# 2009-2010

# JOINT APPROPRIATIONS – JUSTICE & PUBLIC SAFETY

# MINUTES

## HOUSE APPROPRIATIONS SUBCOMMITTEE
## JUSTICE AND PUBLIC SAFETY

| MEMBER | ASSISTANT | PHONE | OFFICE | SEAT |
|---|---|---|---|---|
| Rep. Alice L. Bordsen, Chair | Michelle Hall | 733-5820 | 530 | 29 |
| Rep. Jimmy Love, Chair | Sylvia Nygard | 715-3026 | 305 | 23 |
| Rep. Timothy Spear, Vice Chair | Lona Hallissy | 715-3029 | 402 | 36 |
| Rep. Ron Sutton, Vice Chair | Jo Bobbitt | 715-0875 | 1321 | 72 |
| Rep. Ray Warren, Vice Chair | Molly Freeman | 715-8361 | 306C | 77 |
| Rep. James L. Boles Jr. | Rhonda Todd | 733-5903 | 501 | 105 |
| Rep. Melanie Wade Goodwin | Jane McMillan | 733-5823 | 1307 | 91 |
| Rep. W. David Guice | Kenny Guice | 715-4466 | 1015 | 99 |
| Rep. Pat Hurley | Marilyn Holder | 733-5865 | 607 | 87 |
| Rep. Darren G. Jackson | Cassie Lester | 733-5974 | 301N | 47 |
| Rep. Carolyn Justus | Jo Hinton | 733-5956 | 1023 | 27 |
| Rep. Annie Mobley | Janice Mobley-Bennett | 733-5780 | 638 | 68 |
| Rep. Timothy Moore | Nancy Garriss | 733-4838 | 604 | 63 |
| Rep. Shirley B. Randleman | Ellen Picket | 733-5935 | 1025 | 115 |
| Rep. Sarah Stevens | Barbara Stevens | 715-1883 | 509 | 119 |

# ATTENDANCE

## Joint Appropriations Subcommittee on Justice and Public Safety

(Name of Committee)

| DATES | 02/24/09 A | 02/25/09 A | 02/26/09 A | 03/04/09 A | 03/05/09 A | 03/10/09 A | 03/11/09 A | 03/12/09 A | 03/18/09 A | 03/18/09 P | 03/19/09 A | 04/15/09 A | 04/16/09 P | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rep. Alice Bordsen, Co-Chair | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Rep. Jimmy Love, Co-Chair | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Rep. Spear, Vice Chair | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Rep. Sutton, Vice Chair | X | X | X | X | | X | X | X | X | X | X | | X | | |
| Rep. R. Warren, Vice Chair | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Rep. Boles | X | X | X | | X | X | X | | X | X | | X | X | | |
| Rep. Goodwin | X | X | X | X | X | X | X | | X | | X | X | X | | |
| Rep. Guice | X | X | X | X | X | X | X | X | X | X | | X | X | | |
| Rep. Hurley | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Rep. Jackson | X | X | X | X | | X | | X | X | X | | X | X | | |
| Rep. Justus | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Rep. Mobley | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Rep. Moore | | X | | X | | | | | | X | X | | | | |
| Rep. Randleman | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Rep. Stevens | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| | | | | | | | | | | | | | | | |
| Michelle Hall, Committee Ass't. | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Sylvia Nygard, Committee Ass't. | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| | | | | | | | | | | | | | | | |
| Denise Thomas, FRD | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| John Poteat, FRD | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Doug Holbrook, FRD | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Jean Sandaire, FRD | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Danielle Seale, FRD | X | X | X | X | | X | | X | X | X | X | X | X | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

# ATTENDANCE

## Joint Appropriations Subcommittee on Justice and Public Safety

(Name of Committee)

| DATES | 04/21/09 A | 04/21/09 P | 04/22/09 P | 04/28/09 A | 04/28/09 P | 04/29/09 A | 04/30/09 A | 05/05/09 A | 05/07/09 A | 05/12/09 P | 05/19/09 A | 05/20/09 A | 05/20/09 P | 05/28/09 A | 05/28/09 P |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rep. Alice Bordsen, Co-Chair | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Rep. Jimmy Love, Co-Chair | X | X | X | X | X | X | X | X | X | | X | X | X | X | X |
| Rep. Spear, Vice Chair | | X | | X | X | X | X | X | X | X | X | X | X | X | X |
| Rep. Sutton, Vice Chair | X | X | X | X | | X | X | X | | X | X | X | X | X | X |
| Rep. R. Warren, Vice Chair | X | X | X | X | X | X | X | X | X | | X | X | X | X | E |
| Rep. Boles | X | | X | X | | X | X | X | X | X | X | X | X | X | X |
| Rep. Goodwin | X | X | X | X | X | X | X | X | | X | X | X | X | X | X |
| Rep. Guice | X | X | X | X | X | X | | X | X | X | X | X | X | X | X |
| Rep. Hurley | X | X | | X | X | X | X | X | X | X | X | X | X | X | X |
| Rep. Jackson | | | X | | | X | | X | X | | X | X | | X | X |
| Rep. Justus | X | | X | X | | X | X | X | X | X | X | X | X | X | X |
| Rep. Mobley | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Rep. Moore | | X | X | X | X | X | | X | X | | | X | X | X | |
| Rep. Randleman | X | | | X | | X | X | X | | X | X | X | X | X | X |
| Rep. Stevens | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| | | | | | | | | | | | | | | | |
| Michelle Hall, Committee Ass't. | X | X | X | X | X | X | X | X | X | | X | X | X | X | X |
| Sylvia Nygard, Committee Ass't. | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| | | | | | | | | | | | | | | | |
| Denise Thomas, FRD | X | X | X | X | X | X | X | X | X | | X | X | X | X | X |
| John Poteat, FRD | X | X | X | X | X | X | X | X | X | | X | X | X | X | X |
| Doug Holbrook, FRD | X | X | X | X | X | X | X | X | X | | X | X | X | X | X |
| Jean Sandaire, FRD | X | | X | X | X | X | X | | X | | X | X | X | X | X |
| Danielle Seale, FRD | X | X | X | X | | | X | X | X | | X | X | X | X | X |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

# ATTENDANCE

## Joint Appropriations Subcommittee on Justice and Public Safety

(Name of Committee)

| DATES | 06/03/09 A | 06/04/09 A | 06/04/09 P | 06/10/09 P | 07/01/09 A | 07/09/09 A | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rep. Alice Bordsen, Co-Chair | X | X | X | X | X | X | | | | | | | | | |
| Rep. Jimmy Love, Co-Chair | X | X | X | X | X | X | | | | | | | | | |
| Rep. Spear, Vice Chair | X | X | X | X | X | X | | | | | | | | | |
| Rep. Sutton, Vice Chair | X | X | X | X | X | X | | | | | | | | | |
| Rep. R. Warren, Vice Chair | X | X | X | X | X | X | | | | | | | | | |
| Rep. Boles | X | X | X | X | X | | | | | | | | | | |
| Rep. Goodwin | X | X | X | X | X | X | | | | | | | | | |
| Rep. Guice | X | X | X | X | | X | | | | | | | | | |
| Rep. Hurley | X | X | X | X | X | X | | | | | | | | | |
| Rep. Jackson | X | X | X | X | | | | | | | | | | | |
| Rep. Justus | X | X | X | X | X | X | | | | | | | | | |
| Rep. Mobley | X | X | X | X | X | X | | | | | | | | | |
| Rep. Moore | | X | X | X | | X | | | | | | | | | |
| Rep. Randleman | X | X | X | X | X | X | | | | | | | | | |
| Rep. Stevens | X | X | X | X | X | X | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| Michelle Hall, Committee Ass't. | | | | X | X | X | | | | | | | | | |
| Sylvia Nygard, Committee Ass't. | X | X | X | X | X | X | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| Denise Thomas, FRD | X | X | X | X | | | | | | | | | | | |
| John Poteat, FRD | X | X | X | X | | | | | | | | | | | |
| Doug Holbrook, FRD | X | X | X | X | | | | | | | | | | | |
| Jean Sandaire, FRD | X | X | X | X | | | | | | | | | | | |
| Danielle Seale, FRD | X | X | | X | X | X | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

| Bill | Introducer | Short Title | | Latest Action | In Date | Out Date |
|---|---|---|---|---|---|---|
| H0266 | E. Floyd | USE OF DEADLY FORCE BY LEO/COLLECT & PUBLISH. | *HR | Ch. SL 2009-106 | 04-23-09 | 05-07-09 |
| H0315 | Moore | PLEA BARGAIN DISCLOSURE. | *HR | Ch. SL 2009-179 | 04-22-09 | 05-05-09 |
| H0816= | Cotham | CLARIFY LOCAL SPECIAL SEPARATION ALLOWANCE. | *HR | Ch. SL 2009-396 | 05-06-09 | 05-07-09 |
| H1268 | Blue | EMINENT DOMAIN. | *H | Bill remains in Judiciary II. | 07-01-09 | 07-02-09 |
| H1342 | Bordsen | FREE MEDICAL EXAM-VICTIMS OF RAPE/SEX OFFENSES. | *HR | Ch. SL 2009-354 | 05-11-09 | 05-12-09 |
| S0817 | Josh Stein | INCREASE CHILD SUPPORT COLLECTIONS. | *HR | Ch. SL 2009-335 | 06-30-09 | 07-09-09 |

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

## MEMBERSHIP LIST

### Appropriations Subcommittee on Justice and Public Safety

Senator Ellie Kinnaird, Co-Chair
Room 2115LB 733-5804
Kathie Young

Senator John Snow, Co-Chair
Room 2111 LB 733-5875
Rebecca Butler

Senator Dan Clodfelter Vice-Chair
Room 408LOB 715-8331
Wanda Joyner

Senator Pete Brunstetter
Room 1419LB 733-7850
Genie Clark

Senator Tom Apodaca
Room 1127 LB 733-5745
Airen Blaine

Senator Stan Bingham
Room 2117 LB 733-5655
Judy Crisco

Senator Edward Jones
Room 623 LOB 715-3032
Irma Avent-Hurst

Senator R. C. Soles
Room 2022 LB 733-5963
Joan Leatherman and Mona Fitzgerald

# MINUTES

## JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

**Tuesday, February 24, 2009**
**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 24, 2009 in Room 415, LOB. Six members of the Senate Subcommittee attended, along with Representatives Bordsen, Love, Spear, Sutton, Warren, Boles, Goodwin, Guice, Hurley, Jackson, Justus and Mobley, Randleman and Stevens. Senator Ellie Kinnaird presided. Sen. Kinnaird introduced the committee members and staff. She recognized the pages and Sergeant at Arms.

Senator Kinnaird introduced Judge John Smith Secretary Administrative offices of the Court and asked him to introduce his staff. Rex Whaley, Chief Finance Office; Kesha Howell, Budget Manager; Casandra White, Legislative Liaison; Greg Stahl, Senior Deputy Director.

Linda Hayes, Secretary Department of Juvenile Justice and Delinquency Prevention introduced her staff including, Dr. Robin Jenkins, Chief Operations Officer; Martin Pharr, Deputy Secretary; Mike Rieder, Deputy Secretary; Teresa Price, Deputy Secretary; Kathy Dudley, Deputy Secretary, Facilities ; Linda Washington, Human Resources, and David Jones, Deputy Secretary.

Rubin Young, Secretary for Crime Control and Public Safety responsible for the Divisions of Alcohol Law Enforcement, Butner Public Safety, Civil Air Patrol, Emergency Management, Governor's Crime Control, Highway Patrol, National Guard, and Victim and Justice Services introduced his staff as follows: Rudy Rudisill, Chief Deputy Secretary; Jonathan Williams, Deputy Secretary; Rhonda Raney, Assistant Secretary for Administration; Thomas Caves, Special Assistant; Marvin Waters ( not present) General Counsel; Bennie Aiken, Controller Fiscal Affairs; Dan Domico, Director Human Resources.

Alvin W Keller Secretary Department of Corrections introduced Jennie Lancaster, Chief Operations Office; Tracy Little, Deputy Secretary; J B, French, Deputy Secretary; Frank Rogers Budget; Bob Lewis, Division of Prisons; Tim Moose, Division of Community Corrections; Virginia Price, Division of Alcohol and Chemical Dependency Programs; Karen Brown, Correction Enterprises; LaVee Hamer, General Counsel; Barbara Baker, Budget and Purchasing; Mildred Spearman, Legislative Affairs; and Bill Stovall is the Chief Engineer.

Department of Justice represented by Kristy Hyman, Chief of Staff introduced the Attorney General's staff. Nels Roseland, Deputy Chief of Staff and Chief Finance Office; Greg McLeod, Legislative Liaison; Pam Tully, Assistant Director SBI; Terry Wright, Director of Crime Protective Services; Wayne Woodard, Criminal Justice and Training Standards; Peggy Schaefer, Justice Academy and Melissa Lovell Legal Counsel; and Julia Lohman, Director of Sheriff's standards.

Sentencing Service Commission and Policy Council's Susan Katzenelson introduced the two Associate Directors, John Madler, Legislative Policy and Ginny Hevener, Research Director.

Sen. Kinnaird asked to recognize members of the Governor's Crime Control Commission however no one was present.

Tom Maher Head of the Indigent Defense Services introduced Danielle Carman Chief Counsel and Assistant Director; Elisa Wolper, Chief Financial Office; and Susan Brooks, and Sentence Servicing. Susan introduced Kathy Johnson, East Regional Administrator and Carolyn Cameron, West Regional Director.

Douglas Holbrook, Fiscal Staff, presented an overview of the Committee Process/Role of Staff. (See Attachment A)

Denise Thomas, Fiscal Staff, recognized Aaron Gallagher, Budget Analyst for the State and Eddie Caldwell Director of Sherriff's Association.
She distributed two documents (see attachment B and Attachment C). She noted that Doug would be presenting Prison Issues to the full House and Senate Appropriation Committees today at 12:00 in room 643.
She gave a quick overview of Justice and Public Safety (see attachment D)

The next meeting will be Wednesday, February 25th, 8:30 a. m.

The meeting adjourned at 10:30 a.m.

Senator Ellie Kinnaird, Co-Chair

Kathie Young

Kathie Young, Committee Assistant

**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**February 24, 2009 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird, Presiding
Senator John Snow
Representative Alice Bordsen,
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Introductions of Members, Staff, Agency Personnel

Overview of Committee Process/Role of Staff

*Douglas Holbrook, Jr.*
*Fiscal Research Staff*

Overview of Justice and Public Safety Agencies

*Denise Thomas*
*Fiscal Research Staff*

## III. OTHER BUSINESS: Next meeting: Wednesday, February 25th, 8:30 a.m.

## IV. ADJOURNMENT

# ATTENDANCE

## Joint Appropriations Subcommittee on Justice and Public Safety

(Name of Committee)

| DATES | Feb 24 | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rep. Alice Bordsen, Co-Chair | X | | | | | | | | | | | | | | |
| Rep. Jimmy Love, Co-Chair | X | | | | | | | | | | | | | | |
| Rep. Spear, Vice Chair | X | | | | | | | | | | | | | | |
| Rep. Sutton, Vice Chair | X | | | | | | | | | | | | | | |
| Rep. R. Warren, Vice Chair | X | | | | | | | | | | | | | | |
| Rep. Boles | X | | | | | | | | | | | | | | |
| Rep. Goodwin | X | | | | | | | | | | | | | | |
| Rep. Guice | X | | | | | | | | | | | | | | |
| Rep. Hurley | X | | | | | | | | | | | | | | |
| Rep. Jackson | X | | | | | | | | | | | | | | |
| Rep. Justus | X | | | | | | | | | | | | | | |
| Rep. Mobley | X | | | | | | | | | | | | | | |
| Rep. Moore | | | | | | | | | | | | | | | |
| Rep. Randleman | X | | | | | | | | | | | | | | |
| Rep. Stevens | X | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

# JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
# FEBRUARY 24, 2009

## OVERVIEW OF APPROPRIATIONS COMMITTEE PROCESS

## Budget Process

Subcommittees will consider the JPS agencies' continuation and recommended budget requests for the two-year period beginning on July 1, 2009.

**Continuation Budget**

The recommended funding necessary to continue a program *at the current level of services*. The recommended continuation budget can be adjusted for certain factors. Examples 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 January 1 2009 will need full funding in FY 09-10)).
- Operating funding for newly completed facilities (e.g. operating funds for prisons or Youth Development Centers that will open during 2009-10)

*Funding for new programs or to expand current programs should be requested in the expansion budget, not continuation*

**Recommended Operating Budget**

The proposed budget which includes:

- expansion of existing programs;
- permanent funding of programs originally funded as pilots or with one-time funding;
- recurring and non-recurring reduction to existing programs and;
- results-based information for each department including mission statements, goals, key services, the cost of services, and performance measures

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

Salary and benefit increases are considered expansion items, except for specific adjustments set in the General Statutes. Salary requests are typically considered by the Full Appropriations Committees rather than Subcommittees.

Capital expansion requests are included in a separate section of the Governor's Recommended Budget. As with salary and benefits, capital requests generally are not reviewed in the JPS Subcommittee. In the House, they are referred to the Capital Appropriations Subcommittee. In the Senate, capital requests are considered by the Full Appropriation Committee.

**Budget Review Schedule**
Review in Joint Subcommittee generally takes approximately 6 weeks before the House and Senate split to develop their respective budgets. In 2009, the Senate will develop their budget first. The Joint committee schedule will be partly based on the Senate's projected date for passing the budget and sending it to the House.

**Budget Targets**
Typically, the House and Senate Subcommittees are each given a budget target by their respective Full Appropriations Chairs. **The target usually is a total amount for all six JPS agencies, not an individual target for each agency.**

**Subcommittee Goal**
Review the continuation and recommended budget requests. Prepare the JPS Subcommittee Budget Report and Special Budget Provisions for presentation to the full Appropriations Committees.

## Role of Fiscal Staff

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

- cost components (staffing, contracts, etc.) of major programs
- recent reductions or expansion of these programs;
- the details of the major budget changes proposed by the Governor for 2009-11; and,
- 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 a possible budget changes 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 prepares fiscal notes on most criminal justice bills. By statute, a fiscal note must be prepared for any bill that could affect prison incarceration rates by changing the penalties for criminal offenses.

## Role of Other Staff in the Appropriations Process

**General Assembly Bill Drafting Staff**
Besides drafting bills, the staff assists members with research on legal issues affecting Subcommittee deliberations and assist members in writing special budget provisions. Sean Dail, Emily Johnson, and Ben Stanley are the Bill Drafting Attorneys assigned to the JPS subcommittee.

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

**Office of State Budget and Management(OSBM)**
Assist agencies in reviewing Governor's budget with Subcommittee and assist members and fiscal staff with information on departmental budgets and programs.

919 733-4910
FAX 919 715-3589

Marilyn Chism, Director

## JUSTICE AND PUBLIC SAFETY (Continued)

| DEPARTMENT/ASSIGNMENTS | ANALYSTS |
|---|---|
| **Judicial Branch/Administrative Office of the Courts** | **Denise, Doug (Back-up)** |
| Supreme Court | |
| Court of Appeals | |
| Superior and District Courts | |
| Business Court | |
| Clerks of Superior Court | |
| District Attorneys | |
| Custody Mediation Program | |
| Dispute Settlement Centers | |
| Guardian ad Litem (GAL) | |
| Arbitration | |
| Judicial Standards Commission | |
| NC Sentencing & Policy Advisory Commission | |
| Drug Treatment | |
| Family Courts | |
| **Judicial Branch - Office of Indigent Defense Services** | **Denise, Doug (Back-up)** |
| Public Defenders | |
| Appellate Defender | |
| Indigent Persons Attorney Fee Fund | |
| Sentencing Services Program | |
| Juvenile Defender | |
| Prisoner Legal Services | |
| **Juvenile Justice & Delinquency Prevention** | **John, Denise (Back-up)** |
| Youth Development and Detention Centers | |
| Community Programs (State and Local) | |
| Juvenile Crime Prevention Councils (JCPC's) | |
| Eckerd Wilderness Camps | |
| Support Our Students Program (SOS) | |
| Governor's One on-One Program | |
| Teen Courts | |
| Court Counselors | |
| **Other Programs** | |
| **Criminal Justice Information Network (CJIN)** | **Denise** |
| **Justice and Public Safety Research Assistant/Fiscal Note Writer** | **Danielle Seale** |

**FISCAL RESEARCH DIVISION**
**SUITE 619 LOB**
**919 733-4910**

**Marilyn Chism, Director**

# JUSTICE AND PUBLIC SAFETY TEAM

| DEPARTMENT/ASSIGNMENTS | ANALYST |
|---|---|
| **JPS Team Leader:** | **Denise** |
| **Crime Control and Public Safety** | **Jean, Doug (Back-up)** |
| Division of Alcohol Law Enforcement | |
| Division of Butner Public Safety | |
| Division of Civil Air Patrol | |
| Division of Emergency Management | |
| Division of Governor's Crime Commission | |
| Division of Highway Patrol | |
| Division of National Guard | |
| Division of Victim and Justice Services | |
| **Justice** | **Jean, Denise (Back-up)** |
| Legal Divisions | |
| Legal Services | |
| Citizen's Rights Division | |
| Consumer Protection Office | |
| Environmental Division | |
| Law Enforcement | |
| Law Enforcement Services (SBI/DCI) | |
| State Bureau of Investigation | |
| Training and Standards | |
| Justice Academy | |
| **Department of Correction** | **Doug, John (Back-up)** |
| Department Management | |
| Division of Prisons | |
| Substance Abuse Program | |
| Post Release/Parole Commission | |
| Community Corrections | John, Doug (Backup) |
| Probation and Parole | |
| Electronic Monitoring/GPS | |
| Criminal Justice Partnership Program | |
| Community Service Work Program | |

2008 Annotated Committee Report

# Correction

GENERAL FUND

| Total Budget Approved 2007 Session | FY 08-09 $1,226,627,581 |
|---|---|

**Budget Changes**

**Alcoholism and Chemical Dependency Programs**

1 **Substance Abuse Treatment Program for Females** — $1,543,150 R; $348,218 NR; 35.00

Provides funding for a 50-bed substance abuse treatment program for female parolees and probationers. Both 28-day and 90-day programs would be provided for approximately 300-360 females per year. Currently, the department does not have a treatment program for this population, although demand is estimated to be 4,725 parolees and probationers per year. The program would be located at the Black Mountain Correctional Center for Women, which will be vacated as the current inmates are relocated to a new facility.

2 **Inmate Drug and Alcohol Addiction Treatment** — $239,805 R

Increases capacity for treating drug and alcohol addiction by providing ten additional contract beds to house male inmates who are being provided intensive treatment for drug and alcohol abuse and addiction. These funds shall be used solely to house and treat these inmates and to maximize the treatment facility's capability to provide intensive treatment to chemically dependent male inmates.(H.B.2298/S.B.2030)

**Community Corrections**

3 **Reserve for Probation Supervision** — $2,000,000 R; $500,000 NR

Establishes a reserve fund to address critical resource needs in Probation and Parole Field Services. The designation of funds is pending the findings of a performance review by the National Institute of Corrections. Of these funds, $500,000 is non-recurring and non-reverting.

4 **Probation Officer Interface to Court Information** — $140,000 NR

Appropriates $140,000 NR to develop an interface between the case management functions of the Offender Population Unified System (OPUS) of the Department of Correction and the Automated Court Information System. This interface will provide probation parole officers with access to up-to-the-minute information on arrests and pending charges of offenders on probation. These funds are non-recurring and non-reverting.

| | FY 08-09 | |
|---|---|---|
| **5 Restore CJPP Funding**<br>The Governor recommends the funding be restored for the Criminal Justice Partnership Program (CJPP). The appropriation for the CJPP was eliminated for FY 2008-09 pending the findings of a Continuation Review.(S.B.2091) | $9,153,134 | R |
| **6 Criminal Justice Partnership Expansion**<br>Increases the appropriation to the State County Criminal Justice Partnership Program by $257,729. These additional funds will be allocated based on the program's existing funding formula. | $257,729 | R |
| **7 Increase Women at Risk Pass-Through**<br>Increases the current $350,000 recurring appropriation by $100,000 NR. This program provides community-based treatment for females probationers. This appropriation also expands services in 10 Western counties, including Buncombe, Henderson, McDowell, Rutherford, Yancey, Madison, Haywood, Jackson, Transylvania, and Polk.(H.B. 2176) | $100,000 | NR |
| **8 Increase Summit House Pass-Through**<br>Increases the current $1,231,293 appropriation to Summit House by $100,000 NR. This program provides housing and support services to women on probation and their children. | $100,000 | NR |
| **Custody and Security** | | |
| **9 Reduce Budget for Building/Acquisition Costs**<br>Reduces the budget for building/acquisition costs based on prior year expenditures. | ($175,000)<br>($125,000) | R<br>NR |
| **Department Management** | | |
| **10 Support Positions for Construction Projects**<br>Provides funding for five engineers and one architect to support current and future design and construction work related to department facilities. These positions are necessary to maximize the benefits of the Inmate Construction Program and realize a cost savings of 28% compared to using outside contractors. | $1,143,091<br>$543,491<br>6.00 | R<br>NR |
| **Department-Wide** | | |
| **11 Reduce Various Operating Budgets**<br>Reduces the following FY 2008-09 inflationary increases and budgets throughout the Department of Correction: Short Term Disability Payments($500,000 R), Building/Office Leases ($300,000 R), Energy - Natural Gas/Propane ($500,000 R, $500,000 NR), Longevity ($250,000 NR), and Equipment ($500,000 NR). | ($1,300,000)<br>($1,250,000) | R<br>NR |

**12 Increase Federal Alien Assistance Receipts** ($1,549,375) R

The State Criminal Alien Assistance Program (SCAAP) provides federal funds to states to offset the cost of incarcerating undocumented aliens, over $3.8 million annually for North Carolina. The federal budget indicates that this assistance will increase by $1,549,375 for the coming year. This item budgets those increased receipts, offsetting the continuation budget for the Department.

## Prison Health Services

**13 Reduce Various Medical Budgets** ($6,639,426) R
($3,000,000) NR

Reduces various medical budget items within the Division of Prisons. This item eliminates the FY 2008-09 inflationary increases and reduces budgets for Prescription Drugs ($1,800,000 R, $100,000 NR), Medical Contractual Employees ($1,500,000 R), Hospital Provided Medical Services ($1,150,000 R, $2,600,000 NR) and Other Provided Medical Services ($2,189,426 R, $300,000 NR).

**14 Increase Medical Recoupment Receipts** ($2,150,000) R

Increases the budgeted receipts for medical recoupment. These receipts have been over-collected for the last two fiscal years.

## Prisons

**15 Our Children's Place Administration**

Provides funds for a contractual position to oversee services to incarcerated mothers and their children during the period of their incarceration.(S.B.2074) $50,000 NR

**16 Domestic Violence Rehabilitation Reserve** $100,000 R

Should HB 44, or a substantially similar piece of legislation changing the definition of repeat violation of a protective order, become law, this reserve provides funds for expansion of the Division of Prisons' rehabilitation program for offenders with a history of domestic violence offenses. (S.B.27/H.B.44)

## Reserves

**17 North Carolina GangNet**

Provides funds to Durham County to enhance North Carolina GangNet, an Internet-based law enforcement intelligence sharing database that contains information about known gang members. This database has been available in Durham County for several years and is now being expanded statewide through federal funds. Through this appropriation, GangNet will be enhanced through the incorporation of gang data currently collected in the Offender Population Unified System (OPUS), which is maintained by the Department of Correction. $260,000 NR

| | | |
|---|---|---|
| **Budget Changes** | **$2,623,108** | **R** |
| | **($2,333,291)** | **NR** |
| **Total Position Changes** | 41.00 | |
| **Revised Total Budget** | **$1,226,917,398** | |

# Special Provisions

## 2008 Session: HB 2436

**Department:** Correction

Section: 17.1

Title: **Temporary Housing Funds**

Summary Permits the Department of Correction to use available funds to secure temporary housing for offenders pending release from prison who have no adequate home placement plan. This provision primarily affects sex offenders, who are bound by more restrictions on housing proximity than other categories of offenders. The provision also forbids using funds for housing offenders in hotels, motels, nursing homes, or group homes, and also directs the Department to report to the Joint Legislative Oversight Commission on Corrections, Crime Control, and Juvenile Justice by January 1, 2009, on the best methods for providing housing to this difficult-to-place population.

Section: 17.2

Title: **Federal Grant Matching Funds**

Summary Updates a standard provision from the 2007 budget that caps the amount of available funds the Department of Correction can use to match federal grants at $1.5 million for the fiscal year.

Section: 17.3

Title: **Reserve Fund for Probation and Parole Staffing and Resources**

Summary Establishes a $2.5 million reserve fund in the Office of State Budget and Management which can be allocated to the Department of Correction's Division of Community Corrections to implement the recommendations of an audit by the National Institute of Corrections. Of these funds, $500,000 is non-recurring and non-reverting and can be used for technology projects. The Department is required to report to the Governmental Operations Commission and the Corrections Oversight Committee prior to expending the funds in the reserve.

Section: 17.4

Title: **Report on Probation and Parole Caseloads**

Summary Modifies the statutory requirements for the Division of Community Corrections' annual report on probation and parole caseloads. With this change, the Division must report on the officer to supervisor ratios in addition to caseloads for line officers, and work with the Office of State Personnel to conduct a compensation study for the various classes of Probation/Parole Officer. Additionally, the Division must report on its risk and needs assessment processes, and other screening and assessment services available for offenders through the State, specifically the TASC program in DHHS and the Sentencing Services Program.

Section: 17.7

Title: **Criminal Justice Partnership/Notification of Amount of Formula Funding/Schedule for Application to Receive Reallocation of Unobligated Funds**

Summary Directs the Department of Correction to notify counties participating in the Criminal Justice Partnership grant program of their projected funding amounts by January 15 in every year in which the formula is updated with new input data. This earlier notification date is expected to work better in the counties' budget cycle. The funding amounts are still subject to the funding appropriated by the General Assembly. The provision also opens the process for reallocating unspent funds to a semi-annual basis.

# Crime Control and Public Safety

GENERAL FUND

| Total Budget Approved 2007 Session | FY 08-09 $41,489,037 | |
|---|---|---|

**Budget Changes**

**Administration**

**18 Law Enforcement Support Services**

Funding for warehouse rental costs. This program provides federal surplus equipment to local law enforcement free of charge. — $160,000 NR

**Department - Wide**

**19 Reduce Various Operating Budgets**

Governor's recommendation that the following FY 2008-09 budgets be reduced throughout the department: Administrative Services ($25,000NR) Miscellaneous Contractual Services ($98,100R), Rent Building/Office ($45,000NR) Rent/Lease Other Data Processing Equipment ($46,900R), Lodging In-State ($15,482R), Other Employee Educational Expense ($50,421NR) and General Office Supplies ($20,000NR)

($160,482) R
($140,421) NR

**Emergency Management**

**20 Regional Response Teams**

There are currently seven Hazardous Materials (HAZMAT) Regional Response Teams in the state. These HAZMAT teams respond to incidents such as the explosion and fire at the EQ chemical storage facility in Apex. To ensure adequate statewide coverage for hazardous material emergencies, the Governor's HAZMAT Task Force recommended in its December 2006 report that funding be provided to support the operating needs and equipment replacement for the HAZMAT teams. — $200,000 NR

**Governor's Crime Commission**

**21 Crime Commission Study**

Funds are provided for a contract to study the legal, systematic, and organizational impact of expanding the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to include persons 16 and 17 years of age. — $200,000 NR

**22 Illegal Immigration Project**

Funding to the Governor's Crime Commission to contract with the North Carolina Sheriffs' Association for immigration enforcement services. This funding will be used for technical assistance and training associated with immigration enforcement. — $600,000 NR

**23 Reserve for Sheriff Department Grants** — $250,000 NR

Should pending legislation become law that establishes new sex offender registration requirements, funds are appropriated for a reserve for grants to sheriffs' departments. The Governor's Crime Commission shall award grants of up to $25,000 to sheriffs' offices to assist with the enforcement of the State's sex offender laws. (S.L. 2008-220)

**National Guard**

**24 Tarheel Challenge Academy** — $193,000 NR

Governor's recommendation: The Tarheel Challenge is designed to give highschool dropouts a second chance at getting an education, with 70% of participants currently graduating from the program with their GED. It is recommended that funding be provided to increase the number of Tarheel Challenge graduates from 220 to 250 annually. This request also includes federal funds, which the state will receive as a result of the increase in program graduates.

**25 National Guard Kids on Guard Program** — $200,000 NR

funding to support Operation Kids on Guard, a non profit program created specifically for children of the North Carolina National Guard as a way to assist children in coping with deployment fears and understanding why their parents are away from home.

**26 Continuation Review - Tarheel Challenge Academy** — ($1,100,000) R; $1,100,000 NR

Tarheel Challenge Program funding is provided for the Tarheel Challenge Program for FY 2008-09 only. Restoration of recurring funds is subject to the findings of the continuation review.

**Victim Compensation Services**

**27 Funding for the Rape Victim Assistance Program** — $1,078,078 R

Funding to support the Rape Victim Assistance Program. This appropriation will allow for the expansion of the program's victim eligibility criteria allowing the program to pay bill co-pays for rape victims that have a collateral source of payment and 100 percent of forensic exam costs for rape victims that have no collateral source of payment.

---

**Budget Changes** — ($182,404) R; $2,762,579 NR

**Total Position Changes**

**Revised Total Budget** — $44,069,212

# Special Provisions

## 2008 Session: HB 2436

**Department:** Crime Control and Public Safety

Section: 18.1

Title: **Governor's Crime Commission Study/Expand Juvenile Jurisdiction**

Summary Directs the Governor's Crime Commission to study the legal, systemic and organizational impact of expanding the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to include persons 16 and 17 years of age who commit crimes. The Commission shall report its findings and legislative, administrative, and funding recommendations to the General Assembly and the Governor by April 1, 2009.

Section: 18.2

Title: **Enhance Rape Victims Assistance Program**

Summary Amends G.S. 143B-480.2 to expand the program's eligibility criteria to include rape victims that have a collateral source of payment; changes the program's reporting requirement from 5 days to 72 hours; establishes a fee schedule for services rendered by medical healthcare providers.

Section: 18.3

Title: **Report on the Use of Illegal Immigration Project Funds**

Summary Directs the NC Sheriffs Association to report to the General Assembly on the operations and effectiveness of the Illegal Immigration Project funded in the budget. The report is due no later than March 1, 2009.

Section: 29.7

Title: **Increase Registration Fee for Deeds of Trust and Mortgages for Floodplain Map Use**

Summary Increases the Registration Fee for Deeds of Trust and Mortgages from $12 to $22. The $10 increase shall be forwarded to the Department to be credited to the Floodplain Mapping Fund. This special revenue fund shall be used to offset the costs of mapping and regulating floodplains.

# Judicial

GENERAL FUND

| Total Budget Approved 2007 Session | FY 08-09<br>$452,389,917 | |
|---|---|---|
| **Budget Changes** | | |
| **Appellate** | | |
| **28 Expansion of Innocence Inquiry Commission**<br>Funding is provided for two (2) new positions, Investigator and Secretary II, to provide adequate support to the Innocence Inquiry Commission. | $121,537<br>$18,537<br>2.00 | R<br>NR |
| **Department-wide** | | |
| **29 Reduce Telephone Service**<br>Reduce funding for telephone service charges. Should SB 2107 become law, effective July 1, 2008, a special reserve fund will be used, instead of the General Fund, to pay for the monthly service charges for the AOC and county courthouse telephone systems. (S.B. 2107/S.L. 2008-107, Sec.29.8) | ($927,972) | R |
| **30 Reduce Telephone Equipment**<br>Reduce funding for telephone equipment. Should SB 2107 become law, effective July 1, 2008, a special reserve fund will be used, instead of the General Fund, to purchase and install AOC and county courthouse telephone systems. (S.B. 2107/S.L. 2008-107, Sec. 29.8) | ($730,277<br>($1,695,084) | R<br>NR |
| **31 Funds to Assist Low Income Home Owners**<br>Funds are provided to the North Carolina State Bar to provide $100,000 R to the Land Loss Prevention Project and $100,000 R to the Financial Protection Law Center for the provision of legal assistance to low-income consumers in cases involving predatory mortgage lending, mortgage broker and loan services abuses, foreclosure defense, and other legal issues that relate to helping low-income consumers avoid foreclosure and home loss. (H.B.2461/S.L. 2008-107, Sec.14.9) | $200,000 | R |
| **District Attorneys** | | |
| **32 Restore DA Conference Funds**<br>Governor's Recommendation: restore the recurring funds for the Conference of District Attorneys. The funds were eliminated pending the findings of a continuation review. | $401,289<br>5.00 | R |

**33 New Prosecutor Positions** — $300,021 R; $11,295 NR; 3.00

Funding is provided for three (3) new Assistant District Attorney Positions to be allocated as recommended by AOC:

1.0 Mecklenburg
1.0 Wake
1.0 Harnett, Johnston, Lee

**34 Receipt-Supported Positions - Mecklenburg**

The Mecklenburg County DA's Office may establish eight (8) time-limited Assistant District Attorney positions using funds provided by Mecklenburg County and/or the city of Charlotte:

Assistant District Attorney 8.0

## Sentencing Commission

**35 Sentencing and Policy Advisory Commission Staff** — $102,913 R; $11,527 NR; 1.00

Funds are provided for a Senior Research and Policy Associate to assist the Commission with the formulation of sentencing laws and policy and with various research activities requested by the Legislature.

## Trial Courts

**36 Dispute Resolution Centers** — ($103,808) R

Governor's Recommendation: eliminate budget for the closed dispute resolution centers: Scotland ($35,000), 1st District (451,977), and Polk ($16,831)

**37 Eliminate Special Superior Court Judge Position** — ($159,651) R; -1.00

Eliminate one vacant special superior court judge position, which was previously not included in the Judicial Branch expansion budget request.

**38 Restore Clerks Conference Funding** — $121,402 R; 2.00

Governor's Recommendation: restore recurring funding for the Clerks of Superior Court Conference. The funds were eliminated pending the findings of a continuation review.

**39 Eliminate Drug Treatment Court Reserve** — ($294,613) R; -2.75

Eliminate 2.75 drug treatment court positions authorized during the 2007 long session to replace existing federal and county grant funds. Of the 5.75 positions of this nature, 3.00 FTE have been established. Funds for 2.75 FTE remain in a reserve for this purpose.

**40 Eliminate Judicial Assistants** — ($84,862) R; ($6,668) NR; -2.00

Eliminate 2 judicial assistant positions authorized in the 2007 long session to assist the new special superior court judges.

**41 Guardian ad Litem Program Staff** — $318,664 R; $8,478 NR; 5.00

Funding is provided for 3 new program supervisor positions and to upgrade a part-time program supervisor position to full time. In addition, funds are provided to upgrade 7 program assistant positions from part time, 0.75 FTE, to full time.

**42 New District Court Judge Positions** — $226,236 R; $29,496 NR; 3.00

Funding is provided for three (3) new district court judge positions effective January 15, 2009. The positions shall be allocated as recommended by AOC:

Dist 26 Mecklenburg
Dist 10 Wake
Dist 11 Harnett, Johnston, Lee

**43 New Deputy Clerk Personnel** — $149,014 R; $7,303 NR; 4.00

Provides funding for 4 new Deputy Clerk positions to more effectively manage Superior and District Court caseloads.

**44 New Magistrate Positions** — $287,310 R; $47,620 NR; 10.00

Funding is provided for 10 new magistrate positions, effective 01/01/09, to be allocated as recommended by AOC:

| County | # Positions |
|---|---|
| Durham | 1.0 |
| Forsyth | 1.0 |
| Gaston | 1.0 |
| Guilford | 1.0 |
| Mecklenburg | 4.0 |
| Wake | 2.0 |

**45 New District Court Judicial Support Staff** — $72,039 R; $9,999 NR; 3.00

Funding is provided for three (3) District Court Judicial Assistant I positions, effective 01/15/09.

**Budget Changes** — ($758) R; ($1,557,497) NR

**Total Position Changes** — 32.25

**Revised Total Budget** — $450,831,662

# Special Provisions

## 2008 Session: HB 2436

### Department: Judicial

Section: 14.5

Title: **Judicial Department Grant Funds**

Summary Authorizes the Judicial Department to use $856,907 as State matching funds for 24 federal grant projects.

Section: 14.6

Title: **Additional Assistant District Attorneys**

Summary Allocates 31 new ADA positions effective on July 1, 2008 to counties as recommended by the Administrative Office of the Courts.

Section: 14.7

Title: **JCPC Effectiveness Study**

Summary Directs the NC Sentencing and Policy Advisory Commission to conduct a feasibility study to measure the effectiveness of programs that receive JCPC (Juvenile Crime Prevention Councils) funding through the Department of Juvenile Justice.

Section: 14.9

Title: **Legal Assistance to Homeowners**

Summary Authorizes the legal aid agencies to provide assistance to consumers in cases involving predatory mortgage lender, loan service abuses, and foreclosures.

Section: 14.13

Title: **Additional District Court Judges**

Summary Allocates the three new district court judge positions to Districts 10, 11, and 26.

Section: 14.15

Title: **Probation Officer Access to Automated Court Information**

Summary Directs AOC to use $100,000 from the Court Information Technology Fund to develop an interface which will give probation officers updated information on arrests and pending charges against probationers.

Section: 29.8

Title: **Establish State Court Facility Fee for Phone System**

Summary Establishes a new $1.00 court fee to be deposited into the Court Information Technology Fund and used for the upgrade, maintenance, and operation of the judicial and county courthouse phone systems. Requires AOC to report by August 1 and February 1 each year on the amounts collected and expended. Repeals S.L. 2007-323, Section 14.16 which, effective July 1, 2008, would have prohibited the use of State funds to purchase county courthouse telephone equipment or services. (S.B. 2092/S.B. 2107)

# Judicial - Indigent Defense

GENERAL FUND

| | FY 08-09 | |
|---|---|---|
| **Total Budget Approved 2007 Session** | **$115,991,348** | |
| **Budget Changes** | | |
| **Department-Wide** | | |
| **46 Reduce Various Operating Budgets**<br>Governor's Recommendation: eliminate inflationary increases and reduce various operating line items such as lodging, transportation, supplies, etc. | ($200,000) | R |
| **Indigent Person Attorney** | | |
| **47 Funding for Private Assigned Counsel**<br>Provide $1,135,000 NR to address the increased demands for private assigned counsel as a result of continued growth and indigency rates. | $1,135,000 | NR |
| **48 Eliminate Public Defender Expansion Funds**<br>Eliminate the funds provided in S.L. 2007-323 to expand the number of public defender offices and attorney positions around the state. | ($1,570,057) | R |
| **Sentencing Services** | | |
| **49 Funding for Local Programs**<br>Funding is provided to maintain grants for local Sentencing Services programs operated by non-profit agencies at the FY 2007-08 level. | $200,000 | NR |
| **Budget Changes** | **($1,770,057)**<br>**$1,335,000** | R<br>NR |
| **Total Position Changes** | | |
| **Revised Total Budget** | **$115,556,291** | |

# Special Provisions

## 2008 Session: HB 2436

**Department:** Judicial - Indigent Defense

Section: 14.1

Title: **Pilot Program for Alternative Scheduling**

Summary Allows OIDS to use up to $25,000 to pilot an alternative scheduling program to reduce costs by reducing the amount of waiting time for attorneys in court.

Section: 14.3

Title: **OIDS Expansion of Existing Public Defender Offices**

Summary Authorizes OIDS to use up to $2.3 million from funds appropriated for the Private Attorney Fee Fund to create new positions in existing or new Public Defender offices across the state.

Section: 14.4

Title: **Repeal Public Defender Expansion Authority**

Summary Repeals S.L. 2007-323, Sec. 14.4(b) which authorized OIDS to establish new public defender offices without prior action by the Legislature.

Section: 14.7

Title: **Feasibility Study on Providing OIDS with Indigent Case Information When Cases are Initiated**

Summary Directs AOC and OIDS to consult to develop a statewide system to gather information earlier in the process for determining if persons are eligible for indigent defense services.

# Justice

GENERAL FUND

| | FY 08-09 |
|---|---|
| **Total Budget Approved 2007 Session** | **$92,171,670** |

**Budget Changes**

**Department-Wide**

**50 Reduce Various Operating Budgets** ($356,525) R
($411,959) NR

Recommend that inflationary increases be eliminated and budgets be reduced across various line items.

**Justice Training Academy**

**51 Program Assistant V** $33,621 R

Recommendation that funding be provided for one new Program Assistant V position to support the law enforcement in-service training program. 1.00

**Legal Services**

**52 Receipt Supported Positions**

New staff positions to be funded with receipts from agencies that receive legal services from the Department.

Accounting Tech III - Department of Public Instruction $51,064
Paralegal II - Administrative Office of the Courts $61,301

**SBI**

**53 Forensic Firearms Analysts** $133,784 R

Funding for two non-sworn Forensic Firearm Analysts. These positions are approved in an effort to expedite the processing of firearm and ballistic evidence analysis, which will lead to faster conviction rates for violent crimes. Agency seized and forfeited asset funds should be used to pay for any nonrecurring costs associated with the establishment of these positions. These positions are to be located in the following laboratories: 2.00

Raleigh Crime Laboratory 1.0
Asheville Crime Laboratory 1.0

**54 SBI Crime Laboratory Equipment**

Funding is provided for the purchase of new and replacement laboratory equipment. $174,321 NR

| | | |
|---|---|---|
| **Budget Changes** | **($189,120)** | **R** |
| | **($237,638)** | **NR** |
| **Total Position Changes** | 3.00 | |
| **Revised Total Budget** | **$91,744,912** | |

# Special Provisions

## 2008 Session: HB 2436

**Department:** Justice

Section: 15.2

Title: **Use of Grant or Other Receipt Funds for Replacement Laboratory Equipment and Forensic Firearms Analyst Start Up Costs.**

Summary Authorizes the Department of Justice to use up to $140,000 of grant or other receipt funds to purchase laboratory equipment and for the start up costs for forensic firearms analyst positions approved in the budget.

# Juvenile Justice & Delinquency Prevention

GENERAL FUND

| | FY 08-09 |
|---|---|
| Total Budget Approved 2007 Session | $139,556,104 |

**Budget Changes**

**Administrative Services**

| | | | |
|---|---|---|---|
| 55 | **Reduce Budget for Board & Non-Employee Travel**<br>The Governor recommends reducing the Board & Non-Employee Transportation and Subsistence budget based on prior year expenditures. | ($14,000) | R |

**Department-Wide**

| | | | |
|---|---|---|---|
| 56 | **Reduce Various Operating Budgets**<br>The Governor recommends that inflationary increases be eliminated and budgets be reduced across various line items. | ($725,954)<br>($25,000) | R<br>NR |

**Detention Services**

| | | | |
|---|---|---|---|
| 57 | **New Psychologist Positions**<br>The Governor recommends one Psychologist position at each of the state's nine Detention Centers to provide mental health services for youth in detention. | $367,979<br>$8,910<br>9.00 | R<br>NR |
| 58 | **Additional Detention Staffing**<br>Expand the staff at Detention Centers to address the staffing needs of the facilities that are consistently over capacity.<br>15 Youth Counselor Technicians<br>3 Youth Monitor Supervisors<br>2 Cooks | $309,743<br>$2,437<br>20.00 | R<br>NR |
| 59 | **New Nurse Position**<br>The Governor recommends adding a nurse position at the Cumberland Juvenile Detention Center. This Center has the largest population of the state's nine centers. The services are currently provided through a contract, but it has been difficult to recruit and retain contractual staff. | $36,298<br>$990<br>1.00 | R<br>NR |

**Intervention/Prevention**

| | | | |
|---|---|---|---|
| 60 | **Restore JCPC Funding**<br>The Governor recommends the funding be restored for the Juvenile Crime Prevention Councils (JCPC). The appropriation for the JCPCs was eliminated for FY 2008-09 pending the findings of a Continuation Review.(S.B.2090) | $22,652,860 | R |
| 61 | **Expand JCPC County Allocation**<br>Increase funding for the JCPC County formula allocation which goes to all 100 counties. | $500,000 | R |

**Special Initiatives**

| | | | |
|---|---|---|---|
| 62 | **Eliminate funds for the Eckerd EFFORT project**<br>Due to administrative barriers to implement the project as envisioned, funding for the Eckerd EFFORT project is eliminated. | ($2,695,662) | R |
| 63 | **Operating funds for the Macon County MPGH**<br>Provide funds for recurring operating funds for the state-owned Macon County Multipurpose Group Home. Non-recurring start-up funds were provided in the 2007 Session. | $600,000 | R |

**Support Our Students**

| | | | |
|---|---|---|---|
| 64 | **Reduce Administrative Contracts for SOS**<br>Reduce the amount budgeted for miscellaneous contracts for the evaluation of the Support Our Students (SOS) program. | ($200,000) | R |

**Youth Development Centers**

| | | | |
|---|---|---|---|
| 65 | **Reduce funding for Triad YDC**<br>Reduce continuation budget funding for Triad Youth Development Center because of construction delays. | ($624,321) | NR |

| | | |
|---|---|---|
| **Budget Changes** | **$20,831,264** | R |
| | **($636,984** | R |
| **Total Position Changes** | 30.00 | |
| **Revised Total Budget** | **$159,750,384** | |

# Special Provisions

## 2008 Session: HB 2436

**Department:** Juvenile Justice & Delinquency Prevention

Section: 16.1

Title: **JCPC Grant Reporting and Certification**

Summary Modifies the annual JCPC reporting requirements to include a breakdown of the number of at-risk, diverted, and adjudicated juveniles served by county; the Department's actions to ensure county JCPC's prioritize funding for dispositions of intermediate and community-level sanctions for court-adjudicated juveniles; and changes the reporting date to October 1.

Section: 16.2

Title: **Support Our Students (SOS) Grant Eligibility**

Summary Modifies the entities eligible to apply for a SOS grant to include community- or neighborhood-based 501 c 3, community-based, public or private nonprofit, tax exempt organizations, local school systems, or a local government agency.

Section: 16.3

Title: **JCPC Formula Revision**

Summary Directs the Department of Juvenile Justice and Delinquency Prevention, the NC Juvenile Services Association, and the Community Alternatives for Youth, in consultation with the Fiscal Research Division, to develop and propose a revision to the county allocation for JCPC funds by December 1, 2008.

Section: 16.4

Title: **State Funds May Be Used as Federal Matching Funds**

Summary Allows the State appropriations to the Department to be counted as the required match for federal block grant funds awarded to county and local government agencies.

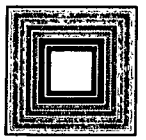
Attachment D

# JUSTICE AND PUBLIC SAFETY BUDGET OVERVIEW

## Justice and Public Safety Appropriations Subcommittee Presentation

**Denise Thomas, Principal Analyst**
**Fiscal Research Division**

February 24, 2009



FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

# Overview

- Description of the Justice and Public Safety agencies
  - Major Programs
  - General Fund Budget
- Recent Significant Legislative Action
- Major Issues for the Upcoming Session

# Justice and Public Safety (JPS) Agencies

- Correction
- Crime Control and Public Safety
- Judicial Department
  - Administrative Office of the Courts
  - Office of Indigent Defense
- Justice
- Juvenile Justice and Delinquency Prevention

# Justice and Public Safety (JPS) Agencies

The six agencies combined:

- Employ over 31,000 people around the state
- Authorized to spend over $2.1 billion from the General Fund
    - 10% of total General Fund appropriation
- Operate 115 secure detention facilities

# Correction

- Prisons:
  - 40,355 inmates housed at 79 prisons
- Community Corrections:
  - Probation and Parole: 112,892 probationers and parolees
  - Partnership (CJPP) Community Service Work Programs
- Substance Abuse Treatment
- Post-Release Supervision and Parole Commission
- Correction Enterprises:
  - Using inmate labor, produced goods and services which generated more than $90 million in revenue last year

# Crime Control & Public Safety

- Law Enforcement
  - State Highway Patrol
  - Alcohol Law Enforcement
  - Butner Public Safety
- Emergency Management
  - Emergency Preparation, Response, & Recovery
  - Floodplain Mapping
- National Guard
- Victims Services

# Judicial



- Administrative Office of the Courts
  - Courts: Judges, Clerks, Magistrates
  - District Attorneys
  - Programs:
    - Guardian ad Litem; Family Courts; Drug Treatment Courts; Mediation/Dispute Resolution
- Office of Indigent Defense Services
  - Private Assigned Counsel
  - Public Defenders
  - Sentencing Services Program

# Justice

- Attorney General
- Legal Services
- State Bureau of Investigation (SBI)
- Law Enforcement Training & Certification
  - Training Academies:
    - Salemburg
    - Edneyville
  - Certification and Standards

# Juvenile Justice and Delinquency Prevention

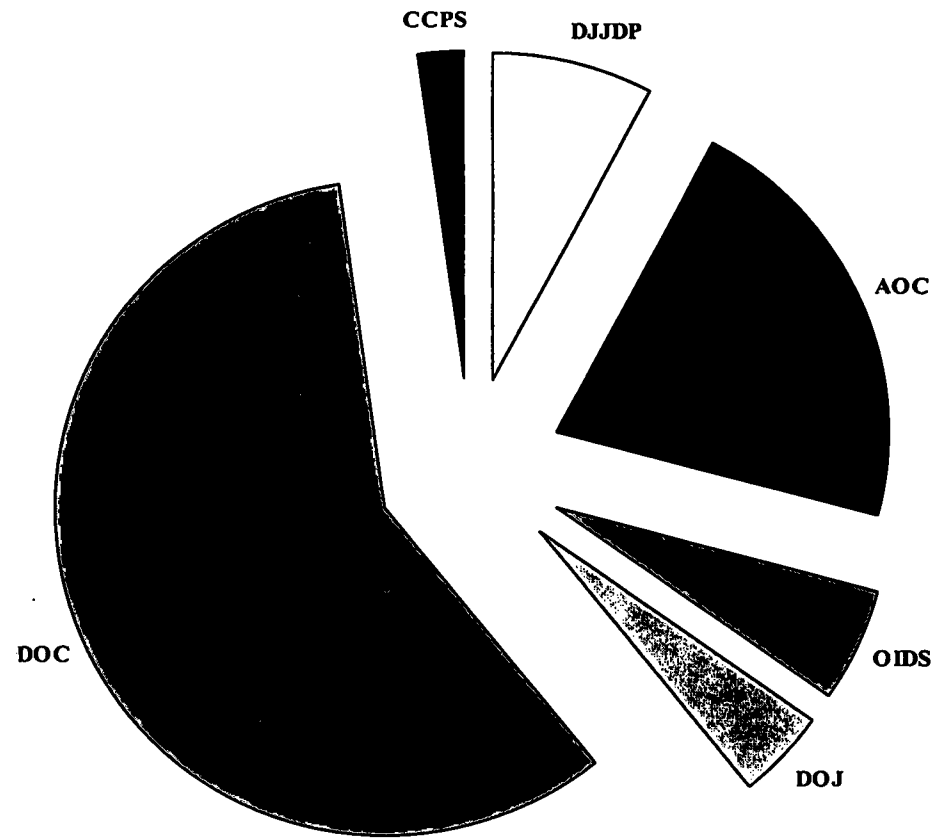
- Facilities
  - Youth Development Centers
  - Detention Centers
  - Wilderness Camps
  - Group Homes
- Community Programs
  - Support Our Students (SOS)
  - Eckerd Wilderness Camps
- Juvenile Court Counselors
- Juvenile Crime Prevention Councils



# JPS General Fund Budget
# FY 2008-09

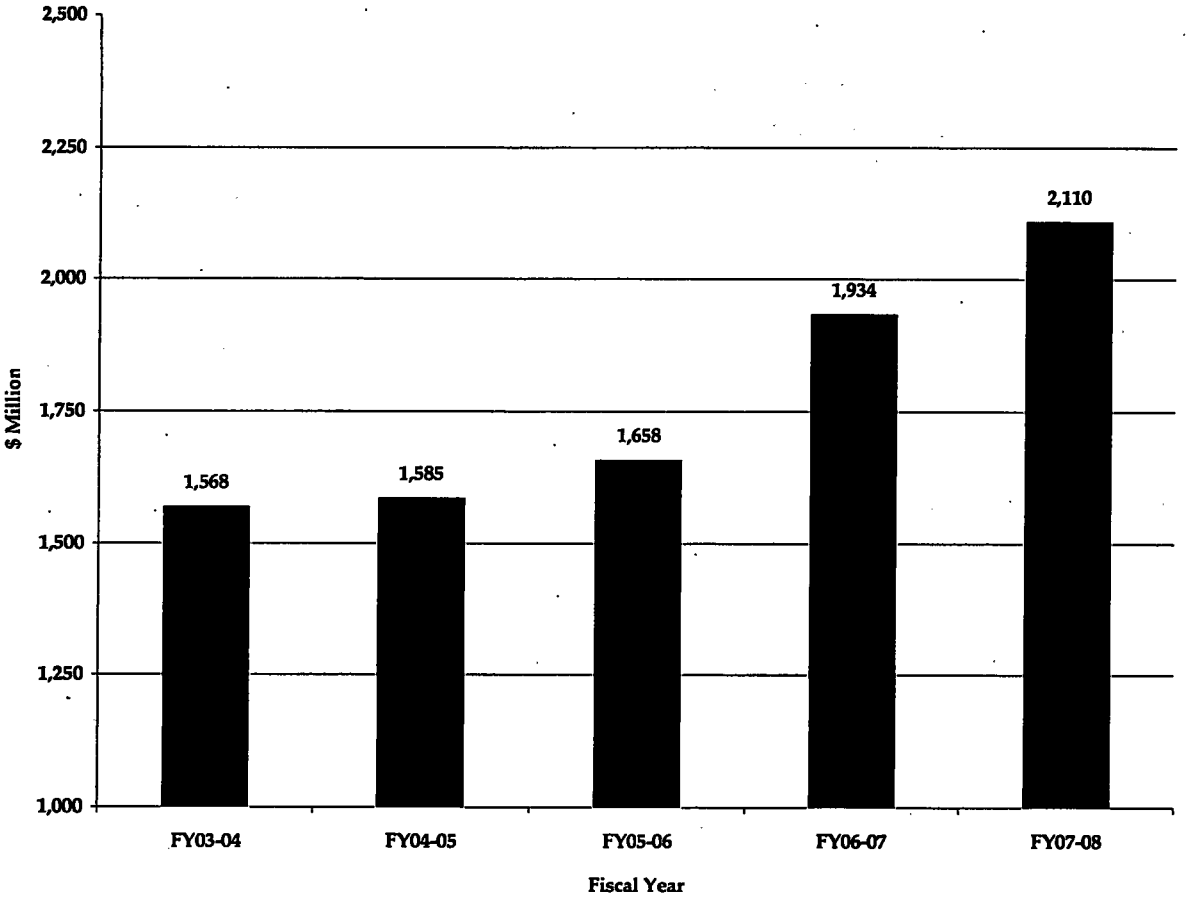
## State Appropriations

| | ($ Million) |
|---|---|
| DOC | 1,227.9 |
| CCPS | 44.1 |
| DOJ | 91.7 |
| AOC | 450.8 |
| OIDS | 115.6 |
| DJJDP | 159.7 |
| Total | $2,089 |



# JPS Total Expenditures

## FY 2003 to FY 2007



# Impact of Projected June 30, 2009 Revenue Shortfall

- Individual JPS agency reversions range from 4 to 5.5 percent of the current year budget for a total of $85 million
- Impact of the reversions include:
  - Hiring freeze
  - Travel restrictions
  - Payment reductions and delays
  - Vehicle and equipment replacement delays

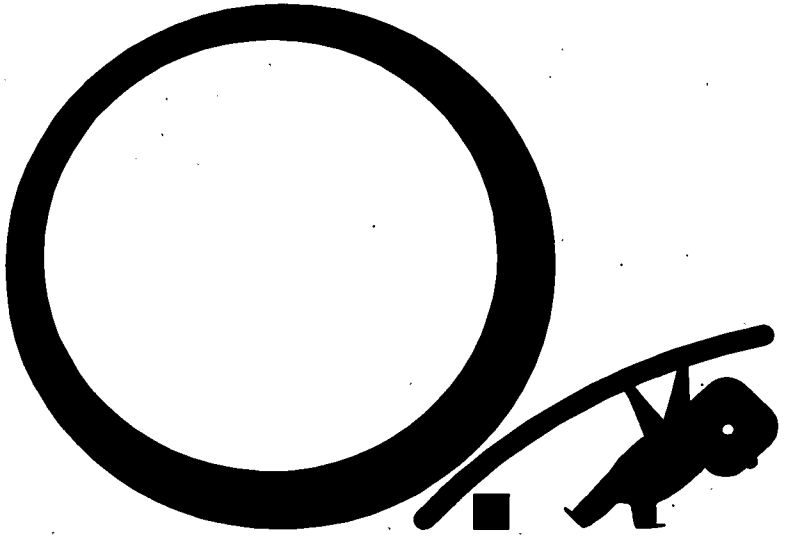
# Significant Legislative Action

- Authorized financing to add 1500 new prison beds by 2012
- Provided $2.5 million to address critical probation resource needs
- Provided over 650 new court house positions, including Assistant District Attorneys, Deputy Clerks; Magistrates; and Judges
- Authorized funding to establish a new SBI crime lab to serve the Triad area

# Significant Legislative Action

- Authorized funding for five new youth development centers to replace older facilities around the state
- Authorized a new fee to support the cost of floodplain mapping
- Increased funding for the Rape Victims' Assistance Program to ensure that victims do not pay for the cost of collecting evidence

# Issues for 2009 Legislative Session



# Prisons



- Prisons: 2008 gang bill will create the need for 250 new prison beds in FY 2009-10 and 500 additional beds in FY 2010-11.
- The Sentencing Commission's population projections indicate a shortage of over 2,000 prison beds in the upcoming fiscal year.
  - Inmates may be housed in county jails until DOC beds become available, at a cost of $40 per day

# Community Corrections

- Long term resource needs arising from the National Institute of Corrections' recommendations to address the deficiencies in the North Carolinas probation and parole system.
  - filling vacancies
  - training probation officers
  - addressing probationers' needs: treatment and other services; housing; employment

# Judicial Issues



- Caseload continues to rise generating the need for more courtroom personnel, space, etc.
- Court technology projects have experienced considerable delays.
  - Clerks and courtroom staff continues to face rising caseloads using outdated technology
- Increased demand for legal representation for indigent persons

# Tarheel Challenge Academy Continuation Review



- Tarheel Challenge Academy is a boot camp program which provides high school dropouts, ages 16 -18, the opportunity to get a G.E.D. and life skills

- S.L. 2008-107 eliminated the recurring funds, $1.1 million, for the Tarheel Challenge Academy and provided funding for the current year only, pending the findings and recommendations of a continuation review
- The findings and recommendations will be presented to the JPS Subcommittee which must decide whether or not to restore the recurring funding.

# Juvenile Justice Issues

- DJJDP is housing about 400 juveniles in nine youth development centers including four new centers that opened in 2008
  - None of the new facilities are operating at full capacity because of staffing problems.
- DJJDP has to decide whether to continue to use the current, more costly treatment model, modify the model, or change the type of treatment juveniles receive while they are committed.
  - Continuing the current model may require expansion funding

# American Recovery and Reinvestment Act: Impact on JPS Agencies



- The federal stimulus bill includes funding for criminal justice block grant funds.
- The Governor's Crime Commission (GCC) is in the process of
  - determining how much is designated for North Carolina;
  - when the funding will be available; and
  - how the funds may used
- GCC will present to the Subcommittee in the upcoming weeks.

# What's Next?

- Future Subcommittee Presentations
  - Agency reductions in the current year
  - Proposed reductions for FY 2009-11
  - Continuation and Governor's recommended budgets
  - Specific program/policy issues: prisons, community corrections, continuation review recommendations, AOC technology, etc.
- Subcommittee Target and Schedule

# Justice and Public Safety Team

Denise Thomas: Judicial, Team Leader

Douglas Holbrook: DOC, Prisons

Jean Sandaire: DOJ, CCPS

John Poteat: DOC, Probation/Parole, DJJDP

733-4910

Rm. 415

House Pages

Appropriations Justice + Public Safety

Name Of Committee: _____ Date: 2-24-09

1. Name: Aaron Edge — Julia Canavan
   County: Cumberland — Wake
   Sponsor: Brisson — Hunt
2. Name: Samantha McAbee — Emory Cooley
   County: McDowell — Wake
   Sponsor: Gellespie — Hunt
3. Name: Lauren Fredericle — Josh Connor
   County: Wake — Mecklenburg
   Sponsor: Malone — Weinstein
4. Name: Fahim Lodhi
   County: Cumberland
   Sponsor: Shaw
5. Name: Fred Irving
   County: Cabarrus
   Sponsor: Hartsell

Sgt-At-Arms

HOUSE

1. Name: JERALD PERRY
2. Name: FRANK PREVO
3. Name:
4. Name:

SENATE

1. CHARLES MARSALIS
2. CHARLES HARPER

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety February 24, 2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| John Dorman | NCEM |
| Brenda Jones | NCEM |
| Michael Hutson | MWC |
| Steve Lahey | Pamunkey Indian Tribe |
| Tom Bowlin | NC National Guard |
| Dan Damico | CCPS |
| Janice Carmichael | CCPS |
| Neil Woodcock | CCPS |
| Doug Hoell | CCPS - EM |
| Bill Chandler | CCPS - ALE |
| Wayne Hobson | CCPS Batavia Public Safety |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety February 24, 2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| David Jones | Governor's Crime Commission CC & PS |
| Seth Dearmin | Dept. of Justice |
| Nels Rosseland | AGO |
| Bob Lewis | D.O. Prisons |
| James French | Dept of Correction |
| Karen Brown | DOC - Correction Enterprises |
| Bill Stovall | DOC |
| Jennifer Lancaster | DOC |
| Tracy Little | DOC |
| ALVIN KELLER | DOC |
| Frank Rogers | DOC |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety February 24, 2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Virginia Price | Dept of Correction |
| Barbara Baker | DOC |
| Faith Everett | Carolina Justice Policy Center |
| Ellie Caldwell | NC Sheriffs' Assn. |
| Martha Pharr | NCDJJDP |
| Mildred Spearman | NCDOC |
| Kathy Dudley | DJJDP |
| Teresa Price | DJJDP |
| Linda Washington | DJJDP |
| Robin Jenkins | DJJDP |
| Mike Rieder | DJJDP |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety February 24, 2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Gordon Keath | Project Challenge |
| Don Stacy | NC DOJ |
| Mike Mann | NCBAA |
| Jeff Gray | Fraternal Order of Police |
| Wayne Woodard | NC DOJ |
| [illegible] | Bar Assn. |
| Daniel Baum | K+L GATES |
| John Madler | NC Sentencing Commission |
| | |
| | |
| | |
| | |

VISITOR REGISTRATION SHEET

JOINT APPROP-SUBCOMMITTEE JPS — 2/24/09

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| Kristi Hyman | NC DOJ |
| Melissa Lovell | NC DOJ |
| Terry Wright | NC DOJ |
| Reuben Young | NC CCPS |
| Jon Williams | CCPS |
| Bennie Aiken | CCPS |
| Peggy Schaefer | NC Justice Academy |
| Pam Tully | DOJ/SBI |
| Carolyn Bidwell | OSS/IDS |
| Peg Dorer | Conf. of D.A.s |

# VISITOR REGISTRATION SHEET

JOINT APPROP. SUB-COMMITTEE ON JPS — 2/24/09

Name of Committee — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Danielle Carman | Indigent Defense Services |
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| Elisa Wolper | IDS |
| Thomas Maher | IDS |
| CASANDRA WHITE | AOC |
| Karla Howell | AOC |
| John W Smith | AOC |
| Rex Whaley | AOC |
| Gregg Hall | AOC |
| Kathy Johnson | Sentencing Services |
| S. Katzenellenbogen | Sentencing Com. |

# VISITOR REGISTRATION SHEET

JOINT APPROP. SUB COMMITTEE OF JPS — 2/25/09

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Jimmy Heaivilin | Sentencing Comm. |
| Dick Carlton | self. |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**February 24, 2009 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird, Presiding
Senator John Snow
Representative Alice Bordsen,
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Introductions of Members, Staff, Agency Personnel

Overview of Committee Process/Role of Staff

*Douglas Holbrook, Jr.*
*Fiscal Research Staff*

Overview of Justice and Public Safety Agencies

*Denise Thomas*
*Fiscal Research Staff*

**III. OTHER BUSINESS:** Next meeting: Wednesday, February 25th, 8:30 a.m.

## IV. ADJOURNMENT

# MINUTES
# JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

February 25, 2009

The Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Wednesday, February 25, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Spear, Vice-Chair Representative Sutton, Vice-Chair Representative Warren, Representative Boles, Representative Goodwin, Representative Guice, Representative Hurley, Representative Justus, Representative Mobley, and Representative Moore, Representative Randleman and Representative Stevens. The following Senate Members were present: Co-Chair Senator Kinnaird, Co-Chair Senator Snow, Vice-Chair Senator Clodfelter, Senator Apodaca, Senator Bingham, and Senator Jones. Denise Thomas, Doug Holbrook, John Poteat, Jean Sandaire, and Danielle Seale of Fiscal Research were also in attendance. A visitor registration sheet is attached and made part of these minutes.

Representative Bordsen called the meeting to order and recognized Pages and Sergeants-at-Arms. She briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Bordsen recognized Rex Whaley, Chief Financial Officer for the Administrative Office of the Courts, for a presentation.

Mr. Whaley offer background on the budgetary process for the Judicial Department. He noted that it will be a difficult Session. The Judicial Department is waiting for the Governor to release her budget. Prior to the call for budget reductions, the Judicial Department had identified $32 million in continuation increases and $62 million in expansion needs. Most of the expansion needs were for courthouse personnel. The Department continues to need more personnel. Once they were given word of reductions due to low revenues, the Department began looking for places that could be cut. They received targets from the State Budget Office and needed to make $12.7 million in reductions.

Mr. Whaley informed the Subcommittee that the Judicial Department implemented a 90-day hiring delay for unfilled positions. The Department implemented travel restrictions to necessary in-state travel only and eliminated out-of-state travel. They identified lapsed salaries to be reverted at the end of the fiscal year. The hiring delay moved to a hiring freeze in December. The Department identified $2.7 million in operating costs to eliminate. On February 24, the Department received a call asking that an additional amount be identified to revert, bringing the total reversion target to $16 million. Mr. Whaley noted that not being able to fill vacant positions is a difficult position to be in. Due to the slowdown in the economy, however, the Department is generating fewer vacancies, due to the decrease in personnel turnover. He noted they would continue to look at their budget and identify more places for reversions. He noted that the Administrative Office of the Courts collect over $560 million in fees and provides this critical function for the State Government. The Department is doing its best and will continue to do so.

The Chair recognized Kesha Howell, Budget Manager for the Administrative Office of the Courts. She elaborated on the continuation budget process. The State Budget Office allows

for inflationary increases to be included in the continuation budget—these costs have gone up considerable in the past few years. The Department was originally going to request over 1000 positions in the expansion budget for 2009/2010, but the Chief Justice and budget officers decided to forego the entire expansion budget, due to the deficit the State is facing. She outlined her handout for the Subcommittee, which is included and made part of these minutes. The handout was correspondence with the Governor's Office demonstrating the reductions from the Department. The Department looked at three areas for reductions; recurring reductions, non-recurring reductions, and fee increases. The Department put forward a reduction by elimination 20 positions which mainly included District Court Judges. They then looked at their own efficiency and made more reductions in travel, employee education assistance, and supplies. In summary, the Department identified 5.14%. AOC continues to have significant staffing needs, but understands the budgetary needs.

The Chair opened the meeting for questions.

The Chair recognized Senator Jones for a question. Senator Jones inquired about a District Attorney in his district. Once the DA retired, would that position remain vacant?

Ms. Howell responded that the position would not remain vacant.

The Chair recognized Representative Sutton for a question. Representative Sutton inquired about District Court Judge positions being eliminated. Were these positions already filled?

Ms. Howell responded that these positions had been vacant because they were new positions.

Representative Love was recognized for a question. He inquired about the Superior Court Judge positions that the Subcommittee had created in the previous budget cycle. What was happening with those positions?

Greg Stahl, Executive Director of the Administrative Office of the Courts, was recognized. He responded that Governor Easley had filed the Superior Court Judge positions before he left office. He noted that they did not have an indication from Governor Perdue about the six remaining vacancies, but suspected she would fill some and leave some vacant.

Representative Love inquired about the staff for Superior Court Judges.

Mr. Stahl responded that the current ratio in the state is 1 judicial assistant per 4 judges.

Senator Bingham was recognized for a question. He inquired about the $2.5 million in rent reduction.

Ms. Howell responded that the Department had purchased its building, which resulted in an elimination of rent payment and the $2.5 million in savings.

Denise Thomas was recognized. She noted that the Full Appropriations Chairs had not given the Appropriation Subcommittees any rules yet. The Full Chairs do not normally allow

Management Reserve reductions to qualify in reversions. In some years, they have allowed this, but the Subcommittee and Department should be aware they might have to revisit that item.

The Chair recognized Elisha Wolper, Chief Financial Officer for the Office of Indigent Defense to present on their strategy for budget reductions. Her handout is included and made part of these minutes.

Ms. Wolper offered a budget snapshot and current year reversions for the Office of Indigent Defense. She noted that the State Budget Office had requested a 4% reduction in their overall budget. They also received a call on February 24 requested additional reductions. OIDS has been fortunate in that receipts are up and are coming in faster than usual: they expect this pattern to continue. But, the Office still needed to identify $123 million in reversions. 70% of the OIDS budget comes from payment for Private Assigned Counsel (PAC). This year, they except to spend $90 million in payment from the PAC fund. OIDS identified $3 million in lapsed salaries to revert. They are aiming to revert $750,000 of their operating budget. There are no additional vacancies to revert. For traveling and training costs, OIDS reduced its reimbursement rate and negotiated with the UNC School of Government to reduce training costs by 7%. They are requiring carpooling to all trainings, in order to be reimbursed for mileage and have not implemented any salary increases. OIDS has also implemented a slowdown in new public defender hires and completely eliminated out-of-state travel.

Ms. Wolper continued that OIDS is tightening its belt, but the budget reductions really mean, in effect, the delaying of payment of fee applications. In summary, OIDS responded to budget targets in the following ways: cancelling book subscriptions, skipping yearly equipment replacement, reducing traveling costs, and by working closely with the School of Government to reduce training costs. Other contracts with OIDS have been put on notice including Prisoner Legal Services. OIDS is also looking into the cost benefit of decriminalizing some misdemeanors and better court calendar efficiency. They are also looking into the option of using contracts rather than fee applications for private attorneys and the cost-efficiency of creating new positions in certain Public Defender Offices to deal with full caseloads.

Senator Kinnaird was recognized for a question. She inquired as to whether OIDS could bring a list of possible misdemeanors to decriminalize; the General Assembly is filing bills and needs that information as quickly as possible.

Thomas Maher, Executive Director of OIDS was recognized. He responded that they are trying to identify a significant number of misdemeanors that are costly to defend but do not result in conviction.

Senator Kinnaird noted that on the calendar reform issue she hoped OIDS was talking with the District Attorneys. She hoped that OIDS was looking into calendar reform for District Court as well.

Mr. Maher responded that OIDS was developing a test in District Court where lawyers would come only when needed.

Senator Apodaca was recognized for a question. He inquired how many new public defender offices had opened in 2007.

Ms. Howell responded that 29B and New Hanover public defender offices were opened.

Senator Apodaca flagged this for the Subcommittee and asked to revisit whether it was cost effective to open these offices considering the fee increases.

Representative Justus was recognized for a question. She inquired how a person was determined to be indigent.

Ms. Howell responded that the judge makes the determination.

Representative Sutton was recognized. He inquired about who enforces the collection of the fees and money.

Ms. Howell responded that the Court enforces in certain situations and in others, the probation officers handle the enforcement.

Representative Sutton inquired as to who gets the money.

Ms. Howell responded that there is a hierarchy. OIDS is last on the list.

Representative Love was recognized. He asked what percentage of Private Attorney Counsel fees go to capital cases.

Mr. Maher responded that a little over 10% are capital cases.

The Chair recognized Attorney General Roy Cooper for comments about the Department of Justice budget.

Mr. Cooper gave a few examples of what the Attorney General's Office is doing to keep the people of North Carolina safe. He noted that most of the money that the General Assembly appropriates goes to people, technology, and equipment. He also noted that it is difficult to find budget reductions when the Office is already frugal. They have already identified 5% ($5.5 million) in cuts. He asked the Subcommittee to keep in mind the core mission of keeping the public safe when making budgetary decisions.

The Chair recognized Nels Roseland for a detailed presentation on the Attorney General's Office budget reduction process. His presentation is included and made part of these minutes.

Mr. Roseland informed the Subcommittee that the AG's Office was informed the previous day they would need to find additional budget reductions. 70% of the budget is for personnel. They were able to create significant savings by implementing a hiring freeze and by implementing overtime restrictions. They froze an additional $400,000 in equipment purchases, laid off over thirty employees, and fired three additional receipt-supported positions. They Office transferred cash from construction projects back into the general account.

Mr. Roseland outlined where the 7% reduction came from, eleven items were identified for reductions. The Office recommended eliminating 6 vacant positions, reducing SBI automobile replacement budget, reducing supply and equipment budget, streamlining state DCI

telecom services, transferring SAFIS savings to General Fund, requiring receipt support for technology positions, requiring administrative fees to support administrative positions, initiative new court fee to support Criminal Justice and Sheriff Standards Divisions, convicted criminal fee increase, and initiate state and local cost sharing of financial responsibility for school bus accident claims.

Senator Kinnaird was recognized for a question. She inquired how realistic the tenth item on the list was: increasing the convicted criminal fee from $300 to $600. Most criminals are indigents; how can they afford a $300 increase?

Mr. Roseland responded that the current fee is collected mainly from those who have been convicted of Driving While Intoxicated charges.

Representative Sutton was recognized. He inquired about the nature and size of local entities that have transferred off of the SBI telecom services.

Mr. Roseland responded that 90-100% of rural entities have transitioned and use private services. Through an informal survey, it was found that most entities had their own information technology and did not need this service.

Representative Sutton inquired about whether or not the AG's Office investigates Medicaid fraud for recipients and not only providers.

Charles Hopgood, Medicaid Fraud Division, was recognized. He responded that the statutes only allow the AG's Office to investigate providers, not Medicaid recipients.

There being no further business, Representative Bordsen adjourned the meeting at 9:50 a.m.

Respectfully submitted,

Alice J Bordsen

Representative Bordsen
Presiding Chair

Michelle Hall
Committee Assistant

**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**February 25, 2009 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird — Representative Alice Bordsen, Presiding
Senator John Snow — Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Agency FY08-09 Reversions & FY09-11 Reduction Proposals

- Administrative Office of the Courts
  *Rex Whaley, Chief Financial Officer*
  *Kesha Howell, Budget Manager*
- Office of Indigent Defense Services
  *Elisa Wolper, Chief Financial Officer*
- Department of Justice
  *Roy Cooper, Attorney General*
  *Nels Roseland, Chief Financial Officer*

## III. OTHER BUSINESS: Next meeting: Thursday, February 26th, 8:30 a.m.

## IV. ADJOURNMENT

# VISITOR REGISTRATION SHEET

Joint Appropriations Subcommitee on JPS — February 25, 2009

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Cheryl Reed | OSBM |
| GUY LORANGER | N.C. LAWYERS WEEKLY |
| DANIEL BAUM | K+L GATES |
| Peggy Schaefer | NC Justice Academy |
| BILL WEIS | SBI |
| Thomas Maher | JPS |
| ELISA Wolpe | JPS |
| John McMillan | MF+S |
| Charlie Hobgood | Dept. of Justice |
| [illegible] | DOJ |
| Nels Roseland | NCDOJ |

# VISITOR REGISTRATION SHEET

Joint Appropriations Subcommitee on JPS — February 25, 2009

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Melissa Lovell | NCDOJ |
| Peg Dorer | Conference of D.A.s |
| Tom Bennett | NC-VAN |
| [signature] | AOC |
| Casandra White | AOC |
| John W Smith | AOC |
| [signature] | AOC |
| [illegible] | NCSCC |
| Eddie Caldwell | NC Sheriffs' Assn. |
| Faith Everett | Carolina Justice Policy Center |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |

# VISITOR REGISTRATION SHEET

Joint Appropriations Subcommitee on JPS — February 25, 2009

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Mildred Spearman | NCDOC |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

NORTH CAROLINA
ADMINISTRATIVE OFFICE
*of the* COURTS

**Office of the Director**

**Judge John W. Smith**
Director

PO Box 2448, Raleigh, NC 27602
T 919 890-1391 F 919 890-1915

January 14, 2009

MEMORANDUM

TO Charlie Perusse, Director
Office of State Budget and Management

FROM John W. Smith

SUBJECT Budget Estimates/Reductions for the Judicial Branch

As one of my first orders of business as the newly appointed director of the Administrative Office of the Courts, I have struggled with finding readily available permanent reductions to the judicial branch budget while estimating the needs for the judicial branch for the coming biennium. The judicial branch is one of the cornerstones of our state's often beleaguered criminal justice system and part of our state's infrastructure. Just as education, health and mental health services and roads are important to the quality of life for our citizens, so is justice. However, we clearly understand the dire financial problems facing our state and the need for us to do what we can to help in this crisis situation.

In working through this process, we have begun by eliminating from consideration all costs that are associated with constitutionally provided positions – duly elected or appointed judges, district attorneys, magistrates and clerks of superior court – some $134 million.

We are also working against the backdrop of the most recent court fee increases that were enacted by the General Assembly under the advice and direction of President Pro Tempore Basnight for the expressed purpose of providing much needed courthouse staffing. And finally, we prepared an expansion budget request totaling more than $80 million in the biennium based upon the same staffing formulas used to convince legislative leaders of the staff needs in the past session. As our state grows, our caseload and workload grows and the need for staff grows. It is clear to me that this much needed expansion money will not be available in the first year of the biennium and perhaps not at all. Therefore, we would portend to drop all requests for expansion money for the next fiscal year.

Thus, our focus in complying with G.S. 143C-3-2, budget estimates for judicial branch for inclusion in the Governor's budget recommendations, is to detail mostly recurring reductions and offer recurring funds through increased court fees.

I have provided $3,486,700 in permanent reductions to our operating budget and 12 positions totaling $1,201,259 funded from the past two budget sessions that have only become effective this month and would need to be annualized in next year's budget. Another 8 positions, totaling $598,468, are long-term vacancies or positions established but never filled. Our efforts here are aimed at preserving the much needed staff in our 100 courthouses. I would also propose an increase in court costs and other various fee increases, which would total $12 million in increased recurring revenue. The total recurring reductions and increased revenues are $16,286,427.

I am also proposing a $1,438,542 management reserve of non-recurring reductions to be managed throughout one or both fiscal years. We all hope this fiscal crisis is short lived and will allow us all to get back to normal budget processes and thus we feel that this is the most effective manner for the judicial branch to operate during this downturn in state revenues. I understand this was a strategy used very effectively by the judicial branch and agencies in the executive branch during the 2001-02 budget crisis.

Overall, I have provided $17,724,969 or 5.14% of the non-constitutionally protected portion of the judicial branch budget. Details for our reductions are attached and as provided for in G.S. 143C, Chief Justice Sarah Parker has approved and certified these estimates. It will be a struggle to reach these numbers, but we look forward to the support of you and your staff as we all work together to get through this crisis. I look forward to meeting you during our scheduled session on January 22.

If you have any questions, please contact me.

**NORTH CAROLINA JUDICIAL BRANCH**
**POTENTIAL BUDGET REDUCTIONS FOR THE 2009-2011 BIENNIUM**
**January 14, 2009**

## Budget Reduction Targets

| | | | |
|---|---|---|---|
| I. | 2009-2011 Appropriations For OSBM Calculations | | $ 480,578,122 |
| | Less Constitutionally Mandated Officials | | (131,305,573) |
| | Less Pass Through Funds and Independent Commissions | | (4,548,248) |
| | Revised State Appropriation Total | | 344,724,301 |
| | Reduction Target Based On 5% | | $ 17,236,215 |
| II. | Recurring Items | | |
| | Rent Reduction | (2,536,700) | |
| | Supplies | (150,000) | |
| | Employee Educational Assistance | (50,000) | |
| | Registration Fees | (100,000) | |
| | Travel | (150,000) | |
| | Equipment Funds | (500,000) | |
| | District Court Judge Positions (6) | (904,944) | |
| | District Court Judicial Assistants (6) | (296,315) | |
| | Reduction of AOC Staff (8) | (598,468) | |
| | Subtotal Recurring Reductions | | (5,286,427) |
| III. | Court Fee Increase ($10) | 12,000,000 | |
| | Applied to Budget Reduction ($9) | 11,000,000 | (11,000,000) |
| | Applied to Judicial Building Maintenance ($1) | 1,000,000 | |
| IV. | Non-Recurring Management Reserve | | (1,438,542) |
| V. | Judicial Branch Budget Reduction Proposal Total | | $ (17,724,969) |
| | | | -5.14% |

# OFFICE OF INDIGENT DEFENSE SERVICES

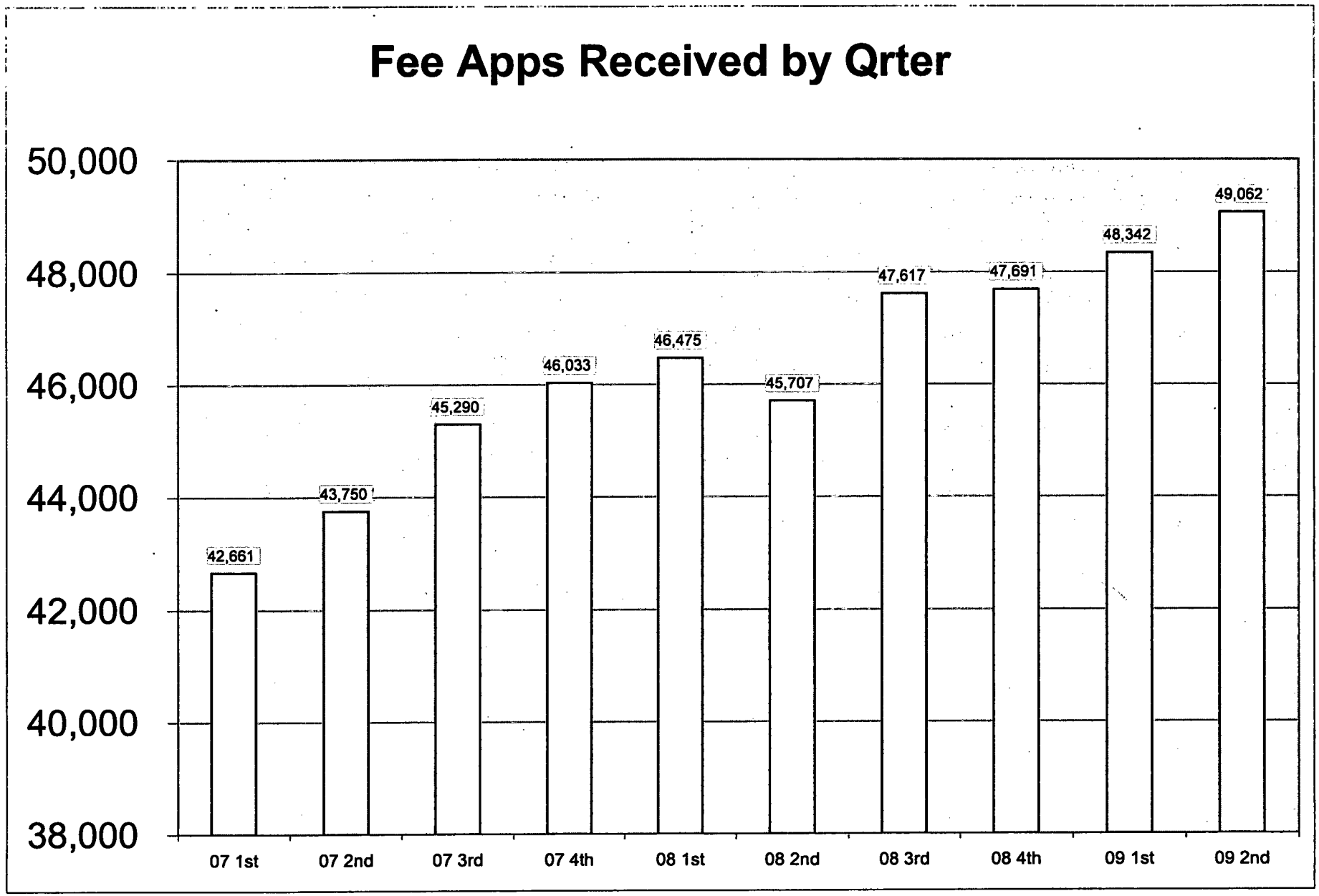
| CURRENT YEAR REVERSION | | |
|---|---|---|
| Authorized Budget | $ 127,460,917 | |
| Authorized Receipts | $ 9,247,768 | |
| Current Authorized Appropriation | $ 118,213,149 | |
| 4% Reversion | $4,622,252 | |
| Adjusted Appropriation | $113,590,897 | |
| Projected Actual Receipts | $10,826,567 | |
| Adjusted Actual Availability | $124,417,464 | |

| PROJECTED CURRENT YEAR DEMAND | | |
|---|---|---|
| Private Assigned Counsel | $90,552,280 | 70% |
| Public Defenders Offices<br>*reflects $3 Million diverted to PAC* | $34,471,184 | |
| IDS Administration<br>*reflects $75,000 towards reversion* | $2,275,133 | |
| Sentencing Services Program<br>*reflects $50,000 towards reversion* | $2,780,291 | |
| PROJECTED TOTAL | $130,078,888 | |
| PROJECTED SHORTFALL | $5,661,424 | Best Case Scenario |

## Steps Taken to Reduce Current Year Spending

Mileage reimbursement rate reduced to .35/mile Feb 15th
Cancelled one training conference and additional cost controls by School of Government
Required carpooling to training conferences
Cancelled discretionary book, supplies, and equipment spending
No salary increases after Feb 1; vacancies determined case by case
Fewer new positions created in existing Public Defender offices
Ban non case related out of state travel
Cancelled pagers; reviewing cell phone use

# Fee Apps Received by Qrter



THOMAS K. MAHER
EXECUTIVE DIRECTOR
THOMAS.K.MAHER@NCCOURTS.ORG

TELEPHONE:
(919) 560-3380
FACSIMILE:
(919) 560-3332

OFFICE OF
INDIGENT DEFENSE SERVICES
STATE OF NORTH CAROLINA
www.ncids.org
123 WEST MAIN STREET
SUITE 400
DURHAM, N.C. 27701

COMMISSION
JOSEPH CHESHIRE, V, CHAIR
RHODA BILLINGS, VICE-CHAIR
SEAN P. DEVEREUX
ROBERT C. ERVIN
HENDERSON HILL
IRVING L. JOYNER
CAROL HUFFMAN KENDRICK
BRADLEY B. LETTS
JENNI WEINREB OWEN
RICHARD G. ROOSE
RICHARD A. ROSEN
MARY ANN TALLY
NORMAND TRAVIS

# RESPONSE TO REQUESTED REDUCTIONS FOR FY2009-2011

- Started out current year anticipating $2.5 Million shortfall
- In continuation budget process, projected recurring growth in PAC demand of $9.1 Million for FY2010 plus increased cost of contract for legal services for inmates. This reflects average annual real growth of 5.5% .
- Also projected $687,000 increases in operating budget for inflation, leases, etc in Public Defender offices.
- IDS has reverted less than $200,000 each of the past two years and carried over $600,000---$800,000 in fee applications
- In looking at 3%/5%/7%, focused on the part of our budget that is not committed to paying private assigned counsel nor attorney salary expenses in Public Defender offices; that is only 13% of the budget.
- Because we had no overbudgeted operating areas nor discretionary programs, we looked at areas where we could institute new policies to cut costs and identified
  - Cut Book budget 15% ($13,251)
  - Delay Equipment replacement/enhancement ($30,000 NR)
  - Reduce Travel Costs (reduced rate, carpools, restrict use of state cars, relocate and down-size conferences) ($128,806)
  - Cut Training Costs (7% cost reduction by School of Government, few outside trainings allowed) ($34,500)
  - Eliminate one receipt supported position at IDS ($45,730)

- We also proposed reducing funding to and contracts with outside agencies

| | 3% | 5% | 7% |
|---|---|---|---|
| Sentencing Services | $78,880 | $131,466 | $184,053 |
| Center for Death Penalty Litigation | $15,045 | $25,075 | $35,105 |
| NC Prisoners Legal Services | $87,085 | $87,085 R<br>$58,056 NR | $87,085 R<br>$116,113 NR |

*Note: eliminating receipt supported position and reducing NCPLS contract lessen PAC shortfall, but are not cuts in appropriation*

- While short-term savings are limited, we are also focusing on longer term strategies to lessen shortfall in PAC spending.
  - savings related to timing of declaring cases non-capital,
  - possible decriminalization of certain misdemeanors
  - calendar reform
  - clarification on funding responsibilities for civil cases.
  - Expanded use of contracts
  - Increased staffing in certain defender offices

# 7% Budget Reduction Options for FY 2009-11 Presented to OSBM
## North Carolina Department of Justice - Budget Code 13600

| Item # | Description | Impact of Reduction | FY 2009-10 | | FY 2010-11 | |
|---|---|---|---|---|---|---|
| | | | Recurring | NR | Recurring | NR |
| 1 | ELIMINATE 6.0 VACANT POSITIONS Includes 2.0 attorneys, 3.0 SBI support positions and 1.0 Academy training coordinator. | Staff work will have to be assigned to other full time staff. DOJ will monitor impacts and advise if other actions are needed to address changes in workload and reduced staffing. | (367,641) | | (367,641) | |
| 2 | REDUCE SBI AUTOMOBILE REPLACEMENT BUDGET - Non recurring adjustment recommended. | Would leave sufficient car replacement budget to support a four year replacement schedule. | - | (300,000) | | |
| 3 | REDUCE SUPPLY AND EQUIPMENT BUDGETS | Reduces legal expenses by $233K, SBI expenses by $148K, CJTS/Academy expenses by $35K. | - | (415,946) | - | |
| 4 | STREAMLINE STATE DCI TELECOM SERVICES - DOJ law enforcement system services would provide access to criminal databases and all connections be provided through secure internet links eliminating dedicated DOJ telecom circuits. | Over 50% of existing local agencies access DOJ DCI system through ITS or private internet provider. Remaining agencies would convert by 7/2009, thereby saving statewide telecom service charges for ATM network and related circuits. | (459,599) | | (459,599) | |
| 5 | TRANSFER SAFIS SAVINGS TO GENERAL FUND - A portion of January reserve balance of $333,357 can be transferred to general fund budget because project is complete and under budget. | Section 15.9 of SL 2005-276 authorized DOJ to establish a SAFIS reserve fund in OSBM. This special provision provides DOJ with authority to provide system disbursements or recommend reversion of un-needed funds. | - | (293,863) | | |

| Item # | Description | Impact of Reduction | FY 2009-10 Recurring | FY 2009-10 NR | FY 2010-11 Recurring | FY 2010-11 NR |
|---|---|---|---|---|---|---|
| 6 | REQUIRE DCI RECEIPT SUPPORT FOR FOR TECHNOLOGY POSITIONS - - Budget over-realized DCI PIN receipts to fund 2.0 FTEs who service DCI system that would replace general fund salaries. | FY0708 DCI receipts exceeded budget by $204,098 a trend that is continuing in FY0809 budget. Could also budget receipts to address non salary DCI expenses. *Eliminates 2.0 general fund FTEs and replaces with 2.0 receipt funded FTEs.* | (165,905) | - | (165,905) | |
| 7 | REQUIRE ADMINISTRATIVE FEES TO SUPPORT ADMINISTRATIVE POSITION - Convert funding of accounts receivable position from general fund to special fund administrative receipts. | Special fund receipts related to administrative charges to grants, cost of collection for DPI school penalties, PPS operating receipts and Academy bookstore receipts would be utilized to offset appropriations. *Eliminates 1.0 general fund FTE and replaces with 1.0 receipt FTE.* | (44,216) | - | (44,216) | |
| 8 | MAXIMIZE MEDICAID FRAUD FEE COLLECTIONS - Several state Medicaid fraud programs authorize investigation recovery fees or similar revenue streams that decrease the need for state appropriations. | North Carolina program would implement the fee effective January 2010. Currently $674,274 is required state match for NC program. A total of $337,132 is projected annual collections for investigative cost fees and related revenue streams that offset appropriations. January through June 2010 receipt collections projected to be $168,566. | (168,566) | | (337,132) | |

| Item # | Description | Impact of Reduction | FY 2009-10 Recurring | FY 2009-10 NR | FY 2010-11 Recurring | FY 2010-11 NR |
|---|---|---|---|---|---|---|
| 9 | INITIATE NEW COURT FEE TO SUPPORT CRIMINAL JUSTICE AND SHERIFF STANDARDS DIVISIONS - New $2.00 court fee is recommended to recover work of Commission members and and staff to ensure competence and intergrity of North Carolina law enforcement professionals. | Effective January 2010, new $2.00 fee expected to realize $2.0 million in annual collections to support commission staff and operating costs. These saving estimates are net of 4.0 new receipt supported positions that would expedite processing of law enforcement staff certifications, including Dept. of Correction officers and related activities. *Authorizes 4.0 new receipt funded FTEs.* | (988,044) | | (1,833,434) | |
| 10 | CONVICTED CRIMINAL FEE INCREASE - Recoup SBI crime lab analysis costs from convicted criminals by increasing SBI crime lab analysis fee rate from $300 to $600 for convicted criminals. | Fee was last adjusted in 2002 and calculation does not include new crime labs operating and building amortization costs. Fee increase would be effective in January 2010. | (195,442) | - | (390,884) | - |
| 11 | INITIATE STATE & LOCAL COST SHARE OF FINANCIAL RESPONSIBILITY FOR SCHOOL BUS ACCIDENT CLAIMS Improve the safety of school children who are bussed to school by sharing the financial responsibility for school bus accidents with local government. | Would provide financial incentive at local school level to reduce school bus accidents and improve child safety. Legislation would require general fund reimbursement from local sales tax distributions to an amount equal to 50% of prior year DPI tort claim payments. Claim trends have increased by $3.7 million or 80% from FY06 to FY08 and may approach $9.0 million in total claims for FY09. | (3,446,028) | - | (3,446,028) | - |
| | **Total 7% Reduction** | | **$ (5,835,441)** | **$ (1,009,809)** | **$ (7,044,839)** | **$ -** |
| | **Total General Fund Position Changes** | | **(3.00)** | | **(3.00)** | |
| | **Total Receipt Fund Position Changes** | | **4.00** | | **4.00** | |

MINUTES
THE JOINT HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

MARCH 4, 2009
Room 415 Legislative Office Building
8:30 A.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Wednesday, March 4, 2009 in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 8:35 a.m. The following House members were present. Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton and Warren, Vice Chairs; and Representatives Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Moore, Randleman, and Stevens. Three Senators were present.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, Danielle Seale, and Denise Thomas.

Representative Love recognized the pages: Blake Ware of Harnett County (Rep. Lewis); Brendan Smith, Hannah Gardner, Patricia Barnard, and Cameron Martin all of Wake County (Senator Stevens). The Sergeants-at-Arms were Mike Martin and Frank Premo for the House and Leslie Wright and Mary Perry for the Senate.

**Lynn Freeman, Human Resources Managing Partner, Office of State Personnel**, discussed the State Personnel Commission Recommendation: Probation Officer Reclassification. She introduced Kim Summerdorf, Brenda Dixon, and George Hedrick from her office who were instrumental in the study. Ms. Freeman then presented the results of the study the department had undertaken. Attached to these minutes are the results of the study in power point presentation form.

Ms. Freeman observed that the findings revealed that compensation of North Carolina's Probation & Parole Officers lags behind that of other states as well as trailing behind the average pay of related classifications in North Carolina, specifically Social Worker, Juvenile Court Counselor, High Patrol Trooper (Master, SG 68) and Drug Treatment Court Case Coordinator. She went on to note that the pay of the Probation and Parole Officers were not market competitive and would support the recommendation of establishing the new Probation/Parole Officer classification at S.G. 69 and a new Probation/Parole Field Specialist at S.G. 70. These two classifications were approved by the State Personnel Commission in February 2009.

Ms. Freeman's presentation was followed by questions from members of the committee.

Senator Kinnaird wondered if, during the study, anyone had spoken with the probationers.
Lynn Freeman responded that they had not; she planned to make note of it and possibly do it in the next few weeks.

Senator Kinnaird observed that rarely did studies include those who might be affected, i.e., the probationers.

Representative Sutton asked what the impact on the Probation and Parole system would be and how long it would take to change.
Lynn Freeman stated that it would take time, probably 18-24 months and that it would raise the bar for performance.

Tim Moose, Acting Director of the NC Division of Community Corrections said that the new classification system would help in recruiting aspects and the ability to manage case loads more effectively.

Representative Sutton asked if there was a recruiting problem around the state..
Ms. Freeman acknowledged that there was and that the severity depended on where in the state one was looking.

Representative Guice commended the department for what they were doing and noted that the impact of vacancies on the field staff was tremendous. Vacancies meant that personnel had to be shifted around to fill gaps and that these officers are not dealing with easy offenders. He suggested that Ms. Freeman and her team talk with both current offenders and those who have successfully completed the program to get their input.
Ms. Freeman added that the department was severely underfunded.

Representative Sutton was concerned about those officers getting upgraded and said that previously, they received a 10% pay increase but now were getting only a 5% increase.
Frank Rogers, Department of Correction replied that budget constrictions are the problem and that employees are currently receiving only a 5% increase with the other 5% being deferred until a better economic climate occurs.

Representative Sutton wondered if the deferred compensation increase was Department of Correction-wide.
Frank Rogers confirmed that it was DOC-wide.

Representative Bordsen noted that we always hear if a position has gone unfilled for a year, it isn't needed. She then asked Representative Guice to explain why it's an undue hardship on others.
Representative Guice replied that in order to fill positions, the system had to be worked through and that takes time. As a result, everyone in the office must step in to take up the slack resulting in more work for each person.

Representative Bordsen (follow-up) then noted that if a position is deleted, the hardship becomes a permanent one.
Representative Guice acknowledged that assumption was correct.

Representative Love then wondered if anything was lacking in the organizational chart.
Ms. Freeman stated that she and her team were impressed with what they do with so little. The department has allowed some movement within the department and that her team were now looking at organizational patterns.

Representative Moore added that Probation and Parole has a complicated staffing pattern now and that any kind of vacancy creates a hardship.

Representative Guice stated that a combination of things occur to make it so difficult. The offender must still be taken care of, and this is a population that is very difficult. Then in the hiring practices, many who are screened out because of lack of experience are often those coming out of college and are the best and brightest, those that can be shaped into fine correctional / probation officers.

Senator Kinnaird asked what we can do about this.
Tracy Little, Department of Correction, responded that it a very real issue. They have looked into and are recommending that training be shortened and credit given for internships. DOC needs to follow up and have conversations with the State Personnel Department and DOC Human Relations Department and figure out strategies. Department of Correction needs a younger workforce today who will become the leaders in the department tomorrow.

Representative Sutton stated that districts have vacancies greater than 1 year because they can't find qualified applicants.

Representative Moore noted that the process includes interviewing applicants who then may be turned down, then having to go through the pool again and repeat the whole process again. Very time consuming.
Lynn Freeman reminded the committee that there are standards to meet during this process.

Senator Kinnaird wondered where merit based hiring comes from and can it be gotten rid of.
Carl Goodwin, Office of State Personnel, noted that it was a law, state policy based on law.

Lynn Freeman said that promotional priority always impacts hiring.

Representative Hurley noted that there were 170 positions open (all different classifications, both certified and non-certified) across the state.
Representative Spear asked what the average time was for filling a vacancy.
Tracy Little said for a new hire, the average was between 90 and 120 days, but it was difficult to say. Each applicant must go through a drug test, psychological screening, and a physical among other requirements. It's a multi-step process with Criminal Justice standards on top of it. It does take time but DOC is not out of line with other law enforcement agencies, and the DOC is looking at areas where the process might be streamlines.

Representative Spear noted that 90 to 120 days did not seem unreasonable.

Representative Guice emphasized that the department wants to hire the best and brightest employee. Many of the employees in the pool have moved around often which make them questionable; therefore, the pool needs to include the best and brightest from North Carolina colleges. Too often, these best and brightest are screened out because of lack of experience so are not even interviewed.

Representative Bordsen added that 3 to 4 months indicates a smooth process if all goes well and wondered if that were typical.
Tracy Little responded that it is a typical length if the process is smooth; however, every hiring is unique and she didn't want to speculate as to whether it was typical.

Representative Bordsen said that it had been intimated that there are problems with the Criminal Justice standards.
Tracy Little stated that there are certain things the department wants to be sure are looked at when screening and hiring and that it does add time to the process.
Representative Bordsen and Tracy Little agreed that it was a challenge.

Representative Bordsen then wondered if training was a continuous process.

Tracy Little answered that it was continuous.

Representative Bordsen asked how long training lasts.
Tracy Little reported that there was annual in-service training as well as ongoing training while on the job.

Senator Kinnaird then referred back to the Criminal Justice Standards.

Representative Guice noted that they are important to make certain the right person is hired. He felt that the department needed to look further than just the hiring process – to look past to training. It takes time to get someone up to speed after taking a long time to get someone hired.

The meeting adjourned at 9:25 a.m.

Respectfully Submitted,

Representative Jimmy Love
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: Probation & Parole Officer Study

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Joint Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Wednesday, March 4, 2009
**TIME:** 8:30 am
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

Probation Officer Reclassification Recommendations
Lynn Freeman, Office of State Personnel

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2:30 p.m.** o'clock on **March 02, 2009**.

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**March 4, 2009 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird
Senator John Snow
Representative Alice Bordsen,
Representative Jimmy Love, Presiding

## II. PRESENTATIONS

Opening Remarks by Chairs

State Personnel Commission Recommendation: Probation Officer Reclassification

*Lynn Freeman, HR Managing Partner*
*Office of State Personnel*

**III. OTHER BUSINESS:** Next meeting - Thursday, March 5th at 8:30 a.m.

## IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

Justice & Public Safety — 3-4-09

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Steve Shuber | Parker Poe |
| Tom Bennett | NC-VAN |
| George Kedrick | N.C. DEPT. OF CORRECTION |
| Frank Rogers | DOC |
| Jan Lamb | DOC |
| Mildred Spearman | NCDOC |
| Ann Cobb | OSP |
| Brenda Dixon | OSP |
| Carl Goodwin | OSP |
| Melinda Khajuria | NC Metro Mayors |
| ANTHONY AUTRY | NCAEC |

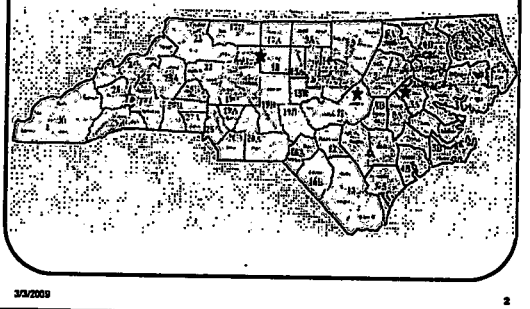
# Probation & Parole Officer Study



3/3/2009

1

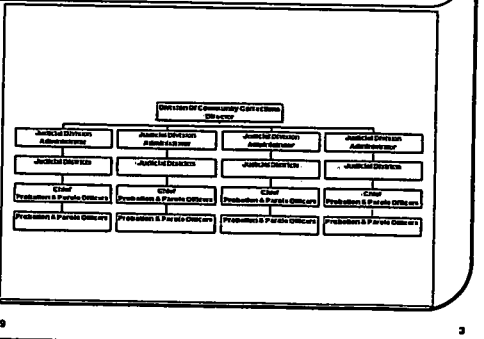
## Community Corrections Division Map



3/3/2009

2

## Community Corrections Division Structure



3/3/2009

3

## Statistics

- 1,112 Probation & Parole Officers (Intermediate & Intensive Cases)
- 409 Probation & Parole Officers (Community Cases)
- 228 Surveillance Officers



## Statistics

- 112,568 Probationers
- 3,900 Post-Release/Parolees
- 10,845 Community Service
- 127,313 TOTAL Offender Population



## Purposes Of The Study



- To Satisfy A Mandate From The NC General Assembly For The Office Of State Personnel To Conduct A Compensation Study
- To Address The Recruitment And Retention Difficulties For Probation & Parole Officers I & II And Intensive Case Officers

## Purposes Of The Study



- To Conduct A Job Classification Study
- To Conduct And Analyze S.E. States' Probation/Parole Officer Salaries And Other Relevant Comparisons
- To Meet March, 2009 Deadline For Report To General Assembly



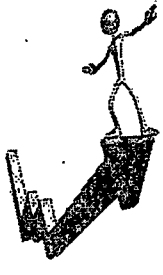
## Goals And Objectives



- Determine Job Functions
- Recognize Knowledge, Skills And Abilities
- Set Minimum Training And Experience
- Pinpoint Turnover And Retention Issues
- Identify appropriate Salary Levels Based On Survey Data



## Positions Targeted



- Community Service District Coordinators (SG 64)
- Probation & Parole Officers I (SG 66)
- Probation & Parole Officers II (SG 68)
- Intensive Case Officers (SG 68)

## How The Study Was Conducted

- Sample Districts
  - District 10 (Large Urban) – Wake
  - District 5 (Combination Urban And Rural) New Hanover And Pender (Blended)
  - District 21 (Pilot Blended) - Forsyth
  - District 19D (Single County Rural) – Moore
  - District 24 (Multi-County Rural) - Madison, Yancey, Avery & Watauga





## How The Study Was Conducted

- Focus Groups To Identify Minimum Training & Experience, Knowledge, Skills, Abilities And Retention Issues
  - Community Service Coordinators And Intake Officers (Probation/Parole Officer I) Roles
  - Probation/Parole Officer I, II, Intensive Case Officer And Special Operations Roles





## How The Study Was Conducted

- Conducted Interviews to Identify Roles and Functions
  - Probation/ Parole Officer I's (Intake) & Community Service Coordinators
  - Probation/Parole Officer's Community & Intermediate
  - Probation/Parole Officer's Special Operations
  - Chief Probation/Parole Officer's

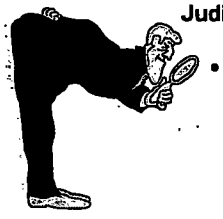


## The Study Findings

- **Four Roles Were Identified**
  1. **Judicial Services Coordinator**
  2. **Judicial Services Specialist**
  3. **Probation & Parole Officer**
  4. **Probation & Parole Field Specialist**



## The Study Findings - Roles



**Judicial Services Coordinator**

- **Functions Identified**
  - **Community Service Placements**
  - **Court Intake**



## The Study Findings - Roles



**Judicial Services Coordinator**

- **New Training & Experience**
  - **4-Year Degree In Criminal Justice, Human Services, Psychology Or Related Field**
  - **2 -Year Degree And Two Years Experience In The Court System, Paralegal Or Related Field**
  - **High School And 4 Years In Court System, Paralegal Or Related Field**

## The Study Findings - Roles

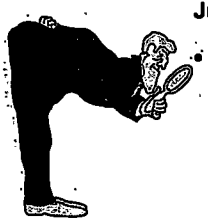


**Judicial Services Coordinator**

- Examples of Related Experience
  - Law Office Duties
  - Human Services Intake, Interviewing, Counseling
  - Social Work



## Study Findings - Roles



**Judicial Services Specialist**

- Functions Identified
  - Lead Role To The Judicial Services Coordinators In Larger Districts

(5% In-Range Adjustment Is Being Used To Recognize A Similar Role Now)



## The Study Findings - Roles



**Judicial Services Specialist**

- New Training & Experience
  - 4-Year Degree In Criminal Justice, Human Services, Psychology Or Related And 1 Year As Judicial Services Coordinator Or Related
  - 2-Year Degree And Three Years Experience As Judicial Services Coordinator Or Related
  - High School And Five Years Experience As Judicial Services Coordinator Or Related

## Study Findings - Roles



**Probation & Parole Officer**

- **Blended Role** (Consolidates Current Functions Of Probation/Parole Officer II's, Intensive Case Officer & Probation/Parole Officer I's)
  - All Types & Levels Of Offenders
  - Community, Intermediate & Specialized Cases
  - Same Training Requirements & Safety Package



## Study Findings - Roles



**Probation & Parole Officer**

- **New Training & Experience**
  - 4-Year Degree w/ Major in Criminal Justice, Correctional Services, Psychology, Social Work Or Other Related Human Services Field
  - AND 1 Year Probation/Parole Officer Or Other Related Experience



## Study Findings - Roles



**Probation & Parole Officer**

- **Examples Of Related Experience**
  - Probation/Parole Officer In Other States
  - Social Work
  - Law Enforcement
  - Criminal Justice Internships

## Study Findings - Roles



**PPO Field Specialist**

- Leading & Coaching New Hires
- Directing On-The-Job Training For New Officers
- Managing Vacant Caseloads
- Assisting CPPO with Case Reviews
- Assisting CPPO with Local Training



## Study Findings - Roles



**Probation & Parole Field Specialist**

- New Training & Experience
  - 4-Year Degree w/ Major in Criminal Justice, Correctional Services, Psychology, Social Work Or Related
  - AND 2 Years Probation/Parole Officer Experience



## Compensation Findings

**Worked with DCC Management to Identify Comparable Jobs and Relevant Markets.**

- Locations Surveyed
  - Other States: Florida, Georgia, South Carolina, Tennessee & Virginia
  - North Carolina's Larger Counties, League of Municipalities
- Jobs Considered
  - Drug Treatment Court Case Coordinator, Juvenile Court Counselor, Probation & Parole Officer, Police Detective, Social Worker

## Compensation Findings

- State Personnel Commission Approved New Salary Grades Based On Comprehensive Labor Market Data
  - Judicial Services Coordinator (SG 64)
  - Judicial Services Specialist (SG 65)
  - Probation & Parole Officer (SG 69)
  - Probation & Parole Field Specialist (SG 70)





## Next Phases



- Surveillance Officer Study
  - Conduct Focus Groups And Interviews
  - Conduct And Analyze Salary Surveys



## Next Phases



- Surveillance Officer Study (continued)
  - Identify Appropriate Staffing Patterns
  - Develop Transition Plan To Achieve New Staffing Design

## Summary

- Have Been Working On Plan To Assign All Types Of Cases (Blended Caseload) To Probation & Parole Officers For About 3.5 Years
- Actions Are Consistent With National Institute Of Correction Report Recommendations
- Plans Are Consistent With Recent Pew Report Recommendations

## Summary

- New Classifications and Salary Grades Will Positively Impact Recruitment Efforts
- Continuous Posting Will Help To Reduce Time It Takes To Fill Positions
- Hiring Process Being Streamlined So Positions Can Be Filled More Quickly
- Improved Recruitment Will Help Lessen Heavy Caseloads For Officers

## Summary

- New Probation & Parole Field Specialist Role Will Help To Free Up Supervisors To Manage Field Officers More Effectively
- Trainee Progression Will Be Shortened To One Year
- Length Of Time To Complete Basic Training Will Be Within First 60 Days Of Employment

## Questions and Answers

**Questions?**



**MINUTES**

**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**

**Thursday, March 5, 2009**
**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 5, 2009 in Room 415, LOB. Four members of the Senate Subcommittee attended, along with Representatives Bordsen, Love, Ray, Spear, Warren, Boles, Goodwin, Guice, Hurley, Justus and Mobley, Randleman, and Stevens. Senator Ellie Kinnaird presided.

She recognized the Tar Heel Challenge members present the pages and Sergeant at Arms.

Jean Sandaire, Fiscal Research Staff presented an Overview of the 2008 Continuation Review Process (see attachment 1 section 6.7).

Senator Kinnaird recognized Reuben Young, Secretary, Department of Crime Control and Public Safety who introduced Colonel Tom Harris, Strategic Plans and Policy Director, North Carolina Nation Guard. Colonel Harris introduced the cadets attending the meeting. Cadet Robinson told the committee why he chose the Tar Heel Challenge Program and how it has benefited him.

One page fact sheet (see attachment 3) synopsis of the full report (see attachment 2) was presented by Colonel Harris.

Questions from members were answered.

Cadet Motts spoke about his experience with Tar Heel Challenge Program at the request of Senator Jones.

The next meeting is scheduled for Tuesday, March 10th at 8:30 a. m.

The meeting adjourned at 9:25 a.m.

Senator Ellie Kinnaird, Co-Chair

Kathie Young

Kathie Young, Committee Assistant

# JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
**Room 415 Legislative Office Building**
**March 5, 2009 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird, Presiding
Senator John Snow
Representative Alice Bordsen,
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Overview of the 2008 Continuation Review Process

*Jean Sandaire*
*Fiscal Research Staff*

Tarheel Challenge Academy Continuation Review Report

*Reuben F. Young, Secretary*
*Department of Crime Control and Public Safety*

*Colonel Tom Harris, Strategic Plans and Policy Director*
*North Carolina National Guard*

## III. OTHER BUSINESS: Next meeting - Tuesday, March 10th at 8:30 a.m.

## IV. ADJOURNMENT

# ATTENDANCE

## Joint Appropriations Subcommittee on Justice and Public Safety

(Name of Committee)

| DATES | Mar 5 | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rep. Alice Bordsen, Co-Chair | X | | | | | | | | | | | | | | |
| Rep. Jimmy Love, Co-Chair | X | | | | | | | | | | | | | | |
| Rep. Spear, Vice Chair | X | | | | | | | | | | | | | | |
| Rep. Sutton, Vice Chair | | | | | | | | | | | | | | | |
| Rep. R. Warren, Vice Chair | X | | | | | | | | | | | | | | |
| Rep. Boles | X | | | | | | | | | | | | | | |
| Rep. Goodwin | X | | | | | | | | | | | | | | |
| Rep. Guice | X | | | | | | | | | | | | | | |
| Rep. Hurley | X | | | | | | | | | | | | | | |
| Rep. Jackson | | | | | | | | | | | | | | | |
| Rep. Justus | X | | | | | | | | | | | | | | |
| Rep. Mobley | X | | | | | | | | | | | | | | |
| Rep. Moore | | | | | | | | | | | | | | | |
| Rep. Randleman | X | | | | | | | | | | | | | | |
| Rep. Stevens | X | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

**SECTION 6.2.** All funds appropriated by this act into reserves may be expended only for the purposes for which the reserves were established.

**BUDGET CODE CONSOLIDATIONS**

**SECTION 6.3.** Notwithstanding G.S. 143C-6-4, the Office of State Budget and Management may adjust the enacted budget by making transfers among purposes or programs for the purpose of consolidating budget and fund codes or eliminating inactive budget and fund codes. The Office of State Budget and Management shall change the authorized budget to reflect these adjustments.

**CONSULTATION NOT REQUIRED PRIOR TO ESTABLISHING OR INCREASING FEES PURSUANT TO THE STATE BUDGET ACT**

**SECTION 6.4.** Notwithstanding G.S. 12-3.1, an agency is not required to consult with the Joint Legislative Commission on Governmental Operations prior to establishing or increasing a fee as authorized or anticipated in this act.

**AUTHORIZATION TO ESTABLISH RECEIPT-SUPPORTED POSITIONS**

**SECTION 6.6.** Notwithstanding any other provision of law, a department, institution, or other agency of State government may establish receipt-supported positions authorized in this act upon approval by the Director of the Budget. The Director, if necessary, may establish a receipt-supported position pursuant to this section at an annual salary amount different from the salary amount set out in this act if (i) funds are available from the proposed funding source and (ii) the alternative salary amount remains within the established salary range grade identified for the job classification of the affected receipt-supported position established in this act. The Director shall not change the job classifications or increase the number of receipt-supported positions specified in this act without prior consultation with the Joint Legislative Commission on Governmental Operations.

**CONTINUATION REVIEW OF CERTAIN FUNDS, PROGRAMS, AND DIVISIONS**

**SECTION 6.7.(a)** It is the intent of the General Assembly to establish a process to periodically and systematically review the funds, agencies, divisions, and programs financed by State government. This process shall be known as the Continuation Review Program. The Continuation Review Program is intended to assist the General Assembly in determining whether to continue, reduce, or eliminate funding for the State's funds, agencies, divisions, and programs subject to continuation review.

**SECTION 6.7.(b)** The Appropriations Committees of the House of Representatives and the Senate may review the funds, programs, and divisions listed in this section and shall determine whether to continue, reduce, or eliminate funding for the funds, programs, and divisions, subject to the continuation review program. The Fiscal Research Division may issue instructions to the State departments and agencies subject to continuation review regarding the expected content and format of the reports required by this section. No later than December 1, 2008, the following agencies shall report to the Fiscal Research Division:

(1) Tarheel Challenge Academy – Department of Crime Control and Public Safety.
(2) Spot Safety Program – Department of Transportation.
(3) Safety Inspection Program – Department of Commerce.
(4) Military Business Center – Community College System.

(5) Purchase of Medical Care Services Program – Department of Health and Human Services.
(6) Parking Office – Department of Administration.
(7) Forest Development Fund – Department of Environment and Natural Resources.

**SECTION 6.7.(c)** The continuation review reports required in this section shall include the following information:

(1) A description of the fund, agency, division, or program mission, goals, and objectives.
(2) The statutory objectives for the fund, agency, division, or program and the problem or need addressed.
(3) The extent to which the fund, agency, division, or program's objectives have been achieved.
(4) The fund, agency, division, or program's functions or programs performed without specific statutory authority.
(5) The performance measures for each fund, agency, division, or program and the process by which the performance measures determine efficiency and effectiveness.
(6) Recommendations for statutory, budgetary, or administrative changes needed to improve efficiency and effectiveness of services delivered to the public.
(7) The consequences of discontinuing funding.
(8) Recommendations for improving services or reducing costs or duplication.
(9) The identification of policy issues that should be brought to the attention of the General Assembly.
(10) Other information necessary to fully support the General Assembly's Continuation Review Program along with any information included in instructions from the Fiscal Research Division.

**SECTION 6.7.(d)** State departments and agencies identified in subsection (b) of this section shall submit a final report to the General Assembly by March 1, 2009.

**STATE SUPPORT OF OUR MILITARY PERSONNEL**

**SECTION 6.8.** The General Assembly finds that North Carolina has a rich military heritage and is the site of some of the nation's major military installations, including Camp Lejeune, Fort Bragg, Pope Air Force Base, Seymour Johnson Air Force Base, New River Marine Corps Air Station, United States Coast Guard Air Station, Elizabeth City, and Cherry Point Marine Corps Air Station. The General Assembly further finds that North Carolina is the home to more than 770,000 veterans of our nation's armed forces and about 120,000 active-duty military personnel, one of the largest active-duty military populations in our entire country. In appreciation of and gratitude to those North Carolinians, both living and deceased, who have served in our armed forces in service to our country, the General Assembly provides funding for and support of the following initiatives:

(1) Defense and Security Technology Accelerator.
(2) Military Morale, Welfare, and Recreation Fund.
(3) "More at Four" for children of deployed military personnel.
(4) Traumatic Brain Injury (TBI) Services.
(5) Fayetteville Tech 3-D Technology Project.
(6) National Guard Pension Fund.
(7) National Guard Tuition Assistance Program.

attachment 2

3/5/09
(2)

STATE OF NORTH CAROLINA

DEPARTMENT OF CRIME CONTROL & PUBLIC SAFETY

CONTINUATION REVIEW

ON THE

NORTH CAROLINA NATIONAL GUARD

# TARHEEL CHALLENGE YOUTH PROGRAM

March 1, 2009


Beverly Eaves Perdue
Governor

Reuben F. Young
Secretary

Major General William E. Ingram, Jr.
Adjutant General

# North Carolina Department of Crime Control and Public Safety

Beverly Eaves Perdue, Governor

Reuben F. Young, Secretary

February 27, 2009

**MEMORANDUM**

TO: Senator Marc Basnight, President Pro Tempore of the North Carolina Senate
Representative Joe Hackney, Speaker of the North Carolina House of Representatives
Chairs of the Joint Appropriations Committees
Chairs of the Joint Appropriations Subcommittee on Justice and Public Safety
Janet Pruitt, Senate Principal Clerk
Denise Weeks, House Principal Clerk

FROM: Reuben F. Young, Secretary Reuben F. Young
North Carolina Department of Crime Control and Public Safety

SUBJECT: Report from the North Carolina National Guard on the Tarheel ChalleNGe Program.

Pursuant to Section 6.7 of Session Law 2008-107, I am pleased to submit this report from the North Carolina National Guard regarding the Tarheel ChalleNGe Program. The program accepts high school dropouts and provides residential, classroom and physical instruction over a period of twenty-two weeks. The curriculum teaches self discipline and practical life skills, while maintaining a strong focus on educational topics that one would find in many classrooms across the state. The residential phase of the program is followed by twelve months of one-on-one mentorship from volunteers who support the program and live in the graduate's community. Approximately 70% of the cadets who complete the program graduate with a General Education Development (GED) High School Equivalency Diploma. Some graduates join the military, and many participants continue on to college.

After reading the enclosed report, I am confident that you will continue your support of this important program. It has changed the lives of 2,652 children in this state. On behalf of Major General William Ingram and the North Carolina National Guard, I would appreciate your continued support of this important initiative.

If you have any questions about this report, please contact my office at your convenience.

RFY:tcc

cc: Fiscal Research Division
Legislative Library

**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

## EXECUTIVE SUMMARY

The recommendation of the Department of Crime Control and Public Safety (DCCPS) and the North Carolina National Guard (NCNG) is to continue funding the Tarheel ChalleNGe Program at Salemburg, NC at the level to graduate 250 cadets a year and to gradually expand the program to a second or third site with a goal to graduate 1000 cadets a year and better serve a deserving segment of the school dropout population.

The Tarheel ChalleNGe Academy (TCA) is one of 33 programs administered by the National Guard Bureau and the Department of Defense across the nation and Puerto Rico. ChalleNGe provides a valuable "second chance" to succeed in life for a segment of the growing dropout rate of young men and women. Since its inception in 1994, Tarheel ChalleNGe has proven to be highly successful in giving young people the tools to become successful and productive citizens within their community. The core components of the program address the well being of the "whole person" and not just an educational opportunity to earn their General Education Development (GED) High School Equivalency Diploma. The highly disciplined and structured environment equips graduates with the values, skills, education, and self-discipline necessary to succeed as adults. The program consists of a 22-week Residential Phase focusing on education and practical life skills. This is followed by a 12 month Post-Residential Phase involving a skilled and trained volunteer mentor from the graduate's community to help achieve a positive and durable placement. Placement is defined as continuing their education, working a full time job or military service. Mentors meet a minimum of monthly with each graduate.

The cost of ChalleNGe is provided by a combination of 60% federal and 40% state funds. There is no cost to the cadets or their families other than running shoes, underwear and the initial supply of personal hygiene items. A current funding formula of $14,000 per target graduate goal is used by the National Guard Bureau (NGB). TCA uses other program income such as the Child Nutrition Program and limited funds provided by Sampson Community College to offset any higher costs. The actual cost per graduate in the 2007 Budget Year was $14,667. The cost to the state was $5,600 per graduate. This corresponds to a cost per day of $36.36 per cadet for the Residential Phase. Annualized, the cost is $15.34 per cadet per day.

ChalleNGe is a one-of-a-kind program making it difficult to compare with other programs. However, when compared to the cost of other residential type programs, ChalleNGe costs much less to operate.

The value derived of the ChalleNGe program is measured in terms of creating productive citizens. Research and studies show an earning potential for high school or equivalent graduates as $27,000 per year compared to $17,000 for a dropout. The value of the program is also measured in terms of cost avoidance to the nation and state as depicted below:

- Dropouts are estimated to contribute $60,000 less to state and federal revenues over their lifetime.
- Only 50% of dropouts age 16-24 who had not reenrolled in school.
- Dropouts are more likely to be living in poverty, receiving public assistance, in prison, or divorced.
- Individuals without a high school education make up 90% of the nation's prison population.

The mission of the national ChalleNGe Youth Program is to intervene in and reclaim the lives of at-risk youth and produce program graduates with the values, skills, education, and self-discipline necessary to succeed as adults. The goal is to improve education, life skills, and employment potential of participants. Graduates must meet specific requirements within each of the program's eight core components. Key program goals are: graduation rates, increased academic performance, GED completion rate, qualified mentorship, and post-residential placement. Over the last five classes:

- TCA graduated 101% of their target graduation goal.
- 97.5% of graduates increased their TABE score by a minimum of one grade level.
- 73% of all graduates since our inception have earned their GED diploma.
- 100% of graduates were matched with a screened and trained volunteer mentor.
- 67% of graduates were reported to have placement (continuing school, fulltime job, or in the military service) within the 12 month Post-Residential Phase. The use of Case Managers has caused an increase in placement of graduates.
- Participants provided an average of 11,136 hours of service to the community each class.

The demand to participate in this program is greater than the capacity at TCA. Steps have been taken in recent years to increase the capacity at TCA but current facilities restrict the current graduation target to 125 graduates per class (250) per year. Applications to attend ChalleNGe have ranged from 359 to 448 per class (up to 900 per year). It is believed the dropout population in the western part of North Carolina is being underserved due to the low number of applications received. The obvious factor for the low number is believed to be distance to the Salemburg campus. The inability to accommodate all applicants drives the need for growth in the ChalleNGe program. An average of 200 applicants per class over the last five classes was not accepted because of capacity and funding limitations. Additional efforts to increase the awareness of ChalleNGe to the approximately 22,000 North Carolina students who dropout would generate even more applications.

Tarheel ChalleNGe Academy has provided a positive impact and changed the lives of the 2,652 graduates of this program. It has helped open doors and provided a roadmap for achievement and accomplishment that lasts long after cadets complete the 17 month program. These graduates are committed to improving their lives and leaving old habits and barriers behind as they work toward a successful future. The Department of Crime Control and Public Safety and the North Carolina National Guard strongly recommend restoring the funding for Tarheel ChalleNGe Academy at Salemburg and to maximize its capacity at the 250 graduates per year level, and to gradually expand the ChalleNGe program to a second or third site with a goal to graduate 1000 cadets a year and better serve a deserving segment of the population who desire a second chance for success.

**INTRODUCTION.**

Session Law 2008-107 requires a Continuation Review of certain funds, programs, and divisions. Section 6.7 of Session Law 2008-107 requires the Department of Crime Control and Public Safety to provide a written report to the Appropriations Committees of the Senate and House of Representatives on the National Guard's Tarheel ChalleNGe Program. The report must include the following elements:

1. A description of the program, including information on services provided the recipients of the services, and the resource requirements.
2. Meaningful measures of program performance and whether the program is meeting these measures.
3. The rationale for continuing, reducing, or eliminating funding.
4. The consequences of discontinuing program funding.
5. Recommendations for improving services.
6. Recommendations for reducing costs.
7. The identification of policy issues that should be brought to the attention of the General Assembly.

To address the elements required in the continuation review, representatives from DCCPS, the NCNG, the General Assembly Fiscal Research Division and the Office of State Management and Budget met to discuss requirements of the Continuing Review report. They reviewed operational and resource data together with TCA's Annual Reports for 2006 and 2007. Due to the complex nature and importance of the continuation report, and the amount of data to be reviewed for its completion, the National Guard Tarheel ChalleNGe Academy completed and filed an interim report summary for the program on December 1, 2008. Following is the full report with additional information and detail.

**BACKGROUND.**

The Center for Strategic and International Studies (CSIS) published a 1992 report titled *Forging A Military Youth Corps: A Military-Youth Service Partnership for High School Dropouts.* This study served as the basis for the National Guard Youth ChalleNGe Program. It also indicates the problems of young people who drop out of school are numerous and often interlinked. They include unemployment, illiteracy, crime, drug use, and pregnancy.

Young people who drop out of school are considered "at –risk" because they are far more likely than high school graduates to be unemployed, on public assistance, or in jail. They're also far more apt to have children who fall into the same pattern. The below High School Drop Facts are from more recent studies and reports:

- It is estimated that each class of dropouts costs states $17 billion in publicly subsidized health care costs over the course of their lives. (*Healthier and Wealthier: Decreasing Health Care Costs by Increasing Educational Attainment: www.all4ed.org/files/handw.pdf)*

- Individuals lacking a high school education make up 90 percent of our nation's prison population. (*Saving Futures, Saving Dollars: The Impact of Education on Crime Reduction and Earning: www.all4ed.org//files/SavingFutures)*

- Of the 3.4 million dropouts age 16-24 in Oct. 2006 who had not reenrolled in school, only half were employed. (*College Enrollment and Work Activity of 2006 High School Graduates: U.S. Department of Labor Bureau of Labor Statistics. April 26, 2007)*

- These youth are more likely to be living in poverty, receiving public assistance, in prison, on death row, unhealthy, divorced, and single parents of children who drop out. (*Bridgeland, John M. The Silent Epidemic: Perspectives of High School Dropouts. Civic Enterprises. March 2006)*

- Dropouts are estimated to contribute $60,000 less to state and federal revenues over the course of their lifetime – a total of $50 billion annually. Increasing the educational level of one year's dropout numbers by just one grade level would recoup $192 billion in lost earnings and productivity over the course of their lifetimes. (*Rouse, Cecilia 2005, Students Who Learn More Earn More)*

The mission of the National Guard Youth ChalleNGe Program is to intervene in and reclaim the lives of at-risk youth and produce program graduates with the values, skills, education, and self-discipline necessary to succeed as adults. Begun in 1993 with 10 states, the national program has grown to 33 programs in 29 states, and Puerto Rico.

The immediate past Chief, National Guard Bureau, Lieutenant General H. Steven Blum, stated, "For many cadets, the National Guard Youth ChalleNGe Program is perceived as their last, best chance. This program was designed to open doors and provides a roadmap for achievement and a taste of accomplishment that lasts long after cadets' graduate. These young men and women are often following a path without guidance, stability or education, yet are wise enough to realize that completing ChalleNGe puts them on a road to a successful future. These cadets are committed to improving their lives and leaving old habits and barriers behind. They must be clear in their desire for structure and achievement. Personal commitment and desire for change is the ultimate key to the success of ChalleNGe."

The North Carolina National Guard's Tarheel ChalleNGe Academy is one of 33 Youth ChalleNGe Programs nationwide which helps at-risk high school dropouts improve their education, life skills, and employment potential. TCA, located in Salemburg, NC, accepts applications from all school dropouts ages 16-18 throughout North Carolina who volunteer to attend and desire a second chance to become a productive citizen. Nationally, the ChalleNGe Youth Program is administered by the Department of Defense through the National Guard Bureau.

A Federal State Cooperative Agreement provides program guidelines, requirements and standards for the program and is resourced jointly with 60% federal funding and 40% state funding.

Since its inception in September 1994, TCA has provided outstanding service to the at- risk youth of North Carolina. This five-time national award- winning Academy continues to add a strong and viable option to the growing number of approximately 23,500 (2006-07 school year) North Carolina high school dropouts annually. The Department of Crime Control and Public Safety and the North Carolina National Guard administer the program; the National Guard Bureau provides guidelines, specialized staff training, benchmarking summits to establish best practices, and annual program evaluations. The ChalleNGe

Youth Program is a multi-phased intervention program consisting of a structured and disciplined 22-week Residential Phase focusing on education and practical life skills followed by a 12- month Post-Residential Phase involving a skilled and trained volunteer mentor from the graduate's community to help achieve a positive and durable placement. This design of both a residential phase and post-residential mentoring phase is based on conclusions of the CSIS study that:

- A residential rather than nonresidential model is better at inducing fundamental life-style changes. The 24-hour involvement of a residential program brings a continual reinforcement of values that successfully cause profound changes in a relatively short time. Individual accountability and responsibility are successful motivators in at-risk youth service programs. Acceptance of accountability and responsibility, one aspect of self-discipline, has been a pattern of behavior in such successful programs.

- Follow-on programs are important to long–term success. Effective mentoring programs are designed to help graduates maintain newly developed skills and coping mechanisms after they lose their program's day-to-day support upon reentering their old environments. Evidence suggests that without a follow-on mentoring program, the program would probably not succeed.

**I. Program Description, Services, Recipients, & Resource Requirements.**

TCA offers North Carolina a unique, highly effective program for at-risk high school dropouts, operated along quasi-military lines under policies and standards set by the Congressionally-backed Youth ChalleNGe program. The mission of the Academy is to redirect the efforts of young adults who have had trouble succeeding in the normal high school environment and give them the skills and attitude to become productive citizens in their communities. The prospective cadet must volunteer for the training and must be motivated and committed to turning his/her life around. There is no cost to the cadet, parents or family for attending TCA, other than such personal items as underwear, running shoes, and individual hygiene items.

The National program requirements, goals, and guidelines are provided by National Guard Bureau in the form of a Master Youth Programs Cooperative Agreement, operations manual, and policy letters. The cooperative agreement is signed by the Adjutant General and National Guard Bureau representatives each year when funds are released. The program description and performance measures listed herein are for the most part included in the cooperative agreement. National Guard Bureau also conducts annual operational and resource management evaluations. These evaluations are also used as a means to assess individual programs that excel in each of the eight core components. Awards are presented to these programs. North Carolina's TCA has won awards over the past several years to include the Physical Fitness Award (2002), Life Coping Skills (2004), Responsible Citizenship (2005) and the Award for Academic Excellence (2006). The Academy has consistently ranked in the top ten programs for overall excellence.

The Academy complies with a National Guard Bureau "Hands-Off" Leadership policy which means neither physical force nor abusive language will be used as a means to get cadets to comply with instructions or as a means of motivation. Physical touch may only be used to congratulate or demonstrate a teaching point. Minimal physical restraints may only be used to ensure the safety of a cadet or others. The staff relies on teaching, mentoring and coaching techniques with cadets and all staff members receive Crisis Prevention training that reinforces this policy.

The ChalleNGe goal is to improve education, life skills, and employment potential of participants. This goal is supported by numerous objectives within the program's eight core components and each cadet must meet certain standards in each component to graduate from the Residential Phase.

- Academic Excellence: ChalleNGe students strive to complete high school. They attend regularly scheduled academic classes to increase their academic levels of performance and to prepare them for testing for the General Education Development (GED) credential to receive their High School Equivalency Diploma. The measure for this component is to either receive their GED diploma or to increase their grade level scores using the Tests of Adult Basic Education (TABE) scale scores. TABE testing is accomplished at the beginning and at the end of the residential phase. The General Education Development schooling and testing is accomplished through an association with Sampson Community College.

- Job Skills: Students prepare for a lifetime of gainful employment. Career exploration is accomplished through career assessment and interest inventories, and job-specific skills orientation and awareness. Specific classroom activities focus on development of individual resumes, completing job applications, and preparation for and completing job interviews.

- Physical Fitness: Physical fitness becomes an integral part of a Cadet's daily life. A physical fitness program is based on the *President's Challenge,* a test battery based on data collected from a variety of sources including the President's Council on Physical Fitness.

- Service to the Community: Cadets learn to realize the value and importance of giving back to the community. A minimum of 40 hours of community service activities are performed by each cadet.

- Health and Hygiene: A healthy, well-balanced person is the goal. A structured and holistic approach combines physical and mental well being as Cadets explore the effects of substance abuse and sexually transmitted diseases on their lives. Cadets learn the physical and emotional benefits of proper nutrition and personal hygiene through participation in classes and group discussions.

- Responsible Citizenship: Cadets understand their role in the democratic process. The U.S. Government structure and processes, along with individual rights and responsibilities at the local, state, and national levels are addressed in the classroom environment, in the student government process, and through practical experiences within local communities.

- Leadership/Followership: Cadets develop strong character. Identification and application of individual moral and ethical standards is the focus of the various roles and responsibilities as the cadets live and learn in a structured group environment, both as a leader and as a participating follower.

- Life Coping Skills: Skills to last a lifetime are learned. Increased self-esteem and self-discipline are gained through a combination of classroom activities and a structured living environment. The development of individual strategies and coping mechanisms for managing personal finance and dealing with such emotions as anger, grief, frustration, and stress are developed through group discussions and in the classroom.

During the residential phase, cadets are supervised by cadre staff members 24 hours a day, 7 days a week. They wear uniforms, do physical training, attend classes, and learn to work within a structured and disciplined environment. During this phase, emphasis is placed on life skills, self-discipline, teamwork, team building, work ethics, respect for others, self-esteem, loyalty, and integrity in addition to the core component requirements. While attending the residential phase, cadets learn to set and achieve goals and short term objectives. Before graduating, they set long term goals to achieve during the post-residential phase. Although very important, obtaining the GED is not the only thrust of the Academy; the focus is on learning and developing the necessary life-coping skills to succeed after the cadet completes the residential phase. The Academy teaches and enforces what society expects from its young adults, such as civil behavior, hard work, personal responsibility, and giving back to the community, state and nation.

The post-residential phase of the program, the 12 months following graduation, is the most difficult part of the program. During the post-residential phase, graduates work with a trained volunteer mentor from their home community. As required by the Master Youth Programs Cooperative Agreement, mentors undergo a 4-hour block of training at the Academy using the World View Curriculum. Training materials are reviewed during the annual National Guard program evaluation. Mentors also undergo a background check conducted by the State Bureau of Investigation. The primary role of this screened adult mentor is to help the graduate continue on the path to success that began during the residential phase. The mentor provides friendship, advice and companionship, and assists the graduate in seeking their placement goal of employment and/or continuing their education. The goal for the graduate during the post-residential phase is to maintain placement. Placement is defined as attending school full time, employed full time, in the military, or a combination working and attending school on part time basis.

**Application and Selection Process.**

Application to attend the Academy is open to all North Carolina school dropouts between the ages of 16-18. An applicant may turn 19 years of age while attending the program. The TCA staff receives hundreds of applications for each class, from which TCA interviews and selects enough qualified applicants to completely fill its housing capacity. TCA also selects alternates to replace losses during the first week of each class to ensure the class will graduate its target goal. Graduation targets are established based on historical data, which help predict losses throughout the program such as cadet discipline issues or cadet withdrawal by parents. The December 2008 class graduation target of 110 graduates per class (a rate of 220 graduates per year) was increased to 125 graduates per class starting in January 2009. This is the physical capacity of the Salemburg site.

Applications submitted are first screened to ensure the applicant meets the qualification requirements to attend the program.

- At least 16 years old but less than 19 years old at time of entry
- A high school dropout or expellee without a GED certificate
- A U.S. citizen or legal resident who resides in North Carolina
- Free from illegal drugs/substances and any serious involvement with the criminal justice system. No outstanding legal issues.
- Physically and mentally capable of completing the program
- Unemployed or underemployed
- Successfully pass a medical screening exam
- Volunteer to attend

The participant selection process consists of several steps to enroll applicants that are motivated and committed to complete the program. Considerations are given to age, gender, and ethnicity and include a balance of applicants from both large cities and rural areas.

A balance of age provides different maturity levels among the cadets. In most cases, 18 year old applicants are faced with their last opportunity to enroll because of age eligibility. Identifying placement activities during the post-residential phase for 16 year old graduates is more difficult than older graduates. Many of the 16 year old cadets turn age 17 before they graduate.

The numbers of females who applied and were accepted historically represent between 20-25% of all applicants and almost all female applicants that meet screening criteria are accepted into the program.

All applicants and their parent(s) or guardian(s) must attend a mandatory orientation held at the Academy normally 30 days prior to the start date of the new class. During the orientations, the applicants and families are briefed on the extremely high standards, structure, discipline, and program requirements to complete the ChalleNGe Program. Tours of the facilities to include the open bay barracks style living environments are conducted.

Each applicant is interviewed by a team of two staff members during the orientation. The interview explores the reasons they dropped out of school, why they want to attend TCA, legal backgrounds, gang influences, and attempts to judge their attitude and motivation to complete ChalleNGe. The applicant must specifically state that they themselves want to attend ChalleNGe, not solely because their parents want them to attend. They are judged on their appearance, mannerisms, and on how they communicate with the interviewer. The interview panel will indicate if the applicant should be accepted or not accepted for selection. Although not scientific, the interview will normally reveal the applicants who are serious about changing their path and future, those with positive attitudes, energetic and some degree of confidence. Applicants who display some or all of these attributes seem to do well and most will complete the program.

All applicants recommended by the interview panels are placed in a pool by age, gender, and race. Normally, all 18 year old applicants and Native Americans and Hispanics are selected because of the low number of applicants. For others, names are randomly selected to attend beginning with 17 year old applicants and then 16 year old applicants. Once the selections reach the housing capacity the remaining applicants are placed on an alternate list to be called in to take the place of those applicants who fail to report for in-processing and for those failing the drug screening. Approximately 10% will fail to report and another 15% will fail the drug screening. Alternates are also used to backfill vacancies generated by medical disqualification during the medical examination and for candidates who drop out during the first week of Pre-ChalleNGe. Alternates not able to attend because of capacity may be given priority for the next class if they still want to attend the program. Approximately 50% of those alternates will request enrollment.

**Cadet ages at graduation:**

| Year | Age 16 | Age 17 | Age 18 | Age 19 |
|---|---|---|---|---|
| **2008** | 27.6% | 47.1% | 20.5% | 4.8% |
| **2007** | 24.7% | 50.0% | 21.5% | 3.8% |
| **2006** | 26.2% | 53.9% | 17.8% | 2.1% |

**Resources.**

Funding for ChalleNGe began with 100% federal funding for the first four years (1994-1997) followed by a gradual increase in state matching funds beginning at 25% state and increasing each year until the 60% federal and 40% state match was reached in 2001. National Guard Bureau utilized a funding formula of $14,000 per target graduate goal as a means to fund ChalleNGe programs. This formula met the needs of most programs because it reflected the actual operational costs. In 2008, states were given an option to request funding based on actual cost per cadet provided the state funding increased to meet the 40% funding match. According to the National Guard Youth Foundation, the 2008 national average cost per graduate was $16,800.

TCA continues to use the $14,000 per graduate to fund the program. TCA is able to do this because of reduced expenditures and personnel costs that are less than other states by using contract employees without benefits while most states have state employees with benefits. In addition, TCA receives other sources of funding which offset the rising costs. TCA receives approximately $180,000 per year by participating in the Child Nutrition Program which provides funds on the number of cadets fed breakfast and lunch. Dinner meals are not eligible for additional funding. Sampson Community College provides funds to assist with our instructional costs based on classroom contact hours for approved subjects. A limited amount of in-kind assistance may be approved by National Guard Bureau as a means to meet the state match. For example, TCA's facilities are provided to the state by Sampson County and based on a fair market value to lease the facilities may be used as in-kind services. It should be noted, however, in-kind services do not provide spendable funds toward actual operating costs. Based on the funding formula of $14,000 per graduate, funding for ChalleNGe has increased over the past three years because of increasing the cadet graduation target. Using this formula the below federal and state budgets are provided:

| Year | Total Budget | Federal (60%) | State (40%) | Target |
|---|---|---|---|---|
| **2009*** | $3,500,000 | $2,100,000 | $1,400,000 | 250 |
| **2008**** | $3,290,000 | $1,974,000 | $1,316,000 | 235 |
| **2007** | $3,080,000 | $1,848,000 | $1,232,000 | 220 |
| **2006** | $2,800,000 | $1,680,000 | $1,120,000 | 200 |

- ***Proposed funding for continuation, federal portion is approved.**
- ****Current operating year through 31 Jul 09.**

Costs to the state per the above funding formula are $5,600 per graduate. Therefore, the daily cost per cadet to the state would be $36.36 per day calculated on the 154 days in the Residential Phase or an annualized cost of $15.34 per day per graduate.

**Actual Costs.**

Actual costs are calculated by using all program expenditures including other program income, and in-kind services divided by the total number of graduates for the year. Costs incurred for cadets who began the program that withdrew or were dismissed are included in the cost per graduate. The cost per actual graduate in the 2007 Budget Year ending July 2008 was less than the cost per graduate in the 2006 Budget year ($14,667 compared to $15,135 in 2006) because more cadets remained in the program to graduate.

**Comparative Cost Data.**

ChalleNGe is a one-of-a-kind program both nationally and in North Carolina. ChalleNGe should not be compared to drop out prevention programs because they are normally after school programs, charter schools, and others that do not include a residential provision. ChalleNGe applicants have already dropped out of school and are seeking an opportunity to turn their lives around. Two programs which operate nationally and in North Carolina are similar in that they are residential programs but different in services they offer. These programs are summarized below:

- Eckerd Youth Alternatives provide Outdoor Therapeutic Programs in North Carolina. They provide therapeutic behavioral treatment and fully accredited education in residential small group settings for at-risk, troubled, delinquent or difficult-to-manage boys and girls ages 10-17. Costs of these programs are typically $6,000 per month. Families may receive assistance with the costs through the Eckerd Foundation or from Juvenile Justice Programs. ChalleNGe does not provide therapeutic counseling treatment.
- Job Corps is a part of the U.S. Department of Labor that provides residential education and job training for at-risk youth, ages 16 through 24. Job Corps combines classroom, practical, and work-based learning experiences to prepare youth for stable and long term jobs. The average cost per graduate is $22,700 per year.

**II. Program Performance Measures.**

The following performance measures include those measures the national office provides in their guidance documents and are indicators of the effectiveness of the national program and Tarheel ChalleNGe Academy:

- Successfully graduate a minimum of 95% of the annual target for graduates each year. The annual target of 220 cadets per year (110 per class) increased to 250 graduates per year (125 per class) beginning January 2009.

  **TCA exceeded its target graduation rate over the last five classes by graduating 101% of the target.**

- 90% of attending cadets will have a qualified (screened, trained, matched) adult mentor by week 13 of the residential phase for each class and 100% before graduation.

  **TCA averaged 93% assigned by week 13 and 100% before graduation.**

- Within 1 year of completing the residential phase, 75% of the graduates will have a placement that represents a return to school, secondary education, joined the military service, vocational placement or employment following graduation from the residential phase.

  **TCA placed 67% (matches national average) within 12 months of finishing the residential phase of the last two classes. One additional case manager has been added to improve overall placement of graduates.**

- Each graduate improves their academic performance measured as either increasing their TABE scores by one grade level in Math and Reading or earn their GED diploma. A TABE test will be given initially in week 3 and a final test during week 20.

  **See Below Table For Results.**

- Each cadet performs a minimum of 40 hours of community service during the residential phase in accordance with the Core Component requirement.

  **Each graduate conducted a minimum of 60 hours of community service. A total of 23,649 hours were performed in 2008. Based on the minimum wage rate, the value of these services represents $146,888.**

- Coordinate the opportunity for deserving cadets to participate in the General Assembly and Governor's Page Program.

  **Over the past five classes 100 cadets have participated in the General Assembly and Governor's Page Program and added value to their Responsible Citizenship core component.**

Performance results are also useful indicators of the value of the Tarheel ChalleNGe Program to the state and its communities. Since 1994, TCA has benefited North Carolina through:

- $31,929,500 in Federal Funding received
- 2,652 graduates from 88 of 100 counties
- 1,935 General Education Diplomas awarded (73% of graduates)
- Approximately 333 enlistments into the Armed Services to include NC National Guard
- 3,399 Volunteer Mentors contributed their time and effort
- A total of 234,044 hours of public service provided to communities.

Performance results can also be measured in terms of cadet success stories. Cadet Matthew Prouty attended TCA as a 16 year old and graduated with academic honors. He enrolled in Georgia Military College, a two year college, and consistently made the Dean's List. He applied to the U.S. Air Force Academy and the United States Military Academy at West Point. He was accepted at both Service Academies and is currently a junior at the U. S. Military Academy at West Point.

Former cadet Brandon Shotwell is perhaps the best example that describes the mission of ChalleNGe. He graduated in 1998 and went to work while learning the heating and air conditioning trade. While employed at Duke University, he met his wife and later began a family. He is now a supervisor in his department and he and his wife recently purchased their first home. Brandon recently recommended ChalleNGe to a young dropout and volunteered to be his mentor.

**Tarheel ChalleNGe Measures and Data**

| Measure | Class 31 | Class 30 | Class 29 | Class 28 | Class 27 |
|---|---|---|---|---|---|
| Graduation Target | 110 | 110 | 110 | 110 | 100 |
| Applications Received | 421 | 359 | 376 | 329 | 448 |
| Number Started Pre-ChalleNGe | 167 | 169 | 174 | 165 | 178 |
| Number Enrolled in ChalleNGe (Week 3) | 134 | 143 | 147 | 131 | 130 |
| Number Graduated | 107 | 103 | 122 | 105 | 109 |
| Percent Graduated vs. Target | 97% | 94% | 111% | 95% | 109% |
| Percent of GED Diplomas Awarded | 72% | 73% | 69% | 73% | 65% |
| Percent of TABE Score Grade Increase | 93% | 100% | 98% | 96% | 100% |
| Average Math TABE Increase | 1.5 | 1.9 | 2.6 | 2.0 | 2.9 |
| Average Reading TABE Increase | 1.3 | 1.6 | 1.5 | 1.1 | 2.8 |
| Mentors Matched By Week 13 / Week 22 | 85%/100% | 83%/100% | 91%/100% | 86%/100% | 88%/100% |
| Percent of Placement In Post-Residential | 67% | 65% | 66% | 50% | 48% |
| Total Service to Community Hours | 10,029 | 13.203 | 11,501 | 11,051 | 9,900 |
| Value of Community Service Hours * | $65,689.95 | $81,198.45 | $70,731.15 | $67,963.65 | $60,885.00 |
| Number Served As Legislative/Gov Page | 12 | 29 | 12 | 34 | 13 |
| Red Cross Blood Donations | 46 | 44 | 40 | 43 | 48 |
| Class Donation to Charity | $2,600 | $2,900 | $1,900 | $2,800 | $3,400 |
| Ethnicity | | | | | |
| African American | 47% | 48% | 48% | 50% | 50% |
| Caucasian | 39% | 39% | 36% | 38% | 41% |
| Native American | 3% | 4% | 2% | 4% | 2% |
| Hispanic | 8% | 2% | 8% | 5% | 4% |
| Asian | 0% | 1% | 1% | 1% | 1% |
| Other | 2% | 6% | 5% | 2% | 2% |

*Computed by Minimum Wage rate

## III. Funding Rationale.

Tarheel ChalleNGe currently receives annual state funding in the amount of $1.293 million. Combined with services-in-kind for the Salemburg facility, this equates to $5,600 per TCA graduate. For comparison, the Friedman Foundation reports that North Carolina spends $4,877 annually for each active high school student and the state has a cost of nearly $4,437 per dropout in lost revenue or increased medical and incarceration costs. It is evident that this highly successful program provides an outstanding return on investment. With over 23,000 high school dropouts each year, this program efficiently and cost-effectively meets the program goals and yields productive citizens with a new outlook on life.

The program is so successful and the demand so high, fully funding the Salemburg TCA site to graduate 250 cadets per year and gradually increasing funding to establish a second or third site to ultimately reach a goal of 1,000 graduates per year is highly recommended.

## IV. Consequences of Discontinuing.

The most significant impact of discontinuing funding for the ChalleNGe program would be the elimination of a second chance for 200+ at-risk high school dropouts annually to become successful in life. No other program offers the multi-faceted training and curriculum found in the program's eight core components (Leadership/followership, responsible citizenship, service to community, life-coping skills, physical fitness, health and nutrition, employment skills, academic excellence). Federal and state funding for ChalleNGe makes this life-changing opportunity available to North Carolina families of potential cadets, families who otherwise would have even less hope for their at-risk children.

The program would also lose the federal funds that are received (60% of program costs) to operate TCA.

The full long term cost of closing TCA is unknown, but would be extremely high. The state and nation suffer from the dropout epidemic through the loss of productive workers and the higher costs associated with increased incarceration, health care and social services. Compared to their peers who graduate from high school, dropouts are much more likely to be unemployed, living in poverty, receiving public assistance, or held in prison. They also are more likely to be unhealthy, divorced, and become single parents raising children who drop out of high school like themselves. Each year TCA "saves" over 200 young people whom society would otherwise write off as losses, helping them get their lives back on track and become productive members of society.

## V. Recommendation for Improving Services.

The Academy continues to pursue improvements to services provided to cadets, graduates, and in the day-to-day conduct of the program. Staff members attend specialized and functional training offered by the National Guard Bureau which is funded 100% with additional federal funds. TCA's leadership participates in and benefits from national best practices benchmark summits, learning from their counterparts in other states and ensuring the most effective delivery of services.

TCA leaders are also committed to seeking educational grants and scholarships through non-profit organizations and foundations to offer financial aid to graduates who continue their education at college, technical or trade schools.

## VI. Recommendations to Reduce Costs.

The NCNG and the ChalleNGe staff continue to strive to minimize or reduce the costs of the program. From consistently reviewing contractual costs to maximizing energy savings to using organic NCNG assets for renovations and expansion, the intent is and will continue to be one where efficient and effective execution of each dollar is important. Other in-house efficiencies used to cut costs include recycling serviceable uniform articles, purchasing foodstuffs, printing services and cleaning supplies from the Department of Corrections, participating in the U.S. Department of Agriculture Free Food Commodity program, and having cadets perform all janitorial services.

## VII. Policy Issues.

The analysis of application data and the sheer number of dropouts in North Carolina suggest a need for growth of the National Guard Youth ChalleNGe Program. The demand to participate in this program is greater than the capacity at Salemburg. Over the past three years the graduation target and enrollment have gradually increased from 100 graduates per class to 110 per class and steps have been taken to increase the capacity but the facilities restrict the current graduation target to 125 graduates per class or 250 per year. Over the past five classes, applications to attend ChalleNGe have ranged from 359 to 448 per class and it is believed the dropout population in the western part of North Carolina is being underserved due to the low number of applications received from that region. The obvious factor for the low number is the distance to the Salemburg campus. The need for growth of the ChalleNGe program is based upon not being able to accept all applicants. An average of 200 applicants per class over the last five classes was not accepted because of capacity and funding limitations. If additional efforts were made to increase the awareness of ChalleNGe to the approximate 22,000 dropouts, it would generate even more applications for enrollment. The current and potential demand for applicants justify an initiative aimed at gradually establishing two or three additional campuses in other parts of the state to address underserved youth who have not been able to participate at the Salemburg campus.

## Summary.

Tarheel ChalleNGe continues to have a positive impact on an otherwise-ignored segment of high school dropouts and expellees. This demanding program provides the valuable mechanism needed for the young men and women who want a positive change in their life and future. The program has helped open doors and provides a roadmap for achievement and a taste of accomplishment that lasts long after cadets complete the 17 month program. Graduates are committed to improving their lives and leaving old habits and barriers behind as they work toward a successful future. ChalleNGe is not for everyone, but helps those who are committed and willing to do the hard work necessary for their success. In turn, their success not only benefits themselves but also provides numerous benefits to society.

# APPENDIX 1. TYPICAL TARHEEL CHALLENGE DAILY TRAINING SCHEDULE

| NCTCA | | TRAINING SCHEDULE A | Class 23 | Daily | |
|---|---|---|---|---|---|
| | | | | | |
| TIME | WHO | ACTIVITY | WHERE | DRESS | WITH |
| 0530-0550 | ALL | FIRST CALL | DORMITORY | PT | LDR |
| | ALL | DORMITORY MAINT, TL INSP | DORMITORY | PT | LDR |
| 0550-0555 | ALL | FLAG CEREMONY | FLAG POLE | PT | LDR |
| 0555-0600 | ALL | MOVEMENT TO PT FIELD | ENROUTE | PT | LDR |
| 0545-0545 | SEL | KPs report to Dining Facility | DINING FACILITY | BDU | LDR |
| 0600-0645 | ALL | PT | ACADEMY AREA | PT | LDR |
| 0645-0805 | ALL | PERSONAL HYGIENE | DORMITORY | PT | LDR |
| | ALL | DORMITORY MAINT. | DORMITORY | BDU | LDR |
| 0650-0800 | ALL | BREAKFAST | DINING FACILITY | BDU | LDR |
| | TM 1 | | | BDU | LDR |
| | TM 2 | | | BDU | LDR |
| | TM 3 | | | BDU | LDR |
| 0800-0810 | ALL | TL TIME | ACADEMY AREA | BDU | LDR |
| 0810-0815 | ALL | MOVE TO CLASS FORMATION | ENROUTE | BDU | LDR |
| 0815-0825 | ALL | FORMATION | ACADEMY AREA | BDU | HORNBROOK |
| 0830-0930 | ALL | FIRST PERIOD CLASS | CLASSROOM 1-5 | BDU | Instructor |
| 0930-0940 | ALL | BREAK TIME | ACADEMY AREA | BDU | LDR |
| 0940-1040 | ALL | SECOND PERIOD CLASS | CLASSROOM 1-5 | BDU | Instructor |
| 1040-1050 | ALL | BREAK TIME | ACADEMY AREA | BDU | LDR |
| 1050-1150 | ALL | THIRD PERIOD CLASS | CLASSROOM 1-5 | BDU | Instructor |
| 1150-1200 | ALL | MOVE TO LUNCH | ACADEMY AREA | BDU | LDR |

| | | | | | |
|---|---|---|---|---|---|
| 1200-1300 | ALL | LUNCH | DINING FACILITY | BDU | LDR |
| 1300-1310 | ALL | MOVE TO FORMATION/CLASS | ENROUTE | BDU | LDR |
| 1310-1410 | ALL | FOURTH PERIOD CLASS | CLASSROOM 1-5 | BDU | Instructor |
| 1410-1420 | ALL | BREAK TIME | ENROUTE | BDU | LDR |
| 1420-1520 | ALL | FIFTH PERIOD CLASS | CLASSROOM 1-5 | BDU | Instructor |
| 1520-1530 | ALL | BREAK TIME | ACADEMY AREA | BDU | LDR |
| 1530-1630 | ALL | SIXTH PERIOD (Study Hall/Tutoring) | CLASSROOM 1-5 | BDU | Inst/Cadre |
| | ALL | FLAG HONORING | RETREAT | BDU | LDR |
| | ALL | TL TIME | ACADEMY AREA | BDU | LDR |
| 1700-1830 | ALL | DINNER | DINING FACILITY | BDU | LDR |
| | TM 1 | | | BDU | LDR |
| | TM 2 | | | BDU | LDR |
| | TM 3 | | | BDU | LDR |
| 1700-1845 | SEL | TEAM TIME | DORMITORY | PT | LDR |
| 1830-2000 | SEL | TELEPHONE PRIVILEGES(WK-4) | GYM | PT | LDR |
| 1845-1930 | ALL | SHOWER/PERSONAL HYGIENE | LATRINE | PT | LDR |
| 1930-2030 | ALL | TL TIME/INSPECTION | DORMITORY | PT | LDR |
| 2030-2115 | ALL | MAIL CALL/PERSONAL TIME | DORMITORY | PT | LDR |
| 2115-2130 | ALL | PREP FOR LIGHTS OUT | DORMITORY | PT | LDR |
| 2130-0530 | ALL | LIGHTS OUT | DORMITORY | PT | LDR |

## APPENDIX 2. LIST OF YOUTH CHALLENGE PROGRAMS NATIONWIDE

(Reference: 2007 National Guard Youth ChalleNGe Program Annual Report; AOC Solutions, Inc)

**ChalleNGe Sites and FY 2007 Graduation Goals**

| STATE | Location | Target Graduates | STATE | Location | Target Graduates |
|---|---|---|---|---|---|
| Alabama | Fort McClellan | 100 | Michigan | Battle Creek | 200 |
| Alaska | Fort Richardson | 250 | Mississippi | Camp Shelby | 400 |
| Arizona | Queen Creek | 224 | Montana | Dillon | 200 |
| Arkansas | Camp Robinson | 131 | New Jersey | Fort Dix | 200 |
| California | Camp San Luis Obispo | 300 | New Mexico | Roswell | 200 |
| District of Columbia | Camp Riverview | 100 | North Carolina | Salemburg | 220 |
| Florida | Camp Blanding | 250 | Oklahoma | Pryor | 250 |
| Georgia | Fort Gordon | 200 | Oregon | Bend | 220 |
| | Fort Stewart | 200 | Puerto Rico | Fort Allen | 100 |
| Hawaii | Kapolei | 200 | South Carolina | Camp Long | 200 |
| Illinois | Rantoul | 708 | | Columbia | 250 |
| Kentucky | Fort Knox | 220 | Texas | Galveston | 200 |
| Louisiana | Camp Beauregard | 400 | Virginia | Camp Pendleton | 258 |
| | Camp Minden | 225 | West Virginia | Camp Dawson | 200 |
| | Gillis Long | 375 | Wisconsin | Fort McCoy | 200 |
| Maryland | Aberdeen Proving Grounds | 200 | Wyoming | Camp Guernsey | 200 |

*Figure 2. List of ChalleNGe Programs and Graduation Goals for the Reporting Year Addressed in this Report*

## APPENDIX 3. FY2007 ANNUAL BUDGET AND TARGET GRADUATES

(Reference: 2007 National Guard Youth ChalleNGe Program Annual Report; AOC Solutions, Inc)

| FY2007 ANNUAL BUDGET AND TARGET GRADUATES | | | | |
|---|---|---|---|---|
| State | Graduation Target | Federal | State Match @ 40% | Total Federal and State |
| Alabama | 200 | $ 1,680,000 | $ 1,120,000 | $ 2,800,000 |
| Alaska (P) | 125 | $ 1,312,500 | $ 875,000 | $ 2,187,500 |
| Arizona | 200 | $ 1,878,000 | $ 1,252,000 | $ 3,130,000 |
| Nevada | 12 | $ 200,000 | $ 133,333 | $ 333,333 |
| Arkansas | 130 | $ 1,680,000 | $ 1,120,000 | $ 2,800,000 |
| California (Los Alamitos) | 100 | $ 1,600,000 | $ 1,066,667 | $ 2,666,667 |
| California (San Luis Obispo) | 300 | $ 2,970,000 | $ 1,980,000 | $ 4,950,000 |
| District of Columbia | 0 | $ 327,500 | $ 218,333 | $ 545,833 |
| Florida | 250 | $ 2,100,000 | $ 1,400,000 | $ 3,500,000 |
| Georgia Fort Gordon | 400 | $ 3,360,000 | $ 2,240,000 | $ 5,600,000 |
| Georgia Fort Stewart | 400 | $ 3,360,000 | $ 2,240,000 | $ 5,600,000 |
| Hawaii | 200 | $ 1,920,000 | $ 1,280,000 | $ 3,200,000 |
| Illinois | 800 | $ 5,537,200 | $ 3,691,467 | $ 9,228,667 |
| Indiana | 200 | $ 1,680,000 | $ 1,120,000 | $ 2,800,000 |
| Kentucky | 220 | $ 1,920,000 | $ 1,280,000 | $ 3,200,000 |
| Louisiana Camp Beauregard | 400 | $ 3,600,000 | $ 2,400,000 | $ 6,000,000 |
| Louisiana Camp Minden | 200 | $ 2,250,000 | $ 1,500,000 | $ 3,750,000 |
| Louisiana Gillis Long | 400 | $ 3,600,000 | $ 2,400,000 | $ 6,000,000 |
| Maryland | 200 | $ 1,680,000 | $ 1,120,000 | $ 2,800,000 |
| Michigan | 100 | $ 1,050,000 | $ 700,000 | $ 1,750,000 |
| Mississippi | 400 | $ 3,360,000 | $ 2,240,000 | $ 5,600,000 |
| Montana | 200 | $ 1,911,000 | $ 1,274,000 | $ 3,185,000 |
| New Jersey | 200 | $ 1,680,000 | $ 1,120,000 | $ 2,800,000 |
| New Mexico | 200 | $ 1,920,000 | $ 1,280,000 | $ 3,200,000 |
| North Carolina | 235 | $ 1,848,000 | $ 1,232,000 | $ 3,080,000 |
| Oklahoma | 250 | $ 2,400,000 | $ 1,600,000 | $ 4,000,000 |
| Oregon | 220 | $ 2,096,400 | $ 1,397,600 | $ 3,494,000 |
| Puerto Rico (P) | 100 | $ 840,000 | $ 560,000 | $ 1,400,000 |
| South Carolina Camp Long | 200 | $ 1,680,000 | $ 1,120,000 | $ 2,800,000 |
| South Carolina Columbia | 250 | $ 2,100,000 | $ 1,400,000 | $ 3,500,000 |
| Texas | 200 | $ 1,680,000 | $ 1,120,000 | $ 2,800,000 |
| Virginia | 270 | $ 2,276,700 | $ 1,517,800 | $ 3,794,500 |
| West Virginia | 176 | $ 1,680,000 | $ 1,120,000 | $ 2,800,000 |
| Wisconsin | 200 | $ 2,298,600 | $ 1,532,400 | $ 3,831,000 |
| Wyoming | 147 | $ 1,175,600 | $ 783,733 | $ 1,959,333 |
| Sub Total | | $ 72,651,500 | $ 48,434,333 | $ 121,085,833 |
| NGB | | $ 10,979,800 | | |
| Total | 8085 | $ 83,631,300 | | |

## APPENDIX 4: NATIONAL COMPARISON OF LAST CLASS OF FY07

(Reference: 2007 National Guard Youth ChalleNGe Program Annual Report; AOC Solutions, Inc)

**NATIONAL GUARD YOUTH CHALLENGE PROGRAM: NGB CLASS 28**

| | Target | Applied | Accepted | Registered | Enrolled | Graduates | Service Hours | Value of SIC | Matched with Mentors at Graduation | Total Academic Credentials |
|---|---|---|---|---|---|---|---|---|---|---|
| AL | 100 | 137 | 134 | 122 | 61 | 27 | 1824.00 | 34236.48 | 27 | 11 |
| AK | 125 | 278 | 264 | 210 | 177 | 140 | 8,953.50 | $168,057.20 | 140 | 77 |
| AZ | 112 | 137 | 125 | 89 | 82 | 60 | 3,626.75 | $68,074.10 | 57 | 43 |
| AR | 66 | 133 | 87 | 79 | 57 | 37 | 2,411.00 | $45,254.47 | 37 | 26 |
| CA | 150 | 326 | 64 | 54 | 188 | 161 | 11,099.00 | $208,328.23 | 158 | 57 |
| DC | 100 | 44 | 43 | 43 | 24 | 20 | 1,296.00 | $24,325.92 | 20 | 3 |
| FL | 125 | 339 | 178 | 162 | 154 | 129 | 12,161.55 | $228,272.29 | 129 | 94 |
| GA-FG | 145 | 241 | 239 | 221 | 198 | 157 | 11,117.50 | $208,675.48 | 157 | 112 |
| GA-FS | 200 | 335 | 334 | 310 | 270 | 192 | 21,397.00 | $401,621.69 | 192 | 162 |
| HI | 100 | 245 | 145 | 145 | 135 | 110 | 6,240.00 | $117,124.80 | 105 | 98 |
| IL | 354 | 764 | 755 | 652 | 403 | 303 | 16,499.00 | $309,686.23 | 301 | 190 |
| KY | 110 | 185 | 130 | 114 | 94 | 66 | 6,437.50 | $120,831.88 | 66 | 38 |
| LA-CB | 200 | 444 | 338 | 259 | 249 | 200 | 11,043.50 | $207,286.50 | 147 | 99 |
| LA-CM | 125 | 364 | 241 | 192 | 170 | 137 | 8,214.50 | $154,186.17 | 135 | 97 |
| LA-GL | 200 | 421 | 404 | 278 | 270 | 203 | 12,524.50 | $235,084.87 | 202 | 99 |
| MD | 100 | 431 | 175 | 120 | 106 | 85 | 5,647.65 | $106,006.39 | 85 | 37 |
| MI | 100 | 203 | 160 | 146 | 118 | 97 | 4,669.00 | $87,637.13 | 97 | 47 |
| MS | 200 | 547 | 271 | 271 | 248 | 178 | 24,886.70 | $467,123.36 | 178 | 132 |
| MT | 100 | 118 | 115 | 99 | 79 | 51 | 3,393.75 | $63,700.69 | 51 | 40 |
| NJ | 100 | 159 | 170 | 157 | 137 | 100 | 6,076.00 | $114,046.52 | 100 | 104 |
| NM | 100 | 169 | 153 | 135 | 102 | 79 | 4,817.75 | $90,429.17 | 79 | 41 |
| NC | 110 | 329 | 261 | 165 | 131 | 105 | 11,806.15 | $221,601.44 | 105 | 77 |
| OK | 125 | 298 | 173 | 155 | 93 | 77 | 9,128.75 | $171,346.64 | 77 | 50 |
| OR | 110 | 195 | 156 | 152 | 134 | 109 | 11,645.00 | $218,576.65 | 109 | 41 |
| PR | 100 | 210 | 179 | 110 | 101 | 90 | 7,284.00 | $136,720.68 | 90 | 90 |
| SC-CL | 100 | 154 | 140 | 122 | 93 | 54 | 5,280.00 | $99,105.60 | 54 | 23 |
| SC-CO | 125 | 361 | 193 | 164 | 141 | 92 | 6,066.50 | $113,868.21 | 92 | 52 |
| TX | 100 | 174 | 138 | 138 | 123 | 85 | 7,464.50 | $140,108.67 | 76 | 36 |
| VA | 129 | 269 | 195 | 195 | 178 | 139 | 12,621.00 | $236,896.17 | 139 | 85 |
| WV | 100 | 225 | 156 | 114 | 109 | 70 | 4,160.50 | $78,092.59 | 69 | 51 |
| WI | 100 | 186 | 133 | 117 | 95 | 71 | 5,392.05 | $101,208.78 | 71 | 65 |
| WY | 100 | 72 | 66 | 51 | 35 | 31 | 2012.50 | $37,774.63 | 30 | 29 |
| Totals | 4,111 | 8,493 | 6,315 | 5,341 | 4,555 | 3,455 | 267,197.00 | $5,015,289.57 | 3,375 | 2,084 |

attachment 3

3/05/09
(3)

# North Carolina National Guard
## Tarheel ChalleNGe Youth Program

**Recommendation:**

The Department of Crime Control and Public Safety and the North Carolina National Guard recommend continuation of full funding, $1.293 million, for the Salemburg, North Carolina academy and a gradual expansion of the program to a second and third site with a goal to graduate 1000 cadets per year.

**What is the Tarheel ChalleNGe Youth Program:**

- Joint Federal/State program that began in 1993
- Program for at-risk High School dropouts from 16-18 years old
- 22-week in-residence program followed by a one year mentorship
- Structured, disciplined environment with focus on developing life skills and educational growth
- Currently conducted at one site only, in Salemburg, North Carolina
- ChalleNGe is a one-of-a-kind program in North Carolina

**Tarheel ChalleNGe Goals:**

- Graduate 95% of annual target of 110 cadets each class, with 2 classes each calendar year
  - **Graduated 101% of target**
- Increase TABE score by at least one grade level in Math and Reading
  - **97.5% increased TABE scores by at least one grade level, with average increase of 2.1 for Math and 1.7 for Reading**
- 70% of graduating cadets earning their GED
  - **73% have earned their GED**
- 100% of graduating cadets have qualified mentor prior to graduation
  - **100% qualified mentors assigned by graduation**
- 75% placement within one year of graduation
  - **67% placement within one year**
- Each graduating cadet perform a minimum of 40 hours of community service
  - **Each cadet averaged over 100 hours community service to include the Page program**

**Tarheel ChalleNGe Costs:**

- $14,000 per graduate = $3.1 million for 220 graduates and $3.5 million for 250 graduates
  - 60% federal = $1.86 million/$2.1 million
  - 40% state = $1.24 million/$1.4 million
- **Cost to the State per Graduating Cadet**
  - $5,600 annually
  - **$36.36 per in-residence day**

**Benefits of Tarheel ChalleNGe to North Carolina:**

- 2,652 graduates since program inception, with over 70% receiving their GED and increased life skills that lead to a significantly more productive North Carolina citizen than a dropout
- $31,929,500 in federal funding received
- Over 230,000 hours of public service provided
- According to the Friedman Report, each productive citizen saves the State what it spends annually on each high school dropout ($4,437) (Friedman Report)
  - By paying taxes/fees (state loses $995/dropout/year)
  - By staying off Medicaid roles (state pays $1,496/dropout/year)
  - By staying out of jail (state pays $1,946/dropout/year)

**Expansion of Tarheel ChalleNGe Youth Program:**

With North Carolina averaging over 20,000 high school dropouts annually, the highly successful Tarheel ChalleNGe Youth Program operated in Salemburg, North Carolina is physically constrained and can only accommodate a maximum of 250 graduates each year. Each class sees an average of over 200 applicants that cannot be accepted. Additionally, only one Tarheel ChalleNGe site located in the southeastern part of the state severely limits the number of applications from western and northeastern North Carolina. The goal of the North Carolina National Guard is to gradually expand to a second and third site to enable the annual graduation of 1000 cadets.

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 5, 2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Meenal Khajuria | NC Metro Mayors |
| Aaron Gallegher | OSBM |
| Mildred Spearmen | NCDOC |
| Martin Phann | DJJDP |
| Keith Sutton | DJJDP |
| John W Smith | AOC |
| CASANDRA WHITE | AOC |
| Faith Everett | CJPC |
| Daniel Bacon | K+L GATES |
| Michael Hutson | MWC |
| Charlie Mann | |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 5, 2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Edward M. Toler | Tarheel Challenge Academy PO Box 39, Salemburg NC 28385 |
| Tom Bowlin | NC National Guard |
| Chris Marchese | NC. National Guard |
| Jeff Brotherton | NC National Guard |
| Iwan Clontz | NCNG |
| Rudy Rudisill | CCPS |
| Reuben Young | CCPS |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control and Public Safety |
| Neil Woodcock | CCPS, LESS |
| Jeff Gurry | NCFOP |
| | |
| | |

Rm. 415

House Pages

Justice and Public Safety

Name Of Committee: _____ Date: 3-5-09

House

1. Name: Melissa Young
   County: Caswell
   Sponsor: Rep. Bill Faison
2. Name: Sean Hartness
   County: Vance
   Sponsor: Crawford
3. Name: Michael Wolfe
   County: Durham
   Sponsor: Sen. McKissick
4. Name: Joseph Clay
   County: Rutherford
   Sponsor: Sen. Clary
5. Name: _____
   County: _____
   Sponsor: _____

Sgt-At-Arms

1. Name: Bob Rossi — Charles Marshall
2. Name: FRANK PREVO — Mary Perry
3. Name: _____
4. Name: _____

# MINUTES
# JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

March 10, 2009

The Joint Appropriations Subcommittee on Justice and Public Safety met at 9:00 a.m. on Wednesday, March 10, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Spear, Vice-Chair Representative Sutton, Vice-Chair Representative Warren, Representative Boles, Representative Goodwin, Representative Guice, Representative Hurley, Representative Jackson, Representative Justus, Representative Mobley, and Representative Randleman and Representative Stevens. The following Senate Members were present: Co-Chair Senator Kinnaird, Senator Apodaca, Senator Bingham, Senator Brunstetter and Senator Jones. Denise Thomas, Doug Holbrook, John Poteat, Jean Sandaire, and Danielle Seale of Fiscal Research were also in attendance. A visitor registration sheet is attached and made part of these minutes.

Representative Bordsen called the meeting to order and recognized Pages and Sergeants-at-Arms. She briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Bordsen recognized Susan Katzenelson of the North Carolina Sentencing and Policy and Advisory Commission for a presentation on risk and needs assessment. Her presentation is included and made part of these minutes.

Ms. Katzenelson gave a brief history of how the Sentencing Commission came to study risk assessment tools. She noted the full report from the Sentencing Commission on the risk and needs assessment instrument has just been completed and will be available on the website. She informed the Subcommittee that risk assessment instruments have been validated by research and are being used around the country. The Commission studied and identified what parts of the criminal justice system would benefit from a risk assessment instrument. The Commission's risk assessment instrument calculates a risk score for offenders. This score is a predictor of recidivism. The Commission found an amazingly high correlation between an offender's risk number and recidivism.

Ms. Katzenelson explained the Commission's methodology. The Commission looked at types of punishment; past prison sentences make offenders more likely to recidivate and that makes offenders' scores higher. Past behavior is a strong predictor of future behavior. Other factors included in the risk score include number of prior convictions, length of criminal history, current offense class, current maximum sentence length, etc. Some social factors were included in combination with criminal record factors. The score that is derived from these factors is the probability of re-offending.

Ms. Katzenelson informed the Subcommittee that the Sentencing Commission is currently working on ways to use the risk assessment instrument to take it from a retrospective tool to a prospective tool in order to assist policy makers handle the offender population based on risk of re-offense.

Representative Bordsen asked a question. She inquired as to whether it was accurate to assume the challenge for legislators is to look for ways to address the middle group of offenders,

those that stand to benefit the most from programs to keep them from re-offending and also those that are the greatest risk of re-offending.

Susan Katzenelson responded that yes, it was a valid point. The past is past. The moving target is the future predictions. Members can either let the risk assessment play out or they can try and do more fro the middle group with the thought that policy addressing this group might make the biggest difference.

Representative Bordsen recognized Tim Moose, Acting Director for the North Carolina Department of Correction Division of Community Corrections. Mr. Moose thanked the Subcommittee for the opportunity to present and asked that Nicole Sullivan present on the NC Department of Correction risk and needs assessment within the Department. Her presentation is included and made part of these minutes.

Ms. Sullivan began by outlining what the Division of Community Corrections is doing currently with regards to risk and needs assessment. Ms. Sullivan noted the Division is using evidence-based practices of which the risk/needs assessment is a primary component. The risk/needs assessment tools uses judgment, offender traits inventory, offender self report, and office interview and impressions to determine the risk and needs of an offender. The risk and needs assessment process identifies risk of re-arrest, identifies criminogenic needs (crime-producing behavior), and guides referrals to treatment services and interventions likely to minimize the risk of re-arrest.

Ms. Sullivan informed that the risk/needs assessment is being administered statewide. Supervising officer administers the tools within 60 days of receiving the case. Risk/needs assessment data is used in case planning in ten pilot areas. The long term goals for the Division for the risk/needs assessment is are to establish supervision standards based on risk; revise workload distribution for officers based on risk and needs of offenders; and enhance information sharing between criminal justice stakeholders related to risk and needs of offenders. The next steps the Division will take include continuing to collect data through 2010 to support validation of the risk/needs assessment; staff development and training; automated case planning and policy updates.

Hearing no questions, Representative Bordsen recognized Tom Maher, Director of the Office of Indigent Defense for remarks on Sentencing Services. Mr. Maher shared with the Subcommittee some remarks from Judge Jay Hockenbury in support of Sentencing Services. He then asked that Carolyn Bidwell be recognized for a presentation.

The Chair recognized Carolyn Bidwell, Regional Administrator for Sentencing Services for a presentation on the level of service inventory. Her presentation is included and made part of these minutes.

Ms. Bidwell noted that Sentencing Services saved the state of North Carolina $13 million in the last fiscal year while only costing $2.5 million. Sentencing Services provides more information about offenders to the judges at the time of sentencing. Sentencing Services improves public safety because judges have better information to determine which offenders belong in prison and which would benefit from community programs. The Sentencing Services plans are based on science. The risk tool not only determines the offender's risk to the community, but it also provides information on what to do with the offender, how he or she

should be treated. Putting people on probation or in prisons inappropriately is a waste of resources.

The Chair recognized Senator Kinnaird for a question. She inquired about specific treatment that Sentencing Services recommends.

Ms. Bidwell responded that they recommend a variety of treatments and always work to find treatments that do not cost the state money.

Senator Kinnaird was recognized for a follow up question. She asked for a specific example of a treatment program.

Ms. Bidwell responded that they find low-level treatment facilities such as hospitals and community programs if appropriate for the needs of the offender.

There being no further business, Representative Bordsen adjourned the meeting at 9:55 a.m.

Respectfully submitted,

Alice L Bordsen

Representative Bordsen
Presiding Chair

Michelle Hall
Committee Assistant

**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**March 10, 2009 9:00 A.M.**

**I. CALL TO ORDER**

Chairs: Senator Ellie Kinnaird
Senator John Snow
Representative Alice Bordsen, Presiding
Representative Jimmy Love

**II. PRESENTATIONS**

Opening Remarks by Chairs

Risk and Needs Assessment in Criminal Justice Decision Making

*Susan Katzenelson, Director*
*NC Sentencing and Policy Advisory Commission*

Risk and Needs Tools: Usage and Status

*Tim Moose, Acting Director*
*NC Division of Community Corrections*

The Level of Service Inventory: Sentencing Services Program

*Carolyn Bidwell, Regional Administrator*
*Sentencing Services*

Committee Discussion

**III. OTHER BUSINESS:** Next meeting - Wednesday, March 11th at 9:00 a.m.

**IV. ADJOURNMENT**

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 10, 2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Carolyn Bidwell | DSS / IDS |
| Keith Sutton | DJJDP |
| Louise Davis | ReEntry Inc. P.O. Box 724 Raleigh NC 27602 |
| Lisa Rabbett | CJPC |
| Ellen Clarke | Women At Risk PO Box 7472, Asheville, NC 28802 |
| Jason Chapple | Cumberland County Schools |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Pub. Safety |
| ANTHONY AMON | NCACC |
| Mildred Spearman | NCDOC |
| Nicole Sullivan | NCDOC |
| Karen Buck | NCDOC |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 10, 2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| David Lagos | Sentencing Commission |
| marlee Garrett | Sentencing Commission |
| Jim Moose | NC DOC - ACC |
| Tom Bennett | NC-VAN |
| Frank Rogers | NC DOC |
| Thomas Maher | IDS |
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| Kathy Johnson | Sentencing Services |
| Doug Lance | ACPP, Inc. & Sentencing Services, Criminal Justice Partnership - Gaston / Cleve |
| Pam Mowery | APO, WC - SENTENCING SERVICES 22nd / CJPP - DREDELL / RE-ENTRY / YOUTH INCENTIVE PRO |
| Joyce Kuhn | OCAS, Inc Sentencing Services . PreTrial Services |

## VISITOR REGISTRATION SHEET

JPS — Name of Committee

03.10.09 — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Diana Jones | Pretrial Resource Inc, Jack, NC |
| Faith Everett | |
| Todd Nuccio | 26TH JUDICIAL DISTRICT |
| Daniel Baum | K+L GATES |
| Kim Gauch | NCBA |
| Maureen Kinnegan | DA's office - Moore County |
| Sean Ferguson | Ferguson Property Services - Litchfield Ch |
| Becky Carlson | 19B ID Sentencing Services |
| Brandy Bynum | Action for Children NC |
| Karen Gregory | Parole Comm. - Lyon Mills Rd |
| Charlie Mann | Parole |

# VISITOR REGISTRATION SHEET

JPS — Name of Committee

03.10.09 — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| John W Smith | AOC |
| Heather White | AOC |
| Colleen Kochanek | Chief |
| Kelly Graham | NC Advocates for Justice |
| Seth Dearmin | DOJ |
| Jenni Lancaster | DOC |
| Alan Kelly | DOC |
| Jordan Schrader | press - AGT |
| Fred Aikens | The Aikens' Group LLC |
| S. Katherine Olson | Sentencing Com. |
| | |

# VISITOR REGISTRATION SHEET

JPS — Name of Committee

03.10.09 — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Dan McCorkle | SAS |
| Heather Cox | SAS |
| Kenny Hawkins | SAS |
| Ellen Price | Women at Risk - WCC |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

House Pages

Appropriations Justice and Public Safety 3-10-09

Name Of Committee: _____ Date: _____

HOUSE

1. Name: Joshua Douglas
   County: Wake
   Sponsor: Rep. Stam
2. Name: Rachel Douglas
   County: Wake
   Sponsor: Rep. Stam
3. Name: Anu Singh
   County: Wake
   Sponsor: Senator Stevens

SENATE

4. Name: Victoreah Brunson
   County: Guilford
   Sponsor: Rep. Jones
5. Name: Kevin Adams
   County: Harnett
   Sponsor: Blake

Sgt-At-Arms

HOUSE

1. Name: CHARLES WILLIAMS
2. Name: FRANK PREVO
3. Name: _____
4. Name: _____

SENATE

MARY PERRY

CHARLES MARSALIS

**North Carolina Sentencing and Policy Advisory Commission**
**Risk Scoring: Summary of Findings and Recommendations**

The Sentencing Commission finds that a risk assessment instrument is a valuable informational tool for understanding the risks posed by defendants at various stages of the criminal justice system. By providing an objective measure of an individual's likelihood of engaging in certain behaviors, a risk assessment allows officials to make better-informed and more consistent decisions.

The Commission finds that structured sentencing already takes account of several recidivism risk factors by considering the offender's prior criminal history. The Commission also recognizes and supports the Department of Correction's uses of risk assessments for post-sentencing decision-making. The Commission believes that it is appropriate to consider information about a defendant's risk level in making pre-sentencing decisions about bail, pretrial release, charging, and plea negotiation. Therefore, the Commission directs the staff to develop risk assessment tools for discretionary use statewide by magistrates, judges, prosecutors, and defense attorneys at the decision points prior to sentencing.

## Sentencing Commission's Recidivism Reports

- Five biennial recidivism studies have been conducted.
- The reports have examined the recidivism of approximately 300,000 offenders.
- Three measures of recidivism have been used: arrest, conviction, and incarceration.
- Each study has used a fixed follow-up period ranging from 2-4 years.

## Risk: Major Findings from the Recidivism Reports

- The risk score has proven to be one of the most comprehensive predictive measures of recidivism.
- The risk score assigned to an offender is based upon a combination of pre-existing personal and criminal history factors.
- Findings indicate that as risk level increases, so does the rate of rearrest.
- As the type of punishment increases from community to intermediate to prison, risk level increases.
- When looking at offender risk level and type of punishment, offender risk level is more important in predicting rearrest.

## Variables Included in the Risk Score

*Risk is a composite measure based on individual characteristics identified in the literature – and validated empirically with data – as increasing or decreasing an offender's risk of being rearrested. These characteristics include:*

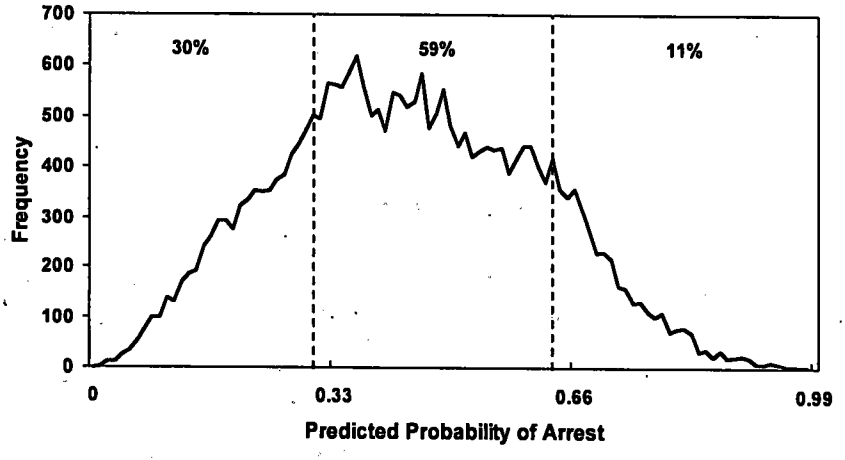
***Social Factors***

- Age when placed on probation or released from prison
- Marital Status
- Employment status at time of arrest for the offense that placed the offender in the sample
- History of substance abuse problems as indicated by prison or probation assessment

***Criminal Record Factors***

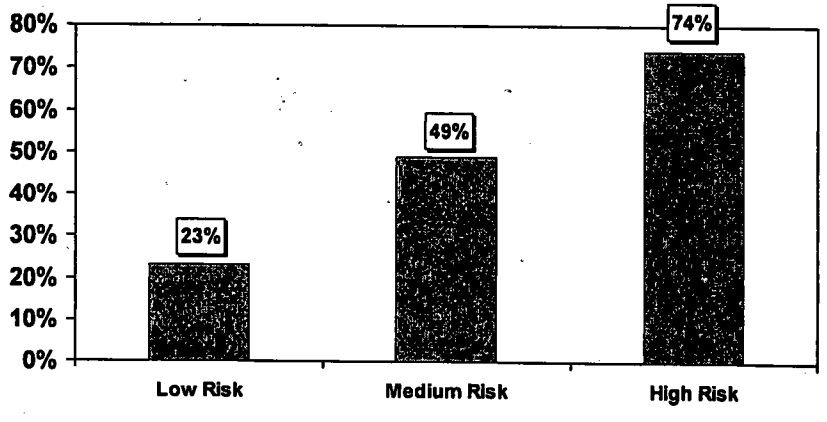
- Age at first adult arrest
- Length of criminal history
- Number of prior convictions
- Prior drug arrest
- Most serious prior arrest
- Number of prior incarcerations
- Number of prior probation/parole sentences
- Number of prior probation/parole revocations
- Current offense class
- Current maximum sentence length

## Distribution of Risk Scores



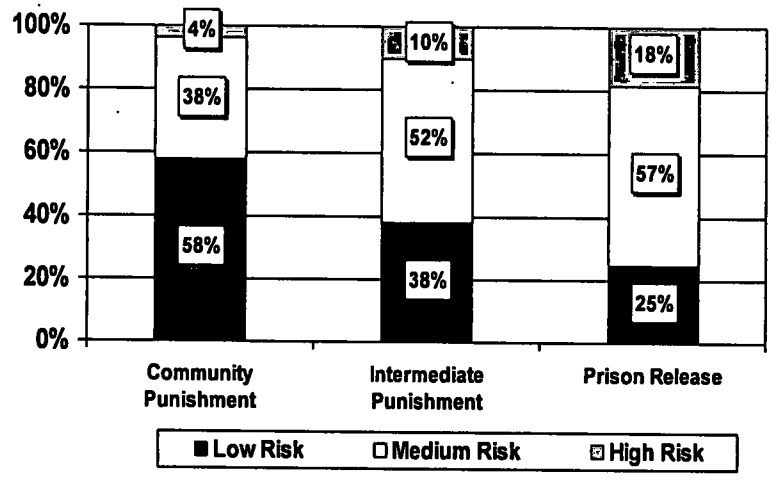

Source: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

## Rearrest Rates by Offender Risk Level



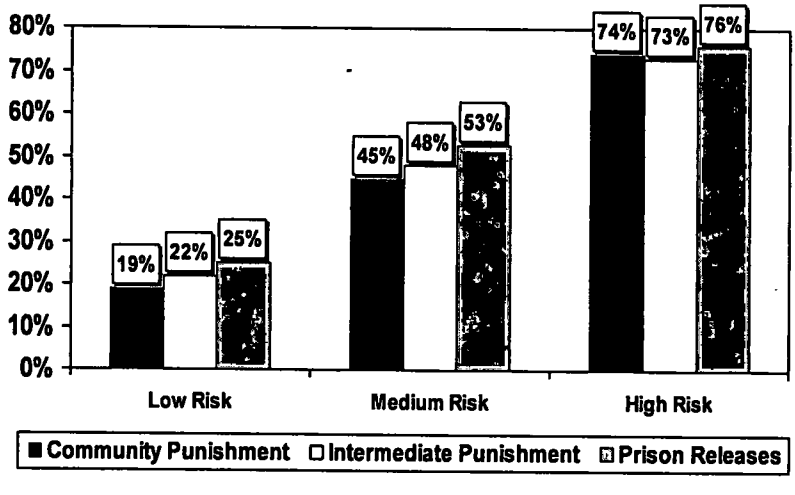

Source: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

## Offender Risk Level by Type of Punishment




Source: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

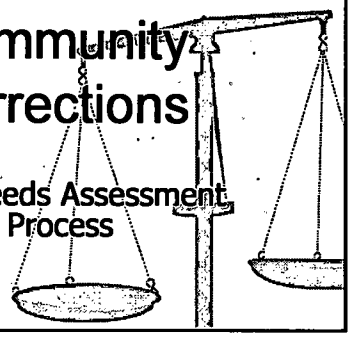
## Rearrest Rates by Type of Punishment and Offender Risk Level




Source: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

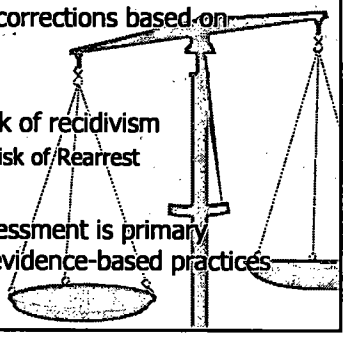
# Division of Community Corrections

## Risk/Needs Assessment Process



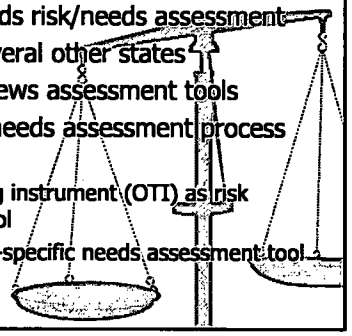
## Evidence-Based Practices

- What works in corrections based on empirical data
- Reduces the risk of recidivism
  - Recidivism = Risk of Rearrest
- Risk/Needs assessment is primary component of evidence-based practices



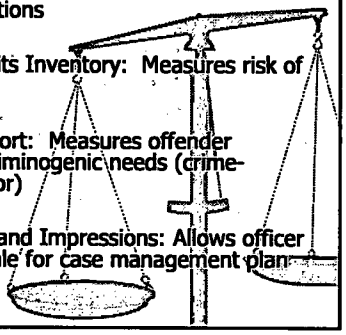
## NCDOC Background

- NIC recommends risk/needs assessment
- Team visits several other states
- Task force reviews assessment tools
- Develops risk/needs assessment process (RNA)
  - Adopts existing instrument (OTI) as risk assessment tool
  - Develops DOC-specific needs assessment tool



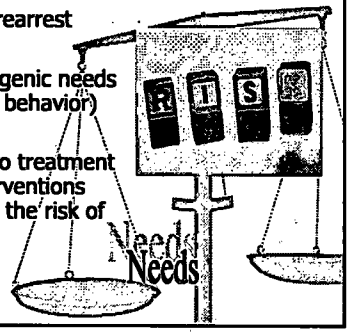
## Risk/Needs Assessment Tools

- Judgment: Sets forth court-ordered conditions and recommendations
- OTI-Offender Traits Inventory: Measures risk of rearrest
- Offender Self Report: Measures offender motivation and criminogenic needs (crime-producing behavior)
- Officer Interview and Impressions: Allows officer to express rationale for case management plan



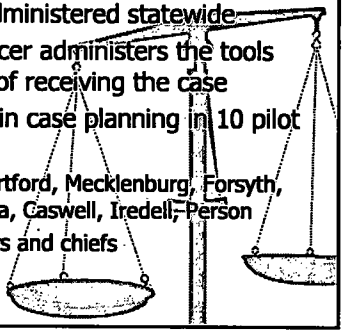
## Risk/Needs Assessment Process

- Identifies risk of rearrest
- Identifies criminogenic needs (crime-producing behavior)
- Guides referrals to treatment services and interventions likely to minimize the risk of rearrest



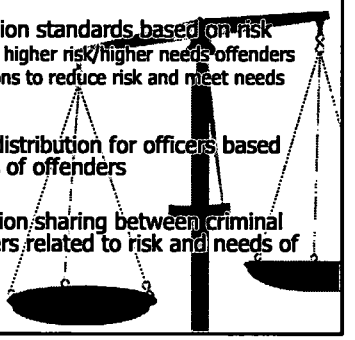

## Current Status

- RNA is being administered statewide
- Supervising officer administers the tools within 60 days of receiving the case
- RNA data used in case planning in 10 pilot areas
  - Pitt, Lenoir, Hertford, Mecklenburg, Forsyth, Moore, Catawba, Caswell, Iredell, Person
  - Selected officers and chiefs



## Long-Term Goals

- Establish supervision standards based on risk
  - More contacts for higher risk/higher needs offenders
  - Target interventions to reduce risk and meet needs (ex. CJPP)
- Revise workload distribution for officers based on risk and needs of offenders
- Enhance information sharing between criminal justice stakeholders related to risk and needs of offenders

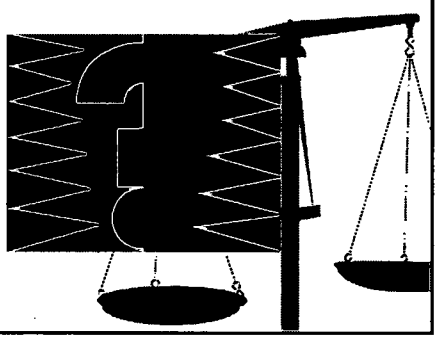


## Next Steps

- Validation
  - Risk tool is operational; needs tool is collecting data through 2010 to support validation
- Staff Development and Training
- Automated Case Planning
- Policy Updates



## Questions



STATE OF NORTH CAROLINA
THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DISTRICT 5

**Jay D. Hockenbury**
Resident Superior Court Judge

New Hanover County Judicial Building
316 Princess Street
Wilmington, NC 28401

Office: (910 ) 341-1141
Fax : (910) 341-4071

March 8, 2009

North Carolina General Assembly
Joint Appropriations Subcommittee on Justice and Public Safety

Dear Committee Members:

I am writing this letter to you concerning the continuation and, when prudent, increased funding of Sentencing Services and requesting that Sentencing Services funding be included in the Governor's budget. As a Superior Court judge, I frequently use the program in two ways. The first is to get detailed information, including risk assessment, about a defendant that is on the borderline of getting active prison time. The more information I have, the better I can do my job as a trial and sentencing judge. Secondly, Sentencing Services is the only state agency that has up to the day information on all the current sentencing alternatives to prison, particularly long term treatment facilities. This allows me to better tailor the punishment to the defendant. There is no doubt that because of the information provided to me by the program many defendants are not incarcerated in the Department of Corrections but rather have intensive intermediate probationary punishment, many in long term treatment facilities.

I recommend an average of two cases a week to Sentencing Services during criminal administrative or probation weeks of court. Now only judges can refer defendants to the program if the defendant has been charged with a probation revocation. Our criminal judicial system is becoming more plea and probation driven than trial driven and I suggest that legislation be submitted that attorneys, DA's and probation officers, as well as judges, be able to refer these defendants to the Sentencing Services program.

I think so highly of the program that I am on the local Sentencing Services Board for New Hanover County. Any help that your office could give this program, which greatly assists me in performing my duties as a Superior Court judge, would be most appreciated.

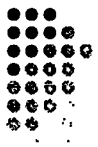
Very truly yours,

Jay D. Hockenbury

Jay D. Hockenbury

# Sentencing Services

Improving Public Safety in a Fiscal Crisis



## Savings Occur When We Can Identify Offenders Who:

- Are prison bound absent intervention
- Present less risk to society
- Face revocation for technical violations
- Have costly medical needs

## Sentencing Services' Cost Savings

Cost to imprison defendants diverted by Sentencing Services FY 07-08:

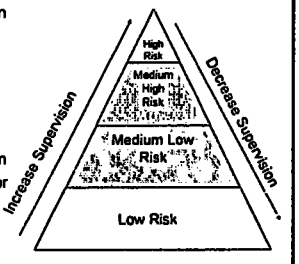
**$20-25 million**

Savings achieved by Sentencing Services' work:

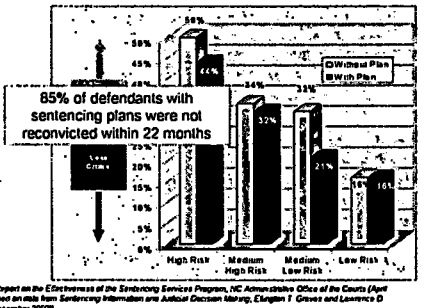
**$13-18 million**

## Sentencing Services Increases Public Safety

- Judges have better information about risk to re-offend and treatment available
- Probation can prioritize their supervision resources early in the process
- Appropriate treatment interventions reduce recidivism
- Treatment can be initiated prior to the plea

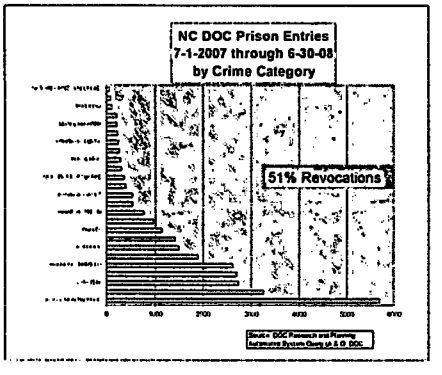



## Arrest Rate for Defendants With and Without Sentencing Plans




Source: Report on the Effectiveness of the Sentencing Services Program, NC Administrative Office of the Courts (April 2007) (based on data from Sentencing Information and Judicial Decision Making, Elington T. Graves and Lawrence D. Vickers (December 2003))

## Who Goes to Prison



## Sentencing Services Uses Risk Assessment

- Supported by the research
- Saves the state money by promoting wise use of corrections and treatment resources
- Increases public safety by identifying high risk offenders

## History of Sentencing Services and Risk Assessment

- 1984 The Prison Risk Instrument
- 1998 NIC assists Sentencing Services in identifying a risk assessment tool
- 1998 Sentencing Services adopts use of Level of Service Inventory Revised (LSI-R)
- 2000 Research is conducted to make the LSI-R more predictive with North Carolina offenders

## Level of Service Inventory Revised (LSI-R)

- Based upon validated research
- 54 questions completed by an trained interviewer
- Covers 10 subscales
- Results:
  - Risk score
  - Risk areas
  - Strengths

## Levels of Risk

- Low
- Medium Low
- Medium High
- High

## Risks and Strengths

**Identify the highest risk areas to target for change and have the best chance to reduce recidivism.**

| Subscales | Intervention Indicated | Indicators of Success |
|---|---|---|
| Education Employment | Employment assistance/Job Links | Has a job |
| Financial | Financial planning | Can pay fines |
| Family Marital | Counseling | Has family support |
| Accommodation | Assistance in relocation | Has a stable home |
| Leisure Recreation | Help identify pro-social activities | Likes organized activities |
| Companions | Encourage pro-social friends | Has supportive friends |
| Alcohol Drug Problem | Coordinate treatment | No drug/alcohol problem |
| Emotional Personal | Find a treatment resource | Emotionally stable |
| Attitudes Orientation | Cognitive Behavioral Intervention | Good attitude |

## Appropriate Use of Treatment Resources

**Risk score combined with the Adult Substance Use Survey (ASUS) score = appropriate level of treatment**

AOD Transformation Table

| | ASUS Disruption 1 Score | | | |
|---|---|---|---|---|
| LSI-R | 0 - 20 | 21 - 40 | 41 - 60 | 61 - 80 |
| 0 - 13 | No Treatment | Urinalysis Dr&Alc Ed | Weekly OP | Intensive OP |
| 14 - 20 | Urinalysis Dr&Alc Ed | Weekly OP | Intensive OP | Residential Treatment |
| 21 - 27 | Weekly OP | Intensive OP | Residential Treatment | Therapeutic Community |
| 28 - 54 | Intensive OP | Residential Treatment | Therapeutic Community | Further Assess |

**Questions?**



## SUPPORT FROM THE JUDICIARY

Sentencing Services' programs are directed by G.S. 7A-774 to prepare a local program plan for service delivery in the superior court district served. The local program plan must include:

- Goals and objectives
- Specification of categories of defendants for whom programs will provide sentencing information to the courts
- Procedures for the identification of appropriate defendants
- Procedures for preparing and presenting plans to the court
- Strategies for ensuring that judges and court officials use the program's services
- Procedures for obtaining services from existing public or private agencies
- A detailed budget for staff and all other costs.

Programs are required to review the program plan with the Senior Resident Superior Court Judge annually. The Office of Sentencing Services uses these comprehensive local program plans to measure judicial support each year.

The table that follows shows the districts in which Senior Resident Superior Court Judges endorsed the local program plan for Fiscal Year 2007-2008:

| JD | FY 07-08 | Sr. Res. Superior Court Judge | JD | FY 07-08 | Sr. Res. Superior Court Judge |
|---|---|---|---|---|---|
| 3B | Endorsed | Benjamin Alford | 15B | Endorsed | Carl Fox |
| 4A | Endorsed | Russell J. Lanier, Jr. | 16A | Endorsed | Richard T. Brown |
| 4B | Endorsed | Charles H. Henry | 16B | Endorsed | Robert F. Floyd, Jr. |
| 5 | Endorsed | W. Allen Cobb, Jr. | 17A | Endorsed | Ed Wilson |
| 6A | Endorsed | Alma L. Hinton | 17B | Endorsed | Moses Massey |
| 6B | Endorsed | Cy A. Grant | 18 | Endorsed | Catherine Eagles |
| 7A | Endorsed | Quentin T. Sumner | 19A | Endorsed | W. Erwin Spainhour |
| 7B/C | Endorsed | Frank R. Brown | 19B | Endorsed | V. Bradford Long |
| 8A | Endorsed | Paul L. Jones | 19D | Endorsed | James M. Webb |
| 8B | Endorsed | Jerry Braswell | 22 | Endorsed | Mark E. Klass |
| 9A | Endorsed | W. Osmond Smith, III | 23 | Endorsed | Edgar B. Gregory |
| 10 | Endorsed | Donald W. Stephens | 24 | Endorsed | James L. Baker, Jr. |
| 11A | Endorsed | Thomas H. Lock. | 25A | Endorsed | Beverly T. Beal |
| 11B | Endorsed | Franklin F. Lanier | 25B | Endorsed | Timothy S. Kincaid |
| 12 | Endorsed | E. Lynn Johnson | 26 | Endorsed | Robert Johnston |
| 13A | Endorsed | Douglas B. Sasser | 27A | Endorsed | Jesse B. Caldwell, III |
| 13B | Endorsed | Ola M. Lewis | 27B | Endorsed | F. Donald Bridges |
| 14 | Endorsed | Orlando F. Hudson, Jr. | 29A | Endorsed | Laura J. Bridges |
| 15A | Endorsed | J. B. Allen, Jr. | | | |

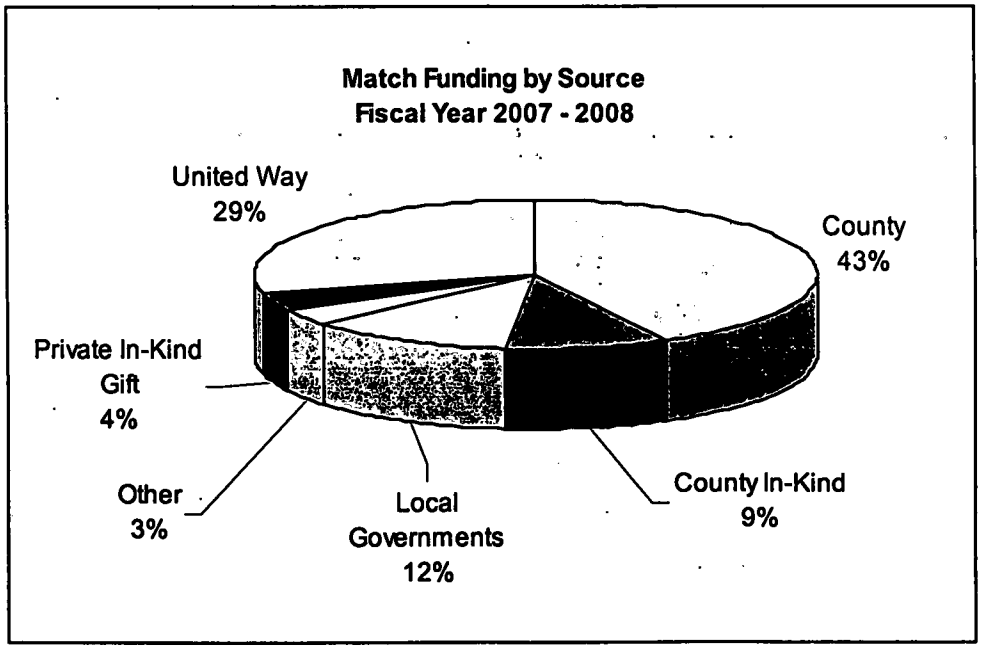
### Comments from Judges on Local Program Plans FY 07-08

*6A* *"Doing a wonderful job, happy to have this program."*
*6B* *"Mr. Faithful is doing an excellent job."*
*10* *"Outstanding Program!"*
*14* *"Excellent program."*
*15A* *"They do a very good job."*
*15B* *"Excellent program."*
*19B* *"Highly recommended program-This is needed and vital to our district."*

## LOCAL FISCAL SUPPORT

The Office of Sentencing Services requires non-profit organizations receiving Sentencing Services grants to raise as match 10% of their operating budgets from local, non-state-funded resources. In Fiscal Year 2007-2008, the Sentencing Services non-profit programs raised in excess of $316,619 in monetary and in-kind match contributions for sentencing services purposes. The match sources represented the following:

Ashe County
Bladen County
Brunswick County
Burke County
Caldwell County
Catawba County
City of Durham
City of Jacksonville
Columbus County
Cumberland County
First Offender Program
Foundation for the Carolinas
Fundraisers
Guilford County
Harnett County
High Country United Way
Iredell County Government
Johnston County
Lenoir County
Leonard Sossomon
Mecklenburg County
Mitchell County
Nash County
Onslow County
Orange County
Private Contributors
Rockingham County
Town of Carrboro
Town of Chapel Hill
Town of Hillsborough
Triangle United Way
United Way of Central Carolinas
United Way of Davie County
United Way of Gaston and Cleveland Counties
United Way of Greater Greensboro
United Way of Iredell
United Way of Iredell County Emerging Needs
United Way of Surry
United Way - Chatham County
Wake County
Watauga County
Wayne County
Wilkes County
Wilson County
Yadkin County



RCC7601 SID#=NC9999999A

Name: Elizabeth Laura Wells Identifying Number: SS#000-12-3456

Date of Birth: 03/04/76 Sex: M (F) Date: 03/07/00

Referral Source: Attorney Reason for Referral: SP

Disposition: Present Offences: (F) Poss. Stolen Goods, (F) PWISD Cocaine, (M) Poss. Marijuana, (M) Poss. Drug Paraphernalia

# LSI-R: The Level of Service Inventory • Revised

by D. A. Andrews, Ph.D., and James L. Bonta, Ph.D.

MHS

The LSI-R is a quantitative survey of attributes of offenders and their situations relevant to the decisions regarding level of service. The LSI-R is composed of 54 items. Items are either in a "yes-no" format, or in a "0-3" rating format, based on the following scale:

3: A satisfactory situation with no need for improvement

2: A relatively satisfactory situation, with some room for improvement evident

1: A relatively unsatisfactory situation with a need for improvement

0: A very unsatisfactory situation with a very clear and strong need for improvement

Place an "X" over the appropriate response for each question, whether it be a simple "yes" or "no", or a rating number. The answers will transfer through to the scoring sheet beneath for quick tallying of the LSI-R score. Be sure to see the manual for guidelines on rating and scoring. For missing information, circle the question number.

TRAINING SAMPLE

## Criminal History

| | | | |
|---|---|---|---|
| No | X Yes | 1. | Any prior adult convictions? Number: 3 |
| No | X Yes | 2. | Two or more prior convictions? |
| No | X Yes | 3. | Three or more prior convictions? |
| No | X Yes | 4. | Three or more present offenses? Number: 4 |
| X No | Yes | 5. | Arrested under age 16? |
| X No | Yes | 6. | Ever incarcerated upon conviction? |
| X No | Yes | 7. | Escape history from a correctional facility? |
| X No | Yes | 8. | Ever punished for institutional misconduct? Number: 0 |
| X No | Yes | 9. | Charge laid or probation/parole suspended during prior community supervision? |
| No | X Yes | 10. | Official record of assault/violence? |

## Education/Employment

When in labor market:

| | | | |
|---|---|---|---|
| X No | Yes | 11. | Currently unemployed? |
| X No | Yes | 12. | Frequently unemployed? |
| X No | Yes | 13. | Never employed for a full year? |
| No | X Yes | 14. | Ever fired? |

School or when in school:

| | | | |
|---|---|---|---|
| X No | Yes | 15. | Less than regular grade 10? |
| No | X Yes | 16. | Less than regular grade 12? |
| X No | Yes | 17. | Suspended or expelled at least once? |

For the next three questions, if the offender is a homemaker or pensioner, complete #18 only. If the offender is in school, working, or unemployed, complete #18, #19 and #20. If the offender is unemployed, rate 0.

| | | | |
|---|---|---|---|
| 3 2 1 X | | 18. | Participation/performance |
| 3 2 X 0 | | 19. | Peer interactions |
| 3 2 1 X | | 20. | Authority interactions |

## Financial

| | | | |
|---|---|---|---|
| 3 2 X 0 | | 21. | Problems |
| X No | Yes | 22. | Reliance upon social assistance |

Copyright © 1995, Multi-Health Systems Inc. All rights reserved. In the U.S.A., 908 Niagara Falls Boulevard, North Tonawanda, NY 14120-2060, (800) 456-3003. In Canada, 65 Overlea Boulevard, Suite 210, Toronto, Ontario M4H 1P1, (800) 268-6011, (416) 424-1700, fax (416) 424-1736.

# LSI-R: The Level of Service Inventory - Revised

by D. A. Andrews, Ph.D., and James L. Bonta, Ph.D.

Remember, the rating scale is as follows:

TRAINING SAMPLE

1: A satisfactory situation with no need for improvement
1: A relatively satisfactory situation with some room for improvement evident
1: A relatively unsatisfactory situation with a need for improvement
0: A very unsatisfactory situation with a very clear and strong need for improvement

| | | Question Numbers |
|---|---|---|
| **Family/Marital** | | |
| Dissatisfaction with marital or equivalent situation | 3 2 1 X | 23. |
| Non-rewarding, parental | 3 2 1 X | 24. |
| Non-rewarding, other relatives | 3 2 1 X | 25. |
| Criminal-Family/Spouse | No X Yes | 26. |
| **Accommodation** | | |
| Unsatisfactory | 3 2 1 X | 27. |
| 3 or more address changes last year | X No Yes | 28. |
| High crime neighborhood | No X Yes | 29. |
| **Leisure/Recreation** | | |
| Absence of recent participation in an organized activity | No X Yes | 30. |
| Could make better use of time | 3 2 1 X | 31. |
| **Companions** | | |
| A social isolate | X No Yes | 32. |
| Some criminal aquaintances | No X Yes | 33. |
| Some criminal friends | No X Yes | 34. |
| Absence of anti-criminal aquaintances | No X Yes | 35. |
| Absence of anti-criminal friends | No X Yes | 36. |
| **Alcohol/Drug Problem** | | |
| Alcohol problem, ever | No X Yes | 37. |
| Drug problem, ever | No X Yes | 38. |
| Alcohol problem, currently | X 2 1 0 | 39. |
| Drug problem, currently Specify type of drug: crack | 3 2 1 X | 40. |
| Law violations | No X Yes | 41. |
| Marital/Family | No X Yes | 42. |
| School/Work | No X Yes | 43. |
| Medical | No X Yes | 44. |
| Other indicators Specify: Difficulty Reducing Intake | No X Yes | 45. |
| **Emotional/Personal** | | |
| Moderate interference | No X Yes | 46. |
| Severe interference, active psychosis | X No Yes | 47. |
| Mental health treatment, past | X No Yes | 48. |
| Mental health treatment, present | X No Yes | 49. |
| Psychological assessment indicated Area: Depression | No X Yes | 50. |
| **Attitudes/Orientation** | | |
| Supportive of crime | 3 X 1 0 | 51. |
| Unfavorable toward convention | 3 2 X 0 | 52. |
| Poor, toward sentence | X No Yes | 53. |
| Poor, toward supervision | X No Yes | 54. |

Copyright © 1995, Multi-Health Systems Inc. All rights reserved.

RCC 7601

SD#NC9999999A

Name: Elizabeth Laura Wells  Identifying Number: SS#000-12-3456

Date of Birth: 03/04/76  Sex: M (F)  Date: 03/07/00

Referral Source: Attorney  Reason for Referral: SP

Disposition:  Present Offences: (F) Poss. Stolen Goods, (F) PWISD Cocaine, (M) Poss. Marijuana, (M) Poss. Drug Para.

June

# LSI-R: The Level of Service Inventory • Revised

by D. A. Andrews, Ph.D. and James L. Bonta, Ph.D.

**Instructions:** Add up the number of X's in column A and record the number in the appropriate box. Do the same for column B. Add the totals for columns A and B for the total LSI-R score. Refer to the Male or Female Profile Sheet for charts of the LSI-R total score. Note: X's that fall in the blackened areas are not counted. Circled numbers represent missed questions.

TRAINING SAMPLE

## Column A

Criminal History (50%)

1. 2. 3. XXXX 4. 5. 6. 7. 8. 9. X 10.

Number of prior convictions: 3

Number of present offences: 4

Number of times punished for institutional misconduct: 0

Education/Employment (50%)

11. 12. 13. X 14. 15. X 16. 17. X 18. X 19. X 20.

Type of drug associated with current drug problem (if any): Crack

Other indicators of drug problem: Difficulty Reducing Intake

Financial (50%)

X 21. 22.

Area of psychological assessment indicated: Depression

Total number of X's in column A: 11

## Column B

Family/Marital 23. 24. XXXX 25. 26.

Accommodation 27. X 28. 29. X

Leisure 30. X 31.

Companions 32. 33. 34. XXXX 35. 36.

Alcohol/Drug Problem 37. XX 38. 39. 40. X 41. XXXXX 42. 43. 44. 45.

Emotional/Personal 46. 47. 48. 49. 50. X

Attitude/Orientation 51. 52. 53. 54. X

Total number of X's in column B: 23

Total from Column A and Column B is: Rater Box 8

TOTAL LSI-R SCORE: 34

Interviewer: Sarah Trainer  Date: 03/07/00

Sarah Trainer

MINUTES
THE JOINT HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

March 12, 2009
Room 415 Legislative Office Building
8:30 A.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Wednesday, March 12, 2009 in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 8:35 a.m. The following House members were present. Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton and Warren, Vice Chairs; and Representatives Guice, Hurley, Jackson, Justus, Mobley, Randleman, and Stevens. Three Senators were present.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, Danielle Seale, and Denise Thomas.

Representative Love recognized the pages for the day, Rennie Patel, Rachel Douglas, Vinnie Soroos, and Wilson Powell. The Sergeants-at-Arms were Fred Hines and Frank Premo for the House and Charles Marsalis and Mary Perry for the Senate.

**Kay Meyer, BEACON Data Integration Project Director, Office of State Personnel,** presented an overview of the North Carolina Criminal Justice Data Integration Effort. BEACON is working closely with SAS of Cary and also with the Administrative Office of the Courts which is aiding in understanding better how the data is merged. Data being used is gathered from the Department of Correction, the Administrative Office of the Courts, and the FBI, thus allowing some federal access. When a party wishes to access data, he/she must type in a password; the data displayed will be different based on who is logging in and from which agency. (See the power point presentation attached the minutes.)

Ms. Meyer's presentation was followed by questions from members of the committee.

Representative Randleman wondered if the program would be expanded to help people involved in child support cases?...

Ms. Meyer responded that perhaps at a later date, but not right away. BEACON currently primarily has the offender information and is providing a foundation for integrating data. Eventually, we hope to expand this to events information for criminal investigations, crime reporting and mapping that type of information.

Representative Stevens asked if the program was to be statewide.

Ms: Meyer noted that in the pilot program, all state information would be included; the federal information would be accessed through the Division of Criminal Information and would be included at a later date. The statewide information will be completed in phases.

Representative Stevens (follow-up) inquired if domestic violence case data were immediately included.

Ms. Meyer noted that they did not have the domestic violence data incorporated yet but they were working on it and she could find out when it might be completed.

Rep. Sutton noted that the designation of American Indian as a category was not included.

Ms. Meyer stated that it was not a requirement that has been identified, but they would look at including it. Right now, the information is being integrated from a variety of sources for review and search. Do not currently have any reporting requirements on statistical analysis but will add that to our list of requirements.

Representative Warren asked if this database would replace the current databases at the various agencies.

Ms. Meyer replied that no, it was not intended to replace those sources. The goal is to access the various systems on a near a real-time basis as possible and integrate them into one. Those other sources will continue to be used for other purposes and the existing sources. This is just to be able to provide all the data in one portal.

Representative Warren (follow-up) inquired as to the projected cost.

Ms. Meyer stated that she didn't have the figures yet but should have them shortly. They are currently working with SAS on that.

Representative Guice stated that we needed data from other nearby states for identification.

Ms. Meyer agreed adding that they were working with the FBI and the Department of Justice to develop the technical aspects of being able to access that data through the DCI message switch that is currently in place.

Representative Spear wondered if this new program would replace or enhance the NCAWARE program of the AOC.

Ms. Meyer responded that it is not meant to replace that. It will be pulling information from that system eventually.

Senator Kinnaird noted that one of the difficulties noted last year was that counties keep their files by a criminal number; a person is not necessarily what is accessed. How will that be resolved – accessing both people and criminal numbers?

Ms. Meyer introduced Carol Burroughs, Project Manager for the application. She responded to the question. The application itself is allowing things to be accessed by number and behind the scenes, it will integrate the number and any associated records.

Senator Kinnaird (follow up) noted that when you actually have a CR number, that's county by county. Is that going to be able to be immediately accessed.

Carol Burroughs stated that it would not be immediately, but as the counties begin to load in their data, the information as retained in their system will be in our system to be able to match it. It will be dependent upon expansion and growth of the application. Right now, the focus is to integrate State data and local jail information, along with the national and other states' information.

Senator Kinnaird The original problem was that they used to have to go county by county by county.

Carol Burroughs asked if that was for the AOC records. Senator Kinnaird replied that no, it was just for probation and anybody – they have to go through county by county. Some counties just have paper records. That was a big challenge, pulling in all the CR numbers from every county. Carol Burroughs noted that they heard that the AOC records are currently county by county and that would be eliminated.

Representative Love thanked Kay Meyer and Carol Burroughs for their informative presentation. He then presented Susan Katzenelson of Structured Sentencing which is important to the work of JPS and also what happens with the prison population.

**Susan Katzenelson of Structured Sentencing** provided a handout which is attached as part of these minutes. She noted that Chairman Judge Spainhour who would be happy to personally come and answer any questions.

The commission was started in 1990 by the legislature and gave a clear directive of what kind of sentencing they wanted (Legislative Directive to Sentencing Commission). North Carolina learned from other states who had been doing structured sentencing and had a good idea of what they wanted done. The Legislature wanted to classify criminal cases based on their severity, their harm to society and individuals and to property. Prior convictions would be considered but no other personal characteristics so the main one considered was offender severity. The Structured Sentencing Act (which is now pretty much the law of the land) was passed in 1993, and it was implemented for offenses committed on or after October 1, 1994. There have been minor changes since then; the major one was in 1995, when the Legislature increased penalties about 16% for all violent offenses and also created the violent offense misdemeanor category.

Principles of Structured Sentencing of which the first is Truthful Sentencing Policies. That means that the sentencing imposed by the judge, heard by the victim, the witnesses, the people in court will bear very close and consistent relationship to the sentence that the person will actually serve. The judge will announce a minimum and a maximum for the active sentence and the offender has to serve at least the minimum and no more than the maximum. Parole, as previously defined, does not exist anymore for any newer cases. Consistency in sentencing is basically a fairness and justice issue. Sentencing should be proportionate according to severity of the crime and the seriousness of the offender. Should be above board and rational so that the victim and the offender and anyone else interested can basically understand where that sentence came from in comparison to other sentences. Based on social need, the highest priority should be for offenders who cause great physical or personal harm and/or continue to repeatedly offend.(See Grid, page 7) The last point was to maintain this Structured Sentencing is that it has

to be funded. The policy is meaningless unless there are enough correctional resources to fund prison beds for the people who need them and find other alternatives for those who might get a second chance. Pages 3 and 4 of the hand out include the Classification of a Sample of Offenses.

Classification of Sample Offenses are on the Grid on page 7 (unnumbered) of the handout. The vertical column is the offense classification of the felony; when a new crime is recognized, the legislature will determine the classification and sentencing minimum and maximum (the parameters). The horizontal columns are the seriousness of the offenses. It is based on the prior record of the offenders who are convicted. It is the DA's responsibility to look up the record and prepare the prior record points and level to present to the Court. The DA looks at how many prior convictions the person had (for felonies and misdemeanors) which is then weighted. Then you look up the classification of the points according to levels. By the time the offender is convicted, sentencing starts with the most serious convicted charge. It is the judge's option to give a consecutive or concurrent sentence; most sentences in North Carolina and elsewhere are concurrent (the lesser sentences will be folded into the longest sentence). About 97-98% of our convictions, pre- and post-structured sentencing, are the result of a guilty plea. Active punishment is prison and the offender is required to serve some time. Serious offenders go to prison; a sentence of 90 days or less, the offender is in jail, not prison. Intermediate offenses may or may not go to jail, based on the grid. Intermediate punishment requires supervised probation and requires the judge to choose one of the six specific punishments listed as intermediate punishments. Intensive probation is the most commonly used. The third level is community punishment, in which the offender can be unsupervised or unsupervised probation and then the judge can give a list of conditions. This is all in front of the judge when he/she gets a case.

Questions then followed Ms. Katzenelson's presentation.

Representative Bordsen remarked that work needs to be done on reducing the prison population to slow down construction – the group of repeaters is where work needs to be done. Basically 60% of our offenders are violent and need to stay in place; it's the other 40% that we need to address. What was the rationale for setting the minimum and maximum in the grid?

Ms. Katzenelson replied that first, the designers of the grid looked at what the Courts did before and tried to have sentences more in line with what was actually served. Governor Hunt then increased the upper part of the grid the sentences by 16% above what they had been.

Representative Bordsen (follow up) If the upper end was increased by 16%, do you have any knowledge of why they did that? Why is there not a more consistent progression between the more and least violent crimes? Is that a place that can be tweaked?

John Madler, Sentencing Commission, In 1994, due to violent crimes (Michael Jordan's father was the victim of one), there was an effort to push up the lengths for the serious classes. The impact was tremendous.

Representative Bordsen wondered if there is a pivot point when the amount of time of incarceration ceases to be productive?

Ms. Katzenelson replied that there had been studies done. There is supposedly an optimal time beyond which the time served is ineffective, but that doesn't take into account the amount of

time society wants these offenders to serve for violent crime. After twenty years, it's hard to come out of prison rehabilitated.

Representative Sutton One way we could affect the bed population and the need for beds is to take some of these violations (i.e., Class D felonies) and move them down to a lower class of felonies and it could be done en masse. Some folks get fairly long prison sentences which are really not deterrents or a help to society. Moving the class down would have a tremendous, immediate effect on beds.

Ms. Katzenelson commented that the grid is a tool in addition to a sentencing document. Because it is so structured, different scenarios can be played out with pretty good accuracy. We, as staff, can play out any scenario without giving any obvious policy opinion.

Representative Guice was concerned with the integrity of the system. A concern is how are people sentenced and with what accuracy. That depends on the information provided to the Court at the time of sentencing. Information is often not provided and the judge thought he/she was sentencing the person properly, but the sentence was improper. Records were not provided; the piece that's missing is the pretrial piece. Making sure that accurate information is in the hands of the Court at the time the person is sentenced is central to proper sentencing. Many people may be sentenced improperly in North Carolina.

This concluded Ms. Katzenelson's presentation.

Representative Love noted that the Governor's Budget is coming out Tuesday and will be explained after the Session to the Joint Appropriations Committees. At the time there are no instructions, so there will be no meeting Tuesday morning. After that, we'll inform you of the next meeting.

The meeting adjourned at 9:40 a.m.

Respectfully Submitted,

Representative Jimmy Love
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: Criminal Justice Data Integration Pilot Program Overview
North Carolina Sentencing and Policy Advisory Commission

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Joint Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Thursday, March 12, 2009
**TIME:** 8:30 am
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

**Wake County Criminal Justice Data Integration Project: CJLEADS**

**Structured Sentencing: A Primer**

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11:30 a.m.** o'clock on **March 10, 2009**.

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**March 12, 2009 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird
Senator John Snow
Representative Alice Bordsen
Representative Jimmy Love, Presiding

## II. PRESENTATIONS

Opening Remarks by Chairs

Overview of the NC Criminal Justice Data Integration Effort

*Kay Meyer, BEACON Data Integration Project Director*
*Office of State Controller*

Overview of Structured Sentencing

*Susan Katzenelson, Executive Director*
*NC Sentencing and Policy Advisory Commission*

## III. OTHER BUSINESS: Next meeting – to be announced

## IV. ADJOURNMENT

# Criminal Justice Data Integration Pilot Program Overview

## Appropriations Subcommittee on Justice and Public Safety

March 3, 2009
North Carolina Office of the State Controller

David McC[illegible]
Kay M[illegible]

## CJLEADS Pilot Program

- Criminal Justice Law Enforcement Automated Data Services (CJLEADS)
- Establish a framework for the integration of Criminal Justice Data
- Develop a Statewide Criminal Justice Data Integration Pilot to be implemented in Wake County

2

## CJLEADS Pilot Key Objectives

- To provide a comprehensive view of an offender through a single portal
- To provide an "Offender Watch" capability to monitor offender status

3

## Accomplishments to Date

- Identification of Business Needs
- Identification of Data Sources
- Development of Preliminary Architecture
- Establishment of Project Sub-Teams
- Iterative Design of the User Interface

4

## Pilot Challenges

- Pilot Timeline
- Data Accessibility
- Pilot Implementation
- Project Governance

5

## Statement of Work

- The May 1st pilot will include the integration of court and warrant information, incarceration, probation and parole status, and local jail booking information.
- Design efforts continue for additional functionality to incorporate remaining data requirements such as domestic violence protective order status, sex offender information, and immigration status.
- Pilot to be hosted in SAS environment from May 1, 2009 through September 29, 2009
- 100 named and 30 concurrent users
- Data verification and system functionality will be confirmed

6

## Project Timeline

- Review and Approval of Statement of Work - February
- Iterative Design, Build, Test Phases - January - April
- DCI Interface Statement of Work - March/April
- Production Implementation Sizing and Operation Cost Projections - March
- Initiate Production Planning - March
- Establish Business Operations for Pilot Testing - March
- Pilot Delivered for User Testing - May

7

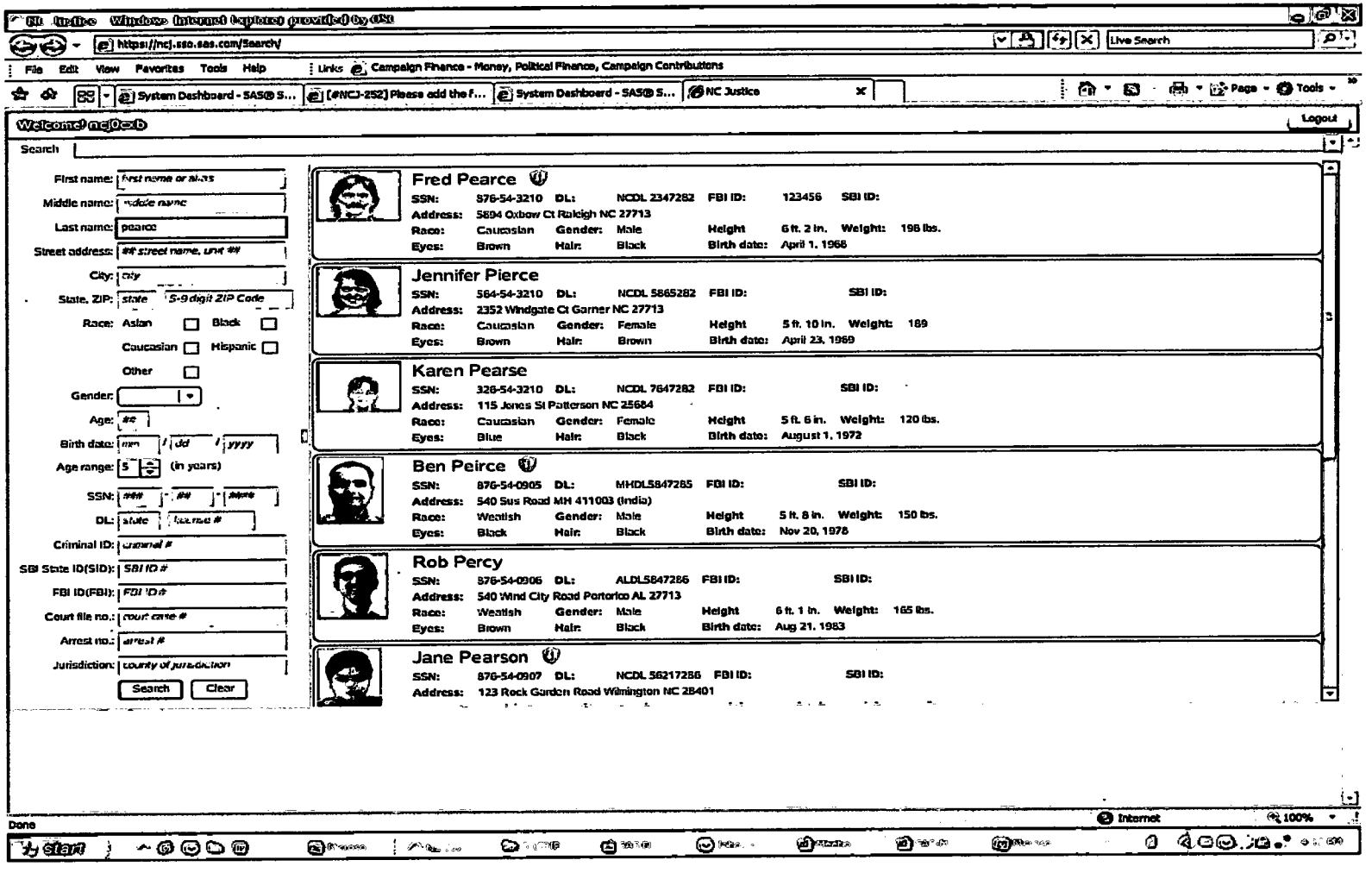
## CJLEADS Success

The ability to provide accurate, up to date information to streamline business processes and support active decision making to ensure the public's safety. Measures of success might include:

- Ability to reduce time and paperwork associated with failure to appear when the offender is in jail custody
- Ability of a parole or probation officer to take action when alerted that an individual on their caseload has been arrested
- Ability of the system to provide reporting and auditing of system usage

8

# CJLEADS Search Return Information




**** The information provided is test data for demonstration only. ****

**These screens are under development and represent potential functionality for discussion purposes.**

**The objective of the CJLEADS application is to integrate data among the multiple criminal justice applications.**

# NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

Contact Information:

NC SENTENCING AND POLICY ADVISORY COMMISSION
P.O. BOX 2472
RALEIGH, NC 27602
919/890-1470
www.nccourts.org/courts/crs/councils/spac

THE HONORABLE W. ERWIN SPAINHOUR, CHAIRMAN

## LEGISLATIVE DIRECTIVE TO THE SENTENCING COMMISSION

- Classify criminal offenses based upon severity
- Consider offender's prior convictions
- Recommend structure for sentencing
- Develop comprehensive community correction strategy
- Construct correctional simulation model

Structured Sentencing Act (SSA) was passed in 1993; implemented for offenses committed on or after October 1, 1994.

Structured Sentencing Act was revised in 1995, primarily to increase penalties for violent offenses.

## PRINCIPLES OF STRUCTURED SENTENCING

**Truthful Sentencing Policies**

*Sentence length imposed by the judge should bear a close and consistent relationship to the sentence length actually served.*

**Consistent and Certain Sentencing Policies**

*Offenders convicted of similar offenses, who have similar prior records, should generally receive similar sentences.*

**Rational Sentencing Policies**

*Sentence should be proportional to the severity of the crime as measured by the harm to the victim and the offender's prior record.*

**Priorities Set for the Use of Correctional Resources**

*Prisons and jails should be reserved for violent and repeat offenders, and community-based programs should be used for nonviolent offenders with little or no prior record.*

**Balance Between Sentencing Policies and Correctional Resources**

*Sentencing Policies should be supported by adequate prison, jail, and community resources.*

# CLASSIFICATION OF A SAMPLE OF OFFENSES
## (Effective 12/1/08)

| CLASS A FELONIES | Maximum Punishment of Death or Life Without Parole |
|---|---|
| First-Degree Murder. (14-17) | |
| **CLASS B1 FELONIES** | **Maximum Punishment of Life Without Parole** |
| First-Degree Rape. (14-27.2) | First-Degree Sexual Offense. (14-27.4) |
| **CLASS B2 FELONIES** | **Maximum Punishment of 480 Months** |
| Second-Degree Murder. (14-17) | |
| **CLASS C FELONIES** | **Maximum Punishment of 261 Months** |
| Habitual Felon. (14-7.6) | Assault W/D/W/I/K/I/S/I. (14-32(a)) |
| Second-Degree Rape. (14-27.3) | First-Degree Kidnapping. (14-39) |
| Second-Degree Sexual Offense. (14-27.5) | Embezzlement (amount involved $100,000 or more). (14-90) |
| **CLASS D FELONIES** | **Maximum Punishment of 229 Months** |
| Voluntary Manslaughter. (14-18) | First-Degree Arson. (14-58) |
| Malicious Use of Explosive or Incendiary. (14-49(a)) | Armed Robbery. (14-87) |
| First-Degree Burglary. (14-51) | Sell or Deliver a Controlled Substance to a Person Under 16 But More than 13 Years of Age. (90-95(e)(5)) |
| **CLASS E FELONIES** | **Maximum Punishment of 98 Months** |
| Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian). (14-27.7) | Second-Degree Kidnapping. (14-39) |
| Assault W/D/W/I/S/I. (14-32(b)) | Child Abuse Inflicting Serious Physical Injury. (14-318.4(a)) |
| Assault W/D/W/I/K. (14-32(c)) | Death by Vehicle. (20-141.4(a)(1)) |
| Discharging Weapon Into Occupied Property. (14-34.1(a)) | Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8)) |
| Assault with a Firearm on a Law Enforcement Officer. (14-34.5) | |
| **CLASS F FELONIES** | **Maximum Punishment of 59 Months** |
| Involuntary Manslaughter. (14-18) | Burning of Certain Other Buildings. (14-62) |
| Assault Inflicting Serious Bodily Injury. (14-32.4) | Participating in Prostitution of a Minor. (14-190.19) |
| Assault W/D/W on Governmental Officer or Employee. (14-34.2) | Taking Indecent Liberties with Children. (14-202.1) |
| Assault I/S/I on a Law Enforcement Officer. (14-34.7) | Possess Weapon of Mass Destruction. (14-288.8) |
| Felonious Restraint. (14-43.3) | Habitual Impaired Driving. (20-138.5) |
| **CLASS G FELONIES** | **Maximum Punishment of 44 Months** |
| Second-Degree Burglary. (14-51) | Possession of Firearms, etc., by Felon. (14-415.1) |
| Second-Degree Arson. (14-58) | Sale of a Schedule I or II Controlled Substance. (90-95(a)(1)) |
| Common Law Robbery. (14-87.1) | |
| **CLASS H FELONIES** | **Maximum Punishment of 30 Months** |
| Habitual Misdemeanor Assault. (14-33.2) | Obtaining Property by False Pretenses (amount involved less than $100,000). (14-100) |
| Breaking or Entering Buildings (w/felonious intent). (14-54(a)) | Intimidating/Interfering with Witnesses. (14-226) |
| Fraudulently Setting Fire to Dwelling Houses. (14-65) | Hit and Run (resulted in injury). (20-166(a1)) |
| Possessing Stolen Goods. (14-71.1) | Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1)) |
| Larceny of Property (worth more than $1,000). (14-72) | Possession W/I/M/S/D Cocaine. (90-95(a)(1)) |
| Embezzlement (amount involved less than $100,000). (14-90) | Escaping From State Prison System (felon). (148-45(b)) |

| CLASS I FELONIES | Maximum Punishment of 15 Months |
|---|---|
| Breaking or Entering Motor Vehicles. (14-56) | Possession W/I/M/S/D Marijuana. (90-95(a)(1)) |
| Financial Transaction Card Theft. (14-113.9) | Possess Cocaine. (90-95(a)(3)) |
| Forgery of Notes, Checks, Securities. (14-119(a)) | Maintain Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance. (90-108(a)(7), (b)) |
| Uttering Forged Paper or Instrument. (14-120) | Obtain a Controlled Substance by Fraud. (90-108(a)(10), (b)) |
| **CLASS A1 MISDEMEANORS** | **Maximum Punishment of 150 Days** |
| Assault Inflicting Serious Injury or Using a Deadly Weapon. (14-33(c)(1)) | Assault on a State Officer or Employee. (14-33(c)(4)) |
| Assault on a Female. (14-33(c)(2)) | Assault by Pointing a Gun. (14-34) |
| Assault on a Child Under 12 Years of Age. (14-33(c)(3)) | Violation of a Valid Protective Order. (50B-4.1(a)) |
| **CLASS 1 MISDEMEANORS** | **Maximum Punishment of 120 Days** |
| Breaking or Entering Buildings. (14-54(b)) | Willful and Wanton Injury to Real Property. (14-127) |
| Larceny of Property (worth $1,000 or less). (14-72) | Communicating Threats. (14-277.1) |
| Unauthorized Use of a Motor Vehicle. (14-72.2) | Possession of Drug Paraphernalia. (90-113.22) |
| Worthless Checks for $2,000 or Less (closed account). (14-107(d)(4)) | Misrepresentation to Obtain Employment Security Benefits. (96-18(a)) |
| **CLASS 2 MISDEMEANORS** | **Maximum Punishment of 60 Days** |
| Simple Assault/Assault and Battery. (14-33(a)) | Failure to Return Rental Property. (14-167) |
| Obtaining Property in Return for Worthless Check. (14-106) | Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196) |
| Worthless Check for $2,000 or Less. (14-107(d)(1)) | Resisting Officers. (14-223) |
| First-Degree Trespass. (14-159.12) | Carrying Concealed Weapons. (14-269(a), (a1)/first offense) |
| Willful and Wanton Injury to Personal Property. (14-160(a)) | Disorderly Conduct. (14-288.4) |
| **CLASS 3 MISDEMEANORS** | **Maximum Punishment of 20 Days** |
| Concealment of merchandise in mercantile establishments (first conviction). (14-72.1) | Operate Motorboat Without Lifesaving Device. (75A-6) |
| Second-Degree Trespass. (14-159.13) | Possess Marijuana (1/2 ounce or less). (90-95(a)(3)) |
| Intoxicated and Disruptive in Public. (14-444) | Hunting Without a License. (113-270.2) |
| Unsealed Wine/Liquor in Passenger Area. (18B-401) | Fishing Without a License. (113-271) |

**CONSPIRACY** to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)

**ATTEMPT** to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)

**SOLICITATION** to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)

**ACCESSORY BEFORE THE FACT** punishable as the principal felon. (14-5.2)

**ACCESSORY AFTER THE FACT** punishable as two classes lower than the felony the principal felon committed. (14-7)

## SCORING PRIOR RECORD/FELONY SENTENCING

| NUMBER | TYPE | | POINTS |
|---|---|---|---|
| | Prior Felony Class A Conviction | x 10 | |
| | Prior Felony Class B1 Conviction | x 9 | |
| | Prior Felony Class B2 or C or D Conviction | x 6 | |
| | Prior Felony Class E or F or G Conviction | x 4 | |
| | Prior Felony Class H or I Conviction | x 2 | |
| | Prior Misdemeanor Class A1 or 1 Conviction*, Prior Impaired Driving Conviction, or Prior Impaired Driving in a Commercial Vehicle Conviction | x 1 | |
| | | **SUBTOTAL** | |
| If all the elements of the present offense are included in any prior offense, whether or not the prior offense was used in determining prior record level | | + 1 | |
| If the offense was committed:<br>(a) while on probation, parole, or post-release supervision; or<br>(b) while serving a sentence of imprisonment; or<br>(c) while on escape | | + 1 | |
| | | **TOTAL** | |

** Class 1 misdemeanor offenses under Chapter 20 are not assigned any points except for misdemeanor death by vehicle [G.S. 20-141.4(a)(2)]*

## II. CLASSIFYING PRIOR RECORD LEVEL

| POINTS | LEVEL |
|---|---|
| 0 | I |
| 1 - 4 | II |
| 5 - 8 | III |
| 9 - 14 | IV |
| 15 - 18 | V |
| 19+ | VI |

**PRIOR RECORD LEVEL _____**

## DISPOSITIONS

### ACTIVE PUNISHMENT

An active punishment requires that the offender be sentenced to the custody of the Department of Correction to serve the minimum and up to the maximum sentence imposed by the court.

### INTERMEDIATE PUNISHMENT

An intermediate punishment requires a sentence of supervised probation with at least one of the following conditions:

1. Special Probation as defined in G.S. §15A-1351(a) which includes a period of active confinement followed by a period of probation. (This sanction is sometimes referred to as a split sentence.)
2. Residential Program assignment that requires the offender to reside in a facility for a specified period of time and to participate in activities such as counseling, treatment, social skills training, or employment training at the residential facility or other specified locations.
3. House Arrest With Electronic Monitoring assignment that requires the offender to remain at his or her residence unless the court or probation officer authorizes the offender to leave, and in which the offender shall wear a device which permits the supervising agency to monitor the offender's compliance with the conditions electronically.
4. Intensive Probation assignment that requires the offender to submit to supervision by officers assigned to the Intensive Supervision Program established pursuant to G.S. §143B-262(c) and to comply with the rules adopted for that program.
5. Day Reporting Center assignment that requires the offender to report on a daily or other regular basis at specified times for a specified length of time to participate in activities such as counseling, treatment, social skills training, or employment training.
6. Drug Treatment Court Program assignment that requires the offender to comply with the rules adopted for the program pursuant to Article 62 of Chapter 7A of the General Statutes and to report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.

An intermediate punishment may also include a fine, restitution, or any other conditions of probation which are considered community punishments.

### COMMUNITY PUNISHMENT

A community punishment is any authorized sentence that does not include an active punishment or an intermediate punishment. Community punishments may include, but are not limited to, one or more of the following:

1. Supervised or unsupervised probation.
2. Outpatient drug/alcohol treatment.
3. Community service.
4. Restitution.
5. Fines.
6. Any other authorized condition of probation except those defined as intermediate punishments.

***** Effective for Offenses Committed on or after 12/1/95 *****

# FELONY PUNISHMENT CHART

## PRIOR RECORD LEVEL

| OFFENSE CLASS | I<br>0 Points | II<br>1-4 Points | III<br>5-8 Points | IV<br>9-14 Points | V<br>15-18 Points | VI<br>19+ Points |
|---|---|---|---|---|---|---|
| A | Death or Life Without Parole | | | | | |
| B1 | A<br>*240 - 300*<br>**192 - 240**<br>*144 – 192* | A<br>*288 - 360*<br>**230 - 288**<br>*173 – 230* | A<br>*336 - 420*<br>**269 - 336**<br>*202 – 269* | A<br>*384 - 480*<br>**307 - 384**<br>*230 – 307* | A<br>*Life Without Parole*<br>**346 - 433**<br>*260 – 346* | A<br>*Life Without Parole*<br>**384 - 480**<br>*288 - 384* |
| B2 | A<br>*157 - 196*<br>**125 - 157**<br>*94 - 125* | A<br>*189 - 237*<br>**151 - 189**<br>*114 - 151* | A<br>*220 - 276*<br>**176 - 220**<br>*132 - 176* | A<br>*251 - 313*<br>**201 - 251**<br>*151 - 201* | A<br>*282 - 353*<br>**225 - 282**<br>*169 - 225* | A<br>*313 - 392*<br>**251 - 313**<br>*188 - 251* |
| C | A<br>*73 – 92*<br>**58 - 73**<br>*44 - 58* | A<br>*100 – 125*<br>**80 - 100**<br>*60 - 80* | A<br>*116 – 145*<br>**93 - 116**<br>*70 - 93* | A<br>*133 - 167*<br>**107 - 133**<br>*80 - 107* | A<br>*151 - 188*<br>**121 - 151**<br>*90 - 121* | A<br>*168 - 210*<br>**135 - 168**<br>*101 - 135* |
| D | A<br>*64 - 80*<br>**51 - 64**<br>*38 - 51* | A<br>*77 - 95*<br>**61 - 77**<br>*46 - 61* | A<br>*103 - 129*<br>**82 - 103**<br>*61 - 82* | A<br>*117 - 146*<br>**94 - 117**<br>*71 - 94* | A<br>*133 - 167*<br>**107 - 133**<br>*80 - 107* | A<br>*146 - 183*<br>**117 - 146**<br>*88 - 117* |
| E | I/A<br>*25 - 31*<br>**20 - 25**<br>*15 - 20* | I/A<br>*29 - 36*<br>**23 - 29**<br>*17 - 23* | A<br>*34 - 42*<br>**27 - 34**<br>*20 - 27* | A<br>*46 - 58*<br>**37 - 46**<br>*28 - 37* | A<br>*53 - 66*<br>**42 - 53**<br>*32 - 42* | A<br>*59 - 74*<br>**47 - 59**<br>*35 - 47* |
| F | I/A<br>*16 - 20*<br>**13 - 16**<br>*10 - 13* | I/A<br>*19 - 24*<br>**15 - 19**<br>*11 - 15* | I/A<br>*21 - 26*<br>**17 - 21**<br>*13 - 17* | A<br>*25 - 31*<br>**20 - 25**<br>*15 - 20* | A<br>*34 - 42*<br>**27 - 34**<br>*20 - 27* | A<br>*39 - 49*<br>**31 - 39**<br>*23 - 31* |
| G | I/A<br>*13 - 16*<br>**10 - 13**<br>*8 - 10* | I/A<br>*15 - 19*<br>**12 - 15**<br>*9 - 12* | I/A<br>*16 - 20*<br>**13 - 16**<br>*10 - 13* | I/A<br>*20 - 25*<br>**16 - 20**<br>*12 - 16* | A<br>*21 - 26*<br>**17 - 21**<br>*13 - 17* | A<br>*29 - 36*<br>**23 - 29**<br>*17 - 23* |
| H | C/I/A<br>*6 - 8*<br>**5 - 6**<br>*4 - 5* | I/A<br>*8 - 10*<br>**6 - 8**<br>*4 - 6* | I/A<br>*10 - 12*<br>**8 - 10**<br>*6 - 8* | I/A<br>*11 - 14*<br>**9 - 11**<br>*7 - 9* | I/A<br>*15 - 19*<br>**12 - 15**<br>*9 - 12* | A<br>*20 - 25*<br>**16 - 20**<br>*12 - 16* |
| I | C<br>*6 - 8*<br>**4 - 6**<br>*3 - 4* | C/I<br>*6 - 8*<br>**4 - 6**<br>*3 - 4* | I<br>*6 - 8*<br>**5 - 6**<br>*4 - 5* | I/A<br>*8 - 10*<br>**6 - 8**<br>*4 - 6* | I/A<br>*9 - 11*<br>**7 - 9**<br>*5 - 7* | I/A<br>*10 - 12*<br>**8 - 10**<br>*6 - 8* |

**DISPOSITION**

*Aggravated Range*

**PRESUMPTIVE RANGE**

*Mitigated Range*

**A – Active Punishment** **I – Intermediate Punishment** **C – Community Punishment**

**Numbers shown are in months and represent the range of minimum sentences**

**Revised: 08-04-95**

## MINIMUM AND MAXIMUM SENTENCES

The corresponding maximum sentence for each minimum sentence is shown in the tables below. In each column, the number to the left of the dash represents the minimum sentence (in months) and the number to the right of the dash represents the corresponding maximum sentence (in months). To calculate a maximum sentence when the minimum sentence is 340 months or more, see G.S. 15A-1340.17(e1).

### *FOR OFFENSE CLASSES B1 THROUGH E*

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 15-27 | 56-77 | 97-126 | 138-175 | 179-224 | 220-273 | 261-323 | 302-372 |
| 16-29 | 57-78 | 98-127 | 139-176 | 180-225 | 221-275 | 262-324 | 303-373 |
| 17-30 | 58-79 | 99-128 | 140-177 | 181-227 | 222-276 | 263-325 | 304-374 |
| 18-31 | 59-80 | 100-129 | 141-179 | 182-228 | 223-277 | 264-326 | 305-375 |
| 19-32 | 60-81 | 101-131 | 142-180 | 183-229 | 224-278 | 265-327 | 306-377 |
| 20-33 | 61-83 | 102-132 | 143-181 | 184-230 | 225-279 | 266-329 | 307-378 |
| 21-35 | 62-84 | 103-133 | 144-182 | 185-231 | 226-281 | 267-330 | 308-379 |
| 22-36 | 63-85 | 104-134 | 145-183 | 186-233 | 227-282 | 268-331 | 309-380 |
| 23-37 | 64-86 | 105-135 | 146-185 | 187-234 | 228-283 | 269-332 | 310-381 |
| 24-38 | 65-87 | 106-137 | 147-186 | 188-235 | 229-284 | 270-333 | 311-383 |
| 25-39 | 66-89 | 107-138 | 148-187 | 189-236 | 230-285 | 271-335 | 312-384 |
| 26-41 | 67-90 | 108-139 | 149-188 | 190-237 | 231-287 | 272-336 | 313-385 |
| 27-42 | 68-91 | 109-140 | 150-189 | 191-239 | 232-288 | 273-337 | 314-386 |
| 28-43 | 69-92 | 110-141 | 151-191 | 192-240 | 233-289 | 274-338 | 315-387 |
| 29-44 | 70-93 | 111-143 | 152-192 | 193-241 | 234-290 | 275-339 | 316-389 |
| 30-45 | 71-95 | 112-144 | 153-193 | 194-242 | 235-291 | 276-341 | 317-390 |
| 31-47 | 72-96 | 113-145 | 154-194 | 195-243 | 236-293 | 277-342 | 318-391 |
| 32-48 | 73-97 | 114-146 | 155-195 | 196-245 | 237-294 | 278-343 | 319-392 |
| 33-49 | 74-98 | 115-147 | 156-197 | 197-246 | 238-295 | 279-344 | 320-393 |
| 34-50 | 75-99 | 116-149 | 157-198 | 198-247 | 239-296 | 280-345 | 321-395 |
| 35-51 | 76-101 | 117-150 | 158-199 | 199-248 | 240-297 | 281-347 | 322-39 |
| 36-53 | 77-102 | 118-151 | 159-200 | 200-249 | 241-299 | 282-348 | 323-39 |
| 37-54 | 78-103 | 119-152 | 160-201 | 201-251 | 242-300 | 283-349 | 324-398 |
| 38-55 | 79-104 | 120-153 | 161-203 | 202-252 | 243-301 | 284-350 | 325-399 |
| 39-56 | 80-105 | 121-155 | 162-204 | 203-253 | 244-302 | 285-351 | 326-401 |
| 40-57 | 81-107 | 122-156 | 163-205 | 204-254 | 245-303 | 286-353 | 327-402 |
| 41-59 | 82-108 | 123-157 | 164-206 | 205-255 | 246-305 | 287-354 | 328-403 |
| 42-60 | 83-109 | 124-158 | 165-207 | 206-257 | 247-306 | 288-355 | 329-404 |
| 43-61 | 84-110 | 125-159 | 166-209 | 207-258 | 248-307 | 289-356 | 330-405 |
| 44-62 | 85-111 | 126-161 | 167-210 | 208-259 | 249-308 | 290-357 | 331-407 |
| 45-63 | 86-113 | 127-162 | 168-211 | 209-260 | 250-309 | 291-359 | 332-408 |
| 46-65 | 87-114 | 128-163 | 169-212 | 210-261 | 251-311 | 292-360 | 333-409 |
| 47-66 | 88-115 | 129-164 | 170-213 | 211-263 | 252-312 | 293-361 | 334-410 |
| 48-67 | 89-116 | 130-165 | 171-215 | 212-264 | 253-313 | 294-362 | 335-411 |
| 49-68 | 90-117 | 131-167 | 172-216 | 213-265 | 254-314 | 295-363 | 336-413 |
| 50-69 | 91-119 | 132-168 | 173-217 | 214-266 | 255-315 | 296-365 | 337-414 |
| 51-71 | 92-120 | 133-169 | 174-218 | 215-267 | 256-317 | 297-366 | 338-415 |
| 52-72 | 93-121 | 134-170 | 175-219 | 216-269 | 257-318 | 298-367 | 339-416 |
| 53-73 | 94-122 | 135-171 | 176-221 | 217-270 | 258-319 | 299-368 | |
| 54-74 | 95-123 | 136-173 | 177-222 | 218-271 | 259-320 | 300-369 | |
| 55-75 | 96-125 | 137-174 | 178-223 | 219-272 | 260-321 | 301-371 | |

### *FOR OFFENSE CLASSES F THROUGH I*

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 3-4 | 9-11 | 15-18 | 21-26 | 27-33 | 33-40 | 39-47 | 45-54 |
| 4-5 | 10-12 | 16-20 | 22-27 | 28-34 | 34-41 | 40-48 | 46-56 |
| 5-6 | 11-14 | 17-21 | 23-28 | 29-35 | 35-42 | 41-50 | 47-5 |
| 6-8 | 12-15 | 18-22 | 24-29 | 30-36 | 36-44 | 42-51 | 48-5 |
| 7-9 | 13-16 | 19-23 | 25-30 | 31-38 | 37-45 | 43-52 | 49-5 |
| 8-10 | 14-17 | 20-24 | 26-32 | 32-39 | 38-46 | 44-53 | |

## Table 4: Convictions and Sentences by Offense Class and Prior Record Level
## FY 2007/08 Felonies

| Offense Class | Prior Record Level | | | | | | Total |
|---|---|---|---|---|---|---|---|
| | I<br>0 Points | II<br>1-4 Points | III<br>5-8 Points | IV<br>9-14 Points | V<br>15-18 Points | VI<br>19+ Points | |
| A | A<br>A = 45 (100%)<br>(n = 45)<br>Life/Death | A<br>A = 28 (100%)<br>(n = 28)<br>Life/Death | A<br>A = 9 (100%)<br>(n = 9)<br>Life/Death | A<br>A = 9 (100%)<br>(n = 9)<br>Life/Death | A<br>A = 3 (100%)<br>(n = 3)<br>Life/Death | A<br>A = 2 (100%)<br>(n = 2)<br>Life/Death | A<br>A = 96 (100%)<br>(n = 96)<br>Life/Death |
| B1 | A<br>A = 69 (100%)<br>(n = 69)<br>196 min<br>245 max | A<br>A = 40 (100%)<br>(n = 40)<br>250 min<br>309 max | A<br>A = 23 (100%)<br>(n = 23)<br>303 min<br>372 max | A<br>A = 8 (100%)<br>(n = 8)<br>348 min<br>427 max | A<br>A = 1 (100%)<br>(n = 1)<br>433 min<br>529 max | A<br>A = 3 (100%)<br>(n = 3)<br>464 min<br>563 max | A<br>A = 144 (100%)<br>(n = 144)<br>244 min<br>302 max |
| B2 | A<br>A = 107 (100%)<br>(n = 107)<br>136 min<br>172 max | A<br>A = 97 (100%)<br>(n = 97)<br>169 min<br>212 max | A<br>A = 44 (100%)<br>(n = 44)<br>201 min<br>250 max | A<br>A = 41 (100%)<br>(n = 41)<br>227 min<br>282 max | A<br>A = 6 (100%)<br>(n = 6)<br>263 min<br>325 max | A<br>A = 2 (100%)<br>(n = 2)<br>277 min<br>341 max | A<br>A = 297 (100%)<br>(n = 297)<br>172 min<br>216 max |
| C | A<br>A = 111 (100%)<br>(n = 111)<br>60 min<br>81 max | A<br>A = 180 (100%)<br>(n = 180)<br>77 min<br>101 max | A<br>A = 238 (100%)<br>(n = 238)<br>85 min<br>110 max | A<br>A = 294 (100%)<br>(n = 294)<br>95 min<br>123 max | A<br>A = 115 (100%)<br>(n = 115)<br>106 min<br>136 max | A<br>A = 92 (100%)<br>(n = 92)<br>118 min<br>149 max | A<br>A = 1,030 (100%)<br>(n = 1,030)<br>89 min<br>115 max |
| D | A<br>A = 292 (100%)<br>(n = 292)<br>49 min<br>69 max | A<br>A = 228 (100%)<br>(n = 228)<br>62 min<br>83 max | A<br>A = 140 (100%)<br>(n = 140)<br>82 min<br>108 max | A<br>A = 80 (100%)<br>(n = 80)<br>97 min<br>126 max | A<br>A = 21 (100%)<br>(n = 21)<br>107 min<br>138 max | A<br>A = 20 (100%)<br>(n = 20)<br>122 min<br>155 max | A<br>A = 781 (100%)<br>(n = 781)<br>67 min<br>90 max |
| E | I/A<br>I = 319 (68%)<br>A = 150 (32%)<br>(n = 469)<br>22 min<br>36 max | I/A<br>I = 264 (61%)<br>A = 170 (39%)<br>(n = 434)<br>25 min<br>39 max | A<br>A = 153 (100%)<br>(n = 153)<br>29 min<br>44 max | A<br>A = 96 (100%)<br>(n = 96)<br>40 min<br>57 max | A<br>A = 29 (100%)<br>(n = 29)<br>46 min<br>65 max | A<br>A = 23 (100%)<br>(n = 23)<br>54 min<br>74 max | I/A<br>I = 583 (48%)<br>A = 621 (52%)<br>(n = 1,204)<br>30 min<br>45 max |
| F | I/A<br>I = 391 (63%)<br>A = 231 (37%)<br>(n = 622)<br>14 min<br>18 max | I/A<br>I = 367 (51%)<br>A = 347 (49%)<br>(n = 714)<br>16 min<br>19 max | I/A<br>I = 209 (45%)<br>A = 260 (55%)<br>(n = 469)<br>18 min<br>22 max | A<br>A = 312 (100%)<br>(n = 312)<br>20 min<br>25 max | A<br>A = 71 (100%)<br>(n = 71)<br>27 min<br>32 max | A<br>A = 45 (100%)<br>(n = 45)<br>31 min<br>38 max | I/A<br>I = 967 (43%)<br>A = 1,266 (57%)<br>(n = 2,233)<br>18 min<br>22 max |

## Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
## FY 2007/08 Felonies

| Offense Class | Prior Record Level | | | | | | Total |
|---|---|---|---|---|---|---|---|
| | I<br>0 Points | II<br>1-4 Points | III<br>5-8 Points | IV<br>9-14 Points | V<br>15-18 Points | VI<br>19+ Points | |
| G | I/A<br><br>I = 537 (75%)<br>A = 178 (25%)<br>(n = 715)<br><br>11 min<br>14 max | I/A<br><br>I = 910 (72%)<br>A = 360 (28%)<br>(n = 1,270)<br><br>13 min<br>16 max | I/A<br><br>I = 545 (55%)<br>A = 449 (45%)<br>(n = 994)<br><br>14 min<br>17 max | I/A<br><br>I = 278 (39%)<br>A = 436 (61%)<br>(n = 714)<br><br>17 min<br>21 max | A<br><br>A = 146 (100%)<br>(n = 146)<br><br>18 min<br>22 max | A<br><br>A = 98 (100%)<br>(n = 98)<br><br>25 min<br>31 max | I/A<br><br>I = 2,270 (58%)<br>A = 1,667 (42%)<br>(n = 3,937)<br><br>15 min<br>19 max |
| H | C/I/A<br><br>C = 1,474 (53%)<br>I = 985 (35%)<br>A = 335 (12%)<br>(n = 2,794)<br><br>5 min<br>7 max | I/A<br><br>I = 2,714 (74%)<br>A = 940 (26%)<br>(n = 3,654)<br><br>7 min<br>8 max | I/A<br><br>I = 1,300 (56%)<br>A = 1,031 (44%)<br>(n = 2,331)<br><br>8 min<br>10 max | I/A<br><br>I = 698 (37%)<br>A = 1,179 (63%)<br>(n = 1,877)<br><br>10 min<br>12 max | I/A<br><br>I = 120 (21%)<br>A = 447 (79%)<br>(n = 567)<br><br>13 min<br>16 max | A<br><br>A = 479 (100%)<br>(n = 479)<br><br>18 min<br>21 max | C/I/A<br><br>C = 1,474 (12%)<br>I = 5,817 (50%)<br>A = 4,411 (38%)<br>(n = 11,702)<br><br>10 min<br>12 max |
| I | C<br><br>C = 1,724 (100%)<br><br>(n = 1,724)<br><br>N/A | C/I<br><br>C = 1,799 (59%)<br>I = 1,265 (41%)<br><br>(n = 3,064)<br><br>N/A | I<br><br>I = 1,267 (100%)<br><br>(n = 1,267)<br><br>N/A | I/A<br><br>I = 495 (47%)<br>A = 558 (53%)<br>(n = 1,053)<br><br>6 min<br>8 max | I/A<br><br>I = 93 (35%)<br>A = 175 (65%)<br>(n = 268)<br><br>8 min<br>10 max | I/A<br><br>I = 72 (24%)<br>A = 227 (76%)<br>(n = 299)<br><br>9 min<br>11 max | C/I/A<br><br>C = 3,523 (46%)<br>I = 3,255 (42%)<br>A = 897 (12%)<br>(n = 7,675)<br><br>7 min<br>9 max |
| TOTAL | C/I/A<br><br>C = 3,198 (46%)<br>I = 2,232 (32%)<br>A = 1,518 (22%)<br>(n = 6,948)<br><br>41 min<br>53 max | C/I/A<br><br>C = 1,799 (18%)<br>I = 5,520 (57%)<br>A = 2,390 (25%)<br>(n = 9,709)<br><br>32 min<br>41 max | I/A<br><br>I = 3,321 (59%)<br>A = 2,347 (41%)<br>(n = 5,668)<br><br>31 min<br>39 max | I/A<br><br>I = 1,534 (34%)<br>A = 2,950 (66%)<br>(n = 4,484)<br><br>27 min<br>35 max | I/A<br><br>I = 213 (17%)<br>A = 1,014 (83%)<br>(n = 1,227)<br><br>29 min<br>37 max | I/A<br><br>I = 72 (7%)<br>A = 991 (93%)<br>(n = 1,063)<br><br>31 min<br>38max | C/I/A<br><br>C = 4,997 (17%)<br>I = 12,892 (44%)<br>A = 11,210 (39%)<br>(n = 29,099)<br><br>31 min<br>40 max |

Note: Of the 31,603 felony convictions in FY 2007/08, 2,504 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life without parole sentences were excluded from the calculation of the average minimum and maximum sentences.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

***Effective for Offenses Committed on or after 12/1/95***

# MISDEMEANOR PUNISHMENT CHART

| CLASS | PRIOR CONVICTION LEVEL | | |
|---|---|---|---|
| | I | II | III |
| | No Prior Convictions | One to Four Prior Convictions | Five or More Prior Convictions |
| A1 | C/I/A<br>1 - 60 days | C/I/A<br>1 - 75 days | C/I/A<br>1 - 150 days |
| 1 | C<br>1 - 45 days | C/I/A<br>1 - 45 days | C/I/A<br>1 - 120 days |
| 2 | C<br>1 - 30 days | C/I<br>1 - 45 days | C/I/A<br>1 - 60 days |
| 3 | C<br>1 - 10 days | C/I<br>1 - 15 days | C/I/A<br>1 - 20 days |

**A – Active Punishment I – Intermediate Punishment C – Community Punishment**
**Cells with slash allow either disposition at the discretion of the judge**

## Table 19: Convictions and Sentences by Offense Class and Prior Conviction Level
## FY 2007/08 Misdemeanors

| Offense Class | Prior Conviction Level | | | Total |
|---|---|---|---|---|
| | I<br>0 Points | II<br>1-4 Points | III<br>5+ Points | |
| A1 | C/I/A<br><br>C = 3,224 (79%)<br>I = 129 (3%)<br>A = 748 (18%)<br>(n=4,104)<br><br>34.0 days | C/I/A<br><br>C = 3,629 (69%)<br>I = 316 (6%)<br>A = 1,288 (25%)<br>(n=5,233)<br><br>50.3 days | C/I/A<br><br>C = 1,970 (49%)<br>I = 333 (8%)<br>A = 1,745 (43%)<br>(n=4,048)<br><br>106.2 days | C/I/A<br><br>C = 8,823 (66%)<br>I = 778 (6%)<br>A = 3,781 (28%)<br>(n=13,382)<br><br>72.9 days |
| 1 | C<br><br>C = 32,695 (86%)<br>I = 210 (1%)<br>A = 5,004 (13%)<br>(n=37,909)<br><br>21.3 days | C/I/A<br><br>C = 28,107 (79%)<br>I = 907 (2%)<br>A = 6,760 (19%)<br>(n=35,774)<br><br>28.4 days | C/I/A<br><br>C = 11,548 (56%)<br>I = 1,263 (6%)<br>A = 7,785 (38%)<br>(n=20,596)<br><br>71.9 days | C/I/A<br><br>C = 72,350 (77%)<br>I = 2,380 (2%)<br>A = 19,549 (21%)<br>(n=94,279)<br><br>43.9 days |
| 2 | C<br><br>C = 12,008 (86%)<br>I = 23 (0%)<br>A = 1,926 (14%)<br>(n=13,957)<br><br>14.8 days | C/I<br><br>C = 7,498 (78%)<br>I = 152 (2%)<br>A = 1,915 (20%)<br>(n=9,565)<br><br>20.9 days | C/I/A<br><br>C = 2,321 (57%)<br>I = 89 (2%)<br>A = 1,664 (41%)<br>(n=4,074)<br><br>33.1 days | C/I/A<br><br>C = 21,827 (79%)<br>I = 264 (1%)<br>A = 5,505 (20%)<br>(n=27,596)<br><br>22.4 days |
| 3 | C<br><br>C = 11,097 (82%)<br>I = 12 (0%)<br>A = 2,496 (18%)<br>(n=13,605)<br><br>6.5 days | C/I<br><br>C = 6,062 (75%)<br>I = 65 (1%)<br>A = 1,921 (24%)<br>(n=8,048)<br><br>7.4 days | C/I/A<br><br>C = 1,888 (54%)<br>I = 33 (1%)<br>A = 1,587(45%)<br>(n=3,508)<br><br>12.7 days | C/I/A<br><br>C = 19,047 (76%)<br>I = 110 (1%)<br>A = 6,004 (24%)<br>(n=25,161)<br><br>8.4 days |
| TOTAL | C/I/A<br><br>C = 59,024 (85%)<br>I = 374 (1%)<br>A = 10,174 (14%)<br>(n=69,572)<br><br>17.4 days | C/I/A<br><br>C = 45,296 (77%)<br>I = 1,440 (3%)<br>A = 11,884 (20%)<br>(n=58,620)<br><br>26.1 days | C/I/A<br><br>C = 17,727 (55%)<br>I = 1,718 (5%)<br>A = 12,781 (40%)<br>(n=32,226)<br><br>64.1 days | C/I/A<br><br>C = 122,047 (76%)<br>I = 3,532 (2%)<br>A = 34,839 (22%)<br>(n=160,418)<br><br>37.5 days |

Note: Of the 164,442 misdemeanor convictions in FY 2007/08, 4,024 (2.5%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

Source: NC Sentencing and Policy Commission, FY 2007/08 Statistical Report Data

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 12, 2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| S. Katzenelson | Sentencing Com. |
| John Madler | " " |
| Tom Bennett | NC-VAN |
| Mildred Spearman | NCDOC |
| Anthony Allen | NCACC |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| Faith Everett | CGPC |
| Sherri Johnson | DOC |
| Deana Weston | Summit House |
| Aaron Gallagher | OSBM |
| Bob Brinson | Correction |
| | |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 12, 2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Cynthia Williams | Division of Community Corrections |
| Maggie Brewer | Division of Community Corrections |
| Sell Dearmin | DOJ |
| John W Smith | AOC |
| Debbie Allen | Governor's Crime Commission |
| Mike Dunkin | OSA |
| Heather Livingston | OSA |
| Russ Kitchen | OSA |
| Meenal Khajuria | Metro Majors |
| Greg Henderson | SAS |
| Michelle Frazier | MFS |
| | |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 12, 2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Erin McLaughlin | MHANC |
| Daniel Baum | K+L Gates |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

# MINUTES

## JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

**Wednesday, March 18, 2009**
**Room 415, LOB**
**8:30 a. m.**

The Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30. on Wednesday, March 18, 2009 in Room 415, LOB. Five members of the Senate Subcommittee attended, along with Representatives Bordsen, Love, Spear, Sutton, Warren, Boles, Goodwin Guice, Hurley, Jackson, Justus, Mobley, Randleman, and Stevens. Senator Ellie Kinnaird presided. She recognized the pages and Sergeant at Arms.

The Committee heard the JPS Agency Recommended Operating Budget.

Judge John Smith, Director for the Administrative Office of the Courts explained the cuts in his department budget and the adjustments they are making.

Questions from members were answered.

Senator Kinnaird asked Sheryl Kelly Office of State Budget and Management to explain Truth in Budgeting. Lapsed salaries

Questions from members were answered.

Danielle Carmen, Chief Counsel and Assistant Director explained the Office of Indigent Defense Services needs for the remained of the year and 2010 (see attachment 1).The Governor's budget for Office of Indigent Defense Services begins on page 13.

Roy Cooper, Attorney General, Department of Justice spoke to the committee about the work performed by his division, He introduced Nels Roseland, Deputy Secretary and Chief of Staff who spoke about the budget requirements and presented a summary of the Governor's budget (see attachment 2).

Senator Kinnaird asked Roseland to return for the 1:00 p. m. meeting to continue and answer member's questions.

The meeting adjourned at 9:55 a.m. to reconvene at 1:00 p. m.

Senator Ellie Kinnaird, Co-Chair

Kathie Young, Committee Assistant

**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**March 18, 2009 8:30 A.M. and 1:00 P.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird, Presiding
Senator John Snow
Representative Alice Bordsen
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Overview of JPS Agency Recommended Operating Budgets

- Administrative Office of the Courts
  *Judge John Smith, Director*
- Office of Indigent Defense Services
  *Thomas Maher, Executive Director*
- Department of Justice
  *Roy Cooper, Attorney General*
- Department of Correction
  *Alvin Keller, Secretary*

## III. OTHER BUSINESS:

## IV. FUTURE MEETINGS

Wednesday, March 18th at 1:00 – Continue Overview of Recommended Operating Budget for Department of Correction

Thursday, March 19th at 8:30 - Overview of Recommended Operating Budgets for Crime Control & Public Safety and Juvenile Justice & Delinquency Prevention

## V. ADJOURNMENT

# ATTENDANCE

## Joint Appropriations Subcommittee on Justice and Public Safety

(Name of Committee)

| DATES | Mar 18 AM | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rep. Alice Bordsen, Co-Chair | X | | | | | | | | | | | | | | |
| Rep. Jimmy Love, Co-Chair | X | | | | | | | | | | | | | | |
| Rep. Spear, Vice Chair | X | | | | | | | | | | | | | | |
| Rep. Sutton, Vice Chair | X | | | | | | | | | | | | | | |
| Rep. R. Warren, Vice Chair | X | | | | | | | | | | | | | | |
| Rep. Boles | X | | | | | | | | | | | | | | |
| Rep. Goodwin | X | | | | | | | | | | | | | | |
| Rep. Guice | X | | | | | | | | | | | | | | |
| Rep. Hurley | X | | | | | | | | | | | | | | |
| Rep. Jackson | X | | | | | | | | | | | | | | |
| Rep. Justus | X | | | | | | | | | | | | | | |
| Rep. Mobley | X | | | | | | | | | | | | | | |
| Rep. Moore | | | | | | | | | | | | | | | |
| Rep. Randleman | X | | | | | | | | | | | | | | |
| Rep. Stevens | X | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

# PRESENTATION TO JUSTICE AND PUBLIC SAFETY SUBCOMMITTEES

March 18, 2009

***Introduction:***

- IDS recognizes that this is a very difficult time for the State financially and that money for government services is scarce. Unfortunately, we also expect to see an increase in the demand for our services because of the economic downturn.
- Between FY 2002 and FY 2008, the number of criminal non-traffic dispositions where IDS paid for legal representation grew by 33.6%. IDS' share of court dispositions is projected to continue growing this FY:

| | FY02 | FY08 | Proj. FY09 |
|---|---|---|---|
| IDS Disps. as % of Total Criminal Non-Traffic Court Disps. | 34.9% | 45.4% | 47.4% |

- Per disposition expenditures during FY 2008 were $11.51 less than they were the year before IDS was created and only $17.58 more than they were during IDS' first year of operations:

| | FY01 (pre-IDS) | FY02 | FY08 |
|---|---|---|---|
| IDS Expenditures Per Disposition | $370.94 | $341.85 | $359.43 |

- Currently, IDS is projected to end this FY with approximately $7 million of debt, which will mean that we will exhaust our funding for private appointed counsel ("PAC") in late May.

***Impact of the Governor's Budget:***

- Although the Governor is proposing an $11.2 million increase in PAC funding, because of continued growth in demand and carry over debt from this year, IDS would still face a significant shortfall in FY 2010.
- The funding of payroll at 94% will take most of our lapsed salary, which has historically been used to cover part of the shortfall in the PAC fund. However, other adjustments in the continuation budget will cover virtually all of the non-PAC uses of our lapsed salary (e.g., temporary positions and support services in public defender offices).
- The reductions in our various operating budgets are all items that IDS proposed in response to the Governor's request for 3%, 5%, and 7% reductions. Those reductions can be accommodated, primarily by reducing equipment and book purchases, lowering travel reimbursement rates, and adjusting our training calendar.
- IDS proposed a 7% reduction in funding for NCPLS and CDPL, even though those cuts would result in a diminished services. However, we had hoped the cut to NCPLS would be non-recurring because they are effectively rebuilding the program. (Please note that NCPLS is actually funded from the Indigent Person Attorney Fee Fund, not central IDS as it is listed on page 15 of the Governor's Budget.)
- IDS proposed a 7% reduction in Sentencing Services' funding, but does not support complete elimination of the program.

**Governor's Proposed Budget for FY 2010**

| | |
|---|---|
| New PAC Funding for FY2010 | $11,204,718 |
| Loss of Lapsed Salary (otherwise would have gone to PAC) | ($1,980,237) |
| Loss of FY2009 Nonrecurring Funding | ($1,135,000) |
| Governor's Reduction in PAC Appropriation (7% NCPLS cut and eliminate Mecklenburg Attorney Fee Coordinator) | ($132,815) |
| FY09 Underfunding | ($2,100,000) |
| Net New Funding | $5,856,666 |
| Projected Carryover Debt from FY2009 | ($7,000,000) |
| Projected Cost Savings<br>✓ GAL program conflict cases<br>✓ Reduced mileage reimbursement rate | $280,831 |
| Actual PAC Availability | ($862,503) |
| FY2010 Shortfall at 5.5% Growth* | ~ ($7,000,000) |

** This projection assumes that the demand on the fund will increase by 5.5%, which has been the historical average growth rate by disposition year. However, it is likely that the growth in demand will be higher than normal because of the impact of the economic downturn on indigency rates.*

attachment 2

② 3/18/09

# DEPARTMENT OF JUSTICE SUMMARY OF 2009 - 2011 GOVERNOR'S BUDGET

North Carolina Department of Justice - Budget Code 13600 - March 18, 2009

| Item # | Description | FY 2009 -2010 Governor's Budget Recurring | FY 2009 -2010 Governor's Budget NR | FY 2010 -2011 Governor's Budget Recurring | FY 2010 -2011 Governor's Budget NR |
|---|---|---|---|---|---|
| **REDUCTIONS** | | | | | |
| 1 | BUDGET SALARIES AT 95% 60-70 positions vacant | (4,404,978) | - | (4,404,978) | - |
| 2 | NC LEAF NON PROFIT GRANT ELIMINATION | (500,000) | - | (500,000) | - |
| 3 | STREAMLINE SBI TELECOM BUDGET | (459,599) | - | (459,599) | - |
| 4 | ELIMINATE 6.0 VACANT POSITIONS | (367,641) | | (367,641) | - |
| 5 | CONVICTED CRIMINAL FEE INCREASE | (195,442) | - | (390,884) | - |
| 6 | REFINANCE 2.0 IT POSITIONS | (165,905) | - | (165,905) | - |
| 7 | REFINANCE 1.0 ADMIN POSITION | (44,216) | - | (44,216) | - |
| 8 | ELIMINATE LOCAL FINGERPRINT CARDS | (15,696) | - | (15,696) | - |
| 9 | REDUCE VARIOUS OPERATING ACCTS | - | - | - | (215,000) |
| | SUBTOTAL REDUCTIONS | (6,153,477) | - | (6,348,919) | (215,000) |
| **FEDERAL STIMULUS GRANTS** | | | | | |
| 10 | EXPAND GANGNET SYSTEM | - | 1,800,000 | - | - |
| 11 | EXPEDITE SBI INVESTIGATIONS | - | 500,000 | - | - |
| | SUBTOTAL STIMULUS GRANTS | - | 2,300,000 | - | - |

3-18-09

# The North Carolina State Budget

# RECOMMENDED OPERATING BUDGET

with Performance Management Information

## 2009-2011

Justice and Public Safety
Volume 4




**Beverly Eaves Perdue**
**Governor**

# The North Carolina State Budget

# RECOMMENDED OPERATING BUDGET

**with Performance Management Information**

**2009-2011**

## Justice and Public Safety
## Volume 4

Office of State Budget and Management
Office of the Governor
Raleigh, North Carolina

www.osbm.state.nc.us

Charles E. Perusse, State Budget Director
David Brown, Deputy Director for Budget
Jonathan Womer, Deputy Director for Management

March 2009

# Table of Contents

Volume 4: Justice and Public Safety


Preface ..... v

Introduction ..... ix

**Judicial Branch**

Mission and Goals ..... 1

12000 Administrative Office of the Courts - General ..... 2

12001 Office of Indigent Defense Services ..... 13

22001 AOC - Special Fund ..... see line item PDF file

22004 AOC - Reserve for Safe Roads ..... see line item PDF file

22005 AOC - Worthless Checks Fund ..... see line item PDF file

22006 Court Information Technology Fund ..... 22

22007 Judicial Department - Appellate Courts Printing/Computer ..... see line item PDF file

**Department of Justice**

Mission and Goals ..... 25

13600 Justice - General ..... 26

23600 Justice - Special ..... see line item PDF file

23601 Justice - Special/Recurring ..... 36

23606 Justice - Seized and Forfeit Assets ..... see line item PDF file

**Department of Juvenile Justice and Delinquency Prevention**

Mission and Goals ..... 43

14060 Department of Juvenile Justice and Delinquency Prevention ..... 45

24060 Juvenile Justice and Delinquency Prevention - Special ..... 60

64060 Juvenile Justice and Delinquency Prevention - Trust ..... see line item PDF file

**Department of Correction**

Mission and Goals ..... 71

14500 Correction - General Fund ..... 73

04502 Correction - Canteen Fund ..... see line item PDF file

24500 Correction - Special ..... 95

24501 Correction - Information Technology Projects ..... see line item PDF file

24502 Correction - Canteen Fund ..... see line item PDF file

24503 Correction - Interest Bearing Special Fund..... see line item PDF file
74500 Correction - Internal Service..... 105

**Department of Crime Control and Public Safety**

Mission and Goals..... 107
14900 Crime Control and Public Safety - General..... 108
24960 Crime Control and Public Safety - Highway Patrol..... 126
24963 CC and PS - Special Revenue Disaster Relief..... see line item PDF file
24964 CC and PS Other Special Grants..... 131
24965 CC and PS - IT projects..... see line item PDF file

NOTE: The line item detail files, in PDF format, are available for all volumes at http://www.osbm.state.nc.us

# Preface

*The North Carolina State Budget: Recommended Operating Budget with Performance Management Information, 2009-2011* reflects the work of multiple people within the Office of State Budget and Management (OSBM) and the Office of Economic Recovery and Investment. Budget administrators and analysts, economists, technical staff, and paraprofessionals are listed below by administrative area.

This document is available online at www.osbm.state.nc.us. For additional information about its contents, please contact the appropriate administrator at the e-mail address cited below or by telephone at 919/807-4700. The mailing address for OSBM is 20320 Mail Service Center, Raleigh, NC 27699-0320.

**Office of State Budget and Management**

**Charles Perusse, State Budget Director** (charles.perusse@osbm.nc.gov)
Debbie Young, Special Assistant to State Budget Director (debbie.young@osbm.nc.gov)

**Business Office**
**Arnetha Dickerson**, Business Officer (arnetha.dickerson@osbm.nc.gov)
Frances Doak, Accounting Technician (frances.doak@osbm.nc.gov)
Laveta Pickett, Accounting Technician (laveta.pickett@osbm.nc.gov )

**Human Resources**
**Ursula Hairston**, Human Resources Director (ursula.hairston@osbm.nc.gov)
Shelia Stewart, Human Resources Coordinator (shelia.stewart@osbm.nc.gov)
Tonya Austin, Human Resources Associate (tonya.austin@osbm.nc.gov)

**Internal Audit**
**Barbara Baldwin**, Internal Audit Manager (barbara.baldwin@osbm.nc.gov)
Michele Evans, Internal Auditor (michele.evans@osbm.nc.gov)
Regina Hill, Internal Auditor – Information Systems (regina.hill@osbm.nc.gov)
Courtney Michelle, Internal Auditor (courtney.michelle@osbm.nc.gov)

**Quality Assurance**
**vacant**, Director of Quality Assurance
Betty Haley, Research Assistant (betty.haley@osbm.nc.gov)

**David Brown, Deputy Director for Budget** (david.brown@osbm.nc.gov)
Kela Lockamy, Executive Assistant to Deputy State Budget Directors (kela.lockamy@osbm.nc.gov)
**Julie Mitchel**, Associate State Budget Director (julie.mitchel@osbm.nc.gov)
Susie Esealuka, Team Assistant (susie.esealuka@osbm.nc.gov)
Pat Taylor, Team Assistant (pat.taylor@osbm.nc.gov)

**Education**
**Elizabeth Grovenstein**, Assistant State Budget Officer (elizabeth.grovenstein@osbm.nc.gov)
Pam Leaman, Budget Analyst (pam.leaman@osbm.nc.gov)
Bryan Conrad, Budget Analyst (bryan.conrad@osbm.nc.gov)
Joyce Wallace, Budget Analyst (joyce.wallace@osbm.nc.gov)
vacant, Budget Analyst

**Health and Human Services**
**Jennifer Hoffmann**, Assistant State Budget Officer (jennifer.hoffmann@osbm.nc.gov)
Pam Kilpatrick, Budget Analyst (pam.kilpatrick@osbm.nc.gov)
Kari Barsness, Budget Analyst (kari.barsness@osbm.nc.gov)
Melvin Lee, Budget Analyst (melvin.lee@osbm.nc.gov)
Wayne Williams, Budget Analyst (wayne.williams@osbm.nc.gov)

**Infrastructure**
**Jim Lora**, Assistant State Budget Officer (jim.lora@osbm.nc.gov)
Adam Breuggemann, Budget Analyst (adam.breuggemann@osbm.nc.gov)
Kristen Crosson, Budget Analyst (kristen.crosson@osbm.nc.gov)
Jennifer Wimmer, Budget Analyst (jennifer.wimmer@osbm.nc.gov)
Sarah Porper, IT Budget Analyst (sarah.porper@osbm.nc.gov)

**Justice and Public Safety / Natural and Environmental Resources / General Government**
**Sheryl Kelly**, Assistant State Budget Officer (sheryl.kelly@osbm.nc.gov)
Donna Cox, Budget Analyst (donna.cox@osbm.nc.gov)
Aaron Gallagher, Budget Analyst (aaron.gallagher@osbm.nc.gov)
Jack Hubbard, Budget Analyst (jack.hubbard@osbm.nc.gov)
Alicia James, Budget Analyst (alicia.james@osbm.nc.gov)
Trevor Minor, Budget Analyst (trevor.minor@0sbm.nc.gov)
Cheryl Reed, Budget Analyst (cheryl.reed@osbm.nc.gov)

**Transportation**
**Mercidee Benton**, Assoc. State Budget Officer for Transportation (mercidee.benton@osbm.nc.gov)

**Jonathan Womer, Deputy Director for Management** (jonathan.womer@osbm.nc.gov)
Kela Lockamy, Executive Assistant to Deputy State Budget Directors (kela.lockamy@osbm.nc.gov)

**Demographic and Economic Analysis**
**Nathan Knuffman**, Associate State Budget Officer (Nathan.Knuffman@osbm.nc.gov)
Warren Plonk, Economic Analyst (warren.plonk@osbm.nc.gov)
Will Crumbley, Economic Analyst (william.crumbley@osbm.nc.gov)
Jennifer Song, State Demographer (jennifer.song@osbm.nc.gov)

**Government Evaluation and Review**
**Anne Bander**, Assistant State Budget Officer (anne.bander@osbm.nc.gov)
Angela Houston, Management Analyst (angela.y.houston@osbm.nc.gov)
Philip Bartholomew, Management Analyst (philip.bartholomew@osbm.nc.gov)
Donald Crooke, Management Analyst (donald.crooke@osbm.nc.gov)
John Leskovec, Management Analyst (john.leskovec@osbm.nc.gov)
Joe Turlington, Management Analyst (joe.turlington@osbm.nc.gov)

**Strategic Management**
**Erin Matteson**, Associate State Budget Officer (erin.matteson@osbm.nc.gov)
Bill Stockard, Management Analyst (bill.stockard@osbm.nc.gov)
Bob Coats, Business and Technology Applications Analyst (bob.coats@osbm.nc.gov)
Brandon James, Management Analyst (brandon.james@osbm.nc.gov)
Joe White, Management Analyst (joseph.white@osbm.nc.gov)

**Technology and Data Services**
**Joel Sigmon**, Assistant State Budget Officer (joel.sigmon@osbm.nc.gov)
Francine Stephenson, Business and Technology Applications Specialist (francine.stephenson@osbm.nc.gov)
Wayne Crews, Business and Technology Applications Specialist (wayne.crews@osbm.nc.gov)
Agness Gunter, Business and Technology Applications Specialist (agness.gunter@osbm.nc.gov)
Paula Jones, Business and Technology Applications Analyst (paula.a.jones@osbm.nc.gov)
Ernest Pecounis, Business and Technology Applications Analyst (ernest.pecounis@osbm.nc.gov)
Lucy Ringland, Technical Editor/Applications Analyst (lucy.ringland@osbm.nc.gov)
Paul Young, Business and Technology Applications Specialist (paul.young@osbm.nc.gov)

## Office of Economic Recovery and Investment
**Dempsey Benton**, Director (dempsey.benton@osbm.nc.gov)

# Introduction

## Operating budget by department

*The North Carolina State Budget: Recommended Operating Budget with Performance Management Information, 2009-2011* is a six-volume document that details Governor Perdue's recommended fiscal plan for the budgets of each department in the State of North Carolina for the upcoming biennium.

## Performance management information

Integrated with the budget details for each department are mission statements, goals, strategies, fund descriptions, key services supported by each fund, costs of services in dollars and staff, and performance measures. These performance management elements are intended to improve the reader's understanding of why an agency exists, what the agency does, how much money its services cost, and how effective its services are. The inclusion of these elements is part of the effort to provide members of the North Carolina General Assembly and the public with expanded budget and operational information. Ultimately, this information is designed to improve funding, planning, and management decisions in state government.

## Line item details

Line item base budget details for all budgeted budget codes and their component funds are available in PDF files on the Web site of the Office of State Budget and Management, www.osbm.state.nc.us.

## Order of presentation, explanation of codes

For publication of the recommended operating budget, the various departments are grouped by function within the following volumes:

Volume 1: Education
Volume 2: General Government
Volume 3: Health and Human Services
Volume 4: Justice and Public Safety
Volume 5: Natural and Economic Resources
Volume 6: Transportation

Each volume is organized by department, by budget code, and then by fund code. Each department is assigned a unique five-digit budget code or set of budget codes (except for the Department of Health and Human Services, which has a unique budget code for each of its divisions). Each budget code is further divided into four-character fund codes that represent a group of activities for accounting purposes.[1] Within budget codes, the recommended base budget is presented in order by fund code. For budget code 14300, Department of Environmental and Natural Resources, funds are presented within each division.

## Presentation of base budget and recommended adjustments

The governor's recommended operating budget is comprised of two distinct components: 1) the base budget, or continuation budget, which enables a department to continue existing services and activities at current levels, and 2) recommended adjustments to the base budget, which include new programs and expansions to current activities, as well as reductions and eliminations. The base budget combined with any recommended adjustments yields the recommended operating budget for the biennium.

For each budget code in the General Fund that begins with "1" and for budget codes in Transportation, Reserves and Transfers, and Capital Improvements, summarized information shows recommended changes to the base budget's appropriations and positions. Brief descriptions of

1. For example, the Department of Environment and Natural Resources (budget code 14300) has numerous fund codes corresponding to each of its programs. The budget for the Division of Marine Fisheries appears in three fund codes, one for each of its major activities, administration (14300-1315), research (14300-1320), and law enforcement (14300-1325).

recommended adjustments to the base budget are included with associated costs in dollars and positions. These costs are specified as recurring or nonrecurring. This section of information for the budget code is titled "Governor's Recommended Adjustments to Base Budget."

Following the display of recommendations for adjustments to the base budget[2] is a section for the budget code titled "Base Budget and Performance Management Information." This base budget section begins with graphs of expenditure and position histories that illustrate funding and staffing trends over the last several years.

The graphs are followed by a summary base budget table. The summary base budget table displays the requirements, receipts, appropriation, and positions for the following:

- Actual expenditures for FY 2007-08 (the most recent year for which actual information is available)
- Certified budget for FY 2008-09
- Authorized budget for FY 2008-09
- Allowable adjustments, such as inflationary increases, to the current authorized budget for each fiscal year of the 2009-11 biennium
- Totals for each fiscal year of the 2009-11 biennium

Following the base budget table for a budget code is a display of base budget information for each fund within the budget code, in order by fund code. The presentation for each fund begins with a base budget for the fund followed by a fund description that explains the major activities being funded.

## Performance management information presented with base budget

To explain and justify the expenditure of state taxpayers' money, agencies have prepared supporting performance management information. This information includes service statements; actual requirements (expenditures) and personnel requirements (FTEs) for each service statement; and performance measures that tie specifically to the services provided in the fund. The positions are those actually budgeted, not necessarily those filled.

2. For budget codes that do not begin with "1", there are no adjustments to the base budget except for transportation budget codes.

## Further information

Questions about *The North Carolina State Budget: Recommended Operating Budget with Performance Management Information, 2009-2011* or requests for further information may be directed to the Office of State Budget and Management, 20320 Mail Service Center, Raleigh, NC 27699-0320, or telephone (919) 807-4700. The document may also be downloaded from the Office of State Budget and Management's Web site at www.osbm.state.nc.us.

## Glossary

**Agency Indicators.** Quantifiable measures that reflect outcomes critical to an agency's success. These indicators ideally help to determine whether an agency is making progress towards its goals and fulfilling its mission.

**Authorized budget.** The certified budget plus revisions delegated to the Office of State Budget and Management and to agencies by the State Budget Act (G.S. 143C).

**Base budget.** That portion of the recommended operating budget that maintains existing, authorized levels of recurring services in agencies for a biennium. The base budget, or continuation budget, is based on the current year's authorized budget and may be adjusted for inflationary increases, annualization of programs, reductions for nonrecurring programs, and adjustments for receipts. The State Budget Act specifically mandates that enrollment increases in public schools, community colleges, and the university system be reflected in the continuation budget submitted for the legislature's review.

**Budget code.** A five-digit number established for budgetary reporting. This number generally identifies major fund types and the responsible entity for reporting. The first digit is the fund type. Budget codes are established for the following fund types:

0xxxx - Institutional Funds Revenue
1xxxx - General Fund
2xxxx - Special Funds
3xxxx - Federal Funds
4xxxx - Capital Project Funds
5xxxx - Enterprise Funds
6xxxx - Trust and Agency Funds
7xxxx - Service Funds
8xxxx - Highway Funds

**Certified budget.** The budget as enacted by the General Assembly, including adjustments made for (1) distributions to state agencies from statewide reserves appropriated by the General Assembly, (2) distributions of reserves appropriated to a specific agency by the General Assembly, and (3) organizational or budget changes directed by the legislature but left to the governor to carry out.

**Continuation budget.** Another term for the base budget.

**Expansion budget.** That portion of the recommended operating budget that presents additional operating funds for expansion of existing services or activities, including inflationary costs for the state's share of locally-operated programs, new programs, or pilot projects; proposals to change a statutorily-controlled program by redirecting funds from one program to another; one-time major equipment purchases; and continued phase-in of new programs initiated in a previous biennium.

**FTE (full-time equivalent).** FTE is the percentage of time that a staff member works represented as a decimal.

**Fund code.** A four-character code that, with its parent budget code, uniquely identifies the fund. Most budget codes have multiple fund codes that may reflect a department's organizational structure and are created for each division within a department and/or for specific programs or purposes of a division. Fund codes are established as a result of authorization by the General Assembly; changes in the accounting standards; authorizations by OSBM; and/or grant awards from federal, state, local, or private agencies, or from individuals.

**Fund description.** A description of the purpose of the programs, services, activities, or functions funded in the fund code. It provides justification for the expenditure of the funds.

**Goal.** A broad statement of what a department wants to achieve over a long period of time. Goals explain how an agency fulfills its mission.

**Mission statement.** A description of an organization's basic purpose (its fundamental reason for being) that specifies its major functional role and communicates its values.

**Performance measure.** A quantitative characterization of the quality of, need for, or impact of a service provided, ideally to help determine whether a desired outcome has been attained.

**Recommended operating budget.** Total of the base budget and recommended expansions and reductions submitted by the governor to the General Assembly for a biennium beginning with an odd-numbered year, for example, 2009-11. The six budget volumes described previously do not include the capital improvements budget, which is found in the accompanying budget publication entitled, *The North Carolina State Budget: Summary of Recommendations*. Also, a Six-Year Capital Improvements Plan that supports and explains all proposed capital improvements is prepared as a separate document.

**Service analysis.** A description of the relationship between an activity supported by a fund or budget code and the dollars and personnel allocated to those activities.

**Service statement.** A description of the set of specific activities, lines of business, or work processes that are funded by a particular budget code or fund code.

**Strategies.** Actions the agency will take over the next few years in order to make progress toward achieving identified goals. Strategies serve as a foundation for decisions regarding budget expansions and reductions, resource allocations, and operational changes.

# Judicial Branch

**Mission**

To protect and preserve the rights and liberties of all the people, as guaranteed by the Constitutions and laws of the United States and North Carolina, by providing a fair, independent, and accessible forum for the just, timely, and economical resolution of their legal affairs.

**Goals**

Ensure equality and fairness in the administration of justice for those who become involved in the North Carolina court system through uniformity and consistency in application of the law.

Improve the efficiency of court operations through technological and programmatic innovations and by advocating for the resource demands necessary to improve court operations.

Improve the overall effectiveness of the Judicial Branch in providing services to the public by becoming more responsive to court users.

**Agency Indicators**

| | 2003-04 | 2004-05 | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|---|---|
| Appeals filed in the Appellate Division [1] | 1,940 | 1,941 | 1,919 | 1,869 | 1,575 |
| Appeals disposed in the Appellate Division [2] | 1,894 | 1,958 | 2,175 | 1,969 | 1,713 |
| Cases filed in the Trial Court Division | 3,136,791 | 3,183,432 | 3,353,713 | 3,349,962 | 3,482,857 |
| Cases disposed in the Trial Court Division | 3,009,939 | 3,098,618 | 3,238,658 | 3,249,570 | 3,385,162 |
| Case clearance rates in Superior Court (outgoing cases as a percentage of incoming cases) | 96% | 96% | 94% | 94% | 94% |
| Case clearance rates in District Court (outgoing cases as percentage of incoming cases) | 98% | 99% | 99% | 99% | 99% |

[1]Only includes appeals filed in the Court of Appeals; does not include appeals filed in the Supreme Court.

[2]Only includes appeals disposed in the Court of Appeals; does not include appeals disposed in the Supreme Court.

*Governor's Recommended Adjustments to Base Budget*

# Judicial Branch (12000)

**Recommended General Fund Budget and Positions**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Base Budget** | | |
| **Requirements** | $500,690,795 | $510,680,500 |
| **Receipts** | $3,041,560 | $3,041,560 |
| **Appropriation** | $497,649,235 | $507,638,940 |
| **Adjustments** | | |
| **Requirements** | ($25,771,302) | ($25,938,804) |
| **Receipts** | $750,000 | - |
| **Appropriation** | ($26,521,302) | ($25,938,804) |
| **Total** | | |
| **Requirements** | $474,919,493 | $484,741,696 |
| **Receipts** | $3,791,560 | $3,041,560 |
| **Recommended Appropriation** | $471,127,933 | $481,700,136 |
| **Positions** | | |
| **Base Budget Positions** | 6,394.420 | 6,394.420 |
| **Reductions** | - | - |
| **Expansion** | - | - |
| **Recommended Positions** | 6,394.420 | 6,394.420 |

# **Appropriation Items** -- Recommended Adjustments

## Reductions

| | | 2009-10 | 2010-11 |
|---|---|---|---|
| **Department-Wide** | | | |
| 1. **Truth-in-Budgeting Reform (Budget Salaries at Less than 100%)** | | | |
| The Governor recommends budgetary reform by reducing the budgeted salaries to more closely match the actual salary expenditures. Budget line items which normally use lapsed salaries for the agency's operation were increased in the continuation budget. These changes along with budget flexibility will allow the agency to operate more efficiently. General Fund salaries for the Administrative Office of the Courts are recommended to be reduced by 4%. | **Appropriation** | **($14,450,384)** | **($14,450,384)** |
| 2. **Reduce Various Operating Accounts** | | | |
| It is recommended that various operating accounts be reduced on a recurring basis for Supplies ($150,000), Employee Educational Assistance ($50,000), Registration Fees ($100,000), Travel ($150,000), and Equipment ($500,000). | **Appropriation** | **($950,000)** | **($950,000)** |
| **Trial Court** | | | |
| 1. **Freeze Step Increases for Magistrates and Clerks** | | | |
| A recommendation is made to freeze the step increases for the salaries of Magistrates and Clerks for FY 2009-10 only. | **Appropriation - Nonrecurring** | **($1,466,541)** | **($884,043)** |
| 2. **Reduce Dispute Resolution Center Funding** | | | |
| It is recommended that all dispute resolution center pass-through funding be reduced by 7%. | **Appropriation** | **($111,952)** | **($111,952)** |
| **Equipment and Other Reserves** | | | |
| 1. **Establish a Management Flexibility Reserve** | | | |
| It is recommended that a management flexibility reserve be established to provide the Administrative Office of the Courts with the flexibility to manage additional reductions totaling $9,272,425. | **Appropriation** | **($9,272,425)** | **($9,272,425)** |

2. **Reduce Pass-Through Funding to the North Carolina State Bar**

In FY 2008-09, $200,000 was appropriated on a recurring basis for the North Carolina State Bar to provide $100,000 to the Land Loss Prevention Project and $100,000 to the Financial Protection Law Center for the purpose of assisting low income homeowners. However, similar services are currently being provided through Civil Justice Act programs, the Banking Commission, and the Housing Finance Agency. It is recommended that this $200,000 appropriation be eliminated given the similarity in services being provided by other agencies. It is also recommended that pass-through funding to the North Carolina State Bar for the Civil Justice Act be reduced by 7% ($70,000 R).

| | | | |
|---|---|---|---|
| | **Appropriation** | **($270,000)** | **($270,000)** |

**Total Recommended Reductions**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | ($25,054,761) | ($25,054,761) |
| Receipts | - | - |
| Appropriation | ($25,054,761) | ($25,054,761) |
| Positions | - | - |
| **Nonrecurring** | | |
| Requirements | ($1,466,541) | ($884,043) |
| Receipts | - | - |
| Appropriation | ($1,466,541) | ($884,043) |
| Positions | - | - |

**Expansion**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Equipment and Other Reserves** | | |
| 1. **Evaluation and Training to Improve Court Operations** | | |
| The Governor reports on the use of funding of up to $750,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for evaluation of court processes and procedures and developing best practices for effective programs. In addition, this funding will support continuing education and basic systems training for court professionals and those who interface with court systems. Training is especially critical to ensure the timely implementation of NCAWARE, a statewide warrant repository. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | |
| **Requirements - Nonrecurring** | **$750,000** | - |
| **Receipts - Nonrecurring** | **$750,000** | - |
| **Appropriation - Nonrecurring** | - | - |

**Total Recommended Expansion**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | - | - |
| Receipts | - | - |
| Appropriation | - | - |
| Positions | - | - |
| **Nonrecurring** | | |
| Requirements | $750,000 | - |
| Receipts | 750,000 | - |
| Appropriation | - | - |
| Positions | - | - |

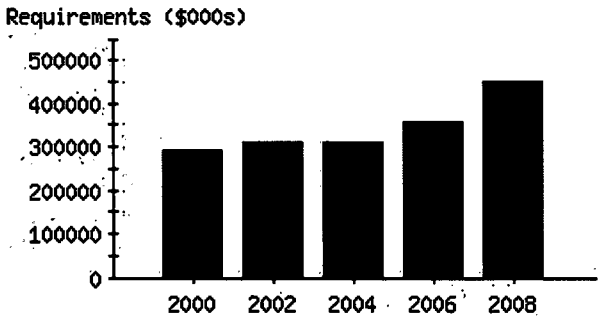
**Total Recommended Adjustments for Judicial Branch (12000) 2009-11**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | ($25,054,761) | ($25,054,761) |
| Receipts | - | - |
| Appropriation | ($25,054,761) | ($25,054,761) |
| Positions | - | - |
| **Nonrecurring** | | |
| Requirements | ($716,541) | ($884,043) |
| Receipts | 750,000 | - |
| Appropriation | ($1,466,541) | ($884,043) |
| Positions | - | - |
| **Total Appropriation Adjustments** | ($26,521,302) | ($25,938,804) |
| **Total Position Adjustments** | - | - |

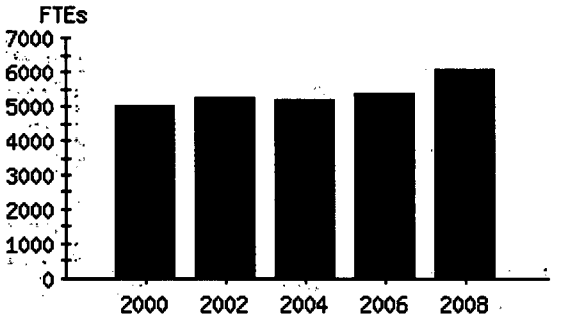
*Base Budget and Performance Management Information*

# Budget Code 12000 Administrative Office of the Courts - General

## Actual Expenditures by Fiscal Year




## Actual Positions by Fiscal Year




## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $450,297,688 | $482,668,624 | $482,877,827 | $17,812,968 | $500,690,795 | $27,802,673 | $510,680,500 |
| **Receipts** | $3,556,603 | $2,832,357 | $3,041,560 | $0 | $3,041,560 | $0 | $3,041,560 |
| **Appropriation** | $446,741,085 | $479,836,267 | $479,836,267 | $17,812,968 | $497,649,235 | $27,802,673 | $507,638,940 |
| **Positions** | 6,088.920 | 6,356.190 | 6,394.420 | - | 6,394.420 | - | 6,394.420 |

# Budget Code 12000 Administrative Office of the Courts - General

## Fund 12000-1100 Administration and Services — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $57,177,463 | $60,028,459 | $59,827,448 | $3,142,169 | $62,969,617 | $7,747,426 | $67,574,874 |
| **Receipts** | $810,907 | $482,675 | $505,090 | $0 | $505,090 | $0 | $505,090 |
| **Appropriation** | $56,366,556 | $59,545,784 | $59,322,358 | $3,142,169 | $62,464,527 | $7,747,426 | $67,069,784 |
| **Positions** | 418.000 | 406.000 | 404.750 | - | 404.750 | - | 404.750 |

### Fund description

The Judicial Branch uses this fund to carry out all the administrative functions and business operations of the court system statewide, including the administration of its programs and personnel system; management of fiscal and financial systems; research, planning, implementation, and evaluation of special projects; development and support of computer systems for information processing; informing court officials of legal issues; development of education and communication programs; compilation of statistical data; and management of warehouse supplies, forms, and books.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide administrative and business support statewide for court system officials and employees to increase the efficiency of court operations. | $57,177,463 | 418.000 |
| **Actual Totals** | **$57,177,463** | **418.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Appeals filed in the Appellate Division [1] | 1,919 | 1,869 | 1,575 |
| Cases filed in Trial Court Division | 3,353,713 | 3,349,962 | 3,482,857 |

[1]Only includes appeals filed in the Court of Appeals; does not include appeals filed in the Supreme Court.

## Fund 12000-1200 Appellate — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $13,031,300 | $13,568,466 | $13,813,481 | $394,269 | $14,207,750 | $439,231 | $14,252,712 |
| **Receipts** | $50,596 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $12,980,704 | $13,568,466 | $13,813,481 | $394,269 | $14,207,750 | $439,231 | $14,252,712 |
| **Positions** | 141.000 | 141.000 | 143.000 | - | 143.000 | - | 143.000 |

## Fund description

This is the fund for the Appellate Division, which includes the North Carolina Supreme Court, Court of Appeals, Judicial Standards Commission, and Innocence Inquiry Commission.

Supreme Court
The North Carolina Supreme Court has authority to prescribe the rules of practice and procedure for the appellate and trial court divisions, and to promulgate the yearly schedule of superior court sessions. The appellate jurisdiction includes cases on appeal by right from the Court of Appeals, cases on appeal by right from the Utilities Commission, criminal cases on appeal by right from the superior courts (first degree murder in which the defendant has been sentenced to death), and cases in which review has been granted in the Supreme Court's discretion. The only original case jurisdiction exercised by the Supreme Court is in the censure and removal of judges upon the non-binding recommendations of the Judicial Standards Commission.

Court of Appeals
The Court of Appeals provides appellate review for all civil appeals from the district courts and for civil and criminal appeals from the superior courts, except for those cases that come within the exclusive jurisdiction of the Supreme Court. In addition, the Court of Appeals provides appellate review of the decisions of certain administrative agencies.

Judicial Standards Commission
The Judicial Standards Commission investigates complaints or issues pertaining to justices or judges. The Commission makes findings (where appropriate) and recommendations to the Supreme Court for censure or removal of a judge.

Innocence Inquiry Commission
The North Carolina Innocence Inquiry Commission investigates and conducts inquiries to determine credible claims of factual innocence, with priority given to cases in which the convicted person is currently incarcerated solely for the crime for which he or she claims factual innocence.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Manage and operate the North Carolina Supreme Court, the Court of Appeals, the Judicial Standards Commission, and the Innocence Inquiry Commission. | $13,031,300 | 141.000 |
| **Actual Totals** | **$13,031,300** | **141.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Appeals filed in the Appellate Division [1] | 1,919 | 1,869 | 1,575 |
| Appeals disposed in the Appellate Division [2] | 2,175 | 1,969 | 1,713 |

[1]Only includes appeals filed in the Court of Appeals; does not include appeals filed in the Supreme Court.

[2]Only includes appeals disposed in the Court of Appeals; does not include appeals disposed in the Supreme Court.

## Fund 12000-1300 Trial Court — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $279,894,524 | $301,836,894 | $299,938,070 | $5,400,299 | $305,338,369 | $6,209,822 | $306,147,892 |
| **Receipts** | $860,499 | $498,097 | $561,597 | $0 | $561,597 | $0 | $561,597 |
| **Appropriation** | $279,034,025 | $301,338,797 | $299,376,473 | $5,400,299 | $304,776,772 | $6,209,822 | $305,586,295 |
| **Positions** | 4,344.020 | 4,509.190 | 4,541.520 | - | 4,541.520 | - | 4,541.520 |

## Fund description

This fund is for the Trial Court, which includes the following functions:

Superior Court
The Superior Court has original jurisdiction in the trial of all cases seeking the death penalty and other felonies and is the proper court for all civil cases where the amount in controversy exceeds $10,000. The Superior Court conducts new trials in misdemeanor cases tried in and appealed from district court; conducts hearings on post-conviction and habeas corpus petitions; hears appeals from most administrative agency decisions; and handles other pre-trial and post-trial matters.

District Court
The District Court handles trials and hearings in misdemeanor and infraction cases, civil cases up to $10,000, and all juvenile and domestic cases. It also provides hearings in judicial hospitalization matters and preliminary "probable cause" hearings in felony cases. In addition, the District Court has jurisdiction to accept guilty pleas in certain felony cases.

Family Courts
Family courts coordinate all case management and service agency efforts for a single family in distress to better serve that family and provide more consistent and efficient use of trial court time.

Office of the Clerk of Superior Court
The North Carolina Constitution provides for a clerk of superior court for each of the 100 counties with the duties and authorities prescribed by the General Assembly. The clerk is ex officio judge of probate and exercises judicial powers in special proceedings and administration of trusts and guardianships. The clerk also performs various administrative duties for both the superior and district courts of the county.

Guardian ad Litem
Pursuant to G.S. 7B-12, the Guardian ad Litem program provides trained independent advocates statewide to represent and promote the best interests of abused, neglected, and dependent children in the state court system and to work towards a plan that ensures that these children are in a safe, permanent home.

Child Custody and Visitation Mediation
The Child Custody and Visitation Mediation program is responsible for mediation of contested issues whenever a petition for an order of custody or visitation of a child (or modification of such an order) is contested in a jurisdiction where this program is implemented.

Dispute Resolution Commission
The North Carolina Dispute Resolution Commission is principally responsible for certifying and regulating the conduct of mediators and mediation training programs serving the statewide Mediated Settlement Conferences program. The Commission is also charged with certifying and regulating the conduct of mediators for equitable distribution, alimony, child support, and post separation support actions through the Family Financial Settlement program.

Court-Ordered Arbitration
Pursuant to G.S. 7A-37.1, all civil actions in which claims do not exceed $15,000 are subject to court-ordered arbitration in accordance with rules promulgated by the North Carolina Supreme Court. Court-ordered, non-binding arbitration is designed to be a more economical, efficient, and satisfactory procedure to resolve certain civil actions.

Dispute Settlement Centers
Funds are passed through from the Trial Court fund to Dispute Settlement Centers, which are organized to resolve disputes among citizens through mediation.

Drug Treatment Court
The Drug Treatment Court program uses a team of court and community professionals to help ensure that alcohol and/or drug addicted offenders receive the intensive treatment they need to become healthy, law-abiding, and productive family and community members.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Administer justice and fairly and consistently apply the laws for the public in the district and superior courts; support the Clerks of Superior Court in each of the 100 counties; and support programs related to Family Court, Child Custody and Visitation Mediation, Drug Treatment Court, Guardian ad Litem, Court-Ordered Arbitration, and the Dispute Resolution Commission. | $279,894,524 | 4,344.020 |
| **Actual Totals** | **$279,894,524** | **4,344.020** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Cases filed in the Trial Court Division | 3,353,713 | 3,349,962 | 3,482,857 |
| Cases disposed in the Trial Court Division | 3,238,658 | 3,249,570 | 3,385,162 |

## Fund 12000-1500 Equipment and Other Reserves — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $19,667,543 | $12,121,243 | $13,798,350 | $7,943,748 | $21,742,098 | $12,008,897 | $25,807,247 |
| **Receipts** | $166,050 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $19,501,493 | $12,121,243 | $13,798,350 | $7,943,748 | $21,742,098 | $12,008,897 | $25,807,247 |
| **Positions** | - | 41.000 | 41.000 | - | 41.000 | - | 41.000 |

### Fund description

This fund is used to budget supplies and equipment for the court system statewide, assistant deputy clerks pay plans, and magistrates pay plans.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide all supplies, equipment, assistant and deputy clerk pay plans, and magistrate pay plans. | $19,667,543 | - |
| **Actual Totals** | **$19,667,543** | - |

## Fund 12000-1600 Office - District Attorney — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $79,717,449 | $94,100,502 | $94,457,056 | $971,763 | $95,428,819 | $1,435,565 | $95,892,621 |
| **Receipts** | $1,655,051 | $1,851,585 | $1,974,873 | $0 | $1,974,873 | $0 | $1,974,873 |
| **Appropriation** | $78,062,398 | $92,248,917 | $92,482,183 | $971,763 | $93,453,946 | $1,435,565 | $93,917,748 |
| **Positions** | 1,176.900 | 1,249.000 | 1,254.150 | - | 1,254.150 | - | 1,254.150 |

### Fund description

District attorneys are responsible for the prosecution, on behalf of the state, of all criminal actions in the superior and district courts in the district, as well as in juvenile cases in which the juvenile is represented by an attorney. The district attorney is also responsible for ensuring that infraction cases are prosecuted efficiently and for calendaring criminal cases for trial. They also perform duties related to appeals as required by the State Attorney General.

Other operations budgeted in this fund include the Conference of District Attorneys, case management programs, and the Worthless Check Program, all of which provide support to district attorneys in their prosecution efforts.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Prosecute criminal actions in the district and superior courts and prepare criminal trial dockets. Support and assist district attorney offices through the Conference of District Attorneys. Support the Worthless Check Collection program and criminal case management programs. | $79,717,449 | 1,176.900 |
| **Actual Totals** | **$79,717,449** | **1,176.900** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Case clearance rates in Superior Court | 94 % | 94 % | 94 % |
| Case clearance rates in District Court | 99 % | 99 % | 99 % |

## Fund 12000-1750 Sentencing and Policy Advisory Commission — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $809,409 | $1,013,060 | $1,043,422 | ($39,280) | $1,004,142 | ($38,268) | $1,005,154 |
| **Receipts** | $13,500 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $795,909 | $1,013,060 | $1,043,422 | ($39,280) | $1,004,142 | ($38,268) | $1,005,154 |
| **Positions** | 9.000 | 10.000 | 10.000 | - | 10.000 | - | 10.000 |

### Fund description

The purpose of the Commission is to evaluate sentencing laws and policies in relationship to both the stated purposes of the criminal justice and corrections systems and the availability of sentencing options. Recommendations are made to the General Assembly for the modification of sentencing laws and policies, and for the addition, deletion, or expansion of sentencing options as necessary to achieve policy goals.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Evaluate sentencing laws and policies; project prison populations related to sentencing options; and make recommendations to the General Assembly for the modification of sentencing laws and policies. | $809,409 | 9.000 |
| **Actual Totals** | **$809,409** | **9.000** |

*Governor's Recommended Adjustments to Base Budget*

# Judicial Branch - Indigent Defense (12001)

**Recommended General Fund Budget and Positions**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Base Budget** | | |
| **Requirements** | $144,092,709 | $142,531,915 |
| **Receipts** | $10,211,519 | $10,211,519 |
| **Appropriation** | $133,881,190 | $132,320,396 |
| **Adjustments** | | |
| **Requirements** | ($10,165,174) | ($5,135,174) |
| **Receipts** | - | - |
| **Appropriation** | ($10,165,174) | ($5,135,174) |
| **Total** | | |
| **Requirements** | $133,927,535 | $137,396,741 |
| **Receipts** | $10,211,519 | $10,211,519 |
| **Recommended Appropriation** | $123,716,016 | $127,185,222 |
| **Positions** | | |
| **Base Budget Positions** | 467.250 | 467.250 |
| **Reductions** | (12.500) | (12.500) |
| **Expansion** | - | - |
| **Recommended Positions** | 454.750 | 454.750 |

# **Appropriation Items** -- Recommended Adjustments

**Reductions**

| | | 2009-10 | 2010-11 |
|---|---|---|---|
| **Department-Wide** | | | |
| 1. **Truth-in-Budgeting Reform (Budget Salaries at Less than 100%)** | | | |
| The Governor recommends budgetary reform by reducing the budgeted salaries to more closely match the actual salary expenditures. Budget line items which normally use lapsed salaries for the agency's operation were increased in the continuation budget. These changes along with budget flexibility will allow the agency to operate more efficiently. General Fund salaries for the Office of Indigent Defense Services are recommended to be reduced by 6%. | **Appropriation** | **($1,980,237)** | **($1,980,237)** |
| 2. **Reduce Various Operating Accounts** | | | |
| It is recommended that various operating accounts be reduced to include Travel ($309,637 R), Registration Fees ($17,000 R), Academic Services ($17,500 R), Library & Learning Resource Collection ($13,251 R), and PC/Printer Equipment ($30,000 NR). | **Appropriation** | **($357,388)** | **($357,388)** |
| | **Appropriation - Nonrecurring** | **($30,000)** | |
| **Sentencing Services** | | | |
| 1. **Eliminate Sentencing Services Program** | | | |
| It is recommended that the Sentencing Services Program be eliminated, including the elimination of 11.5 positions. | **Appropriation** | **($2,629,629)** | **($2,629,629)** |
| | **Positions** | **(11.500)** | **(11.500)** |
| **Indigent Person Attorney** | | | |
| 1. **Eliminate Attorney Fee Coordinator Position** | | | |
| It is recommended that an Attorney Fee Coordinator position be eliminated that is supported through $45,730 in fee recoupment receipts. With the elimination of this position, recoupment receipts will be made available to support expenses associated with the Private Assigned Counsel Fund. Therefore, the appropriation for this fund is reduced by $45,730. The duties of this position will be absorbed within the agency. | **Appropriation** | **($45,730)** | **($45,730)** |
| | **Positions** | **(1.000)** | **(1.000)** |

2. **Reduce the Private Assigned Counsel Fund**

It is recommended that the appropriation for the Private Assigned Counsel Fund for indigent defense representation be reduced on a one-time basis for FY 2009-10 only. With this reduction, the total appropriation for FY 2009-10 will still exceed the current year appropriation by $11 million.

**Appropriation - Nonrecurring ($5,000,000)**

---

**Office of Indigent Defense Services**

1. **Reduce State Aid for Center for Death Penalty Litigation**

It is recommended that the pass-through to the North Carolina State Bar for the Center for Death Penalty Litigation be reduced by 7%.

| | | |
|---|---|---|
| **Appropriation** | **($35,105)** | **($35,105)** |

2. **Reduce Contract with NC Prisoner Legal Services**

It is recommended that the contract with NC Prisoner Legal Services be reduced by 7%.

| | | |
|---|---|---|
| **Appropriation** | **($87,085)** | **($87,085)** |

---

**Total Recommended Reductions**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | ($5,135,174) | ($5,135,174) |
| Receipts | - | - |
| Appropriation | ($5,135,174) | ($5,135,174) |
| Positions | (12.500) | (12.500) |
| **Nonrecurring** | | |
| Requirements | ($5,030,000) | - |
| Receipts | - | - |
| Appropriation | ($5,030,000) | - |
| Positions | - | - |

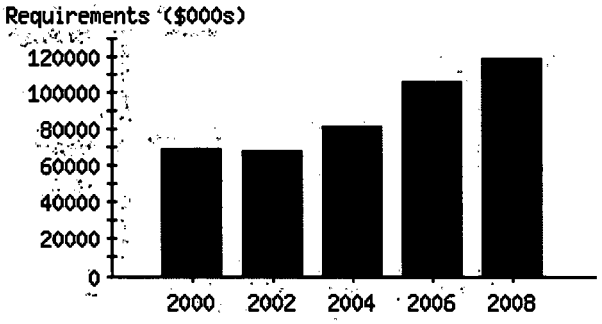
**Total Recommended Adjustments for**
**Judicial Branch - Indigent Defense (12001)**
**2009-11**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | ($5,135,174) | ($5,135,174) |
| Receipts | - | - |
| Appropriation | ($5,135,174) | ($5,135,174) |
| Positions | (12.500) | (12.500) |
| **Nonrecurring** | | |
| Requirements | ($5,030,000) | - |
| Receipts | - | - |
| Appropriation | ($5,030,000) | - |
| Positions | - | - |
| **Total Appropriation Adjustments** | ($10,165,174) | ($5,135,174) |
| **Total Position Adjustments** | (12.500) | (12.500) |

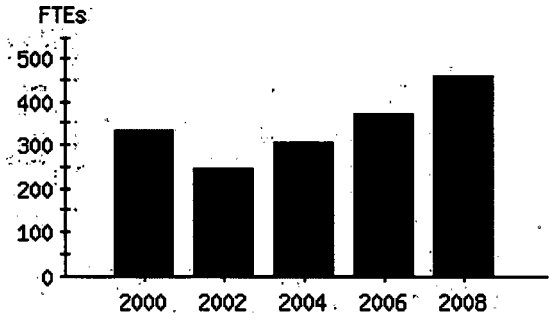
*Base Budget and Performance Management Information*

# Budget Code 12001 Office of Indigent Defense Services

## Actual Expenditures by Fiscal Year




## Actual Positions by Fiscal Year




Guardian ad Litem Program was transferred to the Administrative Office of the Courts in 2002.

## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $118,482,091 | $127,012,349 | $127,091,996 | $17,000,713 | $144,092,709 | $15,439,919 | $142,531,915 |
| **Receipts** | $10,268,641 | $8,875,157 | $8,954,804 | $1,256,715 | $10,211,519 | $1,256,715 | $10,211,519 |
| **Appropriation** | $108,213,450 | $118,137,192 | $118,137,192 | $15,743,998 | $133,881,190 | $14,183,204 | $132,320,396 |
| **Positions** | 457.500 | 466.500 | 467.250 | - | 467.250 | - | 467.250 |

# Budget Code 12001 Office of Indigent Defense Services

## Fund 12001-1310 Indigent Persons Attorney — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $82,323,076 | $84,812,001 | $84,812,001 | $16,204,718 | $101,016,719 | $14,404,718 | $99,216,719 |
| **Receipts** | $9,832,746 | $8,651,000 | $8,651,000 | $1,256,715 | $9,907,715 | $1,256,715 | $9,907,715 |
| **Appropriation** | $72,490,330 | $76,161,001 | $76,161,001 | $14,948,003 | $91,109,004 | $13,148,003 | $89,309,004 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

Under the duties and authorities of the Indigent Defense Services (IDS) Commission, this fund provides for assignment of private counsel in areas not served by a public defender office or where the local office can not handle the case because of conflict of interest, workload, or specialization. This fund contains only funds to pay private attorneys and experts based on fees ordered by individual judges, by IDS contract, or, in the case of appellate and capital cases, by the Office of Indigent Defense Services. It also includes funds to provide for representation of inmates in the Department of Correction in certain matters.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide quality and cost-effective representation to indigent adult criminal defendants at the trial level where Public Defender offices are not available. | $42,202,501 | - |
| Provide quality and cost-effective representation to indigent defendants at the capital and post-conviction levels. | $18,213,671 | - |
| Provide quality and cost-effective representation to indigent defendants at the appellate level. | $3,511,828 | - |
| Provide quality representation to juveniles in criminal and contempt proceedings where public defenders are not available. | $2,981,774 | - |
| Provide quality and cost-effective representation to inmates under the supervision of the Department of Correction on both conditions issues and post conviction matters. | $2,187,132 | - |
| Provide representation to indigents in specified civil cases where IDS is authorized to provide representation: child support contempt, abuse and neglect, competency and involuntary commitments. | $13,226,170 | - |
| **Actual Totals** | **$82,323,076** | - |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Cases handled by private assigned counsel [1] | 187,091 | 185,312 | 199,976 |
| Cost per case handled by private counsel (dollars) | $375.13 | $383.28 | $399.39 |

[1]Case count is close approximation based on number of individual payments to attorneys and experts.

## Fund 12001-1320 Public Defender Service — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $31,246,241 | $37,344,791 | $37,364,994 | $874,336 | $38,239,330 | $1,107,810 | $38,472,804 |
| **Receipts** | $260,728 | $93,633 | $150,327 | $0 | $150,327 | $0 | $150,327 |
| **Appropriation** | $30,985,513 | $37,251,158 | $37,214,667 | $874,336 | $38,089,003 | $1,107,810 | $38,322,477 |
| **Positions** | 426.750 | 436.500 | 436.500 | - | 436.500 | - | 436.500 |

### Fund description

Under the duties and authorities of the Indigent Defense Services Commission, this fund provides legal representation for indigents using state employed attorneys in the 14 districts where the legislature has approved establishment of a Public Defender. This fund also provides specialized representation in potentially capital cases (Capital Defender), appellate cases (Appellate Defender), and civil commitment cases at state mental hospitals (Special Counsel). It also supports the Office of the Juvenile Defender, which works to improve the quality of juvenile representation in the state.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide training and other educational resources to public defender staff. | $420,262 | - |
| Provide quality and cost effective representation to indigent criminal defendants at the trial level. | $20,979,160 | 297.750 |
| Provide quality representation to juveniles alleged delinquent or facing contempt proceedings, through direct representation by public defenders and systems improvement initiatives by the office of juvenile defender. | $1,146,979 | 16.000 |
| Provide quality and cost-effective representation to indigent defendants in capital cases at the trial and post-conviction level through the office of capital defender and some local public defender programs. | $2,028,583 | 18.000 |
| Provide quality and cost-effective representation to indigent defendants at the appellate level. | $1,500,763 | 20.000 |
| Provide quality and cost-effective representation in areas of civil representation assigned to the Office of Indigent Defense Services, including representation in child support contempt, commitment and competency proceedings and of respondent parents in abuse and neglect proceedings. | $5,170,494 | 75.000 |
| **Actual Totals** | **$31,246,241** | **426.750** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Aggregate Savings from Public Defender Offices (dollars) [1] | $1,684,553 | $1,673,144 | - |
| Student days of attorney training provided in conjunction with School of Government | 1,257 | 1,342 | 1,505 |
| Share of dispositions handled by defender offices | 35.2 % | 36.4 % | 36.0 % |
| Cost per case, private assigned counsel and defender offices combined (dollars) | $328.94 | $341.76 | $359.69 |

[1]Comprehensive study available on IDS website. FY08 results available Spring 2009.

## Fund 12001-1380 Indigent Defense Service — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $2,095,831 | $2,026,233 | $2,085,677 | $121,354 | $2,207,031 | $126,881 | $2,212,558 |
| **Receipts** | $169,764 | $130,524 | $153,477 | $0 | $153,477 | $0 | $153,477 |
| **Appropriation** | $1,926,067 | $1,895,709 | $1,932,200 | $121,354 | $2,053,554 | $126,881 | $2,059,081 |
| **Positions** | 19.250 | 18.500 | 19.250 | - | 19.250 | - | 19.250 |

### Fund description

The Office of Indigent Defense Services and the Commission on Indigent Defense Services were established pursuant to G.S. 7A-498 et seq. to operate independently within the Judicial Branch. The office is responsible for administering the budget and programs that provide representation to indigent persons entitled to counsel. Along with the commission, it establishes uniform policies and procedures for delivery of services and assignment of fees, monitors indigent representation to improve the quality of representation and ensure the independence of counsel, generates reliable statistical information in order to evaluate the services provided and funds expended, and provides for the processing of payments to attorneys and experts.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Administrative Service - Fiscal Management.** Manage and analyze financial information; account for and forecast the use of department resources; conduct general ledger accounting; maintain accounts payable, collections and accounts receivable, payroll services, cash management, program payments, and contracts and grants management; provide asset and liability management; and execute financial reporting. | $698,452 | 7.900 |
| **Support Commission.** Provide administrative and policy support to the Indigent Defense Services Commission. Includes research functions and systems improvement project and contract management and review. Includes portion of fiscal officer, research director, Director, Assistant Director, and Legal Associate time. | $620,297 | 7.500 |
| **Support of Public Defender Offices.** Provide administrative and policy support to the Defender offices including audit of dispositions, securing equipment, training and other resources, and policy research. | $170,730 | 2.100 |
| **Set Off Debt.** Administer program to collect outstanding judgments for attorney and appointment fees via Clerks offices and the Set Off Debt Program (receipt supported) | $104,852 | 1.750 |
| **Aid-NC State Bar.** Pass through funding to North Carolina State Bar. | $501,500 | - |
| **Actual Totals** | **$2,095,831** | **19.250** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Receipts from recoupment of outstanding attorney fees (dollars) | $8,594,684 | $9,028,874 | $9,867,005 |

## Fund 12001-1760 Sentencing Services Program — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $2,816,943 | $2,829,324 | $2,829,324 | ($199,695) | $2,629,629 | ($199,490) | $2,629,834 |
| **Receipts** | $5,403 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $2,811,540 | $2,829,324 | $2,829,324 | ($199,695) | $2,629,629 | ($199,490) | $2,629,834 |
| **Positions** | 11.500 | 11.500 | 11.500 | - | 11.500 | - | 11.500 |

### Fund description

Transferred to the Indigent Services Commission in fiscal year 2002-03, pursuant to G.S. 7A-770 et seq., the Sentencing Services Program prepares and presents sentencing plans to judges. When appropriate, these plans propose community-based punishments in lieu of incarceration for targeted offenders who would otherwise be prison-bound. The result is reduced admissions to prison and the provision of appropriate treatment for offenders who may not receive treatment or rehabilitative services in prison.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Develop comprehensive sentencing plans to assist the court in diverting eligible offenders from prison and to assist defense counsel in advocating for appropriate sentences. | $2,816,943 | 11.500 |
| **Actual Totals** | **$2,816,943** | **11.500** |

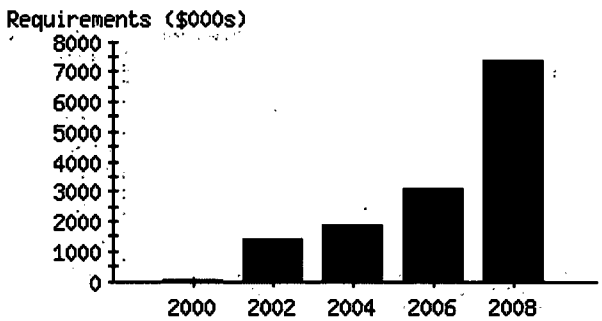
| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Sentencing Plans prepared for targeted defendants | 1,432 | 1,609 | 1,530 |
| Defendants contacted for screening to determine eligibility and benefits for participation in a sentencing services program [1] | 5,904 | 6,119 | 6,248 |

[1]Program budget reduced by 32% in FY06 resulting in ten closed programs.

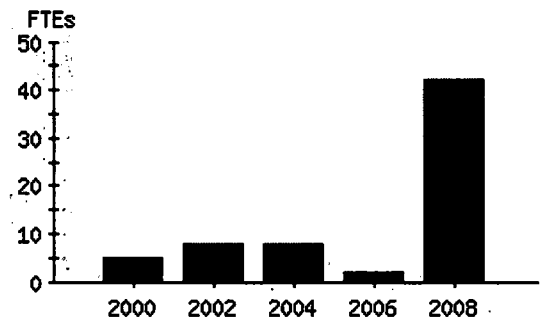
*Base Budget and Performance Management Information*

# Budget Code 22006 Court Information Technology Fund

## Actual Expenditures by Fiscal Year




## Actual Positions by Fiscal Year




Appropriation and positions were transferred to budget code 22006 in 2007-08 to establish an information technology reserve for managing major technology programs and initiatives.

## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $7,323,228 | $2,179,963 | $8,149,239 | $0 | $8,149,239 | $0 | $8,149,239 |
| **Receipts** | $6,084,252 | $2,179,963 | $8,149,239 | $0 | $8,149,239 | $0 | $8,149,239 |
| **Chng Fund Bal** | ($1,238,976) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 42.000 | - | 42.000 | - | 42.000 | - | 42.000 |

# Budget Code 22006 Court Information Technology Fund

## Fund 22006-2006 Court Information Technology Fund — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $7,323,228 | $2,179,963 | $8,149,239 | $0 | $8,149,239 | $0 | $8,149,239 |
| **Receipts** | $6,084,252 | $2,179,963 | $8,149,239 | $0 | $8,149,239 | $0 | $8,149,239 |
| **Chng Fund Bal** | ($1,238,976) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 42.000 | - | 42.000 | - | 42.000 | - | 42.000 |

### Fund description

The Court Information Technology Fund is a non-reverting, interest bearing special revenue account that the Judicial Branch uses to supplement funds otherwise available to the Judicial Branch for court information technology and office automation needs as authorized by G.S. 7A-343.2.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide court information technology services statewide for court officials and employees to increase the efficiency of court operations and better serve the public. | $7,323,228 | 42.000 |
| **Actual Totals** | **$7,323,228** | **42.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Data circuit connected sites | 236 | 278 | 318 |

# Department of Justice

**Mission**

The North Carolina Department of Justice provides responsive, cost effective, and critical legal, law enforcement, and consumer protection services to state agencies, local governments, and citizens of North Carolina.

**Goals**

Provide high quality, cost effective, and responsive legal and consumer protection services to the State and its citizens.

Solve crimes and protect public safety through investigative and forensic analysis services.

Provide local law enforcement agencies with high value, cost effective, and responsive officer training, licensure, and certification activities.

**Agency Indicators**

| | 2003-04 | 2004-05 | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|---|---|
| Criminal appeal petitions managed by DOJ attorneys | 563 | 685 | 794 | 682 | 701 |
| State Litigation financial exposure (the State's liability) managed by DOJ attorneys ($ million) | $1,979 | $1,887 | $1,395 | $1,153 | $1,861 |
| SBI crime laboratory case submissions | 36,351 | 38,809 | 46,280 | 40,322 | 38,618 |
| SBI criminal investigations closed | 3,654 | 3,379 | 3,432 | 3,586 | 3,507 |
| State and local law enforcement employees certified by DOJ | 77,938 | 79,864 | 81,190 | 83,325 | 84,787 |
| Students trained on Justice Academy campuses | 11,182 | 11,861 | 16,409 | 17,125 | 17,810 |

*Governor's Recommended Adjustments to Base Budget*

# Department of Justice (13600)

**Recommended General Fund Budget and Positions**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Base Budget** | | |
| **Requirements** | $131,576,009 | $132,205,784 |
| **Receipts** | $31,134,862 | $31,158,765 |
| **Appropriation** | $100,441,147 | $101,047,019 |
| **Adjustments** | | |
| **Requirements** | ($3,658,034) | ($6,173,034) |
| **Receipts** | $2,495,442 | $390,884 |
| **Appropriation** | ($6,153,476) | ($6,563,918) |
| **Total** | | |
| **Requirements** | $127,917,975 | $126,032,750 |
| **Receipts** | $33,630,304 | $31,549,649 |
| **Recommended Appropriation** | $94,287,671 | $94,483,101 |
| **Positions** | | |
| **Base Budget Positions** | 1,345.740 | 1,345.740 |
| **Reductions** | (9.000) | (9.000) |
| **Expansion** | - | - |
| **Recommended Positions** | 1,336.740 | 1,336.740 |

# **Appropriation Items** -- Recommended Adjustments

**Reductions**

| | | 2009-10 | 2010-11 |
|---|---|---|---|
| **Department-Wide** | | | |
| 1. **Truth-in-Budgeting Reform (Budget Salaries at Less than 100%)** | | | |
| The Governor recommends budgetary reform by reducing the budgeted salaries to more closely match the actual salary expenditures. Budget line items which normally use lapsed salaries for the agency's operation were increased in the continuation budget. These changes along with budget flexibility will allow the agency to operate more efficiently. General Fund salaries for the Department of Justice are recommended to be reduced by 5%. | | | |
| | **Appropriation** | **($4,404,978)** | **($4,404,978)** |
| 2. **Reduce Various Operating Accounts** | | | |
| It is recommended that funding for various operating accounts be reduced across the agency. | | | |
| | **Appropriation - Nonrecurring** | **-** | **($215,000)** |
| **Law Enforcement - SBI** | | | |
| 1. **Reduce Telecommunication Service Charges** | | | |
| It is recommended that telecommunication service charges be reduced by providing all connections to criminal databases through secure internet connections. | | | |
| | **Appropriation** | **($459,599)** | **($459,599)** |
| 2. **Shift Positions to Receipt Support** | | | |
| It is recommended that two appropriated Information Technology positions be shifted to receipt support. These positions will now be funded through user fees associated with criminal databases that these positions support. | | | |
| | **Appropriation** | **($165,905)** | **($165,905)** |
| | **Positions** | **(2.000)** | **(2.000)** |
| 3. **Increase SBI Crime Lab Fee** | | | |
| It is recommended that the fee assessed on convicted criminals to recover the cost of SBI Crime Lab analysis be increased from $300 to $600. DWI cases make up a large percentage of the total revenue generated from this fee. | | | |
| | **Receipts** | **$195,442** | **$390,884** |

4. **Eliminate the Fingerprint Card Program**

It is recommended that the fingerprint card program be eliminated now that all 100 counties have access to the Statewide Automated Fingerprint Identification System (SAFIS), which utilizes livescan devices.

| | | |
|---|---|---|
| **Appropriation** | **($15,696)** | **($15,696)** |

---

**General Administration**

1. **Shift Position to Receipt Support**

It is recommended that an appropriated administrative position be shifted to receipt support. This position will now be funded by receipts generated through administrative charges from grants, cost of collection for DPI school penalties, Private Protective Services operating receipts, and Justice Academy bookstore receipts.

| | | |
|---|---|---|
| **Appropriation** | **($44,215)** | **($44,215)** |
| **Positions** | **(1.000)** | **(1.000)** |

---

**Legal Services**

1. **Eliminate Six Vacant Positions**

It is recommended that six vacant positions be eliminated. The positions include two attorneys, three SBI support positions, and one academy training coordinator.

| | | |
|---|---|---|
| **Appropriation** | **($367,641)** | **($367,641)** |
| **Positions** | **(6.000)** | **(6.000)** |

2. **Eliminate NC Legal Education Assistance Program (LEAF)**

It is recommended that the NC Legal Education Assistance Program (LEAF) be eliminated.

| | | |
|---|---|---|
| **Appropriation** | **($500,000)** | **($500,000)** |

---

**Total Recommended Reductions**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | ($5,958,034) | ($5,958,034) |
| Receipts | 195,442 | 390,884 |
| Appropriation | ($6,153,476) | ($6,348,918) |
| Positions | (9.000) | (9.000) |

**Nonrecurring**

| | | |
|---|---|---|
| Requirements | - | ($215,000) |
| Receipts | - | - |
| Appropriation | - | ($215,000) |
| Positions | - | - |

**Expansion**

| | 2009-10 | 2010-11 |
|---|---|---|

**Law Enforcement - SBI**

1. **Expand GangNet**

The Governor reports on the use of funding of up to $1.8 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for an expansion of the GangNet intelligence information database. The database will be expanded to include probation offices, the State Bureau of Investigation, the State's Homeland Security Intelligence Network and the N.C. Justice Xchange, which facilitates criminal justice integration by allowing the exchange of information throughout the criminal justice community. These efforts will be coordinated with Durham County and Charlotte-Mecklenburg, which administer the GangNet eastern and western nodes, respectively. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program.

| | | |
|---|---|---|
| **Requirements - Nonrecurring** | **$1,800,000** | - |
| **Receipts - Nonrecurring** | **$1,800,000** | - |
| **Appropriation - Nonrecurring** | - | - |

2. **Funding to Expedite Criminal and Methamphetamine Investigations**

The Governor reports on the use of funding of up to $500,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) to support overtime expenditures required to expedite methamphetamine and violent crime investigations. This funding is also required to reduce backlogs at the SBI Crime Lab, resulting in faster conviction rates for violent crimes. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program.

| | | |
|---|---|---|
| **Requirements - Nonrecurring** | **$500,000** | - |
| **Receipts - Nonrecurring** | **$500,000** | - |
| **Appropriation - Nonrecurring** | - | - |

**Total Recommended Expansion**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | - | - |
| Receipts | - | - |
| Appropriation | - | - |
| Positions | - | - |
| **Nonrecurring** | | |
| Requirements | $2,300,000 | - |
| Receipts | 2,300,000 | - |
| Appropriation | - | - |
| Positions | - | - |

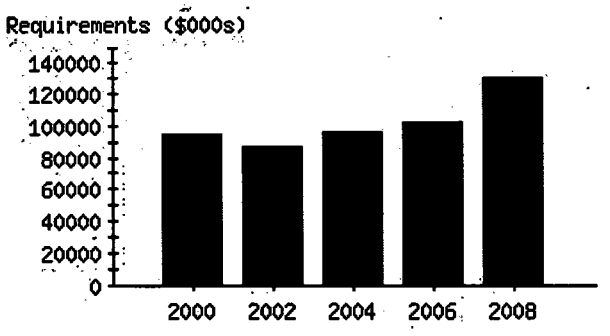
**Total Recommended Adjustments for Department of Justice (13600) 2009-11**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | ($5,958,034) | ($5,958,034) |
| Receipts | 195,442 | 390,884 |
| Appropriation | ($6,153,476) | ($6,348,918) |
| Positions | (9.000) | (9.000) |
| **Nonrecurring** | | |
| Requirements | $2,300,000 | ($215,000) |
| Receipts | 2,300,000 | - |
| Appropriation | - | ($215,000) |
| Positions | - | - |
| **Total Appropriation Adjustments** | ($6,153,476) | ($6,563,918) |
| **Total Position Adjustments** | (9.000) | (9.000) |

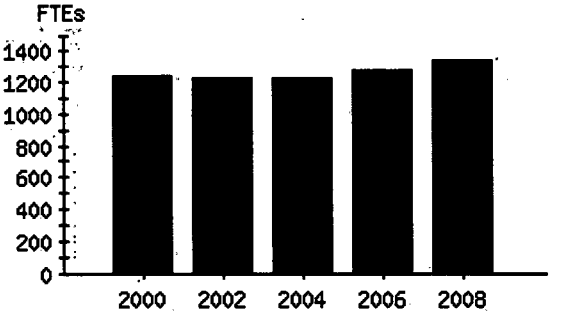
*Base Budget and Performance Management Information*

# Budget Code 13600 Justice - General

## Actual Expenditures by Fiscal Year




## Actual Positions by Fiscal Year




## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $130,099,689 | $126,743,955 | $128,831,691 | $2,744,318 | $131,576,009 | $3,374,093 | $132,205,784 |
| **Receipts** | $31,666,377 | $28,954,667 | $31,042,403 | $92,459 | $31,134,862 | $116,362 | $31,158,765 |
| **Appropriation** | $98,433,312 | $97,789,288 | $97,789,288 | $2,651,859 | $100,441,147 | $3,257,731 | $101,047,019 |
| **Positions** | 1,338.120 | 1,342.740 | 1,345.740 | - | 1,345.740 | - | 1,345.740 |

# Budget Code 13600 Justice - General

## Fund 13600-1100 General Administration — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $3,036,502 | $3,081,921 | $3,213,125 | $82,001 | $3,295,126 | $85,776 | $3,298,901 |
| **Receipts** | $18,076 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $3,018,426 | $3,081,921 | $3,213,125 | $82,001 | $3,295,126 | $85,776 | $3,298,901 |
| **Positions** | 40.000 | 39.000 | 40.000 | - | 40.000 | - | 40.000 |

### Fund description

General Administration assists the Attorney General in all aspects of the management of the Department of Justice including policy and planning development; providing support in budgetary, personnel, and purchasing activities for the department; and providing adequate facilities and equipment necessary for employees to do their jobs.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Administration.** Provide policy and program management in the development and provision of quality law enforcement services. Oversee the department's information technology needs, government accounting practices, and human resource development. | $3,036,502 | 40.000 |
| **Actual Totals** | **$3,036,502** | **40.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Percentage of daily deposits in compliance with State Cash Management policy | 99 % | 99 % | 100 % |
| Purchase orders issued through E-Procurement | 2,882 | 2,720 | 3,253 |
| Departmental employee turnover rate [1] | 8.6 % | 7.6 % | 7.2 % |

[1]Average turnover rate for all state agencies is 11.4%.

## Fund 13600-1200 Legal Services — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $50,686,611 | $48,462,661 | $50,621,563 | $960,735 | $51,582,298 | $1,147,183 | $51,768,746 |
| **Receipts** | $20,025,146 | $19,901,592 | $21,894,303 | $38,390 | $21,932,693 | $58,353 | $21,952,656 |
| **Appropriation** | $30,661,465 | $28,561,069 | $28,727,260 | $922,345 | $29,649,605 | $1,088,830 | $29,816,090 |
| **Positions** | 464.120 | 465.740 | 467.740 | - | 467.740 | - | 467.740 |

### Fund description

This division provides legal representation in federal and state trial and appellate courts as well as administrative tribunals for all state departments, agencies, institutions, commissions, bureaus, or other organized entities of the state that receive support in whole or in part from the state. This representation can be in civil courts on behalf of the state as a plaintiff or defendant or in criminal courts on behalf of the prosecution. Legal Services attorneys handle all criminal appeals on behalf of the state. This division also provides legal counsel on a daily basis to these same state entities as well as to local governments, law enforcement agencies, and the members of the General Assembly. This Division also provides consumer protection services to citizens and operates the state Managed Care Patient Assistance Program.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Legal Services.** Represent all state agencies, institutions and related organizations in legal matters; manage all criminal appeals on behalf of the state; provide consumer protection services; and operate the Managed Care Patient Assistance Program. | $50,686,611 | 464.120 |
| **Actual Totals** | **$50,686,611** | **464.120** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Criminal appeal petitions managed by DOJ attorneys | 794 | 682 | 701 |
| State litigation financial exposure managed by DOJ attorneys ($ million) | $1,395 | $1,153 | $1,861 |

## Fund 13600-1300 Law Enforcement Services - SBI — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $66,710,576 | $65,518,279 | $65,241,189 | $1,494,502 | $66,735,691 | $1,837,863 | $67,079,052 |
| **Receipts** | $10,642,180 | $8,804,316 | $8,896,203 | $353 | $8,896,556 | $1,640 | $8,897,843 |
| **Appropriation** | $56,068,396 | $56,713,963 | $56,344,986 | $1,494,149 | $57,839,135 | $1,836,223 | $58,181,209 |
| **Positions** | 700.000 | 703.000 | 703.000 | - | 703.000 | - | 703.000 |

### Fund description

The State Bureau of Investigation operates within the jurisdiction established in Chapter 114 of the General Statutes to investigate crimes, perform laboratory analysis of forensic evidence, and develop and operate comprehensive computerized databases in order to assist state, local, and federal law enforcement agencies in solving crimes. The Bureau also provides public awareness of crime trends and crime prevention techniques through educational programs and tracks statewide crime activity and statistics.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Law Enforcement Services.** Provide high quality cost effective investigative, forensic laboratory analysis services. Develop and operate comprehensive computerized databases in order to assist state, local, and federal law enforcement agencies in solving crimes. The Bureau also provides public awareness of crime trends and crime prevention techniques through educational programs and tracks statewide crime activity and statistics. | $66,710,576 | 700.000 |
| **Actual Totals** | **$66,710,576** | **700.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| SBI criminal investigations closed | 3,432 | 3,586 | 3,507 |
| SBI crime laboratory forensic case submissions | 46,280 | 40,322 | 38,618 |

## Fund 13600-1500 Criminal Justice Training and Standards — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $9,654,359 | $9,681,094 | $9,755,814 | $207,080 | $9,962,894 | $303,271 | $10,059,085 |
| **Receipts** | $806,186 | $248,759 | $251,897 | $53,716 | $305,613 | $56,369 | $308,266 |
| **Appropriation** | $8,848,173 | $9,432,335 | $9,503,917 | $153,364 | $9,657,281 | $246,902 | $9,750,819 |
| **Positions** | 134.000 | 135.000 | 135.000 | - | 135.000 | - | 135.000 |

### Fund description

This division contains the two regulatory bodies that establish training and minimum certification standards for local law enforcement officers. This function includes developing the standards, testing applicants, and providing administrative support to the NC Criminal Justice Standards Commission and the NC Sheriffs' Education and Training Standards Commission. The division also contains the North Carolina Justice Academy, which exists to develop curriculum to train state and local law enforcement officers, correctional officers, and probation/parole officers in the criminal justice system as well as to provide the training for all levels of certification except the Basic Law Enforcement Training program. This division also provides the administrative support for the academy and is responsible for maintaining the physical plants in Salemburg and Edneyville.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Law Enforcement Training and Certification Services.** Establish training and minimum certification standards for local law enforcement officers. This function includes developing the standards, testing applicants, and providing administrative support to two commissions. Develop curriculum through the North Carolina Justice Academy to train state and local law enforcement officers, correctional officers, and probation/parole officers in the criminal justice system as well as to provide the training for all levels of certification. | $9,654,359 | 134.000 |
| **Actual Totals** | **$9,654,359** | **134.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| State and local law enforcement employees certified by DOJ | 81,190 | 83,325 | 84,787 |
| Students trained on Justice Academy campuses | 16,409 | 17,125 | 18,465 |

## Fund 13600-1991 Indirect Reserve — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $11,641 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $174,789 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | ($163,148) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

## Fund description

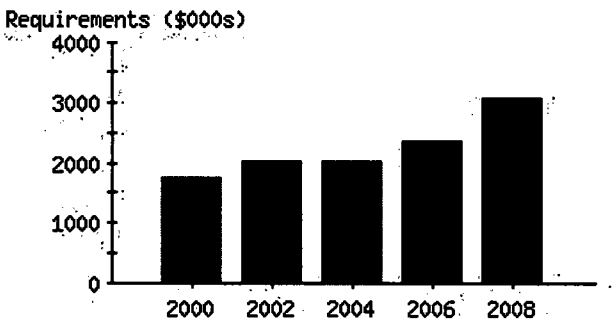
This is a non-operating fund for the deposit of indirect reserve payments from the federal government for reimbursement of Medicaid Fraud program administrative costs.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Indirect Reserve.** Provide a non-operating fund for the deposit of indirect reserve payments from the federal government for the reimbursement of the Medicaid Investigations Unit administrative costs. | $11,641 | - |
| **Actual Totals** | **$11,641** | - |

*Base Budget and Performance Management Information*

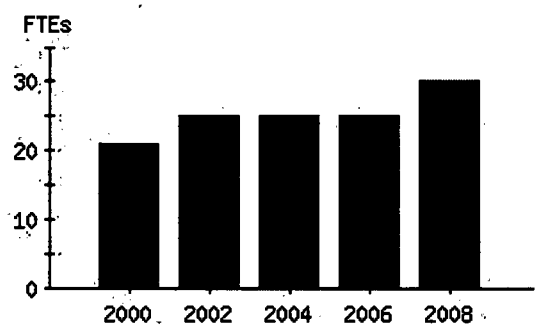
# Budget Code 23601 Justice - Special/Recurring

## Actual Expenditures by Fiscal Year




New budget code for 2006-07. Historical data for marijuana eradication, private protective services, and Justice Academy bookstore transferred from budget code 23600, where originally budgeted. 2005 - increase due to addition of marijuana eradication to budget code 23600.

## Actual Positions by Fiscal Year




In budget code 23600 until 2006-07.

## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $3,054,900 | $2,765,760 | $2,777,437 | $0 | $2,777,437 | $0 | $2,777,437 |
| **Receipts** | $2,883,496 | $2,825,189 | $2,825,189 | $0 | $2,825,189 | $0 | $2,825,189 |
| **Chng Fund Bal** | ($171,404) | $59,429 | $47,752 | $0 | $47,752 | $0 | $47,752 |
| **Positions** | 30.000 | 26.000 | 26.000 | - | 26.000 | - | 26.000 |

# Budget Code 23601 Justice - Special/Recurring

## Fund 23601-2801 SBI - Marijuana Eradication — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $212,257 | $212,257 | $0 | $212,257 | $0 | $212,257 |
| **Receipts** | $0 | $212,257 | $212,257 | $0 | $212,257 | $0 | $212,257 |
| **Chng Fund Bal** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

The State Bureau of Investigation (SBI) works to eradicate marijuana in the state and assists local and other state law enforcement agencies in these efforts. The SBI's Air Wing Section, North Carolina National Guard RAID, and the North Carolina State Highway Patrol coordinate in these activities. Experienced agents are trained to locate marijuana from the air. This grant represents the 2009-2011 estimated award amounts.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Eradication Services.** Locate and eradicate marijuana growing operations throughout the state through SBI Airwing missions and ground agent coordination. | $0 | - |
| **Actual Totals** | **$0** | - |

## Fund 23601-2802 SBI Marijuana Eradication 0708 — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $185,232 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $179,590 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($5,642) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

The State Bureau of Investigation (SBI) works to eradicate marijuana in the state and assists local and other state law enforcement agencies in these efforts. The SBI's Air Wing Section, North Carolina National Guard RAID, and the North Carolina State Highway Patrol coordinate in these activities. Experienced agents are trained to locate marijuana from the air. The new grant award will be budgeted under fund 2801.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Eradication Services.** Locate and eradicate marijuana growing operations throughout the state through SBI Airwing missions and ground agent coordination. | $185,232 | - |
| **Actual Totals** | **$185,232** | - |

## Fund 23601-2850 Private Protective Service — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $1,764,924 | $1,793,311 | $1,804,988 | $0 | $1,804,988 | $0 | $1,804,988 |
| **Receipts** | $1,778,494 | $1,852,740 | $1,852,740 | $0 | $1,852,740 | $0 | $1,852,740 |
| **Chng Fund Bal** | $13,570 | $59,429 | $47,752 | $0 | $47,752 | $0 | $47,752 |
| **Positions** | 25.000 | 24.000 | 24.000 | - | 24.000 | - | 24.000 |

### Fund description

Private Protective Services (PPS) administers the licensing, education, and training requirements for persons, firms, associations, and corporations engaged in private protective services within North Carolina. Responsibilities of PPS include: performing background investigations of PPS occupations; registering employees of licensed companies; conducting investigations of public complaints; conducting compliance audits; and enforcing the law and rules through administrative disciplinary processes and the courts.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Private Law Enforcement Officer Oversight.** Administer the licensing, education, and training requirements for persons, firms, associations and corporations engaged in private protective services within North Carolina in an objective and fair manner. | $1,764,924 | 25.000 |
| **Actual Totals** | **$1,764,924** | **25.000** |

## Fund 23601-2851 Methamphetamine Initiatives — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $11,100 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $11,369 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $269 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

The North Carolina Information Sharing and Analysis Center (ISAAC) serves as the focal point for the collection, assessment, analysis, and dissemination of terrorism and criminal information relating to North Carolina. This information is verified and analyzed and then disseminated to law enforcement agencies. The sharing of information benefits homeland security and criminal interdiction programs at all governmental levels. ISAAC is comprised of state, federal, and local law enforcement agencies including both investigators and analysts. ISAAC has the primary responsibility for developing and evaluating crimes specifically relating to NC Homeland Security, gangs, and high intensity drug cases.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Law Enforcement Intelligence Coordination.** Serve as the focal point for the collection, assessment, analysis, and dissemination of terrorism and criminal information that enhance and improve public safety in North Carolina. | $11,100 | - |
| **Actual Totals** | **$11,100** | - |

## Fund 23601-2852 ISAAC (EM) — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $191,489 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $76,056 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($115,433) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

The North Carolina Information Sharing and Analysis Center (ISAAC) serves as the focal point for the collection, assessment, analysis, and dissemination of terrorism and criminal information relating to North Carolina. This information is verified and analyzed and then disseminated to law enforcement agencies. The sharing of information benefits homeland security and criminal interdiction programs at all governmental levels. ISAAC is comprised of state, federal, and local law enforcement agencies including both investigators and analysts. ISAAC has the primary responsibility for developing and evaluating crimes specifically relating to NC Homeland Security, gangs, and high intensity drug cases.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Law Enforcement Intelligence Coordination.** Serve as the focal point for the collection, assessment, analysis, and dissemination of terrorism and criminal information that enhance and improve public safety in North Carolina. | $191,489 | - |
| **Actual Totals** | **$191,489** | - |

## Fund 23601-2853 ISAAC (GCC) — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $59,656 | $46,304 | $46,304 | $0 | $46,304 | $0 | $46,304 |
| **Receipts** | $43,762 | $46,304 | $46,304 | $0 | $46,304 | $0 | $46,304 |
| **Chng Fund Bal** | ($15,894) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 3.000 | - | - | - | - | - | - |

### Fund description

The North Carolina Information Sharing and Analysis Center (ISAAC) serves as the focal point for the collection, assessment, analysis, and dissemination of terrorism and criminal information relating to North Carolina. This information is verified and analyzed and then disseminated to law enforcement agencies. The sharing of information benefits homeland security and criminal interdiction programs at all governmental levels. ISAAC is comprised of state, federal, and local law enforcement agencies including both investigators and analysts. ISAAC has the primary responsibility for developing and evaluating crimes specifically relating to NC Homeland Security, gangs, and high intensity drug cases. This grant award is passed through the Governor's Crime Commission.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Law Enforcement Intelligence Coordination.** Serve as the focal point for the collection, assessment, analysis, and dissemination of terrorism and criminal information that enhance and improve public safety in North Carolina. | $59,656 | 3.000 |
| **Actual Totals** | **$59,656** | **3.000** |

## Fund 23601-2854 ISAAC EM FY 0608 — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $25,531 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $2,122 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($23,409) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

The North Carolina Information Sharing and Analysis Center (ISAAC) serves as the focal point for the collection, assessment, analysis, and dissemination of terrorism and criminal information relating to North Carolina. This information is verified and analyzed and then disseminated to law enforcement agencies. The sharing of information benefits homeland security and criminal interdiction programs at all governmental levels. ISAAC is comprised of state, federal, and local law enforcement agencies including both investigators and analysts. ISAAC has the primary responsibility for developing and evaluating crimes specifically relating to NC Homeland Security, gangs, and high intensity drug cases.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Law Enforcement Intelligence Coordination.** Serve as the focal point for the collection, assessment, analysis, and dissemination of terrorism and criminal information that enhance and improve public safety in North Carolina. | $25,531 | - |
| **Actual Totals** | **$25,531** | - |

## Fund 23601-2855 ISAAC - Awareness ends 4/30/07 clsd — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $4,075 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $4,075 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

The North Carolina Information Sharing and Analysis Center (ISAAC) serves as the focal point for the collection, assessment, analysis, and dissemination of terrorism and criminal information relating to North Carolina. This information is verified and analyzed and then disseminated to law enforcement agencies. The sharing of information benefits homeland security and criminal interdiction programs at all governmental levels. ISAAC is comprised of state, federal, and local law enforcement agencies including both investigators and analysts. ISAAC has the primary responsibility for developing and evaluating crimes specifically relating to NC Homeland Security, gangs, and high intensity drug cases. The grant for fund 23601-2855 has ended.

## Fund 23601-2856 ISAAC - Surveillance, ends 9/7/07 clsd — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $14,822 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $14,821 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($1) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

The North Carolina Information Sharing and Analysis Center (ISAAC) serves as the focal point for the collection, assessment, analysis, and dissemination of terrorism and criminal information relating to North Carolina. This information is verified and analyzed and then disseminated to law enforcement agencies. The sharing of information benefits homeland security and criminal interdiction programs at all governmental levels. ISAAC is comprised of state, federal, and local law enforcement agencies including both investigators and analysts. ISAAC has the primary responsibility for developing and evaluating crimes specifically relating to NC Homeland Security, gangs, and high intensity drug cases. The grant for fund 23601-2856 has ended.

## Fund 23601-2858 ISAAC Anti-Terrorism Guide ends 3/31/08 — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $3,550 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $3,550 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This is a grant to produce ISAAC Anti-Terrorism Guides. This is for quick reference guides for the enhancement of all hazard preparedness– Closed prior to July 1, 2009.

---

## Fund 23601-2899 Justice Academy Bookstore — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $794,521 | $713,888 | $713,888 | $0 | $713,888 | $0 | $713,888 |
| **Receipts** | $769,657 | $713,888 | $713,888 | $0 | $713,888 | $0 | $713,888 |
| **Chng Fund Bal** | ($24,864) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 2.000 | 2.000 | 2.000 | - | 2.000 | - | 2.000 |

### Fund description

The North Carolina Justice Academy operates two bookstores through campus facilities in Edneyville and Salemburg. These bookstores publish and distribute law enforcement training materials for law enforcement officers, other educational institutions, and the public. The bookstores also support the activities of campus students and instructors by providing necessary supplies.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Bookstore Operations.** Publish, sell, and distribute law enforcement training materials for law enforcement officers, other educational institutions, and the public. | $794,521 | 2.000 |
| **Actual Totals** | **$794,521** | **2.000** |

# Department of Juvenile Justice and Delinquency Prevention

**Mission**

Promote public safety in North Carolina by preventing and reducing juvenile crime through the effective and efficient administration of a comprehensive juvenile justice system.

**Goals**

Plan, develop, and coordinate prevention, intervention, and rehabilitative services and programs for juveniles and families in order to reduce juvenile crime, strengthen families, and promote safe communities.

Administer a statewide, uniform system of juvenile intake, protective supervision, probation, and post-release supervision services for juveniles who are alleged or found to be undisciplined or delinquent in order to enhance community safety and improve lives of these juveniles.

Operate and provide oversight of juvenile facilities and implement programs that assist juveniles in skill building, behavior change, and life choices.

Assist local governments, Juvenile Crime Prevention Councils, and private service agencies in development and delivery of effective community-based delinquency prevention and intervention services for juveniles in order to serve more youth, more effectively, resulting in improved services for juveniles and safer communities.

Develop and administer a comprehensive juvenile justice information system to help management and stakeholders collect information to make data-driven decisions regarding all aspects of the juvenile justice system.

Design and implement effective strategies to reduce the over-representation of minority youth in the juvenile justice system.

**Agency Indicators**

| | 2003-04 | 2004-05 | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|---|---|
| Youth served by Juvenile Crime Prevention Council (JCPC) programs | - | 31,400 | 29,888 | 27,936 | 29,054 |
| Undisciplined or delinquent youth receiving supervision services | - | 15,867 | 15,917 | 15,432 | 15,164 |
| Youth that were the subject of complaints | - | 22,857 | 23,787 | 22,997 | 19,167 |
| Percentage increase/decrease from previous year in juvenile delinquent crime complaints [1] | - | - | -0.89% | 1.94% | -5.20% |

[1]This figure is considered the change in the juvenile crime rate.

*Governor's Recommended Adjustments to Base Budget*

# Department of Juvenile Justice and Delinquency Prevention (14060)

**Recommended General Fund Budget and Positions**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Base Budget** | | |
| **Requirements** | $184,011,109 | $184,177,802 |
| **Receipts** | $11,526,694 | $11,526,694 |
| **Appropriation** | $172,484,415 | $172,651,108 |
| **Adjustments** | | |
| **Requirements** | ($12,557,889) | ($20,057,889) |
| **Receipts** | $4,850,358 | ($2,649,642) |
| **Appropriation** | ($17,408,247) | ($17,408,247) |
| **Total** | | |
| **Requirements** | $171,453,220 | $164,119,913 |
| **Receipts** | $16,377,052 | $8,877,052 |
| **Recommended Appropriation** | $155,076,168 | $155,242,861 |
| **Positions** | | |
| **Base Budget Positions** | 1,942.040 | 1,942.040 |
| **Reductions** | (51.000) | (51.000) |
| **Expansion** | - | - |
| **Recommended Positions** | 1,891.040 | 1,891.040 |

# **Appropriation Items** -- Recommended Adjustments

**Reductions**

| | | 2009-10 | 2010-11 |
|---|---|---|---|
| **Department-Wide** | | | |
| 1. **Truth-in-Budgeting Reform (Budget Salaries at Less than 100%)** | | | |
| The Governor recommends budgetary reform by reducing the budgeted salaries to more closely match the actual salary expenditures. Budget line items which normally use lapsed salaries for the agency's operation were increased in the continuation budget. These changes along with budget flexibility will allow the agency to operate more efficiently. General Fund salaries for the Department of Juvenile Justice and Delinquency Prevention are recommended to be reduced by 5%. | | | |
| | **Appropriation** | **($4,990,560)** | **($4,990,560)** |
| 2. **Eliminate Seven Central Office Positions** | | | |
| It is recommended that seven central office positions be eliminated. These positions include one human resources position, one web master position, one administrative secretary, one information technology project manager, and three facility investigators. These eliminations will include a combination of filled and vacant positions. | | | |
| | **Appropriation** | **($426,955)** | **($426,955)** |
| | **Positions** | **(7.000)** | **(7.000)** |
| 3. **Reduce Appropriation for Furniture** | | | |
| It is recommended that funding for furniture be reduced on a nonrecurring basis. | | | |
| | **Appropriation - Nonrecurring** | **($218,393)** | **($218,393)** |
| **Intervention and Prevention** | | | |
| 1. **Eliminate Alternative to Detention Contract** | | | |
| It is recommended that the Alternative to Detention contract be eliminated that provides short-term emergency placement of juveniles through a local provider in select judicial districts. | | | |
| | **Appropriation** | **($43,885)** | **($43,885)** |
| 2. **Reduce Pass-through Funding** | | | |
| It is recommended that pass-through funding be reduced by 7% for the Boys and Girls Clubs, Project Challenge, and Juvenile Crime Prevention Councils. | | | |
| | **Appropriation** | **($1,656,400)** | **($1,656,400)** |

3. **Eliminate the Support Our Students (SOS) Program**

It is recommended that funding for the Support Our Students program be eliminated, including the elimination of four filled positions. The TANF grant funding that partially supports this program will now be made available to other programs such as the Work First Cash Assistance Program, the Work First Aid to Counties, or subsidized child care.

| | | |
|---|---|---|
| **Requirements** | **($8,560,939)** | **($8,560,939)** |
| **Receipts** | **($2,649,642)** | **($2,649,642)** |
| **Appropriation** | **($5,911,297)** | **($5,911,297)** |
| **Positions** | **(4.000)** | **(4.000)** |

**Special Initiatives**

1. **Close the Alamance Multi-Purpose Home**

It is recommended that the Alamance Multi-Purpose Home be closed due to low capacity utilization.

| | | |
|---|---|---|
| **Appropriation** | **($600,000)** | **($600,000)** |

2. **Reduce Pass-through Funding**

It is recommended that pass-through funding be reduced by 7% for the Governor's One-on-One Program and the Juvenile Assessment Center.

| | | |
|---|---|---|
| **Appropriation** | **($126,763)** | **($126,763)** |

3. **Reduce Eckerd Wilderness Camp Rate**

It is recommended that the daily contract rate for Eckerd Wilderness Camp beds be reduced from $134.95 to $123.58. To achieve this reduction, one camp serving 45 North Carolina youth will be closed, service will be discontinued to out-of-state youth currently being subsidized by North Carolina, and the length of stay for some youth will decrease. The 45 youth, as well as half of the direct care staff, will be transferred to the remaining six Eckerd Wilderness Camps to ensure the same number of North Carolina youth continue to be served.

| | | |
|---|---|---|
| **Appropriation** | **($1,435,000)** | **($1,435,000)** |

4. **Close Camp Woodson Wilderness Camp**

It is recommended that the Camp Woodson Wilderness Camp be closed, resulting in the elimination of 21 positions.

| | | |
|---|---|---|
| **Appropriation** | **($1,050,000)** | **($1,050,000)** |
| **Positions** | **(21.000)** | **(21.000)** |

**Youth Development**

**1. Eliminate 19 Youth Development Center Positions**

It is recommended that 19 Youth Development Center positions be eliminated. The elimination will include a combination of filled and vacant positions. The positions are located at Dillon, Cabarrus, Edgecombe, and Chatham Youth Development Centers.

| | | |
|---|---|---|
| **Appropriation** | **($948,994)** | **($948,994)** |
| **Positions** | **(19.000)** | **(19.000)** |

**Total Recommended Reductions**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | ($19,839,496) | ($19,839,496) |
| Receipts | (2,649,642) | (2,649,642) |
| Appropriation | ($17,189,854) | ($17,189,854) |
| Positions | (51.000) | (51.000) |
| **Nonrecurring** | | |
| Requirements | ($218,393) | ($218,393) |
| Receipts | - | - |
| Appropriation | ($218,393) | ($218,393) |
| Positions | - | - |

**Expansion**

| | 2009-10 | 2010-11 |
|---|---|---|

**Department-Wide**

**1. Gang Prevention and Intervention Pilot Program**

The Governor reports on the use of funding of up to $6 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the implementation of a two-year Gang Prevention and Intervention Program. This program will focus on youth at-risk for gang involvement and those who are already associated with gangs and gang activity. The pilot program, which will be implemented in the Cabarrus/Mecklenburg and Nash/Edgecombe/Wilson/Halifax corridors of the state, will consist of several major components: (1) training of court staff and Youth Development Center (YDC) staff in screening youth for risk factors related to gang affiliation and activity; (2) training for YDC and Detention Center staff in gang awareness and practical strategies for managing gang-related behaviors; (3) training of key YDC staff in implementation of the Phoenix Gang Prevention and Intervention Curriculum; (4) implementation of the Phoenix Gang Prevention

and Intervention Curriculum; (5) enhanced substance abuse screening and treatment interventions for youth in the YDC; and (6) Community Re-integration interventions using the Juvenile Crime Prevention Councils. Also recommended is one coordinator position for this pilot program. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program.

| | | |
|---|---|---|
| **Requirements - Nonrecurring** | **$6,000,000** | - |
| **Receipts - Nonrecurring** | **$6,000,000** | - |
| **Appropriation - Nonrecurring** | - | - |

**Intervention/Prevention Services**

1. **Additional Juvenile Court Counselors**

The Governor reports on the use of funding of up to $1.5 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the establishment of 12 new court counselors and 2 new supervisor positions. These positions are needed to provide community supervision services to enhance the ability of the Department of Juvenile Justice and Delinquency Prevention to effectively supervise adjudicated youth, including those at-risk for/involved in gang activity. This request will achieve a ratio of 1 court counselor supervisor to 9 court counselors, as recommended in a recent workload study. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program.

| | | |
|---|---|---|
| **Requirements - Nonrecurring** | **$1,500,000** | - |
| **Receipts - Nonrecurring** | **$1,500,000** | - |
| **Appropriation - Nonrecurring** | - | - |

**Total Recommended Expansion**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | - | - |
| Receipts | - | - |
| Appropriation | - | - |
| Positions | - | - |

| | | |
|---|---|---|
| **Nonrecurring** | | |
| Requirements | $7,500,000 | - |
| Receipts | 7,500,000 | - |
| Appropriation | - | - |
| Positions | - | - |

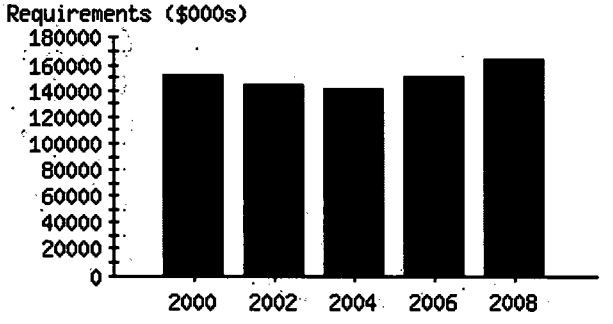
**Total Recommended Adjustments for Department of Juvenile Justice and Delinquency Prevention (14060) 2009-11**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | ($19,839,496) | ($19,839,496) |
| Receipts | (2,649,642) | (2,649,642) |
| Appropriation | ($17,189,854) | ($17,189,854) |
| Positions | (51.000) | (51.000) |
| **Nonrecurring** | | |
| Requirements | $7,281,607 | ($218,393) |
| Receipts | 7,500,000 | - |
| Appropriation | ($218,393) | ($218,393) |
| Positions | - | - |
| **Total Appropriation Adjustments** | ($17,408,247) | ($17,408,247) |
| **Total Position Adjustments** | (51.000) | (51.000) |

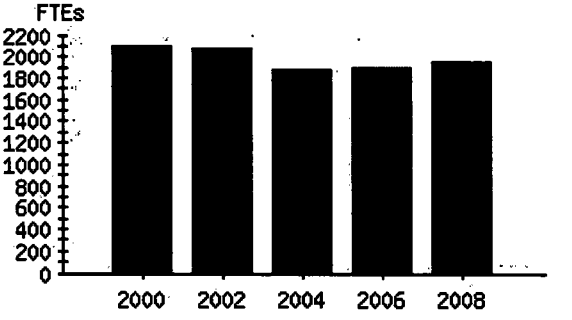
*Base Budget and Performance Management Information*

# Budget Code 14060 Department of Juvenile Justice and Delinquency Prevention

## Actual Expenditures by Fiscal Year




## Actual Positions by Fiscal Year




## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $165,506,187 | $177,393,483 | $177,144,873 | $6,866,236 | $184,011,109 | $7,032,929 | $184,177,802 |
| **Receipts** | $12,114,722 | $11,619,438 | $11,370,828 | $155,866 | $11,526,694 | $155,866 | $11,526,694 |
| **Appropriation** | $153,391,465 | $165,774,045 | $165,774,045 | $6,710,370 | $172,484,415 | $6,877,063 | $172,651,108 |
| **Positions** | 1,942.040 | 1,976.060 | 1,963.060 | (21.020) | 1,942.040 | (21.020) | 1,942.040 |

# Budget Code 14060 Department of Juvenile Justice and Delinquency Prevention

## Fund 14060-1110 Division of Administrative Services — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $9,081,637 | $8,482,135 | $7,631,739 | $497,412 | $8,129,151 | $470,175 | $8,101,914 |
| **Receipts** | $35,128 | $0 | $101,788 | $0 | $101,788 | $0 | $101,788 |
| **Appropriation** | $9,046,509 | $8,482,135 | $7,529,951 | $497,412 | $8,027,363 | $470,175 | $8,000,126 |
| **Positions** | 84.000 | 94.000 | 84.000 | - | 84.000 | - | 84.000 |

### Fund description

This fund provides leadership and support to the department through a wide range of services including fiscal analysis, human resources, budgeting, facility management, quality assurance, and management of the juvenile information network. Its purposes are: to provide accurate statistical data on juveniles served; to plan for the various changing needs of the juvenile population remanded to the department's care; and to provide direction, supervision, and monitoring of efforts to achieve departmental objectives.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Administrative Service - Human Resource Management.** Oversee the recruitment and management of personnel; develop and implement HR strategy; coordinate and execute staff acquisition, organization and position management, compensation management, benefits management, employee development, and performance management; and regulate employee relations, separation management, and health and safety activities. | $2,463,984 | 14.000 |
| **Administrative Service - Fiscal Management.** Manage and analyze financial information; account for and forecast the use of department resources; conduct general ledger accounting; maintain accounts payable, collections and accounts receivable, payroll services, cash management, program payments, and contracts and grants management; provide asset and liability management; and execute financial reporting. | $880,833 | 12.000 |
| **Administrative Service - Budget and Analysis.** Conduct resource planning and allocation activities; develop and execute the budget; and analyze issues impacting the department's budgets and management. | $270,101 | 3.500 |
| **Administrative Service - Purchasing.** Coordinate and execute the acquisition of equipment, materials, services and supplies for the department. | $245,426 | 3.500 |
| **Administrative Service - Internal Auditing.** Provide independent assessments to department management; ensure operations and programs comply with applicable laws and regulations; prevent inefficiency, fraud, and abuse; analyze exposure to risk and determine appropriate countermeasures; and ensure accounting, administrative, and other information systems have the proper controls. | $252,715 | 3.000 |
| **Administrative Service - Public Information/Communication.** Exchange information and communication between the department, citizens, and stakeholders; establish and promote media relations; prepare and publish press releases and other publications; and coordinate events and conference delivery. | $161,672 | 2.000 |
| **Administrative Service - Construction/Engineering.** Provide design, construction, major maintenance, and administrative oversight for the department's capital improvement projects and physical plant operations. | $358,215 | 5.000 |

| | | |
|---|---|---|
| **Executive Management.** Provide leadership and establish a vision and mission for the department so that services and programs are delivered in an effective, efficient manner. | $952,471 | 9.000 |
| **Information Technology.** Provide information technology support for service delivery systems associated with delinquency prevention and treatment service programs using the North Carolina Juvenile Information Network (NC-JOIN) and other applications maintained by DJJDP. Includes planning and implementing technical projects; administering user accounts for e-mail and other systems; providing application support; providing end-user support; reviewing and responding to internal and external requests for data. | $3,496,220 | 32.000 |
| **Actual Totals** | **$9,081,637** | **84.000** |

| **Measures for the fund** | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Employees completing Criminal Justice Training | 213 | 164 | 224 |
| Requests for support of IT applications | - | 2,576 | 1,852 |

## Fund 14060-1210 Division of Detention Center Services — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $18,820,122 | $18,781,202 | $19,275,019 | $3,225,767 | $22,500,786 | $3,282,649 | $22,557,668 |
| **Receipts** | $6,655,845 | $7,714,369 | $7,714,369 | $155,866 | $7,870,235 | $155,866 | $7,870,235 |
| **Appropriation** | $12,164,277 | $11,066,833 | $11,560,650 | $3,069,901 | $14,630,551 | $3,126,783 | $14,687,433 |
| **Positions** | 301.500 | 299.500 | 301.500 | - | 301.500 | - | 301.500 |

### Fund description

This fund promotes and supports public safety and rehabilitative programs for juveniles through the operation of nine state-operated detention centers and the provision of liaison services for the four county-operated detention centers in Durham, Forsyth, Guilford, and Mecklenburg counties. Detention centers provide temporary housing, mental health services, medical, and educational services to youth in the juvenile justice system who are awaiting another placement, awaiting trial, or preparing for admission to a youth development center. This fund also supports appropriate training and operational procedures to enhance programs and ensure security functions at the state-operated detention facilities.

| **Services for the fund** | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Manage and effectively operate the state's nine detention facilities by providing secure, temporary facilities where juveniles stay while waiting to go to court or until placement can be arranged, enabling these facilities to be administered effectively, efficiently, and in compliance with applicable rules and regulations. | $12,821,622 | 274.600 |
| Promote learning and educational development for detained youth through instruction in a variety of subjects in order to meet the educational needs of detained youth. | $1,029,113 | 14.000 |
| Provide and coordinate a statewide transportation system by utilizing trained staff to transport juveniles to and from court, medical appointments, and youth facilities in a safe manner in order to meet the transportation needs of these youth. | $1,221,683 | 3.000 |

| | | |
|---|---|---|
| Serve as liaison to and provide operational inspections for the four county-operated detention facilities and distribute subsidy payments to reimburse county facilities for housing youth in order to ensure compliance with operational requirements and reimbursements mandated by G.S. 143B-5. | $3,395,844 | .900 |
| Provide mental health services for detained youth including assessment, monitoring, counseling, crisis management, and case management services in order to meet the mental health needs of detained youth. | $351,860 | 9.000 |
| **Actual Totals** | **$18,820,122** | **301.500** |

| **Measures for the fund** | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Juveniles transported within the detention transportation system [1] | 10,237 | 10,300 | 9,155 |
| Juveniles admitted to all detention facilities [2] | 7,702 | 7,844 | - |
| Juveniles in state-operated detention facilities receiving mental health treatment services | 1,936 | 3,162 | 4,570 |

[1]Tracked by calendar year.

[2]Data tracked by calendar year.

## Fund 14060-1220 Division of Youth Development Centers — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $47,796,172 | $57,108,948 | $56,871,652 | $2,318,015 | $59,189,667 | $2,415,774 | $59,287,426 |
| **Receipts** | $621,900 | $769,633 | $521,023 | $0 | $521,023 | $0 | $521,023 |
| **Appropriation** | $47,174,272 | $56,339,315 | $56,350,629 | $2,318,015 | $58,668,644 | $2,415,774 | $58,766,403 |
| **Positions** | 907.540 | 931.560 | 928.560 | (21.020) | 907.540 | (21.020) | 907.540 |

### Fund description

This fund supports the Youth Development Centers (YDCs), which, since the Juvenile Justice Reform Act of 1998, house only serious or violent offenders in addition to chronic offenders. The division operates nine Youth Development Centers statewide. YDCs are designed to provide juveniles with a safe, secure environment that fosters healthy decision-making and personal responsibility and seeks to equip students with the skills necessary to become productive citizens in society once they are released.

| **Services for the fund** | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide committed juveniles a safe, secure, and therapeutic environment by managing and administering overall operations of the state's nine youth development centers in an effective, efficient manner and in compliance with applicable policies and regulations. | $33,563,382 | 663.540 |
| Provide a comprehensive educational program, including instruction in career readiness and life skills, for committed and detained youth in accordance with the standard North Carolina curriculum of study. Manage multiple educational initiatives and coordinate with state agencies to meet the diverse needs of committed youth. | $6,020,458 | 94.000 |

| | | |
|---|---|---|
| Conduct and administer extensive assessments for youth to aid in determining the most appropriate placement within DJJDP based on their individual needs and develop a Plan of Care that will become an individual treatment plan. | $508,124 | 8.000 |
| Provide intensive counseling and therapeutic treatment that includes individual, group, and family counseling; substance abuse treatment; and treatment for sex offenders, in order to meet the mental health and treatment needs for committed youth. | $7,704,208 | 142.000 |
| **Actual Totals** | **$47,796,172** | **907.540** |

| **Measures for the fund** | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Admissions assessments by calendar year | 441 | 443 | 341 |
| Average monthly number of youth seen in psychosocial (individual's interaction with social environment) counseling groups with licensed clinicians | 145 | 132 | 145 |
| Schools meeting expected growth in ABC model, which compares students' year-to-year academic performance on mandated end-of-course and end-of-grade tests | 60 % | 80 % | 80 % |
| Parents participating in therapeutic treatment activities at the Jackson Youth Development pilot therapeutic project | 127 | 142 | 144 |

## Fund 14060-1310 Division of Special Initiatives Services — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $23,381,653 | $24,283,090 | $24,342,619 | $75,500 | $24,418,119 | $76,846 | $24,419,465 |
| **Receipts** | $90,815 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $23,290,838 | $24,283,090 | $24,342,619 | $75,500 | $24,418,119 | $76,846 | $24,419,465 |
| **Positions** | 27.000 | 27.000 | 27.000 | - | 27.000 | - | 27.000 |

### Fund description

This fund supports the promotion of positive social, psychological, and educational development for youth through the management and coordination of seven multipurpose juvenile homes in judicial districts that have high youth development center commitment rates and few other residential alternatives for youth adjudicated to be delinquent as a dispositional option for these youth; through the development and expansion of wilderness camping programs that promote self-reliance and improve youth behavior and family relations; and through providing funding to match volunteers with participants in the Governor's One-on-One mentoring program.

| **Services for the fund** | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Operate and manage Camp Woodson program, a short-term, voluntary pre-release program for committed North Carolina youth that uses outdoor, therapeutic, and educational activities to build self-esteem and foster social and cooperation skills aimed at improving youths' transition back into the community. | $1,056,301 | 22.000 |
| Contract with Eckerd Youth Alternatives, Inc. to provide year-round, staff-secure residential therapeutic programs that combine fully-accredited educational services with group and individual counseling and outdoor activities designed to enhance self-reliance and interpersonal skills toward the ultimate goal of successful transition back into the community. | $16,810,485 | 1.000 |

| | | |
|---|---|---|
| Provide residential placement alternatives through the Multipurpose Juvenile Group Home Program, which contracts with private providers to operate seven eight-bed facilities that provide staff coverage 24 hours a day, a certified teacher and full-time family counselor, providing up to 30 days of care for youths awaiting trial and up to 240 days for youth on probation as a treatment placement. | $3,649,662 | 2.000 |
| Provide technical assistance, training, monitoring, and funding for local One-on-One program coordinators who recruit, screen, and match adult volunteers who agree to spend at least four hours a week for one year in a one-on-one relationship with a troubled young person. | $1,699,771 | 2.000 |
| Provide grants-in-aid to the Juvenile Assessment Center (JAC), which provides evaluation, counseling, and programs for youth in judicial District 12. | $165,434 | - |
| **Actual Totals** | **$23,381,653** | **27.000** |

| **Measures for the fund** | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Youth receiving mentoring services through the Governor's One-on-One Program [1] | 1,237 | 1,178 | 1,150 |
| Juveniles placed in residential housing in the Multipurpose Juvenile Homes | 119 | 131 | 135 |
| Youth completing the Eckerd Wilderness camping program | 316 | 357 | 307 |
| Youth convicted of a new offense or violation within 12 months after completion of the Eckerd Wilderness program | 13 % | 12 % | - |
| Percentage of youth released from Multipurpose Homes who are enrolled in school after release | 86 % | 89 % | 86 % |

[1]Data tracked by school year.

## Fund 14060-1311 Support Our Students — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $8,941,041 | $8,815,312 | $8,820,704 | $456,470 | $9,277,174 | $458,727 | $9,279,431 |
| **Receipts** | $3,060,090 | $2,649,642 | $2,649,642 | $0 | $2,649,642 | $0 | $2,649,642 |
| **Appropriation** | $5,880,951 | $6,165,670 | $6,171,062 | $456,470 | $6,627,532 | $458,727 | $6,629,789 |
| **Positions** | 4.000 | 4.000 | 4.000 | - | 4.000 | - | 4.000 |

### Fund description

The Support our Students (SOS) fund supports programs in all 100 counties that provide positive after-school alternatives with adult supervision designed to reduce delinquency, adolescent pregnancy, and early experimentation with drugs and alcohol.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide program services that promote and support a statewide network of local organizations in their efforts to provide after-school programs for at-risk youth designed to reduce delinquency, adolescent pregnancy, and drug/alcohol experimentation. | $8,517,008 | - |
| Provide administrative oversight, support, and technical training assistance to ensure that SOS programs are in contract compliance and receive adequate training and technical assistance for programs in such areas as program budgets, developing measurable objectives, informational surveys, programming developments, and data reporting. | $424,033 | 4.000 |
| **Actual Totals** | **$8,941,041** | **4.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Youth served by "Support Our Students" after-school programs [1] | 16,000 | 14,722 | 14,016 |
| Support Our Students participants scoring at or above reading end-of-grade tests [2] | 80 % | 83 % | - |

[1]Data tracked by school year.

[2]DPI has not yet released this information for 07-08.

## Fund 14060-1315 Center for Prevention of School Violence — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $393,571 | $311,839 | $481,225 | $116 | $481,341 | $713 | $481,938 |
| **Receipts** | $2,200 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $391,371 | $311,839 | $481,225 | $116 | $481,341 | $713 | $481,938 |
| **Positions** | 6.000 | 5.000 | 6.000 | - | 6.000 | - | 6.000 |

### Fund description

This fund supports the Center for the Prevention of School Violence, a resource center and educational policy "think tank" for efforts dedicated to guiding North Carolina's youth toward becoming productive members of their schools and communities. The Center provides information and technical assistance to those who are motivated to help young people positively develop in environments that are as safe as possible.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Create and implement efforts designed to prevent incidents of school violence and ensure safe, secure schools by providing training, technical assistance, and resource materials to schools, juvenile justice professionals, law enforcement agencies, and community stakeholders. | $295,178 | 4.500 |
| Facilitate communication and collaboration between the juvenile justice and education systems at state and local levels in order to share and exchange information and best practices in efforts to promote safer schools and positive youth development. | $98,393 | 1.500 |
| **Actual Totals** | **$393,571** | **6.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| School workshops, community conferences, and school site assessments completed | 97 | 99 | - |
| Informational requests fulfilled | 1,405 | 1,342 | 755 |

## Fund 14060-1325 Division of Intervention and Prevention Services — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $57,091,991 | $59,610,957 | $59,721,915 | $292,956 | $60,014,871 | $328,045 | $60,049,960 |
| **Receipts** | $1,637,818 | $384,006 | $384,006 | $0 | $384,006 | $0 | $384,006 |
| **Appropriation** | $55,454,173 | $59,226,951 | $59,337,909 | $292,956 | $59,630,865 | $328,045 | $59,665,954 |
| **Positions** | 612.000 | 615.000 | 612.000 | - | 612.000 | - | 612.000 |

### Fund description

This fund supports locally-based Juvenile Crime Prevention Councils (JCPCs) in the planning and implementation of prevention and intervention programs aimed at providing a continuum of services for youth at risk of delinquency. It also provides intake and diversion services for juveniles alleged to be delinquent or undisciplined, court-ordered probation, post-release supervision, protective supervision for adjudicated juveniles, and referrals for appropriate support services for juveniles and their families in order to prevent and reduce juvenile crime.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide statewide intake, protective supervision, and post-release supervision services for undisciplined and delinquent youth to prevent and reduce juvenile crime; conduct risk assessments of re-offending youth to design appropriate programming to meet the needs of the youth and family while keeping the youth and the community safe; and provide case management and direct services to provide opportunities for positive change. | $31,800,857 | 598.000 |
| Provide funding to all 100 counties for intervention and prevention programs for youth at risk of delinquency and adjudicated delinquents, as well as technical support and training to Juvenile Crime Prevention Councils in program planning, development, service delivery, and use of best practices in order to reduce and prevent juvenile crime. | $25,291,134 | 14.000 |
| **Actual Totals** | **$57,091,991** | **612.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Juvenile complaints including status offenses received and processed by court counselors | 45,389 | 47,437 | 45,265 |
| Youth who have completed participation in Juvenile Crime Prevention Council (JCPC) programs | 17,573 | 16,636 | 21,798 |
| Undisciplined or delinquent youth receiving supervision services | - | 15,495 | 15,164 |

## Fund 14060-1991 Indirect Cost Reserves — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $10,926 | $101,788 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

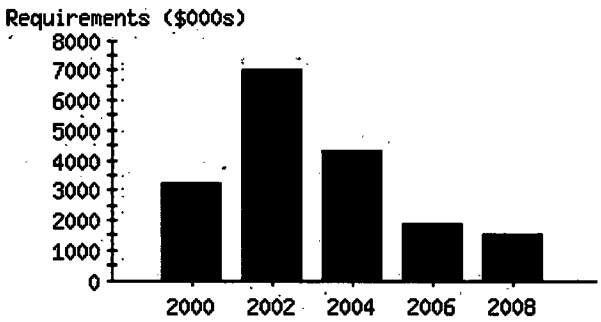
This fund is used to record overhead receipts from operational programs supported by federal grant funds.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| The indirect cost reserves fund serves a budgetary function to collect and record indirect cost transfers from federal grants. | $0 | - |
| **Actual Totals** | **$0** | - |

*Base Budget and Performance Management Information*

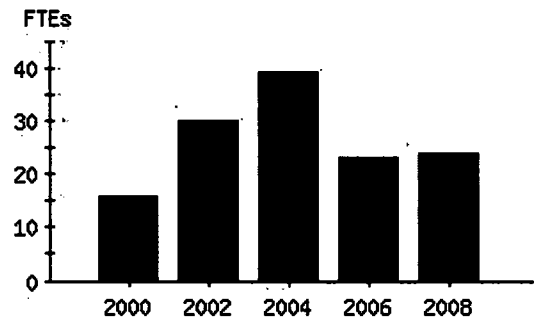
# Budget Code 24060 Juvenile Justice and Delinquency Prevention - Special

## Actual Expenditures by Fiscal Year




2001 - Includes grant funds for merger between Youth Services (HHS) and Juvenile Court Services (AOC) to create Office of Juvenile Justice.

## Actual Positions by Fiscal Year




2006 - Several grant-funded positions at Samarkand Youth Development Center abolished or transferred to budget code 14060.

## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $1,548,975 | $1,788,506 | $1,775,854 | $0 | $1,775,854 | $0 | $1,775,854 |
| **Receipts** | $1,490,055 | $1,430,925 | $1,423,815 | $0 | $1,423,815 | $0 | $1,423,815 |
| **Chng Fund Bal** | ($58,920) | ($357,581) | ($352,039) | $0 | ($352,039) | $0 | ($352,039) |
| **Positions** | 23.500 | 24.500 | 15.500 | - | 15.500 | - | 15.500 |

# Budget Code 24060 Juvenile Justice and Delinquency Prevention - Special

## Fund 24060-2220 Vending Operations — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $2,894 | $2,349 | $2,349 | $0 | $2,349 | $0 | $2,349 |
| **Receipts** | $3,270 | $2,349 | $2,349 | $0 | $2,349 | $0 | $2,349 |
| **Chng Fund Bal** | $376 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund is comprised of vending proceeds obtained from the department's youth development facilities and helps provide funds for student needs.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide funds, through vending proceeds, for miscellaneous needs of youth. | $2,894 | - |
| **Actual Totals** | **$2,894** | - |

## Fund 24060-2230 Institutional Education Grants — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $1,067,607 | $1,430,239 | $1,395,864 | $0 | $1,395,864 | $0 | $1,395,864 |
| **Receipts** | $1,050,123 | $1,072,658 | $1,072,658 | $0 | $1,072,658 | $0 | $1,072,658 |
| **Chng Fund Bal** | ($17,484) | ($357,581) | ($323,206) | $0 | ($323,206) | $0 | ($323,206) |
| **Positions** | 16.500 | 15.500 | 11.500 | - | 11.500 | - | 11.500 |

### Fund description

This fund is comprised of education related grants received through the North Carolina Department of Public Instruction. Grant funds provide financial support and assistance in meeting the diverse educational needs of youth served by the Department of Juvenile Justice and Delinquency Prevention. These grants assist in the educational mission of the department by supporting and augmenting instruction in reading and mathematics and providing funds for educational supplies, library resources, materials, and training.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide grant funds to support intensive reading and mathematics instruction, supplies, and resources in an effort to improve reading and math comprehension for juveniles housed in the Youth Development facilities. | $1,067,607 | - |
| **Actual Totals** | **$1,067,607** | **16.500** |

## Fund 24060-2231 Carl Perkins Funds — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $29,694 | $32,279 | $32,279 | $0 | $32,279 | $0 | $32,279 |
| **Receipts** | $50,000 | $32,279 | $32,279 | $0 | $32,279 | $0 | $32,279 |
| **Chng Fund Bal** | $20,306 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund is comprised of Carl Perkins Vocational Education grant funds, which are received annually through the North Carolina Department of Public Instruction. This grant provides support and assistance for vocational educational programs in youth development facilities.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide vocational grant funds for supplies, materials and equipment in an effort to develop and improve career skills and readiness in order to assist youth in entering the work force. | $29,694 | - |
| **Actual Totals** | **$29,694** | - |

## Fund 24060-2240 CC&PS - Governor's Crime Commission — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $199,935 | $66,345 | $66,345 | $0 | $66,345 | $0 | $66,345 |
| **Receipts** | $153,693 | $66,345 | $66,345 | $0 | $66,345 | $0 | $66,345 |
| **Chng Fund Bal** | ($46,242) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 3.000 | 5.000 | 4.000 | - | 4.000 | - | 4.000 |

### Fund description

This fund consists of various grants obtained from the Governor's Crime Commission. Funds are allocated for various programs and activities that support the reduction and prevention of juvenile crime as well as efforts to improve treatment and transition services for committed juveniles.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide grant funds for support and assistance in the following areas: departmental training efforts; character education; promotion of collaboration between agencies; treatment model training; data collection; and school suspension/expulsion prevention efforts. | $199,935 | - |
| **Actual Totals** | **$199,935** | **3.000** |

## Fund 24060-2250 Job Training Partnership — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $61,330 | $61,880 | $61,076 | $0 | $61,076 | $0 | $61,076 |
| **Receipts** | $60,730 | $61,880 | $61,076 | $0 | $61,076 | $0 | $61,076 |
| **Chng Fund Bal** | ($600) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 2.000 | 2.000 | - | - | - | - | - |

### Fund description

This fund consists of resources from various vocation-related grants including the Workforce Investment Act and the Job Training Partnership Act. These funds support vocational opportunities for youth committed to youth development facilities.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide support and assistance in establishing opportunities for committed youth to gain practical work experience and develop positive job-related skills. | $61,330 | - |
| **Actual Totals** | **$61,330** | **2.000** |

---

## Fund 24060-2268 Pet Therapy Grant - Stonewall Jackson — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $390 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $400 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $10 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund was for a grant to support the Pet Therapy program. Through this grant, a dog kennel was established at Stonewall Jackson Youth Development Center and youth were then paired with and given responsibility to care for an animal. New funding has been received to reactivate this program, and these funds will be budgeted in Fund 2240.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide grant funds for supplies and contractual services to provide opportunities for youth to care for animals in order to promote responsibility, empathy, and self-awareness. Provide students with marketable skills in working with animals and kennel management. | $390 | - |
| **Actual Totals** | **$390** | - |

---

## Fund 24060-2269 Z. Smith Reynolds Foundation — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $8,826 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($8,826) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

The Department no longer receives any grant funding from the Z. Smith Reynolds Foundation.

---

## Fund 24060-2281 Student Welfare - Camp Woodson — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $0 | $292 | $0 | $292 | $0 | $292 |
| **Receipts** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $0 | $0 | ($292) | $0 | ($292) | $0 | ($292) |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of donations and miscellaneous funds for the general benefit of youth assigned to the Camp Woodson Wilderness Camp.

---

## Fund 24060-2282 Student Welfare - Stonewall Jackson — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $1,138 | $248 | $1,230 | $0 | $1,230 | $0 | $1,230 |
| **Receipts** | $248 | $248 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($890) | $0 | ($1,230) | $0 | ($1,230) | $0 | ($1,230) |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of donations and miscellaneous funds designated for the general benefit of youth committed to Stonewall Jackson Youth Development Center.

---

## Fund 24060-2283 Student Welfare - Samarkand Manor — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $2,464 | $2,494 | $4,953 | $0 | $4,953 | $0 | $4,953 |
| **Receipts** | $3,789 | $2,494 | $290 | $0 | $290 | $0 | $290 |
| **Chng Fund Bal** | $1,325 | $0 | ($4,663) | $0 | ($4,663) | $0 | ($4,663) |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of donations and miscellaneous funds designated for the benefit of youth committed to Samarkand Manor Youth Development Center.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provides funds, through donations and miscellaneous monies, for purchases for the general benefit of youth at Samarkand Youth Development Center. | $2,464 | - |
| **Actual Totals** | **$2,464** | - |

## Fund 24060-2284 SJS: 4-H Club — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $304 | $0 | $64 | $0 | $64 | $0 | $64 |
| **Receipts** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($304) | $0 | ($64) | $0 | ($64) | $0 | ($64) |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of donations and miscellaneous funds for the specific use and benefit of youth participating in the 4-H Club at Stonewall Jackson and Cabarrus Youth Development facilities.

## Fund 24060-2286 Student Welfare - Dobbs — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $1,627 | $1,153 | $12,576 | $0 | $12,576 | $0 | $12,576 |
| **Receipts** | $3,324 | $1,153 | $75 | $0 | $75 | $0 | $75 |
| **Chng Fund Bal** | $1,697 | $0 | ($12,501) | $0 | ($12,501) | $0 | ($12,501) |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of donations and miscellaneous funds designated for the general benefit of the youth committed to the Dobbs Youth Development Center.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provides funds, through donations and miscellaneous receipts, to purchase items for the general benefit of youth housed at Dobbs Youth Development center. | $1,627 | - |
| **Actual Totals** | **$1,627** | - |

## Fund 24060-2287 Student Welfare - Swannanoa Valley — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $3,440 | $3,523 | $4,156 | $0 | $4,156 | $0 | $4,156 |
| **Receipts** | $3,949 | $3,523 | $747 | $0 | $747 | $0 | $747 |
| **Chng Fund Bal** | $509 | $0 | ($3,409) | $0 | ($3,409) | $0 | ($3,409) |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of donations and other miscellaneous funds designated for the general benefit of the youth committed to the Swannanoa Valley Youth Development Center (formerly known as JEC-Juvenile Evaluation Center).

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provides funds, through donations and miscellaneous funds, for purchases for the general benefit of youth housed at Swannanoa Valley Youth Development Center. | $3,440 | - |
| **Actual Totals** | **$3,440** | - |

## Fund 24060-2288 Student Welfare - C.A. Dillon — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $0 | $6,188 | $0 | $6,188 | $0 | $6,188 |
| **Receipts** | $931 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $931 | $0 | ($6,188) | $0 | ($6,188) | $0 | ($6,188) |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of donations and miscellaneous funds designated for the general benefit of youth committed to the C.A. Dillon Youth Development Center.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| This fund provides monies, through donations and miscellaneous funds, for purchases for the general benefit of youth housed at the C.A. Dillon Youth Development Center. | $0 | - |
| **Actual Totals** | **$0** | - |

## Fund 24060-2289 Student Welfare - Wilkes — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $0 | $41 | $0 | $41 | $0 | $41 |
| **Receipts** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $0 | $0 | ($41) | $0 | ($41) | $0 | ($41) |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of donations and miscellaneous funds for the general benefit of youth at the Alexander Juvenile Detention facility.

## Fund 24060-2291 Student Welfare - Cumberland — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $0 | $6 | $0 | $6 | $0 | $6 |
| **Receipts** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $0 | $0 | ($6) | $0 | ($6) | $0 | ($6) |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of donations and miscellaneous funds for the general benefit of youth at the Cumberland Juvenile Detention facility.

## Fund 24060-2293 Student Welfare - Pitt Detention Center — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $0 | $208 | $0 | $208 | $0 | $208 |
| **Receipts** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $0 | $0 | ($208) | $0 | ($208) | $0 | ($208) |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of donations and miscellaneous funds for the general benefit of youth at the Pitt Juvenile Detention facility.

## Fund 24060-2294 Student Welfare - Perquimans Detention — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $0 | $126 | $0 | $126 | $0 | $126 |
| **Receipts** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $0 | $0 | ($126) | $0 | ($126) | $0 | ($126) |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of donations and miscellaneous funds for the general benefit of youth at the Perquimans Juvenile Detention facility.

## Fund 24060-2295 Student Welfare - Gaston — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $99 | $0 | $105 | $0 | $105 | $0 | $105 |
| **Receipts** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($99) | $0 | ($105) | $0 | ($105) | $0 | ($105) |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of donations and miscellaneous funds designated for general benefit of youth committed to the Gaston Juvenile Detention Center.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| This fund provides monies, through donations and miscellaneous receipts, for purchases for the general benefit of youth housed at Gaston Juvenile Detention Center. | $99 | - |
| **Actual Totals** | **$99** | - |

## Fund 24060-2306 CORE Grant - DOJ — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 2.000 | 2.000 | - | - | - | - | - |

### Fund description

This fund consists of funding obtained from the US Department of Justice for the Collaborative for Offender Re-entry Enhancement (CORE) Program. This grant supports efforts to improve youths' transition back into their home communities after release from the department's youth development facilities.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide staff training in the development and implementation of transitional services with the goal of providing positive experiences for youth transitioning back to their home communities. | $0 | - |
| **Actual Totals** | **$0** | **2.000** |

## Fund 24060-2372 SOS - Americorps Promise — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $169,227 | $187,996 | $187,996 | $0 | $187,996 | $0 | $187,996 |
| **Receipts** | $159,598 | $187,996 | $187,996 | $0 | $187,996 | $0 | $187,996 |
| **Chng Fund Bal** | ($9,629) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund consists of grant funds for the Americorps Promise Fellows Program provided by the Governor's Office-Commission on Volunteerism and Community Service. Grant funds support efforts to recruit and train mentors to work with youth across the state.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide funding to recruit mentors who commit for a year's service involving recruitment of volunteers for the One-on-One and Support our Students programs. | $169,227 | - |
| **Actual Totals** | **$169,227** | **-** |

# Department of Correction

**Mission**

The mission of the North Carolina Department of Correction is to promote public safety by the administration of a fair and humane system which provides reasonable opportunities for adjudicated offenders to develop progressively responsible behavior.

**Goals**

Reduce new crimes and victimization by improving risk management and delivering effective interventions to the offender population for enhanced public safety in communities across the state.

Deter criminal behavior by providing offenders under departmental custody and supervision with programming, training, and education to support a law abiding lifestyle, life skills, and self-sufficiency.

Provide for the safety and security of agency staff by ascribing to professional standards; abiding by a code of ethics appropriate for the correctional environment; and by conducting training that adheres to criminal justice protocols and standards.

Promote career growth and development for all departmental employees through training opportunities and professional standards to advance correctional management practices.

Deliver quality programs and services to offenders through the utilization of evidence-based practices, research, and advanced technology to manage correctional resources in a cost-efficient manner.

Ensure accountability for agency operations to North Carolina citizens by evaluating programs and services, advancing effective correctional policies and practices, and improving communication with stakeholders to instill public trust and confidence.

**Agency Indicators**

| | 2003-04 | 2004-05 | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|---|---|
| Offender recidivism (re-arrest) rates [1] | 42.7% | - | 38.2% | - | 38.7% |
| Completion Rate: Division of Community Corrections - Criminal Justice Partnership Program (CJPP) | 38.5% | 39.0% | 38.9% | 42.8% | 45.0% |
| Completion Rate: Division of Alcoholism and Chemical Dependency Programs (DACDP) Community Programs | 95.0% | 95.0% | 94.0% | 94.0% | 92.0% |
| Completion Rate: DACDP Outpatient Prison Programs | 43.0% | 46.0% | 48.0% | 45.0% | 42.0% |
| Completion Rate: DACDP Intermediate Inpatient Prison | 42.0% | 44.0% | 43.0% | 45.0% | 54.0% |

| Programs | | | | | |
|---|---|---|---|---|---|
| Completion Rate: DACDP Long-term Inpatient Prison Programs [2] | 55.0% | 57.0% | 59.0% | 58.0% | - |
| Completion Rate: Division of Prisons (DOP) Educational Programs | 57.3% | 60.6% | 61.1% | 63.3% | 64.4% |
| Completion Rate: DOP Vocational Programs | 83.2% | 90.6% | 90.7% | 84.6% | 77.8% |
| Completion Rate: DOP Transition Programs (i.e., Life Skills) | 84.3% | 87.1% | 83.9% | 86.3% | 87.7% |
| Staff trained in effective correctional practices such as assessment, case planning, and offender management | - | - | - | - | 21,401 |

[1]Pursuant to 1998 Session Law 212, Section 16.18, "the North Carolina Sentencing and Policy Advisory Commission and the Department of Correction shall jointly conduct ongoing evaluations of community corrections programs and in-prison treatment programs and make a biennial report to the General Assembly."

[2]Due to the length of these programs, completion rates for offenders entering during the most recent fiscal year are not available at this time.

*Governor's Recommended Adjustments to Base Budget*

# Department of Correction (14500)

**Recommended General Fund Budget and Positions**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Base Budget** | | |
| **Requirements** | $1,418,076,845 | $1,439,957,538 |
| **Receipts** | $33,166,274 | $33,166,274 |
| **Appropriation** | $1,384,910,571 | $1,406,791,264 |
| **Adjustments** | | |
| **Requirements** | ($63,746,689) | ($83,394,148) |
| **Receipts** | $4,372,000 | $500,000 |
| **Appropriation** | ($68,118,689) | ($83,894,148) |
| **Total** | | |
| **Requirements** | $1,354,330,156 | $1,356,563,390 |
| **Receipts** | $37,538,274 | $33,666,274 |
| **Recommended Appropriation** | $1,316,791,882 | $1,322,897,116 |
| **Positions** | | |
| **Base Budget Positions** | 21,325.500 | 21,533.000 |
| **Reductions** | (658.000) | (658.000) |
| **Expansion** | 131.000 | 151.000 |
| **Recommended Positions** | 20,798.500 | 21,026.000 |

# **Appropriation Items** -- Recommended Adjustments

**Reductions**

| | | 2009-10 | 2010-11 |
|---|---|---|---|
| **Department-Wide** | | | |
| 1. **Truth-in-Budgeting Reform (Budget Salaries at Less than 100%)** | | | |
| The Governor recommends budgetary reform by reducing the budgeted salaries to more closely match the actual salary expenditures. Budget line items which normally use lapsed salaries for the agency's operation were increased in the continuation budget. These changes along with budget flexibility will allow the agency to operate more efficiently. General Fund salaries in the Department of Correction are recommended to be reduced by 7.5%. | | | |
| | **Appropriation** | **($62,723,843)** | **($62,723,843)** |
| 2. **Reduce Various Operating Accounts** | | | |
| It is recommended that the following operating accounts be reduced on a recurring basis: Safety and Security Supplies ($200,000), Autos, Trucks and Buses ($1,250,000), Rent/Lease-Motor Vehicles ($600,000), and Rent/Lease-Building/Office ($147,035). It is also recommended that the following operating accounts be reduced on a non-recurring basis: Autos, Trucks and Buses ($1,250,000), Clothing and Uniforms ($500,000), Carpentry and Hardware Supplies ($300,000), PC/Printer Equipment ($300,000), General Office Supplies ($800,000), and Office Equipment ($800,000). | | | |
| | **Appropriation** | **($2,197,035)** | **($2,197,035)** |
| | **Appropriation - Nonrecurring** | **($3,950,000)** | **-** |
| 3. **Eliminate Positions** | | | |
| It is recommended that 114 positions be eliminated. The positions to be eliminated may be either filled or vacant. All vacant positions will be eliminated July 1, 2009. Filled positions will be eliminated by September 1, 2009. This recommendation does not include the elimination of Probation/Parole Officer positions or other positions that would directly impact public safety. | | | |
| | **Appropriation** | **($4,369,668)** | **($5,155,663)** |
| | **Positions** | **(114.000)** | **(114.000)** |
| 4. **Use of Welfare Receipts to Support Operations** | | | |
| It is recommended that a one-time transfer be made from the Inmate Welfare Fund to the department's General Fund operating budget code to support various operating accounts. | | | |
| | **Receipts - Nonrecurring** | **$500,000** | **-** |

5. **Increase Federal Alien Assistance Receipts**

The State Criminal Alien Assistance Program (SCAAP) makes federal funds available to states for the purpose of recouping costs associated with incarcerating undocumented aliens. The department anticipates future funding from this program will exceed its current budget; therefore, it is recommended that budgeted receipts be increased for the annual SCAAP award.

| | | |
|---|---|---|
| **Receipts - Nonrecurring** | **$872,000** | - |

6. **Reduce Pass-through Funding**

It is recommended that pass-through funding be reduced by 7% for Women at Risk, Summit House, Harriet's House, Our Children's Place, and the Criminal Justice Partnership Program.

| | | |
|---|---|---|
| **Appropriation** | **($823,392)** | **($823,392)** |

---

**Department Management**

1. **Shift Temporary/Contractual Positions to Receipt Support**

It is recommended that appropriated inmate construction contract positions be funded through special indebtedness projects.

| | | |
|---|---|---|
| **Appropriation** | **($200,000)** | **($200,000)** |
| **Appropriation - Nonrecurring** | **($600,000)** | **($600,000)** |

---

**Division of Prisons**

1. **Shift Positions to Receipt Support**

It is recommended that three appropriated Telecommunication Support Technician positions that support inmate pay phone operations be shifted to pay phone receipts in the Inmate Welfare Fund.

| | | |
|---|---|---|
| **Appropriation** | **($149,056)** | **($149,056)** |
| **Positions** | **(3.000)** | **(3.000)** |

2. **Reduce Temporary/Contractual Positions**

It is recommended that temporary/contractual positions be reduced on a nonrecurring basis.

| | | |
|---|---|---|
| **Appropriation - Nonrecurring** | **($89,788)** | **($89,788)** |

3. **Increase Work Release Fee**

It is recommended that the per diem charged to inmates for work release be increased from $18 to $20 per day. This fee was last increased in FY 2005-06.

| | | |
|---|---|---|
| **Receipts** | **$500,000** | **$500,000** |

4. **Close McCain Correctional Hospital**

It is recommended that McCain Correctional Hospital be closed due to the small inmate population and above average operating costs. To accommodate inmates currently housed at McCain, Hoke and Odom Correctional Institutions will be converted from medium custody to minimum custody, and Hoke, Odom, and Nash Correctional Institutions will be partially double-celled. Many staff currently at McCain will be relocated to Scotland Correctional Institution after facility expansion is completed there. The anticipated closure date for McCain is May 1, 2010.

| | | |
|---|---|---|
| **Appropriation** | **($1,391,988)** | **($15,491,279)** |
| **Positions** | **(343.000)** | **(343.000)** |

5. **Close the Wilmington Residential Facility for Women**

It is recommended that the minimum custody Wilmington Residential Facility for Women be closed due to increased operating costs. The operations of this facility will be absorbed by other existing locations. The anticipated closure date for this facility is November 1, 2009.

| | | |
|---|---|---|
| **Appropriation** | **($344,055)** | **($513,298)** |
| **Positions** | **(10.000)** | **(10.000)** |

6. **Reduce Job Orders for Repair and Renovation**

It is recommended that funding be reduced on a nonrecurring basis for repair and renovation job orders.

| | | |
|---|---|---|
| **Appropriation - Nonrecurring** | **($299,259)** | **($299,259)** |

7. **Eliminate Young Offenders Forest Conservation Program (BRIDGE)**

It is recommended that the Young Offenders Forest Conservation Program (BRIDGE) be eliminated, including the elimination of seven positions.

| | | |
|---|---|---|
| **Appropriation** | **($263,470)** | **($263,470)** |
| **Positions** | **(7.000)** | **(7.000)** |

8. **Close Umstead and Guilford Correctional Centers**

It is recommended that Umstead and Guilford Correctional Centers be closed due to above average operating costs. To accommodate the inmates at these facilities, Lincoln Correctional Center will be converted from medium to minimum custody and Warren Correctional Institution will be partially double-celled. There is no anticipated savings for FY 2009-10 due to the upfits required to accommodate additional inmates at Warren Correctional Institution. The anticipated closure date for Umstead and Guilford is June 1, 2010.

| | | |
|---|---|---|
| **Appropriation** | **-** | **($4,627,854)** |
| **Positions** | **(107.000)** | **(107.000)** |

45
50

9. **Close Gates, Haywood, and Union Correctional Centers**

It is recommended that Gates, Haywood, and Union Correctional Centers be closed, as proposed by the Government Performance Audit Committee (GPAC). To accommodate the inmates at these facilities, Pamlico Correctional Institution will be partially double-celled. There is no anticipated savings for FY 2009-10 due to the required upfits needed to accommodate additional inmates at Pamlico Correctional Institution. The anticipated closure date for Gates, Haywood, and Union is June 1, 2010.

| | | |
|---|---|---|
| **Appropriation** | **-** | **($3,260,124)** |
| **Positions** | **(74.000)** | **(74.000)** |

**Total Recommended Reductions**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | ($72,462,507) | ($95,405,014) |
| Receipts | 500,000 | 500,000 |
| Appropriation | ($72,962,507) | ($95,905,014) |
| Positions | (658.000) | (658.000) |
| **Nonrecurring** | | |
| Requirements | ($4,939,047) | ($989,047) |
| Receipts | 1,372,000 | - |
| Appropriation | ($6,311,047) | ($989,047) |
| Positions | - | - |

**Expansion**

| | 2009-10 | 2010-11 |
|---|---|---|

**Comprehensive Probation Package**

1. **Probation/Parole Officer Reallocation to Improve Recruitment and Retention**

The Governor recommends an appropriation to reallocate 1,048 Probation/Parole Officers from a pay grade 68 to a pay grade 69, as recently authorized by the State Personnel Commission. This request would address significant recruitment and retention issues for this classification.

| | | |
|---|---|---|
| **Appropriation** | **$2,383,273** | **$2,383,273** |

2. **Additional Chief Probation/Parole Officers to Reduce Span of Control**

The Governor recommends funding for an additional 29 Chief Probation/Parole Officers to bring the Supervisor/Officer ratio closer to 7:1, which currently varies significantly across the state. This request would give supervisors a more manageable level of officer reviews, thereby increasing accountability and ensuring adequate staffing to address problem cases. This request supports recommendations found in the recent National Institute of Corrections report.

| | | |
|---|---|---|
| **Appropriation** | **$2,277,322** | **$2,246,214** |
| **Appropriation - Nonrecurring** | **$268,468** | **-** |
| **Positions** | **29.000** | **29.000** |

3. **Additional Probation/Parole Officers to Ensure Effective Case Management**

The Governor recommends 117 additional Probation/Parole Officers to ensure effective case management for probationers/parolees. These additional officers will enhance the department's ability to meet current offender supervision needs, as well as enable the department to implement evidence-based practices for offender case management. This request supports recommendations found in the recent National Institute of Corrections report.

| | | |
|---|---|---|
| **Appropriation** | **$5,339,404** | **$7,990,156** |
| **Appropriation - Nonrecurring** | **$646,873** | **-** |
| **Positions** | **99.000** | **117.000** |

4. **Additional Correctional Instructor Positions for More Efficient Training**

The Governor recommends an appropriation for four Correctional Training Instructor II positions and a Correctional Training Coordinator I position to provide training required by the Criminal Justice Training and Standards Commission. These additional positions are needed to enhance training for new officers and deliver training in a more efficient and timely manner. Such improvements will provide new officers with the necessary skills to begin supervising probation caseloads earlier in their employment. This request supports a National Institute of Corrections recommendation.

| | | |
|---|---|---|
| **Appropriation** | **$224,889** | **$370,513** |
| **Appropriation - Nonrecurring** | **$14,636** | **$9,757** |
| **Positions** | **3.000** | **5.000** |

5. **VIPER Radios for Improved Communication in Community Corrections**

The Governor reports on the use of funding of up to $1.26 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the purchase of VIPER (interoperable communications) radios to be deployed to those Division of Community Corrections offices within the current VIPER service area. This will enable increased and improved communication with law enforcement and within Community Corrections. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program.

| | | |
|---|---|---|
| **Requirements - Nonrecurring** | **$1,264,689** | **-** |
| **Receipts - Nonrecurring** | **$1,264,689** | **-** |
| **Appropriation - Nonrecurring** | **-** | **-** |

6. **Community Corrections Intake Officers for Urban Areas**

The Governor reports on the use of funding of up to $1.23 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for new Community Corrections Intake Officer positions. These positions will perform court intake duties and administrative functions in urban areas where court dockets currently require significant time commitments from Probation/Parole Officers. As recommended in the recent National Institute of Corrections report, these new positions will enable Probation/Parole Officers to dedicate more time to monitoring offenders under their supervision and less time performing administrative functions. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program.

| | | |
|---|---|---|
| **Requirements - Nonrecurring** | **$1,235,311** | **-** |
| **Receipts - Nonrecurring** | **$1,235,311** | **-** |
| **Appropriation - Nonrecurring** | **-** | **-** |

14

**Total Recommended Expansion**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | $10,224,888 | $12,990,156 |
| Receipts | - | - |
| Appropriation | $10,224,888 | $12,990,156 |
| Positions | 131.000 | 151.000 |

| | | |
|---|---|---|
| **Nonrecurring** | | |
| Requirements | $3,429,977 | $9,757 |
| Receipts | 2,500,000 | - |
| Appropriation | $929,977 | $9,757 |
| Positions | - | - |

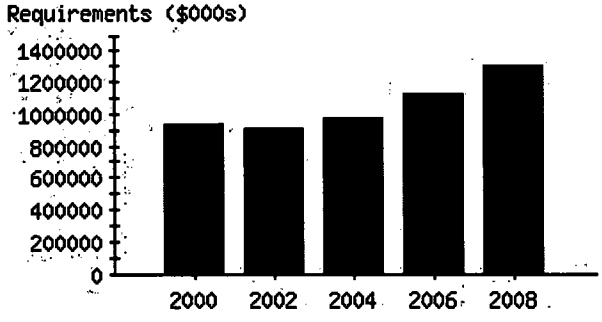
**Total Recommended Adjustments for Department of Correction (14500) 2009-11**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | ($62,237,619) | ($82,414,858) |
| Receipts | 500,000 | 500,000 |
| Appropriation | ($62,737,619) | ($82,914,858) |
| Positions | (527.000) | (507.000) |
| **Nonrecurring** | | |
| Requirements | ($1,509,070) | ($979,290) |
| Receipts | 3,872,000 | - |
| Appropriation | ($5,381,070) | ($979,290) |
| Positions | - | - |
| **Total Appropriation Adjustments** | ($68,118,689) | ($83,894,148) |
| **Total Position Adjustments** | (527.000) | (507.000) |

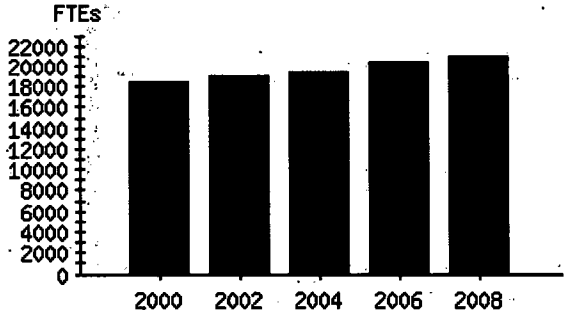
*Base Budget and Performance Management Information*

# Budget Code 14500 Correction - General Fund

## Actual Expenditures by Fiscal Year




## Actual Positions by Fiscal Year




## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $1,305,322,586 | $1,338,956,556 | $1,338,630,444 | $79,446,401 | $1,418,076,845 | $101,327,094 | $1,439,957,538 |
| **Receipts** | $51,706,922 | $35,992,386 | $35,666,274 | ($2,500,000) | $33,166,274 | ($2,500,000) | $33,166,274 |
| **Appropriation** | $1,253,615,664 | $1,302,964,170 | $1,302,964,170 | $81,946,401 | $1,384,910,571 | $103,827,094 | $1,406,791,264 |
| **Positions** | 21,019.500 | 21,193.000 | 21,169.000 | 156.500 | 21,325.500 | 364.000 | 21,533.000 |

# Budget Code 14500 Correction - General Fund

## Fund 14500-1110 Departmental Management — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $58,407,885 | $55,546,807 | $57,600,887 | ($74,030) | $57,526,857 | $45,026 | $57,645,913 |
| **Receipts** | $2,655,547 | $378,974 | $480,100 | $0 | $480,100 | $0 | $480,100 |
| **Appropriation** | $55,752,338 | $55,167,833 | $57,120,787 | ($74,030) | $57,046,757 | $45,026 | $57,165,813 |
| **Positions** | 626.000 | 610.000 | 632.000 | - | 632.000 | - | 632.000 |

### Fund description

This fund supports central management and administration for policy development, planning, and operations department-wide. It also provides central support services for critical administrative sections, including human resources, engineering, safety, legal, research and planning, extradition, EEO, management information systems, budget and fiscal, purchasing, correctional industries, prisons, community corrections, and commissions to ensure accountability for agency operations.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Administrative Service - Human Resource Management.** Oversee the recruitment and management of personnel; develop and implement HR strategy; coordinate and execute staff acquisition, organization and position management, compensation management, benefits management, employee development, and performance management; and regulate employee relations, separation management, and health and safety activities. | $6,489,700 | 106.000 |
| **Administrative Service - Fiscal Management.** Manage and analyze financial information; account for and forecast the use of department resources; conduct general ledger accounting; maintain accounts payable, collections and accounts receivable, payroll services, cash management, program payments, and contracts and grants management; provide asset and liability management; and execute financial reporting. | $7,152,277 | 88.000 |
| **Administrative Service - Budget and Analysis.** Conduct resource planning and allocation activities; develop and execute the budget; and analyze issues impacting the department's budgets and management. | $365,944 | 5.000 |
| **Administrative Service - Purchasing.** Coordinate and execute the acquisition of equipment, materials, services and supplies for the department. | $10,278,634 | 71.000 |
| **Administrative Service - Internal Auditing.** Provide independent assessments to department management; ensure operations and programs comply with applicable laws and regulations; prevent inefficiency, fraud, and abuse; analyze exposure to risk and determine appropriate countermeasures; and ensure accounting, administrative, and other information systems have the proper controls. | $1,396,234 | 21.000 |
| **Administrative Service - Legal.** Provide legal representation and litigation functions for the department. | $589,072 | 7.000 |
| **Administrative Service - Public Information/Communication.** Exchange information and communication between the department, citizens, and stakeholders; establish and promote media relations; prepare and publish press releases and other publications; and coordinate events and conference delivery. | $379,631 | 5.000 |
| **Administrative Service - Security.** Ensure physical protection of the department's personnel, assets, and facilities. | $23,928 | - |

| | | |
|---|---|---|
| **Administrative Service - Construction/Engineering.** Provide design, construction, major maintenance, and administrative oversight for the department's capital improvement projects and physical plant operations. | $9,273,954 | 103.000 |
| **Secretary's Office.** Provide administrative oversight to divisions and staff within the Department of Correction in policy development, planning, and operations department-wide while facilitating inter-divisional projects, developing legislation, and planning and implementing new departmental initiatives to ensure accountability for agency operations. | $2,381,933 | 24.000 |
| **Management Information Systems.** Support, monitor, maintain, design, develop, test, and implement the department's computerized systems, data bases, and information networks to ensure the integrity of the department's data and operating systems. | $12,226,730 | 83.000 |
| **Staff Development and Training.** Train the department's workforce in correctional related subjects by providing direct or indirect learning experiences of a pragmatic nature, ensuring that both entry level and career level employees' training needs are fulfilled. | $4,655,218 | 60.000 |
| **Extradition.** Direct and conduct the secure interstate transportation of state and local law enforcement offenders through oversight of interstate agreements on detainers and by working with state, local, federal, and international law enforcement agencies to extradite probation violators, parole violators, escapees, and fugitives from justice, thus ensuring the safety of North Carolina's citizens. | $1,196,230 | 11.000 |
| **Combined Records.** Provide security, accountability, and confidentiality of all inmate records for the Department of Correction while ensuring the accuracy of the periods of incarceration and release dates for inmates thus providing for the safety of the citizens of North Carolina. | $1,755,112 | 36.000 |
| **Victim Services.** Provide assistance to victims of crime to meet the obligations of the department under the NC Crime Victims' Rights Act and provide expertise and education inside and outside the department to support current and expanding services for victims of crime. | $243,288 | 6.000 |
| **Actual Totals** | **$58,407,885** | **626.000** |

| **Measures for the fund** | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| DOC employees trained by the Office of Staff Development and Training | 3,749 | 3,636 | 3,496 |
| Average number of calls per month for victim services | 578 | 588 | 762 |
| Sentences audited per Sentence Auditing Technician | 49,713 | 49,982 | 48,129 |
| Extradited offenders | 1,286 | 1,253 | 1,194 |

## Fund 14500-1120 Division of Alcohol and Chemical Dependency — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $16,381,390 | $19,626,310 | $19,941,080 | $444,926 | $20,386,006 | $454,094 | $20,395,174 |
| **Receipts** | $61,958 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $16,319,432 | $19,626,310 | $19,941,080 | $444,926 | $20,386,006 | $454,094 | $20,395,174 |
| **Positions** | 212.000 | 248.000 | 247.000 | - | 247.000 | - | 247.000 |

## Fund description

This fund supports the design, development, and implementation of an effective delivery of substance abuse services to eligible offenders within the North Carolina Department of Correction. Through comprehensive screening and assessment, offenders are referred to a network of programs that provide treatment interventions, intensive residential treatments, and aftercare services in a statewide continuum of care. The ultimate goal of the division is to deliver effective interventions to the eligible offender population to support pro social life skills and self-sufficiency.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide residential treatment services through evidence based practices and cognitive behavior intervention curriculum to male probationers and parolees charged with driving while impaired (DWI) offenses to decrease future at-risk behavior while operating a motor vehicle. | $4,049,461 | 73.000 |
| Provide intensive residential addiction treatment and aftercare services to chemically dependent offenders through evidence based practices and cognitive behavior intervention curricula to aid in the establishment and practice of living skills that are consistent with recovery from substance abuse and dependency. | $4,531,101 | 120.000 |
| Provide severely addicted offenders with access to established clinical protocols, including group and individual counseling, individualized treatment planning, and continuing aftercare services, offered in a therapeutic setting in order to encourage a chemical-free lifestyle for these offenders as well as give them exposure to a healthy, drug-free therapeutic community. | $5,368,525 | - |
| Provide division oversight and support through management of funding, personnel, policy, and procedures, ensuring that the necessary clinical supervision and technical training is administered to program and other staff to comply with the North Carolina Substance Abuse Professional Practice Board (NCSAPPB) credentialing requirements as well as other state and federal regulations. | $2,432,303 | 19.000 |
| **Actual Totals** | **$16,381,390** | **212.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Percentage of newly admitted inmates screened to determine whether they have a substance abuse problem and identify the appropriate treatment environment | 88 % | 86 % | 89 % |
| Percentage of offenders needing residential treatment that are enrolled into a DWI Community Based Program for residential treatment | 77 % | 72 % | 80 % |
| Percentage of counseling staff that are registered and/or are credentialed by the North Carolina Substance Abuse Professional Practice Board (NCSAPPB) | 72 % | 81 % | 93 % |
| Completion rate for offenders enrolled in residential treatment programs | 72 % | 68 % | 71 % |

## Fund 14500-1210 Prison Management — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $12,016,690 | $10,405,262 | $10,744,361 | $132,415 | $10,876,776 | $142,548 | $10,886,909 |
| **Receipts** | $40,184 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $11,976,506 | $10,405,262 | $10,744,361 | $132,415 | $10,876,776 | $142,548 | $10,886,909 |
| **Positions** | 151.000 | 147.500 | 151.000 | - | 151.000 | - | 151.000 |

### Fund description

The purpose of this fund is to provide management, support, planning, policy development, and administration for the Division of Prisons. In order to carry out this responsibility, the division evaluates operations and tracks performance measures at facility, region, and division levels to promote efficient management of resources and ensure accountability for agency operations to North Carolina's citizens.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide administrative oversight of the division's prison facilities including the development and management of funding, personnel, policy, and procedures necessary to comply with statutory and departmental requirements. | $10,609,117 | 121.000 |
| Oversee the delivery of quality programs and services to offenders through the utilization of evidence based practices, research, and advanced technology to manage correctional resources in a cost-efficient manner. | $1,407,573 | 30.000 |
| **Actual Totals** | **$12,016,690** | **151.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Division of Prisons (DOP) policies reviewed | - | - | 99 |
| DOP policies revised to meet American Correctional Association (ACA) requirements | 26 | 16 | 80 |
| New DOP policies created | 1 | 0 | 18 |
| New inmate programs created | 11 | 4 | 16 |

## Fund 14500-1310 Custody and Security — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $687,271,780 | $736,012,353 | $732,397,977 | $26,023,491 | $758,421,468 | $28,012,106 | $760,410,083 |
| **Receipts** | $17,428,811 | $14,714,783 | $14,504,943 | $0 | $14,504,943 | $0 | $14,504,943 |
| **Appropriation** | $669,842,969 | $721,297,570 | $717,893,034 | $26,023,491 | $743,916,525 | $28,012,106 | $745,905,140 |
| **Positions** | 14,197.000 | 14,325.000 | 14,271.000 | - | 14,271.000 | - | 14,271.000 |

## Fund description

The purpose of this fund is to support the custody and security of incarcerated inmates in the state's prison facilities. Through the use of supervision and management of inmates in secure correctional facilities, manage the offender population to ensure that offenders are provided secure confinement and appropriate supervision in accordance with the security level of the facility and the risk posed to the community.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide the facilities, staff, equipment, supplies, transportation, and security for the department's close custody inmate population to enhance public safety. | $220,523,814 | 5,217.000 |
| Provide the facilities, staff, equipment, supplies, transportation, and security for the department's medium custody inmate population to enhance public safety. | $270,108,010 | 6,051.000 |
| Provide the facilities, staff, equipment, supplies, transportation, and security for the department's minimum custody inmate population to enhance public safety. | $123,548,312 | 2,668.000 |
| Provide custody and security for inmate work crews that perform labor for state and local government agencies, thus reducing inmate idleness while providing a cost savings to the citizens of North Carolina. | $10,940,759 | - |
| Provide inmate crews for the Department of Transportation (DOT), thus reducing inmate idleness while providing a cost savings to the citizens of North Carolina and enhancing the beautification and safety of the State's highways. | $9,934,058 | - |
| Reimburse counties for any inmate with a prison sentence of less than 180 days (these inmates are housed at the county jail rather than processed into the Division of Prisons) relieving overcrowding of DOP facilities. | $10,717,640 | - |
| Reimburse counties for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the state prison system due to overcrowding of DOP facilities. | $1,826,880 | - |
| Manage construction, electric, and general preventive maintenance projects at a regional level in order to provide cost efficient maintenance services to DOP facilities. | $10,778,449 | 174.000 |
| Provide regional administrative/management review and oversight for DOP facilities in order to ensure the most efficient use of resources. | $3,081,822 | 53.000 |
| Provide central administrative/management review, oversight, and services for DOP facilities in order to ensure the most efficient use of resources and enhance public safety. | $25,812,036 | 34.000 |
| **Actual Totals** | **$687,271,780** | **14,197.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Average daily cost per inmate (dollars) [1] | $66.87 | $71.52 | $74.77 |
| Inmates admitted into Division of Prisons' facilities | 27,575 | 27,936 | 28,535 |
| Inmates released from Division of Prisons' facilities | 26,457 | 26,986 | 27,637 |
| Inmate transfers within the Division of Prisons' facilities | 159,801 | 167,075 | 178,813 |
| Percentage of available days that inmate crews are on assignment at DOT | - | - | 88 % |
| Facilities passing security assessments and scheduled audits | 76 | 78 | 78 |

[1]This cost includes food and clothing but does not include medical costs.

## Fund 14500-1320 Food, Clothing, and Personal Items — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $83,328,847 | $80,734,944 | $80,145,519 | $7,914,409 | $88,059,928 | $8,523,832 | $88,669,351 |
| **Receipts** | $11,126,386 | $11,224,351 | $10,377,331 | $0 | $10,377,331 | $0 | $10,377,331 |
| **Appropriation** | $72,202,461 | $69,510,593 | $69,768,188 | $7,914,409 | $77,682,597 | $8,523,832 | $78,292,020 |
| **Positions** | 495.000 | 503.000 | 503.000 | - | 503.000 | - | 503.000 |

### Fund description

The purpose of this fund is to provide food service staff, meals, clothing, bedding, personal items, and food service training for prison inmates in order to deliver quality services to offenders in a cost-efficient manner.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide inmates with nutritional meals to support a healthy inmate diet, and manage inmate food service training programs to promote marketable job skills. | $67,587,333 | 495.000 |
| Provide inmates with adequate clothing, bedding, laundry services, and items of personal hygienic care to provide a suitable living environment. | $15,741,514 | - |
| **Actual Totals** | **$83,328,847** | **495.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Average cost per meal for inmates (dollars) | $.77 | $.77 | $.82 |
| Average cost per set of clothing issued to inmates (dollars) | $171 | $183 | $205 |
| Inmates trained to work in food service incentive wage jobs | 243 | 256 | 299 |

## Fund 14500-1330 Prison Health Services — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $233,122,982 | $209,079,411 | $210,084,424 | $39,365,616 | $249,450,040 | $43,625,877 | $253,710,301 |
| **Receipts** | $13,067,909 | $6,276,887 | $7,153,907 | $0 | $7,153,907 | $0 | $7,153,907 |
| **Appropriation** | $220,055,073 | $202,802,524 | $202,930,517 | $39,365,616 | $242,296,133 | $43,625,877 | $246,556,394 |
| **Positions** | 1,650.500 | 1,659.500 | 1,664.000 | - | 1,664.000 | - | 1,664.000 |

### Fund description

The purpose of this fund is to provide general medical, dental, and mental health services for inmates. The fund supports salaries, in-house health care, pharmaceuticals, medical equipment, and outside medical care and fees. Health services are provided to inmates in order to ensure their safety and well-being while incarcerated.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide healthcare for the inmate population through general medical nursing services as well as medical supplies, inclusive of medical equipment and its associated maintenance and repair, to ensure the general health and welfare for the inmate population. | $198,870,835 | 1,139.500 |
| Provide mental health services to assess and treat all inmates who are identified with a serious mental illness during the prison admission process or through referrals from other staff and inmate self referrals, thus ensuring the mental health and welfare for the inmate population. | $22,879,917 | 375.000 |
| Ensure the dental health of the inmate population through screening, evaluation, and treatment services inclusive of preventive care, extractions, prosthodontics, limited oral surgery, periodontics, and restoration. | $9,200,602 | 104.000 |
| Serve the pharmaceutical needs of inmates while maintaining a warehouse of controlled and non-controlled medications, thus ensuring the general health and welfare for the inmate population. | $2,171,628 | 32.000 |
| **Actual Totals** | **$233,122,982** | **1,650.500** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Vacancy rate for prison nurses | 15 % | 14 % | 13 % |
| Inmates per healthcare FTE | 24 | 24 | 24 |
| General health inmate encounters that require the attention of medical personnel, including sick calls, clinics, lab tests, follow-up consults, nutritional therapy, emergencies, physical therapy, and triage | 812,479 | 819,578 | 895,827 |
| Mental health inmate encounters inclusive of assessments, clinics, follow up consults, and emergencies that require mental health services | 224,592 | 201,798 | 199,703 |
| Dental health inmate encounters inclusive of assessments, clinics, follow up consults, and emergencies that require dental health services | 89,254 | 93,520 | 97,203 |
| Average health care cost per inmate (dollars) | $1,652.00 | $1,708.00 | $1,831.00 |

## Fund 14500-1340 Prison Education Services — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $4,556,094 | $5,083,784 | $5,074,552 | $220,760 | $5,295,312 | $22,644 | $5,097,196 |
| **Receipts** | $16,470 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $4,539,624 | $5,083,784 | $5,074,552 | $220,760 | $5,295,312 | $22,644 | $5,097,196 |
| **Positions** | 65.000 | 65.000 | 65.000 | - | 65.000 | - | 65.000 |

### Fund description

The purpose of this fund is to support academic and vocational programs that help inmates improve their basic skills in reading, writing, and mathematics to a minimal eighth grade level and learn vocational skills that will enhance employment opportunities upon release. Education Services also offers post-secondary educational programs.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide Adult Basic Education (ABE) curriculum and vocational education programs to youthful offenders through classroom instruction and partnering with institutions of higher education to support life skills and self sufficiency. | $4,506,094 | 65.000 |
| Provide funding to the Community College System to develop and support adult education programs to support life skills and self sufficiency for inmates. | $50,000 | - |
| **Actual Totals** | **$4,556,094** | **65.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Academic/vocational programs available for inmates | 114 | 119 | 97 |
| Inmates achieving their General Educational Development (GED) diploma while incarcerated | 1,729 | 1,686 | 1,802 |
| Inmates achieving a post-secondary degree while incarcerated | 61 | 955 | 1,217 |

## Fund 14500-1350 Prison Corrective Programs — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $42,151,425 | $46,703,322 | $46,805,186 | $146,703 | $46,951,889 | $208,242 | $47,013,428 |
| **Receipts** | $15,719 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $42,135,706 | $46,703,322 | $46,805,186 | $146,703 | $46,951,889 | $208,242 | $47,013,428 |
| **Positions** | 1,031.000 | 1,044.000 | 1,044.000 | - | 1,044.000 | - | 1,044.000 |

### Fund description

The purpose of this fund is to support reception/diagnostic centers for initial assessment and classification of inmates and continuing programs of rehabilitative services. Among the services supported by this fund are inmate case management, recreation, religious services, and other programs that promote self-development and quality of life with the ultimate objective of producing positive life skills and self sufficiency.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide inmate case management, recreation, religious services, and other programs promoting self-development and quality of life with the ultimate objectives of rehabilitation and reducing idleness while expanding reentry/transition initiatives. | $37,979,350 | 905.000 |
| Provide diagnosis, evaluation, and initial classification of inmates upon their entry into the DOP to determine their program needs. | $4,172,075 | 126.000 |
| **Actual Totals** | **$42,151,425** | **1,031.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Facilities offering Cognitive Behavior Intervention (CBI) programs to inmates | 114 | 119 | 97 |
| Inmates involved in education, vocation, or substance abuse programs | 9,420 | 15,820 | 25,821 |
| Inmates involved in incentive wage work assignments | 18,893 | 20,551 | 36,353 |
| Inmates participating in transition programs such as Lifeskills, Family/Parenting, Job Start, and work release | - | - | 11,976 |

## Fund 14500-1410 Division of Community Correction Management — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $3,650,265 | $3,706,047 | $4,042,255 | $30,548 | $4,072,803 | $34,714 | $4,076,969 |
| **Receipts** | $3,810 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $3,646,455 | $3,706,047 | $4,042,255 | $30,548 | $4,072,803 | $34,714 | $4,076,969 |
| **Positions** | 61.000 | 55.000 | 61.000 | - | 61.000 | - | 61.000 |

### Fund description

The purpose of this fund is to provide overall division management, support, planning, policy development, and administration for the Division of Community Corrections inclusive of interstate compact functions. These responsibilities are carried out through establishing offender case management guidelines, performing victim notifications, and coordinating training for division level employees. Through these functions, the division ensures accountability for agency operations to North Carolina's citizens.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide administrative oversight of the operation and delivery of statewide offender supervision in 100 counties to ensure compliance with statutory requirements to provide quality offender management and enhanced public safety for the citizens of North Carolina. | $2,940,948 | 43.000 |
| Manage offender movement and supervision between states by applying federal guidelines to ensure the appropriate transfer of supervision requirements through the Interstate Compact operations to provide quality offender management and enhanced public safety for the citizens of North Carolina and other states. | $433,930 | 13.000 |
| Promote victim awareness and safety through notifying victims of crime, via mailings and personal contact, of offender supervision actions as required by the Crime Victims Rights Act and N.C.G.S. 15A-837. | $163,325 | 3.000 |
| Develop, implement, and deliver in-service training that adheres to criminal justice protocols thereby providing for the safety and security of division staff as well as encouraging career growth and development. | $112,062 | 2.000 |
| **Actual Totals** | **$3,650,265** | **61.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Position turnover rate for Division of Community Correction Management | 9.5 % | 9.5 % | 7.0 % |
| Offenders whose supervision is transferred to or from North Carolina through the interstate compact for adult offender supervision | - | 1,677 | 4,159 |
| Completed notifications to victims concerning offender supervision actions | 23,799 | 24,153 | 29,223 |

## Fund 14500-1430 Probation and Post Release — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $156,701,548 | $156,619,617 | $156,264,292 | $3,453,997 | $159,718,289 | $3,599,749 | $159,864,041 |
| **Receipts** | $5,012,376 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $151,689,172 | $156,619,617 | $156,264,292 | $3,453,997 | $159,718,289 | $3,599,749 | $159,864,041 |
| **Positions** | 2,497.000 | 2,503.000 | 2,497.000 | - | 2,497.000 | - | 2,497.000 |

### Fund description

The purpose of this fund is to provide professional supervision of the offender in the community under conditions of Probation, Post-release, or Parole by administering risk and needs assessments; utilizing monitoring tools such as individual contact, drug screening and electronic monitoring; and using services provided by the criminal justice partnership programs. The objectives of these services are to assure that an offender does not pose a threat to the community, to offer offenders opportunities to modify behavior and attitudes, and to effect positive changes in offenders through supervision and intervention.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Supervise offenders placed on probation, parole, or post-release as ordered by the courts or the Post-Release Supervision and Parole Commission utilizing all sanctions and treatment resources, and respond to all violations and non-compliant behavior as soon as detected with a response proportional to the type of behavior and risk to safety. | $57,571,281 | 987.000 |
| Provide for public safety through quality supervision of higher risk offenders sentenced under the intermediate punishment grid of structured sentencing and by responding to all violations and non-compliant behavior as soon as detected with a response proportional to the type of behavior and risk to safety. | $76,178,473 | 1,306.000 |
| Support and enhance the supervision of offenders using specialized programs such as community service work programs; partnerships with counties and treatment providers; and programs addressing domestic violence, gang threats, sex offenders, substance abuse treatment and electronically monitored offender populations. | $22,951,794 | 204.000 |
| **Actual Totals** | **$156,701,548** | **2,497.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Average offender caseload per probation/parole officer I | - | 97 | 96 |
| Average offender caseload per probation/parole officer II | - | 55 | 59 |
| Average offender caseload per intensive case officer | - | 55 | 53 |

| | | | |
|---|---|---|---|
| Offenders entering intermediate punishment sanctions and special programs | 29,866 | 32,974 | 36,519 |
| Percentage of probation, post-release supervision, and parole supervision for criminal offenses that were revoked | 17.3 % | 16.3 % | 17.5 % |
| Percentage of offenders that successfully complete a period of probation, post release, or parole supervision | - | 65.4 % | 65.3 % |

## Fund 14500-1500 Post Release Supervision and Parole Commission — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $1,350,173 | $1,467,917 | $1,482,917 | $4,473 | $1,487,390 | $5,917 | $1,488,834 |
| **Receipts** | $376 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $1,349,797 | $1,467,917 | $1,482,917 | $4,473 | $1,487,390 | $5,917 | $1,488,834 |
| **Positions** | 23.000 | 23.000 | 23.000 | - | 23.000 | - | 23.000 |

### Fund description

The purpose of this fund is to support the Post-Release Supervision and Parole Commission in granting paroles to offenders eligible for discretionary release; revoking, terminating, and suspending paroles; assisting the Governor in exercising her authority in granting reprieves, commutations, and pardons; establishing conditions of post-release supervision; and revoking and terminating those persons released under post-release supervision through the administration of fair and equitable case hearings thus ensuring the safety of the citizens of North Carolina.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide jurisdiction over all paroles and post-release supervision cases through fair and equitable hearings and meetings facilitated by a parole commissioner and through participation in the Mutual Agreement Parole Program serving the offenders, family members, victims, North Carolina citizens, and other interested parties. | $1,350,173 | 23.000 |
| **Actual Totals** | **$1,350,173** | **23.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Paroles approved | 3,857 | 3,389 | 3,613 |
| Paroles denied | 2,763 | 2,283 | 2,212 |
| Revocation hearings | 49 | 42 | 50 |
| Cases per parole case analyst | - | - | 4,872 |

## Fund 14500-1600 Grievance Board — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $566,818 | $674,380 | $750,592 | $4,574 | $755,166 | $5,818 | $756,410 |
| **Receipts** | $2,114 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $564,704 | $674,380 | $750,592 | $4,574 | $755,166 | $5,818 | $756,410 |
| **Positions** | 11.000 | 10.000 | 11.000 | - | 11.000 | - | 11.000 |

### Fund description

The Inmate Grievance Resolution Board monitors, administers, and reviews the Department of Correction's Administrative Remedy Procedures affecting inmates in the physical custody of the department in compliance with federal and state laws, particularly the "Civil Rights of Institutionalized Persons Act," 42 U.S.C. 1997, and N.C.G.S. 148-118.1. The Board's administrative resolution and mediation of thousands of appeals filed by inmates directly results in significant costs savings to the department and the State of North Carolina through a reduction in costs associated with the litigation process. The five member board is appointed by the Governor.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide competent review and administration of the Department of Correction's Administrative Remedy Procedures while investigating appeals and mediating meritorious complaints filed by inmates. | $566,818 | 11.000 |
| **Actual Totals** | **$566,818** | **11.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Percentage of investigation of appeals that have responses issued within established time frames | 100 % | 100 % | 100 % |
| Percentage of appeals dismissed without merit resulting in the avoidance of costly court proceedings | 16 % | 16 % | 19 % |
| Percentage of meritorious appeals resolved in conjunction with the Division of Prisons' staff, resulting in avoidance of costly lawsuits | 47 % | 50 % | 37 % |

## Fund 14500-1800 Reserves and Other Accounts — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $5,816,689 | $13,296,402 | $13,296,402 | $1,778,519 | $15,074,921 | $16,646,527 | $29,942,929 |
| **Receipts** | $216,126 | $2,500,000 | $2,500,000 | ($2,500,000) | $0 | ($2,500,000) | $0 |
| **Appropriation** | $5,600,563 | $10,796,402 | $10,796,402 | $4,278,519 | $15,074,921 | $19,146,527 | $29,942,929 |
| **Positions** | - | - | - | 156.500 | 156.500 | 364.000 | 364.000 |

### Fund description

This is an accounting fund used to record budgeted requirements that are transferred later to an operating fund and to record transfers to other state departments and agencies, including legislated pass-throughs that provide educational, legal, and other services to inmates.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Legislated payments to non governmental organizations that provide educational, legal, and other services to inmates. | $2,176,293 | - |
| Transfers to other state departments and other department budget codes. | $3,640,396 | - |
| **Actual Totals** | **$5,816,689** | - |

## Fund 14500-1999 Receipts — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $2,059,136 | $897,391 | $649,993 | $0 | $649,993 | $0 | $649,993 |
| **Appropriation** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

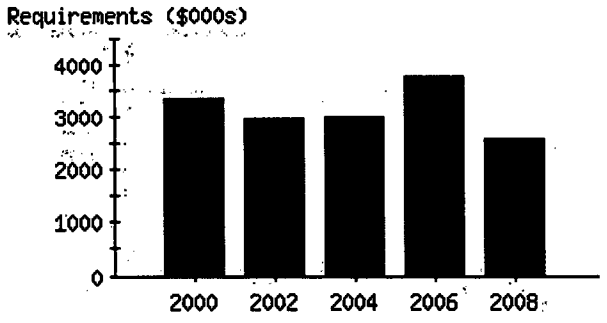
### Fund description

This is an accounting fund used to record revenue received by the department that is not associated with a specific function of the agency. This includes prior year reimbursements, sale of surplus property, miscellaneous revenue, and operating transfers.

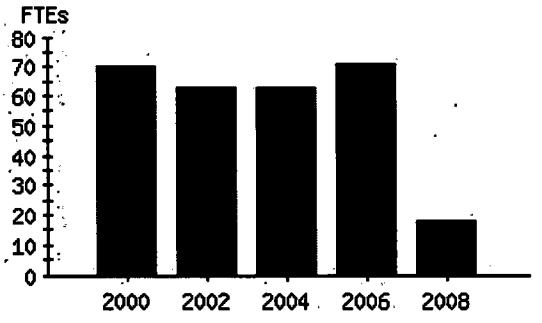
*Base Budget and Performance Management Information*

# Budget Code 24500 Correction - Special

## Actual Expenditures by Fiscal Year




## Actual Positions by Fiscal Year




The decrease in actual expenditures can be explained by a reduction in the grant funds received by the department.

## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $2,576,652 | $3,459,568 | $3,460,210 | $0 | $3,460,210 | $0 | $3,460,210 |
| **Receipts** | $2,504,460 | $3,023,082 | $3,023,724 | $0 | $3,023,724 | $0 | $3,023,724 |
| **Chng Fund Bal** | ($72,192) | ($436,486) | ($436,486) | $0 | ($436,486) | $0 | ($436,486) |
| **Positions** | 18.000 | 7.000 | 16.000 | - | 16.000 | - | 16.000 |

# Budget Code 24500 Correction - Special

## Fund 24500-2101 ESEA Title I — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $416,961 | $614,867 | $614,867 | $0 | $614,867 | $0 | $614,867 |
| **Receipts** | $382,667 | $614,867 | $614,867 | $0 | $614,867 | $0 | $614,867 |
| **Chng Fund Bal** | ($34,294) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 5.000 | - | 5.000 | - | 5.000 | - | 5.000 |

### Fund description

This is a continuing award received from the North Carolina Department of Public Instruction to close the achievement gap and improve the educational services to inmates under the age of 21 who are housed in adult correctional facilities.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Maintain and improve remedial and transitional programs, enabling inmates in these programs to make the transition to a regular program or other education program, or complete secondary school equivalency requirements (GED). | $416,961 | 5.000 |
| **Actual Totals** | **$416,961** | **5.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Inmates served in Chapter I Education, Consolidation and Improvement Act (ECIA) program | 792 | 777 | 871 |
| Inmates in Chapter I ECIA completing secondary school equivalency requirements (GED) | 94 | 101 | 84 |

## Fund 24500-2115 State Partnership Criminal Justice — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $358 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($358) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

Originally funded by the Clark Foundation, these funds assist with implementation of Structured Sentencing. This was a one-time award given in advance. There is a remaining balance of $11,172.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Funds used to assist with implementation of Structured Sentencing. | $358 | - |
| **Actual Totals** | **$358** | - |

## Fund 24500-2118 IDEA VI-B — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $188,633 | $332,189 | $332,189 | $0 | $332,189 | $0 | $332,189 |
| **Receipts** | $177,352 | $332,189 | $332,189 | $0 | $332,189 | $0 | $332,189 |
| **Chng Fund Bal** | ($11,281) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 2.000 | - | 1.000 | - | 1.000 | - | 1.000 |

### Fund description

This is a continuing award received from the North Carolina Department of Public Instruction to improve the social and academic results for all inmates with special needs while promoting quality education and equal educational opportunities for all inmates with disabilities.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Support administrators, educators, and parents/students to prepare all Department of Correction inmates with disabilities to lead rewarding and productive lives. | $188,633 | 2.000 |
| **Actual Totals** | **$188,633** | **2.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Exceptional Student Program (ESP) students with active Individualized Education Programs (IEPs) and transition plans, December 1st headcounts | 200 | 167 | 203 |
| ESP students who passed the GED | 19 | 18 | 20 |

## Fund 24500-2131 VOI - Truth in Sentencing Act Grant — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $41,867 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $54,494 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $12,627 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This is an award for prison construction under the Violent Offenders Incarceration-Truth In Sentencing Act. The administrative portion of this award is in budget code 24500, with the majority of the award in Capital Improvements budget code 49770. The award ended 09/30/07 with a 90 day liquidation period.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Administer the prison construction that was funded with the Violent Offenders Incarceration-Truth In Sentencing Act federal grant. | $41,867 | - |
| **Actual Totals** | **$41,867** | - |

## Fund 24500-2149 Capacity Building Subgrant — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $695 | $6,719 | $6,719 | $0 | $6,719 | $0 | $6,719 |
| **Receipts** | $603 | $6,719 | $6,719 | $0 | $6,719 | $0 | $6,719 |
| **Chng Fund Bal** | ($92) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund is for continuing funds received from the North Carolina Department of Public Instruction to support the IDEA VI-B Award in fund 2118 through supplies, travel, training, and education.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Support the IDEA VI-B Award in fund 2118 through supplies, travel, training, and education. | $695 | - |
| **Actual Totals** | **$695** | - |

## Fund 24500-2165 Excise Tax - Federal Forfeiture of Property — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $0 | $642 | $0 | $642 | $0 | $642 |
| **Receipts** | $0 | $0 | $642 | $0 | $642 | $0 | $642 |
| **Chng Fund Bal** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

These are funds received from the state controlled substances excise tax assessments that are collected by the North Carolina Department of Revenue. The excise tax is distributed to the state and local law enforcement agencies that participate in investigations or actions that lead to the collection of the excise tax. The funds may only be expended for purposes that directly benefit the department and that comply with the legislative intent of the Controlled Substance Tax Act. This fund was not used during fiscal year 2007-08.

## Fund 24500-2178 Serious and Violent Offender Reentry — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $110,276 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $121,829 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $11,553 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund is for the implementation of a comprehensive offender management strategy based on a seamless system of integrated service delivery and coordination of resources that provide effective interventions for offenders. This was a direct federal grant that expired on 6/30/07 with a 90-day liquidation period.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Implement a comprehensive offender management strategy based on a seamless system of integrated service delivery and coordination of resources that provide effective interventions for offenders. | $110,276 | - |
| **Actual Totals** | **$110,276** | - |

## Fund 24500-2180 Residential Substance Abuse Yr6 — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $21,985 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $44,135 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $22,150 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund is for specialized drug treatment programs for young offenders six months prior to their release. This is an award from the North Carolina Department of Crime Control and Public Safety. This award ended on 6/30/07.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Transfer of the remaining state match funds to the general fund. | $21,985 | - |
| **Actual Totals** | **$21,985** | - |

## Fund 24500-2190 Transition Training — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $875,968 | $1,468,925 | $1,468,925 | $0 | $1,468,925 | $0 | $1,468,925 |
| **Receipts** | $883,442 | $1,468,925 | $1,468,925 | $0 | $1,468,925 | $0 | $1,468,925 |
| **Chng Fund Bal** | $7,474 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 3.000 | - | 3.000 | - | 3.000 | - | 3.000 |

### Fund description

This is a continuing award received from the U.S. Department of Education to assist and encourage incarcerated youth to acquire functional literacy, life, and job skills through the pursuit of a post-secondary education.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide quality educational services to all eligible inmates who elect to participate in educational classes, enabling them to become responsible and productive citizens who can more effectively manage their incarceration and, thus, become contributing members of society upon their release. | $875,967 | 3.000 |
| **Actual Totals** | **$875,968** | **3.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Inmates participating in post-secondary on-site and correspondence courses, as well as cognitive behavior training and employability training classes for eligible youthful offenders [1] | 651 | 697 | - |
| Inmates completing post-secondary on-site and correspondence courses, as well as cognitive behavior training and employability training classes for eligible youthful offenders [1] | 563 | 616 | - |

[1]Data for fiscal year 2007-08 was not available as of the publication of this document.

## Fund 24500-2195 Canine Drug Interdiction Program — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $23,282 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $29,033 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $5,751 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This funding allows the Division of Prisons to purchase narcotic detector canines, digital cameras, and drug testing kits. The funding for this program was received from the North Carolina Department of Crime Control and Public Safety and ends on 6/30/08.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide narcotic detector canines and handler training, digital cameras, and drug testing kits for the division of prisons in order to enhance the capability of division staff to detect the presence of illegal substances and make prisons safer. | $23,281 | - |
| **Actual Totals** | **$23,282** | - |

---

## Fund 24500-2196 MIS DACDP Web Project — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $19,688 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $4,647 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($15,041) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund is for the integration of the existing database for Substance Abuse Subtle Screening Inventory (SASSI) testing scores and recommendations into a web-based application. The project funding was received from the North Carolina Department of Crime Control and Public Safety, and the funding ended on 6/30/07.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Transfer of the remaining state match funds to the general fund. | $19,688 | - |
| **Actual Totals** | **$19,688** | - |

---

## Fund 24500-2197 Nurturing Fathers Program — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $1 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $3,158 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $3,157 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund supports a program that teaches inmates how to reunite with their families upon release. The funding for this program was received from the North Carolina Department of Crime Control and Public Safety and ended on 6/30/07.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Transfer of the remaining state match funds to the general fund. | $1 | - |
| **Actual Totals** | **$1** | **-** |

## Fund 24500-2199 Prison Rape Elimination Act — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $644,558 | $292,522 | $292,522 | $0 | $292,522 | $0 | $292,522 |
| **Receipts** | $354,420 | $157,962 | $157,962 | $0 | $157,962 | $0 | $157,962 |
| **Chng Fund Bal** | ($290,138) | ($134,560) | ($134,560) | $0 | ($134,560) | $0 | ($134,560) |
| **Positions** | 4.000 | 3.000 | 3.000 | - | 3.000 | - | 3.000 |

### Fund description

This funding will allow the Department to improve practices for preventing sexual assaults and sexual misconduct. This funding enhances the existing system of investigation through training and partnerships with stakeholders. It also improves strategies and supplements victim services and counseling by including an inmate sexual assault component. This two year award from the U.S. Department of Justice ends on 9/30/09.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide training and equipment to improve the department's practices for preventing sexual assaults and sexual misconduct thus making prisons safer. | $644,558 | 4.000 |
| **Actual Totals** | **$644,558** | **4.000** |

## Fund 24500-2201 Inmate Phone Program — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $43 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $10,572 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $10,529 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This funding allows the Division of Prisons to purchase equipment for inmate telephone surveillance. The primary purpose is to assist the Division of Prisons in curtailing the flow of illegal drugs into facilities and to address gang and terrorism issues. Funding for this program was received from the North Carolina Department of Crime Control and Public Safety and ends on 6/30/07.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Transfer of the remaining state match funds to the general fund. | $43 | - |
| **Actual Totals** | **$43** | - |

---

## Fund 24500-2202 Continuity of Operations — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $222,231 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $245,933 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $23,702 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This funding allows the Department to begin the implementation of a VIPER system and a portable satellite phone system to ensure the ability to communicate throughout the Department and with other state agencies in emergency situations. The funding for this program was received from the N.C. Department of Crime Control and Public Safety and ended on 6/30/08.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Purchase VIPER radios and a portable satellite phone system to ensure the ability of the department to communicate internally and with other state agencies in emergency situations. | $222,231 | - |
| **Actual Totals** | **$222,231** | - |

---

## Fund 24500-2203 Residential Substance Abuse Treatment - Polk — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $154,452 | $154,452 | $0 | $154,452 | $0 | $154,452 |
| **Receipts** | $38,613 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $38,613 | ($154,452) | ($154,452) | $0 | ($154,452) | $0 | ($154,452) |
| **Positions** | 4.000 | 4.000 | 4.000 | - | 4.000 | - | 4.000 |

### Fund description

This funding provides specialized drug treatment programs for young offenders six months prior to their release. The funding for this program was received from the North Carolina Department of Crime Control and Public Safety and ends on 9/30/09.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide a specialized drug treatment program at Polk Correctional Institution for young offenders for six months prior to their release to aid in the establishment and practice of living skills that are consistent with recovery from substance abuse and dependency. This grant was received during the fiscal year but the program had not been implemented as of June 30, 2008. | $0 | 4.000 |
| **Actual Totals** | **$0** | **4.000** |

---

## Fund 24500-2204 Prisoner Reentry Initiative — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $10,106 | $589,894 | $589,894 | $0 | $589,894 | $0 | $589,894 |
| **Receipts** | $153,562 | $442,420 | $442,420 | $0 | $442,420 | $0 | $442,420 |
| **Chng Fund Bal** | $143,456 | ($147,474) | ($147,474) | $0 | ($147,474) | $0 | ($147,474) |
| **Positions** | - | - | - | - | - | - | - |

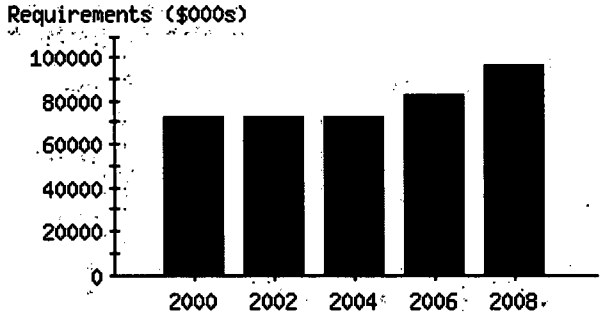
### Fund description

This funding is to develop and implement institutional and community based offender reentry programs. The department will use this grant to focus resources on assisting prisoners in the pre-release planning phase. This two year award from the U.S. Department of Justice ends on 6/30/10.

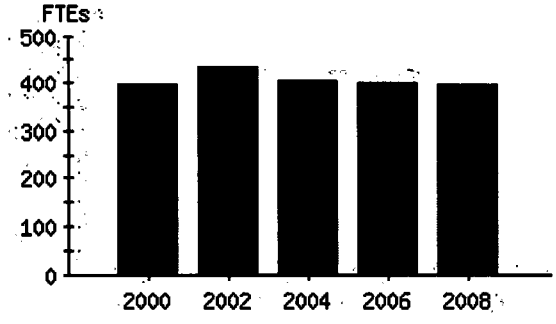
*Base Budget and Performance Management Information*

# Budget Code 74500 Correction - Internal Service

## Actual Expenditures by Fiscal Year




## Actual Positions by Fiscal Year




## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $96,494,859 | $85,885,044 | $90,690,031 | $0 | $90,690,031 | $0 | $90,690,031 |
| **Receipts** | $91,346,267 | $86,534,579 | $91,346,267 | $0 | $91,346,267 | $0 | $91,346,267 |
| **Chng Fund Bal** | ($5,148,592) | $649,535 | $656,236 | $0 | $656,236 | $0 | $656,236 |
| **Positions** | 397.000 | 397.000 | 397.000 | - | 397.000 | - | 397.000 |

# Budget Code 74500 Correction - Internal Service

## Fund 74500-7100 Enterprise Fund — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $96,494,859 | $85,885,044 | $90,690,031 | $0 | $90,690,031 | $0 | $90,690,031 |
| **Receipts** | $91,346,267 | $86,534,579 | $91,346,267 | $0 | $91,346,267 | $0 | $91,346,267 |
| **Chng Fund Bal** | ($5,148,592) | $649,535 | $656,236 | $0 | $656,236 | $0 | $656,236 |
| **Positions** | 397.000 | 397.000 | 397.000 | - | 397.000 | - | 397.000 |

### Fund description

North Carolina Correction Enterprises (NCCE) is a self supported program that provides meaningful work experiences and rehabilitative opportunities for inmates and provides quality goods and services to tax-supported entities at a savings to the taxpayers. NCCE reduces offender re-offense risk through on-the-job training, vocational education, and certified apprenticeship programs. Additionally, NCCE programming reduces inmate idleness which increases safety for correctional staff and inmates within the North Carolina prison system.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Produce exceptional, quality products and services for state and local government agencies utilizing inmate labor, which provides high quality on the job training to approximately 2,000 inmates at a cost savings to the state of North Carolina while providing marketable job skills to inmates for better employment opportunities upon release. | $82,789,896 | 331.000 |
| Support the operations of Correction Enterprises through administration, marketing, product research and development, sales, and customer services for the Correction Enterprises as well as distribution services for Correction Enterprises and other state agencies, thus ensuring that the department provides cost efficient goods and services to the state of North Carolina. | $10,539,713 | 66.000 |
| Transfer funds to the state's general fund, the Crime Victims Compensation Fund, and the department's inmate labor fund as required by statute. | $3,165,250 | - |
| **Actual Totals** | **$96,494,859** | **397.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Receipts generated by enterprise programs (dollars) | $79,066 | $84,066 | $96,495 |
| Inmates engaged in producing products and services | 1,950 | 2,030 | 2,200 |
| Percentage of participating inmates who are engaged in skilled to highly skilled activities | 66 % | 66 % | 66 % |

# Department of Crime Control and Public Safety

**Mission**

The Department of Crime Control and Public Safety enhances the quality of life for North Carolinians by reducing crime, ensuring public safety, managing disaster response and recovery, and assisting victims.

**Goals**

Reduce crime by enforcing laws, enhance public safety by responding to disasters, and assist victims throughout North Carolina's more than nine million citizens.

Develop partnerships with other state agencies, other states, and local units of government to leverage resources, establish common directions, and coordinate activities that result in increased effectiveness and efficiency of crime control and public safety efforts.

Analyze and refine work processes to increase efficiency and productivity and respond to North Carolina's aging population and the increase in non-English speaking residents.

**Agency Indicators**

| | 2003-04 | 2004-05 | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|---|---|
| Annual rate of fatal collisions on state highways | 1,119 | 1,057 | 1,086 | 1,165 | 1,086 |
| VIPER infrastructure transmitter sites | 23 | 50 | 66 | 78 | 103 |

*Governor's Recommended Adjustments to Base Budget*

# Department of Crime Control and Public Safety (14900)

**Recommended General Fund Budget and Positions**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Base Budget** | | |
| **Requirements** | $166,712,898 | $166,879,513 |
| **Receipts** | $122,787,020 | $122,811,643 |
| **Appropriation** | $43,925,878 | $44,067,870 |
| **Adjustments** | | |
| **Requirements** | $7,801,171 | ($2,798,829) |
| **Receipts** | $10,600,000 | $200,000 |
| **Appropriation** | ($2,798,829) | ($2,998,829) |
| **Total** | | |
| **Requirements** | $174,514,069 | $164,080,684 |
| **Receipts** | $133,387,020 | $123,011,643 |
| **Recommended Appropriation** | $41,127,049 | $41,069,041 |
| **Positions** | | |
| **Base Budget Positions** | 591.870 | 591.870 |
| **Reductions** | (22.000) | (22.000) |
| **Expansion** | - | - |
| **Recommended Positions** | 569.870 | 569.870 |

# **Appropriation Items** -- Recommended Adjustments

**Reductions**

| | | 2009-10 | 2010-11 |
|---|---|---|---|
| **Department-Wide** | | | |
| 1. **Truth-in-Budgeting Reform (Budget Salaries at Less than 100%)** | | | |
| The Governor recommends budgetary reform by reducing the budgeted salaries to more closely match the actual salary expenditures. Budget line items which normally use lapsed salaries for the agency's operation were increased in the continuation budget. These changes along with budget flexibility will allow the agency to operate more efficiently. General Fund salaries in the Department of Crime Control and Public Safety are recommended to be reduced by 5%. | **Appropriation** | **($981,070)** | **($981,070)** |
| 2. **Reduce Various Operating Accounts** | | | |
| It is recommended that various operating accounts be reduced across the agency. | **Appropriation** | **($641,147)** | **($641,147)** |
| **Alcohol Law Enforcement (ALE)** | | | |
| 1. **Transfer the Boxing Commission to Receipt Support** | | | |
| It is recommended that the North Carolina Boxing Commission no longer be supported through appropriation. All of the operations of the Boxing Commission will be shifted to fee receipts collected by the commission. These fee receipts are currently over-realized. | **Appropriation** | **($147,751)** | **($147,751)** |
| | **Positions** | **(2.000)** | **(2.000)** |
| **Emergency Management** | | | |
| 1. **Replace Floodplain Mapping Appropriation with Receipts** | | | |
| It is recommended that the appropriation for the Floodplain Mapping Program be replaced with receipts collected under the terms of Section 29.7(b) of HB 2436 (S.L. 2008-107), which established a fee to support floodplain mapping. This recommendation will shift 20 appropriated positions in the Floodplain Mapping Program to receipt support. | **Appropriation** | **($1,405,098)** | **($1,405,098)** |
| | **Positions** | **(20.000)** | **(20.000)** |

**Governor's Crime Commission (GCC)**

1. **Reduce State Matching Funds**

   It is recommended that excess state funding for matches to federal grants be reduced.

| | | |
|---|---|---|
| **Appropriation** | **($60,091)** | **($60,091)** |

---

**National Guard**

1. **Reduce National Guard Pension Fund Contribution**

   It is recommended that the appropriation for the National Guard Pension Fund be reduced by $1,056,672. The current appropriation exceeds the amount needed for this fund to remain actuarially sound.

| | | |
|---|---|---|
| **Appropriation** | **($1,056,672)** | **($1,056,672)** |

---

**State Highway Patrol**

1. **Truth-in-Budgeting Reform (Budget Salaries at Less than 100%)**

   The Governor recommends budgetary reform by reducing the budgeted salaries to more closely match the actual salary expenditures. Budget line items which normally use lapsed salaries for the agency's operation were increased in the continuation budget. These changes along with budget flexibility will allow the agency to operate more efficiently. Highway Fund salaries for the State Highway Patrol are recommended to be reduced by 4% on a recurring basis, a reduction of $5,608,242.

2. **Reduce Various Operating Accounts**

   It is recommended that funding for various operating accounts be reduced across the agency, with recurring reductions totaling $2,253,000 in both years of the biennium. Nonrecurring reductions total $1,500,000 in FY 2009-10 and $1,450,000 in FY 2010-11.

3. **Freeze Step Increases for Troopers**

   A recommendation is made to freeze the step increases for the salaries of Troopers for FY 2009-10 only, resulting in nonrecurring reductions of $1,674,280 in FY 2009-10 and $1,699,652 in FY 2010-11.

---

**Total Recommended Reductions**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | ($4,291,829) | ($4,291,829) |
| Receipts | - | - |
| Appropriation | ($4,291,829) | ($4,291,829) |
| Positions | (22.000) | (22.000) |
| **Nonrecurring** | | |
| Requirements | - | - |
| Receipts | - | - |
| Appropriation | - | - |
| Positions | - | - |

**Expansion**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Governor's Crime Commission (GCC)** | | |
| 1. **Grants for Local Governments to Purchase VIPER Equipment** | | |
| The Governor reports on the use of funding of up to $5 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award grants to local governments for VIPER (interoperable communications) equipment in order to enhance communications among public safety agencies. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | |
| **Requirements - Nonrecurring** | **$5,000,000** | - |
| **Receipts - Nonrecurring** | **$5,000,000** | - |
| **Appropriation - Nonrecurring** | - | - |

2. **Evidence-Based Gang Grants**

The Governor reports on the use of funding of up to $5 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award evidenced-based grants that focus on gang prevention, treatment, intervention, and re-entry programs. Special emphasis will be placed on consultation with the Department of Juvenile Justice and Delinquency Prevention to engage local Juvenile Crime Prevention Councils (JCPC's) in the development of gang prevention programs that address local priorities developed as a result of the JCPCs' local gang

threat assessments. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program.

| | | |
|---|---|---|
| **Requirements - Nonrecurring** | **$5,000,000** | **-** |
| **Receipts - Nonrecurring** | **$5,000,000** | **-** |
| **Appropriation - Nonrecurring** | **-** | **-** |

3. **Governor's Statewide Gang Task Force**

The Governor reports on the use of funding from the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the establishment of a Statewide Gang Task Force. This task force will be established within the Governor's Crime Commission to bring key stakeholders together to develop a comprehensive plan and create legislation to ensure a well coordinated, statewide enforcement program and increase the flow of gang-related information among various law enforcement agencies, correctional institutions, and the judicial system. This item will be supported by administrative funds made available to the Governor's Crime Commission through the Byrne/JAG Formula Program.

| | | |
|---|---|---|
| **Requirements - Nonrecurring** | **$200,000** | **$200,000** |
| **Receipts - Nonrecurring** | **$200,000** | **$200,000** |
| **Appropriation - Nonrecurring** | **-** | **-** |

4. **Supplemental Grants for COPS Hiring and Recovery Program**

The Governor reports on the use of funding of up to $400,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to provide supplemental grants to incentivize local governments to participate in the COPS Hiring and Recovery Program (CHRP). CHRP grants are awarded on a competitive basis and provide funding for salaries and benefits for new law enforcement positions as well as for the reemployment of officers affected by recent budget cuts. Through the supplemental grants, up to $4,000 will be provided to support the equipment costs for every officer hired through the COPS Hiring and Recovery Program. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program.

| | | |
|---|---|---|
| **Requirements - Nonrecurring** | **$400,000** | **-** |
| **Receipts - Nonrecurring** | **$400,000** | **-** |
| **Appropriation - Nonrecurring** | **-** | **-** |

**National Guard**

1. **National Guard Kids on Guard Program**

With the upcoming deployment of many of our National Guard members over the next year, it is recommended that funding be provided for Operation Kids on Guard. This nonprofit program was created specifically for the children of the North Carolina National Guard as a way to assist children in coping with deployment fears and understanding why their parents are away from home.

| | | |
|---|---|---|
| **Appropriation - Nonrecurring** | **$200,000** | - |

2. **Restore Tarheel ChalleNGe Academy Funding**

It is recommended that funding be restored for the Tarheel ChalleNGe Academy, which is designed to give high school dropouts a second chance at getting an education. Currently, 70% of participants graduate from the program with their GED. The appropriation for this program was eliminated for FY 2008-09 pending the findings of a Continuation Review to be conducted by the department.

| | | |
|---|---|---|
| **Appropriation** | **$1,293,000** | **$1,293,000** |

---

**State Highway Patrol**

1. **Training to Improve State Highway Patrol Operations**

The Governor reports on the use of funding of up to $200,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) to provide leadership development training at every level of supervision within the State Highway Patrol, as recommended in a recent independent evaluation of the Patrol that drew upon best practices for statewide law enforcement agencies. The evaluation found that many Patrol supervisors require stronger coaching, mentoring, and counseling skills to effectively supervise their direct reports and, therefore, improve State Highway Patrol operations. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program.

---

**Total Recommended Expansion**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | $1,293,000 | $1,293,000 |
| Receipts | - | - |
| Appropriation | $1,293,000 | $1,293,000 |
| Positions | - | - |

| | | |
|---|---|---|
| **Nonrecurring** | | |
| Requirements | $10,800,000 | $200,000 |
| Receipts | 10,600,000 | 200,000 |
| Appropriation | $200,000 | - |
| Positions | - | - |

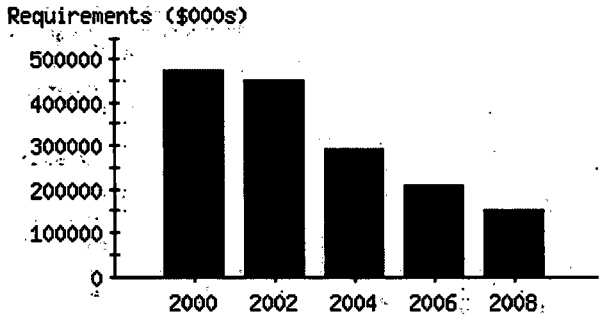
**Total Recommended Adjustments for Department of Crime Control and Public Safety (14900) 2009-11**

| | 2009-10 | 2010-11 |
|---|---|---|
| **Recurring** | | |
| Requirements | ($2,998,829) | ($2,998,829) |
| Receipts | - | - |
| Appropriation | ($2,998,829) | ($2,998,829) |
| Positions | (22.000) | (22.000) |
| **Nonrecurring** | | |
| Requirements | $10,800,000 | $200,000 |
| Receipts | 10,600,000 | 200,000 |
| Appropriation | $200,000 | - |
| Positions | - | - |
| **Total Appropriation Adjustments** | ($2,798,829) | ($2,998,829) |
| **Total Position Adjustments** | (22.000) | (22.000) |

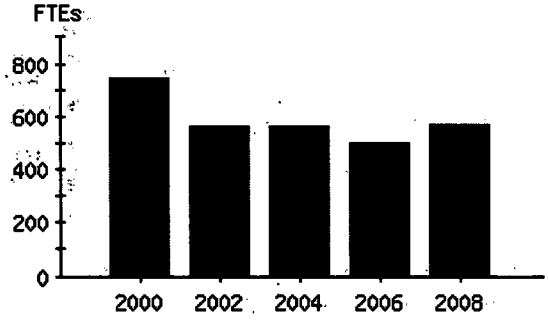
*Base Budget and Performance Management Information*

# Budget Code 14900 Crime Control and Public Safety - General

## Actual Expenditures by Fiscal Year




## Actual Positions by Fiscal Year




The decrease in actual expenditures can be explained by a reduction in the grant funds received by the department.

## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $152,165,274 | $121,696,266 | $167,310,133 | ($597,235) | $166,712,898 | ($430,620) | $166,879,513 |
| **Receipts** | $99,606,117 | $75,700,561 | $121,314,428 | $1,472,592 | $122,787,020 | $1,497,215 | $122,811,643 |
| **Appropriation** | $52,559,157 | $45,995,705 | $45,995,705 | ($2,069,827) | $43,925,878 | ($1,927,835) | $44,067,870 |
| **Positions** | 565.720 | 569.000 | 591.870 | - | 591.870 | - | 591.870 |

# Budget Code 14900 Crime Control and Public Safety - General

## Fund 14900-1110 Administration — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $6,296,934 | $4,453,491 | $5,492,340 | ($205,151) | $5,287,189 | ($205,151) | $5,287,189 |
| **Receipts** | $4,000,964 | $2,563,154 | $3,585,986 | $0 | $3,585,986 | $0 | $3,585,986 |
| **Appropriation** | $2,295,970 | $1,890,337 | $1,906,354 | ($205,151) | $1,701,203 | ($205,151) | $1,701,203 |
| **Positions** | 46.000 | 44.000 | 44.000 | - | 44.000 | - | 44.000 |

### Fund description

Administrative Services supports the internal operations of the agency through administrative leadership, fiscal management activities, purchasing functions, information technology coordination, and staff development services. Additionally, Law Enforcement Support Services (LESS) serves as a clearinghouse for providing excess military equipment to state and local law enforcement agencies.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| **Administrative Service - Human Resource Management.** Oversee the recruitment and management of personnel; develop and implement HR strategy; coordinate and execute staff acquisition, organization and position management, compensation management, benefits management, employee development, and performance management; and regulate employee relations, separation management, and health and safety activities. | $1,198,655 | 6.000 |
| **Administrative Service - Fiscal Management.** Manage and analyze financial information; account for and forecast the use of department resources; conduct general ledger accounting; maintain accounts payable, collections and accounts receivable, payroll services, cash management, program payments, and contracts and grants management; provide asset and liability management; and execute financial reporting. | $1,901,866 | 22.000 |
| **Administrative Service - Budget and Analysis.** Conduct resource planning and allocation activities; develop and execute the budget; and analyze issues impacting the department's budgets and management. | $559,372 | 3.000 |
| **Administrative Service - Purchasing.** Coordinate and execute the acquisition of equipment, materials, services and supplies for the department. | $319,641 | 3.000 |
| **Administrative Service - Internal Auditing.** Provide independent assessments to department management; ensure operations and programs comply with applicable laws and regulations; prevent inefficiency, fraud, and abuse; analyze exposure to risk and determine appropriate countermeasures; and ensure accounting, administrative, and other information systems have the proper controls. | $79,910 | 1.000 |
| **Administrative Service - Legal.** Provide legal representation and litigation functions for the department. | $79,910 | 1.000 |
| **Administrative Service - Public Information/Communication.** Exchange information and communication between the department, citizens, and stakeholders; establish and promote media relations; prepare and publish press releases and other publications; and coordinate events and conference delivery. | $559,373 | 2.000 |
| Provide managerial leadership and administrative infrastructure to the department and promote public safety, homeland security, and the state's disaster preparedness and recovery efforts. | $1,598,207 | 8.000 |
| **Actual Totals** | **$6,296,934** | **46.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Value of equipment distributed to law enforcement agencies (dollars) | $9,294,572 | $5,110,579 | $4,728,231 |
| Law enforcement agencies receiving distributed property | 150 | 137 | 171 |
| Value of purchase orders issued (dollars) | $944,440 | $1,348,283 | $1,380,416 |
| Law enforcement agencies purchasing property | 25 | 33 | 31 |

## Fund 14900-1115 Hurricane Floyd Disaster Reserve Fund — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | ($418,468) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | ($418,468) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Appropriation** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund is for the North Carolina Redevelopment Center. The Redevelopment Center is tasked with ensuring that eligible North Carolinians are granted funds to assist their recovery following declared disasters.

## Fund 14900-1210 National Guard — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $31,488,315 | $26,279,546 | $28,540,870 | ($293,936) | $28,246,934 | ($247,347) | $28,293,523 |
| **Receipts** | $15,698,633 | $10,190,621 | $12,527,829 | $643,253 | $13,171,082 | $655,569 | $13,183,398 |
| **Appropriation** | $15,789,682 | $16,088,925 | $16,013,041 | ($937,189) | $15,075,852 | ($902,916) | $15,110,125 |
| **Positions** | 114.750 | 114.750 | 114.750 | - | 114.750 | - | 114.750 |

### Fund description

The purpose of the North Carolina National Guard (NCNG) is to serve as a military force of citizen soldiers and airmen supporting the constitution of the United States and the State of North Carolina. The NCNG provides disaster response and assistance, drug eradication programs, community activities for youth, a tuition assistance program, and repair and maintenance programs for armories while maintaining military readiness for performing federally authorized missions and preparing for state or local emergencies.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide managerial and administrative support including budgeting, purchasing, legislative liaison functions, facility services, and personnel services. | $10,820,938 | 59.750 |
| Administer a college scholarship program to attract qualified high school and college students to membership in the North Carolina National Guard. | $1,252,568 | 5.000 |
| Manage the retirement pension benefit program to enhance recruitment and retention in the North Carolina National Guard. | $1,252,568 | 5.000 |

| | | |
|---|---|---|
| Support training and readiness activities to Air National Guard, Air Force Reserve, and active duty units at the Regional Training Sites by operating and maintaining training facilities, providing wartime readiness training, providing security, and protecting resources for the North Carolina Air National Guard installation. | $2,505,137 | 5.000 |
| Teach science and math skills to "at risk" fifth-grade students through a week long program using hands-on and team-building instruction to enhance their educational experience. | $626,284 | 5.000 |
| Provide training facilities for the North Carolina Army and Air National Guard, other military organizations, and federal/state/local governmental agencies. | $1,252,568 | 5.000 |
| Oversee the Tarheel Challenge program, which provides a non-traditional education program for at-risk 16-to 18-year-old North Carolina high school dropouts to produce program graduates with the values, skills, education, and self-discipline necessary to succeed as adults. | $8,767,980 | 5.000 |
| Provide emergency response services, facility fire inspections, and certification and validation training to airport rescue firefighters. | $1,252,568 | 5.000 |
| Provide lease and utilities for the storefront recruiting offices located in Durham, Fayetteville, and Wilmington in order to recruit National Guard members. | $626,284 | 5.000 |
| Provide consistent information, training, services, and support in a one stop environment for National Guard families, service members, retirees, and civilians. | $1,252,568 | 5.000 |
| Provide advice on antiterrorism issues, vulnerability assessments, and antiterrorism construction requirements to the leadership of the NCNG on a contractual basis. | $626,284 | 5.000 |
| Mobilize and deploy, on order of the Governor of North Carolina, NCNG units and personnel to conduct Defense Support to Civil Authorities operations. Also provide humanitarian aid, protection of life and property, and restoration of law and order. | $1,252,568 | 5.000 |
| **Actual Totals** | **$31,488,315** | **114.750** |

| **Measures for the fund** | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Percentage of maintenance and repair work requests completed | 73 % | 90 % | 94 % |
| Tuition Assistance Program awards granted | 919 | 1,041 | 1,453 |
| State Active Duty Man Days [1] | 775 | 763 | 255 |
| Number of graduates from the Tarheel Challenge Program | 166 | 214 | 225 |
| Soldiers/Airmen deployed in support of Operation Enduring Freedom. [2] | 181 | 600 | 122 |
| Soldiers/Airmen deployed in support of Operation Iraqi Freedom. [3] | 2,179 | 1,815 | 761 |

[1]The number of Guardsmen and -women mobilized varies according to the number and scale of emergencies, and how many soldiers and airmen the Governor calls onto duty for any particular event.

[2]Number varies year-to-year, depending on Presidential and Secretary of Defense deployment decisions.

[3]NCNG will mobilize and deploy about 4,500 soldiers and airmen from Spring 2009 until summer 2010 for duty in Iraq.

## Fund 14900-1310 Civil Air Patrol Administration — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $172,426 | $141,998 | $146,985 | $5,343 | $152,328 | $5,343 | $152,328 |
| **Receipts** | $50,974 | $0 | $0 | $4,671 | $4,671 | $4,671 | $4,671 |
| **Appropriation** | $121,452 | $141,998 | $146,985 | $672 | $147,657 | $672 | $147,657 |
| **Positions** | 2.620 | 2.000 | 2.620 | - | 2.620 | - | 2.620 |

### Fund description

The Civil Air Patrol (CAP) is the official auxiliary of the United States Air Force. Using volunteers, CAP provides assistance in search and rescue missions, disaster relief operations, aerial drug eradication searches, aerial reconnaissance in natural disasters, homeland security, aerospace education, and a variety of cadet programs for youth. The CAP Division provides daily administrative, operational, and managerial support for these activities and to the volunteers by serving as the liaison between CAP command staff, federal, state, and local government agencies, and other partnering organizations.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Market the missions and capabilities of North Carolina Wing Civil Air Patrol and the support it can provide to local communities and other state agencies. | $65,561 | 1.000 |
| Develop training exercises between North Carolina Wing Civil Air Patrol and other state agencies to improve response efforts for emergencies. | $65,561 | 1.000 |
| Develop the leadership skills and solidify the character of young people through the Civil Air Patrol's Cadet Program, which involves investigating the fundamentals of Aerospace Education and participating in hands-on activities that prepare responsible citizens. | $41,304 | .620 |
| **Actual Totals** | **$172,426** | **2.620** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Emergency Services training exercises with state and local agencies | 6 | 10 | 18 |
| Cadet program training activities | 14 | 16 | 21 |
| Crime Control and Public Safety interagency activities with North Carolina Wing Civil Air Patrol | 24 | 27 | 35 |

## Fund 14900-1320 Butner Public Safety — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $3,676,521 | $3,697,359 | $4,072,469 | $18,318 | $4,090,787 | $30,882 | $4,103,351 |
| **Receipts** | $204,172 | $9,024 | $364,029 | $11,388 | $375,417 | $11,388 | $375,417 |
| **Appropriation** | $3,472,349 | $3,688,335 | $3,708,440 | $6,930 | $3,715,370 | $19,494 | $3,727,934 |
| **Positions** | 55.000 | 49.000 | 55.000 | - | 55.000 | - | 55.000 |

### Fund description

Butner Public Safety provides law enforcement and fire protection services within the Butner Advisory Council Jurisdiction, as identified in G.S. 122C-408. This includes the Incorporated Town of Butner which contributes approximately $1,500,000 to the North Carolina General Fund from a .25 per $100 property value tax collected within its boundaries. A variety of state and federal institutions are included in this jurisdiction. These services are provided to ensure the safety of the residents and visitors in the Butner jurisdiction. Services are provided by a qualified, well-trained staff that are cross-trained in both police and fire-fighting techniques.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide police services to the state and federal institutions and the Town of Butner through crime prevention programs, proactive patrol, and special operations. | $1,517,656 | 22.000 |
| Provide fire services to the state and federal institutions and the Town of Butner through fire inspections, fire prevention programs, and employing advanced fire suppression tactics. | $1,817,656 | 22.000 |
| Provide administrative support in personnel issues, training, and budgeting for operations. | $168,386 | 6.000 |
| Provide routine/emergency communication services to the state and federal institutions and the Town of Butner. | $172,823 | 5.000 |
| **Actual Totals** | **$3,676,521** | **55.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Index crimes in the Butner jurisdiction (index crimes: murder, robbery, burglary, larceny, motor vehicle larceny, assault, and rape) | 497 | 489 | 558 |
| Structure fires in the Butner jurisdiction (fires that result in a monetary loss and/or injury, excluding vehicle fires) | 8 | 10 | 10 |
| Public Safety answering points (PSAP) service calls | 14,308 | 12,903 | 12,787 |

## Fund 14900-1410 Alcohol Law Enforcement — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $12,355,604 | $11,422,666 | $11,666,560 | $661,837 | $12,328,397 | $728,747 | $12,395,307 |
| **Receipts** | $2,211,499 | $1,039,610 | $1,285,569 | $399,879 | $1,685,448 | $403,939 | $1,689,508 |
| **Appropriation** | $10,144,105 | $10,383,056 | $10,380,991 | $261,958 | $10,642,949 | $324,808 | $10,705,799 |
| **Positions** | 140.000 | 140.000 | 140.000 | - | 140.000 | - | 140.000 |

### Fund description

The purpose of this fund is to protect the citizens of North Carolina by providing for the enforcement of alcohol beverage control laws and the Controlled Substances Act; to reduce the incidence of the sale of tobacco products to those under the age of eighteen; to provide investigative, enforcement, and regulatory support for the North Carolina Education Lottery; to provide oversight on the Charitable Bingo industry; to regulate and oversee the safety of each boxer and boxing spectators and the integrity of the sport of boxing in the state; and to provide a central repository for information regarding missing persons (with special emphasis on missing children) and to administer the Amber Alert and Silver Alert Systems.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Enforce Alcohol Beverage Control Commission laws and administrative rules at all licensed sales outlets and through compliance checks and the investigation of alcohol sales to underage persons, citizen complaints involving non-licensed sales locations, and other suspected violations. | $6,707,329 | 76.000 |
| Ensure compliance with federal tobacco regulations by conducting compliance checks at tobacco sales locations in order to deter tobacco sales to minors. | $1,853,341 | 21.000 |
| Ensure legal operation of the North Carolina Education Lottery by providing enforcement and regulatory support. | $2,029,845 | 23.000 |
| Oversee the Charitable Bingo industry to protect the public from fraudulent practices by processing all requests for new and renewed bingo licenses, investigating all citizen complaints of illegal bingo operations, and conducting financial audits of all organizations licensed to do business in North Carolina. | $970,798 | 11.000 |
| Oversee boxing activities in the state to ensure the safety of participants and spectators by issuing rules for the conduct, promotion, and performance of live boxing, kickboxing, and sanctioned amateur and toughman matches and exhibitions, issuing licenses and permits to engage in any facet of the boxing industry, and supervising all matches and exhibitions distributing the purse at the end of the match. | $529,528 | 6.000 |
| Maintain centralized information regarding missing persons by assisting local law enforcement agencies with data entry into the national missing persons file, entering missing persons data into the Center for Missing Persons Database Repository, developing and maintaining the AMBER and SIVER Alert System and maintaining a toll-free 1-800 telephone service. | $264,763 | 3.000 |
| **Actual Totals** | **$12,355,604** | **140.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Non-compliance rate based on ALE compliance checks | 23.2 % | 20.0 % | 18.1 % |
| ABC violation reports submitted to ABC Commission | 1,362 | 1,565 | 1,182 |
| Non-compliance rate for tobacco sales to minors, based on tobacco compliance checks | 18.0 % | 17.0 % | 16.1 % |
| Cases reported to the North Carolina Center for Missing Persons | 13,810 | 12,656 | 11,585 |

## Fund 14900-1510 Emergency Management — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $44,195,315 | $38,765,532 | $39,453,584 | $231,801 | $39,685,385 | $272,366 | $39,725,950 |
| **Receipts** | $36,506,541 | $33,605,801 | $34,268,487 | $382,618 | $34,651,105 | $390,878 | $34,659,365 |
| **Appropriation** | $7,688,774 | $5,159,731 | $5,185,097 | ($150,817) | $5,034,280 | ($118,512) | $5,066,585 |
| **Positions** | 147.250 | 171.250 | 165.250 | - | 165.250 | - | 165.250 |

## Fund description

The purpose of the Division of Emergency Management is to provide support for the coordination and management of agency activities. This includes planning, organizing, staffing, equipping, training, exercising, and activation of all emergency management programs, increasing the safety of the state's citizens. Homeland Security, Operations, Director's Office, Logistics (to include Personnel, Training, and Exercise), Information and Planning, Geospatial and Technology Management (to include Floodplain Mapping), Public Assistance, Individual Assistance, and Hazard Mitigation functions are included in this category.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Identify, monitor, and map vulnerabilities and consequences from hazards and threats to critical infrastructure and key resources to help mitigate disasters and enable more effective emergency response. | $6,696,259 | 25.000 |
| Establish and maintain key applications and information technology infrastructure to support efficient communication and exchange data between local, state, and federal partners to enable effective coordination in responding to emergencies. | $5,357,008 | 20.000 |
| Provide for the acquisition, management, maintenance, dissemination, and exchange of data between local, state, and federal partners to enable effective information communication during emergencies. | $5,357,008 | 20.000 |
| Lead the response to all natural hazards, technical hazards, and terrorist emergencies and coordinate responses with State Emergency Response Team members in order to maximize public safety and minimize the effects of the emergency. | $5,357,008 | 20.000 |
| Develop certification standards through coordination with the North Carolina Emergency Management Association, the International Emergency Management Association, and the North Carolina Community College System for Emergency Managers in order to obtain professional credentialing. | $2,678,504 | 10.000 |
| Partner with the Community College System to institute standardized, high quality emergency management career development programs through accreditation, continuous curriculum review, and assessments of student outcomes. | $2,678,504 | 10.000 |
| Develop plans and procedures to ensure that North Carolina attains and maintains National Incident Management System compliance and serve as the state's knowledgeable point-of-contact by administering guidance and maintaining statistical data. | $2,678,504 | 10.000 |
| Administer the Hazard Mitigation Program to help local communities reduce disaster impacts through, planning, technical assistance, outreach, and assisting communities with identification of mitigation opportunities and administering mitigation grants. | $2,678,504 | 10.000 |
| Develop, oversee, and manage all logistical support plans and supplies to provide support to the agency, other state agencies, political sub-divisions, and citizens in the event of a disaster. | $4,017,756 | 5.000 |
| Administer a Recovery Program that includes outreach, assistance with preliminary damage assessments, and management of all public and individual assistance programs in order to restore and return to pre-disaster living conditions and facilitate necessary adjustments to reduce future risk. | $2,678,504 | 10.000 |
| Promote and develop a statewide disaster planning program to increase preparedness through setting policy, managing planning personnel, employing information technology, and providing administrative and oversight operations. | $4,017,756 | 7.250 |
| **Actual Totals** | **$44,195,315** | **147.250** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Flood hazard Digital Flood Insurance Rate Maps (DFIRMs) issued | 4,771 | 6,742 | 9,085 |
| Emergency events reported to the Operations Center | 4,039 | 3,341 | - |
| Disaster resource requests for emergency assistance from local governments | 224 | 157 | - |
| Percentage of stocked disaster resources delivered within 8 to 12 hours of request | 75 % | 100 % | - |

## Fund 14900-1520 Local Government Support — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $3,414,619 | $0 | $25,241,187 | $0 | $25,241,187 | $0 | $25,241,187 |
| **Receipts** | $3,414,175 | $0 | $25,241,187 | $0 | $25,241,187 | $0 | $25,241,187 |
| **Appropriation** | $444 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 10.250 | - | 21.250 | - | 21.250 | - | 21.250 |

### Fund description

The purpose of North Carolina Emergency Management Homeland Security Branch is to assist local and state partners in the securing of federal funding and the development and implementation of capabilities to address North Carolina's ability to prevent, protect, respond to, and recover from to all hazards, both man-made and natural.

## Fund 14900-1610 Victim and Justice Services — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $8,541,672 | $11,502,486 | $11,544,866 | $7,692 | $11,552,558 | $5,945 | $11,550,811 |
| **Receipts** | $1,703,936 | $4,765,559 | $4,798,518 | $2,335 | $4,800,853 | $588 | $4,799,106 |
| **Appropriation** | $6,837,736 | $6,736,927 | $6,746,348 | $5,357 | $6,751,705 | $5,357 | $6,751,705 |
| **Positions** | 11.000 | 10.000 | 11.000 | - | 11.000 | - | 11.000 |

### Fund description

The purpose of Victims Compensation Services is to investigate, determine eligibility according to North Carolina Crime Victims Compensation Act (Chapter 15B), and process claims for reimbursement of economic loss submitted by victims injured by violent crimes committed in North Carolina.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Analyze victim claims for reimbursement of medical expenses and lost wages to ensure all medical bills coincide with the crime date. | $1,971,155 | 3.000 |
| Work in partnership with law enforcement and medical providers to determine that a crime was committed that resulted in physical injury or death and that the victim did not contribute to his or her injuries while engaged in illegal activity. | $5,256,414 | 6.000 |
| Provide reimbursement for medical expenses and lost wages to innocent victims of violent crimes. | $1,314,103 | 2.000 |
| **Actual Totals** | **$8,541,672** | **11.000** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Claims submitted by victims of violent crimes | 3,379 | 4,417 | 4,853 |
| Calls received from medical providers and victims | 18,000 | 19,200 | 21,600 |
| Percentage of claims made by victims of violent crimes that were processed within four months | 85 % | 88 % | 90 % |

## Fund 14900-1710 Governor's Crime Commission — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $42,442,336 | $25,433,188 | $41,151,272 | ($1,023,139) | $40,128,133 | ($1,021,405) | $40,129,867 |
| **Receipts** | $36,233,691 | $23,526,792 | $39,242,823 | $28,448 | $39,271,271 | $30,182 | $39,273,005 |
| **Appropriation** | $6,208,645 | $1,906,396 | $1,908,449 | ($1,051,587) | $856,862 | ($1,051,587) | $856,862 |
| **Positions** | 38.850 | 38.000 | 38.000 | - | 38.000 | - | 38.000 |

### Fund description

The Governor's Crime Commission (GCC) serves as the chief advisory body to the Governor and the Secretary of Crime Control and Public Safety on justice issues. The Division provides staff support to the forty-member commission. It administers federal grant funds including Juvenile Justice and Delinquency Prevention (JJDP), Justice Assistance (JA), Drug Enforcement (DE), Victims of Crime Act (VOCA), Violence Against Women Act (VAWA), and others aimed at helping local agencies prevent and reduce crime. It provides technical assistance to sub-grantees.

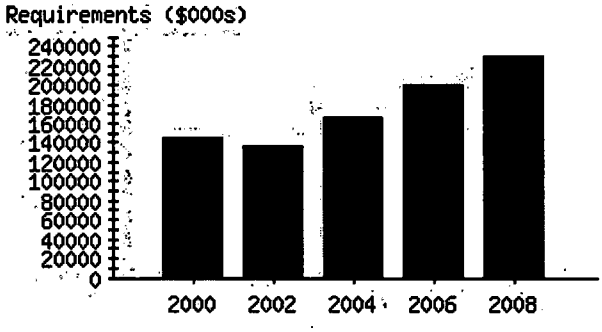
| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide primary support to the Governor's Crime Commission for the application of federal grant funds and awarding of funds in a competitive process along with the research of criminal justice issues. | $16,753,554 | 15.000 |
| Ensure effective use of all federal and state funded grants awarded by the Governor's Crime Commission by conducting on-site and desk monitoring, providing technical assistance to grantees, and reviewing and processing grantee monthly cost reports. | $12,285,940 | 11.000 |
| Provide analysis, research, and evaluation assistance to guide the Governor's Crime Commission in developing policy and program initiatives; publish research reports, program evaluations, and statistical and policy relevant data for criminal and juvenile justice decision makers and practitioners. | $6,701,421 | 6.000 |
| Provide clerical assistance to the Governor's Crime Commission such as coordination of meetings, recording meeting proceedings, production of letters, data base entries, mass mailings, and filing. | $6,701,421 | 6.850 |
| **Actual Totals** | **$42,442,336** | **38.850** |

| Measures for the fund | 2005-06 | 2006-07 | 2007-08 |
|---|---|---|---|
| Amount of discretionary or competitive grant funds obtained by the division for allocation or award to state, local, or non-profit agencies in North Carolina (dollars) | $332,652 | $12,629,451 | $3,390,666 |
| Percentage of Governor's Crime Commission (GCC) programs that are funded by state government, local governments, or nonprofit partners after GCC grant funding expires | 75 % | 80 % | 85 % |
| Percentage of primary customers of the GCC (i.e., commission members and grantees) who rate the quality of work and responsiveness of the division staff as satisfactory | 85 % | 90 % | 85 % |

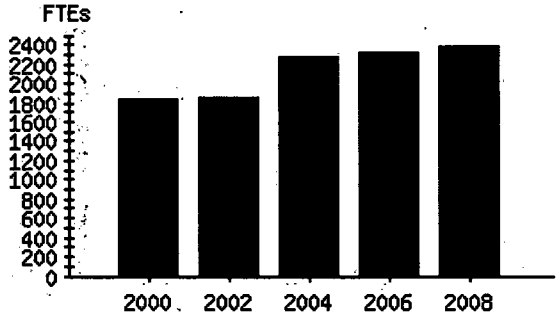
*Base Budget and Performance Management Information*

# Budget Code 24960 Crime Control and Public Safety - Highway Patrol

## Actual Expenditures by Fiscal Year




## Actual Positions by Fiscal Year




## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $230,138,540 | $217,981,021 | $218,165,159 | $3,854,348 | $222,019,507 | $6,672,723 | $224,837,882 |
| **Receipts** | $232,048,085 | $217,981,021 | $218,165,159 | $3,854,348 | $222,019,507 | $6,643,243 | $224,808,402 |
| **Chng Fund Bal** | $1,909,545 | $0 | $0 | $0 | $0 | ($29,480) | ($29,480) |
| **Positions** | 2,379.500 | 2,380.500 | 2,381.500 | - | 2,381.500 | - | 2,381.500 |

# Budget Code 24960 Crime Control and Public Safety - Highway Patrol

## Fund 24960-2610 State Highway Patrol — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $179,537,753 | $181,477,907 | $181,432,823 | $2,972,729 | $184,405,552 | $4,091,452 | $185,524,275 |
| **Receipts** | $181,141,088 | $181,477,907 | $181,432,823 | $2,972,729 | $184,405,552 | $4,061,972 | $185,494,795 |
| **Chng Fund Bal** | $1,603,335 | $0 | $0 | $0 | $0 | ($29,480) | ($29,480) |
| **Positions** | 1,953.500 | 1,952.500 | 1,965.500 | - | 1,965.500 | - | 1,965.500 |

### Fund description

State Highway Patrol provides safe, efficient transportation on the streets and highways of North Carolina, reduces crime, and responds to natural and man-made disasters. The mission of the State Highway Patrol is accomplished through effective partnerships with all levels of government and the citizens of North Carolina by means of quality law enforcement services based on high ethical, professional, and legal standards.

| Services for the fund | Actual Requirements 2007-08 | Actual FTEs 2007-08 |
|---|---|---|
| Provide personnel to regularly patrol the state's highways and enforce all laws and regulations regarding travel and the use of vehicles on the highways; enforce criminal laws and statutes; respond to natural and man-made disasters; protect against terrorism; and meet the administrative and operational needs of the organization. | $149,185,990 | 1,574.500 |
| Implement strategic and tactical operations pertinent to safe, efficient transportation; respond to natural and man-made disasters; and protect against crime and terrorism. | $30,202,613 | 377.000 |
| Implement the state's Criminal Justice Information Network - Mobile Data Network (CJIN-MDN) through a partnership of federal, state, and local law enforcement, the courts, and correctional agencies, with the NCSHP acting as the lead agency. These agencies work together to provide inter-agency networking and data communications using advanced technology to approximately 11,200 users. | $149,150 | 2.000 |
| **Actual Totals** | **$179,537,753** | **1,953.500** |

## Fund 24960-2645 GHSP - Special Projects — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $11,901 | $12,500 | $12,500 | $0 | $12,500 | $0 | $12,500 |
| **Receipts** | $27,006 | $12,500 | $12,500 | $0 | $12,500 | $0 | $12,500 |
| **Chng Fund Bal** | $15,105 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund is for grants provided by the Governor's Highway Safety Program that support the mission of Alcohol Law Enforcement through programs such as Cops In Shops, Keys to Life, and DrunkBusters on Wheels.

## Fund 24960-2652 Operation Helping Hand — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $70,625 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund is for the collection and dissemination of rear impact crash data involving commercial vehicles. The data is analyzed to ascertain whether commercial vehicles equipped with rear impact guards or anti-lock braking systems are safer to operate on North Carolina's roads and highways.

---

## Fund 24960-2654 GHSP - Pfizer Grant Health Fairs — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $32,124 | $32,124 | $0 | $32,124 | $0 | $32,124 |
| **Receipts** | $0 | $32,124 | $32,124 | $0 | $32,124 | $0 | $32,124 |
| **Chng Fund Bal** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

A grant from Pfizer Pharmaceuticals to assist in providing health fairs (health screenings) for employees is recorded in this fund.

---

## Fund 24960-2657 GCC-CJIN-MDN Grant-Phase IV — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $81,274 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $66,571 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($14,703) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This grant provides funding for the purchase and installation of an automated "Network Manager" for the Mobile Data Network. The automated manager can detect faults in the network and notify support personnel, eliminating the need for the problem to be discovered and reported by users.

---

## Fund 24960-2676 State Highway Patrol - Homeland Security — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $422,038 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $519,291 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $97,253 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund is used to record funding provided by the US Department of Homeland Security, Office of Domestic Preparedness, for the purchase of voice interoperable communications equipment for emergency responders.

## Fund 24960-2677 Mobile Breath Test Vehicle — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $15,608,546 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $15,547,577 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($60,969) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund provides Department of Homeland Security grants that have been designated to assist with the VIPER program at the state and local level. Voice Interoperable Plan for Emergency Responders (VIPER) enabled public safety officials the ability to communicate with one another on a single radio when responding to emergencies.

## Fund 24960-2678 SHP - DHS Various Grants — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $262,537 | $262,537 | $0 | $262,537 | $0 | $262,537 |
| **Receipts** | $0 | $262,537 | $262,537 | $0 | $262,537 | $0 | $262,537 |
| **Chng Fund Bal** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund provides financial support to state and local emergency management agencies that are participating in the VIPER program.

## Fund 24960-2679 GHSP Various Grants — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $1,317,683 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $1,227,431 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | ($90,252) | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

The purpose of this fund is to record all of the Governor's Highway Safety Program grants.

---

## Fund 24960-2681 Commercial Motor Vehicle Enforcement — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $33,159,345 | $35,010,418 | $35,239,640 | $392,874 | $35,632,514 | $392,874 | $35,632,514 |
| **Receipts** | $33,448,496 | $35,010,418 | $35,239,640 | $392,874 | $35,632,514 | $392,874 | $35,632,514 |
| **Chng Fund Bal** | $289,151 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 426.000 | 428.000 | 416.000 | - | 416.000 | - | 416.000 |

### Fund description

This fund was established to record transactions associated with the operations of the Motor Carrier Enforcement Section of the State Highway Patrol (formerly Division of Motor Vehicles Enforcement).

---

## Fund 24960-2690 Reserves and Transfers — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $0 | $1,185,535 | $1,185,535 | $488,745 | $1,674,280 | $2,188,397 | $3,373,932 |
| **Receipts** | $0 | $1,185,535 | $1,185,535 | $488,745 | $1,674,280 | $2,188,397 | $3,373,932 |
| **Chng Fund Bal** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

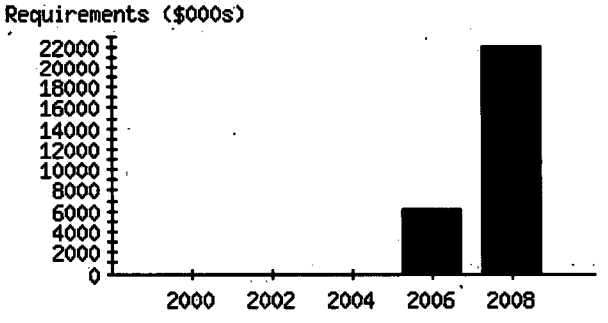
### Fund description

The State Highway Patrol awards an annual five percent performance increase to all law enforcement officers who are not at the top of their salary range. These funds are budgeted in Reserves and Transfer until they are awarded to the officers. When the increases are awarded, the funds in reserve are transferred to the operating fund (2610) where the troopers' salaries are budgeted.

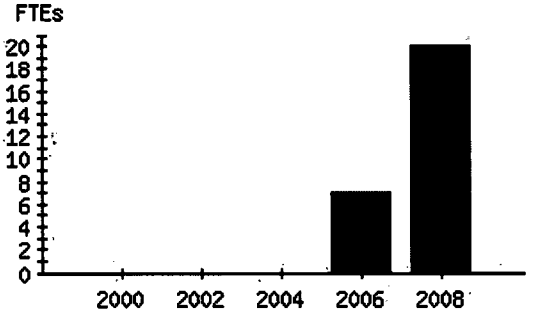
*Base Budget and Performance Management Information*

# Budget Code 24964 CC and PS Other Special Grants

## Actual Expenditures by Fiscal Year




## Actual Positions by Fiscal Year




Budget code 24964 was established in 2005-06.

## Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $21,876,764 | $61,285,275 | $47,628,474 | $0 | $47,628,474 | $0 | $47,628,474 |
| **Receipts** | $22,076,285 | $61,285,275 | $47,628,474 | $0 | $47,628,474 | $0 | $47,628,474 |
| **Chng Fund Bal** | $199,521 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 20.000 | 7.000 | 13.000 | - | 13.000 | - | 13.000 |

# Budget Code 24964 CC and PS Other Special Grants

## Fund 24964-2B01 DHS 2005 Grant Program — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $10,641,232 | $32,433,612 | $32,278,459 | $0 | $32,278,459 | $0 | $32,278,459 |
| **Receipts** | $10,692,558 | $32,433,612 | $32,278,459 | $0 | $32,278,459 | $0 | $32,278,459 |
| **Chng Fund Bal** | $51,326 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | 20.000 | 5.000 | 7.000 | - | 7.000 | - | 7.000 |

### Fund description

This fund is used to promote projects that enhance the state's ability to respond to terrorist attacks and provide funding to first responders for equipment, planning, and training.

## Fund 24964-2B02 2005 Buffer Zone Protection — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $1,303,799 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Receipts** | $1,303,799 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Chng Fund Bal** | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | - | - | - | - | - | - |

### Fund description

This fund is used to provide funding to develop plans and purchase equipment for critical infrastructure in order to protect against terrorist attacks.

## Fund 24964-2B07 DHS 2006 Grant Program — Base Budget

| | 2007-08 Actual | 2008-09 Certified | 2008-09 Authorized | 2009-10 Adjustments | 2009-10 Total | 2010-11 Adjustments | 2010-11 Total |
|---|---|---|---|---|---|---|---|
| **Requirements** | $9,931,733 | $28,851,663 | $15,350,015 | $0 | $15,350,015 | $0 | $15,350,015 |
| **Receipts** | $10,079,928 | $28,851,663 | $15,350,015 | $0 | $15,350,015 | $0 | $15,350,015 |
| **Chng Fund Bal** | $148,195 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Positions** | - | 2.000 | 6.000 | - | 6.000 | - | 6.000 |

### Fund description

This fund supports programs designed to strengthen North Carolina's ability to respond to terrorist attacks and other emergencies.

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 18, 2009 AM

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Rex Whaley | AOC |
| [illegible] | AOC |
| [illegible] | AOC |
| [illegible] | NCAOC |
| Cassandra White | AOC |
| Frank Rogers | DOC |
| Tom Bennett | NC-VAN |
| S. Katzenelson | Sentencing Com. |
| Danielle Carman | IDS |
| Joe Citeshire | IDS |
| Kelly Graham | NC Advocates for Justice |
| [illegible] | NC AGO |

# VISITOR REGISTRATION SHEET

Name of Committee Joint Appropriations on Justice and Public Safety March 18, 2009 AM

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| NELS ROSELAND | NC DOJ |
| Julie Brill | NC DOJ |
| Lau Rubert | CJPC |
| Mildred Spearman | NCDOC |
| Barbara Moore | Conf. of Clerks of Sup. Ct. |
| Kim Crouch | NCBA |
| ANTHONY ALLISON | NCACC |
| Robin Pendergraft | NC SBI |
| Pam Tully | SBI / DOT |
| Melissa Lovell | NC DOJ |
| Margaret B Jean | Conf of D.As |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 18, 2009 AM

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Melissa Radcliff | Our Children's Place |
| Tye Hunter | CDHL |
| Meena Khajuria | NC Metro Mayors |
| Guy Loranger | NC Lawyers Weekly |
| Elisa Wolper | IDS |
| Susan Brooks | IDS / Sentencing Services |
| Drina Weston | Summit House |
| Daniel Baum | K+L Gates |
| Sheryl Kelly | OSBM |
| Cheryl Reed | OSBM |
| Aaron Gallagher | |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 18, 2009 AM

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| [signature] | Poyner Spruill |
| Mary McMurd | NC Prisoner Legal Services |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

# MINUTES

## JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

**Wednesday, March 18, 2009**
**Room 415, LOB**
**1:00 p. m.**

The Joint Appropriations Subcommittee on Justice and Public Safety reconvened at 1:00 p m. on Wednesday, March 18, 2009 in Room 415, LOB. Five members of the Senate Subcommittee attended, along with Representatives Bordsen, Love, Sutton, Warren, Boles, Guice, Hurley, Jackson, Justus, Mobley, Moore, Randleman, and Stevens. Senator Ellie Kinnaird presided. She recognized the pages and Sergeant at Arms.

Nels Roseland, Department of Justice, Attorney Generals office returned at 1:00 p. m. to answer question about his presentation from the morning meeting.

Department of Corrections Secretary Alvin Keller presented (the Governor's Budget begins on page 75) the Division of Prison recommended reduction detail for facility closing, double celling and conversions.

Questions from members were answered

The next meeting date is Thursday, March 19th at 8:30 – Overview of Recommended Operating Budgets for Crime Control & Public Safety and Juvenile Justice & Delinquency Prevention.

The meeting adjourned at 2:00 p.m.

Senator Ellie Kinnaird, Co-Chair

Kathie Young

Kathie Young, Committee Assistant

# ATTENDANCE

## Joint Appropriations Subcommittee on Justice and Public Safety

(Name of Committee)

| DATES | Mar 18 PM | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rep. Alice Bordsen, Co-Chair | X | | | | | | | | | | | | | | |
| Rep. Jimmy Love, Co-Chair | X | | | | | | | | | | | | | | |
| Rep. Spear, Vice Chair | | | | | | | | | | | | | | | |
| Rep. Sutton, Vice Chair | X | | | | | | | | | | | | | | |
| Rep. R. Warren, Vice Chair | X | | | | | | | | | | | | | | |
| Rep. Boles | X | | | | | | | | | | | | | | |
| Rep. Goodwin | | | | | | | | | | | | | | | |
| Rep. Guice | X | | | | | | | | | | | | | | |
| Rep. Hurley | X | | | | | | | | | | | | | | |
| Rep. Jackson | X | | | | | | | | | | | | | | |
| Rep. Justus | X | | | | | | | | | | | | | | |
| Rep. Mobley | X | | | | | | | | | | | | | | |
| Rep. Moore | X | | | | | | | | | | | | | | |
| Rep. Randleman | X | | | | | | | | | | | | | | |
| Rep. Stevens | X | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

3/18/09
A

DEPARTMENT OF CORRECTION

DIVISION OF PRISONS RECOMMENDED REDUCTION DETAIL FOR FACILITY CLOSINGS, DOUBLE CELLING AND CONVERSIONS

* Closures are provided as packages, tied to conversions and double-celling, in order to meet inmate population and custody level needs and thus remain as "capacity neutral" as operationally possible.

** The Department will continue to work diligently to manage the vacancies at surrounding facilities to accommodate job opportunities for displaced employees.

| Item Number | Prison | Number of Positions to be Abolished | Current Vacant Positions | Reason for Closing |
|---|---|---|---|---|
| Division of Prisons Item # 4, Page 76 | McCain | 234 | 23 | Minimum custody facility with an average population of 336 inmates, aged infrastructure, the cost per inmate is above the average daily cost of a minimum custody facility, size of facility as well as statewide custody and type needs * |
| Division of Prisons Item # 9, Page 77 | Gates | 32 | 5 | Included in the state's GPAC recommendations. Minimum custody facility with an average population of 93 inmates, facility size as well as statewide custody level and type needs.* |
| Division of Prisons Item # 9, Page 77 | Haywood | 44 | 4 | Included in the state's GPAC recommendations. Minimum custody facility with an average population of 123 inmates, facility size as well as statewide custody level and type needs.* |
| Division of Prisons Item # 9, Page 77 | Union | 36 | 1 | Included in the state's GPAC recommendations. Minimum custody facility with an average population of 93 inmates, facility size as well as statewide custody level and type needs.* |
| Division of Prisons Item # 8, Page 76 | Guilford | 50 | 3 | Minimum custody facility with an average population of 162 inmates, cost per inmate is above the average daily cost of a minimum custody facility, size of facility, as well as statewide custody level and type needs.* |
| Division of Prisons Item # 8, Page 76 | Umstead | 45 | 5 | Minimum custody facility with an average population of 107 inmates, cost per inmate is above the average daily cost of a minimum custody facility, size of facility, as well as statewide custody level and type needs.* |

Facility Conversion and/or Double Celling

| Item Number | Prison | Number of Positions to be Abolished | Vacant Positions | Description of Change |
|---|---|---|---|---|
| Division of Prisons Item # 4, Page 76 | Hoke<br>Odom | 50<br>105 | 23<br>34 | Convert Hoke and Odom Correctional Institution from medium to minimum. |
| Division of Prisons Item # 8 | Lincoln | 28 | 7 | Convert Lincoln Correctional Center from medium to minimum. |

FY 09-11 Proposed DOC Facilities to be Expanded

| Package | Prison | Current Total Positions | Net Gain in Positions |
|---|---|---|---|
| Item # 4 | Nash | 286 | 46 |
| Item # 8 | Warren | 397 | 16 |
| Item # 9 | Pamlico | 208 | 38 |

DEPARTMENT OF CORRECTION

## OSBM REDUCTION LIST - ITEM # 6 REDUCE PASS-THROUGH FUNDING

| Description | | Budget 2009-10 Per Worksheet I | Estimated Cut 7% | New Amount |
|---|---|---|---|---|
| Criminal Justice Partnership Program | The CJPP is a state-county partnership in which counties run programs for sentenced offenders. | 9,760,448 | 683,231 | 9,077,217 |
| Women at Risk | Community based treatment for female probationers | 350,000 | 24,500 | 325,500 |
| Summit House | Housing and support services for women on probation and their children | 1,231,293 | 86,191 | 1,145,102 |
| Harriett House | Transitional home for female ex-offenders and their children | 275,000 | 19,250 | 255,750 |
| Our Children's Place | Services to incarcerated mothers during incarceration and their children | 146,000 | 10,220 | 135,780 |
| Total: | | 11,762,741 | 823,392 | 10,939,349 |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 18, 2009 1:00 P. M.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Melissa Radcliff | Our Children's Place |
| Pam Tully | SBI / DOJ |
| Robin Pendergraft | SBI / DOJ |
| Sheryl Kelly | OSBM |
| Cheryl Reed | OSBM |
| Aaron Gallagher | OSBM |
| Robert Lewis | DOC |
| Tim Moose | DCC |
| Barbara Baker | DOC |
| Frank Rogers | DOC |
| | DOC |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 18, 2009 1:00 P. M.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Tracy Little | DOC |
| Charles Mann | Parole |
| James B Jarrell | DOC |
| Mildred Spearman | NCDOC |
| Elisa Wolper | IDS |
| Karen Brown | DOC |
| Bob Brinson | Correction |
| Bill Stovall | Correction |
| Gary Mundt | NCAGO |
| Kristi Hyman | NCDOT |
| Niels Roseland | NCDOJ |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 18, 2009 1:00 P. M.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| S. LaBruckerie | Sentencing Com. |
| Sarah Preston | ACLU-NC |
| Karen Hamer | NCDOC |
| Donna Weston | Summit House |
| Meenal Khajuria | NC Metro Mayors |
| Kim Crouch | NC Bar Association |
| SUSAN BROOKS | IDS/SENTENCING SERVICES |
| CASANDRA WHITE | AOC |
| Virginia Price | DOC |
| Mike Joyner | DOC |
| Darlene Langston | DOC |
| | |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety March 18, 2009 1:00 P. M.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Melissa Lovell | NC DOJ |
| Leo Rubert | CJR |
| Keith Sutton | DJJDP |
| Fred Aikens | The Aikens' Group LLC |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Rm 415
LT 03

House Pages

Approp. Justice & Public Safety 3-18-09

Name Of Committee: _____ Date: _____

1. Name: Najiyyan Phipps
   County: Guilford
   Sponsor: Rep. L. Wiley
2. Name: Deshawn Henry
   County: Guilford
   Sponsor: Rep. L. Wiley
3. Name: Emily Reilly - Senate Page
   County: Mecklenburg
   Sponsor: Sen. Malcolm Graham
4. Name: Annie McAlister
   County: Mecklenburg
   Sponsor: Senator Rand
5. Name: Charles Nowotny - Senate
   County: Granville
   Sponsor: D. Bergers

HOUSE
Sgt-At-Arms

1. Name: MIKE MARTIN
2. Name: FRANK PREVO
3. Name: _____
4. Name: _____
5. Name: _____

SENATE
MARY PERRY
CHARLES MARSALIS

House Pages

Name Of Committee: Justice & P.S. Date: 3/17/09

1. Name: Jared Knecht - House
   County: New Hanover
   Sponsor: Rep. Justice
2. Name: Kayla McCargo - House
   County: Dare
   Sponsor: Spear
3. Name: Amira Peralta - Senate
   County: Mecklenburg
   Sponsor: Sen. Malcolm Graham
4. Name: Annie McAlister - Senate
   County: Mecklenburg
   Sponsor: Senator Rand
5. Name: Charles Nowotny
   County: Granville
   Sponsor: D. Berger

Sgt-At-Arms

1. Name: FRANK PREVO
2. Name: MIKE MARTIN
3. Name: MARY
4. Name:
5. Name:

# MINUTES
# JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

March 19, 2009

The Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Thursday, March 10, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Spear, Vice-Chair Representative Sutton, Vice-Chair Representative Warren, Representative Goodwin, Representative Guice, Representative Hurley, Representative Justus, Representative Mobley, Representative Moore, Representative Randleman and Representative Stevens. The following Senate Members were present: Co-Chair Senator Kinnaird, Co-Chair Senator Snow, Senator Bingham, Senator Brunstetter, Senator Jones and Senator Soles. Denise Thomas, Doug Holbrook, John Poteat, Jean Sandaire, and Danielle Seale of Fiscal Research were also in attendance. A visitor registration sheet is attached and made part of these minutes.

Representative Bordsen called the meeting to order and recognized Pages and Sergeants-at-Arms. She briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Bordsen recognized Reuben Young, Secretary of the Department of Crime Control for a presentation on the Governor's budget recommendations for the Department. A copy of the Governor's Recommended Operating Budget for Justice and Public Safety is included and made part of these minutes.

Secretary Young thanked the Subcommittee for the opportunity to present the Governor's recommendations. He began by informing the Subcommittee of the reductions in the proposed budget. He noted that the Boxing Authority positions will be receipt-supported positions, not as it was reflected in the document which showed Boxing Commission positions would be receipt supported. He noted that salaries for Highway Patrol would be reduced by 7% and the step increases for troopers would be frozen.

The Secretary then noted the expansion items recommended by the Governor. Those included funds awarded through the Governor's Crime Commission for VIPER and Evidence-Based Gang Grants, as well as the formation of a Statewide Gang Task Force. Two items related to the National Guard recommended by the Governor were the restoration of funding for the Tarheel ChalleNGe program and funding for the Kids on Guard program.

The Chair opened the meeting for questions.

Senator Kinnaird inquired as to why so much money in the federal stimulus package for North Carolina was being devoted to gangs. She inquired as to whether or not it was redundant with the grant monies already established for gang prevention.

Jon Williams, Deputy Secretary for the Department of Crime Control was recognized. He noted that the Governor's intention was for a study of programmatic investments that could be made statewide. Gang activity continues to be a problem across North Carolina and because the problem continues to grow, the money for these programs is needed.

He noted that it would be timely to appoint people to study the issues for a year.

Senator Kinnaird asked a second question related to Tarheel ChalleNGe. Because the youth involved in the program are not involved in crime, why is this item funded out of the Justice and Public Safety budget.

Aaron Gallagher from the Office of State Budget Management was recognized to respond. He noted that because the program is administered by the National Guard, traditionally it has been written out of the Justice and Public Safety budget. He also noted that he would be happy to work with Fiscal Staff to determine other options for funding for the program in other budget areas.

Representative Sutton was recognized. He inquired as to whether the freeze on step increases was for one year or two years.

Secretary Young responded the freeze was for one year.

Representative Sutton followed up and asked why there were savings over two years, if the freeze was only for one year.

Aaron Gallagher was recognized. He responded that the payments from the increases would be delayed for one year. Because money had already been set aside for those payments, there would be savings over a two year period because the existing funds would not be expended.

Representative Hurley was recognized. She inquired whether the National Guard paid into their pension fund, which would be reduced.

Secretary Young responded that the pension was a state appropriation.

Senator Jones was recognized. He inquired about the function of the Boxing Commission.

W.C. Chandler, Director of Alcohol Law Enforcement was recognized. He informed the Subcommittee that the Commission licenses fighters, prepares for fights, ensures medical records are up-to-date, and approves the contracts. Each fight takes about three days of work. The Commission is an advisory one that gives advice to Alcohol Law Enforcement and the Department of Crime Control.

Representative Bordsen inquired as to what types of fights are regulated in North Carolina.

Mr. Chandler responded that the Boxing Commission regulates mixed martial arts, toughman, and boxing.

Representative Sutton inquired as to how many events occurred each year.

Mr. Chandler responded that there are at least one or two every weekend, at times, three or four every weekend.

Representative Sutton inquired, if each event takes three days of preparation, how does the Commission ever catch up on work?

Mr. Chandler responded that they are very busy.

Representative Sutton noted that the only time he ever hears about the Boxing Commission is during the JPS budget meetings. He does not know what the solution is.

The Chair recognized Linda Hayes, Secretary for the Department of Juvenile Justice and Delinquency Prevention, for a presentation on the Governor's recommended budget for the Department.

Secretary Hayes thanked the Subcommittee for the opportunity to present. She briefed the Subcommittee on the recommended reductions for the Department's budget. She noted that each budget cut was very painful, the Department has never been fully funded and therefore does not have many big ticket items to reduce. She noted some eliminations which included the Support our Students program and the closing of the Alamance County group home. Other reductions include 7% reduction in pass through funding for Juvenile Crime Prevention Councils and the Governor's One-on-One Program. Eckerd camp funding would also be reduced; Eckerd would be closing one camp.

Secretary Hayes reviewed expansion items which would be funded through federal dollars through the Byrne JAG grant. Those items included a gang prevention pilot program and twelve additional juvenile court counselors.

Representative Bordsen opened the meeting for questions.

Senator Jones was recognized. He inquired as to whether the cuts would jeopardize the safety of the employees of the Department.

Kathy Dudley, Deputy Secretary for the Department of Juvenile Justice and Delinquency Prevention, was recognized. She responded that losing 19 positions will change the staffing ratio from 2:8 to 2.75:8. The Department is feeling okay about this ratio.

Senator Jones was recognized for a follow-up. He requested a "yes" or "no" response to his previous question.

Kathy Dudley responded that more staff makes a facility safer and they feel that the staff could handle the new ratio.

Secretary Hayes responded that anytime cuts are made in positions, safety and services are jeopardized. The Department did not have anywhere else to cut.

Representative Mobley was recognized. She inquired as to the reductions for the Boys and Girls clubs and the JCPCs and if there was consideration by county.

Secretary Hayes responded that the cut was an across-the-board reduction.

Representative Mobley commented that she would like the Department to take another look at the reduction. Rural counties are affected more adversely than urban areas.

Secretary Hayes noted that the Department is working on a revision of the JCPC funding formula. This might help alleviate some of the problems with the reduction.

Senator Kinnaird was recognized. She noted that Support our Students is one of the most valuable programs in the state in keeping youth out of trouble. She inquired as to why the program was not given a percentage reduction, rather than elimination.

Secretary Hayes responded that the best answer was the SOS program was a large budget item; it would be difficult to cut only part of the funding. TANF funding is intermingled as well, which comes from the Department of Health and Human Services.

Senator Kinnaird commented that North Carolina is getting federal money for makeshift programs while it has to cut its own valuable programs. This does not seem right. She noted that the state has to spend money in certain ways, but it seemed foolish.

Senator Bingham was recognized. He inquired as to whether the Eckerd camp could recruit more youth from South Carolina to subsidize the North Carolina youth, rather than closing a camp.

Steve Shaber of Poyner Spruill, responded that he was not sure what the South Carolina budget would have available, so that was not considered as an option.

Representative Stevens was recognized. She inquired as to the cost per child at Camp Woodson, which was being recommended to close.

Martin Pharr, Deputy Secretary for the Department of Juvenile Justice, was recognized. He responded that the cost is $313/day/child.

Representative Stevens inquired as to how many positions the Department had vacant.

David Jones, Department of Juvenile Justice and Delinquency Prevention, was recognized. He responded that the Department was looking into that very question and would get the information to the Subcommittee as soon as possible.

Representative Sutton was recognized. He inquired as to whether the juvenile court counselors would be funded through a one-time federal grant.

Secretary Hayes responded that yes, the money would be a federal grant. They were looking to use it to fill positions they would have made available.

Representative Sutton followed up and inquired about whether the federal money was helping North Carolina dig a hole, as the State would have to pick up the funding for the positions after one year.

Secretary Hayes responded that the grant is a 2 year grant and the State has 4 years to spend the money. She noted that would give the Department enough time to pull those positions into their budget. They are very needed positions.

Senator Kinnaird was recognized. She noted that funding TarHeel ChalleNGe through the Department of Public Instruction would cover the cost of Support our Students.

Senator Jones was recognized. He noted that all of the federal money was going toward gang prevention, yet at the State level, we are cutting SOS. He noted this did not seem logical.

Secretary Hayes agreed. She noted that the Department had been looking at the guidelines for spending the federal money. Gang prevention is the big issue in using it. They were looking to be creative with the funds, and she would keep the Subcommittee informed of any further information.

Representative Bordsen noted that all of the Member shared the same concerns. She suggested that the Subcommittee might need a presentation on how liberally the federal monies could be spent.

Senator Kinnaird suggested that the Subcommittee put all of the federal money into the SOS program and call it by a different name.

Representative Mobley requested again that the Department look again at the resources being cut in rural areas.

There being no further business, Representative Bordsen adjourned the meeting at 9:50 a.m.

Respectfully submitted,

Representative Bordsen
Presiding Chair

Michelle Hall
Committee Assistant

# JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
**Room 415 Legislative Office Building**
**March 19, 2009 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird — Representative Alice Bordsen, Presiding
Senator John Snow — Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Overview of JPS Agency Recommended Operating Budgets

- Crime Control and Public Safety
  *Reuben Young, Secretary*

- Juvenile Justice and Delinquency Prevention
  *Linda Hayes, Secretary*

## III. OTHER BUSINESS:

## IV. FUTURE MEETINGS: To be announced

## V. ADJOURNMENT

VISITOR REGISTRATION SHEET

Justice & Public Safety — Name of Committee

3-19-09 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| CASANDRA WHITE | AOC |
| John W Smith | AOC |
| Martin Phaire | NC DJJDP |
| Grady Stephenson | NC DJJDP |
| Aaron Gallagher | OSBM |
| ALAN MELWIN | SHP - VIPER |
| John Dorman | NCEM-GTM |
| Cheryl Reed | OSBM |
| DANIEL RAUM | K+L GATES |
| | |
| | |

VISITOR REGISTRATION SHEET

Justice @ Public Safety — 3-19-09

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| KENNETH D Perry | METHODIST HOME FOR CHILDREN |
| Bruce E. Stanley | Methodist Home for Children |
| William Lassiter | DJSDP |
| Steve Shaber | Poyner Spruill |
| Ronny Coats | NCARNG. |
| James A Cohn | NCARNG |
| Ivan Clontz | NCANG |
| Tom Bowlin | NC NATIONAL GUARD |
| WC Chandler | NC ALE - CCPS |
| Robert Carver | NCANG |
| Jon Wilkins | CCPS |

# VISITOR REGISTRATION SHEET

APPROP PUBLIC SAFETY — 19-MAR-09

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Pamela Ramsey | CCPS |
| BENNIE AIKEN | CCPS |
| Brenda Jones | CCPS-DEM |
| ANTHONY ALLEN | NCACC |
| Denna Weston | Summit House |
| Meenal Khajuria | NC Metro Mayors |
| David Jones | DJJDP |
| | |
| | |
| | |
| | |

VISITOR REGISTRATION SHEET

Justice & Public Safety — 3/19/09

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Lee Roberts | CYPC |
| Kathy Dudley | DJJDP |
| Linda Hayes | DJJDP |
| Robin Jenkins | DJJDP |
| Teresa Price | DJJDP |
| Mildred Spearmon | NCDOC |
| Mike Gilchrist | SNP |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control and Public Safety |
| Keith Sutton | NCOJJDP |
| Cindy Rudnell | CCPS |
| Neil Woodcock | CCPS, LESS |

# The North Carolina State Budget

# RECOMMENDED OPERATING BUDGET

**with Performance Management Information**

**2009-2011**

Justice and Public Safety
Volume 4




**Beverly Eaves Perdue**
**Governor**

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

April 15, 2009

The House Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Wednesday, April 15, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Spear, Vice-Chair Representative Warren, Representative Boles, Representative Goodwin, Representative Guice, Representative Hurley, Representative Justus, Representative Mobley, Representative Randleman and Representative Stevens. Denise Thomas, Doug Holbrook, John Poteat, Jean Sandaire, and Danielle Seale of Fiscal Research were also in attendance. A visitor registration sheet is attached and made part of these minutes.

Representative Bordsen called the meeting to order and recognized Pages and Sergeants-at-Arms. She briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Bordsen recognized Denise Thomas, of Fiscal Research for a presentation on the Judicial Department portion and Office of Indigent Defense portion of the Senate Appropriations Committee Report on the Continuation, Expansion and Capital Budgets for Justice and Public Safety. A copy of the report is included and made part of these minutes.

The Chair opened the meeting for questions.

Representative Love inquired as to the position of the Attorney Fee Coordinator and how much money would be saved.

Representative Spear asked a question about superior court judge travel and if it will save money.

Ms. Thomas responded yes.

Representative Mobley asked if there are any other areas where there are automatic travel allowances.

Ms. Thomas responded that it is the only one that they know of in judicial.

The Chair recognized Jean Sandaire of Fiscal Research for explanation of the Department of Justice portion of the Senate Report.

Hearing no questions on the Department of Justice, the Chair recognized John Poteat of Fiscal Research for explanation of the Juvenile Justice and Delinquency Prevention portion of the Senate Report.

The Chair opened the floor to questions.

Representative Love inquired as to the closing of Dobbs Youth Development Center and Samarkand Youth Development Center and if they were Senate Items.

Representative Stevens also asked about the closing of Dobbs YDC and Samarkand YDC and if the positions will be absorbed.

Representative Justus inquired about Juvenile Crime Prevention Councils.

Mr. Poteat responded that they would replace funding from SOS to JCPCs.

Representative Justus followed up with a question about the effectiveness of the programs in the JCPCs and if that was being taken into consideration.

Mr. Poteat responded that there was a report due May 1 from the Sentencing and Policy Advisory Commission that would address the feasibility of studying the effectiveness of JCPC programs.

The Chair recognized Doug Holbrook of Fiscal Research to explain the Department of Correction portion of the Senate Report.

The Chair opened the floor to questions.

Representative Spear inquired as to why the Senate chose not to close Gates, Haywood and Union Correctional institutions.

Mr. Holbrook replied that the Senate was averse to closing any prisons. The only way they could reach the target was to cut prisons.

Representative Bordsen commented that the prison population would continue to be a problem, especially with the options limited to closure and double-celling.

Representative Spear clarified that he was not advocating for closure.

Representative Hurley inquired as to the effect that closing McCain would have on the prison population since many of the inmates were ill.

Mr. Holbrook replied that a majority of people at McCain are people that are chronically ill.

Representative Hurley inquired as to where these individuals will be put once McCain closes.

Mr. Holbrook replied that most likely they would go to Hoke/Odum. Their placement would be regionalized and the department has plans to address the placement issues. Also, the Department has a medical release option.

Representative Warren asked if something was created last year to address the medical issue.

Mr. Holbrook replied that yes, there was a medical release program. But there are limitations on the program. Each is looked at on a case by case basis. There will be an annual report starting next year to see how often the program is utilized and under what circumstances.

Representative Guice inquired about the cap on judicial district managers.

Mr. Holbrook responded that as districts were split and re-combined the number of positions continued to grow despite the number of districts remaining consistent.

The Chair called on Jean Sandaire to explain the final portion of the Senate Report of Crime Control and Public Safety.

There being no further business, Representative Bordsen adjourned the meeting at 9:50 a.m.

Respectfully submitted,

Representative Bordsen
Presiding Chair

Michelle Hall
Committee Assistant

**HOUSE APPROPRIATIONS SUBCOMMITTEE**
**ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**April 15, 2009 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen, Presiding
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Review of Senate JPS Budget: Money Report

*Fiscal Research Staff*

Discussion

*Subcommittee Chairs and Members*
*Agency Staff*

## III. OTHER BUSINESS

## IV. Next meeting: Thursday, April 16th at 8:30 a.m.

## V. ADJOURNMENT

## VISITOR REGISTRATION SHEET

House Appropriations Subcommitee on JPS — April 15, 2009

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Karen Calhoun | NC Sentencing + Policy Advisory Comm |
| Aaron Gallagher | OSBM |
| Cheryl Reed | OSBM |
| Barbara Moore | Comp J Clerks of Sp Ct |
| Ray Bass | Conference of D.As |
| Greg Stahl | AOC |
| Casandra White | AOC |
| Reuben Young | CCPS |
| Bennie Aiken | CCPS |
| Doug Hoell | CCPS/EM |
| Mike Spangberg | CCPS - NCEM |

## VISITOR REGISTRATION SHEET

House Appropriations Subcommitee on JPS — April 15, 2009

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| | Pamela Spruill |
| SUSAN E. BROOKS | IDS / SENTENCING SERVICES |
| Thomas Maher | IDS |
| Elisa Walker | IDS |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| Ivan Clontz | NC NATIONAL GUARD |
| TOM BOWLIN | " " " |
| Wayne Holyoak | Crim Control PS / Baker Pell Soft. |
| WC Chandler | CCB / ALE |
| Rudy Rudisill | CCPS |
| Danica Baum | K+L GATES |

## VISITOR REGISTRATION SHEET

House Appropriations Subcommitee on JPS — April 15, 2009

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Keith Sutton | DJJDP |
| Anthony Mann | NCACE |
| Lao Rubert | CJPC |
| Brandy Byrum | Action for Children NC |
| Mike Mann | NCBAA |
| Nels Roseland | NCDOJ |
| Kelly Graham | NCAJ |
| Jamie Carmichael | CCPS |
| Sarah Schmidt | Action for Children NC |
| | |
| | |

## VISITOR REGISTRATION SHEET

House Appropriations Subcommitee on JPS — April 15, 2009

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Rex Whaley | AOC |
| Kelly Howell | AOC |
| John W Smith | AOC |
| Mildred Spearman | NCDOC |
| Alvin W Keller | NCDOC |
| [signature] | DOC |
| Tracy Little | NC DOC |
| Frank Rozier | NC DOC |
| Barbara Baber | NC DOC |
| Tom Bennett | NCVAN |
| Martin Pharr | NC DJJDP |
| [signature] | NC AOC |

# SENATE APPROPRIATIONS COMMITTEE

## REPORT
ON THE
## CONTINUATION, EXPANSION
AND
## CAPITAL BUDGETS

**Senate Bill 202 – 3rd Edition**

**April 8th, 2009**

# JUSTICE
# &
# PUBLIC SAFETY
# Section I

Senate Subcommittee on Justice and Public Safety

# Judicial

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$497,649,235** | | **$507,638,940** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **1 Reduce Information Technology Funding**<br>Adjust continuation budget increases for information and other technology services. | ($977,499) | R | ($977,499) | R |
| **2 Eliminate Vacant AOC Administrative Positions**<br>Eight (8) vacant positions in AOC's Raleigh office are eliminated: | ($621,720)<br>-8.00 | R | ($621,720)<br>-8.00 | R |

| Pos.# | Position | Salary |
|---|---|---|
| 60004908 | Sr. Accountant | 36,598 |
| 60094875 | Wan Engineer III | 70,506 |
| 60094888 | App. Analyst Prog. III | 80,145 |
| 60055085 | Sr. Java Developer | 78,000 |
| 60004852 | Management Asst | 43,507 |
| 60095893 | Instructional Designer | 54,080 |
| 65003747 | Dep.Chief Info Officer | 107,543 |
| 60094899 | AOC Division Asst | 41,428 |

**Department-Wide**

| | | | | |
|---|---|---|---|---|
| **3 Reduce Various Operating Accounts**<br>Governor's recommendation: reduce various operating accounts on a recurring basis:<br><br>Supplies: ($150,000)<br>Employee Educational Assistance: ($50,000)<br>Registration Fees: ($100,000)<br>Travel: ($150,000)<br>Equipment: ($500,000) | ($950,000) | R | ($950,000) | R |
| **4 Reduce Employee Travel Budget**<br>Reduce the amount in the continuation budget for employee transportation, lodging, and meals by restricting the number of trips and reducing the mileage reimbursement rate for the use of personal vehicles. | ($830,000) | R | ($830,000) | R |
| **5 Eliminate Telephone System Line Items**<br>SL 2007-108 authorized a new fee to pay for judicial and county courthouse telephone systems. Therefore, the continuation budget line items for telephone upgrades, maintenance, and operations are eliminated. | ($4,613,429) | R | ($4,613,429) | R |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **6 Reduce Academic Services Budget**<br>The continuation budget increases for academic services are eliminated. | ($307,692) | R | ($345,312) | R |
| **7 Adjust Continuation Budget Line Items**<br>The continuation budget is adjusted to remove increases for the maintenance agreements, legal services, and miscellaneous contractual services. | ($5,939,522) | R | ($10,454,317) | R |
| NEW **8 Establish Management Flexibility Reserve**<br>Establishes a management flexibility reserve to provide the Administrative Office of the Courts with the flexibility to manage additional reductions totaling $9,471,240. | ($9,471,240) | R | ($9,471,240) | R |
| **Equipment and Other Reserves** | | | | |
| G **9 Freeze Step Increases for Magistrates and Clerks**<br>Freeze the step increase for the salaries of Magistrates and Clerks for FY 2009-11. | ($2,324,864) | NR | ($6,390,013) | NR |
| G **10 Evaluation & Training to Improve Court Operations**<br>Governor's recommendation:$750,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for evaluation of court processes and procedures and developing best practices for effective programs. In addition, this funding will support continuing education and basic systems training for court professionals and those who interface with court systems. Training is especially critical to ensure the timely implementation of NCAWARE, a statewide warrant repository. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the State administrator of the Byrne/JAG Formula Program. | | | | |
| **Trial Courts** | | | | |
| GM **11 Dispute Resolution Centers Funding**<br>Reduce the pass-through funds for local dispute resolution centers and the Mediation Network of North Carolina. The Dispute Resolution Commission may propose fee increases to offset the loss of General Fund support. | ($159,932) | R | ($159,932) | R |
| GM **12 Reduce Pass-Through Funding to the NC State Bar**<br>Reduce the continuation budget pass-through funding to the NC State Bar as follows:<br>~~Civil Justice Act: ($100,000)~~<br>Financial Protection Law Center: ($10,000)<br>Land loss Protection Center: ($100,000) | ($210,000) | R | ($210,000) | R |
| **13 Eliminate Vacant GAL Supervisory Positions**<br>Two vacant GAL Program Supervisor positions are eliminated. | ($103,866) | R | ($103,866) | R |
| | -2.00 | | -2.00 | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **14 Eliminate Superior Court Judge Travel Allowance**<br>Funding for the $7,000 annual travel allowance for each Superior Court Judge is eliminated from the continuation budget. Superior Court Judges' travel expenses shall be paid on a reimbursement basis from the Trial Court Division's travel budget. | ($672,000) | R | ($672,000) | R |
| **Total Legislative Changes** | ($24,856,900) | R | ($29,409,315) | R |
| | ($2,324,864) | NR | ($6,390,013) | NR |
| **Total Position Changes** | -10.00 | | -10.00 | |
| **Revised Budget** | $470,467,471 | | $471,839,612 | |

Dropped Gov's Item:

Establish Management Flexibility Reserve
(9,272,425)

# Judicial - Indigent Defense

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | $133,881,190 | | $132,320,396 | |
| **Legislative Changes** | | | | |
| **Department-Wide** | | | | |
| **15 Reduce Various Operating Accounts** | ($357,388) | R | ($357,388) | R |
| Governor's recommendation: reduce various operating accounts including Travel ($309,637)R, Registration Fees ($17,000)R, Academic Services ($17,500)R, Library & Learning Resources ($13,251)R, and PC/Printer Equipment ($30,000)NR. | ($30,000) | NR | | |
| **16 Establish Management Flexibility Reserve** | ($1,593,302) | R | ($1,593,302) | R |
| Establishes a management flexibility reserve to provide the Office of Indigent Defense Services with the flexibility to manage additional reductions totaling $1,593,302. | | | | |
| **Indigent Defense Services** | | | | |
| **17 Reduce Aid to Center of Death Penalty Litigation** | ($59,000) | R | ($59,000) | R |
| The pass-through funding to the Center for Death Penalty Litigation is reduced by 10 percent. | | | | |
| **18 Reduce Prisoner Legal Services Funds** | ($124,407) | R | ($124,407) | R |
| Funding provided for the Prisoner Legal Services contract is reduced by 10 percent. | | | | |
| **Indigent Person Attorney** | | | | |
| **19 Adjust the PAC Continuation Budget** | ($3,500,000) | R | ($8,500,000) | R |
| The continuation budget for the Private Attorney Fund includes increases of $16.1 million in FY 2009-10 and $14.3 million in FY 2010-11. The recurring continuation increases are reduced. Non-recurring funds are provided to address the backlog of unpaid claims carried over from FY2008-09. | $7,000,000 | NR | | |
| **Sentencing Services** | | | | |
| **20 Reduce Sentencing Services Budget** | ($283,029) | R | ($283,029) | R |
| Reduce the continuation budget for the Sentencing Services Program by 10 percent. | | | | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Total Legislative Changes** | ($5,917,126)<br>$6,970,000 | R<br>NR | ($10,917,126) | R |
| **Total Position Changes** | | | | |
| **Revised Budget** | $134,934,064 | | $121,403,270 | |

Gov's Item Dropped:

Eliminate Attorney Fee Coordinator Position

(95,730)

(1.0)

# Justice

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$100,441,147** | | **$101,047,019** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **21 Shift Position to Receipt Support** | ($44,215) | R | ($44,215) | R |
| Governor's recommendation that an appropriated administrative position be shifted to receipt support. This position will now be funded by receipts generated through administrative charges from grants, cost of collection for DPI school penalties, Private Protective Services operating receipts, and Justice Academy Bookstore receipts | -1.00 | | -1.00 | |
| **Criminal Justice Training and Standards - CJTS** | | | | |
| **22 Reduce CJTS Operating Funds** | ($1,000,000) | R | ($2,000,000) | R |
| Reduction in operating funds for the Criminal Justice Training and Standards Division. This reduction will be offset by receipts from a new $2.00 fee to support the division. | | | | |
| **Department-Wide** | | | | |
| **23 Reduce Various Operating Accounts** | ($215,000) | R | ($215,000) | R |
| Governor's recommendation that funding for various operating accounts be reduced across the agency. | | | | |
| **24 Eliminate 27 vacant positions** | ($1,221,703) | R | ($1,221,703) | R |
| Elimination of 27 positions that have been vacant for six months or more. | -27.00 | | -27.00 | |
| **25 Establish Management Flexibility Reserve** | ($2,692,365) | R | ($2,692,365) | R |
| Establishes a management flexibility reserve to provide the Department of Justice with the flexibility to manage additional reductions totaling $2,692,365. | | | | |
| **Legal Services** | | | | |
| **26 Shift Consumer Protection Positions** | ($1,400,000) | R | ($1,400,000) | R |
| Conversion of 21 staff positions in the Consumer Protection Program from General Fund appropriation to receipt support. Receipts associated with court orders and legal consumer settlements will be used to fund these positions. | -21.00 | | -21.00 | |
| **27 Eliminate 6 Vacant Positions** | ($367,641) | R | ($367,641) | R |
| Governor's recommendation that six vacant positions be eliminated. The positions include two attorneys, three SBI support positions, and one academy training coordinator. | -6.00 | | -6.00 | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **28 Reduction in NC LEAF funding**<br>10 percent reduction in funding for the North Carolina Legal Education Assistance Foundation (NC LEAF) | ($60,000) | R | ($60,000) | R |
| **29 Maximization of Medicaid Fraud Recovery Efforts**<br>Reduction in the General Fund appropriation for the Medicaid Fraud Unit. This reduction will be offset by the program's efforts to maximize recovery fees and related administrative receipts. | ($108,566) | R | ($337,132) | R |
| **State Bureau of Investigation - SBI** | | | | |
| **30 Reduce Vehicle Replacement Budget**<br>Reduction in the SBIvehicle replacement budget. | ($342,303) | R | ($342,303) | R |
| **31 Reduce Telecommunication Service Charges**<br>Governor's recommendation that telecommunication service charges be reduced by providing all connections to criminal databases through secure internet connections. | ($459,599) | R | ($459,599) | R |
| **32 Eliminate the Fingerprint Card Program**<br>Governor's recommendation that the fingerprint card program be eliminated now that all 100 counties have access to the Statewide fingerprint Identification System (SAFIS), which utilizes live scan devices. | ($15,696) | R | ($15,696) | R |
| **33 Shift Positions to Receipt Support**<br>Governor's recommendation that two appropriated Information Technology positions be shifted to receipt support. These positions will now be funded through user fees associated with criminal databases that these positions support. | ($165,905)<br>-2.00 | R | ($165,905)<br>-2.00 | R |
| **34 Increase SBI Crime Lab Fee**<br>Governor's recommendation that the fee assessed on convicted criminals to recover the cost of SBI Crime Lab analysis be increased from $300 to $600. DWI cases make up a large percentage of the total revenue generated from this fee. | ($195,442) | R | ($390,884) | R |
| **35 Expand GangNet**<br>Governor's report on the use of funding of up to $1.8 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for an expansion of the GangNet intelligence information database. The database will be expanded to include probation officers, the State Bureau of Investigation, the State's Homeland Security Intelligence Network and the NC Justice Xchange, which facilitates criminal integration by allowing the exchange of information throughout the criminal justice community. These efforts will be coordinated with Durham County and Charlotte-Mecklenburg, which administer the GangNet eastern and western nodes, respectively. The allocation of this funding will be made under the authority of the Governor Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **36 Federal Funds to Expedite Criminal and Drug Cases**<br>Governor's report on the use of funding of up to $1.8 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) to support overtime expenditures required to expedite methamphetamine and violent crime investigations. This funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Program. | | | | |
| **Total Legislative Changes** | **($8,338,435)** | **R** | **($9,702,443)** | **R** |
| **Total Position Changes** | **-57.00** | | **-57.00** | |
| **Revised Budget** | **$92,102,712** | | **$91,344,576** | |

# Juvenile Justice & Delinquency Prevention

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Adjusted Continuation Budget** | **$172,484,415** | | **$172,651,108** | |
| **Legislative Changes** | | | | |
| **37 Establish a Management Flexibility Reserve** | ($3,502,899) | R | ($3,502,899) | R |
| It is recommended that a management flexibility reserve be established to provide the Department Juvenile Justice & Delinquency Prevention with the flexibility to manage additional reductions totaling $3,502,899. | | | | |
| **Administrative Services** | | | | |
| **38 Eliminate Seven Central Office Positions** | ($426,955) | R | ($426,955) | R |
| The Governor recommends eliminating seven central office positions, including one human resources position, one webmaster position, one administrative secretary, one information technology project manager, and three facility investigators. These eliminations will be a combination of filled and vacant positions | -7.00 | | -7.00 | |
| **39 Reduce Appropriation for Furniture** | | | | |
| The Governor recommends funding for furniture be reduced on a nonrecurring basis. | ($218,393) | NR | | |
| **40 Reduce Legal Services** | ($130,781) | R | ($130,781) | R |
| Eliminate the continuation budget increase for Legal Services. | | | | |
| **Center for the Prevention of School Violence** | | | | |
| **41 Eliminate the CPSV** | ($474,923) | R | ($474,923) | R |
| Eliminate funding for the Center for the Prevention of School Violence (CPSV). According to the Department, this division serves as a resource center and "think tank" for schools. These functions are not part of the core mission of the Department. | -6.00 | | -6.00 | |
| **Department wide** | | | | |
| **42 Gang Prevention and Intervention Pilot Program** | | | | |
| The Governor recommends using $6 million from the American Reinvestment and Recovery Act for the implementation of a two-year Gang Prevention and Intervention Pilot Program. This program will focus on youth at-risk for gang involvement and those who are already associated with gangs and gang activity. The pilot program will serve Cabarrus, Mecklenburg, Nash, Edgecombe, Wilson, and Halifax Counties. | | | | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **43 Eliminate Overtime budget increase**<br>Eliminate the continuation budget increase in the Overtime pay line item. | ($1,805,207) | R | ($1,805,207) | R |
| **44 Eliminate the increase for temporary services**<br>Eliminate the continuation budget increase used to pay for temporary services. | ($333,906) | R | ($333,906) | R |
| **45 Eliminate vacant positions**<br>Eliminate 25 positions that have been vacant for a year or longer. | ($974,956)<br>-26.00 | R | ($974,956)<br>-26.00 | R |
| **Intervention/Prevention** | | | | |
| **46 Eliminate Alternative to Detention Contract**<br>The Governor recommends eliminating the Alternative to Detention Contract, which provides short-term emergency placement of juveniles through a local provider in District 23 and District 28. | ($43,885) | R | ($43,885) | R |
| **47 Eliminate Pass-Through Funding-Boys & Girls Club**<br>Eliminate pass-through funding to eight Boys & Girls Clubs that received a special appropriation of $50,000 each that was used as part of a match for grant funds that the clubs no longer receive. | ($400,000) | R | ($400,000) | R |
| **48 Reduce Pass-Through Funding- Project Challenge**<br>Reduces administrative funding for Project Challenge by 10%. This reduction does not affect the direct services Project Challenge provides in the 33 counties it operates. | ($16,000) | R | ($16,000) | R |
| **49 Additional Juvenile Court Counselors**<br>The Governor recommends using $1.5 million from the American Reinvestment and Recovery Act to fund 12 new court counselors and 2 new supervisors. These positions will be time limited. | | | | |
| **50 Expand JCPC Allocation**<br>Provide additional funding to the Juvenile Crime Prevention Council (JCPC) county allocation to offset the effects of eliminating the Governor's One on One program and the Support Our Students program. JCPCs are encouraged to use these additional funds to provide services for juveniles that are court involved. | $6,627,532 | R | $6,627,532 | R |
| **Special Initiatives** | | | | |
| **51 Close the Alamance Multi-Purpose Home**<br>The Governor recommends closing the Alamance Multi-Purpose Home because of low capacity and low utilization. | ($600,000) | R | ($600,000) | R |
| **52 Eliminate Pass-Through Funding-Governor's 1 on 1**<br>Eliminate funding for the Governor's One on One mentoring program. This program serves lower risk youth in 46 counties and these programs would be eligible for JCPC funds. | ($1,645,545) | R | ($1,645,545) | R |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **53 Reduce Pass-Through-Juvenile Assessment Center**<br>Reduce pass-through funding for the Juvenile Assessment Center by 10%. The Juvenile Assessment Center also receives funding from the county JCPC. | ($16,543) | R | ($16,543) | R |
| **54 Reduce Eckerd Wilderness Camp Rate**<br>The Governor recommends reducing the daily contract rate from $134.95 to $123.58. To achieve this reduction, one camp serving 45 NC youth will be closed, service will be discontinued to out-of-state youth currently helping subsidize the cost of NC youth, and the length of stay for some youth will decrease. | ($1,435,000) | R | ($1,435,000) | R |
| **Support Our Students** | | | | |
| **55 Eliminate the Support Our Students program**<br>The Governor recommends eliminating funding for the SOS program, including the elimination of three filled positions. The subcommittee recommends taking the SOS General Funding and providing it to the JCPC county allocation to provide additional prevention services. | ($6,627,532)<br>-3.00 | R | ($6,627,532)<br>-3.00 | R |
| **Youth Development Centers** | | | | |
| **56 Eliminate Youth Development Center positions**<br>The Governor recommends eliminating 19 Youth Development Center positions, including a combination of filled and vacant positions. The positions are located at Dillon, Cabarrus, Edgecombe, and Chatham Youth Development Centers. | ($948,994)<br>-19.00 | R | ($948,994)<br>-19.00 | R |
| **57 Eliminate Security Service Agreement**<br>Eliminate the Security Service Agreement line item, which was used to provide temporary security at the Cabarrus YDC while a fence was under repair. | ($110,717) | R | ($110,717) | R |
| **58 Eliminate the Treatment Training Reserve**<br>Eliminate the treatment training reserve in the continuation budget, which was established to aid the Department in its efforts to train staff in their therapeutic treatment model. | ($250,000) | R | ($250,000) | R |
| **59 Close the Samarkand YDC**<br>Close the Samarkand YDC, which houses committed girls. In 2008, the Department opened four newly constructed replacement YDCs and Samarkand has the highest daily cost of any The Department has built a replacement facility for girls in Chatham County, effective September 1, 2009. | ($5,048,253)<br>-63.00 | R | ($6,731,004)<br>-63.00 | R |
| **60 Close Dobbs YDC**<br>Effective September 1, 2009, close the Dobbs YDC since the new Lenoir YDC, was opened in 2008 to replace this older facilitiy. | ($6,986,859)<br>-85.00 | R | ($9,315,812)<br>-85.00 | R |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Total Legislative Changes** | ($26,151,423) | R | ($29,163,127) | R |
| | ($218,393) | NR | | |
| **Total Position Changes** | -208.00 | | -208.00 | |
| **Revised Budget** | $147,114,599 | | $143,487,981 | |

Gov's Item Dropped:

Close Camp Woodson

(1,052,000)

(21)

# Correction

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$1,384,910,571** | | **$1,406,791,264** | |
| **Legislative Changes** | | | | |
| **61 Establish Management Flexibility Reserve** | ($54,478,651) | R | ($54,478,651) | R |
| Establishes a management flexibility reserve to provide the Department of Correction with the flexibility to manage additional reductions totaling $54,478,651 | | | | |
| **Community Corrections** | | | | |
| **62 Probation Parole Officer Reallocation** | $2,383,273 | R | $2,383,273 | R |
| The Governor recommends an appropriation to reallocate 1,048 Probation/Parole Officers from a pay grade 68 to a pay grade 69, as recently authorized by the State Personnel Commission. This request would address significant recruitment and retention issues for the classification. | | | | |
| **63 Community Corrections Intake Officers** | | | | |
| The Governor reports on the use of funding of up to $1.23 million to be made available through the American Reinvestment and Recovery Act for new Community Corrections Intake Officer positions. These positions will perform court intake duties and administrative functions in urban areas where court dockets currently require significant time commitments from Probation/Parole Officers. As recommended in the recent National Institute of Corrections report, these new positions will enable Probation/Parole Officers to dedicate more time to monitoring offenders under their supervision and less time performing administrative functions. | | | | |
| **64 Expand Chief Probation Parole Officer Positions** | $2,754,683 | R | $3,793,573 | R |
| | $376,981 | NR | | |
| Provides funding for an additional 40 Chief Probation Parole Officer (CPPO) positions and 13 Office Assistants to support the chiefs and officers in each newly-established unit. This expansion supports recommendations from the National Institute of Corrections 2008 report to improve the span of control between supervisors and field officers . The Division's goal is to have a 7:1 ratio between supervisors and field officers. Fifty-one positions will be effective October 1, 2009 and an additional two positions will be effective in July 1, 2010. | 51.00 | | 53.00 | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **65 Expand Probation Parole Officer Positions**<br>Provides funding for an additional 91 Probation Parole Officers (PPO). These additional officers will improve the Department's supervision of probationers and provide more field officers to manage offender caseloads. Seventy-seven positions will be effective October 1, 2009 and an additional 14 positions will be effective in July 1, 2010. | $4,261,435<br>$628,746<br>77.00 | R<br>NR | $6,270,806<br><br>91.00 | R |
| **66 Cap DCC Judicial District Managers**<br>Caps Judicial District Manager positions at 30. The original judicial district structure of the Unified Court System had 30 districts. As judicial districts have been split, the Division of Community Corrections has established new management offices for each district, now numbering 45. | ($814,065)<br>-15.00 | R | ($814,065)<br>-15.00 | R |
| **67 Expand funding for CJPP programs**<br>Provide additional funding for the Criminal Justice Partnership Program (CJPP). Counties are encouraged to use the additional funds to provide pre-trial release, as well as multiple treatment, control, and referral options for convicted offenders in each county. | $3,000,000 | R | $3,000,000 | R |
| **68 VIPER Radios for Improved Community in DCC**<br>The Governor recommends using $1.3 million from the American Reinvestment and Recovery Act for the purchase of 406 VIPER (interoperable communications) radios to be deployed to those Division of Community Corrections offices within the current VIPER service area. | | | | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Department-Wide** | | | | |
| **69 Eliminate 114 Positions** | ($4,369,668) | R | ($4,369,668) | R |
| Governor's Recommendation: eliminates 114 positions, both filled and vacant. Vacant positions will be eliminated effective July 1, 2009; filled positions will be eliminated September 1, 2009. | -114.00 | | -114.00 | |
| Within the Division of Prisons, positions eliminated include<br>- Nine Canteen Officer Positions<br>- Three Unit Managers and Three Assistant Unit Managers at Southern Correctional Institution<br>- Two Dental Assistant Positions<br>- Four Dog Handler Positions<br>- Seven DNA Testing Officer Positions<br>- Twenty-two Administrative Operations Positions<br>- Five positions through operational consolidation among prisons<br>- Fifteen Correctional Enterprise Officer Positions | | | | |
| The positions eliminated in the Division of Alcoholism and Chemical Dependency Programs are<br>- Eleven treatment positions at Haywood and Tyrrell Work Farm | | | | |
| One position each will be taken from the Parole and Post-Release Commission, the Inmate Grievance Commission, and DOC Administration. | | | | |
| Additionally, thirty positions throughout DOC that have been vacant over six months will be eliminated. | | | | |
| **70 Increase Federal Alien Assistance Receipts** | | | | |
| Governor's Recommendation: the State Criminal Alien Assistance Program (SCAAP) makes federal funds available to states for the purpose of recouping costs associated with incarcerating undocumented aliens. The Department of Correction anticipates future funding from this program will exceed its current budget, and increases the budgeted amount for this receipt line item. | ($872,000) | NR | | |
| **71 Reduce Pass-Through Funding** | ($200,229) | R | ($200,229) | R |
| Reduces appropriations to pass-throughs in the Department of Correction by 10%. Specifically, reduces Women at Risk ($35,000), Summit House ($123,129), Harriet's House ($27,500), and Our Children's Place ($14,600). | | | | |
| **72 Our Children's Place Administration** | | | | |
| Provides funds for a contractual position to develop the children's component of a proposed program to allow incarcerated mothers to keep their children while in prison. | $50,000 | NR | | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **73 Reduce Various Operating Accounts**<br>Governor's Recommendation: reduces the following operating accounts on a recurring basis.<br>Safety and Security Supplies ($200,000)<br>Autos, Trucks, and Buses ($1,250,000)<br>Rent/Lease Motor Vehicles ($600,000)<br>Rent/Lease Building Office ($147,035)<br><br>The following accounts are reduced on a non-recurring basis.<br>Autos, Trucks, and Buses ($1,250,000)<br>Clothing and Uniforms ($500,000)<br>Carpentry and Hardware Supplies ($300,000)<br>PC/Printer Equipment ($300,000)<br>General Office Supplies ($800,000)<br>Office Equipment ($800,000) | ($2,197,035)<br>($3,950,000) | R<br>NR | ($2,197,035) | R |
| **Division of Prisons** | | | | |
| **74 Double Celling at Pamlico**<br>Expands the capacity of Pamlico Correctional Institution by 332 through double-celling. This conversion will be effective on September 1, 2009. | $1,880,234<br>38.00 | R | $1,581,281<br>38.00 | R |
| **75 Close McCain Correctional Hospital**<br>McCain Correctional Hospital is closed effective September 1, 2009. McCain is a former tuberculosis hospital originally built in 1908 and transferred in 1983 to the Department of Correction to provide space for chronically ill and disabled inmates. The facility has capacity for over 400 inmates, of whom around 66% are chronically ill, geriatric, or disabled. The other third are minimum custody population assigned to unit support jobs, such as maintenance, landscaping, and food service. The prison employs 234 positions.<br><br>This facility operates at 25% above the average daily cost per inmate for a minimum custody facility. As more modern facilities have been built, it will be possible to serve this population more efficiently.<br><br>In order to maintain community-standard health care for chronically ill inmates and remain population-neutral, Hoke and Odom Correctional Institutions will be converted from medium to minimum custody, and those units as well as Nash Correctional Institution will be partially double-celled.<br><br>The annualized savings for the closure of McCain is $11,625,952, but due to one-time costs to convert the other three facilities, the reduction is lower in the first year. In addition to the positions eliminated at McCain, Hoke and Odom together will lose 155 positions, and Nash will gain 46, for a net reduction in State positions of 343. | ($9,086,942)<br>-343.00 | R | ($15,491,279)<br>-343.00 | R |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **76 Close Umstead and Guilford Correctional Centers** | ($3,723,492) | R | ($4,627,854) | R |
| Umstead and Guilford Correctional Centers are closed effective September 1, 2009. Both facilities operate with higher than average daily costs, and have a combined capacity of 263 inmates, and 95 positions, 87 of which are filled. | -107.00 | | -107.00 | |
| To accommodate inmates displaced by these closings, the Department will convert Lincoln Correctional Center from medium custody to minimum custody, and will double-cell inmates at Warren Correctional Institution. The savings in the first year are reduced by costs associated with double-celling and with providing bunks and lockers at both Warren and Lincoln. The annualized savings will amount to $4,627,854. | | | | |
| **77 Close Wilmington Residential Facility for Women** | ($430,068) | R | ($513,298) | R |
| The Wilmington Residential Facility for Women is closed effective September 1, 2009. This minimum custody work release prison is in a rental building in Wilmington and has a capacity of 35 inmates. The owner of the building does not wish to continue the lease to the Department of Correction. Inmates housed in this facility can be transferred to other minimum custody prisons through the State. | -10.00 | | -10.00 | |
| **78 Reduce Continuation Increases** | ($25,965,276) | R | ($5,417,400) | R |
| Reduce continuation budget items, including OT pay, Shift Premium, and Workers Compensation, were reduced to match actual prior-year expenditures, as well as Hospital Provided Medical Services and Inmate Food and Clothing. | | | | |
| **79 Reduce Job Orders for Repair and Renovation** | ($299,259) | NR | ($299,259) | NR |
| Governor's Recommendation: reduces requests for repairs and renovations to prison facilities. | | | | |
| **80 Reduce Temporary/Contractual Positions** | ($89,788) | NR | | |
| Governor's Recommendation: Reduce funding for temporary and contractual positions on a one-time basis. | | | | |
| **81 Shift Positions to Inmate Welfare Support** | ($149,056) | R | ($149,056) | R |
| Governor's Recommendation: shifts three Telecommunication Support Technician positions that support the inmate pay phone system from General Fund support to Inmate Welfare Fund receipts. | -3.00 | | -3.00 | |
| **Engineering** | | | | |
| **82 Shift Construction Contracts to Receipt Support** | ($200,000) | R | ($200,000) | R |
| Governor's Recommendation: funds contracts for oversight of Inmate Construction Program from the special indebtedness funding new prison construction. | ($600,000) | NR | ($600,000) | NR |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Secretary's Office** | | | | |
| **83 Eliminate Assistant Secretary**<br>Eliminates the position of Assistant Secretary for Program Development. This position's primary function is to seek federal grants for the Department. This function can be performed by the Office of Research and Planning, and financial oversight of grants is performed by the DOC Controller's Office. | ($77,046)<br>-1.00 | R | ($77,046)<br>-1.00 | R |
| **Total Legislative Changes** | ($87,421,903)<br>($4,855,320) | R<br>NR | ($71,506,648)<br>($899,259) | R<br>NR |
| **Total Position Changes** | -427.00 | | -411.00 | |
| **Revised Budget** | $1,292,633,348 | | $1,334,385,357 | |

Gov's Items Not Taken:

- Use of Welfare Receipts (Savings) NR
- Eliminate BRIDGE (263,477) (7.0)
- Close Gates, Haywood, & Union Correctional Institutions
  2010-11
  (3,261,124) (74.0)
- Additional Correctional Instructors
  2009-10 2010-11
  224,885 R 370,513
  14,636 NR 9,752
  3 5

# Crime Control and Public Safety

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$43,925,878** | | **$44,067,870** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **84 Law Enforcement Support Services (LESS)** | ($430,336) | R | ($430,336) | R |
| This recommendation makes funding for the Law Enforcement Support Services (LESS) nonrecurring in FY 2009-10. The program is also directed to propose a fee structure to make the program fully receipt supported by the FY 2010-11. | $430,336 | NR | -4.00 | |
| **85 Elimination of Administrative Staff Positions** | ($82,685) | R | ($82,685) | R |
| Elimination of two administrative positions. | -2.00 | | -2.00 | |
| **Alcohol Law Enforcement - ALE** | | | | |
| **86 Reduce funding for ALE Vehicle Replacement** | ($316,152) | R | ($316,152) | R |
| Reduce funding for ALE vehicle replacement. | | | | |
| **87 Make Bingo Regulation Receipt Supported** | ($26,600) | R | ($26,600) | R |
| This recommendation eliminates the General Fund appropriation used for bingo regulation. This action will be offset by an increase in the bingo license fee to make the program no longer rely on General Fund appropriation. This fee has not been increased since 1983. | | | | |
| **88 Make the Boxing Authority Receipt Supported** | ($147,751) | R | ($147,751) | R |
| Governor's recommendation that the North Carolina Boxing Authority no longer be supported through appropriation. All of the operations of the Boxing Authority will be shifted to fee receipts collected by the Authority. These fee receipts are currently over realized. | -2.00 | | -2.00 | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Butner Public Safety - BPS** | | | | |
| **89 Elimination of Butner Public Safety Division**<br>With the incorporation of the Town of Butner, this recommendation eliminates the Butner Public Safety Division that is using state funds to provide law enforcement services and fire protection to the Town of Butner and surrounding areas in Durham and Granville Counties. Significant residential and commercial growth has occurred in this area and despite several state facilities being located within the Butner jurisdiction, a significant portion of the work done by Butner Public Safety is related to residential and local business calls. This recommendation will require the Town of Butner and surrounding areas to establish fire and police departments. | ($2,617,339)<br>-56.00 | R | ($2,617,339)<br>-56.00 | R |
| **Department-Wide** | | | | |
| G **90 Reduce Various Operating Accounts**<br>Governor's recommendation that various operating accounts be reduced across the agency. | ($641,147) | R | ($641,147) | R |
| **91 Transfer of State Capitol Police to Crime Control**<br>Type I transfer of the State Capitol Police Division from the Department of Administration to the Department of Crime Control and Public Safety. Of the total positions transferred, 6.25 positions will be used to support the division's fiscal, policy and administrative functions. | $3,675,861<br>89.25 | R | $3,675,861<br>89.25 | R |
| NEW **92 Establish Management Flexibility Reserve**<br>Establishes a management flexibility reserve to provide the Department of Crime Control and Public Safety with the flexibility to manage additional reductions totaling $857,631. | ($857,631) | R | ($857,631) | R |
| **Emergency Management** | | | | |
| G **93 Shift Floodplain Mapping Positions to Receipts**<br>Governor's recommendation that the appropriation for the Floodplain Mapping Program be replaced with receipts collected under the terms of Section 29.7(b) of H2436 (S.L. 2008-107), which established a fee to support floodplain mapping. This recommendation will shift 20 appropriated positions in the Floodplain Mapping Program to receipt support. | ($1,405,098)<br>-20.00 | R | ($1,405,098)<br>-20.00 | R |
| **94 Reduce Emergency Management Continuation Budget**<br>Reduction in the Emergency Management continuation budget. A major portion of this reduction is associated with the amount appropriated in the division's continuation budget for miscellaneous contracts. | ($1,843,248) | R | ($1,843,248) | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Governor's Crime Commission** | | | | |
| **95 Illegal Immigration Project**<br>Funding to the Governor's Crime Commission to contract with the North Carolina Sheriffs' Association for immigration enforcement services. This funding will be used for salary replacement costs associated with officer training. | $160,000 | NR | | |
| G **96 Reduce State Matching Funds**<br>Governor's recommendation that excess state funding for matches to federal grants be reduced. | ($60,091) | R | ($60,091) | R |
| **97 Reduce funding for NCVAN**<br>10 percent decrease in funding for the North Carolina Victims Assistance Network (NCVAN). | ($15,000) | R | ($15,000) | R |
| **98 Evidence-Based Gang Grants**<br>G The Governor reports on the use of funding of up to $5 million to be made available through the American reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award evidence-based grants that focus on gang prevention, treatment, intervention, and re-entry programs. Special emphasis will be placed on consultation with the Department of Juvenile Justice and Delinquency Prevention to engage local Juvenile Crime Prevention Councils (JCPC's) in the development of gang prevention programs that address local priorities developed as a result of the JCPC's local gang threat assessments. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |
| **99 Local Government Grants to Purchase VIPER Equip't**<br>G The Governor reports on the use of funding of up to $5 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award grants to local governments for VIPER (Interoperable communications) equipment in order to enhance communications among public safety agencies. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|

**100 Governor's Statewide Gang Task Force**

The Governor reports on the use of $200,000 recurring funding from the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the establishment of a Statewide Gang Task Force. This task force will be established within the Governor's Crime Commission to bring key stakeholders together to develop a comprehensive plan and create legislation to ensure a well coordinated, statewide enforcement program and increase the flow of gang-related information among various law enforcement agencies, correctional institutions, and the judicial system. This item will be supported by administrative funds made available to the Governor's Crime Commission through the Byrne/JAG Formula Program.

**101 Supplemental Grants for COPS Hiring & Recovery Pgm**

The Governor reports on the use of funding of up to $400,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to provide supplemental grants to incentives local governments to participate in the COPS Hiring and Recovery Program (CHRP). CHRP grants are awarded on a competitive basis and provide funding for salaries and benefits for new law enforcement positions as well as for the reemployment of officers affected by recent budget cuts. Through the supplemental grants, up to $4,000 will be provided to support the equipment costs for every officer hired through the COPS Hiring and Recovery Program. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program.

**National Guard**

| | | | | |
|---|---|---|---|---|
| **102 Transfer the National Guard Pension Fund**<br>Transfer of the National Guard Pension Fund ($7,007,443) from the Department of Crime Control and Public Safety to the Department of State Treasurer. This transfer will allow the Department of the State Treasurer to manage this program as it does for most of the State's pension programs. | ($7,007,443) | R | ($7,007,443) | R |
| **103 Eliminate Funding for Family Assistance Centers**<br>Eliminates state funding for three National Guard Family Assistance Centers. With the scheduled deployment of a significant portion of the NC National Guard in 2009 and 2010, there will be federal funds available for family assistance centers while the troops are deployed. | ($420,000) | R | ($420,000) | R |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **104 Reduce National Guard Tuition Assistance Program**<br>Recommendation to reduce the National Guard Tuition Assistance program appropriation. With the scheduled deployment of a significant portion of the NC National Guard in 2009 and 2010 there will be a decrease in the number of National Guard members requesting tuition assistance through this program. In addition to the state program, there is also a federal program that provides tuition assistance to National Guard members. | ($500,000) | R | ($500,000) | R |
| **State Highway Patrol - SHP** | | | | |
| **105 Training to Improve State Highway Patrol Operation**<br>Governor's report on the use of funding of up to $1.8 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) to provide leadership development training at every level of supervision within the State Highway Patrol, as recommended in a recent independent evaluation of the Patrol drew upon the best practices for statewide law enforcement The evaluation found that many Patrol supervisors require stronger coaching, mentoring, and counseling skills to effectively supervise their direct reports and therefore, improve State Highway Patrol operations. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Program. | | | | |
| **Victim Compensation Services** | | | | |
| **106 Budget Over Realized Receipts**<br>Reduction in the General Fund appropriation for the Victim Compensation Program. Under budgeted receipts from the Department of Correction and American Reinvestment and Recovery Act funds will be used to offset this reduction. The program will still have enough funding to pay for all FY 2008-09 approved claims. | ($472,619) | R | ($472,619) | R |
| **Total Legislative Changes** | ($13,167,279)<br>$580,336 | R<br>NR | ($13,167,279) | R |
| **Total Position Changes** | 10.25 | | 6.25 | |
| **Revised Budget** | $31,338,935 | | $30,900,591 | |

Dropped Gov's Items:

National Guard Kids on Guard program 200,000 NR

Restore Tarheel Challenge Academy funding 1,243,000

# HOUSE APPROPRIATIONS SUBCOMMITTEES
# APPROACH TO DEVELOPING THE 2009-11 BIENNIAL BUDGET
# SPECIFIC AREAS TO REVIEW

Due to the magnitude of the current fiscal crisis and the significant budget gaps projected for the next two to four fiscal years, subcommittees are being asked to implement a targeted approach to developing the budget.

As you meet with your subcommittees over the next three to four weeks, examine the following.

1. **Require Agencies and Nonprofits to Justify The Budget**
   Build on the General Assembly's past and current justification and continuation review initiatives: require state agencies and nonprofits to justify continuing some expenditures. You should use this approach for:
   - Individual programs, including non-essential, ineffective, obsolete, redundant or new (created in the past four years) programs and services.
   - Specific line items within programs. (See list on back of page.)

2. **Use Governmental and Proprietary Fund Cash Balances**
   Cash balances can be transferred to the General Fund, or expenditures can be transferred to the other funds.

3. **Eliminate Vacant Positions**
   Consider cutting vacant positions, especially those vacant for 6 months or more as of January 1, 2009 (excluding public school teachers). Note: The Governor budgeted some salaries at less than 100%; this will affect budget reductions that are based on eliminating positions.

4. **Increase or Implement Fees**
   Examine fees to determine if any increases are appropriate and could be used to offset operating appropriations.

5. **Examine Rate Changes**
   If the base budget contains rate increases, such as built-in contract increases, these increases should be eliminated if possible.

6. **Change Funding Formulas**
   Funding allocation formulas to determine if changes can be implemented to improve the method and achieve cost savings.

7. **Use Federal American Recovery and Reinvestment Act (ARRA) funds**
   Budget any relevant federal Recovery funds. To the extent possible and allowed by federal regulations, use the funds for supplanting and for non-recurring needs. The Governor's budget uses some Recovery funds for expansions; some of these dollars can be used to supplant. Other dollars have not yet been budgeted at all.

8. **Finally, Consider Applicable Recommendations Found In Any of the Following:**
   - Reports issued by the General Assembly's Program Evaluation Division
   - Audits or studies, including reports mandated in S.L. 2007-323 and S.L. 2008-107;
   - Past Justification Reviews; prior- and current-year Continuation Reviews.

**Specific Line Items within Programs That Should be Justified by Agencies**

1. Direct appropriations and grants to nonprofit organizations
2. Contracted personal services
3. Miscellaneous contractual services
4. Rental/lease of equipment
5. Travel and other employee expense
6. Cellular phone services
7. Furniture and equipment replacement schedules
8. Discretionary grants
9. Directed grants
10. Loans
11. Other aids and grants
12. Any other programs and expenditures identified by the subcommittees as appropriate for review using a justification review approach.

# House Appropriations Schedule as of 4/14/09

## April

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | | | **1** Senate Meetings | **2** Senate Meetings | **3** Senate Meetings | **4** |
| **5** | **6** Senate Meetings | **7** Senate Meetings | **8** Senate Meetings PASSOVER BEGINS | **9** Senate Passes Bill | **10** HOLIDAY | **11** |
| **12** EASTER | **13** House Begins Work | **14** House Subcommittees Meet | **15** House Subcommittees Meet | **16** House Subcommittees Meet | **17** House Subcommittees Meet | **18** |
| **19** | **20** House Subcommittees - Reduction Options | **21** House Subcommittees - Reduction Options | **22** 8:30 AM: Joint Approps re: Prisons | **23** House Subcommittees - Reduction Options | **24** House Subcommittees -Reduction Options | **25** |
| **26** | **27** House Subcommittees - Reduction Options | **28** House Subcommittees Reduction Options | **29** House Subcommittees Reduction Options | **30** House Subcommittees Reduction Options | | |

2009

# House Appropriations Schedule as of 4/14/09

## May

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | | | | | **1** **House Subcommittees** -Reduction Options | **2** |
| **3** | **4** **House Subcommittees** -Receive Targets | **5** **House Subcommittees** | **6** **House Subcommittees** | **7** **House Subcommittees** | **8** **Subcommittees Complete Work** | **9** |
| **10** **MOTHER'S DAY** | **11** **House Subcommittees** -Report to Full Chairs | **12** **House Subcommittees** -Report to Full Chairs | **13** **House Subcommittees** -Report to Full Chairs | **14** **Subcommittees Vote** **CROSSOVER DEADLINE** | **15** **House Full Chairs Complete Work** | **16** |
| **17** | **18** | **19** | **20** | **21** | **22** **House Passes Bill** | **23** |
| **24** | **25** **MEMORIAL DAY** | **26** **Conferees Appointed** | **27** | **28** | **29** | **30** |
| **31** | **[CONFERENCE BEGINS JUNE 1ST]** | | | | | |

2009

# Justice and Public Safety ency Budget Proposals
## FY 2009-10

| Agency | FY 08-09 Authorized Budget | FY 2009-10 Governor's Recommended Continuation Budget | FY 2009-10 Governor's Recommended Adjustments* | *Truth-in-Budgeting & Negative Reserves Included in Adjustments | FY 2009-10 Governor's Recommended Budget | FY 2009-10 Senate Adjustments | FY 2009-10 Senate Budget | Compared to Governor's Request | Compared to Continuation Budget |
|---|---|---|---|---|---|---|---|---|---|
| Correction | 1,302,964,170 | 1,384,910,571 | (68,118,689) | (62,723,843) | 1,316,791,882 | (92,277,223) | 1,292,633,348 | -1.8% | -6.7% |
| Judicial-AOC | 479,836,267 | 497,649,235 | (26,521,302) | (23,722,809) | 471,127,933 | (27,181,764) | 470,467,471 | -0.1% | -5.5% |
| Judicial- OIDS | 118,137,192 | 133,881,190 | (10,165,174) | (1,980,237) | 123,716,016 | 1,052,874 | 134,934,064 | 9.1% | 0.8% |
| Justice | 97,789,288 | 100,441,147 | (6,153,476) | (4,404,978) | 94,287,671 | (8,338,435) | 92,102,712 | -2.3% | -8.3% |
| Juvenile Justice | 165,774,045 | 172,484,415 | (17,408,247) | (4,990,560) | 155,076,168 | (25,369,816) | 147,114,599 | -5.1% | -14.7% |
| Crime Control | 45,995,705 | 43,925,878 | (2,798,829) | (981,070) | 41,127,049 | (12,586,943) | 31,338,905 | -23.8% | -28.7% |
| **Total JPS** | **2,210,496,667** | **2,333,292,436** | **(131,165,717)** | **(98,803,497)** | **2,202,126,719** | **(164,701,307)** | **2,168,591,099** | **-1.5%** | **-7.1%** |

| | |
|---|---|
| **JPS SENATE TARGET (Revised 4/01/09):** | **2,131,735,039** |
| Target Compared to 2008-09 Authorized Budget: | **(78,761,628)** |
| Target Compared to FY09-10 Continuation Budget: | **(201,557,397)** |
| Target Compared to FY09-10 Governor's Budget: | **(70,391,680)** |

04/09/09

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**April 16, 2009 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen
Representative Jimmy Love, Presiding

## II. PRESENTATIONS

Opening Remarks by Chairs

Review of Senate JPS Budget: SB 202 Budget Provisions

*Fiscal Research Staff*

Discussion

*Subcommittee Chairs and Members*
*Agency Staff*

## III. OTHER BUSINESS.

## IV. Next meeting: Tuesday, April 21st at 8:30 a.m. and 2:00 p.m.

## V. ADJOURNMENT

MINUTES
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

APRIL 16, 2009
Room 415 Legislative Office Building
8:30 A.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Thursday, April 16, 2009 in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 8:30 a.m. The following House members were present. Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Moore, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, Danielle Seale, and Denise Thomas.

Representative Love recognized the pages: Victoria Hall of Alleghany County (Rep. Stevens); Forrest Cherry of Pitt County (Rep. McLawhorn), Conner Rosenow of Alamance County (Rep. Bordsen), and Drew Day of Person County (Rep. Wilkins). The Sergeants-at-Arms were Jerald Perry and Frank Premo.

**The Fiscal Research Division Staff** presented the Justice and Public Safety portion of Senate Bill 202 and explained the special provisions therein. The members of the Committee were provided a handout to follow along (Sections 6.2- 6.7 and Sections 15 – 19 of Senate Bill 202, Third Edition is attached as part of these minutes). Denise discussed the provisions of Section 15, the Judicial Department; Jean Sandaire reviewed Sections 16 and 17 and the Senate FY2009-11 Court Fee Proposals (attached as part of these minutes), Department of Justice and Department of Crime Control and Public Safety. John Poteat then gave an overview of Section 18, Department of Juvenile Justice and Delinquency Prevention and Doug Holbrook followed with a recap of Section 19, Department of Correction.

Doug Holbrook stated that in the Education Committee, Senate Education Appropriations Committee eliminated the tuition waiver for the community colleges for prisoners which amounts to $4.8 million. That is one of the most important programs that exists in the prisons. A lot of their treatment and training options come through the community colleges, and so the elimination of this waiver means that if the department needs to continue to provide vocational training and human resource development training, they will have to start paying the community college rate. This is very significant – the department is going to lose an extraordinary amount of programming flexibility.

Representative Bordsen wondered if that had any impact on the community colleges that provide the services.

Doug Holbrook responded that it would affect the community colleges – they would lose full-time equivalents for students in their formulas for how they operate. It's an overall savings to the system, but

it does hurt the local community colleges because they're not able to provide as many as services if they don't have as many FTE's and they would also lose employees who are currently tapped to work with the prisoners.

Following the presentations were questions by the committee. Following this will be agency responses followed by additional questions.

Representative Spear Page 141, line 14: At some point in time, the travel allowance had been determined to be part of the salary since it is taxed. Can we do this or is it a potential lawsuit if they so choose to challenge this?

Representative Love responded that he had checked with Gerry Cohen and that it is his understanding that it's not unconstitutional – that we can do it.

Denise Thomas added that it is not salary, but a travel allowance.

Representative Spear (follow-up) I just wanted to say that I don't support or oppose the provision, I just wanted to make sure it's included in the discussion. I'd like to hear the other side of the argument.

Doug Holbrook said that one of the details is that they do pay taxes on the $7,000.00, but it is not figured as part of judges' salaries for purposes of longevity or retirement.

Representative Bordsen stated that there has been an analogous situation at the universities when you have faculty members who draw part of their compensation from activities that generate fees and from that, their retirement and other benefits were calculated but then when those fees were removed, since it was identified as a separate category and not strictly salary, it was upheld when challenged. How rigorously it was challenged, Rep. Bordsen didn't know, but that was a large issue throughout the university system on types of compensation.

Representative Spear wondered, on page 150, Section 15.20, line 10, number 1 talks about the number of persons on a motorcycle- does the motorcycle designate how many people can be on it? He has never seen any statement to that effect.

Denise Thomas responded that that's the current statute and is actually the language in the current statute.

Representative Spear understood that but that language is triggering the charge and fees. How does an officer know how many people should be on the motorcycle?

Representative Love indicated that, since there was no one available to answer the question, Rep. Spear could work on that.

Representative Guice referred to page 161, line 60, and the reimbursement of the counties for housing under the crisis-kind of situation and wondered if the $40.00 per day had been reviewed in the last few years to determine if the amount would take care of the needs for a county housing an individual. That fee was set some time ago and wondered if it were current. He wants to make sure the county is taken care of. At some point, if someone could provide him the answer, he would appreciate it.

On page 164, under the CJP section, he wondered if the staff could check with the Sheriffs' Association and the County Commissioners' Association to determine their position on pretrial confinement and whether or not they use that piece before we designate that additional $3 million for that.

Doug Holbrook noted that they had worked closely with the County Commissioners' Association on this matter and they supported this because pretrial release allows them to get people out of the county jails. It's part of a larger strategy in that next year, looking at 2000 prison beds shortage, we probably are going to have to make use of jail backlogs, putting some out on pretrial release so there are more slots available to the Department of Correction at $40.00 per day. The County Commissioners strongly favored increasing the funding for pretrial release. He never heard from the Sheriffs' Association.

Representative Guice would like to have the staff check with the Sheriffs' Association because in the past in a couple of counties he was familiar with programs were developed and they were never utilized. There was some reluctance on the Sheriffs' departments to utilize them.

Doug Holbrook responded that the County Board can make the determination and the Sheriff and the County Commissioner are on the Board and they can determine whether they use the program. They can decide to use the larger pot of funds.

**Judge John W. Smith of the Administrative Office of the Courts** spoke on behalf of the Courts. He noted that they all understood the depth of the problems and will cooperate fully with the Committee. He brought to the Committee's attention and wanted to talk about the Academic Budget, the Travel Budget and the Management Reserve issue.

The Academic Services Budget, Item #6, of the previous day's (4/15) handout, took a cut of $307, 692.00. That is the contract AOC has with the School of Government, another agency of the government. The services they are providing for training are being cut, including the Conferences for the Clerks and DA's, mandatory new school for judges, magistrates, and clerks. This is the service affected by that cut. It will cause problems in providing essential services. It's important, especially in this day and time, to have judges and magistrates who know all the changes we're going through now.

The Travel Cuts, Item 4, is an $830,000 cut – it's actually a 14% cut in the travel budget. Over half of the travel budget is sending technicians to the counties to take care of the computer systems that the clerks are required to maintain to generate the data that goes to the Highway Patrol and the officer out on the street. It also includes the travel for the financial assistants who provide financial advice and doing monitoring with the clerks to help them keep the financial records. The clerks' management of the money is crucial to the State. Over half of the travel budget relates to that. Less than half goes to judicial travel. The Superior Court, $7,000 travel assistance: Item 14. Judges that are required to go on the circuit (that is constitutionally required) were producing reimbursement sheets that were substantial. This was at a time when the Legislature couldn't give a pay increase, so a compromise was reached. The judges gave up their per diem and were given $7,000. Often this does not cover the actual expenses. The judges are divided on this issue, some feel it's time to give it up. The default in the legislation if the travel allowance is struck is that per diems will begin again. It will be an additional cost as it's $100 per day if the Superior Court judge travels more than 50 miles from home. There is no cushion from which to provide this; it will have to come from management reserve.

The Management Reserve AOC had proposed cost increases of $40 million and a little over half were accepted. The Sex Offender fees suggested were not accepted. AOC came up with a plan so that cushion could be lessened. Looking at what needs to be cut means that there will have to be a number of vacancies beyond those already built up to manage that level of Management Reserve. Sex Offenders pay nothing for the most complex current management monitoring program in the country. AOC was going to make them pay a fee for drug testing which was one way to go to generate some funds so that the Courts could get through this.

Questions for Judge Smith followed.

Representative Guice asked Judge Smith to provide the Committee a copy of AOC's recommendations concerning the additional fees, not just the ones the Senate has accepted but all that you recommended.

Judge Smith agreed, but thought the Committee already had them, but said they would be provided.

Denise Thomas noted that the Senate accepted all but the highway fund and the sex offender fee which was not going to generate a lot of revenue and seemed to be complex to implement. What was accepted was the majority of the fees, around $36 million the first year and $43 million the second year.

Judge Smith stated that they did not get the credit for all of those fees.

Denise Thomas reminded everyone that as the agencies respond with what they can't live without in the budget that means that there must be corresponding cuts someplace else.

Judge Smith responded that that was the reason AOC was suggesting the fees as an alternative source. AOC is not trying to get someone else's money – that isn't their goal.

Representative Jackson wondered if there were other cuts AOC would rather see.

Judge Smith emphatically said no. We'll just have to make cuts – we'll manage that!

**Tom Maher, Director, Office of Indigent Defense Services,** addressed the issues in general. The vast majority of the money given by the taxpayers go directly to paying constitutionally and statutorily mandated services representation in Court – criminal cases and some civil cases. The first item is a reduction of various operating accounts which are all amounts which OIDS had suggested and have already begun implementing them. The Management Flexibility Reserves will largely be made up of PD allotments that are not spent paying Public Defenders. Generally, lapsed salaries or unspent allotments are applied to the PAC fund – private assigned counsel. The mandated reserve will affect OIDS' ability to pay for the PAC fund, which is where the extra money goes. The biggest issue for OIDS (#19) is the adjustment to the PAC Continuation Budget. There is a $7 million nonrecurring item. That amount was expected to cover the shortfall at the end of this year. The reversion of funds this year led to a greater than expected $2 million shortfall, probably about $7 million shortfall. OIDS expects that it will stop paying private counsel some time in late May. It is hoped that the $7 million nonrecurring funds will be able to catch OIDS up when paying private counsel. If true, then the funding by the Senate in the first year of the biennium should be enough. In the second year of the biennium, there is going to be a shortfall, but hopefully, the economy will be better. Items 17, 18, and 20 are payments made to other organizations that provide a variety of services that assist OIDS and the Courts. The recommendation is a 10% reduction in each case. There is actually more than a 10% reduction for Sentencing Services. They currently get a $200,000 nonrecurring payment in addition to their recurring budget. So, there is a 10% reduction of the recurring budget plus an elimination of the $200,000. Therefore, programs will have to be identified that will have to be eliminated or greatly reduced – likely, a blend of both. There will be a reduction in the ability of Sentencing Services to develop sentencing plans. There is no one else in a position to help judges identify defendants who are in the I-A range where the judge has the ability to either send to prison or to provide alternative punishment for to do these in-depth sentencing plans. Sentencing Services is an important program when dealing with reduced availability of prison beds, potential prison overcrowding. Prisoner's Legal Services has no fat and the reduction of 10% funding which will involve a reduction in their ability to provide legal services to inmates. This is the State's way of providing constitutionally required access to the Courts for inmates. As it is, they aren't able to provide all the services that should or could be provided, so there will be a reduction there. The Center for Death Penalty Litigation, which is a small amount of money, also provides important services and helps in managing capital cases and providing counsel. They can probably operate within the reduction.

Questions followed.

Representative Jackson wondered if the Governor-recommended cut of the Attorney Fee Coordinator was an OIDS recommendation.

Mr. Maher responded that it was one of the few positions that, while it had value, that we believed could be cut. One of the things we're looking at now is to what extent that really does pay for itself. There is some reason to believe that fees have become lower in Mecklenburg but to what extent that is due to this position is unclear. We hope to have that information within the next week or so and will certainly provide it to anybody who wants it.

Representative Goodwin wondered where, in SB 202, page141, Section 15.12, the funds would come from now that your budget is cut.

Mr. Maher responded that he understood that the OIDS was authorized to use money that would otherwise go to Private Fund Counsel and in essence, shift the caseload to public defenders offices. The most likely use, in the short term, would be to expand some existing public defenders' offices who, we believe, have the ability to handle cases more efficiently.

Representative Boles asked how many Sentencing Services programs are in the state.

Mr. Maher deferred to Susan Brooks, Director of Sentencing Services. Ms. Brooks stated that there were 27 programs overall, 18 nonprofits and 8 operated by counties.

Mr. Campbell of the Department of Justice noted that the department will work to minimize the impact to public safety operations and the core functions of the department. Regarding the Senate budget, the General Fund appropriations are reduced by 9% in each of the next two fiscal years. A key issue is the elimination of 33 key positions while at the same time having a reduction of $2.7 million in the Management Flexibility Reserve. The vacant positions have been kept open to try to meet the current reductions that the Governor has directed in this fiscal year. The elimination of the 33 positions will make it more difficult to meet the $2.7 million Management Flexibility Reserve.

There were no questions.

The meeting adjourned at 9:50 a.m.

Respectfully Submitted,

Representative Jimmy Love
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: SB 202, Third Edition, pages 12-14, 141-167
Senate FY2009-11 Court Fee Proposals

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Thursday, April 16, 2009
**TIME:** 8:30 am
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

**Review of Senate JPS Budget: Money Report**

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10:30 a.m.** o'clock on **April 15, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

## VISITOR REGISTRATION SHEET

4-16-09

Appropriations Subcommittee on Justice & Public Safety

**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Rex Whaley | AOC |
| John W Smith | AOC |
| Kirka Howell | AOC |
| Casandra White | AOC |
| Barbara Baker | NCDDC |
| Frank Rogers | NCDOC |
| Alvin Keller | NC DOC |
| J Langcuse | DOC |
| Tracy Little | NCDOC |
| Steve Shober | Pagan Spruill |
| Randy Rudisill | CCPS |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 4/16/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Doug Hoell | CCPS - Em |
| Darlene Langston | NC DOC |
| Donna Weston | Summit House |
| Bill Shelton | Summit House |
| Susan Brooks | IDS / Sentencing Services |
| Thomas Maher | IDS |
| Elisa Wolfe | IDS |
| Barbara Moore | Conf. of Clerks of Sp Ct. |
| Kim Crouch | NC Bar Association |
| Gary McLeod | NC AGO |
| Jon Williams | CCPS |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 4/16/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Danielle Carman | IDS |
| Cheryl Reed | OSBM |
| Mary P. Maud | NCPLS |
| Aaron Gallagher | OSBM |
| Peg Dorer | Conference of DAs |
| Roger Hutchings | CCPS - ALE |
| IWAN Clonts | CCPS - NCNG |
| Bill Chrowdh | CCPS - ALE |
| Wayne Hefner | CCPS - Butt Public Safety |
| Meenal Khajuria | NC Metro Mayors Coalition |
| Neil Woodcock | CCPS. LESS |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 4-16-09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Bennie Aiken | CCPS |
| Reuben Young | CCPS |
| Rhonda Rory | CCPS |
| Thomas G. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| David Jones | NC. Dept. of Juvenile Justice & Del. Prev. |
| Linda Hayes | DJJDP |
| Robin Jenkins | DJJDP |
| Keith Sutton | DJJDP |
| Teresa Price | DJJDP |
| Kathy Dudley | DJJDP |
| Linda Washington | DJJDP |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 4-16-09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| GRADY STEPHENSON | DEPT. JUVENILE JUSTICE + DELINQUENCY PREV. |
| MIKE RIEDER | DJJDP |
| Anthony Moore | NCDOC |
| Mildred Spearman | NCDOC |
| James French | NCDOC |
| EDDIE CALDWELL | NC Sheriffs' Assn. |
| Ian Mance | NCDOC |
| Lou Rubert | CYPC |
| | |
| | |
| | |

**SECTION 6.2.** Notwithstanding G.S. 143C-6-4, the Office of State Budget and Management may adjust the enacted budget by making transfers among purposes or programs for the purpose of consolidating budget and fund codes or eliminating inactive budget and fund codes. The Office of State Budget and Management shall change the authorized budget to reflect these adjustments.

**BUDGET REALIGNMENT**

**SECTION 6.3.** Notwithstanding G.S. 143C-6-4(b), the Office of State Budget and Management, in consultation with the Office of the State Controller and the Fiscal Research Division, may adjust the enacted budget by making transfers among purposes or programs for the sole purpose of correctly aligning authorized positions and associated operating costs with the appropriate purposes or programs as defined in G.S. 143C-1-1(d)(23). The Office of State Budget and Management shall change the certified budget to reflect these adjustments only after reporting the proposed adjustments to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division. Under no circumstances shall total General Fund expenditures for a State department exceed the amount appropriated to that department from the General Fund for the fiscal year.

**ESTABLISHING OR INCREASING FEES PURSUANT TO THIS ACT**

**SECTION 6.4.(a)** Notwithstanding G.S. 12-3.1, an agency is not required to consult with the Joint Legislative Commission on Governmental Operations prior to establishing or increasing a fee as authorized or anticipated in this act.

**SECTION 6.4.(b)** In establishing or increasing a fee as authorized or anticipated in this act, if adoption of a rule would otherwise be required under Article 2A of Chapter 150B of the General Statutes, an agency may adopt a temporary rule as this constitutes a "recent act of the General Assembly" under G.S. 150B-21.1(a)(2).

**AUTHORIZATION TO ESTABLISH RECEIPT SUPPORTED POSITIONS**

**SECTION 6.5.** Notwithstanding any other provision of law, a department, institution, or other agency of State government may establish receipt-supported positions authorized in this act upon approval by the Director of the Budget. The Director, if necessary, may establish a receipt-supported position pursuant to this section at an annual salary amount different from the salary amount set out in this act if (i) funds are available from the proposed funding source and (ii) the alternative salary amount remains within the established salary range grade identified for the job classification of the affected receipt-supported position established in this act. The Director shall not change the job classifications or increase the number of receipt-supported positions specified in this act without prior consultation with the Joint Legislative Commission on Governmental Operations.

**FISCAL CRISIS/FURLOUGH FLEXIBILITY**

Senate

**SECTION 6.6.(a)** Findings. – The General Assembly finds that:

(1) The extreme fiscal crisis affecting North Carolina's economy, the national economy, and global economic markets has substantially reduced the State's revenue projections for the 2009-2011 biennium.

(2) Economies in State expenditures and maximized efficiencies in State operations must be effected immediately and systematically in order to meet the compelling State interest of enacting a balanced budget in accordance with the State Constitution and to protect the interests of the people of North Carolina.

(3) Given the broad scope and depth of other budget reduction and efficiency measures required by this act, allowing voluntary furloughs and requiring

mandatory furloughs of public employees, when necessary, is a reasonable measure to avoid disruptive mass layoffs and the elimination of positions in public employment, to preserve the public health, safety, and welfare and to continue the effective administration of important governmental functions in the interest of the people of North Carolina.

**SECTION 6.6.(b)** To achieve savings identified in the management flexibility reserves established in this act, State agencies may:

(1) Reduce salary-related expenditures by (i) reductions in purchased services and contractual services, (ii) reductions in force, and (iii) with the approval of the Director of the Budget, implementation of furloughs in accordance with subsections (c) through (g) of this section; and

(2) Reduce non-salary expenditures such as purchases of supplies and equipment, maintenance expenses, rental and lease expenses, and any other allowable reductions in non-salary expenditures.

**SECTION 6.6.(c)** Definitions. – The following definitions apply in this section:

(1) Compensation. – Base rate of compensation, not including pay for shift premiums, overtime, or other types of extraordinary pay.

(2) Essential positions. – Any position deemed by the head of an agency to be necessary to perform the critical functions of that agency to protect the health or safety of the agency's employees, students, clients, or patients of the public agency or to protect the general public.

(3) Furlough. – A temporary period of leave from employment without pay.

(4) Nonessential positions. – Any position in a public agency that is not designated as essential positions by the head of that agency.

(5) Public employee. – Any person employed (i) in the executive, legislative, or judicial branch of State government, (ii) by The University of North Carolina, (iii) by the North Carolina Community College System, or (iv) by a local school administrative unit. The term includes public officers.

(6) Public agency. – Any State agency, department, or institution; and the executive, legislative, and judicial branches of State government; The University of North Carolina; the North Carolina Community College System; and local school administrative units.

**SECTION 6.6.(d)** Furlough Flexibility. – For the 2009-2010 and 2010-2011 fiscal years, public agencies have management flexibility to allow voluntary furloughs and to require mandatory furloughs of public employees to generate necessary economies and efficiencies in budgeting.

**SECTION 6.6.(e)** Compensation and Benefits. – A period of furlough shall only affect or reduce a public employee's base salary or compensation. A period of furlough shall not affect or diminish a public employee's continuous service, length of aggregate service, retirement service credits, anniversary date, eligibility for authorized holiday leave, longevity pay, or the accrual of vacation and sick leave. Periods of furlough shall be applied equitably to all essential and nonessential positions regardless of the funding source of the position. A furloughed public employee who is a member of:

(1) Any of the State-supported retirement plans administered by the Retirement Systems Division of the Department of the State Treasurer shall be considered in active service during any period of furlough and shall be entitled to all of the same benefits to which the employee was entitled on the workday immediately preceding the furlough. During a furlough period, the public agency shall pay both the employee and employer contributions to the Retirement Systems Division on behalf of the furloughed public employee as though that employee were in active service.

(2) The State Health Plan for Teachers and State Employees shall be considered eligible for coverage under the Plan on the same basis as on the workday immediately preceding the furlough. The employing public agency shall pay contributions on behalf of the furloughed employee as though the employee were in active service.

**SECTION 6.6.(f)** Policies. – The Office of State Budget and Management (OSBM) and the State Board of Education (SBE) shall each adopt policies necessary for the implementation of this section. The policies shall govern (i) the scheduling of furloughs, (ii) the amount of notice that must be given to a public employee prior to the effective date of a period of furlough, (iii) whether furloughs may be taken in increments of full days, (iv) the continued accrual of annual and sick leave, (v) treatment of part-time employees, and (vi) any other matter related to the implementation of this section. The OSBM and SBE shall provide maximum flexibility to public agencies and public employees in the scheduling of furlough days to provide public agencies the ability to effectively manage furloughs of employees employed in essential positions so as not to affect critical functions. The policies shall provide that a public employee whose normal workday exceeds eight hours per day will sustain the same proportionate reduction as a public employee who works eight hours per day. The Office of State Personnel shall provide technical assistance to OSBM, as requested, in developing a plan for the implementation of furloughs.

**SECTION 6.6.(g)** The OSBM and SBE shall adopt emergency rules for the implementation of this section in accordance with G.S. 150B-21.1A, except that notwithstanding G.S. 150B-21.1A(d) those emergency rules may remain in effect until the expiration of this subsection. This subsection expires June 30, 2011.

**SECTION 6.6.(h)** Subsection (b) of this section is effective July 1, 2009. The remainder of this section is effective when it becomes law.

**INFORMATION TECHNOLOGY OPERATIONS**

**SECTION 6.7.(a)** Office of Information Technology Services Budget. – Notwithstanding G.S. 147-33.88, the Office of Information Technology Services shall develop an annual budget for review and approval by the Office of State Budget and Management in accordance with a schedule prescribed by the Director of the Office of State Budget and Management. The approved Office of Information Technology Services budget shall be included in the Governor's budget recommendations to the General Assembly.

The Office of State Budget and Management shall ensure that State agencies have an opportunity to adjust their budgets based on any rate changes proposed by the Office of Information Technology Services.

**SECTION 6.7.(b)** Enterprise Projects. – The State Chief Information Officer shall consult the respective State agency chief information officers to identify specific State agency requirements prior to the initiation of any enterprise project. State agency requirements shall be incorporated into any enterprise agreement signed by the State Chief Information Officer. Enterprise projects shall not exceed the participating State agencies' ability to financially support the contracts.

The State Chief Information Officer shall not enter into any information technology contracts without obtaining written agreements from participating State agencies regarding apportionment of funding. State agencies agreeing to participate in a contract shall:

(1) Ensure that sufficient funds are budgeted to support their agreed shares of enterprise agreements throughout the life of the contract.

(2) Transfer the agreed-upon funds to the Office of Information Technology Services in sufficient time for the Office of Information Technology Services to meet contract requirements.

## PART XV. JUDICIAL DEPARTMENT

### TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

**SECTION 15.1.** Funds appropriated to the Judicial Department in the 2009-2011 fiscal 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.

### GRANT FUNDS

**SECTION 15.2.** Notwithstanding G.S. 143C-6-9, the Administrative Office of the Courts may use up to the sum of one million five hundred thousand dollars ($1,500,000) from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

### DEATH PENALTY LITIGATION FUNDS

**SECTION 15.3.** Of the funds appropriated in this act to the Office of Indigent Defense Services for the 2009-2011 fiscal biennium, the Office may use up to the sum of five hundred thirty-one thousand dollars ($531,000) for the 2009-2010 fiscal year and up to the sum of five hundred thirty-one thousand dollars ($531,000) for the 2010-2011 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, of each year in the biennium, to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the activities funded by this section.

### REPORT ON BUSINESS COURTS

**SECTION 15.4.** The Administrative Office of the Courts 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 March 1 of each year on the activities of each North Carolina Business Court site, including the number of new, closed, and pending cases, average age of pending cases, and annual expenditures for the prior fiscal year.

### COLLECTION OF WORTHLESS CHECK FUNDS

**SECTION 15.5.** 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, 2009, for the purchase or repair of office or information technology equipment during the 2009-2010 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 House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the equipment to be purchased or repaired and the reasons for the purchases.

### DISPUTE RESOLUTION FEES

**SECTION 15.6.** Notwithstanding the provisions of G.S. 143C-1-2(b), certification and renewal fees collected by the Dispute Resolution Commission are nonreverting and are only to be used at the direction of the Commission.

**REIMBURSEMENT FOR USE OF PERSONAL VEHICLES**

**SECTION 15.7.** Notwithstanding the provisions of G.S. 138-6(a)(1), the Judicial Department, during the 2009-2011 fiscal biennium, may elect to establish a per-mile reimbursement rate for transportation by privately owned vehicles at a rate less than the business standard mileage rate set by the Internal Revenue Service.

**GUIDELINES FOR MAXIMIZING EFFICIENCY OF PROCEEDINGS**

**SECTION 15.9.** By December 1, 2009, the Administrative Office of the Courts shall develop guidelines to be applied to maximize efficient use of the time of probation officers and court personnel participating in probation revocation proceedings. The Administrative Office of the Courts may also adopt guidelines for maximizing the efficient use of the time of law enforcement personnel participating in the Criminal District Courts.

**ELIMINATE SPECIAL ALLOWANCE FOR SUPERIOR COURT JUDGES**

**SECTION 15.10.** 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), provided that no travel allowance be paid for travel within his 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,~~ travel, for travel and subsistence expenses incurred for professional education."

**CLARIFY THAT DWI TREATMENT COURTS ARE A TYPE OF DRUG TREATMENT COURT UNDER THE DRUG TREATMENT COURT ACT**

**SECTION 15.11.** G.S. 7A-791 reads as rewritten:

"**§ 7A-791. Purpose.**

The General Assembly recognizes that a critical need exists in this State for judicial programs that will reduce the incidence of alcohol and other drug abuse or dependence and crimes, including the offense of driving while impaired, delinquent acts, and child abuse and neglect committed as a result of alcohol and other drug abuse or dependence, and child abuse and neglect where alcohol and other drug abuse or dependence are significant factors in the child abuse and neglect. It is the intent of the General Assembly by this Article to create a program to facilitate the creation of local drug treatment court ~~programs.~~ programs and driving while impaired (DWI) treatment court programs."

**OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS**

**SECTION 15.12.** The Judicial Department, Office of Indigent Defense Services, may use up to the sum of two million five hundred one thousand one hundred fifty dollars ($2,501,150) in appropriated funds during the 2009-2010 fiscal year and up to the sum of two million four hundred thirty-three thousand seven hundred dollars ($2,433,700) in appropriated funds during the 2010-2011 fiscal year for the expansion of existing or new public defender offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services by creating up to 20 new attorney positions and 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 of Representatives and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion.

**OFFICE OF INDIGENT DEFENSE SERVICES REPORT**

**SECTION 15.13.(a)** The Office of Indigent Defense Services 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 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, including any recommendations concerning the feasibility and desirability of establishing regional public defender offices.

**SECTION 15.13.(b)** In its March 1, 2010 report, the Office of Indigent Defense Services shall provide a progress report on the pilot program for alternative scheduling authorized by Section 14.1 of S.L. 2008-107. In its March 1, 2011 report, the Office of Indigent Defense Services shall provide a final report on that pilot program.

**SECTION 15.13.(c)** In its March 1, 2010 report, the Office of Indigent Defense Services shall provide a progress report on the feasibility study directed by Section 14.7 of S.L. 2008-107 on developing a statewide system for obtaining indigent case information when counsel is first appointed. In its March 1, 2011 report, the Office of Indigent Defense Services shall provide a final report on that feasibility study.

**INDIGENT DEFENSE SERVICES/STATE MATCH FOR GRANTS**

**SECTION 15.14.** Notwithstanding G.S. 143C-6-9, the Office of Indigent Defense Services may use the sum of up to fifty thousand dollars ($50,000) from funds available to provide the State matching funds needed to receive grant funds. ~~Prior~~ to using funds for this purpose, the Office shall report to the Chairs of the House of Representatives and Senate 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 FLEXIBILITY**

**SECTION 15.15.** Notwithstanding the provisions of G.S. 143C-6-9, in implementing reductions to the 2009-2011 budget for legal training and resources, the Office of Indigent Defense Services may use available funds as needed for registration fees, academic services, travel, and book purchases.

**SENTENCING SERVICES FLEXIBILITY**

**SECTION 15.16.** In implementing the reduction to Sentencing Services' budget, the Director of the Office of Indigent Defense Services may close programs in certain districts in the State based on current and historical performance, local support and interest, the amount of funding to be saved, and other relevant factors. The Director may choose not to contract with certain nonprofit programs or to eliminate certain State-funded programs and associated positions.

**STUDY STRATEGIES TO REDUCE DEMAND FOR SERVICES OF OFFICE OF INDIGENT DEFENSE SERVICES**

**SECTION 15.17.** The Office of Indigent Defense Services shall consult with the Administrative Office of the Courts, the Conference of District Attorneys, the North Carolina Sentencing and Policy Advisory Commission, and other court system actors in formulating proposals aimed at reducing future costs, including the possibility of decriminalizing minor misdemeanor offenses for which jail sentences are rarely or never imposed and improving the manner in which potentially capital cases are screened and processed. The Office shall include any proposals in its reports during the 2009-2011 fiscal biennium.

**NEW FEE FOR COSTS OF SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION AND THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

**SECTION 15.18.** G.S. 7A-304 is amended by adding a new subsection to read:

"(3b) For the services, staffing, and operations of the Criminal Justice Education and Standards Commission and the Sheriffs' Education and Training Standards Commission, the sum of two dollars ($2.00) to be remitted to the Department of Justice. One dollar and sixty-five cents ($1.65) of this sum shall be used exclusively for the Criminal Justice Education and Standards Commission, and thirty-five cents (35¢) shall be used exclusively for the Sheriffs' Education and Training Standards Commission."

**INCREASE CONVICTED CRIMINAL LAB ANALYSIS FEE**

**SECTION 15.19.(a)** G.S. 7A-304(a)(7) reads as rewritten:

"(7) For the services of the State Bureau of Investigation laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of ~~three hundred dollars ($300.00)~~six hundred dollars ($600.00) to be remitted to the Department of Justice for support of the State Bureau of Investigation. This cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed DNA analysis of the crime, tests of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction."

**SECTION 15.19.(b)** G.S. 7A-304(a)(8) reads as rewritten:

"(8) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of ~~three hundred dollars ($300.00)~~ six hundred dollars ($600.00) to be remitted to the general fund of the local governmental unit that operates the laboratory to be used for law enforcement purposes. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed DNA analysis of the crime, test of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The costs shall be assessed only if the court finds that the work performed at the local government's laboratory is the equivalent of the same kind of work performed by the State Bureau of Investigation under subdivision (7) of this subsection. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction."

**INCREASE CERTAIN COURT FEES**

**SECTION 15.20.(a)** G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

(1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of five dollars ($5.00), to be remitted to the county wherein the arrest was made or process was served, except that in those cases in which the arrest was made or process served by a law-enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.

(2) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in the district court, including cases before a magistrate, and the sum of thirty dollars ($30.00) in superior court, to be remitted to the county in which the judgment is rendered. In all cases where the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used exclusively by the county or municipality for providing, maintaining, and constructing adequate courtroom and related judicial facilities, including: adequate space and furniture for judges, district attorneys, public defenders and other personnel of the Office of Indigent Defense Services, magistrates, juries, and other court related personnel; office space, furniture and vaults for the clerk; jail and juvenile detention facilities; free parking for jurors; and a law library (including books) if one has heretofore been established or if the governing body hereafter decides to establish one. In the event the funds derived from the facilities fees exceed what is needed for these purposes, the county or municipality may, with the approval of the Administrative Officer of the Courts as to the amount, use any or all of the excess to retire outstanding indebtedness incurred in the construction of the facilities, or to reimburse the county or municipality for funds expended in constructing or renovating the facilities (without incurring any indebtedness) within a period of two years before or after the date a district court is established in such county, or to supplement the operations of the General Court of Justice in the county.

(2a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~one dollar ($1.00),~~ three dollars ($3.00), to be credited to the Court Information Technology Fund.

(3) For the retirement and insurance benefits of both State and local government law-enforcement officers, the sum of six dollars and twenty-five cents ($6.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum shall be administered as is provided in Article 12C of Chapter 143 of the General Statutes. Five dollars and seventy-five cents ($5.75) of this sum shall be administered as is provided in Article 12E of Chapter 143 of the General Statutes, with one dollar and twenty-five cents ($1.25) being administered in accordance with the provisions of G.S. 143-166.50(e).

(3a) For the supplemental pension benefits of sheriffs, the sum of one dollar twenty-five cents ($1.25) to be remitted to the Department of Justice and administered under the provisions of Article 12G of Chapter 143 of the General Statutes.

(4) For support of the General Court of Justice, the sum of ~~ninety-five dollars and fifty cents ($95.50)~~ one hundred three dollars and fifty cents ($103.50) in the district court, including cases before a magistrate, and the sum of ~~one hundred two dollars and fifty cents ($102.50)~~ one hundred fifteen dollars and fifty cents ($115.50) 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 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.

(4a) For support of the General Court of Justice, the sum of five dollars ($5.00) for all offenses arising under Chapter 20 of the General Statutes, to be remitted to the State Treasurer.

(5) For using pretrial release services, the district or superior court judge shall, upon conviction, impose a fee of fifteen dollars ($15.00) to be remitted to the county providing the pretrial release services. This cost shall be assessed and collected only if the defendant had been accepted and released to the supervision of the agency providing the pretrial release services.

(6) For support of the General Court of Justice, the sum of ~~one hundred dollars ($100.00)~~ two hundred dollars ($200.00) is payable by a defendant who fails to appear to answer the charge as scheduled, unless within 20 days after the scheduled appearance, the person either appears in court to answer the charge or disposes of the charge pursuant to G.S. 7A-146. Upon a showing to the court that the defendant failed to appear because of an error or omission of a judicial official, a prosecutor, or a law-enforcement officer, the court shall waive this fee. This fee shall be remitted to the State Treasurer.

(7) For the services of the State Bureau of Investigation laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars ($300.00) to be remitted to the Department of Justice for support of the State Bureau of Investigation. This cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed DNA analysis of the crime, tests of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction.

(8) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars ($300.00) to be remitted to the general fund of the local governmental unit that operates the laboratory to be used for law enforcement purposes. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed DNA analysis of the crime, test of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The costs shall be assessed only if the court finds that the work

performed at the local government's laboratory is the equivalent of the same kind of work performed by the State Bureau of Investigation under subdivision (7) of this subsection. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction."

**SECTION 15.20.(b)** Effective July 1, 2010, G.S. 7A-304(a), as rewritten by subsection (a) of this section, reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

(1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of five dollars ($5.00), to be remitted to the county wherein the arrest was made or process was served, except that in those cases in which the arrest was made or process served by a law-enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.

(2) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in the district court, including cases before a magistrate, and the sum of thirty dollars ($30.00) in superior court, to be remitted to the county in which the judgment is rendered. In all cases where the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used exclusively by the county or municipality for providing, maintaining, and constructing adequate courtroom and related judicial facilities, including: adequate space and furniture for judges, district attorneys, public defenders and other personnel of the Office of Indigent Defense Services, magistrates, juries, and other court related personnel; office space, furniture and vaults for the clerk; jail and juvenile detention facilities; free parking for jurors; and a law library (including books) if one has heretofore been established or if the governing body hereafter decides to establish one. In the event the funds derived from the facilities fees exceed what is needed for these purposes, the county or municipality may, with the approval of the Administrative Officer of the Courts as to the amount, use any or all of the excess to retire outstanding indebtedness incurred in the construction of the facilities, or to reimburse the county or municipality for funds expended in constructing or renovating the facilities (without incurring any indebtedness) within a period of two years before or after the date a district court is established in such county, or to supplement the operations of the General Court of Justice in the county.

(2a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~three dollars ($3.00),~~ four dollars ($4.00), to be credited to the Court Information Technology Fund.

(3) For the retirement and insurance benefits of both State and local government law-enforcement officers, the sum of six dollars and twenty-five cents ($6.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum shall be administered as is provided in Article 12C of Chapter 143 of the General Statutes. Five dollars and seventy-five cents ($5.75) of this sum shall be administered as is provided in Article 12E of Chapter 143 of the

General Statutes, with one dollar and twenty-five cents ($1.25) being administered in accordance with the provisions of G.S. 143-166.50(e).

(3a) For the supplemental pension benefits of sheriffs, the sum of one dollar twenty-five cents ($1.25) to be remitted to the Department of Justice and administered under the provisions of Article 12G of Chapter 143 of the General Statutes.

(4) For support of the General Court of Justice, the sum of ~~one hundred three dollars and fifty cents ($103.50)~~ one hundred five dollars and fifty cents ($105.50) in the district court, including cases before a magistrate, and the sum of ~~one hundred fifteen dollars and fifty cents ($115.50)~~ one hundred thirty-five dollars and fifty cents ($135.50) 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 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.

(4a) For support of the General Court of Justice, the sum of ~~five dollars ($5.00)~~ ten dollars ($10.00) for all offenses arising under Chapter 20 of the General Statutes, to be remitted to the State Treasurer.

(5) For using pretrial release services, the district or superior court judge shall, upon conviction, impose a fee of fifteen dollars ($15.00) to be remitted to the county providing the pretrial release services. This cost shall be assessed and collected only if the defendant had been accepted and released to the supervision of the agency providing the pretrial release services.

(6) For support of the General Court of Justice, the sum of two hundred dollars ($200.00) is payable by a defendant who fails to appear to answer the charge as scheduled, unless within 20 days after the scheduled appearance, the person either appears in court to answer the charge or disposes of the charge pursuant to G.S. 7A-146. Upon a showing to the court that the defendant failed to appear because of an error or omission of a judicial official, a prosecutor, or a law-enforcement officer, the court shall waive this fee. This fee shall be remitted to the State Treasurer.

(7) For the services of the State Bureau of Investigation laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars ($300.00) to be remitted to the Department of Justice for support of the State Bureau of Investigation. This cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed DNA analysis of the crime, tests of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction.

(8) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars ($300.00) to be remitted to the general fund of the local governmental unit that operates the laboratory to be used for law

enforcement purposes. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed DNA analysis of the crime, test of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The costs shall be assessed only if the court finds that the work performed at the local government's laboratory is the equivalent of the same kind of work performed by the State Bureau of Investigation under subdivision (7) of this subsection. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction."

**SECTION 15.20.(c)** G.S. 7A-304 is amended by adding a new subsection to read:

"(f) Defendants owing costs under this section may either make payment in full when costs are assessed or may make payment on an installment plan arranged with the court. Defendants making use of an installment plan shall pay a onetime setup fee of twenty dollars ($20.00) to cover the additional costs to the court of receiving and disbursing installment payments. Notwithstanding the provisions of G.S. 7A-304(d)(1), the setup fee authorized by this subsection shall be paid prior to the disbursement of funds for any other purpose. Fees collected under this section shall be remitted to the State Treasurer for support of the General Court of Justice."

**SECTION 15.20.(d)** G.S. 7A-305(a) reads as rewritten:

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

(1) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in cases heard before a magistrate, and the sum of sixteen dollars ($16.00) in district and superior court, to be remitted to the county in which the judgment is rendered, except that in all cases in which the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.

(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~one dollar ($1.00),~~ three dollars ($3.00), to be credited to the Court Information Technology Fund.

(2) For support of the General Court of Justice, the sum of ~~ninety-three dollars ($93.00)~~ one hundred thirty dollars ($130.00) 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 ~~seventy-three dollars ($73.00)~~ seventy-eight dollars ($78.00) in the district court except that if the case is assigned to a magistrate the sum shall be ~~sixty-three dollars ($63.00).~~ fifty-five dollars ($55.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of 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 15.20.(e)** Effective July 1, 2010, G.S. 7A-305(a), as rewritten by subsection (d) of this section, reads as rewritten:

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

(1) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in cases heard before a magistrate, and the sum of sixteen dollars ($16.00) in district and superior court, to be remitted to the county in which the judgment is rendered, except that in all cases in which the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.

(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~three dollars ($3.00),~~ four dollars ($4.00), to be credited to the Court Information Technology Fund.

(2) For support of the General Court of Justice, the sum of ~~one hundred thirty dollars ($130.00)~~ one hundred forty dollars ($140.00) 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 ~~seventy-eight dollars ($78.00)~~ eighty dollars ($80.00) in the district court except that if the case is assigned to a magistrate the sum shall be fifty-five dollars ($55.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of 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 15.20.(f)** G.S. 7A-306(a)(1a) reads as rewritten:

"(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~one dollar ($1.00),~~ three dollars ($3.00), to be credited to the Court Information Technology Fund."

**SECTION 15.20.(g)** Effective July 1, 2010, G.S. 7A-306(a)(1a), as amended by subsection (f) of this section, reads as rewritten:

"(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~three dollars ($3.00),~~ four dollars ($4.00), to be credited to the Court Information Technology Fund."

**SECTION 15.20.(h)** G.S. 7A-307(a)(1a) reads as rewritten:

"(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~one dollar ($1.00),~~ three dollars ($3.00), to be credited to the Court Information Technology Fund."

**SECTION 15.20.(i)** Effective July 1, 2010, G.S. 7A-307(a)(1a), as amended by subsection (h) of this section, reads as rewritten:

"(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~three dollars ($3.00),~~ four dollars ($4.00), to be credited to the Court Information Technology Fund."

**SECTION 15.20.(j)** G.S. 20-135.2A(e) reads as rewritten:

"(e) Any driver or front seat passenger who fails to wear a seat belt as required by this section shall have committed an infraction and shall pay a penalty of twenty-five dollars ($25.00) plus the following court ~~costs in the sum of seventy-five dollars ($75.00).~~ costs: the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone facilities fee provided for in G.S. 7A-304(a)(2a), and the law enforcement training and certification fee

provided for in G.S. 7A-304(a)(3b). Any rear seat occupant of a vehicle who fails to wear a seat belt as required by this section shall have committed an infraction and shall pay a penalty of ten dollars ($10.00) and no court costs. Court costs assessed under this section are for the support of the General Court of Justice and shall be remitted to the State Treasurer. Conviction of an infraction under this section has no other consequence."

**SECTION 15.20.(k)** G.S. 20-140.4 reads as rewritten:

"**§ 20-140.4. Special provisions for motorcycles and mopeds.**

(a) No person shall operate a motorcycle or moped upon a highway or public vehicular area:

(1) When the number of persons upon such motorcycle or moped, including the operator, shall exceed the number of persons which it was designed to carry.

(2) Unless the operator and all passengers thereon wear on their heads, with a retention strap properly secured, safety helmets of a type that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218.

(b) Violation of any provision of this section shall not be considered negligence per se or contributory negligence per se in any civil action.

(c) Any person convicted of violating this section shall have committed an infraction and shall ~~be fined according to G.S. 20-135.2A(e) and (f).~~ pay a penalty of twenty-five dollars ($25.00) plus the following court costs: the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone facilities fee provided for in G.S. 7A-304(a)(2a), and the law enforcement training and certification fee provided for in G.S. 7A-304(a)(3b). Conviction of an infraction under this section has no other consequence.

(d) No drivers license points or insurance surcharge shall be assessed on account of violation of this section."

**SECTION 15.20.(l)** Subsections (a), (j), and (k) of this section become effective July 1, 2009, and apply to all costs assessed or collected on or after that date, except that in misdemeanor or infraction cases disposed of on or after that date by written appearance, waiver of trial or hearing, and plea of guilt or admission of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2), in which the citation or other criminal process was issued before that date, the cost shall be the lesser of those specified in G.S. 7A-304(a), as amended by subsection (a) of this section, or those specified in the notice portion of the defendant's or respondent's copy of the citation or other criminal process, if any costs are specified in that notice.

Subsection (b) of this section becomes effective July 1, 2010, and applies to all costs assessed or collected on or after that date, except that in misdemeanor or infraction cases disposed of on or after that date by written appearance, waiver of trial or hearing, and plea of guilt or admission of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2), in which the citation or other criminal process was issued before that date, the cost shall be the lesser of those specified in G.S. 7A-304(a), as amended by subsection (b) of this section, or those specified in the notice portion of the defendant's or respondent's copy of the citation or other criminal process, if any costs are specified in that notice.

Subsections (e), (g), and (i) of this section become effective July 1, 2010, and apply to fees assessed or collected on or after that date. The remainder of this section becomes effective July 1, 2009, and applies to fees assessed or collected on or after that date.

## PART XVI. DEPARTMENT OF JUSTICE

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

BP

**SECTION 16.1.** 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.

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

**SECTION 16.2.(a)** Assets transferred to the Departments of Justice, Correction, and Crime Control and Public Safety during the 2009-2011 fiscal 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 16.2.(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 16.2.(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.

**CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS**

**SECTION 16.3.** 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.

**NC LEGAL EDUCATION ASSISTANCE FOUNDATION REPORT ON FUNDS DISBURSED**

**SECTION 16.4.** The North Carolina Legal Education Assistance Foundation shall report by March 1 of each year to the Joint Legislative Commission on Governmental Operations and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety 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.

**HIRING OF SWORN STAFF POSITIONS FOR THE STATE BUREAU OF INVESTIGATION**

**SECTION 16.5.** The Department of Justice may hire sworn personnel to fill vacant positions in the State Bureau of Investigation only in the following circumstances: (i) the position's regular responsibilities involve warrant executions, property searches, criminal investigations, or arrest activities that are consistent in frequency with the responsibilities of other sworn agents; (ii) the position is a promotion for a sworn agent who was employed at the State Bureau of Investigation prior to July 1, 2007; (iii) the position is a forensic drug chemist position which requires "responding to clandestine methamphetamine laboratories" as a primary duty; (iv) the position is a forensic impressions analyst position which requires "responding to clandestine methamphetamine laboratories" as a primary duty; or (v) the position primarily involves supervising sworn personnel.

**REDUCE DEPARTMENT SHARE OF PAYMENT FOR JUDGMENTS AGAINST COUNTY AND CITY BOARDS OF EDUCATION**

**SECTION 16.6.(a)** G.S. 143-300.1(c) reads as rewritten:

"(c) In the event ~~that~~ of settlement pursuant to G.S. 143-295 or in the event the Industrial Commission awards damages against any county or city board of education under this section, the Attorney General shall draw a voucher for the amount required to pay the award. The funds necessary to cover ~~the first one hundred fifty thousand dollars ($150,000) of liability per claim~~ the liability for claims against county and city boards of education for accidents involving school buses and school transportation service vehicles shall be made available from funds appropriated to the State Board of ~~Education. The balance of any liability owed shall be paid in accordance with G.S. 143-299.4.~~ Education for that purpose. On January 1 and June 1 of each year, each county and city board of education shall pay the State Board of Education an amount equal to fifty percent (50%) of the damages paid by the State Board of Education pursuant to this subsection during the preceding six months. These receipts shall be used to offset fifty percent (50%) of the costs incurred by the State Board of Education pursuant to this subsection. Neither the county or city boards of education, or the county or city administrative unit shall be liable for the payment of any award made pursuant to the provisions of this section in excess of the amount paid upon a voucher by the Attorney General. Settlement and payment may be made by the Attorney General as provided in G.S. 143-295."

**SECTION 16.6.(b)** G.S. 143-300.1(d) reads as rewritten:

"(d) Except as otherwise provided in this subsection, the Attorney General may, upon the request of an employee or former employee, defend any civil action brought against the driver, transportation safety assistant, or monitor of a public school bus or school transportation service vehicle or school bus maintenance mechanic when the driver or mechanic is employed and paid by the local school administrative unit, when the monitor is acting in accordance with G.S. 115C-245(d), when the transportation safety assistant is acting in accordance with G.S. 115C-245(e), or when the driver is an unpaid school bus driver trainee under the supervision of an authorized employee of the Department of Transportation, Division of Motor Vehicles, or an authorized employee of a county or city board of education or administrative unit. The Attorney General may afford this defense through the use of a member of his staff or, in his discretion, employ private counsel. The Attorney General is authorized to pay any judgment rendered in the civil action not to exceed the limit provided under the Tort Claims Act. The funds necessary to cover ~~the first one hundred fifty thousand dollars ($150,000) of liability per claim~~the liability shall be made available from funds appropriated to the State Board of ~~Education. The balance of any liability owed shall be paid in accordance with G.S. 143-299.4.~~ Education for that purpose. On January 1 and June 1 of each year, each county and city board of education shall pay the State Board of Education an amount equal to fifty percent (50%) of the damages paid by the State Board of Education pursuant to this subsection during the preceding six months. These receipts shall be used to offset fifty percent (50%) of the costs incurred by the State Board of Education pursuant to this subsection. The Attorney General may compromise and settle any claim covered by this section to the extent that he finds the same to be valid, up to the limit provided in the Tort Claims Act, provided that the authority granted in this subsection shall be limited to only those claims that would be within the jurisdiction of the Industrial Commission under the Tort Claims Act.

The Attorney General shall refuse to provide for the defense of a civil action or proceeding brought against an employee or former employee if the Attorney General determines that:

(1) The act or omission was not within the scope and course of his employment as a State employee; or

(2) The employee or former employee acted or failed to act because of actual fraud, corruption, or actual malice on his part; or

(3) Defense of the action or proceeding by the State would create a conflict of interest between the State and the employee or former employee; or

(4) Defense of the action or proceeding would not be in the best interests of the State."

**SECTION 16.6.(c)** This section becomes effective July 1, 2010.

## PART XVII. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

### REPORT ON THE USE OF ILLEGAL IMMIGRATION PROJECT FUNDS

**SECTION 17.1.** No later than March 1, 2010, the North Carolina Sheriffs' Association, Inc., shall submit a report to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the operations and effectiveness of the Illegal Immigration Project. The report shall include all of the following:

(1) An overview of the program.

(2) The program budget.

(3) A summary of work done with funds received, which shall include the following information:

a. The total number of law enforcement agencies that received funding from the program for officer training.

b. The total number of officers trained.

c. The total number of training sessions administered.

d. Copies of educational/informational materials distributed.

(4) Recommendations on ways that federal, State, and local resources can be used to further improve the effectiveness of the Illegal Immigration Project and other immigration enforcement initiatives.

### ABOLISH BUTNER PUBLIC SAFETY DIVISION

**SECTION 17.2.(a)** G.S. 122C-408 is repealed.

**SECTION 17.2.(b)** Beginning on the effective date of this act, the Town of Butner shall provide fire and police protection within its incorporated limits. The service required by this section shall be at least the same level of service that the Town of Butner was previously provided pursuant to contract with the Department of Crime Control and Public Safety.

**SECTION 17.2.(c)** The Charter of the Town of Butner, as enacted by Section 1 of S.L. 2007-269, is amended by adding a new Article to read:

"ARTICLE IX. POLICE DEPARTMENT.

"Section 9.1. **Appointment; Powers; and Duties of Chief of Police and Police Officers.**

(a) Chief. The Mayor shall appoint the Chief of Police. The Chief of Police shall have immediate direction and control of the Police Department, subject to the supervision of the Mayor, and to such rules, regulations, and orders as the Mayor may prescribe.

(b) General Powers. The Chief of Police and each member of the police force shall have, for the purpose of enforcing Town ordinances and regulations, or preserving the peace of the Town, and of suppressing disturbances, and apprehending offenders, the powers of peace officers vested in sheriffs and constables.

(c) Public Peace. The Chief of Police and other police officers of the Town shall have the power, and it shall be their duty, to suppress all breaches of the public peace, and all disturbances of the quiet and good order of the Town, and they may, with or without warrant, arrest, anywhere within the corporate limits of the Town, or within one mile thereof, any person charged with the violation of any ordinance of the Town, or with any other offense whatsoever against the public peace, and the quiet and good order of the community.

(d) Other Duties. In addition to the foregoing, the Chief of Police and other police officers shall perform such other duties as may from time to time be prescribed by the Mayor not inconsistent with the Constitution and laws of the State of North Carolina and the provisions of this Charter.

"Section 9.2. **Police Emergency Lines.** The Chief of Police or other police officer in charge at the scene of a parade, accident, disturbance, crime scene, natural or artificial disaster, or emergency, or any large gathering of people shall have authority to provide barricades, ropes, signs, or other means of restraint, and it shall be unlawful for any person other than a law enforcement officer, firefighter, or other person having official business at the scene to cross such a line without express permission of the police officer at the scene."

**SECTION 17.2.(d)** The Charter of the Town of Butner, as enacted by Section 1 of S.L. 2007-269, is amended by adding a new Article to read:

"ARTICLE X. FIRE DEPARTMENT.

"Section 10.1. **Appointment; Powers; and Duties of Fire Chief.**

(a) Appointment; General Authority. The Mayor shall appoint a Fire Chief. The Fire Chief shall have immediate direction and control of the Fire Department, subject to the supervision of the Mayor and to such rules, regulations, and orders as the Mayor may prescribe.

(b) Destroying Property at Fires. The Fire Chief, and in the Fire Chief's absence, any assistant, may order the blowing up, tearing down, or other destruction of any building when it is deemed necessary to stop the progress of a fire. No person shall be held liable, civilly or criminally, for acting in obedience to their orders, nor shall the Fire Chief or any assistant, the Town, the Mayor, or the Town Council be held liable, civilly or criminally, for the giving of such orders or for damages to property ordered destroyed.

(c) Fire, etc., Emergency Lines. The Chief of Police or other police officer, or the Fire Chief or any assistant, in charge at the scene of a fire, accident, disturbance, natural or artificial disaster or emergency, or any large gathering of people shall have authority to provide barricades, ropes, signs, or other means of restraint, and it shall be unlawful for any person other than a law enforcement officer, firefighter, or other person having official business at the scene to cross such a line without express permission of the person in charge at the scene.

(d) Other Duties. The Fire Chief and other firefighters shall perform such other duties in addition to those provided in this Charter as may be prescribed by law or Town ordinances, or that may from time to time be prescribed by the Mayor."

**SECTION 17.2.(e)** G.S. 122C-414 is repealed.

**SECTION 17.2.(f)** G.S. 143-341(8)i.3. reads as rewritten:

"3. To require on a schedule determined by the Department all State agencies to transfer ownership, custody or control of any or all passenger motor vehicles within the ownership, custody or control of that agency to the Department, except those motor vehicles under the ownership, custody or control of the Highway Patrol or the State Bureau of Investigation which are used primarily for law-enforcement ~~purposes, and except those motor vehicles under the ownership, custody or control of the Department of Crime Control and Public Safety for Butner Public Safety which are used primarily for law-enforcement, fire, or emergency~~ purposes."

**SECTION 17.2.(g)** G.S. 160A-288(d)(4) is repealed.

**SECTION 17.2.(h)** G.S. 160A-288.2(d)(3) is repealed.

**SECTION 17.2.(i)** Subsections 1(a) and 1(b) of Chapter 830 of the 1983 Session Laws, as amended by Section 43.3 of S.L. 2005-276 and Section 14 of S.L. 2007-269, are repealed.

**SECTION 17.2.(j)** Subsection (i) of this section shall have no effect upon the validity of any liens of the State, Durham County, Granville County, or the Butner Police and Fire Protection District for ad valorem taxes outstanding before the effective date of subsection (i) of this section. Such liens may be collected or foreclosed upon after the effective date of subsection (i) of this section as though the property were still within the corporate limits of the District.

**TRANSFER OF STATE CAPITOL POLICE TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**

**SECTION 17.3.(a)** The State Capitol Police is hereby transferred by a Type I transfer, as defined in G.S. 143A-6, from the Department of Administration to the Department of Crime Control and Public Safety.

**SECTION 17.3.(b)** G.S. 143-340(21) and (22) are repealed.

**SECTION 17.3.(c)** G.S. 143-341.1 is repealed.

**SECTION 17.3.(d)** G.S. 143B-475(a) reads as rewritten:

"(a) All functions, powers, duties and obligations heretofore vested in the following subunits of the following departments are hereby transferred to and vested in the Department of Crime Control and Public Safety:

(1) The National Guard, Department of Military and Veterans ~~Affairs;~~Affairs.
(2) Civil Preparedness, Department of Military and Veterans ~~Affairs;~~Affairs.
(3) State Civil Air Patrol, Department of Military and Veterans ~~Affairs;~~Affairs.
(4) State Highway Patrol, Department of ~~Transportation;~~Transportation.
(5) State Board of Alcoholic Control Enforcement Division, Department of ~~Commerce;~~Commerce.
(6) Governor's Crime Commission, Department of Natural and Economic ~~Resources;~~Resources.
(7) Crime Control Division, Department of Natural and Economic ~~Resources;~~Resources.
(8) Criminal Justice Information System Board, Department of Natural and Economic ~~Resources; and~~Resources.
(9) Criminal Justice Information System Security and Privacy Board, Department of Natural and Economic Resources.
(10) The Commercial Vehicle, Oversize/Overweight, Motor Carrier Safety Regulation and Mobile Home and Manufactured Housing regulatory and enforcement functions of the Department of Transportation, Division of Motor Vehicles Enforcement Section.
(11) State Capitol Police, Department of Administration."

**SECTION 17.3.(e)** G.S. 143B-476(a) reads as rewritten:

"(a) The head of the Department of Crime Control and Public Safety is the Secretary of Crime Control and Public Safety, who shall be known as the Secretary. The Secretary shall have such powers and duties as are conferred on him by this Chapter, delegated to him by the Governor, and conferred on him by the Constitution and laws of this State. These powers and duties include:

(1) Accepting gifts, bequests, devises, grants, matching funds and other considerations from private or governmental sources for use in promoting the work of the Governor's Crime ~~Commission;~~Commission.
(2) Making grants for use in pursuing the objectives of the Governor's Crime ~~Commission;~~Commission.
(3) Adopting rules as may be required by the federal government for federal grants-in-aid for criminal justice purposes and to implement and carry out the regulatory and enforcement duties assigned to the Department of Crime

Control and Public Safety as provided by the various commercial vehicle, oversize/overweight, motor carrier safety, motor fuel, and mobile and manufactured home statutes.

(4) Ascertaining the State's duties concerning grants to the State by the Law Enforcement Assistance Administration of the United States Department of Justice, and developing and administering a plan to ensure that the State fulfills its ~~duties; and~~duties.

(5) Administering the Assistance Program for Victims of Rape and Sex Offenses.

(6) Appointing, with the Governor's approval, a special police officer to serve as Director of the State Capitol Police Division."

**SECTION 17.3.(f)** Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 7. State Capitol Police Division.

"**§ 143B-508. State Capitol Police Division – powers and duties.**

(a) Division Established. – There is hereby established, within the Department of Crime Control and Public Safety, the State Capitol Police Division, which shall be organized and staffed in accordance with applicable laws and regulations and within the limits of authorized appropriations.

(b) Purpose. – The State Capitol Police Division shall serve as a special police agency of the Department of Crime Control and Public Safety. The Director of the State Capitol Police, appointed by the Secretary pursuant to G.S. 143B-476(6), with the approval of the Governor, may appoint as special police officers such reliable persons as he may deem necessary.

(c) Appointment of Officers. – Special police officers appointed pursuant to this section may not exercise the power of arrest until they shall take an oath, to be administered by any person authorized to administer oaths, as required by law.

(d) Jurisdiction of Officers. – Each special police officer of the State Capitol Police shall have the same power of arrest as the police officers of the City of Raleigh. Such authority may be exercised within the same territorial jurisdiction as exercised by the police officers of the City of Raleigh, and in addition thereto the authority of a deputy sheriff may be exercised on property owned, leased, or maintained by the State located in the County of Wake.

(f) Public Safety. – The Director of the State Capitol Police, or the Director's designee, shall exercise at all times those means that, in the opinion of the Director or the designee, may be effective in protecting all State buildings and grounds, except for the State legislative buildings and grounds as defined in G.S. 120-32.1(d), and the persons within those buildings and grounds from fire, bombs, bomb threats, or any other emergency or potentially hazardous conditions, including both the ordering and control of the evacuation of those buildings and grounds. The Director, or the Director's designee, may employ the assistance of other available law enforcement agencies and emergency agencies to aid and assist in evacuations of those buildings and grounds."

**STUDY CONSOLIDATION OF LAW ENFORCEMENT AGENCIES**

**SECTION 17.4.** The Office of State Budget and Management shall study the feasibility of consolidating the law enforcement agencies in the executive branch of State government for the purpose of coordinating the activities of these agencies, and reducing duplication and overlapping of law enforcement responsibilities, training, and technical assistance among State law enforcement agencies. The Office of State Budget and Management shall report its findings and recommendations by February 1, 2010, to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

**LAW ENFORCEMENT SUPPORT SERVICES FEES**

**SECTION 17.5.** Article 11 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-475.2. Fees for services.**

A fee in the amount set by the Department is imposed on the entities listed in this section. The fees are departmental receipts and are applied to the Department's costs in providing services to these entities. The fees apply to the following:

(1) A local law enforcement agency that receives equipment from the Department, whether by transfer, loan, or procurement under an agreement with the United States Department of Defense.

(2) A person for whom the Department stores evidence."

**INCREASE CHARITABLE BINGO LICENSING FEE**

**SECTION 17.6.** G.S. 14-309.7(a) reads as rewritten:

"(a) An exempt organization may not operate a bingo game at a location without a license. Application for a bingo license shall be made to the Department of Crime Control and Public Safety on a form prescribed by the Department. The Department shall charge an annual application fee of ~~one hundred dollars ($100.00)~~two hundred dollars ($200.00) to defray the cost of issuing bingo licenses and handling bingo audit reports. The fees collected shall be deposited in the General Fund of the State. This license shall expire one year after the granting of the license. This license may be renewed yearly, if the applicant pays the application fee and files an audit with the Department pursuant to G.S. 14-309.11. A copy of the application and license shall be furnished to the local law-enforcement agency in the county or municipality in which the licensee intends to operate before bingo is conducted by the licensee."

**INCREASE FEES FOR LICENSING BOXERS AND FOR TICKETS SOLD AT BOXING EVENTS**

**SECTION 17.7.(a)** G.S. 143-655(a) reads as rewritten:

"(a) License Fees. – The Division shall collect the following license fees:

| | |
|---|---|
| Announcer | $75.00 |
| Contestant | ~~$37.50~~$50.00 |
| Judge | $75.00 |
| Manager | $150.00 |
| Matchmaker | $300.00 |
| Promoter | $450.00 |
| Referee | $75.00 |
| Timekeeper | $75.00 |
| Second | ~~$37.50.~~$50.00." |

**SECTION 17.7.(b)** G.S. 143-655(b1) reads as rewritten:

"(b1) Admission Fees. – The Division shall collect a fee in the amount of ~~one dollar and fifty cents ($1.50)~~ two dollars ($2.00) per each ticket sold to attend events regulated in this Article."

**PART XVIII. DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

Revised BP

**ANNUAL EVALUATION OF COMMUNITY PROGRAMS**

**SECTION 18.1.** The Department of Juvenile Justice and Delinquency Prevention shall conduct an evaluation of the Eckerd and Camp Woodson wilderness camp programs and of multipurpose group homes.

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 also shall identify whether the programs are achieving the goals and objectives of the Juvenile Justice Reform Act, S.L. 1998-202. The Department shall report the results of the evaluation to 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 Subcommittees on Justice and Public Safety of the Senate and House of Representatives Appropriations Committees by March 1 of each year.

**REPORTS ON CERTAIN PROGRAMS**

**SECTION 18.2.(a)** Project Challenge North Carolina, Inc., shall report to the Department of Juvenile Justice and Delinquency Prevention and 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 18.2.(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.

**STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS**

**SECTION 18.3.** Funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for the 2009-2010 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 2009-2010 fiscal year, the amount of funds anticipated for the 2009-2010 fiscal year, and the allocation of funds by program and purpose.

**TREATMENT STAFFING MODEL AT YOUTH DEVELOPMENT CENTERS**

**SECTION 18.4.** The Department shall implement the staffing treatment model presented to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee as part of the Department's November 14, 2006, report regarding the joint use with the Department of Correction of the Swannanoa Youth Development Center campus.

The staffing levels of the new youth development centers shall be capped at 66 staff for a 32-bed facility and 198 staff for the 96-bed facility for the 2009-2011 fiscal biennium. Staffing ratios shall be no more than 2.1 staff per every juvenile committed at every other existing youth development center.

**ESTABLISHMENT OF A GANG PREVENTION AND INTERVENTION PILOT PROGRAM**

GOV

**SECTION 18.5.(a)** As part of the Governor's Comprehensive Gang Initiative, the Department of Juvenile Justice and Delinquency Prevention shall establish a two-year Gang Prevention and Intervention Pilot Program that will focus on youth at risk for gang involvement and those who are already associated with gangs and gang activity. The Department of Juvenile Justice and Delinquency Prevention shall:

(1) Ensure that measurable performance indicators and systems are put in place to evaluate the effectiveness of the pilot program, and

(2) Conduct both process- and outcome-focused evaluations of the pilot program to determine community and institutional impacts of the pilot program pertaining to gang behavior, desistance, and activities. These evaluations may consider the degree of successful implementation of the program and measurable changes in gang-related and gang-affiliated behaviors noted in institutional, court system, communities, and related programs.

**SECTION 18.5.(b)** 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 Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the implementation and continuing operation of the pilot program by April 1 each year. The report shall include information on the number of juveniles served and an evaluation of the effectiveness of the pilot program. In addition, the report shall include the information set out in subsection (a) of this section.

**ELIMINATE SUPPORT OUR STUDENTS PROGRAM**

GOV

**SECTION 18.6.** Part 5A of Article 3 of Chapter 143B of the General Statutes is repealed.

**JUVENILE CRIME PREVENTION COUNCIL (JCPC) GRANT REPORTING AND CERTIFICATION**

**SECTION 18.7.** On or before October 1 of 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, including:

BP

(1) The amount of the grant awarded.

(2) The membership of the local committee or council administering the award funds on the local level.

(3) The type of program funded.

(4) A short description of the local services, programs, or projects that will receive funds.

(5) Identification of any programs that received grant funds at one time but for which funding has been eliminated by the Department.

(6) The number of at-risk, diverted, and adjudicated juveniles served by each county.

(7) The Department's actions to ensure that county JCPCs prioritize funding for dispositions of intermediate and community-level sanctions for court-adjudicated juveniles under minimum standards adopted by the Department.

(8) The total cost for each funded program, including the cost per juvenile and the essential elements of the program.

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.

## PART XIX. DEPARTMENT OF CORRECTION

### INMATE ROAD SQUADS AND LITTER CREWS

**SECTION 19.1.** Of the funds appropriated to the Department of Transportation in this act, the sum of eleven million three hundred thousand dollars ($11,300,000) per year shall be transferred by the Department to the Department of Correction during the 2009-2010 and 2010-2011 fiscal years for the cost of operating medium custody inmate road squads, as authorized by G.S. 148-26.5, and minimum custody inmate litter crews. This transfer shall be made quarterly in the amount of two million eight hundred twenty-five thousand dollars ($2,825,000). The Department of Transportation may use funds appropriated in this act to pay an additional amount exceeding the eleven million three hundred thousand dollars ($11,300,000), 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.

The Office of State Budget and Management shall conduct a study, in consultation with the Department of Correction and the Department of Transportation, to determine the actual cost and cost/benefit of operating medium custody road squads and minimum custody litter crews. The Office of State Budget and Management shall report the results of this study to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and to the Joint Legislative Transportation Oversight Committee by March 1, 2010. The study shall include a recommendation on whether or not the amount transferred from the Department of Transportation to the Department of Correction for this work is adequate.

### FEDERAL GRANT REPORTING

**SECTION 19.2.** 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 House of Representatives and Senate Appropriations Committees, and the Chairs of the House of Representatives and Senate 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.

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

**SECTION 19.3.** Notwithstanding G.S. 143C-6-9, the Department of Correction may use funds available to the Department for the 2009-2011 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 House of Representatives and Senate Appropriations Committees, and the Chairs of the House of Representatives and Senate 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.

**USE OF CLOSED PRISON FACILITIES**

**SECTION 19.4.(a)** 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 and federal 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 also shall 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.

**SECTION 19.4.(b)** The Department of Correction shall study the feasibility of establishing probation revocation centers at closed prison facilities. The Department shall consult with counties to explore cost-sharing of these facilities. The Department shall report its findings to the Chairs of the Appropriations Subcommittees on Justice and Public Safety by February 1, 2010.

**LIMIT USE OF OPERATIONAL FUNDS**

**SECTION 19.5.** 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 that the Department may establish critical positions prior to 120 days of completion representing no more than twenty percent (20%) of the total estimated number of positions.

**CENTER FOR COMMUNITY TRANSITIONS/CONTRACT AND REPORT**

Revised BP

**SECTION 19.6.** The Department of Correction may continue to contract with The Center for Community Transitions, Inc., a nonprofit corporation, for the purchase of prison beds for minimum security female inmates during the 2009-2011 biennium. The Center for Community Transitions, 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.

**INMATE MEDICAL COSTS**

BP

**SECTION 19.7.** Notwithstanding the provisions of G.S. 143C-6-9, the Department of Correction may use funds available during the 2009-2011 biennium for the inmate medical program if expenditures are projected to exceed the Department's inmate medical continuation budget. The Department shall consult with the Joint Legislative Commission on Governmental Operations prior to exceeding the continuation budget amount.

**PAROLE ELIGIBILITY REPORT/MUTUAL AGREEMENT PAROLE PROGRAM/MEDICAL RELEASE PROGRAM**

Revised BP

**SECTION 19.8.(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 inmate who is eligible for parole on or before July 1, 2010, 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 19.8.(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 19.8.(c)** The Post-Release Supervision and Parole Commission shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and 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, 2010. 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 on the number of parole-eligible inmates reconsidered in compliance with this section and the number who were actually paroled.

**SECTION 19.8.(d)** The Department of Correction and the Post-Release Supervision and Parole Commission shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the number of inmates enrolled in the mutual agreement parole program, the number completing the program and being paroled, and the number who enrolled but were terminated from the program. The information should be based on the previous calendar year.

**SECTION 19.8.(e)** The Department of Correction and the Post-Release Supervision and Parole Commission shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the number of inmates proposed for release, considered for release, and granted release under Chapter 84B of Chapter 15A of the General Statutes, providing for the medical release of inmates who are either permanently and totally disabled, terminally ill, or geriatric.

**FEDERAL GRANT MATCHING FUNDS**

**SECTION 19.9.** Notwithstanding the provisions of G.S. 143C-6-9, the Department of Correction may use up to the sum of one million two hundred thousand dollars ($1,200,000) during the 2009-2010 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 House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

**REPORTS ON NONPROFIT PROGRAMS**

**SECTION 19.10.(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 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 19.10.(b)** Summit House shall report by February 1 of each year 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 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 19.10.(c)** Women at Risk shall report by February 1 of each year 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 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 19.10.(d)** Our Children's Place shall report by February 1 of each year 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.

**CRIMINAL JUSTICE PARTNERSHIP**

**SECTION 19.11.(a)** G.S. 143B-273.4 reads as rewritten:

"**§ 143B-273.4. Eligible population.**

(a) An eligible offender is an adult offender who ~~was convicted of a misdemeanor or a felony offense~~ 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 offenders~~ be:

(1) Offenders sentenced to intermediate ~~punishments.~~ punishments; and

(2) Offenders who are appropriate for release from jail prior to trial under the supervision of a pretrial monitoring program."

**SECTION 19.11.(b)** Notwithstanding any other provision of law, a county may use funds appropriated pursuant to the Criminal Justice Partnership Act, Article 6A of Chapter 143B of the General Statutes, to provide more than one community-based corrections program.

**SECTION 19.11.(c)** Effective July 1, 2009, the Department of Correction shall recalculate the county allocation funding formula mandated under G.S. 143B-273.15 using updated data.

**SECTION 19.11.(d)** 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 19.11.(e)** 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 19.11.(f)** The Department of Correction shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Committees, the House of Representatives and Senate 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;

(7) A review of whether each sentenced offender program is meeting established program goals developed by the Division of Community Corrections in consultation with the Division of Research and Planning and the State Criminal Justice Partnership Advisory Board;

(8) The number of community offenders and intermediate offenders served by each county program;

(9) The amount of Criminal Justice Partnership funds spent on community offenders and intermediate offenders; and

(10) A short description of the services and programs provided by each partnership, including who the service providers are and the amount of funds each service provider receives.

**REPORT ON PROBATION AND PAROLE CASELOADS**

Revised BP

**SECTION 19.12.(a)** The Department of Correction shall report by March 1 of each year to the chairs of the House of Representatives and Senate 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 and district averages for probation/parole officer positions;

(2) Data on current span of control for chief probation officers;

(3) An analysis of the optimal caseloads for these officer classifications;

(4) An assessment of the role of surveillance officers;

(5) The number and role of paraprofessionals in supervising low-risk caseloads;

(6) 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 and 2008;

(7) The process of assigning offenders to an appropriate supervision level based on a risk assessment and an examination of other existing resources for assessment and case planning, including the Sentencing Services Program in the Office of Indigent Defense Services and the range of screening and assessment services provided by the Division of Mental Health, Developmental Disability, and Substance Abuse Services in the Department of Health and Human Services; and

(8) Data on cases supervised solely for the collection of court-ordered payments.

**SECTION 19.12.(b)** The Department of Correction shall conduct a study of probation/parole officer workload. 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 19.12.(c)** The Department of Correction shall report the results of the study and recommendations for any adjustments to caseload goals to the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by January 1, 2011.

**SECTION 19.12.(d)** The Department of Correction shall report by March 1 of each year to the Chairs of the House and Senate Appropriations Committees, the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the following:

(1) The number of sex offenders enrolled on active and passive GPS monitoring.

(2) The caseloads of probation officers assigned to GPS-monitored sex offenders.

(3) The number of violations.

(4) The number of absconders.

(5) The projected number of offenders to be enrolled by the end of the 2009-2010 fiscal year and the end of the 2010-2011 fiscal year.

(6) The total cost of the program, including a per-offender cost.

**REPORT ON INMATE WELFARE AND CORRECTION ENTERPRISES**

**SECTION 19.13.** The Department of Correction, in consultation with the Office of State Budget and Management, shall study the feasibility of budgeting positions currently funded from the Inmate Welfare Fund and the Correction Enterprise Fund from the General Fund instead. The Department shall report its findings by April 1, 2010, to the chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

**PRE-SENTENCE INVESTIGATIONS FEASIBILITY STUDY**

**SECTION 19.14.** The Office of Research and Planning of the Department of Correction shall conduct a feasibility study of conducting pre-sentence investigations on all offenders convicted of felonies for which the sentencing judge has the option of intermediate or active punishments. This feasibility study shall be conducted as a pilot implementation,

incorporating a variety of districts across the State reflecting both rural and urban settings, as well as diversity of programming available within the district.

The Office of Research and Planning shall report the results of its study by May 1, 2010, to the Chairs of the House of Representatives and Senate Appropriations Committees, the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

**STUDY INCARCERATED MOTHERS PROGRAM**

**SECTION 19.15.(a)** Our Children's Place, Inc., a nonprofit corporation, shall submit to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by October 1, 2009, a comprehensive plan for the implementation of a contractual program to house incarcerated women with their children. This plan shall include criteria for placement, minimum standards for custody and security, and projections of costs for implementation, including presumptive funding sources and memoranda of intent from affected agencies.

**SECTION 19.15.(b)** The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee shall make recommendations to the 2010 Session of the 2009 General Assembly concerning the establishment of a program to house incarcerated women with their children. These recommendations shall address legal issues related to the custody of the children while in the program.

## PART XX. GENERAL GOVERNMENT

**GENERAL GOVERNMENT AGENCIES REPORT ALLOCATION OF DEPARTMENTWIDE REDUCTIONS**

**SECTION 20.1.** No later than September 1, 2009, the following State agencies shall identify the allocation of departmentwide expenditure reductions for the 2009-2011 fiscal biennium and shall report the allocation of reductions to the Joint Legislative Commission on Governmental Operations, the Appropriations Subcommittees on General Government of the Senate and the House of Representatives, and the Fiscal Research Division:

(1) Administration.
(2) Auditor.
(3) Cultural Resources, including the allocation of 6.4% reduction to historic sites, maritime museums, and history museums.
(4) Cultural Resources – Roanoke Island Commission.
(5) General Assembly.
(6) Governor.
(7) Insurance.
(8) Lieutenant Governor.
(9) Administrative Hearings.
(10) Revenue.
(11) State Board of Elections.
(12) State Budget and Management.
(13) State Controller.
(14) Treasurer.

## PART XXA. DEPARTMENT OF ADMINISTRATION

**NC GREEN BUSINESS FUND/FUNDS**

# SENATE FY2009-11 COURT FEE PROPOSALS

| | Current | Proposed | |
|---|---|---|---|
| | FY 2008-09 | FY 2009-10 | FY2010-11 |
| **Criminal Fees** | | | |
| **District Court Criminal** | **120.00** | **133.00** | **136.00** |
| *General Court of Justice (GF)* | *95.50* | *103.50* | *105.50* |
| County Facilities Fees | 12.00 | 12.00 | 12.00 |
| Service Fees | 5.00 | 5.00 | 5.00 |
| LEO Retirement Benefits | 7.50 | 7.50 | 7.50 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |
| **Seat Belt Violation** | **100.00** | **133.50** | **136.50** |
| *General Court of Justice* | *75.00* | *103.50* | *105.50* |
| Fine | 25.00 | 25.00 | 25.00 |
| County Facilities Fees | n/a | n/a | n/a |
| Service Fees | n/a | n/a | n/a |
| LEO Retirement Benefits | n/a | n/a | n/a |
| *Telephone/Court Technology* | *n/a* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |
| **Motorcyle/Moped Helmet Violations** | ***100.00*** | **133.50** | **136.50** |
| *General Court of Justice* | *75.00* | *103.50* | *105.50* |
| Fine | 25.00 | 25.00 | 25.00 |
| County Facilities Fees | n/a | n/a | n/a |
| Service Fees | n/a | n/a | n/a |
| LEO Retirement Benefits | n/a | n/a | n/a |
| *Telephone/Court Technology* | *n/a* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |
| **Superior Court Criminal** | **146.00** | **163.00** | **184.00** |
| *General Court of Justice* | *102.50* | *115.50* | *135.50* |
| Facilities Fees | 30.00 | 30.00 | 30.00 |
| Service Fees | 5.00 | 5.00 | 5.00 |
| LEO Retirement Benefits | 7.50 | 7.50 | 7.50 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |

# SENATE FY2009-11 COURT FEE PROPOSALS

| | Current | Proposed | |
|---|---|---|---|
| | FY 2008-09 | FY 2009-10 | FY2010-11 |
| *Failure to Appear* | *100.00* | *200.00* | *200.00* |
| *Violations of G.S. Chapter 20 (traffic)* | *n/a* | *5.00* | *10.00* |
| **OFFENDER FEES** | | | |
| **Probation Supervision (monthly)** | 30.00 | | |
| **Community Service** | 200.00 | | |
| **Electronic Monitoring** | 90.00 | | |
| *SBI Lab Fee* | *300.00* | *600.00* | *600.00* |
| *Local Government Crime Lab Fee* | *300.00* | *600.00* | *600.00* |
| **Family Court Supervision Fee (monthly)** | 30.00 | | |
| *Offender Installment Plan Setup Fee* | *n/a* | *20.00* | *20.00* |
| **CIVIL FEES** | | | |
| **Superior Court - Civil** | **125.00** | **164.00** | **175.00** |
| *General Court of Justice Fees* | *93.00* | 130.00 | 140.00 |
| Facilities Fees | 16.00 | 16.00 | 16.00 |
| Service Fees | 15.00 | 15.00 | 15.00 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |
| **District Court** | **105.00** | **112.00** | **115.00** |
| *General Court of Justice Fees* | *73.00* | *78.00* | *80.00* |
| Facilities Fee | 16.00 | 16.00 | 16.00 |
| Service Fee, per item | 15.00 | 15.00 | 15.00 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |
| **Magistrate--Civil** | **91.00** | **85.00** | **86.00** |
| *General Court of Justice Fees* | *63.00* | *55.00* | *55.00* |
| Facilities Fees | 12.00 | 12.00 | 12.00 |
| Service Fees | 15.00 | 15.00 | 15.00 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |

# SENATE FY2009-11 COURT FEE PROPOSALS

| | Current | Proposed | |
|---|---|---|---|
| | FY 2008-09 | FY 2009-10 | FY2010-11 |
| **Criminal Fees** | | | |
| **District Court Criminal** | 120.00 | 133.00 | 136.00 |
| *General Court of Justice (GF)* | *95.50* | *103.50* | *105.50* |
| County Facilities Fees | 12.00 | 12.00 | 12.00 |
| Service Fees | 5.00 | 5.00 | 5.00 |
| LEO Retirement Benefits | 7.50 | 7.50 | 7.50 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |
| **Seat Belt Violation** | 100.00 | 133.50 | 136.50 |
| *General Court of Justice* | *75.00* | *103.50* | *105.50* |
| Fine | 25.00 | 25.00 | 25.00 |
| County Facilities Fees | n/a | n/a | n/a |
| Service Fees | n/a | n/a | n/a |
| LEO Retirement Benefits | n/a | n/a | n/a |
| *Telephone/Court Technology* | *n/a* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |
| **Motorcyle/Moped Helmet Violations** | *100.00* | 133.50 | 136.50 |
| *General Court of Justice* | *75.00* | *103.50* | *105.50* |
| Fine | 25.00 | 25.00 | 25.00 |
| County Facilities Fees | n/a | n/a | n/a |
| Service Fees | n/a | n/a | n/a |
| LEO Retirement Benefits | n/a | n/a | n/a |
| *Telephone/Court Technology* | *n/a* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |
| **Superior Court Criminal** | 146.00 | 163.00 | 184.00 |
| *General Court of Justice* | *102.50* | *115.50* | *135.50* |
| Facilities Fees | 30.00 | 30.00 | 30.00 |
| Service Fees | 5.00 | 5.00 | 5.00 |
| LEO Retirement Benefits | 7.50 | 7.50 | 7.50 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |

# SENATE FY2009-11 COURT FEE PROPOSALS

| | Current | Proposed | |
|---|---|---|---|
| | FY 2008-09 | FY 2009-10 | FY2010-11 |
| *Failure to Appear* | *100.00* | *200.00* | *200.00* |
| *Violations of G.S. Chapter 20 (traffic)* | *n/a* | *5.00* | *10.00* |
| **OFFENDER FEES** | | | |
| **Probation Supervision (monthly)** | 30.00 | | |
| **Community Service** | 200.00 | | |
| **Electronic Monitoring** | 90.00 | | |
| *SBI Lab Fee* | *300.00* | *600.00* | *600.00* |
| *Local Government Crime Lab Fee* | *300.00* | *600.00* | *600.00* |
| **Family Court Supervision Fee (monthly)** | 30.00 | | |
| *Offender Installment Plan Setup Fee* | *n/a* | *20.00* | *20.00* |
| **CIVIL FEES** | | | |
| **Superior Court - Civil** | **125.00** | **164.00** | **175.00** |
| *General Court of Justice Fees* | *93.00* | **130.00** | **140.00** |
| Facilities Fees | 16.00 | 16.00 | 16.00 |
| Service Fees | 15.00 | 15.00 | 15.00 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |
| **District Court** | **105.00** | **112.00** | **115.00** |
| *General Court of Justice Fees* | *73.00* | *78.00* | *80.00* |
| Facilities Fee | 16.00 | 16.00 | 16.00 |
| Service Fee, per item | 15.00 | 15.00 | 15.00 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |
| **Magistrate--Civil** | **91.00** | **85.00** | **86.00** |
| *General Court of Justice Fees* | *63.00* | *55.00* | *55.00* |
| Facilities Fees | 12.00 | 12.00 | 12.00 |
| Service Fees | 15.00 | 15.00 | 15.00 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

April 21, 2009

The House Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Tuesday, April 21, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Sutton, Vice-Chair Representative Warren, Representative Boles, Representative Goodwin, Representative Guice, Representative Hurley, Representative Justus, Representative Mobley, Representative Randleman and Representative Stevens. Denise Thomas, Doug Holbrook, John Poteat, Jean Sandaire, and Danielle Seale of Fiscal Research were also in attendance. A visitor registration sheet is attached and made part of these minutes.

Representative Bordsen called the meeting to order and recognized Pages and Sergeants-at-Arms. She briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Bordsen recognized Linda Hayes, Secretary of the Department of Juvenile Justice and Delinquency Prevention for her response to the Senate Budget. Secretary Hayes' remarks are included and made part of these minutes.

Secretary Hayes highlighted the most critical problems in the Senate budget and the difficulties the Department would face, if the House included similar provisions in its budget. She noted that the Department had already made changes when she came on as Secretary, including hiring of critical positions. She informed the Subcommittee that closing Dobbs and Samarkand Youth Development Centers by September 1, 2009 is not physically or fiscally possible at this time. Consequences of doing so would be for the Department to refuse commitments to YDCs, which would be against state law, or let out habitual youthful offenders early, which would compromise public safety. She emphasized the Department's willingness to work cooperatively with the Subcommittee and asked for their help to make cuts in a fashion that the Department would be able to carry out. Such cuts in the Senate budget are not feasible.

The Chair opened the meeting for questions.

Representative Justus was recognized. She inquired as to how many of the 107 positions being cut were currently filled.

Linda Washington, Human Resource Director for DJJDP was recognized. She noted that roughly 40-50 positions were currently filled, but she would get the exact number to the Subcommittee as soon as possible.

Representative Justus was recognized for a follow up. She inquired if the Secretary had any proposals different from the Senate for reducing the budget.

Secretary Hayes responded that the Subcommittee was well aware that the Department had never been fully funded since its creation. She had no extra dollars to cut. The Department had offered everything it had to cut in the Governor's budget. She noted that the old facilities do need to be closed but closing them by September 1 is impossible.

Representative Mobley was recognized. She asked, if the Department could not close the facilities by September 1, when could they be closed?

Secretary Hayes responded that when Chatham and Edgecomb were built, they were given staff. In the other facilities, in order to make the transition, the staff needs to be re-trained. What would help is one year to close Samarkand and two years to close Dobbs. This would still create a hardship in terms of staffing and training, but she is confident they can get it done with a longer timeline. She also noted that the Department will be unable to meet the recidivism numbers, as provided by the Sentencing Commission, without a fifth facility, which was eliminated from the Senate budget as well.

Representative Sutton was recognized for comment. He stated that if every Department came forward and said they had made all the cuts they could make, the General Assembly would be forced to make cuts blindly. If the Department says it has offered up everything, that kind of statement and position does not help the work of the Subcommittee.

Robin Jenkins, Chief Operator for DJJDP was recognized. He noted that the Department had internal discussion regarding the timeline of closure for Dobbs and Samarkand. Because the Senate eliminated beds for Rockingham, the timeline has become more difficult. They are committed to phasing out the old facilities, but need the time to do so.

The Chair recognized Secretary Ruben Young from the Department of Crime Control and Public Safety for the Department's reaction to the Senate's budget.

Secretary Young thanked the Subcommittee for the opportunity to address some issues the Senate budget

Secretary Young thanked the Subcommittee for the opportunity to present the Governor's recommendations. He began by informing the Subcommittee of the reductions in the proposed budget. He noted that the Boxing Authority positions will be receipt-supported positions, not as it was reflected in the document which showed Boxing Commission positions would be receipt supported. He noted that salaries for Highway Patrol would be reduced by 7% and the step increases for troopers would be frozen.

The Secretary then noted the expansion items recommended by the Governor. Those included funds awarded through the Governor's Crime Commission for VIPER and Evidence-Based Gang Grants, as well as the formation of a Statewide Gang Task Force. Two items related to the National Guard recommended by the Governor were the restoration of funding for the Tarheel ChalleNGe program and funding for the Kids on Guard program.

The Chair made a clarification regarding the TarHeel ChalleNGe program. She noted that it was not eliminated, it was moved to the Education budget.

John Poteat noted that it was a non-recurring item for two years.

Representative Hurley was recognized. She inquired about whether the town of Butner could afford the cost of their own public safety.

Secretary Young noted that was part of the problem.

Wayne Hobgood, Director of Butner Public Safety, was recognized. He stated that there was a 25 cent tax per 100 dollars to support the town of 7400 people.

Representative Guice was recognized. He inquired as to the types of equipment provided by the federal government.

Neil Wilcox, Director of Law Enforcement Services for the Department, was recognized. He stated that the Department gets stuff at no cost from the Department of Defense, and the only cost thereafter is transportation.

Representative Love was recognized. He inquired as to whether the federal government provided any support for Butner public safety.

Mr. Hobgood responded no.

Representative Justus was recognized. She noted in the LES program, the Department distributes $26 million in equipment. It seems to be a big bang for the buck and noted her belief the funding should be recurring.

Representative Warren noted that the LES program helps small towns. He would like to find a way not to change the program.

Representative Mobley was recognized. She noted that the federal government does not support Butner and inquired as to how the Subcommittee can go about soliciting support.

Mr. Hobgood responded that Butner has tried to solicit federal support but it has not happened.

Representative Justus was recognized. She stated her concern over the elimination of family assistance for National Guard members. The report indicates federal funds will be available.

Bill Ingram, North Carolina National Guard was recognized. He agreed with Representative Justus' concerns. He noted that the NC National Guard has 5,000 soldiers deployed. The Family Assistance Center opened last summer and since that time, there have been over 6,800 requests for assistance.

Representative Justus was recognized for a follow up question. She inquired as to whether the funds would be replaced with federal funds.

Mr. Ingram responded no.

Representative Justus was recognized for a second follow up. She inquired about the reduction in the Emergency Management Budget. She inquired as to what would happen to floodplain mapping.

Mike Sprayberry, Division of Emergency Management, was recognized. He noted that the reduction would affect 44.5 positions in the Division and he speculated that would badly affect the agency.

Representative Justus was recognized for a follow up. She inquired if the mapping would continue.

Mr. Sprayberry noted that the mapping would continue, because of receipt support.

Representative Mobley was recognized. She inquired as to what would happen if the receipts did not support the Boxing Authority.

Jean Sandaire responded that the receipt support has always been an issue. The Senate increased the fees to a level that should fully support the Authority.

Representative Mobley commented that she did not think that the Legislature should be increasing fees.

Mr. Sandaire responded that the explanation he received from the Department was that if the industry was not regulated, people would go underground.

Representative Guice was recognized. He noted that as the Subcommittee moved forward, we will continue to say times are tough. It is very difficult for him to make cuts at all. Public safety has to come first. If we do not take the time to see how cuts will affects us down the road, we will be in trouble.

Doug Holbrook was recognized for a presentation regarding the Overview of structure, budget issues faced in the Department of Correction. His presentation is included and made part of these minutes.

The Chair opened the meeting for questions.

Representative Randleman was recognized for a question regarding whether the State receives Medicaid for inmate medical expenses.

Mr. Holbrook responded that inmates are not eligible for Medicaid.

Representative Justus inquired about the definition of Community Standards healthcare.

Mr. Holbrook responded that the Department could provide that information in the afternoon.

Representative Justus followed up asking if DOC had ever asked about a Medicaid waiver.

Mr. Holbrook responded that DOC faces an insurmountable obstacle in getting a Medicaid waiver in that, facilities that house more than 35 people are not eligible for Medicaid. Prisons do not run at that low capacity.

Representative Warren was recognized for a question regarding how the community college waiver would affect Prison Enterprises.

Mr. Holbrook responded that Prison Enterprises is separately operated.

Representative Warren inquired whether the community colleges are involved in training for Prison Enterprises.

Mr. Holbrook responded yes.

Representative Mobley was recognized for a question regarding how much money could be added back in the budget if the Gates facility was not closed.

Mr. Holbrook responded $1.1 million.

Representative Guice requested more information on the study regarding the older prisons.

Representative Warren inquired about the trends in demand for close-custody prison beds decreasing and the demand for minimum custody beds increasing and if those trends were still the case.

Mr. Holbrook responded that yes, those trends have been the case for a long time.

There being no further business, Representative Bordsen adjourned the meeting at 9:45 a.m.

Respectfully submitted,

Alice L Bordsen

Representative Bordsen
Presiding Chair

Michelle Hall
Committee Assistant

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**April 21, 2009 8:30 A.M. and 2:00 P.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen, Presiding
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Agency Response to the Senate Budget

*Department of Juvenile Justice and Delinquency Prevention*
*Secretary Linda Hayes*

*Department of Crime Control and Public Safety*
*Secretary Ruben Young*

Fiscal Overview of the Department of Correction

*Douglas Holbrook*
*Fiscal Research Division*

Agency Response to the Senate Budget

*Department of Correction*
*Secretary Alvin Keller*

## III. OTHER BUSINESS

**Full Joint Appropriations Committee Meeting on Prison Population Issues: Wednesday, April 22, 2009, 8:30 Room 643**

**IV. Next meeting: Wednesday, April 22 at 2:00 P.M. Committee Roundtable with Rep Madden**

**V. ADJOURNMENT**

## VISITOR REGISTRATION SHEET

Justice + Public Safety — 4-21-09

Name of Committee — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Bill Shelton | Summit House |
| Tim Wilson | Summit House 304 Legault Dr Cary NC 27513 |
| Donna Weston | Summit House |
| Mike Sprayberry | NCEM |
| Linda Washington | DJJDP |
| Kathy Dudley | DJJDP |
| Tom Bennett | NC VAN |
| TY DEXTER | TROSA |
| KEN OTTENSON | EYA |
| Paula Signorelli | EYA |
| [illegible] | Pappas Sprinkle |

## VISITOR REGISTRATION SHEET

**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| BENNIE AIKEN | CCPS |
| CASANDRA WHITE | AOC |
| John Smith | AOC |
| J. Rabenhorst | SPAC |
| Ashleigh Gallagher | SPAC |
| Meenal Khajuria | NC Metro Mayors |
| John Dorman | CCPS |
| Aaron Gallagher | OSBM |
| Sheryl Kelly | OSBM |
| Cheryl Reed | OSBM |

# VISITOR REGISTRATION SHEET

**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Seth Dearmin | DOJ |
| Kim Crouch | NC Bar Assn. |
| Mildred Spearman | NCDOC |
| Teresa Price | DJJDP |
| ROBIN JENKINS | DJJDP |
| David Jones | DJJDP |
| Grady Stephens | DJJDP |
| Allen Kelly | NCDOC |
| Frank Rogers | NCDOC |
| Janice Carmichael | CCPS - Victims Comp |
| Jon Williams | CCPS |

# VISITOR REGISTRATION SHEET

Name of Committee | Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Anthony Allen | NCACC |
| LTC Keith Pearce | NCNG |
| TOM BOWLIN | NC NATIONAL GUARD |
| KEITH A. MABRY | NC NG |
| MG BILL INGRAM | NC NATIONAL GUARD |
| Ewan Clonts | NC NG |
| Wayne Hobgood | CCPS / Bubnoer Public Safety |
| Neil Woodcock | CCPS, LESS |
| Bill Chandler | NC ALE |
| Roger Hutchings | NC ALE |
| Rayburn Young | CCPS |

# 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 | NCDOC |
| Tim Moore | NC DOC |
| [signature] | DOC |
| [signature] | DOC |
| Charles Mann | Raleigh |
| Robert Lewis | DOC |
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| Martin Pharr | DJJDP |
| Mike Rieder | DJJDP |
| Keith Sutton | DJJDP |
| Brandy Bynum | Action for Children NC |

*b.* The table shows the impact of staff and budget cuts in real numbers:

**DJJDP Total Bed Capacity**

| Facility | Number of Beds as June 30 2009 | Number of Beds Remaining Under Senate Budget Proposal |
|---|---|---|
| Dobbs | 43 | 0 |
| Samarkand | 26 | 0 |
| Lenoir | 32 | 32 |
| Chatham | 32 | 32 |
| Edgecombe | 32 | 32 |
| Swannanoa | 48 | 48 |
| Jackson | 32 | 0 |
| Cabarrus | 96 | 96 |
| Dillon | 90 | 90 |
| Total | 431 | 330 |

To make the Senate Budget proposal a reality, the Department would actually lose 101 beds if forced to close Samarkand and Dobbs by September 1st. It would be unfeasible to physically staff, re-assign where needed, train, and move youths and staff involved in all facilities concerned in such a short time frame. Note also that in order to move staff to Cabarrus and Lenoir, we would have to close Stonewall Jackson to re-allocate those 48 staff members (because proposed position eliminations include some of the positions we planned to put at Cabarrus and Lenoir).

The Sentencing and Policy Advisory Commission reported to the Legislature that DJJDP will need 447 beds in 2009 and up to 475 beds by 2013.

| Fiscal Year | Projected Committed Youth |
|---|---|
| 2009 | 447 |
| 2010 | 459 |
| 2011 | 463 |
| 2012 | 466 |
| 2013 | 475 |

As of 4/20/09, DJJDP had 445 committed youth (391 *on campuses*) in the YDC's (445 youths are actually committed to DJJDP as of 4/20/09 -- another 15 are in detention centers waiting for transfer/beds to open). So to close and re-allocate staff while the need for beds continues to grow presents an impossible mix of expectations --- **DJJDP would either have to refuse commitments of youth to YDC's ordered by judges (against state law), or let out some of the state's most habitual and chronic youth offenders prior to the completion of their court-ordered terms (and prior to completion of their treatment programs). Premature release of serious youth offenders presents an unacceptable risk to public safety.**

*c.* The Senate proposal recommends cutting 167 YDC positions (plus some others from long-term vacancies). Many of these positions were expected to be involved with the new facilities. Without being able to hire, train and staff them in the new facilities, we'd have to shut down Jackson to re-deploy trained staff to the new facilities to cover the care and custody needs of the youth.

*d.* The Senate budget proposal relied on the state's personnel system information and used some numbers for YDC positions that do not capture an accurate picture of the personnel involved. One key issue is that several staff members assigned to Dobbs in the personnel system, for example (maintenance positions, clinical / treatment oversight, a chaplain, and education staff) are housed at Dobbs but assigned regional duties to cover Dobbs, Lenoir, detention centers and other facilities. If these positions are cut as recommended by the Senate budget proposal, the Department could not provide mandated medical, psychological, education and other services in some instances.

*e.* While is seems straightforward to say that the state could save $6,966,859 to close Dobbs by 9/1/09, these budget estimates do not answer serious questions as to how to care for the youth who are committed to the Department. Closing the facilities won't cause committed youths to no longer need education, medical care, substance abuse treatment, etc. --- the youths would be moved to the replacement facilities, *but the money to support them would not follow.* The costs included in the Senate proposal for Dobbs and Samarkand also include the Central Office's support to the YDC's for food, clothing, medicines, and other administrative and personal services that would still be required by the youths. Cutting the facility budgets would also cut the Central Office's funding to

provide these services --- but the youths would still be in the system and still need the services. This amounts to additional cuts and unfunded obligations.

*f.* The Department is committed to finding efficiencies in its care and delivery of services. As the Secretary, I am very committed to staffing new facilities immediately, training staff, and moving from old facilities into the replacements. However, the Senate Budget removed $250,000 in our Treatment Training Reserve, and has also removed our management flexible funds use and our overtime funding; note that if we had to RIF a **substantial number** of employees, this could impact the department significantly due to severance and other costs (for example, the Department reduced-in-force another 22 employees in FY 2008-09; we project significant costs to cover severance pay and health insurance that we'd have to provide in 2009-10 if 208 positions were eliminated due to recommendations in the Senate proposal -- $2.0-$4 million) – so if additional funds were needed to manage reductions-in-force --- this money is **not budgeted at all** and in effect, we'd take another undocumented cut. The Training Reserve money was dedicated to the mission of training staff in the Model of Care – a model that has been shown to dramatically reduce re-offending. Without training dollars and interim staff to provide care and custody of youth while other staff members are being trained, it is not practical to think of hiring and getting competent staff into the replacement facilities in 4-5 months.

*g.* While the Department seeks to build on the path that the Legislature started some years ago in replacing aging facilities, we note that the Senate's Capital Budget proposal has removed any further dollars for the Rockingham replacement facility. This roadblock, in addition to the loss of the Gatling Detention Center in Mecklenburg County recently, has created an even more significant set of problems in finding beds and providing for the community safety that our NC citizens require.

##########

# Fiscal Overview
# NC Department of Correction

April 21, 2009

# Plan for the Week

- Tuesday: Overview of the structure and budget for the Division of Prisons-8:30 and 2:00
- Wednesday: Full Appropriations on other states' efforts to control prison populations-8:30; JPS subcommittee roundtable-2:00
- Thursday: Overview of the structure and budget for the Division of Community Corrections-8:30

# The Basics

The Department of Correction houses 40,889 prisoners in 79 facilities across the State and supervises 114,797 probationers and parolees in every county in North Carolina. It performs this responsibility with a $1.3 billion budget and 21,169 employees.

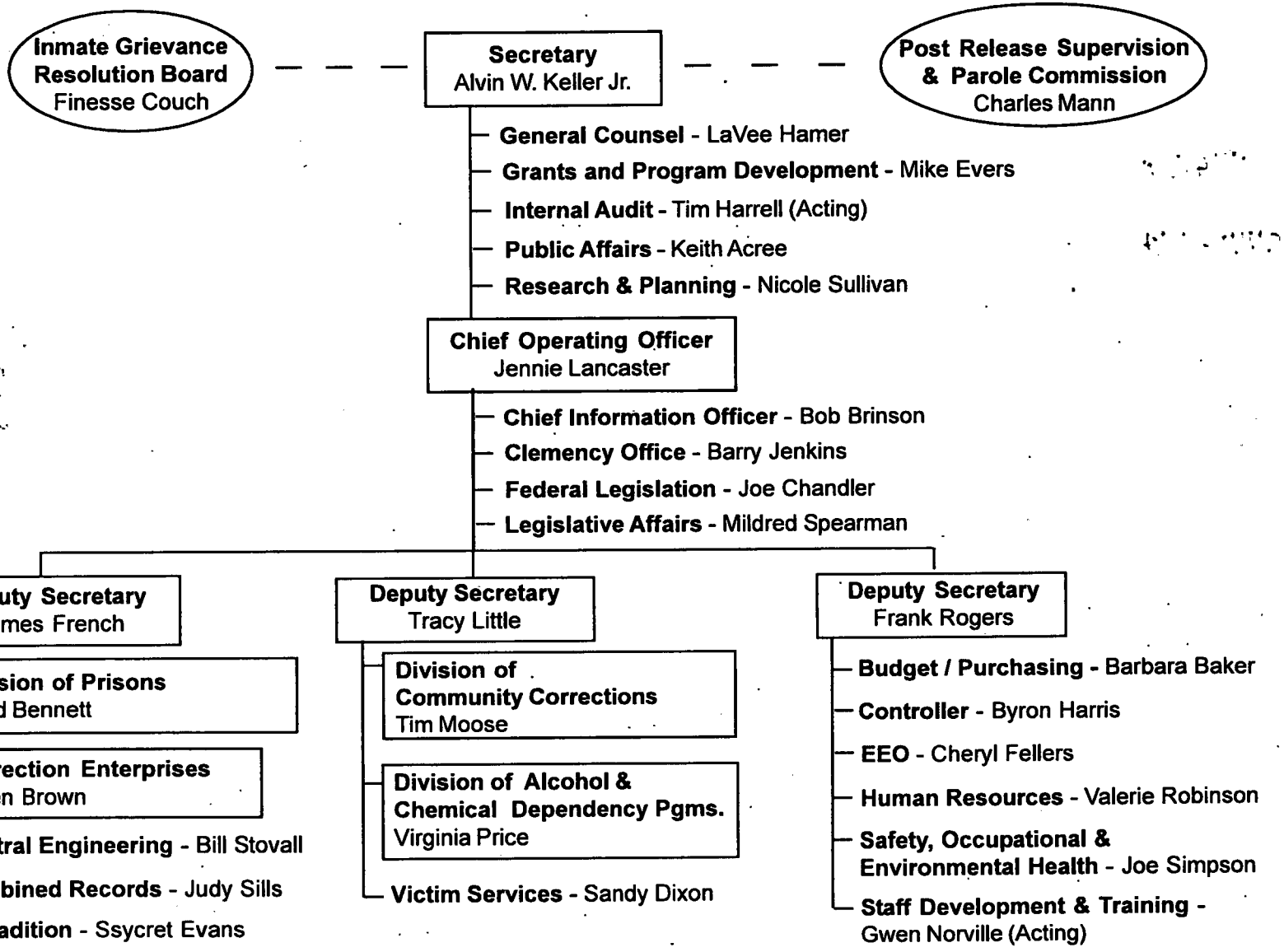
Authorized budget for 2008-09

# DOC Structure

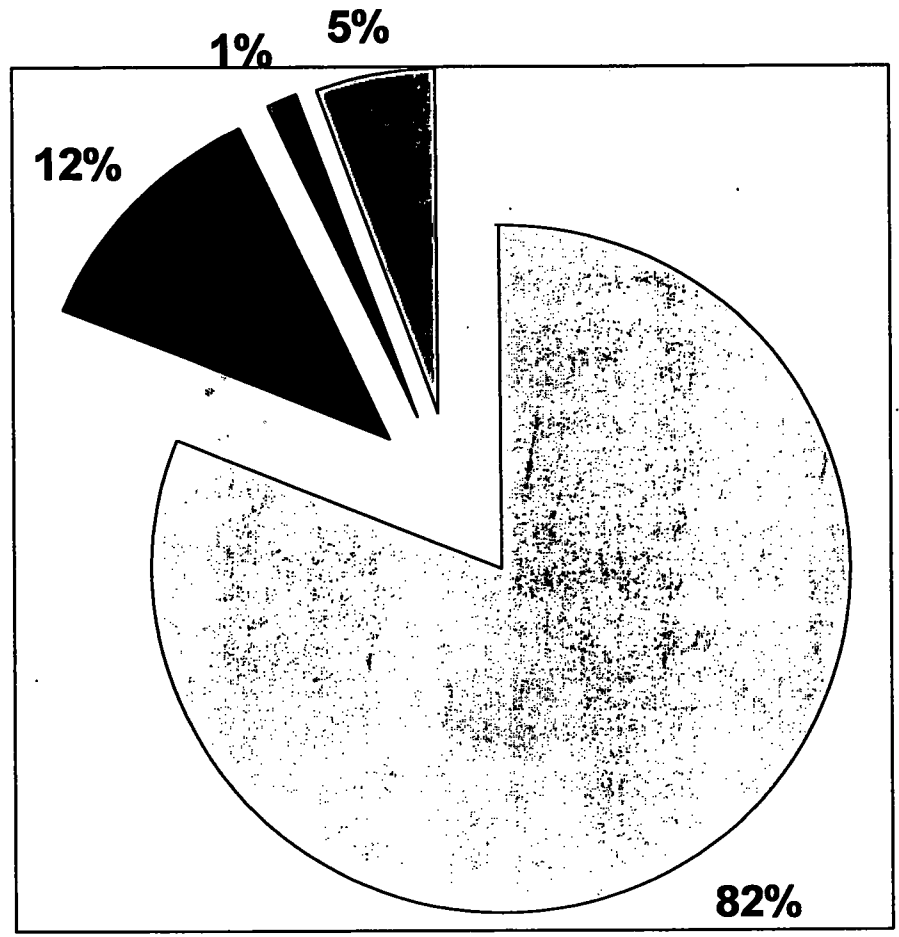
- The Department has two major operating divisions: Prisons and Community Corrections.
- There are two major auxiliary divisions: Alcoholism and Chemical Dependency Programs and Correction Enterprise
- The Department also includes an array of support sections, including Human Resources, MIS, Engineering, and Research and Planning.

# NORTH CAROLINA
# DEPARTMENT OF CORRECTION

May 2009



# DOC Budget Chart



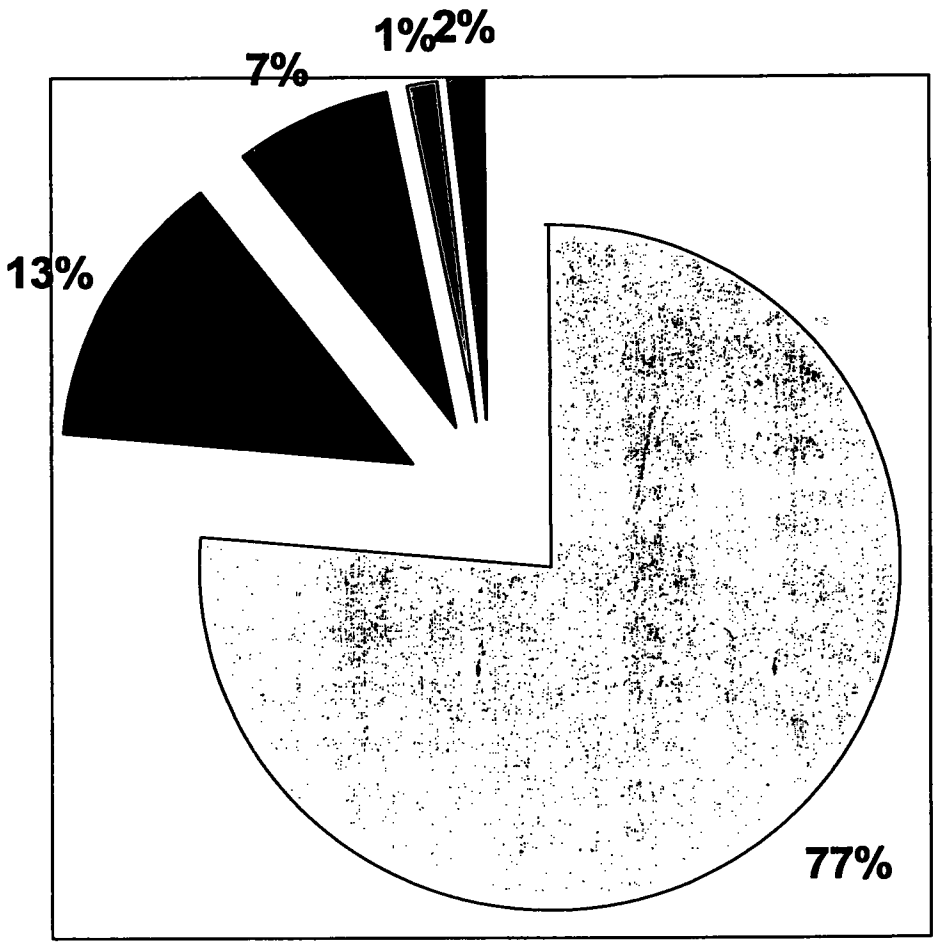

Prisons
DCC
DACDP
Other

$19 million

$73m.

$1 billion - prisons.

# DOC Budget by Account



# Division of Prisons

- The DOP budget amounts to $1,085,252,019; that's 49% of the total JPS budget.
- The Division has 17,698 employees, 83% of the Department's positions.
- There are over 40,000 inmates, so the staff:inmate ratio is 1:2.2.

# Who are our inmates?

- The inmate population is 93% male, 7% female.
- The inmate population is 94% felons, 6% misdemeanor and other offenders.
- Forty-eight percent of the inmate population committed a violent offense, 16% a property offense, 20% a drug offense (including DWI), and 16% a public order/status offense.

Population as of February 28, 2009

# Who are our inmates?
# Sentence Lengths

| | |
|---|---|
| Life/Death | 3,416 |
| >= 10 years | 12,057 |
| 5-10 years | 7,640 |
| 1-5 years | 11,448 |
| <1 year | 5,475 |

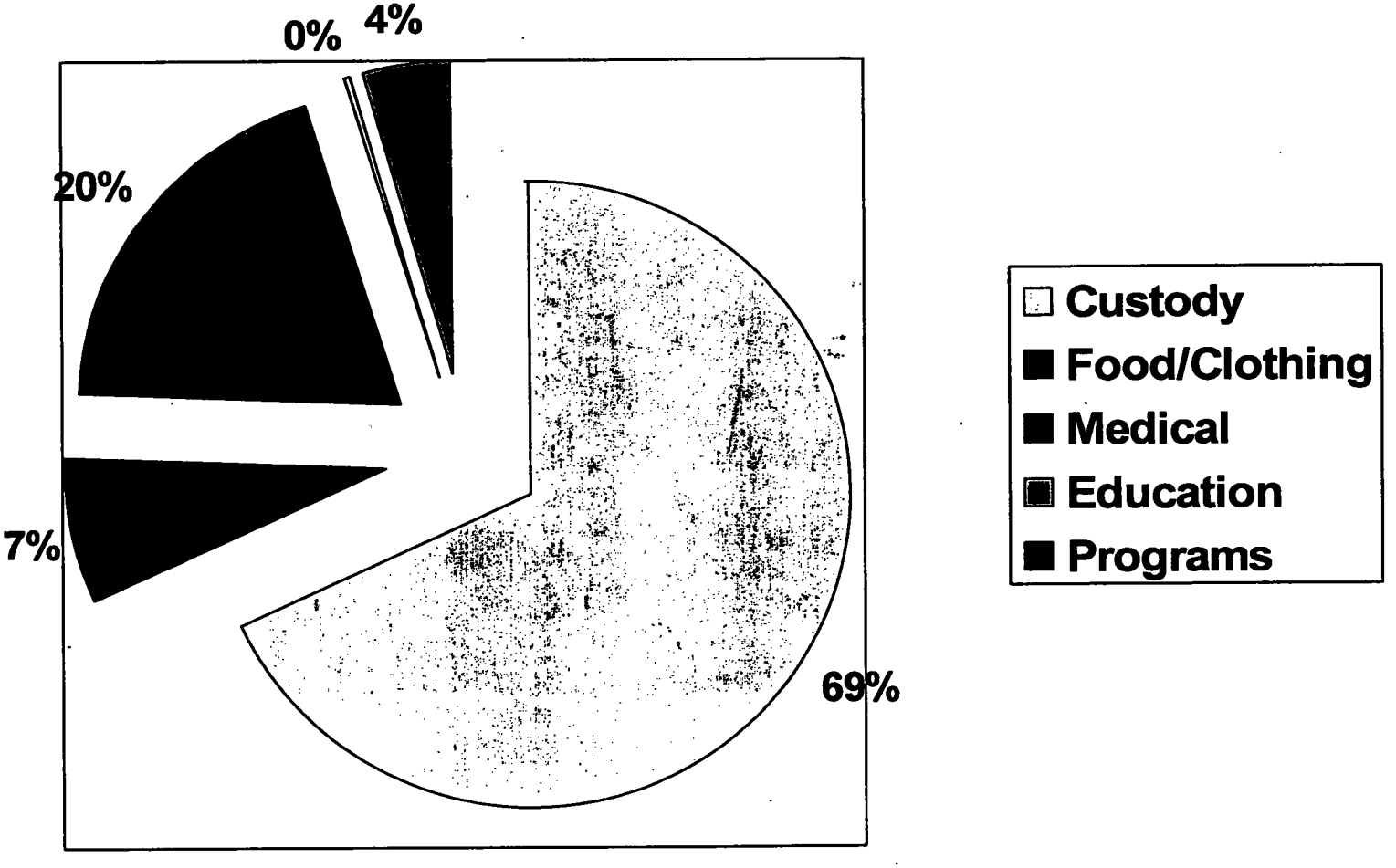
# Who are our inmates?

- Seventy-one percent of the inmate population came to prison on a direct admission; 29% as a result of a probation revocation.
- Ninety-four percent of the inmate population was born in the United States.
- Seventy percent of the inmate population claim less than 12 years of education completed.

# What drives costs in the prison system?

- There are almost 30,000 admissions to prison each year; 56% are sentenced for less than a year.
- Fifty-two percent of the admissions are for probation violations. We'll talk more about this on Thursday.

# Cost Components



# How do we save?

- In order to effect any significant savings, you must examine the major items – custody, food/clothing, and medical.
- Maintaining proper custody is an issue of safety for the public, the staff, and the inmate.
- The Constitution requires community-standard health care for inmates.

# How do we save?

**There are few easy choices left for cuts in the DOP.**

# Senate Budget

- Closes four prisons effective September 1.
- Eliminates 114 other positions.
- Reduces Truth in Budgeting Continuation increases by $25 million in the first year.
- Provides funding to add 332 additional beds at Pamlico through double-celling.
- Takes a $54 million negative reserve to the whole DOC.
- Eliminates the Community College tuition waiver for inmates.

# Other Cuts Considered

- The Governor's budget suggested closing three other prisons: Gates, Haywood, Union.
- The Governor's budget suggested eliminating the BRIDGE forestry program at Western Youth.
- The Senate considered, but did not take, reductions to substance abuse programs.

# DACDP

- The Department's Division of Alcoholism and Chemical Dependency Programs operates 18 residential programs within the prison system serving 6,298 offenders each year with a budget of $5.1 million.
- This program encompasses short-term, intermediate, and long-term residential programs based on assessed need.

# DACDP

- The Division also manages contracts with two private facilities serving 425 offenders annually with a $5.3 million budget and the DART-Cherry program for probationers and parolees, serving over 2,000 per year with a budget of $5 million.
- Sixty-two percent of prison admissions in 2007-08 were assessed as needing treatment.

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

April 21, 2009

The House Appropriations Subcommittee on Justice and Public Safety met at 2:00 p.m. on Tuesday, April 21, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Sutton, Vice-Chair Representative Warren, Representative Goodwin, Representative Guice, Representative Hurley, Representative Mobley, and Representative Stevens. Denise Thomas, Doug Holbrook, John Poteat, Jean Sandaire, and Danielle Seale of Fiscal Research were also in attendance. A visitor registration sheet is attached and made part of these minutes.

Representative Bordsen called the meeting to order and recognized Pages and Sergeants-at-Arms. She briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Bordsen recognized Alvin Keller, Secretary of the Department of Correction for his remarks and reaction to the Senate Budget. He noted the Department would likely have to close a number of prisons in order to meet the budget target.

The Chair recognized Jennie Lancaster, Chief of Operations for the Department of Correction for elaboration on some of the issues in the Senate budget. Her handout is included and made part of these minutes. Ms. Lancaster noted that managing the $80.5 million in reserve would have an uncomfortable impact that she could not predict. She pointed out to the Subcommittee that the Senate altered all of the prison closing dates to September 1 which would create an operational impact and was of great concern. The Department would like to change the dates back to the original closure dates they had proposed to the Governor.

Ms. Lancaster continued noting another concern with the elimination of the community college tuition waiver for inmates. Many of the training programs the Department has are sponsored through the community colleges. The community colleges also are the providers of GEDs for inmates. The Department and the Community College System president both fully support the tuition waiver. Ms. Lancaster responded to a question regarding prisoner medical release and the criteria by which it may be granted. She noted of the 140 prisoners identified for medical, only 8 were selected. All inmates at the McCain facility were being reviewed for medical release.

The Chair opened the meeting for questions.

Representative Sutton inquired about the medical release and whether the Department was wasting any time with reviews, considering the request for medical release could come from anyone.

Ms. Lancaster responded that personnel were not wasting any time with unnecessary reviews.

Dr. Paula Smith of the Department of Correction was recognized for further information. She noted that the Department has looked at a number of cases where medically, the person

meets the criteria. Once the rest of the inmate's history is reviewed, he or she no longer met the criteria. She also noted that the definition of Community Health Standards includes the benchmarks used by the Department and they have been long established by research. DOC is held to the same standards.

Representative Hurley was recognized. She inquired about a case she heard regarding inmate medical expenses totally over $100,000.

Ms. Lancaster responded that in specific instances, such as the one Representative Hurley mentioned, the Department could provide more information. She also noted that inmates cannot elect for surgery. Every time an inmate has to do something, a Correctional Officer has to accompany him or her. The Department is not staffed at such a level and that creates problems. Some bills, as a result, can be very high.

The Chair recognized Doug Holbrook for an overview of the Department of Correction. His presentation is included and made part of these minutes.

There being no further business, the Chair adjourned the meeting at 2:45 p.m.

Respectfully submitted,

Representative Bordsen
Presiding Chair

Michelle Hall
Committee Assistant

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**April 21, 2009 8:30 A.M. and 2:00 P.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen, Presiding
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Agency Response to the Senate Budget

*Department of Juvenile Justice and Delinquency Prevention*
*Secretary Linda Hayes*

*Department of Crime Control and Public Safety*
*Secretary Ruben Young*

Fiscal Overview of the Department of Correction

*Douglas Holbrook*
*Fiscal Research Division*

Agency Response to the Senate Budget

*Department of Correction*
*Secretary Alvin Keller*

## III. OTHER BUSINESS

**Full Joint Appropriations Committee Meeting on Prison Population Issues: Wednesday, April 22, 2009, 8:30 Room 643**

**IV. Next meeting: Wednesday, April 22 at 2:00 P.M. Committee Roundtable with Rep Madden**

**V. ADJOURNMENT**

VISITOR REGISTRATION SHEET

Appr. Justice & Public Safety — 4-21-09

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Keith Sutton | OJJDP |
| Soren Schmidt | Action for Children NC |
| Barbara Baker | NC DOC |
| Frank Rogers | NC DOC |
| Tim Moose | NC DCC |
| Tracy Little | NCDOC |
| Virginia Price | NC DOC |
| James French | NC DOC |
| Bob Lewis | NC DOC |
| Ashleigh Gallagher | SPAC |
| S. Kazlauskas | SPAC |

VISITOR REGISTRATION SHEET

Approp. Justice & Public Safety 4-21-09

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| ANTHONY ALLEN | NCACC |
| John W Smith | AOC |
| BILL SHELTON | SUMMIT HOUSE |
| Cheryl Reed | OSBM |
| Aaron Gallagher | OSBM |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| Lalee Hamer | NCDOC |
| Karen Brown | NCDOC |
| Bill Stovall | NCDOC |
| PAULA Y. SMITH | NCDOC |

VISITOR REGISTRATION SHEET

App. Justice & Public Safety — 4-21-09

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Charles Mann | Parade |
| Seth Dearmin | DOJ |
| Donna Weston | Summit House |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

**#74 Double-Celling at Pamlico** **Page I-16**
**#75 Close McCain Correctional Hospital** **Page I-16**
**#76 Close Umstead and Guilford Correctional Centers** **Page I-17**
**#77 Close Wilmington Residential Facility for Women** **Page I-17**

**GOVERNOR'S RECOMMENDATIONS (MODIFIED)**

- The Senate recommends closure of four prison facilities by September 1, 2009. Because of operational needs, DOC is not able to close the facilities by September 1, 2009. Specifically, DOC needs time to:
  - Ensure the safe and appropriate transfer of inmates;
  - Appropriately implement adjustments to staffing, which includes reduction in force procedures and the relocation of staff;
  - Maintain bed capacity during a critical time of increasing inmate population; and
  - Make physical improvements to facilities that will sustain an increase in capacity.

- Based on these operational concerns, DOC has identified the earliest possible closing dates for the targeted facilities as follows:

| Facility | Earliest Possible Closure |
|---|---|
| Wilmington Residential Facility for Women | September 1, 2009 |
| Guilford Correctional Center | October 1, 2009 |
| Umstead Correctional Center | November 1, 2009 |
| McCain Correctional Hospital | May 1, 2010 |

- The length of the delay in the McCain closure is due to the very complex care required for inmates housed there and the Department's responsibility to maintain that care. McCain houses some of the Department's most high-need inmates, including 35 offenders in wheelchairs, pulmonary and geriatric inmates, amputees, and hospice inmates. Transition for the care of these inmates must be deliberate, well-executed and appropriately timed.
- DOC will have to pay Pamlico County a $1.2 million impact fee for water/sewer at Pamlico and will need an additional 15 positions to manage the additional population. The Senate budget does not provide for these expenditures.

---

***GOVERNOR'S BUDGET ONLY***

*The Governor's budget provided critical expansion funding for probation and parole supervision. The funding was intended to improve staffing and retention issues; address NIC recommendations; expedite training; and enhance public safety overall. The Senate adopted all of the Governor's recommendations except the following:*

**#4 Additional Correctional Instructor Positions for More Efficient Training**

- The Governor's budget recommends hiring five additional trainers over the next two years to expedite basic training and in-service training for probation/parole officers; the Senate did not include this recommendation. These positions are critical to address delays in training, increased staffing and enhanced training requirements for current staff.

Senate Subcommittee on Justice and Public Safety

# Correction

Issues and Concerns

**#61 Establish Management Flexibility Reserve** **Page I-13**
**#78 Reduce Continuation Increases** **Page I-17**

***SENATE ONLY (Note: #61 and #78 must be read in conjunction)***

- The Governor's Budget reduces the salary line item by 7.5 % to better reflect actual expenditures, which amounts to a reduction of $62.7 million. In addition, the Governor increased DOC's continuation budget to address many of DOC's traditionally underfunded line items.
- Senate Items #61 (Management Flexibility) and #78 (Reduce Continuation Increases) represent an $80.5 million reduction for the Department. It would be almost impossible to manage this reduction without generating vacancies beyond the Department's comfort level, especially in the correctional officer and probation/parole officer ranks. Generating vacancies to manage this reduction jeopardizes the Department's core mission.
- In addition, DOC has approximately $40 million in bills this year that will need to be paid out of next year's budget (medical/pharmacy=$13 million).

**#66 Cap DCC Judicial District Managers** **Page I-14**

***SENATE ONLY***

- With the implementation of Structured Sentencing, DCC adopted the current judicial division and judicial district structure. In 1994, there were 43 judicial districts divided into four judicial divisions. Only two judicial districts have been added since that time, bringing the total to 45.
- The current structure has served DOC well through the years in working with Chief Resident and Superior Court judges, who set local court rules, and other court officials regarding court intake, violation hearings, modification orders, etc. Alignment by judicial district also gives court officials a single point of contact for resolving probation issues.
- DOC leadership team is examining every aspect of probation and parole supervision, including the organizational structure in both major operating divisions. The Department is open to reviewing the current management structure in DCC to determine if it is the most efficient means of meeting our operational needs. We would ask that changes be made only after thoughtful and deliberative evaluation and review.

**#67 Expand Funding for CJPP** **Page I-14**

***SENATE ONLY (Read in conjunction with Special Provision §19.11)***

- Provides $3 million in additional funding and restores pretrial programs as an eligible CJPP program.
- Effective July 1, 2006, G.S. 143B-273.4 eliminated pretrial offenders from the eligible CJPP population. Prior to that time, the statute provided that "no county shall use more than twenty-five percent (25%) of its funds to serve offenders released from jail prior to trial." DOC recommends that the General Assembly place a similar cap on the percentage of funds to be used for pretrial offenders.

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

April 22, 2009

The House Appropriations Subcommittee on Justice and Public Safety met at 2:00 p.m. on Wednesday April 22, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Vice-Chair Representative Sutton, Vice-Chair Representative Warren, Representative Goodwin, Representative Guice, Representative Jackson, Representative Justus, Representative Mobley, and Representative Stevens. Denise Thomas, Doug Holbrook, John Poteat, Jean Sandaire, and Danielle Seale of Fiscal Research were also in attendance. A visitor registration sheet is attached and made part of these minutes.

Representative Bordsen called the meeting to order and recognized Pages and Sergeants-at-Arms. She briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Bordsen recognized visiting Texas State Representative Jerry Madden for a presentation and remarks regarding Texas' recent changes to its prison construction and population.

The Chair recognized Mike Thompson, Executive Director of the Justice Reinvestment Project of the Council of State Governments for remarks about the assistance the Council of State Governments could provide to North Carolina for prison reform.

The Subcommittee engaged in a roundtable discussion with questions and answers on the subject of prison reform, Texas's experiences and the possible assistance of the Council of State Governments.

There being no further business, the Chair adjourned the meeting at 2:45 p.m.

Respectfully submitted,

Alice L Bordsen

Representative Bordsen
Presiding Chair

Michelle Hall
Committee Assistant

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**April 22, 2009, 2:00 p.m.**

**I. CALL TO ORDER**

Chairs: Representative Alice Bordsen, Presiding
Representative Jimmy Love

**II. Opening Remarks by Chairs**

**III. Subcommittee Roundtable on Prison Population Growth and Policy Responses**

**IV. ADJOURNMENT**

## VISITOR REGISTRATION SHEET 2 PM

Appropriations Subcommittee on Justice & Public Safety 4-22-09

**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Nicole Sullivan | NC DOC |
| Sonya Brown | DMHDDSAS |
| Virginia Price | NC DOC |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| Norlan Graves | Rep. Hall |
| Carri Munns | Guilford County - Drug Court |
| Sue Burch | Guilford County - drug court |
| Cam Cavers | BPMHC |
| BILL SHELTON | SUMMIT HOUSE |
| | |
| | |

## VISITOR REGISTRATION SHEET 2 PM

Appropriations Subcommittee on Justice & Public Safety — 4-22-09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Denna Weston | Summit House |
| Mandy Ahlendinger | Action for Children N.C. |
| Jennifer Epperson | Attorney General's office |
| Seth Dearmin | DOJ |
| Tim Moon | NCDOC |
| Tracy Little | NCDOC |
| Alvin Keller | NCDOC |
| Frank Rogers | NCDOC |
| J Lancaster | DOC |
| James B French | NCDOC |
| Dan Lewis | N.C. DOC. |

# VISITOR REGISTRATION SHEET

2 PM

Appropriations Subcommittee on Justice & Public Safety — 4-22-09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Mildred Spearman | NCDOC |
| Bill Stovall | NCDOC |
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| Bill Rowe | NC Justice Center |
| Mike Grossage | NCAOC |
| Jimmy Hamner | NC Sentencing Commission |
| S. Katzenelson | -11- |
| Doug Yeager | Governor's Crime Commission |
| ANTHONY ALLEN | NCACC |
| Fred Aikens | The Aikens' Group LLC |
| AVERY GREEN | EVERGREEN REHABILITATION CENTER |

MINUTES
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

April 28, 2009
Room 415 Legislative Office Building
8:30 A.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Tuesday, May 28, 2009, in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 8:30 a.m. The following House members were present. Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton, and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Justus, Mobley, Moore, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, Danielle Seale, and Denise Thomas.

Representative Love recognized the pages, Abraham Barron of Yadkin County (Rep. Gulley)and Colby White of Stokes County (Rep. Holloway); and the Sergeants-at-Arms, Jerald Perry and Frank Prevo, and thanked them all for their help.

Representative Bordsen asked the committee members for feedback from the meeting with Representative Maddsen of Texas.

**John Poteat of the Fiscal Research Division** then provided an overview of the Division of Community Corrections Budget and Program Review. Each member of the committee and visitors received a copy of the handout, a copy of which is attached as part of these minutes. The Governor's Budget was reviewed first. He noted that House Bill 859 is designed to modify some of the special conditions of probation and make them a regular condition of probation. Mr. Poteat further noted that 82% of the budget consisted of Personal Services, 6% was Criminal Justice Partnership Program (a pass through to counties), and 11% were Purchased Services such as leases for automobiles and office space. Looking at slide16 of the handout, Mr. Poteat explained that actual expenditures were reflected. He added that counties currently provide an overwhelming share of leased space for Probation officers (slide 17), but the Division is still spending about $3.2 million of their budget to help supplement those costs. Slide 18 is a breakdown of the Governor's Expansion budget which includes the use of stimulus funds for VIPER radios (406) for the counties that are far enough along in that process and 13 Intake Officers for urban areas as part of a pilot project. He then spoke to the Senate's budget and what they recommended.

In terms of Youth Corrections, due to a series of events that happened at UNC-Chapel Hill and Duke University, the Department asked the National Institute of Corrections (NIC) to come in and provide some technical assistance and look at how the department managed its offenders as well as its policies and procedures. Money ($2.5 million) from last session was put in reserve to be used when the findings from NIC were published. The findings focused on three major areas: operations, management oversight, and technology. NIC found that agency policies were sound; there was more of an oversight problem not only of offenders but also of supervisors overseeing field staff. The Gov Ops Committee provided the Department with feedback about how they thought the $2.5 million should be spent.

Questions followed Mr. Poteat's presentation.

Representative Sutton noted that the Senate was using the Stimulus funds and wondered what it meant for next year.
John Poteat noted that that was the Governor's recommendation and if the pilot programs are successful, then they might become part of the budget (currently, the pilot program is for two years.

Representative Hurley heard of a case on television where a probationer in Durham who was wearing a GPS system was caught breaking his probation and was released. She wondered why this had happened.

Representative Justus wondered where $3.2 million was being spent.
John Poteat responded that he had a list he would provide.
Representative Justus (follow-up) noted that it was better to use the stimulus money for VIPER radios than personnel.
Representative Love reflected that it was a decision the committee would have to make.

Representative Spear noted that "technical violations" was a misnomer to the general public. It's often for violating the judges' sentences. People were often brought back repeatedly before the judge ever revokes probation.
John Poteat added that they were technical violations of probation, and they are technical because they are not absconders and haven't committed a new crime. What they have done is to have violated commissions of their probation.
Representative Bordsen raised admonitions about raising court fees for those who can't pay. When they don't pay, they're back in prison. Sixty-four percent of those who had "technical" violations failed to pay court indebtedness. Another 49% had failure to pay probation supervision fees. No one hires these people out of prison and then they are expected to make these payments on these fees. They can't pay and are put back in jail. It doesn't seem productive.
Representative Spear stated that rarely do judges revoke probation for failure to pay court costs, fees, and fines. They will revoke probation sometimes for failure to pay restitutions.
Representative Love said that in Federal cases, violators can't be sent back for failure to pay money alone.

Representative Bordsen said that of the 25% sent back to prison because of having probation revoked, 64% of those are for failure to pay. Are you saying that there are many more who can't pay.
Representative Spear said that often it's more than one thing that causes the revocation of probation, failure to pay and one other thing: tested positive for drugs, violated the curfew, or committed another new offense.
John Poteat said that it was rare to have just a technical violation to be shipped back to prison for breaking probation. There is a culmination of violations these are the major categories. Four violations can lead to a revocation.
Representative Stevens asked then why was the term not changed to "conditional" violations.
John Poteat noted that the Division of Community Corrections was paying attention.

Representative Stevens noted that the old model for the probation/parole officer ratio was given but was not in the new model and wondered why.
Tracy Little, Deputy Secretary, Department of Correction, replied that the staff was working on an appropriate caseload but were not finished yet. We will be happy to provide the new model to the staff when we are closer to finishing.
Representative Stevens (follow-up) asked if the caseload numbers were going to be equalized.
Tracy Little stated that the types of supervision needed were being considered and that they were not really equal.

Representative Guice said that probation was not revoked for failure to pay; individuals were brought back on numerous occasions for violations before probation is revoked; the numbers do not give detailed information as it relates to the supervision of criminal offenders in the state, nor for the agency's management structure and how it performs.

Representative Sutton wondered how, under the new model, all three positions were going to be converged into one position.
Tracy Little stated that it was going to be a lengthy and complicated process to reallocate all of the responsibilities. Currently, there are 400 PPO1's. We have to look at caseload, seniority and it will take many months of work. Each and every Officer I will be surveyed as to court volume. Staffing levels will be considered based on full time positions and new classification, and how much additional training will be required.

Representative Mobley noted that in rural areas, offenders, when they get out of prison, are almost set up for failure. It is difficult for them to get jobs and report as most do not have transportation and must depend on others. There may also be other things that precipitate the breaking of probation. Education of the community and availability of jobs would help.

Representative Justus noted that, while listening to Tracy Little, it's a tight budget year and the new proposal is costing a lot of money. She wondered why it was being done now.
Tracy Little agreed that it was a tough year, but added that the reclassification needed to be done now. For the past several years, the department had recognized that the current type of supervision does not work well because offenders were passed to different officers based on what block they were in on the grid. This did not allow relationships to grow nor was there any continuity which helps to keep offenders accountable.

Representative Guice noted that $3 million was set aside by the Senate for the CJPP pretrial services. He added that he was concerned and wanted to have more dialogue in the future about this. He felt that substance abuse was a major piece. If we could redirect more of our resources to addressing substance abuse issues...
John Poteat noted that that was part of the reason the Department recommended having the pretrial component capped.
Representative Guice (follow-up) pointed out that he disagreed with the Department and would like to see it all go to substance abuse.

Representative Bordsen noted that Sentencing Services was used well in some parts of the state whereas in other parts it is not used. I would like to know more about that. If we can get people into treatment before they go to trial, then everyone benefits.

The meeting adjourned at 9:40 a.m.

Respectfully Submitted,

Representative Jimmy Love
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: Division of Community Corrections Budget & Program Overview April 28, 2009
Justice and Public Safety Agency Budget Proposals
House Appropriations Subcommittees Approach to Developing the 2009-11 Biennial Budget Specific Areas to Review
Senate Appropriations Committee Report on the Continuation, Expansion and Capital Budgets – Senate Bill 202-3rd Ed.

**Sylvia Nygard (Rep. Love)**

**From:** Sylvia Nygard (Rep. Love)
**Sent:** Tuesday, April 28, 2009 6:09 AM
**Subject:** CORRECTED Committee Notice 04 28 09

# CORRECTED NOTICE

## NORTH CAROLINA HOUSE OF REPRESENTATIVES
## COMMITTEE MEETING NOTICE
## AND
## BILL SPONSOR NOTIFICATION
## 2009-2010 SESSION

**8:30 A.M. and 2:00 P.M.**

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public** will meet as follows:

**DAY & DATE:** Tuesday, April 28, 2009
**TIME:** **8:30 am and 2:00 pm**
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

Complete Fiscal Overview of Correction – Division of Community Corrections

**Fiscal Overview of Department of Justice**

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10:00 a.m.** o'clock on **April 23, 2009**.

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**April 28, 2009 8:30 A.M. and 2:00 P.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen
Representative Jimmy Love, Presiding

## II. PRESENTATIONS

Opening Remarks by Chairs

Fiscal Overview of Correction - Division of Community Corrections

*John Poteat*
*Fiscal Research Division*

Fiscal Overview of Department of Justice

*Jean Sandaire*
*Fiscal Research Division*

## III. OTHER BUSINESS

## IV. Next meeting: Wednesday, April 28, 8:30 a.m. and 2:00 p.m. – Judicial Department Overview (AOC & OIDS)

## V. ADJOURNMENT

# CORRECTED NOTICE

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

**8:30 A.M. and 2:00 P.M.**

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Tuesday, April 28, 2009
**TIME: 8:30 am and 2:00 pm**
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

Complete Fiscal Overview of Correction – Division of Community Corrections

**Fiscal Overview of Department of Justice**

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10:00 a.m.** o'clock on **April 23, 2009**.

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

AM
4-28-09

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety
**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Barbara Baker | NCDOC |
| Jennifer Smart | NCDOG |
| TRACEY LITTLE | DOC |
| Tom Bennett | NCVAN |
| Peg Dowe | Conference of DAs |
| Guy Michael | NCAGO |
| Mildred Spearman | NCDOC |
| Kim Crowder | NC Bar Association |
| BILL SHELTON | Summit House |
| TY DEXTER | TROSA |
| SUSAN BROOKS | IDS/SENTENCING SERVICES |

AM

# VISITOR REGISTRATION SHEET

4-28-09

Appropriations Subcommittee on Justice & Public Safety
**Name of Committee** **Date**

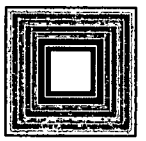
**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| MIKE MANN | NCBAA |
| Meena Raja | RC Mem Mans |
| Arrianne Allison | NCACC |
| Alicia Gallagher | OSBM |
| Cheryl Reed | OSBM |
| John W Smith | AOC |
| Cassandra White | AOC |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| Fred Aikens | The Aikens' Group LLC |
| Lad Rubert | CJPC |
| | |
| | |

# Division of Community Corrections Budget & Program Overview

## House Appropriations Subcommittee on Justice and Public Safety

April 28, 2009



FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

# Presentation Outline

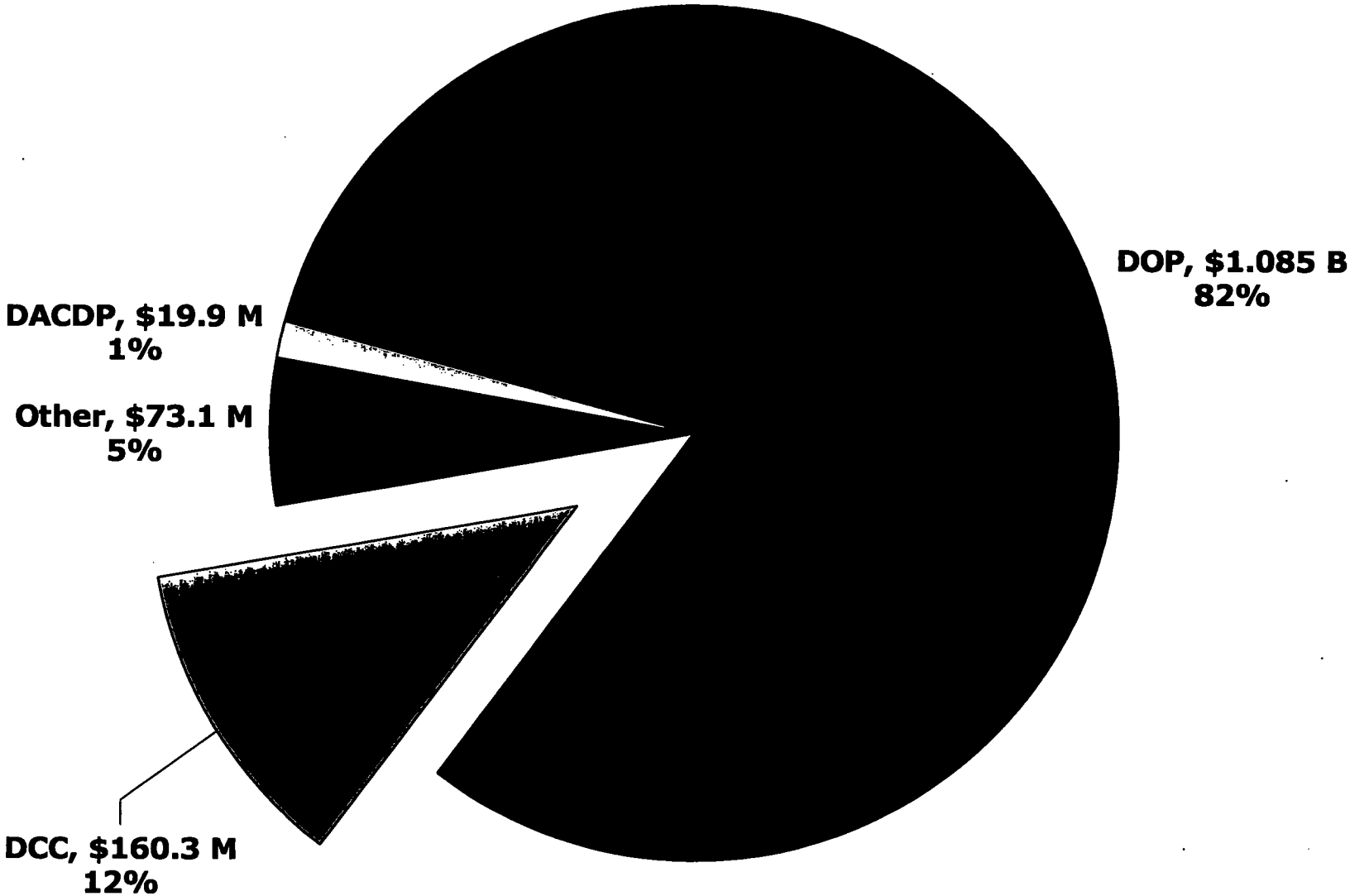
- Overview of DCC
- Probation Structure & Budget
- Probation Field Services Staffing
- Program Highlights
- Criminal Justice Partnership Program (CJPP)
- Other DCC Information

# DCC At-a-Glance

| | |
|---|---|
| **DCC Population** | **115,081** |
| ▪Probation | 112,767 |
| ▪Post-Release | 260 |
| ▪Parole | 4,340 |
| **Probation Entries** | **68,466** |
| **Probation Exits** | **70,211** |
| **DCC Positions** | **2,595** |
| PPOs & SOs | 1,806 (70%) |
| **Community Supervision** | **54%** |
| **Intermediate Supervision** | **23%** |
| **DWI** | **15%** |

**Daily Cost of Community/Intermediate Supervision** **$2.37**

# DOC Authorized Budget, 2008-09



# Governor's Recommended Continuation & Expansion Budget

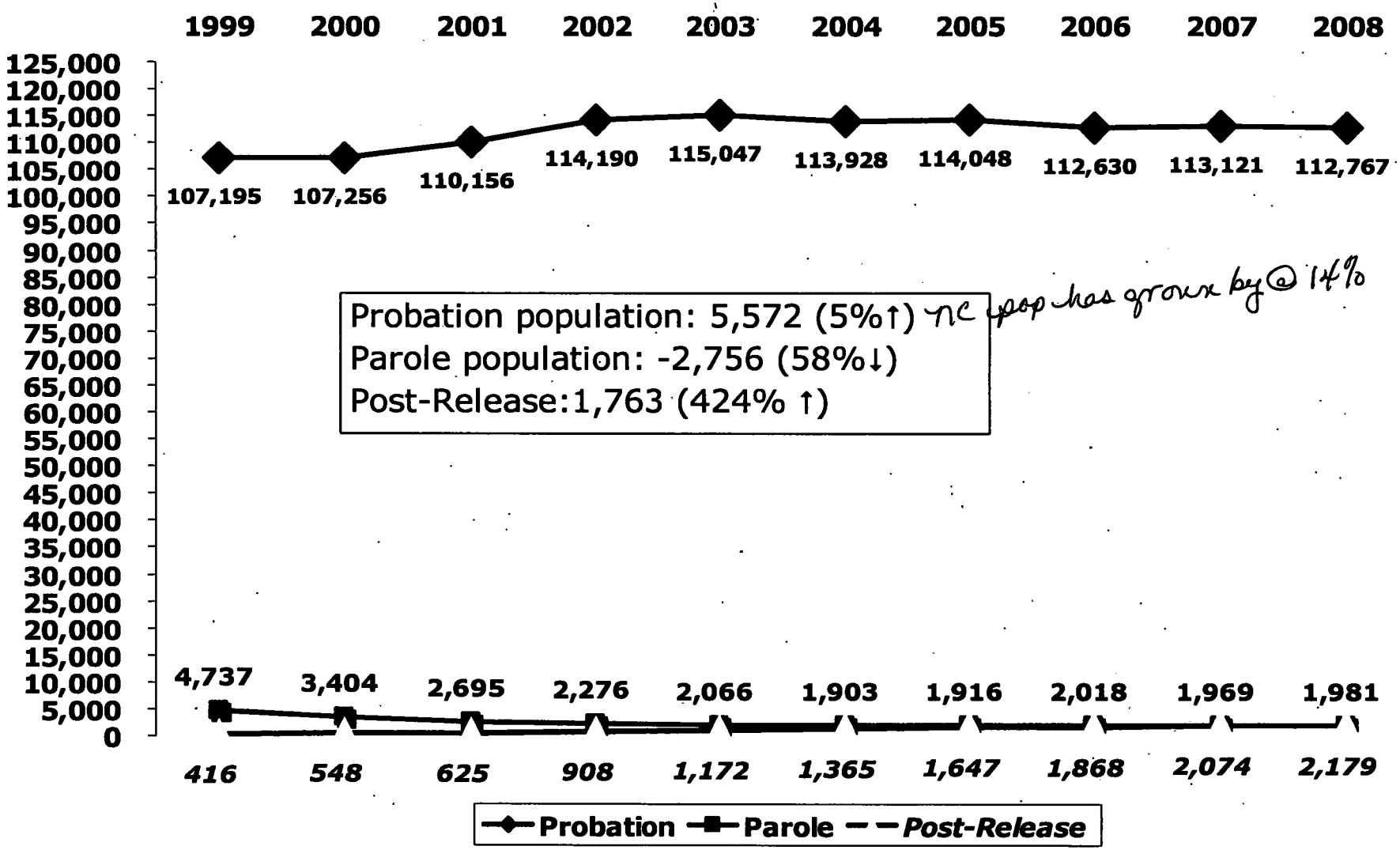
**Continuation Increases=$3.5 million(08-09 authorized $160.3M )**

- Personal Services=$1.79 million
- Purchases Services (leases)=$1.7 million

**Expansion Increases=$15.5 million**

- Probation/Parole Officers (PPO) pay increase=$2.4 m
- PPOs=$6.3 million 91 positions
- Chief PPOs & Office Assistants=$3.8 m 53 positions
- Correctional Instructors=$380,270 5 positions

# Changes in DCC Population, 1999-2008




Probation population: 5,572 (5%↑)
Parole population: -2,756 (58%↓)
Post-Release:1,763 (424% ↑)

nc pop has grown by @ 14%

Source: DOC Research & Planning ,Automated System Query

# Probation Structure & Budget

# Eligible Population

**Probation**: Offenders with suspended sentences—Community & Intermediate

**G.S. 15A-1340.11. Definitions**

**(2)** **Community punishment.** – A sentence in a criminal case that does not include an active punishment, an intermediate punishment, or any of the conditions of probation listed in subdivision (6) of this section.

**(6)** **Intermediate punishment.** – A sentence in a criminal case that places an offender on supervised probation and includes at least one of the following conditions:

a. Special probation as defined in G.S. 15A-1351(a).
b. Assignment to a residential program. (like Dart Cherry)
c. House arrest with electronic monitoring.
d. Intensive probation.
e. Assignment to a day-reporting center.
f. Assignment to a drug treatment court program

**Post-Release Supervision**: Class B1-E felons under Structured Sentencing

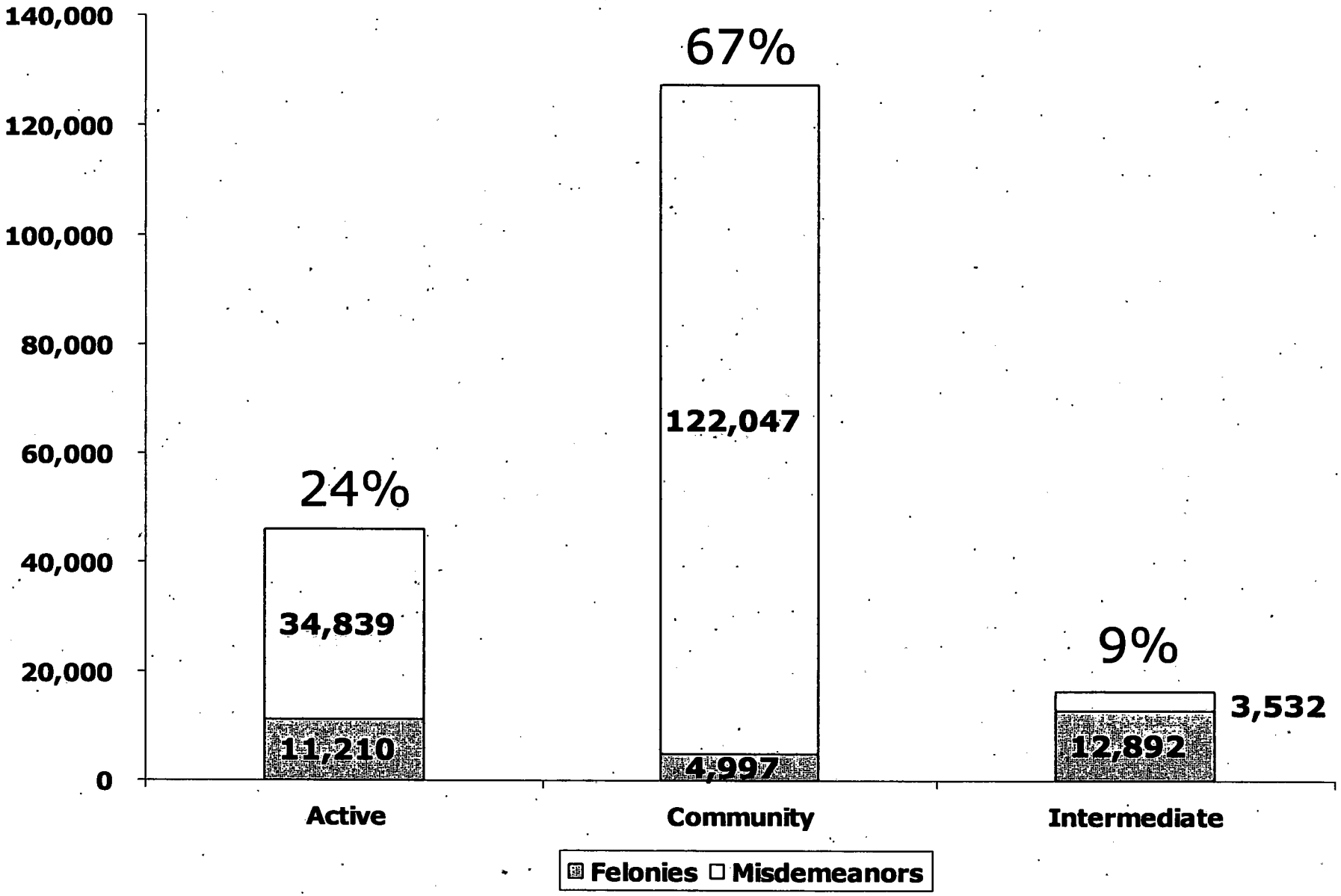
# Eligible Population

**Post-Release Supervision**: Class B1-E felons under Structured Sentencing

**Parole**: pre-Structured Sentencing inmates

**DWI offenders**: probation or parole; separate sentencing structure

# FY 2007-08 Felonies & Misdemeanor Sentences




Source: SPAC, Structured Sentencing Statistical Report for Felonies & Misdemeanors, FY 2007-08

# Probation Conditions



- Duration determined by judge
  - o May be extended to complete treatment program or payment of fees
  - o May be moved from supervised to unsupervised probation upon completion of requirements
- May be modified or revoked by judge
  - o Violations documented by PPO
  - o PPO has delegated authority for some modifications

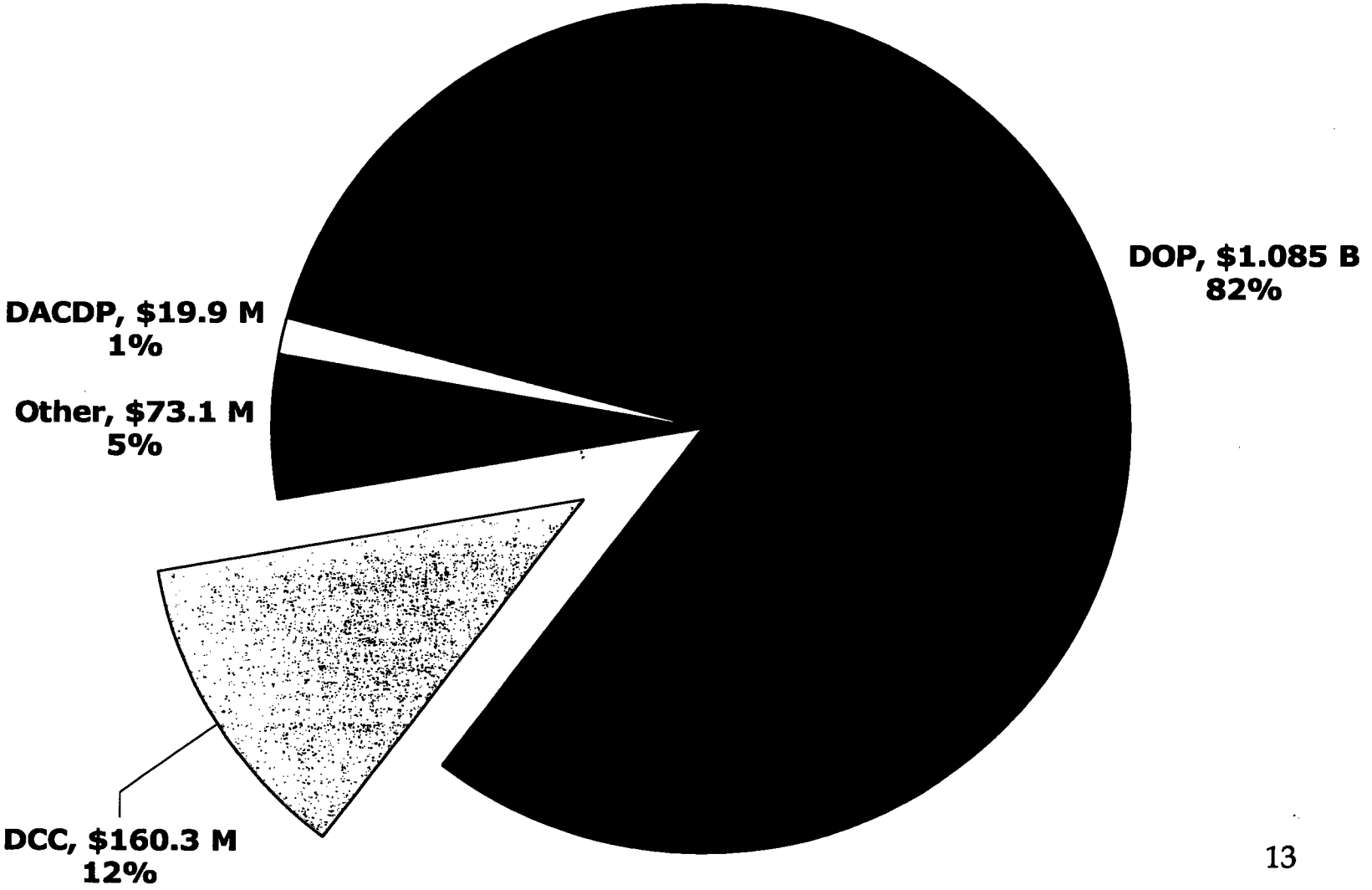
# Post-Release Conditions



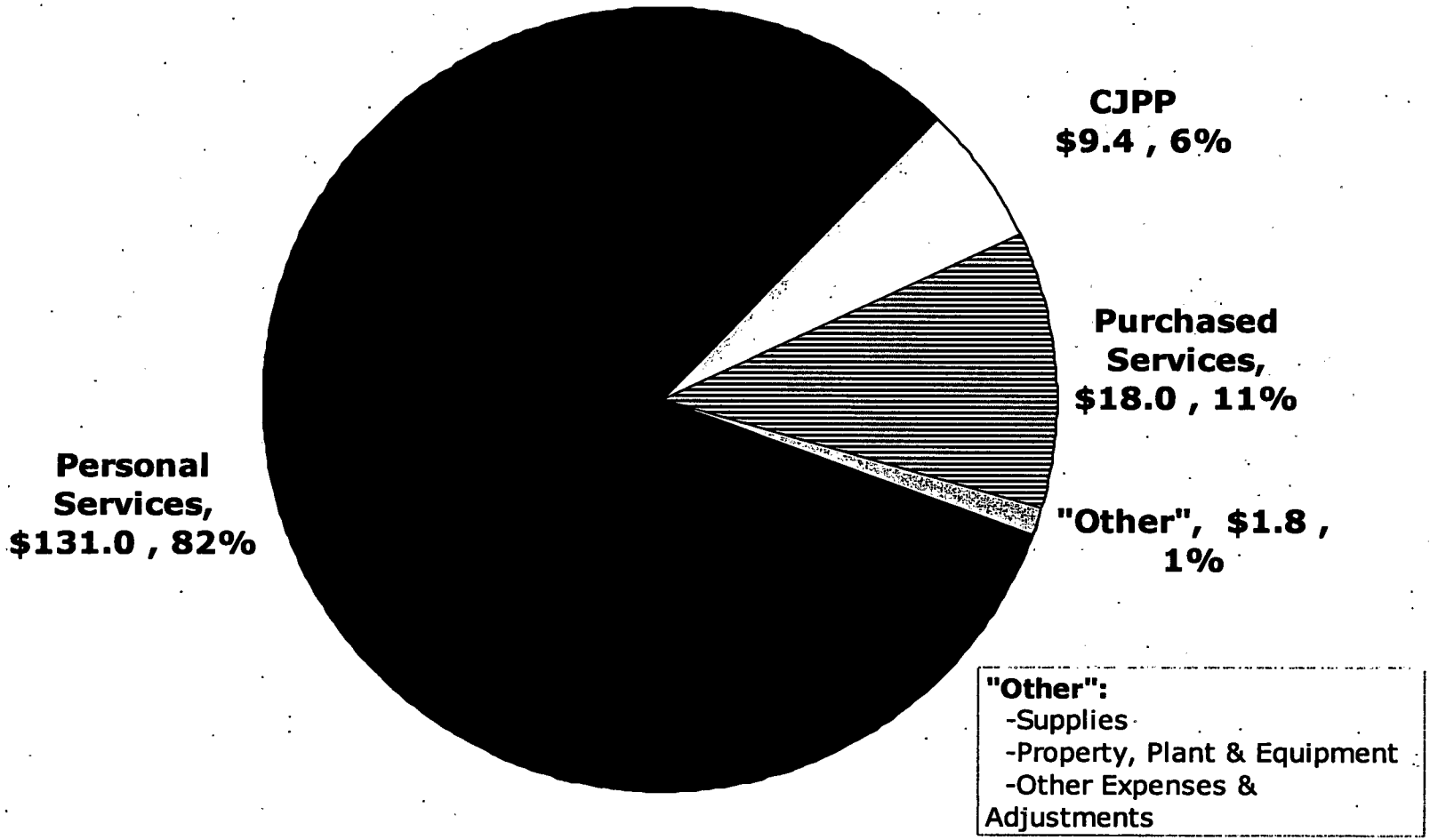
- Determined by Post-Release Supervision & Parole Commission
- May be modified or revoked by Commission
  - o Violations documented by PPO
- Structured-Sentencing B1- E felons are supervised for 9 months after release; revocations capped at 6 months
- Sex offenders are supervised for 5 years, but most serious sex offenders move into unsupervised status and are required to be on GPS tracking for life.

# DCC Requirements 2008-09

*Total DCC = $160.3 million*



# 2008-09 DCC Authorized Budget (in millions of $)



# Governor's Recommended General Fund Continuation Budget for **Division of Community Corrections**

| Category | FY 2007-08 Actual Expenditures | FY 2008-09 Authorized Budget | FY 2009-10 Gov. Recomm. Contin. Budget | FY 2009-10 Gov. Recomm. Contin. Budget Increase | FY 2010-11 Gov. Recomm. Contin. Budget |
|---|---|---|---|---|---|
| Budget | $160,351,813 | $160,306,547 | $163,791,092 | **$3,484,545** | $163,941,010 |
| Positions | 2,588 | 2,588 | 2,588 | 0 | 2,588 |

**Net Continuation** increase of **$3.5 m** 2009-10 and **$3.6 m** in 2010-11 over 2008-09 budget.

# DCC Continuation Budget Increase=$3,484,545

**Personal Services**=$1,790,004

- OT=$550,812
- Shift Premium Pay=$485,465
- Call Back/Standby=$446,212

**Purchased Services**=$1,663,953 (leases)

# DCC Purchased Services

**G.S.15-209. Accommodations for probation officers.**
The county commissioners in each county in which a probation officer serves shall provide, in or near the courthouse, suitable office space for such officer.

**2008-09 Authorized Budget: Building Rent/Lease Space**
**$3,191,743 [18% of Purchased Services fund]**

# Governor's Expansion Budget =$13.6 M

| | 2009-10 | | | 2010-11 | | |
|---|---|---|---|---|---|---|
| | R | NR | Pos. | R | NR | Pos. |
| General Fund | | | | | | |
| PPO Position Reallocation | $2,383,273 | | | $2,383,273 | | |
| Chief PPOs | $2,277,332 | $268,468 | 29 | $2,246,214 | | |
| PPOs, CPPOs & OAs | $5,339,404 | $646,873 | 99 | $7,990,156 | | 117 |
| Correctional Instructors | $224,889 | $14,636 | 3 | $370,513 | $9,757 | 5 |
| **Stimulus Funds (receipts)** | | | | | | |
| VIPER Radios (406) | | $1,264,689 | | | $1,264,689 | |
| Intake Officers for Urban Areas (13) | | $1,235,311 | | | $1,235,311 | |
| **TOTAL** | **10,224,888** | **4,360,014** | **131** | **12,990,156** | **2,509,757** | **151** |

# Senate Budget Actions=$14.6 M

| Item | 2009-10 | | | 2010-11 | |
|---|---|---|---|---|---|
| **General Fund** | **R** | **NR** | **Pos.** | **R** | **Pos.** |
| Provide PPO Reallocation | $2,383,273 | | 1,048 | $2,383,273 | 1,048 |
| Expand Chief PPOs & Office Assistant Positions | $2,754,683 | $376,981 | 51 | $3,793,573 | 53 |
| Expand PPO Positions | $4,251,435 | $528,746 | 77 | $6,270,806 | 91 |
| Reduce DCC Judicial District Managers | ($814,065) | | (15) | ($814,065) | (15) |
| Expand CJPP Program funding | $3,000,000 | | | $3,000,000 | |
| **Stimulus Funds (receipts)** | | | | | |
| Community Intake Officers | | $1,235,311 | | | |
| VIPER Radios | | $1,264,689 | | | |

# Probation Field Services Staffing

# National Institute of Corrections Recommendations

NIC study originally targeted toward Durham & Wake Counties, but expanded to include all the state's urban counties

NIC Review

- Operational Review
- Management Oversight
- Technology

**"Reviewers determined that the primary issue was that the line staff failed to execute Agency policy, coupled with ineffective management oversight at each level in the DCC." (NIC)**

**"Agency policy was found to be sufficient in scope to direct staff in the performance of mission critical functions." (NIC)**

# 2008 Legislative Action

$2.5 million reserve to OSBM

Consultation with Gov Ops prior to spending the money

| | Money | Pos. |
|---|---|---|
| ▪Provide Additional Intermediate PPO | $1,538,494 | 23 |
| ▪Provide Additional CPPO | $461,506 | 6 |
| ▪Hire Project Manager to expedite MIS projects | $278,000 NR | |
| ▪Provide VIPER Radios to Durham (63) | $196,245 NR | |
| ▪Provide training for line staff | $191,922 NR | |
| ▪Conduct a comprehensive workload & staffing analysis | $215,057 NR | |
| ▪Data Integration Project (Wake County) | $5,000,000 NR | |

# 2008-09 DCC Staffing Detail=2,595 positions

| | |
|---|---|
| **DCC Management (5%)** | **135** |
| Department Management | 52 |
| Assigned to Divisions | 44 |
| Technology Center | 30 |
| Other | 9 |
| **DCC Field Services (95%)** | **2,460** |
| Judicial & Asst. Judicial Division Administrators | 8 |
| Judicial & Asst. District Managers | 59 |
| Chief Probation/Parole Officers Vacancy Rate - @ 2% 11% (2½% | 212 |
| Intensive Case Officers | 223 |
| Surveillance Officers | 271 |
| Intermediate Punishment Officers | 906 |
| Community Punishment Officers | 406 |
| Community Service Coordinators | 140 |
| JDM, CPPO, & Community Service Office Assistants | 218 |
| Medical Lab Technicians | 10 |
| Data Entry | 7 |



Source: DCC as of 04/22/09

# Probation Field Services: Supervisory Positions

| | |
|---|---|
| Judicial Division Administrators | 4 |
| Assistant JDAs | 4 |
| Judicial District Managers | 45 |
| Assistant JDMs for larger districts | 14 |
| Chief PPOs | 212 |

# Probation Field Services: Probation/Parole Officer

- **Old Model**
  - o PPO I…Community Officers [110:1]
  - o PPO II…Intermediate Officers [60:1]
  - o PPO III…Intensive Officers [25:1]
  - o Surveillance Officers
- **NEW Model**
  - o Office of State Personnel (OSP) study examined PPO positions and recommended ***one PPO position classification***

mix of offenders as had before Structured Sentencing

# Probation Field Services: Other Program Staff

- **Community Service Coordinators: <u>140</u>**
  - o Moved to DCC in January 2002
  - o Coordinate community service placements for unsupervised (56%) and supervised (44%) probationers
  - o Average caseload: 179
- **Intake Officers: <u>13</u> (Governor's budget)**
  - o NIC recommendation
  - o Pilot project for five urban districts

New Hanover
Wake
Mecklenburg

# DCC Program Highlights

# Community Punishment
## (4,997 felonies & 122,047 misdemeanants)

| | Supervised | Unsupervised | Restitution/ Fine/Comm. Service only | Sanction Not Specified |
|---|---|---|---|---|
| Felonies | 4,798 | 147 | 21 | 31 |
| Misdemeanors | 41,734 | 53,346 | 15,053 | 11,914 |
| | **37%** | **42%** | **12%** | **9%** |

Source: SPAC, Structured Sentencing Statistical Report for Felonies & Misdemeanors, FY 2007-08

# Intermediate Punishment
## (14,598 felonies & 3,793 misdemeanants)

| | Special Probation | Residential Facility | DRC Day reporting Centers (19 Counties) | DTC Dart Cherry or Summit House | Intensive Probation | HA/EM House Arrest Electronic Monitoring |
|---|---|---|---|---|---|---|
| Felonies | 6,144 | 153 | 567 | 108 | 6,893 | 733 |
| Misdemeanors | 2,080 | 25 | 279 | 40 | 1,148 | 221 |
| | **45%** | **1%** | **5%** | **>1%** | **44%** | **5%** |

Source: SPAC, Structured Sentencing Statistical Report for Felonies & Misdemeanors, FY 2007-08

# 2007-08 Program & Sanctions

| Sanction | Offenders Admitted | Average Length |
|---|---|---|
| **Community** | **36,492** | **19.8 months** |
| **Intermediate** | **15,879** | **22.9 months** |
| Intensive | 13,872 | 5.1 months |
| Electronic House Arrest | 3,514 | 3.2 months |
| Day Reporting Centers | 3,230 | 5.5 months |
| DWI participation | 10,258 | 22.5 months |
| DART-Cherry | 1,850 | 52 days (Days: 28=200 slots/ 90=100 slots |

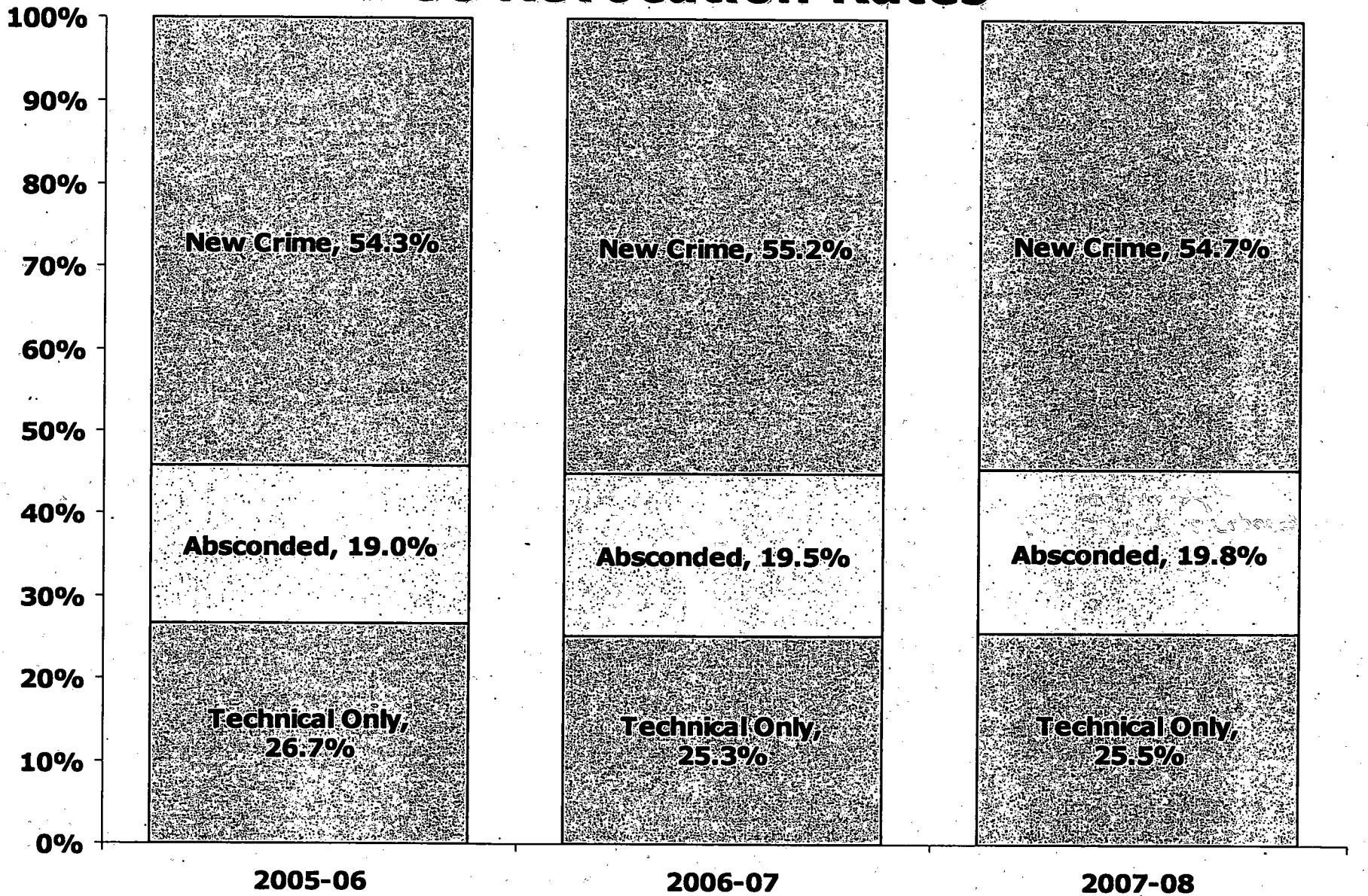
Source: SPAC, Compendium of Community Corrections in N.C. FY 2007-08

# Program Data: Probation Terminations

| | Community | Intermediate | Day Reporting Centers |
|---|---|---|---|
| **Successful** | 51% | 36% | 35% |
| **Unsuccessful** | 49% | 64% | 65% |
| **% Revoked** (technical) | 62% | 68% | 82% |
| **% Revoked** ( new crime) | 12% | 15% | 5% |
| **% Other** (early/admin termination or other) | 26% | 17% | 13% |

Source: SPAC, Compendium of Community Corrections in N.C. FY 2007-08

# DCC Revocation Rates




Source: DOC, Office of Research & Planning, *Update of Probation Revocation to Prison Reports*

# DCC Revocation Rates

- Prison Admissions: 28,535
- Probation Revocations: 13,645 (49%)
  - **Technical violations (25%=3,479)**
    - Average of **3.8** violations; not **one** reason
    - Failure to pay court indebtedness (64%)
    - Failure to pay probation supervision fees (49%)
    - Failure to report (40%)
    - Positive Drug Test (39%)
    - Curfew Violations (18%)
  - **Absconders (20%=2,707)**
  - **New crimes (55%=7,459)**
    - 49.8% misdemeanors (68.2% Class 1)
    - 50.2% felons (65% H & I)

Source: DOC, Office of Research & Planning, DCC Exits FY 2007-08

# Cost Per Day

| Cost of Prison Incarceration | | |
|---|---|---|
| | daily cost per offender | annual cost per offender |
| Average | $74.77 | $27,291 |
| **Cost of Community Corrections Supervision** | | |
| | daily cost per offender | yearly cost per offender |
| Community/Intermediate Supervision | $2.37 | $865 |
| Intensive Supervision | $16.71 | $6,069 |
| Electronic House Arrest | $8.43 | $3,077 |
| Community Service Work Program | $0.83 | $303 |
| Criminal Justice Partnership Program - Sentenced offenders | $14.77 | $5,391 |
| Drug Screening (TASC) | $1.46 | |

Source: SPAC, Compendium of Community Corrections in N.C. FY 2007-08

# Criminal Justice Partnership Program (CJPP)

# CJPP

- Created in 1993, with the goals:
  - o To reduce recidivism;
  - o To reduce the number of probation revocations;
  - o To reduce alcoholism and other drug dependencies among offenders; and
  - o To reduce the cost to the State and the counties of incarceration. (G.S. 143B-273.3)
- Provides grants to support community-based programs targeted at intermediate offenders - some community-based offenders
- 2008-09: $9.4 million for 84 programs in 92 counties
- Four counties have **never** participated

Bladen
Lincoln
Hyde
Dare

# CJPP

**Eligible population.**

- (a) An eligible offender is an adult offender who 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 offenders sentenced to **intermediate punishments**. (G.S. **143B-273.4)**
- Programs include:
  - Day Reporting Centers=19
  - Satellite Substance Abuse=41
  - Resource Centers=24

services not as comprehensive as DR Centers

# CJPP Formula

| Previous Formula | 2005 Formula Change | 2009 Senate Proposal |
|---|---|---|
| 20% fixed equal $ for each county | 25% fixed equal $ for each county | |
| 60% county share of state population | 50% county share of state population | |
| 20% *probation* population rate for each county | 25% *intermediate* punishment entry rate for each county | |
| **Pre-Trial Services**<br>Helps to manage jail populations by expediting pre-trial release of appropriate persons to the community<br>Approximately 20 programs | **Pre-Trial Services**<br>**2005-06: NO** county could use more than **25%** of its funds<br>**2006-07: NO** funds could be used | **Pre-Trial Services:**<br>**Allow counties to use CJPP funds**<br>**DOC recommends restoring the 25% cap** |

$3,000,000

# Other DCC Information

# Non-Profits: $2 m

- **Harriet's House (Raleigh)**
  - **Goal**: To reduce recidivism (re-incarceration) among women with children who are leaving correctional facilities.
  - Transitional housing program to help mothers leaving prison make a successful reentry into the community
  - Two-year program w/four phases: supervised living, transitional living, community living, & aftercare.
  - Served 27 women & 45 children
- **Women at Risk (Asheville)**
  - **Goal**: reduce recidivism among females and reduce incarceration by providing mental health & substance abuse treatment
  - 16-week community-based treatment program for community or intensive probationers
  - 342 referrals (served 248 female offenders)
- **Summit House (Charlotte & Greensboro; Raleigh facility closed)**
  - **Goal**: Achieve independence from substance abuse & destructive behavior.
  - Serves non-violent female probationers & their children
  - Probationers and their children live at Summit House for two years, and receive various services (e.g., job training, SA treatment, etc.)
  - Served 29 mothers & 39 children

lasts longer, more intensive

Source: 2007-08 annual reports

# Recidivism Rates

- **Re-Arrest rate (3 yrs): 39%**
  - o Intermediate offenders: 41%
  - o Community offenders: 31%
  - o Intensive probation: 42%
  - o Special probation: 39%
  - o Electronic house arrest: 36%
  - o Community service: 34%
- **Prison re-arrest rate: 50%**

Source: Sentencing Commission's 2008 Recidivism Study

# Justice and Public Safety ency Budget Proposals
## FY 2009-10

| Agency | FY 08-09 Authorized Budget | FY 2009-10 Governor's Recommended Continuation Budget | FY 2009-10 Governor's Recommended Adjustments* | *Truth-in-Budgeting & Negative Reserves Included in Adjustments | FY 2009-10 Governor's Recommended Budget | FY 2009-10 Senate Adjustments | FY 2009-10 Senate Budget | Compared to Governor's Request | Compared to Continuation Budget |
|---|---|---|---|---|---|---|---|---|---|
| Correction | 1,302,964,170 | 1,384,910,571 | (68,118,689) | (62,723,843) | 1,316,791,882 | (92,277,223) | 1,292,633,348 | -1.8% | -6.7% |
| Judicial-AOC | 479,836,267 | 497,649,235 | (26,521,302) | (23,722,809) | 471,127,933 | (27,181,764) | 470,467,471 | -0.1% | -5.5% |
| Judicial- OIDS | 118,137,192 | 133,881,190 | (10,165,174) | (1,980,237) | 123,716,016 | 1,052,874 | 134,934,064 | 9.1% | 0.8% |
| Justice | 97,789,288 | 100,441,147 | (6,153,476) | (4,404,978) | 94,287,671 | (8,338,435) | 92,102,712 | -2.3% | -8.3% |
| Juvenile Justice | 165,774,045 | 172,484,415 | (17,408,247) | (4,990,560) | 155,076,168 | (25,369,816) | 147,114,599 | -5.1% | -14.7% |
| Crime Control | 45,995,705 | 43,925,878 | (2,798,829) | (981,070) | 41,127,049 | (12,586,943) | 31,338,905 | -23.8% | -28.7% |
| **Total JPS** | **2,210,496,667** | **2,333,292,436** | **(131,165,717)** | **(98,803,497)** | **2,202,126,719** | **(164,701,307)** | **2,168,591,099** | **-1.5%** | **-7.1%** |

| | |
|---|---|
| **JPS SENATE TARGET (Revised 4/01/09):** | **2,131,735,039** |
| Target Compared to 2008-09 Authorized Budget: | **(78,761,628)** |
| Target Compared to FY09-10 Continuation Budget: | **(201,557,397)** |
| Target Compared to FY09-10 Governor's Budget: | **(70,391,680)** |

04/09/09

# HOUSE APPROPRIATIONS SUBCOMMITTEES
# APPROACH TO DEVELOPING THE 2009-11 BIENNIAL BUDGET
# SPECIFIC AREAS TO REVIEW

Due to the magnitude of the current fiscal crisis and the significant budget gaps projected for the next two to four fiscal years, subcommittees are being asked to implement a targeted approach to developing the budget.

As you meet with your subcommittees over the next three to four weeks, examine the following.

1. **Require Agencies and Nonprofits to Justify The Budget**
   Build on the General Assembly's past and current justification and continuation review initiatives: require state agencies and nonprofits to justify continuing some expenditures. You should use this approach for:
   - Individual programs, including non-essential, ineffective, obsolete, redundant or new (created in the past four years) programs and services.
   - Specific line items within programs. (See list on back of page.)

2. **Use Governmental and Proprietary Fund Cash Balances**
   Cash balances can be transferred to the General Fund, or expenditures can be transferred to the other funds.

3. **Eliminate Vacant Positions**
   Consider cutting vacant positions, especially those vacant for 6 months or more as of January 1, 2009 (excluding public school teachers). Note: The Governor budgeted some salaries at less than 100%; this will affect budget reductions that are based on eliminating positions.

4. **Increase or Implement Fees**
   Examine fees to determine if any increases are appropriate and could be used to offset operating appropriations.

5. **Examine Rate Changes**
   If the base budget contains rate increases, such as built-in contract increases, these increases should be eliminated if possible.

6. **Change Funding Formulas**
   Funding allocation formulas to determine if changes can be implemented to improve the method and achieve cost savings.

7. **Use Federal American Recovery and Reinvestment Act (ARRA) funds**
   Budget any relevant federal Recovery funds. To the extent possible and allowed by federal regulations, use the funds for supplanting and for non-recurring needs. The Governor's budget uses some Recovery funds for expansions; some of these dollars can be used to supplant. Other dollars have not yet been budgeted at all.

8. **Finally, Consider Applicable Recommendations Found In Any of the Following:**
   - Reports issued by the General Assembly's Program Evaluation Division
   - Audits or studies, including reports mandated in S.L. 2007-323 and S.L. 2008-107;
   - Past Justification Reviews; prior- and current-year Continuation Reviews.

**Specific Line Items within Programs That Should be Justified by Agencies**

1. Direct appropriations and grants to nonprofit organizations
2. Contracted personal services
3. Miscellaneous contractual services
4. Rental/lease of equipment
5. Travel and other employee expense
6. Cellular phone services
7. Furniture and equipment replacement schedules
8. Discretionary grants
9. Directed grants
10. Loans
11. Other aids and grants
12. Any other programs and expenditures identified by the subcommittees as appropriate for review using a justification review approach.

# SENATE APPROPRIATIONS COMMITTEE

## REPORT
ON THE
## CONTINUATION, EXPANSION
AND
## CAPITAL BUDGETS

**Senate Bill 202 – 3rd Edition**

**April 8th, 2009**

# JUSTICE
# &
# PUBLIC SAFETY
# Section I

# Judicial

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$497,649,235** | | **$507,638,940** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **1 Reduce Information Technology Funding**<br>Adjust continuation budget increases for information and other technology services. | ($977,499) | R | ($977,499) | R |
| **2 Eliminate Vacant AOC Administrative Positions**<br>Eight (8) vacant positions in AOC's Raleigh office are eliminated: | ($621,720)<br>-8.00 | R | ($621,720)<br>-8.00 | R |

| Pos.# | Position | Salary |
|---|---|---|
| 60004908 | Sr. Accountant | 36,598 |
| 60094875 | Wan Engineer III | 70,506 |
| 60094888 | App. Analyst Prog. III | 80,145 |
| 60055085 | Sr. Java Developer | 78,000 |
| 60004852 | Management Asst | 43,507 |
| 60095893 | Instructional Designer | 54,080 |
| 65003747 | Dep.Chief Info Officer | 107,543 |
| 60094899 | AOC Division Asst | 41,428 |

**Department-Wide**

| | | | | |
|---|---|---|---|---|
| **3 Reduce Various Operating Accounts**<br>Governor's recommendation: reduce various operating accounts on a recurring basis:<br><br>Supplies: ($150,000)<br>Employee Educational Assistance: ($50,000)<br>Registration Fees: ($100,000)<br>Travel: ($150,000)<br>Equipment: ($500,000) | ($950,000) | R | ($950,000) | R |
| **4 Reduce Employee Travel Budget**<br>Reduce the amount in the continuation budget for employee transportation, lodging, and meals by restricting the number of trips and reducing the mileage reimbursement rate for the use of personal vehicles. | ($830,000) | R | ($830,000) | R |
| **5 Eliminate Telephone System Line Items**<br>SL 2007-108 authorized a new fee to pay for judicial and county courthouse telephone systems. Therefore, the continuation budget line items for telephone upgrades, maintenance, and operations are eliminated. | ($4,613,429) | R | ($4,613,429) | R |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **6 Reduce Academic Services Budget**<br>The continuation budget increases for academic services are eliminated. Sch B Gov't, etc. provide training. | ($307,692) | R | ($345,312) | R |
| **7 Adjust Continuation Budget Line Items**<br>The continuation budget is adjusted to remove increases for the maintenance agreements, legal services, and miscellaneous contractual services. | ($6,939,622) | R | ($10,454,317) | R |
| NEW **8 Establish Management Flexibility Reserve**<br>Establishes a management flexibility reserve to provide the Administrative Office of the Courts with the flexibility to manage additional reductions totaling $9,471,240. | ($9,471,240) | R | ($9,471,240) | R |
| **Equipment and Other Reserves** | | | | |
| G **9 Freeze Step Increases for Magistrates and Clerks**<br>Freeze the step increase for the salaries of Magistrates and Clerks for FY 2009-11. | ($2,324,864) | NR | ($6,390,013) | NR |
| G **10 Evaluation & Training to Improve Court Operations**<br>Governor's recommendation: $750,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for evaluation of court processes and procedures and developing best practices for effective programs. In addition, this funding will support continuing education and basic systems training for court professionals and those who interface with court systems. Training is especially critical to ensure the timely implementation of NCAWARE, a statewide warrant repository. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the State administrator of the Byrne/JAG Formula Program. | | | | |
| **Trial Courts** | | | | |
| GM **11 Dispute Resolution Centers Funding**<br>Reduce the pass-through funds for local dispute resolution centers and the Mediation Network of North Carolina. The Dispute Resolution Commission may propose fee increases to offset the loss of General Fund support. | ($159,932) | R | ($159,932) | R |
| GM **12 Reduce Pass-Through Funding to the NC State Bar**<br>Reduce the continuation budget pass-through funding to the NC State Bar as follows:<br>~~Civil Justice Act: ($100,000)~~<br>Financial Protection Law Center: ($10,000)<br>Land loss Protection Center: ($100,000) | ($210,000) | R | ($210,000) | R |
| **13 Eliminate Vacant GAL Supervisory Positions**<br>Two vacant GAL Program Supervisor positions are eliminated. | ($103,866)<br>-2.00 | R | ($103,866)<br>-2.00 | R |

Negative reserves - put in - agency has flexibility to decide where to cut - where best fits

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **14 Eliminate Superior Court Judge Travel Allowance**<br>Funding for the $7,000 annual travel allowance for each Superior Court Judge is eliminated from the continuation budget. Superior Court Judges' travel expenses shall be paid on a reimbursement basis from the Trial Court Division's travel budget. | ($672,000) | R | ($672,000) | R |
| **Total Legislative Changes** | ($24,856,900) | R | ($29,409,316) | R |
| | ($2,324,864) | NR | ($6,390,013) | NR |
| **Total Position Changes** | -10.00 | | -10.00 | |
| **Revised Budget** | $470,467,471 | | $471,839,612 | |

Dropped Gov's Item:

Establish Management Flexibility Reserve
(9,272,425)

# Judicial - Indigent Defense

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$133,881,190** | | **$132,320,396** | |
| **Legislative Changes** | | | | |
| **Department-Wide** | | | | |
| **15 Reduce Various Operating Accounts**<br>Governor's recommendation: reduce various operating accounts including Travel ($309,637)R, Registration Fees ($17,000)R, Academic Services ($17,500)R, Library & Learning Resources ($13,251)R, and PC/Printer Equipment ($30,000)NR. | ($357,388)<br>($30,000) | R<br>NR | ($357,388) | R |
| **16 Establish Management Flexibility Reserve**<br>Establishes a management flexibility reserve to provide the Office of Indigent Defense Services with the flexibility to manage additional reductions totaling $1,593,302. | ($1,593,302) | R | ($1,593,302) | R |
| **Indigent Defense Services** | | | | |
| **17 Reduce Aid to Center of Death Penalty Litigation**<br>The pass-through funding to the Center for Death Penalty Litigation is reduced by 10 percent. | ($59,000) | R | ($59,000) | R |
| **18 Reduce Prisoner Legal Services Funds**<br>Funding provided for the Prisoner Legal Services contract is reduced by 10 percent. | ($124,407) | R | ($124,407) | R |
| **Indigent Person Attorney** | | | | |
| **19 Adjust the PAC Continuation Budget**<br>The continuation budget for the Private Attorney Fund includes increases of $16.1 million in FY 2009-10 and $14.3 million in FY 2010-11. The recurring continuation increases are reduced. Non-recurring funds are provided to address the backlog of unpaid claims carried over from FY2008-09. | ($3,500,000)<br>$7,000,000 | R<br>NR | ($8,500,000) | R |
| **Sentencing Services** | | | | |
| **20 Reduce Sentencing Services Budget**<br>Reduce the continuation budget for the Sentencing Services Program by 10 percent. | ($283,029) | R | ($283,029) | R |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Total Legislative Changes** | ($5,917,126) | R | ($10,917,126) | R |
| | $6,970,000 | NR | | |
| **Total Position Changes** | | | | |
| **Revised Budget** | $134,934,064 | | $121,403,270 | |

Gov's Item Dropped:

Eliminate Attorney Fee Coordinator Position

Mecklenburg pos

(45,730)

(1.0)

# Justice

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$100,441,147** | | **$101,047,019** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **21 Shift Position to Receipt Support**<br>Governor's recommendation that an appropriated administrative position be shifted to receipt support. This position will now be funded by receipts generated through administrative charges from grants, cost of collection for DPI school penalties, Private Protective Services operating receipts, and Justice Academy Bookstore receipts | ($44,215)<br>-1.00 | R | ($44,215)<br>-1.00 | R |
| **Criminal Justice Training and Standards - CJTS** | | | | |
| **22 Reduce CJTS Operating Funds**<br>Reduction in operating funds for the Criminal Justice Training and Standards Division. This reduction will be offset by receipts from a new $2.00 fee to support the division. | ($1,000,000) | R | ($2,000,000) | R |
| **Department-Wide** | | | | |
| **23 Reduce Various Operating Accounts**<br>Governor's recommendation that funding for various operating accounts be reduced across the agency. | ($215,000) | R | ($215,000) | R |
| **24 Eliminate 27 vacant positions**<br>Elimination of 27 positions that have been vacant for six months or more. | ($1,221,703)<br>-27.00 | R | ($1,221,703)<br>-27.00 | R |
| **25 Establish Management Flexibility Reserve**<br>Establishes a management flexibility reserve to provide the Department of Justice with the flexibility to manage additional reductions totaling $2,692,365. | ($2,692,365) | R | ($2,692,365) | R |
| **Legal Services** | | | | |
| **26 Shift Consumer Protection Positions**<br>Conversion of 21 staff positions in the Consumer Protection Program from General Fund appropriation to receipt support. Receipts associated with court orders and legal consumer settlements will be used to fund these positions. | ($1,400,000)<br>-21.00 | R | ($1,400,000)<br>-21.00 | R |
| **27 Eliminate 6 Vacant Positions**<br>Governor's recommendation that six vacant positions be eliminated. The positions include two attorneys, three SBI support positions, and one academy training coordinator. | ($367,641)<br>-6.00 | R | ($367,641)<br>-6.00 | R |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **28 Reduction in NC LEAF funding**<br>10 percent reduction in funding for the North Carolina Legal Education Assistance Foundation (NC LEAF) | ($50,000) | R | ($50,000) | R |
| **29 Maximization of Medicaid Fraud Recovery Efforts**<br>Reduction in the General Fund appropriation for the Medicaid Fraud Unit. This reduction will be offset by the program's efforts to maximize recovery fees and related administrative receipts. | ($168,566) | R | ($337,132) | R |
| **State Bureau of Investigation - SBI** | | | | |
| **30 Reduce Vehicle Replacement Budget**<br>Reduction in the SBIvehicle replacement budget. | ($342,303) | R | ($342,303) | R |
| **31 Reduce Telecommunication Service Charges**<br>Governor's recommendation that telecommunication service charges be reduced by providing all connections to criminal databases through secure internet connections. | ($459,599) | R | ($459,599) | R |
| **32 Eliminate the Fingerprint Card Program**<br>Governor's recommendation that the fingerprint card program be eliminated now that all 100 counties have access to the Statewide fingerprint Identification System (SAFIS), which utilizes live scan devices. | ($15,696) | R | ($15,696) | R |
| **33 Shift Positions to Receipt Support**<br>Governor's recommendation that two appropriated Information Technology positions be shifted to receipt support. These positions will now be funded through user fees associated with criminal databases that these positions support. | ($165,905)<br>-2.00 | R | ($165,905)<br>-2.00 | R |
| **34 Increase SBI Crime Lab Fee**<br>Governor's recommendation that the fee assessed on convicted criminals to recover the cost of SBI Crime Lab analysis be increased from $300 to $600. DWI cases make up a large percentage of the total revenue generated from this fee. | ($195,442) | R | ($390,884) | R |
| **35 Expand GangNet**<br>Governor's report on the use of funding of up to $1.8 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for an expansion of the GangNet intelligence information database. The database will be expanded to include probation officers, the State Bureau of Investigation, the State's Homeland Security Intelligence Network and the NC Justice Xchange, which facilitates criminal integration by allowing the exchange of information throughout the criminal justice community. These efforts will be coordinated with Durham County and Charlotte-Mecklenburg, which administer the GangNet eastern and western nodes, respectively. The allocation of this funding will be made under the authority of the Governor Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **36 Federal Funds to Expedite Criminal and Drug Cases**<br>Governor's report on the use of funding of up to $1.8 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) to support overtime expenditures required to expedite methamphetamine and violent crime investigations. This funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Program. | | | | |
| **Total Legislative Changes** | ($8,338,435) | R | ($9,702,443) | R |
| **Total Position Changes** | -57.00 | | -57.00 | |
| **Revised Budget** | $92,102,712 | | $91,344,576 | |

# Juvenile Justice & Delinquency Prevention

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$172,484,415** | | **$172,661,108** | |
| **Legislative Changes** | | | | |
| **37 Establish a Management Flexibility Reserve** | ($3,502,899) | R | ($3,502,899) | R |
| It is recommended that a management flexibility reserve be established to provide the Department Juvenile Justice & Delinquency Prevention with the flexibility to manage additional reductions totaling $3,502,899. | | | | |
| **Administrative Services** | | | | |
| **38 Eliminate Seven Central Office Positions** | ($426,955) | R | ($426,955) | R |
| The Governor recommends eliminating seven central office positions, including one human resources position, one webmaster position, one administrative secretary, one information technology project manager, and three facility investigators. These eliminations will be a combination of filled and vacant positions | -7.00 | | -7.00 | |
| **39 Reduce Appropriation for Furniture** | | | | |
| The Governor recommends funding for furniture be reduced on a nonrecurring basis. | ($218,393) | NR | | |
| **40 Reduce Legal Services** | ($130,781) | R | ($130,781) | R |
| Eliminate the continuation budget increase for Legal Services. | | | | |
| **Center for the Prevention of School Violence** | | | | |
| **41 Eliminate the CPSV** | ($474,923) | R | ($474,923) | R |
| Eliminate funding for the Center for the Prevention of School Violence (CPSV). According to the Department, this division serves as a resource center and "think tank" for schools. These functions are not part of the core mission of the Department. | -6.00 | | -6.00 | |
| **Department wide** | | | | |
| **42 Gang Prevention and Intervention Pilot Program** | | | | |
| The Governor recommends using $6 million from the American Reinvestment and Recovery Act for the implementation of a two-year Gang Prevention and Intervention Pilot Program. This program will focus on youth at-risk for gang involvement and those who are already associated with gangs and gang activity. The pilot program will serve Cabarrus, Mecklenburg, Nash, Edgecombe, Wilson, and Halifax Counties. | | | | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **43 Eliminate Overtime budget increase**<br>Eliminate the continuation budget increase in the Overtime pay line item. | ($1,805,207) | R | ($1,805,207) | R |
| **44 Eliminate the increase for temporary services**<br>Eliminate the continuation budget increase used to pay for temporary services. | ($333,906) | R | ($333,906) | R |
| **45 Eliminate vacant positions**<br>Eliminate 25 positions that have been vacant for a year or longer. | ($974,956)<br>-25.00 | R | ($974,956)<br>-25.00 | R |
| **Intervention/Prevention** | | | | |
| **46 Eliminate Alternative to Detention Contract**<br>The Governor recommends eliminating the Alternative to Detention Contract, which provides short-term emergency placement of juveniles through a local provider in District 23 and District 28. | ($43,885) | R | ($43,885) | R |
| **47 Eliminate Pass-Through Funding-Boys & Girls Club**<br>Eliminate pass-through funding to eight Boys & Girls Clubs that received a special appropriation of $50,000 each that was used as part of a match for grant funds that the clubs no longer receive. | ($400,000) | R | ($400,000) | R |
| **48 Reduce Pass-Through Funding- Project Challenge**<br>Reduces administrative funding for Project Challenge by 10%. This reduction does not affect the direct services Project Challenge provides in the 33 counties it operates. | ($16,000) | R | ($16,000) | R |
| **49 Additional Juvenile Court Counselors**<br>The Governor recommends using $1.5 million from the American Reinvestment and Recovery Act to fund 12 new court counselors and 2 new supervisors. These positions will be time limited. | | | | |
| **50 Expand JCPC Allocation**<br>Provide additional funding to the Juvenile Crime Prevention Council (JCPC) county allocation to offset the effects of eliminating the Governor's One on One program and the Support Our Students program. JCPCs are encouraged to use these additional funds to provide services for juveniles that are court involved. | $6,627,532 | R | $6,627,532 | R |
| **Special Initiatives** | | | | |
| **51 Close the Alamance Multi-Purpose Home**<br>The Governor recommends closing the Alamance Multi-Purpose Home because of low capacity and low utilization. | ($600,000) | R | ($600,000) | R |
| **52 Eliminate Pass-Through Funding-Governor's 1 on 1**<br>Eliminate funding for the Governor's One on One mentoring program. This program serves lower risk youth in 46 counties and these programs would be eligible for JCPC funds. | ($1,645,545) | R | ($1,645,545) | R |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **53 Reduce Pass-Through-Juvenile Assessment Center**<br>Reduce pass-through funding for the Juvenile Assessment Center by 10%. The Juvenile Assessment Center also receives funding from the county JCPC. | ($16,543) | R | ($16,543) | R |
| **54 Reduce Eckerd Wilderness Camp Rate**<br>The Governor recommends reducing the daily contract rate from $134.95 to $123.58. To achieve this reduction, one camp serving 45 NC youth will be closed, service will be discontinued to out-of-state youth currently helping subsidize the cost of NC youth, and the length of stay for some youth will decrease. | ($1,435,000) | R | ($1,435,000) | R |
| **Support Our Students** | added to JCPC | | | |
| **55 Eliminate the Support Our Students program**<br>The Governor recommends eliminating funding for the SOS program, including the elimination of three filled positions. The subcommittee recommends taking the SOS General Funding and providing it to the JCPC county allocation to provide additional prevention services. - Counties can decide how to use JCPC funds | ($6,627,532)<br>-3.00 | R | ($6,627,532)<br>-3.00 | R |
| **Youth Development Centers** | | | | |
| **56 Eliminate Youth Development Center positions**<br>The Governor recommends eliminating 19 Youth Development Center positions, including a combination of filled and vacant positions. The positions are located at Dillon, Cabarrus, Edgecombe, and Chatham Youth Development Centers. | ($948,994)<br>-19.00 | R | ($948,994)<br>-19.00 | R |
| **57 Eliminate Security Service Agreement**<br>Eliminate the Security Service Agreement line item, which was used to provide temporary security at the Cabarrus YDC while a fence was under repair. | ($110,717) | R | ($110,717) | R |
| **58 Eliminate the Treatment Training Reserve**<br>Eliminate the treatment training reserve in the continuation budget, which was established to aid the Department in its efforts to train staff in their therapeutic treatment model. | ($250,000) | R | ($250,000) | R |
| **59 Close the Samarkand YDC**<br>Close the Samarkand YDC, which houses committed girls. In 2008, the Department opened four newly constructed replacement YDCs and Samarkand has the highest daily cost of any The Department has built a replacement facility for girls in Chatham County, effective September 1, 2009. | ($5,048,253)<br>-63.00 | R | ($6,731,004)<br>-63.00 | R |
| **60 Close Dobbs YDC**<br>Effective September 1, 2009, close the Dobbs YDC since the new Lenoir YDC, was opened in 2008 to replace this older facilitiy. | ($6,986,859)<br>-85.00 | R | ($9,315,812)<br>-85.00 | R |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Total Legislative Changes** | ($25,151,423) | R | ($29,163,127) | R |
| | ($218,393) | NR | | |
| **Total Position Changes** | -208.00 | | -208.00 | |
| **Revised Budget** | $147,114,599 | | $143,487,981 | |

Gov's Item Dropped:

Close Camp Woodson

(1,052,000)

(21)

# Correction

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$1,384,910,671** | | **$1,406,791,264** | |
| **Legislative Changes** | | | | |
| **61 Establish Management Flexibility Reserve** | ($54,478,651) | R | ($54,478,651) | R |
| Establishes a management flexibility reserve to provide the Department of Correction with the flexibility to manage additional reductions totaling $54,478,651 | | | | |
| **Community Corrections** | | | | |
| **62 Probation Parole Officer Reallocation** | $2,383,273 | R | $2,383,273 | R |
| The Governor recommends an appropriation to reallocate 1,048 Probation/Parole Officers from a pay grade 68 to a pay grade 69, as recently authorized by the State Personnel Commission. This request would address significant recruitment and retention issues for the classification. | | | | |
| **63 Community Corrections Intake Officers** | | | | |
| The Governor reports on the use of funding of up to $1.23 million to be made available through the American Reinvestment and Recovery Act for new Community Corrections Intake Officer positions. These positions will perform court intake duties and administrative functions in urban areas where court dockets currently require significant time commitments from Probation/Parole Officers. As recommended in the recent National Institute of Corrections report, these new positions will enable Probation/Parole Officers to dedicate more time to monitoring offenders under their supervision and less time performing administrative functions. | | | | |
| **64 Expand Chief Probation Parole Officer Positions** | $2,754,683 | R | $3,793,573 | R |
| | $376,981 | NR | | |
| Provides funding for an additional 40 Chief Probation Parole Officer (CPPO) positions and 13 Office Assistants to support the chiefs and officers in each newly-established unit. This expansion supports recommendations from the National Institute of Corrections 2008 report to improve the span of control between supervisors and field officers . The Division's goal is to have a 7:1 ratio between supervisors and field officers. Fifty-one positions will be effective October 1, 2009 and an additional two positions will be effective in July 1, 2010. | 51.00 | | 53.00 | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **65 Expand Probation Parole Officer Positions**<br>Provides funding for an additional 91 Probation Parole Officers (PPO). These additional officers will improve the Department's supervision of probationers and provide more field officers to manage offender caseloads. Seventy-seven positions will be effective October 1, 2009 and an additional 14 positions will be effective in July 1, 2010. | $4,251,435<br>$528,746<br>77.00 | R<br>NR | $6,270,806<br><br>91.00 | R |
| **66 Cap DCC Judicial District Managers**<br>Caps Judicial District Manager positions at 30. The original judicial district structure of the Unified Court System had 30 districts. As judicial districts have been split, the Division of Community Corrections has established new management offices for each district, now numbering 45. | ($814,065)<br>-15.00 | R | ($814,065)<br>-15.00 | R |
| **67 Expand funding for CJPP programs**<br>Provide additional funding for the Criminal Justice Partnership Program (CJPP). Counties are encouraged to use the additional funds to provide pre-trial release, as well as multiple treatment, control, and referral options for convicted offenders in each county. | $3,000,000 | R | $3,000,000 | R |
| **68 VIPER Radios for Improved Community in DCC**<br>The Governor recommends using $1.3 million from the American Reinvestment and Recovery Act for the purchase of 406 VIPER (interoperable communications) radios to be deployed to those Division of Community Corrections offices within the current VIPER service area. | | | | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Department-Wide** | | | | |
| **69 Eliminate 114 Positions** | ($4,369,668) | R | ($4,369,668) | R |
| Governor's Recommendation: eliminates 114 positions, both filled and vacant. Vacant positions will be eliminated effective July 1, 2009; filled positions will be eliminated September 1, 2009. | -114.00 | | -114.00 | |
| Within the Division of Prisons, positions eliminated include<br>- Nine Canteen Officer Positions<br>- Three Unit Managers and Three Assistant Unit Managers at Southern Correctional Institution<br>- Two Dental Assistant Positions<br>- Four Dog Handler Positions<br>- Seven DNA Testing Officer Positions<br>- Twenty-two Administrative Operations Positions<br>- Five positions through operational consolidation among prisons<br>- Fifteen Correctional Enterprise Officer Positions | | | | |
| The positions eliminated in the Division of Alcoholism and Chemical Dependency Programs are<br>- Eleven treatment positions at Haywood and Tyrrell Work Farm | | | | |
| One position each will be taken from the Parole and Post-Release Commission, the Inmate Grievance Commission, and DOC Administration. | | | | |
| Additionally, thirty positions throughout DOC that have been vacant over six months will be eliminated. | | | | |
| **70 Increase Federal Alien Assistance Receipts** | | | | |
| Governor's Recommendation: the State Criminal Alien Assistance Program (SCAAP) makes federal funds available to states for the purpose of recouping costs associated with incarcerating undocumented aliens. The Department of Correction anticipates future funding from this program will exceed its current budget, and increases the budgeted amount for this receipt line item. | ($872,000) | NR | | |
| **71 Reduce Pass-Through Funding** | ($200,229) | R | ($200,229) | R |
| Reduces appropriations to pass-throughs in the Department of Correction by 10%. Specifically, reduces Women at Risk ($35,000), Summit House ($123,129), Harriet's House ($27,500), and Our Children's Place ($14,600). | | | | |
| **72 Our Children's Place Administration** | | | | |
| Provides funds for a contractual position to develop the children's component of a proposed program to allow incarcerated mothers to keep their children while in prison. | $50,000 | NR | | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **73 Reduce Various Operating Accounts**<br>Governor's Recommendation: reduces the following operating accounts on a recurring basis.<br>Safety and Security Supplies ($200,000)<br>Autos, Trucks, and Buses ($1,250,000)<br>Rent/Lease Motor Vehicles ($600,000)<br>Rent/Lease Building Office ($147,035)<br><br>The following accounts are reduced on a non-recurring basis.<br>Autos, Trucks, and Buses ($1,250,000)<br>Clothing and Uniforms ($500,000)<br>Carpentry and Hardware Supplies ($300,000)<br>PC/Printer Equipment ($300,000)<br>General Office Supplies ($800,000)<br>Office Equipment ($800,000) | ($2,197,035)<br>($3,950,000) | R<br>NR | ($2,197,035) | R |
| **Division of Prisons** | | | | |
| **74 Double Celling at Pamlico**<br>Expands the capacity of Pamlico Correctional Institution by 332 through double-celling. This conversion will be effective on September 1, 2009. | $1,880,234<br>38.00 | R | $1,581,281<br>38.00 | R |
| **75 Close McCain Correctional Hospital**<br>McCain Correctional Hospital is closed effective September 1, 2009. McCain is a former tuberculosis hospital originally built in 1908 and transferred in 1983 to the Department of Correction to provide space for chronically ill and disabled inmates. The facility has capacity for over 400 inmates, of whom around 66% are chronically ill, geriatric, or disabled. The other third are minimum custody population assigned to unit support jobs, such as maintenance, landscaping, and food service. The prison employs 234 positions.<br><br>This facility operates at 25% above the average daily cost per inmate for a minimum custody facility. As more modern facilities have been built, it will be possible to serve this population more efficiently.<br><br>In order to maintain community-standard health care for chronically ill inmates and remain population-neutral, Hoke and Odom Correctional Institutions will be converted from medium to minimum custody, and those units as well as Nash Correctional Institution will be partially double-celled.<br><br>The annualized savings for the closure of McCain is $11,625,952, but due to one-time costs to convert the other three facilities, the reduction is lower in the first year. In addition to the positions eliminated at McCain, Hoke and Odom together will lose 155 positions, and Nash will gain 46, for a net reduction in State positions of 343. | ($9,086,942)<br>-343.00 | R | ($15,491,279)<br>-343.00 | R |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **76 Close Umstead and Guilford Correctional Centers** | ($3,723,492) | R | ($4,627,854) | R |
| Umstead and Guilford Correctional Centers are closed effective September 1, 2009. Both facilities operate with higher than average daily costs, and have a combined capacity of 263 inmates, and 95 positions, 87 of which are filled. | -107.00 | | -107.00 | |
| To accommodate inmates displaced by these closings, the Department will convert Lincoln Correctional Center from medium custody to minimum custody, and will double-cell inmates at Warren Correctional Institution. The savings in the first year are reduced by costs associated with double-celling and with providing bunks and lockers at both Warren and Lincoln. The annualized savings will amount to $4,627,854. | | | | |
| **77 Close Wilmington Residential Facility for Women** | ($430,068) | R | ($513,298) | R |
| The Wilmington Residential Facility for Women is closed effective September 1, 2009. This minimum custody work release prison is in a rental building in Wilmington and has a capacity of 35 inmates. The owner of the building does not wish to continue the lease to the Department of Correction. Inmates housed in this facility can be transferred to other minimum custody prisons through the State. | -10.00 | | -10.00 | |
| **78 Reduce Continuation Increases** | ($25,965,276) | R | ($5,417,400) | R |
| Reduce continuation budget items, including OT pay, Shift Premium, and Workers Compensation, were reduced to match actual prior-year expenditures, as well as Hospital Provided Medical Services and Inmate Food and Clothing. | | | | |
| **79 Reduce Job Orders for Repair and Renovation** | ($299,259) | NR | ($299,259) | NR |
| Governor's Recommendation: reduces requests for repairs and renovations to prison facilities. | | | | |
| **80 Reduce Temporary/Contractual Positions** | ($89,788) | NR | | |
| Governor's Recommendation: Reduce funding for temporary and contractual positions on a one-time basis. | | | | |
| **81 Shift Positions to Inmate Welfare Support** | ($149,056) | R | ($149,056) | R |
| Governor's Recommendation: shifts three Telecommunication Support Technician positions that support the inmate pay phone system from General Fund support to Inmate Welfare Fund receipts. | -3.00 | | -3.00 | |
| **Engineering** | | | | |
| **82 Shift Construction Contracts to Receipt Support** | ($200,000) | R | ($200,000) | R |
| Governor's Recommendation: funds contracts for oversight of Inmate Construction Program from the special indebtedness funding new prison construction. | ($600,000) | NR | ($600,000) | NR |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Secretary's Office** | | | | |
| **83 Eliminate Assistant Secretary**<br>Eliminates the position of Assistant Secretary for Program Development. This position's primary function is to seek federal grants for the Department. This function can be performed by the Office of Research and Planning, and financial oversight of grants is performed by the DOC Controller's Office. | ($77,046)<br>-1.00 | R | ($77,046)<br>-1.00 | R |
| **Total Legislative Changes** | ($87,421,903)<br>($4,855,320) | R<br>NR | ($71,506,648)<br>($899,259) | R<br>NR |
| **Total Position Changes** | -427.00 | | -411.00 | |
| **Revised Budget** | $1,292,633,348 | | $1,334,385,357 | |

Gov's Items Not Taken:

- Use of Welfare Receipts (Savings) NR
- Eliminate BRIDGE (263,477) (7.0)
- Close Gates, Hayward, & Union Correctional Institutions
  2010-11
  (3,261,124) (74.0)
- Additional Correctional Instructors
  2009-10 2010-11
  224,889 R 370,513
  14,636 NR 9,752
  3 5

# Crime Control and Public Safety

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$43,925,878** | | **$44,067,870** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **84 Law Enforcement Support Services (LESS)** | ($430,336) | R | ($430,336) | R |
| This recommendation makes funding for the Law Enforcement Support Services (LESS) nonrecurring in FY 2009-10. The program is also directed to propose a fee structure to make the program fully receipt supported by the FY 2010-11. | $430,336 | NR | -4.00 | |
| **85 Elimination of Administrative Staff Positions** | ($82,685) | R | ($82,685) | R |
| Elimination of two administrative positions. | -2.00 | | -2.00 | |
| **Alcohol Law Enforcement - ALE** | | | | |
| **86 Reduce funding for ALE Vehicle Replacement** | ($316,152) | R | ($316,152) | R |
| Reduce funding for ALE vehicle replacement. | | | | |
| **87 Make Bingo Regulation Receipt Supported** | ($26,600) | R | ($26,600) | R |
| This recommendation eliminates the General Fund appropriation used for bingo regulation. This action will be offset by an increase in the bingo license fee to make the program no longer rely on General Fund appropriation. This fee has not been increased since 1983. | | | | |
| **88 Make the Boxing Authority Receipt Supported** | ($147,751) | R | ($147,751) | R |
| Governor's recommendation that the North Carolina Boxing Authority no longer be supported through appropriation. All of the operations of the Boxing Authority will be shifted to fee receipts collected by the Authority. These fee receipts are currently over realized. | -2.00 | | -2.00 | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Butner Public Safety - BPS** | | | | |
| **89 Elimination of Butner Public Safety Division**<br>With the incorporation of the Town of Butner, this recommendation eliminates the Butner Public Safety Division that is using state funds to provide law enforcement services and fire protection to the Town of Butner and surrounding areas in Durham and Granville Counties. Significant residential and commercial growth has occurred in this area and despite several state facilities being located within the Butner jurisdiction, a significant portion of the work done by Butner Public Safety is related to residential and local business calls. This recommendation will require the Town of Butner and surrounding areas to establish fire and police departments. | ($2,617,339)<br>-56.00 | R | ($2,617,339)<br>-56.00 | R |
| **Department-Wide** | | | | |
| G **90 Reduce Various Operating Accounts**<br>Governor's recommendation that various operating accounts be reduced across the agency. | ($641,147) | R | ($641,147) | R |
| **91 Transfer of State Capitol Police to Crime Control**<br>Type I transfer of the State Capitol Police Division from the Department of Administration to the Department of Crime Control and Public Safety. Of the total positions transferred, 6.25 positions will be used to support the division's fiscal, policy and administrative functions. | $3,675,861<br>89.25 | R | $3,675,861<br>89.25 | R |
| NEW **92 Establish Management Flexibility Reserve**<br>Establishes a management flexibility reserve to provide the Department of Crime Control and Public Safety with the flexibility to manage additional reductions totaling $857,631. | ($857,631) | R | ($857,631) | R |
| **Emergency Management** | | | | |
| G **93 Shift Floodplain Mapping Positions to Receipts**<br>Governor's recommendation that the appropriation for the Floodplain Mapping Program be replaced with receipts collected under the terms of Section 29.7(b) of H2436 (S.L. 2008-107), which established a fee to support floodplain mapping. This recommendation will shift 20 appropriated positions in the Floodplain Mapping Program to receipt support. | ($1,405,098)<br>-20.00 | R | ($1,405,098)<br>-20.00 | R |
| **94 Reduce Emergency Management Continuation Budget**<br>Reduction in the Emergency Management continuation budget. A major portion of this reduction is associated with the amount appropriated in the division's continuation budget for miscellaneous contracts. | ($1,843,248) | R | ($1,843,248) | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Governor's Crime Commission** | | | | |
| **95 Illegal Immigration Project**<br>Funding to the Governor's Crime Commission to contract with the North Carolina Sheriffs' Association for immigration enforcement services. This funding will be used for salary replacement costs associated with officer training. | $150,000 | NR | | |
| **96 Reduce State Matching Funds**<br>Governor's recommendation that excess state funding for matches to federal grants be reduced. | ($60,091) | R | ($60,091) | R |
| **97 Reduce funding for NCVAN**<br>10 percent decrease in funding for the North Carolina Victims Assistance Network (NCVAN). | ($15,000) | R | ($15,000) | R |
| **98 Evidence-Based Gang Grants**<br>The Governor reports on the use of funding of up to $5 million to be made available through the American reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award evidence-based grants that focus on gang prevention, treatment, intervention, and re-entry programs. Special emphasis will be placed on consultation with the Department of Juvenile Justice and Delinquency Prevention to engage local Juvenile Crime Prevention Councils (JCPC's) in the development of gang prevention programs that address local priorities developed as a result of the JCPC's local gang threat assessments. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |
| **99 Local Government Grants to Purchase VIPER Equip't**<br>The Governor reports on the use of funding of up to $5 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award grants to local governments for VIPER (Interoperable communications) equipment in order to enhance communications among public safety agencies. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **100 Governor's Statewide Gang Task Force** | | | | |
| The Governor reports on the use of $200,000 recurring funding from the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the establishment of a Statewide Gang Task Force. This task force will be established within the Governor's Crime Commission to bring key stakeholders together to develop a comprehensive plan and create legislation to ensure a well coordinated, statewide enforcement program and increase the flow of gang-related information among various law enforcement agencies, correctional institutions, and the judicial system. This item will be supported by administrative funds made available to the Governor's Crime Commission through the Byrne/JAG Formula Program. | | | | |
| **101 Supplemental Grants for COPS Hiring & Recovery Pgm** | | | | |
| The Governor reports on the use of funding of up to $400,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to provide supplemental grants to incentives local governments to participate in the COPS Hiring and Recovery Program (CHRP). CHRP grants are awarded on a competitive basis and provide funding for salaries and benefits for new law enforcement positions as well as for the reemployment of officers affected by recent budget cuts. Through the supplemental grants, up to $4,000 will be provided to support the equipment costs for every officer hired through the COPS Hiring and Recovery Program. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |
| **National Guard** | | | | |
| **102 Transfer the National Guard Pension Fund** | ($7,007,443) | R | ($7,007,443) | R |
| Transfer of the National Guard Pension Fund ($7,007,443) from the Department of Crime Control and Public Safety to the Department of State Treasurer. This transfer will allow the Department of the State Treasurer to manage this program as it does for most of the State's pension programs. | | | | |
| **103 Eliminate Funding for Family Assistance Centers** | ($420,000) | R | ($420,000) | R |
| Eliminates state funding for three National Guard Family Assistance Centers. With the scheduled deployment of a significant portion of the NC National Guard in 2009 and 2010, there will be federal funds available for family assistance centers while the troops are deployed. | | | | |

| Senate Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **104 Reduce National Guard Tuition Assistance Program**<br>Recommendation to reduce the National Guard Tuition Assistance program appropriation. With the scheduled deployment of a significant portion of the NC National Guard in 2009 and 2010 there will be a decrease in the number of National Guard members requesting tuition assistance through this program. In addition to the state program, there is also a federal program that provides tuition assistance to National Guard members. | ($500,000) | R | ($500,000) | R |
| **State Highway Patrol - SHP** | | | | |
| **105 Training to Improve State Highway Patrol Operation** $ 200,000<br>Governor's report on the use of funding of up to ~~$1.8 million~~ to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) to provide leadership development training at every level of supervision within the State Highway Patrol, as recommended in a recent independent evaluation of the Patrol drew upon the best practices for statewide law enforcement The evaluation found that many Patrol supervisors require stronger coaching, mentoring, and counseling skills to effectively supervise their direct reports and therefore, improve State Highway Patrol operations. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Program. | | | | |
| **Victim Compensation Services** | | | | |
| **106 Budget Over Realized Receipts**<br>Reduction in the General Fund appropriation for the Victim Compensation Program. Under budgeted receipts from the Department of Correction and American Reinvestment and Recovery Act funds will be used to offset this reduction. The program will still have enough funding to pay for all FY 2008-09 approved claims. | ($472,619) | R | ($472,619) | R |
| **Total Legislative Changes** | ($13,167,279)<br>$580,336 | R<br>NR | ($13,167,279) | R |
| **Total Position Changes** | 10.25 | | 6.25 | |
| **Revised Budget** | $31,338,935 | | $30,900,591 | |

Dropped Gov's Items:

National Guard Kids on Guard program 200,000 NR

Restore Tarheel Challenge Academy included in Sen. Comm. Funding 1,243,000

MINUTES
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

April 28, 2009
Room 415 Legislative Office Building
2:00 P.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Tuesday, May 28, 2009, in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 2:00 p.m. The following House members were present. Representatives Bordsen and Love, Chairs; Representatives Spear and Warren, Vice Chairs; and Representatives Goodwin, Guice, Hurley, Mobley, Moore, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, and Denise Thomas.

Representative Love recognized the page, Taylor Fossett of Union County (Rep. Gulley), and the Sergeants-at-Arms, Jerald Perry and Frank Prevo, and thanked them for their help.

Representative Love stated that the targets were received Monday afternoon and reviewed the schedule, and the Fiscal Research Division staff would review the rules, the targets, and potential reductions for the Department of Correction. Handed to each committee member and visitor was a copy of a proposed schedule of events for the remainder of May and all of June, a copy of which is attached as part of these minutes.

**Jean Sandaire of the Fiscal Research Division** then provided an overview of the North Carolina Department of Justice Program and Budget Detail. Each member of the committee and visitors received a copy of the handout, a copy of which is attached as part of these minutes. Questions followed Mr. Sandaire's presentation.

Representative Warren asked Mr. Sandaire to elaborate on Section 16.2, Use of Seized and Forfeited Property Transferred to State Law Enforcement Agencies by the Federal Government (page 34 of the handout).
Jean Sandaire When the department receives equipment, i.e., vehicles from the Federal Government, they are required to come before the Governmental Operations Committee to report on the receipt of the equipment, and the intended use is explained. Most of the time, vehicles, for example, are used for undercover investigations and things of that nature.

Representative Goodwin wondered asked about Section 16.6 and wondered if it was possible for an LEA to get insurance at a local county and city levels.
Nels Roseland of North Carolina Department of Justice addressed this question and said that insurance carriers on behalf of the county school systems may be limited – there may be limitations on the Statutes as to an LEA's ability to acquire insurance. Right now, the current policy is the State pays all school bus accident claims on school buses operated by county employees. The intent of the new policy is to have some sharing of the claims.
Representative Love added that the Attorney General's office handles the claims and makes the settlements and that the local school boards had no input into the process.
Nels Roseland agreed that there was little or no interaction between the Attorney General's office and the local school boards.
Leanne Winner of the North Carolina School Boards Association said that her association had been investigating since the provision came out in the Senate budget and had talked to national experts about how this might play out for local school districts in North Carolina. She said that the provision was designed to send a bill twice a year to the LEA/county for 50% of the cost. Because it is not a fixed amount, except that the State has a $1 million cap, it would be very difficult for LEA's to secure insurance because of the way the provision was designed. This money would have to come out of local money. The claims now go to the Attorney General's office who has contracted with a third party to try to settle some of these claims at the local level with local agents. Currently, LEA's are not a part of the process. No one would insure them unless they are part of the settlement discussion. There is no funding that comes with this to help the LEA's and the LEA's do not have the ability to raise any of their own revenues. They would have to rely on their County Commissioners who may or may not have extra funds to allocate. LEA's could pay out of local funds but not out of State funds received.

Representative Warren noted that the AARA funding (lines 15 and 16, page 33) appeared in the FY 2009-10 column but not in the FY 2010-11 column. He wondered if there was no funding for these two line items in the second year.
Jean Sandaire responded that that was correct. The Governor's Crime Commission coordinated a process to select some items that were critical needs for each Justice and Public Safety agency and these recommendations came out of that list. The amount that is there for the methamphetamine investigations represents what the agency and the Crime Commission felt was the amount they could get. The Director would be happy to receive more but that was what was included in the Governor's budget for that program.
Representative Warren (follow-up) asked Director Pendergraft how many meth labs were involved and what the cost was for the previous year.
Robin Pendergraft, Director, SBI, did not know the cost immediately but would provide it. It would include laboratory overtime.
Representative Warren (follow-up) asked if these monies were in addition to local funds.
Jean Sandaire noted that there were some General Fund dollars to support these investigations but that amount would be in addition to the $.5 million.

Representative Love requested that each member prepare a list of items either from the Governor's budget or the proposed Senate budget that he/she has strong feelings about – live with it, can't live with it, can or can't support, proposed changes or other suggestions not listed – get that list to either Rep. Bordsen or Rep. Love no later than Monday night. Then when we

meet with staff, we can organize these thoughts and suggestions. We want to be able to move immediately to develop our part of the budget.

The meeting adjourned at 2:40 p.m.

Respectfully Submitted,

Representative Jimmy Love
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: North Carolina Department of Justice Program and Budget Detail, April 28, 2009

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

**8:30 A.M. and 2:00 P.M.**

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Tuesday, April 28, 2009
**TIME: 8:30 am and 2:00 pm**
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

Complete Fiscal Overview of Correction – Division of Community Corrections

Begin Fiscal Overview of Judicial Department (OIDS and AOC)

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10:00 a.m.** o'clock on **April 23, 2009**.

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**April 28, 2009 8:30 A.M. and 2:00 P.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen
Representative Jimmy Love, Presiding

## II. PRESENTATIONS

Opening Remarks by Chairs

Fiscal Overview of Correction - Division of Community Corrections

*John Poteat*
*Fiscal Research Division*

Fiscal Overview of Department of Justice

*Jean Sandaire*
*Fiscal Research Division*

## III. OTHER BUSINESS

## IV. Next meeting: Wednesday, April 28, 8:30 a.m. and 2:00 p.m. – Judicial Department Overview (AOC & OIDS)

## V. ADJOURNMENT

PM

# VISITOR REGISTRATION SHEET

4-28-09

Appropriations Subcommittee on Justice & Public Safety

**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Leanne Winner | NCSBA |
| Amanda White | AOC |
| Daniel Blum | K+L Gates |
| Melissa Lovell | NC DOJ |
| Robin Pendergraft | DOJ/SBI |
| [illegible] | DOT/SHP |
| [illegible] | CCPS |
| Nels Rosseland | NC DOJ |
| Kristi Hyman | NC DOJ |
| Grayson Kelley | NCDOJ |
| Gary McLaughlin | NCDOJ |

PM
4-28-09

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety
**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Kim Losch | NCBA |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

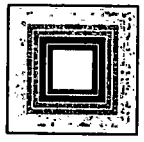
# North Carolina Department of Justice

## Program and Budget Detail

**House Appropriations Subcommittee on Justice and Public Safety**

**Jean M. Sandaire, Fiscal Analyst**

**April 28, 2009**



FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

# Agency Presentation Outline

- Overview of the agency's FY 2008-09 budget
- Summary of the Governor's FY 2009-11 recommended budget
- Summary of the Senate FY 2009-11 budget and special provisions
- House FY 2009-11 budget development

# Department of Justice

## Mission

The North Carolina Department of Justice (DOJ) works to provide legal, law enforcement and consumer protection services to state agencies, local governments and citizens of North Carolina.

G.S. 143-49 Creation of the Department of Justice

G.S. 143A-49.1 Attorney General; Powers and duties.

# DOJ Divisions

- Administration
- State Bureau of Investigation (SBI)
- Legal Services Division
- Criminal Justice Training & Standards Division (CJTS)

# DOJ

## FY 2008-09 Authorized Budget

| Division | General Fund Appropriation | Receipts | Total Requirements |
|---|---|---|---|
| Administration | $ 3,213,125 | $ - | $ 3,213,125 |
| SBI | $ 56,344,986 | $ 8,896,203 | $ 65,241,189 |
| Legal Services | $ 28,727,260 | $ 21,894,303 | $ 50,621,563 |
| CJTS | $ 9,503,917 | $ 251,897 | $ 9,755,814 |
| **Total** | **$ 97,789,288** | **$ 31,042,403** | **$ 128,831,691** |

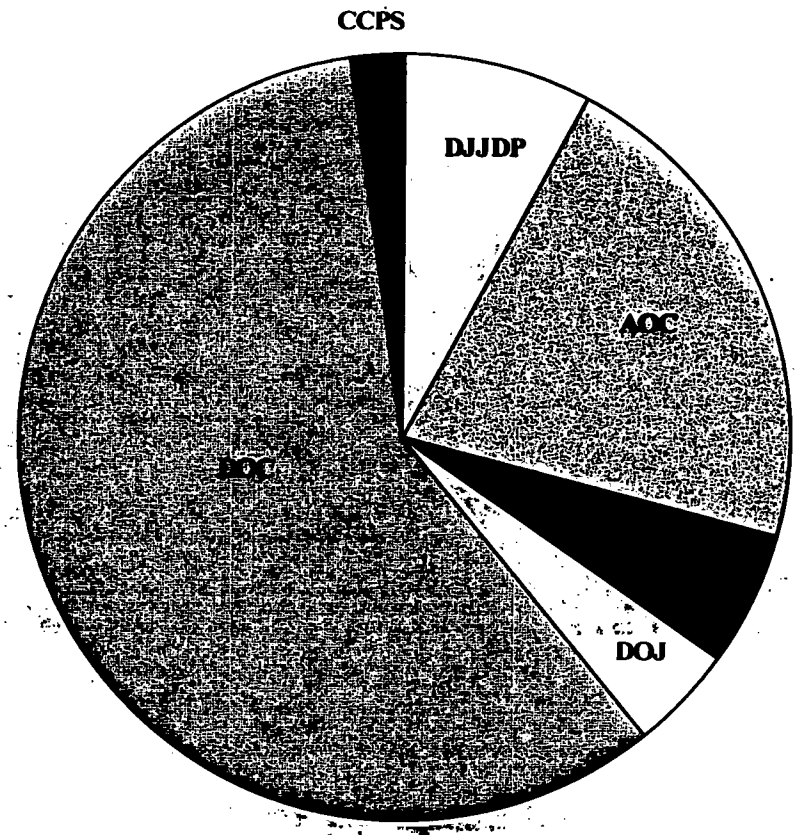
## Staffing

| | FY 2008/09 |
|---|---|
| **Administration** | 40.00 |
| **Legal Services** | 467.74 |
| **SBI** | 703.00 |
| **CJTS** | 135.00 |
| **Total** | **1,345.74** |

# Justice and Public Safety (JPS)
# FY 2008-09 General Fund Budget

## Authorized State Appropriations

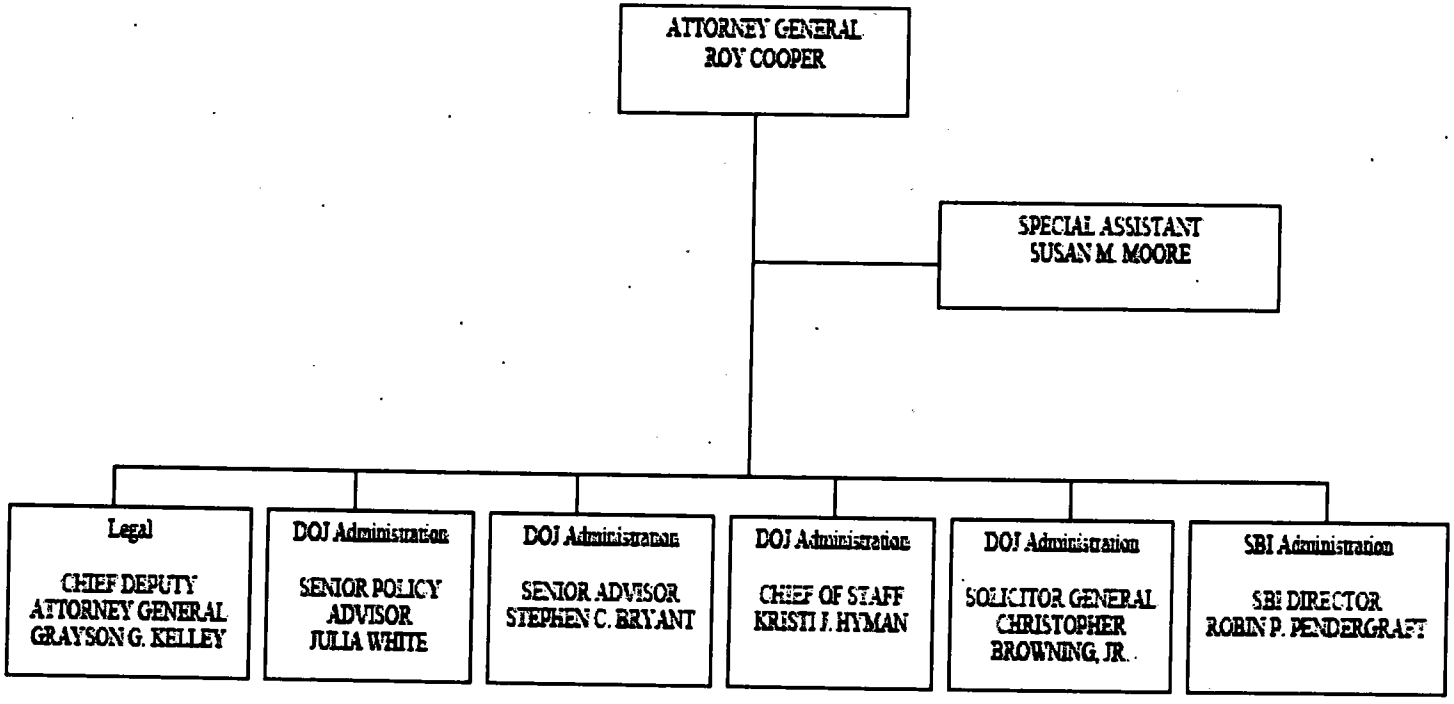
| | ($ Million) | |
|---|---|---|
| DOC | 1,303.0 | |
| CCPS | 46.0 | |
| **DOJ** | **97.8** | *(4%)* |
| AOC | 479.8 | |
| OIDS | 118.1 | |
| DJJDP | 165.8 | |
| **Total** | **$2,210** | |




**Note:** All JPS agencies were given year end reversion targets by the Office of State Management and Budget (OSBM) to reduce FY 2008-09 spending. DOJ's reversion target was 7 percent, which amounts to approximately $6.8 million.

Department of Justice

# Administration




DOJ Administration has 40 staff positions that carry out various functions to support the agency's other divisions.

# DOJ Administration

## FY 2008-09 Budget

| Purpose | Requirements |
|---|---|
| Personal Service | $ 3,120,464 |
| Purchased Services | $ 60,537 |
| Supplies | $ 12,984 |
| Property, Plant and Equip | $ 7,799 |
| Other Expenses and Adj. | $ 11,341 |
| Receipts | $ - |
| **Net Appropriation** | **$ 3,213,125** |

## Staffing

| | FTE Level |
|---|---|
| Executive Staff | 13.50 |
| Human Resources | 11.50 |
| Financial Management | 15.00 |
| **Total** | **40.00** |

# State Bureau of Investigation (SBI)

# SBI

The State Bureau of Investigation (SBI) uses crime laboratories and field operation/investigative units to assist local law enforcement with a wide variety of investigations, including homicides, missing persons cases, robberies, and property crimes.

The SBI also has original jurisdiction in the following types of investigations:

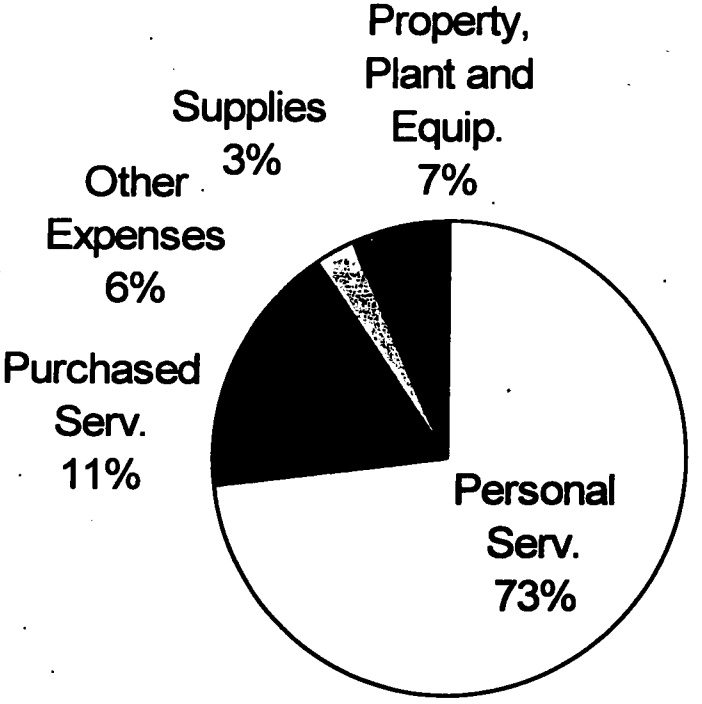
- Drug Investigations
- Arson Investigations
- Election Laws
- Child Sexual Abuse in Day Care Centers
- Theft and Misuse of State Property
- Computer Crime Investigations That Involve Crimes Against Children

# SBI

FY 2008-09 Authorized Requirements: **$65.2million**

Receipts:
**$8.9 million**

General Fund Appropriation:
**$56.3 million**



# SBI

## FY 2008-09 Budget

| Purpose | Total Requirements |
|---|---|
| Personal Service | $ 47,571,936 |
| Purchased Services | $ 7,271,974 |
| Supplies | $ 1,804,769 |
| Property, Plant and Equip | $ 4,376,243 |
| Other Expenses and Adj. | $ 4,212,097 |
| Intergovernmental Trans. | $ 4,170 |
| Receipts | $ (8,896,203) |
| **Net Appropriation** | **$ 56,344,986** |

# SBI Staffing

**Raleigh Crime Laboratory**

| | Sworn | Non-Sworn | Total |
|---|---|---|---|
| Administration | 4.00 | 1.00 | 5.00 |
| Evidence Processing | 0.00 | 10.00 | 10.00 |
| Drug Chemistry | 7.00 | 28.00 | 35.00 |
| Latent Evidence | 7.00 | 5.00 | 12.00 |
| Documents & Digital Evidence | 4.00 | 12.00 | 16.00 |
| Firearms & Tool Marks | 8.00 | 6.00 | 14.00 |
| Forensic Biology | 18.00 | 26.00 | 44.00 |
| Trace Evidence | 11.00 | 5.00 | 16.00 |
| | **59.00** | **93.00** | **152.00** |

**Note**: Sworn staff positions are law enforcement officers that are required to meet employment certification and recertification standards through established training. Also, sworn officers are eligible for additional salary and benefits not available to non-sworn staff.

# SBI Staffing (cont.)

| **Western Regional Laboratory** | **Sworn** | **Non-Sworn** | **Total** |
|---|---|---|---|
| Drug Chemistry | 8.00 | 4.00 | 12.00 |
| Latent Evidence | 2.00 | 1.00 | 3.00 |
| Firearms & Tool Marks | 2.00 | 0.00 | 2.00 |
| | **12.00** | **5.00** | **17.00** |
| **Piedmont Triad Regional Laboratory** | | | |
| Drug Chemistry | 8.00 | 2.00 | 10.00 |
| Firearms & Tool Marks | 1.00 | 0.00 | 2.00 |
| Latent Evidence | 2.00 | 1.00 | 3.00 |
| | **11.00** | **3.00** | **15.00** |
| **Total for Crime Laboratories** | **82.00** | **101.00** | **184.00** |
| **SBI Field Operations Staffing** | **287.00** | **233.00** | **520.00** |
| **TOTAL SBI STAFFING** | **369.00** | **334.00** | **703.00** |

# SBI Staffing (cont.)

The following are examples of SBI positions that are sworn:

- Chemists (drug and trace)
- Forensic Biologists (DNA)
- Forensic Impressions Analysts (Latent)
- Forensic Documents Analysts (Computers)
- Forensic Firearms Analysts
- Field Agents

The following examples of SBI positions are non-sworn:

- Criminal Intelligence Analysts
- Crime Analysts
- Fingerprint Technicians
- Administrative Support Positions

# SBI

## 2007-08 Crime Lab Case Submissions

| | FY2007-08 | Pct. of Total |
|---|---|---|
| Drug Chemistry (including Toxicology) | 30,989 | 80.24% |
| Latent Evidence | 1,518 | 3.93% |
| Documents & Digital Evidence | 499 | 1.29% |
| Firearms & Tool Marks | 1,930 | 5.00% |
| Forensic Biology | 2,391 | 6.19% |
| Trace Evidence | 1,291 | 3.34% |
| **Total for Lab Case Submissions** | **38,618** | **100.00%** |

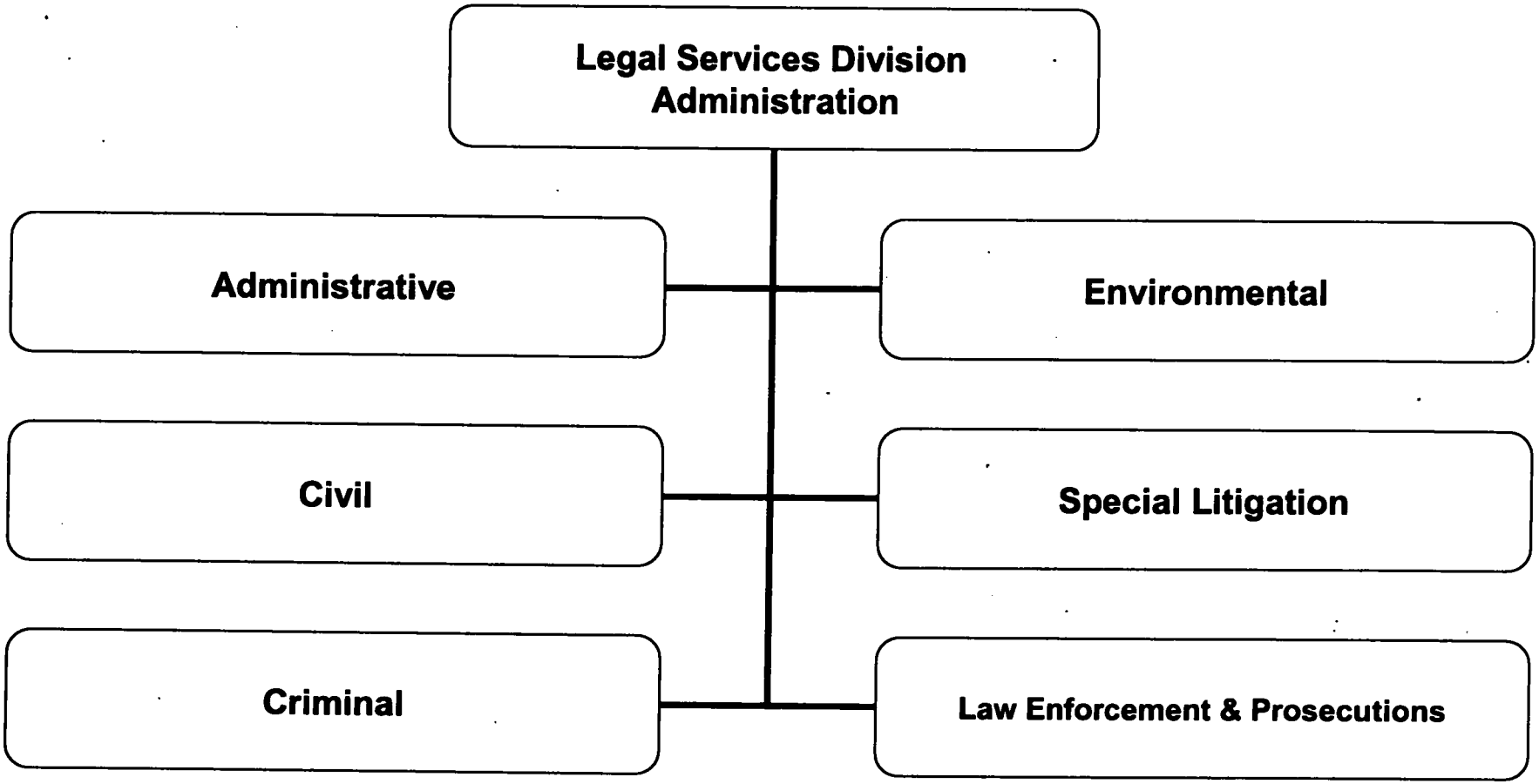


# Legal Services



# Legal Services

- Provides legal representation and advice to all state agencies and commissions
- Consults with and advises court officials
- Institutes proceedings before court on behalf of the State, its agencies or its citizens
- Handles all criminal appeals from the state trial courts




468 Staff Positions *(Approximately 1/3 of these positions are receipt-supported)*

- 259 attorneys
- 209 professional/support

# Medicaid Fraud Unit

- Law Enforcement and Prosecution Section
- 34 Positions, including 5 attorneys; 22 investigators (6 sworn)
- 75% of funding is federal Medicaid receipts
- Unit participates in the federal forfeiture program
- Unit recovers $24 for every $1 spent on its cost

**Note:** In FY 2007-08 the Medicaid Fraud Unit recovered $52.8M of which $19.0M was returned to the State.

# Consumer Protection Program

- Assists consumers in resolving complaints

| | |
|---|---|
| FY2007/08 Consumer Complaints | 14,560 |
| FY2008/09 Consumer Complaints (YTD) | 20,767 |

- Public education
  - Scams (credit card, elderly and mortgage)
  - Identity theft prevention
- Programs/initiatives:
  - Do Not Call registry
  - Managed Care Patients Assistance Program

**Staffing**

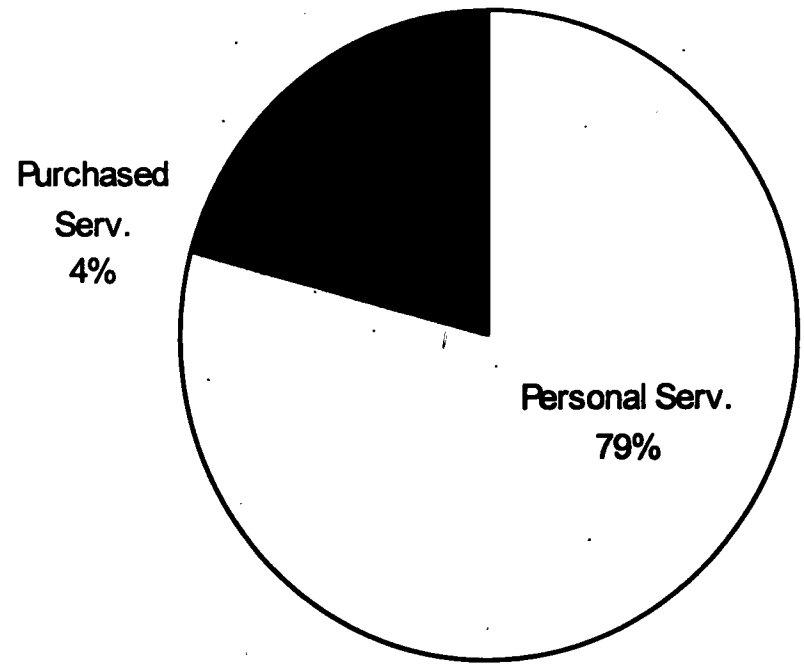
| | |
|---|---|
| Specialists | 14.00 |
| Attorneys | 14.00 |
| Support Staff | 13.00 |
| **Total Staff** | 41.00 |

# Legal Services

FY 2008-09 Authorized Requirements: **$50.6 million**

Receipts:
**$21.9 million**

General Fund Appropriation:
**$28.7 million**



# Legal Services

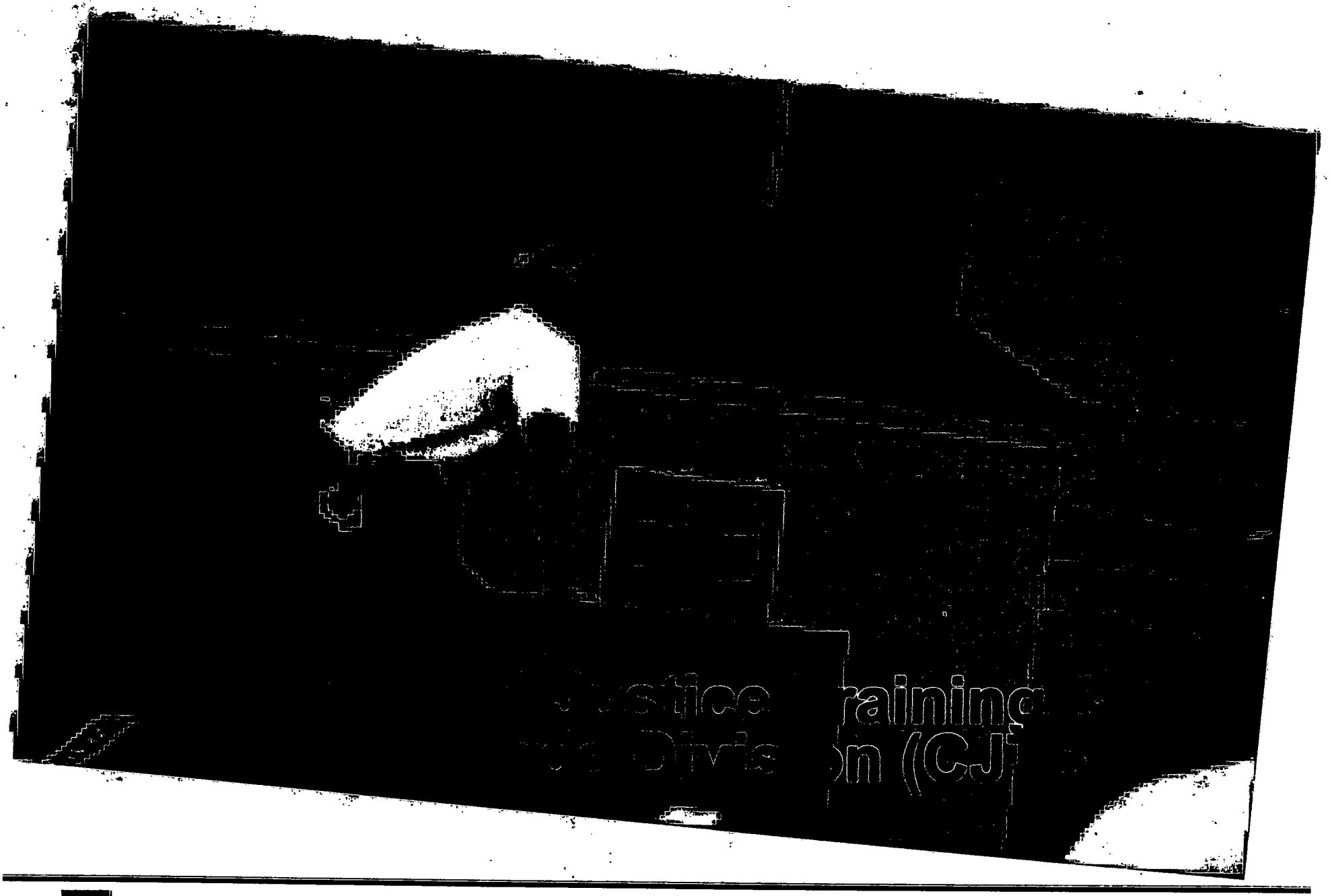
## FY 2008-09 Budget

| Purpose | | Requirements |
|---|---|---|
| Personal Service | $ | 40,062,309 |
| Purchased Services | $ | 1,972,884 |
| Supplies | $ | 233,480 |
| Property, Plant and Equip | $ | 623,843 |
| Other Expenses and Adj. | $ | 7,229,047 |
| Aid and Public Assistance | $ | 500,000 |
| Receipts | $ | (21,894,303) |
| **Net Appropriation** | **$** | **28,727,260** |

# Legal Services

In the next biennium, the Legal Services Division will be responsible for addressing the following forthcoming major legal issues:

- Medicaid
- Air Quality and Water Rights
- Redistricting
- Tort Claims
- Taxation



# CJTS

The Criminal Justice and Training Standard Division (CJTS) administers the mandatory certification program for law enforcement officials.

The certification program has two main components: (1) minimum standards for employment, and (2) minimum standards for completion of basic training.

This Division offers over 650 courses annually in the following areas:

- Officer Certification
- Investigations
- Training and Research
- Field Services

# CJTS

## Organization

- Justice Academy
  - East Campus (Salemburg)
  - West Campus (Edneyville)

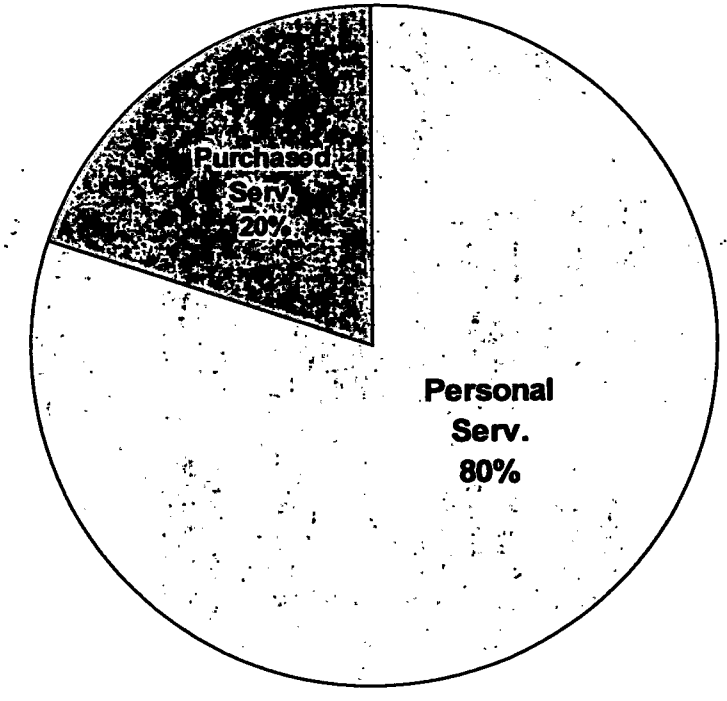
- Criminal Justice Training & Standards
  - Criminal Justice Standards Commission
  - Sheriff's Standards Commission
  - Private Protective Services Board
  - Alarm Systems Licensing Board

# CJTS

## FY 2008-09 Authorized Requirements: $9.76 million

Receipts:
**$251,987**

General Fund Appropriation:
**$9.50 million**



# CJTS

## FY 2008-09 Budget

| Purpose | Total Requirements |
|---|---|
| Personal Service | $ 7,671,588 |
| Purchased Services | $ 1,520,943 |
| Supplies | $ 193,458 |
| Property, Plant and Equip | $ 296,438 |
| Other Expenses and Adj. | $ 73,387 |
| Receipts | $ (251,897) |
| **Net Appropriation** | **$ 9,503,917** |

| Staffing | FTE |
|---|---|
| Justice Academy – East Campus | 81.00 |
| Justice Academy - West Campus | 24.00 |
| Sheriff Standards Commission | 11.00 |
| Criminal Justice & Standards Commission | 19.00 |
| **Total** | **135.00** |

# CJTS

## Work Measures

| | FY2005/06 | FY2006/07 | FY2007/08 |
|---|---|---|---|
| New Law Enforcement Employees Certified | 14,802 | 16,029 | 16,189 |
| Total Law Enforcement Employees Certified | 81,190 | 85,356 | 87,343 |
| Students Trained on Academy Campuses | 16,409 | 17,125 | 18,465 |
| Academy Courses Offered by Academy Staff | 682 | 607 | 670 |
| Academy Courses Offered by Other Agency Staff | 436 | 588 | 492 |

# Department of Justice
# FY 2009-11 Budget

# Summary of the Governor's Recommended FY 2009-11 Budget

| | Continuation Request | FTE | FY 2009-10 | FY 2010-11 |
|---|---|---|---|---|
| | Total Requirements | 1,345.74 | $ 131,576,009 | $ 132,205,784 |
| | Receipts | | $ (31,134,862) | $ (31,158,765) |
| | **Total** | ***1,345.74*** | **$ 100,441,147** | **$ 101,047,019** |
| | **Expansion Recommendations** | | | |
| 1 | Truth-in-Budgeting | | $ (4,404,978) | $ (4,404,978) |
| 2 | Reduce Various Operating Accounts | | | $ (215,000) |
| 3 | Reduce Telecommunication Service Charges | | $ (459,599) | $ (459,599) |
| 4 | Shift Positions to Receipt Support | *(2.00)* | $ (165,905) | $ (165,905) |
| 5 | Increase SBI Crime Lab Fee | | $ (195,442) | $ (390,884) |
| 6 | Eliminate Finger Print Card Program | | $ (15,696) | $ (15,696) |
| 7 | Shift Positions to Receipt Support | *(1.00)* | $ (44,215) | $ (44,215) |
| 8 | Eliminate Six Vacant Positions | *(6.00)* | $ (367,641) | $ (367,641) |
| 9 | Eliminate NC LEAF | | $ (500,000) | $ (500,000) |
| 10 | Expand GangNet | | (ARRA $1.8M) | |
| 11 | Funding for Criminal and Meth Investigations | | (ARRA $.5M) | |
| | **Total** | *(9.00)* | **$ (6,153,476)** | **$ (6,563,918)** |
| | **Governor's Recommended Budget:** | ***1,336.74*** | **$ 94,287,671** | **$ 94,483,101** |

# Summary of the Senate FY 2009-11 Budget

| | | FTE | FY 2009-10 | FY 2010-11 |
|---|---|---|---|---|
| | **Continuation Budget** | *1,345.74* | **$ 100,441,147** | **$ 101,047,019** |
| | **Expansion Recommendations** | | | |
| 1 | Shift Positions to Receipt Support | *(1.00)* | $ (44,215) | $ (44,215) |
| 2 | Reduce CJTS Operating Accounts | | $ (1,000,000) | $ (2,000,000) |
| 3 | Reduce Various Operating Accounts | | $ (215,000) | $ (215,000) |
| 4 | Eliminate 27 Vacant Positions | *(27.00)* | $ (1,221,703) | $ (1,221,703) |
| 5 | Establish Management Flexibility Reserve | | $ (2,692,365) | $ (2,692,365) |
| 6 | Shift Consumer Protection Positions | *(21.00)* | $ (1,400,000) | $ (1,400,000) |
| 7 | Eliminate 6 Vacant Positions | *(6.00)* | $ (367,641) | $ (367,641) |
| 8 | Reduce NC LEAF | | $ (50,000) | $ (50,000) |
| 9 | Maximization of Medicaid Fraud Receovery Efforts | | $ (168,566) | $ (337,132) |
| 10 | Reduce Vehicle Replacement Budget | | $ (342,303) | $ (342,303) |
| 11 | Reduce Telecommunication Service Charges | | $ (459,599) | $ (459,599) |
| 12 | Eliminate Finger Print Card Program | | $ (15,696) | $ (15,696) |
| 13 | Shift Positions to Receipt Support | *(2.00)* | $ (165,905) | $ (165,905) |
| 14 | Increase SBI Crime Lab Fee | | $ (195,442) | $ (390,884) |
| 15 | Expand GangNet | | (ARRA $1.8M) | |
| 16 | Funding for Crimal and Meth Investigations | | (ARRA $.5M) | |
| | **Total** | *(57.00)* | **$ (8,338,435)** | **$ (9,702,443)** |
| | **Governor's Recommended Budget:** | *1,288.74* | **$ 92,102,712** | **$ 91,344,576** |

# FY 2009-11 Senate Budget Special Provisions

## Senate bill 202 *(page 150)*

Section 16.1 Private Protective Services and Alarm Systems Licensing Boards Pay for Use of State Facilities and Services

Section 16.2: Use of Seized and Forfeited Property Transferred to State Law Enforcement Agencies by the Federal Government

Section 16.3 Certain Litigation Expenses to be Paid by Clients

Section 16.4 NC Legal Education Assistance Foundation Report on Funds Disbursed

Section 16.5 Hiring of Sworn Staff Positions for the State Bureau of Investigation

*(New)* Section 16.6 Reduce Department Share of Payments for Judgments Against County and City Boards of Education

# FY 2009-11 House Budget Development

*Fiscal staff were instructed to look into the following items while developing the FY 2009-11 House budget proposal:*

- Justification of all agency and nonprofit pass-through funding
- Use of Governmental and Proprietary Fund Cash Balances
- Elimination of Vacant Positions
- Reduction/Elimination of Obsolete/Ineffective Programs
- Increase or Implement Fees
- Examine Rate Changes
- Change Funding Formulas
- Use of Federal Recovery Act Fund
- Agency Report Recommendations

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

April 29, 2009

The House Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Wednesday April 29, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Spear, Vice-Chair Representative Sutton, Vice-Chair Representative Warren, Representative Boles, Representative Goodwin, Representative Guice, Representative Hurley, Representative Jackson, Representative Justus, Representative Mobley, Representative Moore, Representative Randleman and Representative Stevens. Denise Thomas, of Fiscal Research, Phyllis Pickett and Gerry Cohen of Legislative Bill Drafting were also in attendance. A visitor registration sheet is also included and made part of these minutes.

Representative Bordsen called the meeting to order and recognized Sergeants-at-Arms. She briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Bordsen recognized Denise Thomas for a presentation on the Judicial Department Fiscal Overview. Her presentation is included and made part of these minutes.

The Chair opened the meeting for questions.

Member questions were answered.

Discussion ensued about court fees and how North Carolina compares to other states. Staff noted it would get that information to the Subcommittee.

There being no further business, the Chair adjourned the meeting at 9:45 a.m.

Respectfully submitted,

Representative Bordsen
Presiding Chair

Michelle Hall
Committee Assistant

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**April 29, 2009 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen, Presiding
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Fiscal Overview of the Judicial Department (AOC and OIDS)

*Denise Thomas*
*Fiscal Research Division*

## III. OTHER BUSINESS

## IV. Next meeting: Thursday, April 30, 8:30 a.m. – Complete Judicial Department Fiscal Overview

## V. ADJOURNMENT

## VISITOR REGISTRATION SHEET

Justice & Public Safety — 4/29/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Leo Rubert | CYPC |
| Rex Whaley | AOC |
| Kelly Howell | AOC |
| John W Smith | AOC |
| Chloe Gossage | AOC |
| CASANDRA WHITE | AOC |
| Peg Dorn | Conference of DAs |
| Thomas Maher | JDS |
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| Elisa Wolper | IDS |
| Seth Dearmin | DOJ |

## VISITOR REGISTRATION SHEET

Justice & Public Safety — 4/28/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Thomas C. Cowell, Jr. | CCPS |
| Mildred Spearman | NCDOC |
| Cheryl Reed | OSBM |
| Kim Crouch | NC Bar Assn. |
| Barbara Moore | NC Conf of Clerks of Sp Ct. |
| Keith Sutton | DJJDP |
| Linda Hayes | DJJDP |
| ANTHONY ALLEN | NCACC |
| | |
| | |
| | |

# Justice and Public Safety Appropriations Subcommittee

# Fiscal Overview: Judicial - Administrative Office of the Courts

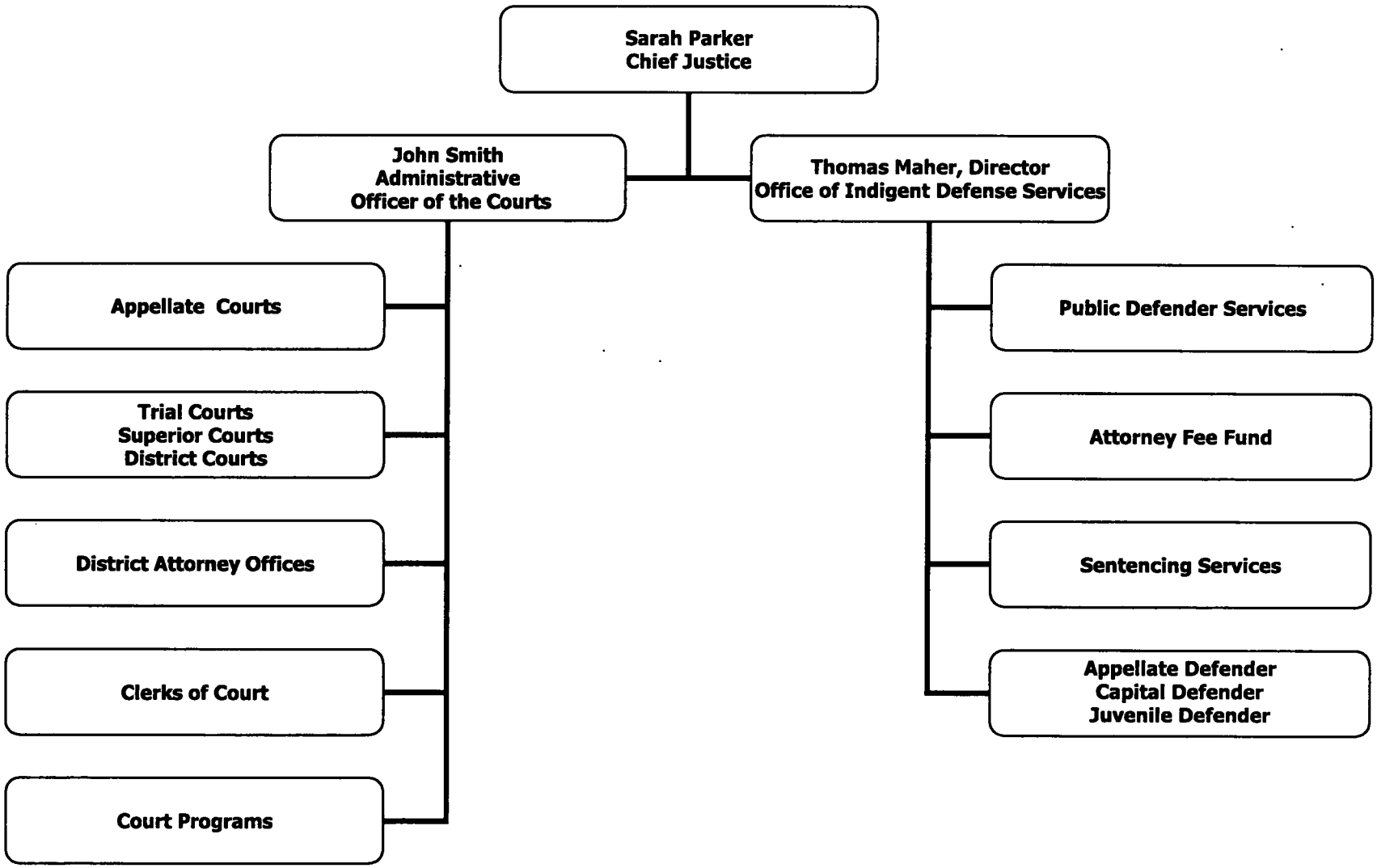
**Denise Thomas, Principal Analyst**
**Fiscal Research Division**

# Judicial - AOC Fiscal Overview

1. Overview of Court System Programs and Funding
2. 2007 and 2008 Significant Legislative Actions
3. Overview of Current Year Funding and FY 2009-11 Judicial Budget Proposals
4. Budget Issues/Reduction Options

# Overview of Court System Programs and Funding

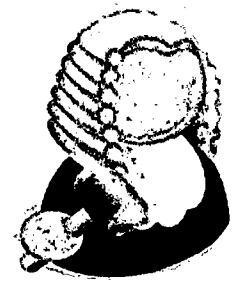
# North Carolina Judicial System



# Court System Staffing: 6,394 Positions

| Division | # Positions |
|---|---|
| Administration & Services | 405 |
| Appellate | 143 |
| District Attorney Offices | 1,254 |
| Equipment & Reserves | 41 |
| Sentencing Commission | 10 |
| Trial Court | 4,542 |
| Total | 6,394 |

# Court System Organization



- **Appellate Division**
  - Supreme Court: cases involving constitutional questions or dissent in the Court of Appeals
  - Court of Appeals: 15 Appellate Judges hear cases appealed from the trial courts

- **Superior Court Division**
  - 110 Superior Court Judges
  - all felony cases, those misdemeanor cases specified under G.S.7A-271, and civil trials involving amounts over $10,000

- **District Court**
  - 265 District Court Judges, 768 Magistrates
  - misdemeanors, family/domestic matters including child custody and divorces, juvenile matters, traffic cases, etc.

# Court System Organization

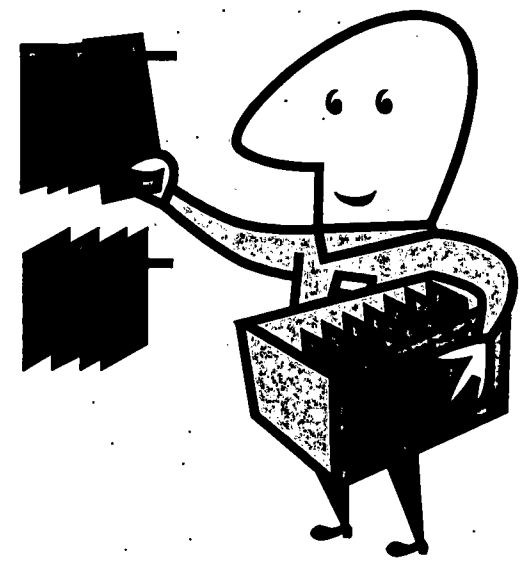
- **District Attorneys**
  - 43 elected District Attorneys; 639 Assistant DAs ; 465 Victims Witness Legal Assistants (VWLA); 48 DA Investigators
  - Represent the State in criminal trials
  - May manage other local programs such as worthless check programs, domestic violence prosecution, etc.

- **Clerks of Superior Court**
  - 100 elected Clerks of Courts; 2,768 Deputy Clerks
  - Maintain records on all trials and other matters handled in court
  - Handle special proceedings

# Court Filings – FY 2007-08

- Civil Filings
  - Superior Court: 27,226
  - District Court: 238,132
  - Estates: 63,600
  - Special Proceedings: 128,006
  - Civil Magistrate: 268,256

- Criminal Filings
  - Superior Court: 149,919
  - District (non-motor): 643,207
  - District (motor vehicle): 1,060,379
  - Infractions: 852,749



# Specialized Courts

- Drug Treatment ($2,043,523)
  - 42 courts operating in 22 judicial districts
- Family ($2,631,227)
  - 13 judicial district operate a family court
- Business
  - 3 courts, Forsyth, Wake, and Mecklenburg Counties, serve entire state
- Mental Health
  - 3 courts, Orange, Guilford, and Mecklenburg Counties,

# Major Court Programs

- Guardian ad Litem ($13,148,474)
  - 4,767 trained GAL volunteers represented 17,189 children in 9,639 family groups in FY2007-08
- Dispute Resolution ($1,599,316)
  - 23 centers plus the Mediation Network receive General Fund appropriations
  - 8,748 of the 14,780 cases, 60%, referred by the courts were accepted for mediation in FY 2006-07.

# Major Court Programs

- Custody Mediation ($2,537,458)
  - Programs in 36 districts serving 80 counties
  - Courts referred 13,448 cases for child custody and visitation mediation.
- Arbitration ($40,677)
  - Arbitration available in 34 districts serving 65 counties. 2,618 of the4,667 cases referred from District and Superior Courts in FY 2006-07 were arbitrated.

# Court Information Technology Fund

- Special revenue fund
  - money in the fund derived from State judicial facilities fees must be used to upgrade, maintain, and operate the judicial and county courthouse phone systems.
  - supplemental funds for court information technology and office automation needs: personnel, contracts, equipment, etc
- Receipts
  - FY 2006-07: $7.8 million
  - FY 2007-08: $6.1 million
  - July 2008 to March 2009: $4.1 million

# Program Evaluation Division Findings: AOC Technology Projects

| AOC Technology Project | Expenditures Through FY 2007-08 | Initial Projected Implementation | December 2008 Projected Implementation |
|---|---|---|---|
| NCAWARE | $13,002,895 | July 2004 | September 2010 |
| Criminal Court Information System (CCIS)- Clerk Component | 2,578,268 | June 2007 | Underway |
| Criminal Court Information System (CCIS)- District Attorney Component | 811451 | June 2009 | October 2010 |
| Discovery Automation | 1,609,763 | June 2007 | Undetermined |
| eFiling | 545,864 | September 2008 | Undetermined |
| ePayment | 134,960 | July 2009 | Undetermined |
| **Total Expenditures** | **18,683,201** | | |

# Program Evaluation Division Findings: AOC Technology Projects

- The North Carolina General Assembly should consider increasing AOC's accountability by requiring
  - the Judicial Council to establish a more formal process for gathering stakeholder input on technology projects, to set priorities, and to report project progress in an annual report;
  - AOC to submit bi-annual status reports on technology projects in development to the Legislative Information Technology Oversight Committee through project implementation; and
  - AOC to consult with the State Office of Information Technology Services on future information technology projects.

# 2007 and 2008 Significant Legislative Actions

# 2007 Significant Legislative Action

- Authorized new and increased some existing court fees to generate nearly $40 million additional general fund revenue annually

- Provided 650 new positions over the two-year biennium, including 60 ADAs, 80 Victim Witness/Legal Assistants, 300 Clerks; 42 Magistrates; and 11 District Court Judges

- Provided $7.9 million R, $1.9 million NR for technology, including 78 positions

# 2007 Significant Legislative Action

- Increased Guardian ad Litem contract attorney rate from $45 to $65 per hour: $500,000 R
- Increased funding for equipment, telephones, and maintenance agreements: $5.6 million R
- Provided $1.8 million R for Family Courts; Drug Treatment Courts, and Guardian ad Litem

# 2007 Session Court Fee Changes

- The Appropriation Committee Chairs requested that AOC submit fee proposals that could generate $50 million in new General Fund revenue
- The new revenue would be used to pay for court system expansion needs
- AOC submitted 18 proposals to establish new fees or increase existing fees, totaling $70 million.
- The 2007 budget bill, S.L. 2007-323, included nine of AOC's proposals and the new limited driving privileges processing fee authorized in S758.
  - expected to generate around $40 million annually

# 2008 Significant Legislative Action

- Authorized a new $1 court fee to support Judicial Department and county courthouse telephone system the purchases, upgrades, and services.

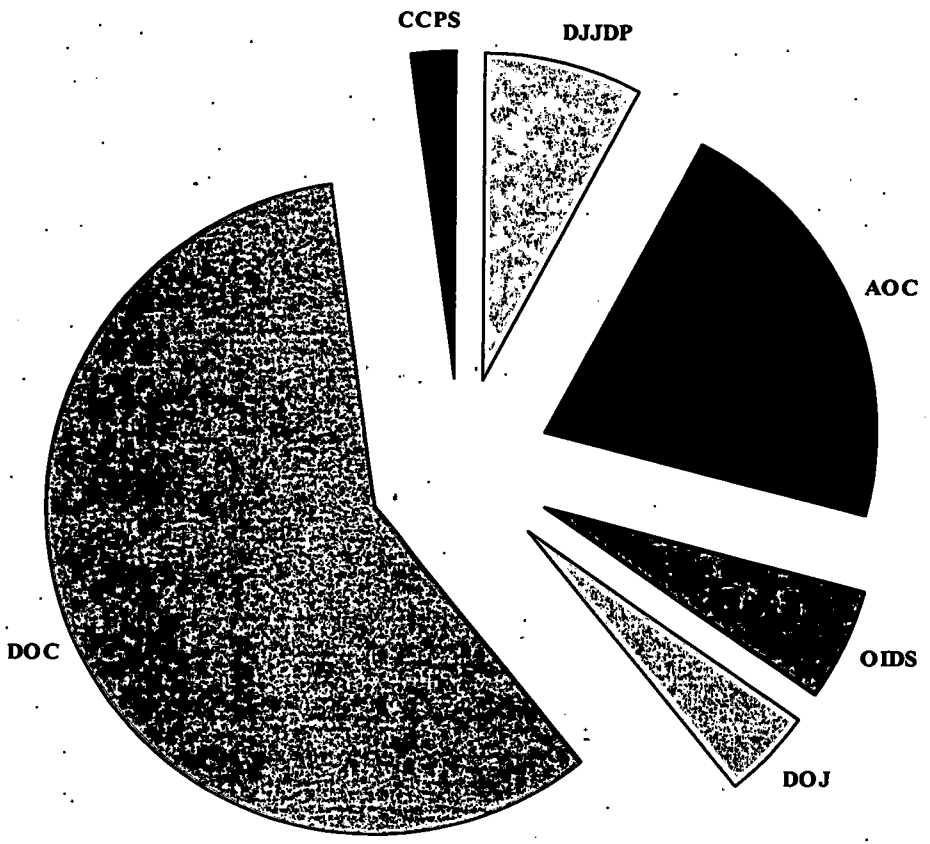
- Authorized $34 million to Purchase Judicial Center Building
  - Prior to 2007, the Administrative Office of the Courts' (AOC) staff were located in a combination of State- and privately-owned buildings in five separate sites around Raleigh.
  - In 2007, AOC consolidated its staff in one leased space. Judicial Center building.

# Overview of Current Year Funding and FY 2009-11 Judicial Budget Proposals

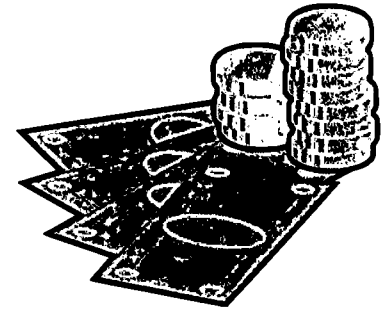
# JPS General Fund Budget
# FY 2008-09

## State Appropriations

| | ($ Million) |
|---|---|
| DOC | 1,227.9 |
| CCPS | 44.1 |
| DOJ | 91.7 |
| AOC | 450.8 |
| OIDS | 115.6 |
| DJJDP | 159.7 |
| Total | $2,089 |



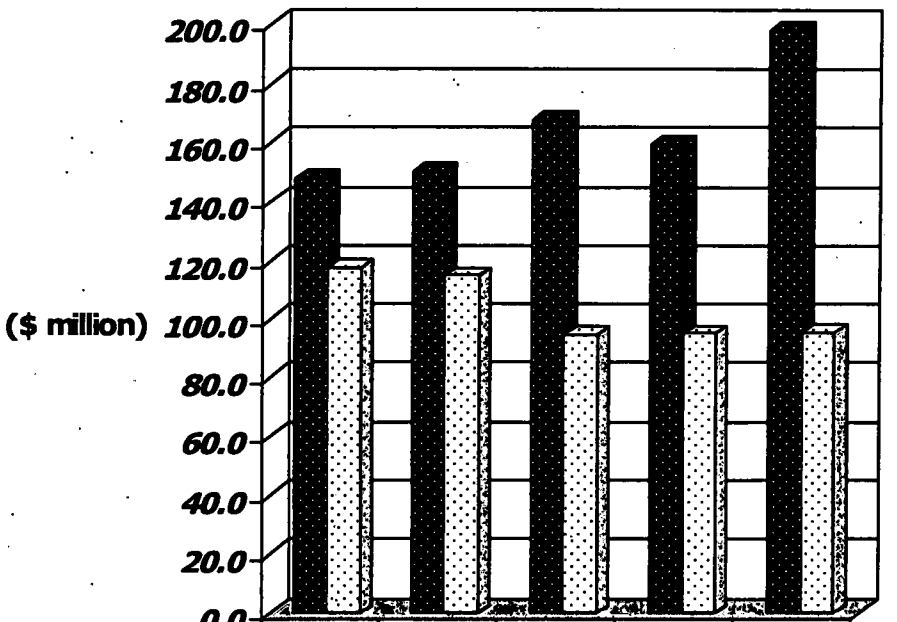
# Court Fee Revenue



- The court system generates a significant amount of fee revenue for the General Fund and for counties and localities.
  - AOC collects the various court fees and remits them to the State Treasurer or local governments as set forth in the General Statutes.
- The State Treasurer deposits court fee remittances into the General Fund or into various law enforcement officer (LEO) retirement funds.
- In FY 2007-08, 3.4+ million cases filed among the three court divisions, generated over $294 million in court fee and other revenue for the General Fund and county/local governments.

# AOC Receipts Remitted to the State, Counties, and Municipalities: FY 2003-08

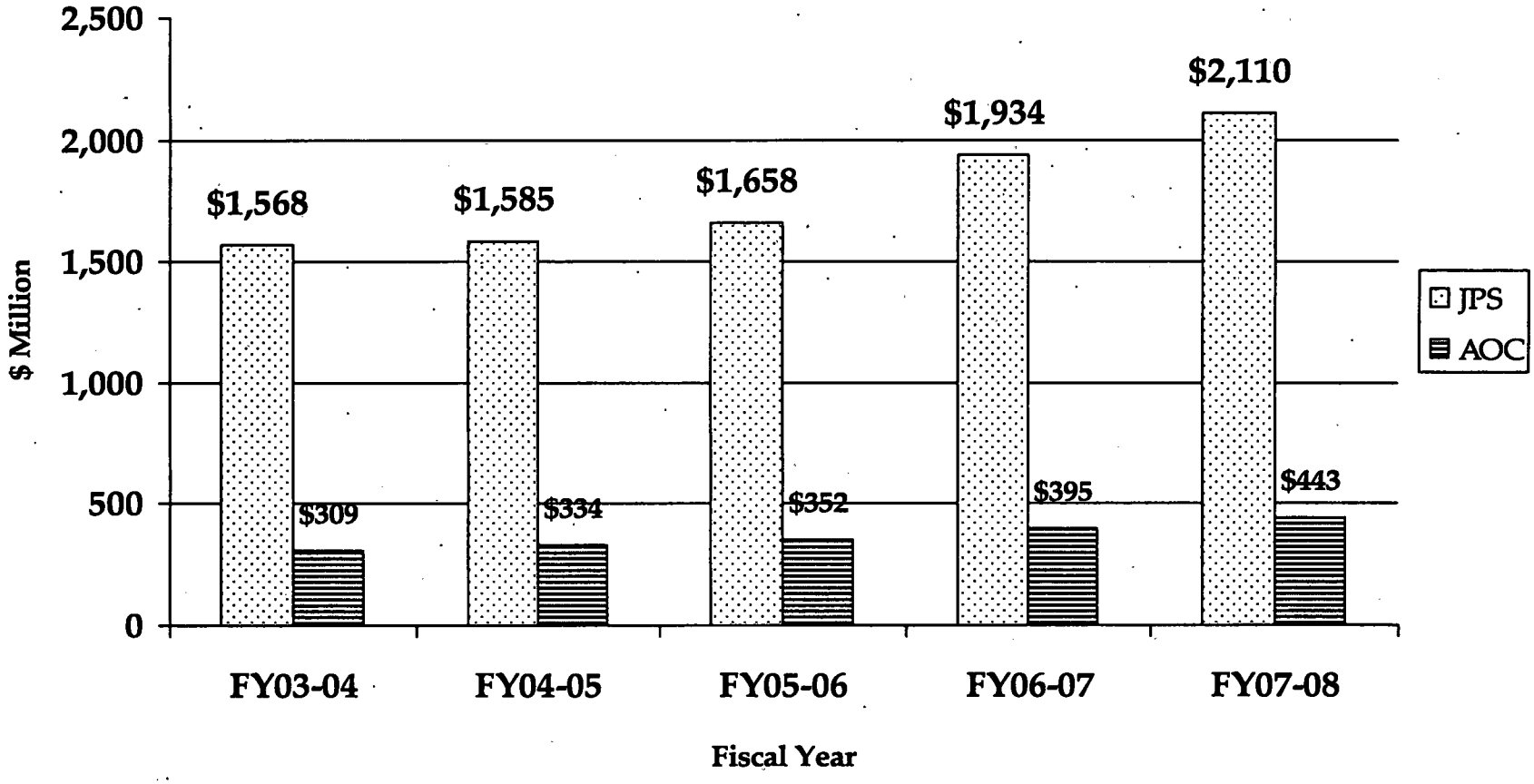
- Receipts to State:
  - general fund
  - contributions to LEO benefit and retirement fund
- Receipts to counties:
  - fines, penalties, and forfeitures
  - court facilities and jail fees
  - officer fees for arrest or service of process
- Receipts to Municipalities:
  - court facilities
  - jail fees
  - officer fees for arrest or service of process




| | FY03-04 | FY04-05 | FY05-06 | FY06-07 | FY07-08 |
|---|---|---|---|---|---|
| Remitted to the State Treasurer | 147.9 | 149.9 | 168.0 | 159.1 | 198.3 |
| Remitted to Counties & Muncipalities | 117.3 | 114.8 | 94.6 | 95.1 | 95.6 |

# JPS vs. AOC Total Expenditures

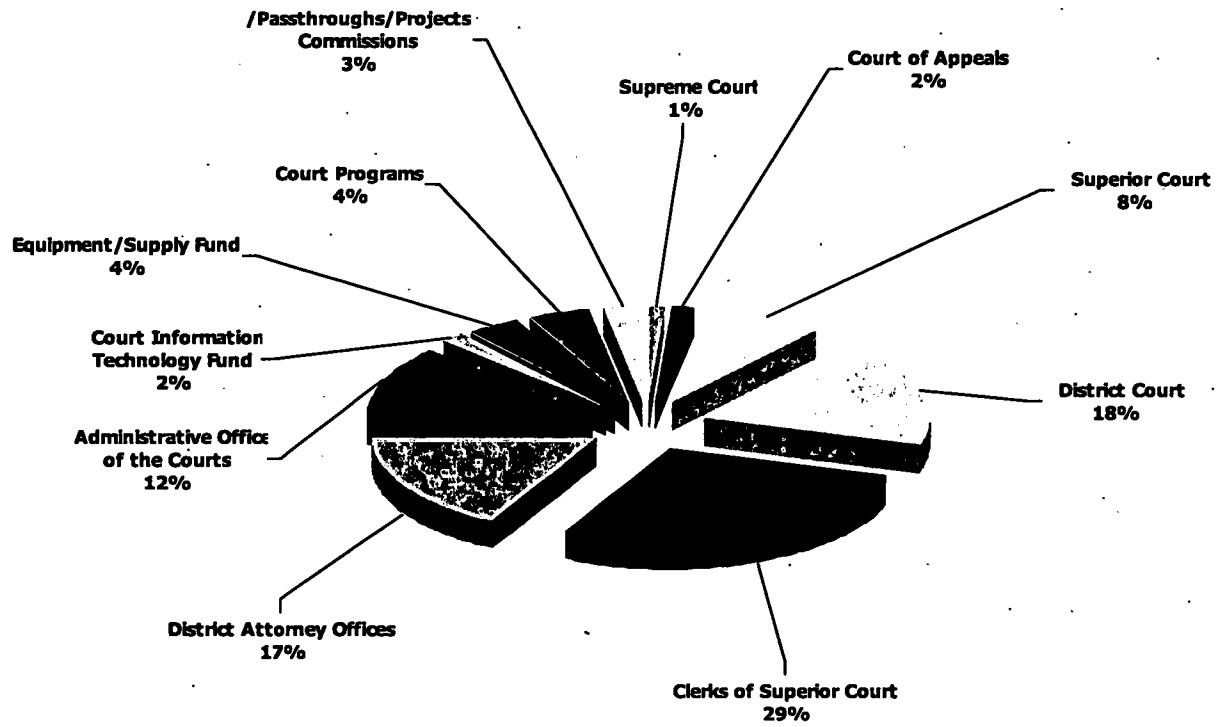
## FY 2003 to FY 2007



# AOC FY08-09 Authorized Expenditures

| Purpose | $ Amount | % Total |
|---|---|---|
| Salaries & Benefits | 418,526,095 | 86.6 |
| Purchased Services | 49,849,981 | 10.3 |
| Supplies; Property; Equipment | 10,079,111 | 2.1 |
| Aid & Assistance | 2,814,316 | 0.6 |
| Reserves & Other Expenditures | 2,100,373 | 0.4 |
| Total | **483,369,876** | **100** |

# Allocation of Judicial Expenditures FY 2007-08



# AOC General Fund Budget Proposals

| | $ Amount | % Change |
|---|---|---|
| 2007-08 Actual Expenditures | 446,741,085 | |
| 2008-09 Authorized Budget | 479,836,267 | +7.4% |
| 2009-10 Continuation Budget | 497,649,235 | +3.7% |
| 2009-10 Governor's Recommended Budget | 471,127,933 | -5.3% |
| 2009-10 Senate Proposed Budget | 470,467,471 | -0.1% |

# FY 2009-11 Continuation Budget

Definition of "Continuation" Budget:

- the recommended funding necessary to continue a program *at the current level of services;* can be adjusted for certain factors such as inflation; annualization of position costs, and operating funds for new facilities

- AOC continuation request is 3.7 percent more than the current year's authorized budget
  - personal services: 1%
  - purchased services: 14%
  - supplies: 0
  - property, plant, & equipment: 28%
  - pass-through funds: 0

# Governor's Recommended Budget

- **Recommends $26.5 million, 5.3%, in reductions, including**
  - $14.5 million: truth-in-budgeting
  - $9.3 million: management flexibility reserve
  - $1.4 million: magistrate and clerk pay increases
  - $382,000: pass-through funding
- **Federal stimulus expansion**
  - $750,000: evaluate court processes and procedures
  - no impact on AOC's General Fund budget
- **Increase Court Fee Revenue**
  - Allow AOC to increase court fees up to $10

# Senate Proposed Budget – FY 2009-10

- Recommends $27.2 million, 5.5%, in reductions, including
  - $9.5 million: management flexibility reserve
  - $8.0 million: reduce continuation budget for technology, purchased services; travel, etc.
  - $4.6 million: telephone system costs
  - $2.3 million NR: magistrate & clerk pay plans
  - $725,000: eliminate 10 vacant positions

# Senate Proposed Budget – FY 2009-10

- $670,000: eliminate Superior Court Judges Travel Allowance
- $370,000: pass-through funding
  - eliminates Land Loss Protection funding ($100,000 R)

- **Increase Court Fee Revenue**
  - $2.7 million increase in telephone/facility fees to the Court Information Technology fund
  - $33 million court fee increased revenue to be remitted directly to the General Fund

## AOC COURT COST AND FEE ADJUSTMENTS: PROPOSALS ACCEPTED FOR FY 2009-11 LEGISLATIVE SESSION

| Description | Current Rate | 2009-10 New/Updated Rate | Adjustment (Year 1) | Est. Change In Revenue 2009-10 | 2010-11 New/Updated Rate | Adjustment (Biennium) | Est. Change in Revenue 2010-11 |
|---|---|---|---|---|---|---|---|
| [1] Seat Belt - Front Seat/Helmet Violations (G.S. 20-135.2A/G.S. 20-140.4) | $ 75.00 | $ 103.00 | $ 28.00 | $ 3,954,617 | $ 105.00 | $ 30.00 | $ 4,237,090 |
| [2] Failure to Appear (G.S. 7A-304(a)(6)) | $100.00 | $ 200.00 | $ 100.00 | $ 5,714,267 | $ 200.00 | $ 100.00 | $ 5,714,267 |
| [3] Highway Patrol Citation Processing Charge - NO | $ - | $ 15.00 | $ 15.00 | $ - | $ 15.00 | $ 15.00 | $ - |
| [4] Court Information Tech. Fund Fee/State Facility Fee (G.S. 7A-343.2; applies to G.S. 7A-304 – 7A-307) | $ 1.00 | $ 3.00 | $ 2.00 | $ 2,691,112 | $ 4.00 | $ 3.00 | $ 4,036,668 |
| [5] Installment Plan - initial processing fee | $ - | $ 20.00 | $ 20.00 | $ 7,695,739 | $ 20.00 | $ 20.00 | $ 7,695,739 |
| [6] SUPERIOR COURT (General Court of Justice Fees) | | | | | | | |
| CRIMINAL | $102.50 | $ 115.00 | $ 12.50 | $ 149,861 | $ 135.00 | $ 32.50 | $ 389,639 |
| CIVIL | $ 93.00 | $ 130.00 | $ 37.00 | $ 918,858 | $ 140.00 | $ 47.00 | $ 1,167,198 |
| [7] DISTRICT COURT (General Court of Justice Fees) | | | | | | | |
| CRIMINAL | $ 95.50 | $ 103.00 | $ 7.50 | $ 6,807,941 | $ 105.00 | $ 9.50 | $ 8,623,393 |
| MOTOR VEHICLE ROAD SAFETY | $ - | $ 5.00 | $ 5.00 | $ 3,113,305 | $ 10.00 | $ 10.00 | $ 6,226,610 |
| CIVIL -REGULAR | $ 73.00 | $ 78.00 | $ 5.00 | $ 644,747 | $ 80.00 | $ 7.00 | $ 902,646 |
| CIVIL - MAGISTRATE | $ 63.00 | $ 55.00 | $ (8.00) | $ (2,146,048) | $ 55.00 | $ (8.00) | $ (2,146,048) |
| [8] Sex Offender Surcharge - NO | $ - | [$250 - $1,500] | [$250 - $1,500] | $ - | [$250 - $1,500] | [$250 - $1,500] | $ - |
| GRAND TOTAL | | | | $ 29,544,400 | | | $ 36,847,202 |
| * Recoup Administrative Cost of Fines & Forfeitures per G.S. 115C-437 (10%) | $ - | $ - | $ - | $ 6,062,291 | $ - | $ - | $ 6,062,291 |
| | | | | $ 35,606,691 | | | $ 42,909,493 |

[1] Apply full court costs to any driver or front seat occupant who fails to wear a seatbelt and for motorcycle and moped helmet violations; these are the only traffic offenses for which partial court costs are assessed.

[2] Increase failure to appear fees (traffic and non-traffic cases) by $100 for defendants who fail to appear to answer the charge as scheduled within 20 days of scheduled appearance; based on calendar year 2008 data.

[3] Retain in General Fund $15 of each highway patrol citiation paid to cover processing costs; based on most often cited offenses for 2007. (All funds now go to Highway Fund)

[4] Increase the Court Information Technology Fund fee by $2, then by $3; applies to all General Court of Justice fees under G.S. 7A-304 to 7A-307.

[5] $20 charge collected upfront to open and maintain an account in FMS to pay all monies due on an installment/payment plan

[6] Increase General Court of Justice fees to reflect workload share, as described on page 2.

[7] Adjust General Court of Justice fees to reflect workload share, as described on page 2. Add road safety surcharge for motor vehicle cases due to workload volume.

[8] Tiered surcharge for sex offenses against children. Funds would go to the General Fund to help offset the State's costs associated with child sex offenses. Dec. 1 effective date.

* 10% of revenue collected to be retained in the General Fund to cover overhead associated with processing fines & forfeitures; up to 10% allowed per G.S. 115C-437

# AOC Budget Issues

# Court System Budget: Trends/Issues

- Growth in specialized courts, programs, and initiatives to address specific needs:
  - Drug treatment court - alcohol and substance abuse
  - Mental Health Courts
  - Family Court
  - Domestic violence
  - Business community
  - Interpreter services – growing number of litigants who speak English as a second language.

- Many of these programs were started with federal grant funds. As the federal funding expires, how or should they be sustained with General Fund support?
  - Generally this is expected by the federal government when grant funds are provided as seed money for new initiatives

# Court System Budget: Trends/Issues

- Caseload continues to rise generating the need for more courtroom personnel, space, etc.
- Caseload Growth – how best to address rising caseloads?
  - increasing critical court system staff
  - automation/technology
  - programs/initiatives that provide alternatives to the court room
- Court house automation needs driven by several factors
  - rising caseload
  - technological advances
  - the public's expectations
  - external mandates e.g. open file discovery



# Court System Budget: Trends/Issues

- AOC continues to face technology challenges
    - significant increases in technology and equipment funding
- Is it more cost-effective to purchase off-the-shelf applications versus developing
- No external oversight for AOC technology projects

# Court System Budget: Trends/Issues

- Is Governor's proposal the best use of the federal stimulus funds for the courts?
  - AOC's accounting system is not designed to provide detailed financial data at district or county level
- Management flexibility versus specific line item reductions
- Impact of proposed court fee revenue increases
- What is the "tipping point?"
  - impact of further funding reductions on court productivity: on-time processing, case clearance, etc.

MINUTES
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

April 30, 2009
Room 415 Legislative Office Building
8:30 A.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Tuesday, May 28, 2009, in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 8:30 a.m. The following House members were present. Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton, and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Moore, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, Danielle Seale, and Denise Thomas.

Representative Love recognized the page, Stephen Hutchinson of Wilkes County (Rep. Randleman); and the Sergeants-at-Arms, Jerald Perry and Frank Prevo, and thanked them all for their help.

**Denise Thomas of the Fiscal Research Division** provided an overview of the Office of Indigent Services of the Judicial Department. Each member of the committee and visitors received a copy of the handout, a copy of which is attached as part of these minutes. OIDS is the second agency under the Judicial Department. There are four major areas under OIDS: Public Defender Services, Attorney Fee fund, Sentencing Services, and then the various appellate defenders in the administrative area. OIDS' mission is to provide legal counsel to indigent defendants in matters before the court; they also administer the Sentencing Services program, and provide legal advice and assistance the DOC inmates. OIDS has about 470 positions, an increase of 23% since June 2006 due in part to the opening of new Public Defender offices and the committee has authorized to use some of their money in the private attorney seed fund to add positions to the existing public defender offices. The Public Defenders offices have about 437 employees and they are the largest percentage of OIDS' positions, about 94%. Sentencing Services has about 12 positions and 20 positions in administrative area. OIDS provides legal counsel through court-appointed private attorneys paid by OIDS or by Public Defender offices. Last year, OIDS provided legal representation for almost 280,000 cases before the court. Although the records are not yet audited, there were about 91,000 cases handled by public defenders. Over 2/3 of the representation was done through court-appointed private counsel. Most of the cost went to paying private attorneys. Each year there has been a shortfall in the fund used to pay the private attorneys, so usually on June 30, there is a backlog of approved but unpaid claims because OIDS has run out of money. These claims are held and paid from the new fiscal year's budget after July 1. The backlog has been declining due to more appropriations being provided to address the backlog.

Representative Boles asked if there was a contract rate, had it been increased, and was there a ceiling per case? Denise Thomas responded that there was a contract rate for private attorneys of $75.00 per hour which had been increased a couple of years ago from $65.00 to $75.00. She added it was a flat rate with no ceiling. Representative Love added that the Judge decides if the fee requested is reasonable after the attorney submits a fee application at the end of the case.

Representative Justus noted that many counties have the 287G program and wondered if counties were reimbursed for any court time spent on those apprehended under that program. Denise Thomas said that often they were not arrested because of the 287G program. They would be arrested for some other offense

and therefore, would be entitled to representation. Representative Love added that if they are charged with a crime or incarcerated, they are entitled to an attorney. Thomas Maher, Office of Indigent Defense Services (OIDS), responded that when arrested for a specific offense, the person would be represented by counsel for that offense. Jean Sandaire noted that once a person was identified as being in the country illegally, he/she was given options regarding legal representation. The amount of time spent being detained and actually deported was short – 3 to 7 days – and these individuals often waived their rights.
Representative Justus hoped that fees were collected if they had legal representation. Representative Stevens asked if there were fees for interpreters and were they paid from the same fund. Denise Thomas said that the court system does have a budget for interpreters. Elisa Wolper (OIDS Finance Officer) noted that the Courts are funded for interpreter costs. They have started identifying interpreter costs that were for defense counsel working on a case. We are charged through our account. Representative Love said that AOC actually pays for the interpreter in the final analysis.
Representative Bordsen commented that Alamance County is one that has the 287G program and that those found to be here without proper documentation pay for their own lawyers. There are several in the county who have Spanish-language skills and they are regularly asked to come and provide representation for many of those who are detained.
Representative Randleman wondered how many districts did not have public defenders.
Thomas Maher (OIDS) said that there were 16 Public Defender offices, some of them covering more than one county. Representative Boles asked if all citizens are eligible to use Public Defenders. Representative Love stated that in the Judicial districts only, and that the overflow used private attorneys. Denise Thomas added that districts which did not have a public defender used private attorneys for indigent offenders.
Representative Mobley wondered what the cost differentiation was between those districts that have and do not have public defenders. Denise Thomas said that she would talk about that and the information is in the annual report.

Denise Thomas resumed her presentation (beginning on page 10 of handout). The money appropriated to Public Defender offices goes to pay for investigators, attorneys, and support staff, equipment and supplies. The increase came about because the committee had authorized four new Public Defender offices in the past five years and includes Districts 1, 5, 10 and 29B. The Prisoner Defense Services was transferred to OIDS from the DOC; the state is legally obligated to provide legal services and access to the Courts to the inmates that are in custody. OIDS continues to contract with North Carolina Prisoner Legal Services (PLS), the group that DOC contracted with. The funds from the State could legally be used to pay PLS for their legal representation. The certified budget for that contract is about $2.8 million.
Sentencing Services was also transferred over to OIDS several years ago. This program assesses offenders and provides a sentencing plan to the judges, for the judge to use prior to sentencing. The judges have the option of accepting or rejecting the plan or using parts of the plan. Last year, the program operated in 27 districts. Seven of the programs were administered by the State, one by a County, and the remaining 19 programs are administered by nonprofit agencies. The certified budget for the program is about $2.8 million. Last year the 27 programs provided just under 1500 plans at an average cost of about $1700 a plan. That cost becomes about $1900 when the administrative overhead costs are added in.
Key legislation in the last few years includes two new Public Defender offices; new attorney positions could be established; replacement of equipment to enable them to get on a 6-year equipment replacement schedule; the hourly contract rate was increased in 2007 from $65 to $75 per hour which took effect January 1, 2008; several years ago an automatic increase was included in the continuation for what was projected to be the growth and demand for indigent services; $175,000 nonrecurring funds were budgeted to develop an electronic fee app process, a pilot program to see if attorneys could submit their fee applications online or electronically and get paid; funds were provided for anticipated shortfalls; another pilot was authorized last year for alternative scheduling to see if the amount of money paid to attorneys for the waiting time in Court could be reduced.
The budget is about 5% ($115 million) of the total JPS appropriation. Almost ¾ of the budget goes to pay private attorneys with about ¼ going to pay the Public Defenders in the 16 Districts. The Governor's Continuation Budget Request for OIDS is about $134 million which is about 11% above the current year's authorized budget and most of that 11% goes for payments to private attorneys. OIDS is expecting a shortfall of $7 million in the current budget year which will have to be carried over. The full chairs will be issuing instructions to the subcommittees that they should look at contract rates and all negotiated rates

across State government and consider across-the-board decreases to these rates. The private attorney fee fund would fall under that edict. The savings of opening a public defender's office is only marginal over paying private attorneys. That's why there have been no recommendations for the new fiscal year to open additional public defenders' offices. In OIDS' Annual Report a county-by-county listing of the fee recoupment rate is given. Even though the average county recoupment rate is about 17%, they range from a low of 2% to a high of almost 40%. Last year, almost $10 million was recouped, 11% of total spending. That recoupment goes back into the private attorney's fee fund to pay for further legal representation. The statute was changed several years ago to put in a $50.00 application fee that all applicants would be expected to pay; however, several judges have had issues with that, so that fee appears to be rarely assessed or collected. That may be another to try to increase recoupment rates if enforced.
Sentencing Services Program – is it a cost-effective program? Is there a return on the investment? Looking at a preliminary review of some of the data seems to indicate that the plan may really have no impact on the judges' sentencing decisions. Looking at offenders with and without sentencing plans, the percentage of offenders who get a community or active sentence seems to be the same. Given that there is an increasing demand for indigent representation, would these funds be better used to provide representation?

Questions followed.

Representative Justus referred to Sentencing Services (p. 12 of handout) and wondered if the program was in a certain area, would they do a plan and if so, could it be changed and by whom, Judges? Denise Thomas responded that she believes it's still optional. Susan Brooks, Administrative Office of the Courts (AOC), said that the courts still have authority within the sentencing grids. The Statute now requires Judges' orders for any cases that fall outside that range. Now, if a case falls outside that range, Sentencing Services may get involved if the judge issues a request.
Representative Love mentioned the Prison Services Contract and why provide extra services after a person gets to prison. Thomas Maher (OIDS) noted that even though incarcerated, individuals still had constitutional rights to have access to the Courts. It can be provided a number of ways: prisons maintain law libraries and legal assistance so inmates can do their own research or as North Carolina determined, a more effective and efficient means to have Prisoner Legal Services that an inmate can contact about a variety of issues. Representative Love asked if OIDS oversees the process. Thomas Maher responded that that they did oversee the process and did evaluations and made recommendations that had to be followed in order for Prisoner Legal Services to keep their contract. The recommendations have been followed. Representative Love wondered about the staff. Mr. Maher (OIDS) said that a number of lawyers and administrative staff who had a huge amount of written correspondence with inmates.

Representative Warren asked if the requests for IDS had been abused and was there any progress in determining who truly needs such services? Thomas Maher, OIDS, said that they had just begun looking and that the cost of verification may outweigh the cost of representing someone who is indigent. The legal fees may only be $300 or $400. If they are earning a certain level of income, there is a certain level of recoupment. Fees are recovered from tax refunds and from state lottery. Could OIDS develop more objective standards? Other states follow a similar plan. Most judges feel that it is simpler to give them counsel who don't get paid a huge amount than to spend a bunch of time certifying if someone was indigent.

Representative Boles asked if on page 30 the application fee was a statute. Denise Thomas responded it was a statute, but that judges had some concerns about it and whether it was constitutional and haven't always ordered it. Thomas Maher (OIDS) added that there was a $50.00 appointment fee. Representative Boles then wondered if the individual said he/she needed a public defender, would he/she not pay the fee. Thomas Maher (OIDS) responded that the fees were collected at the end if the defendant were found guilty and that perhaps a number of judges were not assessing the $50.00 fee. Representative Love added that in his experience the fee is tacked on at the end, but many judges don't put it in the order. Thomas Maher (OIDS) stated that he didn't know if they were doing that because they objected to it or because there were other costs. Representative Boles wondered if it was in a statute why it wasn't being paid. Thomas Maher noted that the statute needed to be enforced. Elisa Wolper (OIDS) added that substantial progress had been made, and there were just a handful of counties that didn't collect the fees and that many were.

Representative Randleman wondered, when providing legal services for inmates, if the State brought actions on their behalf. Thomas Maher (OIDS) answered that in a limited number of cases, yes. Generally, in civil cases, they are given information so they can handle the problems themselves.
Representative Boles noted that his county had Sentencing Services and questioned the statement that there was no impact on the judges' decisions. Denise Thomas said that there didn't seem to be a difference in the percentage of those without a sentencing plan who got community versus active sentences compared to those with a sentencing plan and community versus active sentences. Representative Boles (follow-up) noted that in his county's case it reduced the follow-up on the criminal who led a more productive life with less burden to the system. Denise Thomas responded that they were only looking at the sentencing patterns, nothing else. Susan Brooks (OIDS, Sentencing Services) stated that approximately 1000 cases were diverted including pending cases and cases that were dismissed – that there was a 74% diversion rate versus about 60% average statewide. In 70% of the cases, the judge not only recommended probation and ordered at least one of the treatment suggestions. If the judges have a sentencing plan in front of them, they order a much broader range of treatment options, many of them privately funded than they do without a plan. Without a plan, there are about 8 total options from which they choose on a regular basis. The cost is an inaccurate measure – when compared to other court cases, Sentencing Service cases tend to be more complex. She explained that there was a lot more than writing a 5-page sentencing recommendation and that there were a lot of other services the staff provided.

Representative Randleman referred to the salaries found on page 19 of the handout and wondered if public defenders were considered state employees to which Denise Thomas responded that yes, they were. Representative Randleman then wondered if, as State employees, they were going to be affected by the pay cuts. Denise said that they would be, but since they don't get leave, it hadn't been figured out how to give them leave. Gregg Stahl (AOC) stated that the Chief Justice had pledged the support of the entire judicial department except judges who are constitutionally protected but they have been "invited" to participate by the Chief Justice. Representative Randleman then noted the extended furlough found on page 19. Denise did not know of any decision that the General Assembly had made for the upcoming biennium. The Senate budget does include it as an accompaniment to the flexible negative reserve cuts. Nothing will be decided until the final budget. Representative Bordsen added that there was no way for them to take hours off; they'll just take pay cuts and there won't be any compensation.

Representative Love asked the Committee members to email any information regarding the budget that they wanted considered. The information will be used with Staff.

The meeting adjourned at 9:30 a.m.

Respectfully Submitted,

Representative Jimmy Love
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: Fiscal Overview: Judicial – Office of Indigent Defense Services

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Thursday, April 30, 2009
**TIME:** 8:30 am
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

Complete Fiscal Overview of the Judicial Department

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11:00 a.m.** o'clock on **April 29, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**April 30, 2009 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen
Representative Jimmy Love, Presiding

## II. PRESENTATIONS

Opening Remarks by Chairs

Complete Fiscal Overview of the Judicial Department

*Denise Thomas*
*Fiscal Research Division*

## III. OTHER BUSINESS

## IV. Next meeting: ~~Monday, May 4th 5:00 p.m.~~ Tuesday, 5/5, 8:30 – Overviews of the Department of Juvenile Justice & Delinquency Prevention and the Department of Crime Control and Public Safety

## V. ADJOURNMENT

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 4/30/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Thomas Maher | IDS |
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| Tom Bennett | NC VAN |
| Mildred Spearman | NCDOC |
| Meenal Khajuria | NL Metro Mayors Coalition |
| Scott Dearmin | DOJ |
| [signature] | Progress Energy |
| Misa Wolfe | OIDS |
| ASHLEY WHITE | AOC |
| [signature] | |

# Justice and Public Safety Appropriations Subcommittee

# Fiscal Overview: Judicial - Office of Indigent Defense Services

**Denise Thomas, Principal Analyst**
**Fiscal Research Division**

**April 30, 2009**

FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

# Judicial - OIDS Fiscal Overview

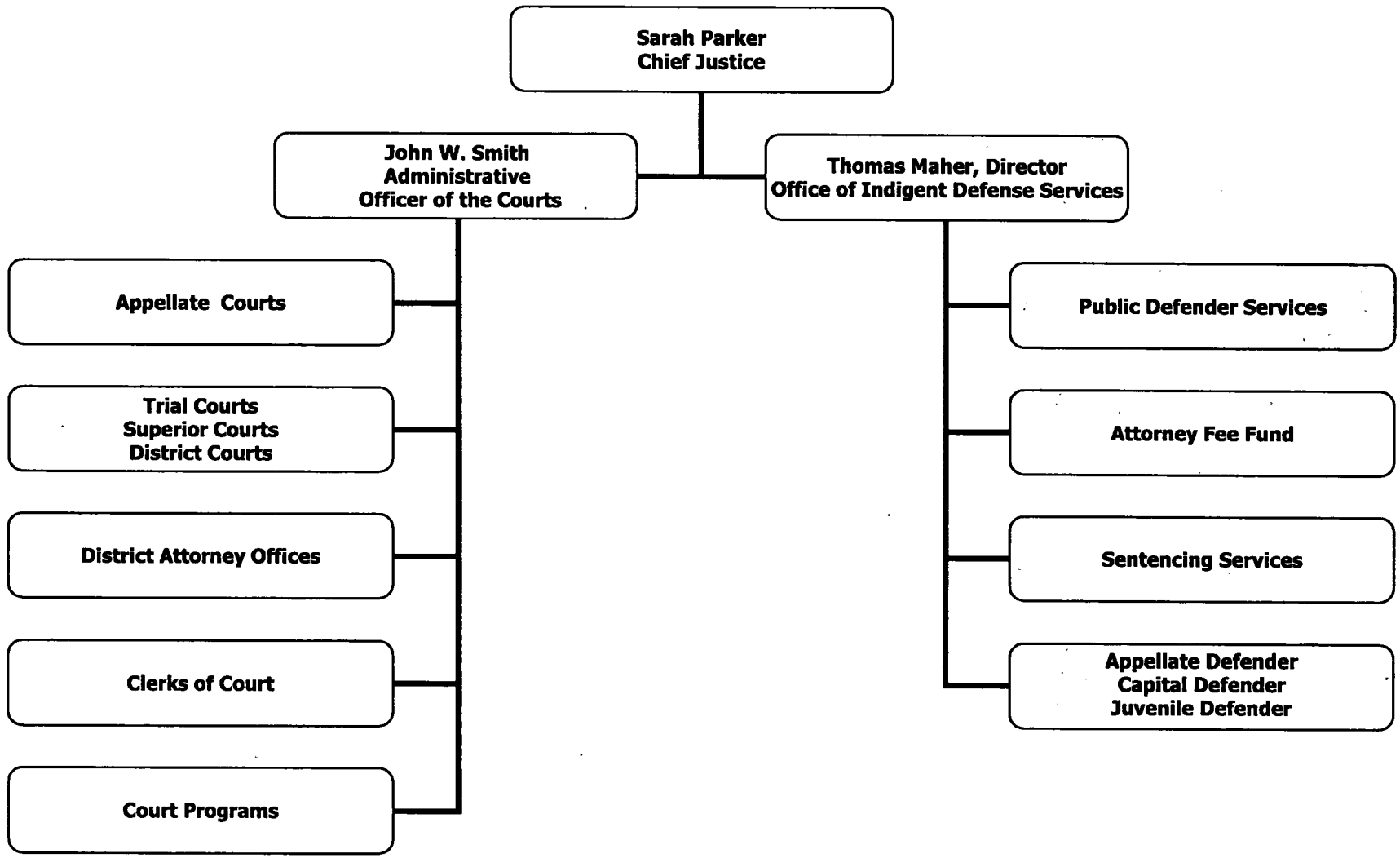
1. Overview of Programs and Funding
2. 2007 and 2008 Significant Legislative Actions
3. Overview of Current Year Funding and FY 2009-11 OIDS Budget Proposals
4. Budget Issues

# Overview of OIDS Programs and Funding



FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

# North Carolina Judicial System



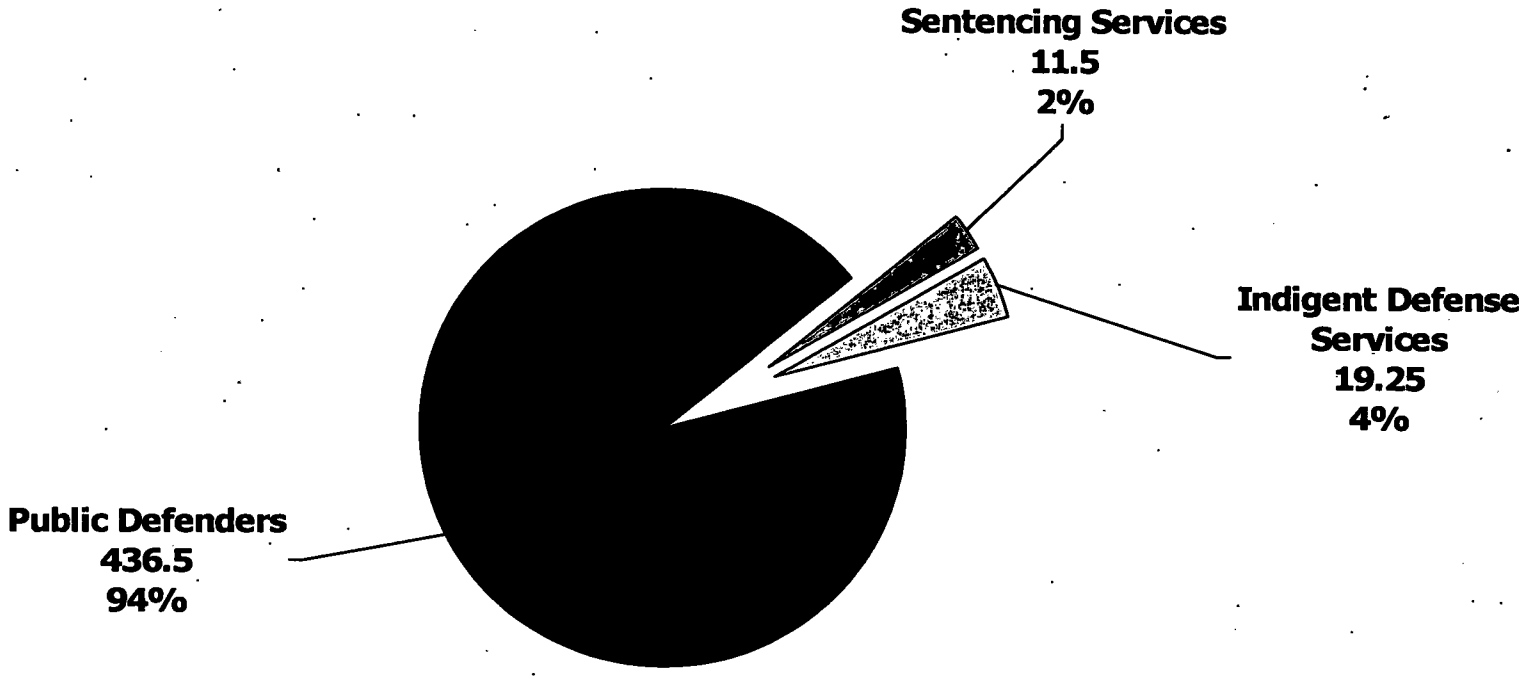
# OIDS Mission

- Oversee the provision of legal counsel to indigent defendants in matters before state courts
- Administer the Sentencing Services Program
- Provide legal advice and assistance to Department of Correction inmates

# OIDS Organization

- Public Defender Services
- Indigent Persons Attorney Fee Fund
- Prisoner Legal Services
- Sentencing Services
- Indigent Defense Services Administration

# OIDS STAFF: 467 POSITIONS



# Legal Counsel For Indigent Persons

- Legal counsel is provided either by court-appointed private attorneys or by state Public Defender Offices.

- OIDS provided legal representation in 279,400 cases before the courts in FY 2007-08:

| | # Cases | % | $ Cost | % |
|---|---|---|---|---|
| Court-Appointed Private Counsel | 188,578 | 68% | $ 71,202,391 | 73% |
| Public Defenders | 90,822 | 32% | $ 25,976,578 | 27% |
| Total | 279,400 | | $ 97,178,969 | |

# Indigent Persons Attorney Fund

- FY08-09 certified budget: $83.0 million
  - budgeted recoupment receipts: $8.6 million
  - includes $1.135 million NR expansion
  - funds are used to pay private attorneys, expert witnesses, and investigators

- Budget for private attorney costs has increased 40% over the past 5 years

- Annual fee fund shortfall:

| | FY03-04 | FY04-05 | FY05-06 | FY06-07 | FY07-08 |
|---|---|---|---|---|---|
| Budget | $51.3 | $60.0 | $69.9 | $70.6 | $81.9 |
| Unpaid backlog | $11.7 | $9.0 | $4.0 | $ 0.8 | $ 0.6 |
| | | | ($ million) | | |

# Public Defender Service

- FY08-09 certified budget: $28.2 million
  - budgeted receipts: $93,000
  - funds are used to support positions, including attorneys, investigators and support staff, purchased services, equipment, supplies, etc.
- PD budget has nearly doubled over the past 5 years
  - authorized new PD Offices in Districts 1, 5, 10, and 29B
  - authorized OIDS annually to create up to 20 new attorney and support positions in PD Offices using the Indigent Attorney Fund

# NC Prisoner Legal Services

- In 2005, the responsibility and funds for inmate legal services were transferred to OIDS from Correction
  - the State is legally obligated to provide legal assistance and access to the courts to inmates in DOC's custody
- OIDS continued to contract with the original DOC provider, NC Prisoner Legal Services, Inc. (PLS)
- In 2008, questions arose regarding the source of funds used by PLS to pay legal costs and a settlement related to an employee discrimination suit
  - OIDS and legislative attorneys agreed that PLS could legally used the income generated from its contract with the State to pay these costs
  - PLS has replaced it's governing board and executive director
- Certified budget: $2,814,262

# Sentencing Services Program (SSP)

- Assess offenders and provide a detailed sentencing plan, including information on their risks and needs, available resources for supervision/treatment, to the judge prior to sentencing.
  - Judges may accept the plan, reject the plan, or select options within a plan.
  - Program operates in 27 districts: 7 are state administered; 1 is county administered; 18 operated by non-profit agencies

- Certified budget: $2,776,431
  - includes $200,000 NR expansion
  - 70% of budget is pass-through funding to the 19 county and non-profit programs
  - 20% budget supports the 8 state operated programs
  - 10% budget funds administrative costs

- The 27 programs operating in FY 2007-08 provided 1,490 plans at an average cost of $1,673 per plan ($1,885 when administrative costs are added)

# 2007 and 2008 Significant Legislative Actions

FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

# 2007 Significant Legislative Action

- Authorized 2 new Public Defender offices
  - District 5: New Hanover County
  - District 29B: Henderson, Polk, Transylvania

- Authorized OIDS to use the Private Attorney Fee Fund to establish up to 20 attorney and 10 support positions in Public Defender offices

- Provided funds to establish a six-year equipment replacement schedule: $98,778 R

# 2007 Significant Legislative Action

- Provided funding to increase the hourly rate for assigned counsel in non-capital cases from $65 to $75 per hour, effective 1/1/08
- Increased continuation funding by $4.8 million in FY07-08 and $8.5 million in FY08-09 for the Indigent Persons Attorney Fund.

- $175,000 NR to develop and pilot an electronic process for submitting and paying attorney fee applications

# 2008 Significant Legislative Action

- Funding for Private Assigned Counsel
  - $1,135,000 NR to address the growth in demand and the expected shortfall
- Eliminate Public Defender Expansion Funds
  - S.L. 2007-323 provided $1,570,057 R to expand the number of public defender offices and attorney positions around the State. S.L. 2008-107 eliminated these funds because the Indigent Services Commission did not recommend any new offices in FY 2008-09
- Pilot Program for Alternative Scheduling
  - Authorized OIDS to pilot an alternative scheduling program to reduce the amount of paid to attorneys for court room waiting time

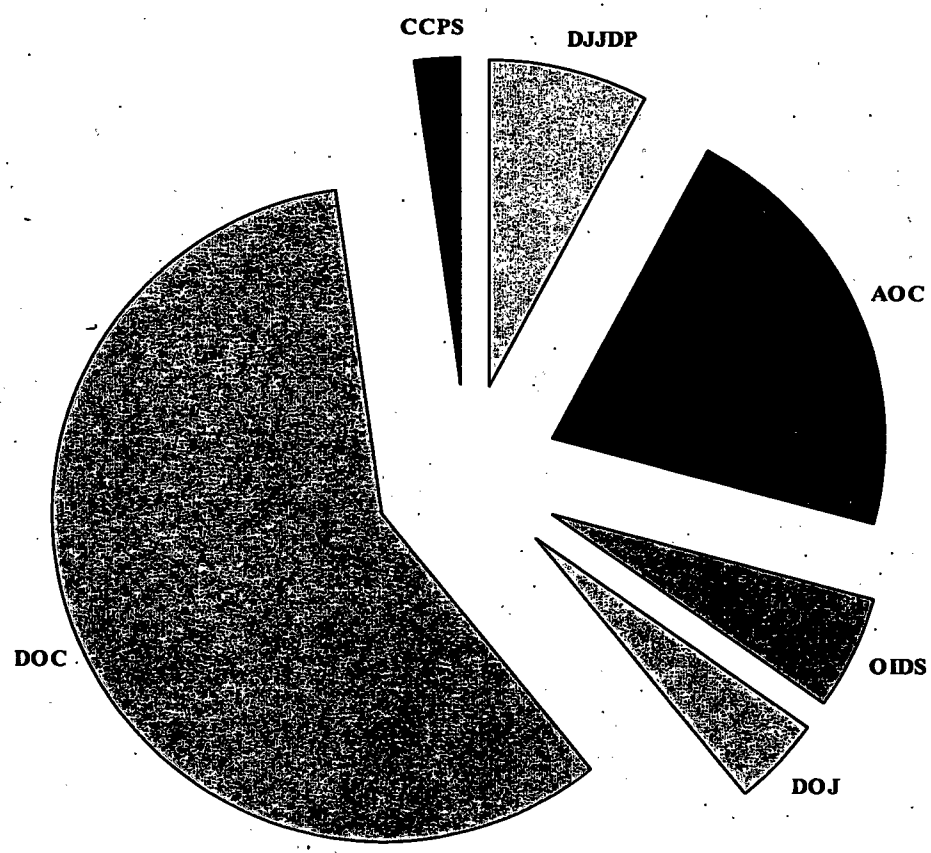
# Overview of Current Year Funding and FY 2009-11 OIDS Budget Proposals

FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

# JPS General Fund Budget
# FY 2008-09

## State Appropriations

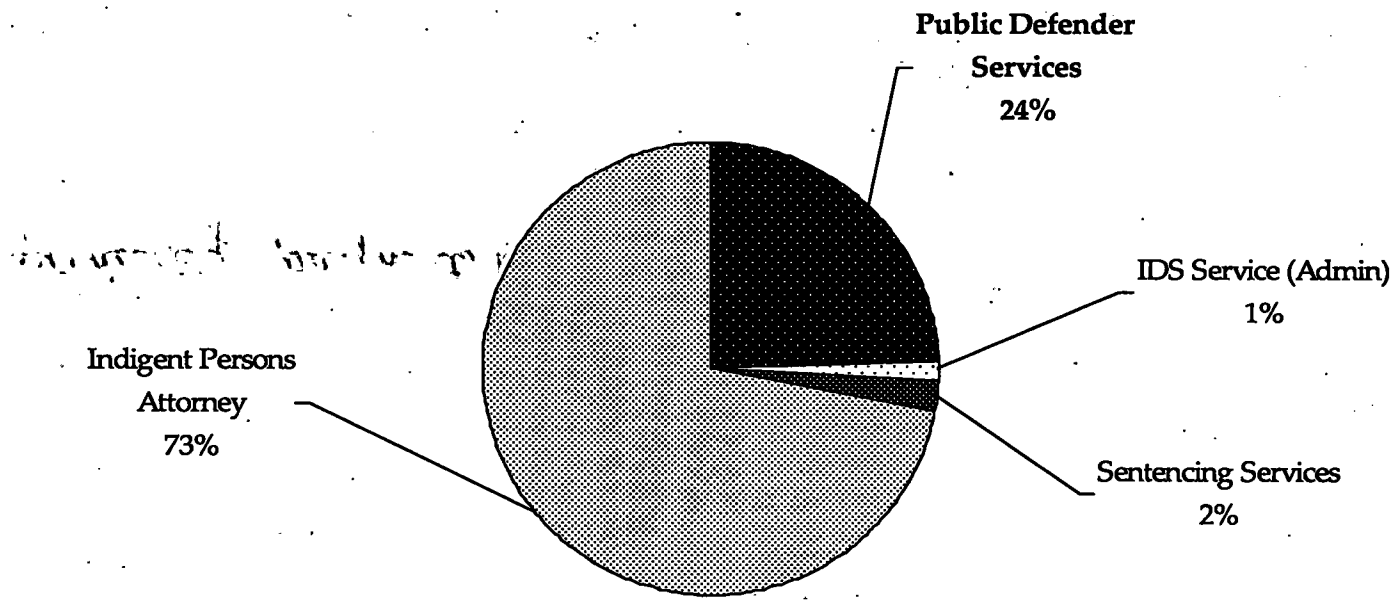
| | ($ Million) |
|---|---|
| DOC | 1,227.9 |
| CCPS | 44.1 |
| DOJ | 91.7 |
| AOC | 450.8 |
| OIDS | 115.6 @ 5% |
| DJJDP | 159.7 |
| Total | $2,089 |



# OIDS FY08-09 Authorized Expenditures

| Purpose | $ Amount | % Total |
|---|---|---|
| Salaries & Benefits | 37,568,434 | 29.5 |
| Purchased Services | 86,658,086 | 68.2 |
| primarily payments to private atty's | | |
| Supplies; Property; Equipment | 424,316 | 0.3 |
| Aid & Assistance | 2,435,075 | 1.9 |
| Reserves & Other Expenditures | 6,085 | 0.1 |
| Total | **127,091,996** | **100** |

# Allocation of OIDS Certified Budget – FY 2008-09



# OIDS General Fund Budget Proposals

| | $ Amount | % Change |
|---|---|---|
| 2007-08 Actual Expenditures | 108,213,450 | |
| 2008-09 Authorized Budget | 118,137,192 | +9.2 |
| 2009-10 Continuation Budget | 133,881,190 | +11.3 |
| 2009-10 Governor's Recommended Budget | 123,716,016 | -7.6 |
| 2009-10 Senate Proposed Budget | 134,934,064 | +9.1 |

# FY 2009-11 Continuation Budget

Definition of "Continuation" Budget:

- the recommended funding necessary to continue a program *at the current level of services;* can be adjusted for certain factors such as inflation; annualization of position costs, and operating funds for new facilities

- OIDS' FY09-10 continuation request, 133,881,190, is 11.3 percent above the current year authorized budget:
  - personal services: 1%
  - purchased services: 19.2%
  - pass-through funds: -8.2%

# Governor's Recommended Budget

- **Recommends $10.1 million, 7.6%, in reductions, including**
  - $1.9 million: truth-in-budgeting
  - $5.0 million: reduce PAC funding
  - $2.6 million: eliminate Sentencing Services
  - $122,190: reduce pass-through funding

- **Federal stimulus expansion**
  - no stimulus funding proposed

# Senate Proposed Budget – FY 2009-10

- Provides $1.1 million net increase over the Governor's recommended budget, including
  - $3.5 million reduction to the continuation budget for the PAC fund
  - $7 million NR expansion for the anticipated FY08-09 PAC fund backlog
  - $1.6 million: management flexibility reserve
  - $466,000: pass-through reduction

# OIDS Budget Issues



FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

# Attorney Fee Fund Projections

- OIDS projects a $7 million backlog of approved but unpaid attorney fee applications that will be carried forward into FY2009-10 for payment.
  - Senate budget includes $7 million NR expansion to address the backlog

- FY 2009-11 continuation budget includes $16.1 million increase in Year 1 and $14.3 million in Year 2
  - projected increases needed to address increased demand for indigent representation
  - if demand exceeds available funds, backlog of unpaid fee applications must be carried forward to be paid from the next year's funding.

# Private Attorney Fee Payments

- Containing the growing cost of indigent representation continues to be a challenge
  - Annually indigency rates and private attorney costs outpace the growth in General Fund availability.
- In 2007, the Legislature appropriated $4.8 million recurring to fund a $10 increase in the hourly contract rate paid to private attorneys, effective January 1, 2008.
  - For FY 2008-09, the first full year of the increase, $8.5 million recurring was provided.
  - The budget shortfall may cause you to reconsider this rate increase e.g. reduce or eliminate rate increase

# OIDS Cost Saving Initiatives

- Each year, the budget bill includes authorization for OIDS to spend up to a specified amount from the Indigent Persons Attorney Fund to establish new attorney and support positions in the public defender offices around the State.
  - OIDS data indicates any new PD office would produce marginal cost savings
- Enhance/Maintain integrity of Attorney Fee Fund
  - automated processes
  - alternative eligibility determination process

# OIDS Cost Saving Initiatives

- S.L. 2008-107 included two provisions to reduce indigent representation costs.
  - Section 14.1 authorizes OIDS to pilot an alternative scheduling approach to reduce the amount of waiting time for attorneys in court.
    - A 2005 study indicated that between 20 and 30 percent of OIDS payments to attorneys was for the time spent waiting in court.
  - Section 14.7 directs AOC and OIDS to consult to develop a statewide system to gather information earlier in the process for determining if persons are eligible for indigent defense services.
    - to ensure that only persons who are truly indigent would receive services.

# OIDS Cost Saving Initiatives

- Senate budget includes a provision directing OIDS to study strategies to reduce the demand for indigent services, including
  - decriminalizing minor misdemeanor offenses for which jail sentences are rarely or never imposed (often traffic cases)
  - improving the manner in which potentially capital cases are screened and processed

- Increase recoupment
  - county recoupment rates average around 17%, but range from 2% up to 39%
  - Almost $10 million recouped in FY 2007-08, 11% of total spending
  - Application fee appears to be rarely assessed or collected

## Sentencing Services Program – Is it Cost effective?

- Is there a return on the investment?
  - a review of program data indicates that the plans appear to have no impact on judges' decision to impose community or active sentences
  - In FY 2007-08, the cost of a plan was significantly higher, 200 to 900 percent, then the average cost to provide indigent representation
  - Would these funds be better used to provide representation?

MINUTES
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

May 5, 2009
Room 415 Legislative Office Building
8:30 A.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Tuesday, May 5, 2009, in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 8:30 a.m. The following House members were present: Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Moore, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, Danielle Seale, and Denise Thomas.

Representative Love recognized the page, Caroline Bird of Lenoir County, and the Sergeants-at-Arms, Jerald Perry and Frank Prevo, and thanked them for their help. He also stated that the previously scheduled afternoon meeting was cancelled.

**John Poteat of the Fiscal Research Division** presented the budget overview of the Department of Juvenile Justice & Delinquency Prevention. The members of the Committee and visitors were provided a handout to follow, a copy of which is attached as part of these minutes.

Following the presentation were questions by the committee.

Representative Love asked Mr. Poteat to explain what TANF funds were.

John Poteat replied that TANF was an acronym for Temporary Aid to Needy Families and the funds were block grants from the federal government. In the past, there has been about a $2.7 million transfer from HHS to Juvenile Justice to operate this SOS program. In the Governor's recommended budget, not only was the $5.9 million General Fund money eliminated, the TANF money was also eliminated. The TANF has a wide range of uses outside of Juvenile Justice. Other after-school programs are also funded outside of Juvenile Justice.

Representative Love noted that on page 18, Detention had $19 million, then you have $7 million in receipts, and wondered where the receipts came from.

John Poteat stated that 50% of the money came from the State and 50% came from the county to pay for their kids who are being served in juvenile facilities.

Representative Bordsen wondered what funding came from where. She asked about the SOS program – who participates in it and how it came to be in the Justice and Public Safety budget rather than Education or Health and Human Services.

Teresa Price, Deputy Secretary, Department of Juvenile Justice and Delinquency, said that schools have a lot of programs and that community programs started because they can operate without as many restrictions as schools. At-risk monies in Education can be used to support these children.

Representative Bordsen (follow-up) wondered why, since there was only 1.2% court-involved youth in the SOS program, if the upper level issues could be resolved, would it not make more sense to have this a combination of Health and Human Services and Education instead of Justice and Public Safety and Education.

Teresa Price responded that even if the Courts aren't heavily involved, there is always a possibility that they could be. Even though there are not a lot of Courts involved, there are a lot of prevention-type activities.

Representative Bordsen (follow-up) wondered what the Center for Prevention of School Violence accomplished and since it is school-specific, why was not under the auspices of Education?

Linda Hayes, Secretary, Department of Juvenile Justice and Delinquency Prevention, explained that the Center was originally created in Governor Hunt's Crime Commission with grant funds; it was developed to figure out ways to prevent school violence, and it was under this purview that School Resource Officers were created. She went on to state that there was a debate as to where to put the Center and that it now resided in Juvenile Justice and Delinquency Prevention because of the violence aspect. She noted that the question was a good one, because other than the "violence" in the title, there was no reason to have it in the department.

Representative Bordsen (follow-up) noted that the mission of Juvenile Justice and Delinquency Prevention was difficult to complete – operate with old and new facilities. The new facilities do what you need them to do and the old facilities we need to move from. She noted that DJJDP has a focus that they have not been able to complete and yet they have other sub-missions that don't necessarily seem to belong to DJJDP. She wondered what could be taken out of Juvenile Justice to help Secretary Hayes and the Department do their primary mission. Rep. Bordsen went on to say that it looked like Tarheel Challenge would be moved to Education.

Secretary Hayes stated that the Department could give up the SOS program. Availability of at-risk funds is much greater in Education than the entire budget in the Department of Juvenile Justice and Delinquency Prevention.

Representative Justus wondered how many teachers were employed by Juvenile Justice and what their salaries were.

Martin Phann, Department of Juvenile Justice and Delinquency Prevention, stated that there was a budget of $6 million for certified teachers; he had no accurate number but could get them. There are teachers in the YDCs and Detention Centers.

Representative Justus (follow-up) asked if they were paid more than normal school teachers and noted that in Washington, these teachers were paid similarly. She went on to say that she strongly believed that they should be paid by the Department of Public Instruction.

John Poteat $220 million was the total amount and that does not always include other sources of funding that can be targeted toward at-risk youth. It is an ongoing issue that the staff has tried to work on.

Representative Sutton asked if there was a dispute between the staff and the department on the number of positions and wondered why it was so complicated.

John Poteat replied that it was not a contentious issue; part of the issue is that the BEACON system has access to real time – information as of one date may not reflect changes they have made later. That's part of it, and part of it is when someone is coded, for instance, being assigned to a YDC, that person may also serve a regional function. The staff are in the process of trying to sort some of that out.

Representative Sutton (follow-up) observed that the Senate may believe that prevention of school violence was created long ago and may have outlived its life.

John Poteat responded that in the Governor's budget, there are some performance-based measures included in the budget such as the information requests to the Center which have declined from over 1400 in '05-'06 to last year with a little less than 800, a 46% decrease. That is part of the reason the Senate had recommended eliminating the Center.

Representative Hurley wondered how many of the programs have matching funds.

John Poteat noted that State appropriations must be matched 10%, 20% or 30% either in cash or in kind, depending on the wealth of the county. That's the direct money. The focus of the JCPCs varies from county to county depending on what the school system provides. It's a local decision and is part of what the thinking was about taking that SOS money and redirecting it so that the decisions can be made locally versus saying that they will fund only certain programs.

The meeting adjourned at 9:30 a.m.

Respectfully Submitted,

Representative Jimmy Love
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: Department of Juvenile Justice & Delinquency Prevention Budget Overview

**Sylvia Nygard (Rep. Love)**

**From:** Michelle Hall (Rep. Bordsen)
**Sent:** Thursday, April 30, 2009 1:34 PM
**Subject:** Corrected NOTICE--Appropriations Subcommittee on Justice and Public Safety Tuesday May 5 @ 8:30 & 2:00 p.m.
**Importance:** High

CORRECTED NOTICE

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public S** will meet as follows:

**DAY & DATE:** Tuesday, May 5, 2009
**TIME:** 8:30 am
**LOCATION:** 415 LOB
**COMMENTS:** Members please note there will be NO meeting on Monday, May 4.

The following will be considered:

- Fiscal Overview of the Department of Crime Control & Public Safety
- Fiscal Overview of the Department of Juvenile Justice & Delinquency Prevention

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **1:35 p.m.** on **April 30, 2009.**

Principal Clerk
Reading Clerk – House Chamber

**Michelle Hall** (Committee Assistant)
**Sylvia Nygard** (Committee Assistant)

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**May 5, 2009 8:30 A.M. and 2:00 P.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen, Presiding
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Fiscal Overview of the Department of Juvenile Justice & Delinquency Prevention

*John Poteat*
*Fiscal Research Division*

Fiscal Overview of the Department of Crime Control & Public Safety

*Jean Sandaire*
*Fiscal Research Division*

## III. OTHER BUSINESS

## IV. Next meeting: Wednesday, May 6th 8:30 a.m. – Review JPS Budget Reduction Options

## V. ADJOURNMENT

## VISITOR REGISTRATION SHEET

Justice & Public Safety — 5/5/09

Name of Committee — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| David Jones | DJJDP |
| GRADY STEPHENSON | " |
| ANTHONY ALLEN | NCAOC |
| CASANDRA WHITE | NCAOC |
| John Smith | AOC |
| Mildred Spearman | NCDOC |
| Bill SHELTON | Summit House |
| Donna Weston | Summit House |
| Elisa Wolper | IDS |
| Neil Woodcock | CCPS - LESS |
| Jon Williams | CCPS |
| Seth Deamin | DOJ |

**VISITOR REGISTRATION SHEET**

Justice & Public Safety — 5-5-09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Michelle Frazier | MF+S |
| Tom Bennett | NCVAN |
| Steve Shaber | Poyner Spruill |
| Robin Jenkins | DJJDP |
| Martin Phann | DJJDP |
| Stan Clarkson | DJJDP |
| Mike Rieder | DJJDP |
| Linda Washington | DJJDP |
| Teresa Price | DJJDP |
| Lunda Hayes | DJJDP |
| Kathy Dudley | DJJDP |
| Gary Mc | NCAOC |

## VISITOR REGISTRATION SHEET

Justice and Public Safety — 5/5/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

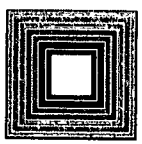
| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Mike Sprayberry | NCEM |
| J Donnan | NCEM |
| Lao Rupert | CYPC |
| Mandy Ableidinger | Action for Children NC |
| Tom Rawlin | NC National Guard |
| Jeffrey Walston | DOA-YA10 |
| Keith Pearce | NCNG |
| Keith Sutton | DJJDP |
| Fred Aikens | The Aikens Group LLC |
| Sonia Schmidt | Action for Children |
| | |

# Department of Juvenile Justice & Delinquency Prevention

## Budget Overview

House Appropriations Subcommittee on Justice and Public Safety

May 5, 2009



FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

# Presentation Outline

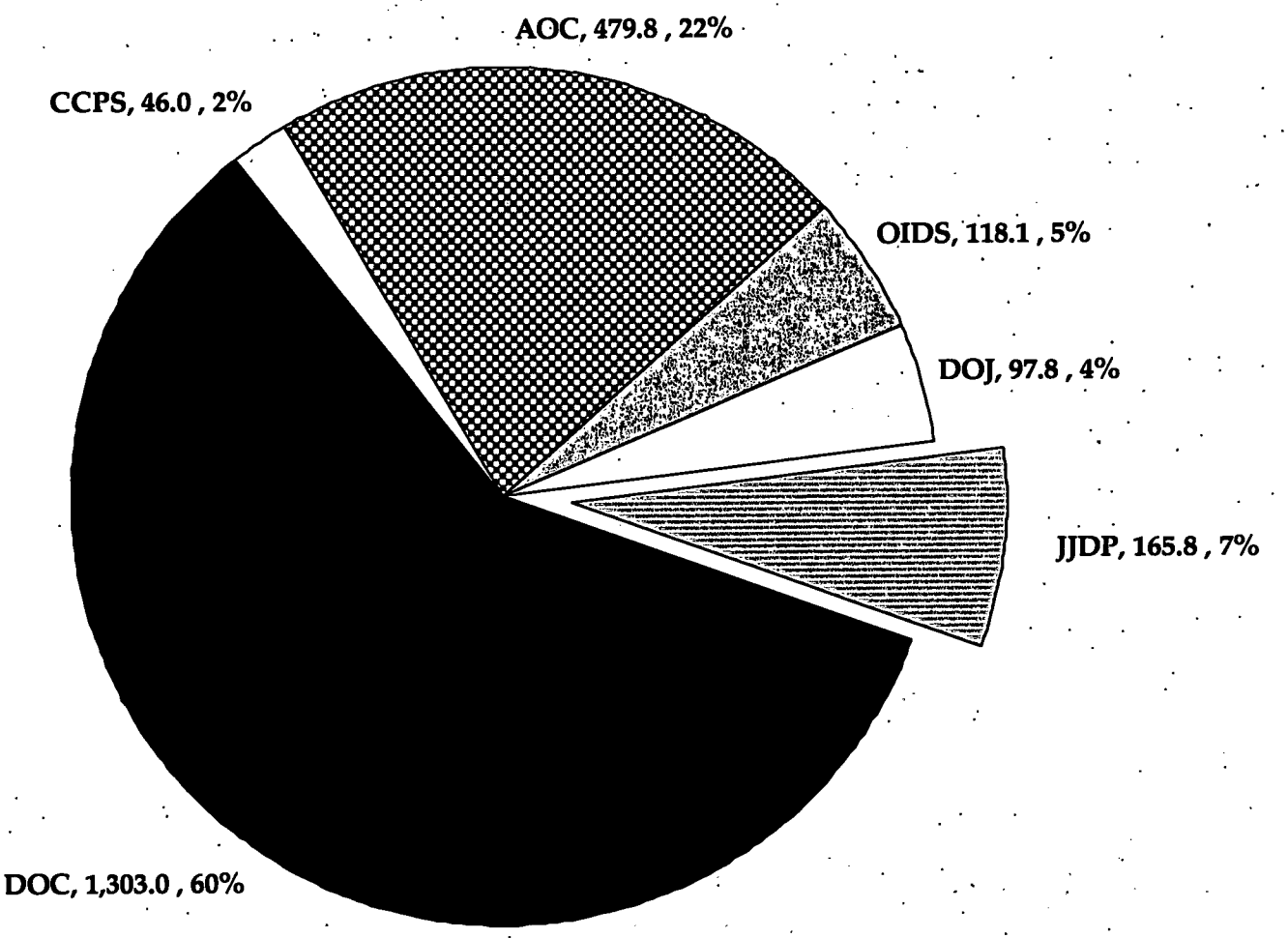
- Overview of Department's Structure and Funding
- Major DJJDP Programs
- Overview of Current Year Funding and FY 2009-11 DJJDP Budget Proposals
- 2007 and 2008 Significant Legislative Actions
- YDC Staffing
- Budget Issues

# DJJDP At-A-Glance

| | |
|---|---|
| DJJDP Employees | 1,963 |
| **Complaints** | **43,797** |
| **In-take cases approved for court** | **11,608** |
| **Under Supervision** | **13,637** |
| A-E Felonies (violent)<br>F-I Felonies/A1 Misdemeanors (serious)<br>1-3 Misdemeanors (minor) | 1,067 (3%)<br>9,638 (25%)<br>28,004 (72%) |
| Adjudicated Delinquent | 9,167 |
| **YDC Commitments** | **469** |
| **YDC Average Length of Sentence (in days)** | **357** |
| Detention Center Admissions | 7,936 |

Source: DJJDP, 2008 annual report & 2009-11 Continuation Budget

# JPS Authorized Budget FY 2008-09
# (in millions $)



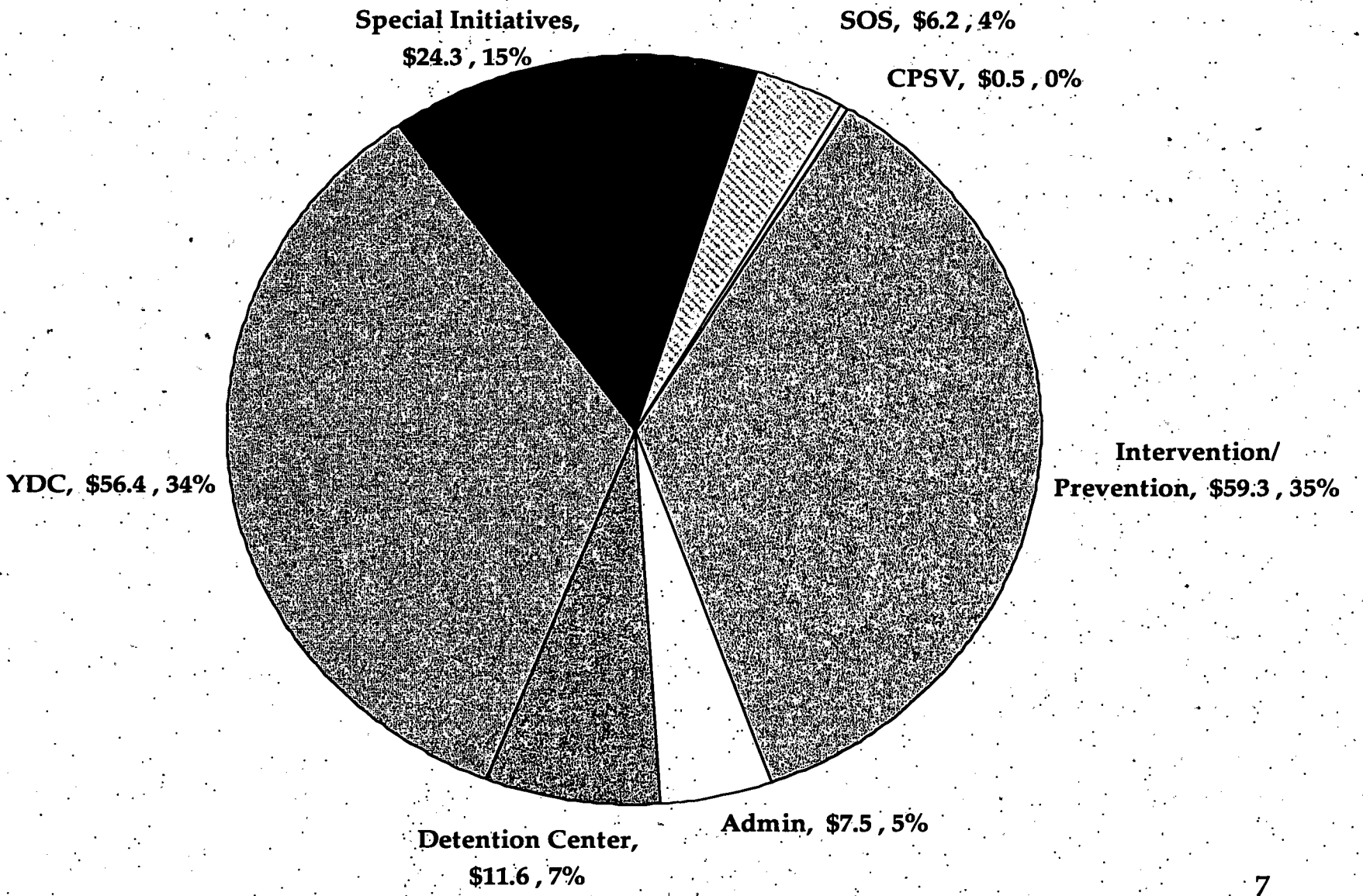
# Overview of Structure & Budget

# DJJDP Organization

| Overview | Major Programs |
|---|---|
| Administrative Services | Dept. leadership<br>NC JOIN (MIS system) |
| Detention Services | 9 state & 3 county facilities |
| Youth Development Centers | 7 male & 2 female facilities |
| Intervention & Prevention Services | ▪Court Counselors<br>▪Juvenile Crime Prevention Councils (JCPCs)<br>▪Project Challenge |
| Special Initiatives | ▪Governor's One-on-One mentoring program<br>▪ Camp Woodson<br>▪ Eckerd Youth Wilderness (7)<br>▪ Multipurpose Group Homes (7)<br>▪ Juvenile Assessment Center |
| Center for the Prevention of School Violence | Resource & Policy Center |
| Support our Students (SOS) | Afterschool programs |

# DJJPD 2008-09 Authorized Budget by Program

(in millions)



# DJJDP Positions

| Division | # Positions |
|---|---|
| Administration | 84 |
| Detention | 302 |
| Youth Development Centers (YDC) | 929 |
| Special Initiatives | 27 |
| Support Our Students (SOS) | 4 |
| Center for Prevention of School Violence | 6 |
| Intervention/Prevention | 612 |
| **Total=1,963** | |

Source: OSBM, 2009-11 Continuation Budget

# DJJDP FY08-09 Authorized Expenditures

| Purpose | $ Amount | % Total |
|---|---|---|
| Salaries & Benefits | 100,314,144 | 60.3 |
| Purchased Services | 33,623,159 | 15.3 |
| Supplies, Property, & Equipment | 3,977,558 | 3.1 |
| Aid & Assistance | 37,362,654 | 20.9 |
| Reserves & Other Expenditures | 745,181 | 0.4 |
| Total | **165,774,045** | |

Source: OSBM, 2009-11 Continuation Budget

# DJJDP General Fund Budget Proposals

| Item | $ Amount | % Change from 2008-09 Authorized |
|---|---|---|
| 2007-08 Actual Expenditures | 153,391,465 | - |
| 2008-09 Authorized Budget | 165,774,045 | - |
| 2009-10 Continuation Budget | 172,484,415 | 4% |
| 2009-10 Governor's Recommended Budget | 155,076,168 | -6.5% |
| 2009-10 Senate Proposed Budget | 147,114,599 | -11.3% |

Source: OSBM, 2009-11 Continuation Budget & Senate budget

# Governor's Recommended General Fund Continuation Budget for **Department of Juvenile Justice & Delinquency Prevenetion**

| Category | FY 2007-08 Actual Expenditures | FY 2008-09 Authorized Budget | FY 2009-10 Gov. Recomm. Contin. Budget | FY 2009-10 Gov. Recomm. Contin. Budget Increase | FY 2010-11 Gov. Recomm. Contin. Budget |
|---|---|---|---|---|---|
| Budget | $153,391,465 | $ 165,774,045 | $172,484,415 | **$6,710,370** | $172,651,108 |
| Positions | 1,942 | 1,963 | 1,942 | (21) | 1,942 |

**Net Continuation** increase of **$6.7 m** 2009-10 and **$6.9 m** in 2010-11 over 2008-09 budget.

## FY 2009-11 Continuation Budget

**Definition of "Continuation" Budget:**

- the recommended funding necessary to continue a program ***at the current level of services;*** can be adjusted for certain factors such as inflation; annualization of position costs, and operating funds for new facilities

- DJJDP's continuation request is **$6.7 million** above the current year's authorized budget:
  - Personal services: $3.6 million
  - Purchased services: $2.6 million
  - Aid & Assistance: $810,840

# DJJDP Continuation Budget Increase=$6,710,370

**Personal Services**=$3,641,678 (54%)

- OT=$1,805,207

**Purchased Services**=$2,610,325 (39%)

- Other Provided Medical Services=$505,822
- ITS Contract Services=$400,496
- Temporary Services=$333,906
- Rentals/Leases=$265,324

**Aid & Public Assistance** =$810,840 (12%)

- Detention Home Subsidy=$539,887

# Governor's Recommended Budget

- **Reductions--$17.4 million (6.5%), including:**
  - o $4.9 million: Truth-in-Budgeting
  - o $5.9 million: Eliminate SOS program
  - o $600,000: Close Alamance Multipurpose Group Home
  - o $1.4 million: Close one Eckerd Wilderness Camp & reduce daily contract rate
  - o $1.4 million: Eliminate 26 positions:
  - o $1.7 million: Reduce Pass-Through Funding (7%)
  - o $1 million : Close Camp Woodson

---

- **Federal stimulus expansion**
  - o $6 million: Gang Prevention & Intervention Pilot
  - o $1.5 million: 12 Court Counselors & 2 CC Supervisors

  - o **No impact on DJJDP's General Fund budget**

# Senate Proposed Budget – FY 2009-10

- **Reductions--$25.4 million (11.5%) including:**
  - o $3.5 million: Management flexibility reserve
  - o $2.4 million: Eliminate continuation budget increases
  - o $1.4 million: Eliminate 50 vacant positions
  - o $1.4 million Close Eckerd camp & reduce contract rate
  - o $2.1 million: Reduce (10%) or eliminate pass-through funding
  - o $6.6 million: Eliminate SOS program, but redirect $ to JCPC county allocation
  - o $5 million: Close Samarkand YDC
  - o $6.9 million: Close Dobbs YDC

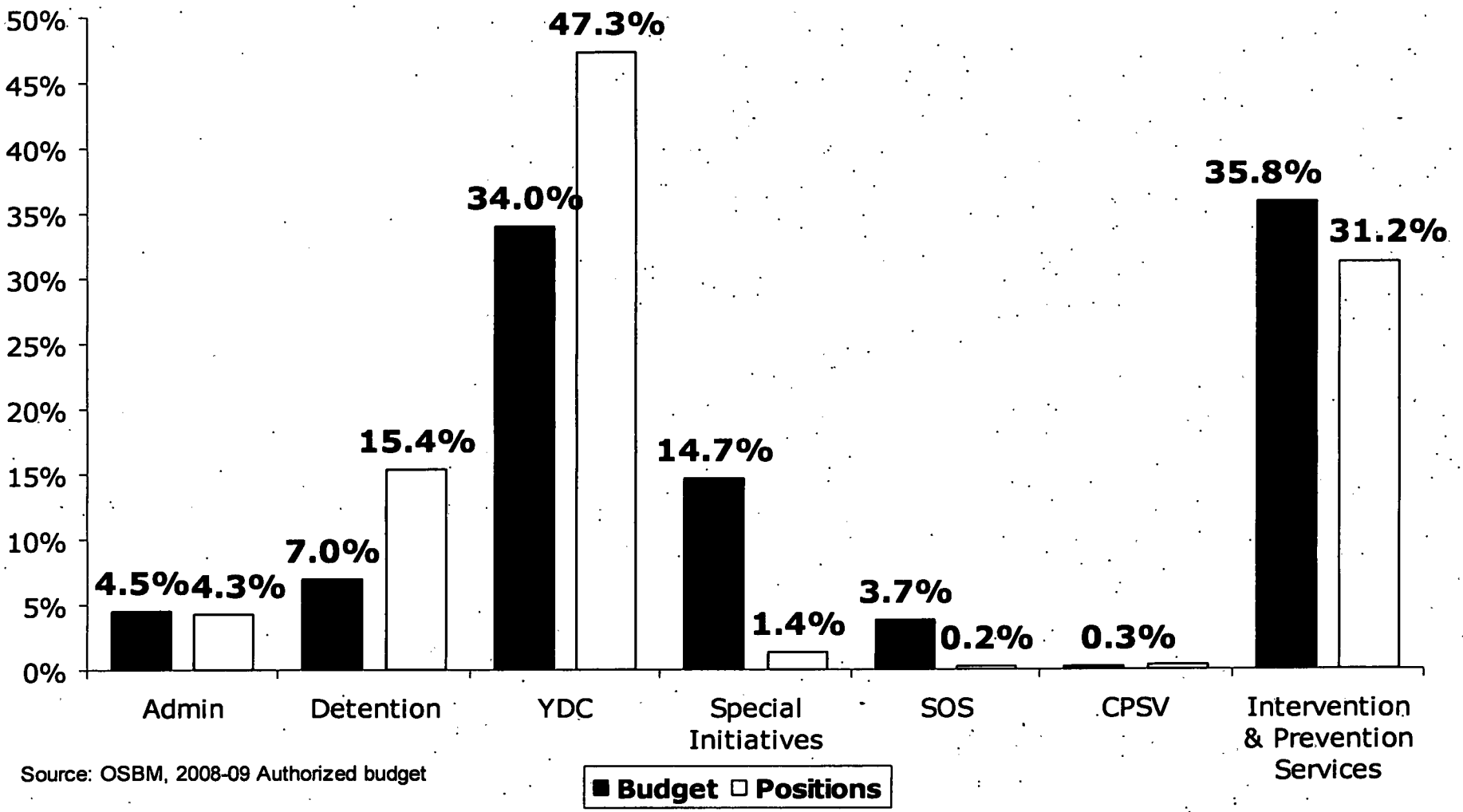
---

- **Federal stimulus expansion**
  - o $6 million: Gang Prevention & Intervention Pilot
  - o $1.5 million: 12 Court Counselors & 2 CC Supervisors

  - o **No impact on DJJDP's General Fund budget**

# Major DJJDP Programs

# DJJDP Divisions: Share of the Budget & Positions




Source: OSBM, 2008-09 Authorized budget

# Major DJJDP Programs*

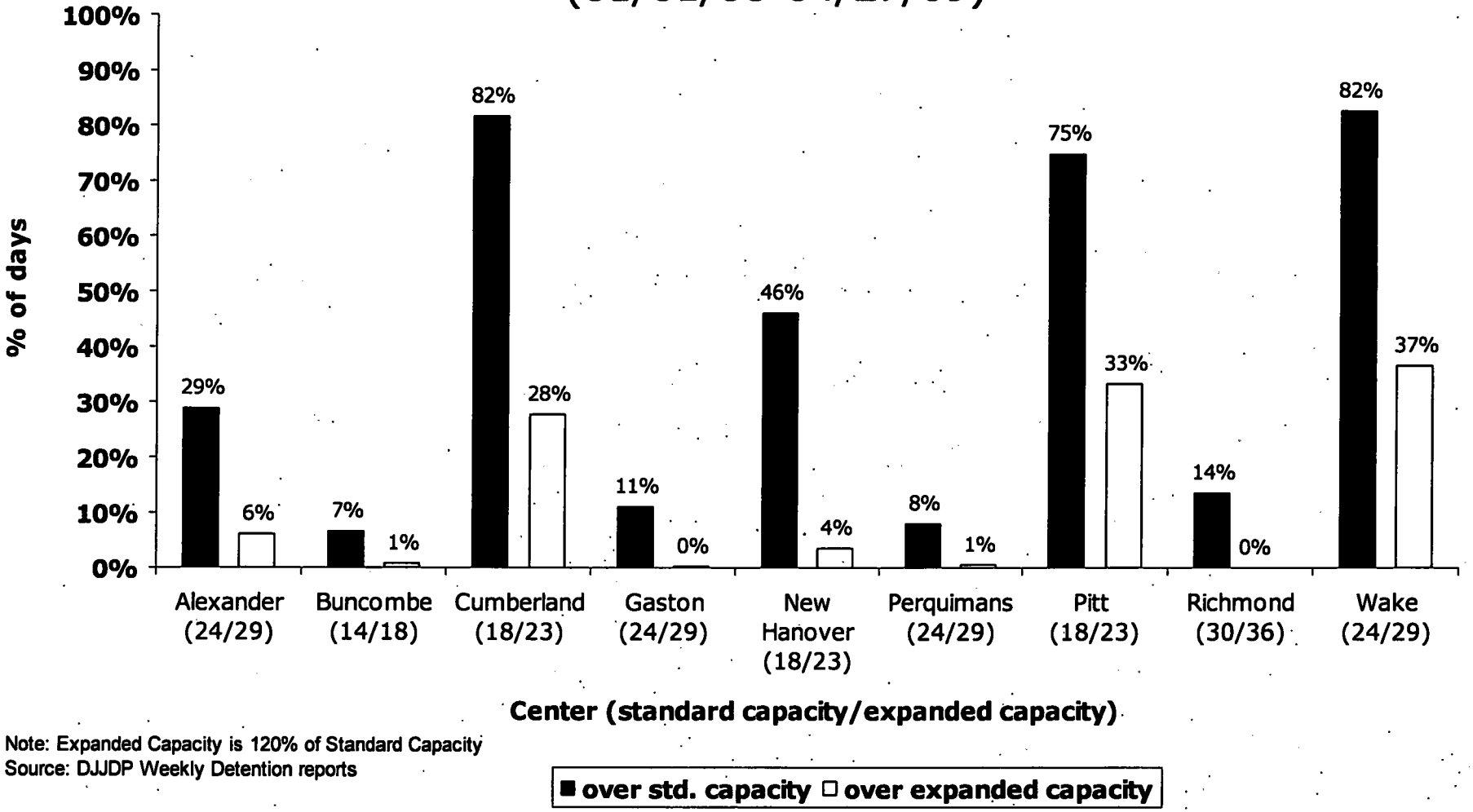
- **Detention ($19,275,019-$7,714,369 receipts=$11,560,650)**
  - Nine State facilities (Capacity=194/239)
  - Three County facilities; Gatling in Mecklenburg closed in April (Capacity=78)
  - State & County split the cost

- **Youth Development Centers ($56,871,652)**
  - Nine facilities (including four new replacement facilities that opened in the fall)
  - Population declining: 1,217 (1999) to 469 (2008)
  - Commitments=469; Average length of stay=357 days

*figures are based upon 2008-09 authorized budget

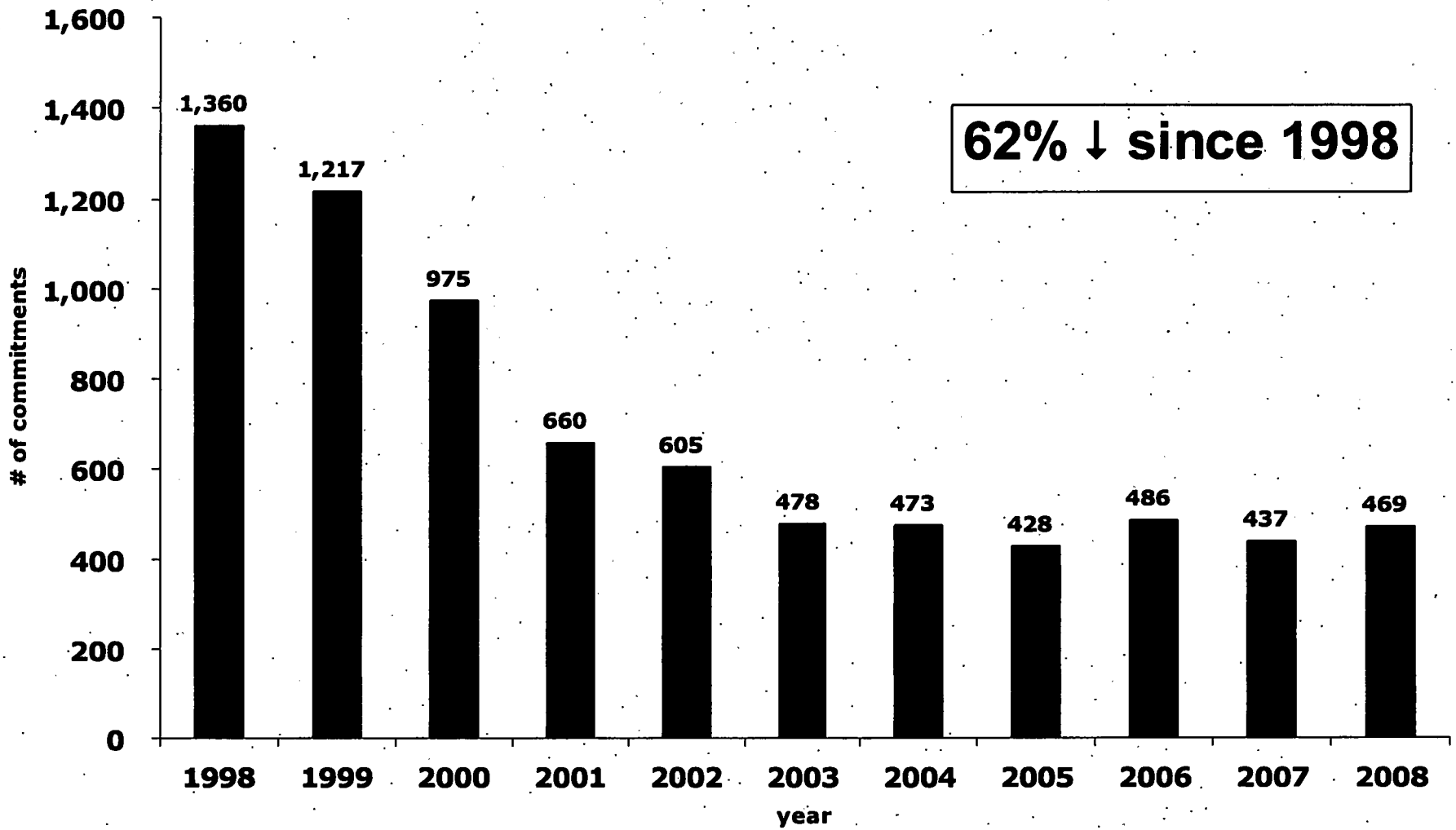
# Days State Detention Centers Were Over Capacity

(01/01/08-04/27/09)




Note: Expanded Capacity is 120% of Standard Capacity
Source: DJJDP Weekly Detention reports

# YDC Commitments



# YDC On-Campus Population & Capacity

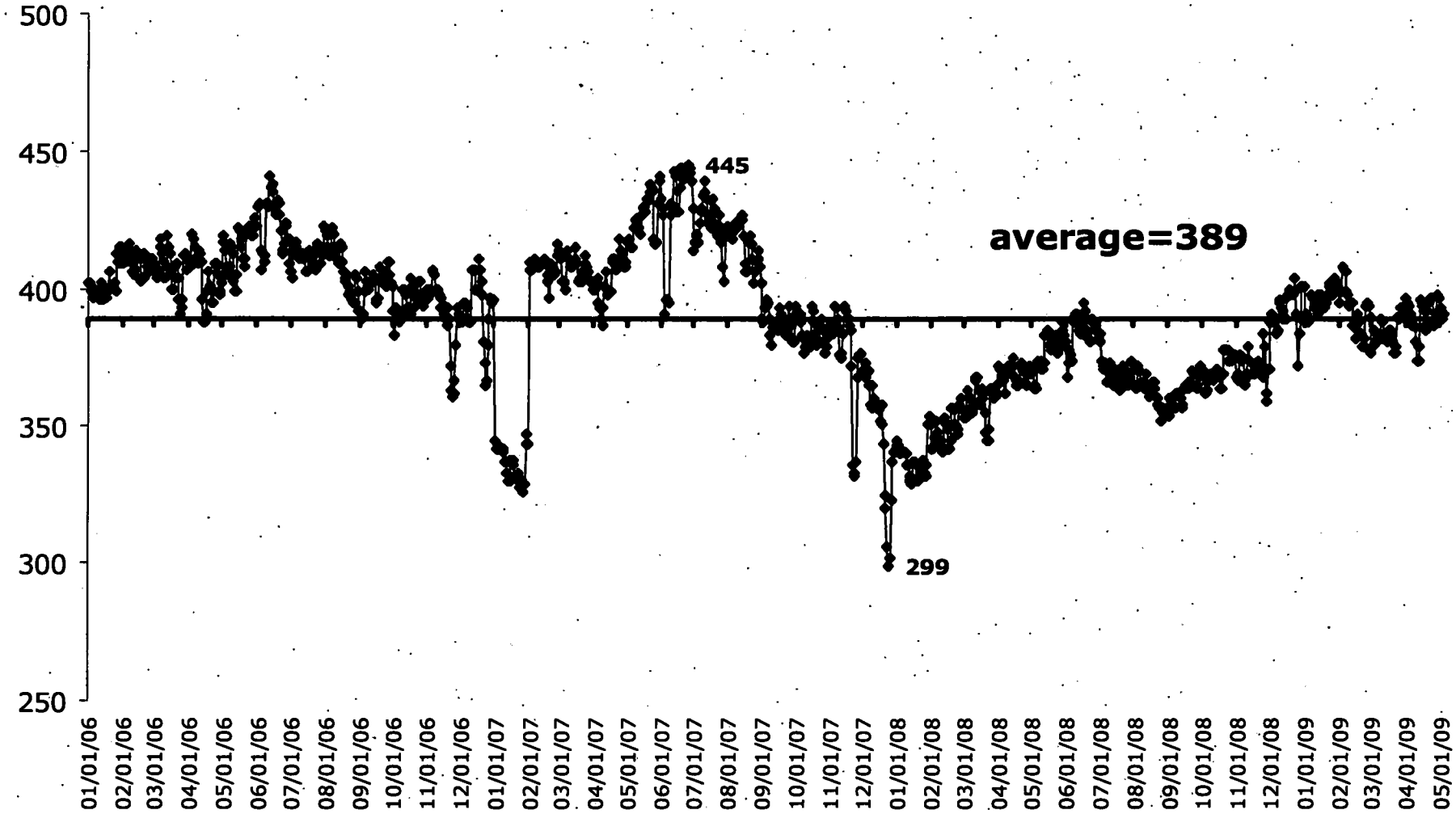
| YDC (County) | 05/01/09 On-Campus Population | 06/30/2009 Capacity** | Capacity Utilized |
|---|---|---|---|
| Cabarrus* | 22 | 96 | 22.9% |
| Chatham* | 24 | 32 | 75.0% |
| Dillon (Granville) | 124 | 125 | 99.2% |
| Dobbs (Lenoir) | 43 | 43 | 100.0% |
| Edgecombe* | 23 | 32 | 71.9% |
| Jackson (Cabarrus) | 63 | 71 | 88.7% |
| Lenoir* | 24 | 32 | 75.0% |
| Samarkand (Moore) | 25 | 32 | 78.1% |
| Swannanoa (Buncombe) | 46 | 48 | 95.8% |
| **Total** | **394** | **511** | **77.1%** |

**Sentencing Commission's projections for YDC Commitments=447**

*Expanded bed capacity is 40 for each 32 bed facility and 122 for the 96 bed facility, which increases the capacity to 535.

** Note: FRD & DJJDP are discussing the actual bed capacity of the Department.

## YDC On-Campus Population, 2006-2009*




* through May 4, 2009 Capacity w/out Dobbs & Samarkand is 436/460

Source: DJJDP

# Major DJJDP Programs*

- **Intervention/Prevention ($59,721,915)**
  - o Court Counselors & Supervisors
    - ✓ CC=432 CC Supervisors=39 Chief CC=38
  - o JCPC=$23,152,860 to serve 28,209 juveniles
    - ✓ At-Risk=41.5%
    - ✓ Diverted=16%
    - ✓ Adjudicated=39%

| Program Types | # | % |
|---|---|---|
| Assessment | 47 | 10.5% |
| Clinical Treatment | 85 | 19.0% |
| Community Day Programs | 30 | 6.7% |
| Residential | 55 | 12.3% |
| Restorative Services | 129 | 28.9% |
| Structured Activities | 101 | 22.6% |
| **Total** | **447** | |

*figures are based upon 2008-09 authorized budget

# Juvenile Crime Prevention Councils (JCPCs)

- Legislative Intent:
  - o develop community-based alternatives to youth development centers
  - o provide community-based delinquency and substance abuse prevention strategies and programs
  - o 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

# 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
- Members of the Public (7)
- Member of the Faith Community

# JCPCs Effectiveness

- DJJDP **"shall fund programs that it determines to be effective in preventing delinquency and recidivism. Programs that have proven to be ineffective shall not be funded"** *(Juvenile Justice Act)*
- 2001 General Assembly provision: develop standards by 2003 to measure program effectiveness
- DJJDP's response to 2001 provision: the Standard Program Evaluation Protocol (SPEP)
- 2004-05 first time JCPCs were able to use research-based evaluation guideline to assess programs
- 2007 Continuation Review provision
  - What is the appropriate mix of at-risk and court-involved youth?
  - What is an appropriate and equitable funding formula?
  - Is the main JCPC program evaluation instrument adequate for measuring program effectiveness? Are there ways to improve its capabilities, or are there other strategies for measuring program effectiveness?

# Major DJJDP Programs*

- **Special Initiatives ($24,342,619)**
  - o Eckerd Wilderness Camps ($17,041,572)
  - o Multipurpose Group Homes ($3,934,864)
  - o Governor's One-on-One ($1,645,545)

- **SOS ($8,820,704-2,649,642 receipts=$6,171,062)**

- **Center for the Prevention of School Violence ($481,225)**

*figures are based upon 2008-09 authorized budget

# Eckerd Camps

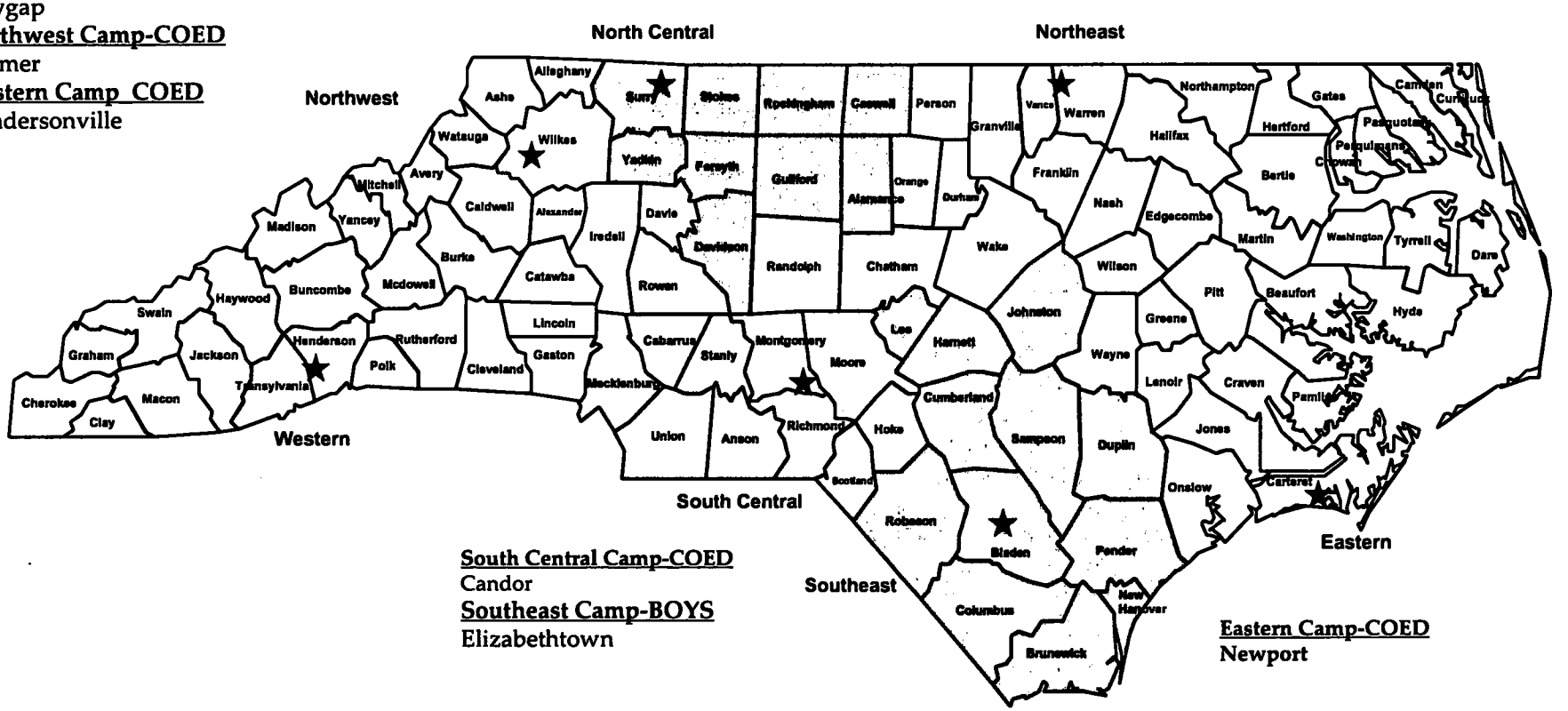
- Year-round secure, therapeutic residential treatment program
- Level 1, 2 or 3 disposition option
- **Seven** wilderness camps for youth ages 10-16
- Juveniles are referred by DJJDP; Mental Health, Social Services, schools; and private sources

# Eckerd Wilderness Education Program
# Camps and Regions in North Carolina

## Eckerd Youth Alternatives, Inc.

**North Central Camp-BOYS**
Lowgap
**Northwest Camp-COED**
Boomer
**Western Camp COED**
Hendersonville

**Northeast Camp-BOYS**
Manson




**South Central Camp-COED**
Candor
**Southeast Camp-BOYS**
Elizabethtown

**Eastern Camp-COED**
Newport

# Eckerd Camps

- 346 beds; 417 admissions: 82% males/18% females
- Average age: 14.7 years (65% 14 or 15 years)
- Average length of stay: 11.9 months (170 to 550 days)
- 68% previously adjudicated delinquent
- 70% completed the program/12% terminated/13% withdrew/2% transferred
- Between FY 2004 & FY 2008, Eckerd served **88 committed youth**

# Eckerd Camps

Contract w/DJJDP calls for 6-month & 12-month follow-up

12-month

- Recidivism rate: 14 % (adjudicated or technical violation)
- Supervision: 23%
- Secure placement: 2% (residential mental health setting)

Attending school or working

6-month: 83%

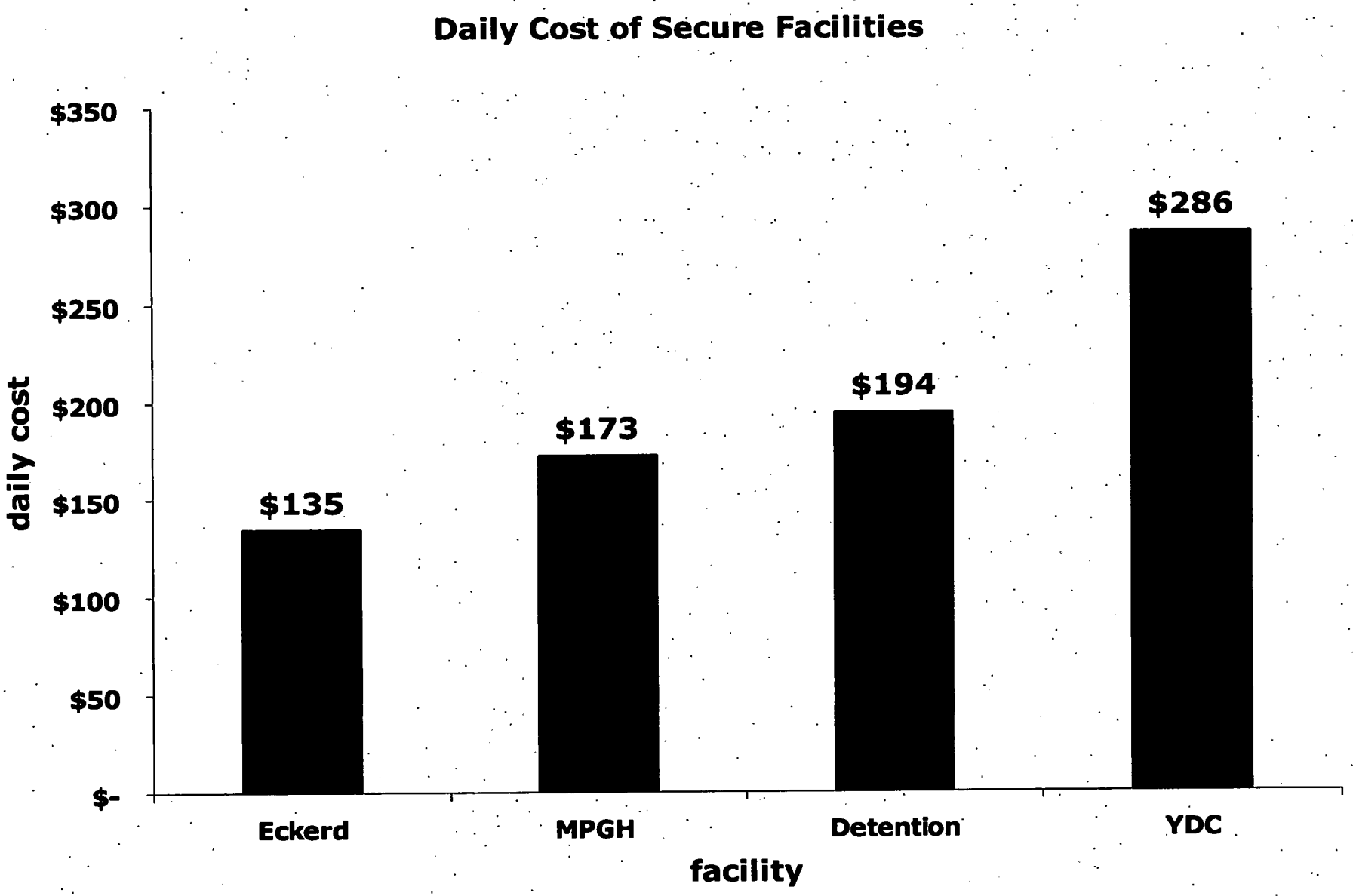
12-month: 74%

# Multipurpose Group Homes

- Secure non-institutional alternatives to youth development and detention centers (96 admissions; 7 centers)
  - o 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. *Average length of stay: 4-8 months*
  - o Treatment services include therapy, behavior management, education, mentoring, and family outreach
  - o A limited number of therapeutic foster care beds are provided for the Division of Social Services

# Governor's One-on-One Program

- Established by Executive Order in 1982
- Mentoring program serving **1,152 youth in 45 programs across 46 counties;** served
- Grants range from $16,500-$66,000 (six classifications with $33,000 FT)
- Youth served: 66% at risk & 28% court-involved
- Referral source: 60% juvenile CC, LE & 40% parents, schools, *etc.*


Daily Cost of Secure Facilities
$350
$300
$250
$200
$150
$100
$50
$-
daily cost
$135
$173
$194
$286
Eckerd
MPGH
Detention
YDC
facility

# SOS

- Community-based initiative that provide afterschool for K-8 children (37% K-5 & 58% 6-8)
- Funded w/GF $ & TANF funds from DHHS
- Operates in 92 counties; 218 sites; served 14,333 youth
- Referrals: 52% parents & 23% schools
- **1.2 % youth served had contact with Juvenile Court**
- Grants: community (64%) and school-based programs (36%)
- **NONE:** Cabarrus, Hoke, Moore, Nash, New Hanover, Onslow, Pender, & Sampson

# 2007 & 2008 Significant Legislative Actions

# 2007-09 Legislative Action

- Provided recurring continuation budget increases to staff and operate the four replacement YDCs—$7.5 million for 2007-08 and $11.8 million for 2008-09
- Eliminated funding for 75 positions that had been vacant one year or longer—$2.5 million
- Eliminated recurring funding for the JCPCs and made their funding nonrecurring subject to the outcome of a Continuation Review—$22.6 million
- Restored JCPC funding ($22.6 million) & provided expansion money for the JCPC county programs—$500,000
- Increased daily contract rate for the Eckerd Wilderness Camps from $121.77 to $134.94—$1.4 million
- Provided 30 additional Detention Center staff—$714,020.

# 2007-09 Legislative Action

- **Capped staffing levels at YDCs**
  - o 66 staff for a 32-bed facility
  - o 198 staff for the 96-bed facility
  - o Staffing ratios shall be **no more than 2.1** staff per every juvenile committed at every other existing youth development center.

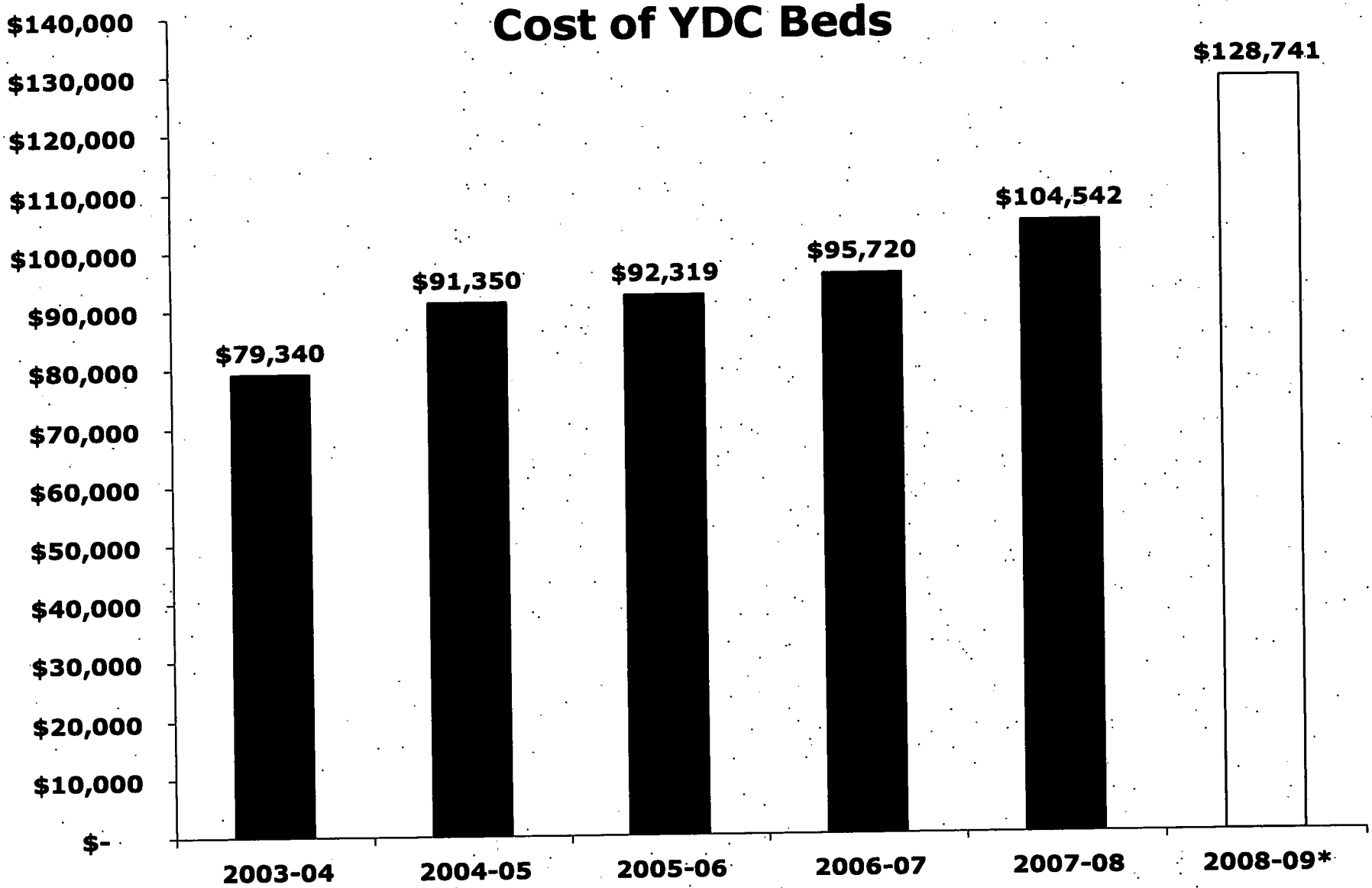
- **JCPC Effectiveness**
  - o Directed the Sentencing & Policy Advisory to conduct a feasibility study for measuring the effectiveness of JCPC programs



38

# YDC Staffing Issues

# Cost of YDC Beds




* based upon May 16, 2008 proposed operational estimate for a bed in a 32-bed unit
Source: based upon DJJDP information

# YDC Staffing Trends

## 2004 Session

- Funded two programs at Samarkand that had federal funds: $1.4 m--31 positions
- Authorized debt for up to 224 beds: $13 million in 2004-05 and $22 million in 2005-06.
- Required detailed staffing plans and capital plan to Joint Oversight Committee

## 2005 Session

- Reduce funding for YDC beds by 4%:($1.85 m)--46 positions & provided funds for training & reclassification of staff: $250,000

## 2006 Session

- Establish operating reserve positions for new YDCs & provided funds for training & treatment model: $690,194--56 positions

# Staffing Model for New YDCs

## 2006 Session

- The latest results of the evaluation of the pilot treatment staffing models & total recommended staffing by position classification and shift for each YDC.
- Total cost per bed to implement the staffing model, and primary basis for number of staff at each facility.
- Lessons learned from other states, how staffing patterns compared, & research on the benefits and outcomes
- General Assembly will consider appropriating funds for new treatment positions at youth development centers based upon the report.
- DJJDP report recommended staffing of **66 staff** for 32-bed unit

## 2007 Session

- DJJDP recommended staffing of **71 staff** for 32-bed unit
- General Assembly capped staffing at 66 staff for 32-bed unit; April 2008 recommendation on staffing; DJJDP called for **73 staff**

# Staffing Model for New YDCs

## 2008 Session

- DJJDP recommended **73 staff** for 32-bed unit
- DJJDP recommended removal of the staffing cap
- GA **retained** the cap

| Old YDCs | Replacement YDCs |
|---|---|
| Counselor Techs (SG 62) | Youth Counselor & Assoc (SG 68 & 64) |
| ▪Supervision of juveniles;<br>▪separate schools & cafeteria;<br>▪lots of movement of juveniles between buildings | ▪Treatment model;<br>▪all services take place in 8-bed pod, including food & education;<br>▪limited movement |

# Budget Issues

# Juvenile Justice Budget: Trends/Issues

- **Community-Based Programs**
  - How to serve more youth in the community, with programs targeted toward kids at risk of delinquency?
  - How to more effectively leverage funds to increase available community services from other members of the JCPC ?
- **YDCs**
  - How to manage a smaller population and close older facilities?
  - What is the proper mix of staffing in the facilities?
  - Do all committed youth need the same type of facility and programming? Should there be differentiated YDCs?

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 7, 2009

The House Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Thursday, May 7, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Spear, Vice-Chair Representative Warren, Representative Boles, Representative Goodwin, Representative Guice, Representative Jackson, Representative Justus, Representative Mobley, Representative Moore and Representative Stevens. Denise Thomas, Doug Holbrook, John Poteat, Jean Sandaire, and Danielle Seale of Fiscal Research were also in attendance. A visitor registration sheet is attached and made part of these minutes.

Representative Bordsen called the meeting to order and recognized Pages and Sergeants-at-Arms. She briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Bordsen recognized Representative Tricia Cotham for a presentation on HB 816 Clarify Local Special Separation Allowance. A copy of the PCS and the fiscal note included and made part of these minutes.

Representative Boles moved for the Subcommittee to consider the PCS for H816. The motion was accepted by the Subcommittee.

Representative Cotham explained the bill.

Representative Guice moved for a favorable report. The motion passed. A committee report is included and made part of these minutes.

The Chair recognized Representative Elmer Floyd for a presentation on HB266 LEO Use of Deadly Force. A bill and fiscal note are included and made part of these minutes.

Representative Floyd explained the bill.

Representative Love moved for a favorable report for H266. The motion passed. A committee report is included and made part of these minutes.

The Chair recognized Jean Sandaire for a presentation on the Department of Crime Control and Public Safety. His presentation is included and made part of these minutes.

The Chair opened the meeting for questions. The Chair indicated she was interested in additional information on Family Assistance Centers. She also inquired about the Alcohol Law Enforcement and what constitutes nuisance abatement.

Bill Chandler, Crime Control and Public Safety Division of Alcohol Law Enforcement, was recognized to respond. He noted that ALE does them at the request of local agencies. If a countiy commission or another entity has a problem with a location, the ALE will go in and help.

Representative Bordsen inquired about the activities included in the Children's Justice Act.

The Department of Crime Control responded that it would provide the information.

Representative Bordsen observed that the federal monies included almost an excess of funds for gang activities. She noted her hope to have a conversation about how that money is being used and whether it is disproportionate to other spending.

Representative Justus was recognized. She inquired about the Emergency Management division and the $1.8 million cut and its replacement with receipts from Floodplain mapping. Will the flood plain mapping continue?

John Dorman, Division of Emergency Management, was recognized. He responded that based on the fee, the Division is $1.7 million short.

Representative Boles was recognized. He inquired about the Senate budget and whether the receipt support included would be enough to support the Division.

Mr. Dorman responded that the anticipated $1.8 million from fees may support the Division.

Representative Boles inquired about the federal monies and whether they must be used for the programs listed in the presentation.

Mr. Sandaire responded that staff was still looking into the flexibility and whether those funds could be used for other purposes.

Representative Boles followed up with a question regarding whether the State had to apply for the federal funds.

Mr. Sandaire responded that the Governor's Crime Commission did request the items.

Representative Justus was recognized for a question. She inquired as to whether the Department of Crime Control asked to have the Capital Police housed in the Department.

Thomas Caves, Department of Crime Control and Public Safety, was recognized to respond. He noted that the Department neither asked nor resisted.

Representative Justus was recognized for a follow up. She asked if the Capitol Police is bringing money with them.

Mr. Caves responded that they are bringing some money but they are not sure if it is enough.

There being no further business, the Chair adjourned the meeting at 9:40 a.m.

Respectfully submitted,

Representative Bordsen
Presiding Chair

Michelle Hall
Committee Assistant

**VISITOR REGISTRATION SHEET**

Justice & Public Safety — 5-7-09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| TOM BOWLAN | NC NATIONAL GUARD |
| Jeremy McCullen | NC National Guard |
| TOM YOUNCE | NC Chiefs of Police |
| Jeff Gray | NC Fraternal Order of Police |
| John Dorman | NCEM-GTM |
| Doug Hoell | NCEM/CCPS |
| Roger Hutchings | NCALE |
| Brandy Baynum | Action for Children |
| | |
| | |
| | |

**VISITOR REGISTRATION SHEET**

Justice@ Public Safety — 5-7-09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| JOHN C. MIDGETTE | NCBBA |
| Randy Byrd | NCPBA |
| Tom Bennett | NC VAN |
| Mike Strayberry | NC EM |
| Bennie Aiken | CCPS |
| Rhonda Ramsey | CCPS |
| Thomas C. Caves, Jr. | CCPS |
| Neil Woodcock | CCPS; LESS |
| Janice Carmichael | CCPS / Victim Compensation |
| Bill Chandler | CCPS / NLE |
| Wayne Hobgood | CCPS / Butner Public Safety |
| Leon M Killian | Nelson Mullins |
| Greg McLeod | NCAGO |

**2009 PERMANENT SUBCOMMITTEE REPORT**
**HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Bordsen, Love (Chairs) for the Appropriations Subcommittee on Justice and Public Safety.

☒Committee Substitute for
**HB 266** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF CRIMINAL STATISTICS TO COLLECT, MAINTAIN, AND PUBLISH STATISTICS ON THE USE OF DEADLY FORCE BY LAW ENFORCEMENT WHICH RESULTS IN DEATH.

---

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Representative Michaux, Adams, Alexander, Crawford, Haire, Jeffus, Tolson, Yongue (Chairs) for the Standing Committee on Appropriations.

s/_____

s/_____

s/_____

☒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 _____.

**2009 PERMANENT SUBCOMMITTEE REPORT**
**HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Bordsen, Love (Chairs) for the Appropriations Subcommittee on Justice and Public Safety.

☐Committee Substitute for
**HB 816** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM.

---

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Representative Michaux, Adams, Alexander, Crawford, Haire, Jeffus, Tolson, Yongue (Chairs) for the Standing Committee on Appropriations.

s/ _____

s/ _____

s/ _____

☒With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

**(FOR JOURNAL USE ONLY)**

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ 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.

_____ Pursuant to Rule 36(b), the committee substitute resolution is placed on the Calendar of _____. The original resolution is placed on the Unfavorable Calendar.

# GENERAL ASSEMBLY OF NORTH CAROLINA

## Session 2009

## Legislative Fiscal Note

**BILL NUMBER:** House Bill 266 (Second Edition)

**SHORT TITLE:** Use of Deadly Force by LEO/Collect & Publish.

**SPONSOR(S):** Representatives E. Floyd and Hughes

**FISCAL IMPACT**

**Yes (X)** **No ( )** **No Estimate Available ( )**

| | FY 2009-10 | FY 2010-11 | FY 2011-12 | FY 2012-13 | FY 2013-14 |
|---|---|---|---|---|---|
| **REVENUES:** | **No significant fiscal impact anticipated** | | | | |
| **EXPENDITURES:** | | | | | |

**PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:** Department of Justice

**EFFECTIVE DATE:** January 1, 2010

**BILL SUMMARY:**

This bill addresses the following:

- Enacts a new GS 114-10.02 to require that the Division of Criminal Statistics (Division) collect, correlate, maintain, and publish information regarding any death resulting from the use of deadly force by law enforcement officers.
- Requires the Division to collect, maintain, and annually publish the number of deaths, by law enforcement agency, resulting from the use of deadly force by law enforcement officers in the course and scope of their official duties.
- Defines law enforcement officer as any sworn law enforcement officers with the power of arrest, both state and local.
- Prohibits the correlation between identification numbers and the name of officers from being made a public record and limits disclosure by the agency to when it is required by a court order to resolve a claim or defense.
- Effective for uses of deadly force resulting in deaths that occur on or after January 1, 2010.

**ASSUMPTIONS AND METHODOLOGY:**

**General**

The Bureau of Justice Statistics (BJS) in the U.S. Department of Justice reports that, in the three-year period from 2003 to 2005, there were 58 arrest-related deaths in North Carolina. Of these deaths, 19 were due to

homicide by a law enforcement officer and another 13 were accidental. In 2005 alone, data show eight (8) deaths due to law enforcement homicides.

Since most arrest-related deaths are already investigated, this bill does not increase the potential number of investigations. National data indicate that the vast majority (96%) of homicides by law enforcement officers involved the use of a firearm by officers. It should be noted, however, that national trend data also show an increasing number of arrest-related deaths involving the use of tasers or other conducted-energy devices. Further, some weapons-related deaths may be coded as accidents rather than homicides in the BJS data.

**Department of Justice**

The Department of Justice reports to Fiscal Research that they do not anticipate a significant fiscal impact resulting from the implementation of this bill. They predict that any fiscal impact can be absorbed within current resources.

**SOURCES OF DATA:** Department of Justice

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION: (919) 733-4910**

**PREPARED BY:** Danielle Seale, Jean Sandaire

**APPROVED BY:** Marilyn Chism, Director
Fiscal Research Division

**DATE:** May 6, 2009




**Signed Copy Located in the NCGA Principal Clerk's Offices**

# GENERAL ASSEMBLY OF NORTH CAROLINA

## Session 2009

## Legislative Actuarial Note

RETIREMENT

**BILL NUMBER:** House Bill 816 (First Edition)

**SHORT TITLE:** Clarify Local Special Separation Allowance.

**SPONSOR(S):** Representatives McLawhorn, Weiss, Dollar, and Cotham

---

**FUNDS AFFECTED:** Funds of cities, towns and counties that have retired law enforcement officers who are receiving the Special Separation Allowance.

**SYSTEM OR PROGRAM AFFECTED:** **Special Separation Allowance**

Present Retirement Benefits for Locally Employed Law Enforcement Officers:

All full-time permanent law enforcement officers of local governments are eligible to be members of the Local Governmental Employees' Retirement System. In order to retire on an unreduced retirement benefit, a member must meet one of the following conditions:

(1) Age 55 with 5 years of service;
(2) Any age with 30 years of service.

A retired law enforcement officer with 30 years of service will receive approximately 53% of salary from the Retirement System.

To qualify for the Special Separation Allowance, the officer must have completed 30 years of service or attained age 55 with 5 or more years of creditable service and be under age 62. The Special Separation Allowance pays each retiree a monthly allowance of .85% of salary for each year of creditable service. The benefit is to be paid until the earlier of the death of the officer, age 62 or the first day of re-employment by a local government employer in any capacity. A retiree with 30 years will receive a Separation Allowance equal to approximately 25% of salary.

**EFFECTIVE DATE:** When it becomes law

**BILL SUMMARY:** This bill puts into the General Statutes the benefit, age and service requirements for local law enforcement officers to receive the Special Separation Allowance. Since 1985, the benefit, age and service requirements were in the General Statutes as it related to State law enforcement officers and the General Statutes relating to local law enforcement officers said that local governments would be responsible for determining eligibility and making payments to the retired local law enforcement officers under the same conditions as for retired State law enforcement officers.

Over the years, there have been conflicting opinions as to the intent of the law mainly as a result of some changes in law relating to State law enforcement officers and employment practices by local governments. This resulted in local governments interpreting the law differently and making rules

relating to their retirees. Determination of eligibility and payment of benefits, therefore, varied from local government to local government.

The bill establishes the Special Separation Allowance of 0.85% of base rate of compensation for each year of creditable service. To qualify, the officer must have completed 30 years of service or attained age 55 with 5 or more years of creditable service and be under age 62. The benefit is to be paid until the earlier of the death of the officer, age 62 or the first day of re-employment by a local government employer in any capacity.

However, the bill allows for the continuation of payment of the Special Separation Allowance, if local governments, in the interest of public safety, adopt a policy allowing for the reemployment of retired officers on a temporary, contractual or reserve basis that would not require membership in the Local Governmental Employees' Retirement System. The bill also requires retroactive payment of Separation Allowance if any local government has denied payment for any reason other than is allowed for in this act.

**ESTIMATED IMPACT ON LOCAL GOVERMENTS:**
The Retirement System Actuary, Buck Consultants estimates that this bill will not increase the unfunded actuarial accrued liability or the contribution rate to the Local Governmental Employees' Retirement System.

However, there is a cost to local government units in continuing Special Separation Allowance payments to retirees whose benefits are not suspended due to this legislation.

Retirement System Actuary: Buck Consultants estimates the annual cost for every 50 law enforcement officers that retire during 2009 to be as follows:

| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---|---|---|---|---|---|
| Separation Allow. | $277,000 | $540,000 | $517,000 | $495,000 | $469,000 |

General Assembly Actuary: Hartman & Associates could not provide a cost estimate due to no data but states that the bill will create some cost to the Local Governmental Employees' Retirement System as a result of members, who could retire immediately and return to work on contract or temporary employment without the suspension of the Special Separation Allowance.

**ASSUMPTIONS AND METHODOLOGY: Local Governmental Employees' Retirement System**
The cost estimates of the System's Actuary are based on the employee data, actuarial assumptions and actuarial methods used to prepare the December 31, 2007 actuarial valuation of the fund. The data included 127,959 active members with an annual payroll of $4.75 billion, 42,408 retired members in receipt of annual pensions totaling $689.4 million, and actuarial value of assets equal to $16.8 billion. Significant actuarial assumptions used include (a) an investment return rate of 7.25%, (b) salary increase rate of 6.25%, (c) the 1994 Group Annuity Mortality Tables, (tables are set forward three years for males, set forward two years for females and set forward two years for the beneficiaries of deceased members and special mortality tables are used for period after disability retirement), and (d) rates of separation from active service based on System experience. The actuarial cost method used was the projected benefit method with aggregate level normal cost

and frozen accrued liability. Gains and losses are reflected in the normal rate. Detailed information concerning these assumptions and methods is shown in the actuary's report, which is available upon request from Stanley Moore.

**SOURCES OF DATA:** There is not an actuary that has the responsibility to oversee the Special Separation Allowance, since hundreds of local governments are responsible for determining eligibility and for the payment of benefits. So, we used the Retirement System Actuary, Buck Consultants, and the General Assembly Actuary, Hartman & Associates to estimate the cost and results of this bill since they have data on active members and retirees of the System.

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION: (919) 733-4910.** The above information is provided in accordance with North Carolina General Statute 120-114 and applicable rules of the North Carolina Senate and House of Representatives.

**PREPARED BY:** Stanley Moore

**APPROVED BY: Marilyn Chism, Director**
**Fiscal Research Division**

**DATE:** April 20, 2009

Official
Fiscal Research Division
Publication

**Signed Copy Located in the NCGA Principal Clerk's Offices**

# North Carolina Department of Crime Control and Public Safety

## Program and Budget Detail

**House Appropriations Subcommittee on Justice and Public Safety**

**Jean M. Sandaire, Fiscal Analyst**

**May 7, 2009**



FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

# Agency Presentation Outline

- Overview of the agency's FY 2008-09 budget
- Summary of the Governor's FY 2009-11 recommended budget
- Summary of the Senate FY 2009-11 budget and special provisions
- House FY 2009-11 budget development

# Crime Control and Public Safety

The Department of Crime Control and Public Safety (CCPS) consists of nine operating divisions that work to improve the quality of life for North Carolinians by reducing crime and enhancing public safety.

G.S. 143B-473 Department of Crime Control and Public Safety - Creation

G.S. 143B-474 Department of Crime Control and Public Safety - Duties

# Divisions

- Administration
- Alcohol Law Enforcement Division (ALE)
- Butner Public Safety (BPS)
- Emergency Management (NCEM)
- Governor's Crime Commission
- National Guard (NCNG)
- Victim & Justice Services
- Law Enforcement Support Services (LESS)
- Civil Air Patrol (CAP)
- State Highway Patrol (SHP)

# CCPS

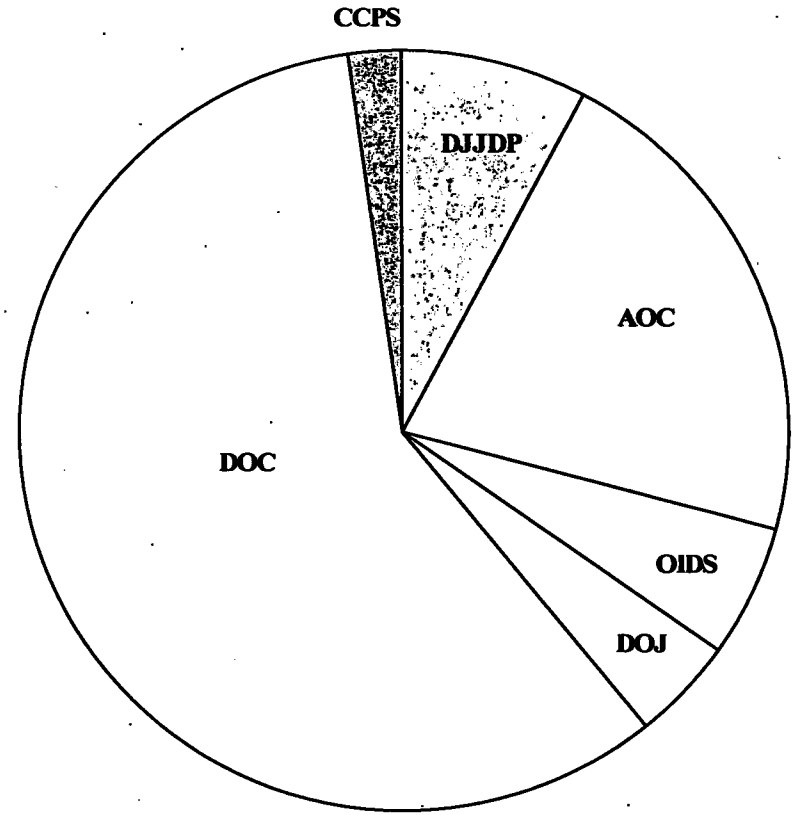
## FY 2008-09 Authorized Budget

| Division | General Fund Appropriation | *Receipts* | Total Requirements |
|---|---|---|---|
| Administration | $ 1,906,354 | $ *3,585,986* | $ 5,492,340 |
| National Guard | $ 16,013,041 | $ *12,527,829* | $ 28,540,870 |
| Civil Air Patrol | $ 146,985 | $ - | $ 146,985 |
| Butner Public Safety | $ 3,708,440 | $ *364,029* | $ 4,072,469 |
| Alcohol Law Enforcement | $ 10,380,991 | $ *1,285,569* | $ 11,666,560 |
| Emergency Management | $ 5,185,097 | $ *59,509,674* | $ 64,694,771 |
| Victim & Justice Service | $ 6,746,348 | $ *4,798,518* | $ 11,544,866 |
| Governor's Crime Commission | $ 1,908,449 | $ *39,242,823* | $ 41,151,272 |
| **Total** | $ 45,995,705 | $ ***121,314,428*** | $ **167,310,133** |

# Justice and Public Safety (JPS)
# FY 2008-09 General Fund Budget

## Authorized State Appropriations

| | ($ Million) |
|---|---|
| DOC | 1,303.0 |
| **CCPS** | **46.0** ***(2%)*** |
| DOJ | 97.8 |
| AOC | 479.8 |
| OIDS | 118.1 |
| DJJDP | 165.8 |
| **Total** | **$2,210** |




**Note:** All JPS agencies were given year end reversion targets by the Office of State Management and Budget (OSBM) to reduce FY 2008-09 spending. The CCPS reversion target was 5.5 percent, which amounts to approximately $2.5M.

# CCPS

## FY 2008-09 Authorized Budget

| Division | General Fund Appropriation | % of Total |
|---|---|---|
| Administration | $ 1,906,354 | 4.1% |
| National Guard | $ 16,013,041 | 34.8% |
| Civil Air Patrol | $ 146,985 | 0.3% |
| Butner Public Safety | $ 3,708,440 | 8.1% |
| Alcohol Law Enforcement | $ 10,380,991 | 22.6% |
| Emergency Management | $ 5,185,097 | 11.3% |
| Victim & Justice Service | $ 6,746,348 | 14.7% |
| Governor's Crime Commission | $ 1,908,449 | 4.1% |
| **Total** | **$ 45,995,705** | **100.0%** |

**Note:** Approximately 2/3 of the agency's total FY 2008-09 General Fund expansion budget ($2.9M) was nonrecurring. Also, nonrecurring funds for gang prevention programs ($10M) were appropriated in the Statewide Reserves instead of the CCPS section of the budget.

# Crime Control and Public Safety

**Other major fund sources used to support CCPS programs**

FY 2008-09 Federal Fund estimate: **National Guard $258.9M**

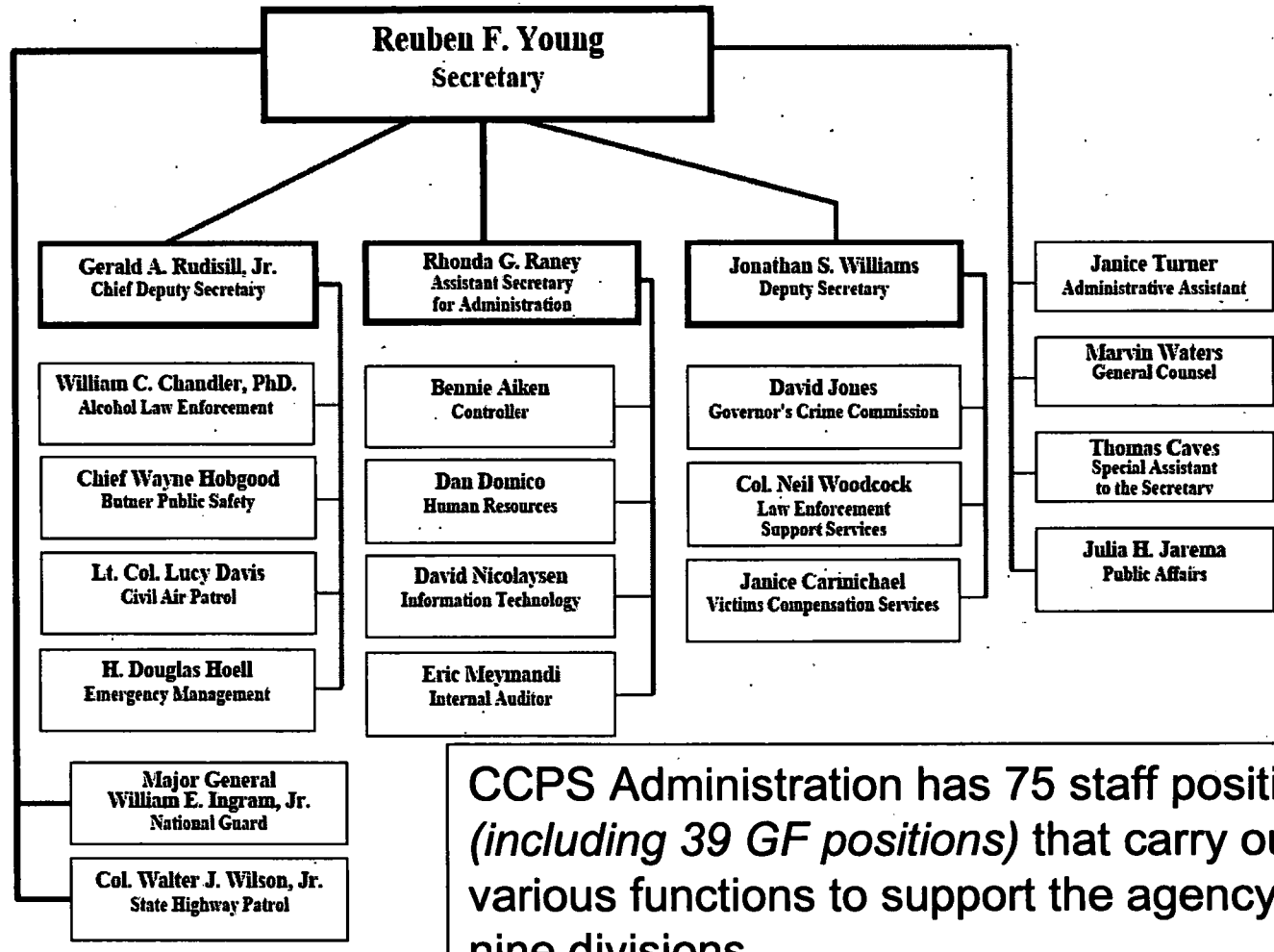
FY 2008-09 Highway Fund estimate: **State Highway Patrol $218.2M**

Total FY 2008-09 Federal and Highway Fund Receipt Estimate: **$477.1 million**

# FY 2008-09 Staffing

| Division | FTE |
|---|---|
| Administration | 39.00 |
| Alcohol Law Enforcement | 140.00 |
| Butner Public Safety | 55.00 |
| National Guard | 114.75 |
| Emergency Management | 186.5 |
| Governor's Crime Commission | 38.00 |
| Victim Compensation | 11.00 |
| Law Enforcement Support Services | 5.00 |
| Civil Air Patrol | 2.62 |
| **General Fund Total** | **591.87** |
| *State Highway Patrol (Highway Fund)* | *2,385.00* |
| **All Funds Total** | **2,976.87** |

# Administration




CCPS Administration has 75 staff positions *(including 39 GF positions)* that carry out various functions to support the agency's other nine divisions.

# Administration

## FY 2008-09 Budget

| Puropose | | Requirements |
|---|---|---|
| Personal Service | $ | 3,160,299 |
| Purchased Services | $ | 665,935 |
| Supplies | $ | 58,536 |
| Property, Plant and Equip | $ | 8,472 |
| Other Expenses and Adj. | $ | 2,655 |
| Aid and Public Assistance | $ | 1,000,000 |
| Reserves | $ | 596,443 |
| **Total Requirements** | **$** | **5,492,340** |
| *Receipts* | *$* | *(3,585,986)* |
| **Net GF Appropriation** | **$** | **1,906,354** |

## Staffing

| Division | GF FTE |
|---|---|
| Adminstration | 39.00 |

# Alcohol Law Enforcement (ALE)

The Alcohol Law Enforcement Division (ALE) enforces ABC, Lottery and Controlled Substance Laws

ALE is authorized to perform "Any law enforcement duty authorized by the Governor or Secretary of Crime Control and Public Safety."

Other ALE Responsibilities

–Bingo Regulation

–Boxing Regulation

–Tobacco sales to underage persons

–Operation of the Center for Missing Persons *(Amber/Silver Alerts)*

–Nuisance Abatement

–Emergency assistance during natural/man-made disasters

# Alcohol Law Enforcement (ALE)

## FY 2008-09 Budget

| Puropose | Requirements |
|---|---|
| Personal Service | $ 9,569,213 |
| Purchased Services | $ 692,493 |
| Supplies | $ 316,887 |
| Property, Plant and Equip | $ 541,840 |
| Other Expenses and Adj. | $ 546,127 |
| **Total Requirements** | **$ 11,666,560** |
| *Receipts* | *$ (1,285,569)* |
| **Net GF Appropriation** | **$ 10,380,991** |

## Staffing

| Division | GF FTE |
|---|---|
| Alcohol Law Enforcement | 140.00 |

# Alcohol Law Enforcement (ALE)

## FY 2007-08 Work Performance (Investigations/Regulation)

| DISTRICT | ABC | LOTTERY | COMPLAINCE CHECKS |
|---|---|---|---|
| I - Elizabeth City | 202 | 67 | 108 |
| II - New Bern | 267 | 61 | 119 |
| III - Wilmington | 307 | 115 | 109 |
| IV - Raleigh | 615 | 140 | 130 |
| V - Fayetteville | 320 | 224 | 174 |
| VI - Greensboro | 1,097 | 148 | 413 |
| VII - Hickory | 358 | 102 | 202 |
| VIII - Charlotte | 668 | 148 | 153 |
| IX - Asheville | 352 | 82 | 225 |
| Headquarters | 0 | 0 | 0 |
| **DIVISION TOTAL** | **4,186** | **1,087** | **1,633** |

# Butner Public Safety (BPS)

The Butner Public Safety Division (BPS) provides police and fire services to a 36 square mile area that includes the incorporated Town of Butner and an unincorporated surrounding residential community. The Butner area is also home to 25 state/federal institutions.

**Quick Facts:**

- BPS officers are dually certified as law enforcement officers and firefighters
- The total institutionalized population *(patients/inmates)* served by BPS is 7,005 *(There are also 5,970 employees that work at these facilities)*
- The total residential population served by BPS is 7,542
- Butner residents pay $.25 tax per one hundred dollars $100 valuation on all real and personal property in its corporate limits for police and fire services provided by BPS

# Butner Public Safety (BPS)

## FY 2008-09 Budget

| Purpose | Total Requirements |
|---|---|
| Personal Service | $ 3,459,105 |
| Purchased Services | $ 114,216 |
| Supplies | $ 111,962 |
| Property, Plant and Equip | $ 262,612 |
| Other Expenses and Adj. | $ 124,574 |
| **Total Requirements** | **$ 4,072,469** |
| *Receipts* | *$ (364,029)* |
| **Net GF Appropriation** | **$ 3,708,440** |

## Staffing

| Division | GF FTE |
|---|---|
| Butner Public Safety | 55.00 |

**Note**: For FY 2007-08, the Town of Butner and Durham County remitted $1.1M in tax revenue to the state General Fund to cover some of the operating cost for Butner Public Safety.

# Emergency Management

The Division of Emergency Management works to reduce the loss of life and impact to property from all hazards and threats through mitigation practices, preparedness initiatives, response activities, and response programs.

The Division is specifically responsible for:

- Assisting local governments with emergency planning
- Developing hazard mitigation plans
- Geospatial Programs *(Floodplain Mapping)*

# Emergency Management

## FY 2008-09 Budget

| Purpose | Total Requirements |
|---|---|
| Personal Service | $ 10,222,592 |
| Purchased Services | $ 14,933,284 |
| Supplies | $ 281,349 |
| Property, Plant and Equip | $ 1,457,742 |
| Other Expenses and Adj. | $ 101,750 |
| Aid and Public Assistance | $ 21,579,117 |
| Reserves | $ 5,635,559 |
| Intergovernmental Trans. | $ 10,483,378 |
| **Total Requirtements** | **$ 64,694,771** |
| *Receipts* | *$ (59,509,674)* |
| **Net GF Appropriation** | **$ 5,185,097** |

| Division | GF FTE |
|---|---|
| Emergency Management | 186.50 |

**Note:** The Emergency Management budget figures shown also includes funding ($25.2M) for the NC Redevelopment Center.

# Governor's Crime Commission

The Governor's Crime Commission administers several state and federal criminal justice and juvenile justice grant programs. The Division also assists the Governor's Office in the development of policy and funding recommendations to further improve the State's criminal justice system.

**FY 2008-09 Federal Grant Programs ($18.52M)**

- Justice Assistance (Byrne JAG) *$3.14M*
- Victims of Crime Act (VOCA) *$8.72M*
- Violence Against Women Act (VAWA) *$3.0M*
- Juvenile Justice and Delinquency Prevention *$1.53M*
- Children's Justice Act *$479,706*
- Title V Community Prevention *$48,360*
- Juvenile Accountability Block Grant *$1.12M*
- National Criminal History Improvement Program *$271,950*
- Residential Substance Abuse Treatment Program *$219,105*



**FY 2008-09 State Grant Programs**

- Gang Grant Program *$10.0M*
- NC Sheriff Department Grants *$.25M*

# Governor's Crime Commission

## FY 2008-09 Budget

| Purpose | Total Requirements |
|---|---|
| Personal Service | $ 2,381,146 |
| Purchased Services | $ 1,290,489 |
| Supplies | $ 43,300 |
| Property, Plant and Equip | $ 57,875 |
| Other Expenses and Adj. | $ 57,630 |
| Aid and Public Assistance | $ 36,115,394 |
| Reserve - Federal | $ 1,125,438 |
| Intergorvenmental Trans. | $ 80,000 |
| **Total Requirements** | **$ 41,151,272** |
| *Receipts* | *$ (39,242,823)* |
| **Net GF Appropriation** | **$ 1,908,449** |

## Staffing

| Division | GF FTE |
|---|---|
| Governor's Crime Commission | 38.00 |

# Governor's Crime Commission

The Governor's Crime Commission was selected by the Governor's Office to coordinate the allocation of American Recovery and Reinvestment Act (ARRA) funds for JPS programs:

**American Recovery and Reinvestment Act Funds Appropriated in the JPS budget**

| | | 2009-10 | 2010-11 |
|---|---|---|---|
| 1 | Evaluation and Training to Improve Court Operations (AOC) | 750,000 | - |
| 2 | Expand GangNet (DOJ) | 1,800,000 | - |
| 3 | Funding to Expedite Methamphetamine Investigations (DOJ) | 500,000 | - |
| 4 | Gang Prevention and Intervention Pilot Program (DJJDP) | 6,000,000 | - |
| 5 | Additional Juvenile Court Counselors (DJJDP) | 1,500,000 | - |
| 6 | Viper Radios for Improved Communication in Community Corrections (DOC) | 1,264,689 | - |
| 7 | Community Corrections Intake Officers for Urban Areas (DOC) | 1,235,311 | - |
| 8 | **Grants for Local Governments to Purchase VIPER Equipment (CCPS)** | **5,000,000** | - |
| 9 | **Evidence-Based Gang Grants (CCPS)** | **5,000,000** | - |
| 10 | **Governor's Statewide Gang Taskforce (CCPS)** | **200,000** | - |
| 11 | **Supplemental Grants for Cops Hiring and Recovery Program (CCPS)** | **400,000** | - |
| | | **23,650,000** | - |

**Note**: In addition to the state funds, the ARRA also included $34M in funding for local criminal justice programs

# Governor's Crime Commission

## Gang Program Funding

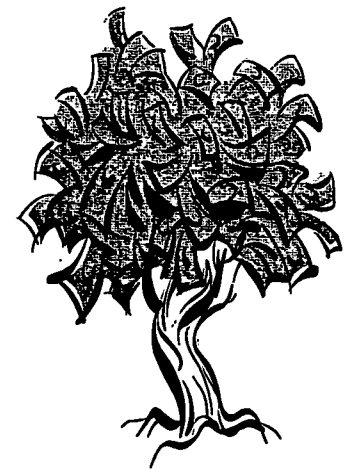
State Gang Prevention, Intervention and Suppression Programs

- FY 2005-06: $2.1M NR
- FY 2007-06: $1.5M NR
- FY 2007-08: $4.8M NR
- FY 2008-09: $10.0M NR

**Total $18.4M**

**Note:** The Governor's FY 2009-10 budget and the Senate FY 2009-10 budget both included $13.0M in Federal Economic Recovery and Reinvestment Act funds for gang prevention/intervention initiatives.

| | | 2009-10 | 2010-11 |
|---|---|---|---|
| 1 | Expand GangNet (DOJ) | 1,800,000 | - |
| 2 | Gang Prevention and Intervention Pilot Program (DJJDP) | 6,000,000 | - |
| 3 | Evidence-Based Gang Grants (CCPS) | 5,000,000 | - |
| 4 | Governor's Statewide Gang Taskforce (CCPS) | 200,000 | - |
| | | **13,000,000** | **-** |



# National Guard



The North Carolina National Guard is a force of nearly 12,000 soldiers and airmen who serve in both federal and state capacities.

The National Guard is first a federal reserve of the U.S. Army and U.S. Air Force subject to the call of the president of the United States to perform national defense missions.

The National Guard is also on call at the governor's request to protect life, property, preserve peace and maintain public safety on the state level.

# National Guard

## Membership

11,854 members of the NC National Guard

- Army: 10,282
- Air: 1,572

## Deployment:

As of May 2009, 3,524 NC National Guard members have been deployed to Iraq.

# National Guard

## FY 2008-09 Budget

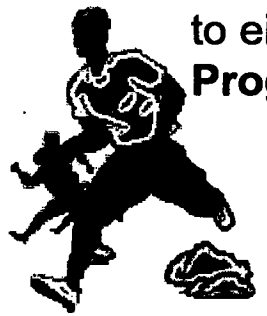
| Purpose | Total Requirements |
|---|---|
| Personal Service | $ 8,213,373 |
| Purchased Services | $ 7,215,230 |
| Supplies | $ 952,234 |
| Property, Plant and Equip | $ 1,816,658 |
| Other Expenses and Adj. | $ 201,288 |
| Aid and Public Assistance | $ 9,258,128 |
| Reserve - Federal | $ 883,959 |
| **Total Requirements** | **$ 28,540,870** |
| *Receipts* | *$ (12,527,829)* |
| **Net GF Appropriation** | **$ 16,013,041** |

## Staffing

| Division | GF FTE |
|---|---|
| National Guard | 114.75 |

# 2008 Continuation Review

## The National Guard Tarheel Challenge Academy



**Program Overview:**

This program works with high school dropouts to provide them with educational and disciplinary training in an effort to encourage them to either return to school or obtain full-time employment.

**Program's annual budget: $3.43 million**

- $1.86 million – federal receipts
- $1.43 million – General Fund (40% required state match)
- $140,000 – other receipts from county in-kind contributions

**Continuation Review:**

- S.L. 2008-107 eliminated the recurring state funds ($1.1 million) for the Tarheel Challenge Academy and provided non recurring funding for FY 2008-09 Continuation of funding for the program was dependent upon the findings and recommendations of a continuation review report from the program.
- In February 2009, an agency report was submitted and presented to the Joint Appropriations Subcommittee on Justice and Public Safety. Based on the findings and recommendations in the program's final report, Funding to continue the Tarheel Challenge Academy was included in the FY 2009-11 Senate Education budget.

# Victim and Justice Services

The Victim Compensation Services Program 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.

**Quick Facts**

- Victims of rape, assault, child sexual abuse, domestic violence, and drunk driving, and families of homicide victims are eligible to apply for assistance *(Maximum benefit $30,000)*
- Victims have to prove that they have no collateral source of payment to cover costs incurred as a result of the incident
- Budget special provision reduced the medical reimbursement rate from 100% to 66% in 2004

**FY 2008-09 authorized budget: $11.55 million**

- $6.75 million General Fund
- $4.8 million VOCA (federal) receipts

| Division | GF FTE |
|---|---|
| Victim & Justice Serv. | 11.00 |

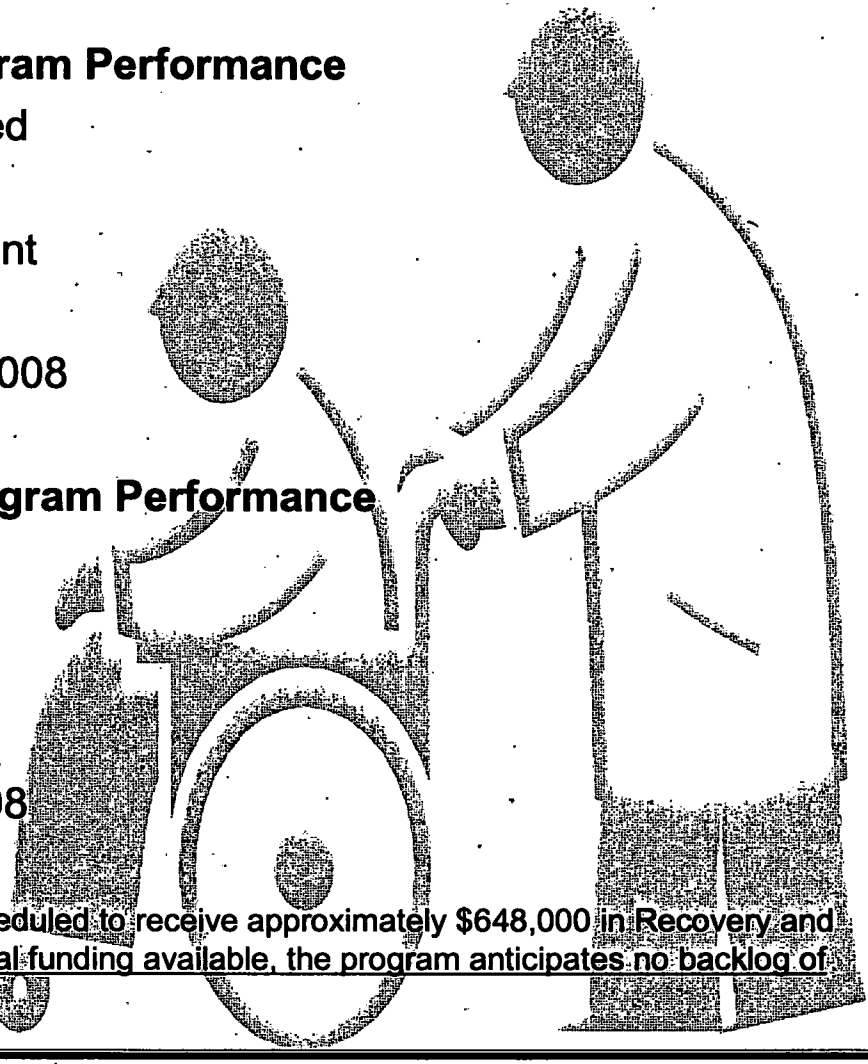
# Victim and Justice Services

**FY 2007-08 Victim Compensation Program Performance**

- 2,360 claims pending and received
- 1,982 claims processed
- 1,332 claims approved for payment
- 650 claims denied
- 378 claims pending on June 30,2008

**FY 2007-08 Rape Victim Assistance Program Performance**

- 876 claims pending and received
- 866 claims processed
- 428 claims approved for payment
- 438 claims denied
- 10 claims pending on June 30,2008



**Note:** The program the Victim Compensation Program is scheduled to receive approximately $648,000 in Recovery and Reinvestment Act Funds to support the program. With the total funding available, the program anticipates no backlog of approved but unpaid claims on June 30, 2009.

# Law Enforcement Support Services

The Law Enforcement Support Services Program (LESS) provides the following services free of charge:



- Excess Property Program – Provides surplus US government supplies and equipment *(cars, trucks, helicopters, weapons)* to state and local law enforcement
- Procurement Program – Allows for state and local law enforcement groups to purchase items from the US Department of Defense and the General Administration at a federal contract price
- Loan Program – Provides undercover vehicles and other equipment to assist in law enforcement agency operations
- Logistics Support Program – Provides follow on logistics support to law enforcement groups during weather and man-made disaster events
- First Responder Support Program – Provides equipment and training to support emergency responder agencies

**Note:** 1) The Division stores evidence and equipment for the agency's other divisions. 2) Also, the Division was recently awarded a grant to establish an evidence storage section to serve state and local criminal justice agencies that do not have space to store evidence long-term as required by state law.

# Law Enforcement Support Services

## FY 2008-09 Budget

| Purpose | | Total Requirements |
|---|---|---|
| Personal Service | $ | 233,976 |
| Purchased Services | $ | 198,570 |
| Supplies | $ | 27,943 |
| Property, Plant and Equip | $ | 6,393 |
| Other Expenses and Adj. | $ | 850 |
| **Total Requirements** | **$** | **467,732** |
| *Receipts* | *$* | *(37,396)* |
| **Net GF Appropriation** | **$** | **430,336** |

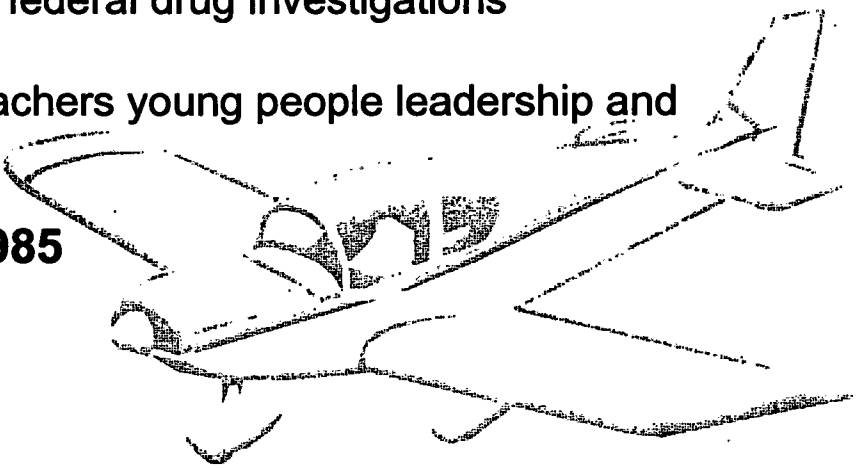
## Staffing

| Division | FTE Level |
|---|---|
| LESS | 5.00 |

# Civil Air Patrol

The Civil Air Patrol (CAP) is the official auxiliary of the United States Air Force. More specifically, CAP:

- Conducts search and rescue operations for missing aircraft
- Provides aerial photography and other critical information before and after natural disasters
- Provides aerial support for state and federal drug investigations
- Consists of 1,200 plus members
- Administers a cadet program that teachers young people leadership and aerospace education



**FY 2008-09 authorized budget: $146,985**

- 2.62 FTE positions

# State Highway Patrol (SHP)

The North Carolina State Highway Patrol (SHP) works to reduce collisions and increase safety on North Carolina highways.

**FY2008-09 authorized budget: $218.2M**

**Division is funded by the Highway Fund**

- Transportation Subcommittee appropriates funds to SHP
- Almost 80% of division's budget is used for salary, benefit, and other personal services costs

**2,385 positions**

- 1880 Troopers *(382 Motor Carrier Safety Officers)*
- 505 Support Staff Positions

# State Highway Patrol

## FY 2008-09 Budget

| Purpose | Total Requirements |
|---|---|
| Personal Service | $ 172,692,526 |
| Purchased Services | $ 7,880,984 |
| Supplies | $ 9,848,538 |
| Property, Plant and Equip | $ 18,042,599 |
| Other Expenses and Adj. | $ 6,586,194 |
| Reserve - Federal | $ 1,292,417 |
| Intergorvenmental Trans. | $ 1,821,901 |
| **Total Requirements** | **$ 218,165,159** |
| *Receipts* | *$ (218,165,159)* |
| **Net Account Balance** | **$ 218,165,159** |

## Staffing

| Division | FTE Level |
|---|---|
| State Highway Patrol | 2,385.00 |

# Department of Crime Control and Public Safety

## FY 2009-11 Budget

# What are Basic Parameters for the Continuation Budget?

- 2008-09 Authorized Budget is the starting point
- State Budget instructions allow increases for
  - Inflation factors for certain items (gas, food)
  - Per diem increases (prisons)
  - Operation of new facilities
  - Annualization of positions that were partially funded in FY2008-09
- Items backed out
  - Nonrecurring funds provided in FY2008-09 (e.g. equipment)
  - Adjustments to meet actual needs or budget target
- New programs or increases other than those allowed in the continuation budget are called Expansion Budget items

# Summary of the Governor's Recommended FY 2009-11 Budget

| | Continuation Request | FTE | FY 2009-10 | FY 2010-11 |
|---|---|---|---|---|
| | Total Requirements | 591.87 | $ 174,514,069 | $ 164,080,684 |
| | Receipts | | $ (133,387,020) | $ (123,011,643) |
| | **Total** | ***591.87*** | **$ 41,127,049** | **$ 41,069,041** |
| | **Expansion Recommendations** | | | |
| 1 | Truth-in-Budgeting | | $ (981,070) | $ (981,070) |
| 2 | Reduce Various Operating Accounts | | $ (641,147) | $ (641,147) |
| 3 | Transfer the Boxing Commission to Receipt - Support | *(2.00)* | $ (147,751) | $ (147,751) |
| 4 | Replace Floodplain Mapping Appropriation with Receipts | *(20.00)* | $ (1,405,098) | $ (1,405,098) |
| 5 | Reduce State Matching Funds | | $ (60,091) | $ (60,091) |
| 6 | Reduce National Guard Pension Fund Contribution | | $ (1,056,672) | $ (1,056,672) |
| 7 | National Guard Kids on Guard | | $ 200,000 | |
| 8 | Restore Tarheel Challenge | | $ 1,293,000 | $ 1,293,000 |
| 9 | Grants for Local Gov VIPER Equipment | | (ARRA) $5.0M | |
| 10 | Evidence Based Gang Grants | | (ARRA) $5.0M | |
| 11 | Governor's Statewide Gang Taskforce | | (ARRA) $.2M | |
| 12 | Supplemental Grants for COPS Hiring | | (ARRA) $.4M | |
| 13 | Training to Improve SHP Operations | | (ARRA) $.2M | |
| | **Total** | *(22.00)* | **$ (2,798,829)** | **$ (2,998,829)** |
| | **Governor's Recommended Budget:** | ***569.87*** | **$ 38,328,220** | **$ 38,070,212** |

# Summary of the Senate FY 2009-11 Budget

| | | FTE | FY 2009-10 | FY 2010-11 |
|---|---|---|---|---|
| | **Continuation Request** | *591.87* | **$ 43,925,878** | **$ 44,067,870** |
| | **Expansion Recommendations** | | | |
| 1 | Law Enforcement Support Services | | $ 430,336 | |
| | | *(5.00)* | $ (430,336) | $ (430,336) |
| 2 | Elimination of Two Administrative Staff Positions | *(2.00)* | $ (82,685) | $ (82,685) |
| 3 | Reduce Funding for ALE Vehicle Replacement | | $ (316,152) | $ (316,152) |
| 4 | Make Bingo Regulation Receipt Supported | | $ (26,600) | $ (26,600) |
| 5 | Supported | *(2.00)* | $ (147,751) | $ (147,751) |
| 6 | Elimination of the Butner Public Safety Division | *(55.00)* | $ (2,617,339) | $ (2,617,339) |
| 7 | Reduce Various Operating Accounts | | $ (641,147) | $ (641,147) |
| 8 | Transfer the State Capitol Police to CCPS | *89.25* | $ 3,675,861 | $ 3,675,861 |
| 9 | Establish Management Flexibility Reserve | | $ (857,631) | $ (857,631) |
| 10 | Shift Floodplain Mapping Positions to Receipts | *(20.00)* | $ (1,405,098) | $ (1,405,098) |
| 11 | Reduce Emergency Management Continuation | | $ (1,843,248) | $ (1,843,248) |
| 12 | Illegal Immigration Project | | $ 150,000 | |
| 13 | Reduce State Matching Funds | | $ (60,091) | $ (60,091) |
| 14 | Reduce NCVAN | | $ (15,000) | $ (15,000) |
| 15 | Transfer National Guard Pension Fund | | $ (7,007,443) | $ (7,007,443) |
| 16 | Eliminate NCNG Family Assistance Centers | | $ (420,000) | $ (420,000) |
| 17 | Reduce NCNG Tuition Assistance Program | | $ (500,000) | $ (500,000) |
| 18 | Reduce Over Realized Receipts | | $ (472,619) | $ (472,619) |
| 19 | Grants for Local Gov VIPER Equipment | | (ARRA) $5.0M | |
| 20 | Evidence Based Gang Grants | | (ARRA) $5.0M | |
| 21 | Governor's Statewide Gang Taskforce | | (ARRA) $.2M | |
| 22 | Supplemental Grants for COPS Hiring | | (ARRA) $.4M | |
| 23 | Training to Improve SHP Operations | | (ARRA) $.2M | |
| | **Total** | *10.25* | **$ (13,167,279)** | **$ (13,167,279)** |
| | **Senate Budget:** | ***602.12*** | **$ 31,338,935** | **$ 30,900,591** |

# FY 2009-11 Senate Budget Special Provisions

**Senate bill 202 *(page 153)***

*Section 17.1: Report on the Use of Illegal Immigration Project Funds*

*Section 17.2: Abolish Butner Public Safety Division*

*Section 17.3: Transfer State Capitol Police to the Department of Crime Control and Public Safety*

*Section 17.4: Study Consolidation of Law Enforcement Agencies*

*Section 17.5: Law Enforcement Support Services*

*Section 17.6: Increase Charitable Bingo Licensing Fee*

*Section 17.7: Increase Fees for Licensing Boxers and for Tickets Sold at Boxing Events*

# Further information about items of concern in the Senate FY 2009-11 Budget:

**Elimination of Butner Public Safety Division** **-$2,617,339**

*–Approximately 70% of all work done by the Division is related to local residential calls yet the State pays about 70% of all the operating costs for Butner Public Safety*

**Reduce Emergency Management Continuation Budget** **-$1,843,248**

*–This General Fund reduction to the program's operating budget would be offset by new receipts from the floodplain mapping fee (FY 2009-10 fee receipt estimate: $3.6M)*

**Establish Management Flexibility Reserve** **-$857,631**

*–Same items found in in various amounts in the Senate agency budgets*

**Law Enforcement Support Services** **-$430,336**

–Despite the Senate recommendation to charge a fee for some of the Division's services *(as already done in several other states with similar surplus property and purchase programs),* criminal justice groups would still benefit from the cost savings associated with using the program's services.

**Eliminate Funding for Family Assistance Centers** **-$420,000**

–With the significant deployment of NCNG members to Iraq, the NC Congressional delegation secured $1.6M to support the operation of the NCNG Family Assistance Centers.

# FY 2009-11 House Budget Development

***Fiscal staff were instructed to look into the following items while developing the House FY 2009-11 budget:***

- Justification of all agency and nonprofit pass-through funding
- Use of Governmental and Proprietary Fund Cash Balances
- Elimination of Vacant Positions
- Reduction/Elimination of Obsolete/Ineffective Programs
- Increase or Implement Fees
- Examine Rate Changes
- Change Funding Formulas
- Use of Federal Recovery Act Funds
- Agency Report Recommendations

MINUTES
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

MAY 12, 2009

The House Appropriations Subcommittee on Justice and Public Safety met on Tuesday, May 12, 2009, in the House Chambers at around Representative Bordsen's desk, Seat 29, at 6:15 p.m. The following members were present: Representative Alice Bordsen, Chair; Representatives Spear, and Sutton, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Justus, Mobley, Randleman, and Stevens.

Representative Bordsen called the meeting to order.

The following bill was considered:

**HB 1342**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT NORTH CAROLINA CONTINUES TO BE ELIGIBLE FOR STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM FUNDING; AND TO INCREASE THE AUTHORITY OF THE DIRECTOR OF THE CRIME VICTIMS COMPENSATION COMMISSION AND THE COMMISSION ITSELF TO CONSIDER PROXIMATE CAUSE WHEN DETERMINING WHETHER TO MAKE AN AWARD; AND TO MAKE VARIOUS OTHER CHANGES TO THE RAPE VICTIMS ASSISTANCE PROGRAM. Representative Bordsen explained the purpose of the bill. Representative Spear moved for a favorable report for HB 1342. The motion was seconded and approved. Copies of the Bill, Fiscal Note, and Bill Summary are attached as part of these minutes.

There being no further business, Representative Bordsen adjourned the meeting at 6:20 p.m.

Respectfully submitted,

Alice L Bordsen
Representative Alice Bordsen
Chair

Sylvia Nygard
Sylvia Nygard
Committee Assistant

Attachments:
Committee Notice
House Bill 1342
Committee Report

**Sylvia Nygard (Rep. Love)**

**From:** Michelle Hall (Rep. Bordsen)
**Sent:** Tuesday, May 12, 2009 12:11 PM
**To:** Rep. Marian McLawhorn; Rep. Julia Howard
**Cc:** Susan Burleson (Rep. McLawhorn); Renee Weaver (Rep. Howard)
**Subject:** COMMITTEE NOTICE--Appropriations Subcommittee on Justice and Public Safety TODAY during Supper break in chamber
**Importance:** High

Members, please note the time and location for this meeting.

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Saf** will meet as follows:

**DAY & DATE:** Tuesday, May 12, 2009
**TIME:** Immediately when Session breaks for supper
**LOCATION:** Rep. Bordsen's desk, Seat 29
**COMMENTS:**

The following bill will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 1342 | RVAP/Ensure Grant Eligibility. | Representative Bordsen<br>Representative McLawhorn<br>Representative Howard<br>Representative Justus |

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12:30 p.m.** on **May 12, 2009**.

Principal Clerk
Reading Clerk – House Chamber

**Michelle Hall** (Committee Assistant)
**Sylvia Nygard** (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 1

# HOUSE BILL 1342

| | | |
|---|---|---|
| Short Title: | RVAP/Ensure Grant Eligibility. | (Public) |
| Sponsors: | Representatives Bordsen, McLawhorn, Howard, Justus (Primary Sponsors); Cotham, Dickson, Faison, Glazier, Harrison, Insko, Lucas, Luebke, Mobley, Parmon, Ross, and Weiss. | |
| Referred to: | State Government/State Personnel, if favorable, Appropriations. | |

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT NORTH CAROLINA CONTINUES TO BE ELIGIBLE FOR STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM FUNDING; AND TO INCREASE THE AUTHORITY OF THE DIRECTOR OF THE CRIME VICTIMS COMPENSATION COMMISSION AND THE COMMISSION ITSELF TO CONSIDER PROXIMATE CAUSE WHEN DETERMINING WHETHER TO MAKE AN AWARD; AND TO MAKE VARIOUS OTHER CHANGES TO THE RAPE VICTIMS ASSISTANCE PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 143B-480.2 is repealed.

**SECTION 1.(b)** G.S. 143B-480.1 reads as rewritten:

"**§ 143B-480.1. Assistance Program for Victims of Rape and Sex Offenses.**

(a) Establishment of Program. – There is established an Assistance Program for Victims of Rape and Sex Offenses, hereinafter referred to as the "Program." The Secretary shall administer and implement the Program and shall have authority over all assistance awarded through the Program. The Secretary shall promulgate rules and guidelines for the Program.

(b) Victims to Be Provided Free Forensic Medical Examinations. – It is the policy of this State to arrange for victims to obtain forensic medical examinations free of charge. Whenever a forensic medical examination is conducted as a result of a sexual assault or an attempted sexual assault that occurred in this State, the Program shall pay for the cost of the examination. A medical facility or medical professional that performs a forensic medical examination on the victim of a sexual assault or attempted sexual assault shall not seek payment for the examination except from the Program.

(c) No Billing of Victim. – A medical facility or medical professional that performs a forensic medical examination shall accept payment made under this section as payment in full of the amount owed for the cost of the examination and other eligible expenses and shall not bill victims, their personal insurance, Medicaid, Medicare, nor any other collateral source for the examination. Furthermore, a medical facility or medical professional shall not seek reimbursement from the Program after one year from the date of the examination.

(d) Eligible Expenses. – Medical facilities and medical professionals who perform forensic medical examinations shall do so using a Sexual Assault Evidence Collection Kit. Payments by the Program for the forensic medical examination shall be limited to the following:

| Service | Maximum Amount Paid by Program |
|---|---|
| Physician or SANE Nurse | $350.00 |

| | |
|---|---|
| Hospital/Facility Fee | $250.00 |
| Other Expenses Deemed Eligible by the Program | $200.00 |
| **Total:** | **$800.00** |

(e) Payment Directly to Provider. – The Program shall make payment directly to the medical facility or medical professional. Bills submitted to the Program for payment shall specify which of the categories of expense set forth in subsection (d) of this section the services billed for fall within.

(f) Additional Victim Notification Requirements. – A medical facility or medical professional who performs a forensic medical examination shall encourage victims to submit an application for reimbursement of medical expenses beyond the forensic examination to the Crime Victims Compensation Commission for consideration of those expenses. The victim must meet the eligibility requirements of the Crime Victims Compensation Commission to be reimbursed for those additional expenses. A medical facility or medical professional who performs a forensic medical examination shall also inform victims before providing any services that are not covered by the Program. Medical facilities and medical professionals shall not seek reimbursement from the Program after one year from the date of the exam.

(g) Judicial Review. – Upon an adverse determination by the Secretary on a claim for assistance under this Part, a victim is entitled to judicial review of that decision. The person seeking review shall file a petition in the Superior Court of Wake County.

(h) The Secretary shall adopt rules to encourage, whenever practical, the use of licensed registered nurses trained under G.S. 90-171.38(b) to conduct medical examinations and procedures.

(i) Definitions. – The following definitions apply in this section:

(1) Forensic medical examination. – An examination provided to a sexual assault victim by medical personnel trained to gather evidence of a sexual assault in a manner suitable for use in a court of law. The examination should include at a minimum an examination of physical trauma, a patient interview, a determination of penetration or force, and a collection and evaluation of evidence. This definition shall be interpreted consistently with 28 C.F.R. § 90.2(b) and other relevant federal law.

(2) SANE nurse. – A Sexual Assault Nurse Examiner that is a licensed registered nurse trained pursuant to G.S. 90-171.38(b) who obtains preliminary histories, conducts in-depth interviews, and conducts medical examinations of rape victims or victims of related sexual offenses.

(3) Sexual assault. – Any of the following crimes:

a. First-degree rape as defined in G.S. 14-27.2.
b. Second degree rape as defined in G.S. 14-27.3.
c. First-degree sexual offense as defined in G.S. 14-27.4.
d. Second degree sexual offense as defined in G.S. 14-27.5.
e. Statutory rape as defined in G.S. 14-27.7A.

(4) Sexual Assault Evidence Collection Kit. – The kit assembled and paid for by the Program and used to conduct forensic medical examinations in this State."

**SECTION 2.** G.S. 143B-480.3 reads as rewritten:

**"§ 143B-480.3. Reduction of benefits; restitution; actions.**

(a) Assistance shall be reduced or denied to the extent the medical expenses are recouped through a public or private insurance plan or other victim benefit ~~source, except that the Program shall pay any co-payment that the victim is required to pay in connection with the forensic medical examination up to the maximum amount that the Program will pay for a forensic medical exam under G.S. 143B-480.2(c).~~source.

(b) The Program shall be an eligible recipient for restitution or reparation under G.S. 15A-1021, 15A-1343, 148-33.1, 148-33.2, 148-57.1, and any other applicable statutes.

(c) When any victim who:

(1) Has received assistance under this Part;

(2) Brings an action for damages arising out of the rape, attempted rape, sexual offense, or attempted sexual offense for which she received that assistance; and

(3) Recovers damages including the expenses for which she was awarded assistance,

the court shall make as part of its judgment an order for reimbursement to the Program of the amount of any assistance awarded less reasonable expenses allocated by the court to that recovery.

(d) Funds appropriated to the Department of Crime Control and Public Safety for this program may be used to purchase and distribute rape evidence collection kits approved by the State Bureau of Investigation."

**SECTION 3.** G.S. 15B-10 reads as rewritten:

"**§ 15B-10. Awarding claims.**

(a) The Director shall decide the award of compensation for an initial claim or follow-up claim when the claim does not exceed ~~seven thousand five hundred dollars ($7,500)~~twelve thousand five hundred dollars ($12,500) and does not include future economic loss. The Director shall report all awards under this subsection to the Commission.

(b) The Director shall recommend the award of compensation for an initial claim or follow-up claim when the claim exceeds ~~seven thousand five hundred dollars ($7,500)~~twelve thousand five hundred dollars ($12,500) or involves future economic loss. The Commission shall decide the award of compensation for a claim based on a review of written evidence submitted to the Commission by the Director.

(c) In reporting a decision under subsection (a) or recommending a decision under subsection (b), the Director shall submit to the Commission documentation to establish the economic loss of the claimant by substantial evidence.

(d) The Director shall send each claimant a written statement of a decision made under subsection (a) or (b) that gives the reasons for the decision. A claimant who is dissatisfied with a decision may commence a contested case under Article 3 of Chapter 150B of the General Statutes."

**SECTION 4.** G.S. 15B-11 reads as rewritten:

"**§ 15B-11. Grounds for denial of claim or reduction of award.**

(a) An award of compensation shall be denied if:

(1) The claimant fails to file an application for an award within two years after the date of the criminally injurious conduct that caused the injury or death for which the claimant seeks the award;

(2) The economic loss is incurred after one year from the date of the criminally injurious conduct that caused the injury or death for which the victim seeks the award, except in the case where the victim for whom compensation is sought was 10 years old or younger at the time the injury occurred. In that case an award of compensation will be denied if the economic loss is incurred after two years from the date of the criminally injurious conduct that caused the injury or death for which the victim seeks the award;

(3) The criminally injurious conduct was not reported to a law enforcement officer or agency within 72 hours of its occurrence, and there was no good cause for the delay;

(4) The award would benefit the offender or the offender's accomplice, unless a determination is made that the interests of justice require that an award be approved in a particular case;

(5) The criminally injurious conduct occurred while the victim was confined in any State, county, or city prison, correctional, youth services, or juvenile facility, or local confinement facility, or half-way house, group home, or similar facility; or

(6) The victim was participating in a felony at or about the time that the victim's injury occurred.

(b) A claim may be denied or an award of compensation may be reduced if:

(1) The victim was participating in a nontraffic misdemeanor at or about the time that the victim's injury occurred; or

(2) The claimant or a victim through whom the claimant claims engaged in contributory misconduct.

(b1) The Commission or Director, whichever has the authority to decide a claim under G.S. 15B-10, shall use its discretion in determining whether to deny a claim under ~~this subsection.~~subsection (b) of this section. In exercising its discretion, the Commission ~~may~~or Director shall consider whether any proximate cause exists between the injury and the misdemeanor or contributory ~~misconduct.~~misconduct, when applicable. The Director or Commission shall deny claims when it finds that there was contributory misconduct that is a proximate cause of becoming a victim. However, contributory misconduct that is not a proximate cause of becoming a victim shall not lead to an automatic denial of a claim."

**SECTION 5.** This act becomes effective July 1, 2009.

# HOUSE BILL 1342:
# RVAP/Ensure Grant Eligibility

*2009-2010 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | House State Government/State Personnel, if favorable, Appropriations | **Date:** | May 4, 2009 |
| **Introduced by:** | Reps. Bordsen, McLawhorn, Howard, Justus | **Prepared by:** | Theresa Matula |
| **Analysis of:** | First Edition | | Committee Staff |

***SUMMARY:*** ***House Bill 1342 amends the Assistance Program for Victims of Rape and Sex Offenses with regard to the payment of forensic medical examinations, increases the threshold amount for a claim for an award of compensation that can be approved by the Director of Crime Victims Compensation Commission, and requires the Director or Commission to deny claims when it finds that there was contributory misconduct that is a proximate cause of becoming a victim.***

**BILL ANALYSIS:**

**Section 1(a)** repeals portions of the victims assistance program established under G.S. 143B-480.2. Some of the provisions have been placed under G.S. 143B-480.1 in an amended form.

Currently, G.S. 143B-480.2 provides for limited assistance with certain expenses. **Section 1(b)** of the bill amends G.S. 143B-480.1 as follows:

- Subsection (b) of G.S. 143B-480.1. establishes that it is the policy of the State to arrange for victims to obtain forensic medical examination (exam) free of charge. The subsection further provides that when a forensic medical exam is conducted as a result of a sexual assault or attempted sexual assault that occurred in the State, the Program is required to pay for the cost of the exam and that a medical facility or medical professional that performs a forensic medical exam on the victim is not permitted to seek payment except from the Program.
- Subsection (c) further clarifies that a medical facility or medical professional that performs a forensic medical exam must accept payment made by the Assistance Program for Victims of Rape and Sex Offenses (Program) as payment in full and is not allowed to bill other entities (including the victim, their personal insurance, Medicaid, Medicare, or other sources). A medical facility or medical professional is not allowed to seek reimbursement from the Program after one year from the date of the exam.
- Subsection (d) requires the use of Sexual Assault Evidence Collection Kits by medical facilities and medical professionals performing forensic medical exams. This subsection also sets out the rates paid for services under the Program. These rates are the same as the rates that were in place under G.S. 143B-480.2(c) which is being repealed.
- Subsection (e) provides that bills must specify the category of services provided and payments will be made directly to the medical facility or medical professional.
- Subsection (f) directs the medical facility or medical professional performing an exam to encourage victims to submit an application for reimbursement of medical expenses beyond the exam to the Crime Victims Compensation Commission.
- Subsection (g) allows a victim to file a petition in the Superior Court of Wake County to seek a judicial review in the event of an adverse determination on a claim for assistance.
- Subsection (h) directs the Secretary of Crime Control and Public Safety to adopt rules encouraging the use of licensed registered nurses to conduct medical exams and procedures.
- Subsection (i) provides definitions for the following terms: "forensic medical examination", "SANE nurse", "sexual assault", and "Sexual Assault Evidence Collection Kit".

**Section 2** of the bill makes a conforming change to G.S. 143B-480.3 regarding payment.

**Section 3** amends G.S. 15B-10 to increase the threshold amount from $7,500 to $12,500 that the Director of the Crime Victims Compensation Commission, of the Department of Crime Control and Public Safety, can award for an initial or follow-up claim when the claim does not exceed that amount and does not include future economic loss. This section also makes a corresponding change to the threshold amount to provide that the Director shall make a recommendation to the Commission regarding the award of compensation for an initial or follow-up claim when the claim exceeds $12,500 or involves future economic loss.

**Section 4** amends G.S. 15B-11 to require the Director or Commission to deny claims when it finds that there was contributory misconduct that is a proximate cause of becoming a victim, but specifies that contributory misconduct is not a proximate cause of becoming a victim and will not lead to an automatic claim denial.

**EFFECTIVE DATE:**

House Bill 1342 would become effective July 1, 2009.

*H1342-SMSH-99(e1) v2*

# GENERAL ASSEMBLY OF NORTH CAROLINA

## Session 2009

## Legislative Fiscal Note

**BILL NUMBER:** House Bill 1342 (First Edition)

**SHORT TITLE:** RVAP/Ensure Grant Eligibility.

**SPONSOR(S):** Representatives Howard, Justus, McLawhorn, and Bordsen

**FISCAL IMPACT**

**Yes (X)** **No ( )** **No Estimate Available ( )**

| | FY 2009-10 | FY 2010-11 | FY 2011-12 | FY 2012-13 | FY 2013-14 |
|---|---|---|---|---|---|
| **EXPENDITURES:** | | | | | |
| **General Fund:** | Additional recurring costs to be covered with available program funds. | | | | |

**PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:** Department of Crime Control and Public Safety

**EFFECTIVE DATE:** Effective July 1, 2009

**BILL SUMMARY:**

This bill repeals GS 143B-480.2 and amends GS 143B-480.1 as follows:

- Clarifies that the Assistance Program for Victims of Rape and Sex Offenses (Program) pays for the cost of a forensic medical examination for victims of a sexual assault or attempted sexual assault.
- Prohibits the medical facility or medical professional from (1) billing victims, their insurance, Medicaid, Medicare, or any other collateral source for the examination and (2) seeking reimbursement from the program after one year from the date of exam.
- Requires medical facilities and medical professionals who perform such examinations to do so using a Sexual Assault Evidence Collection Kit.
- Modifies the Program payment schedule (was in GS 143B-480.2(c)) to permit payment to a physician or SANE (Sexual Assault Nurse Examiner) nurse of $350, payment of a hospital or facility fee of $250, and payment of other expenses deemed eligible by the Program (was an ambulance fee) of $200.
- Requires a medical facility or medical professional who performs the examination to encourage victims to submit an application for reimbursement of additional medical expenses to the Crime Victims Compensation Commission (Commission) for consideration

of those expenses. Moves the judicial review and rule-making provisions from GS 143B-480.2 into GS 143B-480.1.

- Amends GS 143B-480.3 to increase from $7,500 to $12,500 the amount of a claim that the Director of the Crime Victims Compensation Commission may decide without making a recommendation to the Commission.
- Amends GS 15B-11 to allow the Director or the Commission to deny claims from victims when it finds that there was contributory misconduct that was a proximate cause of becoming a victim.
- Makes technical and conforming changes.

**ASSUMPTIONS AND METHODOLOGY:**
Currently, the Rape Victims Assistance Program (RVAP) pays all forensic exam costs for rape victims that have no collateral source of payment and insurance co-pays for victims that have insurance. The administration of this program has been difficult because the program's authorizing language does not provide enough clarification about how the program is to be administered.

H 1342 makes several significant changes to the RVAP. First, it amends the language that governs the program to provide further clarification about how this program is to be administered. Second, the bill expands the assistance eligibility criteria for the RVAP to allow the program to pay for all forensic examination costs for all rape victims regardless of their ability to pay. Third, the bill requires medical facilities to encourage rape victims to apply for additional assistance from the Victims Compensation Program. Finally, the bill increases the maximum claim amount (from $7,500 to $12,500) that the program director can decide without a recommendation to the Victims Compensation Commission.

Annually, the program receives between 800-1,000 claims. About half of the claimants have health insurance or some other source of payment. As mentioned prior, the current program only covers co-pays for rape victims that have health insurance. If passed, H 1342 will create additional cost for the RVAP because the program will have to pay the total forensic exam cost (up to $800) for each rape victim regardless of their ability to pay. However, the program will require no new budget appropriation to cover the additional recurring costs associated with this bill. The additional costs will be paid with available program funds.

**SOURCES OF DATA:** Department of Crime Control and Public Safety.

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION: (919) 733-4910**
**PREPARED BY:** Jean Sandaire

**APPROVED BY:** Richard Bostic for
Marilyn Chism, Director
Fiscal Research Division




**DATE:** May 12, 2009

**Signed Copy Located in the NCGA Principal Clerk's Offices**

**2009 PERMANENT SUBCOMMITTEE REPORT**
**HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Bordsen, Love (Chairs) for the Appropriations Subcommittee on Justice and Public Safety.

☐Committee Substitute for

**HB 1342** A BILL TO BE ENTITLED AN ACT TO ENSURE THAT NORTH CAROLINA CONTINUES TO BE ELIGIBLE FOR STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM FUNDING; AND TO INCREASE THE AUTHORITY OF THE DIRECTOR OF THE CRIME VICTIMS COMPENSATION COMMISSION AND THE COMMISSION ITSELF TO CONSIDER PROXIMATE CAUSE WHEN DETERMINING WHETHER TO MAKE AN AWARD; AND TO MAKE VARIOUS OTHER CHANGES TO THE RAPE VICTIMS ASSISTANCE PROGRAM.

---

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Representative Michaux, Adams, Alexander, Crawford, Haire, Jeffus, Tolson, Yongue (Chairs) for the Standing Committee on Appropriations.

s/ Maggie Jeffus
s/
s/

☒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
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

May 19, 2009
Room 415 Legislative Office Building
8:30 A.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Tuesday, May 19, 2009, in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 8:30 a.m. The following House members were present. Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, Danielle Seale, and Denise Thomas.

Representative Love recognized the pages, Timothy Coston of Wake County (Rep. Jackson), Drew Lopez of Wake County (Rep. R. Warren), Travis Newton of Wake County (Speaker Hackney), and Ival Posada of Mecklenburg County ( Rep. Gulley); and the Sergeants-at-Arms, Young Bae, Jerald Perry and Frank Prevo, and thanked them for their help.

Representative Love stated that the targets were received Monday afternoon and reviewed the schedule, and the Fiscal Research Division staff would review the rules, the targets, and potential reductions for the Department of Correction. Handed to each committee member and visitor was a copy of a proposed schedule of events for the remainder of May and all of June, a copy of which is attached as part of these minutes.

**Denise Thomas of the Fiscal Research Division** noted that future prison needs had to be reduced. She informed the committee that Doug Holbrook would review the reduction options of the Department of Correction. Ms. Thomas then reviewed the House Appropriations Subcommittees Guidance and Rules dated May 18, 2009. She noted that Item #4 stated that there was to be no expansion funding. The staff had also been directed to remove all continuation budget increases. There are to be no negative reserves (as was included in the Senate budget). No use of reversion funds is allowed nor will funds be carried forward. To be carefully looked at are the areas/programs which can be eliminated due to obsolescence, inefficiency, or ineffectiveness. Although there are few Special Funds in the JPS area, for those that are in JPS, the committee is to consider using some of the cash balances and consider how some of those cash balances might be diverted to support General Fund expenditures. It is suggested that these funds be permanently closed out and transfer the balances and responsibilities to the General Fund. Also to be considered is eliminating all vacant positions as of January 1, 2009, or for 6 months. There should be at least one program on a continuation review. Any fee increases recommended by the Committee and approved by the Big Chairs will be used as a credit towards the target. The members of the Committee and visitors were provided a handout of the Guidelines and Rules to follow, a copy of which is attached as part of these minutes. Questions followed Ms. Thomas's review.

Representative Sutton noted that Item #9, Eliminate Vacant Positions, sounded like it meant the entire fiscal year.

Denise Thomas replied that it pretty much did, but vacancies of less than 12 months could also be considered.

**John Poteat of the Fiscal Research Division** reviewed the House JPS Spending Target Proposal provided by the Fiscal Research Division with the committee and visitors. A copy of the Proposal is attached as part of these minutes. He noted that FY 2009-10 House Budget Target for Justice and Public Safety was $1,999,122,714. There were no questions following Mr. Poteat's presentation.

**Doug Holbrook of the Fiscal Research Division** then provided an overview of Potential Reductions to DOC. Each member of the committee and visitors received a copy of the handout, a copy of which is attached as part of these minutes. He noted that of the 1,014 positions proposed to be eliminated, most were not vacant at this time. Of special note was the fact that the Department has little negotiating power with hospitals and other health care providers regarding medical care for inmates. Questions followed Mr. Holbrook's presentation.

Representative Boles wondered about eliminating the jail misdemeanant payments and whether it would need legislation.
Doug Holbrook replied that it could be done in the budget bill.

Representative Justus wondered if the increase in the pay scale of Corrections Officers was in the reduction document.
Doug Holbrook replied that it wasn't as it was an expansion item in the Governor's budget and won't be in the budget. No expansion items are allowed in the budget, so won't appear. It was a separate proposal to have more probation officers and that's not currently anywhere in the budget.
Representative Justus (follow-up) asked if the Fiscal Research Division staff had found any way to get inmates on Medicaid.
Doug Holbrook said that Medicaid was not available to inmates in the State's custody and in facilities with more than 35 prisoners but was available to inmates in facilities holding less than 35 prisoners. Unfortunately, small prisons with less than 35 inmates are not economically feasible.
Representative Justus (follow-up) then wondered if inmates could be put on the State Health Plan.
Doug Holbrook noted that it was an option. The option being analyzed was to establish a fee schedule based on some multiplier of the Medicaid rate which is a public rate that the legislature acts upon. He added that inmates are a more difficult population for care providers to serve and would not provide service for only the Medicaid rate, so the strategy that the staff has been thinking about is to figure out some magic number that hospitals would accept and that would keep the Department of Correction's medical costs under control.

Representative Stevens asked if the 35 or less was a federal requirement.
Doug Holbrook said that it was.

Representative Hurley wondered if all the inmates needing medical attention could be put in the same facility.
Doug Holbrook stated that it is sort of being done now, in that there are only a limited number of facilities that have the volume to have different types of doctors. It is possible to concentrate them and efficiency can be realized.
Representative Hurley (follow-up) then asked about the dental care at $9 million and could the dental school be used for care.
Doug Holbrook stated that it was a possibility.

Representative Bordsen added that dental schools and all other health care providers did not want to provide care for prisoners – there were many additional considerations which were deterrents – transportation, other patients, extra protection, etc.

Representative Sutton stated that no matter what rates were set for medical care, someone was needed to negotiate with medical providers. He wondered what difference it made as to what rate was set if a contract has to be negotiated.
Doug Holbrook agreed . DOC has had very poor luck negotiating; they don't have much leverage with hospitals because they are required to provide the service. The hospitals can refuse to do it and the hospitals typically negotiate with legal staff that DOC doesn't have at its disposal to negotiate these kinds of contracts. Some hospitals gave better rates than others. What DOC would like to see is something that gives them more strength in terms of being able to negotiate.
Representative Sutton (follow-up) noted that we had no strength given the federal mandate.
Representative Sutton (follow-up) observed that eliminating the substance abuse beds for men and women was a mistake. These individuals will probably end up in prison later, and we'll need more prisons built to hold them. We are being very short-sighted.

Representative Love said the staff were just putting up flags – that decisions needed to be made.

Representative Guice wondered about the elimination of DOC rental of leased space and wondered who was responsible for what. The leasing has been around for a long time. If the counties are responsible, that would be $3 million we shouldn't have been paying all these years.
Representative Guice (follow-up) noted that the elimination of the CJPP program is also very short-sighted. It addresses the issue of substance abuse for those individuals under supervision. If we don't deal with the problem now, we'll deal with it later. He also addressed the elimination of the jail misdemeanant payments and no money set aside to expand or build additional bed space in the future other than what is now planned. We'll be asking counties to assume more responsibility as the years go on. It seems to slap the counties in the face when you say you're not going to pay short term but will ask them to carry a heavier burden.
Doug Holbrook noted that the payment was $56.00 a day that the State pays counties per prisoner. The $30.00 a day for the backlog does not does not make them whole in terms of the cost of that backlog.

Representative Mobley wondered how many employees were being considered.
Doug Holbrook said that there were 1,014 positions identified within the DOC and that the majority were filled positions. Facilities that are currently staffed will be closing. He went on to say that many could be outplaced to other prisons within a 25- to 30-mile radius of the current work site, but it was often difficult to go from a minimum custody position to a medium custody facility – it was like changing jobs altogether.
Representative Mobley wondered further what the total number of employees for all Justice and Public Safety divisions and departments was.
Denise Thomas responded that there were approximately 30,000 employees.
Representative Mobley (follow-up) then asked how many of the approximate 30,000 employees were at or near retirement eligibility.
Doug Holbrook stated that currently, 210 DOC employees out of just over 20,000 employees are eligible for retirement.
Representative Mobley (follow-up) wondered about the other departments/divisions within Justice and Public Safety.
Representative Love said that the numbers would be provided.

Representative Love stated that he and Representative Bordsen asked all committee members for suggestions for cuts since everyone has an idea on how to reach the target. He hoped that they would be

able to reach consensus and that this would be the least obnoxious way to go about it. The committee has now heard from the Department of Correction and heard some possibilities. He went on to say that the committee would be meeting on Wednesday, May 20, at 8:30 to hear the AOC presentation. In the meantime, specific thoughts from everyone were needed, then some work sessions would be scheduled to see where the consensus lies.

Representative Mobley noted that this was painful for everyone, but as everyone ponders the cuts, think of those close to retirement eligibility. Although the State may have to pay out money to encourage retirement by some, someone near or at retirement is probably better able to cope than those supporting a family.

Representative Hurley wondered how many vacancies were currently in the Department of Correction. Frank Rogers, Deputy Secretary, DOC, replied that there were over 1900 vacancies.

Representative Bordsen noted that the concerns stated by Representative Sutton are the most serious – closing prisons and then having to look at them later because of an increase in prisoners. She noted that eliminating funding for programs such as Women at Risk, Summit House, Harriett's House, and Our Children's Place will be bringing organizations down with the State. It is up to the Committee to protect the core mission of Justice and Public Safety and expand needed services.

Representative Sutton recommended letting the Department of Correction work with the Big Chairs and let them figure out dollar amounts rather than wasting a lot of time grappling with the problem.
Representative Spear agreed with Representative Sutton's assessment.
Representative Love observed that the Big Chairs had thrown it to the committee to figure it out; therefore, the input of everyone was needed to make the right decisions.

The meeting adjourned at 9:30 a.m.

Respectfully Submitted,

Representative Jimmy Love
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: House Appropriations Schedule as of 5/12/09
House Appropriations Subcommittees Guidance and Rules, May 18, 2009
House JPS Spending Target Proposal
Potential Reductions to DOC

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Tuesday, May 19, 2009
**TIME:** 8:30 am
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

**Review of the House Budget Spending Target for Justice and Public Safety**

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9:00** o'clock on **May 14, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**May 19, 2009 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen
Representative Jimmy Love, Presiding

## II. PRESENTATIONS

Opening Remarks by Chairs

Review House Budget Schedule and JPS Agency Spending Targets

Review Potential Correction Reductions

*Douglas Holbrook*
*Fiscal Research Division*

## III. OTHER BUSINESS

## IV. Next meeting: Wednesday, March 20th at 8:30 a.m.

## V. ADJOURNMENT

# VISITOR REGISTRATION SHEET

Justice & Public Safety — 5-19-09

Name of Committee — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Robin Jenkins | DJJDP |
| Linda Washington | DJJDP |
| Guy McCall | DAG |
| Anotah Mott | NAACP |
| Patrick Buffkin | NMRS |
| Keith Sutton | DJJDP |
| [illegible] | NCSOS |
| Mildred Spearman | NCDOC |
| Nels Roseland | NC DOJ |
| Fred Aikens | The Aikens' Group LLC |
| Tim Moore | NCDOC |

## VISITOR REGISTRATION SHEET

Justice and Public Safety — 5-19-09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Aaron Gallagher | OSBM |
| Mike Sprayberry | NCEM |
| Doug HOELL | NCEM |
| Dork Carlin | NCNG |
| TOM BOWLIN | NC NATIONAL GUARD |
| Neil Woodcock | CCPS, LESS |
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| Kathy Johnson | Sentencing Services |
| Dianne James | District Resource Center |
| Linda Hayes | DJJDP |
| Kathy Dudley | DJJDP |

## VISITOR REGISTRATION SHEET

Justice and Public Safety — 5/19/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Mamie Waters | CCPS |
| Jamie Carmichael | CCPS/Victims Compensation |
| Bill Church | CCPS - ALE |
| Ron Taylor | NCACC |
| MW Hobgood | CCPS / Butler Rollins Supt. |
| Roger Hutchings | NCALE |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| Melissa Radcliff | Our Children's Place |
| Thomas Maher | IDS |
| Elisa Wolper | IDS |
| Cheryl Reed | OSBM |

## VISITOR REGISTRATION SHEET

House Approps. JPS — 5/19/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Cassandra White | NC A.O.C. |
| Barbara Moore | Conf. of Clerks of Sp Ct. |
| David Lagos | Sentencing & Policy Advisory Commission |
| Barbara Bates | NCDOC |
| Frank Rogers | NCDOC |
| James French | NC DOC |
| Rhonda Raney | CCPS |
| Dot Ehlers | 11th JD Re Entry |
| Peg Dorn | Conference of DAs |
| Steve Shrum | Prayer Spring |
| Tom Bennett | NC VAN |

## VISITOR REGISTRATION SHEET

Justice and Public Safety — 5/19/09

Name of Committee — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Meenal Khajuria | NC Metro Mayors Coalition |
| Les Rupert | CYPC |
| Seth Deaton | DOJ |
| John Donnan | CCPS |
| Tom Covin | [illegible] |
| Kelly Hall | AOC |
| Rex Whaley | AOC |
| John W Smith | AOC |
| Donna Weston | Summit House |
| Darlene Langston | DOC |
| Mike Joyner | DOC |

# House Appropriations Schedule as of 5/12/09

## May

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | | | | | **1** | **2** |
| **3** | **4** | **5** | **6** | **7** | **8** | **9** |
| **10** **MOTHER'S DAY** | **11** | **12** **House Subcommittees** (8:30 only) **- Receive Targets** | **13** **House Subcommittees** (8:30 only) | **14** **House Subcommittees** (8:30 only) **- CROSSOVER** | **15** **House Subcommittees** | **16** |
| **17** | **18** **House Subcommittees** | **19** **House Subcommittees** | **20** **House Subcommittees** | **21** **House Subcommittees** | **22** **House Subcommittees** | **23** |
| **24** | **25** **MEMORIAL DAY** | **26** **House Subcommittees** | **27** **Subcommittees Complete Work** | **28** **House Subcommittees** -Report to Full Chairs | **29** | **30** |
| **31** | | | | | | |

2009

# House Appropriations Schedule as of 5/12/09

## June

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | **1** **House Subcommittees** Report to Full Chairs starting @ 2 | **2** **House Subcommittees** -Report to Full Chairs | **3** **House Subcommittees** -Report to Full Chairs | **4** **House Subcommittees Vote** | **5** **House Subcommittees Vote** | **6** |
| **7** | **8** | **9** | **10** | **11** | **12** | **13** |
| **14** | **15** **House Full Appropriations** | **16** | **17** | **18** **House Passes Bill** | **19** **CONFEREES APPOINTED** | **20** |
| **21** **FATHER'S DAY** | **22** | **23** | **24** | **25** | **26** | **27** |
| **28** | **29** | **30** **CONFERENCE REPORT ADOPTED** | | | | |

2009

# 2009 LEGISLATIVE SESSION

## HOUSE APPROPRIATIONS SUBCOMMITTEES GUIDANCE AND RULES

## May 18, 2009

1. **Focus Funding on the Core Mission of Each Agency**

2. **Require Agencies and Nonprofits to Justify the Budget**
   - Build on the General Assembly's past and current justification and continuation review initiatives: require state agencies and nonprofits to justify continuing selected expenditures.
   - Use this approach for:
     - Individual programs, including non-essential, ineffective, obsolete, redundant or new (created in the past four years) programs and services.
     - Specific line items within programs.

3. **Fund Mandatory Program Growth**
   - Fund adjustments for growth in mandatory programs and services (including public schools, Medicaid and prisons) within subcommittee targets.

4. **Subcommittee Money Reports Shall Not Include:**
   - Expansion funding.
   - Negative reserves or "management flexibility" reductions.

5. **Special Provisions Shall Not:**
   - Authorize the expenditure of reversions.
   - Include "shall not revert" or "carry forward" language.
   - Amend substantive policy or law and must be directly related to the budget. (House Rule 36.4).

6. **Subcommittee Money Reports Must:**
   - Identify all budget adjustments (reductions or mandatory increases) as recurring or non-recurring.
   - Identify all position changes for all funds (eliminations, fund shifts, newly-established).

7. **Utilize Reduction Strategies That:**
   - Eliminate ineffective or obsolete programs
   - Eliminate duplication of effort (Span of Control);
   - Eliminate administrative inefficiencies;
   - Streamline and consolidate departments, programs, offices, and services;
   - Reduce non-essential government services
   - Reduce non-profit funding
   - Minimize the loss of non-State revenues

8. **Use Cash Balances of Non-General Funds, and Close the Funds When Possible**
   - Identify Special Funds that divert revenue from the General Fund; permanently close the funds and transfer balances and responsibilities to the General Fund, if feasible; if not feasible, then permanently close the funds and transfer balances and responsibilities to other funds as appropriate.

9. **Eliminate Vacant Positions**
   - Consider eliminating vacant positions, especially those vacant for 6 months or more as of January 1, 2009.

10. **Increase or Implement Fees**
   - Examine fees to determine if any increases are appropriate and could be used to offset operating appropriations. Subcommittees considering fee increases must first consult with House Full Chairs.

11. **Examine Rate Changes**
   - Subcommittees shall not fund inflationary or rate increases and should reduce all rates by at least 1%

12. **Use Federal American Recovery and Reinvestment Act (ARRA) funds**
   - Maximize any relevant federal Recovery funds
   - Use the funds for supplanting and for non-recurring needs to the extent possible and allowed by federal regulations.

13. **Propose a Continuation Review**
   - Identify at least one Continuation Review of **significant** size.

14. **Consult the House Full Chairs**
   - Refer **all** salary-related, debt service, and other statewide issues to the House Full Chairs.
   - Consult with House Full Chairs when considering fee increases.
   - Consult with the House Full Chairs and the appropriate subcommittee chairs prior to proposing budget adjustments, program transfers or policy changes that impact another subcommittee area.

15. **Consult Other Subcommittees as Necessary**
   - Consult with the chairs of the appropriate subcommittee and the House Full Chairs prior to proposing budget adjustments, program transfers or policy changes that impact another subcommittee area.

# House JPS Spending Target Proposal

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|
| Agency | FY 08-09 Authorized Budget | FY 2009-10 Continuation Budget | FY 2009-10 Continuation Budget % | Agency Share Subtotal of 2009-10 Target | FY 2009-10 Fee Credit | Adjusted Agency Reductions After Adjusting for Fees | FY 2009-10 House Budget Target | FY 2009-10 Senate Budget |
| Correction | 1,302,964,170 | 1,384,910,571 | 59.4% | (220,568,599) | 500,000 | (220,068,599) | **1,164,841,972** | 1,292,633,348 |
| Judicial-AOC | 479,836,267 | 497,649,235 | 21.3% | (79,258,399) | 35,633,291 | (43,625,108) | **454,024,127** | 470,465,546 |
| Judicial- OIDS | 118,137,192 | 133,881,190 | 5.7% | (21,322,667) | 0 | (21,322,667) | **112,558,523** | 134,934,064 |
| Justice | 97,789,288 | 100,441,147 | 4.3% | (15,996,819) | 1,195,442 | (14,801,377) | **85,639,770** | 92,102,712 |
| Juvenile Justice | 165,774,045 | 172,484,415 | 7.4% | (27,470,832) | 0 | (27,470,832) | **145,013,583** | 147,114,599 |
| Crime Control | 45,995,705 | 43,925,878 | 1.9% | (6,995,881) | 114,742 | (6,881,139) | **37,044,739** | 31,338,905 |
| **Total JPS** | **2,210,496,667** | **2,333,292,436** | | **(371,613,197)** | **37,443,475** | **(334,169,722)** | **1,999,122,714** | **2,168,589,174** |

**JPS HOUSE TARGET ( 5/18/09):** **1,999,122,714**

**Target Compared to 2008-09 Authorized Budget:** **-9.6%**

**Target Compared to FY09-10 Continuation Budget:** **-14.3%**

**Target Compared to FY09-10 Governor's Budget:** **-9.2%**

**Target Compared to FY09-10 Senate Budget:** **-7.8%**

Fiscal Research Division, as of 05/18/2009

# Senate JPS Fee Proposals

| | | 2009-10 | 2010-11 |
|---|---|---|---|
| AOC | Court Technology/Telephones | 2,691,112 | 4,036,668 |
| AOC | Court Fees | 32,942,179 | 38,899,425 |
| | | **35,633,291** | **42,936,093** |
| | | | |
| CCPS | Boxing | 88,142 | 88,142 |
| CCPS | Bingo License Fees | 26,600 | 26,600 |
| CCPS | Law Enforcement Support (LESS) | | 430,336 |
| | | **114,742** | **545,078** |
| | | | |
| DOC | Inmate Work Release Fund Increase | **500,000** | **500,000** |
| | | | |
| DOJ | CJ Training & Standards | 1,000,000 | 2,000,000 |
| DOJ | SBI Crime Lab | 195,442 | 390,884 |
| DOJ | DPI - decrease DPI school bus claims payments | 0 | 3,434,072 |
| | | **1,195,442** | **5,824,956** |
| | **Total** | **37,443,475** | **49,806,127** |

# Potential Reductions to DOC

| | | |
|---|---|---|
| **DOC Reduction Amount** | **$220,068,599** | |
| Left to Cut | $64,100,407 | |
| | | **Positions** |
| Total cuts | $155,968,192 | **1,014** |

**Cut Items**

**Governor's Cuts**

| | | |
|---|---|---|
| Reduce Operating Accounts R | $2,197,035 | |
| Reduce Operating Accounts NR | $3,950,000 | |
| Eliminate Positions | $4,369,668 | 87 |
| Use Welfare Funds for Operations | $500,000 | |
| Increase Alien Assistance | $872,000 | |
| Shift Temp/Contract positions to receipt | $800,000 | |
| Inmate welfare positions | $149,056 | |
| Reduce Temp Positions | $89,788 | |
| Close McCain | $1,391,988 | 234 |
| Close Wilmington | $300,000 | 10 |
| Close Guilford and Umstead | $3,473,117 | 95 |
| Close Gates, Haywood, Union | $2,445,093 | 112 |
| Reduce R&R job orders | $300,000 | |
| Eliminate BRIDGE | $263,470 | 7 |
| | | |
| **Senate Cuts** | | |
| Cap JDMs in DCC | $814,065 | 15 |
| Eliminate Assistant Secretary | $77,046 | 1 |
| | | |
| **Other Potential Cuts** | | |
| Eliminate Continuation Budget Growth | $85,565,130 | |
| Eliminate CJPP | $9,410,863 | |
| Eliminate Substance Abuse Pgm for Female Probations | $1,833,398 | |
| Eliminate Substance Abuse Contract Beds | $5,358,484 | |
| Eliminate Work Crews | $4,780,105 | 127 |
| Eliminate Gym Post positions | $2,333,594 | 62 |
| Eliminate Visitation Post positions | $1,693,738 | 45 |
| Reduce Salary Reserve | $1,000,000 | |
| Reduce 35 CO/Lieutenant | $1,334,595 | 35 |
| Eliminate Tower posts | Pending | |
| DCC Rental/Lease Space | $3,184,849 | |
| Increase Probation Supervision Fees | Pending | |
| Increase Community Service Work Program Fees | Pending | |
| Eliminate CSWP | $4,953,871 | 142 |
| Eliminate Pass-through funding: Women at Risk | $350,000 | |
| Eliminate Pass-through funding: Summit House | $1,231,293 | |
| Eliminate Pass-through funding: Harriett's House | $275,000 | |
| Eliminate Pass-through funding: Our Children's Place | $146,000 | |
| Close Cleveland | $524,946 | 42 |
| Eliminate Jail Misdemeanant Payments | $10,000,000 | |

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 20, 2009

The House Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Wednesday May 20, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Spear, Vice-Chair Representative Sutton, Vice-Chair Representative Warren, Representative Boles, Representative Goodwin, Representative Guice, Representative Jackson, Representative Justus, Representative Mobley, Representative Moore, Representative Randleman and Representative Stevens. Denise Thomas, Doug Holbrook, John Poteat, Jean Sandaire, and Danielle Seale of Fiscal Research were also in attendance. A visitor registration sheet is attached and made part of these minutes.

Representative Bordsen called the meeting to order and recognized Pages and Sergeants-at-Arms. She briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Bordsen recognized Denise Thomas, Fiscal Research Division, for a presentation on potential department reductions for the Judicial Department. Her presentation is included and made part of these minutes.

The Chair opened the meeting for questions.

Representative Jackson was recognized. He inquired about the fee for voluntary dismissal.

Greg Stahl, Director for the Administrative Office of the Courts, was recognized. He responded that one of the District Attorneys had suggested the fee. The original proposal was for compliance issues. When AOC did the math, the math did not work out because the DA would not be required to charge the fee. The new proposal is built upon the idea and is 90% of the cost of dismissal and is required. The voluntary dismissal would cost.

Representative Sutton was recognized. He inquired as to why a defendant should have to pay a fee if the District Attorney cannot make a case against him or her and therefore dismisses the case.

Mr. Stahl responded that it was a good point and he was not sure of a good answer.

Representative Sutton was recognized for a follow up. He noted he did not have a problem with prayer for judgment individuals paying a fee. There is a problem with a defendant paying when the DA cannot make a case.

Mr. Stahl noted that in many cases, the fees are intended to get an individual to comply. It is a bargain for an individual to negotiate a dismissal in many cases.

Discussion ensued about proposed fees.

Representative Jackson was recognized. He inquired about the reduction in court costs by 10% and whether that would be 10% for each county.

Denise Thomas responded that the decision would be left up to AOC or the Subcommittee could specify.

Representative Stevens was recognized. She inquired about traveling judges and whether the state was required to reimburse judges for mileage.

Representative Love responded that judges are reimbursed 25 cents per mile.

Ms. Thomas responded that now, each traveling judge gets a $7,000 travel allowance, regardless of how many miles he or she travels. They do also get mileage and some get significant mileage. This change would put them on the same reimbursement as all other judicial employees.

Representative Stevens was recognized. If the allowance was removed, how much per diem would the judges receive per day.

Rex Staley, AOC, was recognized. He responded that judges would receive $104/day in per diem.

Judge John Smith, AOC, was recognized and noted that judges are constitutionally mandated to rotate. The average cost of the rotation is $7,000; some judges spend more and some spend less.

John Poteat was recognized for a presentation on potential reductions for the Department of Juvenile Justice and Delinquency Prevention. His handout is included and made part of these minutes.

The Chair opened the meeting for questions.

Representation Sutton was recognized. He inquired about the amount of money associated with each closure of the Youth Development Centers and what date that amount was based on.

Mr. Poteat responded September 1 2009.

Representative Sutton inquired as to the Department preference for the closure dates.

Mr. Poteat responded March 2010 and March 2011.

Representative Mobley was recognized. She inquired about the Save Our Students program and whether all of the after school programs would be eliminated.

Representative Bordsen noted that SOS was primarily a Health and Human Services program and if the item was in controversy during Conference, they might be able to see if another budget that is more appropriate to the core mission of SOS could take it over.

Representative Mobley was recognized for a follow up. She inquired about the Governor's One-on-One program and which counties would be affected by the cut.

Mr. Poteat responded that he would provide that information.

Representative Bordsen noted that some of the programs under DJJDP do not belong in the Department.

Mr. Poteat noted that there are other funds available for at-risk youth in other budgets.

Representative Spear was recognized for a question. He inquired about the Senate budget and the proposed transfer of the money from SOS being put into Juvenile Crime Prevention Councils.

Mr. Poteat responded that the transfer is no longer being allowed due to the House budget rules. Under the rules, no expansion items will be allowed.

Representative Justus inquired as to whether there was any change in the JCPC funding or Camp Woodson.

Mr. Poteat responded that the Senate did not accept those cuts.

Representative Justus inquired about whether teachers in DJJDP can be paid by the Department of Public Instruction.

Mr. Poteat responded that staff was still looking into that possibility.

Representative Stevens inquired about whether TarHeel ChalleNGe would be considered an expansion item in the Education budget because that had already occurred on the Senate side.

Mr. Poteat responded that programs under continuation review, such as TarHeel ChalleNGe, were the exception to the House budget rules. If the budget decided to fund again, these programs are not considered expansion.

Secretary Linda Hayes, Department of Juvenile Justice and Delinquency Prevention, was recognized. She shared with the Subcommittee that the Department has alternative cuts to offer and she looked forward to working with the Committee.

There being no further business, the Chair adjourned the meeting at 9:30 a.m.

Respectfully submitted,

Alice L Bordsen

Representative Bordsen
Presiding Chair

Michelle Hall
Committee Assistant

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**May 20, 2009 8:30 A.M. and 2:00 P.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen, Presiding
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Review Potential Department Reductions

- Judicial: AOC and OIDS
  *Denise Thomas*
  *Fiscal Research Division*

- Juvenile Justice & Delinquency Prevention
  *John Poteat*
  *Fiscal Research Division*

- Justice
  *Jean Sandaire*
  *Fiscal Research Division*

- Crime Control & Public Safety
  *Jean Sandaire*
  *Fiscal Research Division*

## III. OTHER BUSINESS

## IV. Next meeting: to be announced

## V. ADJOURNMENT

## VISITOR REGISTRATION SHEET

Criminal Justice — 5/20/09

Name of Committee — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Neil Woodcock | CCPS, LESS. |
| Guy Hurd | OAG |
| Steve Shuber | Poyner Spruill |
| LORRIN FREEMAN | Wake CSC |
| Lee Rucker | CYPC |
| S. Kabzeuchow | SPAC |
| Patrick Bikk | NMRS |
| Mildred Spearman | NCDOC |
| Seth Deamin | DOS |
| Sarah Preston | ACLU-NC |
| Michelle Frazier | NFTS |

# VISITOR REGISTRATION SHEET

**Name of Committee** . **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Emily Gastimore | NCBA |
| Keith Sutton | DJJDP |
| Bill Lawton | atty |
| Robin Jenkins | DJJDP |
| Linda Hayes | DJJDP |
| Kathy Dudley | DJJDP |
| Linda Washington | DJJDP |
| | |
| | |
| | |
| | |

# VISITOR REGISTRATION SHEET

Rev. Justice & Public Safety — 5-20-09

Name of Committee — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| | NCSOS |
| Rex Whaley | AOC |
| | AOC |
| John W Smith | AOC |
| | AOC |
| Barbara Moore | Conf. of Clerks of Sup Ct |
| CASANDRA WHITE | AOC |
| Connette Brantley | NC VAN |
| Peg Dorer | Conference of DAs |
| Chloe Grissett | AOC |
| ANTHONY ALLEN | DCACC |

# VISITOR REGISTRATION SHEET

**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| MIKE MANN | NCBAA |
| McKinley Wooten Jr. | AOC |
| Sheryl Kelly | OSBM |
| Barbara Baker | NCDOC |
| Frank Rogers | NCDOC |
| Joe Cheshire | OIDS |
| SUSAN BROOKS | IDS/SENTENCING SERVICES |
| Thomas Maher | IDS |
| Elise Wolper | IDS |
| Jenna Weston | Summit House |
| Bill SHELTON | Summit House |

# Judicial Department Reduction Options - FY 2009-11

| | | | FY 2009-10 | | | FY 2010-11 | | |
|---|---|---|---|---|---|---|---|---|
| Item # | Agency | Item | R | NR | # | R | NR | # |
| | | **Governor** | | | | | | |
| 1 | AOC | Reduce Various Operating Accounts | (950,000) | | | (950,000) | | |
| 2 | AOC | Freeze Step Increases for Magistrates and Clerks | | (2,324,864) | | | (6,390,013) | |
| 3 | AOC | Dispute Resolution Centers Funding | (159,932) | | | (159,932) | | |
| | | | | | | | | |
| | | | | | | | | |
| | | **Senate** | | | | | | |
| 4 | AOC | Reduce Information Technology Funding | (977,499) | | | (977,499) | | |
| 5 | AOC | Eliminate Vacant AOC Administrative Positions | (621,720) | | (8) | (621,720) | | (8) |
| 6 | AOC | Eliminate Telephone System Line Items | (4,613,429) | | | (4,613,429) | | |
| 7 | AOC | Reduce Pass-Through Funding to the NC State Bar | (210,000) | | | (210,000) | | |
| 8 | AOC | Eliminate Superior Court Judge Travel Allowance | (672,000) | | | (672,000) | | |
| | | | | | | | | |
| | | **Other Potential AOC Reductions** | | | | | | |
| 13 | AOC | House Adjustment to remove CB increases | (22,601,252) | | | (31,565,038) | | |
| 14 | AOC | Eliminate 5 Special Superior Court Judge positions upon expiration of current term | (311,497) | | (3) | (587,053) | | (5.00) |
| 15 | AOC | Eliminate Drug Treatment Court | (1,952,147) | | (30) | (1,952,147) | | (30.00) |
| 16 | AOC | Eliminate Family Court | (2,812,739) | | (53) | (2,812,739) | | (53.00) |
| 17 | AOC | Eliminate Dispute Mediation | (1,614,316) | | | (1,614,316) | | |
| 18 | AOC | Eliminate DA Conference funding | (401,289) | | (5) | (401,289) | | (5.00) |
| 19 | AOC | Eliminate Clerks Conference funding | (121,401) | | (2) | (121,401) | | (2.00) |
| 20 | AOC | Eliminate 20% Program Supervisor and District Administrator positions | (1,473,136) | | (23) | (1,473,136) | | (23.00) |
| 21 | AOC | Reduce VWLA from 1 for every 1.35 ADA to 1 for every 2 ADA's | (7,019,017) | | (155) | (7,019,017) | | (155.00) |
| 22 | AOC | Reduce clerks by 10% | (11,574,473) | | (269) | (11,574,473) | | (269.00) |
| 23 | AOC | Eliminate NC State Bar funding | (1,200,000) | | | (1,200,000) | | |
| 24 | AOC | Eliminate all DA Investigator Positions | (2,171,040) | | (45) | (2,171,040) | | (45.00) |

# Judicial Department Reduction Options - FY 2009-11

| | | | FY 2009-10 | | | FY 2010-11 | | |
|---|---|---|---|---|---|---|---|---|
| Item # | Agency | Item | R | NR | # | R | NR | # |
| 25 | AOC | Eliminate 27 vacant courtroom positions authorized in FY 2007 and 2008 (excludes clerks & VWLAs) | (1,471,450) | | (27) | (1,471,450) | | (27.00) |
| 26 | AOC | Eliminate all vacant AOC HQ positions | (2,502,223) | | (36) | | | |
| | | | | | | | | |
| | | ***Total AOC*** | (65,430,560) | | (656) | (72,167,679) | | (622) |
| | | | | | | | | |
| | | **New Fee Court Fee Proposals** | | | | | | |
| 29 | AOC | Safe Roads Fee to Highway Fund for DWI and speeding in excess of 30 mph: ***$350*** | 4,267,935 | | | 4,267,935 | | |
| 30 | | Reinstate & Expand Failure to Comply Fee: ***$50*** | 1,570,445 | | | 1,648,967 | | |
| 31 | | Increase divorce fee from ***$75*** to ***$100*** | 905,125 | | | 905,125 | | |
| 32 | | Increase marriage fee from ***$25*** to ***$100*** to equal divorce fee | | | | | | |
| 33 | | Increase foreclosure filing fee from ***$75*** to ***$150*** | 4,046,625 | | | 4,046,625 | | |
| 34 | | Increase criminal records check fee from ***$15*** to ***$25*** | 1,750,000 | | | 1,750,000 | | |
| 35 | | New fee for voluntary dismissals and prayers for judgement - traffic: ***$93*** | 7,000,000 | | | 7,000,000 | | |
| | | | | | | | | |
| | | **Total AOC Proposed New Fee Revenue** | **19,540,130** | | | **19,618,652** | | |
| | | | | | | | | |
| | | | | | | | | |
| | | **Governor** | | | | | | |
| | | | | | | | | |
| | OIDS | Reduce Aid to Center of Death Penalty Litigation | (59,000) | | | (59,000) | | |
| | OIDS | Reduce Prisoner Legal Services Funds | (124,407) | | | (124,407) | | |
| | OIDS | Reduce PAC Fund | (5,000,000) | | | | | |
| | OIDS | Eliminate Sentencing Services Program | (2,830,291) | | (11.00) | (2,830,291) | | (11.00) |
| | OIDS | Eliminate Attorney Fee Coordinator Position | (45,730) | | (1.00) | (45,730) | | (1.00) |
| | | | | | | | | |
| | | | | | | | | |

# Judicial Department Reduction Options - FY 2009-11

| | | | FY 2009-10 | | | FY 2010-11 | | |
|---|---|---|---|---|---|---|---|---|
| Item # | Agency | Item | R | NR | # | R | NR | # |
| | | Senate | | | | | | |
| | OIDS | Reduce Sentencing Services Budget | (283,029) | | | (283,029) | | |
| | OIDS | Adjust PAC Continuation Budget | | | | (8,500,000) | | |
| | | | | | | | | |
| | | **Other Potential Reductions** | | | | | | |
| | | House Adjustment to remove CB increases | (18,475,200) | | | (16,914,406) | | |
| | | Eliminate 20 PD Investigator Positions | (905,041) | | (20.00) | (905,041) | | (20.00) |
| | | Reduce PAC contract rate $10 | (8,500,000) | | | (8,500,000) | | |
| | | Eliminate Center for Death Penalty Litigation passthrough funds | (501,500) | | | (501,500) | | |
| | | | | | | | | |
| | | ***Total OIDS*** | (36,724,198) | | (32) | (38,663,404) | | (32) |
| | | | | | | | | |

## COURT COST AND FEE ADJUSTMENTS: ADDITIONAL PROPOSALS FOR FY 2009 LEGISLATIVE SESSION, May 2009

| | Description | Current Rate | 2009-10 New/Updated Rate | Adjustment (Year 1) | Est. Change in Revenue 2009-10 | 2010-11 New/Updated Rate | Adjustment (Biennium) | Est. Change in Revenue 2010-11 |
|---|---|---|---|---|---|---|---|---|
| 1 | Reinstate & Expand Failure to Comply Fee (see S.L. 2007-323, § 30.8) | $ - | $ 50.00 | $ 50.00 | $ 1,570,445 | $ 50.00 | $ 50.00 | $ 1,648,967 |
| 2 | Marriage Fee (G.S. 7A-309) | $ 25.00 | $ 100.00 | $ 75.00 | ? | $ 100.00 | $ 75.00 | ? |
| 3 | Divorce Fee (G.S. 7A-305(a2)) | $ 75.00 | $ 100.00 | $ 25.00 | $ 905,125 | $ 100.00 | $ 25.00 | $ 905,125 |
| 4 | Foreclosure Filing Fee (G.S. 7A-308) | $ 75.00 | $ 150.00 | $ 75.00 | $ 4,046,625 | $ 150.00 | $ 75.00 | $ 4,046,625 |
| 5 | Record checks (G.S. 7A-308) | $ 15.00 | $ 25.00 | $ 10.00 | ? | $ 25.00 | $ 10.00 | ? |
| 6 | Safe Roads Fee | $ - | $ 350.00 | $ 350.00 | $ 4,267,935 | $ 350.00 | $ 350.00 | $ 4,267,935 |
| 7 | Voluntary dismissals & Prayers for judgement - Traffic | $ - | $ 93.00 | $ 93.00 | $ 7,000,000 | $ 93.00 | $ - | $ 7,000,000 |
| | **GRAND TOTAL** | | | | $ 17,790,130 | | | $ 17,868,652 |

1 Reinstate fee for failure to comply within 20 days of judgment for a motor vehicle offense. It was never clear why the General Assembly removed the FTC fee in 2007. It may have been an oversight (see S.L. 2007-323, § 30.8). Expand FTC fee to all cases, not just motor vehicle. Revenue estimate is for MV only.

2,3 Make marriage and divorce fee equal; increase both to $100

4 Increase foreclosure filing fee from $75 to $150.

5 Increase the fee for name record checks from $15 to $25 to encoure online usage, which places less of a burden on the court system

6 Impose a fee of $300 for DWI and speeding in excess of 30 mph. Funds to go to the Highway Fund for the Governor's Highway Safety Initiative.

7 Fee equal to 90% of district court costs for traffic cases that are voluntarily dismissed or prayers for judgment continued. $7M estimate is based on compliance dismissals, and assumes DAs will not waive the costs.

NORTH CAROLINA
ADMINISTRATIVE OFFICE
*of the* COURTS

# 2009-10 DJJDP Spending Reduction Proposals

| | |
|---|---|
| **DJJDP Proportional Spending Reduction Target** | (27,470,832) |
| **Subtotal** | (34,460,648) |
| **Difference from Spending Reduction Target** | **6,989,816** |

| # | | Item | 2009-10 $ | 2009-10 positions |
|---|---|---|---|---|
| 1 | | Eliminate Continuation Budget Increases | (7,753,573) | |
| 2 | Gov | Eliminate Seven Central Office Positions | (426,955) | (7) |
| 3 | Gov | Reduce Appropriation for Furniture | (218,393) | |
| 4 | Gov | Eliminate Alternative to Detention Contract | (43,885) | |
| 5 | Gov | Reduce Eckerd Wilderness Camp Rate | (1,435,000) | |
| 6 | Gov | Eliminate the Support Our Students program | (6,627,532) | (3) |
| 7 | Gov | Eliminate Youth Development Center positions | (948,994) | (19) |
| 8 | Sen | Reduce Pass-Through Funding- Project Challenge by 10% | (16,000) | |
| 9 | | Eliminate Project Challenge (difference between total & 10%) | (144,000) | |
| 10 | Sen | Close the Alamance Multi-Purpose Home | (600,000) | |
| 11 | Sen | Reduce Pass-Through-Juvenile Assessment Center by 10% | (16,543) | |
| 12 | | Eliminate Pass-Through-Juvenile Assessment Center (difference between total & 10%) | (148,891) | |
| 13 | Sen | Eliminate the CPSV | (474,923) | (6) |
| 14 | Sen | Eliminate vacant positions | (974,956) | (25) |
| 15 | Sen | Eliminate Pass-Through Funding-Boys & Girls Club | (400,000) | |
| 16 | Sen | Eliminate Pass-Through Funding-Governor's 1 on 1 | (1,645,545) | |
| 17 | Sen | Eliminate Security Service Agreement | (110,717) | |
| 18 | Sen | Eliminate the Treatment Training Reserve | (250,000) | |
| 19 | Sen | Close the Samarkand YDC | (5,048,253) | (63) |
| 20 | Sen | Close Dobbs YDC | (6,986,859) | (85) |
| 21 | | Reduce Purchased Services Contracts (2100): 3% | (189,629) | |

Fiscal Research Division, 05/19/2009

7/20/09
10:30 am.

# 2009-10 DJJDP Spending Reduction Proposals

| | |
|---|---|
| **DJJDP Proportional Spending Reduction Target** | (27,470,832) |
| **Subtotal** | (34,460,648) |
| **Difference from Spending Reduction Target** | **6,989,816** |

| # | | Item | 2009-10 $ | 2009-10 positions |
|---|---|---|---|---|
| 1 | | Eliminate Continuation Budget Increases | (7,753,573) | |
| 2 | Gov | Eliminate Seven Central Office Positions | (426,955) | (7) |
| 3 | Gov | Reduce Appropriation for Furniture | (218,393) | |
| 4 | Gov | Eliminate Alternative to Detention Contract | (43,885) | |
| 5 | Gov | Reduce Eckerd Wilderness Camp Rate | (1,435,000) | |
| 6 | Gov | Eliminate the Support Our Students program | (6,627,532) | (3) |
| 7 | Gov | Eliminate Youth Development Center positions (vacant) | (948,994) | (19) |
| 8 | Sen | Reduce Pass-Through Funding- Project Challenge by 10% | (16,000) | |
| 9 | | Eliminate Project Challenge (difference between total & 10%) | (144,000) | |
| 10 | Sen | Close the Alamance Multi-Purpose Home | (600,000) | |
| 11 | Sen | Reduce Pass-Through-Juvenile Assessment Center by 10% (Cumberland County) | (16,543) | |
| 12 | | Eliminate Pass-Through-Juvenile Assessment Center (difference between total & 10%) | (148,891) | |
| 13 | Sen | Eliminate the CPSV | (474,923) | (6) |
| 14 | Sen | Eliminate vacant positions 20-YDC positions, other court counselors | (974,956) | (25) |
| 15 | Sen | Eliminate Pass-Through Funding-Boys & Girls Club | (400,000) | |
| 16 | Sen | Eliminate Pass-Through Funding-Governor's 1 on 1 | (1,645,545) | |
| 17 | Sen | Eliminate Security Service Agreement (prob. resolved) | (110,717) | |
| 18 | Sen | Eliminate the Treatment Training Reserve | (250,000) | |
| 19 | Sen | Close the Samarkand YDC (filled and vacant positions) | (5,048,253) | (63) |
| 20 | Sen | Close Dobbs YDC Dept expressed concerns regarding Dept. | (6,986,859) | (85) |
| 21 | | Reduce Purchased Services Contracts (2100): 3% | (189,629) | |

Fiscal Research Division, 05/19/2009

05/20/2 -
8:30 am

# Judicial Department Reduction Options - FY 2009-11

| | | | FY 2009-10 | | | FY 2010-11 | | |
|---|---|---|---|---|---|---|---|---|
| Item # | Agency | Item | R | NR | # | R | NR | # |
| | | **Governor** | | | | | | |
| 1 | AOC | Reduce Various Operating Accounts | (950,000) | | | (950,000) | | |
| 2 | AOC | Freeze Step Increases for Magistrates and Clerks | | (2,324,864) | | | (6,390,013) | |
| 3 | AOC | Dispute Resolution Centers Funding | (159,932) | | | (159,932) | | |
| | | (Mediation Network Funding?) | | | | | | |
| | | | | | | | | |
| | | **Senate** | | | | | | |
| 4 | AOC | Reduce Information Technology Funding | (977,499) | | | (977,499) | | |
| 5 | AOC | Eliminate Vacant AOC Administrative Positions | (621,720) | | (8) | (621,720) | | (8) |
| 6 | AOC | Eliminate Telephone System Line Items | (4,613,429) | | | (4,613,429) | | |
| 7 | AOC | Reduce Pass-Through Funding to the NC State Bar | (210,000) | | | (210,000) | | |
| 8 | AOC | Eliminate Superior Court Judge Travel Allowance | (672,000) | | | (672,000) | | |
| | | | | | | | | |
| | | **Other Potential AOC Reductions** | | | | | | |
| 13 | AOC | House Adjustment to remove CB increases | (22,601,252) | | | (31,565,038) | | |
| 14 | AOC | Eliminate 5 Special Superior Court Judge positions upon expiration of current term (upcoming biennium) | (311,497) | | (3) | (587,053) | | (5.00) |
| 15 | AOC | Eliminate Drug Treatment Court | (1,952,147) | | (30) | (1,952,147) | | (30.00) |
| 16 | AOC | Eliminate Family Court (Core mission?) | (2,812,739) | | (53) | (2,812,739) | | (53.00) |
| 17 | AOC | Eliminate Dispute Mediation (Core mission?) | (1,614,316) | | | (1,614,316) | | |
| 18 | AOC | Eliminate DA Conference funding (Core mission/pass thru) | (401,289) | | (5) | (401,289) | | (5.00) |
| 19 | AOC | Eliminate Clerks Conference funding (Core mission/pass thru) | (121,401) | | (2) | (121,401) | | (2.00) |
| 20 | AOC | Eliminate 20% Program Supervisor and District Administrator positions | (1,473,136) | | (23) | (1,473,136) | | (23.00) |
| 21 | AOC | Reduce VWLA from 1 for every 1.35 ADA to 1 for every 2 ADA's (Victims Witness Legal Assistants) | (7,019,017) | | filled (155) | (7,019,017) | | (155.00) |
| 22 | AOC | Reduce clerks by 10% | (11,574,473) | | filled (269) | (11,574,473) | | (269.00) |
| 23 | AOC | Eliminate NC State Bar funding (pass thru) | (1,200,000) | | | (1,200,000) | | |
| 24 | AOC | Eliminate all DA Investigator Positions | (2,171,040) | | (45) | (2,171,040) | | (45.00) |

# Judicial Department Reduction Options - FY 2009-11

| Item # | Agency | Item | FY 2009-10 R | FY 2009-10 NR | FY 2009-10 # | FY 2010-11 R | FY 2010-11 NR | FY 2010-11 # |
|---|---|---|---|---|---|---|---|---|
| 25 | AOC | Eliminate 27 vacant courtroom positions authorized in FY 2007 and 2008 (excludes clerks & VWLAs) | (1,471,450) | | (27) | (1,471,450) | | (27.00) |
| 26 | AOC | Eliminate all vacant AOC HQ positions | (2,502,223) | | (36) | | | |
| | | | | | | | | |
| | | $79m / $36 fees *Total AOC* | (65,430,560) | | (656) | (72,167,679) | | (622) |
| | | | | | | | | |
| | | **New Fee Court Fee Proposals** | | | | | | |
| 29 | AOC | Safe Roads Fee to Highway Fund for DWI and speeding in excess of 30 mph: *$350* | 4,267,935 | | | 4,267,935 | | |
| 30 | | Reinstate & Expand Failure to Comply Fee: *$50* | 1,570,445 | | | 1,648,967 | | |
| 31 | | Increase divorce fee from *$75* to *$100* | 905,125 | | | 905,125 | | |
| 32 | | Increase marriage fee from *$25* to *$100* to equal divorce fee | | | | | | |
| 33 | | Increase foreclosure filing fee from *$75* to *$150* | 4,046,625 | | | 4,046,625 | | |
| 34 | | Increase criminal records check fee from *$15* to *$25* | 1,750,000 | | | 1,750,000 | | |
| 35 | | New fee for voluntary dismissals and prayers for judgement - traffic: *$93* | 7,000,000 | | | 7,000,000 | | |
| | | | | | | | | |
| | | **Total AOC Proposed New Fee Revenue** | **19,540,130** | | | **19,618,652** | | |
| | | | | | | | | |
| | | | | | | | | |
| | | **Governor** | | | | | | |
| | | | | | | | | |
| | OIDS | Reduce Aid to Center of Death Penalty Litigation | (59,000) | | | (59,000) | | |
| | OIDS | Reduce Prisoner Legal Services Funds | (124,407) | | | (124,407) | | |
| | OIDS | Reduce PAC Fund | (5,000,000) | | | | | |
| | OIDS | Eliminate Sentencing Services Program | (2,830,291) | | (11.00) | (2,830,291) | | (11.00) |
| | OIDS | Eliminate Attorney Fee Coordinator Position | (45,730) | | (1.00) | (45,730) | | (1.00) |
| | | | | | | | | |
| | | | | | | | | |

# Judicial Department Reduction Options - FY 2009-11

| Item # | Agency | Item | FY 2009-10 | | | FY 2010-11 | | |
|---|---|---|---|---|---|---|---|---|
| | | | R | NR | # | R | NR | # |
| | | **Senate** | | | | | | |
| | OIDS | Reduce Sentencing Services Budget | (283,029) | | | (283,029) | | |
| | OIDS | Adjust PAC Continuation Budget | | | | (8,500,000) | | |
| | | | | | | | | |
| | | **Other Potential Reductions** | | | | | | |
| | | House Adjustment to remove CB increases | (18,475,200) | | | (16,914,406) | | |
| | | Eliminate 20 PD Investigator Positions | (905,041) | | (20.00) | (905,041) | | (20.00) |
| | | Reduce PAC contract rate $10 | (8,500,000) | | | (8,500,000) | | |
| | | Eliminate Center for Death Penalty Litigation passthrough funds | (501,500) | | | (501,500) | | |
| | | | | | | | | |
| | | ***Total OIDS*** | (36,724,198) | | (32) | (38,663,404) | | (32) |
| | | | (# 21.3m target) | | | | | |

## COURT COST AND FEE ADJUSTMENTS: ADDITIONAL PROPOSALS FOR FY 2009 LEGISLATIVE SESSION, May 2009

| | Description | Current Rate | 2009-10 New/Updated Rate | Adjustment (Year 1) | Est. Change in Revenue 2009-10 | 2010-11 New/Updated Rate | Adjustment (Biennium) | Est. Change in Revenue 2010-11 |
|---|---|---|---|---|---|---|---|---|
| [1] | Reinstate & Expand Failure to Comply Fee (see S.L. 2007-323, § 30.8) | $ - | $ 50.00 | $ 50.00 | $ 1,570,445 | $ 50.00 | $ 50.00 | $ 1,648,967 |
| [2] | Marriage Fee (G.S. 7A-309) | $ 25.00 | $ 100.00 | $ 75.00 | ? | $ 100.00 | $ 75.00 | ? |
| [3] | Divorce Fee (G.S. 7A-305(a2)) | $ 75.00 | $ 100.00 | $ 25.00 | $ 905,125 | $ 100.00 | $ 25.00 | $ 905,125 |
| [4] | Foreclosure Filing Fee (G.S. 7A-308) | $ 75.00 | $ 150.00 | $ 75.00 | $ 4,046,625 | $ 150.00 | $ 75.00 | $ 4,046,625 |
| [5] | Record checks (G.S. 7A-308) | $ 15.00 | $ 25.00 | $ 10.00 | ? | $ 25.00 | $ 10.00 | ? |
| [6] | Safe Roads Fee | $ - | $ 350.00 | $ 350.00 | $ 4,267,935 | $ 350.00 | $ 350.00 | $ 4,267,935 |
| [7] | Voluntary dismissals & Prayers for judgement - Traffic | $ - | $ 93.00 | $ 93.00 | $ 7,000,000 | $ 93.00 | $ - | $ 7,000,000 |
| | **GRAND TOTAL** | | | | $ 17,790,130 | | | $ 17,868,652 |

[1] Reinstate fee for failure to comply within 20 days of judgment for a motor vehicle offense. It was never clear why the General Assembly removed the FTC fee in 2007. It may have been an oversight (see S.L. 2007-323, § 30.8). Expand FTC fee to all cases, not just motor vehicle. Revenue estimate is for MV only.

[2,3] Make marriage and divorce fee equal; increase both to $100

[4] Increase foreclosure filing fee from $75 to $150

[5] Increase the fee for name record checks from $15 to $25 to encoure online usage, which places less of a burden on the court system

[6] Impose a fee of $300 for DWI and speeding in excess of 30 mph. Funds to go to the Highway Fund for the Governor's Highway Safety Initiative.

[7] Fee equal to 90% of district court costs for traffic cases that are voluntarily dismissed or prayers for judgment continued. $7M estimate is based on compliance dismissals, and assumes DAs will not waive the costs.

NORTH CAROLINA ADMINISTRATIVE OFFICE of the COURTS

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 20, 2009

The House Appropriations Subcommittee on Justice and Public Safety met at 2:00 p.m. on Wednesday May 20, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Spear, Vice-Chair Representative Sutton, Vice-Chair Representative Warren, Representative Boles, Representative Goodwin, Representative Guice, Representative Jackson, Representative Justus, Representative Mobley, Representative Moore, Representative Randleman and Representative Stevens. Denise Thomas, Doug Holbrook, John Poteat, Jean Sandaire, and Danielle Seale of Fiscal Research were also in attendance. A visitor registration sheet is attached and made part of these minutes.

Representative Bordsen called the meeting to order and recognized Pages and Sergeants-at-Arms. She briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Bordsen asked Representative Sutton to preside in her and Representative Love's absence.

The Chair recognized Jean Sandaire, Fiscal Research Division, for a presentation on potential reductions to the Department of Justice. His handout is included and made part of these minutes.

The Chair opened the meeting for questions.

Representative Guice was recognized. He inquired as to how many of the 81 positions to be eliminated are currently vacant.

Mr. Sandaire responded that he would tally that number and noted that some of the positions were being shifted, and not eliminated.

Greg McLeod, Attorney General's Office, was recognized. He responded that 12 of the positions are filled. He noted this also includes local police.

Representative Boles was recognized. He inquired about the local partnership for the Piedmont Triad Crime Lab and how many counties participated in the pooling of $250,000 for the lab.

Mr. McLeod responded that lots of parties, including the State Bureau of Investigation, participate in contributing to the $250,000. Not every county that is serviced by the lab participated, but a majority did.

Representative Boles inquired if the Crime Lab charged defendant for its work.

Mr. McLeod responded that it does charge for certain crimes.

Mr. Sandaire noted that the caseload of the Piedmont Crime Lab is less than it was in 2005, which is why it was being considered for reduction.

Mr. McLeod noted that in 2005, the Department was dealing with the height of the meth lab crisis.

Representative Spear was recognized. He noted that the reduction list included $2.9 million over the target for reduction. This would be enough money to restore the Crime Lab.

Discussion ensured about the tort fees for school bus accidents.

Jean Sandaire continued with a presentation on potential reductions for the Department of Crime Control and Public Safety. His handout is included and made part of these minutes.

The Chair opened the meeting for questions.

Representative Spear was recognized. He made suggestions to the Subcommittee on items to put back in the budget for the Department.

Mr. Sandaire noted that the Department was working on compiling its own list of alternative cuts.

Representative Moore inquired about the potential loss of federal funds for items 11 and 12.

Mr. Sandaire responded there would be no loss of federal funds for those items.

Representative Moore inquired if the State was allowed to charge higher court costs for certain crimes.

Doug Holbrook was recognized. He responded that he did not believe the State can have different fees for different crimes.

Representative Warren inquired as to whether the fee to attend safe driving school was profitable in the past.

Representative Stevens was recognized. She offered an explanation to the Subcommittee of fees versus fines.

Representative Justus requested that a study be conducted for state, local and federal funding possibilities for the town of Butner.

Leanne Winner, North Carolina School Boards Association, was recognized for comment. She noted that student safety is of utmost importance for school bus drivers. Changing the provision in the budget would not make school buses any safer and would put the insurance situation in jeopardy.

There being no further business, the Chair adjourned the meeting at 2:45 p.m.

Respectfully submitted,

Representative Bordsen
Presiding Chair

Michelle Hall
Committee Assistant

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**May 20, 2009 8:30 A.M. and 2:00 P.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen, Presiding
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Review Potential Department Reductions

- Judicial: AOC and OIDS
  *Denise Thomas*
  *Fiscal Research Division*

- Juvenile Justice & Delinquency Prevention
  *John Poteat*
  *Fiscal Research Division*

- Justice
  *Jean Sandaire*
  *Fiscal Research Division*

- Crime Control & Public Safety
  *Jean Sandaire*
  *Fiscal Research Division*

## III. OTHER BUSINESS

## IV. Next meeting: to be announced

## V. ADJOURNMENT

Rm 415

2PM Mtg.

# VISITOR REGISTRATION SHEET

H. Justice & Public Safety — 5-20-09

Name of Committee — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Neil Woodcock | CCPS, LESS |
| Eddie Caldwell | NC Sheriffs' Assn. |
| Garnette Prantey | NC VAN |
| Marc Nichols | NCSHP CCPS |
| Melissa Lovell | NCDOJ |
| Anthony Allen | NCACC |
| John Smith | AOC |
| Patrick Buffkin | NMRS |
| John Donnan | CCPS-NCEM |
| Rhonda Raney | CCPS |
| Mike Sprayberry | NCEM |
| Guy McCall | NC AOC |

Room 415
2pm

# VISITOR REGISTRATION SHEET

App. Justice + Public Safety — 5/20/09

Name of Committee — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Kristi Hyman | NCDOJ |
| Hilles Roseland | NCDOJ |
| Karen Bowman | NCDOJ |
| Reuben Young | CCAPS |
| Thomas C. Lowe, Jr. | CCPS |
| Bill Church | CCPS-ALE |
| Mr Holyfield | CCPS/BPS |
| Janice Carmichael | CCPS/Victims Comp |
| Mildred Spearman | NCDOC |
| Sheryl Kelly | OSBM |
| Aaron Gallagher | OSBM |

Room 415
2pm

# VISITOR REGISTRATION SHEET

App. Justice + Public Safety — 5/20/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Kathryn Hawks | NCSBI |
| Barbara Moore | Conf. of Clerks of Sup. Ct. |
| Ivan Clark | NCDIC |
| Lonnie Winslow | NCSBM |
| TOM BOWLIN | NC NATIONAL GUARD |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

# House Budget Reduction Options for the Department of Crime Control and Public Safety (CCPS)

| | | |
|---|---|---|
| ***FY 2009-10 Continuation Budget*** | ***$*** | ***43,925,878*** |
| **FY 2009-10 Reduction Target** | **$** | **6,881,139** |
| **FY 2009-10 House Budget Target** | **$** | **37,044,739** |

| | **Governor's Cuts** | | ***Positions*** |
|---|---|---|---|
| 1 | Reduce Various Operating Accounts | (641,147) | |
| 2 | Transfer the Boxing Commission to Receipt -Support | (147,751) | *(2)* |
| 3 | Reduce State Matching Funds | (60,091) | |
| 4 | Replace Floodplain Mapping Appropriation with Receipts | (1,405,098) | *(20)* |
| | | **(2,254,087)** | *(22)* |

| | **Senate Cuts** | | |
|---|---|---|---|
| 5 | Law Enforcement Support Services | (430,336) | *(4)* |
| 6 | Elimination of Two Administrative Staff Positions | (82,685) | *(2)* |
| 7 | Make Bingo Regulation Receipt Supported | (26,600) | |
| 8 | Elimination of the Butner Public Safety Division | (2,617,339) | *(55)* |
| 9 | Reduce Emergency Management Continuation Budget | (1,843,248) | |
| 10 | Reduce NCVAN | (15,000) | |
| 11 | Eliminate NCNG Family Assistance Centers | (420,000) | |
| 12 | Reduce NCNG Tuition Assistance Program | (500,000) | |
| 13 | Reduce Over Realized Receipts | (472,619) | |
| | | **(6,407,827)** | *(61)* |

| | **Other Potential Cuts** | | |
|---|---|---|---|
| 14 | Elimination of Continuation Budget Increases | (3,811,213) | |
| | | **(3,811,213)** | ***(83)*** |

| | |
|---|---|
| **Total Cuts** | **-$12,473,127** |
| *Amount of cuts in excess of reduction target* | *$5,591,988* |

05/20/2009

## House Budget Reduction Options for the Department of Justice (DOJ)

| | |
|---|---|
| ***FY 2009-10 Continuation Budget*** | ***$100,441,147*** |
| **FY 2009-10 Reduction Target** | **$14,801,377** |
| **FY 2009-10 House Budget Target** | **$85,639,770** |

| | **Governor's Cuts** | | | ***Positions*** |
|---|---|---|---|---|
| 1 | Reduce Various Operating Accounts | $ | (215,000) | |
| 2 | Reduce Telecommunication Service Charges | $ | (459,599) | |
| 3 | Shift 2 IT Positions to Receipt Support | $ | (165,905) | *(2)* |
| 4 | Increase SBI Crime Lab Fee | $ | (195,442) | |
| 5 | Eliminate Finger Print Card Program | $ | (15,696) | |
| 6 | Shift Admin. Position to Receipt Support | $ | (44,215) | *(1)* |
| 7 | Eliminate 6 Vacant Positions | $ | (367,641) | *(6)* |
| 8 | Eliminate NC LEAF | $ | (500,000) | |
| | | **$** | **(1,963,498)** | *(9)* |
| | **Senate Cuts** | | | |
| 9 | Reduce CJTS Operating Funds | $ | (1,000,000) | |
| 10 | Eliminate 27 Vacant Positions | $ | (1,221,703) | *(27)* |
| 11 | Shift 21 Consumer Protection Positions to Receipts | $ | (1,400,000) | *(21)* |
| 12 | Maximization of Medicaid Fraud Receovery Efforts | $ | (168,566) | |
| 13 | Reduce SBI Vehicle Replacement Budget | $ | (342,303) | |
| | | **$** | **(4,132,572)** | *(48)* |
| | **Other Potential Cuts** | | | |
| 14 | Elimination of Continuation Budget Increases | $ | (3,562,180) | |
| 15 | Increase GF Availability by Accelerating Senate DPI Tort Claim Proposal | $ | (1,700,000) | |
| 16 | Close Piedmont Triad Regional Crime Lab | $ | (1,168,623) | *(12)* |
| 17 | Eliminate 10 Attorney Positions | $ | (1,030,000) | *(10)* |
| 18 | Recover Agency Cost for DOJ Debt Collection Work | $ | (154,475) | *(2)* |
| 19 | New $2.00 Court Fee for BLET Training and Course Development | $ | (1,000,000) | |
| 20 | New $6.00 Court Fee for Law Enforcement Training | $ | (3,000,000) | |
| | | **$** | **(11,615,278)** | *(24)* |
| | **Total Cuts** | | **-$17,711,348** | ***(81)*** |
| | *Amount of cuts in excess of reduction target* | | *$2,909,971* | |

05/20/2009

MINUTES
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

May 28, 2009
Room 415 Legislative Office Building
8:30 A.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Thursday, May 28, 2009, in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 8:30 a.m. The following House members were present: Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton, and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Moore, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, Danielle Seale, and Denise Thomas.

Representative Love welcomed the pages, Caleb Clark of Wake County (Rep. Stam) and Daniel Sheafer of Surry County (Rep. Stevens); and the Sergeants-at-Arms, Jerald Perry, Frank Prevo, and Reggie Sills and thanked them all for their help.

Representative Love announced that there would be a vote the following Thursday, June 4. The Spending Target Proposal was currently about 78% of the needed target goal indicating that there was still work to do on it. He noted that the Committee should have two handouts, a new Calendar and the House JPS Spending Target Proposal, both of which are incorporated herein as part of these minutes.

**Denise Thomas of the Fiscal Research Division** reviewed the Judicial Department reductions. The Committee followed along using the JPS Reductions handout, a copy of which is attached as part of these minutes. She stated that the Continuation Budget (CB) was to be eliminated in all budgets. For the Administrative Office of the Courts, there would be a 25% reduction in the pass through funding, and Ms. Thomas noted that the Chairs had tried to keep this reduction amount consistent for all pass through items. She said that currently the entire Divorce Fee went to the Department of Administration for women; the proposal now is to raise the fee by $50 and give $25 of the increase to the General Fund. The Traffic fee (Line 11) was discussed in Committee. Line 14, Limit Superior Court Judge Mileage Reimbursement, was still being calculated. Total Reductions were approximately $49.6 million. The total spending target for the entire Justice and Public Safety Department is approximately $2 billion. Ms. Thomas also reviewed the FY 2009-11 proposed budget fees, a copy of which is attached and made part of these minutes.

Questions followed Ms. Thomas's presentation.

Representative Jackson questioned the 3 and 5 positions expiring in Line 6 and wondered where they were located. Ms. Thomas replied that she would get the information to him before the meeting was over.

Representative Sutton said that he had a problem with Line 11, charging fees for voluntary dismissals. He stated that it seemed that it would occupy more trial time to have a trial to find someone not guilty. Representative Stevens concurred. Greg Stahl, Administrative Office of the Courts, stated that this fee was for compliance violations only which allows negotiation of conditions. When a person shows that he/she has complied, there is a negotiated dismissal. Ms. Thomas noted that the fee would be $93. Greg Stahl said that it would just be a general Court of Justice fee for District Court only.

Representative Guice wondered about Line 7, Reinstate and Expand Failure to Comply Fee ($50). Greg Stahl replied that the failure to comply fee had been passed several years ago and was inadvertently removed last year when other fees were put in place. Representative Guice (follow-up) asked if it meant, for example, someone brought back to court due to violation of probation. Greg Stahl said yes.

Representative Justus wondered if the pass-through money that goes to the Sentencing Commission and Judicial Standards came into play. Ms. Thomas said that the Chairs looked at those commissions; if they eliminated 25% of these funds, would have eliminate most or all of their operating funds. Representative Justus (follow up) asked if the Conferences of District Attorneys and Clerks were still in the budget. Ms. Thomas said that so far, they remained in the budget. Representative Boles stated that in this round of cuts, no positions were lost except those judges as they retire and wondered further if there were any vacancies. Ms. Thomas said so far, there are no filled positions that would be eliminated in the AOC budget. Currently, the vacancies are still there and if not eliminated, if the hiring freeze were eliminated, they could be filled.

Representative Sutton referred to Line 12, Safe Roads Fee, and wondered if the $350 fee was in additional fine which the Courts wanted to impose to which Ms. Thomas replied that it was.

**Denise Thomas, Fiscal Research Division,** reviewed the reductions to the Office of Indigent Defense Services (OIDS). She noted that the PAC contract rate was being reduced by $5.00 per hour, from $75 to $70 per hour and that Sentencing Services was being eliminated. The total reduction target for OIDS was approximately $25.5 million. There were no questions.

**Jean Sandaire, Fiscal Research Division,** presented the reductions in budget for the Department of Justice. He noted that there were approximately $17 million in reductions identified of which 69 staff positions were being affected – 45 positions were being eliminated with the remainder being shifted either to receipt support or to other areas. The House received a reduction target of $14.8 million bring the spending target to $85.6 million.

Questions followed.

Representative Stevens said that it appeared that only 15 positions in Line 36 were being cut and wondered what they were. Mr. Sandaire replied that they were staff positions and that the agency was being given the flexibility to determine which positions would be cut. Representative Stevens asked what percentage was the reduction in lines 37 and 38. Mr. Sandaire said that it was approximately $1 million in the budget, approximately a 10-11% decrease for Line 37. In Line 38, equipment, the reduction was less than 10%, the budget being approximately $3.4 million.

Representative Sutton wondered if any consideration had been given to closing one of the SBI labs. Representative Love said there had not. Mr. Sandaire said they had been instructed not to put it on the list. Representative Love said that he and Representative Bordsen had made a tentative decision to close one. Representative Sutton (follow-up) asked if Lines 21-38 were not final, why were they listed and not the lab. Representative Bordsen said that it should have been on the list. Representative Sutton asked if it was special consideration or oversight. Representative Love said he thought it was an oversight; it should be on the list.

Representative Spear, referring to Line 35, asked about the fee. Mr. Sandaire stated that it was $10, court costs.

Representative Warren asked if there was a way to reach the target without closing the lab. Mr. Sandaire responded that the Justice Department exceeded the target by about $2.2 million without the lab. Representative Bordsen said that nothing was final at this time.

Representative Sutton noted that even if all the cuts for all the departments were accepted, JPS would still be short of the goal. Representative Love agreed and added that it would be by about 20%. Greg McLeod of the NC Attorney General's Office said that they had spoken to the Triad lab and had offered up additional items to be cut so as not to have to cut the lab. Representative Love said that they had encountered several items that were difficult to cut and he was glad that Committee members were raising the issues; he and Representative Bordsen wanted to hear all of the problems.

Representative Boles asked about the 44 positions which Jean Sandaire pointed out were actually 45 positions to be eliminated. John Poteat noted that while they were listed as cuts, some of the positions would probably become receipt-supported.

**John Poteat, Fiscal Research Division,** then presented the reductions proposed for the Department of Juvenile Justice and Delinquency Prevention. The reduction target was $27.4 million. Questions followed.

Representative Mobley, referring to Line 47, wondered where the additional multipurpose home closings would be. Mr. Poteat said that the Department had not yet decided. Theresa Price, Department of Juvenile Justice and Delinquency Prevention (DJJDP), added that the Department had not been notified yet. Representative Mobley (follow-up) referred to Line 55 and asked if that reduction was across the board. Mr. Poteat said that across the counties, yes. The JCPC's and CJPP were treated a little differently than other pass-throughs as they were on the

Sentencing Grid and provide court-ordered sanctions and so only received a 7% reduction. Representative Mobley (follow-up) asked about Line 51 and asked if it had been eliminated across the state to which Mr. Poteat responded yes, this isn't the only source of after-school program funding that exists in the state.

Representative Stevens asked if in Line 50, the proposal was to close camps or reduce the rates. Mr. Poteat said that one camp was to close and it was still to be determined whether the number of days offenders stayed or the rates the State paid would be reduced. Representative Stevens (follow-up) then asked if the Justice Department had become its own LEA, its own school. Linda Hayes, Secretary, DJJDP, said that the Department had looked at this in the past and were still working on getting funding. Mr. Poteat added that it's treated as an LEA for testing purposes but not for funding purposes. Steve Shaber, General Lobbyist for Eckerd Wilderness Camps, said that Eckerd has proposed a mechanism for taking a $2.5 million cut and close 2 camps which would not affect the population served.

Representative Mobley asked what the projected closing date of Dobbs YDC (line 54) was. Secretary Hayes replied that according to the Senate budget by September 1. Representative Mobley (follow-up) asked if the 51 positions were just for Dobbs to which Secretary Hayes replied yes. Representative Mobley (follow-up) asked if anyone was retiring or had any thought been given to shifting people to other facilities. Secretary Hayes said that it was a problem to RIF so quickly. Linda Washington, DJJDP, added that currently there were 14 vacancies at Dobbs, another 5-6 were considering early- or full-service retirement, and the Department hoped to shift the remainder to Lenoir or other facilities. Representative Hurley asked if these reductions would result in the loss of matching funds. Secretary Hayes said that they would lose TANF funds which were not included and Americorps funds for one-on-one programs.

**Doug Holbrook, Fiscal Research Division,** gave an overview of the proposed reductions for the Department of Correction. The reduction target out of its $1.3 billion would be $220 million. Today, reductions equal about $121.5 million. He noted that of the 815 positions proposed to be cut, 90% are currently filled. Among other significant reductions, Mr. Holbrook noted line 77, Eliminate Jail Misdemeanant Payments, would be eliminated. Currently, the State has responsibility for offenders with active sentences after 90 days. Counties get paid $18.00 per day for days 30-90, and this proposal would eliminate this payment. Line 78 activates the statute that counties must provide free space for probation officers; currently, 89 counties charge the state for this. Referring to Lines 79 and 80, Mr. Holbrook said that the State proposed to reduce contract rates by 5%. Lines 81 and 82 were the elimination of some posts within prisons. Questions followed.

Representative Jackson, referring to line 77, wondered if the amount indicated was based on current law or special provision. Mr. Holbrook said that it represented what was actually being spent. Representative Justus asked why some programs had a 25% reduction and others had only a 5% reduction. Mr. Holbrook said that 25% reductions were pretty standard across the board for all the agencies' non-profit pass-throughs. Mary Frances and Evergreen were by direct contract for which changes could be made to the rate, so 5% was the amount suggested. Criminal Justice Partnership Program was cut by only 10% because it provides actual intermediate sanctions that are mentioned in statutes, so we tried to minimize the damage.

Representative Spear asked for a county-by-county breakdown for line 77. Mr. Holbrook said that it could be provided. Representative Spear (follow-up) wondered about lines 81 and 82 and if the totals were submitted by DOC. Mr. Holbrook stated that the Department of Correction submitted these two items to the Governor. Representative Boles asked if there was a difference between posts and positions. Mr. Holbrook said there was a difference and reducing the number of posts would result in a loss of positions. He went on to say that a "post" is an activity to which a "position" is assigned. Frank Rogers, Deputy Secretary, Department of Correction (DOC), noted that when staffing a prison, an analysis of the number of posts needed for security purposes is done. If posts are eliminated, positions can be reduced. If a post/position is eliminated, a reassessment of completed on how to move officers from post to post.

Representative Stevens wondered if it was feasible to keep 1 or 2 prisons open for medical reasons to reduce costs. Mr. Holbrook said that the Governor's budget had $39 million was built in. In the Special Provisions is a proposal to cap medical payments to 150% of Medicaid. There could be some savings realized by using some prison facilities. Representative Moore wondered how prisons could be closed if crime was on the increase. Mr. Holbrook replied that when looking at closures, the Department is backing out costs by double bedding and increasing capacity at other, larger facilities. Representative Moore (follow-up) wondered how many inmates were being turned loose. Mr. Holbrook said that none were. Representative Bordsen added that over the next one to two years, the Legislature is going to have to look closely at prison populations. Representative Sutton said that some of the elderly inmates should be turned loose and put with their families.

Representative Sutton referenced Line 69, Our Children's Place, and noted that it had never been in operation. Mr. Holbrook said that they were a non-profit program that had been working a number of years to develop a program model to keep children with mothers serving time. All of the money was program planning money. Representative Sutton stated that the program needed to be eliminated. Representative Love said they were looking at eliminating it.

Representative Justus suggested that the smaller facilities remain open to care for Medicaid patients/prisoners. Representative Guice said he understood the need to close prisons but didn't understand why the State had to eliminate the Jail Misdemeanant Payments. Mr. Holbrook said the amount was $18/day; the $40/day rate was still in place. Representative Love said to review the Special Provisions. Representative Boles asked if there were any prisons currently under construction. Mr. Holbrook said that there would be about 1000 new beds coming on line in 2010-2011 which will decrease the overcrowding. These are add-ons to existing prisons.

The meeting adjourned at 9:50 a.m.

Respectfully Submitted,

Representative Jimmy Love
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: House Appropriation Schedule as of 5/26/09
House JPS Spending Target Proposal
House JPS Reductions (dated 05/27/2009)
Draft Special Provision (modified 5/27/09)
House Appropriations Subcommittee On Justice and Public Safety
FY 2009-11 Budget Fee Proposals May 28,2009

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Thursday, May 28, 2009
**TIME:** 8:30 am
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

Review potential Justice and Public Safety budget reductions

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10:30 a.m.** o'clock on **May 26, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**May 28, 2009 8:30 A.M**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen
Representative Jimmy Love, Presiding

## II. PRESENTATIONS

Opening Remarks by Chairs

Review Progress on JPS Budget Target

- Judicial: AOC and OIDS
  *Denise Thomas*
  *Fiscal Research Division*

- Juvenile Justice & Delinquency Prevention
  *John Poteat*
  *Fiscal Research Division*

- Justice
  *Jean Sandaire*
  *Fiscal Research Division*

- Crime Control & Public Safety
  *Jean Sandaire*
  *Fiscal Research Division*

Committee Comments and Discussion

## III. OTHER BUSINESS

## IV. Next meeting: to be announced

## V. ADJOURNMENT

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 5/28/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| SUSAN E. BROOKS | IDS/ SENTENCING SERVICES |
| Ron Kaylor | NCALE |
| Roger Hutchings | CCPS/ACE |
| Glenn Allen | Nelson Mullins |
| Sara Thomas | NC SENTENCING COMM. |
| Susan Katzenelson | -"- |
| Austin Ferguson | Student |
| HORRIN FREEMAN | WCo. Clerk of Sup Ct. |
| Barbara Mare | Conf of Clerks of Sup Ct |
| Becky Spreagins | CSC Halifax Co- |
| Kathryn Hunter | NCSOS |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 5/28/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Rex Whaley | AOC |
| Kim Howell | AOC |
| John W Smith | AOC |
| [illegible] | [illegible] |
| CASANDRA WHITE | AOC |
| Denna Weston | Summit House |
| Barbara Baker | DOC |
| Frank Rogers | DOC |
| Pee Dove | Conf. of DAs |
| Tom Barrett | NCVAN |
| Thomas Mahr | JPS |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety 5/28/09

**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Mildred Spearman | NCDOC |
| Eddie Caldwell | NC Sheriffs' Assn. |
| Leo Rubert | CYPE |
| Colleen Kachmet | KLG |
| Jon Williams | CCPS |
| Daniel Blum | K&L Gates |
| Ron Broad | NCBA |
| Sarah Preston | ACLU-NC |
| | |
| | |
| | |
| | |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety 5/28/09

**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Melissa Radcliff | Our Children's Place |
| Cheryl Reed | OSBM |
| Sheryl Kelly | OSBM |
| Aaron Gallagher | OSBM |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety / 5/28/09

**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Kathy Dudley | DJJDP |
| Keith Sutton | DJJDP |
| Neil Woodcock | CCPS, LESS |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| John Dorman | CCPS-NCEM-GTM |
| J Carmichael | CCPS- Victims Compensation |
| Mal Hobgood | CCPS - Butner Public Safety |
| WC Church | CCPS - ALE |
| TOM BOWLIN | NC NATIONAL GUARD |
| LTC Keith Pearce | NC National Guard |
| Anne Tedrow | Passage Home - Harriett's House |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety 5/28/09

**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| NELS ROSELAND | AGO |
| [signature] | NCAGO |
| [signature] | CCS |
| [signature] | Bryan Cave |
| Meenal Khajuria | NC metro Mayors Coalition |
| [signature] | DJJDP |
| [signature] | DJJDP |
| GRADY STEPHENSON | DJJDP |
| RUBIN JENKINS | DJJDP |
| [signature] | DJJDP |
| [signature] | DJJDP |

# House Appropriations Schedule as of 4/26/09

## May

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 **MOTHER'S DAY** | 11 | 12 **House Subcommittees** (8:30 only) -Receive Targets | 13 **House Subcommittees** (8:30 only) | 14 **House Subcommittees** (8:30 only) **- CROSSOVER** | 15 **House Subcommittees** | 16 |
| 17 | 18 **House Subcommittees** | 19 **House Subcommittees** | 20 **House Subcommittees** | 21 **House Subcommittees** | 22 **House Subcommittees** | 23 |
| 24 | 25 **MEMORIAL DAY** | 26 **House Subcommittees** | 27 **Subcommittees Complete Work** | 28 **House Subcommittees** -Report to Full Chairs | 29 | 30 |
| 31 | | | | | | |

2009

# House Appropriations Schedule as of 5/20/09

## June

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | **1** **House Subcommittees** Report to Full Chairs starting @ 2 | **2** **House Subcommittees** -Report to Full Chairs | **3** **House Subcommittees** -Report to Full Chairs | **4** **House Subcommittees Vote** | **5** **House Subcommittees Vote** | **6** |
| **7** | **8** **House Full Appropriations** | **9** | **10** | **11** **House Passes Bill** | **12** | **13** |
| **14** | **15** | **16** | **17** | **18** | **19** | **20** |
| **21** **FATHER'S DAY** | **22** | **23** | **24** | **25** | **26** | **27** |
| **28** | **29** | **30** **CONFERENCE REPORT ADOPTED** | | | | |

2009

# House JPS Spending Target Proposal

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|
| Agency | FY 2009-10 Continuation Budget | FY 2009-10 Continuation Budget % | Agency Share Subtotal of 2009-10 Target | FY 2009-10 Fee Credit | Adjusted Agency Reductions After Adjusting for Fees | FY 2009-10 House Budget Target | FY 2009-10 Agency Reductions Identified as of May 28th | Reductions as % of Target |
| Correction | 1,384,910,571 | 59.4% | (220,568,599) | 500,000 | (220,068,599) | **1,164,841,972** | (121,512,466) | **55%** |
| Judicial-AOC | 497,649,235 | 21.3% | (79,258,399) | 35,633,291 | (43,625,108) | **454,024,127** | (49,616,828) | **114%** |
| Judicial- OIDS | 133,881,190 | 5.7% | (21,322,667) | 0 | (21,322,667) | **112,558,523** | (25,542,408) | **120%** |
| Justice | 100,441,147 | 4.3% | (15,996,819) | 1,195,442 | (14,801,377) | **85,639,770** | (17,031,657) | **115%** |
| Juvenile Justice | 172,484,415 | 7.4% | (27,470,832) | 0 | (27,470,832) | **145,013,583** | (29,622,563) | **108%** |
| Crime Control | 43,925,878 | 1.9% | (6,995,881) | 114,742 | (6,881,139) | **37,044,739** | (18,165,564) | **264%** |
| **Total JPS** | **2,333,292,436** | | **(371,613,197)** | **37,443,475** | **(334,169,722)** | **1,999,122,714** | **(261,491,486)** | **78%** |

**JPS HOUSE TARGET ( 5/18/09):** **1,999,122,714**

**Target Compared to 2008-09 Authorized Budget:** **-9.6%**

**Target Compared to FY09-10 Continuation Budget:** **-14.3%**

**Target Compared to FY09-10 Governor's Budget:** **-9.2%**

**Target Compared to FY09-10 Senate Budget:** **-7.8%**

Fiscal Research Division, as of 05/27/2009

# JPS l___uctions

| | 2009-10 | 2010-11 |
|---|---|---|
| JPS House Target | **1,999,122,714** | **1,970,883,940** |
| JPS Continuation Budget | 2,333,292,436 | 2,364,516,597 |
| JPS House Spending Subtotal | (266,260,383) | (317,992,566) |
| **Availability for Adjustments** | **(67,909,339)** | **(75,640,091)** |

| Item # | Item | House 2009-10 R | NR | # | House 2010-11 R | NR | # |
|---|---|---|---|---|---|---|---|
| | **Administrative Office of the Courts** | | | | | | |
| 1 | Eliminate CB Increases | (18,767,758) | | | (28,031,544) | | |
| 2 | Dispute Resolution Centers Funding | (399,829) | | | (399,829) | | |
| 3 | Reduce Pass-Through Funding to the NC State Bar | (250,000) | | | (250,000) | | |
| 4 | Eliminate Pass-Through Land Loss Protection | (100,000) | | | (100,000) | | |
| 5 | Eliminate Telephone System Line Items | (3,927,583) | | | (3,927,583) | | |
| 6 | Eliminate Special Superior Court Judge positions (expiration) | (311,497) | | (3.0) | (587,053) | | (5.0) |
| 7 | Reinstate & Expand Failure to Comply Fee ($50) | (1,570,445) | | | (1,570,445) | | |
| 8 | Divorce Fee (from $75 to $125)--give $25 to Gen Gov | (1,810,250) | | | (1,810,250) | | |
| 9 | Foreclosure Filing Fee (from $75 to $150) | (4,046,625) | | | (4,046,625) | | |
| 10 | Record checks (from $15 to $25) | (1,741,080) | | | (1,741,080) | | |
| 11 | Voluntary dismissals - Traffic (new) | (7,000,000) | | | (7,000,000) | | |
| 12 | Safe Roads Fee (new - $4.3 M to Hwy Fund) | (4,300,000) | | | (4,300,000) | | |
| 13 | Recoup administrative costs of non-General Fund revenue collection per G.S. 115C-437 (10%) | (5,366,761) | | | (5,366,761) | | |
| 14 | Limit Superior Court Judge Mileage Reimbursement | | | | | | |
| 15 | Reduce Financial Protection Law Center Pass through | (25,000) | | | (25,000) | | |

| Item # | Item | House 2009-10 R | House 2009-10 NR | House 2009-10 # | House 2010-11 R | House 2010-11 NR | House 2010-11 # |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | **Office of Indigent Defense Services** | | | | | | |
| 16 | Eliminate CB Increases | (18,475,200) | | | (16,914,406) | | |
| 17 | Reduce Sentencing Services Budget | (2,629,629) | | (11.5) | (2,629,629) | | (11.5) |
| 18 | Reduce Aid to Center of Death Penalty Litigation | (125,375) | | | (125,375) | | |
| 19 | Reduce Prisoner Legal Services Funds (5%) | (62,204) | | | (62,204) | | |
| 20 | Revised PAC Contract Rate | (4,250,000) | | | (4,250,000) | | |

| Item # | Item | House 2009-10 NR | # | House 2010- R | NI | # |
|---|---|---|---|---|---|---|
| | | | | | | |
| | **Department of Justice** | | | | | |
| 21 | Eliminate CB Increases | (3,562,180) | | (4,106,298) | | |
| 22 | Shift Position to Receipt Support | (44,215) | (1.0) | (44,215) | | (1.0) |
| 23 | Reduce Various Operating Accounts | (215,000) | | (215,000) | | |
| 24 | Eliminate vacant positions | (1,221,703) | (24.0) | (1,221,703) | | (24.0) |
| 25 | Shift Consumer Protection Positions | (1,400,000) | (21.0) | (1,400,000) | | (21.0) |
| 26 | Eliminate 6 Vacant Positions | (367,641) | (6.0) | (367,641) | | (6.0) |
| 27 | Reduction in NC LEAF funding | (125,000) | | (125,000) | | |
| 28 | Maximization of Medicaid Fraud Recovery Efforts | (168,566) | | (168,566) | | |
| 29 | Reduce Telecommunication Service Charges | (459,599) | | (459,599) | | |
| 30 | Eliminate the Fingerprint Card Program | (15,696) | | (15,696) | | |
| 31 | Shift Positions to Receipt Support | (165,905) | (2.0) | (165,905) | | (2.0) |
| 32 | Increase SBI Crime Lab Fee | (195,442) | | (390,884) | | |
| 33 | Eliminate vacant positions | (1,221,703) | (27.0) | (1,221,703) | | (27.0) |
| 34 | SBI Vehicle Replacement | (342,303) | | (342,303) | | |
| 35 | Criminal Justice Training Standards fee | (7,127,937) | | (9,503,917) | | |
| 36 | Eliminate Attorney positions | (1,030,000) | (15.0) | (1,030,000) | | (15.0) |
| 37 | Reduce SBI OT budget | (121,841) | | (121,841) | | |
| 38 | Reduce SBI Equipment | (442,368) | | (442,368) | | |

| Item # | Item | House 2009-10 R | House 2009-10 NR | House 2009-10 # | House 2010-11 R | House 2010-11 NR | House 2010-11 # |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | **Department of Juvenile Justice** | | | | | | |
| 39 | Eliminate CB Increases | (7,753,573) | | | (7,894,131) | | |
| 40 | Eliminate Central Office Positions | (426,955) | | (7.0) | (426,955) | | (7.0) |
| 41 | Reduce Appropriation for Furniture | | (218,393) | | | (218,393) | |
| 42 | Reduce Legal Services | (58,848) | | | (58,848) | | |
| 43 | Eliminate the CPSV | (474,923) | | | (474,923) | | |
| 44 | Eliminate Alternative to Detention Contract | (43,885) | | | (43,885) | | |
| 45 | Eliminate Pass-Through Funding-Boys & Girls Club | (400,000) | | | (400,000) | | |
| 46 | Reduce Pass-Through Funding- Project Challenge | (40,000) | | | (40,000) | | |
| 47 | Close three Multi-Purpose Homes | (1,800,000) | | | (1,800,000) | | |
| 48 | Eliminate Pass-Through Funding-Governor's 1 on 1 | (1,645,545) | | | (1,645,545) | | |
| 49 | Eliminate Pass-Through-Juvenile Assessment Center | (165,434) | | | (165,434) | | |
| 50 | Reduce Eckerd Wilderness Camp Rate | (4,305,702) | | | (4,305,702) | | |
| 51 | Eliminate the Support Our Students program | (6,627,532) | | (3.0) | (6,627,532) | | (3.0) |
| 52 | Eliminate Youth Development Center positions | (948,994) | | (19.0) | (948,994) | | (19.0) |
| 53 | Close Camp Woodson | (1,050,000) | | (21.0) | (1,050,000) | | (21.0) |
| 54 | Close Dobbs YDC | (2,260,472) | | (51.0) | (2,260,472) | | (51.0) |
| 55 | Reduce JCPC County Allocation (7%) | (1,620,700) | | | (1,620,700) | | |

| Item # | Item | House 2009-10 | | | House 2010- | | |
|---|---|---|---|---|---|---|---|
| | | | NR | # | R | NI | # |
| | **Department of Correction** | | | | | | |
| 56 | Eliminate CB Increases | (85,565,130) | | | (107,193,236) | | |
| 57 | Close McCain Correctional Hospital | (1,391,988) | | (234.0) | (15,491,279) | | (234.0) |
| 58 | Eliminate Positions | (4,369,668) | | (87.0) | (4,369,668) | | (87.0) |
| 59 | Close Umstead and Guilford Correctional Centers | (3,473,117) | | (95.0) | (4,627,854) | | (95.0) |
| 60 | Eliminate BRIDGE Program | (263,470) | | (7.0) | (263,470) | | (7.0) |
| 61 | Close Gates, Haywood, & Union Correctional Centers | (2,445,093) | | (112.0) | (3,260,124) | | (112.0) |
| 62 | Increase Federal Alien Assistance Receipts | | (872,000) | | | | |
| 63 | Close Wilmington Residential Facility for Women | (300,000) | | (10.0) | (513,298) | | (10.0) |
| 64 | Cap DCC Judicial District Managers | | | | | | |
| 65 | Reduce Pass-Through Funding: CJPP (10%) | (976,045) | | | (976,045) | | |
| 66 | Reduce Pass-Through Funding: Women at Risk | (87,500) | | | (87,500) | | |
| 67 | Reduce Pass-Through Funding: Harriet's House | (68,750) | | | (68,750) | | |
| 68 | Reduce Pass-Through Funding: Summit House | (307,823) | | | (307,823) | | |
| 69 | Reduce Pass-Through Funding: Our Children's Place | (36,500) | | | (36,500) | | |
| 70 | Close Cleveland Correctional Center | (524,946) | | (42.0) | (2,343,922) | | (42.0) |
| 71 | Reduce Job Orders for Repair and Renovation | | (299,259) | | | (299,259) | |
| 72 | Reduce Temporary/Contractual Positions | | (89,788) | | | (89,788) | |
| 73 | Shift Positions to Inmate Welfare Support | (149,056) | | (3.0) | (149,056) | | (3.0) |
| 74 | Shift Construction Contracts to Receipt Support | (200,000) | (600,000) | | (200,000) | (600,000) | |
| 75 | Eliminate Assistant Secretary | (77,046) | | (1.0) | (77,046) | | (1.0) |
| 76 | Welfare Receipts | | (750,000) | | | | |
| 77 | Eliminate Jail Misdemeanant Payments | (10,000,000) | | | (10,000,000) | | |
| 78 | Eliminate DCC Lease space payments | (3,184,849) | | | (3,184,849) | | |
| 79 | Reduce Mary Frances contract (5%) | (156,723) | | | (156,723) | | |
| 80 | Reduce Evergreen contract (5%) | (126,324) | | | (126,324) | | |
| 81 | Eliminate Gym Post positions | (4,780,105) | | (127.0) | (4,780,105) | | (127.0) |
| 82 | Eliminate Visitation Post positions | (1,693,738) | | (62.0) | (1,693,738) | | (62.0) |
| 83 | Reduce Salary Reserve | | (1,000,000) | | | (1,000,000) | |
| 84 | Reduce CO/Lieutenant positions | (1,334,595) | | (35.0) | (1,334,595) | | (35.0) |
| | | | | | | | |

| Item # | Item | House 2009-10 R | House 2009-10 NR | House 2009-10 # | House 2010-11 R | House 2010-11 NR | House 2010-11 # |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | **Crime Control and Public Safety** | | | | | | |
| 85 | Eliminate CB Increases | (3,811,213) | | | (3,990,882) | | |
| 86 | Make the Boxing Authority Receipt Supported | (147,751) | | (2.0) | (147,751) | | (2.0) |
| 87 | Elimination of Administrative Staff Positions | (82,685) | | (2.0) | (82,685) | | (2.0) |
| 88 | Law Enforcement Support Services (LESS) | (430,336) | 430,336 | | (430,336) | | (4.0) |
| 89 | Make Bingo Regulation Receipt Supported | (26,600) | | | (26,600) | | |
| 90 | Butner Public Safety Division | (1,517,339) | | | (1,517,339) | | |
| 91 | Reduce Various Operating Accounts | (641,147) | | | (641,147) | | |
| 92 | Transfer of State Capitol Police to Crime Control | 3,675,861 | | 89.25 | 3,675,861 | | 89.25 |
| 93 | Receipt from DOA for transfer of State Capitol Police | (3,675,861) | | (89.25) | (3,675,861) | | (89.25) |
| 94 | Shift Floodplain Mapping Positions to Receipts | (1,405,098) | | (20.0) | (1,405,098) | | (20.0) |
| 95 | Reduce State Matching Funds | (60,091) | | | (60,091) | | |
| 96 | Reduce funding for NCVAN | (37,500) | | | (37,500) | | |
| 97 | Transfer the National Guard Pension Fund | (7,007,443) | | | (7,007,443) | | |
| 98 | Eliminate Funding for Family Assistance Centers | (420,000) | | | (420,000) | | |
| 99 | Reduce National Guard Tuition Assistance Program | (500,000) | | | (500,000) | | |
| 100 | Budget Over Realized Receipts | (472,619) | | | (472,619) | | |
| 101 | Emergency Management Division | (1,780,093) | | (58.0) | (3,560,186) | | (58.0) |
| | | **(262,861,279)** | **(3,399,104)** | **(1,108.5)** | **(315,785,126)** | **(2,207,440)** | **(1,114.5)** |
| | | **(266,260,383)** | | | **(317,992,566)** | | |

**House Appropriations Subcommittee on Justice and Public Safety**

FY 2009-11 Budget Fee Proposals

May 28, 2009

# HOUSE FY2009-11 COURT FEE PROPOSALS

| | Current | Proposed | |
|---|---|---|---|
| | FY 2008-09 | FY 2009-10 | FY2010-11 |
| **Criminal Fees** | | | |
| **District Court Criminal** | 120.00 | 132.50 | 135.50 |
| *General Court of Justice (GF)* | *95.50* | *103.00* | *105.00* |
| County Facilities Fees | 12.00 | 12.00 | 12.00 |
| Service Fees | 5.00 | 5.00 | 5.00 |
| LEO Retirement Benefits | 7.50 | 7.50 | 7.50 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |
| **Seat Belt Violation** | 124.50 | 133.00 | 136.00 |
| *General Court of Justice* | *75.00* | *103.00* | *105.00* |
| Fine | 25.00 | 25.00 | 25.00 |
| *County Facilities Fees* | *12.00* | *n/a* | *n/a* |
| *Service Fees* | *5.00* | *n/a* | *n/a* |
| *LEO Retirement Benefits* | *7.50* | *n/a* | *n/a* |
| *Telephone/Court Technology* | *n/a* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |
| **Motorcyle/Moped Helmet Violations** | *100.00* | 133.00 | 136.00 |
| *General Court of Justice* | *75.00* | *103.00* | *105.00* |
| Fine | 25.00 | 25.00 | 25.00 |
| *County Facilities Fees* | *12.00* | *n/a* | *n/a* |
| *Service Fees* | *5.00* | *n/a* | *n/a* |
| *LEO Retirement Benefits* | *7.50* | *n/a* | *n/a* |
| *Telephone/Court Technology* | *n/a* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |
| **Superior Court Criminal** | *145.00* | 157.50 | 177.50 |
| *General Court of Justice* | *102.50* | *115.00* | *135.00* |
| Facilities Fees | 30.00 | 30.00 | 30.00 |
| Service Fees | 5.00 | 5.00 | 5.00 |
| LEOB | 7.50 | 7.50 | 7.50 |
| LEO Retirement Benefits | 7.50 | 7.50 | 7.50 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |

# HOUSE FY2009-11 COURT FEE PROPOSALS

| | Current | Proposed | |
|---|---|---|---|
| | FY 2008-09 | FY 2009-10 | FY2010-11 |
| *Failure to Appear* | *100.00* | *200.00* | *200.00* |
| *Voluntary Dismissals & Prayer for Judgments - Traffic* | *n/a* | *93.00* | *93.00* |
| **OFFENDER FEES** | | | |
| **Probation Supervision (monthly)** | 30.00 | | |
| **Community Service** | 200.00 | | |
| **Electronic Monitoring** | 90.00 | | |
| *SBI Lab Fee* | *300.00* | *600.00* | *600.00* |
| *Local Government Crime Lab Fee* | *300.00* | *600.00* | *600.00* |
| **Family Court Supervision Fee (monthly)** | 30.00 | | |
| *Failure to Comply with Judgment (re-instate & expand)* | *0.00* | *50.00* | *50.00* |
| *Violations of G.S. Chapter 20 (traffic)* | *n/a* | *5.00* | *10.00* |
| *Safe Roads Fee for DWI and speeding in excess of 30 mph* | *n/a* | *350.00* | *350.00* |
| *Offender Installment Plan Setup Fee* | *n/a* | *20.00* | *20.00* |
| **CIVIL FEES** | | | |
| **Superior Court - Civil** | *110.00* | *161.00* | *171.00* |
| *General Court of Justice Fees* | *93.00* | 130.00 | 140.00 |
| Facilities Fees | 16.00 | 16.00 | 16.00 |
| Service Fees | 15.00 | 15.00 | 15.00 |
| **District Court** | *104.00* | 109.00 | 111.00 |
| *General Court of Justice Fees* | *73.00* | *78.00* | *80.00* |
| Facilities Fee | 16.00 | 16.00 | 16.00 |
| Service Fee, per item | 15.00 | 15.00 | 15.00 |
| **Divorce Filing Fee - *(in addition to GCJ costs) designated for Displaced Homemakers*** | *75.00* | *125.00* | *125.00* |
| **Magistrate--Civil** | 90.00 | 82.00 | 82.00 |
| *General Court of Justice Fees* | *63.00* | *55.00* | *55.00* |
| Facilities Fees | 12.00 | 12.00 | 12.00 |
| Service Fees | 15.00 | 15.00 | 15.00 |
| **Foreclosures** | 90.00+ | 155.00+ | 155.00+ |
| *General Court of Justice Fees** | *75.00+* | *150.00* | *150.00* |

# HOUSE FY2009-11 COURT FEE PROPOSALS

| | Current | Proposed | |
|---|---|---|---|
| | FY 2008-09 | FY 2009-10 | FY2010-11 |
| Facilities Fee | none | none | none |
| Service Fee, per item | 15.00 | 15.00 | 15.00 |
| *$1.05 remitted to State Bar for Legal Services | | | |
| + plus $.45 per $100 of final sale price ($10 min/$300 max) | + $500 max | + $500 max | + $500 max |

## MISCELLANEOUS FEES & COMMISSIONS

**House Crime Control and Public Safety (CCPS)**
**Fee Proposals/Revenue Enhancement Options - FY 2009-11**

| | | FY 2009-10 | FY 2010-11 |
|---|---|---|---|
| 1 | **Increase Bingo License fee from $100 to $200** - Last raised in 1983, this fee increase will make bingo regulation completely receipt-supported. | $ 26,600 | $ 26,600 |
| 2 | **Increase Boxing Authority Fees** - Increases the Judge licensing fee from $37.50 to $50.00, the Second licensing fee from $37.50 to $50.00 and increase the ticket admission fee from $1.00 to $2.00 to make boxing regulation completely receipt-supported. | $ 88,142 | $ 88,142 |
| 3 | **Increase Butner Public Safety Tax** - Increases the tax collected for police and fire protection services provided by Butner Public Safety from $.25 to $.50 | $ 1,100,000 | $ 1,100,000 |
| 3 | **Law Enforcement Support Services (LESS) Fees** - Requires LESS to establish a fee schedule for implementation on July 1, 2010. | $ - | $ 430,336 |
| 4 | **New $ 10 Division of Emergency Management (DEM) Fee** - $10 increase to the $22 Register of Deeds fee for mortgage filings. Of the new fee amount ($32) $13 will be used for local government operation and $19 will be used to support DEM. | $ 1,780,093 | $ 3,560,186 |
| | ***Total CCPS*** | **$ 2,994,835** | **$ 5,205,264** |

**House Department of Justice (DOJ)**
**Fee Proposals/Revenue Enhancement Options - FY 2009-11**

| | | FY 2009-10 | FY 2010-11 |
|---|---|---|---|
| 1 | **New $10.00 Criminal Justice Training Standards Division Fee** - $10 fee to make the Division completely receipt-supported. Of each $10 collected, $8.00 will used to support the operation of the Division, $1.65 will be used to support the Criminal Justice Training and Standards Commission, and $.35 will be used to support the Sherriffs' Standards Commission. | $ 7,127,937 | $ 9,503,917 |
| 2 | **$300 Increase to the Convicted Criminal Crime Lab Analysis Fee** - Increases the amount that judges would require convicted offenders to pay for evidence analysis costs from $300 to $600. | $ 195,442 | $ 390,884 |
| 4 | **State & Local Cost-Sharing of School Bus Accident Tort Claims** - New requirement that counties would reimburse the General Fund for half of all school bus accident tort claim costs incurred by the State. Currently, the State pays all tort claims. This does not affect JPS' availability but it will increase DPI's G.F. availability as it will reduce the amount they're paying for school bus accident claims. | $ 3,434,072 | $ 3,434,072 |
| | ***Total DOJ*** | **$ 10,757,451** | **$ 13,328,873** |

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H10(S15.10)**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***WEEKLY MILEAGE REIMBURSEMENT FOR SUPERIOR COURT JUDGES***

**SECTION 15.10.** 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 a regular superior court judge shall be paid a weekly mileage reimbursement for each week or fraction of a week that court is in regular or extra session. The amount of the weekly mileage reimbursement for regular judges shall be calculated for each judge by multiplying the actual round-trip mileage from that judge's home to the seat of court 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. A special superior court judge shall be paid the same travel allowance as State employees generally by G.S. 138-6(a)(1) and (2), 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 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H21**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

*MANDATORY APPOINTMENT FEE IN CRIMINAL CASES*

**SECTION #.** G.S 7A-455.1 reads as rewritten:

"**§ 7A-455.1. Appointment fee in criminal cases.**

(a) ~~Each person for whom~~ In every criminal case in which counsel is appointed ~~in a criminal case at the trial level shall~~ at the trial level, the judge shall order the defendant to pay to the clerk of court an appointment fee of fifty dollars ($50.00). No fee shall be due unless the person is convicted.

(b) The mandatory fifty-dollar ($50.00) fee shall be added to any amounts the court determines to be owed for the value of legal services rendered to the defendant and shall be collected in the same manner as attorneys' fees are collected for such representation.

(c) Repealed by Session Laws 2005-250 s. 3, effective August 4, 2005.

(d) Inability, failure, or refusal to pay the appointment fee shall not be grounds for denying appointment of counsel, for withdrawal of counsel, or for contempt.

(e) The appointment fee required by this section shall be assessed only once for each attorney appointment, regardless of the number of cases to which the attorney was assigned. An additional appointment fee shall not be assessed if the charges for which an attorney was appointed were reassigned to a different attorney.

(f) Of each appointment fee collected under this section, the sum of forty-five dollars ($45.00) shall be credited to the Indigent Persons' Attorney Fee Fund and the sum of five dollars ($5.00) shall be credited to the Court Information Technology Fund under G.S. 7A-343.2. These fees shall not revert.

(g) The Office of Indigent Defense Services shall adopt rules and develop forms to govern implementation of this section."

(2)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H22**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***REPORT ON COLLECTION OF INDIGENT APPOINTMENT FEES***

**SECTION #.** The Administrative Office of the Courts shall monitor the collection of indigent appointment fees under G.S. 7A-455.1 and the recoupment rates for each office of the clerk of superior court and shall report quarterly on its findings to the Joint Legislative Commission on Governmental Operations.

3

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H23A

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***ABOLISH TWELVE SPECIAL SUPERIOR COURT JUDGESHIPS***

**SECTION #.** G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a8) Notwithstanding any other provision of this section, and except as to those seats held on July 1, 2009, by Judges Ben Tennille, John Jolly, and Albert Diaz, effective on and after July 1, 2009, any seat established by this section is abolished when any of the following first occurs:

(1) Retirement of the incumbent judge.

(2) Resignation of the incumbent judge.

(3) Removal from office of the incumbent judge.

(4) Failure of the Governor to reappoint the incumbent judge to the same office within 30 days of the expiration of the term of office."

4

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H1**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***AUTHORIZE STATE RETIREES AND LOCAL GOVERNMENTAL EMPLOYEES TO PURCHASE FROM CORRECTION ENTERPRISES***

**SECTION #.** G.S. 148-132 reads as rewritten:

"**§ 148-132. Distribution of products and services.**

The Division of Correction Enterprises is empowered and authorized to market and sell products and services produced by Correction Enterprises to any of the following entities:

(1) Any public agency or institution owned, managed, or controlled by the State.

(2) Any county, city, or town in this State.

(3) Any federal, state, or local public agency or institution in any other state of the union.

(4) An entity or organization that has tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code and also receives local, state, or federal grant funding.

(5) Any current employee or retiree of the State of North ~~Carolina,~~ Carolina or of a unit of local government of this State, verified through State-issued identification, or through proof of retirement status, but ~~a State employee's~~ purchases by a State or local governmental employee or retiree may not exceed two thousand five hundred dollars ($2,500) during any calendar year. Products purchased by State and local governmental employees and retirees under this section may not be resold."

5

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H18**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***PROVISION OF HEALTH CARE SERVICES TO INMATES***

**SECTION #.** The Department of Correction shall seek, whenever possible, to make use of its own hospitals and health care facilities to provide health care services to inmates. To the extent that the Department of Correction must utilize other facilities and services to provide health care services to inmates, the Department shall seek to contract with underutilized community hospitals or other health care facilities in a region to accomplish that goal. In the event that the Department does not have appropriate contracts for services in a region, it shall ensure that the prisoners requiring such health care services are equitably distributed among all hospitals or other appropriate health care facilities in a region.

6

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H19

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*REPEAL REIMBURSEMENT TO COUNTIES FOR INMATES IN THE CUSTODY OF LOCAL CONFINEMENT FACILITIES SERVING SENTENCES OF 30 DAYS OR MORE*

**SECTION #.** G.S. 148-32.1(a) is repealed.

7

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H20

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*ACCOMMODATIONS FOR PROBATION OFFICERS*

SECTION #. G.S. 15-209 reads as rewritten:

"**§ 15-209. Accommodations for probation officers.**

(a) The county commissioners in each county in which a probation officer serves shall provide, in or near the courthouse, suitable office space for such officer.

(b) If a county is unable to provide the space required under subsection (a) of this section for any reason, it may elect to request that the Department of Correction lease space for the officer and receive reimbursement from the county for the leased space. If a county fails to reimburse the Department for such leased space, the Secretary of Correction may request that the Administrative Office of the Courts transfer the unpaid amount to the Department from the county's court and jail facility fee remittances."

8

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H21**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

***RATES FOR INMATE MEDICAL SERVICES***

**SECTION #.** The Department of Correction may pay the contract rate for inmate health services as agreed upon by the Secretary of Correction and the provider, not to exceed one hundred fifty percent (150%) of the Medicaid rate for the same health service.

9

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H17**

10

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representatives Bordsen, Love**

***MISDEMEANOR COMMITMENT TO LOCAL CONFINEMENT FACILITY IF PENALTY IS LESS THAN SIX MONTHS IMPRISONMENT***

**SECTION #.** G.S. 15A-1352 reads as rewritten:

"**§ 15A-1352. Commitment to Department of Correction or local confinement facility.**

(a) A person sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter shall be committed for the term designated by the court to the custody of the Department of Correction or to a local confinement facility. If the sentence imposed for a misdemeanor is for a period of ~~90 days~~ six months or less, the commitment must be to a facility other than one maintained by the Department of Correction, except as provided in G.S. 148-32.1(b).

If a person is sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter, the sentencing judge shall make a finding of fact as to whether the person would be suitable for placement in a county satellite jail/work release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of fact that the person would be suitable for placement in a county satellite jail/work release unit and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the custodian of the local confinement facility may transfer the misdemeanant to a county satellite jail/work release unit.

(b) A person sentenced to imprisonment for a felony under this Article shall be committed for the term designated by the court to the custody of the Department of Correction; except that, upon request of the sheriff or the board of commissioners of a county, the presiding judge may, in his discretion, sentence the person to a local confinement facility in that county.

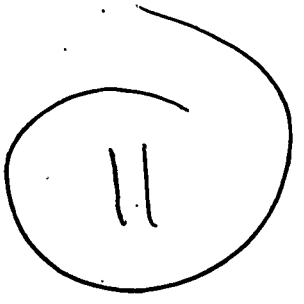
(c) A person sentenced to imprisonment for nonpayment of a fine under Article 84, Fines, shall be committed for the term designated by the court:

(1) To the custody of the Department of Correction if the person was fined for conviction of a felony;

(2) To the custody of the Department of Correction or to a local confinement facility if the person was fined for conviction of a misdemeanor, provided that if the sentence imposed is for a period of ~~90 days~~six months or less, the commitment shall be to a facility other than one maintained by the Department of Correction, except as provided in G.S. 148-32.1(b).

(d) Notwithstanding any other provision of law, when the sentencing court, with the consent of the person sentenced, orders that a person convicted of a misdemeanor be granted work release, the court may commit the person to a specific prison facility or local confinement facility or satellite jail/work release unit within the county of the sentencing court in order to facilitate the work release arrangement. When appropriate to facilitate the work release arrangement, the sentencing court may, with the consent of the sheriff or board of commissioners, commit the person to a specific local confinement facility or satellite jail/work release unit in another county, or, with the consent of the Department of Correction, commit the person to a specific prison facility in another county. The Department of Correction may

transfer a prisoner committed to a specific prison facility to a different facility when necessary to alleviate overcrowding or for other administrative purposes."



MINUTES
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

May 28, 2009
Room 415 Legislative Office Building
2:30 P.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Thursday, May 28, 2009, in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 2:30 p.m. The following House members were present: Representatives Bordsen and Love, Chairs; Representatives Spear and Sutton, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, Danielle Seale, and Denise Thomas.

Representative Love introduced the Sergeants-at-Arms, John Brandon, Frank Prevo, and Reggie Sills and thanked them for their help. He said that he and Representative Bordsen would meet with the Full Chairs later in the day and hopefully, there would be a full committee meeting on Tuesday morning.

**Jean Sandaire of the Fiscal Research Division** reviewed the Department of Crime Control and Public Safety reductions. The House reduction target was $6.9 million. The reduction options identified on the JPS Reductions table amounted to $18.2 million, approximately $11.3 million over the target amount. Eighty-four positions would be shifted from General Fund appropriations to receipt-supported by increasing three fees. Line 88, Law Enforcement Support Services (LESS) would, according to the Senate proposal, become entirely fee supported by FY 2010-11. For the Butner Public Safety Division (line 90), it was recommended that there be a tax increase of $0.25 for Butner police and fire protection, raising the tax from $0.25 to $0.50 to increase general revenue and decrease the General Fund appropriation necessary to support the division. On Line 94, Shift Floodplain Mapping Positions to Receipts, the Governor's budget recommended it become completely receipt supported. Line 98, Eliminate Funding for Family Assistance Centers, reflects the elimination of 3 Family Assistance Centers. If line 99, Reduce National Guard Tuition Assistance Program, was reduced by $500,000, the total budgeted amount would be $1.5 million. The Emergency Management Division (line 101) was proposed to become completely receipt supported, adding $10 to the current $22 fee for a total of $32.00. Of this, $19 would be used to fund the division and $13 would go to support local government operations. The Senate budget proposal only recommended decreased funding.
Questions followed the presentation.

Representative Spear wondered if there was a time frame in which to phase in the receipt support for Emergency Management. Mr. Sandaire replied that there was a 6-month delay and would be effective 6 months after the budget passed. Representative Spear (follow-up) asked if, after the 6 months, the Division would have sufficient funding to continue operations. Mr. Sandaire said that last year the flood plain mapping fee was established and it has actually performed better than anticipated.

Representative Justus said she had concerns about lines 88, 98, and 101. Thomas Caves, Department of Crime Control and Public Safety (DCCPS), there were cuts in Line 88 (LESS) that the Department couldn't live with; the division would be eliminated. Fee receipts support doesn't work. We are well above the target reductions and think there is plenty of room to restore this cut. For Line 98, Family Assistance Centers, there is federal funding for a year at other sites, but the Greenville, Greensboro, and Lenoir centers would disappear during the year when 4,000 Guardsmen are deployed. Again, since the Department is way beyond the original target reductions, it is hoped that this item could be restored. Line 101 could become self supporting but it would take 9 months rather than the proposed 6 months to allow time for the revenue fees to accrue to the point where it can become completely fee supported. Federal assistance are non-recurring funds ($1.6 million). Representative Boles wondered what would happen if more money was received than anticipated. Mr. Sandaire replied that if it happens, it would be to the benefit of the division; for the first time, they would have some excess funds to work with.

Representative Guice asked about line 90, the Butner Public Safety Division, and how the division felt about the tax increase. Jim Brown, attorney for Butner, said that the Division serves about 7500 citizens in the town but it also serves 18 state and federal institutions in the area. A large part of what the division does on a daily basis is solely for the benefit of the State. Representative Love asked if the federal funds went into North Carolina's General Fund; Mr. Brown affirmed that it did. Representative Bordsen wondered what the total property tax paid was. Mr. Brown said that it was increased in 2007 when it was incorporated and was now $0.25 per $100.00. Representative Bordsen asked if the infrastructure for water and sewer was already in place and asked about street lighting also. Mr. Brown stated that the infrastructure was in place; the lighting, however, was a different matter. There was lighting in the old part of town but now it was needed in the new part of town.

Representative Spear asked how many calls Butner Public Safety received from the town versus other areas. Mr. Brown said that it was hard to tell, especially since minor accidents didn't take as long as calls from the surrounding institutions. Representative Spear asked if it was accurate to say that the majority of the calls were from the citizens of Butner. Mr. Brown replied that the larger volume of calls were from Butner citizens but the man hours tended to be skewed the other way. There was no control over the operations of the department. Representative Justus asked how many federal institutions were served by Butner Public Safety. Mr. Brown said that there were 5 federal prisons and a federal medical center. Representative Sutton wondered, if it turned out to be such a bad deal, why they incorporated. Mr. Brown said that the town was happy with the $0.25/$100; not so happy with $0.50/$100. It would require the town to provide its own services for the town and let the State take care of the 18 State and Federal facilities.

Representative Guice said he was concerned that cuts proposed could cripple Butner Public Safety from conducting their core mission.

Mr. Caves, DCPSS, said his Department was most concerned about funding for lines 88 (Law Enforcement Support Services – LESS), 90 (Butner Public Safety), 96 (Reduce funding for NCVAN), 98 (Eliminate Funding for Family Assistance Centers), and would like an extra 3 months for line 101 (Emergency Management Division).

Representative Bordsen commented that North Carolina was the only state to put money into Family Assistance Centers.

**Denise Thomas, Fiscal Research Division,** quickly reviewed the first four Special Provisions, attached hereto and made a copy of these minutes. Representative Sutton noted that the first provision did not read one round trip per week although that might be the intent. Representative Love said the provision was being revised. The second provision, Mandatory Appointment Fee in Criminal Cases, would be a $50.00 fee which would not be waived. Representative Boles asked what happened if the fee isn't received. Ms. Thomas said that OIDS reports annually the recoupment rate and the appropriate net amount after taking into account its receipts. Representative Guice wondered what happened if the defendant had multiple charges. Representative Love stated that if the cases were related, there would be only one fee. Special Provision #3, Report on Collection of Indigent Appointment Fees, was designed to monitor fees and recoupment rates which currently varied from county to county. Representative Love noted that some counties (i.e., Wake County) had a good collection rate while other counties did not. Special Provision #4, Abolish Twelve Special Superior Court Judgeships, would abolish these judgeships when the terms expired, judges retired, resigned or removed, and the Governor fails to appoint a replacement within 30 days. Representative Sutton stated that the Governor could still appoint someone within 30 days. Representative Love and Ms. Thomas both agreed. Representative Jackson noted that 3 were removed within the first year. He asked how that was known. Ms. Thomas said that if the funding was removed there would be no salary funds to support the position.

**Doug Holbrook, Fiscal Research Division,** then reviewed the next six Special Provisions (#5 - #10). Referring to Special Provision #7, Representative Sutton thought it was after 30 days. Mr. Holbrook stated that it was for sentences served 30 days or more. Under 30 days, the state does not pay. Representative Sutton, referring to Special Provision #9, wondered what happened if a local provider refused to enter into a contract. Mr. Holbrook said that the Department of Correction was negotiating with providers across the state, so medical treatment would be channeled to those providers. If it's emergency care, the local provider must care for the inmate. Representative Stevens asked if DOC was given a credit balance. Mr. Holbrook said that the idea was to control the cost and have it reflected in the budget. Representative Stevens asked if medical services was part of the continuation or expansion budget. Mr. Holbrook replied that it was part of the continuation budget often lapsed salaries were used to pay for medical care. The Department was making an effort to contain costs. Item #10 raised questions among the Representatives. Representative Sutton wondered what the Sheriffs' Association thought. Eddie Caldwell, North Carolina Sheriffs' Association, said that the system did not have 1700 extra beds. He added that there were only a few extra beds and that many facilities were already

double bunked. Representative Love asked if a sheriff had the legal authority and discretion to release prisoners. Mr. Caldwell said that they don't release anyone without a court order. Mr. Holbrook added that the sheriff had the discretion to move prisoners out to work release, which has a less formal structure than the DOC has. Representative Bordsen said that the situation might make the Legislature look harder at who is imprisoned. North Carolina is only one of six states that imprisons misdemeanants. Representative Sutton said that he did not think it a good idea to release 1700 people back into society. Representative Bordsen pointed out that they were still $75 million in the hole. Mr. Holbrook said that very few of these people would be first offenders but were probably violators on probation. Representative Guice said that most were multiple, technical violators that just will not comply with the rules of society and had been given many opportunities.

The meeting adjourned at 3:15 p.m.

Respectfully Submitted,

Representative Jimmy Love
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments: Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: House Appropriation Schedule as of 5/26/09
House JPS Spending Target Proposal
House JPS Reductions (dated 05/27/2009)
Draft Special Provision (modified 5/27/09)
House Appropriations Subcommittee On Justice and Public Safety
FY 2009-11 Budget Fee Proposals May 28,2009

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

## May 28, 2009
## 15 minutes after Session

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Thursday, May 28, 2009
**TIME:** 15 Minutes after Session
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

Continuation of Review of Potential Department Reductions

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11:00 a.m.** o'clock on **May 28, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**May 28, 2009 8:30 A.M**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen
Representative Jimmy Love, Presiding

## II. PRESENTATIONS

Opening Remarks by Chairs

Review Progress on JPS Budget Target

- Judicial: AOC and OIDS
  *Denise Thomas*
  *Fiscal Research Division*

- Juvenile Justice & Delinquency Prevention
  *John Poteat*
  *Fiscal Research Division*

- Justice
  *Jean Sandaire*
  *Fiscal Research Division*

- Crime Control & Public Safety
  *Jean Sandaire*
  *Fiscal Research Division*

Committee Comments and Discussion

## III. OTHER BUSINESS

## IV. Next meeting: to be announced

## V. ADJOURNMENT

PM Mtg.

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 5-28-09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| EDDIE CALDWELL | NC SHERIFFS' ASSN. |
| Keith Sutton | OJJDP |
| Mildred Spearman | NCDOC |
| Sarah Preston | ACLU-NC |
| BENNIE AIKEN | CCPS |
| Tom Bennett | NCVAN |
| RUDY RUDISILL | CCPS |
| Reuben Young | CCPS |
| Doug Hoell | NCEM / CCPS |
| Neil Woodcock | CCPS - LESS |
| John Dorman | CCPS-GTM |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety
**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Walter J. Wilson, Jr. | SHP |
| Thomas C. Caves, Jr. | NC Dept. of CCPS |
| Bill Chandler | NC-ALE |
| Janice Carmichael | CCPS / Victims Compensation |
| MW Hobgood | CCPS / Butner Public Safety |
| Liam Killian | Nelson Mullins |
| TOM Bowe | NC NATIONAL GUARD |
| LTC Keith Pearce | NC National Guard |
| Kathryn Hunter | NCSOS |
| Melissa Radcliff | Our Children's Place |
| CASANDRA WHITE | ADC |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety
**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Elizabeth Taylor | Kochanek Law Group |
| Cheryl Reed | OSBM |
| Aaron Gallagher | OSBM |
| Roger Hutchings | ALE |
| JAMIE HATCHER | NCSHP |
| Ronnie Kaylor | ALE |
| Elisa Wolper | IDS |
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| Thomas Maher | IDS |
| Sonia K. Schmidt | |
| | |

# House Appropriations Schedule as of 5/26/09

## May

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 **MOTHER'S DAY** | 11 | 12 **House Subcommittees** (8:30 only) -Receive Targets | 13 **House Subcommittees** (8:30 only) | 14 **House Subcommittees** (8:30 only) **- CROSSOVER** | 15 **House Subcommittees** | 16 |
| 17 | 18 **House Subcommittees** | 19 **House Subcommittees** | 20 **House Subcommittees** | 21 **House Subcommittees** | 22 **House Subcommittees** | 23 |
| 24 | 25 **MEMORIAL DAY** | 26 **House Subcommittees** | 27 **Subcommittees Complete Work** | 28 **House Subcommittees** -Report to Full Chairs | 29 | 30 |
| 31 | | | | | | |

2009

# House Appropriations Schedule as of 5/26/09

## June

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | **1** **House Subcommittees** Report to Full Chairs starting @ 2 | **2** **House Subcommittees** -Report to Full Chairs | **3** **House Subcommittees** -Report to Full Chairs | **4** **House Subcommittees Vote** | **5** **House Subcommittees Vote** | **6** |
| **7** | **8** **House Full Appropriations** | **9** | **10** | **11** **House Passes Bill** | **12** | **13** |
| **14** | **15** | **16** | **17** | **18** | **19** | **20** |
| **21** **FATHER'S DAY** | **22** | **23** | **24** | **25** | **26** | **27** |
| **28** | **29** | **30** **CONFERENCE REPORT ADOPTED** | | | | |

2009

# House JPS Spending Target Proposal

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|
| Agency | FY 2009-10 Continuation Budget | FY 2009-10 Continuation Budget % | Agency Share Subtotal of 2009-10 Target | FY 2009-10 Fee Credit | Adjusted Agency Reductions After Adjusting for Fees | FY 2009-10 House Budget Target | FY 2009-10 Agency Reductions Identified as of May 28th | Reductions as % of Target |
| Correction | 1,384,910,571 | 59.4% | (220,568,599) | 500,000 | (220,068,599) | **1,164,841,972** | (121,512,466) | **55%** |
| Judicial-AOC | 497,649,235 | 21.3% | (79,258,399) | 35,633,291 | (43,625,108) | **454,024,127** | (49,616,828) | **114%** |
| Judicial- OIDS | 133,881,190 | 5.7% | (21,322,667) | 0 | (21,322,667) | **112,558,523** | (25,542,408) | **120%** |
| Justice | 100,441,147 | 4.3% | (15,996,819) | 1,195,442 | (14,801,377) | **85,639,770** | (17,031,657) | **115%** |
| Juvenile Justice | 172,484,415 | 7.4% | (27,470,832) | 0 | (27,470,832) | **145,013,583** | (29,622,563) | **108%** |
| Crime Control | 43,925,878 | 1.9% | (6,995,881) | 114,742 | (6,881,139) | **37,044,739** | (18,165,564) | **264%** |
| **Total JPS** | **2,333,292,436** | | **(371,613,197)** | **37,443,475** | **(334,169,722)** | **1,999,122,714** | **(261,491,486)** | **78%** |

**JPS HOUSE TARGET ( 5/18/09):** **1,999,122,714**

**Target Compared to 2008-09 Authorized Budget:** **-9.6%**

**Target Compared to FY09-10 Continuation Budget:** **-14.3%**

**Target Compared to FY09-10 Governor's Budget:** **-9.2%**

**Target Compared to FY09-10 Senate Budget:** **-7.8%**

Fiscal Research Division, as of 05/27/2009

# JPS uctions

| | 2009-10 | 2010-11 |
|---|---|---|
| JPS House Target | **1,999,122,714** | **1,970,883,940** |
| JPS Continuation Budget | 2,333,292,436 | 2,364,516,597 |
| JPS House Spending Subtotal | (266,260,383) | (317,992,566) |
| **Availability for Adjustments** | **(67,909,339)** | **(75,640,091)** |

| Item # | Item | House 2009-10 R | NR | # | House 2010-11 R | NR | # |
|---|---|---|---|---|---|---|---|
| | **Administrative Office of the Courts** | | | | | | |
| 1 | Eliminate CB Increases | (18,767,758) | | | (28,031,544) | | |
| 2 | Dispute Resolution Centers Funding | (399,829) | | | (399,829) | | |
| 3 | Reduce Pass-Through Funding to the NC State Bar | (250,000) | | | (250,000) | | |
| 4 | Eliminate Pass-Through Land Loss Protection | (100,000) | | | (100,000) | | |
| 5 | Eliminate Telephone System Line Items | (3,927,583) | | | (3,927,583) | | |
| 6 | Eliminate Special Superior Court Judge positions (expiration) | (311,497) | | (3.0) | (587,053) | | (5.0) |
| 7 | Reinstate & Expand Failure to Comply Fee ($50) | (1,570,445) | | | (1,570,445) | | |
| 8 | Divorce Fee (from $75 to $125)--give $25 to Gen Gov | (1,810,250) | | | (1,810,250) | | |
| 9 | Foreclosure Filing Fee (from $75 to $150) | (4,046,625) | | | (4,046,625) | | |
| 10 | Record checks (from $15 to $25) | (1,741,080) | | | (1,741,080) | | |
| 11 | Voluntary dismissals - Traffic (new) | (7,000,000) | | | (7,000,000) | | |
| 12 | Safe Roads Fee (new - $4.3 M to Hwy Fund) | (4,300,000) | | | (4,300,000) | | |
| 13 | Recoup administrative costs of non-General Fund revenue collection per G.S. 115C-437 (10%) | (5,366,761) | | | (5,366,761) | | |
| 14 | Limit Superior Court Judge Mileage Reimbursement | | | | | | |
| 15 | Reduce Financial Protection Law Center Pass through | (25,000) | | | (25,000) | | |

| Item # | Item | House 2009-10 R | House 2009-10 NR | House 2009-10 # | House 2010-11 R | House 2010-11 NR | House 2010-11 # |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | **Office of Indigent Defense Services** | | | | | | |
| 16 | Eliminate CB Increases | (18,475,200) | | | (16,914,406) | | |
| 17 | Reduce Sentencing Services Budget | (2,629,629) | | (11.5) | (2,629,629) | | (11.5) |
| 18 | Reduce Aid to Center of Death Penalty Litigation | (125,375) | | | (125,375) | | |
| 19 | Reduce Prisoner Legal Services Funds (5%) | (62,204) | | | (62,204) | | |
| 20 | Revised PAC Contract Rate | (4,250,000) | | | (4,250,000) | | |

| Item # | Item | House 2009-10 NR | # | House 2010 R | N | # |
|---|---|---|---|---|---|---|
| | | | | | | |
| | **Department of Justice** | | | | | |
| 21 | Eliminate CB Increases | (3,562,180) | | (4,106,298) | | |
| 22 | Shift Position to Receipt Support | (44,215) | (1.0) | (44,215) | | (1.0) |
| 23 | Reduce Various Operating Accounts | (215,000) | | (215,000) | | |
| 24 | Eliminate vacant positions | (1,221,703) | (24.0) | (1,221,703) | | (24.0) |
| 25 | Shift Consumer Protection Positions | (1,400,000) | (21.0) | (1,400,000) | | (21.0) |
| 26 | Eliminate 6 Vacant Positions | (367,641) | (6.0) | (367,641) | | (6.0) |
| 27 | Reduction in NC LEAF funding | (125,000) | | (125,000) | | |
| 28 | Maximization of Medicaid Fraud Recovery Efforts | (168,566) | | (168,566) | | |
| 29 | Reduce Telecommunication Service Charges | (459,599) | | (459,599) | | |
| 30 | Eliminate the Fingerprint Card Program | (15,696) | | (15,696) | | |
| 31 | Shift Positions to Receipt Support | (165,905) | (2.0) | (165,905) | | (2.0) |
| 32 | Increase SBI Crime Lab Fee | (195,442) | | (390,884) | | |
| 33 | Eliminate vacant positions | (1,221,703) | (27.0) | (1,221,703) | | (27.0) |
| 34 | SBI Vehicle Replacement | (342,303) | | (342,303) | | |
| 35 | Criminal Justice Training Standards fee | (7,127,937) | | (9,503,917) | | |
| 36 | Eliminate Attorney positions | (1,030,000) | (15.0) | (1,030,000) | | (15.0) |
| 37 | Reduce SBI OT budget | (121,841) | | (121,841) | | |
| 38 | Reduce SBI Equipment | (442,368) | | (442,368) | | |

| Item # | Item | House 2009-10 R | House 2009-10 NR | House 2009-10 # | House 2010-11 R | House 2010-11 NR | House 2010-11 # |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | **Department of Juvenile Justice** | | | | | | |
| 39 | Eliminate CB Increases | (7,753,573) | | | (7,894,131) | | |
| 40 | Eliminate Central Office Positions | (426,955) | | (7.0) | (426,955) | | (7.0) |
| 41 | Reduce Appropriation for Furniture | | (218,393) | | | (218,393) | |
| 42 | Reduce Legal Services | (58,848) | | | (58,848) | | |
| 43 | Eliminate the CPSV | (474,923) | | | (474,923) | | |
| 44 | Eliminate Alternative to Detention Contract | (43,885) | | | (43,885) | | |
| 45 | Eliminate Pass-Through Funding-Boys & Girls Club | (400,000) | | | (400,000) | | |
| 46 | Reduce Pass-Through Funding- Project Challenge | (40,000) | | | (40,000) | | |
| 47 | Close three Multi-Purpose Homes | (1,800,000) | | | (1,800,000) | | |
| 48 | Eliminate Pass-Through Funding-Governor's 1 on 1 | (1,645,545) | | | (1,645,545) | | |
| 49 | Eliminate Pass-Through-Juvenile Assessment Center | (165,434) | | | (165,434) | | |
| 50 | Reduce Eckerd Wilderness Camp Rate | (4,305,702) | | | (4,305,702) | | |
| 51 | Eliminate the Support Our Students program | (6,627,532) | | (3.0) | (6,627,532) | | (3.0) |
| 52 | Eliminate Youth Development Center positions | (948,994) | | (19.0) | (948,994) | | (19.0) |
| 53 | Close Camp Woodson | (1,050,000) | | (21.0) | (1,050,000) | | (21.0) |
| 54 | Close Dobbs YDC | (2,260,472) | | (51.0) | (2,260,472) | | (51.0) |
| 55 | Reduce JCPC County Allocation (7%) | (1,620,700) | | | (1,620,700) | | |

| Item # | Item | House 2009-10 | | | House 2010- | | |
|---|---|---|---|---|---|---|---|
| | | | NR | # | R | NI | # |
| | **Department of Correction** | | | | | | |
| 56 | Eliminate CB Increases | (85,565,130) | | | (107,193,236) | | |
| 57 | Close McCain Correctional Hospital | (1,391,988) | | (234.0) | (15,491,279) | | (234.0) |
| 58 | Eliminate Positions | (4,369,668) | | (87.0) | (4,369,668) | | (87.0) |
| 59 | Close Umstead and Guilford Correctional Centers | (3,473,117) | | (95.0) | (4,627,854) | | (95.0) |
| 60 | Eliminate BRIDGE Program | (263,470) | | (7.0) | (263,470) | | (7.0) |
| 61 | Close Gates, Haywood, & Union Correctional Centers | (2,445,093) | | (112.0) | (3,260,124) | | (112.0) |
| 62 | Increase Federal Alien Assistance Receipts | | (872,000) | | | | |
| 63 | Close Wilmington Residential Facility for Women | (300,000) | | (10.0) | (513,298) | | (10.0) |
| 64 | Cap DCC Judicial District Managers | | | | | | |
| 65 | Reduce Pass-Through Funding: CJPP (10%) | (976,045) | | | (976,045) | | |
| 66 | Reduce Pass-Through Funding: Women at Risk | (87,500) | | | (87,500) | | |
| 67 | Reduce Pass-Through Funding: Harriet's House | (68,750) | | | (68,750) | | |
| 68 | Reduce Pass-Through Funding: Summit House | (307,823) | | | (307,823) | | |
| 69 | Reduce Pass-Through Funding: Our Children's Place | (36,500) | | | (36,500) | | |
| 70 | Close Cleveland Correctional Center | (524,946) | | (42.0) | (2,343,922) | | (42.0) |
| 71 | Reduce Job Orders for Repair and Renovation | | (299,259) | | | (299,259) | |
| 72 | Reduce Temporary/Contractual Positions | | (89,788) | | | (89,788) | |
| 73 | Shift Positions to Inmate Welfare Support | (149,056) | | (3.0) | (149,056) | | (3.0) |
| 74 | Shift Construction Contracts to Receipt Support | (200,000) | (600,000) | | (200,000) | (600,000) | |
| 75 | Eliminate Assistant Secretary | (77,046) | | (1.0) | (77,046) | | (1.0) |
| 76 | Welfare Receipts | | (750,000) | | | | |
| 77 | Eliminate Jail Misdemeanant Payments | (10,000,000) | | | (10,000,000) | | |
| 78 | Eliminate DCC Lease space payments | (3,184,849) | | | (3,184,849) | | |
| 79 | Reduce Mary Frances contract (5%) | (156,723) | | | (156,723) | | |
| 80 | Reduce Evergreen contract (5%) | (126,324) | | | (126,324) | | |
| 81 | Eliminate Gym Post positions | (4,780,105) | | (127.0) | (4,780,105) | | (127.0) |
| 82 | Eliminate Visitation Post positions | (1,693,738) | | (62.0) | (1,693,738) | | (62.0) |
| 83 | Reduce Salary Reserve | | (1,000,000) | | | (1,000,000) | |
| 84 | Reduce CO/Lieutenant positions | (1,334,595) | | (35.0) | (1,334,595) | | (35.0) |
| | | | | | | | |

| Item # | Item | House 2009-10 R | House 2009-10 NR | House 2009-10 # | House 2010-11 R | House 2010-11 NR | House 2010-11 # |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | **Crime Control and Public Safety** | | | | | | |
| 85 | Eliminate CB Increases | (3,811,213) | | | (3,990,882) | | |
| 86 | Make the Boxing Authority Receipt Supported | (147,751) | | (2.0) | (147,751) | | (2.0) |
| 87 | Elimination of Administrative Staff Positions | (82,685) | | (2.0) | (82,685) | | (2.0) |
| 88 | Law Enforcement Support Services (LESS) | (430,336) | 430,336 | | (430,336) | | (4.0) |
| 89 | Make Bingo Regulation Receipt Supported | (26,600) | | | (26,600) | | |
| 90 | Butner Public Safety Division | (1,517,339) | | | (1,517,339) | | |
| 91 | Reduce Various Operating Accounts | (641,147) | | | (641,147) | | |
| 92 | Transfer of State Capitol Police to Crime Control | 3,675,861 | | 89.25 | 3,675,861 | | 89.25 |
| 93 | Receipt from DOA for transfer of State Capitol Police | (3,675,861) | | (89.25) | (3,675,861) | | (89.25) |
| 94 | Shift Floodplain Mapping Positions to Receipts | (1,405,098) | | (20.0) | (1,405,098) | | (20.0) |
| 95 | Reduce State Matching Funds | (60,091) | | | (60,091) | | |
| 96 | Reduce funding for NCVAN | (37,500) | | | (37,500) | | |
| 97 | Transfer the National Guard Pension Fund | (7,007,443) | | | (7,007,443) | | |
| 98 | Eliminate Funding for Family Assistance Centers | (420,000) | | | (420,000) | | |
| 99 | Reduce National Guard Tuition Assistance Program | (500,000) | | | (500,000) | | |
| 100 | Budget Over Realized Receipts | (472,619) | | | (472,619) | | |
| 101 | Emergency Management Division | (1,780,093) | | (58.0) | (3,560,186) | | (58.0) |
| | | **(262,861,279)** | **(3,399,104)** | **(1,108.5)** | **(315,785,126)** | **(2,207,440)** | **(1,114.5)** |
| | | **(266,260,383)** | | | **(317,992,566)** | | |

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H10(S15.10)**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***WEEKLY MILEAGE REIMBURSEMENT FOR SUPERIOR COURT JUDGES***

**SECTION 15.10.** 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 a regular superior court judge shall be paid a weekly mileage reimbursement for each week or fraction of a week that court is in regular or extra session. The amount of the weekly mileage reimbursement for regular judges shall be calculated for each judge by multiplying the actual round-trip mileage from that judge's home to the seat of court 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. A special superior court judge shall be paid the same travel allowance as State employees generally by G.S. 138-6(a)(1) and (2), 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 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H21**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

*MANDATORY APPOINTMENT FEE IN CRIMINAL CASES*

**SECTION #.** G.S 7A-455.1 reads as rewritten:

"**§ 7A-455.1. Appointment fee in criminal cases.**

(a) ~~Each person for whom~~ In every criminal case in which counsel is appointed ~~in a criminal case at the trial level shall~~ at the trial level, the judge shall order the defendant to pay to the clerk of court an appointment fee of fifty dollars ($50.00). No fee shall be due unless the person is convicted.

(b) The mandatory fifty-dollar ($50.00) fee shall be added to any amounts the court determines to be owed for the value of legal services rendered to the defendant and shall be collected in the same manner as attorneys' fees are collected for such representation.

(c) Repealed by Session Laws 2005-250 s. 3, effective August 4, 2005.

(d) Inability, failure, or refusal to pay the appointment fee shall not be grounds for denying appointment of counsel, for withdrawal of counsel, or for contempt.

(e) The appointment fee required by this section shall be assessed only once for each attorney appointment, regardless of the number of cases to which the attorney was assigned. An additional appointment fee shall not be assessed if the charges for which an attorney was appointed were reassigned to a different attorney.

(f) Of each appointment fee collected under this section, the sum of forty-five dollars ($45.00) shall be credited to the Indigent Persons' Attorney Fee Fund and the sum of five dollars ($5.00) shall be credited to the Court Information Technology Fund under G.S. 7A-343.2. These fees shall not revert.

(g) The Office of Indigent Defense Services shall adopt rules and develop forms to govern implementation of this section."

(2)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H22**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***REPORT ON COLLECTION OF INDIGENT APPOINTMENT FEES***

**SECTION #.** The Administrative Office of the Courts shall monitor the collection of indigent appointment fees under G.S. 7A-455.1 and the recoupment rates for each office of the clerk of superior court and shall report quarterly on its findings to the Joint Legislative Commission on Governmental Operations.

3

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H23A**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***ABOLISH TWELVE SPECIAL SUPERIOR COURT JUDGESHIPS***

**SECTION #.** G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a8) Notwithstanding any other provision of this section, and except as to those seats held on July 1, 2009, by Judges Ben Tennille, John Jolly, and Albert Diaz, effective on and after July 1, 2009, any seat established by this section is abolished when any of the following first occurs:

(1) Retirement of the incumbent judge.

(2) Resignation of the incumbent judge.

(3) Removal from office of the incumbent judge.

(4) Failure of the Governor to reappoint the incumbent judge to the same office within 30 days of the expiration of the term of office."

4

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H1**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***AUTHORIZE STATE RETIREES AND LOCAL GOVERNMENTAL EMPLOYEES TO PURCHASE FROM CORRECTION ENTERPRISES***

**SECTION #.** G.S. 148-132 reads as rewritten:

"**§ 148-132. Distribution of products and services.**

The Division of Correction Enterprises is empowered and authorized to market and sell products and services produced by Correction Enterprises to any of the following entities:

(1) Any public agency or institution owned, managed, or controlled by the State.

(2) Any county, city, or town in this State.

(3) Any federal, state, or local public agency or institution in any other state of the union.

(4) An entity or organization that has tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code and also receives local, state, or federal grant funding.

(5) Any current employee or retiree of the State of North ~~Carolina,~~ Carolina or of a unit of local government of this State, verified through State-issued identification, or through proof of retirement status, but ~~a State employee's~~ purchases by a State or local governmental employee or retiree may not exceed two thousand five hundred dollars ($2,500) during any calendar year. Products purchased by State and local governmental employees and retirees under this section may not be resold."

5

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H18**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***PROVISION OF HEALTH CARE SERVICES TO INMATES***

**SECTION #.** The Department of Correction shall seek, whenever possible, to make use of its own hospitals and health care facilities to provide health care services to inmates. To the extent that the Department of Correction must utilize other facilities and services to provide health care services to inmates, the Department shall seek to contract with underutilized community hospitals or other health care facilities in a region to accomplish that goal. In the event that the Department does not have appropriate contracts for services in a region, it shall ensure that the prisoners requiring such health care services are equitably distributed among all hospitals or other appropriate health care facilities in a region.

6

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H19

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*REPEAL REIMBURSEMENT TO COUNTIES FOR INMATES IN THE CUSTODY OF LOCAL CONFINEMENT FACILITIES SERVING SENTENCES OF 30 DAYS OR MORE*

**SECTION #.** G.S. 148-32.1(a) is repealed.

7

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H20**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***ACCOMMODATIONS FOR PROBATION OFFICERS***

**SECTION #.** G.S. 15-209 reads as rewritten:

"**§ 15-209. Accommodations for probation officers.**

(a) The county commissioners in each county in which a probation officer serves shall provide, in or near the courthouse, suitable office space for such officer.

(b) If a county is unable to provide the space required under subsection (a) of this section for any reason, it may elect to request that the Department of Correction lease space for the officer and receive reimbursement from the county for the leased space. If a county fails to reimburse the Department for such leased space, the Secretary of Correction may request that the Administrative Office of the Courts transfer the unpaid amount to the Department from the county's court and jail facility fee remittances."

8

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H21

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*RATES FOR INMATE MEDICAL SERVICES*

**SECTION #.** The Department of Correction may pay the contract rate for inmate health services as agreed upon by the Secretary of Correction and the provider, not to exceed one hundred fifty percent (150%) of the Medicaid rate for the same health service.

9

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H17

10

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representatives Bordsen, Love**

***MISDEMEANOR COMMITMENT TO LOCAL CONFINEMENT FACILITY IF PENALTY IS LESS THAN SIX MONTHS IMPRISONMENT***

**SECTION #.** G.S. 15A-1352 reads as rewritten:

"**§ 15A-1352. Commitment to Department of Correction or local confinement facility.**

(a) A person sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter shall be committed for the term designated by the court to the custody of the Department of Correction or to a local confinement facility. If the sentence imposed for a misdemeanor is for a period of ~~90 days~~ six months or less, the commitment must be to a facility other than one maintained by the Department of Correction, except as provided in G.S. 148-32.1(b).

If a person is sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter, the sentencing judge shall make a finding of fact as to whether the person would be suitable for placement in a county satellite jail/work release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of fact that the person would be suitable for placement in a county satellite jail/work release unit and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the custodian of the local confinement facility may transfer the misdemeanant to a county satellite jail/work release unit.

(b) A person sentenced to imprisonment for a felony under this Article shall be committed for the term designated by the court to the custody of the Department of Correction; except that, upon request of the sheriff or the board of commissioners of a county, the presiding judge may, in his discretion, sentence the person to a local confinement facility in that county.

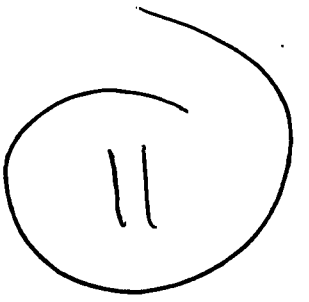
(c) A person sentenced to imprisonment for nonpayment of a fine under Article 84, Fines, shall be committed for the term designated by the court:

(1) To the custody of the Department of Correction if the person was fined for conviction of a felony;

(2) To the custody of the Department of Correction or to a local confinement facility if the person was fined for conviction of a misdemeanor, provided that if the sentence imposed is for a period of ~~90 days~~six months or less, the commitment shall be to a facility other than one maintained by the Department of Correction, except as provided in G.S. 148-32.1(b).

(d) Notwithstanding any other provision of law, when the sentencing court, with the consent of the person sentenced, orders that a person convicted of a misdemeanor be granted work release, the court may commit the person to a specific prison facility or local confinement facility or satellite jail/work release unit within the county of the sentencing court in order to facilitate the work release arrangement. When appropriate to facilitate the work release arrangement, the sentencing court may, with the consent of the sheriff or board of commissioners, commit the person to a specific local confinement facility or satellite jail/work release unit in another county, or, with the consent of the Department of Correction, commit the person to a specific prison facility in another county. The Department of Correction may

transfer a prisoner committed to a specific prison facility to a different facility when necessary to alleviate overcrowding or for other administrative purposes."



**House Appropriations Subcommittee on Justice and Public Safety**

FY 2009-11 Budget Fee Proposals

May 28, 2009

# HOUSE FY2009-11 COURT FEE PROPOSALS

| | Current FY 2008-09 | Proposed FY 2009-10 | Proposed FY2010-11 |
|---|---|---|---|
| **Criminal Fees** | | | |
| **District Court Criminal** | **120.00** | **132.50** | **135.50** |
| *General Court of Justice (GF)* | *95.50* | *103.00* | *105.00* |
| County Facilities Fees | 12.00 | 12.00 | 12.00 |
| Service Fees | 5.00 | 5.00 | 5.00 |
| LEO Retirement Benefits | 7.50 | 7.50 | 7.50 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |
| **Seat Belt Violation** | **124.50** | **133.00** | **136.00** |
| *General Court of Justice* | *75.00* | *103.00* | *105.00* |
| Fine | 25.00 | 25.00 | 25.00 |
| *County Facilities Fees* | *12.00* | *n/a* | *n/a* |
| *Service Fees* | *5.00* | *n/a* | *n/a* |
| *LEO Retirement Benefits* | *7.50* | *n/a* | *n/a* |
| *Telephone/Court Technology* | *n/a* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |
| **Motorcyle/Moped Helmet Violations** | ***100.00*** | **133.00** | **136.00** |
| *General Court of Justice* | *75.00* | *103.00* | *105.00* |
| Fine | 25.00 | 25.00 | 25.00 |
| *County Facilities Fees* | *12.00* | *n/a* | *n/a* |
| *Service Fees* | *5.00* | *n/a* | *n/a* |
| *LEO Retirement Benefits* | *7.50* | *n/a* | *n/a* |
| *Telephone/Court Technology* | *n/a* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |
| **Superior Court Criminal** | ***145.00*** | **157.50** | **177.50** |
| *General Court of Justice* | *102.50* | *115.00* | *135.00* |
| Facilities Fees | 30.00 | 30.00 | 30.00 |
| Service Fees | 5.00 | 5.00 | 5.00 |
| LEOB | 7.50 | 7.50 | 7.50 |
| LEO Retirement Benefits | 7.50 | 7.50 | 7.50 |
| *Telephone/Court Technology* | *1.00* | *3.00* | *4.00* |
| *LEO Training & Certification* | *n/a* | *2.00* | *2.00* |

# HOUSE FY2009-11 COURT FEE PROPOSALS

| | Current | Proposed | |
|---|---|---|---|
| | FY 2008-09 | FY 2009-10 | FY2010-11 |
| *Failure to Appear* | *100.00* | *200.00* | *200.00* |
| *Voluntary Dismissals & Prayer for Judgments - Traffic* | *n/a* | *93.00* | *93.00* |
| **OFFENDER FEES** | | | |
| **Probation Supervision (monthly)** | 30.00 | | |
| **Community Service** | 200.00 | | |
| **Electronic Monitoring** | 90.00 | | |
| *SBI Lab Fee* | *300.00* | *600.00* | *600.00* |
| *Local Government Crime Lab Fee* | *300.00* | *600.00* | *600.00* |
| **Family Court Supervision Fee (monthly)** | 30.00 | | |
| *Failure to Comply with Judgment (re-instate & expand)* | *0.00* | *50.00* | *50.00* |
| *Violations of G.S. Chapter 20 (traffic)* | *n/a* | *5.00* | *10.00* |
| *Safe Roads Fee for DWI and speeding in excess of 30 mph* | *n/a* | *350.00* | *350.00* |
| *Offender Installment Plan Setup Fee* | *n/a* | *20.00* | *20.00* |
| **CIVIL FEES** | | | |
| **Superior Court - Civil** | *110.00* | *161.00* | *171.00* |
| *General Court of Justice Fees* | *93.00* | 130.00 | 140.00 |
| Facilities Fees | 16.00 | 16.00 | 16.00 |
| Service Fees | 15.00 | 15.00 | 15.00 |
| **District Court** | *104.00* | 109.00 | 111.00 |
| *General Court of Justice Fees* | *73.00* | *78.00* | *80.00* |
| Facilities Fee | 16.00 | 16.00 | 16.00 |
| Service Fee, per item | 15.00 | 15.00 | 15.00 |
| **Divorce Filing Fee - *(in addition to GCJ costs) designated for Displaced Homemakers*** | *75.00* | *125.00* | *125.00* |
| **Magistrate--Civil** | 90.00 | 82.00 | 82.00 |
| *General Court of Justice Fees* | *63.00* | *55.00* | *55.00* |
| Facilities Fees | 12.00 | 12.00 | 12.00 |
| Service Fees | 15.00 | 15.00 | 15.00 |
| **Foreclosures** | 90.00+ | 155.00+ | 155.00+ |
| *General Court of Justice Fees** | *75.00+* | *150.00* | *150.00* |

# HOUSE FY2009-11 COURT FEE PROPOSALS

| | Current | Proposed | |
|---|---|---|---|
| | FY 2008-09 | FY 2009-10 | FY2010-11 |
| Facilities Fee | none | none | none |
| Service Fee, per item | 15.00 | 15.00 | 15.00 |
| *$1.05 remitted to State Bar for Legal Services | | | |
| + plus $.45 per $100 of final sale price ($10 min/$300 max) | + $500 max | + $500 max | + $500 max |

## MISCELLANEOUS FEES & COMMISSIONS

**House Crime Control and Public Safety (CCPS)**
**Fee Proposals/Revenue Enhancement Options - FY 2009-11**

| | | FY 2009-10 | FY 2010-11 |
|---|---|---|---|
| 1 | **Increase Bingo License fee from $100 to $200** - Last raised in 1983, this fee increase will make bingo regulation completely receipt-supported. | $ 26,600 | $ 26,600 |
| 2 | **Increase Boxing Authority Fees** - Increases the Judge licensing fee from $37.50 to $50.00, the Second licensing fee from $37.50 to $50.00 and increase the ticket admission fee from $1.00 to $2.00 to make boxing regulation completely receipt-supported. | $ 88,142 | $ 88,142 |
| 3 | **Increase Butner Public Safety Tax** - Increases the tax collected for police and fire protection services provided by Butner Public Safety from $.25 to $.50 | $ 1,100,000 | $ 1,100,000 |
| 3 | **Law Enforcement Support Services (LESS) Fees** - Requires LESS to establish a fee schedule for implementation on July 1, 2010. | $ - | $ 430,336 |
| 4 | **New $ 10 Division of Emergency Management (DEM) Fee** - $10 increase to the $22 Register of Deeds fee for mortgage filings. Of the new fee amount ($32) $13 will be used for local government operation and $19 will be used to support DEM. | $ 1,780,093 | $ 3,560,186 |
| | ***Total CCPS*** | **$ 2,994,835** | **$ 5,205,264** |

**House Department of Justice (DOJ)**
**Fee Proposals/Revenue Enhancement Options - FY 2009-11**

| | | FY 2009-10 | FY 2010-11 |
|---|---|---|---|
| 1 | **New $10.00 Criminal Justice Training Standards Division Fee** - $10 fee to make the Division completely receipt-supported. Of each $10 collected, $8.00 will used to support the operation of the Division, $1.65 will be used to support the Criminal Justice Training and Standards Commission, and $.35 will be used to support the Sherriffs' Standards Commission. | $ 7,127,937 | $ 9,503,917 |
| 2 | **$300 Increase to the Convicted Criminal Crime Lab Analysis Fee** - Increases the amount that judges would require convicted offenders to pay for evidence analysis costs from $300 to $600. | $ 195,442 | $ 390,884 |
| 4 | **State & Local Cost-Sharing of School Bus Accident Tort Claims** - New requirement that counties would reimburse the General Fund for half of all school bus accident tort claim costs incurred by the State. Currently, the State pays all tort claims. This does not affect JPS' availability but it will increase DPI's G.F. availability as it will reduce the amount they're paying for school bus accident claims. | $ 3,434,072 | $ 3,434,072 |
| | ***Total DOJ*** | **$ 10,757,451** | **$ 13,328,873** |

MINUTES
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

June 3, 2009
Room 415 Legislative Office Building
8:30 A.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Tuesday, June 3, 2009, in Room 415 Legislative Office Building. Representative Bordsen, presiding chair, called the meeting to order at 8:30 a.m. The following House members were present. Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, Danielle Seale, and Denise Thomas.

Representative Bordsen recognized the pages, Haley Ross of Vance County (Rep. Crawford) and Catherine Strickland of Sampson County (Rep. Bell) and the Sergeants-at-Arms, Mike Martin, Frank Prevo, and Trey Raley and thanked them for their help.

Representative Bordsen stated that the Full Chairs had not yet seen the proposed House budget and that she and Representative Love were to see them later in the day. Representative Sutton asked what the Committee would work with the next day. Representative Love said that the Committee would consider the money targets, the Committee's suggestions, and the Senate and Governor's budgets. Also, the agencies' suggestions would be considered. He and Representative Bordsen had hoped to see the Full Chairs the previous night but will see them today. At that time, they will be informed as to whether or not amendments will be allowed. Representative Love added that he would allow amendments unless told otherwise. Today, no questions would be allowed except from Committee members. Representative Bordsen added that this had not been the smoothest process; she felt that the Committee should have more control over the process. Representative Guice stated that, as a freshman, he was shocked at the process – there was no meaningful discussions in committee before getting the budget documents that no one has had an opportunity to review, and possibly vote on it the next day. Representative Love said that that was the way it was done. Representative Bordsen added that the process did change from time to time, but it can be frustrating. Representative Guice (follow-up) said that the process needed to be changed to which Representative Bordsen responded and said that it does change. Representative Sutton added that this year, there had been more opportunity for input than in previous years. The Committee received an updated copy of the proposed budget, a copy of which is attached as part of these minutes.

**Denise Thomas, Fiscal Research Division,** announced that she was going to cover the proposed budgets of the Administrative Office of the Courts (AOC) and the Office of Indigent Defense Services (OIDS). She noted that some of the items were put in the budget by the Full Chairs. The target for Justice and Public Safety was $1.956 billion. Credits were given by the Full Chairs for new fees and revenue proposals that may be in the JPS budget or may show up in other subcommittee budgets. You should have before you a handout titled JPS FY 2009-11 Fee/Revenue Proposals. You will note that in the first

year there is a credit of $52.3 million and fee revenues which are over and above the roughly $40 million that were in the Senate budget. In the second year, there are roughly $57.4 million in fee revenues JPS was given credit for. Ms. Thomas began her review of the AOC proposed budget. She noted that the funds for Item 5 were backed out as ARRA Fiscal Stabilization Funds would be used instead (similar line items could be seen in all budgets). JPS is receiving about $42 million credit; that credit was allocated out to each JPS agency based on their proportionate share of the total budget. These funds are only available for two years, thus the item was noted as nonrecurring. In Item 14, the funding for the Land Loss Protection Center is being deleted as proposed in the Senate budget since the Department of Natural and Economic Resources provides $800,000.00 for this Center. The total reduction for AOC is $60 million; that includes the elimination of 492 positions and leaves the authorized budget for FY 09-10 at just under $440 million and about the same level in the second year.
Office of Indigent Defense Services' (OIDS) proposed continuation budget was then presented. The Full Chairs did allow that in the continuation budget, some increase could be retained if it was related constitutional mandates or other requirements. The first year continuation budget for OIDS has been adjusted to allow them to carry about $6 million to pay for the anticipated backlogged unpaid attorney fee applications that will be carried over from the current year. Item 22 has been adjusted to exclude PAC contracts as they are addressed in Item 25. In Item 25, one-half of the previous $10/hour increase has been rolled back resulting in a cut of $4.25 million. The department's total reduction is approximately $23 million, reducing 17.5 positions for a total appropriation of $111 million in year one and $105 million in year two.

Questions followed Ms. Thomas's presentation.

Representative Jackson noted that on line 17, Wake County now only had 1 District Court Judge position eliminated whereas in the previous edition, there were 2 positions. Ms. Thomas responded that it was probably a typo and she would look into it. It should match the Special Provisions and added that there were 4 total positions being eliminated. Representative Jackson referred to line 19 and noted that originally clerk positions were being eliminated from all over the state; now, only those counties with populations of greater than 150,000 were being affected. He added that that was more than 10% from the larger counties. Ms. Thomas agreed but added that the net was a 10% cut statewide. Representative Bordsen noted that the pay scales for clerks were dependent on population density and the smaller counties paid less than the larger counties. Representative Love said to flag the item, and it could be revisited. Representative Stevens wondered why anything was being expanded, citing Item 8 as an example. Representative Love explained that was his prosecutorial district and that he had requested the split in the last budget. It was taken out then and would probably be taken out again, but he had to try. Representative Justus requested that staff indicate beside each item whether is was a Governor-, Senate-, or House-recommended change. Ms. Thomas said that it would be possible and would do so and emailed out to the Committee. Representative Jackson asked about Item 15. Ms. Thomas responded that some that were thought to be vacant were in the process of being appointed. Some, like Judge Smith's, which expires in 2011, would be eliminated at the end of that expiration period. Representative Bordsen confirmed that the legislature was not reaching beyond this biennium. Representative Sutton wondered why the Guardian ad Litem program had had no reductions. Representative Love responded that they should flag it and revisit the program – there should be some reductions. It was an oversight. Ms. Thomas said that all contracts were being reduced by 5%, and it was included in the larger AOC budget. Representative Justus asked about Sentencing Services and Judicial Standards. Representative Bordsen noted that the contracts will be reduced and the salaries reduced. Representative Guice was concerned about the 25% cut in the Dispute Resolution Centers. Representative Bordsen responded that based on the money available, many areas had been cut.

**Jean Sandaire, Fiscal Research Division**, presented the Justice Department review. He noted that the total reduction for Justice was approximately $18.6 million. This proposal eliminates 63 positions of

which 33 are filled and 30 are vacant and shifts 24 staff positions from General Fund appropriations to receipt-supported.

Questions followed his presentation.

Representative Jackson, referring to line 47, wondered why there was a feeling that case submissions would decline. Jean Sandaire said that over the last few years, there had been a decline of submissions to the SBI crime labs. Representative Bordsen added that in 2007, there was a re-equipping of the Raleigh and Western lab facilities. If this item is put back in, something else will have to be taken out. Representative Stevens asked if the targets had changed – it was $14.8 million on May 27 and now it was over $18.4 million. Mr. Sandaire responded that the $18.6 million; of that amount, about $5.9 million reflects shifts of agency services from General Fund appropriations to receipt support which gives a net reduction amount of $12.7 million. Representative Bordsen noted that sections of the budget were taking disproportionate hits. Part of that was the shifting from general fund revenues to receipt-supported rather than increasing the reductions. Representative Justus, referring to the Triad crime lab, observed that when the economy takes a downturn, crime goes up. Representative Bordsen added that money becomes scarce – it's a vicious cycle. Representative Boles stated that Representative Stevens mentioned the target – that was 78% and wondered if now, the budget was balanced and these were 100% of the cuts. Both chairs and staff agreed that it was now balanced. Representative Boles (follow-up) referred to line 32 and the elimination of 30 vacant positions. He wondered if that was department-wide and what was the total reduction of personnel. Mr. Sandaire said that the 30 vacant positions were department-wide and the total number of positions affected by this proposal was 117. Representative Boles asked if they were transfers to other departments. Mr. Sandaire said no, only 24 positions were transferred to another fund source (some form of receipts that come to the same program), 33 were currently filled positions, and 60 were vacant. Representative Hurley observed that the Triad lab had cut processing time from 1 year to 3 weeks and noted that this lab did all the lab work for the State Highway Patrol. Representative Spear, referring to line 28, asked how much the criminal justice training fee was and how would it be collected. Mr. Sandaire said that the fee was $100 for officers for in-service training; it was an annual fee required to maintain certification (upon completion of the training, they would be certified by either the Criminal Justice Training and Standards Commission or the Sheriffs' Standards Commission). For new officers, the fee would be $250.00 upon the first certification. Representative Spear (follow-up) then asked who paid the fees. Mr. Sandaire said that the individual officer would pay.

**John Poteat, Fiscal Research Division**, proceeded to give an overview of the proposed budget reductions for the Department of Juvenile Justice and Delinquency Prevention (DJJDP). He noted that the total reductions were approximately $36 million and 255 positions which are a combination of filled and vacant positions.

Questions followed the presentation.

Representative Sutton asked if the department had any input as to the timing of the closing of Samarkand. Representative Bordsen said that they did until the previous day. There is a great deal of controversy going on about that; it is an unresolved item. Representative Mobley, referring to line 66, noted that previously, 3 multipurpose homes were to be closed. Representative Bordsen stated that it was still unresolved, that the Committee had to get this right. In the interest in caution, a little more talking and space on this issue has been requested. Representative Mobley, referring to lines 72 and 73, wondered if these YDC's were old facilities. Representative Bordsen said that they were old facilities. Representative Boles wondered if the department had made these recommendations. Representative Bordsen said they were not. Representative Boles, referring to line 56, asked if the amount would be $6 million. Mr. Poteat stated that it was a Federal Stimulus item and it was unclear as to whether we have any flexibility about redirecting the money. Representative Stevens noted that the targets are different. Their target budget for

cuts was $27.4 million versus $29.6 million. Doug Holbrook, Fiscal Research Division, said that that number was not 100% but were based on proportionality. We've had to go away from proportionality because some of our departments would not have been able to provide services. Representative Stevens said that there were deeper cuts in DJJDP because we don't have enough to take in Corrections. Representative Randleman, referring to the Eckerd Wilderness Camps, asked if the 2 camps to be closed were identified. Mr. Poteat said that one was in Henderson County and the other was yet to be identified. Representative Justus noted that before Eckerd had one closing and Camp Woodson was closing; now, Eckerd has 2 camps closing and Camp Woodson is back in. Correct? Representative Bordsen concurred. Representative Mobley asked if the SOS program which was being eliminated under Justice and Public Safety was being picked up somewhere else. Representative Bordsen said she didn't know if Education was taking that, but JPS was not. Representative Mobley then asked if the Committee was wasting its time going to the Full Chairs as they were not really understanding what the Committee's concerns were. Representative Bordsen replied that she thought there were just a couple of glitches in this department. She didn't feel that there was anything out of the ordinary. Anything in controversy between the House budget and the Senate budget needs to be sorted out. Representative Goodwin wondered if the SOS program could possibly be picked up under JCPC. Mr. Poteat said it was a Senate proposal to reduce the SOS program, but to offset that there was a $6.6 million expansion to JCPC that could have been used for after school or whatever other services counties chose. The House has a directive not to have any expansion, so that expansion has been removed. Representative Goodwin asked if the SOS program would fit under the current JCPC guidelines to which Mr. Poteat responded that in terms of after school programs, yes. He added that counties have wide flexibility in terms of what they can fund.

**Doug Holbrook, Fiscal Research Division**, addressed the changes in the Department of Correction. Our Children's Place funding has been eliminated because the Capital Committee cancelled the capital appropriation for the building itself, so there was no further need to fund the planning. Line 77 is the elimination of jail misdemeanant payment – this is the $18/day the Department of Correction pays counties to hold the county prisoners who have between 30 and 90 days of jail time. Line 93, Mr. Holbrook said, was a placeholder right now. He noted that a fee proposal was being developed in order to continue to fund Line 93, the elimination of community service work crews, and that those entities receiving the service can pay actual cost only for the service which would include the overhead. For the time being, the reduction in the General Fund would be $4.78 million. The total reductions for the Department of Correction was approximately $170 million with a position reduction of 1520, 678 of which are filled positions.

Questions followed.

Representative Goodwin requested a copy of the spreadsheet referred to in line 85. Doug Holbrook said he would get it for her. Representative Goodwin asked if the State could be sued for closing 8 prisons. Mr. Holbrook said no, but it could be sued for the level of conditions that will occur in the prisons. Representative Stevens, referring to line 77, eliminating jail misdemeanant payments, wondered about a county's obligation to hold prisoners. Mr. Holbrook said that the way it works is that people who serve 0-90 days are in the custody of the sheriff; if you serve greater than 90 days, you then go to the custody of the State. A county is obligated to hold a prisoner up to 90 days, and previously the State has subsidized the prisoner for days 30-90 at $18.00/day. The Department will have to continue to pay the $40.00 for the State prisoners who are waiting transfer into State facilities. It's been paid for out of lapsed salaries making it much harder with the elimination of 1500+ positions. Representative Stevens (follow-up) asked if there was a bill saying that a county had to hold a prisoner longer than the 90 days. Mr. Holbrook said there was a Special Provision to move the cut off for county responsibility from 90 days to 180 days. Representative Stevens wondered if there was anything in the budget about saving on medical costs. Mr. Holbrook said that $39 million had been cut which holds the Department at its authorized level. There are no creative approaches yet included. It needs to be discussed with the Department,

partly because there is no expansion budget ability at this time. Scenarios have been talked about with the Department. Representative Bordsen noted that it was not a bone of contention but just a difficult situation. Representative Boles asked if any new prisons were opening since 8 were proposed to be closed this year. Mr. Holbrook replied that no new prisons were opening this year but next year, add-ons to existing prisons would be complete adding about 1000 new beds. Representative Boles asked how many would be employed. Mr. Holbrook said he didn't know. Representative Boles wanted to know the percentage of personnel being cut in the department. Mr. Holbrook replied that it was under 10%. The Department has used lapsed salary (which they will no longer have much of) to pay $39 million in inmate medical annually plus varying amounts in jail backlog. There is a new provision that caps medical contracts at 150% of Medicaid which impacts hospitals that work with the Department of Correction. They will be getting less money than they currently get, but there is evidence to suggest that it could save a few million dollars. Representative Boles asked if the work crews were paid; Mr. Holbrook said that each worker was paid $1.00 a day. Representative Guice asked about the Special Provisions draft. He hoped to modify changes in the structure in the Division of Community Corrections and to make cuts according to districts we have in North Carolina. Mr. Holbrook said it was a policy decision for the legislature to handle and there would certainly be savings.

**Jean Sandaire, Fiscal Research Division,** quickly reviewed Crime Control and Public Safety and the changes in the budget. He noted that the total reductions were now $15.7 million, of which approximately $10.4 million shifts from General Fund appropriations to receipt support which gives a net reduction of $5.3 million. This proposal eliminates 39 positions of which 33 are vacant and shifts 80 positions from General Fund appropriations to receipt support.

Representative Sutton asked why ALE took such a hit in personnel and wondered if the Department concurred. Jean Sandaire said that the budget for ALE is approximately $9.5 million in General Fund appropriations a year of which over 90% is personnel – that's why the reduction was mostly in staffing. The department had no input in the recommendation.

The meeting adjourned at 9:48 a.m.

Respectfully Submitted,

Alice L Bordsen
Representative Alice Bordsen
Presiding Chair

Sylvia Nygard
Sylvia Nygard
Committee Assistant

Attachments:

Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: Draft of House Subcommittee on Justice and Public Safety budget
Dated 6/2/09, 8:30 p.m.
FY 2009-11 JPS Agency Budget Proposals
JPS FY 2009-11 Fee/Revenue Proposals
JPS House Special Provisions dated June 2, 2009

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Wednesday, June 3, 2009
**TIME:** 8:30 am
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

Review the JPS House draft budget report

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **3:45 p.m.** o'clock on **June 01, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**June 3, 2009, 2009 8:30 A.M**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen, Presiding
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Review Progress on JPS Budget Target

- Judicial: AOC and OIDS
  *Denise Thomas, Fiscal Research Division*
- Juvenile Justice & Delinquency Prevention
  *John Poteat, Fiscal Research Division*
- Justice
  *Jean Sandaire, Fiscal Research Division*
- Crime Control & Public Safety
  *Jean Sandaire, Fiscal Research Division*
- Department of Correction
  *Doug Holbrook, Fiscal Research Division*

Committee Comments and Discussion

## III. OTHER BUSINESS

## IV. Next meeting: to be announced

## V. ADJOURNMENT

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/3/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Joly Minor | Mediation Network |
| James French | NC DOC |
| TY DEXTER | TROSA |
| Kristi Hymans | NCDOJ |
| Cheryl Reed | OSBM |
| Ben Sanders | Methodist Home for Children |
| Bruce Stanley | " " " " |
| Ken O'Herron | EYA |
| Adrian Dellinger | NC Sec. of State |
| Scott Kellison | Nelson Mullins |
| AMANDA GARRETT | NC ASSOC REG OF DEEDS - PERSON CO. |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/3/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| KEN PERRY | METHODIST HOME, RALEIGH, NC |
| Chet Jernigan | NC Justice Academy |
| DON STACY | NC JUSTICE ACADEMY |
| Rhonda Ramsey | CCPS |
| Meenal Khajuria | NC Metro Mayors |
| WC Chandler | NLE – CCPS |
| Thomas MAHER | JPOS |
| Ann Wynn | Town of Butner PO Box 247 Oxford NC |
| TOM LANE | TOWN OF BUTNER P.O BOX 647 BUTNER NC. |
| Mike Bobgood | Crime Control Public Safety / Butner |
| Jon Wilkins | CCPS |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/3/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| Neil Woodcock | CCPS, LESS |
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| DIANNE JONES | PRETRIAL Resource Ctr., Oak., NC |
| KATHY Johnson | Sentencing Services |
| Martin Phank | NC DJJDP |
| ROBIN JENKINS | NC DJJDP |
| Linda Hayes | NC DJJDP |
| Teresa Price | NC DJJDP |
| TOM BOWLIN | NC NATIONAL GUARD |
| Keith Pearce | NLNG |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/3/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Laura Jeffords | Mediation Network of NC |
| [signature] | Poyner Spruill |
| Emily Gallimore | NCBA |
| Doug Heron | Wyrick Robbins |
| Leanne Winner | NCSBA |
| [signature] | NCACC |
| Christopher Kennard | NCACC |
| Louise Davis | Re Entry Inc. |
| Lisa Martin | NC Home Builders |
| Cathy Thomas | NC Assn of Realtors |
| [signature] | DOC |
| Aaron Gallagher | OSBM |
| Darlene Langston | DOC |
| Melissa Lovell | DOJ |
| Wayne Wordlaw | DOJ |

Dishon cain — Dispute settlement center

E. I. Rann MNNC

Janice Almond MNNC

DANIEL BAUM
Jennel Jones

K&L GATES
NCCP

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/3/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Dianne Coffill | NC NG |
| Frank Clarke | NCNG |
| Linda Washington | DJJDP |
| Kathy Dudley | DJJDP |
| Michael Rieder | DJJDP |
| Mildred Spearman | NCDOC |
| ALEXEY FERRELL | REDIRECTIONS |
| BONNIE DICKENS | REDIRECTIONS |
| Carolyn Murphy | Alamance County Dispute Settlement /MNNC |
| LISA DODSON | ALAMANCE CO. DISPUTE SETTLEMENT & YOUTH SERVICES /MNNC |
| Gordon Keith | Project Challenge |
| Joanne Todaro | Harriet's House - Passage Home |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/3/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Denna Weston | Summit House |
| Melissa Radcliff | Our Children's Place |
| Joyce Kuhn | Sentencing Services |
| Barbara Moore | Conf of Clerks of Sup Ct |
| Robin Pendergraft | DOT/SBI |
| Kathryn Lennox Lloyd | Mediation Center of Eastern Carolina |
| Thomas Ray | Wake Co. Support Our Students - Mary E. Wilson Foundation |
| David Jones | DJJDP |
| Grady Stephenson | " |
| John Dorman | CCPS-GTM |
| Frances Henderson | Mediation Network of NC |
| Martha Heinz | NYL - Montgomery, SCS So. Pines, NC |

Dot Ehlers – Sentencing Services / ReEntry
Tom Bennett – NCVAN
Peg Dowe - Conference of D.A.s
Absentee White NCAOC
[signature] AOC
[signature] AOC
Rex Whaley AOC
[signature] AOC
Cam Cowen BPMHL
S. Katzenelson – SPAC
[signature]
Eddie Caldwell NC Sheriffs' Assn.
Colleen Kochanek Kochanek Law Group
[signature] DOC
Tracy Little NCDoc
Frank Rogers NCDOC
Barbara Baker NCDOC
Reminder
Keith Sutton DJJDP

Target for JPS
$1.956 Billion

6/2/09
8:30pm

House Subcommittee on Justice and Public Safety

# Judicial

DRAFT

| | GENERAL FUND | |
|---|---|---|
| | FY 09-10 | FY 10-11 |
| **Recommended Budget** | **$497,649,235** | **$507,638,940** |

**Legislative Changes**

## Administration

**1 Reduce Information Technology Funding** ($977,499) R ($977,499) R

The budget for information and other technology services is reduced.

**2 Eliminate Vacant AOC Administrative Positions** ($621,720) R ($621,720) R

Eight (8) vacant positions in AOC's Raleigh office are eliminated: -8.00 -8.00

| Pos.# | Position | Salary |
|---|---|---|
| 60004908 | Sr. Accountant | 36,598 |
| 60094875 | Wan Engineer III | 70,506 |
| 60094888 | App. Analyst Prog. III | 80,145 |
| 60055085 | Sr. Java Developer | 78,000 |
| 60004852 | Management Asst | 43,507 |
| 60095893 | Instructional Designer | 54,080 |
| 65003747 | Dep.Chief Info Officer | 107,543 |
| 60094899 | AOC Division Asst | 41,428 |

## Department-Wide

**3 Adjust Continuation Budget** ($18,767,758) R ($28,031,544) R

Adjusts continuation budget to a level at or below FY 2008-09 Authorized Budget.

**4 Eliminate Telephone System Line Items** ($3,927,583) R ($3,927,583) R

SL 2007-108 authorized a new fee to pay for judicial and county courthouse telephone systems. Therefore, the continuation budget line items for telephone upgrades, maintenance, equipment, and operations are eliminated.

**5 ARRA Fiscal Stabilization Funds**

Allocation of the Federal ARRA recovery fund credit. ($9,097,808) NR ($9,097,808) NR

**6 Contractual Services** ($1,254,146) R ($1,254,146) R

Funding for contractual services are reduced by 5 percent below the FY 2008-09 authorized level.

## District Attorneys

**7 Eliminate Clerks' Conference Funds** ($121,401) R ($121,401) R

The continuation budget for the Conference of Clerks of Superior Court is eliminated. -2.00 -2.00

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **8 Divide Prosecutorial District 11 into 11A and 11B**<br>Funding is provided to Prosecutorial District 11 (Harnett, Johnston, Lee) effective January 1, 2011. The following positions are provided effective January 1, 2011:<br><br>District Attorney 1.0<br>DA Admin. Asst III 1.0<br>DA Investigator 1.0 | | | $164,459<br>3.00 | R |
| **9 Eliminate DA Conference Funding**<br>The continuation budget for the NC Conference of District Attorneys is eliminated. | ($401,289)<br>-5.00 | R | ($401,289)<br>-5.00 | R |
| **10 Eliminate Victim Witness Legal Assistant Positions**<br>AOC shall eliminate 155 Victim Witness Legal Assistant (VWLA) positions. These positions provide support to Assistant District Attorneys (ADA). Currently, there are 465 VWLA positions, one for every 1.35 ADA positions. Eliminating 155 positions will leave 310 VWLAs, one for every 2.0 ADA positions. | ($7,019,017)<br>-155.00 | R | ($7,019,017)<br>-155.00 | R |
| **Equipment and Other Reserves** | | | | |
| **11 Freeze Step Increases for Magistrates and Clerks**<br>Freeze the step increase for the salaries of Magistrates and Clerks for FY 2009-11. | ($2,324,864) | NR | ($6,390,013) | NR |
| **12 Evaluation & Training to Improve Court Operations**<br>Governor's recommendation:$750,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for evaluation of court processes and procedures and developing best practices for effective programs. In addition, this funding will support continuing education and basic systems training for court professionals and those who interface with court systems. Training is especially critical to ensure the timely implementation of NCAWARE, a statewide warrant repository. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the State administrator of the Byrne/JAG Formula Program. | | | | |
| **Trial Courts** | | | | |
| **13 Dispute Resolution Centers Funding**<br>Reduce funding for the dispute resolution centers and the Mediation Network of North Carolina by 25 percent. | ($399,829) | R | ($399,829) | R |
| **14 Reduce Pass-Through Funding to the NC State Bar**<br>Reduce the continuation budget pass-through funding to the NC State Bar as follows:<br><br>Civil Justice Act: ($250,000)<br>Financial Protection Law Center: ($25,000)<br>Land loss Protection Center: ($100,000) | ($375,000) | R | ($375,000) | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **15 Eliminate Special Superior Court Judgeships**<br>The appointments of four (4) Special Superior Court Judges will expire during the FY 2009-11 biennium. Upon expiration of their appointments, these positions will be eliminated. The expiration dates of the four judgeships are:<br><br>April 26, 2010<br>October 3, 2010<br>January 27, 2011<br>February 8, 2011 | ($26,042)<br>-1.00 | R | ($336,893)<br>-4.00 | R |
| **16 Superior Court Judges Mileage Reimbursement**<br>Mileage reimbursement for regular Superior Court Judges is restricted to one round-trip per week between the their residence and the seat of court. | ($90,000) | R | ($90,000) | R |
| **17 Eliminate District Court Judge Positions**<br>Funding is eliminated for four new district court judge positions that were authorized in 2007-08 Session and remain unfilled:<br><br>(1.0) District 10 (Wake)<br>(1.0) District 11 (Johnston, Lee, Harnett)<br>(2.0) District 26 (Mecklenburg) | ($585,024)<br>-4.00 | R | ($585,024)<br>-4.00 | R |
| **18 Eliminate Vacant Court Positions**<br>The continuation budget is reduced to eliminate court room positions:<br><br>Asst District Attorney (4.0)<br>Victim Witness Legal Asst (6.0)<br>Deputy Clerks (8.0)<br>Magistrates (15.5)<br>Official Court Reporters (3.0)<br>Superior Ct Jud Asst I (2.0)<br>Superior Ct Jud Asst II (1.0)<br>District Ct Jud Asst I (3.0) | ($2,433,632)<br>-48.00 | R | ($2,433,632)<br>-48.00 | R |
| **19 Eliminate Clerk Positions**<br>Ten percent of clerk positions in courthouses in counties with populations of 150,000 or more. AOC shall consider caseload and other factors when determining which positions are to be eliminated. | ($11,574,473)<br>-269.00 | R | ($11,574,473)<br>-269.00 | R |
| **Total Legislative Changes** | **($48,574,413)**<br>**($11,422,672)** | R<br>NR | **($57,984,591)**<br>**($15,487,821)** | R<br>NR |
| **Total Position Changes** | -492.00 | | -492.00 | |
| **Revised Budget** | **$437,652,150** | | **$434,166,528** | |

# Judicial - Indigent Defense

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Recommended Budget** | **$133,881,190** | | **$132,320,396** | |
| **Legislative Changes** | | | | |
| **Department-Wide** | | | | |
| **20 Adjust Continuation Budget**<br>Adjusts continuation budget to a level at or below FY 2008-09 Authorized Budget | ($12,525,455) | R | ($16,908,107) | R |
| **21 ARRA Fiscal Stabilization Funds**<br>Allocation of the federal ARRA recovery fund credit | ($2,447,558) | NR | ($2,447,558) | NR |
| **22 Contractual Services**<br>Funding for contractual services, excluding PAC contracts, is reduced 5 percent below the FY 2008-09 authorized level. | ($369,208) | R | ($369,208) | R |
| **Indigent Defense Services** | | | | |
| **23 Reduce Aid to Center of Death Penalty Litigation**<br>Funding for the Center for Death Penalty Litigation contract is reduced by 5 percent. | ($25,075) | R | ($25,075) | |
| **24 Reduce Prisoner Legal Services Funds**<br>Funding provided for the Prisoner Legal Services contract is reduced by 5 percent. | ($62,204) | R | ($62,204) | R |
| **Indigent Person Attorney** | | | | |
| **25 Reduce PAC Rate**<br>The contract rate for private assigned counsel is reduced from $75 to $70 per hour. | ($4,250,000) | R | ($4,250,000) | R |
| **Public Defender Services** | | | | |
| **26 Eliminate Vacant Positions**<br>The following vacant positions are eliminated:<br>Asst Capital Defender (3.0)<br>Appellate Defender (1.0)<br>Assistant Public Defender (2.0) | ($602,270)<br>-6.00 | R | ($602,270)<br>-6.00 | R |
| **Sentencing Services** | | | | |
| **27 Sentencing Services Program**<br>Funding for the Sentencing Services Program is eliminated. | ($2,629,629)<br>-11.50 | R | ($2,629,629)<br>-11.50 | R |

| House Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Total Legislative Changes** | **($20,463,841)** | **R** | **($24,846,493)** | **R** |
| | **($2,447,558)** | **NR** | **($2,447,558)** | **NR** |
| **Total Position Changes** | -17.50 | | -17.50 | |
| **Revised Budget** | **$110,969,791** | | **$105,026,345** | |

# Justice

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Recommended Budget** | **$100,441,147** | | **$101,047,019** | |
| **Legislative Changes** | | | | |
| **28 Criminal Justice Training Fee** | ($4,050,000) | R | ($8,100,000) | R |
| New Criminal Justice Training Schedule to support the Criminal Justice Training Standards Division | | | | |
| **Administration** | | | | |
| **29 Shift Administrative Position to Receipt Support** | ($44,215) | R | ($44,215) | R |
| Governor's recommendation that an appropriated administrative position be shifted to receipt support. This position will now be funded by receipts generated through administrative charges from grants, cost of collection for DPI school penalties, Private Protective Services operating receipts, and Justice Academy Bookstore receipts | -1.00 | | -1.00 | |
| **Criminal Justice Training and Standards - CJTS** | | | | |
| **30 Reduce CJTS Operating Funds** | ($950,391) | R | ($1,900,782) | R |
| Reduction in operating funds for the Criminal Justice Training and Standards Division. This reduction will be offset by receipts from a new $2.00 fee to support the division. | | | | |
| **Department-wide** | | | | |
| **31 Adjust Continuation Budget Line Items** | ($3,562,180) | R | ($4,106,298) | R |
| The continuation budget is adjusted to remove increases for the maintenance agreements, legal services, and miscellaneous contractual services. | | | | |
| **32 Eliminate 30 Vacant Positions** Gov + Sen | ($1,301,257) | R | ($1,301,257) | R |
| Elimination of 30 Vacant Positions | -30.00 | | -30.00 | |
| **33 ARRA Fiscal Stabilization Funds** | | | | |
| Allocation of the Federal ARRA recovery fund credit. | ($1,836,222) | NR | ($1,836,222) | NR |
| **34 Reduce Various Operating Accounts** | ($215,000) | R | ($215,000) | R |
| Governor's recommendation that funding for various operating accounts be reduced across the agency. | | | | |

House Subcommittee on Justice and Public Safety

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Legal Services** | | | | |
| **35 Continuation Review-Consumer Protection Program** | ($2,026,179) | R | ($2,026,179) | R |
| The Consumer Protection program is placed on continuation review. | $2,026,179 | NR | | |
| | | | -36.00 | |
| **36 Eliminate 25 Attorney Positions** | ($1,787,768) | R | ($1,787,768) | R |
| Elimination of 25 Attorney Positions | | | | |
| | -25.00 | | -25.00 | |
| **37 Shift Consumer Protection Positions to Receipts** | ($1,333,242) | R | ($1,333,242) | R |
| Shifts 21 positions in the Consumer Protection Program from General Fund appropriation to receipt support. Receipts associated with court orders and legal consumer settlements will be used to fund these positions. | -21.00 | | -21.00 | |
| **38 Maximization of Medicaid Fraud Recovery Efforts** | ($168,566) | R | ($168,566) | R |
| Reduction in the General Fund appropriation for the Medicaid Fraud Unit. This reduction will be offset by the program's efforts to maximize recovery fees and related administrative receipts. | | | | |
| **39 Reduction in NC LEAF Funding** | ($125,000) | R | ($125,000) | R |
| 25 percent reduction in funding for the North Carolina Legal Education Assistance Foundation (NC LEAF) | | | | |
| **State Bureau of Investigation - SBI** | | | | |
| **40 Reduce SBI Overtime Budget** | ($121,841) | R | ($121,841) | R |
| Reduces the SBI overtime budget. | | | | |
| **41 Reduce Vehicle Replacement Budget** | ($342,303) | R | ($342,303) | R |
| Reduction in the SBI vehicle replacement budget. | | | | |
| **42 Reduce Telecommunication Service Charges** | ($459,599) | R | ($459,599) | R |
| Governor's recommendation that telecommunication service charges be reduced by providing all connections to criminal databases through secure internet connections. | | | | |
| **43 Eliminate the Fingerprint Card Program** | ($15,696) | R | ($15,696) | R |
| Governor's recommendation that the fingerprint card program be eliminated now that all 100 counties have access to the Statewide fingerprint Identification System (SAFIS), which utilizes live scan devices. | | | | |
| **44 Reduce SBI Equipment Budget** | ($442,368) | R | ($442,368) | R |
| Reduction in the SBI equipment budget. | | | | |
| **45 Shift IT Positions to Receipt Support** | ($165,905) | R | ($165,905) | R |
| Governor's recommendation that two appropriated Information Technology positions be shifted to receipt support. These positions will now be funded through user fees associated with criminal databases that these positions support. | -2.00 | | -2.00 | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **46 Increase SBI Crime Lab Fee** | ($195,442) | R | ($390,884) | R |
| Governor's recommendation that the fee assessed on convicted criminals to recover the cost of SBI Crime Lab analysis be increased from $300 to $600. DWI cases make up a large percentage of the total revenue generated from this fee. | | | | |
| **47 Close the Piedmont Triad Regional Crime Lab** | ($1,168,623) | R | ($1,168,623) | R |
| Recommendation that funding for the Piedmont Triad Regional Lab be eliminated. This closure is recommended as a result of increases in lab staff positions lab space additions/expansions and during that same time period, a decline in total annual case submissions. | -12.00 | | -12.00 | |
| **48 Expand GangNet** | | | | |
| Governor's report on the use of funding of up to $1.8 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for an expansion of the GangNet intelligence information database. The database will be expanded to include probation officers, the State Bureau of Investigation, the State's Homeland Security Intelligence Network and the NC Justice Xchange, which facilitates criminal integration by allowing the exchange of information throughout the criminal justice community. These efforts will be coordinated with Durham County and Charlotte-Mecklenburg, which administer the GangNet eastern and western nodes, respectively. The allocation of this funding will be made under the authority of the Governor Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |
| **49 Federal Funds to Expedite Criminal and Drug Cases** | | | | |
| Governor's report on the use of funding of up to $500,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) to support overtime expenditures required to expedite methamphetamine and violent crime investigations. This funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Program. | | | | |
| **Total Legislative Changes** | **($18,475,575)** | **R** | **($24,215,526)** | **R** |
| | **$189,957** | **NR** | **($1,836,222)** | **NR** |
| **Total Position Changes** | -91.00 | | -127.00 | |
| **Revised Budget** | **$82,155,529** | | **$74,995,271** | |

# Juvenile Justice & Delinquency Prevention

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Recommended Budget** | **$172,484,415** | | **$172,651,108** | |
| **Legislative Changes** | | | | |
| **50 Adjust Continuation Budget**<br>Adjusts continuation budget to a level at or below FY 2008-09 Authorized Budget. | ($7,611,149) | R | ($7,751,707) | R |
| **51 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($3,153,285) | NR | ($3,153,285) | NR |
| **Administration** | | | | |
| **52 Eliminate Seven Central Office Positions**<br>The Governor recommends eliminating seven central office positions, including one human resources position, one webmaster position, one administrative secretary, one information technology project manager, and three facility investigators. These eliminations will be a combination of filled and vacant positions | ($426,955)<br>-7.00 | R | ($426,955)<br>-7.00 | R |
| **53 Reduce Appropriation for Furniture**<br>The Governor recommends funding for furniture be reduced on a nonrecurring basis. | ($218,393) | NR | ($218,393) | NR |
| **54 Reduce Legal Services**<br>Reduce the continuation budget for Legal Services. | ($58,848) | R | ($58,848) | R |
| **Center for the Prevention of School Violence** | | | | |
| **55 Eliminate the CPSV**<br>Eliminate funding for the Center for the Prevention of School Violence (CPSV). According to the Department, this division serves as a resource center and "think tank" for schools. These functions are not part of the core mission of the Department. | ($474,923)<br>-6.00 | R | ($474,923)<br>-6.00 | R |

6/2

| House Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Department wide** | | | | |
| **56 Gang Prevention and Intervention Pilot Program**<br>The Governor recommends using $6 million from the American Reinvestment and Recovery Act for the implementation of a two-year Gang Prevention and Intervention Pilot Program. This program will focus on youth at-risk for gang involvement and those who are already associated with gangs and gang activity. The pilot program will serve Cabarrus, Mecklenburg, Nash, Edgecombe, Wilson, and Halifax Counties. | | | | |
| **57 Reduce equipment**<br>Reduce the continuation budget for equipment. The Department opened four new YDCs in 2008 and the need for new equipment has declined. | ($500,000) | NR | ($500,000) | NR |
| **58 Contractual Services**<br>Funding for contractual services are reduced by 5 percent below the FY 2008-09 authorized level. This reduction does not apply to Eckerd Wilderness Camps or the Multi Purpose Groups Homes, which have been reduced elsewhere. | ($316,048) | R | ($316,048) | R |
| **59 Eliminate vacant positions**<br>Eliminate 91 vacant positions across the Department. The Department has the discretion to choose which positions to eliminate. | ($3,564,451)<br>-91.00 | R | ($3,564,451)<br>-91.00 | R |
| **Intervention/Prevention** | | | | |
| **60 Eliminate Alternative to Detention Contract**<br>The Governor recommends eliminating the Alternative to Detention Contract, which provides short-term emergency placement of juveniles through a local provider in District 23 and District 28. | ($43,885) | R | ($43,885) | R |
| **61 Eliminate Pass-Through Funding-Boys & Girls Club**<br>Eliminate pass-through funding to eight Boys & Girls Clubs that received a special appropriation of $50,000 each that was used as part of a match for grant funds that the clubs no longer receive. | ($400,000) | R | ($400,000) | R |
| **62 Reduce Pass-Through Funding for Project Challenge**<br>Reduce pass-through funding for Project Challenge by 25%. This reduction does not affect the direct services Project Challenge provides in the 33 counties it operates. | ($40,000) | R | ($40,000) | R |
| **63 Reduce JCPC County Allocation**<br>Reduce the JCPC County Allocation by 15%. | ($3,472,929) | R | ($3,472,929) | R |
| **64 Additional Juvenile Court Counselors**<br>The Governor recommends using $1.5 million from the American Reinvestment and Recovery Act to fund 12 new court counselors and 2 new supervisors. These positions will be time limited. | | | | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Special Initiatives** | | | | |
| **65 Reduce Eckerd Wilderness Camp contract**<br>Reduce the Eckerd Wilderness Camp contract. Eckerd will close two of the seven camps it operates, reduce the number of beds from 346 to 294, and decrease the average length of stay from one year to nine months. | ($2,560,088) | R | ($2,560,088) | R |
| **66 Close the Alamance Multi-Purpose Home**<br>The Governor recommends closing the Alamance Multi-Purpose Home because of low capacity and low utilization. | ($600,000) | R | ($600,000) | R |
| **67 Eliminate Funding for Governor's 1 on 1**<br>Eliminate funding for the Governor's One on One mentoring program. This program serves lower risk youth in 46 counties and these programs would be eligible for JCPC funds. | ($1,645,545) | R | ($1,645,545) | R |
| **68 Reduce Pass-Through Funding for the JAC**<br>Reduce pass-through funding for the Juvenile Assessment Center by 25%. Cumberland County | ($41,359) | R | ($41,359) | R |
| **Support Our Students** | | | | |
| **69 Eliminate SOS program**<br>The Governor recommends eliminating funding for the Support Our Students program, including the elimination of three filled positions. There are other sources of funding for afterschool programs, including from the Department of Public Instruction. | ($6,171,062)<br>-3.00 | R | ($6,171,062)<br>-3.00 | R |
| **Youth Development Centers** | | | | |
| **70 Eliminate Youth Development Center positions**<br>The Governor recommends eliminating 19 vacant Youth Development Center positions. The positions are located at Dillon, Cabarrus, Edgecombe, and Chatham Youth Development Centers. | ($948,994) | R | ($948,994) | R |
| **71 Eliminate the Treatment Training Reserve**<br>Eliminate the treatment training reserve in the continuation budget, which was established to aid the Department in its efforts to train staff in their therapeutic treatment model. | ($250,000) | R | ($250,000) | R |
| **72 Close Dobbs YDC**<br>Effective September 1, 2009, close the Dobbs YDC since the new Lenoir YDC, was opened in 2008 to replace this older facility. | ($2,688,984)<br>-92.00 | R | ($3,585,312)<br>-92.00 | R |
| **73 Close Samarkand YDC**<br>Close the Samarkand YDC, effective January 1, 2010. In 2008, the Department opened four newly constructed replacement YDCs and Samarkand has the highest daily cost of any YDCs. The Department has built a replacement facility for girls in Chatham County. | ($1,130,258)<br>-56.00 | R | ($2,260,515)<br>-56.00 | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Total Legislative Changes** | **($32,445,478)** | **R** | **($34,612,621)** | **R** |
| | **($3,871,678)** | **NR** | **($3,871,678)** | **NR** |
| **Total Position Changes** | -255.00 | | -255.00 | |
| **Revised Budget** | **$136,167,259** | | **$134,166,809** | |

# Correction

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Recommended Budget** | **$1,384,910,571** | | **$1,406,791,264** | |
| **Legislative Changes** | | | | |
| **74 Eliminate Continuation Budget Increases**<br>Adjusts continuation budget to 2008-09 authorized budget, net of increases for annualization of positions associated with the opening of new prisons. | ($77,617,498) | R | ($79,109,683) | R |
| **75 Reduce Pass-through Funding**<br>Reduces the budgets to pass-through programs. Specifically, the Criminal Justice Partnership Program is reduced by $1,464,067, Women At Risk by $52,500, Harriet's House by $41,250, Summit House by $184,694, and Our Children's Place by $146,000. | ($1,888,511) | R | ($1,888,511) | R |
| **76 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($25,318,335) | NR | ($25,318,335) | NR |
| **77 Eliminate Jail Misdemeanant Payments**<br>Eliminates the requirement that the Department of Correction pay counties $18 per day for misdemeanor offenders serving sentences greater than 30 days in a county jail. | ($10,000,000) | R | ($10,000,000) | R |
| **78 Reduce Salary Reserve**<br>Takes a reduction in each year of the biennium in the Department's salary reserve. | ($1,000,000) | NR | ($1,000,000) | NR |
| **79 Reduce Miscellaneous Contracts**<br>Reduces the Department's Miscellaneous Contracts line item, Fund Code 2199, by 5%. | ($995,960) | R | ($995,960) | R |
| **80 Eliminate Vacant Positions**<br>Eliminates 500 vacant positions within the Department of Correction in the first year and 750 in the second year. | ($18,819,311)<br>-500.00 | R | ($28,228,967)<br>-750.00 | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Community Corrections** | | | | |
| **81 Reorganize Community Corrections Districts** | ($1,000,000) | R | ($1,000,000) | R |
| Reduces the number of Judicial District Manager offices by 14. The new structure will combine existing districts as follows: | -14.00 | | -14.00 | |
| Districts 3A and 3B = District 3<br>Districts 4A and 4B = District 4<br>Districts 6A and 6B = District 6<br>Districts 8A and 8B = District 8<br>Districts 9 and 9A = District 9<br>Districts 15A and 15B = District 15<br>Districts 16A and 16B = District 16<br>Districts 17A and 17B = District 17<br>Districts 19A and 19C = District 19A<br>Districts 19B and 19D = District 19B<br>Districts 20A and 20B = District 20<br>Districts 25A and 25B = District 25<br>Districts 27A and 27B = District 27<br>Districts 29A and 29B = District 29 | | | | |
| **82 Community Corrections Intake Officers** | | | | |
| The Governor reports on the use of funding of up to $1.23 million to be made available through the American Reinvestment and Recovery Act for new Community Corrections Intake Officer positions. These positions will perform court intake duties and administrative functions in urban areas where court dockets currently require significant time commitments from Probation/Parole Officers. As recommended in the recent National Institute of Corrections report, these new positions will enable Probation/Parole Officers to dedicate more time to monitoring offenders under their supervision and less time performing administrative functions. | | | | |
| **83 Eliminate DCC Lease Payments** | ($3,184,849) | R | ($3,184,849) | R |
| Requires counties to provide suitable office space for probation offices pursuant to GS 15-209. | | | | |
| **84 VIPER Radios for Improved Community in DCC** | | | | |
| The Governor recommends using $1.3 million from the American Reinvestment and Recovery Act for the purchase of 406 VIPER (interoperable communications) radios to be deployed to those Division of Community Corrections offices within the current VIPER service area. | | | | |
| **Department Wide** | | | | |
| **85 Eliminate 87 Positions** | ($4,369,668) | R | ($4,369,668) | R |
| Eliminates 87 positions throughout the Department of Correction, adding up to $4,369,668 in reductions. The reductions are detailed in a spreadsheet submitted to the General Assembly. | -87.00 | | -87.00 | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **86 Use Inmate Welfare Funds to Support Operations** | | | | |
| Transfers $750,000 from the Inmate Welfare Fund on a one-time basis to support general departmental operations. This fund carries forward a cash balance of approximately $2.2 million each year as an ongoing operating reserve, providing two months of operations as new year receipts build up. This cut reduces this reserve to one month of operations. | ($750,000) | NR | | |
| **87 Increase Federal Alien Assistance Receipts** | | | | |
| Governor's Recommendation: the State Criminal Alien Assistance Program (SCAAP) makes federal funds available to states for the purpose of recouping costs associated with incarcerating undocumented aliens. The Department of Correction anticipates future funding from this program will exceed its current budget, and increases the budgeted amount for this receipt line item. | ($872,000) | NR | | |
| **Engineering** | | | | |
| **88 Shift Construction Contracts to Receipt Support** | ($200,000) | R | ($200,000) | R |
| Governor's Recommendation: funds contracts for oversight of Inmate Construction Program from the special indebtedness funding new prison construction. | ($600,000) | NR | ($600,000) | NR |
| **Prisons** | | | | |
| **89 Reduce Inmate Road Squads and Litter Crews** | ($2,260,000) | R | ($2,260,000) | R |
| Reduces requirements for the Road Squad and Litter Crew programs associated with a 20% reduction in receipts from the Highway Fund. | | | | |
| **90 Eliminate Gym and Visitation Posts** | ($6,473,843) | R | ($6,473,843) | R |
| Reduces post assignments in prison facilities for gymnasium and visitation duties. This will require some reorganization within individual units. | -189.00 | | -189.00 | |
| **91 Reduce Correctional Officers and Lieutenants** | ($1,334,595) | R | ($1,334,595) | R |
| Eliminates 27 vacant Correctional Officer positions, 7 vacant Lead Correctional Officer positions, and one filled Correctional Lieutenant position. | -35.00 | | -35.00 | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **92 Close Eight Prisons** | ($8,941,828) | R | ($23,827,644) | R |
| Eight prisons are to be closed during the course of the 2009-10 Fiscal Year. | -557.00 | | -557.00 | |
| G/S | | | | |
| McCain Correctional Hospital Will close on April 1, 2010. To maintain services associated with McCain, Hoke (April 1) and Odom (February 1) Correctional Institutions will be converted from medium custody to minimum, eliminating 155 positions. Additionally, Nash (October 1) and Pamlico (March 1) Correctional Institutions, both medium custody, will be double-celled with 99 additional positions. | | | | |
| Umstead Correctional Center will be closed on October 1 and Guilford Correctional Center will be closed on November 1, 2009, with a position reduction of 95. Lincoln Correctional will be converted to minimum custody on September 1, and Warren Correctional will be double-celled for medium custody inmates on November 1. Lincoln will lose 28 positions and Warren will gain 18. | | | | |
| The Wilmington Residential Facility for Women will close on September 1, 2009. The reduction for Wilmington is reduced by $168,740 in the first year of the biennium to allow for ten additional contractual beds at the Center for Community Transitions in Charlotte. | | | | |
| Gates and Union Correctional Centers will close on October 1 and Haywood Correctional Center will close on March 1 with a total position reduction of 112. | | | | |
| Cleveland Correctional Center will close on December 1 with a reduction in positions of 50. Craven Correctional Institution will be double-celled effective December 1 with a position increase of 7. | | | | |
| **93 Eliminate Community Service Work Crews** | ($4,780,105) | R | ($4,780,105) | R |
| Eliminates 127 work crews that provide labor for State and local governmental entities at no cost, as well as providing occupational development for inmates. (place holder) | -127.00 | | -127.00 | |
| **94 Reduce Job Orders for Repair and Renovation** | | | | |
| G/S Governor's Recommendation: reduces requests for repairs and renovations to prison facilities. | ($299,259) | NR | ($299,259) | NR |
| **95 Eliminate BRIDGE Program** | ($263,470) | R | ($263,470) | R |
| Governor's Recommendation: eliminates the Young Offenders Forest Conservation Program (BRIDGE) at Western Youth Institution. This program engages inmates at Western Youth in assisting the Forest Service in conservation and fire fighting efforts. | -7.00 | | -7.00 | |
| G | | | | |
| **96 Reduce Temporary/Contractual Positions** | ($89,788) | R | ($89,788) | R |
| Reduce funding for temporary and contractual positions. | | | | |
| G/S | | | | |

| House Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **97 Shift Positions to Inmate Welfare Support** | ($149,056) | R | ($149,056) | R |
| Governor's Recommendation: shifts three Telecommunication Support Technician positions that support the inmate pay phone system from General Fund support to Inmate Welfare Fund receipts. | -3.00 | | -3.00 | |
| **Secretary's Office** | | | | |
| **98 Eliminate Assistant Secretary** | ($77,046) | R | ($77,046) | R |
| Eliminates the position of Assistant Secretary for Program Development. This position's primary function is to seek federal grants for the Department. This function can be performed by the Office of Research and Planning, and financial oversight of grants is performed by the DOC Controller's Office. | -1.00 | | -1.00 | |
| **Total Legislative Changes** | **($142,445,528)** | **R** | **($168,233,185)** | **R** |
| | **($28,839,594)** | **NR** | **($27,217,594)** | **NR** |
| **Total Position Changes** | -1520.00 | | -1770.00 | |
| **Revised Budget** | **$1,213,625,449** | | **$1,211,340,485** | |

# Crime Control and Public Safety

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Recommended Budget** | **$43,925,878** | | **$44,067,870** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **99 Law Enforcement Support Services (LESS)** | ($430,336) | R | ($430,336) | R |
| This recommendation makes funding for the Law Enforcement Support Services (LESS) nonrecurring in FY 2009-10. The program is also directed to propose a fee structure to make the program fully receipt supported by the FY 2010-11. | $430,336 | NR | -4.00 | |
| **100 Elimination of Administrative Staff Positions** | ($82,685) | R | ($82,685) | R |
| Elimination of two administrative positions. | -2.00 | | -2.00 | |
| **Alcohol Law Enforcement - ALE** | | | | |
| **101 15% Reduction in the ALE Budget** | ($1,557,148) | R | ($1,557,148) | R |
| 15% reduction in the Alcohol Law Enforcement Division (ALE) budget. This reduction will consist of the elimination of 25 staff positions as well as a reduction in the Division's operating budget. Positions to be eliminated: | -25.00 | | -25.00 | |
| 20 Special Agents<br>5 Assistant Special Agents in Charge | | | | |
| **102 Make the Boxing Authority Receipt Supported** | ($147,751) | R | ($147,751) | R |
| Governor's recommendation that the North Carolina Boxing Authority no longer be supported through appropriation. All of the operations of the Boxing Authority will be shifted to fee receipts collected by the Authority. These fee receipts are currently over realized. | -2.00 | | -2.00 | |
| **103 Make Bingo Regulation Receipt Supported** | ($26,600) | R | ($26,600) | R |
| This recommendation eliminates the General Fund appropriation used for bingo regulation. This action will be offset by an increase in the bingo license fee to make the program no longer rely on General Fund appropriation. This fee has not been increased since 1983. | | | | |
| **Butner Public Safety** | | | | |
| **104 15% Reduction to Butner Public Safety** | ($501,661) | R | ($501,661) | R |
| Reduces the General Fund Appropriation for Butner Public Safety by 15%. | | | | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Department-wide** | | | | |
| **105 Adjust Continuation Budget Line Items**<br>The continuation budget is adjusted to remove increases for the maintenance agreements, legal services, and miscellaneous contractual services. | ($3,811,213) | R | ($3,990,882) | R |
| **106 Reduce Various Operating Accounts**<br>Governor's recommendation that various operating accounts be reduced across the agency. | ($641,147) | R | ($641,147) | R |
| **107 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($803,034) | NR | ($803,034) | NR |
| **108 Eliminate 6 Vacant Positions**<br>Elimination of the listed 6 vacant positions. Positions to be eliminated:<br>60084186 Processing Assistant V<br>60084440 Planner<br>60084582 Engineer<br>60087071 Public Safety Officer<br>60084174 Processing Assistant IV<br>60084166 Information Processing Tech. | ($258,026)<br>-6.00 | R | ($258,026)<br>-6.00 | R |
| **109 Transfer of State Capitol Police to Crime Control**<br>Type I transfer of the State Capitol Police Division from the Department of Administration to the Department of Crime Control and Public Safety. Of the total positions transferred, 6.25 positions will be used to support the division's fiscal, policy and administrative functions. | $3,675,861<br>89.25 | R | $3,675,861<br>89.25 | R |
| **Emergency Management** | | | | |
| **110 Shift Floodplain Mapping Positions to Receipts**<br>Governor's recommendation that the appropriation for the Floodplain Mapping Program be replaced with receipts collected under the terms of Section 29.7(b) of H2436 (S.L. 2008-107), which established a fee to support floodplain mapping. This recommendation will shift 20 appropriated positions in the Floodplain Mapping Program to receipt support. | ($1,405,098)<br>-20.00 | R | ($1,405,098)<br>-20.00 | R |
| **111 Shift Emergency Management to Receipt-Support**<br>Reduction in the General Fund appropriation for the Emergency Management Division to be offset by a new $10 fee to support the program. This action will make the Division completely receipt-supported. | ($1,780,093)<br>-58.00 | R | ($3,560,186)<br>-58.00 | R |
| **Governor's Crime Commission** | | | | |
| **112 25% Reduction in funding for NCVAN**<br>25 percent decrease in funding for the North Carolina Victims Assistance Network (NCVAN). | ($37,500) | R | ($37,500) | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **113 Reduce State Matching Funds**<br>Governor's recommendation that excess state funding for matches to federal grants be reduced. | ($60,091) | R | ($60,091) | R |
| **114 Evidence-Based Gang Grants**<br>The Governor reports on the use of funding of up to $5 million to be made available through the American reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award evidence-based grants that focus on gang prevention, treatment, intervention, and re-entry programs. Special emphasis will be placed on consultation with the Department of Juvenile Justice and Delinquency Prevention to engage local Juvenile Crime Prevention Councils (JCPC's) in the development of gang prevention programs that address local priorities developed as a result of the JCPC's local gang threat assessments. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |
| **115 Local Government Grants to Purchase VIPER Equip't**<br>The Governor reports on the use of funding of up to $5 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award grants to local governments for VIPER (Interoperable communications) equipment in order to enhance communications among public safety agencies. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |
| **National Guard** | | | | |
| **116 Eliminate Funding for 2 Family Assistance Centers**<br>Eliminates state funding for three National Guard Family Assistance Centers. With the scheduled deployment of a significant portion of the NC National Guard in 2009 and 2010, there will be federal funds available for family assistance centers while the troops are deployed. | ($280,000) | R | ($280,000) | R |
| **117 Transfer the National Guard Pension Fund**<br>Transfer of the National Guard Pension Fund ($7,007,443) from the Department of Crime Control and Public Safety to the Department of State Treasurer. This transfer will allow the Department of the State Treasurer to manage this program as it does for most of the State's pension programs. | ($7,007,443) | R | ($7,007,443) | R |
| **118 Reduce National Guard Tuition Assistance Program**<br>Recommendation to reduce the National Guard Tuition Assistance program appropriation. With the scheduled deployment of a significant portion of the NC National Guard in 2009 and 2010 there will be a decrease in the number of National Guard members requesting tuition assistance through this program. In addition to the state program, there is also a federal program that provides tuition assistance to National Guard members. | ($500,000) | R | ($500,000) | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Victim Compensation Services** | | | | |
| **119 Budget Over-realized Receipts**<br>Reduction in the General Fund appropriation for the Victim Compensation Program. Under budgeted receipts from the Department of Correction and American Reinvestment and Recovery Act funds will be used to offset this reduction. The program will still have enough funding to pay for all FY 2008-09 approved claims. | ($472,619) | R | ($472,619) | R |
| **Total Legislative Changes** | **($15,323,550)** | **R** | **($17,283,312)** | **R** |
| | **($372,698)** | **NR** | **($803,034)** | **NR** |
| **Total Position Changes** | -23.75 | | -27.75 | |
| **Revised Budget** | **$28,229,630** | | **$25,981,524** | |

APPA

## FY 2009-11 JPS Agency Budget Proposals

**Administrative Office of the Courts**

- Reduced $60 million
- Eliminates nearly 500 positions, both vacant and filled;
  - Reduces clerks by 10% - to be eliminated from the counties with populations ≥ 150,000
  - Eliminates 155 Victim's Witness Legal Assistant positions, resulting in one VWLA to provide support for 2 Assistant District Attorneys
  - Eliminates 4 Special Superior Judge positions upon the expiration of their current appointment term over the next two years

- Reduces non-profit pass-through funding by 25%
- Proposing nearly **$40 million** in additional court fees, fines, and other revenue for the General Fund and county school systems.

**Office of Indigent Defense Services**

- Reduced $19.4 million
- Reduce Private Attorney Contract (PAC) rate from $75 to $70/hour
- Partially restores the continuation budget to provide about $6 million for unpaid fee applications that will be carried forward from the current year
- Eliminates funding for the Sentencing Services Program

**Justice**

- Reduced $18.6 million
- Proposes new annual certification fees, $100 -$200, for law enforcement officers
- Closes the Triad SBI Crime Lab
- Make counties responsible for the cost of tort claim payments arising from school bus accidents
- Eliminates the second-year funding for the Citizens' Services/Consumer Protection Division pending continuation review findings and recommendations

**Juvenile Justice and Delinquency Prevention**

- Reduced $36.3 million
- Closes the Dobbs and Samarkand youth development centers; 2 Eckerd Camps and the Alamance Multi-purpose Group Home
- Eliminates funding for Support Our Students (SOS), Center for Prevention of School Violence, and the Governor's One-on-One Program
- 15% reduction to JCPC Program

**Correction**

- Reduced $144.6 million
- Eliminated over 1500 positions, both filled and vacant.
- Closes 8 prisons
- Eliminates community service work crews
- Eliminates payments to counties for jail misdemeanants

**Crime Control and Public Safety**

- Reduced $17.5 million
- Eliminates 33 positions, including 6 vacancies
- 15% reduction in funding for Butner Public Safety and the ALE
- Reduces NG Tuition Assistance Program $500,000

## JPS FY 2009-11 Fee/Revenue Proposals

| Agency | Description | New Fee Revenue FY 2009-10 | FY2010-11 |
|---|---|---|---|
| DOJ | DPI School Bus Tort Claim | *(6,868,144)* | *(3,434,072)* |
| | Establish Criminal Justice Training Fee Schedule | (4,050,000) | (8,100,000) |
| DOC | Increase Community Service Work Program Fee by $100 | *(3,400,000)* | *(3,400,000)* |
| AOC | Reinstate & Expand Failure to Comply Fee ($50) | *(1,570,445)* | *(1,570,445)* |
| | Divorce Fee (from $75 to $150) | *(1,810,250)* | *(1,810,250)* |
| | Foreclosure Filing Fee (from $75 to $150) | *(4,046,625)* | *(4,046,625)* |
| | Record checks (from $15 to $25) | *(1,741,080)* | *(1,741,080)* |
| | Safe Roads Fine $350 (goes to County Schools) | *(4,300,000)* | *(4,300,000)* |
| | Recoup administrative costs of non-General Fund revenue collection per G.S. 115C-437 (10%) | *(5,366,761)* | *(5,366,761)* |
| | Increase Special Proceedings from $40 to $75 | *(4,480,210)* | *(4,480,210)* |
| | Increase Estate filing fee from $50 to $75 | *(1,591,500)* | *(1,591,500)* |
| | New Assignment of Title (estates) fee -- $10 | *(40,820)* | *(40,820)* |
| | Increase fee for Resumption of Maiden Name from $10 to $20 | *(110,000)* | *(110,000)* |
| | Increase Confession of Judgment fee from $25 to $50 | *(67,500)* | *(67,500)* |
| | Increase Business Court filing fee from $200 to $1,000 | *(120,000)* | *(120,000)* |
| | Bond Forfeiture Set Aside Processing Fee - $50 | *(1,520,000)* | *(1,520,000)* |
| | Increase fines for all Waivable Offenses by $25 Year 1 and an additional $10 in Year 2. Revenue goes to county school funds | *(11,250,000)* | *(15,750,000)* |
| | ***Total JPS Fee Revenue Credits (House only)*** | ***(52,333,335)*** | ***(57,449,263)*** |

# JPS House Special Provisions

June 2, 2009

## Judicial

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

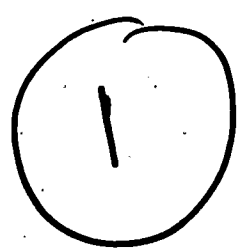
2009-AOC-H2(S15.1)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*TRANSFER OF EQUIPMENT AND SUPPLY FUNDS*

**SECTION 15.1.** Funds appropriated to the Judicial Department in the 2009-2011 fiscal 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 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H3(S15.2)i

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***GRANT FUNDS***

**SECTION 15.2.** Notwithstanding G.S. 143C-6-9, the Administrative Office of the Courts may use up to the sum of one million five hundred thousand dollars ($1,500,000) from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

2

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H4(S15.3)

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*DEATH PENALTY LITIGATION FUNDS*

**SECTION 15.3.** Of the funds appropriated in this act to the Office of Indigent Defense Services for the 2009-2011 fiscal biennium, the Office may use up to the sum of four hundred seventy-six thousand four hundred twenty-five dollars ($476,425) for the 2009-2010 fiscal year and up to the sum of four hundred seventy-six thousand four hundred twenty-five dollars ($476,425) for the 2010-2011 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, of each year in the biennium, to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the activities funded by this section.

3

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H5(S15.4)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

***REPORT ON BUSINESS COURTS***

**SECTION 15.4.** The Administrative Office of the Courts 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 March 1 of each year on the activities of each North Carolina Business Court site, including the number of new, closed, and pending cases, average age of pending cases, and annual expenditures for the prior fiscal year.

4

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H6(S15.5)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*COLLECTION OF WORTHLESS CHECK FUNDS*

**SECTION 15.5.** 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, 2009, for the purchase or repair of office or information technology equipment during the 2009-2010 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 House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the equipment to be purchased or repaired and the reasons for the purchases.

5

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H7(S15.6)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

***DISPUTE RESOLUTION FEES***

**SECTION 15.6.** Notwithstanding the provisions of G.S. 143C-1-2(b), certification and renewal fees collected by the Dispute Resolution Commission are nonreverting and are only to be used at the direction of the Commission.

6

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H8(S15.7)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*REIMBURSEMENT FOR USE OF PERSONAL VEHICLES*

SECTION 15.7. Notwithstanding the provisions of G.S. 138-6(a)(1), the Judicial Department, during the 2009-2011 fiscal biennium, may elect to establish a per-mile reimbursement rate for transportation by privately owned vehicles at a rate less than the business standard mileage rate set by the Internal Revenue Service.

7

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H9(S15.9)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*GUIDELINES FOR MAXIMIZING EFFICIENCY OF PROCEEDINGS*

**SECTION 15.9.** By December 1, 2009, the Administrative Office of the Courts shall develop guidelines to be applied to maximize efficient use of the time of probation officers and court personnel participating in probation revocation proceedings. The Administrative Office of the Courts may also adopt guidelines for maximizing the efficient use of the time of law enforcement personnel participating in the Criminal District Courts.

8

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H10(S15.10)**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***WEEKLY MILEAGE REIMBURSEMENT FOR SUPERIOR COURT JUDGES***

**SECTION 15.10.** 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 a regular superior court judge shall be paid a weekly mileage reimbursement for each week or fraction of a week that court is in regular or extra session. The amount of the weekly mileage reimbursement for regular judges shall be calculated for each judge by multiplying the actual round-trip mileage for one round trip from that judge's home to the seat of court 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. A special superior court judge shall be paid the same travel allowance as State employees generally by G.S. 138-6(a)(1) and (2), 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."

(9)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H11(S15.11)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*CLARIFY THAT DWI TREATMENT COURTS ARE A TYPE OF DRUG TREATMENT COURT UNDER THE DRUG TREATMENT COURT ACT*

**SECTION 15.11.** G.S. 7A-791 reads as rewritten:

"**§ 7A-791. Purpose.**

The General Assembly recognizes that a critical need exists in this State for judicial programs that will reduce the incidence of alcohol and other drug abuse or dependence and crimes, including the offense of driving while impaired, delinquent acts, and child abuse and neglect committed as a result of alcohol and other drug abuse or dependence, and child abuse and neglect where alcohol and other drug abuse or dependence are significant factors in the child abuse and neglect. It is the intent of the General Assembly by this Article to create a program to facilitate the creation of local drug treatment court ~~programs.~~ programs and driving while impaired (DWI) treatment court programs."

10

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H18(S15.18)**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***NEW FEE FOR COSTS OF SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION, THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, AND THE CRIMINAL JUSTICE STANDARDS DIVISION***

**SECTION 15.18.** G.S. 7A-304 is amended by adding a new subsection to read:

"(3b) For the services, staffing, and operations of the Criminal Justice Education and Standards Commission, the Sheriffs' Education and Training Standards Commission, and the Criminal Justice Standards Division, the sum of ten dollars ~~($10.00)~~ $12.00 to be remitted to the Department of Justice. Eight dollars ~~($8.00) of this sum shall be used exclusively for the Criminal Justice Standards Division,~~ one dollar and sixty-five cents ($1.65) of this sum shall be used exclusively for the Criminal Justice Education and Standards Commission, and thirty-five cents (35¢) shall be used exclusively for the Sheriffs' Education and Training Standards Commission."

SENATE

(11)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H19(S15.19)i

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***INCREASE CONVICTED CRIMINAL LAB ANALYSIS FEE***

**SECTION 15.19.(a)** G.S. 7A-304(a)(7) reads as rewritten:

"(7) For the services of the State Bureau of Investigation laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of ~~three hundred dollars ($300.00)~~six hundred dollars ($600.00) to be remitted to the Department of Justice for support of the State Bureau of Investigation. This cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed DNA analysis of the crime, tests of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction."

**SECTION 15.19.(b)** G.S. 7A-304(a)(8) reads as rewritten:

"(8) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of ~~three hundred dollars ($300.00)~~ six hundred dollars ($600.00) to be remitted to the general fund of the local governmental unit that operates the laboratory to be used for law enforcement purposes. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed DNA analysis of the crime, test of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The costs shall be assessed only if the court finds that the work performed at the local government's laboratory is the equivalent of the same kind of work performed by the State Bureau of Investigation under subdivision (7) of this subsection. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction."

(12)

GOV

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H25(S15.20)

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** Representative

*INCREASE CERTAIN COURT FEES*

**SECTION 15.20.(a)** G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

(1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of five dollars ($5.00), to be remitted to the county wherein the arrest was made or process was served, except that in those cases in which the arrest was made or process served by a law-enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.

(2) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in the district court, including cases before a magistrate, and the sum of thirty dollars ($30.00) in superior court, to be remitted to the county in which the judgment is rendered. In all cases where the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used exclusively by the county or municipality for providing, maintaining, and constructing adequate courtroom and related judicial facilities, including: adequate space and furniture for judges, district attorneys, public defenders and other personnel of the Office of Indigent Defense Services, magistrates, juries, and other court related personnel; office space, furniture and vaults for the clerk; jail and juvenile detention facilities; free parking for jurors; and a law library (including books) if one has heretofore been established or if the governing body hereafter decides to establish one. In the event the funds derived from the facilities fees exceed what is needed for these purposes, the county or municipality may, with the approval of the Administrative Officer of the Courts as to the amount, use any or all of the excess to retire outstanding indebtedness incurred in the construction of the facilities, or to reimburse the county or municipality for funds expended in constructing or renovating the facilities (without incurring any indebtedness) within a period of two years before or after the date a district court is established in such county, or to supplement the operations of the General Court of Justice in the county.

(2a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~one dollar ($1.00),~~ three dollars ($3.00), to be credited to the Court Information Technology Fund.

13

(3) For the retirement and insurance benefits of both State and local government law-enforcement officers, the sum of six dollars and twenty-five cents ($6.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum shall be administered as is provided in Article 12C of Chapter 143 of the General Statutes. Five dollars and seventy-five cents ($5.75) of this sum shall be administered as is provided in Article 12E of Chapter 143 of the General Statutes, with one dollar and twenty-five cents ($1.25) being administered in accordance with the provisions of G.S. 143-166.50(e).

(3a) For the supplemental pension benefits of sheriffs, the sum of one dollar twenty-five cents ($1.25) to be remitted to the Department of Justice and administered under the provisions of Article 12G of Chapter 143 of the General Statutes.

(4) For support of the General Court of Justice, the sum of ~~ninety-five dollars and fifty cents ($95.50)~~ one hundred three dollars and fifty cents ($103.50) in the district court, including cases before a magistrate, and the sum of ~~one hundred two dollars and fifty cents ($102.50)~~ one hundred fifteen dollars and fifty cents ($115.50) 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 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.

(4a) For support of the General Court of Justice, the sum of five dollars ($5.00) for all offenses arising under Chapter 20 of the General Statutes, to be remitted to the State Treasurer.

(5) For using pretrial release services, the district or superior court judge shall, upon conviction, impose a fee of fifteen dollars ($15.00) to be remitted to the county providing the pretrial release services. This cost shall be assessed and collected only if the defendant had been accepted and released to the supervision of the agency providing the pretrial release services.

(6) For support of the General Court of Justice, the sum of ~~one hundred dollars ($100.00)~~ two hundred dollars ($200.00) is payable by a defendant who fails to appear to answer the charge as scheduled, unless within 20 days after the scheduled appearance, the person either appears in court to answer the charge or disposes of the charge pursuant to ~~G.S. 7A-146.~~G.S. 7A-146 and the sum of fifty dollars ($50.00) is payable by a defendant who fails to pay a fine, penalty, or costs within 20 days of the date specified in the court's judgment. Upon a showing to the court that the defendant failed to appear because of an error or omission of a judicial official, a prosecutor, or a law-enforcement officer, the court shall waive this fee. This fee shall be remitted to the State Treasurer.

(6a) For support of the General Court of Justice, for the issuance by the clerk of a report to the Division of Motor Vehicles pursuant to G.S. 20-24.2(a)(2), the sum of fifty dollars ($50.00), to be remitted to the State Treasurer.

(7) For the services of the State Bureau of Investigation laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars ($300.00) to be remitted to the Department of Justice for support of the State Bureau of Investigation. This cost shall be

(14)

assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed DNA analysis of the crime, tests of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction.

(8) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars ($300.00) to be remitted to the general fund of the local governmental unit that operates the laboratory to be used for law enforcement purposes. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed DNA analysis of the crime, test of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The costs shall be assessed only if the court finds that the work performed at the local government's laboratory is the equivalent of the same kind of work performed by the State Bureau of Investigation under subdivision (7) of this subsection. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction."

**SECTION 15.20.(b)** Effective July 1, 2010, G.S. 7A-304(a), as rewritten by subsection (a) of this section, reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

(1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of five dollars ($5.00), to be remitted to the county wherein the arrest was made or process was served, except that in those cases in which the arrest was made or process served by a law-enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.

(2) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in the district court, including cases before a magistrate, and the sum of thirty dollars ($30.00) in superior court, to be remitted to the county in which the judgment is rendered. In all cases where the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used exclusively by the county or municipality for providing, maintaining, and constructing adequate courtroom and related judicial facilities, including: adequate space and furniture for judges, district attorneys, public defenders and other personnel of the Office of Indigent Defense Services, magistrates, juries, and other court related personnel; office space, furniture and vaults for the clerk; jail and juvenile detention facilities; free parking for jurors; and a law library (including books) if one has heretofore been established or if the governing body hereafter decides to establish one. In the event the funds

derived from the facilities fees exceed what is needed for these purposes, the county or municipality may, with the approval of the Administrative Officer of the Courts as to the amount, use any or all of the excess to retire outstanding indebtedness incurred in the construction of the facilities, or to reimburse the county or municipality for funds expended in constructing or renovating the facilities (without incurring any indebtedness) within a period of two years before or after the date a district court is established in such county, or to supplement the operations of the General Court of Justice in the county.

(2a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~three dollars ($3.00),~~ four dollars ($4.00), to be credited to the Court Information Technology Fund.

(3) For the retirement and insurance benefits of both State and local government law-enforcement officers, the sum of six dollars and twenty-five cents ($6.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum shall be administered as is provided in Article 12C of Chapter 143 of the General Statutes. Five dollars and seventy-five cents ($5.75) of this sum shall be administered as is provided in Article 12E of Chapter 143 of the General Statutes, with one dollar and twenty-five cents ($1.25) being administered in accordance with the provisions of G.S. 143-166.50(e).

(3a) For the supplemental pension benefits of sheriffs, the sum of one dollar twenty-five cents ($1.25) to be remitted to the Department of Justice and administered under the provisions of Article 12G of Chapter 143 of the General Statutes.

(4) For support of the General Court of Justice, the sum of ~~one hundred three dollars and fifty cents ($103.50)~~ one hundred five dollars and fifty cents ($105.50) in the district court, including cases before a magistrate, and the sum of ~~one hundred fifteen dollars and fifty cents ($115.50)~~ one hundred thirty-five dollars and fifty cents ($135.50) 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 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.

(4a) For support of the General Court of Justice, the sum of ~~five dollars ($5.00)~~ ten dollars ($10.00) for all offenses arising under Chapter 20 of the General Statutes, to be remitted to the State Treasurer.

(5) For using pretrial release services, the district or superior court judge shall, upon conviction, impose a fee of fifteen dollars ($15.00) to be remitted to the county providing the pretrial release services. This cost shall be assessed and collected only if the defendant had been accepted and released to the supervision of the agency providing the pretrial release services.

(6) For support of the General Court of Justice, the sum of two hundred dollars ($200.00) is payable by a defendant who fails to appear to answer the charge as scheduled, unless within 20 days after the scheduled appearance, the person either appears in court to answer the charge or disposes of the charge pursuant to G.S. 7A-146 and the sum of fifty dollars ($50.00) is payable by a defendant who fails to pay a fine, penalty, or costs within 20 days of the date

16

specified in the court's judgment. Upon a showing to the court that the defendant failed to appear because of an error or omission of a judicial official, a prosecutor, or a law-enforcement officer, the court shall waive this fee. This fee shall be remitted to the State Treasurer.

(6a) For support of the General Court of Justice, for the issuance by the clerk of a report to the Division of Motor Vehicles pursuant to G.S. 20-24.2(a)(2), the sum of fifty dollars ($50.00), to be remitted to the State Treasurer.

(7) For the services of the State Bureau of Investigation laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars ($300.00) to be remitted to the Department of Justice for support of the State Bureau of Investigation. This cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed DNA analysis of the crime, tests of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction.

(8) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars ($300.00) to be remitted to the general fund of the local governmental unit that operates the laboratory to be used for law enforcement purposes. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed DNA analysis of the crime, test of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The costs shall be assessed only if the court finds that the work performed at the local government's laboratory is the equivalent of the same kind of work performed by the State Bureau of Investigation under subdivision (7) of this subsection. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction."

**SECTION 15.20.(c)** G.S. 7A-304 is amended by adding a new subsection to read:

"(f) Defendants owing costs under this section may either make payment in full when costs are assessed or may make payment on an installment plan arranged with the court. Defendants making use of an installment plan shall pay a onetime setup fee of twenty dollars ($20.00) to cover the additional costs to the court of receiving and disbursing installment payments. Notwithstanding the provisions of G.S. 7A-304(d)(1), the setup fee authorized by this subsection shall be paid prior to the disbursement of funds for any other purpose. Fees collected under this section shall be remitted to the State Treasurer for support of the General Court of Justice."

**SECTION 15.20.(d)** G.S. 7A-305(a) reads as rewritten:

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

(1) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in cases heard before a magistrate, and the sum of sixteen dollars ($16.00) in district and superior court, to be remitted to the county in which the judgment is rendered, except that in all cases in which the judgment is rendered in facilities provided by a municipality, the facilities

fee shall be paid to the municipality. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.

(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~one dollar ($1.00),~~ three dollars ($3.00), to be credited to the Court Information Technology Fund.

(2) For support of the General Court of Justice, the sum of ~~ninety-three dollars ($93.00)~~ one hundred thirty dollars ($130.00) 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)~~one thousand dollars ($1,000) shall be paid upon its assignment, and the sum of ~~seventy-three dollars ($73.00)~~ seventy-eight dollars ($78.00) in the district court except that if the case is assigned to a magistrate the sum shall be ~~sixty-three dollars ($63.00).~~ fifty-five dollars ($55.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of 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 15.20.(e)** Effective July 1, 2010, G.S. 7A-305(a), as rewritten by subsection (d) of this section, reads as rewritten:

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

(1) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in cases heard before a magistrate, and the sum of sixteen dollars ($16.00) in district and superior court, to be remitted to the county in which the judgment is rendered, except that in all cases in which the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.

(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~three dollars ($3.00),~~ four dollars ($4.00), to be credited to the Court Information Technology Fund.

(2) For support of the General Court of Justice, the sum of ~~one hundred thirty dollars ($130.00)~~ one hundred forty dollars ($140.00) 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 one thousand dollars ($1,000) shall be paid upon its assignment, and the sum of ~~seventy-eight dollars ($78.00)~~ eighty dollars ($80.00) in the district court except that if the case is assigned to a magistrate the sum shall be fifty-five dollars ($55.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of 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."

(18)

**SECTION 15.20.(f)** G.S. 7A-306(a) reads as rewritten:

"(a) In every special proceeding in the superior court, the following costs shall be assessed:

...

(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~one dollar ($1.00),~~ three dollars ($3.00), to be credited to the Court Information Technology Fund.

(2) For support of the General Court of Justice the sum of ~~forty dollars ($40.00).~~ seventy-five dollars ($75.00).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 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 15.20.(g)** Effective July 1, 2010, G.S. 7A-306(a)(1a), as amended by subsection (f) of this section, reads as rewritten:

"(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~three dollars ($3.00),~~ four dollars ($4.00), to be credited to the Court Information Technology Fund."

**SECTION 15.20.(h)** G.S. 7A-307 reads as rewritten:

"(a) In the administration of the estates of decedents, minors, incompetents, of missing persons, and of trusts under wills and under powers of attorney, in trust proceedings under G.S. 36A-23.1, and in collections of personal property by affidavit, the following costs shall be assessed:

...

(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~one dollar ($1.00),~~ three dollars ($3.00), to be credited to the Court Information Technology Fund..

(2) For support of the General Court of Justice, the sum of ~~fifty dollars ($50.00),~~seventy-five dollars ($75.00), 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 two dollars and five cents ($2.05) of each fifty-dollar ($50.00) 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.

...

(b1) The clerk shall assess the following miscellaneous fees:

| | | |
|---|---|---|
| (1) | Filing and indexing a will with no probate | |
| | – first page | $ 1.00 |
| | – each additional page or fraction thereof | .25 |
| (2) | Issuing letters to fiduciaries, per letter over five letters issued | 1.00 |
| (3) | Inventory of safe deposits of a decedent, per box, per day | 15.00 |
| (4) | Taking a deposition | 10.00 |
| (5) | Docketing and indexing a will probated in another county in the State | |
| | – first page | 6.00 |
| | – each additional page or fraction thereof | .25 |
| (6) | Hearing petition for year's allowance to surviving spouse or child, in cases not assigned to a magistrate, and allotting the same | 8.00 |
| (7) | Assignment of title | 10.00 |

...."

**SECTION 15.20.(i)** Effective July 1, 2010, G.S. 7A-307(a)(1a), as amended by subsection (h) of this section, reads as rewritten:

"(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~three dollars ($3.00),~~ four dollars ($4.00), to be credited to the Court Information Technology Fund."

**SECTION 15.20.(j)** G.S. 20-135.2A(e) reads as rewritten:

"(e) Any driver or front seat passenger who fails to wear a seat belt as required by this section shall have committed an infraction and shall pay a penalty of twenty-five dollars ($25.00) plus the following court ~~costs in the sum of seventy-five dollars ($75.00).~~ costs: the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone facilities fee provided for in G.S. 7A-304(a)(2a), and the law enforcement training and certification fee provided for in G.S. 7A-304(a)(3b). Any rear seat occupant of a vehicle who fails to wear a seat belt as required by this section shall have committed an infraction and shall pay a penalty of ten dollars ($10.00) and no court costs. Court costs assessed under this section are for the support of the General Court of Justice and shall be remitted to the State Treasurer. Conviction of an infraction under this section has no other consequence."

**SECTION 15.20.(k)** G.S. 20-140.4 reads as rewritten:

"**§ 20-140.4. Special provisions for motorcycles and mopeds.**

(a) No person shall operate a motorcycle or moped upon a highway or public vehicular area:

(1) When the number of persons upon such motorcycle or moped, including the operator, shall exceed the number of persons which it was designed to carry.

(2) Unless the operator and all passengers thereon wear on their heads, with a retention strap properly secured, safety helmets of a type that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218.

(b) Violation of any provision of this section shall not be considered negligence per se or contributory negligence per se in any civil action.

(c) Any person convicted of violating this section shall have committed an infraction and shall ~~be fined according to G.S. 20-135.2A(e) and (f).~~ pay a penalty of twenty-five dollars ($25.00) plus the following court costs: the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone facilities fee provided for in G.S. 7A-304(a)(2a), and the law

20

enforcement training and certification fee provided for in G.S. 7A-304(a)(3b). Conviction of an infraction under this section has no other consequence.

(d) No drivers license points or insurance surcharge shall be assessed on account of violation of this section."

**SECTION 15.20.(l)** G.S. 7A-305(a2) reads as rewritten:

"(a2) In every action for absolute divorce filed in the district court, a cost of ~~seventy-five dollars ($75.00)~~one hundred fifty dollars ($150.00) shall be assessed against the person filing the divorce action. Costs collected by the clerk pursuant to this subsection shall be remitted to the State Treasurer, who shall deposit ~~fifty-five dollars ($55.00)~~one hundred thirty dollars ($130.00) to the North Carolina Fund for Displaced Homemakers established under G.S. 143B-394.10 and twenty dollars ($20.00) to the Domestic Violence Center Fund established under G.S. 50B-9. Costs assessed under this subsection shall be in addition to any other costs assessed under this section."

**SECTION 15.20.(m)** G.S. 7A-308(a) reads as rewritten:

"(a) The following miscellaneous fees and commissions shall be collected by the clerk of superior court and remitted to the State for the support of the General Court of Justice:

(1) Foreclosure under power of sale in deed of trust or mortgage..~~$75.00~~$150.00
If the property is sold under the power of sale, an additional amount will be charged, determined by the following formula: forty-five cents (.45) per one hundred dollars ($100.00), or major fraction thereof, of the final sale price. If the amount determined by the formula is less than ten dollars ($10.00), a minimum ten dollar ($10.00) fee will be collected. If the amount determined by the formula is more than five hundred dollars ($500.00), a maximum five hundred-dollar ($500.00) fee will be collected.

...

(3) Confession of judgment ..... ~~25.00~~50.00

...

(6) Notice of resumption of former name ..... ~~10.00~~20.00

...

(17) Criminal record search except if search is requested by an agency of the State or any of its political subdivisions or by an agency of the United States or by a petitioner in a proceeding under Article 2 of General Statutes Chapter 20 ..... ~~15.00~~25.00

..."

**SECTION 15.20.(n)** Subsections (a), (j), and (k) of this section become effective July 1, 2009, and apply to all costs assessed or collected on or after that date, except that in misdemeanor or infraction cases disposed of on or after that date by written appearance, waiver of trial or hearing, and plea of guilt or admission of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2), in which the citation or other criminal process was issued before that date, the cost shall be the lesser of those specified in G.S. 7A-304(a), as amended by subsection (a) of this section, or those specified in the notice portion of the defendant's or respondent's copy of the citation or other criminal process, if any costs are specified in that notice.

Subsection (b) of this section becomes effective July 1, 2010, and applies to all costs assessed or collected on or after that date, except that in misdemeanor or infraction cases disposed of on or after that date by written appearance, waiver of trial or hearing, and plea of guilt or admission of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2), in which the citation or other criminal process was issued before that date, the cost shall be the lesser of those specified in G.S. 7A-304(a), as amended by subsection (b) of this section, or those specified in the notice portion of the defendant's or respondent's copy of the citation or other criminal process, if any costs are specified in that notice.

Subsections (e), (g), and (i) of this section become effective July 1, 2010, and apply to fees assessed or collected on or after that date. The remainder of this section becomes effective July 1, 2009, and applies to fees assessed or collected on or after that date.

22

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H21**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***MANDATORY APPOINTMENT FEE IN CRIMINAL CASES/REPORT ON COLLECTION OF INDIGENT APPOINTMENT FEES***

**SECTION #.(a)** G.S 7A-455.1 reads as rewritten:

"**§ 7A-455.1. Appointment fee in criminal cases.**

(a) ~~Each person for whom~~ In every criminal case in which counsel is appointed ~~in a criminal case at the trial level shall~~ at the trial level, the judge shall order the defendant to pay to the clerk of court an appointment fee of fifty dollars ($50.00). No fee shall be due unless the person is convicted.

(b) The mandatory fifty-dollar ($50.00) fee may not be remitted or revoked by the court and shall be added to any amounts the court determines to be owed for the value of legal services rendered to the defendant and shall be collected in the same manner as attorneys' fees are collected for such representation.

(c) Repealed by Session Laws 2005-250 s. 3, effective August 4, 2005.

(d) Inability, failure, or refusal to pay the appointment fee shall not be grounds for denying appointment of counsel, for withdrawal of counsel, or for contempt.

(e) The appointment fee required by this section shall be assessed only once for each attorney appointment, regardless of the number of cases to which the attorney was assigned. An additional appointment fee shall not be assessed if the charges for which an attorney was appointed were reassigned to a different attorney.

(f) Of each appointment fee collected under this section, the sum of forty-five dollars ($45.00) shall be credited to the Indigent Persons' Attorney Fee Fund and the sum of five dollars ($5.00) shall be credited to the Court Information Technology Fund under G.S. 7A-343.2. These fees shall not revert.

(g) The Office of Indigent Defense Services shall adopt rules and develop forms to govern implementation of this section."

**SECTION #.(b)** The Administrative Office of the Courts shall monitor the collection of indigent appointment fees under G.S. 7A-455.1 and the recoupment rates for each office of the clerk of superior court and shall report quarterly on its findings to the Joint Legislative Commission on Governmental Operations.

(23)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H23A**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***ABOLISH SPECIAL SUPERIOR COURT JUDGESHIPS***

**SECTION #.** G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a8) Notwithstanding any other provision of this section, except as to those three seats designated as of May 31, 2009 under G.S. 7A-45.3 as business court judges, effective on and after the date this subsection becomes law, any seat established by this section is abolished when any of the following first occurs prior to July 1, 2011:

(1) Retirement of the incumbent judge.
(2) Resignation of the incumbent judge.
(3) Removal from office of the incumbent judge.
(4) Death of the incumbent judge.
(5) Expiration of the term of office of the incumbent judge.

The three special superior court judgeships not abolished under the preceding paragraph of this subsection may be used only to hear and decide complex business cases as provided by G.S. 7A-45.3."

24

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H30

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Senator

*REPEAL ASSISTANT DISTRICT ATTORNEY AUTHORIZATIONS*

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

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

| Prosecutorial District | Counties | No. of Full-Time Asst. District Attorneys |
|---|---|---|
| 1 | Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans | 11 |
| 2 | Beaufort, Hyde, Martin, Tyrrell, Washington | 8 |
| 3A | Pitt | 11 |
| 3B | Carteret, Craven, Pamlico | 12 |
| 4 | Duplin, Jones, Onslow, Sampson | 18 |
| 5 | New Hanover, Pender | 18 |
| 6A | Halifax | 5 |
| 6B | Bertie, Hertford, Northampton | 6 |
| 7 | Edgecombe, Nash, Wilson | 19 |
| 8 | Greene, Lenoir, Wayne | 14 |
| 9 | Franklin, Granville, Vance, Warren | 12 |
| 9A | Person, Caswell | 6 |
| 10 | Wake | ~~42~~ 41 |
| 11 | Harnett, Johnston, Lee | ~~19~~ 18 |
| 12 | Cumberland | 23 |
| 13 | Bladen, Brunswick, Columbus | 13 |
| 14 | Durham | 18 |
| 15A | Alamance | 11 |
| 15B | Orange, Chatham | 10 |
| 16A | Scotland, Hoke | 7 |
| 16B | Robeson | 13 |
| 17A | Rockingham | 7 |
| 17B | Stokes, Surry | 8 |
| 18 | Guilford | 32 |
| 19A | Cabarrus | 9 |
| 19B | Montgomery, Randolph | 10 |
| 19C | Rowan | 8 |

(25)

| | | | |
|---|---|---|---|
| 19D | Moore | 5 |
| 20A | Anson, Richmond, Stanly | 12 |
| 20B | Union | 10 |
| 21 | Forsyth | 25 |
| 22A | Alexander, Iredell | 11 |
| 22B | Davidson, Davie | 11 |
| 23 | Alleghany, Ashe, Wilkes, Yadkin | 8 |
| 24 | Avery, Madison, Mitchell, Watauga, Yancey | 7 |
| 25 | Burke, Caldwell, Catawba | 19 |
| 26 | Mecklenburg | ~~58~~ 56 |
| 27A | Gaston | 15 |
| 27B | Cleveland, Lincoln | 11 |
| 28 | Buncombe | 14 |
| 29A | McDowell, Rutherford | 7 |
| 29B | Henderson, Polk, Transylvania | 8 |
| 30 | Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain." | 11 |

26

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H31

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Senator

*DIVIDE PROSECUTORIAL DISTRICT 11 INTO DISTRICTS 11A AND 11B*

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

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

| Prosecutorial District | Counties | No. of Full-Time Asst. District Attorneys |
|---|---|---|
| 1 | Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans | 11 |
| 2 | Beaufort, Hyde, Martin, Tyrrell, Washington | 8 |
| 3A | Pitt | 11 |
| 3B | Carteret, Craven, Pamlico | 12 |
| 4 | Duplin, Jones, Onslow, Sampson | 18 |
| 5 | New Hanover, Pender | 18 |
| 6A | Halifax | 5 |
| 6B | Bertie, Hertford, Northampton | 6 |
| 7 | Edgecombe, Nash, Wilson | 19 |
| 8 | Greene, Lenoir, Wayne | 14 |
| 9 | Franklin, Granville, Vance, Warren | 12 |
| 9A | Person, Caswell | 6 |
| 10 | Wake | 42 |
| ~~11~~ 11A | Harnett, ~~Johnston,~~ Lee | ~~19~~ 9 |
| 11B | Johnston | 10 |
| 12 | Cumberland | 23 |
| 13 | Bladen, Brunswick, Columbus | 13 |
| 14 | Durham | 18 |
| 15A | Alamance | 11 |
| 15B | Orange, Chatham | 10 |
| 16A | Scotland, Hoke | 7 |
| 16B | Robeson | 13 |
| 17A | Rockingham | 7 |
| 17B | Stokes, Surry | 8 |
| 18 | Guilford | 32 |
| 19A | Cabarrus | 9 |
| 19B | Montgomery, Randolph | 10 |

27

| | | | |
|---|---|---|---|
| 19C | Rowan | 8 |
| 19D | Moore | 5 |
| 20A | Anson, Richmond, Stanly | 12 |
| 20B | Union | 10 |
| 21 | Forsyth | 25 |
| 22A | Alexander, Iredell | 11 |
| 22B | Davidson, Davie | 11 |
| 23 | Alleghany, Ashe, Wilkes, Yadkin | 8 |
| 24 | Avery, Madison, Mitchell, Watauga, Yancey | 7 |
| 25 | Burke, Caldwell, Catawba | 19 |
| 26 | Mecklenburg | 58 |
| 27A | Gaston | 15 |
| 27B | Cleveland, Lincoln | 11 |
| 28 | Buncombe | 14 |
| 29A | McDowell, Rutherford | 7 |
| 29B | Henderson, Polk, Transylvania | 8 |
| 30 | Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain." | 11 |

**SECTION #.(b)** The district attorney position established for District 11B by Section 1 of this act shall be filled by the district attorney currently serving District 11 who resides in Johnston County. A district attorney for District 11A shall be elected in the 2010 election for a four-year term commencing January 1, 2011.

**SECTION #.(c)** This act becomes effective January 1, 2011.

28

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H29

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

***REPEAL FOUR UNAPPOINTED DISTRICT COURT JUDGESHIPS***

**SECTION #.(a)** G.S. 7A-133(a) reads as rewritten:

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

| District | Judges | County |
|---|---|---|
| 1 | 5 | Camden |
| | | Chowan |
| | | Currituck |
| | | Dare |
| | | Gates |
| | | Pasquotank |
| | | Perquimans |
| 2 | 4 | Martin |
| | | Beaufort |
| | | Tyrrell |
| | | Hyde |
| | | Washington |
| 3A | 5 | Pitt |
| 3B | 6 | Craven |
| | | Pamlico |
| | | Carteret |
| 4 | 8 | Sampson |
| | | Duplin |
| | | Jones |
| | | Onslow |
| 5 | ~~9~~ 8 | New Hanover |
| | | Pender |
| 6A | 3 | Halifax |
| 6B | 3 | Northampton |
| | | Bertie |
| | | Hertford |
| 7 | 7 | Nash |
| | | Edgecombe |
| | | Wilson |
| 8 | 6 | Wayne |
| | | Greene |
| | | Lenoir |
| 9 | 4 | Granville |
| | | (part of Vance |

29

| | | | |
|---|---|---|---|
| | | | see subsection (b)) |
| | | | Franklin |
| | 9A | 2 | Person |
| | | | Caswell |
| | 9B | 2 | Warren |
| | | | (part of Vance |
| | | | see subsection (b)) |
| | 10 | ~~19~~ 17 | Wake |
| | 11 | ~~11~~ 10 | Harnett |
| | | | Johnston |
| | | | Lee |
| | 12 | 10 | Cumberland |
| | 13 | 6 | Bladen |
| | | | Brunswick |
| | | | Columbus |
| | 14 | 7 | Durham |
| | 15A | 4 | Alamance |
| | 15B | 5 | Orange |
| | | | Chatham |
| | 16A | 3 | Scotland |
| | | | Hoke |
| | 16B | 5 | Robeson |
| | 17A | 3 | Rockingham |
| | 17B | 4 | Stokes |
| | | | Surry |
| | 18 | 14 | Guilford |
| | 19A | 4 | Cabarrus |
| | 19B | 7 | Montgomery |
| | | | Moore |
| | | | Randolph |
| | 19C | 5 | Rowan |
| | 20A | 4 | Stanly |
| | | | Anson |
| | | | Richmond |
| | 20B | 1 | (part of Union |
| | | | see subsection (b)) |
| | 20C | 2 | (part of Union |
| | | | see subsection (b)) |
| | 20D | 1 | Union |
| | 21 | 10 | Forsyth |
| | 22A | 5 | Alexander |
| | | | Iredell |
| | 22B | 6 | Davidson |
| | | | Davie |
| | 23 | 4 | Alleghany |
| | | | Ashe |
| | | | Wilkes |
| | | | Yadkin |
| | 24 | 4 | Avery |
| | | | Madison |
| | | | Mitchell |

30

| | | |
|---|---|---|
| | | Watauga |
| | | Yancey |
| 25 | 9 | Burke |
| | | Caldwell |
| | | Catawba |
| 26 | 21 | Mecklenburg |
| 27A | 7 | Gaston |
| 27B | 5 | Cleveland |
| | | Lincoln |
| 28 | 7 | Buncombe |
| 29A | 3 | McDowell |
| | | Rutherford |
| 29B | 4 | Henderson |
| | | Polk |
| | | Transylvania |
| 30 | 6 | Cherokee |
| | | Clay |
| | | Graham |
| | | Haywood |
| | | Jackson |
| | | Macon |
| | | Swain." |

**SECTION #.(b)** Section 14.13(e) of S.L. 2007-323 reads as rewritten:

"**SECTION 14.13.(e)** The Governor shall appoint the additional district court ~~judges~~ judge for District 20 authorized by subsection (d) of this section. That judge's successor ~~Those judges' successors~~ shall be elected in the 2010 general election for a four-year ~~terms~~ term commencing January 1, 2011."

**SECTION #.(c)** Section 14.13(b) of S.L. 2008-107 reads as rewritten:

"**SECTION 14.13.(b)** The Governor shall appoint the additional district court ~~judges~~ judge for ~~Districts 10, 11, and~~ District 26 authorized by subsection (a) of this section, and ~~those judges' successors~~ that judge's successor shall be elected in the 2010 election for a four-year ~~terms~~ term commencing January 1, 2011."

31

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H26**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***TRAVEL EXPENSES FOR DISTRICT COURT JUDGES, DISTRICT ATTORNEYS, ASSISTANT DISTRICT ATTORNEYS, PUBLIC DEFENDERS, AND ASSISTANT PUBLIC DEFENDERS***

**SECTION #.(a)** G.S. 7A-144(a) reads as rewritten:

"(a) Each judge shall receive the annual salary provided in the Current Operations Appropriations Act, and reimbursement on the same basis as State employees generally, for his or her necessary ~~travel and~~ subsistence ~~expenses.~~ expenses and for travel expenses when on official business outside the judge's county of residence."

**SECTION #.(b)** G.S. 7A-65(a) reads as rewritten:

"(a) The annual salary of:

(1) District attorneys shall be as provided in the Current Operations Appropriations Act.

(2) Full-time assistant district attorneys shall be as provided in the Current Operations Appropriations Act.

When traveling on official business, each district attorney and assistant district attorney is entitled to reimbursement for his or her subsistence ~~and travel~~ expenses to the same extent as State employees generally. When traveling on official business outside his or her county of residence, each district attorney and assistant district attorney is entitled to reimbursement for travel expenses to the same extent as State employees generally."

**SECTION #.(c)** G.S. 7A-498.7 is amended by adding a new subsection to read:

"(c1) When traveling on official business, each public defender and assistant public defender is entitled to reimbursement for his or her subsistence expenses to the same extent as State employees generally. When traveling on official business outside his or her county of residence, each public defender and assistant public defender is entitled to reimbursement for travel expenses to the same extent as State employees generally."

32

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H27

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***SAFE ROADS FINE***

**SECTION #.(a)** G.S. 20-141(p) reads as rewritten:

"(p) A driver charged with speeding in excess of 25 miles per hour over the posted speed limit shall be ineligible for a disposition of prayer for judgment continued. A driver convicted of speeding in excess of 25 miles per hour over the posted speed limit shall pay a fine of three hundred fifty dollars ($350.00). This penalty shall be imposed in addition to those penalties established in this Chapter."

**SECTION #.(b)** Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-179.5. Additional fine for impaired driving convictions.**

In addition to any other fine or penalty assessed by the court, a defendant who is convicted of an offense involving impaired driving as defined in G.S. 20-4.01(24a) shall pay a fine of three hundred fifty dollars ($350.00)."

**SECTION #.(c)** This act becomes effective July 1, 2009, and applies to offenses committed on or after that date.

33

# JPS House Special Provisions

June 2, 2009

## Indigent Services

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H1(S15.12)

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS***

**SECTION 15.12.** The Judicial Department, Office of Indigent Defense Services, may use up to the sum of two million five hundred one thousand one hundred fifty dollars ($2,501,150) in appropriated funds during the 2009-2010 fiscal year and up to the sum of two million four hundred thirty-three thousand seven hundred dollars ($2,433,700) in appropriated funds during the 2010-2011 fiscal year for the expansion of existing public defender offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services, or for the creation of new public defender offices within existing public defender districts currently providing those services, by creating up to 20 new attorney positions and 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 of Representatives and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion.

34

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H13(S15.13)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

***OFFICE OF INDIGENT DEFENSE SERVICES REPORT***

**SECTION 15.13.(a)** The Office of Indigent Defense Services 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 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, including any recommendations concerning the feasibility and desirability of establishing regional public defender offices.

**SECTION 15.13.(b)** In its March 1, 2010 report, the Office of Indigent Defense Services shall provide a progress report on the pilot program for alternative scheduling authorized by Section 14.1 of S.L. 2008-107. In its March 1, 2011 report, the Office of Indigent Defense Services shall provide a final report on that pilot program.

**SECTION 15.13.(c)** In its March 1, 2010 report, the Office of Indigent Defense Services shall provide a progress report on the feasibility study directed by Section 14.7 of S.L. 2008-107 on developing a statewide system for obtaining indigent case information when counsel is first appointed. In its March 1, 2011 report, the Office of Indigent Defense Services shall provide a final report on that feasibility study.

35

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H14(S15.14)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*INDIGENT DEFENSE SERVICES/STATE MATCH FOR GRANTS*

**SECTION 15.14.** Notwithstanding G.S. 143C-6-9, the Office of Indigent Defense Services may use the sum of up to fifty thousand dollars ($50,000) from funds available to provide the State matching funds needed to receive grant funds. Prior to using funds for this purpose, the Office shall report to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

36

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**Session 2009**

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H15(S15.15)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

***OFFICE OF INDIGENT DEFENSE SERVICES FLEXIBILITY***

**SECTION 15.15.** Notwithstanding the provisions of G.S. 143C-6-9, in implementing reductions to the 2009-2011 budget for legal training and resources, the Office of Indigent Defense Services may use available funds as needed for registration fees, academic services, travel, and book purchases.

37

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-S16**

House **Administrative Office of the Courts**
~~Senate~~ **Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** ~~Senator~~

*ELIMINATE SENTENCING SERVICES PROGRAM*

**SECTION #.** Article 61 of Chapter 7A of the General Statutes is repealed.

House

38

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H17(S15.17)i

Administrative Office of the Courts
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*STUDY STRATEGIES TO REDUCE DEMAND FOR SERVICES OF OFFICE OF INDIGENT DEFENSE SERVICES*

**SECTION 15.17.** The Office of Indigent Defense Services shall consult with the Administrative Office of the Courts, the Conference of District Attorneys, the North Carolina Sentencing and Policy Advisory Commission, and other court system actors in formulating proposals aimed at reducing future costs, including the possibility of decriminalizing minor misdemeanor offenses for which jail sentences are rarely or never imposed and improving the manner in which potentially capital cases are screened and processed. The Office shall include any proposals in its reports during the 2009-2011 fiscal biennium.

39

# JPS House Special Provisions

June 2, 2009

## Justice

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-ATTY-H1(S16.1)i

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

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

**SECTION 16.1.** 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.

SENATE BOILERPLATE

(HC)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-ATTY-H3(S16.3)i

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS*

**SECTION 16.3.** 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.

SENATE

H1

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-ATTY-H4(S16.4)i

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

***NC LEGAL EDUCATION ASSISTANCE FOUNDATION REPORT ON FUNDS DISBURSED***

**SECTION 16.4.** The North Carolina Legal Education Assistance Foundation shall report by March 1 of each year to the Joint Legislative Commission on Governmental Operations and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety 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.

SENATE

42

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-ATTY-H5(S16.5)i

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*HIRING OF SWORN STAFF POSITIONS FOR THE STATE BUREAU OF INVESTIGATION*

**SECTION 16.5.** The Department of Justice may hire sworn personnel to fill vacant positions in the State Bureau of Investigation only in the following circumstances: (i) the position's regular responsibilities involve warrant executions, property searches, criminal investigations, or arrest activities that are consistent in frequency with the responsibilities of other sworn agents; (ii) the position is a promotion for a sworn agent who was employed at the State Bureau of Investigation prior to July 1, 2007; (iii) the position is a forensic drug chemist position which requires "responding to clandestine methamphetamine laboratories" as a primary duty; (iv) the position is a forensic impressions analyst position which requires "responding to clandestine methamphetamine laboratories" as a primary duty; or (v) the position primarily involves supervising sworn personnel.

SENATE

43

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-ATTY-H6(S16.6)

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

HOUSE

Requested by: Representative

***REDUCE DEPARTMENT SHARE OF PAYMENT FOR JUDGMENTS AGAINST COUNTY AND CITY BOARDS OF EDUCATION***

**SECTION 16.6.(a)** G.S. 143-300.1(c) reads as rewritten:

"(c) In the event ~~that~~ of settlement pursuant to G.S. 143-295 or in the event the Industrial Commission awards damages against any county or city board of education under this section, the Attorney General shall draw a voucher for the amount required to pay the award. The funds necessary to cover ~~the first one hundred fifty thousand dollars ($150,000) of liability per claim~~ the liability for claims against county and city boards of education for accidents involving school buses and school transportation service vehicles shall be made available from funds appropriated to the State Board of ~~Education. The balance of any liability owed shall be paid in accordance with G.S. 143-299.4.~~ Education for that purpose. On January 1 and July 1 of each year, each county and city board of education shall pay the State Board of Education an amount equal to the damages paid by the State Board of Education on behalf of that county or city board of education pursuant to this subsection during the preceding six months. Neither the county or city boards of education, or the county or city administrative unit shall be liable for the payment of any award made pursuant to the provisions of this section in excess of the amount paid upon a voucher by the Attorney General. Settlement and payment may be made by the Attorney General as provided in G.S. 143-295."

**SECTION 16.6.(b)** G.S. 143-300.1(d) reads as rewritten:

"(d) Except as otherwise provided in this subsection, the Attorney General may, upon the request of an employee or former employee, defend any civil action brought against the driver, transportation safety assistant, or monitor of a public school bus or school transportation service vehicle or school bus maintenance mechanic when the driver or mechanic is employed and paid by the local school administrative unit, when the monitor is acting in accordance with G.S. 115C-245(d), when the transportation safety assistant is acting in accordance with G.S. 115C-245(e), or when the driver is an unpaid school bus driver trainee under the supervision of an authorized employee of the Department of Transportation, Division of Motor Vehicles, or an authorized employee of a county or city board of education or administrative unit. The Attorney General may afford this defense through the use of a member of his staff or, in his discretion, employ private counsel. The Attorney General is authorized to pay any judgment rendered in the civil action not to exceed the limit provided under the Tort Claims Act. The funds necessary to cover ~~the first one hundred fifty thousand dollars ($150,000) of liability per claim~~the liability shall be made available from funds appropriated to the State Board of ~~Education. The balance of any liability owed shall be paid in accordance with G.S. 143-299.4.~~ Education for that purpose. On January 1 and July 1 of each year, each county and city board of education shall pay the State Board of Education an amount equal to the damages paid by the State Board of Education on behalf of that county or city board of education pursuant to this subsection during the preceding six months. The Attorney General may compromise and settle any claim covered by this section to the extent that he finds the same to be valid, up to the limit provided in the Tort Claims Act, provided that the authority

44

granted in this subsection shall be limited to only those claims that would be within the jurisdiction of the Industrial Commission under the Tort Claims Act.

The Attorney General shall refuse to provide for the defense of a civil action or proceeding brought against an employee or former employee if the Attorney General determines that:

(1) The act or omission was not within the scope and course of his employment as a State employee; or

(2) The employee or former employee acted or failed to act because of actual fraud, corruption, or actual malice on his part; or

(3) Defense of the action or proceeding by the State would create a conflict of interest between the State and the employee or former employee; or

(4) Defense of the action or proceeding would not be in the best interests of the State."

**SECTION 16.6.(c)** G.S. 143-295 reads as rewritten:

"**§ 143-295. Settlement of claims.**

(a) Any claims except claims of minors pending or hereafter filed against the various departments, institutions and agencies of the State may be settled upon agreement between the claimant and the Attorney General for an amount not in excess of twenty-five thousand dollars ($25,000), without the approval of the Industrial Commission. The Attorney General may also make settlements by agreement for claims in excess of twenty-five thousand dollars ($25,000) and claims of infants or persons non sui juris, provided such claims have been subject to review and approval by the Industrial Commission.

(a1) Notwithstanding subsection (a) of this section, no claim in which the Attorney General represents a county or city board of education or an employee or former employee of a county or city board of education pursuant to G.S. 143-300.1, shall be settled unless the board of education that will be liable in the event of a settlement agrees to the settlement.

(b) In settlements under twenty-five thousand dollars ($25,000), agreed upon between the Attorney General and the claimant, the filing of an affidavit as set forth in G.S. 143-297 shall not be required.

(c) Transfer of title of a motor vehicle acquired in behalf of the State in settlement of claim pursuant to the provisions of this Article may be transferred by the Attorney General in the same manner as provided for such transfer by an insurance company under the provisions of G.S. 20-75."

**SECTION 16.6.(d)** This section becomes effective July 1, 2010.

45

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-ATTY-H7

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

HOUSE

Requested by: Representative

***FEE FOR LAW ENFORCEMENT OFFICER CERTIFICATION AND SHERIFFS' DEPARTMENT PERSONNEL CERTIFICATION***

**SECTION #.(a)** Chapter 17C of the General Statutes is amended by adding a new section to read:

"**§ 17C-14. Fees for training and certifications.**

(a) In-Service Training Fee. – Upon notification by a criminal justice agency that a criminal justice officer has completed the in-service training required by the Commission, the Commission shall collect a fee in the amount of one hundred dollars ($100.00) from the criminal justice officer prior to crediting the criminal justice officer for the in-service training.

(b) Certification Fee. – Prior to awarding a certification issuable by the Commission, the Commission shall collect a fee in the amount of one hundred dollars ($100.00) from the person seeking the certification.

(c) Initial Fee. – Notwithstanding subsection (b) of this section, the fee collected by the Commission shall be two hundred fifty dollars ($200.00) if the person has never been assessed a fee pursuant to this section.

(d) Remittance to General Fund. – The fees collected pursuant to this section shall be remitted to the General Fund on a monthly basis and shall be used to develop criminal justice officer training course curricula and to maintain records related to training completion.

(e) Definition. – For purposes of this section, the term 'criminal justice officer' means any criminal justice officer, as that term is defined in G.S. 17C-2(3), or any person holding a law-enforcement officer certification."

**SECTION #.(b)** Chapter 17E of the General Statutes is amended by adding a new section to read:

"**§ 17E-13. Fees for training and certifications.**

(a) In-Service Training Fee. – Upon notification by a sheriffs' department that a justice officer has completed the in-service training required by the Commission, the Commission shall collect a fee in the amount of one hundred dollars ($100.00) from the justice officer prior to crediting the justice officer for the in-service training.

(b) Certification Fee. – Prior to awarding a certification issuable by the Commission, the Commission shall collect a fee in the amount of one hundred dollars ($100.00) from the person seeking the certification.

(c) Initial Fee. Notwithstanding subsection (b) of this section, the fee collected by the Commission shall be two hundred fifty dollars ($200.00) if the person has never been assessed a fee pursuant to this section.

(d) Remittance to General Fund. – The fees collected pursuant to this section shall be remitted to the General Fund on a monthly basis and shall be used to develop justice officer training course curricula and maintain records related to training completion."

**SECTION #.(c)** This section becomes effective July 1, 2009, and applies to in-service training completed and certifications issued on or after that date.

# JPS House Special Provisions

June 2, 2009

## Crime Control & Public Safety

47

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CCPS-H2(S17.3)i

SENATE

Department of Crime Control and Public Safety
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

***TRANSFER OF STATE CAPITOL POLICE TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY***

**SECTION 17.3.(a)** The State Capitol Police is hereby transferred by a Type I transfer, as defined in G.S. 143A-6, from the Department of Administration to the Department of Crime Control and Public Safety.

**SECTION 17.3.(b)** G.S. 143-340(21) and (22) are repealed.

**SECTION 17.3.(c)** G.S. 143-341.1 is repealed.

**SECTION 17.3.(d)** G.S. 143B-475(a) reads as rewritten:

"(a) All functions, powers, duties and obligations heretofore vested in the following subunits of the following departments are hereby transferred to and vested in the Department of Crime Control and Public Safety:

(1) The National Guard, Department of Military and Veterans ~~Affairs;~~Affairs.

(2) Civil Preparedness, Department of Military and Veterans ~~Affairs;~~Affairs.

(3) State Civil Air Patrol, Department of Military and Veterans ~~Affairs;~~Affairs.

(4) State Highway Patrol, Department of ~~Transportation;~~Transportation.

(5) State Board of Alcoholic Control Enforcement Division, Department of ~~Commerce;~~Commerce.

(6) Governor's Crime Commission, Department of Natural and Economic ~~Resources;~~Resources.

(7) Crime Control Division, Department of Natural and Economic ~~Resources;~~Resources.

(8) Criminal Justice Information System Board, Department of Natural and Economic ~~Resources; and~~Resources.

(9) Criminal Justice Information System Security and Privacy Board, Department of Natural and Economic Resources.

(10) The Commercial Vehicle, Oversize/Overweight, Motor Carrier Safety Regulation and Mobile Home and Manufactured Housing regulatory and enforcement functions of the Department of Transportation, Division of Motor Vehicles Enforcement Section.

(11) State Capitol Police, Department of Administration."

**SECTION 17.3.(e)** G.S. 143B-476(a) reads as rewritten:

"(a) The head of the Department of Crime Control and Public Safety is the Secretary of Crime Control and Public Safety, who shall be known as the Secretary. The Secretary shall have such powers and duties as are conferred on him by this Chapter, delegated to him by the Governor, and conferred on him by the Constitution and laws of this State. These powers and duties include:

(1) Accepting gifts, bequests, devises, grants, matching funds and other considerations from private or governmental sources for use in promoting the work of the Governor's Crime ~~Commission;~~Commission.

(2) Making grants for use in pursuing the objectives of the Governor's Crime ~~Commission;~~Commission.

(3) Adopting rules as may be required by the federal government for federal grants-in-aid for criminal justice purposes and to implement and carry out the regulatory and enforcement duties assigned to the Department of Crime Control and Public Safety as provided by the various commercial vehicle, oversize/overweight, motor carrier safety, motor fuel, and mobile and manufactured home statutes.

(4) Ascertaining the State's duties concerning grants to the State by the Law Enforcement Assistance Administration of the United States Department of Justice, and developing and administering a plan to ensure that the State fulfills its ~~duties; and~~duties.

(5) Administering the Assistance Program for Victims of Rape and Sex Offenses.

(6) Appointing, with the Governor's approval, a special police officer to serve as Director of the State Capitol Police Division."

**SECTION 17.3.(f)** Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 7. State Capitol Police Division.

"**§ 143B-508. State Capitol Police Division – powers and duties.**

(a) Division Established. – There is hereby established, within the Department of Crime Control and Public Safety, the State Capitol Police Division, which shall be organized and staffed in accordance with applicable laws and regulations and within the limits of authorized appropriations.

(b) Purpose. – The State Capitol Police Division shall serve as a special police agency of the Department of Crime Control and Public Safety. The Director of the State Capitol Police, appointed by the Secretary pursuant to G.S. 143B-476(6), with the approval of the Governor, may appoint as special police officers such reliable persons as he may deem necessary.

(c) Appointment of Officers. – Special police officers appointed pursuant to this section may not exercise the power of arrest until they shall take an oath, to be administered by any person authorized to administer oaths, as required by law.

(d) Jurisdiction of Officers. – Each special police officer of the State Capitol Police shall have the same power of arrest as the police officers of the City of Raleigh. Such authority may be exercised within the same territorial jurisdiction as exercised by the police officers of the City of Raleigh, and in addition thereto the authority of a deputy sheriff may be exercised on property owned, leased, or maintained by the State located in the County of Wake.

(f) Public Safety. – The Director of the State Capitol Police, or the Director's designee, shall exercise at all times those means that, in the opinion of the Director or the designee, may be effective in protecting all State buildings and grounds, except for the State legislative buildings and grounds as defined in G.S. 120-32.1(d), and the persons within those buildings and grounds from fire, bombs, bomb threats, or any other emergency or potentially hazardous conditions, including both the ordering and control of the evacuation of those buildings and grounds. The Director, or the Director's designee, may employ the assistance of other available law enforcement agencies and emergency agencies to aid and assist in evacuations of those buildings and grounds."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CCPS-H3(S17.4)i**

**Department of Crime Control and Public Safety**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***STUDY CONSOLIDATION OF LAW ENFORCEMENT AGENCIES***

**SECTION 17.4.** The Office of State Budget and Management shall study the feasibility of consolidating the law enforcement agencies in the executive branch of State government for the purpose of coordinating the activities of these agencies, and reducing duplication and overlapping of law enforcement responsibilities, training, and technical assistance among State law enforcement agencies. The Office of State Budget and Management shall report its findings and recommendations by February 1, 2010, to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

SENATE 50

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CCPS-H4(S17.5)i**

**Department of Crime Control and Public Safety**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***LAW ENFORCEMENT SUPPORT SERVICES FEES***

**SECTION 17.5.** Article 11 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-475.2. Fees for services.**

A fee in the amount set by the Department is imposed on the entities listed in this section. The fees are departmental receipts and are applied to the Department's costs in providing services to these entities. The fees apply to the following:

(1) A local law enforcement agency that receives equipment from the Department, whether by transfer, loan, or procurement under an agreement with the United States Department of Defense.

(2) A person for whom the Department stores evidence."

SENATE

51

HOUSE

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CCPS-H5(S17.6)i**

**Department of Crime Control and Public Safety**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***INCREASE CHARITABLE BINGO LICENSING FEE***

**SECTION 17.6.** G.S. 14-309.7(a) reads as rewritten:

"(a) An exempt organization may not operate a bingo game at a location without a license. Application for a bingo license shall be made to the Department of Crime Control and Public Safety on a form prescribed by the Department. The Department shall charge an annual application fee of ~~one hundred dollars ($100.00)~~two hundred dollars ($200.00) to defray the cost of issuing bingo licenses and handling bingo audit reports. The fees collected shall be deposited in the General Fund of the State. This license shall expire one year after the granting of the license. This license may be renewed yearly, if the applicant pays the application fee and files an audit with the Department pursuant to G.S. 14-309.11. A copy of the application and license shall be furnished to the local law-enforcement agency in the county or municipality in which the licensee intends to operate before bingo is conducted by the licensee."

SENATE

52

House

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CCPS-H6(S17.7)i**

**Department of Crime Control and Public Safety**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***INCREASE FEES FOR LICENSING BOXERS AND FOR TICKETS SOLD AT BOXING EVENTS***

**SECTION 17.7.(a)** G.S. 143-655(a) reads as rewritten:

"(a) License Fees. – The Division shall collect the following license fees:

| | |
|---|---|
| Announcer | $75.00 |
| Contestant | ~~$37.50~~$50.00 |
| Judge | $75.00 |
| Manager | $150.00 |
| Matchmaker | $300.00 |
| Promoter | $450.00 |
| Referee | $75.00 |
| Timekeeper | $75.00 |
| Second | ~~$37.50.~~$50.00." |

**SECTION 17.7.(b)** G.S. 143-655(b1) reads as rewritten:

"(b1) Admission Fees. – The Division shall collect a fee in the amount of ~~one dollar and fifty cents ($1.50)~~ two dollars ($2.00) per each ticket sold to attend events regulated in this Article."

SENATE

53

House

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CCPS-H9

HOUSE

Department of Crime Control and Public Safety
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

***INCREASE REGISTRATION FEE FOR DEEDS OF TRUST AND MORTGAGES FOR EMERGENCY MANAGEMENT DIVISION USE***

**SECTION #.(a)** Subdivision (1a) of G.S. 161-10(a) reads as rewritten:

"(1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and Mortgages. – For registering or filing any deed of trust or mortgage, whether written, printed, or typewritten, the fee shall be ~~twenty-two dollars ($22.00)~~thirty-two dollars ($32.00) for the first page plus three dollars ($3.00) for each additional page or fraction thereof.

When a deed of trust or mortgage is presented for registration that contains one or more additional instruments, the fee shall be ten dollars ($10.00) for each additional instrument. A deed of trust or mortgage contains one or more additional instruments if such additional instrument or instruments has or have different legal consequences or intent, each of which is separately executed and acknowledged and could be recorded alone.

For recording records of satisfaction, or the cancellation of record by any other means, of deeds of trust or mortgages, there shall be no fee."

**SECTION #.(b)** Article 1 of Chapter 161 of the General Statutes is amended by adding a new section to read:

"**§ 161-11.5. Fees for emergency management.**

Nine dollars ($9.00) of each fee collected by the register of deeds for registering or filing a deed of trust or mortgage pursuant to G.S. 161-10(a)(1a) shall be forwarded by the register of deeds to the county finance officer, who shall forward the funds to the Department of Crime Control and Public Safety to be credited to the Statewide Emergency Management Fund established under G.S. 166A-6.03. The county finance officer shall forward the funds to the Department on a monthly basis."

**SECTION #.(c)** Article 1 of Chapter 166A of the General Statutes is amended by adding a new section to read:

"**§ 166A-6.03. Statewide Emergency Management Fund.**

The Emergency Management Fund is established as a special revenue fund. The Fund consists of the fees credited to it under G.S. 161-11.5. Revenue in the fund shall be used to offset the Department's cost in performing its duties under this Chapter.

**SECTION #.(d)** This section becomes effective October 1, 2009, and applies to deeds of trust and mortgages registered or filed on or after that date.

54

# JPS House Special Provisions

June 2, 2009

## Juvenile Justice

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-DJJDP-H1(S18.1)i**

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representatives Bordsen, Love**

*ANNUAL EVALUATION OF COMMUNITY PROGRAMS*

**SECTION 18.1.** The Department of Juvenile Justice and Delinquency Prevention shall conduct an evaluation of the Eckerd and Camp Woodson wilderness camp programs and of multipurpose group homes.

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 also shall identify whether the programs are achieving the goals and objectives of the Juvenile Justice Reform Act, S.L. 1998-202. The Department shall report the results of the evaluation to 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 Subcommittees on Justice and Public Safety of the Senate and House of Representatives Appropriations Committees by March 1 of each year.

Senate

55

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-DJJDP-H2A(S18.2)**

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representatives Bordsen, Love**

***PROJECT CHALLENGE NORTH CAROLINA/REPORTING REQUIREMENT***

**SECTION 18.2.** Project Challenge North Carolina, Inc., shall report to the Department of Juvenile Justice and Delinquency Prevention and 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.

56

House

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-DJJDP-H3(S18.3)i**

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representatives Bordsen, Love**

***STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS***

**SECTION 18.3.** Funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for the 2009-2010 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 2009-2010 fiscal year, the amount of funds anticipated for the 2009-2010 fiscal year, and the allocation of funds by program and purpose.

57

Senate

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**Session 2009**

**DRAFT**
**SPECIAL PROVISION**

**2009-DJJDP-H5(S18.6)i**

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representatives Bordsen, Love**

***ELIMINATE SUPPORT OUR STUDENTS PROGRAM***

**SECTION 18.6.** Part 5A of Article 3 of Chapter 143B of the General Statutes is repealed.

58

Senate

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-DJJDP-H6(S18.7)i**

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representatives Bordsen, Love**

***JUVENILE CRIME PREVENTION COUNCIL (JCPC) GRANT REPORTING AND CERTIFICATION***

**SECTION 18.7.** On or before October 1 of 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, including:

(1) The amount of the grant awarded.

(2) The membership of the local committee or council administering the award funds on the local level.

(3) The type of program funded.

(4) A short description of the local services, programs, or projects that will receive funds.

(5) Identification of any programs that received grant funds at one time but for which funding has been eliminated by the Department.

(6) The number of at-risk, diverted, and adjudicated juveniles served by each county.

(7) The Department's actions to ensure that county JCPCs prioritize funding for dispositions of intermediate and community-level sanctions for court-adjudicated juveniles under minimum standards adopted by the Department.

8) The total cost for each funded program, including the cost per juvenile and the essential elements of the program.

written copy of the list and other information regarding the projects shall to the Fiscal Research Division of the General Assembly.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-DJJDP-S5-P**

**Department of Juvenile Justice and Delinquency Prevention**
**Senate Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** [redacted]

***ESTABLISHMENT OF A GANG PREVENTION AND INTERVENTION PILOT PROGRAM***

**SECTION #.(a)** As part of the Governor's Comprehensive Gang Initiative, the Department of Juvenile Justice and Delinquency Prevention shall establish a two-year Gang Prevention and Intervention Pilot Program that will focus on youth at risk for gang involvement and those who are already associated with gangs and gang activity. The Department of Juvenile Justice and Delinquency Prevention shall:

(1) Ensure that measurable performance indicators and systems are put in place to evaluate the effectiveness of the pilot program, and

(2) Conduct both process- and outcome-focused evaluations of the pilot program to determine community and institutional impacts of the pilot program pertaining to gang behavior, desistance, and activities. These evaluations may consider the degree of successful implementation of the program and measurable changes in gang-related and gang-affiliated behaviors noted in institutional, court system, communities, and related programs.

**SECTION #.(b)** 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 Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the implementation and continuing operation of the pilot program by April 1 each year. The report shall include information on the number of juveniles served and an evaluation of the effectiveness of the pilot program. In addition, the report shall include the information set out in subsection (a) of this section.

60

Senate

# JPS House Special Provisions

June 2, 2009

## Correction

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H1

Department of Correction
Appropriations Subcommittee on Justice and Public Safety House

Requested by: Representative

***AUTHORIZE STATE RETIREES AND LOCAL GOVERNMENTAL EMPLOYEES TO PURCHASE FROM CORRECTION ENTERPRISES***

**SECTION #.** G.S. 148-132 reads as rewritten:

"**§ 148-132. Distribution of products and services.**

The Division of Correction Enterprises is empowered and authorized to market and sell products and services produced by Correction Enterprises to any of the following entities:

(1) Any public agency or institution owned, managed, or controlled by the State.

(2) Any county, city, or town in this State.

(3) Any federal, state, or local public agency or institution in any other state of the union.

(4) An entity or organization that has tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code and also receives local, state, or federal grant funding.

(5) Any current employee or retiree of the State of North ~~Carolina,~~ Carolina or of a unit of local government of this State, verified through State-issued identification, or through proof of retirement status, but ~~a State employee's~~ purchases by a State or local governmental employee or retiree may not exceed two thousand five hundred dollars ($2,500) during any calendar year. Products purchased by State and local governmental employees and retirees under this section may not be resold."

61

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H2(S19.1)

Modified Senate

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*INMATE ROAD SQUADS AND LITTER CREWS*

**SECTION 19.1.** Of the funds appropriated to the Department of Transportation in this act, the sum of nine million forty thousand dollars ($9,040,000) per year shall be transferred by the Department to the Department of Correction during the 2009-2010 and 2010-2011 fiscal years for the cost of operating medium custody inmate road squads, as authorized by G.S. 148-26.5, and minimum custody inmate litter crews. This transfer shall be made quarterly in the amount of two million two hundred sixty thousand dollars ($2,260,000). The Department of Transportation may use funds appropriated in this act to pay an additional amount exceeding the nine million forty thousand dollars ($9,040,000), 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.

The Office of State Budget and Management shall conduct a study, in consultation with the Department of Correction and the Department of Transportation, to determine the actual cost and cost/benefit of operating medium custody road squads and minimum custody litter crews. The Office of State Budget and Management shall report the results of this study to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and to the Joint Legislative Transportation Oversight Committee by March 1, 2010. The study shall include a recommendation on whether or not the amount transferred from the Department of Transportation to the Department of Correction for this work is adequate.

(02

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H3(S19.3)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Senate

Requested by: Representative

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

**SECTION 19.3.** Notwithstanding G.S. 143C-6-9, the Department of Correction may use funds available to the Department for the 2009-2011 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 House of Representatives and Senate Appropriations Committees, and the Chairs of the House of Representatives and Senate 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.

63

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H4(S19.4)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Senate

Requested by: Representative

*USE OF CLOSED PRISON FACILITIES*

**SECTION 19.4.(a)** 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 and federal 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 also shall 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.

**SECTION 19.4.(b)** The Department of Correction shall study the feasibility of establishing probation revocation centers at closed prison facilities. The Department shall consult with counties to explore cost-sharing of these facilities. The Department shall report its findings to the Chairs of the Appropriations Subcommittees on Justice and Public Safety by February 1, 2010.

64

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H5(S19.5)i**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative** Senate

*LIMIT USE OF OPERATIONAL FUNDS*

**SECTION 19.5.** 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 that the Department may establish critical positions prior to 120 days of completion representing no more than twenty percent (20%) of the total estimated number of positions.

605

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H6(S19.6)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Senate

Requested by: Representative

*CENTER FOR COMMUNITY TRANSITIONS/CONTRACT AND REPORT*

**SECTION 19.6.** The Department of Correction may continue to contract with The Center for Community Transitions, Inc., a nonprofit corporation, for the purchase of prison beds for minimum security female inmates during the 2009-2011 biennium. The Center for Community Transitions, 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.

606

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H8(S19.8)i**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety** Senate

**Requested by:** **Representative**

***PAROLE ELIGIBILITY REPORT/MUTUAL AGREEMENT PAROLE PROGRAM/MEDICAL RELEASE PROGRAM***

**SECTION 19.8.(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 inmate who is eligible for parole on or before July 1, 2010, 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 19.8.(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 19.8.(c)** The Post-Release Supervision and Parole Commission shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and 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, 2010. 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 on the number of parole-eligible inmates reconsidered in compliance with this section and the number who were actually paroled.

**SECTION 19.8.(d)** The Department of Correction and the Post-Release Supervision and Parole Commission shall report by March 1 of each year to the Chairs of the



07

House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the number of inmates enrolled in the mutual agreement parole program, the number completing the program and being paroled, and the number who enrolled but were terminated from the program. The information should be based on the previous calendar year.

**SECTION 19.8.(e)** The Department of Correction and the Post-Release Supervision and Parole Commission shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the number of inmates proposed for release, considered for release, and granted release under Chapter 84B of Chapter 15A of the General Statutes, providing for the medical release of inmates who are either permanently and totally disabled, terminally ill, or geriatric.

68

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H9(S19.9)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Senate

Requested by: Representative

*FEDERAL GRANT MATCHING FUNDS*

**SECTION 19.9.** Notwithstanding the provisions of G.S. 143C-6-9, the Department of Correction may use up to the sum of one million two hundred thousand dollars ($1,200,000) during the 2009-2010 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 House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

69

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H10(S19.10)

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Senate Modified

Requested by: Representative

*REPORTS ON NONPROFIT PROGRAMS*

**SECTION 19.10.(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 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 19.10.(b)** Summit House shall report by February 1 of each year 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 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 19.10.(c)** Women at Risk shall report by February 1 of each year 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 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.

Dop report on OCP

70

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H11(S19.11)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

Senate

*CRIMINAL JUSTICE PARTNERSHIP*

**SECTION 19.11.(a)** G.S. 143B-273.4 reads as rewritten:

"**§ 143B-273.4. Eligible population.**

(a) An eligible offender is an adult offender who ~~was convicted of a misdemeanor or a felony offense~~ 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 offenders~~ be:

(1) Offenders sentenced to intermediate ~~punishments.~~ punishments; and

(2) Offenders who are appropriate for release from jail prior to trial under the supervision of a pretrial monitoring program."

**SECTION 19.11.(b)** Notwithstanding any other provision of law, a county may use funds appropriated pursuant to the Criminal Justice Partnership Act, Article 6A of Chapter 143B of the General Statutes, to provide more than one community-based corrections program.

**SECTION 19.11.(c)** Effective July 1, 2009, the Department of Correction shall recalculate the county allocation funding formula mandated under G.S. 143B-273.15 using updated data.

**SECTION 19.11.(d)** 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 19.11.(e)** 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 19.11.(f)** The Department of Correction shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Committees, the House of Representatives and Senate 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;

71

(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;

(7) A review of whether each sentenced offender program is meeting established program goals developed by the Division of Community Corrections in consultation with the Division of Research and Planning and the State Criminal Justice Partnership Advisory Board;

(8) The number of community offenders and intermediate offenders served by each county program;

(9) The amount of Criminal Justice Partnership funds spent on community offenders and intermediate offenders; and

(10) A short description of the services and programs provided by each partnership, including who the service providers are and the amount of funds each service provider receives.

72

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H12(S19.12)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative Senate

*REPORT ON PROBATION AND PAROLE CASELOADS*

**SECTION 19.12.(a)** The Department of Correction shall report by March 1 of each year to the chairs of the House of Representatives and Senate 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 and district averages for probation/parole officer positions;

(2) Data on current span of control for chief probation officers;

(3) An analysis of the optimal caseloads for these officer classifications;

(4) An assessment of the role of surveillance officers;

(5) The number and role of paraprofessionals in supervising low-risk caseloads;

(6) 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 and 2008;

(7) The process of assigning offenders to an appropriate supervision level based on a risk assessment and an examination of other existing resources for assessment and case planning, including the Sentencing Services Program in the Office of Indigent Defense Services and the range of screening and assessment services provided by the Division of Mental Health, Developmental Disability, and Substance Abuse Services in the Department of Health and Human Services; and

(8) Data on cases supervised solely for the collection of court-ordered payments.

**SECTION 19.12.(b)** The Department of Correction shall conduct a study of probation/parole officer workload. 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 19.12.(c)** The Department of Correction shall report the results of the study and recommendations for any adjustments to caseload goals to the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by January 1, 2011.

**SECTION 19.12.(d)** The Department of Correction shall report by March 1 of each year to the Chairs of the House and Senate Appropriations Committees, the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the following:

(1) The number of sex offenders enrolled on active and passive GPS monitoring.

73

(2) The caseloads of probation officers assigned to GPS-monitored sex offenders.

(3) The number of violations.

(4) The number of absconders.

(5) The projected number of offenders to be enrolled by the end of the 2009-2010 fiscal year and the end of the 2010-2011 fiscal year.

(6) The total cost of the program, including a per-offender cost.

74

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H13(S19.13)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Senate

Requested by: Representative

*REPORT ON INMATE WELFARE AND CORRECTION ENTERPRISES*

**SECTION 19.13.** The Department of Correction, in consultation with the Office of State Budget and Management, shall study the feasibility of budgeting positions currently funded from the Inmate Welfare Fund and the Correction Enterprise Fund from the General Fund instead. The Department shall report its findings by April 1, 2010, to the chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

75

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H14A(S19.14)

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Senate Modified

Requested by: Representative

***PRE-SENTENCE INVESTIGATIONS FEASIBILITY STUDY***

**SECTION 19.14.** The Office of Research and Planning of the Department of Correction shall conduct a feasibility study of conducting pre-sentence investigations on offenders convicted of felonies for which the sentencing judge has the option of intermediate or active punishments for whom information is not being prepared prior to sentencing by Sentencing Services. This feasibility study shall be conducted as a pilot implementation, incorporating a wide variety of districts across the State reflecting both rural and urban settings, as well as diversity of programming available within the district.

Prior to implementation, the Office of Research and Planning shall communicate with existing pretrial and Sentencing Services programs in the pilot districts for the purpose of developing plans that make optimal use of existing and proposed services without duplicating existing program services. In pilot districts, Judicial District Managers and Sentencing Services program managers should be encouraged to work collaboratively on the local pilot plans. The Office of Research and Planning shall also consult with each district's Senior Resident Superior Court Judge, Chief District Court Judge, Clerk of Court, District Attorney, Public Defender if the district has a public defender office, representative of the local criminal defense bar, or their designees, about the best method of implementation. The Office of Research and Planning may also consult about implementation with any others it deems appropriate.

The Office of Research and Planning shall report the results of its study by May 1, 2010, to the Chairs of the House of Representatives and Senate Appropriations Committees, the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee. After implementation, the Office of Research and Planning shall consult again with the actors listed above and include those actors' evaluations of the effectiveness and operation of the pilot implementation, as well as detailed descriptions of the types of information conveyed to the courts pursuant to the pre-sentence investigations. in this report.

76

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H15(S19.15)i

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative** Senate

***STUDY INCARCERATED MOTHERS PROGRAM***

**SECTION 19.15.(a)** Our Children's Place, Inc., a nonprofit corporation, shall submit to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by October 1, 2009, a comprehensive plan for the implementation of a contractual program to house incarcerated women with their children. This plan shall include criteria for placement, minimum standards for custody and security, and projections of costs for implementation, including presumptive funding sources and memoranda of intent from affected agencies.

**SECTION 19.15.(b)** The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee shall make recommendations to the 2010 Session of the 2009 General Assembly concerning the establishment of a program to house incarcerated women with their children. These recommendations shall address legal issues related to the custody of the children while in the program.

77

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H17

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

House

Requested by: Representatives Bordsen, Love

*MISDEMEANOR COMMITMENT TO LOCAL CONFINEMENT FACILITY IF PENALTY IS LESS THAN SIX MONTHS IMPRISONMENT*

SECTION #. G.S. 15A-1352 reads as rewritten:

"**§ 15A-1352. Commitment to Department of Correction or local confinement facility.**

(a) A person sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter shall be committed for the term designated by the court to the custody of the Department of Correction or to a local confinement facility. If the sentence imposed for a misdemeanor is for a period of ~~90 days~~ six months or less, the commitment must be to a facility other than one maintained by the Department of Correction, except as provided in G.S. 148-32.1(b).

If a person is sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter, the sentencing judge shall make a finding of fact as to whether the person would be suitable for placement in a county satellite jail/work release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of fact that the person would be suitable for placement in a county satellite jail/work release unit and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the custodian of the local confinement facility may transfer the misdemeanant to a county satellite jail/work release unit.

(b) A person sentenced to imprisonment for a felony under this Article shall be committed for the term designated by the court to the custody of the Department of Correction; except that, upon request of the sheriff or the board of commissioners of a county, the presiding judge may, in his discretion, sentence the person to a local confinement facility in that county.

(c) A person sentenced to imprisonment for nonpayment of a fine under Article 84, Fines, shall be committed for the term designated by the court:

(1) To the custody of the Department of Correction if the person was fined for conviction of a felony;

(2) To the custody of the Department of Correction or to a local confinement facility if the person was fined for conviction of a misdemeanor, provided that if the sentence imposed is for a period of ~~90 days~~six months or less, the commitment shall be to a facility other than one maintained by the Department of Correction, except as provided in G.S. 148-32.1(b).

(d) Notwithstanding any other provision of law, when the sentencing court, with the consent of the person sentenced, orders that a person convicted of a misdemeanor be granted work release, the court may commit the person to a specific prison facility or local confinement facility or satellite jail/work release unit within the county of the sentencing court in order to facilitate the work release arrangement. When appropriate to facilitate the work release arrangement, the sentencing court may, with the consent of the sheriff or board of commissioners, commit the person to a specific local confinement facility or satellite jail/work release unit in another county, or, with the consent of the Department of Correction, commit the person to a specific prison facility in another county. The Department of Correction may

transfer a prisoner committed to a specific prison facility to a different facility when necessary to alleviate overcrowding or for other administrative purposes."

79

# GENERAL ASSEMBLY OF NORTH CAROLINA

**Session 2009**

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H18**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

House

**Requested by: Representative**

***PROVISION OF HEALTH CARE SERVICES TO INMATES***

**SECTION #.** The Department of Correction shall seek, whenever possible, to make use of its own hospitals and health care facilities to provide health care services to inmates. To the extent that the Department of Correction must utilize other facilities and services to provide health care services to inmates, the Department shall seek to contract with underutilized community hospitals or other health care facilities in a region to accomplish that goal. In the event that the Department does not have appropriate contracts for services in a region, it shall ensure that the prisoners requiring such health care services are equitably distributed among all hospitals or other appropriate health care facilities in a region.

80

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H19

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

House

*REPEAL JAILED MISDEMEANANT PAYMENTS*

**SECTION #.** G.S. 148-32.1(a) is repealed.

81

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H20

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

House

Requested by: . Representative

*ACCOMMODATIONS FOR PROBATION OFFICES*

SECTION #. G.S. 15-209 reads as rewritten:

"**§ 15-209. Accommodations for probation ~~officers.~~ offices.**

(a) The county commissioners in each county in which a probation ~~officer serves~~ office exists shall provide, in or near the courthouse, suitable office space for such ~~officer.~~ office.

(b) If a county is unable to provide the space required under subsection (a) of this section for any reason, it may elect to request that the Department of Correction lease space for the probation office and receive reimbursement from the county for the leased space. If a county fails to reimburse the Department for such leased space, the Secretary of Correction may request that the Administrative Office of the Courts transfer the unpaid amount to the Department from the county's court and jail facility fee remittances."

82

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H21

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

House

Requested by: Representative

*RATES FOR INMATE MEDICAL SERVICES*

SECTION #. The Department of Correction may pay the contract rate for inmate health services as agreed upon by the Secretary of Correction and the provider, not to exceed one hundred fifty percent (150%) of the Medicaid rate for the same health service.

83

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H23

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

House

Requested by: Representative

*INCREASE FEE FOR COMMUNITY SERVICE WORK PROGRAM*

**SECTION #.** G.S. 15A-1371(i) reads as rewritten:

"(i) A fee of ~~two~~ three hundred dollars ~~($200.00)~~($300.00) shall be paid by all persons who participate in the Community Service Parole Program. That fee must be paid to the clerk of court in the county in which the parolee is released. The fee must be paid in full within two weeks unless the Post-Release Supervision and Parole Commission, upon a showing of hardship by the person, allows the person additional time to pay the fee. The parolee may not be required to pay the fee before the person begins the community service unless the Post-Release Supervision and Parole Commission specifically orders that the person do so. Fees collected under this subsection shall be deposited in the General Fund. The fee imposed under this subsection may be paid as prescribed by the supervising parole officer."

**SECTION #.** G.S. 20-179.4(c) reads as rewritten:

"(c) A fee of ~~two~~ three hundred dollars ~~($200.00)~~($300.00) shall be paid by all persons serving a community service sentence. That fee shall be paid to the clerk of court in the county in which the person is convicted. The fee shall be paid in full within two weeks unless the court, upon a showing of hardship by the person, allows additional time to pay the fee. The person may not be required to pay the fee before beginning the community service unless the court specifically orders the person to do so."

**SECTION #.** G.S. 143B-262.4(b) reads as rewritten:

"(b) Unless a fee is assessed pursuant to G.S. 20-179.4 or G.S. 15A-1371(i), a fee of ~~two~~ three hundred dollars ~~($200.00)~~($300.00) shall be paid by all persons who participate in the program or receive services from the program staff. Fees collected pursuant to this subsection shall be deposited in the General Fund. If the person is convicted in a court in this State, the fee shall be paid to the clerk of court in the county in which the person is convicted. If the person is participating in the program as a result of a deferred prosecution or similar program, the fee shall be paid to the clerk of court in the county in which the agreement is filed. Persons participating in the program for any other reason shall pay the fee to the clerk of court in the county in which the services are provided by the program staff. The fee shall be paid in full within two weeks from the date the person is ordered to perform the community service, and before the person may participate in the community service program, except that:

(1) A person convicted in a court in this State may be given an extension of time or allowed to begin the community service before the person pays the fee by the court in which the person is convicted; or

(2) A person performing community service pursuant to a deferred prosecution or similar agreement may be given an extension of time or allowed to begin community service before the fee is paid by the official or agency representing the State in the agreement."

84

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H24

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

House

Requested by: Representative

*ESTABLISH THE JOINT LEGISLATIVE COMMITTEE ON PRISON OVERCROWDING, INCARCERATION OF NONVIOLENT FELONS, AND MODIFIED SENTENCES.*

**SECTION #.(a)** There is created the Joint Legislative Study Committee on Prison Overcrowding, Incarceration of Nonviolent Felons, and Modified Sentences. The Committee shall consist of 12 members. The President Pro Tempore of the Senate shall appoint six members and the Speaker of the House of Representatives shall appoint six members.

The President Pro Tempore of the Senate shall appoint a cochair, and the Speaker of the House of Representatives shall appoint a cochair for the Committee. The Committee may meet at any time upon the joint call of the cochairs. Vacancies on the Committee shall be filled by the same appointing authority as made the initial appointment.

The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Committee may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

Subject to the approval of the Legislative Services Commission, the Committee may meet in the Legislative Building or the Legislative Office Building. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. The House of Representatives' and the Senate's Director of Legislative Assistants shall assign clerical staff to the Committee, and the expenses relating to the clerical employees shall be borne by the Committee. Members of the Committee shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

**SECTION #.(b)** The Committee shall study the issues related to prison overcrowding, the State's policies and laws regarding incarceration of nonviolent felons, and the feasibility of modifying sentences for nonviolent offenses. The Committee may consider and evaluate policies and strategies to address these issues more effectively and to make the best use of the State's correctional facilities and resources while continuing to guard the public's safety.

**SECTION #.(c)** The Committee may make an interim report, including any legislative recommendations, to the 2009 General Assembly, 2010 Regular Session, and shall submit a final report, including any legislative recommendations, to the 2011 General Assembly. The Committee shall terminate upon filing its final report or upon the convening of the 2011 General Assembly, whichever is earlier.

85

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H26(S19.2)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

Senate

*FEDERAL GRANT REPORTING*

**SECTION 19.2.** 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 House of Representatives and Senate Appropriations Committees, and the Chairs of the House of Representatives and Senate 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.

86

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

June 4, 2009, 2009
Room 415 Legislative Office Building
9:00 A.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Tuesday, June 4, 2009, in Room 415 Legislative Office Building. Representative Bordsen, presiding chair, called the meeting to order at 9:00 a.m. The following House members were present. Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton, and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Moore, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, Danielle Seale, and Denise Thomas.

Representative Bordsen recognized the Sergeants-at-Arms, Young Bae, Frank Prevo, and Reggie Sills and thanked them all for their help. She informed the Committee that the only topic for this morning's meeting would be Juvenile Justice and Delinquency Prevention. There have been changes in the budget and the committee has been asked to consider the two budgets with reductions. This department is relatively new and has always been underfunded. The department was asked to submit a list of cuts that it thought it could survive with. Representative Bordsen noted that on the "DJJDP Decisions (as of June 1, 2009)" handout, three items were incorrect. Item #10 had an inaccuracy: One should be changed to Three, reading Close Three Multipurpose Homes; while there is no disagreement over closing Dobbs, there is disagreement over Item #16, closing Samarkand; and Item #13, the amount decreased for Eckerd Wilderness Camps, was in question. Representative Bordsen then recognized Representative Phil Haire, Chair of the Appropriations Committee.

Representative Haire said that he would present an alternate to the current plan. The Juvenile system was looked at closely a few years ago – the department was examined and it was determined that all youth did not belong in detention centers. The department looked at the model used in Missouri and came up with a new treatment model – the Youth Detention Centers (YDCs). We now have 225 beds. The basic model is for 32 beds, 4 wings off of a central area with 8 beds on a wing. These 32-bed units have the potential of housing 40 youth with some double bunking. There are currently a lot of empty beds in the new replacement units each having large staffs. (See DJJDP YDC Positions and On-Campus Population handout.) Dobbs is due to close and be replaced by Lenoir YDC. These units also have the capacity of being coed since each wing is an independent unit and can be locked off. Currently, there is a lot of space not being utilized in these brand new units that have just opened. Representative Haire suggested that to complete the staffing of the newer facilities, experienced staff from the units that were closing could be transferred over rather than being laid off. And, some of the units have been overstaffed. He noted that Eckerd Wilderness Camps services Level II and can service Level III offenders, while the YDCs housed the more dangerous offenders. Eckerd had great successes. It was suggested that 2 or 3 camps be closed and 3 Methodist multipurpose homes be closed. Representative Haire stated that the cost of keeping a youth in a YDC was $286/head/day while the cost at an Eckerd camp was $135/head/day, a savings of $151/head/day. He also suggested closing Samarkand, a girls' facility.

Questions followed.

Representative Stevens asked what the cost of Camp Woodson was per head per day. Grady Stephenson, DJJDP, said that it was $348/head/day. Representative Stevens wondered if it was planned for one or three multipurpose homes to be closed. Representative Bordsen responded that 3 would be closed.

Representative Love said that he knew many had to leave to go to other committee meetings, but they hoped to stay and resolve this issue this morning. Immediately after Session this afternoon, the Committee would meet again to go through the amendments that everyone has and again, will remain until that issue is resolved. Representative Sutton remarked that it wasn't right to take a vote this morning when many members had to leave and go to other committee meetings that were previously scheduled. Representative Bordsen agreed and said that if they were not finished by 10:00, the vote would be taken this afternoon. Representative Boles wondered if, in Item 10, the amount to be decreased represented only one multipurpose home closing or three. Representative Bordsen responded that it did represent the closing of three multipurpose homes. She then introduced Secretary Hayes.

Linda Hayes, Secretary of the Department of Juvenile Justice and Delinquency Prevention, thanked everyone for their hard work. She added that she would like to clarify some of Representative Haire's information. During this entire process, she and her department have met with representatives from Eckerd Wilderness Camps, Methodist Homes for Children, and the other partners of the department. Secretary Hayes mentioned that those offenders who had demonstrated really good behavior were given a week at Camp Willow Run, a special end-of-the-year educational treatment environment. There are currently 416 youth committed which includes those at Camp Willow Run. She also noted that Samarkand actually has 20 girls rather than the 13 Representative Haire listed. Nor is there extra staff at these facilities. Between Dobbs and Lenoir YDCs, the staff positions do not match up. DJJDP hopes to move as many staff from Dobbs to Lenoir but because of State Personnel classifications, not everyone can be moved laterally. With the SOS and One-on-One programs being closed down, there will be a negative impact if the JCPCs are asked to do more work,. The committee eliminated the money for 19 positions, bringing the total positions to 274 which will threaten the safety of the youth and the public. Eckerd has offered up the equivalent of up to 3 camps to be closed and Methodist Homes for Children will probably have to close 3 multipurpose homes. While Eckerd can handle Level III kids, about 45% return to the YDCs because they cannot deal with the wilderness environment. We are not following the Missouri model – they have a dorm-type environment, vocational education and treatment facilities. All we ask is for time to determine what is best for the kids and for the public safety of North Carolina and the safety of the youth.

Representative Sutton asked for a rundown of all of the populations of all of the YDCs. Cathy Dudley, Department of Juvenile Justice and Delinquency Prevention, read the numbers of the current occupants for each YDC for the committee. As of today, there are 444 kids with commitment status, 28 in alternative settings. All youth who are assigned off-campus, are assigned to a YDC since they may have to come back. Representative Sutton (follow-up) then said that if he went to Cabarrus YDC, he would find 32 kids. Cathy Dudley said yes. Representative Sutton (follow-up) asked what the capacity was. Cathy Dudley said there were 96 beds and the Department was trying to add staff to be able to use all of the beds. There are no new positions allocated and the Department was having to move people, which means that first they have to move positions from Swannanoa, Dobbs, Dillon and Samarkand. In some cases, people had to be RIFFED to be able to move the position, then reclassify it, hire, and train. This has been in high gear since February. Representative Spear asked where the FRD staff number derived from. John Poteat said that his numbers for positions were from a May 26 report that the Department sent. Linda Washington, Human Resources, Department of Juvenile Justice and Delinquency Prevention, said that 120 positions at Cabarrus were filled and 60 were in the process of being filled. Eighteen positions were still posted. There has been voluntary and involuntary attrition. We have been transferring and reallocating positions as we can. Representative Justus noted that Camp Woodson was $205 per day more than Eckerd Wilderness Camp and about $75,000 more a year than Eckerd. She added that it made sense to close Camp Woodson. Secretary Hayes agreed and said that the Department recommended that. Representative Bordsen said that when it was left in, it was without sufficient thought, so we can certainly revisit it. Representative Guice asked for clarification on the amount the Department is recommending for the Eckerd Camps equates to 3 closings. Secretary Hayes replied that the Department has asked Eckerd to recommend which 3 camps to close. Representative Guice (follow-up) added that potentially 3 Eckerd camps, 3 multipurpose homes, and Camp Woodson were being

closed. Secretary Hayes agreed. Representative Bordsen clarified that if a youth is in an Eckerd facility, a bed must be held for that youth in a YDC in the event he/she is not successful at the Eckerd facility. Secretary Hayes said that it was required by State law. Representative Spear (follow-up) wondered why there was so much difference in population figures from the Department and the fiscal research staff. Secretary Hayes responded that her department had to give the numbers of the court-committed beds that are dedicated to kids - it went back to holding beds for kids – if they are Court committed to an on-campus facility, and go to Camp Willow Run, an Eckerd camp or jail, they must have a bed available when they return to the YDC. Representative Spear again asked about the staff figures. John Poteat replied that he would supply the documents used; Secretary Hayes responded that she would also supply the documents used. Representative Sutton wondered if the Department was going to delay closing Samarkand or not close it at all. Secretary Hayes stated that Dobbs and Stonewall Jackson are the older facilities and there are very new facilities across the road from them, the Department would like to start closing Stonewall Jackson and not Samarkand. Samarkand was a wonderful campus and very secure. It can easily be made coed. Chatham can't hold all of the girls. The bed space will not allow that at this time. Closing Samarkand was not discussed with the Department and not one the Department would even consider closing because it can be made coed. Representatives Sutton asked what "start closing" Stonewall Jackson meant. Secretary Hayes said that it mean that the Department had started transferring kids and positions and that more couldn't be moved due to staffing, but the Department was working on it. Representative Sutton (follow-up) wondered what kind of commitment the Department would give. Secretary Hayes said to give them a year and let them keep positions as cutting all the positions that are in the revised budget hampers the process of closing. Cathy Dudley added that there were more than 400 in commitment status and we are going to have to have beds to serve them. The Department was trying to serve many in alternate settings. Three buildings at Dobbs have already been closed, 3 buildings at Samarkand, and other buildings have been closed elsewhere, but no campuses have yet been closed. Representative Justus wondered if part of the problem was the classifications of positions in the various facilities. Secretary Hayes said that the Department was working with State Personnel and also working with Dr. Martin Pharr on how treatment and education will be done; that will take a real thought process on how positions are done and what we ask for classification. Representative Boles asked if the staff concurred with the bed count or the individual bodies on campus? John Poteat said that he was using the Department's on-campus report and they are using the same report but their numbers reflect all of the kids committed to the Department. Representative Boles wondered why the staff didn't do that. John Poteat said he looks at the kids who are on campus that day who need a bed. Representative Boles responded that they are court appointed to that facility, correct? John Poteat said that he would have to talk with the legal staff and get back to Representative Boles later that day.

The meeting adjourned at 10:00 a.m.

Respectfully Submitted,

Representative Alice Bordsen
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: DJJDP YDC Positions and On-Campus Population (Rep. Haire handout)
DJJDP Current and DJJDP-recommended Budget (DJJDP handout)
DJJDP Decisions (as of June 1, 2009) (DJJDP handout)
Key Facts Regarding House JPS Budget Proposal (DJJDP handout)

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Thursday, June 4, 2009
**TIME: 9:00 a.m. and 15 minutes after Session**
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

Review the JPS House draft budget report

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8:30 a.m.** o'clock on **June 04, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**June 4, 2009, 9:00 A.M and 15 minutes after session**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen
Representative Jimmy Love, Presiding

## II. MORNING SESSION

Opening Remarks by Chairs

Juvenile Justice Facility Closures

Committee Comments and Discussion

## III. AFTERNOON SESSION

House Subcommittee Discussion of JPS Budget Report

Subcommittee Vote

## IV. ADJOURNMENT

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/4/09 9:00a.m

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Dan McLeod | NCDOC |
| Barbara Baker | NCDOC |
| Frank Rogers | NCDOC |
| Tracy Little | NCDOC |
| James B. Jarrell | NCDOC |
| Mildred Spearman | NCDOC |
| Thomas Ray | Wake County S.O.S. Program - Representing the Mary E. Wilson Foundation |
| S. Katherine Olson | SPAC |
| NELS ROSELAND | NCDOJ |
| | |
| | |
| | |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/4/09 — 9:00a.m.

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Rex Whaley | AOC |
| Barbara Moore | Conf. of Clerks of Sup. Ct. |
| Lauren Whaley | NC Credit Union League |
| Marla Hyatt | AOC |
| Greg Hatcher | NCAOC |
| CASANDRA WHITE | NCAOC |
| ROBIN JENKINS | NCDJJDP |
| Leanne Winner | NCSBA |
| Mike Reith | NCDJJDP |
| Gordon Keath | Project Challenge |
| Grady Stephenson | N.C. DJJDP |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/4/09 — a.m

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Linda Washington | DJJDP |
| Bryan Collins | Wake County Public Defender |
| Donna Weston | Summit House |
| Sheryl Kelly | OSBM |
| Aaron Gallagher | OSBM |
| Cheryl Reed | OSBM |
| Lisa Crosslin | Passage Home, Hamet's House |
| Jordan Schrader | press |
| Kim Crowder | NCBIA |
| TY DEXTER | TROSA |
| | |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/4/09 a.m.
**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Teresa Price | DJJDP |
| Kathy Dudley | DJJDP |
| Linda Hayes | DJJDP |
| David Jones | DJJDP |
| Keith Sutton | DJJDP |
| Tom Bennett | NCVAN |
| Jim Stegall | U.C.P.S. |
| Shalon | Prym Squill |
| Martin Pharr | NC DJJDP |
| Katherine Joyce | NCASA |
| Ashley Woom | NCASA |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/4/09 2:00 p.m.

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Sarah Preston | ACLU-NC |
| Chloe Grossaye | NCAOC |
| Neil Woodcock | CCPS, LESS |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

# DJJDP YDC Positions and On-Campus Population

| YDC | TOTAL Positions | Vacant Positions | Filled Positions | On-Campus YDC Population (06/03/09) | Filled Positions/ On-Campus Ratio |
|---|---|---|---|---|---|
| | | | | capacity | |
| **Exisiting YDCs** | | | | | |
| Samarkand | 51 | 3 | 48 | 13 (26) | 3.69 |
| Jackson | 77 | 20 | 57 | 58 71 | 0.98 |
| Dillon | 169 | 10 | 159 | 104 (90) | 1.53 |
| Dobbs | 88 | 14 | 74 | 35 close | 2.11 |
| Swannanoa | 95 | 16 | 79 | 49 (48) | 1.61 |
| | | | | | |
| **Replacement YDCs** | | | | | |
| Chatham 32 beds | 67 | 6 | 61 | 20 (32) | 3.05 |
| Cabarrus | 180 | 60 | 120 | 30 (96) | 4.00 |
| Lenoir | 64 | 1 | 63 | 23 replace Dobbs (32) | 2.74 |
| Edgecombe | 66 | 5 | 61 | 19 (32) | 3.21 |
| | | | | | |
| **TOTAL** | **857** | **135** | **722** | **351** | **2.06** |

Casey Dudley

20
60
118 (12 at Camp Wilkes Men)
39
53

27
32
25
24

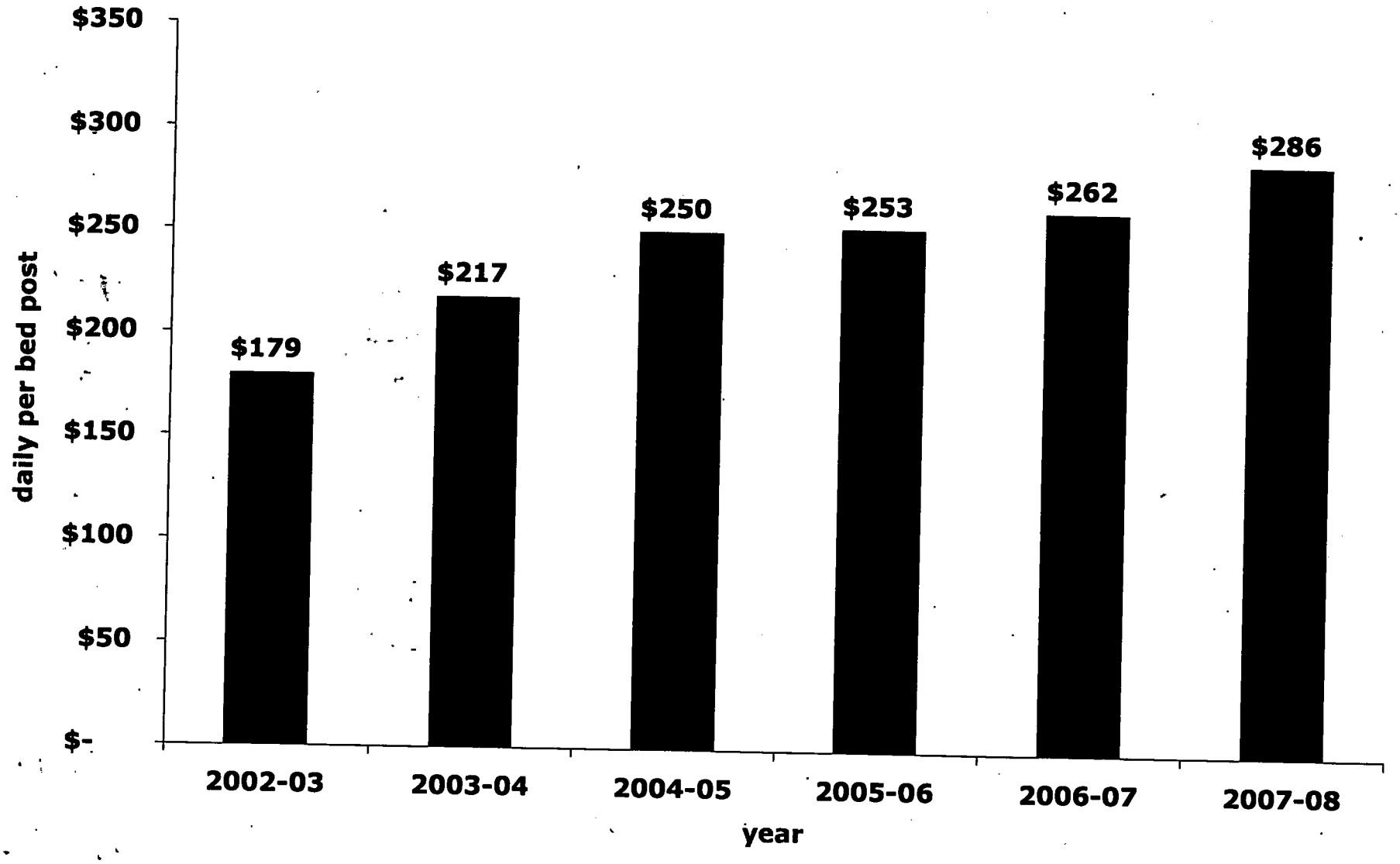
444 kids Committed

28 in Alt. settings - assigned to

45 - Cam

Sources: data provided by DJJDP: BEACON-BO 112: Positions Vacant/Filled report (05/26/09) & DJJDP's Committed Youth Report (06/03/09)

# Daily Cost of YDC Beds




Source: DJJDP Youth Development Average Cost Per Bed Analysis

| | Governor's Budget | Pos.-Gov. | Senate Budget | Pos.-Senate | Proposed DJJDP | Pos.-DJJDP Prop. | Proposed House | Pos.-Prop.House |
|---|---|---|---|---|---|---|---|---|
| Establish Manageme xibility Rsv. | -$4,990,560 | 0 | -$ 899 | 0 | -$7,753,573 | | -$ ,149 | 0 |
| ARRA Fiscal Stabilization Funds (House Only) | $0 | | $0 | | $0 | | -$ ,3,285 | |
| Eliminate Central Office Positions | -$426,955 | -7 | -$426,955 | -7 | -$426,955 | -7 | -$426,955 | -7 |
| Reduce Contractual Svcs. (House only) | $0 | | $0 | | $0 | | -$316,048 | |
| Reduce Approp. for Furniture (Non-Recur) | -$218,393 | 0 | -$218,393 | 0 | -$218,393 | | -$218,393 | |
| Eliminate 91 Vacant Positions | $0 | | $0 | | $0 | | -$3,564,451 | -91 |
| Eliminate Alternative to Detention Contract | -$43,885 | 0 | -$43,885 | 0 | -$43,885 | | -$43,885 | |
| Reduce Legal Services funding | $0 | 0 | -$130,781 | 0 | -$58,848 | | -$58,848 | |
| Eliminate Cntr. Prevention School Violence | $0 | 0 | -$474,923 | -6 | -$474,923 | -6 | -$474,923 | -6 |
| Reduce Equipment funds (House Only) | $0 | | $0 | | $0 | | -$500,000 | |
| Reduce Pass-through Funding for: JCPC, Project Challenge, & Boys & Girls Clubs | -$1,656,400 | 0 | $0 | 0 | -$1,620,700 | | -$3,472,929 | |
| Eliminate S O S Program | -$5,911,297 | -4 | -$6,627,532 | -3 | -$5,911,297 | -3 | -$6,171,062 | -3 |
| Close up to 3 Multi-Purpose Group Homes | -$600,000 | 0 | -$600,000 | 0 | -$1,800,000 | | -$600,000 | |
| Reduce Pass-Thru funds for One on One & Juvenile Assessment Cntr. | -$126,763 | 0 | $0 | 0 | $0 | | $0 | |
| Reduce Pass-Through-Juv. Assessment Cntr | | 0 | -$16,543 | 0 | -$16,543 | | -$41,359 | |
| Eliminate Pass-Through funds for Boys & Girls Clubs | $0 | 0 | -$400,000 | 0 | -$400,000 | | -$400,000 | |
| Reduce Pass-Thru funds-Proj.Challenge- | $0 | 0 | -$16,000 | 0 | -$16,000 | | -$40,000 | |
| Eliminate 25 Vacant Positions | $0 | 0 | -$974,956 | -25 | $0 | | $0 | |
| Eliminate 19 Youth Dev. Positions | -$948,994 | -19 | -$948,994 | -19 | -$948,994 | -19 | -$948,994 | 0 |
| Eliminate Overtime Cont. budget increase | $0 | 0 | -$1,805,207 | 0 | $0 | | $0 | |
| Reduce Eckerd Wilderness Camp rate | -$1,435,000 | 0 | -$1,435,000 | 0 | -$1,435,000 | | -$2,560,088 | |
| Additional Eckerd Reduction | | | | | -$2,870,702 | | $0 | |
| Eliminate Camp Woodson | -$1,050,000 | -21 | $0 | 0 | -$1,050,000 | -21 | $0 | 0 |
| Expand JCPC Allocation | $0 | 0 | $6,627,532 | 0 | $0 | | $0 | |
| Eliminate Cont. increase for Temp. Services | $0 | 0 | -$333,906 | 0 | $0 | | $0 | |
| Eliminate/Reduce Gov. One on One Program | $0 | 0 | -$1,645,545 | 0 | -$164,547 | | -$1,645,545 | |
| Eliminate Cont. incr. Security Svc. Agreement | $0 | 0 | -$110,717 | 0 | $0 | | $0 | |
| Eliminate Training/Staffing Reserve | $0 | 0 | -$250,000 | 0 | $0 | | -$250,000 | |
| Close Samarkand YD Center (9-1-09) *Samarkand's Annual Amt. is $1,980,864* | $0 | 0 | -$5,048,253 | -63 | $0 | | -$1,130,258 | -56 |
| Close Dobbs YD Center (9-1-09) *Dobbs' Annual Amt. is $3,013,963* | $0 | 0 | -$6,986,859 | -85 | -$2,260,472 | -51 | -$2,688,984 | -92 |
| Total Reductions/Eliminations | -$17,408,247 | -51 | -$25,369,816 | -208 | -$27,470,832 | -107 | -$36,317,156 | -255.00 |
| **Decrease from Current DJJDP State Approp. & Positions** | -11% | -3% | -15% | -11% | -17% | | 22% | -13% |
| DJJDP Current FY (08-09) State Appropr. | $165,774,045 | | | | (DJJDP recommended) | | | |

# DJJDP Decisions (as of June 1, 2009)

| # | Item | 2009-10 R | 2009-10 NR | 2009-10 # | 2010-11 R | 2010-11 NR | 2010-11 # |
|---|---|---|---|---|---|---|---|
| 1 | Eliminate CB Increases | (7,611,149) | | | (7,751,707) | | |
| 2 | ARRA Fiscal Stabilization funds | | (3,153,285) | | | (3,153,285) | |
| 3 | Eliminate Central Office Positions | (426,955) | | (7.0) | (426,955) | | (7.0) |
| 4 | Reduce Appropriation for Furniture | | (218,393) | | | (218,393) | |
| 5 | Reduce Legal Services | (58,848) | | | (58,848) | | |
| 6 | Eliminate the Center for the Prevention of School Violence | (474,923) | | (6.0) | (474,923) | | (6.0) |
| 7 | Eliminate Alternative to Detention Contract | (43,885) | | | (43,885) | | |
| 8 | Eliminate Pass-Through Funding-Boys & Girls Club | (400,000) | | | (400,000) | | |
| 9 | Reduce Pass-Through Funding- Project Challenge - 25% | (40,000) | | | (40,000) | | |
| 10 | Close ~~One~~ 3 Multi-Purpose Home | correct (1,800,000) | | | (1,800,000) | | |
| 11 | Eliminate Pass-Through Funding-Governor's 1 on 1 | (1,645,545) | | | (1,645,545) | | |
| 12 | Reduce Pass-Through-Juvenile Assessment Center - 25% | (41,359) | | | (41,359) | | |
| 13 | Reduce Eckerd Wilderness Camp contract | (4,305,702) | | | (4,305,702) | | |
| 14 | Eliminate the Support Our Students program | (6,171,062) | | (3.0) | (6,171,062) | | (3.0) |
| 15 | Eliminate Youth Development Center positions | (948,994) | | (19.0) | (948,994) | | (19.0) |
| 16 | Close Dobbs | (2,260,472) | | (51.0) | (2,260,472) | | (51.0) |
| 17 | Reduce JCPC County Allocation - 15% | (3,472,929) | | | (3,472,929) | | |
| 18 | Reduce Misc. Contracts - 5% | (316,048) | | | (316,048) | | |
| 19 | Reduce Equipment | | (500,000) | | | (500,000) | |
| 20 | Eliminate Treatment Training Reserve | (250,000) | | | (250,000) | | |
| 21 | Eliminate 50% of vacant DJJDP positions (agency-wide) | (3,564,451) | | (91.0) | (3,564,451) | | (91.0) |
| | | **(33,832,322)** | **(3,871,678)** | **(177.00)** | **(33,972,880)** | **(3,871,678)** | **(177.00)** |
| | | **(37,704,000)** | | | **(37,844,558)** | | |

Key Facts Regarding House JPS Budget Proposal and Negative Impacts on DJJDP:

I. Community Programs:
   a. If the proposed cuts occur, 32% of all community services will be eliminated. This means **actual court sanctions** in addition to prevention and intervention programs will be taken away. Approximately 9500 youth will not receive services in their home communities. JCPC services, Project Challenge, Juvenile Assessment Center, SOS, Gov's One on One are included in this broad set of cuts. Your local judges will have nearly 1/3 fewer options for their court-adjudicated youth.
   b. Programs like SOS, if shifted to JCPC, could only be funded locally if other dispositions are fully funded and sufficient in each county (restitution, community services, substance abuse programs) – SOS will likely **not be funded** in this scenario.

II. Facilities: Lenoir YDC does not "replace" Dobbs. It replaced 32 beds of the 90 beds at Dobbs in 2007.
   a. Chatham YDC does not "replace" Samarkand. It replaced 32 beds of the 50+ beds at Samarkand in 2007.
   b. Camp Woodson's cost is much higher than a traditional YDC. Core services need to be maintained before continued funding this program. The Department recommended that Woodson be closed and this has been removed from the current JPS Subcommittee proposal.
   c. There are **79 Dobbs-specific positions at Dobbs, not 95**. The department has proposed eliminating 51 of the 79 positions upon closing Dobbs. The remaining positions would be transferred to Samarkand and Jackson to allow the accommodation of additional juveniles at those facilities.
   d. There are **46 Samarkand-specific positions at Samarkand, not 56**. With an additional 20 positions from the closing of Dobbs, we can house 16 additional juveniles (total of 42 juveniles).
   e. With the addition of 7 positions to Jackson from the closing of Dobbs, we can provide care for up to 48 juveniles at Jackson.
   f. The new facilities house 192 juveniles and require a minimum of 392 positions to operate the facilities. The sentencing commission projects the need for 437 beds, so we need 245 additional beds. Eliminating Dobbs as we propose, we can serve the following youth at the facilities below:

| | Youth | Staff (FTE'S) |
|---|---|---|
| Samarkand | 42 | 66 |
| Jackson | 48 | 61 |
| Dillon | 90 | 158.5 |
| Swannanoa | 48 | 91 |
| Total | 228 | 376.5 |

The difference between Swannanoa and Jackson's youth capacity and staffing needed is due to the difference in housing (facility) design, **and the fact that staff is shared (kitchen staff, support, etc.) by multiple facilities (allocated to Cabarrus but serving both Cabarrus and Jackson).** With this total, the Department may house 420 juveniles, 17 less than indicated by the Sentencing Commission. To help the reader understand a little background ---

- To open new facilities, the department had to transfer positions from across the YDC system to staff the new facilities while providing care of juveniles at full capacity. Moving staff required RIFs, reallocations, transfers, hiring and training involving a minimum of 270 positions – a long, complicated process exacerbated by the implementation of the BEACON system. That transition is not complete and is continuing while we operate at full capacity. Vacancies exist that are in this transfer process (thus – some of the difference in numbers between Fiscal Research's data and the Department's). As an example, we show 59 vacancies at Cabarrus, but 42 of those positions have identified candidates while the additional positions are in the posting and interview process. The positions are required to fully open Cabarrus. We will not be able to operate the facilities above at capacities with additional position cuts.

III. The Department is mandated to provide community services, intake, probation, detention, commitment and post release services. Eckerd is not the highest priority when the core services are being cut to allow operation of that program, which has not proved capable of serving the majority of committed youth. DJJDP is not in favor of any proposal about a special provision that allows Level III transfer of youth from YDC's to Eckerd Camps without judicial review. Eckerd Camps are not set up for Level III committed youth (nor are Multipurpose Group Homes).

KEY SUMMARY POINTS:

1. **The Department does not believe that closing Samarkand will increase efficiencies or serve NC's public in a safe manner. The Department agrees that fully staffing and shifting to the new facilities is a top priority and needs to happen as soon as possible. By doing so, we can reduce use of the older facilities and find savings in the next 2 years.**
2. **The Department cannot sustain deep cuts in community programs/services and allow district court judges the sanctions required by the law to fully comply with public safety expectations of the Juvenile Code.**
3. **The Department would lose vital portions of community, intermediate and Level III safety options under the House JPS proposal.**
4. **If fully adopted, 14% of the Department's workforce and 22% of the total DJJDP state appropriation would be eliminated. This would critically and negatively handicap the Department's core mission and services.**
5. **The Department does not support the expansion of group homes, camping programs, etc. as alternatives to court committed youth excepting where judges agree the local community placement is viable and appropriate to the court's intentions at dispositional finding. The Department does not support special provisions that benefit a contract agency in any sole-source arrangement.**

MINUTES
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

June 4, 2009, 2009
Room 415 Legislative Office Building
3:00 P.M.

The Joint House and Senate Appropriations Subcommittee on Justice and Public Safety met on Tuesday, June 4, 2009, in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 3:00 p.m. The following House members were present: Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton, and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Moore, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, John Poteat, Jean Sandaire, and Denise Thomas.

Representative Love recognized the Sergeants-at-Arms, Frank Prevo and Reggie Sills and thanked them for their help. Representative Bordsen moved that the Money Report come before the Committee for discussion purposes. The motion was **Approved.**

Representative Jackson sent forth the first amendment, a copy of which is attached as part of these minutes. After a brief explanation of his amendment, Representative Jackson moved adoption of the amendment.

Representative Sutton asked if a child is committed to a Youth Detention Center (YDC) and is then sent to an Eckerd Wilderness Camp, must a bed be kept available for that child. Is it a statutory requirement or a departmental policy? Martin Pharr, Department of Juvenile Justice and Delinquency Prevention, said that there was no statutory language stating that a bed must be held at the original facility; however, if an alternate placement is used and it is not successful, the YDC must take the youth back. The youth will not necessarily go back to the original facility but can be placed in another facility. A vacant bed is not necessarily held but the reality is that a bed must be available for any youth not making it in an alternative setting. Representative Sutton (follow-up) said that he understood that the youth does not necessarily go back to the same facility. Martin Pharr said that was correct, it was a potential outcome depending on where there were available beds.

The motion was seconded and **adopted.**

Representative Justus offered the second amendment, a copy of which is attached as part of these minutes. Originally, Item #115 would have closed 2 National Guard Family Assistance Centers. Representative Justus explained that her amendment did not change the amount of money involved but allowed some flexibility and let the department decide where the cuts were to come. After a brief discussion, questions were entertained. Representative Mobley noted that **Item #116** should actually read **Item #115**. Doug Holbrook, Fiscal Research Division, said that line 2 did say Item 115, and asked the committee to accept a perfecting motion, which was **approved** by the committee. Representative Sutton asked what the National Guard's position was on this amendment. Colonel Keith Pearce, North Carolina National Guard, responded that this amendment allowed them to keep one representative in each of the 3 geographical areas. Representative Goodwin asked if the reduction in funds was Recurring or Nonrecurring. Jean Sandaire, Fiscal Research Division, noted that is was Nonrecurring – the cut would

not occur after this biennium and that the next budget would have to deal with it. Doug Holbrook explained that if nonrecurring, the cuts disappear after the second year and would be restored automatically. If the cut were recurring, it would continue and affect this budget until changed.

Representative Justus moved the adoption of the amendment. It was **adopted**.

Representative Sutton asked if, in fact, the Committee was obligating money two years from now. Representative Love said yes. Representative Sutton added that if in the budget as recurring now, it would go away two years from now. Doug Holbrook responded that was incorrect. Representative Sutton said that, in effect, the Committee had approved taking recurring out and replacing it. Representative Justus agreed that that was what was done. Representative Sutton said that was not what the Rules said the Committee should be doing. Representative Love said that it might be a violation of Rule 5. Representative Sutton agreed. Doug Holbrook responded that the intention of Rule 5 was that a nonrecurring reduction couldn't be taken in one year in one department to fund something that would be recurring in the same year because those funds are separate; for example, you can't fund positions with one-time money. Representative Love ruled that the amendment has been adopted. He and Representative Bordsen would take that up with the Full Chairs.

Representative Justus offered a third amendment, a copy of which is attached as part of these minutes. The amendment was to amend the Money Report on page I-18, Item 99 by deleting that item and on page I-4, Item 24, increasing the reduction by $430,336 and adjusting the totals accordingly. Doug Holbrook stated that a technical correction needed to be made to the amendment. There is already funding in the first year for LESS, although nonrecurring. The committee approved a change on line 3 by changing "each year" to "2010-2011." Representative Love warned that Item 24 was a court-ordered type situation and the State could get in trouble. Representative Justus moved the adoption of the amendment. The motion was **adopted**.

Representative Moore brought forth Amendment 4, a copy of which is attached as part of these minutes. This amendment was to restore funding of $1.6 million to restore Cleveland Correction Facility. The money would come from the Office of Indigent Defense Services. He noted that it was a good prison that functioned efficiently by training prisoners in many areas thus contributing to a lower recidivism rate. Representative Sutton stated that he was opposed to this amendment since prisoners from those prisons being closed were not being turned loose. The attorneys used by IDS were already sacrificing since payment has been reduced from $75 to $70 per hour. Representative Moore said that it was only $1.6 million out of $111 million.

Representative Moore moved the adoption of the amendment. The amendment **failed**.

Representative Guice directed attention to Item 74, Eliminate Continuation Budget Increases, under Department of Correction of the Money Report. He stated that it was his understanding the Department of Correction normally started about $70 million in the hole each fiscal year. The Governor had put the money in the budget, now it was being taken out. He proposed that the Committee shouldn't consider cutting vacant positions and where the money would be taken. The Department will be at a distinct disadvantage if the money is not addressed by lapsed salaries. Representative Love said it could be changed only by amendments.

Representative Goodwin moved to report the budget out as amended to Full Appropriations without prejudice. Representative Bordsen asked if Committee members could submit amendments at the Full Appropriations meeting. Representative Love said that they could. By a raised hand vote, 8 members were in favor of the motion with 7 members voting no. The motion was **approved**.

The Committee then proceeded to offer amendments to the Special Provisions. Representative Stevens offered the first amendment (SP-1), a copy of which is attached and made part of these minutes. This amendment addresses the item on page 71 of the Special Provisions. Representative Stevens explained that this amendment was an effort to get the medical costs of inmates back under control. She proposed

that the Department of Correction pay to a care provider no more than 150% of the Medicaid reimbursement rate and to determine if more inmates might be eligible to receive Medicaid. Doug Holbrook, FRD, noted that the Department of Correction had been consulted on this and that sections (b) and (c) enabled the Department to consult with the Division of Medical Assistance in the department of Health and Human Services. Representative Sutton asked what would happen if DOC attempted to negotiate a contract and the care provider just said no. Tracy Little, Deputy Secretary, Department of Correction, responded that in paragraph 2 (beginning on line 12) of Section (a) attempts to address that issue. She went on to say that the Department supported this amendment. Representative Sutton then wondered what would happen if a hospital was willing to forgo Medicaid payments. Tracy Little said that for emergency care, no one can be turned away from a hospital. Representative Goodwin wondered if they didn't provide the care, what happens. Tracy Little said that capping the reimbursement rate, they were trying to get leverage in order to get that care. If not, the licenses could be taken away. Representative Goodwin asked who would yank the care providers licenses. Tracy Little replied that the Department of Health and Human Services would as it is in the statutes.

Representative Stevens moved the adoption of the Amendment. It was **adopted.**

Representative Sutton asked about Item 70 under Special Provisions and wondered, since Our Children's Place was no longer being funded, why the Special Provision was needed. Representative Love said it was in the Special Provisions so that the Legislature could get back all of the materials already paid for. Doug Holbrook added that everything developed by Our Children's Place, including drawings and plans, the idea being that everything that has been produced by Our Children's Place could be turned over to the Legislature, although they are not funded in this biennium.

Representative Guice offered the second amendment to the Special Provisions (SP-2), a copy of which is attached and made part of these minutes. He said that his amendment just deleted lines 4 – 13 of page 64. He added that the Senate proposal had added $3 million to CJPP with the plan to add that money for pretrial monitoring. In this proposed House budget, the $3 million is not being added; we want to make sure those funds are used for treatment as they are currently, so we need to delete Section (a) so there will be no money set aside for pretrial monitoring that we didn't fund. Doug Holbrook, FRD, stated that this change maintains CJPP as is. Representative Guice moved adoption of the Amendment. The Amendment was **adopted.**

Representative Guice brought forward Special Provisions Amendment 3 (SP-3), a copy of which is attached and made part of these minutes. This amendment amends the Special Provisions report on page 69. He moved its adoption stating that it basically adds the Senate's version which is much more appropriate and deletes the House version. No money issues are being addressed. The Amendment was **adopted**.

Representative Sutton moved that the Committee adopt the House Special Provisions as amended. Representative Guice was concerned about the provision in the previous document concerning the counties taking responsibility of inmates for more than 90 days. Doug Holbrook said that it was pulled. Representative Guice asked if the $18 was no longer going to be provided by the State to the counties. Doug replied that it was still in the money report. Representative Warren referred to page 44, Fee for Law Enforcement Officer Certification and Sheriffs' Department Personnel Certification. This affects about 63,892 officers in this state. Representative Mobley wondered where all the fees were located. She stated her concern about those that were doubled, especially for probationers or whomever who would have trouble paying any fees, much less those that were doubled. Representative Love assured her that they would be looked at by both Finance and Full Appropriations. Representative Mobley wondered how these fees would be collected. Representative Love said that the Judge can remit those types of things. Representative Guice noted that fees also affected both DJJDP and DOC employees and was concerned about that.

The motion to adopt the House Special Provisions as amended **failed**.

Representative Bordsen offered a substitute motion to send the Special Provisions report to Full Appropriations without prejudice. The motion **failed.**

Representative Hurley made a motion to reconsider the money report and moved to put aside the preceding vote.
Representative Sutton moved to adjourn. The motion **failed**.

Representative Moore moved that the motion to adjourn do lie upon the table. As a point of order, the Rules say that the Committee is still in session and that Representative Hurley is entitled to move to reconsider the money report and put aside the preceding vote.

Representative Hurley made a motion to reconsider the money report and moved to put aside the preceding vote. Representative Love said that the motion was out of order. Representative Love said that the meeting would recess briefly to allow the Chairs to confer with the Full Chairs.

The meeting recessed at 3:45 p.m.

Representative Love called the meeting back to order at 4:30 p.m.

Representative Hurley moved that the adoption of Money Report as amended be reconsidered and put aside the preceding vote. Representative Love said he had no objections and would allow the motion and put the budget report before the Committee for further consideration.

Representative Spear offered another amendment (#5) to the Money Report, a copy of which is attached and made a part of these minutes. Representative Spear then briefly explained his amendment which, among other things, included funding the Triad Crime Lab and restored the District Attorneys' Conference, the Clerks' Conference, 25 ALE positions and 12 attorney positions, and would eliminate 179 vacant positions throughout the Judicial system.

Representative Stevens said that she was trying to understand the 198 vacant positions. Where are they and what are they? Representative Spear said that they were various positions throughout. Representative Goodwin asked if any of those positions in the process of being filled. Representative Spear said that there was a hiring freeze, so no positions could be filled. Representative Moore wondered if there were any magistrates or deputy or assistant clerks in that number. Representative Spear noted that there were 30 magistrates included. Representative Warren noted that Item 46 should read Item 47 (on line 24). Representative Love asked Denise Thomas (FRD staff) if the amendments had been reviewed and was the money report balanced. Denise announced that one thing needed to be changed. Representative Spear said that on page I-13, for FY 09-10, $70,239,533 was the new figure, and for FY 10-11, the new figure is $71,731,718. Representative Stevens announced that she would like to see a list of the vacancies and asked if all of the vacancies were in Administrative Office of the Courts. Representative Spear handed the list to Representative Stevens and said that all were in the Administrative Office of the Courts. Greg Stahl stated of the 178, 30 were actually in AOC and the remainder were in the courthouses across the state including investigators, assistants, magistrates, among others. He noted that some of the positions were ready to be filled; for instance, 3 Court Reporter positions which were frozen needed to be filled. Mr. Stahl stated that AOC has offered fee increases that exceed our target, and that most of the cut is going to the Executive branch to fill positions there. The major holes in the budget often depend on vacancies to fund. He noted there were 155 vacancies on any one given day to cover mandated, statutorily required services that the Court is supposed to provide. This eliminates all the money to do this. Representative Spear said that there would be an opportunity to amend the Money Report when it goes before Full Appropriations.

Representative Spear moved that the amendment be adopted. By a hand vote of 9 in favor of the amendment and 8 against, the amendment was **adopted**.

Representative Goodwin moved to roll the amendment into a committee substitute without prejudice and send the Money Report and Special Provisions as amended to Full Appropriations. By a hand vote of 10 for and 6 against, the motion was **approved**.

The meeting adjourned at 5:00 p.m.

Respectfully Submitted,

Representative Jimmy L. Love, Sr.
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Notice
Agenda
Visitor Attendance Sheet
Handouts: Money Report dated June 4, 2009, 11:30 a.m.
JPS Special Provisions dated June 4, 2009
Rules for Subcommittee Procedure dated June 4, 2009
Amendments #1-5 for the Money Report
Amendments #SP1-SP3 for the Special Provisions report

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Thursday, June 4, 2009
**TIME: 9:00 a.m. and 15 minutes after Session**
**LOCATION:** 415 LOB
**COMMENTS:**

The following will be considered:

Review the JPS House draft budget report

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8:30 a.m.** o'clock on **June 04, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**June 4, 2009, 9:00 A.M and 15 minutes after session**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen
Representative Jimmy Love, Presiding

## II. MORNING SESSION

Opening Remarks by Chairs

Juvenile Justice Facility Closures

Committee Comments and Discussion

## III. AFTERNOON SESSION

House Subcommittee Discussion of JPS Budget Report

Subcommittee Vote

## IV. ADJOURNMENT

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/4/09 - p.m.
**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Mildred Spearman | NCDOC |
| Barbara Baker | NCDOC |
| Tracy Little | NCDOC |
| [illegible] Rogers | NCDOC |
| [illegible] | DOC |
| [illegible] | NCDOC |
| Michelle Frazier | MF+S |
| Cam Caver | Brooks Pierce |
| Seth Dearmin | DOJ |
| Gordon Keath | Project Challenge |
| ANTHONY ALLEN | NCAOC. |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/4/09 - p.m.

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Sarah Preston | ACLU-NC |
| Lee Rabbitt | CYPC |
| Soren Schmidt | Action for Children NC |
| Jordan Schrader | press |
| Lisa Crossin | Passage Home, Harriet's House |
| Ken Cuerk | NCBA |
| Daniel Braun | K&L Gates LLP |
| Neil Woodcock | CCPS; LESS |
| Keith Pearce | NCNG |
| Tom Bowlin | NC National Guard |
| Lee McKellar | Nelson Mullins |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/4/09 - p.m.
**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| M.W. Hobgood | CCPS / Butner Public Safety |
| Ron [illegible] | ALE |
| Bill Chandler | CCPS / ALE |
| Jamie Carmichael | CCPS / Victims Comp |
| [illegible] | CCPS-DEM |
| Doug Hoell | NCEM - CCPS |
| Mike Sprayberry | NCEM |
| [illegible] | [illegible] |
| Chloe Grossman | NC ACC |
| Donna Wishall | Summit House |
| Cody Thomas | NC Assn of PE Chiefs |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/4/09 - pm.
**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Dan Hamm | Williams Mullen |
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| Tom MAHER | IDS |
| SAM WHITE | NCAOC |
| Barbara Mieve | Conf. of Clerks of Sup Ct |
| Patricia Rowen | NCACC |
| S. Katzenelson | SPAC |
| Kathy Dudley | DJJDP |
| Kelly Hoell | NCAOC |
| Kimberly Overton | Conference of DA's |
| Lee Dorer | Conf. of DA's |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 6/4/09 - p.m.
**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Tom Bennett | NCVAN |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| Reuben Young | C.C. & P.S. |
| Martin Grahm | OJJDP |
| Robin Jenkins | DJJDP |
| Linda Hayes | DJJDP |
| David Jones | DJJDP |
| Grady Stephenson | " |
| Kelly Graham | NCAJ |
| Steve Shaber | Prynum Lowell |
| Ashley Broom | NCAJA |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 06-04-2009 - p.m.

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Teresa Price | DJJDP |
| Linda Washington | DJJDP |
| Mark Rueb | AOC/AP |
| Aaron Gallagher | OSBM |
| Cheryl Reed | OSBM |
| Keith Sellers | DJJDP |
| Robin Pendergraft | DOJ/SBI |
| | |
| | |
| | |
| | |

June 4, 2009
11:30 a.m.

House Subcommittee on Justice and Public Safety

# Judicial

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Recommended Budget** | **$497,649,235** | | **$507,638,940** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **1 Reduce Information Technology Funding**<br>The budget for information and other technology services is reduced. | ($977,499) | R | ($977,499) | R |
| **2 Eliminate Vacant AOC Administrative Positions**<br>Eight (8) vacant positions in AOC's Raleigh office are eliminated: | ($621,720)<br>-8.00 | R | ($621,720)<br>-8.00 | R |

| Pos.# | Position | Salary |
|---|---|---|
| 60004908 | Sr. Accountant | 36,598 |
| 60094875 | Wan Engineer III | 70,506 |
| 60094888 | App. Analyst Prog. III | 80,145 |
| 60055085 | Sr. Java Developer | 78,000 |
| 60004852 | Management Asst | 43,507 |
| 60095893 | Instructional Designer | 54,080 |
| 65003747 | Dep.Chief Info Officer | 107,543 |
| 60094899 | AOC Division Asst | 41,428 |

| | | | | |
|---|---|---|---|---|
| **Department-Wide** | | | | |
| **3 Adjust Continuation Budget**<br>Adjusts continuation budget to a level at or below FY 2008-09 Authorized Budget. | ($18,767,758) | R | ($28,031,544) | R |
| **4 Eliminate Telephone System Line Items**<br>SL 2007-108 authorized a new fee to pay for judicial and county courthouse telephone systems. Therefore, the continuation budget line items for telephone upgrades, maintenance, equipment, and operations are eliminated. | ($3,927,583) | R | ($3,927,583) | R |
| **5 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($9,097,808) | NR | ($9,097,808) | NR |
| **6 Contractual Services**<br>Funding for contractual services are reduced by 5 percent below the FY 2008-09 authorized level. | ($1,254,146) | R | ($1,254,146) | R |
| **District Attorneys** | | | | |
| **7 Eliminate Clerks' Conference Funds**<br>The continuation budget for the Conference of Clerks of Superior Court is eliminated. | ($121,401)<br>-2.00 | R | ($121,401)<br>-2.00 | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **8 Divide Prosecutorial District 11 into 11A and 11B**<br>Funding is provided to Prosecutorial District 11 (Harnett, Johnston, Lee) effective January 1, 2011. The following positions are provided effective January 1, 2011:<br><br>District Attorney 1.0<br>DA Admin. Asst III 1.0<br>DA Investigator 1.0 | | | $164,459<br>3.00 | R |
| **9 Eliminate DA Conference Funding**<br>The continuation budget for the NC Conference of District Attorneys is eliminated. | ($401,289)<br>-5.00 | R | ($401,289)<br>-5.00 | R |
| **10 Eliminate Victim Witness Legal Assistant Positions**<br>AOC shall eliminate 155 Victim Witness Legal Assistant (VWLA) positions. These positions provide support to Assistant District Attorneys (ADA). Currently, there are 465 VWLA positions, one for every 1.35 ADA positions. Eliminating 155 positions will leave 310 VWLAs, one for every 2.0 ADA positions. | ($7,019,017)<br>-155.00 | R | ($7,019,017)<br>-155.00 | R |
| **Equipment and Other Reserves** | | | | |
| **11 Freeze Step Increases for Magistrates and Clerks**<br>Freeze the step increase for the salaries of Magistrates and Clerks for FY 2009-11. | ($2,324,864) | NR | ($6,390,013) | NR |
| **12 Evaluation & Training to Improve Court Operations**<br>Governor's recommendation:$750,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for evaluation of court processes and procedures and developing best practices for effective programs. In addition, this funding will support continuing education and basic systems training for court professionals and those who interface with court systems. Training is especially critical to ensure the timely implementation of NCAWARE, a statewide warrant repository. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the State administrator of the Byrne/JAG Formula Program. | | | | |
| **Trial Courts** | | | | |
| **13 Dispute Resolution Centers Funding**<br>Reduce funding for the dispute resolution centers and the Mediation Network of North Carolina by 25 percent. | ($399,829) | R | ($399,829) | R |
| **14 Reduce Pass-Through Funding to the NC State Bar**<br>Reduce the continuation budget pass-through funding to the NC State Bar as follows:<br><br>Civil Justice Act: ($250,000)<br>Financial Protection Law Center: ($25,000)<br>Land loss Protection Center: ($100,000) | ($375,000) | R | ($375,000) | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **15 Eliminate Special Superior Court Judgeships**<br>The appointments of four (4) Special Superior Court Judges will expire during the FY 2009-11 biennium. Upon expiration of their appointments, these positions will be eliminated. The expiration dates of the four judgeships are:<br><br>April 26, 2010<br>October 3, 2010<br>January 27, 2011<br>February 8, 2011 | ($26,042)<br>-1.00 | R | ($336,893)<br>-4.00 | R |
| **16 Superior Court Judges Mileage Reimbursement**<br>Mileage reimbursement for regular Superior Court Judges is restricted to one round-trip per week between the their residence and the seat of court. | ($90,000) | R | ($90,000) | R |
| **17 Eliminate District Court Judge Positions**<br>Funding is eliminated for four new district court judge positions that were authorized in 2007-08 Session and remain unfilled:<br><br>(2.0) District 10 (Wake)<br>(1.0) District 11 (Johnston, Lee, Harnett)<br>(1.0) District 5 (New Hanover) | ($585,024)<br>-4.00 | R | ($585,024)<br>-4.00 | R |
| **18 Eliminate Vacant Court Positions**<br>The continuation budget is reduced to eliminate court room positions:<br><br>Asst District Attorney (4.0)<br>Victim Witness Legal Asst (6.0)<br>Deputy Clerks (8.0)<br>Magistrates (15.5)<br>Official Court Reporters (3.0)<br>Superior Ct Jud Asst I (2.0)<br>Superior Ct Jud Asst II (1.0)<br>District Ct Jud Asst I (3.0) | ($2,433,632)<br>-48.00 | R | ($2,433,632)<br>-48.00 | R |
| **19 Eliminate Clerk Positions**<br>Ten percent of clerk positions in courthouses state-wide are eliminated. AOC shall consider caseload and other factors when determining which positions are to be eliminated. | ($11,574,473)<br>-269.00 | R | ($11,574,473)<br>-269.00 | R |
| **Total Legislative Changes** | **($48,574,413)**<br>**($11,422,672)** | R<br>NR | **($57,984,591)**<br>**($15,487,821)** | R<br>NR |
| **Total Position Changes** | -492.00 | | -492.00 | |
| **Revised Budget** | **$437,652,150** | | **$434,166,528** | |

# Judicial - Indigent Defense

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Recommended Budget** | **$133,881,190** | | **$132,320,396** | |
| **Legislative Changes** | | | | |
| **Department-Wide** | | | | |
| **20 Adjust Continuation Budget**<br>Adjusts continuation budget to a level at or below FY 2008-09 Authorized Budget | ($12,525,455) | R | ($16,908,107) | R |
| **21 ARRA Fiscal Stabilization Funds**<br>Allocation of the federal ARRA recovery fund credit | ($2,447,558) | NR | ($2,447,558) | NR |
| **22 Contractual Services**<br>Funding for contractual services, excluding PAC contracts, is reduced 5 percent below the FY 2008-09 authorized level. | ($369,208) | R | ($369,208) | R |
| **Indigent Defense Services** | | | | |
| **23 Reduce Aid to Center of Death Penalty Litigation**<br>Funding for the Center for Death Penalty Litigation contract is reduced by 5 percent. | ($25,075) | R | ($25,075) | |
| **24 Reduce Prisoner Legal Services Funds**<br>Funding provided for the Prisoner Legal Services contract is reduced by 5 percent. | ($62,204) | R | ($62,204) | R |
| **Indigent Person Attorney** | | | | |
| **25 Reduce PAC Rate**<br>The contract rate for private assigned counsel is reduced from $75 to $70 per hour. | ($4,250,000) | R | ($4,250,000) | R |
| **Public Defender Services** | | | | |
| **26 Eliminate Vacant Positions**<br>The following vacant positions are eliminated:<br>Asst Capital Defender (3.0)<br>Appellate Defender (1.0)<br>Assistant Public Defender (2.0) | ($602,270)<br>-6.00 | R | ($602,270)<br>-6.00 | R |
| **Sentencing Services** | | | | |
| **27 Sentencing Services Program**<br>Funding for the Sentencing Services Program is eliminated. | ($2,629,629)<br>-11.50 | R | ($2,629,629)<br>-11.50 | R |

| House Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Total Legislative Changes** | **($20,463,841)** | **R** | **($24,846,493)** | **R** |
| | **($2,447,558)** | **NR** | **($2,447,558)** | **NR** |
| **Total Position Changes** | -17.50 | | -17.50 | |
| **Revised Budget** | **$110,969,791** | | **$105,026,345** | |

# Justice

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Recommended Budget** | **$100,441,147** | | **$101,047,019** | |
| **Legislative Changes** | | | | |
| **28 Criminal Justice Training Fee**<br>New Criminal Justice Training Schedule to support the Criminal Justice Training Standards Division | ($4,050,000) | R | ($8,100,000) | R |
| **Administration** | | | | |
| **29 Shift Administrative Position to Receipt Support**<br>Governor's recommendation that an appropriated administrative position be shifted to receipt support. This position will now be funded by receipts generated through administrative charges from grants, cost of collection for DPI school penalties, Private Protective Services operating receipts, and Justice Academy Bookstore receipts | ($44,215)<br>-1.00 | R | ($44,215)<br>-1.00 | R |
| **Criminal Justice Training and Standards - CJTS** | | | | |
| **30 Reduce CJTS Operating Funds**<br>Reduction in operating funds for the Criminal Justice Training and Standards Division. This reduction will be offset by receipts from a new $2.00 fee to support the division. | ($950,391) | R | ($1,900,782) | R |
| **Department-wide** | | | | |
| **31 Adjust Continuation Budget Line Items**<br>The continuation budget is adjusted to remove increases for the maintenance agreements, legal services, and miscellaneous contractual services. | ($3,562,180) | R | ($4,106,298) | R |
| **32 Eliminate 30 Vacant Positions**<br>Elimination of 30 Vacant Positions | ($1,301,257)<br>-30.00 | R | ($1,301,257)<br>-30.00 | R |
| **33 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($1,836,222) | NR | ($1,836,222) | NR |
| **34 Reduce Various Operating Accounts**<br>Governor's recommendation that funding for various operating accounts be reduced across the agency. | ($215,000) | R | ($215,000) | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Legal Services** | | | | |
| **35 Continuation Review-Consumer Protection Program** | ($2,026,179) | R | ($2,026,179) | R |
| The Consumer Protection program is placed on continuation review. | $2,026,179 | NR | -36.00 | |
| **36 Eliminate 25 Attorney Positions** | ($1,787,768) | R | ($1,787,768) | R |
| Elimination of 25 Attorney Positions | -25.00 | | -25.00 | |
| **37 Shift Consumer Protection Positions to Receipts** | ($1,333,242) | R | ($1,333,242) | R |
| Shifts 21 positions in the Consumer Protection Program from General Fund appropriation to receipt support. Receipts associated with court orders and legal consumer settlements will be used to fund these positions. | -21.00 | | -21.00 | |
| **38 Maximization of Medicaid Fraud Recovery Efforts** | ($168,566) | R | ($168,566) | R |
| Reduction in the General Fund appropriation for the Medicaid Fraud Unit. This reduction will be offset by the program's efforts to maximize recovery fees and related administrative receipts. | | | | |
| **39 Reduction in NC LEAF Funding** | ($125,000) | R | ($125,000) | R |
| 25 percent reduction in funding for the North Carolina Legal Education Assistance Foundation (NC LEAF) | | | | |
| **State Bureau of Investigation - SBI** | | | | |
| **40 Reduce SBI Overtime Budget** | ($121,841) | R | ($121,841) | R |
| Reduces the SBI overtime budget. | | | | |
| **41 Reduce Vehicle Replacement Budget** | ($342,303) | R | ($342,303) | R |
| Reduction in the SBI vehicle replacement budget. | | | | |
| **42 Reduce Telecommunication Service Charges** | ($459,599) | R | ($459,599) | R |
| Governor's recommendation that telecommunication service charges be reduced by providing all connections to criminal databases through secure internet connections. | | | | |
| **43 Eliminate the Fingerprint Card Program** | ($15,696) | R | ($15,696) | R |
| Governor's recommendation that the fingerprint card program be eliminated now that all 100 counties have access to the Statewide fingerprint Identification System (SAFIS), which utilizes live scan devices. | | | | |
| **44 Reduce SBI Equipment Budget** | ($442,368) | R | ($442,368) | R |
| Reduction in the SBI equipment budget. | | | | |
| **45 Shift IT Positions to Receipt Support** | ($165,905) | R | ($165,905) | R |
| Governor's recommendation that two appropriated Information Technology positions be shifted to receipt support. These positions will now be funded through user fees associated with criminal databases that these positions support. | -2.00 | | -2.00 | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **46 Increase SBI Crime Lab Fee**<br>Governor's recommendation that the fee assessed on convicted criminals to recover the cost of SBI Crime Lab analysis be increased from $300 to $600. DWI cases make up a large percentage of the total revenue generated from this fee. | ($195,442) | R | ($390,884) | R |
| **47 Close the Piedmont Triad Regional Crime Lab**<br>Recommendation that funding for the Piedmont Triad Regional Lab be eliminated. This closure is recommended as a result of increases in lab staff positions lab space additions/expansions and during that same time period, a decline in total annual case submissions. | ($1,168,623)<br>-12.00 | R | ($1,168,623)<br>-12.00 | R |
| **48 Expand GangNet**<br>Governor's report on the use of funding of up to $1.8 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for an expansion of the GangNet intelligence information database. The database will be expanded to include probation officers, the State Bureau of Investigation, the State's Homeland Security Intelligence Network and the NC Justice Xchange, which facilitates criminal integration by allowing the exchange of information throughout the criminal justice community. These efforts will be coordinated with Durham County and Charlotte-Mecklenburg, which administer the GangNet eastern and western nodes, respectively. The allocation of this funding will be made under the authority of the Governor Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |
| **49 Federal Funds to Expedite Criminal and Drug Cases**<br>Governor's report on the use of funding of up to $500,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) to support overtime expenditures required to expedite methamphetamine and violent crime investigations. This funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Program. | | | | |
| **Total Legislative Changes** | **($18,475,575)**<br>**$189,957** | **R**<br>**NR** | **($24,215,526)**<br>**($1,836,222)** | **R**<br>**NR** |
| **Total Position Changes** | -91.00 | | -127.00 | |
| **Revised Budget** | **$82,155,529** | | **$74,995,271** | |

# Juvenile Justice & Delinquency Prevention

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Recommended Budget** | **$172,484,415** | | **$172,651,108** | |
| **Legislative Changes** | | | | |
| **50 Adjust Continuation Budget**<br>Adjusts continuation budget to a level at or below FY 2008-09 Authorized Budget. | ($7,611,149) | R | ($7,751,707) | R |
| **51 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($3,153,285) | NR | ($3,153,285) | NR |
| **Administration** | | | | |
| **52 Eliminate Seven Central Office Positions**<br>The Governor recommends eliminating seven central office positions, including one human resources position, one webmaster position, one administrative secretary, one information technology project manager, and three facility investigators. These eliminations will be a combination of filled and vacant positions | ($426,955)<br>-7.00 | R | ($426,955)<br>-7.00 | R |
| **53 Reduce Appropriation for Furniture**<br>The Governor recommends funding for furniture be reduced on a nonrecurring basis. | ($218,393) | NR | ($218,393) | NR |
| **54 Reduce Legal Services**<br>Reduce the continuation budget for Legal Services. | ($58,848) | R | ($58,848) | R |
| **Center for the Prevention of School Violence** | | | | |
| **55 Eliminate the CPSV**<br>Eliminate funding for the Center for the Prevention of School Violence (CPSV). According to the Department, this division serves as a resource center and "think tank" for schools. These functions are not part of the core mission of the Department. | ($474,923)<br>-6.00 | R | ($474,923)<br>-6.00 | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Department wide** | | | | |
| **56 Gang Prevention and Intervention Pilot Program**<br>The Governor recommends using $6 million from the American Reinvestment and Recovery Act for the implementation of a two-year Gang Prevention and Intervention Pilot Program. This program will focus on youth at-risk for gang involvement and those who are already associated with gangs and gang activity. The pilot program will serve Cabarrus, Mecklenburg, Nash, Edgecombe, Wilson, and Halifax Counties. | | | | |
| **57 Reduce equipment**<br>Reduce the continuation budget for equipment. The Department opened four new YDCs in 2008 and the need for new equipment has declined. | ($500,000) | NR | ($500,000) | NR |
| **58 Contractual Services**<br>Funding for contractual services are reduced by 5 percent below the FY 2008-09 authorized level. This reduction does not apply to Eckerd Wilderness Camps or the Multi Purpose Groups Homes, which have been reduced elsewhere. | ($316,048) | R | ($316,048) | R |
| **59 Eliminate vacant positions**<br>Eliminate 91 vacant positions across the Department. The Department has the discretion to choose which positions to eliminate. | ($3,564,451)<br>-91.00 | R | ($3,564,451)<br>-91.00 | R |
| **Intervention/Prevention** | | | | |
| **60 Eliminate Alternative to Detention Contract**<br>The Governor recommends eliminating the Alternative to Detention Contract, which provides short-term emergency placement of juveniles through a local provider in District 23 and District 28. | ($43,885) | R | ($43,885) | R |
| **61 Eliminate Pass-Through Funding-Boys & Girls Club**<br>Eliminate pass-through funding to eight Boys & Girls Clubs that received a special appropriation of $50,000 each that was used as part of a match for grant funds that the clubs no longer receive. | ($400,000) | R | ($400,000) | R |
| **62 Reduce Pass-Through Funding for Project Challenge**<br>Reduce pass-through funding for Project Challenge by 25%. This reduction does not affect the direct services Project Challenge provides in the 33 counties it operates. | ($40,000) | R | ($40,000) | R |
| **63 Reduce JCPC County Allocation**<br>Reduce the JCPC County Allocation by 15%. | ($3,472,929) | R | ($3,472,929) | R |
| **64 Additional Juvenile Court Counselors**<br>The Governor recommends using $1.5 million from the American Reinvestment and Recovery Act to fund 12 new court counselors and 2 new supervisors. These positions will be time limited. | | | | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Special Initiatives** | | | | |
| 65 **Reduce Eckerd Wilderness Camp contract**<br>Reduce the Eckerd Wilderness Camp contract. Eckerd will close two of the seven camps it operates, reduce the number of beds from 346 to 294, and decrease the average length of stay from one year to nine months. | ($2,560,088) | R | ($2,560,088) | R |
| 66 **Close the Alamance Multi-Purpose Home**<br>The Governor recommends closing the Alamance Multi-Purpose Home because of low capacity and low utilization. | ($600,000) | R | ($600,000) | R |
| 67 **Eliminate Funding for Governor's 1 on 1**<br>Eliminate funding for the Governor's One on One mentoring program. This program serves lower risk youth in 46 counties and these programs would be eligible for JCPC funds. | ($1,645,545) | R | ($1,645,545) | R |
| 68 **Reduce Pass-Through Funding for the JAC**<br>Reduce pass-through funding for the Juvenile Assessment Center by 25%. | ($41,359) | R | ($41,359) | R |
| **Support Our Students** | | | | |
| 69 **Eliminate SOS program**<br>The Governor recommends eliminating funding for the Support Our Students program, including the elimination of three filled positions. There are other sources of funding for afterschool programs, including from the Department of Public Instruction. | ($6,171,062)<br>-3.00 | R | ($6,171,062)<br>-3.00 | R |
| **Youth Development Centers** | | | | |
| 70 **Eliminate Youth Development Center positions**<br>The Governor recommends eliminating 19 vacant Youth Development Center positions. The positions are located at Dillon, Cabarrus, Edgecombe, and Chatham Youth Development Centers. | ($948,994)<br>-19.00 | R | ($948,994)<br>-19.00 | R |
| 71 **Eliminate the Treatment Training Reserve**<br>Eliminate the treatment training reserve in the continuation budget, which was established to aid the Department in its efforts to train staff in their therapeutic treatment model. | ($250,000) | R | ($250,000) | R |
| 72 **Close Dobbs YDC**<br>Effective September 1, 2009, close the Dobbs YDC since the new Lenoir YDC, was opened in 2008 to replace this older facility. | ($2,688,984)<br>-94.00 | R | ($3,585,312)<br>-94.00 | R |
| 73 **Close Samarkand YDC**<br>Close the Samarkand YDC, effective January 1, 2010. In 2008, the Department opened four newly constructed replacement YDCs and Samarkand has the highest daily cost of any YDCs. The Department has built a replacement facility for girls in Chatham County. | ($1,130,258)<br>-57.00 | R | ($2,260,515)<br>-57.00 | R |

| House Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Total Legislative Changes** | **($32,445,478)** | **R** | **($34,612,621)** | **R** |
| | **($3,871,678)** | **NR** | **($3,871,678)** | **NR** |
| **Total Position Changes** | -277.00 | | -277.00 | |
| **Revised Budget** | **$136,167,259** | | **$134,166,809** | |

# Correction

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Recommended Budget** | **$1,384,910,571** | | **$1,406,791,264** | |
| **Legislative Changes** | | | | |
| **74 Eliminate Continuation Budget Increases**<br>Adjusts continuation budget to 2008-09 authorized budget, net of increases for annualization of positions associated with the opening of new prisons. | ($77,617,498) | R | ($79,109,683) | R |
| **75 Reduce Pass-through Funding**<br>Reduces the budgets to pass-through programs. Specifically, the Criminal Justice Partnership Program is reduced by $1,464,067, Women At Risk by $52,500, Harriet's House by $41,250, Summit House by $184,694, and Our Children's Place by $146,000. | ($1,888,511) | R | ($1,888,511) | R |
| **76 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($25,318,335) | NR | ($25,318,335) | NR |
| **77 Eliminate Jail Misdemeanant Payments**<br>Eliminates the requirement that the Department of Correction pay counties $18 per day for misdemeanor offenders serving sentences greater than 30 days in a county jail. | ($10,000,000) | R | ($10,000,000) | R |
| **78 Reduce Salary Reserve**<br>Takes a reduction in each year of the biennium in the Department's salary reserve. | ($1,000,000) | NR | ($1,000,000) | NR |
| **79 Reduce Miscellaneous Contracts**<br>Reduces the Department's Miscellaneous Contracts line item, Fund Code 2199, by 5%. | ($995,960) | R | ($995,960) | R |
| **80 Eliminate Vacant Positions**<br>Eliminates 500 vacant positions within the Department of Correction in the first year and 750 in the second year. | ($18,819,311)<br>-500.00 | R | ($28,228,967)<br>-750.00 | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Community Corrections** | | | | |
| **81 Reorganize Community Corrections Districts**<br>Reduces the number of Judicial District Manager offices by 14. The new structure will combine existing districts as follows:<br><br>Districts 3A and 3B = District 3<br>Districts 4A and 4B = District 4<br>Districts 6A and 6B = District 6<br>Districts 8A and 8B = District 8<br>Districts 9 and 9A = District 9<br>Districts 15A and 15B = District 15<br>Districts 16A and 16B = District 16<br>Districts 17A and 17B = District 17<br>Districts 19A and 19C = District 19A<br>Districts 19B and 19D = District 19B<br>Districts 20A and 20B = District 20<br>Districts 25A and 25B = District 25<br>Districts 27A and 27B = District 27<br>Districts 29A and 29B = District 29 | ($1,000,000)<br>-14.00 | R | ($1,000,000)<br>-14.00 | R |
| **82 Community Corrections Intake Officers**<br>The Governor reports on the use of funding of up to $1.23 million to be made available through the American Reinvestment and Recovery Act for new Community Corrections Intake Officer positions. These positions will perform court intake duties and administrative functions in urban areas where court dockets currently require significant time commitments from Probation/Parole Officers. As recommended in the recent National Institute of Corrections report, these new positions will enable Probation/Parole Officers to dedicate more time to monitoring offenders under their supervision and less time performing administrative functions. | | | | |
| **83 Eliminate DCC Lease Payments**<br>Requires counties to provide suitable office space for probation offices pursuant to GS 15-209. | ($3,184,849) | R | ($3,184,849) | R |
| **84 VIPER Radios for Improved Community in DCC**<br>The Governor recommends using $1.3 million from the American Reinvestment and Recovery Act for the purchase of 406 VIPER (interoperable communications) radios to be deployed to those Division of Community Corrections offices within the current VIPER service area. | | | | |
| **Department Wide** | | | | |
| **85 Eliminate 87 Positions**<br>Eliminates 87 positions throughout the Department of Correction, adding up to $4,369,668 in reductions. The reductions are detailed in a spreadsheet submitted to the General Assembly. | ($4,369,668)<br>-87.00 | R | ($4,369,668)<br>-87.00 | R |

| House Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **86 Use Inmate Welfare Funds to Support Operations** | | | | |
| Transfers $750,000 from the Inmate Welfare Fund on a one-time basis to support general departmental operations. This fund carries forward a cash balance of approximately $2.2 million each year as an ongoing operating reserve, providing two months of operations as new year receipts build up. This cut reduces this reserve to one month of operations. | ($750,000) | NR | | |
| **87 Increase Federal Alien Assistance Receipts** | | | | |
| Governor's Recommendation: the State Criminal Alien Assistance Program (SCAAP) makes federal funds available to states for the purpose of recouping costs associated with incarcerating undocumented aliens. The Department of Correction anticipates future funding from this program will exceed its current budget, and increases the budgeted amount for this receipt line item. | ($872,000) | NR | | |
| **Engineering** | | | | |
| **88 Shift Construction Contracts to Receipt Support** | ($200,000) | R | ($200,000) | R |
| Governor's Recommendation: funds contracts for oversight of Inmate Construction Program from the special indebtedness funding new prison construction. | ($600,000) | NR | ($600,000) | NR |
| **Prisons** | | | | |
| **89 Reduce Inmate Road Squads and Litter Crews** | ($2,260,000) | R | ($2,260,000) | R |
| Reduces requirements for the Road Squad and Litter Crew programs associated with a 20% reduction in receipts from the Highway Fund. | | | | |
| **90 Eliminate Gym and Visitation Posts** | ($6,473,843) | R | ($6,473,843) | R |
| Reduces post assignments in prison facilities for gymnasium and visitation duties. This will require some reorganization within individual units. | -189.00 | | -189.00 | |
| **91 Reduce Correctional Officers and Lieutenants** | ($1,334,595) | R | ($1,334,595) | R |
| Eliminates 27 vacant Correctional Officer positions, 7 vacant Lead Correctional Officer positions, and one filled Correctional Lieutenant position. | -35.00 | | -35.00 | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **92 Close Eight Prisons**<br>Eight prisons are to be closed during the course of the 2009-10 Fiscal Year.<br><br>McCain Correctional Hospital Will close on April 1, 2010. To maintain services associated with McCain, Hoke (April 1) and Odom (February 1) Correctional Institutions will be converted from medium custody to minimum, eliminating 155 positions. Additionally, Nash (October 1) and Pamlico (March 1) Correctional Institutions, both medium custody, will be double-celled with 99 additional positions.<br><br>Umstead Correctional Center will be closed on October 1 and Guilford Correctional Center will be closed on November 1, 2009, with a position reduction of 95. Lincoln Correctional will be converted to minimum custody on September 1, and Warren Correctional will be double-celled for medium custody inmates on November 1. Lincoln will lose 28 positions and Warren will gain 18.<br><br>The Wilmington Residential Facility for Women will close on September 1, 2009. The reduction for Wilmington is reduced by $168,740 in the first year of the biennium to allow for ten additional contractual beds at the Center for Community Transitions in Charlotte.<br><br>Gates and Union Correctional Centers will close on October 1 and Haywood Correctional Center will close on March 1 with a total position reduction of 112.<br><br>Cleveland Correctional Center will close on December 1 with a reduction in positions of 50. Craven Correctional Institution will be double-celled effective December 1 with a position increase of 7. | ($8,941,828)<br>-557.00 | R | ($23,827,644)<br>-557.00 | R |
| **93 Eliminate Community Service Work Crews**<br>Eliminates 127 work crews that provide labor for State and local governmental entities at no cost, as well as providing occupational development for inmates. | ($4,780,105)<br>-127.00 | R | ($4,780,105)<br>-127.00 | R |
| **94 Reduce Job Orders for Repair and Renovation**<br>Governor's Recommendation: reduces requests for repairs and renovations to prison facilities. | ($299,259) | NR | ($299,259) | NR |
| **95 Eliminate BRIDGE Program**<br>Governor's Recommendation: eliminates the Young Offenders Forest Conservation Program (BRIDGE) at Western Youth Institution. This program engages inmates at Western Youth in assisting the Forest Service in conservation and fire fighting efforts. | ($263,470)<br>-7.00 | R | ($263,470)<br>-7.00 | R |
| **96 Reduce Temporary/Contractual Positions**<br>Reduce funding for temporary and contractual positions. | ($89,788) | R | ($89,788) | R |

| House Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **97 Shift Positions to Inmate Welfare Support**<br>Governor's Recommendation: shifts three Telecommunication Support Technician positions that support the inmate pay phone system from General Fund support to Inmate Welfare Fund receipts. | ($149,056)<br>-3.00 | R | ($149,056)<br>-3.00 | R |
| **Secretary's Office** | | | | |
| **98 Eliminate Assistant Secretary**<br>Eliminates the position of Assistant Secretary for Program Development. This position's primary function is to seek federal grants for the Department. This function can be performed by the Office of Research and Planning, and financial oversight of grants is performed by the DOC Controller's Office. | ($77,046)<br>-1.00 | R | ($77,046)<br>-1.00 | R |
| **Total Legislative Changes** | **($142,445,528)** | R | **($168,233,185)** | R |
| | **($28,839,594)** | NR | **($27,217,594)** | NR |
| **Total Position Changes** | -1520.00 | | -1770.00 | |
| **Revised Budget** | **$1,213,625,449** | | **$1,211,340,485** | |

# Crime Control and Public Safety

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Recommended Budget** | **$43,925,878** | | **$44,067,870** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **99 Law Enforcement Support Services (LESS)** | ($430,336) | R | ($430,336) | R |
| This recommendation makes funding for the Law Enforcement Support Services (LESS) nonrecurring in FY 2009-10. The program is also directed to propose a fee structure to make the program fully receipt supported by the FY 2010-11. | $430,336 | NR | -4.00 | |
| **100 Elimination of Administrative Staff Positions** | ($82,685) | R | ($82,685) | R |
| Elimination of two administrative positions. | -2.00 | | -2.00 | |
| **Alcohol Law Enforcement - ALE** | | | | |
| **101 15% Reduction in the ALE Budget** | ($1,557,148) | R | ($1,557,148) | R |
| 15% reduction in the Alcohol Law Enforcement Division (ALE) budget. This reduction will consist of the elimination of 25 staff positions as well as a reduction in the Division's operating budget. Positions to be eliminated:<br><br>20 Special Agents<br>5 Assistant Special Agents in Charge | -25.00 | | -25.00 | |
| **102 Make Bingo Regulation Receipt Supported** | ($26,600) | R | ($26,600) | R |
| This recommendation eliminates the General Fund appropriation used for bingo regulation. This action will be offset by an increase in the bingo license fee to make the program no longer rely on General Fund appropriation. This fee has not been increased since 1983. | | | | |
| **103 Make the Boxing Authority Receipt Supported** | ($147,751) | R | ($147,751) | R |
| Governor's recommendation that the North Carolina Boxing Authority no longer be supported through appropriation. All of the operations of the Boxing Authority will be shifted to fee receipts collected by the Authority. These fee receipts are currently over realized. | -2.00 | | -2.00 | |
| **Butner Public Safety** | | | | |
| **104 15% Reduction to Butner Public Safety** | ($501,661) | R | ($501,661) | R |
| Reduces the General Fund Appropriation for Butner Public Safety by 15%. | | | | |

| House Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Department-wide** | | | | |
| **105 Adjust Continuation Budget Line Items**<br>The continuation budget is adjusted to remove increases for the maintenance agreements, legal services, and miscellaneous contractual services. | ($3,811,213) | R | ($3,990,882) | R |
| **106 Reduce Various Operating Accounts**<br>Governor's recommendation that various operating accounts be reduced across the agency. | ($641,147) | R | ($641,147) | R |
| **107 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($803,034) | NR | ($803,034) | NR |
| **108 Eliminate 6 Vacant Positions**<br>Elimination of the listed 6 vacant positions. Positions to be eliminated:<br><br>60084186 Processing Assistant V<br>60084440 Planner<br>60084582 Engineer<br>60087071 Public Safety Officer<br>60084174 Processing Assistant IV<br>60084166 Information Processing Tech. | ($258,026)<br>-6.00 | R | ($258,026)<br>-6.00 | R |
| **Emergency Management** | | | | |
| **109 Shift Floodplain Mapping Positions to Receipts**<br>Governor's recommendation that the appropriation for the Floodplain Mapping Program be replaced with receipts collected under the terms of Section 29.7(b) of H2436 (S.L. 2008-107), which established a fee to support floodplain mapping. This recommendation will shift 20 appropriated positions in the Floodplain Mapping Program to receipt support. | ($1,405,098)<br>-20.00 | R | ($1,405,098)<br>-20.00 | R |
| **110 Shift Emergency Management to Receipt-Support**<br>Reduction in the General Fund appropriation for the Emergency Management Division to be offset by a new $10 fee to support the program. This action will make the Division completely receipt-supported. | ($1,780,093)<br>-58.00 | R | ($3,560,186)<br>-58.00 | R |
| **Governor's Crime Commission** | | | | |
| **111 25% Reduction in funding for NCVAN**<br>25 percent decrease in funding for the North Carolina Victims Assistance Network (NCVAN). | ($37,500) | R | ($37,500) | R |
| **112 Reduce State Matching Funds**<br>Governor's recommendation that excess state funding for matches to federal grants be reduced. | ($60,091) | R | ($60,091) | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **113 Evidence-Based Gang Grants**<br>The Governor reports on the use of funding of up to $5 million to be made available through the American reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award evidence-based grants that focus on gang prevention, treatment, intervention, and re-entry programs. Special emphasis will be placed on consultation with the Department of Juvenile Justice and Delinquency Prevention to engage local Juvenile Crime Prevention Councils (JCPC's) in the development of gang prevention programs that address local priorities developed as a result of the JCPC's local gang threat assessments. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |
| **114 Local Government Grants to Purchase VIPER Equip't**<br>The Governor reports on the use of funding of up to $5 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award grants to local governments for VIPER (Interoperable communications) equipment in order to enhance communications among public safety agencies. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |
| **National Guard** | | | | |
| **115 Eliminate Funding for 2 Family Assistance Centers**<br>Eliminates state funding for three National Guard Family Assistance Centers. With the scheduled deployment of a significant portion of the NC National Guard in 2009 and 2010, there will be federal funds available for family assistance centers while the troops are deployed. | ($280,000) | R | ($280,000) | R |
| **116 Transfer the National Guard Pension Fund**<br>Transfer of the National Guard Pension Fund ($7,007,443) from the Department of Crime Control and Public Safety to the Department of State Treasurer. This transfer will allow the Department of the State Treasurer to manage this program as it does for most of the State's pension programs. | ($7,007,443) | R | ($7,007,443) | R |
| **117 Reduce National Guard Tuition Assistance Program**<br>Recommendation to reduce the National Guard Tuition Assistance program appropriation. With the scheduled deployment of a significant portion of the NC National Guard in 2009 and 2010 there will be a decrease in the number of National Guard members requesting tuition assistance through this program. In addition to the state program, there is also a federal program that provides tuition assistance to National Guard members. | ($500,000) | R | ($500,000) | R |

| House Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Victim Compensation Services** | | | | |
| **118 Budget Over-realized Receipts**<br>Reduction in the General Fund appropriation for the Victim Compensation Program. Under budgeted receipts from the Department of Correction and American Reinvestment and Recovery Act funds will be used to offset this reduction. The program will still have enough funding to pay for all FY 2008-09 approved claims. | ($472,619) | R | ($472,619) | R |
| **Total Legislative Changes** | **($18,999,411)** | **R** | **($20,959,173)** | **R** |
| | **($372,698)** | **NR** | **($803,034)** | **NR** |
| **Total Position Changes** | -113.00 | | -117.00 | |
| **Revised Budget** | **$24,553,769** | | **$22,305,663** | |

# JPS House Special Provisions

June 4, 2009

# JPS House Special Provisions

June 4, 2009

## Judicial

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H1(S15.12)

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS*

**SECTION 15.12.** The Judicial Department, Office of Indigent Defense Services, may use up to the sum of two million five hundred one thousand one hundred fifty dollars ($2,501,150) in appropriated funds during the 2009-2010 fiscal year and up to the sum of two million four hundred thirty-three thousand seven hundred dollars ($2,433,700) in appropriated funds during the 2010-2011 fiscal year for the expansion of existing public defender offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services, or for the creation of new public defender offices within existing public defender districts currently providing those services, by creating up to 20 new attorney positions and 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 of Representatives and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion.

BP

1

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H2(S15.1)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***TRANSFER OF EQUIPMENT AND SUPPLY FUNDS***

**SECTION 15.1.** Funds appropriated to the Judicial Department in the 2009-2011 fiscal 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.

BP

2

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H4(S15.3)

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

*DEATH PENALTY LITIGATION FUNDS*

**SECTION 15.3.** Of the funds appropriated in this act to the Office of Indigent Defense Services for the 2009-2011 fiscal biennium, the Office may ~~use~~ up to the sum of four hundred seventy-six thousand four hundred twenty-five dollars ($476,425) for the 2009-2010 fiscal year and up to the sum of four hundred seventy-six thousand four hundred twenty-five dollars ($476,425) for the 2010-2011 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, of each year in the biennium, to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the activities funded by this section.

Revised BP

3

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H5(S15.4)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***REPORT ON BUSINESS COURTS***

**SECTION 15.4.** The Administrative Office of the Courts 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 March 1 of each year on the activities of each North Carolina Business Court site, including the number of new, closed, and pending cases, average age of pending cases, and annual expenditures for the prior fiscal year.

BP

4

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H6(S15.5)i

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*COLLECTION OF WORTHLESS CHECK FUNDS*

**SECTION 15.5.** 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, 2009, for the purchase or repair of office or information technology equipment during the 2009-2010 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 House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the equipment to be purchased or repaired and the reasons for the purchases.

BP

5

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H7(S15.6)i

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***DISPUTE RESOLUTION FEES***

**SECTION 15.6.** Notwithstanding the provisions of G.S. 143C-1-2(b), certification and renewal fees collected by the Dispute Resolution Commission are nonreverting and are only to be used at the direction of the Commission.

BP

(6)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H8(S15.7)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***REIMBURSEMENT FOR USE OF PERSONAL VEHICLES***

**SECTION 15.7.** Notwithstanding the provisions of G.S. 138-6(a)(1), the Judicial Department, during the 2009-2011 fiscal biennium, may elect to establish a per-mile reimbursement rate for transportation by privately owned vehicles at a rate less than the business standard mileage rate set by the Internal Revenue Service.

BP

7

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-AOC-H9(S15.9)i

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*GUIDELINES FOR MAXIMIZING EFFICIENCY OF PROCEEDINGS*

**SECTION 15.9.** By December 1, 2009, the Administrative Office of the Courts shall develop guidelines to be applied to maximize efficient use of the time of probation officers and court personnel participating in probation revocation proceedings. The Administrative Office of the Courts may also adopt guidelines for maximizing the efficient use of the time of law enforcement personnel participating in the Criminal District Courts.

Gov.

(8)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H10(S15.10)**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

***WEEKLY MILEAGE REIMBURSEMENT FOR SUPERIOR COURT JUDGES***

**SECTION 15.10.** 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 a regular superior court judge shall be paid a weekly mileage reimbursement for each week or fraction of a week that court is in regular or extra session. The amount of the weekly mileage reimbursement for regular judges shall be calculated for each judge by multiplying the actual round-trip mileage for one round trip from that judge's home to the seat of court 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. A special superior court judge shall be paid the same travel allowance as State employees generally by G.S. 138-6(a)(1) and (2), 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."

Senate

9

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H11(S15.11)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***CLARIFY THAT DWI TREATMENT COURTS ARE A TYPE OF DRUG TREATMENT COURT UNDER THE DRUG TREATMENT COURT ACT***

**SECTION 15.11.** G.S. 7A-791 reads as rewritten:

"**§ 7A-791. Purpose.**

The General Assembly recognizes that a critical need exists in this State for judicial programs that will reduce the incidence of alcohol and other drug abuse or dependence and crimes, including the offense of driving while impaired, delinquent acts, and child abuse and neglect committed as a result of alcohol and other drug abuse or dependence, and child abuse and neglect where alcohol and other drug abuse or dependence are significant factors in the child abuse and neglect. It is the intent of the General Assembly by this Article to create a program to facilitate the creation of local drug treatment court ~~programs.~~ programs and driving while impaired (DWI) treatment court programs."

Senate

10

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H13(S15.13)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***OFFICE OF INDIGENT DEFENSE SERVICES REPORT***

**SECTION 15.13.(a)** The Office of Indigent Defense Services 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 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, including any recommendations concerning the feasibility and desirability of establishing regional public defender offices.

**SECTION 15.13.(b)** In its March 1, 2010 report, the Office of Indigent Defense Services shall provide a progress report on the pilot program for alternative scheduling authorized by Section 14.1 of S.L. 2008-107. In its March 1, 2011 report, the Office of Indigent Defense Services shall provide a final report on that pilot program.

**SECTION 15.13.(c)** In its March 1, 2010 report, the Office of Indigent Defense Services shall provide a progress report on the feasibility study directed by Section 14.7 of S.L. 2008-107 on developing a statewide system for obtaining indigent case information when counsel is first appointed. In its March 1, 2011 report, the Office of Indigent Defense Services shall provide a final report on that feasibility study.

Revised BP

11

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H17(S15.17)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***STUDY STRATEGIES TO REDUCE DEMAND FOR SERVICES OF OFFICE OF INDIGENT DEFENSE SERVICES***

**SECTION 15.17.** The Office of Indigent Defense Services shall consult with the Administrative Office of the Courts, the Conference of District Attorneys, the North Carolina Sentencing and Policy Advisory Commission, and other court system actors in formulating proposals aimed at reducing future costs, including the possibility of decriminalizing minor misdemeanor offenses for which jail sentences are rarely or never imposed and improving the manner in which potentially capital cases are screened and processed. The Office shall include any proposals in its reports during the 2009-2011 fiscal biennium.

Senate

12

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H18(S15.18)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***NEW FEE FOR COSTS OF SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION AND THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION***

**SECTION 15.18.** G.S. 7A-304 is amended by adding a new subsection to read:

"(3b) For the services, staffing, and operations of the Criminal Justice Education and Standards Commission and the Sheriffs' Education and Training Standards Commission, the sum of two dollars ($2.00) to be remitted to the Department of Justice. One dollar and sixty-five cents ($1.65) of this sum shall be used exclusively for the Criminal Justice Education and Standards Commission, and thirty-five cents (35¢) shall be used exclusively for the Sheriffs' Education and Training Standards Commission."

Senate

13

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H19(S15.19)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***INCREASE CONVICTED CRIMINAL LAB ANALYSIS FEE***

**SECTION 15.19.(a)** G.S. 7A-304(a)(7) reads as rewritten:

"(7) For the services of the State Bureau of Investigation laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of ~~three hundred dollars ($300.00)~~six hundred dollars ($600.00) to be remitted to the Department of Justice for support of the State Bureau of Investigation. This cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed DNA analysis of the crime, tests of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction."

**SECTION 15.19.(b)** G.S. 7A-304(a)(8) reads as rewritten:

"(8) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of ~~three hundred dollars ($300.00)~~ six hundred dollars ($600.00) to be remitted to the general fund of the local governmental unit that operates the laboratory to be used for law enforcement purposes. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed DNA analysis of the crime, test of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The costs shall be assessed only if the court finds that the work performed at the local government's laboratory is the equivalent of the same kind of work performed by the State Bureau of Investigation under subdivision (7) of this subsection. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction.".

Senate

14

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H21**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***MANDATORY APPOINTMENT FEE IN CRIMINAL CASES/REPORT ON COLLECTION OF INDIGENT APPOINTMENT FEES***

**SECTION #.(a)** G.S 7A-455.1 reads as rewritten:

"**§ 7A-455.1. Appointment fee in criminal cases.**

(a) ~~Each person for whom~~ In every criminal case in which counsel is appointed ~~in a criminal case at the trial level shall~~ at the trial level, the judge shall order the defendant to pay to the clerk of court an appointment fee of fifty dollars ($50.00). No fee shall be due unless the person is convicted.

(b) The mandatory fifty-dollar ($50.00) fee may not be remitted or revoked by the court and shall be added to any amounts the court determines to be owed for the value of legal services rendered to the defendant and shall be collected in the same manner as attorneys' fees are collected for such representation.

(c) Repealed by Session Laws 2005-250 s. 3, effective August 4, 2005.

(d) Inability, failure, or refusal to pay the appointment fee shall not be grounds for denying appointment of counsel, for withdrawal of counsel, or for contempt.

(e) The appointment fee required by this section shall be assessed only once for each attorney appointment, regardless of the number of cases to which the attorney was assigned. An additional appointment fee shall not be assessed if the charges for which an attorney was appointed were reassigned to a different attorney.

(f) Of each appointment fee collected under this section, the sum of forty-five dollars ($45.00) shall be credited to the Indigent Persons' Attorney Fee Fund and the sum of five dollars ($5.00) shall be credited to the Court Information Technology Fund under G.S. 7A-343.2. These fees shall not revert.

(g) The Office of Indigent Defense Services shall adopt rules and develop forms to govern implementation of this section."

**SECTION #.(b)** The Administrative Office of the Courts shall monitor the collection of indigent appointment fees under G.S. 7A-455.1 and the recoupment rates for each office of the clerk of superior court and shall report quarterly on its findings to the Joint Legislative Commission on Governmental Operations.

House

15

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H23A**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***ABOLISH SPECIAL SUPERIOR COURT JUDGESHIPS***

**SECTION #.** G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a8) Notwithstanding any other provision of this section, except as to those three seats designated as of May 31, 2009 under G.S. 7A-45.3 as business court judges, effective on and after the date this subsection becomes law, any seat established by this section is abolished when any of the following first occurs prior to July 1, 2011:

(1) Retirement of the incumbent judge.
(2) Resignation of the incumbent judge.
(3) Removal from office of the incumbent judge.
(4) Death of the incumbent judge.
(5) Expiration of the term of office of the incumbent judge.

The three special superior court judgeships not abolished under the preceding paragraph of this subsection may be used only to hear and decide complex business cases as provided by G.S. 7A-45.3."

House

16

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H25(S15.20)**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

Senate Revised

**Requested by:** **Representative**

*INCREASE CERTAIN COURT FEES*

**SECTION 15.20.(a)** G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

(1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of five dollars ($5.00), to be remitted to the county wherein the arrest was made or process was served, except that in those cases in which the arrest was made or process served by a law-enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.

(2) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in the district court, including cases before a magistrate, and the sum of thirty dollars ($30.00) in superior court, to be remitted to the county in which the judgment is rendered. In all cases where the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used exclusively by the county or municipality for providing, maintaining, and constructing adequate courtroom and related judicial facilities, including: adequate space and furniture for judges, district attorneys, public defenders and other personnel of the Office of Indigent Defense Services, magistrates, juries, and other court related personnel; office space, furniture and vaults for the clerk; jail and juvenile detention facilities; free parking for jurors; and a law library (including books) if one has heretofore been established or if the governing body hereafter decides to establish one. In the event the funds derived from the facilities fees exceed what is needed for these purposes, the county or municipality may, with the approval of the Administrative Officer of the Courts as to the amount, use any or all of the excess to retire outstanding indebtedness incurred in the construction of the facilities, or to reimburse the county or municipality for funds expended in constructing or renovating the facilities (without incurring any indebtedness) within a period of two years before or after the date a district court is established in such county, or to supplement the operations of the General Court of Justice in the county.

(2a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~one dollar ($1.00),~~ three dollars ($3.00), to be credited to the Court Information Technology Fund.

17

(3) For the retirement and insurance benefits of both State and local government law-enforcement officers, the sum of six dollars and twenty-five cents ($6.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum shall be administered as is provided in Article 12C of Chapter 143 of the General Statutes. Five dollars and seventy-five cents ($5.75) of this sum shall be administered as is provided in Article 12E of Chapter 143 of the General Statutes, with one dollar and twenty-five cents ($1.25) being administered in accordance with the provisions of G.S. 143-166.50(e).

(3a) For the supplemental pension benefits of sheriffs, the sum of one dollar twenty-five cents ($1.25) to be remitted to the Department of Justice and administered under the provisions of Article 12G of Chapter 143 of the General Statutes.

(4) For support of the General Court of Justice, the sum of ~~ninety-five dollars and fifty cents ($95.50)~~ one hundred three dollars and fifty cents ($103.50) in the district court, including cases before a magistrate, and the sum of ~~one hundred two dollars and fifty cents ($102.50)~~ one hundred fifteen dollars and fifty cents ($115.50) 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 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.

(4a) For support of the General Court of Justice, the sum of five dollars ($5.00) for all offenses arising under Chapter 20 of the General Statutes, to be remitted to the State Treasurer.

(5) For using pretrial release services, the district or superior court judge shall, upon conviction, impose a fee of fifteen dollars ($15.00) to be remitted to the county providing the pretrial release services. This cost shall be assessed and collected only if the defendant had been accepted and released to the supervision of the agency providing the pretrial release services.

(6) For support of the General Court of Justice, the sum of ~~one hundred dollars ($100.00)~~ two hundred dollars ($200.00) is payable by a defendant who fails to appear to answer the charge as scheduled, unless within 20 days after the scheduled appearance, the person either appears in court to answer the charge or disposes of the charge pursuant to ~~G.S. 7A-146.~~G.S. 7A-146 and the sum of fifty dollars ($50.00) is payable by a defendant who fails to pay a fine, penalty, or costs within 20 days of the date specified in the court's judgment. Upon a showing to the court that the defendant failed to appear because of an error or omission of a judicial official, a prosecutor, or a law-enforcement officer, the court shall waive this fee. This fee shall be remitted to the State Treasurer.

(6a) For support of the General Court of Justice, for the issuance by the clerk of a report to the Division of Motor Vehicles pursuant to G.S. 20-24.2(a)(2), the sum of fifty dollars ($50.00), to be remitted to the State Treasurer.

(7) For the services of the State Bureau of Investigation laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars ($300.00) to be remitted to the Department of Justice for support of the State Bureau of Investigation. This cost shall be

18

assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed DNA analysis of the crime, tests of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction.

(8) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars ($300.00) to be remitted to the general fund of the local governmental unit that operates the laboratory to be used for law enforcement purposes. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed DNA analysis of the crime, test of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The costs shall be assessed only if the court finds that the work performed at the local government's laboratory is the equivalent of the same kind of work performed by the State Bureau of Investigation under subdivision (7) of this subsection. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction."

**SECTION 15.20.(b)** Effective July 1, 2010, G.S. 7A-304(a), as rewritten by subsection (a) of this section, reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

(1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of five dollars ($5.00), to be remitted to the county wherein the arrest was made or process was served, except that in those cases in which the arrest was made or process served by a law-enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.

(2) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in the district court, including cases before a magistrate, and the sum of thirty dollars ($30.00) in superior court, to be remitted to the county in which the judgment is rendered. In all cases where the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used exclusively by the county or municipality for providing, maintaining, and constructing adequate courtroom and related judicial facilities, including: adequate space and furniture for judges, district attorneys, public defenders and other personnel of the Office of Indigent Defense Services, magistrates, juries, and other court related personnel; office space, furniture and vaults for the clerk; jail and juvenile detention facilities; free parking for jurors; and a law library (including books) if one has heretofore been established or if the governing body hereafter decides to establish one. In the event the funds

derived from the facilities fees exceed what is needed for these purposes, the county or municipality may, with the approval of the Administrative Officer of the Courts as to the amount, use any or all of the excess to retire outstanding indebtedness incurred in the construction of the facilities, or to reimburse the county or municipality for funds expended in constructing or renovating the facilities (without incurring any indebtedness) within a period of two years before or after the date a district court is established in such county, or to supplement the operations of the General Court of Justice in the county.

(2a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~three dollars ($3.00),~~ four dollars ($4.00), to be credited to the Court Information Technology Fund.

(3) For the retirement and insurance benefits of both State and local government law-enforcement officers, the sum of six dollars and twenty-five cents ($6.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum shall be administered as is provided in Article 12C of Chapter 143 of the General Statutes. Five dollars and seventy-five cents ($5.75) of this sum shall be administered as is provided in Article 12E of Chapter 143 of the General Statutes, with one dollar and twenty-five cents ($1.25) being administered in accordance with the provisions of G.S. 143-166.50(e).

(3a) For the supplemental pension benefits of sheriffs, the sum of one dollar twenty-five cents ($1.25) to be remitted to the Department of Justice and administered under the provisions of Article 12G of Chapter 143 of the General Statutes.

(4) For support of the General Court of Justice, the sum of ~~one hundred three dollars and fifty cents ($103.50)~~ one hundred five dollars and fifty cents ($105.50) in the district court, including cases before a magistrate, and the sum of ~~one hundred fifteen dollars and fifty cents ($115.50)~~ one hundred thirty-five dollars and fifty cents ($135.50) 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 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.

(4a) For support of the General Court of Justice, the sum of ~~five dollars ($5.00)~~ ten dollars ($10.00) for all offenses arising under Chapter 20 of the General Statutes, to be remitted to the State Treasurer.

(5) For using pretrial release services, the district or superior court judge shall, upon conviction, impose a fee of fifteen dollars ($15.00) to be remitted to the county providing the pretrial release services. This cost shall be assessed and collected only if the defendant had been accepted and released to the supervision of the agency providing the pretrial release services.

(6) For support of the General Court of Justice, the sum of two hundred dollars ($200.00) is payable by a defendant who fails to appear to answer the charge as scheduled, unless within 20 days after the scheduled appearance, the person either appears in court to answer the charge or disposes of the charge pursuant to G.S. 7A-146 and the sum of fifty dollars ($50.00) is payable by a defendant who fails to pay a fine, penalty, or costs within 20 days of the date

20

specified in the court's judgment. Upon a showing to the court that the defendant failed to appear because of an error or omission of a judicial official, a prosecutor, or a law-enforcement officer, the court shall waive this fee. This fee shall be remitted to the State Treasurer.

(6a) For support of the General Court of Justice, for the issuance by the clerk of a report to the Division of Motor Vehicles pursuant to G.S. 20-24.2(a)(2), the sum of fifty dollars ($50.00), to be remitted to the State Treasurer.

(7) For the services of the State Bureau of Investigation laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars ($300.00) to be remitted to the Department of Justice for support of the State Bureau of Investigation. This cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed DNA analysis of the crime, tests of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction.

(8) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars ($300.00) to be remitted to the general fund of the local governmental unit that operates the laboratory to be used for law enforcement purposes. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed DNA analysis of the crime, test of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The costs shall be assessed only if the court finds that the work performed at the local government's laboratory is the equivalent of the same kind of work performed by the State Bureau of Investigation under subdivision (7) of this subsection. The court may waive or reduce the amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction."

**SECTION 15.20.(c)** G.S. 7A-304 is amended by adding a new subsection to read:

"(f) Defendants owing costs under this section may either make payment in full when costs are assessed or may make payment on an installment plan arranged with the court. Defendants making use of an installment plan shall pay a onetime setup fee of twenty dollars ($20.00) to cover the additional costs to the court of receiving and disbursing installment payments. Notwithstanding the provisions of G.S. 7A-304(d)(1), the setup fee authorized by this subsection shall be paid prior to the disbursement of funds for any other purpose. Fees collected under this section shall be remitted to the State Treasurer for support of the General Court of Justice."

**SECTION 15.20.(d)** G.S. 7A-305(a) reads as rewritten:

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

(1) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in cases heard before a magistrate, and the sum of sixteen dollars ($16.00) in district and superior court, to be remitted to the county in which the judgment is rendered, except that in all cases in which the judgment is rendered in facilities provided by a municipality, the facilities

(21)

fee shall be paid to the municipality. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.

(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~one dollar ($1.00),~~ three dollars ($3.00), to be credited to the Court Information Technology Fund.

(2) For support of the General Court of Justice, the sum of ~~ninety-three dollars ($93.00)~~ one hundred thirty dollars ($130.00) 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)~~one thousand dollars ($1,000) shall be paid upon its assignment, and the sum of ~~seventy-three dollars ($73.00)~~ seventy-eight dollars ($78.00) in the district court except that if the case is assigned to a magistrate the sum shall be ~~sixty-three dollars ($63.00).~~ fifty-five dollars ($55.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of 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 15.20.(e)** Effective July 1, 2010, G.S. 7A-305(a), as rewritten by subsection (d) of this section, reads as rewritten:

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

(1) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in cases heard before a magistrate, and the sum of sixteen dollars ($16.00) in district and superior court, to be remitted to the county in which the judgment is rendered, except that in all cases in which the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.

(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~three dollars ($3.00),~~ four dollars ($4.00), to be credited to the Court Information Technology Fund.

(2) For support of the General Court of Justice, the sum of ~~one hundred thirty dollars ($130.00)~~ one hundred forty dollars ($140.00) 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 one thousand dollars ($1,000) shall be paid upon its assignment, and the sum of ~~seventy-eight dollars ($78.00)~~ eighty dollars ($80.00) in the district court except that if the case is assigned to a magistrate the sum shall be fifty-five dollars ($55.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of 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 15.20.(f)** G.S. 7A-306(a) reads as rewritten:

22

"(a) In every special proceeding in the superior court, the following costs shall be assessed:

...

(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~one dollar ($1.00),~~ three dollars ($3.00), to be credited to the Court Information Technology Fund.

(2) For support of the General Court of Justice the sum of ~~forty dollars ($40.00).~~ seventy-five dollars ($75.00).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 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 15.20.(g)** Effective July 1, 2010, G.S. 7A-306(a)(1a), as amended by subsection (f) of this section, reads as rewritten:

"(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~three dollars ($3.00),~~ four dollars ($4.00), to be credited to the Court Information Technology Fund."

**SECTION 15.20.(h)** G.S. 7A-307 reads as rewritten:

"(a) In the administration of the estates of decedents, minors, incompetents, of missing persons, and of trusts under wills and under powers of attorney, in trust proceedings under G.S. 36A-23.1, and in collections of personal property by affidavit, the following costs shall be assessed:

...

(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~one dollar ($1.00),~~ three dollars ($3.00), to be credited to the Court Information Technology Fund..

(2) For support of the General Court of Justice, the sum of ~~fifty dollars ($50.00),~~seventy-five dollars ($75.00), 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 two dollars and five cents ($2.05) of each fifty-dollar ($50.00) 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.

...

(b1) The clerk shall assess the following miscellaneous fees:

(1) Filing and indexing a will with no probate
– first page ..... $ 1.00
– each additional page or fraction thereof ..... .25

(2) Issuing letters to fiduciaries, per letter over five letters issued ..... 1.00

(3) Inventory of safe deposits of a decedent, per box, per day ..... 15.00

(4) Taking a deposition ..... 10.00

(5) Docketing and indexing a will probated in another county in the State
– first page ..... 6.00
– each additional page or fraction thereof ..... .25

(6) Hearing petition for year's allowance to surviving spouse or child, in cases not assigned to a magistrate, and allotting the same ..... 8.00

(7) Assignment of title ..... 10.00

...."

**SECTION 15.20.(i)** Effective July 1, 2010, G.S. 7A-307(a)(1a), as amended by subsection (h) of this section, reads as rewritten:

"(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of ~~three dollars ($3.00),~~ four dollars ($4.00), to be credited to the Court Information Technology Fund."

**SECTION 15.20.(j)** G.S. 20-135.2A(e) reads as rewritten:

"(e) Any driver or front seat passenger who fails to wear a seat belt as required by this section shall have committed an infraction and shall pay a penalty of twenty-five dollars ($25.00) plus the following court ~~costs in the sum of seventy-five dollars ($75.00).~~ costs: the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone facilities fee provided for in G.S. 7A-304(a)(2a), and the law enforcement training and certification fee provided for in G.S. 7A-304(a)(3b). Any rear seat occupant of a vehicle who fails to wear a seat belt as required by this section shall have committed an infraction and shall pay a penalty of ten dollars ($10.00) and no court costs. Court costs assessed under this section are for the support of the General Court of Justice and shall be remitted to the State Treasurer. Conviction of an infraction under this section has no other consequence."

**SECTION 15.20.(k)** G.S. 20-140.4 reads as rewritten:

"**§ 20-140.4. Special provisions for motorcycles and mopeds.**

(a) No person shall operate a motorcycle or moped upon a highway or public vehicular area:

(1) When the number of persons upon such motorcycle or moped, including the operator, shall exceed the number of persons which it was designed to carry.

(2) Unless the operator and all passengers thereon wear on their heads, with a retention strap properly secured, safety helmets of a type that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218.

(b) Violation of any provision of this section shall not be considered negligence per se or contributory negligence per se in any civil action.

(c) Any person convicted of violating this section shall have committed an infraction and shall ~~be fined according to G.S. 20-135.2A(e) and (f).~~ pay a penalty of twenty-five dollars ($25.00) plus the following court costs: the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone facilities fee provided for in G.S. 7A-304(a)(2a), and the law

24

enforcement training and certification fee provided for in G.S. 7A-304(a)(3b). Conviction of an infraction under this section has no other consequence.

(d) No drivers license points or insurance surcharge shall be assessed on account of violation of this section."

**SECTION 15.20.(l)** G.S. 7A-305(a2) reads as rewritten:

"(a2) In every action for absolute divorce filed in the district court, a cost of ~~seventy-five dollars ($75.00)~~one hundred fifty dollars ($150.00) shall be assessed against the person filing the divorce action. Costs collected by the clerk pursuant to this subsection shall be remitted to the State Treasurer, who shall deposit ~~fifty-five dollars ($55.00)~~eighty dollars ($80.00) to the North Carolina Fund for Displaced Homemakers established under ~~G.S. 143B-394.10 and twenty dollars ($20.00)~~ G.S. 143B-394.10, twenty-five dollars ($25.00) to the Sexual Assault and Rape Crisis Center Fund established under G.S. 143B-394.21, and forty-five dollars ($45.00) to the Domestic Violence Center Fund established under G.S. 50B-9. Costs assessed under this subsection shall be in addition to any other costs assessed under this section."

**SECTION 15.20.(m)** G.S. 7A-308(a) reads as rewritten:

"(a) The following miscellaneous fees and commissions shall be collected by the clerk of superior court and remitted to the State for the support of the General Court of Justice:

(1) Foreclosure under power of sale in deed of trust or mortgage.. ~~$75.00~~$150.00
If the property is sold under the power of sale, an additional amount will be charged, determined by the following formula: forty-five cents (.45) per one hundred dollars ($100.00), or major fraction thereof, of the final sale price. If the amount determined by the formula is less than ten dollars ($10.00), a minimum ten dollar ($10.00) fee will be collected. If the amount determined by the formula is more than five hundred dollars ($500.00), a maximum five hundred-dollar ($500.00) fee will be collected.

...

(3) Confession of judgment ..... ~~25.00~~50.00

...

(6) Notice of resumption of former name ..... ~~10.00~~20.00

...

(17) Criminal record search except if search is requested by an agency of the State or any of its political subdivisions or by an agency of the United States or by a petitioner in a proceeding under Article 2 of General Statutes Chapter 20 ..... ~~15.00~~25.00

..."

**SECTION 15.20.(n)** Subsections (a), (j), and (k) of this section become effective July 1, 2009, and apply to all costs assessed or collected on or after that date, except that in misdemeanor or infraction cases disposed of on or after that date by written appearance, waiver of trial or hearing, and plea of guilt or admission of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2), in which the citation or other criminal process was issued before that date, the cost shall be the lesser of those specified in G.S. 7A-304(a), as amended by subsection (a) of this section, or those specified in the notice portion of the defendant's or respondent's copy of the citation or other criminal process, if any costs are specified in that notice.

Subsection (b) of this section becomes effective July 1, 2010, and applies to all costs assessed or collected on or after that date, except that in misdemeanor or infraction cases disposed of on or after that date by written appearance, waiver of trial or hearing, and plea of guilt or admission of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2), in which the citation or other criminal process was issued before that date, the cost shall be the lesser of those specified in G.S. 7A-304(a), as amended by subsection (b) of this section, or those

25

specified in the notice portion of the defendant's or respondent's copy of the citation or other criminal process, if any costs are specified in that notice.

Subsections (e), (g), and (i) of this section become effective July 1, 2010, and apply to fees assessed or collected on or after that date. The remainder of this section becomes effective July 1, 2009, and applies to fees assessed or collected on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H26**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***TRAVEL EXPENSES FOR DISTRICT COURT JUDGES, DISTRICT ATTORNEYS, ASSISTANT DISTRICT ATTORNEYS, PUBLIC DEFENDERS, AND ASSISTANT PUBLIC DEFENDERS***

**SECTION #.(a)** G.S. 7A-144(a) reads as rewritten:

"(a) Each judge shall receive the annual salary provided in the Current Operations Appropriations Act, and reimbursement on the same basis as State employees generally, for his or her necessary ~~travel and~~ subsistence ~~expenses.~~ expenses and for travel expenses when on official business outside the judge's county of residence."

**SECTION #.(b)** G.S. 7A-65(a) reads as rewritten:

"(a) The annual salary of:

(1) District attorneys shall be as provided in the Current Operations Appropriations Act.

(2) Full-time assistant district attorneys shall be as provided in the Current Operations Appropriations Act.

When traveling on official business, each district attorney and assistant district attorney is entitled to reimbursement for his or her subsistence ~~and travel~~ expenses to the same extent as State employees generally. When traveling on official business outside his or her county of residence, each district attorney and assistant district attorney is entitled to reimbursement for travel expenses to the same extent as State employees generally."

**SECTION #.(c)** G.S. 7A-498.7 is amended by adding a new subsection to read:

"(c1) When traveling on official business, each public defender and assistant public defender is entitled to reimbursement for his or her subsistence expenses to the same extent as State employees generally. When traveling on official business outside his or her county of residence, each public defender and assistant public defender is entitled to reimbursement for travel expenses to the same extent as State employees generally."

House

27

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H27**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***SAFE ROADS FINE***

**SECTION #.(a)** G.S. 20-141(p) reads as rewritten:

"(p) A driver charged with speeding in excess of 25 miles per hour over the posted speed limit shall be ineligible for a disposition of prayer for judgment continued. A driver convicted of speeding in excess of 25 miles per hour over the posted speed limit shall pay a fine of three hundred fifty dollars ($350.00). This penalty shall be imposed in addition to those penalties established in this Chapter."

**SECTION #.(b)** Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-179.5. Additional fine for impaired driving convictions.**

In addition to any other fine or penalty assessed by the court, a defendant who is convicted of an offense involving impaired driving as defined in G.S. 20-4.01(24a) shall pay a fine of three hundred fifty dollars ($350.00)."

**SECTION #.(c)** This act becomes effective July 1, 2009, and applies to offenses committed on or after that date.

House

28

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H29**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

House - follows $

**Requested by:** **Representative**

***REPEAL FOUR UNAPPOINTED DISTRICT COURT JUDGESHIPS***

**SECTION #.(a)** G.S. 7A-133(a) reads as rewritten:

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

| District | Judges | County |
|---|---|---|
| 1 | 5 | Camden |
| | | Chowan |
| | | Currituck |
| | | Dare |
| | | Gates |
| | | Pasquotank |
| | | Perquimans |
| 2 | 4 | Martin |
| | | Beaufort |
| | | Tyrrell |
| | | Hyde |
| | | Washington |
| 3A | 5 | Pitt |
| 3B | 6 | Craven |
| | | Pamlico |
| | | Carteret |
| 4 | 8 | Sampson |
| | | Duplin |
| | | Jones |
| | | Onslow |
| 5 | ~~9~~ 8 | New Hanover |
| | | Pender |
| 6A | 3 | Halifax |
| 6B | 3 | Northampton |
| | | Bertie |
| | | Hertford |
| 7 | 7 | Nash |
| | | Edgecombe |
| | | Wilson |
| 8 | 6 | Wayne |
| | | Greene |
| | | Lenoir |
| 9 | 4 | Granville |
| | | (part of Vance |

29

| | | | |
|---|---|---|---|
| | | | see subsection (b)) |
| | | | Franklin |
| | 9A | 2 | Person |
| | | | Caswell |
| | 9B | 2 | Warren |
| | | | (part of Vance |
| | | | see subsection (b)) |
| | 10 | ~~19~~ 17 | Wake |
| | 11 | ~~11~~ 10 | Harnett |
| | | | Johnston |
| | | | Lee |
| | 12 | 10 | Cumberland |
| | 13 | 6 | Bladen |
| | | | Brunswick |
| | | | Columbus |
| | 14 | 7 | Durham |
| | 15A | 4 | Alamance |
| | 15B | 5 | Orange |
| | | | Chatham |
| | 16A | 3 | Scotland |
| | | | Hoke |
| | 16B | 5 | Robeson |
| | 17A | 3 | Rockingham |
| | 17B | 4 | Stokes |
| | | | Surry |
| | 18 | 14 | Guilford |
| | 19A | 4 | Cabarrus |
| | 19B | 7 | Montgomery |
| | | | Moore |
| | | | Randolph |
| | 19C | 5 | Rowan |
| | 20A | 4 | Stanly |
| | | | Anson |
| | | | Richmond |
| | 20B | 1 | (part of Union |
| | | | see subsection (b)) |
| | 20C | 2 | (part of Union |
| | | | see subsection (b)) |
| | 20D | 1 | Union |
| | 21 | 10 | Forsyth |
| | 22A | 5 | Alexander |
| | | | Iredell |
| | 22B | 6 | Davidson |
| | | | Davie |
| | 23 | 4 | Alleghany |
| | | | Ashe |
| | | | Wilkes |
| | | | Yadkin |
| | 24 | 4 | Avery |
| | | | Madison |
| | | | Mitchell |

30

| | | | |
|---|---|---|---|
| | | | Watauga |
| | | | Yancey |
| | 25 | 9 | Burke |
| | | | Caldwell |
| | | | Catawba |
| | 26 | 21 | Mecklenburg |
| | 27A | 7 | Gaston |
| | 27B | 5 | Cleveland |
| | | | Lincoln |
| | 28 | 7 | Buncombe |
| | 29A | 3 | McDowell |
| | | | Rutherford |
| | 29B | 4 | Henderson |
| | | | Polk |
| | | | Transylvania |
| | 30 | 6 | Cherokee |
| | | | Clay |
| | | | Graham |
| | | | Haywood |
| | | | Jackson |
| | | | Macon |
| | | | Swain." |

**SECTION #.(b)** Section 14.13(e) of S.L. 2007-323 reads as rewritten:

"**SECTION 14.13.(e)** The Governor shall appoint the additional district court ~~judges~~ judge for District 20 authorized by subsection (d) of this section. That judge's successor ~~Those judges' successors~~ shall be elected in the 2010 general election for a four-year ~~terms~~ term commencing January 1, 2011."

**SECTION #.(c)** Section 14.13(b) of S.L. 2008-107 reads as rewritten:

"**SECTION 14.13.(b)** The Governor shall appoint the additional district court ~~judges~~ judge for ~~Districts 10, 11, and~~ District 26 authorized by subsection (a) of this section, and ~~those judges' successors~~ that judge's successor shall be elected in the 2010 election for a four-year ~~terms~~ term commencing January 1, 2011."

31

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H30**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

Senate follows $

**Requested by:** **Senator**

***REPEAL ASSISTANT DISTRICT ATTORNEY AUTHORIZATIONS***

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

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

| Prosecutorial District | Counties | No. of Full-Time Asst. District Attorneys |
|---|---|---|
| 1 | Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans | 11 |
| 2 | Beaufort, Hyde, Martin, Tyrrell, Washington | 8 |
| 3A | Pitt | 11 |
| 3B | Carteret, Craven, Pamlico | 12 |
| 4 | Duplin, Jones, Onslow, Sampson | 18 |
| 5 | New Hanover, Pender | 18 |
| 6A | Halifax | 5 |
| 6B | Bertie, Hertford, Northampton | 6 |
| 7 | Edgecombe, Nash, Wilson | 19 |
| 8 | Greene, Lenoir, Wayne | 14 |
| 9 | Franklin, Granville, Vance, Warren | 12 |
| 9A | Person, Caswell | 6 |
| 10 | Wake | ~~42~~ 41 |
| 11 | Harnett, Johnston, Lee | ~~19~~ 18 |
| 12 | Cumberland | 23 |
| 13 | Bladen, Brunswick, Columbus | 13 |
| 14 | Durham | 18 |
| 15A | Alamance | 11 |
| 15B | Orange, Chatham | 10 |
| 16A | Scotland, Hoke | 7 |
| 16B | Robeson | 13 |
| 17A | Rockingham | 7 |
| 17B | Stokes, Surry | 8 |
| 18 | Guilford | 32 |
| 19A | Cabarrus | 9 |
| 19B | Montgomery, Randolph | 10 |
| 19C | Rowan | 8 |

32

| | | | |
|---|---|---|---|
| 19D | Moore | 5 |
| 20A | Anson, Richmond, Stanly | 12 |
| 20B | Union | 10 |
| 21 | Forsyth | 25 |
| 22A | Alexander, Iredell | 11 |
| 22B | Davidson, Davie | 11 |
| 23 | Alleghany, Ashe, Wilkes, Yadkin | 8 |
| 24 | Avery, Madison, Mitchell, Watauga, Yancey | 7 |
| 25 | Burke, Caldwell, Catawba | 19 |
| 26 | Mecklenburg | ~~58~~ 56 |
| 27A | Gaston | 15 |
| 27B | Cleveland, Lincoln | 11 |
| 28 | Buncombe | 14 |
| 29A | McDowell, Rutherford | 7 |
| 29B | Henderson, Polk, Transylvania | 8 |
| 30 | Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain." | 11 |

33

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H31**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

House

**Requested by:** **Senator**

***DIVIDE PROSECUTORIAL DISTRICT 11 INTO DISTRICTS 11A AND 11B***

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

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

| Prosecutorial District | Counties | No. of Full-Time Asst. District Attorneys |
|---|---|---|
| 1 | Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans | 11 |
| 2 | Beaufort, Hyde, Martin, Tyrrell, Washington | 8 |
| 3A | Pitt | 11 |
| 3B | Carteret, Craven, Pamlico | 12 |
| 4 | Duplin, Jones, Onslow, Sampson | 18 |
| 5 | New Hanover, Pender | 18 |
| 6A | Halifax | 5 |
| 6B | Bertie, Hertford, Northampton | 6 |
| 7 | Edgecombe, Nash, Wilson | 19 |
| 8 | Greene, Lenoir, Wayne | 14 |
| 9 | Franklin, Granville, Vance, Warren | 12 |
| 9A | Person, Caswell | 6 |
| 10 | Wake | 42 |
| ~~11~~ 11A | Harnett, ~~Johnston,~~ Lee | ~~19~~ 9 |
| 11B | Johnston | 10 |
| 12 | Cumberland | 23 |
| 13 | Bladen, Brunswick, Columbus | 13 |
| 14 | Durham | 18 |
| 15A | Alamance | 11 |
| 15B | Orange, Chatham | 10 |
| 16A | Scotland, Hoke | 7 |
| 16B | Robeson | 13 |
| 17A | Rockingham | 7 |
| 17B | Stokes, Surry | 8 |
| 18 | Guilford | 32 |
| 19A | Cabarrus | 9 |
| 19B | Montgomery, Randolph | 10 |

34

| | | | |
|---|---|---|---|
| 19C | Rowan | 8 |
| 19D | Moore | 5 |
| 20A | Anson, Richmond, Stanly | 12 |
| 20B | Union | 10 |
| 21 | Forsyth | 25 |
| 22A | Alexander, Iredell | 11 |
| 22B | Davidson, Davie | 11 |
| 23 | Alleghany, Ashe, Wilkes, Yadkin | 8 |
| 24 | Avery, Madison, Mitchell, Watauga, Yancey | 7 |
| 25 | Burke, Caldwell, Catawba | 19 |
| 26 | Mecklenburg | 58 |
| 27A | Gaston | 15 |
| 27B | Cleveland, Lincoln | 11 |
| 28 | Buncombe | 14 |
| 29A | McDowell, Rutherford | 7 |
| 29B | Henderson, Polk, Transylvania | 8 |
| 30 | Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain." | 11 |

**SECTION #.(b)** The district attorney position established for District 11B by Section 1 of this act shall be filled by the district attorney currently serving District 11 who resides in Johnston County. A district attorney for District 11A shall be elected in the 2010 election for a four-year term commencing January 1, 2011.

**SECTION #.(c)** This act becomes effective January 1, 2011.

35

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H37**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***ELIMINATE SENTENCING SERVICES PROGRAM***

**SECTION #.** Article 61 of Chapter 7A of the General Statutes is repealed.

House - follows $

36

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-AOC-H38A**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*INCREASE WAIVABLE OFFENSES COSTS*

**SECTION #.(a)** Notwithstanding any other provision of law, the chief district judges of the various district court districts shall increase by twenty-five dollars ($25.00) each amount listed on the schedule of penalties or fines adopted by the Conference of Chief District Court Judges on October 1, 2008, for the uniform schedule of offenses required under G.S. 7A-148 for the types of offenses specified in G.S. 7A-372(2) and G.S. 7A-273(2a).

**SECTION #.(b)** Notwithstanding any other provision of law, the chief district judges of the various district court districts shall increase by ten dollars ($10.00) each amount listed on the schedule of penalties or fines established pursuant to subsection (a) of this section for the uniform schedule of offenses required under G.S. 7A-148 for the types of offenses specified in G.S. 7A-372(2) and G.S. 7A-273(2a).

**SECTION #.(c)** Subsection (a) of this section becomes effective July 1, 2009. Subsection (b) of this section becomes effective July 1, 2010.

House

37

# JPS House Special Provisions

June 4, 2009

## Justice

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-ATTY-H1(S16.1)i**

**Attorney General's Office**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

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

**SECTION 16.1.** 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.

BP

38

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-ATTY-H4(S16.4)i**

**Attorney General's Office**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***NC LEGAL EDUCATION ASSISTANCE FOUNDATION REPORT ON FUNDS DISBURSED***

**SECTION 16.4.** The North Carolina Legal Education Assistance Foundation shall report by March 1 of each year to the Joint Legislative Commission on Governmental Operations and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety 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.

BP

39

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**Session 2009**

**DRAFT**
**SPECIAL PROVISION**

**2009-ATTY-H3(S16.3)i**

**Attorney General's Office**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS***

**SECTION 16.3.** 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.

BP

40

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-ATTY-H5(S16.5)i

**Attorney General's Office**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***HIRING OF SWORN STAFF POSITIONS FOR THE STATE BUREAU OF INVESTIGATION***

**SECTION 16.5.** The Department of Justice may hire sworn personnel to fill vacant positions in the State Bureau of Investigation only in the following circumstances: (i) the position's regular responsibilities involve warrant executions, property searches, criminal investigations, or arrest activities that are consistent in frequency with the responsibilities of other sworn agents; (ii) the position is a promotion for a sworn agent who was employed at the State Bureau of Investigation prior to July 1, 2007; (iii) the position is a forensic drug chemist position which requires "responding to clandestine methamphetamine laboratories" as a primary duty; (iv) the position is a forensic impressions analyst position which requires "responding to clandestine methamphetamine laboratories" as a primary duty; or (v) the position primarily involves supervising sworn personnel.

BP

41

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

Senate Revised

**DRAFT**
**SPECIAL PROVISION**

**2009-ATTY-H6(S16.6)**

**Attorney General's Office**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***REDUCE DEPARTMENT SHARE OF PAYMENT FOR JUDGMENTS AGAINST COUNTY AND CITY BOARDS OF EDUCATION***

**SECTION 16.6.(a)** G.S. 143-300.1(c) reads as rewritten:

"(c) In the event ~~that~~ of settlement pursuant to G.S. 143-295 or in the event the Industrial Commission awards damages against any county or city board of education under this section, the Attorney General shall draw a voucher for the amount required to pay the award. The funds necessary to cover ~~the first one hundred fifty thousand dollars ($150,000) of liability per claim~~ the liability for claims against county and city boards of education for accidents involving school buses and school transportation service vehicles shall be made available from funds appropriated to the State Board of ~~Education. The balance of any liability owed shall be paid in accordance with G.S. 143-299.4.~~ Education for that purpose. On January 1 and July 1 of each year, each county and city board of education shall pay the State Board of Education an amount equal to the damages paid by the State Board of Education on behalf of that county or city board of education pursuant to this subsection during the preceding six months. Neither the county or city boards of education, or the county or city administrative unit shall be liable for the payment of any award made pursuant to the provisions of this section in excess of the amount paid upon a voucher by the Attorney General. Settlement and payment may be made by the Attorney General as provided in G.S. 143-295."

**SECTION 16.6.(b)** G.S. 143-300.1(d) reads as rewritten:

"(d) Except as otherwise provided in this subsection, the Attorney General may, upon the request of an employee or former employee, defend any civil action brought against the driver, transportation safety assistant, or monitor of a public school bus or school transportation service vehicle or school bus maintenance mechanic when the driver or mechanic is employed and paid by the local school administrative unit, when the monitor is acting in accordance with G.S. 115C-245(d), when the transportation safety assistant is acting in accordance with G.S. 115C-245(e), or when the driver is an unpaid school bus driver trainee under the supervision of an authorized employee of the Department of Transportation, Division of Motor Vehicles, or an authorized employee of a county or city board of education or administrative unit. The Attorney General may afford this defense through the use of a member of his staff or, in his discretion, employ private counsel. The Attorney General is authorized to pay any judgment rendered in the civil action not to exceed the limit provided under the Tort Claims Act. The funds necessary to cover ~~the first one hundred fifty thousand dollars ($150,000) of liability per claim~~the liability shall be made available from funds appropriated to the State Board of ~~Education. The balance of any liability owed shall be paid in accordance with G.S. 143-299.4.~~ Education for that purpose. On January 1 and July 1 of each year, each county and city board of education shall pay the State Board of Education an amount equal to the damages paid by the State Board of Education on behalf of that county or city board of education pursuant to this subsection during the preceding six months. The Attorney General may compromise and settle any claim covered by this section to the extent that he finds the same to be valid, up to the limit provided in the Tort Claims Act, provided that the authority

(4)

granted in this subsection shall be limited to only those claims that would be within the jurisdiction of the Industrial Commission under the Tort Claims Act.

The Attorney General shall refuse to provide for the defense of a civil action or proceeding brought against an employee or former employee if the Attorney General determines that:

(1) The act or omission was not within the scope and course of his employment as a State employee; or

(2) The employee or former employee acted or failed to act because of actual fraud, corruption, or actual malice on his part; or

(3) Defense of the action or proceeding by the State would create a conflict of interest between the State and the employee or former employee; or

(4) Defense of the action or proceeding would not be in the best interests of the State."

**SECTION 16.6.(c)** G.S. 143-295 reads as rewritten:

"**§ 143-295. Settlement of claims.**

(a) Any claims except claims of minors pending or hereafter filed against the various departments, institutions and agencies of the State may be settled upon agreement between the claimant and the Attorney General for an amount not in excess of twenty-five thousand dollars ($25,000), without the approval of the Industrial Commission. The Attorney General may also make settlements by agreement for claims in excess of twenty-five thousand dollars ($25,000) and claims of infants or persons non sui juris, provided such claims have been subject to review and approval by the Industrial Commission.

(a1) Notwithstanding subsection (a) of this section, no claim in which the Attorney General represents a county or city board of education or an employee or former employee of a county or city board of education pursuant to G.S. 143-300.1, shall be settled unless the board of education that will be liable in the event of a settlement agrees to the settlement.

(b) In settlements under twenty-five thousand dollars ($25,000), agreed upon between the Attorney General and the claimant, the filing of an affidavit as set forth in G.S. 143-297 shall not be required.

(c) Transfer of title of a motor vehicle acquired in behalf of the State in settlement of claim pursuant to the provisions of this Article may be transferred by the Attorney General in the same manner as provided for such transfer by an insurance company under the provisions of G.S. 20-75."

**SECTION 16.6.(d)** This section becomes effective July 1, 2009.

43

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-ATTY-H7

Attorney General's Office
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

***FEE FOR LAW ENFORCEMENT OFFICER CERTIFICATION AND SHERIFFS' DEPARTMENT PERSONNEL CERTIFICATION***

**SECTION #.(a)** Chapter 17C of the General Statutes is amended by adding a new section to read:

"**§ 17C-14. Fees for training and certifications.**

(a) In-Service Training Fee. – Upon notification by a criminal justice agency that a criminal justice officer has completed the in-service training required by the Commission, the Commission shall collect a fee in the amount of one hundred dollars ($100.00) from the criminal justice officer prior to crediting the criminal justice officer for the in-service training.

(b) Certification Fee. – Prior to awarding a certification issuable by the Commission, the Commission shall collect a fee in the amount of one hundred dollars ($100.00) from the person seeking the certification.

(c) Initial Fee. – Notwithstanding subsection (b) of this section, the fee collected by the Commission shall be two hundred fifty dollars ($250.00) if the person has never been assessed a fee pursuant to this section.

(d) Remittance to General Fund. – The fees collected pursuant to this section shall be remitted to the General Fund on a monthly basis and shall be used to develop criminal justice officer training course curricula and to maintain records related to training completion.

(e) Definition. – For purposes of this section, the term 'criminal justice officer' means any criminal justice officer, as that term is defined in G.S. 17C-2(3), or any person holding a law-enforcement officer certification."

**SECTION #.(b)** Chapter 17E of the General Statutes is amended by adding a new section to read:

"**§ 17E-13. Fees for training and certifications.**

(a) In-Service Training Fee. – Upon notification by a sheriffs' department that a justice officer has completed the in-service training required by the Commission, the Commission shall collect a fee in the amount of one hundred dollars ($100.00) from the justice officer prior to crediting the justice officer for the in-service training.

(b) Certification Fee. – Prior to awarding a certification issuable by the Commission, the Commission shall collect a fee in the amount of one hundred dollars ($100.00) from the person seeking the certification.

(c) Initial Fee. Notwithstanding subsection (b) of this section, the fee collected by the Commission shall be two hundred fifty dollars ($250.00) if the person has never been assessed a fee pursuant to this section.

(d) Remittance to General Fund. – The fees collected pursuant to this section shall be remitted to the General Fund on a monthly basis and shall be used to develop justice officer training course curricula and maintain records related to training completion."

**SECTION #.(c)** This section becomes effective July 1, 2009, and applies to in-service training completed and certifications issued on or after that date.

44

# JPS House Special Provisions

June 4, 2009

## Crime Control & Public Safety

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CCPS-H3(S17.4)i**

**Department of Crime Control and Public Safety**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***STUDY CONSOLIDATION OF LAW ENFORCEMENT AGENCIES***

**SECTION 17.4.** The Office of State Budget and Management shall study the feasibility of consolidating the law enforcement agencies in the executive branch of State government for the purpose of coordinating the activities of these agencies, and reducing duplication and overlapping of law enforcement responsibilities, training, and technical assistance among State law enforcement agencies. The Office of State Budget and Management shall report its findings and recommendations by February 1, 2010, to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

---

Senate

45

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CCPS-H4(S17.5)i**

**Department of Crime Control and Public Safety**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***LAW ENFORCEMENT SUPPORT SERVICES FEES***

**SECTION 17.5.** Article 11 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-475.2. Fees for services.**

A fee in the amount set by the Department is imposed on the entities listed in this section. The fees are departmental receipts and are applied to the Department's costs in providing services to these entities. The fees apply to the following:

(1) A local law enforcement agency that receives equipment from the Department, whether by transfer, loan, or procurement under an agreement with the United States Department of Defense.

(2) A person for whom the Department stores evidence."

---

Senate

46

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CCPS-H5(S17.6)i**

**Department of Crime Control and Public Safety**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*INCREASE CHARITABLE BINGO LICENSING FEE*

**SECTION 17.6.** G.S. 14-309.7(a) reads as rewritten:

"(a) An exempt organization may not operate a bingo game at a location without a license. Application for a bingo license shall be made to the Department of Crime Control and Public Safety on a form prescribed by the Department. The Department shall charge an annual application fee of ~~one hundred dollars ($100.00)~~two hundred dollars ($200.00) to defray the cost of issuing bingo licenses and handling bingo audit reports. The fees collected shall be deposited in the General Fund of the State. This license shall expire one year after the granting of the license. This license may be renewed yearly, if the applicant pays the application fee and files an audit with the Department pursuant to G.S. 14-309.11. A copy of the application and license shall be furnished to the local law-enforcement agency in the county or municipality in which the licensee intends to operate before bingo is conducted by the licensee."

Senate

47

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**Session 2009**

**DRAFT**
**SPECIAL PROVISION**

**2009-CCPS-H6(S17.7)i**

**Department of Crime Control and Public Safety**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***INCREASE FEES FOR LICENSING BOXERS AND FOR TICKETS SOLD AT BOXING EVENTS***

**SECTION 17.7.(a)** G.S. 143-655(a) reads as rewritten:

"(a) License Fees. – The Division shall collect the following license fees:

| | |
|---|---|
| Announcer | $75.00 |
| Contestant | ~~$37.50~~$50.00 |
| Judge | $75.00 |
| Manager | $150.00 |
| Matchmaker | $300.00 |
| Promoter | $450.00 |
| Referee | $75.00 |
| Timekeeper | $75.00 |
| Second | ~~$37.50.~~$50.00." |

**SECTION 17.7.(b)** G.S. 143-655(b1) reads as rewritten:

"(b1) Admission Fees. – The Division shall collect a fee in the amount of ~~one dollar and fifty cents ($1.50)~~ two dollars ($2.00) per each ticket sold to attend events regulated in this Article."

Senate

48

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CCPS-H9**

**Department of Crime Control and Public Safety**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***INCREASE REGISTRATION FEE FOR DEEDS OF TRUST AND MORTGAGES FOR EMERGENCY MANAGEMENT DIVISION USE***

**SECTION #.(a)** Subdivision (1a) of G.S. 161-10(a) reads as rewritten:

"(1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and Mortgages. – For registering or filing any deed of trust or mortgage, whether written, printed, or typewritten, the fee shall be ~~twenty-two dollars ($22.00)~~thirty-two dollars ($32.00) for the first page plus three dollars ($3.00) for each additional page or fraction thereof.

When a deed of trust or mortgage is presented for registration that contains one or more additional instruments, the fee shall be ten dollars ($10.00) for each additional instrument. A deed of trust or mortgage contains one or more additional instruments if such additional instrument or instruments has or have different legal consequences or intent, each of which is separately executed and acknowledged and could be recorded alone.

For recording records of satisfaction, or the cancellation of record by any other means, of deeds of trust or mortgages, there shall be no fee."

**SECTION #.(b)** Article 1 of Chapter 161 of the General Statutes is amended by adding a new section to read:

"**§ 161-11.5. Fees for emergency management.**

Nine dollars ($9.00) of each fee collected by the register of deeds for registering or filing a deed of trust or mortgage pursuant to G.S. 161-10(a)(1a) shall be forwarded by the register of deeds to the county finance officer, who shall forward the funds to the Department of Crime Control and Public Safety to be credited to the Statewide Emergency Management Fund established under G.S. 166A-6.03. The county finance officer shall forward the funds to the Department on a monthly basis."

**SECTION #.(c)** Article 1 of Chapter 166A of the General Statutes is amended by adding a new section to read:

"**§ 166A-6.03. Statewide Emergency Management Fund.**

The Emergency Management Fund is established as a special revenue fund. The Fund consists of the fees credited to it under G.S. 161-11.5. Revenue in the fund shall be used to offset the Department's cost in performing its duties under this Chapter.

**SECTION #.(d)** This section becomes effective October 1, 2009, and applies to deeds of trust and mortgages registered or filed on or after that date.

House

49

# JPS House Special Provisions

June 4, 2009

## Juvenile Justice

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**Session 2009**

**DRAFT**
**SPECIAL PROVISION**

**2009-DJJDP-H1(S18.1)i**

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representatives Bordsen, Love**

*ANNUAL EVALUATION OF COMMUNITY PROGRAMS*

**SECTION 18.1.** The Department of Juvenile Justice and Delinquency Prevention shall conduct an evaluation of the Eckerd and Camp Woodson wilderness camp programs and of multipurpose group homes.

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 also shall identify whether the programs are achieving the goals and objectives of the Juvenile Justice Reform Act, S.L. 1998-202. The Department shall report the results of the evaluation to 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 Subcommittees on Justice and Public Safety of the Senate and House of Representatives Appropriations Committees by March 1 of each year.

Revised BP

50

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-DJJDP-H2A(S18.2)

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representatives Bordsen, Love**

***PROJECT CHALLENGE NORTH CAROLINA/REPORTING REQUIREMENT***

**SECTION 18.2.** Project Challenge North Carolina, Inc., shall report to the Department of Juvenile Justice and Delinquency Prevention and 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.

BP

51

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**Session 2009**

**DRAFT**
**SPECIAL PROVISION**

**2009-DJJDP-H3(S18.3)i**

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representatives Bordsen, Love**

***STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS***

**SECTION 18.3.** Funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for the 2009-2010 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 2009-2010 fiscal year, the amount of funds anticipated for the 2009-2010 fiscal year, and the allocation of funds by program and purpose.

BP

52

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**Session 2009**

**DRAFT**
**SPECIAL PROVISION**

**2009-DJJDP-H5(S18.6)i**

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representatives Bordsen, Love**

***ELIMINATE SUPPORT OUR STUDENTS PROGRAM***

**SECTION 18.6.** Part 5A of Article 3 of Chapter 143B of the General Statutes is repealed.

---

Senate

53

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-DJJDP-H6(S18.7)i**

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representatives Bordsen, Love**

***JUVENILE CRIME PREVENTION COUNCIL (JCPC) GRANT REPORTING AND CERTIFICATION***

**SECTION 18.7.** On or before October 1 of 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, including:

(1) The amount of the grant awarded.

(2) The membership of the local committee or council administering the award funds on the local level.

(3) The type of program funded.

(4) A short description of the local services, programs, or projects that will receive funds.

~~(5) Identification of any programs that received grant funds at one time but for which funding has been eliminated by the Department.~~

(6) The number of at-risk, diverted, and adjudicated juveniles served by each county.

(7) The Department's actions to ensure that county JCPCs prioritize funding for dispositions of intermediate and community-level sanctions for court-adjudicated juveniles under minimum standards adopted by the Department.

(8) The total cost for each funded program, including the cost per juvenile and the essential elements of the program.

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.

BP

54

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-DJJDP-H7

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representatives Bordsen, Love**

***ESTABLISHMENT OF A GANG PREVENTION AND INTERVENTION PILOT PROGRAM***

**SECTION #. (a)** As part of the Governor's Comprehensive Gang Initiative, the Department of Juvenile Justice and Delinquency Prevention shall establish a two-year Gang Prevention and Intervention Pilot Program that will focus on youth at risk for gang involvement and those who are already associated with gangs and gang activity. The Department of Juvenile Justice and Delinquency Prevention shall:

(1) Ensure that measurable performance indicators and systems are put in place to evaluate the effectiveness of the pilot program, and

(2) Conduct both process- and outcome-focused evaluations of the pilot program to determine community and institutional impacts of the pilot program pertaining to gang behavior, desistance, and activities. These evaluations may consider the degree of successful implementation of the program and measurable changes in gang-related and gang-affiliated behaviors noted in institutional, court system, communities, and related programs.

**SECTION #.(b)** 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 Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the implementation and continuing operation of the pilot program by April 1 each year. The report shall include information on the number of juveniles served and an evaluation of the effectiveness of the pilot program. In addition, the report shall include the information set out in subsection (a) of this section.

Senate

55

# JPS House Special Provisions

June 4, 2009

## Correction

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H1**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***AUTHORIZE STATE RETIREES AND LOCAL GOVERNMENTAL EMPLOYEES TO PURCHASE FROM CORRECTION ENTERPRISES***

**SECTION #.** G.S. 148-132 reads as rewritten:

"**§ 148-132. Distribution of products and services.**

The Division of Correction Enterprises is empowered and authorized to market and sell products and services produced by Correction Enterprises to any of the following entities:

(1) Any public agency or institution owned, managed, or controlled by the State.

(2) Any county, city, or town in this State.

(3) Any federal, state, or local public agency or institution in any other state of the union.

(4) An entity or organization that has tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code and also receives local, state, or federal grant funding.

(5) Any current employee or retiree of the State of North ~~Carolina,~~ Carolina or of a unit of local government of this State, verified through State-issued identification, or through proof of retirement status, but ~~a State employee's~~ purchases by a State or local governmental employee or retiree may not exceed two thousand five hundred dollars ($2,500) during any calendar year. Products purchased by State and local governmental employees and retirees under this section may not be resold."

House

56

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H2(S19.1)**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

*INMATE ROAD SQUADS AND LITTER CREWS*

**SECTION 19.1.** Of the funds appropriated to the Department of Transportation in this act, the sum of nine million forty thousand dollars ($9,040,000) per year shall be transferred by the Department to the Department of Correction during the 2009-2010 and 2010-2011 fiscal years for the cost of operating medium custody inmate road squads, as authorized by G.S. 148-26.5, and minimum custody inmate litter crews. This transfer shall be made quarterly in the amount of two million two hundred sixty thousand dollars ($2,260,000). The Department of Transportation may use funds appropriated in this act to pay an additional amount exceeding the nine million forty thousand dollars ($9,040,000), 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.

The Office of State Budget and Management shall conduct a study, in consultation with the Department of Correction and the Department of Transportation, to determine the actual cost and cost/benefit of operating medium custody road squads and minimum custody litter crews. The Office of State Budget and Management shall report the results of this study to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and to the Joint Legislative Transportation Oversight Committee by March 1, 2010. The study shall include a recommendation on whether or not the amount transferred from the Department of Transportation to the Department of Correction for this work is adequate.

Revised BP

57

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H4(S19.4)i**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*USE OF CLOSED PRISON FACILITIES*

**SECTION 19.4.(a)** 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 and federal 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 also shall 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.

**SECTION 19.4.(b)** The Department of Correction shall study the feasibility of establishing probation revocation centers at closed prison facilities. The Department shall consult with counties to explore cost-sharing of these facilities. The Department shall report its findings to the Chairs of the Appropriations Subcommittees on Justice and Public Safety by February 1, 2010.

BP

58

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H5(S19.5)i**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

*LIMIT USE OF OPERATIONAL FUNDS*

**SECTION 19.5.** 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 that the Department may establish critical positions prior to 120 days of completion representing no more than twenty percent (20%) of the total estimated number of positions.

BP

59

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H6(S19.6)i**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***CENTER FOR COMMUNITY TRANSITIONS/CONTRACT AND REPORT***

**SECTION 19.6.** The Department of Correction may continue to contract with The Center for Community Transitions, Inc., a nonprofit corporation, for the purchase of prison beds for minimum security female inmates during the 2009-2011 biennium. The Center for Community Transitions, 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.

BP

60

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H8(S19.8)i**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

BP

**Requested by:** **Representative**

***PAROLE ELIGIBILITY REPORT/MUTUAL AGREEMENT PAROLE PROGRAM/MEDICAL RELEASE PROGRAM***

**SECTION 19.8.(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 inmate who is eligible for parole on or before July 1, 2010, 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 19.8.(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 19.8.(c)** The Post-Release Supervision and Parole Commission shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and 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, 2010. 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.

(6)

The Commission shall also report on the number of parole-eligible inmates reconsidered in compliance with this section and the number who were actually paroled.

**SECTION 19.8.(d)** The Department of Correction and the Post-Release Supervision and Parole Commission shall report by March 1 of each year to the Chairs of the

House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the number of inmates enrolled in the mutual agreement parole program, the number completing the program and being paroled, and the number who enrolled but were terminated from the program. The information should be based on the previous calendar year.

**SECTION 19.8.(e)** The Department of Correction and the Post-Release Supervision and Parole Commission shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the number of inmates proposed for release, considered for release, and granted release under Chapter 84B of Chapter 15A of the General Statutes, providing for the medical release of inmates who are either permanently and totally disabled, terminally ill, or geriatric.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H10(S19.10)**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

***REPORTS ON NONPROFIT PROGRAMS***

**SECTION 19.10.(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 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 19.10.(b)** Summit House shall report by February 1 of each year 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 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 19.10.(c)** Women at Risk shall report by February 1 of each year 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 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.

Revised BP

(63)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H11(S19.11)i

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

Senate

**Requested by: Representative**

*CRIMINAL JUSTICE PARTNERSHIP*

**SECTION 19.11.(a)** G.S. 143B-273.4 reads as rewritten:

"**§ 143B-273.4. Eligible population.**

(a) An eligible offender is an adult offender who ~~was convicted of a misdemeanor or a felony offense~~ 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 offenders~~ be:

(1) Offenders sentenced to intermediate ~~punishments.~~ punishments; and

(2) Offenders who are appropriate for release from jail prior to trial under the supervision of a pretrial monitoring program."

**SECTION 19.11.(b)** Notwithstanding any other provision of law, a county may use funds appropriated pursuant to the Criminal Justice Partnership Act, Article 6A of Chapter 143B of the General Statutes, to provide more than one community-based corrections program.

**SECTION 19.11.(c)** Effective July 1, 2009, the Department of Correction shall recalculate the county allocation funding formula mandated under G.S. 143B-273.15 using updated data.

**SECTION 19.11.(d)** 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 19.11.(e)** 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 19.11.(f)** The Department of Correction shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Committees, the House of Representatives and Senate 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;

(7) A review of whether each sentenced offender program is meeting established program goals developed by the Division of Community Corrections in consultation with the Division of Research and Planning and the State Criminal Justice Partnership Advisory Board;

(8) The number of community offenders and intermediate offenders served by each county program;

(9) The amount of Criminal Justice Partnership funds spent on community offenders and intermediate offenders; and

(10) A short description of the services and programs provided by each partnership, including who the service providers are and the amount of funds each service provider receives.

65

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H12(S19.12)i

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

BP

Requested by: Representative

*REPORT ON PROBATION AND PAROLE CASELOADS*

**SECTION 19.12.(a)** The Department of Correction shall report by March 1 of each year to the chairs of the House of Representatives and Senate 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 and district averages for probation/parole officer positions;

(2) Data on current span of control for chief probation officers;

(3) An analysis of the optimal caseloads for these officer classifications;

(4) An assessment of the role of surveillance officers;

(5) The number and role of paraprofessionals in supervising low-risk caseloads;

(6) 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 and 2008;

(7) The process of assigning offenders to an appropriate supervision level based on a risk assessment and an examination of other existing resources for assessment and case planning, including the Sentencing Services Program in the Office of Indigent Defense Services and the range of screening and assessment services provided by the Division of Mental Health, Developmental Disability, and Substance Abuse Services in the Department of Health and Human Services; and

(8) Data on cases supervised solely for the collection of court-ordered payments.

**SECTION 19.12.(b)** The Department of Correction shall conduct a study of probation/parole officer workload. 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 19.12.(c)** The Department of Correction shall report the results of the study and recommendations for any adjustments to caseload goals to the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by January 1, 2011.

**SECTION 19.12.(d)** The Department of Correction shall report by March 1 of each year to the Chairs of the House and Senate Appropriations Committees, the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the following:

(1) The number of sex offenders enrolled on active and passive GPS monitoring.

(2) The caseloads of probation officers assigned to GPS-monitored sex offenders.
(3) The number of violations.
(4) The number of absconders.
(5) The projected number of offenders to be enrolled by the end of the 2009-2010 fiscal year and the end of the 2010-2011 fiscal year.
(6) The total cost of the program, including a per-offender cost.

67

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**Session 2009**

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H13(S19.13)i**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

Senate

**Requested by:** **Representative**

***REPORT ON INMATE WELFARE AND CORRECTION ENTERPRISES***

**SECTION 19.13.** The Department of Correction, in consultation with the Office of State Budget and Management, shall study the feasibility of budgeting positions currently funded from the Inmate Welfare Fund and the Correction Enterprise Fund from the General Fund instead. The Department shall report its findings by April 1, 2010, to the chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H14A(S19.14)**

Revised Senate

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

***PRE-SENTENCE INVESTIGATIONS FEASIBILITY STUDY***

**SECTION 19.14.** The Office of Research and Planning of the Department of Correction shall conduct a feasibility study of conducting pre-sentence investigations on offenders convicted of felonies for which the sentencing judge has the option of intermediate or active punishments for whom information is not being prepared prior to sentencing by Sentencing Services. This feasibility study shall be conducted as a pilot implementation, incorporating a wide variety of districts across the State reflecting both rural and urban settings, as well as diversity of programming available within the district.

Prior to implementation, the Office of Research and Planning shall communicate with existing pretrial and Sentencing Services programs in the pilot districts for the purpose of developing plans that make optimal use of existing and proposed services without duplicating existing program services. In pilot districts, Judicial District Managers and Sentencing Services program managers should be encouraged to work collaboratively on the local pilot plans. The Office of Research and Planning shall also consult with each district's Senior Resident Superior Court Judge, Chief District Court Judge, Clerk of Court, District Attorney, Public Defender if the district has a public defender office, representative of the local criminal defense bar, or their designees, about the best method of implementation. The Office of Research and Planning may also consult about implementation with any others it deems appropriate.

The Office of Research and Planning shall report the results of its study by May 1, 2010, to the Chairs of the House of Representatives and Senate Appropriations Committees, the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee. After implementation, the Office of Research and Planning shall consult again with the actors listed above and include those actors' evaluations of the effectiveness and operation of the pilot implementation, as well as detailed descriptions of the types of information conveyed to the courts pursuant to the pre-sentence investigations, in this report.

69

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H15(S19.15)i**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***STUDY INCARCERATED MOTHERS PROGRAM***

**SECTION 19.15.(a)** Our Children's Place, Inc., a nonprofit corporation, shall submit to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by October 1, 2009, a comprehensive plan for the implementation of a contractual program to house incarcerated women with their children. This plan shall include criteria for placement, minimum standards for custody and security, and projections of costs for implementation, including presumptive funding sources and memoranda of intent from affected agencies.

**SECTION 19.15.(b)** The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee shall make recommendations to the 2010 Session of the 2009 General Assembly concerning the establishment of a program to house incarcerated women with their children. These recommendations shall address legal issues related to the custody of the children while in the program.

Senate

70

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H18**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***PROVISION OF HEALTH CARE SERVICES TO INMATES***

**SECTION #.** The Department of Correction shall seek, whenever possible, to make use of its own hospitals and health care facilities to provide health care services to inmates. To the extent that the Department of Correction must utilize other facilities and services to provide health care services to inmates, the Department shall seek to contract with underutilized community hospitals or other health care facilities in a region to accomplish that goal. In the event that the Department does not have appropriate contracts for services in a region, it shall ensure that the prisoners requiring such health care services are equitably distributed among all hospitals or other appropriate health care facilities in a region.

House

71

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**Session 2009**

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H19**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***REPEAL JAILED MISDEMEANANT PAYMENTS***

**SECTION #.** G.S. 148-32.1(a) is repealed.

House

72

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H20**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*ACCOMMODATIONS FOR PROBATION OFFICES*

**SECTION #.** G.S. 15-209 reads as rewritten:

"**§ 15-209. Accommodations for probation ~~officers.~~ offices.**

(a) The county commissioners in each county in which a probation ~~officer serves~~ office exists shall provide, in or near the courthouse, suitable office space for such ~~officer.~~ office.

(b) If a county is unable to provide the space required under subsection (a) of this section for any reason, it may elect to request that the Department of Correction lease space for the probation office and receive reimbursement from the county for the leased space. If a county fails to reimburse the Department for such leased space, the Secretary of Correction may request that the Administrative Office of the Courts transfer the unpaid amount to the Department from the county's court and jail facility fee remittances."

House

73

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**Session 2009**

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H21**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***RATES FOR INMATE MEDICAL SERVICES***

**SECTION #.** The Department of Correction may pay the contract rate for inmate health services as agreed upon by the Secretary of Correction and the provider, not to exceed one hundred fifty percent (150%) of the Medicaid rate for the same health service.

House

74

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H23**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

House

**Requested by:** **Representative**

***INCREASE FEE FOR COMMUNITY SERVICE WORK PROGRAM***

**SECTION #.** G.S. 15A-1371(i) reads as rewritten:

"(i) A fee of ~~two~~ three hundred dollars ~~($200.00)~~($300.00) shall be paid by all persons who participate in the Community Service Parole Program. That fee must be paid to the clerk of court in the county in which the parolee is released. The fee must be paid in full within two weeks unless the Post-Release Supervision and Parole Commission, upon a showing of hardship by the person, allows the person additional time to pay the fee. The parolee may not be required to pay the fee before the person begins the community service unless the Post-Release Supervision and Parole Commission specifically orders that the person do so. Fees collected under this subsection shall be deposited in the General Fund. The fee imposed under this subsection may be paid as prescribed by the supervising parole officer."

**SECTION #.** G.S. 20-179.4(c) reads as rewritten:

"(c) A fee of ~~two~~ three hundred dollars ~~($200.00)~~($300.00) shall be paid by all persons serving a community service sentence. That fee shall be paid to the clerk of court in the county in which the person is convicted. The fee shall be paid in full within two weeks unless the court, upon a showing of hardship by the person, allows additional time to pay the fee. The person may not be required to pay the fee before beginning the community service unless the court specifically orders the person to do so."

**SECTION #.** G.S. 143B-262.4(b) reads as rewritten:

"(b) Unless a fee is assessed pursuant to G.S. 20-179.4 or G.S. 15A-1371(i), a fee of ~~two~~ three hundred dollars ~~($200.00)~~($300.00) shall be paid by all persons who participate in the program or receive services from the program staff. Fees collected pursuant to this subsection shall be deposited in the General Fund. If the person is convicted in a court in this State, the fee shall be paid to the clerk of court in the county in which the person is convicted. If the person is participating in the program as a result of a deferred prosecution or similar program, the fee shall be paid to the clerk of court in the county in which the agreement is filed. Persons participating in the program for any other reason shall pay the fee to the clerk of court in the county in which the services are provided by the program staff. The fee shall be paid in full within two weeks from the date the person is ordered to perform the community service, and before the person may participate in the community service program, except that:

(1) A person convicted in a court in this State may be given an extension of time or allowed to begin the community service before the person pays the fee by the court in which the person is convicted; or

(2) A person performing community service pursuant to a deferred prosecution or similar agreement may be given an extension of time or allowed to begin community service before the fee is paid by the official or agency representing the State in the agreement."

75

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2009-CORR-H24

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

House

Requested by: Representative

*ESTABLISH THE SPECIAL COMMITTEE ON SENTENCING AND PRISON OVERCROWDING.*

**SECTION #.(a)** There is established the Special Committee on Sentencing and Prison Overcrowding.

**SECTION #.(b)** The Committee shall be composed of 20 members. The President Pro Tempore of the Senate shall appoint 10 members and the Speaker of the House of Representatives shall appoint 10 members.

The President Pro Tempore of the Senate shall designate a cochair for the Committee and the Speaker of the House of Representatives shall designate a cochair for the Committee. Any vacancy which occurs on the Committee shall be filled in the same manner as the original appointment. A majority of the members shall constitute a quorum. The Committee may meet at any time upon the call of the cochairs.

**SECTION #.(c)** The Committee shall study the State's current sentencing laws and policies, consider the current availability, use, and effectiveness of alternative punishments, and evaluate how all of those contribute to the increasing number of nonviolent offenders housed in State and local government correctional facilities. In conducting the study the Committee shall do all of the following:

(1) ~~Review the State's sentencing grid currently used under structured~~ sentencing, the criteria used to assign classifications to felonies and misdemeanors, and the active sentence lengths imposed for each offense.

(2) Review and evaluate the criteria set out in G.S. 164-42.2 that outlines the basis for the current comprehensive community corrections strategy and organizational structure for the State.

(3) Develop criteria to determine what criminal offenses are clearly nonviolent offenses and based on that criteria identify specific offenses that may be considered nonviolent offenses.

(4) Consider the various alternative punishments that are available to incarceration and the effectiveness of those alternatives, especially with regard to decreasing the recidivism rate among nonviolent offenders.

(5) Consider the continuum of community services and community-based corrections programs available in the State.

(6) Consider what an appropriate and effective sentence may be for a nonviolent offense, including whether a sentence should include a period of incarceration and whether there is an alternative punishment that may be appropriate.

(7) Assess the cost-effectiveness of the use of State and local funds in the criminal justice and corrections systems.

(8) Assess any risk posed to public safety with the use of alternative punishments and community treatment programs.

(9) Study the role that misdemeanants, both nonviolent and violent, have with regard to State and local correctional facilities.

(76)

(10) Assess and analyze the funding mechanisms for the continuum of community services and community-based corrections.

(11) Assess the different needs and assets of communities and the nonviolent offenders residing in those communities, determine how those needs vary, and evaluate how to address the needs while utilizing to the fullest extent the assets of the communities.

(12) Consider any recommendations of the Sentencing Commission regarding modification of the sentencing grid and use of alternative punishments.

(13) Any other issue that the Committee deems relevant to the study.

**SECTION #.(d)** The Committee, while in the discharge of its official duties, may exercise all the powers provided under the provisions of Articles 5 and 5A of Chapter 120 of the General Statutes. The Committee may meet in the Legislative Building or the Legislative Office Building. The Committee may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

**SECTION #.(e)** The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. The Senate's and the House of Representatives' Director of Legislative Assistants shall assign clerical staff to the Committee, and the expenses relating to the clerical employees shall be borne by the Committee. Members of the Committee shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

**SECTION #.(f)** The Committee may make an interim report to the 2010 Regular Session of the 2009 General Assembly and shall make its final report, including any legislative proposals, by the convening of the 2011 General Assembly. The Committee shall terminate upon filing its final report or upon the convening of the 2012 Regular Session of the 2011 General Assembly, whichever is earlier.

77

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2009-CORR-H26(S19.2)i**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

*FEDERAL GRANT REPORTING*

**SECTION 19.2.** 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 House of Representatives and Senate Appropriations Committees, and the Chairs of the House of Representatives and Senate 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.

BP

78

**North Carolina House of Representatives**
**Appropriations Committee**

# RULES FOR SUBCOMMITTEE PROCEDURE

June 4, 2009

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.
3. Amendments can only affect appropriations within the departments, agencies, or programs within the jurisdiction of the subcommittee.
4. Amendments cannot spend reversions or include "shall not revert" or "carry forward" language.
5. Nonrecurring reductions cannot be used to fund recurring items.
6. Amendments cannot change substantive policy or law.
7. No changes in "management flexibility reductions" or "management flexibility reserves."

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 202

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S202-AMD-19 [v.1]



Comm. Sub. [YES]
Amends Title [NO]
Third Edition

Date 6-4 ,2009

Representative Jackson

moves to amend the Committee Report of the Justice and Public Safety Subcommittee on page I-9, Item 50, by increasing the reduction of the item for the 2009-2010 fiscal year by $142,604; and

on page I-10, Item 59, by deleting the item; and

on page I-10, Item 62, by reducing the reduction of the item for both fiscal years by $24,000; and

on page I-11, Item 65, by increasing the reduction of the item for both fiscal years by $3,014,562; and

on page I-11, Item 66, by increasing the reduction of the item for both fiscal years $1,200,000; and

on page I-11, Item 69, by reducing the reduction of the item for both fiscal years by $259,765; and

on page I-11, Item 72, by reducing the reduction for the 2009-2010 fiscal year by $428,512, by reducing the reduction for the 2010-2011 fiscal year by $571,349, and by reducing the number of positions eliminated by 43 for both fiscal years; and

on page I-11, Item 73, by deleting the item; and

on page I-11, by adding a new item to read:

| | | |
|---|---|---|
| "**74 Close Camp Woodson** | (1,050,000) R | (1,050,000) R |
| Close Camp Woodson | -21.00 | -21.00"; |

and moves to adjust the appropriate totals accordingly.

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 202

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S202-AMD-19 [v.1]



SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 202

AMENDMENT NO. 2
(to be filled in by Principal Clerk)

S202-AMD-18 [v.3]



Comm. Sub. [YES]
Amends Title [NO]
Third Edition

Date 6-4 ,2009

Representative Justus

moves to amend the Committee Report of the Justice and Public Safety Subcommittee on page I-20, Item 115, by rewriting the item to read:

"~~116~~ 115 **Reduce Funding for Family Assistance Centers** (280,000) NR (280,000) NR
Reduction in State funding for National Guard Family Assistance Centers"; and

by adjusting the appropriate totals accordingly.

SIGNED Carolyn Justus
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 202

AMENDMENT NO. 3
(to be filled in by Principal Clerk)

S202-ALL-25 [v.1]



Comm. Sub. [NO]
Amends Title [NO]

Date 6-4 ,2009

Representative Justus

moves to amend the JPS money report on page I-18, Item 99, by deleting that item;

and on page I-4, Item 24, by increasing the reduction for ~~each year~~ 2010-2011 by $430,336.

and by adjusting the appropriate totals accordingly.

SIGNED Carolyn Justus
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 202

AMENDMENT NO. 4
(to be filled in by Principal Clerk)

S202-ALL-23 [v.1]



Comm. Sub. [NO]
Amends Title [NO]

Date 6-4 ,2009

Representative Moore

moves to amend the JPS money report on page I-16, Item 92, by deleting the final paragraph and decreasing the reduction by $922,492 for the 2009-2010 fiscal year and by $1,681,535 for the 2010-2011 fiscal year;

and on page I-4 by adding new item to read:

| | | | | |
|---|---|---|---|---|
| "**25.1 Indigent Person Attorney** Reduces the Private Attorney Fee Fund on a recurring basis. | ($922,492) | R | ($1,681,535) | R |

and by adjusting the appropriate totals accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 202

AMENDMENT NO. 5
(to be filled in by Principal Clerk)

S202-ALH-12 [v.2]



Comm. Sub. [YES]
Amends Title [NO]
Third Edition

Date 6-4 ,2009

Representative Spear

Moves to amend the JPS Money Report on Page I-1
By rewriting Item #2 to read as follows:

| | | |
|---|---|---|
| "2 Eliminate Vcant AOC Positions | ($9,498,004)R | ($9,498,004)R |
| All vacant positions in AOC are eliminated." | -179.00 | -179.00 |

And moves to amend the JPS Money Report on Page I-3,
By deleting the following items:
Item #17 Item #18.

And moves to amend the JPS Money Report on page I-3,
By rewriting Item #19 to read:

| | | |
|---|---|---|
| "19 Eliminate Clerk Positions | | |
| 47 clerk positions in courthouses Statewide | ($2,022,306)R | ($2,022,306)R |
| are eliminated. AOC shall consider case load and | -47.00 | -47.00 |
| other factors when determining which positions are to be eliminated." | | |

And moves to amend the JPS Money Report on page I-7,
By rewriting Item #36 to read:

| | | |
|---|---|---|
| "36 Eliminate 12 Attorney Positions | ($893,884)R | ($893,884)R |
| Elimination of 12 attorney positions | -12.00 | -12.00 " |

And moves to amend JPS Money Report on page I-8
By deleting Item # 47

And moves to amend JPS Money Report on page I-1
By deleting Item # 7

And moves to amend JPS Money Report on page I-2
By deleting Item # 9

And moves to amend JPS Money Report on page I-18
By deleting Item # 101

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 202

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S202-ALH-12 [v.2]



And on page I-13, Item 74, by reducing the reduction for each year by $7,377,965

And by adjusting the appropriate totals accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 202

AMENDMENT NO. #3 SP-1
(to be filled in by Principal Clerk)

S202-ALL-21 [v.6]



Comm. Sub. [NO]
Amends Title [NO]

Date 6-4 ,2009

Representative Stevens

moves to amend the JPS special provisions report on page 71 (Provision 2009-CORR-H118), by substituting the following for that provision:

**SECTION #.(a)** The Department of Correction shall pay to a provider of medical service for any and all inmates committed to the custody of the Department of Correction and confined in a correctional facility an amount no greater than one hundred fifty percent (150%) of the Medicaid reimbursement rate. This limitation applies to all medical services provided outside the facility, including hospitalizations, professional services, prescription drugs, and medications provided to any and all inmates confined in a correctional facility. For required services that are not included in the Medicaid reimbursement schedule, the Department of Correction shall pay the reasonable value of that service.

Any hospital that participates in the Medicaid Disproportionate Share Hospital (DSH) Program and receives Medicaid DSH funding from the State of North Carolina must provide medical services to inmates confined in correctional facilities of the Department of Correction under the terms and conditions stated in this subsection.

**SECTION #.(b)** The Department shall consult with the Division of Medical Assistance in the Department of Health and Human Services to develop protocols for prisoners who would otherwise be eligible for Medicaid if they were not incarcerated to access Medicaid while in custody or under extended limits of confinement. The Department may make recommendations to the 2010 Regular Session of the 2009 General Assembly for special-purpose facilities designed to house inmates but preserve Medicaid eligibility.

**SECTION #.(c)** The Department may consult with the North Carolina Hospital Association to identify cost containment measures through more efficient use of contracting

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 202

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S202-ALL-21 [v.6]



with under-utilized hospitals and health care providers."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT**

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 6/4/09

S. B. No. _____ Amendment No. SP-2
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep. ) Garce
Sen. )

moves to amend the bill on page 64, line 4-13

( ) WHICH CHANGES THE TITLE

by deleting those lines.

SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

**PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)**

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 202

AMENDMENT NO. SP-3
(to be filled in by Principal Clerk)

S202-ALL-26 [v.1]



Comm. Sub. [NO]
Amends Title [NO]

Date 6/4 ,2009

Representative Guice

moves to amend the JPS special provisions report on page 69 (Provision 2009-CORR-H14A) by substituting the following for that provision:

**"PRE-SENTENCE INVESTIGATIONS FEASIBILITY STUDY**

**SECTION 19.14.** The Department of Correction and the Administrative Office of the Courts shall conduct a feasibility study of conducting pre-sentence investigations on all offenders convicted of felonies for which the sentencing judge has the option of intermediate or active punishments. This feasibility study shall be conducted as a pilot implementation, incorporating a variety of districts across the State reflecting both rural and urban settings, as well as diversity of programming available within the district.

The Department of Correction and the Administrative Office of the Courts shall report the results of the study by May 1, 2010, to the Chairs of the House of Representatives and Senate Appropriations Committees, the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

June 10, 2009

The House Appropriations Subcommittee on Justice and Public Safety met at 1:30 p.m. on Wednesday June 10, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Spear, Vice-Chair Representative Sutton, Vice-Chair Representative Warren, Representative Boles, Representative Goodwin, Representative Guice, Representative Jackson, Representative Justus, Representative Mobley, Representative Moore, Representative Randleman and Representative Stevens. Denise Thomas, Doug Holbrook, John Poteat, Jean Sandaire, and Danielle Seale of Fiscal Research were also in attendance. A visitor registration sheet is attached and made part of these minutes.

Representative Bordsen called the meeting to order and recognized Sergeants-at-Arms. She briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Bordsen recognized Representative Sutton for a presentation to the Subcommittee on the list of desired restorations for the JPS budget. The list is included and made part of these minutes. Representative Sutton proposed the restoration of the $100 fee for law enforcement certification at $7 million; Victims Assistance Positions in the District Attorney's office at $7.5 million; Juvenile Crime Prevention Council funding at $3.5 million; 179 vacant positions at the Administrative Office of the Courts at $9.5 million; and the remainder of the allotted $75 million in restoration to the Department of Correction for medication expenses and jail backlog at $49.5 million.

The Chair opened the meeting for questions.

Representative Bordsen noted that the fee restoration was in violation of the rules, but the Chairs were willing to go to the mat to get that fee taken out.

Representative Sutton noted that even if the fee was in violation of the rules, it could be corrected in the Finance Committee.

Representative Stevens was recognized. She inquired about whether the Subcommittee could put monies in reserve and make modifications on the floor to the budget, in case the fee change was not allowed by the Full Chairs. Representative Stevens also inquired as to whether the decision could be made to eliminate AOC positions that had been vacant for 400 days.

Representative Bordsen responded that she thought it would be best to restore all of the vacant positions to AOC in order to allow them the flexibility, as they had the best idea of how to go about filling the positions and using the lapsed salaries.

Representative Spear was recognized. He thanked the co-chairs for their work. He spoke in strong support of all of the restoration options.

Representative Warren was recognized. He also thanked the co-chairs and gave strong support to all of the restoration items.

Representative Goodwin was recognized. She thanked the co-chairs for hearing the Subcommittee's concerns and for addressing them in the restoration list.

Representative Guice was recognized. He thanked the co-chairs and noted it was crucial to restore the $7 million to law enforcement as well as the monies to Victims Assistance, Juvenile Crime Prevention Councils, AOC positions, and the Department of Correction. He stated his willingness to work on the floor with the tort claims school bus provision in order to get a favorable resolution on the problem.

Representative Boles was recognized. He inquired about the restoration of the vacant AOC positions and whether this returns the Judicial Department back to the original level of funding and personnel.

Dough Holbrook responded that every agency and Department was still receiving deep cuts; the reductions just added some money back in that had been previously removed.

Representative Justus was recognized. She inquired as to whether $5million of the $49.5 million going to DOC could be used for jail misdemeanant payments.

Representative Bordsen indicated that the Subcommittee would like to stick to the list before it for a vote.

Representative Sutton was recognized. He noted that there are many other programs and items that could be restored. The Subcommittee cannot do it all and he asked for the support of the list.

Representative Sutton was then recognized for a motion. He moved the Subcommittee give a favorable report to the list of items to be restored at the amount stated or at the amount as determined by staff.

Representative Bordsen asked Representative Sutton clarify his motion to allow staff to make technical changes as necessary to the list.

Representative Sutton amended his motion to allow staff to make technical changes.

The motion passed and the list was given a favorable report.

There being no further business, the Chair adjourned the meeting at 2:45 p.m.

Respectfully submitted,

Alice L Bordsen

Representative Bordsen
Presiding Chair

Michelle Hall
Committee Assistant

# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

**Room 415 Legislative Office Building**

**June 10, 2009, 2:00 p.m.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen, Presiding
Representative Jimmy Love

## II. Opening Remarks by Chairs

## III. Subcommittee Discussion of Restoration Items

## IV. Subcommittee Vote

## V. ADJOURNMENT

# VISITOR REGISTRATION SHEET

Justice Public Safety — 6/10/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| John W Smith | AOC |
| Clive Gossage | NC AOC |
| [illegible] | NCACDO |
| [illegible] | NCSC |
| Tom Bennett | NC VAN |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

## VISITOR REGISTRATION SHEET

Justice Public Safety — 6/10/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Barbara Moore | Conf of Clerks of Sup Ct. |
| Mark Howell | NCAOC |
| John Dorman | CCPS-GTM |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| TOM BOWLIN | NC NATIONAL GUARD |
| HORRIN FREEMAN | Wake CSC |
| Colleen Kochanek | KLG |
| Nancy Davis | LA to Rep Moore |
| Meenal Khajuria | NC Metro Mayors Coalition |
| Cody Thomas | NC Assn of Realtors |
| | |

# VISITOR REGISTRATION SHEET

Justice Public Safety — 6/10/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| ~~ASHLEY~~ WHITE | NCAOC |
| Marlon Phann | NC DJJDP |
| James Wrenn | N.C. Senate - D. Berger |
| Linda Hayes | DSJDP |
| Keith Sutton | DJJDP |
| Sara K Schmidt | Action for Children NC |
| Brandy Bynum | Action for Children |
| Rob Barlow | NCAJ |
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| Thomas Maher | IDS |
| Mary Pollard | North Carolina Prisoner Legal Services |
| NELS ROSELAND | NCDOJ |

# VISITOR REGISTRATION SHEET

Justice Public Safety — 6/10/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Kathryn Winstead | NCSO |
| Jon Williams | CCPS |
| Janice Carmichael | CCPS / Victims Comp |
| [illegible] | CCPS / Butner Public Safety |
| Leon M Williams | Nelson Mullins |
| Roger Hutchings | CCPS / ACE |
| Jim Wardell | DA 15B |
| Rick Shaffer | DA 27B |
| Susan Doyle | DA - 11 |
| Tom Keith | DA - 24 |
| Lou Rubert | CSR |
| Michael Parker | DA - 20A |

## VISITOR REGISTRATION SHEET

Justice Public Safety — 6/10/09.

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Cheryl Reed | OSBM |
| Cam Cruz | BPMHC |
| Barbara Bakes | NCDOC |
| [signature] | DOC |
| Frank Rogers | NCDOC |
| Tracy Little | NCDOC |
| Aaron Gallagher | OSBM |
| Sheryl Kelly | OSBM |
| Karen Calhoun | NC Sentencing Commission |
| Frank Hightower | District Atty Office 20A VWLA |
| Indy Gerlinger | D.A's Office 20-A VWLA |

## VISITOR REGISTRATION SHEET

Justice Public Safety — 6/10/09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Ken Crouch | NC Bar Association |
| MIKE MANN | NCBAR |
| Christine Cruz | Wake Mud |
| BRAD GREENWAY | DIST ATTY ZGA |
| B- | DA-5 |
| Tim Rodgers | Asst DA - Dist 20A |
| Chet Jernigan | NC Justice Academy |
| Lisa Martin | NC Home Builders Assoc. |
| Jessi Hayes | |
| Rex Whaley | AOC |
| Gregg | AOC |

# 2009 LEGISLATIVE SESSION

## RULES FOR HOUSE APPROPRIATIONS SUBCOMMITTEES
## USE OF CONTINGENT APPROPRIATIONS

**June 10, 2009**

1. Subcommittee Contingent Appropriations Targets are spending targets.
2. Subcommittee Contingent Appropriations Targets shall be used to restore reductions as adopted in Senate Bill 202, 4th Edition.
3. Identify all restorations items as recurring or non-recurring.
4. No expansion or restoration of non-recurring items funded in the FY 2008-09 budget or previous budgets.
5. No new reductions or increases in current reduction items.
6. Restorations of "management flexibility" reductions should specify items being adjusted.
7. Identify all positions restored.
8. No new special provisions except as noted in Rule #10.
9. No changes to special provisions as reflected in Senate Bill 202, 4th Edition except as noted in Rule #10.
10. Special provisions that correspond to restoration items are permitted only for the purpose of conforming language and money items.
11. No restorations of salary-related, state employee health plan, retirement, debt service, or other statewide reserve items.
12. No changes in proposed fees as adopted in Senate Bill 202, 4th Edition.

House Appropriations Committee
Full House Chairs

6/10/09
1:00 PM
House Subcommittee on Justice and Public Safety

DRAFT
FOR REVIEW ONLY

# Judicial

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Recommended Budget** | **$497,649,235** | | **$507,638,940** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **1 Reduce Information Technology Funding**<br>The budget for information and other technology services is reduced. | ($977,499) | R | ($977,499) | R |
| **2 Eliminate Vacant AOC Positions**<br>All vacant positions in AOC are eliminated. | ($9,498,004)<br>-179.00 | R | ($9,498,004)<br>-179.00 | R |
| **Department-Wide** | | | | |
| **3 Adjust Continuation Budget**<br>Adjusts continuation budget to a level at or below FY 2008-09 Authorized Budget. | ($18,767,758) | R | ($28,031,544) | R |
| **4 Eliminate Telephone System Line Items**<br>SL 2007-108 authorized a new fee to pay for judicial and county courthouse telephone systems. Therefore, the continuation budget line items for telephone upgrades, maintenance, equipment, and operations are eliminated. | ($3,927,583) | R | ($3,927,583) | R |
| **5 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($9,097,808) | NR | ($9,097,808) | NR |
| **6 Contractual Services**<br>Funding for contractual services are reduced by 5 percent below the FY 2008-09 authorized level. | ($1,254,146) | R | ($1,254,146) | R |
| **District Attorneys** | | | | |
| **7 Divide Prosecutorial District 11 into 11A and 11B**<br>Funding is provided to Prosecutorial District 11 (Harnett, Johnston, Lee) effective January 1, 2011. The following positions are provided effective January 1, 2011:<br><br>District Attorney 1.0<br>DA Admin. Asst III 1.0<br>DA Investigator 1.0 | | | $164,459<br>3.00 | R |

DRAFT

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **8 Eliminate Victim Witness Legal Assistant Positions**<br>AOC shall eliminate 155 Victim Witness Legal Assistant (VWLA) positions. These positions provide support to Assistant District Attorneys (ADA). Currently, there are 465 VWLA positions, one for every 1.35 ADA positions. Eliminating 155 positions will leave 310 VWLAs, one for every 2.0 ADA positions. | ($7,019,017)<br>-155.00 | R | ($7,019,017)<br>-155.00 | R |
| **Equipment and Other Reserves** | | | | |
| **9 Freeze Step Increases for Magistrates and Clerks**<br>Freeze the step increase for the salaries of Magistrates and Clerks for FY 2009-11. | ($2,324,864) | NR | ($6,390,013) | NR |
| **10 Evaluation & Training to Improve Court Operations**<br>Governor's recommendation:$750,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for evaluation of court processes and procedures and developing best practices for effective programs. In addition, this funding will support continuing education and basic systems training for court professionals and those who interface with court systems. Training is especially critical to ensure the timely implementation of NCAWARE, a statewide warrant repository. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the State administrator of the Byrne/JAG Formula Program. | | | | |
| **Trial Courts** | | | | |
| **11 Dispute Resolution Centers Funding**<br>Reduce funding for the dispute resolution centers and the Mediation Network of North Carolina by 25 percent. | ($399,829) | R | ($399,829) | R |
| **12 Reduce Pass-Through Funding to the NC State Bar**<br>Reduce the continuation budget pass-through funding to the NC State Bar as follows:<br><br>Civil Justice Act: ($250,000)<br>Financial Protection Law Center: ($25,000)<br>Land loss Protection Center: ($100,000) | ($375,000) | R | ($375,000) | R |
| **13 Eliminate Special Superior Court Judgeships**<br>The appointments of four (4) Special Superior Court Judges will expire during the FY 2009-11 biennium. Upon expiration of their appointments, these positions will be eliminated. The expiration dates of the four judgeships are:<br><br>April 26, 2010<br>October 3, 2010<br>January 27, 2011<br>February 8, 2011 | ($26,042)<br>-1.00 | R | ($336,893)<br>-4.00 | R |

DRAFT

| House Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **14 Superior Court Judges Mileage Reimbursement**<br>Mileage reimbursement for regular Superior Court Judges is restricted to one round-trip per week between the their residence and the seat of court. | ($90,000) | R | ($90,000) | R |
| **15 Eliminate Clerk Positions**<br>47 clerk positions in courthouses state-wide are eliminated. AOC shall consider caseload and other factors when determining which positions are to be eliminated. | ($2,022,306)<br>-47.00 | R | ($2,022,306)<br>-47.00 | R |
| **Total Legislative Changes** | **($44,357,184)**<br>**($11,422,672)** | **R**<br>**NR** | **($53,767,362)**<br>**($15,487,821)** | **R**<br>**NR** |
| Total Position Changes | -382.00 | | -382.00 | |
| **Revised Budget** | **$441,869,379** | | **$438,383,757** | |



DRAFT

# Judicial - Indigent Defense

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Recommended Budget** | **$133,881,190** | | **$132,320,396** | |
| **Legislative Changes** | | | | |
| **Department-Wide** | | | | |
| **16 Adjust Continuation Budget**<br>Adjusts continuation budget to a level at or below FY 2008-09 Authorized Budget | ($12,525,455) | R | ($16,908,107) | R |
| **17 ARRA Fiscal Stabilization Funds**<br>Allocation of the federal ARRA recovery fund credit | ($2,447,558) | NR | ($2,447,558) | NR |
| **18 Contractual Services**<br>Funding for contractual services, excluding PAC contracts, is reduced 5 percent below the FY 2008-09 authorized level. | ($369,208) | R | ($369,208) | R |
| **Indigent Defense Services** | | | | |
| **19 Reduce Aid to Center of Death Penalty Litigation**<br>Funding for the Center for Death Penalty Litigation contract is reduced by 5 percent. | ($25,075) | R | ($25,075) | |
| **20 Reduce Prisoner Legal Services Funds**<br>Funding provided for the Prisoner Legal Services contract is reduced. | ($62,204) | R | ($492,540) | R |
| **Indigent Person Attorney** | | | | |
| **21 Reduce PAC Rate**<br>The contract rate for private assigned counsel is reduced from $75 to $70 per hour. | ($4,250,000) | R | ($4,250,000) | R |
| **Public Defender Services** | | | | |
| **22 Eliminate Vacant Positions**<br>The following vacant positions are eliminated:<br>Asst Capital Defender (3.0)<br>Appellate Defender (1.0)<br>Assistant Public Defender (2.0) | ($602,270)<br>-6.00 | R | ($602,270)<br>-6.00 | R |
| **Sentencing Services** | | | | |
| **23 Sentencing Services Program**<br>Funding for the Sentencing Services Program is reduced by 25%. | ($657,407)<br>-3.00 | R | ($657,407)<br>-3.00 | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Total Legislative Changes** | **($18,491,619)** | **R** | **($23,304,607)** | **R** |
| | **($2,447,558)** | **NR** | **($2,447,558)** | **NR** |
| **Total Position Changes** | -9.00 | | -9.00 | |
| **Revised Budget** | **$112,942,013** | | **$106,568,231** | |



DRAFT

# Justice

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Recommended Budget** | **$100,441,147** | | **$101,047,019** | |
| **Legislative Changes** | | | | |
| **24 Criminal Justice Training Fee**<br>New Criminal Justice Training Schedule to support the Criminal Justice Training Standards Division | ($4,050,000) | R | ($8,100,000) | R |
| **Administration** | | | | |
| **25 Shift Administrative Position to Receipt Support**<br>Governor's recommendation that an appropriated administrative position be shifted to receipt support. This position will now be funded by receipts generated through administrative charges from grants, cost of collection for DPI school penalties, Private Protective Services operating receipts, and Justice Academy Bookstore receipts | ($44,215)<br>-1.00 | R | ($44,215)<br>-1.00 | R |
| **Criminal Justice Training and Standards - CJTS** | | | | |
| **26 Reduce CJTS Operating Funds**<br>Reduction in operating funds for the Criminal Justice Training and Standards Division. This reduction will be offset by receipts from a new $2.00 fee to support the division. | ($950,391) | R | ($1,900,782) | R |
| **Department-wide** | | | | |
| **27 Adjust Continuation Budget Line Items**<br>The continuation budget is adjusted to remove increases for the maintenance agreements, legal services, and miscellaneous contractual services. | ($3,562,180) | R | ($4,106,298) | R |
| **28 Eliminate 30 Vacant Positions**<br>Elimination of 30 Vacant Positions | ($1,301,257)<br>-30.00 | R | ($1,301,257)<br>-30.00 | R |
| **29 Reduce Various Operating Accounts**<br>Governor's recommendation that funding for various operating accounts be reduced across the agency. | ($215,000) | R | ($215,000) | R |
| **30 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($1,836,222) | NR | ($1,836,222) | NR |

DRAFT

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Legal Services** | | | | |
| **31 Continuation Review-Consumer Protection Program** | ($2,026,179) | R | ($2,026,179) | R |
| The Consumer Protection program is placed on continuation review. | $2,026,179 | NR | | |
| | | | -36.00 | |
| **32 Eliminate 12 Attorney Positions** | ($893,884) | R | ($893,884) | R |
| Elimination of 12 Attorney Positions | -12.00 | | -12.00 | |
| **33 Shift Consumer Protection Positions to Receipts** | ($1,333,242) | R | ($1,333,242) | R |
| Shifts 21 positions in the Consumer Protection Program from General Fund appropriation to receipt support. Receipts associated with court orders and legal consumer settlements will be used to fund these positions. | -21.00 | | -21.00 | |
| **34 Maximization of Medicaid Fraud Recovery Efforts** | ($168,566) | R | ($168,566) | R |
| Reduction in the General Fund appropriation for the Medicaid Fraud Unit. This reduction will be offset by the program's efforts to maximize recovery fees and related administrative receipts. | | | | |
| **35 Reduction in NC LEAF Funding** | ($388,470) | R | ($388,470) | R |
| Reduction in funding for the North Carolina Legal Education Assistance Foundation (NC LEAF). | | | | |
| **State Bureau of Investigation - SBI** | | | | |
| **36 Reduce SBI Overtime Budget** | ($121,841) | R | ($121,841) | R |
| Reduces the SBI overtime budget. | | | | |
| **37 Reduce Vehicle Replacement Budget** | ($342,303) | R | ($342,303) | R |
| Reduction in the SBI vehicle replacement budget. | | | | |
| **38 Reduce Telecommunication Service Charges** | ($459,599) | R | ($459,599) | R |
| Governor's recommendation that telecommunication service charges be reduced by providing all connections to criminal databases through secure internet connections. | | | | |
| **39 Eliminate the Fingerprint Card Program** | ($15,696) | R | ($15,696) | R |
| Governor's recommendation that the fingerprint card program be eliminated now that all 100 counties have access to the Statewide fingerprint Identification System (SAFIS), which utilizes live scan devices. | | | | |
| **40 Reduce SBI Equipment Budget** | ($442,368) | R | ($442,368) | R |
| Reduction in the SBI equipment budget. | | | | |
| **41 Shift IT Positions to Receipt Support** | ($165,905) | R | ($165,905) | R |
| Governor's recommendation that two appropriated Information Technology positions be shifted to receipt support. These positions will now be funded through user fees associated with criminal databases that these positions support. | -2.00 | | -2.00 | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|

**42 Expand GangNet**

Governor's report on the use of funding of up to $1.8 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for an expansion of the GangNet intelligence information database. The database will be expanded to include probation officers, the State Bureau of Investigation, the State's Homeland Security Intelligence Network and the NC Justice Xchange, which facilitates criminal integration by allowing the exchange of information throughout the criminal justice community. These efforts will be coordinated with Durham County and Charlotte-Mecklenburg, which administer the GangNet eastern and western nodes, respectively. The allocation of this funding will be made under the authority of the Governor Crime Commission, the state administrator of the Byrne/JAG Formula Program.




**43 Federal Funds to Expedite Criminal and Drug Cases**

Governor's report on the use of funding of up to $500,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) to support overtime expenditures required to expedite methamphetamine and violent crime investigations. This funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Program.

| | | | | |
|---|---|---|---|---|
| **Total Legislative Changes** | **($16,481,096)** | **R** | **($22,025,605)** | |
| | **$189,957** | **NR** | **($1,836,222)** | **NR** |
| Total Position Changes | -66.00 | | -102.00 | |
| **Revised Budget** | **$84,150,008** | | **$77,185,192** | |




# Juvenile Justice & Delinquency Prevention

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Recommended Budget** | **$172,484,415** | | **$172,651,108** | |
| **Legislative Changes** | | | | |
| **44 Adjust Continuation Budget**<br>Adjusts continuation budget to a level at or below FY 2008-09 Authorized Budget. | ($7,753,573) | R | ($9,167,225) | R |
| **45 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($3,153,285) | NR | ($3,153,285) | NR |
| **Administration** | | | | |
| **46 Eliminate Seven Central Office Positions**<br>The Governor recommends eliminating seven central office positions, including one human resources position, one webmaster position, one administrative secretary, one information technology project manager, and three facility investigators. These eliminations will be a combination of filled and vacant positions | ($426,955)<br>-7.00 | R | ($426,955)<br>-7.00 | R |
| **47 Reduce Appropriation for Furniture**<br>The Governor recommends funding for furniture be reduced on a nonrecurring basis. | ($218,393) | NR | ($218,393) | NR |
| **48 Reduce Legal Services**<br>Reduce the continuation budget for Legal Services. | ($58,848) | R | ($58,848) | R |
| **Center for the Prevention of School Violence** | | | | |
| **49 Eliminate the CPSV**<br>Eliminate funding for the Center for the Prevention of School Violence (CPSV). According to the Department, this division serves as a resource center and "think tank" for schools. These functions are not part of the core mission of the Department. | ($474,923)<br>-6.00 | R | ($474,923)<br>-6.00 | R |
| **Department wide** | | | | |
| **50 Gang Prevention and Intervention Pilot Program**<br>The Governor recommends using $6 million from the American Reinvestment and Recovery Act for the implementation of a two-year Gang Prevention and Intervention Pilot Program. This program will focus on youth at-risk for gang involvement and those who are already associated with gangs and gang activity. The pilot program will serve Cabarrus, Mecklenburg, Nash, Edgecombe, Wilson, and Halifax Counties. | | | | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **51 Reduce equipment**<br>Reduce the continuation budget for equipment. The Department opened four new YDCs in 2008 and the need for new equipment has declined. | ($500,000) | NR | ($500,000) | NR |
| **52 Contractual Services**<br>Funding for contractual services are reduced by 5 percent below the FY 2008-09 authorized level. This reduction does not apply to Eckerd Wilderness Camps or the Multi Purpose Groups Homes, which have been reduced elsewhere. | ($316,048) | R | ($316,048) | R |
| **Intervention/Prevention** | | | | |
| **53 Eliminate Alternative to Detention Contract**<br>The Governor recommends eliminating the Alternative to Detention Contract, which provides short-term emergency placement of juveniles through a local provider in District 23 and District 28. | ($43,885) | R | ($43,885) | R |
| **54 Eliminate Pass-Through Funding-Boys & Girls Club**<br>Eliminate pass-through funding to eight Boys & Girls Clubs that received a special appropriation of $50,000 each that was used as part of a match for grant funds that the clubs no longer receive. | ($400,000) | R | ($400,000) | R |
| **55 Reduce Pass-Through Funding- Project Challenge**<br>Reduces administrative funding for Project Challenge by 10%. This reduction does not affect the direct services Project Challenge provides in the 33 counties it operates. | ($16,000) | R | ($16,000) | R |
| **56 Reduce JCPC County Allocation**<br>Reduce the JCPC County Allocation by 15%. | ($3,472,929) | R | ($3,472,929) | R |
| **57 Additional Juvenile Court Counselors**<br>The Governor recommends using $1.5 million from the American Reinvestment and Recovery Act to fund 12 new court counselors and 2 new supervisors. These positions will be time limited. | | | | |
| **Special Initiatives** | | | | |
| **58 Reduce Eckerd Wilderness Camp contract**<br>Reduce the Eckerd Wilderness Camp contract. | ($5,574,650) | R | ($5,574,650) | R |
| **59 Close three Multipurpose Group Homes**<br>Close three Multipurpose Group Homes. These closures will leave four remaining homes. | ($1,800,000) | R | ($1,800,000) | R |
| **60 Eliminate Funding for Governor's 1 on 1**<br>Eliminate funding for the Governor's One on One mentoring program. This program serves lower risk youth in 46 counties and these programs would be eligible for JCPC funds. | ($1,645,545) | R | ($1,645,545) | R |
| **61 Reduce Pass-Through Funding for the JAC**<br>Reduce pass-through funding for the Juvenile Assessment Center by 25%. | ($41,359) | R | ($41,359) | R |

DRAFT

| House Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **62 Close Camp Woodson** | ($1,050,000) | R | ($1,050,000) | R |
| The Governor recommends closing the Camp Woodson Wilderness Camp, resulting in the elimination of 21 positions. | -21.00 | | -21.00 | |
| **Support Our Students** | | | | |
| **63 Eliminate SOS program** | ($5,911,297) | R | ($5,911,297) | R |
| The Governor recommends eliminating funding for the Support Our Students program, including the elimination of three filled positions. There are other sources of funding for afterschool programs, including from the Department of Public Instruction. | -3.00 | | -3.00 | |
| **Youth Development Centers** | | | | |
| **64 Eliminate Youth Development Center positions** | ($948,994) | R | ($948,994) | R |
| The Governor recommends eliminating 19 vacant Youth Development Center positions. The positions are located at Dillon, Cabarrus, Edgecombe, and Chatham Youth Development Centers. | -19.00 | | -19.00 | |
| **65 Eliminate the Treatment Training Reserve** | ($250,000) | R | ($250,000) | R |
| Eliminate the treatment training reserve in the continuation budget, which was established to aid the Department in its efforts to train staff in their therapeutic treatment model. | | | | |
| **66 Close Dobbs YDC** | ($2,260,472) | R | ($3,013,963) | R |
| Effective September 1, 2009, close the Dobbs YDC since the new Lenoir YDC, was opened in 2008 to replace this older facility. | -51.00 | | -51.00 | |
| **Total Legislative Changes** | **($32,445,478)** | R | **($34,612,621)** | R |
| | **($3,871,678)** | NR | **($3,871,678)** | NR |
| **Total Position Changes** | -107.00 | | -107.00 | |
| **Revised Budget** | **$136,167,259** | | **$134,166,809** | |



# Correction

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Recommended Budget** | **$1,384,910,571** | | **$1,406,791,264** | |
| **Legislative Changes** | | | | |
| **67 Eliminate Continuation Budget Increases**<br>Eliminates all continuation budget increases and takes additional reductions to the Department's base budget. | ($91,804,884) | R | ($93,297,069) | R |
| **68 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($25,318,335) | NR | ($25,318,335) | NR |
| **69 Reduce Pass-through Funding**<br>Reduces the budgets to pass-through programs. Specifically, the Criminal Justice Partnership Program is reduced by $1,464,067, Women At Risk by $52,500, Harriet's House by $41,250, Summit House by $657,694, and Our Children's Place by $146,000. | ($2,361,511) | R | ($2,361,511) | R |
| **70 Reduce Jail Misdemeanant Payments**<br>Reduces the appropriation to the Department of Correction for payment to counties as a subsidy for holding inmates with sentences greater than 30 days but less than 90 by 50%. | ($5,000,000) | R | ($5,000,000) | |
| **71 Reduce Salary Reserve**<br>Takes a reduction in each year of the biennium in the Department's salary reserve. | ($1,000,000) | NR | ($1,000,000) | NR |
| **72 Reduce Miscellaneous Contracts**<br>Reduces the Department's Miscellaneous Contracts line item, Fund Code 2199, by 5%. | ($995,960) | R | ($995,960) | R |
| **73 Eliminate Vacant Positions**<br>Eliminates 500 vacant positions within the Department of Correction in the first year and 750 in the second year. | ($18,819,311)<br>-500.00 | R | ($28,228,967)<br>-750.00 | R |

DRAFT




| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Community Corrections** | | | | |
| **74 Reorganize Community Corrections Districts**<br>Reduces the number of Judicial District Manager offices by 14. The new structure will combine existing districts as follows:<br><br>Districts 3A and 3B = District 3<br>Districts 4A and 4B = District 4<br>Districts 6A and 6B = District 6<br>Districts 8A and 8B = District 8<br>Districts 9 and 9A = District 9<br>Districts 15A and 15B = District 15<br>Districts 16A and 16B = District 16<br>Districts 17A and 17B = District 17<br>Districts 19A and 19C = District 19A<br>Districts 19B and 19D = District 19B<br>Districts 20A and 20B = District 20<br>Districts 25A and 25B = District 25<br>Districts 27A and 27B = District 27<br>Districts 29A and 29B = District 29 | ($1,000,000)<br>-14.00 | R | ($1,000,000)<br>-14.00 | R |
| **75 Eliminate DCC Lease Payments**<br>Requires counties to provide suitable office space for probation offices pursuant to GS 15-209. | ($3,184,849) | R | ($3,184,849) | R |
| **76 Community Corrections Intake Officers**<br>The Governor reports on the use of funding of up to $1.23 million to be made available through the American Reinvestment and Recovery Act for new Community Corrections Intake Officer positions. These positions will perform court intake duties and administrative functions in urban areas where court dockets currently require significant time commitments from Probation/Parole Officers. As recommended in the recent National Institute of Corrections report, these new positions will enable Probation/Parole Officers to dedicate more time to monitoring offenders under their supervision and less time performing administrative functions. | | | | |
| **77 VIPER Radios for Improved Community in DCC**<br>The Governor recommends using $1.3 million from the American Reinvestment and Recovery Act for the purchase of 406 VIPER (interoperable communications) radios to be deployed to those Division of Community Corrections offices within the current VIPER service area. | | | | |
| **Department Wide** | | | | |
| **78 Eliminate 87 Positions**<br>Eliminates 87 positions throughout the Department of Correction, adding up to $4,369,668 in reductions. The reductions are detailed in a spreadsheet submitted to the General Assembly. | ($4,369,668)<br>-87.00 | R | ($4,369,668)<br>-87.00 | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **79 Use Inmate Welfare Funds to Support Operations** | | | | |
| Transfers $750,000 from the Inmate Welfare Fund on a one-time basis to support general departmental operations. This fund carries forward a cash balance of approximately $2.2 million each year as an ongoing operating reserve, providing two months of operations as new year receipts build up. This cut reduces this reserve to one month of operations. | ($750,000) | NR | | |
| **80 Increase Federal Alien Assistance Receipts** | | | | |
| Governor's Recommendation: the State Criminal Alien Assistance Program (SCAAP) makes federal funds available to states for the purpose of recouping costs associated with incarcerating undocumented aliens. The Department of Correction anticipates future funding from this program will exceed its current budget, and increases the budgeted amount for this receipt line item. | ($872,000) | NR | | |
| Engineering | | | | |
| **81 Shift Construction Contracts to Receipt Support** | ($200,000) | R | ($200,000) | R |
| Governor's Recommendation: funds contracts for oversight of Inmate Construction Program from the special indebtedness funding new prison construction. | ($600,000) | NR | ($600,000) | NR |
| Prisons | | | | |
| **82 Reduce Inmate Road Squads and Litter Crews** | ($2,260,000) | R | ($2,260,000) | |
| Reduces requirements for the Road Squad and Litter Crew programs associated with a 20% reduction in receipts from the Highway Fund. | | | | |
| **83 Reduce Correctional Officers and Lieutenants** | ($1,334,595) | R | ($1,334,595) | R |
| Eliminates 27 vacant Correctional Officer positions, 7 vacant Lead Correctional Officer positions, and one filled Correctional Lieutenant position. | -35.00 | | -35.00 | |
| **84 Eliminate Gym and Visitation Posts** | ($6,473,843) | R | ($6,473,843) | R |
| Reduces post assignments in prison facilities for gymnasium and visitation duties. This will require some reorganization within individual units. | -189.00 | | -189.00 | |



| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **85 Close Eight Prisons** | ($8,941,828) | R | ($23,827,644) | R |
| Eight prisons are to be closed during the course of the 2009-10 Fiscal Year. | -557.00 | | -557.00 | |
| McCain Correctional Hospital Will close on April 1, 2010. To maintain services associated with McCain, Hoke (April 1) and Odom (February 1) Correctional Institutions will be converted from medium custody to minimum, eliminating 155 positions. Additionally, Nash (October 1) and Pamlico (March 1) Correctional Institutions, both medium custody, will be double-celled with 99 additional positions. | | | | |
| Umstead Correctional Center will be closed on October 1 and Guilford Correctional Center will be closed on November 1, 2009, with a position reduction of 95. Lincoln Correctional will be converted to minimum custody on September 1, and Warren Correctional will be double-celled for medium custody inmates on November 1. Lincoln will lose 28 positions and Warren will gain 18. | | | | |
| The Wilmington Residential Facility for Women will close on September 1, 2009. The reduction for Wilmington is reduced by $168,740 in the first year of the biennium to allow for ten additional contractual beds at the Center for Community Transitions in Charlotte. | | | | |
| Gates and Union Correctional Centers will close on October 1 and Haywood Correctional Center will close on March 1 with a total position reduction of 112. | | | | |
| Cleveland Correctional Center will close on December 1 with a reduction in positions of 50. Craven Correctional Institution will be double-celled effective December 1 with a position increase of 7. | | | | |
| **86 Eliminate Community Service Work Crews** | ($4,780,105) | R | ($4,780,105) | R |
| Eliminates 127 work crews that provide labor for State and local governmental entities at no cost, as well as providing occupational development for inmates. | -127.00 | | -127.00 | |
| **87 Reduce Job Orders for Repair and Renovation** | | | | |
| Governor's Recommendation: reduces requests for repairs and renovations to prison facilities. | ($299,259) | NR | ($299,259) | NR |
| **88 Reduce Temporary/Contractual Positions** | ($89,788) | R | ($89,788) | R |
| Reduce funding for temporary and contractual positions. | | | | |
| **89 Shift Positions to Inmate Welfare Support** | ($149,056) | R | ($149,056) | R |
| Governor's Recommendation: shifts three Telecommunication Support Technician positions that support the inmate pay phone system from General Fund support to Inmate Welfare Fund receipts. | -3.00 | | -3.00 | |

DRAFT

| House Subcommittee on Justice and Public Safety | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Secretary's Office** | | | | |
| **90 Eliminate Assistant Secretary**<br>Eliminates the position of Assistant Secretary for Program Development. This position's primary function is to seek federal grants for the Department. This function can be performed by the Office of Research and Planning, and financial oversight of grants is performed by the DOC Controller's Office. | ($77,046)<br>-1.00 | R | ($77,046)<br>-1.00 | R |
| **Total Legislative Changes** | **($151,842,444)**<br>**($28,839,594)** | R<br>NR | **($177,630,101)**<br>**($27,217,594)** | R<br>NR |
| Total Position Changes | -1513.00 | | -1763.00 | |
| **Revised Budget** | **$1,204,228,533** | | **$1,201,943,569** | |



DRAFT

# Crime Control and Public Safety

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Recommended Budget** | **$43,925,878** | | **$44,067,870** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **91 Elimination of Administrative Staff Positions**<br>Elimination of two administrative positions. | ($82,685)<br>-2.00 | R | ($82,685)<br>-2.00 | R |
| **Alcohol Law Enforcement - ALE** | | | | |
| **92 Reduction in the ALE Budget**<br>Reduction in the Alcohol Law Enforcement Division (ALE) budget. | ($190,000) | R | ($190,000) | R |
| **93 Make the Boxing Authority Receipt Supported**<br>Governor's recommendation that the North Carolina Boxing Authority no longer be supported through appropriation. All of the operations of the Boxing Authority will be shifted to fee receipts collected by the Authority. These fee receipts are currently over realized. | ($147,751)<br>-2.00 | R | ($147,751)<br>-2.00 | R |
| **94 Make Bingo Regulation Receipt Supported**<br>This recommendation eliminates the General Fund appropriation used for bingo regulation. This action will be offset by an increase in the bingo license fee to make the program no longer rely on General Fund appropriation. This fee has not been increased since 1983. | ($26,600) | R | ($26,600) | R |
| **Butner Public Safety** | | | | |
| **95 15% Reduction to Butner Public Safety**<br>Reduces the General Fund Appropriation for Butner Public Safety by 15%. | ($501,661) | R | ($501,661) | R |
| **Department-wide** | | | | |
| **96 Adjust Continuation Budget Line Items**<br>The continuation budget is adjusted to remove increases for the maintenance agreements, legal services, and miscellaneous contractual services. | ($3,811,213) | R | ($3,990,882) | R |
| **97 Reduce Various Operating Accounts**<br>Governor's recommendation that various operating accounts be reduced across the agency. | ($641,147) | R | ($641,147) | R |
| **98 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($803,034) | NR | ($803,034) | NR |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **99 Eliminate 6 Vacant Positions**<br>Elimination of the listed 6 vacant positions. Positions to be eliminated:<br><br>60084186 Processing Assistant V<br>60084440 Planner<br>60084582 Engineer<br>60087071 Public Safety Officer<br>60084174 Processing Assistant IV<br>60084166 Information Processing Tech. | ($258,026)<br>-6.00 | R | ($258,026)<br>-6.00 | R |
| **Emergency Management** | | | | |
| **100 Shift Emergency Management to Receipt-Support**<br>Reduction in the General Fund appropriation for the Emergency Management Division to be offset by a new $10 fee to support the program. This action will make the Division completely receipt-supported. | ($1,780,093)<br>-58.00 | R | ($3,560,186)<br>-58.00 | R |
| **101 Shift Floodplain Mapping Positions to Receipts**<br>Governor's recommendation that the appropriation for the Floodplain Mapping Program be replaced with receipts collected under the terms of Section 29.7(b) of H2436 (S.L. 2008-107), which established a fee to support floodplain mapping. This recommendation will shift 20 appropriated positions in the Floodplain Mapping Program to receipt support. | ($1,405,098)<br>-20.00 | R | ($1,405,098)<br>-20.00 | R |
| **Governor's Crime Commission** | | | | |
| **102 25% Reduction in funding for NCVAN**<br>25 percent decrease in funding for the North Carolina Victims Assistance Network (NCVAN). | ($37,500) | R | ($37,500) | R |
| **103 Reduce State Matching Funds**<br>Governor's recommendation that excess state funding for matches to federal grants be reduced. | ($60,091) | R | ($60,091) | R |
| **104 Evidence-Based Gang Grants**<br>The Governor reports on the use of funding of up to $5 million to be made available through the American reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award evidence-based grants that focus on gang prevention, treatment, intervention, and re-entry programs. Special emphasis will be placed on consultation with the Department of Juvenile Justice and Delinquency Prevention to engage local Juvenile Crime Prevention Councils (JCPC's) in the development of gang prevention programs that address local priorities developed as a result of the JCPC's local gang threat assessments. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |

DRAFT

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **105 Local Government Grants to Purchase VIPER Equip't**<br>The Governor reports on the use of funding of up to $5 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award grants to local governments for VIPER (Interoperable communications) equipment in order to enhance communications among public safety agencies. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |
| **National Guard** | | | | |
| **106 Transfer the National Guard Pension Fund**<br>Transfer of the National Guard Pension Fund ($7,007,443) from the Department of Crime Control and Public Safety to the Department of State Treasurer. This transfer will allow the Department of the State Treasurer to manage this program as it does for most of the State's pension programs. | ($7,007,443) | R | ($7,007,443) | R |
| **107 Reduce Funding for Family Assistance Centers**<br>Reduction state funding for the National Guard Family Assistance Centers. | ($90,000) | NR | ($90,000) | NR |
| **108 Reduce National Guard Tuition Assistance Program**<br>Recommendation to reduce the National Guard Tuition Assistance program appropriation. With the scheduled deployment of a significant portion of the NC National Guard in 2009 and 2010 there will be a decrease in the number of National Guard members requesting tuition assistance through this program. In addition to the state program, there is also a federal program that provides tuition assistance to National Guard members. | ($500,000) | R | ($500,000) | R |
| **Total Legislative Changes** | **($16,449,308)** | **R** | **($18,409,070)** | **R** |
| | **($893,034)** | **NR** | **($893,034)** | **NR** |
| **Total Position Changes** | -88.00 | | -88.00 | |
| **Revised Budget** | **$26,583,536** | | **$24,765,766** | |

DRAFT

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

July 1, 2009

The House Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Wednesday July 1, 2009 in Room 415 LOB. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Spear, Vice-Chair Representative Sutton, Vice-Chair Representative Warren, Representative Boles, Representative Goodwin, Representative Justus, Representative Mobley, Representative Randleman and Representative Stevens. Denise Thomas, of Fiscal Research, Phyllis Pickett and Gerry Cohen of Legislative Bill Drafting were also in attendance. A visitor registration sheet is also included and made part of these minutes.

Representative Love called the meeting to order and recognized Sergeants-at-Arms. He briefed the committee on the schedule for the meeting. An agenda is attached and made part of these minutes.

Representative Love recognized Senator Stein to explain SB 817 Increase Child Support Collections. A bill and bill summary are included and made part of these minutes.

Member questions were answered. Due to the number of questions, Senator Stein requested the bill be displaced until the following week to allow for time to address the questions and get information to the Subcommittee from Judge Kristin Ruth.

The Chair recognized Representative Stam to explain HB 1268 Eminent Domain. A bill and bill summary are included and made part of these minutes.

Member questions were answered. The Chair noted that because the bill had not been released to the Subcommittee, Members would take a vote after Session when the bill was officially transferred.

There being no further business, the Chair adjourned the meeting at 9:45.m.

Respectfully submitted,

Representative Love
Presiding Chair

Michelle Hall
Committee Assistant

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**July 1, 2009 10:00 A.M.**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen, Presiding
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

SB 817 Increase Child Support Collections
*Senator Stein*

HB 1268 Eminent Domain (*for discussion only)
*Representative Stam*

## III. OTHER BUSINESS

## IV. ADJOURNMENT

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety
**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| BRUCE THOMPSON | PARKER POE |
| Paula A. Wolf | Paulatics |
| DAVID BREMS | Poyner Spruill |
| Kim Hibbard | NCLM |
| S Wilson | DHHS |
| Keith Sutton | DOT |
| John Dorman | CGPS-DEM |
| Beth Amos | DHHS / DSS / Child Support Program |
| Barry Miller | DHHS/DSS/Child Support Enforcement Program |
| Lindsay Clifton | Gov's office |
| Ashley Woom | NCASA |
| Emily Peters | UNC-TV |

# VISITOR REGISTRATION SHEET

Justice & Public Safety — 7-1-09

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Daniel Blum | K&L Gates |
| Mildred Spearman | NCDOC |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| Raegan Williams | NC Gen Ass. Rep. Hall |
| Becki Gray | John Locke Foundation |
| Louis Dew | NC Justice Ctr |
| Russell Laughinghouse | NS |
| | |
| | |
| | |
| | |
| | |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety
**Name of Committee** **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Seth Dearmin | DOJ |
| R. Paul Wilms | WGR |
| John Monaghan | Piedmont Natural Gas Co. |
| Will Culpepper | Moore + Van Allen |
| Aaron Gallagher | OSBM |
| Cheryl Reed | OSBM |
| ANTHONY ALLEN | NCAGE |
| [illegible] | NCSBI |
| MIKE WATERS | NCRPA |
| Lou Russert | CJR |
| Kevin Leonard | NCACC |
| Jim Blackburn | |

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S 2

# SENATE BILL 817
**Judiciary I Committee Substitute Adopted 5/12/09**

Short Title: Increase Child Support Collections. (Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO INCREASE CHILD SUPPORT COLLECTIONS BY PERMITTING GREATER SENTENCING FLEXIBILITY FOR A PERSON WHO COMMITS CRIMINAL CONTEMPT BY FAILING TO COMPLY WITH AN ORDER TO PAY CHILD SUPPORT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 5A-12(a) reads as rewritten:

"(a) A person who commits criminal contempt, whether direct or indirect, is subject to censure, imprisonment up to 30 days, fine not to exceed five hundred dollars ($500.00), or any combination of the three, except ~~that~~ that:

(1) ~~a~~A person who commits a contempt described in G.S. 5A-11(8) is subject to censure, imprisonment not to exceed 6 months, fine not to exceed five hundred dollars ($500.00), or any combination of the ~~three and~~ three;

(2) ~~a~~ A person who has not been arrested who fails to comply with a nontestimonial identification order, issued pursuant to Article 14 of ~~G.S.~~ Chapter 15A of the General Statutes is subject to censure, imprisonment not to exceed 90 days, fine not to exceed five hundred dollars ($500.00), or any combination of the ~~three.~~three; and

(3) A person who commits criminal contempt by failing to comply with an order to pay child support is subject to censure, imprisonment up to 30 days, fine not to exceed five hundred dollars ($500.00), or any combination of the three. However, a sentence of imprisonment up to 120 days may be imposed for a single act of criminal contempt resulting from the failure to pay child support, provided the sentence is suspended upon conditions reasonably related to the contemnor's payment of child support."

**SECTION 2.** This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

# SENATE BILL 817:
# Increase Child Support Collections

*2009-2010 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | House Judiciary II, if favorable, Appropriations | **Date:** | June 11, 2009 |
| **Introduced by:** | Sen. Stein | **Prepared by:** | Drupti Chauhan Committee Counsel |
| **Analysis of:** | Second Edition | | |

***SUMMARY:*** ***Senate Bill 817 would provide that a person who commits criminal contempt by failing to comply with a child support order would be subject to censure, imprisonment for up to 30 days, a fine of not more than $500.00 or any combination thereof. The bill also provides that imprisonment of up 120 days may be imposed for a single act of criminal contempt for failure to pay child support.***

**CURRENT LAW:** G.S. 5A-12 provides that a person who commits either direct or indirect criminal contempt is subject to censure, imprisonment up to 30 days, a fine of not more than $500.00 or any combination thereof. The exceptions to this provision are:

- A person who willfully refuses to testify or produce other information upon the order of a judge pursuant Article 61 of Chapter 15A (Granting of Immunity to Witnesses). This person is subject to censure, imprisonment up to 6 months, a fine of not more than $500.00 or any combination thereof.
- A person who has not been arrested who fails to comply with a nontestimonial identification order (which is identification by fingerprints, palm prints, footprints, blood specimens and other similar identification procedures). This person is subject to censure, imprisonment up to 90 days, a fine of not more than $500.00 or any combination thereof.

Fines or imprisonment for direct or indirect criminal contempt require:

- The act or omission to be willfully contemptuous or
- The act or omission to be preceded by a clear warning by the court.

These two requirements do not apply to willful publications of court proceedings that are grossly inaccurate that presents a clear and present danger to the administration of justice or to willful communications with a juror in an improper attempt to influence.

A judicial official who finds a person in contempt may withdraw a censure, terminate or reduce a sentence of imprisonment or reduce a fine at any time.

**BILL ANALYSIS:** Senate Bill 817 would provide that a person who commits criminal contempt by failing to comply with an order to pay child support would be subject to censure, imprisonment up to 30 days, a fine of not more than $500.00 or any combination thereof.

The bill also provides that a sentence of imprisonment for up to 120 days could be imposed for a single act of criminal contempt resulting from the failure to pay child support but the sentence would be suspended upon conditions reasonably related to the contemnor's payment of child support.

**EFFECTIVE DATE:** The bill would become effective December 1, 2009 and apply to offenses committed on or after that date.

**BACKGROUND:** G.S. 5A-21 also provides that if a person is found in civil contempt for failure to pay child support, the person may be imprisoned as long as the civil contempt continues without further hearing. Failure to comply with an order of a court is a continuous civil contempt as long as (i) the order remains in force; (ii) the purpose of the order may be still be served by compliance with the order; (iii) the noncompliance by the person is willful; and (iv) the person is able to comply with the order or able to take reasonable measures that would allow the person to comply with the order.

**§ 5A-11. Criminal contempt.**

(a) Except as provided in subsection (b), each of the following is criminal contempt:

(1) Willful behavior committed during the sitting of a court and directly tending to interrupt its proceedings.

(2) Willful behavior committed during the sitting of a court in its immediate view and presence and directly tending to impair the respect due its authority.

(3) Willful disobedience of, resistance to, or interference with a court's lawful process, order, directive, or instruction or its execution.

(4) Willful refusal to be sworn or affirmed as a witness, or, when so sworn or affirmed, willful refusal to answer any legal and proper question when the refusal is not legally justified.

(5) Willful publication of a report of the proceedings in a court that is grossly inaccurate and presents a clear and present danger of imminent and serious threat to the administration of justice, made with knowledge that it was false or with reckless disregard of whether it was false. No person, however, may be punished for publishing a truthful report of proceedings in a court.

(6) Willful or grossly negligent failure by an officer of the court to perform his duties in an official transaction.

(7) Willful or grossly negligent failure to comply with schedules and practices of the court resulting in substantial interference with the business of the court.

(8) Willful refusal to testify or produce other information upon the order of a judge acting pursuant to Article 61 of Chapter 15A, Granting of Immunity to Witnesses.

(9) Willful communication with a juror in an improper attempt to influence his deliberations.

(9a) Willful refusal by a defendant to comply with a condition of probation.

(10) Any other act or omission specified elsewhere in the General Statutes of North Carolina as grounds for criminal contempt.

The grounds for criminal contempt specified here are exclusive, regardless of any other grounds for criminal contempt which existed at common law.

(b) No person may be held in contempt under this section on the basis of the content of any broadcast, publication, or other communication unless it presents a clear and present danger of an imminent and serious threat to the administration of criminal justice.

(c) This section is subject to the provisions of G.S. 7A-276.1, Court orders prohibiting publication or broadcast of reports of open court proceedings or reports of public records banned. (1977, c. 711, s. 3; 1994, Ex. Sess., c. 19, s. 1.)

**§ 5A-12. Punishment; circumstances for fine or imprisonment; reduction of punishment; other measures.**

(a) A person who commits criminal contempt, whether direct or indirect, is subject to censure, imprisonment up to 30 days, fine not to exceed five hundred dollars ($500.00), or any combination of the three, except that a person who commits a contempt described in G.S. 5A-11(8) is subject to censure, imprisonment not to exceed 6 months, fine not to exceed five hundred dollars ($500.00), or any combination of the three and a person who has not been arrested who fails to comply with a nontestimonial identification order, issued pursuant to Article 14 of G.S. 15A is subject to censure, imprisonment not to exceed 90 days, fine not to exceed five hundred dollars ($500.00), or any combination of the three.

(b) Except for contempt under G.S. 5A-11(5) or 5A-11(9), fine or imprisonment may not be imposed for criminal contempt, whether direct or indirect, unless:

(1) The act or omission was willfully contemptuous; or

(2) The act or omission was preceded by a clear warning by the court that the conduct is improper.

(c) The judicial official who finds a person in contempt may at any time withdraw a censure, terminate or reduce a sentence of imprisonment, or remit or reduce a fine imposed as punishment for contempt if warranted by the conduct of the contemnor and the ends of justice.

(d) A person held in criminal contempt under this Article shall not, for the same conduct, be found in civil contempt under Article 2 of this Chapter, Civil Contempt.

(e) A person held in criminal contempt under G.S. 5A-11(9) may nevertheless, for the same conduct, be found guilty of a violation of G.S. 14-225.1, but he must be given credit for any imprisonment resulting from the contempt. (1977, c. 711, s. 3; 1985 (Reg. Sess., 1986), c. 843, s. 1; 1987 (Reg. Sess., 1988), c. 1040, ss. 2, 4; 1989 (Reg. Sess., 1990), c. 1039, s. 4; 1991, c. 686, s. 3; 1999-361, s. 3.)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

# HOUSE BILL 1268
## Committee Substitute Favorable 4/16/09
## PROPOSED COMMITTEE SUBSTITUTE H1268-PCS50753-LB-66

Short Title: Eminent Domain. (Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY TO CONVEY AN INTEREST IN THAT PROPERTY FOR ECONOMIC DEVELOPMENT AND TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article I of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 19.1. Eminent domain.**

Private property shall not be taken by eminent domain except for a public use. Public use does not include the taking of property in order to convey an interest in the property for economic development. This paragraph does not apply to the taking of physically blighted properties as defined by general law, nor to takings for access to property. Just compensation shall be paid and, if demanded, shall be determined by a jury."

**SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at a statewide election to be conducted on May 4, 2010, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment to prohibit condemnation of private property to convey an interest in that property for economic development and to provide for the payment of just compensation with right of trial by jury in all condemnation cases."

**SECTION 3.** If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office. The amendment set out in Section 1 of this act becomes effective upon certification and applies to takings after that date.

**SECTION 4.** This act is effective when it becomes law.

# HOUSE BILL 1268: Eminent Domain

*2009-2010 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | House Appropriations | **Date:** | July 1, 2009 |
| **Introduced by:** | Reps. Blue, Stam, Lewis | **Prepared by:** | Gerry Cohen |
| **Analysis of:** | Second Edition | | Committee Counsel |

***SUMMARY: House Bill 1268 proposes a constitutional amendment to prohibit condemnation of private property except for a public use and to clarify that a public use does not include a taking in which the property is conveyed to a third party for economic development. The amendment also provides for the payment of just compensation with the right of a jury trial if demanded by the owner.***

## CURRENT LAW:

North Carolina law authorizes the use of eminent domain to acquire property by condemnation for public use or benefit under certain circumstances. Chapter 40A of the General Statutes provides condemnation procedures for private condemnors, local public condemnors, and other public condemnors. G.S. 40A-3 provides the list of specific purposes for which the power may be used by those condemnors.

In 2006, the General Assembly amended the law to restrict the purposes for which eminent domain may be used in this State by repealing local acts that broaden the power beyond what is set out by statute, and by limiting the use of eminent domain for certain revenue bond projects. The act was in part, a response to the U.S. Supreme Court decision in the case of *Kelo v. City of New London.*

## BILL ANALYSIS:

House Bill 1268 proposes to amend the North Carolina Constitution by adding a new Section 19.1 to Article 1. The new section would prohibit the taking of private property by eminent domain except for a public use. The bill specifically provides that a public use does not include a taking of property for the purpose of conveying it to a third party for economic development. The bill includes two exceptions to the prohibition:

- A taking of physically blighted property as defined by general law.
- A taking for access to property, such as for cartways.

Finally, the proposed amendment requires that just compensation be paid and that a property owner may demand that the amount be determined by a jury.

Section 2 of the bill provides that the amendment shall be submitted to the voters of the State at the next statewide election on May 4, 2010, the date of the primary election.

If a majority of the voters favor the amendment, the State Board of Elections would certify the amendment to the Secretary of State, who would then enroll the amendment. The amendment would become effective upon certification and apply to takings occurring after that date.

**EFFECTIVE DATE:** This act is effective when it becomes law.

**CHANGES MADE BY PROPOSED COMMITTEE SUBSTITUTE:** The only change made by the proposed committee substitute is the date of the referendum. The Second Edition had the referendum November 3, 2010, while the PCS changes it to May 4, 2010, the date of the statewide primary election.

**BACKGROUND:**

In 2005, the U.S. Supreme Court decided the case of *Kelo v. City of New London, 126 S. Ct. 24.* The case held that the State of Connecticut could constitutionally condemn private property for the purpose of transferring some of the property to a third party for economic development purposes. The court found that the redevelopment plan pursuant to which the condemnation and transfer occurred was a public use.

Attached is a summary of the case prepared by Steve Rose, Principal Legislative Analyst in the Research Division.

*This summary is based on an earlier version prepared by Karen Cochrane-Brown of the Research Division.*

# *Kelo v. City of New London-Overview*

126 S.Ct. 24 (2005)

**BACKGROUND:** The City of New London was in economic distress and sought to establish and carry out a comprehensive economic development plan as authorized by state statute. The target area was not considered blighted. Certain residents refused to sell and the city proceeded to condemn those properties through the use of eminent domain powers granted by the state statute.

**COURT CASE:** The case eventually reached the United States Supreme Court where the key question was whether or not the use of the properties in question was for a "public use" as required by the Fifth Amendment to the U.S. Constitution based upon the substantial positive effect that was sought to be achieved for the local economy by the redevelopment plan's positive effect on the local economy. In a 5-4 decision the Court held that the intended use was a "public use," which the Court has long interpreted to mean a "public purpose." The fact that a public purpose would be achieved by transferring some of the property in question to a private party to carry out the development does not matter as long as it is part of a comprehensive plan of redevelopment aimed at producing the public purpose of economic recovery, and as long as the main purpose of the condemnation is not merely to place one person's property in the hands of another.

The dissent maintained that this crossed the line of "public use" and presented a situation where eminent domain could be used to take property from one person in order to give it to another simply because the recipient proposed a use that was in some way better for the public.

*The majority emphasized that whether or not the power of eminent domain was authorized in a particular situation was a matter of state law and not the Constitution.* The Constitution merely sets the limits that the purpose is for a "public use" and that the owner is paid just compensation.

***Important points made by the Court:***

- A public purpose meets the requirement of "public use," and the Court has interpreted it this way since 1896.
- "Public purpose" will be interpreted broadly.
- The Court would give great deference to legislative judgment as to the need involved and the method of achieving it.
- The comprehensive character of the plan and the substantial deliberation involved in its adoption is significant in determining that its purpose was to benefit the public.
- Promoting economic development is a traditional and long accepted function of government.
- It is permissible to achieve a public purpose by transferring property into the hands of a private party (citing the Court's 1954 decision in *Berman v. Parker* and its 1984 decision in *Hawaii Housing Authority v. Midkiff*).
- Nothing in the decision precludes any state from placing further restrictions on its eminent domain powers.

Steven Rose, 1/14/07

*H1268-SMLB-2(e2) v1*

**MINUTES**
**HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**

July 1, 2009

The House Appropriations Subcommittee on Justice and Public Safety met around Representative Love's desk on Wednesday July 1, 2009 after Session adjourned. The following House Members were present: Co-Chair Representative Bordsen, Co-Chair Representative Love, Vice-Chair Representative Spear, Vice-Chair Representative Sutton, Vice-Chair Representative Warren, Representative Boles, Representative Goodwin, Representative Justus, Representative Randleman and Representative Stevens.

Representative Love called the meeting to order. He asked for a motion to consider the Proposed Committee Substitute for HB 1268. A copy of the PCS and bill summary are included and made part of these minutes.

Representative Stevens moved for the Subcommittee to consider the PCS for HB 1268.

Representative Justus moved for a favorable report for the PCS for HB 1268, unfavorable as to the Committee Substitute #1.

The motion passed. A committee report is included and made part of these minutes.

There being no further business, the Chair adjourned the meeting.

Respectfully submitted,

Representative Love
Presiding Chair

Michelle Hall
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

# HOUSE BILL 1268
## Committee Substitute Favorable 4/16/09
## PROPOSED COMMITTEE SUBSTITUTE H1268-PCS50753-LB-66

Short Title: Eminent Domain. (Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY TO CONVEY AN INTEREST IN THAT PROPERTY FOR ECONOMIC DEVELOPMENT AND TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article I of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 19.1. Eminent domain.**

Private property shall not be taken by eminent domain except for a public use. Public use does not include the taking of property in order to convey an interest in the property for economic development. This paragraph does not apply to the taking of physically blighted properties as defined by general law, nor to takings for access to property. Just compensation shall be paid and, if demanded, shall be determined by a jury."

**SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at a statewide election to be conducted on May 4, 2010, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment to prohibit condemnation of private property to convey an interest in that property for economic development and to provide for the payment of just compensation with right of trial by jury in all condemnation cases."

**SECTION 3.** If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office. The amendment set out in Section 1 of this act becomes effective upon certification and applies to takings after that date.

**SECTION 4.** This act is effective when it becomes law.

# HOUSE BILL 1268: Eminent Domain

*2009-2010 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | House Appropriations | **Date:** | July 1, 2009 |
| **Introduced by:** | Reps. Blue, Stam, Lewis | **Prepared by:** | Gerry Cohen |
| **Analysis of:** | Second Edition | | Committee Counsel |

***SUMMARY: House Bill 1268 proposes a constitutional amendment to prohibit condemnation of private property except for a public use and to clarify that a public use does not include a taking in which the property is conveyed to a third party for economic development. The amendment also provides for the payment of just compensation with the right of a jury trial if demanded by the owner.***

## CURRENT LAW:

North Carolina law authorizes the use of eminent domain to acquire property by condemnation for public use or benefit under certain circumstances. Chapter 40A of the General Statutes provides condemnation procedures for private condemnors, local public condemnors, and other public condemnors. G.S. 40A-3 provides the list of specific purposes for which the power may be used by those condemnors.

In 2006, the General Assembly amended the law to restrict the purposes for which eminent domain may be used in this State by repealing local acts that broaden the power beyond what is set out by statute, and by limiting the use of eminent domain for certain revenue bond projects. The act was in part, a response to the U.S. Supreme Court decision in the case of *Kelo v. City of New London.*

## BILL ANALYSIS:

House Bill 1268 proposes to amend the North Carolina Constitution by adding a new Section 19.1 to Article 1. The new section would prohibit the taking of private property by eminent domain except for a public use. The bill specifically provides that a public use does not include a taking of property for the purpose of conveying it to a third party for economic development. The bill includes two exceptions to the prohibition:

- A taking of physically blighted property as defined by general law.
- A taking for access to property, such as for cartways.

Finally, the proposed amendment requires that just compensation be paid and that a property owner may demand that the amount be determined by a jury.

Section 2 of the bill provides that the amendment shall be submitted to the voters of the State at the next statewide election on May 4, 2010, the date of the primary election.

If a majority of the voters favor the amendment, the State Board of Elections would certify the amendment to the Secretary of State, who would then enroll the amendment. The amendment would become effective upon certification and apply to takings occurring after that date.

**EFFECTIVE DATE:** This act is effective when it becomes law.

**CHANGES MADE BY PROPOSED COMMITTEE SUBSTITUTE:** The only change made by the proposed committee substitute is the date of the referendum. The Second Edition had the referendum November 3, 2010, while the PCS changes it to May 4, 2010, the date of the statewide primary election.

**BACKGROUND:**

In 2005, the U.S. Supreme Court decided the case of *Kelo v. City of New London, 126 S. Ct. 24.* The case held that the State of Connecticut could constitutionally condemn private property for the purpose of transferring some of the property to a third party for economic development purposes. The court found that the redevelopment plan pursuant to which the condemnation and transfer occurred was a public use.

Attached is a summary of the case prepared by Steve Rose, Principal Legislative Analyst in the Research Division.

*This summary is based on an earlier version prepared by Karen Cochrane-Brown of the Research Division.*

# *Kelo v. City of New London-Overview*

126 S.Ct. 24 (2005)

**BACKGROUND:** The City of New London was in economic distress and sought to establish and carry out a comprehensive economic development plan as authorized by state statute. The target area was not considered blighted. Certain residents refused to sell and the city proceeded to condemn those properties through the use of eminent domain powers granted by the state statute.

**COURT CASE:** The case eventually reached the United States Supreme Court where the key question was whether or not the use of the properties in question was for a "public use" as required by the Fifth Amendment to the U.S. Constitution based upon the substantial positive effect that was sought to be achieved for the local economy by the redevelopment plan's positive effect on the local economy. In a 5-4 decision the Court held that the intended use was a "public use," which the Court has long interpreted to mean a "public purpose." The fact that a public purpose would be achieved by transferring some of the property in question to a private party to carry out the development does not matter as long as it is part of a comprehensive plan of redevelopment aimed at producing the public purpose of economic recovery, and as long as the main purpose of the condemnation is not merely to place one person's property in the hands of another.

The dissent maintained that this crossed the line of "public use" and presented a situation where eminent domain could be used to take property from one person in order to give it to another simply because the recipient proposed a use that was in some way better for the public.

*The majority emphasized that whether or not the power of eminent domain was authorized in a particular situation was a matter of state law and not the Constitution.* The Constitution merely sets the limits that the purpose is for a "public use" and that the owner is paid just compensation.

***Important points made by the Court:***

- A public purpose meets the requirement of "public use," and the Court has interpreted it this way since 1896.
- "Public purpose" will be interpreted broadly.
- The Court would give great deference to legislative judgment as to the need involved and the method of achieving it.
- The comprehensive character of the plan and the substantial deliberation involved in its adoption is significant in determining that its purpose was to benefit the public.
- Promoting economic development is a traditional and long accepted function of government.
- It is permissible to achieve a public purpose by transferring property into the hands of a private party (citing the Court's 1954 decision in *Berman v. Parker* and its 1984 decision in *Hawaii Housing Authority v. Midkiff*).
- Nothing in the decision precludes any state from placing further restrictions on its eminent domain powers.

Steven Rose, 1/14/07

*H1268-SMLB-2(e2) v1*

**2009 PERMANENT SUBCOMMITTEE REPORT**
**HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Bordsen, Love (Chairs) for the Appropriations Subcommittee on Justice and Public Safety.

☒Committee Substitute #1 for
**HB 1268** A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY TO CONVEY AN INTEREST IN THAT PROPERTY FOR ECONOMIC DEVELOPMENT AND TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES.

---

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Representative Michaux, Adams, Alexander, Crawford, Haire, Jeffus, Tolson, Yongue (Chairs) for the Standing Committee on Appropriations.

s/ _____

s/ _____

s/ _____

☒With a favorable report as to the Committee Substitute bill #2, 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/Senate) 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.

# ATTENDANCE

## Joint Appropriations Subcommittee on Justice and Public Safety

(Name of Committee)

| DATES | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rep. Alice Bordsen, Co-Chair | ✓ | | | | | | | | | | | | | | |
| Rep. Jimmy Love, Co-Chair | ✓ | | | | | | | | | | | | | | |
| Rep. Spear, Vice Chair | ✓ | | | | | | | | | | | | | | |
| Rep. Sutton, Vice Chair | ✓ | | | | | | | | | | | | | | |
| Rep. R. Warren, Vice Chair | ✓ | | | | | | | | | | | | | | |
| Rep. Boles | ✓ | | | | | | | | | | | | | | |
| Rep. Goodwin | ✓ | | | | | | | | | | | | | | |
| Rep. Guice | | | | | | | | | | | | | | | |
| Rep. Hurley | | | | | | | | | | | | | | | |
| Rep. Jackson | | | | | | | | | | | | | | | |
| Rep. Justus | ✓ | | | | | | | | | | | | | | |
| Rep. Mobley | | | | | | | | | | | | | | | |
| Rep. Moore | | | | | | | | | | | | | | | |
| Rep. Randleman | ✓ | | | | | | | | | | | | | | |
| Rep. Stevens | ✓ | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

MINUTES
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

July 9, 2009
Room 415 Legislative Office Building
8:30 A.M.

The House Appropriations Subcommittee on Justice and Public Safety met on Thursday, June 9, 2009, in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 8:30 a.m. The following House members were present: Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton, and Warren, Vice Chairs; and Representatives Goodwin, Guice, Hurley, Justus, Mobley, Moore, Randleman, and Stevens.

Representative Love called the meeting to order. He acknowledged the pages, Shaquila Jones of Jones County (Representative McElraft) and Bradley James Jones of New Hanover County (Representative McComas); and the Sergeants-at-Arms for the day, Martha Parrish, Frank Prevo, and Judy Turner and thanked them all for their help. Representative Love then introduced Senator Josh Stein, the sponsor of the bill, and Judge Kristen Ruth of Wake County who came to explain the bill and answer questions regarding the bill.

The following bill was considered:

**SB 817**, A BILL TO BE ENTITLED AN ACT TO INCREASE CHILD SUPPORT COLLECTIONS BY PERMITTING GREATER SENTENCING FLEXIBILITY FOR A PERSON WHO COMMITS CRIMINAL CONTEMPT BY FAILING TO COMPLY WITH AN ORDER TO PAY CHILD SUPPORT. Senator Stein introduced Judge Ruth who explained the bill and answered committee members' questions regarding the bill. Following the discussion and upon motion made by Representative Bordsen, the committee voted for a favorable report and recommendation that the Bill be sent straight to the floor of the House. Copies of the Bill and Bill Summary are attached as part of these minutes.

There being no further business, Representative Love adjourned the meeting at 9:00 a.m.

Respectfully submitted,

Representative Jimmy L. Love, Sr.
Chair

Sylvia Nygard
Committee Assistant

Attachments:
Committee Meeting Notice
Agenda
Visitors' Attendance Sheet
Senate Bill 817
Bill Summary
Committee Report

**Sylvia Nygard (Rep. Love)**

**From:** Sylvia Nygard (Rep. Love)
**Sent:** Tuesday, July 07, 2009 12:15 PM
**To:** Sen. Josh Stein
**Cc:** Candace Finley (Sen. Stein)
**Subject:** JPS Appropriations Subcommittee Meeting to hear SB 817

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public S** will meet as follows:

**DAY & DATE:** Thursday, July 9, 2009
**TIME:** 8:30 am
**LOCATION:** 415 LOB
**COMMENTS:**

The following bills will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 817 | Increase Child Support Collections. | Senator Stein |

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **1:00 p.m.** on **July 07, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)
**Michelle Hall** (Committee Assistant)

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON**
**JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**
**July 9, 2009, 2009 8:30 A.M**

## I. CALL TO ORDER

Chairs: Representative Alice Bordsen
Representative Jimmy Love, Presiding

## II. BILLS TO BE HEARD

| | | |
|---|---|---|
| **SB 817** | **Increase Child Support Collections** | **Sen. Stein** |

## III. OTHER BUSINESS

## IV. ADJOURNMENT

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 7/9/19

Name of Committee — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Beth Amos | DHHS \| DSS \| Child Support Program |
| [signature] | DHHS |
| Kathryn Hunter | NCSOS |
| Ivan Clontz | NC NG |
| Anthony Allen | NCACC |
| Marvin Waters | CCPS |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| Lou Rubert | CJA |
| John Dorman | CCPS-EM |
| | |
| | |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — 1/9/09

Name of Committee — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Cheryl Howell | School of Government UNC Chapel Hill |
| Paula A. Wolf | Paulatics |
| Judge Kristin Ruth | Wake County District Court |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S 2

# SENATE BILL 817
**Judiciary I Committee Substitute Adopted 5/12/09**

Short Title: Increase Child Support Collections. (Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO INCREASE CHILD SUPPORT COLLECTIONS BY PERMITTING GREATER SENTENCING FLEXIBILITY FOR A PERSON WHO COMMITS CRIMINAL CONTEMPT BY FAILING TO COMPLY WITH AN ORDER TO PAY CHILD SUPPORT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 5A-12(a) reads as rewritten:

"(a) A person who commits criminal contempt, whether direct or indirect, is subject to censure, imprisonment up to 30 days, fine not to exceed five hundred dollars ($500.00), or any combination of the three, except ~~that~~ that:

(1) ~~a~~A person who commits a contempt described in G.S. 5A-11(8) is subject to censure, imprisonment not to exceed 6 months, fine not to exceed five hundred dollars ($500.00), or any combination of the ~~three and~~ three;

(2) ~~a~~A person who has not been arrested who fails to comply with a nontestimonial identification order, issued pursuant to Article 14 of ~~G.S.~~ Chapter 15A of the General Statutes is subject to censure, imprisonment not to exceed 90 days, fine not to exceed five hundred dollars ($500.00), or any combination of the ~~three~~three; and

(3) A person who commits criminal contempt by failing to comply with an order to pay child support is subject to censure, imprisonment up to 30 days, fine not to exceed five hundred dollars ($500.00), or any combination of the three. However, a sentence of imprisonment up to 120 days may be imposed for a single act of criminal contempt resulting from the failure to pay child support, provided the sentence is suspended upon conditions reasonably related to the contemnor's payment of child support."

**SECTION 2.** This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

# SENATE BILL 817:
# Increase Child Support Collections

*2009-2010 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | House Judiciary II, if favorable, Appropriations | **Date:** | June 11, 2009 |
| **Introduced by:** | Sen. Stein | **Prepared by:** | Drupti Chauhan Committee Counsel |
| **Analysis of:** | Second Edition | | |

***SUMMARY:*** ***Senate Bill 817 would provide that a person who commits criminal contempt by failing to comply with a child support order would be subject to censure, imprisonment for up to 30 days, a fine of not more than $500.00 or any combination thereof. The bill also provides that imprisonment of up 120 days may be imposed for a single act of criminal contempt for failure to pay child support.***

**CURRENT LAW:** G.S. 5A-12 provides that a person who commits either direct or indirect criminal contempt is subject to censure, imprisonment up to 30 days, a fine of not more than $500.00 or any combination thereof. The exceptions to this provision are:

- A person who willfully refuses to testify or produce other information upon the order of a judge pursuant Article 61 of Chapter 15A (Granting of Immunity to Witnesses). This person is subject to censure, imprisonment up to 6 months, a fine of not more than $500.00 or any combination thereof.
- A person who has not been arrested who fails to comply with a nontestimonial identification order (which is identification by fingerprints, palm prints, footprints, blood specimens and other similar identification procedures). This person is subject to censure, imprisonment up to 90 days, a fine of not more than $500.00 or any combination thereof.

Fines or imprisonment for direct or indirect criminal contempt require:

- The act or omission to be willfully contemptuous or
- The act or omission to be preceded by a clear warning by the court.

These two requirements do not apply to willful publications of court proceedings that are grossly inaccurate that presents a clear and present danger to the administration of justice or to willful communications with a juror in an improper attempt to influence.

A judicial official who finds a person in contempt may withdraw a censure, terminate or reduce a sentence of imprisonment or reduce a fine at any time.

**BILL ANALYSIS:** Senate Bill 817 would provide that a person who commits criminal contempt by failing to comply with an order to pay child support would be subject to censure, imprisonment up to 30 days, a fine of not more than $500.00 or any combination thereof.

The bill also provides that a sentence of imprisonment for up to 120 days could be imposed for a single act of criminal contempt resulting from the failure to pay child support but the sentence would be suspended upon conditions reasonably related to the contemnor's payment of child support.

**EFFECTIVE DATE:** The bill would become effective December 1, 2009 and apply to offenses committed on or after that date.

**BACKGROUND:** G.S. 5A-21 also provides that if a person is found in civil contempt for failure to pay child support, the person may be imprisoned as long as the civil contempt continues without further hearing. Failure to comply with an order of a court is a continuous civil contempt as long as (i) the order remains in force; (ii) the purpose of the order may be still be served by compliance with the order; (iii) the noncompliance by the person is willful; and (iv) the person is able to comply with the order or able to take reasonable measures that would allow the person to comply with the order.

**§ 5A-11. Criminal contempt.**

(a) Except as provided in subsection (b), each of the following is criminal contempt:

(1) Willful behavior committed during the sitting of a court and directly tending to interrupt its proceedings.

(2) Willful behavior committed during the sitting of a court in its immediate view and presence and directly tending to impair the respect due its authority.

(3) Willful disobedience of, resistance to, or interference with a court's lawful process, order, directive, or instruction or its execution.

(4) Willful refusal to be sworn or affirmed as a witness, or, when so sworn or affirmed, willful refusal to answer any legal and proper question when the refusal is not legally justified.

(5) Willful publication of a report of the proceedings in a court that is grossly inaccurate and presents a clear and present danger of imminent and serious threat to the administration of justice, made with knowledge that it was false or with reckless disregard of whether it was false. No person, however, may be punished for publishing a truthful report of proceedings in a court.

(6) Willful or grossly negligent failure by an officer of the court to perform his duties in an official transaction.

(7) Willful or grossly negligent failure to comply with schedules and practices of the court resulting in substantial interference with the business of the court.

(8) Willful refusal to testify or produce other information upon the order of a judge acting pursuant to Article 61 of Chapter 15A, Granting of Immunity to Witnesses.

(9) Willful communication with a juror in an improper attempt to influence his deliberations.

(9a) Willful refusal by a defendant to comply with a condition of probation.

(10) Any other act or omission specified elsewhere in the General Statutes of North Carolina as grounds for criminal contempt.

The grounds for criminal contempt specified here are exclusive, regardless of any other grounds for criminal contempt which existed at common law.

(b) No person may be held in contempt under this section on the basis of the content of any broadcast, publication, or other communication unless it presents a clear and present danger of an imminent and serious threat to the administration of criminal justice.

(c) This section is subject to the provisions of G.S. 7A-276.1, Court orders prohibiting publication or broadcast of reports of open court proceedings or reports of public records banned. (1977, c. 711, s. 3; 1994, Ex. Sess., c. 19, s. 1.)

**§ 5A-12. Punishment; circumstances for fine or imprisonment; reduction of punishment; other measures.**

(a) A person who commits criminal contempt, whether direct or indirect, is subject to censure, imprisonment up to 30 days, fine not to exceed five hundred dollars ($500.00), or any combination of the three, except that a person who commits a contempt described in G.S. 5A-11(8) is subject to censure, imprisonment not to exceed 6 months, fine not to exceed five hundred dollars ($500.00), or any combination of the three and a person who has not been arrested who fails to comply with a nontestimonial identification order, issued pursuant to Article 14 of G.S. 15A is subject to censure, imprisonment not to exceed 90 days, fine not to exceed five hundred dollars ($500.00), or any combination of the three.

(b) Except for contempt under G.S. 5A-11(5) or 5A-11(9), fine or imprisonment may not be imposed for criminal contempt, whether direct or indirect, unless:

(1) The act or omission was willfully contemptuous; or

(2) The act or omission was preceded by a clear warning by the court that the conduct is improper.

(c) The judicial official who finds a person in contempt may at any time withdraw a censure, terminate or reduce a sentence of imprisonment, or remit or reduce a fine imposed as punishment for contempt if warranted by the conduct of the contemnor and the ends of justice.

(d) A person held in criminal contempt under this Article shall not, for the same conduct, be found in civil contempt under Article 2 of this Chapter, Civil Contempt.

(e) A person held in criminal contempt under G.S. 5A-11(9) may nevertheless, for the same conduct, be found guilty of a violation of G.S. 14-225.1, but he must be given credit for any imprisonment resulting from the contempt. (1977, c. 711, s. 3; 1985 (Reg. Sess., 1986), c. 843, s. 1; 1987 (Reg. Sess., 1988), c. 1040, ss. 2, 4; 1989 (Reg. Sess., 1990), c. 1039, s. 4; 1991, c. 686, s. 3; 1999-361, s. 3.)

*S817-SMRQ-103(e2) v3*

**2009 PERMANENT SUBCOMMITTEE REPORT**
**HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Bordsen, Love (Chairs) for the Appropriations Subcommittee on Justice and Public Safety.

☒ Senate Committee Substitute for
**SB 817** A BILL TO BE ENTITLED AN ACT TO INCREASE CHILD SUPPORT COLLECTIONS BY PERMITTING GREATER SENTENCING FLEXIBILITY FOR A PERSON WHO COMMITS CRIMINAL CONTEMPT BY FAILING TO COMPLY WITH AN ORDER TO PAY CHILD SUPPORT.

---

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Representative Michaux, Adams, Alexander, Crawford, Haire, Jeffus, Tolson, Yongue (Chairs) for the Standing Committee on Appropriations.

☒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 _____.

2010

## 2009-2010 HOUSE APPROPRIATIONS SUBCOMMITTEE
## JUSTICE AND PUBLIC SAFETY

| MEMBER | ASSISTANT | PHONE | OFFICE | SEAT |
|---|---|---|---|---|
| Rep. Alice L. Bordsen, Chair | Sherrie Burnette | 733-5820 | 530 | 29 |
| Rep. Jimmy Love, Chair | Sylvia Nygard | 715-3026 | 305 | 23 |
| Rep. Timothy Spear, Vice Chair | Lona Hallissy | 715-3024 | 402 | 36 |
| Rep. Ron Sutton, Vice Chair | Jo Bobbitt | 715-0875 | 1321 | 72 |
| Rep. Ray Warren, Vice Chair | Theresa Lopez | 715-8361 | 306C | 77 |
| Rep. Jamie Boles | Rhonda Todd | 733-5903 | 501 | 105 |
| Rep. Melanie Wade Goodwin | Jane McMillan | 733-5823 | 1305 | 91 |
| Rep. David Guice | Kerry Guice | 715-4466 | 1015 | 99 |
| Rep. Pat Hurley | Nancy Fox | 733-5865 | 607 | 87 |
| Rep. Darren Jackson | Angela McMillan | 733-5974 | 301N | 92 |
| Rep. Carolyn Justus | Jo Hinton | 733-5956 | 1023 | 27 |
| Rep. Annie Mobley | Janice Mobley-Bennett | 733-5959 | 638 | 68 |
| Rep. Timothy Moore | Nancy Garriss | 733-4838 | 604 | 85 |
| Rep. Shirley Randleman | James White | 733-5935 | 1025 | 115 |
| Rep. Sarah Stevens | Julie Garrison | 715-1883 | 509 | 119 |

# MEMBERSHIP LIST

## 2010 Senate Appropriations Subcommittee on Justice and Public Safety

Senator Ellie Kinnaird, Co-Chair
Room 2115 LB 733-5804
Kathie Young

Senator John Snow, Co-Chair
Room 2111 LB 733-5875
Becky Butler

Senator Dan Clodfelter Vice-Chair
Room 408 LOB 715-8331
Wanda Joyner

Senator Tom Apodaca
Room 1127 LB 733-5745
Airen Blaine

Senator Stan Bingham
Room 2117 LB 733-5655
Judy Crisco

Senator Pete Brunstetter
Room 1117 LB 733-7850
Genie Clark

Senator Edward Jones
Room 623 LOB 715-3032
Irma Avent-Hurst

Senator R.C. Soles, Jr.
Room 2022 LB 733-5963
Janet Blalock

# NORTH CAROLINA GENERAL ASSEMBLY

## APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
## 2009-2010 SESSION



Rep. Alice Bordsen
Chair



Rep. Jimmy L. Love, Sr.
Chair



Rep. Tim Spear
Vice chair



Rep. Ron Sutton
Vice chair



Rep. Ray Warren
Vice chair



Rep. Jamie Boles



Rep. Melanie Wade Goodwin



Rep. David Guice



Rep. Pat Hurley



Rep. Darren Jackson



Rep. Carolyn Justus



Rep. Annie Mobley



Rep. Tim Moore



Rep. Shirley Randleman



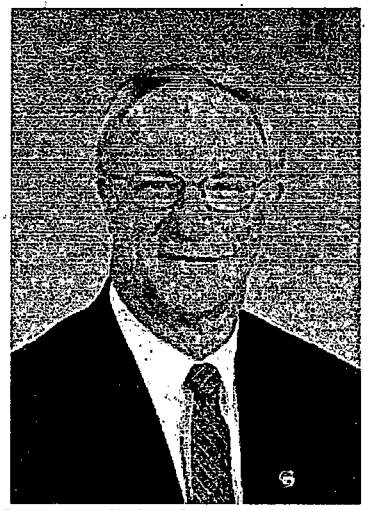
Rep. Sarah Stevens

**NORTH CAROLINA GENERAL ASSEMBLY**

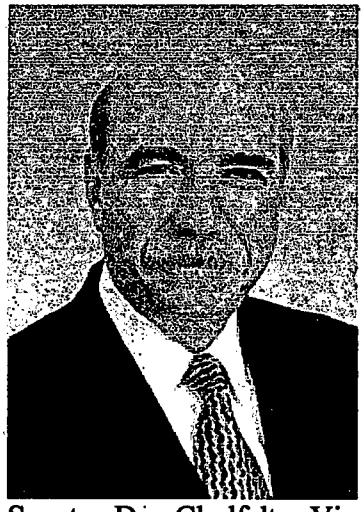
**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**2009 – 2010 SESSION**



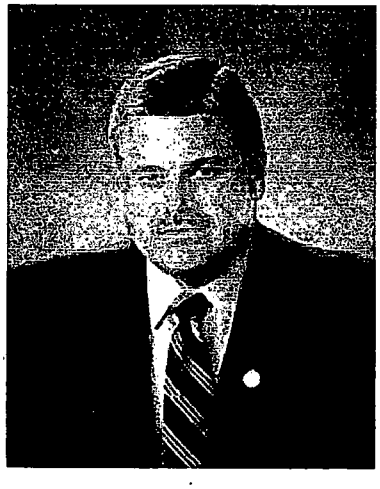
Senator Ellie Kinnaird Co-Chair



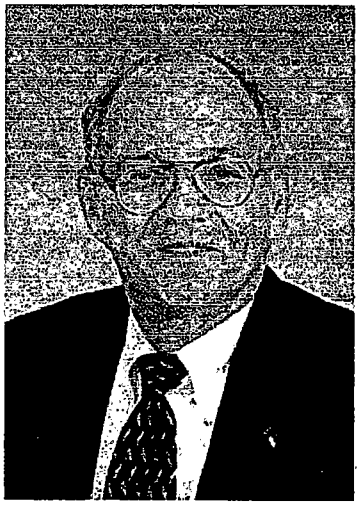
Senator John Snow Co-Chair



Senator Dan Clodfelter Vice Chair



Senator Tom Apodaca



Senator Stan Bingham



Senator Pete Brunstetter



Senator Edward Jones

# ATTENDANCE

## Joint Appropriations Subcommittee on Justice & Public Safety

(Name of Committee)

| DATES | 4/07/2010 | | 4/12/2010 | | 4/14/2010 | | 4/21/2010 | | 6/08/2010 | | 6/10/2010 | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rep. Alice Bordsen, Co-Chair | | | | | | | | | X | | X | | | | |
| Rep. Jimmy L. Love, Co-Chair | X | | X | | X | | X | | X | | X | | | | |
| Rep. Tim Spear, Vice Chair | | | | | X | | X | | X | | X | | | | |
| Rep. Ronnie Sutton, Vice Chair | X | | | | X | | X | | X | | | | | | |
| Rep. Ray Warren, Vice Chair | X | | | | | | X | | | | | | | | |
| Rep. Jamie Boles | X | | | | X | | X | | X | | | | | | |
| Rep. Melanie Wade Goodwin | X | | | | X | | X | | X | | X | | | | |
| Rep. David Guice | X | | | | X | | X | | X | | X | | | | |
| Rep. Pat Hurley | X | | | | X | | X | | X | | X | | | | |
| Rep. Darren Jackson | X | | | | X | | X | | X | | X | | | | |
| Rep. Carolyn Justus | X | | | | X | | | | X | | X | | | | |
| Rep. Annie Mobley | X | | | | | | X | | X | | | | | | |
| Rep. Tim Moore | | | | | X | | X | | | | | | | | |
| Rep. Shirley Randleman | | | | | X | | X | | X | | | | | | |
| Rep. Sarah Stevens | X | | | | X | | X | | X | | X | | | | |
| | | | | | | | | | | | | | | | |
| Senator Ellie Kinnaird, Co-Chair | X | | | | X | | X | | X | | X | | | | |
| Senator John Snow, Co-Chair | X | | | | X | | X | | X | | X | | | | |
| Senator Dan Clodfelter, Vice Chair | | | | | | | | | | | | | | | |
| Senator Tom Apodaca | | | | | | | | | | | | | | | |
| Senator Stan Bingham | X | | | | X | | X | | X | | X | | | | |
| Senator Pete Brunstetter | | | | | X | | | | | | | | | | |
| Senator Ed Jones | X | | | | X | | X | | X | | X | | | | |
| Senator R. C. Soles | X | | | | | | | | X | | X | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

**MINUTES**

**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**

**Wednesday, April 7, 2010**
**Room 415, LOB**
**8:30 a. m.**

The Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 a. m. on Wednesday, April 7, 2010 in Room 415, LOB. Six members of the Senate Subcommittee attended, along with Representatives Love, Sutton, Warren, Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley and Stevens. Senator Ellie Kinnaird presided. She recognized the Sergeant at Arms and honored the memory of Sergeant at arms Richard Telfair.

Senator Kinnaird welcomed committee members, recognized new lead staff Kristine Leggett and offered the co-chairs an opportunity to speak.

Kristine Leggett presented the Justice and Public Safety Team's Departmental Assignments, a summary of Pre-Season Schedules (See attachment A), and directions from Full-Chairs.

John Poteat reviewed the 2009 Budget Actions and 2009 session significant budget actions-money items high lights. (See attachment B pages 1 & 2).

Doug Holbrook presented 2009 Session Significant Budget Actions Special Provisions , 2009 Continuation Review, FY 2009-10 Revenue Shortfall – Impact on Agency Budgets, and 2010 Major Budget Issues Potentially Requiring Legislation Action in the Short Session.(See Attachment B pages 3 & 4).

Questions from members were answered. Eddie Caldwell NC Sherriff's association answered Rep. Sutton's question.

The next meeting date is Monday, April 12th at 3:30 Room 544 –Joint meeting with Education sub-committee.

The meeting adjourned at 9:53 a.m.

Senator Ellie Kinnaird, Co-Chair

Kathie Young

Kathie Young, Committee Assistant

**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**

**April 7, 2010 9:00 A.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird, Presiding
Senator John Snow
Representative Alice Bordsen
Representative Jimmy Love

## II. PRESENTATIONS

Opening Remarks by Chairs

Introductions of Members, Staff, Agency Personnel

Summary of Pre-Session Schedule and Direction from Full-Chairs

*Kristine Leggett*
*Fiscal Research Staff*

Review of 2009 Budget Actions and 2010 Budget Issues

*John Poteat*
*Douglas Holbrook*
*Fiscal Research Staff*

## III. OTHER BUSINESS:

Next meetings: Monday, April 12, 3:30 p.m. (with Education, LOB 544)
Tuesday, April 13, 10 a.m. (with NER, TBD)
Wednesday, April 14, 9 a.m. (LOB 415)

## IV. ADJOURNMENT

---

**House Appropriations Subcommittee on JPS**
Rep. Bordsen (Chair)
Rep. Love (Chair)
Rep. Spear (Vice Chair)
Rep. Sutton (Vice Chair)
Rep. R. Warren (Vice Chair)
Rep. Boles, Rep. Goodwin, Rep. Guice, Rep. Hurley, Rep. Jackson, Rep. Justus, Rep. Mobley, Rep. Moore, Rep. Randleman, Rep. Stevens

**Senate Appropriations Subcommittee on JPS**
Sen. Kinnaird (Chair)
Sen. Snow (Chair)
Sen. Clodfelter (Vice Chair)
Sen. Apodaca, Sen. Bingham, Sen. Brunstetter, Sen. Jones, Sen. Soles

Attachment A


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

**Marilyn Chism, Director**


## JUSTICE AND PUBLIC SAFETY (Continued)

| DEPARTMENT/ASSIGNMENTS | ANALYSTS |
|---|---|
| **Judicial Branch/Administrative Office of the Courts** | **Kristine, Doug, John** |
| Supreme Court | |
| Court of Appeals | |
| Superior and District Courts | |
| Business Court | |
| Clerks of Superior Court | |
| District Attorneys | |
| Custody Mediation Program | |
| Dispute Settlement Centers | |
| Guardian ad Litem (GAL) | |
| Arbitration | |
| Judicial Standards Commission | |
| NC Sentencing & Policy Advisory Commission | |
| Drug Treatment | |
| Family Courts | |
| **Judicial Branch - Office of Indigent Defense Services** | **John, Doug (Back-up)** |
| Public Defenders | |
| Appellate Defender | |
| Indigent Persons Attorney Fee Fund | |
| Sentencing Services Program | |
| Juvenile Defender | |
| Prisoner Legal Services | |
| **Juvenile Justice & Delinquency Prevention** | **John, Kristine (Back-up)** |
| Youth Development and Detention Centers | |
| Community Programs (State and Local) | |
| Juvenile Crime Prevention Councils (JCPC's) | |
| Eckerd Wilderness Camps | |
| Support Our Students Program (SOS) | |
| Governor's One on-One Program | |
| Teen Courts | |
| Court Counselors | |
| **Other Programs** | |
| **Criminal Justice Information Network (CJIN)** | **Kristine** |
| **Justice and Public Safety Research Assistant/Fiscal Note Writer** | **Sarah Stone** |

# FISCAL RESEARCH DIVISION
**SUITE 619 LOB**
**919 733-4910**

**Marilyn Chism, Director**


## JUSTICE AND PUBLIC SAFETY TEAM
## 2010 Session

| DEPARTMENT/ASSIGNMENTS | ANALYSTS |
|---|---|
| **JPS Team Leader:** | **Kristine** |
| **Crime Control and Public Safety** | **Kristine, Doug (Back-up)** |
| Division of Alcohol Law Enforcement | |
| Division of Butner Public Safety | |
| Division of Civil Air Patrol | |
| Division of Emergency Management | |
| Division of Governor's Crime Commission | |
| Division of Highway Patrol | |
| Division of National Guard | |
| Division of Victim and Justice Services | |
| **Justice** | **Kristine, John (Back-up)** |
| Legal Divisions | |
| Legal Services | |
| Citizen's Rights Division | |
| Consumer Protection Office | |
| Environmental Division | |
| Law Enforcement | |
| Law Enforcement Services (SBI/DCI) | |
| State Bureau of Investigation | |
| Training and Standards | |
| Justice Academy | |
| **Department of Correction** | **Doug, John (Back-up)** |
| Department Management | |
| Division of Prisons | |
| Substance Abuse Program | |
| Post Release/Parole Commission | |
| Community Corrections | **John, Doug (Backup)** |
| Probation and Parole | |
| Electronic Monitoring/GPS | |
| Criminal Justice Partnership Program | |
| Community Service Work Program | |

# April

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | | | | **1** | **2** | **3** |
| **4** | **5** | **6**<br>10:00 - Meeting with Subcommittee Chairs. | **7**<br>9:00 – JPS Joint Subcommittee | **8** | **9** | **10** |
| **11** | **12**<br>3:30 – JPS Joint Meeting with Education | **13**<br>10:00 – JPS Joint Meeting with NER | **14**<br>9:00 – JPS Joint Subcommittee AGENC | **15** | **16** | **17** |
| **18** | **19**<br>Joint Subcommittees Report | **20**<br>Governor's Budget<br>Joint Subcommittees Report | **21**<br>Joint Subcommittees Report | **22**<br>Joint Subcommittees Report | **23**<br>Joint Subcommittees Report | **24** |
| **25** | **26** | **27** | **28** | **29** | **30** | |

Joint Subcommittee Work/Meetings

Joint Subcommittee Work/Meetings

2010

# May

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | | | | | | 1 |
| 2 | 3 | 4 ***Primary Elections*** | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 ***Session Convenes*** | 13 | 14 Bill Drafting Deadline for Approp. Bills (due to Drafting) | 15 |
| 16 | 17 | 18 | 19 Filing Deadline for Study Comm. Bills | 20 Senate Passes Budget | 21 | 22 |
| 23 | 24 | 25 Filing Deadline - Approp. Bills | 26 Filing Deadline – Local and Pension/ Retirement Bills | 27 | 28 | 29 |
| 30 | 31-**Memorial Day** House Subcommittees Meet and Begin Reporting | | | | | |

Senate Subcommittees Meet

Senate Subcommittees Continue to Meet and Begin Reporting

House Subcommittees Meet

2010

# June

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | | **1** House Subcommittees Meet and Begin Reporting | **2** | **3** | **4** | **5** |
| **6** | **7** | **8** | **9** | **10** House Passes Budget | **11** Conferees Appointed | **12** |
| **13** | **14** Senate Reviews House Budget | **15** Conferees Meet to Resolve Differences | **16** | **17** | **18** | **19** |
| **20** | **21** Conferees Meet to Resolve Differences | **22** | **23** | **24** | **25** | **26** |
| **27** | **28** | **29** ***Adopt Conference Report*** | **30** End of the 2009-10 Fiscal Year | | | |

Attachment B

# Joint JPS Appropriations Subcommittee Briefing
# April 7, 2010

## 2009 Session – Budget Overview

### FY 2009-10

**Justice and Public Safety:**

| | Actual FY08-09 | Continuation Budget | Net Changes | FTE Changes | Revised* FY09-10 Appropriation | % Change |
|---|---|---|---|---|---|---|
| Judicial-AOC | 453,192,581 | 497,649,235 | (30,720,985) | (47) | 466,928,250 | (6.6) |
| Judicial-IDS | 112,258,726 | 133,881,190 | 2,046,799 | (6) | 135,927,989 | 1.5 |
| Department of Justice | 91,717,538 | 100,441,147 | (10,704,530) | (72) | 89,736,617 | (11.9) |
| Department of Juvenile Justice and Delinquency Prevention | 154,533,048 | 172,484,415 | (23,731,557) | (122) | 148,752,858 | (15.9) |
| Department of Correction | 1,256,095,572 | 1,384,910,571 | (71,095,094) | (972) | 1,313,815,477 | (5.4) |
| Crime Control and Public Safety | 50,977,103 | 43,925,878 | (9,605,047) | 25 | 34,320,831 | (27.9) |
| **Total Justice and Public Safety** | **$2,118,774,568** | **$2,333,292,436** | **($143,810,414)** | **(1,194)** | **$2,189,482,022** | **(6.2%)** |

### FY 2010-11

**Justice and Public Safety:**

| | Continuation Budget | Net Changes | FTE Changes | Revised FY10 -11 Appropriation | % Change |
|---|---|---|---|---|---|
| dicial-AOC | 507,638,940 | (43,885,461) | (44) | 463,753,479 | (8.6) |
| digent Defense Services | 132,320,396 | (12,188,386) | (17.5) | 120,132,010 | (9.2) |
| Department of Justice | 101,047,019 | (12,394,481) | (72) | 88,652,538 | (12.3) |
| Department of Juvenile Justice and Delinquency Prevention | 172,651,108 | (25,467,163) | (122) | 147,183,945 | (14.8) |
| Department of Correction | 1,406,761,264 | (80,299,034) | (1072) | 1,326,492,230 | (5.7) |
| Crime Control and Public Safety | 44,067,870 | (10,348,907) | 20 | 33,718,963 | (23.5) |
| **Total Justice and Public Safety** | **$2,364,516,597** | **($184,583,432)** | **(1,307.5)** | **$2,179,933,165** | **(7.8%)** |

*Amount before adjustments for FY 2009-10 Revenue Shortfall.

## 2009 Session Significant Budget Actions – Money Items

OIDS
Provided $7 million nonrecurring to address the unpaid claims from FY 2008-09.

DOC
Closed seven minimum custody facilities and converted other facilities from medium to minimum security. This closure was intended to be bed-neutral, but jail backlog payments will more than double this fiscal year to roughly $8 million.

Eliminated 127 Community Work Crews positions and stopped the State's program to provide no-cost labor services to county and city governments.

DJJDP
Eliminated the Support Our Students program, 218 after school programs serving 14,333 youth in 92 counties. This program was funded with General Fund appropriations and TANF funds from HHS.

Reduced the appropriation for Eckerd Wilderness Camps by $2.8 million, which closed two of the seven Camps.

CCPS
Moved the State Capitol Police into CCPS from DOA, and transferred the National Guard Pension Fund to the State Treasurer.

Justice
Nothing to report.

ARRA Funds Use to Supplant General Funds
None.

Other ARRA Funds (e.g., Appropriations/Expansion)
Provided $6 million for a gang intervention and prevention pilot program in Cabarrus, Mecklenburg, Nash, Edgecombe, Wilson, and Halifax Counties.

Provided $1.5 million for 12 additional Juvenile Court counselors and two supervisor time-limited positions.

Provided $1.23 million for 13 intake officers in urban areas to perform administrative functions and allow Probation Officers to focus on supervising their caseloads.

Provided $1.3 million to purchase 406 VIPER radios for Probation Officers.

## 2009 Session Significant Budget Actions – Special Provisions

OIDS

Directed OIDS to consult with AOC, Conference of District Attorneys, Sentencing and Policy Advisory Commission, and others to develop proposals to reduce the future cost of providing legal representation to indigent persons.

DOC

Directed the Department of Correction to issue a Request for Proposals to develop a provider network and to perform all claims processing related to inmate medical services. This RFP has been released. The provision also established rate structures for inmate medical services, but this section of the provision was found to be unenforceable by the Attorney General.

## 2009 Continuation Reviews

The Sentencing Services Program in the Office of Indigent Defense Services conducts risk and need assessments on offenders prior to sentencing and recommends alternatives to incarceration to judges. Its annual budget is $2.2 million.

In addition to the Sentencing Services Program, Continuation Reviews in Education and NER may have an impact on the JPS budget: Prison Education in the Community Colleges and BRIDGE in DENR.

## FY 2009-10 Revenue Shortfall - Impact on Agency Budgets:

OSBM required different hold-back amounts from the JPS agencies. They are as follows:

| | | |
|---|---|---|
| AOC | 2% | $9,338,565 |
| OIDS | 4% | $5,437,120 |
| DOJ | 4% | $3,589,465 |
| DOC | 4% | $52,552,619 |
| CCPS | 0 | $0 |
| DJJDP | 2.5% | $3,718,821 |
| | **TOTAL** | **$74,636,590** |

Agencies have primarily used salary reserves to cover these hold-backs.

## 2010 - Major Budget Issues Potentially Requiring Legislative Action in the Short Session:

DOC

The Department of Correction pays $40 per day to counties holding sentenced inmates awaiting transfer to the prison system. These payments have increased dramatically over the last two years due to inadequate space in the Department's processing centers. The projected expenditure for FY 2009-10 is $8 million.

DJJDP

The Samarkand YDC in Moore County is scheduled to close June 30, 2010. The Department does not support the closure, which affects 62 positions and $3.5 million.

## 2010 - Other Short Session Issues:

Interim Committee Recommendations/Work (Including Performance Evaluation Division Reports)
None.

Federal Funds
None.

Other Budget Issues (Including Any New Federal Mandates)
None.

# ATTENDANCE

## Joint Appropriations Subcommittee on Justice and Public Safety

(Name of Committee)

| DATES | 04-07-10 | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rep. Alice Bordsen, Co-Chair | | | | | | | | | | | | | | | |
| Rep. Jimmy Love, Co-Chair | ✓ | | | | | | | | | | | | | | |
| Rep. Spear, Vice Chair | | | | | | | | | | | | | | | |
| Rep. Sutton, Vice Chair | ✓ | | | | | | | | | | | | | | |
| Rep. R. Warren, Vice Chair | ✓ | | | | | | | | | | | | | | |
| Rep. Boles | ✓ | | | | | | | | | | | | | | |
| Rep. Goodwin | ✓ | | | | | | | | | | | | | | |
| Rep. Guice | ✓ | | | | | | | | | | | | | | |
| Rep. Hurley | ✓ | | | | | | | | | | | | | | |
| Rep. Jackson | ✓ | | | | | | | | | | | | | | |
| Rep. Justus | ✓ | | | | | | | | | | | | | | |
| Rep. Mobley | ✓ | | | | | | | | | | | | | | |
| Rep. Moore | ✓ | | | | | | | | | | | | | | |
| Rep. Randleman | | | | | | | | | | | | | | | |
| Rep. Stevens | ✓ | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety April 07, 2010 9:00 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Rose Williams | NC DOI |
| Courtney Denning | NC Bar Association |
| Chloe Gossage | NC AOC |
| Elisa Wolper | IDS |
| Tom Maher | IDS |
| Nels Roseland | NC DOJ |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| JEAN SAUVAGE | DJJDP |
| Lisa Rutsick | CJPC |
| Donna Bruno | News 14 |
| Sarah Preston | ACLU-NC |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety April 07, 2010 9:00 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| MW Hobgood | Batten Public Safety / CCPS |
| TOM BOWLIN | NC NATIONAL GUARD |
| Rick Parrotte | IDS |
| Carolyn Bidwell | Sentencing Services |
| Kathy Johnson | " |
| SUSAN BROOKS | IDS / SENTENCING SERVICES |
| Christine Cruig | WakeMed |
| ANTHONY ALLEN | NCACC |
| Elizabeth Taylor | Kochanek Law Group |
| S. Katzenelson | Sentencing Com. |
| James Ehrlo | Staff |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety April 07, 2010 9:00 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Peg Dorer | Conference of DAs |
| Barbara Moore | Conf. of Clerks of Sup Ct. |
| Jennie Lancaster | DOC |
| Tracy Little | DOC |
| Pam Walker | DOC |
| Frank Rozier | DOC |
| Bob Lewis | DOC |
| James French | DOC |
| Mildred Spearman | NCDOC |
| Henry Pilkton | NC DOC |
| Tim Moore | NCDOC |
| Guy McLeod | NCDOJ |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety April 07, 2010 9:00 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Mike McManus | NCBA |
| Eddie Caldwell | NC Sheriffs' Assn. |
| Denna Weston | Summit House |
| Melissa Radcliff | Our Children's Place |
| Brian Balfour | Civitas |
| Bill Taylor | NCAA |
| George Hausen | LAWC |
| Rex Whaley | AOC |
| Nicole Howell | NCAOC |
| Tammy Smith | NC AOC |
| Mandy Ableidinger | Action for Children NC |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety April 07, 2010 9:00 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Martin Pharr | NC DJJDP |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

MINUTES
JOINT APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

April 14, 2010
Room 415 Legislative Office Building
9:00 A.M.

The Joint Appropriations Subcommittee on Justice and Public Safety met on Wednesday, April 14, 2010, in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 9:00 a.m. The following House members were present: Representative Love, Chair; Representatives Spear and Sutton, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, Moore, Randleman, and Stevens. The following Senate members were present: Senators Ellie Kinnaird and John Snow, Co-Chairs; Senators Stan Bingham, Pete Brunstetter, and Ed Jones.

Representative Love called the meeting to order. He acknowledged the Sergeants-at-Arms for the day, Carlton Adams and Fred Hines for the House and Ronald Spain and Ernie Sherrell for the Senate and thanked them for their help. Representative Love then recognized Kristine Leggett from the Fiscal Research Department who replaced Denise Thomas as a JPS staff member. She directed the committee members to review their handouts, noting that the first item (Attachment 4) was the Joint Appropriations Subcommittee on Justice and Public Safety – Annotated 2009 Committee Report. This is for reference since the agencies will be referring to it and talking about budget reductions that were enacted last year. Following this are presentation handouts from each agency presenting.

This meeting was to review the impact of the 2009 budget reductions and how the various department were handling the Governor's FY 2009-2010 holdbacks. Representative Love then recognized Frank Rogers, Deputy Secretary, Department of Correction. Mr. Rogers reviewed briefly the handout, Impact of 2009-10 Budget Reductions (Attachment 5). He stated that the medium-custody facility in Pamlico could not be filled at this time due to wastewater issues in the area. Authorities in the area have requested that filling this facility be held off until all of the problems have been corrected. It is anticipated that the facility will open in September or October, 2010. That delay coupled with the prison closures plus the rising inmate population have led to a marked increase in the jail backlog with a projected cost of $9.1 million this fiscal year which was not budgeted versus an expenditure of $3.1 million last year. With the elimination of the Community Work Crews, there was concern of management in terms of inmate idleness and of course, the communities have lost a valuable service that they have relied on. He noted that for the past two years, the Department has spend far less on scheduled equipment replacements than originally planned which will result in higher maintenance costs and ultimately, higher replacement costs. And, unlike previous years, there will be no lapsed salary beyond the reversion remaining at the end of the fiscal year. At the end of the presentation, Mr. Rogers responded to committee members' questions. Senator Bingham questioned the elimination of the Community Work Crews and having the counties pay for the work. Mr. Rogers responded that the Department had explored having counties pay for the services, but due to tight budgets, this was not a viable solution. Positions for individuals who oversaw the work were among those eliminated due to budget cuts. Senator Jones wondered if the safety of DOC employees was jeopardized. Mr. Rogers deferred to Deputy Secretary James French of the Division of Prisons. He didn't think that anyone's safety was jeopardized at this time but that safety would be an issue if there were further reductions. There were no further questions.

Representative Love then introduced Nels Roseland, Deputy Chief of Staff, Department of Justice. He briefly reviewed the handout, North Carolina Department of Justice – Fiscal Year 2009-2010 Status Update (Attachment 6). He stated that the Department had significantly reduced its workforce while at the same time experienced an rapid increase in its legal workload during the last year. The most notable increase in demand for legal services concerns the partnership with the Department of Public Instruction to investigate and manage tort and accident claims for local county and city school systems. Current North Carolina state law requires that the State incur all liability for school bus accidents when the buses are driven by County school bus employees. The Department of Justice asks that the legislature revisit and reconsider its proposal to have local school systems pay half the cost of these local accident claims. There were no questions of Mr. Roseland following his presentation.

Representative Love introduced Gregg Stahl, Senior Deputy Director, Administrative Office of the Courts, who briefly reviewed the handout, Report to Joint Appropriations Subcommittees on Justice and Public Safety: Judicial Department Management of Legislative Reductions and Governor's Reversion Target (Attachment 7). Mr. Stahl stated that 25% of the budget was constitutionally mandated. He noted especially the pay freeze in effect for Magistrates and Deputy Clerks who are often the lowest paid and that the Superior Court has suspended its rotations for 90 days. There were no questions of Mr. Stahl.

Elisa Wolper, Fiscal Officer, Office of Indigent Defense Services was then introduced by Representative Love. She quickly reviewed the handout, Reductions in Budget for Office of Indigent Defense Services (Attachment 8). Ms. Wolper noted that rather than the 7% projected growth in PAC (Private Assigned Counsel) spending, the actual growth had been only slightly above last year's spending and don't expect to have any unpaid fee apps at the end of the year. Ms. Wolper pointed out that Sentencing Services had taken a 15% cut. There were no questions for Ms. Wolper.

Representative Love then introduced Robin Jenkins, Chief Operating Officer, Department of Juvenile Justice and Delinquency Prevention. He reviewed the Department's handout, Summary of FY 2009-2010 Legislative Budget Actions (Attachment 9) for the committee, noting that 51 positions and a total of $23 million (14 % of the department's budget) had been cut department-wide and that, among others cuts, two juvenile multi-purpose homes, one each in Alamance and Craven Counties, had been closed due to lack of funds, as well as two community-based wilderness camps. There were no questions following Mr. Jenkins' presentation.

The last presentation was from the Department of Crime Control and Public Safety. Representative Love introduced Thomas Caves, Special Assistant to the Secretary, who proceed to review the handout, North Carolina Department of Crime Control and Public Safety: Law Enforcement Support Services (Attachment 10). Mr. Caves noted that earlier, Federal receipts had been taken as part of the reduction in budget which resulted in additional funds taken from the State budget. The Department has been working closely with the Office of State Budget which has resulted in the Department experiencing no holdbacks at this point. There were no questions of Mr. Caves.

The next meeting will be held on Wednesday, April 21, 2010, at 8:30 a.m. in Room 415. There being no further business, Representative Love adjourned the meeting at 9:55 a.m.

Respectfully submitted,

Representative Jimmy L. Love, Sr.
Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Meeting Notice
Agenda
Visitors' Attendance Sheet
Joint Appropriations Subcommittee on Justice and Public Safety: Annotated 2009 Committee Report
Department of Correction – Impact of 2009-10 Budget Reductions (Attachment 5)
NC Department of Justice – Fiscal Year 2009-2010 Status Update (Attachment 6)
NC Administrative Office of the Courts – Judicial Department Management of Legislative Reductions and Governor's Reversion Target (Attachment 7)
Reductions in Budget for Office of Indigent Defense Services (Attachment 8)
Department of Juvenile Justice & Delinquency Prevention – Summary of FY 2009-10 Legislative Budget Actions (Attachment 9)
NC Department of Crime Control and Public Safety – Law Enforcement Support Services (Attachment 10)

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE

## 2009-2010 SESSION

You are hereby notified that the Joint Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Wednesday, April 14, 2010
**TIME:** 9:00 AM
**LOCATION:** 415, LOB
**COMMENTS:**

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

**Sylvia Nygard** (Committee Assistant)

# JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
**Room 415 Legislative Office Building**

**April 14, 2010 9:00 A.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird
Senator John Snow
Representative Alice Bordsen
Representative Jimmy Love, Presiding

Opening Remarks by Chairs

## II. PRESENTATIONS

Review of Impact of 2009 Budget Reductions and Handling of Governor's FY 2009-10 Hold-backs

**Frank Rogers**, *Deputy Secretary, Department of Correction*

**Nels Roseland**, *Deputy Chief of Staff, Department of Justice*

**Gregg Stahl**, *Senior Deputy Director, Administrative Office of the Courts*

**Elisa Wolper**, *Fiscal Officer, Office of Indigent Defense Services*

**Robin Jenkins**, *Chief Operating Officer, Dept. of Juvenile Justice and Delinquency Prevention*

**Thomas Caves**, *Special Assistant to the Secretary, Dept. of Crime Control and Public Safety*

## III. OTHER BUSINESS:

Next meeting: Wednesday, April 21, 8:30 a.m. (LOB 415) – Sentencing Services Continuation Review

## IV. ADJOURNMENT

---

**House Appropriations Subcommittee on JPS**
Rep. Bordsen (Chair)
Rep. Love (Chair)
Rep. Spear (Vice Chair)
Rep. Sutton (Vice Chair)
Rep. R. Warren (Vice Chair)
Rep. Boles, Rep. Goodwin, Rep. Guice, Rep. Hurley, Rep. Jackson, Rep. Justus, Rep. Mobley, Rep. Moore, Rep. Randleman, Rep. Stevens

**Senate Appropriations Subcommittee on JPS**
Sen. Kinnaird (Chair)
Sen. Snow (Chair)
Sen. Clodfelter (Vice Chair)
Sen. Apodaca, Sen. Bingham, Sen. Brunstetter, Sen. Jones, Sen. Soles

Attachment 3

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — April 14, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Marshall Tucker | NCDOJ/SBI |
| Pam Tully | DOJ/SBI |
| Casandra White | NC CCPS |
| Mildred Spearman | NCDOC |
| Brandy Bynum | AFC-NC |
| Michelle Frazier | MFS |
| Aaron Gallagher | OSBM |
| Cheryl Reed | OSBM |
| [illegible] | P. Church & Assoc. |
| Leo Russell | CJPC |
| Tammy Smith | NC AOC |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — April 14, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Kristi Hyman | NCDOJ |
| Ken Pike | NCALE |
| Ron Briggs | BPS |
| Peggy McSwain | NCJA - NCDOJ |
| Karen Wood | District Attorney's Conference |
| S. Katzenelson | Sentencing Com. |
| Melissa Radcliff | Our Children's Place |
| Elizabeth Taylor | Cochaneck Law Group |
| Darlene Langston | DOC |
| LTC Keith Pearce | NCNG |
| Robert Minish | NC DCC + PS |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — April 14, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| NELS ROSEGANO | AGO |
| Melissa Lovell | AGO |
| Robert Prout | NC NATIONAL GUARD |
| Diane Coffill | NC National Guard |
| Tom Bowlin | " " " |
| David Jones | Dept. of Juvenile Justice & Delinquency Prevention |
| Robin Jenkins | DJJDP |
| JEAN SANDAIRE | DJJDP |
| Grady Stephenson | DJJDP |
| Tom Bennett | NCVAN |
| Neil Woodcock | NC Association for Property + Evidence |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — April 14, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Kim Crouch | NC Bar Association |
| Bill SHELTON | SUMMIT HOUSE |
| Patrick RIDDICK | NCCCPS Law Enforcement Support Services |
| Chloe Bossage | NCAOC |
| Dick Taylor | NCAOC |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

VISITOR REGISTRATION SHEET

JT. APPROPRIATIONS JUSTICE AND PUBLIC SAFETY

Name of Committee

Date 04-14-2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Sherry H. Pilkington | NC DOC |
| Tracy Little | NC DOC |
| Alan Keller | NC DOC |
| Thomas Maher | IDS |
| Elisa Wolper | IDS |
| Rebecca Tant | NCACC |
| Robin Pendergraft | SBI |
| Sarah Preston | ACLU-NC |
| | |
| | |
| | |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — April 14, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Danielle Seale | NCAOC |
| [signature] | NCAOC |
| [signature] | NCAOC |
| Barbara Baker | NCDOC |
| James French | NC DOC |
| Jennie Lancaster | DOC |
| Pam Walker | DOC |
| Barbara Moore | Conf. of Clerks of Sup. Ct. PO Box 2448, Raleigh, NC |
| Jim Wynn | Town of Bryson (Haynes, Hicks, Warren, PCCC) |
| Bennie Aiken | CCPS |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |

# Joint Appropriations Subcommittee on Justice and Public Safety

# Annotated 2009 Committee Report

April 14, 2010
9:00 A.M.

# Judicial

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$497,649,235** | | **$507,638,940** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **1 Reduce Information Technology Funding**<br>The budget for information and other technology services is reduced. | ($977,499) | R | ($977,499) | R |
| **Department-Wide** | | | | |
| **2 Adjust Continuation Budget**<br>Adjusts continuation budget to a level at or below FY 2008-09 Authorized Budget. | ($18,767,758) | R | ($28,031,544) | R |
| **3 Eliminate Telephone System Line Items**<br>S.L.2008-107 authorized a new fee to pay for judicial and county courthouse telephone systems. Therefore, the continuation budget line items for telephone upgrades, maintenance, equipment, and operations are eliminated. (S.L.2008-107, Sec.29.8) | ($3,927,583) | R | ($3,927,583) | R |
| **4 Contractual Services**<br>Funding for contractual services are reduced by 5 percent below the FY 2008-09 authorized level. | ($1,254,146) | R | ($1,254,146) | R |
| **5 Eliminate Vacant Positions**<br>47 vacant positions in administration and courthouses statewide are eliminated. AOC shall consider caseload and other factors when determining which positions are to be eliminated. | -47.00 | | -47.00 | |
| **District Attorneys** | | | | |
| **6 Divide Prosecutorial District 11 into 11A and 11B**<br>Funding is provided to Prosecutorial District 11 (Harnett, Johnston, Lee) effective January 15, 2011. The following positions are provided effective January 15, 2011:<br><br>District Attorney 1.0<br>DA Admin. Asst III 1.0<br>DA Investigator 1.0<br><br>(S.L. 2009-451, Sec.15.17E) | | | $164,459<br>3.00 | R |

| 2009 Annotated Conference Committee Report | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Equipment and Other Reserves** | | | | |
| **7 Freeze Step Increases for Magistrates and Clerks**<br>Freeze the step increase for the salaries of Magistrates and Clerks for FY 2009-11. | ($2,324,864) | NR | ($6,390,013) | NR |
| **8 Evaluation & Training to Improve Court Operations**<br>Governor's recommendation:$750,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for evaluation of court processes and procedures and developing best practices for effective programs. In addition, this funding will support continuing education and basic systems training for court professionals and those who interface with court systems. Training is especially critical to ensure the timely implementation of NCAWARE, a statewide warrant repository. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the State administrator of the Byrne/JAG Formula Program. | | | | |
| **Trial Courts** | | | | |
| **9 Dispute Resolution Centers Funding**<br>Reduce funding for the dispute resolution centers and the Mediation Network of North Carolina by 25 percent. | ($399,829) | R | ($399,829) | R |
| **10 Reduce Pass-Through Funding to the NC State Bar**<br>Reduce the continuation budget pass-through funding to the NC State Bar as follows:<br><br>Civil Justice Act: ($250,000)<br>Financial Protection Law Center: ($25,000)<br>Land loss Protection Center: ($100,000) | ($375,000) | R | ($375,000) | |
| **11 Eliminate Superior Court Judge Travel Allowance**<br>Funding for the $7,000 annual travel allowance for each Superior Court Judge is eliminated from the continuation budget. Superior Court Judges' travel expenses shall be paid on a reimbursement basis from the Trial Court Division's travel budget. (S.L.2009-451, Sec. 15.10) | ($672,000) | R | ($672,000) | R |
| **Total Legislative Changes** | **($28,396,121)** | **R** | **($37,495,448)** | **R** |
| | **($2,324,864)** | **NR** | **($6,390,013)** | **NR** |
| **Total Position Changes** | -47.00 | | -44.00 | |
| **Revised Budget** | **$466,928,250** | | **$463,753,479** | |

# Court Information Technology Fund

Budget Code: 22006

| | FY 2009-10 | FY 2010-11 |
|---|---|---|
| **Beginning Unreserved Fund Balance** | **$2,718,962** | **$2,718,962** |
| **Recommended Budget** | | |
| Requirements | **$8,149,239** | **$8,149,239** |
| Receipts | **$8,149,239** | **$8,149,239** |
| Positions | **42.00** | **42.00** |

**Legislative Changes**

**Requirements:**

| | | |
|---|---|---|
| **Court Information Technology Fund**<br>Expenditures for AOC and county courthouse telephone equipment, services, upgrades, and maintenance are shifted from the General Fund to be supported with telephone/facility fee receipts. | $0 R<br>$0 NR<br>0.00 | $0 R<br>$0 NR<br>0.00 |
| **Subtotal Legislative Changes** | $0 R<br>$0 NR<br>0.00 | $0 R<br>$0 NR<br>0.00 |

**Receipts:**

| | | |
|---|---|---|
| **Telephone Fee Increase**<br>Increase the Court Information Technology Fund telephone/facility fee (G.S. 7A-304; G.S. 7A-307) from $1 to $3 effective July 1, 2009, and from $3 to $4 effective July 1, 2010 | $0 R<br>$0 NR | $0 R<br>$0 NR |
| **Subtotal Legislative Changes** | $0 R<br>$0 NR | $0 R<br>$0 NR |

| | FY 2009-10 | FY 2010-11 |
|---|---|---|
| **Revised Total Requirements** | **$8,149,239** | **$8,149,239** |
| **Revised Total Receipts** | **$8,149,239** | **$8,149,239** |
| **Change in Fund Balance** | **$0** | **$0** |
| **Total Positions** | **42.00** | **42.00** |
| **Unappropriated Balance Remaining** | **$2,718,962** | **$2,718,962** |

# Special Provisions

## 2009 Session: SB 202

### Department: Judicial

Section: 15.1

Title: **Transfer of Equipment and Supply Funds**

Summary Allows funds appropriated for equipment and supplies to be placed in a single reserve account, and authorizes AOC to allocate those funds as needed to appropriate cost centers.

Section: 15.2

Title: **Grant Funds**

Summary Authorizes AOC to spend up to $1.5 million in available funds as the required state match for federal grants.

Section: 15.4

Title: **Report on Business Courts**

Summary Directs AOC to report annually on the activities and costs of the three business courts operating in Guilford, Wake, and Mecklenburg Counties.

Section: 15.5

Title: **Collection of Worthless Check Funds**

Summary Allows the use of the unexpended, year-end balance in the Worthless Check fund, which is a receipt-supported program, to purchase or repair office and computer equipment.

Section: 15.6

Title: **Dispute Resolution Fees**

Summary Allows the Dispute Resolution Commission to retain unexpended funds remaining in its account at year-end.

Section: 15.7

Title: **Reimbursement for Use of Personal Vehicles**

Summary Allows AOC to reimburse staff for the use of privately owned vehicles at a mileage rate less than the IRS standard business rate.

Section: 15.9

Title: **Guidelines for Maximizing Efficiency of Proceedings**

Summary Directs AOC to develop by December 1, 2009, guidelines to maximize the efficient use of the time spent by probation officers and court personnel participating in probation revocation hearings.

Section: 15.10

Title: **Eliminate Special Allowance for Superior Court Judges**

Summary Amends G.S. 7A-44(a) to eliminate the special $7,000 annual travel allowance for Superior Court Judges. Directs that Superior Court Judges shall be reimbursed for travel outside the county of residence at the same rate used for State employees.

S.L. 2009-575, Section 13 amends this provision to clarify that superior court judges shall be paid the same travel allowance as State Employees.

Section: 15.11

Title: **Clarify That DWI Treatment Courts are a Type of Drug Treatment Court Under the Drug Treatment Court Act**

Summary Revises G.S. 7A-791 to clarify that DWI treatment courts are a type of drug treatment court.

Section: 15.17B

Title: **Travel Expenses for District Court Judges, District Attorneys, Assistant District Attorneys, Public Defenders, and Assistant Public Defenders**

Summary Amends G.S. 7A-144 (a) to restrict reimbursement for travel expenses to trips made outside of the county of residence. Excludes regular, daily commuting trips as an eligible cost for reimbursement.

Section: 15.17E

Title: **Divide Prosecutorial District 11 into Districts 11A and 11B**

Summary Effective January 15, 2011, Prosecutorial District 11 will be divided into District 11A, Harnett and Lee, and District 11B, Johnston.

Section: 15.17I

Title: **Mandatory Appointment Fee in Criminal Cases/Report on Collection of Indigent Appointment Fees**

Summary Directs judges to order the indigent appointment fees required by statute. Directs AOC to report on the collection of indigent appointment fees and recoupment rates by county

Section: 15.17J

Title: **Biennial Report on Effectiveness of Programs Receiving Juvenile Crime Prevention Council (JCPC) Grants**

Summary Directs the NC Sentencing and Policy Advisory Commission to conduct biennial studies on the effectiveness of community programs receiving JCPC grant funds and report results to the General Assembly. The first report is due May 1, 2011 and future reports shall be due May 1 of each odd-numbered year.

Section: 15.20

Title: **Increase Certain Court Fees**

Summary Authorizes increases and new court fees in both criminal and civil courts. Includes increases in the fees paid for seatbelt and helmet violations; business court, and foreclosure filings. Authorizes new charge for paying courts costs/fees on an installment plan. Authorizes AOC to remit 10 percent of fees/costs collected by the court system to the General Fund.

S.L. 2009-575, Section 13A amends this provision to indicate that a defendant may pay all court-ordered monetary obligations using an installment plan for which there is a one-time set-up fee. S.L. 2009-575, Section 14 amends this provision to change the effective date of Section 15.20.(m) from July 1, 2009 to September 1, 2009).

# Special Provisions

## 2009 Session: HB 836

### Department: Judicial

Section: 13

Title: **TECHNICAL CHANGES: Eliminate Special Allowance for Superior Court Judges**

Summary Amends S.L. 2009-451, Section 15.10 to clarify that superior court judges shall be paid the same travel allowance as State Employees.

Section: 13A

Title: **TECHNICAL CHANGES: Increase Certain Court Fees**

Summary Amends S.L. 2009-451, Section 15.20 (c) to indicate that a defendant may pay all court-ordered monetary obligations using an installment plan for which there is a one-time set-up fee.

Section: 14

Title: **TECHNICAL CHANGES: Increase Certain Court Fees**

Summary Amends S.L. 2009-451, Section 15.20 (n) to change the effective date of the collection assistance fee from July 1, 2009 to September 1, 2009.

# Judicial - Indigent Defense

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Adjusted Continuation Budget** | **$133,881,190** | | **$132,320,396** | |
| **Legislative Changes** | | | | |
| **Department-Wide** | | | | |
| **12 Contractual Services**<br>Funding for contractual services, excluding PAC contracts, is reduced 5 percent below the FY 2008-09 authorized level. | ($369,208) | R | ($369,208) | R |
| **Indigent Defense Services** | | | | |
| **13 Reduce Aid to Center of Death Penalty Litigation**<br>Funding for the Center for Death Penalty Litigation contract is reduced by 5 percent. (S.L. 2009-451, Sec.15.3) | ($25,075) | R | ($25,075) | R |
| **14 Reduce Prisoner Legal Services Funds**<br>Funding provided for the Prisoner Legal Services contract is reduced. | ($62,204) | R | ($62,204) | R |
| **Indigent Person Attorney** | | | | |
| **15 Adjust the PAC Continuation Budget**<br>The continuation budget for the Private Attorney Fund includes increases of $16.1 million in FY 2009-10 and $14.3 million in FY 2010-11. The recurring continuation increases are reduced. Non-recurring funds are provided to address the backlog of unpaid claims carried over from FY 2008-09. | ($3,500,000)<br>$7,000,000 | R<br>NR | ($8,500,000) | R |
| **Public Defender Services** | | | | |
| **16 Eliminate Vacant Positions**<br>The following vacant positions are eliminated:<br><br>Asst Capital Defender (3.0)<br>Assistant Appellate Defender (1.0)<br>Assistant Public Defender (2.0)<br><br>(S.L. 2009-575, Section 18 amended this item to clarify that the vacant appellate defender position that is to be eliminated is an Assistant Appellate Defender, not the Appellate Defender.) | ($602,270)<br><br>-6.00 | R | ($602,270)<br><br>-6.00 | R |
| **Sentencing Services** | | | | |
| **17 Sentencing Services Program**<br>Funding for the Sentencing Services Program is reduced. (S.L. 2009-451, Sec. 15.16) | ($394,444) | R | ($394,444) | R |

| 2009 Annotated Conference Committee Report | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **18 Continuation Review - Sentencing Services Program**<br>Funding is provided for the Sentencing Services Program for FY 2009-10 only. Restoration of FY 2010-11 funds is subject to the findings of the Continuation Review. (S.L.2009-451, Sec. 6.6E) | ($2,235,185)<br>$2,235,185 | R<br>NR | ($2,235,185)<br>-11.50 | R |
| **Total Legislative Changes** | **($7,188,386)**<br>**$9,235,185** | **R**<br>**NR** | **($12,188,386)** | **R** |
| **Total Position Changes** | -6.00 | | -17.50 | |
| **Revised Budget** | **$135,927,989** | | **$120,132,010** | |

# Special Provisions

## 2009 Session: SB 202

**Department:** Judicial - Indigent Defense

Section: 15.3

Title: **Death Penalty Litigation Funds**

Summary Authorizes OIDS to use up to $376,125 to contract with the Center for Death Penalty Litigation to provide services to lawyers handling capital defense cases. Directs OIDS to report on the activities funded.

Section: 15.12

Title: **Office of Indigent Defense Services Expansion Funds**

Summary Authorizes OIDS to use up to $2,501,150 in FY 2009-10 and $2,433,700 in FY 2010-11 from funds appropriated for the Private Attorney Fee Fund to create new positions in existing Public Defender district offices across the state.

Section: 15.13

Title: **Office of Indigent Defense Services Report**

Summary Directs OIDS to report by March 1 each year on costs and activities to provide indigent representation. In addition, the March 2010 report shall include progress on the alternative scheduling pilot and the feasibility study of providing indigent case information when counsel is first appointed.

Section: 15.14

Title: **Indigent Defense Services/State Match for Grants**

Summary Authorizes OIDS to spend up to $50,000 in available funds as the required state match for federal grants.

Section: 15.15

Title: **Office of Indigent Defense Services Flexibility**

Summary Authorizes OIDS to use available funds as needed for registration fees, academic services, travel, and book purchases.

Section: 15.16

Title: **Sentencing Services Flexibility**

Summary Authorizes OIDS Director flexibility in determining how to implement funding reductions to the Sentencing Services Program.

Section: 15.17

Title: **Study Strategies to Reduce Demand for Services of Office of Indigent Defense Services**

Summary Directs OIDS to consult with AOC, DA Conference, NC Sentencing and Policy Advisory Commission and others to develop proposals to reduce future cost of providing legal representation to indigent persons. Directs the Office to include proposals in 2010 and 2011 reports to the General Assembly.

# Special Provisions

## 2009 Session: HB 836

**Department:** Judicial - Indigent Defense

Section: 18

Title: **TECHNICAL CHANGES: Eliminate Vacant Positions**

Summary Amends S.L. 2009-451, Joint Conference Committee Report on the Continuation, Expansion, and Capital Budgets, Judicial - Indigent Defense, Section I, Item 16 to specify that one vacant assistant appellate defender position shall be eliminated.

# Justice

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$100,441,147** | | **$101,047,019** | |
| **Legislative Changes** | | | | |
| **Administration** | | | | |
| **19 Shift Administrative Position to Receipt Support**<br>Governor's recommendation that an appropriated administrative position be shifted to receipt support. This position will now be funded by receipts generated through administrative charges from grants, cost of collection for DPI school penalties, Private Protective Services operating receipts, and Justice Academy Bookstore receipts | ($44,215)<br>-1.00 | R | ($44,215)<br>-1.00 | R |
| **Criminal Justice Training and Standards - CJTS** | | | | |
| **20 Reduce CJTS Operating Funds**<br>Reduction in operating funds for the Criminal Justice Training and Standards Division. This reduction will be offset by receipts from a new $2.00 fee to support the division. (S.L.2009-451, Sec. 15.20 (a)) | ($950,391) | R | ($1,900,782) | R |
| **Department-wide** | | | | |
| **21 Adjust Continuation Budget Line Items**<br>The continuation budget is adjusted to remove increases for maintenance agreements, legal services, and miscellaneous contractual services. | ($3,562,180) | R | ($4,106,298) | R |
| **22 Reduce Various Operating Accounts**<br>Governor's recommendation that funding for various operating accounts be reduced across the agency. | ($215,000) | R | ($215,000) | R |
| **23 Eliminate 48 Agency Positions**<br>Through the elimination of some vacant and filled positions, the agency's total authorized staffing level is reduced by 48 FTE positions. | ($2,562,782)<br>-48.00 | R | ($2,562,782)<br>-48.00 | R |
| **Legal Services** | | | | |
| **24 Reduce NCLEAF Funding**<br>Reduction in funding for the North Carolina Legal Education Assistance Foundation (NCLEAF). (S.L.2009-451, Sec. 16.4) | ($125,000) | R | ($125,000) | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **25 Shift Consumer Protection Positions to Receipts**<br>Shifts 21 positions in the Consumer Protection Program from General Fund appropriation to receipt support. Receipts associated with court orders and legal consumer settlements will be used to fund these positions. | ($1,333,242)<br>-21.00 | R | ($1,333,242)<br>-21.00 | R |
| **26 Maximization of Medicaid Fraud Recovery Efforts**<br>Reduction in the General Fund appropriation for the Medicaid Fraud Unit. This reduction will be offset by the program's efforts to maximize recovery fees and related administrative receipts. | ($168,566) | R | ($168,566) | R |
| **State Bureau of Investigation - SBI** | | | | |
| **27 Reduce SBI Overtime Budget**<br>Reduction the SBI overtime budget. | ($121,841) | R | ($121,841) | R |
| **28 Reduce Vehicle Replacement Budget**<br>Reduction in the SBI vehicle replacement budget. | ($342,303) | R | ($342,303) | R |
| **29 Reduce Telecommunication Service Charges**<br>Governor's recommendation that telecommunication service charges be reduced by providing all connections to criminal databases through secure internet connections. | ($459,599) | R | ($459,599) | R |
| **30 Reduce SBI Equipment Budget**<br>Reduction in the SBI equipment budget. | ($442,368) | R | ($442,368) | R |
| **31 Eliminate the Fingerprint Card Program**<br>Governor's recommendation that the fingerprint card program be eliminated now that all 100 counties have access to the Statewide fingerprint Identification System (SAFIS), which utilizes live scan devices. | ($15,696) | R | ($15,696) | R |
| **32 Shift IT Positions to Receipt Support**<br>Governor's recommendation that two appropriated Information Technology positions be shifted to receipt support. These positions will now be funded through user fees associated with the criminal databases that these positions support. | ($165,905)<br>-2.00 | R | ($165,905)<br>-2.00 | R |
| **33 Increase SBI Crime Lab Fee**<br>Governor's recommendation that the fee assessed on convicted criminals to recover the cost of SBI Crime Lab analysis be increased from $300 to $600. DWI cases make up a large percentage of the total revenue generated from this fee. (S.L.2009-451, Sec. 15.20(a)) | ($195,442) | R | ($390,884) | R |

| | FY 09-10 | | FY 10-11 |
|---|---|---|---|
| **34 Expand GangNet**<br>Governor's report on the use of funding of up to $1.8 million to be made available through the American Recovery and Reinvestment Act (Byrne/JAG Formula Program) for an expansion of the GangNet intelligence information database. The database will be expanded to include probation officers, the State Bureau of Investigation, the State's Homeland Security Intelligence Network and the NC Justice Xchange, which facilitates criminal integration by allowing the exchange of information throughout the criminal justice community. These efforts will be coordinated with Durham County and Charlotte-Mecklenburg, which administer the GangNet eastern and western nodes, respectively. The allocation of this funding will be made under the authority of the Governor Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | |
| **35 Federal Funds to Expedite Criminal and Drug Cases**<br>Governor's report on the use of funding of up to $500,000 to be made available through the American Recovery and Reinvestment Act (Byrne/JAG Formula Program) to support overtime expenditures required to expedite methamphetamine and violent crime investigations. This funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Program. | | | |
| **Total Legislative Changes** | **($10,704,530)** | **R** | **($12,394,481)** |
| **Total Position Changes** | **-72.00** | | **-72.00** |
| **Revised Budget** | **$89,736,617** | | **$88,652,538** |

# Special Provisions

## 2009 Session: SB 202

### Department: Justice

Section: 16.1

Title: **Private Protective Services and Alarm Systems Licensing Boards Pay for Use of State Facilities and Services**

Summary Directs the Private Protective Services and Alarm Systems Licensing Boards to pay for use of state facilities and services.

Section: 16.2

Title: **Use of Seized and Forfeited Property Transferred to State Law Enforcement Agencies by the Federal Government**

Summary Requires that the Departments of Justice, Correction, and Crime Control and Public Safety report to the Joint Legislative Commission on Governmental Operations on the receipt and intended use of federally forfeited funds or assets.

Section: 16.3

Title: **Certain Litigation Expenses to be Paid by Clients**

Summary Requires that departments, agencies, and boards reimburse the Department of Justice for litigation and other costs incurred by the department for services provided to these entities.

Section: 16.4

Title: **NC Legal Education Assistance Foundation Report on Funds Disbursed**

Summary Requires the foundation to report annually on the use of the State funds it receives to assist attorneys in repaying student loans.

Section: 16.5

Title: **Hiring of Sworn Staff Positions for the State Bureau of Investigation**

Summary Requires the State Bureau of Investigation (SBI) to hire sworn personnel only for certain purposes

# Juvenile Justice & Delinquency Prevention

GENERAL FUND

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Adjusted Continuation Budget** | **$172,484,415** | | **$172,651,108** | |
| **Legislative Changes** | | | | |
| **36 Adjust Continuation Budget**<br>Adjusts continuation budget to a level at or below FY 2008-09 Authorized Budget. | ($7,853,573) | R | ($6,067,225) | R |
| **Administration** | | | | |
| **37 Eliminate Seven Central Office Positions**<br>The Governor recommends eliminating seven central office positions, including one human resources position, one webmaster position, one administrative secretary, one information technology project manager, and three facility investigators. These eliminations are a combination of filled and vacant positions | ($426,955)<br>-7.00 | R | ($426,955)<br>-7.00 | R |
| **38 Reduce Appropriation for Furniture**<br>The Governor recommends funding for furniture be reduced on a nonrecurring basis. | ($218,393) | NR | ($218,393) | NR |
| **39 Reduce Legal Services**<br>Reduce the continuation budget for Legal Services. | ($58,848) | R | ($58,848) | R |
| **Center for the Prevention of School Violence** | | | | |
| **40 Eliminate the CPSV**<br>Eliminate funding for the Center for the Prevention of School Violence (CPSV). According to the Department, this division serves as a resource center and "think tank" for schools. These functions are not part of the core mission of the Department. | ($481,225)<br>-6.00 | R | ($481,225)<br>-6.00 | R |
| **Department wide** | | | | |
| **41 Gang Prevention and Intervention Pilot Program**<br>The Governor recommends using $6 million from the American Reinvestment and Recovery Act for the implementation of a two-year Gang Prevention and Intervention Pilot Program. This program will focus on youth at-risk for gang involvement and those who are already associated with gangs and gang activity. The pilot program will serve Cabarrus, Mecklenburg, Nash, Edgecombe, Wilson, and Halifax Counties. (S.L.2009-451, Sec.18.5) | | | | |

| 2009 Annotated Conference Committee Report | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **42 Reduce equipment**<br>Reduce the continuation budget for equipment. The Department opened four new YDCs in 2008 and the need for new equipment has declined. | ($500,000) | NR | ($500,000) | NR |
| **43 Contractual Services**<br>Funding for contractual services are reduced by 5 percent below the FY 2008-09 authorized level. This reduction does not apply to Eckerd Wilderness Camps or the Multi Purpose Groups Homes, which have been reduced elsewhere. | ($316,048) | R | ($316,048) | R |
| **44 Eliminate vacant positions**<br>Eliminate 25 positions that have been vacant for a year or longer. The Department has the flexibility to identify the positions to eliminate. | ($974,956)<br>-25.00 | R | ($974,956)<br>-25.00 | R |
| **Intervention/Prevention** | | | | |
| **45 Eliminate Alternative to Detention Contract**<br>The Governor recommends eliminating the Alternative to Detention Contract, which provides short-term emergency placement of juveniles through a local provider in District 23 and District 28. | ($43,885) | R | ($43,885) | R |
| **46 Eliminate Pass-Through Funding-Boys & Girls Club**<br>Eliminate pass-through funding to eight Boys & Girls Clubs that received a special appropriation of $50,000 each that was used as part of a match for grant funds that the clubs no longer receive. | ($400,000) | R | ($400,000) | R |
| **47 Reduce Pass-Through Funding- Project Challenge**<br>Reduces administrative funding for Project Challenge. This reduction will not affect the direct services Project Challenge provides in the 33 counties it operates. | ($32,000) | R | ($32,000) | R |
| **48 Additional Juvenile Court Counselors**<br>The Governor recommends using $1.5 million from the American Reinvestment and Recovery Act to fund 12 new court counselors and 2 new supervisors. These positions will be time limited. | | | | |
| **Special Initiatives** | | | | |
| **49 Reduce Eckerd Wilderness Camp contract**<br>Reduce the Eckerd Camp contract, which would close two of seven camps. | ($2,768,714) | R | ($2,768,714) | R |
| **50 Close the Alamance Multi-Purpose Home**<br>The Governor recommends closing the Alamance Multi-Purpose Home because of low capacity and low utilization. | ($600,000) | R | ($600,000) | R |

| 2009 Annotated Conference Committee Report | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **51 Eliminate Funding for Governor's 1 on 1**<br>Eliminate funding for the Governor's One on One mentoring program. This program serves lower risk youth in 46 counties and these programs would be eligible for JCPC funds. | ($1,645,545) | R | ($1,645,545) | R |
| **52 Reduce Pass-Through Funding for the JAC**<br>Reduce pass-through funding for the Juvenile Assessment Center by 25%. | ($41,359) | R | ($41,359) | R |
| **Support Our Students** | | | | |
| **53 Eliminate the Support Our Students program**<br>The Governor recommends eliminating funding for the SOS program, including the elimination of three filled positions. The subcommittee recommends taking the SOS General Funding and providing it to the JCPC county allocation to provide additional prevention services. (S.L. 2009-451, Sec. 18.6) (S.L. 2009-575, Section 18A amended this item to correct the figures for the elimination of the SOS program.) | ($6,171,062)<br>-3.00 | R | ($6,171,062)<br>-3.00 | R |
| **Youth Development Centers** | | | | |
| **54 Eliminate Youth Development Center positions**<br>The Governor recommends eliminating 19 vacant Youth Development Center positions. The positions are located at Dillon, Cabarrus, Edgecombe, and Chatham Youth Development Centers. | ($948,994)<br>-19.00 | R | ($948,994)<br>-19.00 | R |
| **55 Eliminate the Treatment Training Reserve**<br>Eliminate the treatment training reserve in the continuation budget, which was established to aid the Department in its efforts to train staff in their therapeutic treatment model. | ($250,000) | R | ($250,000) | R |
| **56 Close the Samarkand YDC**<br>Effective September 1, 2009, close the Samarkand YDC. In 2008, the Department opened four new replacement YDCs.(S.L. 2009-575, Section 18B amended this item to delay the closing of the Samarkand YDC to July 1, 2010.) | | | ($3,521,954)<br>-62.00 | R |
| **Total Legislative Changes** | ($23,013,164)<br>($718,393) | R<br>NR | ($24,748,770)<br>($718,393) | R<br>NR |
| **Total Position Changes** | -60.00 | | -122.00 | |
| **Revised Budget** | $148,752,858 | | $147,183,945 | |

# Special Provisions

## 2009 Session: SB 202

**Department:** Juvenile Justice & Delinquency Prevention

Section: 18.1

Title: **Annual Evaluation of Community Programs**

Summary Revises annual reporting for DJJDP programs: Eckerd, Camp Woodson, and Multipurpose Group Homes. The reporting requirements for the Support our Students (SOS) and Governor's One-on-One programs were dropped because the funding for the programs was eliminated. The reports are due March 1 to the Appropriations Committees 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.

Section: 18.2

Title: **Reports on Certain Programs**

Summary Continues the annual reporting requirement for the non-profit agencies (Project Challenge and the Juvenile Assessment Center) which receive pass-through funding from the Department. The reports are due April 1 to the he reports are due March 1 to the Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

Section: 18.3

Title: **State Funds May Be Used as Federal Matching Funds**

Summary Continues provision for the upcoming fiscal year, which allows the state DJJDP appropriation to county as the State match for federal juvenile justice block grant funds awarded to county and local governments.

Section: 18.4

Title: **Treatment Staffing Model At Youth Development Centers**

Summary Continues provision for the biennium capping the staffing at the new and existing YDCs at no more than 66 staff for a 32-bed facility, 198 staff for a 96-bed facility, and no more than 2.1 staff for every juvenile at existing facilities.

Section: 18.5

Title: **Establishment of A Gang Prevention and Intervention Pilot Program**

Summary Requires annual evaluation report on the effectiveness of a two-year pilot program to focus on youth at risk for gang involvement and those already involved with gangs and gang activity. This provision follows a money report item that establishes a $6 million pilot program in Cabarrus, Mecklenburg, Nash, Edgecombe, Wilson, and Halifax Counties. The report is due April 1 to the JPS Appropriations Subcommittees and to the Oversight Committee.

Section: 18.6

Title: **Eliminates the Support Our Students (SOS) program**

Summary Repeals Part 5A of Article 3 of Chapter 143B of the General Statutes.

Section: 18.7

Title: **Juvenile Crime Prevention Council (JCPC) Grant Reporting and Certification**

Summary Continues the annual JCPC reporting and certification requirements, which includes a breakdown of the number of at-risk, diverted, and adjudicated juveniles served by counties, and the Department's actions to ensure county JCPC's prioritize funding for dispositions of intermediate and community-level sanctions for court-adjudicated juveniles. The October 1 report is due to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations.

Section: 18.9

Title: **Establish Youth Accountability Planning Task Force**

Summary Establishes a 21-member Youth Accountability Planning Task Force within the Department of Juvenile Justice and Delinquency Prevention. The Task Force shall study whether the State should lower the age of juvenile jurisdiction to include 16 and 17 years olds. As part of its study, the Task Force shall develop an implementation plan, including costs and legal changes, that may be used if it is determined the age should be expanded. The Task Force shall submit an interim report to the JPS Appropriations Subcommittees and to the Oversight Committee. The final report is due January 15, 2011.

# Special Provisions

## 2009 Session: HB 836

### Department: Juvenile Justice & Delinquency Prevention

Section: 18A

Title: **TECHNICAL CHANGE: Eliminate SOS Program**

Summary Amends S.L. 2009-451, Joint Conference Committee Report on the Continuation, Expansion, and Capital Budgets, Section I, Item 53 to correct the figures for the elimination of the SOS program to read ($6,171,062) in FY 2009-10 and ($6,171,062) in FY 2010-11.

Section: 18B

Title: **TECHNICAL CHANGE: Close Samarkand YDC**

Summary Amends S.L. 2009-451, Joint Conference Committee Report on the Continuation, Expansion, and Capital Budgets, Section I, Item 56 to change the effective date of the closure of the Samarkand YDC from September 1, 2009 to July 1, 2010. There will no be reduction in funding or positions for the 2009-10 fiscal year.

# Correction

| | GENERAL FUND | | | |
|---|---|---|---|---|
| | FY 09-10 | | FY 10-11 | |
| **Adjusted Continuation Budget** | **$1,384,910,571** | | **$1,406,791,264** | |
| **Legislative Changes** | | | | |
| **57 ARRA Fiscal Stabilization Funds**<br>Allocation of the Federal ARRA recovery fund credit. | ($12,926,135) | NR | ($12,926,135) | NR |
| **58 Reduces Continuation Budget Increases**<br>Reduces continuation budget increases in the Department's base budget. | ($15,000,000) | R | ($6,000,000) | R |
| **59 Reduce Miscellaneous Contracts**<br>Reduces the Department's Miscellaneous Contracts line item, Fund Code 2199, by 5%. | ($995,960) | R | ($995,960) | R |
| **60 Eliminate Vacant Positions**<br>Eliminates 100 vacant positions within the Department of Correction in FY 2009-10 and 200 positions in 2010-11. | ($3,763,800)<br>-100.00 | R | ($7,527,600)<br>-200.00 | R |
| **61 Eliminate 87 Positions**<br>Eliminates 87 positions throughout the Department of Correction, adding up to $4,369,668 in reductions. | ($4,369,668)<br>-87.00 | R | ($4,369,668)<br>-87.00 | R |
| **62 Increase Federal Alien Assistance Receipts**<br>Governor's Recommendation: the State Criminal Alien Assistance Program (SCAAP) makes federal funds available to states for the purpose of recouping costs associated with incarcerating undocumented aliens. The Department of Correction anticipates future funding from this program will exceed its current budget, and increases the budgeted amount for this receipt line item. | ($872,000) | NR | | |
| **63 Reduce Jail Misdemeanant Payments**<br>Eliminates the requirement that DOC pay $18 per offender per day to counties as a subsidy for holding inmates with sentences greater than 30 days but less than 90 (S.L. 2009-451, Section 19.22A). | ($10,000,000) | R | ($10,000,000) | R |
| **64 Reduce Women at Risk**<br>Reduces pass-through appropriation to Women at Risk by 25%. | ($87,500) | R | ($87,500) | R |

| 2009 Annotated Conference Committee Report | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **65 Reduce Harriet's House**<br>Reduces pass-through appropriation to Harriet's House by 25% | ($68,750) | R | ($68,750) | R |
| **66 Reduce Summit House**<br>Reduces pass-through appropriation to Summit House by 10% | ($123,129) | R | ($123,129) | R |
| **67 Reduce Our Children's Place**<br>Reduces pass-through appropriation for Our Children's Place by 25%. (S.L.2009-451, Sec. 19.15) | ($36,500) | R | ($36,500) | R |
| **68 Eliminate Assistant Secretary**<br>Eliminates the position of Assistant Secretary for Program Development. This position's primary function is to seek federal grants for the Department. This function can be performed by the Office of Research and Planning, and financial oversight of grants is performed by the DOC Controller's Office. | ($89,046)<br>-1.00 | R | ($89,046)<br>-1.00 | R |
| **Community Corrections** | | | | |
| **69 Reorganize Community Corrections Districts**<br>Reduces the number of Judicial District Manager offices by 14. Allows the Department to recombine districts to achieve this reduction. | ($778,081)<br>-14.00 | R | ($1,037,431)<br>-14.00 | R |
| **70 Expand Chief Probation Parole Officer Positions**<br>Provides funding for an additional 18 Chief Probation Parole Officer (CPPO) positions. This expansion supports recommendations from the National Institute of Corrections 2008 report to improve the span of control between supervisors and field officers . The Division's goal is to have a 7:1 ratio between supervisors and field officers Eighteen positions will be effective October 1, 2009. | $1,383,273<br>18.00 | R | $1,383,273<br>18.00 | R |
| **71 Eliminate DCC Lease Payments**<br>Requires counties to provide suitable office space for probation offices pursuant to GS 15-209 (S.L. 2009-451, Section 19.19). | ($1,184,849) | R | ($2,349,849) | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **72 Community Corrections Intake Officers** | | | | |
| The Governor reports on the use of funding of up to $1.23 million to be made available through the American Reinvestment and Recovery Act for new Community Corrections Intake Officer positions. These positions will perform court intake duties and administrative functions in urban areas where court dockets currently require significant time commitments from Probation/Parole Officers. As recommended in the recent National Institute of Corrections report, these new positions will enable Probation/Parole Officers to dedicate more time to monitoring offenders under their supervision and less time performing administrative functions. | | | | |
| **73 VIPER Radios for Improved Community in DCC** | | | | |
| The Governor recommends using $1.3 million from the American Reinvestment and Recovery Act for the purchase of 406 VIPER (interoperable communications) radios to be deployed to those Division of Community Corrections offices within the current VIPER service area. | | | | |
| **Engineering** | | | | |
| **74 Shift Construction Contracts to Receipt Support** | ($200,000) | R | ($200,000) | R |
| Governor's Recommendation: funds contracts for oversight of Inmate Construction Program from the special indebtedness funding new prison construction. | ($600,000) | NR | ($600,000) | NR |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Prisons** | | | | |
| **75 Close Seven Prisons** | ($8,442,814) | R | ($22,330,604) | R |
| Seven prisons are to be closed during the course of the 2009-10 Fiscal Year. | -516.00 | | -516.00 | |
| McCain Correctional Hospital Will close on April 1, 2010. To maintain services associated with McCain, Hoke (April 1) and Odom (February 1) Correctional Institutions will be converted from medium custody to minimum, eliminating 155 positions. Additionally, Nash (October 1) and Pamlico (March 1) Correctional Institutions, both medium custody, will be double-celled with 99 additional positions. | | | | |
| Umstead Correctional Center will be closed on October 1, 2009, and Guilford Correctional Center will be closed on November 1, 2009, with a position reduction of 95. Lincoln Correctional will be converted to minimum custody on September 1, 2009, and Warren Correctional will be double-celled for medium custody inmates on November 1, 2009. Lincoln will lose 28 positions and Warren will gain 18. | | | | |
| The Wilmington Residential Facility for Women will close on September 1, 2009. The reduction for Wilmington is reduced by $168,740 in the first year of the biennium to allow for ten additional contractual beds at the Center for Community Transitions in Charlotte. | | | | |
| Gates and Union Correctional Centers will close on October 1, 2009, with a total position reduction of 68. | | | | |
| Cleveland Correctional Center will close on December 1, 2009, with a reduction in positions of 50. Craven Correctional Institution will be double-celled effective December 1 with a position increase of 7. | | | | |
| **76 Eliminate Gym and Visitation Posts** | ($4,027,332) | R | ($4,027,332) | R |
| Reduces post assignments in prison facilities for gymnasium and visitation duties. This will require some reorganization within individual units. | -107.00 | | -107.00 | |
| **77 Eliminate Community Work Crews** | ($4,780,105) | R | ($4,780,105) | R |
| Eliminates 127 work crews that provide labor for State and local governmental entities at no cost, as well as providing occupational development for inmates, and 127 associated officer positions. The DOC may charge actual cost to governmental entities for these services (S.L. 2009-451, Section 19.24). | -127.00 | | -127.00 | |
| **78 Reduce Inmate Road Squads and Litter Crews** | ($2,260,000) | R | ($2,260,000) | R |
| Reduces requirements for the Road Squad and Litter Crew programs associated with a 20% reduction in receipts from the Highway Fund. | | | | |

| 2009 Annotated Conference Committee Report | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **79 Reduce Correctional Officers and Lieutenants** | ($1,334,595) | R | ($1,334,595) | R |
| Eliminates 27 vacant Correctional Officer positions, 7 vacant Lead Correctional Officer positions, and one filled Correctional Lieutenant position. | -35.00 | | -35.00 | |
| **80 Reduce Job Orders for Repair and Renovation** | | | | |
| Governor's Recommendation: reduces requests for repairs and renovations to prison facilities. | ($299,259) | NR | ($299,259) | NR |
| **81 Reduce Temporary/Contractual Positions** | ($89,788) | R | ($89,788) | R |
| Reduce funding for temporary and contractual positions. | | | | |
| **82 Shift Positions to Inmate Welfare Support** | ($149,056) | R | ($149,056) | R |
| Governor's Recommendation: shifts three Telecommunication Support Technician positions that support the inmate pay phone system from General Fund support to Inmate Welfare Fund receipts. (S.L.2009-451, Sec.19.13) | -3.00 | | -3.00 | |
| **Total Legislative Changes** | ($56,397,700) | R | ($66,473,640) | R |
| | ($14,697,394) | NR | ($13,825,394) | NR |
| **Total Position Changes** | -972.00 | | -1072.00 | |
| **Revised Budget** | $1,313,815,477 | | $1,326,492,230 | |

# Correction Canteen Fund

Budget Code: 24502

| | FY 2009-10 | | FY 2010-11 | |
|---|---|---|---|---|
| **Beginning Unreserved Fund Balance** | **$2,666,842** | | **$2,517,786** | |
| **Recommended Budget** | | | | |
| Requirements | **$14,827,712** | | **$14,827,712** | |
| Receipts | **$14,827,712** | | **$14,827,712** | |
| Positions | **0.00** | | **0.00** | |
| **Legislative Changes** | | | | |
| **Requirements:** | | | | |
| **Inmate Welfare Fund** | $149,056 | R | $149,056 | R |
| Shifts three positions from General Fund support to Inmate Welfare Fund Receipts | $0 | NR | $0 | NR |
| | 3.00 | | 3.00 | |
| **Subtotal Legislative Changes** | **$149,056** | R | **$149,056** | R |
| | **$0** | NR | **$0** | NR |
| | 3.00 | | 3.00 | |
| **Receipts:** | | | | |
| **Inmate Welfare Funds** | **$0** | R | **$0** | R |
| | **$0** | NR | **$0** | NR |
| **Subtotal Legislative Changes** | **$0** | R | **$0** | R |
| | **$0** | NR | **$0** | NR |

| | FY 2009-10 | FY 2010-11 |
|---|---|---|
| **Revised Total Requirements** | **$14,976,768** | **$14,976,768** |
| **Revised Total Receipts** | **$14,827,712** | **$14,827,712** |
| **Change in Fund Balance** | **($149,056)** | **($149,056)** |
| **Total Positions** | **3.00** | **3.00** |
| **Unappropriated Balance Remaining** | **$2,517,786** | **$2,368,730** |

# Special Provisions

## 2009 Session: SB 202

### Department: Correction

Section: 19.1

Title: **Inmate Road Squads and Litter Crews**

Summary This provision appears in the budget each year, and sets the amount of transfer from the Highway Fund to the General Fund to support inmate crews that maintain the highways and pick up litter along roadsides. This transfer was reduced by 20% from previous years to $9,040,000.

Section: 19.2

Title: **Federal Grant Reporting**

Summary This section requires all JPS agencies to report by May 1 of each year to the Joint Legislative Commission on Governmental Operations on federal grants received or pre-approved. This is a standard provision renewed every biennium.

Section: 19.3

Title: **Reimburse Counties for Housing and Extraordinary Medical Costs for Inmates, Parolees, and Post-Release Supervisees Awaiting Transfer to State Prison System**

Summary This provision authorizes the Department of Correction to use its available funds to pay counties $40 a day for holding State prisoners who are awaiting an available bed in the prison system.

Section: 19.4

Title: **Use of Closed Prison Facilities**

Summary This is a standard provision that offers counties, state and federal agencies, and non-profits opportunities to use prison facilities that have been shut down. This provision includes a new section directing the Department of Correction to study the feasibility of establishing Probation Revocation Centers in closed facilities.

Section: 19.5

Title: **Limit Use of Operational Funds**

Summary This standard provision sets up the time frame for staffing newly-constructed prisons. Hiring, with limited exceptions, cannot commence until 120 days prior to the completion of a facility.

Section: 19.6

Title: **Center for Community Transitions/Contract and Report**

Summary This standard provision permits the Department of Correction to maintain a contract with the Center for Community Transitions, formerly Energy Committed to Offenders, and to require CCT to report annually on the performance in the contract.

Section: 19.8

Title: **Parole Eligibility Report/Mutual Agreement Parole Program/Medical Release Program**

Summary This provision merges and expands two standard provisions from earlier years. The provision requires an annual report on inmates eligible for parole and how long they have served relative to how long they would have served if sentenced today. The provision also requires a report on the Mutual Agreement Parole Program, an option for the Parole and Post-Release Supervision Commission to develop contracts with inmates to establish a release date subject to the inmate's compliance with conditions. The provision is expanded to include a report on the use of the Medical Release Program authorized in 2007.

Section: 19.9

Title: **Federal Grant Matching Funds**

Summary This standard provision authorizes the Department of Correction to spend up to $1.2 million to match federal grants.

Section: 19.10

Title: **Reports on Nonprofit Programs**

Summary Continues annual reporting requirements for four nonprofits that receive pass-through funds from DOC to serve female offenders (Harriet's House, Summit House, Women at Risk, and Our Children's Place). The reports are due February 1 to the Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

Section: 19.11

Title: **Criminal Justice Partnership**

Summary Continues annual reporting requirements on the Criminal Justice Partnership Program, including the amount of funds carried forward from the prior fiscal year, the number of community and intermediate offenders served and the amount spent on each type of offender, and a short description of the services and programs provided by each program. In addition, it permits counties to offer more than one type of program and recalculates the county allocation using updated data.

Section: 19.12

Title: **Report on Probation and Parole Caseloads**

Summary Modifies report on the current caseloads to include data on current caseload and district averages, span of control for chief probation officers, analysis of optimal caseloads, and the number and role of paraprofessionals supervising low-risk caseloads. The report shall include an update on the Department's implementation of recommendations from the 2004 and 2008 National Institute of Corrections technical assistance, and the process for assigning offenders to an appropriate level of supervision. The report has been modified to include data on the number of sex offenders enrolled on active and passive GPS monitoring. The March 1 report is due to the Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

Section: 19.13

Title: **Report on Inmate Welfare and Correction Enterprises**

Summary This provision requires the Department of Correction to perform a study on the feasibility of transferring funding of positions currently paid by Inmate Welfare Fund receipts and Correction Enterprise receipts to the General Fund.

Section: 19.14

Title: **Pre-Sentence Investigations Feasibility Study**

Summary Requires the Department of Correction and the Administrative Office of the Courts to conduct a feasibility study of conducting pre-sentence investigations for all offenders convicted of felonies for which a judge has the option of imposing an intermediate or active punishment. The May 1 report is due to the Appropriations Committees of the Senate and House of Representatives, the Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

Section: 19.15

Title: **Study Incarcerated Mothers Program**

Summary This provision requires Our Children's Place, Inc., to present a comprehensive plan for the implementation of a program allowing incarcerated women to keep their children with them. The provision also allows the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee to make recommendations with respect to such a program to the 2010 session.

Section: 19.16

Title: **Authorize State Retirees and Local Governmental Employees to Purchase from Correction Enterprises**

Summary This provision adds State retirees and local government employees to the list of individuals able to purchase goods from the Correction Enterprise Division.

Section: 19.19

Title: **Accommodations For Probation Offices**

Summary Modifies existing statute (G.S.15-209) requiring counties to provide suitable office space in or near the courthouse for probation officers and their administrative support staff, not Department of Correction management staff. Adds language requiring county court and jail facility fee funds be used to pay for the space in the event that a county is unable to provide adequate space.

Section: 19.20

Title: **Inmate Medical Services/ Request for Proposals**

Summary This provision changes the system for obtaining health care services for inmates in the custody of the Department of Correction. Section (a) of the provision requires the Department to use health-care providers currently under contract to the State Health Plan, and requires the Plan to process all inmate claims at the same rate paid for Plan members. Section (b) requires the Department of Correction to issue a Request for Proposals to establish a provider network specific to the Department as well as a claims processing contractor. This RFP must be issued by April 1, 2010. Section (c) requires the Department to consult with the Division of Medical Assistance to increase access to Medicaid for inmates otherwise eligible and to utilize the Department's authority to extend the limits of confinement. Section (d) requires the Department to make greater use of under-utilized community hospitals and to rotate use of emergency room services within a district

S.L. 2009-575, Section 15A amends this provision to clarify that the new rate structure for inmate medical payments also applies to health care providers who provide services within the prison).

Section: 19.22

Title: **Justice Reinvestment Project**

Summary This provision authorizes the Department of Correction to expend up to $100,000 in available funds as the required match for the Council of State Governments' Justice Reinvestment Project.

Section: 19.22A

Title: **Repeal Jailed Misdemeanant Payments**

Summary This provision repeals the requirement that the State pay counties $18 to house county prisoners serving sentence from 30 to 90 days.

Section: 19.22B

Title: **Gates County Correctional Institute Wastewater Facility Transfer**

Summary This provision requires the Department of Correction to continue operating the wastewater treatment facility at Gates Correctional Center for six months

S.L. 2009-575, Section 16 amends this provision to extend the period that the Department of Correction must continue to operate the wastewater treatment plant at the closed Gates Correctional Center from 6 months to one year).

Section: 19.24

Title: **Community Work Crew Fee**

Summary Permits the Department of Correction to charge a fee to any unit of local government to which it provides a community work crew. The fee cannot exceed a daily rate of $150.00 per crew.

Section: 19.26

Title: **Increase Fee For Community Service Work Program**

Summary Increases the fee for individuals who participate in the Community Service Parole Program from $200 to $225.

S.L. 2009-575, Section 16A amends this provision to clarify that the community service work fee increase will apply to persons ordered to perform community service on or after September 1, 2009).

# Special Provisions

## 2009 Session: HB 836

### Department: Correction

Section: 15A

Title: **TECHNICAL CHANGE: Inmate Medical Services/ Request for Proposals**

Summary Amends S.L. 2009-451, Sec. 19.20 to clarify that the new rate structure for inmate medical payments also applies to health care providers who provide services within the prison.

Section: 16

Title: **TECHNICAL CHANGE: Gates County Correctional Institute Wastewater Facility Transfer**

Summary Amends S.L. 2009-451, Sec. 19.22B to extend the period that the Department of Correction must continue to operate the wastewater treatment plant at the closed Gates Correctional Center from 6 months to one year.

Section: 16A

Title: **TECHNICAL CHANGE: Increase Fee for Community Service Work Program**

Summary Amends S.L. 2009-451, Sec. 19.26 to clarify that the community service work fee increase will apply to persons ordered to perform community service on or after September 1, 2009.

# Crime Control and Public Safety

| | GENERAL FUND | | |
|---|---|---|---|
| | FY 09-10 | | FY 10-11 |
| **Adjusted Continuation Budget** | **$43,925,878** | | **$44,067,870** |
| **Legislative Changes** | | | |
| **Administration** | | | |
| **83 Law Enforcement Support Services (LESS)** | ($430,336) | R | ($430,336) R |
| This recommendation makes funding for the Law Enforcement Support Services (LESS) nonrecurring in FY 2009-10. The budget bill also includes a special provision that directs the program to develop a fee schedule to make the program fully receipt-supported by the FY 2010-11. (S.L. 2009-451, Sec.17.5) | $430,336 | NR | -5.00 |
| **84 Elimination of Administrative Staff Positions** | ($82,685) | R | ($82,685) R |
| Elimination of two administrative positions. | -2.00 | | -2.00 |
| **Alcohol Law Enforcement - ALE** | | | |
| **85 Reduce ALE Operating Budget** | ($190,000) | R | ($190,000) R |
| Reduction in operating funds for the Alcohol Law Enforcement division. | | | |
| **86 Make the Boxing Authority Receipt Supported** | ($147,751) | R | ($147,751) R |
| Governor's recommendation that the North Carolina Boxing Authority no longer be supported through appropriation. All of the operations of the Boxing Authority will be shifted to fee receipts collected by the Authority. These fee receipts are currently over realized. (S.L.2009-451, Sec.17.7) | -2.00 | | -2.00 |
| **87 Make Bingo Regulation Receipt Supported** | ($26,600) | R | ($26,600) R |
| This recommendation eliminates the General Fund appropriation used for bingo regulation. This action will be offset by an increase in the bingo license fee to make the program no longer rely on General Fund appropriation. This fee has not been increased since 1983. (S.L.2009-451, Sec. 17.6) | | | |
| **Butner Public Safety** | | | |
| **88 Reduce Butner Public Safety Operating Budget** | ($361,266) | R | ($361,266) R |
| Reduction in operating funds for Butner Public Safety. | | | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Department-wide** | | | | |
| **89 Adjust Continuation Budget Line Items**<br>The continuation budget is adjusted to remove increases for the maintenance agreements, legal services, and miscellaneous contractual services. (S.L.2009-575, Sec.18.C corrected the adjustment to the Department's continuation budget.) | ($2,124,937) | R | ($2,291,729) | R |
| **90 Reduce Various Operating Accounts**<br>Governor's recommendation that various operating accounts be reduced across the agency. | ($641,147) | R | ($641,147) | R |
| **91 Eliminate 4 Vacant Positions**<br>Elimination of the listed 4 vacant positions. Positions to be eliminated:<br><br>60084186 Processing Assistant V<br>60087071 Public Safety Officer<br>60084174 Processing Assistant IV<br>60084166 Information Processing Tech.<br><br>(S.L. 2009-575, Sec. 18D adjusted this reduction from 6 vacant positions to 4 vacant positions) | ($190,018)<br>-4.00 | R | ($190,018)<br>-4.00 | R |
| **92 Transfer of State Capitol Police to Crime Control**<br>Type I transfer of the State Capitol Police Division from the Department of Administration to the Department of Crime Control and Public Safety. The Department of Administration is transferring a budget with total requirements of $4,081,415 in FY 09-10 and $4,085,683 in FY 10-11 that supports a total of 78 positions: 55 appropriated and 23 receipted, and operating expenses:<br><br>FY 09-10 / FY 10-11<br>Total Requirements $4,081,415 / $4,085,683<br>Receipts $971,926 / $972,188<br>Appropriation $3,109,489 / $3,112,757<br>(S.L.2009-451, Sec.17.3) | $3,109,489<br>55.00 | R | $3,112,757<br>55.00 | |
| **Emergency Management** | | | | |
| **93 Shift Floodplain Mapping Positions to Receipts**<br>Governor's recommendation that the appropriation for the Floodplain Mapping Program be replaced with receipts collected under the terms of Section 29.7(b) of H2436 (S.L. 2008-107), which established a fee to support floodplain mapping. This recommendation will shift 20 appropriated positions in the Floodplain Mapping Program to receipt support. | ($1,405,098)<br>-20.00 | R | ($1,405,098)<br>-20.00 | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **Governor's Crime Commission** | | | | |
| **94 25% Reduction in funding for NCVAN**<br>25 percent decrease in funding for the North Carolina Victims Assistance Network (NCVAN). | ($37,500) | R | ($37,500) | R |
| **95 Illegal Immigration Project**<br>Funding to the Governor's Crime Commission to contract with the North Carolina Sheriffs' Association for immigration enforcement services. (S.L.2009-451, Sec.17.1) | $150,000 | NR | | |
| **96 Reduce State Match Funds for Federal Grants**<br>Governor's recommendation to reduce state match funds for federal grants. | ($60,091) | R | ($60,091) | R |
| **97 Evidence-Based Gang Grants**<br>The Governor reports on the use of funding of up to $5 million to be made available through the American reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award evidence-based grants that focus on gang prevention, treatment, intervention, and re-entry programs. Special emphasis will be placed on consultation with the Department of Juvenile Justice and Delinquency Prevention to engage local Juvenile Crime Prevention Councils (JCPC's) in the development of gang prevention programs that address local priorities developed as a result of the JCPC's local gang threat assessments. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |
| **98 Local Government Grants to Purchase VIPER Equip't**<br>The Governor reports on the use of funding of up to $5 million to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to award grants to local governments for VIPER (Interoperable communications) equipment in order to enhance communications among public safety agencies. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program. | | | | |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|

**99 Governor's Statewide Gang Task Force**

The Governor reports on the use of $200,000 in funding from the American Recovery and Reinvestment Act (Byrne/JAG Formula Program) for the establishment of a Statewide Gang Task Force. This task force will be established within the Governor's Crime Commission to bring key stakeholders together to develop a comprehensive plan and create legislation to ensure a well coordinated, statewide enforcement program and increase the flow of gang-related information among various law enforcement agencies, correctional institutions, and the judicial system. This item will be supported by administrative funds made available to the Governor's Crime Commission through the Byrne/JAG Formula Program.

**100 Supplemental Grants for COPS Hiring & Recovery**

The Governor reports on the use of funding of up to $400,000 to be made available through the American Recovery and Reinvestment Act (Byrne/JAG Formula Program) for the Governor's Crime Commission to provide supplemental grants to incentives local governments to participate in the COPS Hiring and Recovery Program (CHRP). CHRP grants are awarded on a competitive basis and provide funding for salaries and benefits for new law enforcement positions as well as for the reemployment of officers affected by recent budget cuts. Through the supplemental grants, up to $4,000 will be provided to support the equipment costs for every officer hired through the COPS Hiring and Recovery Program. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Formula Program.

**National Guard**

| | | | | |
|---|---|---|---|---|
| **101 Reduce Funding for Family Assistance Centers**<br>Reduction in state funding for the National Guard Family Assistance Centers. | ($90,000) | R | ($90,000) | R |
| **102 Transfer the National Guard Pension Fund**<br>Transfer of the National Guard Pension Fund ($7,007,443) from the Department of Crime Control and Public Safety to the Department of State Treasurer. This transfer will allow the Department of the State Treasurer to manage this program as it does for most of the State's pension programs. | ($7,007,443) | R | ($7,007,443) | R |
| **103 Reduce National Guard Tuition Assistance Program**<br>Reduction in funding for the National Guard Tuition Assistance program. In addition to tuition assistance available through the state program, there is also a federal program that provides tuition assistance to National Guard members. | ($500,000) | R | ($500,000) | R |

| | FY 09-10 | | FY 10-11 | |
|---|---|---|---|---|
| **State Highway Patrol - SHP** | | | | |
| **104 Training to Improve State Highway Patrol Operation**<br>Governor's report on the use of funding of up to $200,000 to be made available through the American Reinvestment and Recovery Act (Byrne/JAG Formula Program) to provide leadership development training at every level of supervision within the State Highway Patrol, as recommended in a recent independent evaluation of the Patrol drew upon the best practices for statewide law enforcement The evaluation found that many Patrol supervisors require stronger coaching, mentoring, and counseling skills to effectively supervise their direct reports and therefore, improve State Highway Patrol operations. The allocation of this funding will be made under the authority of the Governor's Crime Commission, the state administrator of the Byrne/JAG Program. | | | | |
| **Total Legislative Changes** | **($10,185,383)** | **R** | **($10,348,907)** | **R** |
| | **$580,336** | **NR** | | |
| **Total Position Changes** | 27.00 | | 22.00 | |
| **Revised Budget** | **$34,320,831** | | **$33,718,963** | |

# Highway Patrol

Budget Code: 24960

| | FY 2009-10 | | FY 2010-11 | |
|---|---|---|---|---|
| **Beginning Unreserved Fund Balance** | **$0** | | **$0** | |
| **Recommended Budget** | | | | |
| Requirements | **$222,019,507** | | **$224,837,882** | |
| Receipts | **$222,019,507** | | **$224,808,402** | |
| Positions | **2,381.50** | | **2,381.50** | |
| **Legislative Changes** | | | | |
| **Requirements:** | | | | |
| **Reduce Operating Funds** | ($7,831,242) | R | ($7,861,242) | R |
| Funding for various operating accounts is reduced | ($1,500,000) | NR | ($1,450,000) | NR |
| | 0.00 | | 0.00 | |
| **SHP Freeze Step Increase** | $0 | R | $0 | R |
| The step increases for the salaries of Troopers are frozen for both years of the biennium. These are non-recurring reductions in both years. | ($1,674,280) | NR | ($3,373,932) | NR |
| | 0.00 | | 0.00 | |
| **Eliminate Continuation Budget Increases** | ($2,832,607) | R | ($2,647,712) | R |
| Adjust continuation budget to a level at or below FY 2008-09 Authorized Budget | $0 | NR | $0 | NR |
| | 0.00 | | 0.00 | |
| **Subtotal Legislative Changes** | **($10,663,849)** | R | **($10,508,954)** | R |
| | **($3,174,280)** | NR | **($4,823,932)** | NR |
| | 0.00 | | 0.00 | |
| **Receipts:** | | | | |
| **Highway Patrol Receipts** | ($10,663,849) | R | ($10,508,954) | R |
| Receipt funds from the Highway Fund are reduced. | ($3,174,280) | NR | ($4,794,452) | NR |

| | FY 2009-10 | | FY 2010-11 | |
|---|---|---|---|---|
| Subtotal Legislative Changes | ($10,663,849) | R | ($10,508,954) | R |
| | ($3,174,280) | NR | ($4,794,452) | NR |
| **Revised Total Requirements** | $208,181,378 | | $209,504,996 | |
| **Revised Total Receipts** | $208,181,378 | | $209,504,996 | |
| **Change in Fund Balance** | $0 | | $0 | |
| **Total Positions** | 2,381.50 | | 2,381.50 | |
| **Unappropriated Balance Remaining** | $0 | | $0 | |

# Special Provisions

## 2009 Session: SB 202

**Department:** Crime Control and Public Safety

Section: 17.1

Title: **Report on the Use of Illegal Immigration Project Funds**

Summary Requires the North Carolina Sheriffs Association to report on the agency's use of Illegal Immigration Project funds received from the state. The program will report to the Joint Legislative Correction, Crime Control, and Juvenile Justice Oversight Committee by March 1, 2010.

Section: 17.3

Title: **Transfer of State Capitol Police to the Department of Crime Control and Public Safety**

Summary Transfers the State Capitol Police via type I transfer from the Department of Administration to the Department of Crime Control and Public Safety.

Section: 17.4

Title: **Study Consolidation of Law Enforcement Agencies**

Summary Directs the Office of State Budget and Management (OSBM) to study the feasibility of consolidating state law enforcement agencies. OSBM is to report on the findings and recommendations of this study to the Joint Legislative Corrections, Crime Control and Juvenile Justice Oversight Committee by February 1, 2010.

S.L. 2009-575, Section 14A amends this provision to direct OSBM to study the feasibility of consolidating all state law enforcement agencies. The original special provision only required OSBM to study consolidating executive branch law enforcement agencies.

Section: 17.4A

Title: **Assist Sheriffs' Enforcement of Sex Offender Registration Laws**

Summary Reauthorizes unspent funds appropriated in the FY 2008-09 Budget for a grant program through the Governor's Crime Commission to assist sheriff departments with costs associated with sex offender registration work.

S.L. 2009-575, Section 17 amends this provision to award a grant to the NC Sheriffs' Association to assist the sheriffs of North Carolina with training and technical assistance in the enforcement of the State's sex offender laws. The funds for this grant shall not revert, and $250,000 shall be appropriated to the Department of Crime Control and Public Safety to award this grant.

Section: 17.5

Title: **Law Enforcement Support Services Fees**

Summary The Department of Crime Control and Public Safety is directed through this special provision to develop a fee schedule for services provided by the Law Enforcement Services Program.

Section: 17.6

Title: **Increase Charitable Bingo Licensing Fee**

Summary Increases the annual bingo licensing fee from $100 to $200. Last increased in 1983, this increase will allow for the program to be receipt supported and no longer rely on General Fund appropriations.

Section: 17.7

Title: **Increase Fees for Licensing Boxers and for Tickets Sold at Boxing Events**

Summary Increases various boxing license fees and event admission fees to allow for the program to be completely receipt supported and no longer rely on General Fund appropriations.

Section: 17.8

Title: **Increase the Registration Fee for Deeds of Trust and Mortgages**

Summary Increases the registration fee for deeds of trust and mortgage filings from $22 to $28. The receipts collected will be deposited into the state General Fund and used to support governmental operations.

# Special Provisions

## 2009 Session: HB 836

### Department: Crime Control and Public Safety

Section: 14A

Title: **TECHNICAL CHANGE - Study Consolidation of Law Enforcement Agencies**

Summary Amends S.L. 2009-451, Section 17.4, to direct the Office of State Budget and Management (OSBM) to study the feasibility of consolidating all state law enforcement agencies. The original special provision only required OSBM to study consolidating executive branch law enforcement agencies.

Section: 17

Title: **TECHNICAL CHANGE - Assist Sheriffs' Enforcement of Sex Offender Registration Laws**

Summary Amends S.L. 2009-451, Section 17 to award a grant to the NC Sheriffs' Association to assist the sheriffs of North Carolina with training and technical assistance in the enforcement of the State's sex offender laws. The funds for this grant shall not revert, and $250,000 shall be appropriated to the Department of Crime Control and Public Safety to award this grant.

Section: 18C

Title: **TECHNICAL CHANGE - Adjust Continuation Budget Line items**

Summary Amends S.L. 2009-451, Joint Conference Committee Report on the Continuation, Expansion, and Capital Budgets, Section I, Item 83, to adjust the continuation budget amounts for the Department of Crime Control and Public Safety to read $2,124,937 for FY 2009-10 and $2,291,729 for FY 2010-11.

Section: 18D

Title: **TECHNICAL CHANGE - Eliminate Vacant Positions**

Summary **Amends S.L. 2009-451, Joint Conference Committee Report on the Continuation, Expansion, and Capital Budgets, Section I, Item 91, to adjust the number of vacant positions to be eliminated by reducing the total number of vacant positions to be eliminated from six to four positions and decreases the total reduction amount by $190,018 in both fiscal years.**

DEPARTMENT OF CORRECTION

## IMPACT OF 2009-10 BUDGET REDUCTIONS

### Position Reduction

1,153 Positions abolished of which 489 were filled. Of that total 417 employees were placed in other DOC positions and 73 separated with a severance payout of $1,228,864.

### Prison Closures

The Department closed 7 prisons - Wilmington Residential, Guilford, Union, Umstead, Cleveland, McCain and Gates. With the loss of this bed capacity, coupled with the inmate population growth, the Department has experienced significant increase in jail backlog. Currently there are 767 inmates on jail backlog at a projected cost of $9.1 million this year as compared to $3.1 in the previous year. The Department is not appropriated funds for jail backlog expenses.

### Eliminate Community Work Crews

The elimination of the community work crew program terminated job assignments for approximately 1,000 inmates increasing management's concern with inmate idleness. This budget reduction eliminated a valuable service to the local governments and the school systems which have grown dependent on these services.

### Eliminate DCC Lease Payments

The Department has completed the transition of the Division of Community Corrections lease payments to the counties. While this added additional costs for the counties, the Department worked successfully with them to transition these leases.

### Division of Community Corrections Consolidation

The Division has accomplished the reduction of 14 management level positions, resulting in the reorganization and consolidation of judicial districts throughout the state. The long term effect of the loss of approximately 1/3 of the division judicial management positions is yet to be realized.

## 2009-2010
## Budget Reductions

| Facility | Positions Impacted | Employees Impacted | Employees Placed | Employees Separated with RIF Rights | Employees Separated With No RIF Rights |
|---|---|---|---|---|---|
| Wilmington | 10 | 9 | 8 | 1 | 0 |
| Guilford | 54 | 52 | 49 | 3 | 0 |
| Union | 36 | 31 | 31 | 0 | 0 |
| Umstead | 45 | 32 | 32 | 0 | 0 |
| Cleveland | 50 | 44 | 28 | 13 | 3 |
| STATEWIDE DOP MISC. POSITIONS | 88 | 23 | 22 | 1 | 0 |
| DCC | 14 | 12 | 4 | 8 | 0 |
| Gates | 32 | 25 | 22 | 3 | 1 |
| Odom Conversion | 107 | 65 | 60 | 5 | 0 |
| Lincoln Conversion | 28 | 22 | 21 | 1 | 0 |
| DACDP | 2 | 2 | 2 | 0 | 0 |
| Hoke Conversion | 74 | 26 | 26 | 0 | 0 |
| McCain Hospital | 230 | 146 | 112 | 33 | 1 |
| Totals: | 770 | 489 | 417 | 68 | 5 |

DEPARTMENT OF CORRECTION

## 2009-10 Governor's 4% Reversion Target

| | |
|---|---|
| **APPROPRIATION:** | **$1,313,815,477** |
| **REVERSION TARGET:** | |
| DOC's cash allotment is reduced by 4% of the allocated budget: | $52,552,619 |
| Office of State Budget and Management is controlling the reversion target through the cash allotment process. | |

**DOC Implemented the following steps to manage the reversion target:**

**Budget**

| | |
|---|---|
| Reduce the dietary equipment budget: | ($600,000) |
| Reduce the budget used for replacement of computers and other related equip: | ($1,500,000) |
| Reduce the budget for replacement of departmental vehicles: | ($1,000,000) |
| Reduce the budget in maintenance related accounts: | ($1,100,000) |
| Reduce the rent/lease motor vehicles budget in the Division of Prisons: | ($400,000) |
| Withheld the Criminal Justice Partnership Program discretionary funds: | ($2,200,000) |
| **Sub Total Non-Salary:** | ($6,800,000) |

| | |
|---|---|
| **Vacant Positions - Lapsed Salaries** | ($45,752,619) |

**Impact of Reversion Target:**

**Lapsed Salaries**

At the beginning of the fiscal year, the department held non-critical positions vacant to generate the required lapsed salaries.

**Reduction in Equipment and Vehicle Budgets**

Due to budget restrictions in both the current and prior fiscal years, the department has taken significant cuts in the budget for equipment replacements. This has led to the inability to replace aging equipment and will lead to increased maintenance and repair costs as well as significant replacement costs in future years.

**Travel and Training**

The department has restricted employee travel and limited training to only essential requirements.

# North Carolina Department of Justice - Fiscal Year 2009-2010 Status Update

Presented to Joint Appropriations Committee on Justice and Public Safety – April 14, 2010

| | Governor's Continuation Budget | General Assembly Certified Budget | General Assembly Changes | Governor's 4% Holdback | Total Adjustments |
|---|---|---|---|---|---|
| **DOJ Appropriated Funds** | $100,441,147 | $89,736,617 | $(10,704,530) | $(3,589,465) | $(14,293,995) |
| **Percentage Change** | | | (11.9%) | (4.0%) | (15.9%) |

**DOJ General Fund Positions Eliminated**

72.0 General Fund positions abolished in FY 2009/2010

- 43.0 general fund positions abolished from Legal Division
- 21.0 general fund positions abolished from SBI
- 4.0 general fund positions abolished from Justice Academy
- 4.0 general fund positions abolished from General Administration

- 9.0 positions abolished through a Reduction in Force (RIF)

**Governor's 4% Administrative Reduction Efforts**

Actions to manage Governor's $3.5 million holdback:

- Reducing travel, equipment & operating costs
- Holding Positions Vacant (lapse salaries)
- Maximizing Receipts/Collecting Unpaid Bills

## CRITCIAL ISSUES/IMPACT BY DOJ DIVISION

**Legal Services Division**

The Legal Division has incurred the most significant staff reductions in the Department. At the same time, legal workload is increasing rapidly. Examples include:

- School Bus Related Accidents /Tort Claims – Current year tort claim expenses are running 30.3 percent higher when compared to last fiscal year. Projected year end claims are estimated to be $10.1 million, compared to $7.2 million last year. Both volume and average claim amounts are increasing significantly. Preliminary research indicates that NC is the only state in the nation that incurs full liability for local school system accident claims.

- Civil/Tax Law Activity - In the current fiscal year, DOJ civil and tax attorneys played an instrumental role in securing $427 million in additional tax collections related to a Department of Revenue corporate tax resolution initiative. This includes successful conclusion of a $35 million lawsuit against a multi-national corporation.

Attachment 6

- Election Related Litigation – The Elections Section is experiencing exponential growth in workload related to State Board of Election campaign finance matters and state and local elections litigation. These trends are projected to increase with forthcoming legislative redistricting after the 2010 census is complete.

- Criminal Appeals – When compared to last year, criminal appeals filed with the Legal Division have increased 20 percent.

**State Bureau of Investigation - SBI**

SBI has experienced a significant level of reductions to operating costs that include SBI replacement equipment, travel and training, overtime, rent and lease payments and law enforcement computer system maintenance. At the same time, Crime Lab workload and cases submissions has increased 5.5 percent over last fiscal year. The impact of these reductions includes:

- Elimination of Services - The SBI Crime Lab has ceased its crime scene photo processing services for local agencies and eliminated questioned document forensic analysis services thereby prioritizing its assistance and law enforcement services to focus more on the higher demand requests for service.

- Investigative Resources Strained - SBI has reduced over 15.0 support and administrative type positions. This has resulted in sworn agents having to absorb more clerical and administrative work and spending less time on core investigative and forensic analysis duties.

- Crime lab scientific equipment budget has been decreased by 72% and the automobile replacement budget has been decreased by 32%. Older equipment and cars are more expensive to maintain and can be less efficient to operate.

- SBI Overtime budget has been decreased by 48% which has impacted investigative capacity.

**Justice Academy**

A total of 4.0 academy positions and $497,091 in associated operating costs were eliminated from the Justice Academy to help address the state financial crisis. While general fund support has decreased, the demand for academy classes has continued to climb the last three years and into this fiscal year.

- Training Demand Increasing – This current fiscal year, the academy has increased the number of courses provided by 8.3 percent and the number of students who register for academy courses has increased by 12.6 percent.

- Specialized Training for Local Law Enforcement Reduced – Because of the above noted position reductions, the Academy has had to significantly reduce specialized training for local law enforcement in the areas of cybercrime investigations and sexual assault investigations.

NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS

April 14, 2010

**Report to Joint Appropriations Subcommittees on Justice & Public Safety**
**Judicial Department Management of Legislative Reductions and Governor's Reversion Target**

## Judicial Department Overview

**531 Elected Officials; 6,286 Total Positions**

- Elected judges and staff
- Elected clerks and staff
- Elected district attorneys and staff
- Appointed magistrates
- N.C. Administrative Office of the Courts (NCAOC)
- Guardian ad Litem
- Specialty court programs

**Authorized Budget for FY 2010-11: $478.5 million**

- 90% People (salaries and benefits)
- 10% Operating (travel, legal services, supplies, equipment, maintenance, and other needs)
- 25% Constitutionally mandated programs

## Budget Reductions in 2009-10: Legislative Highlights

- Total reductions of $30.7 million, including $2.3 million non-recurring
- Eliminated 47 vacant positions ($2 million):

| Area | Positions Cut | % of Total Positions | % of Cut Positions |
|---|---|---|---|
| NCAOC | 5.00 | 7% | 11% |
| Appellate Courts | 1.00 | 2% | 2% |
| Trial Courts | 32.00 | 72% | 68% |
| *Superior Court* | *1.75* | | |
| *District Court* | *2.85* | | |
| *Clerks* | *21.40* | | |
| *Magistrates* | *6.00* | | |
| District Attorney Offices | 9.00 | 19% | 19% |
| Total | 47.00 | 100% | 100% |

- Reduced $18.8 million in continuation budget line items
- Eliminated General Fund monies for telephone lines ($3.9 million); transferred responsibility to the Court Technology Fund (supported by court fee of $3 per case)
- Reduced funding for contractual services ($1.2 million)
- Froze Magistrate and Deputy Clerk pay plans ($2.3 million)

## Budget Reductions in 2009-10: Executive Reversions

- For FY 2009-10 budget, each 1% reduction is $4.67 million
- OSBM requested 5% reversion = $23.4 million
- NCAOC agreed to a 2% reversion = $9.3 million (equivalent to 3% of budget excluding Constitutionally-mandated programs)
- Shortage of funds for health insurance and retirement benefits received from OSBM: $1.5 million for FY 2009-10

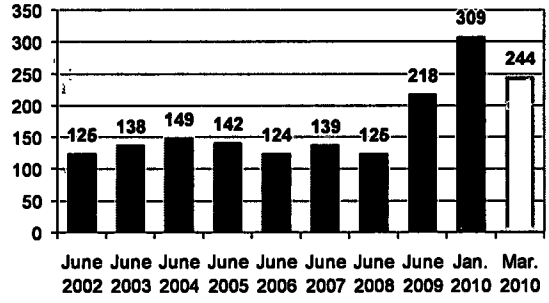
| | |
|---|---|
| Starting Continuation Budget: | $497.6 million |
| Legislative Reductions: | - $ 30.7 million |
| OSBM Reversion Target: | - $ 9.3 million |
| Adjusted for Reserves: | +$ 5.9 million |
| Remaining Budget: | $463.5 million |

## Budget Management in 2009-10: Lapsed Salaries

- $9.3 million reversion target will be met primarily through managing vacancies to generate lapsed salaries
- Vacancies rotated based on workload criteria

| | |
|---|---|
| Budget items supplemented by lapsed salary: | $ 7.1 million |
| OSBM reversion: | $ 9.3 million |
| Total required lapsed: | $16.4 million |

**Vacancies – Non-Elected Positions**




## Budget Management in 2009-10: Other Measures

- Travel restrictions from 2008-09 continued:
  - No discretionary out-of-state travel
  - Court/case-related travel not impacted
  - In-state travel – essential travel only
  - Reduced mileage reimbursement rate
- Training initially suspended, including training through UNC School of Government. Received Governor's Crime Commission grant to assist with statutorily required training.
- Supply and equipment orders limited to necessities.
- Emergency judges: NCAOC suspended emergency judge pay/use in March and restored it on a limited basis in September. 44 emergency judges volunteered their services.
- Superior Court: Suspended the Constitutionally-mandated rotation of superior court judges to reduce travel expenses.

## Revenue Generating Efforts: Analysis of Offender Payments

- Compliance Rates for Money Paid on Cases Disposed in FY 2007-08 (as of the end of 2009):

| Case Type | Percent Satisfied in Full |
|---|---|
| Infractions | 99.5% |
| Unsupervised/No Probation – Traffic | 95.7% |
| Unsupervised/No Probation – Non-traffic | 87.9% |

*Some probation cases are still ongoing and therefore have not yet been fully satisfied
**Percentage includes some cases in which payments were reduced or waived

- FY 2008-09 General Court of Justice costs receipted to the General Fund: $191 million
- Total money receipted in FY 2008-09: $657 million
  (Includes money distributed to General Fund, other State agencies, local governments, and citizens.)

REDUCTIONS IN BUDGET FOR OFFICE OF INDIGENT DEFENSE SERVICES
Presentation to Justice & Public Safety Appropriations Subcommittee April 14, 2010

| Reductions in Current Year Budget | Per Certified Budget | | | Reserve for Budget Reduction | | |
|---|---|---|---|---|---|---|
| Private Assigned Counsel Fund | | | | | | |
| reduced contractual services | ($352,055) | | | ($3,801,409) | *4.09% cut* | |
| $3.5 Million switch Recurring to NR | | | | | | |
| Public Defenders | | | | | | |
| 6 vacancies eliminated | ($602,270) | | | ($1,565,220) | *4% cut* | |
| reduced contractual services | ($16,728) | | | | | |
| IDS Administration | | | | | | |
| reduced contractual services | ($425) | | | ($84,775) | *4.7% cut* | |
| Sentencing Services | ($394,444) | *2 posn* | | | | |
| NC Prisoner Legal Services Contract | ($62,204) | *2.1% cut* | | | | |
| Center for Death Penalty Litigation | ($25,705) | *5% cut* | | | | |
| Total | ($1,453,831) | | | ($5,451,404) | | |

**IMPACT OF REDUCTIONS/COST SAVING MEASURES IN PLACE**

PAC: Although IDS had projected 7% growth in PAC spending in FY10, actual spending is only slightly higher than FY09. Cost control measures implemented in the fall of 2008 (reduced travel reimbursement rate, partial hour payments GAL program conflict to AOC, tightened review of entitlement to counsel) and growth in contract and PD offices have meant we could absorb the reduction reserve without holding payments.

Public Defender Offices: Because the Continuation Budget increased funding in certain areas, as well as hiring freezes earlier in the year and continued prohibition of pay increases, lapsed salary has been adequate to absorb reduction reserve. IDS moved quickly to create and fill new PD positions where they would be cost effective. Operating savings have been realized by lower mileage rate (35 cents), revised/downsized training programs, cancelled training events, and deferred equipment replacement.

Indigent Defense Services: Staff turnover generated enough lapsed salary to cover reserve.

Sentencing Services: Cut resulted in RIF of two staff and reduction of all staff positions and grants to nonprofits by 6.25%.

NC Prisoner Legal Services: Maintained level of services because of an attorney paid by private law firm; will end in August

Center for Death Penalty Litigation: Modest reduction in services provided under contract.

Office of Indigent Defense Services
123 W Main St
Durham, NC 27701

Attachment 8

## Department of Juvenile Justice & Delinquency Prevention
## Summary of FY 2009-10 Legislative Budget Actions

### I. Impact of FY 2009-10 Budget Reductions

| | ITEM | AMOUNT | IMPACT |
|---|---|---|---|
| 1) | **Elimination of FY 2009-10 Continuation Budget Request** | -$7,853,573 | Reduction in funding for:<br>--Overtime expenses for Youth Development and Detention facilities<br>--Settlements for outstanding workers compensation cases<br>--Medical and hospital-related costs<br>--Utility costs *(electricity, natural gas, and fuel oil)*<br>--Numerous other items *(vehicle replacement, educational software, telephone systems, increased rent costs, increased laundry services costs, food services contracts, and waste removal costs)* |
| 2) | Elimination of Support Our Students (SOS) Program | -$6,171,062 | Elimination of the SOS program resulted in the loss of programs in all 100 counties which provided after-school activities designed to reduce delinquency, adolescent pregnancy, and early experimentation with drugs and alcohol. *Number of positions eliminated: 3.0* |
| 3) | Elimination of the Center for Prevention of School Violence (CPSV) | -$481,225 | Elimination of the CPSV program resulted in the loss of a nationally-recognized resource and educational policy center that advanced efforts to ensure safe, secure schools. *Number of positions eliminated: 6.0* |
| 4) | **Elimination of 51.0 Positions (Department-wide)** | -$2,350,905 | 7.0 Central Office<br>35.0 Youth Development Centers<br>3.0 Court Counselors, and<br>6.0 Detention facilities.<br><br>*These positions included: Investigators, Technology Support, Administrative Assistance, Juvenile Court Counselors, Youth Counselors, Nurses, Staff Psychologists, Youth Counselor Technicians, Behavior Specialists, and Cook II positions.* |
| 5) | Reduction in Eckerd Wilderness Camp Program Funding | -$2,768,714 | Resulted in elimination of 2 of 7 Eckerd Wilderness Camps; loss of services and slots for youth to participate in the wilderness camping experience |

Attachment 9

| | | | |
|---|---|---|---|
| 6) | Juvenile Multi-Purpose Home | -$600,000 | Elimination of the Alamance Juvenile Multi-Purpose Home, resulted in the loss of services for youth in that area |
| **7)** | **Reductions in Equipment, Contractual Services, Legal Services, Furniture, and Training Reserve** | -$1,343,289 | Reduction in funding for:<br>Equipment, furniture, contractual services (information technology, pre-employment physicals, temporary services, speech/language services, miscellaneous contractual services, and training reserve (provided funds for ongoing training in the therapeutic "model of care" programming). |
| 8) | Elimination of Boys & Girls Clubs Funding | -$400,000 | Elimination of pass-through funding for Boys & Girls clubs in several counties |
| 9) | Elimination of Governor's One on One Program | -$1,645,545 | Funding for one-on-one youth mentoring programs in 46 counties eliminated. Also eliminated the Ameri Corps mentoring grant program (One on One funds were used as a match) |
| **10)** | **Reductions in Pass-Through Funding for Juvenile Assessment Center, Project Challenge** | -$73,359 | Reductions of $32,000 in Project Challenge and $41,359 in Juv. Assessment Center--this will result in reductions of services in these two programs. |
| 11) | Elimination of Alternatives to Detention Program | -$43,885 | Elimination of this program resulting in loss of short-term emergency placement of juveniles through local providers in District 23 and District 28 |
| | **TOTAL FY 2009-10 Reductions** | **-$23,731,557** | |

## II. Impact of the FY 2009-10 Reversion Target: $3,718,822 *(2.5% of FY 2009-10 appropriation)*

| | ITEM | AMOUNT | IMPACT |
|---|---|---|---|
| 1) | Reduction in Lapsing Salaries/Fringes | -$1,408,540 | Resulted in less funds available to meet funding needs for overtime, Workers Compensation, hospital, medical, training, laundry services, waste removal services, and other supplies line items |
| 2) | Reduction in JCPC County Allocation | -$1,157,643 | Resulted in decreased allocations to each of the state's 100 counties for their JCPC programs. |
| 3) | Eckerd Allocation Reduction | $713,643 | Resulted in a reduction in the number of beds that we can contract for youth that can be served at the Eckerd Wilderness Camps located throughout the state. |
| 4) | Detention Subsidy Payments | $272,254 | Reduction in funds allocated for subsidy payments to the 3 county-operated detention facilities (Guilford, Durham and Forsyth). |
| 5) | Reduction in Juvenile Multi Purpose Group Homes | $166,743 | This reduction has necessitated the closure of the Craven County (New Bern) Multi Purpose home. (Methodist Homes contract) |

## III. Other Budget Issues Causing an Adverse Impact on the Department's Budget

| | ITEM | AMOUNT | IMPACT |
|---|---|---|---|
| 1) | **The FY2008-09 Reversion Target** | -$4,600,000 | -$1,164,240 Eckerd Camp Costs<br>-$657,380 SOS Program Disbursements<br>-$2,778,380 Telephone, ITS, contractual services, medical, etc.<br><br>*This reduction yielded an FY 2008-09 year-end budget shortfall. As a result FY 2009-10 funds were used to pay for FY 2008-09 expenses.* |
| 2) | **Recurring Detention Receipts Shortfall** | -$2,200,000 | Detention receipts were originally estimated to be $6,972,028 in the FY 2009-10 Budget. Based current year collection rates, the total FY 2009-10 receipts are projected to be around $4,772,000. this lower amount will lead to a severe gap in funding for the detention facilities. |
| 3) | **FY 2010-11 Closure of the Samarkand YDC** | -$2,641,465 | The closure of this facility will reduce the Department's bed capacity and hindering the Department's overall ability to provide services. |

# North Carolina Department of Crime Control and Public Safety
## Law Enforcement Support Services

Beverly Eaves Perdue, Governor

Reuben F. Young, Secretary

March 25, 2010

## Value of Inventory Donated to Local Law Enforcement Agencies

| Fiscal Year | Number of Items Donated | Total Value |
|---|---|---|
| FY 2006 – 2007 | 7,602 | $ 10,251,032 |
| FY 2007 – 2008 | 14,500 | $ 4,952,268 |
| FY 2008 – 2009 | 3,779 | $ 3,056,044 |
| July 2009 – Feb 2010 | 1,209 | $ 2,452,909 |
| Totals: | 27,090 | $ 20,712,253 |

➢ **Contact: Mr. Robert Minish, 1200 Transport Drive, Raleigh NC, 27603**
**(919) 773-2823, rminish@nccrimecontrol.org**

LESS
LAW ENFORCEMENT SUPPORT SERVICES
MAILING ADDRESS:
4710 Mail Service Center
Raleigh, NC 27699-4710
E-mail: less@NCCrimeControl.org

www.NCCrimeControl.org

An Equal Opportunity/Affirmative Action Employer

LOCATION:
1200 Transport Drive
Raleigh, NC 27603-4147
Telephone: 919-773-2823
Fax: 919-773-2845

## CURRENT STATUTE as amended by the 2009 Appropriations Act:

**LAW ENFORCEMENT SUPPORT SERVICES FEES**

**SECTION 17.5.** Effective September 1, 2009, Article 11 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-475.2. Fees for services.**

A fee in the amount set by the Department is imposed on the entities listed in this section. The fees are departmental receipts and are applied to the Department's costs in providing services to these entities. The fees apply to the following:

(1) A local law enforcement agency that employs more than 25 officers and that receives equipment from the Department, whether by transfer, loan, or procurement under an agreement with the United States Department of Defense.

(2) A person for whom the Department stores evidence."

---

Contact for Law Enforcement Support Services:

Mr. Robert Minish
Law Enforcement Support Services
1200 Transport Drive
Raleigh, NC 27603
(919) 773-2823
rminish@nccrimecontrol.org

# North Carolina Department of Crime Control and Public Safety
## Law Enforcement Support Services

Beverly Eaves Perdue, Governor

Reuben F. Young, Secretary

### Fee Schedule as of December 1, 2009

| Agency Type | # of Agencies | Annual Fee |
|---|---|---|
| | | |
| Local LEA w/Over 1000 Officers | 1 | $1,000.00 |
| Local LEA w/500-999 Officers | 3 | $750.00 |
| Local LEA w/250-499 Officers | 9 | $500.00 |
| Local LEA w/100-249 Officers | 41 | $250.00 |
| Local LEA w/50-99 Officers | 58 | $100.00 |
| Local LEA w/25-49 Officers | 89 | $50.00 |
| Local LEA w/10-24 Officers | 165 | $0.00 |
| Local LEA w/5-9 Officers | 72 | $0.00 |
| Local LEA w/1-4 Officers | 95 | $0.00 |
| State Agencies | 60 | $0.00 |
| Total Number of Agencies: | 593 | |

- **In addition to this schedule, any law enforcement agency that purchases new equipment through the federal 1122 Program (GSA/DoD) will be charged a .5% surcharge upon delivery.**
- **Per Section 17.5 of S.L. 2009-451, agencies with fewer than 25 sworn positions will not be charged any fees.**
- **Contact: Mr. Robert Minish, (919) 773-2823, rminish@nccrimecontrol.org**

LAW ENFORCEMENT SUPPORT SERVICES
MAILING ADDRESS:
4710 Mail Service Center
Raleigh, NC 27699-4710
E-mail: less@NCCrimeControl.org

www.NCCrimeControl.org

An Equal Opportunity/Affirmative Action Employer

LOCATION:
1200 Transport Drive
Raleigh, NC 27603-4147
Telephone: 919-773-2823
Fax: 919-773-2845

# North Carolina Department of Crime Control and Public Safety
## Law Enforcement Support Services

Beverly E. Perdue, Governor
Reuben F. Young, Secretary

Neil R. Woodcock, Director

December 1, 2009

Chief Brian J Curran
Chapel Hill Police Department
828 Martin Luther King Jr., Blvd
Chapel Hill, NC 27514

Dear Chief Curran

The 2009 State Budget Bill provides only one year of funding for the Law Enforcement Support Services Division of the Department of Crime Control and Public Safety. It also requires LESS to adopt a fee structure to charge local law enforcement agencies with more than 25 officers for services so that LESS will become receipt supported by Fiscal Year 2010-11.
LESS has developed the attached fee schedules for participation in the Excess Property Program and Loan Program with estimates of annual income. I have also attached the fee schedule for our compliance reviews. We will add an additional ½% fee to all purchased items.
We intend to implement these charges beginning January 1, 2010. We will continue to send you an agreement renewal package upon expiration of your current agreement, as we have in the past, along with an invoice for your participation fee. We will invoice you for loaned items after you return them. We'll add the ½% to your proforma invoice when you purchase items. For the compliance reviews, we'll invoice you when we send you the completed report on the review.
I regret that we have to place this additional burden on you at this particular time but feel that you need as much notice as possible so that you can take appropriate action during your budget cycle to meet this requirement.
Please call me if you have any questions concerning this change in our policy.

We look forward to continue serving you.

Sincerely

Neil R. Woodcock

Attachments:
As stated

MAILING ADDRESS:
4710 Mail Service Center
Raleigh, North Carolina 27699-4710
E-mail: less@NCCrimeControl.org

LOCATION:
1200 Transport Drive
Raleigh, NC 27603-4147
Telephone: 919-773-2823
Fax: 919-773-2845

www.NCCrimeControl.org
An Equal Opportunity/Affirmative Action Employer

# North Carolina Department of Crime Control and Public Safety
## Law Enforcement Support Services

Beverly E. Perdue, Governor
Reuben F. Young, Secretary

Neil R. Woodcock, Director

December 1, 2009

The Honorable Daniel E Bailey Jr.
Sheriff of Mecklenburg County
700 East 4th Street
Charlotte, NC 28202

Dear Sheriff Bailey

The 2009 State Budget Bill provides only one year of funding for the Law Enforcement Support Services Division of the Department of Crime Control and Public Safety. It also requires LESS to adopt a fee structure to charge local law enforcement agencies with more than 25 officers for services so that LESS will become receipt supported by Fiscal Year 2010-11.

LESS has developed the attached fee schedules for participation in the Excess Property Program and Loan Program with estimates of annual income. I have also attached the fee schedule for our compliance reviews. We will add an additional ½% fee to all purchased items.

We intend to implement these charges beginning January 1, 2010. We will continue to send you an agreement renewal package upon expiration of your current agreement, as we have in the past, along with an invoice for your participation fee. We will invoice you for loaned items after you return them. We'll add the ½% to your proforma invoice when you purchase items. For the compliance reviews, we'll invoice you when we send you the completed report on the review.

I regret that we have to place this additional burden on you at this particular time but feel that you need as much notice as possible so that you can take appropriate action during your budget cycle to meet this requirement.

Please call me if you have any questions concerning this change in our policy.

We look forward to continue serving you.

Sincerely

Neil R. Woodcock

Attachments:
As stated

MAILING ADDRESS:
4710 Mail Service Center
Raleigh, North Carolina 27699-4710
E-mail: less@NCCrimeControl.org

LOCATION:
1200 Transport Drive
Raleigh, NC 27603-4147
Telephone: 919\773-2823
Fax: 919\773-2845

www.NCCrimeControl.org

An Equal Opportunity/Affirmative Action Employer

112- 2009-2010
Customer Balance Summary
All Transactions

| Agency | # Sworn | Agreement Exp. | Date Rec'd | Invoiced | Fees Rec'd | Remarks |
|---|---|---|---|---|---|---|
| Aberdeen Police Department | 26 | 12/3/2010 | | 50.00 | 0.00 | |
| Alamance County Sheriff's Office | 75 | 2/15/2011 | 2/15/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Albemarle Police Department | 52 | 5/27/2010 | 2/16/2010 | 100.00 | 100.00 | Receipt of Fees, Agreement expires May 2010 |
| Alexander County Sheriff's Office | 41 | 3/2/2011 | 3/2/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Apex Police Department | 55 | 12/7/2010 | 3/2/2010 | 100.00 | 100.00 | Receipt of Fees, Agreement expires Dec 2010 |
| Asheboro Police Department | 68 | 11/13/2008 | | 100.00 | 0.00 | |
| Asheville Police Department | 205 | 2/10/2011 | 3/10/2010 | 250.00 | 250.00 | Receipt of Fees and Agreement |
| Beaufort County Sheriff's Office | 52 | 12/3/2010 | | 100.00 | 0.00 | |
| Belmont Police Department | 29 | 5/11/2006 | | 50.00 | 0.00 | |
| Black Mountain Police Dept | 33 | 1/7/2009 | | 50.00 | 0.00 | |
| Bladen County Sheriff's Office | 68 | 2/16/2011 | 2/16/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Boone Police Department | 35 | 6/3/2010 | | 50.00 | 0.00 | |
| Brunswick County Sheriff's Office | 110 | 12/2/2009 | | 250.00 | 0.00 | |
| Buncombe County Sheriff's Office | 200 | 7/17/2004 | | 250.00 | 0.00 | |
| Burke County Sheriff's Office | 86 | 1/21/2010 | | 100.00 | 0.00 | |
| Burlington Police Department | 125 | 6/27/2009 | | 250.00 | 0.00 | |
| Cabarrus County Sheriff's Office | 142 | 2/9/2007 | | 250.00 | 0.00 | |
| Caldwell County Sheriff's Office | 80 | 6/2/2010 | 2/23/2010 | 100.00 | 100.00 | Receipt of Fees, Agreement expires Jun 2010 |
| Carolina Beach Police Department | 26 | 2/13/2011 | 2/13/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Carteret County Sheriff's Office | 36 | 2/22/2011 | *2/22/2010 | 50.00 | 0.00 | None Payment, Agreement in Suspece File |
| Cary Police Department | 135 | 2/26/2011 | 2/16/2010 | 250.00 | 250.00 | Receipt of Fees, Agreement expires Jun 2020 |
| Caswell County Sheriff's Office | 28 | 3/10/2011 | 3/10/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Chapel Hill Police Department | 119 | 9/18/2010 | | 250.00 | 0.00 | |
| Charlotte-Mecklenburg Police Department | 1540 | 3/13/2007 | *2/26/2010 | 1,000.00 | 1,000.00 | Receipt of Fees, No Agreement Received |
| Cherokee County Sheriff's Office | 42 | 2/10/2011 | 2/10/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Cherokee Indian Reservation Police Dept. | 26 | 10/27/2007 | | 50.00 | 0.00 | |
| Clayton Police Department | 42 | 2/9/2011 | 3/2/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Cleveland County Sheriff's Office | 83 | 5/26/2010 | 2/23/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Columbus County Sheriff's Office | 63 | 3/27/2010 | | 100.00 | 0.00 | |
| Cornelius Police Department | 52 | 10/10/2008 | | 100.00 | 0.00 | |
| Craven County Sheriff's Office | 69 | 10/10/2008 | *2/23/2010 | 100.00 | 100.00 | Receipt of Fees, No Agreement Received |
| Cumberland County Sheriff's Office | 415 | 6/16/2010 | | 500.00 | 0.00 | |
| Davie County Sheriff's Office | 32 | 2/10/2011 | 2/10/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Duplin County Sheriff's Office | 80 | 4/20/2004 | | 100.00 | 0.00 | |
| Durham Police Department | 482 | 6/30/2010 | | 500.00 | 0.00 | |
| Eden Police Department | 46 | 1/6/2011 | 1/6/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Edgecombe County Sheriff's Office | 58 | 11/14/2008 | 3/16/2010 | 100.00 | 100.00 | Receipt of Fees, No Agreement Received |
| Forsyth County Sheriff's Office | 235 | 12/16/2009 | | 250.00 | 0.00 | |
| Gaston County Sheriff's Office | 244 | 10/12/2008 | | 250.00 | 0.00 | |
| Goldsboro Police Department | 116 | 2/15/2011 | 2/24/2010 | 250.00 | 250.00 | Receipt of Fees and Agreement |
| Graham Police Department | 40 | 2/11/2011 | 2/11/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |

Customer Balance Summary

All Transactions

| | | | | | | |
|---|---|---|---|---|---|---|
| Greensboro Police Department | 554 | 2/11/2011 | 2/24/2010 | 750.00 | 750.00 | Receipt of Fees and Agreement |
| Greenville Police Department | 171 | 12/15/2011 | *12/15/2009 | 250.00 | 250.00 | Receipt of Fees and Agreement |
| Halifax County Sheriff's Office | 58 | 12/17/2010 | 3/16/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Havelock Police Department | 29 | 12/18/2009 | | 50.00 | 0.00 | |
| Henderson County Sheriff's Office | 63 | 5/1/2010 | | 250.00 | 0.00 | |
| Hendersonville Police Department | 35 | 4/13/2004 | *2/23/2010 | 50.00 | 50.00 | Receipt of Fees, No Agreement Received |
| Hertford County Sheriff's Office | 31 | 7/10/2009 | | 50.00 | 0.00 | |
| Hickory Police Department | 106 | 6/5/2010 | 3/2/2010 | 250.00 | 250.00 | Receipt of Fees and Agreement |
| High Point Police Department | 225 | 2/26/2011 | 2/26/2010 | 250.00 | 250.00 | Receipt of Fees and Agreement |
| Hillsborough Police Department | 28 | 10/15/2008 | 3/9/2010 | 50.00 | 50.00 | Receipt of Fees, No Agreement Received |
| Hoke County Sheriff's Office | 39 | 6/25/2008 | 2/23/2010 | 50.00 | 50.00 | Receipt of Fees, No Agreement Received |
| Holly Springs Police Department | 45 | 2/19/2011 | 2/19/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Hope Mills Police Department | 36 | 10/9/2008 | | 50.00 | 0.00 | |
| Huntersville Police Department | 73 | 12/5/2008 | | 50.00 | 0.00 | |
| Iredell County Sheriff's Office | 150 | 10/23/2003 | 3/2/2010 | 250.00 | 250.00 | Receipt of Fees and Agreement |
| Jackson County Sheriff's Office | 42 | 10/10/2008 | | 50.00 | 0.00 | |
| Jacksonville Police Department | 115 | 7/9/2004 | *2/26/2010 | 250.00 | 250.00 | Receipt of Fees, No Agreement received |
| Johnston County Sheriff's Office | 151 | 11/1/2008 | * | 250.00 | 0.00 | 2/15/10, Call from Sheriff opting out of program |
| Kannapolis Police Department | 72 | 2/26/2011 | 2/26/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Kernersville Police Department | 67 | 2/27/2010 | | 100.00 | 0.00 | |
| Kill Devil Hills Police Department | 26 | 10/11/2008 | 3/2/2010 | 50.00 | 50.00 | Receipt of Fees, No Agreement Received |
| Kings Mountain Police Department | 31 | 2/22/2011 | 3/2/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Kinston Dept of Public Safety | 80 | 10/15/2008 | | 100.00 | 0.00 | |
| Laurinburg Police Department | 44 | 5/21/2010 | | 50.00 | 0.00 | |
| Lee County Sheriff's Office | 55 | 10/8/2004 | 3/9/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Leland Police Department | 28 | 5/20/2010 | | 50.00 | 0.00 | |
| Lexington Police Department | 72 | 2/15/2011 | 2/9/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Lincoln County Sheriff's Office | 101 | 7/7/2009 | | 250.00 | 0.00 | |
| Martin County Sheriff's Office | 28 | 3/10/2011 | 3/10/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| McDowell County Sheriff's Office | 35 | 6/13/2006 | | 50.00 | 0.00 | |
| Mecklenburg County Sheriff's Office | 384 | 3/17/2009 | *3/3/2010 | 500.00 | 500.00 | Receipt of Fees, No Agreement Received |
| Monroe Police Department | 74 | 6/9/2006 | | 100.00 | 0.00 | |
| Moore County Sheriff's Office | 64 | 1/4/2011 | 2/24/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Mooresville Police Department | 63 | 7/22/2009 | | 100.00 | 0.00 | |
| Morehead City Police Department | 34 | 3/11/2011 | 3/11/2010 | 50.00 | 50.00 | Receipt of Fees, No Agreement Received |
| Morrisville Police Department | 25 | 2/22/2007 | | 50.00 | 0.00 | |
| Mount Airy Police Department | 42 | 3/15/2011 | 3/15/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Mount Holly Police Department | 36 | 5/5/2006 | | 50.00 | 0.00 | |
| Nash County Sheriff's Office | 67 | 9/23/2009 | | 100.00 | 0.00 | |
| New Bern Police Department | 93 | 11/17/2009 | | 100.00 | 0.00 | |
| Newton Police Department | 34 | 3/12/2009 | | 50.00 | 0.00 | |
| North Wilkesboro Police Department | 36 | 2/16/2011 | 2/18/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |

112- 2009-2010
Customer Balance Summary
All Transactions

| | | | | | | |
|---|---|---|---|---|---|---|
| Oak Island Department of Public Safety | 25 | 5/27/2010 | 2/18/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Onslow County Sheriff's Office | 97 | 6/9/2010 | | 100.00 | 0.00 | |
| Orange County Sheriff's Office | 109 | 5/4/2010 | 3/16/2010 | 250.00 | 250.00 | Receipt of Fees, No Agreement Received |
| Oxford Police Department | 31 | 2/17/2007 | | 50.00 | 0.00 | |
| Pasquotank County Sheriff's Office | 65 | 4/15/2004 | | 100.00 | 0.00 | |
| Pender County Sheriff's Office | 60 | 3/13/2004 | 2/26/2010 | 100.00 | 100.00 | Receipt of Fees, No Agreement Received |
| Person County Sheriff's Office | 75 | 1/20/2010 | | 100.00 | 0.00 | |
| Polk County Sheriff's Office | 45 | 1/8/2010 | | 50.00 | 0.00 | |
| Raleigh Police Department | 764 | 3/16/2011 | 3/16/2010 | 750.00 | 750.00 | Receipt of Fees and Agreement |
| RDU Airport Police Department | 67 | 3/16/2008 | | 100.00 | 0.00 | |
| Reidsville Police Department | 43 | 9/10/2009 | | 50.00 | 0.00 | |
| Richmond County Sheriff's Office | 42 | 2/14/2006 | | 50.00 | 0.00 | |
| Robeson County Sheriff's Office | 126 | 1/20/2011 | 2/23/2010 | 250.00 | 0.00 | |
| Rockingham County Sheriff's Office | 92 | 5/4/2010 | | 100.00 | 0.00 | |
| Rocky Mount Police Department | 156 | 6/15/2010 | | 250.00 | 0.00 | |
| Rowan County Sheriff's Office | 170 | 2/12/2011 | 2/17/2010 | 250.00 | 250.00 | Receipt of Fees and Agreement |
| Rutherford County Sheriff's Office | 55 | 12/10/2011 | 2/10/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Sanford Police Department | 80 | 8/23/2007 | | 100.00 | 0.00 | |
| Scotland County Sheriff's Office | 39 | 2/18/2011 | 2/18/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Shelby Police Department | 90 | 3/2/2011 | 3/2/2010 | 100.00 | 100.00 | Receipt of Fees, No Agreement Received |
| Southern Pines Police Department | 31 | 7/16/2009 | | 50.00 | 0.00 | |
| Stanly County Sheriff's Office | 48 | 2/11/2011 | 2/26/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Statesville Police Department | 70 | 3/16/2011 | 3/16/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Stokes County Sheriff's Office | 40 | 4/29/2010 | | 50.00 | 50.00 | Receipt of Fees, No Agreement Received |
| Thomasville Police Department | 74 | 2/12/2011 | 2/24/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Transylvania County Sheriff's Office | 43 | 8/14/2007 | | 50.00 | 0.00 | |
| Union County Sheriff's Office | 172 | 3/16/2011 | 3/16/2010 | 250.00 | 250.00 | Receipt of Fees and Agreement |
| Vance County Sheriff's Office | 46 | 2/12/2011 | 3/2/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Village of Pinehurst Police Department | 26 | 2/13/2011 | 2/23/2010 | 50.00 | 50.00 | Receipt of Fees, No Agreement Received |
| Wake County Sheriff's Office | 328 | 4/12/2010 | 3/9/2010 | 500.00 | 500.00 | Receipt of Fees, No Agreement Received |
| Wake Forest Police Department | 37 | 2/5/2011 | 2/10/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Watauga County Sheriff's Office | 40 | 3/11/2011 | 3/11/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Wayne County Sheriff's Office | 83 | 2/12/2011 | 2/9/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Waynesville Police Department | 32 | 6/16/2010 | 3/2/2010 | 50.00 | 50.00 | Receipt of Fees, No Agreement Received |
| Wilkes County Sheriff's Office | 61 | 1/28/2011 | 2/19/2010 | 100.00 | 100.00 | Receipt of Fees and Agreement |
| Wilson County Sheriff's Office | 111 | 8/13/2008 | | 250.00 | 0.00 | |
| Wilson Police Department | 115 | 2/25/2011 | 2/25/2010 | 250.00 | 250.00 | Receipt of Fees and Agreement |
| Wrightsville Beach Police Department | 31 | 3/2/2011 | 3/2/2010 | 50.00 | 50.00 | Receipt of Fees and Agreement |
| Yadkin County Sheriff's Office | 52 | 6/18/2010 | 2/23/2010 | 100.00 | 100.00 | Receipt of Fees, No Agreement Received |
| TOTALS | | | | 17,200.00 | 10,000.00 | |

MINUTES
JOINT APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

April 21, 2010
Room 415 Legislative Office Building
8:30 A.M.

The Joint Appropriations Subcommittee on Justice and Public Safety met on Wednesday, April 21, 2010, in Room 415 Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 8:30 a.m. The following House members were present: Representative Love, Chair; Representatives Spear, Sutton, and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Mobley, Moore, Randleman, and Stevens. The following Senate members were present: Senators Ellie Kinnaird and John Snow, Co-Chairs; Senators Stan Bingham and Ed Jones.

Representative Love called the meeting to order. He acknowledged the Sergeants-at-Arms for the day, Frank Prevo and Tom Wilder for the House and Jon Fitch for the Senate and thanked them for their help.

Representative Love then recognized **Doug Holbrook** from the Fiscal Research Department. Mr. Holbrook reviewed the handout given to all committee members, Sentencing Services Program – Continuation Review (S.L. 2009-451.Sect. 6.6) (Attachment 4). Mr. Holbrook said that the Program is an assessment and referral service that uses a nationally recognized method called Level of Service Inventory to determine the risk and needs of an offender going into the Court system, generally at the request of the defense counsel, to determine if the defendant is a good candidate for deferral out of prison into community corrections. The focus is mainly on cases where the judge would have discretion to suspend a sentence. This program was put on continuation review in the 2009 Session. It's a zero-based budgeting approach where the funding for a program is eliminated; the program is given one year of non-recurring funds to continue and then is required to report on the program. Currently, there is no money in the JPS continuation budget for this program. In order for the program to be restored, additional resources (expansion money) have to be identified. Sentencing Services was selected because it is a stand-alone program as opposed to an integrated program within an agency, so it was easy to identify its funding and function. It is within an agency that had not heretofore done a continuation review (Office of Indigent Defense Services). Additionally, there have been questions on the part of some members of the committee and some chairs over the years about the number of plans produced, the cost per plan given the nature of the program, and concerns about the lack of tracking mechanisms and outcome measures that are easily associable with the program's performance. Mr. Holbrook stated that there were 4 options that the Subcommittee could consider: (1) No action and let the program expire on June 30, 2010; (2) Restore funding at its current level which would entail taking funding from other sources; (3) Restore some funding at a lower level; (4) Restore the program with a fee option for plan development for non-indigent clients (an unknown number). Mr. Holbrook then quickly reviewed some facts from the handout. After his presentation, Mr. Holbrook answered questions from the Committee. Representative Sutton asked what the status of this program was in the Governor's budget. Mr. Holbrook said that the Governor had restored funding in full, $2.2 million. Representative Randleman asked what the fees would be if Option 4 were selected by the Committee; Mr. Holbrook said that that had not been worked up as he was unsure if the Agency had been tracking indigents. Currently, the cost statewide averaged about $1,800 per plan.

Representative Love then introduced **Susan Brooks, Administrator, Office of Indigent Defense Services,** who gave a power point presentation based on the report distributed on April 14, 2010 (Attachments 5 and 6). She noted that the State faces a severe financial crisis which isn't helped by the rising cost of prisons which are currently overcrowded leading to a cycle of recidivism or revocation of probation. She also stated that there was a lack of information for judges to use when it came time for them to make decisions regarding the sentencing process. One of the issues judges must decide is who would benefit from treatment. Substance abuse and mental health issues are driving crime; 63% of the North Carolina prison admissions need treatment for these two issues. Ms. Brooks said that of the substance abusers, only 4% can be treated due to space issues. About 10% of the prison population exhibit some sort of mental health problem. Using a study produced by The National Center on Addiction and Substance Abuse, Ms. Brooks also cited problems of inmates including housing, unemployment, and educational issues and lack of support in communities, all of which lead to recidivism. The study found that for

every $1.00 spent on treatment-based diversion from prison can save $12.00 in reduced crime and other costs. It also found that if the inmates in the nation who need treatment actually got it and only 10% of those prisoners stayed crime free and sober, the nation would break even financially in a year and thereafter, the country would save $90,953 per inmate per year. In the Intermediate/Active cells of the Sentencing Grid, judges have some guidance and discrepancy in judging and sentencing which is the area in which Sentencing Services plays a role. It is difficult for judges to know who needs and/or would benefit from treatment rather than just incarceration. (Justice Reinvestment recommends treatment which offers a great returns in savings.) Community-based monitored treatment is the most cost effective means for dealing with crime (from a study from Washington State).

Ms. Brooks then referred to the Sentencing Services Case Workflow (Attachment 7) each Committee member had. She noted that there are approximately eight interviews with people who know the defendant plus five interviews with treatment providers per defendant to determine if it's a good fit. Defendant Treatment Orientation and Recidivism Prevention is designed for defendants to regularly check in with their specialist who assigns them tasks and keeps them on a schedule. This has two benefits: it gets the defendant in the mindset of being treated and what he/she is expected to do, and it also keeps him/her from committing more crimes while out on the street waiting for the court case to be resolved.

She noted that there are 21 programs in 57 counties comprising 33 judicial districts and serving 74% of the state's population. Seventy-three percent of the defendants come from the I/A cells in the areas which is served by Sentencing Services. The case costs, the costs of the amount of work preparing a plan, have not been quantified because it is very difficult to do. The cost (@ $1865) presented is the cost of all of the services divided by the number of plans, an easy number to get. Included in the costs are screening defendants, pre-sentence defendant treatment orientation, all of the interviews, and consultations with judges plus post-sentence work, which entails transporting defendants to treatment facilities to make sure they enter them and help defendants transition into probation. These are short-term savings, seen within 1-3 years. The number of clients diverted each year is about the size of a prison. Sentencing Services program strives to increase its efficiency and reduce its costs.

There are also savings that are not quantifiable. The Courts, victims and others don't have to spend money on having the defendant going through the system repeatedly as Sentencing Service defendants are less likely to commit future crimes than other defendants. Victims often receive restitution for the crimes committed against them; if on probation, defendants are more likely to repay the victims. Families of defendants can depend on them for financial support rather than losing the support when they go to prison. Last year, over 900 defendants had families that depended on them for monetary support; without this money, they are dependent on the State. The defendants who are out working in the community are paying taxes and contributing to the local economy.

Sentencing Services provides judges with critical information not contained in the sentencing grid which is vital to making informed sentencing decisions. Judges are given the results of risk assessment, defendants' treatment needs, the available treatment resources, and treatment plans which recommend what is available and the most suitable treatment options for defendants. Judges frequently use the recommendations in the plan. Included in the continuation report are letters from judges in support of the program.

Reducing recidivism is difficult, but as Ms. Brooks noted, every defendant who does not end up back in jail is a step in the right direction. Clients with plans were 7% less likely to be re-arrested, 5% less likely to be reconvicted, and 4% less likely to fail on probation than similar defendants without plans. Success rates of the Dart-Cherry participants (where judges often placed defendants without sentencing plans) differed from Sentencing Services clients: Sentencing Service clients were 17% less likely to be re-arrested and 13% less likely to be reconvicted than the Dart-Cherry participants. The cases are investigated in the communities where the defendants come from, so there is access to individuals who have information about the defendants. The Division of Prisons can do a pre-diagnostic workup and report which takes 90 days after which the defendant goes back to Court for sentencing. Sentencing Services provides more comprehensive diagnostics and occurs before sentencing. The cost of the 90 days in prison before sentencing is about $7,000 to house the defendant and does not include the staff cost to do the evaluation. The evaluations are only started after the defendant has been convicted which delays sentencing; most courts don't like this. There is no way to replace the Sentencing Services staff in experience and knowledge, and it is likely that no one else will continue the same type of diagnostics currently used. Judges will not get the information needed and more defendants will be entering prisons which are already full. Ms. Brooks stated that if abolished now, it would not be long before some other program would have to be created at a greater cost to perform the same service.

After her presentation, Ms. Brooks answered Committee members' questions.

Representative Sutton noted that Ms. Brooks kept referring the term "treatment." He requested an example of a type of recommendation for someone who did not need drug or alcohol rehabilitation. Ms. Brooks said that the risk assessment of the client shows what factors caused the defendant to commit the crime that can be changed with intervention and what type of intervention would be appropriate, i.e., anger management, education, being able to hold a job, etc.
Representative Goodwin asked if those with mental health problems were identified and helped; Ms. Brooks confirmed that they were.
Senator Bingham wondered how Sentencing Services helped people get jobs, especially those with drug problems.
Doug Lance of District 27 of Sentencing Services (Gaston County) stated that 86% of all offenders in Gaston/Cleveland Counties who were charged with a felony crime had drug or alcohol problem. Approximately 65% have a drug, alcohol, and a mental health problem. Very few defendants had only a mental health problem, but they are there. In most cases, cognitive intervention programs were sought where the defendant would be taught how to rethink their decision-making process. Those programs are available through Criminal Justice Partnership, through private providers and through Mental Health, and it could be a number of providers that might provide the services needed. Only 6% of the total population of criminals in this state had no mental health or drug problem. These are the individuals who end up in prison. Mr. Lance said that Goodwill Industries is an excellent resource for jobs as is Criminal Justice Partnership programs, and the Department of Correction which is working with the Employment Security Commission (ESC) now has programs in eleven counties. Senator Bingham wondered what the ESC program was called; Mr. Lance replied that it was called the Prison Reinvestment Program.

Senator Jones wondered if the program would save more than $2 million. Doug Holbrook of the Fiscal Research Department said that this was up to the committee who would determine if the 78% versus the 56% was statistically significant. Representative Love added that that was the reason the Committee was meeting.
Representative Guice noted that the Justice Reinvestment Program was extremely important as is Sentencing Services and that if Sentencing Services was abolished, what would take its place? Some program was needed; therefore, the Committee needed to give this matter serious consideration before making a decision.

Representative Love recognized **Judge Carl Fox, Senior Resident Superior Court Judge in District 15B, Chatham/Orange County,** who then spoke on behalf of Sentencing Services. Judge Fox noted that the Probation system could no longer handle this – they did not have the time to spend on preparing reports for criminals nor did they want to be embarrassed. They want probation revoked for the smallest infraction. Probation officers' attitudes are to protect themselves; therefore, any report prepared by them would be biased. Judge Fox said that when he received a plan, he took the time to read it as it includes family background, risk assessment, treatment alternatives, education and work history. Additionally, intermediate sanctions are included and noted as to which are appropriate if treatment is not appropriate. He added that another place of employment is TROSA, which is routinely recommended by Sentencing Services. It started out to be a treatment alternative and believes in second chances. They have a nationwide moving service and a home improvement business – this is where many defendants are getting employed. When they finish their probation, they often become employees of the program. Judge Fox went on to say that it costs a fortune to incarcerate people. The system needs the reports and alternative solutions; Sentencing Services is needed. No one will take the place of the job that Sentencing Services does in preparing case reports on defendants.
Representative Stevens wondered if criminal defense attorneys or indigent-appointed counsel made recommendations regarding alternative programs to incarceration. Judge Fox replied that sometimes they do make recommendations and argue for their clients, but that the recommendations are generally not in writing, have no risk assessment and only occasionally have a drug treatment plan. They don't have time to investigate opportunities and therefore, there is no thorough overall picture of the defendant. Additionally, they are often court appointed and are more expensive than Sentencing Services. Representative Stevens (follow-up) asked how many hours it took for a court-appointed attorney to do this. Judge Fox thought that it generally took 10-12 hours for a cost of $900-$1000 or more which is more than their fee. Representative Stevens noted that Sentencing Services' costs were $1865 per client. Judge Fox said that he had no idea of the actual costs and that it would be no less expensive for the defense attorney than it would be for Sentencing Services. Senator Kinnaird stated that it would be much more expensive for court-appointed attorneys who are paid a lot more per hour; the money would come out of Indigent Defense Services' pocket.
Representative Love then introduced **Ollie Hooker, an ex-client of Re-Entry Sentencing Services.** He told his story and how he got hooked up with Sentencing Services. He is now a Licensed Addiction Specialist in Wake

County and has his master's degree. None of this would have happened if Sentencing Services had not been in his life. His last time in prison was in 1991; at that time it took $30,000 + to support him in prison. Now, he works and pays taxes.

Representative Love then introduced **Harold Broadwell, mayor of Wendell, North Carolina**. Mr. Broadwell is an attorney and met Louise Davis of Re-Entry in 1984; she helped with a plan for a defendant in an incredibly bad situation. He became interested in Sentencing Services, served on the Board, and ultimately served as Chair of the Board of Re-Entry. He is very familiar with Sentencing Services and what it does for society. This program saves money today and tomorrow and makes money tomorrow – through clients becoming productive citizens. At one time, Mr. Broadwell represented Ollie Hooker and now has used Mr. Hooker and his services for some of his clients. He feels that Sentencing Services fits well with the Justice Reinvestment Act. Senator Snow commented that he thought the program was great but since the whole state was not covered, attorneys and probation officers often make recommendations, and they need additional training.

Representative Mobley asked what percentage of the reports prepared for judges had been rejected. Ms. Brooks replied that approximately 1/3 of the plans had not been followed. Representative Mobley noted her concerns that since there were fewer prisons, the program was needed. Representative Sutton stated that defense attorneys nor probation officers could not do this because they just didn't have time.

Senator Kinnaird asked how many probation slots were still open. Tracy Little, Deputy Secretary, Department of Correction, stated that as of the previous week, there were 60 unfilled positions. Senator Kinnaird pointed out that many people could not do the job.

Representative Moore stated that he had a letter from the Gaston County Sheriff, Alan Cloninger, supporting Sentencing Services. Representative Moore requested the letter be made a part of the minutes (Attachment 8).

Representative Guice stated that performing the same tasks as Sentencing Services had nothing to do with the number of probation officer vacancies the department had but that the officers are overworked. Senator Kinnaird agreed.

Representative Boles noted that in the report it said that for every dollar spent, at least $5.00 were saved. Doug Holbrook said that he didn't know how much was saved but that money is saved in the areas where the program was available.

There being no further business, Representative Love adjourned the meeting at 9:55 a.m.

Respectfully submitted,

Representative Jimmy L. Love, Sr.
Chair

Sylvia Nygard
Committee Assistant

Attachments:

Committee Meeting Notice (Attachment 1)
Agenda (Attachment 2)
Visitors' Attendance Sheets (4 pages) (Attachment 3)
Sentencing Services Program Continuation Review (S.L. 2009-451.Sect. 6.6)
Staff Review and Subcommittee Options (Attachment 4)
Continuation Review Presentation (Attachment 5)
Sentencing Services Continuation Review Report with Executive Summary (Attachment 6)
Sentencing Services Case Workflow (Attachment 7)
Letter from Sheriff Alan Cloninger of Gaston County (Attachment 8)

**Attachment 1**

**Sylvia Nygard (Rep. Love)**

**From:** Leah Peroutka (Rep. Bordsen)

**Sent:** Wednesday, April 14, 2010 11:00 AM

**To:** Leah Peroutka (Rep. Bordsen); Douglas Holbrook (Fiscal Research); John Poteat (Fiscal Research); Kristine Leggett (Fiscal Research); Angela McMillan (Rep. Jackson); James White (Rep. Randleman); Jane McMillan (Rep. Goodwin); Janice Mobley Bennett (Rep. Mobley); Jo Bobbitt (Rep. Sutton); Jo Hinton (Rep. Justus); Julie Garrison (Rep. Stevens); Kerry Guice (Rep. Guice); Lona Hallissy (Rep. Spear); Nancy Garriss (Rep. Tim Moore); Nicole McGuinness (Rep. Hurley); Rep. Alice Bordsen; Rep. Annie Mobley; Rep. Carolyn Justus; Rep. Darren Jackson; Rep. Jamie Boles, Jr; Rep. Jimmy Love; Rep. Melanie Goodwin; Rep. Pat Hurley; Rep. Ray Warren; Rep. Ron Sutton; Rep. Sarah Stevens; Rep. Shirley B. Randleman; Rep. Tim Moore; Rep. Tim Spear; Rep. W. David Guice; Rhonda Todd (Rep. Boles); Sylvia Nygard (Rep. Love); Theresa Lopez (Rep. Ray Warren); Bob Samuels (House Sgt. at Arms); Bonnie Trivette (House Page Supervisor); Booker Washburn (Housekeeping); Carolyn Bowden (House Sgt. at Arms Office); Charles Weathersby (Facilities Services, Manager); Dianne Russell (House Legislative Assistants Director); Hcalendar (HPC's Office ); HouseCommitteeListServer; Jackie Hamby (House Legislative Assistants Office); James Peyton (House Deputy Sgt. at Arms); Jim McElroy (HPC's Office); Legislative Press; Nancy Goodman (House Legislative Assistant's Office); UNCTV Press; Kathie Young (Sen. Kinnaird); 'Listserv'; Rebecca Butler (Sen. Snow)

**Subject:** Joint Appropriations Subcommittee on Justice and Public Safety Committee Meeting Notice Wednesday, April 21, 2010

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# 2009-2010 SESSION

You are hereby notified that the Joint Appropriations Subcommittee on **Justice and Public Safety** will meet as follows:

**DAY & DATE:** **Wednesday, April 21**

**TIME:** **8:30 AM**

**LOCATION:** **LOB 415**

The following will be considered:
**Sentencing Services Continuation Review**

Respectfully,
Representative Alice L. Bordsen, Chair
Representative Jimmy Love, Chair

Leah Peroutka (Committee Assistant)

# JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
**Room 415 Legislative Office Building**

**April 21, 2010 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird
Senator John Snow
Representative Alice Bordsen
Representative Jimmy Love, Presiding

Opening Remarks by Chairs

## II. PRESENTATIONS

Continuation Review Process and Overview
*Douglas Holbrook*
*Fiscal Research Division*

Sentencing Services Program Continuation Review
*Susan E. Brooks*
*Administrator*
*Office of Indigent Defense Services*

## III. OTHER BUSINESS:

## IV. ADJOURNMENT

---

**House Appropriations Subcommittee on JPS**
Rep. Bordsen (Chair)
Rep. Love (Chair)
Rep. Spear (Vice Chair)
Rep. Sutton (Vice Chair)
Rep. R. Warren (Vice Chair)
Rep. Boles, Rep. Goodwin, Rep. Guice, Rep. Hurley, Rep. Jackson, Rep. Justus, Rep. Mobley, Rep. Moore, Rep. Randleman, Rep. Stevens

**Senate Appropriations Subcommittee on JPS**
Sen. Kinnaird (Chair)
Sen. Snow (Chair)
Sen. Clodfelter (Vice Chair)
Sen. Apodaca, Sen. Bingham, Sen. Brunstetter, Sen. Jones, Sen. Soles

Attachment 3

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — April 21, 2010
**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Sue Horne | Fayetteville Area Sentencing Center<br>310 Green St. Suite 110, Fayetteville NC 28301 |
| Natalia Brookman | Fayetteville Area Sentencing Center<br>310 Green St. Suite 110, Fayetteville NC 28301 |
| Carolyn Bidwell | SENTENCING SERVICES |
| Thomas Maher | IDS |
| Danny Trapp | Mecklenburg Sentencing Services<br>801 E. Fourth St.<br>Charlotte, NC 28202 |
| Josie Van Dyke | ReEntry, Inc - Sentencing Services<br>414 Fayetteville St. Suite 410 Raleigh NC 27602 |
| Glenda Brooks | Same as above ReEntry, Inc. |
| Pamela Nagey | APPROPRIATE PLACEMENT OPTIONS, INC.<br>227 HARRILL ST, STATESVILLE, NC 28677 |
| Brian Long | Appropriate Placement Options, INC |
| Katherine Joyce | NCASA |
| Suzanne Bradley | SEANC |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — April 21, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Dillie Hooker | Re-Entry - P.O. Box 724 Raleigh NC 27601 |
| Dot Ehlers | 11th JD ReEntry Smithfield NC |
| Vernon Vann | 11th JD ReEntry P.O. Box 1153 Smithfield NC 27577 |
| Chuck Johnson | ReEntry - PO Box 724 Raleigh, N.C. 27602 |
| Danielle Seale | NCAOC |
| Tammy Smith | NC AOC |
| Trisha Murrill | 5th Judicial District Administrator Sentencing Servs |
| Sherry Pilkington | NC DOC |
| Tracy Little | NC DOC |
| Riley Butler | Durham Sentencing Services, Durham NC 2770 PO Box 179 |
| Courtney Denning | NC Bar Association |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — April 21, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Doug Lance | District 27 Sentencing Services<br>325 N. Marietta St. Suite 2160<br>Gaston Co. Courthouse, Gastonia, NC 28052 |
| Kathy Johnson | IDS/OSS |
| Lao Rupert | CYPC |
| Bryan Nichols | Campbell Law School |
| Melissa Johnson | District 24 Sentencing Services<br>133 N. Water St.<br>Boone, NC 28607 |
| DIANNE JONES | PRETRIAL RESOURCE CTR., INC. |
| Becky Smith Carlson | Sentencing Services<br>PO Box 1034 Carthage NC 28327 |
| Janna Wegner | 16A + B Sentencing Services<br>231 E. Cronly St., Laurinburg NC 28352 |
| Renee Lewis | Repay, Inc / Sentencing Services<br>P.O. Box 2423<br>Morganton, NC 28655 |
| Pam Knuckles | Repay, Inc / Sentencing Services<br>PO Box 969<br>Newton, NC 28658 |
| J. Harold Broadwell | Mayor Town of Wendell<br>220 Forest Ln Wendell 27591 |
| Louise Davis | Exec. Dir.<br>ReEntry, Inc Raleigh NC 27602 |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — April 21, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Melissa Radcliff | Our Children's Place |
| ANTHONY AUSTIN | NGAC |
| Aris Watkins | SEANC |
| Brandy Bynum | AFC NC |
| John Dorman | EM-GTM |
| Carl R. Fox | Superior Court Judge, 15B Dist |
| | |
| | |
| | |
| | |
| | |

# SENTENCING SERVICES PROGRAM
# CONTINUATION REVIEW (S.L. 2009-451. Sect. 6.6)

## Staff Review and Subcommittee Options

**Background**

The Sentencing Services Program in the Office of Indigent Defense Services, at the request of defense counsel, assesses defendants in criminal cases for suitability for a suspended sentence and recommends sentencing and treatment options for judicial consideration. The program's local staff, both State-employed and contractual, use a nationally-recognized assessment tool, the Level of Service Inventory-Revised (LSI-R) to determine a defendant's risk and needs, and develop a plan based on the results of the assessment in court when the judge has the discretion to send the offender to prison or suspend the active sentence and place the offender on probation.

A Continuation Review is a zero-based budgeting approach for program review adopted by the General Assembly in 2007. In this process, programs are given one year of non-recurring funding and are required to prepare a report to the General Assembly justifying their continued existence. In order for the program to continue operations, funding must be restored in the budget.

**Why was Sentencing Services chosen for Continuation Review?**

The Sentencing Services Program has seen large reductions in its operating budget over the past decade, and legislators have questioned whether the program remains viable at its current funding level. Furthermore, the program can only prepare plans for offenders whose offense and prior record score would leave the sentencing judge with discretion to suspend their active sentence. Finally, the program lacks tracking mechanisms and outcome measures. For these reasons, the General Assembly included the Sentencing Services Program in the list of programs for Continuation Review in 2009.

**Subcommittee Options for Sentencing Services Continuation Review**

Option 1: No action. The program's funding was removed from the continuation budget for Fiscal Year 2010-11. The program would expire on June 30, 2010.

Option 2: Restore funding. The program was funded at $2,235,185 for Fiscal Year 2009-10. The program could be restored at its current level. Because it is not currently in the budget, the subcommittee would need to find savings elsewhere to refund Sentencing Services.

Option 3: Restore some funding. The subcommittee could restore the program at a lower level.

Option 4: Restore program with a fee option. For non-indigent clients, the program could charge a fee for plan development.

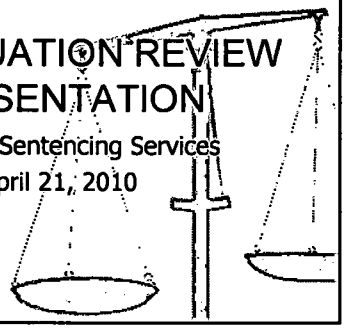
**Quick Facts**

- Sentencing Services presented 1,652 sentencing plans in court in FY 2008-09.
- Of these, 1,295 (78%) were in eligible cells on the sentencing grid.
- For FY 2008-09, judges imposed the recommended sanction in 63% of cases.
- For the same time period, judges imposed at least one recommended treatment option in 60% of cases.
- Two-thirds (19,921) of felony convictions fall in grid cells where the judge has sentencing discretion.
- Judges suspended the prison sentence and ordered Intermediate Probation in 56% of all felony convictions in cells with sentencing discretion.

# CONTINUATION REVIEW PRESENTATION

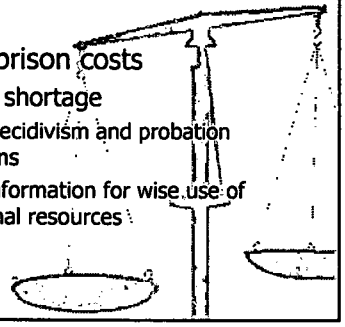
Office of Sentencing Services

April 21, 2010



## The Problem

- Fiscal crisis
  - Increasing prison costs
    - Prison bed shortage
      - Cycle of recidivism and probation revocations
      - Lack of information for wise use of correctional resources

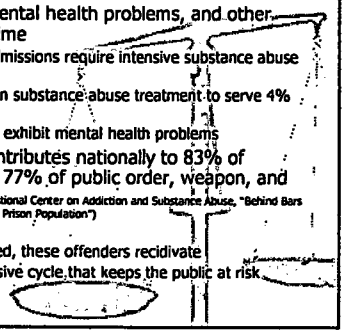


## Fundamental Contributing Issues

- Substance abuse, mental health problems, and other issues are driving crime
  - 63% of NC prison admissions require intensive substance abuse treatment
  - Only enough in-prison substance abuse treatment to serve 4% of prison population
  - 10% of NC prisoners exhibit mental health problems
- Substance abuse contributes nationally to 83% of property crimes and 77% of public order, weapon, and other crimes (Source: National Center on Addiction and Substance Abuse, "Behind Bars II: Substance Abuse and America 's Prison Population")

Untreated, these offenders recidivate

This is an expensive cycle that keeps the public at risk

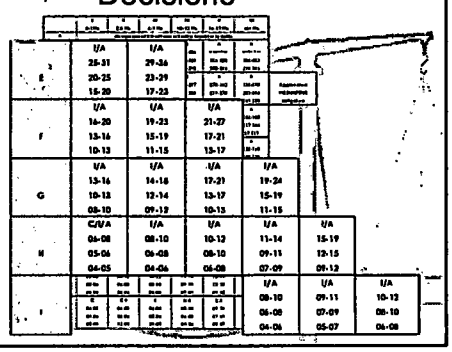


## Treatment Is Cost-effective

- Every $1 spent on treatment-based diversion can save $12 in reduced crime and other costs
- If inmates who need treatment got it and only 10% did not recidivate, the nation would break even in a year
- After that, the country would save $90,953 per inmate per year

(Source: National Center on Addiction and Substance Abuse, "Behind Bars II: Substance Abuse and America's Prison Population")

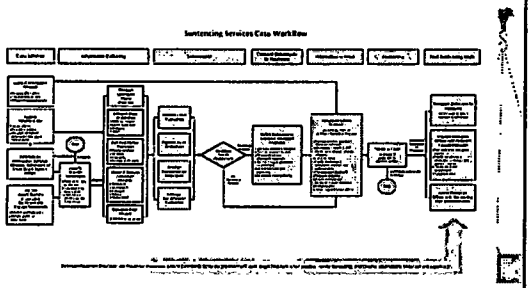
## Limited Guidance for Sentencing Decisions



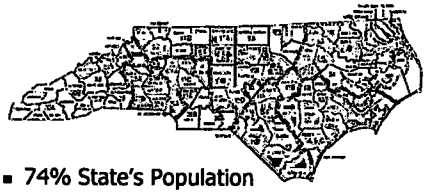
## Seeking a Solution

- North Carolina is partnering with the Council of State Governments on the Justice Reinvestment Project
  - Texas – Invested $241 million to expand available treatment; saved $443 million over two years
  - Kansas – Invested $2.4 million to expand treatment programs; anticipate saving $80.2 million
- South Carolina has conducted its own study

## Sentencing Services' Process



## Areas Served by Sentencing Services



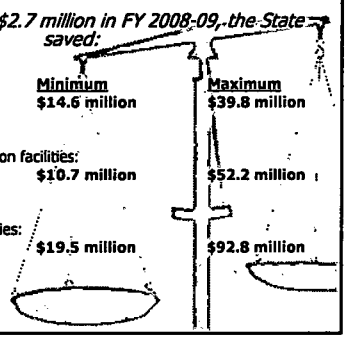
- 74% State's Population
- 73% I/A Cell Sentences

## Sentencing Services Works

1. Sentencing Services saves the State money
2. Sentencing Services provides judges with critical information
3. Judges use Sentencing Services' recommendations
4. Sentencing Services increases defendants' success rates

## Sentencing Services Saves the State Money

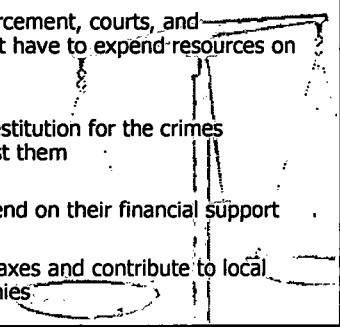
*For an investment of $2.7 million in FY 2008-09, the State saved:*



| | Minimum | Maximum |
|---|---|---|
| • Imprisoning defendants: | $14.6 million | $39.8 million |
| • Adding on to existing prison facilities: | $10.7 million | $52.2 million |
| • Building new prison facilities: | $19.5 million | $92.8 million |

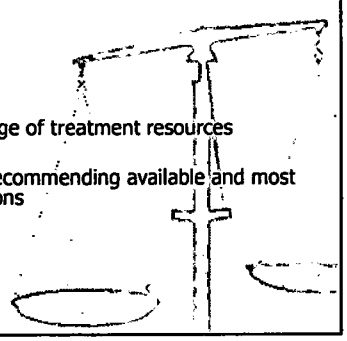
## Sentencing Services Saves the State Money

- Victims, law enforcement, courts, and corrections do not have to expend resources on repeat offenders
- Victims receive restitution for the crimes committed against them
- Families can depend on their financial support
- Defendants pay taxes and contribute to local and state economies



## Sentencing Services Provides Judges with Critical Information

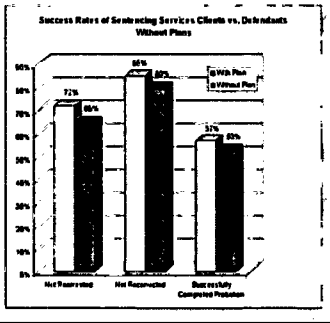
- Risk assessment
- Treatment needs
- Extensive knowledge of treatment resources
- Treatment plans recommending available and most suitable interventions



## Judges Use Sentencing Services' Recommendations

- Judges have historically ordered at least one of the sentencing plans' recommendations two-thirds of the time
- Judges have ordered non-prison sentences for over 70% of Sentencing Services clients
- Pursuant to plans, judges order defendants to hundreds of non-DOC funded treatment resources; apart from plans, they tend to order only eight

## Sentencing Services Increases Defendants' Success Rates



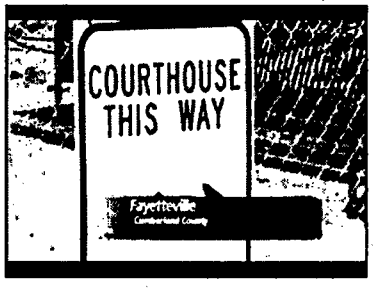

## Sentencing Services Is Part of the Solution

- No other agency can:
  - Work with offenders pre-conviction;
  - Provide as many years of experience in dynamic risk assessment; or
  - Draw on such vast knowledge of available public and private treatment resources.

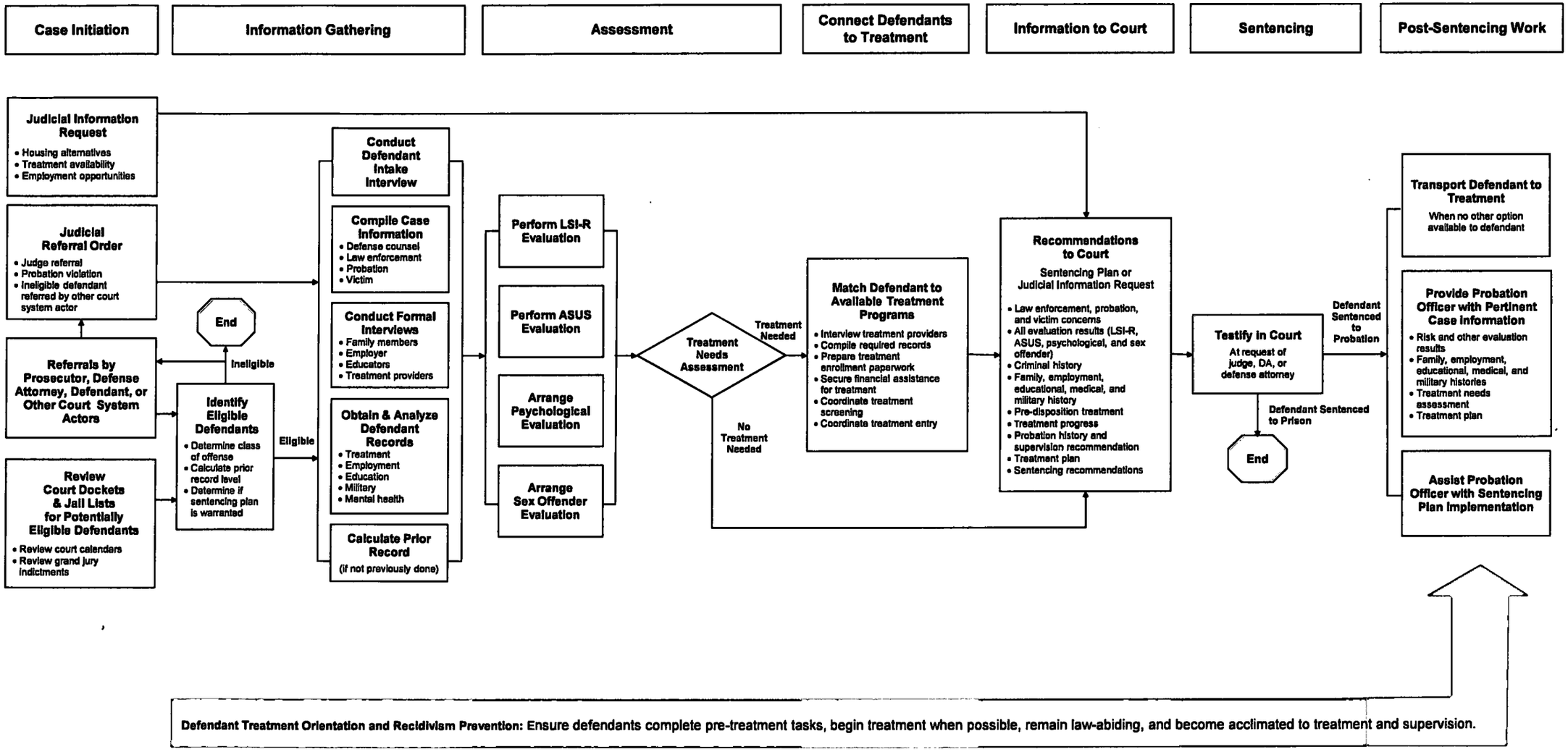
## Sentencing Services Is Part of the Solution

- Sentencing Services is already helping to fulfill the mission of the Justice Reinvestment Project

## Sentencing Services' Results Are Real



# Sentencing Services Case Workflow




Attachment 6

**Attachment 7**

**INDIGENT DEFENSE SERVICES**

**OFFICE OF SENTENCING SERVICES**
P.O. BOX 2448

RALEIGH, NORTH CAROLINA 27602

THOMAS K. MAHER
EXECUTIVE DIRECTOR

SUSAN E. BROOKS
ADMINISTRATOR

OFFICE OF SENTENCING SERVICES
PHONE: (919) 850-2807
FAX: (919) 850-2784

April 7, 2010

The Honorable Marc Basnight
President Pro Tempore, North Carolina Senate

The Honorable Charles W. Albertson
The Honorable Charlie S. Dannelly
The Honorable Linda Garrou
The Honorable A.B. Swindell
Co-Chairs, Senate Appropriations Committee

The Honorable Eleanor Kinnaird
The Honorable John Snow
Co-Chairs, Senate Appropriations Subcommittee on Justice and Public Safety

The Honorable Daniel G. Clodfelter
Vice-Chair, Senate Appropriations Subcommittee on Justice and Public Safety

The Honorable Tom Apodaca
The Honorable Stan Bingham
The Honorable R.C. Soles, Jr.
The Honorable Peter S. Brunstetter
The Honorable Ed Jones
Members, Senate Appropriations Subcommittee on Justice and Public Safety

The Honorable Joe Hackney
Speaker, North Carolina House of Representatives

The Honorable Henry M. Michaux, Jr.
Senior Chair, House Appropriations Committee

The Honorable Alma Adams
The Honorable Martha B. Alexander
The Honorable James W. Crawford, Jr.
The Honorable R. Phillip Haire
The Honorable Maggie Jeffus
The Honorable Joe P. Tolson
The Honorable Douglas Y. Yongue
Co-Chairs, House Appropriations Committee

The Honorable Alice L. Bordsen
The Honorable Jimmy L. Love, Sr.
Co-Chairs, House Appropriations Subcommittee on Justice and Public Safety

The Honorable Timothy L. Spear
The Honorable Ronnie Sutton
The Honorable Ray Warren
Vice-Chairs, House Appropriations Subcommittee on Justice and Public Safety
The Honorable James L. Boles, Jr.
The Honorable Melanie Wade Goodwin
The Honorable W. David Guice
The Honorable Pat B. Hurley
The Honorable Darren G. Jackson
The Honorable Carolyn K. Justus
The Honorable Annie W. Mobley
The Honorable Tim Moore
The Honorable Shirley B. Randleman
The Honorable Sarah Stevens
Members, House Appropriations Subcommittee on Justice and Public Safety

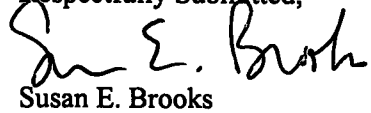
Dear Senators and Representatives:

On behalf of the Office of Sentencing Services ("Program"), I am pleased to provide you the attached Sentencing Services Continuation Review Report, submitted pursuant to § 6.6E of Session Law 2009-451.

The session law requires the Office of Sentencing Services to report to the General Assembly by March 1, 2010 the following: 1) a description of the Program's mission, goals, and objectives; 2) the statutory objectives for the Program and the problem or need addressed; 3) the extent to which the Program's objectives have been achieved; 4) the Program's function or programs performed without specific statutory authority; 5) the performance measures for the Program and the process by which the performance measures determine efficiency and effectiveness; 6) recommendations for statutory, budgetary, or administrative changes needed to improve efficiency and effectiveness of services delivered to the public; 7) the consequences of discontinuing funding; 8) recommendations for improving services or reducing costs or duplication; 9) the identification of policy issues that should be brought to the attention of the General Assembly; and 10) other information necessary to fully support the General Assembly's Continuation Review Program along with any information included in instructions from the Fiscal Research Division.

In addition to the full report and its appendices, for your convenience we are also providing you a separate copy of the report's Executive Summary. As always, we welcome any comments or questions you may have, and we thank you for your ongoing support of Sentencing Services.

Respectfully Submitted,



Susan E. Brooks
Administrator

SENTENCING SERVICES

# CONTINUATION REVIEW REPORT
# EXECUTIVE SUMMARY

**Submitted Pursuant to S.L. 2009-451, Section 6.6E**

**March 1, 2010**


**INDIGENT DEFENSE SERVICES**

**OFFICE OF SENTENCING SERVICES**
P.O. BOX 2448
RALEIGH, NORTH CAROLINA 27602

## EXECUTIVE SUMMARY

Sentencing Services operates under the auspices of the Office of Indigent Defense Services. Sentencing Services programs represent a consortium of nonprofit and state-operated agencies that provide detailed sentencing plans to courts for defendants who fall in certain cells of the sentencing grids. Judges must base critical sentencing decisions about whether to imprison those defendants on information that is not contained in the sentencing grids. Sending to prison a defendant who could be sanctioned with an alternative sentence can be a costly mistake and a waste of resources, and Sentencing Services is the only agency positioned to provide courts with necessary information about high-risk criminal defendants at the pre-conviction stage.

Judges' actions have shown that they find the information provided by Sentencing Services to be valuable. They have followed at least one of the plans' recommendations two-thirds of the time and ordered non-prison sentences for over 70% of Sentencing Services clients. The rate at which Sentencing Services clients have been diverted from prison has consistently exceeded the average statewide felony diversion rate, despite the fact that, unlike many of the cases represented in the statewide average, Sentencing Services clients are neither clearly bound for probation nor have cases that can easily be resolved pursuant to a plea agreement. In FY 2008-09, specialists determined through testing that nine out of ten clients were at elevated risks of reoffending absent intervention, more than three out of four required intensive substance abuse treatment, and nearly two-thirds needed mental health treatment.

Sentencing Services programs employ nationally recognized evidence-based practices to identify those offenders with severe substance abuse, mental health, and other problems that increase their risks of reoffending. By arranging for placement in community-based treatment when appropriate, Sentencing Services not only increases defendants' chances for success but also saves the State considerable amounts of money. In FY 2008-09, the State saved within a range of $14.6 million to $39.8 million in prison costs for these defendants, a savings of at least $5 for every $1 spent on Sentencing Services. Additionally, the State saved between $10.7 million and $92.8 million in prison-bed construction. Sentencing Services has also assisted courts in determining restitution owed to victims and helped to ensure that defendants could work to pay their debts and to contribute financially to their families and communities. Sentencing Services has provided these cost savings while decreasing the cost of its services.

Sentencing Services' assessment practices have been proven to reduce the probability that offenders will reoffend, further saving the State money. Within an average of 22 months from conviction, 72% of Sentencing Services clients are not rearrested, 85% are not reconvicted, and 57% successfully complete probation without rearrest or revocation.[1] By contrast, 65% of similarly situated defendants without sentencing plans are not rearrested, 80%

[1] *See* Letter from Ellington T. Graves, Ph.D., to Susan E. Brooks and Attachment (Nov. 8, 2004) (explaining revised findings of Ellington T. Graves and Lawrence D. Vellani, Sentencing Information and Judicial Decision Making (Dec. 2000)).

are not reconvicted, and 53% successfully complete probation within the same time frame.[2] Intermediate probationers and DART-Cherry participants recidivate at greater rates than Sentencing Services clients, even though they are at a lower risk of reoffending.[3] As a Washington State study shows, the reduction in recidivism accomplished by Sentencing Services cannot be accomplished by electronic monitoring or intensive probation with surveillance-oriented programs.[4]

North Carolina faces a crisis of prison overcrowding, exacerbated by a shortage of in-prison treatment slots. Sentencing Services has extensive knowledge of and experience with available treatment facilities. In FY 2008-09, judges ordered Sentencing Services clients to over 200 different treatment resources, 90% of which were non-DOC funded. By contrast, a 2002 study found that when judges ordered treatment not recommended in sentencing plans, they tended to rely on only eight facilities and, of those eight, predominantly ordered defendants into the DOC-operated DART-Cherry and IMPACT programs.[5]

The impact and value of Sentencing Services are exponential relative to Sentencing Services' size and cost. In addition to the benefit of the information programs provide to courts through their extensive case development and the vast cost savings produced by their efforts, Sentencing Services staff provide the unique and important service of pre-sentence defendant treatment orientation and recidivism reduction. Sentencing Services often continues this intervention even after sentencing to ensure that court orders for treatment are properly implemented.

If funding for Sentencing Services were to be discontinued or reduced, the consequences for the State would be detrimental. Prison costs would rise; probation officers would be additionally burdened; court procedures would be delayed; sentencing decisions would be based on inadequate information and defendants would thus receive less appropriate treatment; defendants would recidivate at increased rates; and the State would lose treatment providers and important grant-funded court programs, such as Criminal Justice Partnership Programs, Pre-Trial Release, and Mediation, that are hosted by Sentencing Services non-profits. At present, no other agency can provide the expert assessment of defendants provided by Sentencing Services. In addition, it is highly likely that elimination of Sentencing Services would not result in the transfer of this function to probation or some other agency; it would simply eliminate access to this information by the courts. In light of the need for more, not fewer, programs to help ease the overuse of costly prison resources, Sentencing Services is a necessity for the State.

---

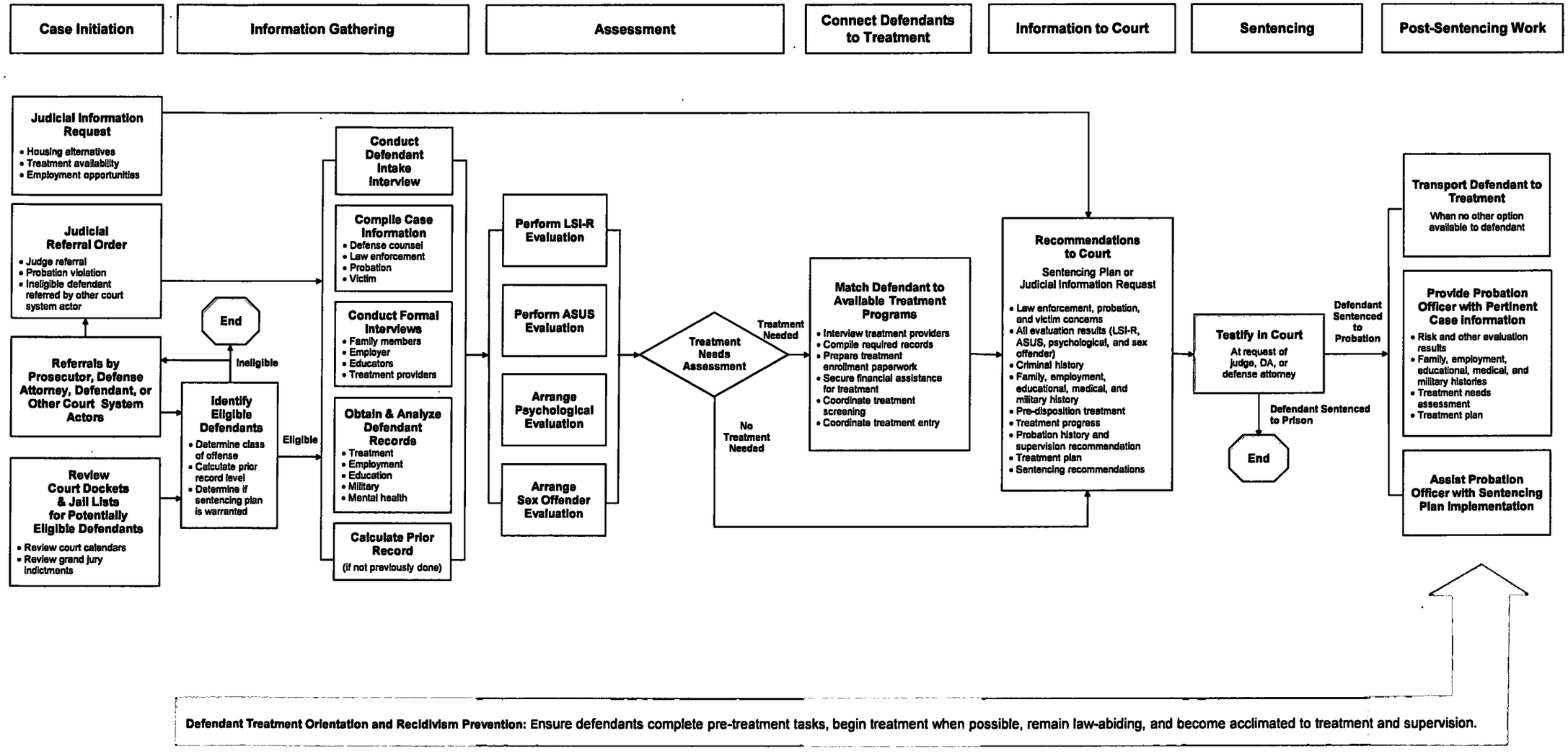
[2] *Id.*

[3] *See* North Carolina Sentencing and Policy Advisory Commission, Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in Fiscal Year 2003/04 (Apr. 15, 2008) at 23 and 32.

[4] Washington State Institute for Public Policy, Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates (Oct. 2006), *available at* http://www.wsipp.wa.gov/rptfiles/06-10-1201.pdf, at 9.

[5] NC Administrative Office of the Courts, Report on the Effectiveness of the Sentencing Services Program (Apr. 2002) at 20.

# Sentencing Services Case Workflow



SENTENCING SERVICES

# CONTINUATION REVIEW REPORT

**Submitted Pursuant to S.L. 2009-451, Section 6.6E**

**March 1, 2010**


**INDIGENT DEFENSE SERVICES**

**OFFICE OF SENTENCING SERVICES**
P.O. BOX 2448
RALEIGH, NORTH CAROLINA 27602

## TABLE OF CONTENTS


I. EXECUTIVE SUMMARY ..... 1
II. DESCRIPTION OF PROGRAM MISSION, GOALS, AND OBJECTIVES ..... 3
A. MISSION, GOALS, AND OBJECTIVES ..... 3
B. SERVICE STATEMENTS ..... 3
C. ROLE OF SENTENCING SERVICES WITHIN THE COURT SYSTEM ..... 4
1. North Carolina's Sentencing System ..... 4
2. Sentencing Services' Role in the Sentencing System ..... 6
D. PROGRAM OVERVIEW ..... 8
E. CASE EXAMPLE ..... 12
III. CATEGORIZATION OF MISSION, GOALS, AND OBJECTIVES AS EITHER STATUTORY OR NON-STATUTORY ..... 15
IV. RESOURCE ALLOCATION ..... 16
V. DISCUSSION AND ANALYSIS OF PERFORMANCE MEASURES AND DATA ..... 19
A. EVIDENCE-BASED PRACTICE ..... 19
B. PERFORMANCE MEASURES AND DATA ..... 20
1. Focus work on eligible defendants and cases ..... 20
2. Provide courts with useful information ..... 25
3. Find available treatment resources ..... 30
4. Help defendants to become more successful ..... 32
5. Minimize costs to the State ..... 37
VI. EXTENT TO WHICH OBJECTIVES HAVE BEEN ACHIEVED ..... 42
VII. LINK BETWEEN FUNDING/RESOURCES AND STATEWIDE SOCIETAL IMPACT ..... 44
VIII. RATIONALE FOR CONTINUED FUNDING LEVEL ..... 46
IX. CONSEQUENCES OF DISCONTINUING OR REDUCING PROGRAM FUNDING ..... 47
X. RECOMMENDATIONS FOR IMPROVING SERVICES ..... 50
XI. RECOMMENDATIONS FOR REDUCING COSTS OR DUPLICATION ..... 51
XII. RECOMMENDATIONS FOR STATUTORY, BUDGETARY, OR ADMINISTRATIVE CHANGES NEEDED TO IMPROVE EFFICIENCY AND EFFECTIVENESS OF SERVICES OFFERED TO PUBLIC ..... 53
A. GREATER COURT INTEGRATION ..... 54
B. ACCESS TO OFFENDER INFORMATION ..... 55
C. FUNDING TO INCREASE COVERAGE ..... 56
D. FUNDING FOR RESEARCH AND DATA COLLECTION ..... 57
XIII. IDENTIFICATION OF POLICY ISSUES THAT SHOULD BE BROUGHT TO THE ATTENTION OF THE GENERAL ASSEMBLY ..... 58
A. PRISON OVERCROWDING, THE JUSTICE REINVESTMENT PROJECT, AND SIMILAR INITITATIVES ..... 59
B. ADDITIONAL BENEFITS TO THE STATE AND LOCAL COMMUNITIES OF HAVING SENTENCING SERVICES ..... 61
XIV. CONCLUSION ..... 62

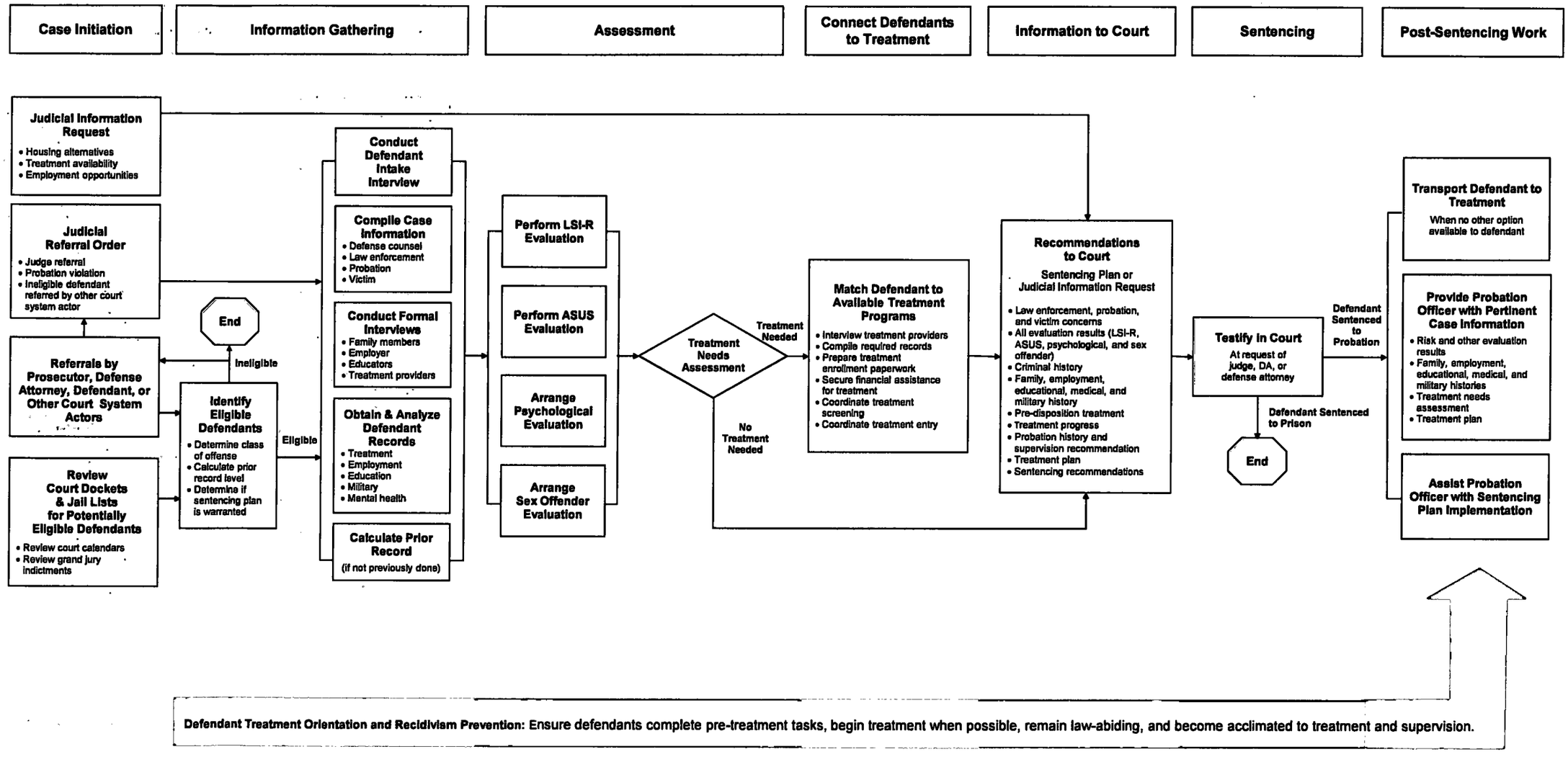
## TABLE OF FIGURES


Figure 1: I/A Cells Within Felony Sentencing Grid ..... 5
Figure 2: Referral Sources FY 2008-09 ..... 7
Figure 3: Budget Allocation FY 2007-08 & FY 2008-09 ..... 17
Figure 4: Non-Profit Program Expenses FY 2008-09 ..... 17
Figure 5: State Program Expenses FY 2008-09 ..... 18
Figure 6: Central Office Expenses FY 2008-09 ..... 18
Figure 7: Cases Screened, Opened, and Presented By Fiscal Year with Percentage of FY 2008-09 of Three-Year Average ..... 21
Figure 8: Distribution of Cases at Intake FY 2008-09 ..... 22
Figure 9: Distribution of Cases at Disposition FY 2008-09 ..... 23
Figure 10: Plans Presented By LSI-R Risk Scores FY 2008-09 ..... 24
Figure 11: Sentencing Services Clients Requiring Intensive Substance Abuse Treatment By Fiscal Year ..... 24
Figure 12: Sentencing Services Clients Requiring Mental Health Treatment By Fiscal Year ..... 25
Figure 13: Rate at Which Courts Imposed Recommended Sanction (Active, Intermediate, or Community) By Fiscal Year ..... 26
Figure 14: Rate at Which Courts Imposed Recommended Treatment By Fiscal Year ..... 27
Figure 15: Rate at Which Courts Diverted Sentencing Services Clients By Fiscal Year ..... 27
Figure 16: Interventions Imposed By Courts Pursuant to Sentencing Services' Recommendations By Fiscal Year ..... 30
Figure 17: Defendants for Whom Sentencing Services Recommended Treatment By Fiscal Year ..... 31
Figure 18: Recidivism Rates of Defendants With and Without Sentencing Plans ..... 33
Figure 19: Rearrest Rates By Risk Level of Defendants With and Without Sentencing Plans ..... 34
Figure 20: Summary of Cost Analysis - Minimum Range of Savings FY 2008-09 ..... 39
Figure 21: Summary of Cost Analysis - Maximum Range of Savings FY 2008-09 ..... 40
Figure 22: Prison Bed Savings By Fiscal Year if Additional Beds Had to Be Constructed ..... 41
Figure 23: Materials Reviewed in Annual Program Site Reviews ..... 43

## TABLE OF APPENDICES


APPENDIX A: Sentencing Services Case – Time and Service Allocation
APPENDIX B: North Carolina Felony and Misdemeanor Punishment Charts
APPENDIX C: AOC-613 Referral Form
APPENDIX D: Sample Sentencing Plan (Redacted)
APPENDIX E: Sentencing Services Coverage Map FY 2009-10
APPENDIX F: Representative Letters from Court Actors and Others
APPENDIX G: *Fayetteville Observer* Article: Former drug addict Gibney determined to build a future
APPENDIX H: *The Importance and Efficacy of Standardized Offender Assessment: The North Carolina Sentencing Services Assessment Program*, by Kenneth Wanberg, Ph.D, and Curriculum Vitae
APPENDIX I: Treatment Resources Recommended by Sentencing Services and Ordered by Judges FY 2008-09
APPENDIX J: Executive Summary of Ellington T. Graves and Lawrence D. Vellani, Sentencing Information and Judicial Decision Making (Dec. 2000); Letter from Ellington T. Graves, Ph.D., to Susan E. Brooks (Nov. 8, 2004); and Revised Recidivism Tables
APPENDIX K: Four-Star Program Site Review Criteria
APPENDIX L: Promotional Materials Used By Sentencing Services Programs
APPENDIX M: *Gaston Gazette* Editorial: Deciding who stays behind the steel bars

# Sentencing Services Case Workflow



## I. EXECUTIVE SUMMARY

Sentencing Services operates under the auspices of the Office of Indigent Defense Services. Sentencing Services programs represent a consortium of nonprofit and state-operated agencies that provide detailed sentencing plans to courts for defendants who fall in certain cells of the sentencing grids. Judges must base critical sentencing decisions about whether to imprison those defendants on information that is not contained in the sentencing grids. Sending to prison a defendant who could be sanctioned with an alternative sentence can be a costly mistake and a waste of resources, and Sentencing Services is the only agency positioned to provide courts with necessary information about high-risk criminal defendants at the pre-conviction stage.

Judges' actions have shown that they find the information provided by Sentencing Services to be valuable. They have followed at least one of the plans' recommendations two-thirds of the time and ordered non-prison sentences for over 70% of Sentencing Services clients. The rate at which Sentencing Services clients have been diverted from prison has consistently exceeded the average statewide felony diversion rate, despite the fact that, unlike many of the cases represented in the statewide average, Sentencing Services clients are neither clearly bound for probation nor have cases that can easily be resolved pursuant to a plea agreement. In FY 2008-09, specialists determined through testing that nine out of ten clients were at elevated risks of reoffending absent intervention, more than three out of four required intensive substance abuse treatment, and nearly two-thirds needed mental health treatment.

Sentencing Services programs employ nationally recognized evidence-based practices to identify those offenders with severe substance abuse, mental health, and other problems that increase their risks of reoffending. By arranging for placement in community-based treatment when appropriate, Sentencing Services not only increases defendants' chances for success but also saves the State considerable amounts of money. In FY 2008-09, the State saved within a range of $14.6 million to $39.8 million in prison costs for these defendants, a savings of at least $5 for every $1 spent on Sentencing Services. Additionally, the State saved between $10.7 million and $92.8 million in prison-bed construction. Sentencing Services has also assisted courts in determining restitution owed to victims and helped to ensure that defendants could work to pay their debts and to contribute financially to their families and communities. Sentencing Services has provided these cost savings while decreasing the cost of its services.

Sentencing Services' assessment practices have been proven to reduce the probability that offenders will reoffend, further saving the State money. Within an average of 22 months from conviction, 72% of Sentencing Services clients are not rearrested, 85% are not reconvicted, and 57% successfully complete probation without rearrest or revocation.[1] By contrast, 65% of similarly situated defendants without sentencing plans are not rearrested, 80%

[1] *See* Letter from Ellington T. Graves, Ph.D., to Susan E. Brooks and Attachment (Nov. 8, 2004) (explaining revised findings of Ellington T. Graves and Lawrence D. Vellani, Sentencing Information and Judicial Decision Making (Dec. 2000)).

are not reconvicted, and 53% successfully complete probation within the same time frame.[2] Intermediate probationers and DART-Cherry participants recidivate at greater rates than Sentencing Services clients, even though they are at a lower risk of reoffending.[3] As a Washington State study shows, the reduction in recidivism accomplished by Sentencing Services cannot be accomplished by electronic monitoring or intensive probation with surveillance-oriented programs.[4]

North Carolina faces a crisis of prison overcrowding, exacerbated by a shortage of in-prison treatment slots. Sentencing Services has extensive knowledge of and experience with available treatment facilities. In FY 2008-09, judges ordered Sentencing Services clients to over 200 different treatment resources, 90% of which were non-DOC funded. By contrast, a 2002 study found that when judges ordered treatment not recommended in sentencing plans, they tended to rely on only eight facilities and, of those eight, predominantly ordered defendants into the DOC-operated DART-Cherry and IMPACT programs.[5]

The impact and value of Sentencing Services are exponential relative to Sentencing Services' size and cost. In addition to the benefit of the information programs provide to courts through their extensive case development and the vast cost savings produced by their efforts, Sentencing Services staff provide the unique and important service of pre-sentence defendant treatment orientation and recidivism reduction. Sentencing Services often continues this intervention even after sentencing to ensure that court orders for treatment are properly implemented.

If funding for Sentencing Services were to be discontinued or reduced, the consequences for the State would be detrimental. Prison costs would rise; probation officers would be additionally burdened; court procedures would be delayed; sentencing decisions would be based on inadequate information and defendants would thus receive less appropriate treatment; defendants would recidivate at increased rates; and the State would lose treatment providers and important grant-funded court programs, such as Criminal Justice Partnership Programs, Pre-Trial Release, and Mediation, that are hosted by Sentencing Services non-profits. At present, no other agency can provide the expert assessment of defendants provided by Sentencing Services. In addition, it is highly likely that elimination of Sentencing Services would not result in the transfer of this function to probation or some other agency; it would simply eliminate access to this information by the courts. In light of the need for more, not fewer, programs to help ease the overuse of costly prison resources, Sentencing Services is a necessity for the State.

---

[2] *Id.*

[3] *See* North Carolina Sentencing and Policy Advisory Commission, Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in Fiscal Year 2003/04 (Apr. 15, 2008) at 23 and 32.

[4] Washington State Institute for Public Policy, Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates (Oct. 2006), *available at* http://www.wsipp.wa.gov/rptfiles/06-10-1201.pdf, at 9.

[5] NC Administrative Office of the Courts, Report on the Effectiveness of the Sentencing Services Program (Apr. 2002) at 20.

## II. DESCRIPTION OF PROGRAM MISSION, GOALS, AND OBJECTIVES

Sentencing Services was instituted by the General Assembly in 1983 to help reduce prison admissions and costs and was expanded in subsequent years in response to the severe prison overpopulation problem faced by the State, which culminated in a federal class action lawsuit, *Small v. Martin,* No. 85-987-7 CRT (E.D.N.C., Apr. 3, 1989). The General Assembly recognized that sentencing decisions are not always clear-cut and that judges may at times need assistance from outside agencies in sentencing. They also recognized that without appropriate sanctions and treatment intervention, a significant percentage of offenders would reoffend. Consequently, to enhance public safety and to reduce the burden of costly correction facilities, the State provided the courts with a mechanism identify those defendants who would benefit from intervention to break the cycle of recidivism and to inform them of available community resources.

### A. MISSION, GOALS, AND OBJECTIVES

Sentencing Services' mission and goals are as follows:

1) To promote effective use of prison and community sanctions to reduce over-reliance on costly incarceration;
2) To foster public safety by identifying available treatment options to help defendants break the cycle of crime; and
3) To aid with defendant treatment orientation and recidivism prevention in the pre-sentence and immediate post-sentence court process.

Sentencing Services programs accomplish these goals and assist judges, prosecutors, and defense attorneys through the objectives listed in the service statements contained in Section B., below, and in the Case WorkFlow Chart included above after the Executive Summary.

### B. SERVICE STATEMENTS

Sentencing Services' objectives are to:

1) Identify offenders who, without appropriate sanctions and intervention, will likely reoffend and who would benefit from alternatives to incarceration; the Program meets this objective by reviewing court calendars, grand jury indictment lists, and jail lists to ascertain which defendants are potential candidates for alternatives to incarceration and by receiving defendant referrals at any point prior to sentencing from judges, prosecutors, defense attorneys, probation officers, and other officials;

2) Screen potential candidates by calculating prior criminal record levels and assessing their risks of reoffending absent treatment intervention;

3) Compile necessary background information and records on defendants' criminal histories, family, education, employment, medical and mental health issues, and prior treatment;

4) Formally interview and seek input from relevant defendant contacts, including family members, employers, educators, military officers, past or current mental health and/or substance abuse treatment providers, probation officers, law enforcement, and victims (where appropriate and permitted);

5) Analyze defendants' dysfunctions and treatment needs that present barriers to their ability to be law-abiding citizens;

6) Identify available treatment facilities to address defendants' crime-causing issues;

7) Assist defendants into treatment as soon as possible before sentencing by securing treatment beds, facilitating the application process, and locating treatment funds if necessary;

8) Help to orient defendants to treatment and to prevent recidivism in the pre-sentence and immediate post-sentence court process by ensuring that defendants complete necessary pre-treatment tasks, begin treatment when possible, remain law-abiding, and become more amenable to treatment and to supervision; and

9) Provide the court with needs assessments and treatment plans, generally in the form of sentencing plans, thereby saving the State costly prison expenditures and promoting public safety by ensuring that more defendants get the intervention they need to break the cycle of crime.

For more detailed information on the products and services provided by Sentencing Services programs, refer to the Case WorkFlow Chart included above after the Executive Summary; a real-life example of the work and time that goes into a Sentencing Services case is contained in Appendix A.

## C. ROLE OF SENTENCING SERVICES WITHIN THE COURT SYSTEM

### 1. North Carolina's Sentencing System

To understand how Sentencing Services fits into the court and sentencing processes, it is helpful to know how those processes work. In North Carolina, defendants are sentenced through what is known as structured sentencing according to where their offenses and prior record levels place their cases in the relevant sentencing grid. (The most recent versions of the

felony and misdemeanor sentencing grids are included in Appendix B.) Developed by the North Carolina Sentencing and Policy Advisory Commission ("Sentencing Commission") and adopted by the General Assembly, the sentencing grids are arranged in the form of cells that correspond to offense class and prior record levels and require certain punishments and lengths of incarceration depending on the cell in which a case falls. Some cells mandate imposition of only one type of sanction: an active sentence; an intermediate sentence involving probation with heightened supervision and conditions; or a community sentence involving probation with low-level supervision and fewer conditions than intermediate probation. Other cells allow punishment with a choice of any of two or three sanctions. Cases falling within the felony sentencing grid cells shown below in Figure 1, referred to as the "I/A cells," may be punished with either intermediate or active sanctions.

**I/A Cells Within Felony Sentencing Grid**

| OFFENSE CLASS | PRIOR RECORD LEVEL I<br>0-1 Pt | II<br>2-5 Pts | III<br>6-9 Pts | IV<br>10-13 Pts. | V<br>14-17 Pts | VI<br>18+ Pts |
|---|---|---|---|---|---|---|
| E | I/A<br>25-31<br>20-25<br>15-20 | I/A<br>29-36<br>23-29<br>17-23 | | | | |
| F | I/A<br>16-20<br>13-16<br>10-13 | I/A<br>19-23<br>15-19<br>11-15 | I/A<br>21-27<br>17-21<br>13-17 | | | |
| G | I/A<br>13-16<br>10-13<br>8-10 | I/A<br>14-18<br>12-14<br>9-12 | I/A<br>17-21<br>13-17<br>10-13 | I/A<br>19-24<br>15-19<br>11-15 | | |
| H | C/I/A<br>6-8<br>5-6<br>4-5 | I/A<br>8-10<br>6-8<br>4-6 | I/A<br>10-12<br>8-10<br>6-8 | I/A<br>11-14<br>9-11<br>7-9 | I/A<br>15-19<br>12-15<br>9-12 | |
| I | | | | I/A<br>8-10<br>6-8<br>4-6 | I/A<br>9-11<br>7-9<br>5-7 | I/A<br>10-12<br>8-10<br>6-8 |

**Figure 1**

The numbers in each cell represent the possible months of active time in each range (aggravated, presumptive, and mitigated) that a defendant could receive. Approximately 16,450 defendants a year, or 66% of all felony cases, are sentenced within these cells, according to FY 2008-09 statistics compiled by the Sentencing Commission.

The sentencing grid is an extremely useful instrument in determining appropriate punishments for many offenses, particularly where only one type of punishment may be imposed and the decision is ultimately about the length of the sentence. However, sentencing within the I/A cells requires judges to make difficult choices about whether it is more appropriate and effective for a defendant to be sent to prison or put on probation, and the sentencing grid itself only provides the choice, not the answer. For these cases, judges must have more information about the defendants' criminal and social histories and the treatments available to address defendants' crime-causing dysfunctions to identify the sanctions that will have the greatest impact on reducing recidivism. While large numbers of defendants are similarly situated in each cell of the I/A portion of the grid according to their crime classes and prior record levels, some of them are sentenced to prison and some are sentenced to probation; therefore, factors other than their placement within the grid are being considered, and it is for these factors that Sentencing Services uses an evidence-based model for screening and arranges services so that intelligent decisions can be made.

2. Sentencing Services' Role in the Sentencing System

Sentencing Services focuses its attention on defendants who will be sentenced in the I/A cells. Through a combination of active identification and referrals, Sentencing Services screened 5,510 cases and opened 2,023 in FY 2008-09. Of the approximately 16,450 defendants sentenced within the I/A cells in a given year, approximately 73%, or a little over 12,000, come from the jurisdictions currently served by the Program. Dividing the 5,510 screened by the 12,000 total I/A-cell defendants means that Sentencing Services reached nearly half of the potentially eligible defendants in their jurisdictions in the last fiscal year.

The screening process determines which defendants are eligible for and would benefit from Sentencing Services' involvement in their cases. Through screening, Sentencing Services can avoid working with defendants whose cases can be easily resolved or who do not have issues significant enough to be obstacles to their future ability to be law-abiding. Screening prevents wasted time and saves State money by focusing efforts on the most appropriate group for service. The cases that are screened, but not opened, generally are those in which there is no need for further involvement.

Sentencing Services staff receive case referrals at any point in the court process, but generally at the initial stage. Referral sources include judges, prosecutors, defense attorneys, defendants, and other court actors such as probation officers. Figure 2 shows the various referral sources by percentage in FY 2008-09.

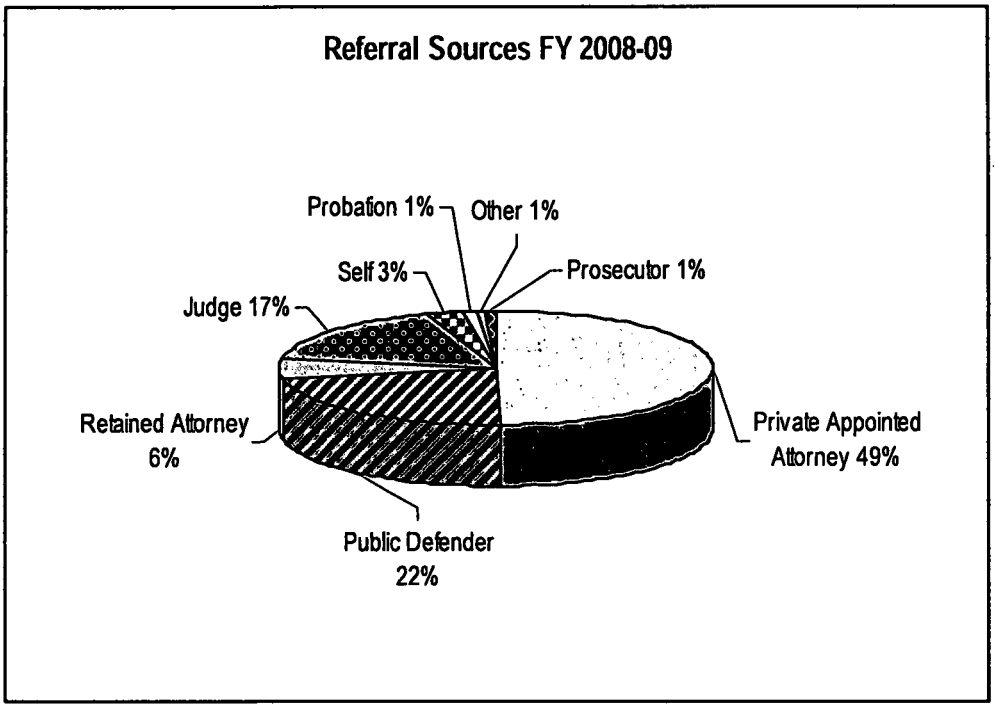



**Figure 2**

A judge may refer an otherwise ineligible defendant to Sentencing Services by signing a referral form, the AOC-CR-613. Judges sign referral forms in the following instances: when a judge is the referral source; when the charges consist solely of a probation violation with no new charges; or when the defendant is otherwise ineligible because of his or her offense class and/or prior record level, as determined by staff by analyzing the defendant's charges and criminal records. (An example of the referral form is in Appendix C.)

Where resources are available, Sentencing Services also actively identifies potentially eligible defendants soon after their arrests by reviewing court calendars, grand jury indictment lists, and/or jail lists. Staff obtain the defendants' prior conviction histories in order to determine in which punishment cells of the sentencing grid the defendants' cases fall. Staff then contact defense attorneys for eligible defendants. If the defense attorney relates that a plea agreement for a community sentence has been or will likely soon be reached, or if the client is likely going to receive a probationary sentence at sentencing, Sentencing Services will not open or work on the case.

Once staff receive referral orders or procure approval from defense attorneys to develop sentencing plans for eligible cases, they thoroughly investigate the cases, determine whether treatment is warranted, arrange for available treatment, and prepare written sentencing plans containing the results of their investigation and their recommendations for sentencing. (A sample sentencing plan is contained in Appendix D.) Staff contact an average of five (5) treatment providers per case they work on. Issues they commonly investigate include: whether a facility has any beds currently available; whether the facility will treat a defendant who has committed certain serious offenses or has a high risk of reoffending; whether the

facility will or can treat defendants who have mental health or medical conditions; whether the facility will allow a defendant to take any prescribed medications; and whether the facility offers treatment that adequately addresses the defendant's specific problems.

Defendants may enter a guilty plea during arraignment or at any point prior to trial, and the plans are provided to judges for their consideration at sentencing. Occasionally, judges will order Sentencing Services to develop plans for use at sentencing after defendants have been convicted at trial or entered guilty pleas. At sentencing, judges review the information and recommendations contained in the sentencing plans and consider whether to impose the sanctions (active, intermediate, or community) and treatment interventions recommended in the plans. Historically, judges have imposed the recommended sanctions and interventions around two-thirds of the time. Sentencing plans may be provided to prosecutors prior to sentencing and often influence prosecutors' decisions to offer pleas to lesser charges.

## D. PROGRAM OVERVIEW

Originally comprised of five programs serving an equal number of districts, Sentencing Services was established in 1983. Prison overcrowding and exploding prison costs increased the demand for services so that, by the late 1990s, Sentencing Services included 37 programs serving all 100 counties in all of the state's judicial districts. Today, 21 Sentencing Services programs operate in 57 counties in 33 separate judicial districts. The jurisdictions served by Sentencing Services encompass 74% of North Carolina's population and represent 71% of the State's prison admissions. (See Appendix E for a map of Sentencing Services' coverage in the State.)

Sentencing Services is a mix of non-profit-, state-, and county-run programs. Sentencing specialists are trained to use the most up-to-date intervention techniques and standardized risk assessment instruments, including the Level of Service Inventory-Revised ("LSI-R") and the Adult Substance Use Survey ("ASUS"), to assist courts with identifying defendants who will be less likely to reoffend if provided the necessary interventions.

Sentencing Services programs provide services to nearly 100 resident superior court judges and over 250 district court judges, as well as numerous special judges, prosecutors, defense attorneys, and other court officials. As seen above in Figure 2, judges represented 17% (270) of the known referral sources for the plans presented in FY 2008-29; defense attorneys comprised 78% (1,239), and other court actors referred the remaining 5% (83).[6] Of the 95 resident superior court judges served by Sentencing Services in FY 2008-09, 80% ordered at least one recommendation contained in a sentencing plan. Also, by statute, every year each senior resident superior court judge in a Sentencing Services district must review the local program's plan for comprehensive delivery of services, and, for the last three fiscal years, every

[6] Data were unavailable on the referral source in 60 of the 1,652 cases in which plans were presented in FY 2008-09.

senior resident judge has approved and endorsed his or her program's proposed plan of operation.

In FY 2008-09, Sentencing Services assisted judges in making more informed sentencing decisions in over 1,600 cases and developed 879 treatment plans that were implemented. In the remaining cases, judges imposed active sentences or otherwise did not implement the plans' recommendations, the cases were dismissed, or the cases are still pending to date. Calculating the amounts saved from diverting defendants from prison through Sentencing Service's sentencing plans very conservatively, the treatment plans enabled the State to save a minimum of $14.6 million in correction costs last fiscal year alone. Thus, for every $1 spent on Sentencing Services last year, the State saved at least $5. Moreover, through Sentencing Services' work in FY 2008-09, the State further avoided spending $19.5 million to add new prison beds to existing facilities for the additional defendants diverted by Sentencing Services or $10.7 million to construct new facilities containing these beds. (See Section V.B.5. below for the methodology used in these calculations.)

The plans Sentencing Services presented will also contribute to reduced recidivism in the form of 7% fewer rearrests, 5% fewer reconvictions, and 4% more successfully completed probations compared to similarly situated defendants who did not receive a Sentencing Services plan,[7] which will ultimately save the State even more money. In addition, over 900 Sentencing Services clients in FY 2008-09 reported having families. These clients were often the primary breadwinners, or at least providers of substantial financial support, for their families. Added to the cost of incarcerating these clients would be the societal costs of those children losing their sources of food and housing, possibly being removed to foster care, watching their parents struggle with addictions and other issues, and consequently becoming more likely to engage in criminal behavior themselves.

The demand for the role Sentencing Services plays in the court system remains high and becomes more pressing every year. Just this past year, the General Assembly took the first step in developing strategies to reduce the demand for prison beds in the state by passing the Justice Reinvestment Project ("JRP") in S.L. 2009-45, § 19.22, as discussed more fully below in Section XIII.A. Helping to reduce the expensive reliance on prison is the exact function that Sentencing Services provides to the courts today. The Program hopes to do even more to address the problem identified by the JRP by providing services to those areas of the State that currently lack Sentencing Services programs

An important but unrecognized part of Sentencing Services' work is providing pre- and post-sentence defendant treatment orientation and recidivism prevention. In 25 years of experience in working with the courts and defendants, Sentencing Services programs have recognized gaps in the pre- and immediate post-sentence phases that they needed to fill to

[7] *See* Letter from Ellington T. Graves, Ph.D., to Susan E. Brooks and Attachment (Nov. 8, 2004) (explaining revised findings of Ellington T. Graves and Lawrence D. Vellani, Sentencing Information and Judicial Decision Making (Dec. 2000)).

prevent defendants from lapsing into the behaviors that got them into court in the first place. The gaps occur after arrest but before sentencing and immediately after sentencing but prior to probation services becoming operational. At these two junctures in the criminal justice process, defendants are released back into the community without supervision while their underlying dysfunctions remain untreated. Consequently, they are at high risk of reoffending. Moreover, those very dysfunctions operate as barriers to the defendants' seeking and completing treatment.

Sentencing Services identified these gaps and initiated steps to oversee, manage, and guide defendants during these critical periods. By their frequent pre-sentence contact and assistance during the post-sentence transition to supervision, sentencing specialists serve as a control on defendants' behavior, reduce the likelihood that defendants will reoffend prior to sentencing, and begin teaching defendants how to comply with treatment and supervision plans. Furthermore, this heightened level of contact with defendants serves as an early step to implementation of defendants' intermediate sentences, starting them in the treatment process and allowing them to prove that they can comply with conditions.

In underserved areas, particularly rural areas, where drug treatment courts, Criminal Justice Partnership Programs ("CJPP"), or local treatment facilities are either scarce or non-existent, Sentencing Services programs are often the only resource available to courts to assist them in securing treatment options for offenders who need intervention. Sentencing Services programs, with their encyclopedic knowledge of treatment facilities around the state, are able to link jurisdictions that lack facilities to resources in other jurisdictions across the state. As the District Attorney for Judicial District 6A notes, "In a rural county that continues to hover around being the poorest county in our State there simply are insufficient resources to fill the void that cutting the Sentencing Services Program's budget in any way would create."[8]

In addition to assisting judges with difficult sentencing decisions, one critical by-product of the existence of Sentencing Services programs has been the growth and maintenance of treatment providers in North Carolina. For example, programs such as FIRST at Blue Ridge provide intervention primarily to Sentencing Services clients. In fact, Sentencing Services program directors helped start perhaps the best-known residential substance-abuse treatment facility in the state, the Triangle Residential Options for Substance Abusers ("TROSA") program in Durham.

Sentencing Services programs also ease the burden on overworked probation officers. Enrolling defendants in treatment to be completed as conditions of probation not only ensures that defendants' dysfunctions are addressed but that the offenders are supervised more closely. Treatment facilities monitor probationers during participation, both supplementing supervision provided by probation officers and also increasing probation officers' ability to locate their probationers. When court-ordered participants abscond from facilities, treatment

[8] Letter from Melissa D. Pelfrey, District Attorney, Judicial District 6A to Whom It May Concern (Dec. 9, 2009) (included in Appendix F).

staff immediately contact the absconders' probation officers, allowing the officers to track them before they have gotten too far and to issue revocations swiftly. Thus, participation in treatment ensures greater public safety than requiring probationers to maintain only some frequency of contact with their probation officers with no other supervision.

Throughout the Program's history, and particularly since its transfer to IDS, Sentencing Services has improved the quality and cost-effectiveness of their services by introducing innovations such as:

- Instituting an evidence-based practice initiative that resulted in programs' adopting more effective, state-of-the-art assessment instruments and interviewing techniques (see Section V.A.).

- Creating a model sentencing plan that is now in use statewide, which has significantly increased productivity and made access to information faster and easier for judges. An example of a sentencing plan prepared using the model format is attached as Appendix D.

- Employing a flexible organizational structure comprising a variety of program management models that are matched to best fit the characteristics and needs of the individual jurisdictions they serve.

- Pilot-testing a model of greater program integration into court system processes, spearheaded by the District Administrator in Judicial District 13, who can screen cases more efficiently by participating in case management conferences involving all parties to each case. This system has resulted in more comprehensive services to the court and increased efficiency, with the number of plans produced more than doubling from the 57 in the year it was implemented, FY 2001-02, to a high of 120 in FY 2008-09. Consequently, the Program plans to work with court actors in other jurisdictions to replicate this model.

- Implementing listservs and other improved communication methods for sentencing specialists to share treatment resource information, which the Program intends to culminate in an online, electronic resource directory that will produce time and labor savings and thereby allow programs to increase their efficiency and output.

- Pilot-testing with IDS an in-house public defender sentencing specialist to provide research-based expertise in developing sentencing options and mitigation evidence for public defender clients.

## E. CASE EXAMPLE

Perhaps the best way to describe what Sentencing Services programs strive to accomplish is by providing an example of what might have happened without Sentencing Services in a specific case, contrasted with what did in fact happen with Sentencing Services' help. The facts of the case example on the following page are based on those of an actual Sentencing Services client.

## SENTENCING SERVICES CASE EXAMPLE

**Without Sentencing Services**: *Sean F. is a 36-year-old white male with a history of minor offenses who is now charged with multiple felonies. Sean has substance abuse, mental health, and emotional issues. Although Sean previously served in the Navy, he was injured by an equipment malfunction, leading to his substance abuse, and since then he has drifted from job to job. He is currently out of work and has lost contact with almost all of his family, including his children. The prosecutor intends for Sean to serve a minimum of five years in prison.*

*Sean's court-appointed attorney would like to refer Sean to a local Sentencing Services office for evaluation and recommended treatment, but there is no Sentencing Services office in that district. Sean ends up pleading guilty. The judge has little information about Sean's history and has no assessment of Sean's treatment needs or available options, and so he sentences Sean to prison. Sean's addictions go untreated and he receives no assistance with reentering society upon his release. Sean returns to his hometown and, unable to address his addictions, mental health problems, lack of employment, and absence of a support system, resumes his life of crime. Sean ultimately goes through an endless revolving door of court and prison, costing the State thousands of dollars to prosecute and incarcerate him and leaving Sean's victims and the State uncompensated.*

**With Sentencing Services**: *Sean was prosecuted in a district with a Sentencing Services program, and, as soon as his defense attorney was appointed to Sean's case, she contacted Sentencing Services. The sentencing specialist conducted substance abuse and risk assessments of Sean, confirmed that he had a substance abuse problem, and determined that he presented an elevated risk of reoffending without intervention. After obtaining all of Sean's relevant medical and personal records and interviewing people with knowledge of Sean's history, the specialist contacted several different treatment agencies to ascertain which one would best suit Sean's needs and arranged for mental health and medical assessments to facilitate Sean's entry into treatment. After considering all the details about Sean, his risk factors, and his treatment needs contained in the sentencing plan, the judge imposed the sentencing specialist's recommendations, sentencing Sean to probation and requiring that Sean complete treatment at the facility to which Sean had been accepted.*

*Sean successfully completed his treatment, working while participating to cover the cost. He finished his probation successfully and paid all of his court costs and fees, his attorney's fees, and $15,000 in restitution to his victims. Sean went on to start his own business, where he now employs other recovering addicts, contributes to the economy, and pays taxes. He re-established contact with his children and became an involved parent. Perhaps most importantly, in over four years since his convictions, Sean has not reoffended.*

There are many more accounts of success like Sean's. Another recent example is Cory Gibney, who was assisted in his recovery from a life of severe addiction and criminal activity by Fayetteville Area Sentencing Services ("FASC"). He has been sober for over a year, is employed, and is working to pay off his court-ordered restitution.[9] Mr. Gibney relates, ""For the first time in my life, I feel like I can actually see there's a possible future. What it is, I don't know, but I know as long as I don't 'pick up,' I have a chance."[10]

Likewise, an attorney in Moore County reports:

> I have had the great pleasure of seeing many people helped by Sentencing Services. For example, I represented a young man who had a great number of felony larceny charges against him. He had stolen, but the underlying problem of drug abuse would not have been remedied without Sentencing Services. He was given a suspended sentence with a mandatory, extensive rehabilitation component. It is my understanding that he is planning to attend college to be a teacher and has changed his life's path.[11]

Based on findings discussed in greater detail in Section V.B.4. below, 72% of Sentencing Services clients are not rearrested, 85% are not reconvicted, and 57% successfully complete probation without rearrest or revocation within an average of 22 months from conviction.[12] In contrast, a cohort group of similarly situated defendants have higher rates of each type of recidivism. The study found that 65% of defendants without sentencing plans are not rearrested, 80% are not reconvicted, and 53% successfully complete probation within the same time frame.[13]

Sentencing Services clients also compare favorably to a lower-risk group, those statewide who receive intermediate punishments, the result in most Sentencing Services cases. Data contained in the most recently published Sentencing Commission recidivism report for FY 2007-08 show that 66% of offenders who received intermediate punishments were not rearrested within two years of sentencing,[14] and 80% were not reconvicted.[15] Of the offenders who participated in the DART program through the DOC's Division of Alcohol and Chemical

---

[9] See *Former drug addict Gibney determined to build a future*, Fayetteville Observer, Nov. 26, 2009, *available at* http://www.fayobserver.com/Articles/2009/11/25/951723 (attached as Appendix G).

[10] *Id.*

[11] Letter from John L. Ritter, Attorney at Law, to Members of the General Assembly (November 24, 2009) (included in Appendix F).

[12] *See* Letter from Ellington T. Graves, Ph.D., to Susan E. Brooks and Attachment (Nov. 8, 2004) (explaining revised findings of Ellington T. Graves and Lawrence D. Vellani, Sentencing Information and Judicial Decision Making (Dec. 2000)).

[13] *Id.*

[14] *See* North Carolina Sentencing and Policy Advisory Commission, Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in Fiscal Year 2003/04 (Apr. 15, 2008) at 23.

[15] *See id.* at 32.

Dependency Programs, making them arguably more comparable to Sentencing Services clients, 55% were not rearrested within two years and 72% were not reconvicted.[16]

## III. CATEGORIZATION OF MISSION, GOALS, AND OBJECTIVES AS EITHER STATUTORY OR NON-STATUTORY

The Sentencing Services Act ("Act"), Article 61, G.S. 7A-770 *et seq.*, provides the objectives for the Sentencing Services Program. It states in G.S. 7A-770:

> *. . . The purpose of this Act is to establish a statewide sentencing services program that will provide the judicial system with information that will assist that system in imposing sentences that make the most effective use of available resources. In furtherance of this purpose, this Article provides for the following:*
>
> *(1) Establishment of local programs that can provide judges and other court officials with information about local correctional programs that are appropriate for offenders who require a comprehensive sentencing plan that combines punishment, control, and rehabilitation services.*
> *(2) Increased opportunities for certain felons to make restitution to victims of crime through financial reimbursement or community service.*
> *(3) Local involvement in the development of sentencing services to assure that they are specifically designed to meet local needs.*
> *(4) Effective use of available community corrections programs by advising judges and other court officials of the offenders most suited for a particular program.*

Local programs authorized by the IDS Director to operate and receive funding as Sentencing Services programs, pursuant to G.S. 7A-772, are responsible for:

> *(1) Identifying offenders who:*
> *(a) Are charged with or have been offered a plea by the State for a felony offense for which the class of offense and prior record level authorize the court to impose an active punishment, but do not require that it do so;*
> *(b) Have a high risk of committing future crimes without appropriate sanctions and interventions; and*
> *(c) Would benefit from the preparation of an intensive and comprehensive sentencing plan of the type prepared by sentencing services programs.*
> *(2) Preparing detailed sentencing services plans requested pursuant to G.S. 7A-773.1 for presentation to the sentencing judge.*

[16] *See id.* at 147.

*(3) Contracting or arranging with public or private agencies for services described in the sentencing plan.*[17]

A "sentencing plan" is defined in G.S. 7A-771(3a) as "a plan presented in writing to the sentencing judge which provides a detailed assessment and description of the offender's background, including available information about past criminal activity, a matching of the specific offender's needs with available resources, and, if appropriate, the program's recommendations regarding an intermediate sentence." Programs are also directed to "assist offenders in initially obtaining services ordered as part of a sentence entered pursuant to a sentencing plan, if the assistance is not available otherwise."[18]

All of the activities performed by Sentencing Services programs, as shown in the Case WorkFlow Chart, above, are conducted directly pursuant to these statutory obligations. In addition, Sentencing Services programs fulfill other statutory obligations, including:

- G.S. 15A-1340.12:
  - To impose punishments commensurate with the injuries the offenses have caused, taking into account factors that might diminish or increase culpability;
  - To protect the public by restraining offenders; and
  - To assist offenders toward rehabilitation and restoration to the community as lawful citizens.
- G.S. 15A-1340.34: Determining and ordering restitution.
- G.S. 15A-1343: Ordering regular and special conditions of probation "reasonably necessary to insure that the defendant will lead a law-abiding life or to assist him to do so."

## IV. RESOURCE ALLOCATION

The entirety of Sentencing Services' appropriation from the General Assembly is used for the purposes related in the service statements in Section II.B. Funds are provided to local programs in the form of grants to non-profits and compensation and payment of expenses for state employees. These funds totaled $2,492,470 in FY 2007-08 and $2,471,144 in FY 2008-09. The rest of the appropriation covers central office staff and expenses, which go toward evidence-based training, fiscal and operational monitoring, and providing support to the local programs, which facilitates their production of sentencing plans. Central staff also assume responsibility for hiring directors for state programs, assisting with supervision of staff, and opening and closing offices when necessary. Central office costs amounted to $311,542 in FY 2007-08 and $311,113 in FY 2008-09. Central office costs represented only 11% of the Program's total annual expenditures in each of these fiscal years, as shown in Figure 3.

[17] G.S. 7A-773.
[18] G.S. 7A-771((3b).

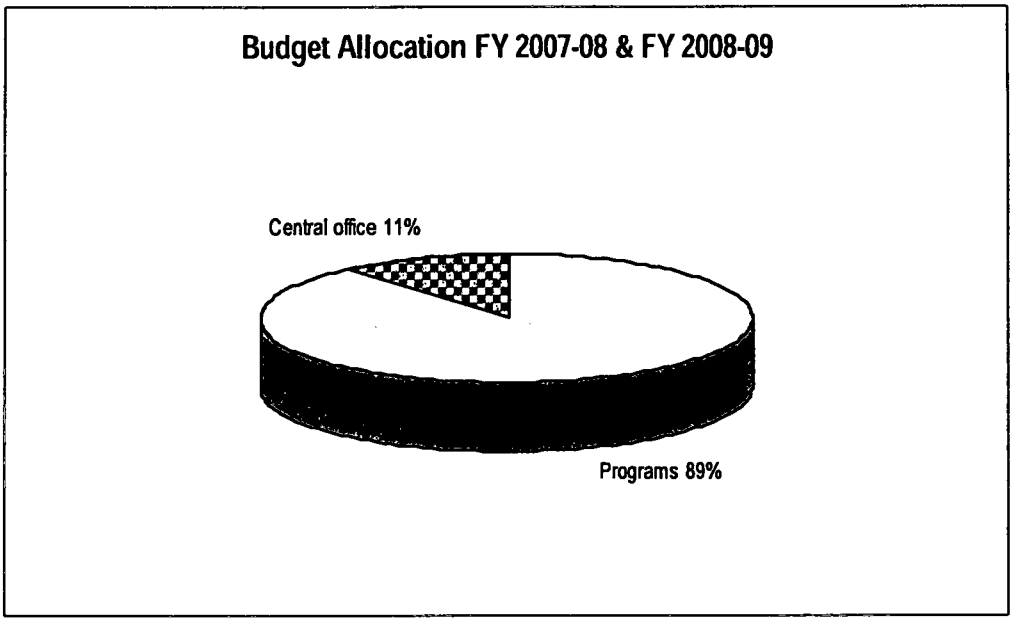



**Figure 3**

While it would be difficult to break down the allocation of resources by each service statement because staff do not track their time separately for each activity, resources can be allocated by budget categories. Of the Sentencing Services funds provided to non-profit programs in FY 2008-09, 75.5% went to personnel expenses and 10.3% to contractual case work. The remaining funds to non-profits were allocated as follows: 0.6% for supplies; 1.2% for travel; 12.4% for operating expenses; and 0.1% for equipment. FY 2008-09 non-profit expense percentages are shown in Figure 4.

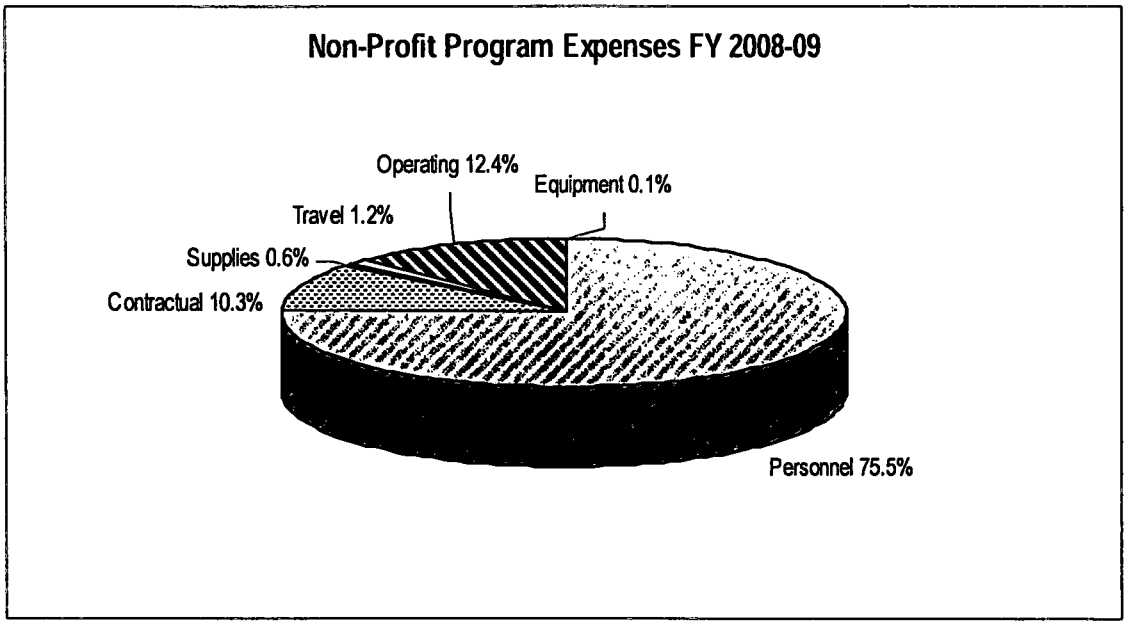



**Figure 4**

State program expenses were similar, as shown in Figure 5. Personnel costs represented 91.2% of state expenses, and 3.2% were contractual. Supplies were 0.3%; travel was 3.6%; and operating expenses were 1.8%.

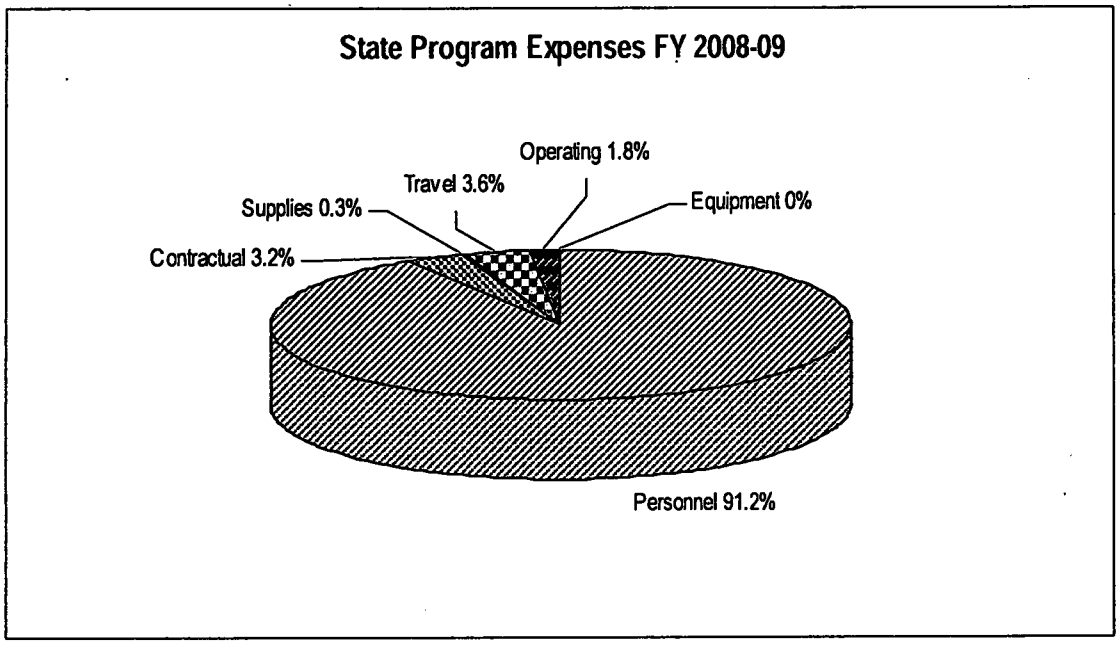



**Figure 5**

Administration for the state programs was largely provided by the state central office, expenses for which comprised: 82% personnel (3.5 full time equivalents); 1.3% contractual; 1.5% supplies; 4.6% travel; 8.4% operating; and 2.2% equipment (see Figure 6).

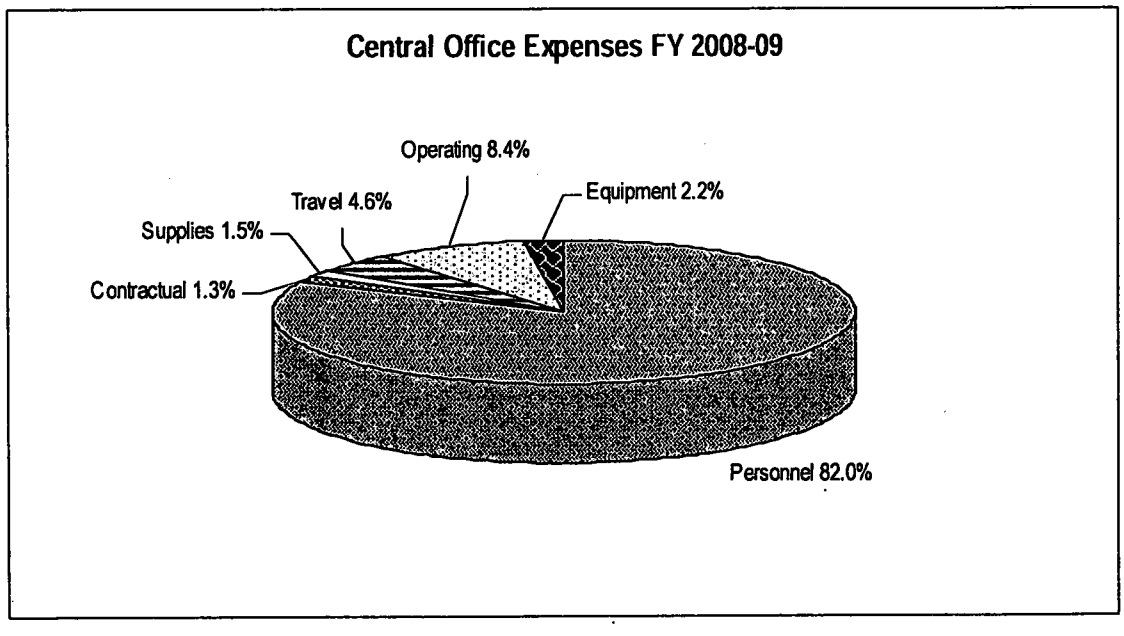



**Figure 6**

## V. DISCUSSION AND ANALYSIS OF PERFORMANCE MEASURES AND DATA

### A. EVIDENCE-BASED PRACTICE

Sentencing Services approaches case development from an evidence-based practice perspective. In 1996, Sentencing Services set about to adopt practices suggested by research that would increase the likelihood that clients would change their criminal behavior to law-abiding behavior. Empirical research in the United States and Canada had driven the improvement in evaluation instruments and related client interaction techniques. Findings demonstrated that offenders' success on probation significantly increased through: 1) the purposeful use of results from standardized assessment instruments; 2) the use of specific interaction skills; and 3) assignment to appropriate levels of treatment and supervision. Sentencing specialists across the state were trained to use one of the most current and effective offender risk/need assessment instruments and to employ counseling skills and techniques proven to bring about positive changes in defendants' behavior.

Sentencing Services selected the Level of Service Inventory-Revised ("LSI-R") for risk assessment and the Adult Substance Use Survey ("ASUS") for substance abuse assessment. According to the publisher of the LSI-R, it is currently being used in 29 states, including North Carolina, by departments of correction, administrative offices of the courts, parole, community corrections, and others. The LSI-R assesses defendants' dynamic risks, or those that can be changed with intervention, as well as their criminogenic, or crime-producing, needs.

The ASUS indicates defendants' past and current substance abuse and mental health issues. A detailed explanation prepared by Dr. Kenneth Wanberg, a nationally recognized researcher on evidence-based practice and the developer of the ASUS, about the ASUS and its efficacy in conjunction with the LSI-R for the Sentencing Services offender population can be found in Appendix H, along with Dr. Wanberg's curriculum vitae. All sentencing specialists are trained in the use of these two actuarial instruments, and all Sentencing Services programs utilize the instruments in plan development. Staff continually update their knowledge about these instruments and about risk assessment in general.

Sentencing Services also uses proven interviewing techniques, such as motivational interviewing, pursuant to the directives of William R. Miller and Stephen Rollnick's Motivational Interviewing: Preparing People to Change Addictive Behavior (2d ed. 2002). Motivational interviewing is a method of counseling through which sentencing specialists increase offenders' motivation and readiness to change by helping offenders identify their own responsible goals and the behaviors or conditions they perpetuate that prevent achieving those goals, and by exploring and resolving ambivalence about behavioral change. Staff work with clients to develop action plans that include specific tasks aimed toward self-sufficient, law-abiding lifestyles. Finally, by means of the assessment results and critical information elicited from clients, official records, and other sources, sentencing specialists are able to identify suitable and effective interventions.

Staff training is a critical element to Sentencing Services program operation. When sentencing specialists are hired, they are required to undergo immediate local, on-site (Phase I) training in evidence-based practice for interacting with and assessing offenders. They soon receive the next stage of training (Phase II), provided by Sentencing Services regional administrators. Phase II training includes an intensive regimen of lecture and practice in administering the LSI-R and ASUS and motivational interviewing skills.

## B. PERFORMANCE MEASURES AND DATA

In addition to following the steps found by research to be effectual, another critical aspect of evidence-based practice is measuring results. Broadly put, the Program's objectives, as outlined in Section II.A., are as follows: 1) to focus work on eligible defendants and cases; 2) to provide courts with useful information; 3) to find available treatment resources; 4) to help defendants to become more successful; and 5) to minimize costs to the State.

### *1. Focus work on eligible defendants and cases*

As noted in Section II.B.(1), Sentencing Services identifies defendants who are likely to be indicted and who present a probable risk of reoffending without intervention. Sentencing Services then screens these defendants for eligibility, which includes determinations of the potential that defendants will be sentenced in I/A cells and that sentencing plans would be useful in reaching resolutions of their cases. Upon determining that a defendant is eligible, or upon receiving a referral from a court actor to work with a defendant, Sentencing Services opens the case and extensively investigates the defendant's background, risks, and needs in order to develop a sentencing and treatment plan for the defendant, which is then presented to the court.

Success in focusing work on eligible defendants is measured by: (a) the number and ratio of contacted defendants, opened cases, and presented plans; (b) the distribution of cases opened within the priority I/A cells; (c) the distribution of cases disposed within the priority I/A cells; and (d) the number and proportion of clients showing greater risk and treatment needs, particularly as compared to the general prison population.

Cases screened, opened, and developed into sentencing plans

In FY 2008-09, Sentencing Services programs screened 5,510 defendants, opened 2,023 cases, and presented 1,652 plans. The number of defendants screened was less than in recent previous fiscal years (90% of the average of the previous three fiscal years), but the number of cases opened and plans presented exceeded the averages of the three immediate prior years (slightly over 100% and 104%, respectively). The amount of funding and number of programs did not decrease during this three-year period, so these activities were not affected by resource variations. Instead, the decrease in screenings and increase in opened cases and presented plans suggests both that programs are increasingly relying on referrals more than on active identification of potential clients and that those programs who still engage in active identification have become more efficient in doing so. The numbers of defendants screened,

cases opened, and plans presented for the past four fiscal years, as well as the three-year averages for each of those categories and the percentage of the three-year averages that FY 2008-09's numbers represent, can be seen in Figure 7.

**Cases Screened, Opened, and Presented By Fiscal Year With Percentage of FY 2008-09 of Three-Year Average**

| Sentencing Services Statewide | FY 08-09 | FY 07-08 | FY 06-07 | FY 05-06 | 3-Year Average | FY 08-09 % of 3-Year Average |
|---|---|---|---|---|---|---|
| Screened | 5,510 | 6,248 | 6,119 | 5,904 | 6,090 | 90% |
| Opened | 2,023 | 1,963 | 2,070 | 1,835 | 1,956 | 103% |
| Presented | 1,652 | 1,490 | 1,609 | 1,451 | 1,517 | 109% |

**Figure 7**

Sentencing Services opens cases for approximately one-third of the defendants screened for program eligibility. A case may be screened but not opened because: 1) the defendant's current charge and prior record level may fall outside the statutorily eligible I/A cells in the sentencing grid; 2) the defense attorney may have already reached a plea agreement with the prosecutor; 3) the State may lack sufficient evidence to prove the defendant guilty; or 4) the defendant may prefer an active sentence to the rigors of a task-oriented probationary sentence suggested by Sentencing Services' investigation.

Approximately 78% of cases that are opened have historically resulted in sentencing plans' being presented in court. Cases may be opened but not result in plans for the same reasons listed above that cases may be screened but not opened. In FY 2008-09, the average life of a Sentencing Services case from opening to presentation was 54 days, during which time sentencing specialists averaged eight (8) interviews of persons with relevant information and contact with five (5) treatment providers per client.

Eligibility of cases at intake

In FY 2008-09, 78% (1,295) of the cases opened by Sentencing Services fell within the eligible I/A cell range at intake. The average percentage of cases within the eligible range at intake for the past three fiscal years was 82% (1,278). In FY 2008-09, 78% (1,295) of Sentencing Services' cases were Class H, Level II or higher at intake, compared to the three-year average of 81% (1,286). Figure 8 shows the distribution of Sentencing Services' cases within the sentencing grids at intake.

Distribution of Cases at Intake FY 2008-09

| INTAKE | I | II | III | IV | V | VI |
|---|---|---|---|---|---|---|
| | 0 Pts | 1-4 Pts | 5-8 Pts | 9-14 Pts | 15-18 Pts | 19+ Pts |
| A | 0 | 2 | 1 | 0 | 0 | 0 |
| B1 | 11 | 3 | 0 | 0 | 0 | 0 |
| B2 | 3 | 1 | 0 | 1 | 0 | 0 |
| C | 10 | 18 | 3 | 7 | 2 | 4 |
| D | 41 | 36 | 12 | 5 | 1 | 1 |
| E | 38 | 28 | 11 | 2 | 1 | 0 |
| F | 40 | 28 | 26 | 3 | 2 | 0 |
| G | 47 | 95 | 55 | 45 | 6 | 1 |
| H | 172 | 336 | 169 | 106 | 38 | 13 |
| I | 28 | 53 | 25 | 32 | 8 | 3 |
| TOTAL FELONS | 1,573 | 95% | | | | |

| | |
|---|---|
| DWI | 9 |

| Misdemeanor Offense Class | Level I<br>No Prior Convictions | Level II<br>One to Four Prior Convictions | Level III<br>Five or More Prior Convictions |
|---|---|---|---|
| A1 | 2 | 9 | 7 |
| 1 | 7 | 9 | 23 |
| 2 | 5 | 6 | 1 |
| 3 | 1 | 0 | 0 |

| | |
|---|---|
| TOTAL MISDEMEANORS | 79 |

| | |
|---|---|
| TOTAL INTAKE | 1,652 |

**Figure 8**

For all cases that fell outside the range, judges had authorized or requested program involvement in the cases by signing referral forms. There are compelling reasons for court actors to request Sentencing Services' assistance with cases that initially appear ineligible, including: defendants' risks of being unable to alter their criminal lifestyles; their complicated histories of substance abuse, mental health, and other issues; and the expected influence the sentencing plans may have on defendants' opportunities to plead guilty to lesser charges in order to receive intermediate sentences.

Eligibility of cases at disposition

The effect sentencing plans have on disposition of charges may be inferred by the fact that a number of cases are disposed in cells lower than where they began at intake. In FY 2008-09, 78% (1,146) of disposed cases fell within the eligible range of I/A cells, matching the three-year average for dispositions within the eligible range (78%; 1,110). (See Figure 9 for the distribution of cases at disposition in FY 2008-09.)

Distribution of Cases at Disposition FY 2008-09

| DISPOSITION | I 0 Pts | II 1-4 Pts | III 5-8 Pts | IV 9-14 Pts | V 15-18 Pts | VI 19+ Pts |
|---|---|---|---|---|---|---|
| A | 0 | 0 | 0 | 0 | 0 | 0 |
| B1 | 0 | 1 | 0 | 0 | 0 | 0 |
| B2 | 1 | 2 | 1 | 0 | 0 | 0 |
| C | 1 | 4 | 0 | 4 | 0 | 3 |
| D | 12 | 9 | 4 | 1 | 1 | 3 |
| E | 28 | 37 | 5 | 3 | 0 | 0 |
| F | 33 | 41 | 24 | 3 | 1 | 0 |
| G | 37 | 90 | 47 | 40 | 4 | 4 |
| H | 111 | 271 | 144 | 86 | 38 | 8 |
| I | 21 | 61 | 30 | 36 | 4 | 11 |
| TOTAL FELONS | 1,265 | 86% | | | | |

| | |
|---|---|
| DWI | 13 |

| Misdemeanor Offense Class | Level I No Prior Convictions | Level II One to Four Prior Convictions | Level III Five or More Prior Convictions |
|---|---|---|---|
| A1 | 11 | 16 | 9 |
| 1 | 39 | 45 | 46 |
| 2 | 6 | 11 | 7 |
| 3 | 1 | 2 | 0 |

| | |
|---|---|
| TOTAL MISDEMEANORS | 206 |

| | |
|---|---|
| TOTAL DISPOSITIONS | 1,471 |

| | |
|---|---|
| *Number Pending Judgment* | 105 |

| | |
|---|---|
| *Dismissed or Other Judgment* | 76 |

**Figure 9**

Irrespective of the relatively few cases that were disposed outside the eligible range, Sentencing Services has generally worked with higher-level cases. In FY 2008-09, 71% (1,042) of Sentencing Services cases were Class H, Level II or higher at disposition, and the three-year average rate is 74% (1,028).

Difficulty of cases and amenability to treatment

Wherever their cases fall in the sentencing grid cells, the great majority of Sentencing Services clients present significant risks of committing future crimes if their criminogenic behaviors are not addressed. As shown in Figure 10, in FY 2008-09, according to 1,570 LSI-R risk assessments, 90% (1,416) of Sentencing Services clients had elevated likelihoods of reoffending (*i.e.*, risk levels of medium-low to high) without appropriate behavioral intervention.

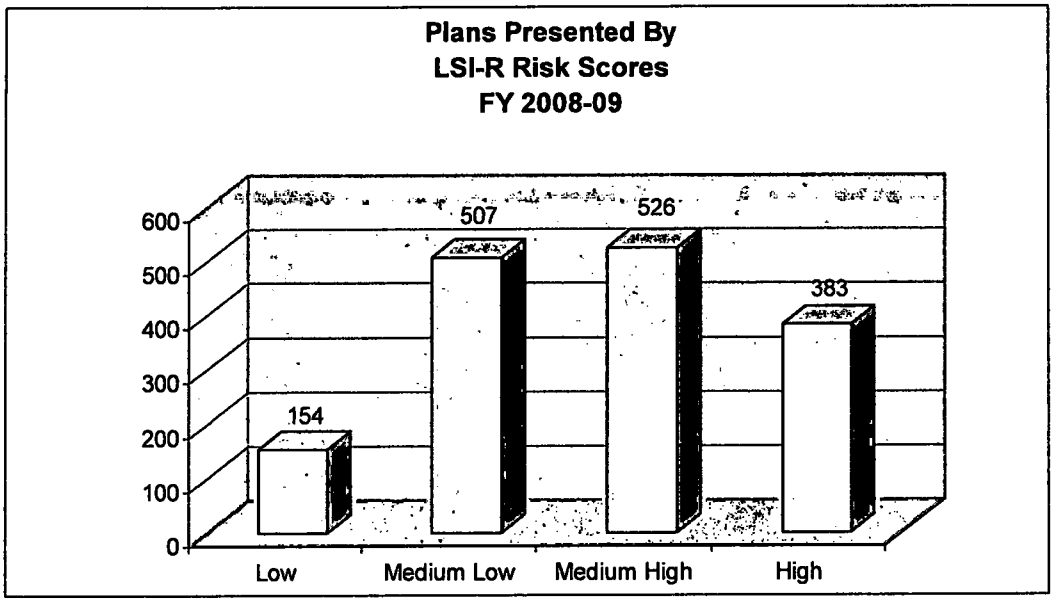



**Figure 10**

The risk percentages were similar in prior years. In FY 2007-08, 89% (1,306 out of 1,460) had elevated risk levels, while in FY 2006-07, 92% (1,451 out of 1,570) were at increased risk. It should be noted that, according to the statistical research behind the LSI-R, 37% of medium-low-risk offenders are likely to fail without intervention.

Clients' risk of reoffending was often driven by their substance abuse and mental health issues, creating difficulties for them in their personal lives as well as with the proper resolution of their cases. In fact, they often have more significant substance abuse and mental health problems than even the prison population is reported to have; however, despite their high risks of reoffending because of these issues, they can be successfully treated.

In FY 2008-09, 77% (1,191) of Sentencing Services clients required some type of intensive substance abuse treatment. Similarly, in FY 2007-08, 77% (1,035) needed heightened substance abuse treatment, and in FY 2006-07, 79% (1,235) did. (See Figure 11 for FY 2007-08 and FY 2008-09 clients with intensive treatment needs.)

**Sentencing Services Clients Requiring Intensive Substance Abuse Treatment By Fiscal Year**

| | FY 2008-09 | FY 2007-08 | FY 2006-07 |
|---|---|---|---|
| Number of clients | 1,191 | 1,035 | 1,235 |
| Percentage of total | 77% | 77% | 79% |

**Figure 11**

According to the DOC's draft FY 2008-09 Annual Legislative Report provided to Sentencing Services' staff, 63%, or 16,585, of the 26,325 prison inmates admitted in FY 2008-09 needed intensive substance abuse treatment. Thus, the percentage of prison admissions requiring heightened substance abuse treatment was actually less than that of Sentencing

Services clients, revealing Sentencing Services clients' greater need of service. In addition, according to the draft report, while North Carolina's prison population has increased since 2001 by 23%, to 40,824 inmates, the number of substance abuse program treatment slots in prison has actually *declined* by 23%, to 1,452. The number of treatment beds available can potentially serve less than 4% of the prison population and would be nearly filled each year if the Sentencing Services clients with serious treatment needs took those slots. Simply incarcerating defendants who need to address their addictions will solve the problem for only a select few.

Likewise, 58% (895) of the 1,546 FY 2008-09 Sentencing Services clients tested at intake needed for mental health intervention. In FY 2007-08, the percentage was 59% (843), and in FY 2006-07, it was 57% (894). (See Figure 12) In comparison, the Chief of Mental Health Services for DOC's Division of Prisons has related that, based upon entry assessments, only approximately 10% of the total prison population exhibit mental health problems.[19] Again, Sentencing Services clients showed greater needs for mental health intervention than even the prison population.

**Sentencing Services Clients Requiring Mental Health Treatment By Fiscal Year**

| | FY 2008-09 | FY 2007-08 | FY 2006-07 |
|---|---|---|---|
| Number of clients | 985 | 843 | 894 |
| Percentage of total tested | 58% | 58% | 57% |

**Figure 12**

Dr. Kenneth Wanberg has confirmed through his research that Sentencing Services clients are more similar to prison inmates than to ordinary probationers in terms of their criminogenic issues, but they are more amenable to treatment than other probationers because they show more motivation to change.[20] Dr. Wanberg further notes that "screening for the type of judicial supervision and treatment services is crucial for the [Sentencing Services] group because of their higher levels of risk than the other probation groups."[21]

*2. Provide courts with useful information*

Various court officials, including judges, rely on Sentencing Services as an essential resource to the court system. While defense attorneys referred the majority—78% (1,239)—of cases presented to courts in FY 2008-09 (the first year for which this data can be assessed), judges referred 17% (270) of these cases, making them the second highest source of referrals. Programs have reported over the past several years that they believe the number of judicial referrals has steadily increased. Other referral sources comprised defendants, prosecutors, probation officers, a psychologist, and others. A complete breakdown of referral sources in FY 2008-09 is contained in Figure 2 in Section II.C.2., above.

---

[19] Telephone interview with John Carbone, Chief of Mental Health, Division of Prisons, Feb. 5, 2010.

[20] Kenneth Wanberg, Ph.D., The Importance and Efficacy of Standardized Offender Assessment: The North Carolina Sentencing Services Assessment Program (Feb. 15, 2010) at 4.

[21] *Id.* at 5.

Success in providing courts with useful information is measured by: (a) judges' imposition of plans' recommendations relative to the number of plans with recommendations; and (b) the percentage of clients diverted from prison, given the high risks and treatment needs of the Sentencing Services offender population.

Imposition of plans' recommendations

Courts have consistently followed the recommended sentencing sanctions, including prison, and interventions in sentencing plans for the past three fiscal years, indicating that they found the information and recommendations in the plans useful in sentencing. As is shown in Figure 13, in cases that reached sentencing[22] in which sanctions (active, intermediate, or community) were recommended, courts imposed the recommended sanction in 77% (1,027) of the 1,339 cases in which plans contained recommendations in FY 2006-07; 69% (958) of 1,381 in FY 2007-08, and 63% (921) of 1,465 in FY 2008-09.[23]

**Rate at Which Courts Imposed Recommended Sanction (Active, Intermediate, or Community) By Fiscal Year**

| | FY 2008-09 | FY 2007-08 | FY 2006-07 |
|---|---|---|---|
| Number of impositions | 921 | 958 | 1,027 |
| Percentage of total sentenced | 63% | 69% | 77% |

**Figure 13**

Likewise, as can be seen in Figure 14, in FY 2006-07, judges imposed at least one specific recommendation from sentencing plans in 63% (838) of the disposed cases; in FY 2007-08, they followed at least one of the plans' recommendations 66% (940) of the time; and in FY 2008-09, 60% (879).

[22] In FY 2006-07, in 180 of the 1,609 cases in which plans were presented, judges had not yet sentenced the defendants by the end of the fiscal year. Staff did not follow up to determine the imposed sentences in these cases but instead noted them as "pending" and omitted them from any calculations involving sentencing. As a result, none of the figures used for FY 2006-07 in this report have been updated to include formerly pending cases. However, for FY 2007-08, staff have followed up on the dispositions of any cases that were pending at the end of that fiscal year and have included in the data all but 19 cases, which remain pending to this date. There are 105 cases from FY 2008-09 pending disposition as of the writing of this report, and staff will continue to investigate and update the numbers for the immediate past fiscal years as these cases are resolved. Cases that were dismissed, *i.e.*, that did not result in sentencing by a judge, were omitted from any calculations regarding sentencing. In addition, some plans did not include any recommendations as to the sanction to be imposed and were therefore not counted in the calculations.

[23] The variations in the sanctions and recommendations followed rates from year to year are chiefly due to changes in the methods by which the programs have reported their data.

Rate at Which Courts Imposed Recommended Treatment By Fiscal Year

| | FY 2008-09 | FY 2007-08 | FY 2006-07 |
|---|---|---|---|
| Number of impositions | 879 | 940 | 838 |
| Percentage of total sentenced | 60% | 66% | 63% |

**Figure 14**

Moreover, in FY 2008-09, courts adopted and ordered a total number of 2,628 individual recommendations from sentencing plans, and, out of the 95 resident superior court judges known to have been served by Sentencing Services, 80% (76) of them ordered at least one recommendation contained in a sentencing plan.

Diversion of defendants from prison

Sentencing Services plans have also had a significant effect on whether defendants were sentenced to prison. Defendants with plans were diverted from prison, defined as receiving intermediate or community sentences, in 69% (950) of the FY 2006-07 cases in which sentencing occurred, 72% (1,011) in FY 2007-08, and 74% (1,089) in FY 2008-09. (See Figure 15)

Rate at Which Courts Diverted Sentencing Services Clients By Fiscal Year

| | FY 2008-09 | FY 2007-08 | FY 2006-07 |
|---|---|---|---|
| Number of diversions | 1,089 | 1,011 | 950 |
| Percentage of total sentenced | 74% | 72% | 69% |

**Figure 15**

The diversion rate has been higher each of the past fiscal years than the rate at which judges imposed the recommended sanction or intervention because, each year, judges imposed some community probation sentences where Sentencing Services recommended intermediate sanctions and, in some cases, Sentencing Services made no recommendations as to sanction or treatment but judges imposed community or intermediate sanctions.

It is important to note that, in each of these years, Sentencing Services' diversion from prison rate has far exceeded the average statewide felony diversion rate of 61% determined by the Sentencing Commission. In addition, the Program believes that even the 11% average difference over the past three years between Sentencing Services' diversion rate and the statewide rate belies Sentencing Services' real impact. The statewide average includes cases in which the prosecution was not seeking an active sentence and may have agreed to intermediate or community sanctions pursuant to plea. Conversely, Sentencing Services is not brought into cases that can easily be resolved pursuant to plea agreements or where defendants are clearly bound for probation, because it would waste time and threaten delay in the court process.

Moreover, information related above in Section V.B.1. reveals that 77% of Sentencing Services' FY 2008-09 clients suffered from serious substance abuse problems; 58% showed some symptoms of mental illness; 71% were sentenced to Class H, Level II or greater felony offenses; and 90% were at an elevated risk of reoffending without intervention. Together, these percentages reinforce that the defendants with whom Sentencing Services works require special attention.

Anecdotal evidence from court officials, presented on the following page, further supports the assertion that Sentencing Services works with more difficult cases in which defendants are more likely than those in the aggregate to be prison-bound. (Originals of the correspondence containing these statements are on file with the Office of Sentencing Services; some are included in Appendix F with a representative sample of the many letters and electronic correspondence expressing the value of Sentencing Services that the Program has received from various court actors and others across the state.)

## COURT ACTORS' REFLECTIONS ON THE DIFFICULTY OF SENTENCING SERVICES' CASES

*There has been some criticism that Sentencing Services' plans are constructed for offenders who are not prison bound and are therefore an ineffective use of resources. My experience in Wake County is to the contrary. I believe that these plans are used for persons who would likely be headed to prison.* – **Colon Willoughby, District Attorney, Judicial District 10, Wake County, NC**

*Many of the clients of Sentencing Services have mental health or substance abuse issues. When those issues are competently identified and a treatment and care plan developed, I am then better able to weigh the interests of our community in rehabilitation (and reduced recidivism) and public safety.* – **Allen Baddour, Resident Superior Court Judge, Judicial District 15B, Orange and Chatham Counties, NC**

*While [Sentencing Services was] established to deal with "low-level" felons, their cases are considerably more complicated. . . . In many instances, without their input inadvisable sentences could be reached. . . . Some may see Sentencing Services as dealing with individuals for whom there will be little or no difference in the disposition of their cases. In this writer's experience this is far from the truth.* – **Denis Lewandowski, Ph.D., Senior Psychologist, NC Post Release Supervision and Parole Commission, Raleigh, NC**

*The clientele served [by Sentencing Services] are indigent and are typically experiencing serious problems for which assistance is needed, usually with mental health and/or substance abuse issues. The availability of resources to assist these individuals is often scarce but is in great demand. Without the intervention of the Program, it is my belief that most of the citizens served by the Program would likely serve a substantial amount of time in county jails and state prisons, where recovery resources would not be afforded to them.* – **Bonnor E. Hudson, III, Defense Attorney, Clayton, NC**

*I have used the Neuse River Sentencing Services Program since its inception. . . . This program has worked with at least thirty of my clients. To the best of my knowledge, I have never used it on cases where there was already a plea agreement in place that included probation or in a case where the facts showed that a misdemeanor conviction was more appropriate. Frankly, the overwhelming majority of my referrals have been individuals with a high number of multiple felony charges, individuals with at least five prior record level points, high profile publicity cases and/or individuals with drug/alcohol or mental health issues.* – **F. Blackwell Stith, Defense Attorney, New Bern, NC**

*I do a large amount of criminal defense work, retained and appointed cases, and utilize the services of ReEntry/Sentencing Services Program for many of my clients. Their involvement with and services to my clients are vital in that a great many of them have mental health and substance abuse issues that if unaddressed would certainly result in substantial sentences imposed as well as the likelihood of repeat offenses once released.* – **Robert A. "Tony" Buzzard, Defense Attorney, Lillington, NC**

*[I refer cases] with defendants who have significant issues, such as mental health, learning disabilities, or serious drug addiction. . . . I have had* numerous *cases, which on their face, appear to call for an active sentence out of an I/A block. [Fayetteville Area Sentencing Services] has identified underlying problems which have never been addressed and found treatment options suitable for these problems.* – **Cynthia Black, Assistant Public Defender, Fayetteville, NC** (emphasis in original)

Judges also tend to order a greater number and variety of interventions pursuant to sentencing plans than they do when they impose them on their own. In the Report on the Effectiveness of the Sentencing Services Program, NC Administrative Office of the Courts, April 2002 ("2002 Report"), presented to the General Assembly pursuant to S.L. 2001-424, § 22.3, the Program reported that judges ordered defendants to complete treatment in 48 separate community residential programs when they utilized sentencing plans, as opposed to the eight (8) residential placements judges chose when they deviated from those recommended in the sentencing plans or when the plans made no recommendation.[24] Of the eight residential interventions judges chose outside of plans' recommendations, the judges sentenced defendants predominantly (81% of the time) to two Department of Correction ("DOC") resources, DART-Cherry and the IMPACT program (now defunct).[25]

Over the past three fiscal years, judges have increased the number of interventions they have ordered defendants to complete pursuant to Sentencing Services' recommendations. In FY 2006-07, judges ordered defendants into 118 different treatment agencies recommended by Sentencing Services, 85% of which (100) were non-DOC funded; in FY 2007-08, judges utilized 223 different intervention resources, 86% (192) of which were non-DOC funded; and in FY 2008-09, judges utilized 206 resources, 90% (185) of which were non-DOC funded. (See Figure 16) A complete listing of all treatment resources that programs recommended and judges ordered defendants to complete in the most recent fiscal year, 2008-09, can be found in Appendix I.

**Interventions Imposed by Courts Pursuant to Sentencing Services' Recommendations By Fiscal Year**

| | FY 2008-09 | FY 2007-08 | FY 2006-07 |
|---|---|---|---|
| Number of treatment agencies ordered | 206 | 223 | 118 |
| Percentage non-DOC-funded | 90% | 86% | 85% |

**Figure 16**

*3. Find available treatment resources*

As noted above, at Sentencing Services' recommendation, judges ordered defendants to complete treatment at over 200 disparate facilities, the great majority of which were not operated or funded by the DOC, each of the past two years. Sentencing Services recommended treatment for 1,596 (99.6%) of the 1,609 defendants with sentencing plans in FY 2006-07; 1,395 (94%) out of 1,490 plans in FY 2007-08; and 1,522 (98%) out of 1,652 plans in FY 2008-09. (See Figure 17.)

[24] NC Administrative Office of the Courts, Report on the Effectiveness of the Sentencing Services Program (Apr. 2002) at 20.
[25] *Id.*

Defendants for Whom Sentencing Services Recommended Treatment By Fiscal Year

| | FY 2008-09 | FY 2007-08 | FY 2006-07 |
|---|---|---|---|
| Number of defendants | 1,522 | 1,395 | 1,596 |
| Percentage of total with plans | 98% | 94% | 99.6% |

**Figure 17**

Many of the defendants for whom treatment was recommended had already been admitted to and sometimes had begun treatment prior to sentencing, thanks to the assistance of Sentencing Services in making interview and screening appointments, filling out necessary paperwork, securing financial aid, and coordinating entry.

Because most sentencing plans recommend some form of treatment, measuring success in finding available treatment is based on qualitative, rather than quantitative, information, including the experiences of treatment providers. Sentencing Services has contacted for their assessments of Sentencing Services clients four treatment facilities to which programs regularly refer clients: TROSA, Recovery Ventures, FIRST at Blue Ridge, and Cedarbrook Residential Center. All four are non-DOC facilities.

TROSA operates a long-standing, 24-month residential substance abuse treatment program in Durham, NC that is well known among court officials. TROSA staff estimate that Sentencing Services programs referred around a quarter of their 836 admissions over the past few years. A one-year followup with their graduates revealed that 92% of their graduates reported being drug- and alcohol-free and 95% were employed or in school. TROSA also calculates that the recidivism rate of their graduates is only 8% for rearrests and reconvictions.

Recovery Ventures, headquartered in Swannanoa, NC, runs 18-month residential substance abuse treatment facilities. Recovery Ventures receives referrals from the courts, other treatment facilities, and people seeking treatment. Of their court referrals, which represent over half of their referrals, they estimate that 95% come from Sentencing Services. Since 2002, nearly 59% of their graduates are still sober and 55% report being employed.

FIRST at Blue Ridge is a long-term, residential substance abuse program located east of Asheville in Ridgecrest, NC. They estimate that 35% of their referrals come from Sentencing Services and that 60-70% of their participants graduate from the program.[26] FIRST reports that, since January 2009, 58 Sentencing Services clients were both referred and admitted to their facility, and, of the 38 who remained in the program, five have successfully completed and graduated and 18 are still participating and are candidates for graduation this year.[27] Fifteen of the admitted referrals are currently are on the waiting list.[28] FIRST does not yet have data

[26] Letter from Joseph A. Martinez, Executive Director, FIRST at Blue Ridge, to Ladies and Gentlemen of the General Assembly (Feb. 20, 2010) (included in Appendix F).
[27] *Id.*
[28] *Id.*

regarding the success rates of their clients following graduation, but they are working on getting this type of assessment.[29]

Cedarbrook Residential Center is a licensed adult care home in Marion, NC for people who have been diagnosed with mental illnesses. Of the 30 clients referred by Sentencing Services and admitted to the facility since late 2004, twenty have successfully completed their probations and only two have violated probation.[30] The rest of the referrals are continuing to receive treatment.[31]

*4. Help defendants to become more successful*

Helping defendants to be more successful is measured by: (a) recidivism rates; and (b) the extent to which Sentencing Services' practices comport with evidence-based precepts.

Improved success rates for Sentencing Services clients

Due to courts' largely following Sentencing Services' recommendations for available treatment, Sentencing Services clients have a greater chance for success than those defendants without sentencing plans. For example, as cited above in Sections II.D. and E., in a study entitled Sentencing Information and Judicial Decision Making, conducted by Dr. Ellington T. Graves and Lawrence D. Vellani, published in December 2000 and later adjusted in part by Dr. Graves ("2000 Study"), the authors found that within an average of 22 months from conviction, 72% of Sentencing Services clients were not rearrested, 85% were not reconvicted, and 57% successfully completed probation with no rearrests or revocations.[32] Compared to similarly situated defendants without sentencing plans during the same period, Sentencing Services clients were 7% less likely to be rearrested, 5% less likely to be reconvicted, and 4% less likely to fail on probation.[33] (See Figure 18.)

[29] *Id.*

[30] Letter from Dianne Patton, NC Licensed Administrator, Cedarbrook Residential Center, Inc., to Susan E. Brooks (Feb. 23, 2010) (included in Appendix F).

[31] *Id.*

[32] Letter from Ellington T. Graves, Ph.D., to Susan E. Brooks and Attachment (Nov. 8, 2004) (explaining revised findings of Ellington T. Graves and Lawrence D. Vellani, Sentencing Information and Judicial Decision Making (Dec. 2000)). (With a letter from Dr. Graves containing his clarification of the recidivism data cited, the Executive Summary of the 2000 Study is attached as Appendix J.)

[33] *Id.*

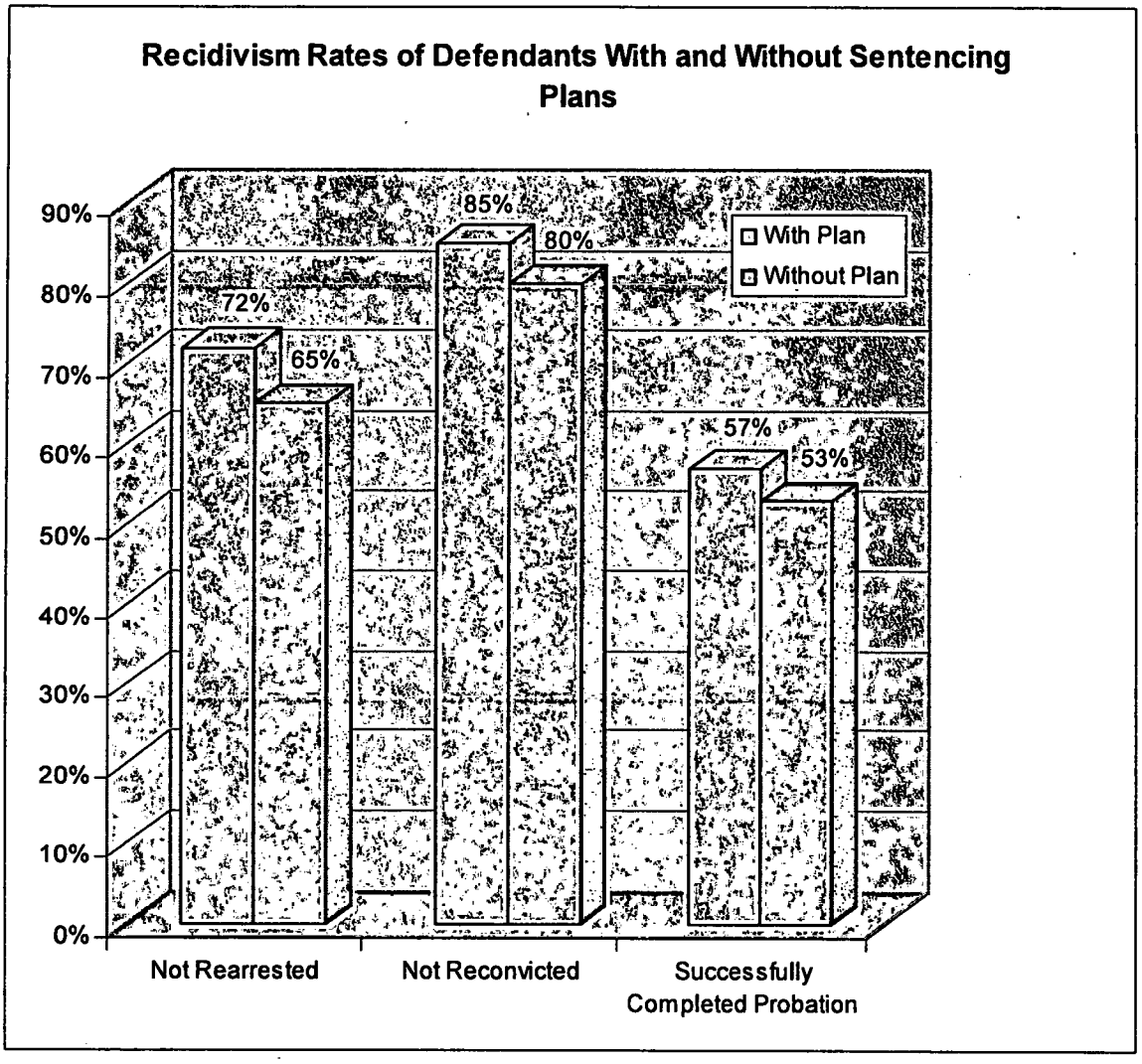



**Figure 18**

Sentencing Services staff analyzed the raw data from the 2000 Study and, in the 2002 Report, broke it down further into rearrest rates by client risk levels. The report related that, again within 22 months of conviction, 44% of Sentencing Services clients with high risks of reoffending were rearrested, as opposed to 50% of similar high-risk offenders without plans.[34] Likewise, 32% of medium-high-risk offenders with plans versus 34% of those without plans, and 21% of medium-low-risk offenders with plans versus 32% without plans, were rearrested.[35] Thus, offenders with sentencing plans who fell into each of the higher-risk categories were more likely to succeed than those without plans. Interestingly, 16% of low-risk offenders both with and without plans were rearrested, corroborating as the report notes that Sentencing Services' work should be primarily directed for greatest affect at those with higher risk levels.[36] Figure 19 shows a graphic depiction of the relative rearrest rates by risk level for offenders with and without sentencing plans.

---

[34] NC Administrative Office of the Courts, Report on the Effectiveness of the Sentencing Services Program (Apr. 2002) at 43.

[35] *Id.*

[36] *Id.*

**Rearrest Rates By Risk Level of Defendants With and Without Sentencing Plans**

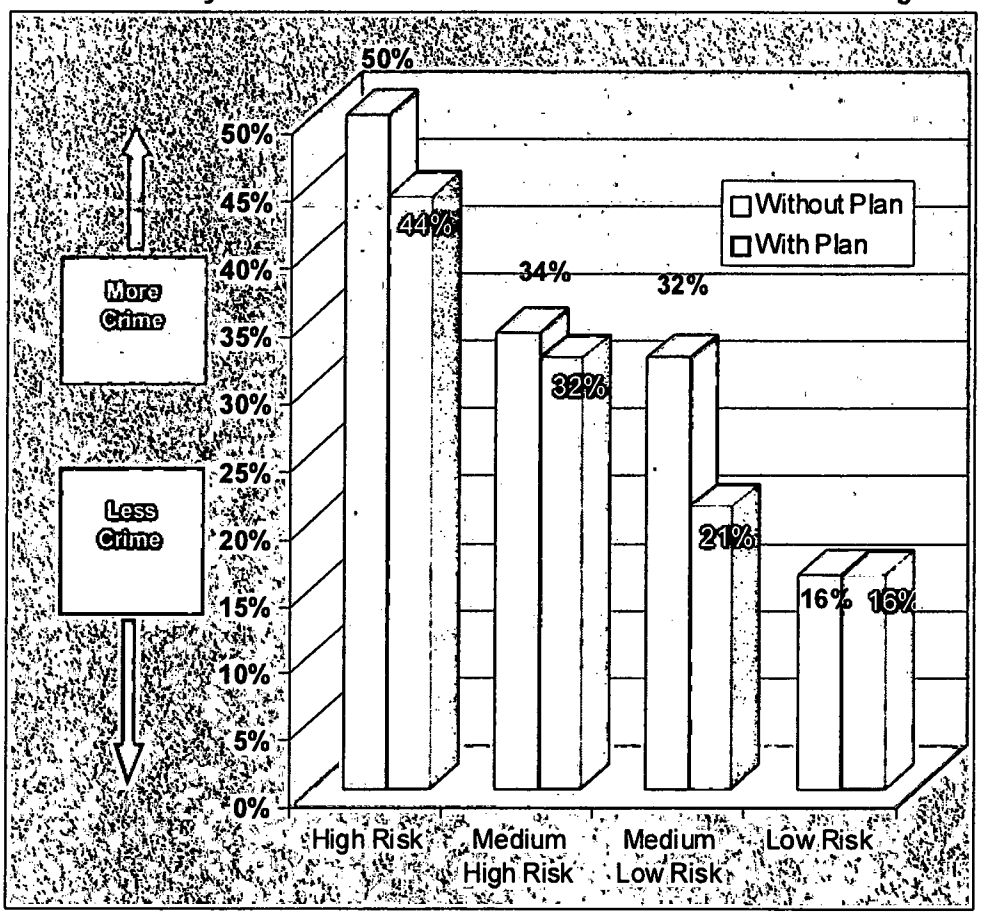



**Figure 19**

Success produced by adherence to evidence-based principles

The evidence-based research driving Sentencing Services' practices means that Sentencing Services clients will be less likely to recidivate than they would be absent the Program's intervention. The 2000 Study was primarily conducted to determine whether the LSI-R and ASUS assessment instruments were predictive for Sentencing Services' population of offenders, and the study confirmed both the instruments' applicability and their effects on success for this offender population.

The positive results of the study should not be surprising, as these instruments were developed through actuarial analysis and designed to promote greater success for defendants. For example, in 1996, a meta-analytic study determined which predictor domains and actuarial assessment instruments were the best predictors of adult offender recidivism.[37] One hundred and thirty-one studies produced 1,141 correlations with recidivism, and the strongest predictor domains were criminogenic needs, criminal history/history of antisocial behavior, social achievement, age/gender/race, and family factors.[38] The LSI-R was identified as the most

[37] *See* Paul Gendreau et al., *A Meta-analysis of the Predictors of Adult Offender Recidivism: What Works!*, 34 Criminology 465, 575 (1996).
[38] Id.

useful actuarial measure, which is why Sentencing Services selected it as their risk assessment tool. Sentencing Services chose the ASUS instrument for substance abuse assessment for similar reasons.

National research confirms that evidence-based practice such as that employed by Sentencing Services reduces recidivism. A study published by the Washington State Institute for Public Policy ("Washington State Study") found that, of several evidence-based options analyzed, the single largest reduction in crime (16.7%) resulted from intensive probation with treatment-oriented programs, at a cost per participant of $7,124.[39] This option produced $18,687 in savings per participant due to reduction in crime, for a net savings to the state of $11,563 per participant.[40] Strikingly, electronic monitoring alone and intensive probation with surveillance-oriented programs were found to have no effect on recidivism and thus saved the state no money.[41] A similar study focusing on North Carolina would be expected to find comparable recidivism reduction and corresponding savings, particularly for Sentencing Services clients, who principally are recommended and ordered to complete intermediate sanctions with some sort of treatment component.

Dr. Kenneth Wanberg also cites evidence in regard to the opposite effects of incarceration and community-based treatment on recidivism:

> There is a robust set of research findings that show that offenders who receive correctional treatment with a combined focus on criminal conduct and substance abuse clearly reduces the probability of recidivism (Andrews and Bonta, 2003; Booth & Lehman, 2009; Milkman & Wanberg, 2007; Wanberg & Milkman, 2008a). Research also shows that sanctioning and punishment without correctional treatment has minimal impact on recidivism, and actually contributes to a slight increase in the probability of recidivism (Andrews & Bonta, 2003).
>
> Without correctional treatment, the probability of recidivism ranges from 60% to 80% of offenders within a year of release from jurisdictional supervision, depending on the type of offender, risk level, and extent of [alcohol and drug] abuse. Correctional treatment programs reduce this rate to a range of 25% to 40% (Wanberg & Milkman, 2008b). A recent study of the impact of a 50 session program for substance abusing offenders showed that 80% did not reoffend (a 20% recidivism rate) within one year after completing the program and that 73% did not reoffend (27% recidivism rate) within a two year period after completing the program (Booth & Lehman, 2009). The upshot of these findings is that

[39] Washington State Institute for Public Policy, Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates (Oct. 2006), *available at* http://www.wsipp.wa.gov/rptfiles/06-10-1201.pdf, at 9. It is worth noting that the figure cited is around $2,000 more than the sum of the $1,685 case cost of Sentencing Services in FY 2008-09 and the annual cost of probation supervision per probationer in North Carolina.

[40] *Id.*

[41] *Id.*

> treatment does reduce the rate of recidivism and relapse. From a cost-savings perspective, this is very significant.[42]

Dr. Wanberg adds, "One factor that contributes to the efficacy of treatment outcomes is the completion of an effective assessment of offenders during or following the sentencing process" and that "[t]he most effective approach is to complete the [standardized offender assessment] prior to sentencing, at which point the [standardized offender assessment] information is most useful."[43]

Answering more specifically the question of what constitute the components of successful evidence-based practice, Roger K. Warren authored for the National Center for State Courts a report entitled Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries. The study verified through reviewing state court felony sentencing practices the six principles that identify key characteristics of successful recidivism reduction programs:

1. The Risk Principle (who)—Work with moderate- to high-risk offenders;
2. The Need Principle (what)—Identify and treat the offender's "criminogenic" needs, i.e., those needs associated with the likelihood of recidivism;
3. The Treatment and Responsivity Principles (how)—Use effective interventions, which are cognitive-behavioral; emphasize positive reinforcements and certain and immediate negative consequences; are appropriate to the offender's gender, culture, learning style, and stage-of-change readiness; are based on a chronic-care model requiring continuity, aftercare, and support; and require continuous monitoring and evaluation of both program operations and offender outcomes;
4. Use of Risk/Needs Assessment Instrument—Professional judgment must be combined with an actuarial tool that accurately assesses dynamic risk and criminogenic need factors;
5. Motivation and Trust—Intrinsic motivation and trust on the part of the offender play important roles affecting the likelihood of successful behavioral change; and
6. Integration of Treatment and Community-Based Sanctions—Treatment must be successfully coordinated with any sanctions imposed.[44]

Sentencing Services meets all these criteria for success:

---

[42] Kenneth Wanberg, Ph.D., The Importance and Efficacy of Standardized Offender Assessment: The North Carolina Sentencing Services Assessment Program (Feb. 15, 2010) at 1.

[43] *Id.*

[44] Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries (Aug. 2007), *available at* http://www.ncsconline.org/csi/Reduce-Recidivism.pdf, at i-ii.

1. Sentencing Services works with elevated-risk offenders;
2. Sentencing Services identifies and locates treatment facilities to address defendants' crime-causing issues;
3. Sentencing Services refers defendants to treatment facilities, many of which include cognitive-behavioral components, offering the best fit for each defendant and, as demonstrated in Section V.B.3. above, an increased likelihood for behavioral change;
4. Sentencing Services uses standardized instruments that assess offenders' dynamic risk factors and criminogenic needs;
5. Sentencing Services utilizes motivational interviewing techniques; and
6. Sentencing Services recommends community-based treatment sentencing options when appropriate for the defendant and for public safety.

By these measures, Sentencing Services programs should produce positive results by design, and the available recidivism information about Sentencing Services clients confirms that they do. Further corroboration is provided by the stories of clients such as Sean F. and Cory Gibney related in Section II.E., above.

*5. Minimize costs to the State*

Success in minimizing costs to the State is measured by: (a) the estimated ranges of avoided incarceration costs; and (b) continued control of case costs.

Prison cost savings

By connecting defendants with community-based treatment when appropriate, Sentencing Services not only increases defendants' chances for success but also saves the State considerable amounts of money in prison costs. In fact, for each of the past three years, Sentencing Services has helped the State avoid spending several millions of dollars on housing defendants in prison. In FY 2008-09, the State saved within a range of $14.6 million to $39.8 million. In FY 2007-08, the State saved from around $14.5 million to $39.1 million. In FY 2006-07, the savings were between $7.4 million and $29 million.[45] In other words, this past fiscal year, for every dollar spent on Sentencing Services, the State saved at least $5; over the past three fiscal years, the average ratio of dollars spent to dollars saved is, at a minimum, 1:4.

The reason that the cost savings are expressed in terms of ranges, rather than a set figure, is that two assumptions can be made about the rate at which Sentencing Services clients would go to prison absent program intervention. Experience has shown that, based on the types of cases in which Sentencing Services is enlisted to help, most if not all of Sentencing Services clients are likely to receive active time without the Program's assistance. With that in mind, the higher savings calculation assumes that all of Sentencing Services clients would

[45] In comparing each year's savings, it should be noted that the cost of prison increased by approximately $257 a month between FY 2006-07 and FY 2007-08.

otherwise have gone to prison. While this calculation may somewhat overstate the savings, staff believe it more accurately reflects the true savings generated by sentencing plans.

However, since this assumption cannot be proven, staff also make a very conservative calculation assuming that Sentencing Services clients might have gone to prison at the same rate as other felony offenders statewide, as determined by the Sentencing Commission. The lower range of cost savings are then derived from what it would have cost the State to imprison Sentencing Services clients who were diverted from prison over and above the statewide rate.

The formulas Sentencing Services uses to calculate these figures can be roughly expressed as:

**# of Sentencing Services total felons diverted**
**x average minimum and maximum presumptive months in prison**
**x monthly prison cost**
**- cost of Sentencing Services**
**- cost of probation**
**Maximum range of State savings**

**# of Sentencing Services felons diverted above average statewide rate**
**x average minimum and maximum presumptive months in prison**
**x monthly prison cost**
**- cost of Sentencing Services**
**- cost of probation**
**Minimum range of State savings**

Sentencing Services first identifies the clients in each fiscal year who were diverted from prison through intermediate or community sentences (1,089 in FY 2008-09). Excluded from that number at the outset are any cases that did not reach sentencing, such as dismissals and deferred prosecutions (76) or cases still pending disposition (105). Staff also further omit misdemeanor cases (62), for which defendants would not generally serve active time in a prison facility, from any calculations. The resulting number of felonies ending in any sentence—active, intermediate, or community—that are 1,401 for FY 2008-09, 1,332 for FY 2007-08, and 1,317 for FY 2006-07.

These felonies are then sorted into sentencing grid cells by their crime classes and record levels, which helps to quantify the seriousness of cases with which Sentencing Services works by accounting for the greater amount of prison time that defendants in higher cells face. As stated above, all of Sentencing Services diversions are then sorted by grid cell in order to reach a maximum range reflecting the increased prison-bound nature of Sentencing Services clients over the average defendant.

Likewise, to arrive at the lower range, each cell in the table containing all of Sentencing Services' felony cases is multiplied by the average rate of diversion for that cell, as quantified by the Sentencing Commission. The resulting numbers of average potential diversions are subtracted from Sentencing Services' diversions to produce the difference between Sentencing Services' diversions and the average. In FY 2008-09, the difference totaled 216; in FY 2007-08, it was 212; and in FY 2006-07, it was 155. Again, calculating the difference between Sentencing Services' diversions and the statewide rate gives an extremely conservative estimate of which clients avoided prison.

Both diversion tables (total diversions and difference above statewide rate) are multiplied by the average number of minimum and maximum months in the presumptive active sentencing range for each cell, and the total months are then multiplied by the monthly cost to imprison an inmate. The cost of Sentencing Services, in the form of the Program's certified budget, and the cost of probation for all diverted Sentencing Services clients are then subtracted from the totals to produce two ranges of savings. The two ranges of savings for FY 2008-09 are $14.6 million to $19.4 million, assuming the average diversion rate applies, and $38.7 million to $39.8 million, assuming that all of Sentencing Services clients would have gone to prison. The breakdowns of FY 2008-09 savings are contained in Figure 20 and Figure 21.

| Summary of Cost Analysis - Minimum Range of Savings FY 2008-09 | | |
|---|---|---|
| Cost of Incarcerating Offenders Diverted by Sentencing Services Above the Sentencing Commission Rate at Average Minimum Presumptive Sentence | $ | 18,856,266 |
| Cost of Incarcerating Offenders Diverted by Sentencing Services Above the Sentencing Commission Rate at Average Maximum Presumptive Sentence | $ | 23,610,605 |
| Cost of Sentencing Services | $ | 2,830,291 |
| Annual Cost of Probation Supervision for Diverted Offenders | $ | 1,394,504 |
| Minimum Net Savings to State of North Carolina | $ | 14,631,471 |
| Maximum Net Savings to State of North Carolina | $ | 19,385,810 |

**Figure 20**

| Summary of Cost Analysis - Maximum Range of Savings FY 2008-09 | | |
|---|---|---|
| Cost of Incarcerating All Diverted Felons at Average Minimum Presumptive Sentence | $ | 34,966,207 |
| Cost of Incarcerating All Diverted Felons at Average Maximum Presumptive Sentence | $ | 44,048,934 |
| Cost of Sentencing Services | $ | 2,830,291 |
| Annual Cost of Probation Supervision for Diverted Offenders | $ | 1,394,504 |
| Minimum Net Savings to State of North Carolina | $ | 30,741,412 |
| Maximum Net Savings to State of North Carolina | $ | 39,824,139 |

**Figure 21**

Further, by dividing the number of plans presented in FY 2008-09 into the range of cost savings, the savings may be expressed as that of $8,857 to $24,107 per client with a sentencing plan.

In addition to the prison savings shown above, which assume that the beds needed for these defendants already exist, Sentencing Services helped the State avoid spending scarce dollars on new prison beds. Again assuming for ease of argument that Sentencing Services clients would have been diverted from prison at the statewide average rate absent plans, an additional 216 felony defendants were diverted from prison in FY 2008-09 pursuant to sentencing plans. According to figures presented to the General Assembly by legislative fiscal staff on February 24, 2009, it costs the State $90,400 to build a stand-alone medium-custody prison bed and $49,600 to add a bed to an existing medium-custody facility. Thus, in FY 2008-09, if additional beds needed to be constructed for these inmates, the State would have spent $19.5 million on new stand-alone beds and $10.7 million on add-on beds. Under the more likely scenario that all of Sentencing Services' 1,027 diverted felons would have gone to prison but for their plans, the State would have spent $92.8 million on stand-alone beds and $52.2 million on add-on beds for these clients.

Similarly, if additional beds had been needed, the 212 additional diversions in FY 2007-08 created savings of $19.2 million for stand-alone beds and $10.5 million for add-on beds, while the 970 total felony diversions saved $87.7 million and $48.1 million respectively. In FY 2006-07, the 155 additional diversions represented savings of $14 million for stand-alone beds and $7.7 million for add-on beds, and the 904 total felony diversions saved either $81.7 million in stand-alones or $44.8 million in add-ons. Figure 22 shows the comparison of each year's estimated prison bed construction and additional savings.

Prison Bed Savings By Fiscal Year if Additional Beds Had to Be Constructed

| | FY 2008-09 | FY 2007-08 | FY 2006-07 |
|---|---|---|---|
| Cost for stand-alone beds for total diversions | $92.8 million | $87.7 million | $81.7 million |
| Cost for add-on beds for total diversions | $52.2 million | $48.1 million | $44.8 million |
| Cost for stand-alone beds for diversions above statewide average | $19.5 million | $19.2 million | $14 million |
| Cost for add-on beds for diversions above statewide average | $10.7 million | $10.5 million | $7.7 million |

**Figure 22**

Program costs

Overall Program cost for each client with a plan, which includes central office costs, in the fiscal year preceding the Program's transfer to IDS in 2002 was $2,755; since that time, the average cost per client with a plan has decreased significantly each year, dropping more than a thousand dollars to $1,685 in FY 2008-09. In FY 2007-08, it was $1,887, and in FY 2006-07, it was $1,671. Note that these figures actually overstate Sentencing Services per-case cost, as they do not take into account the work that is done in screening defendants who are ultimately not accepted or work on cases that do not, for whatever reason, result in sentencing plans.

Entailed in the cost for each client with a plan are all the activities described throughout this report and shown in the Case Workflow chart included after the Executive Summary that programs regularly conduct to develop their plans and reports, which comprise:

- Receiving judicial information requests for housing alternatives, treatment availability, and employment opportunities for defendants;
- Receiving referrals for defendants;
- Reviewing court dockets, indictment lists, and jail lists for potentially eligible defendants;
- Identifying eligible defendants by determining their classes of offense, calculating their prior record levels, and determining whether sentencing plans are warranted;
- Conducting interviews with the defendant and others with information relevant to the case, such as defense counsel, law enforcement, probation, victims, family members, employers, educators, and treatment providers (on average eight per case);

- Obtaining and analyzing defendant treatment, employment, education, military, and mental health records;
- Performing LSI-R and ASUS assessments;
- Arranging for psychological and sex offender evaluations where necessary;
- Conducting treatment needs assessments, and, if treatment is needed, matching defendants to available treatment resources by interviewing treatment providers (on average five per case), compiling required records, preparing treatment enrollment paperwork, coordinating treatment screening, and coordinating entry to treatment;
- Providing recommendations to the court in the form of plans or reports containing law enforcement, probation, and victim concerns, all evaluation results, histories of defendants' criminal activity, probation supervision, family life, employment, education, medical conditions, and military service, pre-disposition treatment and progress, treatment plans, and sentencing options;
- Testifying in court when requested;
- Transporting defendants to treatment when necessary;
- Providing probation officers with pertinent case information;
- Assisting probation officers with sentencing plan implementation; and
- Providing defendant treatment orientation and recidivism prevention.

Given the extensive amount of work that goes into case development, the per-case cost is reasonable, especially compared to the range of per-client prison-cost savings of $8,857 to $24,107.

## VI. EXTENT TO WHICH OBJECTIVES HAVE BEEN ACHIEVED

Sentencing Services has met both the objectives of the Sentencing Services Act and those the Program has prioritized quite well. Each year, Sentencing Services programs across the state have presented over a thousand informative, thorough, well-documented, and individually tailored sentencing plans to judges. The judges have followed the plans' recommendations two-thirds of the time and ordered non-prison sentences for over 70% of those offenders. Based on available recidivism data, those offenders have greater likelihoods than those without plans of breaking the cycle of crime—they are 7% less likely to be rearrested, 5% less likely to be reconvicted, and 4% less likely to fail on probation. Just in the past year, the State has saved at least $14.6 million in incarceration costs, not to mention $19.5 million that has not had to be spent for prison construction or $10.7 million for prison addition. These amounts do not include money saved on court and prison resources because of these defendants' lower recidivism rates or the averted costs of lost support to their families.

Sentencing Services has accomplished these things despite being limited in size. The vast majority of the legislative appropriation to Sentencing Services goes to program operations. Nearly 90% of the overall Sentencing Services budget is distributed to the

programs, and, of the remaining funds that are reserved for the central office, much of that money is used for program oversight and development, including providing training, computer support, and assessment instrumentation. It should be noted that, in light of this year's 15% reduction in funding, state Sentencing Services employees, including the central office staff, have accepted 6.25% reductions in their salaries and hours in order to prevent the loss of more programs. Despite the cuts, staff and programs will continue to find ways to maintain as high levels of work as possible.

The central office at one time consisted of 13 central staff overseeing 37 programs in every county; now the central staff numbers only 3.5. Despite the limited number of personnel, central office staff manage to fulfill the directive of G.S. 7A-777 to monitor closely the quality and effectiveness of service, as well as the financial soundness, of the local programs to determine whether the Program's objectives are indeed being achieved. The two central office regional administrators conduct annual programmatic evaluations, in the form of site reviews, to assess the extent to which programs incorporate and follow evidence-based practice principles and whether the programs' operations, management, and financial systems are sound.

To facilitate these site reviews, Sentencing Services has implemented a 4-star rating system, attached as Appendix K, in which four areas of program services are assessed: organizational governance and strength; program services; fiscal accountability; and data management. These ratings are given based on reviews of board operations and responsibilities, board meeting minutes, financial records, personnel files, and client case files. (See Figure 23 for the documents typically reviewed.)

**Materials Reviewed in Annual Program Site Reviews**

Documents for Administrative Review:

| | |
|---|---|
| ☐ Board Meeting Minutes | ☐ Profit and Loss Statements |
| ☐ Board Roster | ☐ Standard Operating Procedures |
| ☐ Local Program Plan | ☐ Inventory of Fixed Assets |
| ☐ Contract (OSS-179, with goals) | ☐ Employee Time Sheets & Evaluations |
| ☐ Bylaws | ☐ Monthly Activity Reports |
| ☐ Check Reconciliation Reports | ☐ Client Files and Database |

**Figure 23**

The regional administrators also occasionally attend board meetings and are always available to boards and to staff for technical assistance and information.

In addition, programs are subject to ongoing financial reviews. The non-profit programs submit detailed reports that central office staff review to ensure that expenditures are appropriate. Central office staff also review materials that the non-profit programs submit to the Office of the State Auditor or Office of State Budget and Management. These forms are reviewed for accuracy by the central office. State-run programs are monitored to ensure the appropriateness of their expenditures.

The programs have fared these reviews well. No programs have had to be closed due to misappropriation of funds. Where questions have arisen, staff have worked with programs to resolve problems and to improve operations. Historically, programs have been closed because of lack of local demand and/or budget reductions at the statewide level; however, Sentencing Services central office and program supervisors have occasionally terminated personnel because of poor performance.

## VII. LINK BETWEEN FUNDING/RESOURCES AND STATEWIDE SOCIETAL IMPACT

State funding for Sentencing Services has tangible and significant beneficial impacts for the State of North Carolina and its citizens. As related in Section IV., 89% of Sentencing Services' legislative appropriation ($2,830,291 in FY 2008-09) has gone directly to the production of sentencing plans, and 11% has been used indirectly for these services in the forms of assistance to and monitoring of local programs. Sentencing Services programs have devoted these funds largely to personnel to identify and work on cases where defendants could receive either intermediate or active sentences and were at high risks of reoffending without intervention.

In FY 2008-09, the money spent translated into the activities of screening 5,510 defendants and opening 2,023 cases. Specialists conducted testing that revealed that nine out of ten clients were at elevated risks of reoffending absent intervention, more than three out of four of them required intensive substance abuse treatment, and nearly two-thirds of them needed mental health treatment. Specialists conducted at least 13,216 interviews and contacted potential treatment providers at least 8,260 times, in addition to collecting countless pages of records, in order to compile all necessary relevant information and to find the best treatment placement for each defendant.

This extensive investigation resulted in an output of 1,652 sentencing plans, out of which treatment was recommended for 1,522 defendants upon determination that such treatment would be appropriate for the defendants while protecting public safety. Judges adhered to the plans' recommendations in nearly two-thirds of the cases and sentenced around three-quarters of Sentencing Services clients to probation instead of to prison. Imposition of these specifically tailored sanctions, empirically designed to help defendants break the cycle of crime, produced yet another outcome of reduced recidivism, in that these defendants are 7% less likely to be rearrested, 5% less likely to be reconvicted, and 4% less likely to fail on probation than similar defendants who did not have plans.

The statewide societal impacts resulting from the State's investment in Sentencing Services are numerous and include:

1) Fewer defendants sent to prison, particularly those who were likely headed to prison, produced savings to the State in FY 2008-09 of $14.6 million to $39.8 million in avoided prison costs and $10.7 million to $92.8 million for additional

prison beds. (The calculations supporting these amounts are detailed in Section V.B.5.)

2) Reduced recidivism rates of Sentencing Services clients led to less strain on court and correctional resources. While information on these potential costs are not readily available, it is certain that the DOC has avoided outlays in housing and/or supervising repeat offenders, the AOC has saved funds on court resources in addressing additional cases, and IDS has spent less money on fees paid to attorneys appointed to represent returning clients. Decreased reoffending by Sentencing Services clients also saved victims and communities the monetary and societal costs of additional crimes.

3) Treating more defendants in the community in non-DOC facilities meant less demand for scarce prison treatment beds and DOC treatment resources. As shown in a previous study (as described in Section V.B.2.), absent Sentencing Services judges are much more likely to order defendants into a limited number of DOC-operated facilities instead of the 185 non-DOC treatment resources to which judges sentenced Sentencing Services clients.

4) Sentencing Services clients who owed victims restitution were required to pay it as part of their probationary sentences. In fact, resulting from case investigation, Sentencing Services is often instrumental in determining the amount of restitution due. Because most clients served their sentences in the community, they were able to work to earn the money necessary to pay their obligations, and, given the 57% probation success rate of Sentencing Services clients, more than a majority of the time they likely successfully paid what they owed. The examples of Sean F. and Cory Gibney substantiate that Sentencing Services clients successfully repay their debts to society.

5) Treatment within the community avoids removing clients' children from their homes or providing government assistance to their families upon the loss of their primary providers. Over 900 Sentencing Services clients in FY 2008-09 had families, and many of them were able to remain with or near them and to contribute to their upkeep.

6) The pipeline of referrals from Sentencing Services to private treatment facilities created core bases of clientele for the facilities, ensuring their continued operation and further treatment of the State's citizenry. As noted in Section V.B.3., the four treatment providers to which Sentencing Services frequently refers clients report that these referrals constitute anywhere from a quarter to a half of their participants.

7) Communities and taxpayers benefitted not only from all of the above-listed impacts but also from Sentencing Services probationers' financial input to local

and state economies. Two of the treatment facilities who were polled related that many of their graduates were employed, and, like Sean F. and Cory Gibney, earning wages, spending money, and paying taxes where they live and work.

## VIII. RATIONALE FOR CONTINUED FUNDING LEVEL

Sentencing Services' funding should be continued at least at the current level, if not higher. Despite closing programs and eliminating personnel positions, local programs still serve nearly three-quarters of the State's population and continue to operate in areas generating more than two-thirds of the State's prison admissions. All of the senior resident superior court judges in the areas served regularly approve and endorse the programs' operations, and judges refer almost one-fifth of the programs' cases. Eighty percent of the resident superior court judges in FY 2008-09 ordered at least one recommendation contained in a sentencing plan.

Sentencing Services program staff are comprehensively trained in evidence-based practice and standardized risk assessment. They employ their skills for the objectives of working with eligible defendants and cases, providing courts with useful information, finding available treatment resources, helping defendants be more successful, and minimizing costs to the State. As detailed in Section V.B., programs have consistently successfully met these objectives, in that in FY 2008-09 alone:

- Sentencing Services programs screened 5,510 defendants for eligibility, opened 2,023 cases, and presented 1,652 plans;
- 78% of their cases were within the eligible range of I/A cells both at intake and at disposition;
- 78% of the cases were Class H, Level II or above at intake, and, with plans influencing reduction of charges at plea, 71% were Class H, Level II or above at disposition;
- 90% of clients were at elevated risks of reoffending without intervention;
- 77% of clients needed intensive substance abuse treatment;
- 58% needed mental health treatment;
- While Sentencing Services cases should not be directly compared with all I/A cases because of the difficult nature of Sentencing Services cases, 74% of clients were diverted from prison, 13% above the average statewide felony rate of 61%;
- Programs recommended treatment for 1,522 defendants;

- Judges utilized 206 different treatment facilities, 90% of which were non-DOC operated;

- Sentencing Services clients are 7% less likely to be rearrested, 5% less likely to be reconvicted, and 4% less likely to fail on probation than similar defendants without plans;

- Sentencing Services operates according to evidence-based practice principles that have been proven to reduce crime and to lower costs;

- Programs saved the State from $14.6 million to $39.8 million in prison costs, conferring at a minimum a 1:5 savings ratio;

- The State further saved the $10.7 million to $92.8 million it would have cost if additional prison beds had to be constructed; and

- Sentencing Services provided all of these benefits to the State at a low per-client-with-plan cost of $1,685, a decrease from past years that will continue to fall as programs work to become even more efficient.

Sentencing specialists also fulfill other needed functions, such as providing pre-plea and post-disposition defendant treatment orientation and recidivism prevention. Sentencing Services is one of the few state agencies, if not the only one, to take a true "smart-on-crime" approach that helps to ease the burdens on the court and correctional systems. As this report shows, the Program's contributions to the State have had a larger impact than may be apparent at first blush. Given the results achieved by Sentencing Services and its substantial benefits to the State, the General Assembly should maintain funding for this vital program.

## IX. CONSEQUENCES OF DISCONTINUING OR REDUCING PROGRAM FUNDING

If funding for Sentencing Services were to be discontinued or further reduced, the consequences for the State would be detrimental. The first and most significant consequence would be the impact on prison admissions. According to "Current Population Projections, Fiscal Year 2009/10 to Fiscal Year 2018/19," published by the Sentencing Commission in January 2010, prison population will exceed standard operating capacity by 9,094 beds in 2010 and is predicted to exceed standard operating capacity by 14,821 beds by 2019. As stated previously in this report in Section V.B.5., the State would need to spend $92.8 million on stand-alone beds and $52.2 million on add-on beds for the 1,027 total felony clients diverted by Sentencing Services in FY 2008-09 alone. At the current rate, North Carolina cannot build prison beds fast enough to meet demand. Eliminating or decreasing Sentencing Services' funding would place even more stress on an already strained correctional system and would ultimately cost the State much more money than it would save.

Second, adding to the cost of and burden on prisons, many offenders are incarcerated not for new offenses but for violating terms of their probations, such as failing drug screens or being behind in their payments. According to the Sentencing Commission's report on prison population projections cited above, 42% of current felony admissions result from revocations of probation due to technical violations. Often these offenders fail because they have unmet treatment issues and need access to long-term, in-patient treatment, which in the correctional system is scarce. In these instances, Sentencing Services acts as a resource for probation officers to access a large network of treatment agencies, many of which are faith-based and/or non-DOC-funded. Some judicial districts across the state, such as Durham and Mecklenburg Counties, have authorized automatic referral of lower level felony probation violations to Sentencing Services as a means of reducing admissions for technical violations and exhausting all resources prior to a revocation. This collaboration confers the benefits of both helping to reduce costly prison admissions and relieving overworked probation officers.

Third, if probation were expected to assume the new responsibility thrust upon them by the loss of Sentencing Services, officers could only begin such work after plea or conviction, and judges and prosecutors would be loath to delay the court process for this pre-sentence investigation. With permission from defense attorneys granted in light of statutory provisions protecting confidentiality, Sentencing Services is able to complete their investigations long before sentencing, thus avoiding delays in the sentencing process. Moreover, requiring probation to do this work would ultimately not save costs, as probation officers do not have information about the myriad largely private, non-DOC-run treatment facilities available throughout the state. Furthermore, as it is, the State cannot afford to shift scarce resources away from the supervision of offenders.

Fourth, the State would also forfeit the value of proven, evidence-based, pre-sentence intervention with more than 1,000 of the highest-risk offenders each year. The State would concurrently lose the expertise of an organization trained and proficient in risk assessment and also possessing current knowledge about available treatment. Admission into treatment programs is often subject to stringent requirements and entails detailed application and acceptance processes. Sentencing Services staff maintain up-to-date information on treatment facility openings and closings, the clientele the facilities serve, and the quality of treatment the facilities deliver.

The reality is that there is no other agency that can now provide the expert assessment of defendants provided by Sentencing Services. It is highly probable that elimination of Sentencing Services would not result in the transfer of this function to probation or some other agency; it would simply eliminate access to this information by the courts.

In the absence of appropriate risk assessment and connections with appropriate treatment, judges will not have adequate information to discern whether and when to order offenders into community-based interventions. Sentencing Services' 2002 Report to the Legislature related that 70% of the judges surveyed believed that a sentencing plan increased

the amount of reliable information available at sentencing.[46] Absent this valuable information, judges will be forced to make decisions based on inadequate information and will likely send most of the offenders that Sentencing Services would have served to prison, where the offenders will have to compete for the grossly inadequate number of prison beds dedicated to treatment.

For the few defendants who would be placed on probation, judges would not have knowledge of the underlying issues that trigger the defendants' criminal behavior or the interventions that would effectively address these issues. As a result, judges will have to choose between a few, one-size-fits-all solutions that will not in most instances be suited to the defendants' treatment needs. As cited in Section V.B.2., the 2002 Report found that judges who chose programs other than those recommended or where none were proposed ordered only eight different programs, choosing mainly from just two of these eight, DART-Cherry and the now defunct IMPACT. In comparison, in FY 2008-09, pursuant to recommendations contained in sentencing plans, judges ordered 879 offenders to attend treatment at 206 different treatment agencies, 185 of which were non-DOC agencies.

Even judges who are aware of a variety of available treatment resources will not know how to make the best fit or order other appropriate interventions in conjunction with treatment for defendants' most obvious needs. Without Sentencing Services' efforts to find the proper match of defendants to treatment resources, facilities will reject many court-ordered defendants and return the offenders to court with new technical violations, further draining judicial and correctional resources, and facilities accepting court-ordered defendants will still leave unaddressed many of the factors that cause the defendants' criminal behavior.

Offenders who would have been appropriately placed through sentencing plan recommendations will instead continue to recidivate. Once again, based on available recidivism data, those offenders with sentencing plans have statistically greater likelihoods than those without plans of breaking the cycle of crime. Sentencing Services clients are 7% less likely to be rearrested, 5% less likely to be reconvicted, and 4% less likely to fail on probation. Additional recidivism by these defendants will cost the State additional money.

The fifth consequence of ending or decreasing Sentencing Services' funding would be the loss of available community treatment resources. Many locally funded, faith-based, and non-profit programs designed to assist offenders depend on referrals from Sentencing Services. For example, according to staff at Recovery Ventures, nearly half the graduates since 2002 came from Sentencing Services programs. Moreover, as more fully described in Section XIII.B. below, many Sentencing Services non-profit programs host other essential court system programs, which would likely fold if Sentencing Services were eliminated or further cut.

[46] Report on the Effectiveness of the Sentencing Services Program, NC Administrative Office of the Courts, Apr. 2002, at 31.

## X. RECOMMENDATIONS FOR IMPROVING SERVICES

Sentencing Services central office and program staff are committed to continuing to refine and improve the Program's services. As noted in Section II.D., some notable improvements include:

- Evidence-based approaches to case development;
- An easy to use model sentencing plan;
- A flexible organizational structure that allows individual jurisdictions' needs to be best met;
- A model of greater program integration into court system processes through participation in case management conferences in Judicial District 13;
- Listservs and other improved communication methods; and
- An in-house public defender sentencing specialist in Judicial District 21.

Staff in some districts, in an effort to replicate the model in Judicial District 13, have approached court officials about participating in pre-plea negotiation conferences so that any participant may suggest Sentencing Services' involvement in a case at any time. Increased program integration into the court system promises to increase the impact of Sentencing Services for a greater number of clients, which would improve efficiency and reduce costs. It could also decrease the number of hearings necessary to dispose of cases, since staff could at the onset of cases immediately begin searches for appropriate treatment placements. Program and central office staff will continue to investigate areas where this model could be implemented.

Some programs are considering enhancing risk assessment during the screening process by using, for example, the eight-item LSI-R Screening Version ("LSI-R SV"), which takes approximately 10 minutes to administer. The LSI-R SV will indicate whether a case is complex and serious enough to proceed with the full-scale LSI-R or may be addressed on a more limited basis. Programs adopting this approach would conduct in-court and/or in-jail assessments using the LSI-R SV, and, for lower-risk offenders who still require intervention, locate appropriate treatment and write brief sentencing plans for presentation in court.

Given sufficient funding, program staff would like to readminister the LSI-R to a representative sample of defendants sentenced pursuant to sentencing plan recommendations. This rescoring would show whether those defendants' dynamic, or changeable, indicators have in fact improved through intervention, which could help programs perform quality assessments of the interventions they have recommended. It would provide the further benefit of assisting probation officers in planning treatment courses for the remainder of the offenders' probationary periods. With enough resources, Sentencing Services should also increase efforts to follow up on clients after disposition to ascertain the defendants' progress and to determine whether staff can offer them further assistance to ensure their success.

Programs might also establish regular policies to work with probation officers who are considering revocations but who may be open to ideas about alternative interventions. While staff currently provide their sentencing plans to defendants' probation officers for their reference, the Program would like to work with DOC to determine a process of forwarding plans to prison staff so that they, too, will have access to information about defendants that will allow them to best supervise these inmates and for use in the post-release process. Finally, central office staff will continue to consider ways of streamlining the plan development process to improve efficiency without sacrificing quality and proven, evidence-based practices.

## XI. RECOMMENDATIONS FOR REDUCING COSTS OR DUPLICATION

By improving some services as listed above in Section X.—performing rapid screening to reach defendants who need less intensive treatment, becoming more integrated into court system case management, collaborating systematically with probation to reduce revocations, and streamlining the plan development process where possible—Sentencing Services can increase efficiency and reduce costs.

It should be noted that efforts to reduce costs have already begun. As related in Section V.B.5., overall costs for program services have significantly decreased since the Program was moved to IDS in 2002. It now costs $1,070 less per client for Sentencing Services to work on a case than it did prior to the transfer. Also, as reported above in Section VI., the size of the central office staff has also decreased, from 13 to 3.5 positions, since IDS assumed responsibility for the Program, and funding allocations have been devoted largely to the provision of services at the local level.

IDS and Sentencing Services staff continue to work to reduce inefficiency while maintaining and improving the high level of quality that programs provide to the courts. Several innovations, such as the model program plan and certain pilot projects, have been implemented since Sentencing Services' transfer to IDS. In addition to improving services, these efforts have further helped programs reduce costs, maximizing their funds in a time of dwindling financial resources. Over the past two fiscal years, while the number of full-time equivalent positions has decreased from 46.53 to 45.66, the number of plans produced per position has risen from 32 to 36.

However, not all cost-cutting measures represent improvements. Although Sentencing Services' non-profit and state-operated programs have responded to budget cuts by eliminating staff in favor of contractors as another means of maximizing their resources, this is not a satisfactory long-term solution either for them or as a different model of providing services. Contractors who have the skills required for Sentencing Services work are hard to find, and it takes time and money to train contractors to do this work. Their terms of service can be unstable, as they are subject to be lured away by other employment consisting of full-time positions with higher salaries and with benefits. Because contractors cannot be compensated for their time spent in or traveling to training, it is difficult to gather them in centralized

regional or state locations to educate them about best practices in assessment, interviewing, and plan development or about advancements in any of these items; however, all contractors must be fully trained in evidence-based practice skills. Moreover, organizations that are rooted in, responsive to, and accountable to their communities will generate investment from those communities in ways that independent contractors cannot.

Such problems would be exacerbated by limiting the amount of local oversight available to coordinate contractors. This system would also lead to issues of lack of quality control and consistency, the inability to enforce data entry procedures and to compile accurate data, increased costs depending on the size of the geographic areas the contractors would be expected to cover, and loss of other economies of scale (such as equipment, supplies, and reference materials) offered by coordination of resources under a combination of local and state management authority. Any short-term cost savings that might be provided by a disparate group of independent contractors would likely be quickly outweighed by wasting resources on ineffective sentencing plans, less demand for services, fewer diversions from prison, and greater recidivism by defendants whose crime-causing behaviors were not properly treated. Contractual assistance is best left as a means for local programs to supplement their services, rather than a means to supplant their services.

Another innovation is a joint pilot project with IDS to create a position for a public defender ("PD") sentencing specialist to produce sentencing plans and mitigation reports for the public defender's office in Judicial District 21. The PD sentencing specialist enjoys a steady case flow from the office. However, while the public defender project confers some of the same benefits as a traditional Sentencing Services program, including having the PD sentencing specialist receive training in risk assessment and have access to the knowledge and expertise of the other Sentencing Services specialists, it is somewhat limited in its function.

First, the project only offers services to public defender clients, not to those of private appointed counsel, the main source of representation for indigent defendants in most jurisdictions in the state. Second, the PD sentencing specialist is an employee of the public defender's office and therefore may not offer or be seen as offering the kind of objectivity to the courts for which Sentencing Services program staff are known. Therefore, while this project is worthwhile and should be continued for its advantages to the public defender office, it would not be an adequate replacement for the comprehensive services Sentencing Services provides.

The work that Sentencing Services does is unique. No other entity provides courts with pre-sentence intervention, risk assessment, placement of defendants into appropriate, non-DOC treatment facilities, and comprehensive defendant background information for sentencing. It has been suggested that Sentencing Services is duplicative of probation, or that probation could replace Sentencing Services, because probation officers sometimes prepare brief pre-sentence investigation reports at the request of judges. However, the services provided by the two entities are quite different.

Sentencing Services has access to offenders soon after arrest because staff begin identifying clients for eligibility as soon as defendants' names and charges appear on court calendars. After confirming through criminal record checks that defendants are indeed eligible, staff contact defense attorneys to obtain permission to work with their clients prior to guilty pleas. That permission would not be granted to other officers of the court or the State prior to guilty pleas because defense attorneys would not allow their clients to risk making damaging statements about their cases, lest those statements be used against them. Attorneys' long experience with and trust in Sentencing Services to treat the information they uncover confidentially gives Sentencing Services access that others would not have.

Even if others had post-plea access to defendants, it would not be a satisfactory alternative to pre-plea access. Early intervention allows time for adequate research into treatment options and can positively affect plea negotiations. It can also help expedite cases through the court system, because the information gathered and sentencing options are available to courts prior to what would be the trial stage, or third setting. If sentencing investigation were to occur after the entry of guilty pleas, it would significantly increase the time between pleas and sentencing, and it would also likely increase the time it would take cases to resolve via plea. These delays would create court backlogs, making them both costly and disfavored.

Moreover, probation officers already must handle crushing caseloads, making it difficult for them to supervise their probationers, much less investigate sentencing options and stay abreast of available treatment resources. In addition to allowing probation officers to focus on their main job, supervising offenders, without being distracted by new and additional responsibilities, Sentencing Services helps officers better oversee their probationers. Sentencing plans provide officers with risk assessments, identification of problem areas that must be changed to prevent offenders from committing additional crimes, and connections to interventions that specifically address defendants' issues.

Probation and Sentencing Services each have their roles in the court system; neither can replace the other, but working together they can try to ensure that offenders receive and comply with appropriate treatment and court-ordered conditions and that the community is protected. In that regard, Sentencing Services plans to coordinate meetings with local probation officers, Treatment Accountability for Safer Communities ("TASC"), and treatment providers to discuss ways to share information, avoid duplication of efforts, and better serve the courts.

## XII. RECOMMENDATIONS FOR STATUTORY, BUDGETARY, OR ADMINISTRATIVE CHANGES NEEDED TO IMPROVE EFFICIENCY AND EFFECTIVENESS OF SERVICES DELIVERED TO PUBLIC

Although programs have performed well in the 25 years of Sentencing Services' existence, improvements are still possible. Some of these improvements could come in the

form of revisions to the Sentencing Services Act or other statutes, while others would be driven by Sentencing Services staff and programs.

A. GREATER COURT INTEGRATION

In addition to programs' efforts in this regard, legislative changes to increase court integration could assist the programs' efficiency and effectiveness. For example, many but not all programs receive referrals for probation violations and revocations. Often, defendants violate probation because they either do not have treatment sanctions or because the sanctions they do have are not good fits. Those Sentencing Services programs who work with probation cases not only find appropriate interventions for these offenders but are often able, through spending time with the probationers and using motivational interviewing techniques, to help guide offenders' life choices. Clear statutory authority to handle probation revocations would allow programs to provide this service on a more widespread and consistent basis. Likewise, codifying the current practice of probation officers' referring cases to Sentencing Services would confer a similar beneficial effect.

Another change in legislation that would increase programs' efficacy is providing for some type of required referral system of cases to Sentencing Services programs. Even in areas where local actors do not hesitate to express the value of their local programs, court dockets are often overwhelming, leading to a desire to move cases and little attention to best use of available resources. (For examples of promotional materials programs use, see Appendix L.) While program staff are often able to shift this focus and get cases through personal contact, they could better use this time to work on defendants' cases. The less time staff must spend identifying eligible defendants, the more time can be spent on assessment and plan development. As noted above in Section X., the greater the extent to which a program is integrated into the court system, the more efficient the program can be.

For example, the General Assembly could require, perhaps in the form of a pilot project, that Sentencing Services automatically screen certain types of eligible cases for case development. For cases in which sentencing plans would not be warranted, judges could sign a form to waive the referral, perhaps at the second setting stage of pretrial case progress. It must be noted, however, that the increased outreach and caseloads that programs will see as the result of the move to automatic referrals must be funded appropriately for it to succeed.

Because sentencing specialists are skilled in the use of risk instruments, in addition to the proposed informal efforts to do rapid screening described in Section X., Sentencing Services' role in the court system could be expanded through legislation and corresponding funds to include not just preparing sentencing plans but also providing quick screening and short reports recommending treatment options in lower-level felony cases where it may be clear that the defendants will be sentenced to probation. If the specialists saw from a screen that there were deeper, more complex issues involved with the individual that should be addressed, the specialist could report back to the court that the case should move to the sentencing plan development phase. This codification of the rapid-screening projects that

programs might attempt on their own would lend legitimacy to the projects and ensure referrals.

Many habitual felon charges are predicated on lower-level offenses, such as property crimes, driven by substance abuse issues. However, habitual felon status is classified as a Class C felony, requiring active time. With legislation creating an exception for Sentencing Services to initiate work with habitual felon cases involving relatively minor predicate offenses, sentencing specialists could determine the root causes of repeat offending and present viable options that could persuade prosecutors to allow these defendants to plead to lesser charges in order to achieve rehabilitation.

Even without any revisions to legislation, assuming funding were sufficiently increased, expansion of program services could come in the form of regionalized coverage spanning several judicial districts to provide service in areas that are not currently being served. To facilitate this type of coverage, which would require diligence in coordinating scheduling and would probably encompass some travel over long distances, court systems in the different districts would need to make some accommodation so that the regional sentencing specialists could have access to clients and their records and be able to appear in court when needed. One solution might be for these districts to calendar all potentially eligible cases on the same administrative setting day. The sentencing specialist would not need to be in court but could come at some point soon thereafter to retrieve the referral paperwork and to contact the clients.

B. ACCESS TO OFFENDER INFORMATION

Another change that could be effected with the help of the General Assembly would be granting sentencing specialists permission to use the relevant portions of the Criminal Justice Law Enforcement Automated Data Services ("CJLEADS"), now being pilot-tested in Wake County, which will integrate data about defendants from disparate criminal justice automated sources. CJLEADS, mandated by S.L. 2008-107, § 6.15, will assimilate AOC, DOC, local jail, Department of Transportation ("DOT"), Department of Motor Vehicles ("DMV"), sex offender registration, and other information in one place and will enable users, including judges, prosecutors, and law enforcement, to print timely, accurate, and complete criminal records. One of its more innovative features is a graphic timeline showing a defendant's chronological periods of arrest, court, incarceration, probation, and crime-free activity.

According to the Office of State Controller's January 2010 Quarterly Report on the Criminal Justice Data Integration Pilot Program, the goal of the data integration project is to promote better decision-making, and it would certainly assist sentencing specialists in making even better offender-specific recommendations to the court. It would also confer the benefit of allowing staff to better follow up with and track former clients to ascertain what sanctions courts ultimately ordered and to assess clients' success levels with regard to those sanctions. While the AOC's Automated Criminal Infraction System ("ACIS") is accessible to view defendant court information, that system is not user-friendly and the records in it are often incorrect.

In the alternative, it would greatly help sentencing specialists to have access to the DOC's case management system, the Offender Population Unified System ("OPUS"). OPUS contains detailed information about offenders' previous terms of probation and prison, including entry dates and the number and type of offenses that led to each admission. In addition, information is available on probation cases about the conditions that were imposed, whether and to what degree the conditions were successfully completed, defendants' drug screens, their previous supervising officers, and any violations or revocations reported. The prison screens provide lists of defendants' accomplishments—e.g., GEDs, job certifications, and completion of the DART substance abuse program—and the number and type of their infractions while incarcerated. Access to such information, even if more sensitive information in OPUS were blocked, would increase sentencing specialists' productivity in verifying defendants' self-reported histories and issues, crafting recommendations that do not duplicate prior efforts, more precisely addressing defendants' treatment and supervision requirements, and determining clients' ultimate success.

C. FUNDING TO INCREASE COVERAGE

It would greatly help for the General Assembly to restore, and preferably to increase, funding for program services. The first step would be to restore existing non-profits' allotments, including the $200,000 in non-recurring funds that they received for the past three fiscal years, resume all state employees to full-time status, and provide sufficient funds to the central office to support the programs. This would require an investment of $354,830, for a total allocation of $2,649,387.

Beyond that, an increase in the amount of $30,000 for contractual or part-time assistance for any single-person program, which includes all of the state programs and a few of the non-profits, would be extremely helpful in expanding these programs' reach and effectiveness. Sentencing Services would utilize any additional funds that the General Assembly would see fit to provide to increase services by existing programs, which are now better able to use such funds efficiently due to efforts they and the central staff have made over the last several years to reduce costs. Sentencing Services would also consider using some of these funds for limited expansion into areas of the state where services are needed and wanted, either in the form of new programs, which cost roughly $50,000-$75,000 to start, or as satellite or regional offices, in order to further reduce prison costs and recidivism and to improve public safety.

It is worth noting that, in numerous instances over the past several years, defendants, citizens, judges, and attorneys have inquired whether sentencing specialists could provide assistance in unserved districts. Where nearby programs have had the ability, they have worked on these cases, but the time they have taken to do so naturally has detracted from service to their own districts. Sentencing Services would like to be able to reach more clients who would benefit from treatment intervention far less costly to the State than imprisonment, particularly in areas where courts have few options. Although it will require additional funds to

undertake this kind of endeavor, the State's investment would certainly be realized many times over.

## D. FUNDING FOR RESEARCH AND DATA COLLECTION

Recidivism study

While the Program believes that Sentencing Services' intervention with defendants has the positive effect of making them less likely to recidivate, based on the recidivism data mentioned in Section V.B.4., above, evidence-based practice prescribes continual evaluation, and this data should at some point be updated. In order to do so, Sentencing Services would need to work with qualified researchers who would have adequate access to the necessary data. To make a fair and meaningful comparison, these researchers should compare Sentencing Services clients to a similarly situated offender population, rather than the statewide offender population at large, and preferably use regression analysis to isolate the impact of Sentencing Services' intercession on clients' behavior. Past discussions with researchers have revealed that, given the time and data research involved, the estimated cost of such a project would entail approximately $70,000 for contractual services. Because the researchers would need access to post-conviction data, Sentencing Services would likely have to pay DOC for its records, which staff estimate would cost between $1,000 and $2,000, depending on the scope of the study.

A few years ago, Sentencing Services staff sought grant funds from the Governor's Crime Commission to fund such a project but did not receive a grant. Instead, staff initiated work with the UNC-CH School of Government's Masters of Public Policy program to undertake a smaller scale outcome study, given the limited resources available for such a project. However, this attempt proved unsuccessful, largely due to inadequate time and personnel to engage in probative research and insufficient access to accurate and complete data.

Sentencing Services staff have also talked to Sentencing Commission staff about whether the Sentencing Commission could provide annual recidivism studies of Sentencing Services clients Unfortunately, the Sentencing Commission staff have indicated that they conduct their statewide recidivism studies on a biennial basis, as legislatively mandated, and the sample utilized by the Sentencing Commission for their recidivism report—prison releases and probation entries during a fiscal year—would not be a direct match with Sentencing Services clients during a comparable time frame. In addition, while the Sentencing Commission provides breakdowns of recidivism rates for community punishment probationers, intermediate punishment probationers, and prison releases, a reliable evaluation of Sentencing Services outcomes would require a more specific selection of offenders to be used as a comparison group.

Nonetheless, Sentencing Services will continue to pursue grant funds and collaboration with other agencies in an attempt to produce a comprehensive recidivism/outcomes study and will certainly consult with the Sentencing Commission staff in developing the study's parameters. In addition to supplying information about Sentencing Services' effectiveness, to

comport with evidence-based practice principles the study should also evaluate the efficacy of the various treatment programs that Sentencing Services clients complete. Such a study might also be accomplished with legislative funding.

Research position

IDS and Sentencing Services have responded to funding cuts by devoting as much money as possible to program services and thus eliminating central staff research positions. With funds to pay a competitive salary and benefits for in-house research, ranging from $60,000 to $80,000, Sentencing Services could better track and assess clients' results. Creating and filling this position would confer the added benefit of allowing the two Regional Administrators to spend more time assisting the programs with, and evaluating them on, direct client services.

Web-based database

For the past few years, Sentencing Services has contracted with a programmer to develop and to upgrade case management software for the programs to enter their casework data. Due to limited funding available for this project, the database was designed on a Microsoft Access platform. It must be installed individually on each user's computer, and the data is stored locally, so that users must periodically export and forward their data to the central office. Any updates or fixes to the software must likewise be installed by each user rather than through a one-time upgrade, and backup protection of the data must likewise be done on site. This decentralized manner of using software and accessing data is cumbersome and has led to some inefficient use of time on the part of program staff.

If Sentencing Services had the funds to contract for development of a web-based software program, the software interface and data could be stored centrally, which would allow for quick access to data, comprehensive and fast data backup, and data security, as well as ease in upgrading the interface. Programming a rudimentary system that could be further customized later as the budget allows would likely cost from $80,000 to $120,000. For most effective use, two servers would be required: a database server to house the data and a web server to host the website and to interface with the database server. The AOC could provide these servers for approximately $40,000. An external hosting site might also work, with costs variable and starting at $75 a month, but this option is less desirable because it would involve problems with data security, control of the process, and speed. Having a web-based system available would enable programs to devote more time to casework and would allow both program and central office staff to analyze data more thoroughly and quickly.

## XIII. IDENTIFICATION OF POLICY ISSUES THAT SHOULD BE BROUGHT TO THE ATTENTION OF THE GENERAL ASSEMBLY

There are two important policy issues for the General Assembly to consider when they determine whether to continue funding for Sentencing Services: 1) The threat of prison overcrowding, and finding the best and most cost-efficient ways of addressing this problem

through the Judicial Reinvestment Project and other initiatives; and 2) Sentencing Services programs' additional benefits to the State and to local communities.

## A. PRISON OVERCROWDING, THE JUSTICE REINVESTMENT PROJECT, AND SIMILAR INITITATIVES

According to US Census Bureau figures, North Carolina's population is projected to increase over 10%, to 10,010,770, by 2015. By 2030, North Carolina is anticipated to become the seventh most-populous state in the country. The State's court system will undoubtedly face the strain as this exponentially increased population commits more crimes. Moreover, the Sentencing Commission has projected in its January 2010 report, "Current Population Projections, Fiscal Year 2009/10 to Fiscal Year 2018/19," that the State's prison population will grow 11%, to 47,806, by 2015, exceeding DOC's predicted standard operating capacity by 11,798.[47]

In a time where it costs more to imprison someone for a year, on average $28,934, than it costs to send the person to college for the same period, North Carolina needs to be smart about how it allocates resources. In order to protect the public, the courts must identify those defendants who require prison sentences and those who can most effectively be handled through alternative sentences mandating completion of appropriate programs designed to change defendants' behaviors. Sending to prison a defendant who could be sanctioned with an alternative sentence can be a costly mistake and a waste of resources. Moreover, we must acknowledge that most prisoners eventually reenter society, often without having had the benefit of the intervention necessary to change their behaviors.

An editorial in *The Gaston Gazette* (attached as Appendix M) very effectively makes the point about use of resources:

> Prisons have a finite amount of room to house inmates. The correctional system operates under tremendous pressure to manage the prison population without fostering inhumane conditions or incurring lawsuits. And although education and job-training programs . . . exist primarily for rehabilitation purposes, they also perform a secondary function: a relief valve that helps free up cots. We might not find the thought appealing, but the reality is that prisons involve not only keeping people in but also letting them out.[48]

As the editorial points out, reducing prison admissions is not just a cost issue but a safety issue. Overcrowding in California is believed to be the root cause of a recent, severe prison riot. As reported in August 2009 by the Associated Press in *The News and Observer*, inmates in the Chino prison in Santa Ana, California attacked each other with make-shift

---

[47] North Carolina Sentencing and Policy Advisory Commission, Current Population Projections, Fiscal Year 2009/10 to Fiscal Year 2018/19 (Jan. 2010) at 4.

[48] Editorial, *Deciding who stays behind the steel bars*, Gaston Gazette, Oct. 29, 2009, *available at* http://www.gastongazette.com/articles/prisonnonviolentdrugoffendersdebategazette-39642--.html.

weapons and destroyed prison property in a four-hour riot in which 175 people were injured.[49] The article states, "A national expert warned 20 months ago that the Chino prison, which held nearly twice as many men as it was designed for, was 'a serious disturbance waiting to happen' because of crowding."[50]

Recognizing these issues, other states and countries have begun focusing on alternative sentencing as a means of reducing the strain on their budgets caused by prison costs. Likewise, faced with North Carolina's impending crisis of increasing and ultimately unsustainable demands for prison space, the General Assembly has made the prudent decision to develop strategies designed to preserve scarce State funds by abating these demands through the Justice Reinvestment Project ("JRP"). The JRP is the first stage in a partnership with the Council of State Governments ("Council") to develop policies and recommendations to reduce prison overcrowding and to manage the offender population in North Carolina. Section 19.22 of S.L. 2009-451 allows DOC to use up to $100,000 in non-recurring funds to secure technical assistance from the Council to participate in the JRP, with the anticipation that the initiative will be supplemented with significant outside funding. The session law also directs the Sentencing Commission staff to provide data and assistance as needed.

Sentencing Services is a long-standing institution in North Carolina that is poised to assist the State in the effort to reduce reliance on prison resources while protecting public safety. The Program respectfully requests and welcomes inclusion in the Project's evaluation and fully anticipate factoring into the JRP's recommendations. Based on the results of similar partnerships with other states, such as Texas, Kansas, and Connecticut, it is evident that community corrections programs such as Sentencing Services have a significant role in achieving the reduction in prison admissions and consequent cost savings that the Legislature seeks in initiating the JRP. It would be inefficient and counterproductive to reinvent the wheel when this Program already exists and has proven to work, and we look forward to being part of the JRP's evaluative process in order to maximize Sentencing Services' effect.

While the JRP is a legislative initiative, the Governor has also recognized that the State must take a different approach to reducing crime. According to the Governor's May 7, 2009 press release, the StreetSafe Task Force "will bring together faith-based organizations, non-profits, local and state government agencies, business leaders and members of the community to develop a plan to combat recidivism and reintegrate offenders safely into the community." The Task Force will focus on reducing crime committed not only by offenders released from prison but also those under community supervision, and the strategies developed by Sentencing Services in this regard can inform and supplement this project. Again, Sentencing Services welcomes the opportunity to contribute to this important work.

---

[49] *Prison riot raises questions*, News and Observer, Aug. 11, 2009, *available at* http://www.newsobserver.com/news/nation_world/story/52081.html.

[50] *Id.*

B. ADDITIONAL BENEFITS TO THE STATE AND LOCAL COMMUNITIES OF HAVING SENTENCING SERVICES

Many Sentencing Services non-profits have expanded their services through grants from other agencies for other court service programs, such as Pretrial Release, Criminal Justice Partnership Programs ("CJPP"), Mediation, Juvenile Crime Prevention Councils, and others. If Sentencing Services funds are eliminated, these other grant-funded programs would be in serious jeopardy, threatening the State and its communities with these additional, significant court and other program losses:

- **Judicial District 4:** CJPP; Deferred Prosecution Program; Pretrial Release Program
- **Judicial District 10:** Pretrial Release Program; Restorative Justice for Juveniles; Teen Court; Youth Development
- **Judicial District 11:** Drug Diversion/Education School; HALT (domestic violence program); Healthy Choices; Turnaround (mental health, truancy program for juveniles)
- **Judicial District 15B:** Pretrial Release Program
- **Judicial District 17A:** Mediation (peer and court); Project ReEntry (for jail and prison inmates)
- **Judicial District 18:** Community Service/Restitution for Juveniles; Day Reporting Center; Keep It Real (life skills for gang members); Mediation Services (adult and youth); ParentTalk (for parents of at-risk children); Pretrial Release Program; Teen Court
- **Judicial District 22:** CJPP Resource Center; Project ReEntry; Youth Incentive Program (life skills for gang members)
- **Judicial District 24:** Adult and Juvenile Mediation; Family Divorce Mediation; Mediation of Medicaid Appeals
- **Judicial District 25:** Alcohol Monitoring System Installation; Just Girls (for at-risk juveniles); Pretrial Release Program; Project ReEntry; Sexual Abuse Intervention Services
- **Judicial District 26:** Center for Women (women's halfway house); Equipped (empowering children with incarcerated parents); Families Doing Time (teaching family ties to jail inmates, allowing contact with children after completion); Life Works (employment readiness and life skills)
- **Judicial District 27:** Day Reporting Center; Gang Prevention; In-Jail Drug and Mental Health Treatment; Pretrial Release Program; Women's Program (outpatient substance abuse treatment and employment services)

## XIV. CONCLUSION

The General Assembly in 1983 showed tremendous foresight and wisdom in funding the nascent Program, and members continued to show these attributes in expanding the Program to the point that, in 1998, it served the entire State. The Legislature identified the need for this service as a way to deal with the crisis of prison overcrowding. This Legislature faces a similar, imminent crisis, and it must find some solution before the problem bankrupts the State. Sentencing Services is a tested and proven means of helping to address this issue, and, as the State is on the cusp of systematically looking for answers to the prison population dilemma, it should not do so by reinventing the wheel or defunding one of the few existing programs that lessens the crisis.

## APPENDIX A

## Sentencing Services Case – Time and Service Allocation

**Sentencing Services Case - Time and Service Allocation**
**2009**

**REFERRAL AND ATTORNEY COMMUNICATION** - ***Receive initial referral from DA/ Defense/Judge or Grand Jury Indictment List. Perform record check and communicate with attorney.***

| | | |
|---|---|---|
| 07/08/09 | Attorney called to discuss case | 10 min. |
| 07/09 | Sentencing Specialist discussed case w/ supervisor | 5 |
| 07/14 | E-mail from attorney's office re: client, call to client to schedule intake, criminal record check, created file, entered info into database | 30 |
| 07/15 | E-mails from and to attorney's office | 5 |
| 07/16 | Message to attorney; received message from attorney | 3 |
| 07/17 | Call to attorney – left message | 1 |
| 07/20 | Call to client to verify intake appt., messages from and to attorney | 6 |
| 07/24 | Messages to and from attorney | 2 |
| 10/09 | Spoke with attorney's office, client | 15 |

*Subtotal* *1.3 hours*

**GATHER SELF-REPORT INFORMATION/ADMINISTER TESTS**

***Get self-report information, including:*** 75 min.

07/21 Name, Address, Social Security Number, Phone Number
Family contact information
Guardian information
Educational background
Mental health background
Employment background
Administer Level of Service Inventory- Revised (LSI-R) - a 54-question survey that assesses defendant's risk and needs.\
Administer Adult Substance Abuse Survey (ASUS) - a 64-question survey
Assess general health, attitude

***Score tests (LSI-R & ASUS) and communicate w/ family and attorney.***

07/22 Tests scored. Messages to client's mother and guardians 30 min.

*Subtotal* *1.75 hours*

**FAMILY/GUARDIAN/DEFENDANT/FRIENDS** - ***Verify past and present family/guardian and residential information; maintain contact with client to determine readiness for community placement.***

| | | |
|---|---|---|
| 7/27 | Met with client and client's former guardian in Hillsborough | 60 min. |
| 08/03 | Spoke with client and former guardian (wife) | 30 |
| 08/13 | Spoke with client; message to his father; faxed plan to attorney; spoke with friend of client. | 20 |
| 08/25 | Spoke with client, client's mother | 15 |
| 08/28 | Call from client | 2 |
| 09/03 | Message from client | 1 |
| 09/10 | Call to client, plan to meet next week; e-mail to attorney | 15 |
| 09/14 | Spoke with [CJ]; scheduled time to meet | 5 |
| 09/16 | Drove to meet client in Pittsboro; spoke with client on phone; met with client | 90 |
| 10/13 | Spoke with client; database entry for case management | 15 |
| | *Subtotal* | *4.2 hours* |

**EDUCATIONAL** - ***Identify, contact, and place client in resource for educational needs.***

| | | |
|---|---|---|
| 07/28 | Drove to Pittsboro to pick up academic records; spoke with attorney; reviewed academic records | 90 min. |
| 07/31 | Spoke with former guardian (husband); message to client, spoke with Chatham Literacy Council and e-mailed referral | 30 |
| 09/23 | Spoke with NC Tech Prep School; message to client | 15 |
| 09/24 | Message to client; researched NC Tech Prep School | 15 |
| 9/25 | Spoke with client about school | 5 |
| 09/28 | Message to client; spoke with recruiter at school | 10 |
| 09/28 | Spoke with client; drove to Pittsboro to meet client | 75 |
| 10/01 | Put together letter and info and mailed to prep school | 15 |
| 10/08 | Spoke with client; e-mails to attorney's office | 15 |
| | *Subtotal* | *4.5 hours* |

**MENTAL HEALTH AND SUBSTANCE ABUSE** - ***Schedule full psychological evaluation and mental health/substance abuse referral and services.***

| | | |
|---|---|---|
| 08/04 | Spoke with psychiatrist; typed cover letter and mailed release. | 10 min. |
| 08/14 | Drove to Pittsboro to meet client; met with client; called Orange/ Person/Chatham County Mental Health to make a mental health/ substance abuse referral | 90 |
| 08/17 | Spoke with Project Turn Around (substance abuse services, first-time offenders); message to former coach | 15 |
| 10/06 | Spoke with Project Turn Around | 10 |

| | | |
|---|---|---|
| | *Subtotal* | *2.1 hours* |

**EMPLOYMENT/VOCATIONAL REHABILITATION - *Line up services with Vocational Rehabilitation.***

| | | |
|---|---|---|
| 08/19 | Supervisor edited plan; spoke with Vocational Rehab; set up appointment for client; message to client; faxed plan to attorney; call from former high school coach | 40 min |
| 09/01 | Spoke with client; message to Vocational Rehab | 6 |
| 09/02 | Faxed assessment to Vocational Rehab | 5 |
| 10/05 | Spoke with attorney; spoke with recruiter at school; message to Vocational Rehab; faxed letter to attorney; spoke with client | 45 |
| | *Subtotal* | *1.6 hours* |

**DETERMINE PLAN COMPONENTS, WRITE, REVISE AND SEND**

**Preliminary plan draft** 300 min.

1) Considered public safety needs
2) Identified and researched specific agencies:
    a. Chatham County Literacy Council
    b. Chatham Counseling Center (Orange/Person/Chatham Area Mental Health)
    c. Project Turn Around
    d. Phoenix Academy
    e. Vocational Rehabilitation
3) Wrote background information
4) Reviewed records and integrated relevant information into plan
5) Summarized verified information from contacts

**Final Plan**

| | | |
|---|---|---|
| 10/07 | Spoke with Chatham Counseling Center; spoke with client; discussed case with supervisor; revised plan; faxed plan to attorney and prosecutor | 90 min. |
| | *Subtotal* | *6.5 hours* |

**COURT – ATTEND HEARINGS**

| | | |
|---|---|---|
| 07/29 | Reviewed probable cause hearing | 15 min |
| 08/24 | Drove to Pittsboro for court hearing; spoke with attorney, client, and client's mother | 180 |
| 10/12 | Drove to Pittsboro for sentencing hearing | 240 |
| | *Subtotal* | *7.25 hours* |

**SUPERVISOR'S TIME**

*Subtotal* *2 hours*

**POST-SENTENCE FOLLOW-UP WITH CLIENT AND DATA ENTRY**

Final contact with client (as specified and requested by court in judgment); closed file 180 min.

*Subtotal* *3 hours*

**TOTAL** **34.2 hours**

## APPENDIX B

## North Carolina Felony and Misdemeanor Punishment Charts

***** Effective for Offenses Committed on or after 12/1/09 *****

# FELONY PUNISHMENT CHART

## PRIOR RECORD LEVEL

| OFFENSE CLASS | I<br>0-1 Pt | II<br>2-5 Pts | III<br>6-9 Pts | IV<br>10-13 Pts | V<br>14-17 Pts | VI<br>18+ Pts |
|---|---|---|---|---|---|---|
| A | **Death or Life Without Parole** | | | | | |
| B1 | A<br>*240 - 300*<br>**192 - 240**<br>*144 - 192* | A<br>*276 - 345*<br>**221 - 276**<br>*166 - 221* | A<br>*317 - 397*<br>**254 - 317**<br>*190 - 254* | A<br>*365 - 456*<br>**292 - 365**<br>*219 - 292* | A<br>*Life Without Parole*<br>**336 - 420**<br>*252 - 336* | A<br>*Life Without Parole*<br>**386 - 483**<br>*290 - 386* |
| B2 | A<br>*157 - 196*<br>**125 - 157**<br>*94 - 125* | A<br>*180 - 225*<br>**144 - 180**<br>*108 - 144* | A<br>*207 - 258*<br>**165 - 207**<br>*124 - 165* | A<br>*238 - 297*<br>**190 - 238**<br>*143 - 190* | A<br>*273 - 342*<br>**219 - 273**<br>*164 - 219* | A<br>*314 - 393*<br>**251 - 314**<br>*189 - 251* |
| C | A<br>*73 - 92*<br>**58 - 73**<br>*44 - 58* | A<br>*83 - 104*<br>**67 - 83**<br>*50 - 67* | A<br>*96 - 120*<br>**77 - 96**<br>*58 - 77* | A<br>*110 - 138*<br>**88 - 110**<br>*66 - 88* | A<br>*127 - 159*<br>**101 - 127**<br>*76 - 101* | A<br>*146 - 182*<br>**117 - 146**<br>*87 - 117* |
| D | A<br>*64 - 80*<br>**51 - 64**<br>*38 - 51* | A<br>*73 - 92*<br>**59 - 73**<br>*44 - 59* | A<br>*84 - 105*<br>**67 - 84**<br>*51 - 67* | A<br>*97 - 121*<br>**78 - 97**<br>*58 - 78* | A<br>*111 - 139*<br>**89 - 111**<br>*67 - 89* | A<br>*128 - 160*<br>**103 - 128**<br>*77 - 103* |
| E | I/A<br>*25 - 31*<br>**20 - 25**<br>*15 - 20* | I/A<br>*29 - 36*<br>**23 - 29**<br>*17 - 23* | A<br>*33 - 41*<br>**26 - 33**<br>*20 - 26* | A<br>*38 - 48*<br>**30 - 38**<br>*23 - 30* | A<br>*44 - 55*<br>**35 - 44**<br>*26 - 35* | A<br>*50 - 63*<br>**40 - 50**<br>*30 - 40* |
| F | I/A<br>*16 - 20*<br>**13 - 16**<br>*10 - 13* | I/A<br>*19 - 23*<br>**15 - 19**<br>*11 - 15* | I/A<br>*21 - 27*<br>**17 - 21**<br>*13 - 17* | A<br>*25 - 31*<br>**20 - 25**<br>*15 - 20* | A<br>*28 - 36*<br>**23 - 28**<br>*17 - 23* | A<br>*33 - 41*<br>**26 - 33**<br>*20 - 26* |
| G | I/A<br>*13 - 16*<br>**10 - 13**<br>*8 - 10* | I/A<br>*14 - 18*<br>**12 - 14**<br>*9 - 12* | I/A<br>*17 - 21*<br>**13 - 17**<br>*10 - 13* | I/A<br>*19 - 24*<br>**15 - 19**<br>*11 - 15* | A<br>*22 - 27*<br>**17 - 22**<br>*13 - 17* | A<br>*25 - 31*<br>**20 - 25**<br>*15 - 20* |
| H | C/I/A<br>*6 - 8*<br>**5 - 6**<br>*4 - 5* | I/A<br>*8 - 10*<br>**6 - 8**<br>*4 - 6* | I/A<br>*10 - 12*<br>**8 - 10**<br>*6 - 8* | I/A<br>*11 - 14*<br>**9 - 11**<br>*7 - 9* | I/A<br>*15 - 19*<br>**12 - 15**<br>*9 - 12* | A<br>*20 - 25*<br>**16 - 20**<br>*12 - 16* |
| I | C<br>*6 - 8*<br>**4 - 6**<br>*3 - 4* | C/I<br>*6 - 8*<br>**4 - 6**<br>*3 - 4* | I<br>*6 - 8*<br>**5 - 6**<br>*4 - 5* | I/A<br>*8 - 10*<br>**6 - 8**<br>*4 - 6* | I/A<br>*9 - 11*<br>**7 - 9**<br>*5 - 7* | I/A<br>*10 - 12*<br>**8 - 10**<br>*6 - 8* |

| DISPOSITION |
|---|
| *Aggravated Range* |
| **PRESUMPTIVE RANGE** |
| *Mitigated Range* |

**A – Active Punishment** **I – Intermediate Punishment** **C – Community Punishment**
**Numbers shown are in months and represent the range of minimum sentences**

**Revised: 08-31-09**

## MINIMUM AND MAXIMUM SENTENCES

The corresponding maximum sentence for each minimum sentence is shown in the tables below. In each column, the number to the left of the dash represents the minimum sentence (in months) and the number to the right of the dash represents the corresponding maximum sentence (in months). To calculate a maximum sentence when the minimum sentence is 340 months or more see G.S. 15A-1340.17(e1).

### *FOR OFFENSE CLASSES B1 THROUGH E*

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 15-27 | 56-77 | 97-126 | 138-175 | 179-224 | 220-273 | 261-323 | 302-372 |
| 16-29 | 57-78 | 98-127 | 139-176 | 180-225 | 221-275 | 262-324 | 303-373 |
| 17-30 | 58-79 | 99-128 | 140-177 | 181-227 | 222-276 | 263-325 | 304-374 |
| 18-31 | 59-80 | 100-129 | 141-179 | 182-228 | 223-277 | 264-326 | 305-375 |
| 19-32 | 60-81 | 101-131 | 142-180 | 183-229 | 224-278 | 265-327 | 306-377 |
| 20-33 | 61-83 | 102-132 | 143-181 | 184-230 | 225-279 | 266-329 | 307-378 |
| 21-35 | 62-84 | 103-133 | 144-182 | 185-231 | 226-281 | 267-330 | 308-379 |
| 22-36 | 63-85 | 104-134 | 145-183 | 186-233 | 227-282 | 268-331 | 309-380 |
| 23-37 | 64-86 | 105-135 | 146-185 | 187-234 | 228-283 | 269-332 | 310-381 |
| 24-38 | 65-87 | 106-137 | 147-186 | 188-235 | 229-284 | 270-333 | 311-383 |
| 25-39 | 66-89 | 107-138 | 148-187 | 189-236 | 230-285 | 271-335 | 312-384 |
| 26-41 | 67-90 | 108-139 | 149-188 | 190-237 | 231-287 | 272-336 | 313-385 |
| 27-42 | 68-91 | 109-140 | 150-189 | 191-239 | 232-288 | 273-337 | 314-386 |
| 28-43 | 69-92 | 110-141 | 151-191 | 192-240 | 233-289 | 274-338 | 315-387 |
| 29-44 | 70-93 | 111-143 | 152-192 | 193-241 | 234-290 | 275-339 | 316-389 |
| 30-45 | 71-95 | 112-144 | 153-193 | 194-242 | 235-291 | 276-341 | 317-390 |
| 31-47 | 72-96 | 113-145 | 154-194 | 195-243 | 236-293 | 277-342 | 318-391 |
| 32-48 | 73-97 | 114-146 | 155-195 | 196-245 | 237-294 | 278-343 | 319-392 |
| 33-49 | 74-98 | 115-147 | 156-197 | 197-246 | 238-295 | 279-344 | 320-393 |
| 34-50 | 75-99 | 116-149 | 157-198 | 198-247 | 239-296 | 280-345 | 321-39 |
| 35-51 | 76-101 | 117-150 | 158-199 | 199-248 | 240-297 | 281-347 | 322-396 |
| 36-53 | 77-102 | 118-151 | 159-200 | 200-249 | 241-299 | 282-348 | 323-397 |
| 37-54 | 78-103 | 119-152 | 160-201 | 201-251 | 242-300 | 283-349 | 324-398 |
| 38-55 | 79-104 | 120-153 | 161-203 | 202-252 | 243-301 | 284-350 | 325-399 |
| 39-56 | 80-105 | 121-155 | 162-204 | 203-253 | 244-302 | 285-351 | 326-401 |
| 40-57 | 81-107 | 122-156 | 163-205 | 204-254 | 245-303 | 286-353 | 327-402 |
| 41-59 | 82-108 | 123-157 | 164-206 | 205-255 | 246-305 | 287-354 | 328-403 |
| 42-60 | 83-109 | 124-158 | 165-207 | 206-257 | 247-306 | 288-355 | 329-404 |
| 43-61 | 84-110 | 125-159 | 166-209 | 207-258 | 248-307 | 289-356 | 330-405 |
| 44-62 | 85-111 | 126-161 | 167-210 | 208-259 | 249-308 | 290-357 | 331-407 |
| 45-63 | 86-113 | 127-162 | 168-211 | 209-260 | 250-309 | 291-359 | 332-408 |
| 46-65 | 87-114 | 128-163 | 169-212 | 210-261 | 251-311 | 292-360 | 333-409 |
| 47-66 | 88-115 | 129-164 | 170-213 | 211-263 | 252-312 | 293-361 | 334-410 |
| 48-67 | 89-116 | 130-165 | 171-215 | 212-264 | 253-313 | 294-362 | 335-411 |
| 49-68 | 90-117 | 131-167 | 172-216 | 213-265 | 254-314 | 295-363 | 336-413 |
| 50-69 | 91-119 | 132-168 | 173-217 | 214-266 | 255-315 | 296-365 | 337-414 |
| 51-71 | 92-120 | 133-169 | 174-218 | 215-267 | 256-317 | 297-366 | 338-415 |
| 52-72 | 93-121 | 134-170 | 175-219 | 216-269 | 257-318 | 298-367 | 339-416 |
| 53-73 | 94-122 | 135-171 | 176-221 | 217-270 | 258-319 | 299-368 | |
| 54-74 | 95-123 | 136-173 | 177-222 | 218-271 | 259-320 | 300-369 | |
| 55-75 | 96-125 | 137-174 | 178-223 | 219-272 | 260-321 | 301-371 | |

### *FOR OFFENSE CLASSES F THROUGH I*

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 3-4 | 8-10 | 13-16 | 18-22 | 23-28 | 28-34 | 33-40 | 38-46 |
| 4-5 | 9-11 | 14-17 | 19-23 | 24-29 | 29-35 | 34-41 | 39-47 |
| 5-6 | 10-12 | 15-18 | 20-24 | 25-30 | 30-36 | 35-42 | 40-48 |
| 6-8 | 11-14 | 16-20 | 21-26 | 26-32 | 31-38 | 36-44 | 41-50 |
| 7-9 | 12-15 | 17-21 | 22-27 | 27-33 | 32-39 | 37-45 | |

***Effective for Offenses Committed on or after 12/1/95***

# MISDEMEANOR PUNISHMENT CHART

| CLASS | PRIOR CONVICTION LEVEL | | |
|---|---|---|---|
| | I | II | III |
| | No Prior Convictions | One to Four Prior Convictions | Five or More Prior Convictions |
| A1 | C/I/A<br>1 - 60 days | C/I/A<br>1 - 75 days | C/I/A<br>1 - 150 days |
| 1 | C<br>1 - 45 days | C/I/A<br>1 - 45 days | C/I/A<br>1 - 120 days |
| 2 | C<br>1 - 30 days | C/I<br>1 - 45 days | C/I/A<br>1 - 60 days |
| 3 | C<br>1 - 10 days | C/I<br>1 - 15 days | C/I/A<br>1 - 20 days |

**A – Active Punishment  I – Intermediate Punishment  C – Community Punishment**
**Cells with slash allow either disposition at the discretion of the judge**

# APPENDIX C

## AOC-613 Referral Form

**STATE OF NORTH CAROLINA**

_____ County

File No.

In The General Court Of Justice
☐ District ☐ Superior Court Division

**STATE VERSUS**

| Name Of Defendant | | |
|---|---|---|
| Race | Sex | DOB |

**REFERRAL/ORDER FOR SENTENCING SERVICES PLAN**

G.S. 7A-773.1(a), 7A-774(2)

| Attorney For State | Attorney For Defendant |
|---|---|
| | |

The above named defendant, charged with the following offense(s), has been identified as eligible for Sentencing Services:

| File No.(s) | Felony/ Misd. | Offense Description |
|---|---|---|
| | | |

**A. PRE-PLEA REFERRAL**

Referred by: ☐ comprehensive sentencing services program plan priority case. G.S. 7A-774(2)
☐ the defendant ☐ the attorney for the defendant ☐ the district attorney
☐ request of the presiding judge (pre-plea)

**NOTE: *"B. Certification By Attorney For Defendant" section below must be completed.***

**B. CERTIFICATION BY ATTORNEY FOR DEFENDANT**

***Applicable to pre-plea cases only.***

The defendant chooses to:

☐ **Participate in the development of a sentencing plan.** Defendant may be located at *(Include home address and phone number; if in jail, include location, address and phone number for jail, if known.)* _____

☐ **Decline participation in the development of a sentencing plan.*** G.S. 7A-773.1(a)
*Pursuant to the local comprehensive sentencing services program plan rules, if this certification by attorney declining participation is not signed and either filed with the clerk's office or returned to the Sentencing Services Program by *(date or event)* _____, sentencing plan development will begin.

Name And Address Of Program

| Date | Name Of Attorney For Defendant (Type Or Print) | Signature Of Attorney For Defendant |
|---|---|---|
| | | |

**C. POST-PLEA ORDER**

Referred by: ☐ order of the presiding judge *(upon plea of verdict of guilt).*

**D. REFERRAL AUTHORIZATION**

Sentencing plan is to be completed by *(date or event)* _____.

| Date Of Referral | Name Of Judge Or Referral Agent (Type Or Print) | Signature Of Judge Or Referral Agent |
|---|---|---|
| | | |


© 2000 Administrative Office of the Courts
(Over)

## CERTIFICATION OF PLAN DISTRIBUTION BY SENTENCING

| Name Of Defendant | File No. |
|---|---|
| | |

Pursuant to G.S. 7A-773.1(b):

☐ a copy of the sentencing plan has been forwarded to the following:
☐ attorney for defendant ☐ defendant ☐ district attorney ☐ judge

☐ a copy of the sentencing plan will be distributed at sentencing to any authorized person who does not already have a copy of the plan, or

☐ _____ copies of the sentencing plan are enclosed within the attached sealed envelope for presentation to the following upon a finding of guilt.
☐ attorney for defendant ☐ defendant ☐ district attorney ☐ judge ☐ other _____

| Date | Name (Type Or Print) | Signature |
|---|---|---|
| | | |

## INSTRUCTIONS

**CERTIFICATION OF PLAN DISTRIBUTION BY SENTENCING SERVICES** ***(see above)***

After the sentencing plan is completed, the sentencing services program fills out each portion of this section, as appropriate, to document the distribution of the plan. Enter the lead case file number, as determined by the clerk's office. Check all boxes that apply. If plans are placed in the clerk's files, this side of the form should be completed and stapled to the outside of the sealed envelope.

**REFERRAL/ORDER FOR SENTENCING SERVICES PLAN** ***(reverse side)***

**NOTE:** *This form must be filed with the clerk if the defendant declines to participate in the development of a sentencing plan or if the court orders a sentencing plan upon a finding of guilt. The filing of this form in other situations is governed by the local comprehensive sentencing services program plan.*

**Pre-plea referrals.** For all pre-plea referrals, Sections A and D must be completed, and the judge or other referral agent must sign Section D. (The program itself is the referral agent for priority cases specified in the local program plan.) For all pre-plea referrals except those from the defense attorney or defendant, notice must be given to the defendant, and the "Certificate of Service" section below must be completed. The attorney for the defendant must complete Section B on the reverse side and either file the form with the clerk's office or return it to the sentencing services program, as specified in the local program plan.

**Post-plea referrals.** Only a judge may refer cases post-plea. Sections C and D must be completed, and Section D signed by the judge making the referral.

**CERTIFICATE OF SERVICE** ***(see below)***

In accordance with the local comprehensive sentencing services program plan, the Certificate of Service section should be completed to indicate the method by which the defendant was notified of the referral to the sentencing services program.

## CERTIFICATE OF SERVICE

I certify that a copy of this Referral/Order was served by:

☐ depositing a copy enclosed in a postpaid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service directed to the
☐ defendant's attorney. ☐ defendant.

| Date Mailed | Signature Of Person Mailing |
|---|---|
| | |

I certify that a copy of this Referral/Order was served by:

☐ delivering a copy personally to the
☐ defendant's attorney. ☐ defendant.

☐ leaving a copy at the
☐ office of the defendant's attorney. ☐ defendant's attorney box in the courthouse.

| Date Served | Signature Of Person Serving |
|---|---|
| | |


© 2000 Administrative Office of the Courts

## APPENDIX D

## Sample Sentencing Plan (Redacted]

SENTENCING SERVICES
For Judicial District 13

Provided by Cape Fear Sentencing Services

# SENTENCING PLAN

**TO: Honorable Judge Ola M. Lewis**

**FROM: Jeff Melton** **COUNTY: Brunswick**

**DEFENDANT: [Redacted]** **DOCKET NO: [Redacted]**

**REFERRAL SOURCE:** **Attorney**

**DEFENSE COUNSEL:** **Jason Disbrow**

**SENTENCING DATE:** **October 1, 2009**

**OFFENSE:** **F. Probation Violation Out of County**

**SUMMARY:** **[The Defendant] was admitted into the Drug Treatment Court in June 2009. He recently relapsed and is now facing a probation violation, and discharge from the drug court. At the request of his attorney, the District Administrator spoke with the Defendant, and placed him into a one-year, residential substance abuse treatment program.**

**FACTORS THAT MAY WARRANT CONSIDERATION IN SENTENCING:**

- The Defendant is married with one child (eight years old).
- The Defendant owns his own business, and employs contractors.
- The Defendant has a solid support structure, including a wife of ten years.

These recommendations are submitted to the Court under the assumption that the Defendant's plea places him in an offense class and prior record level that authorize the Court to impose an active punishment, but do not require it to do so. Sentencing Services presents the following treatment and intermediate sanction options pursuant to G.S. 7A-771(3a).

**TREATMENT RECOMMENDED:**

- The Defendant will complete the residential substance abuse treatment offered through the **FIRST at Blue Ridge** program, 32 Knox Avenue, Ridgecrest, NC 28770 (828) 669-0011. This is a residential treatment program, twelve to eighteen months in duration. It uses the vocational treatment model, as well as a twelve-step treatment. The Defendant will be required to work and attend structured treatment classes while in the program.

- Upon completion of the residential component of his substance abuse treatment, he will return to the Brunswick County Drug Treatment Court, and will resume all of the obligations of that program.

**INTERMEDIATE SANCTION RECOMMENDED:**

Complete the Brunswick County Drug Treatment Court program. This is a program, at least one year in duration, with the above requirements. There are three phases, based on the Defendant's progress within the program. He will submit to warrantless searches and drug tests while taking part in the drug treatment court.

**TESTS ADMINISTERED**

Level of Service Inventory-Revised (LSI-R)
Adult Substance Use Survey (ASUS)

**RISK ASSESSMENT RESULTS:**

As part of the intake process, Cape Fear Sentencing Services uses two assessment tools to determine the Defendant's level of involvement in drugs, and determine the Defendant's needs, as well as his suitability for treatment alternatives. These tools are called the Level of Service Inventory-Revised and the Adult Substance Abuse Survey.

The **Level of Service Inventory-Revised (LSI-R)** assessment is a quantitative survey of offender attributes and situations relevant to making decisions about levels of supervision and treatment. This instrument was validated on offenders in North Carolina. The survey conducted on this defendant was scored by a qualified sentencing services professional. There are four levels of risk as determined by the LSI-R: low, medium-low, medium-high, and high.

The LSI-R is designed to determine the *risk of recidivism* for individual offenders. Numbers are assigned to the 54 questions in the instrument. This *risk of recidivism* is determined through the score (on a scale of 1-54) derived from the Defendant's responses, or from other investigation by the District Administrator, including discussions with other family members, probation officers, and other sources.

The LSI-R places the Defendant's risk of recidivism to be in the *moderate* range.

**TREATMENT SUGGESTED FROM TESTING:**

**Residential treatment**

**STRENGTHS IDENTIFIED:**

1) **Education:** The Defendant has a high school diploma. He also owns his own business, and employs sub-contractors to help maintain his business.

2) **Family/Marital**: The Defendant has a good support structure at home, including a wife of ten years. Both he and his wife work, and they jointly take care of their only child.

3) **Accommodation**: The Defendant has a stable living environment. He and his wife own their own home, and are making payments on it.

**RISK FACTORS/NEEDS:**
**To increase the likelihood of success the following must be addressed:**

1) **Alcohol/Drug Problem**. The Defendant has a history of substance abuse, including a history of crack cocaine and opiate abuse.

2) **Attitude/Orientation**: The Defendant is not happy about going to residential treatment, although he recently relapsed and absconded supervision for a few days.

3) **Leisure**: The Defendant needs to develop leisure activities that do not involve drugs and alcohol.

**OTHER TESTING ADMINISTERED:**

**North Carolina Adult Substance Use Survey (NCASUS)**

The Adult Substance Abuse Survey (ASUS) is used to determine involvement in drugs and/or alcohol, in order to better determine the Defendant's treatment needs. The two key factors to be drawn from the ASUS are the Defendant's *involvement* in alcohol or drugs, and the level of *disruption* this involvement has upon that individual. Both factors are broken down into classifications that range from "low" to "high" on a scale, based on the answers generated from the survey.

- When compared to like-situated offenders in the State of North Carolina, 10% of the offenders reported greater involvement with drugs/alcohol and 10% reported greater disruption in their social, emotional and physical health as a result of their use of alcohol and drugs.
- On the ASUS, the Defendant's *involvement* with drugs and alcohol was quantified in the *high* range, and the level of *disruption* caused by drugs and alcohol to the Defendant's life was quantified in the *high* range.

The LSI-R and ASUS are taken together and incorporated into a Treatment Level Transformation Table, which takes the total risk score from the LSI-R, and the disruption score from the ASUS, determining the level of treatment needed for individual defendants. If there are special cases involved that make the treatment level inappropriate in the particular case (in the opinion of the District Administrator), there is an opportunity for override, and this override will then be addressed where it is provided for in the override section of the LSI-R. This is also true, because the scores for both are a result of answers elicited directly from the Defendant. Independent research by the District Administrator may justify an override in particular circumstances.

**AGENCIES CONSIDERED:**

- TASC
- Wilmington Treatment Center
- Coastal Horizons

**CONTRIBUTORS TO THIS REPORT:**

- Vickie Prince, Drug Treatment Coordinator
- Steve Bower, TASC
- Arnold Foy, Probation/Parole Officer
- Jason Disbrow, Defense Attorney
- Bryan, FIRST

## *SOCIAL HISTORY*

The District Administrator obtained the following information on September 18, 2009, in an interview with the Defendant. This information has subsequently been verified, where possible, through additional sources.

**PERSONAL INFORMATION:**

- Address – [Redacted]
  Southport, NC 28461
- Date of Birth – September 18, 1977
- Age - 32
- Gender - Male
- Race - White
- Dependents – [Redacted] (8)
- Employment Status - Self-employed

**FAMILY AND MARITAL:**

- On September 18, 1977, the Defendant was born to his parents, [Redacted], in Greensburg, Pennsylvania.
- Mr. and Mrs. [Redacted], the Defendant's parents, have been married for more than thirty-eight years, and currently live together in Monroe, North Carolina.
- [Redacted], the Defendant's father, owns a trucking company in Monroe, North Carolina. The Defendant explained that his father has a history of heavy drinking, but no longer drinks. According to the Defendant, he and his father have a good relationship.
- [Redacted], the Defendant's mother, also works at the family's trucking company in Monroe. The Defendant and his mother reportedly have a good relationship.

- The Defendant is the youngest of three children, having two older siblings—[Redacted] (37) and [Redacted] (42). He reported a good relationship with his siblings, and denied any significant conflict between any of his siblings.
- The Defendant was born in Pennsylvania, and spent the first eight years of his life in that northern state, prior to moving to Monroe, North Carolina, where his father opened up his trucking company.
- Growing up in Monroe, North Carolina, the Defendant attended Unionville Elementary School, Piedmont Middle School, and Piedmont High School. During his time in school, he denied any learning disabilities or difficulty reading. However, he was suspended for having marijuana on his person as a junior.
- During his time in school, the Defendant reported average to above-average grades. He graduated from Piedmont High School in 1996.
- While in school, the Defendant was active in sports, particularly football. As a result, he went to Catawba College, on a football scholarship, after high school. However, he only remained in college for two years.
- As an adult, the Defendant has worked for his family's trucking business. In 2007, he moved to Southport and started his own pressure washing business, Kleen Solutions. He has been operating his business since that time.
- In September 1999, the Defendant married [redacted], who works as a dental assistant in Southport. The Defendant explained that she has a history of anxiety and panic disorder, but that they get along well. Their relationship has been negatively impacted by the Defendant's drug use, particularly his recent relapse.
- During their time together, the Defendant and his wife have one child—[redacted] (8). Their child lives with them in their home.
- In the future, the Defendant reported that he will likely continue with his business, although he is currently uncertain of his immediate future.

**EDUCATION:**

**Grade School**

| Date | School | Grade |
|---|---|---|
| 1984-1989 | Unionville Elementary School<br>Unionville, NC | 1-5 |
| 1989-1992 | Piedmont Middle School<br>Monroe, NC | 6-8 |
| 1992-1996 | Piedmont High School<br>Monroe, NC | 9-12 |

**College**

| Date | School | Field/Study | Graduated? |
|---|---|---|---|
| 1996-1998 | Catawba College<br>Salisbury, NC | General | No |

**EMPLOYMENT:**

| Date | Company | Duties |
|---|---|---|
| 2007-2009 | Kleen Solutions<br>Southport, NC | Owner/Pressure Washing Business |
| 1999-2007 | Piedmont Haulers<br>Monroe, NC | Transportation |

**MILITARY SERVICE:**

- In 1999, the Defendant served in the United States Coast Guard. He received a general discharge from the Coast Guard, at Cape Canaveral, Florida, that same year.

**DRUG/ALCOHOL HISTORY:**

- The Defendant took his first drink of alcohol when he was only seven years old. When he was sixteen years old, he started drinking regularly. He reportedly drinks one to two days a week currently.
- When the Defendant was fifteen years old, he started using marijuana. He used to use it daily, starting in high school. However, he denied any use of marijuana in the past four to five years.
- At the age of sixteen, the Defendant started using crack cocaine. He described himself as a "binge user", who would use it for two to three weeks at a time, then not use it for a couple of months. He would use as much as two thousand a week on crack cocaine. Prior to his arrest on his probation violation, the Defendant had reportedly used the substance for four days straight. He had, however, been using crack cocaine for much of the previous two weeks. During his recent relapse, he used as much as nine thousand dollars of crack cocaine.
- The Defendant started using cocaine (powder) when he was twenty years old. He reported that he used powder cocaine a "handful" of times over the years. His last reported use of cocaine (powder) was last year.
- When he was twenty-four years old, he first used heroin. He reportedly used that substance on two occasions, but denied any use in the past two years.
- At twenty-five, the Defendant started using opiates. He explained that he was prescribed them, but would use more than he was supposed to. He denied any use of opiates in the past year.

The Defendant reported the following clinical indicators of extensive or extreme symptoms of substance abuse:

- Frequent use/high quantity of consumption
- DTs
- Blackouts
- Sneaking drinks or fixes
- Use of drugs/alcohol to avoid hangover or withdrawal
- Financial difficulties due to use
- Having to be detoxed
- Use during probation
- Difficulty reducing intake
- Use of substance first thing in morning

In the time he has been using drugs, they have had a significant impact on his life. His previous criminal charges he attributes to his substance abuse problem. His current violation stems from his relapse as well. His substance abuse problem has caused significant conflicts in his family, including leaving his family with unpaid bills, due to his recent relapse. It has also caused him to lose jobs.

Since he started using drugs, he has been to detox on two occasions (in Monroe), and went through the Georgia Pennifield Christian Home (for sixty days). In the past two months, he was in drug court, and was receiving treatment associated with drug court's regulations. He understands that he has to commit to one year of substance abuse treatment.

**MENTAL HEALTH HISTORY:**

- The Defendant denied any history of previous mental health treatment, nor any psychological problems.

**PHYSICAL HEALTH:**

- The Defendant reported a history of ulcerative colitis. However, he denied any other medical problems. He is able to work.

## *CRIMINAL HISTORY*

**KNOWN RECORD AND PROBATION HISTORY:**

This sentencing plan includes information about the offender's criminal history in accordance with the local program plan and North Carolina statutes. The District Attorney is responsible for providing the offender's official criminal record to the court. Any discrepancies between the criminal record contained herein and the official record provided by the District Attorney should be resolved in favor of the official record.

The Defendant has a history of drug and property crimes. He is currently on probation for a conviction of common law robbery in New Hanover County. As part of that probationary sentence, he is attending the Brunswick County Drug Treatment Court.

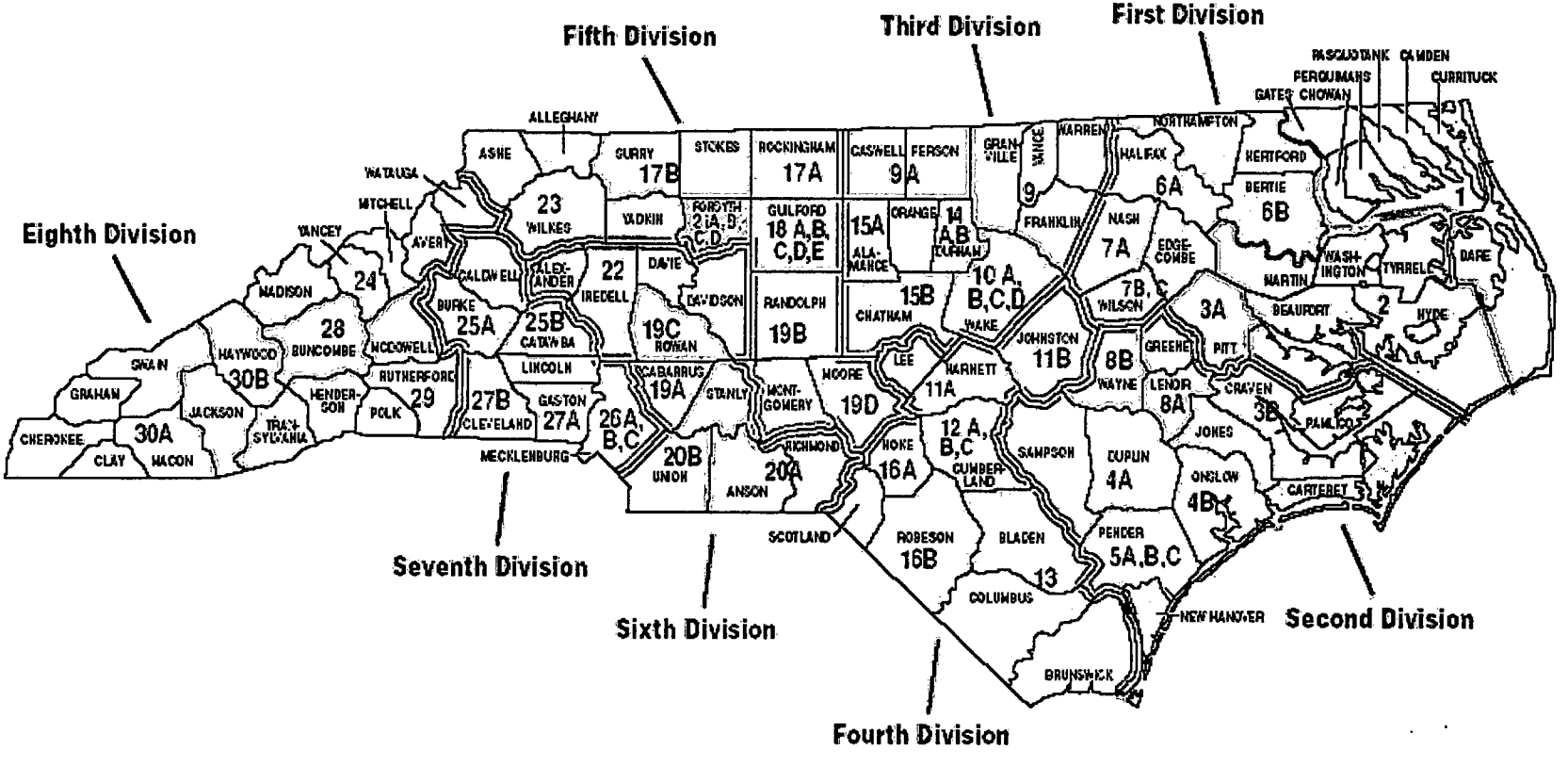
**CONCLUSION:**

Cape Fear Sentencing Services Program respectfully makes these recommendations to the court, in an attempt to address victim and community concerns, as well as specific needs of the Defendant, in order to help him become a more productive member of society.

## APPENDIX E

## Sentencing Services Coverage Map FY 2009-10

# Sentencing Services Coverage
# FY10



# APPENDIX F

## Representative Letters from Court Actors and Others

North Carolina Department of Correction
**DIVISION OF COMMUNITY CORRECTIONS**
3325 Chapel Hill Boulevard
Durham, NC 27707
(919) 560-5423 Fax: (919) 560-5860

Beverly Perdue, Governor | Timothy Moose, Director | Alvin Keller, Jr, Secretary

February 17, 2010

North Carolina General Assembly
Appropriations Committee
16 West Jones Street
Raleigh, North Carolina 27601

Dear Committee Members,

I am writing to you in support of the Sentencing Services Programs throughout the state.

Throughout my 24 year career and having held various positions with the Division of Community Corrections, I have experienced the benefits of the Sentencing Services Program. Over the years, our division and I, myself, have enjoyed a good and positive working relationship with the sentencing program.

The services of the program are valued greatly by all court personnel and provide a viable alternative, when there seems to be no other options, other than prison for certain offenders. The program provides valuable background and presentence reports that connect offenders to various resources, including substance abuse and mental health treatment, as well as training in life skills. Sentencing Services also works to insure there are no problems in actually connecting offenders to the resources, such as arranging transportation and the availability of particular programs.

The Division of Community Corrections provides supervision to offenders, in order to help them succeed, as well as to promote public safety. With Sentencing Services providing their assistance and links to the necessary resources, this results in a positive combination to help reach the common goal of offender success.

The professionals working with Sentencing Services are trained to help and prepare offenders for success on probation and become productive members of society. This alternative to prison also results in a tremendous cost savings to the state and the community, while providing life changing opportunities for the offenders.

I would ask for you to continue to fund these trained professionals and the Sentencing Services Program.

Sincerely,

Tommy Perry
Judicial District Manager, District 14
N.C. Division of Community Corrections

State of North Carolina
General Court of Justice
15B Judicial District
ORANGE AND CHATHAM COUNTIES

CARL R. FOX
SENIOR RESIDENT SUPERIOR COURT JUDGE
DIRECT DIAL: 919-245-2259
CARL.R.FOX@NCCOURTS.ORG

R. ALLEN BADDOUR, JR.
RESIDENT SUPERIOR COURT JUDGE
DIRECT DIAL: 919-542-3240, EXT. 266
RICHARD.A.BADDOUR@NCCOURTS.ORG

OLD ORANGE COUNTY COURTHOUSE
104 E. KING STREET
HILLSBOROUGH, NC 27278
TELEPHONE: (919) 245-2241
(919) 967-9251
FACSIMILE: (919) 644-3026

CHATHAM COUNTY COURTHOUSE
P.O. BOX 609
PITTSBORO, NC 27312
TELPHONE: (919) 542-7234
FACSIMILE: (919) 542-7204

January 9, 2009

Joyce Kuhn
Sentencing Services
PreTrial Services
Orange and Chatham
644-7160

*Re: Sentencing Services*

Dear Ms.Kuhn:

I am writing to let you know how valuable I find Sentencing Services in Orange and Chatham Counties. Often, the valuable work by Sentencing Services gives me a much better understanding and fuller grasp of the defendant before me.

Many of the clients of Sentencing Services have mental health or substance abuse issues. When those issues are competently identified and a treatment and care plan developed, I am then better able to weigh the interests of our community in rehabilitation (and reduced recidivism) and public safety. Sentencing Services, without exception, has always done a thorough and fair job of presenting this information to the Court.

Undoubtedly, there are times when, in my opinion, for a variety of reasons, a person needs to be given an active sentence. As often, there are compelling reasons to place a person on probation. In those situations, the work of your agency can help me craft a probationary judgment that offers the defendant the opportunity to do well, while at the same time assuring me that safeguards are in place to oversee multiple aspects of the defendant's life. In these cases, with probation specifically tailored to that defendant, I feel most confident in the safety of the community.

I will continue to rely on the good work of Sentencing Services in Orange and Chatham Counties. Please do not hesitate to contact me with any questions.

Best,

Allen Baddour
Resident Superior Court Judge

State of North Carolina
General Court of Justice
15B Judicial District

CARL R. FOX
SENIOR RESIDENT SUPERIOR COURT JUDGE

ORANGE AND CHATHAM COUNTIES

104 EAST KING STREET
HILLSBOROUGH, NC 27278
TELEPHONE: (919) 245-2240
(919) 967-9251
FACSIMILE: (919) 644-3026

30 January 2009

To Whom It May Concern:

Sentencing Services plays a vital role in our local criminal justice system and I respectfully ask that you support continued funding of this organization.

I do not need to tell you about crime in our communities. You read about crime in your newspapers and you watch television accounts on local news broadcasts. You know there are violent and habitual offenders in our communities who have to go to prison. However, violent and habitual offenders represent only 20-25% of all offenders. Of the remaining 75-80%, most of those offenders will receive non-custodial sentences. In addition, it is estimated that between 67% and 85% of all crime is the result of substance abuse addiction. Without meaningful treatment, education and vocational training, we are simply "warehousing" these non-violent, non-habitual offenders at a tremendous cost to ourselves. Simply sending these non-violent offenders to prison, or placing them on probation without their needs being addressed wastes our resources and increases the likelihood of recidivism.

Sentencing Services prepares sentencing plans involving alternatives to incarceration for superior court judges. These sentencing plans may involve residential and other treatment programs as well as intensive probation or drug court. Because most offenders are young, indigent, undereducated and unsupervised, they lack the financial resources to obtain effective in-patient, residential or even out-patient drug treatment, vocational training, or mental health counseling. While some offenders need a combination of resources, still others need a change of environment. Sentencing Services helps the court better address these unmet needs by:

- Determining defendants' mental health, educational, vocational and other needs through professional evaluations;
- Identifying existing resources to address these needs;
- Getting defendants accepted into these programs, and;
- Analyzing the offenders' readiness to participate in rehabilitation.

By addressing these unmet needs, Sentencing Services helps increase the probability of offender rehabilitation and reduce the likelihood of recidivism. As a result, we are less likely to be victimized by crime *and* less likely to bear the cost of unnecessary incarceration in our prisons and jails. Instead of win or lose prospects, we can have win-win outcomes benefiting society and offenders.

I sincerely hope that you will continue to fund Sentencing Services. Continued funding of Sentencing Services is in your best interests and society's best interests. If you have any questions, do not hesitate to contact me. Thank you very much for your consideration.

Sincerely,

Carl R. Fox
Senior Resident Superior Court Judge
15-B Judicial District

STATE OF NORTH CAROLINA
THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DISTRICT 5

**Jay D. Hockenbury**
Resident Superior Court Judge

New Hanover County Judicial Building
316 Princess Street
Wilmington, NC 28401

Office: (910) 341-1141
Fax : (910) 341-4071

February 19, 2010

Members of the General Assembly
Legislative Building
16 West Jones Street
Raleigh, NC 27601

Dear Members of the General Assembly:

I am writing this letter requesting approval of continuation funding of the Sentencing Services Program. I, and many of my colleagues on the Superior Court bench, use this service frequently while holding criminal terms of court.

I frequently use the program in two ways. The first is to get detailed information, including risk assessment, about a defendant that is borderline on getting active prison time. This is usually when the defendant is in an Active/Intermediate grid block for sentencing and the choice is between prison and probation. The more information I have, the better I can decide the appropriate punishment for an offender. Secondly, Sentencing Services is the only state agency that has up to the day information on all the current sentencing alternatives to prison, particularly long term treatment facilities. Probation intake officers usually have only knowledge of programs in their immediate jurisdiction. Risk assessment and sentencing options in Sentencing Services Reports allows me to better tailor the punishment to the offender. Many offenders are not incarcerated in the Department of Corrections but rather have intensive intermediate probationary punishment, in outpatient or long term treatment facilities, because of Sentencing Services.

I recommend an average of two cases a week to Sentencing Services during criminal administrative or probation weeks of court. Now only judges can refer defendants to the program if the defendant has been charged with a probation revocation. Our criminal judicial system is becoming more plea and probation driven than trial driven and I suggest that legislation be submitted that attorneys, DA's and probation officers, as well as judges, be able to refer these defendants to the Sentencing Services Program. I think so highly of the program that I am on the local Sentencing Services Board for New Hanover County. Please support continuation funding for this very important program, which greatly assists me in performing my duties as a Superior Court Judge.

Very truly yours,

Jay D. Hockenbury

Feb-23-2010 10:41am From-SENTENCING SERVICES 6/A & 6B 8107727883 T-268 P.002/002 F-768

State of North Carolina
General Court of Justice
Six A Prosecutorial District

MELISSA D. PELFREY
DISTRICT ATTORNEY

P.O. Box 126
HALIFAX COUNTY COURTHOUSE
HALIFAX, NC 27839
(252) 583-4801
FAX: (252) 583-2510

December 9, 2009

To Whom It May Concern:

Please accept this letter as my plea to keep the Sentencing Services Program as a viable resource for the State of North Carolina as well as the citizens of Halifax County. Currently I am the District Attorney for Judicial District 6A. Prior to becoming the District Attorney I was an Assistant District Attorney for ten years and a practicing criminal defense attorney for five years. Based on my diverse experience I feel that I am able to bring this request to you from both sides of the courtroom.

In a rural county that continues to hover around being the poorest county in our State there simply are insufficient resources to fill the void that cutting the Sentencing Services Program's budget in any way would create. Perhaps this is not the case in bigger, richer, more metropolitan counties where services and providers not only identify needs but also meet them. However, I assure you that this is not the case in Halifax County. My Sentencing Services Program coordinator, Ron Faithful, is often the only resource available to my office and the criminal defense bar for evaluating criminal defendants' needs and finding placement and treatment for those same people.

Without Mr. Faithful and the Sentencing Services Program my office would be faced with choosing between incarcerating a person in an already overcrowded prison system and putting them back on the street hoping that they can find a ride to their AA and NA meetings. With inpatient treatment or probation with well informed and detailed requirements and restrictions these criminal defendants are less likely to enter the revolving door of criminal court. In Halifax County the latter options are provided by the Sentencing Services Program and no one else.

I would welcome the opportunity to speak with anyone who does not see the continued need for the Sentencing Services Program and share with them my experience with this program and what it is truly capable of accomplishing for the court system in North Carolina.

Sincerely,

Melissa D. Pelfrey
District Attorney 6A

State of North Carolina
General Court of Justice
Tenth Prosecutorial District

COLON WILLOUGHBY
DISTRICT ATTORNEY

P. O. BOX 31
RALEIGH, N.C. 27602-0031

TELEPHONE
(919) 755-4117

November 23, 2009

Louise A. Davis
Executive Director/ReEntry, Inc.
Post Office Box 724
Raleigh, North Carolina 27602

RE: Sentencing Services

Dear Louise:

I am aware that Sentencing Services is getting close scrutiny by the General Assembly in evaluating its cost vs. benefits. Although my experience is limited to Wake County, I have had numerous interactions with your staff and reviewed many plans. Even though we may not always agree as to whether or which alternatives to incarceration may be appropriate in a particular case, I have found the plans helpful to our office and sentencing judges.

There has been some criticism that Sentencing Services's plans are constructed for offenders who are not prison bound and are therefore an ineffective use of resources. My experience in Wake County is to the contrary. I believe that these plans are used for persons who would likely be headed for prison. Some, in fact, do receive active sentences, but many are given intermediate sanctions that result in substantial savings of prison beds and dollars.

You are welcome to share my thoughts with those evaluating your program. I will also be glad to talk with persons from Fiscal Research or legislators if they wish.

Thank you for what you are doing.

With kind regards, I am

Very truly yours,

Colon Willoughby
District Attorney

CW:lbb

State of North Carolina
General Court of Justice
Defender District 14

LAWRENCE M. CAMPBELL
PUBLIC DEFENDER

P.O. Box 25291
DURHAM, NC 27702
PHONE: (919) 564-7000
FAX: (919) 560-6436

February 15, 2010

Dear Members of the General Assembly:

It is my understanding that Sentencing Services has come under close scrutiny from the General Assembly in weighing the cost of running the program against the benefits received. As the Public Defender for Durham County's 14th Judicial District, I have found that the plans submitted by Sentencing Services are extremely helpful to the presiding Judge and other parties.

I am aware some judicial officials believe that offenders who are not prison bound are the beneficiaries for the plans and therefore are an ineffective use of resources. Let me assure you that this is not true. I am a firm believer that these plans are used for offenders who would likely to be headed for prison. Substantial savings to the State of North Carolina and local jails are the result of these programs' work when many are given intermediate sanctions who would otherwise receive active sentences. I would urge you to seriously consider further funding for Sentencing Services in Durham County.

Sincerely,

Lawrence M. Campbell
Public Defender

**Office of the Public Defender**
**District 5-New Hanover County**
**320 Chestnut Street, Suite 300**
**P.O. Box 2560**
**Wilmington, NC 28402**

**Jennifer Harjo**
**CHIEF PUBLIC DEFENDER**

**Telephone: (910) 251-7090**
**Facsimile: (910) 343-6427**

November 30, 2009

Members of the General Assembly
16 West Jones Street
Raleigh, NC 27601

**RE: Sentencing Services**

Dear Sir or Madam:

I am writing to express my support of the Sentencing Services Program. Since1994, I have been practicing law in New Hanover County and have become extremely familiar with the benefits offered by this program. We all know that most criminal cases are resolved by a plea arrangement and that many of these dispositions include a period of probation. The difficulty is always determining the proper conditions to impose during any probationary period.

The Sentencing Services Program is often utilized by the courts to develop a proper disposition for criminal defendants. The issues surrounding criminal sentencing are complex and require a need to address specific offender issues to assure rehabilitation. Sentencing Services provides the courts with information about mental health disorders, substance abuse problems, and treatment facilities needed to enhance the likelihood of recovery and reduce recidivism. Without Sentencing Services, many criminal defendants would not participate in the treatment alternatives available and are more likely to re-offend at substantial financial cost to the community and taxpayers.

Thank you for your time and attention in this matter and for your support of the Sentencing Services Program.

Sincerely,

Jennifer Harjo
Chief Public Defender

*State of North Carolina*
*General Court of Justice*
*Defender District 16A*

JONATHAN L. MCINNIS
PUBLIC DEFENDER

SCOTLAND COUNTY COURTHOUSE
P. O. BOX 687
LAURINBURG, N. C. 28353

LAURINBURG TEL:
(910) 266-4550
RAEFORD TEL:
(910) 875-9591

December 4, 2009

Members of the General Assembly
16 West Jones Street
Raleigh, North Carolina 27601

Re: 16 A & B Sentencing Services

Dear Members:

I have been practicing law in the 16-A Judicial District since September of 1998 and have been an attorney in the Public Defender's Office since January of 2001. In those years Sentencing Services has provided and continues to provide a vital role in the representation of persons charged with criminal action, and especially indigent persons charged criminally. Our office has used the services of Sentencing Services on numerous occasions with great results. Our clients have benefited greatly from the knowledge and expertise of Janna Wegner and her efforts and abilities.

Many of the persons referred to Sentencing Services have issues ranging from dysfunctional or nonexistent family life, substance abuse, mental health, and even lack of basis living necessities. Several have more than one issue and a few have them all. The assistance provided by Ms. Wegner in locating and pairing services with our clients goes a long way in addressing the issues that may have landed the clients in the court system. Sentencing Services may even help slow down and hopefully prevent the return of the client to the court system in the future by addressing the underlying issue or issues which may have led to the contact with court system. If even a few clients are paired with programs and successfully complete them and do not return to the system, it would save the State of North Carolina a lot of money by not having to house the client during what sometimes could be an extended period of incarceration.

I would be willing to discuss Sentencing Services with any of you should you request. I believe Ms. Wegner and Sentencing Services is a vital aspect of the court system.

Sincerely,

Jonathan H. McInnis
Public Defender District 16-A

ANGUS B. THOMPSON, II
PUBLIC DEFENDER

*State of North Carolina*
*General Court of Justice*
*Defender District 16B*

ROBESON COUNTY COURTHOUSE
500 ELM STREET
Lumberton, NC 28358
(910) 671-3364
(910) 737-5084 FAX

December 3, 2009

TO: The Members of the North Carolina General Assembly
16 W. Jones Street
Raleigh, NC 27601

RE: Sentencing Services Program

I am writing this letter in support of the Sentencing Services Program. It's unfortunate that I feel compelled to write these letters in support of this program year after year. However, I do so because the program improves the lives of many of our citizens and it saves the State of North Carolina money.

During this period when fiscal austerity, seeking alternatives to incarceration, and alternative treatments for mental health and substance abusers should be the practice, we can not afford to lose the Sentencing Services Program; at least not in Scotland, Hoke and Robeson counties. I hope that you will fund this program at least at its current level. I thank you in advance for your attention and consideration in this matter. Please feel free to contact me should you have any questions concerning the above.

Sincerely,

Angus B. Thompson II
PUBLIC DEFENDER

ABT/vfv

cc: Janna Wegner
Office of Sentencing Services
Hoke County Office

State of North Carolina
General Court of Justice
Defender District 3B

JAMES Q. WALLACE III
PUBLIC DEFENDER

COURTHOUSE SQUARE
BEAUFORT, NC 28516
(252) 838-2144

November 24, 2009

Members of the General Assembly
16 West Jones St.
Raleigh, NC 27601

Re: Sentencing Services

Dear Sir or Madam:

I have been the Public Defender in Carteret County for two and one-half years. During that time, and even before that when I was in private practice, I used the services of Sentencing Services. Such services have been extremely helpful to me in my representation of clients. In particular, Clement Brown of the Havelock office, has been a tremendous help to me. He is able to find programs and rehabs that I could never find. Once found, I usually can incorporate these programs and rehabs in the court's judgment at sentencing. I believe our Judges appreciate his help. Mr. Brown has the necessary contacts to put these programs and rehabs into effect.

In other cases, he has been able to provide excellent background information on clients that can be used in sentencing.

I am hopeful that funding can be found to continue the services of this agency. I believe the service is needed so that sentencing can be reasonable and fair. If you have any questions of me, please let me know.

Sincerely,

James Q. Wallace III

# Office of the Public Defender

District 10-Wake County
227 Fayetteville Street, Suite 500
P.O. Box 351
Raleigh, NC 27601

G. Bryan Collins, Jr.
PUBLIC DEFENDER

Tel: (919) 715-1514
Fax: (919) 715-1510


25 February 2010

To Whom It May Concern;

I give my hearty support to ReEntry Sentencing Services. The professionals at Sentencing Services provide a unique service to the Court and the client that cannot be duplicated by any other judicial agency.

I refer about eight clients a year to Sentencing Services. Currently Sentencing Services is working on plans and placements for three of my clients.

A. One is a homeless 19 year-old from out of state with obvious learning and emotional disabilities. If released into the local community he will be homeless, unemployed, and surely to re-offend. He has no stable family out of state. Sentencing Services has found placement in a structured group home that will put into place public support services for the client so that as he matures and begins independent living he will have a safety net of services that will transfer to his home state.

B. Another client, 20, became involved in an altercation after an attempted suicide. In preparing its report, Sentencing Services interviewed the defendant, his mother, his probation officer, his prior probation officer, the Wake County Day Reporting Center, and had the client psychologically evaluated. Sentencing Services obtained the defendant's records from school, mental health, hospitals, jail, and police.

C. The third client, 17, was a resident of a state-sponsored group facility with life-long diagnosed emotional disabilities. Sentencing Services is able to procure the client's school records from elementary school forward, state psychiatric records, and obtain a new psychological evaluation.

For the layman, the lawyer, or the probation officer these various records are seemingly impossible to obtain. Their procurement requires an expertise in knowing how to ask, who to ask, and what it all means when you get it. Sentencing Services' report to the Court summarizes these sources, obtains a new psychological evaluation that incorporates this history, and in clear language explains what they mean in relation to the

client's current situation. In appropriate circumstances Sentencing Services will locate housing and social and mental support systems that will immediately benefit the client.

It is obvious to the criminal law practitioner that many offenders' learning disabilities, psychological diagnoses, and social depravities have been under-addressed or not addressed at all. While knowing these deficiencies does not excuse the offender, it often does explain what led up to the criminal event. Sentencing Services' fact-based recommendations suggest to the Court sentencing conditions most likely to deter future criminal behavior. Personally, I believe that having these professionals interact directly and frankly with the client is one of the more eye-opening experiences the client might have ever had.

ReEntry Sentencing Services is one part of North Carolina's criminal justice system that makes our system better than most. I trust you will find resources to continue this quality and efficient component.

Yours truly,



Charles F. Caldwell
Assistant Public Defender, Wake County
Telephone 919 715 0695

*State of North Carolina*
*General Court of Justice*
*Defender District 16A*

JONATHAN L. MCINNIS
PUBLIC DEFENDER

SCOTLAND COUNTY COURTHOUSE
P. O. BOX 687
LAURINBURG, N. C. 28353

LAURINBURG TEL:
(910) 266-4550
RAEFORD TEL:
(910) 875-9591

November 23, 2009

Members of the General Assembly
16 West Jones Street
Raleigh, North Carolina 27601

RE: Office of Sentencing Services

Ladies and Gentlemen:

This letter is on behalf of the Office of Sentencing Services currently under your review. As an Assistant Public Defender, I have the opportunity to work in close proximity with sentencing services and to take advantage of the invaluable and unique solutions to problems involving sentencing issues that can not be solved merely by imposing active sentences with no regard to the underlying issues that supply the causation for criminal activity. By addressing the causation, the rate of recidivism is decreasing and thereby, provides the citizens of this great State a easier night's rest.

In supporting Sentencing Services, the State provides highly specialized professionals that through their expertise provide much needed services in one location with a minimal of cost. The alternative of discontinuing this program would, in the long run, cost far more in that the expense of hiring individual mitigation specialists for each case would significantly exceed the cost of funding a centralized program with specialized concerns. This program is an essential part of the justice system and needs funding from you the legislators.

Very truly yours,

Misty Jorgensen

Misty Jorgensen
Assistant Public Defender

**MELEAHA M. KIMREY**
Assistant Public Defender
Cumberland County Public Defender's Office
117 Dick Street, Suite 237
Fayetteville, NC 28301
(910) 678-2918

December 3, 2009

To Whom It May Concern:

I am writing this letter on behalf of the Fayetteville Area Sentencing Center. I would like for you to know what a difference FASC has made in the lives of my clients, as well as how they have helped me to be more efficient in my profession.

First, my clients have been helped in so many ways because of the service that FASC provides. They are constantly coming up with new and inventive sentencing options for my clients. The wealth of resources and contacts they have to make placements possible never ceases to amaze me. FASC has helped my clients find and apply to substance abuse treatment programs all across the state. They have found mental health issues that I never even knew my clients had. Recently, on a particularly difficult case, with a particularly difficult client, FASC discovered prior instances of severe physical and sexual abuse. FASC has gone the extra mile before to help one of my clients make appointments with a surgeon to have a serious skin cancer removed from his face. The level of professionalism and concern cannot be matched.

Secondly, I have become so much more efficient at my job since I began using FASC. I used to spend hours trying to research treatment options and having my investigators go digging for medical and school records. Now, with one phone call FASC has everything I need in a timely manner. This allows me to focus on legal issues for my client, as well as prepare my arguments for why probation is a better alternative than incarceration.

FASC is providing an invaluable service. There is no one that can perform this job the way the employees of FASC can. I urge you when considering budget cuts and financial allocations to support this essential program. FASC saves countless dollars by finding alternatives to prison. It also helps with recidivism by crafting plans for clients that will enable them to make a fresh start. Please do not cut this program or its funding (in fact, it could use a little more funding): Fayetteville's citizens and Fayetteville as a whole benefit from it.

Sincerely,

Meleaha M. Kimrey

Meleaha M. Kimrey

**AGUIRRE LAW OFFICE, P.A.**
**202 E. Academy Street**
**P. O. Box 1167**
**Fuquay-Varina, North Carolina 27526**

**Telephone:**
**(919) 557-0211**

**Facsimile:**
**(919) 557-0998**

January 4, 2010

Members of the
North Carolina General Assembly
Raleigh, NC

**RE: ReEntry Sentencing Services**

Dear Legislators:

As a Wake County Criminal Defense Attorney for 20 years and a past ReEntry board member, I am writing to support the ReEntry Sentencing Services program. In my many years of practice, I have found sentencing services to be quite a valuable resource. It is my understanding that a continuation review has been scheduled for March 1, 2010. I would like to state my support of sentencing services as an attorney and tax payer in North Carolina.

Wake County's ReEntry Sentencing Services staff works with numerous cases where the District Attorney and the defense attorney are not able to agree on a sentencing recommendation. Rarely when the defendant is eligible for and the district attorney agrees to probation do attorneys seek these services. They also provide valuable information in cases where mental health issues, physical issues or substance abuse may be a factor. Often the Judge needs more information about placement options in addition to incarceration to impose the best sentence.

Thank you for taking the time to read my letter and for keeping this program alive. These services are invaluable to attorneys and Judges. Should you like to discuss this further or have questions for me, please feel free to contact me.

Sincerely,

AGUIRRE LAW OFFICE, P.A.

Bridgett Britt Aguirre
Attorney at Law

BBA/aar

*Jimmie R. "Sam" Barnes*
Attorney at Law
1101 Drake Street
Roanoke Rapids, North Carolina

Mail Address:
P.O. Drawer 2090
Roanoke Rapids, NC 27870

Telephone: 252-537-3051
Telefax: 252-535-1946
e-mail: sambarnes@embarqmail.com

October 23, 2009

To: The Honorable Members of the
North Carolina General Assembly

Re: Sentencing Services Program

Dear Members:

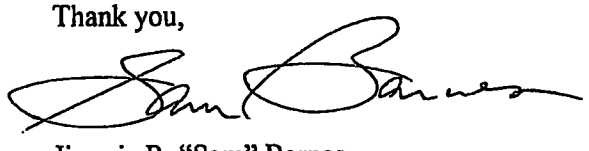
It has come to my attention that the Sentencing Services Program budget is subject to annual review.

I have served in the North Carolina Criminal Justice system since 1969; as a deputy sheriff, a magistrate, administrative assistant to the district attorney, assistant district attorney, a district attorney, and a criminal defense attorney. This is not to say that I have a great deal of knowledge, however, I do have a great deal of exposure to the system.

There are no other programs, to include probation, that is as important to an effective criminal justice system as the Sentencing Services Program. While I understand it is not a politically popular program, it is a necessary program and to not fund it in the future would serve as a detriment to the criminal justice system in my opinion.

I urge each of you to give every consideration possible to the future of the Sentencing Services Plan in North Carolina.

Thank you,



Jimmie R. "Sam" Barnes

H. GERALD BEAVER
MARK A. STERNLICHT *
DAVID T. COURIE
MARK L. HEARP

* ALSO ADMITTED IN PA
** OF COUNSEL

HAL W. BROADFOOT JR.
F. THOMAS HOLT III**

BEAVER HOLT STERNLICHT & COURIE

A Professional Association
ATTORNEYS AND COUNSELORS AT LAW

www.beaverholt.com

December 3, 2009

Fayetteville Area Sentencing Center
ATTN: Sue Horne, Executive
310 Green St., Suite 110
Fayetteville, NC 28301

VIA FACSIMILE 910-323-5760

Dear Ms. Horne:

It is my pleasure to write this letter in support of the Fayetteville Area Sentencing Center. I have worked with the staff of FASC for a number of years and can say without hesitation that they have worked diligently to find an alternative sentence for a number of my clients. I greatly appreciate their knowledge and interpersonal skills in dealing with my clients, their families, myself and my staff. I also appreciate the sound judgment used to develop an individual plan for each case rather than quickly stereotyping a class of criminal and lumping them into the same alternative sentence.

FASC staff's ability to deal with complex cases such as one young man I represented that had serious drug dependence and a family disparate to help him. FASC staff worked diligently to get my client into a facility that would meet his rehabilitation and educational needs; and have continued to follow-up to ensure this experience makes a difference in my client's life. I am attaching a letter from the family expressing their gratitude for the work done by the FASC staff.

I appreciate the hard word FASC has done for me in the past and look forward to working them for some time to come.

With kindest regards, I remain,

Very truly yours,

H. Gerald Beaver

HGB:dll
Enclosure

REPLY TO:
☑ 230 GREEN STREET, P. O. DRAWER 2275, FAYETTEVILLE, NC 28302-2275, (910) 323 - 4600, FAX (910) 323 - 3403
☐ 127 WEST EDINBOROUGH AVENUE, P. O. BOX 688, RAEFORD, NC 28376-0688, (910) 875 - 3379, FAX (910) 875 - 4030

# GORENFLO BIERBAUM & CAMPBELL, PLLC

MAILING ADDRESS:
6535 Seven Lakes Village
West End, NC 27376

PINEHURST OFFICE:
300 Kelly Road, Ste B-2
Pinehurst, NC 28374

Voice: 910-673-1325
Fax: 910-673-1327

Michael G. Gorenflo, JD
mggorenflo@gbcnclaw.com

Robert J. Bierbaum, JD
rjbierbaum@gbcnclaw.com

Clark Campbell, JD
chcampbell@gbcnclaw.com

Website: gbcnclaw.com

November 23, 2009

Members of the North Carolina General Assembly
Raleigh, NC

RE: Moore County Sentencing Services: Becky Carlson

To whom it may concern:

I have been working with Becky Carlson through the Sentencing Services Department here in More County for several years. Her services are invaluable to me, to the Court and, I believe, to our state.

With the large numbers and fast pace of our justice system, it is difficult for Judges, District Attorneys, and defense counsel to assess relative risks presented by Defendants and make well-informed decisions about appropriate sentencing for the felony offenders in our justice system. As our prison space is limited and resources scarce, these decisions are critical. I believe that the Sentencing Services Department does an amazing job of identifying offenders who may be candidates for intervention and alternative sentencing short of incarceration.

I routinely solicit Ms. Carlson's services for clients who may be eligible for such. She is responsive and thorough. I sometimes believe that she is the only person my clients encounter in the system that listens or actually tries to help them. I believe that she is responsible for numerous successful; turn-arounds in offenders whom she helped get a second chance. She impacts their lives in a meaningful way and in doing so saves the state money:

a) in the short term by reducing long-term incarceration for low-risk offenders
b) in the long term by reducing recidivism with successful intervention

Please do all you can to continue the funding of this program. It is needed and effective.

Sincerely,
GORENFLO BIERBAUM & CAMPBELL, PLLC

Robert J. Bierbaum

# ANTHONY L. BLALOCK

ATTORNEY AT LAW

P.O. BOX 27362 ▸ RALEIGH, NC 27611

PHONE (919) 832-2918
FAX (919) 832-4777
BLALOCKLAW@MINDSPRING.COM


December 14, 2009

North Carolina General Assembly
Fiscal Research Division
Raleigh, North Carolina

Re: Sentencing Services Program

This letter is to request funding for the Sentencing Services Program be included in the State budget. There seems to be some confusion and misperception about the purpose and function of this program. Sentencing Services does not duplicate any other existing program such as TASC or other probation service.

Sentencing Services' value to the Court systems and taxpayers of North Carolina lies in its commitment to provide objective, quality pre-sentence risk assessment, evaluation, and case management of defendants that will lead to better outcomes for victims, the defendants, and the citizens of this State. Experienced sentencing specialists put in the time necessary to obtain clients' records, verify background information, perform comprehensive risk assessments, and investigate and arrange for treatment. This provides defense attorneys, prosecutors and judges with thorough information that assists utilization of limited correctional resources. The program provides evidence-based sentencing reports and expertise to the courts about appropriate treatment resources in the community. This can be particularly important for defendants with mental heath, developmental, substance abuse and or other complicated issues who need to have treatment ordered as a condition of probation.

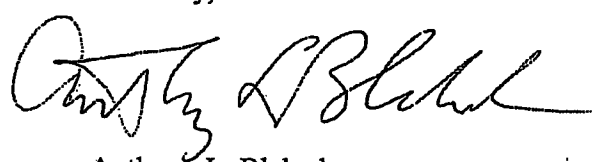
Because a sentencing plan provides a complete picture of the defendants' particular situation, the court has the best information possible to resolve cases in the best interest of all parties and allow defendant-specific supervision. A sentencing plan contributes to reducing recidivism, enhancing public safety, and may reduce the time between arrest and disposition.

Sentencing Services is a unique and necessary alternative to incarceration. This program is invaluable to the attorneys, clients and in general the public at large as we work to move criminals from non-productive citizens into a productive functioning member of society. The plans formulated by Sentencing Services are designed specifically for a particular defendant and his unique set of circumstances.

Sentencing Services provides a cost effective alternative to incarceration and an immeasurable benefit with the reclamation and return of former inmates and criminals to society as productive contributing men and women.

If you have questions or comments please feel free to contact me at the number above. Thank you for your consideration.

Sincerely,



Anthony L. Blalock

ALB/
c: File
ReEntry, Inc.

# BROWNBACK LAW FIRM, PLLC
## PETER E. BROWNBACK IV
*Attorney at Law*

December 3, 2009

In Re:
19-B J.D. Sentencing Services Program
Becky Carlson, District Administrator
Moore County
Carthage, North Carolina

To Whom It May Concern:

Working with Becky Carlson and Moore County's Sentencing Services Program has been a genuinely pleasant and rewarding experience for me as a defense attorney and as a member of our community for many years now.

Becky is a true professional in every sense of the word. She is totally devoted to her job and the people she serves. She is a daily presence in the courtroom and I have personal experience of her excellent advocacy skills. She is constantly going above and beyond in the performance of her duties as district administrator.

Sentencing Services is an invaluable resource for the Court, attorneys and defendants, and by extension, our community as a whole. Sentencing Services is uniquely positioned to provide effective strategies for the use of alternative, more positive, avenues as part of the sentencing process. Sentencing Services plays a vital role in the service of Justice and community life in Moore County.

Thank you,

BROWNBACK LAW FIRM, PLLC.

Peter E. Brownback IV
Attorney at Law
NC State Bar No. 31422

150-A West Vermont Avenue
Southern Pines, NC 28387
(910) 695-7030
Fax (910) 695-0068

# DARK & HAWN
# ATTORNEYS AT LAW, PLLC

L Talton Dark, III
Attorney at Law

402 A East Union Street
Morganton, NC 28655

William Wesley Hawn
Attorney at Law

Phone: 828-433-0103 Toll Free 888-433-0103 Fax: 828-433-5444 Se Habla Español


December 2, 2009

Members of the General Assembly
16 West Jones Street
Raleigh, NC 27601

Dear Members of the General Assembly:

This letter is written to assist Repay Inc. with its annual review by the North Carolina Legislature. We are a law firm in Morganton North Carolina concentrating in criminal defense. We have had the opportunity to work on various occasions with Repay Inc. Their services have been very professional and we feel they have helped many of our clients avoid active sentences by providing the court with other sentencing alternatives.

Additionally, their services provide the Court with an in-depth background of the defendant. We believe this information is of great aid to the Court in arriving at a fair and just sentence.

We request that you take our comments into consideration when you begin your annual review of Repay Inc. program.

Sincerely,

L. Talton Dark, III
Attorney at Law

William Wesley Hawn
Attorney at Law

# EINSTEIN LAW FIRM, PLLC
410A East Union Street
Morganton, NC 28655

Nancy L. Einstein*†
*Certified Mediator
†Certified Family Financial Mediator

TELEPHONE: 828-439-8855
FACSIMILE: 828-439-8877
E-MAIL: nclustein@bellsouth.net


December 1, 2009

Members of the General Assembly
16 West Jones Street
Raleigh, NC 27601

Re: Repay, Inc., Sentencing Services Program

Ladies and Gentlemen:

This letter is to strongly encourage you, as Members of the General Assembly, to retain the Repay, Inc. Sentencing Services in your review of this and other programs.

As a former District Court Judge, I know the assistance this program provides the Court in identifying community based programs that can assist the individuals and pose a better opportunity at rehabilitation than our prisons.

In addition, I practice with the defense bar. This program, in my view, actually saves the State money in providing needed background on individuals charged with crimes at a cheaper rate than IDS or court-appointed attorneys can provide.

In my many years in this business, criminal justice requires many cogs in an overcrowded, under resourced field. We are all in this together, so to speak. If we can continue to keep the cog that accesses information for the court's utilization we would be doing society and our system a great favor.

Please do not hesitate to contact me if I can assist in answering any questions you may have.

Sincerely,

Nancy Einstein

Nancy L. Einstein

LAW OFFICE OF GLENN GERDING
109 Westbury Drive
Chapel Hill, North Carolina 27516

Office: 919.338.0836
Fax: 919.338.0912
Toll Free: 888.338.0836

Licensed In:
North Carolina
District of Columbia
U.S. Military Courts Worldwide

Attorney@GerdingLaw.com
gerdinglaw.com

November 16, 2009

To Whom It May Concern:

I'm writing in support of Sentencing Services. I'm an attorney here in Orange County and Sentencing Services has had a direct and significant impact in our community. They have helped thousands of clients improve their lives and save the State of North Carolina millions of dollars.

Sentencing Services provides a service to the community by investigating a criminal defendant's needs such as mental health or substance abuse treatment that can be addressed after the defendant is convicted. Despite the best efforts of probation officers, many defendants on probation do not receive the services they need because the issues were never explored before the person went to court on his case and was convicted. Our communities are safer and recidivism rates are lower due to the work of Sentencing Services before a defendant is convicted.

As I'm sure you're aware, Sentencing Services saves the State money every year by helping judges make better decisions about which criminal defendants should be placed on probation and which should serve time in prison. Without such information, most judges will err on the side of caution and start sending more people to prison, thereby increasing the costs for the State.

Most importantly, the work of Sentencing Services cannot be effectively performed by any State-run agency such as the Division of Probation and Parole. Although I have the highest respect for Probation Officers and the work they do, Probation Officers are usually not educated as social workers and trained to investigate, appreciate, and coordinate services for the myriad social issues that our clients present in their cases. Sentencing Services staff have the education and training to prepare thoroughly investigated sentencing plans. Additionally, most of my clients are able to establish a relationship with the Sentencing Services specialist that facilitates the preparation of the plan. This includes an element of trust in the sentencing specialist who does not work for the State and who is not a sworn law-enforcement officer. If Probation Officers take on the responsibility of preparing sentencing plans, many clients might be less than forthcoming and not trust the assigned officer. The result will be less thorough and less offender-appropriate plans. This problem can easily be avoided by not shifting sentencing plan preparation responsibilities to Probation Officers. Leave the job to the specialists at Sentencing Services.

You may contact me at 919.338.0836 if you would like to discuss this matter further.

Best Regards,

/s/

# LAW OFFICE OF GLENN GERDING

109 Westbury Drive
Chapel Hill, North Carolina 27516

Office: 919.338.0836
Fax: 919.338.0912
Toll Free: 888.338.0836

Licensed in:
North Carolina
District of Columbia
U.S. Military Courts Worldwide

Attorney@GerdingLaw.com
gerdinglaw.com


Glenn Gerding

**BONNOR E. HUDSON, III**
ATTORNEY AT LAW
11183-A U.S. HIGHWAY 70 BUSINESS WEST
CLAYTON, NORTH CAROLINA 27520
PHONE: 919-550-0522
FAX: 919-359-3831
lawyer123@earthlink.net

December 1, 2009

Members of the General Assembly
16 West Jones Street
Raleigh, NC 27601

RE: Sentencing Services Program

Ladies and Gentlemen:

I am an attorney representing persons charged with crimes in Johnston County, North Carolina. In the course of my practice, I have had the opportunity on several occasions to utilize the services of the Sentencing Services Program administered by ReEntry Incorporated. The benefits provided by this Program are immeasurable and invaluable. The Sentencing Services Program is very valuable and provides a vital, necessary service to citizens who come before the court. The clientele served are indigent and are typically experiencing serious problems for which assistance is needed, usually with mental health and/or substance abuse issues. The availability of resources to assist these individuals is often scarce but is in great demand. Without the intervention of the Program, it is my belief that most of the citizens served by the Program would likely serve a substantial amount of time in county jails and state prisons, where recovery resources would not be afforded to them. The services provided by this Program allow these citizens to obtain the necessary rehabilitative and recovery services that assist them in returning to the community as law-abiding contributing members of society. The survival of this Program is vital in meeting the needs of these individuals and is a necessary part of the criminal justice system. Further, I believe that the Program saves money for the State and counties by reducing the prison and jail populations and therefore saves imprisonment costs. I do not believe that the Program can be replaced with other state resources.

It is my understanding that the General Assembly may be considering placing the responsibility for the work performed by ReEntry on the state probation officers. However, the probation officers in our county are already short-handed and overworked and barely have time to perform the tasks already assigned to them, much less additional work. As you may remember, it was reported in the press that the recent murder of Eve Carson, the UNC-CH student body President, was attributed in part to probation officers being overworked. I believe that shifting additional responsibility to probation officers will result in more incidents like the murder of Eve Carson. Further, even if our probation officers (or other state employees) had the time to provide the services that ReEntry provides, those officers or employees lack the training and experience of ReEntry. Such training and experience are already available and in place in the form of ReEntry. The training of state employees to perform the work of ReEntry would not be free and would

involve spending substantial sums to train all of the involved employees. Further, it is human nature that a probation officer will be more likely than ReEntry to recommend an active sentence of imprisonment, as placing persons on probation results in additional workload for already overloaded probation officers. Therefore, probation officers have no incentive to place persons on probation and every incentive to recommend imprisonment, which will result in an increase cost to the State and defeat the purpose of the Program. I believe that transferring this responsibility to the probation officers is ill-advised and should not be considered.

The local office of the Program is doing a fine job, and the State is getting more than its money's worth from ReEntry. The local office of the Program and its Director, Vernon Vann, have been extremely helpful in evaluating my clients and making an appropriate recommendation for resolution of their cases. Mr. Vann is always very thorough, responsive, and prompt, and he always exhibits a professional attitude toward me as well as my clients. If you need any further information from me or would like to discuss this matter further, please feel free to contact me. Thank you for taking the time to consider my opinion.

Sincerely,

Bonnor E. Hudson, III
Attorney at Law

BEH:nj

FRANK C. THIGPEN
WALTER I. "BUTCH" JENKINS, III
JAMES H. JENKINS

AARON L. BELL

DICKEY R. BROWN, Chief Executive Officer
(Not A North Carolina Licensed Attorney)

# THIGPEN AND JENKINS, L.L.P.

## ATTORNEYS AT LAW

"A FULL SERVICE LAW FIRM"

www.thigpenjenkins.com
Email: thigpenjenkins@embarqmail.com

PLEASE RESPOND TO

ROBBINS OFFICE
Post Office Box 789
131 South Middleton Street
Robbins, NC 27325-0789
Telephone: (910) 948-8741
Toll Free: (877) 948-8741
Fax (Real Estate): (910) 948-8671
Fax (Domestic/Civil): (910) 948-2992

SOUTHERN PINES OFFICE
300 Pinehurst Avenue
Southern Pines, NC 28387
Telephone: (910) 693-8741
Toll Free: (866) 948-8741
Fax: (910) 692-8631

BISCOE OFFICE
Post Office Box 1808
104 East Main Street
Biscoe, NC 27209-1808
Telephone: (910) 428-3565
Toll Free: (877) 428-3565
Fax: (910) 428-0631

November 30, 2009

Members of the General Assembly
Raleigh, NC

Dear Sirs and Madams:

I am writing you in regard to the Office of Sentencing Services Program in Judicial District 19B. In particular I would like to tell you about Becky Carlson the Director of that Office. I am a Defense Attorney who practices law in Montgomery, Moore and Randolph Counties. I have had an opportunity to work with Becky on numerous occasions. She provides an extraordinarily valuable service in providing sentencing plans on criminal cases.

Becky has the unique ability to communicate with Defendants as well as Law Enforcement Officers and Probation Officers. She is able to provide inciteful, creative plans that meet the goals of sentencing in North Carolina. I have watched her go above and beyond her duties in assisting the Court in the Administration of Justice.

In a time period when prison facilities are full, it is important to have someone like Becky to provide alternatives that both protects society and contribute to the rehabilitation of the Defendant. I recognize budget restraints are causing all programs to be reviewed. I do believe that this program provides an excellent return on investment, in that it alleviates the necessity of incarcerating some Defendants that would otherwise become a burden on the State. Please feel free to call me or contact me if you have any further questions about this. Otherwise, I would whole-heartedly recommend that the General Assembly continue to fund this valuable service.

Sincerely yours,

THIGPEN AND JENKINS, LLP

Walter I. Jenkins, III

WIJIII/asd

FRANKLIN L. JONES, JR.
ATTORNEY AT LAW

402 HIGHWAY 301 SOUTH
POST OFFICE BOX 556
HALIFAX, NORTH CAROLINA
27839

PHONE (252) 583-1515
FACSIMILE (252) 583-1818

December 3, 2009

North Carolina General Assembly

Re: Sentencing Services
Continuation Review

To Whom It May Concern:

I am a criminal defense attorney practicing in Halifax County for the past fourteen (14) years. I have regularly used the Sentencing Services person to assist me with clients. I have been very please with the results.

My experience is that Judges respect Ron Faithful and give great deference to his reports. The reports are thorough and well written.

I have found Mr. Faithful to be particularly helpful with non-violent offenders whose primary issue is substance abuse. In my opinion this program provides a win for the state and the individual as the offender gets help in becoming a productive member of society and the state avoids the expense of incarceration and the cost of recidivism.

The Sentencing Services representative brings an extremely different approach than a probation officer who is almost always more punishment orientated. A probation officer plays more of an adversarial role rather than of advocate for a client who has problems that need addressing.

I believe that the Sentencing Services program is central to the efficient administration of justice in Halifax County and hope that Mr. Faithful will continue to provide these invaluable services to this county for many years to come.

Should you have any questions, please do not hesitate to contact my office.

Sincerely,

Franklin L. Jones, Jr.

FLJ,Jr/jhm

KING & BRYANT, P.A.
50 SHORELINE DRIVE
NEW BERN, N.C. 28562
1-252-638-3444

D. Mitchell King, Attorney
Member: N.C. & Florida Bar

Brenda J. Bryant, Attorney
Member: N.C. & Florida Bar

Brian A. King, Attorney
Member: N.C. Bar

November 24, 2009

To The Honorable Members of the General Assembly
North Carolina Legislature

Re: Continued Public Funding for Sentencing Services

Dear Sirs:

I am an attorney with the law firm of King & Bryant, P.A., 31 Shoreline Drive, New Bern, Craven County, North Carolina, 28562, N.C Bar Number 13361. I have been a licensed attorney at law for thirty-six (36) years, in the State of Florida since 1973 and in the State of North Carolina since 1986 to the present, November 2009.

My practice involves representation of persons accused of felony violations of the North Carolina criminal statutes. A substantial portion of the persons I represent are individuals under the age of twenty-five (25) years of age, who have either substance abuse or mental issues, and face serious prison time if they either plead guilty or are found guilty by a jury. Although, I am in total support of the vigorous enforcement of the criminal laws in order to assure the safety of the public at large, I do support consideration of programs that would allow referral of some individuals to rehabilitation programs in lieu of sending a person to prison.

Fortunately, I have had the benefit of being able to refer some individuals to Clement Brown, District Administrator, of the Neuse River Sentencing Services, for consideration of the feasibility and availability programs that would be a benefit to the individuals, the victims involved, and the public at large. I have had the pleasure of standing before a Superior Court Judge, beside a young offender, his parents, and the prosecutor and announcing that the young person had successfully completed a residential drug treatment/rehabilitation facility, was drug free, and had been requested to return to the facility to be a counselor. This person had been facing multiple drug and breaking and entering charges, all for the purpose of obtaining money to finance an uncontrollable drug habit. Without sentencing services, this same person would have been sent to DOC for several years at a greater cost to the State of North Carolina and with the prospect of returning to the streets. This result was not an isolated event in my practice.

The availability of sentencing services gives me, as a practicing attorney, another alternative in seeking a judicious resolution to the ever-rising problem of crime. In my opinion, it is a win,

win proposition to continue to invest funds toward keeping sentencing services in existence. I appreciate your allowing me to give my input on this matter for your consideration.

Sincerely,

D. Mitchell King

DMK/
CRIM\Sentencing Services\Legis.1 (toshidmk)(word)

Van Laningham
& Associates, PLLC
attorneys at law

December 4, 2009

To: Members of the General Assembly Raleigh, North Carolina

I represent criminal defendants in Moore County and submit this letter in support of Ms. Becky Carlson, Office of Sentencing Services.

Ms. Carlson is a dedicated, hardworking, and knowledgeable officer of the court. While clearly she is involved in many cases at a time, she is always there when we need her. The extraordinary aspect of Ms. Carlson's role and sentencing services is that anyone involved in a case may call on her for assistance - Judges, Prosecutors and Defense Attorneys. With the assistance and effort of Ms. Carlson, we can work through difficult cases when the criminal conduct appears to be a symptom of drug or alcohol addiction or other mental impairment not a defense. A recommendation and/or plan from Ms. Carlson has an immense impact on the available options for all parties and the outcome of a criminal case.

In my opinion, funding programs like sentencing services that can put the right person into the right treatment must be a priority. In most of these cases, jail time is not any more meaningful a punishment than what these people do to themselves, nor does it deter future criminal behavior. Clearly jail is not a cure. If we, through Ms. Carlson's services and the available treatment programs, can successfully treat individuals who then go on to live productive, law abiding lives, it is worth every penny spent.

Thank you for your time and consideration of my letter.

Arlene M. McCue

Arlene M. McCue, Attorney

Post Office Box 68 • 303 Dowd St. • Carthage, NC 28327
Telephone: (910) 947-1068 • Toll Free (888) 81[illegible]

*Mobley Law Office, P.A.*
**Marie H. Mobley, Esq.**
**105 E. Johnston St.**
**Smithfield, N.C. 27577**

**Telephone: (919) 300-5050**
**Facsimile: (919) 934-3485**
**www.mobleylawoffice.com**

November 24, 2009

The Honorable Members of the General Assembly
16 West Jones Street
Raleigh, North Carolina 27601

Re: The 11th Judicial District Sentencing Services Program

Dear Members of the General Assembly:

It is with pleasure that I write to you with recommendations regarding funding for the Sentencing Services Program in the 11th Judicial District. During your upcoming annual review, I expect you will find that our Sentencing Services Program, particularly in Johnston County, is an efficiently-operated and vital part of our criminal justice system.

As a criminal defense attorney, I have called upon Vernon Vann, who oversees our local program, to assist with Sentencing Plans for clients who were facing substantial time due to the nature of their offenses, but who were at a low risk for recidivism. Many people that I represent are victims of childhood abuse or neglect, suffer from mental illnessos, have substance abuse diagnoses, and have children to support. Too often, these folks just make their way through our system with little or no attention paid to these needs. Consequently, many of them repeat the cycle of criminal behavior. The services provided by our Sentencing Services Program is critical to intervening in the lives of these folks to help assess, diagnose, plan, and treat these needs. As a result of the involvement of the services Mr. Vann's office provides. I have seen individuals emerge from a criminal prosecution with a sense of purpose and hope for their lives along with an understanding of how to avoid criminal behavior.

With budget cuts being felt across the state, it is my sincere recommendation that your esteemed body of legislators, at the very least, maintains the level of funding for this important program.

Best regards,

Marie H. Mobley



*Real Problems . . . Practical Solutions.*

**CLAWSON L. WILLIAMS, JR.**
**JOHN L. RITTER**
**Attorneys at Law**

Phone: (910) 673-4311

1135 Seven Lakes Drive, Suite A
Holly Square Office Building
Post Office Box 2
West End, North Carolina 27376

Fax: (910) 673-4808

November 24, 2009

Dear Members of the North Carolina General Assembly:

Thank you very much for your continued funding of the Sentencing Services program.

This program provides solutions for criminal defendants who in the past would not have received the best treatment or rehabilitation services through the sentences they would have received in court. As a criminal defense attorney, I see individuals who are in court because of problems in their lives that may not necessarily be addressed by the charges against them. Sentencing Services provides research, independent analysis, and professional recommendations that can benefit criminal defendants, once they are sentenced, through the implementation of true rehabilitation.

I have had the great pleasure of seeing many people helped by this program. For example, I represented a young man who had a great number of felony larceny charges against him. He had stolen, but the underlying problem of drug abuse would not have been remedied without Sentencing Services. He was given a suspended sentence with a mandatory, extensive rehabilitation component. It is my understanding that he is planning to attend college to be a teacher and has changed his life's path.

Our Sentencing Services office in Moore County is in the capable and qualified hands of Becky Carlson. She is a pleasure to work with and maintains a great rapport with the Moore County Bar, law enforcement, and others in the court system. Ms. Carlson's work with Sentencing Services helps lawyers and defendants, and also benefits taxpaying North Carolinians through reducing prison populations, promoting mental and physical health, and returning strong, sound individuals to the work force.

We will all benefit from the continuation of Sentencing Services. Thank you very much for your time and attention.

Sincerely,

John L. Ritter

# ROWLAND & YAUGER

ATTORNEYS & COUNSELORS AT LAW

*Michael C. Rowland, Jr.*
*Brett Smith Yauger*
*Craig A. Slagle*

107 Monroe Street
Post Office Box 637
Carthage, North Carolina 28327
*www.rowland-yauger.com*

*Toll Free (888) 850-0274*
*Main (910) 947-2280*
*Fax (910) 947-4951*


November 23, 2009

***Re: Community Sentencing Alternatives***
***Beck Carlson***

TO: Members of the General Assembly

I have know Ms. Carlson for a number of years, and our firm has used her services through the Community Sentencing Alternative Program on an ongoing basis. From my experience, Ms. Carlson in particular is a real asset to the Court system in general, and to our clients in particular.

I rely on Ms. Carlson's true Sentencing work to help assess my client's true sentencing needs, and to give both the District Attorney's office and the Court, a complete picture of my client's background. The reports provided by her office are a very useful tool in creating both plea agreements, and sentencing arrangements that truly have a chance to be successful for Defendants' because they address the underlying issues for the Defendant that lead to criminal behavior.

In short, Becky Carlson, and Community Sentencing Alternatives, is an important resource for both the Court System, and Defendants. I strongly encourage you to continue funding this important resource.

If you need any further information, please do not hesitate to contact me.

Sincerely,

ROWLAND & YAUGER
Michael C. Rowland, Jr.

MCRJR

STITH AND STITH, P.A.
ATTORNEYS AT LAW
213 BROAD STREET, P. O. DRAWER 1427
NEW BERN, N.C. 28563

LAURENCE A. STITH (1904-1987)
F. BLACKWELL STITH

TELEPHONE (252) 637-6111
FACSIMILE (252) 637-7121
E-MAIL: sdth@lpmonline.net

December 1, 2009

To: Members of the General Assembly

From: F. Blackwell Stith, Attorney at Law

Re: Neuse River Sentencing Services

I have used the Neuse River Sentencing Services Program since its establishment in Judicial District 3B in the nineties. This program has worked with at least thirty of my clients. To the best of my knowledge, I have never used it on cases where there was already a plea agreement in place that included probation or in a case where the facts showed that a misdemeanor conviction was more appropriate. Frankly, the overwhelming majority of my referrals have been individuals with a high number of multiple felony charges, individuals with at least five prior record level points, high profile publicity cases and/or individuals with drug/alcohol or mental health issues.

In my opinion, this program is in the best position to do objective assessment for sentencing purposes. It has been an invaluable resource for defense lawyers, the judges and the district attorneys. We would not know about the tax saving resources out there without programs such as this.

F. Blackwell Stith

STITH AND STITH, P.A.

FBS/nrb

**WALKER, MELVIN & WOODALL, LLP**
ATTORNEYS & COUNSELORS AT LAW
640 FAGG DRIVE
EDEN, NORTH CAROLINA 27288

JAMES R. WALKER
R. MARTIN MELVIN
SETH M. WOODALL

MAILING ADDRESS
P.O. BOX 528
EDEN, NC 27289-0528
TELEPHONE (336) 623-3138
TELECOPIER (336) 623-2023

December 4, 2009

Members of the General Assembly
16 West Jones Street
Raleigh, NC 24601

***RE: ReDirections/Sentencing Services***
***17A Judicial District***

To Whom It May Concern:

I am writing on behalf of ReDirections Sentencing Services of Judicial District 17A. As both a member of ReDirections Board of Directors and an attorney in Rockingham County, I have seen first hand the good that sentencing services does for our community. As you are likely aware, sentencing services assists those facing active imprisonment by seeking alternative treatment services that are potentially more beneficial to the Defendant and his community.

I am also aware of the costs to this State associated with the operation of sentencing services. While I realize the current economic situation of our State, I truly feel that State funding for this service is both wise and necessary. Sentencing services researches and cooperates with many other treatment alternatives to seek the most advantageous outcome for Defendants and their community. With limited resources available for many Defendants suffering from mental health or substance abuse issues, sentencing services acts as a "bridge" or liaison between the Defendant and potential treatment providers. Without sentencing services, many Defendants would go without appropriate treatment during an active incarceration. As incarceration is intended as a deterrent to future bad acts, many times imprisonment has no determent effect whatsoever. For instance, Defendants with serious mental health issues require more rehabilitation than simple incarceration.

I would encourage our General Assembly to strongly consider continued funding of the 17A Judicial District's Sentencing Services. The benefit derived by our community far outweighs the funding costs of this service and as such, provides a great resource to Defendants and more importantly, our community. I thank you in advance for your consideration and continued service to our State.

Sincerely,

WALKER, MELVIN & WOODALL, LLP

Seth M. Woodall

SMW/rh

Joseph A. Martinez, J.D.
Executive Director




# FIRST at Blue Ridge, Inc.

32 Knox Road
PO Box 40
Ridgecrest, NC 28770
Phone: (828) 669-0011
Office Fax: (828) 669-0589
Admissions Fax: (828) 669-0596
www.firstinc.org

February 20, 2010

Ladies and Gentlemen of the North Carolina General Assembly:

Please accept this letter of support for Sentencing Services. FIRST at Blue Ridge, Inc. is a State of North Carolina Licensed Therapeutic Community which offers a long-term substance abuse treatment program for chronic substance abusers. Participants in this program are required to live and work in our Therapeutic Community for 12-18 months. These individuals acquire job skills, participate in Alcoholics and Narcotics Anonymous, complete or continue their educations, receive group and individual therapy, learn relapse prevention, anger management, life and parenting skills as well as learning to become responsible, productive members of society while living a drug and alcohol free life.

We have had a wonderful and successful relationship with Sentencing Services for a great many years and have watched many of the folks that they refer successfully complete our program. It is our opinion that the hard work that Sentencing Services staff put in on the front end prior to their admission to FIRST as well as the continued follow up through the treatment process and afterwards are the keys to the successes that we have with their referrals. We believe that around 35% of our referrals come from Sentencing Services programs.

Our most recent information shows that an estimated 78 people were referred to us by Sentencing Services from January 2009 thru February 20, 2010. 20 were not admitted to FIRST for various reasons, medical, psychological issues, etc., had a change of heart or in some cases their sentences were activated.

58 were accepted based upon their history, FIRST admission criteria and were admitted to the program.

Of the 58 admitted, 20 did not complete due to administrative discharges, leaving the program on their own, or other reasons.

Of the remaining 38, 5 have successfully completed and graduated from the program, 18 are participating and are candidates for graduations in April and August and 15 are approved for admission and currently are on the waiting list.







We estimate that 60-70% of our total participants graduate from the program, and we are currently working on getting recidivism and other follow-up information on former clients. It is important to note that the typical referral is a long term chronic substance abuser in his mid-30's with multiple treatment episodes and legal issues. This is historically the most difficult population to treat and when we are successful through referrals from Sentencing Services through treatment and beyond, we all win.

Respectfully,

Joseph A. Martinez

Joseph A. Martinez, J.D.
Executive Director

# Cedarbrook Residential Center, Inc.

PO Box 1257
Marion, NC 28752
Voice: 828-652-4633 Fax: 828-659-1307


February 23, 2010

Susan E. Brooks, Administrator
Office of Sentencing Services
P.O. Box 2448
Raleigh, NC 27602

*Via e-mail*

Dear Ms. Brooks,

Cedarbrook Residential Center is a state licensed North Carolina Adult Care Home for 80 adults. We are located in Marion, N.C. We serve clients with a diagnosis of Mental Illness, age 25 and over. We provide medical, psychiatric and community support team services to our residents.

In November, 2004, our facility began working with the Sentencing Services program. Between this time and the end of 2010, we have worked with 30 referrals from this agency, and currently have 6 clients in our facility. We are also interviewing two prospective clients.

The Sentencing Services employee's have worked with our facility to help us coordinate our services, so we can meet the needs of these clients. This was a new concept in NC, asking the courts to consider ordering a person with a mental illness diagnosis, who had been incarcerated for non-violent crimes, possibly several times, to do their probation time at an assisted living facility. In asking the court to do this, Sentencing Services had to work diligently with lawyers, probation officers, judges and family members, to educate them in the services we could offer.

Possibly, an even larger challenge was helping Cedarbrook be able to meet their clients needs as well as meet our state required regulations. Some of these obstacles are obtaining extra forms and paperwork required to be admitted to our facility, which is often hard as client is usually in jail.
Sentencing Services also co-ordinates with jail and family members, the opportunity for Cedarbrook staff to meet and discuss the requirements and services we can offer.

A requirement for admission to our facility is that a referral receives Social Security Disability, as this is what pays for their room and board. This makes it financially impossible for a referral to be able to pay any fines or court costs. Sentencing Services is instrumental in explaining this to court, and is usually successful in having these fines dismissed. They also coordinate with

probation office, to see that case is transferred to McDowell County, where a probation officer comes to the facility to keep a check on the client.

We at Cedarbrook have seen the positive changes that Sentencing Services has provided for their clients. They have accomplished this by advocating for, as well as searching all avenues to provide an alternative living arrangement that will provide their clients an environment that will encourage and support them in living safe, productive lives.

From the thirty clients we have served, two have violated their probation requirements, twenty have completed their probation, with five deciding to remain at Cedarbrook, and the rest are still currently undergoing treatment at Cedarbrook. Out of the twenty completions, four have been allowed, by the probation officer, to leave the facility and continue their time at home. Of these four, two have called Cedarbrook and asked to be re-admitted as they realized they were not being successful in handling their problems. One of our clients tested positive for drugs after being allowed to go on his first home visit. This caused him to have his probation violated, with him being sent to prison for the remainder of his probation period. He contacted our facility, through Sentencing Services, to ask if we would take him back after he finished his time. He returned to facility, where he stayed until he, and family felt he would be able to live successfully at home. As far as we know, he has not appeared in the court system again. Of the six we are presently serving, 2 are close to completing their probation time.

Cedarbrook feels very fortunate to be able to work with Sentencing Services. They provide a service that is greatly needed in our society. We have seen first hand, how they have been instrumental in helping their clients become productive, law abiding citizens. As a mental health provider, we recognize and appreciate the progress their work has accomplished in making the legal system more aware of mental illness issues. We hope to continue working with this organization.

Sincerely,

/s/

Dianne Patton
NC Licensed Administrator
Marketing - Admissions
Cedarbrook Residential Center, Inc.

## APPENDIX G

***Fayetteville Observer* Article: Former drug addict Gibney determined to build a future**

FayObserver.com
The Fayetteville Observer

Published: 05:23 AM, Thu Nov 26, 2009

# Former drug addict Gibney determined to build a future

**By Michael Futch**
**Staff writer**

**RIDGECREST** - Cory Gibney made a mess of his life.

When he was growing up, his father encouraged him to smoke marijuana and drink. By the age of 21, he was deep into addiction, using heroin and other hard drugs.

A stint in the military at Fort Bragg didn't stop his downward spiral, and by 25 Gibney had an extensive criminal record. He committed 14 felonies in a dizzying two-month crime spree fueled by crack cocaine.

"I turned into a monster I never thought possible," he said.

He was locked up in the Cumberland County jail for 41/2months in March 2008. At the time, he was down to a gaunt 106 pounds.

Gibney lost his dignity. He lost his girlfriend. And he lost hope.

"When I was out smoking crack, I just gave up," he said. "Just completely gave up on life. I didn't see anything for myself. I saw no future."

Today - thanks to a court program designed to help him rather than imprison him - he's working to build a life. He's learning to hope again as he beats back his addiction in the gentle mountains of North Carolina.

"For the first time in my life, I feel like I can actually see there's a possible future," he said. "What it is, I don't know, but I know as long as I don't 'pick up,' I have a chance."

## Veterans program

In July, Gibney graduated from a yearlong treatment program funded by the U.S. Department of Veterans Affairs. The program - called Vets FIRST - offers help to military veterans with substance abuse problems. Though he has finished the program, Gibney is still living in transitional housing on the campus of Ridgecrest, near Asheville.

The setting - with its cluster of cottages, buildings and offices - looks more like a mountain retreat than a place for rebuilding damaged lives.

A dozen stone steps lead down to Gibney's cottage, known as Belhaven. He shares a small room with Robert Wicker, another graduate of the program.

"I needed this. As much as I hate to say it, I needed this," Gibney said, sitting in his cottage on a rainy day in mid-November. "I think if my life were to have played out in any other way, I would not be where I am. I give thanks to the

God of my understanding every day for the things that I have and for the things he has done for me. I'm sorry for the way my life has played out. And to be here today, I have had a chance that not many people get."

D.J. Jones, a 59-year-old retired Air Force colonel, is the group leader of the 18 or so military vets in the program. He's from Laurinburg and the brother of Scotland County Sheriff Shep Jones.

D.J. Jones said he has been sober for a year now. He said he started abusing alcohol in the military.

"Cory has really pulled it off," Jones said. "He's working two jobs. I admire him."

A few minutes later, a beat-up Mercury Grand Marquis pulled up to take Gibney to his job at an Applebee's restaurant in Asheville. He also does landscaping and helps a master carpenter. Altogether, he figures he clocks 80 to 90 work hours a week.

"You've got to repair the damage done before you can start," he said. "That's what I'm doing now - trying to pay off (court-ordered) restitution. I'm trying to clear all the damage and start all over and have a new life."

## Chaotic childhood

Gibney is aiming for a new life with less chaos than his old one.

As a child, he said, he bounced back and forth in a custody battle. He ended up spending a lot of time with a father who he said led a wild life.

"He did a lot of drugs and alcohol," he said. "He had me do it with him when I was young."

When Cory was 12, he went to live with his mother. There, he said, he stayed sober until his senior prom.

He got drunk that night.

Soon he was smoking dope again. Then a traumatic event pushed him deeper into drugs.

One night not long after graduation, Gibney said, he and a friend were partying and playing games at the friend's house. "And he raped me," Gibney said.

"That sent me down a real, real bad road. I fell into harder drugs," he added. "I kept telling everyone I was fine, but I was really deep into addiction. I was real bad on heroin."

He enlisted in the Army on the hope it would break the addiction cycle. He said he didn't have a problem until a night in January 2007 when he was punched in the face while leaving a Fayetteville nightclub. That punch busted his face and broke a couple of teeth.

Doctors prescribed the painkiller Percocet, which contains a narcotic.

Gibney relapsed, snorting Percocets until the inside of his nose was nearly worn out. He was admitted into the psychiatric ward at Womack Army Medical Center on Fort Bragg, where he spent four days.

Upon release, his craving for Percocets continued.

He said he started smoking crack because someone told him he could use it to kick the prescription pills habit. Instead, it led to a fierce crack addiction and, ultimately, a rash of breaking-and-entering crimes in the Fayetteville area during February and March of 2008. By the end of March, he was in jail.

"What all we did, I have no recollection of," he said. "I know I admitted to everything I've done and pleaded down for all of it."

He pleaded guilty to six counts of breaking and entering and six counts of larceny, according to Natalia Brookman of the Fayetteville Area Sentencing Center.

And that was where his life started turning around, with the help of the sentencing center.

The center, which develops plans for nonviolent felony offenders, recommended that Gibney get help rather than prison.

He was sentenced to 18 months in the rehabilitation center for treatment of his drug addiction. He was placed on 60 months of supervised probation and booted out of the Army.

Gibney said he agreed to the rehab program because it would keep him out of prison. But something happened along the way to sobriety. He found himself in a community of people who wanted him to succeed.

"For the first time in my life, I started to feel reality, feel compassion, sympathy, sadness. Just something along the way that has happened has changed my life."

In the past, when drugs were his priority, Gibney never had plans for his life.

His priorities have changed.

Once he feels financially secure, has his own car and can be dependent upon himself, he is looking to move to Asheville and pursue a livelihood as a carpenter.

Meanwhile, he carries on his rebound from a life of self-destruction in the mountains of western North Carolina.

"To wake up and be able to smell a breath of fresh air, see birds singing - these are things I never took notice to," he said. "I took everything for granted. I don't do that any more."

*Staff writer Michael Futch can be reached at futchm@fayobserver.com or 486-3529.*
**Get your complete news report daily in The Fayetteville Observer:**
**Subscribe to the print edition**

**APPENDIX H**

***The Importance and Efficacy of Standardized Offender Assessment: The North Carolina Sentencing Services Assessment Program*, by Kenneth Wanberg, Ph.D, and Curriculum Vitae**

# THE IMPORTANCE AND EFFICACY OF STANDARDIZED OFFENDER ASSESSMENT: THE NORTH CAROLINA SENTENCING SERVICES ASSESSMENT PROGRAM

Kenneth Wanberg, Ph.D.
Clinical Psychology
Director
Center for Addictions Research and Evaluation
February 15, 2010

Most if not all judicial jurisdictions have a standardized offender assessment (SOA) program that is an integral part of the sentencing process. In fact, many states statutorily require a SOA for all offenders being processed through the judicial system.

One object of SOA programs is to measure the offender's risk of recidivism. The degree of risk is a critical factor in determining the level of judicial supervision that is needed and the kind of correctional treatment that can be most beneficial with respect to reducing the risk of recidivism. Most importantly, the risk assessment provides critical information for generating a judicial supervision and structure plan that takes into account the welfare and safety of the community. It is inconceivable that any offender being processed through the judicial system would not undergo such an assessment. Virtually all state jurisdictions require a risk assessment measure for all judicial levels (e.g., probation, community corrections, department of corrections) to evaluate the risk of recidivism.
The second objective of SOA programs is to determine the level of alcohol and other drug (AOD) abuse and problems and some assessment of mental health concerns. The level of AOD abuse will provide critical information with respect to determining the AOD intervention and treatment needs of the offender. But such assessment is also critical for community safety. It is well established that from 60% to 80% of offenders have been involved in substance (AOD) abuse and, for the majority of offenders, AOD use and abuse is an integral part of criminal conduct (Wanberg & Milkman, 1998, 2008a). For these offenders, the probability of recidivism is greatly increased when substance abusing offenders relapse. Because of the critical role that substance abuse plays in criminal conduct and in increasing the risk of recidivism, most if not all state and local jurisdictions require an alcohol and other drug assessment prior to or concurrent with the sentencing process.

There is a robust set of research findings that show that offenders who receive correctional treatment with a combined focus on criminal conduct and substance abuse clearly reduces the probability of recidivism (Andrews and Bonta, 2003; Booth & Lehman, 2009; Milkman & Wanberg, 2007; Wanberg & Milkman, 2008a). Research also shows that sanctioning and punishment without correctional treatment has minimal impact on recidivism, and actually contributes to a slight increase in the probability of recidivism (Andrews & Bonta, 2003).

Without correctional treatment, the probability of recidivism ranges from 60% to 80% of offenders within a year of release from jurisdictional supervision, depending on the type of offender, risk level, and extent of AOD abuse. Correctional treatment programs reduce this rate to a range of 25% to 40% (Wanberg & Milkman, 2008b). A recent study of the impact of a 50 session program for substance abusing offenders showed that 80% did not reoffend (a 20% recidivism rate) within one year after completing the program and that 73% did not reoffend (27% recidivism rate) within a two year period after completing the program (Booth & Lehman, 2009). The upshot of these findings is that treatment does reduce the rate of recidivism and relapse. From a cost-savings perspective, this is very significant.

One factor that contributes to the efficacy of treatment outcomes is the completion of an effective assessment of offenders during or following the sentencing process. Such assessment is critical to determining what kind of treatment and level of judicial supervision will work best with each offender. The level of relapse-recidivism risk is critical in determining the most effective supervision and treatment plan for offenders. For example, research shows that providing correctional treatment services to higher risk offenders provides the best payoff for the community - "more bang for the buck" (Andrews & Bonta, 2003).

One SOA model that is used in a number of jurisdictions is to administer the Level of Supervision Inventory-

Revised (LSI-R) and the Adult Substance Use Survey (ASUS: Wanberg, 1997, 2004, 2009) along with an assessment interview. The most effective approach is to complete the SOA prior to sentencing, at which point the SOA information is most useful. To mention a few jurisdictions, the states of Hawaii, Connecticut, Colorado, and Oklahoma use the LSI-R/ASUS and interview model. The North Carolina Sentencing Services (NCSS) Program also uses this model. Other states, such as Arizona, use the ASUS along with another risk assessment instrument. As noted above, by statute, many states require a standardized offender assessment on all individuals entering the judicial system. This is true with Colorado. North Carolina, apparently, does not statutorily require a SOA program.

The NC Sentencing Services program has successfully used the LSI-R/ASUS SOA model for the past 13 years. All staff have been trained in its use and booster training sessions and on-site trainers have provided the staff development support for this program. What is unique about the NC Sentencing Services (NCSS) SOA program is that the norms that NCSS is using for the scales of the ASUS are based on a sample of 1383 offenders being evaluated in its program. This allows the NCSS evaluators to compare their ASUS profile results with the peers of each offender being evaluated. This provides a more realistic basis upon which to evaluate individual offenders. For example, it confronts offenders with the fact that their disruption pattern is more or less severe compared to their group of peers.

The ASUS-R is a self-report survey that can be used to assist the evaluator in assessing problems and disruptions in the areas of: AOD involvement and disruption; mental health and mood adjustment; antisocial attitudes and behaviors; level of defensiveness; and motivation for services. It has strong construct validity and all scales have optimal internal consistency reliability.

There are a number of findings derived from the evaluation of the NCSS normative group that is important when considering the value of utilizing the SOA program, and more specifically, the value of using the ASUS and LSI-R instrument suite. These will be briefly summarized.

**1. Level of Placement Based on ASUS INVOLVEMENT and DISRUPTION Weighted Scores**

Weighted scores from the ASUS INVOLVEMENT scale (level of involvement in various drugs including alcohol) and DISRUPTION scale (measures degree and level of negative outcomes and disruptive symptoms related to AOD use) are used to generate placement guidelines for four possible AOD services:

- Guidelines suggest no AOD services are needed at this time
- Guidelines suggest AOD Education and UA monitoring
- Guidelines suggest Regular AOD outpatient treatment of 1 to 2 hours a week
- Guidelines suggest enhanced treatment such as intensive outpatient, residential care, day care, etc.

The NCSS group was compared with three groups of offenders:

- A total group of offenders entering probation status with no prior screening or evaluation
- Probation-level offenders entering the pre-sentencing phase who had no prior screening offender risk screening or screening for AOD abuse or problems
- Department of Corrections offenders entering prison and evaluated at prison intake.

Table 1 provides a summary of these findings. Group 3 is the group evaluated by NC Sentencing Services Program.

Table 1

Comparing recommended placement assignment based on the ASUS INVOLVEMENT and DISRUPTION Weight Score

| SUGGESTED SERVICES | 1 N=2000 | 2 N=1888 | 3 N=1385 | 4 N=1978 |
|---|---|---|---|---|
| NO SUGGESTED TREATMENT | 22.9 | 9.4 | 12.8 | 1.0 |
| AOD EDUCATION | 23.6 | 18.3 | 14.3 | 3.4 |
| REGULAR OUTPATIENT TREATMENT | 45.6 | 57.8 | 55.0 | 53.9 |
| INTENSIVE TREATMENT (IOP, INPAT) | 8.0 | 14.5 | 17.8 | 41.7 |

1. All probation - no screening for AOD problems or criminal risk
2. Probation - those screened for presentence evaluation
3. North Carolina Sentencing Services Program
4. Department of Corrections: assessed at prison intake

As can be seen in Table 1, the percent of placements in the two treatment categories for the NCSS group (Group 3) is 72.8% compared with 53.6% for all levels of probation clients who have not been screened. Group 2 represents a group comparable to group 3, NCSS clients, with respect to placement by the ASUS. However, as we will see below, the NCSS group has statistically higher scores on AOD disruption and symptoms on the DISRUPTION Scale than Group 2, though comparable scores on the ASUS INVOLVEMENT scale. Group 3 in Table 1 represent offenders evaluated in the NCSS program. What stands out is Group 4, a DOC group entering prison and being evaluated at the prison diagnostic center: 95.3% were placed by the ASUS criteria in the two treatment categories and 41.7% placed in intensive treatment.

There are two important conclusions that are apparent from the Table 1 data. First, the ASUS validates the judicial level system in North Carolina in that the Sentencing Services Program is indeed receiving offenders that are at the higher level of risk with respect to AOD use. Remember, higher levels of AOD abuse and disruption increase the risk of recidivism. Yet, the NCSS group is at a lower range with respect to placement than the prison-bound group.

Second, there is considerable variability in the NCSS group, e.g., around 12% are indicated to not need treatment services, based on the ASUS criteria, and over 17% are indicated to need intense or enhanced treatment. What this means is that an assessment of the kind represented by the NCSS SOA program is essential if there is to be an effective sorting out of those who need any treatment, let alone differentiate between those who may benefit from regular treatment versus intensive treatment. This sorting out will certainly provide a cost-savings in the long run, e.g., regular outpatient treatment is less expensive than intensive treatment; education only or no treatment is less expensive than regular treatment, etc.

The recidivism risk score based on the LSI-R total score also provides guidelines with respect to whether the individual can be placed in an outpatient setting or needs a more structured setting. This is discussed below.

## 2. Level of Alcohol and Other Drug Disruption or Severity

To further support the above findings, Groups 1 through 4 in Table 1 were compared with respect to the mean scores on the INVOLVEMENT and DISRUPTION scores. The best measure of AOD abuse and symptoms in the ASUS-LSI-R suite is the ASUS DISRUPTION scale. The levels of AOD abuse screening for the four are summarized in more detail.

1. Group 1 had no screening, and represents all probation clients entering the system and are expected to include many offenders with lower-level AOD problems and lower-level risk scores on the LSI-R.

2. Group 2 represents a sample of probation clients referred for pre-sentence investigation and had some judicial screening with respect to those who were going to be sentenced, but no formal AOD screening.

3. Group 3, NCSS program offenders, were identified as having moderate to high levels of criminal conduct involvement, but at the level where they could be considered for alternative (to prison) sentencing. They were also identified as having a history of AOD problems. This group represents a moderate to high level of offender risk and should have higher scores on the LSI-R total score.

4. Group 4 represents DOC clients being sentenced to incarceration and evaluated at the DOC prison intake center. They should be expected to have higher levels of criminal conduct and AOD abuse.

Based on these selection processes, we would expect that, as we move from Group 1 to 4, the level of scores would monotonically increase on scales measuring AOD involvement, abuse and disruption, psychological problems, antisocial attitudes and behaviors, AOD use in the six months prior to assessment, and overall global AOD/psychosocial problems. Table 2 provides the results from this analysis. All F values are statistically significant at the .001 level.

What is striking about these findings is that clearly, as we move from Group 1 to Group 4, there is a statistically significant difference between all groups and a monotonic increase of scores for DISRUPTION, ANTISOCIAL, AOD USE LAST SIX MONTHS, and GLOBAL Scales. This provides validation for the structure of the judicial system where we would expect that the AOD use problems, criminal attitudes, and overall social adjustment problems would increase as we move from systems that define lower-level offenders (all probation) to middle-level probation systems (those who indicate more criminal and AOD involvement), to the system that defines higher-level offenders such as the department of corrections, or offenders sentenced to incarceration.

First, what is important about the NCSS group is that it clearly falls in the judicial level just below DOC. This indicates the importance of an effective SOA in order to make appropriate supervision and treatment placement decisions.

Second, the NCSS group shows greater psychological and mood disruption problems than the unscreened probation group, suggesting that psychological adjustment treatment services along with AOD treatment services are important considerations for some offenders in this group. This makes it even more crucial that the NCSS group be evaluated for and properly placed in different levels of AOD and psychological services and different levels of judicial supervision.

Finally, the NCSS group appears to be less defensive (lower scores on DEFENSIVENESS and higher scores on MOTIVATION) than do Groups 1 and 2. This also enhances the probability of successful outcomes for this group.

It seems clear that the NCSS group represents offenders just below the DOC high-level offenders with respect to antisocial and criminal attitudes and AOD problems and disruption, yet higher than unscreened probation and screened probation clients who are not on the cusp of more severe sentencing, as is the NCSS group. Yet, the NCSS group appears to be in a low enough range of AOD and antisocial risk to be considered for alternative sentencing with correctional and AOD treatment opportunities. Yet, Tables 1 and 2 also indicate that screening for the type of judicial supervision and treatment services is crucial for the NCSS group because of their higher levels of risk than the other probation groups.

Table 2
Mean scores on the ASUS scales across the four groups (INVOLVE=INVOLVEMENT Scale; DISRUPT=DISRUPTION Scale; ANTISOC=ANTISOCIAL ATTITUDES AND BEHAVIOR SCALE; PSYCH=PSYCHOLOGICAL AND MOOD ADJUSTMENT PROBLEMS Scale; DEFEND=DEFENSIVE Scale; DRUG 6M=DRUG USE LAST SIX MONTHS IN COMMUNITY Scale; MOTIVAT=MOTIVATION FOR SERVICES AND CHANGE Scale; and GLOBAL=OVERALL GLOBAL PSYCHOSOCIAL/AOD PROBLEMS Scale)

| SCALE DESCRIP-TION | GP 1: N=2000 | | GP 2: N=1871 | | GP 3: N=1378 | | GP 4: N=1107 | | P* |
|---|---|---|---|---|---|---|---|---|---|
| | MEAN | SD | MEAN | SD | MEAN | SD | MEAN | SD | |
| INVOLVE | 6.51 | 6.37 | 9.11 | 6.86 | 8.88 | 7.41 | 15.38 | 8.35 | 000 |
| DISRUPT | 11.21 | 15.35 | 17.13 | 17.85 | 20.15 | 19.10 | 34.47 | 20.97 | 000 |
| ANTSOC | 9.26 | 5.16 | 10.03 | 5.02 | 12.31 | 5.27 | 15.27 | 6.08 | 000 |
| PSYCH | 6.88 | 5.83 | 7.81 | 5.76 | 10.56 | 6.29 | 10.50 | 6.92 | 000 |
| DEFEND | 11.75 | 4.38 | 10.33 | 4.26 | 8.38 | 3.85 | 10.21 | 3.96 | 000 |
| DRUG 6M | 5.06 | 9.63 | 8.48 | 13.38 | 14.07 | 16.60 | 26.40 | 22.21 | 000 |
| MOTIVAT | 9.32 | 6.69 | 12.77 | 6.23 | 13.05 | 6.83 | 14.93 | 5.94 | 000 |
| GLOBAL | 38.68 | 27.14 | 43.77 | 29.57 | 51.77 | 31.87 | 75.65 | 34.53 | 000 |

P*: probability of statistically significant differences across groups

### 3. Risk Measurement of the NCSS Group

The Level of Supervision Inventory - Revised (LSI-R: Andrews & Bonta, 2009) has been used since the 1980s in providing an assessment to help determine the level of criminal risk and recidivism across the entire spectrum of offenders. The NCSS program uses this, along with the ASUS, to evaluate risk of relapse and recidivism. The total LSI-R score for the NCSS group in this study was evaluated: first with respect to its scale distribution; second, how the NCSS group's LSI-R distribution compares with an offender group that is at the lower level in the judicial system (a group not referred for alternative sentencing); and its relationship with the ASUS DISRUPTION Scale.

Different jurisdictions use different LSI-R total score ranges to delineate levels of risk. Most jurisdictions use a low, medium and high designation. For purpose of looking at the NCSS LSI-R scores, four levels were designated, which are given in Table 3: Low, medium, medium-high, and high.

Table 3 provides the distribution of the LSI-R Total Scale score for the NCSS group. Table 4 provides the LSI-R distribution for a lower level offender sample that falls in between Groups 1 and 2 in Tables 1 and 2. The AOD placement distribution for that group, based on the ASUS criteria, is: No treatment indicated, 14.3%, education only, 19.2%; regular treatment (outpatient), 54.6%; and enhanced or more intensive treatment, 11.9%.

What is most important about Table 3 is that 60% of NCSS offenders fall into the medium-high and high ranges. This is very high when compared to the sample in Table 4, where only 19.2% fall in the medium-high and high range. For the NCSS group, this shows two important implications:

1. That NCSS offenders have been appropriately pre-screened to include higher-risk offenders;

2. And that these offenders must be evaluated in order to make the most appropriate assignment to both treatment and judicial supervision.

Table 3
Distribution of LSI-R Total Score for NCSS Group for Different Risk Levels, N=1345

| STATISTICS | LSI-R 0-15 LOW | LSI-R 16-22 MEDIUM | LSI-R 23-29 MEDIUM-HIGH | LSI-R 30-54 HIGH |
|---|---|---|---|---|
| TOTAL N | 262 | 275 | 371 | 437 |
| PERCENT | 19.5 | 20.4 | 27.6 | 32.5 |

Table 4
Distribution of LSI-R Total Score For a Lower Level Probation Group for Different Risk Levels, N=2000

| STATISTICS | LSI-R 0-15 LOW | LSI-R 16-22 MEDIUM | LSI-R 23-29 MEDIUM-HIGH | LSI-R 30-54 HIGH |
|---|---|---|---|---|
| TOTAL N | 1,043 | 553 | 312 | 92 |
| PERCENT | 52.2 | 27.7 | 15.6 | 4.6 |

A crosstab analysis was done between the four LSI-R score categories and the four ASUS DISRUPTION-INVOLVEMENT weighted placement scores.

- Of those offenders who had an LSI-R score of 23 or higher, or who are in the medium-high and high range, 87.7% were placed in the treatment category based on the ASUS (combined regular and enhanced)

- Of those clients who were assigned to the treatment categories, 72% had an LSI-R score of 23 or higher.

These findings indicate that for the NCSS offenders, LSI-R predicts a need for treatment; and the assessment that an offender needs AOD treatment based on the ASUS DISRUPTION and INVOLVEMENT scales predicts that a client will have a moderate-high to high offender risk score. These findings indicate the close relationship between criminal conduct and AOD use and abuse. They also indicate the importance of the SOA program, which evaluates both offender risk level and risk of involvement in AOD abuse.

**SUMMARY**

There is robust evidence that correctional treatment with a cognitive-behavioral approach along with effective judicial supervision works with respect to preventing recidivism. But correctional treatment is dependent on an assessment process that can properly place offenders into services that work for their particular levels of psychosocial, AOD and criminal levels of risk. In light of these general conclusions around the efficacy of correctional treatment, the comparative study summarized in this paper indicates some important conclusions with respect to the NCSS group.

First, there is considerable variability among the NCSS group that clearly indicates the need for an effective assessment process that provides guidelines for assignment of offenders to different levels of judicial supervision and AOD treatment services. For this group, a one-size-fits-all supervision or treatment approach is not acceptable, nor is it fiscally sound. From both a community safety standpoint and offender rehabilitation, an SOA program is essential.

Second, the NCSS group represents a higher recidivism and relapse risk, even when compared with another pre-sentenced offender group. Since this group is screened for alternative (to incarceration) sentencing, then it is very important that they receive a careful assessment before placement. This is the group that has high need for both expert judicial supervision services and AOD treatment services.
Finally, offender recidivism risk and AOD abuse are integrally linked: offender risk level predicts a history of AOD problems; high AOD problems predict scores on the LSI-R that predict recidivism.

Given these findings and conclusions, it is inconceivable that the NCSS group not be submitted to an effective and well tested assessment process. Such assessment process is fiscally sound, is essential from the perspective of public safety, and increases the probability of rehabilitation of a higher number of offenders to live a law-abiding and productive life.

Finally, it is important to note that any assessment process should involve the utilization of reliable and valid instruments to guide evaluators in making placement decisions. Yet, these instruments only provide guidelines for evaluators. Final placement decision are always made by evaluators and **never made** solely based on psychometric instruments such as the ASUS and the LSI-R.

## REFERENCES


Andrews, D., & Bonta, J. (2009). *The Level of Service Inventory - Revised.* North Tonawanda, NY: Multi-Health Systems, Inc.

Andrews, D. A., & Bonta, J. (2003). *The psychology of criminal conduct (3rd Ed.).* Cincinnati, OH: Anderson.

Booth, R. E., & Lehman, W. E. K. (2009). *Strategies for Self-Improvement and Change and Recidivism Following Treatment.* Denver, CO: Division of Behavioral Health.

Milkman, H. B., & Wanberg, K. W. (2007). *Cognitive-behavioral treatment: A review and discussion for corrections professionals* (NIC Accession number 021657). Washington, D.C.: National Institute of Corrections.

Wanberg, K. W. (1997). *The Adult Substance Use Survey (ASUS).* Arvada, CO: Center for Addictions Research and Evaluation.

Wanberg, K. W. (2004, 2009). *The Adult Substance Use Survey - Revised (ASUS-R).* Arvada, CO: Center for Addictions Research and Evaluation.

Wanberg, K.W. & Milkman, H. B. (1998). *Criminal conduct and substance abuse treatment: Strategies for self-improvement and change.* Thousand Oaks, CA: Sage Publications.

Wanberg, K. W., & Milkman, H. B. (2008a). *Criminal Conduct and Substance Abuse Treatment: Strategies for Self-Improvement and Change, Pathways to Responsibility living - Provider's Guide.* Thousand Oaks, CA: Sage Publications.

Wanberg, K. W., & Milkman, H.D. (2008b). *Effective approaches for criminal conduct and substance abuse treatment: Contributions of the science of what works!* Plenary Session, 16th Annual Research Conference on "What Works", Risk, Resiliency and Reentry, October, 2008, St. Louis, MO.

VITAE

Kenneth W. Wanberg
16050 West 69th Place
Arvada, Colorado 80007

**EDUCATION**

B.A. University of Northern Colorado, 1956: Biological Science and Mathematics.
Th.M. Iliff School of Theology, 1959: Counseling.
Th.D. Iliff School of Theology, 1962: Psychology and Counseling (curriculum supplemented through the Department of Psychology, University of Denver).
M.A. University of Denver, 1971: Psychology with focus on quantitative analysis.
Ph.D. University of Denver, 1987: Human Communication with a concentration in the area of interpersonal communication and psychology of spoken language.

**CERTIFICATIONS AND CREDENTIALS**

Licensed Psychologist, State of Colorado, 1973.
Certified Addictions Counselor III, Colorado Department of Health, 1992.
Psychologist II, Colorado Civil Service, 1973 - 12/93.
National Registry of Health Service Providers in Psychology.
United Methodist Church, Ordained Elder, 1959.

**CURRENT EMPLOYMENT**

Psychologist (Clinical and Research), Private Practice, 1973 - present.
Director, Center for Addictions Research and Evaluation, 1976 to present.
Evaluation Specialist/Trainer: Center for Interdisciplinary Services, 10/94-present.

**PREVIOUS EMPLOYMENT POSITIONS**

Division of Youth Services, Department of Institutions, State of Colorado, 1977-1993.
Raleigh Hills Hospital, Denver, CO, Director of Psychological Services, 1976 - 1983.
Fort Logan Mental Health Center, Alcoholism Division, Denver, Colorado, 1962 - 1977
United Methodist Church: Evans United Methodist, Lafayette United Methodist, Washington Park United Methodist and Park United Methodist, 1957-1965.

**GRANTS AND SPECIAL PROJECTS**

Co-author and Site Principal Investigator: Model Comprehensive Treatment Alternatives Program for Residents of Denver Public Housing, Denver Area Youth Services, Center for Substance Abuse Treatment, 1 HD7 TI00435-03, 1993 - 1996.
Project Evaluator: Model Comprehensive Substance Abuse Treatment Programs for Correctional Population - Colorado Divisions Youth Corrections, Center for Substance Abuse Treatment, 1HS1 TI00678-03, 1993 - 1997.
Co-project Evaluator: Denver Area Youth Services La Familia Community Drug and Alcohol Prevention Program, Center for Substance Abuse Treatment, H86-SP-03846-01A1, 1993 - present.
Project Evaluator: Center for Interdisciplinary Studies and The New Dance Theatre Project Self Discovery: Artistic Alternatives for High Risk Youth, Center for Substance Abuse Prevention, 1 H86-SP04771-04, 1992 - 1996.
Author: Revision of the Basic Counseling Skills Manual and Challenge Exams, Colorado, Alcohol and Drug Abuse Division, 1989.
Author and Project Co-coordinator: An Innovative Model for Statewide Training Program for Alcoholism Counselors in Colorado, Western Area Alcohol Education raining Program, Grant 75 0417, 1976 - 1977.
Principal Investigator and Co-author: Relating Alcoholism Dimensions to Therapy and Outcome, National Institute of Alcoholism and Alcohol Abuse (NIAAA), Grant 2 R01 AA00221, 1974 - 1977.
Principal Investigator and Author: Program of Applied Training for Alcoholism Specialists, NIAAA Grant 1 T15 AA00098, 1974 - 1977.
Senior Author: Early Detection and Intervention of Alcohol and Drug Problems, National Institute of Drug Abuse, Grant 1 H81 DA 07101, 1974 - 1977.
Principal Investigator and Co-author: The Identification of Alcoholism Patterns, National Institute of Mental Health, Grant MH 14486, 1968 - 1974.
Co-author and Research Director: An Extended Residential Treatment Program for Alcoholism, NIMH Hospital Improvement Program, 1970- 1973.

Kenneth Wanberg

**PROFESSIONAL ORGANIZATIONS**

American Board of Assessment Psychology, Diplomate.
American Psychological Association, Member.
Sigma Xi, The Scientific Research Society, member.

**APPROVED TRAINER FOR THE FOLLOWING PROFESSIONAL WORKSHOPS AND SEMINARS**

Basic Counseling Skills: Approved for counselor certification, Alcohol and Drug Abuse Division, State of Colorado.
Differential Assessment of Drug and Alcohol Problems: Approved for counselor certification, Alcohol and Drug Abuse Division.
Differential Assessment of Alcohol Problems Using the Alcohol Use Inventory: Approved for counselor certification by Alcohol and Drug Abuse Division, State of Colorado and as a professional workshop by National Computer Systems.
Assessment of Multiple Conditions of Adolescent Drug Users: Approved for counselor certification by Alcohol and Drug Abuse Division, State of Colorado.
Advanced Counseling Skills: Approved for counselor continuing education, Alcohol and Drug Abuse Division, State of Colorado.
Process and Structure of Group Counseling and Psychotherapy: Approved for counselor continuing education, Alcohol and Drug Abuse Division.
Suicide Assessment and Intervention: Alcohol and Drug Abuse Division and Division of Youth Services, State of Colorado.

SELECTED PUBLICATIONS


Wanberg, K. W., Timken, D. S., & Milkman, H. B. (2010). *Driving with Care: Education and treatment of the underage impaired driving offender, an adjunct provider's guide to Driving With Care, Education and treatment of Impaired Driving Offender, Strategies for Self Improvement and Change*. Thousand Oaks, CA: Sage Publications, Inc.

Wanberg, K. W., & Milkman, H. B. (2009). *Provider' handbook for assessing criminal conduct and substance abuse clients: Progress and Change evaluation (PACE) monitor*. Thousand Oaks, CA: Sage Publications, Inc.

Milkman, K. W., & Wanberg, H. B. (2008). *Women in Corrections: Adjunct to the Provider' Guide, Criminal Conduct and Substance Abuse Treatment*. Thousand Oaks, CA: Sage Publications, Inc.

Wanberg, K. W.,& Milkman, H.B. (2008). *Criminal Conduct and Substance Abuse Treatment: Strategies for Self-Improvement and Change - Pathways to Responsible Living, Provider's Guide (2nd edition)*. Thousand Oaks, CA: Sage Publications, Inc.

Wanberg, K. W., & Milkman, H.B. (2006). *Criminal Conduct and Substance Abuse Treatment- Strategies for Self-Improvement and Change: Pathways to Responsible Living, Participant's Workbook* (2nd Edition). Thousand Oaks, CA: Sage Publications, Inc.

Wanberg, K. W., Milkman, H., & Timken, D. (2005). *Driving With CARE: Education and treatment treatment of the impaired driving offender (Provider's Guide)*. Thousand Oaks Oaks, CA: Sage Publications, Inc.

Wanberg, K. W., Milkman, H., & Timken, D. (2005). *Driving With CARE: Alcohol, other drugs and driving safety education (Level I Education)*. Thousand Oaks, CA: Sage Publications, Inc.

Wanberg, K. W., Milkman, H., & Timken, D. (2005). *Driving With CARE: Alcohol, other drug and driving safety education (Level II Education)*. Thousand Oaks, CA: Sage Publications, Inc.

Wanberg, K. W., Milkman, H., & Timken, D. (2005). *Driving With CARE: Impaired driving offender treatment (Level II Therapy)*. Thousand Oaks, CA: Sage Publications, Inc.

Milkman, H. B., & Wanberg, K. W. (2005). *Criminal Conduct and Substance Abuse Treatment for Adolescents: Pathways to Self-Discovery and Change - Provider's Guide*. Thousand Oaks, CA: Sage Publications, Inc.

Wanberg, K. W., & Milkman, H. (2001). Criminal conduct and substance abuse treatment. *The International Community Corrections Association Journal*, April, 2001.

Chang, I., Lapham, S. C., & Wanberg, K. W. (2001). Alcohol Use Inventory: Screening and assessment of first-time driving-while-impaired-offenders. I. Reliability and Profiles. *Alcohol & Alcoholism, 36*, 112-121.

Wanberg, K. W., & Milkman, H. (1998). Criminal conduct and substance abuse treatment strategies. In E. E. Rhine f(Ed.). *Best practices: Excellence in corrections.* Lanham, Maryland: American Correctional Association.

Wanberg, K. W., & Milkman, H. (1998). *Criminal Conduct and Substance Abuse Treatment: Strategies for self-improvement and change (Provider's Guide).* Thousand Oaks: Sage Publications.

Wanberg, K. W., & Milkman, H. (1998). *Criminal Conduct and Substance Abuse Treatment: Strategies for self-improvement and change (Participant's Workbook).* Thousand Oaks: Sage Publications.

Milkman, H., & Wanberg, K. W. (1996). Project self-discovery: Artistic alternatives for high risk youth. *Journal of Community Psychology, Monograph Series,* 1996.

Lapham, S. C., Wanberg, K.W., Barton, K., & Timken, D. (1996). *A User's Guide to the Lovelace Institutes Comprehensive Screening Instrument (LCSI) for Evaluating DWI Offenders.* Albuquerque, NM: Lovelace Institute.

Anderson, S. D., & Wanberg, K. W. (1991). A convergent validity model of emergent leadership in groups. *Small Group Research, 22,* 380-397.

Wanberg, K. W. (1990). *Basic counseling skills manual.* Denver, CO: Alcohol and Drug Abuse Division, Colorado Department of Health.

Wanberg, K. W., Horn, J. L., & Foster, F. M. (1990). *Alcohol Use Inventory: Interpretive Report User's Guide.* Minneapolis, MN: National Computer Systems.

Wanberg, K. W., & Horn, J. L. (1987). The assessment of multiple-conditions in persons with alcohol problems. In M. Cox (Ed.). *Treatment and prevention of alcohol problems: A resource manual.* New York: Academic Press.

Horn, J. L., Wanberg, K. W., & Foster, F. M. (1987). *Guidelines to the use of the Alcohol Use Inventory (AUI).* Minneapolis, MN: National Computer Systems.

Wanberg, K. W., & Horn, J. L. (1983). Assessment of alcohol use with multidimensional concepts and measures. *American Psychologist, 38,* 1055-1069.

Horn, J. L., Wanberg, K. W., & Adams, G. (1982). Diagnosis of alcoholism. In E. M. Pattiston (Ed.), *Selection of treatment for alcoholics.* New Brunswick, N.J.: Rutgers Center of Alcohol Studies.

Wanberg, K. W., Lewis, R., & Foster, F. M. (1978). Alcoholism and ethnicity: A comparative study of alcohol use patterns across ethnic groups. *International Journal of the Addictions, 13,* 1245-1262.

Wanberg, K. W., Horn, J. L., & Foster, F. M. (1977). A differential assessment model for alcoholism: The scales of the Alcohol Use Inventory. *Journal of Studies on Alcohol, 38,* 512-543.

Wanberg, K. W., Horn, J. L., & Fairchild, D. M. (1974). Hospital versus community treatment of alcoholism problems. *Internal Journal of Mental Health, 3,* 160-176.

Wanberg, K. W., & Horn, J. L. (1973). Alcohol syndromes related to sociological classifications. *International Journal of the Addictions, 8,* 99-120.

Horn, J. L., Wanberg, K. W., & Appel, M. (1973). On the internal structure of the MMPI. *Multivariate Behavioral Research, 8,* 131-171.

Horn, J. L., & Wanberg, K. W. (1973). Females are different: On the diagnosis of alcoholism in women. In N. Rosenberg (Ed.), *Contributions to an Understanding of alcoholism.* Rockville, Maryland: U. S. Department of Health, Education, Welfare, 332-354.

Foster, F. M., Horn, J. L., & Wanberg, K. W. (1972). Dimensions of treatment outcome: A factor-analytic study of alcoholics' responses to a follow-up questionnaire. *Quarterly Journal of Studies on Alcohol, 33,* 1079-1098.

Wanberg, K. W., & Horn, J. L. (1970). Alcoholism symptom patterns of men and women: A comparative study. *Quarterly Journal of Studies on Alcohol, 31,* 40-61.

Wanberg, K. W., & Knapp, J. (1970). A multidimensional model for the research and treatment of alcoholism. *International Journal of the Addictions, 5,* 69-98.

Wanberg, K. W., & Knapp, J. (1970). Differences in drinking symptoms of men and women alcoholics. *British Journal of Addictions, 64,* 347-355.

Wanberg, K. W. (1970). Some psychodynamic dimensions found among alcoholics. *Psychotherapy: Theory, Research and Practice,* 7, 79-85.

Horn, J. L., & Wanberg, K. W. (1970). Dimensions of perception of background and current situation of alcohol patients. *Quarterly Journal of Studies on Alcohol,* 7, 633-658.

Wanberg, K. W. (1969). Prevalence of symptoms found among excessive drinkers. *International Journal of the Addictions, 4,* 169-185.

Horn, J. L., & Wanberg, K. W. (1969). Symptom patterns related to the excessive use of alcohol. *Quarterly Journal of Studies on alcohol, 30,* 35-58.

**INSTRUMENTS AND TESTS**


Horn, J. L., Wanberg, K. W., & Foster, F. M. (1974). *The Alcohol Use Inventory (AUI)*. Arvada, CO: Center for Alcohol-Abuse Research and Evaluation.

Horn, J. L., Wanberg, K. W., & Foster, F. M. (1986). *The Alcohol Use Inventory (AUI)*. Minneapolis, MN: National Computer Systems.

Wanberg, K. W., & Horn, J. L. (1988). *The Drug Use Self Report (DUSR)*. Arvada, CO: Center for Addictions Research and Evaluation.

Wanberg, K. W., & Timken, D. (1989). *The Driving Assessment Survey (DAS)*. Arvada, CO: Center for Addictions Research and Evaluation.

Wanberg, K. W., & Horn, J. L. (1987). *The Alcohol Use Self Report (AUSR)*. Arvada, CO: Center for Addictions Research and Evaluation.

Wanberg, K. W. (1991). *The Substance Use Survey IA (SUS IA)*. Arvada, CO: Center for Addictions Research and Evaluation.

Wanberg, K. W. (1991). *The Adolescent Self Assessment Profile (ASAP)*. Arvada, CO: Center for Addictions Research and Evaluation.

Wanberg, K. W. (1993). *The Adult Substance Use Survey - ASUS*. Arvada, CO: Center for Addictions Research and Evaluation.

Wanberg, K. W. (1998). *The Adult Self-Assessment Profile - AdSAP*. Arvada, CO: Center for Addictions Research and Evaluation.

Wanberg, K. W., & Timken, D. (1998). *The Adult Substance Use and Driving Survey - ASUDS*. Arvada, CO: Center for Addictions Research and Evaluation.

Wanberg, K. W., & Readio, S. (2000). *Youth Self-Assessment Survey*. Arvada, CO: *Center for Addictions Research and Evaluation.*

Wanberg, K. W. (2004, 2010). *The Adolescent Self Assessment Profile-II (ASAP-II)*. Arvada, CO: Center for Addictions Research and Evaluation.

Wanberg, K. W., & Timken, D. (2004). *The Adult Substance Use and Driving Survey-Revised (ASUDS)*. Arvada, CO: Center for Addictions Research and Evaluation.

Wanberg, K. W. (2006, 2010). *The Adult Substance Use Survey-Revised (ASUS-R)*. Arvada, CO: Center for Addictions Research and Evaluation.

## APPENDIX I

## Treatment Resources Recommended by Sentencing Services and Ordered by Judges
## FY 2008-09

## Treatment Resources Recommended by Sentencing Services and Ordered by Judges FY 2008-09

A Helping Hand
AA/NA
ACT
ADCI
Adolescent SA
ADS (Alcohol and Drug Services)
Alpha & Omega
Alpha Acres
Anger Management
ARC of NC
ASAP
Beacon Center
Behavioral Health Solutions
Bethel Colony of Mercy
Blanchard Farms
Blue Ridge Behavioral
Bridges
Britesmilz
Cambridge Place
Caring Family Network
Caring Services
Carolina Behavioral Care
Carolina Counseling Associates.
Cascades-Charlotte
Cedarbrook Residential
Charlotte Rescue Mission
Chattham Counseling Center
Coastal Horizons
Cognitive Connections
Community Innovations
Community Resource Court
Comprehensive Community Care
Corbett Care Home
Cornerstone Treatment Center
Countryside Villas Group Home
Cove Creek Farm
Craven Community College
Creating Peace
Crossroads Treatment Center
Cumberland County Mental Health
DART
DART-Cherry
Day by Day
Day Reporting Center
Daymark Recovery Services
Delta Behavioral
Domestic Violence Program
Dorthea Dix
DOSE Domestic Violence
Dove's Nest
Dr. Guire, Private Provider
Dreamworks
Drug & Alcohol Assessment Center
Drug Court
Durham Access Crisis
'Durham Center Adult System of Care
Durham Consumer Credit Counseling
Durham County CJRC
Durham Day Reporting Center
Durham Regional Financial Center
Durham Urban Ministries
Eastpointe
Edwards Counseling
Edward's Group Home
Employment Security Commission
Evergreen
Exodus Home
Faith Home
Family Life Center
Family Pride Recovery Strategies
Fayetteville Community College
FIRST
First Things First
Five Counties Mental Health
Focus on Fathers
Franklin County Mental Health
Freedom House Outpatient Services
Freedom House Recovery Center
Gaston County DRC
GED Program
God Did It
Gore Community Development
Grace Court
Great Expectations Group Home
Guilford County Day Reporting Center
Halifax Community College
Haven House
Healing Place
Hebron Colony
Hope Valley
Hursh
Iredell County Resource Center
Job Link
Johnston County Community College
Johnston County Mental Health
Kraft Psychological Services
Lawson Support Services
Lee County Mental Health
Life Challenge
Lifeworks
Malachi House
Maple Heights Home
Mary Francis Center
Mecklenburg County Jail SA Program
McLeod
Medication Compliance
Men's Shelter
Mentor Durham Companions
MH Treatment w/in the DOC
Middleton
Moore Co. Day Reporting Center
N.C. Solutions
'NC House of Restoration Church, Forsyth Co.
New Directions
New Life Launch Pad
New River Behavioral Health Center
New Ulm Med Center in Maine
New Way of Life
North Carolina Behavior Health Systems
Nothwoods High School
NOVA
OMITT
Online High School Diploma Program
Onslow County DRC
Onslow/Carteret Behavioral Health Care
Orange, Person, Chattaham County MH
Oxford House
PALS Group Home
Pavillion Center
PEACE Program
Peachford House
Phoenix Counseling Center
PORT
Port Human Services
Potter's Wheel
Prairie Center
Priority House
Private Provider
Project Turn Around
Project Uplift
Psychiatric Support Services
RAIN
Rebound
Rebound Men's Program
Recovery Associates
Recovery Ventures
Restorative Justice Center
Ringer Center
Robeson County Offender Resource Center
RSAT
Rubicon Family Counseling Center
S.C. Youth Challenge Academy
SA Treatment w/in DOC
SA/MH Counseling w/in DOC
Safe Place
SAIL
Salvation Army
Samaritan Colony
Sandhills Mental Health Center
Sandhills Tarheel Challenge Program
SCRAM Program
Sex Offender Specific Treatment
SGt. Redd's PT Program
Sherry Howell
SOAR
SOART Program (Sex Offender TX)
Solus Christus
SORT Program (Sex Offender TX)
Southeaster Center
Southeastern Mental Health
Southeastern Recovery Alternatives
Southeastern Regional Mental Health
SouthLight
STARR Program
STEP Court
Stratford Outreach
Structured Day Program
Summit House
Sunrise Chapel Hill
Swain Recovery Center
Tarheel Challenge
TASC
Teen Challenge
Theraputic Alternatives
Treatment Agency in New Mexico
Triangle Neuropsychiatric Clinic
TROSA
Union Mission House
Unity House
Unspecified Educational/Vocational Program
Unspecified Inpatient TX
Unspecified Local MH Provider
Unspecified Outpatient Treatment
Unspecified Residential Facility
Unspecified Sex Offender TX
Urban League
VA Hospital
Valley of Hope
Vocational Rehabilitation
Walter B. Jones Hospital
Wayne County Mental Health
Waynesboro Clinic Goldsboro
Wilmington Treatment Center
Work First
Work Release Program
Works in Action Program

**APPENDIX J**

**Executive Summary of Ellington T. Graves and Lawrence D. Vellani, Sentencing Information and Judicial Decision Making (Dec. 2000); Letter from Ellington T. Graves, Ph.D., to Susan E. Brooks (Nov. 8, 2004); and Revised Recidivism Tables**

# Sentencing Information and Judicial Decision Making

## The Use of the Level of Services Inventory – Revised (LSI-R) and the Adult Substance Use Survey (ASUS) by the North Carolina Sentencing Services Program

in partial fulfillment of a grant from
the North Carolina Governor's Crime Commission
to the
Administrative Office of the Courts
Office of Sentencing Services

December 2000

Ellington T. Graves
Lawrence D. Vellani

© North Carolina Administrative Office of the Courts

©2001 North Carolina Administrative Office of the Courts

# Table of Contents

(NOTE:-page #s have changed in following document as only a portion of the entire report is included)


**Dedication/Acknowledgements** 1
**About the Authors** 2
**Executive Summary** 3

**Part I - The Sentencing Services Program** 10
**Chapter I – Origins, description and current administration of sentencing services** 10
A. Introduction: the functions of sentencing information in criminal trials 10
B. Sentencing information within court and correctional reform 10
C. Early growth and development of the community penalties program 12
D. The sentencing services program today 14

**Chapter II – The use of actuarial instruments in sentencing services case work** 15
A. Evidence-based practice initiative 15
B. The LSI-R and the ASUS 16
C. Qualifying staff to use the LSI-R and ASUS 19
D. From client referral and assessment through quality assurance of assessment 20
E. Quality control feedback and error reporting 23

**Part II – Validation Study** 24
**Chapter I – Theoretical and Practical Foundations of the Research** 24
A. Goals of the study 24
B. Sample selection and description 24
C. Data sources 25
D. Study limitations 26
E. Principal methods of analysis 27
1. correlation 27
2. factor analysis 28
F. Principal psychometric properties under analysis 29
1. reliability 29
2. validity 30

**Chapter II – Data Analysis and Outcomes** 33
A. Reliability 33
1. internal reliability of LSI-R subscales and rater scores 33
2. internal reliability of LSI-R risk score 35
3. intercoder reliability of the LSI-R 36
4. internal reliability of ASUS subscales 37


©2001 North Carolina Administrative Office of the Courts

B. Factor analysis 36
1. LSI-R subscale and rater score factor patterns 39
2. LSI-R risk socre factor patterns 42
3. ASUS scale factor patterns 43
C. Validity 45
1. perspective validity 45
2. LSI-R/ASUS subscale and scale comparisons 45
3. intermediate outcome (initial disposition) analysis 46
4. supervision outcome analysis 51
5. recidivism analysis 52
6. LSI-R risk categories 55

**Chapter III – Discussion and Recommendations for Future Research** 56
A. Principal findings 56
B. Judicial use of sentencing information on offender recidivism 59
C. In conclusion 62

**Appendices**
a. Figures 1(chart)
b. Data Tables, 1 - 144
c. Copy of LSI-R and ASUS instruments
d. Evidence-based practice standards and quality assurance worksheets
e. Copy of form AOC-CR-613, Referral/Order Form Sentencing Services Plan
f. Selected Bibliography

©2001 North Carolina Administrative Office of the Courts

# Dedication

**To David D. Dillingham (1942 - 2000).** Correctional Program Specialist, U. S. Department of Justice National Institute of Corrections, 1982 - 2000. A vigorous advocate of rational public policy and a colleague in the truest sense of the word whose support of the evidence-based practice initiative never flagged, from Kanuga, North Carolina to Longmont, Colorado to Quebec City, Quebec to Asheboro, North Carolina.

**To W. Robert "Bob" Atkinson**. Public servant, leader, colleague, mentor and friend whose vision and guidance made possible the Office of Sentencing Services.

# Acknowledgements

W. LeAnn Wallace of Raleigh, North Carolina, who authored the original project grant and provided the principal researcher direction and feedback during his service with the Administrative Office of the Courts; Judge Tom Ross of Greensboro, North Carolina, who no longer waits for the baseball owners to call; Brad Bogue of Boulder and Ken Wanberg of Arvada, Colorado, who know a mountain worth climbing; Don Andrews of Nepean, Ontario, who was willing to share his personal view of Sullivan Island, South Carolina; Lisa Clemen, Gregg Harris, Patricia Vandersea, and Patricia Warren, of the cities of Durham and Raleigh, North Carolina, whether their service was of two months or two years; our Hammond Park colleagues Don Jones and Tiffany Rouse who relish every minute including the last, Karolyn Bodrie Gearino of Fuquay-Varina, North Carolina, who knows just when true leadership is needed; our colleagues in the North Carolina Department of Correction, the divisions of Community Corrections and Research and Planning, who prize evidence over belief; and the men and women who serve justice and public safety in the sentencing services agencies throughout the state of North Carolina.

This report was developed under a grant from the North Carolina Governor's Crime Commission. The statements made and opinions expressed in this report reflect the views of the authors and do not necessarily reflect the official position or policies of the Administrative Office of the Courts, the North Carolina Judicial Department, or the Governor's Crime Commission.

©2001 North Carolina Administrative Office of the Courts

## About the Authors

**Ellington T. Graves, Research Director.** Assistant Professor, Department of Sociology, Virginia Polytechnic Institute and State University (Virigina Tech), Blacksburg, Virginia. Graves served as the director of the LSI-R Assessment Project for the Administrative Office of the Courts from September 1998 through September 2000. Graves has degrees from Johns Hopkins University and Virginia Polytechnic Institute. He has completed his course work and is concluding his dissertation toward a doctorate in sociology from the University of North Carolina at Chapel Hill.

**Lawrence D. Vellani, Co-author.** Assistant Administrator for Program Services, Office of Sentencing Services. Vellani has over twenty years experience in the administration of research, education and direct service organizations in Indiana, North Carolina and Ohio, and has provided technical consultation to public and private agencies in more than a dozen other states. Since September 1994, he has served the North Carolina Administrative Office of the Courts, assisting local jurisdictions with the establishment and continuous quality improvement of sentencing programs. A graduate of the Ohio State University and Indiana University, Vellani is also an adjunct member of the faculty of the Department of Political Science and Public Administration at Elon College, Elon, North Carolina.

©2001 North Carolina Administrative Office of the Courts

# Executive Summary

**Introduction**

This research report is part of a larger LSI-R Risk Assessment Project, partially funded by a two-year grant from the North Carolina Governor's Crime Commission, to evaluate the use of the Level of Services Inventory-Revised (LSI-R) and the Adult Substance Use Survey (ASUS) with North Carolina offenders so that sentencing services personnel can confidently use these risk/need assessment tools to assess the offenders for whom they are preparing information and sentencing plans for the consideration of North Carolina judges. The project goals that this report addresses are:

1. *To intensively evaluate the individual item data and total scores of the LSI-R to produce scoring ranges normed for North Carolina;*
2. *To collect data on the ASUS so that North Carolina scoring profiles can be determined;*
3. *To follow up those placed on probation under a sentencing plan to determine the offender's subsequent recidivism and the extent to which the plans were followed; and*
4. *To evaluate the use of the LSI-R and ASUS by sentencing services staff.*

In an effort to accomplish these goals, the principal researcher gathered and analyzed descriptive statistics on a sample of program clients, their case outcomes and follow-up behavior. He also evaluated the psychometric properties of the instruments, analyzing their reliability and validity, and conducted factor analysis on the LSI-R subscales and the ASUS scales.

**Sentencing Information: From Community Penalties to Sentencing Services**

In 1979 and 1994, the General Assembly enacted major revisions of the state's crime and sentencing codes. "The Fair Sentencing Act of 1979" (which became effective in 1981) moved the state from an indeterminate to a determinate (or presumptive) sentencing system. In 1994, the legislature again revised the criminal code, introducing even more guided discretion for judges at sentencing under the terms of a body of legislation known as "Structured Sentencing."

The Community Penalties Act of 1983 established the community penalties program. The program grew between 1984 and 1997 from five pilot sites to a statewide, private-public partnership providing bio-psycho-social information on defendants and information on available, appropriate resources to court, correctional and treatment personnel in every courthouse in the state. In 1999 and 2000, the General Assembly updated the Program's

©2001 North Carolina Administrative Office of the Courts

purpose and changed the title of the enabling legislation to the Sentencing Services Act. Beginning in January 2000, the program became the Sentencing Services Program.

Today, the Office of Sentencing Services within the Administrative Office of the Courts (AOC) uses several approaches to deliver sentencing services within each superior court judicial district. The AOC contracts with 18 nonprofit agencies for service delivery in 35 superior court districts (76 counties) and with units of local government in two superior court districts (four counties) and maintains AOC state-operated offices in the remaining nine districts (20 counties).

Program employees assess a person's risk to fail under community supervision and provide the sentencing judge with a sentencing plan that provides an assessment and description of the offender's background, including available information about past criminal activity; a matching of specific offender needs with available and appropriate resources; and, if appropriate, an intermediate sanction (a more stringent form of probation). Sentencing plans may include options for substance abuse treatment and other therapies, family support, employment and other necessary medical, psychological or social interventions.

**Evidence-based Practice Initiative**

A vital part of the AOC's responsibility in the sentencing services partnership has been the provision of training and professional development to the personnel working daily with the defendant population. The U. S. Department of Justice National Institute of Corrections (NIC) assisted with the development of the sentencing services program's Evidence-based Practice Initiative through funding technical assistance site visits by researchers and practitioners in the areas of actuarial assessment and client interaction skills.

The first stage of the Evidence-based Practice Initiative comprised training in the use of two actuarial instruments and the use of motivationally-based client interaction skills. The Level of Service Inventory-Revised (LSI-R) and the Adult Substance Use Survey (ASUS) are the two instruments employed in all of the sentencing services programs. The stages of change[1] and

1 Prochaska, J.O., & DiClemente, C.C. (1991). "Motivational interviewing and the six stages of change."In *Motivational interviewing: Preparing people to change addictive behavior*, W.R. Miller & S. Rollnick (Eds.), (pp. 14-18) New York: Guilford Press.

©2001 North Carolina Administrative Office of the Courts

FRAMES[2] models, including an elementary introduction to Motivational Interviewing[3] and other enhanced client interaction techniques, comprised the initiative's client interaction paradigm.

**Principal Findings**

The overall results of this study provide support for the psychometric integrity of both the LSI-R and the ASUS. The implementation of these assessments by North Carolina sentencing services programs has been undertaken with significant attention to detail and quality so as to minimize problems with consistency, reliability and validity. Overall, the analyses presented here indicate that all parties affected by the use of these instruments, including sentencing services programs, the courts, offenders and the public, are well-served by their use.

The outcome of the reliability analyses indicates very good overall consistency for both instruments. The *internal reliability* of both the LSI-R and ASUS was largely strong. The *intercoder reliability* of the LSI-R was also very strong and shows not only the interpretability of the LSI-R across coders, but also the efficacy of the intake and coding documentation used by sentencing services programs.

The combinations of LSI-R items and subscales obtained in the factor analyses reflected latent dimensions that support *construct validity* in that the combinations of items and subscales are interpretable in terms of concepts that the assessment was intended to measure. The variation in factor structures by sex and race/ethnicity does present the possibility that the concepts associated with the subscales and with the risk score are not without variation. However, this point does not raise a challenge to the validity of the instrument, but rather a point to consider in future revisions of the instrument, as well as a possible argument for group specific interpretation of some of the subscales and total scores.

The results of the factor analysis for the ASUS correspond very closely to those reported by Wanberg (2000). The simplicity of the factor structures obtained support inferences of *construct validity*, as well. On the level of interpretation, the specific factors that were revealed in

---

2 Miller, W. R & Sanchez, V. C. (1991) "Active Ingredients of Effective Brief Counseling. FRAMES Model." In *Motivational interviewing: Preparing people to change addictive behavior*, W.R. Miller & S. Rollnick (Eds.), (pp. 32-34) New York: Guilford Press.

3 Miller, W. R. & Rollnick, S. (1991) *Motivational interviewing: Preparing people to change addictive behavior*, New York: Guilford Press.

©2001 North Carolina Administrative Office of the Courts

the analysis of the involvement and disruption scales may provide additional guidance to sentencing services personnel in their assessment of clients' needs and risk.

The results of the disposition analyses and the levels of institutional custody and control were mixed. Judges decisions seemed to provide validation for the levels of risk indicated by LSI-R risk score, though with some interesting patterns. Similarly, court-ordered sanctions and services were in line with most of the subscales. However, the determination of levels of control and custody for incarcerated offenders seemed largely unrelated to risk as indicated by risk score, rater score or subscale scores. This finding may be due to a lack of fit between the risk factors tapped by the LSI-R and those that are of concern for North Carolina correctional personnel.

Our non-experimental research design is a limiting factor in this study. The studies cited by Andrews and Bonta (1995) were experimental designs that allowed for appropriate controls in the analysis of the relationship between assessment scores and both intermediate and recidivism outcome variables. Lacking such controls, it is impossible to disentangle the associations between recidivism (rearrest or reconviction), general failure (revocation, rearrest or reconviction) and such factors as having a plan accepted, being ordered to receive certain treatments or services, completion of sanctions or services, appropriateness of the sanctions or services for the offender level of risk, etc. For example, sentencing plan had a significant positive correlation with several indicators of supervision success and non-recidivistic outcomes. Without an adequate experimental design, it is, however, difficult to determine what aspect of that association was the product of appropriate treatment and sanction recommendations and the factors intervening before a particular end point or result, such as the extent to which the judge followed the recommendations in the plan; whether recommended treatment or service providers had space to accept the offender; whether treatment or services were delivered; whether treatment or services were ever completed, etc. Lacking such controls, it is impossible to determine the *actual* magnitude of the relationship between the instruments and the outcomes with which we are concerned. It is quite possible that controlling for such factors would significantly increase the magnitude of correlations between instrument scores and outcomes.

Some of the analyses do require some additional discussion. The influence of sentence type, race/ethnicity and sex on the predictive validity of the LSI-R and the effect of offense category on ASUS results are meaningful and deserving of consideration. Diversity may be a factor in the magnitude of the correlation of risk with failure, as well. Many of the published

©2001 North Carolina Administrative Office of the Courts

studies of offenders and the LSI-R were done in Canada, where the levels of racial/ethnic diversity may not be as great, where the cultural distinctiveness may not be so strong, and where the impact of race/ethnicity and gender may not be so strongly felt in the criminal justice system. While the effects of race/ethnicity point to slightly less predictive effectiveness in using the LSI-R for risk assessment with Blacks, the results still show strong evidence that the instrument is valid. One area that may be addressed in future research would be to verify more definitively the extent to which these assessments are reliable and valid with other populations by oversampling of Hispanic, Native American and Asian offenders. Though the results produced here seem to support both reliability and validity, the small sample sizes prevent the comparison of sex-based differences within these groups as well as race/ethnicity-based differences between them.

Caution also may be in order when considering the implications of sex on the LSI-R and sentence type on the ASUS. The lack of broad recidivism prediction by risk score and rater score for female offenders may also be a product of small sample size. Close inspection reveals that correlations between risk score and several failure indicators for females (i.e., whether rearrested, number of arrests, number of charges, and whether reconvicted) are all comparable in magnitude to those obtained in analyses of men. However, the small sample size for women may result in high estimates of error, rendering the coefficients statistically less reliable. Thus, additional research would be needed to determine whether such an effect can be replicated in a larger sample that would in turn result in the attribution of significance to the relationships between variables.

Both risk score and rater score prove to be meaningfully correlated with several indicators of recidivism, including whether the offender was arrested subsequent to first involvement with sentencing services, the number of arrests, the total number of charges levied against the offender in all post-sentencing services arrests, whether the offender was convicted of any charges, and whether the offender was convicted of any felonies. Both risk score and rater score are also strongly related to a broad measure of failure that reflects probation revocation or any arrest subsequent to sentencing services involvement.

Andrews and Bonta (1995) identify four categories of risk based on earlier studies of the LSI-R and its predictive validity for recidivism or failure. They distinguish between probation cutoff scores and cutoffs for incarcerated male and female offenders. However, given the fact that sentencing services programs provide presentence services, the distinction is not meaningful in this context. The relevant risk categories were as follows: 1 through 12 as low risk; 13 through

©2001 North Carolina Administrative Office of the Courts

24 as medium-low risk; 25 through 32 as medium-high risk; and 33 through 54 as high risk. Though preliminary analysis led to the perception that an alternative scheme of categories might prove more effective, comparison of the effectiveness of risk categorization based on several cut-off ranges showed that the probation scoring cut-offs provided by Andrews and Bonta resulted in the strongest association with general failure. Analysis of group differences by sex and race/ethnicity showed no significant variance in the validity of these risk categories.

Again, given the nature of this study, it is not possible to draw definitive conclusions about the relationship between recidivism and the use of information in a sentencing plan by a judge. Nonetheless, an exploratory analysis of the associations between an accepted plan and recidivism provides some exciting possibilities for future research. Such an analysis also may give some preliminary indication of the extent to which the predictive validity of the assessments is influenced by the effects of the court actually using the sentencing information in imposing sentencing.

There is no association between having a sentencing plan and an offender's likelihood to have probation revoked, particularly for a single violation. However, there was a significantly greater likelihood that offenders with a plan, if revoked, would be revoked for multiple violations.

Offenders with accepted plans were less likely to be arrested for new offenses than were offenders without plans. There was also a significantly lower occurrence of conviction for new offenses among offenders with sentencing plans, and general failure (as measured by the combined frequency of rearrest, reconviction and revocation) was lower among offenders with sentencing plans. Although, offenders with accepted plans had a somewhat lower average LSI-R risk score than those without accepted sentencing plans, partial correlation analyses indicated that the association between an accepted plan and most recidivism indicators was maintained even when controlling for offender risk. All of these separate findings provide reason to believe that sentencing plans do have an association with a reduced likelihood of reoffending.

Use of the sentencing information in a plan had only a slight relationship with the lower likelihood of a new conviction on felony charges for White offenders. The association was slightly larger for Hispanic, Native American and Asian offenders, though the small number of offenders provides a reason for caution in inferring any effect. However, the imposition of

©2001 North Carolina Administrative Office of the Courts.

recommendations from a sentencing plan was linked significantly with fewer felony convictions for Black offenders.

For Whites, the association of having a plan with a lower probability of general failure was slightly stronger than was the case with felony conviction, though this association still did not meet the criteria of statistical significance. Minority offenders with an accepted plan showed fewer occurrences of general failure, though one must again be cautious due to the low number of Hispanics, Native Americans and Asians in the sample. The coefficients are all larger for Blacks in comparison to those obtained in the analysis of plan, recidivism and general failure for all offenders. This finding indicates that sentencing plans may be somewhat more effective in addressing the criminogenic factors of Black offenders. Additional research will be required to determine whether this is the case.

The results of these psychometric and outcome analyses provide strong support for the appropriateness of the LSI-R and ASUS as assessments for use by North Carolina sentencing services programs. LSI-R risk score and rater score are meaningfully associated with key indicators of intermediate outcomes and recidivism. ASUS scales and LSI-R subscales are found to show patterns of correlation with outcome indicators as should be expected for validity. The results also provide evidence that the implementation of this aspect of the Evidence-based Practice Initiative through the end phase of this study has been well done. The continued use of the LSI-R and ASUS by Sentencing Services provides a unique opportunity to improve the quality of information provided to the courts and the efficacy of the recommendations for service and treatment contained in sentencing plans. This research also suggests that there may be differential advantages in reducing future rule breaking behavior by using sentencing information with certain populations based upon certain demographic factors such as race/ethnicity and gender.

There remain many interesting and exciting directions for future research. The results of this study in combination with future research projects will help guide judges and other policy makers in the most effective use of resources to reduce crime and promote safer communities for all citizens to enjoy and maintain. Thus, the Evidence-based Practice Initiative serves as a unique opportunity to gather reliable data on a number of aspects of the criminal justice system in North Carolina, providing potential models for judicial and correctional programs at the regional, national and international levels.

©2001 North Carolina Administrative Office of the Courts

# Chapter III - Discussion and Recommendations for Future Study

## A. Principal Findings

The overall results of this study provide support for the psychometric integrity of both the LSI-R and, on a slightly more limited basis, the ASUS. The implementation of these assessments by North Carolina Sentencing Services programs has been undertaken with significant attention to detail and quality so as to minimize problems with consistency, reliability and validity. Overall, the analyses presented here indicate that all parties affected by the use of these instruments, including Sentencing Services programs, the courts, offenders and the public, are well-served by their use.

The outcome of the reliability analyses indicates very good overall consistency for both instruments. The *internal reliability* of both the LSI-R and ASUS was largely strong. The low internal reliability of some LSI-R subscales is likely a product of the small number of items included in the subscale score and, given the overall strength of the assessment instrument, should not serve as a source of concern. The *intercoder reliability* of the LSI-R was also very strong and shows not only the interpretability of the LSI-R across coders, but also the efficacy of the intake and coding documentation used by sentencing services programs. The inability to analyze *test-retest reliability* precludes drawing a conclusion about this dimension of *reliability*, and should be addressed in subsequent research when possible.

The combinations of LSI-R items and subscales obtained in the factor analyses reflected latent dimensions that could be inferred as supporting *construct validity*. In other words, the combinations of items and subscales are interpretable in terms of concepts that the assessment was intended to measure. The variation in factor structures by sex and race/ethnicity does present the possibility that the concepts associated with the subscales and with the risk score are not without variation. However, this point does not raise a challenge to the validity of the instrument, but rather a point to consider in future revisions of the instrument, as well as a possible argument for group specific interpretation of some of the subscales and total scores.

The results of the factor analysis for the ASUS correspond very closely to those reported by Wanberg (2000). The simplicity of the factor structures obtained support inferences of

©2001 North Carolina Administrative Office of the Courts

*construct validity*, as well. On the level of interpretation, the specific factors that were revealed in the analysis of the involvement and disruption scales may provide additional guidance to sentencing services personnel in their assessment of clients' needs and risk.

The results of the disposition analyses and the levels of institutional custody and control were mixed in providing support for *divergent validity*. Judges' decisions seemed to provide validation for the levels of risk indicated by LSI-R risk score, though with some interesting patterns. Similarly, court-ordered sanctions and services were in line with most of the subscales. However, the determination of levels of control and custody for incarcerated offenders seemed largely unrelated to risk as indicated by risk score, rater score or subscale scores. This may be due to a lack of fit between the risk factors tapped by the LSI-R and those that are of concern for North Carolina correctional personnel.

The results generally support the inference of *predictive validity*, though with some caveats. The probation supervision outcome analyses proved rather straightforward, with revocations, violations and absconding well-correlated with risk score, rater score and LSI-R subscales. Similarly, the evidence of a significant relationship of risk score and rater score with the commission of infractions is good support for predictive validity in institutional settings.

The magnitude of the correlation between risk and failure (0.277, Table 80) is slightly lower than many found in the LSI-R literature, but this may reflect a number of factors. First among these is the definition of general failure. The definition of general failure in our study was a combination of rearrest, reconviction and probation revocation. Other studies have included such diverse indicators as rearrest, parole violations, parole revocation and misconduct. There is also the matter of the follow-up period. Though the average time from conviction to follow-up was 22.5 months, some of the highest risk offenders either were still incarcerated at the time of the recidivism cut off date or were only recently released and, thus, had a lower opportunity to fail/recidivate.

An added factor is the limited nature of the research design in this study. The studies cited by Andrews and Bonta (1995) were experimental designs that allowed for appropriate controls in the analysis of the relationship between assessment scores and both intermediate and recidivism outcome variables. Lacking such controls, it is impossible to disentangle the effect on recidivism and failure of such factors as having a plan accepted, being ordered to receive certain treatments or services, completion of sanctions or services, appropriateness of the sanctions or

©2001 North Carolina Administrative Office of the Courts

services for the offender level of risk, etc. For example, having a sentencing plan accepted had a significant negative correlation with several indicators of supervision and recidivism outcomes ($r=-0.195$, $p<0.001$ with general failure; $r=-0.073$, $p<0.01$ with felony conviction). One might infer from these results that the imposition of a sentencing plan reduced the likelihood of felony conviction as well as general failure. Without an adequate experimental design, however, it is difficult to determine what aspect of that effect was the product of appropriate treatment and sanction recommendations and the factors intervening before a particular end point or result, such as the extent to which the judge followed the recommendations in the plan; whether recommended treatment or service providers had space to accept the offender; whether treatment or services were delivered; whether treatment or services were ever completed, etc. Lacking such controls, it is impossible to determine the *actual* strength of validity of the instruments. It is quite possible that controlling for such factors would significantly increase the magnitude of correlations between instrument scores and outcomes.

With regard to specific results, some of the analyses do require some additional discussion. The influence of sentence type, race/ethnicity and sex on the predictive validity of the LSI-R and the effect of offense category on ASUS results are meaningful and deserving of consideration. Diversity may be a factor in the magnitude of the correlation of risk with failure, as well. Many of the published studies of offenders and the LSI-R were done in Canada, where the levels of racial/ethnic diversity may not be as great, where the cultural distinctiveness may not be so strong, and where the impact of race/ethnicity and gender may not be so strongly felt in the criminal justice system. While the effects of race/ethnicity point to slightly less predictive effectiveness in using the LSI-R for risk assessment with Blacks, the results still show strong evidence that the instrument is valid. One area that may be addressed in future research would be to determine with more specificity the extent to which these assessments are reliable and valid with other populations by oversampling of Hispanic, Native American and Asian offenders. Though the results produced here seem to support both reliability and validity, the small sample sizes prevent the comparison of sex-based differences within these groups as well as race/ethnicity-based differences between them.

Caution may also be in order when considering the implications of sex on the LSI-R and sentence type on the ASUS. The lack of broad recidivism prediction by risk score and rater score for female offenders may be a product of small sample size. Inspection of the magnitude of the correlation coefficients reveals that those correlations between risk score and several failure indicators (i.e., number of arrests, whether arrested, number of charges, and whether convicted)

are all comparable in magnitude to those obtained in other analyses. However, the small sample size may result in high estimates of error, rendering the coefficients statistically less reliable. Thus, additional research would be needed to determine whether such an effect can be replicated in a larger sample that would in turn result in the attribution of significance to the relationships between variables.

The specificity of the predictive validity of the ASUS is not anomalous, given the specific nature of the instrument. Since the ASUS was designed initially to determine levels of treatment need for persons entering substance abuse programs, the connection of the scale scores with outcomes for drug offenders is not surprising. However, the lack of a broader connection of the social and mood scales with outcome indicators for non-drug offenders is somewhat surprising. Nonetheless, the lack of predictive validity for the assessment in a broad sense does not greatly decrease its value as a source of additional information for sentencing specialists interested in cross-referencing information and assessment conclusions on the LSI-R. Additional research might provide support for the efficacy of the ASUS in predicting treatment outcomes, given sufficient controls for treatment assignment and appropriateness.

## B. Judicial Use of Sentencing Information and Offender Recidivism

Given the limitations of this study's research design, it is not possible to draw definitive conclusions about the relationship between recidivism and the use of information in a sentencing plan by a judge (subsequently referred to as "acceptance of a plan" or "accepted plan"). Nonetheless, an exploratory analysis of the associations between an accepted plan and recidivism provides some guidance as to future research. Such an analysis also may give some preliminary indication of the extent to which the predictive validity of the assessments is influenced by the effects of the court imposing a sentencing plan.

Tables 107 and 108 contain descriptive statistics for offenders placed on probation without an accepted sentencing plan and those with one, respectively. There was no meaningful differences between the two groups in age and level of education. The statistics show clearly that the court imposed sentencing plans on offenders with somewhat lower average scores or levels of overall risk and of risk in specific areas. The higher average rater score for those with accepted plans implies that they possessed other personal characteristics that could be inferred as protective factors. However, offenders with an accepted sentencing plan were likely to have

©2001 North Carolina Administrative Office of the Courts

more sanctions in the community imposed on them by the court. This latter finding probably reflects the tendency for sentencing plans to include not only punitive sanctions but also recommendations for treatment and services that may be less frequently imposed by judges in the absence of a plan.

Table 109 shows that males were slightly less likely than females to have a plan imposed by the court. Table 110 shows that minority offenders have a plan accepted more often than Whites. Table 111 indicates that first time offenders were more likely than offenders with prior convictions to have a sentencing plan accepted. The results contained in Table 110 are somewhat counter to the expected patterns, given the lower average risk (scores) for offenders with accepted plans and the higher average risk scores for Blacks. There was no significant variation of risk score by race, and minority offenders had a lower average level of education, so the greater tendency to impose a plan on minority offenders must reflect some other characteristics not summarized in this analysis.

Table 112 is the first table to illustrate the relationship between having an accepted sentencing plan and outcomes. Based on these results, there is no association between having a sentencing plan and an offender's likelihood to have probation revoked. Table 113 indicates that there was little difference between offenders with and without an accepted plan with regard to the likelihood of having probation revoked due to a single violation. However, there was a significantly greater likelihood that offenders with a plan whose probation was revoked would be revoked for multiple violations. This finding may reflect the greater number of sanctions imposed on offenders with accepted plans, thus, increasing the number of ways in which offenders could violate the conditions of probation. Table 114 shows only a slight difference in the likelihood of absconding from supervision.

Table 115 indicates the pattern of arrest associated with plan acceptance. Offenders with accepted plans were less likely to be arrested for new offenses than were offenders without plans. Table 116 shows a significantly lower occurrence of conviction for new offenses among offenders with sentencing plans. Table 117 indicates that overall or general failure (as measured by the combined frequency of rearrest, reconviction and revocation) was lower among offenders with sentencing plans.

The preceding findings provide reason to believe that sentencing plans may be associated with a reduced likelihood of reoffending, though the initial caveat of the non-experimental

©2001 North Carolina Administrative Office of the Courts

nature of this study bears reinforcing: it is not possible to draw any definitive conclusions on the nature of these effects. A partial correlation analysis of the association between accepted plans, recidivism and failure, controlling for risk, provided some clarification of this relationship. (The results of this analysis are discussed later in reference to Tables 126 and 127.) It is plausible, that the treatments and services recommended in sentencing plans may serve to negate in a statistically significant way criminogenic factors and reduce the likelihood of reoffense and failure. But the lack of adequate controls for the nature and quality of treatment and services, the varied extent to which plan recommendations are followed, and the limitations of our research design make it impossible to test that hypothesis in this study. Given that there may be any number of factors, both intrinsic and extrinsic to the criminal justice process and correctional supervision, that may affect the impact of sentencing recommendations, the magnitude of the associations cannot be established with precision.

Table 118 shows the extent to which race/ethnicity affects the association between sentencing plans and felony convictions. Plan was only slightly connected with a lower likelihood of a new conviction on felony charges for White offenders. The association was slightly larger for Hispanic, Native American and Asian offenders, though the small number of offenders provides a reason for caution in inferring any effect. The imposition of recommendations from a sentencing plan was related to meaningfully lower rates of felony convictions for Black offenders.

The data in Table 119 indicate the frequency of failure cross-tabulated with plan acceptance and race/ethnicity. Having an accepted sentencing plan was associated with a reduction in the likelihood of overall failure for Whites slightly more than was the case with felony conviction. Minority offenders seem to show a relationship between an accepted plan and a reduction in overall failure, though one must again be cautious due to the low number of Hispanics, Native Americans and Asians in the sample. However, the data for Blacks are consistent with those in the previous table and imply that the presence of an accepted plan is associated with lower rates of general or overall failure.

Tables 120, 121 and 122 indicate the patterns of arrest, felony convictions and general failure, respectively, as affected by sex. The acceptance of a sentencing plan is associated with a reduction in the occurrence of recidivism for both males and females on all of these indicators except general failure. Males showed more association between the presence of a plan and

general failure than did females, with failure dropping from 51.59% without a plan to 48.41% with a plan.

Table 123 shows the zero-order correlations of an accepted plan with key indicators of recidivism. The correlations are significant for individual indicators with the exception of general failure. This finding is probably due to the lack of association between an accepted plan and revocation, which is a component of the general failure variable. However, the remaining indicators of recidivism seem to indicate that sentencing plans are associated with lower rates of recidivism. Table 126 shows the results of a partial correlation analysis of accepted plan with recidivism, controlling for risk. Such a control seemed appropriate given that offenders with accepted sentencing plans had somewhat lower average risk scores than did offenders without sentencing plans. Controlling for risk did decrease the magnitude of the coefficients, rendering the correlation between an accepted plan and felony conviction statistically insignificant. As was the case with the zero-order correlations, failure showed no significant association with having an accepted plan. However, the remaining indicators of recidivism evidence statistically significant associations with accepted plans.

Table 124 contains the zero-order correlations of an accepted plan with the same indicators of recidivism for Black offenders. Note that the coefficients are all larger than those obtained in the analysis of plan and recidivism for all offenders. This finding is consistent with the frequency tables and indicates that sentencing plans may be especially effective in addressing the criminogenic factors of Black offenders. Table 127 contains the results of a partial correlation analysis of accepted plan with recidivism, controlling for risk. As was the case for all probationers, the magnitude of the correlations is slightly lower for the partial coefficients than with zero-order coefficients, but in this instance all statistically significant associations remained significant. Remember that LSI-R risk score was associated with recidivism and general failure slightly less for Blacks than for other offenders. Though a partial correlation analysis controlling for plan did not increase the size of correlations between LSI-R risk score and recidivism for Black offenders, it is possible that some aspect of treatment or supervision that is the result of plan acceptance decreases the predictive validity of risk. Additional research will be required to determine if this is the case.

©2001 North Carolina Administrative Office of the Courts

## C. In Conclusion

The results of these psychometric and outcome analyses provide strong support for the appropriateness of the LSI-R and ASUS as assessments for use by North Carolina sentencing services programs. The results also provide evidence that the implementation of this aspect of the Evidence-based Practice Initiative through the end phase of this study has been well done. The continued use of the LSI-R and ASUS by Sentencing Services provides a unique opportunity to improve the quality of information provided to the courts and the efficacy of the recommendations for service and treatment contained in sentencing plans.

There remain many interesting and exciting directions for future research. The results of this study in combination with future research projects will help guide judges and other policy makers in the most effective use of resources to reduce crime and promote safer communities for all citizens to enjoy and maintain. Thus, the Evidence-based Practice Initiative serves as a unique opportunity to gather reliable data on a number of aspects of the criminal justice system in North Carolina, providing potential models for judicial and correctional programs at the regional, national and international levels.

©2001 North Carolina Administrative Office of the Courts

RSP Race and Social Policy Research Center
"Understanding Policy by Understanding People"

201 Wall Street (0520)
Blacksburg, VA 24061
(540) 231-7305 phone
(540) 231-1452 fax
rsp@vt.edu
www.rsp.vt.edu

Terry Kershaw, Ph.D.
Director

Ellington Graves, Ph.D.
Associate Director

November 8, 2004

Susan E. Brooks
Sentencing Services Administrator
100 E. Six Forks Rd., Room 251
Raleigh, NC 27609

Ms. Brooks,

As per our conversation on November 3, I have revised Tables 115, 116, 117, and 123 from *Sentencing Information and Judicial Decision Making.* They are included in the attached file.

The necessity of these revisions is a product of errors in coding that were discovered during the final review of the datasets used for the preparation of the report. These errors apparently were a result of the procedure merging the LSI-R/ASUS data with the recidivism data. I revisited the original recidivism data and recoded the variables to reflect the correct values. In turn, the relationships apparent in the analyses were not accurately reflected in the published tables. The affected variables were those reflecting the occurrence of fingerprinted arrest, any conviction, felony conviction and failure for subjects in the study. The analyses that were altered meaningfully by the recoding were those involving the relationship of plan acceptance to these recidivism indicators. No other significant changes were discovered through reanalysis of the data.

I provided appropriate revisions to the Sentencing Services staff when I conferred the final datasets; while these revisions subsequently were included in training materials, the report was not revised to reflect the changes. Please let me know if there are any additional questions regarding this matter.

Sincerely,
Ellington T. Graves

Table 115. Descriptive Frequencies for Plan Acceptance by Subsequent Arrest

| Probation Dispositions | Arrested | | Total |
|---|---|---|---|
| | Not Arrested | Arrested | |
| **No Plan** | 302<br>64.81% | 164<br>35.19% | 466<br>47.79% |
| **Plan Accepted** | 368<br>72.30% | 141<br>27.70% | 509<br>52.21% |
| **Total** | 670<br>68.72% | 305<br>31.28% | 975<br>100.00% |

Table 116. Descriptive Frequencies for Plan Acceptance by Subsequent Conviction

| Probation Dispositions | Conviction | | Total |
|---|---|---|---|
| | Not Convicted | Convicted | |
| **No Plan** | 373<br>80.04% | 93<br>19.96% | 466<br>47.79% |
| **Plan Accepted** | 431<br>84.68% | 78<br>15.32% | 509<br>52.21% |
| **Total** | 804<br>82.46% | 171<br>17.54% | 975<br>100.00% |

Table 117. Descriptive Frequencies for Plan Acceptance by Failure

| Probation Dispositions | Failure | | Total |
|---|---|---|---|
| | No Failure | Failure | |
| **No Plan** | 246<br>52.79% | 220<br>47.21% | 466<br>47.79% |
| **Plan Accepted** | 291<br>57.17% | 218<br>42.83% | 509<br>52.21% |
| **Total** | 537<br>55.08% | 438<br>44.92% | 975<br>100.00% |

Table 123. Correlations for Plan Acceptance with Recidivism – All Probationers

| r<br>p-value | Arrested | Felony Conviction | Number of Convictions | Convicted | Failed |
|---|---|---|---|---|---|
| **Probation Dispositions** | -.081<br>.011 | -.041<br>.191 | -.028<br>.373 | -.061<br>.057 | -.044<br>.169 |
| **n** | 975 | 975 | 975 | 975 | 975 |

# APPENDIX K

## Four-Star Program Site Review Criteria

## SENTENCING SERVICES FOUR-STAR RATING CRITERIA

| 4 Star<br>4's in all categories<br>Performance exceeds expectations<br>Superior service | 3 Star<br>Average 3 stars<br>Performance fully meets expectations<br>Consistently good service | 2 Star<br>Average 2 stars<br>Performance generally meets expectations<br>Occasional minor deficiencies | 1 Star<br>Average 1 star<br>Deficiencies exist that must be addressed |
|---|---|---|---|
| **Organizational Governance** | | | |
| **Board* Operations and Responsibilities** | | | |
| **4 Star**<br>• Board has 12 members and meets all other statutory requirements of G.S. 7A-775<br>• Board is attentive to and actively involved in the program's operational policies and procedures<br>• Board had a quorum every meeting<br>• Board raised funding in excess of required match<br>• Board fiscal officer has active role in finance (balances check book, opens and reviews statement)<br>• Board reviewed, updated local plan<br>• Board does long range planning<br>• Board actively advocates for program<br>• Board actively consults with program staff<br>• Board evaluates Director | **3 Star**<br>• Board has 12 members and meets all other statutory requirements of G.S. 7A-775<br>• Board usually has quorum<br>• Board raised 10% match<br>• Fiscal officer reviews statements<br>• Board approved local plan | **2 Star**<br>• Board does not have 12 members but meets all other statutory requirements of G.S. 7A-775<br>• Board only had quorum one time<br>• Less than 10% match raised<br>• CEO performs all fiscal tasks with limited board oversight<br>• Local plan not reviewed by board | **1 Star**<br>• Board does not have 12 members or does not meet all other statutory requirements of G.S. 7A-775<br>• Board either never had a quorum or only met one time<br>• No match obtained<br>• CEO performs all fiscal tasks without board review<br>• Local plan not reviewed by board |

annually

** The word "board" refers to the not-for-profit governing board, or in the case of a state-operated program, the advisory board.*

## Organizational Governance Continued

### Staff Development

| 4 Star | 3 Star | 2 Star | 1 Star |
|---|---|---|---|
| • Staff have additional certifications or post-graduate degrees<br>• All staff have at least a bachelor's degree<br>• All staff are LSI-R/ASUS qualified | • All staff have four years of education or equivalent experience, or a combination thereof<br>• All staff are LSI-R/ASUS qualified | • Not all staff are LSI-R/ASUS qualified (all four phases), but all staff are in the process of LSI-R/ASUS qualification (have participated in Phase II training) | • No staff are LSI-R/ASUS qualified |

### Program Leadership

| 4 Star | 3 Star | 2 Star | 1 Star |
|---|---|---|---|
| • Strong reputation for good service in district<br>• Assists other organizations in furthering the Sentencing Services profession<br>• Participates in leadership committees<br>• Always attends statewide trainings or events<br>• Schedules and attends meetings with local bar and PD office (if applicable) | • Assists other organizations in furthering the Sentencing Services profession<br>• Participates in leadership committees<br>• Usually attends statewide trainings or events<br>• Has attempted to meet with local bar and PD office (if applicable) | • Rarely attends statewide trainings or events<br>• Has not attempted to meet with local bar and PD office (if applicable) | • Has not attended statewide training or quarterly meeting in over a year<br>• Has not attempted to meet with local bar and PD office (if applicable) |

## SENTENCING SERVICES FOUR-STAR RATING CRITERIA

### Goals - Program Capacity

| 4 Star | 3 Star | 2 Star | 1 Star |
|---|---|---|---|
| • Plans presented exceed 4-year average and contracted goal<br>• Non-numerical program goals achieved (e.g. improved relations with court, developed board, etc.)<br>• Program is an integral part of the local court system, incl. case docket management system, probation, CJPP, etc.<br>• Plans cost $1,000 or less each | • Plans presented meet 4-year average or contracted goal<br>• Plans cost between $1,001 and $2,000 each | • Plans presented do not meet 4-year average or contracted goal<br>• Plans cost between $2,001 and $3,000 each | • Plans presented are less than half of the 4-year average or contracted goal<br>• Plan costs exceed $3,000 each |

### Identifying Offenders

| 4 Star | 3 Star | 2 Star | 1 Star |
|---|---|---|---|
| • All plans presented fell into eligible range at intake or disposition or had CR-613s signed by a judge<br>• Class H, level I - less than 10%<br>• Client racial make-up is similar to prison entries<br>• Clients fall in higher risk categories by risk score or by number and/or severity of pending charges | • 10% or less under eligible range at intake<br>• Class H, level I - less than 20%<br>• Client racial makeup is similar to prison entries<br>• Files contain CR-613s, signed by judges, for all out-of-range (under and over) intakes | • Less than 20% under eligible range at intake<br>or<br>• Class H, level I - greater than 20%<br>or<br>• Minorities are not fairly represented in client population | • More than 20% under eligible range at intake<br>or<br>• Class H, level I - greater than 20%<br>and<br>• Minorities are not fairly represented in client population<br>• Clients fall in low risk category |

## SENTENCING SERVICES FOUR-STAR RATING CRITERIA

### Program Services Continued

**Preparing Plans**

| 4 Star | 3 Star | 2 Star | 1 Star |
|---|---|---|---|
| • All interviews are thoroughly documented<br>• Thorough collateral verification from family, employers, school and treatment on every case<br>• Sex offender cases have SOSE, residence plan, and appropriate community supervision.<br>• Multiple treatment options investigated and documented. | • Most interviews are thoroughly documented<br>• Collateral verification from at least one family member<br>• Sex offender cases have SOSE, residence plan, and appropriate community supervision<br>• At least one option for treatment contacted to determine client eligibility | • Interviews are not well documented<br>or<br>• Collateral verification does not exist<br>or<br>• Sex offender cases do not have SOSE or other documentation<br>or<br>• Treatment agency recommended without research or contact | • Interviews are not documented<br>and<br>• Collateral verification does not exist<br>and<br>• Sex offender cases do not have SOSE or other documentation<br>and<br>• Treatment agency recommended without research or contact |

**Instrumentation**

| 4 Star | 3 Star | 2 Star | 1 Star |
|---|---|---|---|
| • Liberal use of psych., SA and other outside evaluations<br>• All plans have LSI-R or documented exception<br>• LSI-R/ASUS well explained in the plan (including risk level) and directs case management | • Some use of psych., SA and other outside evaluations<br>• 90% of plans have LSI-R or documented exception<br>• LSI-R/ASUS well explained in the plan and directs case management | • Very few outside assessments<br>• Fewer than 90% of plans have LSI-R or exceptions not documented | • Assessment tools not used |

## SENTENCING SERVICES FOUR-STAR RATING CRITERIA

### Sentencing Services Continued

**File Contents**

| 4 Star | 3 Star | 2 Star | 1 Star |
|---|---|---|---|
| • All critical elements* present<br>• Previous MH treatment, education records in file<br>• Meticulous case notes | • A few critical elements absent<br>or<br>• Minimum case notes | • No case notes in files sampled<br>or<br>• Several critical elements missing | • No case notes in files sampled<br>and<br>• Several critical elements missing |

**As described in OSS Manual*

**Client Interaction**

| 4 Star | 3 Star | 2 Star | 1 Star |
|---|---|---|---|
| • Sentencing specialists have had additional training in interviewing<br>• Sentencing specialists have non-judgmental, empathic tone<br>• Clients frequently contact staff after sentencing to "check in"<br>• Staff have weekly contact with client<br>• Staff go beyond required duties to make sure defendant has housing, clothing, or community support | • Sentencing specialists have non-judgmental, empathic tone<br>• Clients check in weekly | • Sentencing specialists use punitive, confrontational tone<br>or<br>• Only met or had contact one time with client | • Sentencing specialists use punitive, confrontational tone<br>and<br>• Only met or had contact one time with client |

## SENTENCING SERVICES FOUR-STAR RATING CRITERIA

**Plan content**

| 4 Star | 3 Star | 2 Star | 1 Star |
|---|---|---|---|
| • Program always uses model sentencing plan<br>• Executive Director always reviews and edits sentencing plans for quality control and consistency.<br>• No gross grammatical errors<br>• Detailed social history with valuable information<br>• Summary of criminal record<br>• Creative recommendations/options address need<br>• Unbiased presentation | • Program always uses model sentencing plan<br>• Executive Director reviews some sentencing plans to ensure overall quality and consistency.<br>• No gross grammatical errors<br>• Detailed social history with valuable information<br>• Over-reliance on traditional recommendations<br>• Unbiased presentation<br>• Summary of criminal record | • Program sometimes uses model sentencing plan<br>• Executive Director depends upon Program Director or senior sentencing specialist to review sentencing plans.<br>• Some grammatical errors<br>or<br>• Abbreviated social history<br>or<br>• Unimaginative recommendations<br>or<br>• No criminal record | • Program never uses model sentencing plan<br>• No one other than the writer reviews sentencing plans prior to submission of the plans to attorneys and to the court.<br>• Many grammatical errors<br>and<br>• No social history<br>and<br>• Unimaginative recommendations |

**Linking clients**

| 4 Star | 3 Star | 2 Star | 1 Star |
|---|---|---|---|
| • Every client appropriate for community supervision is enrolled or has a post-sentencing appointment with a specific treatment provider prior to sentencing<br>• Treatment targets are identified | • Some offenders are enrolled in treatment prior to sentencing<br>• Most offenders are given information to make post sentencing appointment<br>• Specific contact information included | • Vague treatment recommendations (judge could have thought this one up)<br>• No indication of pre-sentencing enrollment<br>• Very general contact information | • No treatment recommendation when clearly one is warranted<br>• Vague treatment recommendations as in 2-Star |
| *(e.g.: "Def. has been accepted at Summit House, where she can work on her substance abuse issues.")* | *(e.g.: "Def. should contact Sigmund Freud at Getwell Therapy Center (234-6789).")* | *(e.g.: "Def. should contact the local MH center for SA treatment and go to ESC to get a job.")* | |

| Services Continued | | | |
|---|---|---|---|
| **Plan Presentation**<br>• Sentencing plans are presented to the judge, defense attorney, and prosecutor in accordance with the time and manner prescribed by the local program plan<br>• Sentencing specialists are always in court or are available to the court by cell phone or pager for plan presentation | • Sentencing plans are usually presented to court officials in accordance with the time and manner prescribed by the local program plan<br>• Sentencing specialists are available to the court by some means for information about sentencing plans | • Sentencing plans are not presented to the judge, defense attorney, or prosecutor in accordance with the time and manner prescribed by the local program plan but staff has a consistent method of plan distribution<br>• Sentencing specialists are not available by any means for information about sentencing plans during court operation but they respond to the court to requests for information in a timely manner | • Sentencing plans are not presented to the judge, defense attorney, or prosecutor in accordance with the time and manner prescribed by the local program plan and staff has no consistent method of plan distribution<br>• Sentencing specialists are not available to the court by any means for information about sentencing plans during court operation and do not respond to the court to requests for information in a timely manner |

## SENTENCING SERVICES FOUR-STAR RATING CRITERIA

### Fiscal Operations

| 4 Star | 3 Star | 2 Star | 1 Star |
|---|---|---|---|
| • Independently ascertains State Auditor's reporting requirements and submits the documents in an accurate and timely manner,<br>and<br>• Either ED or fiscal manager has completed, in person or online, all Grants Administration training courses sponsored by the Sate Auditor and has thus achieved the Grants Administration Certificate<br>• Independent audit, if not required by State Auditor, paid w/non-state funds<br>• No reportable conditions<br>• Accurate income and expenditure reports [P&Ls] and budgets submitted when due<br>• There is congruence among the corporation's expense reports, income and expenditure reports, reconciliation reports and other financial forms.<br>• Match funding greater than 10%<br>• Match funding consists of | • Complies with State Auditor's reporting requirements in an accurate and timely manner with some assistance from OSS staff,<br>and<br>• ED or fiscal manager has attended, either in person or online, more than one Grants Administration training course sponsored by the Sate Auditor<br>• Sworn statement only or audit if required by State Auditor rules<br>• No reportable conditions<br>• Accurate income and expenditure reports and budgets submitted when due<br>• There is congruence among the corporation's expense reports, income and expenditure reports, reconciliation reports, and other financial forms.<br>• Match funding at 10%<br>• Match funding consists entirely of either in-kind or liquid assets<br>• Very few adjustments | • Submits documents to comply with the State Auditor's reporting requirements that contain inaccuracies, or submits documents in an untimely manner,<br>and<br>• ED or fiscal manager has attended, either in person or online, one Grants Administration training course sponsored by the State Auditor<br>• Sworn statement late<br>or<br>• Reportable conditions<br>• Income and expenditure reports or budgets submitted more than 30 days late<br>or<br>• Match funding does not make 10%<br>or<br>• Some adjustments are required among expense reports, income and expenditure reports, reconciliation reports, and other financial forms that are submitted to OSS.<br>• Errors in fiscal reporting.<br>• State-operated program District Administrator does not try to | • Submits documents to comply with the State Auditor's reporting requirements in both an inaccurate and untimely manner,<br>or<br>• Neither ED nor fiscal manager has attended, either in person or online, any Grants Administration training courses sponsored by the State Auditor<br>• Veracity of fiscal statements in question<br>or<br>• No reporting<br>or<br>• Fiscal reporting contains many errors and is consistently tardy<br>• No match funding<br>• State-operated program has inordinately high expenses, with no justification or documentation, and District Administrator fails to track expenditures<br>• State-operated program has stockpiled supplies |

## SENTENCING SERVICES FOUR-STAR RATING CRITERIA

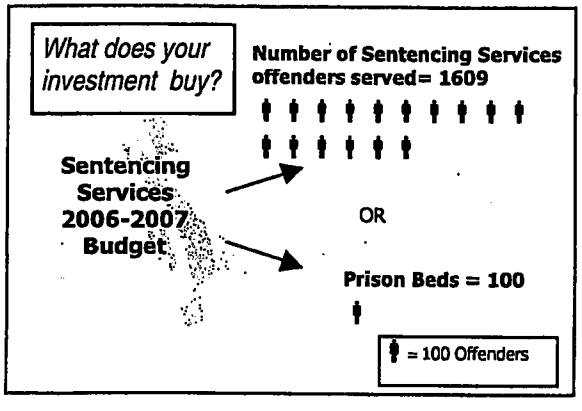
| | | | |
|---|---|---|---|
| both in-kind and liquid assets<br>• No errors in fiscal reporting<br>• Very few adjustments<br>• Fiscal officer or good division of duties<br>• Evidence of corporate fiscal planning<br>• State-operated program District Administrator expends funds where appropriate (e.g., travel, psychological evaluations, supplies), minimizes unnecessary expenses, and tracks expenditures | • Few errors in fiscal reporting<br>• State-operated program District Administrator tries to minimize unnecessary expenses, justifies and documents high expenses, and tracks expenditures | minimize unnecessary expenses but has some justification or documentation for high expenses and tracks expenditures | • State-operated program's operational costs are far above like-situated state-operated programs |
| **Data Management** | | | |
| **4 Star** | **3 Star** | **2 Star** | **1 Star** |
| • All OSS Database fields completed and accurate<br>• Reports submitted before 15th of the month<br>• CEO constantly tracks productivity | • Major OSS Database fields completed and accurate<br>• Reports usually submitted on time | • Minimum data compiled and entered<br>• Reports submitted on time 50% of the time | • Reports never submitted on time<br>or<br>• Reporting more than 60 days late<br>or<br>• Reporting is grossly inaccurate |

# APPENDIX L

## Promotional Materials Used By Sentencing Services Programs

## Cost Effectiveness

Appropriately matching offenders to community-based services not only eases public health and safety concerns but also reduces recidivism and taxpayers' burden for incarceration costs. Most importantly, a sentencing plan addresses a fundamental goal of the justice system: rehabilitation.




*Based on: Sentencing Services' total statewide budget of $2.7 million: average cost of prison bed of $70.83 per day per inmate, or $25,852.95 per year per inmate (DOC FY2005-2006 Statistical Report).*

An April 2002 report to the legislature confirms that Sentencing Services saves North Carolina money. When judges have sentencing plans, there is a significantly higher probability that they will utilize a greater variety of community resources (residential programs, day reporting centers, etc.) rather than prison.

***Sentencing Services helps judges control the revolving door of costly incarceration.***

## What We Do

Sentencing Services provides opportunities for offenders to change their behavior by matching their needs with appropriate resources. We work within the judicial system to reduce over-reliance on costly incarceration, to enhance citizen safety, and to foster justice for victims and for our communities.

SENTENCING SERVICES

We are a unique partnership involving the Office of Indigent Defense Services and a network of not-for-profit, county, and state programs that offer services in many judicial districts in North Carolina. We have retained grassroots community support for over 20 years.

# State of North Carolina

# Office of Sentencing Services

Post Office Box 2448
Raleigh, North Carolina
27602-2448

Phone: (919) 850-2807
FAX: (919) 850-2784

*www.aoc.state.nc.us/www/sentservices*

*©2008 Office of Indigent Defense Services*

# The Office of Sentencing Services

## Overview

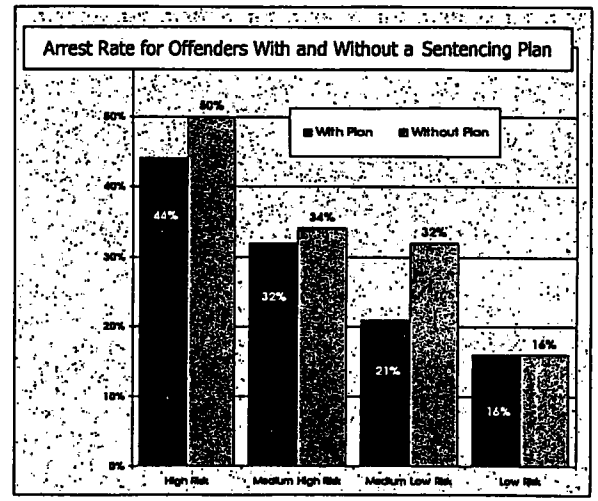
Offenders are referred to Sentencing Services by judges, defense attorneys, and district attorneys. Then our specially trained sentencing specialists conduct in-depth interviews with the offenders, their family members, and employers. We administer state of the art risk-assessment tools, and arrange for special psychological testing if needed. The sentencing specialists contact various treatment resources and often enroll the offender in treatment prior to the plea. A comprehensive sentencing plan is presented at the sentencing hearing.

## Sue's Story

Sue was no stranger to the justice system. She had been in trouble with drugs most of her life. Sue knew it was time to go straight, but she had a problem: her appearance was preventing her from getting a job. Years of neglect and domestic violence had left her with many missing teeth. No one would hire her. Our sentencing specialist located a charitable agency and a dentist to assist Sue. Sue received the help she needed, moved from her risky living situation, and was able to get a job. Sue is now working to pay back the victims of her crime, and she is putting her life together.

## Does Sentencing Services make a difference?

Yes. It works. Sentencing Services **reduces recidivism**.




*Source: Report on the Effectiveness of the Sentencing Services Program, NC Administrative Office of the Courts (April 2002) (based on data from Sentencing Information and Judicial Decision Making, Ellington T. Graves and Lawrence D. Vellani (December 2000))*

## How do we know it works?

Research funded by the Governor's Crime Commission has shown that offenders with imposed sentencing plans are:

- **less likely to be arrested for new offenses**
- **less likely to be convicted of new offenses**
- **more likely to succeed on community supervision**

## How is that different from what probation does?

Many agencies work with offenders. Our work is unique in that Sentencing Services:

- Provides risk and psychological assessments prior to sentencing
- Locates any and all appropriate private and public treatment resources for the court
- Assists offenders in overcoming obstacles to obtaining treatment
- Specializes in working with tough cases, offenders who have a history of failure

***The empirical research is clear: sentences tailored to individual offenders increase the likelihood of safer communities.***

SENTENCING SERVICES

| Misdemeanor Offense Class | Level I<br>No Prior Convictions | Level II<br>One to Four Prior Convictions | Level III<br>Five or More Prior Convictions |
|---|---|---|---|
| A1 | 1-60 days C/I/A | 1-75 days C/I/A | 1-150 days C/I/A |
| 1 | 1-45 days C | 1-45 days C/I/A | 1-120 days C/I/A |
| 2 | 1-30 days C | 1-45 days C/I | 1-60 days C/I/A |
| 3 | 1-10 days C | 1-15 days C/I | 1-20 days C/I/A |

▒ Denotes those categories of offenders appropriate for Sentencing Services

| POINTS | LEVEL |
|---|---|
| 0 | I |
| 1 - 4 | II |
| 5 - 8 | III |
| 9 - 14 | IV |
| 15 - 18 | V |
| 19+ | VI |

SENTENCING SERVICES

*For Information, Options and Linkages to Resources SENTENCING SERVICES*

| NUMBER | TYPE | | POINTS |
|---|---|---|---|
| | Prior Felony Class A Conviction | X 10 | |
| | Prior Felony Class B1 Conviction | X 9 | |
| | Prior Felony Class B2 or C or D Conviction | X 6 | |
| | Prior Felony Class E or F or G Conviction | X 4 | |
| | Prior Felony Class H or I Conviction | X 2 | |
| | Prior Class 1 Misdemeanor Conviction | X 1 | |
| | | SUBTOTAL | |
| If all the elements of the present offense are included in the prior offense | | + 1 | |
| If the offense was committed: | | | |
| | (a) while on probation, parole, or post-release supervision; or | + 1 | |
| | (b) while serving a sentence or imprisonment; or | | |
| | (C) while on escape | | |
| | | TOTAL | |

©2007 Office of Indigent Defense Services (919) 850 - 2807 www.aoc.state.nc.us/www/

# SENTENCING SERVICES

***Why Should I Use Sentencing Services?***

Because it works. Sentencing Services reduces recidivism by providing the court with:

- **Comprehensive offender risk assessments**
- **Verified offender information**
- **Assessments of the home, work and social environment**
- **Information about and linkages to appropriate treatment options.**

***How Do You Know Sentencing Services Works?***

Research funded by the Governor's Crime Commission has shown that offenders with imposed sentencing plans are:

- **less likely to be arrested for new offenses.**
- **less likely to be convicted for new offenses.**
- **less likely to fail on community supervision.**

*The empirical research is clear: Sentences tailored to the offender increase the likelihood of safer communities.*

***What Does Sentencing Services Do?***

- Provides risk and psychological assessments <u>prior to sentencing</u>.
- Locates <u>any and all appropriate private and public treatment resources</u> for the court.
- Assists offenders in <u>overcoming obstacles</u> to obtaining treatment.
- Specializes in working with <u>tough cases</u>, offenders who have a history of failure.

***What Categories of Offenders Benefit from Sentencing Services?***

Programs focus resources on felony offenders. However, judges may also refer misdemeanor cases falling in Class A1 and Class 1, prior record III. (See the dark blue areas of felony and misdemeanor sentencing grids.)

***The Sentencing Services Program Serving Your District:***

| | I<br>0 Pts | II<br>1-4 Pts | III<br>5-8 Pts | IV<br>9-14 Pts | V<br>15-18 Pts | VI<br>19+ Pts | |
|---|---|---|---|---|---|---|---|
| A | Life Imprisonment Without Parole or Death as Established by Statute | | | | | | |
| B1 | A<br>240-300<br>192-240<br>144-192 | A<br>288-360<br>230-288<br>173-230 | A<br>336-420<br>269-336<br>202-269 | A<br>384-480<br>307-384<br>230-307 | A<br>Life Imprisonment without Parole<br>346-433<br>260-346 | A<br>384-480<br>288-384 | Aggravated<br>PRESUMPTIVE<br>Mitigated |
| B2 | A<br>157-196<br>125-157<br>94-125 | A<br>189-237<br>151-189<br>114-151 | A<br>220-276<br>176-220<br>132-176 | A<br>251-313<br>201-251<br>151-201 | A<br>282-353<br>225-282<br>169-225 | A<br>313-392<br>251-313<br>188-251 | Aggravated<br>PRESUMPTIVE<br>Mitigated |
| C | A<br>73-92<br>58-73<br>44-58 | A<br>100-125<br>80-100<br>60-80 | A<br>116-145<br>93-116<br>70-93 | A<br>133-167<br>107-133<br>80-107 | A<br>151-188<br>121-151<br>90-121 | A<br>168-210<br>135-168<br>101-135 | Aggravated<br>PRESUMPTIVE<br>Mitigated |
| D | A<br>64-80<br>51-64<br>38-51 | A<br>77-95<br>61-77<br>46-61 | A<br>103-129<br>82-103<br>61-82 | A<br>117-146<br>94-117<br>71-94 | A<br>133-167<br>107-133<br>80-107 | A<br>146-183<br>117-146<br>88-117 | Aggravated<br>PRESUMPTIVE<br>Mitigated |
| E | I/A<br>25-31<br>20-25<br>15-20 | I/A<br>29-36<br>23-29<br>17-23 | A<br>34-42<br>27-34<br>20-27 | A<br>46-58<br>37-46<br>28-37 | A<br>53-66<br>42-53<br>32-42 | A<br>59-74<br>47-59<br>35-47 | Aggravated<br>PRESUMPTIVE<br>Mitigated |
| F | I/A<br>16-20<br>13-16<br>10-13 | I/A<br>19-24<br>15-19<br>11-15 | I/A<br>21-26<br>17-21<br>13-17 | A<br>25-31<br>20-25<br>15-20 | A<br>34-42<br>27-34<br>20-27 | A<br>39-49<br>31-39<br>23-31 | Aggravated<br>PRESUMPTIVE<br>Mitigated |
| G | I/A<br>13-16<br>10-13<br>08-10 | I/A<br>15-19<br>12-15<br>09-12 | I/A<br>16-20<br>13-16<br>10-13 | I/A<br>20-25<br>16-20<br>12-16 | A<br>21-26<br>17-21<br>13-17 | A<br>29-36<br>23-29<br>17-23 | Aggravated<br>PRESUMPTIVE<br>Mitigated |
| H | C/I/A<br>06-08<br>05-06<br>04-05 | I/A<br>08-10<br>06-08<br>04-06 | I/A<br>10-12<br>08-10<br>06-08 | I/A<br>11-14<br>09-11<br>07-09 | I/A<br>15-19<br>12-15<br>09-12 | A<br>20-25<br>16-20<br>12-16 | Aggravated<br>PRESUMPTIVE<br>Mitigated |
| I | C<br>06-08<br>04-06<br>03-04 | C/I<br>06-08<br>04-06<br>03-04 | I<br>06-08<br>05-06<br>04-05 | I/A<br>08-10<br>06-08<br>04-06 | I/A<br>09-11<br>07-09<br>05-07 | I/A<br>10-12<br>08-10<br>06-08 | Aggravated<br>PRESUMPTIVE<br>Mitigated |

Denotes those categories of offenders who may be appropriate for Sentencing Services

©2007 Office of Indigent Defense Services. From LexisNexis, North Carolina Criminal Law and Procedure, 2006 Ed.

## MINIMUM AND MAXIMUM SENTENCES

### FOR OFFENSE CLASSES B1 THROUGH E

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 15-27 | 56-77 | 97-126 | 138-175 | 179-224 | 220-273 | 261-323 | 302-372 |
| 16-29 | 57-78 | 98-127 | 139-176 | 180-225 | 221-275 | 262-324 | 303-373 |
| 17-30 | 58-79 | 99-128 | 140-177 | 181-227 | 222-276 | 263-325 | 304-374 |
| 18-31 | 59-80 | 100-129 | 141-179 | 182-228 | 223-277 | 264-326 | 305-375 |
| 19-32 | 60-81 | 101-131 | 142-180 | 183-229 | 224-278 | 265-327 | 306-377 |
| 20-33 | 61-83 | 102-132 | 143-181 | 184-230 | 225-279 | 266-329 | 307-378 |
| 21-35 | 62-84 | 103-133 | 144-182 | 185-231 | 226-281 | 267-330 | 308-379 |
| 22-36 | 63-85 | 104-134 | 146-183 | 186-233 | 227-282 | 268-331 | 309-380 |
| 23-37 | 64-86 | 105-135 | 146-185 | 187-234 | 228-283 | 269-332 | 310-381 |
| 24-38 | 65-87 | 106-137 | 147-186 | 188-235 | 229-284 | 270-333 | 311-383 |
| 25-39 | 66-89 | 107-138 | 148-187 | 189-236 | 230-285 | 271-335 | 312-384 |
| 26-41 | 67-90 | 108-139 | 149-188 | 190-237 | 231-287 | 272-336 | 313-385 |
| 27-42 | 68-91 | 109-140 | 150-189 | 191-239 | 232-288 | 273-337 | 314-386 |
| 28-43 | 69-92 | 110-141 | 151-191 | 192-240 | 233-289 | 274-338 | 315-387 |
| 29-44 | 70-93 | 111-143 | 152-192 | 193-241 | 234-290 | 275-339 | 316-389 |
| 30-45 | 71-95 | 112-144 | 153-193 | 194-242 | 235-291 | 276-341 | 317-390 |
| 31-47 | 72-96 | 113-145 | 154-194 | 195-243 | 236-293 | 277-342 | 318-391 |
| 32-48 | 73-97 | 114-146 | 155-195 | 196-245 | 237-294 | 278-343 | 319-392 |
| 33-49 | 74-98 | 115-147 | 156-197 | 197-246 | 238-295 | 279-344 | 320-393 |
| 34-50 | 75-99 | 116-149 | 157-198 | 198-247 | 239-296 | 280-345 | 321-395 |
| 35-51 | 76-101 | 117-150 | 158-199 | 199-248 | 240-297 | 281-347 | 322-396 |
| 36-53 | 77-102 | 118-151 | 159-200 | 200-249 | 241-299 | 282-348 | 323-397 |
| 37-54 | 78-103 | 119-152 | 160-201 | 201-251 | 242-300 | 283-349 | 324-398 |
| 38-55 | 79-104 | 120-153 | 161-203 | 202-252 | 243-301 | 284-350 | 325-399 |
| 39-56 | 80-105 | 121-155 | 162-204 | 203-253 | 244-302 | 285-351 | 326-401 |
| 40-57 | 81-107 | 122-156 | 163-205 | 204-254 | 245-303 | 286-353 | 327-402 |
| 41-59 | 82-108 | 123-157 | 164-206 | 205-255 | 246-305 | 287-354 | 328-403 |
| 42-60 | 83-109 | 124-158 | 165-207 | 206-257 | 247-306 | 288-355 | 329-404 |
| 43-61 | 84-110 | 125-159 | 166-209 | 207-258 | 248-307 | 289-356 | 330-405 |
| 44-62 | 85-111 | 126-161 | 167-210 | 208-259 | 249-308 | 290-357 | 331-407 |
| 45-63 | 86-113 | 127-162 | 168-211 | 209-260 | 250-309 | 291-359 | 332-408 |
| 46-65 | 87-114 | 128-163 | 169-212 | 210-261 | 251-311 | 292-360 | 333-409 |
| 47-66 | 88-115 | 129-164 | 170-213 | 211-263 | 252-312 | 293-361 | 334-410 |
| 48-67 | 89-116 | 130-165 | 171-215 | 212-264 | 253-313 | 294-362 | 335-411 |
| 49-68 | 90-117 | 131-167 | 172-216 | 213-265 | 254-314 | 295-363 | 336-413 |
| 50-69 | 91-119 | 132-168 | 173-217 | 214-266 | 255-315 | 296-365 | 337-414 |
| 51-71 | 92-120 | 133-169 | 174-218 | 215-267 | 256-317 | 297-366 | 338-415 |
| 52-72 | 93-121 | 134-170 | 175-219 | 216-269 | 257-318 | 298-367 | 339-416 |
| 53-73 | 94-122 | 135-171 | 176-221 | 217-270 | 258-319 | 299-368 | |
| 54-74 | 95-123 | 136-173 | 177-222 | 218-271 | 259-320 | 300-369 | |
| 55-75 | 96-125 | 137-174 | 178-223 | 219-272 | 260-321 | 301-371 | |

### FOR OFFENSE CLASSES F THROUGH I

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 3-4 | 9-11 | 15-18 | 21-26 | 27-33 | 33-40 | 39-47 | 45-54 |
| 4-5 | 10-12 | 16-20 | 22-27 | 28-34 | 34-41 | 40-48 | 46-56 |
| 5-6 | 11-14 | 17-21 | 23-28 | 29-35 | 35-42 | 41-50 | 47-57 |
| 6-8 | 12-15 | 18-22 | 24-29 | 30-36 | 36-44 | 42-51 | 48-58 |
| 7-9 | 13-16 | 19-23 | 25-30 | 31-38 | 37-45 | 43-52 | 49-59 |
| 8-10 | 14-17 | 20-24 | 26-32 | 32-39 | 38-46 | 44-53 | |

## APPENDIX M

## *Gaston Gazette* Editorial: Deciding who stays behind the steel bars

gaston gazette

# Deciding who stays behind the steel bars

2009-10-28 18:35:40

Let us dispense with gray areas, slippery slopes, et cetera, and ask ourselves a simple question: Whom would we rather see behind bars?

Would it be someone like Jerry Douglas Case, the paroled second-degree murderer who kidnapped a Gaston County family at gunpoint barely one year after his release from a life term in prison? Would it be any one of the 27 violent criminals poised to walk free because the North Carolina judicial system can't reach a consensus on precisely what "life sentence" means?

Or would it be people in prison for harming no one with the possible exception of themselves?

As of Sept. 30, the state prison population had 3,337 inmates serving time for non-trafficking drug offenses, out of a total of 40,828 inmates. The non-trafficking classification generally applies to someone who possessed a small amount of an illegal substance or substances, an amount so small that the law doesn't presume intent to distribute. People also can run afoul of the law for possession of drug paraphernalia if not an actual drug itself.

In short, it stands to reason that most of these people don't exactly qualify as kingpins. More likely the vast majority of them had acquired the drugs for personal use, with no cartels, guns or attack dogs anywhere in the picture. How does it make sense to punish them in essentially the same fashion as violent offenders who do demonstrable harm to other people or their property?

Speaking of harming others, Mr. Case appears headed for a return to prison. He has pleaded guilty to federal charges connected to the armed abduction of the local family this past July and awaits sentencing. The crime that landed him behind bars back in 1986 involved the fatal stabbing of a cab driver. When people like him go to prison and stay there for the duration of their sentences, it serves justice and safety. When a non-violent drug user goes away, it serves little more than a certain type of moral outrage.

And even if the public isn't ready to take big steps, at least there should be room at the table for discussion of alternatives that balance the severity of the response with the severity of the offense.

Prisons have a finite amount of room to house inmates. The correctional system operates under tremendous pressure to manage the prison population without fostering inhumane conditions or incurring lawsuits. And although education and job-training programs like the one that led to Mr. Case's release in 2008 exist primarily for rehabilitation purposes, they also perform a secondary function: a relief valve that helps free up cots. We might not find the thought appealing, but the reality is that prisons involve not only keeping people in but also letting them out.

So, instead of continuing to pretend that more and more taxpayer-funded cells will allow us to dig our way out of a hole, let us give some rational consideration to who stays and who goes.

© Copyright 2010 Freedom Communications. All Rights Reserved.
Privacy Policy | User Agreement | Site Map

**Attachment 8**

***Sheriff***
***Alan Cloninger***
***Gaston County***

Office of the Sheriff

**Main # 704-869-6800**
**Fax # 704-869-6845**
**P.O. Box 1575**
**425 North Marietta St.**
**Gastonia, NC 28053**

April 19, 2020

Representative Tim Moore
604 Legislative Office Building
Raleigh, NC 27603-5925

Dear Representative Moore:

I am writing to you concerning the NC Sentencing Services Programs which will come up for review in the Justice and Public Safety Committee on April 21, 2010. As the elected Sheriff of Gaston County and as a citizen of NC, I want to urge you and your fellow legislators to support the continuation of funding for these programs, both in the JPS Committee and on the floor of the Legislature.

As a law enforcement officer, I recognize the value of the Sentencing Services Programs to the criminal justice system as a whole. When Sentencing Services is involved in an offender's case, law enforcement officers in Gaston County and in NC know that there is a much greater chance that we will not have to deal with that person again. As a former defense attorney and Assistant District Attorney, I know firsthand that a Sentencing Services plan will expose the root of the offender's problem, which is usually substance abuse. I also know that because of Sentencing Services involvement, there will be an appropriate option for treatment for the Court's use at sentencing. Moreover, we know that the treatment will usually be of a long term nature that will help that offender to become drug free and a working, productive, taxpaying citizen.

The benefits to taxpayers are tremendous when a person turns their life around. Sentencing Services Programs are a catalyst for the type of change we need in the system. In Gaston County, the Sentencing Services Program's presence does not just impact the courtrooms, but our community, the Social Services Department, the Mental Health system, and even the local jail.

When people go through Sentencing Services and follow the plan, they do some pretty amazing things; like becoming employed, paying child support, responding positively in the community needs, and staying out of jail. I know as a the Sheriff that Sentencing Services has an effect on my local jail population because over 70% of those offenders working with Sentencing Services, don't come back to the Gaston County jail. I know that if they have that kind of effect locally, then the effect Statewide is saving taxpayer money on incarceration costs and on prison bed space.

As a law enforcement officer I want jail and prison space reserved for the most violent and serious offenders. I am concerned that if these Programs are not funded one of the effects will be that we return to where we were in the 1980's and 90's, when we had no room or could not hold serious offenders because of prison overcrowding.

In my opinion, no other agency in this State can do the job that Sentencing Services does, because it is a neutral, non-defense based program that provides unbiased, accurate information that the Judges use to sentence people who would otherwise be going to prison. I urge you to support it because it works for the people who use it and it saves taxpayer dollars for the citizens of Gaston County, and all of North Carolina.

Thank you for your time and your consideration in this matter. If you or any other members of the JPS Committee or Legislature have any questions or concerns, I would be happy to speak with you.

Sincerely,



Alan G. Cloninger
Sheriff of Gaston County

# MINUTES

## JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

**Tuesday, June 8, 2010**
**Room 643, LOB**
**8:30 a.m.**

The Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Tuesday, June 8, 2010, in Room 643, LOB. Five members of the Senate Subcommittee attended along with Representatives Bordsen, Love, Spear, Sutton, Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Randleman and Stevens. Senator Ellie Kinnaird presided.

Senator Kinnaird called the meeting to order, recognized the pages and sergeant at arms, and welcomed members and quest. She pointed out models of the new hospitals located the back of the room near the coffee pots.

Douglas Holbrook, Fiscal Research Division, reviewed the agenda for today and the next meeting. Hearing DOC current operation of the health care section within div Prisons. An over view of new hospitals from the department. Presentation on Thursday RFP offered by department for Health Care services. Hospital Association will do presentation of Models of care that have worked. He presented the Committee Process for Inmate Medical Provisions. Inmate Medical Cost Containment). See the three different versions of Inmate Medical Cost Containment, first the Senate, House and Governors. (See attachment 1).

Questions answered.

Dr. Paula Smith, Director of Health Services, Division of Prisons presented Overview of Current Inmate Medical Delivery. (See Attachment 2 pages 1-6 and 12-28)

Deputy Secretary Frank Rogers presented Financial Budget data. (See Attachment 2 page 7-11)

The meeting adjourned at 9:50 a.m.

Senator Ellie Kinnaird, Co-Chair

Kathie Young

Kathie Young, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 643 Legislative Office Building

June 8, 2010 8:30 A.M.

## I. Call to Order

Chairs: Senator Ellie Kinnaird, Presiding
Senator John Snow
Representative Alice Bordsen
Representative Jimmy Love

## II. Committee Process for Inmate Medical Provisions

*Douglas Holbrook*
*Fiscal Research Division*

## III. Overview of Current Inmate Medical Delivery

*Dr. Paula Smith*
*Director of Health Services*
*Division of Prisons*

## IV. Plans for New Hospitals at Central Prison and NC Correctional Institution for Women

*Jennie Lancaster*
*Chief Deputy Secretary*
*Department of Correction*

*Dr. Paula Smith*
*Director of Health Services*
*Division of Prisons*

## V. Adjournment

**Future Meeting:** Thursday, June 10, 2010, Room 643
Inmate Medical Provisions

---

**House Appropriations Subcommittee on JPS**
Rep. Bordsen (Chair)
Rep. Love (Chair)
Rep. Spear (Vice Chair)
Rep. Sutton (Vice Chair)
Rep. R. Warren (Vice Chair)
Rep. Boles, Rep. Goodwin, Rep. Guice, Rep. Hurley,
Rep. Jackson, Rep. Justus, Rep. Mobley, Rep. Moore,
Rep. Randleman, Rep. Stevens

**Senate Only**

**INMATE MEDICAL COST CONTAINMENT**

**SECTION 6.16.(a)** Providers and facilities that deliver medically necessary services to inmates in the Department's custody of the Department of Correction shall charge the Department using the same schedule of charges used for other patients, and the Department may reimburse those providers and facilities at up to seventy percent (70%) of the amount charged. The requirements of this subsection shall apply to all medical and facility services provided outside the correctional facility, including hospitalizations, professional services, medical supplies, and other medications provided to any inmate confined in a correctional facility.

**SECTION 6.16.(b)** The Department of Correction shall make every effort to contain inmate medical costs by making use of its own hospital and health care facilities to provide health care services to inmates. To the extent that the Department of Correction must utilize other facilities and services to provide health care services to inmates, the Department shall make use of hospitals with available capacity or other health care facilities in a region to accomplish that goal. The Department shall work to ensure that care usage is distributed equitably among all hospitals or other appropriate health care facilities, with no one health care facility being required to admit more than five percent (5%) of all patients requiring hospitalization or hospital services, unless doing so would jeopardize the health of an inmate or unless otherwise agreed to by contract. The Department shall also give preference to those hospitals in the same county or an adjoining county to the correctional facility where an inmate requiring hospitalization is incarcerated.

**SECTION 6.16.(c)** The Department of Correction shall consult with the Division of Medical Assistance in the Department of Health and Human Services to develop protocols for prisoners who would be eligible for Medicaid if they were not incarcerated to access Medicaid while in custody or under extended limits of confinement. The Department shall seek reimbursement from Medicaid for those health care costs incurred by the Department in those instances when an inmate's Medicaid eligibility has been temporarily reinstated due to a hospitalization.

**SECTION 6.16.(d)** The Department of Correction, in consultation with the Office of State Budget and Management, shall study the impact on inmate medical costs resulting from the measures set forth in subsections (a), (b), and (c) of this section. The Department shall present its findings by March 1, 2011, to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

**SECTION 6.16.(e)** If the findings of the Department of Correction demonstrate that the Department has been unable to achieve the savings in inmate medical costs called for in the 2010-2011 budget, the Office of State Budget and Management may require that any hospital that provides health care services to Medicaid and Medicare patients shall also provide services to any inmate confined in a correctional facility at the rates applicable under subsection (a) of this section.

**SECTION 6.16.(f)** The Department of Correction shall make every effort to explore other cost containment methods not expressly outlined in this section. These methods may include the following:

(1) Contracting with a private third party to manage and provide all inmate medical services;

(2) Partnering with the federal government to allow for treatment of State inmates in federal correctional hospitals; and

(3) Purchasing a fixed number of beds at a hospital.

**SECTION 6.16.(g)** The Department of Correction shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than October 1, 2010, on

(1) The Department's progress with the RFP process initiated pursuant to Section 19.20(b) of S.L. 2009-451, as rewritten by Section 15A of S.L. 2009-575, to contract for claims processing, medical management services, and the development and management of a medical professional and facility provider network.

(2) The anticipated effects on medical care provided to inmates as a result of the new hospital at Central Prison and the updated facilities at the North Carolina Correctional Institute for Women, as well as any other new medical services capacity within the Department. Specifically, the Department shall report on:

a. The types and volumes of services that the new and updated facilities will provide that previously would have been provided by community providers; and

b. The projected types and volumes of services that will still be referred to community providers.

The report shall also address changes in statewide inmate custody that are needed to maximize the utilization of the new facilities and the Department's ability to contract with community providers with the available capacity throughout the State.

**SECTION 6.16.(h)** The Department of Correction shall report to the Joint Legislative Commission on Governmental Operations no later than October 1, 2010, and quarterly thereafter on:

(1) The volume of services provided by community medical providers that can be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers; and

(2) The volume of services provided by community medical providers that cannot be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers.

**SECTION 6.16.(i)** Section 19.20(a) of S.L. 2009-451, as amended by Section 15A of S.L. 2009-575, is repealed.

**House Only**

**INMATE MEDICAL COST CONTAINMENT**

**SECTION 19.6.(a)** The Department of Correction may reimburse those providers and facilities providing inmate medical services at a rate not to exceed seventy percent (70%) of the amount charged based on the usual and customary charges in effect for all other patients as of June 30, 2010. This subsection applies to all medical and facility services provided outside the correctional facility, including hospitalizations, professional services, medical supplies, and other medications provided to any inmate confined in a correctional facility.

**SECTION 19.6.(b)** The Department of Correction shall make every effort to contain inmate medical costs by making use of its own hospital and health care facilities to provide health care services to inmates. To the extent that the Department of Correction must utilize other facilities and services to provide health care services to inmates, the Department shall make use of hospitals with available capacity or other health care facilities in a region to accomplish that goal. The Department shall work to ensure that care usage is distributed equitably among all hospitals or other appropriate health care facilities, with no one health care facility being required to admit more than five percent (5%) of all patients requiring hospitalization or hospital services, unless doing so would jeopardize the health of an inmate or unless otherwise agreed to by contract. The Department shall also give preference to those hospitals in the same county or an adjoining county to the correctional facility where an inmate requiring hospitalization is incarcerated.

**SECTION 19.6.(c)** The Department of Correction shall consult with the Division of Medical Assistance in the Department of Health and Human Services to develop protocols for prisoners who would be eligible for Medicaid if they were not incarcerated to access Medicaid while in custody or under extended limits of confinement. The Department shall seek reimbursement from Medicaid for those health care costs incurred by the Department in those instances when an inmate's Medicaid eligibility has been temporarily reinstated due to a hospitalization.

**SECTION 19.6.(d)** The Department of Correction, in consultation with the Office of State Budget and Management, shall study the impact on inmate medical costs resulting from the measures set forth in subsections (a), (b), and (c) of this section. The Department shall present its findings by March 1, 2011, to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

**SECTION 19.6.(e)** The Department of Correction shall make every effort to explore other cost containment methods not expressly outlined in this section. These methods may include the following:

(1) Contracting with a private third party to manage and provide all inmate medical services;

(2) Partnering with the federal government to allow for treatment of State inmates in federal correctional hospitals; and

(3) Purchasing a fixed number of beds at a hospital.

**SECTION 19.6.(f)** The Department of Correction shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than October 1, 2010, on:

(1) The Department's progress with the RFP process initiated pursuant to Section 19.20(b) of S.L. 2009-451, as rewritten by Section 15A of S.L. 2009-575, to contract for claims processing, medical management services, and the development and management of a medical professional and facility provider network.

(2) The anticipated effects on medical care provided to inmates as a result of the new hospital at Central Prison and the updated facilities at the North Carolina

Correctional Institute for Women, as well as any other new medical services capacity within the Department. Specifically, the Department shall report on:

a. The types and volumes of services that the new and updated facilities will provide that previously would have been provided by community providers; and

b. The projected types and volumes of services that will still be referred to community providers.

The report shall also address changes in statewide inmate custody that are needed to maximize the utilization of the new facilities and the Department's ability to contract with community providers with the available capacity throughout the State.

**SECTION 19.6.(g)** The Department of Correction shall report to the Joint Legislative Commission on Governmental Operations no later than October 1, 2010, and quarterly thereafter on:

(1) The volume of services provided by community medical providers that can be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers; and

(2) The volume of services provided by community medical providers that cannot be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers.

**SECTION 19.6.(h)** Section 19.20(a) of S.L. 2009-451, as amended by Section 15A of S.L. 2009-575, is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2010-CORR-H7

Department of Correction
Appropriations Subcommittee on Justice and Public Safety

Governor's Proposed Language

Requested by:

*INMATE MEDICAL COST CONTAINMENT*

**SECTION #.(a)** Providers and facilities that deliver medically necessary services to inmates in the custody of the Department of Correction shall charge the Department using the same schedule of usual and customary rates used for other patients, and the Department may reimburse those providers and facilities at up to seventy percent (70%) of the amount charged. Each year on July 1, all hospitals, health care facilities, and providers that treat inmates shall furnish the Department with a rate schedule of usual and customary rates used for other patients. The annual percentage change in the rates charged to the Department shall not exceed the most recently published annual percentage change in the Consumer Price Index for Medical Care. The requirements of this subsection shall apply to all medical and facility services provided outside the correctional facility, including hospitalizations, professional services, medical supplies, and other medications provided to any inmate confined in a correctional facility.

**SECTION #.(b)** The Department of Correction shall make every effort to contain inmate medical costs by making use of its own hospital and health care facilities to provide health care services to inmates. To the extent that the Department of Correction must utilize other facilities and services to provide health care services to inmates, the Department shall make reasonable efforts to make use of hospitals with available capacity or other health care facilities in a region to accomplish that goal. The Department shall make reasonable efforts to equitably distribute inmates among all hospitals or other appropriate health care facilities, with no one health care facility being required to admit more than twenty percent (20%) of all patients requiring hospitalization or hospital services, unless doing so would jeopardize the health of an inmate or unless otherwise agreed to by contract. The Department shall also give preference to those hospitals in the same county or an adjoining county to the correctional facility where an inmate requiring hospitalization is incarcerated.

**SECTION #.(c)** The Department of Correction shall consult with the Division of Medical Assistance in the Department of Health and Human Services to develop protocols for prisoners who would be eligible for Medicaid if they were not incarcerated to access Medicaid while in custody or under extended limits of confinement. The Department shall seek reimbursement from Medicaid for those health care costs incurred by the Department in those instances when an inmate's Medicaid eligibility has been temporarily reinstated due to a hospitalization.

**SECTION #.(d)** The Department of Correction, in consultation with the Office of State Budget and Management, shall study the impact on inmate medical costs resulting from the measures set forth in subsections (a), (b), and (c) of this section. The Department shall present its findings by March 1, 2011, to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

**SECTION #.(e)** If the findings of the Department of Correction demonstrate that the Department has been unable to achieve the savings in inmate medical costs called for in the 2010-2011 budget, the Office of State Budget and Management may require that any hospital,

health care facility, or health care provider that provides health care services to Medicaid and Medicare patients shall also provide services to any inmate confined in a correctional facility at the rates applicable under subsection (a) of this section.

**SECTION #.(f)** The Department of Correction shall make every effort to explore other cost containment methods not expressly outlined in this section. These methods may include the following:

(1) Contracting with a private third party to manage and provide all inmate medical services;

(2) Partnering with the federal government to allow for treatment of State inmates in federal correctional hospitals; and

(3) Working with interested hospitals to create closed wards for the provision of health care when an inmate is housed in that particular hospital.

**SECTION #.(g)** The Department of Correction shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than October 1, 2010, on

(1) The Department's progress with the RFP process initiated pursuant to Section 19.20(b) of S.L. 2009-451, as rewritten by Section 15A of S.L. 2009-575, to contract for claims processing, medical management services, and the development and management of a medical professional and facility provider network.

(2) The anticipated effects on medical care provided to inmates as a result of the new hospital at Central Prison and the updated facilities at the North Carolina Correctional Institute for Women, as well as any other new medical services capacity within the Department. Specifically, the Department shall report on:

a. The types and volumes of services that the new and updated facilities will provide that previously would have been provided by community providers; and

b. The projected types and volumes of services that will still be referred to community providers.

The report shall also address changes in statewide inmate custody that are needed to maximize the utilization of the new facilities and the Department's ability to contract with community providers with the available capacity throughout the State.

**SECTION #.(h)** The Department of Correction shall report to the Joint Legislative Commission on Governmental Operations no later than October 1, 2010, and quarterly thereafter on:

(1) The volume of services provided by community medical providers that can be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers; and

(2) The volume of services provided by community medical providers that cannot be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers.

**SECTION #.(i)** Section 19.20(a) of S.L. 2009-451, as amended by Section 15A of S.L. 2009-575, is repealed.

NC Dept of Correction

# Inmate Healthcare Costs

June 8, 2010

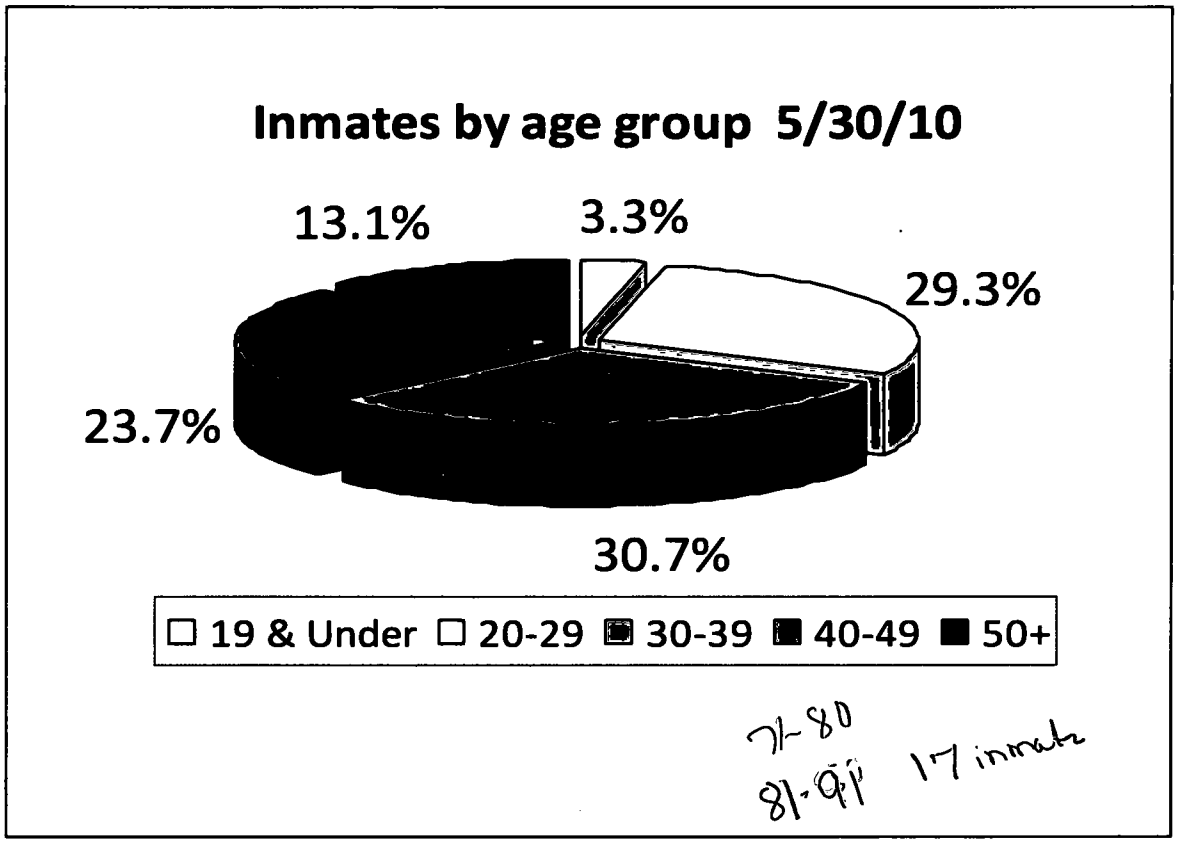
# Inmate Healthcare

- OVERVIEW
  - Current Delivery System
  - Population Trends
  - Health Care Cost
  - Key Cost Drivers
  - The Future of Healthcare in NCDOC

# Cost Drivers: Inmate Population Trends

**Facts:**

- **Average age is steadily increasing, with over a third of current inmates in the 40+ age bracket**
- **Due to the typical health care received over a lifetime, incoming inmates are expected to have equivalent health status of a person who is 10 years older***




| Census Date | Inmates 40+ years old |
|---|---|
| 6/30/05 | 25.4% |
| 6/30/06 | 26.9% |
| 6/30/07 | 28.5% |
| 6/30/08 | 30.1% |
| 6/30/09 | 31.6% |
| 5/30/10 | 32.8% |

# Current Delivery

## Overall Services

39,800 inmate 42 institution

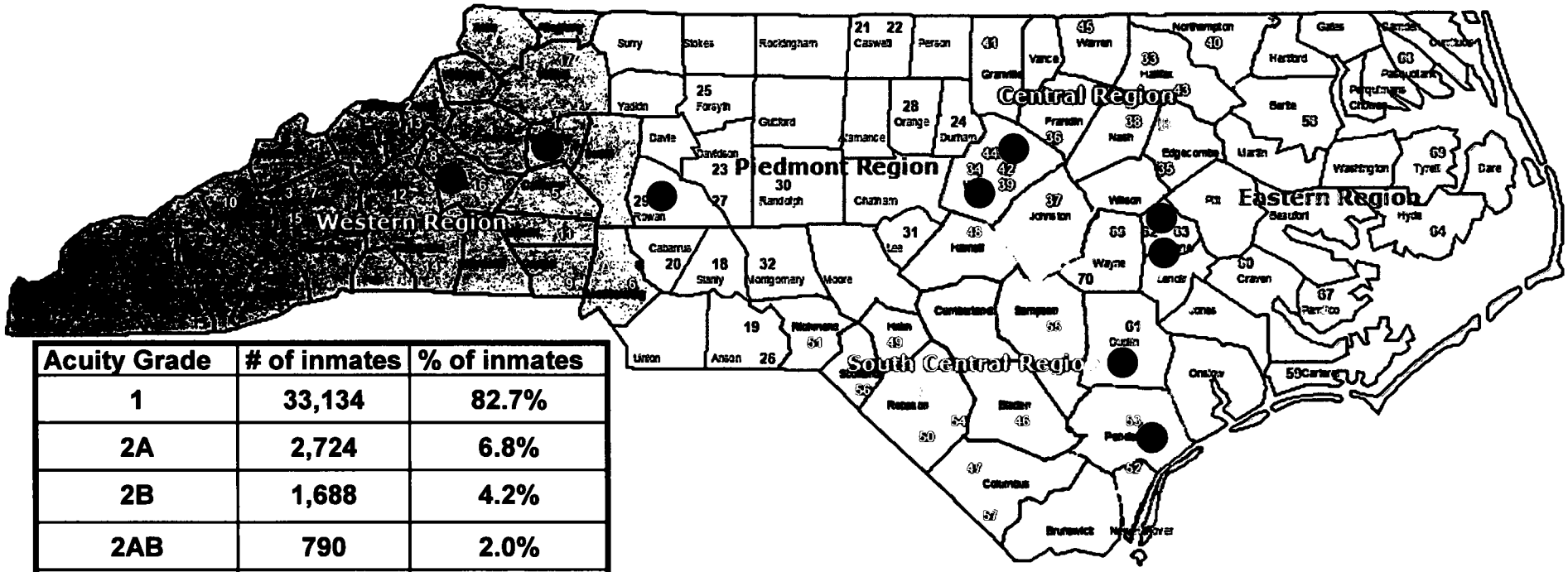
- **Comprehensive**
  - **Medical and Surgical Care**
  - **Mental Health Care**
  - **Dental Care**
  - **Nursing Care**
  - **Pharmacy**

- **Service Levels**
  - **Primary Care**
  - **Specialty Care**
  - **Inpatient Care**
  - **Residential Care**

## Housing of Inmates

- Regional locations
  - Based on custody levels
    - ✓Public safety needs
    - ✓Classified as close, medium or minimum
    - ✓Each prison with specific distinctions
    - ✓Staffing and basic internal/external function
  - Based on healthcare needs
    - ✓Disease entities
    - ✓Acuity levels
    - ✓Resource (staff) availability

# NCDOC Major Inmate Medical Care Locations

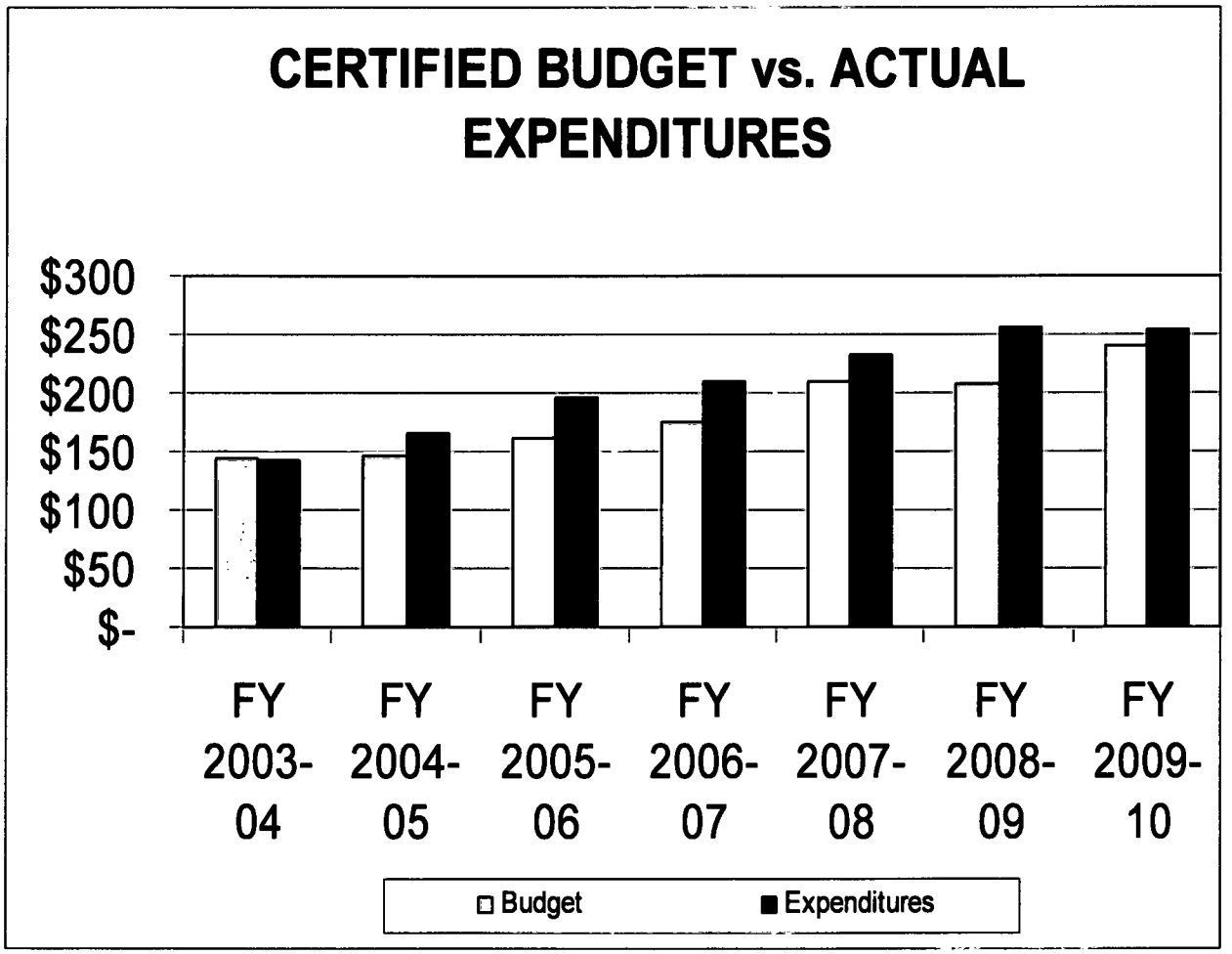



| Acuity Grade | # of inmates | % of inmates |
|---|---|---|
| 1 | 33,134 | 82.7% |
| 2A | 2,724 | 6.8% |
| 2B | 1,688 | 4.2% |
| 2AB | 790 | 2.0% |
| 3A | 419 | 1.0% |
| 3B | 137 | 0.3% |
| 3AB | 96 | 0.2% |
| 4A | 154 | 0.4% |
| 4B | 96 | 0.2% |
| 4AB | 22 | 0.1% |
| unassigned | 795 | 1.9% |
| Total | 40,055 | 100.0% |

| | |
|---|---|
| Central Prison | 4AB |
| NCCIW | 4AB |
| Alexander CI | 4AB |
| Maury CI | 4AB |
| Foothills CI | 3AB |
| Piedmont CI | 3AB |
| Greene CC | 3AB |
| Pender CI | 3A |
| Duplin CC | 3A |

Frank Rogers

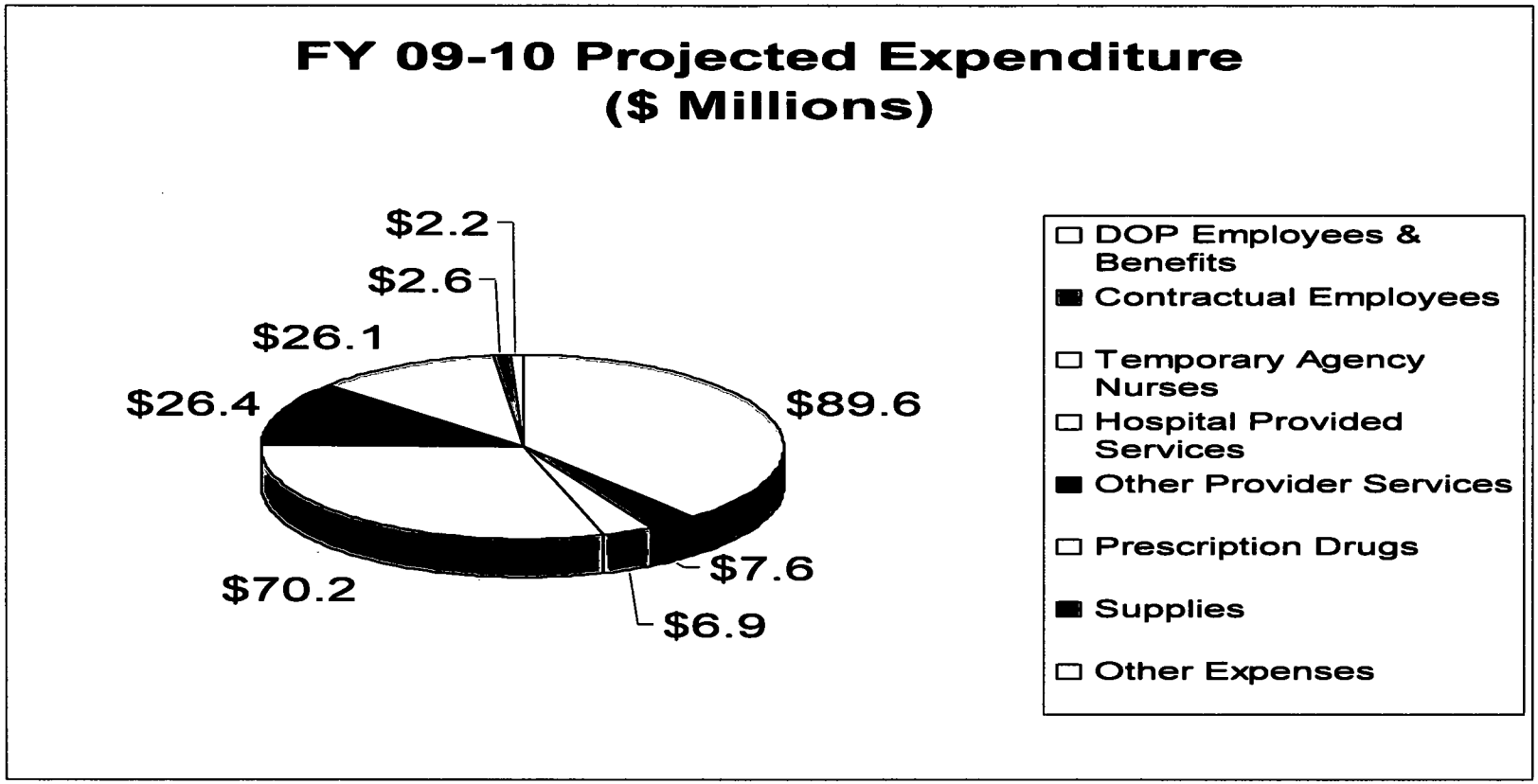
# Budget Data




| | Certified Budget | Actual Expenditures |
|---|---|---|
| FY 2003-04 | $144M | $143M |
| FY 2004-05 | $147M | $165M |
| FY 2005-06 | $161M | $196M |
| FY 2006-07 | $175M | $210M |
| FY 2007-08 | $209M | $233M |
| FY 2008-09 | $207M | $255M |
| FY 2009-10 | $241M | $254M |

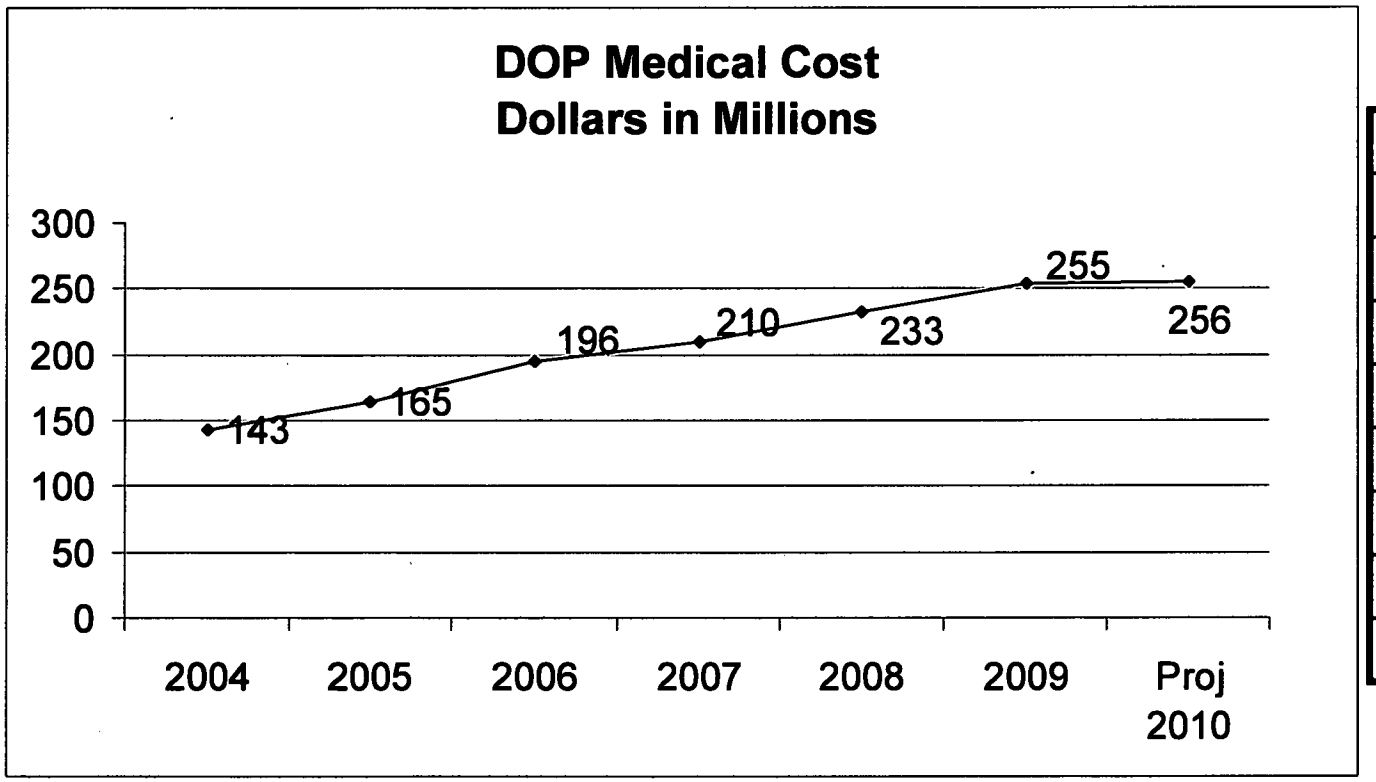
**Reflects projected expenses for FY 09-10 through 5/31/2010**

# Current Fiscal Year Analysis




Personnel costs are nearly half of all costs
Outside hospitals represent 30% of projected costs
Other provider services account for 11% of costs
Prescription drugs account for 11 % of total costs

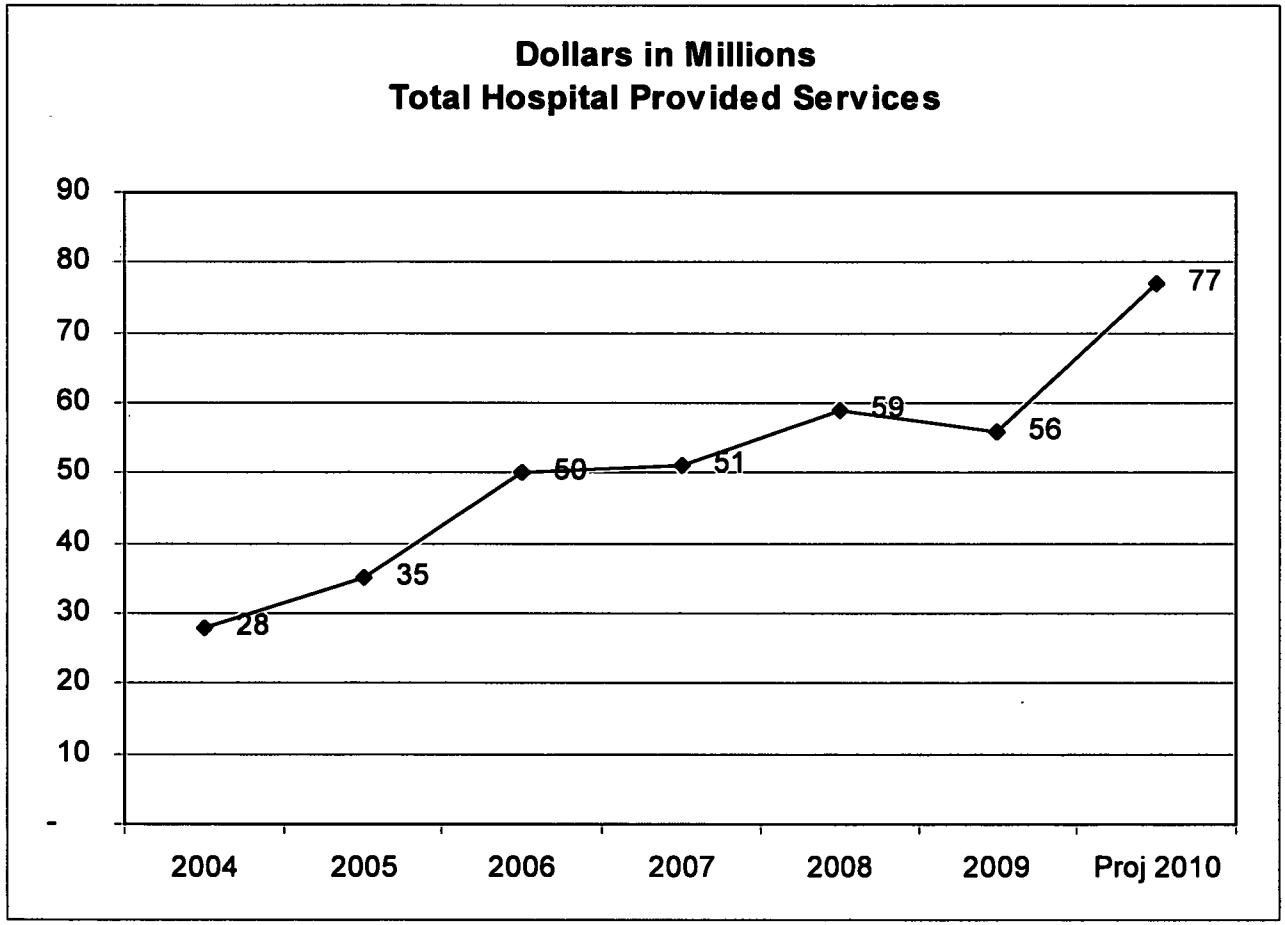
# Inmate Medical Budget – Expenditure Trends




| Total spent by fiscal year | | |
|---|---|---|
| | Dollars | % increase |
| **2004** | **$143M** | |
| **2005** | **$165M** | **15.4%** |
| **2006** | **$196M** | **18.8%** |
| **2007** | **$210M** | **7.1%** |
| **2008** | **$233M** | **11.0%** |
| **2009** | **$255M** | **9.4%** |
| **2010*** | **$256M** | **0.4%** |

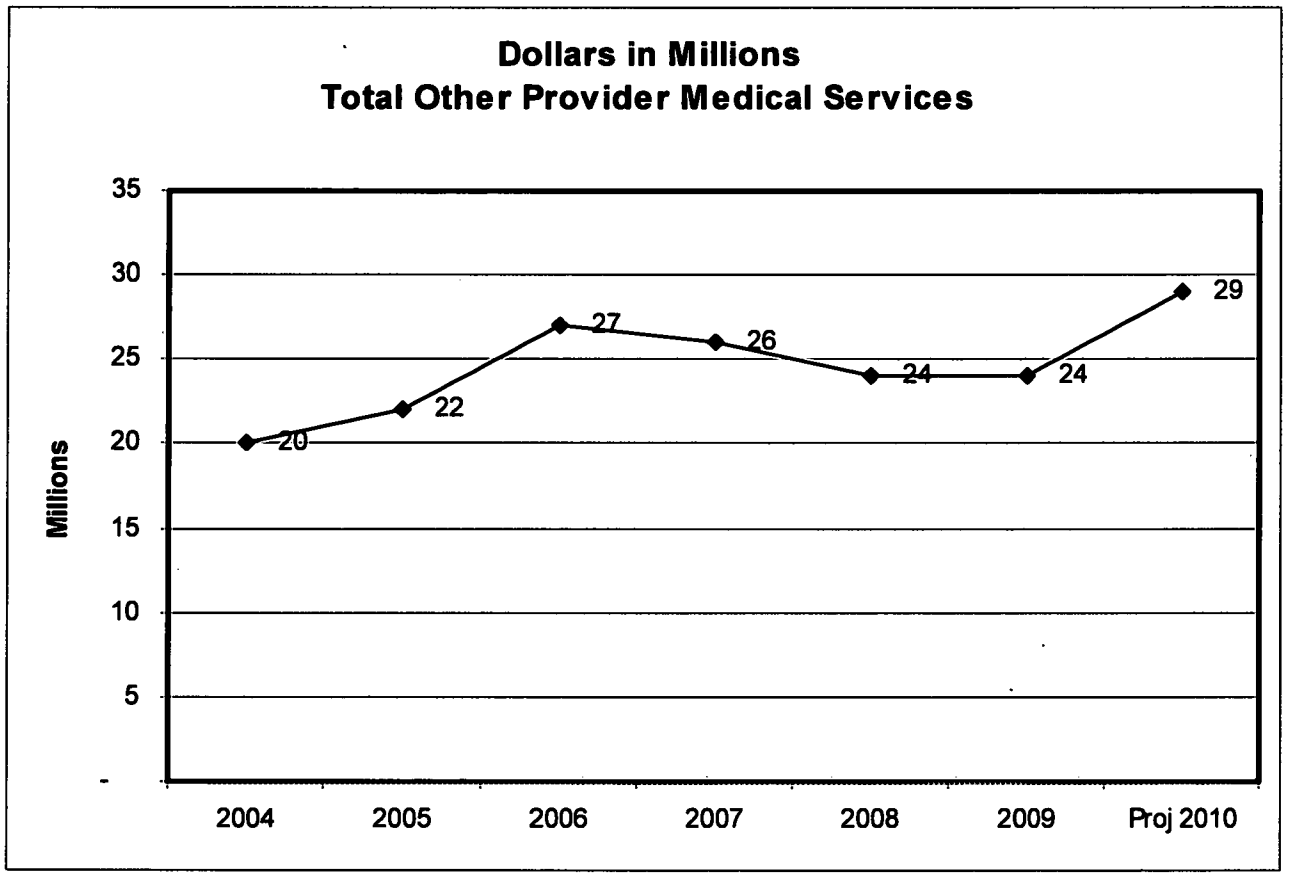
***Notes:*** ***79% increase from 2004 to 2010***
****2009-10 is projected expenditures as of May 31, 2010***

# Inmate Medical Budget – Expenditure Trends




| Total spent by fiscal year | | |
|---|---|---|
| | Dollars | % increase |
| **2004** | **$28M** | |
| **2005** | **$35M** | **25.0%** |
| **2006** | **$50M** | **42.9%** |
| **2007** | **$51M** | **2.0%** |
| **2008** | **$59M** | **15.7%** |
| **2009** | **$56M** | **-5.1%** |
| **2010*** | **$77M** | **37.5%** |

# Inmate Medical Budget – Expenditure Trends




| Total spent by fiscal year | | |
|---|---|---|
| | Dollars | % increase |
| **2004** | **$20M** | |
| **2005** | **$22M** | **10.0%** |
| **2006** | **$27M** | **22.7%** |
| **2007** | **$26M** | **-3.7%** |
| **2008** | **$24M** | **-7.7%** |
| **2009** | **$24M** | **0.0%** |
| **2010*** | **$29M** | **20.8%** |

## Key Cost Drivers

- Hospitalizations
  - Top 10 Utilized
  - ER visits
  - Admissions
  - Top 12 Diagnoses

- Other Providers
  - Specialty Care

# Cost Drivers: Hospitalizations

| Hospitalizations / Admissions | Actual FY08-09 | Projected FY09-10 |
|---|---|---|
| Avg # of Hospital Admissions/Month | 145 | 150 |
| Total Hospital Admissions | 1746 | 1806 |

**Total number of hospitals utilized**

- **FY 08-09** 67
- **FY 09 – April 2010** 65

# Cost Drivers: Hospitalizations

| Top 10 Hospitals | FY08-09 | | | | FY09-April 2010 | | | |
|---|---|---|---|---|---|---|---|---|
| | Total Claims | Paid | Avg Payment/ Claim | Rank | Total Claims | Paid | Avg Payment/ Claim | Rank |
| WAKEMED | 1392 | 12.7M | $9,131 | 1 | 1609 | 13M | $8,264 | 1 |
| UNIVERSITY OF NC HOSPITALS | 2750 | 8.8M | $3,199 | 2 | 3275 | 11M | $3,441 | 2 |
| CATAWBA VALLEY MEDICAL CTR. | 1415 | 6.2M | $4,437 | 3 | 1322 | 6.6M | $5,006 | 3 |
| MOORE REGIONAL HOSPITAL | 421 | 3M | $7,054 | 4 | 460 | 1.9M | $4,159 | 6 |
| PITT COUNTY MEMORIAL HOSPITAL | 411 | 2.8M | $6,659 | 5 | 629 | 4.6M | $7,404 | 5 |
| KINDRED HOSPITAL GREENSBORO | 93 | 2.4M | $25,523 | 6 | 157 | 4.8M | $30,553 | 4 |
| DUKE UNIVERSITY HOSPITAL | 430 | 2.1M | $4,866 | 7 | 318 | 1.5M | $4,686 | 7 |
| SOUTHERN REGIONAL MEDICAL | 335 | 1.4M | $4,180 | 8 | 338 | 1.1M | $3,462 | 8 |
| DURHAM REGIONAL HOSPITAL | 213 | 1.3M | $6,044 | 9 | 195 | 1.7M | $8,774 | 9 |
| DUKE RALEIGH HOSPITAL | 52 | 1.1M | $20,515 | 10 | 82 | 106M | $19,437 | 10 |
| **Top 10 Hospitals Total** | **7512** | **41.8M** | **$9,160** | | **8385** | **47.8M** | **$9,518** | |

- Paid amount was rounded

# Emergency Room Visits

| Cost Category | Actual FY05-06 | Actual FY06-07 | Actual FY07-08 | Actual FY08-09 | Actual FY09- April 2010 |
|---|---|---|---|---|---|
| Average ER Visits Per month | 326 | 389 | 399 | 352 | 365 |
| Total ER Visits | 3901 | 4658 | 4785 | 4220 | 4379 |
| Total Cost | $6.0 million | $8.0 million | $8.8 million | $8.7 million | $10.1 million |
| Total Paid | $5.0 million | $6.8 million | $7.6 million | $7.7 million | $8.8 million |

*Data Source: MOMS Claims (DC702s not processed through MOMS are excluded)*

**DATA**

- **Reflects UB92 / UB04 (*claim setting of ER*) Hospital Facility Charges**
- **Does not include services in ER (i.e. lab, radiology, provider)**

# Top 12 Most Costly Inmates – External Cost

| Inmate | Primary Diagnosis | Total Paid | FY07-08 Claims Paid | FY08-09 Claims Paid | FY09- April 2010 |
|---|---|---|---|---|---|
| A | Respiratory Failure | $901,051.05 | $70,936.65 | $302,409.57 | $527,704.83 |
| B | Respiratory Failure | $808,044.23 | $57.06 | $0 | $807,987.17 |
| C | Thoracic Aneurysm | $807,687.34 | $282,331.80 | $519,666.40 | $5,689.14 |
| D | Septicemia | $770,972.64 | $0 | $0 | $770,972.64 |
| E | Respiratory Failure | $729,721.99 | $73,647.43 | $187,761.09 | $468,313.47 |
| F | Encounter for Antineoplastic Chemotherapy | $709,128.70 | $400,743.16 | $194,448.43 | $113,937.11 |
| G* | Self Inflicted Gunshot to Head | $686,685.30 | $523,573.15 | $92,917.13 | $70,195.02 |
| H | Atrial Fibrillation | $625,603.43 | $410,104.68 | $215,498.75 | $0 |
| I | Other Post-OP Infection | $618,569.38 | $614,592.00 | $3,977.38 | $0 |
| J | Self Inflicted Punctures to Head and Lungs | $533,752.03 | $0 | $527,513.85 | $6,238.18 |
| K | Infection and Inflammatory Reaction due to Vascular Device, Implant and Graft | $513,626.21 | $500,680.73 | $12,945.48 | $0 |
| L | Other Late Amputation Stump Complication | $512,800.73 | $111,343.65 | $398,917.25 | $2539.83 |

* Safekeeper

## Top 12 Most Costly Inmates – External Cost (cont.)

- ICU care
- Multiple admissions
- Changes each year

# Cost Drivers: Other Providers

| Top 15 Specialty Areas | Actual FY07-08 | Actual FY08-09 | FY 09-10 to date |
|---|---|---|---|
| Other Specialty | $2.0M | $2.0M | $2.3M |
| Laboratory & Ultrasound | $3.6M | $4.3M | $3.5M |
| Dialysis | $2.6M | $1.8M | $2.3M |
| GP-Internal Med | $3.6M | $3.5M | $3.6M |
| Radiology | $2.1M | $1.8M | $1.9M |
| Surgeon | $1.9M | $1.6M | $1.4M |
| Anesthesia | $1.1M | $934K | $855K |
| Cardiology | $695K | $520K | $620K |
| Orthopedics | $726K | $782K | $832K |
| Dental | $219K | $327K | $418K |
| Ophthalmology | $674K | $555K | $425K |
| Urology | $347K | $342K | $337K |
| Optometry | $351K | $311K | $293K |
| Neurology | $197K | $207K | $224K |
| Psychiatrist | $354K | $684K | $884K |
| **Total** | **$16.8M** | **$19.7M** | **$19.5M** |

# Impact of Cost Drivers

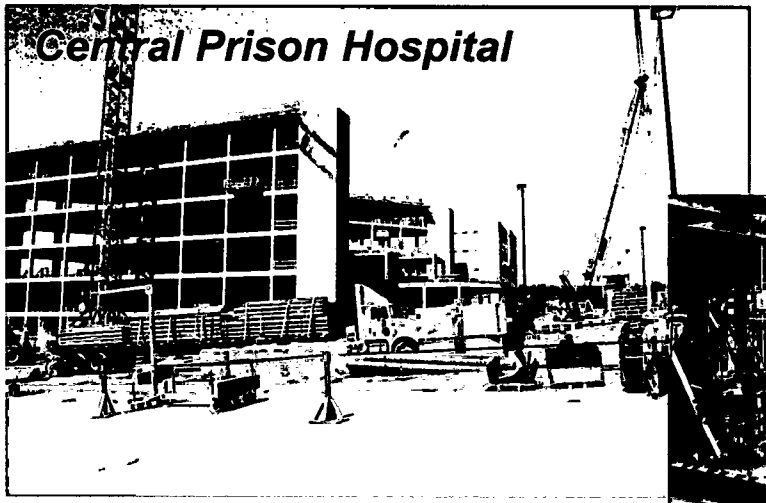
**Facts:**

- **The Department has no legal leverage that mandates medical providers must treat inmates**
- **Lack of baseline charges or fee schedule based on known standard**
- **There are increased costs associated with treating inmates in community hospitals i.e. private hospital rooms**

**Cost reduction emphasis:**

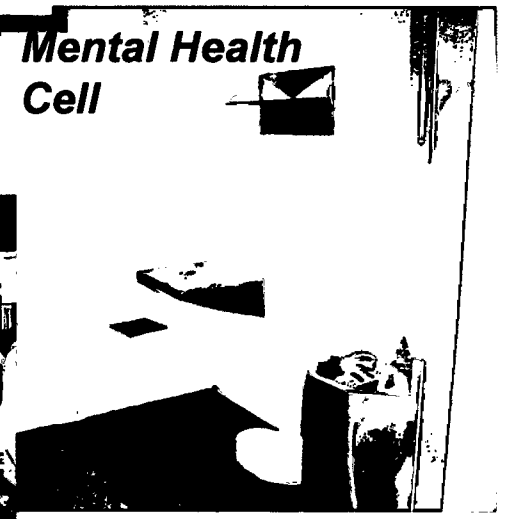
- **Standardizing contract language to require consistent claims coding, making it easier to apply information technology more effectively and compare value for comparable diseases, procedures, revenue codes, etc.**
- **NCDOC is working with a number of entities including the NC Hospital Association and DHHS**
- **Need fee schedule tied to known standard (Medicare or Medicaid)**
- **Posted an RFP to contract for a third-party administrator to handle external health care delivery to inmates (HB 836)**
  - **RFP includes claims management, utilization review and provider network**
- **Purchasing and Contract, along with Accounting working to assure that contracts are followed as defined**
- **Request made to NC Hospital Association to identify underutilized hospitals**

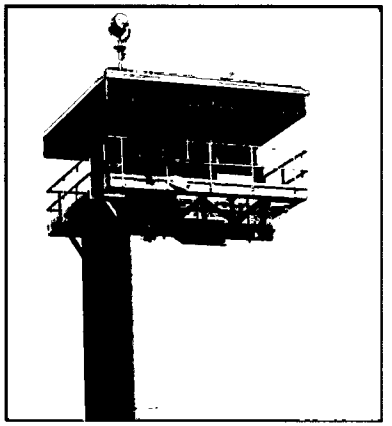
# The future – New facilities, new services

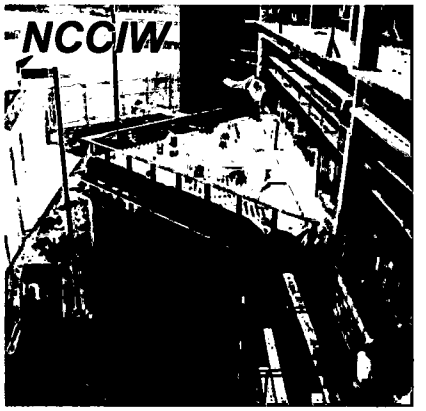


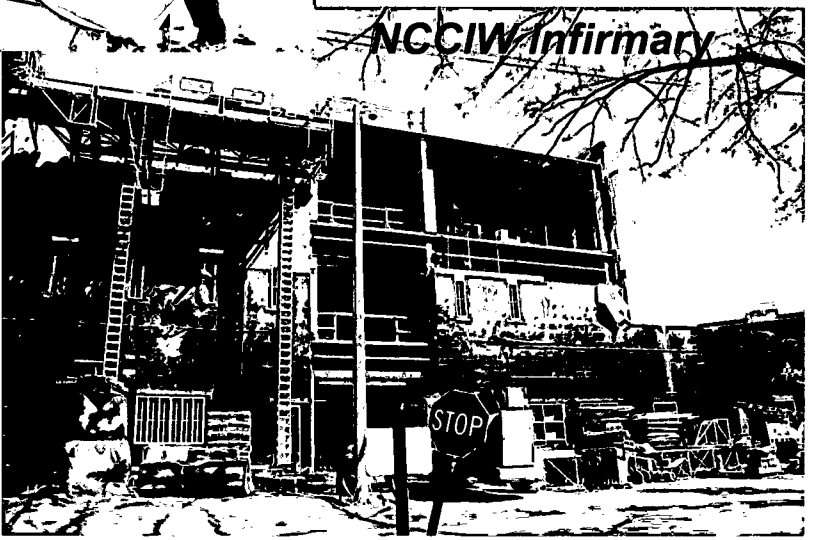








# The future – New facilities, new services

- Healthcare Facilities
  - Completion Fall 2011

- NCCIW
  - Clinic space
  - Updated Infirmary
  - Mental Health Facility
  - Onsite diagnostic and support services

- Central Prison
  - 120 Medical beds
  - 200 Mental Health beds
  - Clinic space
  - Onsite diagnostic and support services

# Impact on Current Services (External)

- Anticipate 30% reduction in number of inmates requiring external services
  - Hospitalizations
  - Chemotherapy
  - Physical therapy
  - CT Scans
- Anticipate cost shift back to new facilities
- Increased public safety

# Summary

- NCDOC welcomes legislative efforts to reduce costs
- Concerns with special provision
  - **The Department needs leverage mandating access for inmate medical care**
  - **Lack of baseline charges or fee schedule based on known standard**
  - **If the reimbursement rate must be tied to a percent of billed charged then there must be a cost increase offset tied to the Consumer Price Index for medical care**
  - **Due to current custody and health care housing structure, the Department may only guarantee 20% of necessary hospitalizations at one location**
- Workgroup (DHHS & NCDOC) established to determine eligibility for Medicaid at prison entry
- Request made to NC Hospital Association to identify underutilized hospitals
- Architectural models of the new facilities are available

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety June 8, 2010 8:30 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| John Ledford | NCALE CC&PS |
| MARK SENTER | NC ALCOHOL LAW ENFORCEMENT |
| Henry Hutaff | N.C.B.A. |
| ANTHONY M ALLEN | NCACC |
| Sam Walker | Rep. Alexander |
| Ethan Bartlett | Rep. Moore |
| Aaron Gallagher | OSBM |
| John Dorman | NCEM |
| Neil Woodcock | NC Association of Property + Evidence |
| Elizabeth Taylor | Kochanek Law Group |
| KATHY JOHNSON | IDS/OSS |
| Ed Turlington | Brooks Pierce |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety June 8, 2010 8:30 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| John W Smith | AOC |
| Mildred Spearman | NCAOC |
| Peg Dorer | Conf of DAs |
| [illegible] | Conf of Clerks Superior Court |
| [illegible] | Indian Inc. |
| Suzanne Bradley | SEANC |
| Jessica Landis | SEANC |
| SUSAN BROOKS | IDS/ SENTENCING SERVICES |
| Carolyn Bidwell | IDS/Sent. Services |
| Chip Killian | Nelson Mullins |
| Barbara Moore | Conf. of Clerks of Sup Ct |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety June 8, 2010 8:30 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Thomas C. Cavey, Jr. | NC Dept. of Crime Control & Public Safety |
| Nick Ammann | Apple |
| Bruce Thornton | Parker Poe |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety June 8, 2010 8:30 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Lee Rupert | CYPC |
| [illegible] | [illegible] |
| Melissa Radcliff | Our Children's Place |
| Byron Harris | NC DOC |
| Tracy Little | NCDOC |
| Rick Anderson | NC DOC- DOP |
| [illegible] | NC DOC |
| Bob Lewis | NC DOC |
| Lallie Hamer | NCDOC |
| Barbara Baker | NCDOC |
| Joe Vincoli | NC DMA |
| [illegible] | NCBA |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety June 8, 2010 8:30 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| | J Warren Yarnell |
| Sherry Pilkington | NC DOC |
| Tom Bennett | NCVAN |
| ANN CORE | DUKE |
| Kevin FitzGerald | UNC SOM |
| Hugh Tilson | NCMA |
| Dana Simpson | Smith Anderson |
| Dirk Taylor | NCAJ |
| Thom Ulmer | Eckerd |
| Martha McConnell | Carolina Healthcare |
| Leah Bradshaw | The Nature Conservancy |
| | |

## VISITOR REGISTRATION SHEET

Appropriations Justice & Public Safety 6-8-10

Name of Committee Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Doug Lassiter | NCSTA |
| Bill Rowe | NC Justice Center |
| Mike Mann | NCBAA |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

# 2009-2010

# JOINT APPROPRIATIONS – JUSTICE & PUBLIC SAFETY

# MINUTES

MINUTES
JOINT APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

June 10, 2010
Room 544 Legislative Office Building
8:30 A.M.

The House Appropriations Subcommittee on Justice and Public Safety met on Thursday, June 10, 2010, in Room 544 of the Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 8:36 a.m. The following House members were present: Representatives Bordsen and Love, Chairs; Representatives Spear, Vice Chair; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, and Stevens. Senators present included Senators Kinnaird and Snow, Chairs; and Senators Bingham, Jones, and Soles.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, Kristine Leggett, and John Poteat.

**Representative Love** recognized the Sergeants-at-Arms, Frank Prevo, Martha Parrish, James Worth and Don McLendon for the House; and Ron Spann, Leslie Wright, Chester White, and Charles Harper for the Senate; and the pages, Fields Pierce of New Hanover County (Rep. McComas), John Squire of New Hanover County (Rep. McComas), and Tom Saccoccio of Wake County (Representative Martin) and thanked them for their help.

**Handouts** included North Carolina Department of Correction Post-Release Supervision and Parole Commission: Report on the Status of the Medical Release Program dated March 1, 2010 (Attachment 3); North Carolina Dept. of Correction Inmate Healthcare: Our Tax Dollars at Work Supplemental Handout dated June 10, 2010 (Attachment 4); Page 10 of the Session Law 2009-575, Section 19.20 (Attachment 5).

**Doug Holbrook** briefly reviewed the NC Department of Correction Post-Release Supervision and Parole Commission Report on the Status of the Medical Release Program dated March 1, 2010 (Attachment 3), regarding the medical release program that the Parole Commission operates. Dr. Paula Smith and her staff will identify people who might be qualified under the standards of the law passed two years ago and they will forward the names of those people who appear to meet the medical standards of long-term terminal, completely disabled, and not posing a medical threat to the Parole Commission. The Parole Commission will assess potential danger to society for each person. No one convicted of a sex offense will be let out on a medical release. After getting victim input, the Parole Commission will make a recommendation. Mr. Holbrook then pointed out page 3, "Psychosocial Information," which is the type of information which will be collected for each offender after the initial screening, to make sure they meet the legal status for the program. They will also need to develop a home plan for the location the inmate will be going upon release. On page 4 of the report is a summary of the statistics of the program to date. He then answered a few questions remaining from the briefing on Tuesday, June 8, 2010, or from today's explanation. **Senator Soles** wanted to know if, when a prisoner is released, does the Parole Commission continue to have any strings tied to them. Mr. Holbrook replied that they are parolees are still under parole supervision and should they violate their parole, their parole can be revoked just like any other parolee. **Senator Bingham** asked if there was no one at home and the parolee would be homeless, would this weigh in the decision. Mr. Holbrook said that the Department of Correction must come up with a transition plan if there is no home to which a parolee can return – find some community place, perhaps a hospice facility in a community would be appropriate.

**Representative Stevens** wondered who was excluded by statute. Mr. Holbrook said that sex offenders and 1st degree murderers are the main ones excluded. He will get back to the Committee as to who the main offenders are who would be excluded. **Senator Kinnaird** wondered what types of illnesses and asked for a sampling. Mr. Holbrook said he would confer with Dr. Smith and Chairman Rand – for 32 people, he thought he could get an answer.

Chairman Love then introduced **Jennie Lancaster**, Chief Deputy Secretary of the Department of Correction. Ms. Lancaster gave an historic context of how Central Prison came to fruition. In 1996, the Department's population had grown by 60% to 30,000 inmates. A task force (some members were departmental health care folks and people from UNC and Duke) was commissioned to study health care. There was an advisory committee to the task force made up of representatives from many universities in North Carolina. In 1997, the study recommended building – the department built based on that recommendation. It has been enhanced by the population numbers but they strongly recommended that the prison be located in the eastern and western parts of the state a regional type of medical facility which is currently Maury and Alexander. The task force said that the facility at Central Prison was woefully inadequate and be replaced with a central hospital facility that would serve as the anchor to the health care system in the Department. This is another critical issue for the committee to understand – the recommendation then which was carried out in the design of this hospital was to provide primary care, secondary care and a care level less than what a community hospital would be. Ms. Lancaster said she had the report and was willing to share it with the Committee. What has changed is that the population numbers have risen radically as have hospital rates and that the Department's investment and locations are exceptional in the United States. Ms. Lancaster stated that the mission of the Department of Correction is to serve the people of the state and run a constitutional and legally operational correctional system – providing inmate healthcare is a secondary function and is a primary legal responsibility. Following Ms. Lancaster's presentation, **Dr. Paula Smith**, Director of Health Services in the Division of Prisons spoke.

**Dr. Smith** continued the presentation using the power point presentation (Attachment 4). The new facility is on schedule and should become operational in late summer to early fall, 2011. For NCCIW, there will be a 3-4 month transitional period. There will be new custody equipment as well as health care equipment, both of which staff need training on. This is not a hospital but an infirmary. There will be 38 beds, clinic space, a mental health facility, diagnostic services, assisted care beds for the aging female population. Central Prison is set to have a hospital with 120 medical beds, 200 mental health beds, diagnostic services, clinic space on site. At Central Prison, operation surgery can be done on site with 2 operating suites. Many of the services inmates are sent out to receive will be done on-site; there will be an endoscopy lab for GI procedures, pharmacy equipment, physical therapy – all types of support services usually received at local community hospitals. There will be at least 30 telemetry beds. It is anticipated that there will be at least a 30% reduction in the number of inmates that are requiring services. Since a study completed in 2005, hospital costs have grown 55% and other provider costs have grown 24%. Dr. Smith emphasized that money would be saved by using on-site facilities but that there would be some cost shifts. For in-house services to begin with, money would have to be spent on personnel and staffing for the new services. These facilities will enable the Department of Correction to have the opportunity to increase the public safety around the state, a concern for many hospitals. Dr. Smith then referred to Session Law 2009-575, Section 19.2.(a) – (e). DOC was directed to place an RFP (Request for Proposals) for a third-party administrator to help with external healthcare – to develop a provider network as well as someone to do the pre-authorizations and claims management. The RFP did "hit the streets" in April 2010. (The timeline being followed is in the power point presentation.) When developing the RFP, it is hoped that by having a multiple of Medicare, underutilized hospitals and underutilized specialists might express some interest in those areas where so many prisons are located. It will be nearly two years before any impact is seen from this process. Unfortunately, Dr. Smith added, the Department of Correction does not have any leverage to make sure that they will be able to use external facilities. There is nothing to say that a hospital must see an inmate. Dr. Smith requested that some language be added to the provision so that there will be some type of leverage to make sure that DOC can use external hospitals. The other big concern is the lack a baseline for charges or fee schedule. Each facility has the ability to determine their own usual and customary charges, so they are not working with a baseline as the charges would be all over the place. Dr. Smith asked that the information be shared with the Department.

DOC does not have the same bargaining power with outside facilities as do entities like Blue Cross/Blue Shield or Cigna, for example. She also asked that if the reimbursement rate must be tied to a percent of bill charges, then there must be a cost increase offset tied to the Consumer Price Index for medical care. Any increases that would occur from year to year would be tied to the Consumer Price Index for medical care. Dr. Smith said that she was not sure they could accommodate a 5% reduction but do feel that they could accommodate a maximum up to a 20% usage of any given hospital. That will have a huge impact with the structure in place with housing or custody reason and medical reasons occur. It would be difficult for an equitable distribution across the state. Another concern is the purchase of medical beds, a business they don't want to be in. However, Dr. Smith said the Department would like to work with hospitals around the state to have closed wards which would ultimately save on money and manpower. Currently, prisoners are placed in private rooms which takes two guards per prisoner. **Secretary Alvin Keller** stated that he had concerns about access to state-supported facilities and a verifiable fixed fee is needed. Questions followed at this time. **Senator Jones** wondered with the budget cuts, would there be funds to pay for the necessary highly qualified staff. Dr. Smith said that funds had already been appropriated for advanced-level staffing. Senator Jones (follow-up) wondered if these hospitals/infirmaries will handle pregnancies and what happened then to the babies after delivery. Dr. Smith replied that there were pregnant inmates. Providers come on-site to provide pre-natal care. The deliveries occurred off-site and would continue to do so. Arrangements are made for the outside care of the baby during the pregnancy. Social workers work with the inmates and their families during their pre-natal period. Senator Jones asked how many pregnancies/deliveries were there a year. Dr. Smith stated that there were between 70 and 90 each year. All inmates in county jails who are pregnant end up in the women's facility. Ms. Lancaster added that all of these pregnancies are considered high risk and that for years Wake Medical Center had been wonderful in assisting the Department of Correction in dealing with these high risk pregnancies. **Senator Bingham** questioned access to state hospitals and wondered if some denied access or felt uncomfortable admitting inmates. Dr. Smith said that she had not seen any denials and wants to make sure it doesn't happen. **Representative Bordsen** wondered how long a newly delivered baby was able to stay with its mother and did it receive pediatric care. Dr. Smith stated that when a baby was delivered, social workers were aware and made sure that arrangements had been made and have access to Medicaid. The inmates were brought back to the prison infirmary within twenty-four hours as long as the delivery was not complicated. Representative Bordsen then confirmed that the newborn only spends a few hours with its mother. Dr. Smith said yes, but the baby can visit the mother in the prison. **Representative Jackson** asked about rehabilitation and ventilation services and were they handled in the prison hospital. Dr. Smith said that some were, but those requiring a high level of services would be taken to outside facilities. Representative Jackson (follow-up) wondered what the issue was, design, staffing, training. Dr. Smith said that it was a matter primarily of staffing and training and providing a level of care the hospital infirmary or hospital was not qualified to do – the prison hospital would be more like a small community hospital. Representative Jackson asked if there had been any discussion with Wake Medical Center about taking these high-risk cases if the Legislature started mandating fees. Dr. Smith replied that there had been no discussions so far. Representative Jackson (follow-up) noted that the 5% limit is not workable, but that no hospital had denied care for a patient. He wondered what actions had been taken to make distribution more equitable. Dr. Smith said discussion had been continuing with the Hospital Association and the Department had gotten information on the under-utilized hospitals. The prisons are in close proximity to many hospitals. There are agreements with many of those hospitals for emergency services or for some outpatient-type services. Representative Jackson (follow-up) asked if it was equitable for one hospital treat a majority of the inmates. Dr. Smith replied that it occurs based on locations and types of care available – hospital visits are often dictated by the medics and going to the closest place. Representative Jackson (follow-up) noted that there was a great disparity between patients seen at Wake Med versus Rex and Duke. Dr. Smith agreed and said that often the opportunities were not available with the current contractual agreement, especially when Wake Med is on diversion. Some high level orthopaedic services are now being done at Duke-Raleigh. **Senator Soles** asked what the level of care was for the inmates and how prisoners were transported to local hospitals. Dr. Smith said the prison often calls an ambulance – it is dependent upon the level of illness. Often chronically ill inmates are kept at Maury/Alexander; 9 times out of 10 if an inmate gets sick at Maury, he ends up at Pitt Memorial. **Representative Justus** wondered how many inmates became pregnant while in prison. Ms. Lancaster said that she could only remember one; most inmates come into prison pregnant. **Representative Bordsen**

wondered what type of medical facility did Central Prison currently have. Dr. Smith said that there currently was a mobile operating unit and that the only procedures to be done would be laparoscopic; any procedures requiring cutting were done elsewhere. Representative Bordsen (follow-up) then asked how much it cost to transfer an inmate, including personnel used to transfer and remain with the prisoner. Ms. Lancaster said that every inmate transferred was accompanied by at least one, usually two, correctional officers. When an inmate is admitted, because of the private rooms, one to two correctional officers remain with the inmate. Transportation costs would also be included. Representative Bordsen (follow-up) wondered if problems arose if the prison had a contract with a physician and that physician did not have hospital privileges where the inmate was transferred. Dr. Smith said that every effort was made to make sure the physician had privileges at the hospitals the Prison frequented – they tried to make it match.

**Hugh Tilson,** Senior Vice President, NC Hospital Association, spoke next. He admitted that there are no easy answers to these very complicated questions. He noted that inmates tend to be sicker than the general population thus requiring more health care resources; as a result, even the administrative costs are higher since they are separated within the hospital by rooms as they often make medical personnel, other patients and families nervous. Mr. Tilson said that 50% of inmate care is furnished by Triangle hospitals. He recognized that the RFP process was, in the Association's view, the best long-term solution. There is already, by law, resources that will make medical care work. And, the provisions put in the budget are very close to accomplishing what is needed in the short term. He encouraged prisons to use their own facilities as often as possible and if not possible, use providers with available capacity; Mr. Tilson also suggested using contracted providers first. Seventy percent of the care can be scheduled since it's not emergency care, thus better utilizing the 5% notion. This will save the prison system money. He then spoke about billing and said that it was an important part of RFP. By 2012 there will be contracts for rates. Until then, Mr. Tilson proposes a discount off of hospital charges of 70%. Each hospital sets its own charges and a charge master: one basic charge for a procedure which applies to all patients. The difference is that insurance companies or payers negotiate the discount rate. The RFP gives the State a claims processor which is badly needed by the prison system. It is proposed that in the interim there be a way to accomplish some level of discounting for those hospitals for which the Department does not have a contract until the RFP takes effect. According to Mr. Tilson, Dr. Smith said that charges shouldn't go up more than medical inflation – the Association can't support that idea because every hospital has changes in its charges for all of its patients. Technically, the hospitals can't treat the prison system differently than everyone else. **Senator Kinnaird** said that if the prison system provides 1-2 officers per patient, why is a hospital's security involved. Mr. Tilson replied that in some instances, no extra security is involved; however, some hospitals feel that they must buffer the inmate's room with other, empty rooms surrounding because of prior incidences. Senator Kinnaird wondered why the guards aren't considered the buffer. Mr. Tilson said that the physical space is important to many people. **Representative Bordsen** asked for some sort of clarification about limiting increased payments. If charges are negotiated, do the hospitals readily submit charge lists to the Department of Correction so they can bargain. Mr. Tilson said that the Governor's proposal would ask hospitals to provide that information. It is competitive health information and not made publicly available. If assurance were provided that these records would not become a public record, Mr. Tilson felt confident that a hospital would provide them when requested. Representative Bordsen said that would be difficult if providing legislative oversight – everything the legislature does is public record. Mr. Tilson responded that it could be provided to the Department for their understanding and then it would not become a public record. **Senator Bingham** asked about the number of incidences of dangerous inmates in hospitals and was the information readily available. Mr. Tilson responded that he had anecdotal information that he would share but he did not have a registry. All it takes is one incident to make a hospital gun-shy.

The meeting adjourned at 9:50 a.m.

Respectfully Submitted,

Representative Jimmy L. Love, Sr.
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments: Committee Notice
Agenda
North Carolina Department of Correction Post-Release Supervision and Parole Commission
Report on the Status of the Medical Release Program, March 1, 2010
NC Dept. of Correction Inmate Healthcare: Our Tax Dollars at Work
Supplemental Handout, June 10, 2010
Session Law 2009-575, Section 19.20 (a) – (e)
Visitor Attendance Sheets

# CORRECTED NOTICE – ROOM CHANGE & NEW COMMENT

## NORTH CAROLINA HOUSE OF REPRESENTATIVES
## COMMITTEE MEETING NOTICE
## 2009-2010 SESSION

You are hereby notified that the Joint Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Thursday, June 10, 2010
**TIME:** 8:30 am
**LOCATION:** **544 LOB**
**COMMENTS:** **Continue Discussion of Inmate Medical Costs**

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **1:00 p.m.** o'clock on **June 07, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Room 544 Legislative Office Building

June 10, 2010 8:30 A.M.

**I. Call to Order**

Chairs: Senator Ellie Kinnaird
Senator John Snow
Representative Alice Bordsen
Representative Jimmy Love, Presiding

**II. Status Report on the Medical Release Program**

*Douglas Holbrook*
*Fiscal Research Division*

**III. Plans for New Hospitals at Central Prison and NC Correctional Institution for Women**

*Jennie Lancaster*
*Chief Deputy Secretary*
*Department of Correction*

*Dr. Paula Smith*
*Director of Health Services*
*Division of Prisons*

**IV. DOC Request for Proposals on Inmate Health Care (S.L. 2009-451 Sect. 19.20 (b))**

*Dr. Paula Smith*
*Director of Health Services*
*Division of Prisons*

**V. NCHA Response on Inmate Medical Issues**

*Hugh Tilson*
*Senior Vice President*
*NC Hospital Association*

**VI. Committee Discussion**

**VII. Adjournment**

North Carolina Department of Correction
Post-Release Supervision and Parole Commission

# Report on the Status of the Medical Release Program

March 1, 2010

Anthony E. Rand, Chairman
Post-Release Supervision and Parole Commission

**NORTH CAROLINA POST-RELEASE SUPERVISION AND PAROLE COMMISSION ANNUAL MEDICAL RELEASE REPORT**

# I. INTRODUCTION

Legislation has been enacted directing the Department of Correction and the Post-Release Supervision and Parole Commission to provide for the medical release of no-risk inmates who are either permanently and totally disabled, terminally ill, or geriatric. The legislation envisions each case being carefully and comprehensively evaluated by the Department as well as the Commission. Once the Department determines that the inmate is permanently and totally disabled, terminally ill, or geriatric; **and** is incapacitated to the extent that the inmate does not pose a public safety risk; and is not excluded by the statute he is to be referred to the Commission. In the event that these criteria are not met the Department will so determine and the case **will not** be forwarded to the Commission.

The legislation clearly intends that a referral containing comprehensive information be provided to the Commission who has only 15-20 days to make an independent determination regarding the degree of risk an inmate poses. This time frame includes efforts to notify victims, consider their responses and to affect a release. The medical comprehensive information, as stated by legislative authority, will include medical information, psychosocial information and a risk assessment.

Therefore, the Commission will receive, in any referral, the following information:

**Medical Information:**

The Medical Release Plan will be forwarded from DOP to the Commission Administrator after it has been referred and determined to have met the criteria for release by the DOP staff. The Medical Release Plan will include:

1. A medical statement describing the offender's medical situation/prognosis incapacitation/signed by a medical profession. This will include a description of his/her capability of performing specific acts such as ambulating, driving, and functioning relatively independently throughout the day and the degree of medical oversight and care that would be required on a daily basis.

2. The proposed treatment recommended.

3. The proposed site for the treatment and follow-up.

4. A Medical release of information will be signed by the offender or his/her legal guardian.

5. A statement from the proposed attending physician stating that he/she will provide the DCC supervision officer with an assessment of the offender's physical condition and prognosis. The first assessment will be 30 days after in offender is placed on Medical Release and thereafter every 6 months.

6. A statement on how the medical program will be financed.

7. A medical professional will confirm that the offender's condition was not present at the time of sentencing or he/she has deteriorated to make him/her now eligible for medical release.

**Psychosocial Information:**

1. The offender's version of the crime.

2. The offender's version of his previous crimes.

3. A detailed summary of his prison adjustment including in-depth assessments of infractions; providing information such as the role played in assaultive infractions; description of sexual infractions; role and intensity of defiant and nonconforming sentiments. Program participation, work history in prison and staffs assessments.

4. Family history, to determine degree of antisocial sentiments in the family.

5. Marital history, including reasons for separation/divorce.

6. Work history, e.g. last employment, most lengthy employment, reasons for leaving etc.

7. Alcohol/drug history including any rehabilitation/treatment in the community as well as in prison.

8. Mental health history including diagnoses and treatment.

9. Medical history and how he sees present medical condition and perceived incapacity.

10. Perception of current home/release plan.

11. General impression of inmate's social skills, attitudes and sentiments in relating to interviewer.

**Risk Assessment:**

1. An assessment of the risk for violence and recidivism that the inmate poses to society. Factors to be considered in the assessment are medical condition, severity of the offense for which the inmate is incarcerated, the inmate's prison record, and the release plan. This assessment should be provided by a forensic/correctional psychologist.

**Summary:**

In compliance with Senate Bill 1480, Chapter 84-B of Chapter 15A of the General Statutes, the following information is a synopsis of activity generated by the Parole Commission from 12/15/08 through 2/25/10.

Our statistics are as follows:

- # Proposed 38
- # Considered 38
- # Denied 5
- # Other 1 (inmate completed sentence and was released 12/31/09)
- # Released 32

The Parole Commission has implemented procedures that allow for the timely processing of all case referrals for Early Medical Release.

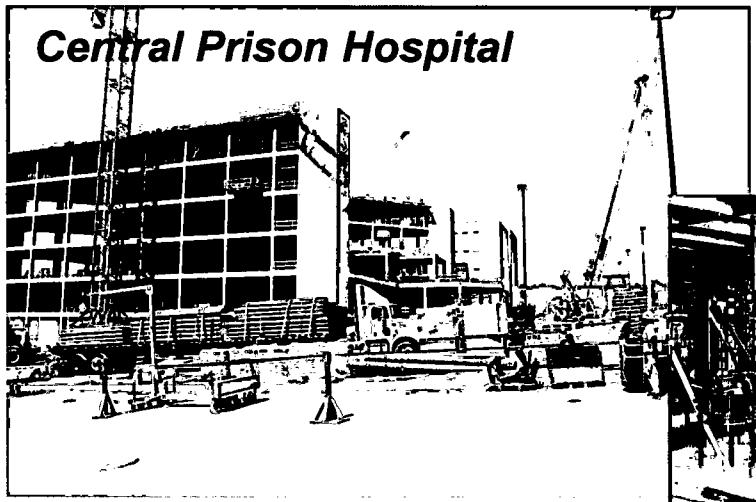
# Inmate Healthcare: Our Tax Dollars at Work

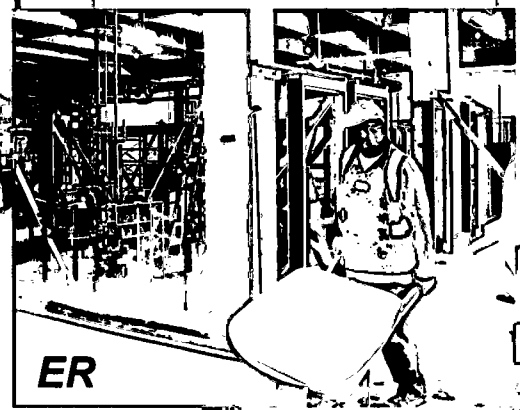
***Supplemental Handout***

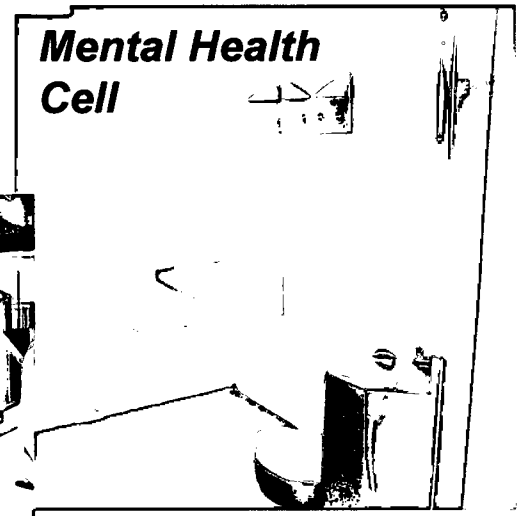
**June 10, 2010**

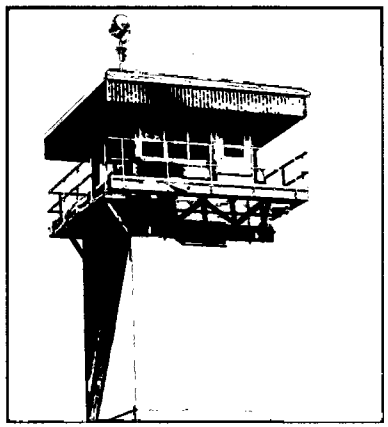
Attachment 4

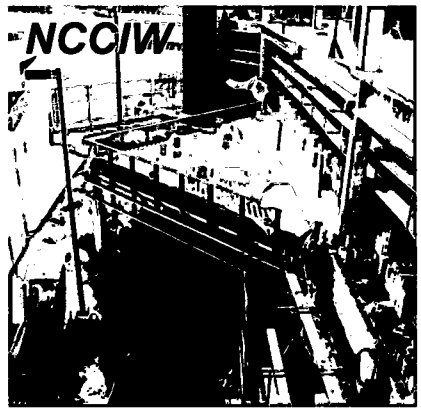
# The future – New facilities, new services








# The future – New facilities, new services

- Healthcare Facilities
  - Completion Fall 2011

- NCCIW
  - Clinic space
  - Updated Infirmary
  - Mental Health Facility
  - Onsite diagnostic and support services

- Central Prison
  - 120 Medical beds
  - 200 Mental Health beds
  - Clinic space
  - Onsite diagnostic and support services

# Impact on Current Services (External)

- Anticipate 30% reduction in number of inmates requiring external services
  - Hospitalizations
  - Chemotherapy
  - Physical therapy
  - CT Scans
- Anticipate cost shift back to new facilities
- Increased public safety

## Research for RFP

- Review of information from other states

- Sample RFPs
  - Vermont
  - Texas
  - Alabama
  - Michigan

- Various Rate Structures
  - Capitated (based on inmate population)
  - Medicaid rate

## Rationale for Key Elements and Rates in NCDOC RFP

- Large number of prison facilities

- Measurable base rate
  - Medicare rate
  - Accessible updates with current NCDOC technology
  - Higher level of accountability through audits

- Greater economic incentive
  - Underutilized hospital facilities
  - Underutilized specialists

# NCDOC RFP – INMATE MEDICAL MANAGEMENT SERVICES

- Key Elements of the RFP
  - PROVIDER NETWORK – Vendor shall provide a managed, stable, high quality Network or Networks of individual, group, and hospital health care providers to provide specialty care medical services when deemed appropriate and approved by NCDOC.
  - PROVIDER AUTHORIZATION – Medical authorization requests submitted to vendor via web portal for adjudication and response using NCDOC Health Services medical policies and procedures as the guidelines.
  - CLAIMS MANAGEMENT – Vendor shall provide a consolidated claims processing solution for all medical claims from receipt to final disposition.
  - FINANCIAL MANAGEMENT – The Vendor shall maintain accurate control of medical claim payments, audits, adjustments and recoupment's.
  - CALL CENTER SERVICES – Call Center Services for NCDOC and Provider Network for questions, inquiries, and technical support.
  - TECHNICAL – Technical solution that satisfies all requirements within the RFP while complying with all State and Federal requirements.
  - PROJECT MANAGEMENT AND TRAINING - Vendor shall align their project management approach with the projects inherent to the Inmate Medical Management Service objectives and requirements.
  - REPORTS – Vendor shall provide robust reporting to include standard, flexible, and customized reporting of all areas within the Inmate Medical Management Services.

# RFP Proposal Timeline

| Activity | Responsibility | Date or Timeframe |
|---|---|---|
| Issue RFP on Interactive Purchasing System | State P&C | April 1, 2010 |
| Deadline for Written Questions | Offeror | May 12, 2010 |
| Responses to Written Questions/RFP Addenda | NCDOC | June 15, 2010 |
| Opening of Technical Proposals (Bid Closes) | State P&C | August 2, 2010 |
| Evaluation of the Technical Proposal | NCDOC | August 3 – October 15, 2010 |
| Oral Presentations (if necessary) | Offeror | October 18 – 19, 2010 |
| Recommendations to P&C to open cost proposal | NCDOC | November 17, 2010 |
| Opening of Cost Proposals | State P&C | December 8, 2010 |
| Recommendations to P&C for Contract Award | NCDOC | December 20, 2010 |
| Award of Contract | State P&C | January 14, 2011 |
| Implementation Plan Coordination | NCDOC & Contractor | January 14, 2011 – February 14, 2011 |
| Implementation Period | Contractor | February 15, 2011 – February 14, 2012 |
| Go Live Date | Contractor | February 15, 2012 |

# Closing Remarks

- NCDOC welcomes legislative efforts to reduce costs
- Concerns with special provisions
  - **The Department needs leverage mandating access for inmate medical care**
  - **Lack of baseline charges or fee schedule based on known standard**
  - **If the reimbursement rate must be tied to a percent of billed charges, then there must be a cost increase offset tied to the Consumer Price Index for medical care**
  - **Due to current custody and health care housing structure, the Department believes it can accommodate a maximum of 20% of hospitalizations at any one location**
- Architectural models of the new facilities are available
- **THANK YOU!!!**

**SECTION 15A.** If Senate Bill 202, 2009 Regular Session, becomes law, then Section 19.20 of that act is rewritten to read:

"**SECTION 19.20.(a)** The Department of Correction shall consult with the State Health Plan for Teachers and State Employees (Plan) and the Plan's claims processing contractor to develop a mutually agreed upon procedure by December 1, 2009, for the Department to obtain and pay for medically necessary services for inmates committed to its custody from providers and medical facilities. Such agreement may require the Plan to amend its contracts with its claims processing contractor. The Department may delegate the responsibility for administering the payment process for such services to the Executive Administrator of the Plan. It is the intent of the General Assembly that providers and medical facilities who provide medically necessary services to inmates in the Department's custody be paid by the Department through the Plan's claims processor for services provided in an amount equal to the rate paid by the claims processor for Plan beneficiaries for medically necessary services. If the medically necessary services provided are not included in the Plan's reimbursement schedule, the Department may pay the reasonable and customary rate for the services. The requirements of this subsection apply to all medical and facility services provided outside the correctional facility, including hospitalizations, professional services, medical supplies, and other medications provided to any inmate confined in a correctional facility. The Department is responsible for entering enrollment information for the inmates into the Plan's claims processor's system through one central location.

"**SECTION 19.20.(b)** The Department of Correction, in consultation with the State Health Plan, shall issue a Request for Proposals (RFP) for a contractor to process claims for medical services provided to inmates in the custody of the Department, to provide medical management services to the Department, and to develop and manage a medical professional and facility provider network to serve the medical needs of inmates. The State Health Plan shall provide the Department with any technical and consultative assistance in developing and evaluating the RFP. The Department shall issue the RFP by April 1, 2010. The Department shall not enter into any long-term contracts for claims processing or health care services before or during the pendency of the RFP process, except as may be required under subsection (a) of this section.

"**SECTION 19.20.(c)** The Department of Correction shall consult with the Division of Medical Assistance in the Department of Health and Human Services to develop protocols for prisoners who would otherwise be eligible for Medicaid if they were not incarcerated to access Medicaid while in custody or under extended limits of confinement. The Department may make recommendations to the 2010 Regular Session of the 2009 General Assembly for special purpose facilities designed to house inmates but preserve Medicaid eligibility.

"**SECTION 19.20.(d)** The Department of Correction shall, whenever possible, seek to make use of its own hospitals and health care facilities to provide health care services to inmates. To the extent that the Department of Correction must utilize other facilities and services to provide health care services to inmates, the Department shall, to the extent possible, use community hospitals with unused available capacity or other health care facilities in a region to accomplish that goal. The Department shall work to ensure that care usage is distributed equitably among all hospitals or other appropriate health care facilities in a region, unless doing so would jeopardize the health of the inmate. The Plan and its claims processor are not responsible for the equitable distribution of inmates among all hospitals or other appropriate health care facilities in a region.

"**SECTION 19.20.(e)** Subsection (a) of this section becomes effective upon being signed into law and expires upon the effective date of the execution of a contract authorized under subsection (b) of this section."

**SECTION 16.(a)** If Senate Bill 202, 2009 Regular Session, becomes law, then Section 120 of S.L. 1989-1066, as rewritten by Section 19.22B of that act, reads as rewritten:

"Sec. 120. The Department of Correction shall permit the Gates County Board of Education to tie the wastewater treatment systems of the Gates County Junior High School and the Gates County High School into the wastewater treatment system of the Gates County Correctional Center. The Department of Correction shall continue to operate the wastewater treatment system for at least ~~six months~~one year after closing of the Gates County Correctional Center, and then shall transfer the facility to Gates County for operation by that county or another unit of local government designated by Gates County. The transfer may be in accordance with G.S. 160A-274 or other applicable law."

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — June 10, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Bob Lewis | DOC/DOP |
| James French | DOC |
| Tracy A Little | NCDOC |
| Bill Stovall | NCDOC |
| Laney Wann | NCDOC |
| Mike Spraymberry | NCEM |
| Sherry Pilkington | NCDOC |
| Pamela Walker | NCDOC |
| Mildred Spearman | NCAOC |
| William Lucas | NCDOC |
| Joe Vincoli | NCDMA |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — June 10, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Stewart Auton | NCDOC |
| Barbara Baker | NCDOC |
| LaVee Homer | NCDOC |
| Aaron Gallagher | OSBM |
| JEAN M. SANDAIRE | DJJDP |
| Byron Harris | NCDOP |
| Chip Bigg | NCMS |
| Amy Whited | NCmedsociety |
| | |
| | |
| | |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — June 10, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Kelsey Umstead | WakeMed |
| A ALLEN | NCACC |
| ANN LUCE | DUKE |
| KEVIN FITZGERALD | UNC-CH |
| AUGH TILSON | NCHA |
| Christine Crow | WakeMed |
| Rebecca Trant | NCACC |
| Melissa Radcliff | Our Children's Place |
| Whitney Campbell | Jordan Price |
| Michele Luecking-Sunman | NCPLS |
| Tom West | Poyner Spruill LLP |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — June 10, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Charles Walsh | Civitas |
| Colleen Turner | Gates County DSS<br>PO Box 185 Gatesville 27938 |
| Mandy Ableidinger | Action for Children NC |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

# MINUTES

## JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

**June 17, 2010**
**Room 643 LOB**
**9:00 a.m.**

The Joint Appropriations Subcommittee on Justice and Public Safety met at 9:00 a.m. on Thursday, June17, 2010. in Room 415 LOB. In attendance were Co-Chair Senator Ellie Kinnaird, Co-Chair Senator John Snow, Senator Stan Bingham, and Senator Ed Jones. The following House members were present: Co-Chair Representative Alice Bordsen and Co-Chair, Representative Jimmy Love, Vice-Chair Representative Timothy Spear, Vice-Chair Ronnie Sutton, Vice-Chair Representative Ray Warren, Representative Goodwin, Representative Guice, Representative Hurley, Representative Justus, Representative Mobley, Representative Moore and Representative Randleman. Kristine Leggett, John Poteat, Douglas Holbrook, and Lanier McRee of Fiscal Research were also in attendance. Senator John Snow presided. A visitor registration sheet is attached and made part of these minutes.

Senator John Snow called the meeting to order and recognized the Pages and Sergeants-at-Arms. He noted that the purpose of the meeting was to review the medical charges to the inmates in the Department of Corrections. An agenda is attached and made part of these minutes.

Douglas Holbrook of the Fiscal Research Division presented and reviewed a survey provided by AON consulting firm, (see Attachment I) showing a Vendor Discount Analysis of service provided by fifteen claims processors (providers), unidentified, to the Department of Corrections for billing claims showing the average discounts and the amount that would be paid for in-patient and outpatient hospital services. It also shows the physician and professional services; i.e.; radiation therapy, chemotherapy, and other clinical services, provided for the years 2005 and 2006.

Dr. Paula Smith, Chief of Health services for the Department of Corrections, answered questions by the committee in regard to the medical services that are provided in-house. She pointed out that the hospitals they have contracts with are used first and foremost. Only in emergency situations other hospitals are used.

Hugh H. Tilson, Jr., Senior Vice President of the NC Hospital Association, answered questions by Representative Bordsen and Representative Guice. There was discussion about the differences in hospitalization cost of inmates which requires higher security compared to other patients hospitalized.

Kristine Leggett, Fiscal Research staff, presented the recommendations for the Department of Crime Control and Public Safety (see Attachment A, pages I-13 and I-14, items 57-61).

The Special Provisions Budget for the Judicial Department (see Attachment B), page 1, Section 15.1 through Section 15.4, was presented by John Poteat of the Fiscal Research Staff.

Kristine Leggett, Fiscal Research Staff, reviewed the Special Provisions for the Judicial Department, Increase Certain Court Fees (See Attachment B, Sections 15.5 (a) page 2, along with the Fee Increase Proposal supplement outlining the Current Fee with the Fee Increase and the New Fee (see Attachment C).

Senator Jones was recognized for a follow up question. He asked why the fee for name a change was only $10.00 instead of $100.00. Senator Snow and Kristine Leggett explained that there is now not any fee for changing a name in a divorce proceeding back to the maiden name. The increase was to comply or bring the cost in line with a name change for any other reason which is currently a fee of $10.00.

John Poteat, Fiscal Research staff, presented the provisions Department of Juvenile Justice, page 6, 18.1 through 18.2. There being no questions, he continued with the Department of Correction provisions, page 7, Sections 19.1 through 19.4.

Kristine Leggett reviewed the Rules for Considering Amendments to the Full Senate Appropriations Committee (See attachment D).

There being no further business, Senator Snow adjourned the meeting at 6:00 p.m.

Respectfully submitted,

Senator John J. Snow, Jr.

Presiding Chair

Rebecca Butler

Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
**Room 643 Legislative Office Building**

**June 17, 2010 9:00 A.M.**

## I. Call to Order

Chairs: Senator Ellie Kinnaird
Senator John Snow, Presiding
Representative Alice Bordsen
Representative Jimmy Love

## II. Comparison Report on Medical Charges

*Douglas Holbrook*
*Fiscal Research Division*

## III. Committee Discussion

## IV. Adjournment

# ATTENDANCE

**Committee: Joint Appropriations Subcommittee on Justice and Public Safety**

| 2010<br>**Dates**<br>**NAMES** | June<br>17 | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Senator Ellie Kinnaird, Co-Chair | | | | | | | | | | | | | | | | |
| Senator John Snow, Co-Chair | ✓ | | | | | | | | | | | | | | | |
| Senator Dan Clodfelter, Vice Chair | | | | | | | | | | | | | | | | |
| Senator Tom Apodaca | | | | | | | | | | | | | | | | |
| Senator Stan Bingham | ✓ | | | | | | | | | | | | | | | |
| Senator Pete Brunstetter | | | | | | | | | | | | | | | | |
| Senator Edward Jones | ✓ | | | | | | | | | | | | | | | |
| Senator R.C. Soles | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| **Staff** | | | | | | | | | | | | | | | | |
| Kristine Leggett | | | | | | | | | | | | | | | | |
| John Poteat | | | | | | | | | | | | | | | | |
| Douglas Holbrook | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| Lanier McRee | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |

# ATTENDANCE

## Joint Appropriations Subcommittee on Justice and Public Safety

(Name of Committee)

| DATES 2010 | 06-17- | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rep. Alice Bordsen, Co-Chair | ✓ | | | | | | | | | | | | | | |
| Rep. Jimmy Love, Co-Chair | ✓ | | | | | | | | | | | | | | |
| Rep. Spear, Vice Chair | ✓ | | | | | | | | | | | | | | |
| Rep. Sutton, Vice Chair | ✓ | | | | | | | | | | | | | | |
| Rep. R. Warren, Vice Chair | ✓ | | | | | | | | | | | | | | |
| Rep. Boles | | | | | | | | | | | | | | | |
| Rep. Goodwin | ✓ | | | | | | | | | | | | | | |
| Rep. Guice | ✓ | | | | | | | | | | | | | | |
| Rep. Hurley | ✓ | | | | | | | | | | | | | | |
| Rep. Jackson | | | | | | | | | | | | | | | |
| Rep. Justus | ✓ | | | | | | | | | | | | | | |
| Rep. Mobley | ✓ | | | | | | | | | | | | | | |
| Rep. Moore | ✓ | | | | | | | | | | | | | | |
| Rep. Randleman | ✓ | | | | | | | | | | | | | | |
| Rep. Stevens | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

# VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice and Public Safety — June 17, 2010

Name of Committee — Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Brice Hamby | Randolph Cloud and Assoc. |
| William Lucas | NCDOC |
| Stewart Autow | NCDOC |
| Ann Lore | DUKE |
| Christine Cran | Wake Med |
| Hugh Tilson | NCHA |
| Jennie Lancaster | DOC |
| Paula Y. Smith | NCDOC |
| Frank Rogers | NCDOC |
| Lindsay McCargo | NCCASA |
| Mildred Spearman | NCAOC |

# VISITOR REGISTRATION SHEET

Joint Appropriations Subcommittee on Justice and Public Safety — June 17, 2010

Name of Committee — Date

## VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Aaron | NCAOC |
| Matthew Eisley | Smith Anderson |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

# VISITOR REGISTRATION SHEET

June 17, 2010

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| M.L. MANN | NCBAA |
| TARA FEGAS | CFSA-NC |
| [signature] | WPSS |
| [signature] | NCICU |
| Mark Flemy | BCBSNC |
| Sherry Pilkington | NCDOC |
| James French | NCDOC |
| Darlene Langston | NCDOC |
| Barbara Baker | NCDOC |
| Pamela Walker | NCDOC |
| Allen Hamer | NCDOC |

# VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Aaron Gallagher | DSBM |
| Melissa Radcliff | Our Children's Place |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

## PAGES ATTENDING

**Date:** 6-17 9AM

**Committee:** Approps. on Justice & Public Safety **Room:** ~~1027~~ 643 LOB

**PLEASE PRINT LEGIBILY!!!!!**

| Page Name | Hometown | Sponsoring Senator |
|---|---|---|
| 1 Ty Hamby | Cary | Hoyle |
| 2 Elizabeth Wallace | Raleigh | Blue |
| 3 Carson Rosser | Raleigh | Hunt |
| Will Purcell | Raleigh | Stein |
| ~~Elizabeth~~ | | |
| 5 Wes Hill | Winterville | Hoyle |
| 6 Brandon Patton | Youngsville | Forest |
| 7 ~~Madison Gibbs~~ | ~~Greensboro~~ | ~~Dorsett~~ |
| 8 Chi Chi Orgi | Chi Chi Orgi | Stein |
| Chichi Orgi | Morrisville | |
| 9 ~~Sofie Sasso~~ | ~~Greensboro~~ | ~~Hughes~~ |

**Do not add additional names below the grid.**

**Pages: Please present this form to either the Committee Clerk at the meeting or a Sgt. at Arms.**

Jenny Swindell
Dap Set
Frank Rogers

## HOUSE PAGES

NAME OF COMMITTEE Approp. Pub. Safety DATE 6-17-10

1. Name: Katie Kimbole David CHAPPELL
   County: Wayne Wake
   Sponsor: Sager Hackney
2. Name: Rollins Wallace
   County: Wake
   Sponsor: Ross
3. Name: Zachy Girmay Zary Cerma
   County: Gaston
   Sponsor: Nuemann
4. Name: Mitchell Miller
   County: Davie
   Sponsor: Howard
5. Name: Rebecca Hawthorne
   County: Wake
   Sponsor: England

## SGT-AT-ARM

1. Name: Frank Perry Trey Raley
2. Name: Martha Pamark
3. Name: David Sheron Sharon Ernie Sherrell
4. Name: Bill Bass Charles Harper

## North Carolina - Department of Corrections
### Vendor Discount Analysis

AON

**Expected Claims**

| | 2005 | 2006 | Total | Vendor 1 POS1 | Vendor 1 PPO | Vendor 1 POS2 | Vendor 1 HMO | Vendor 1 EPO | Vendor 2 PPO | Vendor 3 PPO1 | Vendor 3 POS | Vendor 3 PPO2 | Vendor 4 PPO | Vendor 5 PPO | Vendor 6 POS | Vendor 6 PPO | Vendor 7 PPO | Vendor 8 HMO |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Inpatient Hospital** | | | | | | | | | | | | | | | | | | |
| Billed Claims | $48,998,431 | $51,773,980 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 | $100,772,411 |
| Paid Claims | $35,076,544 | $35,663,332 | $70,739,875 | $59,729,421 | $62,267,316 | $59,509,948 | $52,698,396 | $59,058,798 | $55,288,671 | $66,589,059 | $54,048,573 | $53,973,834 | $67,244,046 | $72,865,652 | $72,903,552 | $72,903,551 | $63,155,645 | $62,554,997 |
| Average Discount | 28.4% | 31.1% | 29.8% | 40.7% | 38.2% | 40.9% | 47.7% | 41.4% | 45.1% | 33.9% | 46.4% | 46.4% | 33.3% | 27.7% | 27.7% | 27.7% | 37.3% | 37.9% |
| Expected Savings | | | | $11,010,454 | $8,472,559 | $11,229,927 | $18,041,479 | $11,681,078 | $15,451,204 | $4,150,816 | $16,691,303 | $16,766,041 | $3,495,829 | -$2,125,776 | -$2,163,677 | -$2,163,676 | $7,584,230 | $8,184,878 |
| Rank | | | | 7 | 8 | 6 | 1 | 5 | 4 | 11 | 3 | 2 | 12 | 13 | 15 | 14 | 10 | 9 |
| **Outpatient Hospital** | | | | | | | | | | | | | | | | | | |
| Billed Claims | $42,870,027 | $33,481,322 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 | $76,351,349 |
| Paid Claims | $33,007,959 | $27,017,159 | $60,025,118 | $47,848,755 | $49,840,340 | $48,672,169 | $45,949,204 | $47,913,918 | $42,783,835 | $52,677,888 | $47,755,802 | $47,386,356 | $51,408,746 | $54,014,712 | $52,594,734 | $52,594,734 | $59,194,869 | $46,886,738 |
| Average Discount | 23.0% | 19.3% | 21.4% | 37.3% | 34.7% | 36.3% | 39.8% | 37.2% | 44.0% | 31.0% | 37.5% | 37.9% | 32.7% | 29.3% | 31.1% | 31.1% | 22.5% | 38.6% |
| Expected Savings | | | | $12,176,363 | $10,184,778 | $11,352,949 | $14,075,914 | $12,111,199 | $17,241,283 | $7,347,230 | $12,269,316 | $12,638,762 | $8,616,372 | $6,010,406 | $7,430,384 | $7,430,384 | $830,248 | $13,138,370 |
| Rank | | | | 6 | 9 | 8 | 2 | 7 | 1 | 13 | 5 | 4 | 10 | 14 | 11 | 11 | 15 | 3 |
| **Physician/Professional** | | | | | | | | | | | | | | | | | | |
| Billed Claims | $19,544,715 | $10,445,580 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 | $29,990,296 |
| Paid Claims | $17,438,558 | $9,262,068 | $26,700,626 | $16,447,044 | $17,093,123 | $16,718,605 | $16,215,518 | $16,293,198 | $16,847,268 | $17,857,882 | $17,405,752 | $17,305,347 | $16,615,270 | $16,673,555 | $19,018,779 | $19,019,696 | $16,833,474 | $15,913,565 |
| Average Discount | 10.8% | 11.3% | 11.0% | 45.2% | 43.0% | 44.3% | 45.9% | 45.7% | 43.8% | 40.5% | 42.0% | 42.3% | 44.6% | 44.4% | 36.6% | 36.6% | 43.9% | 46.9% |
| Expected Savings | | | | $10,253,582 | $9,607,503 | $9,982,022 | $10,485,108 | $10,407,429 | $9,853,358 | $8,842,744 | $9,294,874 | $9,395,279 | $10,085,356 | $10,027,071 | $7,681,847 | $7,680,930 | $9,867,152 | $10,787,052 |
| Rank | | | | 4 | 10 | 7 | 2 | 3 | 9 | 13 | 12 | 11 | 5 | 6 | 14 | 15 | 8 | 1 |
| **Total** | | | | | | | | | | | | | | | | | | |
| Billed Claims | $111,413,173 | $95,700,882 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 | $207,114,055 |
| Claims Paid | $85,523,060 | $71,942,559 | $157,465,619 | $124,025,220 | $129,200,779 | $124,000,722 | $114,863,118 | $123,265,914 | $114,919,774 | $137,124,829 | $119,210,126 | $118,665,538 | $135,268,062 | $143,553,919 | $144,517,065 | $144,517,981 | $139,183,989 | $125,355,300 |
| Average Discount | 23.2% | 24.8% | 24.0% | 40.1% | 37.6% | 39.7% | 44.5% | 40.5% | 44.5% | 33.8% | 42.4% | 42.7% | 34.7% | 30.7% | 30.2% | 30.2% | 32.8% | 39.5% |
| Expected Savings | | | | $33,440,399 | $28,264,840 | $32,564,697 | $42,602,501 | $34,199,705 | $42,545,845 | $20,340,790 | $38,255,493 | $38,800,082 | $22,197,557 | $13,911,701 | $12,948,554 | $12,947,638 | $18,281,631 | $32,110,319 |
| Rank | | | | 6 | 9 | 7 | 1 | 5 | 2 | 11 | 4 | 3 | 10 | 13 | 14 | 15 | 12 | 8 |

II

**House Only**

**INMATE MEDICAL COST CONTAINMENT**

**SECTION 19.6.(a)** The Department of Correction may reimburse those providers and facilities providing inmate medical services at a rate not to exceed seventy percent (70%) of the amount charged based on the usual and customary charges in effect for all other patients as of June 30, 2010. This subsection applies to all medical and facility services provided outside the correctional facility, including hospitalizations, professional services, medical supplies, and other medications provided to any inmate confined in a correctional facility.

**SECTION 19.6.(b)** The Department of Correction shall make every effort to contain inmate medical costs by making use of its own hospital and health care facilities to provide health care services to inmates. To the extent that the Department of Correction must utilize other facilities and services to provide health care services to inmates, the Department shall make use of hospitals with available capacity or other health care facilities in a region to accomplish that goal. The Department shall work to ensure that care usage is distributed equitably among all hospitals or other appropriate health care facilities, with no one health care facility being required to admit more than five percent (5%) of all patients requiring hospitalization or hospital services, unless doing so would jeopardize the health of an inmate or unless otherwise agreed to by contract. The Department shall also give preference to those hospitals in the same county or an adjoining county to the correctional facility where an inmate requiring hospitalization is incarcerated.

**SECTION 19.6.(c)** The Department of Correction shall consult with the Division of Medical Assistance in the Department of Health and Human Services to develop protocols for prisoners who would be eligible for Medicaid if they were not incarcerated to access Medicaid while in custody or under extended limits of confinement. The Department shall seek reimbursement from Medicaid for those health care costs incurred by the Department in those instances when an inmate's Medicaid eligibility has been temporarily reinstated due to a hospitalization.

**SECTION 19.6.(d)** The Department of Correction, in consultation with the Office of State Budget and Management, shall study the impact on inmate medical costs resulting from the measures set forth in subsections (a), (b), and (c) of this section. The Department shall present its findings by March 1, 2011, to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

**SECTION 19.6.(e)** The Department of Correction shall make every effort to explore other cost containment methods not expressly outlined in this section. These methods may include the following:

(1) Contracting with a private third party to manage and provide all inmate medical services;

(2) Partnering with the federal government to allow for treatment of State inmates in federal correctional hospitals; and

(3) Purchasing a fixed number of beds at a hospital.

**SECTION 19.6.(f)** The Department of Correction shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than October 1, 2010, on:

(1) The Department's progress with the RFP process initiated pursuant to Section 19.20(b) of S.L. 2009-451, as rewritten by Section 15A of S.L. 2009-575, to contract for claims processing, medical management services, and the development and management of a medical professional and facility provider network.

(2) The anticipated effects on medical care provided to inmates as a result of the new hospital at Central Prison and the updated facilities at the North Carolina

Correctional Institute for Women, as well as any other new medical services capacity within the Department. Specifically, the Department shall report on:

a. The types and volumes of services that the new and updated facilities will provide that previously would have been provided by community providers; and

b. The projected types and volumes of services that will still be referred to community providers.

The report shall also address changes in statewide inmate custody that are needed to maximize the utilization of the new facilities and the Department's ability to contract with community providers with the available capacity throughout the State.

**SECTION 19.6.(g)** The Department of Correction shall report to the Joint Legislative Commission on Governmental Operations no later than October 1, 2010, and quarterly thereafter on:

(1) The volume of services provided by community medical providers that can be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers; and

(2) The volume of services provided by community medical providers that cannot be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers.

**SECTION 19.6.(h)** Section 19.20(a) of S.L. 2009-451, as amended by Section 15A of S.L. 2009-575, is repealed.

**Senate Only**

**INMATE MEDICAL COST CONTAINMENT**

**SECTION 6.16.(a)** Providers and facilities that deliver ~~medically necessary~~ services to inmates in the Department's custody of the Department of Correction shall charge the Department using the same schedule of charges used for other patients, and the Department may reimburse those providers and facilities at up to seventy percent (70%) of the amount charged. The requirements of this subsection shall apply to all medical and facility services provided outside the correctional facility, including hospitalizations, professional services, medical supplies, and other medications provided to any inmate confined in a correctional facility.

**SECTION 6.16.(b)** The Department of Correction shall make every effort to contain inmate medical costs by making use of its own hospital and health care facilities to provide health care services to inmates. To the extent that the Department of Correction must utilize other facilities and services to provide health care services to inmates, the Department shall make use of hospitals with available capacity or other health care facilities in a region to accomplish that goal. The Department shall work to ensure that care usage is distributed equitably among all hospitals or other appropriate health care facilities, with no one health care facility being required to admit more than five percent (5%) of all patients requiring hospitalization or hospital services, unless doing so would jeopardize the health of an inmate or unless otherwise agreed to by contract. The Department shall also give preference to those hospitals in the same county or an adjoining county to the correctional facility where an inmate requiring hospitalization is incarcerated.

**SECTION 6.16.(c)** The Department of Correction shall consult with the Division of Medical Assistance in the Department of Health and Human Services to develop protocols for prisoners who would be eligible for Medicaid if they were not incarcerated to access Medicaid while in custody or under extended limits of confinement. The Department shall seek reimbursement from Medicaid for those health care costs incurred by the Department in those instances when an inmate's Medicaid eligibility has been temporarily reinstated due to a hospitalization.

**SECTION 6.16.(d)** The Department of Correction, in consultation with the Office of State Budget and Management, shall study the impact on inmate medical costs resulting from the measures set forth in subsections (a), (b), and (c) of this section. The Department shall present its findings by March 1, 2011, to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

**SECTION 6.16.(e)** If the findings of the Department of Correction demonstrate that the Department ~~has been unable~~ to achieve the savings in inmate medical costs called for in the 2010-2011 budget, the Office of State Budget and Management may require that any hospital that provides health care services to Medicaid and Medicare patients shall also provide services to any inmate confined in a correctional facility at the rates applicable under subsection (a) of this section.

**SECTION 6.16.(f)** The Department of Correction shall make every effort to explore other cost containment methods not expressly outlined in this section. These methods may include the following:

(1) Contracting with a private third party to manage and provide all inmate medical services;

(2) Partnering with the federal government to allow for treatment of State inmates in federal correctional hospitals; and

(3) Purchasing a fixed number of beds at a hospital.

**SECTION 6.16.(g)** The Department of Correction shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than October 1, 2010, on

(1) The Department's progress with the RFP process initiated pursuant to Section 19.20(b) of S.L. 2009-451, as rewritten by Section 15A of S.L. 2009-575, to contract for claims processing, medical management services, and the development and management of a medical professional and facility provider network.

(2) The anticipated effects on medical care provided to inmates as a result of the new hospital at Central Prison and the updated facilities at the North Carolina Correctional Institute for Women, as well as any other new medical services capacity within the Department. Specifically, the Department shall report on:

a. The types and volumes of services that the new and updated facilities will provide that previously would have been provided by community providers; and

b. The projected types and volumes of services that will still be referred to community providers.

The report shall also address changes in statewide inmate custody that are needed to maximize the utilization of the new facilities and the Department's ability to contract with community providers with the available capacity throughout the State.

**SECTION 6.16.(h)** The Department of Correction shall report to the Joint Legislative Commission on Governmental Operations no later than October 1, 2010, and quarterly thereafter on:

(1) The volume of services provided by community medical providers that can be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers; and

(2) The volume of services provided by community medical providers that cannot be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers.

**SECTION 6.16.(i)** Section 19.20(a) of S.L. 2009-451, as amended by Section 15A of S.L. 2009-575, is repealed.

**Incidents with Department of Corrections Inmates and Staff**

- A hospital employee contacted hospital police to report that a North Carolina Department of Corrections (DOC) officer had been overtaken by an inmate and that the inmate was armed with a handgun. Hospital officers responded and arrived within one minute of the initial call for service.

  According to the DOC officer, the inmate had been transported to the hospital for surgery. The inmate was escorted into the patient registration area while DOC officers parked the primary and chase vehicles in the parking deck. While alone with one DOC officer, the inmate stood up from the wheelchair and produced a fashioned handgun from somewhere in his waistband or pocket area. The inmate's pants were unbuttoned and a sock was partially protruding from the fly area of his pants. The DOC officer further stated that when he saw the "weapon", he took the inmate to the ground. Another hospital employee witnessed the struggle and assisted the DOC officer with the inmate. It was at that time that the hospital dispatch was called for help.

  Upon arrival, a Department of Corrections officer was observed on the floor and struggling with inmate. At one point during the struggle, the inmate had straddled the officer and was utilizing the chain of the attached handcuffs to strangle the officer. The inmate was wearing leg shackles, a belly chain and handcuffs at the time of this incident. Hospital officers immediately engaged the inmate, removing him from the DOC officer, and subduing him on the floor. Both officers then detained the inmate in the "prone" position for several minutes until two additional DOC officers arrived from the parking deck. Hospital officers subsequently escorted the inmate out of the hospital and to the DOC vehicle. The inmate was then returned to the correctional institute by DOC personnel.

  Found lying on the floor beside the inmate was what appeared to be the slide portion of a small caliber semiautomatic handgun. Further examination of this item by the hospital revealed that it had been fashioned from a bar of soap and dyed with black shoe polish.

  According to Department of Correction officials, the inmate is currently serving a sentence of 31 years for numerous felony convictions, including some involving the use of a firearm. These officials also stated that prior to this incident the inmate had attempted to escape from custody before.

- A hospital officer was dispatched to a disorderly patient and noticed a large amount of Betadine on the walls and on the floor around the room. The Betadine had been thrown by the patient – an inmate. When the hospital officer arrived inside the room, three DOC officers were standing around the patient's bed with their batons drawn over their heads. The inmate was standing between the bed and the wall with a bottle of unknown liquid in his hand. The inmate was standing in an aggressive posture, with both hands held in a "boxing" posture. The inmate was wearing DOC-issued green pants and a hospital gown; he was not wearing any handcuffs, but did have leg shackles on his ankles. The

DOC officers were giving loud verbal commands to the inmate to return to the bed and to drop the bottle, though the inmate was not complying with the orders. He then turned to the hospital officer and began to draw back, as if to throw the liquid at the officer. The hospital officer drew his Taser, activated the laser and camera, and gave the inmate an order to drop the bottle. Then for a second time, the inmate began to throw the bottle and the hospital officer. This time, the hospital officer announced "Taser" three times and deployed the Taser. The inmate was struck on his right side just above the belt area, and he immediately fell to the floor.

After the Taser cycle ended, DOC officers gave loud verbal commands to the inmate to roll over onto his stomach. The inmate refused to comply with orders and began to struggle, attempting to kick the DOC officers. A second Taser deployment was required in attempt to gain compliance. After this Taser cycle was complete, DOC officers once again moved in to attempt to gain control of the inmate. On the third activation, the inmate grabbed the Taser wires and broke them – rendering the Taser ineffective. The inmate continued to kick at DOC officers until one officer deployed his OC spray into the face of the inmate. The prisoner then calmed down and agreed to get into a wheelchair. After sitting in the wheelchair he was taken back to the DOC vehicle for transportation back to Central Prison.

During the incident, the inmate threw bottles of Betadine at the DOC officers. The officers were not physically harmed, though the walls were slightly damaged when struck by the bottle of Betadine. The inmate was charged with assault of a government official and damage to property.

- Nursing staff from a hospital unit observed a DOC officer sleeping while guarding an inmate in custody. This occurred sometime during the night shift.

- An inmate presented to an Emergency Department (ED) during the day for suspected swallowing of a razor blade, tooth brush and a metal rod. This patient was in the ED all day and eventually received an endoscopy, when a razor blade and tooth brush were removed. The inmate returned to the ED from the procedure, was recovering and ready to be discharged back to the prison in the early hours of the morning. At this time, the patient was found by a hospital nurse with a laceration to his left wrist that was self-inflicted. The DOC officers at the bedside, who were guarding the inmate, sat and watched the inmate injure himself without intervening.

  When the physician asked the guards if they were not going to stop the inmate from harming himself, they stated to her that they 'were not the doctor.' The physician then ordered the nurse to clean the wounds but the patient refused, stating he would assault everyone. The inmate then told the nurse that he just swallowed another razor. Upon getting a repeat abdominal x-ray, it was confirmed that he had indeed swallowed another razor blade. At this point, the ED manager had to intervene and demanded that hospital police be contacted and that the patient be searched. Hospital police stated that the ED manager had to write up the incident and that there wasn't much the hospital police

could do to intervene with the prison guards – though they did help search the inmate and verified that he was safe.

This hospital found two primary issues with the situation. It was obvious that this patient was not initially searched by the prison before departing from the correctional institution. He was brought directly to the hospital where all ED staff, patients and visitors were put in danger. Secondly, the DOC guards sat idly by the inmate and watched the events occur without intervening. The hospital's ED manager spoke to a DOC official who informed the hospital that DOC guards should get involved in situations like this.

- Between 8am – 12 noon, a female correctional officer asked hospital volunteers staffing the desk in the ICU waiting room to place her gun at the desk while she used the restroom. The DOC officer had been instructed by her supervisor that she was not allowed to place the gun on the floor when using the restroom. The volunteers allowed the officer to store her gun in one of the cabinets while she used the restroom. The DOC officer states she is unable to use the restroom while wearing the gun. This waiting room desk is open to the public.

- An inmate was being seen in a hospital's ENT clinic for audiology issues. While the inmate was being tested, a pediatric patient and her father were escorted into the waiting room and told that an audiologist would be with them shortly. When the inmate's test was finished, the audiologist and DOC guards were in the process of returning the inmate to his exam room. While passing through the audiology waiting room, the inmate stopped in front of the pediatric patient and looked at the child inappropriately, "head to toe." The guards had to physically push the inmate along in order to break his stare at the child. Immediately following the incident, the child's father became very verbally upset and he left with his daughter without begin seen by the audiologist.

- A DOC officer arrived at the ED and hospital officer attempted to conduct a custodial forensic. He requested to see the guard's DOC I.D. She stated that she did not have it with her. She produced her NCOL instead.

- An inmate was sent from Central Prison to a NC hospital for evaluation of tachycardia, low oxygen saturation with respiratory distress and severe back pain. The ED physician determined that the patient needed various radiological tests, including an MRI. The DOC officer accompanying the inmate informed the ED staff that the patient would be unable to be transported to any testing without a second officer at bedside with the patient. There was only one officer at bedside with patient for most of the night, thus causing a delay in patient care. At least two hours following admission to the hospital, the inmate was still in the ED waiting to go to an inpatient floor because the second guard needed to assist with transportation had not arrived. Additionally, staff noted that the DOC officer was documenting all procedures and medical care given to the patient. The officer repeatedly asked the staff to inform him of all tests, procedures, etc. that were being performed on the patient.

In talking with a captain at Central Prison, hospital officers were informed that there is supposed to be a sergeant with the officer at the bedside (two guards at all times). As of this time, she was unaware as to why there was only one guard with the patient. She informed hospital officers that she would investigate the situation and report her findings. With regards to the officer writing down all patient care information, she stated that for security and HIPAA reasons, the officer should **only** be writing down who is coming into room. No medical information should be given to the guard.

- An inmate, accompanied by two DOC guards, presented to the ED with a left shoulder dislocation. Hospital staff did a conscious sedation because the patient's shoulder popped right back out after the first reduction. The inmate was also given an IV for post-reduction pain. The patient was alert and oriented, with both bed side rails up, BP stable and no complaints. The prison guard approached the nurses' station a few minutes later stating, "I think he fell." Upon entering the room, the left side rail was down and the patient was curled up on left side with all equipment still intact, including BP cuff, cardiac monitor, IV fluids, and pulse ox. The handcuffs were still attached to the stretcher, but not the inmate. The inmate was drowsy and alert to the painful stimulation. The left shoulder dislocated once again. When the prison guard was asked how the left side rail got down he stated, "He had to pee and he told me he couldn't pee in the bed, so I put the side rail down."

- Various hospital police officers responded to assist two DOC guards who needed assistance in maintaining custody of an inmate. By the time the hospital officers arrived, the inmate had broken out of his fabric restraints and was placed in four-point metal restraints by the DOC guards. The inmate was no longer fighting. Hospital police stood by to assist DOC officers in maintaining custody of their prisoner and escorted them to the Emergency Department for transport back to Central Prison.

  This inmate was admitted after surgery to remove items that he had swallowed (pens, pencils, etc.) while at Central Prison. He is very self injurious and had been restrained because he was attempting to rip open his incision and stick his hand inside. He was incarcerated for killing an individual.

2010

**MEMBERSHIP LIST**

Senate **Appropriations Subcommittee on Justice and Public Safety**

Senator Ellie Kinnaird, Co-Chair
Room 2115LB 733-5804
Kathie Young

Senator John Snow, Co-Chair
Room 2111 LB 733-5875
Rebecca Butler

Senator Dan Clodfelter Vice-Chair
Room 408LOB 715-8331
Wanda Joyner

Senator Pete Brunstetter
Room 1419LB 733-7850
Genie Clark

Senator Tom Apodaca
Room 1127 LB 733-5745
Airen Blaine

Senator Stan Bingham
Room 2117 LB 733-5655
Judy Crisco

Senator Edward Jones
Room 623 LOB 715-3032
Irma Avent-Hurst

Senator R. C. Soles
Room 2022 LB 733-5963
Joan Leatherman and Mona Fitzgerald

Senate

# MINUTES

## APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

**Thursday, May 06, 2010**
**Room 415, LOB**
**8:30 a.m.**

The Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Thursday, May 6, 2010, in Room 415, LOB. Four members of the Senate Subcommittee attended. Senator Ellie Kinnaird presided.

The Governor's 2010 Budget Recommendations were presented by:

Cheryl Reed, OSBM reviewed the Governor's Budgets for the following divisions Judicial, Indigent Defense, Department of Justice, Department of Juvenile Justice and Delinquency Prevention. (See Attachment A)

Aaron Gallagher, OSMB reviewed the Governor's Budgets for the following divisions Department of Corrections and Department of Crime Control and Public Safety. (See Attachment A)

Agency Responses to Governor's 2010 Budget Recommendations were presented by:

Rex Whaley, Chief Financial Officer for the Administrative Office of the Courts (See Attachment B).

Thomas Maher, Executive Director Office of Indigent Defense Services (See Attachment C).

Greg McLeod, Legislative Counsel to the Attorney General (See Attachment (D).

Robin Jenkins, Chief Operating Officer for Department of Juvenile Justice and Delinquency Prevention (See attachment E).

Secretary of Correction Alvin Keller, for the Department of Corrections (See Attachment A pages 171-175 of the Governor's Budget).

Secretary of Crime Control and Public Safety Rubin Young, for the Department of Crime Control and Public Safety (See Attachment A pages 176-178 of the Governor's Budget).

Senate Budget Target and Reduction Options presented by:

Kristine Leggett, JPS Fiscal Staff, the Department of Justice

John Poteat, JPS Fiscal Staff, the Department of Juvenile Justice and Delinquency Prevention and Indigent Defense Services

Douglas Holbrook, JPS Fiscal Staff, the Administrative offices of the Court and Department of Corrections

The meeting adjourned at 9:25 a.m.

Senator Ellie Kinnaird, Co-Chair

Kathie Young

Kathie Young, Committee Assistant

**SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**

**May 6, 2010 8:30 A.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird, Presiding  Senator John Snow

Opening Remarks by Chairs

## II. Governor's 2010 Budget Recommendations

*Cheryl Reed, OSBM*
*Aaron Gallagher, OSBM*

## III. Agency Responses to Governor's 2010 Budget Recommendations

**Administrative Office of the Courts**
*Rex Whaley, Chief Financial Officer*

**Office of Indigent Defense Services**
*Thomas Maher, Executive Director*

**Department of Justice**
*Greg McLeod, Legislative Counsel to the Attorney General*

**Department of Juvenile Justice and Delinquency Prevention**
*Robin Jenkins, Chief Operating Officer*

**Department of Correction**
*Alvin Keller, Secretary of Correction*

**Department of Crime Control and Public Safety**
*Reuben Young, Secretary of Crime Control and Public Safety*

## IV. Senate Budget Target and Reduction Options

*Kristine Leggett*
*John Poteat*
*Douglas Holbrook*

## V. OTHER BUSINESS:

## VI. ADJOURNMENT

---

**Senate Appropriations Subcommittee on JPS**
Sen. Kinnaird (Chair)
Sen. Snow (Chair)
Sen. Clodfelter (Vice Chair)
Sen. Apodaca, Sen. Bingham, Sen. Brunstetter,
Sen. Jones, Sen. Soles

# Recommended Adjustments

## Justice and Public Safety

Judicial Branch

Judicial Branch - Indigent Defense

Department of Justice

Department of Juvenile Justice and Delinquency Prevention

Department of Correction

Department of Crime Control and Public Safety

# Judicial Branch (12000)

**Total Appropriations and Positions**

| | 2010-11 Certified | Net Recommended Expansion and Reduction | 2010-11 Recommended | Percent Change |
|---|---|---|---|---|
| Requirements | $466,795,039 | ($9,216,294) | $457,578,745 | (2.0)% |
| Receipts | 3,041,560 | - | 3,041,560 | 0.0 % |
| Appropriation | $463,753,479 | ($9,216,294) | $454,537,185 | (2.0)% |
| Positions | 6,350.425 | - | 6,350.425 | 0.0 % |

## Appropriation Items -- Recommended Adjustments

**Reductions**

2010-11

1. **Reduce Technology Services Program**

   It is recommended that the Technology Services budget be reduced by 8%, which will have a minimal impact on program services.

   **Appropriation ($2,616,294)**

2. **Establish a Management Reserve**

   It is recommended that a management reserve be established to provide the Administrative Office of the Courts the flexibility to determine where reductions can be made.

   **Appropriation ($3,300,000)**

   **Appropriation - Nonrecurring ($3,300,000)**

**Total Recommended Reductions**

**Recurring**

| | |
|---|---|
| Requirements | ($5,916,294) |
| Receipts | - |
| Appropriation | ($5,916,294) |
| Number of Positions | - |

**Nonrecurring**

| | |
|---|---|
| Requirements | ($3,300,000) |
| Receipts | - |
| Appropriation | ($3,300,000) |
| Time Limited Positions | - |

**Total Recommended Adjustments for Judicial Branch 2010-11**

**Recurring**

| | |
|---|---|
| Requirements | ($5,916,294) |
| Receipts | - |
| Appropriation | ($5,916,294) |
| Number of Positions | - |

**Nonrecurring**

| | |
|---|---|
| Requirements | ($3,300,000) |
| Receipts | - |
| Appropriation | ($3,300,000) |
| Time Limited Positions | - |

# Judicial Branch - Indigent Defense (12001)

**Total Appropriations and Positions**

| | 2010-11 Certified | Net Recommended Expansion and Reduction | 2010-11 Recommended | Percent Change |
|---|---|---|---|---|
| Requirements | $130,343,529 | $1,828,954 | $132,172,483 | 1.4 % |
| Receipts | 10,211,519 | - | 10,211,519 | 0.0 % |
| Appropriation | $120,132,010 | $1,828,954 | $121,960,964 | 1.5 % |
| Positions | 449.750 | - | 449.750 | 0.0 % |

## Appropriation Items -- Recommended Adjustments

**Reductions**

2010-11

1. **Reduce Operating Budget**

It is recommended that the operating budget be reduced on a recurring basis in the following categories: Temporary Personnel ($185,000); Registration Fees ($1,000); Travel ($67,700); Communications ($4,000); Other Various Operating ($6,500). This reduction will realign the FY 2010-11 budget to the FY 2008-09 actual and FY 2009-10 projected expenditure spending levels.

**Appropriation** **($264,200)**

2. **Reduce the North Carolina Prisoner Legal Services (PLS) Program**

It is recommended that the North Carolina Prisoner Legal Services Program be reduced by 5%.

**Appropriation** **-**

**Appropriation - Nonrecurring** **($142,031)**

**Total Recommended Reductions**

**Recurring**

| | |
|---|---|
| Requirements | ($264,200) |
| Receipts | - |
| Appropriation | ($264,200) |
| Number of Positions | - |

**Nonrecurring**

| | |
|---|---|
| Requirements | ($142,031) |
| Receipts | - |
| Appropriation | ($142,031) |
| Time Limited Positions | - |

**Expansion**

| | 2010-11 |
|---|---|

1. **Restore the Sentencing Services Program**

As part of the Governor's Safe Communities package, this recommendation would restore funding to the Sentencing Services program, which is currently under a continuation review.

**Appropriation** **$2,235,185** ✓

**Total Recommended Expansion**

**Recurring**

| | |
|---|---|
| Requirements | $2,235,185 |
| Receipts | - |
| Appropriation | $2,235,185 |
| Number of Positions | - |

**Nonrecurring**

| | |
|---|---|
| Requirements | - |
| Receipts | - |
| Appropriation | - |
| Time Limited Positions | - |

## Total Recommended Adjustments for Judicial Branch - Indigent Defense 2010-11

| | |
|---|---|
| **Recurring** | |
| Requirements | $1,970,985 |
| Receipts | - |
| Appropriation | $1,970,985 |
| Number of Positions | - |
| **Nonrecurring** | |
| Requirements | ($142,031) |
| Receipts | - |
| Appropriation | ($142,031) |
| Time Limited Positions | - |

# Department of Justice (13600)

**Total Appropriations and Positions**

| | 2010-11 Certified | Net Recommended Expansion and Reduction | 2010-11 Recommended | Percent Change |
|---|---|---|---|---|
| Requirements | $123,654,320 | ($533,303) | $123,121,017 | (0.4)% |
| Receipts | 35,001,782 | 2,268,849 | 37,270,631 | 6.5 % |
| Appropriation | $88,652,538 | ($2,802,152) | $85,850,386 | (3.2)% |
| Positions | 1,296.746 | 15.000 | 1,311.746 | 1.2 % |

## Appropriation Items -- Recommended Adjustments

**Reductions**

2010-11

1. **Reduce Operating Budget**

It is recommended that the operating budget be reduced in the following areas: Computer Software ($300,000 R); Communications and Data Processing ($200,000 R); Registration Fees ($45,000 R); Vehicle Replacement ($400,000 R and $600,000 NR); Computer Equipment ($100,000 R); Office Furniture ($25,000 NR); Other Equipment ($25,000 NR); Pension Benefits Claims ($50,000 NR); Other Expenses ($100,000 NR); Scientific and Medical Equipment ($200,000 NR); Other DP Equipment ($200,000 NR); Repair Services ($75,000 R); Travel and Other Expenses ($75,000 R); and Membership and Subscription Dues ($42,000 R). This reduction will realign the FY 2010-11 budget to the FY 2008-09 actual and FY 2009-10 projected expenditure levels.

**Appropriation** **($1,237,000)**

**Appropriation - Nonrecurring** **($1,200,000)**

2. **Eliminate Positions**

It is recommended that positions vacant more than 90 days be eliminated.

**Appropriation** **($1,271,436)**

**Number of Positions** **(20.000)**

3. **Eliminate the NC Legal Education Assistance Fund Program**

It is recommended that the NC Legal Education Assistance Fund (LEAF) program be eliminated.

**Appropriation** **($375,000)**

4. **Reduce Salary Reserve**

It is recommended that the balance in salary reserve be reduced, which will have minimal impact on program service delivery.

| | |
|---|---|
| **Appropriation** | **($175,000)** |

**Total Recommended Reductions**

| | |
|---|---|
| **Recurring** | |
| Requirements | ($3,058,436) |
| Receipts | - |
| Appropriation | ($3,058,436) |
| Number of Positions | (20.000) |
| **Nonrecurring** | |
| Requirements | ($1,200,000) |
| Receipts | - |
| Appropriation | ($1,200,000) |
| Time Limited Positions | - |

**Expansion**

2010-11

1. **Safe Communities: Felony Arrestee DNA Forensic Specialist and Training**

It is recommended that funding be provided to establish a Felony Arrestee DNA Forensic Specialist who will provide quality control, random sampling and analysis of DNA samples collected at the time of arrest. This request also includes funding to provide training for local law enforcement agencies on standard DNA collection procedures.

| | |
|---|---|
| **Appropriation** | **$550,000** |
| **Appropriation - Nonrecurring** | **$150,000** |
| **Number of Positions** | **1.000** |

2. **Medicaid Fraud Criminal Investigation Team**

It is recommended that funding be provided to expand the Medicaid Fraud Criminal Investigation Team. The expanded unit will consist of sworn investigators, attorneys, program assistants, financial investigators, and administrative support personnel. This investigative unit will be responsible for obtaining convictions of community service providers that commit fraud, recovering restitution and civil penalties for the benefit of the Medicaid Program and the Civil Forfeiture Fund, and deterring fraud.

| | |
|---|---|
| **Requirements** | **$2,566,455** |
| **Requirements - Nonrecurring** | **$458,678** |
| **Receipts** | **$1,924,841** |
| **Receipts - Nonrecurring** | **$344,008** |
| **Appropriation** | **$756,284** ✓ |
| **Number of Positions** | **34.000** |

**Total Recommended Expansion**

| | |
|---|---|
| **Recurring** | |
| Requirements | $3,116,455 |
| Receipts | 1,924,841 |
| Appropriation | $1,191,614 |
| Number of Positions | 35.000 |
| **Nonrecurring** | |
| Requirements | $608,678 |
| Receipts | 344,008 |
| Appropriation | $264,670 |
| Time Limited Positions | - |

## Total Recommended Adjustments for Department of Justice 2010-11

| | |
|---|---|
| **Recurring** | |
| Requirements | $58,019 |
| Receipts | 1,924,841 |
| Appropriation | ($1,866,822) |
| Number of Positions | 15.000 |
| **Nonrecurring** | |
| Requirements | ($591,322) |
| Receipts | 344,008 |
| Appropriation | ($935,330) |
| Time Limited Positions | - |

# Department of Juvenile Justice and Delinquency Prevention (14060)

**Total Appropriations and Positions**

| | 2010-11 Certified | Net Recommended Expansion and Reduction | 2010-11 Recommended | Percent Change |
|---|---|---|---|---|
| Requirements | $155,761,585 | ($5,852,393) | $149,909,192 | (3.8)% |
| Receipts | 8,577,640 | - | 8,577,640 | 0.0 % |
| Appropriation | $147,183,945 | ($5,852,393) | $141,331,552 | (4.0)% |
| Positions | 1,820.040 | 41.000 | 1,861.040 | 2.3 % |

## Appropriation Items -- Recommended Adjustments

**Reductions**

2010-11

1. **Eliminate the Woodson Wilderness Camp**

It is recommended that the Woodson Wilderness Camp be closed, resulting in the elimination of 21 positions. Youth participating in this short-term voluntary pre-release program will remain at a youth development center until they are eligible for release.

**Appropriation** **($1,016,041)**
**Number of Positions** **(21.000)**

2. **Reduce the Eckerd Wilderness Camp Program**

It is recommended that the Eckerd Wilderness Camp Program be reduced by 155 beds. A reduction in the program will result in youth being placed in other alternative to detention programs or in a youth development center.

**Appropriation** **($7,634,231)**
**Number of Positions** **-**

3. **Close the Macon County Multi-Purpose Home**

It is recommended that the Macon County Multi-Purpose Home be closed due to lower capacity utilization relative to the other programs.

**Appropriation** **($600,000)**
**Number of Positions** **-**

4. **Eliminate Direct Appropriation for the Juvenile Assessment Center**

The Juvenile Assessment Center receives a direct appropriation as well as grant funding provided through the Juvenile Crime Prevention Council. It is recommended that the direct appropriation be eliminated.

| | |
|---|---|
| **Appropriation** | **($124,075)** |
| **Number of Positions** | - |

**Total Recommended Reductions**

**Recurring**

| | |
|---|---|
| Requirements | ($9,374,347) |
| Receipts | - |
| Appropriation | ($9,374,347) |
| Number of Positions | (21.000) |

**Nonrecurring**

| | |
|---|---|
| Requirements | - |
| Receipts | - |
| Appropriation | - |
| Time Limited Positions | - |

**Expansion**

2010-11

1. **Restore Samarkand Youth Development Facility**

It is recommended that funding for the Samarkand Youth Development Center be restored. This action provides the Department with needed bed capacity to accommodate system fluctuations and allow youth to remain close to their home communities.

| | |
|---|---|
| **Appropriation** | **$3,521,954** |
| **Number of Positions** | **62.000** |

**Total Recommended Expansion**

**Recurring**

| | |
|---|---|
| Requirements | $3,521,954 |
| Receipts | - |
| Appropriation | $3,521,954 |
| Number of Positions | 62.000 |

**Nonrecurring**

| | |
|---|---|
| Requirements | - |
| Receipts | - |
| Appropriation | - |
| Time Limited Positions | - |

**Total Recommended Adjustments for Department of Juvenile Justice and Delinquency Prevention 2010-11**

**Recurring**

| | |
|---|---|
| Requirements | ($5,852,393) |
| Receipts | - |
| Appropriation | ($5,852,393) |
| Number of Positions | 41.000 |

**Nonrecurring**

| | |
|---|---|
| Requirements | - |
| Receipts | - |
| Appropriation | - |
| Time Limited Positions | - |

# Department of Correction (14500)

**Total Appropriations and Positions**

| | 2010-11 Certified | Net Recommended Expansion and Reduction | 2010-11 Recommended | Percent Change |
|---|---|---|---|---|
| Requirements | $1,372,584,639 | ($35,931,461) | $1,336,653,178 | (2.6)% |
| Receipts | 46,092,409 | 9,620,094 | 55,712,503 | 20.9 % |
| Appropriation | $1,326,492,230 | ($45,551,555) | $1,280,940,675 | (3.4)% |
| Positions | 20,461.000 | 749.000 | 21,210.000 | 3.7 % |

## Appropriation Items -- Recommended Adjustments

**Reductions**

2010-11

1. **Reduce Inmate Medical Costs**

   It is recommended that inmate medical costs be linked to the Medicare and Medicaid fee schedules in order to generate cost savings.

   **Appropriation** **($20,500,000)**

2. **Eliminate Pass-Through Funding**

   Pass-through funding to the following programs is eliminated: Our Children's Place ($109,500); Summit House ($1,108,161); Women at Risk ($262,500); and Harriet's House ($206,250).

   **Appropriation** **($1,686,411)**

3. **Shift Positions to Receipts**

   It is recommended that four appropriated positions in the Department of Correction Controller's Office that support prison canteen functions be shifted to canteen receipts in the Inmate Welfare Fund. This recommendation will have no impact on program service delivery.

   **Requirements** **-**

   **Receipts** **$182,500**

   **Appropriation** **($182,500)**

   **Number of Positions** **(4.000)**

4. **Reduce Criminal Justice Partnership Program (CJPP)**

This recommendation reduces CJPP funding by $1.1 million non-recurring. This recommendation will not impact service delivery but will eliminate the ability to make supplemental discretionary grants to participating agencies. These discretionary grants are usually used to purchase non-programmatic items such as furniture and supplies.

| | |
|---|---|
| **Appropriation - Nonrecurring** | **($1,100,000)** |

5. **Increase Community Service Work Program Fee**

It is recommended that the one time Community Service Work Program fee be increased by $75 from the current amount of $225 to the new amount of $300.

| | |
|---|---|
| **Requirements** | **-** |
| **Receipts** | **$3,211,800** |
| **Appropriation** | **($3,211,800)** |

6. **Increase Federal Incarceration Receipts**

This federal program makes funds available to states for the purpose of recouping costs associated with incarcerating undocumented aliens. The department anticipates future funding from this program will exceed its current budget; therefore, it is recommended that budgeted receipts be increased.

| | |
|---|---|
| **Requirements - Nonrecurring** | **-** |
| **Receipts - Nonrecurring** | **$872,000** |
| **Appropriation - Nonrecurring** | **($872,000)** |

7. **Reduce Operating Budget**

It is recommended that the following operating budget reductions be made on a recurring basis: ITS Billing Charges ($200,000); Miscellaneous Contractual Services in Community Corrections ($50,000); Inmate and Officer Clothing ($500,000); Vehicle Replacement ($1,250,000); Fuel Oil ($500,000); and Other ($54,757). It is also recommended that the following operating budget reductions be made on a non-recurring basis: Inmate and Officer Clothing ($500,000); Supplies ($800,000); Equipment ($800,000); Vehicle Replacement ($1,500,000); Computers ($300,000); and Inmate Food ($1,000,000). These reductions are not anticipated to have any impact on service delivery.

| | |
|---|---|
| **Appropriation** | **($2,554,757)** |
| **Appropriation - Nonrecurring** | **($4,900,000)** |

8. **Modify Close Custody Inmate Transfers**

This recommendation would reduce transfers of close custody inmates from weekly to every other week, thereby reducing fuel consumption. This reduction will not have any impact on program services.

| | |
|---|---|
| **Appropriation** | **($74,150)** |

9. **Reduce Budgeted Longevity**

This recommendation would reduce the Department's longevity budget on a non-recurring basis. This reduction will not have any impact on the longevity program based upon projected retirements in 2010-11.

| | |
|---|---|
| **Appropriation - Nonrecurring** | **($1,500,000)** |

10. **Increase Probation/Parole Supervision Fees**

It is recommended that the monthly Probation/Parole Supervision Fee be increased from $30 per month to $40 per month.

| | |
|---|---|
| **Requirements** | - |
| **Receipts** | **$5,353,794** |
| **Appropriation** | **($5,353,794)** |

11. **Establish a Management Reserve**

It is recommended that a management reserve be established to provide the Department of Correction the flexibility to determine where reductions can be made.

| | |
|---|---|
| **Appropriation - Nonrecurring** | **($15,000,000)** |

12. **Modify Inmate Drug Testing Frequency**

This recommendation would reduce the drug testing frequency standard for inmates. It will not have an adverse impact on program service delivery.

| | |
|---|---|
| **Appropriation** | **($130,000)** |

13. **Eliminate Positions**

This recommendation eliminates 18 positions through increased efficiency, consolidations, and reorganization.

| | |
|---|---|
| **Appropriation** | **($862,392)** |
| **Number of Positions** | **(18.000)** |

14. **Consolidate Division of Community Corrections (DCC) Drug Lab Operations**

This recommendation would consolidate the current five DCC drug labs into four locations. This reduction will not have an adverse impact on service delivery.

| | |
|---|---|
| **Appropriation** | **($142,973)** |
| **Number of Positions** | **(3.000)** |

15. **Reorganize Victim Services**

This recommendation increases efficiency by consolidating all Department of Correction Victim Services into one section.

| | |
|---|---|
| **Appropriation** | **($148,013)** |
| **Number of Positions** | **(4.000)** |

16. **Standardize Chaplain Deployment**

This recommendation establishes standards for the use of full time chaplains in medium and minimum custody prisons. The threshold for a full time chaplain in a medium custody prison will be set at 600 inmates and the threshold for minimum custody prisons will be 800 inmates.

| | |
|---|---|
| **Appropriation** | **($158,567)** |
| **Number of Positions** | **(3.000)** |

**Total Recommended Reductions**

**Recurring**

| | |
|---|---|
| Requirements | ($26,257,263) |
| Receipts | 8,748,094 |
| Appropriation | ($35,005,357) |
| Number of Positions | (32.000) |

**Nonrecurring**

| | |
|---|---|
| Requirements | ($22,500,000) |
| Receipts | 872,000 |
| Appropriation | ($23,372,000) |
| Time Limited Positions | - |

**Expansion**

2010-11

**Safe Communities**

1. **Operating Reserve for Central Prison Hospital and Mental Health Facility**

   The Central Prison Hospital and Mental Health Facility is scheduled for completion in August of 2011. It is recommended that an operating reserve be established for this facility.

| | |
|---|---|
| **Appropriation** | **$6,767,918** |
| **Appropriation - Nonrecurring** | **$774,843** |
| **Number of Positions** | **554.000** |

2. **Operating Reserve for North Carolina Correctional Institute for Women Mental Health Facility**

   The North Carolina Correctional Institute for Women Mental Health Facility is scheduled for completion in August of 2011. It is recommended that an operating reserve be established for this facility.

| | |
|---|---|
| **Appropriation** | **$3,000,017** |
| **Appropriation - Nonrecurring** | **$725,157** |
| **Number of Positions** | **227.000** |

3. **Probation/Parole Officer Position Reallocation from Pay Grade 68 to Pay Grade 69**

   Part of the Governor's Safe Communities package, this recommendation will provide the funds necessary to reallocate 1,467 Probation/Parole Officers from a pay grade 68 to a pay grade 69, as was previously authorized by the State Personnel Commission. This request would address significant recruitment and retention issues for these positions. This recommendation would become effective on January 1, 2011.

| | |
|---|---|
| **Appropriation** | **$1,557,867** |

**Total Recommended Expansion**

**Recurring**

| | |
|---|---|
| Requirements | $11,325,802 |
| Receipts | - |
| Appropriation | $11,325,802 |
| Number of Positions | 781.000 |

**Nonrecurring**

| | |
|---|---|
| Requirements | $1,500,000 |
| Receipts | - |
| Appropriation | $1,500,000 |
| Time Limited Positions | - |

**Total Recommended Adjustments for Department of Correction 2010-11**

**Recurring**

| | |
|---|---|
| Requirements | ($14,931,461) |
| Receipts | 8,748,094 |
| Appropriation | ($23,679,555) |
| Number of Positions | 749.000 |

**Nonrecurring**

| | |
|---|---|
| Requirements | ($21,000,000) |
| Receipts | 872,000 |
| Appropriation | ($21,872,000) |
| Time Limited Positions | - |

# Department of Crime Control and Public Safety (14900)

**Total Appropriations and Positions**

| | 2010-11 Certified | Net Recommended Expansion and Reduction | 2010-11 Recommended | Percent Change |
|---|---|---|---|---|
| Requirements | $157,911,859 | ($819,000) | $157,092,859 | (0.5)% |
| Receipts | 124,192,896 | - | 124,192,896 | 0.0 % |
| Appropriation | $33,718,963 | ($819,000) | $32,899,963 | (2.4)% |
| Positions | 640.875 | (3.000) | 637.875 | (0.5)% |

## Appropriation Items -- Recommended Adjustments

**Reductions**

2010-11

1. **Fund Rape Victims Assistance Program at Current Year Expenditure Level**

   Funding for the Rape Victims Assistance Program will be maintained at the anticipated FY2009-10 expenditure level. This recommendation will have no impact on program service delivery.

   **Appropriation** **($1,300,000)**

2. **Eliminate Vacant Positions**

   The department will abolish the salary and fringe benefits of positions that equate to $146,000 in recurring appropriation.

   **Appropriation** **($146,000)**

   **Number of Positions** **(3.000)**

**Total Recommended Reductions**

**Recurring**

| | |
|---|---|
| Requirements | ($1,446,000) |
| Receipts | - |
| Appropriation | ($1,446,000) |
| Number of Positions | (3.000) |

**Nonrecurring**

| | |
|---|---|
| Requirements | - |
| Receipts | - |
| Appropriation | - |
| Time Limited Positions | - |

**Expansion**

2010-11

**Safe Communities**

1. **Restore National Guard Funding**

   It is recommended that a portion of the continuation budget decrease for the 2009-11 biennial budget be restored to allow the state to match and draw down federal funds needed for National Guard Armory maintenance.

   **Appropriation** **$600,000**

2. **Restore Funding to the North Carolina Victims Assistance Network (NCVAN)**

   Part of the Governor's Safe Communities package, this recommendation would restore funding to the North Carolina Victims Assistance Network, which had funding reduced by the General Assembly in the 2009-11 biennial budget.

   **Appropriation** **$27,000**

**State Highway Patrol**

1. **Provide State Matching Funds to Continue VIPER Interoperable Communications Network Development**

   Part of the Governor's Safe Communities package, this recommendation would provide $4.7 million in state matching funds for the Public Safety Interoperability Communications (PSIC) grant from the U.S. Department of Commerce received by the State Highway Patrol. The PSIC grant will be used to assist in the further development of the VIPER interoperable communications network.

**Total Recommended Expansion**

**Recurring**

| | |
|---|---|
| Requirements | $627,000 |
| Receipts | - |
| Appropriation | $627,000 |
| Number of Positions | - |

**Nonrecurring**

| | |
|---|---|
| Requirements | - |
| Receipts | - |
| Appropriation | - |
| Time Limited Positions | - |

**Total Recommended Adjustments for Department of Crime Control and Public Safety 2010-11**

**Recurring**

| | |
|---|---|
| Requirements | ($819,000) |
| Receipts | - |
| Appropriation | ($819,000) |
| Number of Positions | (3.000) |

**Nonrecurring**

| | |
|---|---|
| Requirements | - |
| Receipts | - |
| Appropriation | - |
| Time Limited Positions | - |

Attachment B

B

NORTH CAROLINA
ADMINISTRATIVE OFFICE
*of the* COURTS

May 6, 2010

**Report to Senate Appropriations Subcommittee on Justice & Public Safety**
**Judicial Response to Governor's FY 2010-11 Budget Proposal**

## Governor's Recommended Budget Adjustments

- $9.2 million in reductions:
  - Eight percent reduction ($2.6 million) to Technology Services, which supports courthouse technology infrastructure statewide.
  - $6.6 million management flexibility reserve ($3.3 million R and $3.3 million NR).
- Reinstates select salary schedules (i.e. teachers), but excludes salary steps for assistant and deputy clerks and magistrates.
- Spends $15.8 million in additional recurring fee increases to be generated by the Judicial Branch.
- Governor's recommended reductions and fee increases are equivalent to 5% of Judicial budget.
- No expansion funding is recommended.

## Judicial Expansion Request

**Expansion :: $75.2 M with 1,059 FTE (positions)**

- New positions are based on time studies and workload staffing schedules, including:

| *Court Personnel Needs* | *# Positions* | *Request* |
|---|---|---|
| Prosecutors: ADAs and VWLAs | 133 | $12.3 million |
| Deputy Clerks | 524 | $25.3 million |
| District Court Judges | 67 | $11.5 million |
| Magistrates | 160 | $ 9.0 million |
| District Court Support Staff | 37 | $ 2.4 million |
| Superior Court Support Staff | 13 | $789,000 |

- Other budget requests for continuation restoration, program expansions and other positions.

## Potential Impact of Governor's Budget

**Impact on essential court services**

- 90% of the judicial budget is personnel costs; reductions will result in loss of positions or prolonged vacancies.
- Validated workload studies indicate local courts are short more than 1,000 personnel.
- Proposed budget reductions will further delay the disposition of cases.

**Significant impact on technology/automation and court efficiency**

- Will reduce information technology responsiveness and services for the more than 6,700 judicial officials and employees who work in courthouses across the state.
- Will impact ability to complete current high priority technology projects such as eFiling, ePayment, NCAWARE and CJLEADS.
- Long-term impact on the court system's ability to reduce personnel needs through automation.
- Proposed $2.6 million technology cut is equivalent to the elimination of 25 technology positions, which could require in excess of $1 million in severance expenditures.

## Other Considerations

- NCAOC has identified more than $20 million in potential revenue from new and expanded fees.

NORTH CAROLINA
ADMINISTRATIVE OFFICE
*of the* COURTS

Office of the Director
Judge John W. Smith
Director
PO Box 2448, Raleigh, NC 27602
T 919 890-1391 F 919 890-1915

February 15, 2010

MEMORANDUM

TO: Charlie Perusse

FROM: John Smith

SUBJECT: Budget Submission for 2010-2011

Attached please find the information you requested through your December 18, 2009, memorandum for use in developing adjustments to the 2010-2011 fiscal year budget.

The past year and a half have been difficult ones for all of us in dealing with the financial crisis and resulting budget shortfalls. The Judicial Department has been as cooperative as possible in providing reversions during the past fiscal year, budget cuts to this year's budget and potential reversions at the end of this fiscal year. We have contributed our share to ease the burden of balancing the state budget while still providing core court services and constitutionally mandated rights to those who seek justice, although the workload has been burdensome.

This past fiscal year we reverted more than $26 million (not counting May and June payroll, which were funded with Federal Recovery funds) through various line items. During budget deliberations by the General Assembly, we provided $30.7 million in cuts to the first year of the biennium and $43.8 million in the second year, including 47 positions. We were also credited with the development of $42 million in fee increases for the State's General Fund. For this fiscal year, we have committed to nearly $10 million in reversions if necessary due to revenue shortfalls. This has required us to maintain a historically high number of vacancies in ADA, deputy clerk, magistrate, and other court field staff, and at the NCAOC. Many offices are stretched and struggle under their workload.

Your memorandum notes that Governor Perdue has established healthy and safe communities as one of her budget priorities. I trust that this includes the Judicial Department, as the judicial branch is one of the cornerstones of our state's often beleaguered criminal justice system, and it is an integral part of our state's infrastructure. We appreciate the Governor focusing on safe communities in her budget.

General Statute 143C-3-2 directs the Administrative Office of the Courts to provide the budget director with the requirements for the judicial branch for the upcoming budget period. In analyzing our requirements, we cannot find additional reductions to our budget for the 2010-2011 fiscal year. Therefore, I will not be submitting any proposed budget cuts for the Judicial Department.

Your memo asks that we address five specific reduction strategies, and in doing so, we were to attempt to minimize the impact on direct services to citizens as well as the impact on statutorily mandated or "core mission" government services. We have done our best and found:

- We have no duplicative and / or underachieving programs.
- We have no available consolidation of programs, offices or services.
- We have been focused on reducing operating funds due to service efficiencies and have taken those reductions in this biennial budget.
- We have no savings in reducing layers of management and administration.

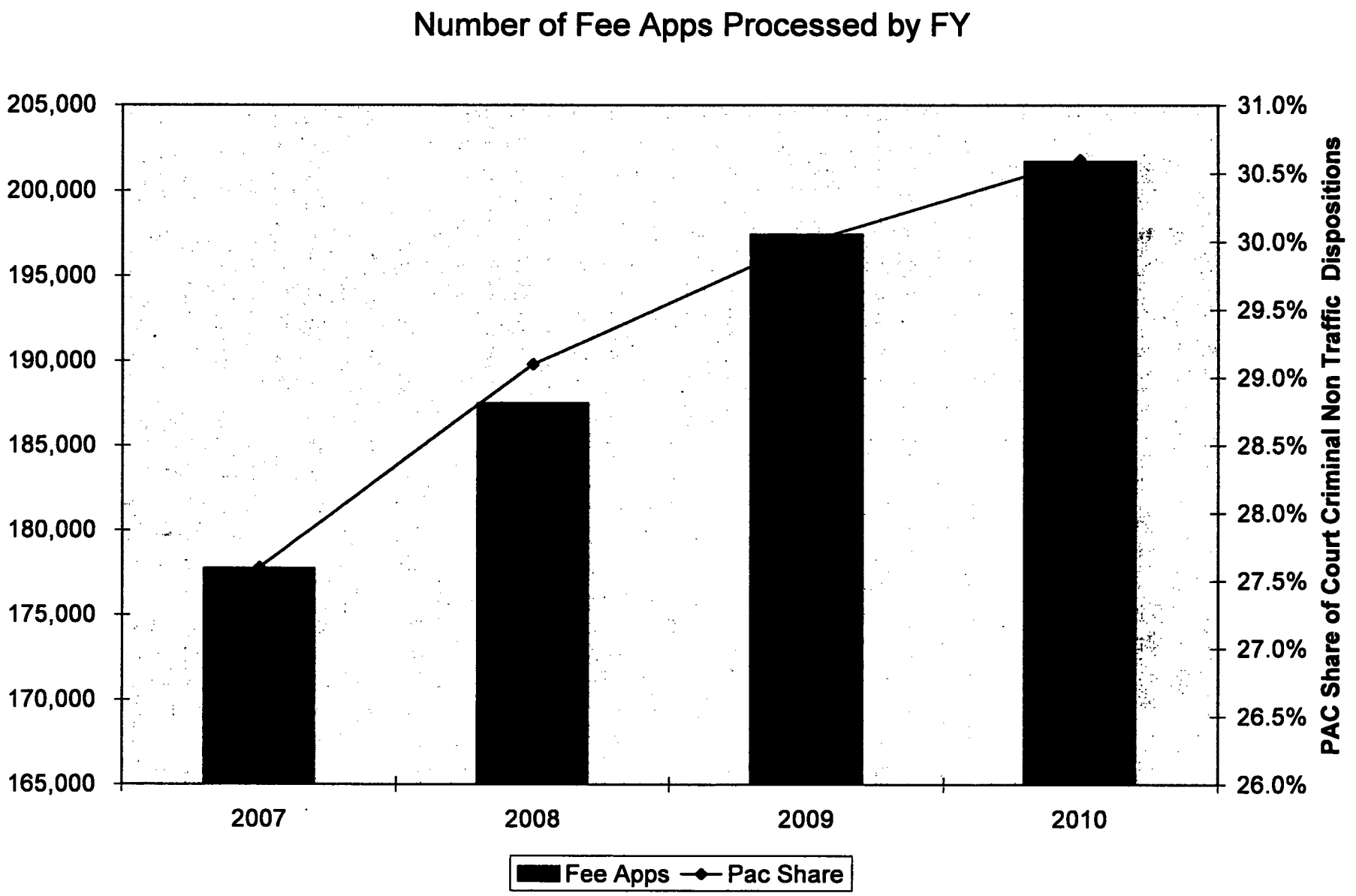
However, in regards to the strategy of budgeting additional receipts, we have some expanded fees that we could propose that would increase availability by nearly $17 million. These fees were proposed during the past session of the General Assembly but were not implemented. I would like to provide details of these new fees if you are interested.

The judicial branch does, however, have Expansion Budget needs. Attached is an updated list of staffing and operating needs that was submitted last year. I do so to demonstrate the documented staffing needs of the judges, clerks of superior court, magistrates, and district attorneys, and in other areas. The workload requirements for all groups continue to increase even during this financially challenging time. We have workload formulas for staffing most offices that were developed in consultation with the National Center for State Courts. These formulas are for district court judges, clerks of superior court staff, magistrates and district attorney staff. Based upon these well-developed workload formulas, each group has need for the additional positions requested in the Expansion Budget.

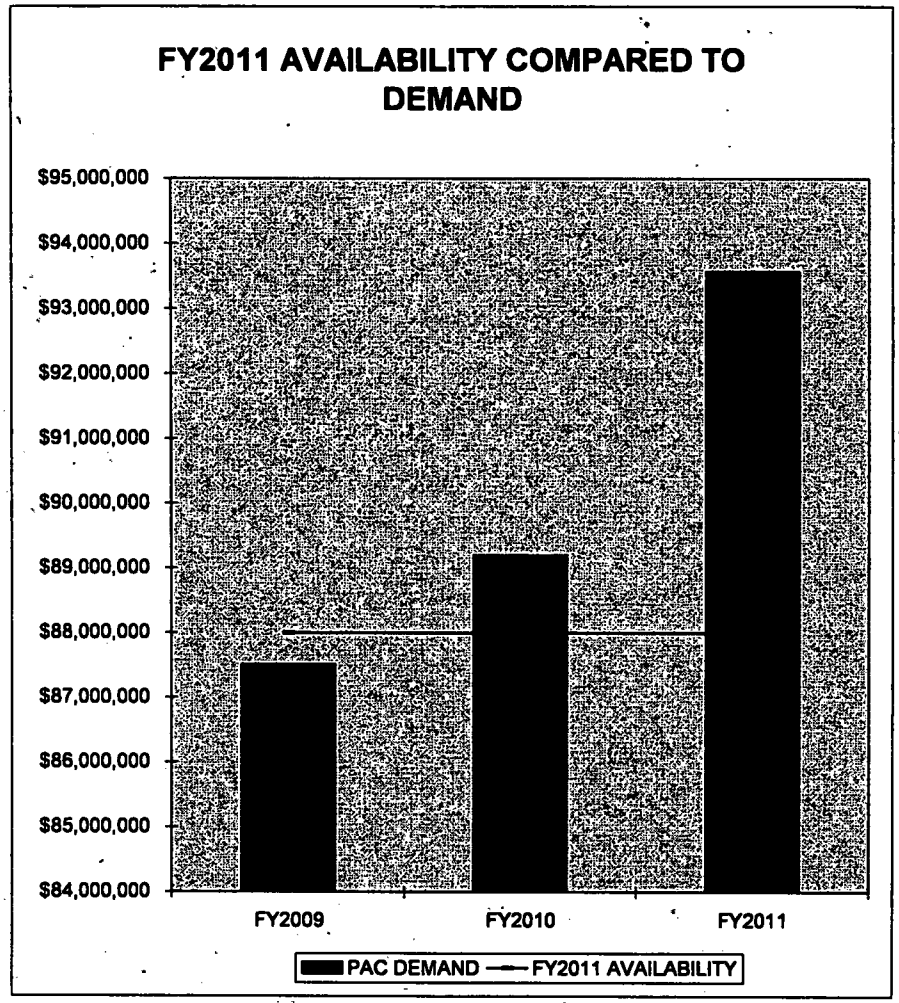
Also, as provided for in your memo, we are resubmitting some continuation budget items included in the 2009-2011 Governor's Recommended Budget that were not included in the budget enacted by the General Assembly.

Persuant to G.S. 143C-3-2, Chief Justice Sarah Parker has certified the needs for the judicial branch that we have outlined and submitted by way of this memorandum and attachments.

I welcome an opportunity to meet in person and to discuss this further as we all work together through this economic hardship.




Presentation by Indigent Defense Services to JPS
May 5, 2010




| PROJECTED SHORTFALL FY2011 | |
|---|---|
| PROJECTED 2011 DEMAND (4.9%) | $93,570,800 |
| CERTIFIED BUDGET FY2011 | $75,458,314 |
| PROJECTED LAPSED | $1,450,000 |
| PROJECTED RECEIPTS | $11,050,000 |
| PROJECTED SHORTFALL | $5,612,486 |
| REQUEST TO GOVERNOR--Appropriation | $5,100,000 |
| REQUEST TO GOVERNOR--Fee Increase | $250,000 |

# DETAILS ON BUDGET REDUCTIONS SUBMITTED TO AND INCLUDED IN GOVERNOR'S BUDGET

## Office of Indigent Defense Services

| Account | Certified Budget | Reduction | Remaining | Comment |
|---|---|---|---|---|
| Budgeted Temps | $75,983 | ($35,000) | $40,983 | can also use lapsed |
| Registration Fees | $1,864 | ($1,000) | $864 | |
| Other Expenses | $1,000 | ($500) | $500 | |
| Books & Publications | $3,609 | ($2,000) | $1,609 | |
| Office Equipment | $6,079 | ($4,000) | $2,079 | |
| Commission Travel | $2,146 | ($700) | $1,446 | |
| Staff Travel | $15,004 | ($7,000) | $8,004 | |
| Total Operating Budget | $731,069 | ($50,200) | $680,869 | |
| | | *-6.9%* | | |

## Public Defender Offices

| Account | Certified Budget | Reduction | Remaining | Comment |
|---|---|---|---|---|
| Budgeted Temps | $254,769 | ($150,000) | $104,769 | can also use lapsed |
| Pagers | $4,608 | ($4,000) | $608 | |
| Staff Travel | $412,793 | ($60,000) | $352,793 | 35c/mile; more centralized or online trainings |
| Total Operating Budget | $1,820,198 | ($214,000) | $1,606,198 | |
| | | *-11.8%* | | |
| Grand Total | $2,551,267 | ($264,200) | $2,287,067 | |

## RECOUPMENT TOTALS AND RATES BY YEAR

| Total | Set Off Debt Total | FMS (Atty Fee) | FMS (Appointment fee) | Total | Current Demand PAC | % recoup | NONCAP PAC & PD Spending | % recoup current year | % recoup of prior year |
|---|---|---|---|---|---|---|---|---|---|
| *2009-10* | *$4,086,473* | *$6,779,183* | *$941,349* | *$11,807,005* | *$89,200,000* | *13.2%* | | | |
| 2008-9 | $4,036,549 | $6,485,720 | $786,586 | $11,308,855 | $87,510,846 | 12.9% | $98,736,851 | 11.5% | 13.0% |
| 2007-8 | $3,209,788 | $5,963,422 | $693,795 | $9,867,005 | $79,836,377 | 12.4% | $86,740,980 | 11.4% | 12.8% |
| 2006-7 | $2,758,173 | $5,682,440 | $588,261 | $9,028,874 | $71,029,777 | 12.7% | $77,120,625 | 11.7% | 12.3% |
| 2005-6 | $2,526,249 | $5,566,373 | $502,062 | $8,594,684 | $70,891,922 | 12.1% | $73,299,610 | 11.7% | 13.6% |

about 7% of Set Off Debt is likely to be appointment fees; calculated at year end; total Appointment Fee may be closer to $1.2M

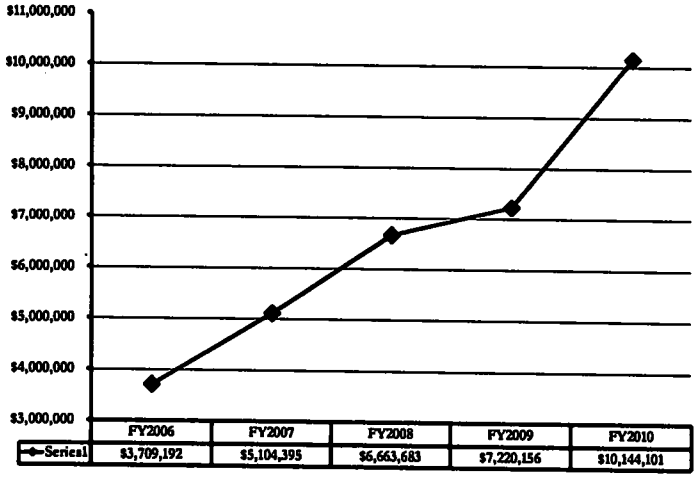
FY2010 is a projection; reflects assumption May & June 2010 receipts will match May & June 2009, although year to date is 8% higher

# NORTH CAROLINA DEPARTMENT OF JUSTICE

I. Risk Sharing for School Bus Accident Claims – $3.4 to $5 Million in GF Savings

**Background** - The North Carolina Department of Justice (DOJ) is required to defend all tort claims (school bus accidents) filed against county or city boards of education and serves as the state's risk management office that processes these claims (see GS 143-300.1). From FY2006 through FY2009, local school bus accident claims paid by the state have increased by 95%. Projected claims for FY2010 range are estimated to be $10.1 million, a 52 percent increase over FY2008 levels. Current state policy provides no financial risk management incentive for local school systems because the state incurs all costs, risk and liability. Preliminary research indicates that North Carolina is the only state in the nation that incurs full liability for local school system tort and accident claims.

**Local School Bus Accident Claims Paid by State**




**Recommendation:** To address this increase, the DOJ recommends that the NCGA consider revising state law to require that local school systems share financial risk and liability associated with school bus accident claims. In addition, state and local units of government should consider accident prevention initiatives to improve safety and reduce claims. This change could provide local school systems financial incentives to better protect children and prevent transfer of resources at the state level from education to claims payments. **At a minimum, state general fund savings are anticipated to be $3.4 million and may exceed $5.0 million if local agencies share 50% of all claim charges.**

**Proposed Changes to Financial Management Process** – No significant changes are proposed to the Department of Public Instruction (DPI) appropriation levels or DOJ expenditure and reimbursement accounts. The cost-sharing initiative could work this way: At the beginning of each calendar year, DOJ would invoice local city or county boards of education that were liable for tort claim expenses incurred in the previous year. All reimbursement receipts collected would be remitted to the state General Fund, thereby increasing overall availability of General Fund appropriations. A similar cost sharing and local agency invoicing approach **was adopted as part of the 2009 proposed Senate budget** (see Section 16.6.(a) of Senate Bill 202, Third Edition. However, this cost sharing approach was not included in the final adopted 2009 budget.

## II. Reimbursement of SBI Arson Investigation Costs by Insurance Regulatory Fund Up to $1.2 Million in GF Savings

**Background** - During the 2002 legislative session, the Department of Justice (DOJ) recommended that legal service operating expenses provided to the Department of Insurance (DOI) be reimbursed by the Insurance Regulatory Fund (Fund) pursuant to NCGS 58-6-25(d)(6). The General Assembly agreed and adopted this reimbursement change and DOJ was provided an appropriations savings credit that decreased the need for state appropriations by $600,000 a year. Current authorized DOJ Insurance related activities are of much smaller scope when compared to the operating costs of the Department of Insurance and related activities that are charged to the Fund. Total expenses and receipts collected on an annual basis for the Fund for all purposes exceed $35 million a year.

**SBI Arson Investigations** – A recent OSBM analysis of law enforcement operations documented that the SBI has original jurisdiction and investigates between 400 to 500 arson cases a year. These investigations consume 12% of the workload associated with SBI field agents and related crime laboratory forensic analysis staff. Utilizing the OSBM study, and current financial data on staff salaries, these arson investigations cost $1.2 million a year in expenses and consumes the equivalent of 16 agents' time on a full time basis. Currently, these SBI arson expenses are funded entirely by general fund appropriations.

**Insurance Cust ıer Benefits** - The conclusions and results of SBI arson investigations provide significant value t. insurance company customers and the insurance industry. When a criminal arson investigation concludes that a fire was a criminal act, the insurance company is not obligated to h. urance c m related to the arson case in most instances. SBI Arson investigation findings hav. ıe p tent. o help to lower the level of overall insurance claim payments, which helps keep premium rates and affordable for all insurance consumers.

**Recommendation** - Revise NCGS 58-6-25(d)(6) to authorize insurance regulatory fund reimb Arson investigative costs. The general fund would realize savings of $1.2 om ial change. In order to implement these reimbursement charges, the DOJ would t and r t on all annual Arson investigative costs, transmit that report to DOI financial staff, wh h would then transfer a reimbursement payment to the General Fund to recover those costs. A similar process is used to recover DOJ legal service costs supported by the Fund.

## III. All Felony Arrestee DNA Forensics Team - Expansion

Every day innocent people needlessly become victims of violent crime. Most of these are committed by repeat offenders. Having law enforcement collect DNA samples upon felony arrest, at the same time as fingerprints, NC can catch criminals sooner. This initiative in the first year alone is projected to resolve up to 100 cold cases including homicides, rapes, and other violent crimes. Through this effort NC can prevent crime by repeat offenders. Through this effort NC can prevent crime, save more lives, and provide more protection to the innocent. Already, 23 states and the federal government have laws that require the collection of DNA upon felony arrest in certain cases. To implement this public safety initiative 14 additional SBI forensic criminal analysts are required along with funding to support laboratory analysis of DNA arrestee samples, distribution of DNA swab collection kits to law enforcement agencies and for startup information system and training costs.

DNA collection upon arrest will save lives, prevent violent crime by repeat offenders, save costly investigative resources, improve identification procedures, reduce eyewitness misidentification, reduce convictions based on false confessions, exonerate wrongly accused and clear hundreds of cold cases. A new $3.00 criminal court fee in recommended to provide a dedicated funding source to support this critical public safety initiative.

**North Carolina Department of Juvenile Justice and Delinquency Prevention**
Overview of FY 2010-11 Governor's Budget Recommendation

**FY 2009-10**

The FY 2009-10 Enacted Budget included several funding reductions and program eliminations that cause a severe negative impact on the budget for the Department of Juvenile Justice and Delinquency Prevention (DJJDP). Examples of significant cuts include:

- Reduction in the Department's continuation budget $7.8M
- Elimination of the Support our Students Program (SOS) $6.2M
- Elimination of 51.0 Staff Positions $2.4M
- Elimination of the Governor's One on One Program $1.6M
- Reduction the Department's Operating Budget $1.3M

Overall, the Department's FY 2009-10 Budget was reduced by **13.8% ($23.7 million) and eliminated 60.0 staff positions.** Also, overestimated detention receipts and the use of FY 2009-10 funds to pay for a FY 2008-09 budget shortfall further hindered the Department's ability to administer the FY 2009-10 Enacted Budget.

**The Governor's FY 2010-11 Recommended Budget for the Department is funded at $141,331,552 and includes the following items:**

| | 2010-11 |
|---|---|
| **FY 2010-11 Certified Budget** | **$147,183,945** |

**Reductions**

1. Eliminate Woodson Wilderness Camp *(-21.0 staff positions)* ($1,016,041)
The Woodson Wilderness Camp Program is a voluntary pre-release program that provides therapeutic, wilderness, and adventure programming for males. Annually, the program serves about 100 committed youth by administering a series of small-group intensive 32 day sessions. The Governor's FY 2010-11 Budget recommended that this program be eliminated due to the high daily cost per student ($342.71). Committed youth that would otherwise attend this program will remain at a youth development center and engage in traditional re-entry programming.

2. Reduce Eckerd Wilderness Camp Program ($7,634,231)
The Eckerd Wilderness Camp Program provides residential camp placement for youth at various sites around state. The majority of the youth population (Level I and Level II adjudicated youths) served by this program can be placed in other alternative to detention programs or in a

youth development center. The Governor's FY 2010-11 Budget recommended that the program's bed capacity be reduced by 155 beds.

3. Close the Macon County Multi-Purpose Home (\$600,000)
The Macon County Multi-Purpose Home (8 beds) provides residential care and treatment services for pre and post adjudicated youth. To meet State Budget requirements for holdbacks and rescissions, reductions in services contracts across the board have been necessary. Also, the facility (Owned and maintained by Macon County) has significant repair needs that have not been addressed by the county. For these reasons, the Governor's FY 2010-11 recommended that the Macon Multi-Purpose Home be closed.

4. Eliminate Direct Appropriation for the Juvenile Assessment Center (\$124,075)
The only center of its kind in the State, the Juvenile Assessment Center (JAC) administers diagnostic assessments for juveniles in the Cumberland County area to encourage the proper service placement and case management for juveniles referred to the program. The Governor's FY 2010-11 Budget recommended that the direct appropriation for this program be eliminated. JAC also receives Cumberland County Juvenile Crime Prevention Council (JCPC) funding.

**Expansion**

1. Restore Samarkand Youth Development Facility *(62.0 staff positions)* \$3,521,954
The Governor's FY 2010-11 Budget included funds for the continuation of youth services at the Samarkand Youth Development Center. This action provides the Department with bed capacity needed to accommodate system population fluctuations and provides the Department the ability to provide specialized mental health treatment, vocational education, intensive special education, and individualized occupational course of study programming. Furthermore, for this facility will continue to be used by the Department as a regional maintenance operations site.

**FY 2010-11 Governor's Recommended Budget: \$141, 331,552**

Attachment F

F

# Senate Appropriations Subcommittee on Justice and Public Safety

# Senate Target and Subcommittee 5% Reduction Option List

May 6, 2010
8:30 A.M.

# May

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | | | | | | **1** |
| **2** | **3** | **4** ***Primary Elections*** | **5** | **6** Review 5% Options in Subcommittee | **7** Review 5% Options in Subcommittee | **8** |
| | | Senate Subcommittees Meet | | | | |
| **9** | **10** Teams begin reporting at 9:00 | **11** Teams begin reporting at 8:30 | **12** ***Session Convenes*** Review Draft Package in Subcommittee | **13** Teams begin reporting after session (Session 9:00) | **14** Bill Drafting Deadline for Approp. Bills (due to Drafting) **Senate Full Chairs Meet to Finalize Decisions** | **15** Staff Prepares Bill |
| | Senate Subcommittees Continue to Meet and Begin Reporting | | | | | |
| **16** Staff Prepares Bill | **17** **AM:** Senate Full Chairs Review Bill **PM:** Senate Subcommittees Review Bill/Vote | **18** Senate Full Appropriations | **19** Senate 1st Reading Filing Deadline for Study Comm. Bills | **20** Senate 2nd and 3rd Reading | **21** House Full Chairs/Subcommittee Chairs Review Senate Budget | **22** |
| **23** | **24** | **25** | **26** | **27** | **28** | **29** |
| | House Subcommittees Meet | | | | | |
| | | Filing Deadline - Approp. Bills | Filing Deadline – Local and Pension/ Retirement Bills | | | |
| **30** | **31-Memorial Day** House Subcommittees Meet and Begin Reporting | | | | | |

05/05/2010 04:25:21 PM



2010

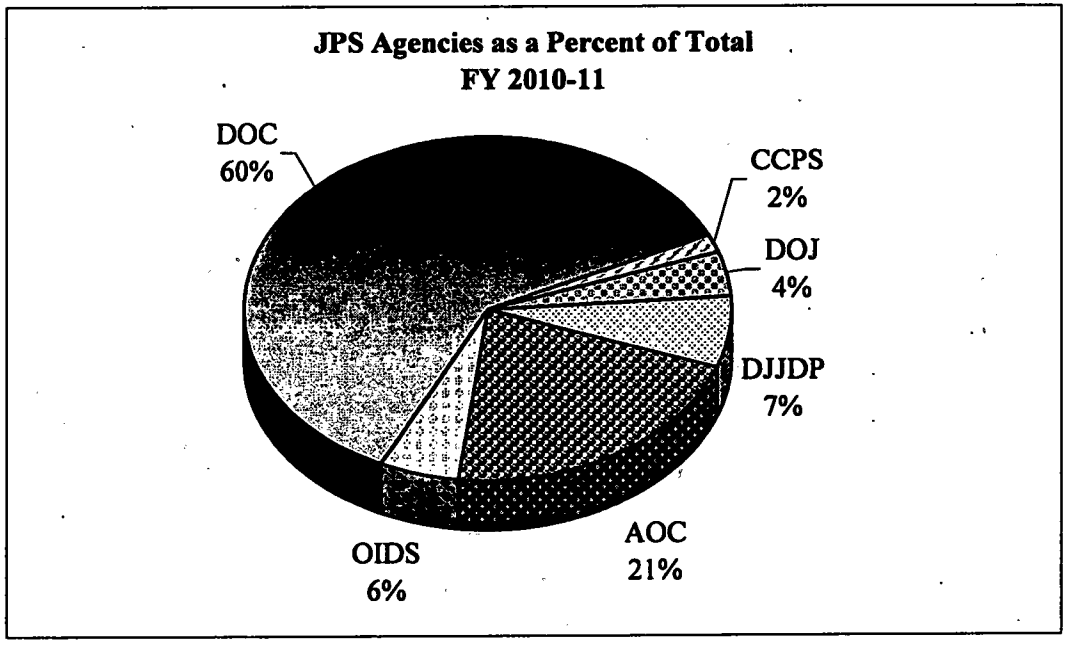
# June

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | | **1** House Subcommittees Meet and Begin Reporting | **2** | **3** | **4** House Full Chairs Meet to Finalize Decisions | **5** Staff Prepares Bill |
| **6** Staff Prepares Bill | **7** **AM:** House Full Chairs Review Bill<br>**PM:** House Subcommittees Review Bill/Vote | **8** House Full Appropriations | **9** House 1st Reading | **10** House 2nd and 3rd Reading | **11** Conferees Appointed | **12** |
| **13** | **14** Senate Reviews House Budget | **15** Conferees Meet to Resolve Differences | **16** | **17** | **18** | **19** |
| **20** | **21** Conferees Meet to Resolve Differences | **22** | **23** | **24** Conferees Finalize Decisions | **25** | **26** |
| **27** | **28** Staff Prepares Conference Report | **29** ***Adopt Conference Report*** | **30** End of the 2009-10 Fiscal Year | | | |

# Senate Appropriations Subcor tee on Justice and Public Safety
# FY 2010-11 Budget Target

## JPS Certified Budgets
## FY 2010-011

| Agency | Certified Budget |
|---|---|
| AOC | $463,753,479 |
| OIDS | $120,132,010 |
| DOC | $1,326,492,230 |
| CCPS | $33,718,963 |
| DOJ | $88,652,538 |
| DJJDP | $147,183,945 |
| **Total** | **$2,179,933,165** |




| | |
|---|---|
| **JPS Certified Budget:** | **$2,179,933,165** |
| **Governor's Budget:** | **$2,117,520,725** |
| **Senate Subcommittee Target:** | **$2,070,936,507** |
| **Difference from Certified:** | **($108,996,658)** |
| **Difference from Gov.:** | **($46,584,218)** |

# Senate Appropriations Subcommittee on Justice and Public Safety

| | | | Options for Consideration | |
|---|---|---|---|---|
| | | | R | NR |
| | | **Reductions** | | |
| | 1 | **Crime Control and Public Safety** | | |
| | 2 | Eliminate Vacant Positions (6 months or longer) | ($490,853) | |
| G | 3 | Reduce Victim's Compensation to Actual Expenditures | | ($1,300,000) |
| | 4 | ALE Equipment Reduction | ($200,000) | ($200,000) |
| | 5 | **CCPS Subtotal** | **($690,853)** | **($1,500,000)** |
| | 6 | | | |
| | 7 | **Department of Justice** | | |
| | 8 | Eliminate Vacant Positions (6 months or longer) | ($390,991) | |
| | 9 | SBI Equipment Reduction | ($400,000) | |
| | 10 | Increase Budgeted Receipts for Medicaid Fraud Recovery | ($168,566) | |
| G | 11 | Operating Reductions | ($1,237,000) | ($1,200,000) |
| G | 12 | Reduce Salary Reserve | ($175,000) | |
| | 13 | **DOJ Subtotal** | **($2,371,557)** | **($1,200,000)** |
| | 14 | | | |
| | 15 | **Juvenile Justice and Delinquency Prevention** | | |
| | 16 | Eliminate Vacant Positions (6 months or longer) | ($1,158,829) | |
| G | 17 | Eliminate Funding for Juvenile Assessment Center | ($124,075) | |
| | 18 | Reduce Various Operating Accounts to FY 08-09 Levels | ($546,521) | |
| | 19 | Reduce YDC's 5% Based on Reduction in Commitments | ($2,538,342) | |
| | 20 | Reduce Admin Budget 5% | ($362,913) | |
| | 21 | **DJJDP Subtotal** | **($4,730,680)** | **$0** |
| | 22 | | | |
| | 23 | **Office of Indigent Defense Services** | | |
| G | 24 | Various Operating Reductions | ($264,200) | |
| | 25 | Reduce PAC Continuation Budget | | ($5,750,000) |
| G | 26 | Reduce NC Prisoner Legal Services Program | | ($142,031) |
| | 27 | **OIDS Subtotal** | **($264,200)** | **($5,892,031)** |
| | 28 | | | |
| | 29 | **Administrative Office of the Courts** | | |
| | 30 | Eliminate Vacant Positions (6 months or longer; State office only) | ($1,082,420) | |
| | 31 | Adjust ADA-VWLA Ratio | ($10,000,000) | |
| G | 32 | Reduce Technology Services Program | ($2,616,294) | |
| | 33 | Reduce DA's Conference Funding | ($100,000) | |
| | 34 | Eliminate Vacant DA and Clerk Positions (6 months or longer) | ($1,769,574) | |
| | 35 | Reduce Various Operating Accounts to FY 08-09 Levels | ($1,164,843) | |
| | 36 | 5% Reduction to Administration | ($2,383,890) | |
| | 37 | **AOC Subtotal** | **($19,117,021)** | **$0** |

# Senate Appropriations Subcommittee on Justice and Public Safety

| | | | Options for Consideration | |
|---|---|---|---|---|
| | | | R | NR |
| | 38 | | | |
| | 39 | **Department of Correction** | | |
| G | 40 | Alien Assistance Receipts | | ($872,000) |
| G | 41 | ITS Billing Reductions | ($200,000) | |
| G | 42 | Transfer 4 Positions to Receipt Support | ($182,500) | |
| G | 43 | Reduce Contractual Services | ($50,000) | |
| G | 44 | Eliminate .223 Rifle Training | ($54,757) | |
| G | 45 | Reduction in Clothing Budgets | | ($500,000) |
| G | 46 | Modify Close Custody Inmate Transfers | ($74,150) | |
| G | 47 | Reduce Supply Accounts | | ($800,000) |
| G | 48 | Reduce Equipment Accounts | | ($800,000) |
| G | 49 | Reduce Vehicle Replacement Budget | | ($1,500,000) |
| G | 50 | Reduce PC Equipment | | ($300,000) |
| G | 51 | Reduce Fuel Oil Budget | ($500,000) | |
| G | 52 | Reduce Drug Testing Frequency | ($130,000) | |
| G | 53 | Eliminate 7 DOP Admin Positions | ($359,384) | |
| G | 54 | Eliminate Brown Creek and Piedmont Positions | ($149,038) | |
| G | 55 | Eliminate 4 DACDP Positions | ($211,060) | |
| G | 56 | Eliminate 3 DCC Admin Positions | ($142,910) | |
| | 57 | Adjust Continuation Budget Line Items for Lower Population | ($39,450,723) | |
| G | 58 | Reduce Inmate Medical Costs | ($20,500,000) | |
| G | 59 | Reduce Criminal Justice Partnership Program | | ($1,100,000) |
| G | 60 | Increase Probation/Parole Fees | ($5,353,794) | |
| | 61 | **DOC Subtotal** | **($67,358,316)** | **($5,872,000)** |
| | 62 | | | |
| | 63 | | | |
| | 64 | **Total Adjustments** | **($94,532,627)** | **($14,464,031)** |

J+P 5-6-10

| NAME | Business |
|---|---|
| Michelle Frazier | MF+S |
| Tom West | Poyner Spruill |
| Steve Shaber | Poyner Spruill |
| Nels Roseland | AGO |
| Greg McLeod | NCAGO |
| Marshall Tucker | NCDOJ |
| John Leoford | NCACE |
| omas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| Kendrea Young | ECAPS |
| Tom Bennett | NCVAN |
| Mary Pollard | NCPLS |
| Thomas Maher | JDS |
| Elsa Walker | IDS |
| Alan Keller | DOC |
| | DOC |
| Frank Rogers | DOC |
| James French | DOC |
| John W Smith | AOC |
| Tammy Smith | AOC |
| Anthony Alvoy | NCACE |

| | |
|---|---|
| Denna Weston | Summit House |
| Eddie Caldwell | NC Sheriffs' Assn. |
| Rex Whaley | AOC |
| Lou Rubert | CJPC |
| [illegible] | NCMHC |
| Kim Brooks | NCBA |
| Bob Lewis | DOC |
| David Lagos | Sentencing Commission |
| Melissa Radcliff | Our Children's Place |
| Peg Dorer | Conference of D.A.'s |
| John Dorman | CCPS-EM |
| Doug Hoell | CCPS-EM |
| Tom Bowlin | NC NATIONAL GUARD |
| Robert Minish | NC Crime Control |
| Wayne Hobgood | Bubner P/S CCPI |

# MINUTES

## APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

**Friday, May 14, 2010**
**Room 415, LOB**
**8:30 a.m.**

The Appropriations Subcommittee on Justice and Public Safety met at 8:35 a.m. on Friday, May 14, 2010, in Room 415, LOB. Four members of the Senate Subcommittee attended. Senator Ellie Kinnaird presided.

Draft Senate Committee Report:

Douglas Holbrook, FRD presented the Judicial Budget pages 1-3 see attachment 1 and Indigent Defense Budget pages 3 attachment 1.

Kristine Leggett, FRD presented the Justice Budget (see pages 4-5 attachment 1).

Kristine Leggett, FRD presented the Juvenile Justice and Delinquency Preventions Budget for Jon Poteat (see pages 6-7attachment 1).

Doug Holbrook continued beginning with Corrections Budget (see pages 8-11 of attachment 1).

Kristine Leggett presented the Crime Control and Public Safety budget (see pages 12-13 of attachment 1).

The meeting adjourned at 9:15 a.m.

Senator Ellie Kinnaird, Co-Chair

Kathie Young

Kathie Young, Committee Assistant

**SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**

**May 14, 2010 8:30 A.M.**

**I. CALL TO ORDER**

Chairs: Senator Ellie Kinnaird, Presiding  Senator John Snow

Opening Remarks by Chairs

**II. Draft Senate Committee Report**

*Douglas Holbrook, FRD*
*John Poteat, FRD*
*Kristine Leggett, FRD*

**III. OTHER BUSINESS:**

**IV. ADJOURNMENT**

---

**Senate Appropriations Subcommittee on JPS**
Sen. Kinnaird (Chair)
Sen. Snow (Chair)
Sen. Clodfelter (Vice Chair)
Sen. Apodaca, Sen. Bingham, Sen. Brunstetter,
Sen. Jones, Sen. Soles

Attachment 1

# Justice and Public Safety

# Draft Senate Money Report

May 14, 2010
8:30 A.M.

**G = Item was in the Governor's Recommended Budget**

**$G^m$ = Modification of Item in Governor's Budget**

DRAFT

Senate Subcommittee on Justice and Public Safety

# Judicial

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11 |
|---|---|
| | $463,753,479 |

**Budget Changes**

| | | |
|---|---|---|
| 1 **Reduce Technology Services Program**<br>Reduces the budget for the Administrative Office of the Courts' Technology Services Program by 8%. The AOC is authorized to delay or cancel technology projects in its discretion to achieve this reduction. | ($2,616,294) | R |
| 2 **Eliminate Vacant Central Office Positions**<br>Eliminates vacant positions in the Central Administration of the Administrative Office of the Courts. | ($1,082,420)<br>-18.75 | R |
| 3 **Reduce DA's Conference Funding**<br>Reduces funding for the Conference of District Attorneys by $100,000, roughly 25% of the agency budget. This reduction will eliminate one position and associated costs. | ($100,000)<br>-1.00 | R |
| 4 **Reduce Operating Accounts to FY 2008-09 Levels**<br>Reduces various operating budgets throughout the Department to FY 2008-09 actual expenditure levels. | ($1,164,843) | R |
| 5 **Reduction to Administration**<br>Reduces the Administrative Office of the Courts central administration budget by 5%. | ($2,383,890) | R |
| 6 **Reduce Dispute Settlement Center Pass Through**<br>Reduces the pass-through appropriations to the Dispute Settlement Centers by 5%. | ($59,974) | R |
| 7 **Reduce NC Bar-Civil Justice Funds**<br>Reduces pass-through appropriation to NC Bar for Access to Civil Justice by 5%. | ($37,500) | R |

| | | |
|---|---|---|
| **8 Reduce Financial Protection Law Center**<br>Reduces pass-through appropriation to Financial Protection Law Center by 5%. | ($3,750) | |
| **Budget Changes** | **($7,448,671)** | R |
| Total Position Changes | -19.75 | |
| **Revised Total Budget** | **$456,304,808** | |

| Governor's Items Not Included (Judicial) | FY 2010-11 | |
|---|---|---|
| 1 Management Flexibility Reserve | ($3,300,000) | R |
| 2 Management Flexibility Reserve | ($3,300,000) | NR |

DRAFT

Senate Subcommittee on Justice and Public Safety

# Judicial - Indigent Defense

GENERAL FUND

| | FY 10-11 |
|---|---|
| **Total Budget Approved 2009 Session** | **$120,132,010** |

**Budget Changes**

**Department-wide**

9 **Reduce Various Operating Accounts** ($264,200) R

Reduces the operating budget in temporary personnel, registration fees, travel, communications, books and publications, and other operating expenses.

G

**Indigent Person Attorney**

10 **Reduce PAC Continuation Budget**

Reduces the Private Assigned Counsel(PAC) Continuation Budget. The Office of Indigent Defense Services expects to end the fiscal year without carrying forward any unpaid PAC bills. ($5,750,000) NR

11 **Reduce Center for Death Penalty Litigation Funding** ($18,806) R

Reduces Center for Death Penalty Litigation appropriation by 5%, leaving $357,319.

G

12 **Reduce NC Prisoner Legal Services Program budget**

Reduces NC Prisoner Legal Services Program (PLS) budget by 5% nonrecurring, leaving $2.7 million recurring. ($142,031) NR

**Sentencing Services**

13 **Restore Sentencing Services Program** $2,235,185 R

Restores the Sentencing Services Program.

11.50

G

| | | |
|---|---|---|
| **Budget Changes** | **$1,952,179** | R |
| | **($5,892,031)** | NR |
| **Total Position Changes** | 11.50 | |
| **Revised Total Budget** | **$116,192,158** | |

DRAFT

Senate Subcommittee on Justice and Public Safety

# Justice

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11 |
|---|---|
| | $88,652,538 |

Budget Changes

A. Department-wide

14 Eliminate Vacant Positions — ($390,991) R
Eliminates vacant positions throughout the agency. -9.00

Gov had ($1,271,436) 20 FTE

G M

15 Operating Reductions — ($1,237,000) R / ($1,200,000) NR
Reduces various operating budgets throughout the Department to FY 2008-09 actual expenditure levels.

G

16 Reduce Salary Reserve — ($175,000) R
Reduces various personal services line items throughout the Department to reflect actual salaries.

G

B. Legal Services

17 Increase Medicaid Fraud Recovery Receipts — ($168,566) R
Adjusts the budgeted receipts for Medicaid Fraud Recovery to reflect twelve months of collections. This reduction was implemented in the FY 2009-10 budget, but the reduction only accounted for six months of collections.

18 Medicaid Fraud Criminal Investigation Team — $600,000 R
Provides fund to expand the medicaid Fraud Criminal Investigation Team. The expanded usit will consist of sworn investigators, attorneys, program assistants, financial investigators, and administrative support personnel. This investigative unit is responsible for obtaining convictionos of community service proviers that commit fraud, recovering restiution and civil penalities for the benefit of the Medicaid Proam and the Civil Forfeiture Fund, and deterring fraud.

Gov had $756,284 34 FTE

G M

19 NC LEAF Funds — ($25,000) R
Reduces the pass-through appropriation for the NC Legal Education Assistance Fund (NC LEAF) by 5%. The FY 2010-11 appropriation for this non-profit will be $475,000.

G M

Gov eliminated funding ($375,000)

C. State Bureau of Investigation (SBI)

20 SBI Equipment Reduction ($400,000) R

Reduces the budget for equipment purchases in the State Bureau of Investigation.

| | | |
|---|---|---|
| **Budget Changes** | **($1,796,557)** | **R** |
| | **($1,200,000)** | **NR** |
| Total Position Changes | -9.00 | |
| **Revised Total Budget** | **$85,655,981** | |

| Governor's Items Not Included (DOJ) | FY 09-10 | |
|---|---|---|
| 1 Felony Arrestee DNA | $550,000 | |
| 2 Felony Arrestee DNA | $150,000 | NR |

DRAFT

Senate Subcommittee on Justice and Public Safety

# Juvenile Justice & Delinquency Prevention

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11 |
|---|---|
| | $147,183,945 |

**Budget Changes**

**Administrative Services**

21 **Reduce Administrative Services Budget** ($362,913) R

Reduces the Administrative Services Budget by 5%.

**Community Services**

22 **Eliminate Juvenile Assessment Center Funding** ($124,075) R

Eliminates the direct State appropriation for the Juvenile Assessment Center (JAC) in Cumberland County. JAC also receives a Juvenile Crime Prevention Council county allocation and local funding.

G

23 **Reduce Project Challenge Funding** ($6,400)

Reduces Project Challenge appropriation by 5%, leaving $121,600. Project Challenge continues to receive $1.4 million from county Juvenile Crime Prevention Councils.

**Department-wide**

24 **Eliminate Vacant Positions** ($1,158,829) R

Eliminates vacant positions throughout the agency.

-31.50

25 **Reduce Continuation Budget Increases** ($546,521) R

Reduces Continuation Budget increases to a level at or below the FY 2008-09 Authorized Budget.

**Youth Development Centers**

26 **Reduce YDC Budget** ($2,538,342) R

Reduces the YDC Budget by 5% based upon a reduction in commitments. The number of commitments to the Department declined to 365 last year, down 70% since 1999.

| | | |
|---|---|---|
| **Budget Changes** | **($4,737,080)** | R |
| Total Position Changes | -31.50 | |
| **Revised Total Budget** | **$142,446,865** | |

| Governor's Items Not Included (JJDP) | FY 09-10 |
|---|---|
| 1 Eliminate Woodson Wilderness Camp | ($1,016,041) |
| 2 Reduce Eckerd Wilderness Camp | ($7,634,231) |
| 3 Close Macon County Multi-Purpose Home | ($600,000) |
| 4 Restore Samarkand YDC | $3,521,954 |

# Correction

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11 |
|---|---|
| | $1,326,492,230 |

**Budget Changes**

**27 Reduce Continuation Budget for Lower Population** ($39,189,651) R

Reduces continuation budget increases from FY 2009-10 to account for a lower-than-projected inmate population. Although the Division of Prisons remains overcrowded, new admissions have leveled following a surge in 2008 and 2009, resulting in a lower inmate count than previously expected as of June 30, 2010.

**28 Budget Alien Assistance Receipts** ($872,000) NR

G Reduces General Fund appropriations to the Department of Correction by $872,000 to account for receipts from the federal State Criminal Alien Assistance Program.

**29 ITS Billing Reduction** ($200,000)

G Reduces the appropriation to the Department of Correction for communications and other data processing to account for lower rates charged by the Office of Information Technology Services.

**30 Transfer Four Positions to Receipt Support** ($182,500) R

G Transfers four positions in the DOC Controller's Office that handle Inmate Welfare Fund accounting to receipt support from the Welfare Fund, and eliminates the General Fund appropriation for those positions. -4.00

**31 Reduce Vehicle Replacement Budget** ($1,500,000) NR

G^m Reduces the Vehicle Replacement line item on a non-recurring basis.

Gov also had ($1,250,000)R

**32 Reduce Fuel Oil Budget** ($500,000) R

G Reduces the Fuel Oil line item on a recurring basis.

**33 Reduce PC Equipment** ($300,000) NR

G Reduces the Personal Computer Equipment line item on a non-recurring basis.

**34 Reduce Equipment Accounts** ($800,000) NR

G

Reduces various equipment accounts on a non-recurring basis.

**35 Reduce Supply Accounts** ($800,000) NR

G

Reduces various supply accounts on a non-recurring basis.

**36 Eliminate .223 Rifle Training** ($54,757) R

G

Eliminates a component of rifle training and reduces annual costs for ammunition and targets.

**37 Reduce Our Children's Place Funds** ($5,475) R

G^m

Reduces the pass-through appropriation for Our Children's Place by 5%, leaving $104,025.

Gov eliminated funding ($109,500)

## Alcoholism and Chemical Dependency Programs

**38 Eliminate Four Program Positions** ($211,060) R

G

Eliminates four DACDP positions that work in the In-Prison Out Patient Services at South Piedmont, Western Youth and North Piedmont. -4.00

## Community Corrections

**39 Increase Probation/Parole Supervision Fees** ($5,353,794) R

G

Increases Probation/Parole Supervision Fees from $30 to $40 per month.

**40 Reduce Criminal Justice Partnership Program** ($1,100,000) NR

G

Reduces Criminal Justice Partnership Program by $1.1 million nonrecurring, which leaves $8.3 million for allocations for county programs. This reduction will not affect the core operations of the program.

**41 Reduce Contractual Services** ($50,000) R

G

Reduces the Contractual Services budget in the Division of Community Corrections.

G

**42 Eliminate Community Corrections Positions** ($142,910)

Eliminates two Division of Community Corrections positions and their associated costs. These positions are duplicative due to the automation of the parole/post-release violation process. -2.00

**43 Reduce Harriet's House Funds** ($10,313) R

G M

Reduces the pass-through appropriation to Passage Home for Harriet's House by 5%, leaving $195,938.

Gov eliminated funding ($206,250)

**44 Reduce Summit House Funding** ($55,408) R

G M

Reduces pass-through appropriation to Summit House by 5%, leaving $1,052,756.

Gov eliminated funding ($1,108,161)

**45 Reduce Women At Risk Funding** ($13,125) R

G M

Reduces pass-through appropriation to Women At Risk by 5%, leaving $249,375.

Gov eliminated funding ($262,500)

Prisons

**46 Reduce Inmate Medical Costs** ($20,500,000)

G

Reduces the appropriation for medical services for inmates based on implementation of a fee schedule for outpatient and other services provided outside the prison unit. The fee schedule is based on the rates authorized by the Medicaid program.

**47 Eliminate Seven DOP Administrative Positions** ($359,384) R

G

Eliminates seven positions in the central office of the Division of Prisons. The Department has discretion to identify the positions to reach the cut level of $359,384. -7.00

**48 Consolidate Administrative Positions at Prisons** ($149,038) R

G

Consolidates administrative functions between Brown Creek Correctional Center and Piedmont Correctional Institution and eliminates four duplicative positions. -4.00

**49 Modify Close Custody Inmate Transfers** ($74,150) R

G

Reduces the transportation budget based on reducing the frequency of inter-facility transfers of close custody inmates from every week to every other week.

**50 Reduce Drug Testing Frequency** ($130,000) R

G Changes the drug testing policy to 10% instead of 15% frequency and reduces appropriations to pay for analysis.

**51 Reduction in Clothing Budgets** ($500,000) NR

GM Reduces funding for inmate clothing and officer uniforms within the Division of Prisons.

Gov also had ($500,000) R

**52 Operating Reserves for Central Prison Hospital** $6,767,918 R
$774,843 NR
554.00

G Establishes an operating reserve and creates positions to staff the Central Prison Hospital and Mental Health Facility. This facility is scheduled for completion in August 2011, and occupancy in October 2011. This reserve will allow positions to be established so staff can be recruited and trained prior to the projected occupancy date.

**53 Operating Reserve for Women's Prison Hospital** $3,000,017 R
$725,157 NR
227.00

G Establishes an operating reserve and creates positions to staff the hospital and mental health facility at NC Correctional Institution for Women, scheduled for completion in August 2011, and occupancy in October 2011. This fund will allow recruitment and training to be completed prior to occupancy.

**54 Prisoner Education Program** $2,350,256 R

Appropriates $2,350,256 to the Department of Correction to pay tuition for inmates in Community College basic skills, GED, and vocational programs. This is a partial restoration of the Prisoner Education Program which was placed on Continuation Review in 2009. The Education Section of the budget includes an appropriation to the Community College System of $17,649,735.

---

**Budget Changes** **($55,063,374)** R
**($4,372,000)** NR

**Total Position Changes** 760.00

**Revised Total Budget** **$1,267,056,856**

---

| Governor's Items Not Included (Correction) | FY 2010-11 | |
|---|---|---|
| 1 Eliminate Pass-Through Funding | ($1,686,411) | |
| 2 Increase Community Service Work Program Fee | ($3,211,800) | |
| 3 Reduce Budgeted Longevity | ($1,500,000) | NR |
| 4 Management Reserve | ($15,000,000) | NR |
| 5 Consolidate Drug Lab Operations | ($142,973) | |
| 6 Reorganize Victim Services | ($148,013) | |
| 7 Standardize Chaplain Deployment | ($158,567) | |
| 8 Inmate Food | ($1,000,000) | NR |
| 9 Probation/Parole Office Position Reallocation | $1,557,867 | |

DRAFT

Senate Subcommittee on Justice and Public Safety

# Crime Control and Public Safety

GENERAL FUND

| | FY 10-11 | |
|---|---|---|
| **Total Budget Approved 2009 Session** | **$33,718,963** | |
| **Budget Changes** | | |
| A. Department-wide | | |
| 55 Eliminate Vacant Positions<br>Eliminates vacant positions throughout the Department. | ($516,174)<br>-12.00 | R |
| B. National Guard | | |
| 56 National Guard Armory Maintenance<br>Provides funds for maintenance and operation of plant for the National Guard's 97 armories. | $600,000 | R |
| C. Alcohol Law Enforcement (ALE) | | |
| 57 ALE Equipment Reduction<br>Reduces the appropriation for equipment for Alcohol Law Enforcement. | ($200,000)<br>($200,000) | R<br>NR |
| D. Victim's Compensation Services | | |
| 58 Victim's Compensation Fund<br>Reduces the appropriation for Victim's Compensation to actual expenditure levels for FY 2010-11. | ($1,300,000) | NR |
| **Budget Changes** | **($116,174)**<br>**($1,500,000)** | **R**<br>**NR** |
| Total Position Changes | -12.00 | |
| **Revised Total Budget** | **$32,102,789** | |

Gov had ($146,000) 3 FTE

GM

G

GM

| Governor's Items Not Included (CCPS) | FY 09-10 |
|---|---|
| 1 Restore Funding to NC Victims Assistance Network | $27,000 |

DRAFT

**Senate Appropriations Subcommittee on JPS**
**Court Fee Increase Proposal**
**FY 2010-2011**

| | Fee | Current Fee | Fee Increase | New Fee | Amount Generated | Provision | Statute |
|---|---|---|---|---|---|---|---|
| 1 | Superior Court - Civil | $93.00 | $57.00 | $150.00 | $1,415,538 | AOC-S6 | G.S. 7A-305(a)(2) |
| 2 | District Court - Criminal | $95.50 | $5.00 | $100.50 | $4,538,628 | AOC-S6 | G.S. 7A-304 (a)(4) |
| 3 | District Court - Civil | $73.00 | $27.00 | $100.00 | $3,481,634 | AOC-S6 | G.S. 7A-305(a)(2) |
| 4 | Failure to Comply | $25.00 | $25.00 | $50.00 | $785,223 | AOC-S6 | G.S. 7A-304 (a)(6) |
| 5 | Resumption of Former Name | $0.00 | $10.00 | $10.00 | $362,050 | AOC-S13 | G.S. 7A-308(a); G.S. 50-12 |
| 6 | Assignment of Title | $0.00 | $10.00 | $10.00 | $40,820 | AOC-S6 | G.S. 7A-307(b1) |
| 7 | Motion for Summary Judgment | $0.00 | $40.00 | $40.00 | $1,020,720 | AOC-S6 | G.S. 7A-305(a5) |
| 8 | 50B Counterclaims Fee | $0.00 | $100.00 | $100.00 | $153,846 | AOC-S12 | G.S. 7A-305(a1) |
| 9 | Summary Ejectment | $0.00 | $10.00 | $10.00 | $1,850,670 | AOC-S15 | G.S. 7A-305(a)(2) |
| 10 | Attorney Appointment Fee | $50.00 | $10.00 | $60.00 | $250,000 | AOC-S2 | G.S. 7A-455.1 |
| 11 | Probation, Parole, & Post-Release Supervision Fee | $30.00 | $10.00 | $40.00 | $5,353,794 | CORR-S5 | G.S. 15A-1343(c1), 1368.4(f). 1374(c) |
| | | | | **Total Generated** | **$13,649,128** | | |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety May 14, 2010 8:30 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Sarah Preston | ACLU-NC |
| TOM BOWLIN | NC National Guard |
| Aaron Gallagher | OSBM |
| Cheryl Reed | OSBM |
| Sherry Pilkington | NC DOC |
| Tracy Little | NC DOC |
| Lao Rubecut | CYPC |
| ANTHONY ALLEN | NCACC |
| | |
| | |
| | |
| | |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety May 14, 2010 8:30 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Tom Bennett | NCVAN |
| Suzanne Beasley | SEANC |
| Kevin Leonard | NCACC |
| Robin Jenkins | DJJDP |
| Grady Stephenson | DJJDP |
| Jean Sandaire | " |
| Niels Rosseland | AGO |
| Guy McLeod | |
| | |
| | |
| | |
| | |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety May 14, 2010 8:30 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Melvin Lee | OSBM |
| Steve Shober | Poyner Spruill |
| JEAN SANDAIRE | DJTJP |
| Janice Carmichael | Victim Compensation / CCPS |
| Melissa Radcliff | Our Children's Place |
| J LANCASTER | DOC |
| Frank Rogers | DOC |
| James French | DOC |
| Doug Hoell | NCEM / CCPS |
| Mike Sprayberry | NCEM / CCPS |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety May 14, 2010 8:30 AM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Susan Harrison | WCPSS |
| Leanne Winner | NCSBA |
| Katherine W. Joyce | NCASA |
| Esther Hall | NC LEAF |
| Denna Weston | Summit House |
| Tara Fields | CFSA-NC |
| [illegible] | CFSA-NC |
| Elisa Wolper | IDS |
| Kathy Johnson | IDS/OSS |
| Susan Brooks | IDS/OSS |
| John Dorman | CCPS-EM |

# MINUTES

## SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

**Monday, May 17, 2010**
**Room 415 LOB**
**5:00 p.m.**

The Senate Appropriations Subcommittee on Justice and Public Safety met at 5:00 p.m. on Monday, May 17, 2010, at 5:00 p.m. in Room 415 LOB. In attendance were Co-Chair Senator Ellie Kinnaird, Co-Chair Senator John Snow, Vice-Chair Senator Dan Clodfelter, Senator Tom Apodaca, Senator Stan Bingham, Senator Pete Brunstetter, and Senator Ed Jones. Senator John Snow presided. Also in attendance were Kristine Leggett, Doug Holbrook and John Poteat of Fiscal Research. A visitor registration sheet is attached and made part of these minutes.

Senator John Snow called the meeting to order and noted that the purpose of the meeting was to review the money report and the special provisions of the budget bill for Justice and Public Safety. No amendments were being presented at this meeting. Senator Snow pointed out the Rules for Considering Amendments (See Attachment D) would be reviewed for amendments to be presented to the full Appropriations meeting. An agenda is attached and made part of these minutes.

Senator Snow recognized Doug Holbrook, Fiscal Research staff, who presented the Senate Subcommittee Money Report for the Judicial Budget (See Attachment A, pages I-1-2, items 1-10). He pointed that all of the reports are now available online.

John Poteat, Fiscal Research staff, presented the Judicial-Indigent Defense Budget (Attachment A, pages I-3 and I-4, items 11–16) with department-wide changes. There were no questions by the members.

Kristine Leggett, Fiscal Research staff, presented the budget changes for the Department of Justice, (See Attachment A, page I-5 and I-6, items 17-23). No questions were asked by members.

John Poteat, Fiscal Research staff, presented the Indigent Defense budget changes for Juvenile Justice & Delinquency Prevention (see Attachment A, pages I-6 through I-8, items 24-29). There were no questions.

Doug Holbrook, Fiscal Research staff, presented the budget changes for the Department of Corrections. (See Attachment A, pages I-9 through I-12, items 30-56).

Kristine Leggett, Fiscal Research staff, presented the recommendations for the Department of Crime Control and Public Safety (see Attachment A, pages I-13 and I-14, items 57-61).

The Special Provisions Budget for the Judicial Department (see Attachment B), page 1, Section 15.1 through Section 15.4, was presented by John Poteat of the Fiscal Research Staff.

Kristine Leggett, Fiscal Research Staff, reviewed the Special Provisions for the Judicial Department, Increase Certain Court Fees (See Attachment B, Sections 15.5 (a) page 2, along with the Fee Increase Proposal supplement outlining the Current Fee with the Fee Increase and the New Fee (see Attachment C).

Senator Jones was recognized for a follow up question. He asked why the fee for name a change was only $10.00 instead of $100.00. Senator Snow and Kristine Leggett explained that there is now not any fee for changing a name in a divorce proceeding back to the maiden name. The increase was to comply or bring the cost in line with a name change for any other reason which is currently a fee of $10.00.

John Poteat, Fiscal Research staff, presented the provisions Department of Juvenile Justice, page 6, 18.1 through 18.2. There being no questions, he continued with the Department of Correction provisions, page 7, Sections 19.1 through 19.4.

Kristine Leggett reviewed the Rules for Considering Amendments to the Full Senate Appropriations Committee (See attachment D).

There being no further business, Senator Snow adjourned the meeting at 6:00 p.m.

Respectfully submitted,

Senator John J. Snow, Jr.

Presiding Chair

Rebecca Butler

Committee Assistant

**SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**

**May 17, 2010 5:00 P.M.**

## I. CALL TO ORDER

Chairs: Senator Ellie Kinnaird  Senator John Snow, Presiding

Opening Remarks by Chairs

## II. Senate Committee Report and Provisions

*Douglas Holbrook, FRD*
*John Poteat, FRD*
*Kristine Leggett, FRD*

## III. Rules for Full Appropriations

*Kristine Leggett, FRD*

## IV. OTHER BUSINESS:

## V. ADJOURNMENT

---

**Senate Appropriations Subcommittee on JPS**
Sen. Kinnaird (Chair)
Sen. Snow (Chair)
Sen. Clodfelter (Vice Chair)
Sen. Apodaca, Sen. Bingham, Sen. Brunstetter,
Sen. Jones, Sen. Soles

ATTENDANCE

Committee: Senate Appropriations Subcommittee Justice and Public Safety

| DATES / NAMES | 05-17-10 | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Senator Ellie Kinnaird Co-Chair | ✓ | | | | | | | | | | | | | | |
| Senator John Snow, Co-Chair | ✓ | | | | | | | | | | | | | | |
| Senator Dan Clodfelter, Vice Chair | ✓ | | | | | | | | | | | | | | |
| Senator Tom Apodaca | ✓ | | | | | | | | | | | | | | |
| Senator Stan Bingham | ✓ | | | | | | | | | | | | | | |
| Senator Pete Brunstetter | ✓ | | | | | | | | | | | | | | |
| Senator Ed Jones | ✓ | | | | | | | | | | | | | | |
| Senator R, C. Soles | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| STAFF: | | | | | | | | | | | | | | | |
| Kristine Leggett, Fiscal Research | ✓ | | | | | | | | | | | | | | |
| John Poteat, Fiscal Research | ✓ | | | | | | | | | | | | | | |
| Doug Holbrook, Fiscal Research | ✓ | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety May 17, 2010 5:00 PM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Tom Bennett | NC VAN |
| Barbara Moore | Conf. of Clerks of Sup. Ct. |
| John Hardin | Manning Fulton |
| Mary Pollard | NC Prisoner legal Services |
| Elizabeth Taylor | Kocharek Law Group |
| Esther Nall | NCLEAF |
| Elizabeth Ireland | Covenant with NC's Children |
| Sarah Preston | ACLU-NC |
| Tom Maher | IDS |
| Tracy Little | NCDOC |
| Gordon Keath | Project Challenge |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety May 17, 2010 5:00 PM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Kevin Leonard | NCACC |
| Mary Goff | Smith Anderson |
| Annette Newkirk | Gov's office |
| Mildred Spearman | NCAOC |
| Chloe Gossage | NCAOC |
| Donna Pilch | OFA |
| Melissa Radcliff | Our Children's Place |
| John Hardin | Manning Fulton |
| Barry Hull | NCNG |
| Thomas C. Caves, Jr. | NC Dept. of Crime Control & Public Safety |
| MW Hobgood | NC Dept of Crime Control / Butner Public Safety |

# VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety May 17, 2010 5:00 PM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| [illegible] | Bonn: ASSO. |
| [illegible] | The Insider |
| Marlin Lee | OSBM |
| Thomas Mace | Edet: WDot |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

## VISITOR REGISTRATION SHEET

**Name of Committee** Joint Appropriations on Justice and Public Safety May 17, 2010 5:00 PM.

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Annaliese Dolph | DRNC |
| Sara Kiles | CFSA-NC |
| Lad Rubert | CYK |
| Steve Shaber | Poyner Spruill |
| JEAN SAUBAIRE | AJJDP |
| Frank Rogers | DOC |
| J LANCASTER | DOC |
| Pam Walker | DOC |
| ANTHONY ANNAN | NCAEC |
| Donna Weston | Summit House |
| J Carmichael | Victims Compensation |
| Fred Aikens | The Aikens' Group LLC |

A

# Senate Appropriations Subcommittee on Justice and Public Safety

## Committee Report

May 17, 2010
5:00 P.M.

Senate Subcommittee on Justice and Public Safety

# Judicial

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11 |
|---|---|
| | $463,753,479 |

**Budget Changes**

| | | | |
|---|---|---|---|
| 1 | **Establish a Management Flexibility Reserve**<br>Establishes a Management Reserve to provide the Administrative Office of the Courts the flexibility to determine where reductions can be made. | ($3,300,000)<br>($3,300,000) | R<br>NR |
| 2 | **Reduce Technology Services Program**<br>Reduces the budget for the Administrative Office of the Courts' Technology Services Program by 8%. The AOC is authorized to delay or cancel technology projects in its discretion to achieve this reduction. | ($2,616,294) | R |
| 3 | **Eliminate Vacant Central Office Positions**<br>Eliminates vacant positions in the Central Administration of the Administrative Office of the Courts. | ($1,082,420)<br>-18.75 | R |
| 4 | **Reduce DA's Conference Funding**<br>Reduces funding for the Conference of District Attorneys by $100,000, approximately 25% of the agency budget. This reduction will eliminate one position and associated costs. | ($100,000)<br>-1.00 | R |
| 5 | **Eliminate Vacant DA and Clerk Positions**<br>Eliminates vacant positions statewide in Clerks' and District Attorneys' offices. | ($1,769,574)<br>-39.00 | R |
| 6 | **Reduce Operating Accounts to FY 2008-09 Levels**<br>Reduces various operating budgets throughout the Department to FY 2008-09 actual expenditure levels. | ($1,164,843) | R |
| 7 | **Reduction to Administration**<br>Reduces the Administrative Office of the Courts central administration budget by 5%. | ($2,383,890) | R |

| | FY 10-11 | |
|---|---|---|
| **8 Reduce Dispute Settlement Center Pass Through**<br>Reduces the pass-through appropriation to the Dispute Settlement Centers by 5%. | ($59,974) | |
| **9 Reduce NC Bar-Civil Justice Funds**<br>Reduces the pass-through appropriation to the NC Bar Association for Access to Civil Justice by 5%. | ($37,500) | R |
| **10 Reduce Financial Protection Law Center**<br>Reduces the pass-through appropriation to the Financial Protection Law Center by 5%. | ($3,750) | R |
| **Budget Changes** | **($12,518,245)** | R |
| | **($3,300,000)** | NR |
| **Total Position Changes** | -58.75 | |
| **Revised Total Budget** | **$447,935,234** | |

# Judicial - Indigent Defense

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11<br>$120,132,010 |
|---|---|

**Budget Changes**

**Department-wide**

| | | | |
|---|---|---|---|
| 11 | **Reduce Various Operating Accounts**<br>Reduces the operating budget in temporary personnel, registration fees, travel, communications, books and publications, and other operating expenses. | ($264,200) | R |

**Indigent Person Attorney**

| | | | |
|---|---|---|---|
| 12 | **Reduce PAC Continuation Budget**<br>Reduces the Private Assigned Counsel (PAC) Continuation Budget. The Office of Indigent Defense Services expects to end the fiscal year without carrying forward any unpaid PAC bills. | ($5,750,000) | NR |
| 13 | **Reduce NC Prisoner Legal Services Program budget**<br>Reduces the NC Prisoner Legal Services Program (PLS) budget by 5% nonrecurring, leaving $2.7 million recurring. | ($142,031) | NR |
| 14 | **Reduce Center for Death Penalty Litigation Funding**<br>Reduces Center for Death Penalty Litigation appropriation by 5%, leaving $452,604. | ($23,821) | R |
| 15 | **Increase the Attorney Appointment Fee**<br>Increases the Attorney Appointment Fee by $10 to $60. | ($250,000) | R |

**Sentencing Services**

| | | | |
|---|---|---|---|
| 16 | **Restore Sentencing Services Program**<br>Restores the Sentencing Services Program. | $2,235,185<br>11.50 | R |

| Senate Subcommittee on Justice and Public Safety | FY 10-11 | |
|---|---|---|
| **Budget Changes** | **$1,697,164** | |
| | **($5,892,031)** | **NR** |
| Total Position Changes | 11.50 | |
| **Revised Total Budget** | **$115,937,143** | |

# Justice

Kristine

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11<br>$88,652,538 |
|---|---|

**Budget Changes**

**A. Department-wide**

**17 Eliminate Vacant Positions** ($390,991) R

Eliminates vacant positions throughout the agency.

-9.00

**18 Operating Reductions** ($1,237,000) R

Reduces various operating budgets throughout the Department to FY 2008-09 actual expenditure levels. ($1,200,000) NR

**19 Reduce Salary Reserve** ($175,000) R

Reduces various personal services line items throughout the Department to reflect actual salaries.

**B. Legal Services**

**20 Increase Medicaid Fraud Recovery Receipts** ($168,566) R

Adjusts the budgeted receipts for Medicaid Fraud Recovery to reflect twelve months of collections. This reduction was implemented in the FY 2009-10 budget, but the reduction only accounted for six months of collections.

**21 Medicaid Fraud Criminal Investigation Team** $600,000 R

Provides funds to expand the Medicaid Fraud Criminal Investigation Team. The expanded unit will consist of sworn investigators, attorneys, program assistants, financial investigators, and administrative support personnel. This investigative unit is responsible for obtaining convictions of community service providers that commit fraud, recovering restitution and civil penalties for the benefit of the Medicaid Program and the Civil Forfeiture Fund, and deterring fraud.

25.00

**22 NC LEAF Funds** ($18,750) R

Reduces the pass-through appropriation for the NC Legal Education Assistance Fund (NC LEAF) by 5%. The FY 2010-11 appropriation for this non-profit will be $356,250.

C. State Bureau of Investigation (SBI)

| | | |
|---|---|---|
| 23 SBI Equipment Reduction<br>Reduces the budget for equipment purchases in the State Bureau of Investigation. | ($400,000) | R |

| | | |
|---|---|---|
| **Budget Changes** | **($1,790,307)** | R |
| | **($1,200,000)** | NR |
| Total Position Changes | 16.00 | |
| **Revised Total Budget** | **$85,662,231** | |

# Juvenile Justice & Delinquency Prevention

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11 |
|---|---|
| | $147,183,945 |

**Budget Changes**

**Administrative Services**

| | | | |
|---|---|---|---|
| 24 | **Reduce Administrative Services Budget**<br>Reduces the Administrative Services Budget by 5%. | ($362,913) | R |

**Community Services**

| | | | |
|---|---|---|---|
| 25 | **Eliminate Juvenile Assessment Center Funding**<br>Eliminates the direct State appropriation for the Juvenile Assessment Center (JAC) in Cumberland County. JAC also receives a Juvenile Crime Prevention Council county allocation and local funding. | ($124,075) | R |
| 26 | **Reduce Project Challenge Funding**<br>Reduces the Project Challenge appropriation by 5%, leaving $121,600. Project Challenge continues to receive $1.4 million from county Juvenile Crime Prevention Councils. | ($6,400) | R |

**Department-wide**

| | | | |
|---|---|---|---|
| 27 | **Eliminate Vacant Positions**<br>Eliminates vacant positions throughout the agency. | ($1,158,829)<br>-31.50 | R |
| 28 | **Reduce Continuation Budget Increases**<br>Reduces Continuation Budget increases to a level at or below the FY 2008-09 Authorized Budget. | ($546,521) | R |

**Youth Development Centers**

| | | | |
|---|---|---|---|
| 29 | **Reduce YDC Budget**<br>Reduces the YDC Budget by 5% based upon a reduction in commitments. The number of commitments to the Department declined to 365 last year, down 70% since 1999. | ($2,538,342) | R |

| | FY 10-11 |
|---|---|
| **Budget Changes** | **($4,737,080)** |
| Total Position Changes | -31.50 |
| **Revised Total Budget** | **$142,446,865** |

# Correction

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11 $1,326,492,230 |
|---|---|

**Budget Changes**

| | | | |
|---|---|---|---|
| **30** | **Reduce Continuation Budget for Lower Population**<br>Reduces continuation budget increases from FY 2009-10 to account for a lower-than-projected inmate population. Although the Division of Prisons remains overcrowded, new admissions have leveled following a surge in 2008 and 2009, resulting in a lower inmate count than previously expected as of June 30, 2010. | ($39,189,651) | R |
| **31** | **Budget Alien Assistance Receipts**<br>Reduces General Fund appropriations to the Department of Correction by $872,000 to account for receipts from the federal State Criminal Alien Assistance Program. | ($872,000) | NR |
| **32** | **ITS Billing Reduction**<br>Reduces the appropriation to the Department of Correction for communications and other data processing to account for lower rates charged by the Office of Information Technology Services. | ($200,000) | R |
| **33** | **Transfer Four Positions to Receipt Support**<br>Transfers four positions in the DOC Controller's Office that handle Inmate Welfare Fund accounting to receipt support from the Welfare Fund, and eliminates the General Fund appropriation for those positions. | ($182,500)<br>-4.00 | R |
| **34** | **Reduce Vehicle Replacement Budget**<br>Reduces the Vehicle Replacement line item on a non-recurring basis. | ($1,500,000) | NR |
| **35** | **Reduce Fuel Oil Budget**<br>Reduces the Fuel Oil line item on a recurring basis. | ($500,000) | R |
| **36** | **Reduce PC Equipment**<br>Reduces the Personal Computer Equipment line item on a non-recurring basis. | ($300,000) | NR |

**37 Reduce Equipment Accounts** ($800,000) NR
Reduces various equipment accounts on a non-recurring basis.

**38 Reduce Supply Accounts** ($800,000) NR
Reduces various supply accounts on a non-recurring basis.

**39 Eliminate .223 Rifle Training** ($54,757) R
Eliminates a component of rifle training and reduces annual costs for ammunition and targets.

**40 Reduce Our Children's Place Funds** ($5,475) R
Reduces the pass-through appropriation for Our Children's Place by 5%, leaving $104,025.

## Alcoholism and Chemical Dependency Programs

**41 Eliminate Four Program Positions** ($211,060)
Eliminates four DACDP positions that work in the In-Prison Out Patient Services at South Piedmont, Western Youth and North Piedmont. -4.00

## Community Corrections

**42 Reduce Criminal Justice Partnership Program** ($1,100,000) NR
Reduces the Criminal Justice Partnership Program by $1.1 million nonrecurring, which leaves $8.3 million for allocations for county programs. This reduction will not affect the core operations of the program.

**43 Reduce Contractual Services** ($50,000) R
Reduces the Contractual Services budget in the Division of Community Corrections.

**44 Eliminate Community Corrections Positions** ($142,910) R
Eliminates two Division of Community Corrections positions and their associated costs. These positions are duplicative due to the automation of the parole/post-release violation process. -2.00

**45 Reduce Harriet's House Funds** ($10,313) R

Reduces the pass-through appropriation to Passage Home for Harriet's House by 5%, leaving $195,938.

**46 Reduce Summit House Funding** ($55,408) R

Reduces the pass-through appropriation to Summit House by 5%, leaving $1,052,756.

**47 Reduce Women At Risk Funding** ($13,125) R

Reduces the pass-through appropriation to Women At Risk by 5%, leaving $249,375.

## Prisons

**48 Reduce Inmate Medical Costs** ($20,500,000) R

Reduces the appropriation for medical services for inmates based on implementation of a fee schedule for outpatient and other services provided outside the prison unit. The fee schedule is based on the rates authorized by the Medicaid program.

**49 Eliminate Seven DOP Administrative Positions** ($359,384) R

Eliminates seven positions in the central office of the Division of Prisons. The Department has discretion to identify the positions to reach the cut level of $359,384. -7.00

**50 Consolidate Administrative Positions at Prisons** ($149,038) R

Consolidates administrative functions between Brown Creek Correctional Center and Piedmont Correctional Institution and eliminates four duplicative positions. -4.00

**51 Modify Close Custody Inmate Transfers** ($74,150) R

Reduces the transportation budget based on reducing the frequency of inter-facility transfers of close custody inmates from every week to every other week.

**52 Reduce Drug Testing Frequency** ($130,000) R

Changes the drug testing policy to 10% instead of 15% frequency and reduces appropriations to pay for analysis.

| | | |
|---|---|---|
| **53 Reduction in Clothing Budgets**<br>Reduces funding for inmate clothing and officer uniforms within the Division of Prisons. | ($500,000) | NR |
| **54 Operating Reserves for Central Prison Hospital**<br>Establishes an operating reserve and creates positions to staff the Central Prison Hospital and Mental Health Facility. This facility is scheduled for completion in August 2011, and occupancy in October 2011. This reserve will allow positions to be established so staff can be recruited and trained prior to the projected occupancy date. | $6,767,918<br>$774,843<br>554.00 | R<br>NR |
| **55 Operating Reserve for Women's Prison Hospital**<br>Establishes an operating reserve and creates positions to staff the hospital and mental health facility at NC Correctional Institution for Women, scheduled for completion in August 2011, and occupancy in October 2011. This fund will allow recruitment and training to be completed prior to occupancy. | $3,000,017<br>$725,157<br>227.00 | R<br>NR |
| **56 Prisoner Education Program**<br>Appropriates $2,350,256 to the Department of Correction to pay tuition for inmates in Community College basic skills, GED, and vocational programs. This is a partial restoration of the Prisoner Education Program which was placed on Continuation Review in 2009. The Education Section of the budget includes an appropriation to the Community College System of $17,649,735. | $2,350,256 | R |
| **Budget Changes** | **($49,709,580)**<br>**($4,372,000)** | R<br>NR |
| **Total Position Changes** | 760.00 | |
| **Revised Total Budget** | **$1,272,410,650** | |

# Crime Control and Public Safety

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11<br>$33,718,963 |
|---|---|

Budget Changes

A. Department-wide

57 Eliminate Vacant Positions — ($516,174) R
Eliminates vacant positions throughout the Department. -12.00

B. Administration

58 Law Enforcement Support Services (LESS) — $300,000 R
Partially restores a reduction to the LESS budget. In the 2009 Budget, LESS was directed to establish a fee schedule to become 100% receipt supported. They have been unable to find sufficient fees to sustain their operations. This item provides continued General Fund support to them while a fee schedule is developed. LESS coordinates the distribution of excess federal property for local law enforcement agencies, provides evidence and DNA storage, and administers a program to provide lower-cost vehicles and other equipment to law enforcement. 5.00

C. National Guard

59 National Guard Armory Maintenance — $600,000 R
Provides funds for maintenance and operation of plant for the National Guard's 97 armories.

D. Alcohol Law Enforcement (ALE)

60 ALE Equipment Reduction — ($200,000) R
Reduces the appropriation for equipment for Alcohol Law Enforcement. ($200,000) NR

E. Victim's Compensation Services

61 Victim's Compensation Fund

Reduces the appropriation for Victim's Compensation to actual expenditure levels for FY 2010-11. ($1,300,000) NR

| | | |
|---|---|---|
| **Budget Changes** | **$183,826** | **R** |
| | **($1,500,000)** | **NR** |
| Total Position Changes | -7.00 | |
| **Revised Total Budget** | **$32,402,789** | |

B

# Senate Appropriations Subcommittee
# on
# Justice and Public Safety

# Provisions

May 17, 2010
5:00 P.M.

## PART XV. JUDICIAL DEPARTMENT

### COLLECTION OF WORTHLESS CHECK FUNDS

**SECTION 15.1.** Notwithstanding the provisions of G.S. 7A-308(c), the Judicial Department may use any balance remaining in the Collection of Worthless Check Fund on June 30, 2010, for the purchase or repair of office or information technology equipment during the 2010-2011 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 House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the equipment to be purchased or repaired and the reasons for the purchases.

### DIRECT THE OFFICE OF STATE BUDGET AND MANAGEMENT TO RELEASE FUNDS

**SECTION 15.2.** In the event that the Office of Indigent Defense Services has more than the sum of one million dollars ($1,000,000) in unpaid fee applications received but unpaid at the end of the 2010-2011 fiscal year, the Office of State Budget and Management shall release sufficient funds from the Office of Indigent Defense Services' 2011-2012 fiscal year appropriation in the first month's allotment to allow the Office to pay outstanding obligations at the beginning of the new fiscal year.

### OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS

**SECTION 15.3.** Section 15.12 of S.L. 2009-451 reads as rewritten:

"**SECTION 15.12.** The Judicial Department, Office of Indigent Defense Services, may use up to the sum of two million five hundred one thousand one hundred fifty dollars ($2,501,150) in appropriated funds during the 2009-2010 fiscal year and up to the sum of two million four hundred thirty-three thousand seven hundred dollars ($2,433,700) in appropriated funds during the 2010-2011 fiscal year for the expansion of existing public defender offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services, or for the creation of new public defender offices within existing public defender districts currently providing those services, by creating up to 20 new attorney positions and 10 new support staff ~~positions.~~positions during the 2009-2010 fiscal year. In addition, the Office of Indigent Defense Services may use up to the sum of one million dollars ($1,000,000) in appropriated funds to create up to 12 new attorney positions and six new support positions during the 2010-2011 fiscal year. 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 of Representatives and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion."

### CORRECT DEATH PENALTY LITIGATION FUNDING AMOUNT

**SECTION 15.4.** Section 15.3 of S.L. 2009-451 reads as rewritten:

"**SECTION 15.3.** Of the funds appropriated in this act to the Office of Indigent Defense Services for the 2009-2011 fiscal biennium, the Office may use up to the sum of three hundred seventy-six thousand one hundred twenty-five dollars ($376,125) for the 2009-2010 fiscal year and up to the sum of ~~three hundred seventy-six thousand one hundred twenty-five dollars ($376,125)~~ four hundred fifty-two thousand six hundred four dollars ($452,604) for the 2010-2011 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 of each

year in the biennium to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the activities funded by this section."

**INCREASE CERTAIN COURT FEES** See Att C

**SECTION 15.5.(a)** G.S. 7A-304(a) reads as rewritten:

"**§ 7A-304. Costs in criminal actions.**

(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

...

(4) For support of the General Court of Justice, the sum of ~~ninety-five dollars and fifty cents ($95.50)~~one hundred dollars and fifty cents ($100.50) in the district court, including cases before a magistrate, and the sum of one hundred two dollars and fifty cents ($102.50) 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 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.

...

(6) For support of the General Court of Justice, the sum of two hundred dollars ($200.00) is payable by a defendant who fails to appear to answer the charge as scheduled, unless within 20 days after the scheduled appearance, the person either appears in court to answer the charge or disposes of the charge pursuant to G.S. 7A-146, and the sum of ~~twenty-five dollars ($25.00)~~fifty dollars ($50.00) is payable by a defendant who fails to pay a fine, penalty, or costs within 20 days of the date specified in the court's judgment. Upon a showing to the court that the defendant failed to appear because of an error or omission of a judicial official, a prosecutor, or a law-enforcement officer, the court shall waive the fee for failure to appear. These fees shall be remitted to the State Treasurer.

...."

**SECTION 15.5.(b)** G.S. 7A-305 reads as rewritten:

"**§ 7A-305. Costs in civil actions.**

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

...

(2) For support of the General Court of Justice, the sum of ~~ninety-three dollars ($93.00)~~one hundred fifty dollars ($150.00) 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 one thousand dollars ($1,000) shall be paid upon its assignment, and the sum of ~~seventy-three dollars ($73.00)~~one hundred dollars ($100.00) in the district court except that if the case is assigned to a magistrate the sum shall be fifty-five dollars ($55.00). Sums collected under this subdivision shall be remitted to the State

Treasurer. The State Treasurer shall remit the sum of 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.

...

(a5) For the support of the General Court of Justice, a fee of forty dollars ($40.00) shall be assessed against a party filing a motion for summary judgment pursuant to G.S. 1A-1, Rule 56. Sums collected under this subsection shall be remitted to the State Treasurer.

...."

**SECTION 15.5.(c)** G.S. 7A-307(b1) reads as rewritten:

"(b1) The clerk shall assess the following miscellaneous fees:

| | | |
|---|---|---|
| (1) | Filing and indexing a will with no probate | |
| | – first page | $ 1.00 |
| | – each additional page or fraction thereof | .25 |
| (2) | Issuing letters to fiduciaries, per letter over five letters issued | 1.00 |
| (3) | Inventory of safe deposits of a decedent, per box, per day | 15.00 |
| (4) | Taking a deposition | 10.00 |
| (5) | Docketing and indexing a will probated in another county in the State | |
| | - first page | 6.00 |
| | - each additional page or fraction thereof | .25 |
| (6) | Hearing petition for year's allowance to surviving spouse or child, in cases not assigned to a magistrate, and allotting the same | 8.00 |
| (7) | Assignment of title | 10.00" |

**CHILD SUPPORT FEE MODIFICATION**

**SECTION 15.6.** G.S. 110-134 reads as rewritten:

"**§ 110-134. Filing of affidavits, agreements, and orders; fees.**

All affidavits, agreements, and resulting orders entered into under the provisions of G.S. 110-132 and G.S. 110-133 shall be filed by the clerk of superior court in the county in which they are entered. The filing fee for the institution of an action through the entry of an order under either of these provisions shall be ~~four dollars ($4.00).~~ in an amount equal to that provided in G.S. 7A-308(a)(18)."

**EXPERT FEES**

**SECTION 15.7.** G.S. 7A-314(d) reads as rewritten:

"(d) An expert witness, other than a salaried State, county, or municipal law-enforcement officer, shall receive such compensation and allowances as the court, or the Judicial Standards Commission, in its discretion, may authorize. A law-enforcement officer who appears as an expert witness shall receive reimbursement for travel expenses only, as provided in subsection (b) of this section. Compensation of experts acting on behalf of the court or prosecutorial offices shall be paid in accordance with the rules established by the Administrative Office of the Courts. Compensation of experts provided under G.S. 7A-454 shall be in accordance with rules established by the Office of Indigent Defense Services."

**PROVIDE CERTAIN COUNTERCLAIM FEES IN DOMESTIC VIOLENCE ACTIONS**

**SECTION 15.8.** G.S. 7A-305(a1) reads as rewritten:

"(a1) Costs apply to any and all additional and subsequent actions filed by amendment or counterclaim to the original action brought under Chapter 50B of the General Statutes, unless

such additional and subsequent amendment or counterclaim to the action is ~~also brought under~~limited to requests for relief authorized by Chapter 50B of the General Statutes."

**MODIFY FEES FOR RESUMPTION OF MAIDEN OR FORMER NAME**

**SECTION 15.9.(a)** G.S. 50-12 reads as rewritten:

"**§ 50-12. Resumption of maiden or premarriage surname.**

(a) Any woman whose marriage is dissolved by a decree of absolute divorce may, upon application to the clerk of court of the county in which she resides or where the divorce was granted setting forth her intention to do so, change her name to any of the following:

(1) Her maiden name; or

(2) The surname of a prior deceased husband; or

(3) The surname of a prior living husband if she has children who have that husband's surname.

(a1) A man whose marriage is dissolved by decree of absolute divorce may, upon application to the clerk of court of the county in which he resides or where the divorce was granted setting forth his intention to do so, change the surname he took upon marriage to his premarriage surname.

(b) The application and fee required by subsection (e) of this section shall be ~~addressed~~ presented to the clerk of the court of the county in which such divorced person resides or where the divorce was granted, and shall set forth the full name of the former spouse of the applicant, the name of the county and state in which the divorce was granted, and the term or session of court at which such divorce was granted, and shall be signed by the woman in her full maiden name, or by the man in his full premarriage surname. The clerks of court of the several counties of the State shall record and index such applications in such manner as shall be required by the Administrative Office of the Courts.

(c) If an applicant, since the divorce, has adopted one of the surnames listed in subsection (a) or (a1) of this section, the applicant's use and adoption of that name is validated.

(d) In the complaint, or counterclaim for divorce filed by any person in this State, the person may petition the court to adopt any surname as provided by this section, and the court is authorized to incorporate in the divorce decree an order authorizing the person to adopt that surname.

(e) For support of the General Court of Justice, a fee in the amount of ten dollars ($10.00) shall be assessed against each person requesting the resumption of maiden or premarriage surname in accordance with this section. Sums collected under this section shall be remitted to the State Treasurer."

**INCREASE FEE FOR CERTAIN CASES ASSIGNED TO A MAGISTRATE**

**SECTION 15.10.** G.S. 7A-305(a)(2) reads as rewritten:

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

...

(2) For support of the General Court of Justice, the sum of ninety-three dollars ($93.00) 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 one thousand dollars ($1,000) shall be paid upon its assignment, and the sum of seventy-three dollars ($73.00) in the district court except that if the case is assigned to a magistrate the sum shall be sixty-five dollars ($65.00) for cases initiated under Article 3 of Chapter 42 of the General Statutes or fifty-five dollars ~~($55.00).~~($55.00) for all other cases assigned to a magistrate. Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of 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."

**INCREASE ATTORNEY APPOINTMENT FEE**

**SECTION 15.11.** G.S. 7A-455.1 reads as rewritten:

"**§ 7A-455.1. Appointment fee in criminal cases.**

(a) In every criminal case in which counsel is appointed at the trial level, the judge shall order the defendant to pay to the clerk of court an appointment fee of ~~fifty dollars ($50.00).~~ sixty dollars ($60.00). No fee shall be due unless the person is convicted.

(b) The mandatory ~~fifty-dollar ($50.00)~~ sixty-dollar ($60.00) fee may not be remitted or revoked by the court and shall be added to any amounts the court determines to be owed for the value of legal services rendered to the defendant and shall be collected in the same manner as attorneys' fees are collected for such representation.

(c) Repealed by Session Laws 2005-250 s. 3, effective August 4, 2005.

(d) Inability, failure, or refusal to pay the appointment fee shall not be grounds for denying appointment of counsel, for withdrawal of counsel, or for contempt.

(e) The appointment fee required by this section shall be assessed only once for each attorney appointment, regardless of the number of cases to which the attorney was assigned. An additional appointment fee shall not be assessed if the charges for which an attorney was appointed were reassigned to a different attorney.

(f) Of each appointment fee collected under this section, the sum of ~~forty-five dollars ($45.00)~~ fifty-five dollars ($55.00) shall be credited to the Indigent Persons' Attorney Fee Fund and the sum of five dollars ($5.00) shall be credited to the Court Information Technology Fund under G.S. 7A-343.2. These fees shall not revert.

(g) The Office of Indigent Defense Services shall adopt rules and develop forms to govern implementation of this section."

**PART XVI. DEPARTMENT OF JUSTICE**

**REPORTING BY MEDICAID FRAUD CRIMINAL INVESTIGATION TEAM**

**SECTION 16.1.** Article 1 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"**§ 114-2.5A. Report by the Medicaid Fraud Criminal Investigation Team required annually.**

By September 1 of each year, the Medicaid Fraud Criminal Investigation Team of the Department of Justice shall file a written report about its activities with the Chairs of the Appropriations Subcommittees on Justice and Public Safety and Health and Human Services of the Senate and House of Representatives and with the Fiscal Research Division of the Legislative Services Office. This report shall include the following information about the Team's activities during the previous fiscal year:

(1) The number of cases of potential Medicaid fraud reported.

(2) The number of cases of potential Medicaid fraud investigated.

(3) The number of cases in which Medicaid fraud is actually found.

(4) The total amount of funds recovered in each case in which funds were recovered.

(5) An explanation of how recovered funds were allocated, including information about any amounts allocated to (i) the federal government; (ii) the State Medical Assistance Program; (iii) the Civil Penalty and Forfeiture Fund; (iv) the Department of Justice."

## PART XVII. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

### PROVIDE FEE SCHEDULE REQUIREMENTS FOR LAW ENFORCEMENT SUPPORT SERVICES

**SECTION 17.1.(a)** The General Assembly finds that a centralized evidence and DNA storage facility will provide local law enforcement agencies and clerks of court with a lower cost storage alternative, reducing or eliminating the need for local entities to provide their own storage and streamlining the evidence storage process.

**SECTION 17.1.(b)** G.S. 143B-475.2 is repealed.

**SECTION 17.1.(c)** Part 7 of Article 11 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-508.1. Fees for services provided by the Division.**

Fees shall be established and collected by the Department for all program services provided by the Law Enforcement Support Services Division, except for Department of Defense property being transferred pursuant to the National Defense Authorization Act of 1997. The fees collected are departmental receipts and are applied to the Division's costs in providing services to these entities. The fees apply to the following:

(1) A law enforcement agency that receives any services from the Division.

(2) An agency for which the Department stores evidence."

**SECTION 17.1.(d)** The Department of Crime Control and Public Safety, Law Enforcement Support Services Division (LESS), shall, in consultation with the Fiscal Research Division of the General Assembly, develop a fee schedule for the services provided by LESS. In developing this fee schedule, the Department shall consider the following:

(1) Fees charged in other states for similar services.

(2) Utilization rates for each of the three main program areas of LESS for the last five years.

(3) Actual workload requirements for each of the three main program areas of LESS, including the average time to complete a single transaction for each of the programs. For example, the Division shall determine, on average, how many person hours it takes to log in a piece of evidence for storage.

(4) Projected evidence storage needs for the next five years.

(5) Projected space costs and the feasibility of purchasing a permanent storage facility rather than continuing to lease space.

**SECTION 17.1.(e)** The fee schedule required to be developed pursuant to this section shall be reported to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Fiscal Research Division of the General Assembly not later than October 1, 2010.

**SECTION 17.1.(f)** The fees required by this section shall become effective July 1, 2011, and apply to program services provided on or after that date.

## PART XVIII. DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

### STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

**SECTION 18.1.** Funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for the 2010-2011 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 2010-2011 fiscal year, the amount of funds anticipated for the 2010-2011 fiscal year, and the allocation of funds by program and purpose.

**REPEAL TREATMENT STAFFING MODEL AT YOUTH DEVELOPMENT CENTERS**

**SECTION 18.2.** Section 18.4 of S.L. 2009-451 is repealed.

## PART XIX. DEPARTMENT OF CORRECTION

**FEDERAL GRANT MATCHING FUNDS**

**SECTION 19.1.** Section 19.9 of S.L. 2009-451 reads as rewritten:

"**SECTION 19.9.** Notwithstanding the provisions of G.S. 143C-6-9, the Department of Correction may use up to the sum of one million two hundred thousand dollars ($1,200,000) during the 2009-2010 fiscal year and up to the sum of one million two hundred thousand dollars ($1,200,000) during the 2010-2011 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 House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds."

**PLAN FOR A PILOT PROGRAM ON PRIVATIZATION OF PROBATION SERVICES**

**SECTION 19.2.** The Department of Correction, Division of Community Corrections, shall develop a plan for implementing a pilot program on the privatization of probation services. The plan shall include a determination of what resources and policy changes are necessary to conduct a pilot program for fee-based supervision of low-risk or community-level offenders by private entities.

No pilot program shall be implemented without the prior approval of the General Assembly. The Division shall report its plan to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Fiscal Research Division by March 1, 2011.

**INCREASE FEES FOR PROBATION, PAROLE, AND POST-RELEASE SUPERVISION**

**SECTION 19.3.(a)** G.S. 15A-1343(c1) reads as rewritten:

"(c1) Supervision Fee. – Any person placed on supervised probation pursuant to subsection (a) of this section shall pay a supervision fee of ~~thirty dollars ($30.00)~~forty dollars ($40.00) per month, unless exempted by the court. The court may exempt a person from paying the fee only for good cause and upon motion of the person placed on supervised probation. No person shall be required to pay more than one supervision fee per month. 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 such methods if he is authorized by subsection (g) to determine the payment schedule. Supervision fees must be paid to the clerk of court for the county in which the judgment was entered or the deferred prosecution agreement was filed. Fees collected under this subsection shall be transmitted to the State for deposit into the State's General Fund."

**SECTION 19.3.(b)** G.S. 15A-1368.4(f) reads as rewritten:

"(f) Required Supervision Fee. – The Commission shall require as a condition of post-release supervision that the supervisee pay a supervision fee of ~~thirty dollars ($30.00)~~forty dollars ($40.00) per month. The Commission may exempt a supervisee from this condition only if it finds that requiring payment of the fee is an undue economic burden. The fee shall be paid to the clerk of superior court of the county in which the supervisee was convicted. The clerk shall transmit any money collected pursuant to this subsection to the State to be deposited in the State's General Fund. In no event shall a supervisee be required to pay more than one supervision fee per month."

**SECTION 19.3.(c)** G.S. 15A-1374(c) reads as rewritten:

"(c) Supervision Fee. – The Commission must require as a condition of parole that the parolee pay a supervision fee of ~~thirty dollars ($30.00)~~forty dollars ($40.00) per month. The Commission may exempt a parolee from this condition of parole only if it finds that requiring him to pay the fee will constitute an undue economic burden. The fee must be paid to the clerk of superior court of the county in which the parolee was convicted. The clerk must transmit any money collected pursuant to this subsection to the State to be deposited in the general fund of the State. In no event shall a person released on parole be required to pay more than one supervision fee per month."

**SECTION 19.3.(d)** This section becomes effective July 1, 2010, and applies to persons placed on supervised probation, parole, or post-release prior to that date and to all persons placed on supervised probation, parole, or post-release on or after that date.

**INCREASE FEE FOR COMMUNITY SERVICE PROGRAM**

**SECTION 19.4.** G.S. 143B-262.4(b) reads as rewritten:

"(b) A fee of ~~two hundred twenty-five dollars ($225.00)~~three hundred dollars ($300.00) shall be paid by all persons who participate in the program or receive services from the program staff. Only one fee may be assessed for each sentencing transaction, even if the person is assigned to the program on more than one occasion, or while on deferred prosecution, or while serving a sentence for the offense. A sentencing transaction shall include all offenses considered and adjudicated during the same term of court. Fees collected pursuant to this subsection shall be deposited in the General Fund. If the person is convicted in a court in this State, the fee shall be paid to the clerk of court in the county in which the person is convicted, regardless of whether the person is participating in the program as a condition of probation imposed by the court or pursuant to the exercise of authority delegated to the probation officer pursuant to G.S. 15A-1343.2(e) or (f). If the person is participating in the program as a result of a deferred prosecution or similar program, the fee shall be paid to the clerk of court in the county in which the agreement is filed. If the person is participating in the program as a condition of parole, the fee shall be paid to the clerk of the county in which the person is released on parole. Persons participating in the program for any other reason shall pay the fee to the clerk of court in the county in which the services are provided by the program staff. The fee shall be paid in full before the person may participate in the community service program, except that:

(1) A person convicted in a court in this State may be given an extension of time or allowed to begin the community service before the person pays the fee by the court in which the person is convicted; or

(2) A person performing community service pursuant to a deferred prosecution or similar agreement may be given an extension of time or allowed to begin community service before the fee is paid by the official or agency representing the State in the agreement.

(3) A person performing community service as a condition of parole may be given an extension of time to pay the fee by the Post-Release Supervision and Parole Commission. No person shall be required to pay the fee before

beginning the community service unless the Commission orders the person to do so in writing.

(4) A person performing community service as ordered by a probation officer pursuant to authority delegated by G.S. 15A-1343.2 may be given an extension of time to pay the fee by the probation officer exercising the delegated authority."

**Senate Appropriations Subcommittee on JPS**
**Fee Increase Proposal**
**FY 2010-2011**

**General Fund Fees**

| | Fee | Current Fee | Fee Increase | New Fee | Amount Generated | Funds Go To: | Provision | Statute |
|---|---|---|---|---|---|---|---|---|
| 1 | Superior Court - Civil | $93.00 | $57.00 | $150.00 | $1,415,538 | General Fund | 15.5(b) | G.S. 7A-305(a)(2) |
| 2 | District Court - Criminal | $95.50 | $5.00 | $100.50 | $4,538,628 | General Fund | 15.5(a) | G.S. 7A-304 (a)(4) |
| 3 | District Court - Civil | $73.00 | $27.00 | $100.00 | $3,481,634 | General Fund | 15.5(b) | G.S. 7A-305(a)(2) |
| 4 | Failure to Comply | $25.00 | $25.00 | $50.00 | $785,223 | General Fund | 15.5(a) | G.S. 7A-304 (a)(6) |
| 5 | Resumption of Former Name | $0.00 | $10.00 | $10.00 | $362,050 | General Fund | 15.9 | G.S. 7A-308(a); G.S. 50-12 |
| 6 | Assignment of Title | $0.00 | $10.00 | $10.00 | $40,820 | General Fund | 15.5(c) | G.S. 7A-307(b1) |
| 7 | Motion for Summary Judgment | $0.00 | $40.00 | $40.00 | $1,020,720 | General Fund | 15.5(b) | G.S. 7A-305(a5) |
| 8 | 50B Counterclaims Fee | $0.00 | $100.00 | $100.00 | $153,846 | General Fund | 15.8 | G.S. 7A-305(a1) |
| 9 | Summary Ejectment | $0.00 | $10.00 | $10.00 | $1,850,670 | General Fund | 15.10 | G.S. 7A-305(a)(2) |
| | | | **Subtotal Court Fees** | | **$13,649,128** | | | |
| 10 | Probation/Post-Release Supervision | $30.00 | $10.00 | $40.00 | $5,353,794 | General Fund | 19.3 | G.S. 15A-1343(c1), 1368.4(f). 1374(c) |
| 11 | Community Service Work Program | $225.00 | $75.00 | $300.00 | $3,211,800 | General Fund | 19.4 | G.S. 143B-262.4(b) |
| | | | **Subtotal Correction Fees** | | **$8,565,594** | | | |
| | **Total General Fund Revenue Generated by JPS Fees** | | | | **$22,214,722** | | | |

**Other Fees**

| | Fee | Current Fee | Fee Increase | New Fee | Amount Generated | Funds Go To: | Provision | Statute |
|---|---|---|---|---|---|---|---|---|
| 12 | Attorney Appointment Fee | $50.00 | $10.00 | $60.00 | $250,000 | Special Fund | 15.11 | G.S. 7A-455.1 |

D.

**Senate Appropriations Committee**

**Rules for Considering Amendments**

If amendments are offered, then the following rules must be met in order to make the amendment eligible for consideration:

1. Money can only be transferred among items within the same subcommittee section.

2. Amendments where money is being transferred among items within a subcommittee must clearly identify the items/programs that are being increased and decreased.

3. Nonrecurring reductions cannot be made to fund recurring additions.

4. Amendments that spend reversions are not allowed.

5. Amendments that increase spending in the subcommittee budgets are not allowed.

6. Amendments are not allowed where funding for an item comes from statewide reserves.

7. Amendments must be in writing, the original signed, with 75 copies available for distribution

8. To be considered, a proposed amendment must have been logged in by the committee clerk by 11:00 a.m.

2010

# 2009-2010 HOUSE APPROPRIATIONS SUBCOMMITTEE

## JUSTICE AND PUBLIC SAFETY

## MEMBERSHIP LIST

| MEMBER | ASSISTANT | PHONE | OFFICE | SEAT |
|---|---|---|---|---|
| Rep. Alice L. Bordsen, Chair | Sherrie Burnette | 733-5820 | 530 | 29 |
| Rep. Jimmy Love, Chair | Sylvia Nygard | 715-3026 | 305 | 23 |
| Rep. Timothy Spear, Vice Chair | Lona Hallissy | 715-3024 | 402 | 36 |
| Rep. Ron Sutton, Vice Chair | Jo Bobbitt | 715-0875 | 1321 | 72 |
| Rep. Ray Warren, Vice Chair | Theresa Lopez | 715-8361 | 306C | 77 |
| Rep. Jamie Boles | Rhonda Todd | 733-5903 | 501 | 105 |
| Rep. Melanie Wade Goodwin | Jane McMillan | 733-5823 | 1305 | 91 |
| Rep. David Guice | Kerry Guice | 715-4466 | 1015 | 99 |
| Rep. Pat Hurley | Nancy Fox | 733-5865 | 607 | 87 |
| Rep. Darren Jackson | Angela McMillan | 733-5974 | 301N | 92 |
| Rep. Carolyn Justus | Jo Hinton | 733-5956 | 1023 | 27 |
| Rep. Annie Mobley | Janice Mobley-Bennett | 733-5959 | 638 | 68 |
| Rep. Timothy Moore | Nancy Garriss | 733-4838 | 604 | 85 |
| Rep. Shirley Randleman | James White | 733-5935 | 1025 | 115 |
| Rep. Sarah Stevens | Julie Garrison | 715-1883 | 509 | 119 |

House

# NORTH CAROLINA GENERAL ASSEMBLY

## APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
## 2009-2010 SESSION



Rep. Alice Bordsen
Chair



Rep. Jimmy L. Love, Sr.
Chair



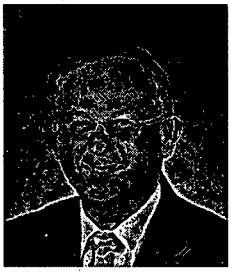
Rep. Tim Spear
Vice chair



Rep. Ron Sutton
Vice chair



Rep. Ray Warren
Vice chair



Rep. Jamie Boles



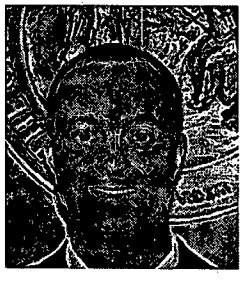
Rep. Melanie Wade Goodwin



Rep. David Guice



Rep. Pat Hurley



Rep. Darren Jackson



Rep. Carolyn Justus



Rep. Annie Mobley



Rep. Tim Moore



Rep. Shirley Randleman



Rep. Sarah Stevens

# ATTENDANCE

## House Appropriations Subcommittee on Justice & Public Safety

(Name of Committee)

| DATES | 05/24/2010 | | 05/26/2010 | | 05/27/2010 | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rep. Alice Bordsen, Co-Chair | X | | X | | X | | | | | | | | | | |
| Rep. Jimmy L. Love, Co-Chair | X | | X | | X | | | | | | | | | | |
| Rep. Tim Spear, Vice Chair | X | | X | | X | | | | | | | | | | |
| Rep. Ronnie Sutton, Vice Chair | X | | X | | X | | | | | | | | | | |
| Rep. Ray Warren, Vice Chair | X | | X | | X | | | | | | | | | | |
| Rep. Jamie Boles | X | | X | | X | | | | | | | | | | |
| Rep. Melanie Wade Goodwin | X | | X | | X | | | | | | | | | | |
| Rep. David Guice | X | | X | | X | | | | | | | | | | |
| Rep. Pat Hurley | X | | X | | X | | | | | | | | | | |
| Rep. Darren Jackson | | | X | | X | | | | | | | | | | |
| Rep. Carolyn Justus | X | | X | | X | | | | | | | | | | |
| Rep. Annie Mobley | X | | X | | X | | | | | | | | | | |
| Rep. Tim Moore | | | X | | X | | | | | | | | | | |
| Rep. Shirley Randleman | X | | X | | X | | | | | | | | | | |
| Rep. Sarah Stevens | X | | X | | X | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| **FRD Staff:** | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| Doug Holbrook | X | | X | | X | | | | | | | | | | |
| Kristine Leggett | X | | X | | X | | | | | | | | | | |
| John Poteat | X | | X | | X | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| Sylvia Nygard, Committee Assistant | X | | X | | X | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

MINUTES
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

May 24, 2010
Room 415 Legislative Office Building
1:00 P.M.

The House Appropriations Subcommittee on Justice and Public Safety met on Monday, May 24, 2010, in Room 415 of the Legislative Office Building. Representative Bordsen, presiding chair, called the meeting to order at 1:00 p.m. The following House members were present: Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton, and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Justus, Mobley, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, Kristine Leggett, and John Poteat.

**Representative Bordsen** recognized the Sergeants-at-Arms, Tom Wilder and Bob Rossi, and thanked them for their help. The packet before each member contained items that were tentatively approved or agreed upon by the Joint Subcommittee co-chairs during the interim. Handouts included the "Governor's Budget Items Not Included in Senate Budget – FY 2010-11;" the "2010 Session House Appropriations Chairs' Guidance for Subcommittees" with a proposed calendar attached; the "Senate Appropriations Subcommittee on JPS Fee Increase Proposal FY 2010-2011" which is for information only because the Full Chairs have instructed the Subcommittee to consider no fee increases at this point; and the "JPS Budget Comparisons FY 2010-11." Representative Bordsen then encouraged committee members to get proposed changes to them as soon as possible since she and Representative Love were to meet with the Full Chairs the following day.

**Kristine Leggett** briefly reviewed the 2010 Session House Appropriations Chairs' Guidance for Subcommittees. She noted that the Justice and Public Safety spending target was $2,101,764,629 for FY 2010-11. It's approximately $5 million more than the Senate spent in their budget. Ms. Leggett then reviewed with the committee the N.C. House Appropriations Subcommittees Approach to Developing the 2010-11 Budget, essentially the rules for the operating budget. The calendar attached has taken out a week to prepare a House budget to provide more time for conference. There were no questions from the committee on the rules.

**Doug Holbrook** reviewed the Judicial Section of the Money Report of the Senate budget. Doug reviewed all items briefly and noted that on page I-2, Items 8-10 were all nonprofit pass-throughs and had a 5% reduction. This will be true throughout the Justice and Public Safety budget. Questions followed his presentation: **Representative Sutton** wanted to know, in Item 5, how many positions in the DA and Clerks' offices were being eliminated. Doug Holbrook stated that it was left to the discretion of the departments. Every office will have some vacancy within the office but based on their workload, each office will determine where the position(s) will be eliminated. Representative Sutton (follow-up) asked if some would ADAs and some would be clerks. Mr. Holbrook noted that it could be any number of positions; the April 1 vacancies greater than 6 months were the basis for the number of positions being eliminated. Representative Sutton (follow-up) then asked if AOC would make the determinations. Doug said that was the way the Senate budget is. **Representative Spear** wondered about the number of 39 and wondered why they were vacant – just not filled or not filled because of the hiring freeze and couldn't fill them anyway. Doug agreed that they may have been filled had they been allowed to fill the vacancies and stated that there was no specification as to where the positions would come from; the departments will have the discretion to select. The co-chairs had

looked at all positions vacant for six months or longer, arrived at 39 positions and the monetary amount based on those positions. **Representative Guice** noted that there was a big difference between an Assistant DA position and support personnel. He wondered who actually was going to make that decision and had any thought been given to the hiring freeze which has caused tremendous impact on the communities served. Mr. Holbrook said that people prefer looking at vacancies rather than cutting live bodies and that everyone was aware of the hardships. He added that the AOC knew the caseloads in the different areas and would respond accordingly. **Representative Justus** asked if the 5% reduction pertained to the Innocence Commission; Doug Holbrook responded that the reduction only pertained to non-profits, not state agencies like the Innocence Commission. **Representative Sutton** noted that the 39 positions were not all of the vacant positions. Doug responded that these 39 were the ones vacant for six months or more as of April 1, 2010; he added that there were a great many more vacancies overall and the department could choose among all of the vacancies to reach the monetary target.

**John Poteat** reviewed the Indigent Defense Services portion of the budget (pages I-3 – I-4). He noted that the Senate had recommended the restoration of the Sentencing Services budget. **Representative Sutton** wondered to what amount would the budget be restored for Item 16. John said that the recommendation was for the same amount as in last year's budget.

**Kristine Leggett** reviewed the Department of Justice's proposed budget (pages I-5 – I-6). **Representative Sutton** asked about Item #23, SBI equipment and whether it had been identified. Kristine said that the department has a line for equipment and the budget amount was just reduced in that line item. **Representative Warren** wondered if Item 21 expansion was allowed. According to Kristine it was not allowed under House rules.

**John Poteat** then reviewed Items 24-30, Juvenile Justice and Delinquency Prevention (pages I-7 – I-8). **Representative Bordsen** noted that there was at least one item which was non-recurring for the first year and doesn't appear in the second year, and requested the staff to notify the committee if there are any more items like this. **Representative Mobley**, referring to Item 27, did not hear of any response regarding the vacancies and wondered if they were not filled because of the freeze or were they vacancies that just weren't filled. John said there was a combination of reasons, one of which was that there had been a hiring freeze which did affect the number of vacancies.

**John Poteat** then continued with his review of the Department of Correction, Items 30 – 56 (pages I-9 – I-12). **Representative Sutton** asked to what level was the Prisoner Education program being restored. John said that about 2/3 or a little over $20 million of the approximately $32 million had been restored. **Representative Warren** wondered about Items 54 and 55 and if they fell under the appropriation considering expansion. John Poteat said that the full chairs hadn't discussed it but the operating reserves are a little different because these hospitals are coming on line and they have been authorized to be constructed. Typically, when new construction of facilities is authorized, agencies are allowed X number of months out to hire staff to begin operating these. There has been no clarification on this, so these are a little different than the typical expansion items. **Representative Bordsen** expected that due to the huge issue on inmate medical and that the rules of expansion would not affect the opening of the new medical facility at the prison. **Representative Warren** (follow-up) wondered about Item 30 and had the prison population actually gone down. John said that while it had not gone down, the anticipated increase has gone down. He added that they aren't growing as fast as originally anticipated but they are still growing. **Representative Hurley** wondered in Item 56, the Prisoner Education Program, where the money was coming from. John said that it was funded through the Community college budget so the $17.6 million seen in Item 56 comes from the Education Committee, goes through Community Colleges, and then $2.3 million is transferred to DOC to pay tuition for certain inmates. **Representative Hurley** (follow-up) wondered if the funds were coming from JPS. John replied that they weren't, the money was currently in Community Colleges and being transferred to DOC. **Representative Guice**, referring to Item 30, stated that local jails are having to hold people longer because they couldn't get them into the system and he was concerned that the issues with inmates held for long periods of time at local facilities which are being paid very little are still there. He wondered if the Prisoner Education program took care of the federal folks and reflects the cut to local jails. John said yes, that was true. In follow-up, Representative Guice said that more discussion was needed as he

was concerned about inmate medical issues and the privatization of probation. **Representative Mobley** was interested in the Road Beautification project. She wondered where it was located – in DOT or DOC. John Poteat said that the litter program was still funded in a transfer from DOT which was not affected. The Community work crews last year experienced a budget cut of 127 positions last year eliminating that program and setting up a fee of $150.00 per day for a local government to fund a 10-person crew and that the program no longer exists as many of the highest-use clients weren't interested in paying the fee. Representative Mobley in a follow-up question was interested in the use of the inmates. John noted that when the funds were reduced, the supervision was eliminated, so inmates are no longer used. **Representative Warren**, referring to Item 30, wondered what the effect was on local jails and requested additional information. **Representative Stephens** wanted more medical facility information; John promised to get the information and have it sent to subcommittee members.

**Kristine Leggett** then reviewed the changes in Crime Control & Public Safety, Items 57 – 61 (pages I-13 – I-14). **Representative Bordsen** requested clarification on Law Enforcement Support Services (LESS) – the use of the building is really crucial and there is a need to expand the use. Representative Bordsen wanted to know if it is a privately-owned building that is state leased, and if so, if we expand the use, do we need to not recommend that that be moved to a state-owned building so that we always have the certainty that money used appropriately. **Representative Boles** said that in Item 58, LESS was unable to come up with a fee structure – the counties did not want it. **Kristine** said that the work fee was $150, sufficient to support work crew programming, but the counties just refused to pay it. On the issue of Law Enforcement Support Services, LESS did not come up with fees that would be sufficient to pay even if the local counties had been willing to pay it and they were getting a lot of "push-back" from the sheriffs and other local law enforcement about paying it. Under their proposed fee schedule, they would have generated approximately $17,000.00. **Representative Sutton**, noting Item 58, wondered what the $300,000 was for. Kristine said that it was for restoring positions. Representative Sutton (follow-up) confirmed that there were no additional positions, just restoring the current ones. Kristine Leggett stated that it was just putting the positions back into the budget. Representative Sutton (follow-up) wondered if this approach could be used with other agencies showing what they would have gotten if they had been cut. Kristine replied that the thinking was that last year, LESS was made receipt-supported and their portion of the state budget was nonrecurring. This wasn't done in many other places with specific programs and Crime Control was unable to come up with a fee schedule. There is an accompanying Special Provision with this item (#58) that directs Crime Control to work with the General Assembly and report on the fee schedule and what they plan to do in the future to generate receipts for this program. Representative Sutton (follow-up) then asked why they were talking about positions which weren't cut to which Kristine responded that it was because they were cut, that the funding for these positions was cut. **Representative Guice** stated that it was a no-win situation for the agency as far as a fee structure in Item #58 was concerned. **Representative Justus** said that last year this committee put the money back in, and it had come out in conference. **Representative Hurley** questioned how many positions were paid from receipt-based funds or funded from the Highway Fund in Item 57. Kristine responded that there was a list for the Senate budget. In the House budget, the total dollar amount reflects one position that is fee-supported (the LESS director), but if the positions show up in BEACON as general fund supported, that is what is used, and the agencies are to manage their vacant positions internally. There is no list of actual positions to be cut – this give the department the authority to eliminate whatever vacant positions they think is less critical to the department mission, giving them flexibility as to where the cut is going to be taken. **Kristine** then directed committee members to turn to page J-38 which is the State Controller's budget. Item 101 shows CJLEADS. There is an accompanying special provision on page 13 of the budget bill that moves all of the money to the Department of Justice on October 31, 2010. **Representative Bordsen** asked why; Kristine stated that she understood that the State Controller's office did not want to manage the program as they don't have the expertise, that it needs to be in one of the crime control areas, somewhere where there is expertise as to what CJLEADS does.

**John Poteat** then began the review of the Senate's Proposed Special Provisions. Special Provisions 15.1 – 15.3 (Administrative Office of the Courts) are "boilerplate" provisions. SP 15.4 is a technical correction from the previous year. **Representative Sutton** asked about SP 15.2 and at what point in time is being addressed – when the budget is passed, releasing the funds or during the next fiscal year. John responded said that the intention is when the budget is enacted, if OIDS has $1 million or more in unpaid fee

applications, money can be released to pay for the back claims. Representative Sutton wondered then why a special provision would be needed for that. John stated that last year OIDS ran into some problems – the State budget (partly in response to the fiscal crisis) didn't release funds until September and many people were going without being paid for an unusually protracted time.

**Kristine Leggett** then reviewed the Senate Judicial Special Provisions. SP 15.5 – 15.7 are specifically court fee increases – these are on the spreadsheet handout. SP 15.6 is not an increase; it just conforms to currently conflicting statutes. The fee is $6.00 which is being charged rather than the $4.00 referenced in the two statutes. SP 15.7 gives the AOC the authority to adopt uniform fees to pay expert witnesses and is not a fee increase. She skipped the special provisions concerning fee increases since the Full Chairs requested no fee increases. There were no questions. SP 16.1 is the one Department of Justice provision which goes with the expansion funding for the Medicaid Fraud Investigation Team and will require them to report annually on September 1st on the activities of the Team, specifically the number of cases reported, the number of cases investigated, the number of cases in which fraud is actually found, how much money has been recovered, etc. Under Crime Control and Public Safety, SP 17.1 is the provision that goes along with the Law Enforcement Support Services funding. Section (c ) allows the department to charge fee for the LESS services and moves it into the part of the statute where LESS is located. There were no questions.

**John Poteat** reviewed the Senate Juvenile Justice Special Provisions. SP 18.1 is a boiler plate provision; 18.2 repeals the cap on the staffing of facilities and gives the department the authority to staff the facilities within their current budget as needed. He then directed the committee members to look at the Inmate Medical Provision in the budget bill. Section A directs the Department that they can pay up to 70% of the amount charged to the entities they contract with. This is a way to get the payments tied to an actual number. Section B has the Department trying to distribute the care more evenly across the state and does not allow any facility to admit more than 5% of all patients to their facility except in an emergency situation. Section C directs the Department to consult with DMA in Health and Human Services to develop protocols for prisoners who would be eligible for Medicaid if they were not in custody. This is an ongoing issue about prisoner eligibility for Medicaid. If a prisoner is out of a DOP facility for more than 24 hours and he or she is Medicaid eligible, Medicaid can pay for that. The downside of that rule is that many 18 – 64-year-old males aren't Medicaid eligible to begin with, so this is a sort of fluid section. Section D has the Department working with OSBM to track Sections A-C. Section E notes that if the Department is unable to achieve the Inmate Medical cost savings (a $20.5 million budget reduction tied to this), they will be working with OSBM and other entities that are Medicaid and Medicare providers. Section F has the Department working on cost containment measures. Section G directs the Department to report to the Oversight Committee in October 2010 on the progress of the RFP issued last fall (2009). Section H follows up directing the Department to report the volume of services that are provided by community providers in order to schedule more services in advance to cut down on the number of visits made in Wake County which is the most expensive provider in the area. Discussion among the committee members followed. **Representative Stevens** asked if the 70% was of what the hospitals choose to charge or 70% of the usual charge. Representative Bordsen replied that seems to be proprietary and it's a great question. People have been working on this for a long time. There is a kind of expertise needed and possessed by very few and the DOC does not have that type of person nor have we (the Legislature) given them the authority to negotiate fees. Our biggest prisons are located here where medical care is most expensive (i.e., Wake County). Representative Stevens (follow-up) asked if there weren't experts in the state who could help. Representative Bordsen stated that inmate medical seems to be a different beast and nobody wants to do it. It has fallen primarily on UNC and Wake Medical. Representative Stevens (follow-up) wondered if there was a smaller facility that could be used. John Poteat responded that that was part of the provision that is directing the department to schedule appointments in advance that could be farmed out to other medical facilities. This is a fluid provision that is not in its final form. **Representative Guice** commented that this is an area where there is a lot of conflict. He noted that we need to listen to the people who deal with the custody issues daily and also seek out the sort of advice needed before any final decisions are made. Representative Bordsen agreed and said that this was one of those times when this time of tight funds is making the committee do things that should have been done long ago. She added that we don't really have much choice at this time. **Representative Warren** asked if the 70% was close to what the insurance companies pay. Kristine said that Doug Holbrook had a good chart showing how much DOC would have paid for certain services had they been through several health plans

and the members would get a copy of this. Representative Warren (follow-up) said he understood how special security considerations may add to the cost but wondered how it was tied to the fees. John replied that it is messy as most of the information is proprietary and it's not like there is a schedule available giving base prices. Representative Bordsen added that there is no one price, even at one facility. Representative Justus noted that last year, the committee was told that if a hospital facility only housed 12 inmates, there would be Medicaid dollars. John said that he thought the figure was around 24 or 25 inmates, but that isn't correct. It has nothing to do with the size of the facility. If a person is Medicaid eligible and out of the facility for 24 hours or more, Medicaid will pay. But, as long as they are in the custody of the State for this Medicaid region of the country, they are not eligible – it has nothing to do with the size of the facility but who has custody.

**John Poteat** then addressed the rest of the Senate Special Provisions for the Department of Correction. SP 19.1 is a boiler plate provision seen every year. SP 19.2 is a plan to develop a pilot program on privatization of probation services. Line 5 states that this plan will determine what resources and policy changes will be necessary to conduct a pilot program for fee-based supervision of low-risk or community offenders. The key phrase is on line 8, "no program shall be implemented without the prior approval of the General Assembly," so if they come forward with the plan for the pilot program, that's only the first step. The General Assembly will have to give authority to implement the plan. SP 19.3 and 19.4 are increasing fees: probation fees from $30 to $40 per month (19.3) and raising the Community Service Work Program fee (19.4). **Representative Guice** noted that North Carolina was one of 13 states involved in Justice Reinvestment Initiative which involves the non-profit Pew Foundation along with the Department of Justice. This initiative is looking at the entire criminal justice system to determine how we can do things better. It's being done on a bipartisan basis. DOC is blindsided by this. Privatization of prisons has been tried and failed. Representative Guice also said that he could not understand how fees could be raised, i.e., supervision probation fees or community service fees – these are criminal offenders who are out of work. Representative Bordsen suggested that he put his concerns in an email.

**Representative Bordsen** asked for comments to be sent to the co-chairs as soon as possible. She reminded the committee members of the vote to be taken Thursday, May 27, 2010.

The meeting adjourned at 2:20 p.m.

Respectfully Submitted,

Representative Alice Bordsen
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments: Committee Notice
Agenda
Senate Appropriations Committee Report on the Continuation, Expansion, and Capital Budgets dated May 19, 2010, for Justice and Public Safety, Section I
Governor's Budget Items Not Included in Senate Budget FY 2010-11
2010 Session House Appropriations Chairs' Guidance for Subcommittees
NC House Appropriations Subcommittees Approach to Developing the 2010-11 Budget
May and June Calendars
Senate Appropriations Subcommittee on JPS Fee Increase Proposal FY 2010-2011
JPS Budget Comparisons FY 2010-11
Joint Appropriations Subcommittee on Justice and Public Safety Reductions
Visitor Attendance Sheets

**Attachment 1**

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Monday, May 24, 2010
**TIME:** 1:00 p.m.
**LOCATION:** 415 LOB
**COMMENTS:** A Staff review of the Senate Budget for Justice and Public Safety

Present plans are for the Subcommittee to meet on Tuesday, May 25 at 9:00 a.m.; Wednesday, May 26 at 9:00 a.m.; and Thursday, May 27 at 9:00 a.m. in Room 415 LOB. The Subcommittee will vote on the Justice and Public Safety House Budget on Thursday, May 27 at 9:00 a.m.

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10:00** o'clock on **May 20, 2010.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**

**May 24, 2010 1:00 P.M.**

## I. Call to Order

Chairs: Representative Alice Bordsen, Presiding  Representative Jimmy Love

## II. House Budget Target and Rules

*Kristine Leggett*

## III. Review of Senate Budget

*Douglas Holbrook*
*John Poteat*
*Kristine Leggett*

## IV. Committee Discussion

## V. Adjournment

---

**House Appropriations Subcommittee on JPS**
Rep. Bordsen (Chair)
Rep. Love (Chair)
Rep. Spear (Vice Chair)
Rep. Sutton (Vice Chair)
Rep. R. Warren (Vice Chair)
Rep. Boles, Rep. Goodwin, Rep. Guice, Rep. Hurley,
Rep. Jackson, Rep. Justus, Rep. Mobley, Rep. Moore,
Rep. Randleman, Rep. Stevens

# JUSTICE
# &
# PUBLIC SAFETY
# Section I

Judicial Budget Cuts

GENERAL FUND

| | FY 10-11 |
|---|---|
| **Total Budget Approved 2009 Session** | **$463,753,479** |

Budget Changes

| | | |
|---|---|---|
| **1 Establish a Management Flexibility Reserve**<br>Establishes a Management Reserve to provide the Administrative Office of the Courts the flexibility to determine where reductions can be made. | ($3,300,000)<br>($3,300,000) | R<br>NR |
| **2 Reduce Technology Services Program**<br>Reduces the budget for the Administrative Office of the Courts' Technology Services Program by 8%. The AOC is authorized to delay or cancel technology projects in its discretion to achieve this reduction. | ($2,616,294) | R |
| **3 Eliminate Vacant Central Office Positions**<br>Eliminates vacant positions in the Central Administration of the Administrative Office of the Courts. | ($1,082,420)<br>-18.75 | R |
| **4 Reduce DA's Conference Funding**<br>Reduces funding for the Conference of District Attorneys by $100,000, approximately 25% of the agency budget. This reduction will eliminate one position and associated costs. | ($100,000)<br>-1.00 | R |
| **5 Eliminate Vacant DA and Clerk Positions**<br>Eliminates vacant positions statewide in Clerks' and District Attorneys' offices. | ($1,769,574)<br>-39.00 | R |
| **6 Reduce Operating Accounts to FY 2008-09 Levels**<br>Reduces various operating budgets throughout the Department to FY 2008-09 actual expenditure levels. | ($1,164,843) | R |
| **7 Reduction to Administration**<br>Reduces the Administrative Office of the Courts central administration budget by 5%. | ($2,383,890) | R |

| | |
|---|---|
| **8 Reduce Dispute Settlement Center Pass Through**<br>Reduces the pass-through appropriation to the Dispute Settlement Centers by 5%. | ($59,974) |
| **9 Reduce NC Bar-Civil Justice Funds**<br>Reduces the pass-through appropriation to the NC Bar Association for Access to Civil Justice by 5%. | ($37,500) |
| **10 Reduce Financial Protection Law Center**<br>Reduces the pass-through appropriation to the Financial Protection Law Center by 5%. | ($3,750) |
| **Budget Changes** | **($12,518,245)** |
| | **($3,300,000)** |
| **Total Position Changes** | -58.75 |
| **Revised Total Budget** | **$447,935,234** |

# Judicial - Indigent Defense

**GENERAL FUND**

| | FY 10-11 |
|---|---|
| **Total Budget Approved 2009 Session** | **$120,132,010** |

**Budget Changes**

**Department-wide**

**11 Reduce Various Operating Accounts** ($264,200) R

Reduces the operating budget in temporary personnel, registration fees, travel, communications, books and publications, and other operating expenses.

**Indigent Person Attorney**

**12 Reduce PAC Continuation Budget**

Reduces the Private Assigned Counsel (PAC) Continuation Budget. The Office of Indigent Defense Services expects to end the fiscal year without carrying forward any unpaid PAC bills. ($5,750,000) NR

**13 Reduce NC Prisoner Legal Services Program budget**

Reduces the NC Prisoner Legal Services Program (PLS) budget by 5% nonrecurring, leaving $2.7 million recurring. ($142,031) NR

**14 Reduce Center for Death Penalty Litigation Funding** ($23,821) R

Reduces Center for Death Penalty Litigation appropriation by 5%, leaving $452,604.

**15 Increase the Attorney Appointment Fee** ($250,000) R

Increases the Attorney Appointment Fee by $10 to $60.

**Sentencing Services**

**16 Restore Sentencing Services Program** $2,235,185 R

Restores the Sentencing Services Program.

11.50

| | | |
|---|---|---|
| **Budget Changes** | **$1,697,164** | R |
| | **($5,892,031)** | NR |
| **Total Position Changes** | 11.50 | |
| **Revised Total Budget** | **$115,937,143** | |

# Justice

**GENERAL FUND**

| Total Budget Approved 2009 Session | FY 10-11 $88,652,538 | |
|---|---|---|
| Budget Changes | | |
| **A. Department-wide** | | |
| **17 Eliminate Vacant Positions** | ($390,991) | R |
| Eliminates vacant positions throughout the agency. | -9.00 | |
| **18 Operating Reductions** | ($1,237,000) | R |
| Reduces various operating budgets throughout the Department to FY 2008-09 actual expenditure levels. | ($1,200,000) | NR |
| **19 Reduce Salary Reserve** | ($175,000) | R |
| Reduces various personal services line items throughout the Department to reflect actual salaries. | | |
| **B. Legal Services** | | |
| **20 Increase Medicaid Fraud Recovery Receipts** | ($168,566) | R |
| Adjusts the budgeted receipts for Medicaid Fraud Recovery to reflect twelve months of collections. This reduction was implemented in the FY 2009-10 budget, but the reduction only accounted for six months of collections. | | |
| **21 Medicaid Fraud Criminal Investigation Team** | $600,000 | R |
| Provides funds to expand the Medicaid Fraud Criminal Investigation Team. The expanded unit will consist of sworn investigators, attorneys, program assistants, financial investigators, and administrative support personnel. This investigative unit is responsible for obtaining convictions of community service providers that commit fraud, recovering restitution and civil penalties for the benefit of the Medicaid Program and the Civil Forfeiture Fund, and deterring fraud. | 25.00 | |
| **22 NC LEAF Funds** | ($18,750) | R |
| Reduces the pass-through appropriation for the NC Legal Education Assistance Fund (NC LEAF) by 5%. The FY 2010-11 appropriation for this non-profit will be $356,250. | | |

## C. State Bureau of Investigation (SBI)

**23 SBI Equipment Reduction** ($400,000)

Reduces the budget for equipment purchases in the State Bureau of Investigation.

| | |
|---|---|
| **Budget Changes** | **($1,790,307)** |
| **Total Position Changes** | **($1,200,000)** |
| | 16.00 |
| **Revised Total Budget** | **$85,662,231** |

# Juvenile Justice & Delinquency Prevention

**GENERAL FUND**

| | FY 10-11 |
|---|---|
| **Total Budget Approved 2009 Session** | **$147,183,945** |

Budget Changes

**Administrative Services**

**24 Reduce Administrative Services Budget** ($362,913) R

Reduces the Administrative Services Budget by 5%.

**Community Services**

**25 Eliminate Juvenile Assessment Center Funding** ($124,075) R

Eliminates the direct State appropriation for the Juvenile Assessment Center (JAC) in Cumberland County. JAC also receives a Juvenile Crime Prevention Council county allocation and local funding.

**26 Reduce Project Challenge Funding** ($6,400) R

Reduces the Project Challenge appropriation by 5%, leaving $121,600. Project Challenge continues to receive $1.4 million from county Juvenile Crime Prevention Councils.

**Department-wide**

**27 Eliminate Vacant Positions** ($1,158,829) R

Eliminates vacant positions throughout the agency. -31.50

**28 Reduce Continuation Budget Increases** ($546,521) R

Reduces Continuation Budget increases to a level at or below the FY 2008-09 Authorized Budget.

**Youth Development Centers**

**29 Reduce YDC Budget** ($2,538,342) R

Reduces the YDC Budget by 5% based upon a reduction in commitments. The number of commitments to the Department declined to 365 last year, down 70% since 1999.

| | |
|---|---|
| **Budget Changes** | **($4,737,080)** |
| **Total Position Changes** | -31.50 |
| **Revised Total Budget** | **$142,446,865** |

# Correction

**GENERAL FUND**

| | FY 10-11 |
|---|---|
| **Total Budget Approved 2009 Session** | **$1,326,492,230** |

**Budget Changes**

| | | | |
|---|---|---|---|
| **30** | **Reduce Continuation Budget for Lower Population**<br>Reduces continuation budget increases from FY 2009-10 to account for a lower-than-projected inmate population. Although the Division of Prisons remains overcrowded, new admissions have leveled following a surge in 2008 and 2009, resulting in a lower inmate count than previously expected as of June 30, 2010. | ($39,189,651) | R |
| **31** | **Budget Alien Assistance Receipts**<br>Reduces General Fund appropriations to the Department of Correction by $872,000 to account for receipts from the federal State Criminal Alien Assistance Program. | ($872,000) | NR |
| **32** | **ITS Billing Reduction**<br>Reduces the appropriation to the Department of Correction for communications and other data processing to account for lower rates charged by the Office of Information Technology Services. | ($200,000) | R |
| **33** | **Transfer Four Positions to Receipt Support**<br>Transfers four positions in the DOC Controller's Office that handle Inmate Welfare Fund accounting to receipt support from the Welfare Fund, and eliminates the General Fund appropriation for those positions. | ($182,500)<br>-4.00 | R |
| **34** | **Reduce Vehicle Replacement Budget**<br>Reduces the Vehicle Replacement line item on a non-recurring basis. | ($1,500,000) | NR |
| **35** | **Reduce Fuel Oil Budget**<br>Reduces the Fuel Oil line item on a recurring basis. | ($500,000) | R |
| **36** | **Reduce PC Equipment**<br>Reduces the Personal Computer Equipment line item on a non-recurring basis. | ($300,000) | NR |

**37 Reduce Equipment Accounts**
Reduces various equipment accounts on a non-recurring basis. ($800,000) NR

**38 Reduce Supply Accounts**
Reduces various supply accounts on a non-recurring basis. ($800,000) NR

**39 Eliminate .223 Rifle Training**
Eliminates a component of rifle training and reduces annual costs for ammunition and targets. ($54,757) R

**40 Reduce Our Children's Place Funds**
Reduces the pass-through appropriation for Our Children's Place by 5%, leaving $104,025. ($5,475) R

**Alcoholism and Chemical Dependency Programs**

**41 Eliminate Four Program Positions**
Eliminates four DACDP positions that work in the In-Prison Out Patient Services at South Piedmont, Western Youth and North Piedmont. ($211,060) R
-4.00

**Community Corrections**

**42 Reduce Criminal Justice Partnership Program**
Reduces the Criminal Justice Partnership Program by $1.1 million nonrecurring, which leaves $8.3 million for allocations for county programs. This reduction will not affect the core operations of the program. ($1,100,000) NR

**43 Reduce Contractual Services**
Reduces the Contractual Services budget in the Division of Community Corrections. ($50,000) R

**44 Eliminate Community Corrections Positions**
Eliminates two Division of Community Corrections positions and their associated costs. These positions are duplicative due to the automation of the parole/post-release violation process. ($142,910) R
-2.00

**45 Reduce Harriet's House Funds** ($10,313) R

Reduces the pass-through appropriation to Passage Home for Harriet's House by 5%, leaving $195,938.

**46 Reduce Summit House Funding** ($55,408) R

Reduces the pass-through appropriation to Summit House by 5%, leaving $1,052,756.

**47 Reduce Women At Risk Funding** ($13,125) R

Reduces the pass-through appropriation to Women At Risk by 5%, leaving $249,375.

## Prisons

**48 Reduce Inmate Medical Costs** ($20,500,000) R

Reduces the appropriation for medical services for inmates based on implementation of a fee schedule for outpatient and other services provided outside the prison unit. The fee schedule is based on the rates authorized by the Medicaid program.

**49 Eliminate Seven DOP Administrative Positions** ($359,384) R

Eliminates seven positions in the central office of the Division of Prisons. The Department has discretion to identify the positions to reach the cut level of $359,384. -7.00

**50 Consolidate Administrative Positions at Prisons** ($149,038) R

Consolidates administrative functions between Brown Creek Correctional Center and Piedmont Correctional Institution and eliminates four duplicative positions. -4.00

**51 Modify Close Custody Inmate Transfers** ($74,150) R

Reduces the transportation budget based on reducing the frequency of inter-facility transfers of close custody inmates from every week to every other week.

**52 Reduce Drug Testing Frequency** ($130,000) R

Changes the drug testing policy to 10% instead of 15% frequency and reduces appropriations to pay for analysis.

| | FY 10-11 | |
|---|---|---|
| **53 Reduction in Clothing Budgets**<br>Reduces funding for inmate clothing and officer uniforms within the Division of Prisons. | ($500,000) | NR |
| **54 Operating Reserves for Central Prison Hospital**<br>Establishes an operating reserve and creates positions to staff the Central Prison Hospital and Mental Health Facility. This facility is scheduled for completion in August 2011, and occupancy in October 2011. This reserve will allow positions to be established so staff can be recruited and trained prior to the projected occupancy date. | $6,767,918<br>$774,843<br>554.00 | R<br>NR |
| **55 Operating Reserve for Women's Prison Hospital**<br>Establishes an operating reserve and creates positions to staff the hospital and mental health facility at NC Correctional Institution for Women, scheduled for completion in August 2011, and occupancy in October 2011. This fund will allow recruitment and training to be completed prior to occupancy. | $3,000,017<br>$725,157<br>227.00 | R<br>NR |
| **56 Prisoner Education Program**<br>Appropriates $2,350,256 to the Department of Correction to pay tuition for inmates in Community College programs. This is a partial restoration of the Prisoner Education Program which was placed on Continuation Review in 2009. The Education Section of the budget includes an appropriation to the Community College System of $17,649,735. | $2,350,256 | R |
| **Budget Changes** | **($49,709,580)**<br>**($4,372,000)** | R<br>NR |
| **Total Position Changes** | 760.00 | |
| **Revised Total Budget** | **$1,272,410,650** | |

# Crime Control and Public Safety

GENERAL FUND

| | FY 10-11 |
|---|---|
| **Total Budget Approved 2009 Session** | **$33,718,963** |

**Budget Changes**

**A. Department-wide**

**57 Eliminate Vacant Positions** ($516,174) R

Eliminates vacant positions throughout the Department. -12.00

**B. Administration**

**58 Law Enforcement Support Services (LESS)** $300,000 R

Partially restores a reduction to the LESS budget. In the 2009 Budget, LESS was directed to establish a fee schedule to become 100% receipt supported. They have been unable to find sufficient fees to sustain their operations. This item provides continued General Fund support to them while a fee schedule is developed. LESS coordinates the distribution of excess federal property for local law enforcement agencies, provides evidence and DNA storage, and administers a program to provide lower-cost vehicles and other equipment to law enforcement. 5.00

**C. National Guard**

**59 National Guard Armory Maintenance** $600,000 R

Provides funds for maintenance and operation of plant for the National Guard's 97 armories.

**D. Alcohol Law Enforcement (ALE)**

**60 ALE Equipment Reduction** ($200,000) R

Reduces the appropriation for equipment for Alcohol Law Enforcement. ($200,000) NR

**E. Victim's Compensation Services**

**61 Victim's Compensation Fund**

Reduces the appropriation for Victim's Compensation to actual expenditure levels for FY 2008-09. ($1,300,000) NR

| | |
|---|---|
| **Budget Changes** | **$183,826 R** |
| | **($1,500,000) NR** |
| **Total Position Changes** | -7.00 |
| **Revised Total Budget** | **$32,402,789** |

# Governor's Budget Items Not Included in Senate Budget
# FY 2010-11

| Justice | FY 09-10 | |
|---|---|---|
| 1 Felony Arrestee DNA | $550,000 | |
| 2 Felony Arrestee DNA | $150,000 | NR |

| JJDP | FY 09-10 | |
|---|---|---|
| 3 Eliminate Woodson Wilderness Camp | ($1,016,041) | |
| 4 Reduce Eckerd Wilderness Camp | ($7,634,231) | |
| 5 Close Macon County Multi-Purpose Home | ($600,000) | |
| 6 Restore Samarkand YDC | $3,521,954 | |

| Correction | FY 2010-11 | |
|---|---|---|
| 7 Reduce Budgeted Longevity | ($1,500,000) | NR |
| 8 Management Reserve | ($15,000,000) | NR |
| 9 Consolidate Drug Lab Operations | ($142,973) | |
| 10 Reorganize Victim Services | ($148,013) | |
| 11 Standardize Chaplain Deployment | ($158,567) | |
| 12 Inmate Food | ($1,000,000) | NR |
| 13 Probation/Parole Office Position Reallocation | $1,557,867 | |

| CCPS | FY 09-10 | |
|---|---|---|
| 18 Restore Funding to NC Victims Assistance Network | $27,000 | |

# 2010 Session
# House Appropriations Chairs' Guidance for Subcommittees

## Justice and Public Safety Subcommittee

**Target:** **$2,101,764,629**

1. Follow the guidelines in the "Approach to Developing the 2010-11 Budget" document.
2. Pursue policies and initiatives that reduce future prison bed needs.
3. Prison medical costs must be decreased and managed.
4. Reduce non-profit funding where applicable.
5. Identify Special Funds that divert revenue from the General Fund; if possible, permanently close the funds and transfer balances and responsibilities to the General Fund.
6. Coordinate with other subcommittees on items that cross agencies or programs such as:
   - Education Subcommittee and Prisoner Education.

**Attachment 7**

# N.C. HOUSE APPROPRIATIONS SUBCOMMITTEES APPROACH TO DEVELOPING THE 2010-11 BUDGET

As you conduct subcommittee activities and deliberations, please develop subcommittee spending proposals as follows:

1. **No Expansion Except for Economic Development**

2. **Continuation Reviews and Items Funded Non-recurring in FY 2009-10**
   Funding may be provided to continue programs under Continuation Review, if justified, or for other items funded with non-recurring funds in the FY 2009-10, only on a non-recurring basis within subcommittee spending targets.

3. **Build on Governor and Senate Budget Reduction Proposals**
   Focus on:
   - Individual programs, including non-essential, ineffective, obsolete, redundant or new programs and services.
   - Specific line items within programs. (See list at bottom of page.)

4. **Use Governmental and Proprietary Fund Cash Balances**
   Cash balances can be transferred to the General Fund; expenditures can be transferred to the other funds.

5. **Consider FY 2009-10 Agency Spending Level**
   Review current agency spending level to see if the Governor's holdbacks for State agencies can be made permanent.

6. **Review Vacant Positions for Potential Reduction**

7. **No Fee Increases or Adjustments**
   The Full Chairs of House Appropriations may consider exceptions on a case-by-case basis.

8. **Use Federal Receipts**
   Budget any federal receipts such as American Recovery and Reinvestment Act (ARRA) and Temporary Assistance for Needy Families (TANF). To the extent possible and allowed by federal regulations, use the funds for supplanting and for non-recurring needs.

9. **Finally, Consider Applicable Recommendations Found In Any of the Following:**
   - Reports issued by the General Assembly's Program Evaluation Division
   - Prior and current studies and Continuation Reviews, particularly those mandated in S.L. 2009-451.

**Specific Line Items within Agencies To Consider**

1. Direct appropriations and grants to nonprofit organizations
2. Salary Reserves
3. Contracted services, personal and miscellaneous
4. Rental/lease of equipment, including cellular phones
5. Travel and other employee expense
6. Furniture and equipment replacement schedules
7. Loan programs

Revised House Appropriations Schedule as of May 18 – 2010 Session

# May

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | | | | | | **1** |
| **2** | **3** | **4** ***Primary Elections*** | **5** | **6** Review 5% Options in Subcommittee | **7** Review 5% Options in Subcommittee | **8** |
| | | Senate Subcommittees Meet | | | | |
| **9** | **10** | **11** | **12** ***Session Convenes*** | **13** | **14** Draft Reports in Subcommittee & **Senate Full Chairs Meet to Finalize Decisions** | **15** Staff Prepares Bill |
| | Senate Subcommittees Continue to Meet and Begin Reporting | | | | | |
| **16** Staff Prepares Bill | **17** **AM:** Senate Full Chairs Review Bill **PM:** Senate Subcommittees Review Bill/Vote | **18** Senate Full Appropriations & 1st Reading | **19** **House Issues Targets** | **20** Senate 3rd Reading House Reviews Senate Budget | **21** House Subcommittees Meetings | **22** |
| **23** | **24** Subcommittee Meetings; Chairs begin Reviews w/Subcommittees 7:00 Public Hearing | **25** Chairs begin Reviews w/ Subcommittees | **26** Chairs complete Subcommittee Reviews | **27** Subcommittees Vote | **28** AM: House Full Chairs Meet to Finalize Decisions | **29** Staff Prepares Bill |
| **30** | **31**-**Memorial Day** | | | | | |

2010

05/19/2010 01:01:53 PM

Attachment 6

Revised House Appropriations Schedule as of May 18 – 2010 Session

# June

| *Sun* | *Mon* | *Tue* | *Wed* | *Thu* | *Fri* | *Sat* |
|---|---|---|---|---|---|---|
| | | **1** **House Full Appropriations** | **2** | **3** | **4** House 3rd Reading Conferees Appointed | **5** |
| **6** | **7** | **8** | **9** | **10** | **11** | **12** |
| | | Conferees Meet to Resolve Differences | | | | |
| **13** | **14** | **15** | **16** | **17** | **18** | **19** |
| | | Conferees Meet to Resolve Differences | | | | |
| **20** | **21** | **22** | **23** | **24** | **25** | **26** |
| | | **Conferees Finalize Decisions** | | | | |
| **27** | **28** | **29** ***Adopt Conference Report*** | **30** End of Fiscal Year | | | |

2010

05/19/2010 01:01:53 PM

**Senate Appropriations Subcommittee on JPS**
**Fee Increase Proposal**
**FY 2010-2011**

**General Fund Fees**

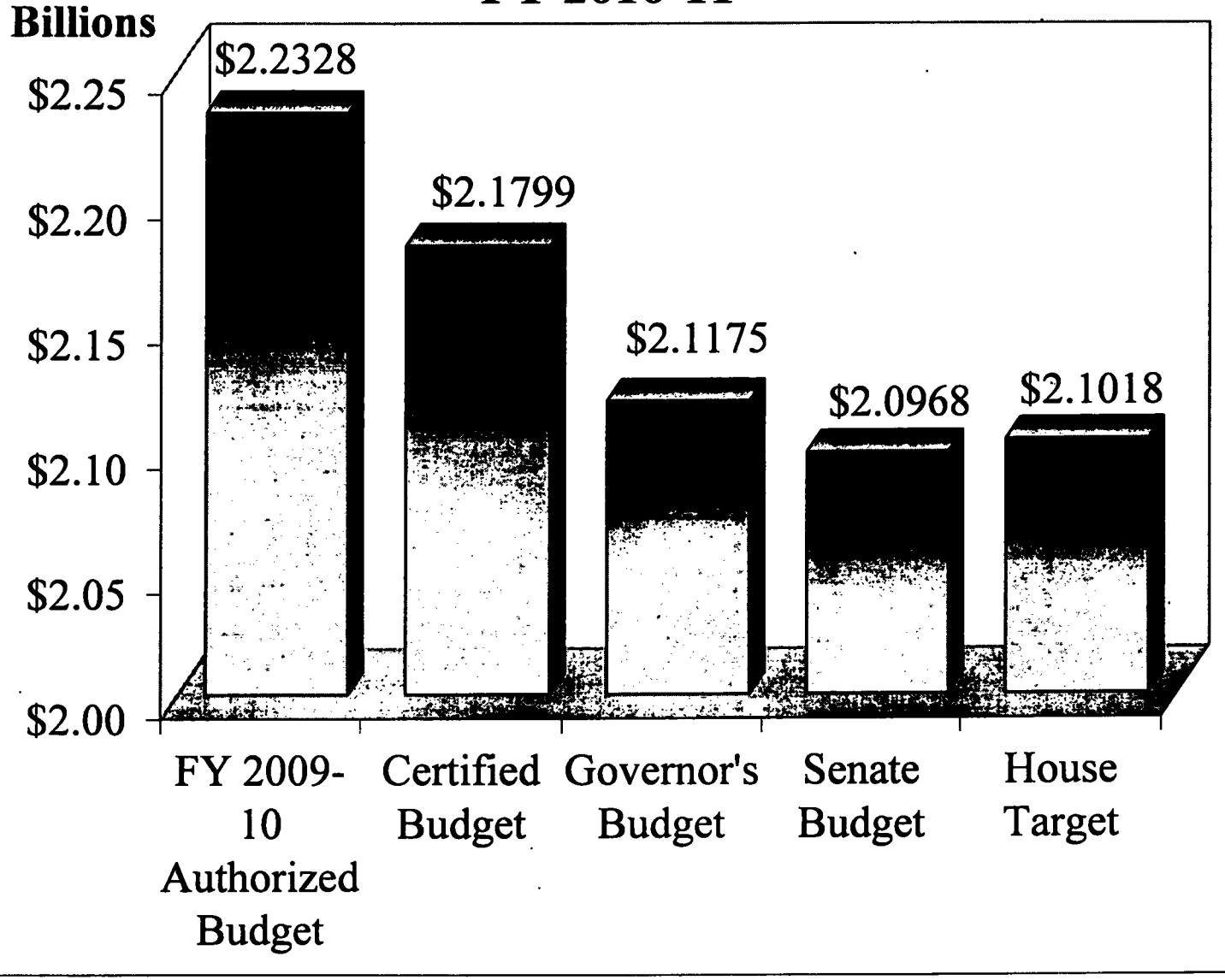
| | Fee | Current Fee | Fee Increase | New Fee | Amount Generated | Funds Go To: | Provision | Statute |
|---|---|---|---|---|---|---|---|---|
| 1 | District Court - Criminal | $95.50 | $5.00 | $100.50 | $4,538,628 | General Fund | 15.5(a) | G.S. 7A-304 (a)(4) |
| 2 | Failure to Comply | $25.00 | $25.00 | $50.00 | $785,223 | General Fund | 15.5(a) | G.S. 7A-304 (a)(6) |
| 3 | Superior Court - Civil | $93.00 | $57.00 | $150.00 | $1,415,538 | General Fund | 15.5(b) | G.S. 7A-305(a)(2) |
| 4 | District Court - Civil | $73.00 | $27.00 | $100.00 | $3,481,634 | General Fund | 15.5(b) | G.S. 7A-305(a)(2) |
| 5 | Motion for Summary Judgment | $0.00 | $40.00 | $40.00 | $1,020,720 | General Fund | 15.5(b) | G.S. 7A-305(a5) |
| 6 | Assignment of Title | $0.00 | $10.00 | $10.00 | $40,820 | General Fund | 15.5(c) | G.S. 7A-307(b1) |
| 7 | 50B Counterclaims Fee | $0.00 | $100.00 | $100.00 | $153,846 | General Fund | 15.8 | G.S. 7A-305(a1) |
| 8 | Resumption of Former Name | $0.00 | $10.00 | $10.00 | $362,050 | General Fund | 15.9 | G.S. 7A-308(a); G.S. 50-12 |
| 9 | Summary Ejectment | $0.00 | $10.00 | $10.00 | $1,850,670 | General Fund | 15.10 | G.S. 7A-305(a)(2) |
| | | | | **Subtotal Court Fees** | **$8,325,278** | | | |
| 10 | Probation/Post-Release Supervision | $30.00 | $10.00 | $40.00 | $5,353,794 | General Fund | 19.3 | G.S. 15A-1343(c1), 1368.4(f). 1374(c) |
| 11 | Community Service Work Program | $225.00 | $75.00 | $300.00 | $3,211,800 | General Fund | 19.4 | G.S. 143B-262.4(b) |
| | | | | **Subtotal Correction Fees** | **$8,565,594** | | | |
| | **Total General Fund Revenue Generated by JPS Fees** | | | | **$16,890,872** | | | |

**Other Fees**

| | Fee | Current Fee | Fee Increase | New Fee | Amount Generated | Funds Go To: | Provision | Statute |
|---|---|---|---|---|---|---|---|---|
| 12 | Attorney Appointment Fee | $50.00 | $10.00 | $60.00 | $250,000 | Special Fund | 15.11 | G.S. 7A-455.1 |

Attachment 8

# JPS Budget Comparisons
## FY 2010-11




Attachment 9

# Joint Appropriations Subcommittee on Justice and Public Safety

| | | Options for Consideration | |
|---|---|---|---|
| | | 5% Scenario | |
| | | R | NR |
| | **Reductions** | | |
| 1 | **Administrative Office of the Courts** | | |
| 2 | Eliminate Vacant Positions (6 months or longer; State office only) | ($1,082,420) | |
| 3 | Adjust ADA-VWLA Ratio | ($10,000,000) | |
| 4 | Reduce Technology Services Program | ($2,616,294) | |
| 5 | Eliminate DA's Conference Funding | ($100,000) | |
| 6 | DA and Clerk positions vacant > 180 days | ($1,769,574) | |
| 7 | Reduce Various Operating Accounts to FY 08-09 Levels | ($1,164,843) | |
| 8 | Reduce Clerk's by 2% | ($2,314,894) | |
| 9 | 5% Reduction to Administration | ($2,383,890) | |
| 10 | **AOC Subtotal** | **($21,431,915)** | **$0** |
| 11 | | | |
| 12 | **Office of Indigent Defense Services** | | |
| 13 | Various Operating Reductions Recommended by OIDS | ($264,200) | |
| 14 | Reduce PAC Continuation Budget | | ($5,750,000) |
| 15 | Reduce NC Prisoner Legal Services Program | | ($142,031) |
| 16 | **OIDS Subtotal** | **($264,200)** | **($5,892,031)** |
| 17 | | | |
| 18 | **Department of Justice** | | |
| 19 | Eliminate Vacant Positions (6 months or longer) | ($390,991) | |
| 20 | SBI Equipment Reduction | ($400,000) | |
| 21 | Increase Budgeted Receipts for Medicaid Fraud Recovery | ($168,566) | |
| 22 | Operating Reductions | ($1,237,000) | ($1,200,000) |
| 23 | Reduce Salary Reserve | ($175,000) | |
| 24 | **DOJ Subtotal** | **($2,371,557)** | **($1,200,000)** |
| 25 | | | |
| 26 | **Juvenile Justice and Delinquency Prevention** | | |
| 27 | Eliminate Vacant Positions (6 months or longer) | ($1,158,829) | |
| 28 | Eliminate Funding for Juvenile Assessment Center | ($124,075) | |
| 29 | Reduce Various Operating Accounts to FY 08-09 Levels | ($546,521) | |
| 30 | Reduce YDC's 5% Based on Reduction in Commitments | ($2,538,342) | |
| 31 | Reduce Admin Budget 5% | ($362,913) | |
| 32 | **DJJDP Subtotal** | **($4,730,680)** | **$0** |
| 33 | | | |
| 34 | **Department of Correction** | | |
| 35 | Alien Assistance Receipts | | ($872,000) |

# Joint Appropriations Subcommittee on Justice and Public Safety

| | | Options for Consideration | |
|---|---|---|---|
| | | 5% Scenario | |
| | | R | NR |
| 36 | ITS Billing Reductions | ($200,000) | |
| 37 | Transfer 4 Positions to Receipt Support | ($182,500) | |
| 38 | Reduce Contractual Services | ($50,000) | |
| 39 | Eliminate .223 Rifle Training | ($54,757) | |
| 40 | Reduction in Clothing Budgets | | ($500,000) |
| 41 | Modify Close Custody Inmate Transfers | ($74,150) | |
| 42 | Reduce Supply Accounts | | ($800,000) |
| 43 | Reduce Equipment Accounts | | ($800,000) |
| 44 | Reduce Vehicle Replacement Budget | | ($1,500,000) |
| 45 | Reduce PC Equipment | | ($300,000) |
| 46 | Reduce Fuel Oil Budget | ($500,000) | |
| 47 | Reduce Drug Testing Frequency | ($130,000) | |
| 48 | Eliminate 7 DOP Admin Positions | ($359,384) | |
| 49 | Consolidate Victim Services | ($148,013) | |
| 50 | Eliminate Brown Creek and Piedmont Positions | ($149,038) | |
| 51 | Eliminate 4 DACDP Positions | ($211,060) | |
| 52 | Eliminate 3 DCC Admin Positions | ($142,910) | |
| 53 | Adjust Continuation Budget Line Items for Lower Population | ($36,987,816) | |
| 54 | Reduce Inmate Medical Costs | ($20,500,000) | |
| 55 | Reduce Criminal Justice Partnership Program | | ($1,100,000) |
| 56 | Increase Probation/Parole Fees | ($5,353,794) | |
| 57 | **DOC Subtotal** | **($65,043,422)** | **($5,872,000)** |
| 58 | | | |
| 59 | **Crime Control and Public Safety** | | |
| 60 | Eliminate Vacant Positions (6 months or longer) | ($490,853) | |
| 61 | Reduce Victim's Compensation to Actual Expenditures | | ($1,300,000) |
| 62 | ALE Equipment Reduction | ($200,000) | ($200,000) |
| 63 | | | |
| 64 | **CCPS Subtotal** | **($690,853)** | **($1,500,000)** |
| 65 | | | |
| 33 | **Expansions** | | |
| 34 | | | |
| 35 | **Total Adjustments** | **($94,532,627)** | **($14,464,031)** |

Attachment 11

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 24, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| W. Scott Hunter | NC State Capitol Police - CCPS |
| Reuben Young, Sec. | CCPS |
| Thomas C. Caves, Jr. | NC Dept of Crime Control & Public Safety |
| Patrick C. Riddick | NCCPS L.E.S.S. |
| Nancy Davis | Rep Moore |
| Chloe Grossage | NCAOC |
| Kelly Hall | NCAOC |
| Mildred Spearman | NCAOC |
| John W Smith | AOC |
| Janice Carmichael | Victims Compensation |
| | |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 24, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| SUSAN E. BROOKS | IDS / SENTENCING SERVICES |
| Elisa Wolper | IDS |
| Thomas Maher | IDS |
| Sarah Preston | ACLU-NC |
| Thomas Moore | Fifth : NDD |
| Pam Tully | DOJ/SBI |
| NECS ROSEBAND | DOJ |
| Guy Mohn | DOJ |
| | |
| | |
| | |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 24, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| TOM BANLIN | NC NATIONAL GUARD |
| C. JOHN LOFTIS | NCALE |
| M.W. Hubbard | Butler Public Safety / CCPS |
| DOUG HERON | WILLIAMS MULLEN |
| Chip Killian | Nelson Mullins |
| ANTHONY M. ANNUNZIATA | NCACC |
| LAO RUBSAM | CYPC |
| JEAN SANDAIRE | DJJDP |
| Elizabeth Ireland | Covenant w/ NC's Children |
| Jon Mobley | House Intern (Rep. Mobley) |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 24, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Tom Bennett | NCVAN |
| S. Katzenelson | SPAC |
| Sherry Pickington | NC DOC |
| Tracy Little | NC DOC |
| Jennie Lancaster | DOC |
| Barbara Baker | DOC |
| TARA Fields | CFSA-NC |
| Tom West | Poyner Spruill LLP |
| Kim Crouch | NCBA |
| Barbara Moore | Conf. of Clerks of Sup Ct. |
| J. Freeman | Wake Co. Clerk of Court |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 24, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Penna Weston | Summit House |
| [illegible] | NCAFC |
| [illegible] | R. [illegible] |
| Eddie Caldwell | NC Sheriffs' Assn. |
| [illegible] | Bonner Assn. |
| Cheryl Reed | OSBM |
| Aaron Gallagher | OSBM |
| Christine [illegible] | Wakemed |
| Esther Hall | NCLEAF |
| Doug Hoell | CCPS - NCEM |
| Barry Hull | NCNG |

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 26, 2010
Room 424 Legislative Office Building
11:00 A.M.

The House Appropriations Subcommittee on Justice and Public Safety met on Wednesday, May 26, 2010, in Room 415 of the Legislative Office Building. Representative Love, presiding chair, called the meeting to order at 11:00 a.m. The following House members were present: Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton, and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Moore, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, Kristine Leggett, and John Poteat.

**Representative Love** recognized the Sergeants-at-Arms, Bill Bass and Frank Prevo; and the pages, Arlene Pina of Moore/Hoke Counties (Speaker Hackney) and Sedrick Belk of Richmond County (Speaker Hackney) and thanked them for their help.

Fiscal Research Staff distributed three handouts: 2010-11 House JPS Budget Summary (Attachment 3), House Appropriations Subcommittee on Justice and Public Safety's Proposed Subcommittee Report for S897: Appropriations Act of 2010 (draft)(Attachment 4), and House Appropriations Subcommittee on Justice and Public Safety's Proposed Special Provisions for S897: Appropriations Act of 2010 (draft)(Attachment 5). **Kristine Leggett** then briefly reviewed the budget status and the rules for making amendments to the Appropriations Act which will be similar to 2009 rules.

**Kristine Leggett** reviewed the 2010-11 House JPS Budget Summary for each of the agencies' budgets as it compares to the certified budget, the Governor's budget and the Senate budget. The fifth column reflects the House draft budget and what it is doing for the agencies. Ms. Leggett then briefly reviewed the rules for making amendments to the Appropriations Act which will be similar to 2009 rules. The Fiscal Research staff proceeded to explain the differences between the Governor's and the Senate's Proposed Subcommittee Report for S897: Appropriations Act of 2010 dated May 26.

**Doug Holbrook** reviewed Judicial, pages I-1 – I-2, Items #1-10. He noted that the "G" beside items stood for Governor's budget and the "S" meant that it was in the Senate's budget. The small "m" beside either indicated that it was a modification. Questions followed his presentation. **Representative Jackson** wondered about eliminating vacant field positions in Item 4. Mr. Holbrook replied that the Administrative Office of the Courts has to eliminate 39 positions based on vacant positions for 180+ days but that AOC can decide which positions statewide to eliminate. They just have to find enough positions to eliminate that will add up to $2.3 million. Representative Jackson wondered if there was a list and Mr. Holbrook said that he would get a list to the committee. Representative Jackson wondered why there were so many vacancies. Mr. Holbrook replied that there were a variety of reasons – someone left the position and they hadn't been filled, due to the hiring freeze, holdbacks, and slow downs. AOC and other departments have been allowed to fill critical positions, so some hiring has been going on, albeit more slowly than normal. **Representative Spear**, looking at Items 3 and 4, noted that the amounts were above the Senate's original amounts. Mr. Holbrook agreed saying that these are positions to be eliminated and the new number now includes the dollar amount of the associated benefits for these positions. **Representative Hurley** asked about the percentage of

reductions for each agency. Kristine Leggett gave the percentage reductions as follows: a 3.59% difference in the AOC budget, a 3.38% difference in the OIDS budget, a 3.81% in the Correction budget, 4.92% reduction in the CCPS budget, a 4.17% reduction in the budget of the Justice budget, and a 1.05% reduction in the DJJDP budget. **Representative Stevens** asked about management flexibility reserves and what flexibility could the agencies practice. Mr. Holbrook said that they must work with the Office of State Budget and Management and they can slow down hiring, eliminate or hold back unnecessary vacant positions and projects, cut down on overtime, travel, operating expenses, etc. The agency would also need to identify positions to be eliminated and follow with a recommendation that they be eliminated. Representative Stevens confirmed that positions would be taken and establish a recurring and nonrecurring management flexibility reserve. Mr. Holbrook answered yes. Representative Stevens (follow-up) wondered if they were primarily positions. Mr. Holbrook said, yes, for most of the departments, it would be personnel.

**John Poteat** then reviewed the Office of Indigent Defense Services, page I-3, Items 11-15. **Representative Stevens** wondered about the difference in Recurring in Sentencing Services (Item 15) and the Total Budget Changes of $1.835 million. Mr. Poteat replied that the majority of the reductions are nonrecurring reductions. The revised figure is what is important. **Representative Spear** asked if most of the OIDS funds were tied up in personnel. Mr. Poteat said that actually, most of the funds were tied up in the Private Assigned Counsel (PAC) funds. There is not a whole lot of personnel in the central office; they have some public defender offices, but most of their money goes out to pay for indigent defense services in the community. Representative Spear (follow-up) wondered about the percentage of cuts and why it was only 3.38%, because if the PAC funds of $5.75 million were backed out, they would be receiving an increase. Mr. Poteat said it was because of the restoration of Sentencing Services.

**Kristine Leggett** reviewed Justice, page I-4, Items #16 - 20. **Representative Stevens** wondered if the Senate had eliminated the $600,00.00 in Medicaid fraud funds. Ms. Leggett said that it was eliminated in the House budget.

**John Poteat** then reviewed the changes in Juvenile Justice and Delinquency Prevention, pages I-5 – I-6, Items #21 – 28. There were no questions.

**Doug Holbrook** reviewed the Department of Correction, pages I-7 – I-10A, Items #29 – 55. Mr. Holbrook added that on page 10A, as there was no money available in the budget, this item became fee based so that the program could continue. This would allow the department to establish 63 receipt-supported positions based on existing demand before the program was eliminated. There is no budget expenditure; it is a fee-based operation. Questions followed. **Representative Spear**, referring to Item 54, asked if there was no funding provided for local jails. Mr. Poteat said that was correct and also for no federal prisoners. **Representative Stevens**, referring to Item 39, Reduce Our Children's Place Funds, wondered who they served, and are they in fact serving anyone right now. Mr. Poteat responded that they served no one yet; this is funding that is supporting a nonprofit that is developing a program. They did have a building in Butner on the Umstead campus, Deerfield Cottage, and the capital funding for that was removed by the Governor last year. **Representative Justus** asked how many years had they been in planning. Mr. Poteat was uncertain, perhaps 5 years, but said he would have the information by the next day. **Representative Bordsen** added that the money was paying for expertise and programs and said that the architect's fees had been paid and that there was still some federal money available for the next three years. Our Children's Place is currently pursuing alternative funding and possibly an alternate location. It would have to raise more money to operate. **Representative Sutton** added that he felt the program should be eliminated since nothing had been done after being funded for so many years. **Representative Randleman** wondered if a lot of money had been invested in the program. Mr. Poteat said that there had been and he could get the amounts for the committee. **Representative Sutton** asked about Items 43, 44, and 45 and wondered how much money had been invested, how long the programs had been in existence, and how many people had been or are currently being served. Mr. Poteat said that he could provide the information to the committee.

**Kristine Leggett** finished this portion of the review by addressing the changes in Crime Control and Public Safety, pages I-11 – I-12, Items #55 – 59. **Representative Jackson** referring to Item 55, noted that the

Senate proposed 12.44 vacant positions and we added three positions back in. Ms. Leggett said that was correct. The original Senate reduction item had a list of vacancies for which Crime Control had actually filled a couple of positions, and there was one on the list that was incorrectly coded in BEACON as a receipt-supported position, so that one was also removed.

**Ms. Leggett** noted that this finished the review of the money portion of the budget. **Representative Guice** asked about the rules and when might they get copies of them. Representative Love said that unless everyone heard differently from the staff, the rules would be the same as last year.

The Proposed Special Provisions for S897: Appropriations Act of 2010 was then reviewed. **John Poteat** reviewed Items 1-3 which were basically boilerplate items (an annual item) and Item 4 which was a technical correction. **Representative Jackson** asked about Item #3 and where would the expansion funds come from. Mr. Poteat said that they would come from existing funds and gives them authority to create positions with the existing funds. **Representative Moore** asked if this item authorized creating new public defender offices where they don't exist to which Mr. Poteat responded that it did not.

**Kristine Leggett** then reviewed Items 5-9A about which there were no questions. **John Poteat** reviewed Items 10 and 11 and no questions followed his review. **Doug Holbrook** reviewed Items 12 ( a boiler plate provision) and 13, a new position. This authorizes the Department of Correction to use up to $2.2 million to repurpose an existing facility or to reopen one of the closed facilities, specifically for the purpose of additional processing center beds. Item 13 brought questions. **Representative Moore** asked which facility was being looked at. Mr. Holbrook said that it was just in the planning stages and no decision had been made. Representative Love added that the hope was that this new processing position would help to clear out some of the local jails. **Representative Warren** asked if the $40/day reimbursement rate was still in effect. Mr. Holbrook said it was and was used to figure the $9 million for this year. The rate will remain the same; once an inmate becomes a DOC inmate, the Department has to pay for that. **Representative Boles** then noted that the Department of Correction had closures last year and wondered when the new prisons were to be opened. Mr. Holbrook stated that a 504-bed facility was to open later this year. A hospital would open and a Phase II facility, a female facility, to open in Swannanoa in 2011. Additional beds would be added at Scotland, Alexander, Bertie, Tabor and Waynesboro as part of the capacity plan, either 250 or 405 beds (medium custody). **Representative Spear** wondered if the $2.2 million would be taken out of the $39 million that is being cut. Mr. Holbrook said that they were currently spending out of that same availability, $9 million is going out to counties for jail beds. This is a planning mechanism to reduce that utilization if possible. Mr. Holbrook then reviewed Item 14. The language expresses legislative intent that there should be no more than 3 classes of misdemeanors to simplify the misdemeanor sentencing grid. Originally, it was a 3-class grid (1994) and over the years, an additional class, A1 was added. It directs the Sentencing Commission to present next year a list of all the Class 3 misdemeanors which have a huge range and a huge volume in District Courts and to look at those for reclassifying them as either infractions or moving them up to Class 2 misdemeanors. **Representative Moore** wondered why don't we just label them 1, 2, and 3, dropping the A1. He also said that before the vote, it would be helpful to see what Class 3 misdemeanors were because it may be that some should remain Class 3 misdemeanors. We may be trying to decriminalize things that shouldn't be decriminalized. Mr. Holbrook said that the idea was to eliminate the Class 3 misdemeanors. This is currently a study item. **Mr. Holbrook** then reviewed Item 15. Line 6 establishes a base line for the usual and customary bill charges. On line 17, the Senate had 5% while the House had 10% of the prison population going to one hospital or medical facility. The last item to be reviewed was Item 16, House Bill 1835, 50B and 50C/Electronic Filing Pilot which had not yet been converted to a provision.. Mr. Holbrook said that this was a no-cost pilot program.

There being no further discussion, Representative Love said that he and Representative Bordsen would be going to the Full Chairs in the afternoon to present this budget. Tomorrow, everyone would receive a copy of the revised budget.

The meeting adjourned at 12:00 p.m.

Respectfully Submitted,

Representative Jimmy L. Love, Sr.
Presiding Chair

Sylvia Nygard
Committee Assistant

Attachments: Committee Notice
Agenda
2010-11 House JPS Budget Summary
Proposed Subcommittee Report for S897: Appropriations Act of 2010 dated May 26, 2010
Proposed Special Provisions for S897: Appropriations Act of 2010 dated May 26, 2010
Visitor Attendance Sheets

Attachment 1

# NORTH CAROLINA HOUSE OF REPRESENTATIVES
# COMMITTEE MEETING NOTICE
# AND
# BILL SPONSOR NOTIFICATION
# 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Wednesday, May 26, 2010
**TIME: 11:00 am**
**LOCATION: LOCATION TO BE DETERMINED**
**COMMENTS:** Please note the change in time. As soon as I get the location I will send an amended notification.

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9:00 a.m.** o'clock on **May 26, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)

# AMENDED NOTICE – MEETING LOCATION

## NORTH CAROLINA HOUSE OF REPRESENTATIVES
## COMMITTEE MEETING NOTICE
## AND
## BILL SPONSOR NOTIFICATION
## 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Wednesday, May 26, 2010
**TIME: 11:00 am**
**LOCATION: ROOM 424, LOB**
**COMMENTS:** Please note the change in time. As soon as I get the location I will send an amended notification.

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9:00 a.m.** o'clock on **May 26, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)

**Attachment 2**

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**
**Room 415 Legislative Office Building**

**May 26, 2010 11:00 A.M.**

## I. Call to Order

Chairs: Representative Alice Bordsen  Representative Jimmy Love, Presiding

## II. House Budget Status and Rules

*Kristine Leggett*

## III. Review of Senate Budget

*Douglas Holbrook*
*John Poteat*
*Kristine Leggett*

## IV. Committee Discussion

## V. Adjournment

---

**House Appropriations Subcommittee on JPS**
Rep. Bordsen (Chair)
Rep. Love (Chair)
Rep. Spear (Vice Chair)
Rep. Sutton (Vice Chair)
Rep. R. Warren (Vice Chair)
Rep. Boles, Rep. Goodwin, Rep. Guice, Rep. Hurley,
Rep. Jackson, Rep. Justus, Rep. Mobley, Rep. Moore,
Rep. Randleman, Rep. Stevens

# 2010-11 House JPS Budget Summary

| Agency | 2010-11 Certified Budget | Governor's Recommended 2010-11 | Senate 2010-11 | House 2010-11 | Difference (House v. Certified) 2010-11 | Difference (House v. Governor) 2010-11 | Difference (House v. Senate) 2010-11 |
|---|---|---|---|---|---|---|---|
| AOC | $463,753,479 | $454,537,185 | $447,935,234 | $447,114,918 | ($16,638,561) | ($7,422,267) | ($820,316) |
| OIDS | $120,132,010 | $121,960,964 | $115,937,143 | $116,075,384 | ($4,056,626) | ($5,885,580) | $138,241 |
| Correction | $1,326,492,230 | $1,280,940,675 | $1,272,410,650 | $1,275,923,067 | ($50,569,163) | ($5,017,608) | $3,512,417 |
| CCPS | $33,718,963 | $32,899,963 | $32,402,789 | $32,059,850 | ($1,659,113) | ($840,113) | ($342,939) |
| Justice | $88,652,538 | $85,850,386 | $85,662,231 | $84,951,622 | ($3,700,916) | ($898,764) | ($710,609) |
| DJJDP | $147,183,945 | $141,331,552 | $142,446,865 | $145,639,788 | ($1,544,157) | $4,308,236 | $3,192,923 |
| **Total Budget** | **$2,179,933,165** | **$2,117,520,725** | **$2,096,794,912** | **$2,101,764,629** | **($78,168,536)** | **($15,756,096)** | **$4,969,717** |

| | FY2010-11 |
|---|---|
| House Target | [redacted] |
| Difference | $0 |

Attachment 3

DRAFT

Attachment 4

# House Appropriations Subcommittee on Justice and Public Safety

# Proposed Subcommittee Report for S897: Appropriations Act of 2010




# DRAFT

## May 26, 2010

DRAFT

DRAFT

House Subcommittee on Justice and Public Safety

# Judicial

GENERAL FUND

**Total Budget Approved 2009 Session**

FY 10-11
**$463,753,479**

**Budget Changes**

G, S

**1 Establish a Management Flexibility Reserve** ($3,300,000) R
($3,300,000) NR

Establishes a Management Reserve to provide the Administrative Office of the Courts the flexibility to determine where reductions can be made.

G, S

**2 Reduce Technology Services Program** ($2,616,294) R

Reduces the budget for the Administrative Office of the Courts' Technology Services Program by 8%. The AOC is authorized to delay or cancel technology projects in its discretion to achieve this reduction.

JM

**3 Eliminate Vacant Central Office Positions** Sen = ($1,082,420) ($1,371,406) R

Eliminates vacant positions in the Central Administration of the Administrative Office of the Courts. -18.75

SM

**4 Eliminate Vacant Field Positions** Title change · Sen was DA + Clerks ($2,300,904) R

Eliminates vacant field positions throughout the Judicial Branch. -39.00

Sen. was ($1,769,574)

S

**5 Reduce DA's Conference Funding** ($100,000) R

Reduces funding for the Conference of District Attorneys by $100,000, approximately 25% of the agency budget. This reduction will eliminate one position and associated costs. -1.00

S

**6 Reduce Operating Accounts to FY 2008-09 Levels** ($1,164,843) R

Reduces various operating budgets throughout the Department to FY 2008-09 actual expenditure levels.

S

**7 Reduction to Administration** ($2,383,890) R

Reduces the Administrative Office of the Courts central administration budget by 5%.

DRAFT
FY 10-11

| | | | |
|---|---|---|---|
| S | 8 **Reduce Dispute Settlement Center Pass Through**<br>Reduces the pass-through appropriation to the Dispute Settlement Centers by 5%. | ($59,974) | R |
| S | 9 **Reduce NC Bar-Civil Justice Funds**<br>Reduces the pass-through appropriation to the NC Bar Association for Access to Civil Justice by 5%. | ($37,500) | R |
| S | 10 **Reduce Financial Protection Law Center**<br>Reduces the pass-through appropriation to the Financial Protection Law Center by 5%. | ($3,750) | R |
| | **Budget Changes** | **($13,338,561)** | R |
| | | **($3,300,000)** | NR |
| | Total Position Changes | -58.75 | |
| | **Revised Total Budget** | **$447,114,918** | |

DRAFT

House Subcommittee on Justice and Public Safety

# Judicial - Indigent Defense

GENERAL FUND

| | FY 10-11 |
|---|---|
| **Total Budget Approved 2009 Session** | **$120,132,010** |

**Budget Changes**

**Department-wide**

11 **Reduce Various Operating Accounts** ($264,200) R

G, S Reduces the operating budget in temporary personnel; registration fees, travel, communications; books and publications, and other operating expenses.

**Indigent Person Attorney**

12 **Reduce PAC Continuation Budget**

S Reduces the Private Assigned Counsel (PAC) Continuation Budget. The Office of Indigent Defense Services expects to end the fiscal year without carrying forward any unpaid PAC bills. ($5,750,000) NR

13 **Reduce NC Prisoner Legal Services Program budget**

G, S Reduces the NC Prisoner Legal Services Program (PLS) budget by 5% nonrecurring, leaving $2.7 million recurring. ($142,031) NR

14 **Reduce Center for Death Penalty Litigation Funding** ($23,821) R

S Reduces Center for Death Penalty Litigation appropriation by 5%, leaving $452,604.

**Sentencing Services**

15 **Restore Sentencing Services Program** $2,123,426 R

G^m, S^m Restores the Sentencing Services Program and adds a 5% reduction. 11.50

Gov + Sen = $2,235,185

| | | |
|---|---|---|
| **Budget Changes** | **$1,835,405** | R |
| | **($5,892,031)** | NR |
| Total Position Changes | 11.50 | |
| **Revised Total Budget** | **$116,075,384** | |

DRAFT

House Subcommittee on Justice and Public Safety

# Justice

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11 |
|---|---|
| | $88,652,538 |

**Budget Changes**

A. Department-wide

16 Eliminate Vacant Positions — ($501,600) R — -9.00

Eliminates vacant positions throughout the agency.

GM, SM Gov = ($1,271,436) Sen = ($390,991)

17 Management Flexibility Reserve — ($1,412,000) R / ($1,200,000) NR

Provides the Department with the flexibility to determine where reductions will be made throughout its budget.

B. Legal Services

18 Increase Medicaid Fraud Recovery Receipts — ($168,566)

S

Adjusts the budgeted receipts for Medicaid Fraud Recovery to reflect twelve months of collections. This reduction was implemented in the FY 2009-10 budget, but the reduction only accounted for six months of collections.

19 NC LEAF Funds — ($18,750) R

GM, S

Reduces the pass-through appropriation for the NC Legal Education Assistance Fund (NC LEAF) by 5%. The FY 2010-11 appropriation for this non-profit will be $356,250.

C. State Bureau of Investigation (SBI)

20 SBI Equipment Reduction — ($400,000) R

S

Reduces the budget for equipment purchases in the State Bureau of Investigation.

| | |
|---|---|
| **Budget Changes** | **($2,500,916) R** |
| | **($1,200,000) NR** |
| Total Position Changes | -9.00 |
| **Revised Total Budget** | **$84,951,622** |

DRAFT

House Subcommittee on Justice and Public Safety

# Juvenile Justice & Delinquency Prevention

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11 |
|---|---|
| | $147,183,945 |

## Budget Changes

### Administrative Services

S

**21 Reduce Administrative Services Budget** ($362,913) R

Reduces the Administrative Services Budget by 5%.

### Community Services

S

**22 Reduce Project Challenge Funding** ($6,400) R

Reduces the Project Challenge appropriation by 5%, leaving $121,600. Project Challenge continues to receive $1.4 million from county Juvenile Crime Prevention Councils.

G

**23 Eliminate Camp Woodson Wilderness Camp** ($1,016,041) R

Eliminates the Camp Woodson Wilderness Camp, which is a Department-operated facility in Buncombe County. -21.00

G

**24 Close Macon Multipurpose Group Home** ($600,000) R

Closes the Macon Multipurpose Group Home, which leaves four Group Homes operated by Methodist Home for Children.

**25 Reduce Eckerd Wilderness Camp Contract** ($1,009,700) R

Reduces Eckerd Wilderness Camp contract. As a result of this reduction, Eckerd will modify their program to serve juveniles for six months in residency at one of their five camps and provide after-care services for three months. This reduces the contract by 7%, which will be $13.3 million.

### Department-wide

Sm

**26 Eliminate Vacant Positions** ($1,524,536) R

Eliminates vacant positions throughout the agency. -31.50

Sen. = ($1,158,829)

S

27 **Reduce Continuation Budget Increases** ($546,521) R

Reduces Continuation Budget increases to a level at or below the FY 2008-09 Authorized Budget.

**Youth Development Centers**

G

28 **Restore Samarkand YDC** $3,521,954 R

Restores the Samarkand YDC in Moore County. 62.00

---

**Budget Changes** **($1,544,157)** R

Total Position Changes 9.50

**Revised Total Budget** **$145,639,788**

---

DRAFT

House Subcommittee on Justice and Public Safety

# Correction

GENERAL FUND

**Total Budget Approved 2009 Session**

FY 10-11
**$1,326,492,230**

**Budget Changes**

**29 Reduce Continuation Budget for Lower Population** ($34,426,978) R

Reduces continuation budget increases from FY 2009-10 to account for a lower-than-projected inmate population. Although the Division of Prisons remains overcrowded, new admissions have leveled following a surge in 2008 and 2009, resulting in a lower inmate count than previously expected as of June 30, 2010.

S M

Sen. = ($39,189,651)

**30 Budget Alien Assistance Receipts** ($872,000) NR

Reduces General Fund appropriations to the Department of Correction by $872,000 to account for receipts from the federal State Criminal Alien Assistance Program.

G, S

**31 ITS Billing Reduction** ($200,000) R

Reduces the appropriation to the Department of Correction for communications and other data processing to account for lower rates charged by the Office of Information Technology Services.

G, S

**32 Transfer Four Positions to Receipt Support** ($182,500) R

Transfers four positions in the DOC Controller's Office that handle Inmate Welfare Fund accounting to receipt support from the Welfare Fund, and eliminates the General Fund appropriation for those positions. -4.00

G, S

**33 Reduce Vehicle Replacement Budget**

Reduces the Vehicle Replacement line item on a non-recurring basis. ($1,500,000) NR

G M S

Gov also had ($1.25 M) recurring

**34 Reduce Fuel Oil Budget** ($500,000) R

Reduces the Fuel Oil line item on a recurring basis.

G, S

**35 Reduce PC Equipment**

Reduces the Personal Computer Equipment line item on a non-recurring basis. ($300,000) NR

G S

**36 Reduce Equipment Accounts** ($800,000) NR

G, S

Reduces various equipment accounts on a non-recurring basis.

**37 Reduce Supply Accounts** ($800,000) NR

G, S

Reduces various supply accounts on a non-recurring basis.

**38 Eliminate .223 Rifle Training** ($54,757) R

G, S

Eliminates a component of rifle training and reduces annual costs for ammunition and targets.

**39 Reduce Our Children's Place Funds** ($5,475) R

G, M, S

Reduces the pass-through appropriation for Our Children's Place by 5%, leaving $104,025. Gov eliminated funding ($109,500)

**Alcoholism and Chemical Dependency Programs**

**40 Eliminate Four Program Positions** ($211,060)

G, S

Eliminates four DACDP positions that work in the In-Prison Out Patient Services at South Piedmont, Western Youth and North Piedmont. -4.00

**Community Corrections**

**41 Reduce Contractual Services** ($50,000) R

G, S

Reduces the Contractual Services budget in the Division of Community Corrections.

**42 Eliminate Community Corrections Positions** ($142,910) R

G, S

Eliminates two Division of Community Corrections positions and their associated costs. These positions are duplicative due to the automation of the parole/post-release violation process. -2.00

**43 Reduce Harriet's House Funds** ($10,313) R

G, M, S

Reduces the pass-through appropriation to Passage Home for Harriet's House by 5%, leaving $195,938.

Gov eliminated funding ($206,250)

**44 Reduce Summit House Funding** ($55,408) R

G M S Reduces the pass-through appropriation to Summit House by 5%, leaving $1,052,756.

Gov eliminated funding ($1,108,161)

**45 Reduce Women At Risk Funding** ($13,125) R

G M S Reduces the pass-through appropriation to Women At Risk by 5%, leaving $249,375.

Gov eliminated funding ($262,500)

Prisons

**46 Reduce Inmate Medical Costs** ($20,500,000) R

G S Reduces the appropriation for medical services for inmates based on capping fees paid as a percentage of billed charges. This reduction applies to inpatient and outpatient hospital services as well as professional services.

**47 Eliminate Seven DOP Administrative Positions** ($359,384) R

G S Eliminates seven positions in the central office of the Division of Prisons. The Department has discretion to identify the positions to reach the cut level of $359,384. -7.00

**48 Consolidate Administrative Positions at Prisons** ($149,038) R

G S Consolidates administrative functions between Brown Creek Correctional Center and Piedmont Correctional Institution and eliminates four duplicative positions. -4.00

**49 Modify Close Custody Inmate Transfers** ($74,150) R

G S Reduces the transportation budget based on reducing the frequency of inter-facility transfers of close custody inmates from every week to every other week.

**50 Reduce Drug Testing Frequency** ($130,000) R

G S Changes the drug testing policy to 10% instead of 15% frequency and reduces appropriations to pay for analysis.

**51 Reduction in Clothing Budgets** ($500,000) NR

G M S Reduces funding for inmate clothing and officer uniforms within the Division of Prisons.

Gov also had ($500,000) recurring

DRAFT
FY 10-11

**52 Operating Reserves for Central Prison Hospital** — $6,767,918 R; $774,843 NR; 554.00

G, S

Establishes an operating reserve and creates positions to staff the Central Prison Hospital and Mental Health Facility. This facility is scheduled for completion in August 2011, and occupancy in October 2011. This reserve will allow positions to be established so staff can be recruited and trained prior to the projected occupancy date.

**53 Operating Reserve for Women's Prison Hospital** — $3,000,017 R; $725,157 NR; 227.00

G, S

Establishes an operating reserve and creates positions to staff the hospital and mental health facility at NC Correctional Institution for Women, scheduled for completion in August 2011, and occupancy in October 2011. This fund will allow recruitment and training to be completed prior to occupancy.

**54 Prisoner Education Program**

S^m

The Prisoner Education Program is partially restored in the Community College System. Under this partial restoration, educational services will be provided to inmates in the areas of basic skills, general education, and vocational training. No services are provided for degree programs, nor for county jail or federal inmates. The funding is found in the Education section of the budget.

Sen. transferred $2,350,256 to DOC in Committee Report

| | | |
|---|---|---|
| **Budget Changes** | **($47,297,163)** | R |
| | **($3,272,000)** | I |
| Total Position Changes | 760.00 | |
| **Revised Total Budget** | **$1,275,923,067** | |

## Additional DOC Money Item for JPS Subcommittee Review

**Establish Receipt-Supported Community Work Crews**

Establishes 63 receipt-supported positions to supervise community work crews providing services to local governmental entities. These crews will be supported by the $150 work crew fee enacted in SL 2009-451, Section 19.24. The positions established will be Correctional Officers. The Department shall establish work crews in prisons where there is sufficient demand based on prior utilization to sustain a crew.

House Subcommittee on Justice and Public Safety

DRAFT

# Crime Control and Public Safety

GENERAL FUND

**Total Budget Approved 2009 Session**

FY 10-11
**$33,718,963**

**Budget Changes**

## A. Department-wide

**55 Eliminate Vacant Positions** ($539,449) R

Eliminates the following vacant positions and associated salaries and benefits: -9.69

| | | | |
|---|---|---|---|
| 60084244 | Housekeeper | (0.25 FTE) | $ 7,751 |
| 60084223 | Grounds Worker | (0.25 FTE) | $ 8,126 |
| 60084252 | Maintenance Mechanic IV | (0.19 FTE) | $ 10,266 |
| 60084267 | Electrician Supervisor I | (0.25 FTE) | $ 12,644 |
| 60084396 | Special Agent in Charge | (1.00 FTE) | $107,190 |
| 60084551 | Multi-Hazard Planner | (0.50 FTE) | $ 26,745 |
| 60084454 | Emergency Mgt Planner II | (1.00 FTE) | $ 59,429 |
| 60087055 | Public Safety Officer | (1.00 FTE) | $ 52,974 |
| 60087053 | Public Safety Officer | (1.00 FTE) | $ 56,730 |
| 60087035 | Public Safety Officer | (1.00 FTE) | $ 51,296 |
| 60087072 | Public Safety Sr Officer | (1.00 FTE) | $ 45,849 |
| 60084547 | EPCRA Planner | (0.25 FTE) | $ 12,509 |
| 60089851 | Public Safety Officer | (1.00 FTE) | $ 43,232 |
| 60014441 | Public Safety Officer | (1.00 FTE) | $ 44,710 |

G^m, S^m

Gov = ($146,000) 3 FTE

Sen = ($516,174) 12.44 FTE

## B. Administration

**56 Law Enforcement Support Services (LESS)** $430,336 NR

5.00

Partially restores a reduction to the LESS budget. In the 2009 Budget, LESS was directed to establish a fee schedule to become 100% receipt supported. They have been unable to find sufficient fees to sustain their operations. This item provides continued General Fund support to them while a fee schedule is developed. LESS coordinates the distribution of excess federal property for local law enforcement agencies, provides evidence and DNA storage, and administers a program to provide lower-cost vehicles and other equipment to law enforcement.

S^m

## D. Alcohol Law Enforcement (ALE)

**57 ALE Equipment Reduction** ($200,000) R

($200,000) NR

Reduces the appropriation for equipment for Alcohol Law Enforcement.

S

E. Victim's Compensation Services

S

58 Victim's Compensation Fund

Reduces the appropriation for Victim's Compensation to actual expenditure levels for FY 2008-09. ($1,300,000) NR

F. Governor's Crime Commission

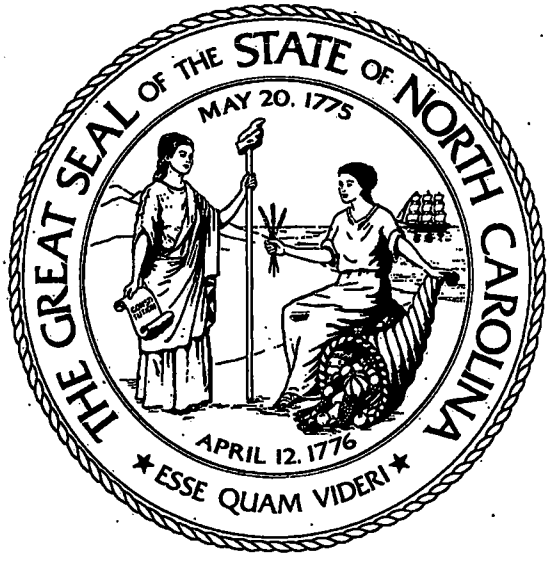
59 Sheriff's Association Funds

Provides funds to the NC Sheriff's Association for training for sheriffs and other law enforcement agencies across the State on the nationwide Secure Communities program and on methods to improve the inmate booking process. $150,000 NR

| | | |
|---|---|---|
| **Budget Changes** | **($739,449)** | **R** |
| | **($919,664)** | **NR** |
| Total Position Changes | -4.69 | |
| **Revised Total Budget** | **$32,059,850** | |

# House Appropriations Subcommittee on Justice and Public Safety

# Proposed Special Provisions for S897: Appropriations Act of 2010




# DRAFT

# May 26, 2010

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT

DRAFT
SPECIAL PROVISION

2010-AOC-H1(S15.1)i

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

BP - Sen

*COLLECTION OF WORTHLESS CHECK FUNDS*

**SECTION 15.1.** Notwithstanding the provisions of G.S. 7A-308(c), the Judicial Department may use any balance remaining in the Collection of Worthless Check Fund on June 30, 2010, for the purchase or repair of office or information technology equipment during the 2010-2011 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 House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the equipment to be purchased or repaired and the reasons for the purchases.

(1)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT

DRAFT
SPECIAL PROVISION

2010-AOC-H2(S15.2)i

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative** Sen

***DIRECT THE OFFICE OF STATE BUDGET AND MANAGEMENT TO RELEASE FUNDS***

**SECTION 15.2.** In the event that the Office of Indigent Defense Services has more than the sum of one million dollars ($1,000,000) in unpaid fee applications received but unpaid at the end of the 2010-2011 fiscal year, the Office of State Budget and Management shall release sufficient funds from the Office of Indigent Defense Services' 2011-2012 fiscal year appropriation in the first month's allotment to allow the Office to pay outstanding obligations at the beginning of the new fiscal year.

(2)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT

**DRAFT**
**SPECIAL PROVISION**

**2010-AOC-H3(S15.3)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

BP - Sen.

**Requested by:** **Representative**

*OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS*

**SECTION 15.3.** Section 15.12 of S.L. 2009-451 reads as rewritten:

"**SECTION 15.12.** The Judicial Department, Office of Indigent Defense Services, may use up to the sum of two million five hundred one thousand one hundred fifty dollars ($2,501,150) in appropriated funds during the 2009-2010 fiscal year and up to the sum of two million four hundred thirty-three thousand seven hundred dollars ($2,433,700) in appropriated funds during the 2010-2011 fiscal year for the expansion of existing public defender offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services, or for the creation of new public defender offices within existing public defender districts currently providing those services, by creating up to 20 new attorney positions and 10 new support staff ~~positions.~~positions during the 2009-2010 fiscal year. In addition, the Office of Indigent Defense Services may use up to the sum of one million dollars ($1,000,000) in appropriated funds to create up to 12 new attorney positions and six new support positions during the 2010-2011 fiscal year. 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 of Representatives and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion."

(3)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT

DRAFT
SPECIAL PROVISION

2010-AOC-H4(S15.4)i

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

Technical Sen

**Requested by:** **Representative**

***CORRECT DEATH PENALTY LITIGATION FUNDING AMOUNT***

**SECTION 15.4.** Section 15.3 of S.L. 2009-451 reads as rewritten:

"**SECTION 15.3.** Of the funds appropriated in this act to the Office of Indigent Defense Services for the 2009-2011 fiscal biennium, the Office may use up to the sum of three hundred seventy-six thousand one hundred twenty-five dollars ($376,125) for the 2009-2010 fiscal year and up to the sum of ~~three hundred seventy-six thousand one hundred twenty-five dollars ($376,125)~~ four hundred fifty-two thousand six hundred four dollars ($452,604) for the 2010-2011 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 of each year in the biennium to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the activities funded by this section."

4

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT

**DRAFT**
**SPECIAL PROVISION**

**2010-AOC-H5(S15.6)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

Technical
Sen

*CHILD SUPPORT FEE MODIFICATION*

**SECTION 15.6.** G.S. 110-134 reads as rewritten:

"**§ 110-134. Filing of affidavits, agreements, and orders; fees.**

All affidavits, agreements, and resulting orders entered into under the provisions of G.S. 110-132 and G.S. 110-133 shall be filed by the clerk of superior court in the county in which they are entered. The filing fee for the institution of an action through the entry of an order under either of these provisions shall be ~~four dollars ($4.00).~~in an amount equal to that provided in G.S. 7A-308(a)(18)."

5

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT

DRAFT
SPECIAL PROVISION

2010-AOC-H6(S15.7)i

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative** Sen

***EXPERT FEES***

**SECTION 15.7.** G.S. 7A-314(d) reads as rewritten:

"(d) An expert witness, other than a salaried State, county, or municipal law-enforcement officer, shall receive such compensation and allowances as the court, or the Judicial Standards Commission, in its discretion, may authorize. A law-enforcement officer who appears as an expert witness shall receive reimbursement for travel expenses only, as provided in subsection (b) of this section. Compensation of experts acting on behalf of the court or prosecutorial offices shall be paid in accordance with the rules established by the Administrative Office of the Courts. Compensation of experts provided under G.S. 7A-454 shall be in accordance with rules established by the Office of Indigent Defense Services."

6

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT

DRAFT
SPECIAL PROVISION

2010-AOC-H7

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***MODIFICATION TO THE DUTIES OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS WITH RESPECT TO PAYMENT OF INTERPRETERS AND EXPERT WITNESSES***

**SECTION #.** G.S. 7A-343 is amended by adding two new subsections to read:

"(9e) Prescribe policies and procedures for the appointment and payment of deaf and hearing impaired interpreters, in accordance with G.S.8B-8(a), for those cases specified in G.S. 8B-8(b) and (c). 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 hearing impaired interpreter positions to permanent State positions when the Director determines that it is more cost-effective to do so.

(9f) Prescribe policies and procedures for the payment of those experts acting on behalf of the court or prosecutorial offices, as provided for in G.S. 7A-314(d)."

7

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT

DRAFT
SPECIAL PROVISION

2010-ATTY-H1A(S16.1)

**Attorney General's Office**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

Modified Sen

***REPORTING BY MEDICAID FRAUD CONTROL UNIT***

**SECTION 16.1.** Article 1 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"**§ 114-2.5A. Report by the Medicaid Fraud Control Unit required annually.**

By September 1 of each year, the Medicaid Fraud Control Unit of the Department of Justice shall file a written report about its activities with the Chairs of the Appropriations Subcommittees on Justice and Public Safety and Health and Human Services of the Senate and House of Representatives and with the Fiscal Research Division of the Legislative Services Office. This report may be combined with the report required by G.S. 1-617 and shall include the following information about the Unit's activities during the previous fiscal year:

(1) The number of matters reported to the Unit.

(2) The number of cases investigated.

(3) The number of criminal convictions and civil settlements.

(4) The total amount of funds recovered in each case.

(5) The allocation of recovered funds in each case to (i) the federal government; (ii) the State Medical Assistance Program; (iii) the Civil Penalty and Forfeiture Fund; (iv) the Department of Justice; and (v) other victims."

8

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT

DRAFT
SPECIAL PROVISION

2010-CCPS-H1(S17.1)

Department of Crime Control and Public Safety
Appropriations Subcommittee on Justice and Public Safety

Sen Modified Follows $

Requested by: Representative

*AMEND LAW ENFORCEMENT SUPPORT SERVICES FEE AUTHORITY*

**SECTION 17.1.(a)** The General Assembly finds that a centralized evidence and DNA storage facility will provide local law enforcement agencies and clerks of court with a lower cost storage alternative, reducing or eliminating the need for local entities to provide their own storage and streamlining the evidence storage process.

**SECTION 17.1.(b)** G.S. 143B-475.2 is repealed.

**SECTION 17.1.(c)** Part 7 of Article 11 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-508.1. Fees for services provided by the Division.**

Fees shall be established and collected by the Department for all program services provided by the Law Enforcement Support Services Division, except for Department of Defense property being transferred pursuant to the National Defense Authorization Act of 1997. The fees collected are departmental receipts and are applied to the Division's costs in providing services to these entities. The fees apply to the following:

(1) A law enforcement agency that receives any services from the Division.

(2) An agency for which the Department stores evidence."

**SECTION 17.1.(d)** Subsections (b) and (c) of this section become effective July 1, 2010, and fees established pursuant to subsection (c) of this section apply to program services provided on or after that date. The remainder of this section is effective when it becomes law.

(9)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT

DRAFT
SPECIAL PROVISION

2010-CCPS-H2

Sen Modified

**Department of Crime Control and Public Safety**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***REQUIRE DEVELOPMENT AND REPORTING OF LESS FEE SCHEDULE***

**SECTION #.(a)** The Department of Crime Control and Public Safety, Law Enforcement Support Services Division (LESS), shall, in consultation with the Fiscal Research Division of the General Assembly, develop a fee schedule for the services provided by LESS. In developing this fee schedule, the Department shall consider the following:

(1) Fees charged in other states for similar services.

(2) Utilization rates for each of the three main program areas of LESS for the last five years.

(3) Actual workload requirements for each of the three main program areas of LESS, including the average time to complete a single transaction for each of the programs. For example, the Division shall determine, on average, how many person hours it takes to log in a piece of evidence for storage.

(4) Projected evidence storage needs for the next five years.

(5) Projected space costs and the feasibility of purchasing a permanent storage facility rather than continuing to lease space.

**SECTION #.(b)** The fee schedule required to be developed pursuant to this section shall be reported to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Fiscal Research Division of the General Assembly not later than October 1, 2010.

9A

GENERAL ASSEMBLY OF NORTH CAROLINA DRAFT

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-DJJDP-H2(S18.1)i**

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

BP - Sen

**Requested by: Representative**

***STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS***

**SECTION 18.1.** Funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for the 2010-2011 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 2010-2011 fiscal year, the amount of funds anticipated for the 2010-2011 fiscal year, and the allocation of funds by program and purpose.

(10)

**DRAFT**
**SPECIAL PROVISION**

**2010-DJJDP-H3(S18.2)i**

**Department of Juvenile Justice and Delinquency Prevention**
**Appropriations Subcommittee on Justice and Public Safety**

Sen

**Requested by:** **Representative**

***REPEAL TREATMENT STAFFING MODEL AT YOUTH DEVELOPMENT CENTERS***

**SECTION 18.2.** Section 18.4 of S.L. 2009-451 is repealed.

11

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT

**DRAFT**
**SPECIAL PROVISION**

**2010-CORR-H2(S19.1)i**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

BP - Sen

*FEDERAL GRANT MATCHING FUNDS*

**SECTION 19.1.** Section 19.9 of S.L. 2009-451 reads as rewritten:

"**SECTION 19.9.** Notwithstanding the provisions of G.S. 143C-6-9, the Department of Correction may use up to the sum of one million two hundred thousand dollars ($1,200,000) during the 2009-2010 fiscal year and up to the sum of one million two hundred thousand dollars ($1,200,000) during the 2010-2011 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 House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds."

12

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-CORR-H1**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*ADDITIONAL PROCESSING CENTER/REDUCE JAIL BACKLOG PAYMENTS*

**SECTION #.** Of the funds appropriated to the Department of Correction for the 2010-2011 fiscal year, the Department shall use up to the sum of two million two hundred thousand dollars ($2,200,000) to operate an additional processing center as a means of reducing jail backlog payments. The Department may reopen a closed prison facility or change the purpose of an existing facility in order to achieve this goal. The Department may use existing vacant positions to staff any reopened facility or may create sufficient positions necessary to staff a processing center. The Department shall report to the Joint Legislative Commission on Governmental Operations by October 1, 2010, on its plans for creating additional processing beds.

(13)

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-CORR-H3**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

***STUDY MISDEMEANOR CLASSIFICATION***

**SECTION #.** It is the intent of the General Assembly that there be only three misdemeanor punishment levels: Class A1, Class 1, and Class 2. The North Carolina Sentencing and Policy Advisory Commission, in consultation with the Conference of District Attorneys, the Office of Indigent Defense Services, and the Institute of Government, shall review all Class 3 misdemeanor offenses and provide recommendations to the 2011 General Assembly for reclassifying each Class 3 misdemeanor as either an infraction or a Class 2 misdemeanor. The Commission may, in its discretion, consider other misdemeanor offenses for reclassification as infractions.

14

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-CORR-H4(S6.16)**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

Modified Sen

**Requested by:** **Representative**

*INMATE MEDICAL COST CONTAINMENT*

**SECTION 6.16.(a)** Providers and facilities that deliver medically necessary services to inmates in the Department's custody of the Department of Correction shall charge the Department using the same schedule of charges used for other patients, and the Department may reimburse those providers and facilities at up to seventy percent (70%) of the amount charged based on the usual and customary charges in effect as of June 30, 2010. The requirements of this subsection shall apply to all medical and facility services provided outside the correctional facility, including hospitalizations, professional services, medical supplies, and other medications provided to any inmate confined in a correctional facility.

**SECTION 6.16.(b)** The Department of Correction shall make every effort to contain inmate medical costs by making use of its own hospital and health care facilities to provide health care services to inmates. To the extent that the Department of Correction must utilize other facilities and services to provide health care services to inmates, the Department shall make use of hospitals with available capacity or other health care facilities in a region to accomplish that goal. The Department shall work to ensure that care usage is distributed equitably among all hospitals or other appropriate health care facilities, with no one health care facility being required to admit more than ten percent (10%) of all patients requiring hospitalization or hospital services, unless doing so would jeopardize the health of an inmate or unless otherwise agreed to by contract. The Department shall also give preference to those hospitals in the same county or an adjoining county to the correctional facility where an inmate requiring hospitalization is incarcerated.

**SECTION 6.16.(c)** The Department of Correction shall consult with the Division of Medical Assistance in the Department of Health and Human Services to develop protocols for prisoners who would be eligible for Medicaid if they were not incarcerated to access Medicaid while in custody or under extended limits of confinement. The Department shall seek reimbursement from Medicaid for those health care costs incurred by the Department in those instances when an inmate's Medicaid eligibility has been temporarily reinstated due to a hospitalization.

**SECTION 6.16.(d)** The Department of Correction, in consultation with the Office of State Budget and Management, shall study the impact on inmate medical costs resulting from the measures set forth in subsections (a), (b), and (c) of this section. The Department shall present its findings by March 1, 2011, to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

**SECTION 6.16.(e)** The Department of Correction shall make every effort to explore other cost containment methods not expressly outlined in this section. These methods may include the following:

(1) Contracting with a private third party to manage and provide all inmate medical services;

(2) Partnering with the federal government to allow for treatment of State inmates in federal correctional hospitals; and

(15)

(3) Purchasing a fixed number of beds at a hospital.

**SECTION 6.16.(f)** The Department of Correction shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than October 1, 2010, on

(1) The Department's progress with the RFP process initiated pursuant to Section 19.20(b) of S.L. 2009-451, as rewritten by Section 15A of S.L. 2009-575, to contract for claims processing, medical management services, and the development and management of a medical professional and facility provider network.

(2) The anticipated effects on medical care provided to inmates as a result of the new hospital at Central Prison and the updated facilities at the North Carolina Correctional Institute for Women, as well as any other new medical services capacity within the Department. Specifically, the Department shall report on:

a. The types and volumes of services that the new and updated facilities will provide that previously would have been provided by community providers; and

b. The projected types and volumes of services that will still be referred to community providers.

The report shall also address changes in statewide inmate custody that are needed to maximize the utilization of the new facilities and the Department's ability to contract with community providers with the available capacity throughout the State.

**SECTION 6.16.(g)** The Department of Correction shall report to the Joint Legislative Commission on Governmental Operations no later than October 1, 2010, and quarterly thereafter on:

(1) The volume of services provided by community medical providers that can be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers; and

(2) The volume of services provided by community medical providers that cannot be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers.

**SECTION 6.16.(h)** Section 19.20(a) of S.L. 2009-451, as amended by Section 15A of S.L. 2009-575, is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009



# HOUSE BILL 1835*

| | | |
|---|---|---|
| Short Title: | 50B and 50C/Electronic Filing Pilot. | (Public) |
| Sponsors: | Representatives Bordsen, Ingle (Primary Sponsors); M. Alexander, Avila, Blackwell, Brown, Bryant, Faison, Fisher, Folwell, Gill, Glazier, Hughes, Hurley, Killian, Lewis, McElraft, McLawhorn, Mobley, Tillis, E. Warren, R. Warren, and Wiley. | |
| Referred to: | Judiciary I, if favorable, Ways and Means/Broadband Connectivity. | |

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PILOT PROGRAM FOR ELECTRONIC FILING IN DOMESTIC VIOLENCE AND CIVIL NO-CONTACT CASES IN ALAMANCE COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The General Assembly of North Carolina enacts:

**SECTION 1.** A pilot program for electronic filing in domestic violence cases is established in District Court District 15A. In order to implement the program, the chief district court judge in District Court District 15A may adopt local rules that permit the clerk of superior court for Alamance County to accept electronically filed complaints requesting Chapter 50B of the General Statutes ex parte domestic violence protective orders, and Chapter 50C of the General Statutes ex parte civil no-contact orders, that are transmitted from the Alamance County Family Justice Center.

**SECTION 2.** This act becomes effective July 1, 2010, and expires June 30, 2012.



17

Attachment 6

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 26, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Janice Carmichael | Victim Compensation / CCPS |
| Tom Bennett | NC VAN |
| Ray Dorr | Conference of D.As |
| ANTHONY HALSEY | NCACC |
| John Dorman | NCEM |
| Glenn C. Cuff | CCPS |
| Michelle Brooks | University Health Systems of Eastern Carol |
| ANN [redacted] LOVE | DOVE |
| NELS ROSENAU | AGO |
| Gary McLaurin | AGO |
| Sherry Pellington | NC DOC |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 26, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Alexis Keller | NC DOC |
| Paula Y. Smith | NC DOC |
| Frank Rogers | NC DOC |
| J. Lancaster | DOC |
| Barbara Baker | NC DOC |
| Elizabeth Ireland | Covenant with NC's Children |
| S. Katzenelson | SPAC |
| Anuja Acharya | Conference of Clerks of Superior Court |
| Lorrin Freeman | Wake Co CSC |
| Barbara Moore | Conf. of Clerks of Sp Ct. |
| Melvin Lee | OSBM |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 26, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Tom Maher | JPS |
| Elisa Wolper | " |
| Melissa Radcliff | Our Children's Place |
| Jeanne Tedrow | Harriet's House - Passage Home. |
| Sarah Preston | ACLU-NC |
| Esther Hall | NCLEAF |
| Greg Stahl | NCAOC |
| Rex Whaley | NCAOC |
| Mildred Spearman | NCAOC |
| John W Smith | AOC |
| Tracy L Wade | NCDOC |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 26, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| James French | DOC |
| Sheriff Tony Perry | Camden Co Sheriffs Ofc, Camden, NC |
| Cameron Perry | Camden County, NC, CamTech |
| RODNEY MIDGETT | DARE CO. SHERIFF MANTEO NC |
| TOM BOWLIN | NC NATIONAL GUARD |
| Barry Hull | NCNG |
| LTC Keith Pearce | NC National Guard |
| Cheryl Reed | OSBM |
| Aaron Gallagher | OSBM |
| Leanne Winner | NCSBA |
| Eddie Caldwell | NC Sheriffs' Assn |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 26, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| JEAN SAUBAIRE | OJSDP |
| Sarah Quinn | Rep. Bordallo's office |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

# MINUTES
# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 27, 2010
Room 415 Legislative Office Building
11:00 A.M.

The House Appropriations Subcommittee on Justice and Public Safety met on Thursday, May 27, 2010, in Room 415 of the Legislative Office Building. Representative Bordsen, presiding chair, called the meeting to order at 11:00 a.m. The following House members were present: Representatives Bordsen and Love, Chairs; Representatives Spear, Sutton, and Warren, Vice Chairs; and Representatives Boles, Goodwin, Guice, Hurley, Jackson, Justus, Mobley, Moore, Randleman, and Stevens.

Fiscal Research Division Analysts staffing the meeting were Doug Holbrook, Kristine Leggett, and John Poteat.

**Representative Bordsen** recognized the Sergeants-at-Arms, Bill Bass, Frank Prevo and Bob Rossi; and the pages, Dakota Boyd of Johnston County (Rep. Langdon) and Sedrick Belk of Richmond County (Speaker Hackney) and thanked them for their help.

**Kristine Leggett** briefly reviewed the Rules for Subcommittee Procedure (see Attachment 3). As there were no questions, the Fiscal Research staff proceeded to explain the changes between the Proposed Subcommittee Report for S897: Appropriations Act of 2010 and the Proposed Special Provisions for S897: Appropriations Act of 2010 that were distributed today (Attachments 4 and 5) and yesterday, May 26.

**Doug Holbrook** reviewed Judicial, pages I-1 – I-2, Items #1-13. He stated that the recurring portion of Item #1, Management Flexibility Reserve, was cut in half; the non-recurring portion was left the same; and Item #2, Technology Services Program Reduction, was made non-recurring. There are two items that have been struck from the report: the cuts to Vacant Field Positions and cuts to Vacant Central Office Positions. There are no changes in the Indigent Defense portion of the budget. There were no questions.

**Kristine Leggett** reviewed Justice, pages I-4 - I-5, Items #14 – 19. She noted that Item #17 was new. This is a Senate item providing $600,000 to Justice for the Medicaid Fraud Criminal Investigation Team (the total amount available to Justice will be $2.4 million) and establishes 25 new positions. No questions followed.

**John Poteat** then reviewed the changes in Juvenile Justice and Delinquency Prevention, pages I-6 – I-7, Items #20 – 25. He stated that Item #25 was a newly added provision. This is a Senate item which reduced by $2.5 million the YDC Fund Code and three things were removed: the elimination of Camp Woodson at a little over a $1 million and 21 positions has been restored; the elimination of one of three group homes has been restored; and the reductions to the Eckerd Wilderness Contract Camps at $1 million has been restored. There were no questions.

**Doug Holbrook** said that under the Department of Correction, pages I-8 – I-11, Items #26 – 52, Item # 26, Continuation Budget for Lower Population in the Department of Correction, has been reduced from $34 million to $24 million. There were no questions.

**Kristine Leggett** finished this portion of the review by addressing the changes in Crime Control and Public Safety, pages I-12 – I-13, Items #53 – 59. She noted that the amount in Item #53 had been reduced and 2 positions have been removed from the list; Item #54 changes an item in yesterday's budget: it was about $460,000 non-recurring for LESS and it is now $300,000 recurring which is the same as in the Senate budget; item #55, National Guard Armory Maintenance, is a new item which provides $1 million recurring; and Item #56 was a new item which transfers the tuition assistance program (TAP) in the National Guard to State Education Assistance Authority (SEAA) which has administration over most of the state-funded scholarship programs in the State. There is no reduction; in the SEAA, there is an increase in the amount provided for scholarships in the National Guard. There were no questions.

The changes made in the Special Provision portion of S897 (Attachment 5) are as follows:

**John Poteat** stated that on page 1, the change was that OSBM was to release funds if OIDS has an unpaid backlog of more than $1 million. On page 2, the Center for Death Penalty Litigation has a technical change: instead of $376,125.00, the amount should be $452,604.00.

**Kristine Leggett** noted that on page 4, Expert Fees for AOC, lines 7 – 9 were added regarding setting a uniform set of fees for compensation of expert witnesses. Page 5 goes along with that. Pages 6 – 9 did not change. Page 10, Transfer Tuition Assistance Program, follows the money transfer program previously explained in the Appropriations Section of the budget.

**John Poteat** addressed the change made on page 14 to the Department of Juvenile Justice and Delinquency Prevention which was a repeal of the cap on the staffing at YDCs.

**Doug Holbrook** noted that on page 15, Department of Correction, the addition of a boilerplate grant, and on page 17, a different version of the Inmate Medical Cost Containment occurred because of work that the Legal Staff in the Research and Bill Drafting Divisions have done on the first line. Yesterday's version said that providers shall charge a rate which has some constitutional issues, so it now says that DOC may reimburse providers at a rate not more than 70% of the amount charged based on usual and customary charges in effect for all other patients as of June 30, 2010. Nothing else has changed in this provision.

At this time, the committee was given a chance to ask questions about the changes.

**Representative Justus** asked for an explanation of the repeal of the cap on page 14. **John Poteat** replied that it caps the staff at no more than 2.1 or 66 for a 32-bed facility. **Representative Bordsen** noted that the typical flexibility had been put back in place.

There were no more questions nor discussion.

Committee members sent forth their amendments to the money portion of S897: Appropriations Act of 2010. Chairman Love stated that he had reviewed 4 amendments which were in order and did not violate any of the Rules. He then asked for any other amendments.

**Representative Spear** sent forth the first amendment, a copy of which is attached as part of these minutes (Attachment 6). After a brief explanation of his amendment, Representative Spear moved adoption of the amendment. Following discussion, the motion was seconded and in a vote of 11 for/3 against, the amendment was **adopted**.

**Representative Spear** offered the second amendment, a copy of which is attached as part of these minutes (Attachment 7). After a brief explanation of his amendment, Representative Spear moved adoption of the amendment. After discussion, the motion was seconded and was **adopted.**

**Representative Spear** offered a third amendment, a copy of which is attached as part of these minutes (Attachment 8). After a brief explanation of his amendment, Representative Spear moved adoption of the Amendment. Doug Holbrook noted that this amendment needed a perfecting amendment to change the

figure to reflect 45 positions under Item 51. Rep. Spear made a motion to allow this change to go forward without withdrawing the amendment but to let staff correct the amendment later. This was seconded and **approved**. Discussion followed on this amendment after which Representative Spear moved adoption of Amendment 3 as perfected. The motion was seconded and after a vote of 9 in favor of/5 opposed, the motion was **adopted.**

**Representative Warren** brought forth Amendment 4, a copy of which is attached as part of these minutes (Attachment 9). His amendment would eliminate Item 19 on page I-4 and increase the recurring funds in Item 15 on page I-4 by $400,000, thus providing more flexibility to the department. Representative Warren moved the adoption of the amendment. The motion was seconded and **adopted.**

**Representative Stevens** sent forth Amendment 5 and explained its purpose was to eliminate the funding for Camp Woodson and decrease the reduction in Item 26 by $1,016,014 (Attachment 10). After discussion on this amendment, Representative Stevens moved to have the amendment approved. This was seconded and by a vote of 12 for/1 against, the motion was **adopted.**

At this time, the House Subcommittee on Justice and Public Safety recessed until 1:30 p.m., following the House Session meeting.

The meeting recessed at 11:50 a.m.

**Representative Love** called the meeting back to order at 1:35 p.m.

**Representative Justus** offered Amendment 6 which eliminates vacant positions throughout Crime Control and Public Safety (Attachment 11). Representative Justus explained that the amendment aimed for flexibility within the department concerning vacancies as had been done with other departments. After a brief discussion, Representative Justus moved to have the amendment approved. The motion was seconded and **adopted.**

**Representative Justus** then sent forth Amendment 7 (Attachment 12) and explained its purpose. Representative Justus moved to have the amendment approved; this was seconded and **adopted**.

**Representative Boles** submitted Amendment 8 (Attachment 13) and explained its purpose. Representative Guice moved for adoption of the Amendment which was seconded and **adopted.**

**Representative Boles** then submitted Amendment 9. After a brief discussion, Representative Boles asked that it be moved back to the Fiscal Research Staff for a technical correction. The committee agreed to this and agreed that the amendment would be taken up again when corrected.

At this time, Committee members sent forth their amendments to the Special Provision of S897: Appropriations Act of 2010.

**Representative Goodwin** presented Amendment 10 (Attachment 14) and explained the purpose of this new provision. After discussion, Representative Goodwin moved the adoption of the amendment; this was seconded and **adopted.**

**Representative Jackson** then sent forth Amendment 11 (Attachment 15) which he explained and then moved for the adoption of same. Following a second to the motion, discussion ensued. The motion to adopt the amendment was **approved.**

**Representative Bordsen** sent forth Amendment 12 (Attachment 16), explained it, and moved for the adoption of this new provision. This was seconded, the amendment discussed, and then voted upon. The motion to adopt Amendment 12 was **approved.**

**Representative Boles** then brought forth a corrected Amendment 9 (Attachment 17 is the original amendment; the corrected amendment is not available) for adoption. This was acceptable to the committee. John Poteat of Fiscal Research explained the bill. Mr. Poteat stated that earlier the committee had eliminated the funding for Camp Woodson by $1,016,041.00 and put that money into decreasing the continuation budget's reduction to DOC. This amendment, on page I-6, Item 22, eliminates the 31.50 vacant positions cut to Juvenile Justice by $1.5 million and put that $1 million in there. The $508,000 difference would increase the management flexibility the committee just gave to the Department of Juvenile Justice. There will be $508,000 worth of vacant positions cut. Members of the committee were concerned that the Department of Juvenile Justice was being shown some favoritism, and Representative Boles stated that was not his intent. Representative Boles moved for the adoption of his amendment which was **approved.**

There being no further amendments, **Representative Sutton** moved that the Justice and Public Safety budget be approved as amended, pending technical corrections of the staff. The motion was seconded and **Approved.**

The meeting adjourned at 2:00 p.m.

Respectfully Submitted,

Representative Alice Bordsen
Presiding Chair (Morning Session)

Representative Jimmy L. Love, Sr.
Presiding Chair (Afternoon Session)

Sylvia Nygard
Committee Assistant

Attachments: Committee Notice
Agenda
Rules for Subcommittee Procedure
Proposed Subcommittee Report for S897: Appropriations Act of 2010 dated May 27, 2010
Proposed Special Provisions for S897: Appropriations Act of 2010 dated May 27, 2010
Amendments #1 - #12 (Attachments 6 - 17)
Visitor Attendance Sheets

# AMENDED NOTICE – This meeting replaces the JPS meeting scheduled for 9:00 a.m. on May 27

## NORTH CAROLINA HOUSE OF REPRESENTATIVES
## COMMITTEE MEETING NOTICE
## AND
## BILL SPONSOR NOTIFICATION
## 2009-2010 SESSION

You are hereby notified that the Committee on **Appropriations Subcommittee on Justice and Public Safety** will meet as follows:

**DAY & DATE:** Thursday, May 27, 2010
**TIME:** 11:00 a.m.
**LOCATION:** 415 LOB
**COMMENTS:** As a reminder, both Bill Drafting and the Fiscal Research staff will help you draft your amendments if you need.

Respectfully,
Representative Bordsen, Chair
Representative Love, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:00 p.m. o'clock on **May 26, 2009.**

X Principal Clerk
X Reading Clerk – House Chamber

**Sylvia Nygard** (Committee Assistant)

# HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
**Room 415 Legislative Office Building**

**May 27, 2010 11:00 A.M.**

## I. Call to Order
Chairs: Representative Alice Bordsen, Presiding  Representative Jimmy Love

## II. House Budget Status and Rules
*Kristine Leggett*

## III. Review of Proposed House Budget
*Douglas Holbrook*
*John Poteat*
*Kristine Leggett*

## IV. Committee Discussion

## V. Adjournment

---

**House Appropriations Subcommittee on JPS**
Rep. Bordsen (Chair)
Rep. Love (Chair)
Rep. Spear (Vice Chair)
Rep. Sutton (Vice Chair)
Rep. R. Warren (Vice Chair)
Rep. Boles, Rep. Goodwin, Rep. Guice, Rep. Hurley,
Rep. Jackson, Rep. Justus, Rep. Mobley, Rep. Moore,
Rep. Randleman, Rep. Stevens

**North Carolina House of Representatives**
**Appropriations Committee**

# RULES FOR SUBCOMMITTEE PROCEDURE

May 27, 2010

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 or establish substantive policy or law.

# House Appropriations Subcommittee on Justice and Public Safety

## Proposed

# Subcommittee Report

## for S897: Appropriations Act of 2010

## May 27, 2010

House Subcommittee on Justice and Public Safety

# Judicial

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11 |
|---|---|
| | $463,753,479 |

## Budget Changes

| | | |
|---|---|---|
| **1 Establish a Management Flexibility Reserve**<br>Establishes a Management Reserve to provide the Administrative Office of the Courts the flexibility to determine where reductions can be made. | ($1,650,000)<br>($3,300,000) | R<br>NR |
| **2 Reduce Technology Services Program**<br>Reduces the budget for the Administrative Office of the Courts' Technology Services Program by 8%. The AOC is authorized to delay or cancel technology projects in its discretion to achieve this reduction. | ($2,616,294) | NR |
| **3 Reduce DA's Conference Funding**<br>Reduces funding for the Conference of District Attorneys by $100,000, approximately 25% of the agency budget. This reduction will eliminate one position and associated costs. | ($100,000)<br>-1.00 | R |
| **4 Reduce Operating Accounts to FY 2008-09 Levels**<br>Reduces various operating budgets throughout the Department to FY 2008-09 actual expenditure levels. | ($1,164,843) | R |
| **5 Reduction to Administration**<br>Reduces the Administrative Office of the Courts central administration budget by 5%. | ($2,383,890) | R |
| **6 Reduce Dispute Settlement Center Pass Through**<br>Reduces the pass-through appropriation to the Dispute Settlement Centers by 5%. | ($59,974) | R |
| **7 Reduce NC Bar-Civil Justice Funds**<br>Reduces the pass-through appropriation to the NC Bar Association for Access to Civil Justice by 5%. | ($37,500) | R |

| | FY 10-11 | |
|---|---|---|
| **8 Reduce Financial Protection Law Center**<br>Reduces the pass-through appropriation to the Financial Protection Law Center by 5%. | ($3,750) | R |
| **Budget Changes** | **($5,399,957)** | **R** |
| | **($5,916,294)** | **NR** |
| Total Position Changes | -1.00 | |
| **Revised Total Budget** | **$452,437,228** | |

# Judicial - Indigent Defense

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11<br>$120,132,010 | |
|---|---|---|
| **Budget Changes** | | |
| **Department-wide** | | |
| 9 **Reduce Various Operating Accounts**<br>Reduces the operating budget in temporary personnel, registration fees, travel, communications, books and publications, and other operating expenses. | ($264,200) | R |
| **Indigent Person Attorney** | | |
| 10 **Reduce PAC Continuation Budget**<br>Reduces the Private Assigned Counsel (PAC) Continuation Budget. The Office of Indigent Defense Services expects to end the fiscal year without carrying forward any unpaid PAC bills. | ($5,750,000) | NR |
| 11 **Reduce NC Prisoner Legal Services Program budget**<br>Reduces the NC Prisoner Legal Services Program (PLS) budget by 5% nonrecurring, leaving $2.7 million recurring. | ($142,031) | NR |
| 12 **Reduce Center for Death Penalty Litigation Funding**<br>Reduces Center for Death Penalty Litigation appropriation by 5%, leaving $452,604. | ($23,821) | R |
| **Sentencing Services** | | |
| 13 **Restore Sentencing Services Program**<br>Restores the Sentencing Services Program and adds a 5% reduction. | $2,123,426<br>11.50 | R |
| **Budget Changes** | **$1,835,405**<br>**($5,892,031)** | R<br>NR |
| Total Position Changes | 11.50 | |
| **Revised Total Budget** | **$116,075,384** | |

# Justice

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11<br>$88,652,538 |
|---|---|

**Budget Changes**

| | | |
|---|---|---|
| **A. Department-wide** | | |
| **14 Eliminate Vacant Positions**<br>Eliminates vacant positions throughout the agency. | ($501,600)<br>-7.50 | R |
| **15 Management Flexibility Reserve**<br>Provides the Department with the flexibility to determine where reductions will be made throughout its budget. | ($1,412,000)<br>($1,200,000) | R<br>NR |
| **B. Legal Services** | | |
| **16 Increase Medicaid Fraud Recovery Receipts**<br>Adjusts the budgeted receipts for Medicaid Fraud Recovery to reflect twelve months of collections. This reduction was implemented in the FY 2009-10 budget, but the reduction only accounted for six months of collections. | ($168,566) | |
| **17 Medicaid Fraud Criminal Investigation Team**<br>Provides funds to expand the Medicaid Fraud Criminal Investigation Team. The expanded unit will consist of sworn investigators, attorneys, program assistants, financial investigators, and administrative support personnel. This investigative unit is responsible for obtaining convictions of community service providers that commit fraud, recovering restitution and civil penalties for the benefit of the Medicaid Program and the Civil Forfeiture Fund, and deterring fraud. | $600,000<br>25.00 | R |
| **18 NC LEAF Funds**<br>Reduces the pass-through appropriation for the NC Legal Education Assistance Fund (NC LEAF) by 5%. The FY 2010-11 appropriation for this non-profit will be $356,250. | ($18,750) | R |
| **C. State Bureau of Investigation (SBI)** | | |
| **19 SBI Equipment Reduction**<br>Reduces the budget for equipment purchases in the State Bureau of Investigation. | ($400,000) | R |

| | FY 10-11 | |
|---|---|---|
| **Budget Changes** | **($1,900,916)** | **R** |
| | **($1,200,000)** | **NR** |
| Total Position Changes | 17.50 | |
| **Revised Total Budget** | **$85,551,622** | |

# Juvenile Justice & Delinquency Prevention

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11<br>$147,183,945 |
|---|---|

**Budget Changes**

**Administrative Services**

| | | | |
|---|---|---|---|
| 20 | **Reduce Administrative Services Budget**<br>Reduces the Administrative Services Budget by 5%. | ($362,913) | R |

**Community Services**

| | | | |
|---|---|---|---|
| 21 | **Reduce Project Challenge Funding**<br>Reduces the Project Challenge appropriation by 5%, leaving $121,600. Project Challenge continues to receive $1.4 million from county Juvenile Crime Prevention Councils. | ($6,400) | R |

**Department-wide**

| | | | |
|---|---|---|---|
| 22 | **Eliminate Vacant Positions**<br>Eliminates vacant positions throughout the agency. | ($1,524,536)<br>-31.50 | R |
| 23 | **Reduce Continuation Budget Increases**<br>Reduces Continuation Budget increases to a level at or below the FY 2008-09 Authorized Budget. | ($546,521) | R |

**Youth Development Centers**

| | | | |
|---|---|---|---|
| 24 | **Restore Samarkand YDC**<br>Restores the Samarkand YDC in Moore County. | $3,521,954<br>62.00 | R |
| 25 | **Reduce YDC Budget**<br>Reduces the YDC Budget by 5% based upon a reduction in commitments. The number of commitments to the Department declined to 365 last year, down 70% since 1999. | ($2,538,342) | R |

| | FY 10-11 | |
|---|---|---|
| **Budget Changes** | **($1,456,758)** | R |
| Total Position Changes | 30.50 | |
| **Revised Total Budget** | **$145,727,187** | |

# Correction

GENERAL FUND

| Total Budget Approved 2009 Session | FY 10-11<br>$1,326,492,230 |
|---|---|

**Budget Changes**

| | | | |
|---|---|---|---|
| 26 | **Reduce Continuation Budget for Lower Population**<br>Reduces continuation budget increases from FY 2009-10 to account for a lower-than-projected inmate population. Although the Division of Prisons remains overcrowded, new admissions have leveled following a surge in 2008 and 2009, resulting in a lower inmate count than previously expected as of June 30, 2010. | ($24,426,978) | R |
| 27 | **Budget Alien Assistance Receipts**<br>Reduces General Fund appropriations to the Department of Correction by $872,000 to account for receipts from the federal State Criminal Alien Assistance Program. | ($872,000) | NR |
| 28 | **ITS Billing Reduction**<br>Reduces the appropriation to the Department of Correction for communications and other data processing to account for lower rates charged by the Office of Information Technology Services. | ($200,000) | R |
| 29 | **Transfer Four Positions to Receipt Support**<br>Transfers four positions in the DOC Controller's Office that handle Inmate Welfare Fund accounting to receipt support from the Welfare Fund, and eliminates the General Fund appropriation for those positions. | ($182,500)<br>-4.00 | R |
| 30 | **Reduce Vehicle Replacement Budget**<br>Reduces the Vehicle Replacement line item on a non-recurring basis. | ($1,500,000) | NR |
| 31 | **Reduce Fuel Oil Budget**<br>Reduces the Fuel Oil line item on a recurring basis. | ($500,000) | R |
| 32 | **Reduce PC Equipment**<br>Reduces the Personal Computer Equipment line item on a non-recurring basis. | ($300,000) | NR |

| | FY 10-11 | |
|---|---|---|
| **33 Reduce Equipment Accounts**<br>Reduces various equipment accounts on a non-recurring basis. | ($800,000) | NR |
| **34 Reduce Supply Accounts**<br>Reduces various supply accounts on a non-recurring basis. | ($800,000) | NR |
| **35 Eliminate .223 Rifle Training**<br>Eliminates a component of rifle training and reduces annual costs for ammunition and targets. | ($54,757) | R |
| **36 Reduce Our Children's Place Funds**<br>Reduces the pass-through appropriation for Our Children's Place by 5%, leaving $104,025. | ($5,475) | R |
| **Alcoholism and Chemical Dependency Programs** | | |
| **37 Eliminate Four Program Positions**<br>Eliminates four DACDP positions that work in the In-Prison Out Patient Services at South Piedmont, Western Youth and North Piedmont. | ($211,060)<br>-4.00 | R |
| **Community Corrections** | | |
| **38 Reduce Contractual Services**<br>Reduces the Contractual Services budget in the Division of Community Corrections. | ($50,000) | R |
| **39 Eliminate Community Corrections Positions**<br>Eliminates two Division of Community Corrections positions and their associated costs. These positions are duplicative due to the automation of the parole/post-release violation process. | ($142,910)<br>-2.00 | R |
| **40 Reduce Harriet's House Funds**<br>Reduces the pass-through appropriation to Passage Home for Harriet's House by 5%, leaving $195,938. | ($10,313) | R |

House Subcommittee on Justice and Public Safety

| | FY 10-11 | |
|---|---|---|
| **41 Reduce Summit House Funding**<br>Reduces the pass-through appropriation to Summit House by 5%, leaving $1,052,756. | ($55,408) | R |
| **42 Reduce Women At Risk Funding**<br>Reduces the pass-through appropriation to Women At Risk by 5%, leaving $249,375. | ($13,125) | R |
| **Prisons** | | |
| **43 Reduce Inmate Medical Costs**<br>Reduces the appropriation for medical services for inmates based on capping fees paid as a percentage of billed charges. This reduction applies to inpatient and outpatient hospital services as well as professional services. | ($20,500,000) | R |
| **44 Eliminate Seven DOP Administrative Positions**<br>Eliminates seven positions in the central office of the Division of Prisons. The Department has discretion to identify the positions to reach the cut level of $359,384. | ($359,384)<br>-7.00 | R |
| **45 Consolidate Administrative Positions at Prisons**<br>Consolidates administrative functions between Brown Creek Correctional Center and Piedmont Correctional Institution and eliminates four duplicative positions. | ($149,038)<br>-4.00 | |
| **46 Modify Close Custody Inmate Transfers**<br>Reduces the transportation budget based on reducing the frequency of inter-facility transfers of close custody inmates from every week to every other week. | ($74,150) | R |
| **47 Reduce Drug Testing Frequency**<br>Changes the drug testing policy to 10% instead of 15% frequency and reduces appropriations to pay for analysis. | ($130,000) | R |
| **48 Reduction in Clothing Budgets**<br>Reduces funding for inmate clothing and officer uniforms within the Division of Prisons. | ($500,000) | NR |

| | FY 10-11 | |
|---|---|---|
| **49 Operating Reserves for Central Prison Hospital** | $6,767,918 | R |
| Establishes an operating reserve and creates positions to staff the Central Prison Hospital and Mental Health Facility. This facility is scheduled for completion in August 2011, and occupancy in October 2011. This reserve will allow positions to be established so staff can be recruited and trained prior to the projected occupancy date. | $774,843 | NR |
| | 554.00 | |
| **50 Operating Reserve for Women's Prison Hospital** | $3,000,017 | R |
| Establishes an operating reserve and creates positions to staff the hospital and mental health facility at NC Correctional Institution for Women, scheduled for completion in August 2011, and occupancy in October 2011. This fund will allow recruitment and training to be completed prior to occupancy. | $725,157 | NR |
| | 227.00 | |
| **51 Establish Receipt-Supported Work Crews** | | |
| Establishes 63 receipt-supported positions to supervise community work crews providing services to local governmental entities. These crews will be supported by the $150 work crew fee enacted in SL 2009-451, Section 19.24. The positions established will be Correctional Officers. The Department shall establish work crews in prisons where there is sufficient demand based on prior utilization to sustain a crew. | | |
| **52 Prisoner Education Program** | | |
| The Prisoner Education Program is partially restored in the Community College System. Under this partial restoration, educational services will be provided to inmates in the areas of basic skills, general education, and vocational training. No services are provided for degree programs, nor for county jail or federal inmates. The funding is found in the Education section of the budget. | | |
| **Budget Changes** | **($37,297,163)** | R |
| | **($3,272,000)** | NR |
| Total Position Changes | 760.00 | |
| **Revised Total Budget** | **$1,285,923,067** | |

# Crime Control and Public Safety

GENERAL FUND

## Total Budget Approved 2009 Session

FY 10-11
$33,718,963

### Budget Changes

### A. Department-wide

**53 Eliminate Vacant Positions** ($442,304) R

Eliminates the following vacant positions and associated salaries and benefits: -7.69

| | | | |
|---|---|---|---|
| 60084244 | Housekeeper | (0.25 FTE) | $ 7,751 |
| 60084223 | Grounds Worker | (0.25 FTE) | $ 8,126 |
| 60084252 | Maintenance Mechanic IV | (0.19 FTE) | $ 10,266 |
| 60084267 | Electrician Supervisor I | (0.25 FTE) | $ 12,644 |
| 60084396 | Special Agent in Charge | (1.00 FTE) | $107,190 |
| 60084551 | Multi-Hazard Planner | (0.50 FTE) | $ 26,745 |
| 60084454 | Emergency Mgt Planner II | (1.00 FTE) | $ 59,429 |
| 60087055 | Public Safety Officer | (1.00 FTE) | $ 52,974 |
| 60087053 | Public Safety Officer | (1.00 FTE) | $ 56,730 |
| 60084547 | EPCRA Planner | (0.25 FTE) | $ 12,509 |
| 60089851 | Public Safety Officer | (1.00 FTE) | $ 43,232 |
| 60014441 | Public Safety Officer | (1.00 FTE) | $ 44,710 |

### B. Administration

**54 Law Enforcement Support Services (LESS)** $300,000 R

Partially restores a reduction to the LESS budget. In the 2009 Budget, LESS was directed to establish a fee schedule to become 100% receipt supported. They have been unable to find sufficient fees to sustain their operations. This item provides continued General Fund support to them while a fee schedule is developed. LESS coordinates the distribution of excess federal property for local law enforcement agencies, provides evidence and DNA storage, and administers a program to provide lower-cost vehicles and other equipment to law enforcement. 5.00

### C. National Guard

**55 National Guard Armory Maintenance** $1,000,000 R

Provides funds for maintenance and operation of plant for the National Guard's 97 armories.

| | FY 10-11 | |
|---|---|---|
| **56 Transfer TAP to SEAA** | ($1,514,288) | R |
| Transfers the Tuition Assistance Program (TAP) for the National Guard to the State Education Assistance Authority (SEAA). The Education Section of the Budget shows a corresponding item, and also includes additional funding for the program. The total amount available for TAP for FY 2010-11 will be $1,862,815. | | |
| **D. Alcohol Law Enforcement (ALE)** | | |
| **57 ALE Equipment Reduction** | ($200,000) | R |
| Reduces the appropriation for equipment for Alcohol Law Enforcement. | ($200,000) | NR |
| **E. Victim's Compensation Services** | | |
| **58 Victim's Compensation Fund** | | |
| Reduces the appropriation for Victim's Compensation to actual expenditure levels for FY 2008-09. | ($1,300,000) | NR |
| **F. Governor's Crime Commission** | | |
| **59 Sheriff's Association Funds** | | |
| Provides funds to the NC Sheriff's Association for training for sheriffs and other law enforcement agencies across the State on the nationwide Secure Communities program and on methods to improve the inmate booking process. | $150,000 | NR |
| **Budget Changes** | **($856,592)** | R |
| | **($1,350,000)** | NR |
| Total Position Changes | -2.69 | |
| **Revised Total Budget** | **$31,512,371** | |

# House Appropriations Subcommittee on Justice and Public Safety

## Proposed

# Special Provisions

## for S897: Appropriations Act of 2010

**May 27, 2010**

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-AOC-H3(S15.3)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

*OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS*

**SECTION 15.3.** Section 15.12 of S.L. 2009-451 reads as rewritten:

"**SECTION 15.12.** The Judicial Department, Office of Indigent Defense Services, may use up to the sum of two million five hundred one thousand one hundred fifty dollars ($2,501,150) in appropriated funds during the 2009-2010 fiscal year and up to the sum of two million four hundred thirty-three thousand seven hundred dollars ($2,433,700) in appropriated funds during the 2010-2011 fiscal year for the expansion of existing public defender offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services, or for the creation of new public defender offices within existing public defender districts currently providing those services, by creating up to 20 new attorney positions and 10 new support staff ~~positions.~~positions during the 2009-2010 fiscal year. In addition, the Office of Indigent Defense Services may use up to the sum of one million dollars ($1,000,000) in appropriated funds to create up to 12 new attorney positions and six new support positions during the 2010-2011 fiscal year. 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 of Representatives and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-AOC-H4(S15.4)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*CORRECT DEATH PENALTY LITIGATION FUNDING AMOUNT*

**SECTION 15.4.** Section 15.3 of S.L. 2009-451 reads as rewritten:

"**SECTION 15.3.** Of the funds appropriated in this act to the Office of Indigent Defense Services for the 2009-2011 fiscal biennium, the Office may use up to the sum of three hundred seventy-six thousand one hundred twenty-five dollars ($376,125) for the 2009-2010 fiscal year and up to the sum of ~~three hundred seventy six thousand one hundred twenty five dollars ($376,125)~~ four hundred fifty-two thousand six hundred four dollars ($452,604) for the 2010-2011 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 of each year in the biennium to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the activities funded by this section."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2010-AOC-H1(S15.1)i

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*COLLECTION OF WORTHLESS CHECK FUNDS*

**SECTION 15.1.** Notwithstanding the provisions of G.S. 7A-308(c), the Judicial Department may use any balance remaining in the Collection of Worthless Check Fund on June 30, 2010, for the purchase or repair of office or information technology equipment during the 2010-2011 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 House of Representatives and Senate 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 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-AOC-H6(S15.7)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*EXPERT FEES*

**SECTION 15.7.** G.S. 7A-314(d) reads as rewritten:

"(d) An expert witness, other than a salaried State, county, or municipal law-enforcement officer, shall receive such compensation and allowances as the court, or the Judicial Standards Commission, in its discretion, may authorize. A law-enforcement officer who appears as an expert witness shall receive reimbursement for travel expenses only, as provided in subsection (b) of this section. Compensation of experts acting on behalf of the court or prosecutorial offices shall be paid in accordance with the rules established by the Administrative Office of the Courts. Compensation of experts provided under G.S. 7A-454 shall be in accordance with rules established by the Office of Indigent Defense Services."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-AOC-H7**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

***MODIFICATION TO THE DUTIES OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS WITH RESPECT TO PAYMENT OF INTERPRETERS AND EXPERT WITNESSES***

**SECTION #.** G.S. 7A-343 is amended by adding two new subsections to read:

"(9e) Prescribe policies and procedures for the appointment and payment of deaf and hearing impaired interpreters, in accordance with G.S.8B-8(a), for those cases specified in G.S. 8B-8(b) and (c). 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 hearing impaired interpreter positions to permanent State positions when the Director determines that it is more cost-effective to do so.

(9f) Prescribe policies and procedures for the payment of those experts acting on behalf of the court or prosecutorial offices, as provided for in G.S. 7A-314(d)."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-AOC-H5(S15.6)i**

**Administrative Office of the Courts**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*CHILD SUPPORT FEE MODIFICATION*

**SECTION 15.6.** G.S. 110-134 reads as rewritten:

"**§ 110-134. Filing of affidavits, agreements, and orders; fees.**

All affidavits, agreements, and resulting orders entered into under the provisions of G.S. 110-132 and G.S. 110-133 shall be filed by the clerk of superior court in the county in which they are entered. The filing fee for the institution of an action through the entry of an order under either of these provisions shall be ~~four dollars ($4.00).~~ in an amount equal to that provided in G.S. 7A-308(a)(18)."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-ATTY-H1A(S16.1)**

**Attorney General's Office**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*REPORTING BY MEDICAID FRAUD CONTROL UNIT*

**SECTION 16.1.** Article 1 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"**§ 114-2.5A. Report by the Medicaid Fraud Control Unit required annually.**

By September 1 of each year, the Medicaid Fraud Control Unit of the Department of Justice shall file a written report about its activities with the Chairs of the Appropriations Subcommittees on Justice and Public Safety and Health and Human Services of the Senate and House of Representatives and with the Fiscal Research Division of the Legislative Services Office. This report may be combined with the report required by G.S. 1-617 and shall include the following information about the Unit's activities during the previous fiscal year:

(1) The number of matters reported to the Unit.

(2) The number of cases investigated.

(3) The number of criminal convictions and civil settlements.

(4) The total amount of funds recovered in each case.

(5) The allocation of recovered funds in each case to (i) the federal government; (ii) the State Medical Assistance Program; (iii) the Civil Penalty and Forfeiture Fund; (iv) the Department of Justice; and (v) other victims."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2010-CCPS-H1(S17.1)

**Department of Crime Control and Public Safety**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*AMEND LAW ENFORCEMENT SUPPORT SERVICES FEE AUTHORITY*

**SECTION 17.1.(a)** The General Assembly finds that a centralized evidence and DNA storage facility will provide local law enforcement agencies and clerks of court with a lower cost storage alternative, reducing or eliminating the need for local entities to provide their own storage and streamlining the evidence storage process.

**SECTION 17.1.(b)** G.S. 143B-475.2 is repealed.

**SECTION 17.1.(c)** Part 7 of Article 11 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-508.1. Fees for services provided by the Division.**

Fees shall be established and collected by the Department for all program services provided by the Law Enforcement Support Services Division, except for Department of Defense property being transferred pursuant to the National Defense Authorization Act of 1997. The fees collected are departmental receipts and are applied to the Division's costs in providing services to these entities. The fees apply to the following:

(1) A law enforcement agency that receives any services from the Division.

(2) An agency for which the Department stores evidence."

**SECTION 17.1.(d)** Subsections (b) and (c) of this section become effective July 1, 2010, and fees established pursuant to subsection (c) of this section apply to program services provided on or after that date. The remainder of this section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2010-CCPS-H2

Department of Crime Control and Public Safety
Appropriations Subcommittee on Justice and Public Safety

Requested by: Representative

*REQUIRE DEVELOPMENT AND REPORTING OF LESS FEE SCHEDULE*

**SECTION #.(a)** The Department of Crime Control and Public Safety, Law Enforcement Support Services Division (LESS), shall, in consultation with the Fiscal Research Division of the General Assembly, develop a fee schedule for the services provided by LESS. In developing this fee schedule, the Department shall consider the following:

(1) Fees charged in other states for similar services.

(2) Utilization rates for each of the three main program areas of LESS for the last five years.

(3) Actual workload requirements for each of the three main program areas of LESS, including the average time to complete a single transaction for each of the programs. For example, the Division shall determine, on average, how many person hours it takes to log in a piece of evidence for storage.

(4) Projected evidence storage needs for the next five years.

(5) Projected space costs and the feasibility of purchasing a permanent storage facility rather than continuing to lease space.

**SECTION #.(b)** The fee schedule required to be developed pursuant to this section shall be reported to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Fiscal Research Division of the General Assembly not later than October 1, 2010.

**DRAFT**
**SPECIAL PROVISION**

**2010-CCPS-H3**

**Department of Crime Control and Public Safety**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

*TRANSFER TUITION ASSISTANCE PROGRAM*

**SECTION #.(a)** The North Carolina National Guard Tuition Assistance Program of the Department of Crime Control and Public Safety is transferred to the State Education Assistance Authority. This transfer shall have all of the elements of a Type I transfer, as defined in G.S. 143A-6.

**SECTION #.(b)** Article 15 of Chapter 127Aof the General Statutes is recodified as Part 2 of Article 23 of Chapter 116 of the General Statutes, G.S. 116-209.50 through G.S. 116-209.55. The remainder of Article 23 of Chapter 116 of the General Statutes is recodified as Part 1 of Article 23 of Chapter 116 of the General Statutes.

**SECTION #.(c)** Part 2 of Article 23 of Chapter 116 of the General Statutes, as recodified as Part 2 of Article 23 of Chapter 116 of the General Statutes by subsection (a) of this section, reads as rewritten:

"Part 2.

"North Carolina National Guard Tuition Assistance Act of 1975.

**§ 116-209.50. Short title.**

This Article shall be known and may be cited as the North Carolina National Guard Tuition Assistance Act of 1975.

**"§ 116-209.51. Purpose.**

The General Assembly of North Carolina, recognizing that the North Carolina National Guard is the only organized, trained and equipped military force subject to the control of the State, hereby establishes a program of tuition assistance for qualifying guard members for the purpose of encouraging voluntary membership in the guard, improving the educational level of its members, and thereby benefiting the State as a whole.

**"§ 116-209.52. Definitions.**

(a) Academic Year. – Any period of 365 days beginning with the first day of enrollment for a course of instruction.

(a1) Business or Trade School. – Any school within the State of North Carolina which is licensed by the State Board of Education and listed by that Board as an approved private business school or an approved private trade school.

(b) Private Educational Institutions. – Any junior college, senior college or university which is operated and governed by private interests not under the control of the federal, State or any local government, which is located within and licensed by the State of North Carolina, which does not operate for profit, whose curriculum is primarily directed toward the awarding of associate, baccalaureate or graduate degrees, which agrees to the applicable administration and funding provisions of this Article.

(c) ~~Secretary. – The Secretary of Crime Control and Public Safety or his or her designee.~~

(d) State Educational Institutions. – Any of the constituent institutions of the University of North Carolina, or any community college operated under the provisions of Chapter 115D of the General Statutes of North Carolina.

(e) Repealed by Session Laws 2008-94, s. 2, effective July 1, 2008.

(f) Student Loan. – A loan or loans made to eligible students or parents of students to aid in attaining an education beyond the high school level.

"**§ 116-209.53. Benefit.**

The benefit provided under this Article shall consist of a monetary educational assistance grant not to exceed the highest amount charged by a State educational institution per academic year or a lesser amount, as prescribed by the ~~Secretary,~~ Authority, to remain within the funds appropriated, to qualifying members of the North Carolina National Guard. Benefits provided under ~~G.S. 127A-195(g)~~ G.S. 116-209.55(g) shall be payable for a period of one year at a time, renewable at the option of the ~~Secretary~~ Authority. All other benefits provided under this Article shall be payable for a period of one academic year at a time, renewable at the option of the ~~Secretary.~~ Authority.

"**§ 116-209.54. Eligibility.**

(a) Active members of the North Carolina National Guard who are enrolled or who shall enroll in any business or trade school, private educational institution, or State educational institution shall be eligible to apply for this tuition assistance benefit: Provided, that the applicant has a minimum obligation of two years remaining as a member of the National Guard from the end of the academic period for which tuition assistance is provided or that the applicant commit himself or herself to extended membership for at least two additional years from the end of that academic period.

(b) This tuition assistance benefit shall be applicable to students in the following categories:

(1) Students seeking to achieve completion of their secondary school education at a community college or technical institute.

(2) Students seeking trade or vocational training or education.

(3) Students seeking to achieve a two-year associate degree.,

(4) Students seeking to achieve a four-year baccalaureate degree.

(5) Students seeking to achieve a graduate degree.

(c) The following persons shall be eligible to apply for disbursements to pay outstanding student loans pursuant to ~~G.S. 127A-195(g).~~ G.S. 116-209.55(g):

(1) Persons described in subsections (a) and (b) of this section.

(2) Active members of the North Carolina National Guard who were previously enrolled in any business or trade school, private educational institution, or State educational institution, but only if:

a. The applicant has a minimum obligation of two years remaining as a member of the National Guard from the time of the application; or

b. The applicant commits himself or herself to extended membership for at least two additional years from the time of the application."

"**§ 116-209.55. Administration and funding.**

(a) The ~~Secretary of Crime Control and Public Safety~~ Authority is charged with the administration of the tuition assistance program under this Article. ~~He may delegate administrative tasks to other persons within the Department of Crime Control and Public Safety as he deems best for the orderly administration of this program.~~

(b) The ~~Secretary~~ Authority shall determine the eligibility of applicants, select the benefit recipients, establish the effective date of the benefit, and may suspend or revoke the benefit if he finds that the recipient does not maintain an adequate academic status, or if the recipient engages in riots, unlawful demonstrations, the seizure of educational buildings, or otherwise engages in disorderly conduct, breaches of the peace, or unlawful assemblies. The ~~Secretary~~ Authority shall maintain such records and shall promulgate such rules and regulations as he deems necessary for the orderly administration of this program. The ~~Secretary~~ Authority may require of business or trade schools or State or private educational institutions such reports and other information as he may need to carry out the provisions of this Article and he shall

disburse benefit payments for recipients upon certification of enrollment by the enrolling institutions.

(c) All tuition benefit disbursements shall be made to the business or trade school or State or private educational institution concerned, for credit to the tuition account of each recipient. Funds disbursed pursuant to subsection (g) of this section shall be made to the student loan creditor concerned to be applied against the outstanding student loans of each National Guard member beneficiary.

(d) The participation by any business or trade school or private educational institution in this program shall be subject to the applicable provisions of this Article and to examination by the State Auditor of the accounts of the benefit recipients attending or having attended such private schools or institutions. The ~~Secretary~~ Authority may defer making an award or may suspend an award in any business or trade school or private educational institution which does not comply with the provisions of this Article relating to said institutions. The manner of payment to any business or trade school or private educational institution shall be as prescribed by the ~~Secretary.~~ Authority.

(e) Irrespective of other provisions of this Article, the ~~Secretary~~ Authority may prescribe special procedures for adjusting the accounts of benefit recipients who, for reasons of illness, physical inability to attend classes or for other valid reason satisfactory to the ~~Secretary,~~ Authority, may withdraw from any business or trade school or State or private educational institution prior to the completion of the term, semester, quarter or other academic period being attended at the time of withdrawal.

(f) Any balance of the monetary educational assistance grant up to the maximum for the academic year remaining after tuition is paid pursuant to subsection (c) of this section may be disbursed to the recipient as reimbursement for required course books and materials. The manner of obtaining the reimbursement payment for these required books and materials shall be as prescribed by the ~~Secretary.~~ Authority.

(g) Any funds not needed to accomplish the other purposes of this Article may be used to help members of the North Carolina National Guard repay outstanding student loans in accordance with rules to be adopted by the Secretary. These rules shall provide that the length of a member's deployment may be considered in determining whether or not, and in what amount, a member receives assistance pursuant to this subsection. There shall be no reimbursement under this subsection for payments already made on student loans, and funds shall not be provided under this subsection for the purpose of paying student loans obtained for courses from which the member withdrew or for which the member did not receive a passing grade. Payments for outstanding loans shall not exceed the maximum benefit available under ~~G.S. 127A-193.~~G.S. 116-209.53."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2010-DJJDP-H2(S18.1)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 18.1.** Funds appropriated in this act to the Department of Juvenile Justice and Delinquency Prevention for the 2010-2011 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 2010-2011 fiscal year, the amount of funds anticipated for the 2010-2011 fiscal year, and the allocation of funds by program and purpose.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT
SPECIAL PROVISION

2010-DJJDP-H3(S18.2)i

Department of Juvenile Justice and Delinquency Prevention
Appropriations Subcommittee on Justice and Public Safety

**Requested by:** Representative

***REPEAL TREATMENT STAFFING MODEL AT YOUTH DEVELOPMENT CENTERS***

**SECTION 18.2.** Section 18.4 of S.L. 2009-451 is repealed.

B 14

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-CORR-H2(S19.1)i**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*FEDERAL GRANT MATCHING FUNDS*

**SECTION 19.1.** Section 19.9 of S.L. 2009-451 reads as rewritten:

"**SECTION 19.9.** Notwithstanding the provisions of G.S. 143C-6-9, the Department of Correction may use up to the sum of one million two hundred thousand dollars ($1,200,000) during the 2009-2010 fiscal year and up to the sum of one million two hundred thousand dollars ($1,200,000) during the 2010-2011 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 House of Representatives and Senate 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 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-CORR-H3**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by: Representative**

***STUDY MISDEMEANOR CLASSIFICATION***

**SECTION #.** It is the intent of the General Assembly that there be only three misdemeanor punishment levels: Class A1, Class 1, and Class 2. The North Carolina Sentencing and Policy Advisory Commission, in consultation with the Conference of District Attorneys, the Office of Indigent Defense Services, and the Institute of Government, shall review all Class 3 misdemeanor offenses and provide recommendations to the 2011 General Assembly for reclassifying each Class 3 misdemeanor as either an infraction or a Class 2 misdemeanor. The Commission may, in its discretion, consider other misdemeanor offenses for reclassification as infractions.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

**DRAFT**
**SPECIAL PROVISION**

**2010-CORR-H5(S6.16)**

**Department of Correction**
**Appropriations Subcommittee on Justice and Public Safety**

**Requested by:** **Representative**

*INMATE MEDICAL COST CONTAINMENT*

**SECTION 6.16.(a)** The Department of Correction may reimburse those providers and facilities providing inmate medical services at a rate not to exceed seventy percent (70%) of the amount charged based on the usual and customary charges in effect for all other patients as of June 30, 2010. This subsection applies to all medical and facility services provided outside the correctional facility, including hospitalizations, professional services, medical supplies, and other medications provided to any inmate confined in a correctional facility.

**SECTION 6.16.(b)** The Department of Correction shall make every effort to contain inmate medical costs by making use of its own hospital and health care facilities to provide health care services to inmates. To the extent that the Department of Correction must utilize other facilities and services to provide health care services to inmates, the Department shall make use of hospitals with available capacity or other health care facilities in a region to accomplish that goal. The Department shall work to ensure that care usage is distributed equitably among all hospitals or other appropriate health care facilities, with no one health care facility being required to admit more than ten percent (10%) of all patients requiring hospitalization or hospital services, unless doing so would jeopardize the health of an inmate or unless otherwise agreed to by contract. The Department shall also give preference to those hospitals in the same county or an adjoining county to the correctional facility where an inmate requiring hospitalization is incarcerated.

**SECTION 6.16.(c)** The Department of Correction shall consult with the Division of Medical Assistance in the Department of Health and Human Services to develop protocols for prisoners who would be eligible for Medicaid if they were not incarcerated to access Medicaid while in custody or under extended limits of confinement. The Department shall seek reimbursement from Medicaid for those health care costs incurred by the Department in those instances when an inmate's Medicaid eligibility has been temporarily reinstated due to a hospitalization.

**SECTION 6.16.(d)** The Department of Correction, in consultation with the Office of State Budget and Management, shall study the impact on inmate medical costs resulting from the measures set forth in subsections (a), (b), and (c) of this section. The Department shall present its findings by March 1, 2011, to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

**SECTION 6.16.(e)** The Department of Correction shall make every effort to explore other cost containment methods not expressly outlined in this section. These methods may include the following:

(1) Contracting with a private third party to manage and provide all inmate medical services;

(2) Partnering with the federal government to allow for treatment of State inmates in federal correctional hospitals; and

(3) Purchasing a fixed number of beds at a hospital.

**SECTION 6.16.(f)** The Department of Correction shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than October 1, 2010, on

(1) The Department's progress with the RFP process initiated pursuant to Section 19.20(b) of S.L. 2009-451, as rewritten by Section 15A of S.L. 2009-575, to contract for claims processing, medical management services, and the development and management of a medical professional and facility provider network.

(2) The anticipated effects on medical care provided to inmates as a result of the new hospital at Central Prison and the updated facilities at the North Carolina Correctional Institute for Women, as well as any other new medical services capacity within the Department. Specifically, the Department shall report on:

a. The types and volumes of services that the new and updated facilities will provide that previously would have been provided by community providers; and

b. The projected types and volumes of services that will still be referred to community providers.

The report shall also address changes in statewide inmate custody that are needed to maximize the utilization of the new facilities and the Department's ability to contract with community providers with the available capacity throughout the State.

**SECTION 6.16.(g)** The Department of Correction shall report to the Joint Legislative Commission on Governmental Operations no later than October 1, 2010, and quarterly thereafter on:

(1) The volume of services provided by community medical providers that can be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers; and

(2) The volume of services provided by community medical providers that cannot be scheduled in advance and, of that volume, the percentage of those services that are provided by contracted providers.

**SECTION 6.16.(h)** Section 19.20(a) of S.L. 2009-451, as amended by Section 15A of S.L. 2009-575, is repealed.

(17

**Attachment 6**

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 897

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S897-ALL-60 [v.2]



Comm. Sub. [YES]
Amends Title [NO]
JPS Report

Date May 27 ,2010

Representative Spear

moves to amend the report on page I-4, Item 18, by increasing the reduction by $100,000;

and on pageI-1, Item 3, by deleting that item;

and by adjusting the appropriate totals accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

2

Attachment 7

# NORTH CAROLINA GENERAL ASSEMBLY
## AMENDMENT
Senate Bill 897

AMENDMENT NO. 2
(to be filled in by Principal Clerk)

S897-ALL-61 [v.2]



Comm. Sub. [YES]
Amends Title [NO]
JPS Report

Date May 27 ,2010

Representative Spear

moves to amend the report on page I-10, by inserting a new item to read:

| | | | |
|---|---|---|---|
| "**42a** | **Reduce Criminal Justice Partnership Program**<br>Reduces the Criminal Justice Partnership Program by $1.1 million nonrecurring, leaving $8.3 million for allocations for the county programs. This reduction will not affect the core operations of the program." | ($1,100,000) | NR |

and on page I-13, Item 58,
by reducing the reduction by $1,100,000;

and by adjusting the appropriate totals accordingly.

SIGNED Spear
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

*S897-ALL-61-V-2*

Attachment 8

(3)

# NORTH CAROLINA GENERAL ASSEMBLY
## AMENDMENT
Senate Bill 897

AMENDMENT NO. 3
(to be filled in by Principal Clerk)

S897-ALL-62 [v.2]



Comm. Sub. [YES]
Amends Title [NO]
JPS Report

Date May 27 ,2010

Representative Spear

moves to amend the report on page I-9, items 36 and 40, and on page I-10, Items 41 and 42, by deleting those items;

and on page I-9, by inserting a new item to read:

| | | | |
|---|---|---|---|
| "**36a** | **Eliminate Non-Profit Pass-Throughs**<br>Eliminates funding for four non-profits funded through the Department of Correction: Our Children's Place ($109,500), Harriet's House ($206,251), Summit House ($1,108,164), and Women at Risk ($262,500).": | ($1,686,415) | R |

and on page I-11, Item 51, by rewriting that item to read:

| | | | |
|---|---|---|---|
| "**51** | **Establish Community Work Crews**<br>Provides funds for community work crews at prisons throughout the State. These crews provide labor services for local governmental entities."; | $1,686,415<br>45 | R |

and by adjusting the appropriate totals accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 9

# NORTH CAROLINA GENERAL ASSEMBLY
## AMENDMENT
Senate Bill 897

AMENDMENT NO. 4
(to be filled in by Principal Clerk)

S897-ALL-63 [v.4]



Comm. Sub. [YES]
Amends Title [NO]
JPS Report

Date May 27 ,2010

Representative R. Warren

moves to amend the report on page I-4, Item 19,
by eliminating that item;

and on page I-4, Item 15,
by increasing the reduction in recurring funds by $400,000;

and by adjusting the appropriate totals accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT**

(Please type or use ballpoint pen)

**Attachment 10**

EDITION No. _____

H. B. No. _____ DATE May 27, 2010

S. B. No. 897 - JPS Report Amendment No. 5 (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep. ) Stevens
)
Sen. )

1 moves to amend the bill on page I-6, line by adding a new item:
2 ( ) WHICH CHANGES THE TITLE
3 by _____
4 "25a Eliminate Camp Woodson ($1,016,041) R
5 21.00"
6 _____
7 and on page I-8, Item 26,
8 by decreasing the reduction by $1,016,041
9 _____
10 and by adjusting the appropriate totals accordingly.
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____

SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

**PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)**

Attachment 11

# NORTH CAROLINA GENERAL ASSEMBLY
## AMENDMENT
Senate Bill 897

AMENDMENT NO. 6
(to be filled in by Principal Clerk)

S897-ALH-51 [v.3]



Comm. Sub. [YES]
Amends Title [NO]
JPS Committee Report

Date May 27 ,2010

Representative Justus

moves to amend the JPS Committee Report on page I-12, Item #53, by rewriting that item to read:

"53 Eliminate Vacant Positions

| | |
|---|---|
| Eliminates vacant positions throughout the agency. | (442,304)R<br>-7.69"; |

And by adjusting the appropriate totals accordingly.

SIGNED Carolyn Justus
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

*S897-ALH-51-V-3*

Attachment 12

# NORTH CAROLINA GENERAL ASSEMBLY
## AMENDMENT
Senate Bill 897

AMENDMENT NO. 7
(to be filled in by Principal Clerk)

S897-ALL-66 [v.2]



Comm. Sub. [YES]
Amends Title [NO]
JPS Report

Date May 27 ,2010

Representative Justus

moves to amend the report on page I-9,
by inserting three new items to read:

| | | | | |
|---|---|---|---|---|
| "42a | **Reduce Harriet's House Funding**<br>Reduces the pass-through appropriation toPassage Home for Harriet's House by 5%, leaving $195,938. | ($10,313) | R |
| 42b | **Reduce Summit House Funding**<br>Reduces the pass-through appropriation to Summit House by 5%, leaving $1,052,756. | ($55,408) | R |
| 42c | **Reduce Women at Risk Funding**<br>Reduces the pass-through appropriation to Women at Risk by 5%, leaving $249,375; | ($13,125) | R |

and on page I-9, by rewriting Item 36a, which was inserted by Amendment S897-ALL-62, to read:

| | | | |
|---|---|---|---|
| "36a | **Eliminate Our Children's Place**<br>Eliminates funding for Our Children's Place."; | ($109,500) | R |

and on page I-8, Item 26,
by increasing the reduction by $1,498,069;

and by adjusting the appropriate totals accordingly.

SIGNED Carolyn Justus
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

*S897-ALL-66-V-2*

**NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT**

(Please type or use ballpoint pen)

**Attachment 13**

EDITION No. _____

H. B. No. _____ DATE May 27, 200

S. B. No. 897 - JPS Report Amendment No. 8

(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep. ) J Boles

Sen. )

moves to amend the bill on page I-6, Item 25, line _____

( ) WHICH CHANGES THE TITLE

by ~~the description of~~

by rewriting ~~the title of~~ that item to read:

"Management Flexibility Reserve:

Provides the Department with the flexibility to determine where reductions will be made throughout its budget."

SIGNED J Boles

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

**PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)**

Attachment 14

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 897

AMENDMENT NO. 10
(to be filled in by Principal Clerk)

S897-ALL-65 [v.2]



Comm. Sub. [YES]
Amends Title [NO]
JPS Report

Date May 27 ,2010

Representative Goodwin

moves to amend the special provision package by inserting after page 6 a new provision to read:

**"ESTABLISH A PILOT PROGRAM FOR ELECTRONIC FILING IN DOMESTIC VIOLENCE AND CIVIL NO-CONTACT CASES IN ALAMANCE COUNTY**

**SECTION #.(a)** A pilot program for electronic filing in domestic violence cases is established in District Court District 15A. In order to implement the program, the chief district court judge in District Court District 15A may adopt local rules that permit the clerk of superior court for Alamance County to accept electronically filed complaints requesting Chapter 50B of the General Statutes ex parte domestic violence protective orders, and Chapter 50C of the General Statutes ex parte civil no-contact orders, that are transmitted from the Alamance County Family Justice Center.

**SECTION #.(b)** This section expires June 30, 2012.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
Senate Bill 897

AMENDMENT NO. 10
(to be filled in by Principal Clerk)

S897-ALL-65 [v.2]



Comm. Sub. [YES]
Amends Title [NO]
JPS Report

Date May 27 ,2010

Representative Goodwin

moves to amend the special provision package by inserting after page 6 a new provision to read:

**"ESTABLISH A PILOT PROGRAM FOR ELECTRONIC FILING IN DOMESTIC VIOLENCE AND CIVIL NO-CONTACT CASES IN ALAMANCE COUNTY**

**SECTION #.(a)** A pilot program for electronic filing in domestic violence cases is established in District Court District 15A. In order to implement the program, the chief district court judge in District Court District 15A may adopt local rules that permit the clerk of superior court for Alamance County to accept electronically filed complaints requesting Chapter 50B of the General Statutes ex parte domestic violence protective orders, and Chapter 50C of the General Statutes ex parte civil no-contact orders, that are transmitted from the Alamance County Family Justice Center.

**SECTION #.(b)** This section expires June 30, 2012.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 15

# NORTH CAROLINA GENERAL ASSEMBLY
## AMENDMENT
Senate Bill 897

AMENDMENT NO. 11
(to be filled in by Principal Clerk)

S897-ALL-59 [v.1]



Comm. Sub. [YES]
Amends Title [NO]
JPS Report

Date May 27 ,2010

Representative Jackson

moves to amend the special provision package on page 17, line 15, by deleting "ten percent (10%)" and substituting "five percent (5%)".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 16

# NORTH CAROLINA GENERAL ASSEMBLY
## AMENDMENT
Senate Bill 897

AMENDMENT NO. 12
(to be filled in by Principal Clerk)

S897-ALL-64 [v.1]



Comm. Sub. [YES]
Amends Title [NO]
JPS Report

Date May 27 ,2010

Representative Bordsen

moves to amend the special provision package by inserting after page 18 a new provision to read:

**"COMMUNITY-BASED RESIDENTIAL RE-ENTRY PROGRAM FOR INMATES - PILOT INITIATIVE**

**SECTION #.** The Department of Correction may contract with a community-based residential facility that provides a range of offender services to pilot a two-year re-entry program for selected inmates. The Department may use funds available to support the pilot. The eligible inmates shall be assessed by the Department of Correction as low-risk and eligible for minimum custody security level. Selected inmates may be housed at a community-based residential facility with other populations such as those on community supervision and non-offenders. The pilot will begin during the 2010-2011 fiscal year and end during the 2012-2013 fiscal year. The Department shall report on the outcome of the pilot to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by February 1, 2013. The report shall include the number of inmates served, the number who successfully completed the program/program services, a cost comparison between placement in a community-based residential facility and incarceration in the state prison system, and may make recommendations regarding continuing placement of offenders in such facilities."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

*S897-ALL-64-V-1*

# PLEASE PRESS HARD - 5 COPIES

**Attachment 17**

## NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 5/27/2010

S. B. No. 897 - JPS Report Amendment No. 9 (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep. ) Boles
Sen. )

1 moves to amend the ~~bill~~ report on page I-8, Item 26, line _____
2 ( ) WHICH CHANGES THE TITLE
3 by increasing the reduction by $1,016,041;
4
5 and on page I-6, Item 22,
6 by decreasing the reduction by $1,016,041
7 and by deleting the reference to ~~31.50~~ vacant posns
8 positions. $508,000
9 $1.5M
10 508,000
11
12
13
14
15
16
17
18
19

SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 18

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 27, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Aaron | OA |
| Meghan Brown | Gov's Office |
| Mildred Spearman | NCAOC |
| Sherry Preston | NCDOC |
| Lisa Rubert | CYR |
| Donna Weston | Summit House |
| Shayna Nath | Governor's Office |
| JEAN SAMBAIRE | DJJDP |
| Sarah Preston | ACLU-NC |
| GRADY STEPHENSON | DJJDP |
| BRANNY VICKORY | OA |

# VISITOR REGISTRATION SHEET

Name of Committee

May 27, 2010
Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Paul Jeff Smith | NCDOC |
| Dan Jara | DJSJDP |
| JEAN SANDAIRE | DJJDP |
| Gary McLaurin | NCAGO |
| Snayha Nath | Governor's Office |
| Meghan Brann | " |
| ANTHONY ALLEN | NCACC |
| Wayne Hobgood | Buton-Public Safety/CCPS |
| Eddie Caldwell | NC Sheriffs' Assn. |
| Bill Shelton | Summit House |
| Denna Weston | Summit House |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 27, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Sherry Pilkington | NC DOC |
| Janice Carmichael | VicPins Corporation / CCPS |
| Anuja Acharya | Conference of Clerks Superior Court |
| Sarah Preston | ACLU-NC |
| Mary Pollard | NC Prison Legal Services |
| Steve Shuber | Poyner Spruill |
| Thom C. Lang Jr. | NC Dept of Crime Control & Public Safety |
| Richard G. Lee | R. Lee & Assoc. |
| Melissa Radcliff | Our Children's Place |
| Barbara Bakes | NCDOC |
| Byron K. Haire | DOC |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 27, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| James French | DOC |
| Mildred Spearman | NCAOC |
| Kelsey Umstead | WakeMed |
| Christine Craig | WakeMed |
| Cheryl Reed | OSBM |
| Aaron Gallagher | OSBM |
| Barbara Moore | Conf. of Clerks of Sup Ct |
| Thomas Mahr | IDS |
| SUSAN BROOKS | IDS/SENTENCING SERVICES |
| Grady Stephenson | DJJDP |
| ROBIN JOMLIN | DJJDP |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety — May 27, 2010

**Name of Committee** — **Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| ANTONIO BLUE | Mayor TOWN of DOBBINS HEIGHTS |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

## Box Contents for 2009-2010 Standing Committee Minutes (Item 25894)

| Box # | Year | Chamber | Committee |
|---|---|---|---|
| 2 | 2009-2010 | Joint | Appropriations - Natural & Economic Resources |
| 2 | 2009-2010 | Joint | Appropriations - Transportation |
| 2 | 2009-2010 | Joint | Finance - Interim House & Senate |
| 2 | 2009-2010 | House | Aging |
| 2 | 2009-2010 | House | Agriculture |
| 2 | 2009-2010 | House | Alcoholic Beverage Control |