188	$ 28,160	$ 290,000	$ 155,972	$ 169,382	$ 35,354
Charlotte	$ 64,260	$ 93,750	$ 29,490	$ 125,000	$ 60,740	$ 124,184	$ 59,924
Chatham/DeepRiver	$ 45,441	$ 47,438	$ 1,997	$ 85,000	$ 39,559	$ 28,352	$ (17,089)
Cape Fear	$ 54,059	$ 58,875	$ 4,816	$ 110,000	$ 55,941	$ 58,426	$ 4,367
Hickory/Morganton	$ 33,966	$ 33,966	$ -	$ 175,000	$ 141,034	$ 51,480	$ 17,514
Cumberland	$ 43,146	$ 75,000	$ 31,854	$ 125,000	$ 81,854	$ 63,369	$ 20,223
Duplin	$ 31,212	$ 31,212	$ -	$ 120,000	$ 88,788	$ 45,268	$ 14,056
Moore	$ 32,130	$ 43,750	$ 11,620	$ 75,000	$ 42,870	$ 20,698	$ (11,432)
Foothills	$ 37,546	$ 93,750	$ 56,204	$ 105,000	$ 67,454	$ 46,457	$ 8,911
Henderson	$ 50,031	$ 55,034	$ 5,003	$ 55,000	$ 4,969	$ 35,718	$ (14,313)
Asheville	$ 102,816	$ 113,098	$ 10,282	$ 125,000	$ 22,184	$ 49,787	$ (53,029)
Eastern Carolina	$ 105,570	$ 134,625	$ 29,055	$ 275,000	$ 169,430	$ 83,180	$ (22,390)
Southern Piedmont	$ 83,691	$ 143,750	$ 60,059	$ 175,000	$ 91,309	$ 68,225	$ (15,466)
Forsythe	$ 54,896	$ 75,000	$ 20,104	$ 125,000	$ 70,104	$ 55,288	$ 392
Guilford	$ 48,654	$ 75,000	$ 26,346	$ 125,000	$ 76,346	$ 77,752	$ 29,098
Rockingham	$ 41,310	$ 93,750	$ 52,440	$ 75,000	$ 33,690	$ 52,115	$ 10,805
Mountain	$ 59,670	$ 59,670	$ -	$ 200,000	$ 140,330	$ 40,577	$ (19,093)
Orange	$ 77,599	$ 77,599	$ -	$ 125,000	$ 47,401	$ 39,765	$ (37,834)
Piedmont	$ 68,850	$ 175,000	$ 106,150			$ 93,588	$ 24,738
Sandhills	$ 32,130	$ 32,130	$ -	$ 70,000	$ 37,870	$ 22,555	$ (9,575)
Transylvania	$ 32,130	$ 35,343	$ 3,213	$ 55,000	$ 22,870	$ 19,789	$ (12,341)
TOTAL	$ 1,402,944	$ 2,019,581	$ 616,637	$ 3,030,000	$ 1,741,806	$ 1,402,944	

March 30, '05
Handout # 5

North Carolina State Highway Patrol

VIPER - Voice Interoperable Communications Plan for Emergency Responders

Additional funding is recommended to continue the deployment of the VIPER Strategic 800 MHZ statewide system for all of North Carolina's public safety agencies. This request includes the funding required to continue the rollout of the VIPER project. The SHP represents 15% of the CJIN-MDN users; other state agencies make up 3% of the users, and the remaining balance of the users are local public safety agencies.

1,500,000	2,000,000

Motor Carrier Positions Upgrade

Highway Fund appropriations are recommended to provide 243 Motor Carrier Enforcement Officers, formerly DMV Enforcement Officers, with the required training to get to the same level of arrest authority and pay as their trooper counterparts.

2,209,291	3,797,916

Additional Troopers

It is recommended that Highway Fund appropriations be provided to increase the number of State Trooper positions for the North Carolina Highway Patrol. The addition of trooper positions will help the SHP advance its mission by promoting safe and efficient transportation for all motorists traveling through North Carolina. A total of 25 new troopers is recommended for Fiscal Year 2005-06 with 25 additional troopers for Fiscal Year 2006-07, for an increase of 50 for the biennium.

1,375,000	2,750,000

Additional Sergeant Positions

It is recommended that Highway Fund appropriations be provided to increase the number of Sergeant (supervisory) positions for the North Carolina Highway Patrol by upgrading existing Master Troopers to the rank of Sergeant. A total of three new Sergeant positions is recommended for Fiscal Year 2005-06 with two additional Sergeant positions for Fiscal year 2006-07, for an increase of five for the biennium.

21,300	35,500
$5,105,591	**$8,583,416**

1. **VIPER** (Voice Interoperable Communications Plan for Emergency Responders) — 15,000,000 — 15,000,000
2. **Additional Troopers** (training & equipment) — 1,125,000 — 1,125,000

$16,125,000	**$16,125,000**

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Monday, April 4, 2005
Room 415 LOB
4:00 p.m.

The Joint Appropriations Subcommittee on Justice and Public Safety met at 4:00 p.m. on Monday, April 4, 2005 in Room 415, LOB. Six members of the Senate Subcommittee attended along with Representatives Kiser, Haire, Frye, Goodwin, Justus, Ray, and Miller. Senator Scott Thomas presided.

Senator Thomas called the meeting to order and welcomed the Pages, staff, and visitors.

Denise Thomas, Fiscal Research Staff, presented to the committee an overview of Non-Profit Organizations in the Justice and Public Safety Budget. These Non-Profit organizations include: Harriet's House, Summit House, Women at Risk, Energy Committed to Offenders – ECO, NC Victims' Assistance Network, NC National Guard Emergency Relief Fund, NC Legal Education Assistance Fund – NC LEAF, Boys and Girls Clubs, Communities in Schools, Juvenile Assessment Center (JAC), Project P.R.I.D.E. Juvenile Day Reporting Center, Mediation Network of North Carolina.

Many of the non-profit organizations made comments as they presented their report to the committee. (See Attachments #1a – r).

Jim Mills, Fiscal Research, presented an overview of the Department of Juvenile Justice & Delinquency Prevention Programs & Budget. (See Attachment #2).

Jim Mills and Denise Thomas presented to the committee an overview of the Department of Juvenile Justice & Delinquency Prevention Programs and Budget: Facilities, Community Based Programs and Court Services. (See Attachment #3).

The meeting adjourned at 6:00 p.m.

Scott Thomas
Senator Scott Thomas, Co-Chair

Vickie Spears
Vickie Spears, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415 Legislative Office Building
April 4, 2005 4:00 P.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas, Presiding

Representative Joe Kiser
Representative Phillip Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Overview of Non-Profit Organizations in the Justice & Public Safety Budget

Harriet's House
Summit House
Women at Risk
Energy Committed to Offenders – ECO
NC Victims' Assistance Network
Chaplain Aubrey McLellan NC Nat'l Guard Emergency Relief Fund
NC Legal Education Assistance Fund – NC LEAF
Boys and Girls Clubs
Communities in Schools
Juvenile Assessment Center (JAC)
Project Challenge
Project P.R.I.D.E. Juvenile Day Reporting Center
Mediation Network of North Carolina

Fiscal Research Staff
Comments by Non-Profits

Overview of Department of Juvenile Justice & Delinquency Prevention Programs & Budget

Jim Mills, Fiscal Research

Overview of Department of Juvenile Justice & Delinquency Prevention Programs and Budget: Facilities, Community Based Programs and Court Services

Jim Mills, Fiscal Research
Denise Thomas, Fiscal research

III. OTHER BUSINESS

V. ADJOURNMENT

Attachment # 1a

FUNDING FOR NON-PROFITS IN JUSTICE AND PUBLIC SAFETY AGENCIES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

April 4, 2005

Funding for Non-Profit Agencies in JPS Budget

April 4, 2005

Department: Correction

Harriet's House (Re-entry From Prison)

Harriet's House is a specialized, transitional housing program in Raleigh developed to help women (mothers) leaving prison make a successful re-reentry into the community, regain custody of their children, maintain full employment, and obtain permanent, affordable housing. The two-year program has four phases: supervised living, transitional living, community living, and aftercare. It is part of a larger "parent" organization called Passage Home, a faith-based, interracial ecumenical community development corporation designed to help strengthen low wealth families and neighborhoods. The program has served 84 families since its inception in 1995, including 30 families in FY 2003-04. There are currently 12 families in residence, and another nine women successfully transitioned out of the program in the past year. The reported re-arrest rate to date is 11%.

In 2004-05, Harriet's House received 32% of its funding through the Department of Correction. In prior years, State funds made up approximately 74 percent of the budget; however, Harriet's House recently received a two-year grant from the Governor's Crime Commission. Of the funds received from DOC, 15 percent are devoted to an administrative fee to Passage Home, Inc. In 2002-03, the General Assembly took a nonrecurring reduction of 10 percent in the pass-through funds for various non-profit organizations, including Harriet's House.

Legislative Funding History				
2000-01	**2001-02**	**2002-03**	**2003-04**	**2004-05**
$275,000	$275,000	$247,500	$275,000	$275,000

Funding for Non-Profit Agencies in JPS Budget

April 4, 2005

Department: Correction

Summit House (Probation)

Summit House serves non-violent women probationers and their children. The program's goal is to assist women in achieving independence from illegal substances, destructive relationships, criminal behavior and financial dependency. Participants must commit to the program for two years, during which time they will work to attain relevant job skills, resume a responsible role as a parent, and have access to other services including crisis intervention, substance abuse programming, family planning counseling, and transitional living assistance. The sites have applied for licensure by the Department of Health and Human Services as therapeutic communities. Summit House facilities are located in Greensboro, Charlotte and Wake County and together served 33 families in FY 2003-04, graduated 10 families, and reported 16 women non-compliant or revoked from probation. Summit House reports two 2001-02 graduates re-arrested (20%), and an average daily cost per resident (women and children) of $80.87.

In 2003-04, Summit House received 74 percent of its funding from the State – 69 percent of its funding through DOC. In 2002, at the direction of the General Assembly, Summit House underwent reorganization; each local site is now a 501(c)(3) corporation with financial autonomy. The General Assembly reduced funding, particularly for the state office, and directed that no state funds be used to support the state office after May 2003. Instead of a full state office, there is now a corporate office co-located with the Greensboro program office. This office handles payroll and other administrative functions for the three sites and staffs the sites' corporate board. The cost of the shared administrative services was six percent of the total Summit House budget in 2003, and the cost of the three local executive director positions was an additional nine percent.

Legislative Funding History				
2000-01	2001-02	2002-03	2003-04	2004-05
$1,396,592	$1,256,942	$1,231,293	$1,231,293	$1,231,293

Funding for Non-Profit Agencies in JPS Budget

April 4, 2005

Department: Correction

Women at Risk (Probation)

Women at Risk (WAR) is a 16-week community-based treatment program serving female offenders as a special condition of regular or intensive probation. The program works with women to remain out of custody, to succeed on probation and to overcome abusive and self-destructive behavior. Services include weekly two-hour intensive group sessions, intensive individual case management and court advocacy. They have recently been licensed by the Department of Health and Human Services as an outpatient mental health/substance abuse treatment facility, and have expanded services in these areas. The program is based in Buncombe County with Western Carolinians for Criminal Justice, and accepts referrals from other counties. For 2003-4 they report 158 clients served, 112 cases opened, 35 graduates, 54 on schedule for completion at year's end, and 74 terminations. The three-year re-arrest rate for 2001-02 program graduates is 51 percent, and the reconviction rate is 39 percent.

In addition to the Women at Risk program, Western Carolinians for Criminal Justice operates two Sentencing Services programs (29th and 30th Judicial Districts). In 2003-04, the WAR program received 91% of its funding from the State General Fund, and management and administrative services accounted for 11 percent of WAR program expenditures. WAR estimates its cost per client at $6.84/day, or $8.60/day if unsuccessful clients are removed from the calculation. In 2002-03, the General Assembly took a nonrecurring reduction of 10 percent in the pass-through funds for various non-profit organizations, including Women At Risk.

Legislative Funding History				
2000-01	**2001-02**	**2002-03**	**2003-04**	**2004-05**
$250,000	$250,000	$225,000	$250,000	$275,000

Funding for Non-Profit Agencies in JPS Budget

April 4, 2005

Department: Correction

Energy Committed To Offenders (ECO, Inc.) (Prison/Work Release)

ECO is a non-profit organization established in 1974 to work with inmates and their families. In 1986, legislation authorized ECO to establish a contract prison unit for female inmates. ECO, located in Charlotte, operates a 20-bed minimum custody prison under contract with the Department of Correction. The beds are counted in prison bed capacity figures. The ECO program is considered a "halfway house" or transition program for minimum custody (level III) female inmates within 3 years of parole eligibility. The ECO contract facility is funded in the DOC Continuation Budget. The 2004 Annual Report for 03-04 shows ECO housed 33 women offenders; four were transferred for administrative reasons; all residents had jobs with 57% in food service/fast food; 14 % clerical and 10% medical with average hourly wage of $7.68. . The 20 bed facility was full 298 days in 03-04 and the average cost per bed was $46.23 a day compared to average cost per day of other DOC minimum custody facilities of $49 a day. Recommended budget for 2005-06 is $337,479.

Legislative Funding History				
2000-01	**2001-02**	**2002-03**	**2003-04**	**2004-05**
$290,800	$336,025	$316,132	$292,063 (Act.)	$336,712

Funding for Non-Profit Agencies in JPS Budget

April 4, 2005

Department: Crime Control and Public Safety

North Carolina Victims' Assistance Network (NCVAN)

The North Carolina Victim Assistance Network promotes the rights and needs of crime victims by educating North Carolina's citizens and public policy leaders about the devastating impact that crime has on our society. Serving as a statewide network, NCVAN provides information on over 1,500 victims' service and criminal justice agencies, victim assistance programs, and advocacy groups. NCVAN also created the North Carolina Victim Service Practitioner Certification Program, with collaboration from other agencies. The NC Victim Service Practitioner Certification Program is a program that is designed to certify and train individuals who provide services to victims of crime. Through an application process and ensuing training academy, service providers may become certified in areas of victim service. NCVAN submits an annual report to the legislature.

Legislative Funding History				
2000-01	2001-02	2002-03	2003-04	2004-05
$150,000	$150,000	$150,000	$150,000	$150,000

Chaplain Aubrey McLellan NC National Guard Emergency Relief Fund

The Chaplain's Fund provides emergency financial assistance (grants or loans) to members and families of the NC National Guard. Funds are disbursed on a first-come, first-served basis and grants/loans may not exceed $500 annually, except for extraordinary circumstances. A five-member committee reviews each request, determines eligibility, and disburses the funds. During the 2004 Session, the General Assembly authorized the sale of an "In God We Trust" special license plate. Proceeds from the license plate will go to the Chaplain's Fund. The 2004 Budget Bill also included one-time funding of $250,000 to supplement the fund until it begins to receive the license plate revenue.

Legislative Funding History				
2000-01	2001-02	2002-03	2003-04	2004-05
-0-	-0-	-0-	-0-	$250,000

Funding for Non-Profit Agencies in JPS Budget

April 4, 2005

Department: Justice

North Carolina Legal Education Assistance Foundation (NC LEAF)

NC LEAF provides loan repayment assistance to public service attorneys. To be eligible for assistance, a licensed attorney must work in this state for the government, such as a District Attorney or Public Defender's office, an agency that provides legal services to the poor, or a 501(c)(3) organization. The applicant's income must be no more than $38,000 if he or she is in the first year of law practice, no more than $43,000 in the second year of practice, and no more than $46,000 if he or she has practiced two years or more. Each participant contributes a percentage of his or her income each year towards debt repayment, and NC LEAF pays the remainder, up to $7,000 per year when funds are available. Money is in the form of interest-free loans that are forgiven if the participant remains in public service for specified time periods.

Since 1991, NC LEAF has provided over $1,500,000, in loan repayment assistance to 231 public service attorneys working in 78 North Carolina counties. NC LEAF provided assistance to 68 attorneys in 2003-04, including 27 attorneys newly enrolled in the program. The average award amount was $3,256. Currently, NC LEAF is assisting 85 attorneys.

NC LEAF receives 72 percent of its funds from the State; all State funds are disbursed directly to attorneys for loan repayments. Employment, loan, and salary information of program participants is verified throughout the year, and attorneys who are in default, forbearance, or deferral on their loans are no longer eligible.

Legislative Funding History				
2000-01	**2001-02**	**2002-03**	**2003-04**	**2004-05**
$125,000	$200,000	$200,000	$200,000	$271,000

Funding for Non-Profit Agencies in JPS Budget

April 4, 2005

Department: Juvenile Justice and Delinquency Prevention

Boys & Girls Clubs

Funding for this program is a joint initiative between the State and the Boys and Girls Clubs of America to target the 10 NC counties that had the highest rates of training school commitments in Fiscal Year 1997-98. The 10 counties were Chowan; Wilson; Halifax; Lee; Martin; Edgecombe; Beaufort; Wayne; Columbus; Pender and Cumberland tied for 10th place. The General Assembly cut $100,000 from the original $500,000 appropriation during the 2001 Session because three of the original 10 counties (Chowan, Columbus, and Martin) did not have Boys and Girls Clubs. The program serves youth identified by the courts, law enforcement, and schools as at-risk, court-involved, or on diversion plans. The general fund budget for this program is $400,000. The program submits an annual report providing information on program participation and impact.

Legislative Funding History				
2000-01	2001-02	2002-03	2003-04	2004-05
$500,000	$400,000	$400,000	$400,000	$400,000

Communities In Schools of North Carolina (CISNC)

As stated on its website, the CISNC "brings hands in need together with hands that can help. CISNC is a process that connects community resources with students and their families at the school site to ensure that youth stay in school, learn needed skills, and are prepared to enter the world of work or post secondary education upon graduation CISNC supports the development of collaborative community strategies for improving the way existing programs and services serve students and families." The following table shows the amount of funds provided to CISNC through the JPS Appropriations Subcommittee only. In addition to these funds, the General Government Subcommittee appropriates $200,000 to CISNC through the Governor's Office ($200,000) and the Education Subcommittee appropriates $607,500 through Department of Public Instruction. The Education section of the Governor's Recommended Budget for 2005-07 includes a $500,000 R expansion request for NCCIS.

Legislative Funding History				
2000-01	2001-02	2002-03	2003-04	2004-05
$450,000	$450,000	$347,500	$347,500	$272,500

Funding for Non-Profit Agencies in JPS Budget

April 4, 2005

Department: Juvenile Justice and Delinquency Prevention

Juvenile Assessment Center (JAC)

The Cumberland County Juvenile Assessment Center (JAC) was established to serve as the focal point within the community in assessing the underlying problems of at-risk youth for parents, schools, law enforcement and the courts. JAC provides diagnostic information to support informed referral and case management services designed to prevent further problem behavior. Another primary purpose of the Center is to establish electronic linkages and promote coordination of efforts between all of the relevant service providers and promote the sharing of information on the youth and families they all serve. JAC serves the following youth: juveniles under court supervision for either delinquent or undisciplined offenses, juveniles referred alleged to be delinquent or undisciplined; juveniles referred who are at risk of becoming delinquent or undisciplined because they have behavioral problems and may have committed delinquent acts even though they have not been taken into custody or petitioned as delinquent or undisciplined; status offenders who have committed a status offence, which is a non-criminal misbehavior that is illegal only for minors; and children of school age determined to be truant. JAC submits an annual report to the legislature.

Legislative Funding History				
2000-01	**2001-02**	**2002-03**	**2003-04**	**2004-05**
$150,000	$150,000	$150,000	$150,000	$160,000

Funding for Non-Profit Agencies in JPS Budget

April 4, 2005

Department: Juvenile Justice and Delinquency Prevention

Project Challenge

Project Challenge is a community service-based restitution program, which serves juveniles and the juvenile courts in 33 counties in Judicial Districts 6A, 6B, 19A, 22, 23, 24, 25, 29, and 30. Specifically, the program serves youth who are diverted from court and Levels I and II court-involved youth. The program provides supervision for juvenile community services and restitution, a wilderness program, and life skills training. Project Challenges submits an annual report to the legislature.

Legislative Funding History				
2000-01	**2001-02**	**2002-03**	**2003-04**	**2004-05**
$150,000	$150,000	$120,000	$120,000	$130,000

Project P.R.I.D.E. Juvenile Day Reporting Center (JDRC)

Project Pride (Providing Regimented Instruction Drug Treatment and Education) is a juvenile day reporting center-providing services to juveniles in Randolph and Montgomery Counties. The program serves court-involved youth, ages 10-18, on probation, protective supervision, or completing diversion contracts in lieu of court action, who become suspended from school, and those ordered/directed to complete the program. The JDRC accepts both short and long-term school suspensions, from one day to a full year. The mission of the Juvenile Day Reporting Center (JDRC) is to hold court-involved youth accountable for their deviant/criminal behavior in a contained, intensive treatment environment while they continue their education. Participants focus on becoming more responsible and productive citizens, which also heightens community safety. The program, which began operation in August 2000, combines a variety of services at no cost to participants or families. This umbrella of services has provided a more cost effective and efficient method to meet the needs of community at-risk youth. In addition to providing services during the academic year, the JDRC operates a Summer Program during six weeks of the normal school summer vacation to provide services and supervision during this period.

Legislative Funding History				
2000-01	**2001-02**	**2002-03**	**2003-04**	**2004-05**
-0-	-0-	-0-	-0-	$140,000

Attachment # 1 b

The Harriet's House Program

Established 1995
Managed and Operated by

PASSAGE HOME
Community Development Corporation

Raleigh, NC

An Interim Report to the
NC General Assembly

February 2005

"I had crossed the line of which I had so long been dreaming,
but there was no one there to welcome me
to the land of freedom."

Harriet Tubman, Under Ground Railroad

Lisa Crosslin, Program Manager: **919.834.0666 X 226**
Jeanne C. Tedrow, Executive Director: **919.834.0666 X 230**

PASSAGE HOME Community Development Corporation
PO Box 10347
Raleigh, NC 27605

PASSAGE HOME
Harriet's House Program

ORGANIZATION MISSION	PASSAGE HOME is a faith based, interracial, ecumenical community development corporation designed to help strengthen low wealth families and neighborhoods using a community economic development strategy.
PROGRAM PURPOSE	HARRIET'S HOUSE is a specialized, transitional housing program developed to help women make a successful re-entry into the community, regain custody of their children, gain and maintain full time employment and obtain permanent, affordable housing.
GOAL	To reduce recidivism (re-incarceration) among women with children who are leaving correctional facilities.
RESIDENT PROFILE	Harriet's House women are mothers, 76% have a history of substance abuse, 30 % are Caucasian, 70% African-American, the average age is 36, 89% have completed high school, the average number of children per family is 2, and most of the mothers have experienced physical and emotional abuse issues.
PROGRAM OVERVIEW	**The Harriet's House program operates in three phases:** **Phase I: Supervised Living** Residents live in 24 hour supervised housing upon leaving prison for at least their first 6 months. **Phase II: Transitional Living** Residents are reunited with their children and will live with them in their own apartments. Clients are still supervised and monitored by Case Manager and continue to receive intensive case management, support services, community meetings, counseling and budget assistance. Clients will live in this phase for an additional 6 months. **Phase III: Community Living** Clients will live an additional 6 months in affordable housing in a scattered site away from Harriet's House. Clients may receive a housing voucher for one year. **Aftercare:** Clients will be monitored for the last 6 months to make sure they are stable. Note: Successful clients will go through each of these phases although some will experience different lengths of time in each phase.

HARRIET'S HOUSE

TRANSITIONAL HOUSING FOR EX-OFFENDER MOTHERS AND CHILDREN

YEAR TO DATE REPORT
February 2004

	July 1, 2003 To February 2005
Total Families served to date: (since 1995-96)	84
Recidivism(7/03-2/05)	11%
# Of families served fiscal year (7/03-2/05)	30
# Of Current Families (February 2004):	12
# In Final Phase: (last 6 months of Aftercare) # Of Children when in custody with Mother	5 23
Current Status of Families: • # Working: • # Meeting Parole Obligations: • # Active in AA/NA: • # Reunited with their children: • # In Educational/Vocational training: • # Of Single Women	 10 of 12 5 of 5 11 of 12 3 of 3 3 of 3 completed 3 of 12
# Transitioned out of the Harriet's House Program: (02-03) • Transitioned into community programs (Oxford House, New Bern House, etc.) • Transitioned to Supportive Housing (TANF Voucher) • Drug Relapse: • Re-Arrest: (*same person counted) • Independent Living (Permanent Housing) • Other (marriage, voluntary leave, non-compliance, family)	18 2 0 5 1 15 4
Accepted applicants waiting release/parole:	3
# Achieving Home Ownership to date	6
Enrolled in Economic Literacy – Home Buyer Education	6

Mission/Purpose

Harriet's House is a specialized transitional housing and support services program to ex-offenders (single women and women with children) make a successful return to the community after incarceration.

The primary goals are:

- Reduce recidivism.
- Assist mothers in regaining custody and care of their children.
- Help women obtain and maintain permanent safe and affordable housing.
- Help women obtain and maintain (living wage) employment.
- Help women return to the community and adopt a positive and responsible lifestyle.

Program History

- Women in the faith community identified critical unmet needs in the Raleigh-Wake County community, home of two of the largest women's prisons in North Carolina – Raleigh Correctional Center for Women (minimum security), and Women's Prison (maximum security).

- The rising number of incarcerated women with limited options for them upon release results in high recidivism rates.

- Passage Home CDC was asked to help develop and manage this program for women with children.

- A small committee was formed that resulted in first year planning, request of the General Assembly for program funding.

- Approached the NC General Assembly. Initiated support by key legislators and Harriet's House bill was crafted.

- First full year of funding, 1996

- Purchased three duplexes in West Raleigh and established "clustered" living within residential neighborhood as "affordable housing" program.

- Established formalize program routines, guidelines and operating procedures; Implemented three-phase program including after care and parenting components.

- Expanded to include single women leaving prison in partnership with the Presbyterian Church and through the Governor's Crime Commission. Established a "first step" house for women prior to reunification or living independently.

Activities and Accomplishments Report

(as submitted 12.22.04)

Grantee Name:		Passage Home, Inc`
Program Name:		Harriet's House
Project/Activity Title:		Transitional Housing for Female Ex-offenders w/children
Period Covered:		7/01/03-2/05
Date of This Report:		December 20, 2004
Preparer of This Report:		Lisa Crosslin, Program Services Director and Jeanne Tedrow, Executive Director
In compliance with the requirements of G.S. 143-6.1, *Report on use of State funds by non-State entities*, the following is a description of activities and accomplishments undertaken by our organization using the provided State funding:		

What were the original goals and expectations for this activity supported by this grant? If applicable, how have these goals and expectations been revised or refined during the course of the project?

- To provide transitional housing and supportive services for 10-12 female ex-offenders per year for 24 months
- To reunite ex-offender mothers and their children
- To reduce recidivism rate among women w/children being released from prison
- To help women obtain and maintain safe and affordable permanent housing
- To help women obtain and maintain living wage employment
- To help women return to their communities or new communities and live a responsible lifestyle
- For women to live a clean and sober lifestyle.

Since the program started in 1996 with its first full year of funding, the program has grown to serve over 12 to 15 fifteen families per year. In addition, Harriet's House offers a source of on-going support for women who have graduated from the program and who seek to offer support as mentors to women recently released from prison who have entered the program. This alumni group (WOO: Women Over Coming Obstacles) formed with others graduating from Passage Home programs to develop a speakers' bureau, a mentor program and peer support programs to help women maintain their sobriety and civic responsibility.

Over all, the goals and expectations of the program have remained the same, though we have been able to quantify results to measure our objectives more carefully over time since this was a start up project with state funding. As a result, we project that this program will be, on average, successful in placing 80% of women into permanent housing, 80% of the women will be successful in securing full-time employment sufficient to care for themselves and their children in housing they can afford, 80% of the women will remain in permanent housing, 80% of the families will help the children meet End of Grade testing as a measure of their educational and family stability, 80% will not return to prison or be repeat offenders upon graduation (15% recidivism rate) and 6% of the women who graduate will become homeowners.

What has the activity accomplished with these grant funds? Please include factual information to support conclusions and judgments about the activity's impact.

Harriet's House has grown to meet and expand upon initial hopes and goals for this program since 1996. To date we have served 84 women and 153 children. Harriet's House, with the help of State funds, has been able to house, provide skills training and reunite families of ex-offenders for over 5 years with the following measured results:

OUTCOME MEASURES:

Family Stability		
Re-unification occurs within stated time frame		
Between released mother and her children		80%
Children enrolled in school		80%
Mental Health - Substance Abuse		
Maintain sobriety during program phases		80%
Vocational/Employment		
Increased income		
(From Release at $0 income		
to minimum wage or better)		90%
Maintain employment		
6 months		80%
12 months		90%
Family Secures Permanent Affordable Housing		90%
Family Maintains Housing for at least one year		85%
Financial Stability		
Reduce Debt		85%
Increase Savings	(average $1000 over 24months)	75%
Improve Credit		70%
Recidivism (return to prison or re-arrest)		<15%
Home Ownership Rate		6%

If the activity is a continuing one, briefly summarize future plans and funding prospects.

Harriet's House continues to provide a comprehensive "wrap around" case management, residential program for ex-offender mothers. Harriet's House future plans are to expand its services to ex-offender women who are single without children. In addition, we would like to model this program to expand to serve male ex-offenders.

Harriet's House received the National Congress for Community Economic Development for its "Family Strengthening Award" co-sponsored by the Anne E. Casey Foundation. Having received this award, Passage Home will work to replicate this program at other sites in the state and country; in addition, Passage Home will look at ways this program can be adopted to meet the needs of men seeking reunification with their families upon leaving prison as well as those seeking a successful transition back to the community from which they came or into communities they seek to establish themselves with affordable housing and employment. Harriet's House over the years has increased its sustainability by having a diversified funding base for the program. Harriet's House funding base consists of varied sources, including North Carolina DOC (through the NC legislature, HUD, FEMA, ESGP). After clients graduate, Federal funds are used to supplement state funds to provide after-care and housing location services to families placed in permanent housing. Passage Home also seeks support from individual donors, church contributions, corporate donations and foundations to strengthen this program's sustainability.

Harriet's House Program Components

- **Intake: (begins three months prior to release)**
- Program length 24 months.
- Women referred by prison Social Worker (must have custody of children and no child abuse charges).
- Intake and Assessment: Face-to-Face interview and psychological.
- Acceptance letter and release date: Case Manager or PPO (Parole/Probation Officer) will pick up at facility and bring to HH site.

Phase I: Supervised Living (first 6 months)

Based on a clustered community living approach women live together in shared, supervised living quarters.

Case Manager works on site.

Begin taking increased responsibility for their lives:

- Acquire employment
- Begin budgeting program that includes establishing a savings account, begin debt reduction and credit cleansing. (10% program fee, 30% savings)
- If required will complete a GED program and or acquire new skills through on the job training
- Or begin Vocational training program
- Participating in MH counseling, SA therapeutic sessions and Parenting groups.
- Random urine screens, curfew checks
- Begin weekend visits with child/children increasing to longer times of visit

Phase II: Transitional Living (6-12 months)

- Remain living in clustered community but in own unit with children under their supervision.
- Continue to participate in Phase I Case management activities.
- Achieved initial goals in each area as set forth in the Family Care Plan.
- Set new goals to be achieved in Phase II.
- Children have reunited with mothers and are participating in community activities, attending and thriving in school, attending any family and or individual counseling sessions as necessary.
- Housing analysis completed to determine the type of permanent housing they might be able to afford once in independent living.
- Monthly housing inspections

Phase III: Community Living (6 months)

- Permanent housing has been identified and women has moved in with family
- Either living on public housing, section 8 housing or own income.
- Continued following Phase I & II Case Management activities.
- Attending: SA meetings, parenting, MH individual and family counseling
- Paying rent and all bills in a timely manner

Phase IV: Aftercare (6 months)

- Clients will remain to be monitored in all areas of previous Phases.
- Clients in this stage should be managing all areas such as:
- Finances (paying rent in a timely manner, maintaining savings account)
- Parenting
- Staying clean and sober
- Maintain employment

Passage Home Overview

Meeting Community Need
Reducing Recidivism

Program Development Goals to expand and strengthen overall program operations and target populations for Re-Entry Strategies:

- Secure funding to establish other "sites" in other communities – establish Harriet's House as a program that can be replicated as needed across North Carolina.

- Work collaboratively with Passage Home CDC and the Raleigh Weed and Seed community to better understand and plan for ex-offenders released into this economically challenged community.

- Establish Re-entry program for men and single women in collaboration with the NC "Going Home" Initiative and the NC 10 Year Plan to End Homelessness.

- Explore ways to use proven success model of Harriet's House with community economic development strategies being developed to address community needs of offenders released into the "old" neighborhoods.

- Integrate support services to offenders being released into the communities we are serving through neighborhood revitalization efforts.

- Provide Case management coupled with community planning for offenders in areas of housing, employment, SA and mental health services as in the Project Safe Neighborhood Project, Dept. of Justice – Weed and Seed Initiative.

Passage Home

02/01/05

Certification and Sworn Statement

To: State Agency Head and Chief Fiscal Officer
Office of the State Auditor

Certification:

We certify that the accompanying Schedule of Grantee Receipts and Expenditures (Cash Basis) represents all financial activity related to the receipt, use, and expenditure of funds granted by the State of North Carolina to Passage Home for the fiscal year ended June 30, 2004 and that the expenditures reported were for the purposes appropriated by the General Assembly or collected by the State of North Carolina and in compliance with the applicable laws, regulations, and terms and conditions of the grant documents.

The Schedule of Grantee Receipts and Expenditures (Cash Basis) is presented on the cash basis of accounting and is supported by our financial records.

Sworn Statement:

John Morch and Jeanne Tedrow being duly sworn, say that they are the Treasurer and Executive Director, respectively, of Passage Home of Raleigh in the State of North Carolina; and that the foregoing certification is true, accurate and complete to the best of their knowledge and was made and subscribed by them.

John B Morch
Treasurer

Jeanne Tedrow
Executive Director

Sworn to and subscribed before me on
the day of the date of said certification

2/1/05
(Notary Public)

Revised November 2004

Harriet's House Budget
2004-2005
Year-to-date expenses as of 12.30.04

		FUNDING SOURCES					
		Total Revenue	DOC	HUD H&D	Other	ESGP	
	FY 2002-03	857,637	275,000	92,557	444,014	46,066	
EXPENSES			Total YTD Expenses (12/04)				
Employee Compensation			88,999				
Direct Services			5,876				
Client Housing Expenses			32,281				
Direct Program Expenses			17,155				
Administrative Expense			21,646				
	Total		165,956				

REVENUE			DOC-HH 60 July
4000		FEMA grant	
4010		ESGP grant	
4020		HUD ES grant	
4025		HUD H&D grant	
4030		NCCDI grant	
4040		TBRA voucher	
4050		TBRA admin fee	
4060		Grants	275,000
4070		Benevolence	
4080		HUD Safety Club	
4090		NC-DOC grant	
4095		Z Smith Reynolds	
4100		HH program fees	
4110		MH program fees	
4120		Individual donations	
4130		Church donations	
4140		Corporate donations	
4150		Fundraising Events	
4155		Property Sales	
4160		Merchandise Sales	
4170		Other	
4180		Management Fee	
4190		Rent	
4200		In-kind Revenue	
		TOTAL REVENUE	275,000

EXPENSES			DOC-HH 60 500
		ADMINISTRATIVE	
		Employee Compensation	
5000		Salaries and wages	125,960
5010		Employee benefits	25,192
5020		Employer's FICA	9,636
5030		Employer's Medicare	
5040		Worker's comp.	
5050		State unemployment tax	
5060		Annual leave	
5070		Other compensation exp.	
		Occupancy Costs	
5500		Office rent	
5510		Office utilities	
5520		Security service	
5530		Property taxes	
5540		Other occupancy cost	
		License, fees, charges	
5700		Bank fees	
5710		Gov licenses & fees	
5720		Fines & penalties	
5730		Finance charges	
5740		Other charges	
		Communication expenses	
5900		Telephone equipment	
5910		Telephone service	
5920		Pagers	350
5930		E-mail	
5940		Postage	
5950		Newsletter	
5960		Other communication exp.	
		Computer-related expenses	
6200		Equipment	1,000

6210		Software	
6220		Contractor fees	
6230		Other computer-related exp.	
		Supplies	
6400		Stationery	
6410		Printing/photocopying	74
6420		Office equipment	
6430		Office supplies	300
6440		Other supplies	
		Staff-related expenses	
6600		Parking	100
6610		Mileage	300
6620		Meals/lodging	
6630		Other staff-related exp.	
		Transportation expenses	
6900		Lease payments	
6910		Fuel for vehicles	1,000
6920		Vehicle maintenance	977
6930		Vehicle insurance	
6940		Vehicle taxes	1,000
6950		Other transportation exp.	
		Insur exp. Health/auto	
7100		Directors/officers	
7110		General liability	
7120		Volunteer (AD/D)	
7130		Professional liability	
7150		Employee bonding	
7160		Property	
7170		Other insurance	
		Professional fees	
7300		Legal/Accounting	
7310		Audit fees	
7320		Consultants	
7325		Administrative fees	41,250
7330		Temporary help	
7340		Other professional fees	
		Staff & Org. development	
7500		Meeting expenses	
7510		Membership dues	
7520		Books	
7530		Subscriptions	
7540		Staff training	
7550		Board training	
7560		Staff recognition	300
7570		Volunteer recognition	
7580		Other expenses	
		Repairs and maintenance	
7700		Cleaning supplies	
7710		Building R&M	
7720		Equipment R&M	
7730		HVAC/Plumbing/Eletrical	
7740		Grounds	
7750		Other R&M	300
		Services	
7900		Cleaning	
7910		Pest Control	
7920		Trash removal	
7930		Water cooler	
7940		Other services	
		Fundraising Expenses	
8100		Cost of merchandise sold	
8110		Cost - fundraising events	
8120		Other fundraising exp.	
		Miscellaneous expenses	
8300		Equipment rental	
8310		Advertising	
8320		Moving	
8330		Other	
		TOTAL ADMIN. EXPENSES	207,739

		EXPENSES	DOC-HH 60 500
		CLIENT HOUSING EXPENSES	
		Rent & Utilities	
8500		Rent	63,000
8510		Eletricity	
8520		Natural gas	
8530		Telephone	
8540		Water and sewer	
8560		Other rent & utilities exp.	
		Repairs and maintenance	
8700		Cleaning supplies	
8710		Building R&M	
8720		Equipment R&M	
8730		HVAC/Plumbing/Eletrical	
8740		Grounds	
8750		Other R&M	
		Services	
8910		Moving	
8920		Cleaning	
8930		Pest Control	
8935		TFS renewal	
8940		Inspections	
8950		Other services	
		TOTAL CLIENT HOUSING EXP.	63,000
		DIRECT SERVICES	
		Education and Development	
9100		Tuition stipend	500
9110		Books and materials	
9120		Recognition and awards	
9130		Other educ. & devel. Exp.	
		Counseling services	
9300		Counseling	500
9310		Substance abuse counsel.	335
9320		Clinical supervision	
9330		Other counseling svcs.	
		Household support	
9500		Food	500
9510		Childcare	500
9520		Bus tickets	150
9530		Personal supplies	
9540		Medical expenses	
9550		Other HH support expense	
9700		Drug screening	1,000
9710		Emergency housing asst.	
9720		CONNECTIONS	
9730		Special events	200
9740		Children services	
		Miscellaneous expenses	
9750		Client emergencies	
9755		Construction cost	
9760		Transportation	
9770		Storage	576
9780		Background checks	
9790		Other miscellaneous exp.	
		TOTAL DIRECT SERVICES	4,261
9900		Capital Purchases	
9910		Interest expenses	
9920		Depreciation expense	
9930		In-kind	
		TOTAL CAPITAL & OTHER	-
		TOTAL EXPENSES	275,000
		SURPLUS/(DEFICIT)	0

Passage Home CDC
DOC (60) 6/30/04

Statement of Activities

December 31, 2004

01/26/2005
12:59

	CURR ACTUAL	CURR BUDGET	YTD ACTUAL	ANN BUDGET	$ REM 3-4
REVENUE					
4090 NC-DOC grant	$26,406.78	$22,916.67	$165,956.19	$275,000.00	$109,043.81
Total REVENUE	$26,406.78	$22,916.67	$165,956.19	$275,000.00	$109,043.81
EMPLOYEE COMPENSATION					
4999					
5000 Salaries and wages	11,493.14	10,496.67	75,534.40	125,960.00	50,425.60
5010 Employee benefits	556.13	2,099.33	4,618.07	25,192.00	20,573.93
5020 Employer's FICA	879.23	803.00	5,959.18	9,636.00	3,676.82
5040 Worker's comp.	170.00		1,465.00		[1,465.00]
5050 State unemployment tax	267.06		1,422.17		[1,422.17]
Total EMPLOYEE COMPENSATION	$13,365.56	$13,399.00	$88,998.82	$160,788.00	$71,789.18
NON-PERSONNEL EXPENSES					
5494					
5495 ADMINISTRATIVE					
5496					
5499 Occupancy Costs					
5500 Office rent			1,190.00		[1,190.00]
5510 Office utilities	101.53		1,044.42		[1,044.42]
5699 Licenses, fees, charges			20.00		[20.00]
5720 Fines and penalties					
5899 Communication expenses					
5900 Telephone equipment	38.00		186.00		[186.00]
5910 Telephone service	901.83		3,685.35		[3,685.35]
5920 Pagers	20.56	29.17	116.30	350.00	233.70
5940 Postage	109.38		127.33		[127.33]
6199 Computer-Related Expenses					
6200 Equipment	489.95	83.33	1,055.60	1,000.00	[55.60]
6210 Software	70.00		140.00		[140.00]
6220 Contractor fees			170.00		[170.00]
6399 Supplies					
6400 Stationery					
6410 Printing/photocopying	96.53	6.17	688.91	74.00	[614.91]
6430 Office supplies	522.84	25.00	1,742.05	300.00	[1,442.05]
6440 Other supplies			55.71		[55.71]
6599 Staff-Related expenses					
6600 Parking	6.00	8.33	10.00	100.00	90.00
6610 Mileage reimbursement		25.00	106.51	300.00	193.49
6620 Meals/lodging			280.00		[280.00]
6630 Other staff-related exp	40.00		40.00		[40.00]
6899 Transportation Expenses			53.00		[53.00]
6910 Fuel for vehicle		83.33	1,260.80	1,000.00	[260.80]
6920 Vehicle maintenance	30.00	81.42	864.24	977.00	112.76
6930 Vehicle insurance			714.00		[714.00]
6940 Vehicle taxes	87.70	83.33	388.19	1,000.00	611.81

(Unaudited)

Statement of Activities

December 31, 2004

	CURR ACTUAL	CURR BUDGET	YTD ACTUAL	ANN BUDGET	$ REM 3-4
[redacted] Other transportation exp			429.34		[429.34]
[redacted] Insur exc. health/auto					
7110 General liability	6.00		36.00		[36.00]
7160 Property	22.00		138.00		[138.00]
7299 Professional Fees					
7325 Administrative Fee	4,127.32	3,437.50	21,646.46	41,250.00	19,603.54
7330 Temporary help					
7499 Staff & Org. Development					
7500 Meeting expenses			65.50		[65.50]
7510 Membership dues			40.00		[40.00]
7520 Books			150.00		[150.00]
7540 Staff training			287.50		[287.50]
7560 Staff recognition		25.00		300.00	300.00
7570 Volunteer recognition	50.00		50.00		[50.00]
7580 Other expenses			670.26		[670.26]
7699 Repairs and maintenance					
7700 Cleaning supplies					
7710 Building R & M			4.95		[4.95]
7720 Equipment R & M			77.50		[77.50]
7750 Other R & M		25.00		300.00	300.00
7899 Services					
7920 Trash removal			22.72		[22.72]
7930 Water cooler	36.24		139.49		[139.49]
8099 Fundaising Expenses					
8299 Miscellaneous Expenses			3.65		[3.65]
8300 Equipment rental					
8310 Advertising			1,092.89		[1,092.89]
8320 Moving	3.32		8.32		[8.32]
8330 Other					
8495					
TOTAL ADMIN. EXPENSES	6,759.20	3,912.58	38,800.99	46,951.00	8,150.01
8497					
[redacted] CLIENT HOUSING EXPENSES					
[redacted] Rent	5,250.00	5,250.00	29,986.00	63,000.00	33,014.00
8509 Utilities					
8510 Electricity	52.56		316.04		[316.04]
8520 Natural Gas			20.43		[20.43]
8530 Telephone	211.22		1,278.47		[1,278.47]
8540 Water and sewer	54.02		269.57		[269.57]
8699 Repairs and maintenance					
8700 Cleaning supplies			156.17		[156.17]
8710 Building R & M			142.78		[142.78]
8730 HVAC/Plumbing/Electrical					
8740 Grounds					
8750 Other R & M					
8900 Household Furn & Supplies	15.00		51.47		[51.47]

	CURR ACTUAL	CURR BUDGET	YTD ACTUAL	ANN BUDGET	$ REM 3-4
8909 Services					
8910 Moving			59.87		[59.87]
8950 Other services					
9092					
TOTAL CLIENT HOUSING EXP	5,582.80	5,250.00	32,280.80	63,000.00	30,719.20
9094					
9095 DIRECT SERVICES					
9096					
9099 Education and Development					
9100 Tuition stipends		41.67	55.00	500.00	445.00
9110 Books and materials			493.81		[493.81]
9120 Recognition and awards			157.95		[157.95]
9130 Other educ. & devel. exp			38.41		[38.41]
9299 Counseling Services					
9300 Counseling		41.67	120.00	500.00	380.00
9310 Substance abuse counsel.		27.92	250.00	335.00	85.00
9330 Other counseling svcs.			29.29		[29.29]
9499 Household support					
9500 Food	194.80	41.67	1,209.99	500.00	[709.99]
9510 Childcare		41.67	842.00	500.00	[342.00]
9520 Bus tickets		12.50		150.00	150.00
9540 Medical expenses			17.13		[17.13]
9550 Other HH support expense					
9700 Drug Screening		83.33		1,000.00	1,000.00
9720 CONNECTIONS					
9730 Special events	500.00	16.67	500.00	200.00	[300.00]
9740 Children's Services			1,197.28		[1,197.28]
9749 Miscellaneous Expenses					
9750 Client Emergencies			269.00		[269.00]
9770 Storage		48.00	651.30	576.00	[75.30]
9780 Background checks			40.00		[40.00]
9790 Other miscellaneous exp.	4.42		4.42		[4.42]
9897					
TOTAL DIRECT SERVICES	699.22	355.10	5,875.58	4,261.00	[1,614.58]
9899					
Total NON-PERSONNEL EXPENSES	$13,041.22	$9,517.68	$76,957.37	$114,212.00	$37,254.63
Total Expenses	$26,406.78	$22,916.68	$165,956.19	$275,000.00	$109,043.81
		[$.01]			

(Unaudited)

Passage Home CDC
DOC (60) 6/30/04

Statement of Activities

December 31, 2004

01/26/20C
12:59

ANGE IN NET ASSETS EMPORARILY RESTRICTED	CURR ACTUAL	CURR BUDGET [$.01]	YTD ACTUAL	ANN BUDGET	$ REM 3-4

(Unaudited)

Attachment # 1 c

Mediation Network of North Carolina
FY 05/06 Biennium Funding

- In FY 03-04, **64,765** North Carolinians were served.
- **36,106** individuals were directly served through the facilitating the settlement of conflict in communities, courts, businesses and schools in order to promote public safety (22% increase from FY 02-03).
- **16,744** adults and juveniles learned conflict resolution techniques through Center courses.
- **2,280** school, business and public courses taught by Center staff and volunteers (20% increase from FY 02-03).
- **11,915** individuals participated in peer mediation programs, dialogue circles, other such services.
- Over **$378,800** returned to the NC General Fund through collection of Court Referral Fee.
- The Dispute Settlement Centers **resolved 92%** the cases mediated.
- The cost to the state for the dispute settlement centers to settle these cases was 1.3 million – **saving North Carolina hundreds of thousands of dollars.**
- Community mediation is available to everyone, regardless of ability to pay community center costs.
- The Dispute Settlement Centers used state funds to levy more than $5,000,000 in community cash and "in-kind" support.
- Many Centers have reduced staff and programs over the past three years and continue to face financial hardship.
- Counties not presently served by Centers are requesting services, but cannot be supported with current funding levels.
- Centers operate at a very low cost and utilize community volunteers.
- **3,343** volunteers provided **43,755** volunteer hours last year, a value to the State and communities in excess of **$723,000** according to the latest data from Independent Sector.

THE COURTS AND THE CITIZENS OF NORTH CAROLINA RECEIVE VALUE GREATER THAN THE COST TO THE STATE. WE REQUEST THAT THE LEGISLATURE FUND COMMUNITY MEDIATION CENTERS AT THE $1.56 Million Level.

Mediation Network of North Carolina
Dispute Settlement Centers Appropriation

Mediation Network of NC Member Centers - Serving more than 64 Thousand residents last year	Requested Appropriation (Note 1)	Current Appropriation	2001/02 Appropriation	Distribution of 100,000 increase over current funding	Distribution of 200,000 increase over current funding
Alamance Co. Dispute Settlement Center (note 2)	45,000	36,720	40,000	39,600	42,480
Albemarle Dispute Settlement Center	55,000	47,715	51,977	51,235	54,755
The Mediation Center, Inc. (Asheville)	112,000	102,816	112,000	109,986	117,156
Cabarrus County Mediation Center	55,000	39,474	43,000	42,994	46,514
Community Mediation Center of Cape Fear	58,000	54,059	58,000	57,769	61,479
Carolina Dispute Settlement Services	146,000	134,028	146,000	143,378	152,728
Char/Mecklenburg Dispute Settlement Program	70,000	64,260	70,000	68,760	73,260
Deep River Mediation (Chatham and Lee)	55,000	45,441	49,500	48,961	52,481
Cumberland Co. Dispute Resolution Center	55,000	43,146	47,000	46,666	50,186
Dispute Settlement Center (Duplin)	55,000	31,212	34,000	34,732	38,252
Mediation Center of Eastern Carolina	115,000	105,570	115,000	112,931	120,291
Mediation Services of Forsyth County	59,800	54,896	59,800	58,726	62,556
Mediation Services of Guilford County	55,000	48,654	53,000	52,174	55,694
Henderson County Dispute Settlement Center	55,000	50,031	54,500	53,551	57,071
The Conflict Res Ctr (Catawba, Burke, Caldwell)	55,000	33,966	37,000	37,486	41,006
Dispute Settlement Center of Moore County	55,000	32,130	35,000	35,650	39,170
Mountain Mediation Services	65,000	59,670	65,000	63,870	68,070
Dispute Settlement Center, Inc. (Orange)	84,530	77,599	84,530	83,009	88,419
Mediation Services of Rockingham County	55,000	41,310	45,000	44,830	48,350
Sandhills Mediation Center (Scotland and Hoke)	55,000	32,130	35,000	35,650	39,170
Mediation Center of the Southern Piedmont	91,167	83,691	91,167	89,521	95,351
Center for Dialogue (Transylvania)	55,000	32,130	35,000	35,650	39,170
Mediation Network of NC (Network Office)	55,000	45,901	50,000	49,421	52,941
Total	1,561,497	1,296,549	1,411,474	1,396,550	1,496,550

Note 1 Short term funding goal for 2005-2007
Restore all centers to appropriation of 2001/02 before significant funding cuts
All centers under 55000 appropriation brought to 55000
Note 2 Alamance can meet match for 45000
Other centers can meet match for 55000

Note 3
Increases are based on each center's requested percentage of total funding

NCVAN
Victim Service Practitioner Level I Certification Academy

When: Monday March 7, 2005 to Friday March 11, 2005

Where: Ramada Innn Blue Ridge Rd., Raleigh, NC

How: Contact the Certification Program Coordinator for an application and return no later than February 1, 2005.

Tuition: $125, which includes training materials, 4 lunches and 1 dinner. All other meals, travel and lodging are the applicants responsibility.

Contact: NCVAN
Certification Program Coordinator
410 Morson St.
Raleigh, NC 27601
919/831-2857
www.nc-van.org
Email: certification@nc-van.org

NC Victim Assistance Network
Certification Program
410 Morson St.
Raleigh, NC 27601

NONPROFIT ORG
US POSTAGE PAID
RALEIGH, NC
PERMIT #110

North Carolina Victim Assistance Network

Victim Service Practitioner Level I Certification Academy

NORTH CAROLINA
VICTIM
ASSISTANCE NETWORK
Bringing Balance To The System.

March 7-11, 2005
Ramada Inn, Blue Ridge Rd.
Raleigh, NC

North Carolina Victim Service Practitioner Level I Certification Academy

Purpose

The NC Victim Service Practitioner Program was created by the NC Victim Assistance Network, with collaboration from other agencies, to create a statewide standard in victim services. The goal of the Certification Program is a measurable level of professional recognition while ensuring appropriate services for crime victims across the state.

Benefits of Certification

- Recognition of professional skills and competence
- Recognition of specialized victim service training and experience
- A demonstrated commitment to professional development
- Networking opportunities
- Increased value to employers and the community

Level I Eligibility

- Six months of Victim Services Experience
- Complete Level I Application
- Accept the Code of Ethics
- Possess a clean criminal background
- Attend the week long Academy
- Successfully complete the Level I Exam with a score of 80% or higher

Please note: you must complete Level I Certification to be eligible for Level II Certification.

Level I Curriculum

- Advocacy and Utilizing Community Resources
- Child Victims
- Crime Victim Compensation
- Criminal Justice System
- Cultural Competency
- Domestic Violence
- Federal Victims' Rights
- History of Victim Movement
- Homicide
- Impaired Driving
- Sexual Assault
- Stalking
- Stress Management
- Theory of Crisis Intervention
- Under-served Populations
- Values Clarification & Ethics

Violent Crime Victim Subsistence Project

The North Carolina Victim Assistance Network (NCVAN) has been awarded a grant from the Governor's Crime Commission to assist surviving loved ones of homicide victims with the financial burden experienced as a result of attending the defendant's trials or hearings. However, witnesses in a case are not eligible to participate.

The prosecuting attorney's office will be required to submit a reimbursement form accompanied with receipts. The victim will be required to sign and submit a cost report with recorded mileage and expenses upon the conclusion of a trial or hearing.

If you are aware of a family who would benefit from this grant, we encourage you to familiarize yourself with the project's guidelines. An application form will need to be completed and returned to NCVAN. Upon the receipt of the application form, NCVAN will be able to request the appropriate amount of funds needed to ensure a streamlined reimbursement process for those in need. Please allow six to eight weeks processing time.

NCVAN is a statewide resource, advocacy and training center for victims of violent crime and allied professionals. Our Mission is to provide support and information for crime victims across our state and to advocate for their fair treatment.

For more information or to request an applicaton contact NCVAN at:

Office 919/831-2857
Fax 919/831-0824
Email: info@nc-van.org
Website: www.nc-van.org

Victim Subsistence Guidelines

The intent of this grant is to assist surviving family members of homicide victims with the financial burden often experienced by them from attending trials or hearings of the defendant. Therefore, simple guidelines and eligibility requirements have been established. The following outlines the maximum number of family members and types of reimbursements permitted under this grant. Please contact NCVAN for more information.

- A **maximum** of three (3) qualifying **family members** are eligible.
- **Air travel** will be permitted when roundtrip distance to the courthouse
  is at least 400 miles with a maximum of $500.00 allowable reimburse ment per airline ticket.

Reimbursement for:

Personal Car Use: 34.5 cents per mile
Lodging Per Day: Instate: $55.50
Out-of-State: $66.00

Meal Rates Per Day:

In-state		Out-of-state
Breakfast	$ 6.50	$ 6.50
Lunch	$ 8.50	$ 8.50
Dinner	$16.50	$16.50

This grant made possible by Federal VOCA Grant # 092-1-03-045-AV-507 through the NC Department of Crime Control and Public Safety/Governor's Crime Commission.

Attachment # 1d

Violent Crime Victim Subsistence Project

North Carolina
Victim Assistance Network

Taking You On the Road to Justice

Taking You On the Road to Justice!

NORTH CAROLINA VICTIM ASSISTANCE NETWORK
Bringing Balance To The System

NC Victim Assistance Network
919/831-2857 • Email: info@nc-van.org

Attachment #1e

PROJECT CHALLENGE NORTH CAROLINA, INC.

"Helping Youth Serve Their Community"

REPORT TO THE NORTH CAROLINA GENERAL ASSEMBLY

FISCAL YEAR 2003/2004

APRIL 1, 2005

Corporate Office
11A LINK STREET • SPRUCE PINE, NC • 28777
PHONE: (828) 765-0776 • FAX: (828) 765-7206
Website • www.ProjectchallengeNC.org

To: North Carolina General Assembly

From: Gordon Keath, President/ CEO

Subject: Fiscal Year 2003/2004 Report

The following report details the activities, services and effectiveness of programming by Project Challenge North Carolina Inc. and the use of funds provided to them by the North Carolina General Assembly, North Carolina Governors Crimes Commission, North Carolina Department of Juvenile Justice and Delinquency Prevention and the local Juvenile Crime Prevention Councils for the period of July 1, 2003 through June 30, 2004.

Included in this report is a brief history and purpose statement outlining the growth, activities and success of the program.

History

Project Challenge was founded in 1994 by now Chief Judge Alexander Lyerly of the 24th Judicial District and the current President /CEO Gordon Keath. Its initial purpose was to provide the juveniles and juvenile court in the 24th District a consistent program district wide that was effective in changing the delinquent behaviors of those coming before the court. The organization was created as a 501c3.

Because of the effectiveness and success of the program from 1994 to 2004 the program has been invited to expand from the original 5 counties into 33 counties. The program is now providing services in eight of North Carolinas Judicial Districts. The invitation to grow began with The Administrative Offices of the Court, and the Juvenile Court Counselors Office and they have continued through this current year with the now Department of Juvenile Justice and Delinquency Prevention.

Purpose

Project Challenge is a community service based restitution program. Its purpose is to help youth become involved in a giving way within their community in order to make restitution for their crimes. The programs goal is for the youth to continue to be involved in their community after fulfilling their commitment to the courts. The program serves youth who are diverted from court, court involved youth in both the level I and level II categories and has served youth that have transferred in from other states that would have been considered level III had they been adjudicated in North Carolina.

Service Area

Project Challenge provided service in the 6A, 6B, 19A, 22nd, 23rd, 24th, 25th, 29th, and 30th Judicial Districts. These districts are located from the east to the most western district. They include Alexander, Alleghany, Ashe, Avery, Bertie, Burke, Cabarrus*, Caldwell, Catawba, Cherokee, Clay, Davidson, Davie, Graham, Halifax, Haywood, Henderson, Hertford, Iredell, Jackson, Polk, Macon, Madison, McDowell, Mitchell, Northampton, Rutherford, Swain, Transylvania, Watauga, Wilkes, Yadkin, Yancey.
(* Began providing service July 2001.)

Direct Services

Since it's beginning Project Challenge has always requested a larger amount of community services hours than the norm. The reason for this is simple. If you place a child on a Habitat for Humanity site for a day all they will do is sweat, but if you put them back there Saturday after Saturday they become part of that Habitat community. Project Challenge request a minimum of 35 hours of community service for a diverted referral, for a delinquent referral we request a minimum of 65 hours of community service. If a child has been ordered to pay monetary restitution and they choose to take advantage of our restitution bank they may do so at the rate of $4.00 per hour. These hours are in addition to the hours mentioned above. Also to utilize the restitution bank they must do so in their first 90 days of supervision. This assures that the victims receive their monies in a timely fashion.

During 2003/2004 Project Challenge provided services to 1339 children. These children, had 53,684 hours ordered and completed 43,506 hours of community service. The youth also paid more than $37,304.00 of restitution to victims of their crimes.

Project Challenge also includes a wilderness component. Participation is required for any Level I or II youth. This component is modeled on those used in the corporate world. This is designed to enhance motivation, team building, social skills, and time management strategies. Special emphasis is placed on enhancing self-esteem, and developing self-confidence.

Also throughout all program activities Project Challenge staff work on "life skills" there are many available however we focus on four in particular. Following Instructions, Accepting Correction, Asking Permission, Getting Along With Peers. In most cases the original charges can be linked to one of these four life skills. These seem to be very basic but have proven to be very effective.

When combine these program components are proving to be the most effective of system available in helping youth to begin to make better choices in their lives. The giving of self to others is the foundation of the program however taking responsibility for ones own actions is essential to changing one future choices. The life skills are the basis of making better choices.

Effectiveness

A model program was used for the founding of the program. The recidivism rate for that program was 40%. Project Challenge changed many of the program components to create the Project Challenge System that is now in place. The recidivism rate has continued to decline since it's founding. In Fiscal Year 1998/1999 the rate was 20%. It has continued to decline to the point of 8% in Fiscal year 2000/2001in Fiscal Year 2001/2002 the rate was 7.5% in Fiscal year 2002/2003 the rate was 18%and for the period covered in this report 2003/2004 a rate of 9%. This recidivism rate is based on **any new contact with the court not conviction rates**. The data appears to show that the increase in the previous years rate coincides with the Department of Juvenile Justice and Delinquency Prevention decision to divert a much large percentage of youth as apposed to adjudication. We are continuing to evaluate the data as it relates to diversion plans and contracts. With 91% of program participants not reentering the criminal justice system the Project Challenge System is proving to be one of the most effective programs for adjudicated youth in the nation.

Cost Analysis

During FY 2003/2004 Project Challenge provided services to 1360 children an increase over previous years, this was 30% of the Total Court Involved Youth in the counties we serve. Project Challenge only received 15% of the JCPC funding available. The cost per child varies depending on the Judicial District. This variance is mainly due to two factors first the size of the geographic area and secondly the volume of children. In the more urban environments our cost per child is lower due to the large volume of referrals with the opposite being true in the rural areas. During FY 2002/2003 the average statewide cost was $1346.53, during FY 2003/2004 the average statewide cost was $1046. These totals includes General Assembly appropriations, JCPC funds, DJJDP discretionary funds, local county match, private contributions as well as other dollars generated within the state. This decrease has continued from the previous years where the rate was $1412.00

Judicial District	County Served	Total Court involved youth	Total served by Project Challenge	Percent of Court Involved youth Served by Project Challenge	Total of Counties Avaialable JCPC Funds	Total JCPC Funds Allocated to Project Challenge	Percent of Counties JCPC Funds Allocated to Project Challenge
6A	Haifax	260	118	45%	$219,100	$72,208	33%
6B	Bertie	55	30	54%	$99,135	$31,113	31%
6B	Hertford	65	41	63%	$114,245	$39,526	35%
6B	Northampton	63	26	41%	$100,043	$31,885	32%
19A	Cabarras	424	103	24%	$321,635	$51,825	16%
22nd	Alexander	122	23	19%	$118,347	$16,342	14%
22nd	Davie	122	17	14%	$115,384	$12,743	11%
22nd	Davidson	370	58	16%	$409,648	$54,827	13%
22nd	Iredell	12	41	34%	$297,074	$43,291	15%
23rd	Alleghany	27	17	63%	$61,581	$14,056	23%
23rd	Ashe	36	31	86%	$92,859	$18,419	20%
23rd	Wilkes	320	112	35%	$201,856	$37,723	19%
23rd	Yadkin	96	82	85%	$120,195	$28,820	24%
24th	Avery	38	15	40%	$79,479	$20,138	25%
24th	Madison	39	19	49%	$83,668	$30,028	36%
24th	Mitchell	34	19	56%	$75,015	$21,604	29%
24th	Watauga	74	34	46%	$121,102	$26,946	22%
24th	Yancey	47	22	47%	$77,633	$16,586	21%
25th	Burke	258	43	17%	$241,435	$43,000	18%
25th	Caldwell	216	77	36%	$221,940	$37,126	17%
25th	Catawba	566	46	8%	$346,650	$53,000	15%
29th	Henderson	223	61	27%	$208,354	$51,739	25%
29th	McDowell	141	46	33%	$136,116	$28,248	21%
29th	Polk	28	12	43%	$70,888	$14,868	21%
29th	Rutherford	178	71	40%	$190,918	$49,171	26%
29th	Transylvania	90	33	37%	$110,475	$19,432	18%
30th	Cherokee	68	22	32%	$90,880	$20,380	22%
30th	Clay	17	4	24%	$55,639	$9,200	16%
30th	Graham	52	10	19%	$59,350	$6,662	11%
30th	Haywood	145	35	24%	$153,870	$24,553	16%
30th	Jackson	122	20	16%	$108,954	$18,272	17%
30th	Macon	122	39	32%	$94,181	$14,913	16%
30th	Swain	45	12	27%	$69,546	$16,796	24%
	TOTALS	4475	1339	30%	$4,867,195	$732,541	15%

*Total Served Source DJJDP Data 2003/2004 (Web Page) **Includes new admissions and existing youth on caseloads ***Only includes allocations at JCPC level not discretionary funds, county match or private and other contributions.

Fact Sheet FY 2003/2004

Service area: The program provided services in 8 judicial districts. This covered 33 counties.

Youth serve: Project Challenge provided services to 1339 children during FY2003/2004. This included 982 new admissions with the remaining number already involved in the program at the beginning of the fiscal year.

Recidivism Rate: Only 9% of program participants that successfully complete the program have any further involvement with the court system.

Cost per Client: The cost per client including the three-day wilderness program and 65 hours of community service is $1046.00 per child. This normally involves 9 months of service. This is a $300 reduction.

Immediate Restitution to the Victim: The Project Challenge restitution bank allows for victims to be compensated for their losses in a timely manner. This reduces the lengthy amount of time it would otherwise take an average young person to pay for their crimes. Juveniles are required to complete their restitution hours in the first 90 days of their probation period, thereby helping the victims put the ordeal of the crime behind them and providing an immediate consequence for the offender.

Community Building: All program Participants work directly with the community, giving each of them the opportunity to see, touch and feel what it is like to be a giving person. Activities ranged from working with the elderly, tutoring younger youth, Special Olympics, Habitat for Humanity as well as many many others.

Service to Juvenile Court and Court Counselors: Project Challenge understands the complexity of the role of the courts and court counselors in the lives of the children. It is because of this that Project Challenge recognizes the need to be flexible in our service. We understand that this flexibility is essential in serving this very needy diverse population. It is imperative that we recognize our responsibility in working with the courts in ways that best serve the youth, courts and the community.

C.H.A.M.P.S. Program– (Changing Habits and Making Positive Steps) Avery County In addition to our stated program objectives, Project Challenge is also involved in a collaborative effort with the Avery county school system in operating a program known as C.H.A.M.P.S. This JCPC funded program targets a similar age demographic as Project Challenge, however these children are targeted before they enter the juvenile court system. C.H.AM.P.S. and Project Challenge share very similar components. Each program deals with troubled youth and both programs employ the use of community service as an agent for teaching children the value of stewardship and community action. In this collaboration Project Challenge supplies the use of its fifteen-passenger van and the services of both of the 24th judicial district's program coordinators. None of this would've been possible without the funding we've received from the General assembly.

Community Leadership Development Program: This is a certificate program that certifies and recognizes all the services that is done by youth within the community. High School civic clubs, church youth groups and other organization such as 4-H are all eligible to participate. The Program works on several levels. Three levels of certification will be offered through our Community Leadership Certificate Program.

- Level 1 **Community Involvement Certificate** This certificate will be available to all youth who complete 45 hours of volunteer service within the school year.
- Level 2 **Community Leadership Development Certificate** This certificate will be offered to student completing 65 hours of volunteer service within the school year and successfully completing the Community Leadership Curriculum. This curriculum is designed to educate youth of the working of local government and local non-profits, to reward youth for accepting leadership roles and for furthering their education and employability outside of the public school system. Enclosed in this packet is a list of activities in which youth may participate. Each activity is worth one point. Successful completion of the Leadership Development Curriculum is based upon youth acquiring seven points.
- Level 3 **Presidential Student Services Award** Project Challenge is working with the organizations and schools and submitting the names of all the youth within each community that qualify for this very important award. The award is structured in to categories. **Gold Award:** ALL youth, kindergarten through college, who have performed at least 100 hours of service within a 12-month period, are eligible to receive a gold pin and certificate from the President of the United States. **Silver Award:** ALL youth, ages 5 to 14 (kindergarten through eighth grade), who have performed at least 50 hours of service within a 12-month period, are eligible to receive a silver pin and certificate from the President of the United States. **Scholarships:** In addition any high school can present a $1,000 scholarship to TWO students (juniors or seniors) who have volunteered at least 100 hours of service in a 12-month period. Each scholarship recipient receives $500 from the Corporation for National Service and is matched by $500 from the school or community organization.

Through this Leadership Development Program we have created a system where by all the youth in a community can be recognized for the contributions. This program helps to erase the sigma of being court involved by offenders so they can proudly continue to contribute long after they have fulfilled their commitment to the court has completed while also acknowledging those youth who are not court involved.

Project Challenge North Carolina, Inc.
Organization Wide Expenditures
2003/2004

	General Assembly	Other
Personnel Services	$119,641	$814,724
Supplies & Materials	$359	$78,560
Current Obligations & Services		$140,500
Fixed Charges & Other Expenses		$86,492
Capital Outlay		$13,451
Total	$120,000	$1,133,727

Combined Total	$1,253,519

At the beginning of the 12 month period, 2003/2004 covered by this report 357 juveniles were enrolled in the Project Challenge Program statewide. During the year, there were 982 new admissions for a total of 1339 served. The following analysis covers all of those who completed the program or who dropped out or were removed from the program prior to completion.

District	Youth	Age Range	Race % White	% Black	% Other	Sex % Male	% Female
30th	100	10-17	96%	0%	4%	72%	28%
29th	147	10-16	81%	11%	9%	67%	33%
25th	121	10-16	68%	27%	6%	77%	23%
24th	58	9-16	97%	1%	3%	80%	20%
23rd	133	9-16	80%	8%	13%	73%	27%
22nd	71	10-17	75%	20%	6%	80%	20%
19th	54	11-17	64%	28%	9%	80%	20%
6A	98	9-17	23%	76%	3%	81%	19%
6B	79	8-16	11%	89%	1%	80%	20%
Total	861	9-17	58%	37%	7%	75%	25%

Types of Offense (most serious for each offender)

Category 1 Offenses	#	Average Hours	Other Most Common Offenses	#	Average Hours
Murder/Man	1	48	Drug Offenses	93	850
Rape	2	75	Simple Assualt	139	857
Robbery	2	100	Weapons Violation	41	501
Agg. Assault	39	390	Injury to Property	82	95
Burglary	2	44.5	Brk/Enter/Larceny	104	701
Larceny (Felony)	36	430	Undisciplined	36	75
Motor Vehicle Theft	1	65	All Other Crimes	283	2,873

(Not all are convictions)

Distict	Youth	% of Successful Completions	% Removed for New Offense	% Refused to Participate	% of Other	# / % Who re-offended after a successful Completion
30th	142	89%	0%	3%	8%	10 / 10%
29th	223	89%	1%	8%	2%	20 / 14%
25th	166	97%	0%	0%	3%	17 / 14%
24th	109	97%	0%	0%	3%	12 / 11%
23rd	242	95%	4%	0%	1%	6 / 5%
22nd	139	73%	11%	7%	9%	4 / 6%
19th	103	84%	2%	10%	4%	2 / 4%
6A	118	95%	3%	0%	2%	4 / 4%
6B	97	95%	3%	2%	0%	3 / 4%
Total	1339	91%	3%	4%	4%	9%

	Hours Ordered	Hours Completed	Completion Rate
Diversions	6,247	5,775.5	93%
Undisc. dispositions	935	729	78%
Level 1 dispositions	38,806.25	31,189	81%
Level 2 dispostions	7,695.5	5,812.5	76%
Total	53,683.75	43,506	81%

	12 Mos Prior to Prog. Involvement	During Prog. Involvment	% of Change	
Juvenile Court Referrals	738	204	72%	decrease
Runaways	95	54	43%	decrease
Suspensions and Expulsions	1,071	69	93%	increase
Secure Detention Orders	111	43	61%	decrease

Expenditures

Distict	JCPC	County	Local	Other	Total
30th	$123,576	$18,596	$2,103	$12,461	$156,736
29th	$163,458	$8,324	$1,691	$0	$173,473
25th	$133,126	$0	$2,933	$0	$136,059
24th	$116,002	$27,770	$0	$2,919	$146,691
23rd	$99,666	$19,594	$0	$6,366	$125,626
22nd	$127,203	$0	$370	$0	$127,573
19th	$51,825	$5,800	$0	$817	$58,442
6A & 6B	$186,232	$9,981	$10,597	$2,109	$208,919
Sub Total	$1,001,088	$90,065	$17,694	$24,672	$1,133,519

Administrative DJJ Direct	$120,000
Total	$1,253,519

Contact Days	6,057	Cost/Day	$232.91
Hours Completed	43,506	Cost/Hour	$32.43
Clients Served	1,339	Cost/Client	$1,045.77

RECIDIVISM: During the past 12 months based on successful completions, how many juveniles who were involved in Project Challenge received a final discharge from Probation? 1,069

On average, how many months elapsed between their completion or release from Project and their final discharge from Probation? 3 months

After release from Project Challenge, how many of these juveniles were:

Adjudicated for a new misdemeanor offense?	63
Adjudicated for a new felony offense?	17

Overall recidivism rate of Project Challenge clients 9%

State of North Carolina
General Court of Justice
6B District Court District

ALFRED W. KWASIKPUI
CHIEF DISTRICT COURT JUDGE
PO BOX 643
JACKSON, NC 27845
alfred.w.kwasikpui@nccourts.org

BERTIE, HERTFORD, AND NORTHAMPTON COUNTIES
PHONE: (252) 534-1785
FAX: (252) 534-1308

THOMAS R. J. NEWBERN
DISTRICT COURT JUDGE
125 PITTMAN ROAD
AULANDER, NC 27805

W. ROB LEWIS, II
DISTRICT COURT JUDGE
PO BOX 86
WINTON, NC 27986

thomas.r.newbern@nccourts.org
william.r.lewis@nccourts.org

January 18, 2005

Members of the North Carolina General Assembly
Raleigh, North Carolina

Dear Members of the General Assembly:

I am writing in support of the Project Challenge Community Service and Restitution Program. As the Chief District Court Judge for Judicial District Sixth-B (Bertie, Hertford and Northampton Counties), I have found the program to be an invaluable probationary tool that allows district court judges the ability to make juvenile offenders solely accountable for their offenses. Through community service, we are able to require youthful offenders to perform free work within the community to non-profit agencies, which is a penalty that impacts on the juveniles rather than their parents.

The other important component of the Community Service program is the restitution aspect. Many juveniles are too young to obtain employment in order to pay all or some portion of restitution for damages or property loss resulting from their offenses. The Project Challenge restitution component provides for paid work commensurate with the delinquent juveniles' ages that allows them to earn monies to be forwarded to their victims.

I respectfully urge your consideration of funding for the Project Challenge Community Service and Restitution Program for the juvenile delinquency court. Thank you for the opportunity to give input to this issue.

Sincerely,

Alfred W. Kwasikpui
Chief District Court Judge
Judicial District Sixth-B

Hertford County Center
301 West Tryon Street
PO Box 188
Winton, NC 27986
Phone: 252-358-7822
Fax: 252-358-7880
email: natalie_rountree@ncsu.edu
http://www.ces.ncsu.edu/hertford/

February 9, 2005

To Whom It May Concern:

Project Challenge, Inc. began serving Hertford County youth in 1998. The program, made possible through Juvenile Crime Prevention Council funding, serves not only as a means for youth to "pay their debt to society" but also as a means of bettering themselves. Marva Harmon, Hertford County Program Manager, provides the youth time to complete restitution hours. She also offers them other community service hours, opportunities to participate in other programs, and guidance as needed. Ms. Harmon teaches the youth in Project Challenge, Inc. social skills, which many before joining the program are lacking.

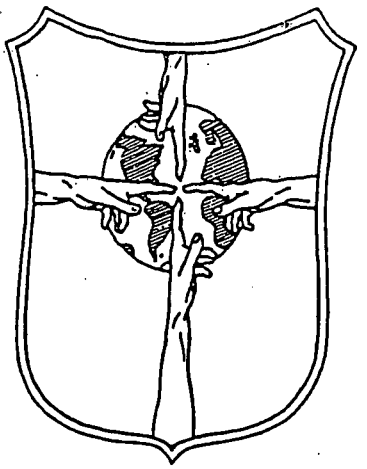
Project Challenge, Inc. is a very beneficial program for the youth of Hertford County.

Sincerely,

Natalie Menius Rountree

Natalie Menius Rountree
Extension Agent,
4-H Youth Development

North Carolina State University and North Carolina A&T State University commit themselves to positive action to secure equal opportunity regardless of race, color, creed, national origin, religion, sex, age, or disability. In addition, the two Universities welcome all persons without regard to sexual orientation. North Carolina State University, North Carolina A&T State University, U.S. Department of Agriculture, and local governments cooperating.



Southern Reconciliation Ministries, Inc.

P.O. Box 1147
Burnsville, North Carolina 28714
828-682-7251

February 2, 2005

Project Challenge
Danny Taylor, Program Coordinator
11B Link Street
Spruce Pine, NC, 28777

Dear Danny,

On behalf of the Board of Directors and Staff of Southern Reconciliation Ministries, Inc., (Reconciliation House,) I would like to express our deepest appreciation to Project Challenge and the youth they help for the service projects you have done for this ministry. We are so pleased to be a recipient agency for these services.

Reconciliation House is a non-profit ministry that provides food, clothing, household items, furniture, and financial subsidy to families who are facing a financial crisis. We currently average serving 234 families each month. Some may only receive an occasional food box, clothing, or help with heating fuel or electricity; while many others need the full range of our services. Yancey County suffers from a high poverty rate of 18.65%. Many of the clients we serve are victims of ongoing poverty situations caused by minimal education and illiteracy. They are under-employed trying to raise families on barely above minimum wage. Living from paycheck to paycheck, the least emergency such as a sick child or a car repair may cause them not to have enough money left in their budget to purchase food or heating fuel for their home. We also serve many elderly and handicapped individuals who live on a small fixed income. Many times they have to choose between purchasing their medication or food for their table. Our services also include assisting with a temporary crisis such as someone's home burning, weather related disasters, women and children fleeing abuse, temporary job layoffs, or those out of work due to illness or injury.

As a non-profit, we try to keep our administrative costs to a bare minimum. We rely heavily on the kind gift of volunteer help to keep things running and to accomplish all the hard work necessary to provide the necessities for the clients we serve. Our food distribution is currently between 11,000 and 12,000 pounds of food given monthly. This requires a tremendous amount of hard work lifting cases of food and packing our

emergency food boxes and the USDA food boxes. Project Challenge has been a wonderful help in accomplishing this work and at times, due to our low staffing, we have had to turn our Food Pantry area over to the youth and counselor to provide food boxes for clients as they come in.

Another area that Project Challenge has been a blessing to us is in handling boxes of clothing, taking off season clothing to storage and bring in current season clothes. I remember one evening, we actually had a "bucket brigade" going from the upstairs to the storage area in the basement. I was absolutely amazed at how quickly we finished the job.

I am a firm believer that placing troubled youth in a positive environment can have life changing effects. Through our clients, we see individuals from all walks of life. Seeing people in financial crisis due to minimal education or substance abuse can be a blueprint for that troubled young person to see where they may be headed.

We deeply appreciate the hours given by Project Challenge, and look forward to having them work here throughout the year.

Sincerely,

Libby Miller

Libby Miller, Director

Henderson County
Juvenile Crime Prevention Council
100 North King Street, Hendersonville, NC 28792
Telephone: (828) 697-4919 Fax: (828) 697-4712

Gwenn Rice, Chairman

Skip, Vice Chairman

North Carolina
Legislative Body

Dear Legislative Member:

The Henderson County Juvenile Crime Prevention Council is writing at this time to express its support for Project Challenge. This program represents an essential component to our continuum of care for the overwhelming majority of Court involved juveniles. Project Challenges affords delinquent offenders an opportunity to perform community service and give back to our community through our non-profit worksites. It also is a restitution program that facilitates juveniles being able to earn money to pay toward their victim(s) loss. The process involves dedicated coordinators building relationships with our Court involved youth to better learn about positive character traits. This program encourages our children to be constructive as opposed to destructive while at the same time benefiting our community and our victims.

The needs of delinquent juveniles including diverted, level I and level II, and their families are more diverse than ever. Finding effective programs to meet their needs is a difficult task. Project Challenges has a long and successful track record with our community despite budget shortfalls. It is effective for a wide range of our juveniles and is making a difference. We hope that state funding will continue and if possible, increase to enhance what they are able to do.

Thank you for your time and attention to this matter. If we can be of any further assistance, please contact us at your earliest convenience.

Sincerely,

Gwenn J. Rice
Chairman
Henderson County Juvenile Crime Prevention Council

McDowell County

Juvenile Crime Prevention Council

January 18, 2005

To Whom It May Concern:

I am writing on behalf of the McDowell County JCPC to express support of Project Challenge. This is a program that makes young people realize they must be accountable for their actions.

We support their continued service in our county. The coordinator has made herself available to all agencies and follow through with recommendations from them. There is a good working relationship with Juvenile Court and the school system.

We appreciate this program and look forward to a long working relationship with them. They are a true asset for our county.

Sincerely,

Diane Mance

Diane Mance,
Chairperson

McDowell Senior Center
100 Spaulding Road Marion NC 28752
(828) 652-8953 Fax (828) 652-8723
Email: seniorcenter@wnclink.com

January 13, 2005

To Whom It May Concern:

I am writing in support of Project Challenge. The senior center has been a work site for Project Challenge for several years. We appreciate the additional help this program has given. I believe the young people enjoy helping pack home delivered meals, which is the primary task they are assigned. Sometimes the job is window cleaning, or watering the flower garden, or folding newsletters. Whatever the task, they seem to enjoy doing something worthwhile.

Many of our workers, and all of our clients are senior citizens. I believe young people benefit from working alongside seniors and seeing how much they enjoy what they do. The seniors like having young people around, and try to encourage them.

When a youth is assigned, Phyllis Ennis always follows up to make sure the placement is working out. If there is a problem she is quick to respond, and correct it. I have enjoyed working with her.

Please continue this program in McDowell County.

Sincerely

Shirley Arrowood

Shirley Arrowood, Director
McDowell County Senior Center

My name is Richard Miller and i have worked with Melinda for near 4 months. She is a great person to work with, she is easy going but not to the point that she doesn't get anything done. Melinda makes plans to do something, and she doesn't leave until she gets it done. She has excellent leadership and communication skills. She is very easy to get along with and she doesn't beat around the bush and put stuff off. She helps run Project Challenge, a program to help kids out with community service, which is where i have worked with her. We do many things, ranging from helping out at the Hospitality House (a program which helps less fortunate people get back on their feet) by cooking meals, to cleaning up the Plemmons Student Union on Appalachian State University Campus. We help out people who have problems because of floods or snowstorms, and any other problems anyone might have. We also go to a place called Shelter Rock which is a charity organization and we help set up boxes for christmas and rearrange and restock the shelves. We also have helped out with Operation Christmas Child at Samaritan's Purse. Melinda is always nice and friendly, if we work well she takes us out to eat after we finished to Chick-Fil-A or Wendy's. With that said, she is a great person to work with and i would recommend her for almost anything involving teamwork.

Sincerely,

Richard Miller

02/10/2005 13:05 8282651557 JJJJJF WAIAUGA PAGE 01

Mr. & Mrs. Carl Timothy Brown, Sr.
306 S. Bay St.
P.O. Box 352
Hobgood, NC 27843

August 13, 2004

Darrell Mitchell
Project Challenge
304 Washington Ave.
Weldon, NC 27890

Dear Mr. Mitchell,

I am not sure where to begin, so I will start with Thank-you. We were placed in a situation that I never imagined would happen and had no idea what to do. Your kindness and consideration is greatly appreciated. What seemed to be a terrible thing to happen actually turned into something good.

Timothy is doing well, so far. He started the 9th grade at Tarboro High School and says that things are pretty good. He often talks about his day on the way home. He has taken on some responsibilities, when he took the trash out without being asked I thought I would fall out. He has a friend that he wants to go camping with even if it is only in the back yard. I hope this rain doesn't stay too long.

I hope all is going well with you and with Project Challenge. I am glad that when my son got into trouble, he had you and your patience working with him to help him get a new perspective on life. Again, Thank you for all you did to help my son.

If my family or I can be of assistance at some point in time, please do not hesitate to call.

Sincerely,

Sharon Brown

Sharon Brown

June 10, 2004

Dear Mr. Mitchell,

Enclosed is the Community Service Verification form that we used for the two projects Rob worked on at home.

Thank you for the job you do to encourage and believe not only in Rob, but all the youth you work with.

Sincerely,

Robert E. Sykes

Roanoke Valley
Adult Day Center, Inc.
108 E. 1st Street / P.O. Box 127
Weldon, North Carolina 27890
(252) 536-2070 Fax: (252) 536-5119
Email: reaves@schoollink.net

Letter of Support

From: RVADC

To: Project Challenge

RE: Community Service at Roanoke Valley Adult Day Care Center

This Center is in full support of Project Challenge and wish to continue to offer this agency as a site for community services. We have had positive results from those who have passed through the Center. And feel that this is a real service to our community. Mrs. Fleming has worked very well with the Center in providing youth and supervision to those youth while they are on the property. Again we are in full support and would like to continue our relationship with Project Challenge.

Thank You,

Regina Reaves, Director, RVADC
Roger Edwards, Program Manager, RVADC

January 23,2004

Dear JCPJ BOARD,

I am writing to express my appreciation for the wonderful job Project Challenge did with my daughter Verdawn Johnson. When Verdawn entered the PC Program she was headed for a road of destruction. The staff demonstrated and gave her many different alternatives on how to live her life from a positive perceptive instead of a negative one. I am so please with my child and how she has changed her lifestyle. Her approach to life is totally different now. She is slow to anger and eager to find a better solution to her problems. This could not have happen without the help of Program Challenge.

I would strongly recommend this project to any family with a troubled teen. Thank You Project Challenge for all your hard work and dedication to troubled teens.

Sincerely Yours

Pamela J. Belfeild

Pamela J. Belfield

DEPARTMENT OF THE ARMY
DET 2, 725 QUARTERMASTER CO
NORTH CAROLINA ARMY NATIONAL GUARD
911 JUNIOR HIGH SCHOOL ROAD
SCOTLAND NECK, NORTH CAROLINA 27874-0484

Det-2

21 January 2004

MEMORANDUM FOR PROJECT CHALLENGE

SUBJECT: THE IMPORTANCE OF THIS PROGRAM

1. I STAFF SERGEANT SESSOMS have had the privilege of working with Mr Mitchell during the month of January. During this time he have introduced me to several young men that needed to work off hours for community service, during this time I got to known these young men that need attention. understanding and most of all direction. after talking to each individual I learn that they to deserve a chance at a normal and productive life style. Mr Mitchell seems to go the distance in trying to make this happen.

2. In my opinion anything that can be done to guide these young men in a positive direction will help and Effect several people, Mothers, Fathers, Sisters, Brothers and most of all the individual that is seeking direction. The Project Challenge is working, it needs to be expanded, so that more people can get to use the tool From a military point of veiw it is working well. Mr Mitchell is to be complimented for his dedication, it is hard To find people that are dedicated to anything, he truly cares. I say to Project Challenge drive on , and we will do everything we can to support Mr Mitchell and the program, thanks for your services

KEITH SESSOMS
NCARNG SSG
Readiness NCO

H. D. Pope Funeral Home, Inc.

January 20, 2004

Project Challenge
North Carolina Corp.

Dear Sir/Madam:

Mr. Darrel Mitchell assisted H. D. Pope Funeral Home and Pretty Petals with its first Annual Holiday Celebration which was held on Saturday evening, December 27, 2003 from 6:00 p.m. to 12:00 a.m. in the new auditorium on the Campus of Halifax Community College, 200 College Drive in Weldon, North Carolina.

Mr. Mitchell did an outstanding job with the event and will be contacted this year as well to assist with the program.

If any additional information is needed, please do not hesitate to contact our office at the number below.

Sincerely,

Hubert D. Pope
Funeral Licensee

520 Smith Church Road
Roanoke Rapids, NC 27870
Ph: 252-535-1228
Fax: 252-535-1344

326 S. Franklin Street
Rocky Mount, NC 27804
Ph: 252-446-9696
Fax: 252-446-9697

January 16, 2004

To whom it may concern,

I'm writing today to express my feelings about the Project Challenge program and the benefits this program can have on children.

Mrs. Barbara Fleming was the one who worked with my boys and saw to it they were where they needed to be per judges orders. She set up the times and rides for the boys seeing to it they were where they needed to be. Making things for me, a working mother trying to go to college so very much easier.

The group of people who dealt with my boys helped to build their confidence in themselves, which is the first step to help keep them out of trouble and keep them honest.

This program is the perfect program for first time offenders. It gives them an opportunity to have to face what they have done, pay for it and have a chance to see the path of crime and dishonestly isn't the path to choose.

I feel this program has helped to reinforce the morals and standards of character I have desperately attempted to show them. I thank each and everyone envolved for being a positive and supportive influence in my boys lives.

Sincerely,

Sharon Joyner

October 7, 2002

Project Challenge
304 Washington Ave.
Weldon, NC 27890

To All Interested Parties:

As president of the Scotland Neck Recreation Foundation, I would like to take this time to say "thank you" for allowing the young men to help us in our recent fund-raiser car wash. The young men worked very hard and were very cooperative. The car wash would not have been as successful had they not been there to help.

It is our sincere hope that we will be able to call on you again in the event of future activities of this sort. Thanks again from the entire staff of volunteers here at Scotland Neck Recreation Foundation.

Sincerely,

Mildred Moore

Mildred Moore, President
Scotland Neck Recreation Foundation

G. W. (JOHNNY) DRAPER, JR.
MAYOR

NEAL C. PHILLIPS
TOWN ADMINISTRATOR

LINDA W. GRIFFIN
CLERK

KAY TRIPP
TAX COLLECTOR

Town of Weldon

109 WASHINGTON AVENUE
P.O. BOX 551
WELDON, N.C. 27890
PH. 252-536-4836

COMMISSIONER:

DOCK M. BROWN
EUGENE B. GRANT, JR.
MICHAEL D. HARGROVE
JULIA M. MEACHAM
MARTHA B. THORNE

July 24, 2003

Ms. Barbara Fleming
Project Challenge
304 Washington Avenue
Weldon, NC 27890

Dear Ms. Fleming:

On behalf of the Weldon Strategic Planning Committee, thank you and the Project Challenge organization for pulling weeds in the flowers beds along Washington Avenue in Weldon.

Our committee continues to work toward making Weldon a better place to live and work by beautifying our town. We truly appreciate the help your organization has given us in the past and we look forward to working with you in the future.

Sincerely,

TOWN OF WELDON

Julia M. Meacham

Julia M. Meacham
Strategic Planning Committee Chairman

To whom it may concern:

For the 8 or so months I have been under Community Service with Mr. Casstevens. Mr. Casstevens has taught me the discipline that I very well needed. During this time I have learned to respect everyone that I come in to contact with. This program has let me meet new people. I have also have friends from my rival school, thanks to this program.

When Mr. Casstevens tells you he will pick you up at a certain time, he's always there by that time. The schedule is always to his kids on time or early. Well this is point of view on Mr. Casstevens work.

Sincerely,

Jason Bolin

KidSenses

January 25, 2005

Mr. Patrick McHenry
244 Cannon House Office Building
Washington, DC 20515

Dear Mr. McHenry:

During the development of KidSenses Children's InterACTIVE Museum, Project Challenge has been instrumental in assisting us complete a variety of projects.

Numerous times, Project Challenge worked to help complete the administrative offices, which are now located adjacent to the Museum. As a developing non-profit, financial resources were limited and building administrative offices was difficult to justify. Several volunteers, staff and participants from Project Challenge helped to complete the offices and provide the Museum with a professional environment to conduct business. In addition, participants have helped conduct programs, set up for festivals, and do a variety of tasks that were beyond our capacity.

I have worked with troubled youth in a previous position and, as a result, I clearly see the need for such an organization. The local Project Challenge is lead by caring and hard working individuals. They have a great interaction with the youth they serve. I welcome our continued partnership and I am very hopeful for the many children they can and will help. I fully support their efforts.

Please feel free to contact me if you require additional information.

Sincerely,

Steve Saucier, M.Ed.
Executive Director

Children's InterACTIVE Museum
PO Box 150 • Rutherfordton, North Carolina 28139 • 828.286.2120 • fax 828.286.0697 • www.kidsenses.com

KidSenses

January 25, 2005

Senator Walter H. Dalton
560 North Main Street
Rutherfordton, NC 28139

Dear Walter:

During the development of KidSenses Children's Inter*ACTIVE* Museum, Project Challenge has been instrumental in assisting us complete a variety of projects.

Numerous times, Project Challenge worked to help complete the administrative offices, which are now located adjacent to the Museum. As a developing non-profit, financial resources were limited and building administrative offices was difficult to justify. Several volunteers, staff and participants from Project Challenge helped to complete the offices and provide the Museum with a professional environment to conduct business. In addition, participants have helped conduct programs, set up for festivals, and do a variety of tasks that were beyond our capacity.

I have worked with troubled youth in a previous position and, as a result, I clearly see the need for such an organization. The local Project Challenge is lead by caring and hard working individuals. They have a great interaction with the youth they serve. I welcome our continued partnership and I am very hopeful for the many children they can and will help. I fully support their efforts.

Please feel free to contact me if you require additional information.

Sincerely,

Steve Saucier, M.Ed.
Executive Director

Children's InterACTIVE Museum
PO Box 150 • Rutherfordton, North Carolina 28139 • 828.286.2120 • fax 828.286.0697 • www.kidsenses.com

January 14, 2005

Dear General Assembly,

Project Challenge with program coordinator Jonathan Casstevens have been coming to our facility Willowbrook Healthcare Center for a little over eight months. The program has been a Great Success!

Our residents here totally respond to these kids. They are able to touch their lives like we're not able too.

They arrive with respect, trust and give hope to our seniors, as one resident said, "I don't know who is teaching and helping whom".

Mr. Casstevens is a Wonderful Teacher, Coordinator, and Instructor, a true blessing to these kids. He has a talent and the patience to relate to each of their needs. I'm sure when the program is over for the kids, they have grown as an individual to be a better citizen, because of this program.

Sincerely,
Beth R. Salmons
Activity Director

YADKINVILLE POLICE DEPARTMENT

209 EAST HEMLOCK STREET
P. O. BOX 816
YADKINVILLE, NC 27055-0816

TIM PARKS
CHIEF OF POLICE

EMERGENCY: 911
BUSINESS: (336) 679-2863
FAX: (336) 679-4435

To Whom It May Concern:

In today's society, children are being more easily misled by peers and sometimes parents. It is evident that they are becoming more influenced by drugs, alcohol, and crime than ever before. With that said, our youth needs a type of positive influence to learn from their mistakes as well as to prepare them for their futures. Project Challenge enables children and adolescents to become involved with their community by challenging them to strive toward their goals while working individually as well as within a team atmosphere. These youth are also able to meet others that may be experiencing difficult times enabling relationships to grow. They provide many different services for the community such as cleaning the local library as well as being involved with the local nursing home residents. The director, Jonathan Casstevens, has the ability to deal with these troubled youth in a way that helps them to realize and accept their full potential. In addition, he is genuinely concerned for each and every child's well-being and growth throughout the Project Challenge experience.

These children need help and someone that can communicate with them on their level. It is up to those of us in law enforcement, social services, juvenile services, and other programs alike to reach out and accept that many of us could make a difference in another's life. Without opportunities such as Project Challenge many of these children would remain lost.

Sincerely,

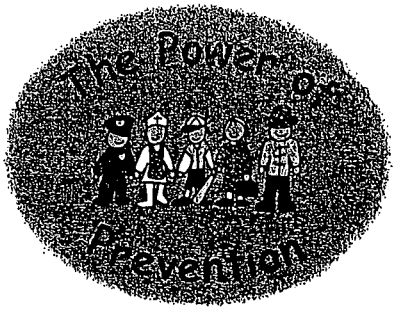
Gina Danielle Reavis

Gina Danielle Reavis
Yadkinville Police Department
Patrol Officer II

Child Abuse Prevention Team

203 East Main Street • Wilkesboro, NC 28697

(336) 667-5555 • Fax 667-0677 • captourhouse@cs.com



Give children back their childhood.

January 24, 2005

North Carolina General Assembly
Raleigh, NC

To Whom It May Concern:

On behalf of the Child Abuse Prevention Team, please allow me to express my sincere appreciation for the work done for our agency by Project Challenge. This group first came to Our House in late November and mulched our playground, washed windows, swept the porches and walk ways , cleared flower beds, and helped moved furniture. Since that first visit, they have done such tasks as wrapping Christmas gifts for our board members, helping in preparations for our Christmas Luncheon, recycling, organizing our library, cleaning and disinfecting our toy closet, bagging diapers and loading car seats. They are currently working on our Blue Ribbon Campaign by cutting, tying and pinning, literally, thousands of blue ribbons to Child Abuse Prevention Awareness fliers – an awesome task!

Jessica Lee, the director of the group, portrays an excellent role model. She is a stickler for promptness, detail, efficiency and organization. She models genuine professionalism and respect. The group always expresses gratitude for the opportunity to work with us. As you can imagine, the Project Challenge members are some of the most welcome guest at Our House.

Respectfully,

Angela Shaffer

Angela Shaffer
Executive Director

CAPTAIN O. A. FISH, Retired
EASTERN AIRLINES
Camp Founder/President

South Mountain
Christian Camp

1129 South Mountain Road
PO Box 9
Bostic, North Carolina 28018-0009

Telephone: 828/245-3322
Fax: 828/245-1659
Email: smcc@blueridge.net

Gordon Keith
President/CEO
Project Challenge NC, Inc.
11A Link Street
Spruce Pine, NC 28777

Dear Gordon Keith:

I am writing this letter to ask that you be aware of the great work that is being done in our area by Project Challenge.

Project Challenge identifies juveniles between the ages of 10-17 years of age that have been referred by the juvenile court system or the Juvenile Court Counselors. While it is a service to the court, it provides participants and local communities a program that increases self-esteem and civic awareness and helps youth make a positive difference in their home and community.

Project Challenge works to decrease family conflict, disruption and management problems by teaching youth specific social skills which are following instructions, accepting correction, asking permission and getting along with peers. The youth learn how to give back to the impoverished neighborhood and communities by doing community service.

I hope that you will continue to support Project Challenge in any way possible.

Campingly Yours

Charlotte Fish
Executive Director

cc Senator Walter H. Dalton
Patrick McHenry

Member
CCI/USA
The Association of Christian Camps and Conferences

State of North Carolina
General Court of Justice
CLERK OF SUPERIOR COURT
McDOWELL COUNTY
MARION ,NC

DONALD R. RAMSEY, CLERK
EX OFFICIO JUDGE OF PROBATE

ZORO J. GUICE, JR.
SENIOR RESIDENT JUDGE

E. PENN DAMERON, JR.
RESIDENT JUDGE

January 14, 2005

To Whom It May Concern:
Project Challenge North Carolina, Inc.

Please accept this letter as my support for the McDowell County Project Challenge Program. It has been well documented within McDowell County as to the lack of availability of resources dealing directly with areas of juveniles and their families.

Working in the judicial system we often are faced with trying to find some solutions to the problems, as they are relevant to the well being of youth and their families. Currently, local resources are not available and many times referrals are made to adjoining counties. This further imposes a hardship on the families in trying to find transportation, time away from work and expenses of traveling.

Having a Project Challenge program available within McDowell County has been a valuable resource that has positively benefited our youth. That positive impact has also been realized with their parents and guardians in maintaining their family relationship. I know the benefits of Project Challenge to the youth as I have personally volunteered with Project Challenge on many occasions. I have had the opportunity to observe first hand the program in operation, with youth and adults working with each other to accomplish a goal. I have spoken to our Judges for the twenty-ninth Judicial District and they wholeheartedly support the Project Challenge Program. If I can be of futher assistance or answer any questions please do not hesitate to call.

Sincerely,

Donald R. Ramsey
Clerk of Superior Court

NC STATE UNIVERSITY

McDowell County Center
60 East Court St., Room 226
Marion, NC 28752-4098
Phone: 828-652-8104
Fax: 828-652-8104
www.ces.ncsu.edu/mcdowell/

January 11, 2005

To Whom It May Concern:

I would like to commend and thank Project Challenge for the volunteer hours they have given to my office in the past year. Phyllis Ennis supervises 5 to 7 young people once or twice a month for approximately 4 hours each time in collating, folding and sealing large numbers of educational newsletters which are mailed to the citizens of McDowell County from our agency. She sits with and works with them and talks to them as they work. I have heard her talk to them about doing the project correctly the first time, neatly, and in order and how learning this kind of work ethic will help them in their school work and future job situations. While it is sad that Project Challenge is needed for these young people, I am glad we have this program in our county and feel it makes a difference in their lives.

Sincerely,

Nancy M. Worley

Nancy M. Worley
Administrative Secretary
North Carolina Cooperative Extension Service
McDowell County Center

North Carolina State University and North Carolina A&T State University commit themselves to positive action to secure equal opportunity regardless of race, color, creed, national origin, religion, sex, age, or disability. In addition, the two Universities welcome all persons without regard to sexual orientation. North Carolina State University, North Carolina A&T State University, U.S. Department of Agriculture, and local governments cooperating.

January 16, 2005

Hello, General Assembly,

I am writing in reference to your "Project Challenge" program. My grandson, Kaelon Laine, has just finished his Community Service hours with this program.

In my opinion "Project Challenge" is a great Service for our community, it helps bring children realization of their acts that has put them in this program to begin with, also the kids working jobs at the police station, Samaritan Kitchen and Courthouse gives them an idea of what life is all about and to show respect to others. It also shows these kids that the men & women involved as the co-ordinators of these

programs respect them and are there to help them have a better out look and face up to their responsibilities. Although, I have seen my grandson Kolton hate to move his "lazy" body out of the house to do his community service work in the past, I have also seen him come back after working his hours with a much better attitude about himself and proud of himself that he did a good job. It is my opinion also that Jessica Lee, your new co-ordinator, works well with the kids and she is doing a great job. Jessica always lets you know how your child did while working and she always returns your phone calls to her, and Kolton has

told me that she gets right into the work with the kids and that is awesome. Some people would just sit back and watch. I am hoping this will be Kaitons last time with Project Challenge simply because he needs to stay out of trouble. May this program help other troubled children with positive outcomes.

Sincerely,
Jacqueline Nash
287 Mulberry Pine St.
N. Wilkesboro,
NC 28659

(Kaitons guardian)
Grandmother

PO Box 252, 120 Davis Street • Rutherfordton, NC 28139
Phone 828-288-1021 • Fax 828-288-9344

Youth Empowerment, Inc.

"Inspiring Positive Change"

March 7, 2005

Project Challenge NC, INC.
11A Link Street

Dear Sir:

Youth Empowerment would like to thank Project Challenge for all they've done for the community. Youth Empowerment, which is a non-profit agency in Rutherford County, N.C., whole heartedly supports Project Challenge.

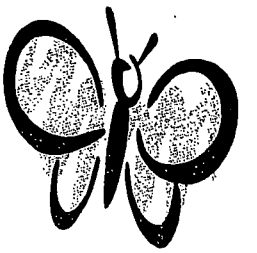
Project Challenge fills a needed niche in the community by providing the children an opportunity to serve their county. By sharing their time and energy, the staff at Project Challenge will significantly improve the young adults' chance for success.

Again we sincerely thank Project Challenge for helping to improve the lives of the children.

Sincerely,

Suzanne Ledford

Suzanne Ledford
Program Manager



Attachment #1 f

North Carolina Department of Crime Control and Public Safety

Michael F. Easley, Governor

Bryan E. Beatty, Secretary

December 1, 2004

MEMORANDUM

TO: Chairs of the Senate and House of Representatives Appropriations Subcommittee on Justice and Public Safety
Senator Marc Basnight, President Pro Tempore
Representative James B. Black, Democratic Speaker of the House
Representative Richard T. Morgan, Republican Speaker of the House
Janet B. Pruitt, Senate Principal Clerk
Denise G. Weeks, House Principal Clerk

FROM: Casandra G. Skinner, Special Assistant to the Secretary
NC Department of Crime Control and Public Safety

SUBJECT: Report on North Carolina Victim Assistance Network (NCVAN)

Attached please find the report on the North Carolina Victim Assistance Network required of the Department of Crime Control and Public Safety by Section 17.5 of Ratified House Bill 397.

If you have questions or need additional information, please contact Casandra Skinner, Special Assistant to the Secretary of Crime Control and Public Safety, at 919-733-2126 or cskinner@nccrimecontrol.org.

Cc: Legislative Library

Attachment

MAILING ADDRESS:
4701 Mail Service Center
Raleigh, NC 27699-4701
Telephone: (919) 733-2126

www.NCCrimeControl.org
An Equal Opportunity/Affirmative Action Employer

OFFICE LOCATION:
512 N. Salisbury Street
Raleigh, NC 27604-1159
Fax: (919) 715-8477

North Carolina Victim Assistance Network
Annual Report
July 1, 2003 – June 30, 2004

The North Carolina Victim Assistance Network (NCVAN) was appropriated $150,000 from the North Carolina General Assembly during fiscal year July 1, 2003 – June 30, 2004 to provide resources, advocacy, and training for victims of crime and the professionals who serve them. Along with additional grant funding, contributions, and fundraising events, NCVAN was able to perform the following services.

NCVAN's Mission Statement: To Provide Support and Information to Crime Victims Across Our State and to Advocate for Their Fair Treatment.

NCVAN's Vision: To Become the Principle Statewide Resource for Crime Victims and Those Who Serve Them.

NCVAN's Values Statement: In Everything We Do For Those We Serve, We Will Do So With Dignity, Compassion, and Respect.

RESOURCES

Information and Referral Services Provided to Crime Victims and Allied Professionals

Throughout the year, NCVAN staff continuously updates and maintains an extensive database that includes comprehensive statewide information on over 1,500 services available to crime victims, criminal justice professionals, victim advocates, law enforcement, and citizens. Over the past year, NCVAN responded to approximately 12,500 victims, and training and technical assistance calls. The calls ranged from:

- Facilitating communication between law enforcement and criminal justice professionals and the victim;
- Providing information on the Crime Victims' Rights Act and other laws pertinent to victims, law enforcement, and criminal justice professionals;
- Helping crime victims obtain information about their case;
- Referring crime victims to emergency financial aid, relocation services, rape crisis services, domestic violence shelters and services, social services, support groups, and mental health services;

410 Morson Street – Raleigh, NC 27601 – 919.831.2857 – 800.348.5068 – 919.831.0824 fax – www.nc-van.org

- Providing assistance with filing for Crime Victim Compensation; and
- Providing assistance with Victim Impact Statements.

This service is provided at no cost to crime victims or service providers either locally or through NCVAN's 1/800 Victim Information Line.

Directory of Victim Services

NCVAN has published an updated version and has continued to distribute free of charge its *Directory of Victim Services, Emergency Resources and Related Criminal Justice Agencies in North Carolina* to victim service providers, and criminal justice and law enforcement professionals statewide with the assistance of a grant provided by the Governor's Crime Commission. The Directory has proven to be a valuable tool for those who come into contact with crime victims. The Directory is organized by counties and lists the various resources available in each county. A cross-index provides the user with alternative referrals in neighboring counties in the event a desired service is not operating within the victims' county.

Surviving Violent Crime Handbook

The *Surviving Violent Crime* handbook offers practical information about the criminal justice system and how it works, information about the Crime Victims' Rights Act, laymen language for legal/court terms, the grieving process and the stages crime victims will likely go through after victimization. The handbook is available in both English and Spanish and is distributed to crime victims as a service of NCVAN.

The NCVAN Web Site Provides 24-Hour Information

The NCVAN Web site listed at www.nc-van.org provides victims and others with 24-hour information on victims' services statewide. The Web site is also used to list training and continuing education opportunities to victim service providers as well as criminal justice professionals.

Victim Assistance Guide for Professionals

An educational booklet titled *Helping Crime Victims: A Guide Book for Professionals, Advocates and Others Providing Victim Assistance* provides professionals and advocates with practical information relating to the aftermath that crime has on its victims and family members emotionally, financially and physically. This is a free service provided by NCVAN.

Network News

Each year, NCVAN staff develops and distributes over 12,000 agency newsletters to individuals across the state. The newsletters provide service providers and allied professionals with timely information on victim services in North Carolina.

The Violent Crime Victim Subsistence Project

NCVAN has been awarded a grant from the Governor's Crime Commission to assist surviving loved ones of homicide victims with the financial burden they experience as a result of attending the defendant's trials or hearings. Witnesses, however, are not eligible to participate. Victims needing financial assistance are identified through the district attorney's offices. Expenses covered are lodging, food, and travel each of which has caps.

ADVOCACY

NCVAN Advocates Through Collaborative Efforts

In an effort to ensure that victim services in North Carolina stays consistent in its efforts and that duplication of services are kept to a minimum, NCVAN collaborated with other nonprofit and state agencies on a variety of victim issues. These collaborations included serving on the:

- Victim Services Committee of the Governor's Crime Commission
- NC Sentencing Commission
- Criminal Justice Partnership
- Victims With Disabilities Task Force
- Victim Services Interagency Council of North Carolina
- Juvenile Sex Offender Work Group
- NC Actual Innocence Commission

Additionally, NCVAN was successful in its lobbying efforts for HB 1518(Require payment of Restitution for Expunction) and HB1519 (Crime Victim Financial Recovery Assistance Act) during the short session of the General Assembly.

Victim Resources Director Assists Under-Served Victim Populations

NCVAN's Victim Resources Director identifies under-served victim populations and meets the need. Under-served populations are everywhere. Not just those with different ethnic or religious backgrounds, but also those where no services exist. Over the past year, NCVAN's Victim Resources Director responded to victims by accompanying them to Probation and Parole, Clemency and other hearings where there was no victim advocate in place. Additionally, the Victim Resources Director contacted victims' employers to advocate for leniency and support of the victim while attending to medical needs, and trials or hearing as related to their case. The Victim Resources Director also assisted victims with preparing Victim Impact Statements and Crime Victim Compensation Forms.

NCVAN Reaches Over 100,000 Citizens at the NC State Fair

As in past years, NCVAN hosted a booth at the North Carolina State Fair. NCVAN distributed over 100,000 information brochures on victim assistance, as well as pencils identifying NCVAN's 1/800 Victim Information Line. The booth served as a public awareness event and offered crime victims the opportunity to make face to face contact for additional assistance.

North Carolina Recognizes National Crime Victims' Rights Week 2004

In collaboration with the Victim Services Interagency Council of North Carolina, NCVAN co-hosted, "A Celebration of Life" a public awareness event held at the NC State Farmer's Market on Sunday, April 18th. Ms. Janice Carmichael, Executive Director of the N.C. Crime Victim Compensation Program presented the proclamation on behalf of Governor Michael F. Easley to NCVAN. The event also provided the citizens of the state the opportunity to view the exhibits provided by all of the participating agencies.

On Monday, April 19th a collaborative candle-light vigil was held in memory of those who have been harmed by crime again this year. The Vigil was held in Jones Chapel, Meredith College Campus in Raleigh. Attorney General, Roy Cooper gave opening remarks and Bill Dyer, crime victim survivor and author of "When Life Blows You Down" was the keynote speaker for the service. Special recognition was given to Mark Tucker, the recently slain Wake County Deputy, Donnie Harrison, Sheriff of Wake County and the Honorable Colon Willoughby. NCVAN sponsored a reception immediately following the vigil to offer the attendees the opportunity to reflect on the emotional events of the evening.

Tuesday, April 20th, 2004 NCVAN's Director participated in the Crime Victim Rights Week event sponsored by the Hickory Police Department at the Temple Baptist Church, Hickory, NC.

On Wednesday, April 21st, 2004 the Randolph Sheriff's Office and the Asheboro Jaycees hosted a Victim Rights Week program in the Central United Methodist Church, Asheboro, NC in which NCVAN's Director participated as the Keynote speaker.

To complete the week of events: NCVAN hosted it's first Annual Golf Tournament, Neuse Golf Course in Clayton, NC as a fundraiser but more importantly to provide public awareness and networking opportunities for crime victims , criminal justice professionals and service providers. The event was a huge success and enjoyed by all in attendance.

TRAINING

NCVAN Provides Standards for Victims' Assistance

NCVAN held its 3rd North Carolina Victim Service Practitioner Certification Academy in Greenville, NC in May of 2004. The program has developed standards for a base line of services for crime victims and will establish a higher level of professionalism among those providing victim services. The intensive 40-hour academy provides knowledge and understanding of the principles and practices of victim services, the justice system and victim advocacy to those working with crime victims. The establishment of the certification process is meant to ensure that victim service providers are delivering consistent and appropriate

services to crime victims, thus giving policy makers a means to fairly evaluate the status of, and need for, victim services in North Carolina.

17th Annual Training Conference

The North Carolina Victim Assistance Network (NCVAN) held its Seventeenth Annual Training Conference, August 20-22, 2003 at the Adams Mark Hotel, Winston Salem, NC. The conference provided a meaningful educational forum for victim service providers, law enforcement, criminal justice professionals, and most importantly, victims. John Gillis, Director of the Office for Victims of Crime, US Department of Justice was the keynote speaker.

Professionals had the opportunity to receive 18 hours of continuing education, while attending workshops and seminars on advocacy, stress management, Federal and State Laws on domestic violence, Building a Coordinated Community Response to Victim Services, Working with Sexual Assault, Club Drugs, Helping Victims Rebuild Resilience, Latino crime victims: How to Better serve them, NC Confidentiality Program, Preparing a Child for Court, Evidence Based Prosecution, and Understanding the Appellate Process.

NCVAN Staff Facilitates Victims' Rights and Training Sessions

The staff facilitated 20 sessions on topics ranging from basic victim awareness to crime victims' rights. These sessions were held at UNC Law School, Health & Awareness Exposé, State & Federal Employee Information Exposé, various district attorney's offices and victim service providers across the state. The sessions reached a combined audience of over 400 professionals, volunteers, students, victim advocate groups, criminal justice professionals, law enforcement, and concerned citizens.

ONGOING PROJECTS

NCVAN's Intern & Volunteer Program

The organization has continued to offer interns from surrounding university campuses and volunteers the opportunity to help provide services and build public relations in the community which keeps the organization running smoothly. Interns have been very helpful with our crime victim subsistence grant project, database updates for the directory and assisted in the development and design of a new display for our public awareness campaign.

Staff and Board Receives Continuing Education

NCVAN's staff and Board of Directors received continuing education on victim services, rights, and other related needs as well as training on best practices in nonprofit management. This continuing education ensures that NCVAN continues to provide the best possible services to victims and those who care for them.

North Carolina Victim Assistance Network

Financial Statements

Year Ended June 30, 2004

DIXON HUGHES PLLC

Certified Public Accountants and Advisors

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DIXON HUGHES PLLC
Certified Public Accountants and Advisors

INDEPENDENT AUDITORS' REPORT

Board of Directors
North Carolina Victim Assistance Network (NCVAN)
Raleigh, North Carolina

We have audited the accompanying statement of assets, liabilities and net assets - **modified cash basis** of the North Carolina Victim Assistance Network (a not-for-profit organization) as of June 30, 2004, and the related statement of revenues and expenses - **modified cash basis** and statement of changes in net assets - **modified cash basis** for the year then ended. These financial statements are the responsibility of the organization's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note A to the financial statements, these financial statements were prepared on the modified cash basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the assets, liabilities and net assets of the North Carolina Victim Assistance Network as of June 30, 2004, and the revenues, expenses and changes in net assets for the year then ended, on the basis of accounting described in Note A.

Dixon Hughes PLLC

October 25, 2004

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Raleigh, NC 27609-2507
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NORTH CAROLINA VICTIM ASSISTANCE NETWORK

STATEMENT OF ASSETS, LIABILITIES AND NET ASSETS - MODIFIED CASH BASIS

June 30, 2004

ASSETS		
Cash	$	122,443
Cash - restricted		7,560
Certificates of deposit		206,884
Accounts receivable		31,455
Prepaid expenses		3,947
Furniture and equipment		57,487
Accumulated depreciation		(51,899)
TOTAL ASSETS	$	377,877
LIABILITIES AND NET ASSETS		
LIABILITIES		
Deferred fees	$	625
Accounts Payable		27,645
TOTAL LIABILITIES		28,270
NET ASSETS		
Unrestricted		341,648
Temporarily restricted		7,959
TOTAL NET ASSETS		349,607
TOTAL LIABILITIES AND NET ASSETS	$	377,877

ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS

NORTH CAROLINA VICTIM ASSISTANCE NETWORK

STATEMENT OF REVENUES AND EXPENSES - MODIFIED CASH BASIS

For the year ended June 30, 2004

	Unrestricted	Temporarily Restricted	Total
REVENUES			
Grant - State of North Carolina	$ 150,000		150,000
Victims of Crime Act (VOCA)	92,050		92,050
Membership dues	5,950		5,950
Contributions	5,711	650	6,361
Professional and public education	20,183		20,183
Sales tax refund	3,270		3,270
Interest	2,829		2,829
Miscellaneous	34		34
TOTAL REVENUES	280,027	650	280,677
EXPENSES			
Salaries and employee benefits	154,623		154,623
Insurance	3,313		3,313
Victims of Crime Act (VOCA)	71,203		71,203
Depreciation	6,865		6,865
Supplies, printing, and postage	13,586		13,586
Telephone and utilities	7,030		7,030
Office rent	16,892		16,892
Professional and public education	21,100		21,100
Equipment - rental and repairs	13,926		13,926
Dues and subscriptions	477		477
Fundraising	500		500
Board meetings	1,851		1,851
Professional services	4,150		4,150
Training and travel	3,038		3,038
Miscellaneous	3,304		3,304
TOTAL EXPENSES	321,858		321,858
EXCESS REVENUES (EXPENSES)	$ (41,831)	650	(41,181)

ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS

Exhibit C

NORTH CAROLINA VICTIM ASSISTANCE NETWORK

STATEMENT OF CHANGES IN NET ASSETS - MODIFIED CASH BASIS

For the year ended June 30, 2004

UNRESTRICTED NET ASSETS	
Beginning balance - July 1, 2003	$ 383,479
Expenses in excess of revenues	(41,831)
Ending balance - June 30, 2004	$ 341,648
TEMPORARILY RESTRICTED NET ASSETS	
Beginning balance - July 1, 2003	$ 7,309
Revenues in excess of expenses	650
Ending Balance - June 30, 2004	$ 7,959

ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS

NORTH CAROLINA VICTIM ASSISTANCE NETWORK

Notes to the Financial Statements

June 30, 2004

NOTE A ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

ORGANIZATION

The North Carolina Victim Assistance Network (NCVAN) is a not-for-profit organization located in Raleigh, North Carolina. NCVAN's mission is to involve citizens in ensuring that crime victims are treated with justice, dignity, and compassion, and to promote a better understanding of the plight of victims, their families and friends. The primary goal of NCVAN is to provide a strong, statewide voice on behalf of the crime victim's movement in North Carolina. A Board of Directors governs NVCAN.

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Reporting Entity - For reporting purposes, the financial statements of NCVAN include all funds which are under the control of the Board of Directors.

Basis of Accounting - The accompanying financial statements have been prepared on the modified cash basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. This basis differs from accounting principles generally accepted in the United States of America in that certain revenues and assets are recognized when received rather than when earned, and certain expenses are recognized when paid rather than when the obligation is incurred. Accordingly, the financial statements are not intended to present financial position and results of operations in conformity with accounting principles generally accepted in the United States of America.

Basis of Presentation - Financial statement presentation follows the recommendations of the Financial Accounting Standards Board (FASB) in its Statement of Financial Accounting Standards (SFAS) No. 117, *Financial Statements of Not-for-Profit Organizations.* This Statement requires classification of an organization's net assets, revenues and expenses based on the existence or absence of donor-imposed restrictions (permanently restricted, temporarily restricted, or unrestricted).

Contributions - The North Carolina Victim Assistance Network accounts for contributions in accordance with the recommendations of the Financial Accounting Standards Board in SFAS No. 116, *Accounting for Contributions Received and Contributions Made.*

In accordance with this statement, contributions received are recorded as unrestricted, temporarily restricted, or permanently restricted depending on the existence or nature of any donor restrictions.

All donor-restricted support is reported as an increase in temporarily or permanently restricted net assets, depending on the nature of the restriction. When a restriction expires, such as a stipulated time restriction ends or a purpose restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of revenues and expenses – modified cash basis as net assets released from restrictions.

Certificates of Deposit - The following is a detailed listing of certificates of deposit held by NCVAN as of June 30, 2004. The certificates bear interest ranging from .80% to 1.40% and have maturities ranging from one to eleven months with no penalties for early withdrawal.

Wachovia	$ 138,990
First Citizens Bank	13,311
First Citizens Bank	13,350
First Citizens Bank	13,956
First Citizens Bank	12,567
First Citizens Bank	14,710
	$ 206,884

Furniture and equipment – Furniture and equipment are recorded at cost. Property which is retired or sold and related depreciation are removed from the accounts. Gain or loss on disposition, if any, is taken into revenue and support. Donated assets are recorded at fair market value at the date of donation. NCVAN follows the practice of capitalizing all expenditures for equipment in excess of $1,000.

Depreciation - Depreciation is computed over the estimated useful life of the respective assets using the straight-line method.

Income Taxes – The North Carolina Victim Assistance Network is a not-for-profit organization exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. In addition, the Internal Revenue Service has determined that NCVAN is not a private foundation within the meaning of Section 509(a) of the Internal Revenue Code. During the year ended June 30, 2004, NCVAN did not have any income subject to taxation as unrelated business income.

Net Assets - The statement of assets, liabilities and net assets – modified cash basis reflects net assets as defined by the modified cash basis of accounting. Net assets may be unrestricted, temporarily restricted, or permanently restricted. The North Carolina Victim Assistance Network maintains the following types:

Unrestricted – Assets that are not classified as either permanently or temporarily restricted.

Temporarily restricted – Assets subject to donor-imposed restrictions which either expire upon the passage of time or once specific actions have occurred. These assets are then released and reclassified to unrestricted support. For fiscal year 2004 funds received for the Victim's Garden were considered temporarily restricted.

Estimates - The preparation of financial statements in conformity with the modified cash basis of accounting requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses. Actual results could vary from the estimates and assumptions that were assumed in preparing the financial statements.

NOTE B RETIREMENT PLAN

NCVAN maintains a 403(b) retirement plan for employees. All full-time employees must work a minimum of one year to be eligible for the plan while part-time employees must work a minimum of two years. After completion of the required employment period, the employee receives a contribution from NCVAN into the retirement plan equal to 7% of respective compensation. Employees may elect to make additional contributions to the plan through payroll deductions. Total employer contributions for the year ended June 30, 2004 were $3,826. No employee contributions were made as of June 30, 2004.

NOTE C DONATED SERVICES

Volunteers and members of the community perform various services for the North Carolina Victim Assistance Network, and these services are significant and form an integral part of the efforts of the organization. Since NCVAN does not control the activities of the volunteers, as it would in the case of paid employees, there is not a clearly measurable basis for an amount of contributed services to be recorded. Therefore, the organization does not record the amount of volunteer services rendered as contributions and a corresponding amount as expense.

NOTE D DEPOSITS AND INVESTMENTS

All deposits of NCVAN are made in board-designated official depositories. Funds are invested in checking, savings, money market accounts, and certificates of deposit with banks in the Raleigh area. Deposits are insured, up to certain limits, by the Federal Depository Insurance Corporation.

NOTE E CONCENTRATIONS OF CREDIT RISK

Financial instruments which potentially subject NCVAN to concentrations of credit risk consist of cash and cash equivalents. The balances are insured up to $100,000 by the Federal Depository Insurance Corporation. At June 30, 2004, NCVAN's uninsured funds on deposit totaled $155,337 and NCVAN management believes there is minimal credit risk relative to its cash investments.

NOTE F EQUIPMENT PURCHASED WITH GRANT FUNDS

Furniture and equipment items purchased with contact or grant funds are reflected on NCVAN's financial records, at the time the obligation is incurred, as a charge against the funding source. These expenditures are reported to grantor agencies in accordance with terms and conditions of the contract or award. At year-end, acquisition cost is reclassified to fixed assets and depreciated over each asset's useful life.

NOTE G OPERATING LEASE COMMITMENT

On October 7, 2002 NCVAN entered into a lease agreement with Charles R. Ullman for a three year period. The lease provides for rent of $1,421 per month. Future lease minimum lease payments are as follows:

Years Ending:	
June 30, 2005	$ 17,398
June 30, 2006	5,856

Rent expense for 2004 totaled $16,892.

NOTE H VICTIM'S GARDEN

During fiscal year 2003, NCVAN held a fundraiser to support the creation of the Victim's voices: silent No More Memorial Garden. The event was held on April 2, 2004 in Research Triangle Park. Funds collected as of June 30, 2004 were segregated by NCVAN into a separate bank account and are presented as restricted cash on the Statement of Assets, Liabilities, and Net Assets – Modified Cash Basis.

NOTE I BOARD DESIGNATED ACCOUNT ACTIVITY

On September 30, 2002, Board designated funds totaling $7,500 were transferred from the Board designated account to the general account to sustain operations. A principal balance of $2,500 was then returned to the Board designated account on December 4, 2002. At June 30, 2004 a balance of $5,000 remains in the general account and is a liability to the designated fund.

Attachment #1g

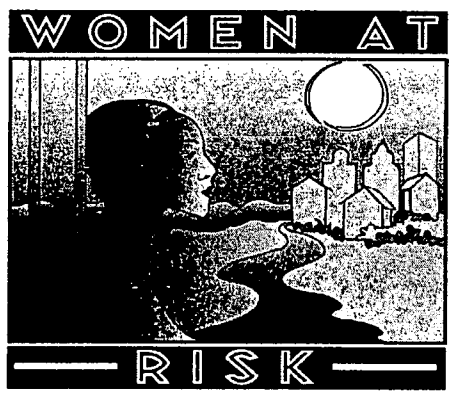
The Women At Risk℠ Program

sponsored by

Western Carolinians for Criminal Justice, Inc.

Report to the NC General Assembly

February 1, 2005



Women At Risk℠ *is a community-based treatment alternative for women at risk of going to jail or prison.*

Ellen Clarke, Executive Director
Western Carolinians for Criminal Justice, Inc.

Brenda Carleton, Program Director
Women At Risk

PO Box 7472
Asheville, NC 28802
828.252.2485
www.wccj.org

The Women At Risk℠ Program

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WESTERN CAROLINIANS FOR CRIMINAL JUSTICE, INC.
The Women At Risk Program
PO Box 7472 , Asheville, NC 28802 www.wccj.org

February 1, 2005

TO: The Speaker of the NC House of Representatives
The President Pro Tempore of the NC Senate
Joint Legislative Commission on Governmental Operations

FROM: Ellen Clarke, Executive Director, Western Carolinians for Criminal Justice, Inc.

Please find attached a ***Report to the NC General Assembly*** from the Women At Risk Program, sponsored by Western Carolinians for Criminal Justice, Inc. This Report contains information about the activities of the Women At Risk Program from July 1, 2003 – June 30, 2004.

The Women At Risk Program is a community-based treatment program serving female offenders as a special condition of regular or intensive probation. Women At Risk works to reduce recidivism among female offenders, as well as the necessity to imprison them, by providing a comprehensive treatment alternative to prison.

We are delighted to send you another strong report of Women At Risk Program activities for FY 03-04, drawing your attention to ***increases over last fiscal year in every category we track, including the number of clients referred, intakes (new cases opened), clients served and program graduates.*** The Women At Risk Program continues to enjoy a positive relationship with the criminal court system in WNC. In addition, as the only state-licensed outpatient treatment facility in our region offering wrap-around mental health services for female offenders, we were not surprised to find ourselves beginning FY 04-05 with a two-month waiting list of new referrals who seek assistance. As a result, last fall, the Women At Risk treatment team implemented a new protocol and triage system for handling this onslaught of cases, enabling us to process new clients more quickly.

The Speaker of the NC House of Representatives
The President Pro Tempore of the NC Senate
Joint Legislative Commission on Governmental Operations
February 1, 2005

Once again, the Women At Risk Program's ***Report to the NC General Assembly*** contains additional background information about the mental health, addiction and criminal justice histories of our clients at intake. The level of trauma and violence (including physical and sexual abuse) in their lives is shocking: ***77% experienced domestic violence in adult relationships; 40% were sexually abused as children. 81% of Women At Risk clients entered the program with a mental health diagnosis and 65% an addiction diagnosis. At intake, 70% of last year's new clients were (or had been) on probation; 19 % had been in jail 5 or more times; 16% had served prison time.*** Without treatment, such as found in the Women At Risk Program, these women are destined to re-offend, perpetuating a cycle of violence and crime for themselves and their children.

As in year's past, we are delighted to report on the cost effectiveness of the Women At Risk Program. ***The average daily state cost of prison incarceration is more than 3 times greater than the average daily cost of Women At Risk,*** even coupled with Intensive Probation, the most expensive form of probation supervision. With every successful client at Women At Risk, the state is saving precious tax dollars.

Thank you again for the opportunity to partner with the state of North Carolina in this important work of restorative justice through community-based treatment alternatives to incarceration. On April 1, WCCJ/Women At Risk expects to complete a successful capital campaign, raising enough funds (all from private sources) for the agency to retire a mortgage and renovate the Program's outpatient facility in downtown Asheville. Our contributors throughout WNC tell us that this is the kind of public-private partnership they support. We pass along their appreciation for the confidence that the NC General Assembly has in the Women At Risk Program, and we look forward to sharing our good news from FY 03-04 with your colleagues.

THE WOMEN AT RISK℠ PROGRAM

Fact Sheet

MISSION

Women At Risk (WAR) is a community-based treatment program serving female offenders as a special condition of regular or Intensive probation. The program is sponsored by **Western Carolinians for Criminal Justice, Inc. (WCCJ).**

PURPOSE

Women At Risk works to reduce recidivism among female offenders, as well as the necessity to imprison them by providing a comprehensive treatment alternative to prison.

GOAL

Women At Risk assists women to remain out of custody, to succeed on probation and to overcome self -destructive and abusive behaviors that brought them to the court's attention and the risk of imprisonment.

TARGET

Women At Risk screens the court and jail rosters for eligible defendants who may receive either a Community or Intermediate Punishment as defined by Structured Sentencing. **Women At Risk** may serve as a component of a Sentencing Services Plan and may be suitable for probation violations.

SERVICES

Women At Risk services include weekly two-hour intensive group sessions; abuser treatment; substance abuse treatment; intensive individual case management and court advocacy. **Women At Risk** monitors the attendance and participation of each client and provides individual written reports to probation, the court and other referral sources.

OUTCOME

The desired treatment outcome for **Women At Risk** is to reduce the degree of self-destructive attitudes and negative personal choices that shape a woman's criminal activity and court involvement. The desired correctional outcome is to lower recidivism among this offender population.

The Women At Risk℠ Program

Glossary of Terms

Referrals: Referrals are recorded when a potential client or her referral source calls us to set up an intake.

Cases Opened: We consider a case opened when we have finished the intake process. This means we have conducted case management, mental health and substance abuse assessments.

Clients Served: This is the cumulative number of all clients active in the program for the entire fiscal year.

BC Jail Screening: Staff from Women At Risk/Buncombe County conducts weekly screenings at the Buncombe County Detention Facility. Some of these contacts result in referrals at a later date.

Terminations: A case is terminated when we close the file because of lack of contact with a client, non-compliance with our requirements, incarceration or referral to another program.

Graduates: To graduate from Women At Risk clients must attend a minimum of 16 Women At Risk group sessions, pay the $20-$30 fee and complete any other individualized program requirements. Most clients also attend on-site abuser treatment, substance abuse treatment and/or individual therapy appointments.

Active Clients: Active clients are clients who have completed intake and are "on schedule" with our program on the last day of the fiscal year. (This is not a cumulative number.)

Successful Clients: This is the total number of Graduates plus Active Clients.

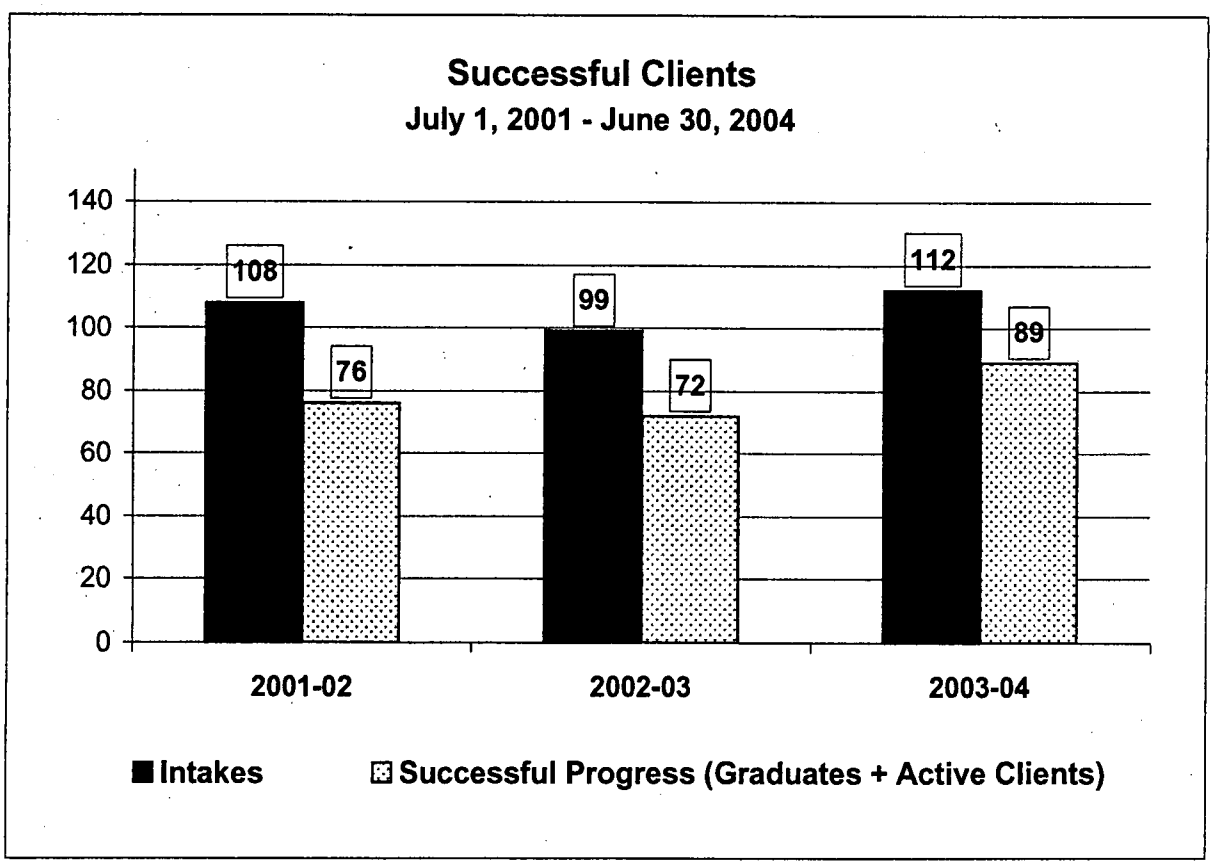
The Women At Risk℠ Program

ACTIVITY

(See Women At Risk *Glossary of Terms)*

	FY 2001-02	FY 2002-03	FY 2003-04
Referrals	188	175	224
Intakes	108	99	112
Clients Served	143	142	158
BC Jail Screening	152	135	159
Terminations	60	67	74
Graduates	33	26	35
Active Clients (On Schedule at end of FY)	43	46	54
Successful Progress (Graduates + Active Clients)	76	72	89
Terminations Sentenced to Active Time**	11	18	9
Graduates Sentenced to Active Time**	4	1	1

**Data obtained 6/30/04



The Women At Risk℠ Program

Referral Sources
July 1, 2001 - June 30, 2004

Referral Source	FY 2001-02	FY 2002-03	FY 2003-04
Bench	16	17	39
Attorneys/Public Defenders	22	30	30
Jail	9	10	27
Probation	7	15	15
TASC	0	1	9
Drug Treatment Court	0	3	8
Pretrial Release	3	5	7
W.C.C.J./S.S./W.A.R.	10	6	3
District Attorney's Office	2	0	0
Buncombe Alternatives/S.S.	2	2	2
Day Reporting Center	0	1	0
Self	28	30	17
Another Client/Friend	21	17	22
D.S.S.	38	12	14
Partnership for Drug-Free NC	0	0	8
Helpmate	9	6	5
Health Department	3	0	0
MAPSAP	1	2	1
Blue Ridge Center/MBH/De-tox	2	1	0
H.O.P.E.	1	0	0
Other	14	17	17
TOTAL	**188**	**175**	**224**

The Women At Risk℠ Program

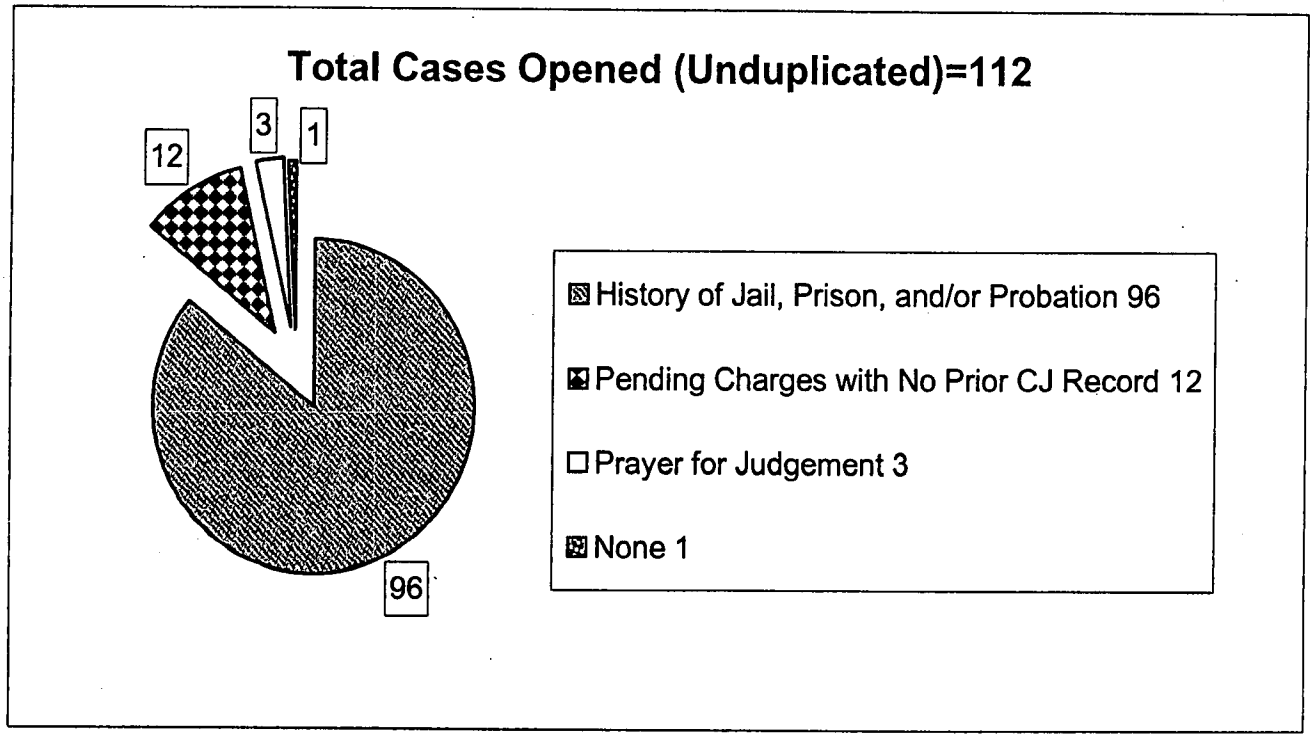
Client Demographics
July 1, 2001 - June 30, 2004

DESCRIPTION	FY 2001-02	FY 2002-03	FY 2003-04
Intakes	108	99	112
Principle Charge			
Drugs	22	19	27
Fraud, Forgery (including Worthless Checks, Forgery & Uttering)	16	15	10
Probation Violation	1	11	17
Larceny, Embezzlement, Shoplifting	13	11	16
Assault (including Child Abuse)	19	16	19
Prostitution, Crime Against Nature	4	3	3
Trespass and Property Damage	0	1	1
Arson, Burning Offenses	1	2	0
Burglary and Breaking & Entering	1	0	2
Child Sexual Assault	1	0	0
Crimes Against the Administration of Justice	3	0	1
Motor Vehicle Offenses (including DWLR/DWI)	12	17	13
Robbery	1	2	1
DSS (Termination of Parental Rights, Non-support of Child)	8	2	1
Race			
White	81	72	78
African American	24	22	30
Hispanic	1	0	1
Asian	1	1	0
Native American	1	4	1
Multi-Racial	0	0	2
Employed	48	38	47
Income Source			
Wages	48	38	47
Food Stamps	27	26	48
Disability	12	11	14
Work First (Public Assistance)	6	6	7
Highest Grade Completed (HS)	11th	11th	11th
Clients who are Mothers	92	84	95
Clients with Children			
Average Number per Client	2.2	2.1	2.5
Average Age of Client (at Birth of 1st Child)	20.0	19.6	20.5
Average Age of Client's Mother (at Birth of 1st)	19.6	19.5	19.7
Clients who are Pregnant	5	5	7

The Women At Risk$_{SM}$ Program

Criminal Justice Status of Women At Risk Clients at Intake

FY 2003-04



Analysis of Criminal Justice History of Women At Risk Clients at Intake

	FY 2003-04
Probation	70%
Jail 5 or more times	19%
Prison	16%
Jail 10 or more times	6%
Jail 20 or more times	5%
Probation 5 or more times	1%

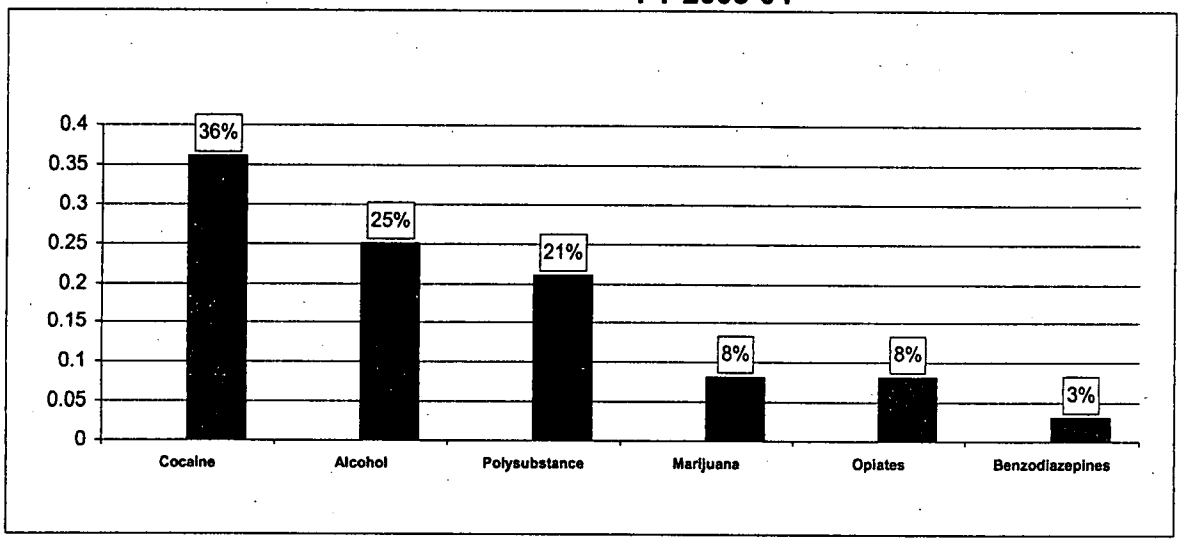
The Women At Risk$_{SM}$ Program

Mental Health Diagnosis of Women At Risk Clients at Intake

	FY 2003-04 %	
Mental Health Diagnosis at Intake	81%	
Addiction Diagnosis at Intake	65%	
Dual Diagnosis of Addiction and Mental Health at Intake	50%	(112 cases)

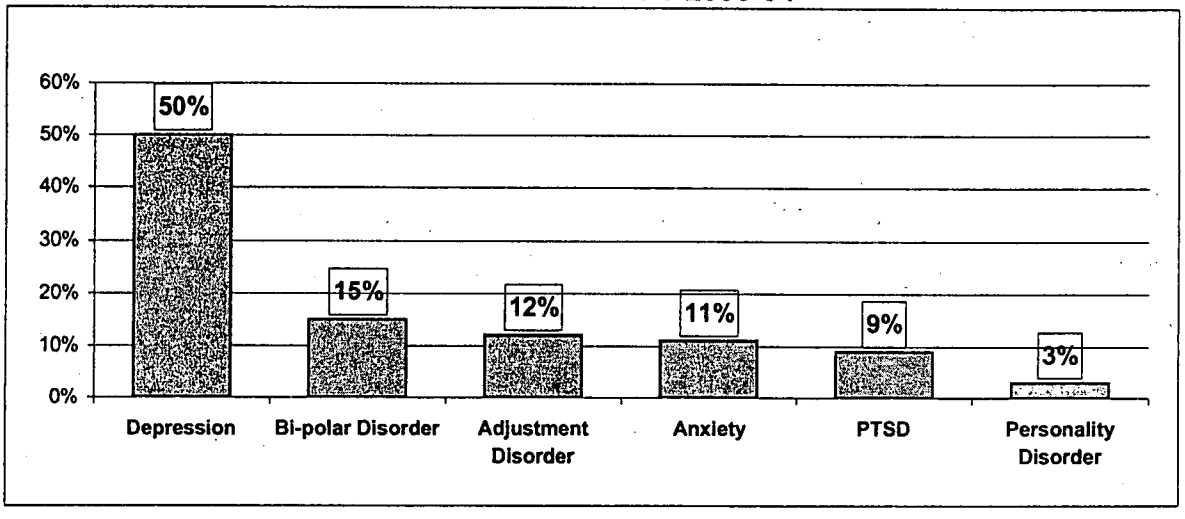
Analysis Addiction Diagnosis of Women At Risk Clients at Intake

FY 2003-04



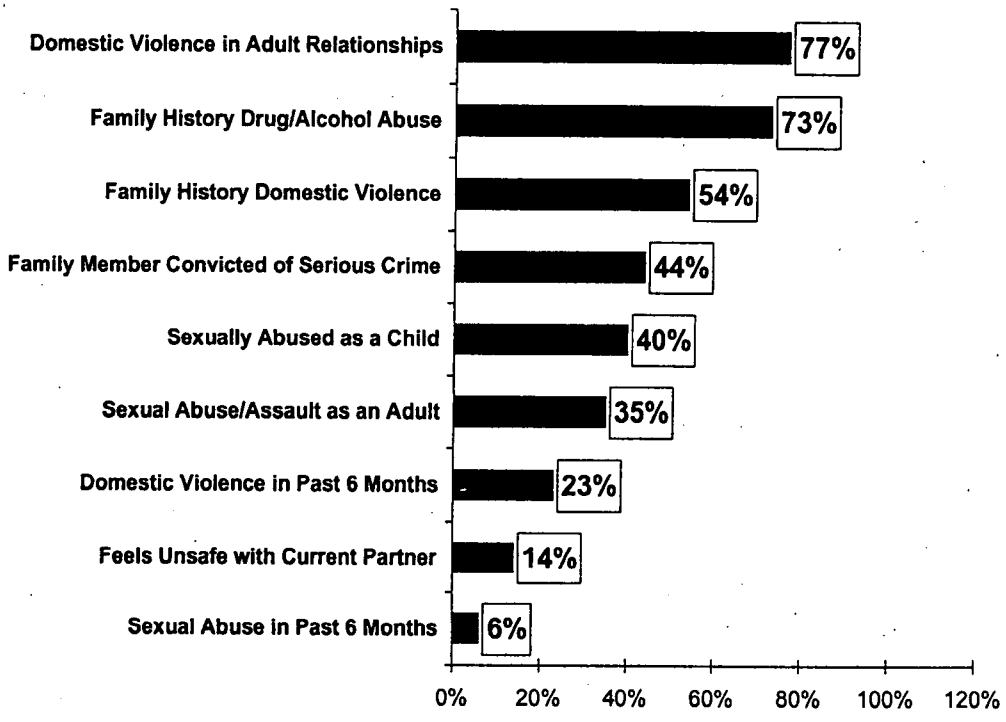
Analysis Mental Health Diagnosis of Women At Risk Clients at Intake

FY 2003-04



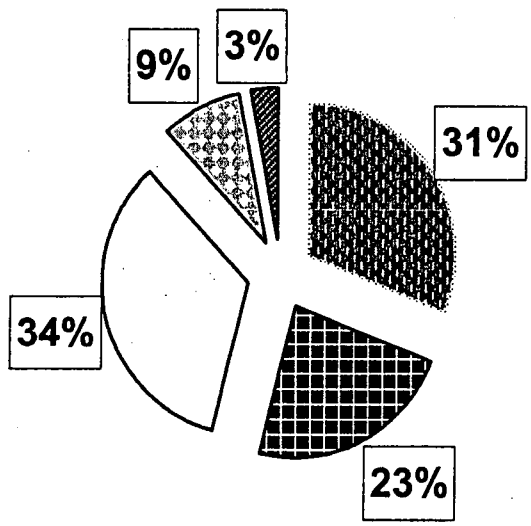
The Women At Risk℠ Program

Clients Self-Report History of Abuse and Addiction at Intake
FY 2003-04



The Women At Risk℠ Program

35 Graduates for FY 2003-04
Average of 28 Weeks of Treatment



- WAR + Deciding Against Violence Completed 31%
- WAR + Substance Abuse Treatment Completed 23%
- WAR Only 34%
- WAR + Individualized Treatment 9%
- WAR + Deciding Against Violence + Substance Abuse 3%

See Organizational Chart for Program Description

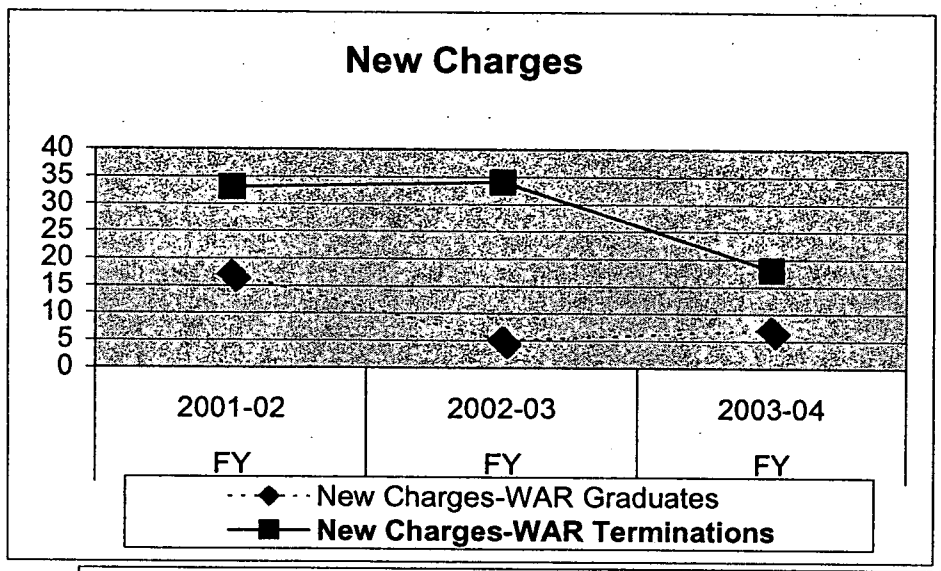
The Women At Risk℠ Program

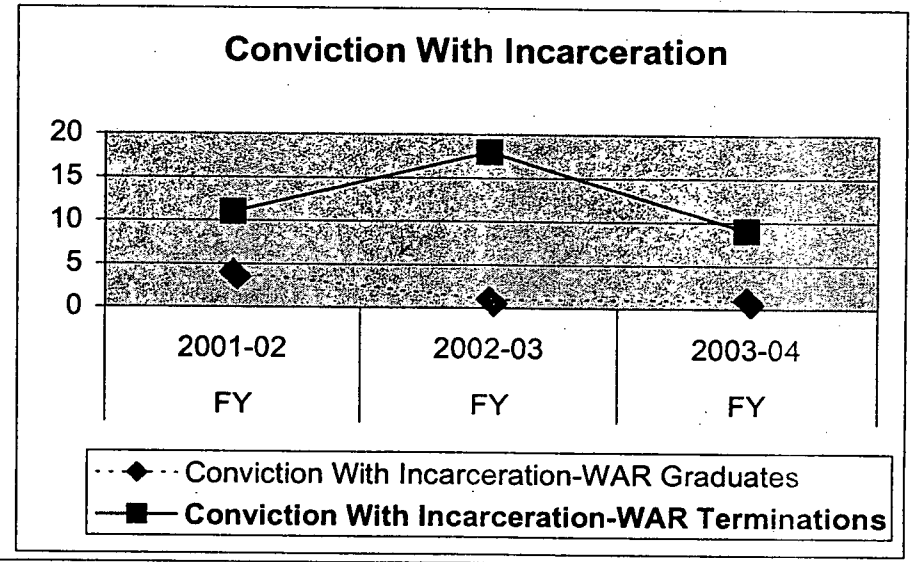
Recidivism Outcomes

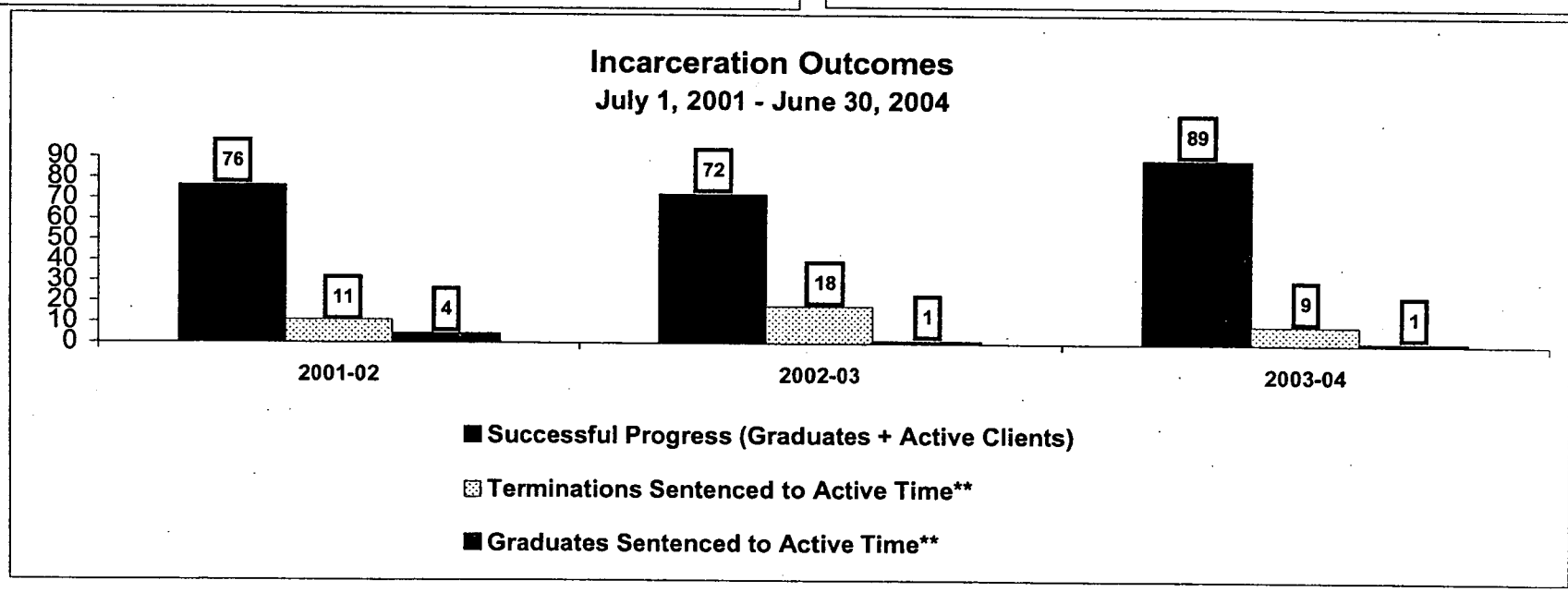
Activity	FY 2001-02	FY 2002-03	FY 2003-04
WAR Program Graduates	33	26	35
WAR Program Terminations	60	67	74
Outcome			
New Charges-WAR Graduates	17	5	7
New Charges-WAR Terminations	33	34	18
New Charges Pending-WAR Graduates	0	1	2
New Charges Pending-WAR Terminations	1	2	1
New Charges Dismissed-WAR Graduates	4	0	2
New Charges Dismissed-WAR Terminations	11	6	1
Conviction Without Incarceration-WAR Graduates	9	3	2
Conviction Without Incarceration-WAR Terminations	10	8	7
Conviction With Incarceration-WAR Graduates	4	1	1
Conviction With Incarceration-WAR Terminations	11	18	9

Recidivism data reflect new criminal charges (and the outcomes from any charges) for up to three years post graduation or termination from Women At Risk. The charges and convictions are those that have occurred since the client left Women At Risk as a program graduate or termination. The fiscal years refer to the year the client left the Women At Risk Program. This data was collected by completing record checks for criminal justice status as of 6/30/04.

Recidivism Outcomes







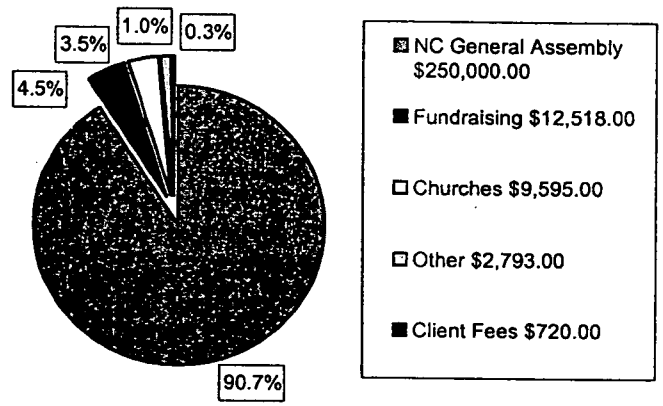
The Women At Risk℠ Program

FY 2003-04 Operating Budget

Income (7/1/03-6/30/04)

Source	Actual	% of Total
NC General Assembly	$250,000.00	90.7%
Fundraising	$12,518.00	4.5%
Churches	$9,595.00	3.5%
Other	$2,793.00	1.0%
Client Fees	$720.00	0.3%
TOTAL	$275,626.00	

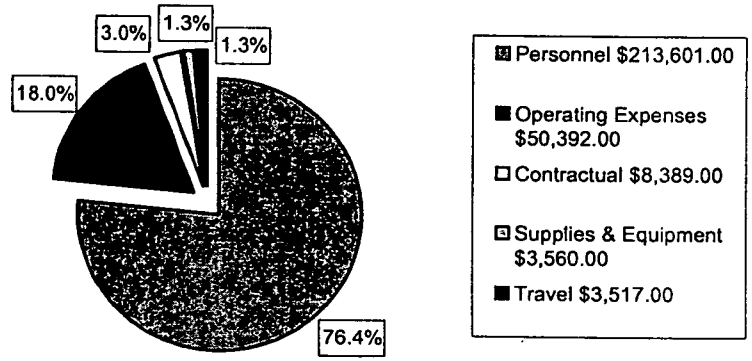
Income Total = $275,626



Expenses (7/1/03-6/30/04)

Source	Actual	% of Total
Personnel	$213,601.00	76.4%
Operating Expenses	$50,392.00	18.0%
Contractual	$8,389.00	3.0%
Supplies & Equipment	$3,560.00	1.3%
Travel	$3,517.00	1.3%
TOTAL	$279,459.00	

Expense Total $ 279,459



The Women At Risk℠ Program

FY 2003-2004

ACTIVITY (See Women At Risk *Glossary of Terms*)	FY 2001-02	FY 2002-03	FY 2003-04
Referrals	188	175	224
Clients Served	143	142	158
Successful Progress (Graduates + Active Clients)	76	72	89
Graduates	33	26	35
Terminations	60	67	74

Average Daily Cost of Women At Risk Program

(Based on Total Operating Budget)

	[Total Operating Budget/365 days = Daily Basis/# Cases Opened = Average Daily Cost(ADC)]				
Clients Served	$279,459.00	365	$765.64	112	$6.84
	[Total Operating Budget/365 days = Daily Basis/# Successful Progress Cases = Average Daily Cost(ADC)]				
Successful Progress	$279,459.00	365	$765.64	89	$8.60

Average Daily Cost of Women At Risk Program

(Based on State Appropriation)

	[State Appropriation/365 days = Daily Basis/# Cases Opened = Average Daily Cost(ADC)]				
Clients Served	$250,000.00	365	$684.93	112	$6.12
	[State Appropriation/365 days = Daily Basis/# Successful ProgressCases = Average Daily Cost(ADC)]				
Successful Progress	$250,000.00	365	$684.93	89	**$7.70**

Average Daily State Correctional Cost of Women At Risk Program and Probation

WAR Successful Progress ($ 7.07) + Community/Intermediate Supervision ($1.87) = **$9.57**

WAR Successful Progress ($ 7.07) + Electronic House Arrest ($5.89) = **$13.59**

WAR Successful Progress ($ 7.07) + Intensive Probation ($10.94) = **$18.64**

*Average Daily State Cost of Prison Incarceration **$57.92**

Range $46.23 - $74.56

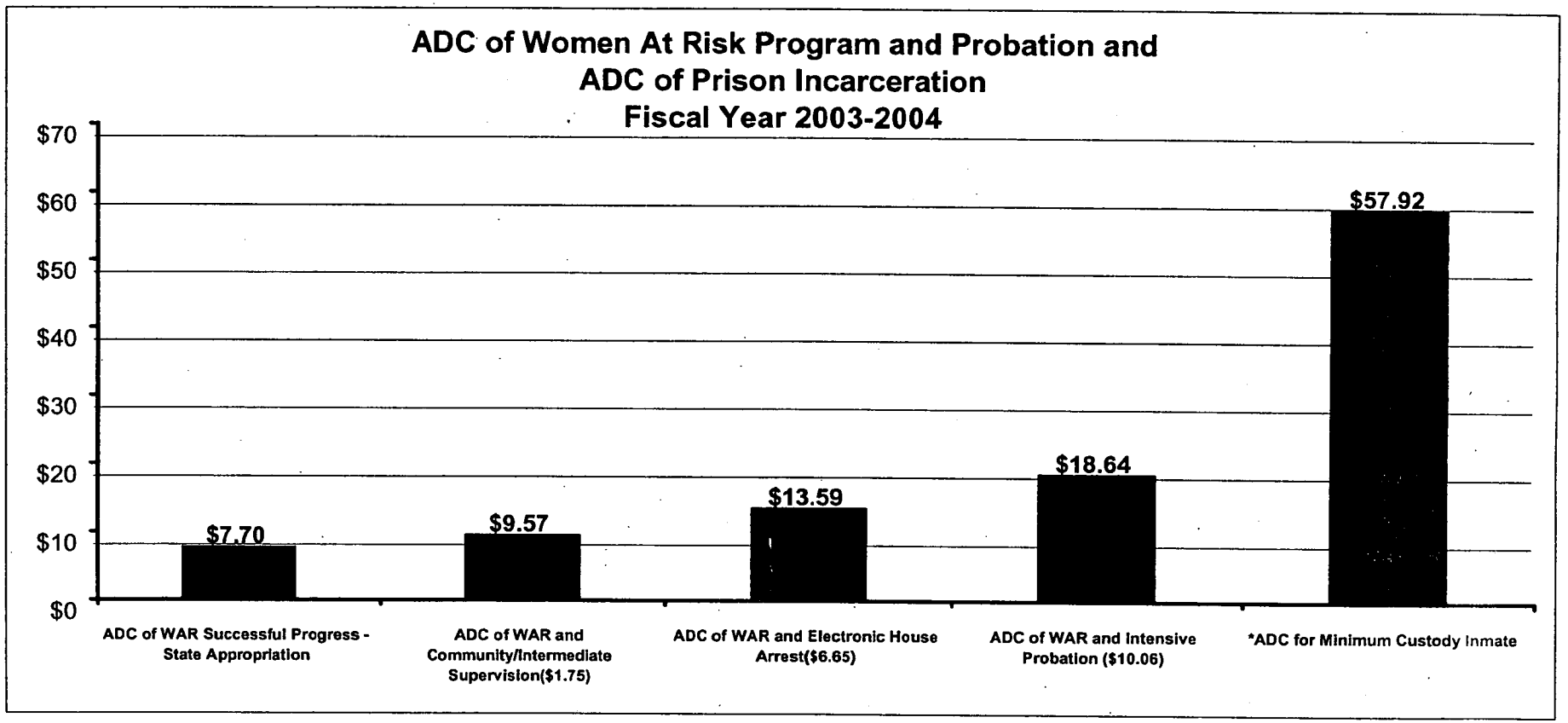
*DOC Supervision costs for fiscal year ending 6/30/03.

The Women At Risk$_{SM}$ Program

FY 2003-2004

ADC of Women At Risk Program and Probation and ADC of Prison Incarceration

ADC of WAR Successful Progress - State Appropriation	$7.70
ADC of WAR and Community/Intermediate Supervision($1.75)	$9.57
ADC of WAR and Electronic House Arrest($6.65)	$13.59
ADC of WAR and Intensive Probation ($10.06)	$18.64
*ADC for Minimum Custody Inmate	$57.92



*D[redacted]pervision costs for fiscal year ending 6/30/03.

Pa[redacted]

Profile of Women At Risk Program Graduate

"Jessica Corn" (not her real name) was 34 years old when, as a Drug Treatment Court client, she came to the Women At Risk Program in March of 2004. (She had previously been a client of Women At Risk for a brief period in 2003.) At intake Ms. Corn had charges of Felony Possession of Schedule II, five counts of Driving While License Revoked, Misdemeanor Larceny by Trick and Worthless Checks

Drug Treatment Court in Buncombe County provides twelve months of treatment and accountability to offenders who are pleading guilty to felony drug and/or drug-related charges. The clients attend various types of treatment in the community and are case-managed by the Buncombe County Day Reporting Center. Every other week clients appear in court to review their progress with the Drug Court team, administered by Superior Court Judge Ronald Payne, in conjunction with representatives from the district attorney, public defender, probation and treatment community, including the Women At Risk Program.

When Ms. Corn was accepted into Drug Court, she was ordered to complete Women At Risk as the outpatient treatment component of Drug Court, following 28 days of inpatient treatment at the Julian S. Keith Alcohol and Drug Abuse Treatment Center.

Ms. Corn grew up in Weaverville, NC with her mother, three sisters and two brothers. Her mother was not always around to raise the children, due to drug addiction, and Ms. Corn states that she spent more time with her biological sister growing up. Ms. Corn became pregnant at age 15 and moved in with her aunt to have her daughter and to help take care of her niece. Ms. Corn began using marijuana at age 15, benzodiazepines (sedatives) at age 17 and alcohol at age 18. At 19, she began using cocaine intravenously and smoking crack. She used heavily for that year while living in her car. In 1992, at age 23, she spent six months in prison for Possession of Cocaine and Driving While Intoxicated. During incarceration Ms. Corn did not receive any treatment for her drug addiction.

Ms. Corn has been in and out of relationships with men that, she reports, abuse her. She has been in a relationship for the past four years with a man of this description, and they have two young sons, ages three and one. Ms. Corn struggles with her decision to remain with the father of her young

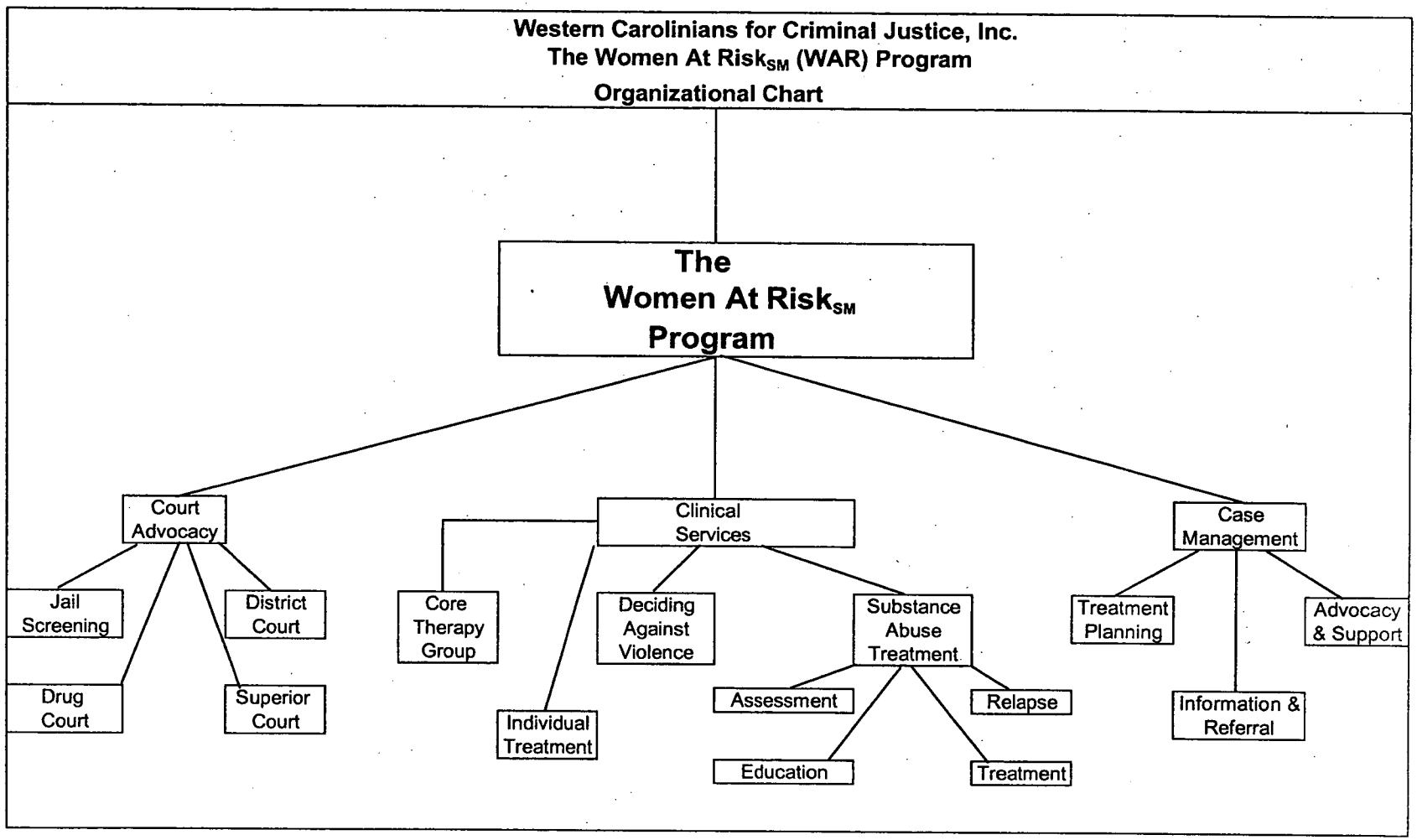
children, who contributes financially and helps take care of the boys, or to be on her own. Ms. Corn's daughter, now 18, lives with her father and her 14-year-old son just successfully completed a term at the Eckerd Foundation Wilderness Camp, as an alternative to juvenile detention due to problems with shoplifting and drugs and a lack of parental supervision.

Since last March, Ms. Corn attended Women At Risk over a period of 45 weeks before graduating in early January from the Program's 16-week therapy group, our 10-week substance abuse education group, and our 12-week Relapse Prevention group. Ms. Corn also completed her Community Service hours at the Women At Risk Program.

The Women At Risk therapy group is a psycho-didactic group that helps women address various mental health problems, including victimization and abuse, that have contributed to their criminal behavior. The substance abuse education group gives clients gender specific information about drugs and alcohol and how women are physically damaged by addiction. Relapse prevention helps women focus on staying clean and sober.

After a year of hard work, Ms. Corn remains clean and sober. She has put together two waitress jobs in order to make ends meet. She is reunited with her teenage son, whose successful experience at Eckerd Camp has contributed to his being a full-time high school student on the A-B honor role. Today, Ms. Corn has progressed through the Drug Treatment Court program and has moved into their third and final phase. She continues to visit Women At Risk and has begun to share her story and the importance of community-based programming, like Women At Risk and Drug Court, with community groups.

1/31/2005


Western Carolinians for Criminal Justice, Inc.
The Women At Risk$_{SM}$ (WAR) Program
Organizational Chart
The Women At Risk$_{SM}$ Program
Court Advocacy
Jail Screening
District Court
Drug Court
Superior Court
Clinical Services
Core Therapy Group
Deciding Against Violence
Individual Treatment
Substance Abuse Treatment
Assessment
Relapse
Education
Treatment
Case Management
Treatment Planning
Advocacy & Support
Information & Referral

Attachment #1 h

ECO

ENERGY COMMITTED

TO OFFENDERS

Building People, Not Prisons

February 7, 2005

President Pro-Tem Marc Basnight
North Carolina Legislature
2007 Legislative Building
Raleigh, NC 27601-1096

Speaker Jim Black
North Carolina Legislature
2304 Legislative Building
Raleigh, NC 27601-1096

Dear Sirs:

Enclosed you will find the 2004 Report to the Legislature from ECO, Inc. regarding the ECO Center for Women. This program was the first contract prison in North Carolina and has been operating since 1987.

Should you have any questions or require further information, please feel free to contact me.

Sincerely,

Myra M. Clark

cc: Senator Scott Thomas
Representative Phil Haire
Representative Joe Kiser

ECO CENTER FOR WOMEN
July 2003 - June 2004 Report

RESIDENT MOVEMENT

During the period of July 1, 2003 through June 30, 2004, ECO Center for Women housed 33 women. With the maximum capacity of 20 residents, the center experiences fluctuations in numbers for various reasons such as transfers, paroles, or releases. Four residents were transferred to Raleigh for disciplinary reasons. One resident transferred for administrative reasons. Eight residents were released under post-release/parole supervision.

RESIDENTS' EMPLOYMENT

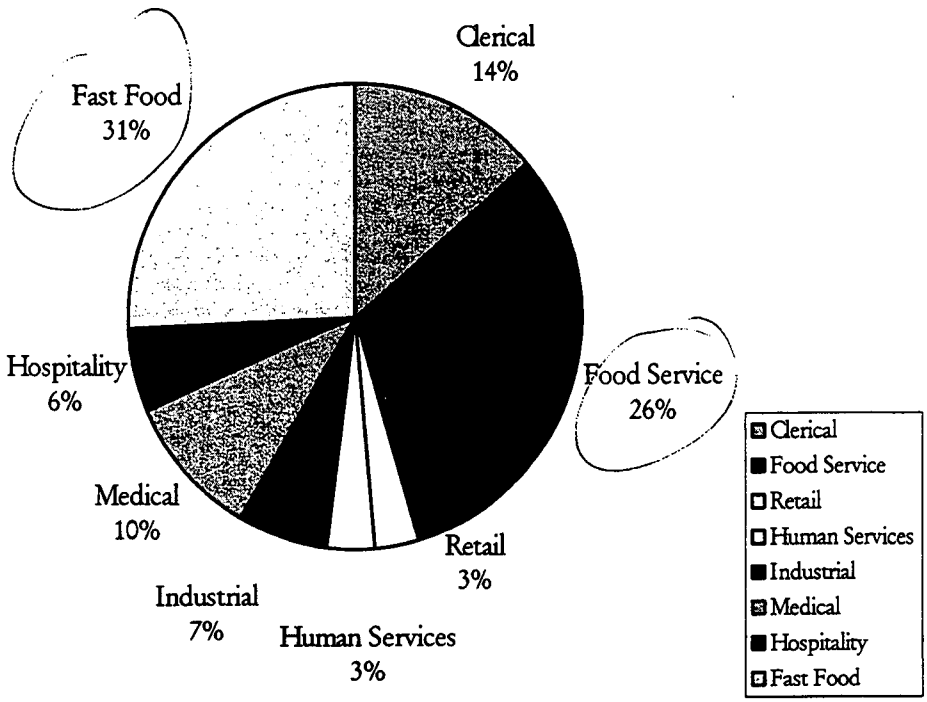
A main tenet held by ECO is gaining employment and establishing a solid work history is vital to the success of our residents when they reenter society. Each employer is fully apprised of the resident's situation. When an offer of employment is extended, the employer and the resident sign an agreement, which establishes ECO's commitment to the employer and our resident. Each resident has a case manager who monitors her progress and success.

In 2003-2004, 38 companies employed ECO residents. The residents' hourly wages ranged from $5.15 to $13.80, with the average hourly wage being $7.68. In comparison to the Employment Security Commission of North Carolina's wage report, our residents' wages fall within the state averages of wage earnings within each respective industry. Also during this timeframe, 6% of our residents received promotions, which will increase their marketability and future earning potential. Out of the 38 companies that employed the residents, 9 of the 33 residents who worked there were able to receive promotions for career advancement in the job field or better pay. Due to the state of the economy, some residents worked at the same job site or for the same company at different job sites.

Another fundamental aspect of the work release program is that it enables residents to begin taking on responsibilities in incremental amounts to work toward being fully financially responsible upon release. Each resident is required to pay a small portion of her incarceration expenses. North Carolina inmates are required to pay $16.00 for every eight hours worked, not to exceed $80.00 per week, which is a nominal portion of their total expenses. Also out of their earnings, they pay for

personal expenses and possibly restitution and child support depending on their sentence and if they have any dependent. Some residents do take further responsibility by paying voluntary child support even though it is not required. The remaining amount of their income goes into a trust fund account so that every resident will have funds available when they are released.

EMPLOYMENT INFORMATION



POSITIONS HELD IN EACH INDUSTRY

Clerical -	Administrative Assistant, Customer Service, Switchboard Operator, Receptionist
Fast Food -	Cashiers, Cooks, Management
Food Service -	Waitresses, Hostess
Hospitality -	Housekeeping
Human Services -	Behavior Modification Technician, Patient Representative-Intake Dept.,
Industrial -	Dry Cleaning, Laundry
Medical -	Certified Nursing Assistant, Medical Transcriptionist

Retail - Department Manager

EMPLOYERS WITHIN EACH INDUSTRY

Clerical
Carolina Cleaners
Childress Dry-Cleaners
Distribution Technology
Diversified Telecommunication
World Wide Medical

Fast Food
Burger King (various sites)
David's Snack Bar
Chicken Coop
Coffee Cup
Firehouse Subs
Fuel Pizza
Substation II
Subway
Rio Bravo
Zack's

Food Service
Holiday Inn
K & W Cafeteria
O'Charley's
Rio Bravos
Southend Brewery
Waffle House (various sites)

Hospitality
Doubletree Suites
Inn town Suites

Human Services
My Brother's House

Industrial
Long's Dry Cleaning
National Linen

Medical
The Parc @ Sharon Amity
The Place at South Park
Specialized Information Technology

Retail
Wal-Mart

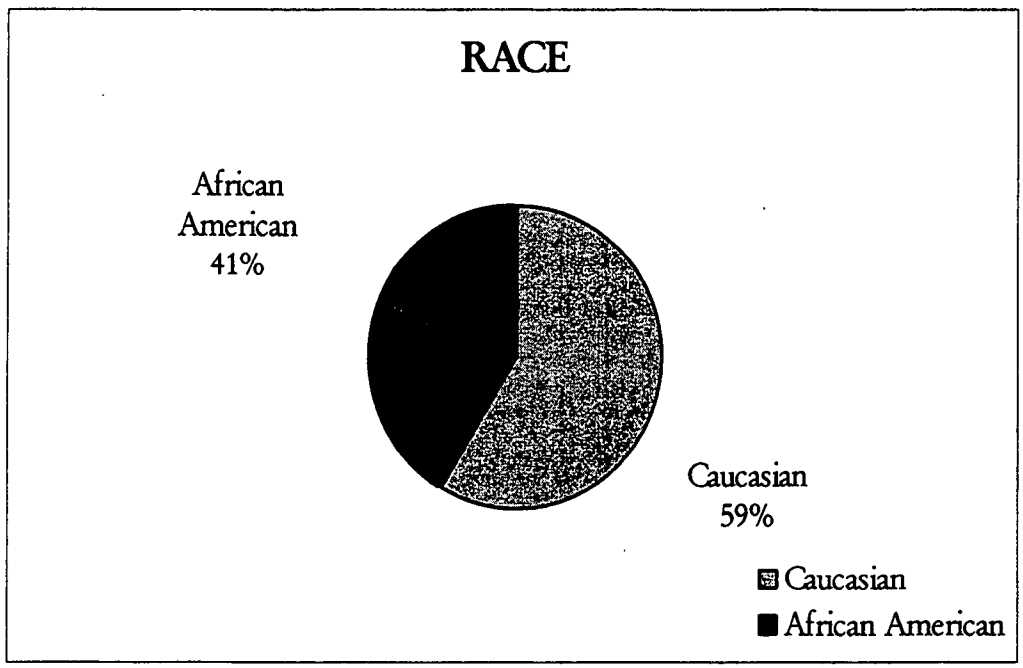
FINANCIAL INFORMATION

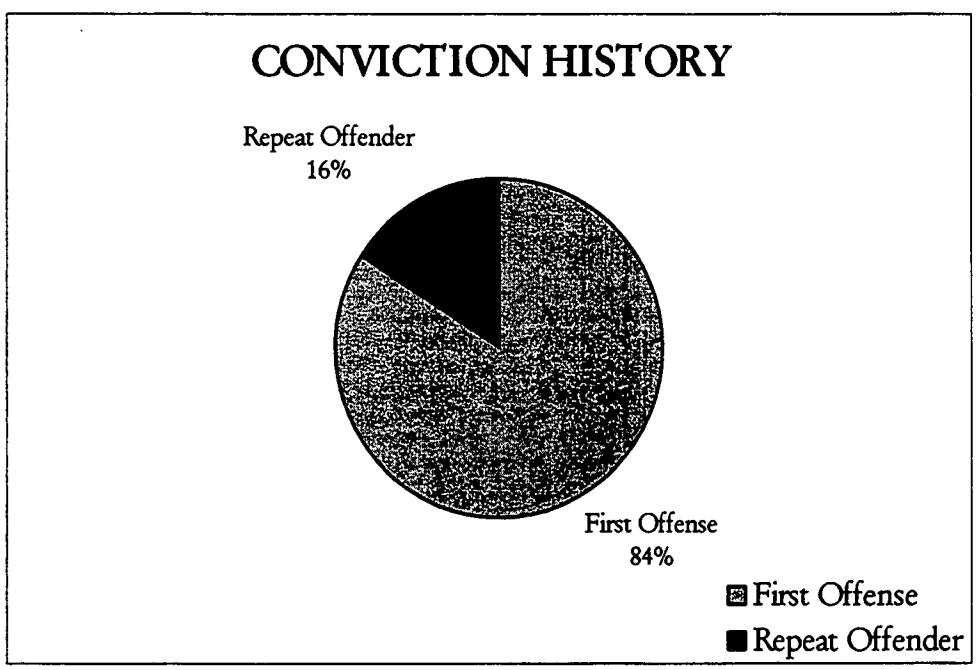
Residents' Net Earnings Total (07/01/03 - 06/30/04)	$ 167,826.03
Resident's Facility Payments Total (07/01/03 - 06/30/04)	$ 57,296.00
Annual Net Average Income Per Resident	$ 5,244.56*
Annual Facility Payment Average Per Resident	$ 1,790.50

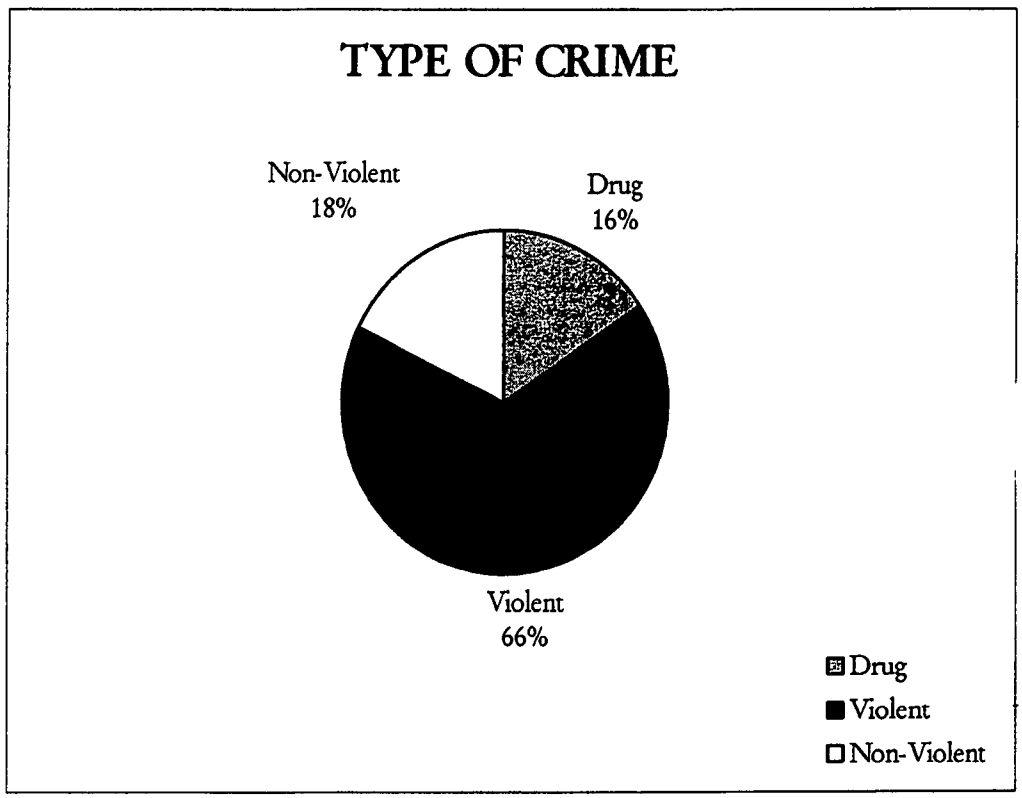
*This figure does not accurately represent a true average due to the variation in the length of time between a new resident arriving at the facility and her first day of employment. The residents' length of stay at the facility and weekly work schedule fluctuates.

OFFENDER INFORMATION

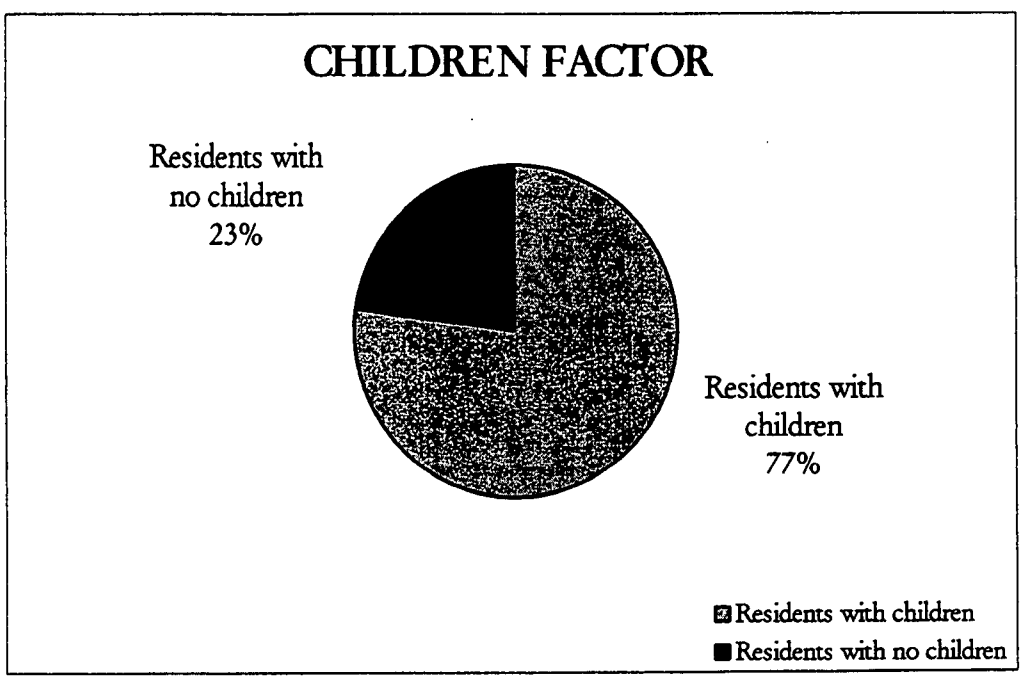
In 2003-2004, ECO's residents were between the ages of 19 and 65, with the average resident's age being 42.



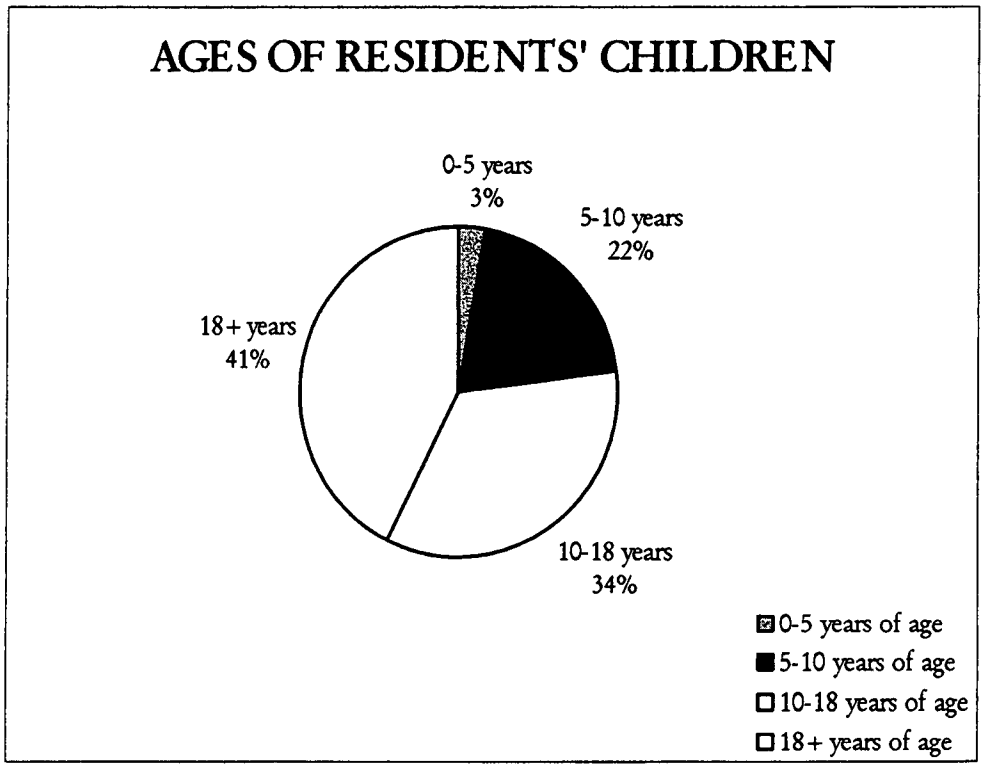




The 2003-2004 residents are mothers to 57 children.



In 2003-2004, 62% of our resident's children are 18 years of age and younger.



PROGRAMS

HOME LEAVES

During their stay at ECO, residents are allowed to take supervised home leaves with immediate family members who pass a series of inquires dictated by the state and carried out by the staff at our facility. 28 of the 32 residents were eligible to participate in the home leave program. These residents took 302 passes throughout the year.

COMMUNITY VOLUNTEER PASS

Another type of pass available to all residents is the Community Volunteer pass. Volunteers who have completed six hours of training are allowed to take residents on planned outings. The Community Leave program provides residents the opportunity to take supervised outings. Activities include shopping, going to Church, and dining out. This is a wonderful opportunity for the women

to begin acclimating to the area and becoming integral members in the community. All residents participated in the Community Leave program. The residents enjoyed a total of 681 passes.

EDUCATION

Along with activities involving family and community, we encourage each resident to participate in furthering her education. By furthering their education, every resident increases her chances of gaining better employment and expanding her scope of knowledge. Two residents participated in classes towards earning their GED. Eight residents furthered their education by attending classes at Central Piedmont Community College, enrolling in college credit courses. Seven of those residents declared a major and were working towards getting an associates degree.
While tuition is waived, residents are responsible for proving funds for her books and materials.

PHYSICAL FITNESS

We also encourage our residents to engage in physical activity. Each resident has full access the YMCA. 25 of the residents took advantage of their memberships.

COUNSELING

In order to address some of the issues that may have played a role in the reason for incarceration, we support the efforts of individuals who would like to participate in counseling. This can be pursued through mental health or anger management counseling, parenting sessions and various types of 12-step programs. A total of 14 residents participated in one of more of these programs. Residents who went counseling at the area mental health center paid their own fee, which was set on a sliding scale.

COMMUNITY INVOLVEMENT

Throughout the year our residents donate clothing to Crisis Assistance Ministry, these were clothes that were either donated to the residents or clothes that they no longer wanted. Three residents volunteered their time at Crisis Assistance Ministry to sort clothes. Residents volunteered at the ECO gift-wrap booth at Carolina Place Mall this year, a total of $5,000 was made from this fundraiser.

The residents and staff at ECO participated in "Stamp Out Hunger," in which they collected a huge box of canned goods to give to the letter carrier for hunger awareness month.
Five ladies participated in "Think Smart" sessions with troubled teenage girls from different group homes. The sessions were conducted with two different community agencies. One of the agencies is Youth and Family Services of Charlotte-Mecklenburg who collaborate with Department of Social Services in hopes of the residents getting through to the "at-risk girls." The residents meet with this group once a month. The second agency is Hope Youth Services Inc. Hope Youth Services Inc. is a group home that houses "at-risk girls," whose family cannot deal with the girls' behavior. The residents meet with this group every other week. These ladies volunteered their time throughout the week to meet with girls at risk in the community, in hopes of having some type of impact on their lives. Three different residents participated in a Focus Group within the community.

Four residents assisted "'With Love from Jesus" in sorting out donated clothing at Indian Trail Baptist Church.

Registered Nurse, Elizabeth Burns, from Community Health Services comes to ECO every Thursday to see the residents. This year, she had 240 sessions with the residents, which included checking their blood pressure, following up with their prescriptions, giving out flu vaccinations, giving out TWINRIX vaccinations (Hepatitis A & B vaccinations), interpreting their medical jackets and answering any types of medical questions that staff is unable to answer.

HOME IMPROVEMENTS

Throughout the year various improvements were made to the facility. The residents and staff have a Spring-cleaning day and a fall cleaning day. Several repairs have been made around the facility, either by staff or volunteers. Steps in the basement and smoking deck have been redone for safety inspection, repairs on plumbing and showers for the bathrooms. One of our well-known volunteer groups is the Duke Energy Volunteers, who work at Duke Power. Duke Power volunteers spend one month in the year, in which they complete repairs around the facility. This year, the volunteers painted staff's front office, living and dining room areas for the residents, replaced locks and handles on linen and snack cabinets, placed much needed deadbolts on five first floor doors, and repaired the vanity mirrors in the residents' bathrooms. Duke Energy volunteers also collaborated with Gunthernman Construction Company to repair the damaged roof on the facility. A church group

from Indian Trail Baptist Church painted the exterior of the facility and upgraded the facility by making a few additions, such as plants and flowers. Greater Salem Prison Ministry also contributed in beautifying the exterior of the facility.

SPECIAL EVENTS

Monthly activities include shopping, renting movies, and various recreational activities. Indian Trail Baptist Church comes monthly and brings dinner for residents. After dinner the residents and Indian Trail church members participate in a Bible Study. After Bible Study, the women celebrate the residents' birthday(s) for the month with a cake and small gift. For every resident's birthday, Julaine George, from Forest Hill Baptist Church brings a cake and a small gift. The highlights of the year included a Pre-holiday Thanksgiving dinner, Super Bowl party to support the Carolina Panthers, going to the Greek festival, annual family day, going to a Gospel sing, going to a Carolina Cobras Arena Football game, making Valentine's Day cards, attending plays at various churches and Christ Covenant Ministry coming and planting flowers one day last spring. We also had a local instructor volunteer her time to come to the house and teach yoga.

COMMUNITY AGENCIES THAT ASSISTED RESIDENTS

Alcoholics Anonymous
African American Cultural Art Center
Charlotte Area Presbyterian Church
Carolina Beauty School
Charlotte Quaker Friends
CharlotteSaves
Christ Covenant Church
Community Health Services
Community Link
Cooks Memorial Presbyterian Church
CPCC
Crisis Assistance Ministry
Duke Power Energy
ECO's After Care Program
ECO's Family Support Program
Employment Security Commission
Forest Hill Baptist Church
Greater Salem Prison Ministry
Hope Haven
Indian Trail Baptist Church
IBM
Jackson Park Ministry
Jehovah Witness of Charlotte
Job Link
Marriott Hotel
Matthews Church of God
Mecklenburg County Health Dept.
Mecklenburg County Behavioral Health
Mecklenburg Parks & Rec.
Mt. Carmel Baptist Church
Narcotics Anonymous
New Foundation Ministries
NCDMV
Prince of Peace Lutheran Church
Second Harvest Food Bank
Social Security Administration
With Love from Jesus
United Way
University of NC-Charlotte
YMCA

ECO

ENERGY COMMITTED

TO OFFENDERS

Building People, Not Prisons

REPORT TO LEGISLATURE
Report for 2005 Session

To: Government Operations
Joint Committee for Justice and Public Safety

From: Myra M. Clark, Executive Director

AGENCY OVERVIEW

ECO, Inc. is a not for profit organization in Charlotte-Mecklenburg that has been serving offenders and their families since 1974. Our mission is to improve the quality of life in Charlotte-Mecklenburg by restoring offenders to their family and our community, help them find work and reduce recidivism. This report covers July 2003- June 2004.

PROGRAMS

AFTERCARE

ECO's Aftercare program provides pre-release planning for offenders nearing release from jail and prison. Presentations are made in the local jail and prison, collect calls are accepted from jail and prison facilities and referrals are accepted from correctional facilities and community correction officers. The primary goal of this program is to provide employment assistance to offenders; those who are unemployable receive assistance with accessing other community resources.

In 2002-2003, 678 clients were employment ready and 256 or 38% reported they found employment. Of those who became employed 95% were still successfully working in the

community 6 months after employment. United Way of Central Carolinas, Mecklenburg County and the faith community fund this program.

FAMILY SUPPORT

The Family Support program provides parenting classes for men and women in the Mecklenburg County Jail. These classes identify ways the offender can participate in their child's life in and out of prison. Classes cover child development, communication with the child and the child's caregiver, discipline, and long distance parenting techniques. A "Long Distance Parenting" booklet is available upon request.

Families Doing Time is a twice-monthly support group of family and friends of offenders. ECO facilitates this support group and assists families with questions and concerns about the criminal justice system. United Way of Central Carolinas, Mecklenburg County and the faith community fund this program

THE ECO CENTER FOR WOMEN

In 1987, the ECO Center for Women opened as a work release center to provide female offenders in the state system with a transitional program in the Southern Piedmont area. Participants in this program work in the community, spend time with their families, build relationships with community volunteers, further their education and become better prepared for living outside of prison as responsible citizens. Participants must have earned Minimum Level III and be within three years of a possible parole date. North Carolina Department of Correction funds this program through a contract at a rate of $46.23 per day, per inmate. Residents of the program also pay part of the cost of operation at $16.00 per day for every 8-hour day worked during the week; this is capped at $80.00 per week.

The 20-bed facility remains full most of the year. The Center was at full capacity for 298 days. Vacancies were primarily due to the difference in time between a resident's release and the arrival of the new resident. Fountain, Raleigh, North Piedmont, and Black Mountain Correctional Facilities for Women maintain a waiting list of inmates to come to ECO.

In 2003-2004, there were 8 residents paroled from the ECO Center for Women, 4 were returned to a more secure facility due to program violations and one for administrative reasons.

CLIENT SNAPSHOT

Kerri was released from ECO in January 2004 after serving 72 months for a sexual offense. She arrived at ECO in January of 2001. Kerri became employed by a major discount store and was promoted to manager of the jewelry department soon after her release. She continues to work there today.

Kerri began preparing for her release soon after arriving at ECO. She contacted the North Carolina Department of Revenue and set up a payment plan to repay back taxes. She began classes in marketing and retail at the community college to position herself for advancement in her job. She participated in the community leave program and developed a strong community support system.

In late 2003, she began the process of finding a place to live in preparation of her pending release. She presented herself well and was upfront and honest about her situation. The condo owner was so impressed that he agreed to rent to her. She submitted the information to work release accounting with a request to pay deposits for rent and utilities and was ready to move in on her release date.

One of the first things she did when released was deposit all her money into a bank account and develop a budget. Kerri was on intensive community supervision, continued her education at the community college, and attended the required weekly sessions of sex offender counseling. She assisted others in her counseling group as they prepared to be admitted to prison and completed her assignment of writing a letter accepting responsibility for her actions to both her victim and her family.

She continues to stay in touch with the staff at the facility for both support and encouragement.

Attachment #2

NC LEAF

CORRESPONDENCE AND OFFICE

6070-J Six Forks Rd.
Raleigh, North Carolina
27609-8611

Phone: 919-845-6089
Fax: 919-848-9259
Email: NCLEAF @ intrex.net
www.ncleaf.org

REPRESENTED INSTITUTIONS

Campbell University
Norman Adrian Wiggins
School of Law

Duke University
School of Law

North Carolina Central
University School of Law

University of North Carolina
School of Law

Wake Forest University
School of Law

Legal Services of
North Carolina

North Carolina Academy
of Trial Lawyers

North Carolina Association
of Black Lawyers

North Carolina Association
of Defense Attorneys

North Carolina Association
of Public Defenders

North Carolina Association
of Women Attorneys

North Carolina Bar Association

North Carolina Conference
of District Attorneys

North Carolina
Gay & Lesbian Attorneys

North Carolina State Bar

PRESIDENT
Luke Largess

EXECUTIVE DIRECTOR
Denise C. Long

NORTH CAROLINA LEGAL EDUCATION ASSISTANCE FOUNDATION

February 22, 2005,

To: Senate President Pro Tempore Marc Basnight
Speaker of the House James Black
Chloe Gossage, Fiscal Research Division, N.C. General Assembly

From: Denise Cumbee Long, Executive Director, NC LEAF

NC LEAF REPORT ON FUNDS DISBURSED PER HOUSE BILL 397, PART XIV, SECTION 14.6

What is NC LEAF?

Since 1991, NC LEAF has provided over $1,500,000, in loan repayment assistance to 231 public service attorneys working in 78 North Carolina counties. Our mission is to enable North Carolina lawyers to pursue careers in public service by easing the severe financial strain of educational debt. The specific objectives of our activities are: (1) to enable lawyers who have the background and dedication to provide effective public service the opportunity to do so, (2) to increase diversity among those in public service by enabling attorneys from various economic backgrounds to take public service positions, (3) to enable attorneys who enter public service to remain in their chosen field, and (4) to help North Carolina law schools compete for talented law students with other schools that already offer debt assistance programs.

Rising law school debt and low salaries are enormous impediments for law school graduates considering a career in public service. This may explain why only 5% of graduates from Tar Heel law schools choose to pursue public interest professions. Many of these public interest attorneys have an educational debt similar to that of doctors, yet make lower salaries than teachers. NC LEAF is currently helping 85 public interest attorneys across North Carolina repay their law school loans. Most say their salaries are not sufficient to pay the bills and simultaneously repay law school debt, and many claim they could not continue in public interest work without help from NC LEAF.

How does the NCLEAF program work?

To be eligible for assistance, a licensed attorney must work in this state for the government, such as a District Attorney or Public Defender's office, an agency that provides legal services to the poor, or a 501 (c) (3) organization. The applicant's income must be no more than $38,000 if he or she is in the first year of law practice, no more than $43,000 in the second year of practice, and no more than $46,000 if he or she has practiced two years or more. Each participant contributes a percentage of his or her income each year towards debt repayment, and NC LEAF pays the remainder, up to $7,000 per year when funds are available. Money provided is in the form of interest-free loans that are forgiven if the participant remains in public service for specified time periods.

How is NC LEAF Funded?

NC LEAF's total budget for 2004-2005 is $375,000. Of this amount, $271,000 is state funding, a $71,000 increase from 2003-2004. This allows NC LEAF to assist about 20 more public interest attorneys than the prior year. NC LEAF receives the bulk of its operating support from IOLTA ($50,000). Additional income is provided from the state's law schools, administrative fees, and private donations from individuals and law firms.

What are the internal financial controls?

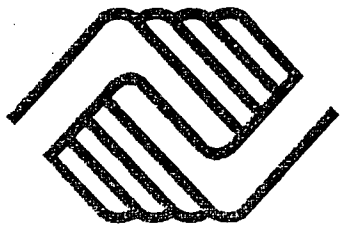
At the present time, no money received from the state by NC LEAF is used for administrative or operating expenses. All state funds are disbursed directly to participating attorneys as loan repayment assistance on a quarterly basis. Throughout the year, NC LEAF verifies employment, salary and loan information for each participant. Participants are required to provide NC LEAF with pin numbers for their lenders so that NC LEAF staff may access loan repayment histories online in order to verify that payments are being made and that loans are current. If a participant is in default or puts a loan into forbearance or deferral, he or she is no longer eligible to receive assistance from the program. If that participant has not yet completed three years of eligible employment in public service, repayment of funds disbursed by the program is mandatory.

A yearly audit is performed each year by an independent auditor, in addition to the sworn certifications required by the State Auditor.

Statistics For Prior Year:

Total Amount Disbursed to 68 Attorneys in 2003-04:	**$202,666**
Average Award Amount for NC LEAF Attorneys, July 1,2003 to June 30, 2004:	**$3,256**
Average Law School Indebtedness:	**$67,067**
Number of Applicants for NC LEAF Funds in 2004:	**38**
Number Selected to Receive NCLEAF Funds:	**27**
Number of NC LEAF Applicants Wait Listed:	**11**
Average Number of Years For Which Attorneys Receive NC LEAF Assistance:	**4**
Number of Attorneys Currently Receiving Funds:	**85**
Projected Disbursement for 2004-2005:	**$275,000**

Attachment #1;



BOYS & GIRLS CLUB
NORTH CAROLINA ALLIANCE

Annual Report
Department of Juvenile Justice and Delinquency Prevention
Contract Year 2003 – 2004

Approved By:

Bo Hedrick, Executive Director
Boys & Girls Clubs of Sanford/Lee County

Ralph E. Capps, CEO/President
Boys Club of Wake County, Inc.
d/b/a Boys & Girls Clubs

EXECUTIVE SUMMARY:

In compliance with State regulations and the Department of Juvenile Justice and Delinquency Prevention (DJJDP), *Report on use of State funds by non-state entities*, the following is a description of activities and accomplishments undertaken by our organizations using the provided State funding.

Boys & Girls Clubs of America (BGCA) contracted with the Boys Club of Wake County Inc. d/b/a Boys & Girls Clubs to be the Lead Agency for the North Carolina Alliance of Boys & Girls Clubs. This agreement states that funds received by North Carolina Boys & Girls Clubs from the DJJDP be processed by the Boys Club of Wake County Inc. d/b/a Boys & Girls Clubs. In April of 2004, Boys Club of Wake County Inc. d/b/a Boys & Girls Clubs took over the DJJDP agreement funneling all funds and compiling all reports as per the DJJDP agreement. As a result of the transfer financial records and audit information from July 1, 2003 to April 30, 2004 document the activities of Boys & Girls Clubs of Sanford/Lee County and April 1, 2004 to June 30th 2004 document Boys Club of Wake County Inc. d/b/a Boys & Girls Clubs

AGREEMENT PROVISIONS DOCUMENTED BY THIS REPORT:

The State of North Carolina has approved $400,000 payment for Boys & Girls Clubs in the following North Carolina Counties: Beaufort, Cumberland, Edgecombe, Halifax, Lee, Pender Wayne and Wilson to support the implementation of services detailed below:

- Serve youth age 7 to 17, that are identified by courts, law enforcement and schools as: a) at-risk; b) court involved, including delinquent and undisciplined youth; c) diverted youth.
- Assist in increasing statewide numbers of youth served by Boys & Girls Clubs by at least 10%.
- Implement "Targeted Outreach" program and track at least 20 new Club members referred by local law enforcement or schools. Referrals should be included in as many BGCA national programs as possible.
- Document the total number of court involved youth served by the Club and the increase of participating youth that are court involved youth as a result of this initiative as well as other program effectiveness indicators agreed upon by the Lead Agency and DJJDP
- Document at least (4) collaborations with other agencies or organizations.
- Organization must involve Law Enforcement in their programs or on the Board of Directors.

A SAMPLE OF SUCCESS:

Thanks to the support and dedication of agencies such as the Department of Juvenile Justice the Boys & Girls Clubs in North Carolina are able to change the lives of youth similar to Albert M., a member of the Boys & Girls Clubs of Nash/Edgecombe County.

Inspiring and Enable All Young People
By Albert M.

I Albert M. has had what some people would call a rough life. When I was younger it was just my mother, my sister and myself. I've had many daddy's, but not one father. I was always told I would never make it and that I wasn't good for anything, by my parents, teachers, and family. But look at me now.

After years of hearing these things, I took one action, one consequence that made me change. That action I'm not comfortable to say, even though I'm different today. I was given 100 hours community service to serve at the Boys & Girls Clubs Impact Plus Program. The program was easy. It involved many things I enjoyed doing such as cleaning up, meeting new people, and most of all helping others. I completed the program in two in a half weeks. The staff from that program became a second family to me.

On my last day with the Impact Program, as I was waiting to be picked up, a man named Kelsey L. asked me to help a little girl as she struggled with her homework. I willingly helped the little girl. Her face displayed the brightest smile I had ever seen. Mr. K. (the director of the BGC) told me I could become a member for free after completing the Impact Program. I became a member and my first day I wasn't satisfied. The club didn't seem fun.

I had many ideas and I wanted to help. So, I explained my ideas to a lady named Ms. Shonda J.. She told me the best way I could help was to volunteer my time. I dedicated my time to help and care for younger members. At the same time I assisted staff in whatever they asked me to do. In helping the staff and members I gain great satisfaction and joy. Pretty soon I was moving about the club freely as if I were a paid staff.

I was committed to coming in early and staying late. The Boys & Girls Clubs has become my safe haven. It has allowed me to express myself and explore my talents. Here at the Boys & Girls Clubs I am encouraged by Ms. J. to be creative and take an initiative to do things that need to be done. I have started a display of my art work in the Teen Center. I took great pleasure in adorning Ms. J. and Mr. W. offices, as well as other areas of the Club.

I am truly grateful for my experiences that have allowed me to shine in this organization. I use to have the attitude that I did not need other people in my life. I know that God put Mr. K. and Ms. J. in my life to encourage me to be the model Boys & Gils Club member. I now have a sense of belonging, I am a member of an growing organization. I have a sense of usefulness-I help others when they are in need of encouragement. I have powering knowing that what I say matters. I am competent that my involvement and experiences with Boys & Girls will allow me to be an responsible and caring citizen. There is no limit to what I can do or where I can go.

OUTCOME BY ORGANIZATION:

Boys & Girls Clubs of Beaufort County

621	2002 Total Club Membership
752	2003 Total Club Membership
21%	Increase of membership from
7	Number of enrolled youth referred by juvenile courts
0	Number of enrolled youth referred by law enforcement
12	Number of enrolled referred by school
14	Number of enrolled youth referred by Mental Health or Social Services
20	Number of enrolled youth referred by other (parents, church & other)
53	Total
8	Total New Offense while participating in services (including new status offenses, violated probation, new juvenile offense, and committed to DJJDP)

Brigade Boys & Girls Clubs (Pender County)

1425	2002 Total Club Membership
1746	2003 Total Club Membership
23%	Increase of membership from
60	Number of enrolled youth referred by juvenile courts
0	Number of enrolled youth referred by law enforcement
0	Number of enrolled youth referred by school
0	Number of enrolled youth referred by Mental Health or Social Services
0	Number of enrolled youth referred by other (parents, church & other)
60	Total enrolled referred youth
0	Total New Offense while participating in services (including new status offenses, violated probation, new juvenile offense, and committed to DJJDP)

Boys & Girls Clubs of Cumberland County

1263	2002 Total Club Membership
1751	2003 Total Club Membership
39%	Increase of membership from
1	Number of enrolled youth referred by juvenile courts
0	Number of enrolled youth referred by law enforcement
80	Number of enrolled referred by school
259	Number of enrolled youth referred by Mental Health or Social Services
308	Number of enrolled youth referred by other (parents, church & other)
648	Total enrolled referred youth
25	Total New Offense while participating in services (including new status offenses, violated probation, new juvenile offense, and committed to DJJDP)

Boys & Girls Clubs of Halifax County

868 2002 Total Club Membership
981 2003 Total Club Membership
13% Increase of membership from
34 Number of enrolled youth referred by juvenile courts
19 Number of enrolled youth referred by law enforcement
60 Number of enrolled referred by school
50 Number of enrolled youth referred by Mental Health or Social Services
70 Number of enrolled youth referred by other (parents, church & other)
233 Total enrolled referred youth
52 Total New Offense while participating in services (including new status offenses, violated probation, new juvenile offense, and committed to DJJDP)

Boys & Girls Clubs of Nash/Edgecombe Counties

1109 2002 Total Club Membership
1188 2003 Total Club Membership
7% Increase of membership from
177 Number of enrolled youth referred by juvenile courts
0 Number of enrolled youth referred by law enforcement
66 Number of enrolled referred by school
0 Number of enrolled youth referred by Mental Health or Social Services
2 Number of enrolled youth referred by other (parents, church & other)
245 Total enrolled referred youth
1 Total New Offense while participating in services (including new status offenses, violated probation, new juvenile offense, and committed to DJJDP)

Boys & Girls Clubs of Sanford/Lee Counties

445 2002 Total Club Membership
614 2003 Total Club Membership
38% Increase of membership from
2 Number of enrolled youth referred by juvenile courts
0 Number of enrolled youth referred by law enforcement
84 Number of enrolled referred by school
20 Number of enrolled youth referred by Mental Health or Social Services
51 Number of enrolled youth referred by other (parents, church & other)
157 Total enrolled referred youth
0 Total New Offense while participating in services (including new status offenses, violated probation, new juvenile offense, and committed to DJJDP)

Boys & Girls Clubs of Wayne County

1880	2002 Total Club Membership
2016	2003 Total Club Membership
7%	Increase of membership from
73	Number of enrolled youth referred by juvenile courts
1	Number of enrolled youth referred by law enforcement
17	Number of enrolled referred by school
3	Number of enrolled youth referred by Mental Health or Social Services
36	Number of enrolled youth referred by other (parents, church & other)
130	Total enrolled referred youth
7	Total New Offense while participating in services (including new status offenses, violated probation, new juvenile offense, and committed to DJJDP)

The Salvation Army Boys & Girls Clubs of Wilson County

1026	2002 Total Club Membership
940	2003 Total Club Membership
-8%	Increase of membership from
2	Number of enrolled youth referred by juvenile courts
0	Number of enrolled youth referred by law enforcement
45	Number of enrolled referred by school
55	Number of enrolled youth referred by Mental Health or Social Services
53	Number of enrolled youth referred by other (parents, church & other)
155	Total
0	Total New Offense while participating in services (including new status offenses, violated probation, new juvenile offense, and committed to DJJDP)

DEMOGRAPHICS:

Program Participants by Age

Organization	Under 10	10 to 13	14 to 15	16 +	**Total**
Pender	0	17	41	2	60
Cumberland	350	175	53	70	648
Wayne	16	48	35	31	130
Beaufort	10	17	13	13	53
Nash/Edgecombe	32	144	42	27	245
Halifax	68	65	40	60	233
Wilson	41	79	32	3	155
Lee	108	47	2		157
Total	**625**	**592**	**258**	**206**	**1681**

Program Participation by Sex

Organization	Male	Female	**Total**
Pender	48	12	60
Cumberland	363	285	648
Wayne	90	40	130
Beaufort	42	11	53
Nash/Edgecombe	149	96	245
Halifax	123	110	233
Wilson	113	42	155
Lee	88	69	157
Total	**1016**	**665**	**1681**

% Improve or Maintain C or Better Grade Average

Organization	Percentages
Pender	80%
Cumberland	81%
Wayne	77%
Beaufort	80%
Nash/Edgecombe	76%
Halifax	90%
Wilson	93 %
Lee	80%
Average	**84%**

% of Referrals Enrolled

Organization	Percentages
Pender	87.3%
Cumberland	97%
Wayne	100%
Beaufort	89%
Nash/Edgecombe	100%
Halifax	90%
Wilson	85%
Lee	100%
Average	**93%**

BGCA NATIONAL PROGRAM DESCRIPTIONS:

All counties involved are utilizing Boys & Girls Clubs of America's national programs. The following descriptions summarize the offerings listed in the "Program Offerings by County" section of this report.

Character and Leadership Development

The Character Development and Leadership Development Core Program Areas empower youth to support and influence their Club and community, sustain meaningful relationships with others, develop a positive self-image, participate in the democratic process and respect their own and others' cultural identities.

Program Examples

- TEEN Supreme Keystone Club – small group leadership and service club for youth ages 14-18. Keystoners plan and implement their own activities in six areas: service to Club and community; leadership development; education and career exploration; unity; free enterprise; and social recreation.

- Torch Club – small group leadership and service club for youth ages 11-13. Torch Club members' plan and implement activities in four areas: service to Club and community; education; health and fitness; and social recreation.

Education and Career Development

The Education and Career Development Core Program Area enables youth to become proficient in basic educational disciplines, apply learning to everyday situations and embrace technology to optimize employability.

Program Examples

- Power Hour – homework and tutoring program, which encourages youth to become self-directed learners.

- Career Exploration and Mentoring Program – introduces young people to a wide range of career opportunities through engaging interactive sessions and activities. Will familiarize youth with the working world; explore career options and their educational/training requirements.

- Goals for Growth – Teaches skills for setting and achieving goals and helps to identify personal strengths. Members will set goals in six areas: club involvement; discovery of new knowledge; skills or pastimes; school improvement; personal improvement; and career awareness.

Health and Life Skills
The Health and Life Skills Core Program Area develops young people's capacity to engage in positive behaviors that nurture their own well-being, set personal goals and develop the competencies to live successfully as self-sufficient adults.
Examples: SMART Moves, Broader Horizons, Goals for Growth, youth entrepreneurial programs, health and prevention programs, independent living classes.

Program Example

- SMART Moves – helps young people resist alcohol, tobacco and other drug use, as well as premature sexual activity. The program components include: SMART-Kids – ages 6-9; Start SMART – ages 10-12; and Stay SMART – ages 13-15.

The Arts
The Arts Core Program Area enables youth to develop their creativity and cultural awareness through knowledge and appreciation of visual and tactile arts and crafts, performing arts and creative writing.
Examples: Drawing, dance, folk festivals, origami, painting, photography, puppetry, sculpture, storytelling, wood working.

Program Example

- Fine Arts – encourages artistic expression through drawing, painting, printmaking, collages, mixed media and sculpture.

Sports, Fitness and Recreation
The Sports, Fitness and Recreation Core Program Area develop fitness, positive use of leisure time, skills for stress management, appreciation for the environment and social and interpersonal skills.
Examples: Team sports, (baseball, basketball, football, soccer, volleyball), individual sports (track & field, tennis, golf, gymnastics, billiards, table tennis, board and table games, martial arts, wrestling), fitness testing, aerobics, relay races, athletic leagues and tournaments.

Program Examples

- NIKE Challenge – (National funding has been discontinued however some Clubs still maintain this program using their funds) Fun and fitness through the following programs: Michael Jordan Invent-A-Sport; Ken Griffey, Jr. Homerun Challenge; Jackie-Joyner Kersee Challenge; Jump Rope Challenge and the Dawn Staley Basketball Challenge.

- Athletic Leagues – various athletic leagues that promote sportsmanship, skills, fitness levels and motor skills development.

PROGRAM OFFERINGS BY COUNTY:

Beaufort

- Project Learn
- SMART Moves
- Power Hour
- Keystone Club
- Youth Basketball League
- Torch Club
- Athletic Leagues
- Project Y.E.S. (Youth engaged in service)
- Passport to Manhood
- Junior Staff
- Junior Golf by USGA
- Drop Everything and Read
- Boy Scouts

Pender

- SMART Moves
- Goals for Growth
- Job Ready
- Project Learn
- Talking with TJ
- Stress Management
- Counseling – one to one
- Power Hour

Cumberland

- SMART Moves
- SMART Girls
- Passport to Manhood
- Youth Build (program designed for youth 16 and older, specifically for low-income youth, as well as young people who are high school dropouts. It provides educational assistance vocational training and leadership development activities
- Club Service (BGCA's community service program)
- Keystone Club
- Torch Club
- SWOOSH Club
- Street SMART
- Fitness Authority
- P.A.T.S. (personal assistants to staff)
- Career Launch
- Job Ready

Halifax

- SMART Moves
- Power Hour
- Community service projects
- Youth Basketball League
- Essay Contests
- Arts - Fine Arts Contest
- Special Events and Field Trips
- ACT Smart
- Career Prep Program
- Job Ready
- Junior Staff
- Teen Supreme
- Computer Labs in Enfield & Weldon

Nash/Edgecombe

- Restitution program
- SMART Moves
- Act Smart
- Club Tech/Core Tech
- Passport to Manhood
- Games room Activities
- Character Education
- Study Hall for Teens only
- Power Hour
- Drug and alcohol awareness
- Job Ready
- Health Classes
- Tours of Correctional Facilities
- Communication Skills
- Job Skills/Job Shadowing
- Quarterly College Tours
- SMART Girls
- When I grow up…
- Goals for Graduation
- Exploring Non-Fiction
- Street SMART
- Community Service Projects
- Ultimate Journey

Lee

- SMART Moves
- Power Hour
- Job Prep workshops
- Conflict resolution
- Computer Education
- Community service projects

- Keystone Club
- Torch Club

Wayne

- Power Hour (homework assistance)
- SMART Moves
- SMART Girls
- Act SMART
- Passport to Manhood
- Nutrition programs
- Fine Arts
- Jr. Staff
- Teen Center Programs and Activities
- Team Sports and Intramural summer program
- Community service at the Club
- Club Special Events
- Game room play and tournaments

Wilson

- Prevention programs includes daily smoking prevention; daily Drug & Alcohol prevention; daily Violence prevention; weekly youth court (supported by local attorney); SMART Moves
- Tutorial/Homework assistance (daily); Power Hour
- Youth of the Year
- Junior Staff Training for Summer Camps, Safety First program
- After School & Summer Camp
- Camp Walter Johnson
- Basketball League – A team coached by local police officers was made up of juvenile offenders
- SMART Moves
- SMART Girls
- Passport to Manhood
- Fellowship of Christian Athletes

PARTNERSHIPS/COLLABORATIONS:

Beaufort

- Juvenile Justice office of 2nd District
- Beaufort County Community College
- Beaufort County Schools
- Health Department,
- Washington Fire Department
- Beaufort County Mental Health

Pender

- 21st Century Schools
- UNCW Education Department
- Wilmington Public Schools
- New Hanover Sheriffs Department.
- Regional Medical Center.
- Cape Fear Hospital

Cumberland

- Cumberland County Sheriff's Office
- Fayetteville State University
- Cumberland Schools, Massy Hill School
- Cumberland County Mental Health
- Division of Social Services
- Girl Scouts
- CARE Clinic

Halifax

- NC Cooperative Extension (4-H)
- Roanoke Rapids City Schools
- CADA, Halifax County Health Department

Nash/Edgecombe

- IMPACT Plus - Juvenile Restitution Program
- County School System
- Eastern Carolina University
- Rotary Club
- Wesleyan College
- Mental Health County Health Department.
- Sheriffs Department
- Police Department
- Fire Department

Sanford/Lee

- Lee County Department of Social Services
- Hill Crest Youth Center
- Bragg Street Academy (Alternative School for offenders)

- Lee County Schools
- Lee County Library
- Lee Senior High School
- 21st Century Learning Center
- Police Department
- Health Department
- Fire Department

Wayne

- Wayne County Restitution Program
- Wayne Community College
- Fremont Police Department
- Communities In Schools
- Goldsboro Family YMCA

Wilson

- Volunteer Action Center
- United Way of Wilson County
- HOST Wilson County Public Schools
- The First Christian Church
- Police Department
- Fire Department Wilson Green

Total Expenditures to Date:

Actual funds received by Clubs from DJJDP for 03 - 04 per county	
Pender:	$50,000.00
Cumberland:	$50,000.00
Wayne:	$50,000.00
Beaufort:	$50,000.00
Halifax:	$50,000.00
Wilson:	$50,000.00
Lee:	$50,000.00
Nash/Edgecombe:	$50,000.00
TOTAL:	**$400,000.00**

THE TOTAL DISBURSEMENT FOR THIS FISCAL YEAR WAS $400,000.00 AS ALLOCATED BY THE GENERAL ASSEMBLY.

Attachment #1k

Report to the Legislature
Communities In Schools of North Carolina, Inc.

Fiscal Year 2005

March 31, 2005

Communities In Schools

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Mission Statements

Communities In Schools®

Communities In Schools® champions the connection of needed community resources with schools to help young people successfully learn, stay in school, and prepare for life. Communities In Schools is a respected national voice for students. Over the years, through five Presidential administrations, the CIS position has been clear: ***Every*** child needs and deserves the resources that make the difference between a graduate and a dropout. For more than 25 years, Communities In Schools® has helped students ***choose success*** by ensuring their access to the "Five Basics":

- A one-on-one relationship with a caring adult
- A safe place to learn and grow
- A healthy start and a healthy future
- A marketable skill to use upon graduation
- A chance to give back to peers and community

Communities In Schools® of North Carolina

Communities In Schools® of North Carolina (CISNC) was created in 1989 primarily to replicate CIS programs across the state. Since that year, CISNC has helped to create 31 local programs in the more traditional models. In the second week of March 2005, CISNC successfully helped to establish a one-of-a-kind, 18-county regional CIS program in Northeastern North Carolina. Consequently, including the four programs that pre-existed CISNC, the CIS network in North Carolina now includes 36 local programs serving 51 counties. Along with its mission to replicate, CISNC was also assigned the mission of assuring the sustainability of all local CIS programs through relevant training, on-call technical assistance and other types of support, all provided at no cost by that office. In the years since 1989, these two key roles have been expanded to meet the needs of the ever-growing CIS network while also providing general assistance outside of the CIS community in support of North Carolina's efforts to improve public education. Among these additional roles are the creation of statewide public and private partnerships and the support of local program resource development; statewide advocacy for at-risk youth and the creation of dynamic relationships with state government agencies; strengthening the network through viable and effective statewide public relations and communications efforts; and the collection and evaluation of essential data concerning the impact of CIS across the State.

Communities In Schools of North Carolina, Inc.
Description of Program Services

As explained in the mission statement, CISNC's lone program mission revolves around the start-up and support of local CIS programs across North Carolina. CISNC's success and strength rests upon its ability to meet the individual needs of local programs either directly or by brokering in training and technical assistance through a national network of practitioners. Because each local program is independent with its own distinctive needs, CISNC must be prepared to respond to all needs with numerous options.

We track the effectiveness of these core missions by breaking them down into functional areas. In this way we can track our successes and failures, look for trends and variances, and determine whether what we have invested in time and money is cost effective. Cost effectiveness, however, does not rule the day if we have a program with a particular need that falls outside of thriftiness. Consequently, while we always seek economies of scale, the individual need of a program may require us to make an extra trip, spend additional time, or grant an exception to a particular policy, but always with an eye towards being sound stewards of the money entrusted to us. These areas of functional expenses include the following: development and sustainability, direct support, replication, training, and volunteer recruitment and sustainability. There is a sixth functional expense, which is tied to a distinct project in which we run two independent community learning centers, one in Winston-Salem and the other in Wilmington.

The following services are among those typically provided by this office under each area of functionality.

- Development and Sustainability
  - Grant notification and grant-writing assistance
  - Financial management and risk-management best practices
  - Field advocacy and technical assistance
  - Desk-side/individual coaching
  - Quality management reviews
  - Resources for coordinated statewide media and public-awareness campaigns
- Direct Support
  - Proceeds from statewide fundraising efforts and directed pass-throughs
  - Start-up funding for new CIS programs
  - Free children's books ($1.5 million over past four years)
  - No-cost VISTA workers ($500,000 in past three years)
  - Fiduciary agent and program management of statewide AmeriCorps project ($1.6 million over past seven years)

- Proceeds from statewide fundraising efforts (over $200,000 in past two years)
- New computers and peripherals (IBM partnership)
- Bookkeeping services for new programs
- Funding a 1-800 number for no-cost phone inquiries into CISNC office
- Website development funds

♦ Replication

- A controlled, 14-step process of pre-implementation and implementation stages, which includes: conducting community orientation meetings, conducting community assessments, establishing a task-force, developing and implementing a work plan, fundraising, choosing a start-up site, creating a site plan and much, much hand holding.
- Initial funding costs associated with incorporating and establishing a 501c(3) non-profit organization

♦ Training

- Academic
  - ◊ Learning Styles
  - ◊ Positive Discipline
  - ◊ Remediation
- Board
  - ◊ Fundraising
  - ◊ Orientation
  - ◊ Recruitment
  - ◊ Strategic and Annual Planning
  - ◊ Executive Director Responsibilities
- Community
  - ◊ Asset Mapping
  - ◊ Collaboration
  - ◊ Needs Assessment
- Fiscal
  - ◊ Safeguarding Funds
  - ◊ Bookkeeping
  - ◊ Budgeting

- ◊ Grant administration
- Organizational
  - ◊ Crisis and Risk Management
  - ◊ Nonprofit Management
  - ◊ Personnel Policies
  - ◊ Program Evaluation
  - ◊ Public Relations
  - ◊ Quality and Standards
  - ◊ Reporting
  - ◊ Volunteer Management
- Resource Development
  - ◊ Grant review and writing
  - ◊ Fundraising
  - ◊ Planning
- Site
  - ◊ Afterschool programming
  - ◊ Delivery of Five Basics (mentoring, service learning, etc)
  - ◊ Programming
  - ◊ Recordkeeping and reporting
  - ◊ Site Plans
  - ◊ Site Management
- Youth
  - ◊ Asset Building
  - ◊ Family Strengthening
  - ◊ Leadership
  - ◊ Risk and Resiliency
- New executive director training
- Volunteer training
- Youth development and leadership camps and conclaves
- No-cost or subsidized state training conferences
  - ◊ Summer training institute (over $50,000 in last four years thanks to SAS)

- ◊ Annual winter training conference 30-percent subsidized ($115,000 in three years)

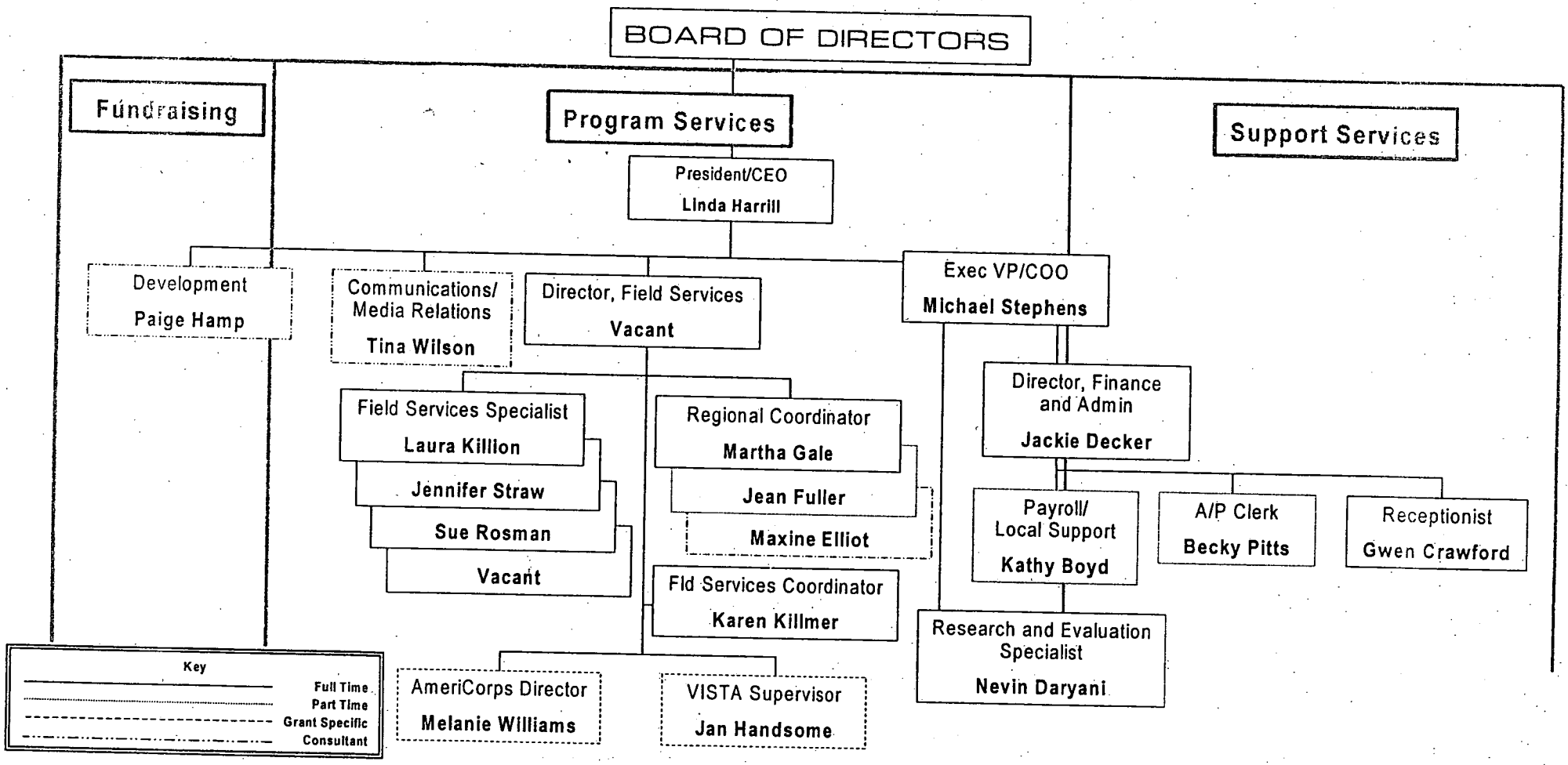
- Volunteer Recruitment and Sustainability
  - State-of-the-art volunteer manuals ($30,000 this year via Progress Energy grant)
  - Management of state mentoring partnership

We are proud of the fact that no operational CIS program in North Carolina has ever closed its doors, even during the recent hard economic times. While this is attributable in good measure to the resolve, dedication and skills of local staff and boards of directors, a large degree of this success rests directly upon the support that has been provided by Communities In Schools of North Carolina. CISNC is one of only five CIS State Offices that has earned charter status through the CIS National Quality and Standards Program, and our national office considers CISNC its consummate state office.

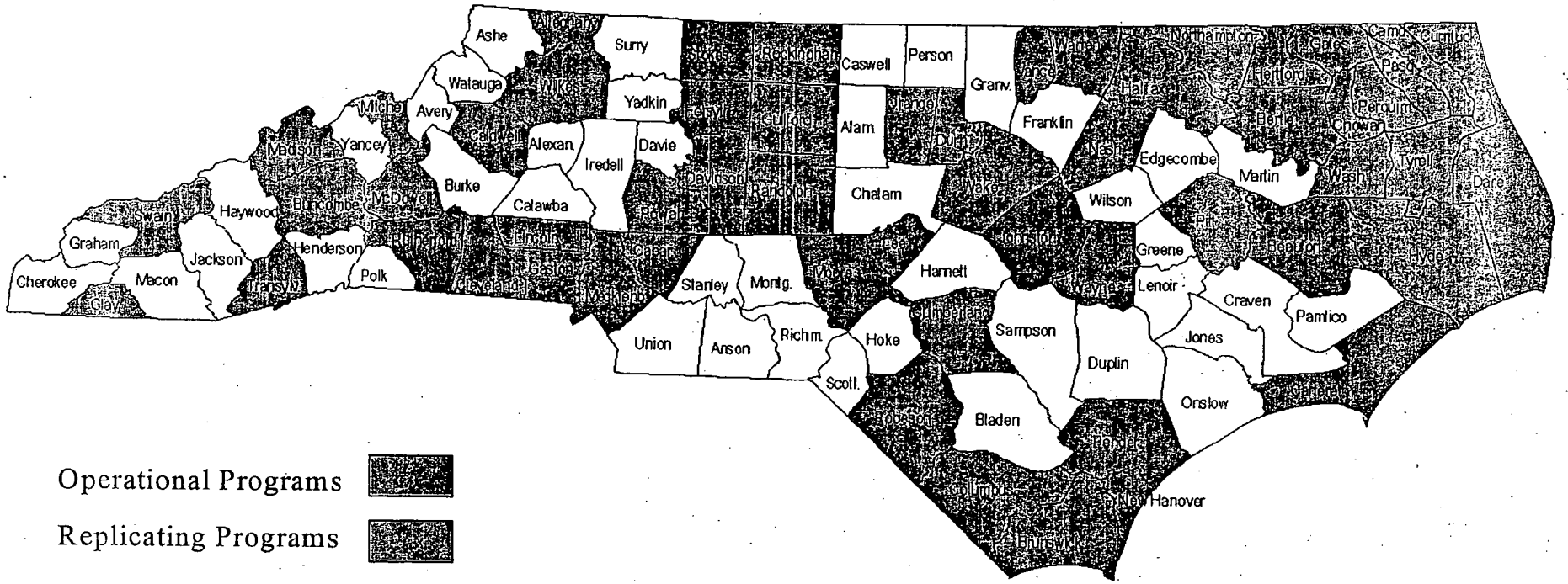
As the executive director of one our newest programs put it,

> "CISNC has been instrumental in bringing Communities In Schools to Lee County. Throughout 2003-2004, CISNC staff members guided local volunteers through the CIS replication process. They conducted training for our board members, our part-time executive director, and our Lee County High School site coordinator (a volunteer position). They also provided extensive technical assistance with site plans, annual program and operating plans, budgeting, fundraising, and creating policies and procedures to ensure fiscal accountability. "
>
> —Holly Ann Rogers, CIS of Lee County

Communities In Schools of North Carolina
Organizational Chart



The CIS Network In North Carolina



Local Program Contact Information

Katie Miller, Executive Director, CIS of Asheville/Buncombe Co., 50 S. French Broad Ave., Suite 246, Asheville, NC 28801, (828) 259-9717

Cynthia Tart, Executive Director, CIS of Brunswick County, PO Box 10087, Southport, NC 28461, (910) 457-3494

Catherine Campbell, Executive Director, CIS of Cabarrus County, PO Box 854/120 Marsh Ave., Concord, NC 28026-0854, (704) 788-1007

Debbie Eller, Executive Director, CIS of Caldwell County, 602 Morganton Blvd., Lenoir, NC 28645, (828) 426-4247 x 21

Louise Hicks, CIS of Cape Fear, Greater Wilmington Chamber of Commerce, 1 Estell Lee Place, Wilmington, NC 28401, (910) 762-2611 X 203

Cynthia Marshall, Executive Director, CIS of Charlotte-Mecklenburg, 601 East 5th Street, Suite 300, Charlotte, NC 28202, (704) 335-0601, ext 1039

Theresa Waldroup, Executive Director, CIS of Clay County, P.O. Box 642, Hayesville, NC 28904, (828) 389-1625

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Cindy Kowal, Executive Director, CIS Cumberland County, PO Box 2882, Fayetteville, NC 28301, (910) 221-8800

Tonja Washington-Jackson, Executive Director, CIS of Durham, 411 W. Chapel Hill St., Suite 604, Durham, NC 27701, (919) 682-9000

Kim Maguire, Executive Director, CIS of Gaston County, Alliance for Children & Youth, Box 1695, Gastonia, NC 28053, (704) 867-3512

Jimmi Williams, Executive Director, CIS of Greater Greensboro, 122 North Elm Street, Suite 301, Greensboro, NC 27402-1347, (336) 691-1268

Cerise Collins, Executive Director, CIS of High Point, PO Box 6735, High Point, NC 27262, (336) 883-6434

HollyAnn Rogers, Executive Director, CIS of Lee County, 143 Charlotte Ave., PO Box 519, Sanford, NC 27330, (919) 718-5426

Donna Black, Executive Director, CIS of Lexington, 68 B East 4th Street, Lexington, NC 27293-0177, (336) 242-1520

Billy Marsh, Executive Director, CIS of Lincoln County, PO Box 1315, Lincolnton, NC 28092, (704) 736-0303

Tamma Moriarty, Executive Director, CIS of Madison County, P.O. Box 956, Marshall, NC 28753, (828) 649-9276 ext. 248

Glynda Dean, Executive Director, CIS of McDowell County, 81 S. Main Street, Marion, NC 28752, (828) 652-1040

Lori Gilcrist, Executive Director, CIS of Mitchell County, Greenlee Primary School, 2206 Carters Ridge Rd., Spruce Pine, NC 28777, (828) 467-0970

Andi Korte, Executive Director, CIS of Moore County, PO Box 223, Pinehurst, NC 28370, (910) 692-9010

James Pickens, Executive Director, CIS of the Northeast, P O Box 313, Rich Square, NC 27869, (252) 326-1064

Sheila Sholes-Ross, Executive Director, CIS of Orange County, PO Box 9454, Chapel Hill, NC 27515-9454, (919) 967-6677

Nancy Barrow, Executive Director, CIS of Perquimans County, P.O. Box 12, Hertford, N.C. 27944, (252) 426-3644

Kathryn Lennox, Executive Director, CIS of Pitt County, 150 E. Firetower Road, Suite E, Winterville, NC 28590, (252) 757-9349

Sandi Norman, Executive Director, CIS of Randolph County, John R. Lawrence Elementary, 6068 Suits Rd., Archdale, NC 27263, (336) 434-0008

Dencie Lambdin, Executive Director, CIS of Robeson County, PO Box 706, Lumberton, NC 28359, (910) 738-1734

Gretchen Shelton-Raiford, Executive Director, CIS of Rockingham County, 511 Harrington Hwy., Eden, NC 27288, (336) 349-2729 ext. 26

Sylvia Harriss, Executive Director, CIS of Rocky Mount Region, 201 South Pearl St., Rocky Mount, NC 27804, (252) 442-9991

Victoria Slusser, Executive Director, CIS of Rowan County, 204 E. Innes St., Salisbury, NC 28147, (704) 797-0210

Melissa Barker, Executive Director, CIS of Swain County, PO Drawer 1, Bryson City, NC 28713, (828) 488-7505

Judy Younts, Executive Director, CIS of Thomasville, 400 Turner St., Thomasville, NC 27360-3129, (336) 474-4233

Rod Webb, Executive Director, CIS of Transylvania County, P.O. Box 669, Brevard, NC 28712-0669, (828) 885-7390 x390

Susan Hansell, Executive Director, CIS of Wake County, 871 Harp Street, Raleigh, NC 27604, (919) 834-5663 x 108

Sudie Davis, Executive Director, CIS of Wayne County, PO Box 11557, Goldsboro, NC 27532-1557, (919) 735-1432

Jenny Croft, Executive Director, CIS of Whiteville, PO Box 1246, Whiteville, NC 28472, (910) 640-1039

Sherrie Pavlansky, Executive Director, CIS of Wilkes County, 1260 College Ave. Suite 1, Wilkesboro, NC 28657, (336) 651-7830

Communities In Schools in North Carolina
Helping Kids Choose Success!

Quick Facts
School Year 2003-2004

		Compared to Previous Year	
Statistics About Our Youth			
• Youth Receiving Services	76,312	↑	43%
• Case Managed Students	17,587	↑	42%
• Total Student Population at All CIS Sites	177,250	↑	5%
• Percent of Potential Dropouts Staying in School	96%	↓	3%
• Percent Promoted	92%	↓	1%
• Percent Graduated	95%	↑	4%
• Percent Improving Discipline	80%	↑	5%
• Percent Improving Achievement	84%	↓	1%
• Percent Improving Attendance	84%	→	
Statistics About Our Programs			
• Local Programs	33	↑	6%
• Counties Served	32	↑	6%
• Sites Served	405	↑	9%
• Board Members	738	↑	1%
• Community Partners	2,116	↑	37%
• Volunteers	13,655	↑	46%
• Volunteer Hours	259,655	↓	6%
Local Program Funding			
• Grants and Contracts	$6,888,206	↓	16%
• Cash	$3,141,261	↑	31%
• In-Kind Donations	$3,573,765	↓	15%
• Value of Volunteers	$4,463,469	↓	2%
Total	$18,066,701	↓	7%
• Private dollars and services leveraged per legislative dollar invested — $15.70:$1			
• Legislative investment per student served — $15.08			

Major Funding Sources (Cash and In-Kind) — Local Governments, Public Schools, United Way, Junior League, Banks, Utilities

CISNC State Office Facts			
• AmeriCorps Members (working in local program sites)	20	→	
• VISTA Members (working in local program sites)	20	→	
• Annual Budget (FY 2004)	$1,904,040	↓	7%
Amount Received from NC Legislature (FY 2004)	$1,151,000	↑	2%

Communities In Schools

Frequently Asked Questions

1. How does CIS function at the county level? Is there a CIS office in each of the counties in which the program operates? If so, how many staff are located at each county office?

   Each local CIS program is its own 501c(3) not-for-profit organization with its own board of directors. It provides services to at-risk youth in one or more sites according to the needs of those youth at those sites. The number of sites varies by local program because sites cost in money and other resources (repositioned school, social services and other personnel; office space, etc.). Each local program is responsible for raising the funds and obtaining the other resources necessary for each site. The number of staff with each program will vary then, in accordance with the number of sites. Each site normally has a site coordinator who is responsible for ensuring the necessary, individualized services are provided to each at-risk child enrolled in the CIS programs. These site coordinators are reassigned school personnel such as teachers or guidance counselors; or they are repositioned workers provided by county social services agencies, but working directly at the site. Finally, each program has at least an executive director who is usually full time, and some have other personnel such as an administrative staff person, a program coordinator, etc. The mean number of personnel in our programs is 14, and most of these are located at the 400-plus sites. The largest program, personnel-wise, is CIS of Brunswick County, with 100 staff (76 full-time, part-time or volunteers; 17 reassigned school staff; and 7 repositioned agency staff).

2. *How many staff are employed at the CISNC central office? What are their job descriptions and duties?*

   It's really not accurate to call CISNC a "central office." We do not direct our local programs as they are directed by their own boards in accordance with the needs of each site and the community in general. CISNC is a separate 501c(3) organization with a mission very different from that of the local programs (see mission statement.) The local programs provide direct services to at-risk children and their parent[s] in their communities. CISNC helps the local programs deliver these services by directly providing technical assistance and training to the local program staff and boards of directors. We do this in two state-level training meetings each year, a few regional training sessions, and through one-on-one assistance and training provided to each local program on an as-requested basis. This training and technical assistance runs the gamut from how to work with at-risk children and their parents to how to run a successful not-for-profit organization through proper risk management and good fiscal stewardship, to how to build program capacity on a shoe-string budget. Our other major mission is to replicate CIS programs throughout North Carolina. We do this by working with LEA's and other county entities that are interested in starting such a program. Since CIS is a grass-roots, community-based organization, this is sometimes easier said than done. Nevertheless, in the 15 years CISNC has been in existence, it has helped to start and sustain 32 programs (four were in existence prior to our founding). To do this work, CIS of North Carolina currently has 13 paid staff members on the general pay roll. Four of the team members are part time, and nine are full time. We also have one full-time staff member who is sustained through

a separate Federal grants and another part-time member sustained partially through a separate Federal grant. These two individuals are project directors for an AmeriCorps reading program and a VISTA service program.

There are twenty AmeriCorps and 36 VISTA positions throughout the state serving CIS programs, but managed out of the CISNC office. Only one staff member, the receptionist, is purely administrative in nature. Everyone else provides some form of technical assistance and/or training to the field, some more than others. An office organization chart is on page 9. This chart shows how the current CISNC staff and consultants fall out in terms of Program Services (mission support), Support Services and Fundraising.

3. *What is the relationship of CISNC to the local county programs?*

This question has been answered above. Again, CISNC provides technical assistance and training, and we help local programs with myriad responsibilities for which they have no staff, such as grant writing and development. We are neither a top-down organization nor a dues-paying organization. We start local programs and help them to sustain themselves free of charge to communities. As such, the CISNC staff provides a critical augmentation to the staffs of the local CIS programs.

Five-Year Public Funding History

State Funding	FY 2000-01	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05*
State Appropriation					
Recurring (R)	$1,400,000	$1,155,667	$1,132,850	$1,151,000	$1,088,588
Non-Recurring (NR)					$75,000
Other Revenue Sources	$802,229	$1,143,259	$978,494	$727,866	$726,848
Prior Year Cash Carry Forward	$1,060,261	$1,060,915	$818,790	$774,707	$604,916
Total Available	**$3,262,490**	**$3,359,841**	**$2,930,134**	**$2,653,573**	**$2,495,352**
Actual Year-End Expenditures	$2,186,139	$2,489,097	$2,187,429	$2,037,359	$2,066,192
Net Fixed Assets	**$66,608**	**$82,043**	**$133,998**	**$102,016**	**$100,000**
Ending Net Assets	**$1,142,959**	**$952,787**	**$876,703**	**$718,230**	**$529,161**

* Projected figures for FY 2004-05

Budgeted Expenditures
FY 2005

	Types of Expenditures	*Requirements*	*% of Total Budget*	*Notes*
1	Salaries	$840,614		Includes 21 AmeriCorps and 1 VISTA
2	Benefits	$170,589		
3	Contractual Personnel Services	$267,732		Seven contractual positions and cost for IT outsourced services
4	***Total Personnel Services***	***$1,278,935***	***61.90%***	
5	Building Rent/Lease	$56,237.00		Includes $6,000 in donated space and a small regional office in Brevard
6	Equipment Rental/Lease	$13,055.00		Printer/copiers for in-house printing
7	Travel	$42,554.07		***See next page***
8	Telephone/Cellular Phone Service	$16,073.00		Includes 1-800 service for local programs to call in toll-free
9	Misc. Contractual Services			
10	***Total Purchased Services***	***$127,909.07***	***6.19%***	
11	General Office Supplies	$5,168.49		
12	R&D / Educational Supplies	$36,244.20		$31,166 for 12,000 volunteer manuals distribute to local programs— paid for by Progress Energy
13	***Total Supplies***	***$41,412.69***	***2.00%***	
14	Furniture			
15	Computers	$15,000.00		Entire amount donated by IBM
16	Other	$60,000.00		Includes $49,000 depreciation expense
17	***Total Equipment***	***$75,000.00***	***3.63%***	
18	Discretionary Grants	$73,230.00		Start-up funds for new programs
19	Directed Grants	$152,500.00		Direct pass-throughs and fund-raising dollars to existing programs
20	Loans			
21	Other			
22	***Total Aid & Public Assistance***	***$225,730.00***	***10.92%***	
23	***Total Reserves***		***0.00%***	
24	***Total Other***	***$317,205.13***	***15.35%***	Total training event costs, costs of annual fundraising events, bank service charges, background checks, indirect AmeriCorps costs, student conclaves
	Totql	*$2,066,191.51*	*100.00%*	

NOTE: CISNC maintains its accounts in accordance with Generally Accepted Accounting Principles (GAAP). Accordingly, all bookkeeping is done on an accrual basis, which means that in-kind funding, donations and depreciation are included in this chart of expenditures.

Line 7, Travel Expenditures for FY 2005 Budget Broken Down

Travel Line Items	Detail	Amt
Local Travel	Errands and meetings within 50-mile radius	$724.39
Staff Development	Includes registration fees, tuition and similar costs incurred for staff development and training. Seven members of staff hold Masters Degrees, one is working on a Masters. Much of the training provided by CISNC staff is accredited continuing education for site coordinators, many of whom are repositioned public school teachers and social services counselors. All training accredited for continuing education must be taught by instructors holding post-graduate degrees. Accordingly, these staff members must maintain their professional standing.	$3,408.18
Board of Directors	Costs incurred for quarterly meetings of the statewide CISNC volunteer Board of Directors	$1,175.67
State Directors Meetings	Quarterly meetings of the State Directors as called by the National CIS office	$2,738.90
Quality and Standards (Q&S)	Travel and per diem incurred in (Q&S) certification of local programs. CISNC is one of only five state programs chartered through the National Q&S process. Moreover, 27 of our local programs are chartered as well.	$904.37
Technical Assistance (TA)[1]	TA includes individual coaching, regional training, local board development, and all meetings that local program leadership has asked that a CISNC staff member attend	$10,834.37
AmeriCorps and VISTA Projects[2]	Includes all travel, training and other associated costs as pertains to 40-plus at-large AmeriCorps members and VISTA volunteers plus the AmeriCorps and VISTA Directors who work out of the CISNC office (funded primarily by Federal Grants)	$17,487.48
Replication[1]	Costs involving travel to and meetings with local CIS communities that want to establish a CIS program	$1,007.69
Training of Trainers	CISNC is required by CIS National to maintain a minimum number of nationally certified Master Trainers. These trainers attend periodically-scheduled training conferences throughout the United States	$3,341.14
Partnerships	CISNC maintains formal and informal partnerships with over 20 statewide partner groups. Cost of going to some meetings	$203.48
Marketing Travel	Costs incurred in working with local programs on marketing and public relations issues	$80.44
Resource Development	Travel costs involving statewide development not tied to TA and/or training provided to local programs	$523.00
School Stuff	Annual WRAL School Stuff campaign, which provides free school supplies to hundreds of Triangle children	$74.96
America's Promise	America's Promise Initiative	$50.00
Total		$42,554.07

NOTES:

[1] - These are the primary missions of CISNC

[2] - Over 40 percent of CISNC travel-related costs involved our AmeriCorps and VISTA projects, and these costs were funded by Federal grants

NARRATIVE:

CISNC travel-related costs have remained constant over the past 10 years (we have actually seen reductions when adjusted for inflation) even though the number of CIS operational programs has doubled. We have been able to reduce these costs by combining trips, holding regional meetings and training sessions (mountains, Piedmont, and coastal plain), and stationing three of our senior trainers in remote areas. We have one such regional advisor working out of Transylvania County, another working out of Cabarrus County, and a third working out of Brunswick County.

CISNC
Board of Directors

Diane Adams
CISCO Systems

Mary Linda Andrews
GlaxoSmithKline

Dave Benevides
IBM

Scott Custer
RBC Centura

Mary Easley
First Lady of North Carolina

Preston Fowler
BB&T

Ted Fowler
Golden Corral, Inc.

Ann Goodnight
SAS Institute

Robert Greczyn
Blue Cross and Blue Shield of North Carolina

Linda Harrill, President
CISNC

Alex Holmes
Arthur Andersen, Retired Partner

Graeme Keith, Chairman
The Keith Corporation

William Martin
Attorney-at-Law

Joel New
ANI Consulting

Virginia Parker
The Junior League

Marvin Pittman
NCDPI

Bernie Prazenica
WTVD-TV

Lynn Roberson
BellSouth

Robby Russell
Wachovia Corporation

Craig Smith
Bank of America

James Speed
North Carolina Mutual Life Insurance

Katherine Thomas
Progress Energy

Ben Vernon
Apple Foundation

Dr. Hope Williams
NC Association of Independent Colleges and Universities

Richard "Stick" Williams
Duke Power

Marco Zarate
NC Society of Hispanic Professionals

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Communities In Schools
HELPING KIDS STAY IN SCHOOL AND PREPARE FOR LIFE

Board of Directors

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Duke Power

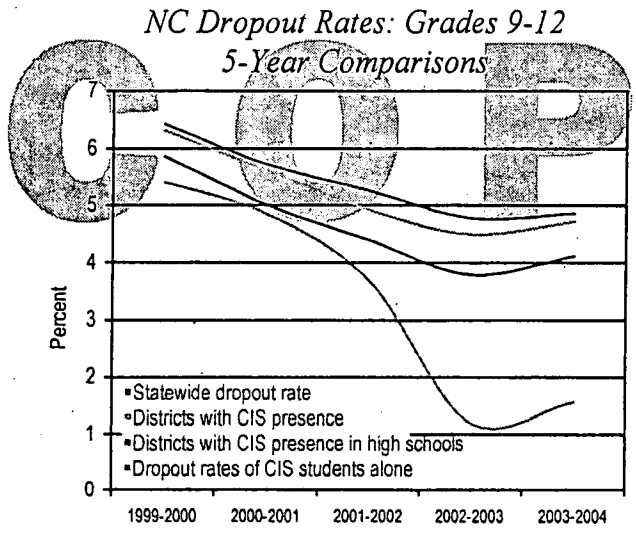
Marco Zarate
NC Society of Hispanic Professionals

March 31, 2005

Senator Marc Basnight
President Pro-Tempore
North Carolina Senate
2007 Legislative Building
Raleigh, North Carolina 27601-2808

Dear Senator Basnight:

We are sending you two items with this letter. The first is our report to the legislature for FY 2005 that tells how Communities In Schools (CIS) is making a positive impact across our State. For instance, last year we provided services to over 76,000 at-risk youth, and 96.4 percent of those who could have opted to drop out chose instead to stay. While all of our statistics are important, this 3.6 percent dropout rate is major. The graph below explains.



The red line demonstrates the event dropout rate in North Carolina over the past five years. The gray line represents the event dropout rate for the school districts that have CIS programs in any level school. The blue line shows school districts with CIS programs in at least 25 percent of the district high schools. Finally, the green line is the event dropout rate for all CIS students in grades 9-12 who were identified as being at high risk of dropping out. Essentially, what these statistics tell us is that, for every level of increasing CIS influence in North Carolina school districts, the dropout rate for students in grades 9-12 decreases in those districts, even in school districts where CIS may only be in some of the elementary and middle schools! We believe you will agree that this is very important news, especially given that every child we graduate from our high schools is such a positive outcome. Not only does graduation launch that child down the road to success, it allows North Carolinians to fully realize our investment of roughly $80,000 (13 years at $6K/year to educate our students) and it increases the state's wealth in human capital by as much as a half-million dollars over that graduate's lifetime.

The second enclosure is a copy of our unqualified annual audit for the year ending on June 30, 2004. There are many noteworthy statistics, facts and figures contained in these two

documents, and, although we know you are exceedingly busy, we believe they will give you a comprehensive understanding of the role Communities In Schools plays in North Carolina.

As you know, Communities In Schools of North Carolina is in the legislative budget again this year and the Governor has asked for an additional $500,000. This additional money is there for two purposes. First, additional funds are budgeted to work with low wealth communities by continuing to concentrate on the needs of North Carolina's underserved and most disadvantaged youth. The Governor's Office, and the Departments of Public Instruction, Juvenile Justice and Delinquency Prevention, and Health and Human Services all believe that CIS is a compelling answer to the Leandro Decision. Our efforts to establish an 18-county regional program in the northeast—accomplished just this month—are our earliest response to this judicial mandate. Moreover, we are working diligently with the Gates Foundation to establish at least two demonstration alternative schools in this state by school year 2006-07. These schools are called Performance Learning Centers (PLC) and should not be confused with the Small-School Initiative already funded in North Carolina by the Gates Foundation. The PLC initiative is exclusive to Communities In Schools as it was developed by our sister organization in Georgia. Second, moneys have been provided to assist our local programs when applying for Federal grants that require a partial match. These funds will easily see a four-to-one return on their investment.

We don't believe there is another non-profit that can show it leverages $16.00 for every $1.00 that the legislature invests. Moreover, with a public investment of $15.08 per client served, Communities In Schools is a real bargain. With a much larger legislative investment, one that would allow us to place a site coordinator in every high school and middle school, CIS would make a significant impact on the dropout problem in this state. Moreover, the state would recover these costs within a few years through increased tax revenues, reduced costs of social welfare and correctional programs and a more skilled entry-level workforce. We would be more than happy to show you how this might be accomplished.

Thank you for your continued support of Communities In Schools.

Linda R. Harrill
President and CEO

Graeme M. Keith
Chairman of the Board

3 Enclosures

COPY

Attachment #2

Communities In Schools

HELPING KIDS STAY IN SCHOOL AND PREPARE FOR LIFE

Fact Sheet: Overview of Concepts Relevant to Community-Based Work with Adjudicated Youth

This fact sheet describes selected concepts relevant for community-based work with adjudicated youth. For 27 years, Communities In Schools® (CIS) has earned its place as the nation's leading community-based organization helping kids stay in school and prepare for life. CIS operates in nearly 3,000 educational sites, providing access to services to approximately 2 million students. Through 194 programs in 28 states, CIS directly links nearly 1 million students to services in its mission to *"champion the connection of needed community resources with schools to help young people successfully learn, stay in school, and prepare for life."*

Community-based organizations that support youth development are uniquely poised to help young people cultivate pro-social behaviors, engage in activities likely to promote healthy development, and obtain skills that will make them competitive when seeking employment (National Research Council and Institute of Medicine, 2002). CIS believes that all children need and deserve the "Five Basics":

- A personal, one-on-one relationship with a caring adult;
- A safe place to learn and grow;
- A healthy start and a healthy future;
- A marketable skill to use upon graduation; and
- A chance to give back to peers and community.

When essential needs are met, children are prepared to concentrate on academic achievement and life success (CIS, 2004). Young people with more assets are also more likely to avoid risky behaviors (Scales & Leffert, 1999). Communities should seek to provide ongoing opportunities for young people to develop assets. Communities In Schools provides a process for mobilizing naturally occurring social support mechanisms into the scaffolding essential for promoting positive youth development.

Scope of the Problem

Millions of young people enter the juvenile justice system each year. As of 2000, the juvenile court delinquency caseload had grown to about four times the 1960 caseload (Puzzanchera, Stahl, Finnegan, Tierney & Snyder, in press). Though the juvenile Violent Crime Index arrest rate reached the lowest level since 1980, there were still over 2.2 million juvenile arrests in 2002 (Snyder, 2004).

The link between education and criminal activity is strong. Young people who drop out of high school are more than three times more likely to be arrested in their lifetimes than high school graduates (Catterall, 1985).

> The vast majority of state prison inmates – approximately 75% – failed to graduate from high school (Harlow, 2003).
>
> In 2002, juveniles were involved in 1 in 10 arrests for murder, 1 in 8 arrests for a drug abuse violation, 1 in 5 arrests for a weapons violation, and 1 in 4 arrests for robbery (Snyder, 2004).

The impact of these crimes reaches across multiple systems. Each community's solutions must include individuals, families, schools and support networks effectively woven together in a culturally sensitive and developmentally appropriate manner. Communities In Schools provides the processes and structure critical for such successful relationships.

Learning the Language: Terminology

Any exploration of services and resources related to work with adjudicated youth requires some familiarity with the juvenile court processes and the language used. (Sources: NCJJ Statistical Briefing Book, 2004, and the OJJDP Model Programs Guide, unless otherwise noted.)

Juvenile: A "juvenile" is a youth at or below the upper age of original jurisdiction, which is determined by each state (in most cases, 17 is the oldest age at which a juvenile court has original jurisdiction). Status offenses may carry higher age limits, depending on the individual state's statues.

Intake Decision: The court process for juveniles begins at intake, the first point of contact with the juvenile justice system. As a result of intake, a case may be:

Dismissed;
Petitioned (formal resolution through which the case faces **Judicial Decision**), or
Non-Petitioned (informal resolution).

Intake Disposition *(Non-Petitioned Cases)*: In 2000, about 40 percent of non-petitioned cases were dismissed at intake. In 60 percent of the remaining non-petitioned cases, the youth voluntarily agreed to informal sanctions (which may have included referral

to a social service agency, informal probation, the payment of fines or voluntary restitution). In less than 1 percent of non-petitioned cases, the youth received placement out of the home (NCJJ Statistical Briefing Book, 2004).

Judicial Decision: When a case is petitioned, the juvenile court makes a decision that may result in:

Waiver: If the intake department decides that a petitioned case should be removed from juvenile court and handled in criminal (adult) court, a petition is usually filed in juvenile court requesting a waiver or transfer hearing.

Adjudication: If the juvenile court determines that the youth committed the act with which he or she was charged, that youth is deemed "adjudicated" or "adjudicated delinquent," which roughly equates to "convicted."

In 2000, about two-thirds of petitioned cases resulted in adjudication, with about one-third ending in non-adjudication. Fewer than 1 percent of petitioned cases were waived to Adult Court.

Judicial Disposition: Once the juvenile court has reached a judicial decision, disposition is the action taken or treatment plan decided on regarding a particular case. Disposition usually falls into one of the following categories:

Dismissed: A juvenile may be warned, counseled or released with no further action. Cases may be dismissed by the juvenile court because of action being taken in another court.

Probation: A juvenile may be placed on informal (voluntary) or formal (court-ordered) supervision. The juvenile court has some latitude in disposing probation: Cases may result in probation even if non-petitioned, and both adjudication and non-adjudication could result in probation.

Placement: A juvenile may be placed in a residential facility or other setting outside of his or her home.

According to the OJJDP Statistical Briefing Book (NCJJ Statistical Briefing Book, 2004), nearly 109,000 juveniles were in placement on the average day in 1999.

Other Sanctions: This category includes actions not described above (including fines, restitution and community service) and dispositions coded as "Other" by the reporting courts.

Juvenile court has discretion in cases ending in **Non-Adjudication**. Of non-adjudicated cases in 2000:

- Over 67percent were dismissed;
- In 19 percent of cases, the youth received some sanction;
- 12 percent were placed on probation;
- Less than 1 percent were placed (NCJJ Statistical Briefing Book, 2004).

Placement Status: This refers to the categories of juveniles held in residential placement facilities:

Committed: Juveniles placed in a facility as part of a court-ordered disposition (disposed in juvenile court or convicted and sentenced in criminal court).

Detained: This includes three groups of juveniles (1) those held prior to judicial decision who are awaiting a hearing in juvenile court; (2) those held after adjudication who are awaiting disposition or after placement; and (3) those who are awaiting transfer to adult criminal court, or awaiting a hearing or trial in adult criminal court.

Diversion: Juveniles sent to a facility in lieu of adjudication as part of a diversion agreement.

The juvenile courts' use of detention in delinquency cases increased 41% between 1985 and 2000 (Puzzanchera, Stahl, Finnegan, Tierney & Snyder, in press).

Status Offense: Offenses that are illegal for underage persons, but not for adults (including curfew violations, running away, truancy, and underage drinking).

Other Trends in Juvenile Justice
Between 1985 and 2000, there was a substantial increase in the number of juvenile cases in which the youth was placed on formal probation or ordered to a residential facility, including (based on most restrictive sanction):

- A 49 percent increase in number of adjudicated delinquency cases resulting in ***residential placement***.
- A 108 percent increase in number of adjudicated delinquency cases resulting in ***formal probation*** (about 60 percent of all adjudicated delinquency cases).
- An 84 percent increase in the number of adjudicated delinquency cases receiving ***other court-ordered sanctions***.

Developing a Community-Based Program for Working with Adjudicated Youth

Effective program development begins with a comprehensive assessment of the community's needs and available resources. Once a community has clearly articulated a need (e.g., to prevent delinquency or to promote successful outcomes for adjudicated youth), there are many factors to consider in designing a strategy or strategies and developing a program. Though presented here as either/or options, most of these factors should not be considered mutually exclusive:

- **Environment and Structure.** What community assets are available and what is the structure most likely to support a successful program? Will you accept referrals from outside or inside the juvenile justice community? Will you provide court-mandated treatment or work on a voluntary participation basis? Will you provide institutionalized or non-institutionalized treatment? Or will you deliver an add-on program to work with an institution or pre-existing facility?

> **Communities In Schools of the Midlands** (South Carolina) brokers the *Behind the Fence* program in partnership with the South Carolina Department of Juvenile Justice. Through this collaboration, CIS coordinates a small classroom setting, high teacher-to-student ratios, individualized instruction, and incentives to help committed youth develop personal responsibility and pro-social decision making.

- **Targeted Youth**. Will you work with adjudicated or non-adjudicated youth? Lipsey, Wilson and Cothern (2000) reported that individual characteristics of the youth may be a critical factor to consider in working with non-institutionalized youth. Such characteristics include age and developmental needs; sex; ethnicity; mental functioning; and continuum of seriousness of offenses (including history of aggression or violent offenses).

- **Intended Outcomes**. What difference do you want to make? The array of programs available target a variety of desired outcomes, with reduced recidivism being a common goal. Other outcomes include academic progress, decreased violence and decreased gang involvement.

- **Program Characteristics**. Identifying effective programs is becoming easier, though the scarcity of rigorous research across most program types and initiatives is a challenge. A number of resources are surfacing that provide meta-analyses (comparing program effectiveness through calculated effect size) or sophisticated matrices summarizing available research by program type or intended outcome.

Making the Connections: The Role of Communities In Schools

Successful collaborative partnerships work for communities by easing the burden on schools. When structured properly, they are cost-effective. They integrate families and students in systems to help them realize their potential, and they are sufficiently flexible to meet the needs of a culturally diverse spectrum of children and families (U.S. Department of Education, 1995).

> Depending on the characteristics of the specific resources, community collaborations have been associated with the following outcomes (NRCIM, 2002):
>
> - Decreased alcohol and tobacco use
> - Decreased weapons carrying
> - Decreased violent behavior
> - Improved student motivation
> - Improved academic performance
> - Improved self-esteem
> - Improved problem-solving abilities
> - Improved parent-child relations

In concluding her review of violence prevention strategies, Brash (2004) recommended that the city of Baltimore implement multiple strategies to maximize impact. She emphasized the need for "continuity of programming over time, communication and collaboration among agencies and organizations, monitoring of programs, and sharing of information from past and current efforts" (p. 2).

Greenberg and colleagues (1999) concluded their analyses of prevention research with the recommendation that effective intervention programs pursue a larger systemic perspective than individual behaviors alone. They recommended that programs strive to positively affect home and school settings (working with teachers and parents), strengthen relationships between home and school, and work collaboratively with communities to increase opportunities for developing competent behavior and pro-social norms.

Communities In Schools is an established process for mobilizing community assets around identified needs to promote the development of healthy youth, including promoting pro-social behavior choices. Effective community collaboration is at the core of Communities In Schools.

For more information on program effectiveness, see the Communities In Schools fact sheet, *Effectiveness of Community-Based Programs Working with Adjudicated Youth.*

Where Can I Get More Information?

For more information about Communities In Schools or any CIS local program (including those mentioned), please contact:

Communities In Schools National
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Alexandria, VA 22314
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fax: 703/519-7537
e-mail: cis@cisnet.org
website: www.cisnet.org

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Attachment # 1 m

CUMBERLAND JUVENILE ASSESSMENT CENTER EVALUATION REPORT SUBMITTED to DJJDP April 1, 2005

Background

The Juvenile Assessment Center (hereafter, "JAC") in Cumberland County began as a blended funding initiative in 1997-98. Combinations of local, private and state funds were procured to set the project into motion.

A coordinator was hired in April 1998 and the Board moved from planning to implementation. A site was located soon thereafter and the program moved to its present location, 121 Lamon Street, in August of 1998. The facility is owned by the City of Fayetteville and is almost 5,000 square feet in size. The facility contains a reception area, private staff offices, private testing rooms and a large conference room for Board meetings and training sessions. The building is staff secure. Youth are not physically restrained while on the premises, nor will they be prevented from leaving if they insist. The facility meets all codes for public access including handicapped accessibility.

Staff members were hired, trained, and the first child was admitted on September 14, 1998. The original staff proposal was to employ two intake counselors and two case managers. Now five Case Managers perform the service of Intake and Case Management.

In 1999, Senate Bill 265 was enacted to continue the operation of the Cumberland County Juvenile Assessment Center Project and to appropriate funds for that purpose.

The Advisory Board continues to meet monthly since the legislation's passage.

Purpose

The Cumberland County Juvenile Assessment Center (JAC) was established to serve as the focal point within the community in assessing the underlying problems of at-risk youth for parents, schools, law enforcement and the courts. The JAC provides timely diagnostic information to support informed referral and case management services designed to prevent further problem behavior and to promote positive conditions and attitudes within the youth and families they serve. Another primary purpose of the Center is to establish electronic linkages and promote coordination of efforts between all of the relevant service providers and promote the sharing of information on the youth and families they all serve.

The JAC serves juveniles and the families of juveniles who are under court supervision for either delinquent or undisciplined offenses, juveniles referred because of delinquent or undisciplined behavior even though they have not been taken into custody or petitioned as delinquent or undisciplined, or juveniles who because of

conditions to which they are regularly exposed are considered to be at-risk of becoming delinquent or undisciplined including those juveniles who are found to be regularly truant from school.

Goals

1) To provide a portal of entry for troubled youth between the ages of 6 and 16.

2) To provide timely and comprehensive assessments that better link youth and families to the most appropriate community based services.

3) To develop a management information system (MIS) that can be used to monitor a youth's progress and document the effectiveness of previous intervention attempts.

4) To develop and implement an integrated case management system or referral system for all clients referred to the JAC Case Management component that; 1) outlines intervention needs and plans, 2) makes referrals to the indicated service, and 3) monitors the service delivery and makes reassessments as needed.

5) To serve as a source of information to juvenile justice policy makers.

Procedures and client management

Upon arrival at the JAC, the beginning task is to evaluate the educational, emotional, and physical needs of the juvenile and determine whether the juvenile has problems related to substance abuse, depression, or other emotional problems.

The Intake worker explains to the child and parents the services offered at JAC. The Intake worker checks the youth's juvenile history. If there are outstanding detention orders or other conditions that make the youth detainable, a law enforcement officer will be summoned to transport the youth to the detention center. If needed, access to immediate intervention counseling will be provided to the child and family. The assessment tools are administered to the child and parents. The Intake worker reviews the intake information and screening tools to determine the appropriate intervention.

If a youth appears suicidal or shows other signs of mental health crisis at any point while he is at the JAC, the Cumberland County Mental Health Center's Crisis Team or the Behavioral Health's Crisis Team will be consulted. If necessary, a crisis team will respond to the JAC and interview the youth. The Cumberland County Cape Fear Medical Facility's Crisis Team and services will be available to the JAC for after-hours emergencies.

Based on the assessment, the JAC Case Manager and the parent will contact the appropriate youth service agency to request services. Appointments will be shared and a follow up plan will be developed. The JAC Case Manager works with the family and contact agencies regularly to follow up on treatment and outcomes. The "Family Service Plan" will be updated as needed.

Assessment of JAC Goals

1) Single portal of entry

The program is meeting this goal during daylight hours only. If the program develops into a 24-hour facility, this goal can be totally met. At the present time, the Center operates from 7:00 a.m. until 5:00 p.m., with appointments being made during evening hours, as needed. Also Saturday appointments are made for those whose schedules do not allow a visit any other time.

2) Provide timely and comprehensive assessments

This goal is being met. All assessments are scheduled in a timely fashion, with immediate appointments available for those in a crisis situation.

The assessments are comprehensive in nature. When a child enters the program, at intake, various screening tools are administered to assess for various "risk factors". These tools are individualized based on the client's age, estimated reading skill, ability to self-report, and other developmental considerations. The process begins with an interview with the child and parent or parents, and a social history is completed if one from another source did not accompany the child. (In the event that a social history was forwarded, it is used as source material for more extensive interviewing and comparison).

One of the main empirical indices used is the "BASC" (Behavior Assessment System for Children" The BASC is a multi-method, multidimensional approach to evaluating the behavior and self-perceptions of children aged 2 ½ to 18 years. The BASC is multi-method in that it has five components, which may be used individually or in any combination:

- A self-report scale on which the child can describe his or her emotions and self-perceptions
- Two rating scales, one for teachers and one for parents, which gather descriptions of the child's observable behavior
- A structured developmental history
- A form for recording and classifying directly observed classroom behavior

The BASC was designed to facilitate the differential diagnosis and educational classification of a variety of emotional and behavioral disorders of children and to aid in the design of treatment plans. When used individually, the BASC components are reliable and psychometrically sophisticated instruments that provide an array of beneficial data. When used as a total system, the BASC provides information about a child from a variety of sources, enabling the user to have a more complete

understanding of that child. These risk factors have been repeatedly linked to conditions contributing to delinquency onset.

The JAC completed an analysis of BASC data comparing admission information with discharge information for the 1st 6 months of 2004. This represents January 1, 2004 through June 30, 2004. During this time period 69% of the youth terminated had an admission BASC and an exit BASC. Of the 31% that did not have an exit BASC, the majority of them were youth and families that relocated. Some were also removed by court or failed to participate in the JAC program.

At the point of discharge the following scores reflect the comparison of the BASC T scores at admission and at termination during the last 6 months of the fiscal year.

56 or 74% reflected a decrease in school maladjustment problems.
4 or 5% reflected no change in school maladjustment problems.
16 or 21% reflected an increase in school maladjustment problems.

55 or 72% reflected a decrease in clinical maladjustment problems.
3 or 4% reflected no change in clinical maladjustment problems.
18 or 24% reflected an increase in clinical maladjustment problems.

60 or 76% reflected a decrease in personal maladjustment problems.
5, or 6%, reflected no change in personal maladjustment problems.
14 or 18% reflected an increase in personal maladjustment problems.

57 or 75% reflected a decrease in the emotional symptoms index.
5 or 7% reflected no change in the emotional symptoms index.
14 or 18% reflected an increase in the emotional symptoms index.

As a parallel measure, and one that allows for comparable validity assessment of the above-noted risk factors, the "MAYSI" is also administered (the Massachusetts Youth Screening Instrument, Grisso and Barnum, 1998). Juvenile justice programs throughout the United States employ the MAYSI to identify signs of mental/emotional disturbance or distress through the use of this screening tool. Early literature suggests that the MAYSI has a successful identification rate of +75% (i.e., identifying early conduct disturbance, alcohol/drug use, and need for further clinical intervention). The MAYSI helps the Center to identify risk factors in the following areas: Alcohol/Drug Use; Angry-Irritable; Anxiety; Depressed Mood; Fighting; Somatic Complaints; Suicide Ideation; Thought Disturbance and Traumatic Experience.

The above-mentioned assessment tools allow the Center, the child and family to determine what happens next. Any crisis information obtained via assessment, or other data supporting an emergent clinical need, may mean an immediate referral to Cumberland County Mental Health or Behavioral HealthCare Services at Melrose Road (of Cape Fear Valley Health System) for further assessment, review and treatment, if needed. Cases that need further service coordination are referred to the JAC's Case Management component for review and assistance based on assessment findings, family support for this decision, and a consideration of the client's "level" of need.

Once the JAC Case Management receives a referral from intake, a "Biopsychosocial Assessment Worksheet" is completed which supplements data gleaned at intake. This instrument is a 12-page document that is very thorough and comprehensive. It ferrets out in-depth details on issues such as current delinquency charges or reason(s) precipitating the referral; family relationships and community influence; biological information on the parents; home environment; community involvement and cultural influences; self concept; social and peer relationships; sexual history; educational and vocational history; physical, psychological, psychiatric, substance abuse, mental health, client/family history of abuse or other life area impairments, treatment acceptance or resistance, cooperation, physical appearance, speech, insight, cognitive and orientation. JAC Case Managers have received, and continue to receive ongoing in-service training from a Ph.D. level psychologist in ecological (e.g., individual, family, school/peer, and community) dimensions of functioning. The Biopsychosocial Assessment Worksheet encompasses this ecological theoretical approach, emphasizing the interactions between and across levels of risk and protection experienced by clients and their families.

Once the "Biopsychosocial Assessment Worksheet" is completed, a "Family Service Plan" is developed with the JAC Case Manager, parents and child. Specific roles, responsibilities, obligations, and timelines for accomplishment of goals are outlined in this plan. Participants sign off on the plan, acknowledging their participation and acceptance of goals for their child while involved with the JAC.

If a referral to an existing agency is needed, the JAC Case Manager and the parent make the referral. The JAC Case Manager monitors and documents the progress and attendance of the child and family. The Case Manager facilitates any and all referrals to needed community resources, working in collaboration with family members. If a referral to an existing agency is not needed, the JAC Case Manager monitors the "Family Service Plan" to see recommendations and agreements are being followed.

JAC Case managers also document successes and/or barriers involved during the intervention period. Services are completed based on mutual agreement that intervention goals have been achieved and/or reasonable timelines have been utilized to garner reasonable results.

3) Management information system ("MIS")
From the outset, parents are requested to sign relevant consents to release and/or exchange information with referral sources and potential collaborators if an

intervention plan is developed. Furthermore, the JAC has established working Memoranda of Agreement with various agencies (e.g., Cumberland County Schools, Cumberland County Mental Health, 12th District Court District, Department of Social Services, etc.) which provides the foundation for a computerized MIS affording real time case information input and case tracking.

Once a referral is logged in, a management information system is used to track each child served. It includes both admission and termination data. The admission data includes the county name, admission date, program ID, client ID, referral date, referral source, legal status, age, race, sex, social security number, previous referrals to the program, living arrangements at time of placement, problems, year prior to placement in court referrals, runaway, school suspensions or expulsions, and secure custody, and reasons for referral to the JAC.

The termination data includes the termination date, termination reason, termination placement, the client's progress with juvenile court, the client's progress with school and the client's progress with the home situation. Referrals to agencies are tracked, along with school status, problems during the program in court referrals, runaway, school suspensions or expulsions and secure custody and the total days of service. Daily contact notes with the child, parents, and outside agencies are kept in the MIS system so one can review all activity transpiring with the case.

The MIS is also conceptualized to code and store all rating tools for comparison and research purposes. Furthermore, the system is fashioned to employ a computerized case management system allowing for: real time case analysis (intranet), case reporting, limited (protected by firewalls and encryption technology) outside access via Internet for real time case follow-up by referral agencies, and data warehousing for future research and reporting.

An additional process goal of the Center includes the development of a program which tracks youth and neighborhoods, referrals vs. crime statistics and other social indicators, to be able to develop GIS maps that pinpoint client status characteristics and other potential risk data. Subsequently, other CommuniCare, Inc. services (our administrative "home") may be used to augment JAC programs (e.g., Communities That Care programs, Youth Leadership services, etc.). JAC came under the umbrella of Cumberland County CommuniCare, Inc. on 10/01/1998. This was done to allow an administrative arm to both support the short and long-term goals of the program, as well as afford an independent identity for JAC. CommuniCare, Inc. is a 501 (c) (3) non-profit agency developed to reduce juvenile delinquency, foster protective relationships among youth within their natural communities, and coordinate an array of services for troubling children. This arrangement offers access to additional funding sources, while maintaining ties to both City of Fayetteville and County of Cumberland partnerships. CommuniCare actively supports JAC by overseeing its payroll and other benefits, facilitating administrative policies and procedures, provides professional development and training on site, and assists with program evaluation through data analysis and reporting.

Through collaboration with partner agencies, JAC uses various databases to track clients, survey outcomes, and analyze other risk and related data so that the Center can have a better documentation of the problem areas in Cumberland County. This planning tool will allow the Center and CommuniCare to share extensive planning data with the Cumberland County Juvenile Crime Prevention Council to look at short term and long-term community needs in a reliable manner.

We have helped develop a web site for the Cumberland County JCPC, which allows local programs and programs throughout North Carolina to access DJJDP required forms and information. That is found at http://cumberlandjcpc.org. This program is maintained by CommuniCare. The Juvenile Assessment Centers web site is found at http://juvenileassessment.org. CommuniCare is located at http://cccommunicare.org.

4) Integrated case management system

This goal has been met. As mentioned above, the JAC Case Management component use various assessment tools to create the "Family Service Plan" which outlines intervention needs. Referrals are made to existing agencies, when appropriate, and the JAC Case Manager monitors the progress being made by the child and family. If reassessment is needed, the JAC Case Manager ensures that this process is completed. Cases which continue to be served by Intake (because their needs are estimated to be resolvable very quickly) also document a briefer form of this plan.

5) Inform policy makers

This goal is being met and will continue as an ongoing objective. The information given is not specific enough to identify any child or parent receiving services and keeps within the spirit, requirements, and responsibility of confidentiality issues. As mentioned above, the MIS information is shared with the Juvenile Crime Prevention Council, the Chief Court Counselor, the 12th District Court Judge's office, law enforcement agencies, schools, and other social services and mental health providers/agencies. The Director of the Juvenile Assessment Center serves on the Juvenile Crime Prevention Council. He also participates in the Communities That Care planning team, and advises the Cumberland County Schools At-Risk Interagency Committee. The Director of the Juvenile Assessment Center has appeared before the Cumberland County Board of Commissioners and the Fayetteville City Council to update them on the progress of the Juvenile Assessment Center. The JAC will serve an integral role involving immediate and intermediate sanctions as a part of Cumberland County's comprehensive juvenile justice plan. The JAC can be an effective tool for diversion contracts as specified in the new Juvenile Code, and will also be called upon by the District Court Judge to aid in post-adjudication but pre-dispositional planning for youth before the Juvenile Court.

In addition the JAC has worked with the Cumberland County Workforce Development Center to create a program for youth in the JAC. A grant was submitted to Workforce Development by the JAC and it was approved to begin July 1, 2003 and operate through June 30, 2004. The grant was approved for a second

year. The grant is for $72,254 for each year with no required match. We are required to work with 20 youth each year. We have submitted a grant for $75,000 for a third year and are receiving favorable replies from the Workforce Development.

This program works well for JAC. We are able to offer our JAC services to the youth involved when requested by the JAC/Workforce Development Components' coordinator. All youth served in the JAC/WDC must be living at poverty levels as defined by the Workforce Development Center. Each youth and parent or guardian is interviewed by the Coordinator of the JAC/WDC to see if they qualify for the program. Certain documentation is required for the youth to be considered for placement into the program.

The program is allowed to provide financial incentives to the youth involved. For example, those that show an improvement in their school attendance and school grades can receive a monetary award. Those who seek employment will be assisted to find a job. Those that cannot find a job will be placed at a community service project and will be paid an hourly wage for participating. Those who have dropped out of school can complete their GED at Fayetteville Tech and costs are paid by the JAC/WDC. We have 4 students at FTCC now working on their GED. We also have 2 students working; one at Taco Bell and one at the Salvation Army. For students working or going to school we provide bus passes since transportation is many times an issue. Also if one seeks a trade or skill the JAC/WDC will try to find the program offering such training and will consider paying for the services for the youth. Last fiscal year the program served 20 youth as projected to Workforce Development. Of the 20 mentioned, 16 are in a tutoring program arranged by the coordinator. One who recently received a monetary reward went from a reading level of 7.1 last year to a 12.9 this year after testing and retesting. Three (3) of the youth have been dropped from the program for non-compliance. Follow up services will be provided to them for 1 year after leaving the program.

Systems issues and Conclusions

The JAC has helped reconfigure juvenile services in Cumberland County. As an example, when families call the Sheriff's Department or City of Fayetteville Police and complain about a disobedient child, these law enforcement agencies refer such calls directly to JAC – effectively diverting them from the Juvenile Court. Because of the new Code is being implemented, JAC is called upon even more often to work with early offenders, undisciplined and ungovernable youth. JAC is conceptualized to serve as a key centralized digital resource via an internet-based information management system. This system will tie into CommuniCare's data warehouse, and will ultimately be a component integrated into the "state of the child" system of data collection (which is a multi-agency collaboration in Cumberland County).

Program activity for the JAC for FY 03-04 is reflected in the following information. 224 were admitted to Case Management. This report reflects the flow of youth and

families and provides statistical documentation for the programs efforts in meeting the intended purposes of this unique program.

In terms of cases that are actually processed, the Intake worker schedules appointments as referrals are received. Because of the volume of cases being referred and the limited staff members, most referrals are seen within 2 weeks of being received, except any child or family in a crisis situation will be seen the same day of referral or the next day, if possible with the family.

Table 1 is for FY 03-04. It reflects a total of 224 youth admitted to Case Management during FY 03-04, which is up from 204 the prior year. It also shows the racial status, gender, age, referral source, legal status, living arrangement and referral reasons for cases transferred to Case Management. Termination data for the 200 terminated during the fiscal year is also shown in Table 1.

The program continues to try to develop follow-up on cases served and terminated. The difficulty has been the volume of cases being handled by the existing staff and the lack of a staff person to assign to this very important duty. When a child and family enter the JAC, each signs a release agreeing to the JAC contacting them within one year of being terminated from the program. They will be re-assessed to see what progress has been made since termination. This data will allow the JAC to evaluate its service delivery and make adjustments where needed.

A final systems issue concerns collaboration. JAC evolved from the result of collaboration at both state and local levels. The Department of Juvenile Justice and Delinquency Prevention has worked extremely well with the local Advisory Board to implement JAC. DJJDP has provided budgeting, evaluation and technical assistance whenever requested. Juvenile Services Division staff have attended Board meetings and provided telephonic assistance. These staff members have also kept JAC abreast of other state initiatives that may compliment JAC's goals and objectives. The Department of Juvenile Justice and Delinquency Prevention has provided computer programming support as well as other forms of telephonic technical assistance. At the local level, JAC is the result of Chamber of Commerce, City of Fayetteville, County of Cumberland, United Way, Cumberland Community Foundation, and other grassroots juvenile justice collaboration. JAC still enjoys broad-based support from its founding agencies and partners. It is seen as a vital and necessary component of the full continuum of juvenile crime prevention services in Cumberland County. JAC collaborates with other mental health and social services agencies on a daily basis.

In closing, the Juvenile Assessment Center is meeting its required goals and objectives as stated in the legislation. Even though our Juvenile Code, state policy and state organizational setup does not lend itself to replicate the program in Florida, the program design truly targets the needs of youth in North Carolina. Services are being offered at a reasonable cost. Resources are being shared in the manner of good stewardship of public funds. Given the above noted findings and observations, the Center's continuation request will impact hundreds of children on the front end of the

juvenile justice system, with a hope of reducing or eliminating more expensive services on the back end of the juvenile justice system. For comparison purposes, the total cost of operating the Juvenile Assessment Center during FY 2002-2003 and FY 2003-2004 is less than what it would cost the State of North Carolina to send 6 youth to a state training school for 1 year. Another issue the Legislature has focused on is the problem of overrepresentation of minorities in the juvenile justice system. Upon review of the Center's statistics to date, the Center is sensitive to that issue and is offering front-end services to minority youth in Cumberland County, again, hoping to impact the back end of the system.

TABLE I
JUVENILE ASSESSMENT CENTER
Client Tracking Data Summary for FY03-04

Program Component 626502: Integrated Case Management

Admissions: 224

Race

White	65	29.02%
Black	131	58.48%
Indian	2	0.89%
Other	28	11.61%

Gender

Female	69	30-80%
Male	155	69.20%

Age

Under 10	21	9.38%
Ten	13	5.80%
Eleven	11	4.91%
Twelve	20	8.93%
Thirteen	48	21.43%
Fourteen	43	19.20%
Fifteen	50	22.32%
Sixteen	18	8.04%

Referral Source

Juvenile Court	31	13.84%
DSS	29	12.95%
School	49	21.88%
Mental Health	19	8.48%
Law Enforcement	46	20.54%
Parent/Guardian	36	16.07%
Other	12	5.36%
Detention	2	0.89%

Legal Status

Youth-at-Risk	180	80.36%
Intake/Diverted	11	4.91%
Petition Filed	12	5.36%
CC Consolation	20	8.93%
Adjudicated	1	0.45%

Living Arrangements

Both Parents	36	16.07%
Mother & Stepfather	45	20.09%
Father & Stepmother	5	2.23%
Mother Only	102	45.54%
Father Only	7	3.13%
Other Relatives	28	12.15%
Foster Care	1	0.45%

TABLE I (Continued)

Referral Reason

Delinquency (Property Crime)	16	7.14%
Delinquency (Person Crime)	9	4.02%
Delinquency (Victimless Crime)	11	4.91%
Runaway	7	3.13%
Truancy	4	1.79%
Ungovernable	177	79.02%

Terminations: 200

Termination Reason

Successful Completion	106	53.00%
Satisfactory Completion	23	11.50%
Did Not Adjust	24	12.00%
Runaway	1	0.50%
Removed, Court Action	12	6.00%
Removed by Parents	4	2.00%
Family Relocated	23	11.50%
Other	7	3.50%

Termination Placement

Home	170	85.00%
Institution YDC	2	1.00%
Placed Relatives	13	6.50%
Foster Care	4	2.00%
Group Home	2	1.00%
Child Care Inst.	5	2.50%
Other	2	1.00%
Unknown	2	1.00%

Impact on Problems at Home

No Problems at Referral or Since	5	2.50%
Problems Eliminated	16	19.29%
Problems Reduced	113	56.50%
Problems Unchanged	57	28.50%
Problems Intensified	9	4.50%

Impact on Problems at School

No Problems at Referral or Since	5	2.50%
Problems Eliminated	8	4.00%
Problems Reduced	120	60.00%
Problems Unchanged	57	28.50%
Problems Intensified	10	5.00%

Impact on Problems with Court

No Problems at Referral or Since	101	50.50%
No New Problems	67	33.50%
New Status Offense Petitions	13	6.50%
New Delinquency Petitions	19	9.50%

For each youth with court involvement within the past 12 months, 68% had no further court involvement while being a client at the JAC.

School Status

Enrolled	196	92.89%
Dropped Out	1	0.50%
Expelled	3	1.50%

Attachment #1n

Randolph/Montgomery Counties Juvenile Day Reporting Center
PROJECT P.R.I.D.E.
Program Summary

Program Description:

The JDRC program is a structured day program for court-involved youth, ages 10-18, on probation, protective supervision, or completing diversion contracts in lieu of court action, who become suspended from school, and for those ordered/directed to complete the program. The JDRC accepts both short and long-term school suspensions, from one day to a full year. The program operates 1 – 8 p.m., Monday through Friday and on Saturdays
The mission of the Juvenile Day Reporting Center (JDRC) is to hold court-involved youth accountable for their deviant/criminal behavior in a contained, intensive treatment environment while they continue their education. Participants focus on becoming more responsible and productive citizens, which also heightens community safety. The program, which began operation in August 2000, combines a variety of services at no cost to participants or families. This umbrella of services has provided a more cost effective and efficient method to meet the needs of community at-risk youth. In addition to providing services during the academic year, the JDRC operates a Summer Program during six weeks of the normal school summer vacation to provide services and supervision during this period.
The JDRC staff consists of a part-time Executive Director, Program Manager, Education Coordinator, five Instructor/Counselors, Administrative Assistant, two part-time Transportation Assistants and contracted Clinical Substance Abuse staff.
The JDRC program is currently funded by Randolph/Montgomery Juvenile Crime Prevention Councils, North Carolina Legislative Funding, and Randolph County Government in-kind contributions of approximately $67,000 per year. Originally, the JDRC was primarily funded by the Governors Crime Commission, with a small percentage subsidized by Juvenile Crime Prevention Councils. Beginning this fiscal year 2004/05, North Carolina Legislative Funding allowed this program to continue to provide full services to these at-risk youth after the expiration of GCC funds. It would be impossible to provide the full range of services to this at-risk population without these funds. Due to the fact that both Randolph and Montgomery Counties have very limited resources in their communities, a large number of these youth would not have received needed services and would be unsupervised during school suspensions and evening hours (high juvenile crime hours).

Services Provided

- Regimented Environment
- Education
- Cognitive Behavior Intervention
- Substance Abuse/Screening/ Assessment/Treatment/Education
- Individual/Family Counseling
- Physical Fitness Education
- Vocational Skills Training
- Team Building Exercises
- Community Involvement Projects
- Transportation
- Parent Responsibility Classes
- Agency Referrals
- Life Skills Classes

Admissions:

2000-2001 Year	**Total Admissions:** 147	**2003-2004 Year**	**Total Admissions:** 301
2001-2002 Year	**Total Admissions:** 309	**2004-2005 (To Date)**	**Total Admissions:** 232
2002-2003 Year	**Total Admissions:** 250		

Program Facts:

- Average cost per admission for 2004-2005 is $1,913, as opposed to $62,000 per year for Youth Development Centers.
- From 2000 to present, 77% of all participants have successfully completed their admissions to the program.
- Since the program's inception, less than 5% of program admissions have been committed to Youth Development Centers within 3 months after completion.
- For the first 6 months of FY 2004/05; 88% of participants have not committed any crimes/offenses while in the program and 78% have not committed any new crimes/offenses within three months after successful completion.

Attachment #10

MEDIATION NETWORK OF NORTH CAROLINA

ANNUAL REPORT TO THE LEGISLATURE ON THE FUNDING AND ACTIVITIES OF THE COMMUNITY MEDIATION CENTERS FOR THE FISCAL YEAR 2003-2004

MARCH 2005

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ANNUAL REPORT
ON THE FUNDING AND ACTIVITIES OF THE COMMUNITY MEDIATION CENTERS FOR THE FISCAL YEAR 2003-2004

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ANNUAL REPORT
ON THE FUNDING AND ACTIVITIES OF THE COMMUNITY MEDIATION CENTERS FOR THE FISCAL YEAR 2003-04

I. INTRODUCTION

This report is prepared by the Mediation Network of North Carolina on funding and activities of the local mediation centers for fiscal year 2003-04 pursuant to Chapter 67, Section 15 (a), of the 2000 Sessions Laws.

During the past fiscal year, twenty - five local Community Mediation Centers received a State appropriation. This report summarizes and compiles the following information supplied by the twenty - five centers:

- Types of dispute settlement services provided
- Clients receiving each type of service
- Number and type of referrals received, cases actually mediated, cases resolved in mediation and total number of clients served in cases mediated
- Total program funding and funding sources
- Volunteer activity

This report is made in two sections: first, an Executive Summary of community mediation centers' activity related to the above topics: and second, a series of charts with actual data as reported by each Center.

Although the General Assembly has been appropriating funds to support community mediation centers since 1979 when the first center formed in Orange County, it was not until 1999 that the General Assembly formalized this support with the ratification of House Bill 924. Enacted as Chapter 354 of the 1999 Session Laws, the bill added a new N.C. G.S. § 7A-3.8.5, subsection (a) of which provides as follows:

[I]t is in the public interest to encourage the establishment of community mediation centers, also known as dispute settlement centers or dispute resolution centers, to support the work of these centers in facilitating communication, understanding, reconciliation, and settlement of conflicts in communities, courts, and schools, and to promote the widest possible use of these centers by the courts and law enforcement officials across the state.

The remaining subsections of the 1999 statue include the following:

Community mediation centers may receive referrals from courts, law enforcement agencies, and other public entities...

Each chief district court judge and district attorney shall encourage mediation for any ***criminal*** *district court action pending in the district when the judge and district attorney determine that mediation is the appropriate alternative (emphasis added)...*

Each chief district court judge shall encourage mediation for any ***civil*** *district court action pending in the district when the judge determines that mediation is an appropriate (emphasis added)...*

II. EXECUTIVE SUMMARY

Program Activity Summary:

In fiscal year 2003-04, twenty- five community dispute settlement centers served a total of **64,765** North Carolina citizens in 76 counties. * **36,106** individuals were served through facilitating the settlement of conflict in communities, courts, businesses and schools in order to promote public safety. An additional **16,744** juveniles and adults learned conflict resolution techniques through **2,280** school, business and public courses taught by center staff and volunteers. Finally, **11,915** individuals participated in peer mediation programs, dialogue circles, meeting facilitation and other such services.

* 22.5% increase from fiscal year 2002-03

Service Data:

Dispute Settlement Centers mediate disputes before they go to court as well as receive referrals from judges and district attorneys. The cost of resolving conflict through mediation is a fraction of the cost involved in a case going through the court system. Last year, the Dispute Settlement Centers received **25,784** referrals, attempted to mediate **15,910** and resolved **14,563** cases for a resolution rate of **92%**. Last year, the dispute settlement centers received **12,144** referrals from the N.C. Court System, and resolved a total of **9,003** cases with a resolution rate of **74%.**

Summary of mediation referrals and resolution:

- Number of cases referred for mediation 25,784
- Number of cases attempted 15,910
- Number of cases resolved 14,563
- Number of persons served 36,106
- Number of cases referrals from court officials 12,144

- Number of cases referrals form other sources 13,640
- Number of criminal referrals 11,429
- Number of non-criminal referrals 13,640

Examples of commonly referred criminal case types: consumer/merchant matters, assault cases, communicating threats.

Examples of commonly referred non-criminal case types: domestic relations, school related matters, landlord-tenant disputes

Dispute Settlement Centers also educate business, families and communities on how to deal with conflict, preventing increasingly large numbers of disputes from the stage of reaching the courts. For example, in 2003-04 Centers:

- Trained 16,744 individuals in basic mediation skills, workplace conflict resolution techniques, Superior Court mediation and Restorative Justice

While it is impossible to determine precisely the savings that such preventative and active intervention by Community Dispute Settlement Centers bring to the court system and to North Carolina communities, there is no doubt that these programs have directly addressed the issues of school, family, workplace and community violence in very positive and constructive ways. Examples of such activities are:

- Schools and parents depend on Centers to resolve disputes involving truancy, bullying, gang matters, and racial issues, and for education for students, teachers, staff, and administrators in alternatives to violence.
- Merchants depend on Centers to resolve shoplifting, rental agreements, and worthless check cases.
- Families depend on Centers to intervene with court-referred youth thus reducing the cost of juvenile crime control including law enforcement and training school costs: available studies have shown less than an 8% recidivism rate for youth and families concluding successful mediations.

Finance:

Strong state support, community support, and the work of a large group of dedicated community volunteer mediators enabled the community Dispute Settlement Centers to provide high quality services of all types to everyone, regardless of ability pay. In 2003-04, the North Carolina General Assembly provided approximately $1,448,880 in support of community mediation work out of total center expenditures of over $5,000,000. State support is very significant to Dispute Settlement Centers, not only by virtue of the cases resolved, but as an invaluable resource towards matching requirements of other funders.

Centers were able to continue to provide quantity and quality of services at very low cost through the utilization of well-trained and experienced community mediators. In 2003-04, volunteers contributed **43,755** hours, a value to the state and communities in excess of $ **723,000** according to data from Independent Sector.

*During fiscal year 2003-04 $ 318,800 was collected in court mediation fees.

Accountability:

Each center has a Board of Directors composed of community leaders that is legally responsible for all activities that take place within the individual organizations. Membership in the Mediation Network of North Carolina is contingent upon meeting all the legal and fiscal requirements of federal, state and local regulatory agencies for 501(c) 3 organizations, and is certified on an annual basis through a review of all centers by Network staff and Board. In addition, to the requirements to meet the basis legal standards, the MNNC board has adopted an accountability system that will ensure effective, measurable fiscal and programmatic management. This Five Star System requires an annual self-assessment process whereby each center is rated on a one –five scale, and with the assistance of the Network, will develop specific plans to raise its rating to a higher level each year.

Centers are also accountable to, and provide appropriate supporting documentation to such organization as:

- County-based Justice and Crime Prevention Councils and Teen Court funders
- North Carolina Department of Juvenile Justice and Delinquency Prevention
- Local United Ways
- Governor's Crime Commission
- Private Foundations
- City, County and Municipal Grants
- Federal Grants
- City and County School Systems

Summary:

North Carolina's Dispute Settlement Centers continue to grow in usefulness to their communities' as evidenced by the 22% increase in numbers served during FY 03-04. The court system has become increasingly reliant on the presence of well trained mediators – sending 12,144 referrals to mediation – to lessen its burden. In diverse and creative ways, the staff and 3,343 volunteers of Dispute Settlement Centers provide preventive programming which promotes public safety such as peer mediation training and juvenile victim-offender mediation. Overseen by local Boards of Directors and reporting to a myriad of funding sources, these not-for-profit agencies provide accountable services at extremely low cost to the state.

III: CENTERS RECEIVING A STATE APPROPRIATION DURING THE FISCAL YEAR 2003 - 2004

During the fiscal year 2003-04, twenty five local community mediation programs and the Mediation Network of North Carolina received State appropriations. These centers provided services to seventy-six North Carolina counties.

The following table lists the centers, their directors and the counties they serve.

Center	Director	Counties Served During Fiscal Year 2003 - 04
Alamance County Dispute Settlement Center	Lisa Dodson	Alamance
Albemarle Dispute Settlement Center	Jean F. Person	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans
Blue Ridge Dispute Settlement Center	Melissa G. Johnson	Alleghany, Ashe, Avery, Madison, Mitchell, Watauga, Wilkes, Yadkin, Yancey
Cabarrus County Mediation Center	Jessie Blackwelder	Cabarrus
Carolina Dispute Settlement Services	Diann Seigle	Caswell, Durham, Franklin, Granville, Vance, Wake
Charlotte-Mecklenburg Community Relations Committee/Dispute Settlement Center	Mary Williams	Mecklenburg
Chatham County Dispute Settlement Center	Janice Almond	Chatham, Lee
Community Mediation Center of Cape Fear	Kirsten B. Atkinson	Brunswick, Columbus, New Hanover, Pender
The Conflict Resolution Center	Tammy C. Willcox	Burke, Caldwell, Catawba
Cumberland County Dispute Resolution Center	Tina Estle	Cumberland
Dispute Settlement Center	Glenn Faison	Duplin, Jones, Onslow, Sampson
Dispute Settlement Center of Moore County	Billie M. Mackey	Moore
Foothills Mediation Center	Wanda S. Miles	Polk, Rutherford, McDowell
Henderson County Dispute Settlement Center	Kate Stockman	Henderson

The Mediation Center	Ann Flynn	Buncombe
Mediation Center of Eastern Carolina	Blythe Tennent	Carteret, Craven, Edgecombe, Nash, Pitt, Wilson
Mediation Center of the Southern Piedmont	Janet H. Mahannah	Cleveland, Gaston, Lincoln
Mediation Services of Forsyth County	Emery Rann	Forsyth
Mediation Services of Guilford County	Yvonne J. Johnson, Executive Director; Evan Smith, Program Director	Guilford
Mediation Services of Rockingham County	Anthony Gibbons	Rockingham, Stokes, Surrey
Mountain Dispute Settlement Center	William Mauldin	Cherokee, Clay, Graham, Haywood, Jackson, Macon
Orange County Dispute Settlement Center	Frances W. Henderson	Orange
Piedmont Mediation Center	Terri Masiello	Alexander, Davidson, Davie, Iredell
Sandhills Mediation Center	Diane Boyd	Hoke, Scotland
Transylvania Dispute Settlement Center	John A. Fenner	Transylvania
Mediation Network of North Carolina	Vacant	(Statewide)

MEDIATION NETWORK OF NORTH CAROLINA

PEOPLE SERVED

	Alamance	Albemarle	Asheville	Blue Ridge	Cabarrus	Cape Fear	Carolina	Charlotte	Cumberland	Deep River	Duplin	E. Carolina	Foothills	Forsyth	Guilford	Henderson	Moore	Morganton	Mountain	Orange	Piedmont	Rockingham	Sandhills	S. Piedmont	Transylvania	Grand Total
COURT																										
District Court	528	0	178	1272	640	468	1585	1062	650	307	4	495	995	311	1266	368	0	21	212	423	1404	650	0	3444	267	16550
Juvenile	71	0	98	169	0	0	0	17	200	10	208	4	169	14	26	80	0	92	8	118	180	10	0	251	0	1825
Small Claims	0	0	116	0	0	0	34	0	0	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	158
Other	0	0	0	0	0	0	50	1119	150	0	21	0	0	0	0	0	0	0	86	0	3	0	0	0	0	1429
Court Total	599	0	392	1441	640	468	1669	2198	1100	317	241	499	1164	325	1292	448	0	113	306	541	1587	660	0	3695	267	19962
Non-Court																										
Community	21	126	387	4	27	75	30	19	100	14	220	0	0	92	2	74	496	17	6	19	65	25	183	0	0	2002
Business	0	0	241	0	0	0	34	8	5	0	32	0	0	53	8	0	270	22	32	8	0	0	30	0	23	764
School	0	0	356	132	41	0	4	100	0	10	420	571	164	290	0	16	0	23	17	23	6	563	117	850	81	3784
Law Enforcement	8	0	179	0	0	0	0	0	10	0	48	0	0	146	0	16	0	17	0	47	0	0	0	0	0	471
Family	9	52	0	0	16	0	0	0	10	3	186	0	126	144	6	30	26	0	8	8	6	0	76	0	9	715
Public/Multi- Party Disputes	0	0	0	0	8	476	177	0	0	0	32	0	0	43	0	0	0	0	0	305	0	0	0	0	0	1041
Other	7	100	49	6	0	6	124	32	1589	0	0	225	0	22	0	33	2896	12	4	0	0	0	0	0	66	5171
Non-Court Total	45	278	1212	142	92	557	369	159	1714	27	938	796	290	790	14	169	3688	91	67	410	77	588	406	850	179	13948
SEPARATION/DIVORCE																										
Custody/Visitation	0	0	1304	10	0	42	130	0	0	18	0	0	24	80	0	4	0	20	18	0	0	0	18	0	0	1668
Equitable Distribution	0	0	0	0	0	12	0	0	0	0	0	0	6	0	0	0	62	0	0	0	0	0	0	0	0	80
Support	0	0	0	2	0	0	0	0	0	0	96	0	0	12	0	0	0	0	0	0	0	0	29	0	0	139
Other	18	0	0	51	0	34	0	0	0	14	0	0	0	29	0	6	0	0	0	150	0	0	7	0	0	309
Separation/Divorce Total	18	0	1304	63	0	88	130	0	0	32	96	0	30	121	0	10	62	20	18	150	0	0	54	0	0	2196
TRAINING																										
Basic Mediation	17	0	38	0	0	32	38	0	105	8	120	15	4	24	11	18	10	25	72	31	65	11	0	0	0	644
Family Mediation	0	0	7	0	0	0	19	0	0	0	48	0	0	0	0	0	0	0	0	0	0	0	0	0	0	74
Superior Court Mediation	0	0	0	0	0	0	65	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	65
Employee Mediation	0	0	0	0	0	0	129	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	129
Conflict Resolution	125	0	1754	0	0	25	0	0	130	353	7200	226	4	48	9	106	0	56	219	892	10	70	312	14	0	11553
Restorative Justice	72	0	23	0	0	0	0	0	0	0	120	368	5	0	0	0	0	0	0	0	0	0	0	0	0	588
Facilitation	0	0	25	0	0	0	0	0	0	0	0	150	0	6	0	697	0	319	0	0	0	0	214	0	363	1774
Other	0	0	934	1	14	0	65	0	15	0	24	0	0	14	0	138	0	186	325	12	0	36	103	26	24	1917
Training Total	214	0	2781	1	14	57	316	0	250	361	7512	759	13	92	20	959	10	586	616	935	75	117	629	40	387	16744
Other Services																										
Family/Juvenile	58	24	90	57	0	0	188	0	0	19	156	0	29	0	0	0	0	0	8	49	113	0	194	0	144	1129
Peer Mediation	49	0	0	0	0	232	0	0	0	7	450	126	240	18	0	0	0	0	102	47	30	76	307	0	0	1684
Dialogue Circles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	106	0	0	106
Meeting Facilitation	157	0	731	35	0	0	144	0	0	0	0	0	0	0	0	0	0	0	0	628	0	0	408	0	0	2103
Consultation	0	0	638	15	0	2	1300	0	0	0	0	0	0	15	0	13	0	0	199	12	0	0	42	0	0	2236
Arbitration	0	0	0	0	0	0	26	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	26
Public Speaking	231	0	331	0	900	0	0	0	0	0	0	0	0	0	0	0	97	260	0	470	0	0	518	297	0	3104
Other	0	0	395	0	0	0	41	0	0	0	0	0	0	16	0	780	170	0	0	0	125	0	0	0	0	1527
Other Services Total	495	24	2185	107	900	234	1699	0	0	26	606	126	269	49	0	793	267	260	309	1206	268	76	1575	297	144	11915
Totals	1371	302	7874	1754	1646	1404	4183	2357	3064	763	9392	2780	1766	1377	1326	2379	4027	1070	1316	3242	2007	1441	2664		977	64765

MEDIATION NETWORK OF NORTH CAROLINA

REFER[illegible] 2003 - 2004

	Alamance	Albemarle	Asheville	Blue Ridge	Cabarrus	Cape Fear	Carolina	Charlotte	Cumberland	Deep River	Duplin	E. Carolina	Foothills	Forsyth	Guilford	Henderson	Moore	Morganton	Mountain	Orange	Piedmont	Rockingham	Sandhills	S. Piedmont	Transylvania	Totals
SERVICES																										
Non-Court																										
Community	9	63	133	12	12	2	15	25	41	9	55	0	0	48	2	82	155	9	12	25	21	10	49	0	0	789
Business	0	0	243	0	0	3	12	16	2	0	14	0	0	28	5	1	137	9	3	3	0	161	15	0	95	747
School	0	0	167	69	16	0	2	117	0	8	115	354	146	156	0	19	0	23	8	4	3	0	52	264	49	1572
Law Enforcement	3	0	99	13	0	0	0	2	2	0	24	0	0	68	0	7	0	17	0	24	0	0	0	0	0	259
Family	2	26	0	0	4	0	0	0	3	3	82	294	63	72	4	11	11	0	17	3	4	0	62	0	13	674
Public/Multi- Party Disputes	0	0	0	0	2	11	4	0	0	0	6	0	0	6	0	0	0	0	0	8	0	0	0	0	0	37
Other	4	50	33	1	0	3	34	46	1589	0	0	280	0	63	0	25	6	10	3	0	0	0	0	0	0	2147
Non-Court Total	18	139	675	95	34	19	67	206	1637	20	296	928	209	441	11	145	309	68	43	67	28	171	178	264	157	6225
SEPARATION/DIVORCE																										
Custody/Visitation	0	0	652	10	0	21	0	0	0	19	0	0	12	101	0	6	0	7	30	0	0	0	7	0	0	865
Equitable Distribution	0	0	0	0		6	0	0	0	1	0	0	3	1	0	3	31	0	0	0	0	0	0	0	0	45
Support	0	0	0	1	0	0	0	0	0	1	24	0	0	15	0	0	0	0	0	0	0	0	14	0	0	5
Other	9	0	0	32	0	17	57	0	0	8	0	0	0	15	0	0	0	0	0	75	0	0	3	0	0	225
Separation/Divorce Total	9	0	652	43	0	44	57	0	0	29	24	0	15	132	0	18	31	7	30	75	0	0	24	0	0	1190
Totals	27	139	1327	138	34	63	124	206	1637	49	320	928	224	573	11	163	340	75	73	142	28	171	202	264	157	7415
OTHER SERVICES	**EVENTS**																									
Training	774																									
Other	1506																									
Other Total	2280																									

WARRANTS 2003-2004

	Alamance	Albemarle	Asheville	Blue Ridge	Cabarrus	Cape Fear	Carolina	Charlotte	Cumberland	Deep River	Duplin	E. Carolina	Foothills	Forsyth	Guilford	Henderson	Moore	Morganton	Mountain	Orange	Piedmont	Rockingham	Sandhills	S. Piedmont	Transylvania	Totals
SERVICES																										
COURT																										
District Court	268	0	112	703	339	273	987	1001	305	195	0	468	492	152	642	382	827	24	270	262	1284	315	0	1823	305	11429
Juvenile	43	0	0	0	0	0	0	0	92	5	0	16	0	9	22	56	0	0	3	0	150	0	0	65	0	461
Small Claims	0	0	45	0	0	0	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	59
Other	0	0	0	0	0	0	25	0	59	0	0	0	0	0	0	5	0	0	105	0	1	0	0	0	0	195
Court Total	311	0	157	703	339	273	1026	1001	456	200	0	484	492	161	664	443	827	24	378	262	1435	315	0	1888	355	12144

MEDIATION NETWORK OF NORTH CAROLINA

RESOLVED 2003-2004

SERVICES	Alamance	Albemarle	Asheville	Blue Ridge	Cabarrus	Cape Fear	Carolina	Charlotte	Cumberland	Deep River	Duplin	E. Carolina	Foothills	Forsyth	Guilford	Henderson	Moore	Morganton	Mountain	Orange	Piedmont	Rockingham	Sandhills	S. Piedmont	Transylvania	Totals
COURT																										
District Court	234	0	36	645	290	240	608	541	256	127	9	292	492	142	629	159	0	5	95	169	1256	283	0	1563	125	8196
Juvenile	43	0	46	59	0	0	0	9	73	5	49	2	0	9	12	20	0	25	3	20	57	1	0	63	00	496
Small Claims	0	0	17	0	0	0	10	0	0	0	2	0	83	0	0	0	0	0	0	0	0	0	0	0	00	112
Other	0	0	0	0	0	0	22	79	48	0	7	0	0	0	0	0	0	0	42	0	1	0	0	0	00	199
Court Total	277	0	99	704	290	240	640	629	377	132	67	294	575	151	641	179	0	30	140	189	1314	284	0	1626	125	9003
NON-COURT																										
Community	9	48	33	1	1	2	10	5	16	3	49	0	0	32	1	21	148	2	1	8	38	6	41	0	0	475
Business	0	0	48	0	3	3	12	3	2	0	14	0	0	24	3	0	135	2	10	3	0	0	12	0	18	292
School	0	0	80	56	0	0	1	50	0	3	110	261	0	148	0	4	0	13	7	4	3	120	50	210	38	1158
Law Enforcement	3	0	18	1	0	0	0	0	2	0	24	0	0	53	0	4	0	9	0	10	0	0	0	0	0	124
Family	1	20	0	0	0	0	0	0	2	1	82	0	0	67	3	8	11	0	3	1	4	0	58	0	5	266
Public/Multi-Party Disputes	0	0	0	0	0	11	3	0	0	0	6	0	0	3	0	0	0	0	0	6	0	0	0	0	0	29
Other	4	34	14	1	2	2	8	15	1589	0	0	225	0	8	0	17	726	3	2	0	0	0	0	0	0	2704
Non-Court Total	17	102	193	59	6	18	34	73	1611	7	285	486	0	335	7	54	1014	29	23	32	45	126	161	210	61	5055
SEPARATION/DIVORCE																										
Custody/Visitation	0	0	252	4	4	4	0	0	0	3	0	0	0	32	0	2	0	3	8	33	0	0	5	0	0	346
Equitable Distribution	0	0	0	0	3	3	0	0	0	0	0	0	0	0	0	0	30	0	0	0	0	0	0	0	0	33
Support	0	0	0	1	0	0	0	0	0	0	24	0	0	6	0	0	0	0	0	0	0	0	13	0	0	44
Other	9	0	0	18	5	5	48	0	0	1	0	0	0	13	0	3	0	0	0	0	0	0	3	0	0	100
Separation/Divorce Total	9	0	252	23	12	12	48	0	0	4	24	0	0	51	0	5	30	3	8	33	0	0	21	0	0	523
Total All	303	102	549	786	308	253	722	702	1988	143	376	780	575	537	648	238	408	62	171	254	1359	410	182	1836	240	14563

MEDIATION NETWORK OF NORTH CAROLINA

UNRESOLVED 2003-2004

SERVICES	Alamance	Albemarle	Asheville	Blue Ridge	Cabarrus	Cape Fear	Carolina	Charlotte	Cumberland	Deep River	Duplin	E. Carolina	Foothills	Forsyth	Guilford	Henderson	Moore	Morganton	Mountain	Orange	Piedmont	Rockingham	Sandhills	S.-Piedmont	Transylvania	Totals
COURT																										
District Court	11	0	8	27	27	33	61	17	49	22	2	20	0	10	14	27	334	5	71	27	8	17	0	12	8	810
Juvenile	0	0	3	7	0	0	0	0	5	0	3	0	0	0	2	0	0	1	0	17	0	2	0	2	0	42
Small Claims	0	0	16	0	0	0	3	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21
Other	0	0	0	0	0	0	3	8	2	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	14
Court Total	11	0	24	34	27	33	67	25	56	22	7	20	0	10	16	27	334	6	72	0	8	19	0	14	8	887
NON-COURT																										
Community	0	15	1	1	0	1	5	0	7	0	6	1	0	8	0	18	0	2	1	0	0	4	2	0	0	72
Business	0	0	0	0	0	0	0	2	0	0	0	0	0	1	0	0	0	3	5	0	0	0	1	0	1	13
School	0	0	8	4	0	0	0	2	0	1	5	0	0	4	0	0	0	0	0	0	0	41	0	28	2	95
Law Enforcement	0	0	0	4	0	0	0	0	0	0	0	0	0	9	0	2	0	0	0	0	0	0	0	0	01	15
Family	1	6	0	0	0	0	0	0	0	0	0	0	0	5	1	0	0	0	1	0	0	0	0	0	1	15
Public/Multi-party Disputes	0	0	0	0	0	0	1	0	0	0	0	0	0	2	0	0	0	0	0	1	0	0	0	0	0	4
Other	0	9	1	0	0	1	7	1	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	29
Non-Court Total	1	20	10	9	0	2	13	5	7	1	11	1	0	32	1	20	0	5	7	1	0	45	3	28	4	243
SEPARATION/DIVORCE																										
Custody/visitation	0	0	162	1	0	0	0	0	0	6	0	0	4	8	0	3	0	0	1	0	0	0	0	0	0	185
Equitable Distribution	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	4
Support	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	2
Other	0	0	0	6	0	2	9	0	0	4	0	0	0	1	0	0	0	0	0	10	0	0	0	0	0	22
Sep/Div Total	0	0	162	7	0	2	9	0	0	10	0	0	4	9	0	8	0	0	1	10	0	0	1	0	0	223
Totals	12	37	199	50	27	37	89	30	63	33	18	21	4	51	17	55	334	11	80	55	8	64	4	42	12	1353

MEDIATION NETWORK OF NORTH CAROLINA

DECLINED/INAPPROPRIATE

	Alamance	Albemarle	Asheville	Blue Ridge	Cabarrus	Cape Fear	Carolina	Charlotte	Cumberland	Deep River	Duplin	E. Carolina	Foothills	Forsyth	Guilford	Henderson	Moore	Morganton	Mountain	Orange	Piedmont	Rockingham	Sandhills	S. Piedmont	Transylvania	Totals
SERVICE																										
COURT																										
District Court	23	0	34	10	22	28	17	443	1	46	2	150	0	41	35	198	0	3	111	72	20	0	0	248	89	1593
Juvenile	0	0	0	12	0	0	0	6	14	0	3	14	0	0	8	36	0	28	1	0	93	0	0	0	0	215
Small Claims	0	0	12	0	0	0	1	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15
Other	0	0	0	0	0	0	0	0	9	0	0	0	0	0	0	3	0	0	19	0	0	0	0	0	0	31
Court Total	23	0	46	22	22	28	18	449	24	46	7	164	0	41	43	237	0	31	131	72	113	0	0	248	89	1854
Non-Court																										
Community	0	0	99	10	0	0	0	20	18	6	6	0	0	8	1	45	0	5	0	17	0	0	5	0	7	247
Business	0	0	195	0	0	0	0	11	0	0	0	0	0	3	2	1	0	4	0	0	0	0	2	0	76	294
School	0	0	79	7	0	0	1	65	0	4	5	92	0	4	0	15	0	7	0	0	0	0	2	26	9	316
Law Enforcement	0	0	81	21	0	0	0	2	0	0	0	0	0	6	0	1	0	7	0	13	0	0	0	0	0	131
Family	0	0	0	0	0	0	0	0	1	2	0	0	0	0	0	3	0	0	0	2	0	0	2	0	7	17
Public/Multi Party Disputes	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	2
Other	0	0	18	0	0	0	19	30	0	0	0	55	0	0	0	7	0	6	0	0	0	0	0	0	0	135
Non-Court Total	0	0	472	38	0	0	20	128	19	12	11	147	0	22	3	72	0	29	0	33	0	0	11	26	99	1142
SEPARATION/DIVORCE																										
Custody/Visitation	0	0	238	5	0	17	0	0	0	10	0	0	0	61	0	0	0	4	0	32	0	0	0	0	0	367
Equitable Distribution	0	0	0	0	0	3	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	6
Support	0	0	0	0	0	0	0	0	0	1	0	0	0	9	0	2	0	0	0	0	0	0	0	0	0	12
Other	0	0	0	8	0	10	0	0	0	3	0	0	0	1	0	3	0	0	0	0	0	0	0	0	0	25
Separation/Divorce Total	0	0	238	13	0	30	0	0	0	15	0	0	0	71	0	5	0	4	0	32	0	0	2	0	0	41
Totals	23	0	756	73	22	58	38	577	43	73	18	311	0	134	46	314	0	64	131	137	113	0	13	274	188	3406

MEDIATION NETWORK OF NORTH CAROLINA

VOLUNTEER ACTIVITY 2003 - 2004

	Alamance	Albemarle	Asheville	Blue Ridge	Cabarrus	Cape Fear	Carolina	Charlotte	Cumberland	Deep River	Duplin	E. Carolina	Foothills	Forsyth	Guilford	Henderson	Moore	Morganton	Mountain	Orange	Piedmont	Rockingham	Sandhills	S. Piedmont	Transylvania	Totals
HOURS																										
Mediations	271	420	400	186	760	1758	883	600	2000	568	150	315	1825	193	1052	275	2534	105	639	944	238	928	311	152	378	17885
Facilitation	0	0	0	0	0	0	0	0	45	3	0	135	0	63	0	136	0	2	40	100	7	0	28	0	0	559
Training	15	0	93	0	12	0	64	1470	80	22	0	124	36	24	25	61	20	0	443	276	144	300	48	0	0	3257
Consulting	0	0	0	2	0	54	93	275	0	0	0	135	52	65	0	12	58	0	0	55	0	20	115	0	0	936
Office Support	160	200	269	16	800	60	126	0	192	0	0	212	0	527	104	128	1040	0	229	235	10	0	207	78	20	4613
Fundraising	10	0	3	0	190	0	0	0	0	55	0	625	0	18	0	25	10	0	224	50	0	465	0	0	0	1675
Marketing	0	0	3	0	60	60	38	0	0	0	0	0	0	20	2	24	0	0	84	0	0	0	26	0	0	317
Maintenance	0	50	0	0	0	0	82	0	30	0	0	0	0	147	0	0	0	10	4	0	0	0	112	0	0	435
Board of Directors	37	0	0	142	0	135	0	0	30	48	15	0	0	171	0	122	240	0	0	0	242	0	0	92	150	1424
Interns	0	0	0	0	920	0	0	0	0	0	0	1893	0	0	0	0	0	0	0	0	0	0	140	0	0	2953
Teen Court	1224	0	0	0	0	135	0	0	0	0	240	3416	0	0	0	0	0	0	0	0	0	0	0	0	0	5015
Misc.	0	0	118	75	0	527	24	0	0	9	0	1288	432	0	593	184	116	10	1312	0	0	0	0	0	0	4688
TOTAL	1717	670	886	421	2742	2729	1310	2345	2377	705	405	8143	2345	1228	1776	967	4016	127	2975	1660	641	1713	987	322	548	43755
NUMBER OF VOLUNTEERS																										
Mediations	22	48	65	10	8	25	73	75	68	27	15	33	11	22	656	33	21	32	20	40	15	17	7	12	30	1385
Facilitation	0	0	0	0	0	0	0	0	4	1	0	10	0	28	0	71	0	4	2	10	1	3	6	0	0	140
Training	2	0	37	0	4	0	5	45	2	3	0	8	2	2	20	18	1	0	11	4	1	4	2	0	0	171
Consulting	0	0	0	1	0	1	7	55	0	0	0	2	2	8	0	1	1	0	0	3	0	2	4	0	0	87
Office Support	3	4	2	2	10	1	3	0	1	0	0	5	0	13	2	2	5	0	5	6	1	0	27	4	2	98
Fundraising	4	0	6	0	19	0	0	0	0	11	0	0	0	5	0	11	3	0	17	12	0	26	0	0	0	114
Marketing	0	0	2	0	6	1	1	0	0	0	0	0	0	4	2	6	0	0	5	0	0	0	6	0	0	33
Maintenance	0	4	0	0	0	0	1	0	4	0	0	0	0	4	0	1	0	10	1	0	0	0	8	0	0	33
Board of Directors	8	0	0	12	0	10	5	0	12	7	5	0	0	6	0	20	12	0	0	0	12	0	0	11	15	135
Interns	0	0	0	0	4	0	0	0	0	0	0	10	0	0	0	0	0	0	0	0	0	0	4	0	0	18
Teen Court	72	0	0	0	0	45	80	0	0	0	80	447	0	0	0	0	0	0	0	0	0	0	0	0	0	724
Misc.	0	0	36	5	0	4	8	0	0	0	0	55	9	0	164	11	0	15	98	0	0	0	0	0	0	405
TOTAL	111	56	148	30	51	87	183	175	91	49	100	570	24	92	844	174	43	61	159	75	30	52	64	27	47	3343
UNDUPLICATED																										
Mediators	22	48	65	10	8	25	73	X	68	29	15	33	15	20	160	33	21	61	39	40	15	X	7	12	30	849
Volunteers	17	0	15	18	18	61	25	X	16	3	94	537	0	21	0	16	20	0	24	20	13	X	57	15	15	1005

MEDIATION NETWORK OF NORTH CAROLINA

Legislated Fee Statistics For Each Center

County	Court Cases	Warrants	Court Med. completed	refused due to fee	uncomp. other	court fees collected	indigent	Jud. Waiv.	Def. no pay	pending	Consol.
Alamance		268	245	2	21	$12,720	4	29	0	0	
Albemarle	0	0	0	0	0	$0	0	0	0	0	
Asheville	82	117	44	3	24	$19,020	3	6	1	4	
Blue Ridge	524	703	514	0	10	$24,990	26	0	4	34	
Cabarrus		339	290	22	27	$16,260	0	0	1	0	
Cape Fear	273	273	240	0	0	$4,200	1	170	0	0	
Carolina	987	987	669	0	17	$16,440	339	0	0	0	
Charlotte		1001	558	0	443	$20,400	0	18	4	0	
Cumberland	306	306	305	0	1	$12,240	0	0	23	0	
Deep River		195	127	3	65	$2,960	14	43	0	0	
Duplin	74	74	67	0	7	$0	20	0	25	0	
Eastern Carolina	364	468	225	1	139	$6,600	1	0	31	6	
Foothills	575	492	575	0	0	$20,160	0	54	0	0	
Forsyth	264	161	203	8	0	$9,660	23	18	0	3	
Guilford		642	604	0	38	$22,140	0	43	6	6	180
Henderson		380	42	1	0	$0	0	116	0	0	
Moore	0	0	0	0	0	$0	0	0	0	0	
Morganton	13	24	10	0	3	$120	0	1	0	0	
Mountain	237	375	151	0	86	$5,700	0	0	0	0	
Orange	0	0	0	0	0	$0	0	0	0	0	
Piedmont		1284	1256	20	8	$15,010	71	0	0	0	
Rockingham	303	315	284	5	14	$15,435			6	2	
Sandhills	0	0	0	0	0	$0	0	0	0	0	
Southern Piedmont		2088	1490	1	0	$86,100	0	0	21	0	
Transylvania	222	305	133	0	89	$8,645	0	0	0	0	
	4224	10797	8032	66	992	$318,800	502	498	122	55	

MEDIATION NETWORK OF NORTH CAROLINA

COMBINED 2003-2004 MEDIATION CENTER INCOME/EXPENSE REPORT

INCOME

	STATE	ALL OTHER	TOTAL
NC Legislature	$ 1,448,880		$ 1,448,880
Other Public	$ 842,739	$ 868,437	$ 1,711,176
Foundation/private grants		$ 534,305	$ 534,305
United Way		$ 293,032	$ 293,032
Local Fundraising		$ 119,716	$ 119,716
Fees for Service		$ 354,890	$ 354,890
All other:		$ 522,608	$ 522,608
TOTAL	**$ 2,291,619**	**$ 2,692,988**	**$ 4,984,607**

EXPENSE

	STATE	ALL OTHER	TOTAL
Personnel	$ 1,409,965	$ 2,255,852	$ 3,665,817
Program	$ 227,294	$ 586,809	$ 814,103
Office Maintenance	$ 129,396	$ 414,532	$ 543,928
Fundraising	$ 5,029	$ 64,451	$ 69,480
TOTAL	**$ 1,771,684**	**$ 3,321,644**	**$ 5,093,328**

INKIND INCOME

SOURCE			
Volunteers, Rent, Equipment			$ 398,556
TOTAL			**$ 398,556**

STAFFING

POSITION TITLE	FTE
Executive Director	23.7
Associate/Assistant Director	6.5
Mediation/Court Coordinator	23.7
Teen Court Coordinator	8.0
Youth Services Coordinator	13.3
Office Manager / Admin. Asst.	12.6
Restorative Justice	1.0
Public Disputes	1.0
Community Education	4.9
Bookkeeping/Finance	0.7
Other Program	5.2
TOTAL	100.6

Members of the Mediation Network of North Carolina

Alamance County Dispute Settlement Center
Alamance County
114 West Front Street,
P. O. Box 2485
Burlington, NC 27216-2485
BOARD MEMBERS:
Roger Downs
Becky Loy
Cpt. Greg Seel
Pat Rich
Ebher Rossi
Steve Fishel
Mike Gee
Aaron Noble
Rev. Sam Frazier
Sergio Guzman

Albemarle Dispute Settlement Center
Camden, Chowan, Currituck, Dare, Gates, Pasquotank and Perquimans Counties
100 North Highway 343
P. O. Box 248
Camden, NC 27921-0248
(252) 331-7950
BOARD MEMBERS:
William Sawyer
Jean Person
Jerry Person
Manly M. West
Danita Minor
Fletcher Willey
Zelene Bunch
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Cabarrus County Mediation Center
Cabarrus County
77 Union Street
P. O. Box 1222
Concord, NC 28026-1222
BOARD MEMBERS:
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Lori B. Ruff
Bob Lawrence
Sarah E. Morgan
Bob Brunk
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John Hecht
Eugene Perry
Lori Slusher
Kristina DiSalvo

Carolina Dispute Settlement Services
Durham, Franklin, Granville, Vance, Wake and Warren Counties
Diann Seigle, Regional Manager
234 Fayetteville St. Mall
P. O. Box 1462
Raleigh, NC 27602-1462
BOARD MEMBERS:
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Tom Everly
Judge Kristin Ruth
Judge Marcia Morey
Mark Springfield
Judge Ralph Walker
Dr. Ginger Galloway

Charlotte-Mecklenburg Community Relations Committee/Dispute Settlement Program
Mecklenburg County
Mary Williams, Director
600 East Trade Street
Charlotte, NC 28802-2941 BOARD MEMBERS:
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German DeCastro
Gretchen Easton
Bettie Ann Fry
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Carol Ann Lawler
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Frances Perez
Louise Shackleford
C. Don Steger

Community Mediation Center of Cape Fear
Brunswick, Columbus, New Hanover and Pender Counties
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108-A Cinema Drive
Wilmington, NC 28403
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Lisa Brewster
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Charity Hicks
Dr. Joel. McKean

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Tammy Willcox, Director
P. O. Box 9025
Morganton, NC 28680-9025
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Len Benade
Molly Hemstreet
Judith Catron
Debbie Bradley
Suaanne Owsley
Scott Matthews
Andrew Weisner
Tammera Hill
Marquis McCullough
John Suttle
Mary Jo Johnson
Sandi Shuford
Max Lowery
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Cumberland County Dispute Resolution Center
Cumberland County
Tina Estle, Executive Director
P. O. Box 1341
Fayetteville, NC 28301-1341
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Deep River Mediation Center
Chatham and Lee Counties
P. O. Box 1151
Pittsboro, NC 27312-1151
Janice Almond, Executive Director
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Gus Ransom
Ricky Spoon
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Robert Reives
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Dispute Settlement Center
Duplin, Jones, Onslow and Sampson Counties
Glenn Faison, Executive Director
106 South Street
P. O. Box 61
Kenansville, NC 28349-0061
BOARD MEMBERS:
Thomasina Williams
Karin O'Donnell
Ike Baker
Susan Bland
Jackie Smith

Dispute Settlement Center of Moore County
Moore County
.03 Monroe Street
P. O. Box 128
Carthage, NC 28327-0128
BOARD MEMBERS:
Mathew Rothbeind
Jerry Rhoads
Randy Hussey
Jean Kerchof
Joy Alford
Mildred Carpenter
Pete Hill
Julie Meyers
Joe Malone
Hon. Jayrere Maness
Vivienne Ulansey
Robert Wagner
Suzanne Carter-Daughtridge

Foothills Mediation Center
Polk, Rutherford and McDowell Counties
Wanda Miles, Executive Director
111 W. Second Street
Suite 203
P. O. Box 1487
`utherfordton, NC 28139-1487
)ARD MEMBERS:
Beth Miler
Don Ramsey
Boo Bouchard
Marion Michalove
Jim Womack
Ernest Giannini
Lesa Silver
Jim Willins
Nancy Spencer
Penn Dameron

Henderson County Dispute Settlement Center
Henderson County
101 South Grove Street
Hendersonville, NC 28792-5050
BOARD MEMBERS:
Todd Webb
Dave Modaff
Karen Larkin
George Hochschild
Rick Davis
Vanessa Mintz
Susan Oates
Savie Underhill
Amy Beasley

The Mediation Center
Buncombe County
Ann Flynn, Executive Director
189 College Street
Asheville, NC 28801-3030
BOARD MEMBERS:
Cynthia Eller
Honorable Earl Fowler
Barbara Whitaker
Willie Vincent
Shirley Berdie
Risha Burkett
Bill Callaghan
Sally DePaolo
Norma Messer
Lou Millin
Ike Northup

Mediation Center of Eastern Carolina
Carteret, Craven, Edgecombe, Nash, Pitt and Wilson Counties
Blythe Tennent, Executive Director
400 MLK Jr. Drive
P. O. Box 4428
Greenville, NC 27826
BOARD MEMBERS:
David Weddell
Alan Berger
Steve Murphree
Mary Williams
Captain James Becton
Dr. Yolanda Burwell
Louis Clark
Cynthia Coley
Dell Ipock
Cav Martin
Carol Mattocks
Joyce Mitchell
Bobby Short
Julian Vanwright

Mediation Center of the Southern Piedmont
Gaston, Lincoln and Cleveland Counties
Jan Mahannah, Director
401 North Highland Street
Gastonia, NC 28052-2109
BOARD MEMBERS:
L. Keith Hance
Dottie Shuford
Elizabeth Avant Lari
Lisa Byerly
George Jaggers
Michael Lands
Clara Lowery
Helen Rhyne
James R. McIntyre
Honorable Timothy Pattie
Teresa Poteat

Mediation Services of Forsyth County
Forsyth County
Emery Rann, III, Executive Director
225 West 5th Street, Suite 110
P. O. Box 436
Winston-Salem, NC 27101-0436
BOARD MEMBERS:
Clifton Bell, Jr.
Duane Hammer
Doris Smith Herrell
Rowland Chidomere
Trevor Blast
April Horton
Rev. Dr. Paul Lowe, Jr.
William Madrey
Monticello Mitchell
Barry Markus
A. Stanley Mitchell
David Scruggs
David L. Speas, Sr.

Mediation Services of Guilford County
Guilford County
621 Eugene Court, Suite 101
Greensboro, NC 27401-2711
BOARD MEMBERS:
Robbie Perkins
Michael Fox
Henry Isaacson
Brenda Porterfield
Jane Cauthen
Wanda Bracks-Daughtry
Ed Curry
Shirley Davie

Maxine Hammonds
Loren Hill
Honorable Thomas Jarrell
Mary Kendrick
[redacted]al Kroger
[redacted]red Lind
Elizabeth Mabe
Gail Murphy
Tim Sullivan
Charles White
Eric Zogry

Mediation Services of Rockingham County/Redirections
Rockingham, Stokes, Surrey Counties
Reidsville, NC 27320-0623
BOARD MEMBERS:
Laura Hubbard
James (Tony) Grogan
Pat Marsh
J.G. "Doc" Alston
Clarence Tucker
Jamie Edwards
Lt. Nancy Bennett
Philip Berger
Mike Bruce
Honorable Meltzer Morgan
Randy Cresenzo
Lori Kallem
[redacted]athy Chase
[redacted]hane Bullins

Mountain Mediation Services
Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain Counties
Bill Mauldin, Executive Director
12 Everett Street
P. O. Box 1627
Bryson City, NC 28713-1627
BOARD MEMBERS:
Kelley Bonfoey
John Burton
Michele Garashi-Ellick
J. Lee Finger
Vicki Greene
Robert Hay
Dottie Hoche
Len Myers
David Russell
Melvena Swimmer
Richie Holt

Orange County Dispute Settlement Center
[redacted]range County
[redacted]ances Henderson, Executive Director
302 Weaver Street
Carrboro, NC 27510-2022
BOARD MEMBERS:
Annette Moore
LeAnn Nease Brown
Marge Broun
Annie Caulkins
Lisa Hazen
Diana Caplow
Keith Cook
Bill Barrows
Manuel Costa
Matt Epstein
Charlie Zimmerli
Passion Jones
Betsy Polk-Joseph

Sandhills Mediation Center
Hoke and Scotland Counties
105 McRae Street
Laurinburg, NC 28351
BOARD MEMBERS:
W. Phillip McRae
Leslie Eason
Mary Peguese
Joyce McDow
Gail McRae

The Center for Dialogue
Transylvania County
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P. O. Box 1205
Brevard, NC 28712-1205
BOARD MEMBERS:
Martha Gale
Karla Atkinson
Brad Reneger
Tom Bertrand
Scott Elliott
Tami Moss
Randy Owen
Don Rose
Clyde Carter
Jeanne Hall
Kathryn Wilson
Scott Elliott
Billy Higgins
Janet Metzinger
David Mahoney

Mediation Network of North Carolina
4208 Six Forks Road, Suite 305
Raleigh, NC 27609
Officers:
President, Ann Flynn
Vice President, Tony Gibbons
Secretary, Jan Mahannah
Treasurer, Janice Almond

Attachment # 1p

SOS County Allocations
2004-2005

County	Budget	County	Budget	County	Budget
Alamance	$ 68,630.00	Halifax	$ 79,500.00	Scotland	$ 79,500.00
Alexander	$ 70,830.00	Harnett	$ 71,330.00	Stanly	$ 76,500.00
Alleghany	$ 76,500.00	Haywood	$ 74,730.00	Stokes	$ 75,330.00
Anson	$ 72,330.00	Henderson	$ 74,300.00	Surry	$ 80,500.00
Ashe	$ 75,830.00	Hertford	$ 75,000.00	Swain	$ 76,500.00
Avery	$ 72,830.00	Hoke	$ 71,000.00	Transylvania	$ 78,000.00
Beaufort	$ 78,000.00	Hyde	$ 71,830.00	Tyrrell	$ 76,500.00
Bertie	$ 75,000.00	Iredell	$ 97,300.00	Union	$ 83,300.00
Bladen	$ 97,500.00	Jackson	$ 75,830.00	Vance	$ 71,830.00
Brunswick	$ 81,900.00	Johnston	$ 78,300.00	Wake	$ 211,123.00
Buncombe	$ 75,300.00	Jones	$ 71,830.00	Warren	$ 76,500.00
Burke	$ 76,330.00	Lee	$ 75,900.00	Washington	$ 81,500.00
Cabarrus	$ 71,130.00	Lenoir	$ 80,500.00	Watauga	$ 78,900.00
Caldwell	$ 75,500.00	Lincoln	$ 100,430.00	Wayne	$ 80,500.00
Camden	$ 75,000.00	Macon	$ 77,000.00	Wilkes	$ 74,330.00
Carteret	$ 74,900.00	Madison	$ 72,330.00	Wilson	$ 74,730.00
Caswell	$ 76,000.00	Martin	$ 85,330.00	Yadkin	$ 74,730.00
Catawba	$ 71,280.00	McDowell	$ 78,000.00	Yancey	$ 74,830.00
Chatham	$ 71,800.00	Mecklenburg	$ 187,046.00		
Cherokee	$ 83,000.00	Mitchell	$ 88,000.00		
Chowan	$ 77,000.00	Montgomery	$ 76,000.00		
Clay	$ 75,000.00	Moore	$ 74,300.00		
Cleveland	$ 76,000.00	Nash	$ 74,900.00		
Columbus	$ 78,000.00	New Hanover	$ 78,300.00		
Craven	$ 83,900.00	Northampton	$ 77,500.00		
Cumberland	$ 76,450.00	Onslow	$ 75,450.00		
Currituck	$ 80,000.00	Orange	$ 95,630.00		
Dare	$ 75,330.00	Pamlico	$ 70,830.00		
Davidson	$ 76,450.00	Pasquotank	$ 77,000.00		
Davie	$ 69,130.00	Pender	$ 76,000.00		
Duplin	$ 75,000.00	Perquimans	$ 77,500.00		
Durham	$ 189,130.00	Person	$ 70,190.00		
Edgecombe	$ 87,000.00	Pitt	$ 187,070.00		
Forsyth	$ 212,030.00	Polk	$ 75,000.00		
Franklin	$ 69,130.00	Randolph	$ 70,280.00		
Gaston	$ 77,500.00	Richmond	$ 76,500.00		
Gates	$ 73,830.00	Robeson	$ 79,500.00		
Graham	$ 77,530.00	Rockingham	$ 86,000.00		
Granville	$ 73,730.00	Rowan	$ 79,450.00		
Greene	$ 73,278.00	Rutherford	$ 81,000.00		
Guilford	$ 179,130.00	Sampson	$ 78,500.00		

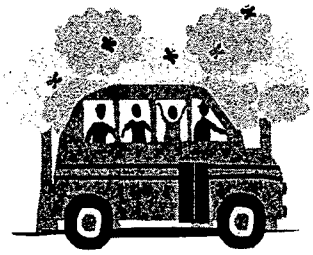
Attachment # 1g

DEPARTMENT OF JUVENILE JUSTICE DELINQUENCY PREVENTION
JCPC - COUNTY ALLOCATION FY 2004-2005

COUNTY	MATCH %	10-17 POP.*	2004-2005 Allocation
Alamance	30%	15,263	$ 345,311
Alexander	30%	3,607	$ 118,347
Alleghany	20%	908	$ 61,581
Anson	10%	2,820	$ 111,925
Ashe	20%	2,125	$ 92,859
Avery	30%	1,560	$ 79,479
Beaufort	10%	4,467	$ 161,256
Bertie	10%	2,126	$ 99,135
Bladen	10%	3,477	$ 153,238
Brunswick	20%	7,749	$ 184,175
Buncombe	30%	21,851	$ 532,734
Burke	30%	10,015	$ 241,435
Cabarrus	30%	16,409	$ 321,635
Caldwell	20%	8,112	$ 221,940
Camden	20%	846	$ 55,299
Carteret	30%	5,404	$ 178,303
Caswell	10%	2,532	$ 103,592
Catawba	30%	16,358	$ 346,650
Chatham	30%	5,296	$ 150,963
Cherokee	20%	2,164	$ 90,880
Chowan	10%	1,479	$ 80,911
Clay	20%	736	$ 55,639
Cleveland	20%	11,491	$ 292,043
Columbus	10%	6,006	$ 210,406
Craven	20%	9,356	$ 268,103
Cumberland	20%	37,904	$ 965,757
Currituck	30%	2,258	$ 86,560
Dare	30%	3,190	$ 93,384
Davidson	30%	16,289	$ 409,648
Davie	30%	3,938	$ 115,384
Duplin	10%	5,867	$ 178,271
Durham	30%	23,971	$ 561,490
Edgecombe	10%	6,385	$ 229,141
Forsyth	30%	36,497	$ 743,397
Franklin	10%	5,895	$ 143,290
Gaston	20%	20,984	$ 557,691
Gates	20%	1,265	$ 65,208
Graham	10%	756	$ 59,350
Granville	20%	5,753	$ 148,524
Greene	10%	2,204	$ 85,453
Guilford	30%	48,457	$ 1,030,472
Halifax	10%	6,564	$ 219,100
Harnett	10%	12,062	$ 232,566
Haywood	20%	5,161	$ 153,870
Henderson	30%	8,489	$ 208,354
Hertford	10%	2,700	$ 114,245
Hoke	10%	4,789	$ 126,242
Hyde	10%	551	$ 53,600
Iredell	30%	15,394	$ 297,074
Jackson	20%	2,908	$ 108,954
Johnston	20%	15,398	$ 258,117
Jones	20%	1,179	$ 92,741
Lee	30%	5,682	$ 170,176
Lenoir	10%	6,385	$ 218,340
Lincoln	30%	7,576	$ 172,257
Macon	30%	2,802	$ 94,181
Madison	20%	1,910	$ 83,668
Martin	20%	2,747	$ 122,226
McDowell	20%	4,384	$ 136,116
Mecklenburg	30%	86,583	$ 1,460,859
Mitchell	20%	1,485	$ 75,015
Montgomery	20%	2,972	$ 105,036
Moore	30%	7,586	$ 190,333
Nash	20%	10,338	$ 252,312
New Hanover	20%	16,218	$ 455,361
Northampton	10%	2,328	$ 100,043
Onslow	30%	16,298	$ 448,788
Orange	30%	12,495	$ 291,463
Pamlico	10%	1,137	$ 69,283
Pasquotank	10%	3,996	$ 140,690
Pender	10%	4,572	$ 118,920
Perquimans	10%	1,142	$ 68,427
Person	20%	3,981	$ 130,225
Pitt	20%	14,946	$ 344,323
Polk	20%	1,690	$ 70,888
Randolph	30%	15,221	$ 334,055
Richmond	20%	5,380	$ 168,681
Robeson	10%	15,944	$ 448,851
Rockingham	20%	9,501	$ 280,503
Rowan	30%	15,231	$ 337,552
Rutherford	20%	6,763	$ 190,918
Sampson	10%	7,100	$ 176,089
Scotland	10%	4,427	$ 161,063
Stanly	30%	6,878	$ 183,225
Stokes	30%	4,832	$ 143,188
Surry	20%	7,692	$ 204,308
Swain	10%	1,468	$ 69,546
Transylvania	30%	2,869	$ 110,475
Tyrrell	10%	410	$ 50,400
Union	30%	17,564	$ 301,556
Vance	10%	5,501	$ 169,301
Wake	30%	82,093	$ 1,197,115
Warren	10%	2,163	$ 86,759
Washington	10%	1,468	$ 80,330
Watauga	30%	3,275	$ 121,102
Wayne	20%	13,397	$ 354,886
Wilkes	20%	6,544	$ 201,856
Wilson	10%	8,555	$ 250,723
Yadkin	20%	3,997	$ 120,195
Yancey	20%	1,710	$ 77,633
TOTALS		928,201	23,034,962

* Source of population data: http://demog.state.nc.us/
County/state projections - Age Group Totals
July 2004 - last update 6/9/04

Attachment #2 r



Community Based Programs

Department of Juvenile Justice and Delinquency Prevention

Fiscal Research Division
April 4, 2005

DJJDP Programs/Initiatives

- Intervention/Prevention Division
- Support Our Students (SOS)
- Eckerd Camp
- Multipurpose Group Homes
- Governor's One-on-One Program
- Boys and Girls Clubs and other non-profit agency funding
- Juvenile Crime Prevention Councils (JCPCs)

2

Legislative Action During the 2003-05 Biennium

- $500,000 R expansion for JCPC formula grants to counties
- $500,000 R JCPC expansion for demonstration projects of community-based alternatives to YDC commitments
- $133,000 R for multi-purpose group homes
- $75,000 R reduction Communities in Schools
- $160,000 R expansion for non-profits
- $750,000 R reduction to Eckerd Camps to offset shift of educational costs to the DPI budget
  - DPI pays Eckerd daily charter school ADM for each admission

3

Intervention/Prevention

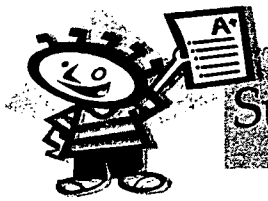
- Division administers court services and JCPC programs: 616.5 positions
  - 604 of these positions provide court services at 109 locations around the state.
  - 516 are Court Counselor positions, including supervisors
- FY 2003-04 statistics:
  - 28,847 Intakes
  - 1981 average courts cases/month
  - 9,660 juveniles under supervision
- NC JOIN, an automated information system, was rolled out in 2003 to facilitate court counselors' caseload management and to maintain a state-wide juvenile data base.

4

Intervention/Prevention

- FY 2004-05 Certified Budget: $53,011,755
  - $23,8 million passed through to JCPCs and non-profits
  - $29.2 million for division personnel, supply, equipment, etc.
    - 90% of this amount is for personal services cost
- Only Intervention/Prevention expansion requested in the Governor's recommended budget is $500,000 for JCPC formula grants

5



Support Our Students (SOS)

- Community-based initiative that provides after-school activities for school-aged children
  - Some programs also operate during the summer
- Operates in all 100 counties
- Emphasis is on middle school students
- Grants awarded to neighborhood and community-based organizations

6

Support Our Students

- 100 participating counties
  - County grants ranged from $69,000 to $212,000
- 250 sites:
  - 80% school-based
  - 20% faith or community-based, i.e. YMCA, YWCA, Boys & Girls Clubs, 4H
- 16,000 students in FY 2003-04
- SOS activities include tutoring, homework assistance, mentoring; arts, sports, computers and technology, community services, field trips, etc.
- Annual evaluation results indicate that SOS has positive impact on behavior and academic performance

7

SOS Budget

- Fiscal Year 2004-05 certified budget:
  - $8,992,036 - total requirements
  - $2,749,642 - TANF receipts
  - $6,242,394 - general fund appropriation
- Recommended budget continues funding at the current year level
  - 96% is passed through to counties
- DHHS has submitted a TANF block grant plan to maintain SOS funding at the current level.

8

Governor's One-on-One

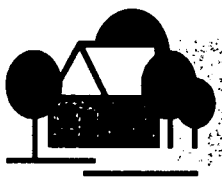
- Adult volunteers work with youth on a one-on-one basis, meeting approximately four hours each week for one year.
  - 60% of juveniles must be referred from juvenile court, local law enforcement, or school resource officers
- FY 2003-04 program statistics:
  - Operated in 54 counties
  - 458 juveniles were admitted to the program, 30 percent decrease from the prior year
- Evaluation data indicates a significant decrease in court referrals (82%) and school suspensions (64%) while in the program

9

Governor's One-on-One Budget

- FY 2004-05 certified budget:
  - $1,645,465 county funds
- DJJDP grants to counties range from $16,500 to $99,000
- Recommended budget maintains current level of funding

10



Multipurpose Group Homes

- Secure non-institutional alternatives to youth development and detention centers
  - Intermediate sanction
- Provide up to 30 days of care for juveniles in need of secure detention prior to adjudication and up to 240 days of care as a treatment disposition.
  - Treatment services include therapy, behavior management, education, mentoring, and family outreach
  - A limited number of therapeutic foster care beds are provided for the Division of Social Services

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Multipurpose Group Homes

- Six group homes located in Edenton; Winton; Lumberton; Goldsboro; New Bern; and Burlington
  - Operated under contract by the Methodist Home for Children
  - 46 beds total
- FY 2004-05 Certified Budget: $2,964,864
  - $133,000 R expansion provided in 2004
- FY 2003-04 cost per bed: $65,764
- In FY 2003-04 159 youth were served at a cost of $17,324 each

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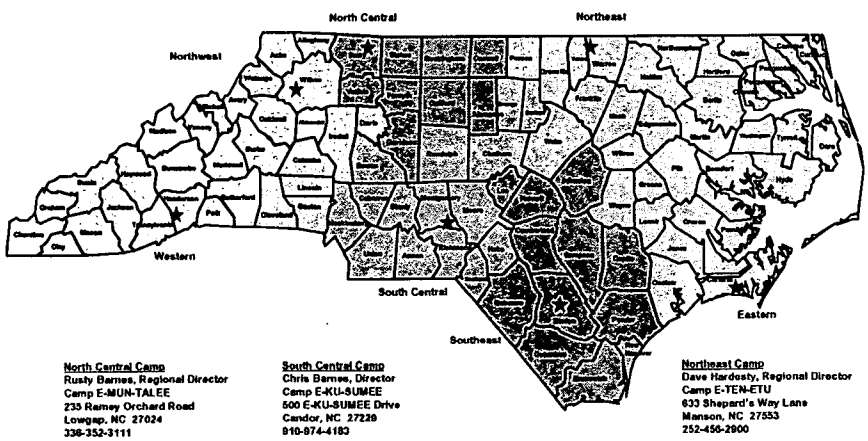
Eckerd Camps

- Year-round residential treatment program
- Juveniles are referred by DJJDP; Mental Health, Social Services, schools; and private sources
  - 416 admissions in FY2003-04
- 12-month recidivism rate: 15.2 percent

13

Eckerd Wilderness Education Program
Camps and Regions in North Carolina
Eckerd Youth Alternatives, Inc.



North Central Camp
Rusty Barnes, Regional Director
Camp E-MUN-TALEE
235 Ramey Orchard Road
Lowgap, NC 27024
336-352-3111

South Central Camp
Chris Barnes, Director
Camp E-KU-SUMEE
500 E-KU-SUMEE Drive
Candor, NC 27229
910-974-4183

Northeast Camp
Dave Hardesty, Regional Director
Camp E-TEN-ETU
633 Shepard's Way Lane
Manson, NC 27553
252-456-2900

Eastern Camp
Keith Cartwright, Interim Director
Camp E-MA-HENWU
388 Nine Mile Road
Newport, NC 28570
252-726-9058

Western Camp
Karla Kiburz, Director
Camp E-TOH-KALU
Route 4, Box 282
Hendersonville, NC 28739
828-693-0456

Southeast Camp
Rick Boschwitz, Director
Camp E-TIK-ETU
1086 Susie Sand Hill Road
Elizabethtown, NC 28337
910-588-4407

Northwest Camp
Bob Davis, Director
Camp E-MA-ETU
4654 High Rock Road
Boomer, NC 28606
336-921-3300

14

Revised 1/3/03

Eckerd Camp Budget

- FY04-05 Certified Budget: $11,099,388
  - $750,000 reduction offsets DPI payments to Eckerd for educational services
- The DJJDP contracts with Eckerd for 322 slots at $97.56/day
  - FY 2003-04 average cost/juvenile: $32,273
- Governor's recommended budget requests $500,780 R expansion to purchase 14 additional slots

15

Boys and Girls Clubs

- Joint initiative between DJJDP and national organization
  - 10 counties with the highest rate of training school commitment in the 97-98 fiscal year
- Annual report indicated that these funds were used to serve 1,618 youth in FY03-04:
  - referred by courts, law enforcement, and schools
  - at-risk; court-involved (including delinquent and undisciplined; or diverted

16

Boys and Girls Clubs

- 8 counties receive $50,000 each
  - Pender, Cumberland, Wayne, Beaufort; Nash/Edgecombe, Halifax, Wilson, Lee
- In additional to these special funds, DHHS provides federal block grant funds to clubs around the state
- Recommended FY05-07 budget maintains funding at current level

17

Juvenile Crime Prevention Councils (JCPCs)

- Legislative Intent:
  - develop community-based alternatives to youth development centers
  - provide community-based delinquency and substance abuse prevention strategies and programs
  - provide non-institutional dispositional alternatives that will protect the community and the juveniles
- Programs and services shall be planned and organized at the community level and developed in partnership with the State
- Each county has a Juvenile Crime Prevention Council with membership established by law

18

JCPC Membership

- School Superintendent
- Chief of Police
- Sheriff
- District Attorney
- Chief Court Counselor
- Mental Health Director
- Social Services Director
- County Manager
- Substance Abuse Professional
- County Commissioner
- Juvenile Defense Attorney
- 2 persons under 18
- Chief District Judge
- Business Community
- Local Health Director
- United Way/non-profit
- Parks & Recreation
- 7 Members of the Public
- Member of the Faith Community

19

Types of JCPC Programs/Services

- Counseling
- Home-based family services
- Treatment centers
- Psychological services
- Residential group homes
- Restitution
- Specialized foster care
- Shelter Care
- Guided growth programs

20

JCPC DEMONSTRATION PROJECT (6, 12 & 18 Month Funding Amounts Contingent Upon Available Funds)

Region	Agency and Program Name	6 Months Jan '05-June '05	12 Months July '05-June '06	Total 18 Months Jan '05-June '06	County Catchment Area
Eastern	Methodist Home for Children (Family Preservation Services)	$29,229	$58,458	$87,687	Wayne
	Dare County Schools (Safe Systems)	$14,397	$28,793	$43,190	Dare
	Bridging the Gap of Eastern Carolina, Inc (APPLE Demonstration Project	$43,625	$87,250	$130,875	Edgecombe and Nash
Piedmont	Family Services of Davidson County, Inc (Family Empowerment)	$43,625	$87,250	$130,875	Davidson
	Alexander Youth Network (Wraparound Intensive Case Management)	$43,625	$87,250	$130,875	Mecklenburg
	Rockingham County Youth Services (Demonstration Project)	$43,625	$87,250	$130,875	Rockingham, Stokes, and Surry
Central	Alamance County Dispute Settlement and Youth Services (Alamance Youth Services)	$43,625	$87,250	$130,875	Alamance
	Kerr-Tarr Regional Council of Governments (Recidivism Reduction Initiative)	$43,625	$87,250	$130,875	Vance, Granville, Franklin, Warren, Person, and Caswell
	Cumberland County Communicare, Inc (JCPC Intensive Network Alternatives)	$43,156	$86,312	$129,468	Cumberland
Western	Meridian Behavioral Health Services (28 County Continuum for Court Involved Youth)	$43,625	$87,250	$130,875	Cherokee, Clay, Graham, Macon, Swain, Jackson, Haywood, Polk Transylvania, Henderson, Buncombe, Madison, Yancey, McDowell, Rutherford, Mitchell, Avery, Watauga, Ashe, Alleghany, Wilkes, Yadkin, Caldwell, Burke, Catawba, Gaston, Cleveland, Lincion
	TOTALS	$392,157	$784,313	$1,176,470	45 Counties

21

Juvenile Crime Prevention Councils

- FY 2004-05 Certified Budget: $23,746,523
  - Includes $500,000 R appropriated in 2004 to fund demonstration grants for community-based alternatives to youth development centers
- Funding formula used to allocate funds to counties
- Governor's budget requests $500,000 R expansion

22

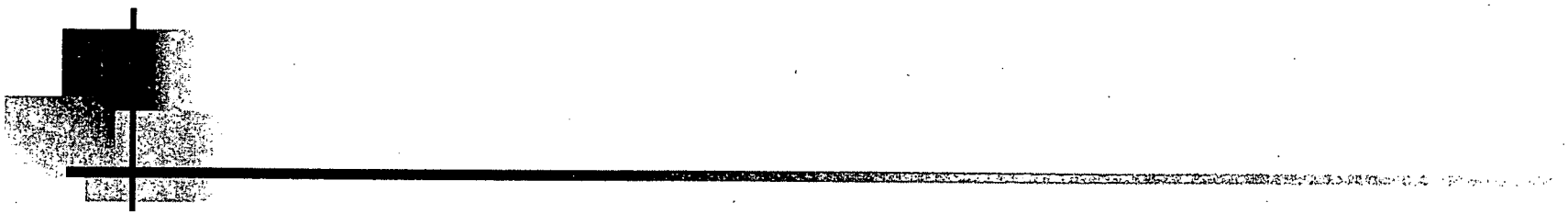
JCPC Budget Issues

- JCPCs want more formula funds:
  - Prevention
  - Administrative costs
- Need data on the impact of JCPC funded programs
  - Should funding be increased in absence of this information?
  - Should funding be more targeted?
- The 2001 Budget Bill included a provision directing DJJDP to develop standards for JCPC funded programs and to report annually, beginning April 1, 2004, on the effectiveness of these programs
  - DJJDP is still developing the system and have yet to submit this report

23

Attachment #2

Overview of Department of Juvenile Justice and Delinquency Prevention



Joint Appropriations Subcommittee on Justice and Public Safety

April 4, 2005

FRD

Background on DJJDP

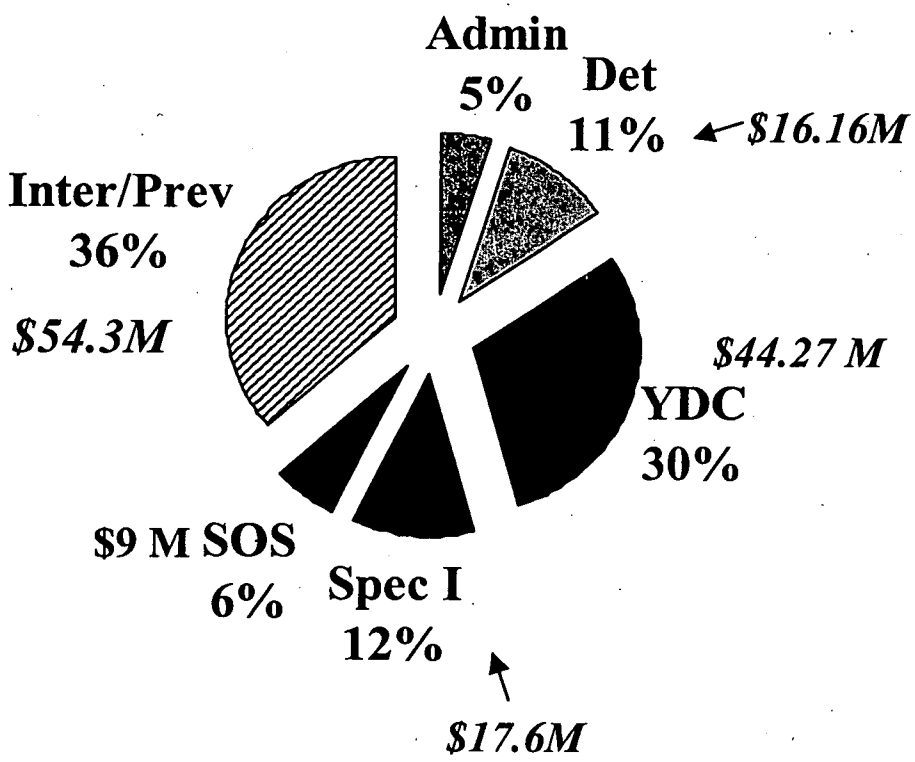
- 1998 General Assembly ratified Juvenile Justice Act and authorized Office of Juvenile Justice.
- January 1, 1999: Office of Juvenile Justice
- July 1, 1999: Juvenile Justice Act
- July 1, 2000: Department of Juvenile Justice and Delinquency Prevention

DJJDP Programs

- **Youth Development**
  - **Youth Dev. Centers** (5)
  - **Detention Centers** (10 state and 4 county)
  - YDC Transition Programs
- **Administration**
- **Center for Prev. Of School Violence**

- **Intervention/Prevention and Special Initiatives:**
  - Multi-Purpose Group Homes
  - SOS
  - Interstate Compact
  - One-On-One
  - JCPC's
  - Court Services (Counselors)
  - Eckerd Camps
  - Non-Profits

DJJDP 2004-05 Authorized Budget by Program



Total; Budget =$148.7 Million

State Approp.: $137.15

Total Positions 1,918.5 (1,176 in YDC's & Detention)

Major Receipts:

1. $7.44 Million Det Receipts

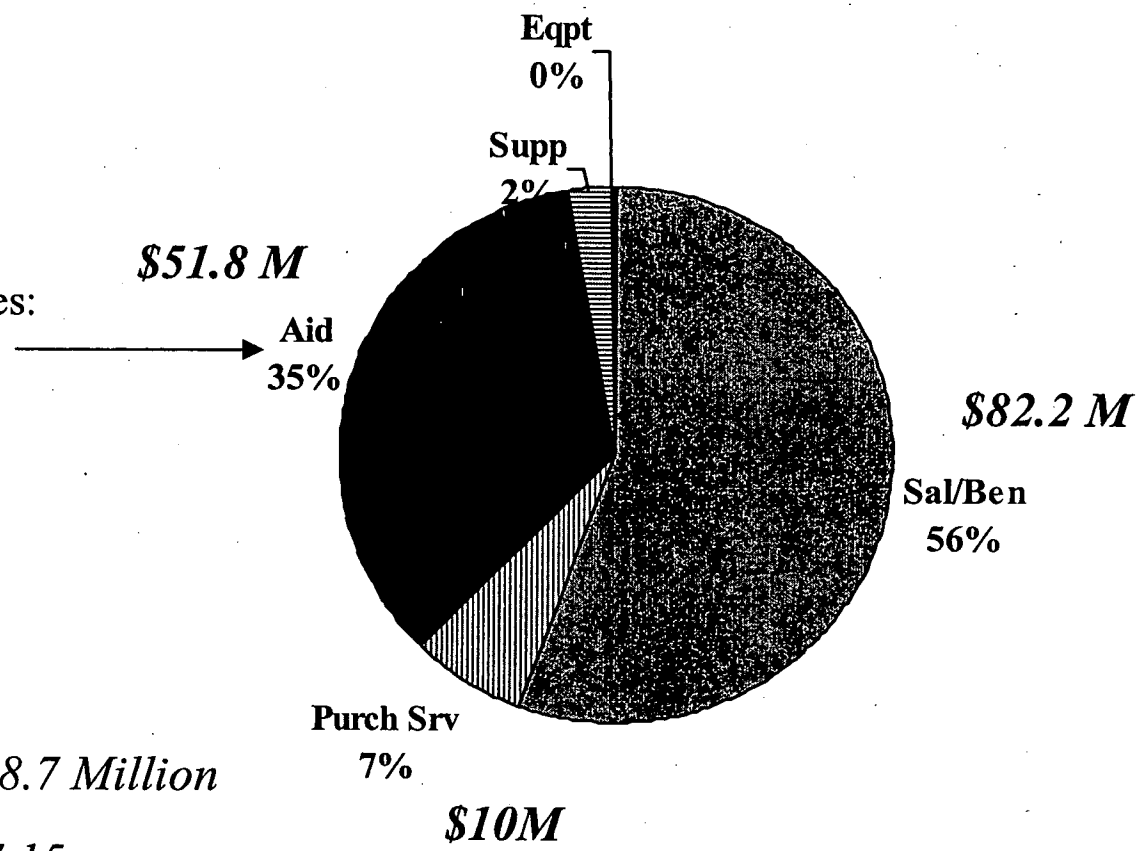
2. SOS $2.749 Million

DJJDP 2004-05 Authorized Budget by Type of Expenditure

JCPC $23.24 M

Eckerd: $11.1M

Meth Group Homes: $2.96 M

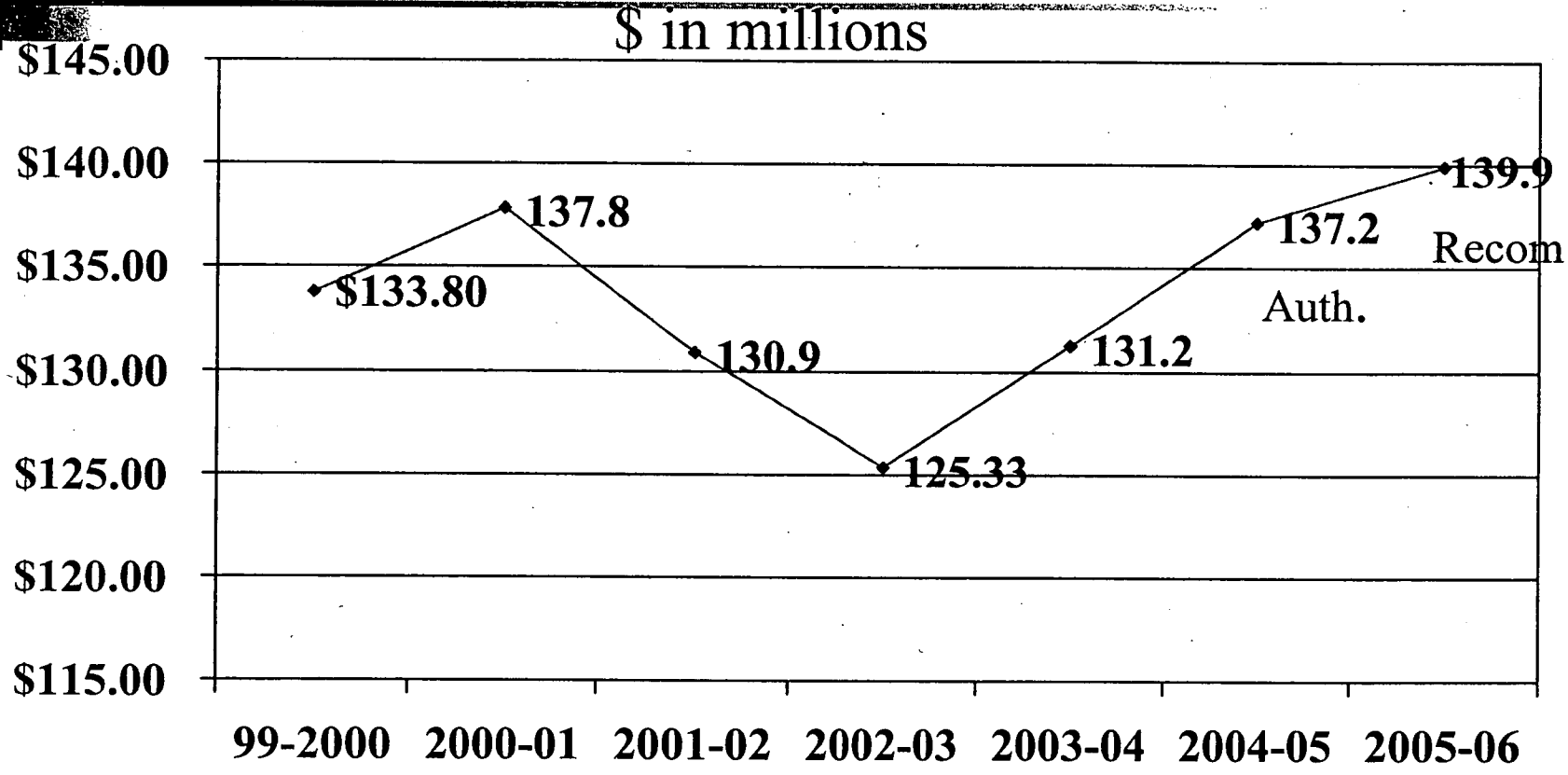


Total; Budget =$148.7 Million

State Approp.: $137.15

Total Positions 1,918.5 (1,176 in YDC's & Detention)

DJJDP Budget Trends: State Funds



Budget figures are actual expenditures
unless otherwise noted

Budget Changes in 2001-03

- Convert Samarkand to female facility (-154 positions and $6.86 Million)
- Reduce Cottage Parent Positions
- Close Wilkes and Umstead Detention (consolidate at Dillon) and three Multipurpose Group Homes
- Reduce JCPC funds by $2 million
- Fund MIS Positions

Budget Changes in 2003-05

2003 Session

- Reduce funding for non-profits and eliminate funding for Camp Woodson East
- Reduce various line items
- Authorize debt for plan/design of new YDC's

2004 Session

- Fund new Treatment programs at Samark. in place of RSAT grant (31 positions and $1.385 million).
- Authorize reallocation of 42 existing positions to treatment positions at Samarkand and Stonewall
- Provide additional funding for non-profits/ JCPC's
- Shift portion of Eckerd cost to DPI ($750,000)
- Authorize debt for 224 new YDC beds

DJJDP Budget Requests and Budget Reduction Targets

- DJJDP Governor Recommended Continuation Budget Total is $139,857,825
  - DJJDP at 4% Reduction is $5,594,313
  - DJJDP at 5% is $6,992,891
  - DJJDP at 6% is $8,391,470
- DJJDP Expansion request is $ $1,750,870 for total Governors Recommended Budget of $141,608,605

Major Changes in Continuation Budget

- Recommended Continuation Budget is $139,857,825; Net Increase is $2,700,000
  - Purchased Services Increase is $606,617
    - Utilities, Rent, Contractual Services, Telecommunications charges
  - Equipment $377,454
    - Vehicle replacement; PC's/Printers
  - Reduce Detention Receipts by $1.6 million/Increase General Fund
- Original request was for increase of $5.5 million; most of difference compared to final was in salary-related items and equipment and supplies

DJJDP Targeted Zero Based Budgeting

- Miscellaneous Contractual Services:
  - Budget for 05-06 $706,685; increase of $150,00 over 04-05 authorized is for contracts for community transition programs for YDC's and for Speech/Language Pathologist Services ($50,000)
- Equipment: PC/Printers on 4 year schedule; majority over 5 years old
  - Actual 03-04 $365,854
  - Auth: 04-05 $212,855; Recom. 05-06: $504,468
- Travel:
  - Actual 03-04 $1,535,007
  - Auth 04-05 $1,560,512
  - Recom. 05-06: $1,624,394

Attachment #

Overview of DJJDP Youth Development Centers and Detention Centers

Joint Appropriations
Subcommittee on Justice and Public Safety
April 4, 2005

Youth Development Centers
(formerly Training Schools)

- C.A. Dillon (Butner): also YDC Assessment Center
- Dobbs (Lenoir)
- Stonewall Jackson (Cabarrus)
- Swannanoa (JEC) (Buncombe)
- Samarkand (Moore –female offenders)

Major Position Types in YDC's

Direct Care (in housing units)

- Counselor Techs (G 62)
- Youth Counselors (G 68) and Youth Counselor Supervisors (G 70) **NEW**
- Behav Specialists (G63)
- Cottage Parent Supv (G64)

Program Staff

- Social Workers
- Psychologists
- Mental Hlth. Clinicians **(NEW)**
- Substance Abuse Counselors
- Teachers
- Recreation Workers

Other Staff

- Nurse Supv
- Food Service
- Maintenance

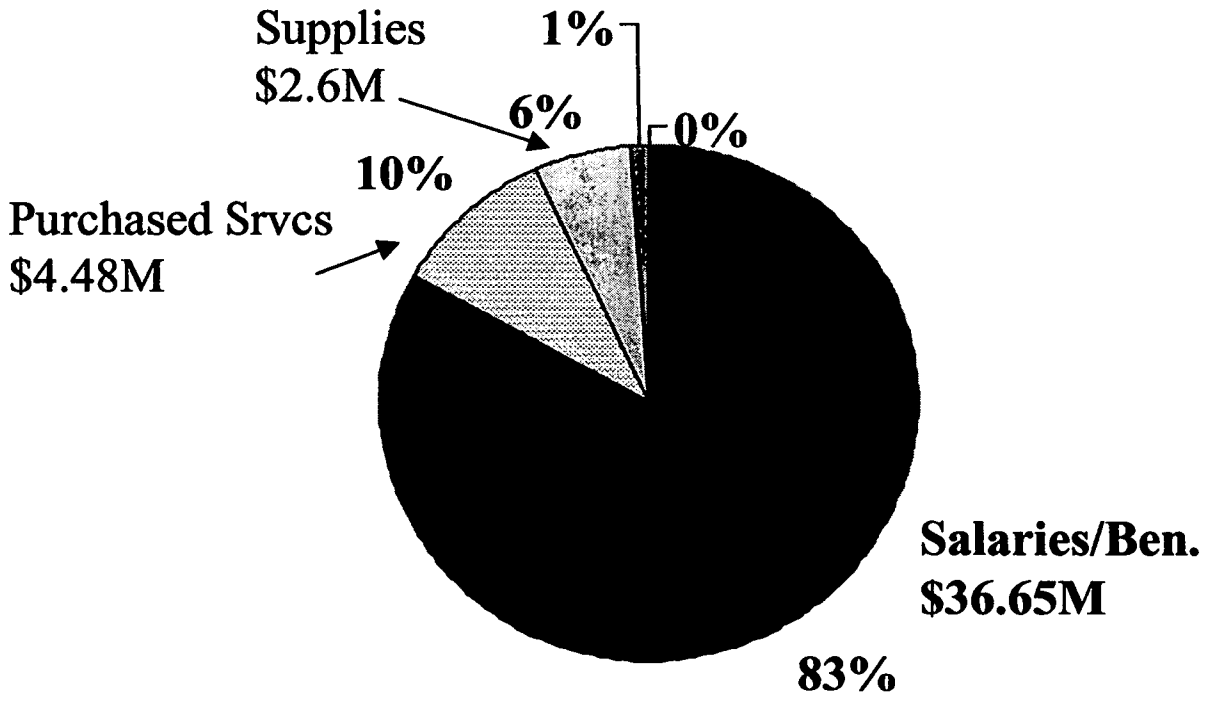
Key Provisions in Juvenile Justice Act for Youth Development Centers (July 1, 1999)

- Facilities will provide appropriate treatment "to that juvenile's need" (e.g. medical, education, psych. etc.)
- Administer sound intake program to determine "needs of each juvenile"
- More serious offenders to Centers: minimum 6 month stay; Juveniles adjudicated delinquent can be committed up to age 19 (B1-E felonies) and up to age 21 for A Felony
- Shifts Misdemeanant population to community
- **Mid Term Goal** - -More efficient Centers; shift money to community programs if a Center closes.
- **Long-term goal** – elimination of Centers "as population diminishes"

Key Issues for YDC's

- Population of offenders with severe emotional and/or mental health problems and significant custody needs.
- Current staffing model in transition from custody based to treatment based
- Many Center campuses and buildings not conducive to custody and treatment needs Serious repair and renovation needs exist.

Youth Development Centers –2004-05 Authorized Budget



Total Budget:$44,227,42

State Approp: $43,322,345

Major Budget Changes in YDC's

2002 Session:

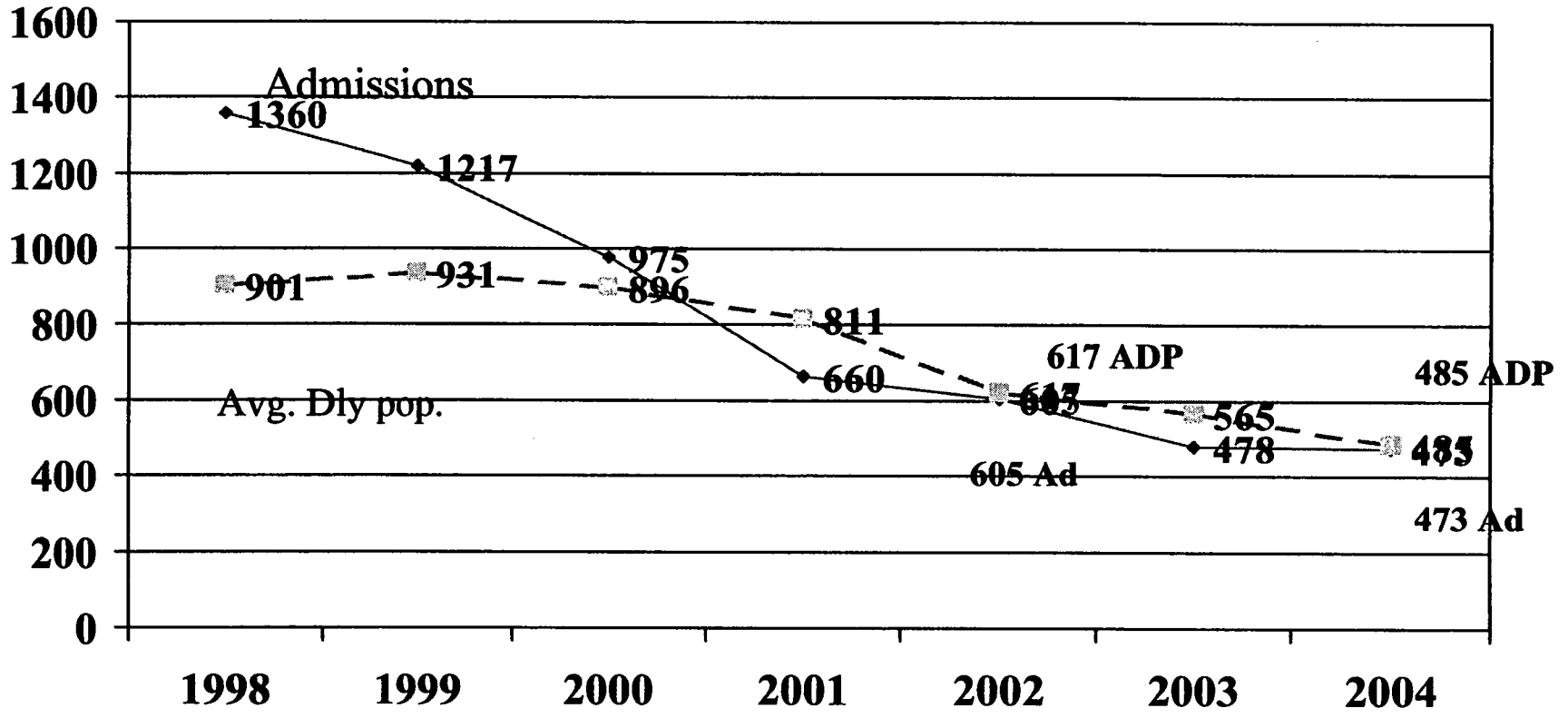
- Samarkand downsized from large male facility to small female facility (-$6.86 million and 154 positions)
- 02-03 Close Umstead Detention/consolidate with Dillon) and close additional YDC beds (-$1.1 million)

2003 Session: General Assembly authorized funding to plan and design new YDC's

2004 Session

- Funded treatment programs at Samarkand due to loss of federal funds (+$1.385 and 31 positions)
- Authorized debt for up to 224 beds:$13 million in 04-05 and $22 million in 05-06. Require detailed staffing plans and capital plan to Joint Oversight Committee
- Authorize use of existing funds to reallocate 42 positions to new treatment positions

Youth Development Center Population Trends



Average daily Population Feb. 2005: 427

DJJDP YDC's – Program trends

	2000	2004
Avg. Daily Population	894	485
A-E Felons	13%	18%
H and I felons	55%	59%
Misdemeanants	32%	23% (13% A1 Misd)
Cost Per Bed	$49,825 (99-2000)	$79,340 (03-04) based on ADP
Avg Length of Stay	302	390

DJJDP YDC Beds and Staffing 2005

YDC	#Beds	#Positions	Avg Dly. Pop. Feb 05	G.F. Staff Per Juv.	Staff Per Juvenile CY 2000
Dillon	105	192	110	1.745	1.6
Dobbs	128	180	104	1.73	1.27
Samark	78	137	53	2.58	1.06
JEC	104	199	89	2.23	1.02
Jackson	124	171	72	2.37	1.3
TOTAL	**539**	**879**	**427**	**2.05**	**1.188**

Ratios 10/31/04: 1.87 staff per juvenile

Proposed Ratio new YDC's: 1.89 (512 new beds to 968.25 positions based on staffing for eleven 32 bed units, one 96, and one 64 bed unit; excludes Dillon)

Governors Proposed Continuation and Expansion Budget for YDC's

- Continuation Changes: Net Increase of $803,984: Increase misc. contractual services; replace autos/trucks; increase line items for computers & gasoline; cut food supplies and receipts
- Expansion Request:
  - Provide $750,000 in 05-06 and $1 million in 06-07 to continue to implement new treatment model
    - Reallocate existing positions to 38 Youth Counselors and 6 YC Supv. in 05-06 and 142 Youth Counselors and 20 YC Supv. in 06-07
    - Training and tuition assistance included in request
    - Annualized cost $2.455 million

Budget Reduction Options in the YDC's

- YDC budget is 83% personnel – any significant reduction in YDC budget would primarily be in positions
- One option is to reduce budget to more closely reflect number of beds and/or population
  - 03-04 Budget was for 632 beds; 539 beds today; 427 population
  - Projections difficult to make because of changing policies, new alternative to commitment programs, and potential impact of mental health reform
  - Current positions are intended to be used in transition to treatment staffing model. Any reductions would slow down transition.

Decision Points for YDC's

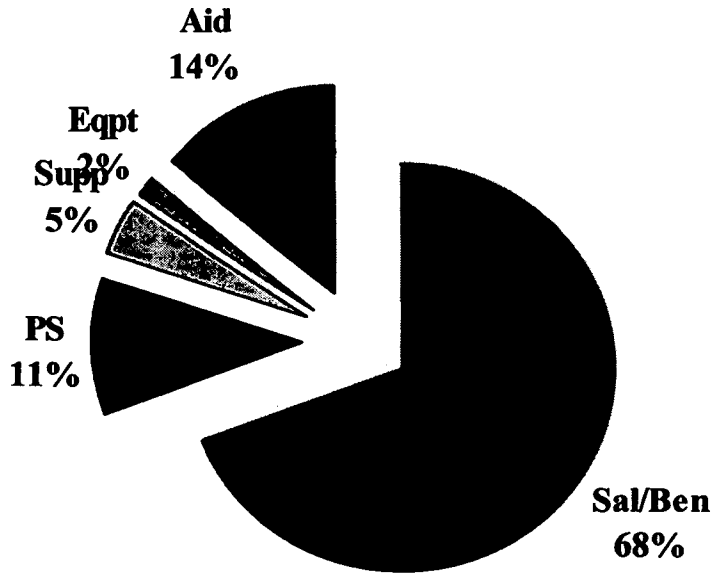
- Operating a Treatment Based Program
  - Should DJJDP move to a full treatment based staffing model? DJJDP was authorized to begin transition with reclassification of 42 positions total at Stonewall and Samarkand and is requesting expansion funds system-wide.
  - Should treatment staffing model be funded at level requested? Full implementation by 2007 will increase budget by over 30% and average cost per bed to $93,00 to $98,000
  - Planning and design for new facilities is in detail design phase; final size of each YDC/location of each still under review.

DJJDP Youth Detention Centers

Background on DJJDP Detention Centers

- Primary Purpose: (Short-term detention)
  - Pre-Disposition: Safe, secure custody prior to Court Adjudication for Delinquent and Undisciplined Juveniles
  - Post Disposition: Level 1 and 2 Sanction for juveniles adjudicated delinquent
- Juvenile Justice Act Changes (July 1, 1999)
  - Expand as Post-Dispositional alternative: Level 1 is not more than 5, 24 hour periods and Level 2 is up to 14, 24 hour periods (partial goal – misdemeanants that would have gone to training school)
  - Alternative for Undisciplined Juveniles (expanded to age 16 and 17)
  - Use detention centers for contempt of court

DJJDP Detention Centers 2004-05
Authorized Budget



Total Budget: $16.163 million

State Approp: $8.7 million

Receipts:
$7.446 M

--$6.76 Local Reimb

Operating Funding for Detention Centers

- State Run Centers : State and County split 50/50

- Locally Operated Centers: State pays 100% up front/county reimburses 50%. County that pays is the county where juvenile is arrested and charged; judge can shift charge to home county at disposition

DJJDP State Run Detention Centers

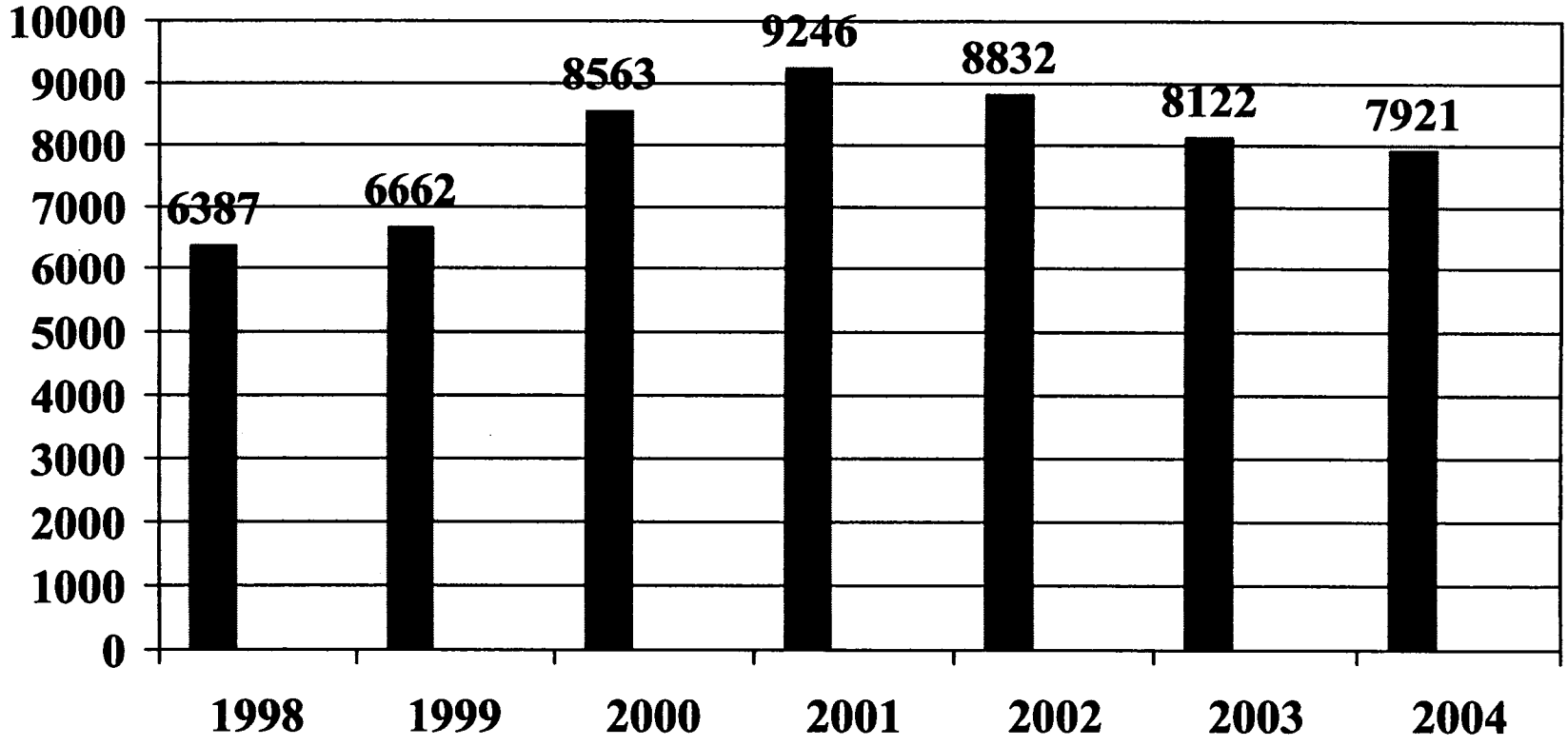
State Center	SOC Beds	EOC Beds*	ADP 2004
Buncombe	14	18	13.86
Cumberland	18	23	21.62
Gaston	24	29	20.75
New Han.	18	23	18.65
Perquim.	*24*	*29*	*13.92*
Pitt	18	23	22.69
Richmond	*30*	*36*	*24.22*
*Umstead***	*20*	*24*	*8.81*
Wake	24	29	20.21
Alexander	24	29	17.21
State	**214**	**263**	**182**

*EOC beds authorized up to 120% of capacity. ** Umstead closed part year

County Detention Centers

- Gatling (Mecklenburg)
- Durham
- Forsyth
- Guilford

Detention Center Admissions Trends (State and County)



Avg Length of Stay 14 days

Avg L.O.S. 03: 11.8 days 04:11.56 days

Trends in Detention Centers

Cost Per Bed:

- 2001-02: $61,002 ($167 day)
- 2002-03: $48,444 ($133 day) (ADP 218)
- 2003-04: $62,832 ($172 day) (ADP 183)

Major Cost Driver: Staffing

- Partially driven by lawsuit which was settled in 1995 and dismissed in 1998; capped at 120% of bed capacity; good faith effort for more custody positions; add teacher and a nurse, as well as mental health contracts

Changes in Type of Offenders

- Undisciplined 399 in 99-2000; over 700 in 04
- Pre-Disposition (awaiting court action) 64% in 99-2000; 43 % in 04
- Post Disposition (Adjudicated) from 27% to 33% (est.)
- Use of Beds for YDC commitments 377

DJJDP Detention Centers – Budget Issues

- DJJDP Continuation Budget reduces estimated receipts from counties by $1.6 million, thus increasing General Fund budget
  - Drop in admissions of 11% since 2002 but average length of stay up slightly
- One reason for drop off in receipts per DJJDP is use of detention beds for juveniles committed to YDC's but awaiting assessment—these juveniles are non-billable
- DJJDP estimates $5.2 million in receipts for 04-05 (authorized budget is $6.7 million)
- Recommended Budget for receipts in 05-06 is $5,166,105. Actual receipts in 03-04 was $4.55 million.

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - April 4, 2005
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dawn Seigle	Carolina Dispute Settlement Services
Leila Jabbar	Carolina Dispute Settlement Services
Blythe Tennent	Mediation Center of Eastern Carolina
ANN FLYNN	THE MEDIATION CTR, PENDER COUNTY
Anne Wilson	Atty -
Terry N Bradley	Charlotte Mecklenburg Dispute S Prog
Mary Williams	Charlotte Mecklenburg Dispute Settlement Program
Jan Mahannah	Mediation Center of the Southern Piedmont
Glen Fine	Dispute Settlement Ctr, Inc. Sandhills Dispute Resolution Center
Janice Almond	Deep River Mediation Pittsboro, Sanford
Jody Minor	Mediation Network of N.C.
Mel L. Crilton	NC VICTIM ASSISTANCE Network
JOYCE KUHN	Sentencing Services ORANGE CHATHAM

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - April 4, 2005
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Carla Pike	Deep River Mediation Pittsboro / Sanford
LISA Cassin	Passage Home, Inc.
Jeanne Tedrow	Harriet's House Passage Home, Inc.
Frances Henderson	Mediation Network of NC
Kirsten Atkinson	Mediation Network of NC
Tammy Willcox	Mediation Network of NC
Lisa Dodson	ALAMANCE CO. DISPUTE SETTLEMENT & YOUTH SERVICES Mediation Network of NC
Suzan Evans	Alamance County Dispute Settlement & Youth Services Mediation Network of NC
Ella Jean Clapp	Alamance County Dispute Settlement & Youth Services Mediation Network of NC
CASANDRA SKINNER	NCCPS
T. Doug Phelps	National Guard
Bob Suber	National Guard
Phyllis B. Ledbetter	Ywca Greensboro 1111 W Cone Place GSO 27401

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - April 4, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Carolyn Flowers	YWCA Cabarrus
Myra Clark	ECO, INC.
Ellen Clarke	Women At Risk
JAMES KLOPOVIC	GCC
Deborah M. Brown	Summit House, Inc
Beth C. McAllister	"
Ray Matz	"
Heather Brosz White	Boys + Girls Clubs
RALPH E. CAPPS	NC ALLIANCE of Boys + Girls Clubs
Lou Rubert	CYC
SUSAN E. BROOKS	IDS / SENTENCING SERVICES
Joanne McDaniel	DJJDP
Gene Hallock	Juvenile Assessment Center - Fay.

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - April 4, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John F. Clark	Juvenile Assessment Center
Gordon Sweat	Project Challenge
Dwayne Patterson Grady Stephenson George Sweat	DJJDP
Daniella Gabriel	Durham Co. SOS
Billy Mank	Communities In Schools of Lincoln County
DAVID BARNES	Poyner + Spruill LLP
David Hardesty	Eckerd Youth Alternatives Inc.
Susan Whitten	DJJDP
DONN HARGROVE	DJJDP
Lee Hinds	KCCH

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - April 4, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	Boys & Girls Clubs
[signature]	DJJDP
Melissa Lovell	DOJ
Byron K. Harris	OSBM
[signature]	DJJDP
[signature]	DJJDP
[signature]	AOC
Sheila D. Sholes Ross	Communities In Schools of Orange Co., Inc — Support Our Students
Michael K. Stephens	Communities In Schools of NC

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

April 6, 2005, 8:30 a.m.
Room 415, LOB

HOUSE MEMBERS PRESENT: (2) Representative Phil Haire and Joe Kiser.

SENATE MEMBERS PRESENT (6) Senator Scott Thomas, John Snow, Stan Bingham, Tom Apodaca, Ellie Kinnaird, and Keith Presnell.

Rep. Phil Haire announced that a quorum was not present due to scheduling conflicts that required the absence of many members and that the meeting would be canceled until April 7, 2005, at 8:00 a.m.

Rep. Haire did introduce Pages and Sen. Ellie Kinnaird asked permission for Handout #1 Prison Alternative Saves A Life to be distributed to the members.

The meeting was adjourned at 9:00 a.m.

Respectfully submitted,

Rep. Phil Haire
Chair

Sara Jane Lennard
Committee Assistant

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	April 6 8:30a.m.	April 7 8:30a.m.	June 1, 2005	May 11, 8:45a.m.	May 18 8:30a.m.	June 1	June 10, 8:45a.m.	July 12 8:30a.m.						
HOUSE														
Rep. Phil Haire, CHAIR	not canceled - quorum	✓		✓	✓		✓	✓						
Rep. Joe Kiser, CHAIR		✓			✓			✓						
Rep. Karen Ray, VICE CHAIR														
Rep. Ron Sutton, VICE CHAIR		✓		✓	✓		✓	✓						
Rep. Phillip Frye		✓		✓	✓		✓	✓						
Rep. Melanie Goodwin		✓		✓	✓		✓	✓						
Rep. Edward Jones		✓		✓	✓		✓	✓						
Rep. Carolyn Justus		✓		✓	✓			✓						
Rep. Paul Miller		✓			✓			✓						
SENATE														
Sen. Scott Thomas, CHAIR	✓	✓												
Sen. John Snow, VICE- CHAIR	✓	✓												
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓												
Sen. Tom Apodaca	✓	✓												
Sen. Ellie Kinnaird	✓	✓												
Sen. Keith Presnell	✓	✓												
Sen. Tony Rand														

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415 Legislative Office Building
April 6, 2005 9:00 A.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas
Representative Joe Kiser
Representative Phillip Haire, Presiding

II. PRESENTATIONS

Opening Remarks by Chairs

Review and Discussion of JPS Budget Reduction Options

Subcommittee Chairmen
Fiscal Research Staff

III. OTHER BUSINESS

IV. ADJOURNMENT

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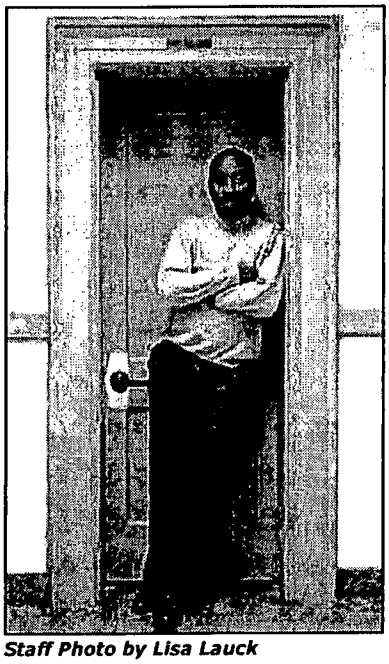
Published: Mar 27, 2005
Modified: Mar 27, 2005 4:30 AM

Prison alternative saves a life

Funding cuts put backers on march

By THOMASI MCDONALD, Staff Writer



Staff Photo by Lisa Lauck

Now a Wake clinician, Ollie Hooker is an example of a state prison alternative sentencing program's success.

RALEIGH -- As he stood before a Wake County Superior Court judge in 1991 on a felony larceny charge, Ollie Hooker's life was a mess.

A heroin and cocaine addict for most of his life, Hooker had already spent 18 years in prison for thievery and petty drug crimes fueled by a $250-a-day narcotics addiction.

"The district attorney was talking about 40 years," said Hooker, who was 40 at the time.

But Hooker caught a break. Officials with a prison alternative sentencing program intervened on his behalf, and he was sentenced to a two-year drug treatment program in Winston-Salem.

Today he has two college degrees, and for the past five years he has been a Wake County human services employee.

Advocates for alternatives to prison point to success stories like Hooker's when asking legislators to reconsider cuts made four years ago in a prison alternative program's operating budget. The General Assembly cut Sentencing Services' then-$5.8 million budget by 40 percent during a state budget crisis.

Gov. Mike Easley did not recommend replacing the program's lost funding this year, but advocates hope legislators will do so anyway.

Sentencing Services began in 1984 in response to a federal lawsuit against prison overcrowding in North Carolina. In 2001, Sentencing Services was presenting treatment plans for about 2,100 people in the state courts each year. One year after the cuts, services fell by 400 cases, said Lao Rubert, director of the Carolina Justice Policy Center in Durham and one of state's leading advocates for alternative prison sentencing.

The program tries to offer an alternative to prison for low-level criminal offenders referred by a judge, an attorney or even themselves. After investigating a client's background, the staff submits a treatment plan for substance abuse, mental hardships or other problems to a judge for approval.

Preventing crime is the major goal of Sentencing Services. Studies funded by the N.C. Governor's Crime Commission have shown 72 percent of clients do not commit crimes within two years of treatment, which most often takes place outside prison walls.

The program also saves taxpayer dollars, said Louise Davis, executive director of ReEntry Inc. in Wake County a private, nonprofit agency that runs the county's Sentencing Services program.

It costs the state $24,000 a year to house a prison inmate, Davis said, and that money could be saved if a defendant gets a sentence other than incarceration.

Tale of addiction

For Hooker, the savings were even greater.

Instead of languishing in prison, Hooker earned his master's degree last year in clinical counseling from Webster University in Myrtle Beach, S.C. For the past three years he has worked as a clinician with Wake County's Program for Assertive Community Treatment.

"We provide holistic treatment for the severely mentally ill," Hooker said about his work.

A soft-spoken man with a full salt-and-pepper beard, Hooker, 53, credits his turnaround to Sentencing Services.

"If I hadn't been introduced to ReEntry, if they hadn't stuck with me, I wouldn't be where I am today," Hooker said from his office at the A.A. Thompson Building on Hargett Street.

In 1967, Hooker tried heroin for the first time at a friend's garage. He was a 10th-grader at the old Ligon High School in Raleigh.

He used only on the weekends or at parties then at $5 or $3 a bag but by the 12th grade, Hooker was an addict.

He spent a year in Washington, D.C., after graduation. When he returned to Raleigh, crime supported his habit.

In 1971, he was convicted of armed robbery and sentenced to one day to 14 years in prison. He was paroled in 1977. "When I got out, I went back to drugs," Hooker said.

From then until 1991, that was Hooker's life: in prison or strung out on drugs. He was stealing to support a cocaine habit in 1991 when Raleigh police charged him with two counts of larceny.

That was the beginning of Hooker's break. He was represented in court by Wendell attorney J. Harold Cadwell, who was also a member of ReEntry's Board of Directors.

Before his court appearance, the program found Hooker a bed in a 28-day drug treatment program at John Umstead Hospital in Butner. It was Hooker's first time in drug treatment, and he realized he liked being sober.

"I was really engaged," he said.

A changed life

Hooker flourished at the Forsyth Initiative for Residential Self-help Treatment (FIRST) program in Winston Salem. He developed a community education program about the treatment center and started a landscaping project. He also enrolled in classes at Guilford Community College.

In 1996, Hooker moved back to Raleigh after finding work as a counselor with SouthLight, a private substance abuse treatment program.

ReEntry's support was vital, he said.

"I could have given up, but too many people were invested in me," Hooker said. "I didn't want to disappoint them."

Cuts hurt program

In 2003 as a result of the budget cuts, two full-time employees were laid off from the ReEntry staff in Wake County. That left one salaried position, with the two remaining staffers as contract employees with no benefits.

Susan Brooks, director of Sentencing Services, said the program has asked the legislature to add $500,000 to its $3.6 million budget. That would not restore the money lost in the 2001 cuts. But Brooks said she knew about a movement to do so "and we certainly support that."

Efforts to restore funding for Sentencing Services will depend on the state's overall budget picture, Rubert said.

"If the cuts were restored, I believe Sentencing Services could present even more plans than they did in 2001," Rubert said.

"We could save a life like Ollie Hooker."

Staff writer Thomasi McDonald can be reached at 829-4533 or tmcdonal@newsobserver.com.

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VISITOR REGISTRATION SHEET

Appropriations Subcommittee — 4-6-05

Name of Committee — Date

Justice + Public Safety

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Ralph Walker	AOC
Rex Whaley	AOC
Elisa Wolper	ATF
Tye Hunter	IDS
MARVIN Waters	CCPS
Melissa Lovell	DOJ

House Pages

Name Of Committee: JPS Date: 04/05/05

1. Name: Terrence Valladares
   County: Mecklenburg
   Sponsor: Tarheel Challenge
2. Name: Justin Gessinger
   County: Randolph
   Sponsor: Arlie Culp
3. Name: Dennis Foos
   County: Cumberland
   Sponsor: Margaret Hagwood Smith Dickson
4. Name: Elizabeth Riddick
   County: Hertford
   Sponsor: Basnight
5. Name: Sarah Brown
   County: Wake
   Sponsor: Basnight

Sgt-At-Arms

1. Name: Jim Womack } House
2. Name: Lesli Oakley
3. Name: Mary Perry } Senate
4. Name:
5. Name:

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

April 7, 2005, 8:00 a.m.
Room 415, LOB

HOUSE MEMBERS PRESENT: (8) Representatives Phil Haire, Joe Kiser, Ron Sutton, Phillip Frye, Melanie Goodwin, Edward Jones, Carolyn Justus, and Paul Miller.

SENATE MEMBERS PRESENT: (6) Senators Scott Thomas, John Snow, Stan Bingham, Tom Apodaca, Ellie Kinnaird and Keith Presnell.

A visitors registration sheet is attached and made part of these minutes.

Rep. Phil Haire opened the meeting with the introduction of Rep. Edward Jones (D-Halifax) – new member of the JPS Committee, replacing Rep. John Hall and continued with the introduction of Pages and Sergeant at Arms. (sheet attached.)

Rep. Haire recognized Jim Mills, Staff, for a General Overview of Justice and Public Safety Agency Budget Proposals - Handout #1.

Mr. Mills continued with Handout #2 – 2005-06 Budget Reduction Options for Discussion thru line 33.

Ms. Chloe Gossage, staff, picked up the discussion on line 34 – thru line 46.

Secretary Theodis Beck, Department of Correction, commented on jail backlog, the potential number of positions to be eliminated and the problems that the cuts will present to the Department.

Rep. Haire asked that agencies make suggestions to the committee in writing.

Mr. Doug Holbrook, staff, continued with line 47 and Mr. Gregg Stahl, AOC, commented on reductions and eliminated positions.

Sen. Ellie Kinnaird requested a copy of court fees.

Ms. Gossage continued the discussion on Justice – line 72. Then, Ms. Denise Thomas, Staff, on Juvenile Justice – lines 84, 85, 90-97. Mr. Mills discussed line 87-89 with comments from Secretary George Sweat, Juvenile Justice. Ms. Thomas picked up on Crime Control – line 101-108. Mr. Bennie Aiken, Comptroller of Crime Control requested time to review everything in detail.

Rep. Haire asked that agencies get all requests, specific problems and alternatives in writing to the committee by noon on Monday. Sen. Thomas asked stated that the Chairs were open to suggestions and asked members of the committee for any suggestions.

Rep. Haire adjourned the meeting at 9:50 a.m.

Respectfully submitted,

Rep. Phil Haire
Chair

Sara Jane Lennard
Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415 Legislative Office Building
April 7 2005 8:00 A.M.

I. CALL TO ORDER

Chairmen: Senator Scott Thomas
Representative Joe Kiser
Representative Phillip Haire, Presiding

II. PRESENTATIONS

Opening Remarks by Chairs

Review and Discussion of JPS Budget Reduction Options

Subcommittee Chairmen
Fiscal Research Staff

III. OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

JPS — Name of Committee

04/07/05 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Mildred Spearman	NCDOC
Elisa Wolfe	AOC
Rex Whaley	AOC
Gregg Stahl	AOC
Tye Hunter	IDS
Guy Mehaffey	OAG
Barbara Baber	DOC
Theodis Beck	DOC
Tracy Little	DOC
LARRY DIX	DJJDP
David Jones	GCC/CCAPS
DAVID BARNES	Poyner + Spruill
Doug Herman	NC BAR ASSOC
SUSAN BROOKS	IDS/SENTENCING SERVICES
Jim Nowell	IDS
NEILS ROSEBLAND	NC DOJ
Melissa Lovell	NC DOJ
Bennie Aiken	CCPS
Patrice Roulhac	NCACC
Rebecca Troutman	NCACC
Lee Hodge	KCH
MARVIN WATERS	CCPS
MIRIAM GRAY	NCNG
William Ratliff	NCNG
Grady Stephenson	NC DJJDP
Joanne McDaniel	DJJDP
Linda Washington	DJJDP

VISITOR REGISTRAT)N SHEET

JPS — Name of Committee

04/07/05 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Donn Hargrove	DJJDP
Mike Ruder	HAVEN HOUSE SERVICES
George, Sweat	DJJDP
Dwayne Patterson	"
BRIAN LEWIS	Covenant w NC's CHILDREN
Mark Gibson	Capitol Area PS
Bill Wilson	NCATL
S. Katzenellenbogen	Sentencing Com.

Rm. 415

House Pages

Name Of Committee: Appropriation Justice and Public Safety Date: 4-7-05

ED JONES

1. Name: Martin Gonzales
   County: Wake
   Sponsor: Earl Jones
2. Name: Wisezah Buckman
   County: Mecklenburg
   Sponsor: Senator Black
3. Name: Elizabeth Riddick
   County: Hertford
   Sponsor: Basnight
4. Name: Selby ~~Lo~~ LO
   County: Wake
   Sponsor: Senator Cowell
5. Name:
   County:
   Sponsor:

Sgt-At-Arms

1. Name: Jim Womack } House
2. Name: Frank Preyd } House
3. Name: Mary Perry
4. Name: Charles Marsilus } Senate
5. Name:

Handout #1
April 7

Justice and Public Safety Agency Budget Proposals
FY 2005-06

Agency	Certified Budget FY 2004-05	Author. Budget FY 2004-05	FY 2005-06 Governor's Recommended Continuation Budget	**FY 2005-06 Adjusted Recommended Continuation Budget**	FY 2005-06 Governor's Recommended Expansion Budget	FY 2005-06 Governor's Total Recommended Budget
Correction	948,637,385	994,589,309	1,045,627,365	*1,045,627,365*	902,000	1,046,529,365
Judicial-AOC	318,241,612	333,843,618	342,043,618	*341,443,618*	5,550,000	346,993,618
Judicial- OIDS	82,019,451	83,188,190	96,688,190	*96,688,190*	0	96,688,190
Justice	72,213,779	76,555,004	78,155,004	*78,155,004*	499,229	78,654,233
Juvenile Justice	132,319,567	137,157,825	139,857,825	*139,857,825*	1,750,780	141,608,605
Crime Control	32,051,638	33,586,632	34,086,632	*29,861,632*	1,622,000	31,483,632
Total JPS	**1,585,483,432**	**1,658,920,578**	**1,736,458,634**	*1,731,633,634*	**10,324,009**	**1,741,957,643**

JPS JOINT TARGET: $1,668,795,352

Target Compared to 2004-05 Authorized Budget: $9,874,774 increase

Target Compared to Adjusted Recommended Continuation: $62,838,282 Reduction

Target Compared to Governors Total Recommended Budget for FY 05-06: $73,162,291 Reduction

below Bob's line

Handout #2 April 7, 05

JPS FY 2005-06 Budget Reduction Options for Discussion

more discretionary

	Options for Discussion	Level I	Level II
	Correction		
1	Reduce Dept. wide PC line item to 03-04 actual /delay 4 year replacement schedule	$ 943,839	$ 943,839
2	Reduce carpentry/hardware supplies in prisons by 10%	$ 500,000	$ 500,000
3	Eliminate 05-06 increase in travel for DOC Mgmnt	$ 264,022	$ 264,022
4	Reduce shift pay from 20% to 10% for Custody staff on weekend nights and evenings. Does not affect 10% on day shift	$ 3,500,000	$ 3,500,000
5	Reduce Holiday Pay from 75% to 50 % for Custody staff	$ 1,500,000	$ 1,500,000
6	Drop contracts for Evergreen and Mary Frances Treatment Centers/Retain 40% of funds for in-house programs		
7	Evergreen ($2.1 million contract)	$ 1,260,000	$ 1,260,000
8	Mary Frances ($2.98 million contract)		$ 1,770,000
9	Reduce funding for prison DART programs by 50%		$ 1,150,000
10	Delete increase in overtime budget	$ 1,244,184	$ 1,244,184
11	Transfer Prison Enterprises Cash Balance to General Fund		
12	Transfer 500k	$ 500,000	
13	Transfer $1 M		$ 1,000,000
14	Eliminate 31 of 115 community work crews-no more than 2 per district except work farms	$ 1,540,000	$ 1,540,000
15	Delete salary reserve for new prisons: Maury and Bertie	$ 731,120	$ 731,120
16	Delay position establishment/ hiring for new prison--Maury (w/out add'l health positions) and Bertie (Non-recurring)		
17	One month -- Maury	$ 1,061,088	
18	Two months		$ 2,124,055
19	One month -- Bertie	$ 1,155,007	
20	Two months		$ 2,322,344
21	Delay Regional Medical at Maury: two mos/ or 6/1/06 NR	$ 338,696	$ 1,415,623
22	Reduce non-security line items for new prisons by 10%	$ 207,455	$ 207,455
23			
24	Close two GPAC Prisons (178 EOC min. custody beds)-- Gates and Union	$ 2,176,516	$ 2,176,516
25	Convert Cleveland Correctional center to Minimum (Oct 1)	$ 263,692	$ 263,692
26	Close Charlotte Corr Center if land sold	$ 1,810,000	$ 1,810,000
27	Increase Inmate Medical Co-Pay from $3 to $5 for sick call and $5 to $7 for calls outside normal hours	$ 149,000	$ 149,000
28	Take 50% of cash balance from Welfare Fund/75%	$ 440,000	$ 660,000
29	Reduce hospital Inpatient rates (assumes negotation of new rates statewide)	$ 4,250,000	$ 4,250,000
30	Reduce physician charges (assumes negotation of new rates statewide)	$ 1,750,000	$ 1,750,000

JPS FY 2005-06 Budget Reduction Options for Discussion

	Options for Discussion	Level I	Level II
31	Increase work release charge from $16 to $18 and transportation fee from $2.50 to $3	$ 536,000	$ 536,000
32	Decrease/eliminate unit management in prison system	$ 2,117,670	$ 4,340,000
33	Reduce ECO, Inc contract by 20%/50%	$ 67,495	$ 168,739
34	Reduce PPO Is - increase caseloads from 90 to 110		
35	Reduce 25 of 59 PPO Is	$ 1,117,400	
36	Reduce 35 of 59 PPO Is		$ 1,564,360
37	Reduce non-profit funds 20% or 50%; HH; SH; WAR	$ 356,259	$ 890,647
38	Reduce CJPP increase in continuation budget (50% or 75%)	$ 500,000	$ 750,000
39	Reduce misc. contracts in DCC	$ 90,000	$ 175,000
40	Reduce DCC office equipment (to actual 03-04)	$ 90,000	$ 90,000
41	Eliminate 2 vacant positions in Parole Commission	$ 94,642	$ 94,642
42	Reduce 2 Parole Commissioners to 3/4 time or 1/2 time	$ 45,565	$ 102,662
43			
44	*Total Correction*	*$ 30,599,650*	*$ 41,243,900*
45			
46	**AOC**		
47	Reduce by 20%/50% Mediation Centers Pass-through	$ 301,341	$ 753,353
48	Eliminate Arbitration		$ 549,031
49	Reduce GAL Administration budget by 10/20%	$ 558,112	$ 1,116,224
50	Reduce GAL Attorney Fees to 2003-04 level		$ 550,000
51	10%/20% Reduction in Equipment and Other Reserves	$ 1,033,725	$ 2,067,449
52	Reduce Salary Reserve (Agency Recommendation)	$ 500,000	$ 500,000
53	Reduce reserve for pay plans and judicial longevity (Agency Rec.)	$ 1,000,000	$ 1,000,000
54	Eliminate Superior Court Judges Travel Allowance	$ 742,000	$ 742,000
55	Eliminate District Attorney Investigators	$ 1,336,000	$ 1,336,000
56	Eliminate Drug Treatment Court	$ 1,078,744	$ 1,078,744
57	Eliminate Family Court Program	$ 1,971,976	$ 1,971,976
58	June 30 Balance in Worthless Check pgm NR (Agency Rec)	$ 100,000	$ 200,000
59	*Raise Cap on Estate Value:(Agency Rec)*		
60	*$3,000 to $6,000*	*$ 1,607,225*	
61	*Eliminate cap*		*$ 4,800,000*
62			
63	*Total AOC*	*$ 10,229,123*	*$ 16,664,777*
64	*General Court of Justice Fees--Each $1 generates about $1.5m*		

	JPS FY 2005-06 Budget Reduction Options for Discussion		
	Options for Discussion	**Level I**	**Level II**
65	**OIDS**		
66	Reduce Attorney Fee Fund		$ 1,035,124
67	Reduce Pass-through to Center for Death Penalty Litigation 20%	$ 118,000	$ 118,000
68	Eliminate Sentencing Services	$ 3,680,285	$ 3,680,285
69			
70	*Total OIDS*	*$ 3,798,285*	*$ 4,833,409*
71			
72	**Justice**		
73	Reduce NC LEAF 20% or to 2003-04 actual	$ 54,200	$ 71,000
74	Reduce continuation budget increase for vehicle replacement/cont. NR cut	$ 261,104	$ 436,104
75	Reduce continuation budget increase for SBI equipment	$ 230,735	$ 280,735
76	Reduce travel to actual 03-04	$ 58,589	$ 58,589
77	Budget overreallized receipts in Justice Academy (Agency rec. $30,000)	$ 30,000	$ 50,000
78	*$2 traffic violation user fee to support DCI-PIN (Agency rec, eff. Jan 1)*	*$ 1,468,282*	*$ 1,468,282*
79	Use alternative fund source for Medicaid Fraud Unit match (Agency rec.)	$ 406,840	$ 406,840
80	Eliminate 7 positions vacant at least 8 months (IT, support)	$ 360,871	$ 360,871
81			
82	*Total Justice*	*$ 2,463,781*	*$ 2,725,581*
83			
84	**Juvenile Justice**		
85	Reduce non-profit funding by 20%/50% (JAC, Challenge, Boys & Girls; Project Pride)	$ 166,000	$ 415,000
86	Eliminate Communities in Schools pass-through funds	$ 272,500	$ 272,500
87	Reduce YDC budget to more closely reflect population		
88	Staff YDC's for 586 beds (funded at 632 in 03-04)	$ 3,230,000	
89	Staff YDC's for 539 beds currently open; Avg Daily population in 2004: 485		$ 6,460,000
90	Reduce G.F. funding for Support Our Students by 5%	$0	$312,120
91	Reduce data processing supplies	$ 20,000	$ 20,000
92	Reduce PC/Printer line item to 03-04 actual	$ 138,614	$ 138,614
93	Reduce continuation increase in travel	$ 63,882	$ 63,882
94	Increase budgeted receipts for Prior Year Refunds (53-8303)	$ 300,000	$ 300,000
95	Reduce JCPC funds by 5%		$ 1,187,326
96	Reduce Governor's 1-on-1 Program by 5%		$ 82,273
97	Reduce Eckerd funds by 5%		$ 554,969
98			
99	*Total Juvenile Justice*	*$ 4,190,996*	*$ 9,806,685*
100			

	JPS FY 2005-06 Budget Reduction Options for Discussion		
	Options for Discussion	**Level I**	**Level II**
101	**Crime Control**		
102	Reduce Tarheel Challenge state matching funds 20%/50%	$ 201,600	$ 504,000
103	Reduce erroneous continuation budget increases for leased space	$ 120,000	$ 120,000
104	Reduce by 20%/50% NCVAN pass-through funding	$ 30,000	$ 75,000
105	Increase budgeted receipts: Other Sales/Services (43-4190); Ctr Substance Tax Dist (43-2505); Registration Fees (43-5600); Other Misc Revenue (43-7990); Refund Prior Expenditures (43-8301);	$ 290,000	$ 290,000
106	Transfer State/Local Redev. Position	$ 90,000	$ 90,000
107	Reduction to operating budget	$ 704,263	$ 704,263
108	*Increase BPS tax surcharge by $.01/$.05*	*$ 31,900*	*$ 159,500*
	Total Crime Control	*$ 1,467,763*	*$ 1,942,763*
	Total JPS Reductions Listed	**$ 52,749,597**	**$ 77,217,114**
	Minimum Reduction Needed	**$ 62,838,282**	

MINUTES

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday, May 3, 2005
Room 415 LOB
10:30 a.m.

The Senate Appropriations Subcommittee on Justice and Public Safety met at 10:30 a.m. on Tuesday, May 3, 2005 in Room 415, LOB. Seven members of the Senate Subcommittee attended. Senator Scott Thomas presided.

Senator Thomas called the meeting to order and welcomed the Pages, staff, and visitors.

The Justice and Public Safety Committee Fiscal Research Division staff, Jim Mills, Denise Thomas, Doug Holbrook, Chloe Gossage, presented to the committee the budgets for their respective departments, including the Department of Correction, Administrative Office of the Courts – Judicial, Department of Justice, Department of Juvenile Justice & Delinquency Prevention, and the Department of Crime Control and Public Safety. (See Attachment #1).

After brief remarks by agency representatives and committee discussion the meeting adjourned at 12:00 p.m.

Scott Thomas
Senator Scott Thomas, Co-Chair

Vickie Spears
Vickie Spears, Committee Assistant

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday, May 3, 2005
1:30 p.m.
Room 414 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairman: Senator Scott Thomas

II. PRESENTATIONS

Proposed Senate Justice and Public Safety Budget for FY 2005-07

- Opening Remarks/Discussion by Chair

- Presentation of Proposed Senate Budget

  Fiscal Research Staff

- Remarks from Agency Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

Attachment #1

Justice and Public Safety Agency Budget Proposals
FY 2005-06

Agency	Authorized Budget FY 2004-05	FY 2005-06 Adjusted Recommended Continuation Budget	*FY 2005-06 Governor's Total Recommended Budget*	Senate 5/2/05 FY 2005-06 Recommended Budget	Senate Proposal Compared to Governor's Request
Correction	994,589,309	1,045,627,365	*1,046,529,365*	1,023,193,451	(23,335,914)
Judicial-AOC	333,843,618	341,443,618	*346,993,618*	338,914,267	(8,079,351)
Judicial- OIDS	83,188,190	96,688,190	*96,688,190*	90,879,188	(5,809,002)
Justice	76,555,004	78,155,004	*78,654,233*	76,555,200	(2,099,033)
Juvenile Justice	137,157,825	139,857,825	*141,608,605*	135,174,503	(6,434,102)
Crime Control	33,586,632	29,861,632	*31,483,632*	33,509,206	2,025,574
Total JPS	**1,658,920,578**	1,731,633,634	*1,741,957,643*	**1,698,225,815**	**(43,731,828)**

JPS JOINT TARGET: $1,668,795,352

Attachment #1
MAY 3 2005
10:30 AM

Senate Subcommittee on Justice and Public Safety

Judicial

GENERAL FUND

	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$341,443,618**		**$345,243,618**	
Legislative Changes				
Drug Treatment Court				
1 Reduce Drug Treatment Court Funding Funding for the Drug Treatment Court program currently operating in nine judicial districts in the state is reduced by $1 million. The AOC may use other funding sources to sustain program operations, and is encouraged to leverage all existing local resources. Two positions will remain in AOC to provide support and technical assistance to local courts seeking to operate sustainable treatment courts without additional resources.	($1,000,000) -12.00	R	($1,000,000) -12.00	R
Equipment and Other Reserves				
2 Mecklenburg Telephone System Appropriates $1.5 million non-recurring to equip the new Mecklenburg County Courthouse with a telephone system.	$1,500,000	NR		
3 Reduce Salary Reserve Takes a recurring reduction to the AOC Salary Reserve Fund, which is generated by the difference between the budgeted salary for a position, and the lower amount paid for the position. This is an agency recommendation.	($500,000)	R	($500,000)	R
4 Reduce Equipment and Reserves 10% Takes a 10% recurring reduction in the line items for equipment and other reserves, including salary reserve accounts.	($1,033,725)	R	($1,033,725)	R
5 Reduce Pay Plan and Longevity Reserves Takes a reduction in the reserve accounts which support judicial pay plans and the judicial longevity. This cut is possible due to recent turnover which brings down the number of positions eligible for these benefits. This is an agency recommendation.	($1,000,000)	R	($1,000,000)	R
Family Court				
6 Reduce Family Court Staffing Reduces appropriation to Family Court program by 25%. All current locations shall be kept in operation, but with reduced staffing.	($492,994) -8.00	R	($492,994) -8.00	R

Senate Subcommittee on Justice and Public Safety	FY 05-06		FY 06-07	
Systemwide				
7 Create New Judicial Districts Provides funding to split two current judicial districts. Superior Court District 20A (Anson and Richmond) and 20B (Stanly and Union) will be reconfigured with Stanly moving into 20A, leaving Union alone as 20B, effective December 1, 2005. District Court District 20 currently includes all four counties, but will align with the Superior Court District effective December 1, 2005. The Prosecutorial District will realign with the same county split effective January 1, 2007. Superior and District Court District 29, encompassing Henderson, McDowell, Polk, Rutherford, and Transylvania Counties, will be split into 29A (McDowell and Rutherford) and 29B (Henderson, Polk, and Transylvania) effective December 1, 2005. The Prosecutorial District will split on the same lines effective January 1, 2007. The current Trial Court Administrator will continue to serve both districts.	$148,039 4.00	R	$561,027 9.00	R
Trial Courts				
8 Reduce Dispute Settlement Centers Pass-through Reduces the amount passed through to Dispute Settlement, or Mediation, Centers by 10%. Each local program's pass-through will be reduced by 10%.	($150,671)	R	($150,671)	R
Total Legislative Changes	**($4,029,351)** **$1,500,000**	R NR	**($3,616,363)**	R
Total Position Changes	-16.00		-11.00	
Revised Budget	**$338,914,267**		**$341,627,255**	

Judicial - Indigent Defense

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$96,688,190**		**$91,688,190**	
Legislative Changes				
Aid to Non-State Entities				
9 Reduce Grant-in-Aid to State Bar Reduces the funding passed through to the State Bar to support the Center for Death Penalty Litigation by 15%.	($88,500)	R	($88,500)	R
Attorney Fee Fund				
10 Reduce Indigent Persons Attorney Fee Fund Takes a recurring reduction to the Indigent Persons Attorney Fee Fund's continuation growth.	($2,040,217)	R	($2,040,217)	R
Sentencing Services				
11 Eliminate Sentencing Services Program Eliminates funding for Sentencing Services, which develops community-based punishment plans for offenders. Cost per plan, at $1,800, is excessive, and the demand for plans has been reduced by Structured Sentencing. Probation officers can provide quality pre-sentence investigations when requested by the sentencing judge.	($3,680,285) -17.50	R	($3,680,285) -17.50	R
Total Legislative Changes	**($5,809,002)**	R	**($5,809,002)**	R
Total Position Changes	-17.50		-17.50	
Revised Budget	**$90,879,188**		**$85,879,188**	

Justice

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$78,155,004**		**$78,855,004**	
Legislative Changes				
12 Budget Receipts for MIU State Match Budget receipts from the Department of Health and Human Services for the 25 percent state match required for the Medicaid Fraud Investigation Unit.	($406,840)	R	($406,840)	R
Criminal Justice Training & Standards				
13 Budget Over-realized Receipts Reduce the budget to offset increased receipts, based on revenue collections in FY 2003-04.	($50,000)	R	($50,000)	R
14 Reduce Over-budgeted Worker's Compensation The budget for worker's compensation is reduced due to a decrease in projected need.	($46,587)	R	($46,587)	R
Department-wide				
15 Reduce Travel Line Items Reduce travel line items to actual 2003-04 expenditures.	($58,589)	R	($58,589)	R
16 Eliminate vacant positions Eliminate five vacant positions in the Department: 3613-0000-0004-210 (Comp. Supp. Tech I) 3613-0000-0002-029 (Comp. Supp. Tech I) 3613-0000-0003-999 (Proc. Asst. V) 3613-0000-0004-231 (Proc. Asst. V) 3612-0000-0000-867 (Volunteer Services Coordinator)	($198,940) -5.00	R	($198,940) -5.00	R
Law Enforcement - SBI				
17 Reduce Vehicle Replacement Increase One-year elimination of the recurring increase for vehicle replacement recommended in the Governor's continuation budget. This leaves a budget of approximately $1.1 million in 2005-06 and $1.4 million in 2006-07.	($261,104)	NR		
18 Reduce SBI Increase for Equipment Reduce the increase for equipment recommended in the Governor's continuation budget by 50 percent. The Department may use federal asset forfeiture funds to purchase additional equipment.	($115,368)	R	($115,368)	R

Senate Subcommittee on Justice and Public Safety	FY 05-06		FY 06-07	
19 Budget Increased Receipts From DCI-PIN Fee Budget anticipated receipts from an increase in the monthly fee for access to the Division of Criminal Information - Police Information Network (DCI-PIN) from $6 to $12 for mobile data terminals, effective January 1, 2006.	($325,548)	R	($651,096)	R
20 Reduce Over-budgeted Longevity The longevity budget is reduced due to a decrease in projected longevity payments.	($136,828)	R	($136,828)	R
Total Legislative Changes	**($1,338,700)** **($261,104)**	R NR	**($1,664,248)**	R
Total Position Changes	-5.00		-5.00	
Revised Budget	**$76,555,200**		**$77,190,756**	

Juvenile Justice & Delinquency Prevention

GENERAL FUND

	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$139,857,825**		**$140,157,825**	
Legislative Changes				
Department-wide				
21 Reduce Non-salary Line Items Reduce the budget for data processing supplies and pc/printer equipment replacement	($158,614)	R	($158,614)	R
22 Reduce Travel Budget Reduce the continuation budget increase for employee travel.	($63,882)	R	($63,882)	R
23 Budget Prior Year Receipts Increase the amount budgeted for prior year receipts to approximate the actual amount realized in recent fiscal years.	($300,000)	NR		
Intervention/Prevention				
24 Juvenile Crime Prevention Councils Reduce the continuation budget for JCPC formula grants by 5 percent.	($1,187,326)	R	($1,187,326)	R
Special Initiatives				
25 NC Communities In Schools Reduce pass-through funding in the DJJDP continuation budget for the NC Communities in Schools (NCCIS) administrative office. The goal of NCCIS is to improve student school performance and it functions primarily to support the mission of the Department of Public Instruction. NCCIS will continue to receive continuation funding of $169,000 R from DJJDP, $200,000 R from the Governor's Office, and $607,500 R from DPI. In addition, the Education Appropriations Subcommittee's budget provides $500,000 R expansion, as requested in the Governor's Recommended Budget. In total, NCCIS will receive $1,476,500 R in state funds in FY05-06.	($103,500)	R	($103,500)	R
26 Project P.R.I.D.E. Eliminate continuation budget funding for this program. Program should seek state funding available through the county JCPCs or federal grants from the Governor's Crime Commission.	($140,000)	R	($140,000)	R

	FY 05-06		FY 06-07	
27 Eckerd Wilderness Camps 500,000 R is provided for the Eckerd Wilderness Camp contract. The purpose of this expanded funding is to offset the educational costs of juveniles referred to Eckerd from DHHS, DJJDP, and private sources. DPI will continue to provide a separate payment to Eckerd, outside of the DJJDP contract, to offset the educational costs of juveniles referred by local school systems.	$500,000	R	$500,000	R
Youth Development Centers				
28 Reduce Funding for YDC Beds The funding for Youth Development Centers is over $44 million dollars. This funding level is based on operating over 600 beds. DJJDP currently has 539 beds open and a population of 427. This action reduces funding by approximately 7% and reduces beds by approximately 50. In implementing this reduction, DJJDP shall not close any YDC's and shall implement the reduction throughout the YDC system.	($3,230,000) -82.00	R	($3,230,000) -82.00	R
Total Legislative Changes	**($4,383,322)** **($300,000)**	R NR	**($4,383,322)**	R
Total Position Changes	-82.00		-82.00	
Revised Budget	**$135,174,503**		**$135,774,503**	

Correction

GENERAL FUND

	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$1,045,627,365**		**$1,060,627,365**	
Legislative Changes				
Central Administration				
29 Travel Eliminate continuation increase in travel for DOC central administration.	($264,022)	R	($264,022)	R
Community Corrections				
30 Reduce Miscellaneous Contract Line Item Reduce line item. This will leave funds in excess of 2003-04 actual expenditures, to be used for risk assessments and other needs.	($90,000)	R	($90,000)	R
31 Reduce Office Equipment Reduce the budget for office equipment to more closely reflect actual 2003-04 expenditures.	($90,000)	R	($90,000)	R
32 Reduce Probation/Parole Officer I Positions Eliminate 25 vacant Probation/Parole Officer I positions. Caseloads for these positions have been increased from 90:1 to 110:1, leaving 59 positions that are not necessary to meet caseload goals. DCC may reallocate the remaining 34 positions for trainers, supervising officers, and other positions as needed.	($1,117,400) -25.00	R	($1,117,400) -25.00	R
33 Reduce Increase for CJPP Eliminate the increase in the Governor's recommended continuation budget. No funds shall be used for pre-trial release programs.	($1,000,000)	R	($1,000,000)	R
Department Wide				
34 Computer Equipment Reduce department wide personal computer/printer line item to 2003-04 actual expenditures	($943,839)	R	($943,839)	R
35 Reduce Overtime Budget Eliminate the recommended continuation budget increase in overtime pay.	($1,244,184)	R	($1,244,184)	R
Post-Release Supervision & Parole Commission				
36 Eliminate Vacant Positions Eliminate two vacant case analyst positions.	($94,642) -2.00	R	($94,642) -2.00	R

	FY 05-06		FY 06-07	
37 Restructure Parole Commission Reduce two of the three Commissioner positions from full-time to half-time positions. The Chair will remain a full-time position.	($102,662) -1.00	R	($102,662) -1.00	R
Prisons				
38 Carpentry/Hardware Supplies Reduce this line item by 10%	($500,000)	R	($500,000)	R
39 Increase Inmate Medical Co-pay Increase inmate co-pay for sick call from $3 to $5 and for sick call outside normal hours from $5 to $7. This does not affect indigent inmates	($149,000)	R	($149,000)	R
40 Inmate Work Release Charges The amount inmates pay towards the administration of the work release program is $16 a day in per diem and $2.50 a day for transportation. This increases per diem to $18 and transportation to $3	($536,000)	R	($536,000)	R
41 Close Union Correctional Center Union is one of the three remaining minimum custody prison field units recommended for closing by the Government Performance Audit Committee. While DOC will be short of prison beds in 2005-06 under current circumstances, the DOC projects an overage of minimum custody beds.	($1,157,396) -32.00	R	($1,157,396) -32.00	R
42 Close Haywood Correctional Center Haywood Correctional Center is one of the three remaining minimum custody prison field units recommended for closing in the Government Performance Audit Study. While DOC will be short of prison beds in 2005-06 under current circumstances, the DOC projects an overage of minimum custody beds.	($1,292,829) -36.00	R	($1,292,829) -36.00	R
43 Close Gates Correctional Center Gates is one of the three remaining minimum custody prison field units recommended for closing in the Government Performance Audit Study. While DOC will be short of prison beds in 2005-06 under current circumstances, the DOC projects an overage of minimum custody beds.	($1,019,120) -28.00	R	($1,019,120) -28.00	R
44 Convert Cleveland Correctional Center Cleveland Correctional Center is a medium custody facility whose cost per day is higher than the average medium custody prison. It is recommended that Cleveland be converted to minimum custody. This will allow reduction of positions and costs due to lower level security needs.	($263,692) -11.00	R	($263,692) -11.00	R
45 Inmate Medical -- Physician Charges This reduction assumes that fees charged by outside providers (physicians and physician specialists) for inmate medical will be tied to State Health Plan reimbursement rates and that DOC will continue efforts to regionalize medical services	($1,750,000)	R	($1,750,000)	R

	FY 05-06		FY 06-07	
46 Inmate Medical--Hospital Charges This reduction assumes that fees charged by hospitals for inpatient and outpatient services for DOC inmates will be tied to State Health Plan reimbursement rates and that DOC will continue efforts to regionalize medical services.	($3,250,000)	R	($3,250,000)	R
47 Partial Reimbursement for Inmate Labor DOC currently operates 115 inmate community work crews at a cost of approximately $5 million dollars. These crews perform work projects at no cost to local and state agencies. DOC also has 140 inmate labor contracts with state and local governments. Inmate labor is provided for these long-term contracts at a charge of $1 a day for each inmate. It is recommended that DOC charge other state and local governments for a portion of the operating costs of community work crews and for the administration of inmate labor contracts to recover a small portion of DOC costs. This will allow a reduction in the General Fund.	($600,000)	R	($600,000)	R
48 Delay Maury Correctional Center Positions Maury Correctional center is due to open November 05; the inmate occupancy date is April 06. Positions are established on a rolling schedule from August 05 to November 05; this action pushes back the establishment of each position one month but is not intended to delay the opening of the prison.	($1,061,088)	NR		
49 Delay Maury Regional Medical Positions DOC included funding for a regional medical program at Maury Correctional Center in its continuation budget. Based on the length of time for startup of a similar facility at Alexander Correctional Center, it is believed position establishment can be delayed until June of 05-06	($1,415,623)	NR		
50 Delay Bertie Positions Construction of Bertie Correctional center is due to be completed in February, 2006; the inmate occupancy date is July 2006.Positions are established on a rolling schedule from September 05 to February 06. This action pushes back the establishment of each position one month but is not intended to delay the opening of the prison.	($1,155,007)	NR		
51 Reduce line items in Maury and Bertie budgets Reduce non-security line items by 10% at each prison (equipment, supplies etc)	($207,455)	R	($207,455)	R
52 Maury and Bertie Salary Reserve Eliminate salary reserve line item in new prisons. DOC can use department-wide salary reserve for position reallocation needs at Maury and Bertie.	($731,120)	R	($731,120)	R
53 Holiday Pay Reduce the continuation budget for holiday pay from 1.75 times regular pay to 1.5, the same holiday pay rate that other eligible state employees receive. DOC may use available funds to offset this reduction.	($1,340,000)	R	($1,340,000)	R

Senate Subcommittee on Justice and Public Safety	FY 05-06		FY 06-07	
54 Reduce Unit Management Function in Prisons	($1,058,835)	R	($1,058,835)	R
DOC uses unit management positions at eighteen prisons to assist security and program staff with the day to day operation of housing units. This reduction would reduce unit manager and assistant unit manager positions at thirteen prisons with 6 or more unit management staff.	-30.00		-30.00	
Total Legislative Changes	**($18,802,196)**	R	**($18,802,196)**	R
	($3,631,718)	NR		
Total Position Changes	-165.00		-165.00	
Revised Budget	**$1,023,193,451**		**$1,041,825,169**	

Crime Control and Public Safety

GENERAL FUND

	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$29,861,632**		**$29,961,632**	
Legislative Changes				
Administration				
55 State/Local Redevelopment Liaison Eliminate the State/Local Redevelopment Liaison Position (4910-2000-0001-212). The function of this position duplicates that of the staff in the Division of Community Assistance (DCA) at the Department of Commerce. DCA assists local governments across the state with community development, housing, economic development, and revitalization. In addition, the Institute of Government at UNC-CH provides community and economic development assistance to county and local governments.	($90,294) -1.00	R	($90,294) -1.00	R
Alcohol Law Enforcement				
56 Leased Space Reduce the continuation budget for leases to correct an erroneous increase.	($120,000)	R	($120,000)	
Department-wide				
57 Increase Budgeted Receipts Increase the amount budgeted for receipts to approximate actual amounts realized in recent years.	($290,000)	NR		
58 Reduce Non-salary Line Items Reduce the continuation amount budgeted for contracts, supplies, equipment, and other non-salary expenses in Alcohol Law Enforcement, Butner Public Safety, and Administration.	($352,132)	R	($352,132)	R
National Guard				
59 National Guard Pension Fund Provide $4,500,000 for the NC National Guard Pension Fund. Effective July 1, 2005, these funds will be used to increase the monthly pension benefit payment to current and future retirees from a maximum of $100 to a maximum of $150.	$4,500,000	R	$4,500,000	R

Senate Subcommittee on Justice and Public Safety	FY 05-06		FY 06-07	
Total Legislative Changes	**$3,937,574**	R	**$3,937,574**	R
	($290,000)	NR		
Total Position Changes	-1.00		-1.00	
Revised Budget	**$33,509,206**		**$33,899,206**	

Attachment #1

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY

SPECIAL PROVISIONS

MAY 2, 2005

PART XIV. JUDICIAL DEPARTMENT

Requested by: Senators Thomas, Garrou, Dalton, Hagan

ESTABLISH CONFERENCE OF CLERKS OF COURT OF SUPERIOR COURT

SECTION 14.1.(a) Chapter 7A of the General Statutes is amended by adding a new Subchapter to read:

"**SUBCHAPTER XV. CONFERENCE OF CLERKS OF SUPERIOR COURT.**

"Article 63.

"Conference of Clerks of Superior Court.

"**§ 7A-805. Establishment and purpose.**

There is created the Conference of Clerks of Superior Court of North Carolina, of which each clerk of superior court is a member. The purpose of the Conference is to assist in improving the administration of justice in North Carolina by coordinating the efforts of the various clerks of superior court, by assisting them in the administration of their offices, and by exercising the powers and performing the duties provided for in this Article.

"**§ 7A-806. Annual meetings; organization; election of officers.**

(a) Annual Meetings. – The Conference shall meet each summer and winter at a time and place selected by the President of the Conference.

(b) Election of Officers. – Officers of the Conference are a President, two Vice Presidents, a Secretary, a Treasurer, and other officers from among its membership that the Conference may designate in its bylaws. Officers are elected for one-year terms at the annual summer conference and take office on July 1 immediately following their election.

(c) Executive Committee. – The Executive Committee of the Conference consists of the President, the two Vice Presidents, the Secretary, the Treasurer, and seven other members of the Conference. One of these seven members shall be the immediate past president if there is one and that past president continues to be a member.

(d) Organization and Functioning; Bylaws. – The bylaws may provide for the organization and functioning of the Conference, including the powers and duties of its officers and committees. The bylaws shall state the number of members required to constitute a quorum at any meeting of the Conference or the Executive Committee. The bylaws shall set out the procedure for amending the bylaws.

(e) Calling Meetings; Duty to Attend. – The President or the Executive Committee may call a meeting of the Conference upon 10 days' notice to the members, except upon written waiver of notice signed by at least three-fourths of the members. A member should attend each meeting of the Conference and the Executive Committee of which he is given notice. Members are entitled to reimbursement for travel and subsistence expenses at the rate applicable to State employees.

"**§ 7A-807. Powers of Conference.**

(a) The Conference may:

(1) Cooperate with citizens and other public and private agencies to promote the effective administration of justice.

(2) Develop advisory manuals to assist in the organization and administration of their offices, case management, calendaring, case tracking, filing, and office procedures.

(3) Work with the cooperation of the Administrative Office of the Courts and the Institute of Government of the School of Government at UNC-Chapel Hill to provide education and training programs for clerks and staff.

(b) The Conference may not adopt rules pursuant to Chapter 150B of the General Statutes.

"**§ 7A-808. Executive secretary; clerical support.**

The Conference may employ an executive secretary and any necessary supporting staff to assist it in carrying out its duties."

SECTION 14.1.(b) The organizational meeting of the Conference of Clerks of Superior Court shall be convened by the Director of the Administrative Office of the Courts as soon as feasible. Officers elected at that organizational meeting shall serve until their successors take office July 1, 2006.

Requested by: Senators Thomas, Dalton, Purcell, Garrou, Hagan

DIVIDE DISTRICT COURT DISTRICT 20 AND PROSECUTORIAL DISTRICT 20 INTO 20A AND 20B AND REALIGN SUPERIOR COURT DISTRICTS 20A AND 20B/DIVIDE SUPERIOR COURT, DISTRICT COURT, AND PROSECUTORIAL DISTRICTS 29 INTO DISTRICTS 29A AND 29B

SECTION 14.2.(a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones,	1
		Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1

	5B	(part of New Hanover, part of Pender see subsection (b))	1
	5C	(part of New Hanover, see subsection (b))	1
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Vance, Warren	2
Third	9A	Person, Caswell	1
Third	10A	(part of Wake, see subsection (b))	2
Third	10B	(part of Wake, see subsection (b))	2
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13	Bladen, Brunswick, Columbus	2
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	2
Fourth	16A	Scotland, Hoke	1

Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2
Fifth	18A	(part of Guilford, see subsection (b))	1
Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	Montgomery, Randolph	1
Sixth	19C	Rowan	1
Fifth	19D	Moore	1
Sixth	20A	Anson, Richmond ~~Richmond~~ Stanly	~~1~~ 2
Sixth	20B	~~Stanly,~~ Union	~~2~~ 1
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22	Alexander, Davidson, Davie, Iredell	3
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	2
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2

Eighth	28	Buncombe	2
Eighth	~~29~~	~~Henderson, McDowell, Polk, Rutherford, Transylvania~~	~~2~~
	29A	McDowell, Rutherford	1
	29B	Henderson, Polk, Transylvania	1
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1."

SECTION 14.2.(b) The superior court judgeship established for District 20A by subsection (a) of this section shall be filled by the judge currently serving District 20B who resides in Stanly County. That judge's current term expires on December 31, 2006. No election shall be held in 2006 for that judge's seat, and that judge shall serve until a successor is elected in the 2008 general election, in order to provide for unstaggered terms for multiple judgeships in the same district.

SECTION 14.2.(c) The superior court judgeship established for District 29A by subsection (a) of this section shall be filled by the superior court judge from current District 29 who resides in Rutherford County. That judge's term expires on December 31, 2012, and a successor shall be elected in the 2012 general election.

SECTION 14.2.(d) The superior court judgeship established for District 29B by subsection (a) of this section shall be filled by the superior court judge from current District 29 who resides in Henderson County. That judge's term expires on December 31, 2006, and a successor shall be elected in the 2006 general election.

SECTION 14.2.(e) The trial court administrator serving current District 29 shall serve as trial court administrator for both District 29A and District 29B.

SECTION 14.2.(f) G.S. 7A-133(a) reads as rewritten:

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

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico

		Carteret
4	8	Sampson
		Duplin
		Jones
		Onslow
5	8	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	2	Warren
		(part of Vance
		see subsection (b))
10	15	Wake
11	8	Harnett
		Johnston
		Lee
12	9	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	6	Durham
15A	4	Alamance
15B	4	Orange
		Chatham
16A	3	Scotland
		Hoke
16B	5	Robeson
17A	2	Rockingham
17B	4	Stokes
		Surry

18	12	Guilford
19A	4	Cabarrus
19B	6	Montgomery
		Moore
		Randolph
19C	4	Rowan
~~20~~ 20A	~~7~~ 4	Stanly
		~~Union~~
		Anson
		Richmond
20B	3	Union
21	9	Forsyth
22	9	Alexander
		Davidson
		Davie
		Iredell
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	8	Burke
		Caldwell
		Catawba
26	17	Mecklenburg
27A	6	Gaston
27B	4	Cleveland
		Lincoln
28	6	Buncombe
~~29~~	~~7~~	~~Henderson~~
		~~McDowell~~
		~~Polk~~
		~~Rutherford~~
		~~Transylvania~~
29A	3	McDowell
		Rutherford
29B	4	Henderson
		Polk
		Transylvania
30	5	Cherokee

Clay
Graham
Haywood
Jackson
Macon
Swain."

SECTION 14.2.(g) The four district court judgeships established for District 20A by subsection (f) of this section shall be filled by the district court judges from current District 20 who reside in Anson, Stanly, and Richmond Counties. The term of the judge living in Anson County expires the first Monday in December 2008. That judge's successor shall be elected in the 2008 election. The term of the judge living in Stanly County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 election. The term of one of the judges living in Richmond County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 election. The term of the other judge living in Richmond County expires the first Monday in December 2008. That judge's successor shall be elected in the 2008 election.

SECTION 14.2.(h) The three district court judgeships established for District 20B by subsection (f) of this section shall be filled by the district court judges from current District 20 who reside in Union County. The terms of the three judges living in Union County expire the first Monday in December 2008. Those judges' successors shall be elected in the 2008 election.

SECTION 14.2.(i) The three district court judgeships established for District 29A by subsection (f) of this section shall be filled by the district court judges from current District 29 who reside in McDowell and Rutherford Counties and by the judge established for District 29 to be appointed by the Governor pursuant to Section 14.6 of S.L. 2004-124, as amended by subsection (j) of this section. The term of the judge living in Rutherford County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 general election. The term of the judge living in McDowell County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 election.

SECTION 14.2.(j) Section 14.6(f) of S.L. 2004-124 reads as rewritten:

"**SECTION 14.6.(f)** The Governor shall appoint the additional district court judges for Districts 5, 21, and ~~29~~ 29A authorized by subsection (e) of this section, and those judges' successors shall be elected in the 2006 general election for four-year terms commencing on the first Monday in December 2006.

The district court judge for the additional judgeship in District 17B, as authorized by subsection (e) of this section, shall be elected in the 2004 general election in the same manner as provided for in G.S. 163-329 to serve a four-year term beginning the first Monday in December 2004, and no vacancy exists before that date."

SECTION 14.2.(k) The four district court judgeships established for District 29B by subsection (f) of this section shall be filled by the district court judges from current District 29 who reside in Henderson and Transylvania Counties. The term of the three judges living in Henderson County expires the first Monday in December 2008.

Those judges' successors shall be elected in the 2008 general election. The term of the judge living in Transylvania County expires the first Monday in December 2008. That judge's successor shall be elected in the 2008 general election.

SECTION 14.2.(l) G.S. 7A-60(a1) reads as rewritten:

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

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	10
2	Beaufort, Hyde, Martin, Tyrrell, Washington	6
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	14
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	16
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	11
9A	Person, Caswell	4
10	Wake	31
11	Harnett, Johnston, Lee	14
12	Cumberland	18
13	Bladen, Brunswick, Columbus	11
14	Durham	13
15A	Alamance	8
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	10
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	27
19A	Cabarrus	6
19B	Montgomery, Moore, Randolph	11
19C	Rowan	5
~~20~~ 20A	Anson, Richmond,	~~15~~ 8

	~~Stanly, Union~~ Stanly	
20B	Union	7
21	Forsyth	17
22	Alexander, Davidson, Davie, Iredell	16
23	Alleghany, Ashe, Wilkes, Yadkin	5
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	15
26	Mecklenburg	36
27A	Gaston	12
27B	Cleveland, Lincoln	9
28	Buncombe	11
~~29~~	~~Henderson, McDowell, Polk, Rutherford, Transylvania~~	~~11~~
29A	McDowell, Rutherford	5
29B	Henderson, Polk, Transylvania	6
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	9

SECTION 14.2.(m) The district attorneys established for Districts 20A, 20B, 29A, and 29B by subsection (l) of this section shall be elected in the 2006 general election.

SECTION 14.2.(n) The eight assistant district attorney positions established for District 20A by subsection (l) of this section shall be filled by eight assistant district attorneys currently serving Anson, Richmond, and Stanly Counties in District 20. The seven assistant district attorney positions established for District 20B by subsection (l) of this section shall be filled by seven assistant district attorneys currently serving Union County in District 20.

SECTION 14.2.(o) The five assistant district attorney positions established for District 29A by subsection (l) of this section shall be filled by five assistant district attorneys currently serving McDowell and Rutherford Counties in current District 29. The six district attorney positions established for District 29B by subsection (l) of this section shall be filled by six assistant district attorneys currently serving Henderson, Polk, and Transylvania Counties in current District 29.

SECTION 14.2.(p) G.S. 7A-69 reads as rewritten:

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

The district attorney in prosecutorial districts 1, 3B, 4, 5, 7, 8, 11, 12, 13, 14, 15A, 15B, 16A, 18, 19B, ~~20,~~ 20A, 20B, 21, 22, 24, 25, 26, 27A, 27B, 28, ~~29,~~ 29A, 29B, and 30 is entitled to one investigatorial assistant, and the district attorney in prosecutorial district 10 is entitled to two investigatorial assistants, 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."

SECTION 14.2.(q) With respect to the realignment of Superior Court Districts 20A and 20B, subsections (a) through (e) of this section become effective December 1, 2005, or the date upon which subsection (a) of this section is approved under section 5 of the Voting Rights Act of 1965, whichever is later. With respect to the division of Superior Court District 29, subsections (a) through (e) of this section become effective December 1, 2005. With respect to the division of District Court District 20, subsections (f) through (k) of this section become effective December 1, 2005, or the date upon which subsection (f) of this section is approved under section 5 of the Voting Rights Act of 1965, whichever is later. With respect to the division of District Court District 29, subsections (f) through (k) of this section become effective December 1, 2005. With respect to the division of Prosecutorial District 20, subsections (l) through (p) of this section become effective January 1, 2007, or the date upon which subsection (l) of this section is approved under section 5 of the Voting Rights Act of 1965, whichever is later, but the district attorneys for Prosecutorial Districts 20A and 20B shall be elected in the 2006 general election. With respect to the division of Prosecutorial District 29, subsections (l) through (p) of this section become effective January 1, 2007, but the district attorneys for Prosecutorial Districts 29A and 29B shall be elected in the 2006 general election.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

COLLECTION OF WORTHLESS CHECK FUNDS

SECTION 14.3. Notwithstanding the provisions of G.S. 7A-308(c) and except as otherwise provided in this act, the Judicial Department may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2005, for the purchase or repair of office or information technology equipment during the 2005-2006 fiscal year. Prior to using any funds under this section, the Judicial Department shall report to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the equipment to be purchased or repaired and the reasons for the purchases.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

SECTION 14.4. Funds appropriated to the Judicial Department in the 2005-2007 biennium for equipment and supplies shall be certified in a reserve account. The Administrative Office of the Courts may 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.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

STUDY ELECTRONIC PAYMENT

SECTION 14.5. The Judicial Department shall study the feasibility of implementing electronic and online payment options for court fees and other funds collected by the courts. The study shall address the estimated costs and time frame for implementing electronic payment as well as any necessary legislative changes. The Judicial Department shall report its findings as a result of the study to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by May 1, 2006.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

GRANT FUNDS

SECTION 14.6. The Judicial Department shall use up to the sum of one million two hundred fifty thousand dollars ($1,250,000) from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

INCREASE CHARGES FOR APPELLATE DIVISION REPORTS TO ACTUAL COST

SECTION 14.7. The Judicial Department shall charge the full cost of production for all copies of the appellate division reports that are sold.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

NORTH CAROLINA STATE BAR FUNDS

SECTION 14.8. Of the funds appropriated in the continuation budget as a grant-in-aid to the North Carolina State Bar for the 2005-2007 biennium, the North Carolina State Bar may in its discretion use up to the sum of five hundred one thousand five hundred dollars ($501,500) for the 2005-2006 fiscal year and up to the sum of five hundred one thousand five hundred dollars ($501,500) for the 2006-2007 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. The Office of Indigent Defense Services shall report by February 1, 2006, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the activities funded by the grant-in-aid authorized by this section.

Requested by: Senators Kinnaird, Garrou, Dalton, Hagan

TRANSFER RESPONSIBILITY FOR PROVIDING LEGAL ASSISTANCE TO INMATES FROM THE DEPARTMENT OF CORRECTION TO THE OFFICE OF INDIGENT DEFENSE SERVICES

The General Assembly of North Carolina enacts:

SECTION 14.9.(a) G.S. 7A-498.3 reads as rewritten:

"**§ 7A-498.3. Responsibilities of Office of Indigent Defense Services.**

(a) The Office of Indigent Defense Services shall be responsible for establishing, supervising, and maintaining a system for providing legal representation and related services in the following cases:

(1) Cases in which an indigent person is subject to a deprivation of liberty or other constitutionally protected interest and is entitled by law to legal representation;

(2) Cases in which an indigent person is entitled to legal representation under G.S. 7A-451 and G.S. 7A-451.1; ~~and~~

(2a) Cases in which the State is legally obligated to provide legal assistance and access to the courts to inmates in the custody of the Department of Correction; and

(3) Any other cases in which the Office of Indigent Defense Services is designated by statute as responsible for providing legal representation.

(b) The Office of Indigent Defense Services shall develop policies and procedures for determining indigency in cases subject to this Article, and those policies shall be applied uniformly throughout the State. ~~The~~ Except in cases under subdivision (2a) of subsection (a) of this section, the court shall determine in each case whether a person is indigent and entitled to legal representation, and counsel shall be appointed as provided in G.S. 7A-452.

(c) In all cases subject to this Article, appointment of counsel, determination of compensation, appointment of experts, and use of funds for experts and other services related to legal representation shall be in accordance with rules and procedures adopted by the Office of Indigent Defense Services.

(d) The Office of Indigent Defense Services shall allocate and disburse funds appropriated for legal representation and related services in cases subject to this Article pursuant to rules and procedures established by the Office."

SECTION 14.9.(b) Effective October 1, 2005, the State's responsibility for providing inmates in the custody of the Department of Correction with legal assistance and access to the courts shall be administered by the Office of Indigent Defense Services. The existing contract between the Department of Correction and Prisoner Legal Services, Inc., shall not be extended or renewed beyond that date.

The Director of Indigent Defense Services, in consultation with the Commission on Indigent Defense Services and the Department of Justice, shall determine which types of legal services can best be provided directly to inmates by staff employed by the Office of Indigent Defense Services, which services should be provided by counsel designated by the Office of Indigent Defense Services, and which services should be provided by contract between the Office of Indigent Defense Services and nonprofit organizations or other contract providers.

If the Director of Indigent Defense Services determines that, in order to facilitate the transfer of responsibility provided for in this section, it is necessary for Prisoner Legal Services, Inc., to continue providing legal services and access to the courts to inmates beyond the termination of its contract with the Department of

Correction on September 30, 2005, the Director may contract with Prisoner Legal Services, Inc., for a period of time to be determined by the Director.

SECTION 14.9.(c) The sum of one million eight hundred eighty-three thousand eight hundred sixty-five dollars ($1,883,865) for the 2005-2006 fiscal year and the sum of two million five hundred eleven thousand eight hundred twenty dollars ($2,511,820) for the 2006-2007 fiscal year shall be transferred from the Department of Correction to the Office of Indigent Defense Services to implement this section.

SECTION 14.9.(d) Subsections (a) and (b) of this section become effective October 1, 2005. The remainder of this section becomes effective July 1, 2005.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

WAKE COUNTY PUBLIC DEFENDER OFFICE FUNDS

SECTION 14.10. Of the funds appropriated to the Judicial Department, Office of Indigent Defense Services, in this act, the Office of Indigent Defense Services shall use up to the sum of two million three hundred thousand five hundred thirty-four dollars ($2,300,534) for the 2005-2006 fiscal year and the sum of two million one hundred eighty-one thousand three hundred twenty-three dollars ($2,181,323) for the 2006-2007 fiscal year to establish a public defender's office in the Tenth Defender District, as authorized by Section 14.4(b) of S.L. 2004-126. The funds shall be used to establish the public defender, 20 assistant public defenders, four investigators, one administrative assistant II, and five legal assistants.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS

SECTION 14.11. The Judicial Department, Office of Indigent Defense Services, may use up to the sum of one million sixty-nine thousand six hundred forty-five dollars ($1,069,645) in appropriated funds during the 2005-2006 fiscal year and up to the sum of one million twenty-three thousand one hundred thirty-five dollars ($1,023,135) in appropriated funds during the 2006-2007 fiscal year for the expansion of existing offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services by creating up to 10 new attorney positions and five new support staff positions. These funds may be used for salaries, benefits, equipment, and related expenses. Prior to using funds for this purpose, the Office of Indigent Defense Services shall report to the Chairs of the House and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

OFFICE OF INDIGENT DEFENSE SERVICES REPORT

SECTION 14.12. The Office of Indigent Defense Services shall report to the Chairs of the Senate and House of Representatives Appropriations Committees and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on:

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

Requested by: Senators Thomas, Garrou, Dalton, Hagan

CLARIFY THAT FEES PAID TO ATTORNEYS REPRESENTING INDIGENT CLIENTS SHALL BE FIXED IN ACCORDANCE WITH THE RULES ADOPTED BY THE OFFICE OF INDIGENT DEFENSE SERVICES AND MAY NOT BE SET AT HIGHER RATES WITHOUT THE APPROVAL OF THE OFFICE OF INDIGENT DEFENSE SERVICES

SECTION 14.13. G.S. 7A-458 reads as rewritten:

"**§ 7A-458. Counsel fees.**

The fee to which an attorney who represents an indigent person is entitled shall be fixed in accordance with rules adopted by the Office of Indigent Defense Services. Fees shall be based on the factors normally considered in fixing attorneys' fees, such as the nature of the case, and the time, effort and responsibility involved. Fees shall not be set or ordered at rates higher than those established by the rules adopted under this section without the approval of the Office of Indigent Defense Services. Even if the trial, appeal, hearing or other proceeding is never held, preparation therefor is nevertheless compensable and, in capital cases and other extraordinary cases pending in superior court, a fee for services rendered and payment for expenses incurred may be allowed pending final determination of the case."

PART XV. DEPARTMENT OF JUSTICE

Requested by: Senators Thomas, Garrou, Dalton, Hagan

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

SECTION 15.1.(a) Assets transferred to the Departments of Justice, Correction, and Crime Control and Public Safety during the 2005-2007 biennium pursuant to applicable federal law shall be credited to the budgets of the respective departments and shall result in an increase of law enforcement resources for those departments. The Departments of Justice, Correction, 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.

SECTION 15.1.(b) The General Assembly finds that the use of assets transferred pursuant to federal law for new personnel positions, new projects,

acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice, the Department of Correction, 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.

SECTION 15.1.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice, the United States Department of the Treasury, and the United States Department of Health and Human Services.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

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

SECTION 15.2. The Private Protective Services and Alarm Systems Licensing Boards shall pay the appropriate State agency for the use of physical facilities and services provided to those Boards by the State.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS

SECTION 15.3. Client departments, agencies, and boards shall reimburse the Department of Justice for reasonable court fees, attorney travel and subsistence costs, and other costs directly related to litigation in which the Department of Justice is representing the department, agency, or board.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REIMBURSEMENT FOR UNC BOARD OF GOVERNORS LEGAL REPRESENTATION

SECTION 15.4. The Department of Justice shall be reimbursed by the Board of Governors of The University of North Carolina for two Attorney III positions to provide legal representation to The University of North Carolina System.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORT ON CRIMINAL RECORD CHECKS CONDUCTED FOR CONCEALED HANDGUN PERMITS/STUDY FEE ADJUSTMENT FOR CRIMINAL RECORD CHECKS

SECTION 15.5.(a) 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 of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives 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.

SECTION 15.5.(b) The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal record checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal record checks. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal record checks and how those costs have changed since the prior fiscal year. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House of Representatives Appropriations Committees, the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division on or before March 1, 2006.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

NC LEGAL EDUCATION ASSISTANCE FOUNDATION REPORT ON FUNDS DISBURSED

SECTION 15.6. The North Carolina Legal Education Assistance Foundation shall report by March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds, the purpose of the expenditures, the number of attorneys receiving funds, the average award amount, the average student loan amount, the number of attorneys on the waiting list, and the average number of years for which attorneys receive loan assistance.

Requested by: Senators Hagan, Garrou, Dalton

REDUCE BACKLOG OF RAPE KITS

SECTION 15.7.(a) The Department of Justice shall contract with private entities to reduce the backlog of rape kits in storage in local law enforcement agencies as of July 1, 2004. The Department shall contract with private entities to analyze bodily fluids, DNA evidence, as "DNA" is defined in G.S. 15A-266.2, or both, from rape kits that are evidence in cases in which a suspect has not been identified. The Department shall maximize the use of federal grant funds to expedite the elimination of the backlog.

SECTION 15.7.(b) The Department of Justice shall report, on or before February 1, 2006, and annually thereafter to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the number of rape kits analyzed by private entities and how many of those analyses resulted in arrests or convictions. The Department shall also report on the number of rape kits analyzed by the SBI Crime Lab, the amount of the remaining backlog, and the estimated time left to eliminate the backlog.

SECTION 15.7.(c) Except as provided otherwise by this subsection, the Department of Justice shall hire only nonsworn personnel to fill vacant positions in the State Bureau of Investigation laboratory. A position may be filled with a sworn agent in any of the following circumstances: (i) the position is a promotion for a sworn agent who was employed at the State Bureau of Investigation laboratory prior to July 1, 2005, or (ii) the position is a forensic drug chemist position that has as a primary duty "responding to clandestine methamphetamine laboratories."

Requested by: Senators Thomas, Garrou, Dalton, Hagan

STUDY DNA TESTING AND ANALYSIS COSTS

SECTION 15.8. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the cost of testing and analyzing DNA samples. The study shall include all of the following: a determination of the unit cost for analyzing a rape kit and a comparison of that cost with the unit cost for the same analysis when performed by other labs, both public and private; a comparison of the amount of funds and length of time required to eliminate the backlog of rape kits using private labs versus the SBI crime lab; and a survey of the funding sources used by other states for their DNA testing and analysis lab costs. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House of Representatives Appropriations Committees, the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division on or before March 1, 2006.

PART XVI. DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Requested by: Senators Thomas, Garrou, Dalton, Hagan

S.O.S. ADMINISTRATIVE COST LIMITS

SECTION 16.1. Of the funds appropriated to the Department of Juvenile Justice and Delinquency Prevention in this act, not more than four hundred fifty thousand dollars ($450,000) for the 2005-2006 fiscal year and not more than four hundred fifty thousand dollars ($450,000) for the 2006-2007 fiscal year may be used to administer the S.O.S. Program, to provide technical assistance to applicants and to local S.O.S. programs, and to evaluate the local S.O.S. programs. The Department may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

JCPC GRANT REPORTING AND CERTIFICATION

SECTION 16.2.(a) On or before May 1 each year, the Department of Juvenile Justice and Delinquency Prevention shall submit to the Joint Legislative Commission on Governmental Operations and the Appropriations Committees of the Senate and House of Representatives a list of the recipients of the grants awarded, or preapproved for award, from funds appropriated to the Department for local Juvenile Crime Prevention Council grants. The list shall include for each recipient the amount of the grant awarded, the membership of the local committee or council administering the award funds on the local level, and a short description of the local services, programs, or projects that will receive funds. The list shall also identify any programs that received grant funds at one time but for which funding has been eliminated by the Department of Juvenile Justice and Delinquency Prevention. A written copy of the list and other

information regarding the projects shall also be sent to the Fiscal Research Division of the General Assembly.

SECTION 16.2.(b) Each county in which local programs receive Juvenile Crime Prevention Council grant funds from the Department of Juvenile Justice and Delinquency Prevention shall certify annually through its local council to the Department that funds received are not used to duplicate or supplant other programs within the county.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORTS ON CERTAIN PROGRAMS

SECTION 16.3.(a) Project Challenge North Carolina, Inc., shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1 each year on the operation and the effectiveness of its program in providing alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined. The report shall include information on:

(1) The source of referrals for juveniles.
(2) The types of offenses committed by juveniles participating in the program.
(3) The amount of time those juveniles spend in the program.
(4) The number of juveniles who successfully complete the program.
(5) The number of juveniles who commit additional offenses after completing the program.
(6) The program's budget and expenditures, including all funding sources.

SECTION 16.3.(b) The Juvenile Assessment Center shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the effectiveness of the Center by April 1 each year. The report shall include information on the number of juveniles served and an evaluation of the effectiveness of juvenile assessment plans and services provided as a result of these plans. In addition, the report shall include information on the Center's budget and expenditures, including all funding sources.

SECTION 16.3.(c) Communities in Schools shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, and the Joint Legislative Education Oversight Committee by April 1 each year on the operation and effectiveness of its program. The report shall include information on:

(1) The number of children served.
(2) The number of volunteers used.
(3) The impact on children who have received services from Communities in Schools.
(4) The program's budget and expenditures, including all funding sources.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

ANNUAL EVALUATION OF COMMUNITY PROGRAMS

SECTION 16.4. The Department of Juvenile Justice and Delinquency Prevention shall conduct an evaluation of the Eckerd and Camp Woodson wilderness camp programs, the teen court programs, the program that grants funds to the local organizations of the Boys and Girls Clubs established pursuant to Section 21.10 of S.L. 1999-237, the Save Our Students program, the Governor's One-on-One Programs, and multipurpose group homes. The teen court report shall include statistical information on the number of juveniles served, the number and type of offenses considered by teen courts, referral sources for teen courts, and the number of juveniles that become court-involved after participation in teen courts. The report on the Boys and Girls Clubs program shall include information on:

(1) The expenditure of State appropriations on the program;

(2) The operations and the effectiveness of the program; and

(3) The number of juveniles served under the program.

In conducting the evaluation of each of these programs, the Department shall consider whether participation in each program results in a reduction of court involvement among juveniles. The Department shall also identify whether the programs are achieving the goals and objectives of the Juvenile Justice Act, S.L. 1998-202. The Department shall report the results of the evaluation to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the Subcommittees on Justice and Public Safety of the House of Representatives and Senate Appropriations Committees by March 1 of each year.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

SECTION 16.5. Funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for the 2005-2006 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission shall consult with the Department of Juvenile Justice and Delinquency Prevention regarding the criteria for awarding federal funds. The Office of State Budget and Management, the Governor's Crime Commission, and the Department of Juvenile Justice and Delinquency Prevention shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the 2005-2006 fiscal year, the amount of funds anticipated for the 2006-2007 fiscal year, and the allocation of funds by program and purpose.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

IMPLEMENTATION OF TREATMENT STAFFING MODEL AT YOUTH DEVELOPMENT CENTERS

SECTION 16.6.(a) The Department of Juvenile Justice and Delinquency Prevention shall report each December 31, March 31, June 30, and September 30 of the

2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and to the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee on the treatment staffing model being piloted at Samarkand and Stonewall Jackson Youth Development Centers. The report shall include a list of total positions at each facility by job class, whether the position is vacant or filled, whether positions were filled from internal employees or new employees, and the training and certification status of each position. The report shall also describe the nature of the treatment program, the criteria for evaluating the program, and how the program is performing in comparison to these criteria. The report shall also describe the training approach to be used to train staff in using treatment methods in youth development centers and provide information on current staff training and staff training planned for the next quarter. The Department shall also develop indicators for evaluating staff performance once the model has been implemented.

SECTION 16.6.(b) The Department of Juvenile Justice and Delinquency Prevention shall report each December 31, March 31, June 30, and September 30 of the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the implementation of the treatment staffing model at Dobbs, Dillon, and Juvenile Evaluation Center Youth Development Centers. The Department shall identify the number of positions reallocated to the new treatment job classes and the source of funding for those positions.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

PROGRESS REPORTS ON YOUTH DEVELOPMENT CENTER CAPITAL PROJECTS

SECTION 16.7. The Department of Juvenile Justice and Delinquency Prevention shall report each December 31, March 31, June 30, and September 30 of the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and to the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee on the Department's progress in the planning, design, and construction of new youth development centers. The report shall include:

(1) An overall project schedule for each new youth development center showing the original estimated date for construction completion and the original estimated date for occupancy by juvenile offenders, compared to the latest projected dates.

(2) An explanation of significant delays in the schedule or any potential cost increase.

The Office of State Construction and the Capital Improvement Section of the Office of State Budget and Management shall assist the Department of Juvenile Justice and Delinquency Prevention in the preparation of the report required by this section.

PART XVII. DEPARTMENT OF CORRECTION

Requested by: Senators Thomas, Garrou, Dalton, Hagan

FEDERAL GRANT REPORTING

SECTION 17.1. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, the Judicial Department, and the Department of Juvenile Justice and Delinquency Prevention shall report by May 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

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

SECTION 17.2. The Department of Correction may use funds available to the Department for the 2005-2007 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives 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.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

HOLIDAY PAY FOR DEPARTMENT OF CORRECTION STAFF

SECTION 17.3. Holiday pay for Department of Correction staff entitled to holiday pay shall be one hundred fifty percent (150%) of regular pay during the 2005-2007 biennium, except that the Department of Correction may use funds available to pay up to one hundred seventy-five percent (175%) of regular pay for holiday pay during the 2005-2007 biennium.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

DEPARTMENT OF CORRECTION SECURITY STAFFING FORMULAS

SECTION 17.4.(a) G.S. 143B-262.5 reads as rewritten:

"**§ 143B-262.5. Security Staffing.**

(a) The Department of Correction shall ~~conduct security staffing post-audits of each prison at least biannually, the first such audit to be completed during the 2002-2003 fiscal year. The initial post-audit shall be conducted jointly by Department staff and a consultant, external to the Department, and shall include analysis of the staffing levels assigned for supervision of correctional officers.~~ conduct:

(1) On-site post-audits of every prison at least once every three years;

(2) Regular audits of post-audit charts through the automated post-audit system; and

(3) Other staffing audits as necessary.

(b) The Department of Correction shall update the security staffing relief formula ~~biannually, the first update to be completed during the 2002-2003 fiscal year.~~ at least every three years. Each update shall include a review of all annual training requirements for security staff to determine which of these requirements should be mandatory and the appropriate frequency of the training. The Department shall survey other states to determine which states use a vacancy factor in their staffing relief formulas."

SECTION 17.4.(b) The Department of Correction shall implement the current post-audit by July 1, 2005, and report by October 1, 2005, to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the effect that the new post-audit has had on staffing at each prison.

SECTION 17.4.(c) The Department of Correction shall report on its progress in implementing the staffing recommendations of the National Institute of Corrections to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1, 2006. The report shall include a status report on the implementation of a centralized postaudit control system, the automation of leave records, and the survey of other states' use of a vacancy factor in staffing relief formulas.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

USE OF CLOSED PRISON FACILITIES

SECTION 17.5. In conjunction with the closing of prison facilities, including 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, with the elected State and local officials, and with State agencies about the possibility of converting that unit to other use. The Department may also consult with any private for-profit or nonprofit firm about the possibility of converting the unit to other use. In developing a proposal for future use of each unit, the Department shall give priority to converting the unit to other criminal justice use. Consistent with existing law and the future needs of the Department of Correction, the State may provide for the transfer or the lease of any of these units to counties, municipalities, State agencies, 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 one security custody level to another, where that conversion would be cost-effective. A prison unit under lease to a county pursuant to the provisions of this section for use as a jail is exempt for the period of the lease from any of the minimum standards adopted by the Secretary of Health and Human Services pursuant to G.S. 153A-221 for the housing of adult prisoners that would subject the unit to greater standards than those required of a unit of the State prison system.

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, Crime Control, and Juvenile Justice Oversight Committee. The Department of Correction shall also provide annual summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

INMATE COSTS/MEDICAL BUDGET FOR PRESCRIPTION DRUGS AND INMATE CLOTHING AND LAUNDRY SERVICES

SECTION 17.6.(a) If the cost of providing food and health care to inmates housed in the Division of Prisons is anticipated to exceed the continuation budget amounts provided for that purpose in this act, the Department of Correction shall report the reasons for the anticipated cost increase and the source of funds the Department intends to use to cover those additional needs to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety.

SECTION 17.6.(b) Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the 2005-2006 fiscal year for the purchase of prescription drugs for inmates if expenditures are projected to exceed the Department's inmate medical continuation budget for prescription drugs. The Department shall consult with the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

SECTION 17.6.(c) Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the 2005-2006 fiscal year for the purchase of clothing and laundry services for inmates if expenditures are projected to exceed the Department's budget for clothing and laundry services. The Department shall consult with the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

CONVERSION OF CONTRACTED MEDICAL POSITIONS

SECTION 17.7.(a) The Department of Correction may convert contract medical positions to permanent State medical positions if the Department can document

that the total savings generated will exceed the total cost of the new positions for each facility. Where practical, the Department shall convert contract positions to permanent positions by using existing vacancies in medical positions.

SECTION 17.7.(b) The Department of Correction shall report by April 1, 2006, to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on all conversions made pursuant to this section, by type of position and location, and on the savings generated at each correctional facility.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

LIMIT USE OF OPERATIONAL FUNDS

SECTION 17.8. 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 120 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: Senators Thomas, Garrou, Dalton, Hagan

FEDERAL GRANT MATCHING FUNDS

SECTION 17.9. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of seven hundred fifty thousand dollars ($750,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

COMPUTER/DATA PROCESSING SERVICES FUNDS

SECTION 17.10. Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the 2005-2006 fiscal year for expenses for computer/data processing services if expenditures exceed the Department's continuation budget amount for those services. The Department shall report to the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

MEDIUM CUSTODY ROAD CREW COMPENSATION/COMMUNITY WORK CREWS

SECTION 17.11.(a) Of funds appropriated to the Department of Transportation by this act, the sum of ten million dollars ($10,000,000) per year shall be transferred by the Department of Transportation to the Department of Correction during the 2005-2007 biennium for the actual costs of highway-related labor performed by medium-custody prisoners, as authorized by G.S. 148-26.5. This transfer shall be made quarterly in the amount of two million five hundred thousand dollars ($2,500,000). The Department of Transportation may use funds appropriated by this act to pay an additional amount exceeding the ten million dollars ($10,000,000), but those payments shall be subject to negotiations among the Department of Transportation, the Department of Correction, and the Office of State Budget and Management prior to payment by the Department of Transportation.

SECTION 17.11.(b) The Department of Correction may use up to 39 work crews for Department of Transportation litter control projects. The Department of Transportation shall transfer at least one million three hundred thousand dollars ($1,300,000) per year from the Highway Fund to the Department of Correction during the 2005-2007 biennium to cover the cost of those work crews. Should the two departments determine that the actual cost of operating 39 work crews exceeds that amount, the Department of Transportation shall transfer an additional amount as agreed upon by the two departments and the Office of State Budget and Management.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

INMATE CUSTODY AND CLASSIFICATION SYSTEM

SECTION 17.12.(a) The Department of Correction shall review the current inmate custody and classification system, with the assistance of consultants from the National Institute of Corrections. The review shall focus primarily on the custody classification instrument used to assess inmate custody and the policies and practice of overriding the assessed custody level. The review should focus particularly on determining whether the instrument is effective in predicting custody classification, analyzing the current override rate by custody level, and assessing any need for changes in the override policy. The Department should request assistance from the National Institute of Corrections in obtaining (i) a comparison between Department of Correction override rates and policies and those of other states; (ii) suggestions on an acceptable override rate for classification systems; and (iii) any recommendations the NIC may have on the Department's custody classification instrument and override policy.

SECTION 17.12.(b) The Department shall report its findings and recommendations to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety no later than April 15, 2006.

Requested by: Senators Garrou, Dalton, Hagan

EXTEND LIMITS OF CONFINEMENT/TERMINALLY ILL AND PERMANENTLY AND TOTALLY DISABLED INMATES

SECTION 17.13. G.S. 148-4 reads as rewritten:

"**§ 148-4. Control and custody of prisoners; authorizing prisoner to leave place of confinement.**

The Secretary of Correction shall have control and custody of all prisoners serving sentence in the State prison system, and such prisoners shall be subject to all the rules and regulations legally adopted for the government thereof. Any sentence to imprisonment in any unit of the State prison system, or to jail to be assigned to work under the State Department of Correction, shall be construed as a commitment, for such terms of imprisonment as the court may direct, to the custody of the Secretary of Correction or his authorized representative, who shall designate the places of confinement within the State prison system where the sentences of all such persons shall be served. The authorized agents of the Secretary shall have all the authority of peace officers for the purpose of transferring prisoners from place to place in the State as their duties might require and for apprehending, arresting, and returning to prison escaped prisoners, and may be commissioned by the Governor, either generally or specially, as special officers for returning escaped prisoners or other fugitives from justice from outside the State, when such persons have been extradited or voluntarily surrendered. Employees of departments, institutions, agencies, and political subdivisions of the State hiring prisoners to perform work outside prison confines may be designated as the authorized agents of the Secretary of Correction for the purpose of maintaining control and custody of prisoners who may be placed under the supervision and control of such employees, including guarding and transferring such prisoners from place to place in the State as their duties might require, and apprehending and arresting escaped prisoners and returning them to prison. The governing authorities of the State prison system are authorized to determine by rules and regulations the manner of designating these agents and placing prisoners under their supervision and control, which rules and regulations shall be established in the same manner as other rules and regulations for the government of the State prison system.

The Secretary of Correction may extend the limits of the place of confinement of a prisoner, as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to

(1) Contact prospective employers; or

(2) Secure a suitable residence for use when released on parole or upon discharge; or

(3) Obtain medical services not otherwise available; or

(4) Participate in a training program in the community; or

(5) Visit or attend the funeral of a spouse, child (including stepchild, adopted child or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person though not a natural parent, has acted in the place of a parent), brother, or sister; or

(6) Participate in community-based programs of rehabilitation, including, but not limited to the existing community volunteer and home-leave programs, pre-release and after-care programs as may be provided for and administered by the Secretary of Correction and other programs

determined by the Secretary of Correction to be consistent with the prisoner's rehabilitation and return to society; or

(7) Be on maternity leave, for a period of time not to exceed 60 days. The county departments of social services are expected to cooperate with officials at the North Carolina Correctional Center for Women to coordinate prenatal care, financial services, and placement of the child; or

(8) Receive palliative care, only in the case of a terminally ill inmate or a permanently and totally disabled inmate that the Secretary finds no longer poses ~~a threat to society,~~ a significant public safety risk, and only after consultation with any victims of the inmate or the victims' families. For purposes of this subdivision, the term "terminally ill" describes an inmate who, as determined by a licensed physician, has an incurable condition caused by illness or disease that did not exist at the time of sentencing, that will likely produce death within ~~12 months.~~ six months, and that is so debilitating that it is highly unlikely that the inmate poses a significant public safety risk. For purposes of this subdivision, the term "permanently and totally disabled" describes an inmate who, as determined by a licensed physician, suffers from permanent and irreversible physical incapacitation as a result of an existing physical or medical ~~condition.~~ condition that did not exist at the time of sentencing and that is so incapacitating that it is highly unlikely that the inmate poses a significant public safety risk. The Department's medical director shall notify the Secretary immediately when an inmate has been classified as terminally ill and shall provide regular reports on inmates classified as permanently and totally disabled. The Secretary shall act expeditiously in determining whether to extend the limits of confinement under this subdivision upon receiving notice that an inmate has been classified as terminally ill or permanently and totally disabled and, in the case of a terminally ill inmate, the Secretary shall make a good faith effort to reach a determination within 30 days of receiving notice of the inmate's terminal condition.

The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to the place of confinement designated by the Secretary of Correction, shall be deemed an escape from the custody of the Secretary of Correction punishable as provided in G.S. 148-45."

Requested by: Senators Thomas, Garrou, Dalton, Hagan

PARTIAL REIMBURSEMENT/INMATE COMMUNITY WORK CREWS AND INMATE LABOR CONTRACTS

SECTION 17.14.(a) G.S. 148-26 is amended by adding a new subsection to read:

"(e1) Departments, institutions, agencies, and political subdivisions of the State using inmate community work crews or inmate labor contracts as authorized by this section shall reimburse the Department of Correction for a portion of the costs of operating inmate community work crews and a portion of the administrative expenses of managing inmate labor contracts. In determining the amount of reimbursement to require under this subsection, the Department may consider requiring a smaller amount from entities that can demonstrate a limited ability to pay for inmate labor."

SECTION 17.14.(b) In determining reimbursement amounts required by G.S. 148-26(e1), the Department of Correction shall attempt to recoup at least the sum of six hundred thousand dollars ($600,000) for each year of the 2005-2007 biennium in inmate work crew costs and administrative expenses of managing inmate labor contracts.

SECTION 17.14.(c) The Department of Correction shall report by March 1, 2006, to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the inmate labor contracts and community work programs, identifying total project man-hours by client agency, the total operating costs of these programs, the benefits of these programs, and the potential for reimbursement that more closely reflects the actual cost of all projects.

Requested by: Senators Rand, Thomas, Garrou, Dalton, Hagan

PROVIDER RATES FOR INMATE HEALTH SERVICES NOT TO EXCEED PROVIDER RATES UNDER TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN

SECTION 17.15.(a) G.S. 148-19 reads as rewritten:

"**§ 148-19. Health services.**

(a) The general policies, rules and regulations of the Department of Correction shall prescribe standards for health services to prisoners, which shall include preventive, diagnostic, and therapeutic measures on both an outpatient and a hospital basis, for all types of patients. A prisoner may be taken, when necessary, to a medical facility outside the State prison system. The Department of Correction shall seek the cooperation of public and private agencies, institutions, officials and individuals in the development of adequate health services to prisoners.

(b) Upon request of the Secretary of Correction, the Secretary of Health and Human Services may detail personnel employed by the Department of Health and Human Services to the Department of Correction for the purpose of supervising and furnishing medical, psychiatric, psychological, dental, and other technical and scientific services to the Department of Correction. The compensation, allowances, and expenses of the personnel detailed under this section may be paid from applicable appropriations to the Department of Health and Human Services, and reimbursed from applicable appropriations to the Department of Correction. The Secretary of Correction may make similar arrangements with any other agency of State government able and willing to aid the Department of Correction to meet the needs of prisoners for health services.

Reimbursement rates to public and private agencies and health care providers for health care services rendered to prisoners shall be established as provided in G.S. 148-22.

(c) Each prisoner committed to the State Department of Correction shall receive a physical and mental examination by a health care professional authorized by the North Carolina Medical Board to perform such examinations as soon as practicable after admission and before being assigned to work. The prisoner's work and other assignments shall be made with due regard for the prisoner's physical and mental condition.

(d) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall adopt standards for the delivery of mental health and mental retardation services to inmates in the custody of the Department of Correction. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall give the Secretary of Correction an opportunity to review and comment on proposed standards prior to promulgation of such standards; however, final authority to determine such standards remains with the Commission. The Secretary of the Department of Health and Human Services shall designate an agency or agencies within the Department of Health and Human Services to monitor the implementation by the Department of Correction of these standards and of substance abuse standards adopted by the Department of Correction upon the advice of the Substance Abuse Advisory Council established pursuant to G.S. 143B-270. The Secretary of Health and Human Services shall send a written report on the progress which the Department of Correction has made on the implementation of such standards to the Governor, the Lieutenant Governor, and the Speaker of the House. Such reports shall be made on an annual basis beginning January 1, 1978."

SECTION 17.15.(b) G.S. 148-22 reads as rewritten:

"**§ 148-22. Treatment programs.**

(a) The general policies, rules and regulations of the Department of Correction shall provide for humane treatment of prisoners and for programs to effect their correction and return to the community as promptly as practicable. Visits and correspondence between prisoners and approved friends shall be authorized under reasonable conditions, and family members shall be permitted and encouraged to maintain close contact with the prisoners unless such contacts prove to be hurtful. Casework, counseling, and psychotherapy services provided to prisoners may be extended to include members of the prisoner's family if practicable and necessary to achieve the purposes of such programs. Education, library, recreation, and vocational training programs shall be developed so as to coordinate with corresponding services and opportunities which will be available to the prisoner when he is released. Programs may be established for the treatment and training of mentally retarded prisoners and other special groups. These programs may be operated in segregated sections of facilities housing other prisoners or in separate facilities.

(b) The Department of Correction may cooperate with and seek the cooperation of public and private agencies, institutions, officials, and individuals in the development and conduct of programs designed to give persons committed to the Department opportunities for physical, mental and moral improvement. The Department may enter

into agreements with other agencies of federal, State or local government and with private agencies to promote the most effective use of available resources.

Specifically the Secretary of Correction may enter into contracts or agreements with appropriate public or private agencies or providers offering needed services including health, mental health, mental retardation, substance abuse, rehabilitative or training services for such inmates of the Department of Correction as the Secretary may deem eligible. These agencies and providers shall be reimbursed from applicable appropriations to the Department of Correction for health services rendered at a rate not to exceed ~~that which such agencies normally receive for serving their regular clients~~ the contract rate paid for the same or similar service or diagnostic-related grouping under the Teachers' and State Employees' Comprehensive Major Medical Plan ("Plan") for Plan members. Before paying the claim approved by the Secretary, the Secretary of Correction shall submit the claim to the Plan for verification of the rate charged under the claim in accordance with procedures established by the Executive Administrator and Board of Trustees of the Plan. The Department of Correction shall, from State appropriations and any other funds available for this purpose, transfer to the Teachers' and State Employees' Comprehensive Major Medical Plan funds in the amount determined by the Plan as necessary to cover the Plan's administrative costs for verifying claim rates. The Secretary may contract for the housing of work-release inmates at county jails and local confinement facilities. Inmates may be placed in the care of such agencies but shall remain the responsibility of the Department and shall be subject to the complete supervision of the Department. The Department may reimburse such agencies for the support of such inmates at a rate not in excess of the average daily cost of inmate care in the corrections unit to which the inmate would otherwise be assigned."

SECTION 17.15.(c) Article 3 of Chapter 135 of the General Statutes is amended by adding the following new Part to read:

"Part 6. Administrative Services to Other State Agencies.

"**§ 135-43. Verification of Plan rates for health services provided to prison inmates.**

As used in this Part, "Plan" means the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan. Upon receipt of a claim for health services approved by the Secretary of Correction, the Plan shall review the claim rates and shall verify to the Secretary of Correction that the rates applied in the claim do not exceed the rates applicable under the Plan for the same or similar services or diagnostic-related grouping code for Plan members. Nothing in this section shall be construed as providing Plan benefits to prison inmates. The Plan's self-insured indemnity program shall not incur any financial obligations for claims submitted by the Secretary of Correction for health services rendered to prison inmates."

Requested by: Senators Kerr, Thomas, Garrou, Dalton, Hagan

REPLACEMENT OF UMSTEAD LAUNDRY

SECTION 17.16. In preparation for the scheduled closing of Umstead Hospital in 2007, the Department of Correction shall develop a plan for the replacement of the Correction Enterprises laundry operation at Umstead Hospital and report that plan

to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by May 1, 2006.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

STAFFING STUDY OF UNIT MANAGEMENT

SECTION 17.17. The Department of Correction shall conduct an organization and staffing study of unit management in the State prison system, focusing on the 18 prison facilities that use unit management. The Department shall review workload and staffing at each of the prisons and make recommendations for staffing changes and staffing efficiencies. The study shall consider the responsibilities and workloads of custody supervisors in relation to unit managers and determine whether certain functions should be the responsibility of custody supervisors or program staff.

The Department shall report its findings and recommendations to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by March 1, 2006.

Requested by: Senators Thomas, Dalton, Garrou, Hagan

STUDY EXPANSION AT CLEVELAND CORRECTIONAL CENTER

SECTION 17.18. As part of its development and update of its long-range prison housing plan, the Department of Correction shall consider the feasibility of expanding minimum custody bed capacity at the Cleveland Correctional Center. The study shall include an engineering analysis of the site and a cost analysis of either expanding the current facility or building a stand-alone minimum custody prison. The cost analysis shall include a determination of possible savings by using inmate labor to assist with construction. The Department of Correction shall report its findings to the Chairs of the Senate and House of Representatives Appropriations Committees and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1, 2006.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORT ON ELECTRONIC MONITORING COSTS

SECTION 17.19. The Department of Correction shall report by March 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Committees and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on its efforts to increase the use of electronic monitoring of sentenced offenders in the community as an alternative to the incarceration of probation violators. The report shall also document the geographical distribution of electronic monitoring use compared to other intermediate sanctions. The Department shall also analyze the reasons for the underutilization of the electronic monitoring program and include its findings in the report.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORT ON PROBATION AND PAROLE CASELOADS

SECTION 17.20.(a) The Department of Correction shall report by March 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on caseload averages for probation and parole officers. The report shall include:

(1) Data on current caseload averages for Probation Parole Officer I, Probation Parole Officer II, and Probation Parole Officer III positions;
(2) An analysis of the optimal caseloads for these officer classifications;
(3) An assessment of the role of surveillance officers;
(4) The number and role of paraprofessionals in supervising low-risk caseloads;
(5) An update on the Department's implementation of the recommendations contained in the National Institute of Correction study conducted on the Division of Community Corrections in 2004;
(6) The selection of a risk assessment and the resulting distribution of offenders among risk levels; and
(7) Any position reallocations in the previous 12 months, and the reasons for and fiscal impact of those reallocations.

SECTION 17.20.(b) The Department of Correction shall conduct a study of probation/parole officer workload at least biannually. The study shall include analysis of the type of offenders supervised, the distribution of the probation/parole officers' time by type of activity, the caseload carried by the officers, and comparisons to practices in other states. The study shall be used to determine whether the caseload goals established by the Structured Sentencing Act are still appropriate, based on the nature of the offenders supervised and the time required to supervise those offenders.

SECTION 17.20.(c) The Department of Correction shall report the results of the study and recommendations for any adjustments to caseload goals to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by January 1, 2007.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

COMMUNITY SERVICE WORK PROGRAM

SECTION 17.21. The Department of Correction shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by February 1 of each year on the integration of the Community Service Work Program into the Division of Community Corrections, including the Department's ability to monitor the collection of offender payments from unsupervised offenders sentenced to community service. The Department shall also report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by February 1 of each year on the average caseloads of Community Service Work Program coordinators, by district, division, and statewide. The report shall also include the money collected, the type and value of the work performed, and the number of offenders in the Community Service Work Program, by type of referral

(i.e. parole, supervised probation, unsupervised probation or community punishment, DWI, or any other agency referrals).

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORTS ON NONPROFIT PROGRAMS

SECTION 17.22.(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 to serve women released from prison with children in their custody. Harriet's House shall report by February 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 successfully complete the Harriet's House program, and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(b) Summit House shall report by February 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 had their probation revoked, the number of clients who successfully complete the program while housed at Summit House, Inc., and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(c) Women at Risk shall report by February 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, the number of clients who have successfully completed the program, and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

CRIMINAL JUSTICE PARTNERSHIP PROGRAM

SECTION 17.23.(a) It is the intent of the General Assembly that State Criminal Justice Partnership Program funds not be used to fund case manager positions when those services can be reasonably provided by Division of Community Corrections personnel or by the Treatment Alternatives to Street Crime (TASC) Program in the Department of Health and Human Services.

SECTION 17.23.(b) Notwithstanding the provisions of G.S. 143B-273.15 specifying that grants to participating counties are for the full fiscal year and that unobligated funds are returned to the State-County Criminal Justice Partnership Account at the end of the grant period, the Department of Correction may reallocate unspent or unclaimed funds distributed to counties participating in the State-County Criminal Justice Partnership Program in an effort to maintain the level of services realized in previous fiscal years.

SECTION 17.23.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully developed plan for each type of sanction.

SECTION 17.23.(d) The Department of Correction shall report by February 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Committees, the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the status of the State-County Criminal Justice Partnership Program. The report shall include the following information:

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

(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for the current fiscal year;

(3) Any counties the Department anticipates will submit requests for new implementation grants;

(4) An update on efforts to ensure that all counties make use of the electronic reporting system, including the number of counties submitting offender participation data via the system;

(5) An analysis of offender participation data received, including data on each program's utilization and capacity;

(6) An analysis of comparable programs, prepared by the Research and Planning Division of the Department of Correction, and a summary of the reports prepared by county Criminal Justice Partnerships Advisory Boards; and

(7) An evaluation of Criminal Justice Partnership programs based upon evaluation standards designed by the Division of Community Corrections in consultation with the Fiscal Research Division and the Department of Correction, Division of Research and Planning.

SECTION 17.23.(e) G.S. 143B-273.4 reads as rewritten:

"**§ 143B-273.4. Eligible population.**

(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 serving an active sentence of imprisonment.

(b) The priority populations for programs funded under this Article shall ~~be:~~

~~(1)~~ ~~Offenders~~ be offenders sentenced to intermediate ~~punishments; and~~

~~(2) Offenders who are appropriate for release from jail prior to trial under the supervision of a pretrial monitoring program.~~ punishments."

SECTION 17.23.(f) G.S. 143B-273.15 reads as rewritten:

"**§ 143B-273.15. Funding formula.**

To determine the grant amount for which a county or counties may apply, the granting authority shall apply the following formula:

(1) ~~Twenty percent (20%)~~ Twenty-five percent (25%) based on a fixed equal dollar amount for each county;

(2) ~~Sixty percent (60%)~~ Fifty percent (50%) based on the county share of the State population; and

(3) ~~Twenty percent (20%)~~ Twenty-five percent (25%) based on the ~~supervised probation admissions~~ intermediate punishment entry rate for the ~~county.~~ county, using the total of the three most recent years of data available divided by the average county population for that same period.

The sum of the amounts in subdivisions (1), (2), and (3) is the total amount of the funding that a county may apply for under this subsection.

Grants to participating counties are for a period of one fiscal year with unobligated funds being returned to the Account at the end of the grant period. Funds are provided to participating counties on a reimbursement basis unless a county documents a need for an advance of grant funds."

SECTION 17.23.(g) For the 2005-2006 fiscal year, notwithstanding the formula in G.S. 143B-273.15, each county's formula allocation shall be capped at no less than ninety-five percent (95%) and no greater than one hundred twenty percent (120%) of the funds allocated to that county for the 2004-2005 fiscal year. After determining the capped formula allocations, funds that were used in the 2003-2004 fiscal year for pretrial release programs shall be reallocated among all participating counties using the formula in G.S. 143B-273.15 and dedicated to sentenced offender programs. For the 2006-2007 fiscal year, the same procedures shall be used, except that the capped amounts shall be no less than ninety percent (90%) and no greater than one hundred thirty percent (130%) of the funds allocated to that county for the 2004-2005 fiscal year.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORT ON INMATES ELIGIBLE FOR PAROLE

SECTION 17.24. The Post-Release Supervision and Parole Commission shall report by January 15 and July 15 of each year to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on inmates eligible for parole. These reports shall include at least the following:

(1) The total number of Fair Sentencing and Pre-Fair Sentencing inmates that were parole-eligible during the current fiscal year and the total number of those inmates that were paroled. The report should group these inmates by offense type, custody classification, and type of

parole. The report should also include a more specific analysis of those inmates who were parole-eligible and assigned to minimum custody classification but not released;

(2) The average time served, by offense class, of Fair Sentencing and Pre-Fair Sentencing inmates compared to inmates sentenced under Structured Sentencing; and

(3) The projected number of parole-eligible inmates to be paroled or released by the end of the 2007-2008 fiscal year and by the end of each of the next five fiscal years, beginning with the 2008-2009 fiscal year.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

PROVIDE THAT THE TERMS OF THE MEMBERS OF THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION SERVING ON JUNE 30, 2005, EXPIRE ON THAT DATE AND RESTRUCTURE THE COMMISSION TO CONSIST OF ONE FULL-TIME MEMBER AND TWO HALF-TIME MEMBERS

SECTION 17.25.(a) G.S. 143B-267 reads as rewritten:

"**§ 143B-267. Post-Release Supervision and Parole Commission – members; selection; removal; chairman; compensation; quorum; services.**

~~The~~ Effective July 1, 2005, the Post-Release Supervision and Parole Commission shall consist of ~~three~~ one full-time ~~members.~~ member and two half-time members. The three ~~full-time~~ members shall be appointed by the Governor from persons whose recognized ability, training, experience, and character qualify them for service on the Commission. The terms of office of ~~the five members presently~~ any members serving on the Commission on June 30, 2005, shall expire on ~~July 31, 1999.~~ that date. ~~The term of one of the members appointed effective August 1, 1999, shall be for one year. The term of one of the members appointed effective August 1, 1999, shall be for two years. The term of one of the members appointed effective August 1, 1999, shall be for three years. Thereafter, the~~ The terms of office of persons appointed by the Governor as members of the Commission shall be for four years or until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, removal, death or disability of a ~~full-time~~ member shall be for the balance of the unexpired term only.

The Governor shall have the authority to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of G.S. 143B-13. The Governor shall designate a ~~full-time~~ member of the Commission to serve as ~~chairman~~ chair of the Commission at the pleasure of the Governor.

The granting, denying, revoking, or rescinding of parole, the authorization of work-release privileges to a prisoner, or any other matters of business coming before the Commission for consideration and action shall be decided by majority vote of the full Commission.

The ~~full-time~~ members of the Commission shall receive the salary fixed by the General Assembly in the Current Operations Appropriations Act and shall receive

necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-6.

All clerical and other services required by the Commission shall be supplied by the Secretary of Correction."

SECTION 17.25.(b) This section becomes effective June 30, 2005.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

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

SECTION 17.26. The Post-Release Supervision and Parole Commission shall report by October 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on a plan for restructuring the organization and operation of the Commission and implementing staff reductions to reflect both declines and changes in workload.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

MUTUAL AGREEMENT PAROLE PROGRAM

SECTION 17.27. The Department of Correction and the Post-Release Supervision and Parole Commission shall make a good faith effort to enroll at least ten percent (10%) of all program-eligible, pre-Structured Sentencing felons in the Mutual Agreement Parole Program by January 1, 2006. The Department shall report to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on the number of inmates actually enrolled in the program, the number of inmates who have been paroled as a result of participation in the program, and the number of inmates who have enrolled but terminated as a result of unsuccessful participation in the program. If the ten percent (10%) participation goal established by this section has not been reached, the report shall explain why the goal was not realized.

PART XVIII. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Senators Thomas, Garrou, Dalton, Hagan

ANNUAL EVALUATION OF TARHEEL CHALLENGE PROGRAM

SECTION 18.1. The Department of Crime Control and Public Safety shall report to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by April 1 of each year of the biennium on the operations and effectiveness of the National Guard Tarheel Challenge Program. The report should evaluate the program's effectiveness as an intervention method for preventing juveniles from becoming undisciplined or delinquent. The report shall also evaluate the Program's role in improving individual skills and employment potential for participants and shall include:

(1) The source of referrals for individuals participating in the Program;

(2) The summary of types of actions or offenses committed by the participants of the Program;
(3) An analysis outlining the cost of providing services for each participant, including a breakdown of all expenditures related to the administration and operation of the Program and the education and treatment of the Program participants;
(4) The number of individuals who successfully complete the Program; and
(5) The number of participants who commit offenses after completing the Program.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

VICTIMS ASSISTANCE NETWORK REPORT

SECTION 18.2. The Department of Crime Control and Public Safety shall report on the expenditure of funds allocated pursuant to this section for the Victims Assistance Network. The Department shall also report on the Network's efforts to gather data on crime victims and their needs, act as a clearinghouse for crime victims' services, provide an automated crime victims' bulletin board for subscribers, coordinate and support activities of other crime victims' advocacy groups, identify the training needs of crime victims' services providers and criminal justice personnel, and coordinate training for these personnel. The Department shall submit its report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives by December 1 of each year of the biennium.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

TRANSFER THE STATEWIDE FLOODPLAIN MAPPING UNIT

SECTION 18.3. The Statewide Floodplain Mapping Unit is transferred from the Department of Crime Control and Public Safety to the Department of Environment and Natural Resources. This transfer has all of the elements of a Type I transfer as defined in G.S. 143A-6.

VISITOR REGISTRATION SHEET

Senate Appropriations Subcommittee on Justice & Public Safety - May 3, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jeff Hunt	Coun. of DAs
Lee Rubert	CJPC
B. E. Beatty	CCPS
S. Kabzeuelton	Sen. Com.
Virginia Price	DOC
Mildred Spearman	NCDOC
Theodis Beck	DOC
DELICIA GROOMES	PAROLE COMMISSION
LARRY DIX	DJJDP
NICKS ROSEBAND	NCDOJ
Dwayne Patterson	DJJDP

VISITOR REGISTRATION SHEET

Senate Appropriations Subcommittee on Justice & Public Safety - May 3, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
George Sweat	DJJDP
Linda Washington	"
Damn Hargrave	"
Robin Pendergraft	SBI
Gary McLaurin	AGO
Doug Heron	NC Bar Assoc.
Melissa Lovell	NC DOJ
Anne Wilson	
Bennie Aiken	CCPS
Marvin Waters	CCPS
Eddie Caldwell	NC Sheriffs' Assn.

VISITOR REGISTRATION SHEET

Senate Appropriations Subcommittee on Justice & Public Safety - May 3, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steve Shaber	Poyner + Spruill
Byron Harris	OSBM
Jim Nowell	IDS
Susan E. Brooks	IDS
Rex Whaley	AOC
	AOC
	AOC
Brian Lewis	Covenant w NC's Children
	NLU
	JD, AL, PA
	MFOS

VISITOR REGISTRATION SHEET

Senate Appropriations Subcommittee on Justice & Public Safety - May 3, 2005

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Scoggin	KCCH

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY

Room 415, Legislative Office Building
May 11, 2005, 8:45 A.M.

HOUSE MEMBERS PRESENT: (6) Representatives Phil Haire, Ron Sutton, Phillip Frye, Melanie Goodwin, Edward Jones and Carolyn Justus.

A Visitors Registration Sheet is attached and made part of these minutes.

The House Appropriations Subcommittee on Justice and Public Safety met on May 11, 2005, in Room 415 of the Legislative Office Building. Rep. Phil Haire called the meeting to order with the introduction of Pages and Sergeant at Arms.

Rep. Haire called on Mr. Jim Mills, Staff, to give an overview of Handout #1 – JPS Agency Budget Proposals.

Mr. Doug Holbrook, Staff, gave an overview of Handout #2 – Judicial Senate Budget.

The following guests were introduced for various comments: Judge Lou Trusch, Mecklenburg County, Phil Howerton, District Court Judge – Charlotte, Todd Nuccion, Administrative Office – Mecklenburg County, Bow Ward, Assistant Public Defender, Judge Ralph Walker, AOC Director, and graduates of the Drug Treatment Program, Ted Holmes, Sherrilll Faust, William Harley and Jase Murphy.

After comments from the above, Rep. Haire adjourned the meeting.

Respectfully submitted,

Rep. Phil Haire
Chair

Sara Jane Lennard
Committee Assistant

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	April 6 8:30a.m.	April 7 8:30a.m.	June 1, 2005	May 11, 8:45a.m.	May 18 8:30a.m.	June 1	June 10, 8:45a.m.	July 12 8:30a.m.							
HOUSE															
Rep. Phil Haire, CHAIR	not enough quorum	✓		✓	✓		✓	✓							
Rep. Joe Kiser, CHAIR		✓			✓			✓							
Rep. Karen Ray, VICE CHAIR															
Rep. Ron Sutton, VICE CHAIR		✓		✓	✓		✓	✓							
Rep. Phillip Frye		✓		✓	✓		✓	✓							
Rep. Melanie Goodwin		✓		✓	✓		✓	✓							
Rep. Edward Jones		✓		✓	✓		✓	✓							
Rep. Carolyn Justus		✓		✓	✓			✓							
Rep. Paul Miller		✓			✓			✓							
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓													
Sen. John Snow, VICE- CHAIR	✓	✓													
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓													
Sen. Tom Apodaca	✓	✓													
Sen. Ellie Kinnaird	✓	✓													
Sen. Keith Presnell	✓	✓													
Sen. Tony Rand															

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415 Legislative Office Building

May 11, 2005 8:45 A.M.

I. CALL TO ORDER

Chairmen: Representative Phillip Haire, Presiding
Representative Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Review and Discussion of Senate JPS Budget

Subcommittee Chairmen
Fiscal Research Staff

III. OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

Appropriations — 5/11/05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mildred Spearman	NCDOC
Tracy Little	NCDOC
Rex Whaley	AOC
Jody Minor	MNNC
[illegible]	[illegible]
Casandra Skinner	NCCCPS
Lou Trosch	AOC
Todd Nuccio	Trial Court Administrator
Sherrill Fouet	mcklco Drug Treatment Court Program.
Theodore Holmes	Mecklenberg Co. Drug Treatment Court
SUSAN BROOKS	IDS / SENTENCING SERVICES

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Carolyn Bidwell	IDS/ Sentencing Services
Kathy Johnson	IDS/ Sentencing Services
Grady Stephenson	Dept. Juv. Justice + Del. Prev.
Joanne McDaniel	" " " " "
Nels Rosbrand	NC DOJ
G McLa	NCAJO
Larry Dix	DJJDP
[illegible]	AOC
Philip Houserbacker	District Court Judge Mecklenburg DWI Treatment Court
Bob Ward	Public Defenders' Office - Charlotte
Matt Solowey	AOC

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
William Harle	Charlotte Drug Ct Client- Graduated
Barbara Lowery	Drug Court Meck Co.
Amy Learn	
Ralph Walk	AOC
Thomas Austin	SAIL - Drug Court Treatment Provider
Janeanne Tourtellott	Drug Court Program Administration

Handout # 1

Justice and Public Safety Agency Budget Proposals
FY 2005-06

Agency	Authorized Budget FY 2004-05	FY 2005-06 Adjusted Recommended Continuation Budget	*FY 2005-06 Governor's Total Recommended Budget*	Senate 5/3/05 FY 2005-06 Recommended Budget	Senate Proposal Compared to Governor's Request
Correction	994,589,309	1,045,627,365	*1,046,529,365*	1,023,193,451	(23,335,914)
Judicial-AOC	333,843,618	341,443,618	*346,993,618*	338,914,267	(8,079,351)
Judicial- OIDS	83,188,190	96,688,190	*96,688,190*	90,879,188	(5,809,002)
Justice	76,555,004	78,155,004	*78,654,233*	76,555,200	(2,099,033)
Juvenile Justice	137,157,825	139,857,825	*141,608,605*	135,174,503	(6,434,102)
Crime Control	33,586,632	29,861,632	*31,483,632*	33,509,206	2,025,574
Total JPS	**1,658,920,578**	1,731,633,634	*1,741,957,643*	**1,698,225,815**	**(43,731,828)**

JPS JOINT TARGET: $1,668,795,352

Handout #2

- NO GOVERNOR'S ITEMS
- 55 REDUCTION ITEMS
- 4 EXPANSION ITEMS

Senate Subcommittee on Justice and Public Safety

Judicial

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	$341,443,618		$345,243,618	
Legislative Changes				
Drug Treatment Court				
1 Reduce Drug Treatment Court Funding Funding for the Drug Treatment Court program currently operating in nine judicial districts in the state is reduced by $1 million. The AOC may use other funding sources to sustain program operations, and is encouraged to leverage all existing local resources. Two positions will remain in AOC to provide support and technical assistance to local courts seeking to operate sustainable treatment courts without additional resources.	($1,000,000) -12.00	R	($1,000,000) -12.00	R
Equipment and Other Reserves				
SENATE EXPANSION **2 Mecklenburg Telephone System** Appropriates $1.5 million non-recurring to equip the new Mecklenburg County Courthouse with a telephone system.	$1,500,000	NR		
3 Reduce Salary Reserve Takes a recurring reduction to the AOC Salary Reserve Fund, which is generated by the difference between the budgeted salary for a position, and the lower amount paid for the position. This is an agency recommendation.	($500,000)	R	($500,000)	R
4 Reduce Equipment and Reserves 10% Takes a 10% recurring reduction in the line items for equipment and other reserves, including salary reserve accounts.	($1,033,725)	R	($1,033,725)	R
5 Reduce Pay Plan and Longevity Reserves Takes a reduction in the reserve accounts which support judicial pay plans and the judicial longevity. This cut is possible due to recent turnover which brings down the number of positions eligible for these benefits. This is an agency recommendation.	($1,000,000)	R	($1,000,000)	R
Family Court				
6 Reduce Family Court Staffing Reduces appropriation to Family Court program by 25%. All current locations shall be kept in operation, but with reduced staffing.	($492,994) -8.00	R	($492,994) -8.00	R

Senate Subcommittee on Justice and Public Safety	FY 05-06		FY 06-07	
Systemwide				
7 Create New Judicial Districts SENATE EXPANSION Provides funding to split two current judicial districts. Superior Court District 20A (Anson and Richmond) and 20B (Stanly and Union) will be reconfigured with Stanly moving into 20A, leaving Union alone as 20B, effective December 1, 2005. District Court District 20 currently includes all four counties, but will align with the Superior Court District effective December 1, 2005. The Prosecutorial District will realign with the same county split effective January 1, 2007. Superior and District Court District 29, encompassing Henderson, McDowell, Polk, Rutherford, and Transylvania Counties, will be split into 29A (McDowell and Rutherford) and 29B (Henderson, Polk, and Transylvania) effective December 1, 2005. The Prosecutorial District will split on the same lines effective January 1, 2007. The current Trial Court Administrator will continue to serve both districts.	$148,039 4.00	R	$561,027 9.00	R
Trial Courts				
8 Reduce Dispute Settlement Centers Pass-through Reduces the amount passed through to Dispute Settlement, or Mediation, Centers by 10%. Each local program's pass-through will be reduced by 10%.	($150,671)	R	($150,671)	R
Total Legislative Changes	**($4,029,351)** **$1,500,000**	R NR	**($3,616,363)**	R
Total Position Changes	-16.00		-11.00	
Revised Budget	**$338,914,267**		**$341,627,255**	

ended may 11

Judicial - Indigent Defense

GENERAL FUND

	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$96,688,190**		**$91,688,190**	
Legislative Changes				
Aid to Non-State Entities				
9 Reduce Grant-in-Aid to State Bar Reduces the funding passed through to the State Bar to support the Center for Death Penalty Litigation by 15%.	($88,500)	R	($88,500)	R
Attorney Fee Fund				
10 Reduce Indigent Persons Attorney Fee Fund Takes a recurring reduction to the Indigent Persons Attorney Fee Fund's continuation growth.	($2,040,217)	R	($2,040,217)	R
Sentencing Services				
11 Eliminate Sentencing Services Program Eliminates funding for Sentencing Services, which develops community-based punishment plans for offenders. Cost per plan, at $1,800, is excessive, and the demand for plans has been reduced by Structured Sentencing. Probation officers can provide quality pre-sentence investigations when requested by the sentencing judge.	($3,680,285) -17.50	R	($3,680,285) -17.50	R
Total Legislative Changes	**($5,809,002)**	R	**($5,809,002)**	R
Total Position Changes	-17.50		-17.50	
Revised Budget	**$90,879,188**		**$85,879,188**	

Justice

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$78,155,004**		**$78,855,004**	

Legislative Changes

SENATE ONLY

(12) Budget Receipts for MIU State Match ($406,840) R ($406,840) R

Budget receipts from the Department of Health and Human Services for the 25 percent state match required for the Medicaid Fraud Investigation Unit.

Criminal Justice Training & Standards

13 Budget Over-realized Receipts ($50,000) R ($50,000) R

Reduce the budget to offset increased receipts, based on revenue collections in FY 2003-04.

14 Reduce Over-budgeted Worker's Compensation ($46,587) R ($46,587) R

The budget for worker's compensation is reduced due to a decrease in projected need.

Department-wide

15 Reduce Travel Line Items ($58,589) R ($58,589) R

Reduce travel line items to actual 2003-04 expenditures.

16 Eliminate vacant positions ($198,940) R ($198,940) R

Eliminate five vacant positions in the Department:

3613-0000-0004-210 (Comp. Supp. Tech I)	-5.00	-5.00
3613-0000-0002-029 (Comp. Supp. Tech I)		
3613-0000-0003-999 (Proc. Asst. V)		
3613-0000-0004-231 (Proc. Asst. V)		
3612-0000-0000-867 (Volunteer Services Coordinator)		

Law Enforcement - SBI

17 Reduce Vehicle Replacement Increase

One-year elimination of the recurring increase for vehicle replacement recommended in the Governor's continuation budget. This leaves a budget of approximately $1.1 million in 2005-06 and $1.4 million in 2006-07. ($261,104) NR

18 Reduce SBI Increase for Equipment ($115,368) R ($115,368) R

Reduce the increase for equipment recommended in the Governor's continuation budget by 50 percent. The Department may use federal asset forfeiture funds to purchase additional equipment.

Senate Subcommittee on Justice and Public Safety	FY 05-06		FY 06-07	
19 Budget Increased Receipts From DCI-PIN Fee SENATE ONLY Budget anticipated receipts from an increase in the monthly fee for access to the Division of Criminal Information - Police Information Network (DCI-PIN) from $6 to $12 for mobile data terminals, effective January 1, 2006.	($325,548)	R	($651,096)	R
20 Reduce Over-budgeted Longevity The longevity budget is reduced due to a decrease in projected longevity payments.	($136,828)	R	($136,828)	R
Total Legislative Changes	**($1,338,700)**	R	**($1,664,248)**	R
	($261,104)	NR		
Total Position Changes	-5.00		-5.00	
Revised Budget	**$76,555,200**		**$77,190,756**	

Juvenile Justice & Delinquency Prevention

GENERAL FUND

	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$139,857,825**		**$140,157,825**	
Legislative Changes				
Department-wide				
21 Reduce Non-salary Line Items Reduce the budget for data processing supplies and pc/printer equipment replacement	($158,614)	R	($158,614)	R
22 Reduce Travel Budget Reduce the continuation budget increase for employee travel.	($63,882)	R	($63,882)	R
23 Budget Prior Year Receipts Increase the amount budgeted for prior year receipts to approximate the actual amount realized in recent fiscal years.	($300,000)	NR		
Intervention/Prevention				
24 Juvenile Crime Prevention Councils Reduce the continuation budget for JCPC formula grants by 5 percent.	($1,187,326)	R	($1,187,326)	R
Special Initiatives				
25 NC Communities In Schools Reduce pass-through funding in the DJJDP continuation budget for the NC Communities in Schools (NCCIS) administrative office. The goal of NCCIS is to improve student school performance and it functions primarily to support the mission of the Department of Public Instruction. NCCIS will continue to receive continuation funding of $169,000 R from DJJDP, $200,000 R from the Governor's Office, and $607,500 R from DPI. In addition, the Education Appropriations Subcommittee's budget provides $500,000 (NR) in expansion funding, as requested in the Governor's Recommended Budget. In total, NCCIS will receive $1,476,500 in state funds in FY05-06.	($103,500)	R	($103,500)	R
26 Project P.R.I.D.E. SENATE ONLY Eliminate continuation budget funding for this program. Program should seek state funding available through the county JCPCs or federal grants from the Governor's Crime Commission.	($140,000)	R	($140,000)	R

Senate Subcommittee on Justice and Public Safety SENATE	FY 05-06		FY 06-07	
27 Eckerd Wilderness Camps EXPANSION	$500,000	R	$500,000	R
500,000 R is provided for the Eckerd Wilderness Camp contract. The purpose of this expanded funding is to offset the educational costs of juveniles referred to Eckerd from DHHS, DJJDP, and private sources. DPI will continue to provide a separate payment to Eckerd, outside of the DJJDP contract, to offset the educational costs of juveniles referred by local school systems.				
Youth Development Centers				
28 Reduce Funding for YDC Beds	($3,230,000)	R	($3,230,000)	R
The funding for Youth Development Centers is over $44 million dollars. This funding level is based on operating over 600 beds. DJJDP currently has 539 beds open and a population of 427. This action reduces funding by approximately 7% and reduces beds by approximately 50. In implementing this reduction, DJJDP shall not close any YDC's and shall implement the reduction throughout the YDC system.	-82.00		-82.00	
Total Legislative Changes	**($4,383,322)**	**R**	**($4,383,322)**	**R**
	($300,000)	**NR**		
Total Position Changes	-82.00		-82.00	
Revised Budget	**$135,174,503**		**$135,774,503**	

Correction

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$1,045,627,365**		**$1,060,627,365**	
Legislative Changes				
Central Administration				
29 Travel Eliminate continuation increase in travel for DOC central administration.	($264,022)	R	($264,022)	R
Community Corrections				
30 Reduce Miscellaneous Contract Line Item Reduce line item. This will leave funds in excess of 2003-04 actual expenditures, to be used for risk assessments and other needs.	($90,000)	R	($90,000)	R
31 Reduce Office Equipment Reduce the budget for office equipment to more closely reflect actual 2003-04 expenditures.	($90,000)	R	($90,000)	R
32 Reduce Probation/Parole Officer I Positions Eliminate 25 vacant Probation/Parole Officer I positions. Caseloads for these positions have been increased from 90:1 to 110:1, leaving 59 positions that are not necessary to meet caseload goals. DCC may reallocate the remaining 34 positions for trainers, supervising officers, and other positions as needed.	($1,117,400) -25.00	R	($1,117,400) -25.00	R
33 Reduce Increase for CJPP Eliminate the increase in the Governor's recommended continuation budget. No funds shall be used for pre-trial release programs.	($1,000,000)	R	($1,000,000)	R
Department Wide				
34 Computer Equipment Reduce department wide personal computer/printer line item to 2003-04 actual expenditures	($943,839)	R	($943,839)	R
35 Reduce Overtime Budget Eliminate the recommended continuation budget increase in overtime pay.	($1,244,184)	R	($1,244,184)	R
Post-Release Supervision & Parole Commission				
36 Eliminate Vacant Positions Eliminate two vacant case analyst positions.	($94,642) -2.00	R	($94,642) -2.00	R

	FY 05-06		FY 06-07	
37 Restructure Parole Commission Reduce two of the three Commissioner positions from full-time to half-time positions. The Chair will remain a full-time position.	($102,662) -1.00	R	($102,662) -1.00	R
Prisons				
38 Carpentry/Hardware Supplies Reduce this line item by 10%	($500,000)	R	($500,000)	R
39 Increase Inmate Medical Co-pay Increase inmate co-pay for sick call from $3 to $5 and for sick call outside normal hours from $5 to $7.	($149,000)	R	($149,000)	R
40 Inmate Work Release Charges The amount inmates pay towards the administration of the work release program is $16 a day in per diem and $2.50 a day for transportation. This increases per diem to $18 and transportation to $3	($536,000)	R	($536,000)	R
41 Close Union Correctional Center Union is one of the three remaining minimum custody prison field units recommended for closing by the Government Performance Audit Committee. While DOC will be short of prison beds in 2005-06 under current circumstances, the DOC projects an overage of minimum custody beds.	($1,157,396) -32.00	R	($1,157,396) -32.00	R
42 Close Haywood Correctional Center SENATE ONLY Haywood Correctional Center is one of the three remaining minimum custody prison field units recommended for closing in the Government Performance Audit Study. While DOC will be short of prison beds in 2005-06 under current circumstances, the DOC projects an overage of minimum custody beds.	($1,292,829) -36.00	R	($1,292,829) -36.00	R
43 Close Gates Correctional Center Gates is one of the three remaining minimum custody prison field units recommended for closing in the Government Performance Audit Study. While DOC will be short of prison beds in 2005-06 under current circumstances, the DOC projects an overage of minimum custody beds.	($1,019,120) -28.00	R	($1,019,120) -28.00	R
44 Convert Cleveland Correctional Center Cleveland Correctional Center is a medium custody facility whose cost per day is higher than the average medium custody prison. It is recommended that Cleveland be converted to minimum custody. This will allow reduction of positions and costs due to lower level security needs.	($263,692) -11.00	R	($263,692) -11.00	R
45 Inmate Medical -- Physician Charges This reduction assumes that fees charged by outside providers (physicians and physician specialists) for inmate medical will be tied to State Health Plan reimbursement rates and that DOC will continue efforts to regionalize medical services	($1,750,000)	R	($1,750,000)	R

	FY 05-06		FY 06-07	
46 Inmate Medical--Hospital Charges This reduction assumes that fees charged by hospitals for inpatient and outpatient services for DOC inmates will be tied to State Health Plan reimbursement rates and that DOC will continue efforts to regionalize medical services.	($3,250,000)	R	($3,250,000)	R
47 Partial Reimbursement for Inmate Labor SENATE ONLY DOC currently operates 115 inmate community work crews at a cost of approximately $5 million dollars. These crews perform work projects at no cost to local and state agencies. DOC also has 140 inmate labor contracts with state and local governments. Inmate labor is provided for these long-term contracts at a charge of $1 a day for each inmate. It is recommended that DOC charge other state and local governments for a portion of the operating costs of community work crews and for the administration of inmate labor contracts to recover a small portion of DOC costs. This will allow a reduction in the General Fund.	($600,000)	R	($600,000)	R
48 Delay Maury Correctional Center Positions Maury Correctional center is due to open November 05; the inmate occupancy date is April 06. Positions are established on a rolling schedule from August 05 to November 05; this action pushes back the establishment of each position one month but is not intended to delay the opening of the prison.	($1,061,088)	NR		
49 Delay Maury Regional Medical Positions DOC included funding for a regional medical program at Maury Correctional Center in its continuation budget. Based on the length of time for startup of a similar facility at Alexander Correctional Center, it is believed position establishment can be delayed until June of 05-06	($1,415,623)	NR		
50 Delay Bertie Positions Construction of Bertie Correctional center is due to be completed in February, 2006; the inmate occupancy date is July 2006.Positions are established on a rolling schedule from September 05 to February 06. This action pushes back the establishment of each position one month but is not intended to delay the opening of the prison.	($1,155,007)	NR		
51 Reduce line items in Maury and Bertie budgets Reduce non-security line items by 10% at each prison (equipment, supplies etc)	($207,455)	R	($207,455)	R
52 Maury and Bertie Salary Reserve Eliminate salary reserve line item in new prisons. DOC can use department-wide salary reserve for position reallocation needs at Maury and Bertie.	($731,120)	R	($731,120)	R
53 Holiday Pay Reduce the continuation budget for holiday pay from 1.75 times regular pay to 1.5, the same holiday pay rate that other eligible state employees receive. DOC may use available funds to offset this reduction.	($1,340,000)	R	($1,340,000)	R

	FY 05-06		FY 06-07	
54 Reduce Unit Management Function in Prisons DOC uses unit management positions at eighteen prisons to assist security and program staff with the day to day operation of housing units. This reduction would reduce unit manager and assistant unit manager positions at thirteen prisons with 6 or more unit management staff.	($1,058,835) -30.00	R	($1,058,835) -30.00	R
Total Legislative Changes	**($18,802,196)** **($3,631,718)**	R NR	**($18,802,196)**	R
Total Position Changes	-165.00		-165.00	
Revised Budget	**$1,023,193,451**		**$1,041,825,169**	

Crime Control and Public Safety

GENERAL FUND

	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$29,861,632**		**$29,961,632**	
Legislative Changes				
Administration				
55 **State/Local Redevelopment Liaison** SENATE ONLY Eliminate the State/Local Redevelopment Liaison Position (4910-2000-0001-212). The function of this position duplicates that of the staff in the Division of Community Assistance (DCA) at the Department of Commerce. DCA assists local governments across the state with community development, housing, economic development, and revitalization. In addition, the Institute of Government at UNC-CH provides community and economic development assistance to county and local governments.	($90,294) -1.00	R	($90,294) -1.00	R
Alcohol Law Enforcement				
56 **Leased Space** Reduce the continuation budget for leases to correct an erroneous increase.	($120,000)	R	($120,000)	R
Department-wide				
57 **Increase Budgeted Receipts** Increase the amount budgeted for receipts to approximate actual amounts realized in recent years.	($290,000)	NR		
58 **Reduce Non-salary Line Items** Reduce the continuation amount budgeted for contracts, supplies, equipment, and other non-salary expenses in Alcohol Law Enforcement, Butner Public Safety, and Administration.	($352,132)	R	($352,132)	R
National Guard				
59 **National Guard Pension Fund** SENATE EXPANSION Provide $4,500,000 for the NC National Guard Pension Fund. Effective July 1, 2005, these funds will be used to increase the monthly pension benefit payment to current and future retirees from a maximum of $100 to a maximum of $150.	$4,500,000	R	$4,500,000	R

Senate Subcommittee on Justice and Public Safety	FY 05-06		FY 06-07	
Total Legislative Changes	**$3,937,574**	R	**$3,937,574**	R
	($290,000)	NR		
Total Position Changes	-1.00		-1.00	
Revised Budget	**$33,509,206**		**$33,899,206**	

Joint Appropriations Subcommittee
On
Justice and Public Safety

May 17, 2005 8:30 AM
Room 415

HOUSE MEMBERS PRESENT: (6) Representatives Haire, Kiser, Sutton, Miller, Justus, Ray and Jones

Representative Kiser called meeting to order at 8:30AM. He introduced pages for the day, Joseph Bender, Buncombe County, sponsored by Representative Fisher and Elizah Lackey, Catawba County, sponsored by Representative Mark Hilton. **Representative Kiser** introduced Sergeant at Arms: Brad Barefoot and Jim Womack. He then called on **Jim Mills** to explain Justice and Public Safety Targets. **Mr. Mills** went over the **Justice and Public Safety Agency Budget Proposals FY 2005-06 (Attachment I)**. He explained that the New House JPS Joint Target is $1,710,000,000 billion, it is still about $21,633,634 below the Governor's continuation budget and about $31,957,643 below Governor's continuation plus expansions, so it is still a reduction from what the Governor has recommended and it is still $11,774,185 more than the Senate Budget. It gives some opportunity and some flexibility to discuss some of the Senate reductions and potentially some of the expansion items. **Representative Kiser** asked if there were any questions about the new targets; hearing none we will move on to the discussion of the Justice Budget. **Chloe Gossage** referred committee members to page 4 of handout, starting with **Item 12 Budget Receipts for MIU State Match** and continued, Item 13 Budget Over-realized receipt items as well as an option sheet. Items 14, 16 and 20 were all items that the Department offered in exchange for an item you saw on your option list, which was a reduction of seven vacant positions. Items 15, 16, 17, 18, 19 and item 20. Total legislative changes recurring ($1,338,700) 05-06, recurring 06-07 ($1,664,248); non-recurring 05-06 ($261,104), total position changes –5.00 with revised budget $76,555,200 (05-06); $77,190,756 (06-07). **Representative Kiser** asked if there were any questions. **Representative Justus** asked about reduction or increase in equipment. Will that affect DNA? **Department of Justice** answered that it would have an impact on SBI replacement equipment. **Chloe Gossage** said it would all come out of the lab equipment. **Representative Sutton** asked about item 12, would this have any impact on the number of investigators. **Chloe Gossage** said it would shift funding. **Representative Sutton** followed up with how many investigators do they have. Is that state wide? **Ms. Gossage** said she did not have the exact number. **Representative Kiser** asked if she could get for the committee the amount of recovery that the 26 people had last year. **Greg McLeod** said they had recovered 1.5 million dollars. **Doug Holbrook** explained **Attachment III: Targeting Violent Criminals through Investing in DNA; North Carolina Department of Justice Tracking the Meth Lab Epidemic; and Targeting Internet Sexual Predators** to the members of the Committee. **Representative Kiser** asked if there were questions from the committee. **Representative Sutton** said you have commented on your needs. Do you have anything within the Department you are willing to offer up to offset some of this? **Greg McLeod** said we would be glad to sit down with

members and offer some suggestions. We believe these are critical needs. **Denise Thomas** explained **Juvenile Justice & Delinquency Prevention (page 6) Attachment II, Items 21, 22, 23, 24, 25, 26, 27 and 28.** Total legislative changes recurring ($4,383,322), non-recurring ($300,000), total position changes –82, with a revised budget of $135,174,503. **Jim Mills** then went over **Item 28, Reduce Funding for YDC Beds, page 7, Attachment II. Representative Kiser** asked if there were any questions. **Representative Miller** asked if the information for the Senate Budget could be sent to members in a spreadsheet form. **Mr. Mills** said it could be. **Representative Sutton** asked what impact would this have on the Center. **Secretary Sweat** said this would have a devastating effect on our camp. We might have to close down. We are the only department, if you talk about public safety that goes down 2 million dollars. I am concerned about our staff and students. **Representative Kiser** said he was under the impression that it was what the department wanted so long as we did not cut locals. **Representative Kiser** asked if someone could tell the committee what the ratio in other states for Juvenile Justice Centers. **Secretary Sweat** said it varies all across the States. The model to look at is in Missouri. Ratio is 1.8, workable model and that is what we are looking for. **Representative Kiser** asked how does the staffing at the YDC compare to two years ago. **Secretary Sweat** said it is less. **Wayne Patterson** said we have had a series of cuts. **Representative Kiser** asked is this a true cut. **Wayne Patterson** said we would get a breakdown of actual cuts. We actually cut 143 positions. **Representative Kiser** asked if these positions were put in other jobs. Eckerd Wilderness Camps $500,000 recurring is provided for the Eckerd Wilderness Camp contract. The purpose of this expanded funding is to offset the educational costs of juveniles referred to Eckerd from DHHS, DJJDP, and private sources. DPI will continue to provide a separate payment to Eckerd, outside of the DJJDP contract, to offset the educational costs of juveniles referred by local school system. **Jim Mills** said as the population declines, the senate has proposed a cut of 1.65. Will that number go up in the future? **Representative Kiser** said in the Senate the Department should be responsible to educate these children. **Steve Schaefer** – said we are going to lose one million in Average Daily Membership money. If we lose the $500,000 net worth then we will be back in the red. Public Instruction should be paying for this. **Representative Sutton** said he thinks the money should follow the child. **Representative Frye** asked how much does it cost to put a student through this program. **Mr. Schaefer** responded $36,000 a year. **Mr. Mills** reported on **Correction page 8, items 29-54 (Attachment III). Mr. Mills** also reported that in the front of the Senate Budget Bill it is typically not shown in the Justice and Public Safety Report. It shows a one-time transfer of funds from the Prison Enterprise Fund of $500,000 from the cash balance to the general fund to increase availability, this is a one time only for 05-06. Also in the Inmate Welfare Canteen Fund, $440,000 shifted to the general fund to increase availability, a one-time only 05-06. Also $100,000 transfer in Judicial from the Worthless Check Fund balance to the general fund. **Representative Sutton** wanted to know the rationale for prison getting $1.75 an hour and other employees getting $1.50. **Secretary Beck** said it was primarily an incentive to get employees, a recruiting tool. **Representative Sutton** asked about all the delays. What happens if you delay them for two months? **Secretary Beck** said it would cause a jail backlog.

Meeting adjourned to come back at 1:30 PM.

Representative Joe L. Kiser
Chair

Marilyn R. Holder
Committee Assistant

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	3/3	3/16 AM	3/16 PM	3/22 AM	3/22 PM	3/24 AM	5/17 AM	5/17 PM							
HOUSE															
Rep. Phil Haire, CHAIR	✓	✓	✓			✓	✓	✓							
Rep. Joe Kiser, CHAIR	✓	✓	✓	✓	✓	✓	✓	✓							
Rep. Karen Ray, VICE CHAIR	✓	✓	✓	✓	✓	✓	✓	✓							
Rep. Ron Sutton, VICE CHAIR	✓	✓	✓			✓	✓								
Rep. Phillip Frye	✓	✓		✓	✓										
Rep. Melanie Goodwin	✓	✓	✓	✓	✓	✓									
John Hall / Jones							✓	✓							
Rep. Carolyn Justus		✓	✓	✓	✓	✓	✓	✓							
Rep. Paul Miller					✓		✓	✓							
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓	✓	✓											
Sen. John Snow, VICE- CHAIR	✓	✓	✓	✓	✓	✓									
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓	✓	✓	✓	✓									
Sen. Tom Apodaca	✓	✓	✓	✓											
Sen. Ellie Kinnaird	✓	✓	✓	✓	✓	✓									
Sen. Keith Presnell	✓	✓	✓	✓	✓	✓									
Sen. Tony Rand	✓														

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415 Legislative Office Building

May 17, 2005 8:30 A.M.

I. CALL TO ORDER

Chairmen: Representative Joe Kiser, Presiding
Representative Phil Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Review and Discussion of Senate JPS Budget

Subcommittee Chairmen
Fiscal Research Staff

III. OTHER BUSINESS

IV. ADJOURNMENT

4

House Pages

Name Of Committee: Appropriations Select Sgt-at-Arms Date: _____

1. Name: Joseph W. Benden
   County: Buncombe
   Sponsor: Rep. Susan Fischer
2. Name: Elijah Lackey
   County: Catawba
   Sponsor: Rep. Mark Hilton
3. Name: _____
   County: _____
   Sponsor: _____
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

Sgt-At-Arms

1. Name: Brad Barefoot Brad Benfield
2. Name: Josiah Isaacs 3 Hour Sgt @ Arms
3. Name: _____
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

Approp. Public Safety - Justice — 5-17-05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
P Miller	TL Miller CC
Kristi Hyman	NCDOJ
NELS ROSELAND	NC DOJ
Gary McLeod	NC DOJ
Erik A. Hooks	NCDOJ
JERRY Ratley	NCDOJ/SBI
Melanie Thomas	NCDOJ/SBI
Tracy Little	DOC
Barbara Baker	DOC
Jim Newell	IDS
John Dorman	NCFMP

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mel Hunter	IDS
SUSAN BROOKS	IDS / SENTENCING SERVICES
Melissa Lovell	NCDOJ
Jerry Richardson	SBI
Kevin West	NC SBI
BILL WEIS	SBI
Gordon Keath	PCNC1
BENNIE AIKEN	CCPS
CASANDRA SKINNER	CCPS
David Hardesty	Eckerd youth Alt Inc
Steve Shuler	Poyner & Spruill

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Larry Dix	DJJDP
Joanne McDaniel	DJJDP
George Sweat	DJJDP
Dwayne Patterson	DJJDP
Carl Mills	DJJDP
Grady Stephenson	DJJDP
Rebecca Trantman	NCACC
Lee Rurent	CJAC
William Rotiff	NCNG/ DCCPS
F. Doug Phelps	NCNG/ DCCPS
Janet Carmichael	Victims Compensation / CCPS

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
R. E. Beatty	CCPS
Mildred Spearman	NCDOC
Byron Harris	OSBM
Bill McNeely	NC Rural Center
Lee Hedgepeth	KCLH
Doug Heeon	NC BAR ASSN
Eddie Caldwell	NC Sheriffs' Assn
[illegible]	AOC
Rev. Melvin Whitley	Durham Voter Coalition
Michael Hunsucker	NCAE
Chip Kilchrist	Durham County

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Patrice Rawlins	NCACC
BRIAN LEWIS	Covenant w/ NC Children
NELITA GROOMES	PAROLE COMMISSION
Ralph Walton	AOC

- NO GOVERNOR'S ITEMS
- 55 REDUCTION ITEMS
- 4 EXPANSION ITEMS

Senate Subcommittee on Justice and Public Safety

Judicial

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	$341,443,618		$345,243,618	
Legislative Changes				
Drug Treatment Court				
1 Reduce Drug Treatment Court Funding Funding for the Drug Treatment Court program currently operating in nine judicial districts in the state is reduced by $1 million. The AOC may use other funding sources to sustain program operations, and is encouraged to leverage all existing local resources. Two positions will remain in AOC to provide support and technical assistance to local courts seeking to operate sustainable treatment courts without additional resources.	($1,000,000) -12.00	R	($1,000,000) -12.00	R
Equipment and Other Reserves				
SENATE EXPANSION **2 Mecklenburg Telephone System** Appropriates $1.5 million non-recurring to equip the new Mecklenburg County Courthouse with a telephone system.	$1,500,000	NR		
3 Reduce Salary Reserve Takes a recurring reduction to the AOC Salary Reserve Fund, which is generated by the difference between the budgeted salary for a position, and the lower amount paid for the position. This is an agency recommendation.	($500,000)	R	($500,000)	R
4 Reduce Equipment and Reserves 10% Takes a 10% recurring reduction in the line items for equipment and other reserves, including salary reserve accounts.	($1,033,725)	R	($1,033,725)	R
5 Reduce Pay Plan and Longevity Reserves Takes a reduction in the reserve accounts which support judicial pay plans and the judicial longevity. This cut is possible due to recent turnover which brings down the number of positions eligible for these benefits. This is an agency recommendation.	($1,000,000)	R	($1,000,000)	R
Family Court				
6 Reduce Family Court Staffing Reduces appropriation to Family Court program by 25%. All current locations shall be kept in operation, but with reduced staffing.	($492,994) -8.00	R	($492,994) -8.00	R

Senate Subcommittee on Justice and Public Safety	FY 05-06		FY 06-07	
Systemwide	& SENATE			
(7) **Create New Judicial Districts** EXPANSION Provides funding to split two current judicial districts. Superior Court District 20A (Anson and Richmond) and 20B (Stanly and Union) will be reconfigured with Stanly moving into 20A, leaving Union alone as 20B, effective December 1, 2005. District Court District 20 currently includes all four counties, but will align with the Superior Court District effective December 1, 2005. The Prosecutorial District will realign with the same county split effective January 1, 2007. Superior and District Court District 29, encompassing Henderson, McDowell, Polk, Rutherford, and Transylvania Counties, will be split into 29A (McDowell and Rutherford) and 29B (Henderson, Polk, and Transylvania) effective December 1, 2005. The Prosecutorial District will split on the same lines effective January 1, 2007. The current Trial Court Administrator will continue to serve both districts.	$148,039 4.00	R	$561,027 9.00	R
Trial Courts				
8 Reduce Dispute Settlement Centers Pass-through Reduces the amount passed through to Dispute Settlement, or Mediation, Centers by 10%. Each local program's pass-through will be reduced by 10%.	($150,671)	R	($150,671)	R
Total Legislative Changes	**($4,029,351)** **$1,500,000**	R NR	**($3,616,363)**	R
Total Position Changes	-16.00		-11.00	
Revised Budget	**$338,914,267**		**$341,627,255**	

Judicial - Indigent Defense

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$96,688,190**		**$91,688,190**	
Legislative Changes				
Aid to Non-State Entities				
9 Reduce Grant-in-Aid to State Bar Reduces the funding passed through to the State Bar to support the Center for Death Penalty Litigation by 15%.	($88,500)	R	($88,500)	R
Attorney Fee Fund				
10 Reduce Indigent Persons Attorney Fee Fund Takes a recurring reduction to the Indigent Persons Attorney Fee Fund's continuation growth.	($2,040,217)	R	($2,040,217)	R
Sentencing Services				
11 Eliminate Sentencing Services Program Eliminates funding for Sentencing Services, which develops community-based punishment plans for offenders. Cost per plan, at $1,800, is excessive, and the demand for plans has been reduced by Structured Sentencing. Probation officers can provide quality pre-sentence investigations when requested by the sentencing judge.	($3,680,285) -17.50	R	($3,680,285) -17.50	R
Total Legislative Changes	**($5,809,002)**	R	**($5,809,002)**	R
Total Position Changes	-17.50		-17.50	
Revised Budget	**$90,879,188**		**$85,879,188**	

Attachment II - May 17th 2005
8:30

Senate Subcommittee on Justice and Public Safety

Justice

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	$78,155,004		$78,855,004	
Legislative Changes				
SENATE ONLY				
(12) **Budget Receipts for MIU State Match** Budget receipts from the Department of Health and Human Services for the 25 percent state match required for the Medicaid Fraud Investigation Unit.	($406,840)	R	($406,840)	R
Criminal Justice Training & Standards				
13 **Budget Over-realized Receipts** Reduce the budget to offset increased receipts, based on revenue collections in FY 2003-04.	($50,000)	R	($50,000)	R
14 **Reduce Over-budgeted Worker's Compensation** The budget for worker's compensation is reduced due to a decrease in projected need.	($46,587)	R	($46,587)	R
Department-wide				
15 **Reduce Travel Line Items** Reduce travel line items to actual 2003-04 expenditures.	($58,589)	R	($58,589)	R
16 **Eliminate vacant positions** Eliminate five vacant positions in the Department: 3613-0000-0004-210 (Comp. Supp. Tech I) 3613-0000-0002-029 (Comp. Supp. Tech I) 3613-0000-0003-999 (Proc. Asst. V) 3613-0000-0004-231 (Proc. Asst. V) 3612-0000-0000-867 (Volunteer Services Coordinator)	($198,940) -5.00	R	($198,940) -5.00	R
Law Enforcement - SBI				
17 **Reduce Vehicle Replacement Increase** One-year elimination of the recurring increase for vehicle replacement recommended in the Governor's continuation budget. This leaves a budget of approximately $1.1 million in 2005-06 and $1.4 million in 2006-07.	($261,104)	NR		
18 **Reduce SBI Increase for Equipment** Reduce the increase for equipment recommended in the Governor's continuation budget by 50 percent. The Department may use federal asset forfeiture funds to purchase additional equipment.	($115,368)	R	($115,368)	R

Senate Subcommittee on Justice and Public Safety	FY 05-06		FY 06-07	
19 Budget Increased Receipts From DCI-PIN Fee SENATE ONLY Budget anticipated receipts from an increase in the monthly fee for access to the Division of Criminal Information - Police Information Network (DCI-PIN) from $6 to $12 for mobile data terminals, effective January 1, 2006.	($325,548)	R	($651,096)	R
20 Reduce Over-budgeted Longevity The longevity budget is reduced due to a decrease in projected longevity payments.	($136,828)	R	($136,828)	R
Total Legislative Changes	**($1,338,700)**	R	**($1,664,248)**	R
	($261,104)	NR		
Total Position Changes	-5.00		-5.00	
Revised Budget	**$76,555,200**		**$77,190,756**	

Juvenile Justice & Delinquency Prevention

GENERAL FUND

	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$139,857,825**		**$140,157,825**	
Legislative Changes				
Department-wide				
21 Reduce Non-salary Line Items Reduce the budget for data processing supplies and pc/printer equipment replacement	($158,614)	R	($158,614)	R
22 Reduce Travel Budget Reduce the continuation budget increase for employee travel.	($63,882)	R	($63,882)	R
23 Budget Prior Year Receipts Increase the amount budgeted for prior year receipts to approximate the actual amount realized in recent fiscal years.	($300,000)	NR		
Intervention/Prevention				
24 Juvenile Crime Prevention Councils Reduce the continuation budget for JCPC formula grants by 5 percent.	($1,187,326)	R	($1,187,326)	R
Special Initiatives				
25 NC Communities In Schools Reduce pass-through funding in the DJJDP continuation budget for the NC Communities in Schools (NCCIS) administrative office. The goal of NCCIS is to improve student school performance and it functions primarily to support the mission of the Department of Public Instruction. NCCIS will continue to receive continuation funding of $169,000 R from DJJDP, $200,000 R from the Governor's Office, and $607,500 R from DPI. In addition, the Education Appropriations Subcommittee's budget provides $500,000 (NR) in expansion funding, as requested in the Governor's Recommended Budget. In total, NCCIS will receive $1,476,500 in state funds in FY05-06.	($103,500)	R	($103,500)	R
26 Project P.R.I.D.E. SENATE ONLY Eliminate continuation budget funding for this program. Program should seek state funding available through the county JCPCs or federal grants from the Governor's Crime Commission.	($140,000)	R	($140,000)	R

Senate Subcommittee on Justice and Public Safety SENATE	FY 05-06		FY 06-07	
27 Eckerd Wilderness Camps EXPANSION	$500,000	R	$500,000	R
500,000 R is provided for the Eckerd Wilderness Camp contract. The purpose of this expanded funding is to offset the educational costs of juveniles referred to Eckerd from DHHS, DJJDP, and private sources. DPI will continue to provide a separate payment to Eckerd, outside of the DJJDP contract, to offset the educational costs of juveniles referred by local school systems.				
Youth Development Centers				
28 Reduce Funding for YDC Beds	($3,230,000)	R	($3,230,000)	R
The funding for Youth Development Centers is over $44 million dollars. This funding level is based on operating over 600 beds. DJJDP currently has 539 beds open and a population of 427. This action reduces funding by approximately 7% and reduces beds by approximately 50. In implementing this reduction, DJJDP shall not close any YDC's and shall implement the reduction throughout the YDC system.	-82.00		-82.00	
Total Legislative Changes	**($4,383,322)**	**R**	**($4,383,322)**	**R**
	($300,000)	**NR**		
Total Position Changes	-82.00		-82.00	
Revised Budget	**$135,174,503**		**$135,774,503**	

1:30PM

Correction

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$1,045,627,365**		**$1,060,627,365**	
Legislative Changes				
Central Administration				
29 Travel Eliminate continuation increase in travel for DOC central administration.	($264,022)	R	($264,022)	R
Community Corrections				
30 Reduce Miscellaneous Contract Line Item Reduce line item. This will leave funds in excess of 2003-04 actual expenditures, to be used for risk assessments and other needs.	($90,000)	R	($90,000)	R
31 Reduce Office Equipment Reduce the budget for office equipment to more closely reflect actual 2003-04 expenditures.	($90,000)	R	($90,000)	R
32 Reduce Probation/Parole Officer I Positions Eliminate 25 vacant Probation/Parole Officer I positions. Caseloads for these positions have been increased from 90:1 to 110:1, leaving 59 positions that are not necessary to meet caseload goals. DCC may reallocate the remaining 34 positions for trainers, supervising officers, and other positions as needed.	($1,117,400) -25.00	R	($1,117,400) -25.00	R
33 Reduce Increase for CJPP Eliminate the increase in the Governor's recommended continuation budget. No funds shall be used for pre-trial release programs.	($1,000,000)	R	($1,000,000)	R
Department Wide				
34 Computer Equipment Reduce department wide personal computer/printer line item to 2003-04 actual expenditures	($943,839)	R	($943,839)	R
35 Reduce Overtime Budget Eliminate the recommended continuation budget increase in overtime pay.	($1,244,184)	R	($1,244,184)	R
Post-Release Supervision & Parole Commission				
36 Eliminate Vacant Positions Eliminate two vacant case analyst positions.	($94,642) -2.00	R	($94,642) -2.00	R

	FY 05-06		FY 06-07	
37 Restructure Parole Commission Reduce two of the three Commissioner positions from full-time to half-time positions. The Chair will remain a full-time position.	($102,662) -1.00	R	($102,662) -1.00	R
Prisons				
38 Carpentry/Hardware Supplies Reduce this line item by 10%	($500,000)	R	($500,000)	R
39 Increase Inmate Medical Co-pay Increase inmate co-pay for sick call from $3 to $5 and for sick call outside normal hours from $5 to $7.	($149,000)	R	($149,000)	R
40 Inmate Work Release Charges The amount inmates pay towards the administration of the work release program is $16 a day in per diem and $2.50 a day for transportation. This increases per diem to $18 and transportation to $3	($536,000)	R	($536,000)	R
41 Close Union Correctional Center Union is one of the three remaining minimum custody prison field units recommended for closing by the Government Performance Audit Committee. While DOC will be short of prison beds in 2005-06 under current circumstances, the DOC projects an overage of minimum custody beds.	($1,157,396) -32.00	R	($1,157,396) -32.00	R
42 Close Haywood Correctional Center SENATE ONLY Haywood Correctional Center is one of the three remaining minimum custody prison field units recommended for closing in the Government Performance Audit Study. While DOC will be short of prison beds in 2005-06 under current circumstances, the DOC projects an overage of minimum custody beds.	($1,292,829) -36.00	R	($1,292,829) -36.00	R
43 Close Gates Correctional Center Gates is one of the three remaining minimum custody prison field units recommended for closing in the Government Performance Audit Study. While DOC will be short of prison beds in 2005-06 under current circumstances, the DOC projects an overage of minimum custody beds.	($1,019,120) -28.00	R	($1,019,120) -28.00	R
44 Convert Cleveland Correctional Center Cleveland Correctional Center is a medium custody facility whose cost per day is higher than the average medium custody prison. It is recommended that Cleveland be converted to minimum custody. This will allow reduction of positions and costs due to lower level security needs.	($263,692) -11.00	R	($263,692) -11.00	R
45 Inmate Medical -- Physician Charges This reduction assumes that fees charged by outside providers (physicians and physician specialists) for inmate medical will be tied to State Health Plan reimbursement rates and that DOC will continue efforts to regionalize medical services	($1,750,000)	R	($1,750,000)	R

	FY 05-06		FY 06-07	
46 Inmate Medical--Hospital Charges This reduction assumes that fees charged by hospitals for inpatient and outpatient services for DOC inmates will be tied to State Health Plan reimbursement rates and that DOC will continue efforts to regionalize medical services.	($3,250,000)	R	($3,250,000)	R
47 Partial Reimbursement for Inmate Labor SENATE ONLY DOC currently operates 115 inmate community work crews at a cost of approximately $5 million dollars. These crews perform work projects at no cost to local and state agencies. DOC also has 140 inmate labor contracts with state and local governments. Inmate labor is provided for these long-term contracts at a charge of $1 a day for each inmate. It is recommended that DOC charge other state and local governments for a portion of the operating costs of community work crews and for the administration of inmate labor contracts to recover a small portion of DOC costs. This will allow a reduction in the General Fund.	($600,000)	R	($600,000)	R
48 Delay Maury Correctional Center Positions Maury Correctional center is due to open November 05; the inmate occupancy date is April 06. Positions are established on a rolling schedule from August 05 to November 05; this action pushes back the establishment of each position one month but is not intended to delay the opening of the prison.	($1,061,088)	NR		
49 Delay Maury Regional Medical Positions DOC included funding for a regional medical program at Maury Correctional Center in its continuation budget. Based on the length of time for startup of a similar facility at Alexander Correctional Center, it is believed position establishment can be delayed until June of 05-06	($1,415,623)	NR		
50 Delay Bertie Positions Construction of Bertie Correctional center is due to be completed in February, 2006; the inmate occupancy date is July 2006.Positions are established on a rolling schedule from September 05 to February 06. This action pushes back the establishment of each position one month but is not intended to delay the opening of the prison.	($1,155,007)	NR		
51 Reduce line items in Maury and Bertie budgets Reduce non-security line items by 10% at each prison (equipment, supplies etc)	($207,455)	R	($207,455)	R
52 Maury and Bertie Salary Reserve Eliminate salary reserve line item in new prisons. DOC can use department-wide salary reserve for position reallocation needs at Maury and Bertie.	($731,120)	R	($731,120)	R
53 Holiday Pay Reduce the continuation budget for holiday pay from 1.75 times regular pay to 1.5, the same holiday pay rate that other eligible state employees receive. DOC may use available funds to offset this reduction.	($1,340,000)	R	($1,340,000)	R

	FY 05-06		FY 06-07	
54 Reduce Unit Management Function in Prisons	($1,058,835)	R	($1,058,835)	R
DOC uses unit management positions at eighteen prisons to assist security and program staff with the day to day operation of housing units. This reduction would reduce unit manager and assistant unit manager positions at thirteen prisons with 6 or more unit management staff.	-30.00		-30.00	
Total Legislative Changes	**($18,802,196)**	**R**	**($18,802,196)**	**R**
	($3,631,718)	**NR**		
Total Position Changes	-165.00		-165.00	
Revised Budget	**$1,023,193,451**		**$1,041,825,169**	

5-17
1:30

Senate Subcommittee on Justice and Public Safety

Crime Control and Public Safety

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	$29,861,632		$29,961,632	
Legislative Changes				
Administration				
55 **State/Local Redevelopment Liaison** SENATE ONLY Eliminate the State/Local Redevelopment Liaison Position (4910-2000-0001-212). The function of this position duplicates that of the staff in the Division of Community Assistance (DCA) at the Department of Commerce. DCA assists local governments across the state with community development, housing, economic development, and revitalization. In addition, the Institute of Government at UNC-CH provides community and economic development assistance to county and local governments.	($90,294) -1.00	R	($90,294) -1.00	R
Alcohol Law Enforcement				
56 **Leased Space** Reduce the continuation budget for leases to correct an erroneous increase.	($120,000)	R	($120,000	R
Department-wide				
57 **Increase Budgeted Receipts** Increase the amount budgeted for receipts to approximate actual amounts realized in recent years.	($290,000)	NR		
58 **Reduce Non-salary Line Items** Reduce the continuation amount budgeted for contracts, supplies, equipment, and other non-salary expenses in Alcohol Law Enforcement, Butner Public Safety, and Administration.	($352,132)	R	($352,132)	R
National Guard				
59 **National Guard Pension Fund** SENATE EXPANSION Provide $4,500,000 for the NC National Guard Pension Fund. Effective July 1, 2005, these funds will be used to increase the monthly pension benefit payment to current and future retirees from a maximum of $100 to a maximum of $150.	$4,500,000	R	$4,500,000	R

Senate Subcommittee on Justice and Public Safety	FY 05-06		FY 06-07	
Total Legislative Changes	**$3,937,574**	R	**$3,937,574**	R
	($290,000)	NR		
Total Position Changes	-1.00		-1.00	
Revised Budget	**$33,509,206**		**$33,899,206**	

Attachment III
5-17-05

Attorney General Roy Cooper

North Carolina Department of Justice

Targeting Violent Criminals Through Investing in DNA

Investments in DNA at the SBI are helping local law enforcement and prosecutors in your communities bring dangerous criminals to justice – including murderers and sexual predators.

NC must continue to invest in the SBI to meet the growing demands from local law enforcement and prosecutors for DNA analysis. The SBI has requested and the Governor's Budget includes seven (7) new DNA investigators (non-sworn) to expedite DNA analysis and speed the review, auditing, and uploading of DNA profiles into the DNA database (CODIS).

The SBI receives in excess of 15,000 convicted offender samples for analysis, audit, review, and uploading to the DNA database (CODIS) each year. The SBI needs additional personnel to address this growing workload.

The crime solving potential of the DNA profiles cannot be realized until they are uploaded into CODIS, where they can be matched to convicted offenders or other crime scene evidence.

Victims' advocates, law enforcement, prosecutors and other concerned citizens support continued investments to expand North Carolina's DNA capability and speed analysis.

More hits have been achieved in the past year than in the database's first decade:

- In its first 11 years, from 1993 to January 1, 2004, the DNA database yielded a total of 108 CODIS hits.
- In just over one year, from January 1, 2004 through April 22, 2005 there were a total of 126 CODIS hits.

With all this success comes more work – we must continue to expand the SBI's DNA capability and capacity for DNA analysis.

DNA Case Production Per Analyst

The Forensic Biology Section (DNA) of the SBI Crime Lab is nationally renowned for the quality and productivity of their DNA analysts as evidenced below:

The case production per analyst: SBI v. National Average

- SBI - 109
- National Average - 67

United States Department of Justice, Bureau of Justice Statistics, "Census of Publicly Funded Forensic Crime Laboratories, 2002", Publication #207205, February 2005.

We are bringing advanced DNA technology to North Carolina's crime fighters with dramatic results – here are 2 recent examples of your investment at work:

- In July 2004, a Cumberland County victim was severely beaten with a beer bottle and raped by an unknown attacker. DNA evidence was identified and collected. This case was submitted as a no-suspect rape case because locals had no leads towards a suspect – a case the SBI now accepts because of the additional resources provided by the General Assembly. The DNA profile was placed into CODIS and in October of 2004, a hit was obtained to a Convicted Offender. SBI Lab agents assisted the local police department in serving the warrant on the defendant. The defendant is in custody awaiting trial. (*SBI Lab Report 2004*)

- Nine years ago, a stranger pulled a Greenville woman from her shower and raped her, hit her and dragged her down a staircase. Local law enforcement launched an investigation and identified a potential suspect but was unable to collect enough evidence to bring charges. Local law enforcement was waiting for a break and the break in the case came last year in the form of a memo from the SBI announcing the SBI is accepting DNA evidence from old, unsolved cases to compare against a growing DNA database thanks to additional funding from the General Assembly and federal grants. The local law enforcement agency sent the DNA crime scene evidence to the SBI for analysis. A CODIS DNA database hit came back to a man now in a Georgia prison for a drug conviction. Presented with the work of the SBI Crime Lab's DNA analysis – a Grand Jury indicted the Defendant February 14, 2005 on first degree burglary, second degree rape, second degree kidnapping, second degree sexual offense and assault on a female. (*Greenville Daily Reflector*, Feb 24, 2005 – DNA Hit Catches Rape Suspect).

The SBI has made remarkable progress over the last several months in screening and processing untested rape kits. SBI laboratory personnel have screened more than 6,200 untested rape kits, eliminated more than 5,900 of these untested rape kits and shipped 514 untested rape kits to a private laboratory for DNA analysis. SBI expanded DNA testing to include all rapes in North Carolina, expanding the capability to include testing in cases with no suspect.

Attorney General Roy Cooper

North Carolina Department of Justice
Tackling the Meth Lab Epidemic

NC must continue to invest in the SBI to target the growing meth lab epidemic while also providing law enforcement and prosecutors with speedy analysis for meth and other drug cases.

The SBI is the only law enforcement agency in North Carolina trained to process meth labs. On average, SBI Chemists spend **40 hours on each meth lab**, compared to less than one hour processing a cocaine sample that has been submitted for testing. In 2004 alone, there were more than 322 meth lab busts in North Carolina.

The SBI needs more agents for its Methamphetamine Response Team in order to more effectively combat the proliferation of illegal meth labs in North Carolina. These teams will include drug agents and drug chemists to process the labs safely and gather evidence for prosecution.

The SBI anticipates that it will respond to as many as 700 to 750 meth labs this year alone.

The SBI recommended 13 and the Governor provided 8 positions in his Budget.

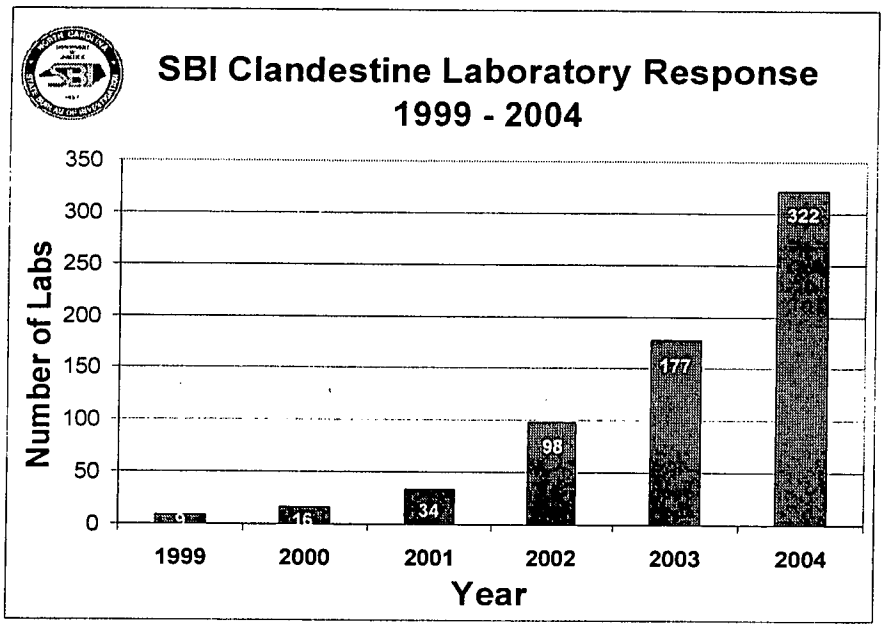
More agents to perform drug chemistry analysis is also a Governors' DWI Task Force recommendation (speeds drug analysis).

SBI METHAMPHETAMINE RESPONSE TEAM

A total of 13 SBI positions are recommended to combat illegal methamphetamine lab operations in North Carolina. This includes 6 SBI chemists, 2 Drug Chemistry technicians, 4 SBI Field Agents and 1 Special Agent Supervisor.

Governor recommended 6.0 chemists and 2.0 chemistry technicians, for a total of eight positions and $264,100 in FY 0506.

Meth lab busts have increased dramatically since 1999. In 1999, the State Bureau of Investigation (SBI) busted only nine labs. In 2004, they discovered 322 meth labs – more than 35 times as many as the year before. [State Bureau of Investigation, December 2004]. As of April 6, the SBI has busted 117 labs so far this year. [SBI, April 2005].



The growing meth problem is hurting our children. North Carolina law enforcement officers are finding children living in more than 20 percent of homes where meth is made. In 2004, 124 children were found living in meth labs in the state. [SBI, December 2004]. Already this year, SBI agents have discovered 50 children in meth labs. [SBI, April 2005]. Children in these homes are exposed to toxic chemicals and threatened by fire and explosions, and they're often neglected or abused.

Tougher penalties are helping but we need to do more. Last year, Attorney General Roy Cooper and legislators pushed through tougher penalties against meth manufacturers. Local prosecutors are using the new law to put meth makers behind bars. Earlier this year, a Chatham County woman was sentenced to five years of prison for using her two children to help make meth. "It was one of the first cases to take advantage of a new law which hands down tougher penalties for making meth." ["Chatham Woman Accused of Using Kids to Make Meth," *WRAL.com*, February 21, 2005].

Attorney General Roy Cooper

North Carolina Department of Justice
Targeting Internet Sexual Predators

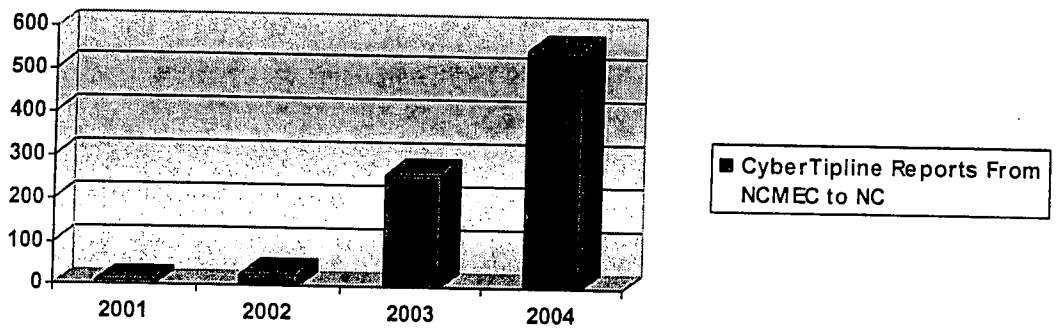
To target Internet sexual predators the Department of Justice created a special computer crimes unit in the State Bureau of Investigation to give law enforcement the hi-tech expertise they need to catch criminals who use the Internet to prey on children.

Most local law enforcement agencies do not have the expertise nor the resources and staff to conduct these critical investigations.

This SBI Unit targets sexual predators who attempt to prey on young children. A key weapon in the battle against child predators is the Internet Crimes Against Children (ICAC) Taskforce, a nationwide network of law enforcement agencies and prosecutors dedicated to protecting children from online dangers.

The State Bureau of Investigation leads North Carolina's ICAC Task Force. The North Carolina ICAC Task Force assists local law enforcement agencies in tracking down predators who use the Internet to exploit children, and helps prosecutors when those cases go to court.

Incidents of child sexual exploitation reported in North Carolina continue to rise. In 2001, there were 11 incidents of child sexual exploitation reported. In 2004, 533 such incidents were reported. [National Center for Missing and Exploited Children].



SBI Agents are working every day to track down these sexual predators who prey on young children.

The SBI needs additional personnel to meet the growing demand from local law enforcement and prosecutors to take these sexual predators off the street.

SBI COMPUTER CRIMES AGENT EXPANSION

Four new SBI field agents are recommended to partner with the Internet Crimes Against Children Task Force. These agents will primarily work on child exploitation and sexual predator cases. Three positions are also added to the Crime Laboratory to conduct forensic computer examinations to gather the evidence necessary for effective prosecution of sexual predator cases. Positions are effective January 1, 2006. **Governor recommended 2.0 positions, including 1.0 field agent and 1.0 computer forensic lab agent.**

NC Department of Justice - Expansion Budget

		FY 2005-06 DOJ REC	FY 2005-06 GOV REC	FY 2005-06 SENATE	FY 2006-07 DOJ REC	FY 2006-07 GOV REC	FY 2006-07 SENATE
1 EXPAND UTILIZATION OF DNA EVIDENCE - SBI LAB EXPANSION YEAR II		$ 197,644	$ 166,615	$ -	$ 478,221	$ 301,482	$ -
Provides funding for second year of plan to expand the crime lab's ability to effectively process DNA evidence. Provides funding for 6 Geneticists, 1 Evidence Tech and related travel, equipment and supply funding. Governor recommended full funding of these seven positions. 0.0 sworn, 7.0 non-sworn	*Pos.*	*7.00*	*7.00*	*0.00*	*7.00*	*7.00*	*0.00*
2 COMPUTER CRIMES AGENT EXPANSION		$ 483,312	$ 68,514	$ -	$ 443,955	$ 100,677	$ -
Four new SBI field agents are recommended to partner with the FBI National Internet Crimes Against Children Task Force. These agents will primarily work on child exploitation and sexual predator cases. Three positions are also added to the Crime Laboratory to conduct forensic computer examinations. Positions are effective January 1, 2006. Governor recommended 2.0 positions, including 1.0 field agent and 1.0 computer forensic lab agent.	*Pos.*	*7.00*	*2.00*	*0.00*	*7.00*	*2.00*	*0.00*
3 SBI METHAMPHETAMINE RESPONSE TEAM		$ 836,670	$ 264,100	$ -	$ 748,144	$ 365,820	$ -
A total of 13 SBI positions are recommended to combat illegal methamphetamine lab operations in North Carolina. This includes 6 SBI chemists, 2 Drug Chemistry technicians, 4 SBI Field Agents and 1 Special Agent Supervisor that would oversee a coordinated statewide Methamphetamine elimination strategy. Governor recommended 6.0 chemists and 2.0 chemistry technicians, for a total of eight positions and $264,100 in FY 0506. These positions are also critical to address the Governor's DWI Task Force recommendation to improve drug chemistry processing. With Governor's budget, positions were reduced and equipment removed.	*Pos.*	*13.00*	*8.00*	*0.00*	*13.00*	*8.00*	*0.00*
SUBTOTALS - APPROPRIATIONS		$ 1,517,625	$ 499,229	$ -	$ 1,670,320	$ 767,979	$ -
SUBTOTALS - POSITIONS		27.00	17.00	0.00	27.00	17.00	0.00

Attachment I

Justice and Public Safety Agency Budget Proposals
FY 2005-06

Agency	Authorized Budget FY 2004-05	FY 2005-06 Adjusted Recommended Continuation Budget	*FY 2005-06 Governor's Total Recommended Budget*	Senate 5/3/05 FY 2005-06 Recommended Budget	Senate Proposal Compared to Governor's Request
Correction	994,589,309	1,045,627,365	*1,046,529,365*	1,023,193,451	(23,335,914)
Judicial-AOC	333,843,618	341,443,618	*346,993,618*	338,914,267	(8,079,351)
Judicial- OIDS	83,188,190	96,688,190	*96,688,190*	90,879,188	(5,809,002)
Justice	76,555,004	78,155,004	*78,654,233*	76,555,200	(2,099,033)
Juvenile Justice	137,157,825	139,857,825	*141,608,605*	135,174,503	(6,434,102)
Crime Control	33,586,632	29,861,632	*31,483,632*	33,509,206	2,025,574
Total JPS	**1,658,920,578**	1,731,633,634	*1,741,957,643*	**1,698,225,815**	**(43,731,828)**

ORIGINAL JPS JOINT TARGET:	**1,668,795,352**
NEW HOUSE JPS TARGET:	**1,710,000,000**
Compare to Gov Recomm Cont	**-21,633,634**
Compare to Total Gov Budget	**-31,957,643**
Compare to Senate JPS Budget	**11,774,185**

Justice and Public Safety Agency Budget Proposals
FY 2005-06

Agency	Authorized Budget FY 2004-05	FY 2005-06 Adjusted Recommended Continuation Budget	*FY 2005-06 Governor's Total Recommended Budget*	Senate 5/3/05 FY 2005-06 Recommended Budget	Senate Proposal Compared to Governor's Request
Correction	994,589,309	1,045,627,365	*1,046,529,365*	1,023,193,451	(23,335,914)
Judicial-AOC	333,843,618	341,443,618	*346,993,618*	338,914,267	(8,079,351)
Judicial- OIDS	83,188,190	96,688,190	*96,688,190*	90,879,188	(5,809,002)
Justice	76,555,004	78,155,004	*78,654,233*	76,555,200	(2,099,033)
Juvenile Justice	137,157,825	139,857,825	*141,608,605*	135,174,503	(6,434,102)
Crime Control	33,586,632	29,861,632	*31,483,632*	33,509,206	2,025,574
Total JPS	**1,658,920,578**	1,731,633,634	*1,741,957,643*	**1,698,225,815**	**(43,731,828)**

ORIGINAL JPS JOINT TARGET:	**1,668,795,352**
NEW HOUSE JPS TARGET:	**1,710,000,000**
Compare to Gov Recomm Cont	**-21,633,634**
Compare to Total Gov Budget	**-31,957,643**
Compare to Senate JPS Budget	**11,774,185**

Joint Appropriations Subcommittee
On
Justice and Public Safety

May 17, 2005 1:30 PM
Room 415

HOUSE MEMBERS PRESENT: (6) Representatives Haire, Kiser, Sutton, Miller, Justus, Ray and Jones

Representative Kiser called meeting to order at 1:30PM. He introduced pages, Ben Carr, Wake County, sponsored by Representative Stam, Thomas Edwards, Wake County, sponsored by Speaker Pro Temp Morgan. He introduced Sergeant at Arms: Jim Womack and Brad Barefoot.

He called on **Chloe Gossage** to continue with **Community Corrections**. She referred members to **Community Corrections, page 8 of Attachment I**. She started with item **30 Reduce Miscellaneous Contract Line Item, Item 31 Reduce Office Equipment 31, Item 32 Reduce Probation/Parole Officer I Positions, Item 33 Reduce Increase for CJPP – eliminate 25 vacant probation/parole officers I positions. Item 33 Reduce Increase for CJPP – eliminate the increase in the Governor's recommended continuation budget. Item 36 Eliminate Vacant Positions; eliminate two vacant case analyst positions. Item 37 Restructure Parole Commission – reduce two of the three commissioner positions from full-time to half-time positions.** The chair will remain a full time position. **Secretary Beck** said there are three things I would like to bring to your attention. Unit Management – stay with unit management, jail backlog, medical, and greatest needs for beds (minimum). **Denise Thomas** continued with **Crime Control and Public Safety, page 12** or **Attachment I. Item 55**, this is a Senate only item. Item is being transferred to Department of Commerce. The function of this position duplicates that of the staff in the Division of Community Assistance (DCA) at the Department of Commerce. DCA assists local governments across the state with community development, housing, economic development, and revitalization. In addition, the Institute of Government at UNC-Chapel Hill provides community and economic development assistance to county and local governments. **Item 56, Leased Space** – reduce the continuation budget for leases to correct an erroneous increase. **Item 57 Increase Budgeted Receipts, Item 58 Reduce Non-salary line items**, this is a reduction of about $352,132, deductions be taken from three agencies: Alcohol Law Enforcement, Butner Public Safety and Administration. **Item 59 is a new item National Guard Pension Fund**, providing an increase to be used to increase the monthly pension benefit payment to current and future retirees from a maximum of $100 to a maximum of $150. **Denise Thomas** said that includes Crime Control and Public Safety. **Secretary Beatty** responded that the $352,132 cut must come from the Division of Alcohol Law Enforcement. Our controller did an analysis and this cut will cut us to the bone and we are asking that you give us flexibility and allow us to spread this $352,132 cut across all Divisions of the general fund portion of the budget in our Department. The next item is Victim Compensation Services The Governor's recommended budget included

expansion for victim's compensation as you have heard many times. We do have a shortfall in that fund; the Governor included an expansion for the first year of one million dollars and the second year one and a half million dollars recurring. The Senate proposal did not include this expansion item. If we are to continue to provide funding for innocent victims of crime, to have funds after February and March we would need to have this expansion included in the budget. The National Guard item, we have a federally funded military academy at Fort Bragg that the national guard provides training for the guards as well as active duty soldiers, but they have no maintenance staff and they have to use soldiers to maintain that facility. We are asking for the four staff members, $122,000 for the first year and $133,000 for the second year. This was in the Governor's recommended budget but was not in the Senate's proposed budget. The final item which we believe is significant is a provision in Section, **Section 18.3 to transfer the Flood Plain Mapping Unit from Emergency Management to Department of Environmental and Natural Resources to Crime Control and Public Safety. Representative Sutton** said it was hypocritical for us to say we are military friendly and not even fund our own facility. **Representative Haire** asked Ms. Carmichael about running behind one year on Victims Compensation Funds. **Ms. Carmichael** said the expansion request for Victim Compensation Services was eliminated from the Governor's Recommended budget. The Governor's budget provided for $1 million in year one and $1.5 million in year two of the biennium. Elimination of this expansion request would significantly impact efforts to (1) reduce the backlog of claims and (2) address staffing problems (two new positions needed.). **Attachment II, NC Department of Crime Control and Public Safety Concerns with Proposed Senate Budget. Representative Kiser** said we would start **JPS Special Provisions (Attachment III). Mr. Holbrook** continued with Senate JPS Special Provisions Part XIV Judicial Department, #1 Establish Conference of Clerks of Superior Court, Section 14.1. (b) (New) Divide District Court District 20 and Prosecutorial District 20 into 20A and 20B or Court District Prosecutorial Districts 29 into Districts 29A and 29B. The effective date is December 1st of this year and January 1st of 2007 for the Prosecutorial District. This would have to have clearance with the US Department of Justice. This is a fairly complicated provision. The next item is the **Collection of Worthless Check Funds.** Beginning in the bill there is a provision to take $100,000 out of the fund to help reach the JPS Target. **Representative Kiser** asked who would get the $100,000. Mr. Holbrook said it was general availability; it is a non-recurring one-time take from that fund. The next item is **Transfer of Equipment and Supply Funds,** the AOC may transfer these funds to the appropriate programs and between programs as the equipment priorities and supply consumptions occur during the operating year. The next item is a continued item, **Study Electronic Payment.** The Judicial Department shall study the feasibility of implementing electronic and online payment options of court fees and other funds collected by the courts. The next item is **Grant Funds**. The Judicial Department shall use up to the sum of one million two hundred fifty thousand dollars ($1,250,000) from funds available to the Department to provide the State match needed in order to receive grant funds. The next item is new, **Increase Charges for Appellate Division Reports to Actual Cost.** The Judicial Department shall charge the full cost of production for all copies of the Appellate Division reports that are sold. The next item is North Carolina State Bar Funds; this is a continued item and has been revised. The North Carolina State Bar may in its discretion

use up to the sum of five hundred one thousand five hundred dollars ($501,500) for the 2005-06 fiscal year and up to the sum of five hundred one thousand five hundred dollars ($501,500) for the 2006-07 fiscal year to contract with the Center for Death Penalty Litigation to provide training, consultation, and other assistance to attorneys representing indigent capital defendants. This was a 15% deduction. The next item is new, **Transfer Responsibility for Providing Legal Assistance to Inmates from the Department of Correction to the Office of Indigent Defense Services**. This provision takes the responsibility of managing contract away from the Department of Correction and gives it to the Office of Indigent Defense Services effective October 1st of this year. IDS can either choose to operate in-house programs or can work with another non-profroit identity program to provide these services. **Representative Sutton** asked if he could find out from the Department or the staff person why this transfer is taking place? **Tracy Little** responded that the Department of Correction did not ask for this request. **Representative Haire** asked IDS if you are asking to have it? IDS responded that if the Legislature gives us this program we would operate it; it is not something we asked for. **Representative Sutton** responded that you would not be upset if you did not get it. **Representative Justus** asked where would this program be most cost effective? **Mr. Holbrook** said we are transferring the same amount of money. It is a service that is mandated by the courts. **Mr. Holbrook** continued with **Item 14.10 Wake County Public Defenders Fund –** authorizes Office of Indigent Defense to use up to 2.3 million in the coming year, 2.1 million on an ongoing basis. Cost saving over two years. **Cloe Gossage** continued on page 15 of Attachment III. **Department of Justice**, Section 15.1 through 15.8. **Representative Sutton** asked what is the difference in pay for sworn-in and non sworn-in officers. Mr. **McLeod** said he did not have these figures on the top of his head but would be glad to furnish them. That is one of our concerns also. **Chloe Gossage** responded that the special provisions would not change the salary; it would change the length of time for training and the benefits for retirement. **Representative Sutton** said his concerns were is it a cost factor in hiring certified at one fee and non-certified at another. What is the ratio of certified and non-certified staff? **Cloe Gossage** said she did not know the exact numbers. **Denise Thomas** continued on page 14, bottom of page **Department of Juvenile Justice and Delinquency Prevention, Items 16-16.5. Jim Mills** continued with last two items of Juvenile Justice 16.6(a), Section 16.6(b) and Section 16.7. These two items are new and have not been in the budget before. Mr. Mills said they are working on some drafts for the committee's review. **Mr. Mills** continued with **Department of Correction XVII**. He said that Section 17.3 is new. It allows Department to use available funds to make up the difference. Item 17.5 **Use of Closed Prison Facilities, line 13-16** should answer the questions that Representative Jones asked this morning.

Representative Kiser adjourned meeting at 2:30pm and said committee would meet June 18th at 8:30am in Room 415.

Joe L. Kiser

Representative Joe L. Kiser
Chair

Marilyn R. Holder

Marilyn R. Holder
Committee Assistant

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 424 Legislative Office Building

May 17, 2005 1:30 P.M.

I. CALL TO ORDER

Chairmen: Representative Joe Kiser, Presiding
Representative Phil Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Review and Discussion of Senate JPS Budget

Subcommittee Chairmen
Fiscal Research Staff

III. OTHER BUSINESS

IV. ADJOURNMENT

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	3/3	3/16 AM	3/16 PM	3/22 AM	3/22 PM	3/24 AM	5/17 AM	5/17 PM							
HOUSE															
Rep. Phil Haire, CHAIR	✓	✓	✓			✓	✓	✓							
Rep. Joe Kiser, CHAIR	✓	✓	✓	✓	✓	✓	✓	✓							
Rep. Karen Ray, VICE CHAIR	✓	✓	✓	✓	✓	✓	✓	✓							
Rep. Ron Sutton, VICE CHAIR	✓	✓	✓			✓	✓								
Rep. Phillip Frye	✓	✓		✓	✓										
Rep. Melanie Goodwin	✓	✓	✓	✓	✓	✓									
John Hall / Jones							✓	✓							
Rep. Carolyn Justus		✓	✓	✓	✓	✓	✓	✓							
Rep. Paul Miller					✓		✓	✓							
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓	✓	✓											
Sen. John Snow, VICE- CHAIR	✓	✓	✓	✓	✓	✓									
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓	✓	✓	✓	✓									
Sen. Tom Apodaca	✓	✓	✓	✓											
Sen. Ellie Kinnaird	✓	✓	✓	✓	✓	✓									
Sen. Keith Presnell	✓	✓	✓	✓	✓	✓									
Sen. Tony Rand	✓														

VISITOR REGISTRATION SHEET

Name of Committee: Pretrial Justice & Juvenile Justice

Date: 5-17-05

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
BENNIE AIKEN	CCPS
John Dorman	NCEMP
SUSAN BROOKS	IDS / SENTENCING SERVICES
TYE HUNTER	IDS
William Ratliff	NCNG / DCCPS
T. Doug Phelps	NCNG / DCCPS
Janice Carmichael	Victims Compensation / CCB
SHELITA GROOMES	PAROLE COMMISSION
MILDRED SPEARMAN	DOC
Susan Katzenelson	Sentencing Com.
Lou Rubsett	CJPC

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tracy Little	DOC
Barbara Baker	DOC
K. E. Beatty	CCPS
Casandra Skinner	CCPS
Carey Alx	DJJDP
David Hardesty	Eckerd Youth Alt Inc.
Gordon Keath	PCNC1
Brian Lewis	Covenant with NC's Children
Byron K. Harris	OSBM
Eddie Caldwell	NC Sheriffs Assn.
Guy McLeod	NCAGO

Attachment III
5-17
1:30

SENATE

JPS

SPECIAL

PROVISIONS

(1)

PART XIV. JUDICIAL DEPARTMENT

Requested by: Senators Thomas, Garrou, Dalton, Hagan New

ESTABLISH CONFERENCE OF CLERKS OF SUPERIOR COURT

SECTION 14.1.(a) Chapter 7A of the General Statutes is amended by adding a new Subchapter to read:

"SUBCHAPTER XV. CONFERENCE OF CLERKS OF SUPERIOR COURT.

"Article 63.

"Conference of Clerks of Superior Court.

"**§ 7A-805. Establishment and purpose.**

There is created the Conference of Clerks of Superior Court of North Carolina, of which each clerk of superior court is a member. The purpose of the Conference is to assist in improving the administration of justice in North Carolina by coordinating the efforts of the various clerks of superior court, by assisting them in the administration of their offices, and by exercising the powers and performing the duties provided for in this Article.

"**§ 7A-806. Annual meetings; organization; election of officers.**

(a) Annual Meetings. – The Conference shall meet each summer and winter at a time and place selected by the President of the Conference.

(b) Election of Officers. – Officers of the Conference are a President, two Vice Presidents, a Secretary, a Treasurer, and other officers from among its membership that the Conference may designate in its bylaws. Officers are elected for one-year terms at the annual summer conference and take office on July 1 immediately following their election.

(c) Executive Committee. – The Executive Committee of the Conference consists of the President, the two Vice Presidents, the Secretary, the Treasurer, and seven other members of the Conference. One of these seven members shall be the immediate past president if there is one and that past president continues to be a member.

(d) Organization and Functioning; Bylaws. – The bylaws may provide for the organization and functioning of the Conference, including the powers and duties of its officers and committees. The bylaws shall state the number of members required to constitute a quorum at any meeting of the Conference or the Executive Committee. The bylaws shall set out the procedure for amending the bylaws.

(e) Calling Meetings; Duty to Attend. – The President or the Executive Committee may call a meeting of the Conference upon 10 days' notice to the members, except upon written waiver of notice signed by at least three-fourths of the members. A member should attend each meeting of the Conference and the Executive Committee of which he is given notice. Members are entitled to reimbursement for travel and subsistence expenses at the rate applicable to State employees.

"**§ 7A-807. Powers of Conference.**

(a) The Conference may:

(1) Cooperate with citizens and other public and private agencies to promote the effective administration of justice.

(2) Develop advisory manuals to assist in the organization and administration of their offices, case management, calendaring, case tracking, filing, and office procedures.

(3) Work with the cooperation of the Administrative Office of the Courts and the Institute of Government of the School of Government at UNC-Chapel Hill to provide education and training programs for clerks and staff.

(b) The Conference may not adopt rules pursuant to Chapter 150B of the General Statutes.

"**§ 7A-808. Executive secretary; clerical support.**

The Conference may employ an executive secretary and any necessary supporting staff to assist it in carrying out its duties."

(2)

SECTION 14.1.(b) The organizational meeting of the Conference of Clerks of Superior Court shall be convened by the Director of the Administrative Office of the Courts as soon as feasible. Officers elected at that organizational meeting shall serve until their successors take office July 1, 2006.

Requested by: Senators Thomas, Dalton, Purcell, Apodaca, Garrou, Hagan New

DIVIDE DISTRICT COURT DISTRICT 20 AND PROSECUTORIAL DISTRICT 20 INTO 20A AND 20B AND REALIGN SUPERIOR COURT DISTRICTS 20A AND 20B/DIVIDE SUPERIOR COURT, DISTRICT COURT, AND PROSECUTORIAL DISTRICTS 29 INTO DISTRICTS 29A AND 29B

SECTION 14.2.(a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones,	1
		Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender see subsection (b))	1
	5C	(part of New Hanover, see subsection (b))	1
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Vance, Warren	2
Third	9A	Person, Caswell	1
Third	10A	(part of Wake, see subsection (b))	2
Third	10B	(part of Wake, see subsection (b))	2

Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13	Bladen, Brunswick, Columbus	2
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	2
Fourth	16A	Scotland, Hoke	1
Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2
Fifth	18A	(part of Guilford, see subsection (b))	1
Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	Montgomery, Randolph	1
Sixth	19C	Rowan	1
Fifth	19D	Moore	1
Sixth	20A	Anson, Richmond ~~Richmond~~ Stanly	~~1~~ 2
Sixth	20B	~~Stanly,~~ Union	~~2~~ 1
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22	Alexander, Davidson, Davie, Iredell	3
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	2

Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2
Eighth	28	Buncombe	2
Eighth	~~29~~	~~Henderson, McDowell, Polk, Rutherford, Transylvania~~	~~2~~
	29A	McDowell, Rutherford	1
	29B	Henderson, Polk, Transylvania	1
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1."

SECTION 14.2.(b) The superior court judgeship established for District 20A by subsection (a) of this section shall be filled by the judge currently serving District 20B who resides in Stanly County. That judge's current term expires on December 31, 2006. No election shall be held in 2006 for that judge's seat, and that judge shall serve until a successor is elected in the 2008 general election, in order to provide for unstaggered terms for multiple judgeships in the same district.

SECTION 14.2.(c) The superior court judgeship established for District 29A by subsection (a) of this section shall be filled by the superior court judge from current District 29 who resides in Rutherford County. That judge's term expires on December 31, 2012, and a successor shall be elected in the 2012 general election.

SECTION 14.2.(d) The superior court judgeship established for District 29B by subsection (a) of this section shall be filled by the superior court judge from current District 29 who resides in Henderson County. That judge's term expires on December 31, 2006, and a successor shall be elected in the 2006 general election.

SECTION 14.2.(e) The trial court administrator serving current District 29 shall serve as trial court administrator for both District 29A and District 29B.

SECTION 14.2.(f) G.S. 7A-133(a) reads as rewritten:

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

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret

4	8		Sampson
			Duplin
			Jones
			Onslow
5	8		New Hanover
			Pender
6A	2		Halifax
6B	3		Northampton
			Bertie
			Hertford
7	7		Nash
			Edgecombe
			Wilson
8	6		Wayne
			Greene
			Lenoir
9	4		Granville
			(part of Vance
			see subsection (b))
			Franklin
9A	2		Person
			Caswell
9B	2		Warren
			(part of Vance
			see subsection (b))
10	15		Wake
11	8		Harnett
			Johnston
			Lee
12	9		Cumberland
13	6		Bladen
			Brunswick
			Columbus
14	6		Durham
15A	4		Alamance
15B	4		Orange
			Chatham
16A	3		Scotland
			Hoke
16B	5		Robeson
17A	2		Rockingham
17B	4		Stokes
			Surry
18	12		Guilford
19A	4		Cabarrus
19B	6		Montgomery
			Moore
			Randolph
19C	4		Rowan
~~20~~ 20A	~~7~~ 4		Stanly
			~~Union~~
			Anson
			Richmond
20B	3		Union
21	9		Forsyth

22	9	Alexander
		Davidson
		Davie
		Iredell
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	8	Burke
		Caldwell
		Catawba
26	17	Mecklenburg
27A	6	Gaston
27B	4	Cleveland
		Lincoln
28	6	Buncombe
~~29~~	~~7~~	~~Henderson~~
		~~McDowell~~
		~~Polk~~
		~~Rutherford~~
		~~Transylvania~~
29A	3	McDowell
		Rutherford
29B	4	Henderson
		Polk
		Transylvania
30	5	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

SECTION 14.2.(g) The four district court judgeships established for District 20A by subsection (f) of this section shall be filled by the district court judges from current District 20 who reside in Anson, Stanly, and Richmond Counties. The term of the judge living in Anson County expires the first Monday in December 2008. That judge's successor shall be elected in the 2008 election. The term of the judge living in Stanly County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 election. The term of one of the judges living in Richmond County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 election. The term of the other judge living in Richmond County expires the first Monday in December 2008. That judge's successor shall be elected in the 2008 election.

SECTION 14.2.(h) The three district court judgeships established for District 20B by subsection (f) of this section shall be filled by the district court judges from current District 20 who reside in Union County. The terms of the three judges living in Union County expire the first Monday in December 2008. Those judges' successors shall be elected in the 2008 election.

SECTION 14.2.(i) The three district court judgeships established for District 29A by subsection (f) of this section shall be filled by the district court judges from current District 29 who reside in McDowell and Rutherford Counties and by the judge established for District 29 to be appointed by the Governor pursuant to Section 14.6 of S.L. 2004-124, as amended by subsection (j) of this section. The term of the judge living in Rutherford County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 general election. The term of the judge living in McDowell County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 election.

SECTION 14.2.(j) Section 14.6(f) of S.L. 2004-124 reads as rewritten:

"**SECTION 14.6.(f)** The Governor shall appoint the additional district court judges for Districts 5, 21, and ~~29~~ 29A authorized by subsection (e) of this section, and those judges' successors shall be elected in the 2006 general election for four-year terms commencing on the first Monday in December 2006.

The district court judge for the additional judgeship in District 17B, as authorized by subsection (e) of this section, shall be elected in the 2004 general election in the same manner as provided for in G.S. 163-329 to serve a four-year term beginning the first Monday in December 2004, and no vacancy exists before that date."

SECTION 14.2.(k) The four district court judgeships established for District 29B by subsection (f) of this section shall be filled by the district court judges from current District 29 who reside in Henderson and Transylvania Counties. The term of the three judges living in Henderson County expires the first Monday in December 2008. Those judges' successors shall be elected in the 2008 general election. The term of the judge living in Transylvania County expires the first Monday in December 2008. That judge's successor shall be elected in the 2008 general election.

SECTION 14.2.(l) G.S. 7A-60(a1) reads as rewritten:

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

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	10
2	Beaufort, Hyde, Martin, Tyrrell, Washington	6
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	14
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	16
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	11
9A	Person, Caswell	4
10	Wake	31
11	Harnett, Johnston, Lee	14
12	Cumberland	18
13	Bladen, Brunswick, Columbus	11
14	Durham	13

15A	Alamance	8
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	10
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	27
19A	Cabarrus	6
19B	Montgomery, Moore, Randolph	11
19C	Rowan	5
~~20~~ 20A	Anson, Richmond, ~~Stanly, Union~~ Stanly	~~15~~ 8
20B	Union	7
21	Forsyth	17
22	Alexander, Davidson, Davie, Iredell	16
23	Alleghany, Ashe, Wilkes, Yadkin	5
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	15
26	Mecklenburg	36
27A	Gaston	12
27B	Cleveland, Lincoln	9
28	Buncombe	11
~~29~~	~~Henderson, McDowell, Polk, Rutherford, Transylvania~~	~~11~~
29A	McDowell, Rutherford	5
29B	Henderson, Polk, Transylvania	6
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	9

SECTION 14.2.(m) The district attorneys established for Districts 20A, 20B, 29A, and 29B by subsection (l) of this section shall be elected in the 2006 general election.

SECTION 14.2.(n) The eight assistant district attorney positions established for District 20A by subsection (l) of this section shall be filled by eight assistant district attorneys currently serving Anson, Richmond, and Stanly Counties in District 20. The seven assistant district attorney positions established for District 20B by subsection (l) of this section shall be filled by seven assistant district attorneys currently serving Union County in District 20.

SECTION 14.2.(o) The five assistant district attorney positions established for District 29A by subsection (l) of this section shall be filled by five assistant district attorneys currently serving McDowell and Rutherford Counties in current District 29. The six district attorney positions established for District 29B by subsection (l) of this section shall be filled by six assistant district attorneys currently serving Henderson, Polk, and Transylvania Counties in current District 29.

SECTION 14.2.(p) G.S. 7A-69 reads as rewritten:

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

The district attorney in prosecutorial districts 1, 3B, 4, 5, 7, 8, 11, 12, 13, 14, 15A, 15B, 16A, 18, 19B, ~~20,~~ 20A, 20B, 21, 22, 24, 25, 26, 27A, 27B, 28, ~~29,~~ 29A, 29B, and 30 is entitled to one investigatorial assistant, and the district attorney in prosecutorial district 10 is entitled to two investigatorial assistants, 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."

SECTION 14.2.(q) With respect to the realignment of Superior Court Districts 20A and 20B, subsections (a) through (e) of this section become effective December 1, 2005, or the date upon which subsection (a) of this section is approved under section 5 of the Voting Rights Act of 1965, whichever is later. With respect to the division of Superior Court District 29, subsections (a) through (e) of this section become effective December 1, 2005. With respect to the division of District Court District 20, subsections (f) through (k) of this section become effective December 1, 2005, or the date upon which subsection (f) of this section is approved under section 5 of the Voting Rights Act of 1965, whichever is later. With respect to the division of District Court District 29, subsections (f) through (k) of this section become effective December 1, 2005. With respect to the division of Prosecutorial District 20, subsections (l) through (p) of this section become effective January 1, 2007, or the date upon which subsection (l) of this section is approved under section 5 of the Voting Rights Act of 1965, whichever is later, but the district attorneys for Prosecutorial Districts 20A and 20B shall be elected in the 2006 general election. With respect to the division of Prosecutorial District 29, subsections (l) through (p) of this section become effective January 1, 2007, but the district attorneys for Prosecutorial Districts 29A and 29B shall be elected in the 2006 general election.

Requested by: Senators Thomas, Garrou, Dalton, Hagan Continued - Revised

COLLECTION OF WORTHLESS CHECK FUNDS

SECTION 14.3. Notwithstanding the provisions of G.S. 7A-308(c) and except as otherwise provided in this act, the Judicial Department may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2005, for the purchase or repair of office or information technology equipment during the 2005-2006 fiscal year. Prior to using any funds under this section, the Judicial Department shall report to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the equipment to be purchased or repaired and the reasons for the purchases.

Requested by: Senators Thomas, Garrou, Dalton, Hagan Continued

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

SECTION 14.4. Funds appropriated to the Judicial Department in the 2005-2007 biennium for equipment and supplies shall be certified in a reserve account. The Administrative Office of the Courts may 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.

Requested by: Senators Thomas, Garrou, Dalton, Hagan New

STUDY ELECTRONIC PAYMENT

SECTION 14.5. The Judicial Department shall study the feasibility of implementing electronic and online payment options for court fees and other funds collected by the courts. The study shall address the estimated costs and time frame for implementing electronic payment as well as any necessary legislative changes. The Judicial Department shall report its findings as a result of the study to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by May 1, 2006.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

GRANT FUNDS Continued

SECTION 14.6. The Judicial Department shall use up to the sum of one million two hundred fifty thousand dollars ($1,250,000) from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

Requested by: Senators Thomas, Garrou, Dalton, Hagan New

INCREASE CHARGES FOR APPELLATE DIVISION REPORTS TO ACTUAL COST

SECTION 14.7. The Judicial Department shall charge the full cost of production for all copies of the appellate division reports that are sold.

Requested by: Senators Thomas, Garrou, Dalton, Hagan Continued - Revised

NORTH CAROLINA STATE BAR FUNDS

SECTION 14.8. Of the funds appropriated in the continuation budget as a grant-in-aid to the North Carolina State Bar for the 2005-2007 biennium, the North Carolina State Bar may in its discretion use up to the sum of five hundred one thousand five hundred dollars ($501,500) for the 2005-2006 fiscal year and up to the sum of five hundred one thousand five hundred dollars ($501,500) for the 2006-2007 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. The Office of Indigent Defense Services shall report by February 1, 2006, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the activities funded by the grant-in-aid authorized by this section.

Requested by: Senators Kinnaird, Garrou, Dalton, Hagan New

TRANSFER RESPONSIBILITY FOR PROVIDING LEGAL ASSISTANCE TO INMATES FROM THE DEPARTMENT OF CORRECTION TO THE OFFICE OF INDIGENT DEFENSE SERVICES

The General Assembly of North Carolina enacts:

SECTION 14.9.(a) G.S. 7A-498.3 reads as rewritten:

"**§ 7A-498.3. Responsibilities of Office of Indigent Defense Services.**

(a) The Office of Indigent Defense Services shall be responsible for establishing, supervising, and maintaining a system for providing legal representation and related services in the following cases:

(1) Cases in which an indigent person is subject to a deprivation of liberty or other constitutionally protected interest and is entitled by law to legal representation;

(2) Cases in which an indigent person is entitled to legal representation under G.S. 7A-451 and G.S. 7A-451.1; ~~and~~

(2a) Cases in which the State is legally obligated to provide legal assistance and access to the courts to inmates in the custody of the Department of Correction; and

(3) Any other cases in which the Office of Indigent Defense Services is designated by statute as responsible for providing legal representation.

(b) The Office of Indigent Defense Services shall develop policies and procedures for determining indigency in cases subject to this Article, and those policies shall be applied uniformly throughout the State. ~~The~~ Except in cases under subdivision (2a) of subsection (a) of this section, the court shall determine in each case whether a person is indigent and entitled to legal representation, and counsel shall be appointed as provided in G.S. 7A-452.

(c) In all cases subject to this Article, appointment of counsel, determination of compensation, appointment of experts, and use of funds for experts and other services related to legal representation shall be in accordance with rules and procedures adopted by the Office of Indigent Defense Services.

(d) The Office of Indigent Defense Services shall allocate and disburse funds appropriated for legal representation and related services in cases subject to this Article pursuant to rules and procedures established by the Office."

SECTION 14.9.(b) Effective October 1, 2005, the State's responsibility for providing inmates in the custody of the Department of Correction with legal assistance and access to the courts shall be administered by the Office of Indigent Defense Services. The existing contract between the Department of Correction and Prisoner Legal Services, Inc., shall not be extended or renewed beyond that date.

The Director of Indigent Defense Services, in consultation with the Commission on Indigent Defense Services and the Department of Justice, shall determine which types of legal services can best be provided directly to inmates by staff employed by the Office of Indigent Defense Services, which services should be provided by counsel designated by the Office of Indigent Defense Services, and which services should be provided by contract between the Office of Indigent Defense Services and nonprofit organizations or other contract providers.

If the Director of Indigent Defense Services determines that, in order to facilitate the transfer of responsibility provided for in this section, it is necessary for Prisoner Legal Services, Inc., to continue providing legal services and access to the courts to inmates beyond the termination of its contract with the Department of Correction on September 30, 2005, the Director may contract with Prisoner Legal Services, Inc., for a period of time to be determined by the Director.

SECTION 14.9.(c) The sum of one million eight hundred eighty-three thousand eight hundred sixty-five dollars ($1,883,865) for the 2005-2006 fiscal year and the sum of two million five hundred eleven thousand eight hundred twenty dollars ($2,511,820) for the 2006-2007 fiscal year shall be transferred from the Department of Correction to the Office of Indigent Defense Services to implement this section.

SECTION 14.9.(d) Subsections (a) and (b) of this section become effective October 1, 2005. The remainder of this section becomes effective July 1, 2005.

Requested by: Senators Thomas, Garrou, Dalton, Hagan New

WAKE COUNTY PUBLIC DEFENDER OFFICE FUNDS

SECTION 14.10. Of the funds appropriated to the Judicial Department, Office of Indigent Defense Services, in this act, the Office of Indigent Defense Services shall use up to the sum of two million three hundred thousand five hundred thirty-four dollars ($2,300,534) for the 2005-2006 fiscal year and the sum of two million one hundred eighty-one thousand three hundred twenty-three dollars ($2,181,323) for the 2006-2007 fiscal year to establish a public defender's office in the Tenth Defender District, as authorized by Section 14.4(b) of S.L. 2004-126. The funds shall be used to establish the public defender, 20 assistant public defenders, four investigators, one administrative assistant II, and five legal assistants.

Requested by: Senators Thomas, Garrou, Dalton, Hagan Continued – Revised

OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS

SECTION 14.11. The Judicial Department, Office of Indigent Defense Services, may use up to the sum of one million sixty-nine thousand six hundred forty-five dollars ($1,069,645) in appropriated funds during the 2005-2006 fiscal year and up to the sum of one million twenty-three thousand one hundred thirty-five dollars ($1,023,135) in appropriated funds during the 2006-2007 fiscal year for the expansion of existing offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services by creating up to 10 new attorney positions and five new support staff positions. These funds may be used for salaries,

benefits, equipment, and related expenses. Prior to using funds for this purpose, the Office of Indigent Defense Services shall report to the Chairs of the House and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion.

Requested by: Senators Thomas, Garrou, Dalton, Hagan Continued

OFFICE OF INDIGENT DEFENSE SERVICES REPORT

SECTION 14.12. The Office of Indigent Defense Services shall report to the Chairs of the Senate and House of Representatives Appropriations Committees and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on:

(1) The volume and cost of cases handled in each district by assigned counsel or public defenders;

(2) Actions taken by the Office to improve the cost-effectiveness and quality of indigent defense, including the capital case program;

(3) Plans for changes in rules, standards, or regulations in the upcoming year; and

(4) Any recommended changes in law or funding procedures that would assist the Office in improving the management of funds expended for indigent defense services.

Requested by: Senators Thomas, Garrou, Dalton, Hagan New

CLARIFY THAT FEES PAID TO ATTORNEYS REPRESENTING INDIGENT CLIENTS SHALL BE FIXED IN ACCORDANCE WITH THE RULES ADOPTED BY THE OFFICE OF INDIGENT DEFENSE SERVICES AND MAY NOT BE SET AT HIGHER RATES WITHOUT THE APPROVAL OF THE OFFICE OF INDIGENT DEFENSE SERVICES

SECTION 14.13. G.S. 7A-458 reads as rewritten:

"**§ 7A-458. Counsel fees.**

The fee to which an attorney who represents an indigent person is entitled shall be fixed in accordance with rules adopted by the Office of Indigent Defense Services. Fees shall be based on the factors normally considered in fixing attorneys' fees, such as the nature of the case, and the time, effort and responsibility involved. Fees shall not be set or ordered at rates higher than those established by the rules adopted under this section without the approval of the Office of Indigent Defense Services. Even if the trial, appeal, hearing or other proceeding is never held, preparation therefor is nevertheless compensable and, in capital cases and other extraordinary cases pending in superior court, a fee for services rendered and payment for expenses incurred may be allowed pending final determination of the case."

PART XV. DEPARTMENT OF JUSTICE

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

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

SECTION 15.1.(a) Assets transferred to the Departments of Justice, Correction, and Crime Control and Public Safety during the 2005-2007 biennium pursuant to applicable federal law shall be credited to the budgets of the respective departments and shall result in an increase of law enforcement resources for those departments. The Departments of Justice, Correction, 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.

SECTION 15.1.(b) The General Assembly finds that the use of assets transferred pursuant to federal law for new personnel positions, new projects,

acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice, the Department of Correction, 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.

SECTION 15.1.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice, the United States Department of the Treasury, and the United States Department of Health and Human Services.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

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

SECTION 15.2. The Private Protective Services and Alarm Systems Licensing Boards shall pay the appropriate State agency for the use of physical facilities and services provided to those Boards by the State.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS

SECTION 15.3. Client departments, agencies, and boards shall reimburse the Department of Justice for reasonable court fees, attorney travel and subsistence costs, and other costs directly related to litigation in which the Department of Justice is representing the department, agency, or board.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

REIMBURSEMENT FOR UNC BOARD OF GOVERNORS LEGAL REPRESENTATION

SECTION 15.4. The Department of Justice shall be reimbursed by the Board of Governors of The University of North Carolina for two Attorney III positions to provide legal representation to The University of North Carolina System.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

REPORT ON CRIMINAL RECORD CHECKS CONDUCTED FOR CONCEALED HANDGUN PERMITS/STUDY FEE ADJUSTMENT FOR CRIMINAL RECORD CHECKS

SECTION 15.5.(a) 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 of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives 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.

SECTION 15.5.(b) The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal record checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal record checks. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal record checks and how those costs have changed since the prior fiscal year. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House of Representatives Appropriations Committees, the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division on or before March 1, 2006.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED - REVISED

NC LEGAL EDUCATION ASSISTANCE FOUNDATION REPORT ON FUNDS DISBURSED

SECTION 15.6. The North Carolina Legal Education Assistance Foundation shall report by March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds, the purpose of the expenditures, the number of attorneys receiving funds, the average award amount, the average student loan amount, the number of attorneys on the waiting list, and the average number of years for which attorneys receive loan assistance.

Requested by: Senators Hagan, Garrou, Dalton CONTINUED - REVISED

REDUCE BACKLOG OF RAPE KITS

SECTION 15.7.(a) The Department of Justice shall contract with private entities to reduce the backlog of rape kits in storage in local law enforcement agencies as of July 1, 2004. The Department shall contract with private entities to analyze bodily fluids, DNA evidence, as "DNA" is defined in G.S. 15A-266.2, or both, from rape kits that are evidence in cases in which a suspect has not been identified. The Department shall maximize the use of federal grant funds to expedite the elimination of the backlog.

SECTION 15.7.(b) The Department of Justice shall report, on or before February 1, 2006, and annually thereafter to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the number of rape kits analyzed by private entities and how many of those analyses resulted in arrests or convictions. The Department shall also report on the number of rape kits analyzed by the SBI Crime Lab, the amount of the remaining backlog, and the estimated time left to eliminate the backlog. new

SECTION 15.7.(c) Except as provided otherwise by this subsection, the Department of Justice shall hire only nonsworn personnel to fill vacant positions in the State Bureau of Investigation laboratory. A position may be filled with a sworn agent in any of the following circumstances: (i) the position is a promotion for a sworn agent who was employed at the State Bureau of Investigation laboratory prior to July 1, 2005, or (ii) the position is a forensic drug chemist position that has as a primary duty "responding to clandestine methamphetamine laboratories." revised

Requested by: Senators Thomas, Garrou, Dalton, Hagan NEW

STUDY DNA TESTING AND ANALYSIS COSTS

SECTION 15.8. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the cost of testing and analyzing DNA samples. The study shall include all of the following: a determination of the unit cost for analyzing a rape kit and a comparison of that cost with the unit cost for the same analysis when performed by other labs, both public and private; a comparison of the amount of funds and length of time required to eliminate the backlog of rape kits using private labs versus the SBI crime lab; and a survey of the funding sources used by other states for their DNA testing and analysis lab costs. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House of Representatives Appropriations Committees, the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division on or before March 1, 2006.

PART XVI. DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Requested by: Senators Thomas, Garrou, Dalton, Hagan

S.O.S. ADMINISTRATIVE COST LIMITS CONTINUED

SECTION 16.1. Of the funds appropriated to the Department of Juvenile Justice and Delinquency Prevention in this act, not more than four hundred fifty thousand dollars ($450,000) for the 2005-2006 fiscal year and not more than four hundred fifty thousand dollars ($450,000) for the 2006-2007 fiscal year may be used to administer the S.O.S. Program, to provide technical assistance to applicants and to local S.O.S. programs, and to evaluate the local S.O.S. programs. The Department may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

JCPC GRANT REPORTING AND CERTIFICATION CONTINUED

SECTION 16.2.(a) On or before May 1 each year, the Department of Juvenile Justice and Delinquency Prevention shall submit to the Joint Legislative Commission on Governmental Operations and the Appropriations Committees of the Senate and House of Representatives a list of the recipients of the grants awarded, or preapproved for award, from funds appropriated to the Department for local Juvenile Crime Prevention Council grants. The list shall include for each recipient the amount of the grant awarded, the membership of the local committee or council administering the award funds on the local level, and a short description of the local services, programs, or projects that will receive funds. The list shall also identify any programs that received grant funds at one time but for which funding has been eliminated by the Department of Juvenile Justice and Delinquency Prevention. A written copy of the list and other information regarding the projects shall also be sent to the Fiscal Research Division of the General Assembly.

SECTION 16.2.(b) Each county in which local programs receive Juvenile Crime Prevention Council grant funds from the Department of Juvenile Justice and Delinquency Prevention shall certify annually through its local council to the Department that funds received are not used to duplicate or supplant other programs within the county.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORTS ON CERTAIN PROGRAMS CONTINUED REVISED

SECTION 16.3.(a) Project Challenge North Carolina, Inc., shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1 each year on the operation and the effectiveness of its program in providing alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined. The report shall include information on:

(1) The source of referrals for juveniles.
(2) The types of offenses committed by juveniles participating in the program.
(3) The amount of time those juveniles spend in the program.
(4) The number of juveniles who successfully complete the program.
(5) The number of juveniles who commit additional offenses after completing the program.
(6) The program's budget and expenditures, including all funding sources.

SECTION 16.3.(b) The Juvenile Assessment Center shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the effectiveness of the Center by April 1 each year. The report shall include information on the number of juveniles served and an evaluation of the effectiveness of juvenile assessment plans and services provided as a result of these plans. In addition, the report shall include information on the Center's budget and expenditures, including all funding sources.

SECTION 16.3.(c) Communities in Schools shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, the Joint Legislative Commission on Governmental Operations, the Joint

Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, and the Joint Legislative Education Oversight Committee by April 1 each year on the operation and effectiveness of its program. The report shall include information on:

(1) The number of children served.
(2) The number of volunteers used.
(3) The impact on children who have received services from Communities in Schools.
(4) The program's budget and expenditures, including all funding sources.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

ANNUAL EVALUATION OF COMMUNITY PROGRAMS CONTINUED

SECTION 16.4. The Department of Juvenile Justice and Delinquency Prevention shall conduct an evaluation of the Eckerd and Camp Woodson wilderness camp programs, the teen court programs, the program that grants funds to the local organizations of the Boys and Girls Clubs established pursuant to Section 21.10 of S.L. 1999-237, the Save Our Students program, the Governor's One-on-One Programs, and multipurpose group homes. The teen court report shall include statistical information on the number of juveniles served, the number and type of offenses considered by teen courts, referral sources for teen courts, and the number of juveniles that become court-involved after participation in teen courts. The report on the Boys and Girls Clubs program shall include information on:

(1) The expenditure of State appropriations on the program;
(2) The operations and the effectiveness of the program; and
(3) The number of juveniles served under the program.

In conducting the evaluation of each of these programs, the Department shall consider whether participation in each program results in a reduction of court involvement among juveniles. The Department shall also identify whether the programs are achieving the goals and objectives of the Juvenile Justice Act, S.L. 1998-202. The Department shall report the results of the evaluation to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the Subcommittees on Justice and Public Safety of the House of Representatives and Senate Appropriations Committees by March 1 of each year.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS CONTINUED

SECTION 16.5. Funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for the 2005-2006 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission shall consult with the Department of Juvenile Justice and Delinquency Prevention regarding the criteria for awarding federal funds. The Office of State Budget and Management, the Governor's Crime Commission, and the Department of Juvenile Justice and Delinquency Prevention shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the 2005-2006 fiscal year, the amount of funds anticipated for the 2006-2007 fiscal year, and the allocation of funds by program and purpose.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

IMPLEMENTATION OF TREATMENT STAFFING MODEL AT YOUTH DEVELOPMENT CENTERS NEW

SECTION 16.6.(a) The Department of Juvenile Justice and Delinquency Prevention shall report each December 31, March 31, June 30, and September 30 of the

2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and to the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee on the treatment staffing model being piloted at Samarkand and Stonewall Jackson Youth Development Centers. The report shall include a list of total positions at each facility by job class, whether the position is vacant or filled, whether positions were filled from internal employees or new employees, and the training and certification status of each position. The report shall also describe the nature of the treatment program, the criteria for evaluating the program, and how the program is performing in comparison to these criteria. The report shall also describe the training approach to be used to train staff in using treatment methods in youth development centers and provide information on current staff training and staff training planned for the next quarter. The Department shall also develop indicators for evaluating staff performance once the model has been implemented.

SECTION 16.6.(b) The Department of Juvenile Justice and Delinquency Prevention shall report each December 31, March 31, June 30, and September 30 of the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the implementation of the treatment staffing model at Dobbs, Dillon, and Juvenile Evaluation Center Youth Development Centers. The Department shall identify the number of positions reallocated to the new treatment job classes and the source of funding for those positions.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

PROGRESS REPORTS ON YOUTH DEVELOPMENT CENTER CAPITAL PROJECTS NEW

SECTION 16.7. The Department of Juvenile Justice and Delinquency Prevention shall report each December 31, March 31, June 30, and September 30 of the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and to the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee on the Department's progress in the planning, design, and construction of new youth development centers. The report shall include:

(1) An overall project schedule for each new youth development center showing the original estimated date for construction completion and the original estimated date for occupancy by juvenile offenders, compared to the latest projected dates.

(2) An explanation of significant delays in the schedule or any potential cost increase.

The Office of State Construction and the Capital Improvement Section of the Office of State Budget and Management shall assist the Department of Juvenile Justice and Delinquency Prevention in the preparation of the report required by this section.

PART XVII. DEPARTMENT OF CORRECTION

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

FEDERAL GRANT REPORTING

SECTION 17.1. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, the Judicial Department, and the Department of Juvenile Justice and Delinquency Prevention shall report by May 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received

or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

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

SECTION 17.2. The Department of Correction may use funds available to the Department for the 2005-2007 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives 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.

NEW

Requested by: Senators Thomas, Garrou, Dalton, Hagan

HOLIDAY PAY FOR DEPARTMENT OF CORRECTION STAFF

SECTION 17.3. Holiday pay for Department of Correction staff entitled to holiday pay shall be one hundred fifty percent (150%) of regular pay during the 2005-2007 biennium, except that the Department of Correction may use funds available to pay up to one hundred seventy-five percent (175%) of regular pay for holiday pay during the 2005-2007 biennium.

CONTINUED – REVISED

Requested by: Senators Thomas, Garrou, Dalton, Hagan

DEPARTMENT OF CORRECTION SECURITY STAFFING FORMULAS

SECTION 17.4.(a) G.S. 143B-262.5 reads as rewritten:

"**§ 143B-262.5. Security Staffing.**

(a) The Department of Correction shall ~~conduct security staffing post-audits of each prison at least biannually, the first such audit to be completed during the 2002-2003 fiscal year. The initial post-audit shall be conducted jointly by Department staff and a consultant, external to the Department, and shall include analysis of the staffing levels assigned for supervision of correctional officers.~~ conduct:

(1) On-site post-audits of every prison at least once every three years;

(2) Regular audits of post-audit charts through the automated post-audit system; and

(3) Other staffing audits as necessary.

(b) The Department of Correction shall update the security staffing relief formula ~~biannually, the first update to be completed during the 2002-2003 fiscal year.~~ at least every three years. Each update shall include a review of all annual training requirements for security staff to determine which of these requirements should be mandatory and the appropriate frequency of the training. The Department shall survey other states to determine which states use a vacancy factor in their staffing relief formulas."

SECTION 17.4.(b) The Department of Correction shall implement the current post-audit by July 1, 2005, and report by October 1, 2005, to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the effect that the new post-audit has had on staffing at each prison.

SECTION 17.4.(c) The Department of Correction shall report on its progress in implementing the staffing recommendations of the National Institute of Corrections to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1, 2006. The report shall include a status report on the implementation of a centralized postaudit control system, the automation of leave records, and the survey of other states' use of a vacancy factor in staffing relief formulas.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

USE OF CLOSED PRISON FACILITIES

SECTION 17.5. In conjunction with the closing of prison facilities, including 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, with the elected State and local officials, and with State agencies about the possibility of converting that unit to other use. The Department may also consult with any private for-profit or nonprofit firm about the possibility of converting the unit to other use. In developing a proposal for future use of each unit, the Department shall give priority to converting the unit to other criminal justice use. Consistent with existing law and the future needs of the Department of Correction, the State may provide for the transfer or the lease of any of these units to counties, municipalities, State agencies, 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 one security custody level to another, where that conversion would be cost-effective. A prison unit under lease to a county pursuant to the provisions of this section for use as a jail is exempt for the period of the lease from any of the minimum standards adopted by the Secretary of Health and Human Services pursuant to G.S. 153A-221 for the housing of adult prisoners that would subject the unit to greater standards than those required of a unit of the State prison system.

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, Crime Control, and Juvenile Justice Oversight Committee. The Department of Correction shall also provide annual summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

INMATE COSTS/MEDICAL BUDGET FOR PRESCRIPTION DRUGS AND INMATE CLOTHING AND LAUNDRY SERVICES

SECTION 17.6.(a) If the cost of providing food and health care to inmates housed in the Division of Prisons is anticipated to exceed the continuation budget amounts provided for that purpose in this act, the Department of Correction shall report the reasons for the anticipated cost increase and the source of funds the Department intends to use to cover those additional needs to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety.

SECTION 17.6.(b) Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the 2005-2006 fiscal year for the purchase of prescription drugs for inmates if expenditures are projected to exceed the Department's inmate medical continuation budget for prescription drugs. The Department shall consult with the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

SECTION 17.6.(c) Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the 2005-2006 fiscal year for the purchase of clothing and laundry services for inmates if expenditures are projected to exceed the Department's budget for clothing and laundry services. The Department shall consult with the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

CONVERSION OF CONTRACTED MEDICAL POSITIONS Continued

SECTION 17.7.(a) The Department of Correction may convert contract medical positions to permanent State medical positions if the Department can document that the total savings generated will exceed the total cost of the new positions for each facility. Where practical, the Department shall convert contract positions to permanent positions by using existing vacancies in medical positions.

SECTION 17.7.(b) The Department of Correction shall report by April 1, 2006, to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on all conversions made pursuant to this section, by type of position and location, and on the savings generated at each correctional facility.

Requested by: Senators Thomas, Garrou, Dalton, Hagan Continued

LIMIT USE OF OPERATIONAL FUNDS

SECTION 17.8. 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 120 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: Senators Thomas, Garrou, Dalton, Hagan Continued - Revised

FEDERAL GRANT MATCHING FUNDS

SECTION 17.9. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of seven hundred fifty thousand dollars ($750,000) from funds available to the Department to provide the State match needed ~~in order to~~ receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

COMPUTER/DATA PROCESSING SERVICES FUNDS

SECTION 17.10. Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the 2005-2006 fiscal year for expenses for computer/data processing services if expenditures exceed the Department's continuation budget amount for those services. The Department shall report to the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

Requested by: Senators Thomas, Garrou, Dalton, Hagan Continued

MEDIUM CUSTODY ROAD CREW COMPENSATION/COMMUNITY WORK CREWS

SECTION 17.11.(a) Of funds appropriated to the Department of Transportation by this act, the sum of ten million dollars ($10,000,000) per year shall be transferred by the Department of Transportation to the Department of Correction during the 2005-2007 biennium for the actual costs of highway-related labor performed by medium-custody prisoners, as authorized by G.S. 148-26.5. This transfer shall be made quarterly in the amount of two million five hundred thousand dollars ($2,500,000). The Department of Transportation may use funds appropriated by this act to pay an additional amount exceeding the ten million dollars ($10,000,000), but those payments shall be subject to negotiations among the Department of Transportation, the Department of Correction, and the Office of State Budget and Management prior to payment by the Department of Transportation.

SECTION 17.11.(b) The Department of Correction may use up to 39 work crews for Department of Transportation litter control projects. The Department of Transportation shall transfer at least one million three hundred thousand dollars ($1,300,000) per year from the Highway Fund to the Department of Correction during the 2005-2007 biennium to cover the cost of those work crews. Should the two departments determine that the actual cost of operating 39 work crews exceeds that amount, the Department of Transportation shall transfer an additional amount as agreed upon by the two departments and the Office of State Budget and Management.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

INMATE CUSTODY AND CLASSIFICATION SYSTEM

SECTION 17.12.(a) The Department of Correction shall review the current inmate custody and classification system, with the assistance of consultants from the National Institute of Corrections. The review shall focus primarily on the custody classification instrument used to assess inmate custody and the policies and practice of overriding the assessed custody level. The review should focus particularly on determining whether the instrument is effective in predicting custody classification, analyzing the current override rate by custody level, and assessing any need for changes in the override policy. The Department should request assistance from the National Institute of Corrections in obtaining (i) a comparison between Department of Correction override rates and policies and those of other states; (ii) suggestions on an acceptable override rate for classification systems; and (iii) any recommendations the NIC may have on the Department's custody classification instrument and override policy.

SECTION 17.12.(b) The Department shall report its findings and recommendations to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety no later than April 15, 2006.

Requested by: Senators Garrou, Dalton, Hagan CONTINUED – REVISED

EXTEND LIMITS OF CONFINEMENT/TERMINALLY ILL AND PERMANENTLY AND TOTALLY DISABLED INMATES

SECTION 17.13. G.S. 148-4 reads as rewritten:

"**§ 148-4. Control and custody of prisoners; authorizing prisoner to leave place of confinement.**

The Secretary of Correction shall have control and custody of all prisoners serving sentence in the State prison system, and such prisoners shall be subject to all the rules and regulations legally adopted for the government thereof. Any sentence to imprisonment in any unit of the State prison system, or to jail to be assigned to work under the State Department of Correction, shall be construed as a commitment, for such terms of imprisonment as the court may direct, to the custody of the Secretary of Correction or his authorized representative, who shall designate the places of confinement within the State prison system where the sentences of all such persons shall be served. The authorized agents of the Secretary shall have all the authority of peace officers for the purpose of transferring prisoners from place to place in the State as their duties might require and for apprehending, arresting, and returning to prison escaped

prisoners, and may be commissioned by the Governor, either generally or specially, as special officers for returning escaped prisoners or other fugitives from justice from outside the State, when such persons have been extradited or voluntarily surrendered. Employees of departments, institutions, agencies, and political subdivisions of the State hiring prisoners to perform work outside prison confines may be designated as the authorized agents of the Secretary of Correction for the purpose of maintaining control and custody of prisoners who may be placed under the supervision and control of such employees, including guarding and transferring such prisoners from place to place in the State as their duties might require, and apprehending and arresting escaped prisoners and returning them to prison. The governing authorities of the State prison system are authorized to determine by rules and regulations the manner of designating these agents and placing prisoners under their supervision and control, which rules and regulations shall be established in the same manner as other rules and regulations for the government of the State prison system.

The Secretary of Correction may extend the limits of the place of confinement of a prisoner, as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to

(1) Contact prospective employers; or

(2) Secure a suitable residence for use when released on parole or upon discharge; or

(3) Obtain medical services not otherwise available; or

(4) Participate in a training program in the community; or

(5) Visit or attend the funeral of a spouse, child (including stepchild, adopted child or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person though not a natural parent, has acted in the place of a parent), brother, or sister; or

(6) Participate in community-based programs of rehabilitation, including, but not limited to the existing community volunteer and home-leave programs, pre-release and after-care programs as may be provided for and administered by the Secretary of Correction and other programs determined by the Secretary of Correction to be consistent with the prisoner's rehabilitation and return to society; or

(7) Be on maternity leave, for a period of time not to exceed 60 days. The county departments of social services are expected to cooperate with officials at the North Carolina Correctional Center for Women to coordinate prenatal care, financial services, and placement of the child; or

(8) Receive palliative care, only in the case of a terminally ill inmate or a permanently and totally disabled inmate that the Secretary finds no longer poses ~~a threat to society,~~ a significant public safety risk, and only after consultation with any victims of the inmate or the victims' families. For purposes of this subdivision, the term "terminally ill" describes an inmate who, as determined by a licensed physician, has an incurable condition caused by illness or disease that did not exist at the time of sentencing, that will likely produce death within ~~12 months.~~ six months, and that is so debilitating that it is highly unlikely that the inmate poses a significant public safety risk. For purposes of this subdivision, the term "permanently and totally disabled" describes an inmate who, as determined by a licensed physician, suffers from permanent and irreversible physical incapacitation as a result of an existing physical or medical ~~condition.~~ condition that did not exist at the time of sentencing and that is so incapacitating that it is highly unlikely that the inmate poses a significant public safety risk. The

Department's medical director shall notify the Secretary immediately when an inmate has been classified as terminally ill and shall provide regular reports on inmates classified as permanently and totally disabled. The Secretary shall act expeditiously in determining whether to extend the limits of confinement under this subdivision upon receiving notice that an inmate has been classified as terminally ill or permanently and totally disabled and, in the case of a terminally ill inmate, the Secretary shall make a good faith effort to reach a determination within 30 days of receiving notice of the inmate's terminal condition.

The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to the place of confinement designated by the Secretary of Correction, shall be deemed an escape from the custody of the Secretary of Correction punishable as provided in G.S. 148-45."

New

Requested by: Senators Thomas, Garrou, Dalton, Hagan

PARTIAL REIMBURSEMENT/INMATE COMMUNITY WORK CREWS AND INMATE LABOR CONTRACTS

SECTION 17.14.(a) G.S. 148-26 is amended by adding a new subsection to read:

"(e1) Departments, institutions, agencies, and political subdivisions of the State using inmate community work crews or inmate labor contracts as authorized by this section shall reimburse the Department of Correction for a portion of the costs of operating inmate community work crews and a portion of the administrative expenses of managing inmate labor contracts. In determining the amount of reimbursement to require under this subsection, the Department may consider requiring a smaller amount from entities that can demonstrate a limited ability to pay for inmate labor."

SECTION 17.14.(b) In determining reimbursement amounts required by G.S. 148-26(e1), the Department of Correction shall attempt to recoup at least the sum of six hundred thousand dollars ($600,000) for each year of the 2005-2007 biennium in inmate work crew costs and administrative expenses of managing inmate labor contracts.

SECTION 17.14.(c) The Department of Correction shall report by March 1, 2006, to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the inmate labor contracts and community work programs, identifying total project man-hours by client agency, the total operating costs of these programs, the benefits of these programs, and the potential for reimbursement that more closely reflects the actual cost of all projects.

New

Requested by: Senators Rand, Thomas, Garrou, Dalton, Hagan

PROVIDER RATES FOR INMATE HEALTH SERVICES NOT TO EXCEED PROVIDER RATES UNDER TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN

SECTION 17.15.(a) G.S. 148-19 reads as rewritten:

"**§ 148-19. Health services.**

(a) The general policies, rules and regulations of the Department of Correction shall prescribe standards for health services to prisoners, which shall include preventive, diagnostic, and therapeutic measures on both an outpatient and a hospital basis, for all types of patients. A prisoner may be taken, when necessary, to a medical facility outside the State prison system. The Department of Correction shall seek the cooperation of public and private agencies, institutions, officials and individuals in the development of adequate health services to prisoners.

(b) Upon request of the Secretary of Correction, the Secretary of Health and Human Services may detail personnel employed by the Department of Health and

Human Services to the Department of Correction for the purpose of supervising and furnishing medical, psychiatric, psychological, dental, and other technical and scientific services to the Department of Correction. The compensation, allowances, and expenses of the personnel detailed under this section may be paid from applicable appropriations to the Department of Health and Human Services, and reimbursed from applicable appropriations to the Department of Correction. The Secretary of Correction may make similar arrangements with any other agency of State government able and willing to aid the Department of Correction to meet the needs of prisoners for health services. Reimbursement rates to public and private agencies and health care providers for health care services rendered to prisoners shall be established as provided in G.S. 148-22.

(c) Each prisoner committed to the State Department of Correction shall receive a physical and mental examination by a health care professional authorized by the North Carolina Medical Board to perform such examinations as soon as practicable after admission and before being assigned to work. The prisoner's work and other assignments shall be made with due regard for the prisoner's physical and mental condition.

(d) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall adopt standards for the delivery of mental health and mental retardation services to inmates in the custody of the Department of Correction. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall give the Secretary of Correction an opportunity to review and comment on proposed standards prior to promulgation of such standards; however, final authority to determine such standards remains with the Commission. The Secretary of the Department of Health and Human Services shall designate an agency or agencies within the Department of Health and Human Services to monitor the implementation by the Department of Correction of these standards and of substance abuse standards adopted by the Department of Correction upon the advice of the Substance Abuse Advisory Council established pursuant to G.S. 143B-270. The Secretary of Health and Human Services shall send a written report on the progress which the Department of Correction has made on the implementation of such standards to the Governor, the Lieutenant Governor, and the Speaker of the House. Such reports shall be made on an annual basis beginning January 1, 1978."

SECTION 17.15.(b) G.S. 148-22 reads as rewritten:

"**§ 148-22. Treatment programs.**

(a) The general policies, rules and regulations of the Department of Correction shall provide for humane treatment of prisoners and for programs to effect their correction and return to the community as promptly as practicable. Visits and correspondence between prisoners and approved friends shall be authorized under reasonable conditions, and family members shall be permitted and encouraged to maintain close contact with the prisoners unless such contacts prove to be hurtful. Casework, counseling, and psychotherapy services provided to prisoners may be extended to include members of the prisoner's family if practicable and necessary to achieve the purposes of such programs. Education, library, recreation, and vocational training programs shall be developed so as to coordinate with corresponding services and opportunities which will be available to the prisoner when he is released. Programs may be established for the treatment and training of mentally retarded prisoners and other special groups. These programs may be operated in segregated sections of facilities housing other prisoners or in separate facilities.

(b) The Department of Correction may cooperate with and seek the cooperation of public and private agencies, institutions, officials, and individuals in the development and conduct of programs designed to give persons committed to the Department opportunities for physical, mental and moral improvement. The Department may enter into agreements with other agencies of federal, State or local government and with private agencies to promote the most effective use of available resources.

Specifically the Secretary of Correction may enter into contracts or agreements with appropriate public or private agencies or providers offering needed services including health, mental health, mental retardation, substance abuse, rehabilitative or training services for such inmates of the Department of Correction as the Secretary may deem eligible. These agencies and providers shall be reimbursed from applicable appropriations to the Department of Correction for health services rendered at a rate not to exceed ~~that which such agencies normally receive for serving their regular clients~~ the contract rate paid for the same or similar service or diagnostic-related grouping under the Teachers' and State Employees' Comprehensive Major Medical Plan ("Plan") for Plan members. Before paying the claim approved by the Secretary, the Secretary of Correction shall submit the claim to the Plan for verification of the rate charged under the claim in accordance with procedures established by the Executive Administrator and Board of Trustees of the Plan. The Department of Correction shall, from State appropriations and any other funds available for this purpose, transfer to the Teachers' and State Employees' Comprehensive Major Medical Plan funds in the amount determined by the Plan as necessary to cover the Plan's administrative costs for verifying claim rates. The Secretary may contract for the housing of work-release inmates at county jails and local confinement facilities. Inmates may be placed in the care of such agencies but shall remain the responsibility of the Department and shall be subject to the complete supervision of the Department. The Department may reimburse such agencies for the support of such inmates at a rate not in excess of the average daily cost of inmate care in the corrections unit to which the inmate would otherwise be assigned."

SECTION 17.15.(c) Article 3 of Chapter 135 of the General Statutes is amended by adding the following new Part to read: State Health Plan

"Part 6. Administrative Services to Other State Agencies.

"**§ 135-43. Verification of Plan rates for health services provided to prison inmates.**

As used in this Part, "Plan" means the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan. Upon receipt of a claim for health services approved by the Secretary of Correction, the Plan shall review the claim rates and shall verify to the Secretary of Correction that the rates applied in the claim do not exceed the rates applicable under the Plan for the same or similar services or diagnostic-related grouping code for Plan members. Nothing in this section shall be construed as providing Plan benefits to prison inmates. The Plan's self-insured indemnity program shall not incur any financial obligations for claims submitted by the Secretary of Correction for health services rendered to prison inmates."

Requested by: Senators Kerr, Thomas, Garrou, Dalton, Hagan NEW

REPLACEMENT OF UMSTEAD LAUNDRY

SECTION 17.16. In preparation for the scheduled closing of Umstead Hospital in 2007, the Department of Correction shall develop a plan for the replacement of the Correction Enterprises laundry operation at Umstead Hospital and report that plan to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by May 1, 2006.

Requested by: Senators Thomas, Garrou, Dalton, Hagan NEW

STAFFING STUDY OF UNIT MANAGEMENT

SECTION 17.17. The Department of Correction shall conduct an organization and staffing study of unit management in the State prison system, focusing on the 18 prison facilities that use unit management. The Department shall review workload and staffing at each of the prisons and make recommendations for staffing changes and staffing efficiencies. The study shall consider the responsibilities and workloads of custody supervisors in relation to unit managers and determine whether certain functions should be the responsibility of custody supervisors or program staff.

The Department shall report its findings and recommendations to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by March 1, 2006.

Requested by: Senators Thomas, Dalton, Garrou, Hagan NEW

STUDY EXPANSION AT CLEVELAND CORRECTIONAL CENTER

SECTION 17.18. As part of its development and update of its long-range prison housing plan, the Department of Correction shall consider the feasibility of expanding minimum custody bed capacity at the Cleveland Correctional Center. The study shall include an engineering analysis of the site and a cost analysis of either expanding the current facility or building a stand-alone minimum custody prison. The cost analysis shall include a determination of possible savings by using inmate labor to assist with construction. The Department of Correction shall report its findings to the Chairs of the Senate and House of Representatives Appropriations Committees and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1, 2006.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORT ON ELECTRONIC MONITORING COSTS CONTINUED

SECTION 17.19. The Department of Correction shall report by March 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Committees and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on its efforts to increase the use of electronic monitoring of sentenced offenders in the community as an alternative to the incarceration of probation violators. The report shall also document the geographical distribution of electronic monitoring use compared to other intermediate sanctions. The Department shall also analyze the reasons for the underutilization of the electronic monitoring program and include its findings in the report.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORT ON PROBATION AND PAROLE CASELOADS CONTINUED

SECTION 17.20.(a) The Department of Correction shall report by March 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on caseload averages for probation and parole officers. The report shall include:

(1) Data on current caseload averages for Probation Parole Officer I, Probation Parole Officer II, and Probation Parole Officer III positions;
(2) An analysis of the optimal caseloads for these officer classifications;
(3) An assessment of the role of surveillance officers;
(4) The number and role of paraprofessionals in supervising low-risk caseloads;
(5) An update on the Department's implementation of the recommendations contained in the National Institute of Correction study conducted on the Division of Community Corrections in 2004;
(6) The selection of a risk assessment and the resulting distribution of offenders among risk levels; and
(7) Any position reallocations in the previous 12 months, and the reasons for and fiscal impact of those reallocations.

SECTION 17.20.(b) The Department of Correction shall conduct a study of probation/parole officer workload at least biannually. The study shall include analysis of the type of offenders supervised, the distribution of the probation/parole officers' time by type of activity, the caseload carried by the officers, and comparisons to practices in other states. The study shall be used to determine whether the caseload goals established

by the Structured Sentencing Act are still appropriate, based on the nature of the offenders supervised and the time required to supervise those offenders.

SECTION 17.20.(c) The Department of Correction shall report the results of the study and recommendations for any adjustments to caseload goals to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by January 1, 2007.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

COMMUNITY SERVICE WORK PROGRAM

SECTION 17.21. The Department of Correction shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by February 1 of each year on the integration of the Community Service Work Program into the Division of Community Corrections, including the Department's ability to monitor the collection of offender payments from unsupervised offenders sentenced to community service. The Department shall also report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by February 1 of each year on the average caseloads of Community Service Work Program coordinators, by district, division, and statewide. The report shall also include the money collected, the type and value of the work performed, and the number of offenders in the Community Service Work Program, by type of referral (i.e. parole, supervised probation, unsupervised probation or community punishment, DWI, or any other agency referrals).

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED - REVISED

REPORTS ON NONPROFIT PROGRAMS

SECTION 17.22.(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 to serve women released from prison with children in their custody. Harriet's House shall report by February 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 successfully complete the Harriet's House program, and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(b) Summit House shall report by February 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 had their probation revoked, the number of clients who successfully complete the program while housed at Summit House, Inc., and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(c) Women at Risk shall report by February 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, the number of clients who have successfully completed the program, and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

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Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED - REVIS

CRIMINAL JUSTICE PARTNERSHIP PROGRAM

SECTION 17.23.(a) It is the intent of the General Assembly that State Criminal Justice Partnership Program funds not be used to fund case manager positions when those services can be reasonably provided by Division of Community Corrections personnel or by the Treatment Alternatives to Street Crime (TASC) Program in the Department of Health and Human Services.

SECTION 17.23.(b) Notwithstanding the provisions of G.S. 143B-273.15 specifying that grants to participating counties are for the full fiscal year and that unobligated funds are returned to the State-County Criminal Justice Partnership Account at the end of the grant period, the Department of Correction may reallocate unspent or unclaimed funds distributed to counties participating in the State-County Criminal Justice Partnership Program in an effort to maintain the level of services realized in previous fiscal years.

SECTION 17.23.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully developed plan for each type of sanction.

SECTION 17.23.(d) The Department of Correction shall report by February 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Committees, the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the status of the State-County Criminal Justice Partnership Program. The report shall include the following information:

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

(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for the current fiscal year;

(3) Any counties the Department anticipates will submit requests for new implementation grants;

(4) An update on efforts to ensure that all counties make use of the electronic reporting system, including the number of counties submitting offender participation data via the system;

(5) An analysis of offender participation data received, including data on each program's utilization and capacity;

(6) An analysis of comparable programs, prepared by the Research and Planning Division of the Department of Correction, and a summary of the reports prepared by county Criminal Justice Partnerships Advisory Boards; and

(7) An evaluation of Criminal Justice Partnership programs based upon evaluation standards designed by the Division of Community Corrections in consultation with the Fiscal Research Division and the Department of Correction, Division of Research and Planning.

SECTION 17.23.(e) G.S. 143B-273.4 reads as rewritten:

"**§ 143B-273.4. Eligible population.**

(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 serving an active sentence of imprisonment.

(b) The priority populations for programs funded under this Article shall ~~be:~~

~~(1)~~ ~~Offenders~~ be offenders sentenced to intermediate ~~punishments; and~~

~~(2) Offenders who are appropriate for release from jail prior to trial under the supervision of a pretrial monitoring program.~~ punishments."

SECTION 17.23.(f) G.S. 143B-273.15 reads as rewritten:

"**§ 143B-273.15. Funding formula.**

new

To determine the grant amount for which a county or counties may apply, the granting authority shall apply the following formula:

(1) ~~Twenty percent (20%)~~ Twenty-five percent (25%) based on a fixed equal dollar amount for each county;

(2) ~~Sixty percent (60%)~~ Fifty percent (50%) based on the county share of the State population; and

(3) ~~Twenty percent (20%)~~ Twenty-five percent (25%) based on the ~~supervised probation admissions~~ intermediate punishment entry rate for the ~~county.~~ county, using the total of the three most recent years of data available divided by the average county population for that same period.

The sum of the amounts in subdivisions (1), (2), and (3) is the total amount of the funding that a county may apply for under this subsection.

Grants to participating counties are for a period of one fiscal year with unobligated funds being returned to the Account at the end of the grant period. Funds are provided to participating counties on a reimbursement basis unless a county documents a need for an advance of grant funds."

SECTION 17.23.(g) For the 2005-2006 fiscal year, notwithstanding the formula in G.S. 143B-273.15, each county's formula allocation shall be capped at no less than ninety-five percent (95%) and no greater than one hundred twenty percent (120%) of the funds allocated to that county for the 2004-2005 fiscal year. After determining the capped formula allocations, funds that were used in the 2003-2004 fiscal year for pretrial release programs shall be reallocated among all participating counties using the formula in G.S. 143B-273.15 and dedicated to sentenced offender programs. For the 2006-2007 fiscal year, the same procedures shall be used, except that the capped amounts shall be no less than ninety percent (90%) and no greater than one hundred thirty percent (130%) of the funds allocated to that county for the 2004-2005 fiscal year.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORT ON INMATES ELIGIBLE FOR PAROLE

SECTION 17.24. The Post-Release Supervision and Parole Commission shall report by January 15 and July 15 of each year to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on inmates eligible for parole. These reports shall include at least the following:

(1) The total number of Fair Sentencing and Pre-Fair Sentencing inmates that were parole-eligible during the current fiscal year and the total number of those inmates that were paroled. The report should group these inmates by offense type, custody classification, and type of parole. The report should also include a more specific analysis of those inmates who were parole-eligible and assigned to minimum custody classification but not released;

(2) The average time served, by offense class, of Fair Sentencing and Pre-Fair Sentencing inmates compared to inmates sentenced under Structured Sentencing; and

(3) The projected number of parole-eligible inmates to be paroled or released by the end of the 2007-2008 fiscal year and by the end of each of the next five fiscal years, beginning with the 2008-2009 fiscal year.

Requested by: Senators Thomas, Garrou, Dalton, Hagan NEW

PROVIDE THAT THE TERMS OF THE MEMBERS OF THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION SERVING ON JUNE 30, 2005, EXPIRE ON THAT DATE AND RESTRUCTURE THE COMMISSION

TO CONSIST OF ONE FULL-TIME MEMBER AND TWO HALF-TIME MEMBERS

SECTION 17.25.(a) G.S. 143B-267 reads as rewritten:

"**§ 143B-267. Post-Release Supervision and Parole Commission – members; selection; removal; chairman; compensation; quorum; services.**

~~The~~ Effective July 1, 2005, the Post-Release Supervision and Parole Commission shall consist of ~~three~~ one full-time ~~members.~~ member and two half-time members. The three ~~full-time~~ members shall be appointed by the Governor from persons whose recognized ability, training, experience, and character qualify them for service on the Commission. The terms of office of ~~the five members presently~~ any members serving on the Commission on June 30, 2005, shall expire on ~~July 31, 1999.~~ that date. ~~The term of one of the members appointed effective August 1, 1999, shall be for one year. The term of one of the members appointed effective August 1, 1999, shall be for two years. The term of one of the members appointed effective August 1, 1999, shall be for three years. Thereafter, the~~ The terms of office of persons appointed by the Governor as members of the Commission shall be for four years or until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, removal, death or disability of a ~~full-time~~ member shall be for the balance of the unexpired term only.

The Governor shall have the authority to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of G.S. 143B-13. The Governor shall designate a ~~full-time~~ member of the Commission to serve as ~~chairman~~ chair of the Commission at the pleasure of the Governor.

The granting, denying, revoking, or rescinding of parole, the authorization of work-release privileges to a prisoner, or any other matters of business coming before the Commission for consideration and action shall be decided by majority vote of the full Commission.

The ~~full-time~~ members of the Commission shall receive the salary fixed by the General Assembly in the Current Operations Appropriations Act and shall receive necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-6.

All clerical and other services required by the Commission shall be supplied by the Secretary of Correction."

SECTION 17.25.(b) This section becomes effective June 30, 2005.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

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

SECTION 17.26. The Post-Release Supervision and Parole Commission shall report by October 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on a plan for restructuring the organization and operation of the Commission and implementing staff reductions to reflect both declines and changes in workload.

Requested by: Senators Thomas, Garrou, Dalton, Hagan NEW

MUTUAL AGREEMENT PAROLE PROGRAM

SECTION 17.27. The Department of Correction and the Post-Release Supervision and Parole Commission shall make a good faith effort to enroll at least ten percent (10%) of all program-eligible, pre-Structured Sentencing felons in the Mutual Agreement Parole Program by January 1, 2006. The Department shall report to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on the number of inmates actually enrolled in the program, the number of inmates who have been paroled as a result of participation in the program, and the number of inmates who have enrolled but terminated as a result of unsuccessful participation in the program. If the ten percent (10%) participation goal

established by this section has not been reached, the report shall explain why the goal was not realized.

PART XVIII. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Senators Thomas, Garrou, Dalton, Hagan

ANNUAL EVALUATION OF TARHEEL CHALLENGE PROGRAM CONTINUED

SECTION 18.1. The Department of Crime Control and Public Safety shall report to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by April 1 of each year of the biennium on the operations and effectiveness of the National Guard Tarheel Challenge Program. The report should evaluate the program's effectiveness as an intervention method for preventing juveniles from becoming undisciplined or delinquent. The report shall also evaluate the Program's role in improving individual skills and employment potential for participants and shall include:

(1) The source of referrals for individuals participating in the Program;
(2) The summary of types of actions or offenses committed by the participants of the Program;
(3) An analysis outlining the cost of providing services for each participant, including a breakdown of all expenditures related to the administration and operation of the Program and the education and treatment of the Program participants;
(4) The number of individuals who successfully complete the Program; and
(5) The number of participants who commit offenses after completing the Program.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

VICTIMS ASSISTANCE NETWORK REPORT CONTINUED

SECTION 18.2. The Department of Crime Control and Public Safety shall report on the expenditure of funds allocated pursuant to this section for the Victims Assistance Network. The Department shall also report on the Network's efforts to gather data on crime victims and their needs, act as a clearinghouse for crime victims' services, provide an automated crime victims' bulletin board for subscribers, coordinate and support activities of other crime victims' advocacy groups, identify the training needs of crime victims' services providers and criminal justice personnel, and coordinate training for these personnel. The Department shall submit its report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives by December 1 of each year of the biennium.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

TRANSFER THE STATEWIDE FLOODPLAIN MAPPING UNIT NEW

SECTION 18.3. The Statewide Floodplain Mapping Unit is transferred from the Department of Crime Control and Public Safety to the Department of Environment and Natural Resources. This transfer has all of the elements of a Type I transfer as defined in G.S. 143A-6.

PART XIX. DEPARTMENT OF ADMINISTRATION

Requested by: Senators Dorsett, Garrou, Dalton, Hagan

CONTINUATION OF THE STUDY OF ADVOCACY PROGRAMS IN THE DEPARTMENT OF ADMINISTRATION

SECTION 19.1. The Secretary of the Department of Administration, in collaboration with appropriate entities that concentrate on public policy and business

Senate Justice and Public Safety General Fund Fees		
	Agency/Fee Proposal	
Item #	**Judicial - AOC**	**Projected Revenue**
1	General Court of Justice Fees generate $1.5 million with every $1 increase. A $10 increase in all fees is proposed by AOC.	$15,285,047
2	Raise probate fee cap from $3,000 to $6,000; fee of $.40/$100 is currently capped at $3,000	$1,600,000
3	Raise seat belt fee from $50 to $75; seat belt fees are currently $25 lower than all other traffic violations	$3,400,000
4	Charge actual cost for appellate bound volumes (from $14 to $28)	$120,000
	Total Judicial - AOC	$20,405,047
	Crime Control and Public Safety	
5	Increase the Butner Public Safety property tax surcharge from $.20 to $.25	$159,500
	Justice-AOC Joint Fee	
6	Increase Expunction Fee to Actual Cost: Fee is $65 and goes to the General Fund. Actual costs to DOJ and AOC are $82.16 and $8.65 respectively, for a total of approximately $91. (Fee set at $125)	$245,724
	Correction	
7	New $90 fee for offenders on electronic monitoring (assumes 35% collection rate)	$123,000
	Total JPS Fee Proposals	**$20,933,271**

- NO GOVERNOR'S ITEMS
- 55 REDUCTION ITEMS
- 4 EXPANSION ITEMS

Senate Subcommittee on Justice and Public Safety

Judicial

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	$341,443,618		$345,243,618	
Legislative Changes				
Drug Treatment Court				
1 Reduce Drug Treatment Court Funding Funding for the Drug Treatment Court program currently operating in nine judicial districts in the state is reduced by $1 million. The AOC may use other funding sources to sustain program operations, and is encouraged to leverage all existing local resources. Two positions will remain in AOC to provide support and technical assistance to local courts seeking to operate sustainable treatment courts without additional resources.	($1,000,000) -12.00	R	($1,000,000) -12.00	R
Equipment and Other Reserves				
SENATE EXPANSION **2 Mecklenburg Telephone System** Appropriates $1.5 million non-recurring to equip the new Mecklenburg County Courthouse with a telephone system.	$1,500,000	NR		
3 Reduce Salary Reserve Takes a recurring reduction to the AOC Salary Reserve Fund, which is generated by the difference between the budgeted salary for a position, and the lower amount paid for the position. This is an agency recommendation.	($500,000)	R	($500,000)	R
4 Reduce Equipment and Reserves 10% Takes a 10% recurring reduction in the line items for equipment and other reserves, including salary reserve accounts.	($1,033,725)	R	($1,033,725)	R
5 Reduce Pay Plan and Longevity Reserves Takes a reduction in the reserve accounts which support judicial pay plans and the judicial longevity. This cut is possible due to recent turnover which brings down the number of positions eligible for these benefits. This is an agency recommendation.	($1,000,000)	R	($1,000,000)	R
Family Court				
6 Reduce Family Court Staffing Reduces appropriation to Family Court program by 25%. All current locations shall be kept in operation, but with reduced staffing.	($492,994) -8.00	R	($492,994) -8.00	R

Senate Subcommittee on Justice and Public Safety	FY 05-06		FY 06-07	
Systemwide	SENATE			
(7) **Create New Judicial Districts** EXPANSION Provides funding to split two current judicial districts. Superior Court District 20A (Anson and Richmond) and 20B (Stanly and Union) will be reconfigured with Stanly moving into 20A, leaving Union alone as 20B, effective December 1, 2005. District Court District 20 currently includes all four counties, but will align with the Superior Court District effective December 1, 2005. The Prosecutorial District will realign with the same county split effective January 1, 2007. Superior and District Court District 29, encompassing Henderson, McDowell, Polk, Rutherford, and Transylvania Counties, will be split into 29A (McDowell and Rutherford) and 29B (Henderson, Polk, and Transylvania) effective December 1, 2005. The Prosecutorial District will split on the same lines effective January 1, 2007. The current Trial Court Administrator will continue to serve both districts.	$148,039 4.00	R	$561,027 9.00	R
Trial Courts				
8 Reduce Dispute Settlement Centers Pass-through Reduces the amount passed through to Dispute Settlement, or Mediation, Centers by 10%. Each local program's pass-through will be reduced by 10%.	($150,671)	R	($150,671)	R
Total Legislative Changes	**($4,029,351)** **$1,500,000**	R NR	**($3,616,363)**	R
Total Position Changes	-16.00		-11.00	
Revised Budget	**$338,914,267**		**$341,627,255**	

Judicial - Indigent Defense

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$96,688,190**		**$91,688,190**	
Legislative Changes				
Aid to Non-State Entities				
9 Reduce Grant-in-Aid to State Bar Reduces the funding passed through to the State Bar to support the Center for Death Penalty Litigation by 15%.	($88,500)	R	($88,500)	R
Attorney Fee Fund				
10 Reduce Indigent Persons Attorney Fee Fund Takes a recurring reduction to the Indigent Persons Attorney Fee Fund's continuation growth.	($2,040,217)	R	($2,040,217)	R
Sentencing Services				
11 Eliminate Sentencing Services Program Eliminates funding for Sentencing Services, which develops community-based punishment plans for offenders. Cost per plan, at $1,800, is excessive, and the demand for plans has been reduced by Structured Sentencing. Probation officers can provide quality pre-sentence investigations when requested by the sentencing judge.	($3,680,285) -17.50	R	($3,680,285) -17.50	R
Total Legislative Changes	**($5,809,002)**	R	**($5,809,002)**	R
Total Position Changes	-17.50		-17.50	
Revised Budget	**$90,879,188**		**$85,879,188**	

Justice

	GENERAL FUND	
	FY 05-06	FY 06-07
Adjusted Continuation Budget	**$78,155,004**	**$78,855,004**

Legislative Changes

SENATE ONLY

(12) **Budget Receipts for MIU State Match** Budget receipts from the Department of Health and Human Services for the 25 percent state match required for the Medicaid Fraud Investigation Unit.	($406,840)	R	($406,840)	R
Criminal Justice Training & Standards				
13 Budget Over-realized Receipts Reduce the budget to offset increased receipts, based on revenue collections in FY 2003-04.	($50,000)	R	($50,000)	R
14 Reduce Over-budgeted Worker's Compensation The budget for worker's compensation is reduced due to a decrease in projected need.	($46,587)	R	($46,587)	R
Department-wide				
15 Reduce Travel Line Items Reduce travel line items to actual 2003-04 expenditures.	($58,589)	R	($58,589)	R
16 Eliminate vacant positions Eliminate five vacant positions in the Department: 3613-0000-0004-210 (Comp. Supp. Tech I) 3613-0000-0002-029 (Comp. Supp. Tech I) 3613-0000-0003-999 (Proc. Asst. V) 3613-0000-0004-231 (Proc. Asst. V) 3612-0000-0000-867 (Volunteer Services Coordinator)	($198,940) -5.00	R	($198,940) -5.00	R
Law Enforcement - SBI				
17 Reduce Vehicle Replacement Increase One-year elimination of the recurring increase for vehicle replacement recommended in the Governor's continuation budget. This leaves a budget of approximately $1.1 million in 2005-06 and $1.4 million in 2006-07.	($261,104)	NR		
18 Reduce SBI Increase for Equipment Reduce the increase for equipment recommended in the Governor's continuation budget by 50 percent. The Department may use federal asset forfeiture funds to purchase additional equipment.	($115,368)	R	($115,368)	R

	FY 05-06		FY 06-07	
19 Budget Increased Receipts From DCI-PIN Fee SENATE ONLY Budget anticipated receipts from an increase in the monthly fee for access to the Division of Criminal Information - Police Information Network (DCI-PIN) from $6 to $12 for mobile data terminals, effective January 1, 2006.	($325,548)	R	($651,096)	R
20 Reduce Over-budgeted Longevity The longevity budget is reduced due to a decrease in projected longevity payments.	($136,828)	R	($136,828)	R
Total Legislative Changes	**($1,338,700)**	R	**($1,664,248)**	R
	($261,104)	NR		
Total Position Changes	-5.00		-5.00	
Revised Budget	**$76,555,200**		**$77,190,756**	

Juvenile Justice & Delinquency Prevention

GENERAL FUND

	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$139,857,825**		**$140,157,825**	
Legislative Changes				
Department-wide				
21 Reduce Non-salary Line Items Reduce the budget for data processing supplies and pc/printer equipment replacement	($158,614)	R	($158,614)	R
22 Reduce Travel Budget Reduce the continuation budget increase for employee travel.	($63,882)	R	($63,882)	R
23 Budget Prior Year Receipts Increase the amount budgeted for prior year receipts to approximate the actual amount realized in recent fiscal years.	($300,000)	NR		
Intervention/Prevention				
24 Juvenile Crime Prevention Councils Reduce the continuation budget for JCPC formula grants by 5 percent.	($1,187,326)	R	($1,187,326)	R
Special Initiatives				
25 NC Communities In Schools Reduce pass-through funding in the DJJDP continuation budget for the NC Communities in Schools (NCCIS) administrative office. The goal of NCCIS is to improve student school performance and it functions primarily to support the mission of the Department of Public Instruction. NCCIS will continue to receive continuation funding of $169,000 R from DJJDP, $200,000 R from the Governor's Office, and $607,500 R from DPI. In addition, the Education Appropriations Subcommittee's budget provides $500,000 (NR) in expansion funding, as requested in the Governor's Recommended Budget. In total, NCCIS will receive $1,476,500 in state funds in FY05-06.	($103,500)	R	($103,500)	R
26 Project P.R.I.D.E. SENATE ONLY Eliminate continuation budget funding for this program. Program should seek state funding available through the county JCPCs or federal grants from the Governor's Crime Commission.	($140,000)	R	($140,000)	R

Senate Subcommittee on Justice and Public Safety SENATE	FY 05-06		FY 06-07	
27 Eckerd Wilderness Camps EXPANSION	$500,000	R	$500,000	R
500,000 R is provided for the Eckerd Wilderness Camp contract. The purpose of this expanded funding is to offset the educational costs of juveniles referred to Eckerd from DHHS, DJJDP, and private sources. DPI will continue to provide a separate payment to Eckerd, outside of the DJJDP contract, to offset the educational costs of juveniles referred by local school systems.				
Youth Development Centers				
28 Reduce Funding for YDC Beds	($3,230,000)	R	($3,230,000)	R
The funding for Youth Development Centers is over $44 million dollars. This funding level is based on operating over 600 beds. DJJDP currently has 539 beds open and a population of 427. This action reduces funding by approximately 7% and reduces beds by approximately 50. In implementing this reduction, DJJDP shall not close any YDC's and shall implement the reduction throughout the YDC system.	-82.00		-82.00	
Total Legislative Changes	**($4,383,322)**	**R**	**($4,383,322)**	**R**
	($300,000)	**NR**		
Total Position Changes	-82.00		-82.00	
Revised Budget	**$135,174,503**		**$135,774,503**	

Correction

	GENERAL FUND			
	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$1,045,627,365**		**$1,060,627,365**	
Legislative Changes				
Central Administration				
29 Travel Eliminate continuation increase in travel for DOC central administration.	($264,022)	R	($264,022)	R
Community Corrections				
30 Reduce Miscellaneous Contract Line Item Reduce line item. This will leave funds in excess of 2003-04 actual expenditures, to be used for risk assessments and other needs.	($90,000)	R	($90,000)	R
31 Reduce Office Equipment Reduce the budget for office equipment to more closely reflect actual 2003-04 expenditures.	($90,000)	R	($90,000)	R
32 Reduce Probation/Parole Officer I Positions Eliminate 25 vacant Probation/Parole Officer I positions. Caseloads for these positions have been increased from 90:1 to 110:1, leaving 59 positions that are not necessary to meet caseload goals. DCC may reallocate the remaining 34 positions for trainers, supervising officers, and other positions as needed.	($1,117,400) -25.00	R	($1,117,400) -25.00	R
33 Reduce Increase for CJPP Eliminate the increase in the Governor's recommended continuation budget. No funds shall be used for pre-trial release programs.	($1,000,000)	R	($1,000,000)	R
Department Wide				
34 Computer Equipment Reduce department wide personal computer/printer line item to 2003-04 actual expenditures	($943,839)	R	($943,839)	R
35 Reduce Overtime Budget Eliminate the recommended continuation budget increase in overtime pay.	($1,244,184)	R	($1,244,184)	R
Post-Release Supervision & Parole Commission				
36 Eliminate Vacant Positions Eliminate two vacant case analyst positions.	($94,642) -2.00	R	($94,642) -2.00	R

	FY 05-06		FY 06-07	
37 Restructure Parole Commission Reduce two of the three Commissioner positions from full-time to half-time positions. The Chair will remain a full-time position.	($102,662) -1.00	R	($102,662) -1.00	R
Prisons				
38 Carpentry/Hardware Supplies Reduce this line item by 10%	($500,000)	R	($500,000)	R
39 Increase Inmate Medical Co-pay Increase inmate co-pay for sick call from $3 to $5 and for sick call outside normal hours from $5 to $7.	($149,000)	R	($149,000)	R
40 Inmate Work Release Charges The amount inmates pay towards the administration of the work release program is $16 a day in per diem and $2.50 a day for transportation. This increases per diem to $18 and transportation to $3	($536,000)	R	($536,000)	R
41 Close Union Correctional Center Union is one of the three remaining minimum custody prison field units recommended for closing by the Government Performance Audit Committee. While DOC will be short of prison beds in 2005-06 under current circumstances, the DOC projects an overage of minimum custody beds.	($1,157,396) -32.00	R	($1,157,396) -32.00	R
42 Close Haywood Correctional Center SENATE ONLY Haywood Correctional Center is one of the three remaining minimum custody prison field units recommended for closing in the Government Performance Audit Study. While DOC will be short of prison beds in 2005-06 under current circumstances, the DOC projects an overage of minimum custody beds.	($1,292,829) -36.00	R	($1,292,829) -36.00	R
43 Close Gates Correctional Center Gates is one of the three remaining minimum custody prison field units recommended for closing in the Government Performance Audit Study. While DOC will be short of prison beds in 2005-06 under current circumstances, the DOC projects an overage of minimum custody beds.	($1,019,120) -28.00	R	($1,019,120) -28.00	R
44 Convert Cleveland Correctional Center Cleveland Correctional Center is a medium custody facility whose cost per day is higher than the average medium custody prison. It is recommended that Cleveland be converted to minimum custody. This will allow reduction of positions and costs due to lower level security needs.	($263,692) -11.00	R	($263,692) -11.00	R
45 Inmate Medical -- Physician Charges This reduction assumes that fees charged by outside providers (physicians and physician specialists) for inmate medical will be tied to State Health Plan reimbursement rates and that DOC will continue efforts to regionalize medical services	($1,750,000)	R	($1,750,000)	R

	FY 05-06		FY 06-07	
46 Inmate Medical--Hospital Charges This reduction assumes that fees charged by hospitals for inpatient and outpatient services for DOC inmates will be tied to State Health Plan reimbursement rates and that DOC will continue efforts to regionalize medical services.	($3,250,000)	R	($3,250,000)	R
47 Partial Reimbursement for Inmate Labor SENATE ONLY DOC currently operates 115 inmate community work crews at a cost of approximately $5 million dollars. These crews perform work projects at no cost to local and state agencies. DOC also has 140 inmate labor contracts with state and local governments. Inmate labor is provided for these long-term contracts at a charge of $1 a day for each inmate. It is recommended that DOC charge other state and local governments for a portion of the operating costs of community work crews and for the administration of inmate labor contracts to recover a small portion of DOC costs. This will allow a reduction in the General Fund.	($600,000)	R	($600,000)	R
48 Delay Maury Correctional Center Positions Maury Correctional center is due to open November 05; the inmate occupancy date is April 06. Positions are established on a rolling schedule from August 05 to November 05; this action pushes back the establishment of each position one month but is not intended to delay the opening of the prison.	($1,061,088)	NR		
49 Delay Maury Regional Medical Positions DOC included funding for a regional medical program at Maury Correctional Center in its continuation budget. Based on the length of time for startup of a similar facility at Alexander Correctional Center, it is believed position establishment can be delayed until June of 05-06	($1,415,623)	NR		
50 Delay Bertie Positions Construction of Bertie Correctional center is due to be completed in February, 2006; the inmate occupancy date is July 2006.Positions are established on a rolling schedule from September 05 to February 06. This action pushes back the establishment of each position one month but is not intended to delay the opening of the prison.	($1,155,007)	NR		
51 Reduce line items in Maury and Bertie budgets Reduce non-security line items by 10% at each prison (equipment, supplies etc)	($207,455)	R	($207,455)	R
52 Maury and Bertie Salary Reserve Eliminate salary reserve line item in new prisons. DOC can use department-wide salary reserve for position reallocation needs at Maury and Bertie.	($731,120)	R	($731,120)	R
53 Holiday Pay Reduce the continuation budget for holiday pay from 1.75 times regular pay to 1.5, the same holiday pay rate that other eligible state employees receive. DOC may use available funds to offset this reduction.	($1,340,000)	R	($1,340,000)	R

	FY 05-06		FY 06-07	
54 Reduce Unit Management Function in Prisons	($1,058,835)	R	($1,058,835)	R
DOC uses unit management positions at eighteen prisons to assist security and program staff with the day to day operation of housing units. This reduction would reduce unit manager and assistant unit manager positions at thirteen prisons with 6 or more unit management staff.	-30.00		-30.00	
Total Legislative Changes	**($18,802,196)**	R	**($18,802,196)**	R
	($3,631,718)	NR		
Total Position Changes	-165.00		-165.00	
Revised Budget	**$1,023,193,451**		**$1,041,825,169**	

Crime Control and Public Safety

GENERAL FUND

	FY 05-06		FY 06-07	
Adjusted Continuation Budget	**$29,861,632**		**$29,961,632**	
Legislative Changes				
Administration				
55 **State/Local Redevelopment Liaison** SENATE ONLY Eliminate the State/Local Redevelopment Liaison Position (4910-2000-0001-212). The function of this position duplicates that of the staff in the Division of Community Assistance (DCA) at the Department of Commerce. DCA assists local governments across the state with community development, housing, economic development, and revitalization. In addition, the Institute of Government at UNC-CH provides community and economic development assistance to county and local governments.	($90,294) -1.00	R	($90,294) -1.00	R
Alcohol Law Enforcement				
56 **Leased Space** Reduce the continuation budget for leases to correct an erroneous increase.	($120,000)	R	($120,000)	R
Department-wide				
57 **Increase Budgeted Receipts** Increase the amount budgeted for receipts to approximate actual amounts realized in recent years.	($290,000)	NR		
58 **Reduce Non-salary Line Items** Reduce the continuation amount budgeted for contracts, supplies, equipment, and other non-salary expenses in Alcohol Law Enforcement, Butner Public Safety, and Administration.	($352,132)	R	($352,132)	R
National Guard				
59 **National Guard Pension Fund** SENATE EXPANSION Provide $4,500,000 for the NC National Guard Pension Fund. Effective July 1, 2005, these funds will be used to increase the monthly pension benefit payment to current and future retirees from a maximum of $100 to a maximum of $150.	$4,500,000	R	$4,500,000	R

	FY 05-06		FY 06-07	
Total Legislative Changes	**$3,937,574**	R	**$3,937,574**	R
	($290,000)	NR		
Total Position Changes	-1.00		-1.00	
Revised Budget	**$33,509,206**		**$33,899,206**	

Attachment II
5-17
1:30

NC DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
CONCERNS WITH PROPOSED SENATE BUDGET

Short Title of Item	Recommended Funding FY 2005-06	FY 2006-07	Summary of Impact
Dept.Wide Reduction of Non-Salary Line Items	(352,132)	(352,132)	Negative operational impact on ALE, BPS, and Administration of CCPS.
Victim Compensation Services	-	-	The expansion request for Victim Compensation Services was eliminated from the Governor's Recommended Budget. The Governor's Budget provided for $1 million in year one and $1.5 million in year two of the biennium. Elimination of this expansion request would significantly impact efforts to (1) reduce the backlog of claims and (2) address staffing problems (two new positions needed).
NG - Staffing for New FT. Bragg Facility	-	-	Governor's Budget provided for four staff personnel to staff the New Fort Bragg Facility at a cost of $122,000 for the first year, and $133,313 for the second year. This $21 million facility will have no staff for maintenance and groundskeeping. Senate Budget totally eliminated this item.
Special Provision - Transfer Floodplain Mapping Unit (Part XVVIII Section 18.3)			This provision transfers the statewide floodplain mapping unit to the Dept. of Environment and Natural Resources. This action would adversely affect our ability to effectively coordinate required Emergency Management activities with the floodplain mapping efforts. Floodplain Mapping provides geospatial mapping and intelligence that supports law enforcement (Highway Patrol), homeland security, and natural disaster planning, response and mitigation. The program also has the Real-Time Flood Inundation Mapping and Alert Network (FIMAN). Federal agencies associated with homeland security and law enforcement have begun implementing strategies to share geospatial data, maps, and intelligence between local, state, and federal organizations. It is vital that CCPS, as the state's homland security department, have a GIS infrastructure that can effectively and efficiently share and receive data, maps and intelligence with it partnering agencies. These applications and mapping are not a part of the mission of DENR.

NC DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
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Attorney General Roy Cooper

North Carolina Department of Justice

Targeting Violent Criminals Through Investing in DNA

Investments in DNA at the SBI are helping local law enforcement and prosecutors in your communities bring dangerous criminals to justice – including murderers and sexual predators.

NC must continue to invest in the SBI to meet the growing demands from local law enforcement and prosecutors for DNA analysis. The SBI has requested and the Governor's Budget includes seven (7) new DNA investigators (non-sworn) to expedite DNA analysis and speed the review, auditing, and uploading of DNA profiles into the DNA database (CODIS).

The SBI receives in excess of 15,000 convicted offender samples for analysis, audit, review, and uploading to the DNA database (CODIS) each year. The SBI needs additional personnel to address this growing workload.

The crime solving potential of the DNA profiles cannot be realized until they are uploaded into CODIS, where they can be matched to convicted offenders or other crime scene evidence.

Victims' advocates, law enforcement, prosecutors and other concerned citizens support continued investments to expand North Carolina's DNA capability and speed analysis.

More hits have been achieved in the past year than in the database's first decade:

- In its first 11 years, from 1993 to January 1, 2004, the DNA database yielded a total of 108 CODIS hits.
- In just over one year, from January 1, 2004 through April 22, 2005 there were a total of 126 CODIS hits.

With all this success comes more work – we must continue to expand the SBI's DNA capability and capacity for DNA analysis.

DNA Case Production Per Analyst

The Forensic Biology Section (DNA) of the SBI Crime Lab is nationally renowned for the quality and productivity of their DNA analysts as evidenced below:

The case production per analyst: SBI v. National Average

- SBI - 109
- National Average - 67

United States Department of Justice, Bureau of Justice Statistics, "Census of Publicly Funded Forensic Crime Laboratories, 2002", Publication #207205, February 2005.

We are bringing advanced DNA technology to North Carolina's crime fighters with dramatic results – here are 2 recent examples of your investment at work:

- In July 2004, a Cumberland County victim was severely beaten with a beer bottle and raped by an unknown attacker. DNA evidence was identified and collected. This case was submitted as a no-suspect rape case because locals had no leads towards a suspect – a case the SBI now accepts because of the additional resources provided by the General Assembly. The DNA profile was placed into CODIS and in October of 2004, a hit was obtained to a Convicted Offender. SBI Lab agents assisted the local police department in serving the warrant on the defendant. The defendant is in custody awaiting trial. (*SBI Lab Report 2004*)

- Nine years ago, a stranger pulled a Greenville woman from her shower and raped her, hit her and dragged her down a staircase. Local law enforcement launched an investigation and identified a potential suspect but was unable to collect enough evidence to bring charges. Local law enforcement was waiting for a break and the break in the case came last year in the form of a memo from the SBI announcing the SBI is accepting DNA evidence from old, unsolved cases to compare against a growing DNA database thanks to additional funding from the General Assembly and federal grants. The local law enforcement agency sent the DNA crime scene evidence to the SBI for analysis. A CODIS DNA database hit came back to a man now in a Georgia prison for a drug conviction. Presented with the work of the SBI Crime Lab's DNA analysis – a Grand Jury indicted the Defendant February 14, 2005 on first degree burglary, second degree rape, second degree kidnapping, second degree sexual offense and assault on a female. (*Greenville Daily Reflector*, Feb 24, 2005 – DNA Hit Catches Rape Suspect).

The SBI has made remarkable progress over the last several months in screening and processing untested rape kits. SBI laboratory personnel have screened more than 6,200 untested rape kits, eliminated more than 5,900 of these untested rape kits and shipped 514 untested rape kits to a private laboratory for DNA analysis. SBI expanded DNA testing to include all rapes in North Carolina, expanding the capability to include testing in cases with no suspect.

Attorney General Roy Cooper

North Carolina Department of Justice
Tackling the Meth Lab Epidemic

NC must continue to invest in the SBI to target the growing meth lab epidemic while also providing law enforcement and prosecutors with speedy analysis for meth and other drug cases.

The SBI is the only law enforcement agency in North Carolina trained to process meth labs. On average, SBI Chemists spend **40 hours on each meth lab**, compared to less than one hour processing a cocaine sample that has been submitted for testing. In 2004 alone, there were more than 322 meth lab busts in North Carolina.

The SBI needs more agents for its Methamphetamine Response Team in order to more effectively combat the proliferation of illegal meth labs in North Carolina. These teams will include drug agents and drug chemists to process the labs safely and gather evidence for prosecution.

The SBI anticipates that it will respond to as many as 700 to 750 meth labs this year alone.

The SBI recommended 13 and the Governor provided 8 positions in his Budget.

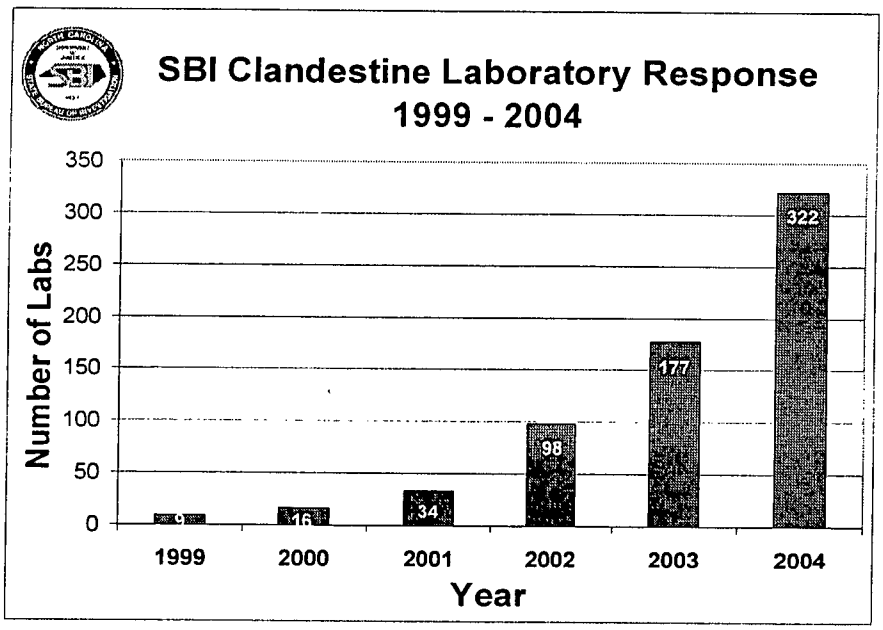
More agents to perform drug chemistry analysis is also a Governors' DWI Task Force recommendation (speeds drug analysis).

SBI METHAMPHETAMINE RESPONSE TEAM

A total of 13 SBI positions are recommended to combat illegal methamphetamine lab operations in North Carolina. This includes 6 SBI chemists, 2 Drug Chemistry technicians, 4 SBI Field Agents and 1 Special Agent Supervisor.

Governor recommended 6.0 chemists and 2.0 chemistry technicians, for a total of eight positions and $264,100 in FY 0506.

Meth lab busts have increased dramatically since 1999. In 1999, the State Bureau of Investigation (SBI) busted only nine labs. In 2004, they discovered 322 meth labs – more than 35 times as many as the year before. [State Bureau of Investigation, December 2004]. As of April 6, the SBI has busted 117 labs so far this year. [SBI, April 2005].



The growing meth problem is hurting our children. North Carolina law enforcement officers are finding children living in more than 20 percent of homes where meth is made. In 2004, 124 children were found living in meth labs in the state. [SBI, December 2004]. Already this year, SBI agents have discovered 50 children in meth labs. [SBI, April 2005]. Children in these homes are exposed to toxic chemicals and threatened by fire and explosions, and they're often neglected or abused.

Tougher penalties are helping but we need to do more. Last year, Attorney General Roy Cooper and legislators pushed through tougher penalties against meth manufacturers. Local prosecutors are using the new law to put meth makers behind bars. Earlier this year, a Chatham County woman was sentenced to five years of prison for using her two children to help make meth. "It was one of the first cases to take advantage of a new law which hands down tougher penalties for making meth." ["Chatham Woman Accused of Using Kids to Make Meth," *WRAL.com*, February 21, 2005].

Attorney General Roy Cooper

North Carolina Department of Justice
Targeting Internet Sexual Predators

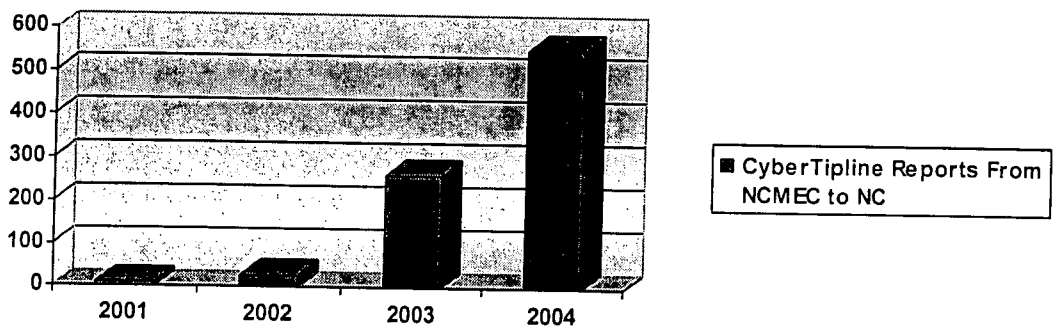
To target Internet sexual predators the Department of Justice created a special computer crimes unit in the State Bureau of Investigation to give law enforcement the hi-tech expertise they need to catch criminals who use the Internet to prey on children.

Most local law enforcement agencies do not have the expertise nor the resources and staff to conduct these critical investigations.

This SBI Unit targets sexual predators who attempt to prey on young children. A key weapon in the battle against child predators is the Internet Crimes Against Children (ICAC) Taskforce, a nationwide network of law enforcement agencies and prosecutors dedicated to protecting children from online dangers.

The State Bureau of Investigation leads North Carolina's ICAC Task Force. The North Carolina ICAC Task Force assists local law enforcement agencies in tracking down predators who use the Internet to exploit children, and helps prosecutors when those cases go to court.

Incidents of child sexual exploitation reported in North Carolina continue to rise. In 2001, there were 11 incidents of child sexual exploitation reported. In 2004, 533 such incidents were reported. [National Center for Missing and Exploited Children].



SBI Agents are working every day to track down these sexual predators who prey on young children.

The SBI needs additional personnel to meet the growing demand from local law enforcement and prosecutors to take these sexual predators off the street.

SBI COMPUTER CRIMES AGENT EXPANSION

Four new SBI field agents are recommended to partner with the Internet Crimes Against Children Task Force. These agents will primarily work on child exploitation and sexual predator cases. Three positions are also added to the Crime Laboratory to conduct forensic computer examinations to gather the evidence necessary for effective prosecution of sexual predator cases. Positions are effective January 1, 2006. **Governor recommended 2.0 positions, including 1.0 field agent and 1.0 computer forensic lab agent.**

NC Department of Justice - Expansion Budget

		FY 2005-06 DOJ REC	FY 2005-06 GOV REC	FY 2005-06 SENATE	FY 2006-07 DOJ REC	FY 2006-07 GOV REC	FY 2006-07 SENATE
1 EXPAND UTILIZATION OF DNA EVIDENCE - SBI LAB EXPANSION YEAR II		$ 197,644	$ 166,615	$ -	$ 478,221	$ 301,482	$ -
Provides funding for second year of plan to expand the crime lab's ability to effectively process DNA evidence. Provides funding for 6 Geneticists, 1 Evidence Tech and related travel, equipment and supply funding. Governor recommended full funding of these seven positions. 0.0 sworn, 7.0 non-sworn	*Pos.*	*7.00*	*7.00*	*0.00*	*7.00*	*7.00*	*0.00*
2 COMPUTER CRIMES AGENT EXPANSION		$ 483,312	$ 68,514	$ -	$ 443,955	$ 100,677	$ -
Four new SBI field agents are recommended to partner with the FBI National Internet Crimes Against Children Task Force. These agents will primarily work on child exploitation and sexual predator cases. Three positions are also added to the Crime Laboratory to conduct forensic computer examinations. Positions are effective January 1, 2006. Governor recommended 2.0 positions, including 1.0 field agent and 1.0 computer forensic lab agent.	*Pos.*	*7.00*	*2.00*	*0.00*	*7.00*	*2.00*	*0.00*
3 SBI METHAMPHETAMINE RESPONSE TEAM		$ 836,670	$ 264,100	$ -	$ 748,144	$ 365,820	$ -
A total of 13 SBI positions are recommended to combat illegal methamphetamine lab operations in North Carolina. This includes 6 SBI chemists, 2 Drug Chemistry technicians, 4 SBI Field Agents and 1 Special Agent Supervisor that would oversee a coordinated statewide Methamphetamine elimination strategy. Governor recommended 6.0 chemists and 2.0 chemistry technicians, for a total of eight positions and $264,100 in FY 0506. These positions are also critical to address the Governor's DWI Task Force recommendation to improve drug chemistry processing. With Governor's budget, positions were reduced and equipment removed.	*Pos.*	*13.00*	*8.00*	*0.00*	*13.00*	*8.00*	*0.00*
SUBTOTALS - APPROPRIATIONS		$ 1,517,625	$ 499,229	$ -	$ 1,670,320	$ 767,979	$ -
SUBTOTALS - POSITIONS		27.00	17.00	0.00	27.00	17.00	0.00

House Pages

Room 424 - Time 1:30

Name Of Committee: Public Safety / Justice Date 5-17-05

1. Name: Ben Carr
   County: Wake
   Sponsor: Rep. Stam
2. Name: Thomas Edwards
   County: Wake
   Sponsor: Speaker Pro Temp Morgan
3. Name: _____
   County: _____
   Sponsor: _____
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

Sgt-At-Arms

1. Name: ~~Brad Barfoot~~ } House Sgt @ Arms.
2. Name: Jim Womack }
3. Name: _____
4. Name: _____
5. Name: _____

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415, Legislative Office Building
May 18, 2005, 8:30 A.M.

HOUSE MEMBERS PRESENT: (8) Representatives Phil Haire, Joe Kiser, Ron Sutton, Phillip Frye, Melanie Goodwin, Edward Jones, Carolyn Justus, and Paul Miller.

A Visitors Registration Sheet is attached and made part of these minutes.

Rep. Haire called the meeting to order with the introduction of Pages and Sergeant at Arms. (Sheet attached).

Rep. Haire called on Ms. Denise Thomas, Staff, to begin with Handout #1 – Senate JPS Special Provisions. Ms. Thomas discussed Department of Crime Control and Public Safety on Page 31.

Mr. Jim Mills, Staff, picked up on Page 21 – Extend Limits of Confinement/Terminally Ill with comments from NC DOC representatives, Secretary Theodis Beck and Tracy Little.

Ms. Chloe Gossage, Staff, discussed Report on Electronic Monitoring on Page 26 and then to Criminal Justice Partnership Program on Pages 28 and 29. Ms. Gossage further presented Handout # 2 – Proposed CJPP Funds Distribution with comments from Mr. Robert Guy, Department of Corrections.

Rep. Haire adjourned the meeting at 9:45 A.M.

Respectfully submitted,

Rep. Phil Haire
Chair

Sara Jane Lennard
Committee Assistant

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415 Legislative Office Building

May 18, 2005 8:30 A.M.

I. CALL TO ORDER

Chairmen: Representative Phil Haire, Presiding
Representative Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Review and Discussion of Senate JPS Budget: Special Provisions

Subcommittee Chairmen
Fiscal Research Staff

III. OTHER BUSINESS

IV. ADJOURNMENT

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	April 6 1:30 p.m.	April 7 8:30 a.m.	June 1, 2005	May 11, 8:45 a.m.	May 18 8:30 a.m.	June 1	June 10, 8:45 a.m.	July 12 8:30 a.m.							
HOUSE															
Rep. Phil Haire, CHAIR	not cancelled - guorum	✓		✓	✓		✓	✓							
Rep. Joe Kiser, CHAIR		✓			✓			✓							
Rep. Karen Ray, VICE CHAIR															
Rep. Ron Sutton, VICE CHAIR		✓		✓	✓		✓	✓							
Rep. Phillip Frye		✓		✓	✓		✓	✓							
Rep. Melanie Goodwin		✓		✓	✓		✓	✓							
Rep. Edward Jones		✓		✓	✓		✓	✓							
Rep. Carolyn Justus		✓		✓	✓			✓							
Rep. Paul Miller		✓			✓			✓							
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓													
Sen. John Snow, VICE- CHAIR	✓	✓													
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓													
Sen. Tom Apodaca	✓	✓													
Sen. Ellie Kinnaird	✓	✓													
Sen. Keith Presnell	✓	✓													
Sen. Tony Rand															

VISITOR REGISTRATION SHEET

Justice & Public Safety — 5-18-05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joe Pearce	NCDOC DCC
Sherry Pilkington	NCDOC / DCC
Robert Lee Guy	NC DOC / DCC
Tracy Little	NC DOC
Theodis Beck	NC DOC
Michael House	NCAE
SUSAN BROOKS	IDS / SENTENCING SERVICES
CASSANDRA STINNER	NCCCPS
Melissa Lovell	NC DOJ
Ralph Arnold	AOC
Rebecca Troutman	NCACC

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lee Hodge	KCLH
MELITA GROOMES	PAROLE COMMISSION
[redacted]	CYIC
Jami Fitzgerald	NCFPC
Tom Craig	NFMA, IIC
Angie Hall	Marpin Taylor
Sonya Hinde	AOC
G McLeod	NCAGO
NICOLE ROSEBORO	NC AGO
[redacted] Faison	Judge NH Co. Drug Treatment Court
Penny Craver	Coordinator, NH Co. Drug Treatment Court

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kelly Hanley	TCA, 5th Judicial District
A.A. Adams	Victim Advocate

House Pages

Name Of Committee: Judiciary & Public Safety Date: 5-18-05

1. Name: Ben Carr
   County: Wake
   Sponsor: Rep. Stam
2. Name: Elijah Lackey
   County: Catawba
   Sponsor: Rep. Mark Hilton
3. Name:
   County:
   Sponsor:
4. Name:
   County:
   Sponsor:
5. Name:
   County:
   Sponsor:

13

Sgt-At-Arms

1. Name: Brad Benfort
2. Name: Jim Womack
3. Name:
4. Name:
5. Name:

3 House Sgt @ Arms

Handout #1
May 19, 2005
8:30 a.m.

SENATE

JPS

SPECIAL

PROVISIONS

(1)

PART XIV. JUDICIAL DEPARTMENT

Requested by: Senators Thomas, Garrou, Dalton, Hagan New

ESTABLISH CONFERENCE OF CLERKS OF SUPERIOR COURT

SECTION 14.1.(a) Chapter 7A of the General Statutes is amended by adding a new Subchapter to read:

"SUBCHAPTER XV. CONFERENCE OF CLERKS OF SUPERIOR COURT.

"Article 63.

"Conference of Clerks of Superior Court.

"**§ 7A-805. Establishment and purpose.**

There is created the Conference of Clerks of Superior Court of North Carolina, of which each clerk of superior court is a member. The purpose of the Conference is to assist in improving the administration of justice in North Carolina by coordinating the efforts of the various clerks of superior court, by assisting them in the administration of their offices, and by exercising the powers and performing the duties provided for in this Article.

"**§ 7A-806. Annual meetings; organization; election of officers.**

(a) Annual Meetings. – The Conference shall meet each summer and winter at a time and place selected by the President of the Conference.

(b) Election of Officers. – Officers of the Conference are a President, two Vice Presidents, a Secretary, a Treasurer, and other officers from among its membership that the Conference may designate in its bylaws. Officers are elected for one-year terms at the annual summer conference and take office on July 1 immediately following their election.

(c) Executive Committee. – The Executive Committee of the Conference consists of the President, the two Vice Presidents, the Secretary, the Treasurer, and seven other members of the Conference. One of these seven members shall be the immediate past president if there is one and that past president continues to be a member.

(d) Organization and Functioning; Bylaws. – The bylaws may provide for the organization and functioning of the Conference, including the powers and duties of its officers and committees. The bylaws shall state the number of members required to constitute a quorum at any meeting of the Conference or the Executive Committee. The bylaws shall set out the procedure for amending the bylaws.

(e) Calling Meetings; Duty to Attend. – The President or the Executive Committee may call a meeting of the Conference upon 10 days' notice to the members, except upon written waiver of notice signed by at least three-fourths of the members. A member should attend each meeting of the Conference and the Executive Committee of which he is given notice. Members are entitled to reimbursement for travel and subsistence expenses at the rate applicable to State employees.

"**§ 7A-807. Powers of Conference.**

(a) The Conference may:

(1) Cooperate with citizens and other public and private agencies to promote the effective administration of justice.

(2) Develop advisory manuals to assist in the organization and administration of their offices, case management, calendaring, case tracking, filing, and office procedures.

(3) Work with the cooperation of the Administrative Office of the Courts and the Institute of Government of the School of Government at UNC-Chapel Hill to provide education and training programs for clerks and staff.

(b) The Conference may not adopt rules pursuant to Chapter 150B of the General Statutes.

"**§ 7A-808. Executive secretary; clerical support.**

The Conference may employ an executive secretary and any necessary supporting staff to assist it in carrying out its duties."

SECTION 14.1.(b) The organizational meeting of the Conference of Clerks of Superior Court shall be convened by the Director of the Administrative Office of the Courts as soon as feasible. Officers elected at that organizational meeting shall serve until their successors take office July 1, 2006.

Requested by: Senators Thomas, Dalton, Purcell, Apodaca, Garrou, Hagan New

DIVIDE DISTRICT COURT DISTRICT 20 AND PROSECUTORIAL DISTRICT 20 INTO 20A AND 20B AND REALIGN SUPERIOR COURT DISTRICTS 20A AND 20B/DIVIDE SUPERIOR COURT, DISTRICT COURT, AND PROSECUTORIAL DISTRICTS 29 INTO DISTRICTS 29A AND 29B

SECTION 14.2.(a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones,	1
		Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender see subsection (b))	1
	5C	(part of New Hanover, see subsection (b))	1
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Vance, Warren	2
Third	9A	Person, Caswell	1
Third	10A	(part of Wake, see subsection (b))	2
Third	10B	(part of Wake, see subsection (b))	2

Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13	Bladen, Brunswick, Columbus	2
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	2
Fourth	16A	Scotland, Hoke	1
Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2
Fifth	18A	(part of Guilford, see subsection (b))	1
Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	Montgomery, Randolph	1
Sixth	19C	Rowan	1
Fifth	19D	Moore	1
Sixth	20A	Anson, Richmond ~~Richmond~~ Stanly	~~1~~ 2
Sixth	20B	~~Stanly,~~ Union	~~2~~ 1
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22	Alexander, Davidson, Davie, Iredell	3
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	2

Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2
Eighth	28	Buncombe	2
Eighth	~~29~~	~~Henderson, McDowell, Polk, Rutherford, Transylvania~~	~~2~~
	29A	McDowell, Rutherford	1
	29B	Henderson, Polk, Transylvania	1
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1."

SECTION 14.2.(b) The superior court judgeship established for District 20A by subsection (a) of this section shall be filled by the judge currently serving District 20B who resides in Stanly County. That judge's current term expires on December 31, 2006. No election shall be held in 2006 for that judge's seat, and that judge shall serve until a successor is elected in the 2008 general election, in order to provide for unstaggered terms for multiple judgeships in the same district.

SECTION 14.2.(c) The superior court judgeship established for District 29A by subsection (a) of this section shall be filled by the superior court judge from current District 29 who resides in Rutherford County. That judge's term expires on December 31, 2012, and a successor shall be elected in the 2012 general election.

SECTION 14.2.(d) The superior court judgeship established for District 29B by subsection (a) of this section shall be filled by the superior court judge from current District 29 who resides in Henderson County. That judge's term expires on December 31, 2006, and a successor shall be elected in the 2006 general election.

SECTION 14.2.(e) The trial court administrator serving current District 29 shall serve as trial court administrator for both District 29A and District 29B.

SECTION 14.2.(f) G.S. 7A-133(a) reads as rewritten:

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

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret

1	4	8	Sampson
2			Duplin
3			Jones
4			Onslow
5	5	8	New Hanover
6			Pender
7	6A	2	Halifax
8	6B	3	Northampton
9			Bertie
10			Hertford
11	7	7	Nash
12			Edgecombe
13			Wilson
14	8	6	Wayne
15			Greene
16			Lenoir
17	9	4	Granville
18			(part of Vance
19			see subsection (b))
20			Franklin
21	9A	2	Person
22			Caswell
23	9B	2	Warren
24			(part of Vance
25			see subsection (b))
26	10	15	Wake
27	11	8	Harnett
28			Johnston
29			Lee
30	12	9	Cumberland
31	13	6	Bladen
32			Brunswick
33			Columbus
34	14	6	Durham
35	15A	4	Alamance
36	15B	4	Orange
37			Chatham
38	16A	3	Scotland
39			Hoke
40	16B	5	Robeson
41	17A	2	Rockingham
42	17B	4	Stokes
43			Surry
44	18	12	Guilford
45	19A	4	Cabarrus
46	19B	6	Montgomery
47			Moore
48			Randolph
49	19C	4	Rowan
50	~~20~~ 20A	~~7~~ 4	Stanly
51			~~Union~~
52			Anson
53			Richmond
54	20B	3	Union
55	21	9	Forsyth

22	9	Alexander
		Davidson
		Davie
		Iredell
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	8	Burke
		Caldwell
		Catawba
26	17	Mecklenburg
27A	6	Gaston
27B	4	Cleveland
		Lincoln
28	6	Buncombe
~~29~~	~~7~~	~~Henderson~~
		~~McDowell~~
		~~Polk~~
		~~Rutherford~~
		~~Transylvania~~
29A	3	McDowell
		Rutherford
29B	4	Henderson
		Polk
		Transylvania
30	5	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

SECTION 14.2.(g) The four district court judgeships established for District 20A by subsection (f) of this section shall be filled by the district court judges from current District 20 who reside in Anson, Stanly, and Richmond Counties. The term of the judge living in Anson County expires the first Monday in December 2008. That judge's successor shall be elected in the 2008 election. The term of the judge living in Stanly County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 election. The term of one of the judges living in Richmond County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 election. The term of the other judge living in Richmond County expires the first Monday in December 2008. That judge's successor shall be elected in the 2008 election.

SECTION 14.2.(h) The three district court judgeships established for District 20B by subsection (f) of this section shall be filled by the district court judges from current District 20 who reside in Union County. The terms of the three judges living in Union County expire the first Monday in December 2008. Those judges' successors shall be elected in the 2008 election.

SECTION 14.2.(i) The three district court judgeships established for District 29A by subsection (f) of this section shall be filled by the district court judges from current District 29 who reside in McDowell and Rutherford Counties and by the judge established for District 29 to be appointed by the Governor pursuant to Section 14.6 of S.L. 2004-124, as amended by subsection (j) of this section. The term of the judge living in Rutherford County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 general election. The term of the judge living in McDowell County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 election.

SECTION 14.2.(j) Section 14.6(f) of S.L. 2004-124 reads as rewritten:

"**SECTION 14.6.(f)** The Governor shall appoint the additional district court judges for Districts 5, 21, and ~~29~~ 29A authorized by subsection (e) of this section, and those judges' successors shall be elected in the 2006 general election for four-year terms commencing on the first Monday in December 2006.

The district court judge for the additional judgeship in District 17B, as authorized by subsection (e) of this section, shall be elected in the 2004 general election in the same manner as provided for in G.S. 163-329 to serve a four-year term beginning the first Monday in December 2004, and no vacancy exists before that date."

SECTION 14.2.(k) The four district court judgeships established for District 29B by subsection (f) of this section shall be filled by the district court judges from current District 29 who reside in Henderson and Transylvania Counties. The term of the three judges living in Henderson County expires the first Monday in December 2008. Those judges' successors shall be elected in the 2008 general election. The term of the judge living in Transylvania County expires the first Monday in December 2008. That judge's successor shall be elected in the 2008 general election.

SECTION 14.2.(l) G.S. 7A-60(a1) reads as rewritten:

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

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	10
2	Beaufort, Hyde, Martin, Tyrrell, Washington	6
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	14
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	16
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	11
9A	Person, Caswell	4
10	Wake	31
11	Harnett, Johnston, Lee	14
12	Cumberland	18
13	Bladen, Brunswick, Columbus	11
14	Durham	13

15A	Alamance	8
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	10
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	27
19A	Cabarrus	6
19B	Montgomery, Moore, Randolph	11
19C	Rowan	5
~~20~~ 20A	Anson, Richmond, ~~Stanly, Union~~ Stanly	~~15~~ 8
20B	Union	7
21	Forsyth	17
22	Alexander, Davidson, Davie, Iredell	16
23	Alleghany, Ashe, Wilkes, Yadkin	5
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	15
26	Mecklenburg	36
27A	Gaston	12
27B	Cleveland, Lincoln	9
28	Buncombe	11
~~29~~	~~Henderson, McDowell, Polk, Rutherford, Transylvania~~	~~11~~
29A	McDowell, Rutherford	5
29B	Henderson, Polk, Transylvania	6
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	9

SECTION 14.2.(m) The district attorneys established for Districts 20A, 20B, 29A, and 29B by subsection (l) of this section shall be elected in the 2006 general election.

SECTION 14.2.(n) The eight assistant district attorney positions established for District 20A by subsection (l) of this section shall be filled by eight assistant district attorneys currently serving Anson, Richmond, and Stanly Counties in District 20. The seven assistant district attorney positions established for District 20B by subsection (l) of this section shall be filled by seven assistant district attorneys currently serving Union County in District 20.

SECTION 14.2.(o) The five assistant district attorney positions established for District 29A by subsection (l) of this section shall be filled by five assistant district attorneys currently serving McDowell and Rutherford Counties in current District 29. The six district attorney positions established for District 29B by subsection (l) of this section shall be filled by six assistant district attorneys currently serving Henderson, Polk, and Transylvania Counties in current District 29.

SECTION 14.2.(p) G.S. 7A-69 reads as rewritten:

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

The district attorney in prosecutorial districts 1, 3B, 4, 5, 7, 8, 11, 12, 13, 14, 15A, 15B, 16A, 18, 19B, ~~20,~~ 20A, 20B, 21, 22, 24, 25, 26, 27A, 27B, 28, ~~29,~~ 29A, 29B, and 30 is entitled to one investigatorial assistant, and the district attorney in prosecutorial district 10 is entitled to two investigatorial assistants, 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."

SECTION 14.2.(q) With respect to the realignment of Superior Court Districts 20A and 20B, subsections (a) through (e) of this section become effective December 1, 2005, or the date upon which subsection (a) of this section is approved under section 5 of the Voting Rights Act of 1965, whichever is later. With respect to the division of Superior Court District 29, subsections (a) through (e) of this section become effective December 1, 2005. With respect to the division of District Court District 20, subsections (f) through (k) of this section become effective December 1, 2005, or the date upon which subsection (f) of this section is approved under section 5 of the Voting Rights Act of 1965, whichever is later. With respect to the division of District Court District 29, subsections (f) through (k) of this section become effective December 1, 2005. With respect to the division of Prosecutorial District 20, subsections (l) through (p) of this section become effective January 1, 2007, or the date upon which subsection (l) of this section is approved under section 5 of the Voting Rights Act of 1965, whichever is later, but the district attorneys for Prosecutorial Districts 20A and 20B shall be elected in the 2006 general election. With respect to the division of Prosecutorial District 29, subsections (l) through (p) of this section become effective January 1, 2007, but the district attorneys for Prosecutorial Districts 29A and 29B shall be elected in the 2006 general election.

Requested by: Senators Thomas, Garrou, Dalton, Hagan *Continued - Revised*

COLLECTION OF WORTHLESS CHECK FUNDS

SECTION 14.3. Notwithstanding the provisions of G.S. 7A-308(c) and except as otherwise provided in this act, the Judicial Department may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2005, for the purchase or repair of office or information technology equipment during the 2005-2006 fiscal year. Prior to using any funds under this section, the Judicial Department shall report to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the equipment to be purchased or repaired and the reasons for the purchases.

Requested by: Senators Thomas, Garrou, Dalton, Hagan *Continued*

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

SECTION 14.4. Funds appropriated to the Judicial Department in the 2005-2007 biennium for equipment and supplies shall be certified in a reserve account. The Administrative Office of the Courts may 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.

Requested by: Senators Thomas, Garrou, Dalton, Hagan *New*

STUDY ELECTRONIC PAYMENT

SECTION 14.5. The Judicial Department shall study the feasibility of implementing electronic and online payment options for court fees and other funds collected by the courts. The study shall address the estimated costs and time frame for implementing electronic payment as well as any necessary legislative changes. The Judicial Department shall report its findings as a result of the study to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by May 1, 2006.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

GRANT FUNDS Continued

SECTION 14.6. The Judicial Department shall use up to the sum of one million two hundred fifty thousand dollars ($1,250,000) from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

Requested by: Senators Thomas, Garrou, Dalton, Hagan New

INCREASE CHARGES FOR APPELLATE DIVISION REPORTS TO ACTUAL COST

SECTION 14.7. The Judicial Department shall charge the full cost of production for all copies of the appellate division reports that are sold.

Requested by: Senators Thomas, Garrou, Dalton, Hagan Continued - Revised

NORTH CAROLINA STATE BAR FUNDS

SECTION 14.8. Of the funds appropriated in the continuation budget as a grant-in-aid to the North Carolina State Bar for the 2005-2007 biennium, the North Carolina State Bar may in its discretion use up to the sum of five hundred one thousand five hundred dollars ($501,500) for the 2005-2006 fiscal year and up to the sum of five hundred one thousand five hundred dollars ($501,500) for the 2006-2007 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. The Office of Indigent Defense Services shall report by February 1, 2006, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the activities funded by the grant-in-aid authorized by this section.

Requested by: Senators Kinnaird, Garrou, Dalton, Hagan New

TRANSFER RESPONSIBILITY FOR PROVIDING LEGAL ASSISTANCE TO INMATES FROM THE DEPARTMENT OF CORRECTION TO THE OFFICE OF INDIGENT DEFENSE SERVICES

The General Assembly of North Carolina enacts:

SECTION 14.9.(a) G.S. 7A-498.3 reads as rewritten:

"**§ 7A-498.3. Responsibilities of Office of Indigent Defense Services.**

(a) The Office of Indigent Defense Services shall be responsible for establishing, supervising, and maintaining a system for providing legal representation and related services in the following cases:

(1) Cases in which an indigent person is subject to a deprivation of liberty or other constitutionally protected interest and is entitled by law to legal representation;

(2) Cases in which an indigent person is entitled to legal representation under G.S. 7A-451 and G.S. 7A-451.1; ~~and~~

(2a) Cases in which the State is legally obligated to provide legal assistance and access to the courts to inmates in the custody of the Department of Correction; and

(3) Any other cases in which the Office of Indigent Defense Services is designated by statute as responsible for providing legal representation.

(b) The Office of Indigent Defense Services shall develop policies and procedures for determining indigency in cases subject to this Article, and those policies shall be applied uniformly throughout the State. ~~The~~ Except in cases under subdivision (2a) of subsection (a) of this section, the court shall determine in each case whether a person is indigent and entitled to legal representation, and counsel shall be appointed as provided in G.S. 7A-452.

(c) In all cases subject to this Article, appointment of counsel, determination of compensation, appointment of experts, and use of funds for experts and other services related to legal representation shall be in accordance with rules and procedures adopted by the Office of Indigent Defense Services.

(d) The Office of Indigent Defense Services shall allocate and disburse funds appropriated for legal representation and related services in cases subject to this Article pursuant to rules and procedures established by the Office."

SECTION 14.9.(b) Effective October 1, 2005, the State's responsibility for providing inmates in the custody of the Department of Correction with legal assistance and access to the courts shall be administered by the Office of Indigent Defense Services. The existing contract between the Department of Correction and Prisoner Legal Services, Inc., shall not be extended or renewed beyond that date.

The Director of Indigent Defense Services, in consultation with the Commission on Indigent Defense Services and the Department of Justice, shall determine which types of legal services can best be provided directly to inmates by staff employed by the Office of Indigent Defense Services, which services should be provided by counsel designated by the Office of Indigent Defense Services, and which services should be provided by contract between the Office of Indigent Defense Services and nonprofit organizations or other contract providers.

If the Director of Indigent Defense Services determines that, in order to facilitate the transfer of responsibility provided for in this section, it is necessary for Prisoner Legal Services, Inc., to continue providing legal services and access to the courts to inmates beyond the termination of its contract with the Department of Correction on September 30, 2005, the Director may contract with Prisoner Legal Services, Inc., for a period of time to be determined by the Director.

SECTION 14.9.(c) The sum of one million eight hundred eighty-three thousand eight hundred sixty-five dollars ($1,883,865) for the 2005-2006 fiscal year and the sum of two million five hundred eleven thousand eight hundred twenty dollars ($2,511,820) for the 2006-2007 fiscal year shall be transferred from the Department of Correction to the Office of Indigent Defense Services to implement this section.

SECTION 14.9.(d) Subsections (a) and (b) of this section become effective October 1, 2005. The remainder of this section becomes effective July 1, 2005.

Requested by: Senators Thomas, Garrou, Dalton, Hagan New

WAKE COUNTY PUBLIC DEFENDER OFFICE FUNDS

SECTION 14.10. Of the funds appropriated to the Judicial Department, Office of Indigent Defense Services, in this act, the Office of Indigent Defense Services shall use up to the sum of two million three hundred thousand five hundred thirty-four dollars ($2,300,534) for the 2005-2006 fiscal year and the sum of two million one hundred eighty-one thousand three hundred twenty-three dollars ($2,181,323) for the 2006-2007 fiscal year to establish a public defender's office in the Tenth Defender District, as authorized by Section 14.4(b) of S.L. 2004-126. The funds shall be used to establish the public defender, 20 assistant public defenders, four investigators, one administrative assistant II, and five legal assistants.

Requested by: Senators Thomas, Garrou, Dalton, Hagan Continued - Revised

OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS

SECTION 14.11. The Judicial Department, Office of Indigent Defense Services, may use up to the sum of one million sixty-nine thousand six hundred forty-five dollars ($1,069,645) in appropriated funds during the 2005-2006 fiscal year and up to the sum of one million twenty-three thousand one hundred thirty-five dollars ($1,023,135) in appropriated funds during the 2006-2007 fiscal year for the expansion of existing offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services by creating up to 10 new attorney positions and five new support staff positions. These funds may be used for salaries,

benefits, equipment, and related expenses. Prior to using funds for this purpose, the Office of Indigent Defense Services shall report to the Chairs of the House and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion.

Requested by: Senators Thomas, Garrou, Dalton, Hagan Continued

OFFICE OF INDIGENT DEFENSE SERVICES REPORT

SECTION 14.12. The Office of Indigent Defense Services shall report to the Chairs of the Senate and House of Representatives Appropriations Committees and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on:

(1) The volume and cost of cases handled in each district by assigned counsel or public defenders;

(2) Actions taken by the Office to improve the cost-effectiveness and quality of indigent defense, including the capital case program;

(3) Plans for changes in rules, standards, or regulations in the upcoming year; and

(4) Any recommended changes in law or funding procedures that would assist the Office in improving the management of funds expended for indigent defense services.

Requested by: Senators Thomas, Garrou, Dalton, Hagan New

CLARIFY THAT FEES PAID TO ATTORNEYS REPRESENTING INDIGENT CLIENTS SHALL BE FIXED IN ACCORDANCE WITH THE RULES ADOPTED BY THE OFFICE OF INDIGENT DEFENSE SERVICES AND MAY NOT BE SET AT HIGHER RATES WITHOUT THE APPROVAL OF THE OFFICE OF INDIGENT DEFENSE SERVICES

SECTION 14.13. G.S. 7A-458 reads as rewritten:

"**§ 7A-458. Counsel fees.**

The fee to which an attorney who represents an indigent person is entitled shall be fixed in accordance with rules adopted by the Office of Indigent Defense Services. Fees shall be based on the factors normally considered in fixing attorneys' fees, such as the nature of the case, and the time, effort and responsibility involved. Fees shall not be set or ordered at rates higher than those established by the rules adopted under this section without the approval of the Office of Indigent Defense Services. Even if the trial, appeal, hearing or other proceeding is never held, preparation therefor is nevertheless compensable and, in capital cases and other extraordinary cases pending in superior court, a fee for services rendered and payment for expenses incurred may be allowed pending final determination of the case."

PART XV. DEPARTMENT OF JUSTICE

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

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

SECTION 15.1.(a) Assets transferred to the Departments of Justice, Correction, and Crime Control and Public Safety during the 2005-2007 biennium pursuant to applicable federal law shall be credited to the budgets of the respective departments and shall result in an increase of law enforcement resources for those departments. The Departments of Justice, Correction, 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.

SECTION 15.1.(b) The General Assembly finds that the use of assets transferred pursuant to federal law for new personnel positions, new projects,

acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice, the Department of Correction, 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.

SECTION 15.1.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice, the United States Department of the Treasury, and the United States Department of Health and Human Services.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

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

SECTION 15.2. The Private Protective Services and Alarm Systems Licensing Boards shall pay the appropriate State agency for the use of physical facilities and services provided to those Boards by the State.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS

SECTION 15.3. Client departments, agencies, and boards shall reimburse the Department of Justice for reasonable court fees, attorney travel and subsistence costs, and other costs directly related to litigation in which the Department of Justice is representing the department, agency, or board.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

REIMBURSEMENT FOR UNC BOARD OF GOVERNORS LEGAL REPRESENTATION

SECTION 15.4. The Department of Justice shall be reimbursed by the Board of Governors of The University of North Carolina for two Attorney III positions to provide legal representation to The University of North Carolina System.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

REPORT ON CRIMINAL RECORD CHECKS CONDUCTED FOR CONCEALED HANDGUN PERMITS/STUDY FEE ADJUSTMENT FOR CRIMINAL RECORD CHECKS

SECTION 15.5.(a) 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 of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives 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.

SECTION 15.5.(b) The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal record checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal record checks. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal record checks and how those costs have changed since the prior fiscal year. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House of Representatives Appropriations Committees, the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division on or before March 1, 2006.

(14)

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED - REVISED

NC LEGAL EDUCATION ASSISTANCE FOUNDATION REPORT ON FUNDS DISBURSED

SECTION 15.6. The North Carolina Legal Education Assistance Foundation shall report by March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds, the purpose of the expenditures, the number of attorneys receiving funds, the average award amount, the average student loan amount, the number of attorneys on the waiting list, and the average number of years for which attorneys receive loan assistance.

Requested by: Senators Hagan, Garrou, Dalton CONTINUED - REVISED

REDUCE BACKLOG OF RAPE KITS

SECTION 15.7.(a) The Department of Justice shall contract with private entities to reduce the backlog of rape kits in storage in local law enforcement agencies as of July 1, 2004. The Department shall contract with private entities to analyze bodily fluids, DNA evidence, as "DNA" is defined in G.S. 15A-266.2, or both, from rape kits that are evidence in cases in which a suspect has not been identified. The Department shall maximize the use of federal grant funds to expedite the elimination of the backlog.

SECTION 15.7.(b) The Department of Justice shall report, on or before February 1, 2006, and annually thereafter to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the number of rape kits analyzed by private entities and how many of those analyses resulted in arrests or convictions. The Department shall also report on the number of rape kits analyzed by the SBI Crime Lab, the amount of the remaining backlog, and the estimated time left to eliminate the backlog.

new

SECTION 15.7.(c) Except as provided otherwise by this subsection, the Department of Justice shall hire only nonsworn personnel to fill vacant positions in the State Bureau of Investigation laboratory. A position may be filled with a sworn agent in any of the following circumstances: (i) the position is a promotion for a sworn agent who was employed at the State Bureau of Investigation laboratory prior to July 1, 2005, or (ii) the position is a forensic drug chemist position that has as a primary duty "responding to clandestine methamphetamine laboratories."

revised

Requested by: Senators Thomas, Garrou, Dalton, Hagan NEW

STUDY DNA TESTING AND ANALYSIS COSTS

SECTION 15.8. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the cost of testing and analyzing DNA samples. The study shall include all of the following: a determination of the unit cost for analyzing a rape kit and a comparison of that cost with the unit cost for the same analysis when performed by other labs, both public and private; a comparison of the amount of funds and length of time required to eliminate the backlog of rape kits using private labs versus the SBI crime lab; and a survey of the funding sources used by other states for their DNA testing and analysis lab costs. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House of Representatives Appropriations Committees, the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division on or before March 1, 2006.

PART XVI. DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Requested by: Senators Thomas, Garrou, Dalton, Hagan

S.O.S. ADMINISTRATIVE COST LIMITS CONTINUED

SECTION 16.1. Of the funds appropriated to the Department of Juvenile Justice and Delinquency Prevention in this act, not more than four hundred fifty thousand dollars ($450,000) for the 2005-2006 fiscal year and not more than four hundred fifty thousand dollars ($450,000) for the 2006-2007 fiscal year may be used to administer the S.O.S. Program, to provide technical assistance to applicants and to local S.O.S. programs, and to evaluate the local S.O.S. programs. The Department may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

JCPC GRANT REPORTING AND CERTIFICATION CONTINUED

SECTION 16.2.(a) On or before May 1 each year, the Department of Juvenile Justice and Delinquency Prevention shall submit to the Joint Legislative Commission on Governmental Operations and the Appropriations Committees of the Senate and House of Representatives a list of the recipients of the grants awarded, or preapproved for award, from funds appropriated to the Department for local Juvenile Crime Prevention Council grants. The list shall include for each recipient the amount of the grant awarded, the membership of the local committee or council administering the award funds on the local level, and a short description of the local services, programs, or projects that will receive funds. The list shall also identify any programs that received grant funds at one time but for which funding has been eliminated by the Department of Juvenile Justice and Delinquency Prevention. A written copy of the list and other information regarding the projects shall also be sent to the Fiscal Research Division of the General Assembly.

SECTION 16.2.(b) Each county in which local programs receive Juvenile Crime Prevention Council grant funds from the Department of Juvenile Justice and Delinquency Prevention shall certify annually through its local council to the Department that funds received are not used to duplicate or supplant other programs within the county.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORTS ON CERTAIN PROGRAMS CONTINUED REVISED

SECTION 16.3.(a) Project Challenge North Carolina, Inc., shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1 each year on the operation and the effectiveness of its program in providing alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined. The report shall include information on:

(1) The source of referrals for juveniles.
(2) The types of offenses committed by juveniles participating in the program.
(3) The amount of time those juveniles spend in the program.
(4) The number of juveniles who successfully complete the program.
(5) The number of juveniles who commit additional offenses after completing the program.
[(6) The program's budget and expenditures, including all funding sources.]

SECTION 16.3.(b) The Juvenile Assessment Center shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the effectiveness of the Center by April 1 each year. The report shall include information on the number of juveniles served and an evaluation of the effectiveness of juvenile assessment plans and services provided as a result of these plans. In addition, the report shall include information on the Center's budget and expenditures, including all funding sources.]

SECTION 16.3.(c) Communities in Schools shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, the Joint Legislative Commission on Governmental Operations, the Joint

Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, and the Joint Legislative Education Oversight Committee by April 1 each year on the operation and effectiveness of its program. The report shall include information on:

(1) The number of children served.
(2) The number of volunteers used.
(3) The impact on children who have received services from Communities in Schools.
(4) The program's budget and expenditures, including all funding sources.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

ANNUAL EVALUATION OF COMMUNITY PROGRAMS CONTINUED

SECTION 16.4. The Department of Juvenile Justice and Delinquency Prevention shall conduct an evaluation of the Eckerd and Camp Woodson wilderness camp programs, the teen court programs, the program that grants funds to the local organizations of the Boys and Girls Clubs established pursuant to Section 21.10 of S.L. 1999-237, the Save Our Students program, the Governor's One-on-One Programs, and multipurpose group homes. The teen court report shall include statistical information on the number of juveniles served, the number and type of offenses considered by teen courts, referral sources for teen courts, and the number of juveniles that become court-involved after participation in teen courts. The report on the Boys and Girls Clubs program shall include information on:

(1) The expenditure of State appropriations on the program;
(2) The operations and the effectiveness of the program; and
(3) The number of juveniles served under the program.

In conducting the evaluation of each of these programs, the Department shall consider whether participation in each program results in a reduction of court involvement among juveniles. The Department shall also identify whether the programs are achieving the goals and objectives of the Juvenile Justice Act, S.L. 1998-202. The Department shall report the results of the evaluation to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the Subcommittees on Justice and Public Safety of the House of Representatives and Senate Appropriations Committees by March 1 of each year.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS CONTINUED

SECTION 16.5. Funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for the 2005-2006 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission shall consult with the Department of Juvenile Justice and Delinquency Prevention regarding the criteria for awarding federal funds. The Office of State Budget and Management, the Governor's Crime Commission, and the Department of Juvenile Justice and Delinquency Prevention shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the 2005-2006 fiscal year, the amount of funds anticipated for the 2006-2007 fiscal year, and the allocation of funds by program and purpose.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

IMPLEMENTATION OF TREATMENT STAFFING MODEL AT YOUTH DEVELOPMENT CENTERS NEW

SECTION 16.6.(a) The Department of Juvenile Justice and Delinquency Prevention shall report each December 31, March 31, June 30, and September 30 of the

2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and to the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee on the treatment staffing model being piloted at Samarkand and Stonewall Jackson Youth Development Centers. The report shall include a list of total positions at each facility by job class, whether the position is vacant or filled, whether positions were filled from internal employees or new employees, and the training and certification status of each position. The report shall also describe the nature of the treatment program, the criteria for evaluating the program, and how the program is performing in comparison to these criteria. The report shall also describe the training approach to be used to train staff in using treatment methods in youth development centers and provide information on current staff training and staff training planned for the next quarter. The Department shall also develop indicators for evaluating staff performance once the model has been implemented.

SECTION 16.6.(b) The Department of Juvenile Justice and Delinquency Prevention shall report each December 31, March 31, June 30, and September 30 of the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the implementation of the treatment staffing model at Dobbs, Dillon, and Juvenile Evaluation Center Youth Development Centers. The Department shall identify the number of positions reallocated to the new treatment job classes and the source of funding for those positions.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

PROGRESS REPORTS ON YOUTH DEVELOPMENT CENTER CAPITAL PROJECTS NEW

SECTION 16.7. The Department of Juvenile Justice and Delinquency Prevention shall report each December 31, March 31, June 30, and September 30 of the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and to the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee on the Department's progress in the planning, design, and construction of new youth development centers. The report shall include:

(1) An overall project schedule for each new youth development center showing the original estimated date for construction completion and the original estimated date for occupancy by juvenile offenders, compared to the latest projected dates.

(2) An explanation of significant delays in the schedule or any potential cost increase.

The Office of State Construction and the Capital Improvement Section of the Office of State Budget and Management shall assist the Department of Juvenile Justice and Delinquency Prevention in the preparation of the report required by this section.

PART XVII. DEPARTMENT OF CORRECTION

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

FEDERAL GRANT REPORTING

SECTION 17.1. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, the Judicial Department, and the Department of Juvenile Justice and Delinquency Prevention shall report by May 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received

or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

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

SECTION 17.2. The Department of Correction may use funds available to the Department for the 2005-2007 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives 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.

NEW

Requested by: Senators Thomas, Garrou, Dalton, Hagan

HOLIDAY PAY FOR DEPARTMENT OF CORRECTION STAFF

SECTION 17.3. Holiday pay for Department of Correction staff entitled to holiday pay shall be one hundred fifty percent (150%) of regular pay during the 2005-2007 biennium, except that the Department of Correction may use funds available to pay up to one hundred seventy-five percent (175%) of regular pay for holiday pay during the 2005-2007 biennium.

CONTINUED – REVISED

Requested by: Senators Thomas, Garrou, Dalton, Hagan

DEPARTMENT OF CORRECTION SECURITY STAFFING FORMULAS

SECTION 17.4.(a) G.S. 143B-262.5 reads as rewritten:

"**§ 143B-262.5. Security Staffing.**

(a) The Department of Correction shall ~~conduct security staffing post-audits of each prison at least biannually, the first such audit to be completed during the 2002-2003 fiscal year. The initial post-audit shall be conducted jointly by Department staff and a consultant, external to the Department, and shall include analysis of the staffing levels assigned for supervision of correctional officers.~~ conduct:

(1) On-site post-audits of every prison at least once every three years;

(2) Regular audits of post-audit charts through the automated post-audit system; and

(3) Other staffing audits as necessary.

(b) The Department of Correction shall update the security staffing relief formula ~~biannually, the first update to be completed during the 2002-2003 fiscal year.~~ at least every three years. Each update shall include a review of all annual training requirements for security staff to determine which of these requirements should be mandatory and the appropriate frequency of the training. The Department shall survey other states to determine which states use a vacancy factor in their staffing relief formulas."

SECTION 17.4.(b) The Department of Correction shall implement the current post-audit by July 1, 2005, and report by October 1, 2005, to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the effect that the new post-audit has had on staffing at each prison.

SECTION 17.4.(c) The Department of Correction shall report on its progress in implementing the staffing recommendations of the National Institute of Corrections to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1, 2006. The report shall include a status report on the implementation of a centralized postaudit control system, the automation of leave records, and the survey of other states' use of a vacancy factor in staffing relief formulas.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

USE OF CLOSED PRISON FACILITIES

SECTION 17.5. In conjunction with the closing of prison facilities, including 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, with the elected State and local officials, and with State agencies about the possibility of converting that unit to other use. The Department may also consult with any private for-profit or nonprofit firm about the possibility of converting the unit to other use. In developing a proposal for future use of each unit, the Department shall give priority to converting the unit to other criminal justice use. Consistent with existing law and the future needs of the Department of Correction, the State may provide for the transfer or the lease of any of these units to counties, municipalities, State agencies, 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 one security custody level to another, where that conversion would be cost-effective. A prison unit under lease to a county pursuant to the provisions of this section for use as a jail is exempt for the period of the lease from any of the minimum standards adopted by the Secretary of Health and Human Services pursuant to G.S. 153A-221 for the housing of adult prisoners that would subject the unit to greater standards than those required of a unit of the State prison system.

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, Crime Control, and Juvenile Justice Oversight Committee. The Department of Correction shall also provide annual summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

INMATE COSTS/MEDICAL BUDGET FOR PRESCRIPTION DRUGS AND INMATE CLOTHING AND LAUNDRY SERVICES

SECTION 17.6.(a) If the cost of providing food and health care to inmates housed in the Division of Prisons is anticipated to exceed the continuation budget amounts provided for that purpose in this act, the Department of Correction shall report the reasons for the anticipated cost increase and the source of funds the Department intends to use to cover those additional needs to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety.

SECTION 17.6.(b) Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the 2005-2006 fiscal year for the purchase of prescription drugs for inmates if expenditures are projected to exceed the Department's inmate medical continuation budget for prescription drugs. The Department shall consult with the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

SECTION 17.6.(c) Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the 2005-2006 fiscal year for the purchase of clothing and laundry services for inmates if expenditures are projected to exceed the Department's budget for clothing and laundry services. The Department shall consult with the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

CONVERSION OF CONTRACTED MEDICAL POSITIONS Continued

SECTION 17.7.(a) The Department of Correction may convert contract medical positions to permanent State medical positions if the Department can document that the total savings generated will exceed the total cost of the new positions for each facility. Where practical, the Department shall convert contract positions to permanent positions by using existing vacancies in medical positions.

SECTION 17.7.(b) The Department of Correction shall report by April 1, 2006, to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on all conversions made pursuant to this section, by type of position and location, and on the savings generated at each correctional facility.

Requested by: Senators Thomas, Garrou, Dalton, Hagan Continued

LIMIT USE OF OPERATIONAL FUNDS

SECTION 17.8. 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 120 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: Senators Thomas, Garrou, Dalton, Hagan Continued - Revised

FEDERAL GRANT MATCHING FUNDS

SECTION 17.9. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of seven hundred fifty thousand dollars ($750,000) from funds available to the Department to provide the State match needed ~~in order to~~ receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

COMPUTER/DATA PROCESSING SERVICES FUNDS

SECTION 17.10. Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the 2005-2006 fiscal year for expenses for computer/data processing services if expenditures exceed the Department's continuation budget amount for those services. The Department shall report to the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

Requested by: Senators Thomas, Garrou, Dalton, Hagan Continued

MEDIUM CUSTODY ROAD CREW COMPENSATION/COMMUNITY WORK CREWS

SECTION 17.11.(a) Of funds appropriated to the Department of Transportation by this act, the sum of ten million dollars ($10,000,000) per year shall be transferred by the Department of Transportation to the Department of Correction during the 2005-2007 biennium for the actual costs of highway-related labor performed by medium-custody prisoners, as authorized by G.S. 148-26.5. This transfer shall be made quarterly in the amount of two million five hundred thousand dollars ($2,500,000). The Department of Transportation may use funds appropriated by this act to pay an additional amount exceeding the ten million dollars ($10,000,000), but those payments shall be subject to negotiations among the Department of Transportation, the Department of Correction, and the Office of State Budget and Management prior to payment by the Department of Transportation.

SECTION 17.11.(b) The Department of Correction may use up to 39 work crews for Department of Transportation litter control projects. The Department of Transportation shall transfer at least one million three hundred thousand dollars ($1,300,000) per year from the Highway Fund to the Department of Correction during the 2005-2007 biennium to cover the cost of those work crews. Should the two departments determine that the actual cost of operating 39 work crews exceeds that amount, the Department of Transportation shall transfer an additional amount as agreed upon by the two departments and the Office of State Budget and Management.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

INMATE CUSTODY AND CLASSIFICATION SYSTEM

SECTION 17.12.(a) The Department of Correction shall review the current inmate custody and classification system, with the assistance of consultants from the National Institute of Corrections. The review shall focus primarily on the custody classification instrument used to assess inmate custody and the policies and practice of overriding the assessed custody level. The review should focus particularly on determining whether the instrument is effective in predicting custody classification, analyzing the current override rate by custody level, and assessing any need for changes in the override policy. The Department should request assistance from the National Institute of Corrections in obtaining (i) a comparison between Department of Correction override rates and policies and those of other states; (ii) suggestions on an acceptable override rate for classification systems; and (iii) any recommendations the NIC may have on the Department's custody classification instrument and override policy.

SECTION 17.12.(b) The Department shall report its findings and recommendations to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety no later than April 15, 2006.

Requested by: Senators Garrou, Dalton, Hagan CONTINUED – REVISED

EXTEND LIMITS OF CONFINEMENT/TERMINALLY ILL AND PERMANENTLY AND TOTALLY DISABLED INMATES

SECTION 17.13. G.S. 148-4 reads as rewritten:

"**§ 148-4. Control and custody of prisoners; authorizing prisoner to leave place of confinement.**

The Secretary of Correction shall have control and custody of all prisoners serving sentence in the State prison system, and such prisoners shall be subject to all the rules and regulations legally adopted for the government thereof. Any sentence to imprisonment in any unit of the State prison system, or to jail to be assigned to work under the State Department of Correction, shall be construed as a commitment, for such terms of imprisonment as the court may direct, to the custody of the Secretary of Correction or his authorized representative, who shall designate the places of confinement within the State prison system where the sentences of all such persons shall be served. The authorized agents of the Secretary shall have all the authority of peace officers for the purpose of transferring prisoners from place to place in the State as their duties might require and for apprehending, arresting, and returning to prison escaped

prisoners, and may be commissioned by the Governor, either generally or specially, as special officers for returning escaped prisoners or other fugitives from justice from outside the State, when such persons have been extradited or voluntarily surrendered. Employees of departments, institutions, agencies, and political subdivisions of the State hiring prisoners to perform work outside prison confines may be designated as the authorized agents of the Secretary of Correction for the purpose of maintaining control and custody of prisoners who may be placed under the supervision and control of such employees, including guarding and transferring such prisoners from place to place in the State as their duties might require, and apprehending and arresting escaped prisoners and returning them to prison. The governing authorities of the State prison system are authorized to determine by rules and regulations the manner of designating these agents and placing prisoners under their supervision and control, which rules and regulations shall be established in the same manner as other rules and regulations for the government of the State prison system.

The Secretary of Correction may extend the limits of the place of confinement of a prisoner, as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to

(1) Contact prospective employers; or

(2) Secure a suitable residence for use when released on parole or upon discharge; or

(3) Obtain medical services not otherwise available; or

(4) Participate in a training program in the community; or

(5) Visit or attend the funeral of a spouse, child (including stepchild, adopted child or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person though not a natural parent, has acted in the place of a parent), brother, or sister; or

(6) Participate in community-based programs of rehabilitation, including, but not limited to the existing community volunteer and home-leave programs, pre-release and after-care programs as may be provided for and administered by the Secretary of Correction and other programs determined by the Secretary of Correction to be consistent with the prisoner's rehabilitation and return to society; or

(7) Be on maternity leave, for a period of time not to exceed 60 days. The county departments of social services are expected to cooperate with officials at the North Carolina Correctional Center for Women to coordinate prenatal care, financial services, and placement of the child; or

(8) Receive palliative care, only in the case of a terminally ill inmate or a permanently and totally disabled inmate that the Secretary finds no longer poses ~~a threat to society,~~ a significant public safety risk, and only after consultation with any victims of the inmate or the victims' families. For purposes of this subdivision, the term "terminally ill" describes an inmate who, as determined by a licensed physician, has an incurable condition caused by illness or disease that did not exist at the time of sentencing, that will likely produce death within ~~12 months.~~ six months, and that is so debilitating that it is highly unlikely that the inmate poses a significant public safety risk. For purposes of this subdivision, the term "permanently and totally disabled" describes an inmate who, as determined by a licensed physician, suffers from permanent and irreversible physical incapacitation as a result of an existing physical or medical ~~condition.~~ condition that did not exist at the time of sentencing and that is so incapacitating that it is highly unlikely that the inmate poses a significant public safety risk. The

Department's medical director shall notify the Secretary immediately when an inmate has been classified as terminally ill and shall provide regular reports on inmates classified as permanently and totally disabled. The Secretary shall act expeditiously in determining whether to extend the limits of confinement under this subdivision upon receiving notice that an inmate has been classified as terminally ill or permanently and totally disabled and, in the case of a terminally ill inmate, the Secretary shall make a good faith effort to reach a determination within 30 days of receiving notice of the inmate's terminal condition.

The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to the place of confinement designated by the Secretary of Correction, shall be deemed an escape from the custody of the Secretary of Correction punishable as provided in G.S. 148-45."

New

Requested by: Senators Thomas, Garrou, Dalton, Hagan

PARTIAL REIMBURSEMENT/INMATE COMMUNITY WORK CREWS AND INMATE LABOR CONTRACTS

SECTION 17.14.(a) G.S. 148-26 is amended by adding a new subsection to read:

"(e1) Departments, institutions, agencies, and political subdivisions of the State using inmate community work crews or inmate labor contracts as authorized by this section shall reimburse the Department of Correction for a portion of the costs of operating inmate community work crews and a portion of the administrative expenses of managing inmate labor contracts. In determining the amount of reimbursement to require under this subsection, the Department may consider requiring a smaller amount from entities that can demonstrate a limited ability to pay for inmate labor."

SECTION 17.14.(b) In determining reimbursement amounts required by G.S. 148-26(e1), the Department of Correction shall attempt to recoup at least the sum of six hundred thousand dollars ($600,000) for each year of the 2005-2007 biennium in inmate work crew costs and administrative expenses of managing inmate labor contracts.

SECTION 17.14.(c) The Department of Correction shall report by March 1, 2006, to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the inmate labor contracts and community work programs, identifying total project man-hours by client agency, the total operating costs of these programs, the benefits of these programs, and the potential for reimbursement that more closely reflects the actual cost of all projects.

New

Requested by: Senators Rand, Thomas, Garrou, Dalton, Hagan

PROVIDER RATES FOR INMATE HEALTH SERVICES NOT TO EXCEED PROVIDER RATES UNDER TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN

SECTION 17.15.(a) G.S. 148-19 reads as rewritten:

"**§ 148-19. Health services.**

(a) The general policies, rules and regulations of the Department of Correction shall prescribe standards for health services to prisoners, which shall include preventive, diagnostic, and therapeutic measures on both an outpatient and a hospital basis, for all types of patients. A prisoner may be taken, when necessary, to a medical facility outside the State prison system. The Department of Correction shall seek the cooperation of public and private agencies, institutions, officials and individuals in the development of adequate health services to prisoners.

(b) Upon request of the Secretary of Correction, the Secretary of Health and Human Services may detail personnel employed by the Department of Health and

Human Services to the Department of Correction for the purpose of supervising and furnishing medical, psychiatric, psychological, dental, and other technical and scientific services to the Department of Correction. The compensation, allowances, and expenses of the personnel detailed under this section may be paid from applicable appropriations to the Department of Health and Human Services, and reimbursed from applicable appropriations to the Department of Correction. The Secretary of Correction may make similar arrangements with any other agency of State government able and willing to aid the Department of Correction to meet the needs of prisoners for health services. Reimbursement rates to public and private agencies and health care providers for health care services rendered to prisoners shall be established as provided in G.S. 148-22.

(c) Each prisoner committed to the State Department of Correction shall receive a physical and mental examination by a health care professional authorized by the North Carolina Medical Board to perform such examinations as soon as practicable after admission and before being assigned to work. The prisoner's work and other assignments shall be made with due regard for the prisoner's physical and mental condition.

(d) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall adopt standards for the delivery of mental health and mental retardation services to inmates in the custody of the Department of Correction. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall give the Secretary of Correction an opportunity to review and comment on proposed standards prior to promulgation of such standards; however, final authority to determine such standards remains with the Commission. The Secretary of the Department of Health and Human Services shall designate an agency or agencies within the Department of Health and Human Services to monitor the implementation by the Department of Correction of these standards and of substance abuse standards adopted by the Department of Correction upon the advice of the Substance Abuse Advisory Council established pursuant to G.S. 143B-270. The Secretary of Health and Human Services shall send a written report on the progress which the Department of Correction has made on the implementation of such standards to the Governor, the Lieutenant Governor, and the Speaker of the House. Such reports shall be made on an annual basis beginning January 1, 1978."

SECTION 17.15.(b) G.S. 148-22 reads as rewritten:

"**§ 148-22. Treatment programs.**

(a) The general policies, rules and regulations of the Department of Correction shall provide for humane treatment of prisoners and for programs to effect their correction and return to the community as promptly as practicable. Visits and correspondence between prisoners and approved friends shall be authorized under reasonable conditions, and family members shall be permitted and encouraged to maintain close contact with the prisoners unless such contacts prove to be hurtful. Casework, counseling, and psychotherapy services provided to prisoners may be extended to include members of the prisoner's family if practicable and necessary to achieve the purposes of such programs. Education, library, recreation, and vocational training programs shall be developed so as to coordinate with corresponding services and opportunities which will be available to the prisoner when he is released. Programs may be established for the treatment and training of mentally retarded prisoners and other special groups. These programs may be operated in segregated sections of facilities housing other prisoners or in separate facilities.

(b) The Department of Correction may cooperate with and seek the cooperation of public and private agencies, institutions, officials, and individuals in the development and conduct of programs designed to give persons committed to the Department opportunities for physical, mental and moral improvement. The Department may enter into agreements with other agencies of federal, State or local government and with private agencies to promote the most effective use of available resources.

Specifically the Secretary of Correction may enter into contracts or agreements with appropriate public or private agencies or providers offering needed services including health, mental health, mental retardation, substance abuse, rehabilitative or training services for such inmates of the Department of Correction as the Secretary may deem eligible. These agencies and providers shall be reimbursed from applicable appropriations to the Department of Correction for health services rendered at a rate not to exceed ~~that which such agencies normally receive for serving their regular clients~~ the contract rate paid for the same or similar service or diagnostic-related grouping under the Teachers' and State Employees' Comprehensive Major Medical Plan ("Plan") for Plan members. Before paying the claim approved by the Secretary, the Secretary of Correction shall submit the claim to the Plan for verification of the rate charged under the claim in accordance with procedures established by the Executive Administrator and Board of Trustees of the Plan. The Department of Correction shall, from State appropriations and any other funds available for this purpose, transfer to the Teachers' and State Employees' Comprehensive Major Medical Plan funds in the amount determined by the Plan as necessary to cover the Plan's administrative costs for verifying claim rates. The Secretary may contract for the housing of work-release inmates at county jails and local confinement facilities. Inmates may be placed in the care of such agencies but shall remain the responsibility of the Department and shall be subject to the complete supervision of the Department. The Department may reimburse such agencies for the support of such inmates at a rate not in excess of the average daily cost of inmate care in the corrections unit to which the inmate would otherwise be assigned."

SECTION 17.15.(c) Article 3 of Chapter 135 of the General Statutes is amended by adding the following new Part to read: State Health Plan

"Part 6. Administrative Services to Other State Agencies.

"**§ 135-43. Verification of Plan rates for health services provided to prison inmates.**

As used in this Part, "Plan" means the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan. Upon receipt of a claim for health services approved by the Secretary of Correction, the Plan shall review the claim rates and shall verify to the Secretary of Correction that the rates applied in the claim do not exceed the rates applicable under the Plan for the same or similar services or diagnostic-related grouping code for Plan members. Nothing in this section shall be construed as providing Plan benefits to prison inmates. The Plan's self-insured indemnity program shall not incur any financial obligations for claims submitted by the Secretary of Correction for health services rendered to prison inmates."

Requested by: Senators Kerr, Thomas, Garrou, Dalton, Hagan NEW

REPLACEMENT OF UMSTEAD LAUNDRY

SECTION 17.16. In preparation for the scheduled closing of Umstead Hospital in 2007, the Department of Correction shall develop a plan for the replacement of the Correction Enterprises laundry operation at Umstead Hospital and report that plan to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by May 1, 2006.

Requested by: Senators Thomas, Garrou, Dalton, Hagan NEW

STAFFING STUDY OF UNIT MANAGEMENT

SECTION 17.17. The Department of Correction shall conduct an organization and staffing study of unit management in the State prison system, focusing on the 18 prison facilities that use unit management. The Department shall review workload and staffing at each of the prisons and make recommendations for staffing changes and staffing efficiencies. The study shall consider the responsibilities and workloads of custody supervisors in relation to unit managers and determine whether certain functions should be the responsibility of custody supervisors or program staff.

The Department shall report its findings and recommendations to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by March 1, 2006.

Requested by: Senators Thomas, Dalton, Garrou, Hagan NEW

STUDY EXPANSION AT CLEVELAND CORRECTIONAL CENTER

SECTION 17.18. As part of its development and update of its long-range prison housing plan, the Department of Correction shall consider the feasibility of expanding minimum custody bed capacity at the Cleveland Correctional Center. The study shall include an engineering analysis of the site and a cost analysis of either expanding the current facility or building a stand-alone minimum custody prison. The cost analysis shall include a determination of possible savings by using inmate labor to assist with construction. The Department of Correction shall report its findings to the Chairs of the Senate and House of Representatives Appropriations Committees and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1, 2006.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORT ON ELECTRONIC MONITORING COSTS CONTINUED

SECTION 17.19. The Department of Correction shall report by March 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Committees and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on its efforts to increase the use of electronic monitoring of sentenced offenders in the community as an alternative to the incarceration of probation violators. The report shall also document the geographical distribution of electronic monitoring use compared to other intermediate sanctions. The Department shall also analyze the reasons for the underutilization of the electronic monitoring program and include its findings in the report.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORT ON PROBATION AND PAROLE CASELOADS CONTINUED

SECTION 17.20.(a) The Department of Correction shall report by March 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on caseload averages for probation and parole officers. The report shall include:

(1) Data on current caseload averages for Probation Parole Officer I, Probation Parole Officer II, and Probation Parole Officer III positions;
(2) An analysis of the optimal caseloads for these officer classifications;
(3) An assessment of the role of surveillance officers;
(4) The number and role of paraprofessionals in supervising low-risk caseloads;
(5) An update on the Department's implementation of the recommendations contained in the National Institute of Correction study conducted on the Division of Community Corrections in 2004;
(6) The selection of a risk assessment and the resulting distribution of offenders among risk levels; and
(7) Any position reallocations in the previous 12 months, and the reasons for and fiscal impact of those reallocations.

SECTION 17.20.(b) The Department of Correction shall conduct a study of probation/parole officer workload at least biannually. The study shall include analysis of the type of offenders supervised, the distribution of the probation/parole officers' time by type of activity, the caseload carried by the officers, and comparisons to practices in other states. The study shall be used to determine whether the caseload goals established

by the Structured Sentencing Act are still appropriate, based on the nature of the offenders supervised and the time required to supervise those offenders.

SECTION 17.20.(c) The Department of Correction shall report the results of the study and recommendations for any adjustments to caseload goals to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by January 1, 2007.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

COMMUNITY SERVICE WORK PROGRAM

SECTION 17.21. The Department of Correction shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by February 1 of each year on the integration of the Community Service Work Program into the Division of Community Corrections, including the Department's ability to monitor the collection of offender payments from unsupervised offenders sentenced to community service. The Department shall also report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by February 1 of each year on the average caseloads of Community Service Work Program coordinators, by district, division, and statewide. The report shall also include the money collected, the type and value of the work performed, and the number of offenders in the Community Service Work Program, by type of referral (i.e. parole, supervised probation, unsupervised probation or community punishment, DWI, or any other agency referrals).

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED - REVISED

REPORTS ON NONPROFIT PROGRAMS

SECTION 17.22.(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 to serve women released from prison with children in their custody. Harriet's House shall report by February 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 successfully complete the Harriet's House program, and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(b) Summit House shall report by February 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 had their probation revoked, the number of clients who successfully complete the program while housed at Summit House, Inc., and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(c) Women at Risk shall report by February 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, the number of clients who have successfully completed the program, and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

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Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED - REVISED

CRIMINAL JUSTICE PARTNERSHIP PROGRAM

SECTION 17.23.(a) It is the intent of the General Assembly that State Criminal Justice Partnership Program funds not be used to fund case manager positions when those services can be reasonably provided by Division of Community Corrections personnel or by the Treatment Alternatives to Street Crime (TASC) Program in the Department of Health and Human Services.

SECTION 17.23.(b) Notwithstanding the provisions of G.S. 143B-273.15 specifying that grants to participating counties are for the full fiscal year and that unobligated funds are returned to the State-County Criminal Justice Partnership Account at the end of the grant period, the Department of Correction may reallocate unspent or unclaimed funds distributed to counties participating in the State-County Criminal Justice Partnership Program in an effort to maintain the level of services realized in previous fiscal years.

SECTION 17.23.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully developed plan for each type of sanction.

SECTION 17.23.(d) The Department of Correction shall report by February 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Committees, the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the status of the State-County Criminal Justice Partnership Program. The report shall include the following information:

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

(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for the current fiscal year;

(3) Any counties the Department anticipates will submit requests for new implementation grants;

(4) An update on efforts to ensure that all counties make use of the electronic reporting system, including the number of counties submitting offender participation data via the system;

(5) An analysis of offender participation data received, including data on each program's utilization and capacity;

(6) An analysis of comparable programs, prepared by the Research and Planning Division of the Department of Correction, and a summary of the reports prepared by county Criminal Justice Partnerships Advisory Boards; and

(7) An evaluation of Criminal Justice Partnership programs based upon evaluation standards designed by the Division of Community Corrections in consultation with the Fiscal Research Division and the Department of Correction, Division of Research and Planning.

SECTION 17.23.(e) G.S. 143B-273.4 reads as rewritten:

"**§ 143B-273.4. Eligible population.**

(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 serving an active sentence of imprisonment.

(b) The priority populations for programs funded under this Article shall ~~be:~~

~~(1)~~ ~~Offenders~~ be offenders sentenced to intermediate ~~punishments; and~~

~~(2) Offenders who are appropriate for release from jail prior to trial under the supervision of a pretrial monitoring program.~~ punishments."

new

SECTION 17.23.(f) G.S. 143B-273.15 reads as rewritten:

"**§ 143B-273.15. Funding formula.**

To determine the grant amount for which a county or counties may apply, the granting authority shall apply the following formula:

(1) ~~Twenty percent (20%)~~ Twenty-five percent (25%) based on a fixed equal dollar amount for each county;

(2) ~~Sixty percent (60%)~~ Fifty percent (50%) based on the county share of the State population; and

(3) ~~Twenty percent (20%)~~ Twenty-five percent (25%) based on the ~~supervised probation admissions~~ intermediate punishment entry rate for the ~~county.~~ county, using the total of the three most recent years of data available divided by the average county population for that same period.

The sum of the amounts in subdivisions (1), (2), and (3) is the total amount of the funding that a county may apply for under this subsection.

Grants to participating counties are for a period of one fiscal year with unobligated funds being returned to the Account at the end of the grant period. Funds are provided to participating counties on a reimbursement basis unless a county documents a need for an advance of grant funds."

SECTION 17.23.(g) For the 2005-2006 fiscal year, notwithstanding the formula in G.S. 143B-273.15, each county's formula allocation shall be capped at no less than ninety-five percent (95%) and no greater than one hundred twenty percent (120%) of the funds allocated to that county for the 2004-2005 fiscal year. After determining the capped formula allocations, funds that were used in the 2003-2004 fiscal year for pretrial release programs shall be reallocated among all participating counties using the formula in G.S. 143B-273.15 and dedicated to sentenced offender programs. For the 2006-2007 fiscal year, the same procedures shall be used, except that the capped amounts shall be no less than ninety percent (90%) and no greater than one hundred thirty percent (130%) of the funds allocated to that county for the 2004-2005 fiscal year.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

REPORT ON INMATES ELIGIBLE FOR PAROLE

SECTION 17.24. The Post-Release Supervision and Parole Commission shall report by January 15 and July 15 of each year to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on inmates eligible for parole. These reports shall include at least the following:

(1) The total number of Fair Sentencing and Pre-Fair Sentencing inmates that were parole-eligible during the current fiscal year and the total number of those inmates that were paroled. The report should group these inmates by offense type, custody classification, and type of parole. The report should also include a more specific analysis of those inmates who were parole-eligible and assigned to minimum custody classification but not released;

(2) The average time served, by offense class, of Fair Sentencing and Pre-Fair Sentencing inmates compared to inmates sentenced under Structured Sentencing; and

(3) The projected number of parole-eligible inmates to be paroled or released by the end of the 2007-2008 fiscal year and by the end of each of the next five fiscal years, beginning with the 2008-2009 fiscal year.

Requested by: Senators Thomas, Garrou, Dalton, Hagan NEW

PROVIDE THAT THE TERMS OF THE MEMBERS OF THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION SERVING ON JUNE 30, 2005, EXPIRE ON THAT DATE AND RESTRUCTURE THE COMMISSION

TO CONSIST OF ONE FULL-TIME MEMBER AND TWO HALF-TIME MEMBERS

SECTION 17.25.(a) G.S. 143B-267 reads as rewritten:

"**§ 143B-267. Post-Release Supervision and Parole Commission – members; selection; removal; chairman; compensation; quorum; services.**

~~The~~ Effective July 1, 2005, the Post-Release Supervision and Parole Commission shall consist of ~~three~~ one full-time ~~members.~~ member and two half-time members. The three ~~full-time~~ members shall be appointed by the Governor from persons whose recognized ability, training, experience, and character qualify them for service on the Commission. The terms of office of ~~the five members presently~~ any members serving on the Commission on June 30, 2005, shall expire on ~~July 31, 1999.~~ that date. ~~The term of one of the members appointed effective August 1, 1999, shall be for one year. The term of one of the members appointed effective August 1, 1999, shall be for two years. The term of one of the members appointed effective August 1, 1999, shall be for three years. Thereafter, the~~ The terms of office of persons appointed by the Governor as members of the Commission shall be for four years or until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, removal, death or disability of a ~~full-time~~ member shall be for the balance of the unexpired term only.

The Governor shall have the authority to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of G.S. 143B-13. The Governor shall designate a ~~full-time~~ member of the Commission to serve as ~~chairman~~ chair of the Commission at the pleasure of the Governor.

The granting, denying, revoking, or rescinding of parole, the authorization of work-release privileges to a prisoner, or any other matters of business coming before the Commission for consideration and action shall be decided by majority vote of the full Commission.

The ~~full-time~~ members of the Commission shall receive the salary fixed by the General Assembly in the Current Operations Appropriations Act and shall receive necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-6.

All clerical and other services required by the Commission shall be supplied by the Secretary of Correction."

SECTION 17.25.(b) This section becomes effective June 30, 2005.

Requested by: Senators Thomas, Garrou, Dalton, Hagan CONTINUED

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

SECTION 17.26. The Post-Release Supervision and Parole Commission shall report by October 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on a plan for restructuring the organization and operation of the Commission and implementing staff reductions to reflect both declines and changes in workload.

Requested by: Senators Thomas, Garrou, Dalton, Hagan NEW

MUTUAL AGREEMENT PAROLE PROGRAM

SECTION 17.27. The Department of Correction and the Post-Release Supervision and Parole Commission shall make a good faith effort to enroll at least ten percent (10%) of all program-eligible, pre-Structured Sentencing felons in the Mutual Agreement Parole Program by January 1, 2006. The Department shall report to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on the number of inmates actually enrolled in the program, the number of inmates who have been paroled as a result of participation in the program, and the number of inmates who have enrolled but terminated as a result of unsuccessful participation in the program. If the ten percent (10%) participation goal

established by this section has not been reached, the report shall explain why the goal was not realized.

PART XVIII. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Senators Thomas, Garrou, Dalton, Hagan

ANNUAL EVALUATION OF TARHEEL CHALLENGE PROGRAM CONTINUED

SECTION 18.1. The Department of Crime Control and Public Safety shall report to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by April 1 of each year of the biennium on the operations and effectiveness of the National Guard Tarheel Challenge Program. The report should evaluate the program's effectiveness as an intervention method for preventing juveniles from becoming undisciplined or delinquent. The report shall also evaluate the Program's role in improving individual skills and employment potential for participants and shall include:

(1) The source of referrals for individuals participating in the Program;
(2) The summary of types of actions or offenses committed by the participants of the Program;
(3) An analysis outlining the cost of providing services for each participant, including a breakdown of all expenditures related to the administration and operation of the Program and the education and treatment of the Program participants;
(4) The number of individuals who successfully complete the Program; and
(5) The number of participants who commit offenses after completing the Program.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

VICTIMS ASSISTANCE NETWORK REPORT CONTINUED

SECTION 18.2. The Department of Crime Control and Public Safety shall report on the expenditure of funds allocated pursuant to this section for the Victims Assistance Network. The Department shall also report on the Network's efforts to gather data on crime victims and their needs, act as a clearinghouse for crime victims' services, provide an automated crime victims' bulletin board for subscribers, coordinate and support activities of other crime victims' advocacy groups, identify the training needs of crime victims' services providers and criminal justice personnel, and coordinate training for these personnel. The Department shall submit its report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives by December 1 of each year of the biennium.

Requested by: Senators Thomas, Garrou, Dalton, Hagan

TRANSFER THE STATEWIDE FLOODPLAIN MAPPING UNIT NEW

SECTION 18.3. The Statewide Floodplain Mapping Unit is transferred from the Department of Crime Control and Public Safety to the Department of Environment and Natural Resources. This transfer has all of the elements of a Type I transfer as defined in G.S. 143A-6.

PART XIX. DEPARTMENT OF ADMINISTRATION

Requested by: Senators Dorsett, Garrou, Dalton, Hagan

CONTINUATION OF THE STUDY OF ADVOCACY PROGRAMS IN THE DEPARTMENT OF ADMINISTRATION

SECTION 19.1. The Secretary of the Department of Administration, in collaboration with appropriate entities that concentrate on public policy and business

Intermediate Offenders

Handout # 2
May 18, 2005

Proposed CJPP Funds Distribution

County/ Program	Current funding	Pretrial Funds (estimate)	Proposed Funding 05-06	% Difference from Current: Total Funds	% Difference from Current: Funds Spent on Sentenced Offenders
Alamance	$ 125,606		$ 134,654	7%	7%
Albemarle Region*	$ 216,728	$ 99,482	$ 206,422	-5%	76%
Alexander	$ 60,323	$ 26,987	$ 37,597	-38%	13%
Alleghany	$ 36,799		$ 41,017	11%	11%
Anson	$ 65,685	$ 4,105	$ 67,017	2%	9%
Ashe	$ 50,943		$ 55,244	8%	8%
Avery	$ 39,816		$ 49,238	24%	24%
Beaufort	$ 68,935		$ 74,894	9%	9%
Bertie	$ 54,162		$ 78,086	44%	44%
Brunswick	$ 77,448	$ 38,724	$ 55,269	-29%	43%
Buncombe*	$ 148,813	$ 74,407	$ 86,837	-42%	17%
Burke	$ 90,978		$ 97,437	7%	7%
Cabarrus	$ 115,231		$ 129,291	12%	12%
Caldwell	$ 87,841	$ 9,370	$ 84,368	-4%	8%
Carteret	$ 73,888		$ 79,407	7%	7%
Caswell (declined 2004)	$ 45,110		$ 61,582	37%	37%
Catawba*	$ 112,401		$ 121,595	8%	8%
Cherokee	$ 50,461		$ 54,785	9%	9%
Clay	$ 32,739		$ 38,965	19%	19%
Cleveland	$ 91,397		$ 103,694	13%	13%
Columbus	$ 75,103	$ 7,510	$ 74,513	-1%	10%
Craven	$ 99,370		$ 106,286	7%	7%
Cumberland*	$ 222,277		$ 237,400	7%	7%
Davidson*	$ 125,184		$ 134,370	7%	7%
Davie	$ 59,546	$ 29,773	$ 33,987	-43%	14%
Duplin	$ 68,814		$ 76,670	11%	11%
Durham*	$ 167,456		$ 180,607	8%	8%
Edgecombe	$ 75,311	$ 37,656	$ 43,913	-42%	17%
Forsyth*	$ 214,434	$ 107,217	$ 124,652	-42%	16%
Gaston*	$ 146,572		$ 157,801	8%	8%
Graham	$ 39,896		$ 43,360	9%	9%
Greene	$ 51,271	$ 14,773	$ 51,989	1%	42%
Guilford*	$ 261,986		$ 284,087	8%	8%
Halifax	$ 98,013		$ 104,293	6%	6%
Harnett	$ 85,246	$ 35,777	$ 66,771	-22%	35%
Haywood	$ 70,204	$ 35,102	$ 39,970	-43%	14%
Henderson	$ 84,245	$ 27,801	$ 65,951	-22%	17%
Hertford	$ 65,858		$ 91,634	39%	39%
Iredell	$ 121,929		$ 130,551	7%	7%
Jackson	$ 49,916		$ 56,453	13%	13%
Johnston	$ 97,240		$ 120,728	24%	24%
Jones	$ 42,123		$ 46,419	10%	10%
Lee (declined 2004)	$ 73,306		$ 79,780	9%	9%
Lenoir	$ 87,268		$ 97,680	12%	12%
Macon	$ 44,374		$ 55,061	24%	24%
Madison	$ 36,759		$ 48,184	31%	31%
Martin	$ 58,335		$ 64,137	10%	10%
McDowell	$ 57,930		$ 68,380	18%	18%

*Current funding includes a 2002 targeted cut for case management services. This cut is continued.

Proposed CJPP Funds Distribution

County/ Program	Current funding	Pretrial Funds (estimate)	Proposed Funding 05-06	% Difference from Current: Total Funds	% Difference from Current: Funds Spent on Sentenced Offenders
Mecklenburg*	$ 410,178		$ 445,804	9%	9%
Mitchell	$ 37,059		$ 50,908	37%	37%
Montgomery	$ 61,759	$ 9,167	$ 57,119	-8%	9%
Moore	$ 85,734	$ 30,458	$ 61,600	-28%	11%
Nash	$ 93,168		$ 99,858	7%	7%
New Hanover	$ 141,515	$ 70,758	$ 81,461	-42%	15%
Northampton	$ 55,455		$ 77,518	40%	40%
Onslow*	$ 137,778		$ 146,409	6%	6%
Orange-Chatham	$ 165,221	$ 82,611	$ 95,078	-42%	15%
Pamlico	$ 42,169		$ 57,985	38%	38%
Pender	$ 62,660	$ 8,616	$ 61,426	-2%	14%
Person (declined 2004)	$ 58,988		$ 64,697	10%	10%
Pitt	$ 121,792		$ 137,917	13%	13%
Polk	$ 37,940		$ 44,086	16%	16%
Randolph*	$ 108,227	$ 49,573	$ 67,674	-37%	15%
Richmond	$ 79,260		$ 85,997	8%	8%
Robeson	$ 131,517		$ 140,220	7%	7%
Rockingham	$ 98,169	$ 49,085	$ 56,502	-42%	15%
Rowan	$ 124,074	$ 62,037	$ 71,348	-42%	15%
Rutherford (annualized)	$ 76,112		$ 82,369	8%	8%
Sampson	$ 75,750		$ 82,065	8%	8%
Scotland-Hoke	$ 137,361		$ 149,156	9%	9%
Stanly	$ 72,127	$ 11,449	$ 65,726	-9%	8%
Stokes	$ 64,236	$ 31,821	$ 38,236	-40%	18%
Surry	$ 82,739	$ 40,986	$ 48,607	-41%	16%
Swain	$ 44,570		$ 48,056	8%	8%
Transylvania	$ 49,079		$ 53,071	8%	8%
Tyrrell	$ 43,405		$ 50,079	15%	15%
Union	$ 100,816		$ 116,675	16%	16%
Vance-Warren-Granville-Franklin*	$ 218,045		$ 240,580	10%	10%
Wake*	$ 342,915		$ 463,438	35%	35%
Washington	$ 45,380		$ 58,372	29%	29%
Watauga	$ 55,661		$ 64,152	15%	15%
Wayne*	$ 107,107		$ 115,949	8%	8%
Wilkes	$ 86,412	$ 39,518	$ 53,675	-38%	14%
Wilson	$ 82,257		$ 92,422	12%	12%
Yadkin	$ 56,270	$ 28,135	$ 35,880	-36%	28%
Yancey	$ 34,955		$ 47,994	37%	37%
	$ 8,153,130	$ 1,062,894	$ 8,153,134		

Range:

Total Funds: **-43% (Haywood, Davie) - +44% (Bertie) - 25 counties lose**

Funds for Sentenced Offenders only: **+6% (Onslow) - +76% (Albemarle) - no counties lose**

*Current funding includes a 2002 targeted cut for case management services. This cut is continued.

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

On June 1, 2005, the Appropriations Subcommittee on Justice and Public Safety met around the desk of Rep. Phil Haire. A quorum was present.

A committee substitute for HB 1392 –Handout #1 – A BILL TO BE ENTITLED AN ACT TO CREATE A FELONY OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS – was offered.

The committee gave a favorable report as to committee substitute Bill #2, which changes the title, unfavorable as to Committee Substitute Bill #1. Handout #2 – 2005 Permanent Subcommittee Report - House of Representatives.

Rep. Phil Haire
Committee Chair

Sara Jane Lennard
Committee Assistant

Handout #1

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 1392
Committee Substitute Favorable 5/19/05
PROPOSED COMMITTEE SUBSTITUTE H1392-PCS70507-RI-17

Short Title: Failure to Return Hired Motor Vehicles. (Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO CREATE A CLASS 1 MISDEMEANOR OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-167 reads as rewritten:

"**§ 14-167. Failure to return hired property.**

Any person who shall rent or hire, any horse, mule or other like animal, or any buggy, wagon, truck, automobile, or other vehicle, aircraft, motor, trailer, appliance, equipment, tool, or other thing of value, and who shall willfully fail to return the same to the possession of the person, firm or corporation from whom such property has been rented or hired at the expiration of the time for which such property has been rented or hired, shall be guilty of a Class 2 misdemeanor.

If the value of the truck, automobile, or other motor vehicle that is not returned is in excess of four thousand dollars ($4,000), the person who rented or hired it and failed to return it shall be guilty of a Class 1 misdemeanor."

SECTION 2. G.S. 14-168.3 reads as rewritten:

"**§ 14-168.3. Prima facie evidence of intent to convert property.**

It shall be prima facie evidence of intent to commit a crime as set forth in G.S. 14-167, 14-168, and 14-168.1 with respect to any property other than a truck, automobile, or other motor vehicle when one who has, by written instrument, leased or rented the personal property of another:

(1) Failed or refused to return such property to its owner after the lease, bailment, or rental agreement has expired,
   a. Within 10 days, and
   b. Within 48 hours after written demand for return thereof is personally served or given by registered mail delivered to the

last known address provided in such lease or rental agreement, or

(2) When the leasing or rental of such personal property is obtained by presentation of identification to the lessor or rentor thereof which is false, fictitious, or knowingly not current as to name, address, place of employment, or other identification."

SECTION 3. Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-168.5. Prima facie evidence of intent to convert a truck, automobile, or other motor vehicle; demand for return or payment.**

(a) Prima Facie Evidence. – It shall be prima facie evidence of intent to commit a crime as set forth in G.S. 14-167, 14-168, and 14-168.1 when one who has, by written instrument, leased or rented a truck, automobile, or other motor vehicle owned by another:

(1) Failed or refused to return the vehicle to the lessor or rentor at the place specified after the lease, bailment, or rental agreement has expired, within 72 hours after written demand for the vehicle is made in accordance with subsection (b) of this section; or

(2) When the leasing or rental of the vehicle is obtained by presentation of identification to the lessor or rentor of the vehicle which is false, fictitious, or knowingly not current as to name, address, place of employment, or other identification.

(b) Method of Demand; When Effective. –

(1) Demand for return of a leased or rented truck, automobile, or other motor vehicle may be made in one of three ways:

a. By personal service in accordance with Rule 4(j) of the North Carolina Rules of Civil Procedure.

b. By certified mail, return receipt requested, addressed to the last known address provided in the lease, bailment, or rental agreement.

c. By depositing the demand with a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) addressed to the last known address provided in the lease, bailment, or rental agreement.

(2) Demand is effective upon hand delivery to the last known address, three days after deposit by mail (even if the demand is returned as undeliverable), or upon delivery by a designated delivery service to the last known address."

SECTION 4. G.S. 20-102 reads as rewritten:

"**§ 20-102. Report of stolen and recovered motor vehicles.**

Every sheriff, chief of police, or peace officer upon receiving reliable information that any vehicle registered hereunder has been stolen shall ~~immediately~~ report such theft to the Division. Any said officer upon receiving information that any vehicle, which he

has previously reported as stolen, has been recovered, shall ~~immediately~~ report the fact of such recovery to the Division."

SECTION 5. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-102.2. Report of failure to return hired motor vehicles.**

Every sheriff, chief of police, or peace officer, upon receiving a vehicle theft report, warrant, or other reliable information that any rental, for-hire, or leased vehicle registered pursuant to this Chapter has not been returned as set forth in G.S. 14-167, shall report the failure to the National Crime Information Center. Any officer upon receiving information concerning the recovery of a vehicle that the officer previously reported as not having been returned shall report the recovery to the National Crime Information Center. The officer shall also attempt to notify the reporting party of the location and condition of the recovered vehicle by telephone, if the telephone number of the reporting party is available or readily accessible."

SECTION 6. This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.

Handout # 2

2005 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from standing committee(s) is/are presented:

By Representative(s) Haire, Kiser (Chairs) for the Appropriations Subcommittee on Justice and Public Safety.

☒Committee Substitute for
HB 1392 A BILL TO BE ENTITLED AN ACT TO CREATE A FELONY OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS.

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Representative Clary, Crawford, Earle, Nye, Owens, Sherrill (Chairs) for the Standing Committee on Appropriations.

s/ J. W. Crawford, Jr.

☒With a favorable report as to committee substitute bill #2, which changes the title, unfavorable as to Committee Substitute Bill #1.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415, Legislative Office Building
June 10, 2005, 8:40 a.m.

HOUSE MEMBERS PRESENT: (5) Representatives Phil Haire, Ron Sutton, Phillip Frye, Melanie Goodwin, and Earl Jones.

A Visitors Registration Sheet is attached and made part of these minutes.

Rep. Haire opened the meeting at 8:40 a.m. with the introduction of the Sgt.-At-Arms, Jim Womack and Fred Hines.

Rep. Haire then went over **Handout #1- Rules for House Appropriations Subcommittees** regarding the rules for making amendments. He further explained that there were three options to making amendments: 1-Today, before the House Appropriations Committee; 2- Before the Full Appropriations Committee; and 3-Before the House.

Mr. Jim Mills, Fiscal Staff, gave a brief overview of **Handout #2 – JPS Agency Budget Proposals,** and **Handout #3 – Money Report**

Mr. Doug Holbrook, Fiscal Staff, went over **Handout #3 - Money Report** – pages 1-4, clarifying certain aspects of the report to members. **Ms. Peg Dour, Conference Of District Attorneys,** pointed out that they had not asked for any judges in response to **Rep. Sutton's** question on Item # 11.

Ms. Chloe Gossage, Fiscal Staff, continued with pages 5 & 6 – Justice Department.

Fiscal Staff continued explanations of items eliminated from **Handout #3 – Money Report: Ms. Denise Thomas** – pg. 8 – Juvenile Justice & Delinquency Prevention; **Mr. Mills** – pg.9 – Youth Development Centers. **Rep. Sutton** asked for the Departments response to Item #36 from **Secretary George Sweat –Department of Juvenile Justice** who commented on the impact that the reduction in funding for Youth Development Center beds would have. Fiscal Staff continued through

The Committee took a break and reconvened at 10:05.

Fiscal Staff began going over **Handout #4 – Special Provisions.**

Rep. Haire then announced the requirements for any amendments offered to the final report.

Representatives from the various departments who were present were asked to comment, either negatively or positively, on **Handout #4 – Special Provisions.**

Amendment #1 – Special Provisions, page I-2, Item 11, (amendment attached). Amendment proposed by Rep. Sutton and Rep. Frye.
Amendment #2 – Special Provisions, perfecting amendment to page I-2, Item 11, (amendment attached) was made by Rep. Haire.
Rep. Sutton moved that the House concur in the changes and the motion passed.

Amendment #3 – Special Provisions, page 22, lines 1-17 (amendment attached) was made by Rep. Sutton.
It was moved that lines 1-17 be deleted. Rep. Sutton moved that the House concur in the changes and the motion passed.

Amendment #4 – Special Provisions, page 81 (amendment attached) was made by Rep. Sutton. He moved that the House concur in the changes and the motion passed.

With **Rep. Sutton** presiding, **Amendment #5** was made by **Rep. Haire – Payment of Court Costs, Fines, and Restitution By Probationers,** (amendment attached). Rep. Haire moved that the House concur in the changes and the motion passed.

Amendment #6 – Special Provisions – Rep. Haire - Statewide Automated Fingerprint System Replacement. (amendment attached). Rep. Haire moved that the House concur in the changes and the motion passed.

Amendment #7 - Special Provisions, page 51- rewriting lines 1-9,(amendment attached) was made by **Rep. Haire.** Rep. Haire moved that the House concur in the changes and the motion passed.

Rep. Sutton moved for favorable reports as amended to the Special Provisions.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Rep. Phil Haire
Presiding House Chair

Sara Jane Lennard
House Committee Clerk

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	April 6 8:30a.m.	April 7 8:30a.m.	June 1, 2005	May 11, 8:45a.m.	May 18 8:30a.m.	June 1	June 10, 8:45a.m.	July 12 8:30a.m.							
HOUSE															
Rep. Phil Haire, CHAIR	Cancelled - snow	✓		✓	✓		✓	✓							
Rep. Joe Kiser, CHAIR		✓			✓			✓							
Rep. Karen Ray, VICE CHAIR															
Rep. Ron Sutton, VICE CHAIR		✓		✓	✓		✓	✓							
Rep. Phillip Frye		✓		✓	✓		✓	✓							
Rep. Melanie Goodwin		✓		✓	✓		✓	✓							
Rep. Edward Jones		✓		✓	✓		✓	✓							
Rep. Carolyn Justus		✓		✓	✓			✓							
Rep. Paul Miller		✓			✓			✓							
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓													
Sen. John Snow, VICE- CHAIR	✓	✓													
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓													
Sen. Tom Apodaca	✓	✓													
Sen. Ellie Kinnaird	✓	✓													
Sen. Keith Presnell	✓	✓													
Sen. Tony Rand															

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415 Legislative Office Building

June 10, 2005 8:30 A.M.

I. CALL TO ORDER

Chairmen: Representative Phillip Haire, Presiding
Representative Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Review and Discussion of House JPS Budget

Subcommittee
Fiscal Research Staff

III. OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

APPROPRIATION

JUSTICE & PUBLIC SAFETY — 06-10-05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Janie Carmichael	CCPS
Robin Rodriguez	SBI
Lee Allen	SBI
[illegible]	[illegible]
Juanita Browne	Parole Commission
Melissa Lovell	NC DOJ
Kristy	NCDOT
NELS ROSELAND	NCDOJ
Gary McLeod	NCAGO
Brian Lewis	Covenant w/ NC's Children
Joanne McDaniel	DJJDP

VISITOR REGISTRATION SHEET

JPS — Name of Committee

06/10/05 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rex Whaley	AOC
Peg Dyer	Conference of D.A.'s
Ginny Hevener	Sentencing Comm.
T. C. Miller	T. C. Miller Co.
Charmaine Speer	CJPC
Chris Killian	Nelson Mullins (Durham County)
Cassandra Skinner	NCCCPS
Bennie Aiken	CCPS
B. E. [illegible]	CCPS
Theodis Beck	DOC
C Dowell	The Insider

VISITOR REGISTRATION SHEET

JPS — Name of Committee

06/10/05 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Linda Washington	DJJDP
Dwayne Patterson	"
Larry Dix	"
Donn Haygrove	"
George Sweet	"
SUSAN BROOKS	SENTENCING SERVICES / IDS
Tye Hunter	IDS
Dick Taylor	NCAA
Steve Shaber	Poyner & Spruill
Mildred Spearman	NCDOC
Dan Stinke	NC DOC

VISITOR REGISTRATION SHEET

JPS — Name of Committee

06/10/05 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gary Robertson	AP
Bill Rowe	NC Justice Ctr
[illegible]	[illegible]
[illegible]	[illegible]

Handout # 1

RULES FOR HOUSE APPROPRIATIONS SUBCOMMITTEES

June 10, 2005

When amendments are offered, the following rules must be met in order for the amendment to be eligible for consideration.

1. Amendments cannot increase total spending within the draft subcommittee report presented by the subcommittee chairs.

2. Amendments can only affect appropriations within the departments, agencies, or programs within the jurisdiction of the subcommittee.

3. Amendments cannot spend reversions.

4. Nonrecurring reductions cannot be used to fund recurring items.

Handout # 2

Justice and Public Safety Agency Budget Proposals
FY 2005-06

Agency	Authorized Budget FY 2004-05	FY 2005-06 Adjusted Recommended Continuation Budget	FY 2005-06 Governor's Recommended Budget	Senate 5/3/05 FY 2005-06 Recommended Budget	House 6/10/05 FY 2005-06 Recommended Budget	House Compared to Senate	House Compared to Governor
Correction	994,589,309	1,045,627,365	**1,046,529,365**	1,023,193,451	1,029,896,670	0.7%	-1.6%
Judicial-AOC	333,843,618	341,443,618	**346,993,618**	338,914,267	341,819,882	0.9%	-1.5%
Judicial- OIDS	83,188,190	96,688,190	**96,688,190**	90,879,188	93,067,185	2.4%	-3.7%
Justice	76,555,004	78,155,004	**78,654,233**	76,555,200	78,990,095	3.2%	0.4%
Juvenile Justice	137,157,825	139,857,825	**141,608,605**	135,174,503	141,010,329	4.3%	-0.4%
Crime Control	33,586,632	29,861,632	**31,483,632**	33,509,206	35,483,338	5.9%	12.7%
Total JPS	**1,658,920,578**	**1,731,633,634**	1,741,957,643	**1,698,225,815**	**1,720,267,499**	**1.3%**	**-1.2%**

Handout # 2

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

MONEY REPORT

JUNE 10, 2005

Judicial

	GENERAL FUND			
	FY 05-06		FY 06-07	
Recommended Budget	**$341,443,618**		**$345,243,618**	
Legislative Changes				
Appellate Courts				
1 Provide Travel Allowance To Appellate Judges House Effective January 1, 2006, provides that judges on the Supreme Court and Court of Appeals are eligible for a weekly travel allowance if they live more than 50 miles from Raleigh. The rate will be based on the business standard mileage rate adopted by the IRS in Rev. Proc. 93-51.	$62,505	R	$125,010	R
Equipment and Other Reserves				
2 Mecklenburg Telephone System Joint Appropriates $1.5 million non-recurring to equip the new Mecklenburg County Courthouse with a telephone system.	$1,500,000	NR		
3 Reduce Salary Reserve Joint Takes a recurring reduction to the AOC Salary Reserve Fund, which is generated by the difference between the budgeted salary for a position, and the lower amount paid for the position. This is an agency recommendation.	($500,000)	R	($500,000)	R
4 Reduce Pay Plan and Longevity Reserves Revised Takes a reduction in the reserve accounts which support judicial pay plans and the judicial longevity. This cut is possible due to recent turnover which brings down the number of positions eligible for these benefits. This is an agency recommendation. Senate - $1,000,000	($933,897)	R	($933,897)	R
Family Court				
5 Reduce Family Court Program Revised Reduces appropriation to Family Court program by $155,000. Eliminates one position in the central office ($80,000)and one secretarial position in District 26 ($40,000), and takes a $35,000 reduction in operating line items. Additionally, appropriates $175,000 NR to begin a Family Court Program in Judicial District 10, Wake County. Senate - $492,994 - 800 No Expansion	($155,000) $175,000 -2.00	R NR	($155,000) -2.00	R
Judicial Standards				
6 Expand Judicial Standards Commission Staff House Provides two additional positions to staff the Judicial Standards Commission, which handles complaints against judges.	$168,174 $15,655 2.00	R NR	$168,174 2.00	R

	FY 05-06		FY 06-07	
Superior Court				
7 Create Mecklenburg Business Court House Establishes a Business Court site in Mecklenburg County similar to the one currently operating in Guilford County.	$76,000 $149,000 2.00	R NR	$126,194 2.00	R
Systemwide				
8 Create New Judicial District Revised Provides funding to split Judicial District 20. Superior Court District 20A (Anson and Richmond) and 20B (Stanly and Union) will be reconfigured with Stanly moving into 20A, leaving Union alone as 20B, effective December 1, 2005. District Court District 20 currently includes all four counties, but will align with the Superior Court Districts effective December 1, 2005.	$81,802 2.00	R	$66,237 2.00	R
Senate +$148,039 +4 pos				
9 Establish Receipt-Supported Positions House The Administrative Office of the Courts has received grants to create the following time-limited positions. These positions will expire when their grant funding runs out.				

Position	Salary
Assistant District Attorney (7 pos)	$328,114
Victim Witness Legal Assistant (2 pos)	$57,000
DA Investigator	$35,000
Case Manager (2 pos)	$72,000
Drug Court Coordinator	$36,000

Trial Courts				
10 Eliminate Superior Court Judges Travel House Eliminates $7,000 annual travel allowance to Superior Court Judges. Judges currently receive this benefit, payable monthly, regardless of days traveled during a month, and they also still receive mileage compensation. Recent district restructuring has resulted in a reduction in need for judges to travel.	($742,000)	R	($742,000)	R
11 New Judicial Positions House Provides funds for two new District Court Judges, three new assistant district attorneys, and five new deputy clerks for Judicial District 14, Durham County. Additionally, this item provides $70,000 to sustain the district's youth drug court program. Most positions become effective October 1, 2005, except for one District Court Judge, which becomes effective on January 1, 2007, following the 2006 general election. This item also provides $39,117 R and $4,661 NR for a new Assistant District Attorney in District 2 for Hyde County, effective January 1, 2006.	$437,207 $41,818 10.00	R NR	$673,439 $10,508 11.00	R NR

	FY 05-06		FY 06-07	
Total Legislative Changes	**($1,505,209)**	**R**	**($1,171,843)**	**R**
	$1,881,473	**NR**	**$10,508**	**NR**
Total Position Changes	14.00		15.00	
Revised Budget	**$341,819,882**		**$344,082,283**	

Dropped: Reduce Drug Treatment Court Funding

Reduce Dispute Settlement Centers Pass-through

Reduce 1.03 million Equip - Reserve aoc

Judicial - Indigent Defense

	GENERAL FUND			
	FY 05-06		FY 06-07	
Recommended Budget	**$96,688,190**		**$91,688,190**	
Legislative Changes				
Aid to Non-State Entities				
12 Reduce Grant-in-Aid to State Bar Joint Reduces the funding passed through to the State Bar to support the Center for Death Penalty Litigation by 15%.	($88,500)	R	($88,500)	R
Attorney Fee Fund				
13 Reduce Indigent Persons Attorney Fee Fund Revised Takes a recurring reduction to the Indigent Persons Attorney Fee Fund's continuation growth. Senate -$2940,217	($1,032,505)	R	($1,095,010)	R
Sentencing Services				
14 Reduce and Restructure Sentencing Services Program Revised Reduces current appropriation to Sentencing Services program from $3.68 million to $1.18 million. This appropriation will be placed in an account to pay for plans authorized by Superior Court Judges. A defense attorney must petition the judge to authorize a plan, and if the judge so decides, this signed petition will be sent to the Office of Indigent Defense Services to pay for a plan from an authorized plan provider. The provider will submit an itemized accounting of hours required; the provider will be paid up to $1,000 to provide the plan to the sentencing judge. The Corrections section of this budget appropriates funds to the Division of Community Corrections for ten probation officers whose dedicated responsibility will be to provide pre-sentence investigations to judges to fill in any gaps left by this reduction. Senate -$3.68m.	($2,500,000) -17.50	R	($2,500,000) -17.50	
Total Legislative Changes	**($3,621,005)**	R	**($3,683,510)**	R
Total Position Changes	-17.50		-17.50	
Revised Budget	**$93,067,185**		**$88,004,680**	

Justice

	GENERAL FUND			
	FY 05-06		FY 06-07	
Recommended Budget	**$78,155,004**		**$78,855,004**	
Legislative Changes				
15 NC Legal Education Assistance Foundation HOUSE Provides $300,000 in non-recurring funds to NC LEAF.	$300,000	NR		
Criminal Justice Training & Standards				
16 Budget Over-realized Receipts JOINT Reduce the budget to offset increased receipts, based on revenue collections in FY 2003-04.	($50,000)	R	($50,000)	R
17 Reduce Over-budgeted Worker's Compensation JOINT The budget for worker's compensation is reduced due to a decrease in projected need.	($46,587)	R	($46,587)	R
Department-wide				
18 Reduce Travel Line Items JOINT Reduce travel line items to actual 2003-04 expenditures.	($58,589)	R	($58,589)	R
19 Eliminate vacant positions JOINT Eliminate five vacant positions in the Department: 3613-0000-0004-210 (Comp. Supp. Tech I) 3613-0000-0002-029 (Comp. Supp. Tech I) 3613-0000-0003-999 (Proc. Asst. V) 3613-0000-0004-231 (Proc. Asst. V) 3612-0000-0000-867 (Volunteer Services Coordinator)	($198,940) -5.00	R	($198,940) -5.00	R
20 Reduce Contractual Line Item HOUSE Line item 532140, Information Technology contracts, is reduced.	($39,571)	R	($50,000)	R
Law Enforcement - SBI				
21 Reduce Vehicle Replacement Increase REVISED Elimination of the recurring increase for vehicle replacement recommended in the Governor's continuation budget in 2005-06, and a reduction to the recommended increase in 2006-07. This leaves a budget of approximately $1.1 million in 2005-06 and $1.2 million in 2006-07.	($157,840) ($103,264)	R NR	($157,840)	R

Senate = ($261,104) NR

	FY 05-06		FY 06-07	
22 Reduce SBI Increase for Equipment JOINT Reduce the increase for equipment recommended in the Governor's continuation budget by 50 percent. The Department may use federal asset forfeiture funds to purchase additional equipment.	($115,368)	R	($115,368)	R
23 Budget Increased Receipts From DCI-PIN Fee JOINT Budget anticipated receipts from an increase in the monthly fee for access to the Division of Criminal Information - Police Information Network (DCI-PIN) from $6 to $12 for mobile data terminals, effective January 1, 2006.	($325,548)	R	($651,096)	R
24 Reduce Over-budgeted Longevity JOINT The longevity budget is reduced due to a decrease in projected longevity payments.	($136,828)	R	($136,828)	R
25 Expand Methamphetamine Response Team HOUSE Provides six sworn forensic drug chemists, two non-sworn drug technicians, four SBI Field Agents, one Special Agent Supervisor, and related supplies, equipment, and training to respond to clandestine methamphetamine labs and perform drug analyses. Positions are effective January 1, 2006.	$407,365 $429,305 13.00	R NR	$748,144 13.00	R
26 Expand Computer Crimes Section HOUSE Four Computer Crimes Agents/Criminal Specialists and three Forensic Computer Analysts are added to the SBI. Computer Crimes Agents will partner with the FBI National Internet Crimes Against Children Task Force and will work primarily on child exploitation and sexual predator cases. Positions are effective January 1, 2006.	$273,054 $210,258 7.00	R NR	$443,955 7.00	R
27 Expand Utilization of DNA Evidence HOUSE Provides funding to expand the SBI Crime Lab's ability to effectively process DNA evidence. Funding for 7 non-sworn positions - 6 Geneticists and 1 Evidence Technician - and related travel, equipment and supplies. Budgets anticipated federal grant funds of $658,117 in FY 2005-06 and $62,611 in FY 2006-07. Positions are effective January 1, 2006. Provides $250,000 in additional one-time funds to expedite the processing of backlogged rape kits and other forensic DNA analysis. Funds shall be used to outsource the analysis of DNA evidence in non-suspect cases.	$197,644 $250,000 7.00	R NR	$478,221 7.00	R

Legal Services

28 Establish Receipt-Supported Position HOUSE The Department may establish one receipt-supported Attorney III position to provide legal assistance to the Retirement Systems Division of the NC Treasurer's Office. Salary for the position is $75,000; salary and benefits total $88,531. Salary, benefits, and related expenditures will be funded by the Treasurer's Office as provided in the cooperative agreement between the two agencies.				

House Subcommittee on Justice and Public Safety	FY 05-06		FY 06-07	
Total Legislative Changes	**($251,208)**	**R**	**$205,072**	**R**
	$1,086,299	**NR**		
Total Position Changes	22.00		22.00	
Revised Budget	**$78,990,095**		**$79,060,076**	

Juvenile Justice & Delinquency Prevention

GENERAL FUND

	FY 05-06		FY 06-07	
Recommended Budget	**$139,857,825**		**$140,157,825**	
Legislative Changes				
Department-wide				
29 Reduce Non-salary Line Items JOINT Reduce the budget for data processing supplies and pc/printer equipment replacement	($158,614)	R	($158,614)	R
30 Reduce Travel Budget JOINT Reduce the continuation budget increase for employee travel.	($63,882)	R	($63,882)	R
31 Budget Prior Year Receipts JOINT Increase the amount budgeted for prior year receipts to approximate the actual amount realized in recent fiscal years.	($300,000)	NR		
Detention Centers				
32 Budget Over-Realized Detention Receipts HOUSE DJJDP states that receipts for the local share of detention costs will not decline at the rate anticipated. DJJDP states that receipts will be $1 million more than projected in the 2005-07 continuation budget. This allows for a reduction of the same amount in the General Fund.	($1,000,000)	R	($1,000,000)	R
Intervention/Prevention				
33 Juvenile Crime Prevention Councils HOUSE Funds are provided to expand Alternatives to Commitment Demonstration Projects. These funds shall be awarded on a competitive basis to county JCPCs to provide alternative, community-based diversion and dispositional programs for juveniles who would otherwise be committed to youth development centers.	$250,000	R	$250,000	R
34 JCPC Funds for Gang Prevention HOUSE $3,000,000 NR is provided to be awarded on a competitive basis to JCPCs for gang prevention programs throughout the state.	$3,000,000	NR		

Special Initiatives

35 Eckerd Wilderness Camps REVISED — $1,000,000 R — $1,000,000 R

$1,000,000 R is provided for the Eckerd Wilderness contract as follows:

SEN $500,000 R $500,000

1) The Education Appropriation Subcommittee's FY 2005-07 budget includes a provision that directs DPI to transfer $600,000 to DJJDP for the education of juveniles who are referred to Eckerd from local school systems only. As a result, DPI will no longer pay Eckerd for the education of juveniles referred by DJJDP, the court system, the Division of Mental Health, or the Division of Social Services. This will reduce DPI payments for Eckerd's educational services by about $1 million. Therefore, $500,000 R is provided to partially restore the $750,000 R reduction taken in the 2004 DJJDP budget in anticipation of payments from DPI for all juveniles admitted to Eckerd Camps.

2) An additional $500,000 R is provided to increase the Eckerd contract from 322 beds to 336 beds.

36 Project Challenge HOUSE — $30,000 R — $30,000 R

Funding for Project Challenge is increased to restore a NR reduction in FY 2002 which was erroneously retained in the continuation budget for 2003-05 and 2005 -07.

Youth Development Centers

37 Reduce Funding for YDC Beds REVISED — ($1,855,000) R — ($1,855,000) R

-46.00 — -46.00

The funding for Youth Development Centers is over $44 million dollars. This funding level is based on operating over 600 beds. Average daily population in 2004 was 485. DJJDP currently has 539 beds open. This action reduces funding by approximately 4%. In implementing this reduction, DJJDP shall not close any YDC's and shall implement the reduction throughout the YDC system, including positions and YDC non-salary line items.

SEN (3,230,000) — (3,230,000)

-82.0 — -82.0

38 Expand Treatment Staffing Model HOUSE — $250,000 R — $250,000 R

Provides funds for training, and reclassification of staff once training is completed, in order to expand treatment positions in the YDC's.

Total Legislative Changes	**($1,547,496)**	**R**	**($1,547,496)** **R**
	$2,700,000	**NR**	
Total Position Changes	-46.00		-46.00
Revised Budget	**$141,010,329**		**$138,610,329**

Dem DROPPED FROM SENATE BUDGET

① JCPC - 5% reduction ($1,187,326) ($1,187,326)

Juvenile Justice & Delinquency Prevention

② Eliminate Project PRIDE funds ($140,000) ($140,000)

Correction

	GENERAL FUND			
	FY 05-06		FY 06-07	
Recommended Budget	**$1,045,627,365**		**$1,060,627,365**	
Legislative Changes				
Central Administration	JOINT			
39 Travel	($264,022)	R	($264,022)	R
Eliminate continuation increase in travel for DOC central administration.				
40 Safety Positions	HOUSE			
	$157,000	R	$241,851	R
Establish five safety positions including one Safety Officer II, one Safety Officer I, an Industrial Hygienist position, an Occupational Health Nurse and a Processing Assistant IV. Positions are effective November 1, 2005.	$35,000	NR		
	5.00		5.00	
41 IT Security Equipment	HOUSE			
One-time funding to improve the Information technology infrastructure by funding security software and security-related computer equipment.	$105,000	NR		
42 Medical Audit and Analysis Positions	HOUSE			
	$75,478	R	$102,581	R
Funding for one Reimbursement Officer (Field Auditor) and one Accountant II position. The two positions will be assigned to the DOC Controller's Office to do field audits of medical services and billing and to develop reports matching bills with contract rates and services. These two positions will be effective October 1, 2005.	$8,567	NR		
	2.00		2.00	
Community Corrections				
43 Reduce Miscellaneous Contract Line Item	JOINT			
	($90,000)	R	($90,000)	R
Reduce line item. This will leave funds in excess of 2003-04 actual expenditures, to be used for risk assessments and other needs.				
44 Reduce Probation/Parole Officer I Positions	REVISED			
	($670,437)	R	($670,437)	R
Eliminate 15 vacant Probation/Parole Officer I positions. Caseloads for these positions have been increased from 90:1 to 110:1, leaving 59 positions that are not necessary to meet caseload goals. DCC shall reallocate up to 10 positions for paraprofessionals to provide pre-sentence investigation plans at the request of the Courts. DCC may reallocate the remaining positions for trainers, supervising officers, and other positions as needed.	-15.00		-15.00	
	Senate = ($1,117,400)R		-25.00	

House Subcommittee on Justice and Public Safety

	FY 05-06		FY 06-07	
45 Reduce Increase for CJPP REVISED Eliminate the increase in the Governor's recommended continuation budget. No more than 25 percent of a county's funds shall be used for pre-trial release programs. No county will receive less than 99 percent or more than 120 percent of its FY 2004-05 allocation. No funds will be allocated to counties that did not participate in the program in 2004-05. House changed snappy only	($1,000,000)	R	($1,000,000)	R
Department Wide				
46 Computer Equipment REVISED Reduce PC/Printer line item budget to more closely reflect 2003-04 actual expenditures. SEN = ($43,839)	($700,000)	R	($700,000)	R
47 Reduce Overtime Budget JOINT Eliminate the recommended continuation budget increase in overtime pay.	($1,244,184)	R	($1,244,184)	R
Post-Release Supervision & Parole Commission				
48 Eliminate Vacant Positions JOINT Eliminate two vacant case analyst positions.	($94,642) -2.00	R	($94,642) -2.00	R
49 Restructure Parole Commission JOINT Reduce two of the three Commissioner positions from full-time to half-time positions. The Chair will remain a full-time position.	($102,662) -1.00	R	($102,662) -1.00	R
Prisons				
50 Carpentry/Hardware Supplies JOINT Reduce this line item by 10%	($500,000)	R	($500,000)	R
51 Inmate Work Release Charges JOINT The amount inmates pay towards the administration of the work release program is $16 a day in per diem and $2.50 a day for transportation. This increases per diem to $18 and transportation to $3	($536,000)	R	($536,000)	R
52 Inmate Medical -- Physician Charges JOINT This reduction assumes that fees charged by outside providers (physicians and physician specialists) for inmate medical will be tied to State Health Plan reimbursement rates and that DOC will continue efforts to regionalize medical services	($1,750,000)	R	($1,750,000)	R
53 Inmate Medical -- Hospital Charges REVISED This reduction assumes that fees charged by hospitals for inpatient and outpatient services for DOC inmates will be tied to State Health Plan reimbursement rates and that DOC will continue efforts to regionalize medical services. SEN. = ($3,250,000)	($2,250,000)	R	($2,250,000)	R

	FY 05-06		FY 06-07	
54 Delay Maury Correctional Center Positions REVISED Maury Correctional center is due to open November 05; the inmate occupancy date is April 06. Positions are established on a rolling schedule from August 05 to November 05; this action pushes back the establishment of each position two months but is not intended to delay the opening of the prison.	($2,124,055)	NR	SEN = ($1,061,088) 1 mo.	
55 Delay Maury Regional Medical Positions JOINT DOC included funding for a regional medical program at Maury Correctional Center in its continuation budget. Based on the length of time for startup of a similar facility at Alexander Correctional Center, it is believed position establishment can be delayed until June of 05-06	($1,415,623)	NR		
56 Delay Bertie Positions REVISED Construction of Bertie Correctional center is due to be completed in February, 2006; the inmate occupancy date is July 2006.Positions are established on a rolling schedule from September 05 to February 06. This action pushes back the establishment of each position two months but is not intended to delay the opening of the prison.	($2,322,344)	NR	SEN = ($1,155,007)	
57 Reduce line items in Maury and Bertie budgets JOINT Reduce non-security line items by 10% at each prison (equipment, supplies etc)	($207,455)	R	($207,455)	R
58 Maury and Bertie Salary Reserve JOINT Eliminate salary reserve line item in new prisons. DOC can use department-wide salary reserve for position reallocation needs at Maury and Bertie.	($731,120)	R	($731,120)	R
59 Holiday Pay JOINT Reduce the continuation budget for holiday pay from 1.75 times regular pay to 1.5, the same holiday pay rate that other eligible state employees receive. DOC may use available funds to offset this reduction.	($1,340,000)	R	($1,340,000)	R
60 Reduce Unit Management Function in Prisons REVISED DOC uses unit management positions at eighteen prisons to assist security and program staff with the day to day operation of housing units. This action eliminates five vacant positions.	($176,473) -5.00	R	($176,473) -5.00	R
	SEN = ($1,058,835) -30			
61 Fund New Security Positions HOUSE The DOC conducted a system-wide staffing study mandated by the General Assembly to determine custody staffing needs at each prison. The first phase of the study recommends a net increase of 42 positions system-wide. This actions funds 35 of these positions. Positions are established October 1, 2005	$845,135 35.00	R	$1,135,120 35.00	R

	FY 05-06		FY 06-07	
62 Domestic Violence Offender Treatment HOUSE	$328,444	R	$393,988	R
The 2004 General Assembly mandated the establishment of an intervention program for domestic violence offenders sentenced to prison. These funds establish programs in four prisons, three male and one female facility, with two case managers per prison. Positions are established September 1, 2005.	$98,752	NR		
	8.00		8.00	
63 Inmate Medical Positions HOUSE	$114,546	R	$161,076	R
Establish six medical records clerks (Prison Health Services). The records clerks will assist in data entry and review of medical claims. These positions are effective November 1, 2005.	$20,400	NR		
	6.00		6.00	
Total Legislative Changes	**($10,136,392)**	R	**($9,622,379)**	R
	($5,594,303)	NR		
Total Position Changes	33.00		33.00	
Revised Budget	**$1,029,896,670**		**$1,051,004,986**	

DROPPED FROM SENATE BUDGET REDUCTIONS FOR

- OFFICE EQPT - DCC
- Close UNION, Gates, Haywood
- Convert Cleveland to MINIMUM
- PARTIAL REIMB - Inmate Labor
- INCREASE IN Inmate Med Co-Pay

Crime Control and Public Safety

GENERAL FUND

	FY 05-06		FY 06-07	
Recommended Budget	**$29,861,632**		**$29,961,632**	
Legislative Changes				
Administration				
64 State/Local Redevelopment Liaison JOINT Eliminate the State/Local Redevelopment Liaison Position (4910-2000-0001-212). The function of this position duplicates that of the staff in the Division of Community Assistance (DCA) at the Department of Commerce. DCA assists local governments across the state with community development, housing, economic development, and revitalization. In addition, the Institute of Government at UNC-CH provides community and economic development assistance to county and local governments.	($90,294) -1.00	R	($90,294) -1.00	R
Alcohol Law Enforcement				
65 Leased Space JOINT Reduce the continuation budget for leases to correct an erroneous increase.	($120,000)	R	($120,000)	R
Department-wide				
66 Increase Budgeted Receipts JOINT Increase the amount budgeted for receipts to approximate actual amounts realized in recent years.	($290,000)	NR		
National Guard				
67 National Guard Pension Fund JOINT Provide $4,500,000 for the NC National Guard Pension Fund. Effective July 1, 2005, these funds will be used to increase the monthly pension benefit payment to current and future retirees from a maximum of $100 to a maximum of $150.	$4,500,000	R	$4,500,000	R
68 Staffing for New Fort Bragg Facility HOUSE Funding is provided for 4 new positions, effective October 1, 2005, for the new $21 million NC National Guard training facility: 1) Facility Maintenance Manager (PG66) 2) Maintenance Mechanic II (PG62) 3) Groundskeeper (PG56) 4) Housekeeper (PG50)	$122,000 4.00	R	$133,313 4.00	R

	FY 05-06		FY 06-07	
69 Tuition Assistance Program HOUSE Funds are provided to increase the continuation budget for the National Guard Tuition Assistance Program to $2,314,288. This will allow the program to address the anticipated increase in requests for tuition assistance as deployed NC National Guard members begin returning from Afghanistan and Iraq.	$500,000	R	$500,000	R
State Highway Patrol				
70 VIPER JOINT Funding is provided from the Highway Fund for the Voice Interoperable Communications Plan for Emergency Responders (VIPER) system as follows: 1 position: Network Control Tech I, $51,087 R Equipment Purchases: $8,000,000 NR	$0	R	$0	R
71 Additional Trooper Positions JOINT Highway Fund monies are provided to increase the number of State Trooper positions. $197,495 is provided to add two positions in FY 2005-06. That amount is increased to $308,431 in FY 2006-07 to add two additional positions for a total of 4 new troopers positions for the biennium.	$0	R	$0	R
72 MCE Receipt-supported Position HOUSE Establish one position, using federal receipts, in the Motor Carrier Enforcement Section (MCE) to conduct motor carrier safety audits. The total annual salary and benefit costs for this position shall not exceed $54,003. Administrative Officer I (PG67)	$0	R	$0	R
73 Motor Carrier Positions Upgrade REVISED Governor's Recommendation: Highway Funds are provided to train 243 Motor Carrier Enforcement Officers (formerly DMV Enforcement Officers) to get them to the same level of arrest authority and pay as their trooper counterparts: FY 2005-06: $2,209,291 R FY 2006-07: $3,797,916 R SENATE 1,561,889 R $1,639,984 R convert 149 officers	$0	R	$0	R
Victim and Justice Services				
74 Crime Victims Compensation HOUSE $1,000,000 R is provided to pay crime victims' compensation claims. This amount will increase the general fund continuation budget for victims compensation payments from $3,700,000 to $4,700,000. The expansion will increase federal VOCA receipts, which provide a 60% match to state victims compensation payments, by $600,000.	$1,000,000	R	$1,000,000	R

	FY 05-06		FY 06-07	
Total Legislative Changes	**$5,911,706**	**R**	**$5,923,019**	**R**
	($290,000)	**NR**		
Total Position Changes	3.00		3.00	
Revised Budget	**$35,483,338**		**$35,884,651**	

DROPPED FROM SENATE

Non-salary Line Item Reduction ($352,132) R ($352,132) R

Handout #4
June 10

HOUSE APPROPRIATIONS
JUSTICE AND PUBLIC SAFETY
SUBCOMMITTEE

SPECIAL PROVISIONS

JUNE 10, 2005

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

/

DRAFT
SPECIAL PROVISION

2005-AOC-H6(S14.1)i

Administrative Office of the Courts Joint
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

ESTABLISH CONFERENCE OF CLERKS OF SUPERIOR COURT

SECTION 14.1.(a) Chapter 7A of the General Statutes is amended by adding a new Subchapter to read:

"SUBCHAPTER XV. CONFERENCE OF CLERKS OF SUPERIOR COURT.

"Article 63.

"Conference of Clerks of Superior Court.

"**§ 7A-805. Establishment and purpose.**

There is created the Conference of Clerks of Superior Court of North Carolina, of which each clerk of superior court is a member. The purpose of the Conference is to assist in improving the administration of justice in North Carolina by coordinating the efforts of the various clerks of superior court, by assisting them in the administration of their offices, and by exercising the powers and performing the duties provided for in this Article.

"**§ 7A-806. Annual meetings; organization; election of officers.**

(a) Annual Meetings. – The Conference shall meet each summer and winter at a time and place selected by the President of the Conference.

(b) Election of Officers. – Officers of the Conference are a President, two Vice Presidents, a Secretary, a Treasurer, and other officers from among its membership that the Conference may designate in its bylaws. Officers are elected for one-year terms at the annual summer conference and take office on July 1 immediately following their election.

(c) Executive Committee. – The Executive Committee of the Conference consists of the President, the two Vice Presidents, the Secretary, the Treasurer, and seven other members of the Conference. One of these seven members shall be the immediate past president if there is one and that past president continues to be a member.

(d) Organization and Functioning; Bylaws. – The bylaws may provide for the organization and functioning of the Conference, including the powers and duties of its officers and committees. The bylaws shall state the number of members required to constitute a quorum at any meeting of the Conference or the Executive Committee. The bylaws shall set out the procedure for amending the bylaws.

(e) Calling Meetings; Duty to Attend. – The President or the Executive Committee may call a meeting of the Conference upon 10 days' notice to the members, except upon written waiver of notice signed by at least three-fourths of the members. A member should attend each meeting of the Conference and the Executive Committee of which he is given notice. Members are entitled to reimbursement for travel and subsistence expenses at the rate applicable to State employees.

"§ 7A-807. Powers of Conference.

(a) The Conference may:

(1) Cooperate with citizens and other public and private agencies to promote the effective administration of justice.

(2) Develop advisory manuals to assist in the organization and administration of their offices, case management, calendaring, case tracking, filing, and office procedures.

(3) Work with the cooperation of the Administrative Office of the Courts and the Institute of Government of the School of Government at UNC-Chapel Hill to provide education and training programs for clerks and staff.

(b) The Conference may not adopt rules pursuant to Chapter 150B of the General Statutes.

"§ 7A-808. Executive secretary; clerical support.

The Conference may employ an executive secretary and any necessary supporting staff to assist it in carrying out its duties."

SECTION 14.1.(b) The organizational meeting of the Conference of Clerks of Superior Court shall be convened by the Director of the Administrative Office of the Courts as soon as feasible. Officers elected at that organizational meeting shall serve until their successors take office July 1, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

3

DRAFT
SPECIAL PROVISION

2005-AOC-H17(S14.2)

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire** Revised

DIVIDE DISTRICT COURT DISTRICT 20 INTO 20A AND 20B AND REALIGN SUPERIOR COURT DISTRICTS 20A AND 20B

SECTION 14.2.(a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones,	1
		Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender see subsection (b))	1
	5C	(part of New Hanover, see subsection (b))	1
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson,	1

			part of Edgecombe, see subsection (b))	
Second	8A		Lenoir and Greene	1
Second	8B		Wayne	1
Third	9		Franklin, Granville, Vance, Warren	2
Third	9A		Person, Caswell	1
Third	10A		(part of Wake, see subsection (b))	2
Third	10B		(part of Wake, see subsection (b))	2
Third	10C		(part of Wake, see subsection (b))	1
Third	10D		(part of Wake, see subsection (b))	1
Fourth	11A		Harnett, Lee	1
Fourth	11B		Johnston	1
Fourth	12A		(part of Cumberland, see subsection (b))	1
Fourth	12B		(part of Cumberland, see subsection (b))	1
Fourth	12C		(part of Cumberland, see subsection (b))	2
Fourth	13		Bladen, Brunswick, Columbus	2
Third	14A		(part of Durham, see subsection (b))	1
Third	14B		(part of Durham, see subsection (b))	3
Third	15A		Alamance	2
Third	15B		Orange, Chatham	2
Fourth	16A		Scotland, Hoke	1
Fourth	16B		Robeson	2
Fifth	17A		Rockingham	2
Fifth	17B		Stokes, Surry	2
Fifth	18A		(part of Guilford, see subsection (b))	1
Fifth	18B		(part of Guilford, see subsection (b))	1
Fifth	18C		(part of Guilford, see subsection (b))	1
Fifth	18D		(part of Guilford, see subsection (b))	1
Fifth	18E		(part of Guilford, see subsection (b))	1
Sixth	19A		Cabarrus	1

Fifth	19B	Montgomery, Randolph	1
Sixth	19C	Rowan	1
Fifth	19D	Moore	1
Sixth	20A	Anson, Richmond ~~Richmond~~ Stanly	~~1~~ 2
Sixth	20B	~~Stanly,~~ Union	~~2~~ 1
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22	Alexander, Davidson, Davie, Iredell	3
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	2
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2
Eighth	28	Buncombe	2
Eighth	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1."

SECTION 14.2.(b) The superior court judgeship established for District 20A by subsection (a) of this section shall be filled by the judge currently serving District 20B who resides in Stanly County. That judge's current term expires on December 31, 2006. No election shall be held in 2006 for that judge's seat, and that judge shall serve until a successor is elected in the 2008 general election, in order to provide for unstaggered terms for multiple judgeships in the same district.

SECTION 14.2.(c) G.S. 7A-133(a) reads as rewritten:

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

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	8	Sampson
		Duplin
		Jones
		Onslow
5	8	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	2	Warren
		(part of Vance
		see subsection (b))
10	15	Wake
11	8	Harnett
		Johnston
		Lee

12	9	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	6	Durham
15A	4	Alamance
15B	4	Orange
		Chatham
16A	3	Scotland
		Hoke
16B	5	Robeson
17A	2	Rockingham
17B	4	Stokes
		Surry
18	12	Guilford
19A	4	Cabarrus
19B	6	Montgomery
		Moore
		Randolph
19C	4	Rowan
~~20~~ 20A	~~7~~ 4	Stanly
		~~Union~~
		Anson
		Richmond
20B	3	Union
21	9	Forsyth
22	9	Alexander
		Davidson
		Davie
		Iredell
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	8	Burke
		Caldwell
		Catawba
26	17	Mecklenburg
27A	6	Gaston
27B	4	Cleveland
		Lincoln

28	6	Buncombe
29	7	Henderson
		McDowell
		Polk
		Rutherford
		Transylvania
30	5	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

SECTION 14.2.(d) The four district court judgeships established for District 20A by subsection (c) of this section shall be filled by the district court judges from current District 20 who reside in Anson, Stanly, and Richmond Counties. The term of the judge living in Anson County expires the first Monday in December 2008. That judge's successor shall be elected in the 2008 election. The term of the judge living in Stanly County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 election. The term of one of the judges living in Richmond County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 election. The term of the other judge living in Richmond County expires the first Monday in December 2008. That judge's successor shall be elected in the 2008 election.

SECTION 14.2.(e) The three district court judgeships established for District 20B by subsection (c) of this section shall be filled by the district court judges from current District 20 who reside in Union County. The terms of the three judges living in Union County expire the first Monday in December 2008. Those judges' successors shall be elected in the 2008 election.

SECTION 14.2.(f) Subsections (a) and (b) of this section become effective December 1, 2005, or the date upon which subsection (a) of this section is approved under section 5 of the Voting Rights Act of 1965, whichever is later. Subsections (c) through (e) of this section become effective December 1, 2005, or the date upon which subsection (c) of this section is approved under section 5 of the Voting Rights Act of 1965, whichever is later.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

DRAFT
SPECIAL PROVISION

2005-AOC-H7(S14.3)

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

Revised

COLLECTION OF WORTHLESS CHECK FUNDS

SECTION 14.3. Notwithstanding the provisions of G.S. 7A-308(c), the Judicial Department may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2005, for the purchase or repair of office or information technology equipment during the 2005-2006 fiscal year. Prior to using any funds under this section, the Judicial Department shall report to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the equipment to be purchased or repaired and the reasons for the purchases.

GENERAL ASSEMBLY OF NORTH CAROLINA

10

SESSION 2005

DRAFT
SPECIAL PROVISION

2005-AOC-H8(S14.4)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

Joint

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

SECTION 14.4. Funds appropriated to the Judicial Department in the 2005-2007 biennium for equipment and supplies shall be certified in a reserve account. The Administrative Office of the Courts may 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

11

DRAFT
SPECIAL PROVISION

2005-AOC-H9(S14.5)

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

Revised

STUDY ELECTRONIC PAYMENT

SECTION 14.5. The Judicial Department shall study the feasibility of implementing electronic and online payment options for court fees and other funds collected by the courts. The study shall address the estimated costs and time frame for implementing electronic payment as well as any necessary legislative changes. The report shall specifically evaluate the feasibility and cost of requiring all court-ordered payments to be entered into the Department's financial management system, and shall provide options for insuring that this data is entered, including information systems enhancements that will allow fields to be automatically populated from the court information system into the financial management system. The Judicial Department shall report its findings as a result of the study to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by May 1, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

12

DRAFT
SPECIAL PROVISION

2005-AOC-H10(S14.6)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

Joint

GRANT FUNDS

SECTION 14.6. The Judicial Department shall use up to the sum of one million two hundred fifty thousand dollars ($1,250,000) from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

13

DRAFT
SPECIAL PROVISION

2005-AOC-H11(S14.7)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire** Joint

INCREASE CHARGES FOR APPELLATE DIVISION REPORTS TO ACTUAL COST

SECTION 14.7. The Judicial Department shall charge the full cost of production for all copies of the appellate division reports that are sold.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

14

DRAFT
SPECIAL PROVISION

2005-AOC-H12(S14.8)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

Joint

NORTH CAROLINA STATE BAR FUNDS

SECTION 14.8. Of the funds appropriated in the continuation budget as a grant-in-aid to the North Carolina State Bar for the 2005-2007 biennium, the North Carolina State Bar may in its discretion use up to the sum of five hundred one thousand five hundred dollars ($501,500) for the 2005-2006 fiscal year and up to the sum of five hundred one thousand five hundred dollars ($501,500) for the 2006-2007 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. The Office of Indigent Defense Services shall report by February 1, 2006, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the activities funded by the grant-in-aid authorized by this section.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

15

DRAFT
SPECIAL PROVISION

2005-AOC-H13(S14.10)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

Joint

WAKE COUNTY PUBLIC DEFENDER OFFICE FUNDS

SECTION 14.10. Of the funds appropriated to the Judicial Department, Office of Indigent Defense Services, in this act, the Office of Indigent Defense Services shall use up to the sum of two million three hundred thousand five hundred thirty-four dollars ($2,300,534) for the 2005-2006 fiscal year and the sum of two million one hundred eighty-one thousand three hundred twenty-three dollars ($2,181,323) for the 2006-2007 fiscal year to establish a public defender's office in the Tenth Defender District, as authorized by Section 14.4(b) of S.L. 2004-126. The funds shall be used to establish the public defender, 20 assistant public defenders, four investigators, one administrative assistant II, and five legal assistants.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

16

DRAFT
SPECIAL PROVISION

2005-AOC-H14(S14.11)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire** Joint

OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS

SECTION 14.11. The Judicial Department, Office of Indigent Defense Services, may use up to the sum of one million sixty-nine thousand six hundred forty-five dollars ($1,069,645) in appropriated funds during the 2005-2006 fiscal year and up to the sum of one million twenty-three thousand one hundred thirty-five dollars ($1,023,135) in appropriated funds during the 2006-2007 fiscal year for the expansion of existing offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services by creating up to 10 new attorney positions and five new support staff positions. These funds may be used for salaries, benefits, equipment, and related expenses. Prior to using funds for this purpose, the Office of Indigent Defense Services shall report to the Chairs of the House and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

17

DRAFT
SPECIAL PROVISION

2005-AOC-H5(S14.12)

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

OFFICE OF INDIGENT DEFENSE SERVICES REPORT Revised

SECTION 14.12. The Office of Indigent Defense Services shall report to the Chairs of the Senate and House of Representatives Appropriations Committees and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on:

(1) The volume and cost of cases handled in each district by assigned counsel or public defenders;

(2) Actions taken by the Office to improve the cost-effectiveness and quality of indigent defense, including the capital case program;

(3) Plans for changes in rules, standards, or regulations in the upcoming year; and

(5) Any recommended changes in law or funding procedures that would assist the Office in improving the management of funds expended for indigent defense services.

The Office shall also consult with the Conference of District Attorneys, the Conference of District Court Judges, and the Conference of Superior Court Judges in formulating proposals aimed at reducing future costs, including the possibility of decriminalizing minor traffic offenses, changing the way that criminal district court is scheduled, and reevaluating the handling of capital cases. The Office shall include these proposals in its reports during the 2005-2007 biennium. new

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

18

DRAFT
SPECIAL PROVISION

2005-AOC-H15(S14.13)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire** Joint

CLARIFY THAT FEES PAID TO ATTORNEYS REPRESENTING INDIGENT CLIENTS SHALL BE FIXED IN ACCORDANCE WITH THE RULES ADOPTED BY THE OFFICE OF INDIGENT DEFENSE SERVICES AND MAY NOT BE SET AT HIGHER RATES WITHOUT THE APPROVAL OF THE OFFICE OF INDIGENT DEFENSE SERVICES

SECTION 14.13. G.S. 7A-458 reads as rewritten:

"**§ 7A-458. Counsel fees.**

The fee to which an attorney who represents an indigent person is entitled shall be fixed in accordance with rules adopted by the Office of Indigent Defense Services. Fees shall be based on the factors normally considered in fixing attorneys' fees, such as the nature of the case, and the time, effort and responsibility involved. Fees shall not be set or ordered at rates higher than those established by the rules adopted under this section without the approval of the Office of Indigent Defense Services. Even if the trial, appeal, hearing or other proceeding is never held, preparation therefor is nevertheless compensable and, in capital cases and other extraordinary cases pending in superior court, a fee for services rendered and payment for expenses incurred may be allowed pending final determination of the case."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

19

DRAFT
SPECIAL PROVISION

2005-AOC-H4

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire** House

ESTABLISH PUBLIC DEFENDER'S OFFICE IN THE FIFTH DEFENDER DISTRICT

SECTION #.(a) G.S. 7A-498.7(a) reads as rewritten:

"**§ 7A-498.7. Public Defender Offices.**

(a) The following counties of the State are organized into the defender districts listed below, and in each of those defender districts an office of public defender is established:

Defender District	Counties
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans
3A	Pitt
3B	Carteret
5	New Hanover, Pender
10	Wake
12	Cumberland
14	Durham
15B	Orange, Chatham
16A	Scotland, Hoke
16B	Robeson
18	Guilford
21	Forsyth
26	Mecklenburg
27A	Gaston
28	Buncombe

After notice to, and consultation with, the affected district bar, senior resident superior court judge, and chief district court judge, the Commission on Indigent Defense Services may recommend to the General Assembly that a district or regional public defender office be established. A legislative act is required in order to establish a new office or to abolish an existing office."

SECTION #.(b) Of the funds appropriated to the Judicial Department, Office of Indigent Defense Services, in this act, the Office of Indigent Defense Services shall use up to the sum of one million three hundred eighty-five thousand five hundred

eighty-four dollars ($1,385,584) for the 2005-2006 fiscal year and up to the sum of one million three hundred eighty-five thousand five hundred eighty-four dollars ($1,385,584) for the 2006-2007 fiscal year to establish a public defender's office in the Fifth Defender District, as established in this section. The funds shall be used to establish the public defender, 11 assistant public defenders, two investigators, and three support positions.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

21

DRAFT
SPECIAL PROVISION

2005-AOC-H1

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Crawford, Clary, Earle, Nye, Owens, Sherrill, Michaux**

House

SUBSISTENCE EXPENSES OF SUPERIOR COURT JUDGES

SECTION #. G.S. 7A-44(a) reads as rewritten:

"(a) A judge of the superior court, regular or special, shall receive the annual salary set forth in the Current Operations Appropriations Act, and in addition shall be paid the same travel allowance as State employees generally by ~~G.S. 138-6(a)(1) and (2),~~ G.S. 138-6(a), provided that no travel allowance be paid for travel within ~~his~~ the judge's county of residence. ~~In addition, a judge of the superior court shall be allowed seven thousand dollars ($7,000) per year, payable monthly, in lieu of necessary subsistence expenses while attending court or transacting official business at a place other than in the county of his residence and in lieu of other professional expenses incurred in the discharge of his official duties.~~ The Administrative Officer of the Courts may also reimburse superior court judges, in addition to the above funds for travel and subsistence, for travel and subsistence expenses incurred for professional education."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

22

DRAFT
SPECIAL PROVISION

2005-AOC-H19

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Sherrill, Kiser** House

RESENTENCE AFTER APPELLATE REVIEW

SECTION #. G.S. 15A-1335 reads as rewritten:

"**§ 15A-1335. Resentencing after appellate review.**

(a) ~~When~~ Except as provided in subsection (b) of this section, when a conviction or sentence imposed in superior court has been set aside on direct review or collateral attack, the court may not impose a new sentence for the same offense, or for a different offense based on the same conduct, which is more severe than the prior sentence less the portion of the prior sentence previously served.

(b) This section does not apply in the following circumstances:

(1) The original sentence was imposed as a result of a negotiated plea agreement.

(2) The judge includes in the order imposing the sentence the reasons for imposing the more severe sentence and the factual data on which the increased sentence is based."

SECTION 2. This section becomes effective December 1, 2005, and applies to cases appealed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

23

DRAFT
SPECIAL PROVISION

2005-AOC-H18

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representative Michaux** House

REALLOCATION OF MEDIATION FUNDS

SECTION #. Of the funds appropriated to the Judicial Department for transfer to the community mediation centers for the 2005-2006 fiscal year, the sum of eighty-seven thousand two hundred twelve dollars ($87,212) designated for Carolina Dispute Settlement Services, Inc., to serve Durham County, shall be allocated to Women-in-Action for the Prevention of Violence and Its Causes, Inc.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

24

DRAFT
SPECIAL PROVISION

2005-AOC-H22

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety House

Requested by: **Representatives Crawford, Clary, Earle, Nye, Owens, Sherrill, Michaux**

ESTABLISH TWO NEW DISTRICT COURT JUDGES AND THREE NEW ASSISTANT DISTRICT ATTORNEYS IN DISTRICT 14/ADDITIONAL ASSISTANT DISTRICT ATTORNEY IN DISTRICT 2

SECTION #.(a) Effective October 1, 2005, G.S. 7A-133(a) reads as rewritten:

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

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	8	Sampson
		Duplin
		Jones
		Onslow
5	8	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash

		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	2	Warren
		(part of Vance
		see subsection (b))
10	15	Wake
11	8	Harnett
		Johnston
		Lee
12	9	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	~~6~~ 7	Durham
15A	4	Alamance
15B	4	Orange
		Chatham
16A	3	Scotland
		Hoke
16B	5	Robeson
17A	2	Rockingham
17B	4	Stokes
		Surry
18	12	Guilford
19A	4	Cabarrus
19B	6	Montgomery
		Moore
		Randolph
19C	4	Rowan
20	7	Stanly
		Union
		Anson
		Richmond
21	9	Forsyth
22	9	Alexander
		Davidson
		Davie

		Iredell
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	8	Burke
		Caldwell
		Catawba
26	17	Mecklenburg
27A	6	Gaston
27B	4	Cleveland
		Lincoln
28	6	Buncombe
29	7	Henderson
		McDowell
		Polk
		Rutherford
		Transylvania
30	5	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

SECTION #.(b) The Governor shall appoint the additional district court judge for District 14 authorized by subsection (a) of this section, and that judge's successor shall be elected in the 2006 general election for a four-year term commencing on the first Monday in December 2006.

SECTION #.(c) Effective December 1, 2006, G.S. 7A-133(a), as amended by subsection (a) of this section, reads as rewritten:

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

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans

1	2	4	Martin
2			Beaufort
3			Tyrrell
4			Hyde
5			Washington
6	3A	5	Pitt
7	3B	5	Craven
8			Pamlico
9			Carteret
10	4	8	Sampson
11			Duplin
12			Jones
13			Onslow
14	5	8	New Hanover
15			Pender
16	6A	2	Halifax
17	6B	3	Northampton
18			Bertie
19			Hertford
20	7	7	Nash
21			Edgecombe
22			Wilson
23	8	6	Wayne
24			Greene
25			Lenoir
26	9	4	Granville
27			(part of Vance
28			see subsection (b))
29			Franklin
30	9A	2	Person
31			Caswell
32	9B	2	Warren
33			(part of Vance
34			see subsection (b))
35	10	15	Wake
36	11	8	Harnett
37			Johnston
38			Lee
39	12	9	Cumberland
40	13	6	Bladen
41			Brunswick
42			Columbus
43	14	~~7~~ 8	Durham
44	15A	4	Alamance
45	15B	4	Orange
46			Chatham

1	16A	3	Scotland
2			Hoke
3	16B	5	Robeson
4	17A	2	Rockingham
5	17B	4	Stokes
6			Surry
7	18	12	Guilford
8	19A	4	Cabarrus
9	19B	6	Montgomery
10			Moore
11			Randolph
12	19C	4	Rowan
13	20	7	Stanly
14			Union
15			Anson
16			Richmond
17	21	9	Forsyth
18	22	9	Alexander
19			Davidson
20			Davie
21			Iredell
22	23	4	Alleghany
23			Ashe
24			Wilkes
25			Yadkin
26	24	4	Avery
27			Madison
28			Mitchell
29			Watauga
30			Yancey
31	25	8	Burke
32			Caldwell
33			Catawba
34	26	17	Mecklenburg
35	27A	6	Gaston
36	27B	4	Cleveland
37			Lincoln
38	28	6	Buncombe
39	29	7	Henderson
40			McDowell
41			Polk
42			Rutherford
43			Transylvania
44	30	5	Cherokee
45			Clay
46			Graham

		Haywood
		Jackson
		Macon
		Swain."

SECTION #.(d) The additional district court judge for District 14 authorized by subsection (c) of this section shall be elected in the 2006 general election to serve a four-year term commencing on the first Monday in December 2006.

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

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

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	10
2	Beaufort, Hyde, Martin, Tyrrell, Washington	~~6~~ 7
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	14
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	16
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	11
9A	Person, Caswell	4
10	Wake	31
11	Harnett, Johnston, Lee	14
12	Cumberland	18
13	Bladen, Brunswick, Columbus	11
14	Durham	~~13~~ 16
15A	Alamance	8
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	10
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	27
19A	Cabarrus	6
19B	Montgomery, Moore, Randolph	11

19C	Rowan	5
20	Anson, Richmond, Stanly, Union	15
21	Forsyth	17
22	Alexander, Davidson, Davie, Iredell	16
23	Alleghany, Ashe, Wilkes, Yadkin	5
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	15
26	Mecklenburg	36
27A	Gaston	12
27B	Cleveland, Lincoln	9
28	Buncombe	11
29	Henderson, McDowell, Polk, Rutherford, Transylvania	11
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	9

SECTION #.(f) Subsection (c) of this section becomes effective December 1, 2006. The remainder of this section becomes effective October 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

DRAFT
SPECIAL PROVISION

2005-AOC-H21

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Haire, Ross

House

STUDY WAKE COUNTY FAMILY COURT

SECTION #. The Administrative Office of the Courts shall study the feasibility of establishing a family court in District Court District 10. The Administrative Office of the Courts shall report the results of its study to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by April 1, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

DRAFT
SPECIAL PROVISION

2005-AOC-H3

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

House

JUVENILE RECIDIVISM REPORT

SECTION #.(a) Chapter 164 of the General Statutes is amended by adding a new section to read:

"**§ 164-48. Biennial Report on Juvenile Recidivism.**

The Judicial Department, through the North Carolina Sentencing and Policy Advisory Commission, shall conduct biennial recidivism studies of juveniles in North Carolina. Each study shall be based upon a sample of juveniles adjudicated delinquent and document subsequent involvement in both the juvenile justice system and criminal justice system for at least two years following the sample adjudication. All State agencies shall provide data as requested by the Commission.

The Sentencing and Policy Advisory Commission shall report the results of the first recidivism 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 May 1, 2007, and future reports shall be made by May 1 of each odd-numbered year."

SECTION #.(b) The Sentencing and Policy Advisory Commission shall report on its progress in developing the biennial juvenile recidivism report mandated by G.S. 164-48, as enacted by subsection (a) of this section, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by May 1, 2006.

SECTION #.(c) Article 33 of Chapter 7B of the General Statutes is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA 33

SESSION 2005

DRAFT
SPECIAL PROVISION

2005-AOC-H25

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representative Kiser, Haire** House

TRAVEL ALLOWANCE FOR APPELLATE JUDGES WHO RESIDE FIFTY MILES OR MORE FROM RALEIGH

SECTION #.(a) G.S. 7A-10(b) reads as rewritten:

"(b) The Chief Justice and each of the associate justices shall receive the annual salary provided in Current Operations Appropriations Act. Each justice is entitled to reimbursement for travel and subsistence expenses at the rate allowed State employees ~~generally.~~ generally, except that each justice who lives at least 50 miles from the City of Raleigh shall be paid a weekly travel allowance for each week the justice travels to the City of Raleigh from the justice's home for business of the court. The allowance shall be calculated for each justice by multiplying the actual round-trip mileage from that justice's home to the City of Raleigh by the rate-per-mile which is the business standard mileage rate set by the Internal Revenue Service in Rev. Proc. 93-51, December 27, 1993."

SECTION #.(b) G.S. 7A-18(a) reads as rewritten:

"(a) The Chief Judge and each associate judge of the Court of Appeals shall receive the annual salary provided in the Current Operations Appropriations Act. Each judge is entitled to reimbursement for travel and subsistence expenses at the rate allowed State employees ~~generally.~~ generally, except that each judge who lives at least 50 miles from the City of Raleigh shall be paid a weekly travel allowance for each week the judge travels to the City of Raleigh from the judge's home for business of the court. The allowance shall be calculated for each judge by multiplying the actual round-trip mileage from that judge's home to the City of Raleigh by the rate-per-mile which is the business standard mileage rate set by the Internal Revenue Service in Rev. Proc. 93-51, December 27, 1993."

SECTION #.(c) This section becomes effective January 1, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA 34

SESSION 2005

DRAFT
SPECIAL PROVISION

JOINT

2005-ATTY-H2(S15.1)i

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

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

SECTION 15.1.(a) Assets transferred to the Departments of Justice, Correction, and Crime Control and Public Safety during the 2005-2007 biennium pursuant to applicable federal law shall be credited to the budgets of the respective departments and shall result in an increase of law enforcement resources for those departments. The Departments of Justice, Correction, 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.

SECTION 15.1.(b) The General Assembly finds that the use of assets transferred pursuant to federal law for new personnel positions, new projects, acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice, the Department of Correction, 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.

SECTION 15.1.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice, the United States Department of the Treasury, and the United States Department of Health and Human Services.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

35

DRAFT
SPECIAL PROVISION

JOINT

2005-ATTY-H3(S15.2)i

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

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

SECTION 15.2. 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

36

JOINT

DRAFT
SPECIAL PROVISION

2005-ATTY-H8(S15.3)i

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS

SECTION 15.3. 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

37

DRAFT
SPECIAL PROVISION

JOINT

2005-ATTY-H4(S15.4)i

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

REIMBURSEMENT FOR UNC BOARD OF GOVERNORS LEGAL REPRESENTATION

SECTION 15.4. 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.

GENERAL ASSEMBLY OF NORTH CAROLINA 38

SESSION 2005

DRAFT
SPECIAL PROVISION

JOINT

2005-ATTY-H5(S15.5)i

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

REPORT ON CRIMINAL RECORD CHECKS CONDUCTED FOR CONCEALED HANDGUN PERMITS/STUDY FEE ADJUSTMENT FOR CRIMINAL RECORD CHECKS

SECTION 15.5.(a) 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 of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives 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.

SECTION 15.5.(b) The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal record checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal record checks. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal record checks and how those costs have changed since the prior fiscal year. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House of Representatives Appropriations Committees, the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division on or before March 1, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

39

JOINT

DRAFT
SPECIAL PROVISION

2005-ATTY-H6(S15.6)i

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

NC LEGAL EDUCATION ASSISTANCE FOUNDATION REPORT ON FUNDS DISBURSED

SECTION 15.6. The North Carolina Legal Education Assistance Foundation shall report by March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds, the purpose of the expenditures, the number of attorneys receiving funds, the average award amount, the average student loan amount, the number of attorneys on the waiting list, and the average number of years for which attorneys receive loan assistance.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

40

DRAFT
SPECIAL PROVISION

REVISED

2005-ATTY-H9(S15.7)

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

REDUCE BACKLOG OF RAPE KITS

SECTION 15.7.(a) Of the funds appropriated by this act to the Department of Justice the sum of two hundred fifty thousand dollars ($250,000) in recurring funds and the sum of two hundred fifty thousand dollars ($250,000) in nonrecurring funds for the 2005-2006 fiscal year and the sum of two hundred fifty thousand dollars ($250,000) in recurring funds for the 2006-2007 fiscal year shall be used to contract with private entities to reduce the backlog of rape kits in storage in local law enforcement agencies and to expedite other forensic DNA analysis. The Department shall contract with private entities to analyze bodily fluids, DNA evidence, as "DNA" is defined in G.S. 15A-266.2, or both, in cases in which a suspect has not been identified. The Department shall maximize the use of federal grant funds to expedite the elimination of the backlog.

SECTION 15.7.(b) The Department of Justice shall report, on or before February 1, 2006, and annually thereafter to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the number of rape kits analyzed by private entities and how many of those analyses resulted in arrests or convictions. The Department shall also report on the number of rape kits analyzed by the SBI Crime Lab, the amount of the remaining backlog, and the estimated time left to eliminate the backlog.

SECTION 15.7.(c) Except as provided otherwise by this subsection, the Department of Justice shall hire only nonsworn personnel to fill vacant positions in the State Bureau of Investigation laboratory. A position may be filled with a sworn agent in any of the following circumstances: (i) the position is a promotion for a sworn agent who was employed at the State Bureau of Investigation laboratory prior to July 1, 2005, (ii) the position is a forensic drug chemist position that has as a primary duty "responding to clandestine methamphetamine laboratories," or (iii) the position is a forensic impressions analyst position that has as a primary duty "responding to clandestine methamphetamine laboratories."

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JOINT

DRAFT
SPECIAL PROVISION

2005-ATTY-H7(S15.8)i

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

STUDY DNA TESTING AND ANALYSIS COSTS

SECTION 15.8. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the cost of testing and analyzing DNA samples. The study shall include all of the following: a determination of the unit cost for analyzing a rape kit and a comparison of that cost with the unit cost for the same analysis when performed by other labs, both public and private; a comparison of the amount of funds and length of time required to eliminate the backlog of rape kits using private labs versus the SBI crime lab; and a survey of the funding sources used by other states for their DNA testing and analysis lab costs. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House of Representatives Appropriations Committees, the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division on or before March 1, 2006.

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DRAFT
SPECIAL PROVISION

2005-DJJDP-H1(S16.1)i

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Haire, Kiser

S.O.S. ADMINISTRATIVE COST LIMITS

SECTION 16.1. Of the funds appropriated to the Department of Juvenile Justice and Delinquency Prevention in this act, not more than four hundred fifty thousand dollars ($450,000) for the 2005-2006 fiscal year and not more than four hundred fifty thousand dollars ($450,000) for the 2006-2007 fiscal year may be used to administer the S.O.S. Program, to provide technical assistance to applicants and to local S.O.S. programs, and to evaluate the local S.O.S. programs. The Department may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

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DRAFT
SPECIAL PROVISION

2005-DJJDP-H2(S16.2)i

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

JCPC GRANT REPORTING AND CERTIFICATION

SECTION 16.2.(a) On or before May 1 each year, the Department of Juvenile Justice and Delinquency Prevention shall submit to the Joint Legislative Commission on Governmental Operations and the Appropriations Committees of the Senate and House of Representatives a list of the recipients of the grants awarded, or preapproved for award, from funds appropriated to the Department for local Juvenile Crime Prevention Council grants. The list shall include for each recipient the amount of the grant awarded, the membership of the local committee or council administering the award funds on the local level, and a short description of the local services, programs, or projects that will receive funds. The list shall also identify any programs that received grant funds at one time but for which funding has been eliminated by the Department of Juvenile Justice and Delinquency Prevention. A written copy of the list and other information regarding the projects shall also be sent to the Fiscal Research Division of the General Assembly.

SECTION 16.2.(b) Each county in which local programs receive Juvenile Crime Prevention Council grant funds from the Department of Juvenile Justice and Delinquency Prevention shall certify annually through its local council to the Department that funds received are not used to duplicate or supplant other programs within the county.

REVISED

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

DRAFT
SPECIAL PROVISION

2005-DJJDP-H3A(S16.3)

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

REPORTS ON CERTAIN PROGRAMS

SECTION 16.3.(a) Project Challenge North Carolina, Inc., shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1 each year on the operation and the effectiveness of its program in providing alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined. The report shall include information on:

(1) The source of referrals for juveniles.
(2) The types of offenses committed by juveniles participating in the program.
(3) The amount of time those juveniles spend in the program.
(4) The number of juveniles who successfully complete the program.
(5) The number of juveniles who commit additional offenses after completing the program.
(6) The program's budget and expenditures, including all funding sources.

SECTION 16.3.(b) The Juvenile Assessment Center shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the effectiveness of the Center by April 1 each year. The report shall include information on the number of juveniles served and an evaluation of the effectiveness of juvenile assessment plans and services provided as a result of these plans. In addition, the report shall include information on the Center's budget and expenditures, including all funding sources.

SECTION 16.3.(c) Communities in Schools shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, and the Joint Legislative Education Oversight Committee by April 1 each year on the operation and effectiveness of its program. The report shall include information on:

(1) The number of children served.
(2) The number of volunteers used.
(3) The impact on children who have received services from Communities and Schools.
(4) The program's budget and expenditures, including all funding sources.

SECTION 16.3.(d) Project P.R.I.D.E. (Providing Regimented Instruction, Drug Treatment, and Education) shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections,

Crime Control, and Juvenile Justice Oversight Committee, and the Joint Legislative Education Oversight Committee by April 1 each year on the operation and the effectiveness of its program. The report shall include information on the source of referrals for juveniles, the types of offenses committed by juveniles participating in the program, the amount of time those juveniles spend in the program, the number of juveniles who successfully complete the program, and the number of juveniles who commit additional offenses after completing the program. In addition, the report shall include information on the program's budget and expenditures, including all funding sources.

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DRAFT
SPECIAL PROVISION

2005-DJJDP-H4(S16.4)i

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

ANNUAL EVALUATION OF COMMUNITY PROGRAMS

SECTION 16.4. The Department of Juvenile Justice and Delinquency Prevention shall conduct an evaluation of the Eckerd and Camp Woodson wilderness camp programs, the teen court programs, the program that grants funds to the local organizations of the Boys and Girls Clubs established pursuant to Section 21.10 of S.L. 1999-237, the Save Our Students program, the Governor's One-on-One Programs, and multipurpose group homes. The teen court report shall include statistical information on the number of juveniles served, the number and type of offenses considered by teen courts, referral sources for teen courts, and the number of juveniles that become court-involved after participation in teen courts. The report on the Boys and Girls Clubs program shall include information on:

(1) The expenditure of State appropriations on the program;

(2) The operations and the effectiveness of the program; and

(3) The number of juveniles served under the program.

In conducting the evaluation of each of these programs, the Department shall consider whether participation in each program results in a reduction of court involvement among juveniles. The Department shall also identify whether the programs are achieving the goals and objectives of the Juvenile Justice Act, S.L. 1998-202. The Department shall report the results of the evaluation to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the Subcommittees on Justice and Public Safety of the House of Representatives and Senate Appropriations Committees by March 1 of each year.

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DRAFT
SPECIAL PROVISION

2005-DJJDP-H5(S16.5)i

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

SECTION 16.5. Funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for the 2005-2006 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission shall consult with the Department of Juvenile Justice and Delinquency Prevention regarding the criteria for awarding federal funds. The Office of State Budget and Management, the Governor's Crime Commission, and the Department of Juvenile Justice and Delinquency Prevention shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the 2005-2006 fiscal year, the amount of funds anticipated for the 2006-2007 fiscal year, and the allocation of funds by program and purpose.

JOINT

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DRAFT
SPECIAL PROVISION

2005-DJJDP-H6(S16.6)i

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

IMPLEMENTATION OF TREATMENT STAFFING MODEL AT YOUTH DEVELOPMENT CENTERS

SECTION 16.6.(a) The Department of Juvenile Justice and Delinquency Prevention shall report each December 31, March 31, June 30, and September 30 of the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and to the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee on the treatment staffing model being piloted at Samarkand and Stonewall Jackson Youth Development Centers. The report shall include a list of total positions at each facility by job class, whether the position is vacant or filled, whether positions were filled from internal employees or new employees, and the training and certification status of each position. The report shall also describe the nature of the treatment program, the criteria for evaluating the program, and how the program is performing in comparison to these criteria. The report shall also describe the training approach to be used to train staff in using treatment methods in youth development centers and provide information on current staff training and staff training planned for the next quarter. The Department shall also develop indicators for evaluating staff performance once the model has been implemented.

SECTION 16.6.(b) The Department of Juvenile Justice and Delinquency Prevention shall report each December 31, March 31, June 30, and September 30 of the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the implementation of the treatment staffing model at Dobbs, Dillon, and Juvenile Evaluation Center Youth Development Centers. The Department shall identify the number of positions reallocated to the new treatment job classes and the source of funding for those positions.

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DRAFT
SPECIAL PROVISION

2005-DJJDP-H7(S16.7)i

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

PROGRESS REPORTS ON YOUTH DEVELOPMENT CENTER CAPITAL PROJECTS

SECTION 16.7. The Department of Juvenile Justice and Delinquency Prevention shall report each December 31, March 31, June 30, and September 30 of the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and to the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee on the Department's progress in the planning, design, and construction of new youth development centers. The report shall include:

(1) An overall project schedule for each new youth development center showing the original estimated date for construction completion and the original estimated date for occupancy by juvenile offenders, compared to the latest projected dates.

(2) An explanation of significant delays in the schedule or any potential cost increase.

The Office of State Construction and the Capital Improvement Section of the Office of State Budget and Management shall assist the Department of Juvenile Justice and Delinquency Prevention in the preparation of the report required by this section.

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DRAFT
SPECIAL PROVISION

2005-DJJDP-H9

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire, Michaux, Clary

JCPC GRANTS TO PREVENT GANG VIOLENCE

SECTION #.(a) Of the funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for Juvenile Crime Prevention Council grants, the sum of three million dollars ($3,000,000) shall be used to provide grants to Juvenile Crime Prevention Councils to use for street gang violence prevention and intervention programs. The Department, in conjunction with the Governor's Crime Commission, shall develop a competitive grant award process that gives consideration to programs in rural areas, geographical representation, collaboration among counties, and programs that involve law enforcement agencies or the courts. The criteria shall include a matching requirement of twenty-five percent (25%), one-half of which may be in in-kind contributions, and presentation of a written plan for the services to be provided by the funds. Juvenile Crime Prevention Councils shall allocate the funds to public and private entities or agencies for programs that meet the criteria established by the Department.

No individual program grant may exceed one hundred thousand dollars ($100,000).

SECTION #.(b) The Department of Juvenile Justice and Delinquency Prevention shall report to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the House of Representatives and the Senate on the total number of grants awarded, a description of each grantee's program, and the amount awarded to each grantee. The Department shall submit its report by April 1, 2006.

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DRAFT
SPECIAL PROVISION

2005-DJJDP-H8

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

STUDY OF LOCAL DETENTION CENTERS

SECTION #. The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee ("Committee") shall study the four juvenile detention centers located in Durham, Guilford, Forsyth, and Mecklenburg Counties that are operated by the counties. For each of the facilities, the review shall include:

(1) Recent admission trends and projections of future population.
(2) The offense history and assessed needs of the population.
(3) Whether staffing levels are appropriate for the number and types of offenders housed in the facility.
(4) Whether the center has adequate housing capacity.
(5) The cost to operate the center, including the formula for allocating costs between the county that operates the facility and the State.
(6) The feasibility of the State operating the local detention center, if recommended by one or more of the counties that operate the facility.
(7) Determine the repair and renovation needs and estimate the cost of any repairs or renovations.
(8) The estimated cost to plan, design, and construct new detention centers, if appropriate.

The Committee shall conduct the study in conjunction with the local detention centers, the Office of State Budget and Management, the Office of State Construction of the Department of Administration, and Department of Juvenile Justice and Delinquency Prevention.

The Committee shall report its findings to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the House of Representatives and the Senate upon the convening of the 2006 Regular Session of the 2005 General Assembly.

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DRAFT
SPECIAL PROVISION

2005-DJJDP-H10

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representative Hackney**

CONSTRUCTION OF JUVENILE YOUTH DEVELOPMENT CENTERS

SECTION #. The Department of Juvenile Justice and Delinquency Prevention and the Department of Administration, State Construction Office, shall continue the planning, design, and construction of up to 224 youth development center beds. The 224 youth development center beds shall be allocated as follows: four 32-bed facilities and one 96-bed facility, as recommended by the Department of Juvenile Justice and Delinquency Prevention in its Capital Plan presented to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on November 23, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION

2005-CORR-H13(S17.1)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire** JOINT

FEDERAL GRANT REPORTING

SECTION 17.1. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, the Judicial Department, and the Department of Juvenile Justice and Delinquency Prevention shall report by May 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION

2005-CORR-H14(S17.2)i

JOINT

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

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

SECTION 17.2. The Department of Correction may use funds available to the Department for the 2005-2007 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION

2005-CORR-H15(S17.3)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

JOINT

Requested by: Representatives Kiser, Haire

HOLIDAY PAY FOR DEPARTMENT OF CORRECTION STAFF

SECTION 17.3. Holiday pay for Department of Correction staff entitled to holiday pay shall be one hundred fifty percent (150%) of regular pay during the 2005-2007 biennium, except that the Department of Correction may use funds available to pay up to one hundred seventy-five percent (175%) of regular pay for holiday pay during the 2005-2007 biennium.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION

2005-CORR-H16(S17.4)

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire** REVISED

DEPARTMENT OF CORRECTION SECURITY STAFFING FORMULAS

SECTION 17.4.(a) G.S. 143B-262.5 reads as rewritten:

"**§ 143B-262.5. Security Staffing.**

(a) The Department of Correction shall ~~conduct security staffing post-audits of each prison at least biannually, the first such audit to be completed during the 2002-2003 fiscal year. The initial post-audit shall be conducted jointly by Department staff and a consultant, external to the Department, and shall include analysis of the staffing levels assigned for supervision of correctional officers.~~ conduct:

(1) On-site post-audits of every prison at least once every three years;

(2) Regular audits of post-audit charts through the automated post-audit system; and

(3) Other staffing audits as necessary.

(b) The Department of Correction shall update the security staffing relief formula ~~biannually, the first update to be completed during the 2002-2003 fiscal year.~~ at least every three years. Each update shall include a review of all annual training requirements for security staff to determine which of these requirements should be mandatory and the appropriate frequency of the training. The Department shall survey other states to determine which states use a vacancy factor in their staffing relief formulas."

SECTION 17.4.(b) The Department of Correction shall begin implementation of the 2004-2005 post-audit by July 1, 2005, and provide a progress report by October 1, 2005, to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the implementation of the new post-audit at each prison.

SECTION 17.4.(c) The Department of Correction shall report on the final implementation of the 2004-2005 post-audit of each prison to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1, 2006. The report shall also include an update on the Department's progress in implementing the staffing recommendations of the National Institute of Corrections, including a status report on the implementation of a centralized post-audit control system, the automation of leave records, and the survey of other states' use of a vacancy factor in staffing relief formulas.

[ADDED IN HOUSE]

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DRAFT
SPECIAL PROVISION

2005-CORR-H17(S17.5)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

JOINT

USE OF CLOSED PRISON FACILITIES

SECTION 17.5. In conjunction with the closing of prison facilities, including 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, with the elected State and local officials, and with State agencies about the possibility of converting that unit to other use. The Department may also consult with any private for-profit or nonprofit firm about the possibility of converting the unit to other use. In developing a proposal for future use of each unit, the Department shall give priority to converting the unit to other criminal justice use. Consistent with existing law and the future needs of the Department of Correction, the State may provide for the transfer or the lease of any of these units to counties, municipalities, State agencies, 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 one security custody level to another, where that conversion would be cost-effective. A prison unit under lease to a county pursuant to the provisions of this section for use as a jail is exempt for the period of the lease from any of the minimum standards adopted by the Secretary of Health and Human Services pursuant to G.S. 153A-221 for the housing of adult prisoners that would subject the unit to greater standards than those required of a unit of the State prison system.

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, Crime Control, and Juvenile Justice Oversight Committee. The Department of Correction shall also provide annual summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section.

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DRAFT
SPECIAL PROVISION

2005-CORR-H18(S17.6)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

JOINT

INMATE COSTS/MEDICAL BUDGET FOR PRESCRIPTION DRUGS AND INMATE CLOTHING AND LAUNDRY SERVICES

SECTION 17.6.(a) If the cost of providing food and health care to inmates housed in the Division of Prisons is anticipated to exceed the continuation budget amounts provided for that purpose in this act, the Department of Correction shall report the reasons for the anticipated cost increase and the source of funds the Department intends to use to cover those additional needs to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety.

SECTION 17.6.(b) Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the 2005-2006 fiscal year for the purchase of prescription drugs for inmates if expenditures are projected to exceed the Department's inmate medical continuation budget for prescription drugs. The Department shall consult with the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

SECTION 17.6.(c) Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the 2005-2006 fiscal year for the purchase of clothing and laundry services for inmates if expenditures are projected to exceed the Department's budget for clothing and laundry services. The Department shall consult with the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

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DRAFT
SPECIAL PROVISION

2005-CORR-H19(S17.7)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

JOINT

Requested by: Representatives Kiser, Haire

CONVERSION OF CONTRACTED MEDICAL POSITIONS

SECTION 17.7.(a) The Department of Correction may convert contract medical positions to permanent State medical positions if the Department can document that the total savings generated will exceed the total cost of the new positions for each facility. Where practical, the Department shall convert contract positions to permanent positions by using existing vacancies in medical positions.

SECTION 17.7.(b) The Department of Correction shall report by April 1, 2006, to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on all conversions made pursuant to this section, by type of position and location, and on the savings generated at each correctional facility.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION

2005-CORR-H20(S17.8)i-P

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

JOINT

Requested by: Representatives Kiser, Haire

LIMIT USE OF OPERATIONAL FUNDS

SECTION 17.8. 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 120 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION

2005-CORR-H21(S17.9)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

JOINT

FEDERAL GRANT MATCHING FUNDS

SECTION 17.9. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of seven hundred fifty thousand dollars ($750,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION

2005-CORR-H22(S17.10)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

JOINT

COMPUTER/DATA PROCESSING SERVICES FUNDS

SECTION 17.10. Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the 2005-2006 fiscal year for expenses for computer/data processing services if expenditures exceed the Department's continuation budget amount for those services. The Department shall report to the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION

2005-CORR-H23(S17.11)i

JOINT

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

MEDIUM CUSTODY ROAD CREW COMPENSATION/COMMUNITY WORK CREWS

SECTION 17.11.(a) Of funds appropriated to the Department of Transportation by this act, the sum of ten million dollars ($10,000,000) per year shall be transferred by the Department of Transportation to the Department of Correction during the 2005-2007 biennium for the actual costs of highway-related labor performed by medium-custody prisoners, as authorized by G.S. 148-26.5. This transfer shall be made quarterly in the amount of two million five hundred thousand dollars ($2,500,000). The Department of Transportation may use funds appropriated by this act to pay an additional amount exceeding the ten million dollars ($10,000,000), but those payments shall be subject to negotiations among the Department of Transportation, the Department of Correction, and the Office of State Budget and Management prior to payment by the Department of Transportation.

SECTION 17.11.(b) The Department of Correction may use up to 39 work crews for Department of Transportation litter control projects. The Department of Transportation shall transfer at least one million three hundred thousand dollars ($1,300,000) per year from the Highway Fund to the Department of Correction during the 2005-2007 biennium to cover the cost of those work crews. Should the two departments determine that the actual cost of operating 39 work crews exceeds that amount, the Department of Transportation shall transfer an additional amount as agreed upon by the two departments and the Office of State Budget and Management.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

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DRAFT
SPECIAL PROVISION

2005-CORR-H24(S17.12)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

JOINT

INMATE CUSTODY AND CLASSIFICATION SYSTEM

SECTION 17.12.(a) The Department of Correction shall review the current inmate custody and classification system, with the assistance of consultants from the National Institute of Corrections. The review shall focus primarily on the custody classification instrument used to assess inmate custody and the policies and practice of overriding the assessed custody level. The review should focus particularly on determining whether the instrument is effective in predicting custody classification, analyzing the current override rate by custody level, and assessing any need for changes in the override policy. The Department should request assistance from the National Institute of Corrections in obtaining (i) a comparison between Department of Correction override rates and policies and those of other states; (ii) suggestions on an acceptable override rate for classification systems; and (iii) any recommendations the NIC may have on the Department's custody classification instrument and override policy.

SECTION 17.12.(b) The Department shall report its findings and recommendations to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety no later than April 15, 2006.

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SESSION 2005

DRAFT
SPECIAL PROVISION

2005-CORR-H25(S17.13)

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire REVISED

EXTEND LIMITS OF CONFINEMENT/TERMINALLY ILL AND PERMANENTLY AND TOTALLY DISABLED INMATES

SECTION 17.13. G.S. 148-4 reads as rewritten:

"**§ 148-4. Control and custody of prisoners; authorizing prisoner to leave place of confinement.**

The Secretary of Correction shall have control and custody of all prisoners serving sentence in the State prison system, and such prisoners shall be subject to all the rules and regulations legally adopted for the government thereof. Any sentence to imprisonment in any unit of the State prison system, or to jail to be assigned to work under the State Department of Correction, shall be construed as a commitment, for such terms of imprisonment as the court may direct, to the custody of the Secretary of Correction or his authorized representative, who shall designate the places of confinement within the State prison system where the sentences of all such persons shall be served. The authorized agents of the Secretary shall have all the authority of peace officers for the purpose of transferring prisoners from place to place in the State as their duties might require and for apprehending, arresting, and returning to prison escaped prisoners, and may be commissioned by the Governor, either generally or specially, as special officers for returning escaped prisoners or other fugitives from justice from outside the State, when such persons have been extradited or voluntarily surrendered. Employees of departments, institutions, agencies, and political subdivisions of the State hiring prisoners to perform work outside prison confines may be designated as the authorized agents of the Secretary of Correction for the purpose of maintaining control and custody of prisoners who may be placed under the supervision and control of such employees, including guarding and transferring such prisoners from place to place in the State as their duties might require, and apprehending and arresting escaped prisoners and returning them to prison. The governing authorities of the State prison system are authorized to determine by rules and regulations the manner of designating these agents and placing prisoners under their supervision and control, which rules and regulations shall be established in the same manner as other rules and regulations for the government of the State prison system.

The Secretary of Correction may extend the limits of the place of confinement of a prisoner, as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to

(1) Contact prospective employers; or

(2) Secure a suitable residence for use when released on parole or upon discharge; or

(3) Obtain medical services not otherwise available; or

(4) Participate in a training program in the community; or

(5) Visit or attend the funeral of a spouse, child (including stepchild, adopted child or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person though not a natural parent, has acted in the place of a parent), brother, or sister; or

(6) Participate in community-based programs of rehabilitation, including, but not limited to the existing community volunteer and home-leave programs, pre-release and after-care programs as may be provided for and administered by the Secretary of Correction and other programs determined by the Secretary of Correction to be consistent with the prisoner's rehabilitation and return to society; or

(7) Be on maternity leave, for a period of time not to exceed 60 days. The county departments of social services are expected to cooperate with officials at the North Carolina Correctional Center for Women to coordinate prenatal care, financial services, and placement of the child; or

(8) Receive palliative care, only in the case of a terminally ill inmate or a permanently and totally disabled inmate that the Secretary finds no longer poses ~~a threat to society,~~ a significant public safety risk, and only after consultation with any victims of the inmate or the victims' families. For purposes of this subdivision, the term "terminally ill" describes an inmate who, as determined by a licensed physician, has an incurable condition caused by illness or disease that was unknown at the time of sentencing and was not diagnosed upon entry to prison, that will likely produce death within ~~12 months.~~ six months, and that is so debilitating that it is highly unlikely that the inmate poses a significant public safety risk. For purposes of this subdivision, the term "permanently and totally disabled" describes an inmate who, as determined by a licensed physician, suffers from permanent and irreversible physical incapacitation as a result of an existing physical or medical ~~condition.~~ condition that was unknown at the time of sentencing and was not diagnosed upon entry to prison, and that is so incapacitating that it is highly unlikely that the inmate poses a significant public safety risk. The Department's medical director shall notify the Secretary immediately when an inmate has been classified as terminally ill and shall provide regular reports on inmates classified as permanently and totally disabled. The Secretary shall act expeditiously in determining whether to extend the limits of confinement under this subdivision upon receiving notice that an inmate has been classified as terminally ill or permanently and totally disabled and, in the case of a terminally ill inmate, the Secretary shall

REVISED SENATE "SAID DID NOT EXIST AT SENTENCING"

make a good faith effort to reach a determination within 30 days of receiving notice of the inmate's terminal condition.

The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to the place of confinement designated by the Secretary of Correction, shall be deemed an escape from the custody of the Secretary of Correction punishable as provided in G.S. 148-45."

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SESSION 2005

DRAFT
SPECIAL PROVISION

2005-CORR-H26(S17.14)

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

REVISED

Requested by: Representatives Kiser, Haire

REPORT ON INMATE COMMUNITY WORK CREWS AND INMATE LABOR CONTRACTS

SECTION 17.14. The Department of Correction shall report by March 1, 2006, to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the inmate labor contracts and community work programs, identifying total project man-hours provided by inmates and Department of Correction employees to client agencies, the total Department operating costs for these programs, and the benefits of these programs. The report shall also group the man-hour and cost information by the major client groups and estimate the average project cost and average project duration. The report shall also provide suggested administrative procedures for collecting a portion of the cost of inmate work crews and inmate labor contracts.

SENATE FOLLOWED MONEY-
$600,000 REDUCTION BY
RECOUPING PART OF
DOC COST

GENERAL ASSEMBLY OF NORTH CAROLINA 68

SESSION 2005

DRAFT
SPECIAL PROVISION

2005-CORR-H30(S17.15)

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire REVISED

REIMBURSEMENT RATES FOR HEALTH SERVICES TO PRISON INMATES

SECTION 17.15.(a) G.S. 148-19 reads as rewritten:

"**§ 148-19. Health services.**

(a) The general policies, rules and regulations of the Department of Correction shall prescribe standards for health services to prisoners, which shall include preventive, diagnostic, and therapeutic measures on both an outpatient and a hospital basis, for all types of patients. A prisoner may be taken, when necessary, to a medical facility outside the State prison system. The Department of Correction shall seek the cooperation of public and private agencies, institutions, officials and individuals in the development of adequate health services to prisoners.

(b) Upon request of the Secretary of Correction, the Secretary of Health and Human Services may detail personnel employed by the Department of Health and Human Services to the Department of Correction for the purpose of supervising and furnishing medical, psychiatric, psychological, dental, and other technical and scientific services to the Department of Correction. The compensation, allowances, and expenses of the personnel detailed under this section may be paid from applicable appropriations to the Department of Health and Human Services, and reimbursed from applicable appropriations to the Department of Correction. The Secretary of Correction may make similar arrangements with any other agency of State government able and willing to aid the Department of Correction to meet the needs of prisoners for health services. Reimbursement rates to health care providers for health care services rendered to prisoners shall be established as provided in G.S. 148-22.

(c) Each prisoner committed to the State Department of Correction shall receive a physical and mental examination by a health care professional authorized by the North Carolina Medical Board to perform such examinations as soon as practicable after admission and before being assigned to work. The prisoner's work and other assignments shall be made with due regard for the prisoner's physical and mental condition.

(d) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall adopt standards for the delivery of mental health and mental retardation services to inmates in the custody of the Department of Correction. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall give the Secretary of Correction an opportunity to review and comment on proposed standards prior to promulgation of such standards; however, final authority to determine such standards remains with the Commission. The Secretary of the Department of Health and Human Services shall designate an agency or agencies within

the Department of Health and Human Services to monitor the implementation by the Department of Correction of these standards and of substance abuse standards adopted by the Department of Correction upon the advice of the Substance Abuse Advisory Council established pursuant to G.S. 143B-270. The Secretary of Health and Human Services shall send a written report on the progress which the Department of Correction has made on the implementation of such standards to the Governor, the Lieutenant Governor, and the Speaker of the House. Such reports shall be made on an annual basis beginning January 1, 1978."

SECTION 17.15.(b) G.S. 148-22 reads as rewritten:

"**§ 148-22. Treatment programs.**

(a) The general policies, rules and regulations of the Department of Correction shall provide for humane treatment of prisoners and for programs to effect their correction and return to the community as promptly as practicable. Visits and correspondence between prisoners and approved friends shall be authorized under reasonable conditions, and family members shall be permitted and encouraged to maintain close contact with the prisoners unless such contacts prove to be hurtful. Casework, counseling, and psychotherapy services provided to prisoners may be extended to include members of the prisoner's family if practicable and necessary to achieve the purposes of such programs. Education, library, recreation, and vocational training programs shall be developed so as to coordinate with corresponding services and opportunities which will be available to the prisoner when he is released. Programs may be established for the treatment and training of mentally retarded prisoners and other special groups. These programs may be operated in segregated sections of facilities housing other prisoners or in separate facilities.

(b) The Department of Correction may cooperate with and seek the cooperation of public and private agencies, institutions, officials, and individuals in the development and conduct of programs designed to give persons committed to the Department opportunities for physical, mental and moral improvement. The Department may enter into agreements with other agencies of federal, State or local government and with private agencies to promote the most effective use of available resources.

Specifically the Secretary of Correction may enter into contracts or agreements with appropriate public or private agencies offering needed services including health, mental health, mental retardation, substance abuse, rehabilitative or training services for such inmates of the Department of Correction as the Secretary may deem eligible. These agencies shall be reimbursed from applicable appropriations to the Department of Correction for services rendered at a rate not to exceed that which such agencies normally receive for serving their regular clients. The Secretary of Correction shall provide for the reimbursement of health care providers for services rendered at a rate not to exceed the rate paid for the same or similar service or diagnostic-related grouping under the Teachers' and State Employees' Comprehensive Major Medical Plan. The Secretary of Correction shall have access to rate information held by the Teachers' and State Employees' Comprehensive Major Medical Plan as authorized under G.S. 135-37 and G.S. 135-40.4.

NEW IN HOUSE

HOUSE

The Secretary may contract for the housing of work-release inmates at county jails and local confinement facilities. Inmates may be placed in the care of such agencies but shall remain the responsibility of the Department and shall be subject to the complete

supervision of the Department. The Department may reimburse such agencies for the support of such inmates at a rate not in excess of the average daily cost of inmate care in the corrections unit to which the inmate would otherwise be assigned."

SECTION 17.15.(c) G.S. 135-37 reads as rewritten:

"**§ 135-37. Confidentiality.**

Any information as herein described in this section which is in the possession of the Executive Administrator and the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan or its Claims Processor under the Teachers' and State Employees' Comprehensive Major Medical Plan shall be confidential and shall be exempt from the provisions of Chapter 132 of the General Statutes or any other provision requiring information and records held by State agencies to be made public or accessible to the public. This section shall apply to all information concerning individuals, including the fact of coverage or noncoverage, whether or not a claim has been filed, medical information, whether or not a claim has been paid, and any other information or materials concerning a plan participant. Provided, however, such information may be released to the State Auditor, or to the Attorney General, or to the persons designated under G.S. 135-39.3 in furtherance of their statutory duties and responsibilities, or to the Secretary of Correction in furtherance of the Secretary's duty under G.S. 148-19 and G.S. 148-22, or to such persons or organizations as may be designated and approved by the Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan, but any information so released shall remain confidential as stated above and any party obtaining such information shall assume the same level of responsibility for maintaining such confidentiality as that of the Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan." House

SECTION 17.15.(d) G.S. 135-40.4 reads as rewritten:

"**§ 135-40.4. Benefits in general.**

(a) In the event a covered person, as a result of accidental bodily injury, disease or pregnancy, incurs covered expenses, the Plan will pay benefits up to the amounts described in G.S. 135-40.5 through G.S. 135-40.9.

The Plan is divided into two parts. The first part includes certain benefits which are not subject to a deductible or coinsurance. The second part is a comprehensive plan and includes those benefits which are subject to both a three hundred fifty dollar ($350.00) deductible for each covered individual to an aggregate maximum of one thousand fifty dollars ($1,050) per employee and child(ren) or employee and family coverage contract and coinsurance of 80%/20%. There is a limit on out-of-pocket expenses under the second part.

Notwithstanding the provisions of this Article, the Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan may contract with providers of institutional and professional medical care and services to established preferred provider networks. The terms pertaining to reimbursement rates or other terms of consideration of any contract between hospitals, hospital authorities, doctors or other medical providers, or a pharmacy benefit manager and the Plan shall not be a public record under Chapter 132 of the General Statutes for a period of thirty months after the date of the expiration of the contract. Provided, however, nothing in this subsection shall be deemed to prevent or restrict the release of

any information made not a public record under this subsection to the State Auditor, the Attorney General, the Director of the State Budget, the Secretary of Correction, the Plan's Executive Administrator, and the Committee on Employee Hospital and Medical Benefits solely and exclusively for their use in the furtherance of their duties and responsibilities. The design, adoption, and implementation of the preferred provider contracts and networks are not subject to the requirements of Chapter 143 of the General Statutes, provided that for any hospital preferred provider network all hospitals will have an opportunity to contract with the Plan if they meet the contract requirements. The Executive Administrator and Board of Trustees shall, under the provisions of G.S. 135-39.5(12), pursue such preferred provider contracts on a timely basis and shall make reports as requested to the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Committee on Employee Hospital and Medical Benefits on its progress in negotiating the preferred provider contracts. The Executive Administrator and Board of Trustees shall implement a refined diagnostic-related grouping or diagnostic-related grouping-based reimbursement system for hospitals as soon as practicable, but no later than January 1, 1995.

(b) As used in this section the term "preferred provider contracts or networks" includes, but is not limited to, a refined diagnostic-related grouping or diagnostic-related grouping-based system of reimbursement for hospitals."

SECTION 17.15.(e) The Secretary of Correction shall provide a progress report on the implementation of this section to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by January 1, 2006, and a final report to the Chairs of the House and Senate Appropriations Committee and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by May 1, 2006. The report shall detail any savings generated from this new policy as well as any administrative or procedural problems in the implementation of the policy. The report shall also identify any reduction or changes in the availability of medical services for inmates as a result of this section. The Department of Correction shall also identify in the report those providers that have decided not to continue to provide medical services to inmates as a result of this section.

The Department of Correction shall also report on any cost savings generated in the inmate medical budget as a result of the new Department of Correction medical positions funded in this act or as a result of any new departmental initiatives established during the 2005-2006 fiscal year.

REPORT IN HOUSE ONLY

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION

2005-CORR-H28(S17.16)

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

CORRECTION ENTERPRISES LONG RANGE PLAN/REPLACEMENT OF UMSTEAD LAUNDRY

SECTION 17.16.(a) The Department of Correction, through the Correction Enterprises Program, shall update its long range business plan to identify alternatives for (i) increasing productivity and expanding markets for current Enterprise products; (ii) increasing the number of inmates employed in Correction Enterprises; and (iii) identifying new or expanded industries that will best meet the goals of training inmates while providing reasonable profits that allow Correction Enterprises to expand industry sites and maintain current sites where appropriate. The study will include a review of the potential to expand the Prison Industry Enhancement (PIE) Programs with private industry. The Plan shall also identify capital and operating costs for implementing the long-range plan.

The Department of Correction shall submit the long range business plan required by this section the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by March 1, 2006.

SECTION 17.16.(b) In preparation for the scheduled closing of Umstead Hospital in 2007, the Department of Correction shall develop a plan for the replacement of the Correction Enterprises laundry operation at Umstead Hospital and include that report with the long range plan required by this section.

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GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION

2005-CORR-H29(S17.17)-P

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

REVISED

STAFFING STUDY OF UNIT MANAGEMENT

SECTION 17.17. The Department of Correction shall conduct an organization and staffing study of unit management in the State prison system, focusing on the 18 prison facilities that use unit management. The Department shall review workload and staffing at each of the prisons and make recommendations for staffing changes and staffing efficiencies. The study shall consider the responsibilities and workloads of custody supervisors and program staff in relation to unit managers and determine whether certain functions should be the responsibility of custody supervisors or program staff.

The Department shall report its findings and recommendations to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by March 1, 2006.

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DRAFT
SPECIAL PROVISION

2005-CORR-H1

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire** HOUSE

ENERGY COMMITTED TO OFFENDERS/CONTRACT AND REPORT

SECTION #. The Department of Correction may continue to contract with Energy Committed To Offenders, Inc., for the purchase of prison beds for minimum security female inmates during the 2005-2007 biennium. Energy Committed To Offenders, Inc., shall report by February 1 of each year to the Joint Legislative Commission on Governmental Operations on the annual cost per inmate and the average daily inmate population compared to bed capacity using the same methodology as that used by the Department of Correction.

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DRAFT
SPECIAL PROVISION

2005-CORR-H4(S17.19)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

JOINT

REPORT ON ELECTRONIC MONITORING COSTS

SECTION 17.19. The Department of Correction shall report by March 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Committees and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on its efforts to increase the use of electronic monitoring of sentenced offenders in the community as an alternative to the incarceration of probation violators. The report shall also document the geographical distribution of electronic monitoring use compared to other intermediate sanctions. The Department shall also analyze the reasons for the underutilization of the electronic monitoring program and include its findings in the report.

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DRAFT
SPECIAL PROVISION

JOINT

2005-CORR-H5(S17.20)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

REPORT ON PROBATION AND PAROLE CASELOADS

SECTION 17.20.(a) The Department of Correction shall report by March 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on caseload averages for probation and parole officers. The report shall include:

(1) Data on current caseload averages for Probation Parole Officer I, Probation Parole Officer II, and Probation Parole Officer III positions;
(2) An analysis of the optimal caseloads for these officer classifications;
(3) An assessment of the role of surveillance officers;
(4) The number and role of paraprofessionals in supervising low-risk caseloads;
(5) An update on the Department's implementation of the recommendations contained in the National Institute of Correction study conducted on the Division of Community Corrections in 2004;
(6) The selection of a risk assessment and the resulting distribution of offenders among risk levels; and
(7) Any position reallocations in the previous 12 months, and the reasons for and fiscal impact of those reallocations.

SECTION 17.20.(b) The Department of Correction shall conduct a study of probation/parole officer workload at least biannually. The study shall include analysis of the type of offenders supervised, the distribution of the probation/parole officers' time by type of activity, the caseload carried by the officers, and comparisons to practices in other states. The study shall be used to determine whether the caseload goals established by the Structured Sentencing Act are still appropriate, based on the nature of the offenders supervised and the time required to supervise those offenders.

SECTION 17.20.(c) The Department of Correction shall report the results of the study and recommendations for any adjustments to caseload goals to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by January 1, 2007.

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JOINT

DRAFT
SPECIAL PROVISION

2005-CORR-H6(S17.21)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

COMMUNITY SERVICE WORK PROGRAM

SECTION 17.21. The Department of Correction shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by February 1 of each year on the integration of the Community Service Work Program into the Division of Community Corrections, including the Department's ability to monitor the collection of offender payments from unsupervised offenders sentenced to community service. The Department shall also report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by February 1 of each year on the average caseloads of Community Service Work Program coordinators, by district, division, and statewide. The report shall also include the money collected, the type and value of the work performed, and the number of offenders in the Community Service Work Program, by type of referral (i.e. parole, supervised probation, unsupervised probation or community punishment, DWI, or any other agency referrals).

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DRAFT
SPECIAL PROVISION

JOINT

2005-CORR-H7(S17.22)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

REPORTS ON NONPROFIT PROGRAMS

SECTION 17.22.(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 to serve women released from prison with children in their custody. Harriet's House shall report by February 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 successfully complete the Harriet's House program, and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(b) Summit House shall report by February 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 had their probation revoked, the number of clients who successfully complete the program while housed at Summit House, Inc., and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(c) Women at Risk shall report by February 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, the number of clients who have successfully completed the program, and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

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DRAFT
SPECIAL PROVISION

REVISED
2005-CORR-H3(S17.23)

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

CRIMINAL JUSTICE PARTNERSHIP PROGRAM

SECTION 17.23.(a) It is the intent of the General Assembly that State Criminal Justice Partnership Program funds not be used to fund case manager positions when those services can be reasonably provided by Division of Community Corrections personnel or by the Treatment Alternatives to Street Crime (TASC) Program in the Department of Health and Human Services.

SECTION 17.23.(b) Notwithstanding the provisions of G.S. 143B-273.15 specifying that grants to participating counties are for the full fiscal year and that unobligated funds are returned to the State-County Criminal Justice Partnership Account at the end of the grant period, the Department of Correction may reallocate unspent or unclaimed funds distributed to counties participating in the State-County Criminal Justice Partnership Program in an effort to maintain the level of services realized in previous fiscal years.

SECTION 17.23.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully developed plan for each type of sanction.

SECTION 17.23.(d) The Department of Correction shall report by February 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Committees, the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the status of the State-County Criminal Justice Partnership Program. The report shall include the following information:

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

(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for the current fiscal year;

(3) Any counties the Department anticipates will submit requests for new implementation grants;

(4) An update on efforts to ensure that all counties make use of the electronic reporting system, including the number of counties submitting offender participation data via the system;

(5) An analysis of offender participation data received, including data on each program's utilization and capacity;

(6) An analysis of comparable programs, prepared by the Division of Research and Planning, Department of Correction, including a comparison of programs in each program type on selected outcome

measures developed by the Division of Community Corrections in consultation with the Fiscal Research Division and the Division of Research and Planning, and a summary of the reports prepared by county Criminal Justice Partnerships Advisory Boards; and

(7) An evaluation of whether each sentenced offender program meets program standards developed by the Division of Community Corrections in consultation with the Division of Research and Planning.

SECTION 17.23.(e) G.S. 143B-273.14(c) reads as rewritten:

"(c) When a county receives more than fifty thousand dollars ($50,000) in community-based corrections funds, then that county shall use at least fifty percent (50%) of those funds to develop programs for offenders who receive intermediate punishments. No county shall use more than twenty-five percent (25%) of its funds to serve offenders released from jail prior to trial."

SECTION 17.23.(f) G.S. 143B-273.15 reads as rewritten:

"**§ 143B-273.15. Funding formula.**

To determine the grant amount for which a county or counties may apply, the granting authority shall apply the following formula:

(1) ~~Twenty percent (20%)~~ Twenty-five percent (25%) based on a fixed equal dollar amount for each county;

(2) ~~Sixty percent (60%)~~ Fifty percent (50%) based on the county share of the State population; and

(3) ~~Twenty percent (20%)~~ Twenty-five percent (25%) based on the ~~supervised probation admissions~~ intermediate punishment entry rate for the ~~county.~~ county, using the total of the three most recent years of data available divided by the average county population for that same period.

The sum of the amounts in subdivisions (1), (2), and (3) is the total amount of the funding that a county may apply for under this subsection.

Grants to participating counties are for a period of one fiscal year with unobligated funds being returned to the Account at the end of the grant period. Funds are provided to participating counties on a reimbursement basis unless a county documents a need for an advance of grant funds. The data used for this funding formula shall be updated at least once every three years."

SECTION 17.23.(g) For the 2005-2006 fiscal year, notwithstanding the formula in G.S. 143B-273.15, each county's formula allocation shall be capped at no less than ninety-nine percent (99%) and no greater than one hundred twenty percent (120%) of the funds allocated to that county for the 2004-2005 fiscal year. Funding caps shall be accomplished by the redistribution of three hundred forty-four thousand four hundred ninety-one dollars ($344,491) that was spent on case management services in day reporting centers prior to 2002. For the 2006-2007 fiscal year, the same procedures shall be used, except that the capped amounts shall be no less than ninety-five percent (95%) and no greater than one hundred twenty-five percent (125%) of the funds allocated to that county for the 2004-2005 fiscal year. No funds shall be used to fund programs that did not participate in the Criminal Justice Partnership Program in fiscal year 2004-2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

81

DRAFT
SPECIAL PROVISION

JOINT

2005-CORR-H9(S17.24)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

REPORT ON INMATES ELIGIBLE FOR PAROLE

SECTION 17.24. The Post-Release Supervision and Parole Commission shall report by January 15 and July 15 of each year to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on inmates eligible for parole. These reports shall include at least the following:

(1) The total number of Fair Sentencing and Pre-Fair Sentencing inmates that were parole-eligible during the current fiscal year and the total number of those inmates that were paroled. The report should group these inmates by offense type, custody classification, and type of parole. The report should also include a more specific analysis of those inmates who were parole-eligible and assigned to minimum custody classification but not released;

(2) The average time served, by offense class, of Fair Sentencing and Pre-Fair Sentencing inmates compared to inmates sentenced under Structured Sentencing; and

(3) The projected number of parole-eligible inmates to be paroled or released by the end of the 2007-2008 fiscal year and by the end of each of the next five fiscal years, beginning with the 2008-2009 fiscal year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

82

DRAFT
SPECIAL PROVISION

JOINT

2005-CORR-H10(S17.25)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

PROVIDE THAT THE TERMS OF THE MEMBERS OF THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION SERVING ON JUNE 30, 2005, EXPIRE ON THAT DATE AND RESTRUCTURE THE COMMISSION TO CONSIST OF ONE FULL-TIME MEMBER AND TWO HALF-TIME MEMBERS

SECTION 17.25.(a) G.S. 143B-267 reads as rewritten:

"**§ 143B-267. Post-Release Supervision and Parole Commission – members; selection; removal; chairman; compensation; quorum; services.**

~~The~~ Effective July 1, 2005, the Post-Release Supervision and Parole Commission shall consist of ~~three~~ one full-time ~~members.~~ member and two half-time members. The three ~~full-time~~ members shall be appointed by the Governor from persons whose recognized ability, training, experience, and character qualify them for service on the Commission. The terms of office of ~~the five members presently~~ any members serving on the Commission on June 30, 2005, shall expire on ~~July 31, 1999.~~ that date. ~~The term of one of the members appointed effective August 1, 1999, shall be for one year. The term of one of the members appointed effective August 1, 1999, shall be for two years. The term of one of the members appointed effective August 1, 1999, shall be for three years. Thereafter, the~~ The terms of office of persons appointed by the Governor as members of the Commission shall be for four years or until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, removal, death or disability of a ~~full-time~~ member shall be for the balance of the unexpired term only.

The Governor shall have the authority to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of G.S. 143B-13. The Governor shall designate a ~~full-time~~ member of the Commission to serve as ~~chairman~~ chair of the Commission at the pleasure of the Governor.

The granting, denying, revoking, or rescinding of parole, the authorization of work-release privileges to a prisoner, or any other matters of business coming before the Commission for consideration and action shall be decided by majority vote of the full Commission.

The ~~full-time~~ members of the Commission shall receive the salary fixed by the General Assembly in the Current Operations Appropriations Act and shall receive necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-6.

All clerical and other services required by the Commission shall be supplied by the Secretary of Correction."

SECTION 17.25.(b) This section becomes effective June 30, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

83

DRAFT
SPECIAL PROVISION

JOINT

2005-CORR-H11(S17.26)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

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

SECTION 17.26. The Post-Release Supervision and Parole Commission shall report by October 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on a plan for restructuring the organization and operation of the Commission and implementing staff reductions to reflect both declines and changes in workload.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

84

DRAFT
SPECIAL PROVISION

REVISED

2005-CORR-H12(S17.27)

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

MUTUAL AGREEMENT PAROLE PROGRAM

SECTION 17.27. The Department of Correction and the Post-Release Supervision and Parole Commission shall make a good faith effort to enroll at least twenty percent (20%) of all program-eligible, pre-Structured Sentencing felons in the Mutual Agreement Parole Program by January 1, 2006. The Department shall report to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on the number of inmates actually enrolled in the program, the number of inmates who have been paroled as a result of participation in the program, and the number of inmates who have enrolled but terminated as a result of unsuccessful participation in the program. If the twenty percent (20%) participation goal established by this section has not been reached, the report shall explain why the goal was not realized.

(Senate - 10%)

JOINT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

85

DRAFT
SPECIAL PROVISION

2005-CCPS-H2(S18.1)i

Department of Crime Control and Public Safety
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Haire, Kiser**

ANNUAL EVALUATION OF TARHEEL CHALLENGE PROGRAM

SECTION 18.1. The Department of Crime Control and Public Safety shall report to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by April 1 of each year of the biennium on the operations and effectiveness of the National Guard Tarheel Challenge Program. The report should evaluate the program's effectiveness as an intervention method for preventing juveniles from becoming undisciplined or delinquent. The report shall also evaluate the Program's role in improving individual skills and employment potential for participants and shall include:

(1) The source of referrals for individuals participating in the Program;

(2) The summary of types of actions or offenses committed by the participants of the Program;

(3) An analysis outlining the cost of providing services for each participant, including a breakdown of all expenditures related to the administration and operation of the Program and the education and treatment of the Program participants;

(4) The number of individuals who successfully complete the Program; and

(5) The number of participants who commit offenses after completing the Program.

KEVISED

GENERAL ASSEMBLY OF NORTH CAROLINA

86

SESSION 2005

DRAFT
SPECIAL PROVISION

2005-CCPS-H3(S18.2)

Department of Crime Control and Public Safety
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

VICTIMS ASSISTANCE NETWORK REPORT

SECTION 18.2. The Department of Crime Control and Public Safety shall report on the expenditure of funds allocated pursuant to this section for the Victims Assistance Network. The Department shall also report on the Network's efforts to gather data on crime victims and their needs, act as a clearinghouse for crime victims' services, provide an automated crime victims' bulletin board for subscribers, identify the training needs of crime victims' services providers and criminal justice personnel, and coordinate training for these personnel. The Department shall submit its report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives by December 1 of each year of the biennium.

removed "coordinate and support activities of other crime victims' advocacy groups

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT Amendment I

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 06/10/2005

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Sutton and Frye
)
Sen.)

moves to amend the bill on page _____, line _____

( ) WHICH CHANGES THE TITLE

by On page I-2, Item 11, by reducing the FY 05-06 recurring funds by $134,266 and by reducing the FY 06-07 recurring by 235,985 and by reducing the FY 05-06 non-recurring by $13,315 and the FY 06-07 non recurring by $10,508.

and by rewriting the decription of item 11 by to " Provides funds for one District Court Judge, one assistant district attorney, and one new deputy clerk eff. 10/1/05 The item also provides $39,117 R and $4,661 NR for a new assistant district attorney in District 2 for Hyde County, effective January 1, 2006. Provides funds for one ADA in District 24 and one deputy clerk in Mitchell County, effective 10/1/05."

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 06/10/2005

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) Sutton and Frye
Sen.)

~~1 moves to amend the bill on page _____, line _____~~

~~2 ( ) WHICH CHANGES THE TITLE~~

3 by On page I-4, reduce the reduction in item
4 13 for the FY 05-06 by $134,266 and for
5 FY 06-07 by $235,985

6

7

8 and by amending Special provisions by Amending
9 Special Provision 2005-AOC-H22, page 26, by
10 deleting from page 26, line 35 through page 29
11 line 7.

12

13 And on page 29, Line 37 by changing "16"
14 to "14"

15

16 and on page 30, Line 9, by Chaging "4" to "5"

17

18

19

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PLEASE PRESS HARD - 5 COPIES Amendment #1

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Amendment offered by Representatives Sutton and Frye, dated 6/10/05

EDITION No. _____

H. B. No. _____ DATE 6/10/05

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Haire
Sen.)

amendment offered by Representatives Sutton and Frye

moves to amend the ~~bill~~ on page 1, line 4

( ) WHICH CHANGES THE TITLE

by reducing the amount on that line by $28,730; and

on page 1, line 5, by reducing the amount by $38,389; and

on page 1, line 6, by reducing the amount on that line by $4,478; and

further moves to amend the amendment by rewriting line 17 on page 1 as follows:

"deputy clerk in Mitchell County, effective 10/1/05.

Provides funds for one magistrate in Macon County, effective 10/1/05."; and

further moves to amend the amendment on page 2, line 4 by increasing the amount on that line by $28,730 and on page 2, line 5, by increasing the

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT Amendment #1

(Please type or use ballpoint pen)

House Appropriations Justice and Public Safety Subcommittee Special Provisions Report dated June 10, 2005

EDITION No. _____

H. B. No. _____ DATE 6/10/05

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) Saton
Sen.)

1 moves to amend the ~~bill on page~~ report on page 22 ~~, line~~ lines 1-17
2 ( ) WHICH CHANGES THE TITLE
3 by deleting those lines.
4
5
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12
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14
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16
17
18
19

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

Amendment IV

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 622

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S622-ALL-13 [v.1]

Date 06/10/2005 ,2005

Comm. Sub. [NO]
Amends Title [NO]
Fourth Edition

~~Senator~~ Representative Sutton

moves to amend the report on page ___, line ___,
by inserting the following:

"Requested by:

PAROLE ELIGIBILITY REPORT

(a) The Commission shall analyze the amount of time each parole-eligible inmate has served compared to the time served by offenders under Structured Sentencing for comparable crimes. The Commission shall determine if the person has served more time in custody than the person would have served if sentenced to the maximum sentence under the provisions of Article 81B of Chapter 15A of the General Statutes. The "maximum sentence", for the purposes of this section, shall be calculated as set forth in subsection (b) of this section.

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

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

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

(3) If a person is serving sentences for two or more offenses that are concurrent in any respect, then the offense with the greater

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 622

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S622-ALL-13 [v.1]

classification shall be used to determine a single maximum sentence for the concurrent offenses. The fact that the person has been convicted of multiple offenses may be considered by the Commission in making its determinations under subsection (a) of this section.

(c) The Commission shall report to Corrections, Crime Control and Juvenile Justice Oversight Committee on the results of its analysis by February 1, 2006 and shall reconsider each offender who has served more time than they would have under Structured Sentencing."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Amendment II

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

DRAFT
SPECIAL PROVISION

2005-AOC-H23

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representatives Kiser, Haire

PAYMENT OF COURT COSTS, FINES, AND RESTITUTION BY PROBATIONERS

SECTION #. G.S. 15A-1343(b) reads as rewritten:

"(b) Regular Conditions. – As regular conditions of probation, a defendant must:

...

(9) Pay the costs of court, any fine ordered by the court, and make restitution or reparation as provided in subsection (d). A defendant may not pay costs associated with a substance abuse monitoring program or any other special condition of probation in lieu of, or prior to, the payments required by this subdivision.

..."

NORTH CAROLINA
DEPARTMENT OF CORRECTION
DIVISION OF COMMUNITY CORRECTIONS
2020 Yonkers Road, Mail Service Center 4250
Raleigh, North Carolina 27699-4250
Phone: (919) 716-3100 Fax: (919) 716-3996

Theodis Beck, Secretary | Michael F. Easley, Governor | Robert Lee Guy, Director

June 1, 2005

MEMORANDUM

To: Judicial District Managers
Assistant Judicial District Managers
Chief Probation/Parole Officers

Fr: Robert Lee Guy
Director

Re: SCRAM Program

SCRAM (Secure Continuous Remote Alcohol Monitoring) is a technology that uses a trans-dermal analysis in order to determine the presence of alcohol. The equipment used appears similar to that used within the traditional electronic house arrest industry. During the past few days it has come to my attention that a vendor for the above program has been traveling the state meeting with Judges, and attempting to convince the Judges to sentence offenders to use this equipment as a means to control alcohol use. Within the vendor presentations, information concerning the support of this initiative is being misrepresented.

Please note that the Division of Community Corrections and thus the department have not endorsed the use of the SCRAM program, concept, equipment, etc. There is not a state level memorandum of understanding or agreement providing for our involvement or use of officers to install this equipment or to respond to any noted violations. There is an agreement in place within Judicial District 26 for our involvement in a pilot program to test this concept and equipment, in concert with AOC. This pilot runs through June 30, 2005 and will be reviewed and evaluated with AOC, after which a decision concerning any future use will then be communicated appropriately.

Also, please note that we do not support or endorse in any way the waiver of court costs, fines, supervision fee's, etc. that has apparently occurred in areas where the vendor has convinced Judges to try the program. SCRAM is an expensive program, with a stated cost of $ 12.00 per day, and it is being promoted as an offender pay program. At least in a few cases, the above noted costs or fee has been waived, effectively taking monies out of the states general fund or from the local schools and paid directly by the offender to the private vendor.

We will continue to review SCRAM through our participation in the noted pilot and proved additional information as is appropriate. Please review this information with all appropriate staff immediately. You may also review this memorandum with any criminal justice system officials as is necessary. In the event the court orders SCRAM and requires our involvement, as always do your best to enforce the courts order, however; please inform Martha Sullivan, Substance Abuse Program Administrator in my office; if this vendor and or if this issue should appear in your district.

CC: Leadership Team
Assistant Judicial Division Chiefs
Dan Stieneke
The Honorable Ralph Walker
Greg Stahl

Amendment VI

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

DRAFT
SPECIAL PROVISION

2005-ATTY-H10r

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: **Representatives Kiser, Haire**

STATEWIDE AUTOMATED FINGERPRINT SYSTEM REPLACEMENT

SECTION #. The Department of Justice shall continue to plan for the upgrade and replacement of the North Carolina Statewide Automated Fingerprint Identification System (SAFIS). Prior to any determination to pursue sole source procurement for this project, the Department of Justice shall obtain requests for proposals from qualified vendors on a competitive basis in order to evaluate economies available to the State and options for the transfer of data to the new system. The Department of Justice shall negotiate with the current vendor to develop an agreement regarding maintenance of the current equipment until the new system becomes fully operational.

By November 1, 2005, the Department of Justice shall provide a plan to the Joint Legislative Commission on Governmental Operations Subcommittee for Justice and Public Safety that shall include all of the following:

(1) A description of the system and project status report.

(2) The cost estimates for equipment replacement, maintenance and operating costs including proposed sources of funding.

(3) The method of procurement.

(4) The time line for completion of the project.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT Amendment #11

(Please type or use ballpoint pen)

House Appropriations Justice and Public Safety Subcommittee Special Provisions Report dated June 10, 2005

EDITION No. _____

H. B. No. _____

S. B. No. _____

DATE 6/10/05

Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Haire
) _____
~~Sen.~~

1 moves to amend the ~~bill~~ report on page 51, lines 1-9

2 ( ) WHICH CHANGES THE TITLE

3 by rewriting the lines to read:

4

5 " PLAN, DESIGN, AND CONSTRUCTION OF

6 YOUTH DEVELOPMENT CENTERS

7 SECTION #. The Department of Juvenile

8 Justice and Delinquency Prevention and the Department

9 of Administration, State Construction Office, shall

10 continue the planning, design, and construction of up

11 to 224 youth development center beds. The 224

12 youth development center beds shall be allocated

13 as follows: two 32-bed facilities, one 64-bed

14 facility, and one 96-bed facility. The 64-bed

15 facility shall be located in Guilford County and one

16 of the 32-bed facilities shall be located in

17 Chatham County. The remainder of the facilities

18 shall be located at sites to be chosen by the

19 Secretary of the Department of Juvenile Justice and

Delinquency Prevention. "

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	April 6 1:30 a.m.	April 7 8:30 a.m.	June 1, 2005	May 11, 8:45 a.m.	May 18 1:30 a.m.	June 1	June 10, 8:45 a.m.	July 12 8:30 a.m.							
HOUSE															
Rep. Phil Haire, CHAIR	Cancelled - quorum not	✓		✓	✓		✓	✓							
Rep. Joe Kiser, CHAIR		✓			✓			✓							
Rep. Karen Ray, VICE CHAIR															
Rep. Ron Sutton, VICE CHAIR		✓		✓	✓		✓	✓							
Rep. Phillip Frye		✓		✓	✓		✓	✓							
Rep. Melanie Goodwin		✓		✓	✓		✓	✓							
Rep. Edward Jones		✓		✓	✓		✓	✓							
Rep. Carolyn Justus		✓		✓	✓			✓							
Rep. Paul Miller		✓			✓			✓							
SENATE															
Sen. Scott Thomas, CHAIR	✓	✓													
Sen. John Snow, VICE- CHAIR	✓	✓													
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓	✓													
Sen. Tom Apodaca	✓	✓													
Sen. Ellie Kinnaird	✓	✓													
Sen. Keith Presnell	✓	✓													
Sen. Tony Rand															

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

The House Appropriations Subcommittee on Justice and Public Safety met on Tuesday, July 12, 2005, at 8:35 a.m. in Room 415 LOB. Eight (8) members of the House were present:

Rep. Phil Haire (Co-Chair)	Rep. Melanie Goodwin
Rep. Joe Kiser (Co-Chair)	Rep. Edward Jones
Rep. Ron Sutton (V. Chair)	Rep. Carolyn Justus
Rep. Phillip Frye	Rep. Paul Miller

Rep. Haire called the meeting to order and began with the introduction of Pages and Sgt. At Arms. Rep. Haire then introduced Rep. Pryor Gibson for an introduction and review of House Bill 687 – Pirating Movies.

After a few questions and some explanation which was given by Mr. Dave Horne, Smith Anderson Law Firm, Rep. Edward Jones moved for a favorable report. All members responded in the affirmative and HB 687 was given a favorable report. This bill was reported out to the Principal Clerk's office on July 12, 2005.

Rep. Haire adjourned the meeting at 9:10 a.m.

Respectfully submitted,

Rep. R. Phillip Haire, Presiding House Chair

Sara Jane Lennard, House Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 3

HOUSE BILL 687

Corrected Copy 3/22/05

Committee Substitute Favorable 5/2/05

Short Title: Pirating Movies. (Public)

Sponsors:

Referred to:

March 17, 2005

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 14 of the General Statutes is amended by adding a new Article to read:

"Article 58A.

"Audiovisual Recordings.

"**§ 14-440.1. Unlawful operation of an audiovisual recording device.**

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

(1) "Audiovisual recording device" means a digital or analog photographic or video camera, or any other technology or device now known or later developed, capable of recording, copying, or transmitting a motion picture, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.

(2) "Motion picture theater" means a movie theater, screening room, or other venue that is being utilized primarily for the exhibition of a motion picture at the time of the offense.

(b) Offense. – Any person who knowingly operates or attempts to operate an audiovisual recording device in a motion picture theater to transmit, record, or otherwise make a copy of a motion picture, or any part thereof, without the written consent of the motion picture theater owner shall be guilty of a violation of this section.

(c) Penalty. – A violation of this section is punishable as follows:

(1) Unless the conduct is covered under some other provision of law providing greater punishment, any person convicted of a violation of this section is guilty of:

a. A Class 1 misdemeanor, if the violation is a first offense under this section.

b. A Class I felony, if the violation is a second or subsequent offense under this section.

(2) If a person is convicted of any violation of this section, the court, in its judgment of conviction, shall order the forfeiture and destruction or other disposition of the following:

a. All unauthorized copies of motion pictures or other audiovisual works, or any parts thereof.

b. All implements, devices, and equipment used or intended to be used in connection with the offense.

(d) Immunity of the Real Property Owner. – The owner or lessee of a motion picture theater, or the authorized agent or employee of such owner or lessee, who alerts law enforcement authorities of an alleged violation of this section shall not be liable in any civil action arising out of measures taken by the owner, lessee, agent, or employee in the course of detaining a person that the owner, lessee, agent, or employee in good faith believed to have violated this section while awaiting the arrival of law enforcement authorities, unless the plaintiff can show by clear and convincing evidence that the measures were manifestly unreasonable or the period of detention was unreasonably long.

(e) Authorized Activities. – This section does not prevent any lawfully authorized investigative, protective, law enforcement, or intelligence gathering employee or agent of a local, State, or federal government from operating any audiovisual recording device in a motion picture theater, as part of lawfully authorized investigative, protective, law enforcement, or intelligence gathering activities."

SECTION 2. This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415 Legislative Office Building

July 12, 2005 8:30 A.M.

I. CALL TO ORDER

Chairmen: Representative Joe Kiser
Representative Phil Haire , Presiding

II. PRESENTATIONS

Opening Remarks by Chairs

Review and Discussion of HB 687 Pirating Movies

Subcommittee Chairmen and Members

III. OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

APPROPRIATIONS-JUSTICE AND PUBLIC SAFETY 7-12-05

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kathy Johnson	Office of Sentencing Services
Cally Dix	DJJDP
Rebecca Troutman	NCACC
Alice Garland	NCDOC

House Pages

Name Of Committee: _____ Da : 7/12/05

1. Name: Martez Barnes
   County: Wake
   Sponsor: Mr Black
2. Name: Wiley Narron
   County: Johnston
   Sponsor: Lee Daughtry
3. Name: Hunter Boyd
   County: Beaufort
   Sponsor: Culpepper
4. Name: Thomas Rhodes
   County: Nash
   Sponsor: Daughtridge
5. Name: Brandon Smith
   County: Wake
   Sponsor: Stam

Sgt-At-Arms

1. Name: JIM WOMACK
2. Name: JAMES WORTH
3. Name:
4. Name:
5. Name:

Justice and Public Safety

MINUTES

HOUSE COMMITTEE ON ALCOHOLIC BEVERAGE CONTROL

Tuesday, June 21, 2005

The House Committee on Alcoholic Beverage Control met on Tuesday, June 21, 2005, in Room 425 of the Legislative Office Building at 1:00 P.M. The following members were present: Chairman Pryor Gibson, Vice-Chairs Robert Grady and Paul Miller, Representatives Daughtry, Goforth, Lucas, and Tucker. Staff in attendance: Brenda Carter and Susan Sitze. A Visitor Registration list is attached and made part of these minutes.

Chairman Gibson called the meeting to order.

SB 974 – Alcohol Sales-Campus Arts Centers/AgriCenter (Attachment 1). Representative Daughtry moved to adopt S974-CSSA-21 [v.2] and be put before the Committee. Representative Gibson spoke on the bill for Senator Dannelly. He explained that the bill allows the Cultural Center in Charlotte to serve beer and wine. The bill also allows the Agricultural Center in Duplin County to serve wine at the Wine Festival. It is a simple, one-time provision that expires at the end of 2005, and allows that facility to sell the product they are promoting. Representative Daughtry said that the Duplin County Winery has done an outstanding job, and as many as fifty winery representatives could "show off their wares." Representative Lucas moved for a favorable report to the PCS, unfavorable to the original bill. Passed.

HB 1429 – Wine Shipper Fee/Wine Primary Source (Attachment 2). Representative Gibson that this bill does four things: (1) removes the wine shipper fee; (2) recognizes "primary source";
(3) moves the Grape Council from Agriculture to the Department of Commerce because the winery business now addresses the tourism side to the business in North Carolina. These two State Government departments can work together cooperatively; (4) "split case" is the short title for "'giving things of value' shall not include the dividing or removing of individual containers of alcohol from larger packages of alcohol or the delivery of such to the retail permittee" (page 4, section 7). The splitting of the product does not have value.

Rep. Daughtry asked to be excused from voting.

Dean Plunkett, NC Beer and Wine Wholesalers Association, spoke on the "split case" part of the bill. He said that wholesalers saw a problem with the importation of small batches of wines coming through non-recognized sources. When wholesalers purchase wine for retailers, and retailers purchase wine from wholesalers, they would know they had the proper sources and channels. They have worked with large and small retailers, large and small importers into North Carolina and United States, wineries, large collectors, and others making sure everyone were satisfied with the language. He also reintegrated that all involved are happy with "primary source."

Sara Jane Lennard (Rep. Haire)

From: Anne Cole (House Legislative Assistants Director)
Sent: Wednesday, July 27, 2005 12:26 PM
To: Sara Jane Lennard (Rep. Haire)
Subject: RE: Green Copy

That's great. The mistake we (I) made was not calling the report a "subcommittee report". Everything falls into place if that is properly identified. Call if you have questions.
Anne

-----Original Message-----
From: Sara Jane Lennard (Rep. Haire)
Sent: Wednesday, July 27, 2005 12:03 PM
To: Anne Cole (House Legislative Assistants Director)
Subject: RE: Green Copy

I think that I can probably do it if that's alright with you. I have the first one and can get Shirlyn to look over my shoulder. Save you from a hot trip over here!!! sj

-----Original Message-----
From: Anne Cole (House Legislative Assistants Director)
Sent: Wednesday, July 27, 2005 11:52 AM
To: Sara Jane Lennard (Rep. Haire)
Subject: RE: Green Copy

I will go by your office and we will recreate the report and print it on green paper. It won't take a minute. Do you have a copy of the first report?

-----Original Message-----
From: Sara Jane Lennard (Rep. Haire)
Sent: Wednesday, July 27, 2005 11:48 AM
To: Anne Cole (House Legislative Assistants Director)
Subject: Green Copy

Anne - I never did get the green copy re: the report you helped me do in JPS. Thanks sj

Sara Jane Lennard,
LegislativeAssistant
Rep Phil Haire
919/715-3005

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative Haire, Kiser (Chairs) for the Committee on APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY.

☒Committee Substitute for

HB 687 A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

MINUTES
JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY

Monday, August 22, 2005

The Joint Appropriations Subcommittee on Justice and Public Safety met on Monday, August 22, 2005 in Room 544 of the Legislative Office Building.

Chairman Kiser presided and presented the **Senate Committee Substitute for SB 911 Class Actions and Unpaid Residuals.** Chairman Kiser explained the changes made in the Senate Committee Substitute. Representative Goodwin moved to amend the bill. (amendment attached). Representative Goodwin moved that the House concur in the changes and the motion passed.

There was no further business and the meeting adjourned.

Joe L. Kiser

Representative Joe L. Kiser
Chair

Marilyn R. Holder

Marilyn R. Holder
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 911

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S911-ALR-25 [v.1]

Date 8/22 ,2005

Comm. Sub. [YES]
Amends Title [NO]
Second Edition

Representative Goodwin

moves to amend the bill on page 1, line 23, by rewriting the line to read:

"'unless otherwise directed by the court, the defendant shall pay the sum of the unpaid residue to the Class'".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
Chairs: **Representative Haire, Kiser**

DATE: **Aug 22, 2005**

Bill Number: SB911

Short Title: Class Actions and Unpaid Residuals.

Assigned to Committee on: Appropriations Subcommittee on Justice and Public Safety reassigned to Appropriations.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S 2

SENATE BILL 911

Judiciary I Committee Substitute Adopted 5/25/05

Short Title: Class Actions and Unpaid Residuals. (Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION.

The General Assembly of North Carolina enacts:

SECTION 1. Subchapter VIII of Chapter 1 of the General Statutes is amended by adding a new Article to read:

"Article 26B.

"Distribution of Unpaid Residuals in Class Action Litigation.

"**§ 1-267.10. Distribution of unpaid residuals in class action litigation.**

(a) It is the intent of the General Assembly to ensure that the unpaid residuals in class action litigation are distributed, to the extent possible, in a manner designed either to further the purposes of the underlying causes of action or to promote justice for all citizens of this State. The General Assembly finds that the use of funds collected by the State courts pursuant to this section for these purposes is in the public interest, is a proper use of the funds, and is consistent with essential public and governmental purposes.

(b) Prior to the entry of any judgment or order approving settlement in a class action established pursuant to Rule 23 of the Rules of Civil Procedure, the court shall determine the total amount that will be payable to all class members, if all class members are paid the amount to which they are entitled pursuant to the judgment or settlement. The court shall also set a date when the parties shall report to the court the total amount that was actually paid to the class members. After the report is received, the court shall direct the defendant to pay the sum of the unpaid residue to the Class Action Residual Reserve Fund established in G.S. 143-16.6."

SECTION 2. Article 1 of Chapter 143 of the General Statutes is amended by adding the following new section to read:

"**§ 143-16.6. Class Action Residual Reserve Fund.**

(a) The Class Action Residual Reserve Fund is created as a restricted reserve in the General Fund. Funds in the Fund do not revert but remain available for the purposes

specified in this section. Interest earned on the Fund shall be paid to the General Fund. Except as otherwise provided in this section, funds shall be expended from the Class Action Residual Reserve Fund only by specific appropriation by the General Assembly.

(b) Of the funds available in the Class Action Residual Reserve Fund as of July 1 of each year, up to five million dollars ($5,000,000) shall be divided and credited equally to the Indigent Persons' Attorney Fee Fund and to the North Carolina State Bar for the provision of civil legal services for indigents."

SECTION 3. This act becomes effective October 1, 2005, and applies to causes of action that arise on or after that date.

BLIC BILL

Judiciary I
~~Proposed~~ Committee Substitute For
S.B. 911

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION.

Introduced by Senator(s) Hagan

Principal Clerk's Use Only

Committee Substitute
Adopted
Pursuant to Rule 45.1
MAY 25 2005

RECEIVED
MAY 27 2005
9:15 am

PASSED 2nd & 3rd
READINGS
47-1
MAY 26 2005
VV
ORDERED SENT TO
HOUSE OF REPRESENTATIVE

Janet Pruitt

PASSED 1st READING
MAY 31 2005
AND REFERRED TO COMMITTEE
ON Appropriations
Subcommittee on Justice
and Public Safety

2005 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from standing committee(s) is/are presented:

By Representative(s) Haire, Kiser (Chairs) for the Appropriations Subcommittee on Justice and Public Safety.

☒ Senate Committee Substitute for
SB 911 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION.

REPORTED TO THE STANDING COMMITTEE ON APPROPRIATIONS

RECOMMENDED ACTION:
☒With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on APPROPRIATIONS.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

SENATE MEMBERS

Co-Chairman	Sen. John Snow
Co- Chairman	Sen. Ellie Kinnaird
Vice-Chairman	Sen. Dan Clodfelter
Ranking Minority Member	Sen. Stan Bingham

Members:

Senator Tom Apodaca
Senator Keith Presnell
Senator Tony Rand
Senator Pete Bland

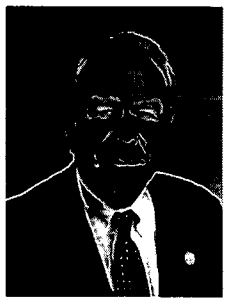
HOUSE MEMBERS

Co-Chairman	Rep. Phil Haire
Co-Chairman	Rep. Joe Kiser
Vice Chairman	Rep. Karen Ray
Vice Chairman	Rep. Ron Sutton

Members:

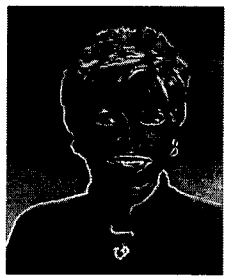
Rep. Phillip Frye
Rep. Melanie Goodwin
Rep. Carolyn Justus
Rep. Paul Miller
Rep. Tim Spear
Rep. Edward Jones

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE APPROPRIATIONS SUBCOMMITTEE
ON JUSTICE AND PUBLIC SAFETY
COMMITTEE NAME
2005 – 2006 SESSION



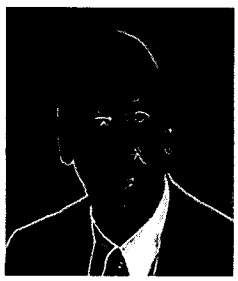
Rep. Haire
Chair

Rep. Kiser
Chair



Rep. Ray
Vice-Chair

Rep. Sutton
Vice-Chair



Rep. Frye

Rep. Goodwin

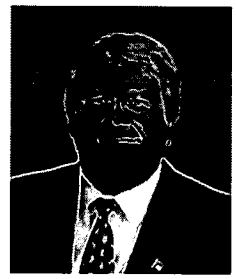
Rep. Jones

Rep. Justus

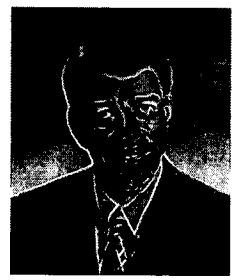
Rep. Miller

Rep. Spear

Rep. Cunningham
Ex-officio



Rep. Eddins
Ex-officio



Rep. Hackney
Ex-officio

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

April 26, 2006
Room 544 LOB
1:30 p.m.

The Joint Appropriations Subcommittee on Justice and Public Safety met at 1:30 p.m. on April 26, 2006 in Room 544, LOB. Five members of the Senate Subcommittee attended along with Representatives Kiser, Frye, Sutton, Spear, and Jones. Senator John Snow presided.

Senator John Snow called the meeting to order and welcomed the pages, staff, and visitors.

The Fiscal Research Staff, including Jim Mills, Denise Thomas and Doug Holbrook presented to the committee an overview of the Justice and Public Safety budgets and issues. (See Attachment #1).

Ralph Walker, Director of the Administrative Office of the Courts presented to the Committee their budget and proposals for the 2006 Short Session. (See Attachment #2).

Attorney General Roy Cooper, Department of Justice presented to the Committee the budget request for 2006-07. (See Attachment #3).

The meeting adjourned at 3:30 p.m.

Senator John Snow, Co-Chair

Vickie Spears, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 544 Legislative Office Building
April 26, 2006 1:30 P.M.

I. CALL TO ORDER

Chairmen: Senator John Snow, Presiding
Senator Ellie Kinnaird
Representative Joe Kiser
Representative Phillip Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Overview of Justice and Public Safety Budgets and Issues
Fiscal Research Staff

Review of Major 2006 Budget Proposals and Issues by JPS Departments and Offices

Judicial Department
Ralph Walker, Director
Administrative Office of the Courts

Office of Indigent Defense
Tye Hunter, Director

Department of Justice
Attorney General Roy Cooper

Department of Correction
Theodis Beck, Secretary

Department of Juvenile Justice and Delinquency Prevention
George Sweat, Secretary

Department of Crime Control and Public Safety
Casandra Skinner, Legislative Liaison

III. OTHER BUSINESS

IV. ADJOURNMENT

JPS AGENCIES - CERTIFIED BUDGETS
(net G.F. appropriations)

	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07
CORRECTION	$ 880,054,808	$ 940,246,590	$ 948,637,385	$ 1,029,924,421	$ 1,048,492,502
JUDICIAL - AOC	$ 294,636,169	$ 304,340,731	$ 318,241,612	$ 342,924,393	$ 345,760,410
JUDICIAL - OIDS	$ 77,286,901	$ 73,264,829	$ 82,019,451	$ 94,037,973	$ 88,648,414
CCPS	$ 27,780,188	$ 28,744,326	$ 32,051,638	$ 34,843,934	$ 35,153,488
JUSTICE	$ 70,938,193	$ 71,041,310	$ 77,157,043	$ 77,322,567	$ 78,697,271
DJJDP	$ 128,984,633	$ 130,313,473	$ 132,319,567	$ 140,377,666	$ 138,873,166
TOTAL JPS	**$ 1,479,680,892**	**$ 1,547,951,259**	**$ 1,590,426,696**	**$ 1,719,430,954**	**$ 1,735,625,251**

Attachment # 1

Fiscal Research Division: 4/26/06

2006 BUDGET SUMMARY

JUSTICE AND PUBLIC SAFETY AGENCIES

Fiscal Research Division
April 26, 2006

DEPARTMENT OF CORRECTION

Budget Summary - State Appropriations

	2004-05	2005-06	2006-07
Certified Budget	$948,637,385	$1,029,924,421	$1,048,492,502
Expenditures	$994,873,989	n/a	n/a
# Employees	19,308.5	20,354	20,375

2005-06 Certified Budget by Major Functional Areas

Program	Budget*	% of Total
Prisons	839,648,856	81%
Community Corrections	132,351,126	13%
Substance Abuse Treatment	13,454,751	1%
Parole/PR Commission	1,295,304	<1%
Department Management	42,782,719	4%

2005-06 Certified Budget by Major Purpose

- *74%* Salaries and Benefits ($781.5 million)
- *13% Pu*rchased Services ($138.1 million); includes purchase of inmate medical services; prison utilities, office leases, telecommunication charges)
- 8% Supplies ($84 million); includes inmate food, clothing and prescription drugs

Major Changes in 2005-07 Budget by General Assembly

General

- Final certified budget was approximately $15 million below Governor's recommended budget
- Funding for DOC Administration: three safety officers and one time funding to upgrade IT security
- Expanded substance abuse treatment by 34 beds ($165,000)

Prisons

- Authorized continuation budget funding of $29 million for partial year costs for Maury and Bertie 1,000 bed prisons (Prisons 4 and 5 of six). Required one time reductions at Maury ($2.5 million NR) and Bertie ($1.15 million NR) by adjusting position establishment schedule.
- Reduced inmate medical budget by $4.6 million while mandating long term cost containment study for presentation to 2007 Session. Funded six medical records clerks and two medical audit/analysis positions.
- Funded intervention program for domestic violence offenders in two prisons.

Community Corrections

- Increased caseloads for supervision of community offenders from 90 to 110, freeing up 54 positions. Twenty five of these positions were cut; 34 were reallocated to training officers, supervising officers and other positions

Major Issues for the 2006 Short Session

- *Prison Beds*: Prison bed shortage will be in range of 245 to 800 beds over the next four years and 1,600 by year five. These projections do not include any proposed legislation such as HB 50, Street Gangs, which could add at least 357 new beds within two years of ratification. DOC's draft long range plan proposes a first step of funding the construction of 240 minimum custody beds and 544 medium custody beds in the 2006 Session. Initial cost estimate of $23 million is being updated. (Note: beds would be dormitory style add-ons at current facilities, so construction cost per bed will be considerably less than stand-alone prisons).

- *Inmate Medical Budget*: Expenditures continue to exceed budget. Expenditures for 2005-06 are projected to be $192 million or $27 million over 2004-05. Major cost driver remains hospital and physician costs. Final cost containment study, including potential for capping hospital and physician rates, is due to 2007 Session.

- *Residential Substance Abuse Treatment Programs*: DOC operates long term residential treatment beds with federal grant funds. These grants expire in June 2006. Minimum cost to maintain a viable program is $1 million.

- *Supervision of Sex Offenders*: The General Assembly directed the development and testing of a Global Positioning System for tracking sex offenders. The

Division of Community Correction recommends a program requiring 90% active monitoring of the 300 most serious sex offenders at a cost of $1.3 million in 2006-07 and $1.7 million annualized

CRIME CONTROL AND PUBLIC SAFETY

Budget Summary - State Appropriations

	2004-05	2005-06	2006-07
Certified Budget	$32,051,638	$34,843,934	$35,153,488
Actual Expenditures	$34,790,125	n/a	n/a
# Employees	522.0	484.5	484.5

2004-05 Budget by Major Functional Areas

Division	Budget*	% of Total
Administration	$ 1,051,486	3.0
National Guard	13,887,236	39.7
Civil Air Patrol	128,759	0.4
Butner Public Safety	3,016,616	8.6
ALE	8,362,203	23.9
Emergency Mgmt	2,526,395	7.2
Victims' & Justice Ser.	5,110,361	14.6
Crime Commission	896,878	2.6

** Net of receipts, Highway Patrol's budget is receipt-based, no G.F. appropriation*

2005-06 Budget by Purpose

- 50% of budget is for are salary/benefits cost ($25.5 million)
- 29% of budget is for aid and public assistance ($14.9 million)
- 13% of budget supports purchased services ($6.7 million)

Major Actions during 2005 General Assembly Session

- $4.5 million R expansion to increase the maximum monthly pension payments to current and future NCNG retirees from $100 to $150.

- $200,000 R expansion for the NG Tuition Assistance Program, increasing the continuation budget to $2,014,288.

- $800,000 R expansion for crime victims' compensation, increasing the continuation budget to $4.5 million.

Major Issues for the 2006 Short Session

- The President's Budget Request for FFY 2007 proposes to eliminate or severely reduce several of the federal block grants that the Governor's Crime Commission allocates to state, local law enforcement, and community agencies. These include COPS; State Criminal Alien Assistance; Byrne; and the Juvenile Accountability Block Grants.

- The estimated cost to complete the VIPER system is around $155 million NR with an additional $12 million R projected for annual operating costs. No general funds are currently appropriated for this purpose. The 2005 budget provided $8,000,000 NR in Highway funds for equipment purchases.

- The Joint Interim Committee on Emergency Preparedness will recommend to the 2006 Session appropriations for the construction of a new Emergency Operations Center ($440,000 for planning & design; $7.8 million for construction). The report will also propose the establishment of a $20 million disaster reserve fund which the Governor would use to cover state and local disaster related costs without prior approval of the General Assembly.

- While the Highway Patrol's budget is appropriated from the Highway Fund by the Transportation Appropriations Subcommittee, legislative oversight of the Patrol is with the JPS Subcommittee. The Transportation Appropriations Subcommittee provided $2.49 million from the Highway Fund to the Highway Patrol to train and provide salary increases for all of the remaining filled Motor Carrier Enforcement Officer positions to complete their transition to the Trooper classification. These are the positions transferred from the Department of Transportation, Motor Vehicles Division in 2003.

DEPARTMENT OF JUSTICE

Budget Summary—State Appropriations

	2004-05	2005-06	2006-07
Certified Budget*	$ 77,157,043	$ 77,322,567	$ 78,697,271
Actual Expenditures	77,155,279	n/a	n/a
# Positions	1,212.5	1,257.25	1,257.25

2005-06 Budget* by Major Functional Areas

Administration	$ 2,509,623	3.2%
Legal Services	$ 22,823,790	29.5%
Law Enforcement - SBI	$ 43,836,010	56.7%
Criminal Justice Training & Standards	$ 8,153,144	10.5%

*Net General Fund appropriation (subtract receipts/revenues)

2005-06 Budget by Purpose

- 76% of expenditures support salary/benefits cost ($69.1 million)
- 10% of expenditures are for purchased services ($9.6 million)
- $271,000 pass-through funding to NC Legal Education Assistance Foundation and $25,000 to NC D.A.R.E.

Major Changes in 2005-06 Budget by General Assembly

- 19 additional positions provided to SBI lab for methamphetamine response, Computer Crimes, and DNA analyses

Major Issues for the 2006 Short Session

- *SAFIS Infrastructure Upgrade:* The Statewide Automated Fingerprint Identification System (SAFIS) infrastructure and hardware are reaching the end of their life cycles, and the manufacturer will not provide maintenance contracts after December 2006. The 2005 budget bill included a provision directing DOJ to conduct a competitive bid solicitation for a contract to replace the system. The provision also allowed DOJ to carry-forward about

$1.4 million from FY04-05 into FY05-06 to support the initial planning and design costs. In April 2006, the Department reported in a closed session to the JPS Gov Ops Subcommittee the results of the bidding process, the recommended vendor, and the amount of funding needed to replace all of the state and local equipment. The replacement cost will be considerably less than the $20 million DOJ estimated one year ago.

- *DNA Analyses:* DOJ reported in February that the private laboratory contracted to analyze the backlog of untested rape kits would complete its work by March 2006. The SBI will then conduct quality assurances and update the national database with the results for all of these kits by fall 2006. The 2005 budget included a provision directing the State Budget Office (OSBM) to study the cost of testing and analyzing DNA samples. The OSBM report indicates that it cost less for SBI to perform DNA analysis in-house than to contract with private laboratories. Recently, the Department submitted to the House Select Committee on Sexual Offender Register a request for funding for 2 new DNA analysis positions. DOJ has received expansion funding for DNA analysis staff, equipment, and lab space in the past two budgets.

- *SBI Laboratory:* The 2004 budget bill authorized the SBI to use up to $4.5 million in unspent/unencumbered capital funds to construct an addition to the SBI laboratory. In October 2005, the Engineered Construction Company submitted the lowest bid of approximately $5.1 million for construction. The SBI then submitted a request to JPS Gov Ops to use up to $850,000 in federal seized and forfeited asset receipts to make up the shortfall for this project. Construction began in February 2006. However, the 2005 budget included a provision directing the State Budget Office to study the feasibility of consolidating all or some of the state laboratories, including the SBI crime lab. OSBM is in the process of soliciting bids for the study and anticipates making a recommendation to the General Assembly in the 2007 Long Session.

JUDICIAL BRANCH - Administrative Office of the Courts

Budget Summary - State Appropriations

	2004-05	2005-06	2006-07
Certified Budget	$318,241,612	$342,924,393	$345,760,410
Expenditures	$333,669,989	n/a	n/a
# Employees		5,278	5,283

2005—06 Certified Budget by Major Functional Areas

Program	Budget	% of Total
Trial Courts	$226,826,969	66%
District Attorneys	$62,408,945	18%
Administration	$31,312,427	9%
Equipment/Reserves	$12,073,355	4%
Appellate	$11,295,061	3%
Sentencing Commission	$744,363	<1%

2005-06 Certified Budget by Major Purpose

- 86% Salaries and Benefits ($296 million)
- 9% Purchased Services ($31 million) including legal services, maintenance agreements, and data processing and communications
- 2% Supplies and Equipment.

Major Changes in 2005-07 Budget by General Assembly

- In 2005, the General Assembly appropriated a $1.1 million reserve to AOC to support the needs of House Bill 1048, Governor's DWI Recommendations. This reserve was to be allocated in that bill. Since the bill has not passed, that money cannot be expended.

- The 2005 session gave $175,000 non-recurring to begin a Family Court operation in Wake County. This money has been used to launch this program, but of course will run out on June 30.

Major Issues for the 2006 Short Session

- *District Attorney Positions:* The Conference of District Attorneys plans to request 120 new Assistant District Attorney positions this year, as well as additional support staff.

- *Open File Discovery:* New legislation in the past two years has required more work in DA offices to track evidence and make it available to defense in criminal proceedings. The AOC estimates a need for $3.15 million, ($1.5 recurring) to provide the necessary functionality in the agency's information systems.

- *Custody Mediation:* AOC will seek to expand the Custody Mediation program to the final eleven districts that do not currently have the program. This cost is $565,000.

- *Wake County Family Court:* Wake County received $175,000 NR last year to set up a Family Court. AOC wants to maintain this program, and will be seeking to make this funding recurring.

- *DWI reserve:* $1.1 million of last year's expansion to AOC was tied to the passage of the Governor's DWI Recommendations. AOC cannot expend these funds without the passage of the bill. AOC will seek to use this money, either by getting the bill passed or by having the funds released.

- *Technology and Equipment.* The AOC has several system-wide technology projects that need additional funding to be completed. Equipment, such as computers, copiers, and printers, are always an issue for the Judicial budget. The agency will probably request at least $10 million for equipment, and over $7 million for technology initiatives.

JUDICIAL BRANCH - Office of Indigent Defense Services

Budget Summary - State Appropriations

	2004-05	2005-06	2006-07
Certified Budget	$82,019,451	$94,037,973	$88,648,414
Expenditures	$97,218,888	n/a	n/a
# Employees		299	299

2005—06 Certified Budget by Major Functional Areas

Program	Budget	% of Total
Attorney Fee Fund	$77,946,214	76%
Public Defender Offices	$20,575,742	20%
Sentencing Services	$2,500,000	2%
IDS Office	$1,199,891	1%

2005-06 Certified Budget by Major Purpose

- 84% for purchased services;
- 20% for Salaries and Benefits;
- 2% for aid and public assistance – Sentencing Services and State Bar

Major Changes in 2005-07 Budget by General Assembly

- The Sentencing Services program took a significant cut, resulting in program closures in several districts.

Major Issues for the 2006 Short Session

- The Attorney Fee Fund usually runs out of money before the end of the fiscal year, and the first responsibility of the office in the new fiscal year is to pay off the preceding year's encumbrances. Appropriations came much closer to expenditures for 2005-06, so, without any significant changes before the end of the fiscal year, the fund should have the lowest encumbrance rate in a decade. The most recent estimates from OIDS indicate that the fund will have a backlog of about $4.5 million in unpaid bills by June 30, 2006.

DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Budget Summary - State Appropriations

	2004-05	2005-06	2006-07
Certified Budget	$132,319,567	$140,377,666	$138,873,166
Expenditures	$137,352,584	n/a.	n/a
# Employees	1,867.5	1,872.5	1,872.5

2005-06 Certified Budget by Major Programs/Functions

Program	Budget	% of Total
Youth Development Centers and Detention Centers	$52,053,306	37%
Intervention/Prevention (Court Counselors &JCPC's)	$55,701,988	40%
Special Initiatives (e.g. Eckerd, Group Homes, Teen Courts)	$18,933,581	13.5%
S.O.S. (After School programs)	$6,223,683	4%
Administration	$7,163,440	4.5%

2005-06 Budget by Major Purpose

- 58% - Salaries and Benefits ($81.4 million)
- 20% - Aid and Public Assistance (e.g. community programs, JCPC's, Eckerd, Group Homes, Detention Subsidy, etc. ($27.8 million)
- 18% - Purchased Services e.g. contracts, ($25.8)

Major Actions in the 2005-07 Session General Assembly Session

- Reallocated funding for Juvenile Crime Prevention Councils (JCPC's)
  - Reduced formula funding by 2.5% or $593,663
  - Provided $250,000 R expansion for a total of $750,000 for competitive grants to fund demonstrations of alternative to commitment programs
  - Appropriated $2 million NR for gang prevention grants

- Authorized funding of $250,000 for training and reclassification of positions to expand the treatment staffing model at Youth Development Centers.

- Transferred $1.6 million R from DPI to DJJDP to offset educational costs of services provided to juveniles at Eckerd Wilderness Camps

- Reduced funding for Youth Development Centers (YDC's) by $1.85 million and 46 positions. This reduction was made due to the significant decline in the average daily population.

- Authorized DJJDP to begin construction of 224 new YDC beds. Issuance of $35 million in debt financing for this purpose was authorized in the 2004 Session.

Major Issues for the 2006 Short Session

- *Juvenile Crime Prevention Councils:* Continue efforts to target JCPC funds to those programs that are proven to be effective and cost-beneficial for prevention and services for adjudicated and diverted juvenile offenders.

- *Community-based intervention/treatment*: Is there a sufficient quantity of effective programs/services available for adjudicated juveniles as an alternative to YDC commitment?

- *Gang Prevention Programs:* Evaluate gang prevention grants activity and expenditures to date and determine whether additional funding is needed. HB 50, Gang Violence Prevention Act, which passed the House and is awaiting action in the Senate, originally proposed that $20 million be provided for this purpose.

- *Capital and Program needs at Youth Development Centers*: DJJDP is planning to use a treatment based staffing model in YDC's (current and new facilities). Funding requests for staff training, positions and reclassification could be significant. Estimated operating cost will be $95 to $100,000 per bed. DJJDP may also request funds for construction of additional YDC beds. Construction costs for the 224 beds authorized averages $156,000 per bed.

N. C. Administrative Office of the Courts

www.nccourts.org

Quick Facts

Fiscal Year 2004-05 Data

Supreme Court

7 Justices	Appeals filed	234
	Appeals disposed	239

Court of Appeals

15 Judges	Appeals filed	1,707
	Appeals disposed	1,719

Superior Court

109 Judges	Total cases filed	343,065
-luding 14 al judges)	Total cases disposed	327,667

Cases	Filed	Disposed
Civil	27,554	27,955
Felonies	101,509	97,980
Misdemeanors	42,825	40,975
Estates	61,235	59,137
Special Proceedings	109,942	101,620

District Court

239 Judges	Total cases filed	2,840,367
	Total cases disposed	2,770,951*

*Not including dispositions of civil license revocations

Cases	Filed	Disposed
Domestic Relations	129,209	123,895
General Civil	55,948	57,540
CVM Appeal/Transfer	3,878	3,885
Civil Magistrate	274,449	274,545
Criminal Non-Motor Vehicle	646,842	647,179
Criminal Motor Vehicle	923,000	910,820
Infractions	754,351	753,087
Civil License Revocations	52,690	

Other District Court Data

Domestic Violence Protective Orders	30,367 entered
Driving While Impaired and nplied Consent Charges	75,940 filed 78,217 disposed

Total Judicial Branch Personnel: 5,419.225*

100.00	Clerks of Superior Court	981.475	Court Suppo. .if
2,306.75	Clerk Personnel	288.00	AOC Staff
718.00	Magistrates	120.50	Guardian ad Litem Personnel
39.00	District Attorneys		
463.00	Assistant District Attorneys	20.50	Other**
12.00	Trial Court Administrators		

* The total personnel figures include grant-funded FTEs but not Indigent Defense Services and public defender FTEs. Data are authorized FTEs as of June 30, 2005.
**Judicial Standards Commission, District Attorney's Conference, Dispute Resolution Commission and Sentencing Commission

Judicial Branch Budget*

Total authorized appropriations:	$333,885,323
Percentage of total state budget:	2.10%
Total expenditures (includes receipts such as grants):	$344,569,130

*Not including indigent defense or State Bar/Civil Justice Act funds

Over $460 Million distributed to Citizens and Government:

- **Collected for Citizens** **$198,145,534** (judgments, restitution, condemnation awards, child support, alimony, etc.)
- **Remitted to State Treasurer** **$ 149,864,302** (various court fees, appellate division report sales, law enforcement officer and sheriff benefits, and pretrial civil revocation fees)
- **Distributed to Counties** **$111,481,697** (facilities, officer, jail, and pretrial civil revocation fees, plus fines and forfeitures for public schools)
- **Distributed to Municipalities** **$3,320,167** (facilities, officer, and jail fees)

Estimated Day-In-Court Costs*

Cost of one-day criminal jury trial in superior court:	$1,978
Cost of one-day criminal trial in district court	$1,187

*Not including costs of indigent representation

Miscellaneous

- The Guardian ad Litem program served 16,528 abused or neglected children.
- Family courts are funded in 10 districts.
- Custody mediation programs operated in 30 districts.
- Court arbitration programs operated in 72 counties.

1,000 copies of this public document were printed at a total cost of $13.87, or about $0.014 per copy. Printed on recycled paper.

Attachment #2.

JUDICIAL BRANCH - ADMINISTRATIVE OFFICE OF THE COURTS
2006 SHORT SESSION
EXPANSION BUDGET PROPOSALS

	Proposal Submitted to OSBM on February 28, 2006		Prioritized Critical Expansion Needs	
	Amount	Positions	Amount	Positions
I. PERSONNEL				
A. New Prosecutors	$12,049,326	159.00	$7,380,258	91.00
B. Additional Deputy Clerk Personnel	14,311,798	379.00	2,832,150	75.00
C. District Court Judges	1,418,940	10.00	1,418,940	10.00
D. New Magistrate Positions	354,616	8.00	354,616	8.00
E. District Court Judicial Support Staff	879,700	20.00	219,925	5.00
F. New Court of Appeals Personnel	246,914	4.00	246,914	4.00
G. Judicial Standards Commission Expansion	183,746	2.00	183,746	2.00
H. Appellate Court Security	63,975	1.00	63,975	1.00
I. Innocence Claim Review Commission	423,847	4.00	423,847	4.00
II. TECHNOLOGY				
A. Technology Initiatives	7,394,421		7,429,421	
B. Open File Discovery Project	3,155,223	7.00	3,155,223	0.00
C. Critical Department Equipment Needs	10,953,757		10,988,757	
D. Telephone Systems For New Courthouses	270,000		110,000	
E. Replace Old Telephone Systems	3,670,000		-	
III. PROGRAMS				
A. Family Court Program Expansion	718,112	11.00	718,112	11.00
B. Expansion Of Custody Mediation Program	903,157	12.00	596,986	7.75
C. New Guardian Ad Litem Program Staff	780,361	13.00	780,361	13.00
D. Drug Treatment Court Program	392,762	5.00	392,762	5.00
E. Fully Fund Interpreter Fee Payments	775,000		775,000	
F. Business Court Expansion	490,349	2.00	490,349	2.00
IV. ADMINISTRATIVE				
A. Building Lease / Office Relocation	700,000		512,000	
B. Increase Emergency Judge Funds	1,300,710		-	
C. Increase Jury Fee Rates	973,833		973,833	
Total Operating Request	$62,410,547	637.00	$40,047,175	238.75
Recurring	$54,043,261		$29,405,088	
Non-Recurring	8,367,286		10,642,087	
Total	$62,410,547		$40,047,175	
Positions	637.00		238.75	

Resource Needs of the Judicial Department

Overview

- The Judicial Department is one of three branches of state government and thus should be recognized and funded adequate to its needs and requirements
- Clerks' offices, district attorneys' staffs, judges and others have had to do more with substantially less than was available several years ago
- The workload of the Judicial Department has overburdened court officials and that has resulted in a frustrated citizenry
- Crime and arrest numbers and trends in North Carolina have increased little over the last 10 years but during the same period of time, felony and misdemeanor case filings in Superior and District courts have increased in numbers and trends
- Every day, citizens face over-crowded courtrooms and dockets that have hundreds of cases
- Citizens and businesses face unreasonable delays in having their day in court
- When cases have to be continued because of crowded dockets, people must come to court several times before their cases are resolved and results in lost wages and productivity for individuals and the economy
- Defendants spend excessive time in jail awaiting trial, at great injustice to the defendants and wasted expense to taxpayers
- Prosecutors have no choice but to plea bargain cases rather than prosecute many crimes to the fullest extent warranted
- Judges are forced to devote less time to each case, even in such sensitive matters as domestic violence and other cases affecting children and families.

Workload Increases

- North Carolina population grew by 18% over the past 10 years to 8.6 million in 2005 and is projected to reach 9.1 million by 2010
- Superior Court felony case filings have risen nearly 9% and cases pending have risen 18%
- More complex cases like murder have risen by almost 12% and there are now over 1,000 murder cases pending
- During the last six years, District Court criminal case filings have risen by 16% and case pending have risen by 22%
- District Court Criminal Non Motor Vehicle cases pending now tops 225,000
- During the last six years, District Court criminal cases disposed have risen by 17%
- District Court handled nearly 1 million Criminal Motor Vehicle cases last year compared to only 634,000 in 1995
- Special Proceedings have increased by 24% over the past six years
- The median age for a child support case is now over 600 days and has nearly doubled in the last five years
- The median age in other Domestic cases has risen 52% over the past five years

Revenues Generated

- Money collected by the Judicial Branch is not applied to court operation and court costs go into the state's General Fund
- The legislature has raised court costs several times and now totals $110, compared to $100 in 2004 and $80 in 1997
- Facility fees, fines, forfeitures and other charges are distributed to county school boards and various other state and local government programs or operations
- Over $256 million was distributed to state and local governments in 2003-04
- In addition, $197.7 million was collected for citizens (judgments, restitution, condemnation awards, child support, alimony, etc.)

Critical Resources Lacking

- Judicial Department appropriations in fiscal year 2003-04 comprised just 2.6% of the State's total operating budget, the lowest share since 1995
- From 1995 to 2004, the annual average increase in appropriations for the Judicial Department (3.8%) has lagged behind the increase provided to the rest of state government (5.4%). Most of those increases came in the form of salary increases and not in staffing or equipment.
- The last study done for the staffing of Clerks of Superior Court offices now indicates a need for 379 deputy clerks just to meet 1989 workload standards
- The Conference of District Attorney's indicates an immediate need for 120 assistant district attorney positions to meet workload demands]
- District Court Judges are needed reduce overcrowded court dockets and courtrooms
- Magistrates are needed in selected district to address workload and coverage problems

Technology Years Behind

- The Judicial Department's criminal and civil databases as well as the financial management software are outdated and urgently needs to be rewritten
- Most court functions are still paper driven and need to be automated – especially in District Court
- Open file discovery law in criminal cases has resulted the copying and inventorying of millions of pages of court documents in District Attorney's offices; a process that should be automated
- There are critical equipment needs in the Judicial Department to replace outdated technical and non technical items including over 1,000 personal computers

Programs That Make Courts More Efficient and Effective

- Judicial Department programs like Custody Mediation, Family Court and Drug Treatment Court make the courts more efficient and more effective and need to be expanded to all judicial districts
- The Guardian Ad Litem program needs additional staffing to reduce caseloads in high demand districts in order to adequately serve the most vulnerable children before the courts

- The need for court interpreters continues to cause budget overruns in excess of $750,000 per year

Salary Inequities

- Judges are among the lowest paid in the southeast. Some law firms hire people out of law school at more than judges are paid. Our state-paid law school deans and professors are compensated at much higher rates than the Chief Justice of North Carolina
- Prosecutors cannot keep experienced attorneys - the offices of district attorneys and public defenders become training grounds rather than offering a career.
- Citizens and businesses need and expect to have their critical legal affairs decided by the profession's most able lawyers, however it is increasingly more difficult to attract and retain experienced and successful members of the legal profession to judicial service
- The problem also extends to Clerks of Superior Court and their staffs

Essential Resource Needs

- Increased staffing for District Attorneys, Clerks of Superior Court, District Court and Magistrates especially in counties with overly large caseloads
- Multi-year commitment of funding for technology upgrades and automation of court processes
- Automated support to District Attorneys to fully implement new Open File Discovery statute.
- Recurring funding to implement a standard equipment replacement plan
- Proven effective court programs should be made available statewide and staffed appropriately
- Interpreter program should be fully funded to avoid drain on other court resources
- Initiate a salary and compensation commission to study the problems of Judicial Department Salaries and report their findings and recommendations to the 2006-2007 Session of the General Assembly for their action

Attachment #3.

SUMMARY LIST OF FY2006-2007 EXPANSION REQUESTS

North Carolina Department of Justice

Item Description		Requested 2006-07
CRITICAL STATE BUREAU OF INVESTIGATION STAFF EXPANSION	**Expenses**	**$ 1,555,216**
The following represents critical law enforcement staffing needs for the SBI:	Receipts	-
* 6.0 DRUG CHEMISTRY STAFF - Includes 4.0 sworn drug chemists, 1.0 drug chemistry technician and 1.0 Office Assistant to expedite the processing of over 30,000 annual drug and toxicology samples.	Appropriation	$ 1,555,216
	Positions	20.00
* 2.0 NON-SWORN MOLECULAR GENETICISTS - to further expedite and improve DNA evidence processing and expand the types of DNA evidence analyzed.		
* 2.0 SWORN COMPUTER CRIME FIELD AGENTS - to fight child exploitation and sexual predator cases in coordination with related FBI task force.		
* 4.0 SWORN FINANCIAL CRIME/PUBLIC CORRUPTION AGENTS - will combat financial crimes, identity theft public corruption and related cases.		
* 3.0 SWORN METHAMPHETAMINE TRAFFICKING AGENTS - to address changing criminal focus from manufacturing to trafficking from Mexico and western states.		
* 3.0 NON-SWORN COMPUTER FORENSIC ANALYSTS - provides forensic support and analysis to computer crime field agents.		
CJIN/DOJ SAFIS REPLACEMENT	**Expenses**	**$ 3,278,693**
On February 24, 2006 DOJ received seven vendor proposals to replace the State Automated Fingerprint Information System (SAFIS). The requested financing will provide the funds needed for hardware replacement and database upgrades at the SBI, Department of Corrections and Mecklenburg County Sheriff's Office. This effort initiates a SAFIS local equipment replacement program which provides funding for 18 counties that currently have no SAFIS equipment and supports the replacement of obsolete local equipment. Authorizes 1.00 Application Development Supervisor position to coordinate IT implementation and deployment.	Receipts	1,314,925
	Appropriation	$ 1,963,768
	Positions	1.00
SEX OFFENDER WATCH INITIATIVE	**Expenses**	**$ 370,584**
DOJ has developed and maintains the North Carolina Sex Offender Registry (SOR). In order to improve victim and public access to information on the SOR additional resources are necessary. Improved functions include GIS mapping of sex offenders, proactive public email notices of sex offender updates related to residential, day care or school address sites and improved data coordination between DOJ and state and local law enforcement partner agencies. Position needs include:	Receipts	255,020
	Appropriation	$ 115,564
	Positions	2.00
One - Application Analyst Programmer II, grade 78		
One - Business/Test Analyst, grade 75		
MANDATED BLOUNT STREET RELOCATION COSTS	**Expenses**	**$ 772,500**
Session Law 2003-404 mandated conversion of state offices located on Blount Street to private ownership. The DOJ IT Division operates a 24/7 police information computer center that provides mission critical law enforcement data to over 11,000 state, local and federal law enforcement officers throughout North Carolina. This backup computer center is critical to ensure un-interrupted transition from Blount Street. Annual rental charges are $96,000 a year and one time equipment and moving expenses are $700,500 for FY0607.	Receipts	-
	Appropriation	$ 772,500
	Positions	0.00

SUMMARY LIST OF FY2006-2007 EXPANSION REQUESTS

North Carolina Department of Justice

Item Description		Requested 2006-07
LEGAL SERVICES POSITIONS	**Expenses**	**$ 232,979**
Additional legal resources are needed to address workload demand in several legal services sections. Priority position requests include:	Receipts	-
* An Attorney III and Attorney II in the Appellate section is need to address sex offense and violent crime workload increases in the appellate section.	Appropriation	$ 232,979
* Attorney III - Will address significantly increased workload related to efforts to expedite and maximize state revenue collections.	Positions	5.00
* Attorney III for the Waste Management Section.		
* Attorney II Law Enforcement Liaison Section.		
SBI PAY EQUITY	**Expenses**	**$ 385,325**
This request will support salary increases for SBI staff to ensure their salary levels are commensurate to related professional law enforcement positions. The crime lab market analysis found that entry level SBI crime lab staff where paid 24 to 35 percent less then other public crime lab staff. The average SBI Field Agent was paid 13.4% less than similar type positions in related North Carolina law enforcement organizations.	Receipts	-
	Appropriation	$ 385,325
	Positions	0.00
IN SERVICE LEO TRAINING EXPANSION	**Expenses**	**$ 436,480**
In order to effectively address newly mandated service training requirements for over 29,000 state and local law enforcement officers, approximately 7,000 detention officers, and all certified telecommunicators (911 operators), three additional positions are needed. One Criminal Justice Training Coordinator at the Justice Academy and 2.0 Criminal Justice Specialist Investigators are recommended to support Criminal Justice Training and Standards Commission and the Sheriff Standards Division Training needs. This request also includes funding for a $300,000 new online training and registration system.	Receipts	-
	Appropriation	$ 436,480
	Positions	3.00
DEPARTMENT OF JUSTICE TOTALS	**Expenses**	**$ 7,031,777**
	Receipts	**$ 1,569,945**
	Appropriation	**$ 5,461,832**
	Positions	**31.00**

VIPER Summary

Project Information for Phase 0 (at a glance):

Actual Start Date: 1 February 2005
Planned End Date: 28 February 2007
Percentage Completed for 65 sites: 75%
Actual Expenditures to Date (as of end of March 2006): $18,901,103

Funding	**Received**	**Expended** (as of March 2006)	**Remaining Balance**
Homeland Security	$28,420,782	$18,401,103	$10,019,679
Legislative Appropriations	$500,000	$500,000	$0

Project Information for Phase 1 (at a glance)

Actual Start Date: 1 February 2006
Actual Expenditures to Date (as of end of March 2006): $12,631,522

Funding	**Received**	**Expended** (as of March 2006)	**Remaining Balance**
Homeland Security	$26,244,500	$8,883,794	$17,360,706
Legislative Appropriations	$8,000,000	$3,747,728	$4,252,272
Legislative App. Support Personnel	$52,000		

Funding Summary

Total Funding Planned (December 2004 Legislative Report):$202,000,000

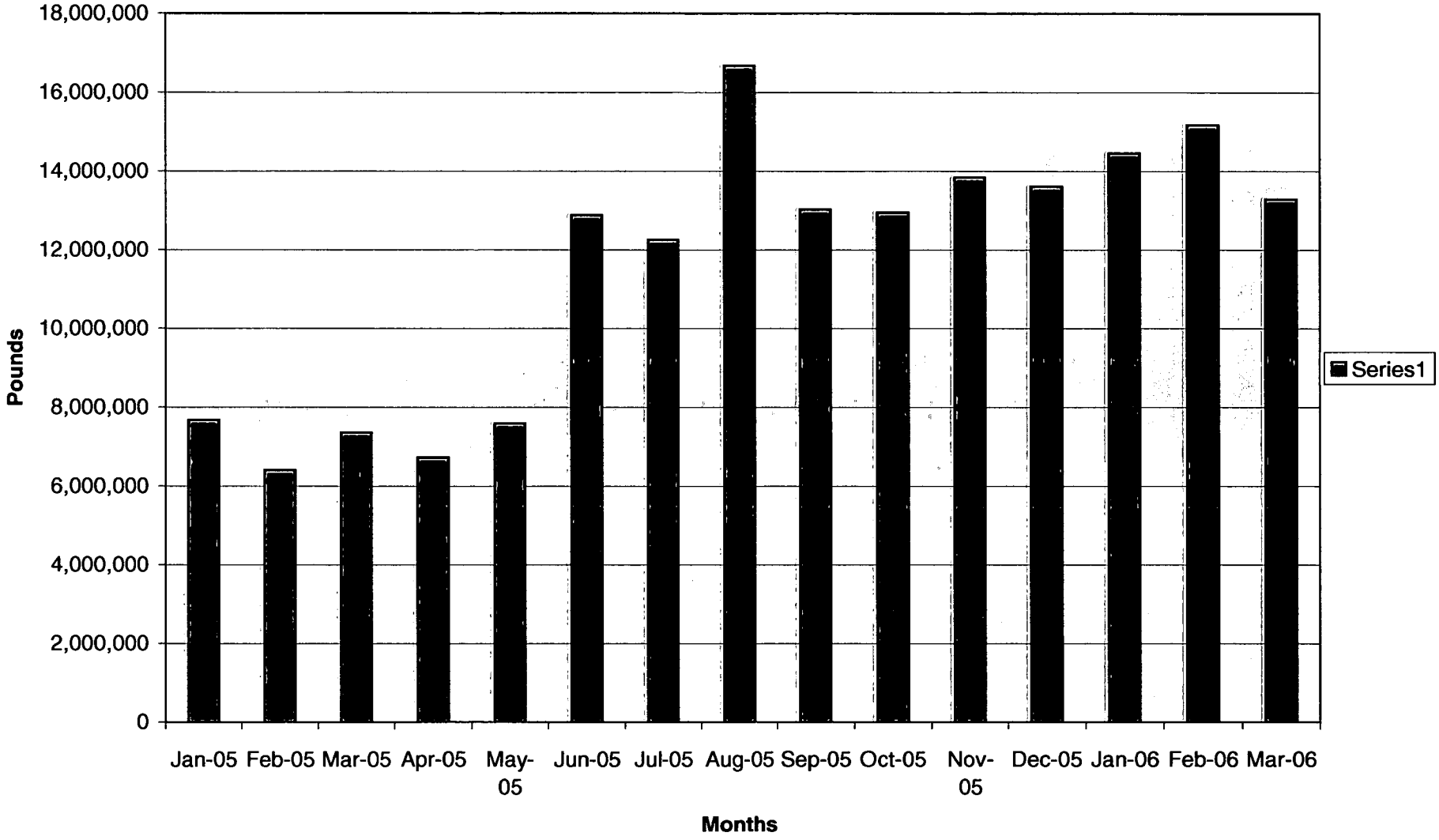
- Total Infrastructure Planned: $190,000,000
- Total Support Personnel Planned: $12,000,000

Total Funding to Date Received (Phase 0 and 1): $63,217,282

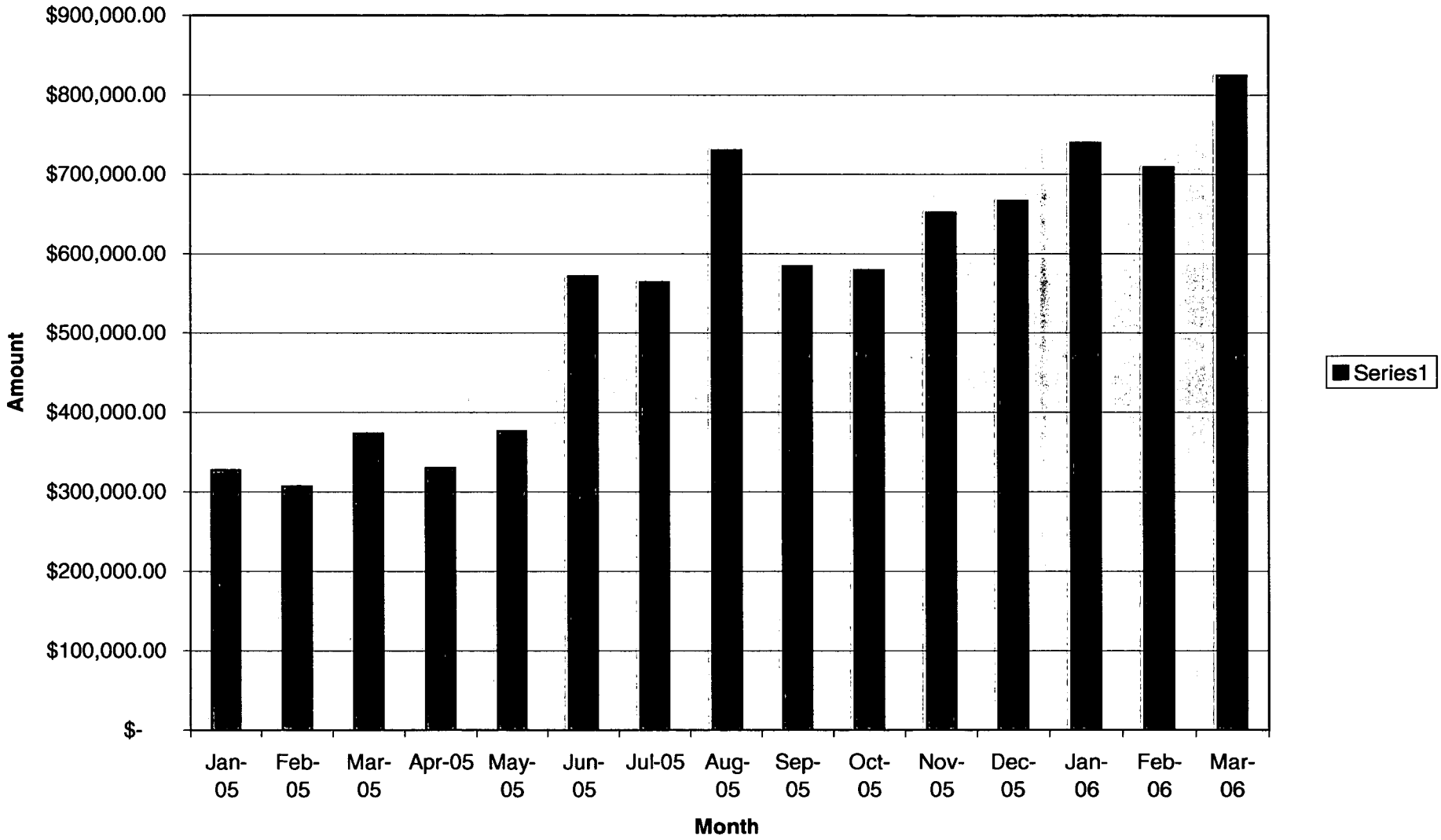
- Total Federal Funding: $54,665,282
- Total State Funding: $8,552,000

Total Remaining Infrastructure Balance: $138,782,718
Total Remaining Support Personnel Balance: $11,502,476

Overweight Pounds Assessed January 2005-March 2006



Fines Assessed for Overweight Pounds January 2005-March 2006



VISITOR REGISTRATION SHEET

Joint House/Senate Appropriations Subcommittee on Justice & Public Safety - April 26, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doug Herron	NC Bar Assoc.
Bill Weis	SBI
Melanie Thomas	SBI
Jerry Ratley	SBI
Greg McLeod	DOJ
Nels Rosegard	NC DOJ
[illegible]	NCATC
[illegible]	OJPC
Dwayne Patterson	DJJDP
Eddie Caldwell	NC Sheriffs' Assn.

VISITOR REGISTRATION SHEET

Joint House/Senate Appropriations Subcommittee on Justice & Public Safety - April 26, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Grayson Kelley	DOJ
John Maney	C.O.U. Office
Jerry Richardson	SBI
Mary T. Boodie	"
Peggy M Schaye	NC Justice Academy / DOJ
Julia Lohman	NC Sheriffs' Commission
WINFIELD J. HUNTER	NC CRIMINAL JUSTICE STDS - DIV.
NANCY C. LOWE	DOJ
Woody Sandy	SHP
Melissa Lovell	NCDOJ
Troy Hamlin	NCDOJ

VISITOR REGISTRATION SHEET

Joint House/Senate Appropriations Subcommittee on Justice & Public Safety - April 26, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CASANDRA SKINNER	CRIME CONTROL & PUBLIC SAFETY
Colleen Kochanek	Smith Moore
Jimmy Hewens	Sentencing Commission
John Madler	" "
S. Katzenelson	" "
Peg Dorer	Conference of D.A.s
[illegible]	AOC
Sheryl Stephens	OSBM
Tye Hunter	IDS
Elisa Wolper	IDS
Marc Nelson	OSBM
Guy McLamb	OAG
Roy Cooper	OAG

VISITOR REGISTRATION SHEET

Joint House/Senate Appropriations Subcommittee on Justice & Public Safety - April 26, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doug Hoell	CC&PS - Emergency Mgmt
Danny Roberts	CCPS/Butner Public Safety
Jon Williams	CCPS
Marvin Walker	CCPS
Bennie Allen	CCPS
Barbara Baker	DOC
Tracy Little	DOC
Mildred Spearman	NCDOC
Anne Turner	AOC
Kim Howell	Judicial - AOC
Rex Whaley	AOC

VISITOR REGISTRATION SHEET

Joint House/Senate Appropriations Subcommittee on Justice & Public Safety - April 26, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jennie New	Kennedy Covington

ATTACHMENT 5

Financial Services Use:
Budget to Charge _____

Committee, Commission or Other In-State Meeting/Legislative Business

REQUEST FOR REIMBURSEMENT

Joint Appropriations Justice & Public Safety
(**Complete** Name of Committee or Commission **or** Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: Wednesday, April 26

Member: Rep. Phillip Frye

Total Number of days subsistence claimed 1

Arrived the day prior to meeting day Yes ☐ No ☒

(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Car Mileage (Round Trip) 470

# of round trips 1

Phillip D Frye
(Member's Signature)

[Must be approved by Chairperson, Senate President Pro Tempore or House Speaker]

(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:

_____

_____

Number of days subsistence claimed for other meeting(s) _____

Car Mileage claimed for other meeting Yes ☐ No ☐

COMMITTEE OR COMMISSION

REIMBURSEMENT INFORMATION

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
(Name of Committee or Commission)

Date(s) of Meeting: Wednesday, April 26, 2006

Member: Sen. Ellie Kinnaird

Number of days subsistence claimed

(If you come the night before and spend the night, you are entitled to an extra day.) 1

Car Mileage (Round Trip) 64
# of round trips

(Member's Signature)

(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of days subsistence claimed for other meeting(s)

Car Mileage claimed for <u>other</u> meeting Yes ☐ No ☐

COMMITTEE OR COMMISSION

REIMBURSEMENT INFORMATION

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
(Name of Committee or Commission)

Date(s) of Meeting: Wednesday, April 26, 2006

Member: Sen. John Snow

Number of days subsistence claimed

(If you come the night before and spend the night, you are entitled to an extra day.) 2 days

Car Mileage (Round Trip) 706

# of round trips 1

(Member's Signature)

(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of days subsistence claimed for other meeting(s) _____

Car Mileage claimed for <u>other</u> meeting Yes ☐ No ☒

COMMITTEE OR COMMISSION

REIMBURSEMENT INFORMATION

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
(Name of Committee or Commission)

Date(s) of Meeting: Wednesday, April 26, 2006

Member: Sen. Pete Bland

Number of days subsistence claimed

(If you come the night before and spend the night, you are entitled to an extra day.) 1

Car Mileage (Round Trip)
# of round trips 200

C. W. Pete Bland
(Member's Signature)

(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of days subsistence claimed for other meeting(s)

Car Mileage claimed for other meeting Yes ☐ No ☐

ATTACHMENT 5

Financial Services Use:
Budget to Charge _____

Committee, Commission or Other In-State Meeting/Legislative Business

REQUEST FOR REIMBURSEMENT

Joint Appropriations Justice & Public Safety
(**Complete** Name of Committee or Commission **or** Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: Wednesday, April 26

Member: Edward W. Jones

Total Number of days subsistence claimed 1

Arrived the day prior to meeting day Yes ☒ No ☐

(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Car Mileage (Round Trip) 140

# of round trips 1

Edward W. Jones
(Member's Signature)

[Must be approved by Chairperson, Senate President Pro Tempore or House Speaker]

(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:

_____

_____

Number of days subsistence claimed for other meeting(s) _____

Car Mileage claimed for <u>other</u> meeting Yes ☐ No ☐

ATTACHMENT 5

Financial Services Use:
Budget to Charge _____

Committee, Commission or Other In-State Meeting/Legislative Business

REQUEST FOR REIMBURSEMENT

Joint Appropriations Justice & Public Safety
(**Complete** Name of Committee or Commission **or** Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: Wednesday, April 26

Member: _____

Total Number of days subsistence claimed 2

Arrived the day prior to meeting day Yes ☐ No ☒

(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Car Mileage (Round Trip) 224

# of round trips 1

_____
(Member's Signature)

[Must be approved by Chairperson, Senate President Pro Tempore or House Speaker]

_____
(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:

SKD TO BE IN RAL. FOR OUTH PUBLIC COMM. MTG 4/27/06

Number of days subsistence claimed for other meeting(s) _____

Car Mileage claimed for <u>other</u> meeting Yes ☐ No ☒

COMMITTEE OR COMMISSION

REIMBURSEMENT INFORMATION

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
(Name of Committee or Commission)

Date(s) of Meeting: Wednesday, April 26, 2006

Member: Sen. Keith Presnell

Number of days subsistence claimed

(If you come the night before and spend the night, you are entitled to an extra day.) 1

Car Mileage (Round Trip) 490

# of round trips 1

(Member's Signature)

(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of days subsistence claimed for other meeting(s) _____

Car Mileage claimed for <u>other</u> meeting Yes ☐ No ☐

COMMITTEE OR COMMISSION

REIMBURSEMENT INFORMATION

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
(Name of Committee or Commission)

Date(s) of Meeting: Wednesday, April 26, 2006

Member: Sen. Stan Bingham

Number of days subsistence claimed

(If you come the night before and spend the night, you are entitled to an extra day.) 2

Car Mileage (Round Trip) 198
# of round trips

Stan Bingham
(Member's Signature)

(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of days subsistence claimed for other meeting(s)

Car Mileage claimed for other meeting Yes ☐ No ☐

ATTACHMENT 5

Financial Services Use:

Budget to Charge _____

Committee, Commission or Other In-State Meeting/Legislative Business

REQUEST FOR REIMBURSEMENT

Joint Appropriations Justice & Public Safety

(**Complete** Name of Committee or Commission **or** Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: Wednesday, April 26

Member: Timothy L. Spear

Total Number of days subsistence claimed 1

Arrived the day prior to meeting day Yes ☐ No ☒

(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Car Mileage (Round Trip) 300

# of round trips 1

Timothy L. Spear

(Member's Signature)

[Must be approved by Chairperson, Senate President Pro Tempore or House Speaker]

(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:

_____

_____

Number of days subsistence claimed for other meeting(s) _____

Car Mileage claimed for <u>other</u> meeting Yes ☐ No ☐

ATTACHMENT 5

Financial Services Use:
Budget to Charge _____

Committee, Commission or Other In-State Meeting/Legislative Business

REQUEST FOR REIMBURSEMENT

Joint Appropriations Justice & Public Safety
(**Complete** Name of Committee or Commission **or** Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: Wednesday, April 26

Member: Joe Kiser

Total Number of days subsistence claimed 2

Arrived the day prior to meeting day Yes ☑ No ☐

(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Car Mileage (Round Trip) 374

# of round trips 1

Joe Kiser
(Member's Signature)

[Must be approved by Chairperson, Senate President Pro Tempore or House Speaker]

(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:

_____

_____

Number of days subsistence claimed for other meeting(s) _____

Car Mileage claimed for <u>other</u> meeting Yes ☐ No ☐

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 10, 2006
Room 415 LOB
4:00 p.m.

The Joint Appropriations Subcommittee on Justice and Public Safety met at 4:00 p.m. on May 10, 2006 in Room 415, LOB. Seven members of the Senate Subcommittee attended along with Representatives Kiser, Haire, Frye, Justus, Ray, Sutton, Spear, and Jones. Senator Ellie Kinnaird presided.

Senator Ellie Kinnaird called the meeting to order and welcomed the pages, staff, and visitors.

Attorney General Roy Cooper presented to the Committee the recommended budget adjustments for the 2006-07 budget years. (See Attachment #1).

Presenting to the Committee were Bryan Beatty, Secretary of the Department of Crime Control and Public Safety and Tracy Little, Deputy Secretary, Department of Correction to review the recommended agency budget adjustments. (See Attachment #2).

The meeting adjourned at 5:15 p.m.

Senator Ellie Kinnaird, Co-Chair

Vickie Spears

Vickie Spears, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415, Legislative Office Building

May 10, 2006, 4:00 p.m.

I. CALL TO ORDER

Chairmen: Senator Ellie Kinnaird, Presiding — Representative Joe Kiser

Senator John Snow — Representative Phillip Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Review of Recommended JPS Agency Budget Adjustments

Department of Justice
Roy Cooper, Attorney General

Department of Crime Control and Public Safety
Bryan Beatty, Secretary

Department of Correction
Tracy Little, Deputy Secretary

III. OTHER BUSINESS: next meeting: Thursday, May 11 at 8:30 a.m.

IV. ADJOURNMENT

JUSTICE & PUBLIC SAFETY RECOMMENDED BUDGET ADJUSTMENTS 2006-07

AGENCY	Certified Budget FY 2006-07	Governor's Recommended FY 2006-07 Expansion	Governor's Recommended FY 2006-07 Budget	Comparison of Governor's Recommended to Certified Budget
Correction	1,048,492,502	31,529,391	1,080,021,893	3.0%
Judicial-AOC	345,760,410	26,158,821	371,919,231	7.6%
AOC-Indigent	88,648,414	6,213,600	94,862,014	7.0%
Justice	78,697,271	4,571,760	83,269,031	5.8%
Juvenile Justice	138,873,166	3,060,852	141,934,018	2.2%
Crime Control	35,153,488	3,968,741	39,122,229	11.3%
Total JPS	**1,735,625,251**	**75,503,165**	**1,811,128,416**	4.4%

Attachment # 1

SUMMARY LIST OF FY2006-2007 EXPANSION REQUESTS

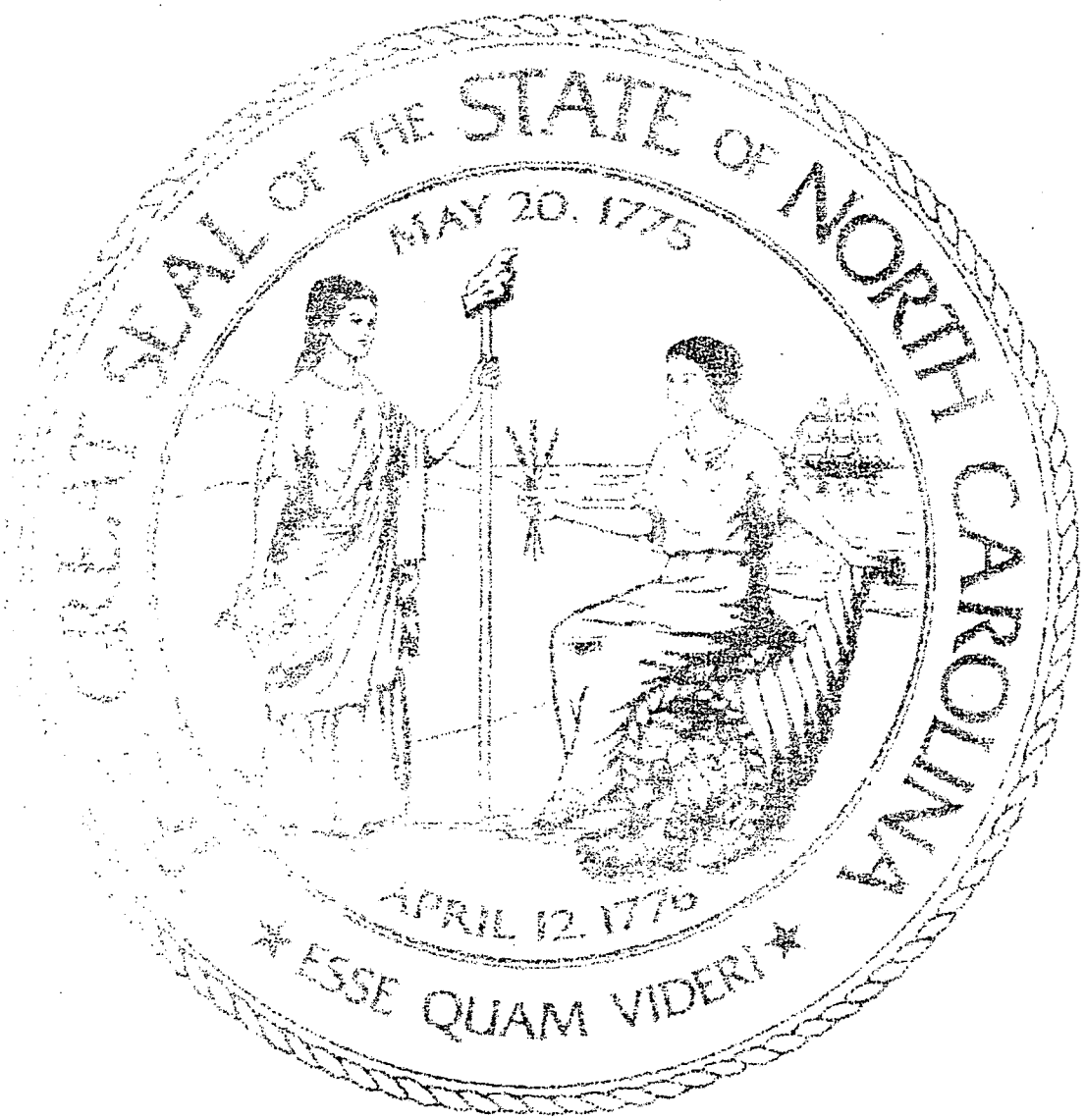
NORTH CAROLINA DEPARTMENT OF JUSTICE

	DOJ Requested 2006-07 Appropriation	Pos.	Governor Budget 2006-07 Appropriation	Pos.
CRITICAL STATE BUREAU OF INVESTIGATION STAFF EXPANSION	$ 1,555,216	*20.00*	$ 1,489,310	*12.00*
The following represents critical law enforcement staffing needs for the SBI: * 6.0 DRUG CHEMISTRY STAFF - Includes 4.0 sworn drug chemists, 2.0 support staff to expedite drug & toxicology sample processing. [Gov. recommended 5 positions] * 2.0 NON-SWORN MOLECULAR GENETICISTS - to further expedite and expand DNA processing services. [Gov. recommended 1 Geneticist] * 2.0 SWORN COMPUTER CRIME FIELD AGENTS - to fight child exploitation and sexual predator cases in coordination with FBI task force. [Gov. recommended 1 agent] * 4.0 SWORN FINANCIAL CRIME/PUBLIC CORRUPTION AGENTS - will combat financial crimes, public corruption, identity theft & related cases. [Gov. rec. 2 agents] * 3.0 SWORN METHAMPHETAMINE TRAFFICKING AGENTS - to address changing focus from manufacturing to trafficking. [Gov. recommended 2 agents] * 3.0 NON-SWORN COMPUTER FORENSIC ANALYSTS - provides forensic support and analysis to computer crime field agents. [Gov. recommended 2 Analysts]				
CJIN/DOJ SAFIS REPLACEMENT	$ 1,963,768	*1.00*	$ 1,963,768	*1.00*
DOJ is completing final procurement actions to initiate a four year $7.3 million replacement of the State Automated Fingerprint Information System (SAFIS). The requested financing will provide the funds needed for hardware replacement and database upgrades at the SBI, Department of Corrections and Mecklenburg County Sheriff's Office. This effort initiates a SAFIS local equipment replacement program which provides funding for 18 counties that currently have no SAFIS equipment and supports the replacement of obsolete local equipment. Authorizes an Application Development Supervisor position to coordinate IT implementation and deployment.				
SEX OFFENDER WATCH INITIATIVE	$ 115,564	*2.00*	$ 138,677	*2.00*
DOJ has developed and maintains the North Carolina Sex Offender Registry (SOR). In order to improve victim and public access to information on the SOR additional resources are necessary. Improved functions include GIS mapping of sex offenders, proactive public email notices of sex offender updates related to residential, day care or school address sites and improved data coordination between DOJ and state and local law enforcement partner agencies. Position needs include 1.0 Application Analyst Programmer and 1.0 Business/Test Analyst.				
BLOUNT STREET RELOCATION & BACKUP DISASTER CENTER COSTS	$ 772,500	*0.00*	$ 573,676	*0.00*
Session Law 2003-404 mandated conversion of state offices located on Blount Street to private ownership. The DOJ IT Division operates a 24/7 police information computer center that provides mission critical law enforcement data to over 11,000 state, local and federal law enforcement officers throughout North Carolina. This backup computer center is critical to ensure un-interrupted transition from Blount Street. Annual backup center charges are $96,000 a year and one time equipment and moving expenses are $700,500 for FY0607.				

NORTH CAROLINA DEPARTMENT OF JUSTICE	DOJ Requested 2006-07 Appropriation	Pos.	Governor Budget 2006-07 Appropriation	Pos.
LEGAL SERVICES POSITIONS	$ 232,979	5.00	$ 251,957	3.00
Additional legal resources are needed to address workload demand in several legal services sections. Priority position requests include: * An Attorney III and Attorney II in the Criminal Appellate section is needed to address sex offense and violent crime workload increases in the appellate section. [Gov. Recommendation] * Attorney III - Will address significantly increased workload related to efforts to expedite and maximize state revenue collections. * Attorney III for the Waste Management Section. * Attorney II Law Enforcement Liaison Section. [Gov. Recommendation]				
SBI PAY EQUITY	$ 385,325	0.00	$ -	0.00
Additional salary funds are recommended to ensure SBI pay equity. The crime lab market analysis found that entry level SBI crime lab staff where paid 24 to 35 percent less then other public crime lab staff. The average SBI Field Agent was paid 13.4% less than similar sworn type positions.				
IN SERVICE LEO TRAINING EXPANSION	$ 436,480	3.00	$ -	0.00
In order to effectively address newly mandated service training requirements for over 29,000 state and local law enforcement officers, approximately 7,000 detention officers, and all certified telecommunicators (911 operators), three additional positions are needed. One Criminal Justice Training Coordinator at the Justice Academy and 2.0 Criminal Justice Specialist Investigators are recommended to support Criminal Justice Training and Standards Commission and the Sheriff Standards Division Training needs. This also includes funding for a new $300,000 online training and registration system.				
TORT CLAIM SECTION STAFFING	$ -	0.00	$ 154,372	2.00
Funding provided by the Governor to address significant increase in demand for Tort Claim activity. In the last 3 years, total tort claim payments have increased by 43% involving school bus accident claims with the Department of Public Instruction (DPI). DOJ supports the need for additional tort claim resources through expansion funding or through administrative receipt transfers from DPI.				
CULTURAL RESOURCES ATTORNEY AUTHORIZATION	$ -	0.00	$ -	1.00
Governor recommended a receipt supported Attorney III be established to provide legal services to the Department of Cultural Resources. The position will focus on administrative law matters, historical document and artifact recovery. Receipt funds of $106,578 found in Department of Cultural Resources Budget.				
TOTAL EXPENSES	$ 7,031,777		$ 6,141,705	
TOTAL RECEIPTS	$ 1,569,945		$ 1,569,945	
TOTAL APPROPRIATIONS	$ 5,461,832		$ 4,571,760	
TOTAL POSITIONS	*31.00*		*20.00*	

Attachment #2.

Recommended Adjustments
2006-2007



Justice and Public Safety Agencies

Judicial Branch (12000)

Total Appropriations and Positions

	2006-07 Certified	2006-07 Recommended	Percentage Change
Requirements	$347,497,137	$373,655,958	7.5 %
Receipts	1,736,727	1,736,727	0.0 %
Appropriation	$345,760,410	$371,919,231	7.6 %
Positions	5,283.430	5,533.180	4.7 %

Appropriation Items -- Recommended Adjustments

Expansion

2006-07

Administration

1. **Technology Initiatives**

It is recommended that funding be provided to support the following technology initiatives: 1) current rewrite of obsolete processing systems for clerks and district attorney/public defender cases, including required data clean-up to implement a statewide warrant repository (NCAWARE); 2) new initiatives related to eCourt, civil eFiling, electronic payments, and electronic traffic court; and 3) maintenance and enhancement of existing applications including eCitation and Casewise/Jwise. It is also recommended that 28 new information technology staff positions be established to support these initiatives. These positions will have an effective date of 7/1/06.

Appropriation	**$4,500,000**
Appropriation - Nonrecurring	**$1,000,000**
Number of Positions	**28.000**

2. **Open File Discovery Project**

Due to the recent passage of legislation requiring open discovery in criminal cases, there is need for an evidence tracking automated system that will register the articles of evidence, track their use, and verify that the articles have been disclosed to the appropriate parties as required by law. It is recommended that funding be provided to develop this system. Funding is also recommended for seven new positions to support the development and maintenance of this system: one Applications Analyst Programmer II, one Applications Analyst Programmer III, one LAN Support Specialist, one WAN Engineer III, one Database Administrator, and two Computer Support Specialists. These positions will have an effective date of 7/1/06.

Appropriation	**$1,781,345**
Appropriation - Nonrecurring	**$1,373,878**
Number of Positions	**7.000**

Appellate

1. **New Court of Appeals Positions**

To address increases in the Appellate workload and to expedite parental termination of rights cases, it is recommended that funding be provided for one new Staff Attorney I and one new Appellate Clerk I. These positions will have an effective date of 10/1/06.

Appropriation	**$81,743**
Appropriation - Nonrecurring	**$14,467**
Number of Positions	**2.000**

2. **Justice Building Renovation**

Renovations for the Justice Building are scheduled to continue into fiscal year 2006-07, but currently funds for the temporary relocation of staff are only budgeted for fiscal year 2005-06. It is recommended that nonrecurring funds be provided to continue the lease payments needed for the temporary relocation. Also recommended are nonrecurring funds for moving expenses once the renovations are complete. In addition, recurring funds are recommended for office space needed due to staffing increases since the renovations began.

Appropriation	**$32,000**
Appropriation - Nonrecurring	**$480,000**

Trial Courts

1. **New Deputy Clerk Positions**

Additional deputy clerks are needed to address significant increases in certain types of cases such as foreclosures and estate cases. It is recommended that funding be provided for 75 new Deputy Clerks. These positions will have an effective date of 10/1/06.

Appropriation	**$1,985,850**
Appropriation - Nonrecurring	**$184,350**
Number of Positions	**75.000**

2. **New District Court Judge Positions**

It is recommended that funding be provided for seven new District Court Judges to allow for more efficient operation of the Trial Court Division and to devote more needed resources to family and domestic violence cases. These positions will have an effective date of 10/1/06.

Appropriation	**$686,438**
Appropriation - Nonrecurring	**$78,008**
Number of Positions	**7.000**

3. **New Magistrate Positions**

It is recommended that funding be provided for six new magistrates. These positions are needed to meet the magistrate staffing levels set forth in G.S. 7A-133. The new positions will be located in rural areas with limited coverage and in urban areas with increasing caseloads. These positions will have an effective date of 10/1/06.

Appropriation	**$180,734**
Appropriation - Nonrecurring	**$24,984**
Number of Positions	**6.000**

4. **New District Court Judicial Support Staff**

It is recommended that funding be provided for five new District Court judicial support staff positions (Judicial Assistant I). These positions are needed to support the recently established judgeships, expansion of family mediation, and other arbitration and mediation efforts. These positions will have an effective date of 10/1/06.

Appropriation	**$150,634**
Appropriation - Nonrecurring	**$19,080**
Number of Positions	**5.000**

5. **Expansion of Custody Mediation Program**

It is recommended that funding be provided to expand the Custody Mediation Program into the final remaining Judicial Districts, as required by G.S. 7A-494(a). This expansion will require the establishment of 7.75 new support staff, with an effective date of 10/1/06.

Appropriation	**$418,556**
Appropriation - Nonrecurring	**$38,912**
Number of Positions	**7.750**

6. **Expansion of Drug Treatment Court**

It is recommended that additional recurring funds be provided for statewide Drug Treatment Court operations ($49,992). It is also recommended that funding be provided for three new Drug Treatment Court Program Case Coordinators to allow for expansion of current Drug Treatment Court Programs. These positions will have an effective date of 7/1/06.

Appropriation	**$238,092**
Appropriation - Nonrecurring	**$17,562**
Number of Positions	**3.000**

7. **New Guardian ad Litem Program Staff**

To address significant increases in caseloads for the Guardian ad Litem Program, it is recommended that funding be provided for eight new positions: five Program Supervisors, one Program.Assistant, one Volunteer Recruitment and Retention Specialist, and one Administrative Specialist. These positions will have an effective date of 10/1/06.

Appropriation	**$340,787**
Appropriation - Nonrecurring	**$24,000**
Number of Positions	**8.000**

8. **Recurring Funds for Family Court Program**

Nonrecurring funds were appropriated for fiscal year 2005-06 to establish a Family Court Program in Judicial District 10, Wake County. It is recommended that recurring funds be provided to continue the operations of the Wake County Program.

Appropriation	**$175,000**
Number of Positions	**2.000**

9. **Interpreter Fee Payments**

The current budget for interpreter fees is insufficient to support the total expenditures for this service, which must be provided as required by statute. It is recommended that funding be provided to fund fully these interpreter fee payments.

Appropriation	**$775,000**

Equipment and Other Reserves

1. **Critical Equipment Needs**

It is recommended that nonrecurring funds be provided to replace essential technology and office equipment that is six years or older. Nonrecurring funds are also recommended for the replacement of audio machines in District Court and for telephone systems that are ten years or older. In addition, recurring funds are recommended for the continued replacement of outdated equipment and systems.

Appropriation $1,500,000

Appropriation - Nonrecurring $3,800,000

2. **Equipment for New Courthouses**

It is recommended that funding be provided for new telephone systems and LAN equipment for the new courthouses located in Clay and Harnett counties.

Appropriation - Nonrecurring $110,000

Offices of the District Attorneys

1. **New Prosecutors and Support Staff**

To reduce an increasing case backlog and to process cases in a more timely manner, it is recommended that funding be provided for 90 new Assistant District Attorneys and nine Victim-Witness/Legal Assistants. These positions will have an effective date of 10/1/06.

Appropriation $5,731,277

Appropriation - Nonrecurring $416,124

Number of Positions 99.000

Total Recommended Expansion

Recurring	
Requirements	$18,577,456
Receipts	-
Appropriation	$18,577,456
Number of Positions	249.750
Nonrecurring	
Requirements	$7,581,365
Receipts	-
Appropriation	$7,581,365
Number of Positions	-

Total Recommended Adjustments for Judicial Branch 2006-07

Recurring	
Requirements	$18,577,456
Receipts	-
Appropriation	$18,577,456
Number of Positions	249.750
Nonrecurring	
Requirements	$7,581,365
Receipts	-
Appropriation	$7,581,365
Number of Positions	-

Judicial Branch - Indigent Defense (12001)

Total Appropriations and Positions

	2006-07 Certified	2006-07 Recommended	Percentage Change
Requirements	$96,832,288	$103,045,888	6.4 %
Receipts	8,183,874	8,183,874	0.0 %
Appropriation	$88,648,414	$94,862,014	7.0 %
Positions	299.000	299.000	0.0 %

Appropriation Items -- Recommended Adjustments

Expansion

2006-07

Indigent Person Attorney

1. **Attorney Fee Payments for Indigent Defense**

Nonrecurring funds are recommended for unpaid attorney fee applications from fiscal year 2005-06 that need to be carried over to fiscal year 2006-07 due to a funding shortfall. In addition, recurring funds are recommended to address projected growth in attorney fee applications for fiscal year 2006-07 and future years.

Appropriation $2,000,000

Appropriation - Nonrecurring $2,500,000

2. **NC Prisoner Legal Services, Inc. Contract**

It is recommended that funding be provided to allow for inflationary increases for the contract with Prisoner Legal Services, Inc. (PLS). Current operating costs for this contract are higher than the total contract amount, creating an operating shortfall for PLS.

Appropriation - Nonrecurring $122,438

3. **Hourly Rate for Private Assigned Counsel**

The current hourly rate for private assigned counsel for capital cases is $85, which was set in 1993. It is recommended that funding be provided to increase this hourly rate to $95 at the trial, appellate, and post-conviction levels.

Appropriation $1,591,162

Total Recommended Expansion

Recurring

Requirements	$3,591,162
Receipts	-
Appropriation	$3,591,162
Number of Positions	-

Nonrecurring

Requirements	$2,622,438
Receipts	-
Appropriation	$2,622,438
Number of Positions	-

Total Recommended Adjustments for Judicial Branch - Indigent Defense 2006-07

Recurring

Requirements	$3,591,162
Receipts	-
Appropriation	$3,591,162
Number of Positions	-

Nonrecurring

Requirements	$2,622,438
Receipts	-
Appropriation	$2,622,438
Number of Positions	-

Department of Justice (13600)

Total Appropriations and Positions

	2006-07 Certified	2006-07 Recommended	Percentage Change
Requirements	$100,038,168	$104,864,948	4.8 %
Receipts	21,340,897	21,595,917	1.2 %
Appropriation	$78,697,271	$83,269,031	5.8 %
Positions	1,257.246	1,277.246	1.6 %

Appropriation Items -- Recommended Adjustments

Expansion

2006-07

Law Enforcement - SBI

1. **SBI Staff Expansion**

It is recommended that funding be provided for twelve positions to address the significant demand for investigative and forensic analyses not provided by other North Carolina law enforcement agencies. These positions include: four sworn Drug Chemists and one non-sworn Drug Chemistry Technician for the growing number of drug sample submissions; two Field Agents to combat methamphetamine trafficking; one Field Agent and one non-sworn Forensic Analyst for the Computer Crimes Unit; two Field Agents to focus on public corruption and financial crimes; and one non-sworn Molecular Geneticist to further expedite the processing of DNA evidence and to expand the types of DNA evidence analyzed by the Crime Laboratory.

Appropriation	**$906,318**
Appropriation - Nonrecurring	**$582,992**
Number of Positions	**12.000**

2. **Replacement of Statewide Automated Fingerprint Identification System**

The North Carolina Statewide Automated Fingerprint Identification System (SAFIS) is a vital informational resource that serves over 500 law enforcement agencies. This system was last upgraded in 1998 and much of the equipment is obsolete and in need of replacement. Funding is recommended to replace central hardware for the SBI, the Department of Correction, and the Mecklenburg County Sheriff's Department. It is also recommended that funding be provided to replace key equipment currently used by local government agencies

statewide to ensure compatibility. In addition, one Application Development Project Supervisor position is needed to support technical implementation and to provide maintenance.

Appropriation	**$72,180**
Appropriation - Nonrecurring	**$1,891,588**
Number of Positions	**1.000**

3. **Lab Expansion**

It is recommended that funding be provided for the lease purchase of two diesel generators and cubicle furniture to accommodate personnel relocating from Blount Street to Buildings 17 and 18 on the SBI's Garner Road campus. This is the first of a three-year equipment installment purchase.

Appropriation	**$220,000**

4. **Business Recovery Site**

S.L. 2003-404 requires that state agencies vacate their Blount Street facilities so that the buildings may be converted to private ownership. DOJ presently houses both its primary and backup computer centers at its Blount Street offices. For security reasons, a separate business recovery site to house the backup center must be operational before DOJ moves its primary computer center to the SBI's Garner Road campus. It is recommended that funding be provided for telecommunication charges and IT services charges for this business recovery site.

Appropriation	**$353,676**

Legal Services

1. **Attorney Positions**

Caseloads for DOJ's Appellate and Law Enforcement Liaison Sections have significantly increased in recent years. Funding is recommended for one Attorney II position and one Attorney III position for the Appellate Section and for one Attorney II position for the Law Enforcement Liaison Section to assist existing staff in handling these workload increases.

Appropriation	**$238,757**
Appropriation - Nonrecurring	**$13,200**
Number of Positions	**3.000**

2. **Sex Offender Registry Upgrade**

The state's Sex Offender Registry allows residents to obtain information on the addresses of convicted sex offenders in North Carolina. Increased public demand has necessitated additional resources and staff for the registry. It is recommended that funding be provided to upgrade the registry to include Geographic Information System (GIS) mapping of offenders and public email notification capabilities. One Applications Analyst Programmer position and one Business Test Analyst position are recommended to aid in the upgrade and maintenance of the Registry.

Requirements	**$393,697**
Receipts	**$255,020**
Appropriation	**$138,677**

Number of Positions	**2.000**

3. **Tort Claim Positions**

DOJ has seen an increase in the demand for tort claim processing services. 2,672 claims were opened by seven adjusters in the last calendar year, an average of 381 claims per adjuster. Funding is recommended for one Tort Claim Adjuster position to assist in handling this increased demand. It is also recommended that funding be provided for one Attorney I position to minimize fraud and abuse related to tort claim processing.

Appropriation	**$145,572**
Appropriation - Nonrecurring	**$8,800**
Number of Positions	**2.000**

4. **Receipt-Supported Attorney Position**

It is recommended that one receipt-supported Attorney III position be established to provide legal services to the Department of Cultural Resources. This position will focus on administrative law matters involving personnel, procurement and contracting, organizational development, and historical document and artifact recovery. This position will be supported by receipts from the Department of Cultural Resources.

Total Recommended Expansion	
Recurring	
Requirements	$2,330,200
Receipts	255,020
Appropriation	$2,075,180
Number of Positions	20.000
Nonrecurring	
Requirements	$2,496,580
Receipts	-
Appropriation	$2,496,580
Number of Positions	-

Total Recommended Adjustments for Department of Justice 2006-07

Recurring	
Requirements	$2,330,200
Receipts	255,020
Appropriation	$2,075,180
Number of Positions	20.000
Nonrecurring	
Requirements	$2,496,580
Receipts	-
Appropriation	$2,496,580
Number of Positions	-

Department of Juvenile Justice and Delinquency Prevention (14060)

Total Appropriations and Positions

	2006-07 Certified	2006-07 Recommended	Percentage Change
Requirements	$149,663,764	$152,724,616	2.0 %
Receipts	10,790,598	10,790,598	0.0 %
Appropriation	$138,873,166	$141,934,018	2.2 %
Positions	1,872.500	1,938.500	3.5 %

Appropriation Items -- Recommended Adjustments

Expansion

2006-07

Department Management

1. **Positions for Administration Division**

Funding is recommended for four positions to improve operations within DJJDP's Administration Division. These include one Auditor position to evaluate the cost effectiveness of programs, one Policy Compliance Generalist to track policy compliance, one Chief Records Officer to create a centralized records system, and one Departmental Purchasing Agent to provide support for purchasing and contractual functions.

Appropriation	**$221,268**
Appropriation - Nonrecurring	**$14,000**
Number of Positions	**4.000**

2. **Reserve for Utility and Fuel Costs**

It is recommended that nonrecurring funding be provided to address increasing utility and fuel costs from prior year hurricanes and other recent events.

Appropriation - Nonrecurring	**$251,826**

3. **MIS Positions**

It is recommended that funding be provided for one Computing Consultant IV and two Computing Consultant V positions to provide support for DJJDP's technical services operations. The responsibilities of these positions are currently being performed by contractors that are funded through lapsed salaries.

Appropriation	**$224,811**
Number of Positions	**3.000**

Department-Wide

1. **Textbook Purchases**

To ensure that all juveniles committed to DJJDP facilities are receiving an education consistent with the standard state curriculum, it is recommended that funding be provided for the purchase of additional textbooks.

Appropriation $50,000

Intervention and Prevention

1. **Juvenile Crime Prevention Councils (JCPCs)**

To increase the availability of diversion and disposition resources proven to be effective in reducing recidivism, funding is recommended to provide additional community services through the Juvenile Crime Prevention Councils.

Appropriation $500,000

Special Initiatives

1. **Eckerd Wilderness Camps/Methodist Homes for Children**

It is recommended that funding be provided to increase the number of Eckerd beds under contract from 326 to 346 per day and to account for inflationary increases needed for the Methodist Homes for Children service contract. The Eckerd Wilderness Education System is a year-round residential wilderness camp treatment program that addresses the individual needs of adolescents, over half of whom are referred from juvenile court services. Methodist Homes provides long-term treatment and a safe transition between institutional confinement and a youth's local community.

Appropriation $916,168

Youth Development Centers

1. **Operating Reserve and Positions for New Treatment Model**

The department is scheduled to open five new Youth Development Centers by the end of calendar year 2007. Funding is recommended to establish an operating reserve for these new facilities. Included in this reserve is funding for 59 new positions and for training and reclassification of existing staff as the department transitions to the new therapeutic treatment model.

Appropriation $882,779

Number of Positions 59.000

Total Recommended Expansion

Recurring

Requirements	$2,795,026
Receipts	-
Appropriation	$2,795,026
Number of Positions	66.000

Nonrecurring

Requirements	$265,826
Receipts	-
Appropriation	$265,826
Number of Positions	-

Total Recommended Adjustments for Department of Juvenile Justice and Delinquency Prevention 2006-07

Recurring

Requirements	$2,795,026
Receipts	-
Appropriation	$2,795,026
Number of Positions	66.000

Nonrecurring

Requirements	$265,826
Receipts	-
Appropriation	$265,826
Number of Positions	-

Department of Correction (14500)

Total Appropriations and Positions

	2006-07 Certified	2006-07 Recommended	Percentage Change
Requirements	$1,079,474,513	$1,111,003,904	2.9 %
Receipts	30,982,011	30,982,011	0.0 %
Appropriation	$1,048,492,502	$1,080,021,893	3.0 %
Positions	20,375.500	20,536.500	0.8 %

Appropriation Items -- Recommended Adjustments

Reductions

2006-07

Prisons

1. **Delayed Opening of 40-Cell Segregation Buildings**

The 40-cell segregation buildings at Orange and Caldwell Correctional Centers were originally scheduled for completion in fiscal year 2006-07. These facilities are now scheduled for completion in fiscal year 2007-08, eliminating the need for the operating reserves that were budgeted for fiscal year 2006-07. Nonrecurring reductions are recommended as follows: 1) $380,809 for Orange Correctional Center, and 2) $523,621 for Caldwell Correctional Center.

Appropriation - Nonrecurring **($904,430)**

Total Recommended Reductions

Recurring

Requirements	-
Receipts	-
Appropriation	-
Number of Positions	-

Nonrecurring

Requirements	($904,430)
Receipts	-
Appropriation	($904,430)
Number of Positions	-

Expansion

2006-07

Alcohol and Chemical Dependency

1. **Clinical Substance Abuse Supervisor Positions**

S.L. 2005-431, Amend Substance Abuse Laws, sets new certification and supervision standards for substance abuse professionals. Two new Clinical Substance Abuse Supervisors (Clinical Administrator IV) are recommended to assist the department in complying with these new standards.

Appropriation	**$121,957**
Appropriation - Nonrecurring	**$9,021**
Number of Positions	**2.000**

2. **Residential Substance Abuse Treatment Programs**

Expiring in fiscal year 2006-07 are federal grants that support Residential Substance Abuse Treatment (RSAT) clinical staff and programs at the NC Correctional Institution for Women and Morrison Correctional Institution. It is recommended that funding be provided to continue support for these staff and programs.

Appropriation	**$930,122**
Number of Positions	**25.000**

3. **DART-Cherry Substance Abuse Positions**

It is recommended that funding be provided for five new Substance Abuse Worker positions at the DART-Cherry facility. A Division of Prisons audit of the staffing pattern at this facility concluded that these positions are needed to provide adequate supervision for residents on all shifts.

Appropriation	**$166,745**
Appropriation - Nonrecurring	**$22,365**
Number of Positions	**5.000**

Community Corrections

1. **Sex Offender Monitoring**

It is recommended that funding be provided to implement active and passive Global Positioning Systems (GPS) monitoring for the most serious convicted sex offenders.

Appropriation	**$1,236,448**
Appropriation - Nonrecurring	**$70,770**
Number of Positions	**5.000**

Department Management

1. **Medical Claims Management Positions**

It is recommended that funding be provided for two new Medical Claims Management (Reimbursement Officer II) positions. These two new positions will allow the department to reorganize the section to operate more efficiently, and they will also provide needed staff to identify duplicate claims and work with medical providers on rate reductions.

Appropriation	**$88,927**
Appropriation - Nonrecurring	**$9,167**
Number of Positions	**2.000**

2. **Information Technology Security Positions**

The 2004 Statewide Security Assessment gave the department a low rating and recommended that it have a formal Information Technology (IT) Security Office. It is recommended that funding be provided for two new IT Security Positions (an IT Manager and a Networking Analyst) to improve computer and network security and allow for the establishment of an IT Security Office.

Appropriation	**$161,588**
Appropriation - Nonrecurring	**$9,167**
Number of Positions	**2.000**

3. **Reserve for Utility and Fuel Costs**

It is recommended that nonrecurring funding be provided to address increasing utility and fuel costs resulting from prior year hurricanes and other recent events.

Appropriation - Nonrecurring	**$9,610,759**

Prisons

1. **Operating Reserve for Tabor Correctional Institution**

Tabor Correctional Institution is scheduled for completion in February of 2008. It is recommended that an operating reserve be established for this facility.

Appropriation	**$95,504**
Appropriation - Nonrecurring	**$144,000**
Number of Positions	**10.000**

2. **Capacity Increase at Minimum and Medium Custody Facilities**

The Division of Prisons does not have sufficient capacity to meet the inmate population increases projected by the NC Sentencing and Policy Advisory Commission. To meet the projected capacity needs, it is recommended that funding be provided to increase capacity by 246 at three medium custody facilities (Brown Creek, Harnett, and Lumberton) and by 222 at three minimum custody facilities (Dan River, Tillery, and Tyrrell).

Appropriation	**$1,458,336**
Appropriation - Nonrecurring	**$864,069**
Number of Positions	**36.000**

3. **Inmate Medical Care**

Recurring funds are recommended to address recent significant increases in inmate medical care expenses due to higher service charges and inmate medical visit volumes.

Appropriation $15,000,000

4. **Security Threat Group Unit**

Federal grants that support the Security Threat Group unit at Foothills Correctional Institution will be expiring in fiscal year 2006-07. This program is targeted at inmates with gang affiliations and works to reduce gang violence through a series of programs that focus on cognitive behavior changes. It is recommended that funding be provided to continue support for this program.

Appropriation $256,292

Number of Positions 11.000

5. **Positions for New Enterprise Janitorial Plant**

Correction Enterprises is opening a new janitorial products plant at Warren Correctional Institution to replace the current plant in Harnett County. The Harnett facility is inside the fence, whereas the Warren facility will be outside the fence and, therefore, less secure. It is recommended that funding be provided for eight new Correctional Officers and one new Correctional Sergeant to provide the needed security for the new facility.

Appropriation $131,355

Appropriation - Nonrecurring $42,510

Number of Positions 9.000

6. **Positions for Central Pharmacy**

Prescription volumes have increased 62 percent over the last six years at the Division of Prisons Central Pharmacy with no increase in staff. It is recommended that funding be provided for four additional positions to address both current staffing needs and future needs as new prisons open this fiscal year. The positions include two Pharmacy Technicians, one Pharmacist, and one Stock Supervisor.

Appropriation $173,299

Appropriation - Nonrecurring $5,100

Number of Positions 4.000

7. **Nurse and Medical Records Clerk Positions**

It is recommended that funding be provided for 25 Licensed Practical Nurses (LPN's) and 25 Medical Records Clerks. These positions would aid the Division of Prisons in meeting the nursing standards adopted by the division. In addition, the positions would provide relief for professional nurses, who could devote more time to those duties that require higher skill levels.

Appropriation $1,758,320

Appropriation - Nonrecurring $68,000

Number of Positions 50.000

Total Recommended Expansion

Recurring

Requirements	$21,578,893
Receipts	-
Appropriation	$21,578,893
Number of Positions	161.000

Nonrecurring

Requirements	$10,854,928
Receipts	-
Appropriation	$10,854,928
Number of Positions	-

Total Recommended Adjustments for Department of Correction 2006-07

Recurring

Requirements	$21,578,893
Receipts	-
Appropriation	$21,578,893
Number of Positions	161.000

Nonrecurring

Requirements	$9,950,498
Receipts	-
Appropriation	$9,950,498
Number of Positions	-

Department of Crime Control and Public Safety (14900)

Total Appropriations and Positions

	2006-07 Certified	2006-07 Recommended	Percentage Change
Requirements	$51,125,106	$55,088,847	7.8 %
Receipts	15,971,618	15,966,618	0.0 %
Appropriation	$35,153,488	$39,122,229	11.3 %
Positions	484.500	514.500	6.2 %

Appropriation Items -- Recommended Adjustments

Expansion

2006-07

Administration

1. **Federal Grants Administration Position**

It is recommended that funding be provided for a Federal Grants Accountant (Accountant II) to ensure compliance with federal reporting and control requirements. Currently, the department has only one full-time permanent position dedicated to federal grants accounting.

Appropriation	**$63,731**
Appropriation - Nonrecurring	**$4,000**
Number of Positions	**1.000**

2. **Information Technology Positions**

The department currently has no full-time permanent information technology (IT) project managers on staff. These responsibilities are currently met using contractors. It is recommended that funding be provided for one Business and Technology Specialist and one Business and Technology Analyst to ensure that all projects are tracked properly and comply with the requirements set forth in S.L. 2004-129, Improve State IT Efficiency and Project Management.

Appropriation	**$164,112**
Number of Positions	**2.000**

National Guard

1. **Operation ROTC**

When soldiers are deployed overseas, many families become temporarily single-parent households and are faced with new demands. It is recommended that funding be provided

for Operation ROTC (Reaching Out to Children), which provides financial assistance for extended daycare for military dependents and is distributed through the Family Services Support Centers at the bases.

Appropriation	**$500,000**

2. **New Deputy Division Director Position**

It is recommended that funding be provided for a Deputy Division Director for the NC National Guard. This position is needed to assist with day-to-day operations and management of federal activities given the substantial increase in duties and responsibilities of the Division Director.

Appropriation	**$96,080**
Number of Positions	**1.000**

Butner Public Safety

1. **Operations and Maintenance**

It is recommended that funding be provided to meet basic operating and maintenance needs for Butner Public Safety. The budget for Butner Public Safety has been affected by previous budget cuts, inflationary increases, and overbudgeted receipts.

Requirements	**$98,680**
Receipts	**($5,000)**
Appropriation	**$103,680**

Emergency Management

1. **Planning, Response, and Recovery Capabilities**

It is recommended that funding be provided to enhance emergency management planning, response, and recovery capabilities. The recommended funding will support existing warehouse and logistics operations as well as 11 managerial positions in the Public Assistance, Individual Assistance, and Hazard Mitigation Sections, all of which are currently funded with nonrecurring federal disaster funds. The recommended funding will also support 13 new positions to perform needed functions within the division (one Business Officer I, one Administrative Assistant I, two Emergency Management Plans Supervisors, six Emergency Management Planner I's, and three Office Assistant IV's).

Appropriation	**$1,456,371**
Number of Positions	**24.000**

2. **Urban Search and Rescue and Swiftwater Rescue Capabilities**

North Carolina's Urban Search and Rescue and Swiftwater Rescue teams are unable to meet the current National Incident Management System qualification standards. Future federal funding of emergency management operations may be jeopardized if these standards are not met this year. It is recommended that funding be provided for the needed training and equipment to meet and maintain compliance with these standards.

Appropriation	**$627,400**

3. **HAZMAT Regional Response Teams**

There are currently seven HAZMAT Regional Response Teams in the state. One of these teams receives no dedicated state appropriation, and all of the teams lack sufficient operating

budgets for items such as rising insurance premiums and equipment replacement. To ensure adequate statewide coverage for hazardous material emergencies, it is recommended that funding be provided to support these operating needs of the HAZMAT teams.

Appropriation	**$156,956**

Victim and Justice Services

1. **Victims Compensation**

There is a continuing backlog of Victims Compensation claims due to insufficient funding and shortage of staff to properly investigate and examine claims received. To address this backlog, it is recommended that funding be provided for payment of claims ($700,000) and for two new positions: a Law Enforcement Specialist and a Processing Assistant V ($96,411).

Appropriation	**$792,411**
Appropriation - Nonrecurring	**$4,000**
Number of Positions	**2.000**

Total Recommended Expansion

Recurring	
Requirements	$3,955,741
Receipts	(5,000)
Appropriation	$3,960,741
Number of Positions	30.000
Nonrecurring	
Requirements	$8,000
Receipts	-
Appropriation	$8,000
Number of Positions	-

Total Recommended Adjustments for Department of Crime Control and Public Safety 2006-07

Recurring	
Requirements	$3,955,741
Receipts	(5,000)
Appropriation	$3,960,741
Number of Positions	30.000
Nonrecurring	
Requirements	$8,000
Receipts	-
Appropriation	$8,000
Number of Positions	-

Recommended Adjustments
2006-2007
Capital Improvements

Justice and Public Safety Agencies

3. **Administration - Asheville and Kinston Veterans Affairs Nursing Homes**

It is recommended that the state provide funding for the 35% state match for the construction of two 100-bed nursing homes to provide skilled care for the state's veterans. The remaining 65% will be provided by a federal grant. Approximately 40% of the state's 770,000 veterans are over the age of 65, and many are projected to require long-term health care in the near future.

Requirements - Nonrecurring	**$25,066,395**
Receipts - Nonrecurring	**$16,293,095**
Appropriation - Nonrecurring	**$8,773,300**

4. **Information Technology Services - Data Center**

Funds are recommended for land acquisition, design, and construction of a backup data center for critical business programs. The data center will also provide disaster recovery services now handled by an out-of-state vendor.

Appropriation - Nonrecurring	**$24,841,300**

Justice and Public Safety

1. **Crime Control and Public Safety - Emergency Operations Center and Access Road**

The Governor recommends funding for design and construction of a new Emergency Operations Center (EOC) and provision of a new access road. The facility would be housed within the lower level of the new National Guard Readiness Center (estimated federal funds for the National Guard Readiness Center equal $30 million). The building of a new federally funded National Guard Readiness Center provides an opportunity for the state to obtain an adequately sized EOC at a fraction of the cost of building a new stand alone facility or a renovated facility in another state owned building.

Appropriation - Nonrecurring	**$8,500,000**

2. **Crime Control and Public Safety - Marion Transportation Center**

The North Carolina Department of Correction intends to reclaim one of its buildings currently being used by the Department of Crime Control and Public Safety (DCCPS). Funds are recommended for a new parking lot needed to house a portion of DCCPS's motor vehicle fleet now on DOC property. McDowell County will donate land for the project.

Appropriation - Nonrecurring	**$222,700**

3. **Correction - Gatehouse/Security Drive (Morrison)**

It is recommended that funds be provided for renovation of the perimeter security fence system at Morrison Correctional Institution. Modifications include an electronic intrusion detection system, a paved chase road, parking area improvements, renovations to administration and operations buildings, and utility relocations. The modifications will result in the reduction of guard posts required for perimeter security. Design and construction will be completed using Department of Correction forces.

Appropriation - Nonrecurring	**$2,986,200**

4. **Juvenile Justice and Delinquency Prevention - Safety/Security Fixtures and Furnishings**

Funds are recommended for installation of safety/security fixtures and furnishings at five new Youth Development Centers (Cabarrus, Lenoir, Edgecombe, Chatham and Guilford).

Appropriation - Nonrecurring	**$500,000**

College of Engineering. In addition, the building will be tailored to meet the needs of continuing education students and professionals working and living in the Charlotte-Mecklenburg region. The building is critical to the university's need to keep pace with projected growth.

Appropriation - Nonrecurring **$45,827,400**

Projects Financed with Special Indebtedness (COPs)

1. **DHHS Public Health Laboratory/Office of Chief Medical Examiner**

Capital Funds are recommended for the construction of a new 203,834 square foot building for the state public health lab and Office of Chief Medical Examiner. The existing public health lab facility in the Bath building is a leased facility that is in need of major renovations. A bioterrorism testing laboratory is located in a modular facility across from the Bath Building and will have to move because of the Blount Street development. The Office of Chief Medical Examiner is currently housed in the Bullit-Brinkhous Building at the UNC School of Medicine. Each building has a layout that is inefficient and too small for the current needs of the Division of Public Health. COPs would be authorized in the amount of $101,000,000 to fund project.

Requirements - Nonrecurring **$101,000,000**

Receipts - Nonrecurring **$101,000,000**

Appropriation - Nonrecurring **-**

2. **Correction - Regional Medical Center and Mental Health Center**

Funding is recommended for design and construction of a 120-bed Regional Medical Center and a 200-cell Mental Health Center at North Carolina's Central Prison in Raleigh. The construction of the medical and mental health facilities is considered critical to support the medical and mental health treatment of violent inmates. The project constitutes Phases II and III of the approved Central Prison Master Plan (March 1998) and is a recommendation in the Department of Correction Healthcare Plan (Nov. 1996). The funding breakdown for the project is $144,000,000 in Certificates of Participation and $7,864,137 from receipt sources.

Requirements - Nonrecurring **$151,864,137**

Receipts - Nonrecurring **$151,864,137**

Appropriation - Nonrecurring **-**

Projects Financed with Revenue Bonds

1. **Department of Administration - McDowell Street Parking Deck**

Funds are recommended to construct a 1,200 space parking deck across from the Administration Building in Raleigh. The parking deck is needed to relieve overcrowding in existing parking decks in the downtown government complex and to replace parking lost by the Blount Street redevelopment project. It is recommended that revenue bonds be used to

Recommended Adjustments
2006-2007
Statewide Reserves

Justice and Public Safety Agencies

systems. This appropriation supports phase one of the project, which includes funds for system integration, staff training, software maintenance, and ITS data charges.

Appropriation	**$7,260,523**
Appropriation - Nonrecurring	**$34,527,880**
Number of Positions	**50.750**

2. **Reserve for Innovative IT Projects**

It is recommended that a special Innovative Technology Reserve be established in the Office of State Budget and Management. This reserve would fund innovative information technology projects proposed by state departments that provide a real dollar return to the state through increased productivity and efficiency. This request is coordinated with a special provision that establishes the fund.

Appropriation	**$3,000,000**

3. **Information Technology Attorney Positions**

It is recommended that two attorney positions be established to assist with complex information technology procurements.

Appropriation	**$298,826**
Number of Positions	**2.000**

Statewide Reserves

1. **Reserve for Disaster Expenses as Authorized in G.S. 166A**

It is recommended that funds be appropriated to the Disaster Relief Reserve for emergency preparation and response, for the required non-federal cost share of federal emergency and disaster assistance programs, and for state disaster assistance programs as authorized in G.S. 166A.

Appropriation - Nonrecurring	**$50,000,000**

2. **Reserve for Legal Expenses**

It is recommended that a reserve for legal expenses be established in the Office of State Budget and Management. Reserve funds may be used for lawsuits involving the state when, in accordance with G.S. 147-17, the Attorney General advises the Governor that it is impracticable for the office to provide legal services, or for litigation requiring specialized expertise, or where a conflict of interest prevents the Attorney General's office from representing the state.

Appropriation - Nonrecurring	**$2,000,000**

3. **Reserve for Heating and Cooling Assistance**

It is recommended that $10 million be appropriated to assist needy families with heating and cooling bills associated with higher utility and fuel costs.

Appropriation - Nonrecurring	**$10,000,000**

Rm. 415

House Pages

Joint Appropriation. Justice AND Public Safety

Name Of Committee: _____ Date: 5-10-06

1. Name: Nathan Fisher
   County: Columbus
   Sponsor: Rep. Hill
2. Name: Kiara Crawford
   County: Anson
   Sponsor: Rep. Pryor-Gibson
3. Name: Kenneth Crawford
   County: Anson
   Sponsor: Rep. Pryor Gibson
4. Name: Ashley Simons
   County: Person
   Sponsor: Rep Wilkins
5. Name: Jasmine Thurman
   County: Cleveland
   Sponsor: Rep. Moore

Sgt-At-Arms

1. Name: FRANK PREVO
2. Name: MARY PERRY
3. Name: CHARLES MARSOLIS
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - May 10, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steve Shaber	Poyner & Spruill
David Hardesty	Eckerd Youth Alt. Inc..
Jennie New	Kennedy Covington
Greg McLeod	AGO
[illegible]	DCJ
Ray Cooper	DOT
J. Williams	CCPS
B. E. Beatty	CCPS
Rudy Rudisill	CCPS
Dwayne Patterson	DJJDP
Nancy Lowe	DOJ

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - May 10, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
J. Katzenelson	Sentencing Com.
Robin Pendergraft	SBI
Jerry Rattley	SBI
BILL WEIS	SBI
Jamie Crumbley	NCPS
Colleen Kochanek	Smith Moore
Doug Henry	NC BAR ASSOCIATION
[illegible]	Atty
[illegible]	[illegible]
Pauline Rankin	DEPIC
M.A. DESILVA	N.C. SBI

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - May 10, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jeff Gray	Fraternal Order of Police
Law Rubert	Justice Policy Center

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - May 10, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
NELS ROSELAND	AGO
Lauren Eckhardt	Speaker Black's office
David L. Nicolaysen	CCPS
Grayson Kelley	DCJ
Eddie Caldwell	NC Sheriffs' Assn
W. Flatten Clay	NCACP
Carolyn Coggins	office of Gov.
Sarah Owen	JNP Civitas Institute

VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice & Public Safety - May 10, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Marc Nelson	OSBM
Sheryl Hopkins	OSBM
KEVIN HUTCHINSON	OSBM
BENNIE AIKEN	ICPS
Mike Sprayberry	NCEM
William T. Boyd, COL	— NCNG
William Dudley	CC of PS
M.N. Hobgood	CCPS / Butaw Public Safety
Marvin Waters	CCPS
Elaine Freeman	CCPS
Melissa Lovell	NC DOT

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415, Legislative Office Building
May 11, 2006, 8:30 a.m.

I. CALL TO ORDER

Chairmen: Senator Ellie Kinnaird — Representative Phillip Haire, Presiding
Senator John Snow — Representative Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Review of Recommended JPS Agency Budget Adjustments

Judicial Department – Administrative Office of the Courts
Ralph Walker, Director

Office of Indigent Defense
Malcolm R. Hunter, Jr., Director

Department of Juvenile Justice and Delinquency Prevention
George Sweat, Secretary

III. OTHER BUSINESS: next meeting date

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY

May 11, 2006
Room 415 – LOB

HOUSE MEMBERS PRESENT: (9) Representatives Haire, Kiser, Ray, Sutton, Frye, Goodwin, Jones, Justus, and Spear.

SENATE MEMBERS PRESENT: (3) Senators Bingham, Bland, and Presnell.

The Joint Appropriations Subcommittee on Justice and Public Safety met on Thursday, May 11, 2006 in Room 415 of the Legislative Office Building. Representative Phil Haire presided and called the meeting to order at 8:36. Representative Haire introduced Pages, Kelsey Rathbone from Wayne County and Shishir Amin from Wake County. House Sgt.-At-Arms were Jerald Perry and Frank Prevo. Senate Sgt.-At-Arms were Mary Perry and Charles Marsolis.

Rep. Haire introduced **Judge Ralph Walker, Director, Administrative Office of the Courts** for a review of recommended JPS Agency Budget Adjustments who presented **Handout #1, The North Carolina Judicial Branch 2006-2007 Expansion Budget Requirements Before Justice and Public Safety Subcommittee.**

Senator Pete Bland asked if magistrates could be assigned to other areas. **Judge Walker** called on **Mr. Gregg Stahl, AOC,** who stated that they cannot assign an emergency magistrate. The statutes provide that a magistrate can be assigned from one county to another on a temporary basis. Magistrates feel that they could be better served if they could assign on an emergency basis, however, the constitution does not provide for that. It provides for a specific method of appointment for magistrates. This has been studied, looked at and tried every way to get around it and it cannot be done. There continues to be a move by the magistrates to get a constitutional amendment. **Senator Bland** asked if an increase in pay can be looked at. **Mr. Stahl** pointed out that pay is statutory and the committee would be in a good position right now to deal with the pay issue of magistrates. We have plenty of documented information regarding this that is available to the committee. **Senator Bingham** asked about the dividing of the Judicial Standards Commission – what was the reasoning behind this? **Judge Walker** thinks it is a move toward what other bodies are doing and that is to split the duties in determining probable cause and the second half of that body would not be influenced by what the first group found if they found probable cause in hearing it and be affected by the first part of the determination. **Rep. Haire** noted that the bill passed and this is sort of to provide for the staffing of the Judicial Standards – is that correct, Judge? **Judge Walker** replied in the affirmative. **Rep. Haire** noted that it is already the law, passed last session, but there was no money attached to it. Follow up by **Senator Bingham** regarding interpreter fees –

would like for someone to expand on that. **Judge Walker** said that, as we all know, the non-English speaking population is increasing and rapidly becoming an issue. We are looking at ways to structure the costs that we are going to incur in the future and get a handle on that. **Senator Bingham** asked if interpreters were on call, going from one judicial district to another or were they hired within a judicial district? **Judge Walker** stated that they can go from one Judicial District to another and are subject to assignment by the Judge who sets the rate of compensation.

Representative Joe Kiser asked if we have any method of assuring that these interpreters are accurate and qualified for the job that they are doing? **Judge Walker** replied that we have standards that lead to certification. We have a number of interpreters who are certified – still more interpreters who are not certified and we don't know a whole lot about their qualifications, because they are subject to appointment and compensation by the judge. We are trying to move toward increasing our cadre of certified mediators and establish some standards for which all of our interpreters would have to meet in order to be qualified to serve in District Courts. **Mr. Stahl** added that there will be a request in Special Provisions that places more responsibility on AOC to provide oversight over interpreters . They will ask that Judges select off of the list that AOC provides, so that AOC will have taken the time to look at background and qualifications. This will take some time to move toward National Certification. **Rep. Kiser** asked if applicants must be here legally? **Mr. Stahl** stated that as far as he knew, because they are paid hourly, there must be a Social Security number, and if that is a valid number, then they are here the way they are supposed to be. **Rep. Kiser** inquired as to how the validity of the Social Security number is determined? **Mr. Stahl** that they had not audited Social Security numbers up to this point. He feels that once this Special Provision is in place it will give **AOC** the opportunity to do a more vigorous background check. They will probably ask for an I-9 form to ensure that they are eligible to be paid.

Next on the agenda was **Malcolm R. Hunter, Jr., Director, Office of Indigent Defense** who presented **Handout #2 – Priority Funding Requests Office of Indigent Defense Services. Mr. Hunter** told about some laminated guides that were done in the past year for District Court Judges and also Superior Court Judges to show them what the average hours are that are awarded in different kinds of cases. This should be helpful for them in deciding what the fees should be. **Mr. Hunter** stated that on **Handout #2 –** the first item shows that they don't have enough money to keep paying lawyers for the whole year, but the good news is that this shows the smallest shortfall they have had in the last 5 years. **Mr. Hunter** continued through the list discussing the remaining items and the need for additional money. **Rep. Sutton** asked if, on the Increase Pass Through Funding to Prisoners Legal Services, if Mr. Hunter sees the Governor's $122,438 non-recurring as a one shot in the arm thing? **Mr. Hunter** said that he assumed that the Governor had more non-recurring money to give out across the state - sort of a compromise. **Rep. Goodwin** asked for a figure on the Electronic system and how much that would save. **Mr. Hunter** did not have that projection figure, but was confident that it would save money in the long run. **Rep. Goodwin** asked when they ran out of money to which **Mr. Hunter** stated that they had not run out of money, but expected that to happen sometime between June 7 and June 10 – his best guess. **Rep. Justus** asked if there were any kind of number on

how many clients are illegal aliens and **Mr. Hunter** said that he didn't have that information and didn't know where that information is collected. **Sen. Bingham** asked if there are difficulties in recruiting because of these rates and **Mr. Hunter** replied that many were complaining, but staying on the list. Rural areas are difficult areas. A discussion followed on the comparative figures on the salaries of Public Defenders and ADA.'s

Last on the agenda was **Secretary George Sweat, Department of Juvenile Justice and Delinquency Prevention** who asked the committee to refer to **Handout #3 – Recommended adjustments for Justice and Public Safety Agencies – page 146 .** **Rep. Spear** said that since the Edgecombe Facility would not be completed until September of next year, could there be a delay in these positions and the implementation of funding to have the money available at whatever time you deem appropriate? **Mr. Dwayne Patterson** stated the positions had to be filled and training begun before the facility opened, so that the money for salaries could not be delayed. **Rep. Kiser** asked if the Department of Instruction provided any money for textbooks? **Secretary Sweat** replied that he wasn't sure if it came from DPI, but they had about $46,000 for textbooks, but that's proven to be inadequate. **Sen. Bingham** asked for some figures on the Eckerd Camp. **Secretary Sweat** replied that it was about $90 a day - $110 at the most and (now $96.50 per day) for the Eckerd program. **Rep. Sutton** asked, knowing that one half of the kids in the Eckerd Program are from Juvenile Court Services, where do the other half come from? **Sec. Sweat** said that they make most of the referrals, but you have a fair percentage that are made directly from the schools. Juvenile courts are the biggest feeder into this program, followed by the schools.

Rep. Haire adjourned the meeting at 9:55 a.m.

Visitor's Registration Lists are attached and made part of these minutes. Tapes of this meeting are kept on file.

Respectfully submitted,

Representative Phil Haire
Chair

Sara Jane Lennard
Committee Assistant

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	May 11 2006	May 30 2006	June 8 2006												
HOUSE															
Rep. Phil Haire, CHAIR	✓	✓	✓												
Rep. Joe Kiser, CHAIR	✓	✓	✓												
Rep. Karen Ray, VICE CHAIR	✓	✓													
Rep. Ron Sutton, VICE CHAIR	✓	✓	✓												
Rep. Phillip Frye	✓		✓												
Rep. Melanie Goodwin	✓	✓	✓												
Rep. Edward Jones	✓	✓	✓												
Rep. Carolyn Justus	✓	✓	✓												
Rep. Paul Miller															
Rep. Timothy Spear	✓	✓	✓												
SENATE															
Sen. Ellie Kinnaird, CHAIR															
Sen. John Snow, CHAIR															
Sen. Dan Clodfelter, VICE CHAIR															
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓														
Sen. Tom Apodaca															
Sen. Pete Bland	✓														
Senator Keith Presnell	✓														
Sen. Tony Rand															

House Pages

APPROPRIATION JUSTICE AND PUBLIC SAFETY

Name Of Committee: _____ Date: 5-11-2006

1. Name: Kelsey Rathbone
   County: Wayne
   Sponsor: Pate
2. Name: Shishir Amin
   County: Wake
   Sponsor: Capps
3. Name: _____
   County: _____
   Sponsor: _____
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

Sgt-At-Arms

House

1. Name: Jerald Perry
2. Name: Frank Prevo
3. Name: _____
4. Name: _____
5. Name: _____

SENATE

MARY PERRY
CHARLES MARSOLIS

VISITOR REGISTRATION SHEET

APPROPRIATIONS-JUSTICE AND PUBLIC SAFETY 5-11-06

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Marc Nelson	OSBM
Sheryl Stephens	OSBM
Beau Mills	NC Mayor's
S. Katzenelson	Sentencing Com.
Tracy Little	NCDOC
Kim Yonkers	DJJDP
Elisa Wolper	OIDS
Tye Hunter	ITS
Joanne McDaniel	DJJDP
Dwayne Patton	"
George Sweat	"

VISITOR REGISTRATION SHEET

APPROPRIATIONS-JUSTICE AND PUBLIC SAFETY — 5-11-06

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Larry Dix	DJJDP
Sandy Pearce	AOC
Keesha Howell	AOC
Rex Whaley	AOC
Jane Gray	AOC
Gregg Stahl	AOC
Mildred Spearman	DOC
Sheryl Stephens	OSBM
Steve Shaber	Poyner & Spruill
David Hardesty	Eckerd Youth Alt inc.
Branny Vickory	DA

VISITOR REGISTRATION SHEET

APPROPRIATIONS-JUSTICE AND PUBLIC SAFETY — 5-11-05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Peg Dorer	Conference of D.A.s
James C. Stanford	Clerk of Superior Court Orange Cnty
Doug Heron	NC BAR ASSOCIATION
[illegible]	[illegible]
Cally Wrigg	office of Gov.
Colleen Kochanek	Smith Moore
Guy McLeod	NCAGO
Michael Hunsucker	NCAE
Marvin Waters	CCPS

Handout #1

THE NORTH CAROLINA JUDICIAL BRANCH
2006-07 EXPANSION BUDGET REQUIREMENTS
BEFORE JUSTICE AND PUBLIC SAFETY SUBCOMMITTEE
May 11, 2006

	Judicial Expansion Request		Governor's Recommendation	
PERSONNEL				
NEW PROSECUTORS & SUPPORT STAFF	$6,998,286	R	$5,731,277	R
82 new assistant district attorneys and 9 victim-witness/legal assistants that the Conference of District Attorneys propose as essential for effective prosecution of increasing caseloads. Conference will recommend distribution of positions.	$381,972	NR	$416,124	NR
	$7,380,258		$6,147,401	
	91.00	FTE	99.00	FTE
Governor's budget recommends 90 ADA positions effective 10/1/06.				
ADDITIONAL DEPUTY CLERK PERSONNEL	$2,647,800	R	$1,985,850	R
75 new deputy clerk positions as identified in Jefferson Study and recommended by the Conference of Clerks of Superior Court. Positions are essential to handle increasing workloads.	$184,350	NR	$184,350	NR
	$2,832,150		$2,170,200	
	75.00	FTE	75.00	FTE
Governor's budget recommends same effective 10/1/06.				
DISTRICT COURT JUDGES	$1,307,500	R	$686,438	R
Provides additional 10 judges to handle increasing workload in the district court. Chief District Court judges will assist in identifying most needy districts.	$111,440	NR	$78,008	NR
	$1,418,940		$764,446	
	10.00	FTE	7.00	FTE
Governor's budget recommends 7 positions effective 10/1/06.				
NEW MAGISTRATE POSITIONS	$321,304	R	$180,734	R
Provides 8 new magistrate positions.	$33,312	NR	$24,984	NR
Governor's budget recommends 6 positions effective 10/1/06.	$354,616		$205,718	
	8.00	FTE	6.00	FTE
DISTRICT COURT JUDICIAL SUPPORT STAFF	$200,845	R	$150,634	R
Provides judicial support staff positions for judgeships created previously and for the required expansion of family mediation as ordered by the Supreme Court, and also other arbitration and mediation efforts.	$19,080	NR	$19,080	NR
	$219,925		$169,714	
	5.00	FTE	5.00	FTE
Governor's budget recommends same effective 10/1/06.				
NEW COURT OF APPEALS PERSONNEL	$217,980	R	$81,743	R
Add two (2) Appellate staff attorney positions and two (2) Appellate clerks to help cope with the increase in the Court's workload.	$28,934	NR	$14,467	NR
	$246,914		$96,210	
Governor's budget recommends one half of request effective 10/1/06.	4.00	FTE	2.00	FTE
JUDICIAL STANDARDS COMMISSION EXPANSION	$167,662	R	$0	R
Add 2 staff and increase the Commission from 7 to 13 members.	$16,084	NR	$0	NR
Pending legislation requires appropriation.	$183,746		$0	
	2.00	FTE	0.00	FTE
APPELLATE COURT SECURITY	$58,550	R	$0	R
Enhance security for Appellate Court by addition of one (1) court security officer.	$5,425	NR	$0	NR
	$63,975		$0	
	1.00	FTE	0.00	FTE

THE NORTH CAROLINA JUDICIAL BRANCH
2006-07 EXPANSION BUDGET REQUIREMENTS
BEFORE JUSTICE AND PUBLIC SAFETY SUBCOMMITTEE
May 11, 2006

	Judicial Expansion Request		Governor's Recommendation	
INNOCENCE CLAIM REVIEW COMMISSION	$373,268	R	$0	R
This request will establish a permanent innocence claim review	$50,579	NR	$0	NR
commission and staff.	$423,847		$0	
Pending legislation requires appropriation.	4.00	FTE	0.00	FTE

TECHNOLOGY

TECHNOLOGY INITIATIVES	$6,398,863	R	$4,500,000	R
Rewrite outdated criminal system, clerks and district attorney/public	$1,030,558	NR	$1,000,000	NR
defender case management systems, implement the statewide warrant	$7,429,421		$5,500,000	
repository (NCAWARE). Initiate new technology in district court	0.00	FTE	0.00	FTE
related to eCourt, civil eFiling, electronic payments, electronic traffic court. Maintenance and enhancement of existing applications to include eCitation and Casewise/Jwise.				
Governor's budget recommendation is $1.9M less				
OPEN FILE DISCOVERY PROJECT	$1,781,345	R	$1,781,345	R
Provide document management system to ensure proper file content	$1,373,878	NR	$1,373,878	NR
disclosure as required by new law. Hardware, new software, and cost of	$3,155,223		$3,155,223	
integration into existing DA/PD Case Management System for an	0.00	FTE	0.00	FTE
automated imaging and document retrieval/management system.				
CRITICAL DEPARTMENT EQUIPMENT NEEDS	$4,590,882	R	$1,500,000	R
Provides for the replacement of tech and non-tech office equipment	$6,397,875	NR	$3,800,000	NR
not covered in the 2005-07 Continuation Budget. This replaces	$10,988,757		$5,300,000	
technology equipment at least 5 years old and continues replacing audio machines in District Court. It also replaces 10 of 36, ten year old or older, telephone systems in Johnston, Forsyth, Granville, Davidson, Lincoln, Wake, Guilford, Cumberland, Buncombe and Pender. Provide recurring funds for replacement of remaining outdated systems.				
Governor's budget recommendation is $5.6M less				
TELEPHONE SYSTEMS FOR NEW COURTHOUSES	$0	R	$0	R
Telephone system and LAN improvements required in Clay and	$110,000	NR	$110,000	NR
Harnett county.	$110,000		$110,000	

PROGRAMS

FAMILY COURT PROGRAM EXPANSION	$659,068	R	$175,000	R
Expand Family Court Program into two (2) districts and provide	$59,044	NR	$0	NR
recurring funding for Wake Family Court Program.	$718,112		$175,000	
Governor's budget recommends only recurring funds for Wake	11.00	FTE	3.00	FTE
EXPANSION OF CUSTODY MEDIATION PROGRAM	$558,074	R	$418,556	R
Expand coverage into remaining Judicial Districts. G.S. 7A-494(a)	$38,912	NR	$38,912	NR
requires statewide implementation.	$596,986		$457,468	
Governor's budget recommends same effective 10/1/06.	7.75	FTE	7.75	FTE

THE NORTH CAROLINA JUDICIAL BRANCH
2006-07 EXPANSION BUDGET REQUIREMENTS
BEFORE JUSTICE AND PUBLIC SAFETY SUBCOMMITTEE
May 11, 2006

	Judicial Expansion Request		Governor's Recommendation	
NEW GUARDIAN AD LITEM PROGRAM STAFF	$743,130	R	$340,787	R
Request for the GAL program staff based on workload priorities.	$37,231	NR	$24,000	NR
Staffing was last increased in 2000-01.	$780,361		$364,787	
Governor's budget recommends 8 positions effective 10/1/06.	13.00	FTE	8.00	FTE
DRUG TREATMENT COURT PROGRAM	$363,492	R	$238,092	R
Provides case coordinators in districts that are transitioning from grant funds and where caseload increases have occurred.	$29,270	NR	$17,562	NR
Effective 7/1/06, could start 1 to 2 more programs with Governor's Crime Commission Funds.	$392,762		$255,654	
	5.00	FTE	3.00	FTE
FULLY FUND INTERPRETER FEE PAYMENTS	$775,000	R	$775,000	R
Based on reductions to the Continuation Budget, the current allocation for interpreter fees is now $1.02 million of the $1.8 million in the predicted annual cost.	$0	NR	$0	NR
	$775,000		$775,000	
Governor's budget recommends same				
BUSINESS COURT EXPANSION	$236,206	R	$0	R
Establish Wake County/Triangle site.	$254,143	NR	$0	NR
2005 Appropriation only for Mecklenburg.	$490,349		$0	
	2.00	FTE	0.00	FTE

ADMINISTRATIVE

BUILDING LEASE / OFFICE RELOCATION	$32,000	R	$32,000	R
Funds needed for temporary office space during renovations of Judicial Branch facilities.	$480,000	NR	$480,000	NR
Six months (July 2006 - January 2007)	$512,000		$512,000	
INCREASE JURY FEE RATES 20 years since increase	$973,833	R	$0	R
Increases jury fee from $12 per day to $20 for days 2 - 5 and increases amount from $30 per day to $40 for day 6 forward. Increases the grand juror rate from $12 to $20.	$0	NR	$0	NR
	$973,833		$0	

JUDICIAL BRANCH EXPANSION COMPARISON	Judicial Expansion Request	Governor's Recommendation
JUDICIAL BRANCH, TOTAL RECURRING:	$ 29,405,088	$ 18,577,456
JUDICIAL BRANCH, TOTAL NON-RECURRING:	$ 10,642,087	$ 7,581,365
JUDICIAL BRANCH, TOTAL REQUEST:	$ 40,047,175	$ 26,158,821
JUDICIAL BRANCH, TOTAL NUMBER OF POSITIONS:	238.75	215.75

When annualized, the Governor's budget recommendations would be approximately $3M more.

Handout # 2

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COMMISSION
JOSEPH CHESHIRE, V, CHAIR
RHODA BILLINGS, VICE-CHAIR
SUE GENRICH BERRY
JAMES CLOTFELTER
SEAN P. DEVEREUX
CAROL HUFFMAN KENDRICK
GRADY JESSUP
BRADLEY B. LETTS
MELZER A. MORGAN
RICHARD G. ROOSE
ADAM STEIN
MARY ANN TALLY
NORMAND TRAVIS

PRIORITY FUNDING REQUESTS
OFFICE OF INDIGENT DEFENSE SERVICES
2006-2007

COVER SHORTFALL IN 2005-2006 FUNDING FOR ASSIGNED COUNSEL

Projected amount to be carried over to 2006-2007

$4.0 Million nonrecurring

(Governor Recommended $2.5 Million based on our January projections)

FULLY FUND 2006-2007 DEMAND FOR INDIGENT DEFENSE

Based on projected 5% real growth rate

$2.0 Million recurring

(Governor Recommended $2.0 Million)

INCREASE HOURLY RATES BY $10 FOR ASSIGNED COUNSEL

Increase to $75/hour for non-capital, $95/hour for capital

$9.3 Million recurring

(Governor Recommended $1,591,162 for capital case attorneys only)

EQUIPMENT REPLACEMENT FOR STATE DEFENDERS

Replace computer equipment purchased before 2001

$335,926 nonrecurring

(Not included in request to Governor)

ELECTRONIC SUBMISSION OF FEE APPLICATIONS

Funds to develop pilot system

$166,000 nonrecurring

(Not included in request to Governor)

INCREASE PASS THROUGH FUNDING TO PRISONERS LEGAL SERVICES

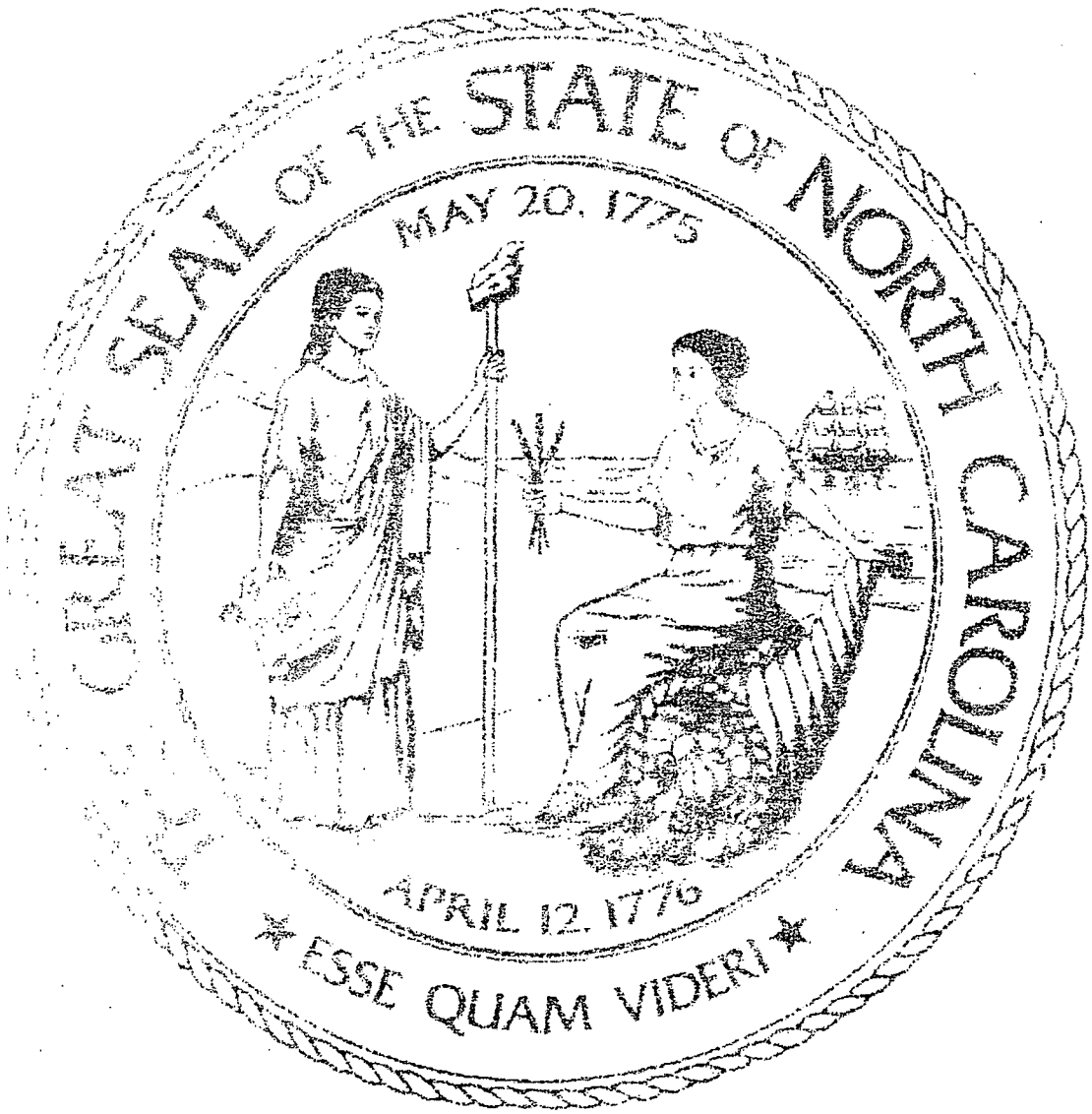
To reflect current costs of contract inherited from DOC

$179,692 recurring
$122,438 nonrecurring

(Governor recommended $122,438 nonrecurring)

Handout # 3

Recommended Adjustments
2006-2007



Justice and Public Safety Agencies

Judicial Branch (12000)

Total Appropriations and Positions

	2006-07 Certified	2006-07 Recommended	Percentage Change
Requirements	$347,497,137	$373,655,958	7.5 %
Receipts	1,736,727	1,736,727	0.0 %
Appropriation	$345,760,410	$371,919,231	7.6 %
Positions	5,283.430	5,533.180	4.7 %

Appropriation Items -- Recommended Adjustments

Expansion

2006-07

Administration

1. **Technology Initiatives**

It is recommended that funding be provided to support the following technology initiatives: 1) current rewrite of obsolete processing systems for clerks and district attorney/public defender cases, including required data clean-up to implement a statewide warrant repository (NCAWARE); 2) new initiatives related to eCourt, civil eFiling, electronic payments, and electronic traffic court; and 3) maintenance and enhancement of existing applications including eCitation and Casewise/Jwise. It is also recommended that 28 new information technology staff positions be established to support these initiatives. These positions will have an effective date of 7/1/06.

Appropriation	**$4,500,000**
Appropriation - Nonrecurring	**$1,000,000**
Number of Positions	**28.000**

2. **Open File Discovery Project**

Due to the recent passage of legislation requiring open discovery in criminal cases, there is need for an evidence tracking automated system that will register the articles of evidence, track their use, and verify that the articles have been disclosed to the appropriate parties as required by law. It is recommended that funding be provided to develop this system. Funding is also recommended for seven new positions to support the development and maintenance of this system: one Applications Analyst Programmer II, one Applications Analyst Programmer III, one LAN Support Specialist, one WAN Engineer III, one Database Administrator, and two Computer Support Specialists. These positions will have an effective date of 7/1/06.

Appropriation	**$1,781,345**
Appropriation - Nonrecurring	**$1,373,878**
Number of Positions	**7.000**

Appellate

1. **New Court of Appeals Positions**

To address increases in the Appellate workload and to expedite parental termination of rights cases, it is recommended that funding be provided for one new Staff Attorney I and one new Appellate Clerk I. These positions will have an effective date of 10/1/06.

Appropriation	**$81,743**
Appropriation - Nonrecurring	**$14,467**
Number of Positions	**2.000**

2. **Justice Building Renovation**

Renovations for the Justice Building are scheduled to continue into fiscal year 2006-07, but currently funds for the temporary relocation of staff are only budgeted for fiscal year 2005-06. It is recommended that nonrecurring funds be provided to continue the lease payments needed for the temporary relocation. Also recommended are nonrecurring funds for moving expenses once the renovations are complete. In addition, recurring funds are recommended for office space needed due to staffing increases since the renovations began.

Appropriation	**$32,000**
Appropriation - Nonrecurring	**$480,000**

Trial Courts

1. **New Deputy Clerk Positions**

Additional deputy clerks are needed to address significant increases in certain types of cases such as foreclosures and estate cases. It is recommended that funding be provided for 75 new Deputy Clerks. These positions will have an effective date of 10/1/06.

Appropriation	**$1,985,850**
Appropriation - Nonrecurring	**$184,350**
Number of Positions	**75.000**

2. **New District Court Judge Positions**

It is recommended that funding be provided for seven new District Court Judges to allow for more efficient operation of the Trial Court Division and to devote more needed resources to family and domestic violence cases. These positions will have an effective date of 10/1/06.

Appropriation	**$686,438**
Appropriation - Nonrecurring	**$78,008**
Number of Positions	**7.000**

3. **New Magistrate Positions**

It is recommended that funding be provided for six new magistrates. These positions are needed to meet the magistrate staffing levels set forth in G.S. 7A-133. The new positions will be located in rural areas with limited coverage and in urban areas with increasing caseloads. These positions will have an effective date of 10/1/06.

Appropriation	**$180,734**
Appropriation - Nonrecurring	**$24,984**
Number of Positions	**6.000**

4. **New District Court Judicial Support Staff**

It is recommended that funding be provided for five new District Court judicial support staff positions (Judicial Assistant I). These positions are needed to support the recently established judgeships, expansion of family mediation, and other arbitration and mediation efforts. These positions will have an effective date of 10/1/06.

Appropriation	**$150,634**
Appropriation - Nonrecurring	**$19,080**
Number of Positions	**5.000**

5. **Expansion of Custody Mediation Program**

It is recommended that funding be provided to expand the Custody Mediation Program into the final remaining Judicial Districts, as required by G.S. 7A-494(a). This expansion will require the establishment of 7.75 new support staff, with an effective date of 10/1/06.

Appropriation	**$418,556**
Appropriation - Nonrecurring	**$38,912**
Number of Positions	**7.750**

6. **Expansion of Drug Treatment Court**

It is recommended that additional recurring funds be provided for statewide Drug Treatment Court operations ($49,992). It is also recommended that funding be provided for three new Drug Treatment Court Program Case Coordinators to allow for expansion of current Drug Treatment Court Programs. These positions will have an effective date of 7/1/06.

Appropriation	**$238,092**
Appropriation - Nonrecurring	**$17,562**
Number of Positions	**3.000**

7. **New Guardian ad Litem Program Staff**

To address significant increases in caseloads for the Guardian ad Litem Program, it is recommended that funding be provided for eight new positions: five Program Supervisors, one Program Assistant, one Volunteer Recruitment and Retention Specialist, and one Administrative Specialist. These positions will have an effective date of 10/1/06.

Appropriation	**$340,787**
Appropriation - Nonrecurring	**$24,000**
Number of Positions	**8.000**

8. **Recurring Funds for Family Court Program**

Nonrecurring funds were appropriated for fiscal year 2005-06 to establish a Family Court Program in Judicial District 10, Wake County. It is recommended that recurring funds be provided to continue the operations of the Wake County Program.

Appropriation	**$175,000**
Number of Positions	**2.000**

9. **Interpreter Fee Payments**

The current budget for interpreter fees is insufficient to support the total expenditures for this service, which must be provided as required by statute. It is recommended that funding be provided to fund fully these interpreter fee payments.

Appropriation	**$775,000**

Equipment and Other Reserves

1. **Critical Equipment Needs**

It is recommended that nonrecurring funds be provided to replace essential technology and office equipment that is six years or older. Nonrecurring funds are also recommended for the replacement of audio machines in District Court and for telephone systems that are ten years or older. In addition, recurring funds are recommended for the continued replacement of outdated equipment and systems.

Appropriation $1,500,000

Appropriation - Nonrecurring $3,800,000

2. **Equipment for New Courthouses**

It is recommended that funding be provided for new telephone systems and LAN equipment for the new courthouses located in Clay and Harnett counties.

Appropriation - Nonrecurring $110,000

Offices of the District Attorneys

1. **New Prosecutors and Support Staff**

To reduce an increasing case backlog and to process cases in a more timely manner, it is recommended that funding be provided for 90 new Assistant District Attorneys and nine Victim-Witness/Legal Assistants. These positions will have an effective date of 10/1/06.

Appropriation $5,731,277

Appropriation - Nonrecurring $416,124

Number of Positions 99.000

Total Recommended Expansion

Recurring

Requirements	$18,577,456
Receipts	-
Appropriation	$18,577,456
Number of Positions	249.750

Nonrecurring

Requirements	$7,581,365
Receipts	-
Appropriation	$7,581,365
Number of Positions	-

Total Recommended Adjustments for Judicial Branch 2006-07

Recurring	
Requirements	$18,577,456
Receipts	-
Appropriation	$18,577,456
Number of Positions	249.750
Nonrecurring	
Requirements	$7,581,365
Receipts	-
Appropriation	$7,581,365
Number of Positions	-

Judicial Branch - Indigent Defense (12001)

Total Appropriations and Positions

	2006-07 Certified	2006-07 Recommended	Percentage Change
Requirements	$96,832,288	$103,045,888	6.4 %
Receipts	8,183,874	8,183,874	0.0 %
Appropriation	$88,648,414	$94,862,014	7.0 %
Positions	299.000	299.000	0.0 %

Appropriation Items -- Recommended Adjustments

Expansion

2006-07

Indigent Person Attorney

1. **Attorney Fee Payments for Indigent Defense**

   Nonrecurring funds are recommended for unpaid attorney fee applications from fiscal year 2005-06 that need to be carried over to fiscal year 2006-07 due to a funding shortfall. In addition, recurring funds are recommended to address projected growth in attorney fee applications for fiscal year 2006-07 and future years.

   Appropriation $2,000,000

   Appropriation - Nonrecurring $2,500,000

2. **NC Prisoner Legal Services, Inc. Contract**

   It is recommended that funding be provided to allow for inflationary increases for the contract with Prisoner Legal Services, Inc. (PLS). Current operating costs for this contract are higher than the total contract amount, creating an operating shortfall for PLS.

   Appropriation - Nonrecurring $122,438

3. **Hourly Rate for Private Assigned Counsel**

   The current hourly rate for private assigned counsel for capital cases is $85, which was set in 1993. It is recommended that funding be provided to increase this hourly rate to $95 at the trial, appellate, and post-conviction levels.

   Appropriation $1,591,162

Total Recommended Expansion

Recurring

Requirements	$3,591,162
Receipts	-
Appropriation	$3,591,162
Number of Positions	-

Nonrecurring

Requirements	$2,622,438
Receipts	-
Appropriation	$2,622,438
Number of Positions	-

Total Recommended Adjustments for Judicial Branch - Indigent Defense 2006-07

Recurring

Requirements	$3,591,162
Receipts	-
Appropriation	$3,591,162
Number of Positions	-

Nonrecurring

Requirements	$2,622,438
Receipts	-
Appropriation	$2,622,438
Number of Positions	-

Department of Justice (13600)

Total Appropriations and Positions

	2006-07 Certified	2006-07 Recommended	Percentage Change
Requirements	$100,038,168	$104,864,948	4.8 %
Receipts	21,340,897	21,595,917	1.2 %
Appropriation	$78,697,271	$83,269,031	5.8 %
Positions	1,257.246	1,277.246	1.6 %

Appropriation Items -- Recommended Adjustments

Expansion

2006-07

Law Enforcement - SBI

1. **SBI Staff Expansion**

It is recommended that funding be provided for twelve positions to address the significant demand for investigative and forensic analyses not provided by other North Carolina law enforcement agencies. These positions include: four sworn Drug Chemists and one non-sworn Drug Chemistry Technician for the growing number of drug sample submissions; two Field Agents to combat methamphetamine trafficking; one Field Agent and one non-sworn Forensic Analyst for the Computer Crimes Unit; two Field Agents to focus on public corruption and financial crimes; and one non-sworn Molecular Geneticist to further expedite the processing of DNA evidence and to expand the types of DNA evidence analyzed by the Crime Laboratory.

Appropriation	**$906,318**
Appropriation - Nonrecurring	**$582,992**
Number of Positions	**12.000**

2. **Replacement of Statewide Automated Fingerprint Identification System**

The North Carolina Statewide Automated Fingerprint Identification System (SAFIS) is a vital informational resource that serves over 500 law enforcement agencies. This system was last upgraded in 1998 and much of the equipment is obsolete and in need of replacement. Funding is recommended to replace central hardware for the SBI, the Department of Correction, and the Mecklenburg County Sheriff's Department. It is also recommended that funding be provided to replace key equipment currently used by local government agencies

statewide to ensure compatibility. In addition, one Application Development Project Supervisor position is needed to support technical implementation and to provide maintenance.

Appropriation	**$72,180**
Appropriation - Nonrecurring	**$1,891,588**
Number of Positions	**1.000**

3. **Lab Expansion**

It is recommended that funding be provided for the lease purchase of two diesel generators and cubicle furniture to accommodate personnel relocating from Blount Street to Buildings 17 and 18 on the SBI's Garner Road campus. This is the first of a three-year equipment installment purchase.

Appropriation	**$220,000**

4. **Business Recovery Site**

S.L. 2003-404 requires that state agencies vacate their Blount Street facilities so that the buildings may be converted to private ownership. DOJ presently houses both its primary and backup computer centers at its Blount Street offices. For security reasons, a separate business recovery site to house the backup center must be operational before DOJ moves its primary computer center to the SBI's Garner Road campus. It is recommended that funding be provided for telecommunication charges and IT services charges for this business recovery site.

Appropriation	**$353,676**

Legal Services

1. **Attorney Positions**

Caseloads for DOJ's Appellate and Law Enforcement Liaison Sections have significantly increased in recent years. Funding is recommended for one Attorney II position and one Attorney III position for the Appellate Section and for one Attorney II position for the Law Enforcement Liaison Section to assist existing staff in handling these workload increases.

Appropriation	**$238,757**
Appropriation - Nonrecurring	**$13,200**
Number of Positions	**3.000**

2. **Sex Offender Registry Upgrade**

The state's Sex Offender Registry allows residents to obtain information on the addresses of convicted sex offenders in North Carolina. Increased public demand has necessitated additional resources and staff for the registry. It is recommended that funding be provided to upgrade the registry to include Geographic Information System (GIS) mapping of offenders and public email notification capabilities. One Applications Analyst Programmer position and one Business Test Analyst position are recommended to aid in the upgrade and maintenance of the Registry.

Requirements	**$393,697**
Receipts	**$255,020**
Appropriation	**$138,677**

Number of Positions	**2.000**

3. **Tort Claim Positions**

DOJ has seen an increase in the demand for tort claim processing services. 2,672 claims were opened by seven adjusters in the last calendar year, an average of 381 claims per adjuster. Funding is recommended for one Tort Claim Adjuster position to assist in handling this increased demand. It is also recommended that funding be provided for one Attorney I position to minimize fraud and abuse related to tort claim processing.

Appropriation	**$145,572**
Appropriation - Nonrecurring	**$8,800**
Number of Positions	**2.000**

4. **Receipt-Supported Attorney Position**

It is recommended that one receipt-supported Attorney III position be established to provide legal services to the Department of Cultural Resources. This position will focus on administrative law matters involving personnel, procurement and contracting, organizational development, and historical document and artifact recovery. This position will be supported by receipts from the Department of Cultural Resources.

Total Recommended Expansion

Recurring	
Requirements	$2,330,200
Receipts	255,020
Appropriation	$2,075,180
Number of Positions	20.000
Nonrecurring	
Requirements	$2,496,580
Receipts	-
Appropriation	$2,496,580
Number of Positions	-

Total Recommended Adjustments for Department of Justice 2006-07

Recurring	
Requirements	$2,330,200
Receipts	255,020
Appropriation	$2,075,180
Number of Positions	20.000
Nonrecurring	
Requirements	$2,496,580
Receipts	-
Appropriation	$2,496,580
Number of Positions	-

Department of Juvenile Justice and Delinquency Prevention (14060)

Total Appropriations and Positions

	2006-07 Certified	2006-07 Recommended	Percentage Change
Requirements	$149,663,764	$152,724,616	2.0 %
Receipts	10,790,598	10,790,598	0.0 %
Appropriation	$138,873,166	$141,934,018	2.2 %
Positions	1,872.500	1,938.500	3.5 %

Appropriation Items -- Recommended Adjustments

Expansion

2006-07

Department Management

1. **Positions for Administration Division**

Funding is recommended for four positions to improve operations within DJJDP's Administration Division. These include one Auditor position to evaluate the cost effectiveness of programs, one Policy Compliance Generalist to track policy compliance, one Chief Records Officer to create a centralized records system, and one Departmental Purchasing Agent to provide support for purchasing and contractual functions.

Appropriation	**$221,268**
Appropriation - Nonrecurring	**$14,000**
Number of Positions	**4.000**

2. **Reserve for Utility and Fuel Costs**

It is recommended that nonrecurring funding be provided to address increasing utility and fuel costs from prior year hurricanes and other recent events.

Appropriation - Nonrecurring	**$251,826**

3. **MIS Positions**

It is recommended that funding be provided for one Computing Consultant IV and two Computing Consultant V positions to provide support for DJJDP's technical services operations. The responsibilities of these positions are currently being performed by contractors that are funded through lapsed salaries.

Appropriation	**$224,811**
Number of Positions	**3.000**

Department-Wide

1. **Textbook Purchases**

To ensure that all juveniles committed to DJJDP facilities are receiving an education consistent with the standard state curriculum, it is recommended that funding be provided for the purchase of additional textbooks.

Appropriation $50,000

Intervention and Prevention

1. **Juvenile Crime Prevention Councils (JCPCs)**

To increase the availability of diversion and disposition resources proven to be effective in reducing recidivism, funding is recommended to provide additional community services through the Juvenile Crime Prevention Councils.

Appropriation $500,000

Special Initiatives

1. **Eckerd Wilderness Camps/Methodist Homes for Children**

It is recommended that funding be provided to increase the number of Eckerd beds under contract from 326 to 346 per day and to account for inflationary increases needed for the Methodist Homes for Children service contract. The Eckerd Wilderness Education System is a year-round residential wilderness camp treatment program that addresses the individual needs of adolescents, over half of whom are referred from juvenile court services. Methodist Homes provides long-term treatment and a safe transition between institutional confinement and a youth's local community.

Appropriation $916,168

Youth Development Centers

1. **Operating Reserve and Positions for New Treatment Model**

The department is scheduled to open five new Youth Development Centers by the end of calendar year 2007. Funding is recommended to establish an operating reserve for these new facilities. Included in this reserve is funding for 59 new positions and for training and reclassification of existing staff as the department transitions to the new therapeutic treatment model.

Appropriation $882,779

Number of Positions 59.000

Total Recommended Expansion

Recurring

Requirements	$2,795,026
Receipts	-
Appropriation	$2,795,026
Number of Positions	66.000

Nonrecurring

Requirements	$265,826
Receipts	-
Appropriation	$265,826
Number of Positions	-

Total Recommended Adjustments for Department of Juvenile Justice and Delinquency Prevention 2006-07

Recurring

Requirements	$2,795,026
Receipts	-
Appropriation	$2,795,026
Number of Positions	66.000

Nonrecurring

Requirements	$265,826
Receipts	-
Appropriation	$265,826
Number of Positions	-

Department of Correction (14500)

Total Appropriations and Positions

	2006-07 Certified	2006-07 Recommended	Percentage Change
Requirements	$1,079,474,513	$1,111,003,904	2.9 %
Receipts	30,982,011	30,982,011	0.0 %
Appropriation	$1,048,492,502	$1,080,021,893	3.0 %
Positions	20,375.500	20,536.500	0.8 %

Appropriation Items -- Recommended Adjustments

Reductions

2006-07

Prisons

1. **Delayed Opening of 40-Cell Segregation Buildings**

The 40-cell segregation buildings at Orange and Caldwell Correctional Centers were originally scheduled for completion in fiscal year 2006-07. These facilities are now scheduled for completion in fiscal year 2007-08, eliminating the need for the operating reserves that were budgeted for fiscal year 2006-07. Nonrecurring reductions are recommended as follows: 1) $380,809 for Orange Correctional Center, and 2) $523,621 for Caldwell Correctional Center.

Appropriation - Nonrecurring **($904,430)**

Total Recommended Reductions

Recurring	
Requirements	-
Receipts	-
Appropriation	-
Number of Positions	-
Nonrecurring	
Requirements	($904,430)
Receipts	-
Appropriation	($904,430)
Number of Positions	-

Expansion

2006-07

Alcohol and Chemical Dependency

1. **Clinical Substance Abuse Supervisor Positions**

S.L. 2005-431, Amend Substance Abuse Laws, sets new certification and supervision standards for substance abuse professionals. Two new Clinical Substance Abuse Supervisors (Clinical Administrator IV) are recommended to assist the department in complying with these new standards.

Appropriation	**$121,957**
Appropriation - Nonrecurring	**$9,021**
Number of Positions	**2.000**

2. **Residential Substance Abuse Treatment Programs**

Expiring in fiscal year 2006-07 are federal grants that support Residential Substance Abuse Treatment (RSAT) clinical staff and programs at the NC Correctional Institution for Women and Morrison Correctional Institution. It is recommended that funding be provided to continue support for these staff and programs.

Appropriation	**$930,122**
Number of Positions	**25.000**

3. **DART-Cherry Substance Abuse Positions**

It is recommended that funding be provided for five new Substance Abuse Worker positions at the DART-Cherry facility. A Division of Prisons audit of the staffing pattern at this facility concluded that these positions are needed to provide adequate supervision for residents on all shifts.

Appropriation	**$166,745**
Appropriation - Nonrecurring	**$22,365**
Number of Positions	**5.000**

Community Corrections

1. **Sex Offender Monitoring**

It is recommended that funding be provided to implement active and passive Global Positioning Systems (GPS) monitoring for the most serious convicted sex offenders.

Appropriation	**$1,236,448**
Appropriation - Nonrecurring	**$70,770**
Number of Positions	**5.000**

Department Management

1. **Medical Claims Management Positions**

It is recommended that funding be provided for two new Medical Claims Management (Reimbursement Officer II) positions. These two new positions will allow the department to reorganize the section to operate more efficiently, and they will also provide needed staff to identify duplicate claims and work with medical providers on rate reductions.

Appropriation	**$88,927**
Appropriation - Nonrecurring	**$9,167**
Number of Positions	**2.000**

2. **Information Technology Security Positions**

The 2004 Statewide Security Assessment gave the department a low rating and recommended that it have a formal Information Technology (IT) Security Office. It is recommended that funding be provided for two new IT Security Positions (an IT Manager and a Networking Analyst) to improve computer and network security and allow for the establishment of an IT Security Office.

Appropriation	**$161,588**
Appropriation - Nonrecurring	**$9,167**
Number of Positions	**2.000**

3. **Reserve for Utility and Fuel Costs**

It is recommended that nonrecurring funding be provided to address increasing utility and fuel costs resulting from prior year hurricanes and other recent events.

Appropriation - Nonrecurring	**$9,610,759**

Prisons

1. **Operating Reserve for Tabor Correctional Institution**

Tabor Correctional Institution is scheduled for completion in February of 2008. It is recommended that an operating reserve be established for this facility.

Appropriation	**$95,504**
Appropriation - Nonrecurring	**$144,000**
Number of Positions	**10.000**

2. **Capacity Increase at Minimum and Medium Custody Facilities**

The Division of Prisons does not have sufficient capacity to meet the inmate population increases projected by the NC Sentencing and Policy Advisory Commission. To meet the projected capacity needs, it is recommended that funding be provided to increase capacity by 246 at three medium custody facilities (Brown Creek, Harnett, and Lumberton) and by 222 at three minimum custody facilities (Dan River, Tillery, and Tyrrell).

Appropriation	**$1,458,336**
Appropriation - Nonrecurring	**$864,069**
Number of Positions	**36.000**

3. **Inmate Medical Care**

Recurring funds are recommended to address recent significant increases in inmate medical care expenses due to higher service charges and inmate medical visit volumes.

Appropriation $15,000,000

4. **Security Threat Group Unit**

Federal grants that support the Security Threat Group unit at Foothills Correctional Institution will be expiring in fiscal year 2006-07. This program is targeted at inmates with gang affiliations and works to reduce gang violence through a series of programs that focus on cognitive behavior changes. It is recommended that funding be provided to continue support for this program.

Appropriation $256,292

Number of Positions 11.000

5. **Positions for New Enterprise Janitorial Plant**

Correction Enterprises is opening a new janitorial products plant at Warren Correctional Institution to replace the current plant in Harnett County. The Harnett facility is inside the fence, whereas the Warren facility will be outside the fence and, therefore, less secure. It is recommended that funding be provided for eight new Correctional Officers and one new Correctional Sergeant to provide the needed security for the new facility.

Appropriation $131,355

Appropriation - Nonrecurring $42,510

Number of Positions 9.000

6. **Positions for Central Pharmacy**

Prescription volumes have increased 62 percent over the last six years at the Division of Prisons Central Pharmacy with no increase in staff. It is recommended that funding be provided for four additional positions to address both current staffing needs and future needs as new prisons open this fiscal year. The positions include two Pharmacy Technicians, one Pharmacist, and one Stock Supervisor.

Appropriation $173,299

Appropriation - Nonrecurring $5,100

Number of Positions 4.000

7. **Nurse and Medical Records Clerk Positions**

It is recommended that funding be provided for 25 Licensed Practical Nurses (LPN's) and 25 Medical Records Clerks. These positions would aid the Division of Prisons in meeting the nursing standards adopted by the division. In addition, the positions would provide relief for professional nurses, who could devote more time to those duties that require higher skill levels.

Appropriation $1,758,320

Appropriation - Nonrecurring $68,000

Number of Positions 50.000

Total Recommended Expansion

Recurring

Requirements	$21,578,893
Receipts	-
Appropriation	$21,578,893
Number of Positions	161.000

Nonrecurring

Requirements	$10,854,928
Receipts	-
Appropriation	$10,854,928
Number of Positions	-

Total Recommended Adjustments for Department of Correction 2006-07

Recurring

Requirements	$21,578,893
Receipts	-
Appropriation	$21,578,893
Number of Positions	161.000

Nonrecurring

Requirements	$9,950,498
Receipts	-
Appropriation	$9,950,498
Number of Positions	-

Department of Crime Control and Public Safety (14900)

Total Appropriations and Positions

	2006-07 Certified	2006-07 Recommended	Percentage Change
Requirements	$51,125,106	$55,088,847	7.8 %
Receipts	15,971,618	15,966,618	0.0 %
Appropriation	$35,153,488	$39,122,229	11.3 %
Positions	484.500	514.500	6.2 %

Appropriation Items -- Recommended Adjustments

Expansion 2006-07

Administration

1. **Federal Grants Administration Position**

It is recommended that funding be provided for a Federal Grants Accountant (Accountant II) to ensure compliance with federal reporting and control requirements. Currently, the department has only one full-time permanent position dedicated to federal grants accounting.

Appropriation	**$63,731**
Appropriation - Nonrecurring	**$4,000**
Number of Positions	**1.000**

2. **Information Technology Positions**

The department currently has no full-time permanent information technology (IT) project managers on staff. These responsibilities are currently met using contractors. It is recommended that funding be provided for one Business and Technology Specialist and one Business and Technology Analyst to ensure that all projects are tracked properly and comply with the requirements set forth in S.L. 2004-129, Improve State IT Efficiency and Project Management.

Appropriation	**$164,112**
Number of Positions	**2.000**

National Guard

1. **Operation ROTC**

When soldiers are deployed overseas, many families become temporarily single-parent households and are faced with new demands. It is recommended that funding be provided

for Operation ROTC (Reaching Out to Children), which provides financial assistance for extended daycare for military dependents and is distributed through the Family Services Support Centers at the bases.

Appropriation	**$500,000**

2. **New Deputy Division Director Position**

It is recommended that funding be provided for a Deputy Division Director for the NC National Guard. This position is needed to assist with day-to-day operations and management of federal activities given the substantial increase in duties and responsibilities of the Division Director.

Appropriation	**$96,080**
Number of Positions	**1.000**

Butner Public Safety

1. **Operations and Maintenance**

It is recommended that funding be provided to meet basic operating and maintenance needs for Butner Public Safety. The budget for Butner Public Safety has been affected by previous budget cuts, inflationary increases, and overbudgeted receipts.

Requirements	**$98,680**
Receipts	**($5,000)**
Appropriation	**$103,680**

Emergency Management

1. **Planning, Response, and Recovery Capabilities**

It is recommended that funding be provided to enhance emergency management planning, response, and recovery capabilities. The recommended funding will support existing warehouse and logistics operations as well as 11 managerial positions in the Public Assistance, Individual Assistance, and Hazard Mitigation Sections, all of which are currently funded with nonrecurring federal disaster funds. The recommended funding will also support 13 new positions to perform needed functions within the division (one Business Officer I, one Administrative Assistant I, two Emergency Management Plans Supervisors, six Emergency Management Planner I's, and three Office Assistant IV's).

Appropriation	**$1,456,371**
Number of Positions	**24.000**

2. **Urban Search and Rescue and Swiftwater Rescue Capabilities**

North Carolina's Urban Search and Rescue and Swiftwater Rescue teams are unable to meet the current National Incident Management System qualification standards. Future federal funding of emergency management operations may be jeopardized if these standards are not met this year. It is recommended that funding be provided for the needed training and equipment to meet and maintain compliance with these standards.

Appropriation	**$627,400**

3. **HAZMAT Regional Response Teams**

There are currently seven HAZMAT Regional Response Teams in the state. One of these teams receives no dedicated state appropriation, and all of the teams lack sufficient operating

budgets for items such as rising insurance premiums and equipment replacement. To ensure adequate statewide coverage for hazardous material emergencies, it is recommended that funding be provided to support these operating needs of the HAZMAT teams.

Appropriation	**$156,956**

Victim and Justice Services

1. **Victims Compensation**

There is a continuing backlog of Victims Compensation claims due to insufficient funding and shortage of staff to properly investigate and examine claims received. To address this backlog, it is recommended that funding be provided for payment of claims ($700,000) and for two new positions: a Law Enforcement Specialist and a Processing Assistant V ($96,411).

Appropriation	**$792,411**
Appropriation - Nonrecurring	**$4,000**
Number of Positions	**2.000**

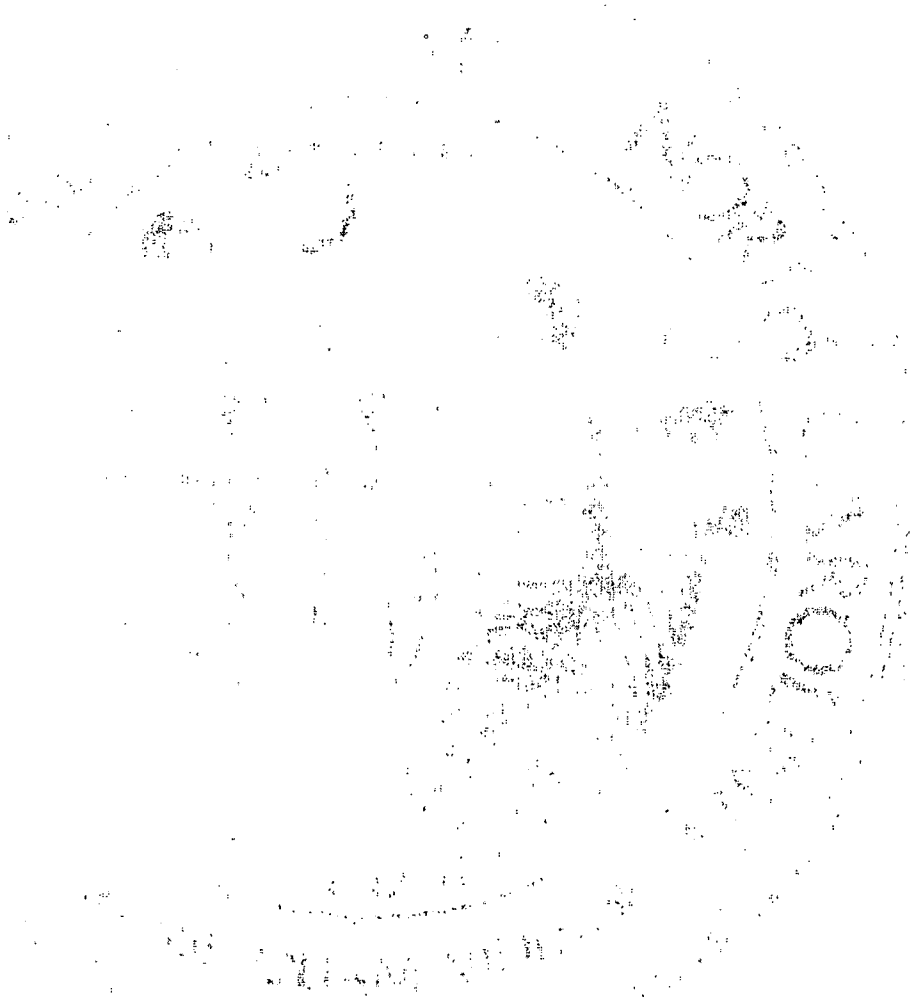
Total Recommended Expansion

Recurring	
Requirements	$3,955,741
Receipts	(5,000)
Appropriation	$3,960,741
Number of Positions	30.000
Nonrecurring	
Requirements	$8,000
Receipts	-
Appropriation	$8,000
Number of Positions	-

Total Recommended Adjustments for Department of Crime Control and Public Safety 2006-07

Recurring	
Requirements	$3,955,741
Receipts	(5,000)
Appropriation	$3,960,741
Number of Positions	30.000
Nonrecurring	
Requirements	$8,000
Receipts	-
Appropriation	$8,000
Number of Positions	-

Recommended Adjustments
2006-2007
Capital Improvements



Justice and Public Safety Agencies

3. **Administration - Asheville and Kinston Veterans Affairs Nursing Homes**

It is recommended that the state provide funding for the 35% state match for the construction of two 100-bed nursing homes to provide skilled care for the state's veterans. The remaining 65% will be provided by a federal grant. Approximately 40% of the state's 770,000 veterans are over the age of 65, and many are projected to require long-term health care in the near future.

Requirements - Nonrecurring	**$25,066,395**
Receipts - Nonrecurring	**$16,293,095**
Appropriation - Nonrecurring	**$8,773,300**

4. **Information Technology Services - Data Center**

Funds are recommended for land acquisition, design, and construction of a backup data center for critical business programs. The data center will also provide disaster recovery services now handled by an out-of-state vendor.

Appropriation - Nonrecurring	**$24,841,300**

Justice and Public Safety

1. **Crime Control and Public Safety - Emergency Operations Center and Access Road**

The Governor recommends funding for design and construction of a new Emergency Operations Center (EOC) and provision of a new access road. The facility would be housed within the lower level of the new National Guard Readiness Center (estimated federal funds for the National Guard Readiness Center equal $30 million). The building of a new federally funded National Guard Readiness Center provides an opportunity for the state to obtain an adequately sized EOC at a fraction of the cost of building a new stand alone facility or a renovated facility in another state owned building.

Appropriation - Nonrecurring	**$8,500,000**

2. **Crime Control and Public Safety - Marion Transportation Center**

The North Carolina Department of Correction intends to reclaim one of its buildings currently being used by the Department of Crime Control and Public Safety (DCCPS). Funds are recommended for a new parking lot needed to house a portion of DCCPS's motor vehicle fleet now on DOC property. McDowell County will donate land for the project.

Appropriation - Nonrecurring	**$222,700**

3. **Correction - Gatehouse/Security Drive (Morrison)**

It is recommended that funds be provided for renovation of the perimeter security fence system at Morrison Correctional Institution. Modifications include an electronic intrusion detection system, a paved chase road, parking area improvements, renovations to administration and operations buildings, and utility relocations. The modifications will result in the reduction of guard posts required for perimeter security. Design and construction will be completed using Department of Correction forces.

Appropriation - Nonrecurring	**$2,986,200**

4. **Juvenile Justice and Delinquency Prevention - Safety/Security Fixtures and Furnishings**

Funds are recommended for installation of safety/security fixtures and furnishings at five new Youth Development Centers (Cabarrus, Lenoir, Edgecombe, Chatham and Guilford).

Appropriation - Nonrecurring	**$500,000**

College of Engineering. In addition, the building will be tailored to meet the needs of continuing education students and professionals working and living in the Charlotte-Mecklenburg region. The building is critical to the university's need to keep pace with projected growth.

Appropriation - Nonrecurring **$45,827,400**

Projects Financed with Special Indebtedness (COPs)

1. **DHHS Public Health Laboratory/Office of Chief Medical Examiner**

Capital Funds are recommended for the construction of a new 203,834 square foot building for the state public health lab and Office of Chief Medical Examiner. The existing public health lab facility in the Bath building is a leased facility that is in need of major renovations. A bioterrorism testing laboratory is located in a modular facility across from the Bath Building and will have to move because of the Blount Street development. The Office of Chief Medical Examiner is currently housed in the Bullit-Brinkhous Building at the UNC School of Medicine. Each building has a layout that is inefficient and too small for the current needs of the Division of Public Health. COPs would be authorized in the amount of $101,000,000 to fund project.

Requirements - Nonrecurring **$101,000,000**

Receipts - Nonrecurring **$101,000,000**

Appropriation - Nonrecurring **-**

2. **Correction - Regional Medical Center and Mental Health Center**

Funding is recommended for design and construction of a 120-bed Regional Medical Center and a 200-cell Mental Health Center at North Carolina's Central Prison in Raleigh. The construction of the medical and mental health facilities is considered critical to support the medical and mental health treatment of violent inmates. The project constitutes Phases II and III of the approved Central Prison Master Plan (March 1998) and is a recommendation in the Department of Correction Healthcare Plan (Nov. 1996). The funding breakdown for the project is $144,000,000 in Certificates of Participation and $7,864,137 from receipt sources.

Requirements - Nonrecurring **$151,864,137**

Receipts - Nonrecurring **$151,864,137**

Appropriation - Nonrecurring **-**

Projects Financed with Revenue Bonds

1. **Department of Administration - McDowell Street Parking Deck**

Funds are recommended to construct a 1,200 space parking deck across from the Administration Building in Raleigh. The parking deck is needed to relieve overcrowding in existing parking decks in the downtown government complex and to replace parking lost by the Blount Street redevelopment project. It is recommended that revenue bonds be used to

Recommended Adjustments
2006-2007
Statewide Reserves

Justice and Public Safety Agencies

systems. This appropriation supports phase one of the project, which includes funds for system integration, staff training, software maintenance, and ITS data charges.

Appropriation	**$7,260,523**
Appropriation - Nonrecurring	**$34,527,880**
Number of Positions	**50.750**

2. **Reserve for Innovative IT Projects**

It is recommended that a special Innovative Technology Reserve be established in the Office of State Budget and Management. This reserve would fund innovative information technology projects proposed by state departments that provide a real dollar return to the state through increased productivity and efficiency. This request is coordinated with a special provision that establishes the fund.

Appropriation	**$3,000,000**

3. **Information Technology Attorney Positions**

It is recommended that two attorney positions be established to assist with complex information technology procurements.

Appropriation	**$298,826**
Number of Positions	**2.000**

Statewide Reserves

1. **Reserve for Disaster Expenses as Authorized in G.S. 166A**

It is recommended that funds be appropriated to the Disaster Relief Reserve for emergency preparation and response, for the required non-federal cost share of federal emergency and disaster assistance programs, and for state disaster assistance programs as authorized in G.S. 166A.

Appropriation - Nonrecurring	**$50,000,000**

2. **Reserve for Legal Expenses**

It is recommended that a reserve for legal expenses be established in the Office of State Budget and Management. Reserve funds may be used for lawsuits involving the state when, in accordance with G.S. 147-17, the Attorney General advises the Governor that it is impracticable for the office to provide legal services, or for litigation requiring specialized expertise, or where a conflict of interest prevents the Attorney General's office from representing the state.

Appropriation - Nonrecurring	**$2,000,000**

3. **Reserve for Heating and Cooling Assistance**

It is recommended that $10 million be appropriated to assist needy families with heating and cooling bills associated with higher utility and fuel costs.

Appropriation - Nonrecurring	**$10,000,000**

MINUTES

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 16, 2006
Room 415 LOB
8:30 a.m.

The Senate Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on May 16, 2006 in Room 415, LOB. Seven members of the Senate Subcommittee attended along with Representatives Kiser, Haire, Frye, Justus, Ray, Sutton, Spear, and Jones. Senator Snow presided.

After opening remarks by the Chairs, the Fiscal Research Staff including Jim Mills, Denise Thomas and Doug Holbrook presented their respective department recommended budget adjustments for 2006-07. (See Attachment #1).

The Justice and Public Safety Departments including the Department of Correction, the Department of Crime Control, the Administrative Office of the Courts, the Department of Justice and the Department of Juvenile Justice presented to the Committee their respective department's budget options. (See Attachment #2).

The meeting adjourned at 10:00 a.m.

Senator John Snow, Co-Chair

Vickie Spears, Committee Assistant

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415, Legislative Office Building

May 16, 2006 8:30 a.m.

I. CALL TO ORDER

Chairmen: Senator John Snow, Presiding Senator Ellie Kinnaird

II. PRESENTATIONS

Opening Remarks by Chairs

Review of Budget Target, Governor's Budget, and Discussion of Priorities

Fiscal Research Staff

Justice and Public Safety Departments

Senate Justice and Public Safety Subcommittee

III. OTHER BUSINESS

IV. ADJOURNMENT

JUSTICE & PUBLIC SAFETY RECOMMENDED BUDGET ADJUSTMENTS 2006-07

AGENCY	Certified Budget FY 2006-07	Governor's Recommended FY 2006-07 Expansion	Governor's Recommended FY 2006-07 Budget	Comparison of Governor's Recommended to Certified Budget
Correction	1,048,492,502	31,529,391	1,080,021,893	3.0%
Judicial-AOC	345,760,410	26,158,821	371,919,231	7.6%
AOC-Indigent	88,648,414	6,213,600	94,862,014	7.0%
Justice	78,697,271	4,571,760	83,269,031	5.8%
Juvenile Justice	138,873,166	3,060,852	141,934,018	2.2%
Crime Control	35,153,488	3,968,741	39,122,229	11.3%
Total JPS	**1,735,625,251**	**75,503,165**	**1,811,128,416**	4.4%

Joint Target

1,821,128,416

Attachment #1

JPS 2006 Budget Options

#	Item	Governor's Recommendation** R	Governor's Recommendation** NR	Governor's Recommendation** Positions	Judicial/Justice Requests R	Judicial/Justice Requests NR	Judicial/Justice Requests Positions
	CORRECTION						
1	Medical Claims Management	$ 88,927	$ 9,167	2.0			
2	Operating Reserve for Tabor Correctional Center	$ 95,504	$ 144,000	10.0			
3	Increase Prison Bed Capacity	$ 1,458,336	$ 864,069	36.0			
4	Inmate Medical Care	$ 15,000,000					
5	Gang Prevention Initiative	$ 256,292		11.0			
6	Security Positions for new Enterprise Plant	$ 131,355	$ 42,510	9.0			
7	Inmate Medical - Nurses and Records Clerks	$ 1,758,320	$ 68,000	50.0			
8	DART Cherry Substance Abuse Positions	$ 166,745	$ 22,365	5.0			
9	Information Technology Security	$ 161,588	$ 9,167	2.0			
10	Reserve for Energy Costs		$ 9,610,759				
11	Delayed Opening of Segregation Units		$ (904,430)				
12	Inmate Medical - Central Pharmacy	$ 173,299	$ 5,100	4.0			
13	Clinical Substance Abuse Supervisor Positions	$ 121,957	$ 9,021	2.0			
14	Sex Offender Monitoring	$ 1,236,448	$ 70,770	5.0			
15	Residential Treatment Programs	$ 930,122		25.0			
	Total DOC	**$ 21,578,893**	**$ 9,950,498**	**161.0**			
	CRIME CONTROL						
16	Planning, Response, and Recovery Capabilities	$ 1,456,371		24.0			
17	Federal Grants Administration	$ 63,731	$ 4,000	1.0			
18	Information Technology Positions	$ 164,112		2.0			
19	Operation ROTC	$ 500,000					
20	Deputy Division Director Position	$ 96,080		1.0			
21	Operations and Maintenance	$ 103,680					

Attachment #2

JPS 2006 Budget Options

#	Item	Governor's Recommendation** R	Governor's Recommendation** NR	Governor's Recommendation** Positions	Judicial/Justice Requests R	Judicial/Justice Requests NR	Judicial/Justice Requests Positions
22	Urban Search & Rescue/Swiftwater Rescue	$ 627,400					
23	HAZMAT Regional Response Teams	$ 156,956					
24	Victims Compensation	$ 792,411	$ 4,000	2.0			
	Total CCPS	**$ 3,960,741**	**$ 8,000**	**30.0**			
	JUDICIAL - AOC						
25	Expansion of Custody Mediation Program	$ 558,074	$ 38,912	7.8	$ 558,986	$ 38,912	7.75
26	Technology Initiatives	$ 4,500,000	$ 1,000,000	28.0	$ 6,398,863	$ 1,030,558	
27	Open File Discovery Project	$ 1,781,345	$ 1,373,878	7.0	$ 1,781,345	$ 1,373,878	
28	New Court of Appeals Positions	$ 108,990	$ 14,467	2.0	$ 217,980	$ 28,934	4
29	Justice Building Renovation	$ 32,000	$ 480,000		$ 32,000	$ 480,000	
30	New Deputy Clerk Positions	$ 2,647,800	$ 184,350	75.0	$ 2,647,800	$ 184,350	75
31	New District Court Judge Positions	$ 912,250	$ 78,008	7.0	$ 1,307,500	$ 111,440	10
32	New Magistrate Positions	$ 240,978	$ 24,984	6.0	$ 321,304	$ 33,312	8
33	Interpreter Fee Payments	$ 775,000			$ 775,000		
34	New District Court Judicial Support Staff	$ 200,845	$ 19,080	5.0	$ 200,845	$ 19,080	5
35	Expansion of Drug Treatment Court	$ 317,377	$ 17,562	3.0	$ 363,492	$ 29,270	5
36	New Prosecutors and Support Staff	$ 7,641,702	$ 416,124	99.0	$ 6,998,286	$ 381,972	91
37	Equipment for New Courthouses		$ 110,000			$ 110,000	
38	Recurring Funds for Family Court Program	$ 175,000		2.0	$ 659,068	$ 59,044	11
39	New Guardian ad Litem Program Staff	$ 454,269	$ 24,000	8.0	$ 743,130	$ 37,231	13
40	Critical Equipment Needs	$ 1,500,000	$ 3,800,000		$ 4,590,882	$ 6,397,875	
41	Appellate Court Security	$ -	$ -		$ 58,550	$ 5,425	1
42	Judicial Standards Commission Expansion	$ -	$ -		$ 167,662	$ 16,084	2
43	Innocence Claim Review Commission	$ -	$ -		$ 373,268	$ 50,579	4
44	Business Court Expansion	$ -	$ -		$ 236,206	$ 254,143	2

#	Item	Governor's Recommendation** R	Governor's Recommendation** NR	Governor's Recommendation** Positions	Judicial/Justice Requests R	Judicial/Justice Requests NR	Judicial/Justice Requests Positions
45	Increase Jury Fee Rates	$ -	$ -		$ 973,833		
	Total AOC	**$ 21,845,630**	**$ 7,581,365**	**249.8**	**$ 29,406,000**	**$ 10,642,087**	**238.8**
	JUDICIAL - OIDS						
46	Hourly Rate for Private Assigned Counsel	$ 1,591,162			$ 9,300,000		
47	NC Prisoner Legal Services, Inc. Contract		$ 122,438		$ 179,692	$ 122,438	
48	Attorney Fee Payments for Indigent Defense	$ 2,000,000	$ 2,500,000		$ 2,000,000	$ 4,000,000	
	Total OIDS	**$ 3,591,162**	**$ 2,622,438**	**0.0**	**$ 11,479,692**	**$ 4,122,438**	**0.0**
	JUSTICE						
49	Receipt-Supported Attorney Positions						
50	SBI Staff Expansion	*$ 1,812,636*	$ 582,992	12.0	$ 865,220	$ 689,996	20
51	SAFIS Replacement	$ 72,180	$ 1,891,588	1.0	$ 72,180	$ 1,891,588	1
52	SBI Lab Expansion	$ 220,000			$ 220,000		
53	Business Recovery Site	$ 353,676			$ 552,500		
54	Attorney Positions	$ 238,757	$ 13,200	3.0	$ 232,979		5
55	Sex Offender Registry Upgrade	*$ 166,023*		2.0	$ 106,764	$ 8,800	2
56	Tort Claims Positions	$ 145,572	$ 8,800	2.0			
57	SBI Pay Equity				$ 385,325		
58	In Service LEO Training Expansion				$ 436,480		3
	Total DOJ	**$ 3,008,844**	**$ 2,496,580**	**20.0**	**$ 2,871,448**	**$ 2,590,384**	**31**
	JUVENILE JUSTICE						
59	Reserve for Utility and Fuel Costs		$ 251,826				
60	Operating Reserve & Positions for New Beds	$ 882,779		59.0			
61	MIS Positions	$ 281,813		3.0			
62	Textbook Purchases	$ 50,000					

JPS 2006 Budget Options

#	Item	Governor's Recommendation** R	Governor's Recommendation** NR	Governor's Recommendation** Positions	Judicial/Justice Requests R	Judicial/Justice Requests NR	Judicial/Justice Requests Positions
63	Juvenile Crime Prevention Councils (JCPCs)	$ 500,000					
64	Eckerd Camps/Methodist Homes for Children	$ 916,168					
65	Positions for Administrative Division	$ 221,268	$ 14,000	4.0			
	Total DJJDP	$ 2,852,028	$ 14,000	66.0			
	Total Recommended Increase	$56,837,298	$22,672,881	526.8			
	FY06-07 Certified Budget	$1,735,625,251					
	Total JPS Recommended	$1,815,135,430					
	JPS Target: FY2006-07	$1,821,128,416					
	Remaining $ to spend	$ 5,992,986					

**Note: per Senate rules, proposed position costs have been adjusted to reflect full 12-month costs

VISITOR REGISTRATION SHEET

Senate Appropriations Subcommittee on Justice & Public Safety - May 16, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Marc Nelson	OSBM
Sheryl Stephens	OSBM
Keeler Harrell	AOC
Rex Whaley	AOC
Sandy Pearce	AOC
Tyl Hunter	IPS
LARRY WILLIAMSON	DOC
Paula Y. Smith	DOC
Barbara Faber	DOC
[illegible]	AOC
Kirby Woodward	Conference of DA's

VISITOR REGISTRATION SHEET

Senate Appropriations Subcommittee on Justice & Public Safety - May 16, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Wayne Hobgood	Crime Control / Butner Public Safety
CASANDRA WHITE	CCPS
Janice Carmichael	CCPS
BENNIE AIKEN	CCPS
BRANNY VICKORY	DA
Peg Dorer	Conference of D.A.s
Colon Willoughby	DA 10th DIST.
Mike Sprayberry	NCEM
Rudy Rudisill	CCPS
DOUG HOELL	NCEM
LEAH BRYANT	AOC

VISITOR REGISTRATION SHEET

Senate Appropriations Subcommittee on Justice & Public Safety - May 16, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Randall	AOC
Joel Bennett	DOC
Joe Pleator	DOC
Robert Lee Guy	DOC/DCC
Dan Stanley	DOC
Mildred Spearman	DOC

VISITOR REGISTRATION SHEET

Senate Appropriations Subcommittee on Justice & Public Safety - May 16, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CP Medlin	NCATL
Carry Dix	DJJDP
Jon Williams	CCPS
Doug Heron	NC Bar Association
Colleen Kochanek	Smith Moore
Holly Bryan	NCATL

MINUTES

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 23, 2006
Room 415 LOB
8:30 a.m.

The Senate Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on May 23, 2006 in Room 415, LOB. Seven members of the Senate Subcommittee attended along with Representatives Kiser, Haire, Frye, Justus, Ray, Sutton, Spear, and Jones. Senator Kinnaird presided.

After opening remarks by the Chairs a review of the Senate budget recommendations were presented by the Fiscal Research Staff including Jim Mills, Denise Thomas and Doug Holbrook.

The Justice and Public Safety agencies reviewed for the Committee their respective budget recommendations. (See Attachment #1).

The meeting adjourned at 10:00 a.m.

Senator Ellie Kinnaird, Co-Chair

Vickie Spears, Committee Assistant

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415, Legislative Office Building

May 23, 2006 8:30 a.m.

I. CALL TO ORDER

Chairmen: Senator Ellie Kinnaird, Presiding Senator John Snow

II. PRESENTATIONS

Opening Remarks by Chairs

Review of Senate Budget Recommendations

Fiscal Research Staff

Senate Justice and Public Safety Members

Justice and Public Safety Agencies

III. OTHER BUSINESS

IV. ADJOURNMENT

Senate Recommended FY 2006-07 Budget
Justice and Public Safety Agencies

May 23 2006

Judicial

GENERAL FUND

Total Budget Approved 2005 Session

FY 06-07
$345,760,410

Budget Changes

1 Increase Pass-through to Dispute Settlement Center $529,545 R

Appropriates $529,545 to 24 dispute settlement centers across the state. These funds restore past-year cuts to this funding area. The funding will be allocated to the programs as follows

Cabarrus -- $11,000
Charlotte/Mecklenburg -- $75,000
Duplin -- $8,090
Deep River -- $23,023
Cape Fear -- $14,755
Morganton -- $25,380
Cumberland -- $5,000
Henderson -- $24,968
Moore -- 15,369
Asheville -- $55,750
Eastern Carolina -- $11,677
Southern Piedmont -- $25,000
Forsyth -- $12,000
Guilford -- $15,000
Rockingham -- $15,169
Mountain -- $25,324
Orange -- $14,899
Transylvania -- $27,869
Sandhills -- $9,240
Durham -- $6,000
Blue Ridge -- $30,000
Carolina Dispute -- $12,000
Piedmont -- $50,000
Foothills -- $17,032

Administration

2 Technology Initiatives — $5,500,000 R; $1,900,000 NR

Provides a mix of recurring and non-recurring money for critical technology projects with the AOC, as follows:

1) rewrite of obsolete processing systems for clerks and district attorney/public defender cases, including required data cleanup to implement a statewide warrant repository (NCAWARE);

2) new initiatives related to court, civil eFiling, electronic payments, and electronic traffic court;

3) maintenance and enhancement of existing applications including eCitation and Casewise/Jwise.

3 Innocence Claim Review Commission — $320,268 R; $50,579 NR; 3.00

Establishes staff for the Innocence Claim Review Commission, pending passage of House Bill 1323.

Appellate

4 Justice Building Renovation — $32,000 R; $480,000 NR

Renovations to the Justice Building are scheduled to continue into fiscal year 2006-07, but funds for the temporary relocation of staff are only budgeted for fiscal year 2005-06. Additionally, recurring funds for office leases will be required while the Ruffin Building, housing the Court of Appeals, is renovated.

5 New Court of Appeals Positions — $108,990 R; $14,467 NR; 2.00

Appropriates funding for one new Staff Attorney I and one new Appellate Clerk I to address increases in appellate workload and to expedite parental termination of rights cases. These positions have been annualized for a July 1, 2006, effective date.

District Attorneys

6 New Prosecutors and Support Staff — $3,820,851 R; $416,124 NR; 99.00

Provides funding for 90 new Assistant District Attorneys and 9 Victim Witness Legal Assistants. The Assistant District Attorney positions will be allocated based on the workload formula adopted by the Conference of District Attorneys. These positions will be effective January 1, 2007.

7 Open File Discovery Project — $3,000,000 NR

Due to recent legislation requiring open discovery in criminal cases, there is need for an evidence tracking automated system that will register the articles of evidence, track their use, and verify that the articles have been disclosed to the appropriate parties as required by law. The Conference of District Attorneys recommended providing $1.7 million R and $1.3 million NR for this purpose. The Committee recommends providing $3 million NR for the proposal.

Equipment and Other Reserves

8 Critical Equipment Needs — $2,500,000 R; $3,800,000 NR

Provides nonrecurring funds to replace essential technology and office equipment that is six years or older. Nonrecurring funds are also recommended for the replacement of audio machines in District Court, and for telephone systems that are ten years or older. In addition, recurring funds are recommended for the continued replacement of outdated equipment and systems.

9 Equipment for New Courthouses — $110,000 NR

Appropriates funds for new telephone systems and LAN equipment in the new courthouses located in Clay and Harnett Counties.

Trial Courts

10 New District Court Judge Positions — $1,046,000 R; $178,304 NR; 16.00

Provides funding for sixteen new District Court Judges in the following districts based on the AOC workload formula and consultation with the Conference of Chief District Court Judges:

3A -- Pitt
3B -- Craven, Carteret, Pamlico
6A -- Halifax
10 -- Wake (2 positions)
14 -- Durham
15B-- Orange, Chatham
18 -- Guilford
19B-- Moore, Montgomery, Randolph
19C-- Rowan
25 -- Burke, Caldwell, Catawba
26 -- Mecklenburg
27A-- Gaston
27B-- Cleveland, Lincoln
28 -- Buncombe
30 -- Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain

These positions are effective January 15, 2007.

11 New Deputy Clerk Positions — $1,323,900 R; $184,350 NR; 75.00

Additional deputy clerks are needed to address significant increases in certain types of cases such as foreclosures and estate cases. The positions will be assigned by the Director of the Administrative Office of the Courts. These positions will be effective on January 1, 2007.

12 New Magistrate Positions — $240,978 R; $24,984 NR; 6.00

Appropriates funding for six new magistrates. These positions are needed to meet the magistrate staffing levels set forth in GS 7A-133. These positions have been annualized for a July 1, 2006, start date.

These magistrates will be assigned in the following counties: Carteret, Greene, Alamance, Robeson, Montgomery, and Gaston.

FY 06-07

13	**New Guardian ad Litem Program Staff** Provides funding for thirteen new Guardian ad Litem staff positions to address significant increases in caseloads. These positions will include program supervisors, program assistants, volunteer recruitment and retention specialists, and administrative specialists.	$743,130 $37,231 13.00	R NR
14	**New District Court Judicial Support Staff** Provides funding for five new District Court Judicial support staff positions (Judicial Assistant I). These positions are needed to support the recently established judgeships, expansion of family mediation, and other arbitration and mediation efforts. These positions have been annualized for a July 1, 2006, start date.	$200,845 $19,080 5.00	R NR
15	**Expansion of Custody Mediation Program** Appropriates funding to expand the Custody Mediation Program into the final remaining Judicial Districts, as required by GS 7A-494(a). This expansion will require the establishment of 7.75 new support staff. These positions have been annualized for a July 1, 2006, effective date.	$558,074 $38,912 7.75	R NR
16	**Recurring Funds for Family Court Program** Provides funding to make the Wake Family Court permanent and to establish two new Family Court Case Coordinator positions in Cumberland and Mecklenburg Counties to meet rising caseloads.	$300,400 $8,372 4.00	R NR
17	**Expansion of Drug Treatment Court** Appropriates additional recurring funds for statewide Drug Treatment Court operations ($49,992), as well as for three Drug Treatment Court case coordinator positions to replace federal funding that is expiring.	$238,092 $17,562 3.00	R NR
18	**Interpreter Fee Payments** Fully funds interpreter fee payment line item. The current budget for interpreter fees is insufficient to support the total expenditures for this service, which must be provided as required by statute. This expansion is provided on a nonrecurring basis for this fiscal year.	$775,000	NR
19	**Pilot for Self-Serve Centers** Appropriates nonrecurring funds for a pilot implementation of self-serve centers in four courthouses in the state. AOC will select the four sites, which will provide access to legal forms and other resources for pro se litigants.	$200,000	NR
20	**Business Court Expansion** Provides funds for a Business Court site in Wake County.	$236,206 $11,015 2.00	R NR
21	**Eliminate Reserve for HB 1048** Eliminates the $1.8 million reserve established in SB 622 for judicial and prosecutorial staff pending the passage of House Bill 1048, Governor's DWI Recommendations.	($1,869,834)	R

Budget Changes	**$15,829,445**	**R**
	$11,265,980	**NR**
Total Position Changes	235.75	
Revised Total Budget	**$372,855,835**	

Judicial - Indigent Defense

GENERAL FUND

	FY 06-07	
Total Budget Approved 2005 Session	**$88,648,414**	
Budget Changes		
Indigent Persons Attorney Fee Fund		
22 Attorney Fee Payments for Indigent Defense Nonrecurring funds are recommended for unpaid attorney fee applications from fiscal year 2005-06 that need to be carried over to fiscal year 2006-07 due to a funding shortfall.	$4,500,000	NR
23 Hourly Rate for Private Assigned Counsel Provides funding to increase the hourly rate for private assigned counsel in capital cases to $95 at the trial, appellate, and post-conviction levels. The current rate is $85, which was set in 1993.	$1,591,162	R
24 NC Prisoner Legal Services, Inc. Contract Appropriates funding for inflationary increases for the contract with Prisoner Legal Services, Inc.(PLS). Current operating costs for this contract are higher than the total contract amount, creating an operating shortfall for PLS.	$122,438	NR
25 Establish Audit Function Establish an Auditor II position within the Office of Indigent Defense Services to analyze fee applications and effect cost savings by preventing over billing.	$66,029 $3,500 1.00	R NR
Sentencing Services		
26 Restore Sentencing Services Appropriates $1.2 million to partially restore a funding cut in the 2005-06 budget to the Sentencing Services Program, which provides assessment services to pre-sentenced offenders.	$1,200,000	R
Budget Changes	**$2,857,191** **$4,625,938**	R NR
Total Position Changes	1.00	
Revised Total Budget	**$96,131,543**	

Justice

GENERAL FUND

Total Budget Approved 2005 Session	FY 06-07 $78,697,271

Budget Changes

CJTSD

27 In-Service LEO Training — $300,000 NR

Funding is provided to the Criminal Justice Training and Standards Division to develop a new online training and registration system. The system will support Division efforts to provide training and certification services to the state's 29,000 law enforcement officers, 7,000 detention officers, and all 911 operators.

Law Enforcement

28 SBI Staff Expansion — $763,670 R; $400,896 NR; 12.00

Funding is provided for 12 investigative and forensic analysis positions, including 4 sworn and 8 non-sworn as follows:

3 SBI Field Agents (Sworn)
1 Computer Crime Agent (Sworn)
2 Drug Chemists (non-sworn)
2 Drug Chemists Tech (non-sworn)
2 Forensic Computer Analyst (non-sworn)
2 Molecular Geneticists (non-sworn)

29 SAFIS Replacement — $72,180 R; $1,891,588 NR; 1.00

Provide funding to replace state and local equipment for the Statewide Automated Fingerprint Identification System. In addition, funding is provided for one position: Application Development Supervisor

30 SBI Lab Expansion — $650,000 NR

Funding is provided to purchase two diesel generators and cubicle furniture to accommodate personnel relocating from Blount Street to the SBI campus. In addition, $50,000 is provided to install the diesel generators which have already been purchased for the Larry T. Justus Western Justice Academy.

31 Business Recovery Site — $353,676 R

Funds are provided for a business recovery site to house the backup computer center being relocated from the Blount Street site. Funding is also provided for telecommunication charges and IT services charges.

Legal Services

32 Attorney Positions Funding is provided for three positions for the Appellate and Law Enforcement Liaison Sections: Attorney II(2 positions) Attorney III	$238,757 $13,200 3.00	R NR
33 Sex Offender Registry Upgrade Funding is provided to use contractual services to upgrade the state's Sex Offender Registry to include GIS mapping of offenders and public email notification capabilities.	$200,000	NR
34 Tort Claims Positions Funding is provided for two positions to handle the increased demand for tort claims processing services: Tort Claims Adjuster Attorney I	$145,572 $8,800 2.00	R NR
35 Receipt-Supported Attorney Positions Establish one receipt-supported Attorney III position, at an annual salary of $89,739 plus benefits, to provide legal services for the Department of Cultural Resources. This position will be supported by receipts from the Department of Cultural Resources.		
Budget Changes	**$1,573,855** **$3,464,484**	R NR
Total Position Changes	18.00	
Revised Total Budget	**$83,735,610**	

Juvenile Justice & Delinquency Prevention

GENERAL FUND

	FY 06-07
Total Budget Approved 2005 Session	**$138,873,166**

Budget Changes

Department Management

36 Positions for Administrative Division — $115,080 R
Funding is provided to establish two new positions to improve operations within the Department's Administration Division: — $7,000 NR, 2.00

Auditor II (PG75)
Purchasing Agent II (PG68)

37 Reserve for Utility and Fuel Costs — $251,826 NR
Non-recurring funds are provided to address increasing utility and fuel costs from prior year hurricanes and other recent events.

Department Wide

38 Textbook Purchases — $50,000 R
Funds are provided to purchase additional textbooks for juveniles committed to DJJDP detention centers and youth development centers. This will increase budget to approximately $78,000.

Special Initiatives

39 Eckerd Wilderness Camps Contract — $1,351,500 R
Funds are provided to increase the rate for the existing 326 contracted beds from $110.41/day to $135.32/day. The adjusted rate is equivalent to Eckerd's current-year, actual operating cost for the seven NC camps.

Youth Development Centers

40	**Operating Reserve & Positions for New Beds** Funds are provided to establish an operating reserve for the five new youth development centers scheduled to open between September and December 2007. Included in the reserve are funds for 59 new positions, as well as funds for training and educational assistance for the new positions and existing positions. Funding for training and educational assistance is reduced from $315,700 as recommended to $270,000; the $270,000 is funded $170,000 recurring and $100,000 non-recurring. The changes are designed to account for the fact that a portion of the 421 positions designated to receive these funds have already received training and/or educational assistance. Also, the requested amount in salary and benefits is reduced by $84,000; these funds were intended for salary adjustment and not to establish new positions.	$652,273 $100,000 59.00	R NR

Budget Changes	**$2,168,853** **$358,826**	R NR
Total Position Changes	61.00	
Revised Total Budget	**$141,400,845**	

Correction

GENERAL FUND

	FY 06-07
Total Budget Approved 2005 Session	**$1,048,492,502**

Budget Changes

Alcohol and Chemical Dependency

41 Clinical Substance Abuse Supervisor Positions — $121,957 R; $9,021 NR; 2.00

Legislation passed in 2005 mandates new certification and supervision standards for substance abuse treatment professionals. Supervision standards are one hour of clinical supervision for each 10 hours of counseling for first 300 hours of treatment counseling and then one hour for every 40 hours thereafter. Adding two supervisors will allow DOC to meet these standards and account for the need for supervision at 22 locations statewide.

42 Residential Treatment Programs — $930,122 R; 25.00

DOC has been using long term federal grant funds since the mid-1990's to fund long term residential treatment for inmates. These funds are being phased out and will be eliminated by 2007-08. 246 beds are currently used to provide 6 to 12 month residential treatment for inmates with serious substance abuse histories. There is enough federal funding to continue to operate programs and 66 beds at Rowan and Western Youth Correctional Centers for 2006-07. The recommended funding is to continue programs at NCCIW (Women's Prison--34 beds) and Morrison Correctional Center (146 beds).

43 DART Cherry Substance Abuse Positions — $166,745 R; $22,365 NR; 5.00

DOC operates 300 residential beds to provide substance abuse treatment for probationers and parolees (primarily DWI) at DART Cherry. Five Substance Abuse Worker positions are recommended to provide improved supervision, especially on evening shifts.

Community Corrections

44 Sex Offender Monitoring — $1,626,448 R; $80,770 NR; 7.00

Funding is provided to implement active and passive Global Positioning Systems (GPS) to monitor the most serious convicted sex offenders while under probation, parole or post release supervision (up to 300). Funding is also provided to continue GPS monitoring of the highest risk sex offenders (75 to 125 offenders) upon completion of parole, probation, and post-release supervision.

45 Fund Pretrial Services — $400,000 R

Provides $400,000 R to replace funds lost for pretrial services when the Partnership formula was realigned in 2005. These funds are primarily to restore funding to programs that have lost or will lose state funds and the funding is not replaced by their counties. Funding can also be used to start new programs.

46 Restore CJPP — $1,000,000 R

Restores $1 million to the Partnership program for cuts taken in previous years.

Department Management

47 Medical Claims Management — $44,463 R; $4,583 NR; 1.00

DOC is increasing its efforts to monitor medical claims from outside providers. This action will establish one additional professional staff (Medical Reimbursement Officer I) to supervise the medical claims review process and to help with the integration of the medical claims system with the NCAS State accounting system.

48 Information Technology Security — $85,533 R; $4,583 NR; 1.00

The 2004 Statewide Security Assessment recommended that DOC improve computer security and establish an IT Security Office. DOC currently has only one position devoted to IT Security. In 2005, DOC requested two positions and security software funding but only the software was funded. Funding is provided for a IT Security Manager

49 Reserve for Energy Costs — $9,610,759 NR

For 2005-06, DOC energy costs exceeded the budget by over $9.6 million. Primary cost increases were for heating and cooling 76 prisons and gasoline costs for prison and probation and parole. This funding is intended to avoid a budget deficit in 2006-07. Funding is non-recurring on the premise that energy costs may stabilize by 2007-08.

Prisons

50 Funding for Our Children's Place — $100,000 R

Funds a program director, contractual services and operating expenses. Our Children's Place is a non-profit organization established to operate the incarcerated mothers program.

51 Operating Reserve for Tabor Correctional Center — $95,504 R; $144,000 NR; 10.00

Establish reserve for startup costs for prison in Columbus County scheduled to open February, 2008

52 Increase Prison Bed Capacity — $1,458,336 R; $594,069 NR; 36.00

Prison population projections continue to show population exceeding bed capacity. Funding is recommended to increase bed capacity by a total of 468 beds spread over six prisons. The prisons are three medium custody -- Brown Creek, Harnett, and Lumberton -- and three minimum custody prisons-- Dan River, Tillery, and Tyrrell. This capacity increase is possible by increasing the number of inmates in dormitories and adding additional security, medical and program staff. Non-recurring funding is primarily for inmate bunks and lockers and community college start up costs. The original recommended amount of $540,000 NR for community college startup is reduced to $270,000 based on a January 1, 2007 start date.

53 Inmate Medical Care — $10,000,000 R; $5,723,518 NR

Medical costs continue to exceed the inmate medical continuation budget. This funding will partially address the budget needs.

54 Gang Prevention Initiative — $256,292 R; 11.00

DOC received Governor's Crime Commission grants to develop a "Security Threat Group Unit" at Foothills Correctional Institution. The grant funding ends December 31, 2006 so 6 months funding is provided for 06/07. The program targets gang members and is designed to increase supervision of these inmates while providing education and skills that will allow an inmate to renounce gang activity.

55 Security Positions for new Enterprise Plant — $131,355 R; $42,510 NR; 9.00

Enterprise is opening a new janitorial products plant at Warren Correctional Center. The plant is located off-site and will require nine security positions in order to provide adequate security for 100 inmates. The plant opens in Spring 07 so positions are not effective until February 1, 2007.

56 Inmate Medical - Central Pharmacy — $147,063 R; $4,500 NR; 3.00

Establishes three positions in the DOC Prison Pharmacy; one Pharmacy technician; one Pharmacist; and, a Stock Supervisor. As prison population has grown, the number of prescriptions filled has grown from 550,573 in FY 98-99 to 856,803 in 2004-05 with no increase in staffing.

57 Inmate Medical - Nurses and Records Clerks — $1,332,322 R; $48,960 NR; 38.00

Funding is provided for 18 medical records clerks and 20 Licensed Practical Nurses. Adding the medical clerks will free up nurses to devote more time to nursing duties while adding LPN's will help reduce the general shortage of nurses in the prison system

58 Delayed Opening of Segregation Units — ($904,430) NR

The completion dates for 40 bed segregation units at Orange and Caldwell Correctional Centers have been delayed from 2006-07 to 2007-08 allowing for a non-recurring reduction. The total reduction is ($904,430); ($380,809) for Orange and ($523,621) for Caldwell.

Budget Changes	**$17,896,140**	**R**
	$15,385,208	**NR**
Total Position Changes	148.00	
Revised Total Budget	**$1,081,773,850**	

Crime Control and Public Safety

GENERAL FUND

	FY 06-07
Total Budget Approved 2005 Session	**$35,153,488**

Budget Changes

Administration

59 Federal Grants Administration — $63,731 R
Funding is provided for a Federal Grants Accountant to ensure compliance with federal reporting and control requirements: — $4,000 NR, 1.00

Accountant II(PG74)

60 Information Technology Positions — $164,112 R
Funding is provided to establish two full-time permanent information technology positions: — 2.00

Business & Technology Specialist (1.0)
Business & Technology Analyst (1.0)

Butner Public Safety

61 Operations and Maintenance — $103,680 R
Provide funds to meet basic operations and maintenance needs for Butner Public Safety: restore previous budget cuts, inflationary increases, and over budgeted receipts.

Emergency Management

62 Planning, Response, and Recovery Capabilities — $379,901 R
Funding is provided for seven positions to enhance emergency management planning, response, and recovery capabilities. — $10,500 NR, 7.00

Transfer three existing managerial positions from temporary receipt-supported to permanent general fund positions:
Emergency Management Asst. Dir (PG 78) 1 positions
Emergency Management Section Mgr (PG76) 2 positions

Establish four new positions:
Emergency Planner I (PG70) 2 positions
Office Asst IV (PG61) 2 positions

63 Urban Search & Rescue/Swift Water Rescue — $627,400 NR
Funding is provided for training and equipment to ensure that the state's Urban Search and Rescue and Swift Water Rescue Teams can meet federal standards. Future federal emergency management funding may be jeopardize if the teams fail to meet the standards.

64 HAZMAT Regional Response Teams

Provide funds for the state's seven HAZMAT Regional Response Teams. Funds will be used to support the teams' training and equipment replacement. — $156,956 NR

National Guard

65 National Guard Pension Fund — $965,000 R

Funds are provided for the NC National Guard Pension Fund. Effective July 1, 2006, these funds will be used to increase the monthly pension benefit payment to current and future retirees from a maximum of $150 to a maximum of $160.

66 Assistance to NC National Guard Families

Funding is provided for the NCNG Soldiers and Airmen's Assistance Fund to provide emergency financial assistance to members and their immediate families who are experiencing financial hardship. — $500,000 NR

Victim & Justice Services

67 Victims Compensation

$700,000 NR to address the backlog of approved but unpaid victims compensation claims. — $700,000 NR

Budget Changes	**$1,676,424**	
	$1,998,856	**NR**
Total Position Changes	10.00	
Revised Total Budget	**$38,828,768**	

Justice Public Safety Recommended Budget Adjustments FY2006-07

AGENCY	Certified Budget FY 2006-07	Governor's Recommended FY 2006-07 Expansion	Governor's Recommended FY 2006-07 Budget	Comparison of Governor's Recommended to Certified Budget	Senate Recommended FY 2006-07 Expansion	Senate Recommended FY 2006-07 Budget	Comparison of Senate Recommended to Certified Budget
Correction	1,048,492,502	31,529,391	1,080,021,893	3.0%	33,281,348	1,081,773,850	3.2%
Judicial-AOC	345,760,410	26,158,821	371,919,231	7.6%	27,095,425	372,855,835	7.8%
AOC-Indigent	88,648,414	6,213,600	94,862,014	7.0%	7,483,129	96,131,543	8.4%
Justice	78,697,271	4,571,760	83,269,031	5.8%	5,038,339	83,735,610	6.4%
Juvenile Justice	138,873,166	3,060,852	141,934,018	2.2%	2,527,679	141,400,845	1.8%
Crime Control	35,153,488	3,968,741	39,122,229	11.3%	3,675,280	38,828,768	10.5%
Total JPS	**1,735,625,251**	**75,503,165**	**1,811,128,416**	**4.4%**	**79,101,200**	**1,814,726,451**	**4.6%**

VISITOR REGISTRATION SHEET

Senate Appropriations Subcommittee on Justice & Public Safety - May 23, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mildred Spearman	NCDOC
Tracy Little	NCDOC
Barbara Baker	NCDOC
Gary McLamb	NCDOC
NICKS ROSECANS	NC DOJ
Cally Wiggins	GOV. office
Larry Dix	DJJDP
Joann Michael	DJJDP
Kim Yarbrough	DJJDP
Lee Rubin	CJLC
CASSANDRA WHITE	CCPS

VISITOR REGISTRATION SHEET

Senate Appropriations Subcommittee on Justice & Public Safety - May 23, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	AOC
Kathy Nelson	SPAC
Alisa Wolfe	IDS
Patricia Ramey	NCACC
Eddie Caldwell	NC Sheriffs' Assn.
Doug Heron	NC Bar Assoc
Marc Nelson	OSBM
Sheryl Stephens	OSBM
The Hunter	IDS
C. Poole	NCAJ
Kristy Hartman	Sen. Apodaca intern

VISITOR REGISTRATION SHEET

Senate Appropriations Subcommittee on Justice & Public Safety - May 23, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Colleen Kochanek	Smith Moore
Steve Shaber	Poyner & Spruill
Hillary Tinson	NCHA
[illegible]	531
Kesha Howell	AOC
[illegible]	[illegible]
Rex Whaley	AOC
[illegible]	NCAJ
[illegible]	Conference of DAs

VISITOR REGISTRATION SHEET

Senate Appropriations Subcommittee on Justice & Public Safety - May 23, 2006

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Parker	NCATTL
Bill Rowe	NC Justice Ctr
Jim Mosca	NC DOC
Carrie Randa	NCCASA

APPROPRITIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY

May 25, 2006
Room 612

HOUSE MEMBERS PRESENT: (10) Representatives Kiser, Haire, Ray, Sutton, Frye, Goodwin, Jones, Justus, Miller, Spear and Ex-officio Cunningham.

The Appropriations Subcommittee on Justice and Public Safety met at 8:30 AM, May 25, 2006 in Room 612 of the Legislative Office Building.

Representative Kiser presided and called the meeting to order. He introduced the pages: Claire Brown, Johnston, sponsored by Representative Daughtry and Anna Sauls, Pasquotank, sponsored by Black and Owens. Appreciate the hard work you do. The Sergeant-at-Arms is Jerald Perry and Frank Prevo.

Representative Kiser stated that he has been told that 18 of these bills are asking for Assistant District Attorneys. (Attachment I) We are fortunate that we have some representatives here from the Conference of District Attorneys to answer questions and explain the needs.

Representative Kiser called on Doug Holbrook to review the list for members. (Attachment I and Attachment 2)

Doug Holbrook said you have two documents that have been handed out. One of them has JPS at the top of the list of bills that have been referred to this committee by the Speaker. They are appropriations bills in the area of JPS, total of 46. 18 of them are requests for ADA's or Victim Witness Legal Assistant funded positions. The other document that you have is the proposal from the Conference of District Attorneys on allocation of positions assuming 90 new positions are allocated this year for Assistant District Attorneys. This is a consensus agreement among the conference and Peg Dorr is here to explain the workload allocation that they used. This is a formula and can be adjusted. The original request was for 120 and the Governor's budget request was for 90 and the Senate decision was to make the position effective January 1st rather than July 1st. The cost difference is cut in half. The Senate budget appropriates 3.8 million recurring and $416,000 non-recurring to start up all these ADA positions. Obviously if you annualize this it would go over 7 million dollars or you would have to have the number of ADAs that you allocated of 45, as Representative Kiser said. You have to balance these somehow. **Peg Dorr**, Conference of District Attorneys, was asked to go over information and give a brief overview of the methodology. **Peg Dorr** said the Conference of District Attorneys worked for years to come up with a formula that can meet their needs. Our previous formula showed that we were heavy on population and heavy on caseloads. We are looking at better ways to come up with a better formula and we are not quite there yet. This year we went to each district and did an assessment of how many counties they have, how many districts courts they run, how many weeks of courts they have and,

based on that assessment, we found out what each elected District Attorney needed to run their district. The total was 120 and it was distributed based on what they said they needed and voted on unanimously by the Conference. When the Senate put in the 90 we had to cut from that distribution. I did so based on the fact that everyone should get one, because everyone has a great need for additional personnel. One in every district will solve problems in some districts but it will not impact the larger districts at all.

Representative Kiser asked Ms. Dorr does the additional ADA's needed reflect the formula or does it reflect what you went out and found out or does it reflect what the DA's say they need.

Peg Dorr responded that it is what the District Attorneys needed. We had an agreement.

Representative Kiser asked Ms. Dorr are the numbers here based solely on what the DA's said they needed.

Ms. Dorr responded, I can't say yes because sometimes they said what they needed and we had to argue for about 20 minutes before agreeing on a number. That doesn't reflect the 90 versus 120

Representative Kiser asked if they have inflated their needs. We have a deficit and we may have a larger deficit it we go to January lst.

Ms. Dorr said she spent a lot of time getting a pretty good handle on what was inflated or not. At first it was, but after discussing the issues I do not think they are.

Representative Kiser said if we give one to each of the 39 districts, soon to be 41 and we have to annualize these there will not be much left.

Representative Jones asked what ADA-VWA funds mean?

Mr. Holbrook said ADA is Assistant District Attorney and VWA is Victim's Witness Legal Assistant. AOC had a request for two different categories, one is assistant prosecutor and the other is support staff position, legal position handling cases and coordinating court cases.

Representative Jones does the money come out of the same funds.

Mr. Holbrook responded that the Governor is requesting nine of those positions that are in the Senate and it is coming out of the general funds. There were requests for 90 positions for ADA and 9 positions for Victim's Witness Assistants.

Representative Jones asked when we approve our budget will it be different than what is in the Senate budget?

Representative Kiser responded that he hopes there will be enough positions to do mostly what they have already done. Our Appropriations Chairs have told us we have to annualize and I have requested a message to be sent to us. If we have to annualize it goes to 45 and that presents a big problem.

Representative Spears asked Ms. Dorr if the request from the District Attorneys Association is that based on last year's statistics and information.

Ms. Dorr said in the last ten years we have had a huge increase. Backlog is getting bigger and bigger. Trial rate is falling down. They are saying they simply cannot do anymore than they are doing.

Representative Spears said this is not for ten years statistics; this is based on the last year.

Ms. Dorr said they voted on this within the last month.

Representative Spears asked what were the criteria used for staffing. Did you receive positions in the last budget?

Ms. Dorr said they were given 116 positions ten years ago and have not received anything since.

Representative Kiser said we create new laws and we put a greater force on the judicial system and a lot of times we do not give them enough positions to carry out the functions that we require them to carry out with the new laws we pass. We pass a ton of laws each year and we end up in situations like we are in now.

Representative Cunningham wanted to know how Mecklenburg County is fairing on these numbers.

Ms. Dorr responded that Mecklenburg needed 33 and got 13.

Representative Cunningham asked how many deputy clerks Mecklenburg got.

Mr. Holbrook responded that AOC received 75 deputy clerks and the Governor left it untouched with effective day of January 1st vs. July 1st.

Representative Jones asked why we put in bills for DA's when we can go by Ms. Dorr's system.

Representative Kiser responded that he had never seen it done like it was done this year. The Appropriations Chairs indicated to everyone that if you wanted anything from the budget you needed to put a bill in and they then ask subcommittee to hear all these bills. There is not enough money to grant everyone what they want, we have to face that to start with and it is just not the type of appropriations procedures that I have witnessed since I have been here before. Some members have put bills in, but not everyone has put them in.

Representative Sutton asked are you indicating that if a member did not put in a bill for their district and they have a deserving need and the DA's Association verifies that, they are not going to get an Assistant DA.

Representative Kiser said that is not my plan. It might be a higher pay grade than me to make that decision. My opinion is that we ought to go with the recommendations that we get.

Representative Sutton said I concur with that and we ought to go with the people who know what we need and critique that if necessary, rather than individual members putting in bills for ADA's for " political " purposes.

Representative Cunningham asked if Senate had set the tone.

Representative Kiser said he hopes we stand alone and do what is right and then we can sit down with the Senate and try to come to a compromise somewhere along the line.

Representative Kiser asked Mr. Holbrook if we could discuss the 75 clerks. In the Senate Budget they did not place the clerks did they.

Mr. Holbrook said the clerk positions are under statute and have to be allocated by the Director of the Administrative Office of the Courts.

Representative Spears said 75 positions are not enough to give one per county. Mecklenburg will need more than one clerk. It will take more Deputy Clerk positions than it would Assistant District Attorneys. It needs to be done on a need basis.

Representative Kiser said we need people on Justice and Public Safety that have had experience in all these areas and we are well blessed with this committee. We have attorneys, superior court clerks, court reporters and law enforcement people.

Representative Kiser asked Representative Spears did you need more clerks than court rooms.

Representative Spears said if you increase the number of sessions in court, not so much the number of courtrooms as the sessions of court. If you increase sessions you have to have staff to cover. We also have superior court by satellite.

Representative Kiser asked does anyone know how many bills we have requesting Deputy Clerk's of Courts.

Mr. Holbrook responded there are two on the list.

Representative Kiser asked about Magistrates.

Mr. Holbrook responded two also. The request from AOC was eight and Governor's budget requested 6. The Senate allocated 6 positions based on AOC's workload. The counties are Carteret, Greene, Alamance, Robeson, Montgomery and Gaston counties.

Representative Kiser asked if the Magistrates were annualized. The 75 clerk of courts are not annualized, first of January just like the ADA's. Sixteen new district court judges are also in the Senate version.

Mr. Holbrook said the 16 district court judges indicated an immediate need for a new judge, another group indicated they could wait a year and another group indicated they did not have a need for an additional one. We provided the Senate need with those request, workload charts that AOC provided on caseloads, one of the 16 did not get a judge because of their ranking.

Representative Kiser said they were some discrepancies at how they were given out.

Representative Kiser asked Mr. Holbrook what was the thinking of Wake getting two and some other counties had requested two or more. Does that have something to do with Family Court?

Mr. Holbrook said Family Court is a separate item in the Senate Budget

Representative Kiser asked if the clerk position come from the 75 allocated or will that take care of every clerk?

Mr. Holbrook said that is a separate clerk.

Representative Spears questions why we are not listening to the people who know the needs. We are being told different things. Judge Walker in a presentation before the joint JPS committee making a request for District Court Judges for seven, the governor said nine and the Senate is giving us 16.

Representative Kiser asked again are these positions coming from what people say they need or are their something backing them up.

Representative Sutton asked can you tell where the judges are allocated.

Mr. Holbrook said there is a judge in the following districts, 3A Pitt County, 3B Craven, Carteret and Pamlico, 6A Halifax, District 10 Wake County was allocated two positions in the Senate Budget, District 14 Durham, District 15B is Orange and Chatham, 18 is Guilford, 19B is Moore, Montgomery and Randolph, 19C is Rowan, 25th District Burke, Caldwell, Catawba, District 26 Mecklenburg County, District 27A Gaston County, 27B Cleveland and Lincoln, District 28 Buncombe, 30th District Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain counties. These were effective January 15th.

Representative Sutton referred to the 100 murders in Robeson County. He said that AOC did not ask for Superior Court judge to help clear backlog and this is a problem that will not get better.

Representative Haire said we need to call for special provision to clear up backlog.

Representative Justus said a bill for Medication was not included in the Senate. It would only bring them back to 2001.

Representative Kiser said if we are going to get ADA's and keep them we will have to pay more money.

Representative Justus asked why the Larry Justus Western Academy has no funds to hook up generator.

Representative Kiser said there is $50,000 in the Senate budget.

Meeting adjourned.

Joe L. Kiser

Representative Joe L. Kiser, Chairman

Marilyn R. Holder, Committee Assistant

Rm 415

House Pages

Appropriations Justice and Public Safety

Name Of Committee: _____ Date: 5-25-06

1. Name: Claire Bown
   County: Johnston
   Sponsor: Daughtrey
2. Name: Anna Sauls
   County: Pasquotank
   Sponsor: Black
3. Name: _____
   County: _____
   Sponsor: _____
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

Sgt-At-Arms

1. Name: Jerald Peray
2. Name: Frank Prevo
3. Name: _____
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

APPROPIATIONS JUSTICE AND PUBLIC SAFETY — 25-MAY-06

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Steve Shadan	Parker Poe
Marc Nelson	OSBM
Sharon Stephens	OSBM
[illegible]	NCATL
Colleen Kochanek	Smith Moore
DAVID CARTNER	NC Bar Assn.
Lee Hodges	KCLH
Rebecca Troutman	NCACC
Tim Yarbrough	PJJDP
Joann McDaniel	DJJDP
Cathy [illegible]	ODU Office
Peg Perez	Conference of D.As.
Denise Long	NCLEAF
[illegible]	[illegible]
Jodi Minor	Mediation Network
Mildred Spearman	NCDOC
Ryan Presley	Rep Glazier
Leo Kubiak	CJPC
[illegible]	[illegible]
Dwayne Patterson	DJJDP
Jeff Mixon	Civitas Institute
Greg McLeod	NCAGO

JPS

Haire
419B

Attachment I

Ranking	Bill #	Sponsor	Short Title	Approp. Sub.	FY '06-'07
4	H1831	Weiss, Martin, Ross	District 10 Judge/ADA Funds.	JPS	$263,040
	H1905	Glazier, Dickson, Lucas	Cumberland Magistrate Funds.	JPS	$132,981
3	H1911	Ross, Weiss, B. Allen, Martin	Wake County Family Court Funds.	JPS	$175,000
	H1912	Wray, Hunter	Domestic Violence Offender Program Funds.	JPS	$50,000
	H1930	Haire	Legal Education Assistance (NC Leaf) Funds.	JPS	$229,000
	H1937	Ed Jones and L. Allen	District 6A District Court Judge Funds.	JPS	$89,172
	H1983	Wainwright	District 3B ADA/VWA Funds.	JPS	$133,044
1	H1986	Holliman	District 22 ADA Funds.	JPS	$254,088
	H2009	Haire	District 30 Judge/ADA Funds.	JPS	$173,868
	H2014	Glazier, Lucas, Dickson, and McAllister	District 12 ADAs/Clerks.	JPS	$207,142
	H2019	Setzer	District 25 ADA Funds.	JPS	$254,088
	H2036	Stiller and Goodwin	OAH Position Funds.	JPS	$495,059
4	H2046	Justus	Larry T. Justus West. Justice Academy Funds.	JPS	$60,000
	H2069	Bordsen and Allred	Dist. 15A Magistrate/Judicial Assist. Funds.	JPS	$88,312
	H2089	McLawhorn	Recommendations/Joint Committee on DV/Funds.	JPS	$4,789,071
	H2096	Goforth	District 28 ADA Funds.	JPS	$164,842
	H2100	Parmon, Womble, and Brown	Forsyth County Family Court Funds.	JPS	$275,000
	H2104	Frye	District 24 ADA/VWA Funds.	JPS	$266,088
	H2105	Frye	Mitchell Deputy Clerk Funds.	JPS	$37,762
	H2111	Church, Carney, Grady, and Weiss	Fund Legal Services in Foreclosure Cases.	JPS	$2,000,000
	H2112	Church, Carney, Grady, and Weiss	DOJ Position Funds.	JPS	$646,595
	H2177	Glazier, McAllister, Dickson, and Lucas	Cumberland Sheriff Department Funds.	JPS	$7,500
	H2194	Cunningham and McComas	Energy Emergencies Preparedness.	JPS	$40,000
	H2201	Cunningham and Wainwright	State Emergency Response Fund.	JPS	$20,000,000
	H2202	Cunningham and Wainwright	New Emergency Operations Center/Funds.	JPS	$8,240,000
	H2204	Hilton	District 25 ADA Funds.	JPS	$254,088
	H2214	Faison	Orange Deputy Clerk Funds.	JPS	$72,248
	H2216	Allred	District 15A Additional ADAs/Funds.	JPS	$254,088
	H2227	Tucker	District 4 ADA Funds.	JPS	$254,088
	H2243	Ed Jones	District 6A ADA Funds.	JPS	$82,421
	H2244	Cole	District 17A District Court Judge Funds.	JPS	$89,172
	H2246	Glazier, Harrison, Rapp, Dickson	Community-Based Corrections Funds.	JPS	$2,642,762
	H2249	Dickson, Glazier, Lucas, and McAllister	Safe Havens Funds.	JPS	$5,000
1	H2260	Steen and Coates	District 19C ADA Funds.	JPS	$169,392
	H2276	Glazier, Dickson, Lucas, and McAllister	Fayetteville Police Department Funds.	JPS	$5,000
1	H2281	Justus, Faison, Brubaker	Mediation Network Funds.	JPS	$464,000
	H2286	Faison	Caswell Deputy and Assistant Clerk Funds.	JPS	$50,319
	H2295	McLawhorn and Warren	District 3A District Court Judge Funds.	JPS	$89,172
	H2298	Sutton, Yongue, and Pierce	Evergreen Rehab. Center Funds.	JPS	$239,805
	H2300	Johnson	District 19A ADA Funds.	JPS	$254,088
	H2310	Wray and Crawford	Warren County VWA Funds.	JPS	$48,354

	H2325	Parmon and Womble	District 21 ADA Funds.	JPS	$623,048
3	H2359	Justus	District 29B ADA Funds.	JPS	$137,962
	H2364	Ed Jones	District 6A Judges/Funds.	JPS	$78,548
	H2380	Faison	Hillsborough Exchange Club Ctr Funds.	JPS	$100,000
	H2382	Faison and Wilkins	District 9A ADA.	JPS	$82,421

Attachment II

District	D.A.	Current # ADAs	Additional ADAs Needed	District Totals - ADAs		
1	**Parrish**	10	1	11		
	Camden					
	Chowan					
	Currituck					
	Dare					
	Gates					
	Pasquotank					
	Perquimans					
2	**Edwards**	6	1	7		
	Beaufort					
	Hyde					
	Martin					
	Tyrrell					
	Washington					
3A	**Everette**	9	2	11		
	Pitt					
3B	**Thomas**	10	1	11		
	Carteret					
	Craven					
	Pamlico					
4	**Hudson**	14	2	16		
	Duplin					
	Jones					
	Onslow					
	Sampson					
5	**David**	14	2	16		
	New Hanover					
	Pender					
6A	**Graham**	4	1	5		
	Halifax					
6B	**Asbell**	4	1	5		
	Bertie					
	Herford					
	Northhampton					
7	**Boney**	16	2	18		
	Edgecombe					
	Nash					
	Wilson					
8	**Vickory**	11	2	13		
	Greene					
	Lenoir					
	Wayne					
9	**Currin**	11	1	12		
	Franklin					
	Granville					
	Vance					
	Warren					
9A	**Brewer**	4	1	5		
	Caswell					
	Person					
10	**Willoughby**	31	7	38		
	Wake					
11	**Lock**	14	2	16		
	Johnston					
	Harnett					

	Lee					
12	**Grannis**	18	3	21		
	Cumberland					
13	**Gore**	11	1	12		
	Bladen					
	Brunswick					
	Columbus					
14	**Nifong**	13	2	15		
	Durham					
15A	**Johnson**	8	2	10		
	Alamance					
15B	**Woodall**	7	2	9		
	Chatham					
	Orange					
16A	**Newton**	5	1	6		
	Hoke					
	Scotland					
16B	**Britt**	10	3	13		
	Robeson					
17A	**Foster**	5	1	6		
	Rockingham					
17B	**Bowman**	5	2	7		
	Stokes					
	Surry					
18	**Henderson**	27	3	30		
	Guilford					
19A	**Vaneekhoven**	6	2	8		
	Cabarrus					
19B	**Yates**	11	1	12		
	Randolph					
	Montgomery					
	Moore					
19C	**Kenerly**	5	2	7		
	Rowan					
20	**Parker**	15	3	18		
	Anson					
	Richmond					
	Stanly					
	Union					
21	**Keith**	17	3	20		
	Forsyth					
22	**Frank**	16	4	20		
	Alexander					
	Davidson					
	Davie					
	Iredell					
23	**Horner**	5	2	7		
	Alleghany					
	Ashe					
	Wilkes					
	Yadkin					
24	**Wilson**	4	2	6		
	Avery					
	Madison					
	Mitchell					
	Watauga					
	Yancey					

25	**Gaither**	**15**	**3**	**18**		
	Burke					
	Caldwell					
	Catawba					
26	**Gilchrist**	**36**	**13**	**49**		
	Mecklenburg					
27A	**Lands**	**12**	**2**	**14**		
	Gaston					
27B	**Young**	**9**	**1**	**10**		
	Cleveland					
	Lincoln					
28	**Moore**	**11**	**2**	**13**		
	Buncombe					
29	**Hunt**	**11**	**2**	**13**		
	Henderson					
	McDowell					
	Polk					
	Rutherford					
	Transylvania					
30	**Bonfoey**	**9**	**2**	**11**		
	Cherokee					
	Clay					
	Graham					
	Haywood					
	Jackson					
	Macon					
	Swain					
TOTAL		**449**	**90**	**539**		

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety

2005-2006

(Name of Committee)

DATES May 25, 2006															
Rep. Phil Haire, CO-CHAIR	✓														
Rep. Joe Kiser, CO-CHAIR	✓														
Rep. Karen Ray, VICE CHAIR	✓														
Rep. Ron Sutton, VICE CHAIR	✓														
Rep. Phillip Frye	✓														
Rep. Melanie Goodwin	✓														
Rep. Edward Jones	✓														
Rep. Carolyn Justus	✓														
Rep. Paul Miller	✓														
Rep. Timothy Spear	✓														
SENATE															
Sen. Ellie Kinnaird, CO-CHAIR															
Sen. John Snow, CO-CHAIR															
Sen. Dan Clodfelter, VICE CHAIR															
Sen. Stan Bingham, RANKING MINORITY MEMBER															
Sen. Tom Apodaca															
Sen. Pete Bland															
Sen. Keith Presnell															
Sen. Tony Rand															

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415, Legislative Office Building
May 30, 2006 12:00 p.m.

I. CALL TO ORDER
Chairmen: Rep. Phil Haire, Presiding Rep. Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Review of Senate Budget Recommendations
Fiscal Research Staff

House Justice and Public Safety Members

Justice and Public Safety Agencies

III. OTHER BUSINESS: next meeting date

IV. ADJOURNMENT

HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY

May 30, 2006
Room 415 – LOB

HOUSE MEMBERS PRESENT: (8) Representatives Haire, Kiser, Ray, Sutton, Goodwin, Jones, Justus, and Spear.

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday, May 30, 2006 in Room 415 of the Legislative Office Building. **Representative Phil Haire** presided and called the meeting to order at 12:05 p.m. **Rep. Haire** announced that the committee would be looking at the Senate Budget. He then introduced Pages – Jessica Anderson from Caldwell County, Ian Deer from Wake County, and Alicia Byrd from Wilkes County. Sergeant At Arms were Nell Casper, James Worth and Frank Privo.

Jim Mills, Staff, advised the Committee that they would be looking today at the **Senate Justice and Public Safety Budge – Handout #2** and time permitting, **Senate Justice and Public Safety Budget – Special Provisions – Handout #3,** and staff will explain the difference between what was recommended by the Governor and what was recommended by the Senate particularly in the money reports. The Chairs have asked that the Committee look over a one page sheet – **Handout #1 – The Recommended Adjustments for the Senate Budget. Mr. Mills** pointed out that the Governor's Recommended Budget was $1,811,128,416. The target given both to the Senate and the House was $1,821,128,416. The Senate recommended expansion beyond the Governor's Budget giving a total of $1,814,726,451, so it amounts to almost 4 million more than the Governor's, but less than the target. As **Mr. Mills** understands it, the target was not reached by the Senate in JPS and other committees in order to create a greater general availability in other areas of the budget. **Mr. Mills** was also asked by the Chairs to mention that even though the target for the House is still #1,821,128,416, there are a number of different rules – one of them being on annualization requiring positions to be annualized to get the full cost of the position in the budget and the Senate followed that in many cases – there were exceptions to the annualization rules that apply both to the House and Senate. For example, that when there is a grant that is going to last for part of the fiscal year, there's no need to start a new position right away or if there are certain facilities due to open later in the year, there's no need to annualize. For the most part, positions are annualized and there are several other exceptions that the Senate made which will be pointed out later. One other thing that **Mr. Mills** wished to highlight – one of the big issues becomes with the surplus is what's recurring and what's not recurring – I don't really know what the bottom line was for the entire budget, but will give the figures for Justice & Public Safety in the Senate. The Governor's budget recommended the increase at $75 million, and the Governor split that between recurring and non-recurring - $52.5 million recurring and $23.82 million was non-recurring. The final Senate budget

favor of taking $1.00 from the court fees to give to the North Carolina State Bar? **Mr. Stahl** stated that AOC was not consulted. **Rep. Haire** said that he would like to see some figures from legal aid as to how much that dollar would be and what the budget is for the legal aid and what this would do for them. **Mr. Holbrook** said that it would give them an additional million dollars - currently they are getting about 1.3 million dollars. This would reduce availability in the general fund. These monies do not come back to the agency that collects them, but go into the general fund. **Rep. Kiser** said that since it takes away availability, why didn't they just appropriate another million? **M. Holbrook** said that it was never appropriated – it was simply a pass through.

Ms. Thomas continued with **Department of Juvenile Justice and Delinquency Prevention** on **Page 19 of Special Provisions. Special Provisions** were concluded by an explanation of items beginning on **Page 23 – Department of Correction** by **Mr. Mills.**

Rep. Haire adjourned the meeting at 1:50 p.m.

Visitor's Registration lists are attached and made part of these minutes. Tapes of these minutes are kept on file.

Respectfully submitted,

Representative Phil Haire
Chair

Sara Jane Lennard
Committee Assistant

was $42 million recurring and $37 million non-recurring. That is the breakdown that you see in the Senate budget of $79 million.

Rep. Sutton asked if the difference between the target and the Senate budget was spent elsewhere? **Mr. Mills** said that his understanding was yes.

Next was a walk through of the **Senate Budget – Handout #2 –** to show the difference between what the Governor recommended and the Senate recommended and then any new items that have been added. Beginning with **Justice – Page I-7,** by **Ms. Denise Thomas, Staff. Rep. Kiser** asked for a review of the SBI staffing as to what the Governor requested and the Senate provided. **Ms. Thomas** pointed out that the Governor provided for 9 sworn positions and 3 non-sworn, while the Senate provided for 4 sworn and 8 non-sworn positions. **Rep. Kiser** asked if there was anyone there from the Attorney General's Office who could comment on what effect this would have? **Mr. Greg McLeod, AG's Office,** who stated that they would like the 11 sworn and 9 non-sworn and respectfully request that the 20 positions be granted. There were additional questions which were answered by **Mr. McLeod and Nels Roseland – NCDOS.**

Mr. Mills continued with **Juvenile Justice & Delinquency Prevention – Page I-9.**and pointed out the differences in the Governor's recommended budget and the Senate Budget. **Rep. Kiser** asked if the projected money for the Eckerd Wilderness Camp would bring the contracted beds to $132.32 per day? **Mr. Steve Shaber, Lobbyist for Eckerd Wilderness Camp** stated that he thinks that the figure is incorrect. Eckerd did ask for $1,361,500, but it will only bring it to the $121-$122 range. He will get the exact figures. **Mr. Mills** pointed out 2 items that were dropped from the Governor's Budget by the Senate. **Rep. Sutton** asked if the $315,000 recommended for training at the Youth Development Centers is a one time training or a portion in continuing education? **Mr. Mills** believes that it is a mix – some to bring the staff up to date on treatment programs and some continuing. A portion will not be recurring training.

Mr. Mills continued with **Department of Corrections – Page I-11.** The Senate approved items 41-43 from the Governors recommendations. He continued through each item pointing out the differences between what the Governor recommended and what the Senate agrees or disagrees on and explained some of the reasons for those differences.

Mr. Doug Holbrook, Staff, finished the presentation of the Senate Budget with comparisons to the Governor's recommendations with **Crime Control and Public Safety - Page I-15.**

Mr. Holbrook then went on with a continuation of **Handout #2 – Senate Justice and Public Safety Budget – Special Provisions,** particularly pointing out new items. Of particular interest to members was the explanation that the fees for jury members were not increased, but judges were authorized to establish funds where jurors could waive and contribute their daily fees. **Rep. Spear** asked if there was a breakdown by counties as to how many jurors waived their pay. **Mr. Gregg Stahl** stated that they did not have a clue. The cost of accounting for it would cost more than they took in. **Rep. Justus** asked if

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	May 11 2005	May 30 2005	June 2005												
HOUSE															
Rep. Phil Haire, CHAIR	✓	✓	✓												
Rep. Joe Kiser, CHAIR	✓	✓	✓												
Rep. Karen Ray, VICE CHAIR	✓	✓													
Rep. Ron Sutton, VICE CHAIR	✓	✓	✓												
Rep. Phillip Frye	✓		✓												
Rep. Melanie Goodwin	✓	✓	✓												
Rep. Edward Jones	✓	✓	✓												
Rep. Carolyn Justus	✓	✓	✓												
Rep. Paul Miller															
Rep. Timothy Spear	✓	✓	✓												
SENATE															
Sen. Ellie Kinnaird, CHAIR															
Sen. John Snow, CHAIR															
Sen. Dan Clodfelter, VICE CHAIR															
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓														
Sen. Tom Apodaca															
Sen. Pete Bland	✓														
Senator Keith Presnell	✓														
Sen. Tony Rand															

VISITOR REGISTRATION SHEET

Appropriation: Justice & Public Safety — 5-30-06
Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
[illegible]	NCATL
Lee Scoggin	KCLH
Jeanie Carmichael	CCPS
Alexandra White	CCPS
Mike Sprayberry	NCEM
MG Bill Ingram	NC National Guard
Rep. Jones	NC Conference of DAs
[illegible]	AOC
[illegible]	AOC
[illegible]	AOC
Steve Shaber	Poyner + Spruill
Rex Whaley	AOC
Kasia Howell	AOC
Ken Upchurch	DOTDP
John Madler	NC Sentencing Commission
Brenda M Jones	NCEM
Wayne Holgrave	CCPS / Butner Public Safety
Elissa Wolper	IDS
Cliff Hoyman	AOC
Marc Nelson	OSBM
Doug Phelps	National Guard
COL Tom Harris	NC National Guard
Grady Stephenson	NC DEPT. JUV. JUSTICE
George Sweat	N.C. Dept. Juv. Justice Delq. Prev.
Larry Dix	DJJDP
Brian Lewis	Coalition of NC's Children
Guy Mc[illegible]	NCAOC

VISITOR REGISTRATION SHEET

Appropriation Justice & Public Safety 5-30-06

Name of Committee Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Nees Rosemond	NC DOS
Bill Rowe	NCJC
Barbara Baber	NCDOC
Tracy Little	NCDOC
Thurlis Burke	NCDOC
Mildred Spearman	NCDOC
Dwayne Patterson	DJJDP
Daniel Winnie	[illegible]

Attachment # 1
Handout # 1

Justice Public Safety Recommended Budget Adjustments FY2006-07

AGENCY	Certified Budget FY 2006-07	Governor's Recommended FY 2006-07 Expansion	Governor's Recommended FY 2006-07 Budget	Comparison of Governor's Recommended to Certified Budget	Senate Recommended FY 2006-07 Expansion	Senate Recommended FY 2006-07 Budget	Comparison of Senate Recommended to Certified Budget
Correction	1,048,492,502	31,529,391	1,080,021,893	3.0%	33,281,348	1,081,773,850	3.2%
Judicial-AOC	345,760,410	26,158,821	371,919,231	7.6%	27,095,425	372,855,835	7.8%
AOC-Indigent	88,648,414	6,213,600	94,862,014	7.0%	7,483,129	96,131,543	8.4%
Justice	78,697,271	4,571,760	83,269,031	5.8%	5,038,339	83,735,610	6.4%
Juvenile Justice	138,873,166	3,060,852	141,934,018	2.2%	2,527,679	141,400,845	1.8%
Crime Control	35,153,488	3,968,741	39,122,229	11.3%	3,675,280	38,828,768	10.5%
Total JPS	**1,735,625,251**	**75,503,165**	**1,811,128,416**	**4.4%**	**79,101,200**	**1,814,726,451**	**4.6%**

Joint Target

1,821,128,416

Handout # 2

SENATE JUSTICE AND PUBLIC SAFETY BUDGET – SPECIAL PROVISIONS

MAY 25, 2006

PART XIV. JUDICIAL DEPARTMENT

COLLECTION OF WORTHLESS CHECK FUNDS Revised

SECTION 14.1. Notwithstanding the provisions of G.S. 7A-308(c), the Judicial Department may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2006, for the purchase or repair of office or information technology equipment during the 2006-2007 fiscal year. Prior to using any funds under this section, the Judicial Department shall report to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the equipment to be purchased or repaired and the reasons for the purchases.

GRANT FUNDS Revised

SECTION 14.2. The Judicial Department may use up to the sum of one million two hundred fifty thousand dollars ($1,250,000) from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

PROVIDE ADDITIONAL ASSISTANT DISTRICT ATTORNEYS New

SECTION 14.3.(a) G.S. 7A-60(a1) reads as rewritten:

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

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	~~10~~ 11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	~~6~~ 7
3A	Pitt	~~9~~ 11

3B	Carteret, Craven, Pamlico
~~10~~ 11	
4	Duplin, Jones, Onslow,
~~14~~ 16	
	Sampson
5	New Hanover, Pender
~~14~~ 16	
6A	Halifax
4 5	
6B	Bertie, Hertford,
4 5	
	Northampton
7	Edgecombe, Nash, Wilson
~~16~~ 18	
8	Greene, Lenoir, Wayne
~~11~~ 13	
9	Franklin, Granville,
~~11~~ 12	
	Vance, Warren
9A	Person, Caswell
4 5	
10	Wake
~~31~~ 38	
11	Harnett, Johnston, Lee
~~14~~ 16	
12	Cumberland
~~18~~ 21	
13	Bladen, Brunswick, Columbus
~~11~~ 12	
14	Durham
~~13~~ 15	
15A	Alamance
~~8~~ 10	
15B	Orange, Chatham
~~7~~ 9	
16A	Scotland, Hoke
~~5~~ 6	
16B	Robeson
~~10~~ 13	
17A	Rockingham
~~5~~ 6	
17B	Stokes, Surry
~~5~~ 7	

18 ~~27~~ 30	Guilford
19A ~~6~~ 8	Cabarrus
19B 12	Montgomery, Moore, Randolph
19C ~~5~~ 7	Rowan
20A ~~8~~ 10	Anson, Richmond, Stanly Union
20B ~~7~~ 8	Forsyth
21 ~~17~~ 20	Alexander, Davidson, Davie, Iredell
22 ~~16~~ 20	Alleghany, Ashe, Wilkes, Yadkin
23 ~~5~~ 7	Avery, Madison, Mitchell, Watauga, Yancey
24 4 6	Burke, Caldwell, Catawba
25 ~~15~~ 18	Mecklenburg
26 ~~36~~ 49	Gaston
27A ~~12~~ 14	Cleveland, Lincoln
27B ~~9~~ 10	Buncombe
28 ~~11~~ 13	McDowell, Rutherford
29A ~~5~~ 6	Henderson, Polk, Transylvania
29B ~~6~~ 7	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."
30 ~~9~~ 11	

SECTION 14.3.(b) This section becomes effective January 1, 2007.

ADDITIONAL DISTRICT COURT JUDGESHIPS New

SECTION 14.4.(a) G.S. 7A-133(a) reads as rewritten:

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

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

		Franklin
9A	2	Person
		Caswell
9B	2	Warren
		(part of Vance
		see subsection
(b))		
10	~~15~~ 17	Wake
11	8	Harnett
		Johnston
		Lee
12	9	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	~~6~~ 7	Durham
15A	4	Alamance
15B	4 5	Orange
		Chatham
16A	3	Scotland
		Hoke
16B	5	Robeson
17A	2	Rockingham
17B	4	Stokes
		Surry
18	~~12~~ 13	Guilford
19A	4	Cabarrus
19B	~~6~~ 7	Montgomery
		Moore
		Randolph
19C	4 5	Rowan
20A	4	Stanly
		Anson
		Richmond
20B	3	Union
21	9	Forsyth
22	9	Alexander
		Davidson
		Davie
		Iredell
23	4	Alleghany
		Ashe
		Wilkes

		Yadkin
24	4	Avery Madison Mitchell Watauga Yancey
25	~~8~~ 9	Burke Caldwell Catawba
26	~~17~~ 18	Mecklenburg
27A	~~6~~ 7	Gaston
27B	4 5	Cleveland Lincoln
28	~~6~~ 7	Buncombe
29A	3	McDowell Rutherford
29B	4	Henderson Polk Transylvania
30	~~5~~ 6	Cherokee Clay Graham Haywood Jackson Macon Swain."

SECTION 14.4.(b) The Governor shall appoint the additional district court judges for Districts 3A, 3B, 6A, 10, 14, 15B, 18, 19B, 19C, 25, 26, 27A, 27B, 28, and 30 authorized by this act, and those judges' successors shall be elected in the 2008 election for four-year terms commencing on January 1, 2009.

SECTION 14.4.(c) This section becomes effective January 15, 2007, except as to any district court district subject to Section 5 of the Voting Rights Act of 1965, it becomes effective January 15, 2007 or the date upon which subsection (a) of this section is approved under Section 5 of the Voting Rights Act of 1965, whichever is later.

PROVIDE ADDITIONAL MAGISTRATES/ELIMINATE MAXIMUM ALLOCATION OF MAGISTRATES New

SECTION 14.5. 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:

	Additional

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

Granville	3	~~7~~	
Vance	3	~~6~~	
Warren	3	~~5~~	
Franklin	3	~~7~~	
Person	3	~~4~~	
Caswell	2	~~5~~	
Wake	12	~~21~~	Apex, Wendell, Fuquay-Varina, Wake Forest
Harnett	7	~~11~~	Dunn
Johnston	10	~~12~~	Benson, Clayton, Selma
Lee	4	~~6~~	
Cumberland	10	~~19~~	
Bladen	4	~~6~~	
Brunswick	4	~~9~~	
Columbus	6	~~10~~	Tabor City
Durham	8	~~13~~	
Alamance	~~7~~	8 ~~11~~	Burlington
Orange	4	~~11~~	Chapel Hill
Chatham	3	~~9~~	Siler City
Scotland	3	~~5~~	
Hoke	4	~~5~~	
Robeson	~~8~~ 9	~~16~~	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
Rockingham	4	~~9~~	Reidsville,

				Eden, Madison
Stokes	2	~~5~~		
Surry	5	~~9~~		Mt. Airy
Guilford	20	~~27~~		High Point
Cabarrus	5		~~9~~	
Kannapolis				
Montgomery	~~2~~ 3	4		
Randolph	5	~~10~~		Liberty
Rowan	5	~~10~~		
Stanly	5	~~6~~		
Union	4	~~7~~		
Anson	4	~~6~~		
Richmond	5	~~6~~		Hamlet
Moore	5	~~8~~		Southern Pines
Forsyth	3		~~15~~	
Kernersville				
Alexander	2	4		
Davidson	7		~~10~~	
Thomasville				
Davie	2	4		
Iredell	4		~~9~~	
Mooresville				
Alleghany	1	~~2~~		
Ashe	3	4		
Wilkes	4	~~6~~		
Yadkin	3	~~5~~		
Avery	3	~~5~~		
Madison	4	~~5~~		
Mitchell	3	4		
Watauga	4	~~6~~		
Yancey	2	4		
Burke	4	~~7~~		
Caldwell	4	~~7~~		
Catawba	6	~~10~~		Hickory
Mecklenburg	15	~~28~~		
Gaston	~~11~~ 12	~~22~~		
Cleveland	5	~~8~~		
Lincoln	4	~~7~~		
Buncombe	6	~~15~~		
Henderson	4	~~7~~		

McDowell	3	~~6~~	
Polk	3	~~4~~	
Rutherford	6	~~8~~	
Transylvania	2	~~4~~	
Cherokee	3	~~4~~	
Clay	1	~~2~~	
Graham	2	~~3~~	
Haywood	5	~~7~~	Canton
Jackson	3	~~5~~	
Macon	3	~~5~~	
Swain	2	4."	

INCREASE THE PORTION OF THE GENERAL COURT OF JUSTICE COURT FEE USED FOR LEGAL SERVICES PROGRAMS New

SECTION 14.6.(a) G.S. 7A-304(a)(4) reads as rewritten:

"(4) For support of the General Court of Justice, the sum of eighty-five dollars and fifty cents ($85.50) in the district court, including cases before a magistrate, and the sum of ninety-two dollars and fifty cents ($92.50) in the superior court, to be remitted to the State Treasurer. For a person convicted of a felony in superior court who has made a first appearance in district court, both the district court and superior court fees shall be assessed. The State Treasurer shall remit the sum of ~~one dollar and five cents ($1.05)~~ two dollars and five cents ($2.05) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4, and ninety-five cents ($.95) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.19."

SECTION 14.6.(b) G.S. 7A-305(a)(2) reads as rewritten:

"(2) For support of the General Court of Justice, the sum of seventy-nine dollars ($79.00) in the superior court, except that if a case is assigned to a special superior court judge as a complex business case under G.S. 7A-45.3, an additional two hundred dollars ($200.00) shall be paid upon its assignment, and the sum of sixty-four dollars ($64.00) in the district court except that if the case is assigned to a magistrate the sum shall be fifty-three dollars ($53.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of ~~one dollar and five cents ($1.05)~~ two dollars and five cents ($2.05) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4, and ninety-five cents ($.95) of each fee

collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.19."

SECTION 14.6.(c) G.S. 7A-306(a)(2) reads as rewritten:

"(2) For support of the General Court of Justice the sum of forty dollars ($40.00). In addition, in proceedings involving land, except boundary disputes, if the fair market value of the land involved is over one hundred dollars ($100.00), there shall be an additional sum of thirty cents (30¢) per one hundred dollars ($100.00) of value, or major fraction thereof, not to exceed a maximum additional sum of two hundred dollars ($200.00). Fair market value is determined by the sale price if there is a sale, the appraiser's valuation if there is no sale, or the appraised value from the property tax records if there is neither a sale nor an appraiser's valuation. Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of ~~one dollar and five cents ($1.05)~~ two dollars and five cents ($2.05) of each forty-dollar ($40.00) General Court of Justice fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4."

SECTION 14.6.(d) G.S. 7A-307(a)(2) reads as rewritten:

"(2) For support of the General Court of Justice, the sum of forty dollars ($40.00), plus an additional forty cents (40¢) per one hundred dollars ($100.00), or major fraction thereof, of the gross estate, not to exceed six thousand dollars ($6,000). Gross estate shall include the fair market value of all personalty when received, and all proceeds from the sale of realty coming into the hands of the fiduciary, but shall not include the value of realty. In collections of personal property by affidavit, the fee based on the gross estate shall be computed from the information in the final affidavit of collection made pursuant to G.S. 28A-25-3 and shall be paid when that affidavit is filed. In all other cases, this fee shall be computed from the information reported in the inventory and shall be paid when the inventory is filed with the clerk. If additional gross estate, including income, comes into the hands of the fiduciary after the filing of the inventory, the fee for such additional value shall be assessed and paid upon the filing of any account or report disclosing such additional value. For each filing the minimum fee shall be fifteen dollars ($15.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of ~~one dollar and five cents ($1.05)~~ two dollars and five cents ($2.05) of each forty-dollar ($40.00) General Court of Justice fee collected under

this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4."

SECTION 14.6.(e) This section becomes effective July 1, 2006, and applies to fees assessed or collected on or after that date.

COLLECTION OF OFFENDER FINES AND FEES ASSESSED BY THE GENERAL COURT OF JUSTICE New

SECTION 14.7. Article 28 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A-321. Collection of offender fines and fees assessed by the court.**

(a) The Judicial Department may, in lieu of payment by cash or check, accept payment by credit card, charge card, or debit card for the fines and fees owed to the Court by offenders. The Department may pay any negotiated discount, processing fee, transaction fee, or other charge imposed by a credit card, charge card, or debit card company, or by a third-party merchant bank, as a condition of contracting for the Department's acceptance of electronic payment. The Department may impose the fee or charge as a surcharge on the amount paid by the offender using electronic payment.

(b) In attempting to collect the fines and fees owed by offenders to the Judicial Department, the Department may:

(1) Refer an offender who owes the court for fines and fees to a reputable credit counseling agency for the purpose of assisting the offender in restructuring the debt, with the Department designated as the lead or primary creditor.

(2) Assess additional collection fees if an amount due remains unpaid after the time period allotted by the Department.

(3) Assign debt, in the form of fines and fees owed to the Department, to a collection agency after internal collection efforts have failed.

(4) Report the delinquency to agencies that assemble or evaluate credit information.

(5) Intercept tax refunds under Chapter 105A of the General Statutes, the Setoff Debt Collection Act."

JURY FEE WAIVER PROGRAM NEW

SECTION 14.8.(a) G.S. 7A-312 reads as rewritten:

"**§ 7A-312. Uniform fees for jurors; meals.**

(a) A juror in the General Court of Justice including a petit juror, or a coroner's juror, but excluding a grand juror, shall receive twelve dollars ($12.00) per day, except that if any person serves as a juror for more than five days in any 24-month period, the juror shall receive thirty dollars ($30.00) per day for each day of service in excess of five days. A grand juror shall receive twelve dollars ($12.00) per day. However, any juror may waive payment of the per diem fees

provided for in this section. A juror waiving the fee may designate that the fee be used for any of various services provided in that district, as designated by the senior resident superior court judge in accordance with the provisions of subsection (b) of this section. A juror required to remain overnight at the site of the trial shall be furnished adequate accommodations and subsistence. If required by the presiding judge to remain in a body during the trial of a case, meals shall be furnished the jurors during the period of sequestration. Jurors from out of the county summoned to sit on a special venire shall receive mileage at the same rate as State employees.

(b) The senior resident superior court judge in each district may provide jurors with a choice of various services in that district to which they may designate their waived juror fees. The services designated by the senior resident superior court judge shall be human services provided either by a government agency or a charitable nonprofit corporation and may include drug treatment court client services, courthouse self-help centers, and courthouse child care centers. The choice may also include the Crime Victims Compensation Fund and designation to a fund for the establishment of a service not yet available in that district to be provided by a governmental agency or a charitable nonprofit corporation. If the senior resident superior court judge elects not to provide jurors with a choice of human services to designate their waived fees to, or if jurors elect not to designate the fees to a particular service, the waived fees shall represent cost savings to the Judicial Department."

SECTION 14.8.(b) This section becomes effective July 1, 2006, and applies to jury service that begins on or after that date.

New

ESTABLISH INTERMEDIATE DEFERRED PROSECUTION FOR THE DRUG TREATMENT COURT PROGRAM

SECTION 14.9.(a) Section 14.22 of S.L. 2005-276 is repealed.

SECTION 14.9.(b) G.S. 15A-1341(a2) reads as rewritten:

"(a2) Deferred Prosecution for Purpose of Drug Treatment Court Program. – A defendant eligible for a Drug Treatment Court Program pursuant to Article 62 of Chapter 7A of the General Statutes may be placed on probation if the court finds that prosecution has been deferred by the prosecutor, with the approval of the court, pursuant to a written agreement with the defendant, for the purpose of allowing the defendant to participate in and successfully complete the Drug Treatment Court Program. A defendant who would be eligible for deferred prosecution but for a prior criminal conviction may participate in the Drug Treatment Court Program by executing a local drug treatment court contract, by being placed on supervised probation, and by submitting to any of the following additional conditions the court may require:

(1) Special probation as defined in G.S. 15A-1351(a);
(2) Assignment to a residential program;
(3) House arrest with electronic monitoring;

(4) Intensive probation; or

(5) Assignment to a day-reporting center."

SECTION 14.9.(c) G.S. 7A-796 reads as rewritten:

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

Each judicial district choosing to establish a drug treatment court shall form a local drug treatment court management committee, which shall be comprised to assure representation appropriate to the type or types of drug treatment court operations to be conducted in the district and shall consist of persons appointed by the senior resident superior court judge with the concurrence of the chief district court judge and the district attorney for that district, chosen from the following list:

(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) An attorney representing a county department of social services within the district;
(6) A representative of the guardian ad litem;
(7) A member of the private criminal defense bar;
(8) A member of the private bar who represents respondents in department of social services juvenile matters;
(9) A clerk of superior court;
(10) The trial court administrator in judicial districts served by a trial court administrator;
(11) The director or member of the child welfare services division of a county department of social services within the district;
(12) The chief juvenile court counselor for the district;
(13) A probation officer;
(14) A local law enforcement officer;
(15) A representative of the local school administrative unit;
(16) A representative of the local community college;
(17) A representative of the treatment providers;
(18) A representative of the area mental health program;
(19) The local program director provided for in G.S. 7A-798; and
(20) Any other persons selected by the local management committee.

The local drug treatment court management committee shall develop local guidelines and ~~procedures, not inconsistent with the State guidelines,~~ procedures that are necessary for the operation and evaluation of the local drug treatment ~~court.~~ courts in accordance with the National Drug Court Institute's "Ten Key Components" for drug treatment courts and in consultation with the Director of the Administrative Office of the Courts and the Drug Treatment Court Advisory Committee.

The senior resident superior court judge and the chief district court judge shall have hiring and appointment authority over drug treatment court personnel and over policy issues, and they shall consult with the local management committee concerning the local drug treatment court policies and procedures."

SECTION 14.9.(d) G.S. 7A-797 reads as rewritten:

"§ **7A-797. Eligible population; drug treatment court ~~procedures.~~ procedures; funding.**

(a) The Director of the Administrative Office of the Courts, in conjunction with the State Drug Treatment Court Advisory ~~Committee,~~ Committee and local drug treatment court management committees, shall develop criteria for eligibility and other procedural and substantive guidelines for drug treatment court ~~operation.~~operation in accordance with the National Drug Court Institute's "Ten Key Components" for drug treatment courts.

(b) Limitations imposed by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services on other public funds spent for substance abuse treatment shall not apply to treatment provided for Drug Treatment Court Programs."

PERMANENCY MEDIATION

SECTION 14.10.(a) Article 2 of Chapter 7B of the General Statutes is amended by adding a new section to read: New

"**§ 7B-202. Permanency Mediation.**

(a) The Administrative Office of the Courts shall establish a Permanency Mediation Program to provide statewide and uniform services to resolve issues in cases under this Subchapter in which a juvenile is alleged or has been adjudicated to be abused, neglected, or dependent, or in which a petition or motion to terminate a parent's rights has been filed. Participants in the mediation shall include the parties and their attorneys, including the guardian ad litem and attorney advocate for the child; provided, the court may allow mediation to proceed without the participation of a parent whose identity is unknown, a party who was served and has not made an appearance, or a parent, guardian, or custodian who has not been served despite a diligent attempt to serve the person. Upon a finding of good cause, the court may allow mediation to proceed without the participation of a parent who is unable to participate due to incarceration, illness, or some other cause. Others may participate by agreement of the parties, their attorneys, and the mediator, or by order of the court.

(b) The Administrative Office of the Courts shall establish in phases a statewide Permanency Mediation Program consisting of local district programs to be established in all judicial districts of the State. The Director of the Administrative Office of the Courts is authorized to approve contractual agreements for such services as executed by order of the Chief District Court Judge of a district court district, such contracts to be exempt from competitive bidding procedures under Chapter 143 of the General Statutes. The Administrative

Office of the Courts shall promulgate policies and regulations necessary and appropriate for the administration of the program. Any funds appropriated by the General Assembly for the establishment and maintenance of permanency mediation programs under this Article shall be administered by the Administrative Office of the Courts.

(c) Mediation proceedings shall be held in private and shall be confidential. Except as provided otherwise in this section, all verbal or written communications from participants in the mediation to the mediator or between or among the participants in the presence of the mediator are absolutely privileged and inadmissible in court.

(d) Neither the mediator nor any party or other person involved in mediation sessions under this section shall be competent to testify to communications made during or in furtherance of such mediation sessions; provided, there is no confidentiality or privilege as to communications made in furtherance of a crime or fraud. Nothing in this subsection shall be construed as permitting an individual to obtain immunity from prosecution for criminal conduct or as excusing an individual from the reporting requirements of Article 3 of Chapter 7B of the General Statutes or G.S. 108A-102.

(e) Any agreement reached by the parties as a result of the mediation, whether referred to as a "placement agreement," "case plan," or some similar name, shall be reduced to writing, signed by each party, and submitted to the court as soon as practicable. Unless the court finds good reason not to, the court shall incorporate the agreement in a court order, and the agreement shall become enforceable as a court order. If some or all of the issues referred to mediation are not resolved by mediation, the mediator shall report that fact to the court."

SECTION 14.10.(b) The Administrative Office of the Courts may use funds available in the 2006-2007 fiscal year to implement the provisions of this section.

COURT INTERPRETERS New

SECTION 14.11.(a) G.S. 7A-314(f) reads as rewritten:

"(f) In ~~a criminal case when a person who~~ any case in which the Judicial Department is bearing the costs of representation for a party and that party or a witness for that party does not speak or understand the English ~~language is an indigent defendant, a witness for an indigent defendant, or a witness for the State~~ language, and the court appoints a foreign language interpreter to assist that ~~defendant or witness in the case,~~ party or witness, the reasonable fee for the interpreter's services, ~~as set by the court, are~~ is payable from funds appropriated to the ~~Administrative Office of the Courts.~~ Judicial Department. The appointment and payment shall be made in accordance with G.S. 7A-343(9b)."

SECTION 14.11.(b) G.S. 7A-343 is amended by adding a new subdivision to read:

"(9b) Prescribe, in consultation with the Office of Indigent Defense Services, policies and procedures for the appointment and payment of foreign language interpreters in those cases specified in G.S. 7A-314(f). These policies and procedures shall be applied uniformly throughout the General Court of Justice. After consultation with the Joint Legislative Commission on Governmental Operations, the Director may also convert contractual foreign language interpreter positions to permanent State positions when the Director determines that it is more cost-effective to do so."

SECTION 14.11.(c) G.S. 7A-450(a) reads as rewritten:

"(a) An indigent person is a person who is financially unable to secure legal representation and to provide all other necessary expenses of representation in an action or proceeding enumerated in this Subchapter. ~~An~~ A sign language interpreter is a necessary expense as defined in Chapter 8B of the General Statutes for a deaf person who is entitled to counsel under this subsection. A foreign language interpreter is a necessary expense for a party entitled to counsel under this subsection who does not speak or understand the English language."

SECTION 14.11.(d) G.S. 8C-1, Evidence Rule 604, reads as rewritten:

"**Rule 604. Interpreters.**

An interpreter is subject to the provisions of these rules relating to qualification as an expert and the administration of an oath or affirmation that he will make a true ~~translation.~~interpretation. Interpreters provided under G.S. 7A-314(f) shall be appointed and compensated in accordance with G.S. 7A-343(9b)."

MONITORING OF COMMUNITY MEDIATION CENTERS New

SECTION 14.12. G.S. 7A-38.6(a) reads as rewritten:

"(a) All community mediation centers currently receiving State funds shall report annually to the Mediation Network of North Carolina 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 (identified by docket number), 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 Mediation Network of North Carolina shall compile and summarize the information provided pursuant to this subsection and shall provide the information to the Chairs of the House of Representatives and Senate Appropriations

Committees and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by February 1 of each year.

The Mediation Network of North Carolina shall also submit a copy of its report to the Administrative Office of the Courts. The receipt and review of this report by the Administrative Office of the Courts shall satisfy any program monitoring, evaluation, and contracting requirements imposed on the Administrative Office of the Courts by G.S. 143-6.2 and any rules adopted under that section."

COMMUNITY MEDIATION CENTER FUNDING New

SECTION 14.13. G.S. 7A-38.6(e) reads as rewritten:

"(e) Each community mediation center receiving State funds for six or more years shall document that at least ~~fifty percent (50%)~~ twenty-five percent (25%) of total funding comes from non-State sources."

INDIGENT DEFENSE SERVICES/STATE MATCH FOR GRANTS New

SECTION 14.14. The Office of Indigent Defense Services may use a sum up to fifty thousand dollars ($50,000) from funds available to provide the State matching funds needed to receive grant funds. Prior to using funds for this purpose, the Office shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS Revised

SECTION 14.15. Section 14.11 of S.L. 2005-276 reads as rewritten:

"**SECTION 14.11.** The Judicial Department, Office of Indigent Defense Services, may use ~~up to the sum of one million sixty-nine thousand six hundred forty-five dollars ($1,069,645) in appropriated funds during the 2005-2006 fiscal year and~~ up to the sum of ~~one million twenty-three thousand one hundred thirty-five dollars ($1,023,135)~~ two million one hundred eighteen thousand five hundred eighty dollars ($2,118,580) in appropriated funds during the 2006-2007 fiscal year for the expansion of existing offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services by creating up to ~~10~~20 new attorney positions and ~~five~~ 10 new support staff positions. These funds may be used for salaries, benefits, equipment, and related expenses. Prior to using funds for this purpose, the Office of Indigent Defense Services shall report to the Chairs of the House and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion."

PART XV. DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

REVISED

REPORTS ON CERTAIN PROGRAMS

SECTION 15.1. Section 16.3 of S.L. 2005-276 reads as rewritten:

"**SECTION 16.3.(a)** Project Challenge North Carolina, Inc., shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by April 1 each year on the operation and the effectiveness of its program in providing alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined. The report shall include information on:

(1) The source of referrals for juveniles.
(2) The types of offenses committed by juveniles participating in the program.
(3) The amount of time those juveniles spend in the program.
(4) The number of juveniles who successfully complete the program.
(5) The number of juveniles who commit additional offenses after completing the program.
(6) The program's budget and expenditures, including all funding sources.

SECTION 16.3.(b) The Juvenile Assessment Center shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the effectiveness of the Center by April 1 each year. The report shall include information on the number of juveniles served and an evaluation of the effectiveness of juvenile assessment plans and services provided as a result of these plans. In addition, the report shall include information on the Center's budget and expenditures, including all funding sources.

SECTION 16.3.(c) Communities in Schools shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, ~~the Joint Legislative Commission on Governmental Operations,~~ the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, and the Joint Legislative Education Oversight Committee by April 1 each year on the operation and effectiveness of its program. The report shall include information on:

(1) The number of children served.
(2) The number of volunteers used.
(3) The impact on children who have received services from Communities in Schools.
(4) The program's budget and expenditures, including all funding sources."

REVISED

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

SECTION 15.2. Section 16.5 of S.L. 2005-276 reads as rewritten:

"**SECTION 16.5.** Funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for the ~~2005-2006~~ 2006-2007 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission shall consult with the Department of Juvenile Justice and Delinquency Prevention regarding the criteria for awarding federal funds. The Office of State Budget and Management, the Governor's Crime Commission, and the Department of Juvenile Justice and Delinquency Prevention shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the ~~2005-2006~~ 2006-2007 fiscal year, the amount of funds anticipated for the ~~2006-2007~~ 2007-2008 fiscal year, and the allocation of funds by program and purpose."

(NEW)

WAIVER OF REVISED LICENSING STANDARDS FOR JUVENILE FACILITIES

SECTION 15.3. Notwithstanding any other provision of law, the Department of Juvenile Justice and Delinquency Prevention shall operate the seven wilderness camping programs in conjunction with Eckerd Youth Alternatives, Inc., pursuant to the mental health licensing standards of the Department of Health and Human Services, Division of Social Services, effective on July 1, 2006, until January 1, 2008. Revisions or amendments to the State mental health licensing standards that become effective after July 1, 2006, shall not apply to the seven Eckerd wilderness camping programs from July 1, 2006, to July 1, 2008.

ANNUAL EVALUATION OF COMMUNITY PROGRAMS REVISED

SECTION 15.4. Section 16.4 of S.L. 2005-276 reads as rewritten:

"**SECTION 16.4.** The Department of Juvenile Justice and Delinquency Prevention shall conduct an evaluation of the Eckerd and Camp Woodson wilderness camp programs, the teen court programs, the program that grants funds to the local organizations of the Boys and Girls Clubs established pursuant to Section 21.10 of S.L. 1999-237, the Save Our Students program, the Governor's One-on-One Programs, and multipurpose group homes. The teen court report shall include statistical information on the number of juveniles served, the number and type of offenses considered by teen courts, referral sources for teen courts, and the number of juveniles that become court-involved after participation in teen courts. The report on the Boys and Girls Clubs program shall include information on:

(1) The expenditure of State appropriations on the program;

(2) The operations and the effectiveness of the program; and

(3) The number of juveniles served under the program.

In conducting the evaluation of each of these programs, the Department shall consider whether participation in each program results in a reduction of court involvement among juveniles. The Department shall also identify whether the programs are achieving the goals and objectives of the Juvenile Justice Act, S.L. 1998-202. The Department shall report the results of the evaluation to the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee, the Chairs of the House of Representatives and Senate Appropriations ~~Committees~~ Committees, and the Chairs of the Subcommittees on Justice and Public Safety of the House of Representatives and Senate Appropriations Committees by March 1 of each year."

REVISED

ALTERNATIVES TO JUVENILE COMMITMENT/JUVENILE CRIME PREVENTION COUNCILS

SECTION 15.5. Section 16.11 of S.L. 2005-276 reads as rewritten:

"**SECTION 16.11.(a)** Of the funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention, the sum of two hundred fifty thousand dollars ($250,000) shall be used to expand Juvenile Crime Prevention Councils demonstration projects designed to reduce commitments to youth development centers. Specifically, the funds shall be awarded to Juvenile Crime Prevention Councils to provide residential and/or community-based intensive services to juveniles who have been adjudicated delinquent with a level 2 or 3 disposition or who are reentering the community after serving time in a youth development center. The Department shall develop a competitive grant award process to allocate the funds to county Juvenile Crime Prevention Councils. The programs must initiate services to the targeted population no later than March 1, 2006. On June 30, 2006, any funds not awarded for demonstration projects pursuant to this section by the Department shall revert to the General Fund. The Department may award up to four grants to Juvenile Crime Prevention Councils, and no individual grant may exceed one hundred thousand dollars ($100,000).

SECTION 16.11.(b) The Department of Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than March 1, 2006, on the implementation and award process. The report shall provide a detailed description of the services to be provided by each program, the number and types of juveniles to be served, and the amount awarded to each program.

SECTION 16.11.(c) The Department of Juvenile Justice and Delinquency Prevention shall report to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety no later than March 1, 2006, and annually thereafter, on the results of the alternatives to commitment demonstration programs funded by Section 16.7 of S.L. 2004-124. The 2007 report and all annual reports thereafter shall also include projects funded by this section for the

2005-2006 fiscal year. Specifically, the report shall provide a detailed description of each of the demonstration programs, including the numbers of juveniles served, their adjudication status at the time of service, the services/treatments provided, the length of service, the total cost per juvenile, and the six- and 12-month recidivism rates for the juveniles after the termination of program services.

SECTION 16.11.(d) The requirements of this section apply to all future allocations by the Department of Juvenile Justice and Delinquency Prevention of the funds appropriated to the Department by Section 16.11 of S.L. 2005-276 and Section 16.7 of S.L. 2004-124."

REPORTS ON YOUTH DEVELOPMENT CENTERS REVISED

SECTION 15.6.(a) Section 16.6 of S.L. 2005-276 reads as rewritten:

"**SECTION 16.6.(a)** The Department of Juvenile Justice and Delinquency Prevention shall report December 31, 2005, and quarterly thereafter during the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and to the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee on the treatment staffing model being piloted at Samarkand and Stonewall Jackson Youth Development Centers. The report shall include a list of total positions at each facility by job class, whether the position is vacant or filled, whether positions were filled from internal employees or new employees, and the training and certification status of each position. The report shall also describe the nature of the treatment program, the criteria for evaluating the program, and how the program is performing in comparison to these criteria. The report shall also describe the training approach to be used to train staff in using treatment methods in youth development centers and provide information on current staff training and staff training planned for the next quarter. The Department shall also develop indicators for evaluating staff performance once the model has been implemented.

SECTION 16.6.(b) The Department of Juvenile Justice and Delinquency Prevention shall report December 31, 2005, and quarterly thereafter during the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee on the implementation of the treatment staffing model at Dobbs, Dillon, and Juvenile Evaluation Center Youth Development Centers. The Department shall identify the number of positions reallocated to the new treatment job classes and the source of funding for those positions.

SECTION 16.6.(c) The Department of Juvenile Justice and Delinquency Prevention shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee by November 10, 2006, on the final recommended staffing plan for youth development centers for the 2007-2008 fiscal year. The report shall include:

(1) The latest results of the evaluation of the pilot treatment staffing models at the Samarkand and Stonewall Jackson Youth Development Centers and the progress in implementing the model at other youth development centers.

(2) The total recommended staffing by position classification for each youth development center. Staffing by shift shall be provided for each housing unit as well as justification for the level and type of staff on each shift.

(3) The total cost and cost per bed for each youth development center to implement the staffing model.

(4) The primary basis for the number of staff at each youth development center by classification.

(5) An identification of other states that have implemented a treatment based staffing model, how the staffing patterns compare to the Department of Juvenile Justice and Delinquency Prevention proposal, and any research on the benefits and outcomes of using the treatment based approach in these states."

SECTION 15.6.(b) It is the intent of the General Assembly to consider appropriating funds for new treatment positions at youth development centers only when the report required by subsection (a) of this section is received by the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety.

PART XVI. DEPARTMENT OF CORRECTION

REVISED

INMATE COSTS/MEDICAL BUDGET FOR PRESCRIPTION DRUGS AND INMATE LAUNDRY SERVICES

SECTION 16.1. Section 17.6 of S.L. 2005-276 reads as rewritten:

"**SECTION 17.6.(a)** If the cost of providing ~~food and~~ health care to inmates housed in the Division of Prisons is anticipated to exceed the continuation budget amounts provided for that purpose in this act, the Department of Correction shall report the reasons for the anticipated cost increase and the source of funds the Department intends to use to cover those additional needs to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety.

SECTION 17.6.(b) Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the ~~2005-2006 fiscal year~~ 2005-2007 biennium for the purchase of prescription drugs for inmates if expenditures are projected to exceed the Department's inmate medical continuation budget for prescription drugs. The Department shall consult with the

Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

SECTION 17.6.(c) Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the ~~2005-2006 fiscal year~~ 2005-2007 biennium for the purchase of ~~clothing and~~ laundry services for inmates if expenditures are projected to exceed the Department's budget for clothing and laundry services. The Department shall consult with the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount."

REVISED

CONVERSION OF CONTRACTED MEDICAL POSITIONS

SECTION 16.2. Section 17.7 of S.L. 2005-276 reads as rewritten:

"**SECTION 17.7.(a)** The Department of Correction may convert contract medical positions to permanent State medical positions if the Department can document that the total savings generated will exceed the total cost of the new positions for each facility. Where practical, the Department shall convert contract positions to permanent positions by using existing vacancies in medical positions.

SECTION 17.7.(b) The Department of Correction shall report by ~~April 1, 2006,~~ April of each year to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on all conversions made pursuant to this section, by type of position and location, and on the savings generated at each correctional facility."

COMPUTER/DATA PROCESSING SERVICES FUNDS REVISED

SECTION 16.3. Section 17.10. of S.L. 2005-276 reads as rewritten:

"**SECTION 17.10.** Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the ~~2005-2006 fiscal year~~ 2005-2007 biennium for expenses for computer/data processing services if expenditures exceed the Department's continuation budget amount for those services. The Department shall report to the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount."

REPORTS ON NONPROFIT PROGRAMS REVISED

SECTION 16.4. Section 17.22 of Session Laws 2005-276 reads as rewritten:

"**SECTION 17.22.(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 to serve women released from prison with children in their custody. Harriet's House shall report by February 1 of each year to the ~~Joint Legislative Commission on Governmental Operations~~ Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee 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 successfully complete the Harriet's House program, and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(b) Summit House shall report by February 1 of each year to the ~~Joint Legislative Commission on Governmental Operations~~ Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee 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 had their probation revoked, the number of clients who successfully complete the program while housed at Summit House, Inc., and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(c) Women at Risk shall report by February 1 of each year to the ~~Joint Legislative Commission on Governmental Operations~~ Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee 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, the number of clients who have successfully completed the program, and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts."

PAROLE ELIGIBILITY REPORT REVISED

SECTION 16.5. Section 17.28 of S.L. 2005-276 reads as rewritten:

"**SECTION 17.28.(a)** The Post-Release Supervision and Parole Commission shall, with the assistance of the North Carolina Sentencing and Policy Advisory Commission and the Department of Correction, analyze the amount of time each parole-eligible inmate has served compared to the time served by offenders under Structured Sentencing for comparable crimes. The Commission shall determine if the person has served more time in custody than the person would have served if sentenced to the maximum sentence under the provisions of Article 81B of Chapter 15A of the General Statutes. The "maximum sentence", for the purposes of this section, shall be calculated as set forth in subsection (b) of this section.

SECTION 17.28.(b) For the purposes of this section, the following rules apply for the calculation of the maximum sentence:

(1) The offense upon which the person was convicted shall be classified as the same felony class as the offense would have

been classified if committed after the effective date of Article 81B of Chapter 15A of the General Statutes.

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

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

SECTION 17.28.(c) The Commission shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee ~~on the results of its analysis by October 1, 2005.~~ and to the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1, 2007. The report shall include the following: the class of the offense for which each parole-eligible inmate was convicted and whether an inmate had multiple criminal convictions. The Commission shall reinitiate the parole review process for each offender who has served more time than that person would have under Structured Sentencing as provided by subsections (a) and (b) of this section.

The Commission shall also report ~~by February 1, 2006, regarding~~ on the number of parole-eligible inmates reconsidered in compliance with this section and the number who were actually paroled."

New

PRETRIAL SERVICES PROGRAM

SECTION 16.6. Of funds appropriated from the General Fund to the Department of Correction the sum of four hundred thousand dollars ($400,000) for the 2006-2007 fiscal year shall be used for the Pretrial Services Program. These funds will be managed by the Criminal Justice Partnership Program and will be allocated on a matching basis according to the following priorities:

(1) Counties that received State funds through the Criminal Justice Partnership Program to operate pretrial services programs in the 2005-2006 fiscal year.

(2) Counties that do not currently have a pretrial services program, but would like to start one.

(3) Counties that currently operate pretrial services programs but did not receive State funds to operate during the 2005-2006 fiscal year.

GPS MONITORING OF MOST SERIOUS SEX OFFENDERS NEW

SECTION 16.7.(a) Article 27A of Chapter 14 of the General Statutes is amended by adding a new Part to read:

"Part 5. Sex Offender Monitoring.

"**§ 14-208.33. Establishment of program; creation of guidelines; duties.**

(a) The Department of Correction shall establish a sex offender monitoring program that uses a continuous satellite-based monitoring system and shall create guidelines to govern the program. The program shall be designed to monitor two categories of offenders as follows:

(1) Any offender who is convicted of a reportable conviction as defined by G.S. 14-208.6(4) and who is required to register under Part 3 of Article 27A of Chapter 14 of the General Statutes because the defendant is classified as a sexually violent predator, is a recidivist, or was convicted of an aggravated offense as those terms are defined in G.S. 14-208.6. An offender in this category who is ordered by the court to submit to satellite-based monitoring is subject to that requirement for the person's natural life, unless the requirement is terminated pursuant to G.S. 14-208.36.

(2) Any offender who satisfies all of the following criteria: (i) is convicted of a reportable conviction as defined by G.S. 14-208.6(4), (ii) is required to register under Part 2 of Article 27A of Chapter 14 of the General Statutes, (iii) has committed an offense involving the physical, mental, or sexual abuse of a minor, and (iv) based on the Department's risk assessment program requires the highest possible level of supervision and monitoring. An offender in this category who is ordered by the court to submit to satellite-based monitoring is subject to that requirement only for the period of time ordered by the court and is not subject to a requirement of lifetime satellite-based monitoring.

(b) In developing the guidelines for the program, the Department shall require that any offender who is enrolled in the satellite-based program submit to an active continuous satellite-based monitoring program, unless an active program will not work as provided by this section. If the Department determines that an active program will not work as provided by this section, then the Department shall require that the defendant submit to a passive continuous satellite-based program that works within the technological or geographical limitations.

(c) The satellite-based monitoring program shall use a system that provides all of the following:

(1) Time-correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location tracking technology.

(2) Reporting of subject's violations of prescriptive and proscriptive schedule or location requirements. Frequency of reporting may range from once a day (passive) to near real-time (active).

(d) The Department may contract with a single vendor for the hardware services needed to monitor subject offenders and correlate their movements to reported crime incidents. The contract may provide for services necessary to implement or facilitate any of the provisions of this Part.

"**§ 14-208.34. Enrollment in satellite-based monitoring programs mandatory; length of enrollment.**

(a) Any person described by G.S. 14-208.33(a)(1) shall enroll in a satellite-based monitoring program with the Division of Community Corrections office in the county where the person resides. The person shall remain enrolled in the satellite-based monitoring program for the registration period imposed under G.S. 14-208.23 which is the person's life, unless the requirement to enroll in the satellite-based monitoring program is terminated pursuant to G.S. 14-208.35.

(b) Any person described by G.S. 14-208.33(a)(2) who is ordered by the court to enroll in a satellite-based monitoring program shall do so with the Division of Community Corrections office in the county where the person resides. The person shall remain enrolled in the satellite-based monitoring program for the period of time ordered by the court.

"**§ 14-208.35. Lifetime registration offenders required to submit to satellite-based monitoring for life and to continue on unsupervised probation upon completion of sentence.**

Notwithstanding any other provision of law, when the court sentences an offender who is in the category described by G.S. 14-208.33(a)(1) for a reportable conviction as defined by G.S. 14-208.6(4), and orders the offender to enroll in a satellite-based monitoring program, the court shall also order that the offender, upon completion of the offender's sentence and any term of parole, post-release supervision, intermediate punishment, or supervised probation that follows the sentence, continue to be enrolled in the satellite-based monitoring program for the offender's life and be placed on unsupervised probation unless the requirement that the person enroll in a satellite-based monitoring program is terminated pursuant to G.S. 14-208.36.

"**§ 14-208.36. Request for termination of satellite-based monitoring requirement.**

(a) An offender described by G.S. 14-308.33(a)(1) who is required to submit to satellite-based monitoring for the offender's life may file a request for termination of monitoring requirement with the Post-Release Supervision and Parole Commission. The request to terminate the satellite-based monitoring requirement and to terminate the accompanying requirement of unsupervised

probation may not be submitted until at least one year after the offender: (i) has served his or her sentence for the offense for which the satellite-based monitoring requirement was imposed, and (ii) has also completed any period of probation, parole, or post-release supervision imposed as part of the sentence.

(b) Upon receipt of the request for termination, the Commission shall review documentation contained in the offender's file and the statewide registry to determine whether the person has complied with the provisions of this Article. In addition, the Commission shall conduct fingerprint-based state and federal criminal history record checks to determine whether the person has been convicted of any additional reportable convictions.

(c) If it is determined that the person has not received any additional reportable convictions during the period of satellite-based monitoring and the person has substantially complied with the provisions of this Article, the Commission may terminate the monitoring requirement if the Commission finds that the person is not likely to pose a threat to the safety of others.

(d) If it is determined that the person has received any additional reportable convictions during the period of satellite-based monitoring or has not substantially complied with the provisions of this Article, the Commission shall not order the termination of the monitoring requirement.

(e) The Commission shall not consider any request to terminate a monitoring requirement except as provided by this section. The Commission has no authority to consider or terminate a monitoring requirement for an offender described in G.S. 14-208.33(a)(2).

"**§ 14-208.37. Failure to enroll; tampering with device.**

(a) Any person required to enroll in a satellite-based monitoring program who fails to enroll shall be guilty of a Class E felony.

(b) Any person who intentionally tampers with, removes, or vandalizes a device issued pursuant to a satellite-based monitoring program to a person duly enrolled in the program shall be guilty of a Class C felony.

"**§ 14-208.38. Fees.**

(a) There shall be a onetime fee of ninety dollars ($90.00) assessed to each person required to enroll pursuant to this Part. The court may exempt a person from paying the fee only for good cause and upon motion of the person placed on satellite-based monitoring. The court may require that the fee be paid in advance or in a lump sum or sums, and a probation officer may require payment by those methods if the officer is authorized by subsection (c) of this section to determine the payment schedule. This fee is intended to offset only the costs associated with the time-correlated tracking of the geographic location of subjects using the location tracking crime correlation system.

(b) The fee shall be payable to the clerk of superior court, and the fees shall be remitted quarterly to the Department.

(c) If a person placed on supervised probation, parole, or post-release supervision is required as a condition of that probation, parole, or post-release

supervision to pay any moneys to the clerk of superior court, the court may delegate to a probation officer the responsibility to determine the payment schedule."

SECTION 16.7.(b) G.S. 15A-1343(b2) reads as rewritten:

"(b2) Special Conditions of Probation for Sex Offenders and Persons Convicted of Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – As special conditions of probation, a defendant who has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, must:

(1) Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).

(2) Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.

(3) Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.

(4) Not reside in a household with any minor child if the offense is one in which there is evidence of sexual abuse of a minor.

(5) Not reside in a household with any minor child if the offense is one in which there is evidence of physical or mental abuse of a minor, unless the court expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the minor child's best interest to allow the probationer to reside in the same household with a minor child.

(6) Satisfy any other conditions determined by the court to be reasonably related to his rehabilitation.

(7) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the defendant is described by G.S. 14-208.33(a)(1).

(8) Submit to electronic monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the defendant is in the category described by G.S. 14-208.33(a)(2), and the Department of Correction, based on the Department's risk assessment program, recommends that the defendant submit to the highest possible level of supervision and monitoring.

Defendants subject to the provisions of this subsection shall not be placed on unsupervised probation."

SECTION 16.7.(c) G.S. 15A-1343.2 is amended by adding a new subsection to read:

"(f1) Mandatory Condition of Satellite-Based Monitoring For Some Sex Offenders. – Notwithstanding any other provision of this section, the court shall impose satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14

of the General Statutes as a condition of probation on any offender who is described by G.S. 14-208.33(a)(1)."

SECTION 16.7.(d) G.S. 15A-1343.2(f) is amended by adding a new subdivision to read:

"(5) Submit to electronic monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the defendant is described by G.S. 14-208.33(a)(2)."

SECTION 16.7.(e) G.S. 15A-1344 is amended by adding a new subsection to read:

"(e2) Mandatory Satellite-Based Monitoring Required for Extension of Probation in Response to Violation by Certain Sex Offenders. – If a defendant who is in the category described by G.S. 14-208.33(a)(1) violates probation and if the court extends the probation as a result of the violation, then the court shall order satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes as a condition of the extended probation."

SECTION 16.7.(f) G.S. 15A-1368.2 is amended by adding a new subsection to read:

"(c1) Notwithstanding subsection (c) of this section, a person required to submit to satellite-based monitoring pursuant to G.S. 15A-1368.4(b1)(6) shall continue to participate in satellite-based monitoring beyond the period of post-release supervision until the Commission releases the person from that requirement pursuant to G.S. 15A-1368.4A."

SECTION 16.7.(g) G.S. 15A-1368.4 (b1) reads as rewritten:

"(b1) Additional Required Conditions for Sex Offenders and Persons Convicted of Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – In addition to the required condition set forth in subsection (b) of this section, for a supervisee who has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, controlling conditions, violations of which may result in revocation of post-release supervision, are:

(1) Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).

(2) Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the Commission.

(3) Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.

(4) Not reside in a household with any minor child if the offense is one in which there is evidence of sexual abuse of a minor.

(5) Not reside in a household with any minor child if the offense is one in which there is evidence of physical or mental abuse of a minor, unless a court of competent jurisdiction expressly finds that it is unlikely that the defendant's harmful or abusive conduct

will recur and that it would be in the child's best interest to allow the supervisee to reside in the same household with a minor child.

(6) Failure to submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the offense is a reportable conviction as defined by G.S. 14-208.6(4) and the supervisee is in the category described by G.S. 14-208.33(a)(1).

(7) Failure to submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the offense is a reportable conviction as defined by G.S. 14-208.6(4) and the supervisee is in the category described by G.S. 14-208.33(a)(2)."

SECTION 16.7.(h) G.S. 15A-1374 is amended by adding a new subsection to read:

"(b1) Mandatory Satellite-Based Monitoring Required as Condition of Parole for Certain Offenders. – If a parolee is in a category described by G.S. 14-208.33(a)(1), the Commission must require as a condition of parole that the parolee submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes. If a parolee is in a category described by G.S. 14-208.33(a)(2), the Commission may require as a condition of parole that the parolee submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes."

SECTION 16.7.(i) G.S. 143B-266 is amended by adding a new subsection to read:

"(e) The Commission may accept and review requests from persons placed on probation, parole, or post-release supervision to terminate a mandatory condition of satellite-based monitoring as provided by G.S. 14-208.35. The Commission may grant or deny those requests in compliance with G.S.14-208.35."

SECTION 16.7.(j) The Department of Correction shall have the program enacted by subsection (a) of this section established by January 1, 2007.

SECTION 16.7.(k) This section is effective when it becomes law and applies to offenses committed on or after that date. This section also applies to any person sentenced to intermediate punishment on or after that date and to any person released from prison by parole or post-release supervision on or after that date. This section also applies to any person who completes his or her sentence on or after the effective date of this section who is not on post-release supervision or parole. However, the requirement to enroll in a satellite-based program is not mandatory until January 1, 2007, when the program is established.

Handout # 2

SENATE JUSTICE AND PUBLIC SAFETY BUDGET

MAY 25, 2006

JPS Senate Budget
MAY 25, 2006

Senate Subcommittee on Justice and Public Safety

Judicial

GENERAL FUND

	FY 06-07
Total Budget Approved 2005 Session	**$345,760,410**

Budget Changes

1	**Increase Pass-through to Dispute Settlement Center** (mediation) Senate		$529,545	R

Appropriates $529,545 to 24 dispute settlement centers across the state. These funds restore past-year cuts to this funding area. The funding will be allocated to the programs as follows

Cabarrus -- $11,000
Charlotte/Mecklenburg -- $75,000
Duplin -- $8,090
Deep River -- $23,023
Cape Fear -- $14,755
Morganton -- $25,380
Cumberland -- $5,000
Henderson -- $24,968
Moore -- 15,369
Asheville -- $55,750
Eastern Carolina -- $11,677
Southern Piedmont -- $25,000
Forsyth -- $12,000
Guilford -- $15,000
Rockingham -- $15,169
Mountain -- $25,324
Orange -- $14,899
Transylvania -- $27,869
Sandhills -- $9,240
Durham -- $6,000
Blue Ridge -- $30,000
Carolina Dispute -- $12,000
Piedmont -- $50,000
Foothills -- $17,032

Administration

2 Technology Initiatives — $5,500,000 R; Revised $1,900,000 NR

Provides a mix of recurring and non-recurring money for critical technology projects with the AOC, as follows:

1) rewrite of obsolete processing systems for clerks and district attorney/public defender cases, including required data cleanup to implement a statewide warrant repository (NCAWARE);

2) new initiatives related to court, civil eFiling, electronic payments, and electronic traffic court;

3) maintenance and enhancement of existing applications including eCitation and Casewise/Jwise.

Gov. Request 4.5m R 1m NR

3 Innocence Claim Review Commission — $320,268 R; Senate $50,579 NR; 3.00

Establishes staff for the Innocence Claim Review Commission, pending passage of House Bill 1323.

Appellate

4 Justice Building Renovation — $32,000 R; Gov $480,000 NR

Renovations to the Justice Building are scheduled to continue into fiscal year 2006-07, but funds for the temporary relocation of staff are only budgeted for fiscal year 2005-06. Additionally, recurring funds for office leases will be required while the Ruffin Building, housing the Court of Appeals, is renovated.

5 New Court of Appeals Positions — $108,990 R; Gov $14,467 NR; 2.00

Appropriates funding for one new Staff Attorney I and one new Appellate Clerk I to address increases in appellate workload and to expedite parental termination of rights cases. These positions have been annualized for a July 1, 2006, effective date.

District Attorneys

6 New Prosecutors and Support Staff — $3,820,851 R; Gov $416,124 NR; 99.00

Provides funding for 90 new Assistant District Attorneys and 9 Victim Witness Legal Assistants. The Assistant District Attorney positions will be allocated based on the workload formula adopted by the Conference of District Attorneys. These positions will be effective January 1, 2007.

(effective date 1/1/07 rather than 10/1/06)

7 Open File Discovery Project — Revised $3,000,000 NR

Due to recent legislation requiring open discovery in criminal cases, there is need for an evidence tracking automated system that will register the articles of evidence, track their use, and verify that the articles have been disclosed to the appropriate parties as required by law. The Conference of District Attorneys recommended providing $1.7 million R and $1.3 million NR for this purpose. The Committee recommends providing $3 million NR for the proposal.

Gov Request $1.7 R 1.3 NR

Equipment and Other Reserves

8 Critical Equipment Needs

Provides nonrecurring funds to replace essential technology and office equipment that is six years or older. Nonrecurring funds are also recommended for the replacement of audio machines in District Court, and for telephone systems that are ten years or older. In addition, recurring funds are recommended for the continued replacement of outdated equipment and systems.

Revised

$2,500,000 R
$3,800,000 NR

Gov. Request $1.5mR

9 Equipment for New Courthouses

Appropriates funds for new telephone systems and LAN equipment in the new courthouses located in Clay and Harnett Counties.

Gov

$110,000 NR

Trial Courts

10 New District Court Judge Positions

Provides funding for sixteen new District Court Judges in the following districts based on the AOC workload formula and consultation with the Conference of Chief District Court Judges:

Rev.

$1,046,000 R
$178,304 NR
16.00

Gov Request 9 pos.

3A -- Pitt
3B -- Craven, Carteret, Pamlico
6A -- Halifax
10 -- Wake (2 positions)
14 -- Durham
15B-- Orange, Chatham
18 -- Guilford
19B-- Moore, Montgomery, Randolph
19C-- Rowan
25 -- Burke, Caldwell, Catawba
26 -- Mecklenburg
27A-- Gaston
27B-- Cleveland, Lincoln
28 -- Buncombe
30 -- Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain

These positions are effective January 15, 2007.

11 New Deputy Clerk Positions

Additional deputy clerks are needed to address significant increases in certain types of cases such as foreclosures and estate cases. The positions will be assigned by the Director of the Administrative Office of the Courts. These positions will be effective on January 1, 2007.

Gov

(1/1/07 eff. date)

$1,323,900 R
$184,350 NR
75.00

12 New Magistrate Positions

Appropriates funding for six new magistrates. These positions are needed to meet the magistrate staffing levels set forth in GS 7A-133. These positions have been annualized for a July 1, 2006, start date.

Gov

$240,978 R
$24,984 NR
6.00

These magistrates will be assigned in the following counties: Carteret, Greene, Alamance, Robeson, Montgomery, and Gaston.

FY 06-07

13 New Guardian ad Litem Program Staff — Revised — $743,130 R

Provides funding for thirteen new Guardian ad Litem staff positions to address significant increases in caseloads. These positions will include program supervisors, program assistants, volunteer recruitment and retention specialists, and administrative specialists.

Gov. 8 pos — $37,231 NR; 13.00

14 New District Court Judicial Support Staff — Gov — $200,845 R

Provides funding for five new District Court Judicial support staff positions (Judicial Assistant I). These positions are needed to support the recently established judgeships, expansion of family mediation, and other arbitration and mediation efforts. These positions have been annualized for a July 1, 2006, start date.

$19,080 NR; 5.00

15 Expansion of Custody Mediation Program — Gov — $558,074 R

Appropriates funding to expand the Custody Mediation Program into the final remaining Judicial Districts, as required by GS 7A-494(a). This expansion will require the establishment of 7.75 new support staff. These positions have been annualized for a July 1, 2006, effective date.

$38,912 NR; 7.75

16 Recurring Funds for Family Court Program — Revised — $300,400 R

Provides funding to make the Wake Family Court permanent and to establish two new Family Court Case Coordinator positions in Cumberland and Mecklenburg Counties to meet rising caseloads.

Gov. = $175,000 — $8,372 NR; 4.00

17 Expansion of Drug Treatment Court — Revised — $238,092 R

Appropriates additional recurring funds for statewide Drug Treatment Court operations ($49,992), as well as for three Drug Treatment Court case coordinator positions to replace federal funding that is expiring.

Gov = $317,377 5 pos — $17,562 R; 3.00

18 Interpreter Fee Payments — Revised — $775,000 NR

Fully funds interpreter fee payment line item. The current budget for interpreter fees is insufficient to support the total expenditures for this service, which must be provided as required by statute. This expansion is provided on a nonrecurring basis for this fiscal year.

Gov was Recurring

19 Pilot for Self-Serve Centers — Senate — $200,000 NR

Appropriates nonrecurring funds for a pilot implementation of self-serve centers in four courthouses in the state. AOC will select the four sites, which will provide access to legal forms and other resources for pro se litigants.

20 Business Court Expansion — Senate — $236,206 R

Provides funds for a Business Court site in Wake County.

$11,015 NR; 2.00

21 Eliminate Reserve for HB 1048 — Senate — ($1,869,834) R

Eliminates the $1.8 million reserve established in SB 622 for judicial and prosecutorial staff pending the passage of House Bill 1048, Governor's DWI Recommendations.

Budget Changes	**$15,829,445**	**R**
	$11,265,980	**NR**
Total Position Changes	235.75	
Revised Total Budget	**$372,855,835**	

Judicial - Indigent Defense

GENERAL FUND

	FY 06-07
Total Budget Approved 2005 Session	**$88,648,414**

Budget Changes

Indigent Persons Attorney Fee Fund

22 Attorney Fee Payments for Indigent Defense — Revised Gov: $2mR 2.5NR
Nonrecurring funds are recommended for unpaid attorney fee applications from fiscal year 2005-06 that need to be carried over to fiscal year 2006-07 due to a funding shortfall.
$4,500,000 NR

23 Hourly Rate for Private Assigned Counsel — Gov
Provides funding to increase the hourly rate for private assigned counsel in capital cases to $95 at the trial, appellate, and post-conviction levels. The current rate is $85, which was set in 1993.
$1,591,162 R

24 NC Prisoner Legal Services, Inc. Contract — Gov
Appropriates funding for inflationary increases for the contract with Prisoner Legal Services, Inc.(PLS). Current operating costs for this contract are higher than the total contract amount, creating an operating shortfall for PLS.
$122,438 NR

25 Establish Audit Function — Senate
Establish an Auditor II position within the Office of Indigent Defense Services to analyze fee applications and effect cost savings by preventing over billing.
$66,029 R
$3,500 NR
1.00

Sentencing Services

26 Restore Sentencing Services — Senate
Appropriates $1.2 million to partially restore a funding cut in the 2005-06 budget to the Sentencing Services Program, which provides assessment services to pre-sentenced offenders.
$1,200,000 R

Budget Changes	**$2,857,191 R**
	$4,625,938 NR
Total Position Changes	1.00
Revised Total Budget	**$96,131,543**

Justice

GENERAL FUND

	FY 06-07
Total Budget Approved 2005 Session	**$78,697,271**

Budget Changes

CJTSD

27 In-Service LEO Training

SENATE

Funding is provided to the Criminal Justice Training and Standards Division to develop a new online training and registration system. The system will support Division efforts to provide training and certification services to the state's 29,000 law enforcement officers, 7,000 detention officers, and all 911 operators.

$300,000 NR

Law Enforcement

28 SBI Staff Expansion

REVISED

Funding is provided for 12 investigative and forensic analysis positions, including 4 sworn and 8 non-sworn as follows:

- 3 SBI Field Agents (Sworn)
- 1 Computer Crime Agent (Sworn)
- 2 Drug Chemists (non-sworn)
- 2 Drug Chemists Tech (non-sworn)
- 2 Forensic Computer Analyst (non-sworn)
- 2 Molecular Geneticists (non-sworn)

Gov requested:
906,318 R
582,992 NR
12.0
9 sworn, 3 non-sworn

Senate - 4 sworn + 8 non-sworn

$763,670 R
$400,896 NR
12.00

29 SAFIS Replacement

Provide funding to replace state and local equipment for the Statewide Automated Fingerprint Identification System. In addition, funding is provided for one position: Application Development Supervisor

GOV

$72,180 R
$1,891,588 NR
1.00

30 SBI Lab Expansion

Funding is provided to purchase two diesel generators and cubicle furniture to accommodate personnel relocating from Blount Street to the SBI campus. In addition, $50,000 is provided to install the diesel generators which have already been purchased for the Larry T. Justus Western Justice Academy.

REVISED

220,000R for 2 generators and furniture in Raleigh

$650,000 NR

31 Business Recovery Site

Funds are provided for a business recovery site to house the backup computer center being relocated from the Blount Street site. Funding is also provided for telecommunication charges and IT services charges.

GOV

$353,676 R

Legal Services

32 Attorney Positions GOV

Funding is provided for three positions for the Appellate and Law Enforcement Liaison Sections:

Attorney II(2 positions)
Attorney III

$238,757 R
$13,200 NR
3.00

33 Sex Offender Registry Upgrade

Funding is provided to use contractual services to upgrade the state's Sex Offender Registry to include GIS mapping of offenders and public email notification capabilities.

REVISED
393,697 R
255,020 NR
2.0 pos

$200,000 NR

34 Tort Claims Positions

Funding is provided for two positions to handle the increased demand for tort claims processing services:

GOV

$145,572 R
$8,800 NR
2.00

Tort Claims Adjuster
Attorney I

35 Receipt-Supported Attorney Positions

Establish one receipt-supported Attorney III position, at an annual salary of $89,739 plus benefits, to provide legal services for the Department of Cultural Resources. This position will be supported by receipts from the Department of Cultural Resources.

GOV

Budget Changes	**$1,573,855**	R
	$3,464,484	NR
Total Position Changes	18.00	
Revised Total Budget	**$83,735,610**	

Juvenile Justice & Delinquency Prevention

GENERAL FUND

	FY 06-07
Total Budget Approved 2005 Session	**$138,873,166**

Budget Changes

Department Management

36 Positions for Administrative Division — $115,080 R; $7,000 NR; 2.00

Funding is provided to establish two new positions to improve operations within the Department's Administration Division:

Auditor II (PG75)
Purchasing Agent II (PG68)

REVISED
221,268 R
14,000 NR
4.0 pos

37 Reserve for Utility and Fuel Costs — $251,826 NR

Non-recurring funds are provided to address increasing utility and fuel costs from prior year hurricanes and other recent events.

GOV

Department Wide

38 Textbook Purchases — $50,000 R

Funds are provided to purchase additional textbooks for juveniles committed to DJJDP detention centers and youth development centers. This will increase budget to approximately $78,000.

GOV

Special Initiatives

39 Eckerd Wilderness Camps Contract — $1,351,500 R

Funds are provided to increase the rate for the existing 326 contracted beds from $110.41/day to $135.32/day. The adjusted rate is equivalent to Eckerd's current-year, actual operating cost for the seven NC camps.

REVISED
916,168 R
for 20 new
Eckerd beds
and for
inflationary increase
for Methodist Home
contract.

Youth Development Centers

40 Operating Reserve & Positions for New Beds

Funds are provided to establish an operating reserve for the five new youth development centers scheduled to open between September and December 2007. Included in the reserve are funds for 59 new positions, as well as funds for training and educational assistance for the new positions and existing positions. Funding for training and educational assistance is reduced from $315,700 as recommended to $270,000; the $270,000 is funded $170,000 recurring and $100,000 non-recurring. The changes are designed to account for the fact that a portion of the 421 positions designated to receive these funds have already received training and/or educational assistance. Also, the requested amount in salary and benefits is reduced by $84,000; these funds were intended for salary adjustment and not to establish new positions.

$652,273 R
$100,000 NR
59.00

Revised
882,779 R
(59) pos.
Senate -$130,000

Budget Changes	**$2,168,853**	R
	$358,826	NR
Total Position Changes	61.00	
Revised Total Budget	**$141,400,845**	

Governor Items Dropped - not by Senate

JCPC's $500,000 R

MIS Positions $224,811 R (3)

Correction

GENERAL FUND

	FY 06-07
Total Budget Approved 2005 Session	**$1,048,492,502**

Budget Changes

Alcohol and Chemical Dependency

41 Clinical Substance Abuse Supervisor Positions — $121,957 R; $9,021 NR; 2.00

Legislation passed in 2005 mandates new certification and supervision standards for substance abuse treatment professionals. Supervision standards are one hour of clinical supervision for each 10 hours of counseling for first 300 hours of treatment counseling and then one hour for every 40 hours thereafter. Adding two supervisors will allow DOC to meet these standards and account for the need for supervision at 22 locations statewide.

GOVERNOR

42 Residential Treatment Programs — $930,122 R; 25.00

DOC has been using long term federal grant funds since the mid-1990's to fund long term residential treatment for inmates. These funds are being phased out and will be eliminated by 2007-08. 246 beds are currently used to provide 6 to 12 month residential treatment for inmates with serious substance abuse histories. There is enough federal funding to continue to operate programs and 66 beds at Rowan and Western Youth Correctional Centers for 2006-07. The recommended funding is to continue programs at NCCIW (Women's Prison--34 beds) and Morrison Correctional Center (146 beds).

GOVERNOR

43 DART Cherry Substance Abuse Positions — $166,745 R; $22,365 NR; 5.00

DOC operates 300 residential beds to provide substance abuse treatment for probationers and parolees (primarily DWI) at DART Cherry. Five Substance Abuse Worker positions are recommended to provide improved supervision, especially on evening shifts.

GOVERNOR

Community Corrections

44 Sex Offender Monitoring — $1,626,448 R; $80,770 NR; 7.00

Funding is provided to implement active and passive Global Positioning Systems (GPS) to monitor the most serious convicted sex offenders while under probation, parole or post release supervision (up to 300). Funding is also provided to continue GPS monitoring of the highest risk sex offenders (75 to 125 offenders) upon completion of parole, probation, and post-release supervision.

GOV. REVISED ($1,236,448 R 70,770 NR)

(5)

45 Fund Pretrial Services — $400,000

Provides $400,000 R to replace funds lost for pretrial services when the Partnership formula was realigned in 2005. These funds are primarily to restore funding to programs that have lost or will lose state funds and the funding is not replaced by their counties. Funding can also be used to start new programs.

SENATE

46 Restore CJPP — $1,000,000 R

Restores $1 million to the Partnership program for cuts taken in previous years.

SENATE

Department Management

47 Medical Claims Management — $44,463 R; $4,583 NR; 1.00

DOC is increasing its efforts to monitor medical claims from outside providers. This action will establish one additional professional staff (Medical Reimbursement Officer I) to supervise the medical claims review process and to help with the integration of the medical claims system with the NCAS State accounting system.

REVISED ($88,927 R, $9,167 NR) (2)

48 Information Technology Security — $85,533 R; $4,583 NR; 1.00

The 2004 Statewide Security Assessment recommended that DOC improve computer security and establish an IT Security Office. DOC currently has only one position devoted to IT Security. In 2005, DOC requested two positions and security software funding but only the software was funded. Funding is provided for a IT Security Manager

REVISED ($161,588 R, 9,167 NR) (2)

49 Reserve for Energy Costs — $9,610,759 NR

For 2005-06, DOC energy costs exceeded the budget by over $9.6 million. Primary cost increases were for heating and cooling 76 prisons and gasoline costs for prison and probation and parole. This funding is intended to avoid a budget deficit in 2006-07. Funding is non-recurring on the premise that energy costs may stabilize by 2007-08.

GOV

Prisons

50 Funding for Our Children's Place — $100,000 R

Funds a program director, contractual services and operating expenses. Our Children's Place is a non-profit organization established to operate the incarcerated mothers program.

SENATE

51 Operating Reserve for Tabor Correctional Center — $95,504 R; $144,000 NR; 10.00

Establish reserve for startup costs for prison in Columbus County scheduled to open February, 2008

GOV.

52 Increase Prison Bed Capacity — $1,458,336 R; $594,069 NR; 36.00

Prison population projections continue to show population exceeding bed capacity. Funding is recommended to increase bed capacity by a total of 468 beds spread over six prisons. The prisons are three medium custody -- Brown Creek, Harnett, and Lumberton -- and three minimum custody prisons-- Dan River, Tillery, and Tyrrell. This capacity increase is possible by increasing the number of inmates in dormitories and adding additional security, medical and program staff. Non-recurring funding is primarily for inmate bunks and lockers and community college start up costs. The original recommended amount of $540,000 NR for community college startup is reduced to $270,000 based on a January 1, 2007 start date.

REVISED ($ (NR WAS $864,069)

53 Inmate Medical Care — $10,000,000 R; $5,723,518 NR

Medical costs continue to exceed the inmate medical continuation budget. This funding will partially address the budget needs.

REVISED (GOV. = $15M R)

54 Gang Prevention Initiative — $256,292 R; 11.00

DOC received Governor's Crime Commission grants to develop a "Security Threat Group Unit" at Foothills Correctional Institution. The grant funding ends December 31, 2006 so 6 months funding is provided for 06/07. The program targets gang members and is designed to increase supervision of these inmates while providing education and skills that will allow an inmate to renounce gang activity.

GOV

55 Security Positions for new Enterprise Plant — $131,355 R; $42,510 NR; 9.00

Enterprise is opening a new janitorial products plant at Warren Correctional Center. The plant is located off-site and will require nine security positions in order to provide adequate security for 100 inmates. The plant opens in Spring 07 so positions are not effective until February 1, 2007.

GOV

56 Inmate Medical - Central Pharmacy — $147,063 R; $4,500 NR; 3.00

Establishes three positions in the DOC Prison Pharmacy: one Pharmacy technician; one Pharmacist; and, a Stock Supervisor. As prison population has grown, the number of prescriptions filled has grown from 550,573 in FY 98-99 to 856,803 in 2004-05 with no increase in staffing.

REVISED ($ 173,299 R 5,100 NR (4))

57 Inmate Medical - Nurses and Records Clerks — $1,332,322 R; $48,960 NR; 38.00

Funding is provided for 18 medical records clerks and 20 Licensed Practical Nurses. Adding the medical clerks will free up nurses to devote more time to nursing duties while adding LPN's will help reduce the general shortage of nurses in the prison system

REVISED ($ 1,758,320R 68,000 NR (50))

58 Delayed Opening of Segregation Units — ($904,430) NR

The completion dates for 40 bed segregation units at Orange and Caldwell Correctional Centers have been delayed from 2006-07 to 2007-08 allowing for a non-recurring reduction. The total reduction is ($904,430); ($380,809) for Orange and ($523,621) for Caldwell.

GOV

Budget Changes	**$17,896,140**	**R**
	$15,385,208	**NR**
Total Position Changes	148.00	
Revised Total Budget	**$1,081,773,850**	

Crime Control and Public Safety

GENERAL FUND

	FY 06-07
Total Budget Approved 2005 Session	**$35,153,488**

Budget Changes

Administration

59 Federal Grants Administration — GOV

Funding is provided for a Federal Grants Accountant to ensure compliance with federal reporting and control requirements:

Accountant II(PG74)

$63,731 R
$4,000 NR
1.00

60 Information Technology Positions — GOV

Funding is provided to establish two full-time permanent information technology positions:

Business & Technology Specialist (1.0)
Business & Technology Analyst (1.0)

$164,112 R
2.00

Butner Public Safety

61 Operations and Maintenance — GOV

Provide funds to meet basic operations and maintenance needs for Butner Public Safety: restore previous budget cuts, inflationary increases, and over budgeted receipts.

$103,680 R

Emergency Management

62 Planning, Response, and Recovery Capabilities — REVISED 1,456,371 R 24.0 POS 11 existing 13 new

Funding is provided for seven positions to enhance emergency management planning, response, and recovery capabilities.

Transfer three existing managerial positions from temporary receipt-supported to permanent general fund positions:
Emergency Management Asst. Dir (PG 78) 1 positions
Emergency Management Section Mgr (PG76) 2 positions

Establish four new positions:
Emergency Planner I (PG70) 2 positions
Office Asst IV (PG61) 2 positions

$379,901 R
$10,500 NR
7.00

63 Urban Search & Rescue/Swift Water Rescue — REVISED GOV requested R

Funding is provided for training and equipment to ensure that the state's Urban Search and Rescue and Swift Water Rescue Teams can meet federal standards. Future federal emergency management funding may be jeopardize if the teams fail to meet the standards.

$627,400 NR

64 HAZMAT Regional Response Teams

Provide funds for the state's seven HAZMAT Regional Response Teams. Funds will be used to support the teams' training and equipment replacement.

REVISED. GOV requested R

$156,956 NR

National Guard

65 National Guard Pension Fund

Funds are provided for the NC National Guard Pension Fund. Effective July 1, 2006, these funds will be used to increase the monthly pension benefit payment to current and future retirees from a maximum of $150 to a maximum of $160.

SENATE

$965,000 R

66 Assistance to NC National Guard Families

Funding is provided for the NCNG Soldiers and Airmen's Assistance Fund to provide emergency financial assistance to members and their immediate families who are experiencing financial hardship.

SENATE

$500,000 NR

Victim & Justice Services

67 Victims Compensation

$700,000 NR to address the backlog of approved but unpaid victims compensation claims.

REVISED
792,411 R
4,000 NR
2.0 pos

$700,000 NR

Budget Changes	**$1,676,424**	**R**
	$1,998,856	**R**
Total Position Changes	10.00	
Revised Total Budget	**$38,828,768**	

GOV Items Dropped

~~Operation ROTC 500,000 R~~

NCNG Deputy Director 96,080 R
1.0 pos.

2005-2006

JOINT APPROPRIATIONS – JUSTICE & PUBLIC SAFETY

COMMITTEE MINUTES

APPROPRITIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY

May31, 2006
Room 612

HOUSE MEMBERS PRESENT: (10) Representatives Kiser, Haire, Ray, Sutton, Frye, Goodwin, Jones, Justus, Miller, Spear and Ex-officio Cunningham.

The Appropriations Subcommittee on Justice and Public Safety met at 9:45 AM, May 31 2006 in Room 612 of the Legislative Office Building.

Representative Kiser presided and called the meeting to order. He introduced the pages: Jessica Anderson, Caldwell, sponsored by Representative Starnes, Alisha Byrd, Wilkes County, sponsored by Representative Walker, Marli Bennett, Surry County, sponsored by Representative Harrell, Juan Tuset, Waker County, sponsored by Representative Crawford and Brittany Williams, Vance County, sponsored by Representative Crawford. Sergeant-at-Arms are Marvin Lee and Frank Prevo.

Representative Kiser asked Attorney General Roy Cooper, North Carolina Department of Justice to give committee his presentation.

Attorney General Roy Cooper presented the needs for the Department of Justice that were not included in the Senate budget. The SBI needs 20 new SBI agents, the Senate gave us 12 agents, we asked for 20 and hope you will consider giving us the other 8. We will start later if need be to save money. In the Senate budget is, the NC Sex Offender Watch initiative: we asked for two IT positions which the Senate did not include, SBI pay equity and Computer on Line Training are both critical. **(Attachment I).** We hope you will consider these issues in addition to what the Senate has done.

Representative Spears of those 20 positions requested can you break down how many are sworn vs. non sworn and the importance of having these positions as sworn certified law enforcement officers.

Attorney Cooper said we have asked for six drug chemistry staff, four of them being sworn and two support staff. It is critical that some of these positions be sworn officers. We have asked for two non-sworn positions to help with DNA investigators to expedite DNA. We have asked for two sworn Computer Crime Field agents, four sworn financial crime public corruption agents, three sworn methamphetamine trafficking agents, three non-sworn computer forensics analysts in the crime laboratory.

Representative Miller asked about Sex Defender Registry upgrade that was not in the Governor's budget.

Attorney Cooper said it was in the Governor's budget, the Senate provided $200,000 non recurring funds and no positions, and we need the positions.

Representative Kiser introduced the next speaker **Tracy Little** from the Department of Correction. **Ms. Little** referred members to Attachment II, page 1-11 on Community Corrections. Items 44 **Sex Offender Monitoring**, Item 47 **Medical Claims Management**, the Governor recommended two positions for our Medical Claims Management Section, we were asking for one for outpatient, and one for inpatient and the Senate only funded one and we are asking that both positions be funded. Item 48 **Information Technology Security**, we would ask that you fund both positions that were recommended in the Governor's budget. Item 54 **Gang Prevention Initiative,** requested amount of $439,000, we have grant money through December 31, 2006 and will not need funds until January 1, 2007. Items 56 & 57**, Inmate Medical Cost** we asked for four positions and the Senate dropped it back to 3. We need additional four positions to maintain our level of services for the growing inmate population. Item 57, **Inmate Medical – Nurses and Records Clerks,** the governor's budget recommended 50, the Senate cut it back to 38. It is imperative that we have these low level positions. **Representative Kiser** said we will now hear from Sandra White with the North Carolina Department of Crime Control and Public Safety.

Ms. Little asks permission to mention one item that was not on the forum. **Ms. Little** said the House Capital Committee is considering funding of the Central Prison Hospital as recommended in the Governor's budget and would ask your support for that project. It is a project that we definitely need. We would welcome your support for that proposal going forward in the House budget.

Representative Haire asked what was the one position that was in the Governor's budget under Item 58 about the Central Pharmacy that the Senate dropped.

Ms. Little said we had requested two pharmacy technicians that were recommended in the Governor's budget.

Sandra White referred to **(Attachment II)**. Item 62**, Planning, Response, and Recov**ery **Capabilities** Page 1-15 the governor included $1.4 million, 24 positions and $300,000 which was to go to the warehouse logistics and operations. The warehouse currently has no funding for rent and maintenance upkeep. The Senate budget only included seven positions requested by the Governor, less than one third and no funds for the warehouse. As far as the programs that provide ongoing service, the Senate only included non recurring funds for those programs. We need continuing funds. Item 67, **Victim's Compensation**, the governor recommended $742,411 recurring fund to address the backlog and two positions. The Senate budget included $700,000 non recurring funds to address the backlog. If we are to get ahead of the curve we are going to need recurring funds to address the backlog.

The next speaker was **General Ingram, North Carolina National Guard**. First I would like to thank you on behalf of the 12,000 soldiers and airmen of the North Carolina National Guard for the support that you provide for our people.

Three points of interest. Item 66, **Assistance to NC National Guard Families**. These funds were put in by the Governor, that has been changed and is included in the Senate budget and we would certainly appreciate continuation of that. Item 65, **National Guard Pension Fund,** last year the General Assembly increased the benefits. The Senate had a small increase and we would ask for full increase this year. We had asked for a Deputy Director and this position was dropped from the Senate. Please consider reinstating the Governor's position to provide a Deputy Director for the National Guard.

Representative Sutton asked what was the amount of increase for the Pension Fund. **General Ingram** said the Senate increased the benefit by $10.00. Initially in 1973 the pension paid $50 at age 60 with 20 years of service, maximum a person could receive after 30 years of service was a $100.00 a month, last year increased from $75 to $150, this year we are asking to go from $100.00 to $200.00.

Representative Spears asked when you travel out of state these other areas and locations who is placed in charge.

General Ingram when he is out of town we do not have a senior person to be in charge.

Representative Kiser introduced Judge Ralph A. Walker, Administrative Office of the Courts. **Judge Walker** said we are pleased overall with the Senate recommended budget and we would urge your support. One item that we would request on behalf of the Judicial Standards Commission is to increase membership and funding for a prosecutor and investigator. That is the only request that we have that would require additional funding. We do have a number of amendments and changes and alterations that do not require additional funding. He asked Mr. Greg Stahl, Senior Deputy to briefly summarize those and share a copy with committee: (Attachment IV)

Mr. Stahl went over **Attachment IV**. Request Changes and Alterations to the Senate version of the Judicial Department Budget. Senate did a little better than the Governor. There are some technical changes, none of that is major and we have provided that language. **Section 14.7 Collection of Offender Fees and Fees Assed by the General Court of Justice. Section 14.8. Jury Waiver Fee Program. Section 14.9 (a) and (b). Establish Intermediate Deferred Prosecution for Drug Treatment Courts**. Couple of special provisions on the Drug Treatment Courts, most of these are unnecessary. **Section 14 a-d** should be eliminated. **Section 14.11 (a-d)** Court Interpreters.

Representative Kiser asked can you assure us that all interpreters will be certified.

Mr. Stahl responded no. Judges pay non- certified the same as certified.

Representative Ray asks if court recorders have to be certified, can they not be applied to interpreters.

Representative Kiser called on Ty Hunter with Indigent Defense Services. Mr. Hunter went over **(Attachment V)**. **Mr. Hunter** said to cover shortfall in 2005-06 funding for assigned counsel and fully fund 2006-7 demand for indigent defense $4.0 million nonrecurring and $2.0 million recurring. Governor recommended $2.5 million recurring and $2.0 million nonrecurring based on our January projections. Senate funded $4.5 million non-recurring. Increase hourly rates by $10 for assigned counsel. It was requested to increase to $75/hour for non-capital, $95/hour for capital. The Governor recommended and Senate included $1,591,162 for capital case attorneys only. The Governor recommended and Senate budget included $122,438 nonrecurring fund.

Representative Jones asked do you not have quarter hours or one-half hour. Is there a better way of dictating hours?

Mr. Hunter said it is not just rounded up. Some are under billing; it is done by .10 of an hour.

Representative Justus asked what percent cannot speak English.

Mr. Hunter said 10-15% basically not speaking English.

Representative Kiser called on Secretary Sweat with Department of Juvenile Justice and Delinquency Prevention. **Secretary Sweat** went over items on Page 1-9. (Attachment II) Governor's items dropped JCPC's $50,000 recurring and MIS positions $224,811 recurring. Item 39 Eckerd Wilderness Camps Contract Secretary Sweat said it would be wise to add beds back in.

Meeting adjourned.

Joe L. Kiser

Representative Joe L. Kiser, Chairman

Marilyn R. Holder

Marilyn R. Holder, Committee Assistant

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Room 415, Legislative Office Building

May 31, 2006 9:30 a.m.

I. CALL TO ORDER

Chairmen: Rep. Joe Kiser, Presiding Rep. Phillip Haire

II. PRESENTATIONS

Opening Remarks by Chairs

Comments on Senate Budget Recommendations

Justice and Public Safety Agencies

Discussion of House Justice and Public Safety Appropriations Bills

House Members and JPS Committee

III. OTHER BUSINESS

IV. ADJOURNMENT

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety

2005-2006

(Name of Committee)

DATES May 31, 2006															
Rep. Phil Haire, CO-CHAIR	✓														
Rep. Joe Kiser, CO-CHAIR	✓														
Rep. Karen Ray, VICE CHAIR	✓														
Rep. Ron Sutton, VICE CHAIR	✓														
Rep. Phillip Frye	✓														
Rep. Melanie Goodwin	✓														
Rep. Edward Jones	✓														
Rep. Carolyn Justus	✓														
Rep. Paul Miller	✓														
Rep. Timothy Spear	✓														
SENATE															
Sen. Ellie Kinnaird, CO-CHAIR															
Sen. John Snow, CO-CHAIR															
Sen. Dan Clodfelter, VICE CHAIR															
Sen. Stan Bingham, RANKING MINORITY MEMBER															
Sen. Tom Apodaca															
Sen. Pete Bland															
Sen. Keith Presnell															
Sen. Tony Rand															

Rm 415
9:30 AM

House Pages

Appropriation Justice & Public Safety

Name Of Committee: _____ Date: 5-31-06

1. Name: Jessica Anderson
   County: Caldwell
   Sponsor: Edgar Stevens.
2. Name: Alisha Byrd
   County: Wilkes
   Sponsor: Tracy Walker
3. Name: Marli Bennett
   County: Surry
   Sponsor: Farrell
4. Name: Juan [illegible]
   County: Wake
   Sponsor: Rep. Crawford
5. Name: Brittany Williams
   County: Vance
   Sgt-At-Arms
   Sponsor: Crawford

Sgt-At-Arms

1. Name: MARVIN Lee
2. Name: FRANK PREVO
3. Name: _____
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

Appropriations Justice + Public Safety 5-31-06

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mike Sprayberry	NCEM
Brenda Jones	NCEM
Michelle Frazier	NC Bar Ass'n
Barbara Baker	NC DOC
J Carmichael	CCPS
CASANDRA WHITE	CCPS
BILL INGRAM	NC NATIONAL GUARD
COL Tom Harris	NC National Guard
Pen Dorr	NC Conference of DAs
David Hardesty	Eckerd Youth Alt inc.
[illegible]	NFHS
[illegible]	DJJDP
Cully Wiggins	Gov. office

VISITOR REGISTRATION SHEET

Appropriations Justice + Public Safety 5-31-06
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Holly Bryan	NCATL
Paul Puller	NCATL
Ralph Walker	AOC
Sandy Pearce	AOC
Karen Jones	Sentencing Commission
Mildred Spearman	NCDOC
Tracy Little	NCDOC
[illegible]	[illegible]
M.W. Hobgood	CCPS/ Butner Public Safety
[illegible] Hunter	IDS
Kelly Howell	AOC
Rex Whaley	AOC
Ryan Pusley	Dep. Magistrate

VISITOR REGISTRATION SHEET

Appropriations Justice + Public Safety 5-31-06
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gordon Heath	Project Challenge NC
[illegible]	[illegible] NC
[illegible]	DJJDP
[illegible]	
Larry Dix	
Grady Stephenson	
Rebecca Trantham	NCACC
Kristi Hyman	NCDOJ
Lao Robert	CYPC
Luke Dalton	Intern Phil Haire

VISITOR REGISTRATION SHEET

Appropriations Justice + Public Safety 5-31-06

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Dyer	NC Sentencing Comm
Doug Stahl	Fox

5-31
Attachment I

Attorney General Roy Cooper
North Carolina Department of Justice
Additional Resources Are Required to Meet Increasing Demands

Criminals are finding more and more sophisticated ways to break the law and elude capture. North Carolina must make sure that law enforcement has the tools, resources and personnel it needs to stay a step ahead and provide quick and thorough analysis of the evidence to bring criminals to justice.

Targeting Violent Criminals By Investing in DNA

NC must continue to invest in the SBI to meet the growing demands from local law enforcement and prosecutors for DNA analysis. The SBI receives in excess of 20,000 convicted offender samples for analysis, audit, review, and uploading to the DNA database (CODIS) each year. The SBI has taken more criminals, including murderers and rapists, off the street in 2005 using the DNA database than in the first decade of the program combined. In 2005 alone there were a total of 168 DNA CODIS hits (Cold Case Hits). The SBI needs additional personnel to address this growing workload.

The SBI has requested two (2) new DNA investigators (non-sworn) to expedite DNA analysis and speed the review, auditing, and uploading of DNA profiles into the DNA database (CODIS).

Tackling the Spread of Meth Labs and Speeding the Analysis of Drug Evidence

The SBI is the only law enforcement agency in North Carolina trained to process meth labs. On average, SBI Chemists spend 40 hours on each meth lab, compared to less than one hour processing a cocaine sample that has been submitted for testing. In 2005 alone, there were more than 326 meth lab busts in North Carolina. That number is the equivalent to a spike of over 13,000 routine cases where drug evidence is submitted for analysis.

The SBI needs more laboratory personnel to handle the growing drug case workload and expedite the processing of drug evidence for use in criminal prosecution. In addition to the meth lab workload, the SBI Crime Laboratory receives more than 30,000 annual drug and toxicology samples for analysis. The SBI needs additional personnel to address this growing workload.

The SBI recommended six (6) new positions to expedite the analysis of drug evidence for local law enforcement and prosecutors.

Targeting Internet Sexual Predators

The Department of Justice created a special computer crimes unit in the State Bureau of Investigation to give law enforcement the hi-tech expertise they need to catch criminals who use the Internet to prey on children. Most local law enforcement agencies do not have the expertise nor the resources and staff to conduct these critical investigations. DNA and fingerprints have proven effective tools in finding suspects in crimes. Computers are proving to be equally effective when trace evidence found on a suspect's device implicates them in a crime whether it is a rape, murder or the exploitation of a child.

This SBI Unit targets sexual predators who attempt to prey on young children. The State Bureau of Investigation leads North Carolina's Internet Crimes Against Children (ICAC) Task Force. The North Carolina ICAC Task Force assists local law enforcement agencies in tracking down predators who use the Internet to exploit children, and helps prosecutors when those cases go to court. Incidents of child sexual exploitation reported in North Carolina continue to rise. In 2001, there were 11 incidents of child sexual exploitation reported. In 2004, 533 such incidents were reported. [National Center for Missing and Exploited Children].

The SBI needs additional personnel to meet the growing demand from local law enforcement and prosecutors to take these sexual predators off the street. The SBI has requested five (5) new computer investigators to meet this growing demand: two (2) Computer Crime Field Agents and three (3) non-sworn computer forensics analysts in the crime laboratory to provide forensic support and analysis to the Computer Crime Field Agents.

Enhancing Interdiction Efforts to Combat Meth Trafficking

The SBI has a critical need to enhance coordinated drug interdiction efforts with a particular focus on meth trafficking in collaboration with local and federal aw enforcement. The SBI requests full funding for three (3) new SBI Field Agents to enhance drug interdiction efforts with a specific focus on methamphetamine trafficking.

Combating Financial Crimes, Public Corruption and Incidences of Identity Theft

The SBI needs four (4) new SBI Field Agents to combat the growing incidence of financial crimes, public corruption and identity theft. These agents have advanced law enforcement training and require an accounting background. Many of the current SBI Field Agents that work in this area are CPA's. The Wake County Public Schools Transportation fraud case is a perfect example of the complexity and growing workload of these type cases for the SBI. Several former employees of the school system conspired with two former managers of a parts company to siphon off more than $2 million in taxpayer dollars. The SBI conducted this investigation and is assisting with its prosecution. The SBI requires **($1,555,216)** for the 2006-2007 fiscal year to deploy these twenty (20) new SBI investigators.

Recruit and Retain SBI Law Enforcement Professionals/Increase SBI Pay

The SBI is the premier law enforcement agency in the State and our agents and lab personnel handle NC's most complex and challenging criminal investigations. SBI professional staff recently surveyed crime lab staff in other public crime labs to analyze pay standards, and found that entry level SBI crime lab staff were paid 24 to 35 percent less than peers in public labs. A similar survey found that the average SBI Field Agent was paid 13.4 percent less than similar positions in North Carolina law enforcement. To recruit and retain the best investigators – we must pay them a competitive wage. SBI requires **($385,325)** for the 2006-2007 fiscal year to fund pay equity increases in the SBI.

Deliver More Training for Law Enforcement Statewide

Department of Justice requires the sum of four hundred thirty six thousand four hundred eighty dollars **($436,480)** for the 2006-2007 fiscal year to fund increased training requirements for over 29,000 state and local law enforcement officers, approximately 7,000 detention officers and all certified telecommunicators (911 operators), to fund a new online training and registration system along with three new positions to support the deployment of this critical law enforcement training through the Justice Academy, Sheriffs Standards, and the Criminal Justice Training and Standards Commission.

Fund Critical Department of Justice Attorneys

Department of Justice requires the sum of two hundred thirty two thousand nine hundred seventy nine dollars **($232,979)** for the 2006-2007 fiscal year to hire five (5) critical staff attorneys to address workload demand in the Criminal Appellate, Law Enforcement Liaison, Revenue, and the Waste Management Sections of the Department of Justice.

Blount Street Relocation and Backup Disaster Center Costs

Department of Justice requires the sum of seven hundred seventy two thousand five hundred dollars **($772,500)** for the 2006-2007 fiscal year to comply with Session Law 2003-404 which mandated conversion of state offices located on Blount Street to private ownership. The DOJ IT Division operates a 24/7 police information computer center that provides mission critical law enforcement data to over 11,000 state, local and federal law enforcement officers throughout North Carolina. To make the move seamless a backup computer center is critical to ensure un-interrupted transition from Blount Street. Annual backup center charges are $96,000 a year and one time equipment and moving expenses are $700,500 for FY0607.

Attorney General Roy Cooper
North Carolina Department of Justice
Statewide Automated Fingerprint Identification System (SAFIS)

North Carolina must preserve a critical crime-fighting tool that supports law enforcement and protects our communities. North Carolina's Statewide Automated Fingerprint Identification System (SAFIS) is a vital law enforcement and public safety resource that serves over 500 law enforcement agencies. The equipment that backs the state's fingerprint identification infrastructure is nearly obsolete and must be replaced. Law enforcement can use this system to pinpoint a suspect in a matter of minutes using the unique identifiers found on fingerprints left at a crime scene. That means arresting rapists and murderers who could otherwise strike again. With it we have stopped sex offenders and other criminals from working at the bedsides of our most vulnerable senior citizens and in the classrooms right next to our children. Hundreds of law enforcers, schools, nursing homes, and childcare facilities depend on the automated fingerprint system to disqualify job applicants with criminal records.

This computerized fingerprint system protects all North Carolinians by solving crimes and helping to put criminals in jail. It also keeps felons and other dangerous individuals out of positions where they could prey on our state's most vulnerable residents.

Department of Justice requires the sum of one million nine hundred and sixty three thousand seven hundred sixty eight dollars **($1,963,768)** for the 2006-2007 fiscal year to fund the first year costs for replacement of the Statewide Automated Fingerprint Identification System (SAFIS) and to support one new information technology staff position to coordinate the implementation and deploy this critical law enforcement information system project.

How SAFIS Helps Solve Violent Crime in NC

A female victim was found November of last year stabbed to death outside her apartment. A latent fingerprint was developed on the front door of her residence. The latent fingerprint was searched through SAFIS. As a result of that search, the print was identified. This identification was made within 12 hours of the initial EMS call. Due to such a quick identification, the investigators were able to recover additional evidence near his residence.

Subsequent processing of the victims residence revealed an additional latent fingerprint. The second was compared to the first suspect identified by SAFIS with no identification established. This second print was then searched through SAFIS and a second individual suspect was identified by SAFIS.

Neither suspects' names had been mentioned by the investigators prior to the fingerprint identifications. As a result of these SAFIS hits, three suspects have been indicted for the Victims murder.

Attorney General Roy Cooper
North Carolina Department of Justice

North Carolina Sex Offender Watch

More than 9,900 convicted sex offenders are currently listed on the North Carolina Sex Offender Registry. Through the Registry, people across the state can learn the names, addresses, and offenses of sex offenders and view their photos online. However, local law enforcement knows that some sex offenders move frequently and, more troubling, hunt for new victims. Informing people more quickly and pinpointing where sex offenders live will help parents protect children from predators.

The **NC Sex Offender Watch** will use new technology to provide more current and useful information by:

- Allowing residents of a community to be notified by e-mail immediately when a sex offender moves into their neighborhood, and
- Using mapping to show exactly where an offender lives in relation to a neighborhood, school, day care center, business or any other location of concern.

Through e-mail notification, the Sex Offender Watch program will quickly tell victims, their families and the public about the presence of registered sex offenders in their communities. Without it, an offender can move into in a neighborhood or near a school without parents or school officials knowing. This program, will allow users who visit the sex offender website to request an e-mail alert whenever a registered sex offender moves within a mile of the user's home. Users can also receive these proactive proximity warning notifications for other addresses important to them, like their children's' schools, day cares, and their workplace.

Already the NC Department of Justice Sex Offender Registry website is a valuable tool for communities across the state. The website has received more than seven million hits since it was launched in 1998. However, a sex offender can change residences at will, and many offenders move frequently. Users must check regularly to see if any new offenders have moved into their area. Continual or even daily checking of the sex offender registry website is impractical. An electronic notification system will help.

Advanced mapping technology will also show exactly where registered offenders live in relation to a given address within a mile. Day care centers and schools can use this mapping and e-mail notification as well. When day care operators and school officials receive an e-mail, they can alert their staff and share the offender's photograph.

Using this new technology can help families, schools and neighborhoods better plan for their safety. By making the public more aware of the location of registered sex offenders, the program can also help law enforcement crack down on sex offenders who move without providing a new address as required by law.

Proactive community sex offender notification will also include educational information and safety tips to help parents speak frankly with their children about potentially dangerous people living in their community.

FY06-07 Appropriation required $115,564 (2 IT Staff)

5-31
Attachment II

SENATE JUSTICE AND PUBLIC SAFETY BUDGET

MAY 25, 2006

JPS Senate Budget
MAY 25, 2006

Senate Subcommittee on Justice and Public Safety

Judicial

GENERAL FUND

Total Budget Approved 2005 Session	FY 06-07 $345,760,410

Budget Changes

1 Increase Pass-through to Dispute Settlement Center — Senate — $529,545 — R

Appropriates $529,545 to 24 dispute settlement centers across the state. These funds restore past-year cuts to this funding area. The funding will be allocated to the programs as follows

Cabarrus -- $11,000
Charlotte/Mecklenburg -- $75,000
Duplin -- $8,090
Deep River -- $23,023
Cape Fear -- $14,755
Morganton -- $25,380
Cumberland -- $5,000
Henderson -- $24,968
Moore -- 15,369
Asheville -- $55,750
Eastern Carolina -- $11,677
Southern Piedmont -- $25,000
Forsyth -- $12,000
Guilford -- $15,000
Rockingham -- $15,169
Mountain -- $25,324
Orange -- $14,899
Transylvania -- $27,869
Sandhills -- $9,240
Durham -- $6,000
Blue Ridge -- $30,000
Carolina Dispute -- $12,000
Piedmont -- $50,000
Foothills -- $17,032

Administration

2 Technology Initiatives

Provides a mix of recurring and non-recurring money for critical technology projects with the AOC, as follows:

1) rewrite of obsolete processing systems for clerks and district attorney/public defender cases, including required data cleanup to implement a statewide warrant repository (NCAWARE);

2) new initiatives related to court, civil eFiling, electronic payments, and electronic traffic court;

3) maintenance and enhancement of existing applications including eCitation and Casewise/Jwise.

Revised

$5,500,000	R
$1,900,000	NR

Gov. Request
4.5m R
1m NR

3 Innocence Claim Review Commission

Establishes staff for the Innocence Claim Review Commission, pending passage of House Bill 1323.

Senate

$320,268	R
$50,579	NR
3.00	

Appellate

4 Justice Building Renovation

Renovations to the Justice Building are scheduled to continue into fiscal year 2006-07, but funds for the temporary relocation of staff are only budgeted for fiscal year 2005-06. Additionally, recurring funds for office leases will be required while the Ruffin Building, housing the Court of Appeals, is renovated.

Gov

$32,000	R
$480,000	NR

5 New Court of Appeals Positions

Appropriates funding for one new Staff Attorney I and one new Appellate Clerk I to address increases in appellate workload and to expedite parental termination of rights cases. These positions have been annualized for a July 1, 2006, effective date.

Gov

$108,990	R
$14,467	NR
2.00	

District Attorneys

6 New Prosecutors and Support Staff

Provides funding for 90 new Assistant District Attorneys and 9 Victim Witness Legal Assistants. The Assistant District Attorney positions will be allocated based on the workload formula adopted by the Conference of District Attorneys. These positions will be effective January 1, 2007.

Gov (effective date 1/1/07 rather than 10/1/06)

$3,820,851	R
$416,124	NR
99.00	

7 Open File Discovery Project

Due to recent legislation requiring open discovery in criminal cases, there is need for an evidence tracking automated system that will register the articles of evidence, track their use, and verify that the articles have been disclosed to the appropriate parties as required by law. The Conference of District Attorneys recommended providing $1.7 million R and $1.3 million NR for this purpose. The Committee recommends providing $3 million NR for the proposal.

Revised

Gov Request
$1.7 R
1.3 NR

$3,000,000	NR

Equipment and Other Reserves

8 Critical Equipment Needs

Provides nonrecurring funds to replace essential technology and office equipment that is six years or older. Nonrecurring funds are also recommended for the replacement of audio machines in District Court, and for telephone systems that are ten years or older. In addition, recurring funds are recommended for the continued replacement of outdated equipment and systems.

Revised Gov. Request $1.5mR

$2,500,000 R
$3,800,000 NR

9 Equipment for New Courthouses

Appropriates funds for new telephone systems and LAN equipment in the new courthouses located in Clay and Harnett Counties.

Gov

$110,000 NR

Trial Courts

10 New District Court Judge Positions

Provides funding for sixteen new District Court Judges in the following districts based on the AOC workload formula and consultation with the Conference of Chief District Court Judges:

3A -- Pitt
3B -- Craven, Carteret, Pamlico
6A -- Halifax
10 -- Wake (2 positions)
14 -- Durham
15B-- Orange, Chatham
18 -- Guilford
19B-- Moore, Montgomery, Randolph
19C-- Rowan
25 -- Burke, Caldwell, Catawba
26 -- Mecklenburg
27A-- Gaston
27B-- Cleveland, Lincoln
28 -- Buncombe
30 -- Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain

These positions are effective January 15, 2007.

Rev.

Gov Request 9 pos.

$1,046,000 R
$178,304 NR
16.00

11 New Deputy Clerk Positions

Additional deputy clerks are needed to address significant increases in certain types of cases such as foreclosures and estate cases. The positions will be assigned by the Director of the Administrative Office of the Courts. These positions will be effective on January 1, 2007.

Gov (1/1/07 eff. date)

$1,323,900 R
$184,350 NR
75.00

12 New Magistrate Positions

Appropriates funding for six new magistrates. These positions are needed to meet the magistrate staffing levels set forth in GS 7A-133. These positions have been annualized for a July 1, 2006, start date.

These magistrates will be assigned in the following counties: Carteret, Greene, Alamance, Robeson, Montgomery, and Gaston.

Gov

$240,978 R
$24,984 NR
6.00

FY 06-07

13 New Guardian ad Litem Program Staff

Provides funding for thirteen new Guardian ad Litem staff positions to address significant increases in caseloads. These positions will include program supervisors, program assistants, volunteer recruitment and retention specialists, and administrative specialists.

Revised
Gov. 8 pos

$743,130
$37,231 NR
13.00

14 New District Court Judicial Support Staff

Provides funding for five new District Court Judicial support staff positions (Judicial Assistant I). These positions are needed to support the recently established judgeships, expansion of family mediation, and other arbitration and mediation efforts. These positions have been annualized for a July 1, 2006, start date.

Gov

$200,845 R
$19,080 NR
5.00

15 Expansion of Custody Mediation Program

Appropriates funding to expand the Custody Mediation Program into the final remaining Judicial Districts, as required by GS 7A-494(a). This expansion will require the establishment of 7.75 new support staff. These positions have been annualized for a July 1, 2006, effective date.

Gov

$558,074 R
$38,912 NR
7.75

16 Recurring Funds for Family Court Program

Provides funding to make the Wake Family Court permanent and to establish two new Family Court Case Coordinator positions in Cumberland and Mecklenburg Counties to meet rising caseloads.

Revised
Gov. = $175,000

$300,400 R
$8,372 NR
4.00

17 Expansion of Drug Treatment Court

Appropriates additional recurring funds for statewide Drug Treatment Court operations ($49,992), as well as for three Drug Treatment Court case coordinator positions to replace federal funding that is expiring.

Revised
Gov = $317,377
5 pos

$238,092
$17,562 NR
3.00

18 Interpreter Fee Payments

Fully funds interpreter fee payment line item. The current budget for interpreter fees is insufficient to support the total expenditures for this service, which must be provided as required by statute. This expansion is provided on a nonrecurring basis for this fiscal year.

Revised
Gov was Recurring

$775,000 NR

19 Pilot for Self-Serve Centers

Appropriates nonrecurring funds for a pilot implementation of self-serve centers in four courthouses in the state. AOC will select the four sites, which will provide access to legal forms and other resources for pro se litigants.

Senate

$200,000 NR

20 Business Court Expansion

Provides funds for a Business Court site in Wake County.

Senate

$236,206 R
$11,015 NR
2.00

21 Eliminate Reserve for HB 1048

Eliminates the $1.8 million reserve established in SB 622 for judicial and prosecutorial staff pending the passage of House Bill 1048, Governor's DWI Recommendations.

Senate

($1,869,834) R

Budget Changes	**$15,829,445**	R
	$11,265,980	NR
Total Position Changes	235.75	
Revised Total Budget	**$372,855,835**	

Judicial - Indigent Defense

GENERAL FUND

	FY 06-07
Total Budget Approved 2005 Session	**$88,648,414**

Budget Changes

Indigent Persons Attorney Fee Fund

22 Attorney Fee Payments for Indigent Defense — Revised Gov: $2mR 2.5NR
Nonrecurring funds are recommended for unpaid attorney fee applications from fiscal year 2005-06 that need to be carried over to fiscal year 2006-07 due to a funding shortfall.
$4,500,000 NR

23 Hourly Rate for Private Assigned Counsel — Gov
Provides funding to increase the hourly rate for private assigned counsel in capital cases to $95 at the trial, appellate, and post-conviction levels. The current rate is $85, which was set in 1993.
$1,591,162 R

24 NC Prisoner Legal Services, Inc. Contract — Gov
Appropriates funding for inflationary increases for the contract with Prisoner Legal Services, Inc.(PLS). Current operating costs for this contract are higher than the total contract amount, creating an operating shortfall for PLS.
$122,438 NR

25 Establish Audit Function — Senate
Establish an Auditor II position within the Office of Indigent Defense Services to analyze fee applications and effect cost savings by preventing over billing.
$66,029 R
$3,500 NR
1.00

Sentencing Services

26 Restore Sentencing Services — Senate
Appropriates $1.2 million to partially restore a funding cut in the 2005-06 budget to the Sentencing Services Program, which provides assessment services to pre-sentenced offenders.
$1,200,000 R

Budget Changes	**$2,857,191**	R
	$4,625,938	NR
Total Position Changes	1.00	
Revised Total Budget	**$96,131,543**	

Justice

GENERAL FUND

Total Budget Approved 2005 Session	FY 06-07
	$78,697,271

Budget Changes

CJTSD

27 In-Service LEO Training — SENATE

Funding is provided to the Criminal Justice Training and Standards Division to develop a new online training and registration system. The system will support Division efforts to provide training and certification services to the state's 29,000 law enforcement officers, 7,000 detention officers, and all 911 operators.

$300,000 NR

Law Enforcement

28 SBI Staff Expansion — REVISED

Funding is provided for 12 investigative and forensic analysis positions, including 4 sworn and 8 non-sworn as follows:

$763,670 R
$400,896 NR
12.00

Gov requested
906,318 R
582,992 NR
12.0
9 sworn, 3 non-sworn

3 SBI Field Agents (Sworn)
1 Computer Crime Agent (Sworn)
2 Drug Chemists (non-sworn)
2 Drug Chemists Tech (non-sworn)
2 Forensic Computer Analyst (non-sworn)
2 Molecular Geneticists (non-sworn)

29 SAFIS Replacement

Provide funding to replace state and local equipment for the Statewide Automated Fingerprint Identification System. In addition, funding is provided for one position: Application Development Supervisor

$72,180 R
$1,891,588 NR
1.00

GOV

30 SBI Lab Expansion — REVISED

Funding is provided to purchase two diesel generators and cubicle furniture to accommodate personnel relocating from Blount Street to the SBI campus. In addition, $50,000 is provided to install the diesel generators which have already been purchased for the Larry T. Justus Western Justice Academy.

$650,000 NR

220,000 R
for 2 generators and furniture in Raleigh

31 Business Recovery Site

Funds are provided for a business recovery site to house the backup computer center being relocated from the Blount Street site. Funding is also provided for telecommunication charges and IT services charges.

$353,676 R

GOV

Legal Services

32 Attorney Positions
Funding is provided for three positions for the Appellate and Law Enforcement Liaison Sections:

Attorney II(2 positions)
Attorney III

GOV

$238,757 R
$13,200 NR
3.00

33 Sex Offender Registry Upgrade
Funding is provided to use contractual services to upgrade the state's Sex Offender Registry to include GIS mapping of offenders and public email notification capabilities.

REVISED
393,697 R
255,020 NR
2.0 pos

$200,000 NR

34 Tort Claims Positions
Funding is provided for two positions to handle the increased demand for tort claims processing services:

Tort Claims Adjuster
Attorney I

GOV

$145,572 R
$8,800 NR
2.00

35 Receipt-Supported Attorney Positions
Establish one receipt-supported Attorney III position, at an annual salary of $89,739 plus benefits, to provide legal services for the Department of Cultural Resources. This position will be supported by receipts from the Department of Cultural Resources.

GOV

Budget Changes	**$1,573,855**	R
	$3,464,484	NR
Total Position Changes	18.00	
Revised Total Budget	**$83,735,610**	

Juvenile Justice & Delinquency Prevention

GENERAL FUND

Total Budget Approved 2005 Session	FY 06-07
	$138,873,166

Budget Changes

Department Management

36 Positions for Administrative Division — $115,080 R; $7,000 NR; 2.00

Funding is provided to establish two new positions to improve operations within the Department's Administration Division:

Auditor II (PG75)
Purchasing Agent II (PG68)

REVISED
221,268 R
14,000 NR
4.0 pos

37 Reserve for Utility and Fuel Costs — $251,826 NR

Non-recurring funds are provided to address increasing utility and fuel costs from prior year hurricanes and other recent events.

GOV

Department Wide

38 Textbook Purchases — $50,000 R

Funds are provided to purchase additional textbooks for juveniles committed to DJJDP detention centers and youth development centers. This will increase budget to approximately $78,000.

GOV

Special Initiatives

39 Eckerd Wilderness Camps Contract — $1,351,500 R

Funds are provided to increase the rate for the existing 326 contracted beds from $110.41/day to $135.32/day. The adjusted rate is equivalent to Eckerd's current-year, actual operating cost for the seven NC camps.

REVISED
916,168 R
for 20 new Eckerd beds and for inflationary increase for Methodist Home contract.

Youth Development Centers

40 Operating Reserve & Positions for New Beds $652,273 R
$100,000 NR
59.00

Funds are provided to establish an operating reserve for the five new youth development centers scheduled to open between September and December 2007. Included in the reserve are funds for 59 new positions, as well as funds for training and educational assistance for the new positions and existing positions. Funding for training and educational assistance is reduced from $315,700 as recommended to $270,000; the $270,000 is funded $170,000 recurring and $100,000 non-recurring. The changes are designed to account for the fact that a portion of the 421 positions designated to receive these funds have already received training and/or educational assistance. Also, the requested amount in salary and benefits is reduced by $84,000; these funds were intended for salary adjustment and not to establish new positions.

Revised
882,779 R
(59)

Budget Changes	**$2,168,853**	R
	$358,826	NR
Total Position Changes	61.00	
Revised Total Budget	**$141,400,845**	

Governor Items Dropped

JCPC's $500,000 R

MIS Positions $224,811 R (3)

Correction

GENERAL FUND

Total Budget Approved 2005 Session — FY 06-07: **$1,048,492,502**

Budget Changes

Alcohol and Chemical Dependency

41 Clinical Substance Abuse Supervisor Positions — $121,957 R; $9,021 NR; 2.00

Legislation passed in 2005 mandates new certification and supervision standards for substance abuse treatment professionals. Supervision standards are one hour of clinical supervision for each 10 hours of counseling for first 300 hours of treatment counseling and then one hour for every 40 hours thereafter. Adding two supervisors will allow DOC to meet these standards and account for the need for supervision at 22 locations statewide.

GOVERNOR

42 Residential Treatment Programs — $930,122 R; 25.00

DOC has been using long term federal grant funds since the mid-1990's to fund long term residential treatment for inmates. These funds are being phased out and will be eliminated by 2007-08. 246 beds are currently used to provide 6 to 12 month residential treatment for inmates with serious substance abuse histories. There is enough federal funding to continue to operate programs and 66 beds at Rowan and Western Youth Correctional Centers for 2006-07. The recommended funding is to continue programs at NCCIW (Women's Prison--34 beds) and Morrison Correctional Center (146 beds).

GOVERNOR

43 DART Cherry Substance Abuse Positions — $166,745 R; $22,365 NR; 5.00

DOC operates 300 residential beds to provide substance abuse treatment for probationers and parolees (primarily DWI) at DART Cherry. Five Substance Abuse Worker positions are recommended to provide improved supervision, especially on evening shifts.

GOVERNOR

Community Corrections

44 Sex Offender Monitoring — $1,626,448 R; $80,770 NR; 7.00

Funding is provided to implement active and passive Global Positioning Systems (GPS) to monitor the most serious convicted sex offenders while under probation, parole or post release supervision (up to 300). Funding is also provided to continue GPS monitoring of the highest risk sex offenders (75 to 125 offenders) upon completion of parole, probation, and post-release supervision.

GOV. REVISED ($1,236,448 R 70,770 NR) (5)

45 Fund Pretrial Services — $400,000 R

Provides $400,000 R to replace funds lost for pretrial services when the Partnership formula was realigned in 2005. These funds are primarily to restore funding to programs that have lost or will lose state funds and the funding is not replaced by their counties. Funding can also be used to start new programs.

SENATE

46 Restore CJPP — $1,000,000 R

Restores $1 million to the Partnership program for cuts taken in previous years.

SENATE

Department Management

47 Medical Claims Management — $44,463 R; $4,583 NR; 1.00

DOC is increasing its efforts to monitor medical claims from outside providers. This action will establish one additional professional staff (Medical Reimbursement Officer I) to supervise the medical claims review process and to help with the integration of the medical claims system with the NCAS State accounting system.

REVISED ($88,927 R, $9,167 NR) (2)

48 Information Technology Security — $85,533 R; $4,583 NR; 1.00

The 2004 Statewide Security Assessment recommended that DOC improve computer security and establish an IT Security Office. DOC currently has only one position devoted to IT Security. In 2005, DOC requested two positions and security software funding but only the software was funded. Funding is provided for a IT Security Manager

REVISED ($161,588 R, 9,167 NR) (2)

49 Reserve for Energy Costs — $9,610,759 NR

For 2005-06, DOC energy costs exceeded the budget by over $9.6 million. Primary cost increases were for heating and cooling 76 prisons and gasoline costs for prison and probation and parole. This funding is intended to avoid a budget deficit in 2006-07. Funding is non-recurring on the premise that energy costs may stabilize by 2007-08.

GOV

Prisons

50 Funding for Our Children's Place — $100,000 R

Funds a program director, contractual services and operating expenses. Our Children's Place is a non-profit organization established to operate the incarcerated mothers program.

SENATE

51 Operating Reserve for Tabor Correctional Center — $95,504 R; $144,000 NR; 10.00

Establish reserve for startup costs for prison in Columbus County scheduled to open February, 2008

GOV.

52 Increase Prison Bed Capacity — $1,458,336 R; $594,069 NR; 36.00

Prison population projections continue to show population exceeding bed capacity. Funding is recommended to increase bed capacity by a total of 468 beds spread over six prisons. The prisons are three medium custody -- Brown Creek, Harnett, and Lumberton -- and three minimum custody prisons-- Dan River, Tillery, and Tyrrell. This capacity increase is possible by increasing the number of inmates in dormitories and adding additional security, medical and program staff. Non-recurring funding is primarily for inmate bunks and lockers and community college start up costs. The original recommended amount of $540,000 NR for community college startup is reduced to $270,000 based on a January 1, 2007 start date.

REVISED (NR WAS $864,069)

53 Inmate Medical Care — $10,000,000 R; $5,723,518 NR

Medical costs continue to exceed the inmate medical continuation budget. This funding will partially address the budget needs.

REVISED (GOV. = $15M R)

54 Gang Prevention Initiative — $256,292 R; 11.00

DOC received Governor's Crime Commission grants to develop a "Security Threat Group Unit" at Foothills Correctional Institution. The grant funding ends December 31, 2006 so 6 months funding is provided for 06/07. The program targets gang members and is designed to increase supervision of these inmates while providing education and skills that will allow an inmate to renounce gang activity.

GOV

55 Security Positions for new Enterprise Plant — $131,355 R; $42,510 NR; 9.00

Enterprise is opening a new janitorial products plant at Warren Correctional Center. The plant is located off-site and will require nine security positions in order to provide adequate security for 100 inmates. The plant opens in Spring 07 so positions are not effective until February 1, 2007.

GOV

56 Inmate Medical - Central Pharmacy — $147,063 R; $4,500 NR; 3.00

Establishes three positions in the DOC Prison Pharmacy: one Pharmacy technician; one Pharmacist; and, a Stock Supervisor. As prison population has grown, the number of prescriptions filled has grown from 550,573 in FY 98-99 to 856,803 in 2004-05 with no increase in staffing.

REVISED ($173,299 R; 5,100 NR; (4))

57 Inmate Medical - Nurses and Records Clerks — $1,332,322 R; $48,960 NR; 38.00

Funding is provided for 18 medical records clerks and 20 Licensed Practical Nurses. Adding the medical clerks will free up nurses to devote more time to nursing duties while adding LPN's will help reduce the general shortage of nurses in the prison system

REVISED ($1,758,320R; 68,000 NR; (50))

58 Delayed Opening of Segregation Units — ($904,430) NR

The completion dates for 40 bed segregation units at Orange and Caldwell Correctional Centers have been delayed from 2006-07 to 2007-08 allowing for a non-recurring reduction. The total reduction is ($904,430); ($380,809) for Orange and ($523,621) for Caldwell.

GOV

Budget Changes	**$17,896,140**	**R**
	$15,385,208	**NR**
Total Position Changes	148.00	
Revised Total Budget	**$1,081,773,850**	

Crime Control and Public Safety

GENERAL FUND

Total Budget Approved 2005 Session

FY 06-07
$35,153,488

Budget Changes

Administration

59 Federal Grants Administration — GOV — $63,731 R / $4,000 NR / 1.00

Funding is provided for a Federal Grants Accountant to ensure compliance with federal reporting and control requirements:

Accountant II(PG74)

60 Information Technology Positions — GOV — $164,112 R / 2.00

Funding is provided to establish two full-time permanent information technology positions:

Business & Technology Specialist (1.0)
Business & Technology Analyst (1.0)

Butner Public Safety

61 Operations and Maintenance — GOV — $103,680 R

Provide funds to meet basic operations and maintenance needs for Butner Public Safety: restore previous budget cuts, inflationary increases, and over budgeted receipts.

Emergency Management

62 Planning, Response, and Recovery Capabilities — REVISED 1,456,371 R 24.0 pos 11 existing 13 new — $379,901 R / $10,500 NR / 7.00

Funding is provided for seven positions to enhance emergency management planning, response, and recovery capabilities.

Transfer three existing managerial positions from temporary receipt-supported to permanent general fund positions:
Emergency Management Asst. Dir (PG 78) 1 positions
Emergency Management Section Mgr (PG76) 2 positions

Establish four new positions:
Emergency Planner I (PG70) 2 positions
Office Asst IV (PG61) 2 positions

63 Urban Search & Rescue/Swift Water Rescue — REVISED GOV requested R — $627,400 NR

Funding is provided for training and equipment to ensure that the state's Urban Search and Rescue and Swift Water Rescue Teams can meet federal standards. Future federal emergency management funding may be jeopardize if the teams fail to meet the standards.

64 HAZMAT Regional Response Teams

Provide funds for the state's seven HAZMAT Regional Response Teams. Funds will be used to support the teams' training and equipment replacement.

REVISED
Gov requested R

$156,956 NR

National Guard

65 National Guard Pension Fund

Funds are provided for the NC National Guard Pension Fund. Effective July 1, 2006, these funds will be used to increase the monthly pension benefit payment to current and future retirees from a maximum of $150 to a maximum of $160.

SENATE

$965,000 R

66 Assistance to NC National Guard Families

Funding is provided for the NCNG Soldiers and Airmen's Assistance Fund to provide emergency financial assistance to members and their immediate families who are experiencing financial hardship.

SENATE

$500,000 NR

Victim & Justice Services

67 Victims Compensation

$700,000 NR to address the backlog of approved but unpaid victims compensation claims.

REVISED
792,411 R
4,000 NR
2.0 pos

$700,000 NR

Budget Changes	**$1,676,424 R** **$1,998,856**
Total Position Changes	10.00
Revised Total Budget	**$38,828,768**

Gov Items Dropped

Operation ROTC 500,000 R

NCNG Deputy Director 96,080 R
1.0 pos.

5-31
Attachment III

North Carolina Department of Crime Control and Public Safety
Division of Emergency Management
4713 Mail Service Center • Raleigh, NC 27699-4713
Michael F. Easley
Governor
Bryan E. Beatty
Secretary

Emergency Management Expansion Budget Request
Fiscal Year 06-07

The Division has requested:

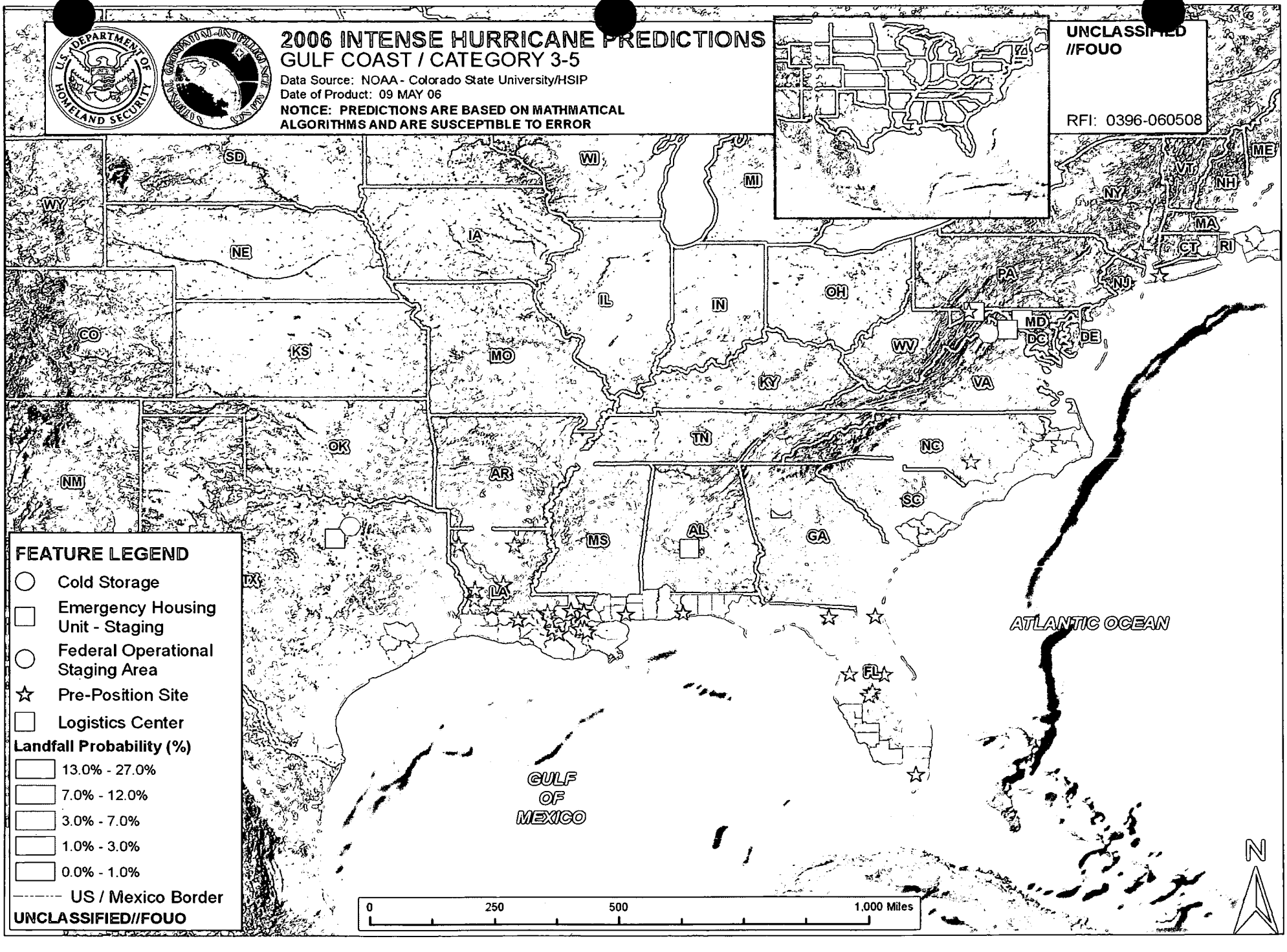
- **Funding for 24 Positions; 14 Existing & 10 New; Funding for Warehouse Operations and Stock - $1,456,651**
- **Funding for HAZMAT Regional Response Team Operations - $156,956**
- **Funding for Urban Search & Rescue Team Training - $627,400**
- **Funding for a new Emergency Operations Center - $8.5M**

Why:

- **Since 1995, the Certified Budget of the Division of Emergency Management has been cut approximately 49% from $4,965,684 to the current amount of $2,526,395 – major capabilities have been lost**
- **Since 1995, there have been 17 Presidentially declared Disasters with well over $3.4 Billion Federal and State dollars managed and disbursed with Emergency Management as the primary oversight – between 1985 and 1995 there were only 4 disasters – clearly our State is experiencing more Disasters**
- **North Carolina is the 2nd hardest hit State with Hurricanes; predictions for 2006 and beyond are for very active Seasons**

Our Duty:

- **To Ensure the Division's Readiness for All-Hazard Threats to North Carolina's Citizenry by maintaining a stable, qualified, and professional Core Staff**


2006 INTENSE HURRICANE PREDICTIONS
GULF COAST / CATEGORY 3-5
Data Source: NOAA - Colorado State University/HSIP
Date of Product: 09 MAY 06
NOTICE: PREDICTIONS ARE BASED ON MATHMATICAL ALGORITHMS AND ARE SUSCEPTIBLE TO ERROR
UNCLASSIFIED //FOUO
RFI: 0396-060508
FEATURE LEGEND
Cold Storage
Emergency Housing Unit - Staging
Federal Operational Staging Area
Pre-Position Site
Logistics Center
Landfall Probability (%)
13.0% - 27.0%
7.0% - 12.0%
3.0% - 7.0%
1.0% - 3.0%
0.0% - 1.0%
US / Mexico Border
UNCLASSIFIED//FOUO
ATLANTIC OCEAN
GULF OF MEXICO
0
250
500
1,000 Miles
N
SD
WI
MI
WY
NE
IA
IL
IN
OH
PA
NY
VT
NH
ME
MA
CT
RI
NJ
MD
DC
DE
WV
VA
KY
CO
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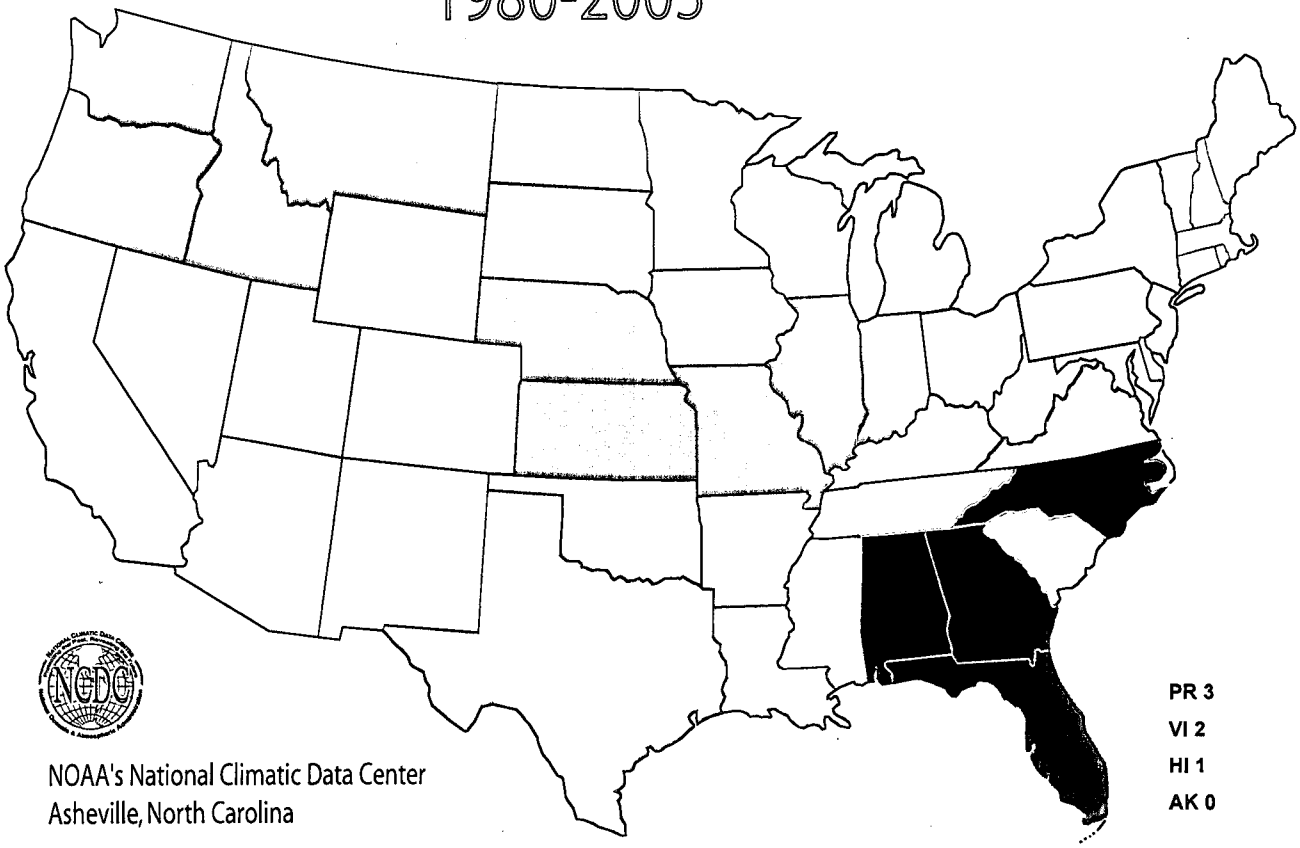
MS
AL
GA
LA
TX
FL

Billion Dollar Climate and Weather Disasters

1980-2005

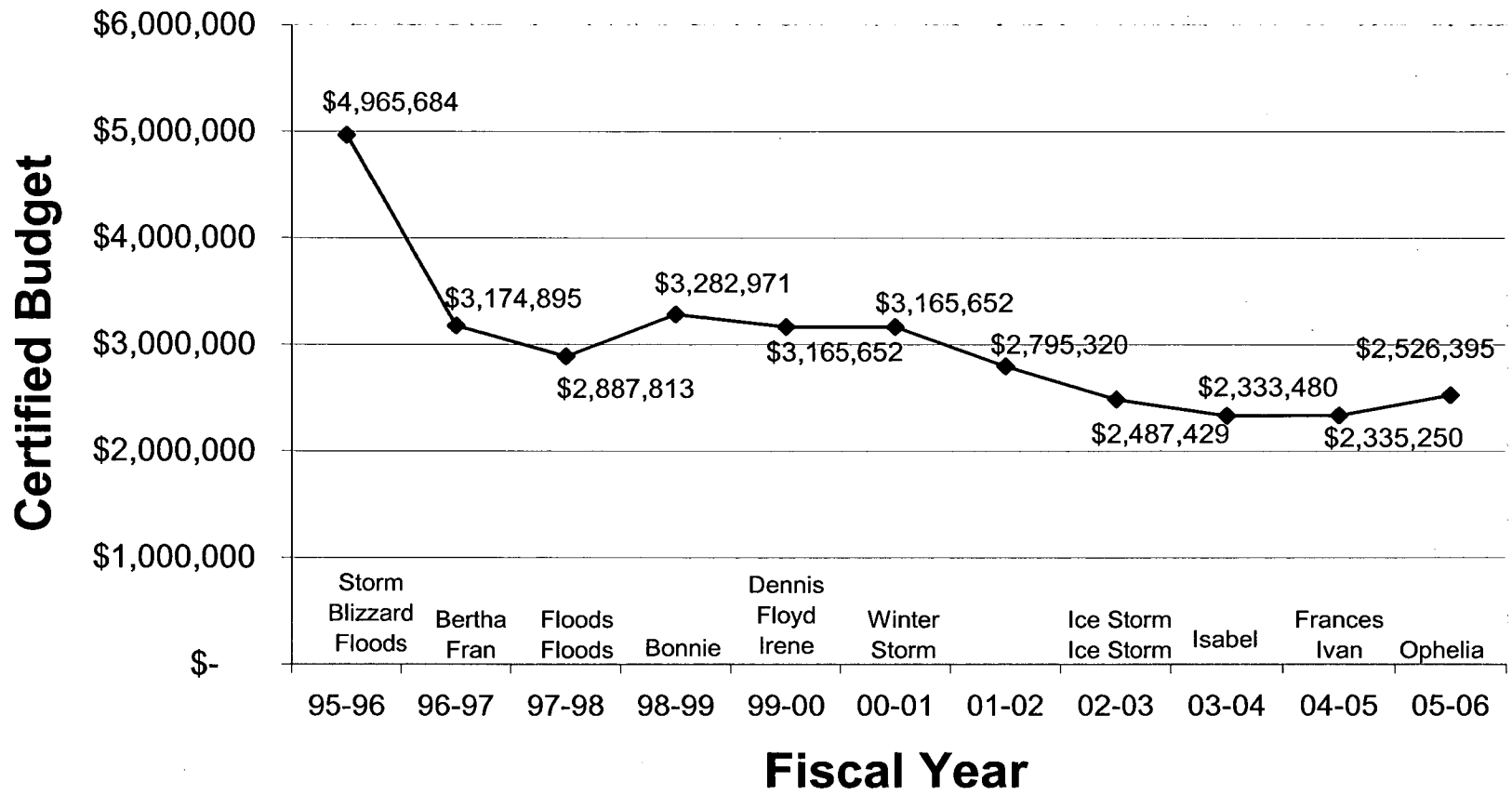


NOAA's National Climatic Data Center
Asheville, North Carolina

NUMBER OF EVENTS	DISASTER TYPE	NUMBER OF EVENTS	PERCENT FREQUENCY	NORMALIZED DAMAGES (Billions of Dollars)	PERCENT DAMAGE
21 - 25					
16 - 20	Tropical Storms/Hurricanes	24	35.8%	269	52.0%
13 - 15	Non-Tropical Floods	12	17.9%	55	10.6%
10 - 12	Heatwaves/Droughts	11	16.4%	145	28.1%
7 - 9	Severe Weather	7	10.4%	13	2.5%
4 - 6	Fires	6	9.0%	13	2.5%
1 - 3	Freezes	2	3.0%	6	1.2%
	Blizzards	2	3.0%	9	1.7%
	Ice Storms	2	3.0%	5	~1.0%
	Noreaster	1	1.5%	2	~0.3%
		67		517	

Please note that the national map color-coded by state reflects a summation of billion dollar events, for each state affected—ie, it does not mean that each state shown suffered at least $1 billion in losses for each event.

Division of Emergency Management
State Appropriations FY 95 - FY 06



NORTH CAROLINA DEPARTMENT OF CRIME CONTROL & PUBLIC SAFETY

DIVISION OF EMERGENCY MANAGEMENT

It is truly in the best interest of the State of North Carolina for all of our cities, counties, and state agencies to be positioned to be as successful as possible in responding to and recovering from grand scale disasters. **The North Carolina Division of Emergency Management is charged with the leadership role in ensuring North Carolina's readiness posture.** A quality investment to the state's readiness posture will be repaid in terms of reduced disaster damage and lives saved.

The truth of the matter is successful response and recovery from major disasters requires a quality preparedness program. **North Carolina's disaster preparedness program has been declining since the FY 95-96 when the Division's appropriation was $4.9 million. Currently, the Division's appropriation is $2.5 million.** Disasters will continue to occur. The goal of the Division is to build the strongest disaster response and recovery capability possible. We strongly believe that the resources we have requested are critical to building that strong capacity to be able to properly address the demands of future disasters.

POSITIONS REQUESTED (24):

The first eleven of these requested positions are currently located in the Recovery Section of the Division. The positions are time limited and have existed since they were first created in 1998. These positions were funded with Federal dollars generated by Hurricane Fran ('96), supported by Hurricane Floyd ('99). Since 1999 there have been six additional disasters in North Carolina, two ice storms and four hurricanes. **These employees are responsible for the ongoing management of over $3.4 billion in federal and state grant dollars directed to disaster recovery.**

1. EM Assistant Director (Recovery Chief) Grade 78 – currently vacant (1 position)
2. Community Development Specialist II (Individual Assistance Program Manager Grade 74 – (1 position)
3. Community Development Specialist I (Individual Assistance) Grade 70 – (2 positions)
4. Emergency Management Section Manager (Public Assistance Section Manager) Grade 76 – (1 position)
5. Community Development Specialist II (Public Assistance Supervisor) Grade 74 – (3 positions)
6. Emergency Management Section Chief (Hazard Mitigation Section Chief) Grade 76 – (1 position)
7. Community Development Specialist II (Hazard Mitigation Project Implementation Manager) Grade 74 – (1 position)
8. Emergency Management Mitigation Chief (State Mitigation Officer) Grade 72T – (1 position)

These first eleven positions are critical to the Division's ability to manage the recovery from any grand scale disaster. These personnel are program knowledgeable, experienced veterans of multiple disasters. **They understand the complexities of the Federal disaster recovery programs, and attract considerably more dollars to the state than the investment that should be made in appropriating their salaries.** With these employees permanently instated, the Division will have the advantage of **continuity from one disaster to the next**, and the ability to use Federal dollars to expand the workforce through contract personnel if necessary.

The next three positions currently exist within the Division as temporary employees. They work in the Logistics Section. **Logistics is where the greatest public expectation lies.** The delivery of support resources to local governments and to citizens is a critical need in disasters and strength is required in the Division's Logistics Section.

1. Office Assistant V (Logistics – Warehouse/Supply) Grade 61 – (2 positions)

2. Office Assistant V (Logistics – Inventory/Surplus Manager) Grade 61 – (1 position)

The next six positions would be located in the Division's three field offices to work directly with local governments. The most fundamental building block of a quality Emergency Management program is a realistic plan that can be easily implemented. We desperately need six Emergency Management Planners who can review and assist with the improvement of local emergency response plans. The next two positions are program managers in the Planning and Information Section.

1. Emergency Management Planner I (Field Planner) Grade 70 – (6 positions)

2. Emergency Management Plans Supervisor (Plans Branch and Training Branch) Grade 74 – (2 positions)

The last two positions would work in the Director's office to assist with administration, and budget management.

1. Business Officer I (Director's Office) Grade 74 – (1 position)

2. Administrative Assistant I (Director's Office) Grade 63 – (1 position)

Fewer than 25% of North Carolina's counties have a full-time Emergency Management program. Disaster preparation and readiness is not a priority business with North Carolina's local governments. Disasters have and will continue to occur in this state. **It is the responsibility of the North Carolina Division of Emergency Management to encourage local governments to become as disaster ready as possible, to support them in their response to events, and to come to their aid when events overwhelm their ability to respond.** The Division of Emergency Management requires your support to ensure our success in our quest to aid local governments and the citizens of our state in time of disaster. Disaster readiness is a full time business. **Quality response requires ten fold investment in preparation.**

5-31-06
Attachment IV

ADMINISTRATIVE OFFICE OF THE COURTS
JUSTICE BUILDING

JUDGE RALPH A. WALKER
DIRECTOR

P.O. BOX 2448
RALEIGH, N.C. 27602
(919) 733-7107

DAVID F. HOKE
ASSISTANT DIRECTOR

May 30, 2006

MEMORANDUM

TO: Representative Philip Haire, Cochairman
Representative Joe Kiser, Cochairman
JPS Subcommittee

FROM: Judge Ralph A. Walker

SUBJECT: Requested Changes and Alterations to the Senate version of the Judicial Department Budget

We are very pleased at the priority that both the Governor and Senate JPS chairs placed on the critical needs of the Judicial Department for the upcoming fiscal year. Many of these needs have been addressed in S 1741 and for that we are very grateful. However, after careful review of the budget report and the Senate bill, there are a number of items that need your attention as you review and take action on this bill.

I would like to summarize a number of changes to the Judicial Department section of S 1741 and the money report that we recommend and that we feel would better serve us.

Budget Report

1. Amend the language in the **Technology Initiatives** to read, "Provides a mix of recurring and non-recurring money through the use of permanent staff and consultants for critical technology projects with the AOC, ~~as follows~~ such as:"

   This would allow the flexibility to add permanent staff or use short-term consultants, whichever is more cost efficient and to undertake whatever projects can be afforded and completed with the funding provided.

2. Amend the language in the **Guardian Ad Litem** to read, "Provides funding for thirteen new Guardian ad Litem staff positions to address significant increases in caseloads. These positions will include program supervisors~~, program assistants, volunteer recruitment and retention specialists, and administrative specialists.~~ and program assistants.

GAL only needs staff in these two position classifications.

3. **Recurring Funds for Family Court** – As recommended by the Senate, there should be a total of 5 FTE not 4. There are 3 positions needed for Wake County in addition to the 2 positions added for Mecklenburg and Cumberland.

4. **Expansion of Drug Treatment Court** – should be 4 FTE rather than 3. This was an error on our original budget notes.

5. **Interpreter Fee Payments** – We would like to add 9 FTE to this budget item. There is a special provision allowing the conversion of contractual positions with the consultation of Gov Ops but we are interested in conversion to begin the fiscal year. Currently, we are spending approximately $65,000 in hourly payments to cover 35 hours of court per week and we feel we can hire a full-time interpreter for about $35,000 per year.

6. **Pilot for Self-Serve Centers** – This item was not requested by the AOC and is not a critical need. However, if it remains in the budget it should be rewritten to allow to more broadly serve Pro Se litigants. The language could be rewritten as follows:

   Pro Se Self-Serve - Appropriates nonrecurring funds to provide access to legal forms and other resources for pro se litigants.

S 1741

1. **Section 14.3 Provide Additional Assistant District Attorneys.** We would like to provide amended language which would establish the numbers shown in this section as MINIMUMS thereby eliminating the future need to amend this statute when additional ADA's are provided in the future.

2. **Section 14.5 Provide Additional Magistrates/Eliminate Maximum Allocation of Magistrates.** We would like to provide amended language to establish the current MINIMUMS with the current actual number of magistrates in each county. This establishes today's allocation as the minimum and protects each county's current allocation.

3. **Section 14.7 Collection of Offender Fees and Fees Assessed by the General Court of Justice.** This language was not provided by the AOC and we feel it is not workable. We will provide substitute language.

4. **Section 14.8 Jury Waiver Fee Program.** This language was not provided by the AOC and we feel the idea is not workable and would cost more to administer than would be waived. We do not support decentralized budgeting for court programs. This section should be eliminated.

5. **Sections 14.9 (a) and (b). Establish Intermediate Deferred Prosecution for Drug Treatment Courts.** The AOC did not request this language and does not support it. It is an attempt to make pre-plea cases in Drug Treatment Courts eligible for publicly funded substance abuse treatment through the area mental health system. There is no guarantee that the Department of Health and Human Services would allow funding under there rules and any alteration of Structured Sentencing such as this should first be reviewed by the Sentencing and Policy Advisory Commission. This section should be eliminated.

6. **Section 14.9 (c).** The AOC did not request this language and does not support it. The language would greatly inhibit the Director's statutory authority to operate a unified court system. This section should be eliminated.

7. **Section 14.9 (d).** The AOC did not request this language and does not support it. The language also erodes the Director's statutory authority to operate a unified court system. The section on Mental Health rules raises the question of their rules applying to Judicial Department money spent for treatment or is this an attempt by JPS to write statutory language that undercuts the published rules and authority of the Department of Health and Human Services? This section should be eliminated.

8. **Section 14.11 (a – d). Court Interpreters.** The AOC may provide amended language after further negotiations with IDS about specific language ensuring that interpreters used exclusively for defense purposes are paid through the IDS budget.

We look forward to working with you on all aspects of the Judicial Department budget and appreciate you time and attention to this highlighted matters.

Attachment V

PRIORITY FUNDING REQUESTS
OFFICE OF INDIGENT DEFENSE SERVICES
2006-2007

COVER SHORTFALL IN 2005-2006 FUNDING FOR ASSIGNED COUNSEL AND FULLY FUND 2006-7 DEMAND FOR INDIGENT DEFENSE.

$4.0 Million nonrecurring
$2.0 Million recurring

Governor Recommended $2.5 Million recurring and $2.0 Million nonrecurring based on our January projections. Senate funded $4.5 Million nonrecurring.

INCREASE HOURLY RATES BY $10 FOR ASSIGNED COUNSEL

Increase to $75/hour for non-capital, $95/hour for capital

$9.3 Million recurring

Governor Recommended and Senate included $1,591,162 for capital case attorneys only.

EQUIPMENT REPLACEMENT FOR STATE DEFENDERS

Replace computer equipment purchased before 2001

$335,926 nonrecurring

Not included in request to Governor nor Senate budget

ELECTRONIC SUBMISSION OF FEE APPLICATIONS

Funds to develop pilot system

$166,000 nonrecurring

Not included in request to Governor nor Senate Budget

INCREASE PASS THROUGH FUNDING TO PRISONERS LEGAL SERVICES

To reflect current costs of contract inherited from DOC

$179,692 recurring
$122,438 nonrecurring

Governor recommended and Senate budget included $122,438 nonrecurring

5-31-06
Attachment
N

PRIORITY FUNDING REQUESTS
OFFICE OF INDIGENT DEFENSE SERVICES
2006-2007

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$122,438 nonrecurring

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HOUSE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY

JUNE 8, 2006
Room 415 – LOB

HOUSE MEMBERS PRESENT: (8) Representatives Haire, Kiser, Sutton, Frye, Goodwin, Jones, Justus, and Spear.

The Joint Appropriations Subcommittee on Justice and Public Safety met on Thursday, June 8, 2006 in Room 415 of the Legislative Office Building. **Representative Phil Haire** presided and called the meeting to order at 2:40 p.m.

Rep. Haire introduced Sgt. At Arms – **Tom Wilder** and **Fred Hines** and then referred members to **Handout #1 – Rules for Subcommittee Procedure. Rep. Haire** stated that these would be the rules for offering amendments for this Committee.

Ms. Denise Thomas – Staff began with **Handout #2 – Justice Public Safety Recommended Adjustments FY2006-2007.** This shows the comparison between the draft proposed budget – what the Governor recommended and what the Senate recommended. The budget that you are looking at today is $1,821,128,416 and matches the target exactly – the joint target that was given to both the House and the Senate. The House Budget does propose to spend every dollar that was on the target.

Rep Haire paused to congratulate the JPS Team which has operated with one person short and to thank each member personally for all of the hard work.

Mr. Doug Holbrook – Staff continued with **Handout # 3 – Draft Budget Report** beginning with page I-1 – Judicial. **Rep. Jones** stated that he had never seen a formula on handling the District Court Judges and they were not the same ones that were recommended by the Senate and would like to look at that at how that was done. **Mr. Holbrook** said that he could provide the workload chart that the Senate worked from.

Handout #4 – Senate Item for District Court Judges was handed out for review.

Rep. Goodwin asked regarding **Item 21** why Attorney Fee Payments for Indigent Defense, were taken out of non-recurring funds? **Mr. Holbrook** responded by saying that the fund would run short in excess of $4 1/2 million this year – this is to enable them to start the new year not being in the hole – it is to patch this year's gap for what's going to be left over for this year. **Rep. Goodwin** asked again the reason for its being non-recurring instead of recurring? **Mr. Holbrook** replied that yes, because it's a one-time gap for this year. Discussion continued with questions from members that were answered by staff. **Rep. Haire** stated that case load figures were provided by AOC which was the basis for the decisions made.

Ms. Denise Thomas-Staff made the presentation on the **Justice** items – page I- 6 and went over just the revised items, the first one being Item 28. Item 35 concluded the revised items for **Justice**. There being no questions, **Ms. Thomas** continued on page I-8 with the explanation of revised items beginning with **Item 37 – Juvenile Justice & Delinquency Prevention.**

Mr. Jim Mills – Staff continued with **Item 40 – Youth Development Centers – Operating Reserve and Positions for New Beds** and explained the differences in the Governor's, Senate's and House's Budget.

Mr. Mills continued with **Department of Correction** on page I-10. Items 41-43 are proposed as joint in the House. They deal with substance abuse and residential substance abuse programs and positions. **Mr. Mills** further explained the remaining items items through **Item 62. Items 61 and 62** were added by the House. Two items that were in the Senate Budget that were dropped were: 1. Pre-Trial Grants ($400,000) and 2. Our Children's Place ($100,000).

Ms. Thomas referred members to page I-14 – **Crime Control and Public Safety** and began with the first change item - **Item 66 – Planning, Response, and Recovery Capabilities. Items 69, 70 and 73** are new items for the House. **Secretary of Crime Control and Public Safety Brian Beatty** was on hand to answer questions in regard to budget items.

The committee next looked at **Handout # 5 – Draft Special Provisions. Mr. Doug Holbrook – Staff,** began on Page 1 and going through each page with explanations of the joint, revised, and House provisions. **Mr. Gregg Stahl, AOC,** was on hand to answer questions and stated that AOC would try and do a better job next year of coming to the committee with needs and how you should fund positions. **Rep. Kiser** to questions regarding appointment of that this was the 12th budget that he has made, and that he wanted to assure everyone that as far as he can remember, that this is the cleanest issuance of judges that he has seen - with the least politics involved. Not perfect, but the cleanest he has seen and feels that progress is being made in that direction.

Ms. Thomas, Staff, moved on, stating that there were no provisions for the Department of Justice and the provisions for Juvenile Justice begin on Page 20 and quickly reminded and pointed out the Joint Provisions.

Mr. Mills, Staff, continued on Page 26 and pointed out that this is a revision of a provision from last year. He continued on thru 35.

Rep. Haire commended the Departments on the good job that they have been doing in providing the Committee and staff with necessary data.

Ms. Thomas, Staff, read through the **Special Provision – Crime Control and Public Safety - Grants to Prevent Gang Violence** on page 36.

Rep. Haire announced that one correction needed to be made on the Special Provisions Report. **Emily Johnson – Staff,** explained that on Page 5, Line 28 – the provision is supposed to follow the money and so staff had made a mistake on Line 28 – should be 2. 6A should remain at 2.

Rep. Haire asked for a motion that the Money Report and Special Provisions be approved subject to permitting staff to make technical corrections to either document.

Rep. Sutton so moved - the motion passed, and the meeting was adjourned.

Visitor's Registration Lists are attached and made part of these minutes. Tapes of this meeting are kept on file.

Respectfully submitted,

Representative Phil Haire
Chair

Sara Jane Lennard
Committee Assistant

ATTENDANCE

Joint Appropriations Subcommittee on Justice & Public Safety – 2005-2006

(P) Indicates Present

DATES	11 May	26 May	June 8 and 9													
HOUSE																
Rep. Phil Haire, CHAIR	✓	✓	✓													
Rep. Joe Kiser, CHAIR	✓	✓	✓													
Rep. Karen Ray, VICE CHAIR	✓	✓														
Rep. Ron Sutton, VICE CHAIR	✓	✓	✓													
Rep. Phillip Frye	✓		✓													
Rep. Melanie Goodwin	✓	✓	✓													
Rep. Edward Jones	✓	✓	✓													
Rep. Carolyn Justus	✓	✓	✓													
Rep. Paul Miller																
Rep. Timothy Spear	✓	✓	✓													
SENATE																
Sen. Ellie Kinnaird, CHAIR																
Sen. John Snow, CHAIR																
Sen. Dan Clodfelter, VICE CHAIR																
Sen. Stan Bingham, RANKING MINORITY MEMBER	✓															
Sen. Tom Apodaca																
Sen. Pete Bland	✓															
Senator Keith Presnell	✓															
Sen. Tony Rand																

VISITOR REGISTRATION SHEET

JUSTICE & PUBLIC SAFETY — JUNE 8, 2006

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tom Kaut	DA - Forsyth
Grace Marsh	Mediation Network of NC
Denise Long	NC LEAF
Rex Whaley	AOC
Kala Howell	AOC
Jennifer Green	AOC
[illegible]	DJJDP
Ken Upchurch	DJJDP
[illegible]	NCATC
[illegible]	NCATC
George Sweat	DJJDP
Dawn McDaniel	DJJDP

VISITOR REGISTRATION SHEET

JUSTICE + PUBLIC SAFETY — JUNE 8, 2006

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
S. Katzenelson	NC-SPAC
Tracy Little	NCDOC
CASANDRA WHITE	NC CCPS
DOUG HERON	NC BAR ASSOCIATION
STEVE SHABER	POYNER + SPRUILL
Tom Mica	DOC
Lan Rubert	CJPC
Bill Rowe	NC Justice Cuts
Art Britt	NCDOL
Marc Nelson	OSBM
Sheryl Stephens	OSBM
Allie Caldwell	NC Sheriffs Assn

VISITOR REGISTRATION SHEET

JUSTICE & PUBLIC SAFETY — JUNE 8, 2006

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Theodis Beck	NC DOC
Lee Haber	ICCLH
K. E. Bost	COPS
Doug Z	NCAJ
Paul Fuller	NAACP ATL
Rebecca Troutman	NCACC

6-8-06

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 415, Legislative Office Building
June 8, 2006 1:00 p.m.

I. CALL TO ORDER
Chairmen: Rep. Phil Haire, Presiding Rep. Joe Kiser

II. PRESENTATIONS

Opening Remarks by Chairs

Review of House Draft Budget Recommendations
Fiscal Research Staff

House Justice and Public Safety Members

III. OTHER BUSINESS

IV. ADJOURNMENT

Handout #1

North Carolina House of Representatives
Appropriations Committee

RULES FOR SUBCOMMITTEE PROCEDURE

June 8, 2006

The following rules govern the eligibility of amendments to subcommittee reports:

1. Amendments must be offered by formal amendments.
2. Amendments cannot increase total spending within the draft subcommittee report presented by the subcommittee chairs.
3. Amendments can only affect appropriations within the departments, agencies, or programs within the jurisdiction of the subcommittee.
4. Amendments cannot spend reversions.
5. Nonrecurring reductions cannot be used to fund recurring items.
6. Amendments cannot change substantive policy or law.

Handout # 2
8, 06

Justice Public Safety Recommended Budget Adjustments FY2006-07

AGENCY	Certified Budget FY 2006-07	Governor's Recommended FY 2006-07 Budget	Comparison of Governor's Recommended to Certified Budget	Senate Recommended FY 2006-07 Budget	Comparison of Senate Recommended to Certified Budget	House Recommended FY 2006-07 Draft Budget	Comparison of House Recommended to Certified Budget
Correction	1,048,492,502	1,080,021,893	3.0%	1,081,773,850	3.2%	1,085,370,161	3.5%
Judicial-AOC	345,760,410	371,919,231	7.6%	372,855,835	7.8%	372,494,828	7.7%
AOC-Indigent	88,648,414	94,862,014	7.0%	96,131,543	8.4%	95,633,469	7.9%
Justice	78,697,271	83,269,031	5.8%	83,735,610	6.4%	83,425,541	6.0%
Juvenile Justice	138,873,166	141,934,018	2.2%	141,400,845	1.8%	142,427,686	2.6%
Crime Control	35,153,488	39,122,229	11.3%	38,828,768	10.5%	41,776,731	18.8%
Total JPS	**1,735,625,251**	**1,811,128,416**	**4.4%**	**1,814,726,451**	**4.6%**	**1,821,128,416**	**4.9%**

Joint Target: **1,821,128,416**

Handout #3

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

DRAFT BUDGET REPORT

JUNE 8, 2006

Judicial

GENERAL FUND

Total Budget Approved 2005 Session

FY 06-07
$345,760,410

Budget Changes

1 Restore Pass-through to Dispute Settlement Centers — $131,418 R

Restores funding cuts to dispute settlement centers taken in the 2003 budget.

Revised
S=$529,545

Administration

2 Technology Initiatives — $4,500,000 R; $1,000,000 NR

Provides a mix of recurring and non-recurring money for critical technology projects in the AOC, as follows:

1) rewrite obsolete processing systems for clerks and district attorney/public defender cases, including required data cleanup to implement a statewide warrant repository (NCAWARE);

2) new initiatives related to court, civil eFiling, electronic payments, and electronic traffic court;

3) maintenance and enhancement of existing applications including eCitation and Casewise/Jwise.

The non-recurring funds in this item are appropriated to the Court Information Technology Fund created in GS 7A-343.2, and as such, shall not revert.

Revised
S=$5,500,000 R
$1,900,000 NR

Appellate

3 Justice Building Renovation — $512,000 NR

Renovations to the Justice Building are scheduled to continue into FY 2006-07, but funds for the temporary relocation of staff are only budgeted for FY 2005-06. This item appropriates funds to continue the lease of space through 2006-07 fiscal year and to cover moving expenses for the Supreme Court and the AOC.

Revised
S= $32,000 R
$480,000 NR

4 New Court of Appeals Positions — $108,990 R; $14,467 NR; 2.00

Appropriates funding for one new Staff Attorney I and one new Appellate Clerk I to address increases in appellate workload and to expedite parental termination of rights cases. These positions have been annualized for a July 1, 2006, effective date.

Joint

District Attorneys

5 New Prosecutors and Support Staff

Provides funds for 90 new Assistant District Attorneys and 9 Victim Witness Legal Assistants. The Assistant District Attorney positions will be allocated based on the workload formula adopted by the Conference of District Attorneys. The VWLAs will be allocated to the following districts:

10 -- Wake (2 positions)
12 -- Cumberland
15B-- Orange, Chatham
16B-- Robeson
19A-- Cabarrus
25 -- Burke, Caldwell, Catawba
26 -- Mecklenburg
28 -- Buncombe

These positions are effective October 1, 2006.

Revised

$5,731,277 R
$416,124 NR
99.00

6 Open File Discovery Project

Due to recent legislation requiring open discovery in criminal cases, there is need for an automated evidence tracking system that will register the articles of evidence, track their use, and verify that the articles have been disclosed to the appropriate parties as required by law. This item appropriates $3 million NR to the Court Information Technology Fund created in GS 7A-343.2, and as such, these funds do not revert.

Revised

$3,000,000 NR

Equipment and Other Reserves

7 Critical Equipment Needs

Provides nonrecurring funds to replace essential technology and office equipment that is six years or older. Nonrecurring funds are also recommended for the replacement of audio machines in District Court, and for telephone systems that are ten years or older. In addition, recurring funds are recommended for the continued replacement of outdated equipment and systems.

Revised
S = $2,500,000 R
$3,800,000 NR

$2,000,000 R
$3,800,000 NR

8 Equipment for New Courthouses

Appropriates funds for new telephone systems and LAN equipment in the new courthouses located in Clay and Harnett Counties.

Joint

$110,000 NR

Trial Courts

9 Split Prosecutorial District 19B

Split prosecutorial district 19B (Randolph, Montgomery, Moore) into 19B (Randolph, Montgomery) and 19D (Moore). This realigns the prosecutorial district on the same lines as the Superior Court district. This item will be effective January 1, 2007.

House

$352,000 R
4.00

10 New District Court Judge Positions — $876,252 R; $144,872 NR; 13.00

Revised

S = $1,046,000 R
$ 178,304 NR
16 pos

Provides funding for thirteen new District Court Judges in the following districts based on workload formulas:

3B -- Craven, Carteret, Pamlico
10 -- Wake
11 -- Johnston, Lee, Harnett
14 -- Durham
15B-- Orange, Chatham
17A-- Rockingham
19B-- Randolph, Montgomery, Moore
19C-- Rowan
20B-- Union
25 -- Burke, Catawba, Caldwell
26 -- Mecklenburg
27B-- Cleveland, Lincoln
30 -- Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain

These positions are effective January 15, 2007.

11 New Deputy Clerk Positions — $1,985,850 R; $184,350 NR; 75.00

Revised

S = $1,323,900 R
$ 184,350 NR

Additional deputy clerks are needed to address significant increases in certain types of cases such as foreclosures and estate cases. Seventy-five new positions are created, and will be assigned by the Administrative Officer of the Courts. These positions will be effective on October 1, 2006.

12 New Magistrate Positions — $240,978 R; $24,984 NR; 6.00

Joint

Appropriates funding for six new magistrates. These positions are needed to meet the magistrate staffing levels set forth in GS 7A-133. These positions have been annualized for a July 1, 2006, start date.

These magistrates will be assigned in the following counties: Carteret, Greene, Alamance, Robeson, Montgomery, and Gaston.

13 New Guardian ad Litem Program Staff — $512,611 R; $26,742 NR; 10.00

Revised

S = $743,130 R
37,321 NR 13 Pos

Provides funding for 10 new Guardian ad Litem staff positions to address significant increases in caseloads. These positions will include three program supervisors and seven program assistants, and are effective July 1, 2006.

14 New District Court Judicial Support Staff — $200,845 R; $19,080 NR; 5.00

Joint

Provides funding for five new District Court Judicial support staff positions (Judicial Assistant I). These positions are needed to support the recently established judgeships, expansion of family mediation, and other arbitration and mediation efforts. These positions have been annualized for a July 1, 2006, start date.

	FY 06-07	
15 Expansion of Custody Mediation Program Appropriates funding to expand the Custody Mediation Program into the final remaining Judicial Districts, as required by GS 7A-494(a). This expansion will require the establishment of 7.75 new support staff. These positions have been annualized for a July 1, 2006, effective date.	$558,074 $38,912 7.75	R NR
16 Expand Family Court Program Provides funding to make Wake Family Court program permanent ($175,000), to add new case coordinator positions in Mecklenburg and Cumberland Counties, and to set up a new Family Court program in another judicial district to be determined by AOC.	$575,400 $8,372 8.00	R NR
17 Expansion of Drug Treatment Court Appropriates additional recurring funds for statewide Drug Treatment Court operations ($49,992), as well as for three Drug Treatment Court case coordinator positions to replace federal funding that is expiring.	$238,092 $17,562 3.00	R NR
18 Interpreter Fee Payments Fully funds interpreter fee payment line item. The current budget for interpreter fees is insufficient to support the total expenditures for this service, which must be provided as required by statute. This expansion is provided on a nonrecurring basis for this fiscal year.	$775,000	NR
19 Eliminate Reserve for HB 1048 Eliminates the $1.8 million reserve established in SB 622 for judicial and prosecutorial staff pending the passage of House Bill 1048, Governor's DWI Recommendations.	($1,869,834)	R
20 Increase Juror Fees Appropriates funds to raise the fee for jurors from $12 per day to $12 per day for the first day of service, $20 per day for days 2-5, and $40 per day thereafter. Grand jurors would be raised from $12 to $20.	$500,000	R
Budget Changes	**$16,641,953** **$10,092,465**	R NR
Total Position Changes	232.75	
Revised Total Budget	**$372,494,828**	

Joint

Revised
S = $300,400 R

Joint

Joint

Joint

House

Dropped Pilot for Self-Serve Centers
Business Court Expansion
Innocence Claim Review

Judicial - Indigent Defense

GENERAL FUND

Total Budget Approved 2005 Session	FY 06-07 $88,648,414

Budget Changes

21 Attorney Fee Payments for Indigent Defense Nonrecurring funds are recommended for unpaid attorney fee applications from fiscal year 2005-06 that need to be carried over to fiscal year 2006-07 due to a funding shortfall.	Reursed $=$ $4,500,000 NR	$4,700,000	NR
22 Hourly Rate for Private Assigned Counsel Provides funding to increase the hourly rate for private assigned counsel in capital cases to $95 at the trial, appellate, and post-conviction levels. The current rate is $85, which was set in 1993.	Joint	$1,591,162	R
23 NC Prisoner Legal Services, Inc. Contract Appropriates funding for inflationary increases for the contract with Prisoner Legal Services, Inc.(PLS). Current operating costs for this contract are higher than the total contract amount, creating an operating shortfall for PLS.	Joint	$122,438	NR
24 Establish Audit Function Establish an Auditor II position within the Office of Indigent Defense Services to analyze fee applications and effect cost savings by preventing over billing.	Joint	$66,029 $3,500 1.00	R NR
25 Electronic Submission of Fee Applications Provides non-recurring funds to develop a system for the electronic submission of fee applications for reimbursement from the Attorney Fee Fund.	House	$166,000	NR
26 Equipment for Public Defenders Provides non-recurring funds to replace technology and other office equipment in Public Defenders' offices.	House	$335,926	NR

Budget Changes	**$1,657,191**	R
	$5,327,864	NR
Total Position Changes	1.00	
Revised Total Budget	**$95,633,469**	

Dropped: Restore Sentencing Services $ 1.2 Million

Justice

GENERAL FUND

Total Budget Approved 2005 Session

FY 06-07
$78,697,271

Budget Changes

CJTSD

JOINT

27 In-Service LEO Training

Funding is provided to the Criminal Justice Training and Standards Division to develop a new online training and registration system. The system will support Division efforts to provide training and certification services to the state's 29,000 law enforcement officers, 7,000 detention officers, and all 911 operators.

$300,000 NR

Law Enforcement

REVISED

28 SBI Staff Expansion

$418,144 R
$257,353 NR
12.00

Governor's Recommendation: provide funding for 12 investigative and forensic analysis positions: Positions are effective January 1, 2007 when construction of the SBI laboratory expansion is completed.

Senate
763,670 R
400,896 NR
12.0

(4 sworn 8 non-sworn) eff 7/1/06

4 Sworn Drug Chemists
1 Non-sworn Drug Chemistry Technician
5 SBI Field Agents
1 Non-sworn Forensic Analyst
1 NOn-sworn Molecular Geneticist

29 SAFIS Replacement

JOINT

$72,180 R
$1,891,588 NR
1.00

Provide funding to replace state and local equipment for the Statewide Automated Fingerprint Identification System. In addition, funding is provided for one position: Application Development Supervisor

30 SBI Lab Expansion

REVISED

$600,000 NR

Funding is provided to purchase two diesel generators and cubicle furniture to accommodate personnel relocating from Blount Street to the SBI campus.

Senate = 650,000 NR

31 Business Recovery Site

$353,676 R

JOINT

Funds are provided for a business recovery site to house the backup computer center being relocated from the Blount Street site. Funding is also provided for telecommunication charges and IT services charges.

Legal Services

32 Attorney Positions — JOINT

Funding is provided for three positions for the Appellate and Law Enforcement Liaison Sections:

Attorney II(2 positions)
Attorney III

$238,757	R	
$13,200	NR	
3.00		

33 Sex Offender Registry Upgrade — JOINT

Funding is provided to use contractual services to upgrade the state's Sex Offender Registry to include GIS mapping of offenders and public email notification capabilities.

$200,000	NR

34 Tort Claims Positions — JOINT

Funding is provided for two positions to handle the increased demand for tort claims processing services:

Tort Claims Adjuster
Attorney I

$145,572	R	
$8,800	NR	
2.00		

35 NC LEAF — HOUSE

Funding is provided to the NC Legal Education Assistance Fund (NC LEAF) to increase education loan repayment assistance for qualified law school graduates who accept positions with public or non-profit agencies. This amount will increase the NC LEAF continuation budget to $500,000.

$229,000	R

Budget Changes	**$1,457,329**	R
	$3,270,941	NR
Total Position Changes	18.00	
Revised Total Budget	**$83,425,541**	

Juvenile Justice & Delinquency Prevention

GENERAL FUND

Total Budget Approved 2005 Session

FY 06-07
$138,873,166

Budget Changes

Department Management

36 Positions for Administrative Division — JOINT

Funding is provided to establish two new positions, effective July 1, 2006, to improve operations within the Department's Administration Division:

Auditor II (PG75)
Purchasing Agent II (PG68)

$115,080 R
$7,000 NR
2.00

37 Reserve for Utility and Fuel Costs — REVISED

Non-recurring funds are provided to address increasing utility and fuel costs.

$451,826 NR

Senate = 251,826 NR

Department Wide

38 Textbook Purchases — JOINT

Funds are provided to purchase additional textbooks for juveniles committed to DJJDP detention centers and youth development centers. This will increase budget to approximately $78,000.

$50,000

Special Initiatives

39 Eckerd Wilderness Camps Contract — REVISED

Funds are provided to increase the rate for the existing 326 contracted beds from $110.41/day to $121.77/day. The adjustment will partially address the difference between the contract rate and Eckerd's current-year, actual operating cost for the seven NC camps ($135.32/day). In addition, funding is provided to purchase 20 more beds to increase the total number of contracted beds from 326 to 346.

$2,240,420 R

Senate
$1,351,500 R

Youth Development Centers

REVISED

40 Operating Reserve and Positions for New Beds

$556,319 R
$133,875 NR
56.00

Funds are provided to establish an operating reserve for the start-up of new youth development centers scheduled to open between September and December 2007. The original proposal included funds for 59 new positions, as well as funds for training and educational assistance for another 362 positions for five centers. Funding for training and educational assistance is reduced from $315,700 to $267,750; the $267,750 is funded $133,875 recurring and $133,875 non-recurring. The changes are designed to account for the fact that a portion of the 421 positions designated to receive these funds have or will have already received training and/or educational assistance. Also, the requested amount in salary and benefits that was intended only for salary adjustment, $84,000, is eliminated. Finally, the 59 positions requested are reduced to 56. Three positions for the new YDC in Guilford County are eliminated for FY 06/07 due to delays in project startup. The 56 positions are effective at various dates during FY 06/07.

Senate

652,273 R
100,000 NR
59.0

Budget Changes	**$2,961,819**	R
	$592,701	NR
Total Position Changes	58.00	
Revised Total Budget	**$142,427,686**	

Correction

GENERAL FUND

Total Budget Approved 2005 Session

FY 06-07
$1,048,492,502

Budget Changes

Alcohol and Chemical Dependency

41 Clinical Substance Abuse Supervisor Positions — $121,957 R / $9,021 NR / 2.00

Legislation passed in 2005 mandates new certification and supervision standards for substance abuse treatment professionals. Supervision standards are one hour of clinical supervision for each 10 hours of counseling for first 300 hours of treatment counseling and then one hour for every 40 hours thereafter. Adding two supervisors will allow DOC to meet these standards and account for the need for supervision at 22 locations statewide. Positions are effective July 1, 2007.

JOINT

42 Residential Treatment Programs — $930,122 R / 25.00

DOC has been using long term federal grant funds since the mid-1990's to fund long term residential treatment for inmates. These funds are being phased out and will be eliminated by 2007-08. 246 beds are currently used to provide 6 to 12 month residential treatment for inmates with serious substance abuse histories. There is enough federal funding to continue to operate programs and 66 beds at Rowan and Western Youth Correctional Centers for 2006-07. The recommended funding is to continue programs at NCCIW (Women's Prison--34 beds) and Morrison Correctional Center (146 beds).

JOINT

43 DART Cherry Substance Abuse Positions — $166,745 R / $22,365 NR / 5.00

DOC operates 300 residential beds to provide substance abuse treatment for probationers and parolees (primarily DWI) at DART Cherry. Five Substance Abuse Worker positions are recommended to provide improved supervision, especially on evening shifts. Positions are effective July 1, 2007.

JOINT

Community Corrections

44 Reserve for Sex Offender Monitoring — $1,236,448 R / $70,770 NR / 5.00

A reserve is established to fund a program to implement an active and passive Global Positioning System (GPS) to monitor the most serious convicted sex offenders while under probation, parole or post release supervision (up to 300). Expenditure of these funds is tied to passage of HB 1902 or substantially similar legislation on GPS Monitoring of Sex Offenders and to meeting the technology requirements of SB 991.

REVISED

SENATE = $ 1,626,448

80,770 NR

(7)

REVISED

FY 06-07

45 Restore CJPP — $500,000 R

Restores part of the amount of funds cut from the Criminal Justice Partnership Program in previous years.

SENATE = $1 MILLION

46 Probation and Parole Officer Equipment — $385,000 NR

Funding to begin replacement of body armor worn by probation and parole officers

HOUSE

Department Management

47 Medical Claims Management — $44,463 R; $4,583 NR; 1.00

DOC is increasing its efforts to monitor medical claims from outside providers. This action will establish one additional professional staff (Medical Reimbursement Officer I) to supervise the medical claims review process and to help with the integration of the medical claims system with the NCAS State accounting system. Position is effective July 1, 2006.

JOINT

48 Information Technology Security — $161,588 R; $9,167 NR; 2.00

The 2004 Statewide Security Assessment recommended that DOC improve computer security and establish an IT Security Office. DOC currently has only one position devoted to IT Security. In 2005, DOC requested two positions and security software funding but only the software was funded. Funding is provided for two positions, including an IT Security Manager, effective July 1, 2006.

REVISED

SENATE = $85,533 R

4,583 NR

(1)

49 Reserve for Energy Costs — $10,610,759 NR

For 2005-06, DOC energy costs exceeded the budget by over $9.6 million. Primary cost increases were for heating and cooling 76 prisons and gasoline costs for prison and probation and parole. This funding is intended to avoid a budget deficit in 2006-07 and account for potential cost increases. Funding is non-recurring on the premise that energy costs may stabilize by 2007-08.

REVISED

SENATE = $9,610,759 NR

50 Central Engineering Technology — $30,000 NR

Funding for automated design equipment to allow for more in-house design work

HOUSE

51 Central Engineering Equipment — $240,000 NR

Funding of construction equipment for use in construction of Orange and Caldwell segregation units and for other inmate labor construction projects

HOUSE

52 Information Technology Charges — $450,000 R; $450,000 NR

Increase funding for service charges and fees for information technology services provided to DOC. Anticipated gap between budget and expenditures is $4 million dollars in FY 06/07.

HOUSE

Prisons

53 Operating Reserve for Tabor Correctional Center

JOINT

Establish reserve for startup costs for prison in Columbus County scheduled to open February, 2008

$95,504 R
$144,000 NR
10.00

54 Increase Prison Bed Capacity

$1,458,336 R
$594,069 NR
36.00

Prison population projections continue to show population exceeding bed capacity. Funding is recommended to increase bed capacity by a total of 468 beds spread over six prisons. The prisons are three medium custody -- Brown Creek, Harnett, and Lumberton -- and three minimum custody prisons-- Dan River, Tillery, and Tyrrell. This capacity increase is possible by increasing the number of inmates in dormitories and adding additional security, medical and program staff. Non-recurring funding is primarily for inmate bunks and lockers and community college start up costs. The original recommended amount of $540,000 NR for community college startup is reduced to $270,000 based on a January 1, 2007 start date. Positions are effective January 1, 2007.

JOINT

55 Inmate Medical Care

REVISED

$10,000,000 R
$7,606,056 NR

Medical costs continue to exceed the inmate medical continuation budget. This funding will partially address the continuation budget needs and reduce dependence on lapsed salaries.

SENATE = $ 10m R
5.72 NR

56 Gang Prevention Initiative

$256,292

DOC received Governor's Crime Commission grants to develop a "Security Threat Group Unit" at Foothills Correctional Institution. The grant funding ends December 31, 2006 so 6 months funding is provided for 06/07. The program targets gang members and is designed to increase supervision of these inmates while providing education and skills that will allow an inmate to renounce gang activity. Positions are effective December 1, 2006.

JOINT

11.00

57 Security Positions for new Enterprise Plant

$131,355 R
$42,510 NR
9.00

Enterprise is opening a new janitorial products plant at Warren Correctional Center. The plant is located off-site and will require nine security positions in order to provide adequate security for 100 inmates. The plant opens in Spring 07 so positions are not effective until February 1, 2007.

JOINT

58 Inmate Medical - Central Pharmacy

REVISED

$173,299 R
$5,100 NR
4.00

Establishes four positions in the DOC Prison Pharmacy: two Pharmacy Technicians; one Pharmacist; and, a Stock Supervisor. As prison population has grown, the number of prescriptions filled has grown from 550,573 in FY 98-99 to 856,803 in 2004-05 with no increase in staffing. Positions are effective July 1, 2006.

SENATE = $ 147,063 R
4,500 NR
(3)

59 Inmate Medical - Nurses and Records Clerks — $1,332,322 R

Funding is provided for 18 medical records clerks and 20 Licensed Practical Nurses. Adding the medical clerks will free up nurses to devote more time to nursing duties while adding LPN's will help reduce the general shortage of nurses in the prison system. Positions are effective July 1, 2006.

JOINT

$48,960 NR
38.00

60 Delayed Opening of Segregation Units

The completion dates for 40 bed segregation units at Orange and Caldwell Correctional Centers have been delayed from 2006-07 to 2007-08 allowing for a non-recurring reduction. The total reduction is ($904,430); ($380,809) for Orange and ($523,621) for Caldwell.

JOINT

($904,430) NR

61 Inmate Community Work Crews — $237,798 R

Authorizes six new inmate community work crews. DOC shall determine which correctional centers and communities have the greatest need. Positions are effective July 1, 2006.

HOUSE

$163,500 NR
6.00

62 Security Cameras

Funding for additional security cameras for placement in areas such as kitchens, outside yards, and visitation rooms at various prisons.

HOUSE

$50,000 NR

Budget Changes	**$17,296,229**	R
	$19,581,430	NR
Total Position Changes	154.00	
Revised Total Budget	**$1,085,370,161**	

DROPPED FROM SENATE BUDGET

1. PRE-TRIAL GRANTS ($400,000)
2. OUR CHILDREN'S PLACE ($100,000)

Crime Control and Public Safety

GENERAL FUND

Total Budget Approved 2005 Session

FY 06-07
$35,153,488

Budget Changes

Administration

63 Federal Grants Administration JOINT

Funding is provided for a Federal Grants Accountant to ensure compliance with federal reporting and control requirements:

Accountant II(PG74)

$63,731 R
$4,000 NR
1.00

64 Information Technology Positions JOINT

Funding is provided to establish two full-time permanent information technology positions:

Business & Technology Specialist (1.0)
Business & Technology Analyst (1.0)

$164,112 R
2.00

Butner Public Safety

65 Operations and Maintenance JOINT

Provide funds to meet basic operations and maintenance needs for Butner Public Safety: restore previous budget cuts, inflationary increases, and over budgeted receipts.

$103,680 R

Emergency Management

Jaye

66 Planning, Response, and Recovery Capabilities REVISED

Funding is provided for 13 positions to enhance emergency management planning, response, and recovery capabilities.

Transfer 11 existing positions from temporary receipt-supported to permanent general fund positions:

EM Assistant Director (PG78) (1.0)
EM Section Manager (PG76) (2.0)
EM Section Chief (PG72T) (1.0)
Community Dev Spec II (PG74) (4.0)
Community Dev Spec II (PG72) (1.0)
Community Dev Spec I (PG70) (2.0)

Establish 2 new positions:

EM Plan Supervisors (PG74) (2.0)

$722,633 R
$150,000 NR
13.00

Senate
379,901 R
10,500 NR
7.00 (3 existing, 4 new)

* In addition, $150,000 NR to support rent, utilities, and other operating cost for the two Division warehouses.

67 Urban Search & Rescue/Swift Water Rescue

Funding is provided for training and equipment to ensure that the state's Urban Search and Rescue and Swift Water Rescue Teams can meet federal standards. Future federal emergency management funding may be jeopardize if the teams fail to meet the standards.

REVISED SENATE = $627,400 NR

$440,000 NR

68 HAZMAT Regional Response Teams

Provide funds for the state's seven HAZMAT Regional Response Teams. Funds will be used to support the teams' training and equipment replacement.

JOINT

$156,956 NR

Governor's Crime Commission

69 Gang Violence Intervention and Suppression

Funds are provided to the Governor's Crime Commission for competitive grants to be awarded to local government and community agencies for gang intervention and suppression initiatives

House

$1,500,000 NR

National Guard

70 Deputy Division Director Position

Governor's Recommendation: provide funding to establish a Deputy Division Director position to assist with day-to-day operations and management of federal activities.

House

$96,080 R

1.00

71 National Guard Pension Fund

Funds are provided for the NC National Guard Pension Fund. Effective July 1, 2006, these funds will be used to increase the monthly pension benefit payment to current and future retirees from a maximum of $150 to a maximum of $160.

JOINT

$965,000 R

72 Assistance to NC National Guard Families

Funding is provided for the NCNG Soldiers and Airmen's Assistance Fund to provide emergency financial assistance to members and their immediate families who are experiencing financial hardship.

Joint

$500,000 NR

73 Armory Maintenance & Repair

Funds are provided to address the highest priority state-wide armory maintenance and repair needs such as roof repairs, boiler repairs and replacements, electrical upgrades, fire alarm systems, etc.

House

$400,000 NR

State Highway Patrol

74 New Permanent Positions

JOINT

$552,501 R is provided from the Highway Fund to create 17 permanent positions that are now temporary. The positions include:

Tradesworker III (PG61) 8.0
Office Assistant IV (PG59) 8.0
Aircraft Mechanic (PG68) 1.0

75 VIPER Maintenance

JOINT

$208,892 R is provided from the Highway Fund for the maintenance of the VIPER system already built.

Victim & Justice Services

76 Victims Compensation

REVISED

$1,300,000 NR to address the backlog of approved but unpaid victims compensation claims.

$1,300,000 NR

SENATE = 700,000 NR

77 Claims Investigator Position

$53,051 R

Funds are provided to establish an additional Law Enforcement Specialist (PG70)position in the Victims' Compensation Services Section to investigate and process claims. In addition, the position will serve as the contact/liaison to the Crime Victims Compensation Commission, law enforcement, and public/private agencies.

HOUSE

$4,000 NR

1.00

Budget Changes	**$2,168,287**	**R**
	$4,454,956	**NR**
Total Position Changes	18.00	
Revised Total Budget	**$41,776,731**	

Handout #4

Senate Item for District Court Judges

10 New District Court Positions

Provides funding for sixteen new District Court Judges in the following districts based on the AOC workload formula and consultation with the Conference of Chief District Court Judges:

3A -- Pitt
3B -- Craven, Carteret, Pamlico
6A -- Halifax
10 -- Wake (2 positions)
14 -- Durham
15B-- Orange, Chatham
18 -- Guilford
19B-- Moore, Montgomery, Randolph
19C-- Rowan
25 -- Burke, Caldwell, Catawba
26 -- Mecklenburg
27A-- Gaston
27B-- Cleveland, Lincoln
28 -- Buncombe
30 -- Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain

These positions are effective January 15, 2007.

Handout #5

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

DRAFT SPECIAL PROVISIONS

JUNE 8, 2006

JUDICIAL

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

DRAFT
SPECIAL PROVISION

Joint

2006-AOC-H1(S14.1)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

COLLECTION OF WORTHLESS CHECK FUNDS

SECTION 14.1. Notwithstanding the provisions of G.S. 7A-308(c), the Judicial Department may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2006, for the purchase or repair of office or information technology equipment during the 2006-2007 fiscal year. Prior to using any funds under this section, the Judicial Department shall report to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on the equipment to be purchased or repaired and the reasons for the purchases.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

DRAFT
SPECIAL PROVISION

2006-AOC-H2(S14.2)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

GRANT FUNDS

SECTION 14.2. The Judicial Department may use up to the sum of one million two hundred fifty thousand dollars ($1,250,000) from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

Revised

DRAFT
SPECIAL PROVISION

2006-AOC-H3(S14.3)-P

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

PROVIDE ADDITIONAL ASSISTANT DISTRICT ATTORNEYS

SECTION 14.3.(a) G.S. 7A-60(a1) reads as rewritten:

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

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	~~10~~ 11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	~~6~~ 7
3A	Pitt	~~9~~ 11
3B	Carteret, Craven, Pamlico	~~10~~ 11
4	Duplin, Jones, Onslow, Sampson	~~14~~ 16
5	New Hanover, Pender	~~14~~ 16
6A	Halifax	4 5
6B	Bertie, Hertford, Northampton	4 5
7	Edgecombe, Nash, Wilson	~~16~~ 18
8	Greene, Lenoir, Wayne	~~11~~ 13
9	Franklin, Granville, Vance, Warren	~~11~~ 12
9A	Person, Caswell	4 5
10	Wake	~~31~~ 38
11	Harnett, Johnston, Lee	~~14~~ 16
12	Cumberland	~~18~~ 21
13	Bladen, Brunswick, Columbus	~~11~~ 12
14	Durham	~~13~~ 15
15A	Alamance	~~8~~ 10
15B	Orange, Chatham	~~7~~ 9
16A	Scotland, Hoke	~~5~~ 6
16B	Robeson	~~10~~ 13

17A	Rockingham	~~5~~ 6
17B	Stokes, Surry	~~5~~ 7
18	Guilford	~~27~~ 30
19A	Cabarrus	~~6~~ 8
19B	Montgomery, Moore, Randolph	~~11~~ 12
19C	Rowan	~~5~~ 7
20A	Anson, Richmond, Stanly	~~8~~ 10
20B	Union	~~7~~ 8
21	Forsyth	~~17~~ 20
22	Alexander, Davidson, Davie, Iredell	~~16~~ 20
23	Alleghany, Ashe, Wilkes, Yadkin	~~5~~ 7
24	Avery, Madison, Mitchell, Watauga, Yancey	4 6
25	Burke, Caldwell, Catawba	~~15~~ 18
26	Mecklenburg	~~36~~ 49
27A	Gaston	~~12~~ 14
27B	Cleveland, Lincoln	~~9~~ 10
28	Buncombe	~~11~~ 13
29A	McDowell, Rutherford	~~5~~ 6
29B	Henderson, Polk, Transylvania	~~6~~ 7
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	~~9~~ 11

SECTION 14.3.(b) This section becomes effective October 1, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

DRAFT
SPECIAL PROVISION

Revised

2006-AOC-H4(S14.4)-P

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by:

ADDITIONAL DISTRICT COURT JUDGESHIPS

SECTION 14.4.(a) G.S. 7A-133(a) reads as rewritten:

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

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	~~5~~ 6	Craven
		Pamlico
		Carteret
4	8	Sampson
		Duplin
		Jones
		Onslow
5	8	New Hanover
		Pender
6A	~~2~~ 3	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne

		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	2	Warren
		(part of Vance
		see subsection (b))
10	~~15~~ 16	Wake
11	~~8~~ 9	Harnett
		Johnston
		Lee
12	9	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	~~6~~ 7	Durham
15A	4	Alamance
15B	4 5	Orange
		Chatham
16A	3	Scotland
		Hoke
16B	5	Robeson
17A	~~2~~ 3	Rockingham
17B	4	Stokes
		Surry
18	12	Guilford
19A	4	Cabarrus
19B	~~6~~ 7	Montgomery
		Moore
		Randolph
19C	4 5	Rowan
20A	4	Stanly
		Anson
		Richmond
20B	~~3~~ 4	Union
21	9	Forsyth
22	9	Alexander
		Davidson
		Davie
		Iredell
23	4	Alleghany
		Ashe

		Wilkes
		Yadkin
24	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	~~8~~ 9	Burke
		Caldwell
		Catawba
26	~~17~~ 18	Mecklenburg
27A	7	Gaston
27B	4 5	Cleveland
		Lincoln
28	7	Buncombe
29A	3	McDowell
		Rutherford
29B	4	Henderson
		Polk
		Transylvania
30	~~5~~ 6	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

SECTION 14.4.(b) The Governor shall appoint the additional district court judges for Districts 3B, 10, 11, 14, 15B, 17A, 19B, 19C, 20B, 25, 26, 27B, and 30 authorized by this act, and those judges' successors shall be elected in the 2008 election for four-year terms commencing on January 1, 2009.

SECTION 14.4.(c) This section becomes effective January 15, 2007, except as to any district court district subject to section 5 of the Voting Rights Act of 1965, it becomes effective January 15, 2007, or the date upon which subsection (a) of this section is approved, under section 5 of the Voting Rights Act of 1965, whichever is later.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

Joint

DRAFT
SPECIAL PROVISION

2006-AOC-H5(S14.5)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

PROVIDE ADDITIONAL MAGISTRATES/ELIMINATE MAXIMUM ALLOCATION OF MAGISTRATES

SECTION 14.5. G.S. 7A-133(c) reads as rewritten:

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

County	Magistrates Min.	Magistrates ~~Max.~~	Additional Seats of Court
Camden	1	~~3~~	
Chowan	2	~~3~~	
Currituck	1	~~4~~	
Dare	3	~~8~~	
Gates	2	~~3~~	
Pasquotank	3	~~5~~	
Perquimans	2	~~4~~	
Martin	4	~~8~~	
Beaufort	4	~~8~~	
Tyrrell	1	~~3~~	
Hyde	2	~~4~~	
Washington	3	~~4~~	
Pitt	10	~~12~~	Farmville Ayden
Craven	7	~~10~~	Havelock
Pamlico	2	~~4~~	
Carteret	~~5~~ 6	~~8~~	
Sampson	6	~~8~~	
Duplin	8	~~11~~	
Jones	2	~~3~~	
Onslow	8	~~14~~	
New Hanover	6	~~11~~	
Pender	4	~~6~~	
Halifax	9	~~14~~	Roanoke Rapids, Scotland Neck
Northampton	5	~~7~~	

Bertie	4	~~6~~	
Hertford	5	~~7~~	
Nash	7	~~10~~	Rocky Mount
Edgecombe	4	~~7~~	Rocky Mount
Wilson	4	~~7~~	
Wayne	5	~~12~~	Mount Olive
Greene	~~2~~ 3	4	
Lenoir	4	~~10~~	La Grange
Granville	3	~~7~~	
Vance	3	~~6~~	
Warren	3	~~5~~	
Franklin	3	~~7~~	
Person	3	4	
Caswell	2	~~5~~	
Wake	12	~~21~~	Apex, Wendell, Fuquay-Varina, Wake Forest
Harnett	7	~~11~~	Dunn
Johnston	10	~~12~~	Benson, Clayton, Selma
Lee	4	~~6~~	
Cumberland	10	~~19~~	
Bladen	4	~~6~~	
Brunswick	4	~~9~~	
Columbus	6	~~10~~	Tabor City
Durham	8	~~13~~	
Alamance	~~7~~ 8	~~11~~	Burlington
Orange	4	~~11~~	Chapel Hill
Chatham	3	~~9~~	Siler City
Scotland	3	~~5~~	
Hoke	4	~~5~~	
Robeson	~~8~~ 9	~~16~~	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
Rockingham	4	~~9~~	Reidsville, Eden, Madison
Stokes	2	~~5~~	
Surry	5	~~9~~	Mt. Airy
Guilford	20	~~27~~	High Point

1	Cabarrus	5	~~9~~	Kannapolis
2	Montgomery	~~2~~ 3	4	
3	Randolph	5	~~10~~	Liberty
4	Rowan	5	~~10~~	
5	Stanly	5	~~6~~	
6	Union	4	~~7~~	
7	Anson	4	~~6~~	
8	Richmond	5	~~6~~	Hamlet
9	Moore	5	~~8~~	Southern
10				Pines
11	Forsyth	3	~~15~~	Kernersville
12	Alexander	2	4	
13	Davidson	7	~~10~~	Thomasville
14	Davie	2	4	
15	Iredell	4	~~9~~	Mooresville
16	Alleghany	1	~~2~~	
17	Ashe	3	4	
18	Wilkes	4	~~6~~	
19	Yadkin	3	~~5~~	
20	Avery	3	~~5~~	
21	Madison	4	~~5~~	
22	Mitchell	3	4	
23	Watauga	4	~~6~~	
24	Yancey	2	4	
25	Burke	4	~~7~~	
26	Caldwell	4	~~7~~	
27	Catawba	6	~~10~~	Hickory
28	Mecklenburg	15	~~28~~	
29	Gaston	~~11~~ 12	~~22~~	
30	Cleveland	5	~~8~~	
31	Lincoln	4	~~7~~	
32	Buncombe	6	~~15~~	
33	Henderson	4	~~7~~	
34	McDowell	3	~~6~~	
35	Polk	3	4	
36	Rutherford	6	~~8~~	
37	Transylvania	2	4	
38	Cherokee	3	4	
39	Clay	1	~~2~~	
40	Graham	2	~~3~~	
41	Haywood	5	~~7~~	Canton
42	Jackson	3	~~5~~	
43	Macon	3	~~5~~	
44	Swain	2	4."	

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

DRAFT
SPECIAL PROVISION

Revised
2006-AOC-H11A(S14.11)-P

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

COURT INTERPRETERS

SECTION #. The Director of the Administrative Office of the Courts shall develop (i) proposed policies and procedures for the appointment and payment of foreign language interpreters to be applied uniformly throughout the General Court of Justice and (ii) recommendations regarding the conversion of contractual foreign language interpreter positions to permanent State positions, including whether permanent interpreter positions are more efficient and cost-effective than contractual positions. On or before February 1, 2007, the Director shall report to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the proposed policies and recommendations required by this section.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

Joint

DRAFT
SPECIAL PROVISION

2006-AOC-H12(S14.12)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

MONITORING OF COMMUNITY MEDIATION CENTERS

SECTION 14.12. G.S. 7A-38.6(a) reads as rewritten:

"(a) All community mediation centers currently receiving State funds shall report annually to the Mediation Network of North Carolina 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 (identified by docket number), 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 Mediation Network of North Carolina shall compile and summarize the information provided pursuant to this subsection and shall provide the information to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by February 1 of each year.

The Mediation Network of North Carolina shall also submit a copy of its report to the Administrative Office of the Courts. The receipt and review of this report by the Administrative Office of the Courts shall satisfy any program monitoring, evaluation, and contracting requirements imposed on the Administrative Office of the Courts by G.S. 143-6.2 and any rules adopted under that section."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

DRAFT
SPECIAL PROVISION

Joint

2006-AOC-H14(S14.14)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

INDIGENT DEFENSE SERVICES/STATE MATCH FOR GRANTS

SECTION 14.14. The Office of Indigent Defense Services may use a sum up to fifty thousand dollars ($50,000) from funds available to provide the State matching funds needed to receive grant funds. Prior to using funds for this purpose, the Office shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

DRAFT
SPECIAL PROVISION

Joint

2006-AOC-H15(S14.15)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS

SECTION 14.15. Section 14.11 of S.L. 2005-276 reads as rewritten:

"**SECTION 14.11.** The Judicial Department, Office of Indigent Defense Services, may use ~~up to the sum of one million sixty nine thousand six hundred forty five dollars ($1,069,645) in appropriated funds during the 2005-2006 fiscal year and~~ up to the sum of ~~one million twenty three thousand one hundred thirty five dollars ($1,023,135)~~ two million one hundred eighteen thousand five hundred eighty dollars ($2,118,580) in appropriated funds during the 2006-2007 fiscal year for the expansion of existing offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services by creating up to ~~10~~20 new attorney positions and ~~five~~ 10 new support staff positions. These funds may be used for salaries, benefits, equipment, and related expenses. Prior to using funds for this purpose, the Office of Indigent Defense Services shall report to the Chairs of the House and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

DRAFT
SPECIAL PROVISION

House
2006-AOC-H16-P

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by:

REVIEW OF OFFICE OF INDIGENT DEFENSE SERVICES

SECTION #. The State Auditor shall conduct an analysis of the fee payment practices of the Office of Indigent Defense Services and make recommendations for process improvements in payment of fee applications, including recommendations regarding automation. The State Auditor shall report the results of this analysis and the recommendations resulting from it to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by March 1, 2007.

DRAFT
SPECIAL PROVISION

House

2006-AOC-H20-P

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by:

INCREASE THE UNIFORM FEES PAID TO JURORS

SECTION #. G.S. 7A-312 reads as rewritten:

"**§ 7A-312. Uniform fees for jurors; meals.**

A juror in the General Court of Justice including a petit juror, or a coroner's juror, but excluding a grand juror, shall receive twelve dollars ($12.00) ~~per day,~~ for the first day of service and twenty dollars ($20.00) per day afterwards, except that if any person serves as a juror for more than five days in any 24-month period, the juror shall receive ~~thirty dollars ($30.00)~~ forty dollars ($40.00) per day for each day of service in excess of five days. A grand juror shall receive ~~twelve dollars ($12.00)~~ twenty dollars ($20.00) per day. A juror required to remain overnight at the site of the trial shall be furnished adequate accommodations and subsistence. If required by the presiding judge to remain in a body during the trial of a case, meals shall be furnished the jurors during the period of sequestration. Jurors from out of the county summoned to sit on a special venire shall receive mileage at the same rate as State employees."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

DRAFT
SPECIAL PROVISION

House

2006-AOC-H18-P

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by:

FUNDING TO INCREASE MILEAGE REIMBURSEMENT

SECTION #. In view of the increase in fuel prices and the limits on travel funds in the Judicial Department, the Administrative Office of the Courts may use up to five hundred thousand dollars ($500,000) in funds available during the 2006-2007 fiscal year to allow for an increase in the mileage reimbursement rate paid to Judicial Department employees from the current rate of thirty-seven cents (37¢) per mile to the maximum allowable under G.S. 138-6(a)(1).

DRAFT
SPECIAL PROVISION

House

2006-AOC-H17A(S14.3)-P

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by:

DIVIDE PROSECUTORIAL DISTRICT 19B INTO DISTRICTS 19B AND 19D

SECTION #.(a) Effective January 15, 2007, G.S. 7A-60(a1), as amended by Section 14.3 of this act, reads as rewritten:

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

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	7
3A	Pitt	11
3B	Carteret, Craven, Pamlico	11
4	Duplin, Jones, Onslow, Sampson	16
5	New Hanover, Pender	16
6A	Halifax	5
6B	Bertie, Hertford, Northampton	5
7	Edgecombe, Nash, Wilson	18
8	Greene, Lenoir, Wayne	13
9	Franklin, Granville, Vance, Warren	12
9A	Person, Caswell	5
10	Wake	38
11	Harnett, Johnston, Lee	16
12	Cumberland	21
13	Bladen, Brunswick, Columbus	12
14	Durham	15
15A	Alamance	10
15B	Orange, Chatham	9
16A	Scotland, Hoke	6

16B	Robeson	13
17A	Rockingham	6
17B	Stokes, Surry	7
18	Guilford	30
19A	Cabarrus	8
19B	Montgomery, ~~Moore,~~ Randolph	~~12~~ 8
19C	Rowan	7
19D	Moore	4
20A	Anson, Richmond, Stanly	10
20B	Union	8
21	Forsyth	20
22	Alexander, Davidson, Davie, Iredell	20
23	Alleghany, Ashe, Wilkes, Yadkin	7
24	Avery, Madison, Mitchell, Watauga, Yancey	6
25	Burke, Caldwell, Catawba	18
26	Mecklenburg	49
27A	Gaston	14
27B	Cleveland, Lincoln	10
28	Buncombe	13
29A	McDowell, Rutherford	6
29B	Henderson, Polk, Transylvania	7
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	11

SECTION #.(b) The district attorney position established for District 19B by subsection (a) of this section shall be filled by the district attorney currently serving District 19B who resides in Randolph County. The district attorney position established for District 19D by subsection (a) of this section shall be filled by appointment of the Governor for the remainder of the term expiring January 1, 2009. A district attorney for District 19D shall be elected in 2008 for a four-year term commencing January 1, 2009.

SECTION #.(c) The eight assistant district attorney positions for District 19B under subsection (a) of this section shall be filled by eight assistant district attorneys currently serving Montgomery and Randolph Counties in District 19B. The four assistant district attorney positions for District 19D under subsection (a) of this section shall be filled by four assistant district attorneys currently serving Moore County in District 19B.

SECTION #.(d) This section becomes effective January 15, 2007.

JOINT

DRAFT
SPECIAL PROVISION

2006-DJJDP-H2(S15.1)i

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

REPORTS ON CERTAIN PROGRAMS

SECTION 15.1. Section 16.3 of S.L. 2005-276 reads as rewritten:

"**SECTION 16.3.(a)** Project Challenge North Carolina, Inc., shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by April 1 each year on the operation and the effectiveness of its program in providing alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined. The report shall include information on:

(1) The source of referrals for juveniles.
(2) The types of offenses committed by juveniles participating in the program.
(3) The amount of time those juveniles spend in the program.
(4) The number of juveniles who successfully complete the program.
(5) The number of juveniles who commit additional offenses after completing the program.
(6) The program's budget and expenditures, including all funding sources.

SECTION 16.3.(b) The Juvenile Assessment Center shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the effectiveness of the Center by April 1 each year. The report shall include information on the number of juveniles served and an evaluation of the effectiveness of juvenile assessment plans and services provided as a result of these plans. In addition, the report shall include information on the Center's budget and expenditures, including all funding sources.

SECTION 16.3.(c) Communities in Schools shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, ~~the Joint Legislative Commission on Governmental Operations,~~ the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, and the Joint Legislative Education Oversight Committee by April 1 each year on the operation and effectiveness of its program. The report shall include information on:

(1) The number of children served.
(2) The number of volunteers used.
(3) The impact on children who have received services from Communities in Schools.

(4) The program's budget and expenditures, including all funding sources."

GENERAL ASSEMBLY OF NORTH CAROLINA JOINT

SESSION 2006

DRAFT
SPECIAL PROVISION

2006-DJJDP-H3(S15.2)i

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

SECTION 15.2. Section 16.5 of S.L. 2005-276 reads as rewritten:

"**SECTION 16.5.** Funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for the ~~2005-2006~~ 2006-2007 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission shall consult with the Department of Juvenile Justice and Delinquency Prevention regarding the criteria for awarding federal funds. The Office of State Budget and Management, the Governor's Crime Commission, and the Department of Juvenile Justice and Delinquency Prevention shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the ~~2005-2006~~ 2006-2007 fiscal year, the amount of funds anticipated for the ~~2006-2007~~ 2007-2008 fiscal year, and the allocation of funds by program and purpose."

JOINT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

DRAFT
SPECIAL PROVISION

2006-DJJDP-H5(S15.4)i

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

ANNUAL EVALUATION OF COMMUNITY PROGRAMS

SECTION 15.4. Section 16.4 of S.L. 2005-276 reads as rewritten:

"**SECTION 16.4.** The Department of Juvenile Justice and Delinquency Prevention shall conduct an evaluation of the Eckerd and Camp Woodson wilderness camp programs, the teen court programs, the program that grants funds to the local organizations of the Boys and Girls Clubs established pursuant to Section 21.10 of S.L. 1999-237, the Save Our Students program, the Governor's One-on-One Programs, and multipurpose group homes. The teen court report shall include statistical information on the number of juveniles served, the number and type of offenses considered by teen courts, referral sources for teen courts, and the number of juveniles that become court-involved after participation in teen courts. The report on the Boys and Girls Clubs program shall include information on:

(1) The expenditure of State appropriations on the program;

(2) The operations and the effectiveness of the program; and

(3) The number of juveniles served under the program.

In conducting the evaluation of each of these programs, the Department shall consider whether participation in each program results in a reduction of court involvement among juveniles. The Department shall also identify whether the programs are achieving the goals and objectives of the Juvenile Justice Act, S.L. 1998-202. The Department shall report the results of the evaluation to the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee, the Chairs of the House of Representatives and Senate Appropriations ~~Committees~~ Committees, and the Chairs of the Subcommittees on Justice and Public Safety of the House of Representatives and Senate Appropriations Committees by March 1 of each year."

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GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION

2006-DJJDP-H6(S15.5)i

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

ALTERNATIVES TO JUVENILE COMMITMENT/JUVENILE CRIME PREVENTION COUNCILS

SECTION 15.5. Section 16.11 of S.L. 2005-276 reads as rewritten:

"**SECTION 16.11.(a)** Of the funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention, the sum of two hundred fifty thousand dollars ($250,000) shall be used to expand Juvenile Crime Prevention Councils demonstration projects designed to reduce commitments to youth development centers. Specifically, the funds shall be awarded to Juvenile Crime Prevention Councils to provide residential and/or community-based intensive services to juveniles who have been adjudicated delinquent with a level 2 or 3 disposition or who are reentering the community after serving time in a youth development center. The Department shall develop a competitive grant award process to allocate the funds to county Juvenile Crime Prevention Councils. The programs must initiate services to the targeted population no later than March 1, 2006. On June 30, 2006, any funds not awarded for demonstration projects pursuant to this section by the Department shall revert to the General Fund. The Department may award up to four grants to Juvenile Crime Prevention Councils, and no individual grant may exceed one hundred thousand dollars ($100,000).

SECTION 16.11.(b) The Department of Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than March 1, 2006, on the implementation and award process. The report shall provide a detailed description of the services to be provided by each program, the number and types of juveniles to be served, and the amount awarded to each program.

SECTION 16.11.(c) The Department of Juvenile Justice and Delinquency Prevention shall report to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety no later than March 1, 2006, and annually thereafter, on the results of the alternatives to commitment demonstration programs funded by Section 16.7 of S.L. 2004-124. The 2007 report and all annual reports thereafter shall also include projects funded by this section for the 2005-2006 fiscal year. Specifically, the report shall provide a detailed description of each of the demonstration programs, including the numbers of juveniles served, their adjudication status at the time of service, the services/treatments provided, the length of service, the total cost per juvenile, and the six- and 12-month recidivism rates for the juveniles after the termination of program services.

SECTION 16.11.(d) The requirements of this section apply to all future allocations by the Department of Juvenile Justice and Delinquency Prevention of the funds appropriated to the Department by Section 16.11 of S.L. 2005-276 and Section 16.7 of S.L. 2004-124."

DRAFT
SPECIAL PROVISION

2006-DJJDP-H7(S15.6)i

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

REPORTS ON YOUTH DEVELOPMENT CENTERS

SECTION 15.6.(a) Section 16.6 of S.L. 2005-276 reads as rewritten:

"**SECTION 16.6.(a)** The Department of Juvenile Justice and Delinquency Prevention shall report December 31, 2005, and quarterly thereafter during the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and to the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee on the treatment staffing model being piloted at Samarkand and Stonewall Jackson Youth Development Centers. The report shall include a list of total positions at each facility by job class, whether the position is vacant or filled, whether positions were filled from internal employees or new employees, and the training and certification status of each position. The report shall also describe the nature of the treatment program, the criteria for evaluating the program, and how the program is performing in comparison to these criteria. The report shall also describe the training approach to be used to train staff in using treatment methods in youth development centers and provide information on current staff training and staff training planned for the next quarter. The Department shall also develop indicators for evaluating staff performance once the model has been implemented.

SECTION 16.6.(b) The Department of Juvenile Justice and Delinquency Prevention shall report December 31, 2005, and quarterly thereafter during the 2005-2007 biennium to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee on the implementation of the treatment staffing model at Dobbs, Dillon, and Juvenile Evaluation Center Youth Development Centers. The Department shall identify the number of positions reallocated to the new treatment job classes and the source of funding for those positions.

SECTION 16.6.(c) The Department of Juvenile Justice and Delinquency Prevention shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Corrections, Crime Control, and Juvenile Justice Oversight Committee by November 10, 2006, on the final recommended staffing plan for youth development centers for the 2007-2008 fiscal year. The report shall include:

(1) The latest results of the evaluation of the pilot treatment staffing models at the Samarkand and Stonewall Jackson Youth Development

Centers and the progress in implementing the model at other youth development centers.

(2) The total recommended staffing by position classification for each youth development center. Staffing by shift shall be provided for each housing unit as well as justification for the level and type of staff on each shift.

(3) The total cost and cost per bed for each youth development center to implement the staffing model.

(4) The primary basis for the number of staff at each youth development center by classification.

(5) An identification of other states that have implemented a treatment based staffing model, how the staffing patterns compare to the Department of Juvenile Justice and Delinquency Prevention proposal, and any research on the benefits and outcomes of using the treatment based approach in these states."

SECTION 15.6.(b) It is the intent of the General Assembly to consider appropriating funds for new treatment positions at youth development centers only when the report required by subsection (a) of this section is received by the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety.

DEPARTMENT OF CORRECTION

REVISED

DRAFT
SPECIAL PROVISION

2006-CORR-H1(S16.1)-P

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

INMATE COSTS/MEDICAL BUDGET FOR PRESCRIPTION DRUGS AND INMATE LAUNDRY SERVICES

SECTION 16.1. Section 17.6 of S.L. 2005-276 reads as rewritten:

"**SECTION 17.6.(a)** If the cost of providing food and health care to inmates housed in the Division of Prisons is anticipated to exceed the continuation budget amounts provided for that purpose in this act, the Department of Correction shall report the reasons for the anticipated cost increase and the source of funds the Department intends to use to cover those additional needs to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety.

SECTION 17.6.(b) Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the ~~2005-2006 fiscal year~~ 2005-2007 biennium for the purchase of prescription drugs for inmates if expenditures are projected to exceed the Department's inmate medical continuation budget for prescription drugs. The Department shall consult with the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

SECTION 17.6.(c) Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the ~~2005-2006 fiscal year~~ 2005-2007 biennium for the purchase of ~~clothing and~~ laundry services for inmates if expenditures are projected to exceed the Department's budget for clothing and laundry services. The Department shall consult with the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount."

REVISED

DRAFT
SPECIAL PROVISION

2006-CORR-H2(S16.2)-P

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

CONVERSION OF CONTRACTED MEDICAL POSITIONS

SECTION 16.2. Section 17.7 of S.L. 2005-276 reads as rewritten:

"**SECTION 17.7.(a)** The Department of Correction may convert contract medical positions to permanent State medical positions if the Department can document in each request submitted to the Office of State Budget and Management that the total savings generated will exceed the total cost of the new ~~positions for each facility.~~ positions. ~~Where practical, the Department shall convert contract positions to permanent positions by using existing vacancies in medical positions.~~

SECTION 17.7.(b) The Department of Correction shall report by ~~April 1, 2006,~~ April of each year to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety on all conversions made pursuant to this section, by type of position and location, and on the savings ~~generated at each correctional facility.~~ generated."

GENERAL ASSEMBLY OF NORTH CAROLINA

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JOINT

DRAFT
SPECIAL PROVISION

2006-CORR-H3(S16.3)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

COMPUTER/DATA PROCESSING SERVICES FUNDS

SECTION 16.3. Section 17.10. of S.L. 2005-276 reads as rewritten:

"**SECTION 17.10.** Notwithstanding the provisions of G.S. 143-23(a2), the Department of Correction may use funds available during the ~~2005-2006 fiscal year~~ 2005-2007 biennium for expenses for computer/data processing services if expenditures exceed the Department's continuation budget amount for those services. The Department shall report to the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount."

REVISED

DRAFT
SPECIAL PROVISION

2006-CORR-H4(S16.4)-P

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

REPORTS ON NONPROFIT PROGRAMS

SECTION 16.4. Section 17.22 of Session Laws 2005-276 reads as rewritten:

"**SECTION 17.22.(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 to serve women released from prison with children in their custody. Harriet's House shall report by February 1 of each year to the ~~Joint Legislative Commission on Governmental Operations~~ Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety 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 successfully complete the Harriet's House program, and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(b) Summit House shall report by February 1 of each year to the ~~Joint Legislative Commission on Governmental Operations~~ Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety 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 had their probation revoked, the number of clients who successfully complete the program while housed at Summit House, Inc., and the number of clients who have been rearrested within three years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(c) Women at Risk shall report by February 1 of each year to the ~~Joint Legislative Commission on Governmental Operations~~ Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety 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, the number of clients who have successfully completed the program, and the number of clients who have been rearrested within three

years of successfully completing the program. The report shall provide financial and program data for the complete fiscal year prior to the year in which the report is submitted. The financial report shall identify all funding sources and amounts.

SECTION 17.22.(d) Our Children's Place shall report by February 1, 2007, to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the status of the planning, design, and construction of Our Children's Place, the proposed program components and evaluation measures, and on the projected number of inmates and their children to be served. The report shall also provide financial data, including the expenditure of State funds and all funding sources and amounts."

(d) HOUSE ONLY

DRAFT
SPECIAL PROVISION

2006-CORR-H5(S16.5)

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

PAROLE ELIGIBILITY REPORT

SECTION 16.5. Section 17.28 of S.L. 2005-276 reads as rewritten:

"**SECTION 17.28.(a)** The Post-Release Supervision and Parole Commission shall, with the assistance of the North Carolina Sentencing and Policy Advisory Commission and the Department of Correction, analyze the amount of time each ~~parole-eligible~~ inmate who is eligible for parole on or before July 1, 2007, has served compared to the time served by offenders under Structured Sentencing for comparable crimes. The Commission shall determine if the person has served more time in custody than the person would have served if sentenced to the maximum sentence under the provisions of Article 81B of Chapter 15A of the General Statutes. The "maximum sentence", for the purposes of this section, shall be calculated as set forth in subsection (b) of this section.

SECTION 17.28.(b) For the purposes of this section, the following rules apply for the calculation of the maximum sentence:

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

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

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

SECTION 17.28.(c) The Commission shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee ~~on the results of its analysis by October 1, 2005.~~ and to the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 1, 2007. The report shall include the following: the class of the offense for which each parole-eligible inmate was convicted and whether an inmate had multiple criminal

convictions. The Commission shall reinitiate the parole review process for each offender who has served more time than that person would have under Structured Sentencing as provided by subsections (a) and (b) of this section.

The Commission shall also report ~~by February 1, 2006, regarding~~ on the number of parole-eligible inmates reconsidered in compliance with this section and the number who were actually paroled."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

HOUSE

DRAFT
SPECIAL PROVISION

2006-CORR-H8-P

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

PROPOSAL FOR JOINT USE OF SWANNANOA PROPERTY/ADULT FEMALE CORRECTIONAL FACILITY AND JUVENILE YOUTH DEVELOPMENT CENTER

SECTION #. The Department of Correction and the Department of Juvenile Justice and Delinquency Prevention shall prepare a joint report regarding the proposed joint use by both departments of the Swannanoa property currently used to operate the Swannanoa Valley Youth Development Center. The report shall evaluate the feasibility of using that property for both of the following: (i) to establish an adult female correctional center and (ii) to continue to operate a juvenile youth development center.

The report shall be submitted to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by November 10, 2006. The report shall include all of the following: the total costs for the project over a five-year period, including operating costs, repair and renovation costs, and the anticipated source of funding for those costs; the number and type of positions to be transferred from the Department of Juvenile Justice and Delinquency Prevention to the Department of Correction for the project; and the plan to employ existing Swannanoa Valley Youth Development Center employees by the Department of Correction. The Department of Correction shall also report on the plan for transferring employees from the Black Mountain Correctional Center to the proposed new correctional center at Swannanoa.

There shall be no transfer of any property or positions between agencies until the report is submitted in accordance with this section.

HOUSE

DRAFT
SPECIAL PROVISION

2006-CORR-H9-P

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

FEDERAL GRANT MATCHING FUNDS

SECTION #. Section 17.9 of S.L. 2005-276 reads as rewritten:

"**SECTION 17.9.** Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of ~~seven hundred fifty thousand dollars ($750,000)~~ one million dollars ($1,000,000) during the 2006-2007 fiscal year from funds available to the Department to provide the State match needed in order to receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2006

H 045E

DRAFT
SPECIAL PROVISION

2006-CORR-H10-P

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

GANG PREVENTION INITIATIVE

SECTION #. The Department of Correction shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety regarding the Security Threat Group Unit Program at Foothills Correctional Center. The report shall include information on the number of inmates in the program during fiscal years 2005-2006 and 2006-2007 compared to program capacity, describe the major program components, provide information on the measures being used to evaluate the program, and analyze program performance in relation to these measures. The Department of Correction shall submit the report as required by this section no later than March 15, 2007.

GENERAL ASSEMBLY OF NORTH CAROLINA HOUSE

SESSION 2006

DRAFT
SPECIAL PROVISION

2006-CCPS-H2-P

Department of Crime Control and Public Safety
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

GRANTS TO PREVENT GANG VIOLENCE

SECTION #.(a) Of the funds appropriated in this act to the Governor's Crime Commission within the Department of Crime Control and Public Safety, the sum of one million five hundred thousand dollars ($1,500,000) for the 2006-2007 fiscal year shall be used to provide two-year grants for community street gang violence prevention and intervention programs. The Governor's Crime Commission shall allocate the funds using a competitive grant award process that includes a matching requirement of twenty-five percent (25%), one-half of which may be in in-kind contributions, and the presentation of a written plan for the services to be provided by the funds.

No individual grant awarded under this section may exceed one hundred thousand dollars ($100,000).

SECTION #.(b) The Governor's Crime Commission shall report to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the House of Representatives and the Senate on the total number of grants awarded, a description of each grantee's program, and the amount awarded to each grantee. The Commission shall submit its report by April 1, 2007.