

**2015**

**SENATE  
APPROPRIATIONS –  
JUSTICE & PUBLIC  
SAFETY**

**MINUTES**



## **Membership**

### **Senate Appropriations on Justice and Public Safety Subcommittee 2015-16 Biennium**

#### **Senator Stan Bingham, Co-Chair**

Room 625, LOB (919)-733-5665

Maria Kinnaird

#### **Senator E. S. (Buck) Newton, Co-Chair**

Room 621, LOB (919) 715-3030

Carol Wilson

#### **Senator Shirley B. Randleman, Co-Chair**

Room 628, LOB (919) 733-5743

Jeb Kelly

#### **Senator Tom Apodaca, Vice-Chair**

Room 2010, LB (919) 733-5745

Laura Kilian

#### **Senator Valerie Foushee**

Room 517, LOB (919) 733-5804

James Spivey

#### **Senator Fletcher Hartsell**

Room 627, LOB (919) 733-7223

Gerry Johnson

#### **Senator Jeff Jackson**

Room 1104, LB (919) 715-8331

Ted Harrison

#### **Senator Michael V. Lee**

Room 2111, LB (919) 715-2525

Robert Andrews





JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
Room 415 Legislative Office Building

February 11, 2015 8:30 A.M.

**I. CALL TO ORDER**

Chairs: Senator Stan Bingham, Presiding  
Senator Buck Newton  
Senator Shirley Randleman

Representative Jamie Boles  
Representative Leo Daughtry  
Representative John Faircloth  
Representative Pat Hurley

**II. OPENING REMARKS BY CHAIRS**

**III. PRESENTATIONS**

Overview of Structured Sentencing  
*John Madler, Associate Director for Policy/Staff Attorney*  
*Sentencing and Policy Advisory Commission*

**IV. COMMITTEE DISCUSSION**

**V. OTHER BUSINESS:**

Next meetings: Tuesday, February 11, 2015, 8:30 a.m. – AOC Overview  
Wednesday, February 12, 2015, 8:30 a.m. – AOC Workload and Personnel

**VI. ADJOURNMENT**

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**House Appropriations Subcommittee on JPS**

Rep. Boles (Chair)  
Rep. Daughtry (Chair)  
Rep. Faircloth (Chair)  
Rep. Hurley (Chair)  
Rep. Jackson (Vice Chair), Rep. McNeill (Vice Chair),  
Rep. Stevens (Vice Chair)  
Rep. C. Graham, Rep. G. Graham, Rep. R. Johnson, Rep. Salmon,  
Rep. Speciale, Rep. Turner

**Senate Appropriations Subcommittee on JPS**

Sen. Bingham (Chair)  
Sen. Newton (Chair)  
Sen. Randleman (Chair)  
Sen. Apodaca (Vice Chair),  
Sen. Foushee, Sen. Hartsell, Sen. Jackson,  
Sen. Lee



**Joint Committee on Appropriations on Justice and Public Safety  
Wednesday, February 11, 2015 at 8:30 AM  
Room 415 of the Legislative Office Building**

**MINUTES**

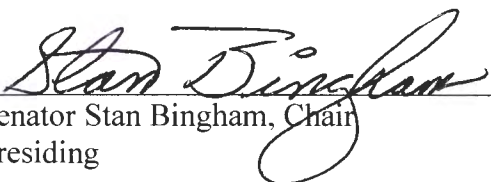
The Joint Committee on Appropriations on Justice and Public Safety met at 8:35 AM on February 11, 2015 in Room 415 of the Legislative Office Building. Nineteen members were present.

Senator Stan Bingham, Chair, presided. Senator Bingham recognized the Sergeant-at-Arms and the Pages. He then recognized John Madler, the Associate Director for Policy/Staff Attorney at the Sentencing and Policy Commission to explain his presentation of the Overview of Structured Sentencing (see attached). Mr. Madler gave a brief history of structured sentencing, including a description of the process, the principles behind it, an explanation of the schedule in the statutes and the effects on inmates' sentences since 1994.

Following the presentation, Senator Bingham asked for questions from the Committee. Rep. Ralph Johnson asked if structured sentencing has resulted in a lower prison population. Susan Katzenelson, Executive Director of the Sentencing Commission, replied that there was a lower prison rate and that prisoners were not released as soon as under the parole system.

Senator Bingham asked about the success of the "quick dip". Mr. Madler responded that the two to three days in jail which comprises the "quick dip" is very successful.

The meeting adjourned at 9:35am.

  
\_\_\_\_\_  
Senator Stan Bingham, Chair  
Presiding

  
\_\_\_\_\_  
Maria Kinnaird, Committee Clerk



## ATTENDANCE

## 2015- 2016 Joint Appropriations Subcommittee on Justice and Public Safety

[illegible]





# **Structured Sentencing**

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NC Sentencing and Policy Advisory Commission  
February 11, 2015

<http://www.nccourts.org/Courts/CRS/Councils/spac/>



# **The Sentencing Commission**

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- Created by the General Assembly in 1990
- 28 members representing different aspects of the Criminal and Juvenile Justice System
- Nonpartisan members appointed by the leaders of all three branches of government
- Members perform policy analysis based on empirical information



# Structured Sentencing Timeline

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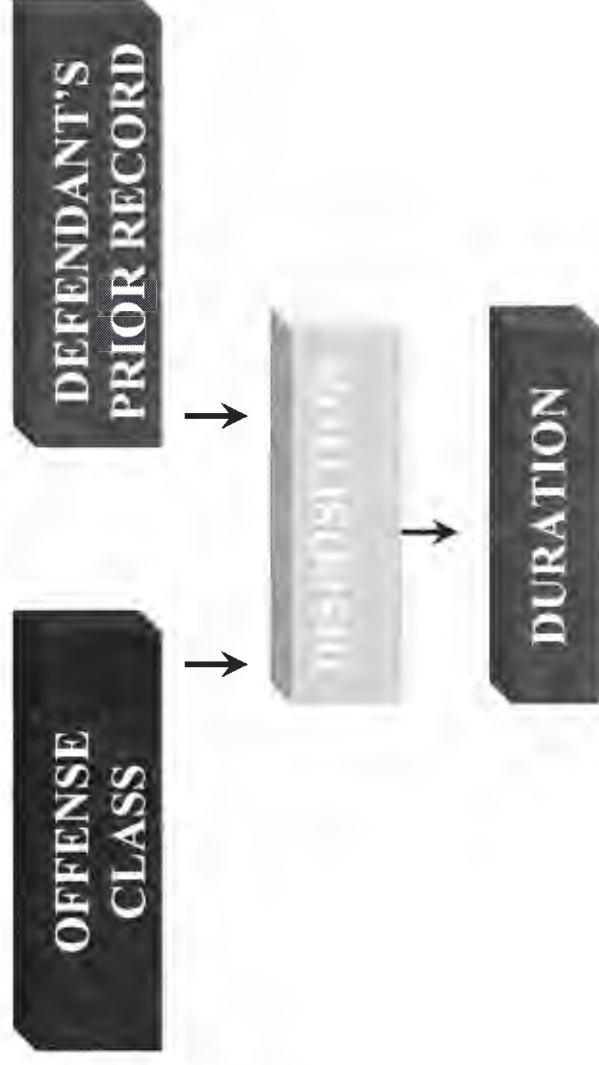
- 1993 – Enacted by the General Assembly
- 1994 – Effective date
- 1995 – Increased some sentence lengths and added active sentence options
- 2009 – Made minimum sentences proportionate and evened out prior record level point ranges
- 2011 – Justice Reinvestment Act

# **Structured Sentencing Principles**

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- Provide truth in sentencing
- Provide consistency and certainty in sentencing
- Provide a rational basis for sentencing
- Set priorities for the use of correctional resources
- Balance sentencing policies with correctional resources

# Structured Sentencing Components



# FELONY PUNISHMENT CHART

	PRIOR RECORD LEVEL					
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
<b>A</b>						
<b>B1</b>						
<b>B2</b>						
<b>C</b>						
<b>D</b>						
<b>E</b>						
<b>F</b>						
<b>G</b>						
<b>H</b>						
<b>I</b>						

OFFENSE CLASS

## FELONY CLASSIFICATION CRITERIA\*

### CLASS

### CRITERIA

**A**

- Reserved for First Degree Murder

[ *Reasonably tend to result or does result in*]:

**B**

- Serious debilitating long-term personal injury

**C**

- Serious long-term personal injury
- Serious long-term or widespread societal injury

**D**

- Serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling

**E**

- Serious personal injury

- Personal injury includes both physical and mental injury.

Societal injury includes violations of public morality, judicial or government operations, and/or public order and welfare.

*Note: The criteria were not used in the classification of the homicide offenses or drug offenses*

## FELONY CLASSIFICATION CRITERIA\*

### CLASS

### CRITERIA

**F**

- Significant personal injury
- Serious societal injury

**G**

- Serious property loss:  
Loss from the person or from the person's dwelling

**H**

- Serious property loss:  
Loss from any structure designed to house or secure any activity or property  
Loss occasioned by the taking or removing of property  
Loss occasioned by breach of trust, formal or informal
- Personal injury
- Significant societal injury

**I**

- Serious property loss:  
All other felonious property loss
- Societal injury

**M**

- All other misdemeanors

• Personal injury includes both physical and mental injury.

Societal injury includes violations of public morality, judicial or government operations, and/or public order and welfare.



## SCORING PRIOR RECORD/FELONY SENTENCING

(For offenses committed on or after December 1, 2009)

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*, or Prior Impaired Driving Conviction	x 1	
		<b>SUBTOTAL</b>	
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: (a) while on probation, parole, or post-release supervision; or (b) while serving a sentence of imprisonment; or (c) while on escape.		+ 1	
		<b>TOTAL</b>	

\*Class 1 misdemeanor offenses under Chapter 20 are not assigned any points except for impaired driving in a commercial vehicle [G.S. 20-138.2] and misdemeanor death by vehicle [G.S. 20-141.4(a)(2)]

## II. CLASSIFYING PRIOR RECORD LEVEL

POINTS	LEVEL
0 – 1	I
2 – 5	II
6 – 9	III
10 – 13	IV
14 – 17	V
18+	VI

**PRIOR RECORD LEVEL \_\_\_\_\_**



# FELONY PUNISHMENT CHART

OFFENSE CLASS

	PRIOR RECORD LEVEL					
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
A	Death or Life Without Parole					
	A	A	A	A	A	A
B1						
B2	A	A	A	A	A	A
C	A	A	A	A	A	A
D	A	A	A	A	A	A
E	I/A	I/A	A	A	A	A
F	I/A	I/A	I/A	A	A	A
G	I/A	I/A	I/A	I/A	A	A
H	C/I/A	I/A	I/A	I/A	I/A	A
I	C	C/I	I	I/A	I/A	I/A

# Types of Punishments

## Active

### Imprisonment

- Prison/Jail
- Post-Release Supervision

## Intermediate

### Supervised Probation

- May include:
  - Special Probation (Split Sentence)
  - Drug Treatment Court
  - Other conditions set by court
  - Conditions added by probation officer after risk/needs assessment

## Community

### Non-Active Sentence

- May include:
  - Fine
  - Unsupervised Probation
  - Supervised Probation
  - Probation may include:
    - Conditions set by court
    - Conditions added by probation officer after risk/needs assessment
- Probation may not include:
  - Special Probation
  - Drug Treatment Court

# FELONY PUNISHMENT CHART

OFFENSE CLASS

	PRIOR RECORD LEVEL					
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
<b>A</b>	<b>Death or Life Without Parole</b>					
<b>B1</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	<i>240-300</i>	<i>276-345</i>	<i>317-397</i>	<i>365-456</i>	<i>Life Without Parole</i>	<i>Life Without Parole</i>
	<b>192-240</b>	<b>221-276</b>	<b>254-317</b>	<b>292-365</b>	<b>336-420</b>	<b>386-483</b>
<b>B2</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	<i>157-196</i>	<i>180-225</i>	<i>207-258</i>	<i>238-297</i>	<i>273-342</i>	<i>314-393</i>
	<b>125-157</b>	<b>144-180</b>	<b>165-207</b>	<b>190-238</b>	<b>219-273</b>	<b>251-314</b>
<b>C</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	<i>73-92</i>	<i>83-104</i>	<i>96-120</i>	<i>110-138</i>	<i>127-159</i>	<i>146-182</i>
	<b>58-73</b>	<b>67-83</b>	<b>77-96</b>	<b>88-110</b>	<b>101-127</b>	<b>117-146</b>
<b>D</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	<i>64-80</i>	<i>73-92</i>	<i>84-105</i>	<i>97-121</i>	<i>111-139</i>	<i>128-160</i>
	<b>51-64</b>	<b>59-73</b>	<b>67-84</b>	<b>78-97</b>	<b>89-111</b>	<b>103-128</b>
<b>E</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	<i>25-31</i>	<i>29-36</i>	<i>33-41</i>	<i>38-48</i>	<i>44-55</i>	<i>50-63</i>
	<b>20-25</b>	<b>23-29</b>	<b>26-33</b>	<b>30-38</b>	<b>35-44</b>	<b>40-50</b>
<b>F</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	<i>16-20</i>	<i>19-23</i>	<i>21-27</i>	<i>25-31</i>	<i>28-36</i>	<i>33-41</i>
	<b>13-16</b>	<b>15-19</b>	<b>17-21</b>	<b>20-25</b>	<b>23-28</b>	<b>26-33</b>
<b>G</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>	<b>A</b>
	<i>13-16</i>	<i>14-18</i>	<i>17-21</i>	<i>19-24</i>	<i>22-27</i>	<i>25-31</i>
	<b>10-13</b>	<b>12-14</b>	<b>13-17</b>	<b>15-19</b>	<b>17-22</b>	<b>20-25</b>
<b>H</b>	<b>C/I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>
	<i>6-8</i>	<i>8-10</i>	<i>10-12</i>	<i>11-14</i>	<i>15-19</i>	<i>20-25</i>
	<b>5-6</b>	<b>6-8</b>	<b>8-10</b>	<b>9-11</b>	<b>12-15</b>	<b>16-20</b>
<b>I</b>	<b>C</b>	<b>C/I</b>	<b>I</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>
	<i>6-8</i>	<i>6-8</i>	<i>6-8</i>	<i>8-10</i>	<i>9-11</i>	<i>10-12</i>
	<b>4-6</b>	<b>4-6</b>	<b>5-6</b>	<b>6-8</b>	<b>7-9</b>	<b>8-10</b>
	<i>3-4</i>	<i>3-4</i>	<i>4-5</i>	<i>4-6</i>	<i>5-7</i>	<i>6-8</i>



# Minimum Sentence Ranges

D	IV
	10-13 Pts
	A
	97 – 121
D	78 – 97
	58 – 78

- **AGGRAVATED MINIMUM SENTENCE RANGE**
- **PRESUMPTIVE MINIMUM SENTENCE RANGE**
- **MITIGATED MINIMUM SENTENCE RANGE**

## 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).

### *FOR OFFENSE CLASSES B1 THROUGH E*

15-30	52-75	89-119	126-164	163-208	200-252	237-297	274-341	311-386
16-32	53-76	90-120	127-165	164-209	201-254	238-298	275-342	312-387
17-33	54-77	91-122	128-166	165-210	202-255	239-299	276-344	313-388
18-34	55-78	92-123	129-167	166-212	203-256	240-300	277-345	314-389
19-35	56-80	93-124	130-168	167-213	204-257	241-302	278-346	315-390
20-36	57-81	94-125	131-170	168-214	205-258	242-303	279-347	316-392
21-38	58-82	95-126	132-171	169-215	206-260	243-304	280-348	317-393
22-39	59-83	96-128	133-172	170-216	207-261	244-305	281-350	318-394
23-40	60-84	97-129	134-173	171-218	208-262	245-306	282-351	319-395
24-41	61-86	98-130	135-174	172-219	209-263	246-308	283-352	320-396
25-42	62-87	99-131	136-176	173-220	210-264	247-309	284-353	321-398
26-44	63-88	100-132	137-177	174-221	211-266	248-310	285-354	322-399
27-45	64-89	101-134	138-178	175-222	212-267	249-311	286-356	323-400
28-46	65-90	102-135	139-179	176-224	213-268	250-312	287-357	324-401
29-47	66-91	103-136	140-180	177-225	214-269	251-314	288-358	325-402
30-48	67-93	104-137	141-182	178-226	215-270	252-315	289-359	326-404
31-50	68-94	105-138	142-183	179-227	216-271	253-316	290-360	327-405
32-51	69-95	106-140	143-184	180-228	217-273	254-317	291-362	328-406
33-52	70-96	107-141	144-185	181-230	218-274	255-318	292-363	329-407
34-53	71-98	108-142	145-186	182-231	219-275	256-320	293-364	330-408
35-54	72-99	109-143	146-188	183-232	220-276	257-321	294-365	331-410
36-56	73-100	110-144	147-189	184-233	221-278	258-322	295-366	332-411
37-57	74-101	111-146	148-190	185-234	222-279	259-323	296-368	333-412
38-58	75-102	112-147	149-191	186-236	223-280	260-324	297-369	334-413
39-59	76-104	113-148	150-192	187-237	224-281	261-326	298-370	335-414
40-60	77-105	114-149	151-194	188-238	225-282	262-327	299-371	336-416
41-62	78-106	115-150	152-195	189-239	226-284	263-328	300-372	337-417
42-63	79-107	116-152	153-196	190-240	227-285	264-329	301-374	338-418
43-64	80-108	117-153	154-197	191-242	228-286	265-330	302-375	339-419
44-65	81-110	118-154	155-198	192-243	229-287	266-332	303-376	
45-66	82-111	119-155	156-200	193-244	230-288	267-333	304-377	
46-68	83-112	120-156	157-201	194-245	231-290	268-334	305-378	
47-69	84-113	121-158	158-202	195-246	232-291	269-335	306-380	
48-70	85-114	122-159	159-203	196-248	233-292	270-336	307-381	
49-71	86-115	123-160	160-204	197-249	234-293	271-338	308-382	
50-72	87-117	124-161	161-206	198-250	235-294	272-339	309-383	
51-74	88-118	125-162	162-207	199-251	236-296	273-340	310-384	

To calculate a maximum sentence when the minimum sentence is 340 months or more, multiply the minimum sentence by 1.20 (rounding to the next highest month) and add 12. *See* G.S. 15A-1340.17(e1).

**Sex Offenses:** To calculate a maximum sentence for a Class B1 through E felony that is subject to the registration requirements of G.S. Chapter 14, Article 27A, multiply the minimum sentence by 1.20 (rounding to the next highest month) and add 60. *See* G.S. 15A-1340.17(f).

## 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).

### ***FOR OFFENSE CLASSES F THROUGH I***

3-13	8-19	13-25	18-31	23-37	28-43	33-49	38-55
4-14	9-20	14-26	19-32	24-38	29-44	34-50	39-56
5-15	10-21	15-27	20-33	25-39	30-45	35-51	40-57
6-17	11-23	16-29	21-35	26-41	31-47	36-53	41-59
7-18	12-24	17-30	22-36	27-42	32-48	37-54	

# FELONY PUNISHMENT CHART

OFFENSE CLASS

	PRIOR RECORD LEVEL					
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
<b>A</b>	<b>Death or Life Without Parole</b>					
<b>B1</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	<i>240-300</i>	<i>276-345</i>	<i>317-397</i>	<i>365-456</i>	<i>Life Without Parole</i>	<i>Life Without Parole</i>
	<b>192-240</b>	<b>221-276</b>	<b>254-317</b>	<b>292-365</b>	<b>336-420</b>	<b>386-483</b>
<b>B2</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	<i>157-196</i>	<i>180-225</i>	<i>207-258</i>	<i>238-297</i>	<i>273-342</i>	<i>314-393</i>
	<b>125-157</b>	<b>144-180</b>	<b>165-207</b>	<b>190-238</b>	<b>219-273</b>	<b>251-314</b>
<b>C</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	<i>73-92</i>	<i>83-104</i>	<i>96-120</i>	<i>110-138</i>	<i>127-159</i>	<i>146-182</i>
	<b>58-73</b>	<b>67-83</b>	<b>77-96</b>	<b>88-110</b>	<b>101-127</b>	<b>117-146</b>
<b>D</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	<i>64-80</i>	<i>73-92</i>	<i>84-105</i>	<i>97-121</i>	<i>111-139</i>	<i>128-160</i>
	<b>51-64</b>	<b>59-73</b>	<b>67-84</b>	<b>78-97</b>	<b>89-111</b>	<b>103-128</b>
<b>E</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	<i>25-31</i>	<i>29-36</i>	<i>33-41</i>	<i>38-48</i>	<i>44-55</i>	<i>50-63</i>
	<b>20-25</b>	<b>23-29</b>	<b>26-33</b>	<b>30-38</b>	<b>35-44</b>	<b>40-50</b>
<b>F</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	<i>16-20</i>	<i>19-23</i>	<i>21-27</i>	<i>25-31</i>	<i>28-36</i>	<i>33-41</i>
	<b>13-16</b>	<b>15-19</b>	<b>17-21</b>	<b>20-25</b>	<b>23-28</b>	<b>26-33</b>
<b>G</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>	<b>A</b>
	<i>13-16</i>	<i>14-18</i>	<i>17-21</i>	<i>19-24</i>	<i>22-27</i>	<i>25-31</i>
	<b>10-13</b>	<b>12-14</b>	<b>13-17</b>	<b>15-19</b>	<b>17-22</b>	<b>20-25</b>
<b>H</b>	<b>C/I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>
	<i>6-8</i>	<i>8-10</i>	<i>10-12</i>	<i>11-14</i>	<i>15-19</i>	<i>20-25</i>
	<b>5-6</b>	<b>6-8</b>	<b>8-10</b>	<b>9-11</b>	<b>12-15</b>	<b>16-20</b>
<b>I</b>	<b>C</b>	<b>C/I</b>	<b>I</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>
	<i>6-8</i>	<i>6-8</i>	<i>6-8</i>	<i>8-10</i>	<i>9-11</i>	<i>10-12</i>
	<b>4-6</b>	<b>6-8</b>	<b>5-6</b>	<b>6-8</b>	<b>7-9</b>	<b>8-10</b>
	<i>3-4</i>	<i>3-4</i>	<i>4-5</i>	<i>4-6</i>	<i>5-7</i>	<i>6-8</i>

**\*\*\*Effective for Offenses Committed on or after 12/1/13\*\*\***

## MISDEMEANOR PUNISHMENT CHART

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

**\*Unless otherwise provided for a specific offense, the judgment for a person convicted of a Class 3 misdemeanor who has no more than three prior convictions shall consist only of a fine.**

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



# Effects of Structured Sentencing

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- Sentences
- Prison beds
- Legislative changes



# Contact Information

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## **STRUCTURED SENTENCING IN NORTH CAROLINA**

The Joint Appropriations Subcommittee on Justice and Public Safety  
February 11, 2015

NC Sentencing and Policy Advisory Commission  
P.O. Box 2448  
Raleigh, NC 27602  
919/890-1470  
[www.nccourts.org/courts/crs/councils/spac](http://www.nccourts.org/courts/crs/councils/spac)

The Honorable W. Erwin Spainhour  
Chairman

Susan Katzenelson  
Executive Director

## **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.

## THE OFFENSE CLASSIFICATION CRITERIA

The Sentencing Commission was required by G.S. 164-41 to "... classify criminal offenses into felony and misdemeanor categories on the basis of their severity." The Commission developed classification criteria to guide the classification process and to ensure that there was a systematic and rational basis for the classifications. The Commission decided that the severity of an offense should be directly related to the harm to the victim that normally results or tends to result from the criminal conduct.

The Commission defined three general types of harms: 1) harms to person (including both physical and mental injury); 2) harms to property; and 3) harms to society (violations of public order and welfare, violations of judicial or governmental operations, and/or violations of public morality). Through considerable discussion and debate, the Commission grouped these harms into a ten-level hierarchy which served as the basis for the Commission's classifications (refer to the classification criteria on the following page). Once the classification criteria were established, the Commission reviewed the individual elements of all felonies in North Carolina and assigned each felony to a specific offense class based on how closely the elements of the crime matched the classification criteria.

The purpose of establishing the classification criteria was to create a rational and consistent philosophical basis for classifying offenses; to assure proportionality in severity; and to provide a guidepost for classifying new crimes in the future.

Under the classification criteria, the most serious offense classes (A through F) primarily involve personal injury, the risk of personal injury, serious societal injury or widespread societal injury. The lower offense levels (G through I) primarily involve property loss or less serious societal injury. The degree of harm is divided into three levels; injury to person, property or society; significant injury to person, property or society; and serious injury to person, property or society.

The Commission also assigned misdemeanor offenses to three classes: class 1, class 2 or class 3. The Commission did not create classification criteria for misdemeanors but relied on the maximum sentences previously set by the General Assembly. Generally, crimes which had previously been punishable by over six months were made class 1 misdemeanors, those previously punishable by more than 30 days and up to six months were made class 2 misdemeanors, and those previously punishable by 30 days or less were made class 3 misdemeanors. Assaultive misdemeanors were made Class A1 misdemeanors.

## FELONY OFFENSE CLASSIFICATION CRITERIA\*

CLASS	CRITERIA
A	<ul style="list-style-type: none"><li>• Reserved for First Degree Murder</li></ul> <p><i>[Reasonably tends to result or does result in]:</i></p>
B	<ul style="list-style-type: none"><li>• Serious debilitating long-term personal injury</li></ul>
C	<ul style="list-style-type: none"><li>• Serious long-term personal injury</li><li>• Serious long-term or widespread societal injury</li></ul>
D	<ul style="list-style-type: none"><li>• Serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling</li></ul>
E	<ul style="list-style-type: none"><li>• Serious personal injury</li></ul>
F	<ul style="list-style-type: none"><li>• Significant personal injury</li><li>• Serious societal injury</li></ul>
G	<ul style="list-style-type: none"><li>• Serious property loss: Loss from the person or from the person's dwelling</li></ul>
H	<ul style="list-style-type: none"><li>• Serious property loss: Loss from any structure designed to house or secure any activity or property Loss occasioned by the taking or removing of property Loss occasioned by breach of trust, formal or informal</li><li>• Personal injury</li><li>• Significant societal injury</li></ul>
I	<ul style="list-style-type: none"><li>• Serious property loss: All other felonious property loss</li><li>• Societal injury</li></ul>
M	<ul style="list-style-type: none"><li>• All other misdemeanors</li></ul>

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\* Personal injury includes both physical and mental injury.

Societal injury includes violations of public morality, judicial or government operations, and/or public order and welfare.

Note: The criteria were not used in the classification of the homicide offenses or drug offenses.



**CLASSIFICATION OF A SAMPLE OF OFFENSES**  
(Effective 12/1/14)

<b>CLASS A FELONIES</b>		<b>Maximum Punishment of Death or Life Without Parole</b>
First-Degree Murder. (14-17)		
<b>CLASS B1 FELONIES</b>		<b>Maximum Punishment of Life Without Parole</b>
Second-Degree Murder. (14-17(b))	First-Degree Sexual Offense. (14-27.4)	
First-Degree Rape. (14-27.2)		
<b>CLASS B2 FELONIES</b>		<b>Maximum Punishment of 484<sup>a</sup> Months</b>
Second-Degree Murder. (14-17(b)(1) and (2))		
<b>CLASS C FELONIES</b>		<b>Maximum Punishment of 231<sup>a</sup> Months</b>
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)	
Assault W/D/W/I/K/I/S/I. (14-32(a))		
<b>CLASS D FELONIES</b>		<b>Maximum Punishment of 204<sup>a</sup> Months</b>
Voluntary Manslaughter. (14-18)	Child Abuse Inflicting Serious Physical Injury. (14-318.4(a))	
First-Degree Burglary. (14-51)	Death by Vehicle. (20-141.4(a)(1))	
First-Degree Arson. (14-58)	Sell or Deliver a Controlled Substance to a Person Under 16 But More than 13 Years of Age. (90-95(e)(5))	
Armed Robbery. (14-87)		
<b>CLASS E FELONIES</b>		<b>Maximum Punishment of 88<sup>a</sup> Months</b>
Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian). (14-27.7)	Assault with a Firearm on a Law Enforcement Officer. (14-34.5)	
Assault W/D/W/I/S/I. (14-32(b))	Second-Degree Kidnapping. (14-39)	
Assault W/D/W/I/K. (14-32(c))	Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8))	
Discharging Weapon Into Occupied Property. (14-34.1(a))		
<b>CLASS F FELONIES</b>		<b>Maximum Punishment of 59 Months</b>
Involuntary Manslaughter. (14-18)	Burning of Certain Other Buildings. (14-62)	
Assault Inflicting Serious Bodily Injury. (14-32.4)	Taking Indecent Liberties with Children. (14-202.1)	
Assault W/D/W on Governmental Officer or Employee. (14-34.2)	Patronizing a Prostitute (minor). (14-205.2(a))	
Assault I/S/I on a Law Enforcement Officer. (14-34.7)	Possess Weapon of Mass Destruction. (14-288.8)	
Felony Restraint. (14-43.3)		Habitual Impaired Driving. (20-138.5)
<b>CLASS G FELONIES</b>		<b>Maximum Punishment of 47 Months</b>
Second-Degree Burglary. (14-51)	Identity Theft. (14-113.20)	
Second-Degree Arson. (14-58)	Possession of Firearms, etc., by Felon. (14-415.1)	
Common Law Robbery. (14-87.1)		Sale of a Schedule I or II Controlled Substance. (90-95(a)(1))
<b>CLASS H FELONIES</b>		<b>Maximum Punishment of 39 Months</b>
Assault by Strangulation. (14-32.4(b))	Embezzlement (amount involved less than \$100,000). (14-90)	
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))	Hit and Run (resulted in injury). (20-166(a1))	
Fraudulently Setting Fire to Dwelling Houses. (14-65)	Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1))	
Possessing Stolen Goods. (14-71.1)	Possession W/I/M/S/D Cocaine. (90-95(a)(1))	
Larceny of Property (worth more than \$1,000). (14-72)		Escaping From State Prison System (felon). (148-45(b))

<sup>a</sup> For a Class B1 through E felony that is subject to the registration requirements of G.S. Chapter 14, Article 27A, add 48 months.



<b>CLASS I FELONIES</b>		<b>Maximum Punishment of 24 Months</b>
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))	
<b>CLASS A1 MISDEMEANORS</b>		<b>Maximum Punishment of 150 Days</b>
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))	
<b>CLASS 1 MISDEMEANORS</b>		<b>Maximum Punishment of 120 Days</b>
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 (worth \$400 or less). (96-18(a))	
<b>CLASS 2 MISDEMEANORS</b>		<b>Maximum Punishment of 60 Days</b>
Simple Assault/Assault and Battery. (14-33(a))	Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196)	
Financial Transaction Card Fraud. (14-113.13)	Cyberstalking. (14-196.3)	
First-Degree Trespass. (14-159.12)	Resisting Officers. (14-223)	
Willful and Wanton Injury to Personal Property. (14-160(a))	Carrying Concealed Weapons. (14-269(a), (a1)/first offense)	
Indecent Exposure. (14-190.9)	Disorderly Conduct. (14-288.4)	
<b>CLASS 3 MISDEMEANORS</b>		<b>Maximum Punishment of 20 Days</b>
Concealment of merchandise in mercantile establishments (first conviction). (14-72.1)	Unsealed Wine/Liquor in Passenger Area. (18B-401)	
Worthless Check for \$2,000 or Less. (14-107(d)(1))	Possess Marijuana (1/2 ounce or less). (90-95(a)(3))	
Second-Degree Trespass. (14-159.13)	Possession of Marijuana Drug Paraphernalia (90-113.22A)	
Failure to Return Rental Property. (14-167)	Hunting Without a License. (113-270.2)	
Intoxicated and Disruptive in Public. (14-444)	Fishing Without a License. (113-271)	
<b>CONSPIRACY</b> to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)		
<b>ATTEMPT</b> to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)		
<b>SOLICITATION</b> to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)		
<b>ACCESSORY BEFORE THE FACT</b> punishable as the principal felon. (14-5.2)		
<b>ACCESSORY AFTER THE FACT</b> punishable as two classes lower than the felony the principal felon committed. (14-7)		



# **I. SCORING PRIOR RECORD/FELONY SENTENCING**

NUMBER	TYPE	FACTORS	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	
		<b>SUBTOTAL</b>	
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: (a) while on supervised or unsupervised probation, parole, or post-release supervision; or (b) while serving a sentence of imprisonment; or (c) while on escape.		+ 1	
		<b>TOTAL</b>	

*\* 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 – 1	I
2 – 5	II
6 – 9	III
10 – 13	IV
14 – 17	V
18+	VI

**PRIOR RECORD LEVEL \_\_\_\_\_**

## DISPOSITIONS

### ACTIVE PUNISHMENT

An active punishment requires that the offender be sentenced to the custody of the Division of Adult Correction to serve the minimum and up to the maximum sentence imposed by the court (unless the offender is sentenced to advanced supervised release).

### INTERMEDIATE PUNISHMENT

An intermediate punishment requires a sentence of supervised probation. The sentence may include one or more of the following conditions:

1. Special probation. Defined in G.S. 15A-1351(a), special probation includes a period of active confinement followed by a period of probation. (This is sometimes referred to as a split sentence.)
2. 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.
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 condition.
4. Community service. Assignment that requires the offender to perform service to the local community in an effort to promote the offender's rehabilitation and to provide services that help restore or improve the community.
5. Period or periods of confinement in a local confinement facility. Submission to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement may only be imposed as two-day or three-day consecutive periods.
6. Substance abuse assessment, monitoring, or treatment. (*This condition is not defined in statute.*)
7. Educational or vocational skills development program. (*This condition is not defined in statute.*)
8. Satellite-based monitoring. Submission to satellite-based monitoring, pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes (Sex Offender Monitoring), if the defendant is described by G.S. 14-208.40(a)(2).

An intermediate punishment may also include a fine, restitution, or any other conditions of probation.

## COMMUNITY PUNISHMENT

A community punishment is any authorized sentence that does not include an active punishment, assignment to a drug treatment court, or special probation. A community punishment may consist of a fine only or a term of supervised or unsupervised probation which may include, but is not limited to, one or more of the following:

1. 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 condition.
2. Community service. Assignment that requires the offender to perform service to the local community in an effort to promote the offender's rehabilitation and to provide services that help restore or improve the community.
3. Period or periods of confinement in a local confinement facility. Submission to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement may only be imposed as two-day or three-day consecutive periods.
4. Substance abuse assessment, monitoring, or treatment. *(This condition is not defined in statute.)*
5. Educational or vocational skills development program. *(This condition is not defined in statute.)*
6. Satellite-based monitoring. Submission to satellite-based monitoring, pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes (Sex Offender Monitoring), if the defendant is described by G.S. 14-208.40(a)(2).

A community punishment may also include a fine, restitution, or any other condition of probation.

\*\*\* Effective for Offenses Committed on or after 10/1/13 \*\*\*

# FELONY PUNISHMENT CHART PRIOR RECORD LEVEL

OFFENSE CLASS

	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A	Death or Life Without Parole Defendant Under 18 at Time of Offense: Life With or Without Parole						
B1	A 240 - 300 192 - 240 144 - 192	A 276 - 345 221 - 276 166 - 221	A 317 - 397 254 - 317 190 - 254	A 365 - 456 292 - 365 219 - 292	A Life Without Parole 336 - 420 252 - 336	A Life Without Parole 386 - 483 290 - 386	DISPOSITION Aggravated Range PRESUMPTIVE RANGE Mitigated Range
B2	A 157 - 196 125 - 157 94 - 125	A 180 - 225 144 - 180 108 - 144	A 207 - 258 165 - 207 124 - 165	A 238 - 297 190 - 238 143 - 190	A 273 - 342 219 - 273 164 - 219	A 314 - 393 251 - 314 189 - 251	
C	A 73 - 92 58 - 73 44 - 58	A 83 - 104 67 - 83 50 - 67	A 96 - 120 77 - 96 58 - 77	A 110 - 138 88 - 110 66 - 88	A 127 - 159 101 - 127 76 - 101	A 146 - 182 117 - 146 87 - 117	
D	A 64 - 80 51 - 64 38 - 51	A 73 - 92 59 - 73 44 - 59	A 84 - 105 67 - 84 51 - 67	A 97 - 121 78 - 97 58 - 78	A 111 - 139 89 - 111 67 - 89	A 128 - 160 103 - 128 77 - 103	
E	I/A 25 - 31 20 - 25 15 - 20	I/A 29 - 36 23 - 29 17 - 23	A 33 - 41 26 - 33 20 - 26	A 38 - 48 30 - 38 23 - 30	A 44 - 55 35 - 44 26 - 35	A 50 - 63 40 - 50 30 - 40	
F	I/A 16 - 20 13 - 16 10 - 13	I/A 19 - 23 15 - 19 11 - 15	I/A 21 - 27 17 - 21 13 - 17	A 25 - 31 20 - 25 15 - 20	A 28 - 36 23 - 28 17 - 23	A 33 - 41 26 - 33 20 - 26	
G	I/A 13 - 16 10 - 13 8 - 10	I/A 14 - 18 12 - 14 9 - 12	I/A 17 - 21 13 - 17 10 - 13	I/A 19 - 24 15 - 19 11 - 15	A 22 - 27 17 - 22 13 - 17	A 25 - 31 20 - 25 15 - 20	
H	C/I/A 6 - 8 5 - 6 4 - 5	I/A 8 - 10 6 - 8 4 - 6	I/A 10 - 12 8 - 10 6 - 8	I/A 11 - 14 9 - 11 7 - 9	I/A 15 - 19 12 - 15 9 - 12	A 20 - 25 16 - 20 12 - 16	
I	C 6 - 8 4 - 6 3 - 4	C/I 6 - 8 4 - 6 3 - 4	I 6 - 8 5 - 6 4 - 5	I/A 8 - 10 6 - 8 4 - 6	I/A 9 - 11 7 - 9 5 - 7	I/A 10 - 12 8 - 10 6 - 8	

A – Active Punishment      I – Intermediate Punishment      C – Community Punishment  
Numbers shown are in months and represent the range of minimum sentences

Revised: 09-09-13



**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).

***FOR OFFENSE CLASSES B1 THROUGH E***

15-30	52-75	89-119	126-164	163-208	200-252	237-297	274-341	311-386
16-32	53-76	90-120	127-165	164-209	201-254	238-298	275-342	312-387
17-33	54-77	91-122	128-166	165-210	202-255	239-299	276-344	313-388
18-34	55-78	92-123	129-167	166-212	203-256	240-300	277-345	314-389
19-35	56-80	93-124	130-168	167-213	204-257	241-302	278-346	315-390
20-36	57-81	94-125	131-170	168-214	205-258	242-303	279-347	316-392
21-38	58-82	95-126	132-171	169-215	206-260	243-304	280-348	317-393
22-39	59-83	96-128	133-172	170-216	207-261	244-305	281-350	318-394
23-40	60-84	97-129	134-173	171-218	208-262	245-306	282-351	319-395
24-41	61-86	98-130	135-174	172-219	209-263	246-308	283-352	320-396
25-42	62-87	99-131	136-176	173-220	210-264	247-309	284-353	321-398
26-44	63-88	100-132	137-177	174-221	211-266	248-310	285-354	322-399
27-45	64-89	101-134	138-178	175-222	212-267	249-311	286-356	323-400
28-46	65-90	102-135	139-179	176-224	213-268	250-312	287-357	324-401
29-47	66-92	103-136	140-180	177-225	214-269	251-314	288-358	325-402
30-48	67-93	104-137	141-182	178-226	215-270	252-315	289-359	326-404
31-50	68-94	105-138	142-183	179-227	216-272	253-316	290-360	327-405
32-51	69-95	106-140	143-184	180-228	217-273	254-317	291-362	328-406
33-52	70-96	107-141	144-185	181-230	218-274	255-318	292-363	329-407
34-53	71-98	108-142	145-186	182-231	219-275	256-320	293-364	330-408
35-54	72-99	109-143	146-188	183-232	220-276	257-321	294-365	331-410
36-56	73-100	110-144	147-189	184-233	221-278	258-322	295-366	332-411
37-57	74-101	111-146	148-190	185-234	222-279	259-323	296-368	333-412
38-58	75-102	112-147	149-191	186-236	223-280	260-324	297-369	334-413
39-59	76-104	113-148	150-192	187-237	224-281	261-326	298-370	335-414
40-60	77-105	114-149	151-194	188-238	225-282	262-327	299-371	336-416
41-62	78-106	115-150	152-195	189-239	226-284	263-328	300-372	337-417
42-63	79-107	116-152	153-196	190-240	227-285	264-329	301-374	338-418
43-64	80-108	117-153	154-197	191-242	228-286	265-330	302-375	339-419
44-65	81-110	118-154	155-198	192-243	229-287	266-332	303-376	
45-66	82-111	119-155	156-200	193-244	230-288	267-333	304-377	
46-68	83-112	120-156	157-201	194-245	231-290	268-334	305-378	
47-69	84-113	121-158	158-202	195-246	232-291	269-335	306-380	
48-70	85-114	122-159	159-203	196-248	233-292	270-336	307-381	
49-71	86-116	123-160	160-204	197-249	234-293	271-338	308-382	
50-72	87-117	124-161	161-206	198-250	235-294	272-339	309-383	
51-74	88-118	125-162	162-207	199-251	236-296	273-340	310-384	

To calculate a maximum sentence when the minimum sentence is 340 months or more, multiply the minimum sentence by 1.20 (rounding to the next highest month) and add 12. *See* G.S. 15A-1340.17(e1).

**Sex Offenses:** To calculate a maximum sentence for a Class B1 through E felony that is subject to the registration requirements of G.S. Chapter 14, Article 27A, multiply the minimum sentence by 1.20 (rounding to the next highest month) and add 60. *See* G.S. 15A-1340.17(f).

***FOR OFFENSE CLASSES F THROUGH I***

3-13	8-19	13-25	18-31	23-37	28-43	33-49	38-55
4-14	9-20	14-26	19-32	24-38	29-44	34-50	39-56
5-15	10-21	15-27	20-33	25-39	30-45	35-51	40-57
6-17	11-23	16-29	21-35	26-41	31-47	36-53	41-59
7-18	12-24	17-30	22-36	27-42	32-48	37-54	

**\*\*\*Effective for Offenses Committed on or after 12/1/13\*\*\***

## MISDEMEANOR PUNISHMENT CHART

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

\*Unless otherwise provided for a specific offense, the judgment for a person convicted of a Class 3 misdemeanor who has no more than three prior convictions shall consist only of a fine.

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

Revised: 9/30/13

# VISITOR REGISTRATION SHEET

Joint Appro. on Justice and Public Safety  
(Committee Name)

2/11/15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Suzanne Conway	SENRC
Peggy Jones	Conf of DAs
John W. Smith	Fraternal Order of Police
John W. Smith	NC AOC
Tom Murry	NC AOC
Jan Kennedy	Clerk of Sup Ct.
Barbara Moore	Conf of Clerks of Sup Ct
Theresa Hottel	Trotman Sanders
<del>Andrea Skinner</del>	NCAOC
Mildred Spearman	NCAOC
Chris Agnew	DOJ
Colin Campbell	NAC
Thomas Malin	DOJ
Carole Dunn	DRNC
Rebecca Muddock	Sentencing Commission
Ginny Hevener	Sentencing Commission
S. Katzewelson	-/-





## VISITOR REGISTRATION SHEET

Joint Appro. on Justice and Public Safety  
(Committee Name)

2/11/15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Margaret Schneider	Intern



JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
Room 415 Legislative Office Building

March 3, 2015 8:30 A.M.

**I. CALL TO ORDER**

Chairs:	Senator Stan Bingham	Representative Jamie Boles
	Senator Buck Newton, Presiding	Representative Leo Daughtry
	Senator Shirley Randleman	Representative John Faircloth
		Representative Pat Hurley

**II. OPENING REMARKS BY CHAIRS**

**III. PRESENTATIONS**

AOC Workload Formulas and Personnel  
*William Childs, Fiscal Research Division*

AOC Administration and Technology  
*William Childs, Fiscal Research Division*

**IV. COMMITTEE DISCUSSION**

**V. OTHER BUSINESS:**

Next meetings: Wednesday, March 4, 2015

**VI. ADJOURNMENT**

---

**House Appropriations Subcommittee on JPS**

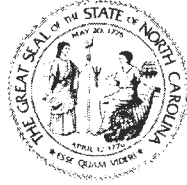
Rep. Boles (Chair)  
Rep. Daughtry (Chair)  
Rep. Faircloth (Chair)  
Rep. Hurley (Chair)  
Rep. Jackson (Vice Chair), Rep. McNeill (Vice Chair),  
Rep. Stevens (Vice Chair)  
Rep. C. Graham, Rep. G. Graham, Rep. R. Johnson, Rep. Salmon,  
Rep. Speciale, Rep. Turner

---

**Senate Appropriations Subcommittee on JPS**

Sen. Bingham (Chair)  
Sen. Newton (Chair)  
Sen. Randleman (Chair)  
Sen. Apodaca (Vice Chair),  
Sen. Foushee, Sen. Hartsell, Sen. Jackson,  
Sen. Lee





**JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE  
AND PUBLIC SAFETY  
March 3, 2015**

**Room 415 of the Legislative Office Building**

The Joint Legislative Oversight Committee on Justice and Public Safety met on March 3, 2015 in Room 415. Seventeen members were present.

Senator Stan Bingham, Chair, presided for Senator Buck Newton. The meeting was called to order at 8:35 a.m. The Chair recognized the Pages and Sergeant-At-Arms.

**AOC Workload Formulas and Personnel**

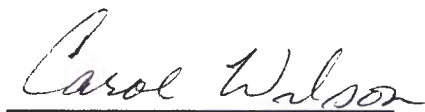
Chairman Bingham introduced William Childs, from the NCGA Fiscal Research Division, to finish the report, beginning on page 19 from Exhibit A, on The Administrative Office of the Courts: Workload and Personnel. During the presentation, Senator Bingham opened the floor for questions and discussion. Senator Bingham recognized Judge John Smith, Director of Administrative Office of the Courts, and Peg Dorer, Director of the North Carolina Conference of District Attorneys.

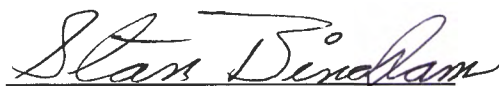
**AOC Administration and Technology**

William Childs, with Fiscal Research Division, continued his presentation on The Administrative Office of the Courts: Administration and Technology, Exhibit B which is attached. Chairman Bingham opened the floor for questions and discussion. There was discussion on whether to replace ACIS or continue funding. Chairman Bingham recognized Judge Smith, Director of Administrative Office of the Courts, and Jeff Marecic, Chief Information Officer of North Carolina Administrative Office of the Courts. Senator Bingham recognized Jane Kennedy, Clerk of Superior Court of New Hanover County, for a comment. Jeff Marecic commented that ACIS was a good system for getting citation numbers and all information in order for DMV to do a check. Judge Smith was asked about eliminating four positions in the Department of AOC.

Senator Bingham adjourned the meeting at 9:50 a.m.

Respectfully submitted,

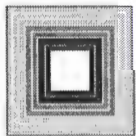
  
Carol Wilson, Committee Clerk

  
Sen. Stan Bingham, Committee Clerk



# The Administrative Office of the Courts: Workload and Personnel

William Childs  
Fiscal Research Division  
March 3, 2015



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

Exhibit A



# JPS General Fund Budget by Agency FY 2014-15



Appropriation: \$2.4 billion  
Receipts: \$235 million  
**Total GF Budget: \$2.6 billion**

Source: NCAS, December 31, 2014 Authorized Budget

# AOC

## Administrative Office of the Courts (AOC)

**Administrative arm of the court system**

*Mark Martin, Chief Justice*

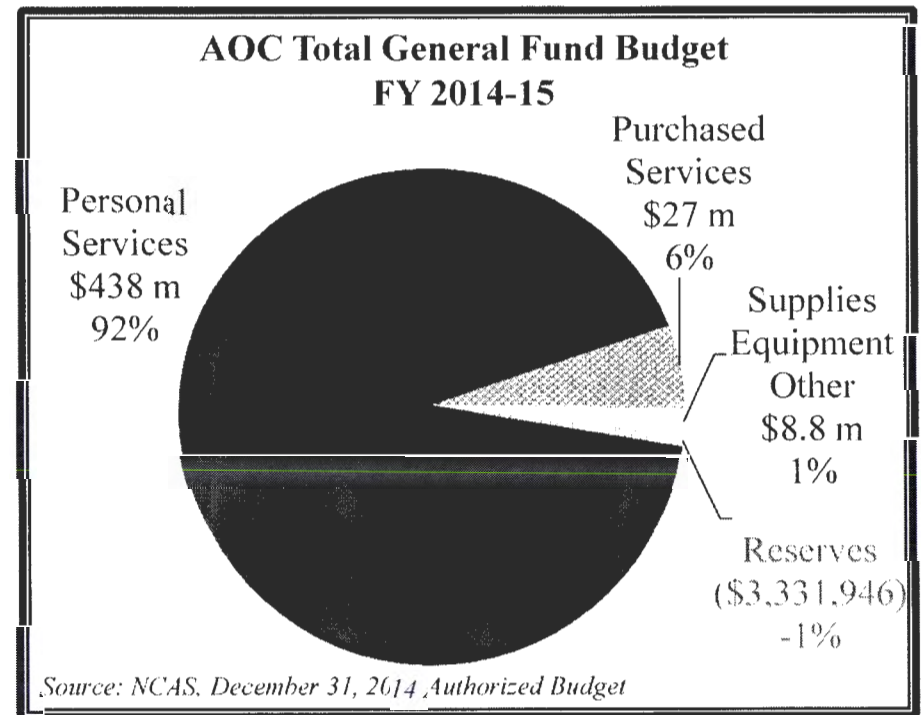
*John Smith, Director of AOC*

Includes:

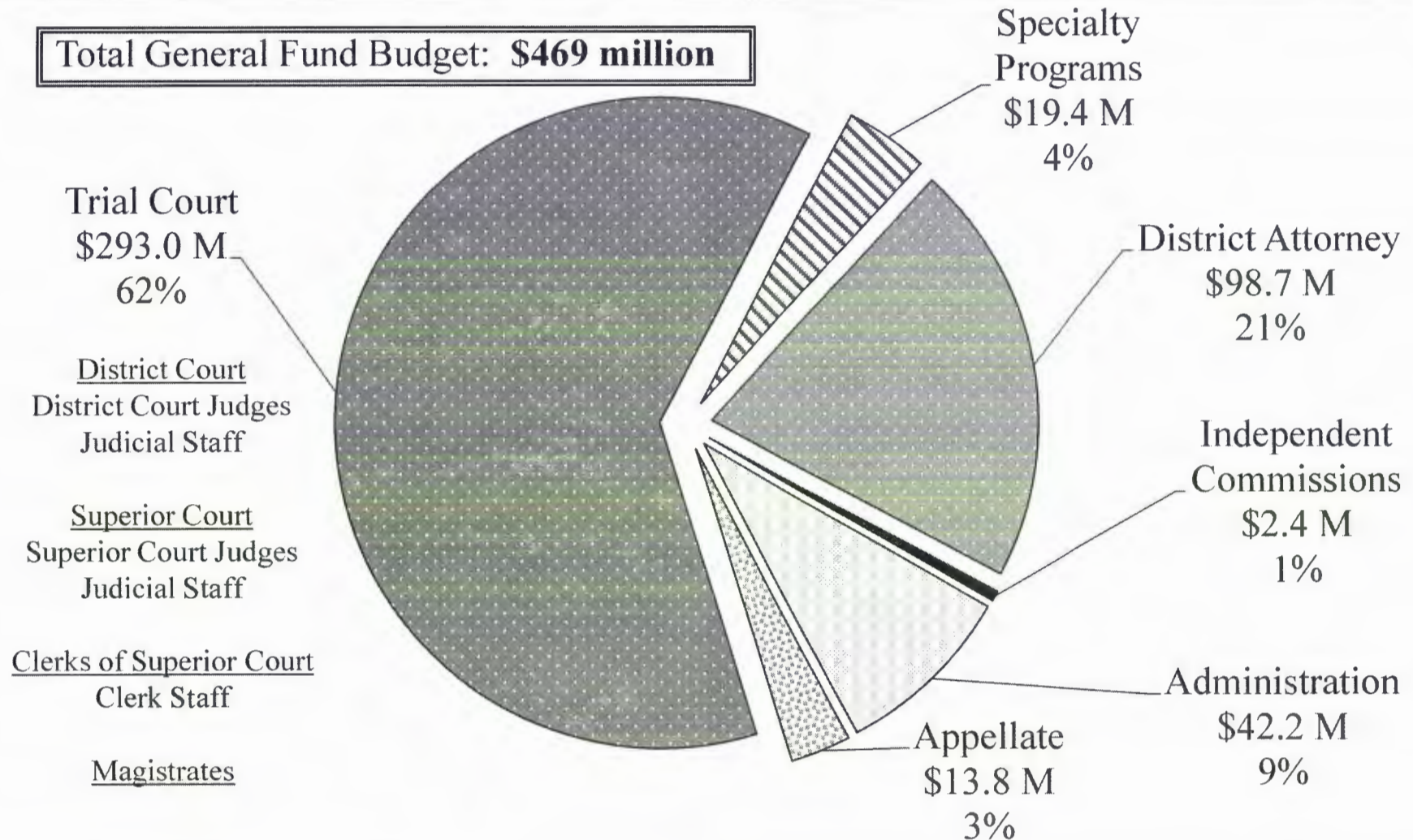
- Supreme Court and Court of Appeals
- Superior courts
- District courts
- District Attorneys
- Magistrates
- Clerks
- **533 Elected Officials**

**Total General Fund Budget: \$469 million**

**Total FTE Employees: 5,831.3**



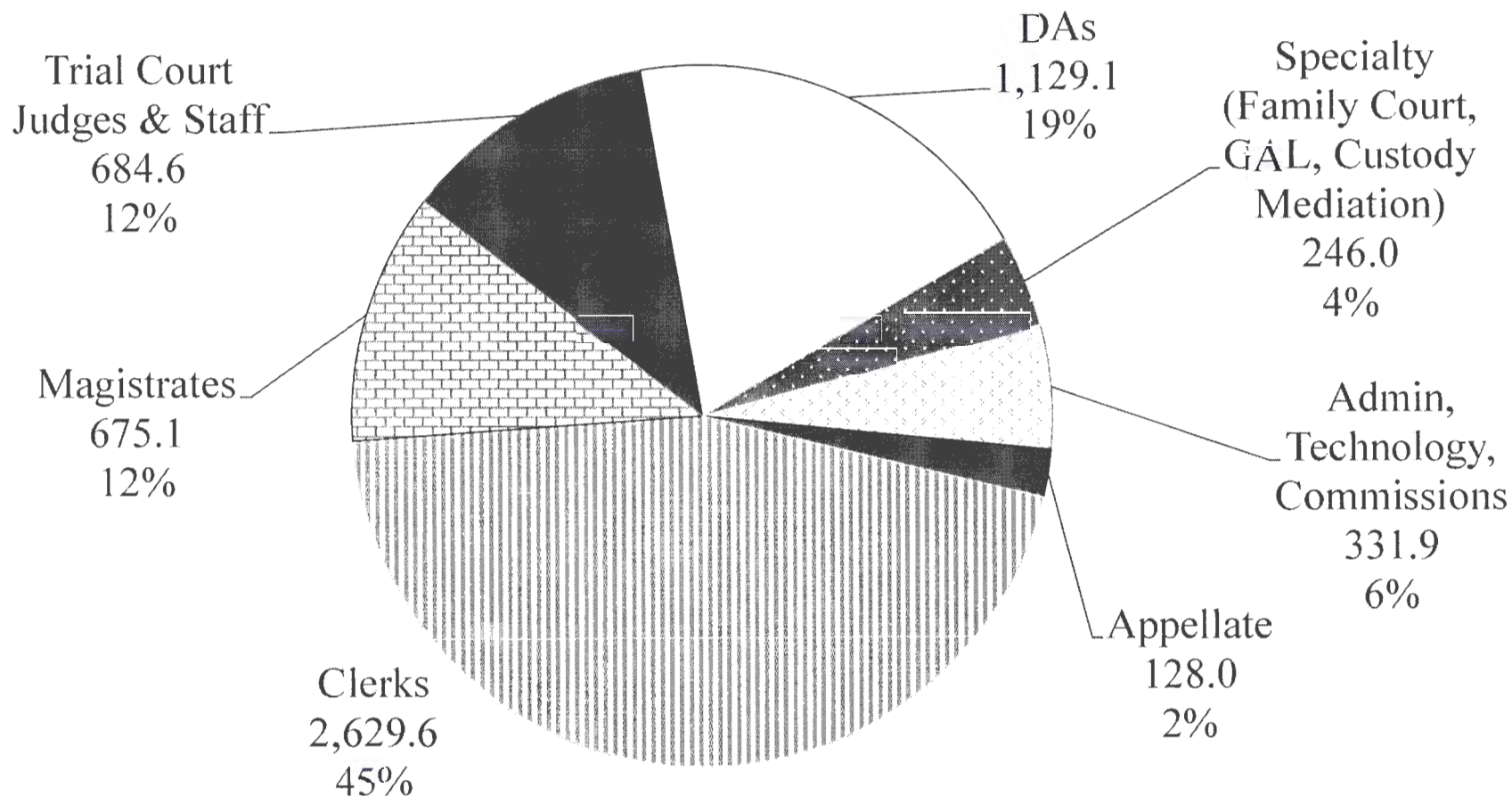
# AOC Budget By Program FY 2014-15



Source: Authorized Budget, December 31, 2014

# AOC Personnel FY 2014-15

Total General Fund FTE: **5,824.3**

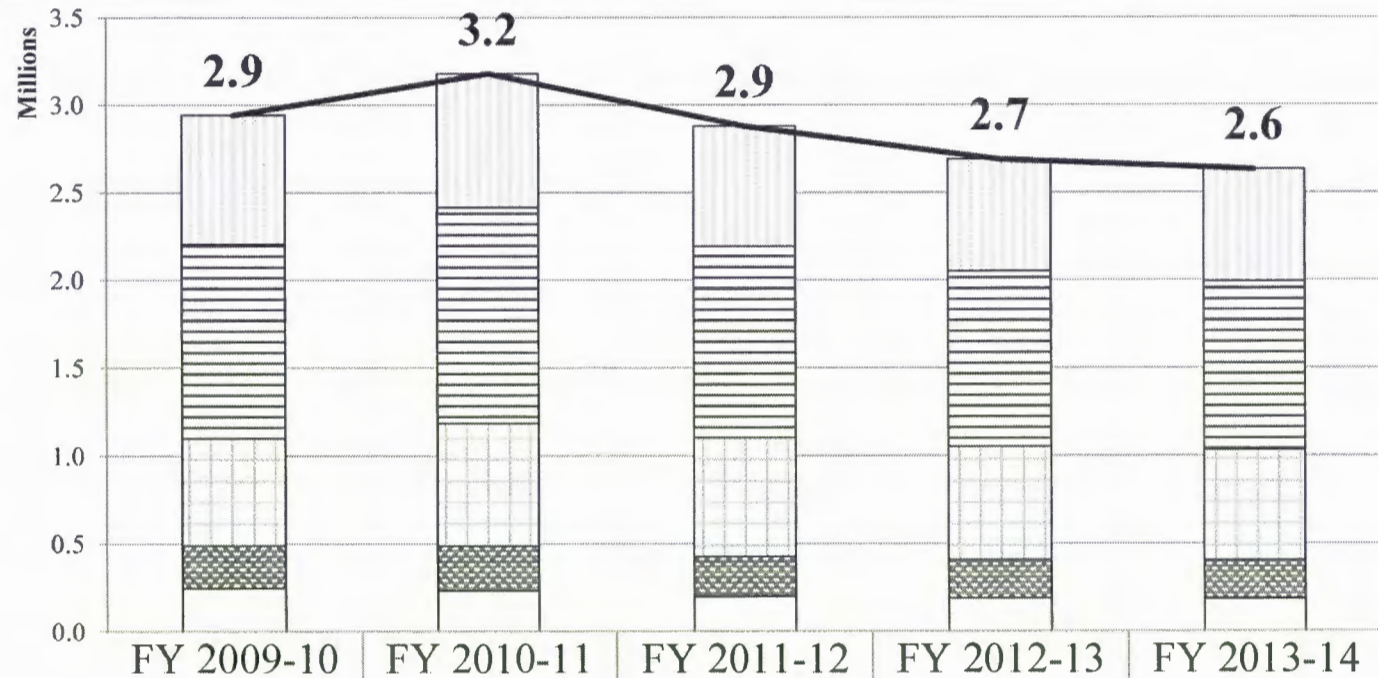


Source: BEACON, December 31, 2014





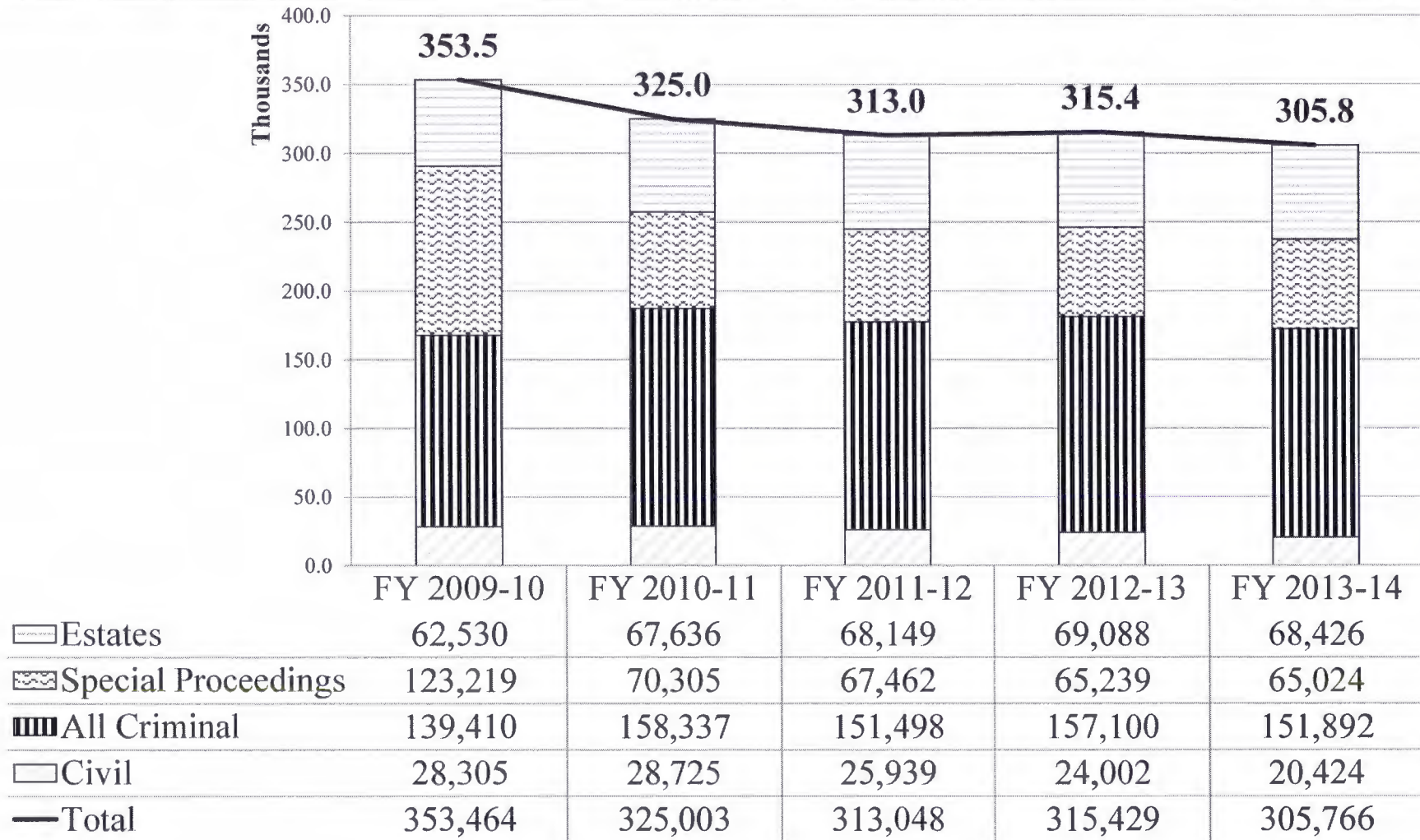
# District Court Dispositions



	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14
Infractions	738,932	764,634	686,838	641,055	642,758
Criminal, traffic	1,103,732	1,228,944	1,090,226	997,446	960,320
Criminal, non-traffic	611,598	699,715	676,491	643,591	627,212
Small Claims	242,128	252,874	227,925	219,970	219,502
Civil	247,048	233,034	198,437	188,237	183,863
<b>Total Dispositions</b>	<b>2,943,438</b>	<b>3,179,201</b>	<b>2,879,917</b>	<b>2,690,299</b>	<b>2,633,655</b>

Source: AOC

# Superior Court Dispositions



Source: AOC

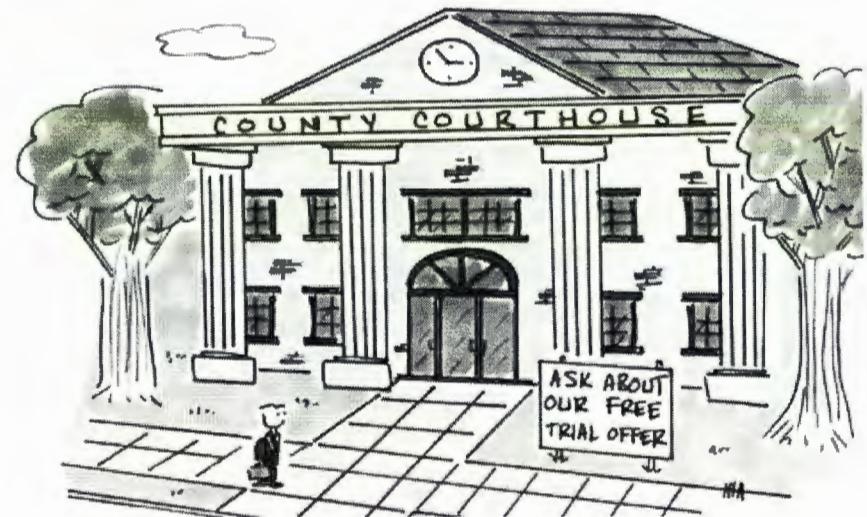
# Traditional Allocation of Court Resources

---

- At the beginning of a legislative session, AOC would report on need in different offices
- No objective measures
- NCGA allocated resources as needed
- Statute reflects the minimum number of ADAs, magistrates, and District Court and Superior Court judges for all districts

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# Workload Formulas

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- 2007: AOC and National Center for State Courts (NCSC) began work on objective workload formulas
- Currently considered a national standard for court workload formulas by NCSC
- Conducted time studies to determine appropriate number of courthouse personnel:
  - Clerks of Superior Court
  - Superior Court Judges
  - Superior Court Staff
  - Assistant District Attorneys and Victim-Witness Legal Assistants
  - District Court Judges
  - District Court Staff
  - Magistrates

# Workload Formulas

---

- Time studies in different-sized courthouses around the State:
  - Estimates case-related work versus administrative work for each type of worker in the courthouse.
  - Used to determine case weights by type of offense
- For instance, average time spent by ADA:
  - 6.5 minutes on traffic case
  - 10,172 minutes on 1<sup>st</sup> degree murder
- Workload Need = 
$$\frac{\text{Filings x Case Weight}}{\text{Case-Related Work Per Year}}$$

# NCSC Workload Assessments

---

- “*Workload Assessment: A Data-driven Management Tool for the Judicial Branch*” (2013)
  - Outlines recommended workload assessment process, including advisory committee, time study, and quality adjustments
  - Does not include on-bench time as a measure
- NCSC workload formulas in use in 25 states
- Assessments in 38 states and 2 territories
- Results include:
  - Increase in number of judges in CA and WI
  - Reduction in number of judges in MI
  - Judicial boundaries to be redrawn in VA

# Clerk of Court Workload

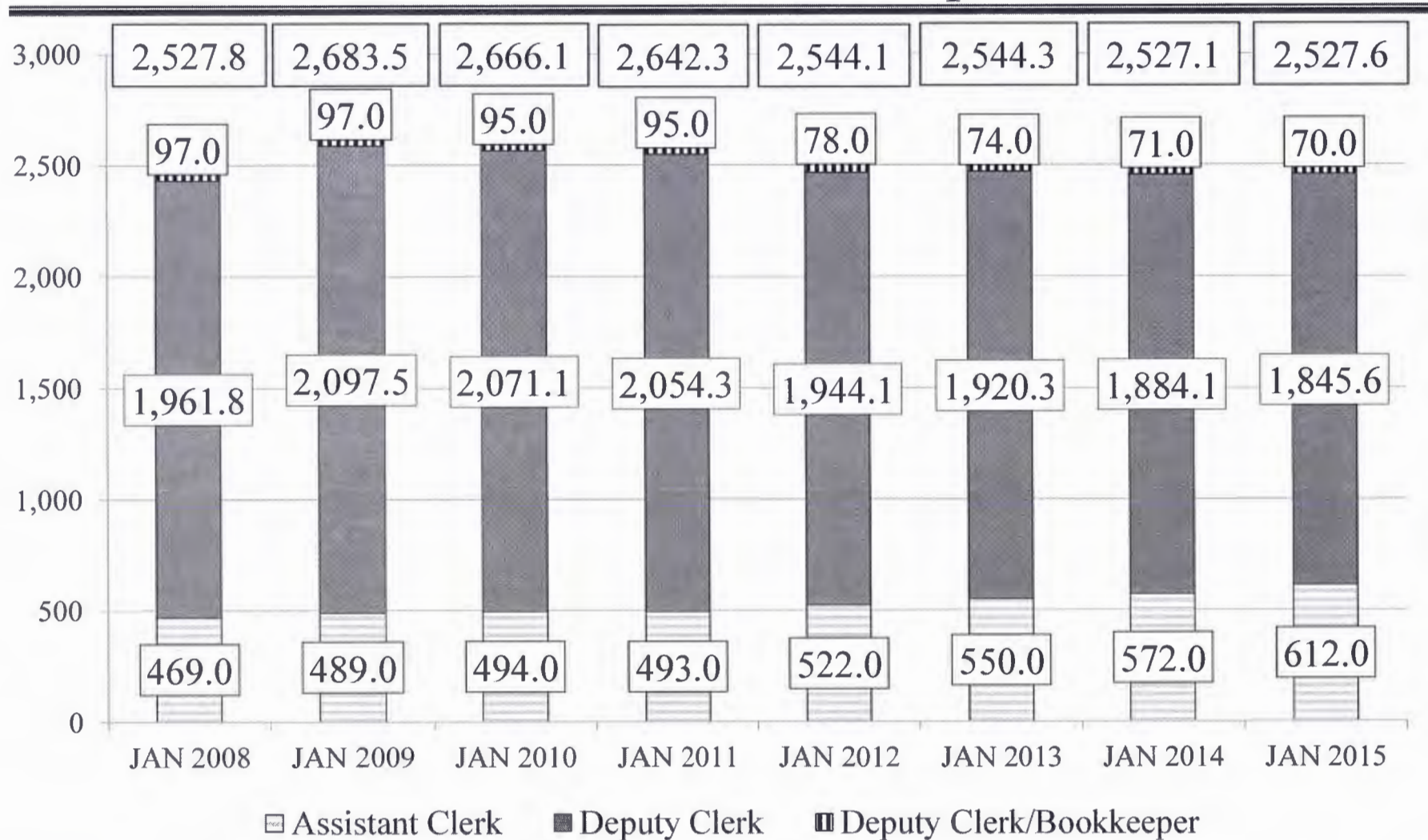
<b>Authorized</b>	<b>Need</b> (minimum of 6)
2,629.6	2,754.0

<b>Greatest Need by Number</b>	<b>Clerks Needed</b>	<b>Greatest Need by Percentage</b>	<b>Workload to Need Ratio</b>	<b>Clerks Needed</b>
Wake	48.2	Wake	76.8%	48.2
Mecklenburg	40.0	Onslow	79.0%	11.2
Cumberland	18.9	Brunswick	81.0%	6.6

<b>Least Need by Number</b>	<b>Over</b>	<b>Least Need by Percentage</b>	<b>Workload to Need Ratio</b>	<b>Over</b>
Hertford	2.3	Vance	125.9%	4.3
Gaston	2.6	Hertford	126.9%	2.3
Vance	4.3	Northampton	131.0%	1.9

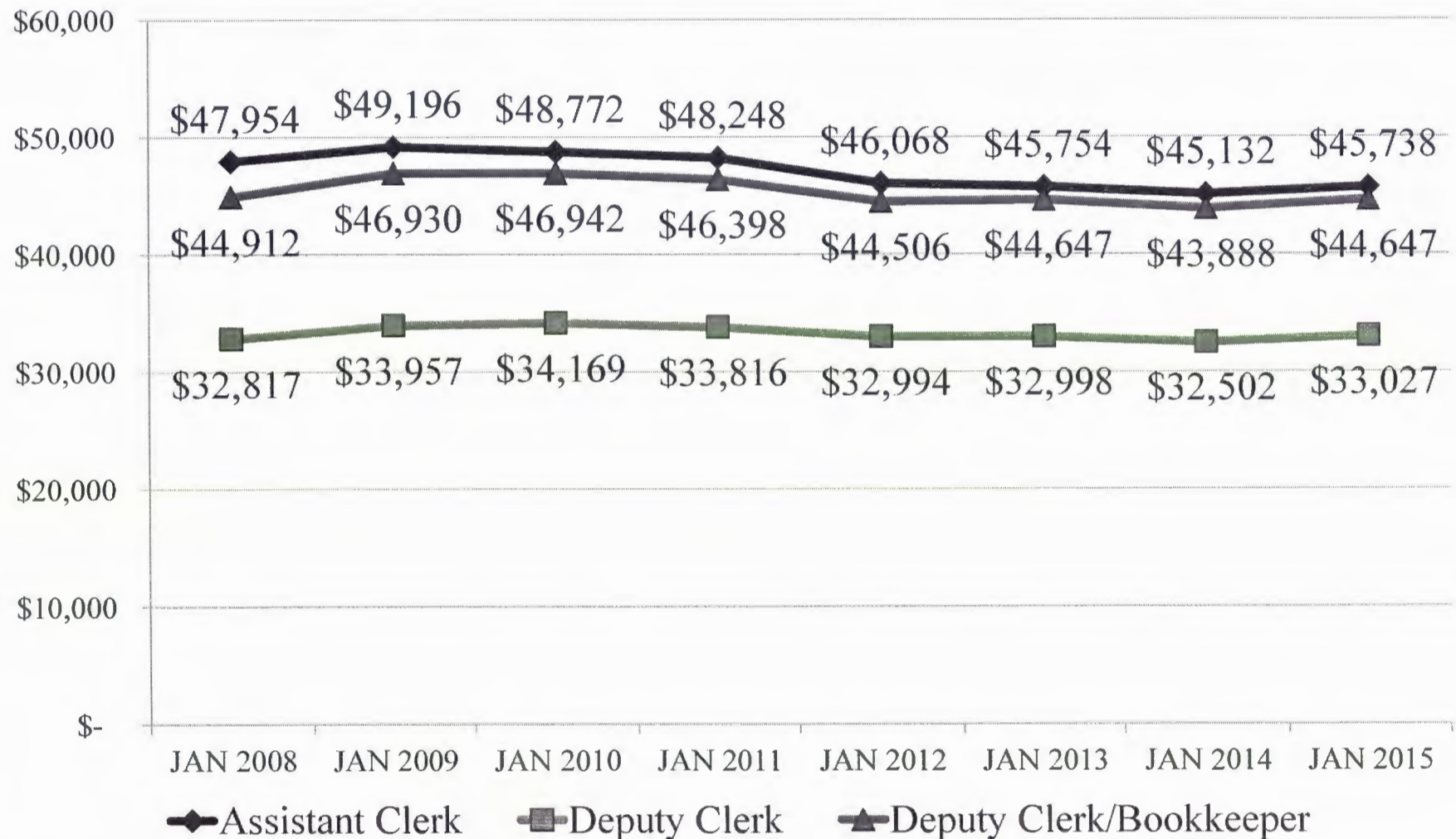
Source: AOC, January 1, 2015

## Clerk Personnel, 2008 to present



Source: BEACON, February 1, 2015

# Clerk Average Compensation, 2008 to present



Source: BEACON, February 1, 2015



# Magistrate Workload

Authorized                      Need  
(minimum of 3)

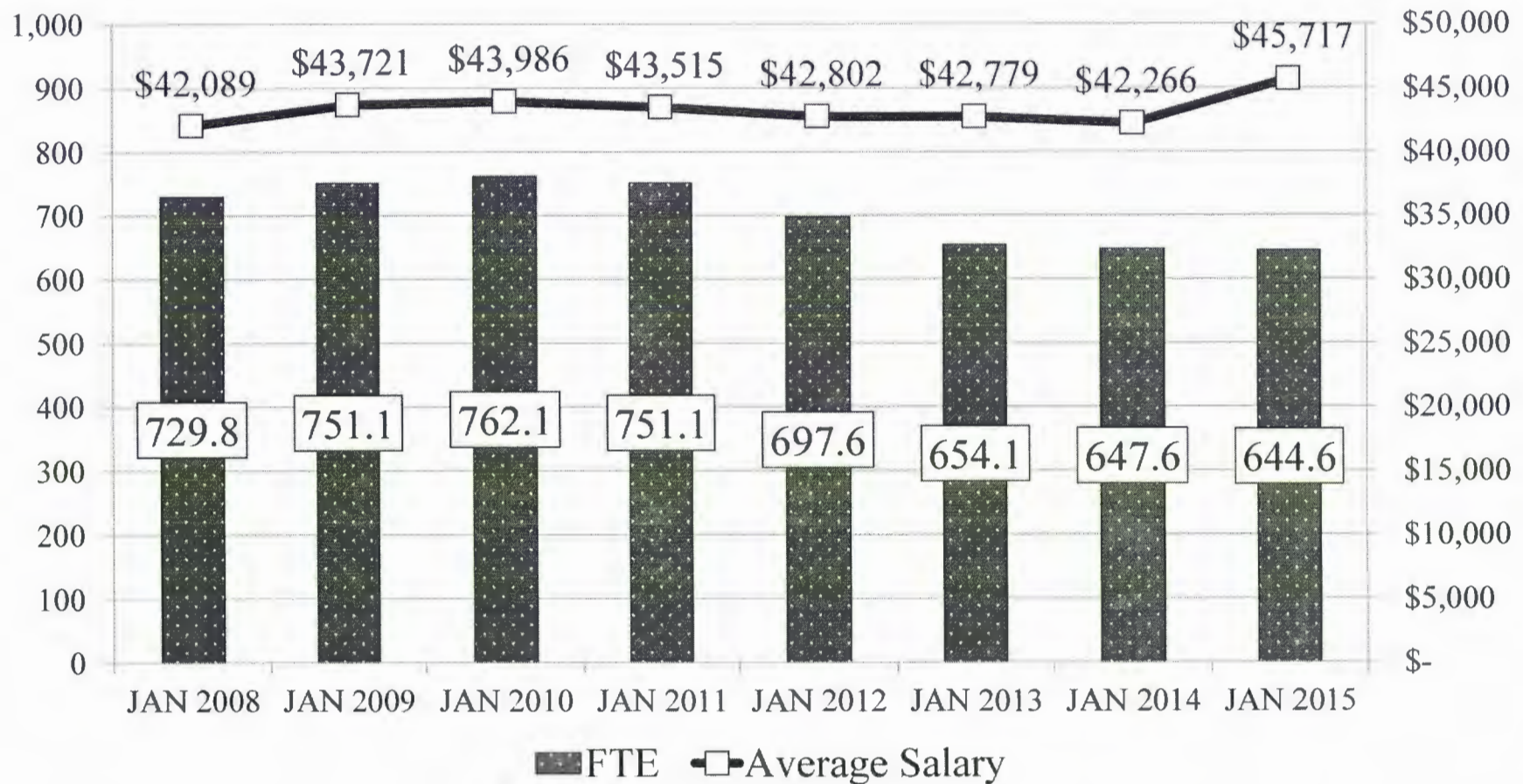
674.6                      692.5

Greatest Need by Number	Magistrates Needed	Greatest Need by Percentage	Workload to Need Ratio	Magistrates Needed
Mecklenburg	25.2	Mecklenburg	57.1%	25.2
Wake	17.9	Wake	60.2%	17.9
Guilford	10.2	New Hanover	71.7%	5.1

Least Need by Number	Over	Least Need by Percentage	Workload to Need Ratio	Over
Craven	1.8	Stanly	139.4%	1.4
Wilkes	1.9	Granville	140.1%	1.4
Gaston	2.4	Wilkes	145.0%	1.9

Source: AOC, January 1, 2015

# Magistrate Personnel and Average Compensation, 2008-present



Source: BEACON, February 1, 2015

## Clerk and Magistrate Step Plans

---

- Clerk increase provided annually on anniversary date based upon satisfactory job performance
- Assistant Clerk of Superior Court:
  - Min: \$32,609 / Max: \$56,424
  - Plan includes 15 steps
- Deputy Clerk of Superior Court:
  - Min: \$28,223 / Max: \$44,107
  - Plan includes 13 steps
- Magistrate increase provided on anniversary date
  - Entry rate: \$35,275 / Max: \$56,900
  - Contains 6 steps above entry rate
  - No steps after 18 years of experience

## Legislative Actions on Clerk and Magistrate Step Plans

- No experience-based steps provided in budget from FY 2009-10 to FY 2013-14
- Provided 1.2% across-the-board increase to all State employees in FY 2012-13, including those on statutory plans
- 2013 Budget:
  - Provided funding for experience-based step for all step-eligible assistant and deputy clerks: \$3,621,172
  - Increased the entry rate of pay and all steps for magistrates and provided funding for one experience-based step for all step-eligible magistrates: \$3,733,327

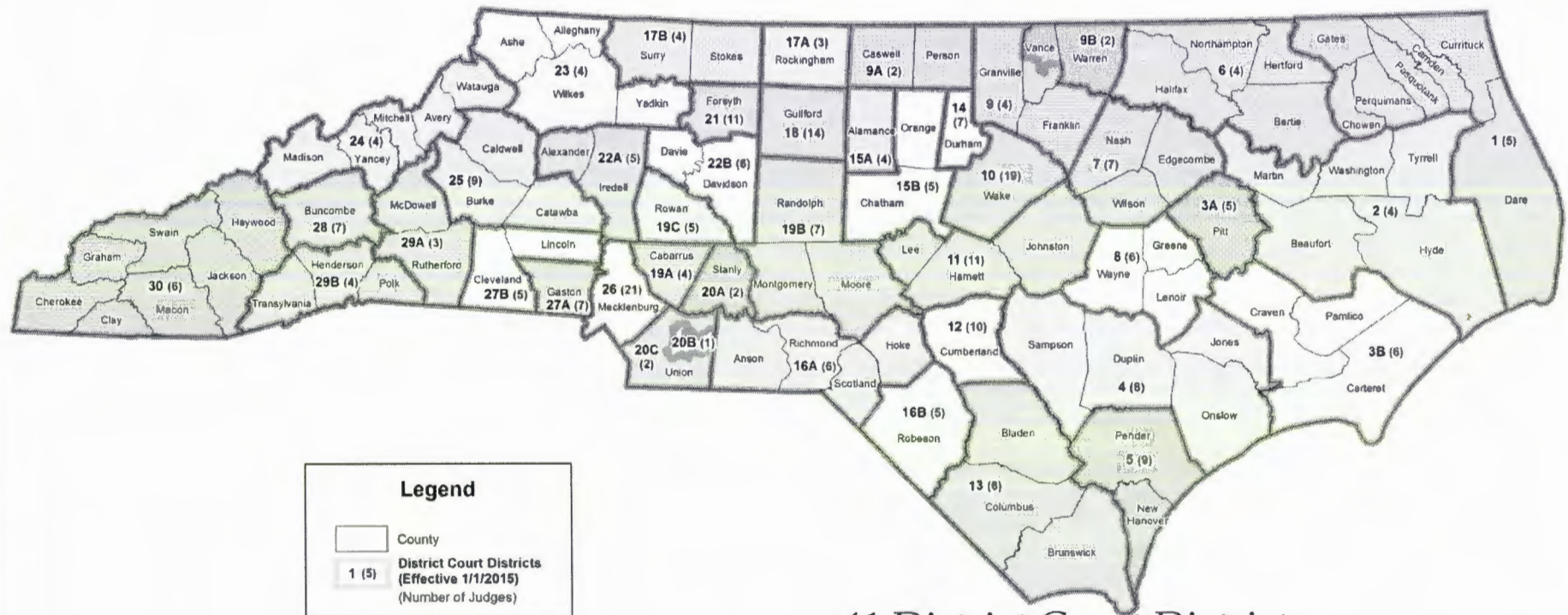
## Clerk and Magistrate Turnover, FY 2013-14

---

- Deputy Clerks:
  - 12.0% total
  - 10.2% voluntary, includes 3% retirement
- Assistant Clerks:
  - 8.7% total
  - 7.9% voluntary, includes 6.4% retirement
- Magistrates:
  - 5.4% total
  - 5.3% voluntary, includes 3.3% retirement



## District Court Districts (Effective 1/1/2015)



# District Court Judge Workload

<b>Authorized</b>	<b>Need</b>
270.0	283.5

<b>Greatest Need by Number</b>	<b>Judge Need</b>	<b>Greatest Need by Percentage</b>	<b>Workload to Need Ratio</b>	<b>Judge Need</b>
District 18 (Guilford)	3.2	District 19A (Cabarrus)	73.1%	1.5
District 21 (Forsyth)	2.3	District 22A (Alexander, Iredell)	79.8%	1.3
District 4 (Sampson, Duplin, Jones, Onslow)	1.8	District 29A (McDowell, Rutherford)	79.8%	0.8

<b>Least Need by Number</b>	<b>Over</b>	<b>Workload to Need Ratio</b>
District 9/9B (Granville, Vance, Franklin, Warren)	1.1	122.6%

Source: AOC, January 1, 2015



## District Court Staff Workload

---

**Authorized**

90.0

**Need**

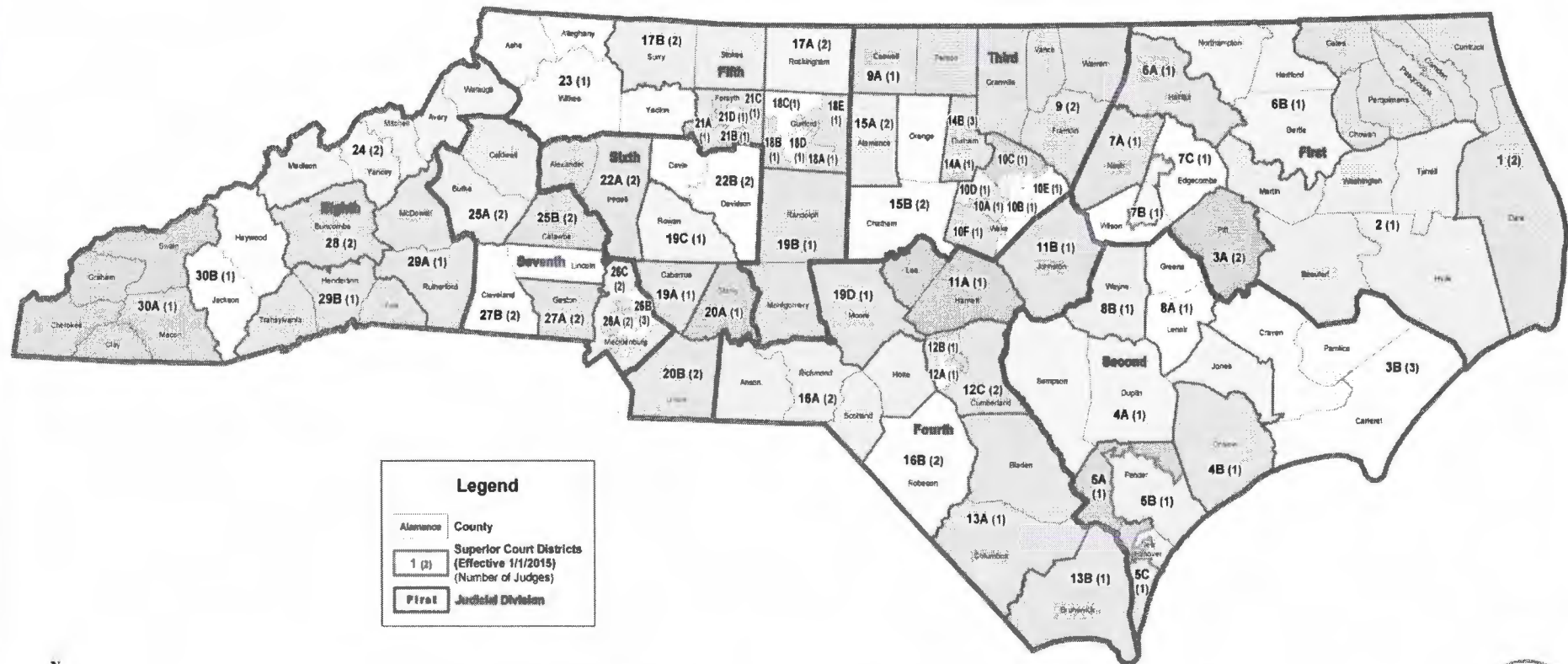
112.0

<b>Greatest Need by Number</b>	<b>Staff Need</b>
District 21 (Forsyth)	2.5
District 10 (Wake)	2.25
District 4 (Sampson, Duplin, Jones, Onslow)	2.0

Source: AOC, January 1, 2015



# Superior Court Districts and Judicial Divisions (Effective 1/1/2015)



8 Superior Court Divisions  
50 Superior Court Districts  
112 Superior Court Judges

# Superior Court Judge Workload

---

- NCSC report: *North Carolina Superior Court Judicial Workload Assessment* (2011)
  - Found need for **111.8 Superior Court Judges**
  - Key points from Quality Adjustment section:
    - Judges want more time to draft and review orders
    - Pretrial conferences lead to efficiency
    - Calendaring practices in NC affect judicial time:
      - Rotation leads to last-minute motions and settlements
      - DA control of criminal calendars
      - Court sessions organized around week
  - Time Study findings:
    - Superior Court Judge-Year is 217 days
      - similar to other states with assessment



## Superior Court Judge Workload

---

<b>Judges</b>	<b>Resident Judges</b>	<b>Need</b>	<b>Special Judge Need</b>
Division 1	10.0	11.4	1.4
Division 2	10.0	9.9	No Need
Division 3	17.0	15.8	No Need
Division 4	13.0	14.8	1.8
Division 5	15.0	13.2	No Need
Division 6	9.0	9.1	0.1
Division 7	15.0	18.0	3.0
Division 8	8.0	7.5	No Need
Business Court	0.0	3.0	3.0
<b>Total</b>	<b>97.0</b>	<b>102.7</b>	<b>9.3</b>

Source: AOC, January 1, 2015



# Superior Court Staff Workload

---

**Authorized**

89.5

**Need**

94.0

- 14 districts are short 1 FTE
- 10 districts have at least 0.5 FTE over workload formula

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"Maybe next time we'll all listen to the gavel."

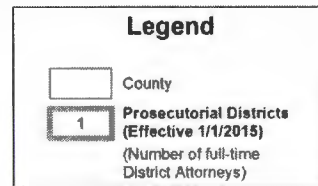
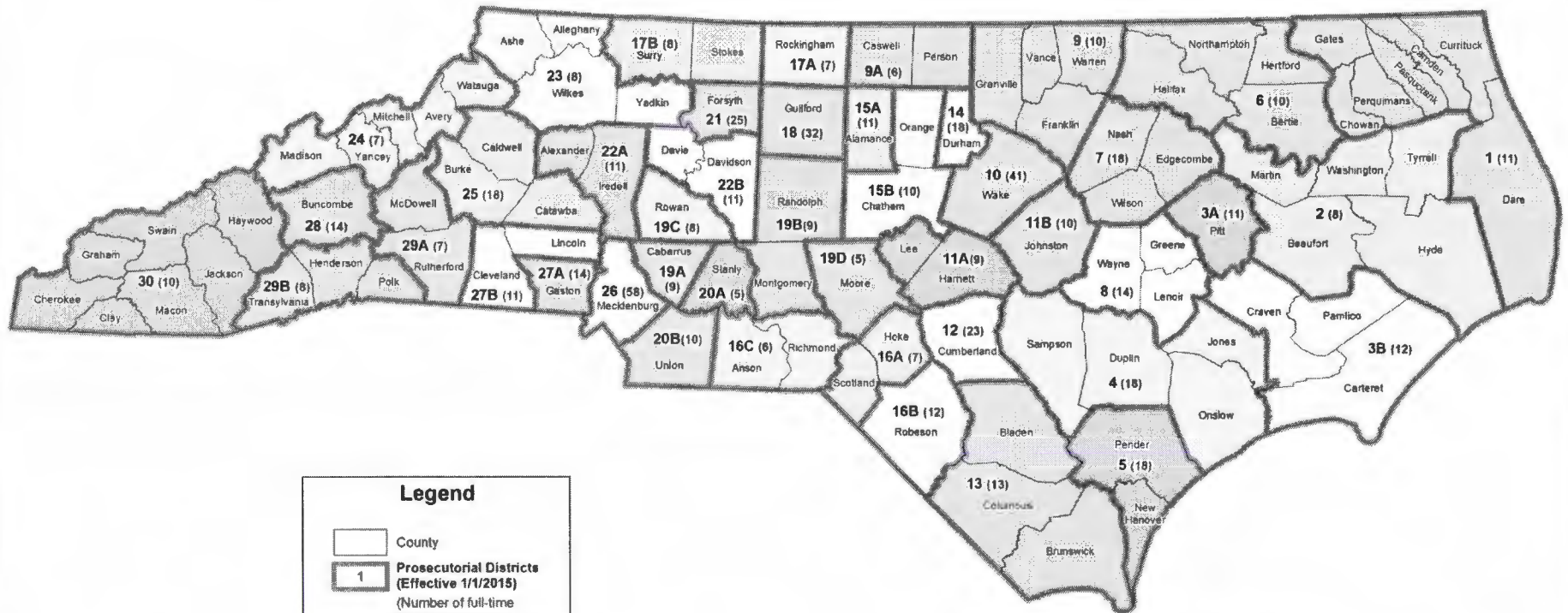
Source: AOC, January 1, 2015



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



# Prosecutorial Districts (Effective 1/1/2015)



44 District Attorneys  
44 Prosecutorial Districts



Map based on G.S. 7A-60 (a1)  
Printed by the NC General Assembly, October 6, 2014.





# District Attorney Staff Workload

**All Staff (State, local, and grant funded)**

1,207.6

**All State-funded Staff**

1,118.5

**Need**

1,239.8

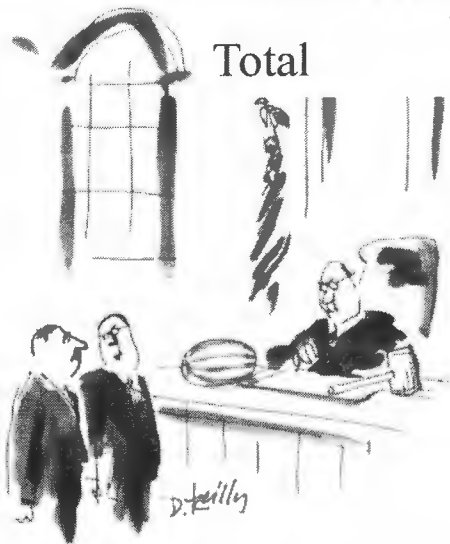
<b>Greatest Need by Number</b>	<b>DA Staff Need</b>	<b>Greatest Need by Percentage</b>	<b>Workload to Need Ratio</b>	<b>DA Staff Need</b>
District 18 (Guilford)	22.7	District 18 (Guilford)	72.2%	22.7
District 10 (Wake)	8.7	District 11A (Lee, Harnett)	73.6%	6.8
District 11A (Lee, Harnett)	6.8	District 3A (Pitt)	77.1%	6.5

<b>Least Need by Number</b>	<b>Over</b>	<b>Least Need by Percentage</b>	<b>Workload to Need Ratio</b>	<b>Over</b>
District 15A (Alamance)	3.9	District 20B (Union)	114.3%	2.5
District 21 (Forsyth)	4.0	District 15A (Alamance)	120.4%	3.9
District 26 (Mecklenburg)	34.7	District 26 (Mecklenburg)	133.2%	34.7

Source: AOC, January 1, 2015

# District Attorney Staff Workload

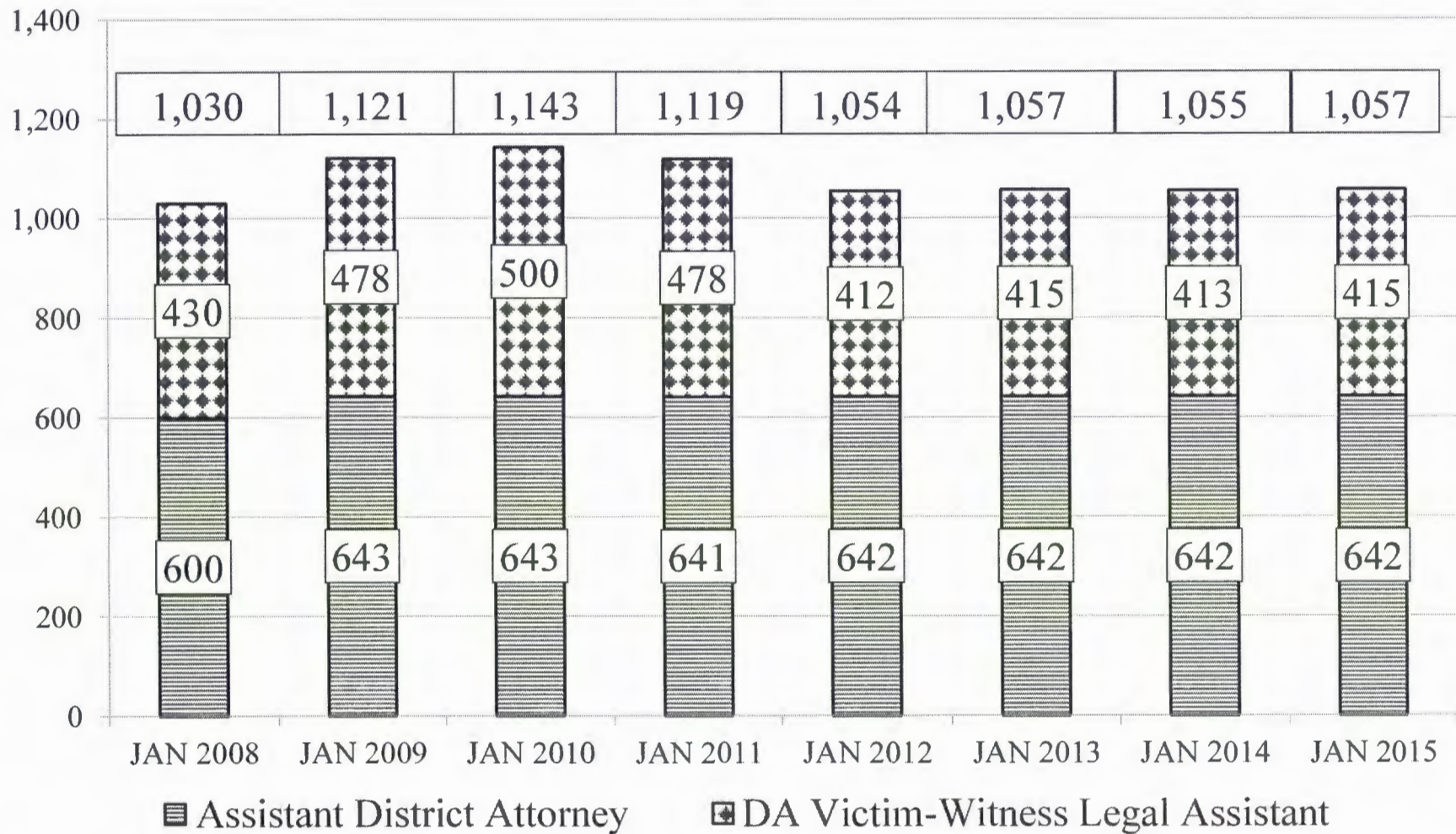
	State-Funded	Grant-Funded	Need
ADAs	638.0	47.0	707.5
VWLAs	381.8	-	430.2
Other DA Staff	98.8	45.1	102.0
Total	1,118.6	92.1	1,239.8



*"This judge is known as tough but fair, with a great sense of humor."*

Source: AOC, January 1, 2015

## DA Personnel, 2008 to present



Source: BEACON, February 1, 2015

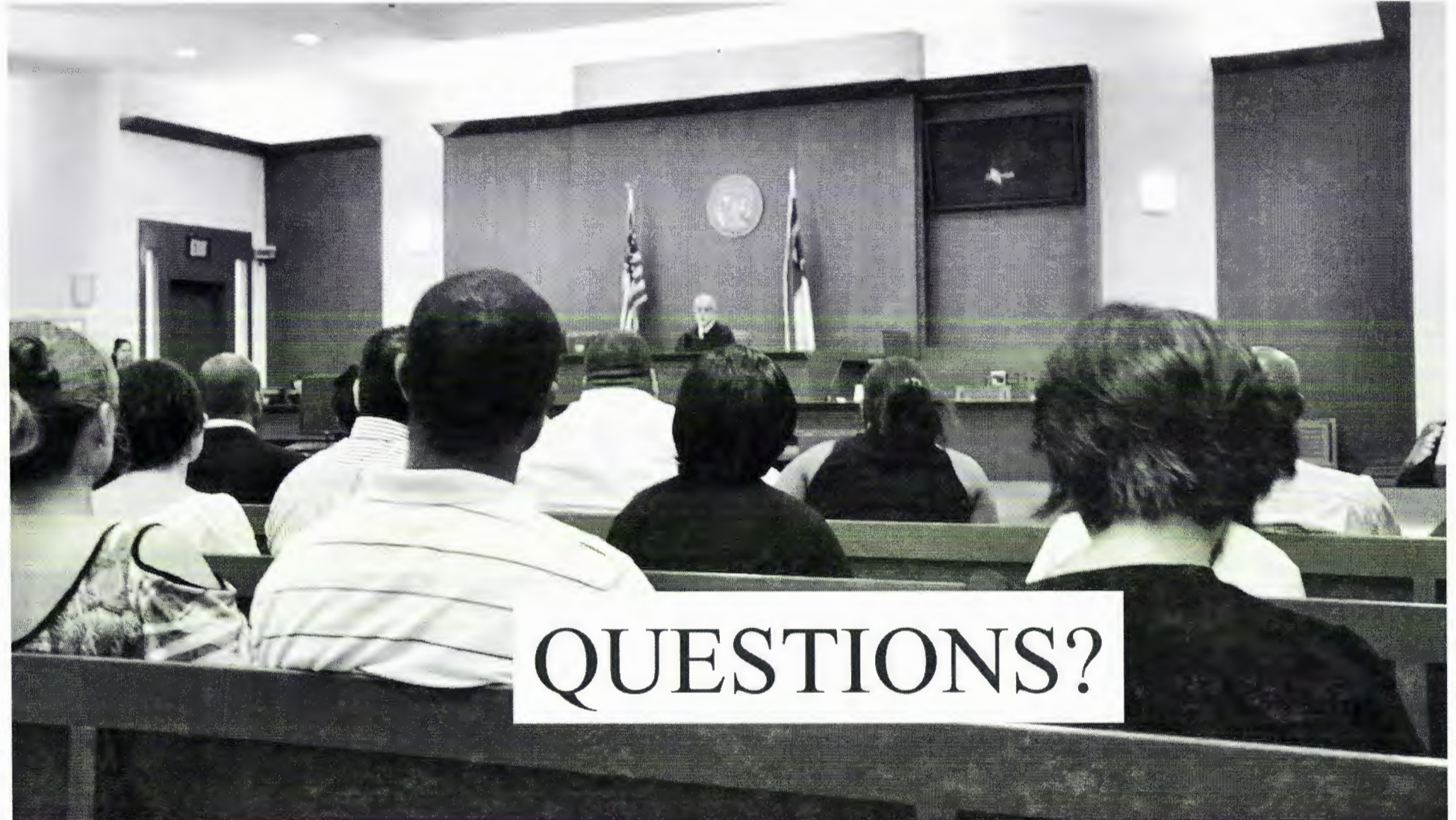
## DA Staff Average Compensation, 2008 to present



Source: BEACON, February 1, 2015







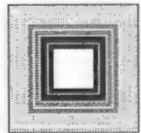
QUESTIONS?





# The Administrative Office of the Courts: Administration and Technology

William Childs  
Fiscal Research Division  
March 3, 2015

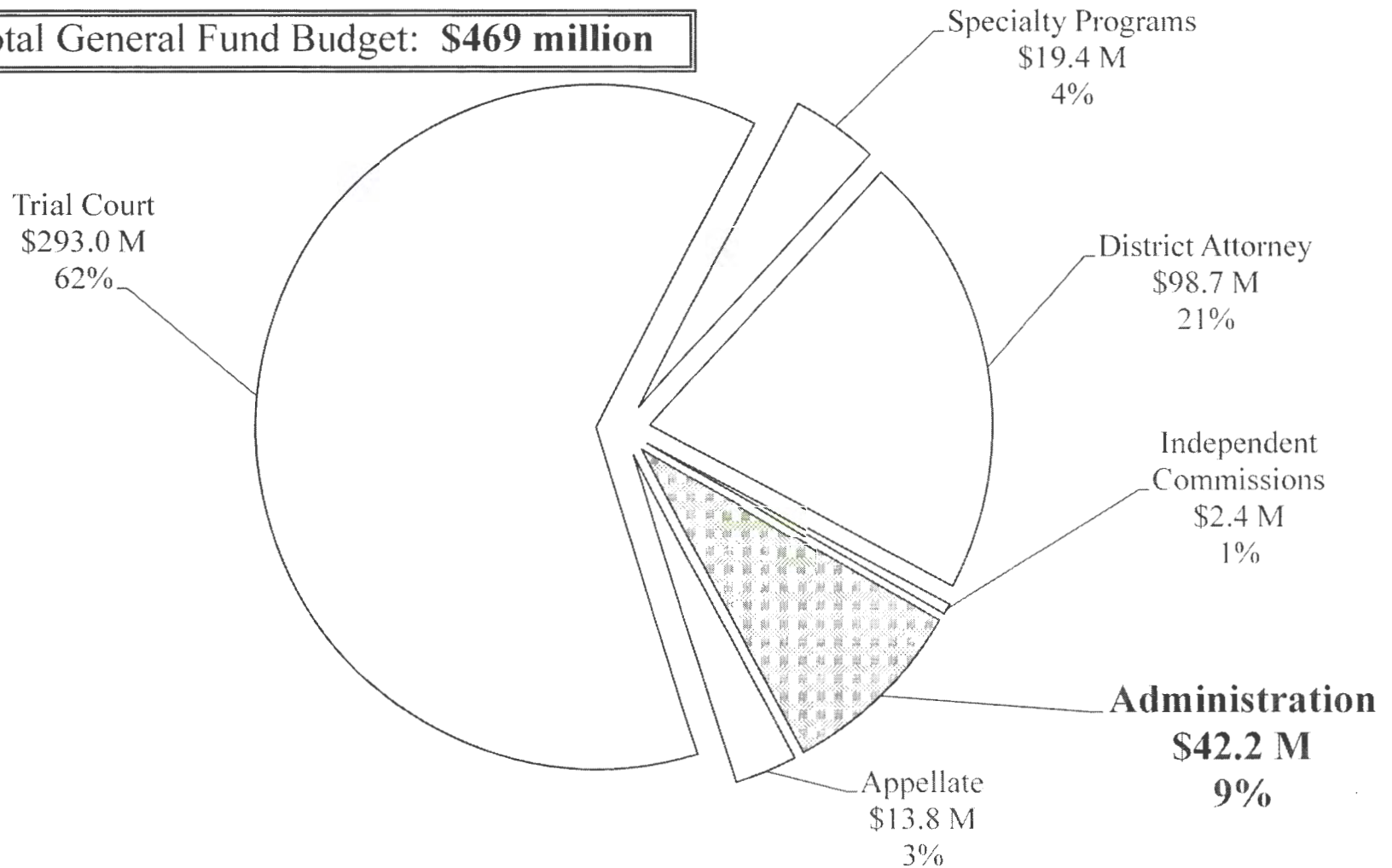


**FISCAL RESEARCH DIVISION**  
A Staff Agency of the North Carolina General Assembly

Exhibit B

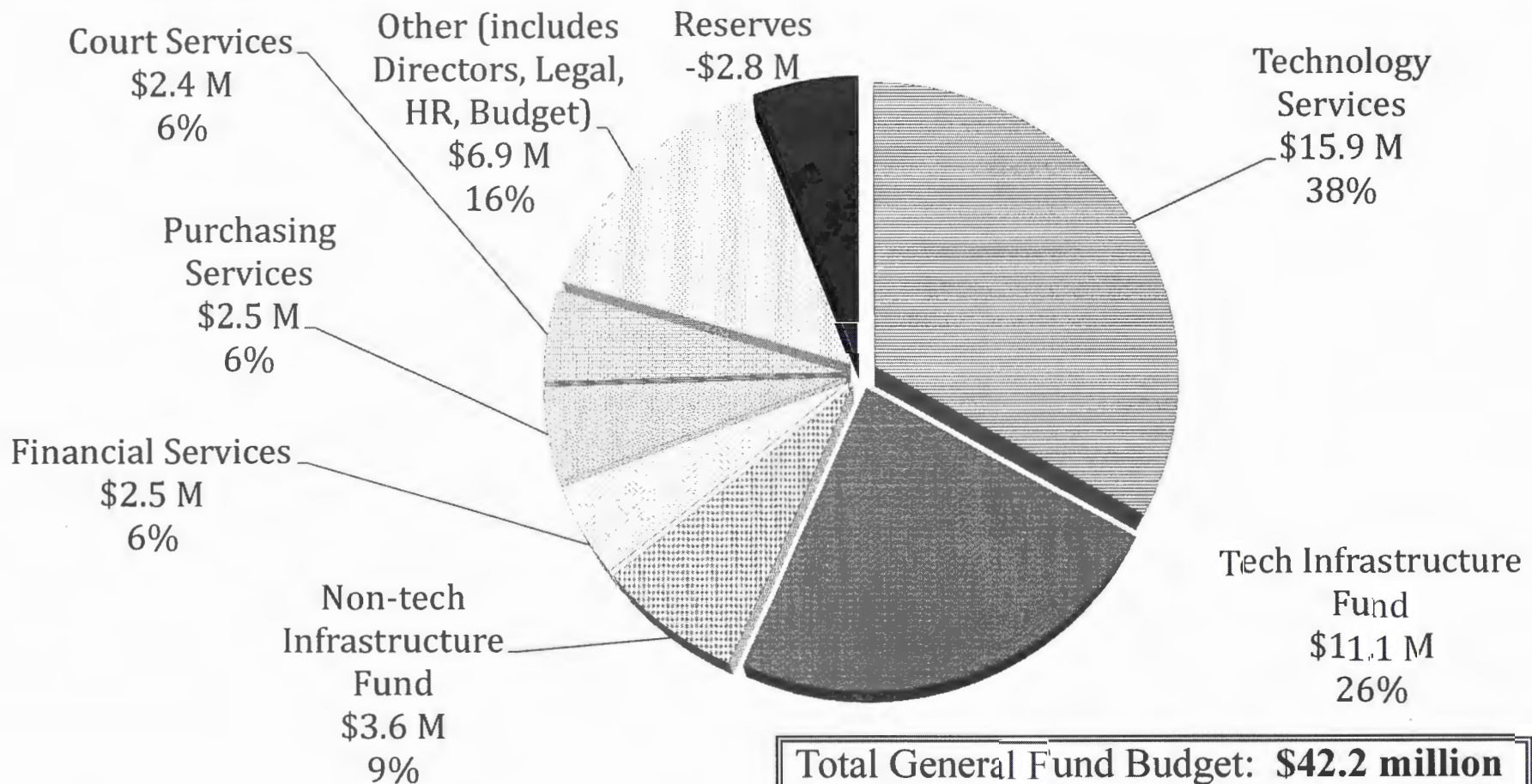
# AOC Budget By Program FY 2014-15

Total General Fund Budget: **\$469 million**



Source: Authorized Budget, December 31, 2014

# AOC Administration Authorized Budget by Section FY 2014-15



**Total General Fund Budget: \$42.2 million**

**Total FTE Employees: 296.9**

Source: Authorized Budget, December 31, 2014

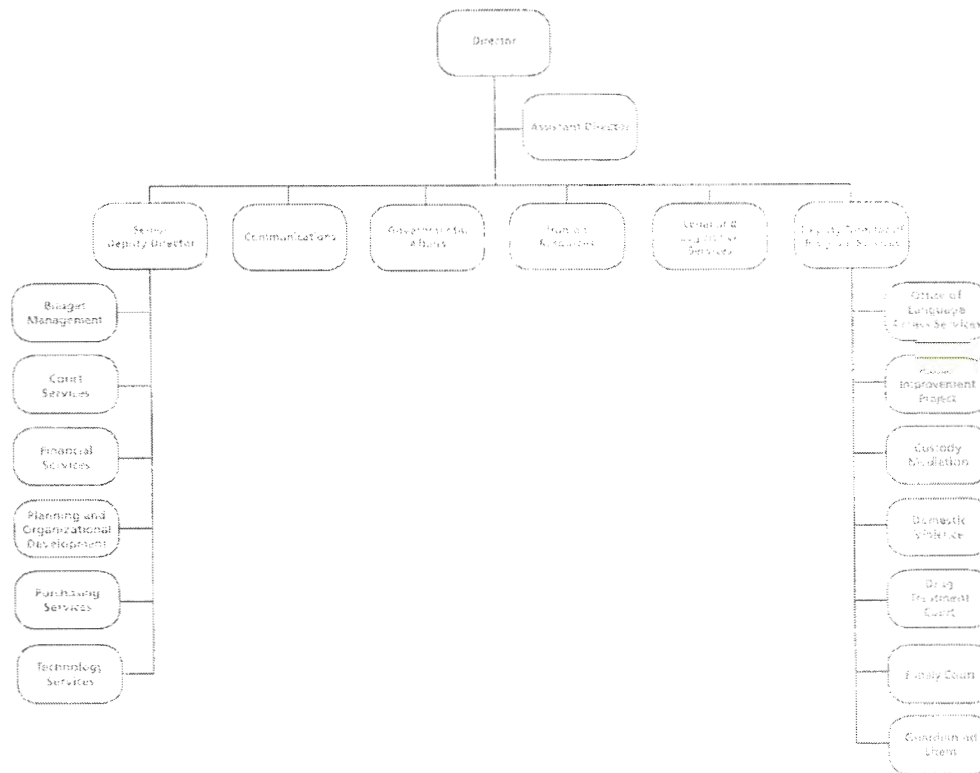
# AOC Organizational Chart



NORTH CAROLINA  
ADMINISTRATIVE OFFICE  
OF COURTS

*providing administrative services to help the North Carolina judicial system perform its primary function: the administration of justice*

## Organization Chart



12/20/2014, 1:41 PM



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

# AOC Administrative Functions

---

- AOC Director's Office
- Senior Deputy Director's Office
  - Includes Communications Office
- Budget Management
- Legal and Legislative Services
  - Legal advice and training for court officials
- Organizational Development
  - Research, planning, fiscal notes, workload studies, training
- Total FTE: 34
- Total FY 2014-15 GF Budget: \$4,386,489



# AOC Court Programs/Court Services

---

- Court Programs
  - Oversees child custody mediation, interpreting services, unified family courts, juvenile court improvement projects, alternative dispute resolution services, jury support and specialized grant, and contract-funded services
- Total FTE: 9.85
- Total FY 2014-15 GF Budget: \$741,093
  
- Court Services
  - recordkeeping guidelines and support for officials using judicial forms and electronic records applications
- Total FTE: 27
- Total FY 2014-15 GF Budget: \$2,444,292

# AOC Financial Services/Human Resources

---

- Financial Services
  - Judicial Branch collections, payroll, processing payments and invoices, financial audits, financial policies and procedures, and financial training for clerk fiscal staff
- Total FTE: 29
- Total FY 2014-15 GF Budget: \$2,462,713
  
- Human Resources
  - recruitment, personnel administration, organizational management, leave administration, benefits, policy development, wellness, employee recognition, and performance management
- Total FTE: 21.5
- Total FY 2014-15 GF Budget: \$1,794,496

# Purchasing Services

---

- Central purchaser of supplies, equipment, publications, and the procurement of professional services for the entire Judicial Branch
  - Runs AOC Print Shop, Warehouse, and Online Supply Store
  - Administers the Technology Infrastructure Fund (TIF) and the Non-technology Infrastructure Fund (NTIF)
    - divided from single Purchasing Services Fund in January 2014
- Total FTE: 30
- Total FY 2014-15 GF Budget for Purchasing Services: \$2,502,382
- Total FY 2014-15 GF Budget for TIF: \$11,130,321
- Total FY 2014-15 GF Budget for NTIF: \$3,595,524

# Technology Services

---

- Responsible for technology needs of entire court system
- 13 separate teams, each with unique responsibilities, grouped into three sections. These sections are:
  - Application Development
    - Develops and manages software (83 FTE)
  - Infrastructure and Operations Support
    - manages and provides support for hardware and other infrastructure, including the Help Desk (61 FTE)
  - Project Management and Quality Assurance
    - planning and management of technology (3 FTE)
- Total FTE: 147
- Total FY 2014-15 GF Budget: \$15,931,136

# AOC Technology

---

- Two legacy systems are the backbone of AOC Technology:
  - ACIS (Automated Criminal/Infractions System): legacy database tracking criminal case data
  - FMS (Financial Management Software): legacy system designed to receipt, record, track, and disburse monies related to court proceedings



## ACIS-Clerks Main Menu

999 END OF FILE

\* \* \* CLERKS MAIN MENU \* \* \*

FILE NUMBER: █

MODE:

NAME/SID/CKN/LID/  
ARR/COM/INCID:

(A = ADD, I = INQUIRY, U = UPDATE)  
(R = REQUEST ARCHIVE PF1, PF2)  
(A = ARREST, C = COMPLAINT,  
(S=SID, K=CKN, L=LID, N=INCID  
(\* \* \* NAME INQUIRY \* \* \*)  
(P = PENDING, U = UNSERVED,  
(D = DISPOSED, BLANK = ALL

PF1 - ICA/FILE NUMBER INQUIRY

PF7 - WITNESS A/U/I/P/D/BLANK

PF2 - NAME/SID/LID/CKN/ARR/COM/INCID

PF8 - DISPOSITION UPDATE/INQUIRY

PF3 - DEFENDANT RECORD CHECK

PF9 - MULTIPLE ENTRY SUB-MENU

PF4 - PROCESS ADD/UPDATE/INQUIRY

PF10 - REPORTING SUB-MENU

PF5 - CITATION ADD/UPDATE/INQUIRY

PF11 - INFRACTIONS MAIN MENU

PF6 - SUPPLEMENTAL UPDATE/INQUIRY

PF12 - CANCEL

4B

00:00.1

04/17



# Legacy System Facts

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- ACIS:
  - 1.2 million transactions daily
  - 2.2 million filings in FY 2013-14
  - 2.4 million dispositions in FY 2013-14
  - First implemented in 1982 to track infractions
  - Used in 99 counties by 1990 (final county in 1996)
  - CCIS-CC implemented first feature in 2006
  - The cost of entirely replacing ACIS with CCIS may be prohibitive due to quality control concerns
- FMS:
  - Statewide rollout 1991-95
  - Disbursed more than \$740 million in FY 2013-14
  - More than 3 million transactions in FY 2013-14

# AOC Technology

---

- AOC moving towards more modern system:
  - CCIS (Criminal Court Information System):
    - Web-based system, autofill entry
    - Components for :
      - Clerks (CCIS-CC)
      - DAs (CCIS-DA)
      - Public Defenders (CCIS-PD)
  - e-Courts project:
    - Intended to expand e-filing and ultimately replace court paper



# CCIS-CC Screenshot

Pretrial	Disposition	Post Disposition	CCIS-CC Events	Monies	Forms	Secured
<b>OFFENSES 1 of 1</b>			Arraigned	5450 SPEEDING (T)	20-141(J1)	Speed/Zone:73/53
01 (D) SPEEDING			Convicted	5441 NO OPERATORS LICENSE (T)	20-7(A)	
*MOD:JU			*Disposition Date:01/06/2015		Today	
Plea:GL			Verdict:GU			
Convicted Offense:5441			Text:NO OPERATORS LICENSE			
Offense Type:T			General Statute:20-7(A)			
Offense Class:2			Prior Record Points:02			
BAC > .15			Conviction <input type="checkbox"/> Domestic Violence			
Speed:			Victim's Rights Act (VRA)			
Correction Reason:			Zone:			
Disposition Reason:						
Other Special Conditions						
ACIS Special Conditions:1.						
2.						
3.						
4.						
<b>OFFN DISPOSED</b> File #: Citation: DL Number: Served Date:10/30/2013 Court Date:07/08/2014 Continued By:Court(00) Defense(05) State(00) NR(00) Offense Date:10/30/2013 Disp Date:01/06/2015 MOD:JU Plea:GL Verdict:GU C&F Date: CFA Date: Bond Details: CBF Date: CCF Date: FTA Date:08/28/2014 FTA Comp:01/06/2015 FTC Date: FTC Comp: DV Charged: VRA: CVR Eff Date: Blood Alcohol: Lead Case: Lead Offense: Microfilm#: Appeal Date:02/24/2015 Appellate: Transfer Date: RM/ID Date: Updated By: Updated Date:03/02/2015						
<a href="#">Court Official Details</a> ▶ <a href="#">Sentence Details</a> ▶ <a href="#">Probation Details</a> ▶ <a href="#">Monetary Conditions Details</a> ▶						



# CCIS-CC Screenshot

Court Reporter: <input type="text"/>	
<b>Sentence Details</b> ▼	
Conviction Range: <input type="text"/>	
Sentence Type: ACTIVE	Advanced Supervised (ASR) Term: <input type="checkbox"/> <input type="text"/> months
Sentence Minimum: 3 MONTHS	Sentence Maximum: <input type="text"/> Disposition: <input type="text"/>
In the Custody of: SHERIFF	Location: LEE COUNTY JAIL
<input type="checkbox"/> No Pretrial Jail Credit for this Sentence Pretrial Jail Time: <input type="text"/> Days Served: <input type="text"/>	
Apply <input type="checkbox"/> Days of Credit Towards: <input type="text"/>	
Consecutive (At the expiration of): <input type="text"/>	
<b>Miscellaneous Details</b>	
Child Abuse: <input type="checkbox"/>	Firearm Enhanced Penalty: <input type="checkbox"/>
Firearm Used or Displayed: <input type="checkbox"/>	Motor Vehicle Involved: <input type="checkbox"/> Commercial: <input type="checkbox"/>
Gang Related: <input type="checkbox"/>	
Provide DNA: <input type="checkbox"/>	Psychiatric and/ or Psychological Counseling: <input type="checkbox"/>
Register As A Sex Offender No Contact Order: <input type="checkbox"/>	Substance Abuse Treatment Recommended: <input type="checkbox"/>
Habitual Felon: <input type="checkbox"/>	Habitual Breaking and Entering: <input type="checkbox"/>
Work Release: <input type="text"/>	And Shall be Committed to: <input type="text"/>
<b>Probation Details</b> ▶	
<b>Monetary Conditions Details</b> ▼	
Bill of Costs will be updated with the selected fees as ordered by the court.	
Imposed Fine Only Sentence: <input type="checkbox"/>	
Civil Revocation Fee Paid: <input type="checkbox"/>	
Court Costs: 390.00 \$	Not Waived/Not Remitted



# CCIS-CC Screenshot

STATE OF NORTH CAROLINA

LEE COUNTY

## CRIMINAL BILL OF COSTS

File Number:		In the General Court of Justice:	DISTRICT
Defendant Name:		Disposed/Court Date:	01/06/2015
Defense Attorney:	ATKINSON, SEASON	Clerk Name:	

Total:	\$390.00	Full Payment:		To Be Paid Date:	
Surrender License:		Probation:		Assessment:	

Costs and Fines: CRTC			
Category	Receiver	Amount	GL Number
GCJF DISTRICT		\$127.05	21210
GCJF DISTRICT-LAA		\$2.45	21212
LEOB-RF		\$7.50	21700
LE CERT & TRAINING - DISTRICT		\$2.00	21705
TELEPHONE FEE DISTRICT		\$4.00	24681
MCF FEE		\$18.00	24450
CHAPTER 20 VIOLATION FEE DISTRICT		\$10.00	21820
SERVICE FEE	STATE HIGHWAY PATROL	\$5.00	22500
FACILITIES FEE DISTRICT	LEE COUNTY COURTHOUSE	\$12.00	22210
STATE DNA FEE DISTRICT		\$2.00	24322
FTA 20DF FEE DISTRICT		\$200.00	21211

NOTE: This bill of costs does not reflect amounts you may owe outside the criminal judgment, such as civil revocation fee or an administrative fee owed to another agency.

AOC-CR-381-CCIS-CC, New 5/12, © 2012 Administrative Office of the Courts Page 1

03/02/2015 01:36:22 PM

# AOC Criminal Case Technology

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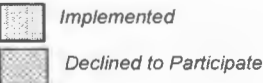
- NCAWARE: Statewide warrant repository
  - Real-time web-based system
  - 10.4 million processes tracked in system
  - Launched in 2008 and implemented statewide in 2014
- e-Citation: Statewide electronic citation system
  - Launched 1999 as joint venture with SHP
  - Automatically transmits citation information to ACIS
  - 9.2 million citations processed since launch
  - First of its type in the nation
- DAS: Discovery Automation System
  - Electronic discovery for DAs from local law enforcement
  - Piloted 2008

## AOC Criminal Case Technology

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- payNCticket: online citation payment
  - Statewide rollout in 2010
  - 28.4 percent of waived offenses paid using payNCticket
- Magistrate Video Project
  - Video communications between magistrate and local law enforcement for criminal matters
  - Piloted 2012
  - Implemented in 39 districts and counties by June 30, 2014

.....



# AOC Technology

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- Other technology systems supported by AOC:
  - VCAP (civil case processing system)
  - e-Filing:
    - Piloted 2009 in three counties without much success
    - Alamance County Domestic Violence Pilot in 2013
      - Provides better integration into system
  - CaseWise: civil case calendaring system
  - J Wise: juvenile case management system



# AOC Technology Services Budget History

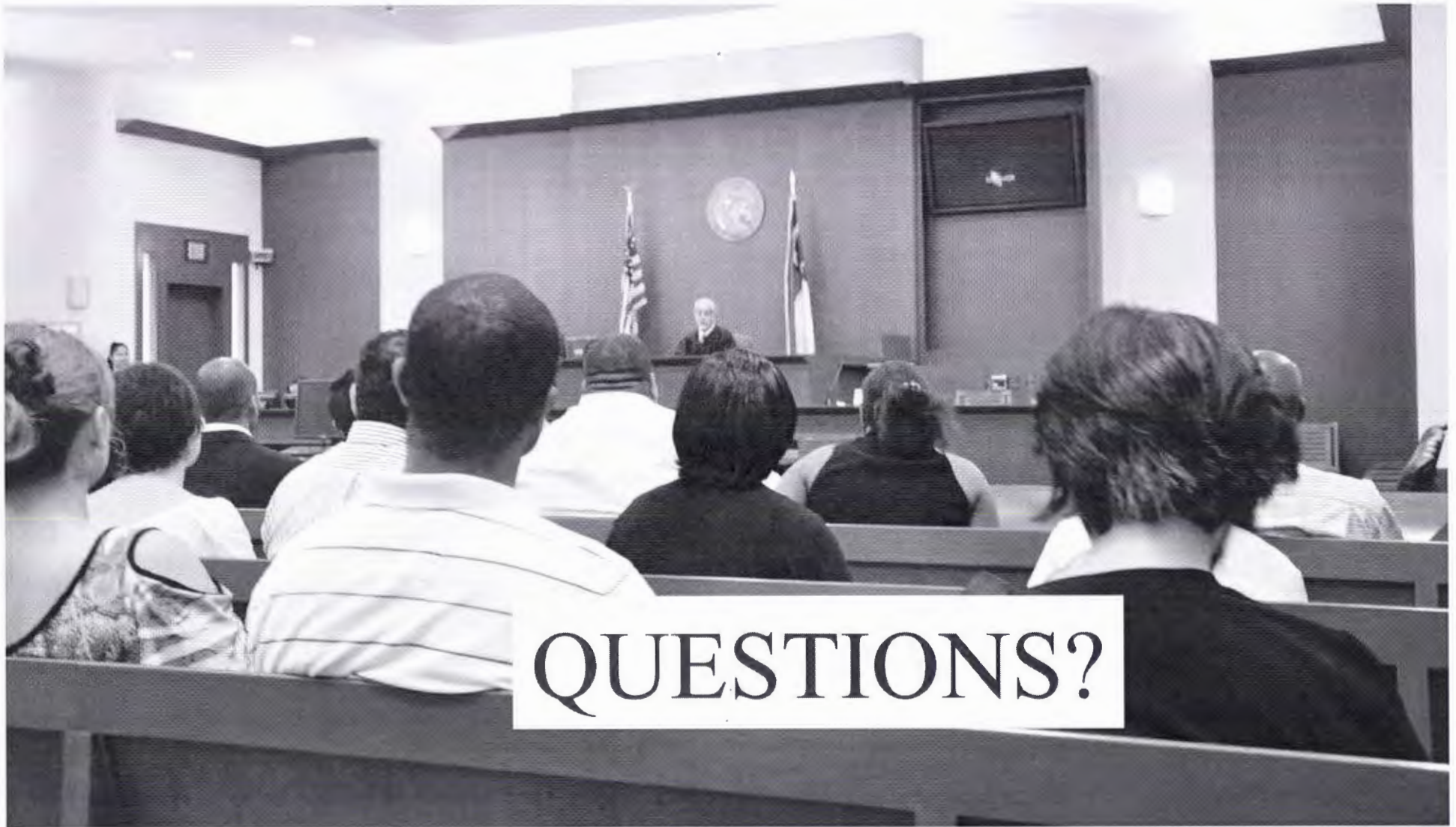


Source: Authorized Budget, December 31, 2014

# Challenges with AOC Technology

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- Lack of IT vision during 2000s
  - Many new systems built and integrated with existing systems
  - Legacy systems were not replaced
  - New systems cater to specific users, but no holistic approach
- AOC stagnations visible to the public (ACIS)
- AOC employees dealing with older technology
  - Fine for long-time employees, difficult for new hires
- Expensive to maintain
  - AOC has to find software engineers who can code in legacy mainframe languages



QUESTIONS?







# VISITOR REGISTRATION SHEET

Joint Justice & Public Safety  
(Committee Name)

3-3-15

Date

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

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Rodney T. Beckom	NC ACE
Danielle Seal	NC AOC
Lao RUBEN	CYPC
JEFF MARECIL	AOC
Reg. Jones	Conf. of D. As
Jim Gray	NC FOP
Jon Wilkin	NCAOC
John W. Smith	NC AOC
Tom Murry	NC AOC
Barbara Moore	Conf. of Clerks of Sp Ct
Todd Tiller	CSC - Peigermans Co
JAW Kennedy	CSC - New Hanover Co.
Mary Irvine	NC Equal Justice Alliance
Caryl Dunn	Disability Rights NC
MARK SENTER	ALCOHOL LAW ENFORCEMENT
Fred Bone	Bone & Assoc.
Mildred	NCAOC





**VISITOR REGISTRATION SHEET**

Joint Justice & Public Safety  
(Committee Name)

3-7-15

Date

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

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Cheryl Reed	AOC
Brad Fowler	NCADL
Tom Mchc	JDS
BEN BROWN	N & D
Lauryn Coffey	GOV. OFFICE
Andy Brandon	DPS
Kim Louch	NCBA
She [unclear]	NCBA



Committee Sergeants at Arms

NAME OF COMMITTEE Joint Just + Public Safety  
DATE: 3-3-12 Room: 418

House Sgt-At Arms:

1. Name: BARRY MOORE
2. Name: BH Powell
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

1. Name: Jim Hamilton
2. Name: Charles Marsellis
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_





*Joint: Justice & Public Safety*  
**SENATE PAGES ATTENDING**

COMMITTEE: *Joint: Pensions, Retirement & Aging*

DATE: *3/3*, TIME: *8:30* ~~10~~ *AM*, ROOM: ~~544~~ *415*

Pages: Please print legibly.....or else!!!!!!!!!!!!!!!!!!!!

Page Name	Hometown	Sponsoring Senator
① <i>McKayla Robinette</i>	<i>Pinetops</i>	<i>B. Jackson</i>
② <i>Kei'Shiona Jones</i>	<i>Enfield</i>	<i>Bryant</i>
③		
4		
5		
6		
7		
8		
9		

**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.**



**Tuesday, March 3**

APPROPRIATIONS,  
JUSTICE & PUBLIC  
SAFETY (JOINT)

**Room**

415

**Time**

8:30 am

**Name**

**County**

**Sponsor**

Lauren Trivette

Bladen

William D. Brisson



**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY**  
**Room 415 Legislative Office Building**

**March 5, 2015 8:30 A.M.**

**I. CALL TO ORDER**

Chairs:	Senator Stan Bingham	Representative Jamie Boles
	Senator Buck Newton	Representative Leo Daughtry
	Senator Shirley Randleman, Presiding	Representative John Faircloth
		Representative Pat Hurley

**II. OPENING REMARKS BY CHAIRS**

**III. PRESENTATIONS**

Financing the Court System and Court Costs  
*William Childs, Fiscal Research Division*

Specialty Courts  
*William Childs, Fiscal Research Division*

**IV. COMMITTEE DISCUSSION**

**V. OTHER BUSINESS:**

Next meetings:      Wednesday, March 11, 2015

**VI. ADJOURNMENT**

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**House Appropriations Subcommittee on JPS**

Rep. Boles (Chair)  
Rep. Daughtry (Chair)  
Rep. Faircloth (Chair)  
Rep. Hurley (Chair)  
Rep. Jackson (Vice Chair), Rep. McNeill (Vice Chair),  
Rep. Stevens (Vice Chair)  
Rep. C. Graham, Rep. G. Graham, Rep. R. Johnson, Rep. Salmon,  
Rep. Speciale, Rep. Turner

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**Senate Appropriations Subcommittee on JPS**

Sen. Bingham (Chair)  
Sen. Newton (Chair)  
Sen. Randleman (Chair)  
Sen. Apodaca (Vice Chair),  
Sen. Foushee, Sen. Hartsell, Sen. Jackson,  
Sen. Lee





**Joint Committee on Appropriations on Justice and Public Safety**

**Thursday, March 5, 2015 at 8:30 AM**

**Room 415, Legislative Office Building**

**Minutes**

The Joint Committee on Appropriations on Justice and Public Safety met at 8:30 AM on March 5, 2015 in Room 415 of the Legislative Office Building. Eighteen members were present.

Senator Shirley Randleman, Chair, presided. Senator Randleman called the meeting to order at 8:34 AM. She recognized the pages and the Sergeants at Arms Barry Moore, BH Powell, Charles Morsalis, and Jim Hamilton.

Senator Randleman recognized William Childs, Fiscal Research Division, to come to the podium. She explained that Mr. Childs would give two presentations; Financing the Court System and Court Cost and then Specialty Courts (See Attached).

Mr. Childs gave an overview of court cost and court fees. He explained how court cost and fees are allocated to different functions of the court system. He provided the total cost of typical cases in various courts and showed how those cost broke down.

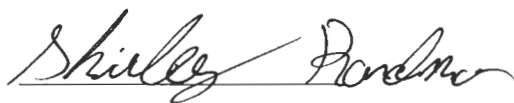
Sen. Randleman recognized Rep. Faircloth for a question. Rep. Faircloth inquired about Judges ability to waive court cost and fees. Mr. Childs responded that Judges do have discretion to partially or fully waive fees and that they do receive an annual waiver report by district. He added that last year's waiver figures will be featured later in the presentation.

Mr. Childs continued with the presentation by explaining how there are still court cost associated with online payments. He addressed the Court Cost Waivers from 2012-13 and showed the figures for some key counties.

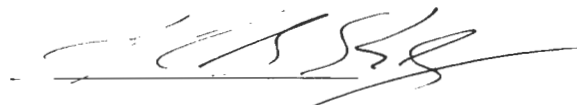
Sen. Jackson asked if there was any known cause for the discrepancy in court cost waivers between counties other than judicial temperament. Sen. Randleman recognized Susan Frye, Clerk of Court Forsyth County, to answer the question. She explained that in her experience the temperament of the bench explains the discrepancy. The members continued to discuss possible explanations for waivers and methods to track the reason for waivers.

Mr. Childs concluded his first presentation, and began his presentation on Specialty Courts. He explained that family court provides a means of linking cases so that they can be heard together. He also briefly discussed Drug Court, Mental Health Court, and Veterans Treatment Court.

Senator Randleman adjourned the meeting at 9:31 AM.



Senator Shirley Randleman, Chair  
Presiding



Jeb Kelly, Committee Clerk



## ATTENDANCE

2015- 2016 Joint Appropriations Subcommittee on Justice and Public Safety

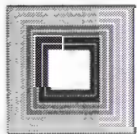
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# The Administrative Office of the Courts: Financing The Court System and Court Costs

William Childs  
Fiscal Research Division  
March 5, 2015



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



# JPS General Fund Budget by Agency FY 2014-15

Appropriation:	\$2.4 billion
<u>Receipts:</u>	<u>\$235 million</u>
<b>Total GF Budget:</b>	<b>\$2.6 billion</b>



Source: NCAS, December 31, 2014 Authorized Budget



# General Court of Justice Fees

		Criminal		Civil			Special Proceedings and Estates			FY 13-14 Disbursement
		District Court	Superior Court	Magistrates’ Court	District Court	Superior Court	Most Proceedings and Estates	Foreclosure	Probate Without Qual. of Personal Rep.	
General Court of Justice Fee	General Fund	\$127.05	\$152.05	\$77.55	\$127.55	\$177.55	\$104.50	\$300	\$20	\$219,567,367
	State Bar Legal Aid Account: Access To Civil Justice	\$1.50								Disbursed to Legal Aid of NC, Pisgah Legal Services, and Legal Services of Southern Piedmont via the NC State Bar: \$2,842,377
	State Bar Legal Aid Account: Domestic Violence Victim Assistance	\$.95								
	Total	\$129.50	\$154.50	\$80	\$130	\$180	\$106	\$300	\$20	





## Other Court Fees

	Criminal		Civil			Special Proceedings and Estates			FY 13-14 Disbursement
	District Court	Superior Court	Magistrates' Court	District Court	Superior Court	Most Proceedings and Estates	Foreclosure	Probate Without Qual. of Personal Rep.	
Facilities Fee	\$12	\$30	\$12	\$16	\$16	\$10	-	\$10	Counties: \$13,497,336  Municipalities: \$288,008
Phone Systems Fee	\$4								AOC Court Information Tech Fund: \$5,270,393
Service Fee	\$5 for each arrest or service of criminal process, including citations and subpoenas		\$30 for each item of civil process served by the sheriff					Counties: \$7,403,222  Municipalities: \$1,643,877	





# District Court Criminal Court Costs Summary

---

Type	Total Cost	Amounts			
District Court Infraction	\$178.00	129.50	GCJ	18.00	Misd. Confinement
		12.00	Facilities	5.00	Service
		4.00	Telephone		
		7.50	LEO Retirement		
		2.00	LEO Training		
District Court Infraction Chapter 20 Offense	\$188.00	129.50	GCJ	18.00	Misd. Confinement
		12.00	Facilities	5.00	Service
		4.00	Telephone	10.00	Chapter 20
		7.50	LEO Retirement		
		2.00	LEO Training		
District Court Misdemeanor	\$180.00	129.50	GCJ	18.00	Misd. Confinement
		12.00	Facilities	5.00	Service
		4.00	Telephone	2.00	DNA
		7.50	LEO Retirement		
		2.00	LEO Training		
District Court Misdemeanor Chapter 20 Offense	\$190.00	129.50	GCJ	18.00	Misd. Confinement
		12.00	Facilities	5.00	Service
		4.00	Telephone	2.00	DNA
		7.50	LEO Retirement	10.00	Chapter 20
		2.00	LEO Training		



# Superior Court Criminal Court Costs Summary

Type	Total Cost	Amounts			
Superior Court <u>without</u> First Appearance in District Court	\$205.00	154.50	GCJ	5.00	Service
		30.00	Facilities	2.00	DNA
		4.00	Telephone		
		7.50	LEO Retirement		
		2.00	LEO Training		
Superior Court <u>without</u> First Appearance in District Court Chapter 20 Offense	\$215.00	154.50	GCJ	5.00	Service
		30.00	Facilities	2.00	DNA
		4.00	Telephone	10.00	Chapter 20
		7.50	LEO Retirement		
		2.00	LEO Training		
Superior Court <u>with</u> First Appearance in District Court	\$334.50	154.50	GCJ (Superior)	5.00	Service
		129.50	GCJ (District)	2.00	DNA
		30.00	Facilities		
		4.00	Telephone		
		7.50	LEO Retirement		
		2.00	LEO Training		
Superior Court <u>with</u> First Appearance in District Court Chapter 20 Offense	\$344.50	154.50	GCJ (Superior)	5.00	Service
		129.50	GCJ (District)	2.00	DNA
		30.00	Facilities	10.00	Chapter 20
		4.00	Telephone		
		7.50	LEO Retirement		
		2.00	LEO Training		







Type	Total Cost	Amounts			
Superior Court Infraction Appealed from District Court for Trial De Novo	\$368.50	129.50	GCJ (District)	154.50	GCJ (Superior)
		12.00	Facilities (District)	30.00	Facilities (Superior)
		4.00	Telephone (District)	4.00	Telephone (Superior)
		7.50	LEO Retirement	2.00	LEO Training (Superior)
		2.00	LEO Training (District)		
		18.00	Misd. Confinement		
		5.00	Service		
Superior Court Infraction Appealed from District Court for Trial De Novo Chapter 20 Offense	\$388.50	129.50	GCJ (District)	154.50	GCJ (Superior)
		12.00	Facilities (District)	30.00	Facilities (Superior)
		4.00	Telephone (District)	4.00	Telephone (Superior)
		7.50	LEO Retirement	2.00	LEO Training (Superior)
		2.00	LEO Training (District)	10.00	Chapter 20 (Superior)
		18.00	Misd. Confinement		
		5.00	Service		
		10.00	Chapter 20 (District)		
Superior Court Misdemeanor Appealed from District Court for Trial De Novo	\$372.50	129.50	GCJ (District)	154.50	GCJ (Superior)
		12.00	Facilities (District)	30.00	Facilities (Superior)
		4.00	Telephone (District)	4.00	Telephone (Superior)
		7.50	LEO Retirement	2.00	LEO Training (Superior)
		2.00	LEO Training (District)	2.00	DNA (Superior)
		18.00	Misd. Confinement		
		5.00	Service		
		2.00	DNA (District)		
Superior Court Misdemeanor Appealed from District Court for Trial De Novo Chapter 20 Offense	\$392.50	129.50	GCJ (District)	154.50	GCJ (Superior)
		12.00	Facilities (District)	30.00	Facilities (Superior)
		4.00	Telephone (District)	4.00	Telephone (Superior)
		7.50	LEO Retirement	2.00	LEO Training (Superior)
		2.00	LEO Training (District)	2.00	DNA (Superior)
		18.00	Misd. Confinement	10.00	Chapter 20 (Superior)
		5.00	Service		
		2.00	DNA (District)		
		10.00	Chapter 20 (District)		



## Why Do I Pay Court Costs When I Pay Online?

---

- All tickets require work on the part of law enforcement, the clerks, and other employees of the courts
- Except for certain specific offenses with unique costs or no costs (e.g., seat belt violations under G.S. 20-135.2A), the General Assembly requires the full payment of court costs when a person is found guilty of a crime or responsible for an infraction (G.S. 7A-304)
- The General Assembly has made no general exception for any offenses, even those disposed by mail or via payNCticket



# Financing the Court System with GF Appropriations

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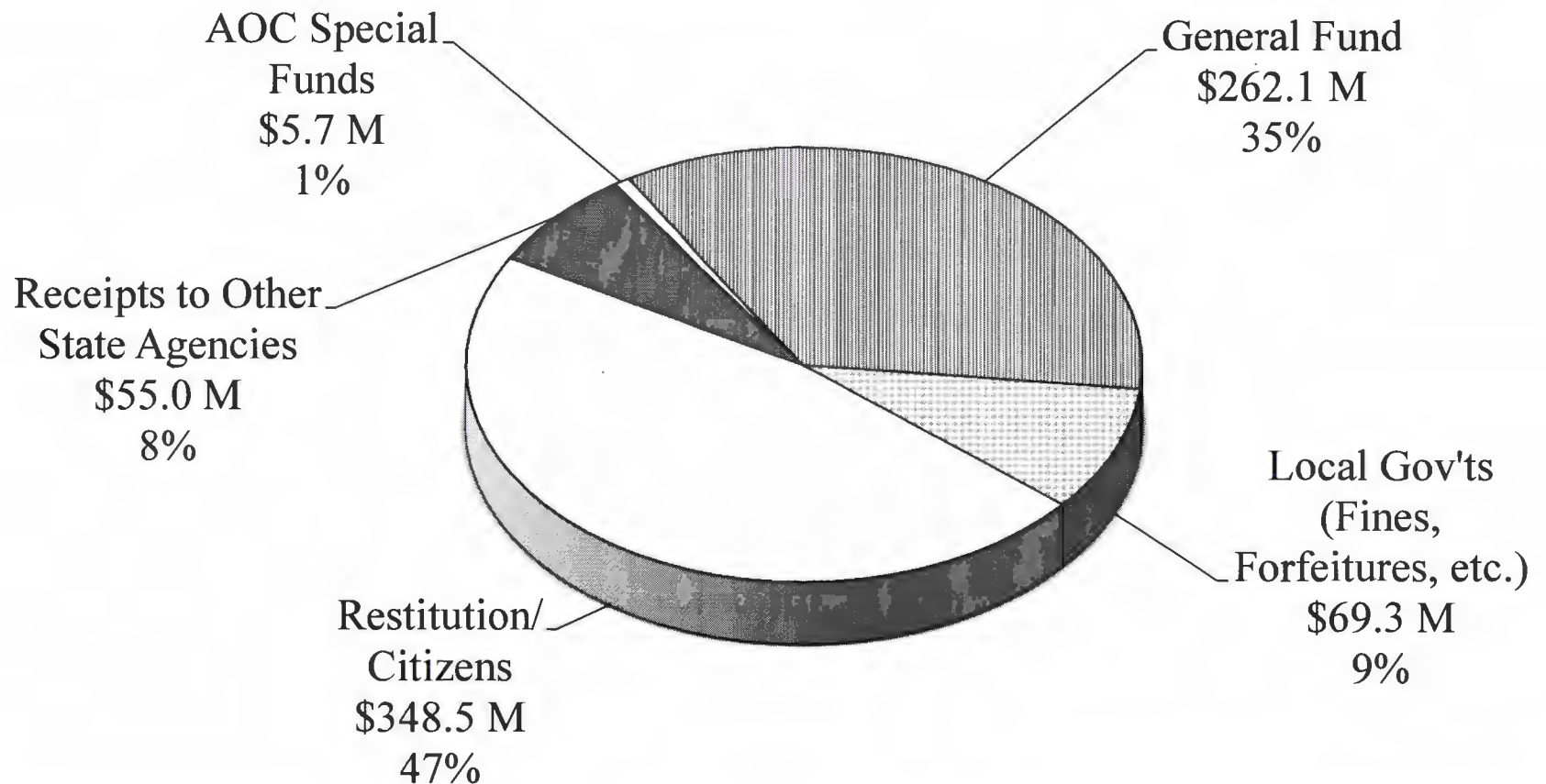
- At unification, NCGA funded the courts from the State's General Fund
- Prevents judicial officials from having a direct benefit from assessing court costs
- AOC continues to be primarily funded through the General Fund
- Appropriations unconnected to AOC court cost collections
- AOC collects three types of funds:
  - **Fees:** State General Fund and other state agencies
  - **Fines and forfeitures:** local governments for support of the school system
  - **Restitution:** citizens who have been victims of crime or successful claimants in civil suits





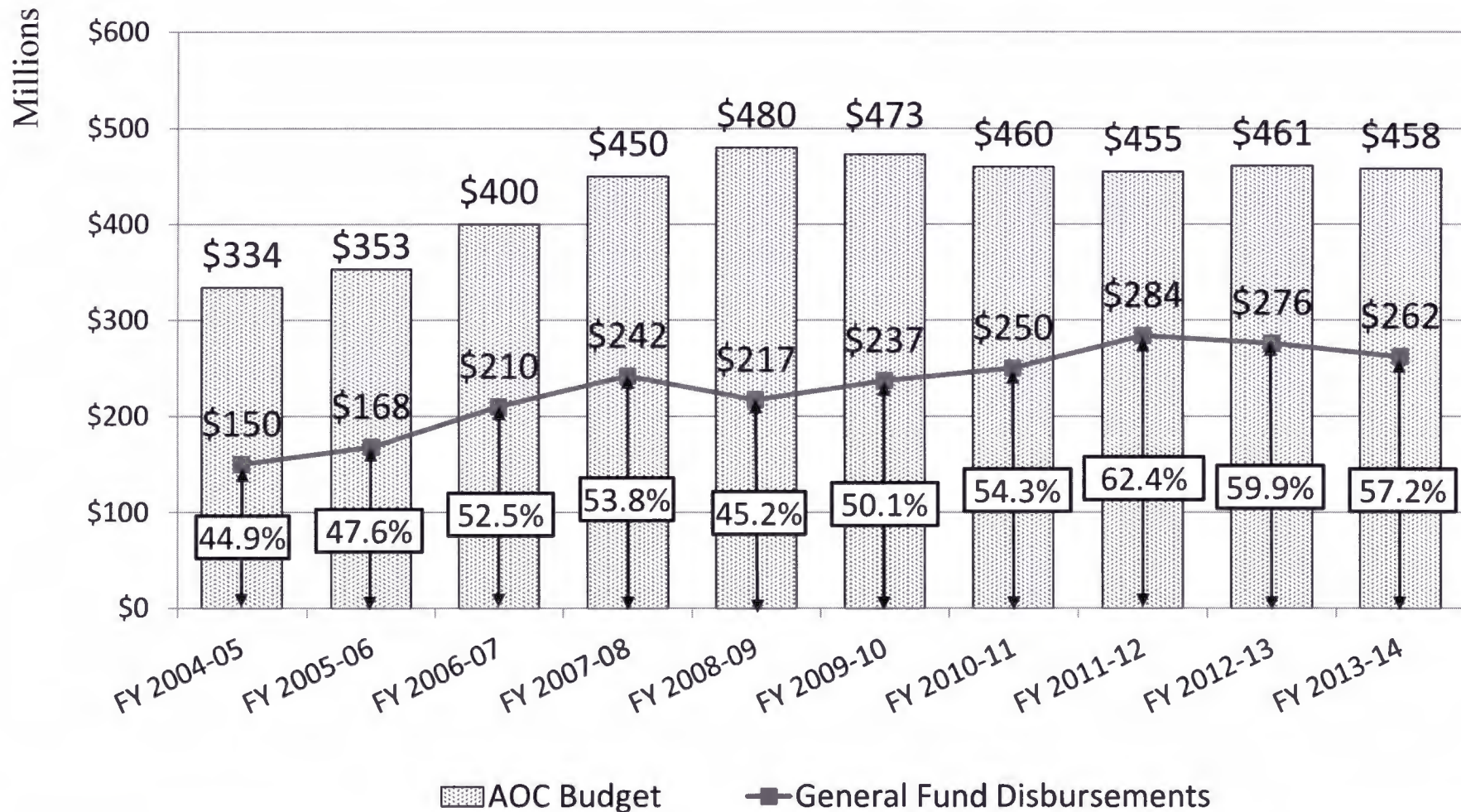
# AOC Receipt Disbursements

Total Disbursements, FY 2013-14: **\$741 million**





# AOC GF Collections Compared to Appropriations





## Court Cost Waivers, FY 2012-13

---

	<b>Partially Waived</b>	<b>Fully Waived</b>	<b>Partial or Full Waive Local Rule</b>	<b>Total</b>
<b>Statewide</b>	<b>11,286</b>	<b>9,246</b>	<b>247</b>	<b>20,779</b>
Cumberland	8,474	125	-	8,599
Mecklenburg	607	1,022	-	1,629
Robeson	497	3,787	-	4,284
Wake	26	224	24	274

*Source: AOC*





# 2011 Auditor Report on Court Collections

---

- Found that court collection rates for certain offenses were:
  - 85.1% for traffic cases
  - 84.3% for cases resulting in unsupervised probation
- AOC responded:
  - Compliance rate for infractions is 99%
  - Those collections included DWI and criminal defendants, some of whom are sent to prison for failure to comply
  - Some of this population among the poorest in the State
  - Due process may delay collections



# NCSC 2013 Survey: Percent of State Budget for Courts

Unified Court System		Non-unified Court System	
California	0.8%	Tennessee	0.4%
Kansas	1.7%	Texas	0.4%
Minnesota	1.7%	Louisiana	0.5%
Massachusetts	1.8%	Washington	0.5%
Maine	1.9%	Florida	0.6%
Alabama	2.0%	South Carolina	0.7%
Nebraska	2.0%	Wisconsin	0.8%
New York	2.0%	Georgia	0.9%
Alaska	2.1%	Indiana	0.9%
Missouri	2.1%	Idaho	1.0%
New Jersey	2.1%	Nevada	1.0%
Utah	2.1%	Arizona	1.3%
<b>North Carolina</b>	<b>2.2%</b>	Michigan	1.9%
Virginia	2.2%		
Hawaii	2.3%		
Delaware	2.5%		
New Mexico	2.5%		
Maryland	2.6%		
Oregon	2.7%		
South Dakota	2.7%		
West Virginia	3.0%		
Kentucky	3.4%		
Puerto Rico	3.8%		
New Hampshire	5.0%		

*Source: National Center for State Courts*





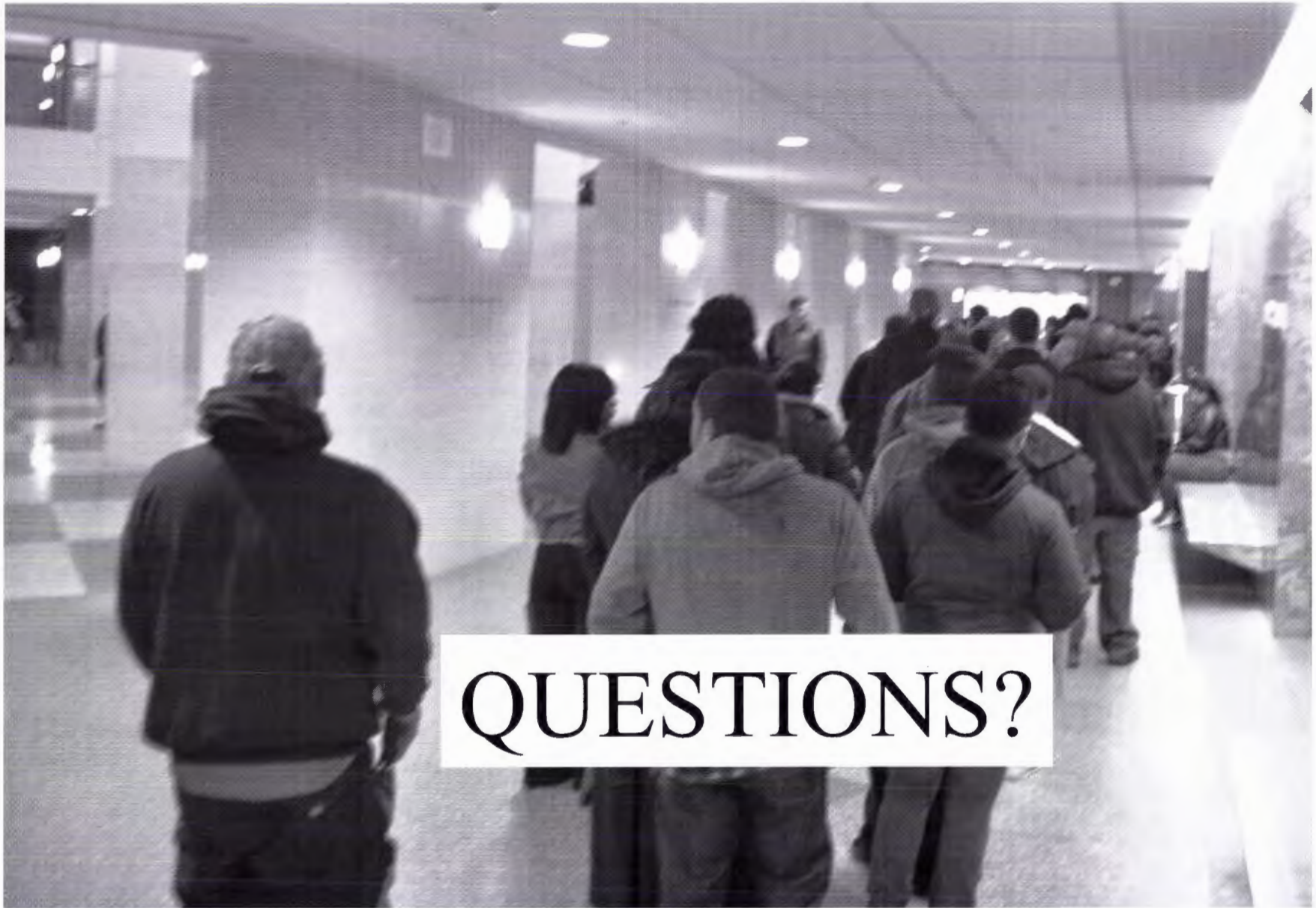
## Comparison of Filing Fees in Other States

	Unified	Percent of Total Budget	Civil Filing Fees			Criminal Filing Fees	
			Small Claims or Magistrate	District	Superior/ Circuit	District/ Municipal	Superior/ Circuit
Alabama	Yes	2.0%	\$35-109	\$198	\$197-297	\$111	\$131
New Jersey	Yes	2.1%	\$15-30	-	\$200	varies	varies
Utah	Yes	2.1%	\$60-185	\$75-360	-	-	-
Alaska	Yes	2.1%	-	\$90	\$150	-	-
Virginia	Yes	2.2%	varies	varies	\$82-342	\$76-91	varies
North Carolina	Yes	2.2%	\$96	\$150	\$200	\$180	\$205
Hawaii	Yes	2.3%	-	\$145	\$300	-	\$240
Delaware	Yes	2.5%	-	\$30-80	\$175	\$50-125	\$100
New Mexico	Yes	2.5%	-	\$62-132	-	varies	\$35
Maryland	Yes	2.6%	-	\$38	\$80	\$38	\$80
Florida	No	0.6%	\$50-295	-	\$397.50- \$1902.50	varies	varies (typically \$100-300)
South Carolina	No	0.7%	\$45	\$100	\$150	-	-
Georgia	No	0.9%	\$99	\$210	\$210	varies	\$210

*Source: Fiscal Research and NCSC*



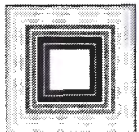






# The Administrative Office of the Courts: Specialty Courts

William Childs  
Fiscal Research Division  
March 5, 2015

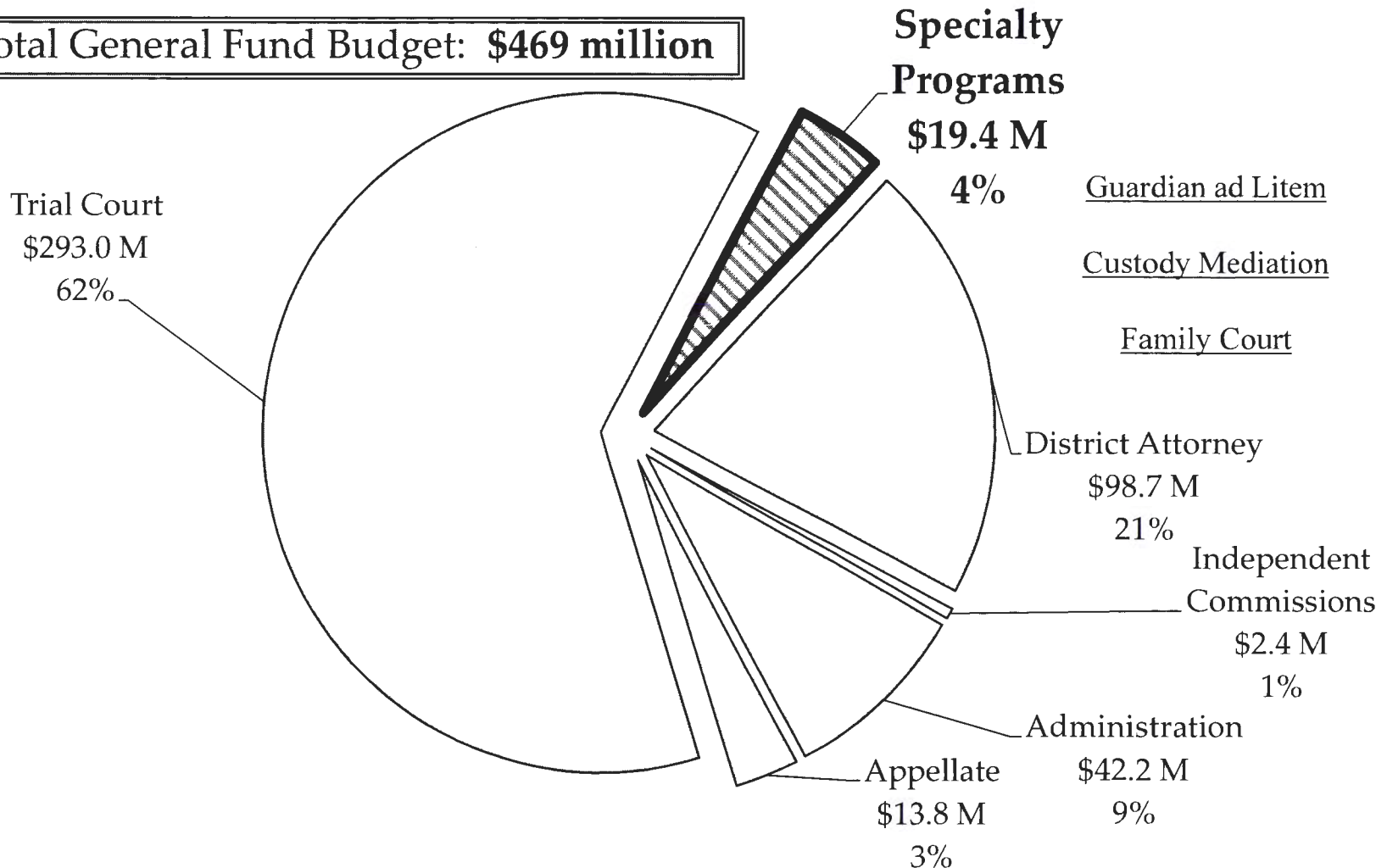


**FISCAL RESEARCH DIVISION**  
A Staff Agency of the North Carolina General Assembly



# AOC Budget By Program FY 2014-15

Total General Fund Budget: \$469 million



Source: Authorized Budget, December 31, 2014







# Guardian ad Litem and Custody Mediation

---

- Guardian ad Litem volunteers advocate for child in court:
  - supervised, supported, and trained by program staff (145.1 FTE):
    - 3 regional administrators
    - 137 field staff positions
    - 8 administrative staff positions
      - one is grant-funded
- Custody Mediation provides neutral, non-adversarial court-ordered mediation services in cases involving custody and/or visitation of minor children parenting agreements.
  - 46.6 FTE:
    - 38.6 FTE custody mediators
    - 8 FTE support staff



# Family Court

---

- Consolidate all of a family's legal issues before a single District Court judge or team of judges
- Cases involving:
  - juvenile delinquency
  - abuse, neglect and dependency allegations
  - termination of parental rights
  - domestic violence
  - child custody and visitation rights
  - divorce and related financial issues
- Family court staff provide case management with the goal of efficient and timely resolution of cases.



# Family Court Districts and Counties

---

District	Counties	Percentage of State Population
3A	Pitt	1.8%
5	New Hanover, Pender	2.7%
6A	Halifax	0.6%
8	Greene, Lenoir, Wayne	2.1%
10	Wake	9.7%
12	Cumberland	3.4%
14	Durham	2.9%
19B	Randolph, Montgomery	1.7%
20A	Anson, Richmond, Stanly	1.4%
20B	Union	2.1%
25	Burke, Caldwell, Catawba	3.4%
26	Mecklenburg	9.9%
28	Buncombe	2.5%
<b>13 Districts</b>	<b>21 Counties</b>	<b>44.2%</b>





## Family Court Districts and Counties

---

- Family Court districts handled 47.6 percent of all District Court civil domestic cases disposed in FY 2012-13.
- FC districts are less likely to have civil domestic cases pending for more than a year.

	Case Clearance Rate	Number of Cases Disposed	Number of Cases Pending More Than A Year
Family Court Districts	101.2%	45,448	18.8%
Non-Family Court Districts	96.3%	50,091	51.0%



# 2011 Family Court Continuation Review

---

- NCGA directed AOC to conduct a Continuation Review of the Family Court in 2011
  - FC funding was made non-recurring
- AOC recommended:
  - restoring funding for Family Court
  - adding an additional 17 FTE positions to provide adequate staffing in existing Family Court districts
- AOC provided five court performance measures:
  - Case clearance rate
  - Cases disposed of in less than 181 days
  - Median age of a case at disposition
  - Cases pending for greater than 365 days
  - Pending median age of cases



# 2011 Family Court Continuation Review

- Some Family Court districts perform better than non-family court districts, but some Family Court districts do not perform as well as some non-family court districts
  - For instance, one grouping compared statistics from District 21 (Forsyth, non-Family Court), District 18 (Guilford, non-Family Court), and District 26 (Mecklenburg, Family Court).

Sorted by District					
District Court District	Case Clearance Rate	Disposed <181 Days	Disposed Median Age	Pending >365 Days	Pending Median Age
18	106.2%	80.3%	46	42.7%	258
21	99.8%	85.2%	52	15.1%	101
26	98.7%	86.4%	59	23.3%	119
Non-Family	99.5%	85.9%	43	44.1%	272





# 2011 Family Court Continuation Review

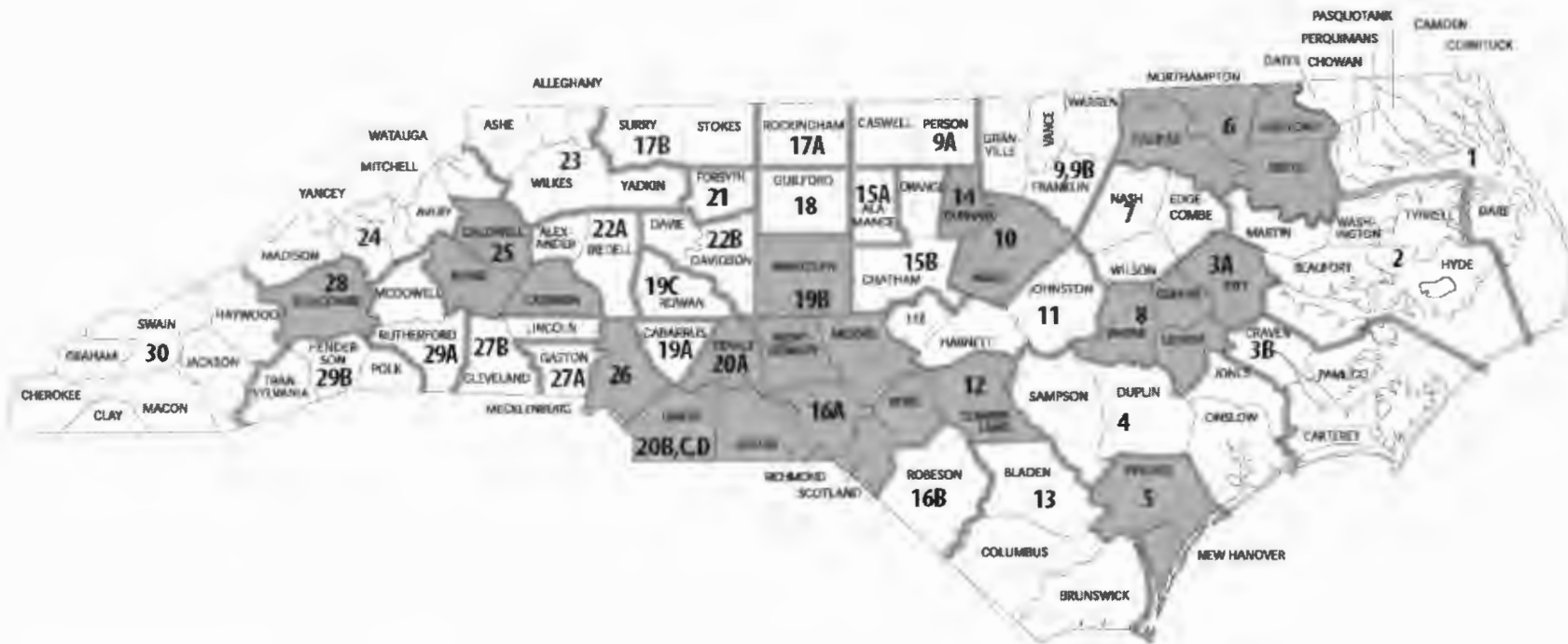
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- Unclear whether there are practices being used in non-Family Court districts that can be utilized in other districts with no additional funding
- NCGA restored Family Court funding:
  - \$2.9 million for 44 FTE.
- Current Family Court funding:
  - \$2.9 million for 45.2 FTE
  - Statewide Expansion: \$9.6 M for 110 FTE



## North Carolina Family Court Districts

### Effective January 1, 2015



Note: Districts 9 and 9B, and districts 20B, 20C, and 20D are districts for electoral purposes only. They are combined for administrative purposes.

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 The University of North Carolina at Chapel Hill



## Other Specialty Courts

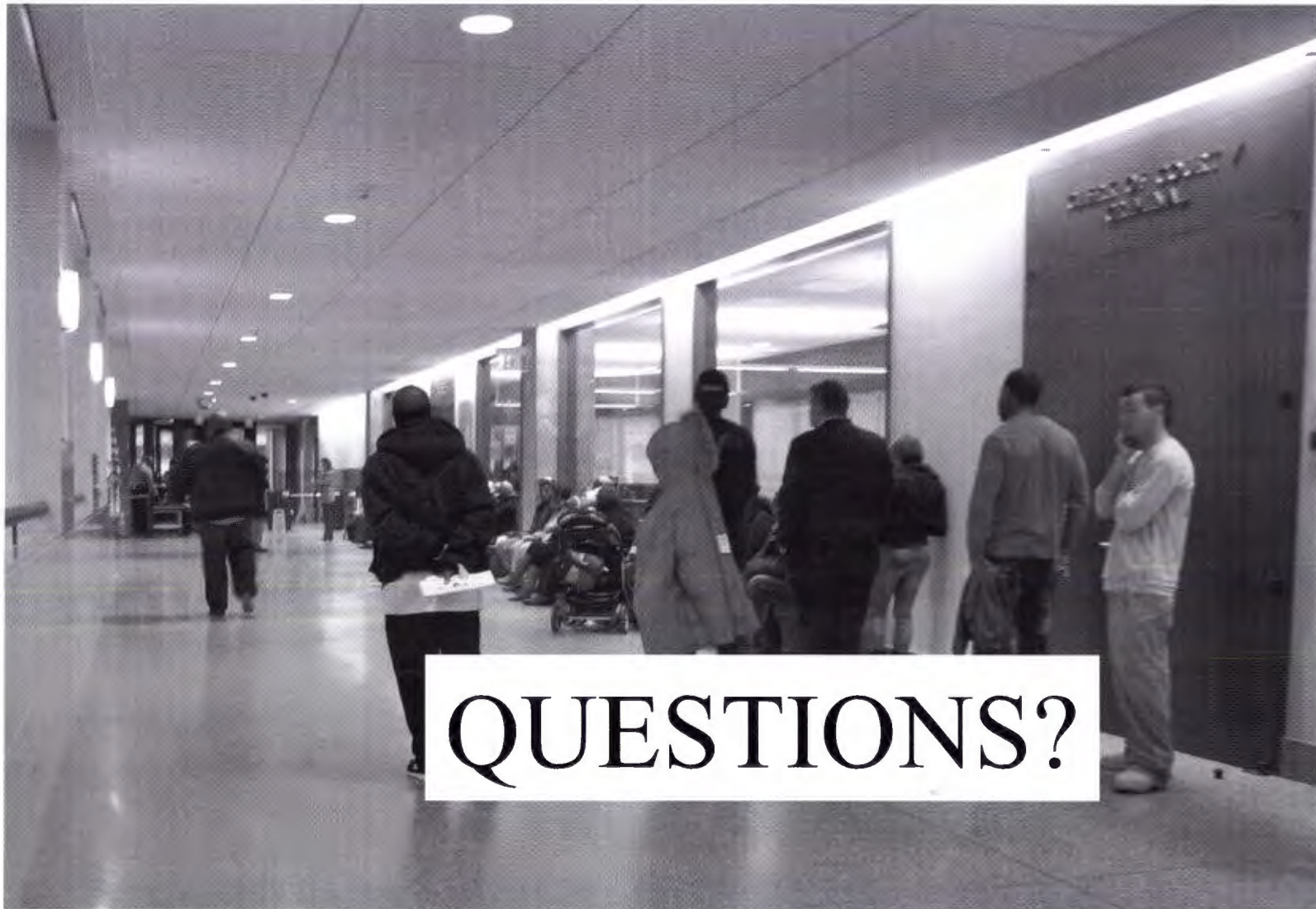
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- All operating with local funds, grant funding, or without funding
- Drug Treatment Court:
  - NCGA discontinued State funding in 2011
  - \$2.0 million for 32 FTE
  - Currently 30 DTCs operating in 25 counties
- DWI Court:
  - 7 DWICs operating in 7 counties
- Mental Health Court:
  - 6 MHCs operating in 5 counties
- Veterans Treatment Court:
  - 2 VTCs operating in 2 counties











## VISITOR REGISTRATION SHEET

Senate Appropriations on Justice and Public Safety 3/5/15  
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Mia LaMotte	AOC
Yolonda Woodhouse	AOC
Elisa Wope	IDS
Cheryl Reed	AOC
Brad Fowler	NCAOC
Danielle Seale	NCAOC
Mildred Spearman	NCAOC
JEFF MARECIC	NCAOC
NICHOLAE KARIM	NAMINC
McKinley Wooden, Jr.	NCAOC
Rudy Brandon	DPS



## VISITOR REGISTRATION SHEET

Senate Appropriations on Justice and Public Safety 3/5/15  
 Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Thomas M. [unclear]	JS
MATTHEW LONGOBARDI	NC DOJ
Andrew Cagle	Blue Light
Peg Dorn	Conf of DAs
Lao Ruben	CJIR
MARK SENTER	ALCOHOL LAW ENFORCEMENT
Rodney Beckom	NC ALE
Tom M. [unclear]	NC AOC
Jeff [unclear]	Fraternal Order of Police
Barbara Moore	Conf of Clerks of SCJA
Jan Kennedy	CSC - New Hanover County





H. PAGES

Joint Committee Justice & Public Safety

NAME OF COMMITTEE

DATE

March 5, 2015

1. Name: Josh Rogers - Senate

County: \_\_\_\_\_

Sponsor: WADE

2. Name: Russhion Jones - Senate

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

3. Name: Justus Hargett - House

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

4. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

SGT-AT-ARM

1. Name: BARRY MOORE House

2. Name: BH POWELL House

3. Name: CHARLES MORSALIS Senate

4. Name: SIM HAMILTON Senate

PAGES

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JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
Room 415 Legislative Office Building

March 17, 2015 8:30 A.M.

**I. CALL TO ORDER**

Chairs: Senator Stan Bingham, Presiding  
Senator Buck Newton  
Senator Shirley Randleman

Representative Jamie Boles  
Representative Leo Daughtry  
Representative John Faircloth  
Representative Pat Hurley

**II. OPENING REMARKS BY CHAIRS**

**III. PRESENTATIONS**

NC State Crime Laboratory Budget  
*Kristine Leggett, Fiscal Research Division*

**IV. COMMITTEE DISCUSSION**

**V. OTHER BUSINESS:**

Next meetings: Wednesday, March 18, 2015  
Thursday, March 19, 2015

**VI. ADJOURNMENT**

---

**House Appropriations Subcommittee on JPS**

Rep. Boles (Chair)  
Rep. Daughtry (Chair)  
Rep. Faircloth (Chair)  
Rep. Hurley (Chair)  
Rep. Jackson (Vice Chair), Rep. McNeill (Vice Chair),  
Rep. Stevens (Vice Chair)  
Rep. C. Graham, Rep. G. Graham, Rep. R. Johnson, Rep. Salmon,  
Rep. Speciale, Rep. Turner

---

**Senate Appropriations Subcommittee on JPS**

Sen. Bingham (Chair)  
Sen. Newton (Chair)  
Sen. Randleman (Chair)  
Sen. Apodaca (Vice Chair),  
Sen. Foushee, Sen. Hartsell, Sen. Jackson,  
Sen. Lee





**Joint Committee on Appropriations on Justice and Public Safety  
Tuesday, March 17, 2015 at 8:30 AM  
Room 415 of the Legislative Office Building**

**MINUTES**

The Joint Committee on Appropriations on Justice and Public Safety met at 8:36 AM on March 17, 2015 in Room 415 of the Legislative Office Building. Eighteen members were present.

Senator Stan Bingham, Chair, presided. Senator Bingham introduced the Pages and the Sergeant-at-Arms. Senator Bingham recognized Kristine Leggett of the Fiscal Research Division, to present information on the NC State Crime Lab (see attachment). Ms. Leggett gave a description of the Crime Lab, its budget, services and its procedures.

Crime Lab Director, John Byrd was present to answer questions from the Committee.

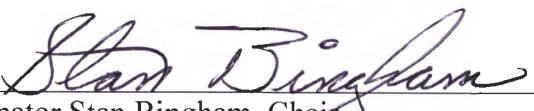
Sen. Bingham asked about the cost of a DNA testing kit, and Mr. Byrd replied that it was \$1,000.

Rep. Daughtry asked about the turnaround time for toxicology testing. Mr. Byrd stated that it takes a year, unless a rush is requested by the District Attorney; then it takes two weeks.

Sen. Randleman inquired about a test case for the Melendez-Diaz decision. Susan Sitze of the Research Division replied that if a defendant authorized remote testimony (video) from the Lab then that is legal, but if the defendant objected to remote testimony and it was still provided remotely, then that would constitute a test case. No test cases have been attempted in NC as yet.

Other comments and questions from the Committee were fielded by Mr. Byrd and NCGA staff.

The meeting adjourned at 9:55.

  
\_\_\_\_\_  
Senator Stan Bingham, Chair  
Presiding

  
\_\_\_\_\_  
Maria Kinnaird, Committee Clerk

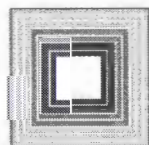




Joint Appropriations Subcommittee on  
Justice and Public Safety

# NC State Crime Laboratory

March 17, 2015



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

# JPS - DOJ

## Department of Justice (DOJ)

**Provides legal services for the State, assists local law enforcement agencies, and oversees law enforcement training and standards**

*Roy Cooper, Attorney General*

Includes:

- Legal services
- Consumer Protection
- Criminal Justice Training and Standards
- **NC State Crime Lab**

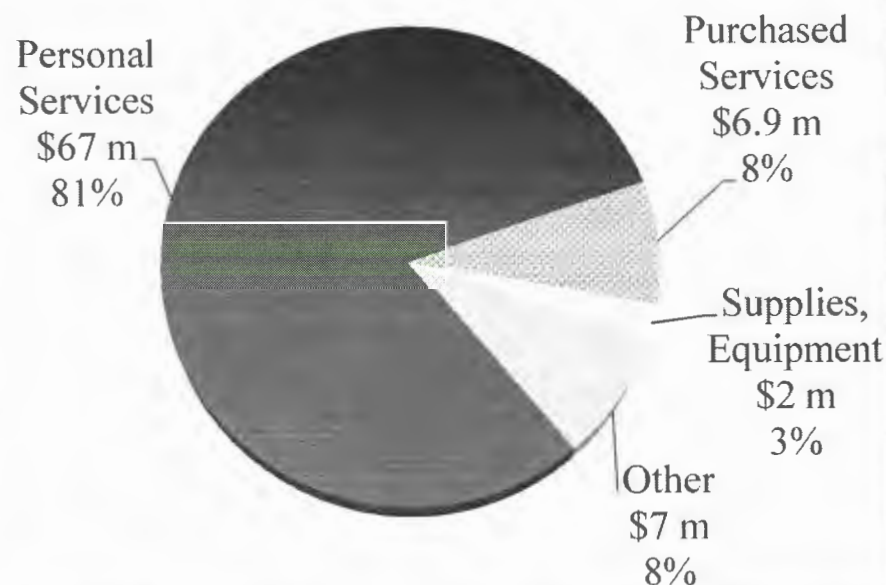
Total General Fund Base Budget:

**\$83.1 million**

Total FTE Employees:

**807.76**

**DOJ General Fund Base Budget  
FY 2015-16**



Source: NCIBIS, DOJ Worksheet I, 3/3/2015

# NC State Crime Laboratory

---

*John Byrd, Director*

## **Statutory authorization in G.S. 114-60:**

- Establishes the lab
- Directs that a “sufficient number” of skilled people be employed to provide “a reasonable service to the public and the criminal justice system”.

**Total FY 2015-16 Base Budget: \$17.7 million**

**Total FTE: 207.00**

**Total Lab Facilities: 3**



# Forensic Sciences Act of 2011

---

## S.L. 2011-19, Forensic Sciences Act of 2011:

- Renamed the lab
- Replaced “reasonable service to prosecutors” with “reasonable service to the public and the criminal justice system.”
- Created Forensic Science Advisory Board (G.S. 114-16.1)
- Requires labs to be ISO accredited (State and local)
- Requires certification of State forensic scientists
- Created Ombudsman





# Forensic Science Advisory Board

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## G.S. 114-61

- 15 members
- Biannual meetings
- Provide advice to Crime Lab director

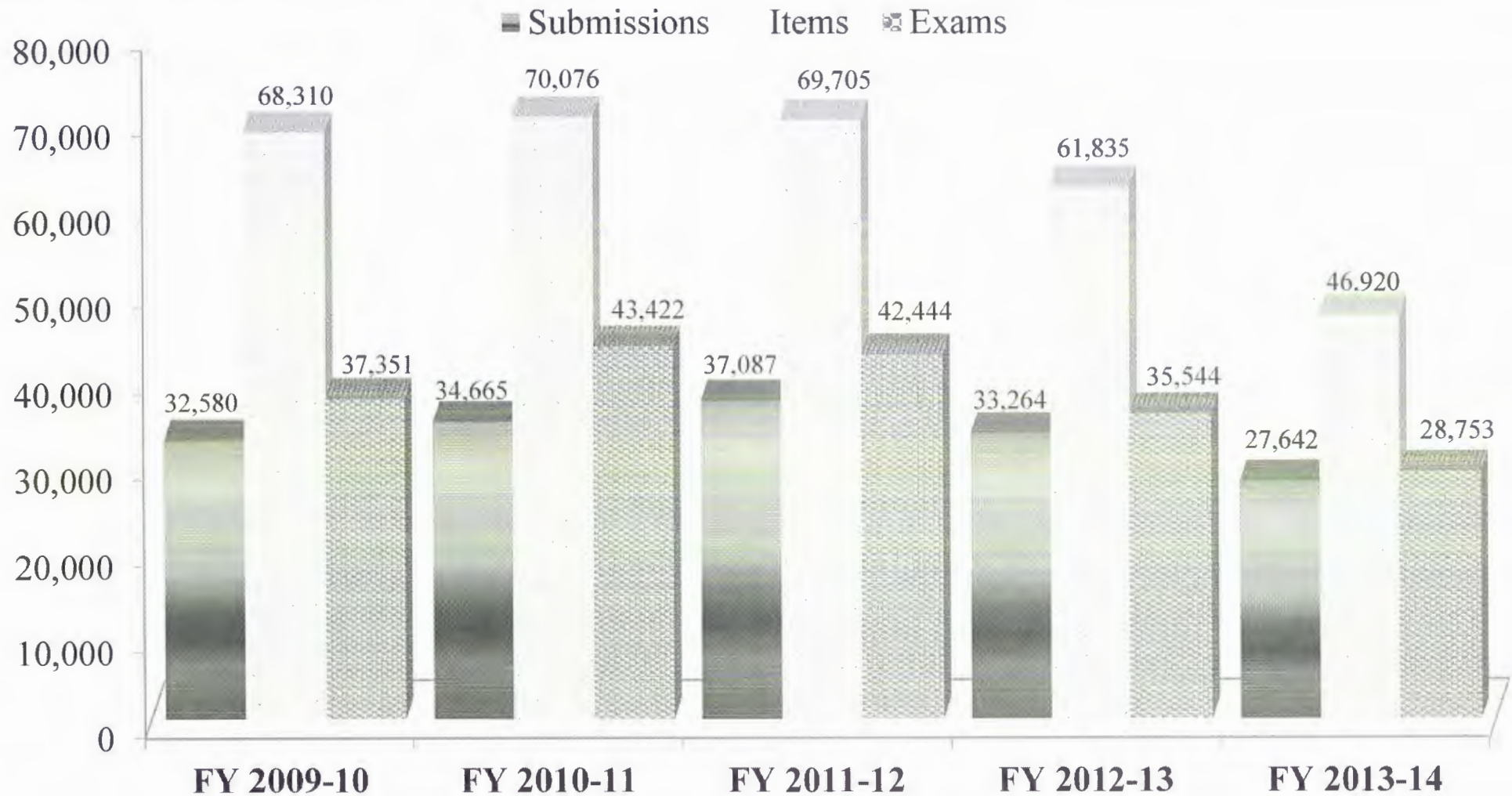


## Makes recommendations concerning:

- New programs, protocols, and methods
- Sustaining and improving existing programs
- Eliminating unnecessary programs
- Guidelines for court presentations
- Qualification standards for scientists



# Submissions



Source: NC State Crime Laboratory Annual Report

# Process

## Collection

- Certified law enforcement agency
- Official criminal investigation

## Submission

- In-person or mailed
- Goes to the Evidence Control Unit (9 FTE)

## Analysis

- Requesting officer specifies tests
- Some items may go to multiple sections

## Reports

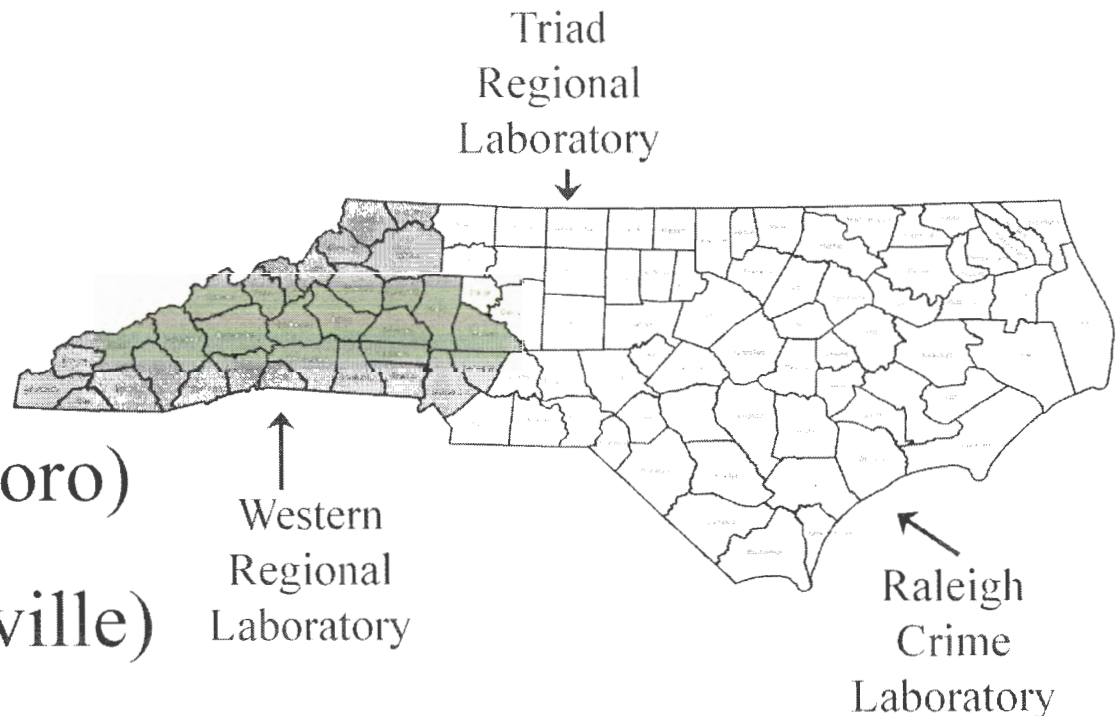
- Published on Forensic Advantage
- Evidence Control returns evidence

# Services

All law enforcement agencies in the State can submit evidence to the Lab for processing

## Three regional labs:

- Raleigh (main lab)
- Triad Lab (Greensboro)
- Western Lab (Asheville)





# Services: Digital and Latent Evidence

---

- Computers and digital media
- Audio/video evidence
- Latent prints and footwear and tire impressions

**FY 2013-14 FTE: 24**

**FY 2013-14 Submissions: 1,164**

Labs:

- Raleigh
- Triad
- Western (Latent evidence only)



*Source: FTE – BEACON B0149, 3/5/2015; Submission data: State Crime Laboratory Annual Report, FY 2013-2014*

# Services: Firearms and Tool Marks

---

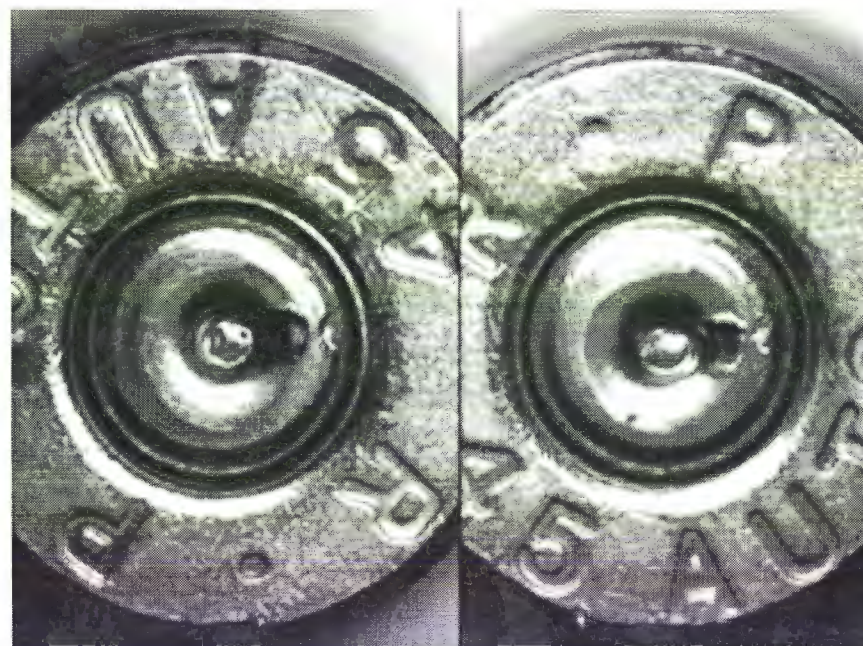
- Weapons and ammunition
- Matching tools to marks

**FY 2014-15 FTE: 14**

**FY 2013-14 Submissions: 582**

Labs:

- Raleigh
- Western





# Services: Trace Evidence

---

- Hair, fibers, glass, paint, headlight filaments
- Gunshot residue
- Explosives
- Fire debris

**FY 2014-15 FTE: 10**

**FY 2013-14 Submissions: 938**

Labs:

- Raleigh
- Western (Fire debris only)





# Services: Forensic Biology

---

- Blood and body fluids
- DNA testing

**FY 2014-15 FTE: 36**

**FY 2013-14 Submissions: 1,636**

Labs:

- Raleigh

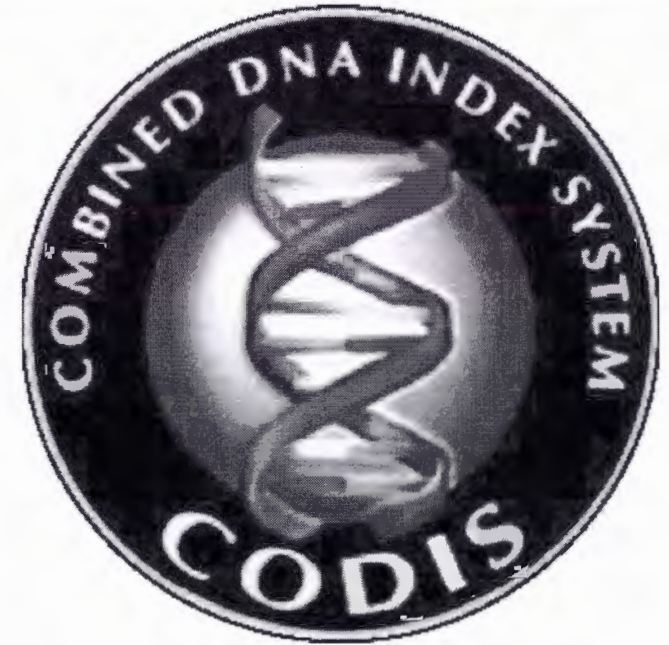


# Services: DNA Database

---

CODIS uploads for:

- DNA on arrest
- Convicted Offender DNA



**FY 2014-15 FTE: 21**

**FY 2013-14 CODIS Submissions: 26,549**

- **DNA on Arrest Submissions: 10,581**
- **Convicted Offender Submissions: 15,968**

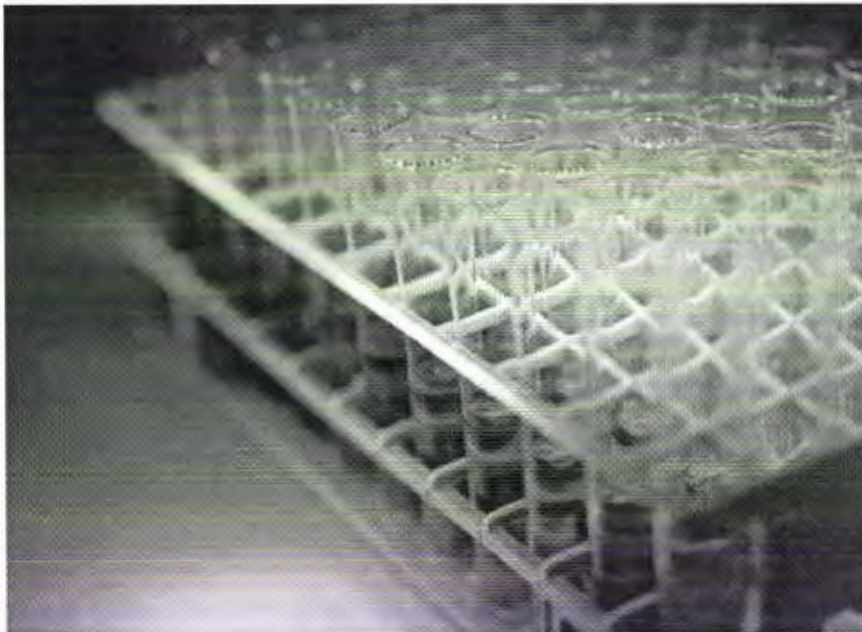
Labs:

- Raleigh

# Services: Drug Chemistry and Toxicology

---

- Identification of controlled substances
- Clandestine lab response
- Blood or urine screening for controlled substances, including drugs and alcohol.



**FY 2014-15 FTE: 59 FTE**

**FY 2013-14 Submissions: 24,212**

## Labs:

- Raleigh
- Triad
- Western (drug chemistry only)

*Source: FTE – BEACON B0149, 3/5/2015; Submission data: State Crime Laboratory Annual Report, FY 2013-2014*

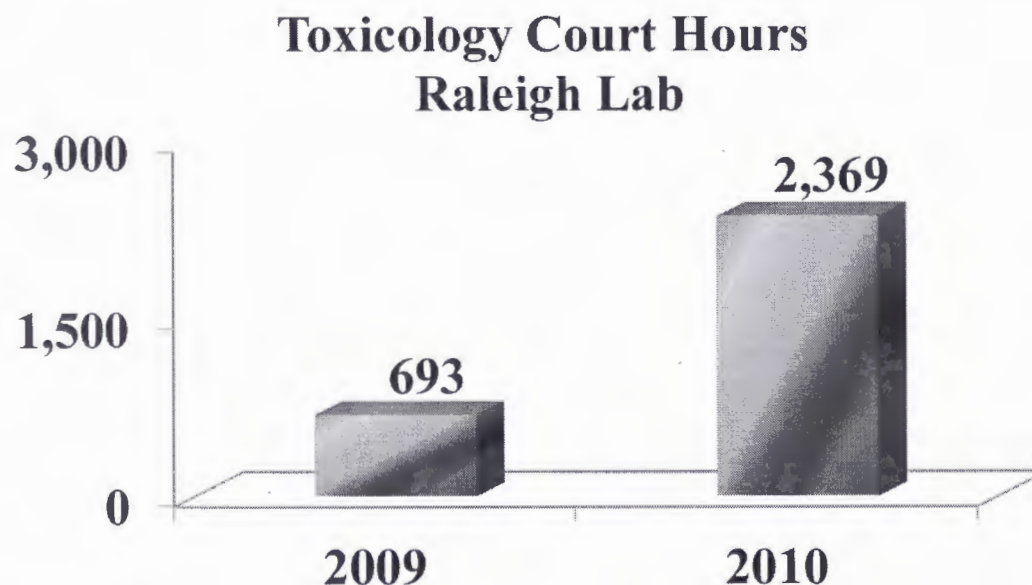


# Toxicology Issues

---

## Melendez-Diaz v. Massachusetts

- Requires in-person testimony by lab analysts
- Resulted in large increase in court hours for analysts
- Toxicology is impacted most (DWI cases)



Source: NC State Crime Laboratory

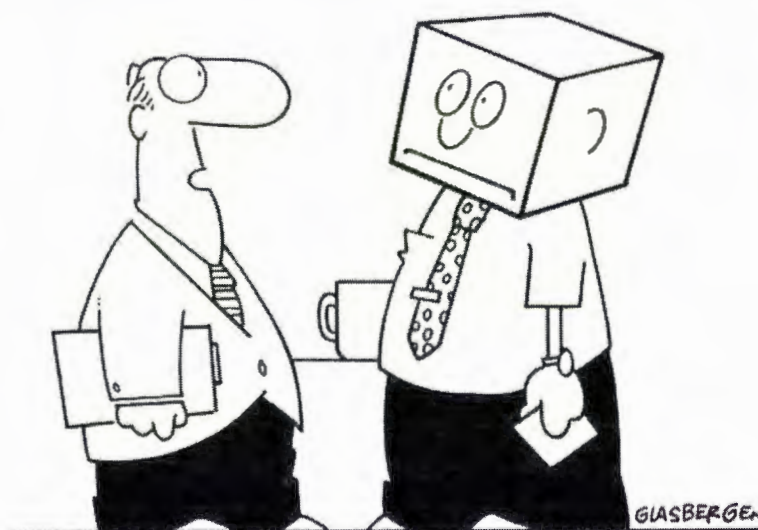
# Toxicology Issues

## Melendez-Diaz v. Massachusetts

### What's the Lab doing?

- Mandatory overtime
- Designated geographic assignment of analysts
- Stopwork Project in conjunction with AOC and the DAs
- Outsourcing training
- Lean Six Sigma processes

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"Thinking outside of the box is difficult  
for some people. Keep trying."

# Toxicology Issues

---

## Melendez-Diaz v. Massachusetts

### **What has the General Assembly done?**

#### Appropriations

- 19 new toxicology positions for the Western Lab - \$1.5 million
- Equipment for western toxicology - \$1.1 million
- Capital funds for new Western Lab facility – \$15.4 million
- \$250,000 (R) for toxicology outsourcing
- \$500,000 (NR) to the Conference of DAs for hospital toxicology

#### Policy Changes

- Changed notice and demand statutes
- Authorized video testimony
- Required training of DAs and judges



# Toxicology Issues

---

## Melendez-Diaz v. Massachusetts

### **What are the stakeholders doing?**

#### School of Government Working Group Recommendations

- Calendaring and motions hearings
- DA utilization of Forensic Advantage system
- Timely stopwork orders



NORTH CAROLINA  
ADMINISTRATIVE OFFICE  
*of the* COURTS




NORTH CAROLINA  
Conference of District Attorneys



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

# Fees

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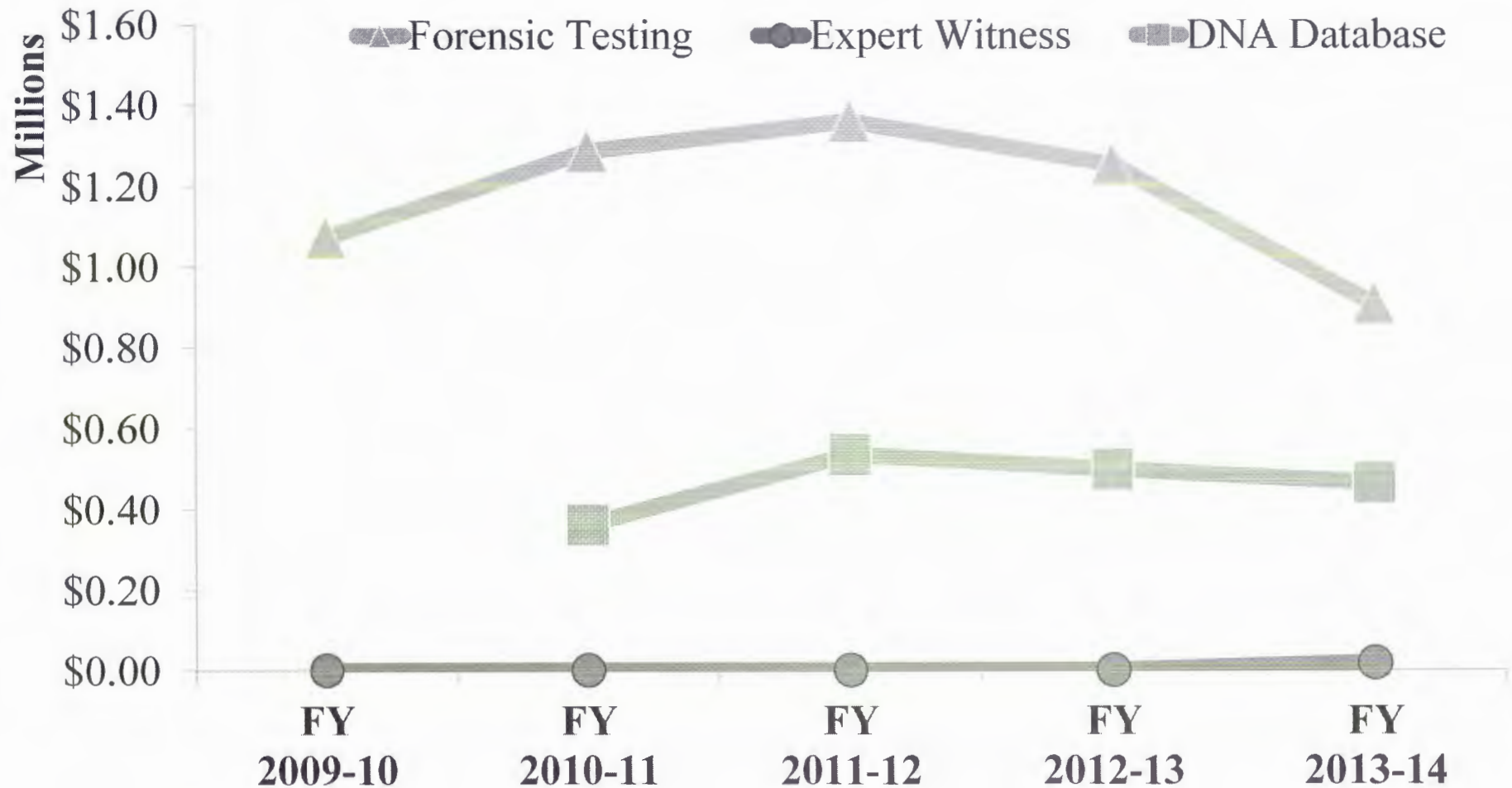
- No charge to local law enforcement 
- \$600 court fee assessed on offenders (Lab Fee)
  - DNA, toxicology, drug chemistry cases
  - Paid to local or State lab
  - Court fees assessed at discretion of judge
- \$2 court fee assessed on all offenders (DNA Fee)
  - Statutory appropriation

**\$1,388,273 distributed to the Crime Lab in FY 2013-14**

*Source: G.S. 7A-304(a)(7-9); NC AOC Disbursements FY 2013-2014*

# Fees

## Actual Collections Since FY 2009-10



Source: AOC

# Local Labs

---

## **Five locally operated labs:**

- **Charlotte-Mecklenburg PD** (Mecklenburg County)  
Firearms/tool marks, latent prints, drug chemistry, toxicology (alcohol only), fire debris, forensic biology
- **City County Bureau of Identification** (Wake County)  
Latent prints, drug chemistry and toxicology, digital evidence
- **Wilmington PD** (New Hanover County)  
Toxicology, solid dose narcotics
- **Pitt County Sheriff's Office** (Pitt County)  
Latent prints, drug chemistry
- **Iredell County Sheriff's Office** (Iredell County)  
Latent prints, drug chemistry

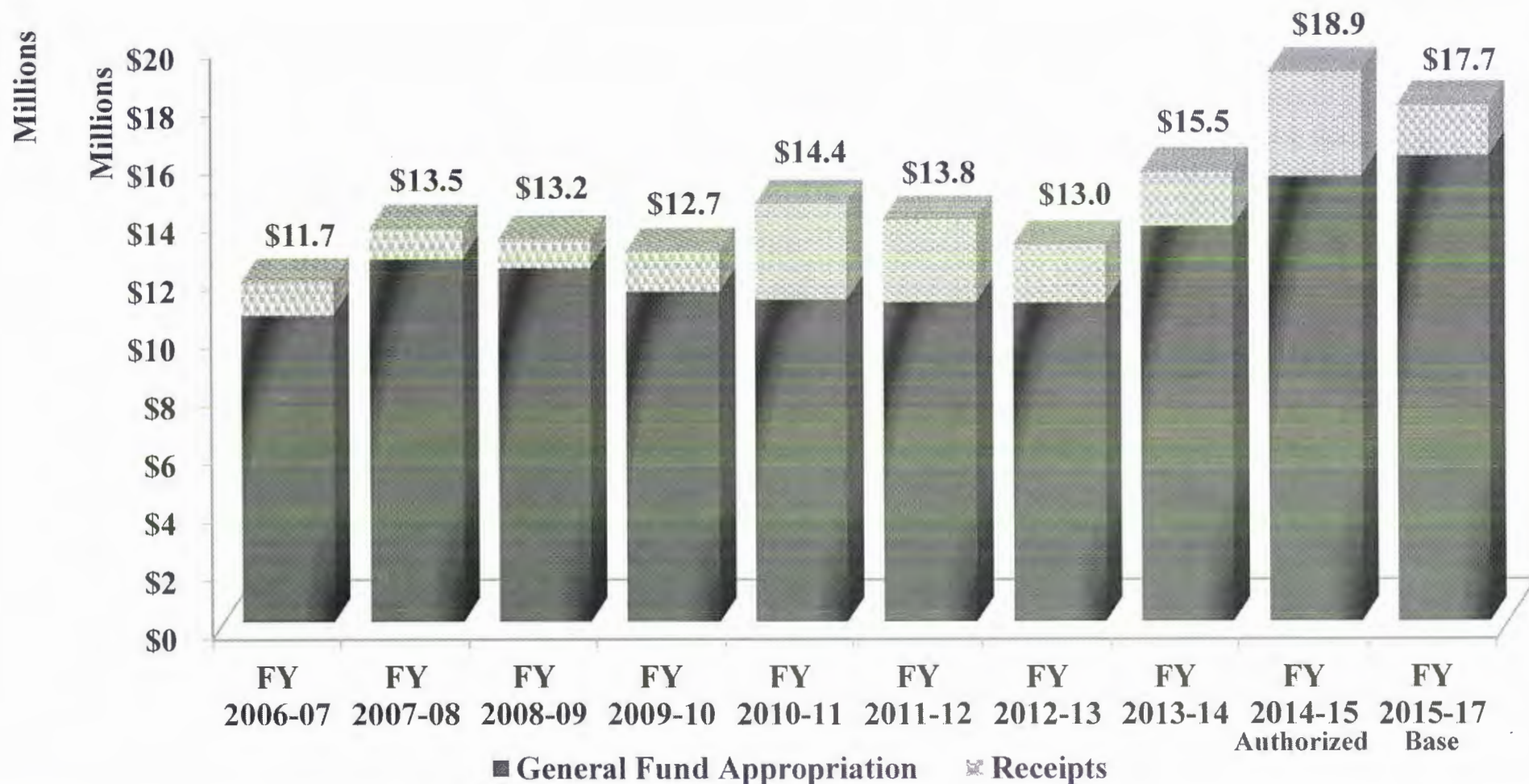
**Locally funded by county or city, court costs, and receipts**

**Must be accredited by July 1, 2016**



# Crime Lab Budget History

## Actual Expenditures



Source: NCAS Budget History and Management Analysis

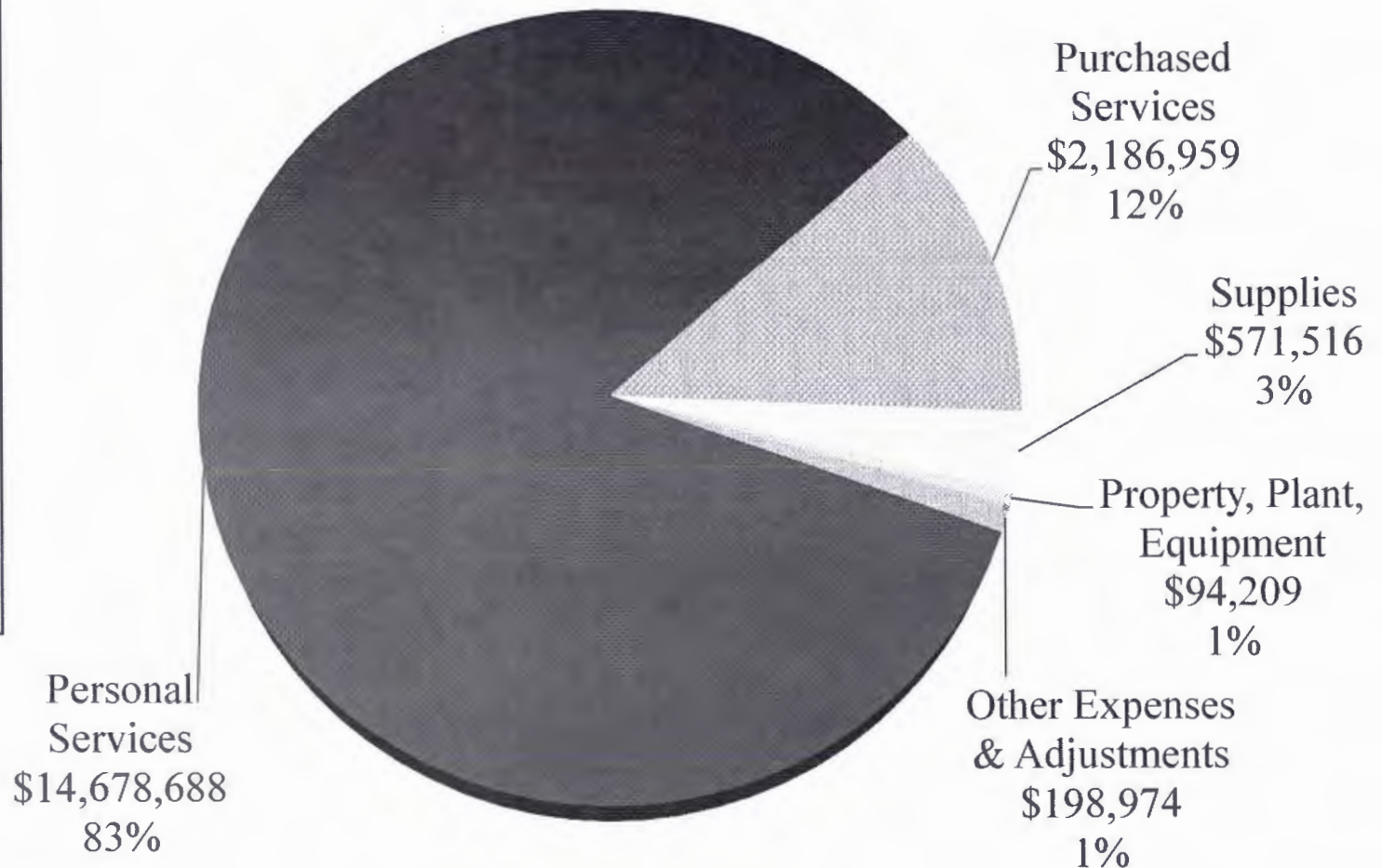
# FY 2016-16 Base Budget

Total General  
Fund (GF)  
Budget:

**\$17,730,346**

Total GF Full-  
Time Equivalent  
(FTE) Employees:

**207.00**



Source: NCIBIS, DOJ Worksheet I, 3/3/2015; FTE – BEACON B0149, 3/5/2015



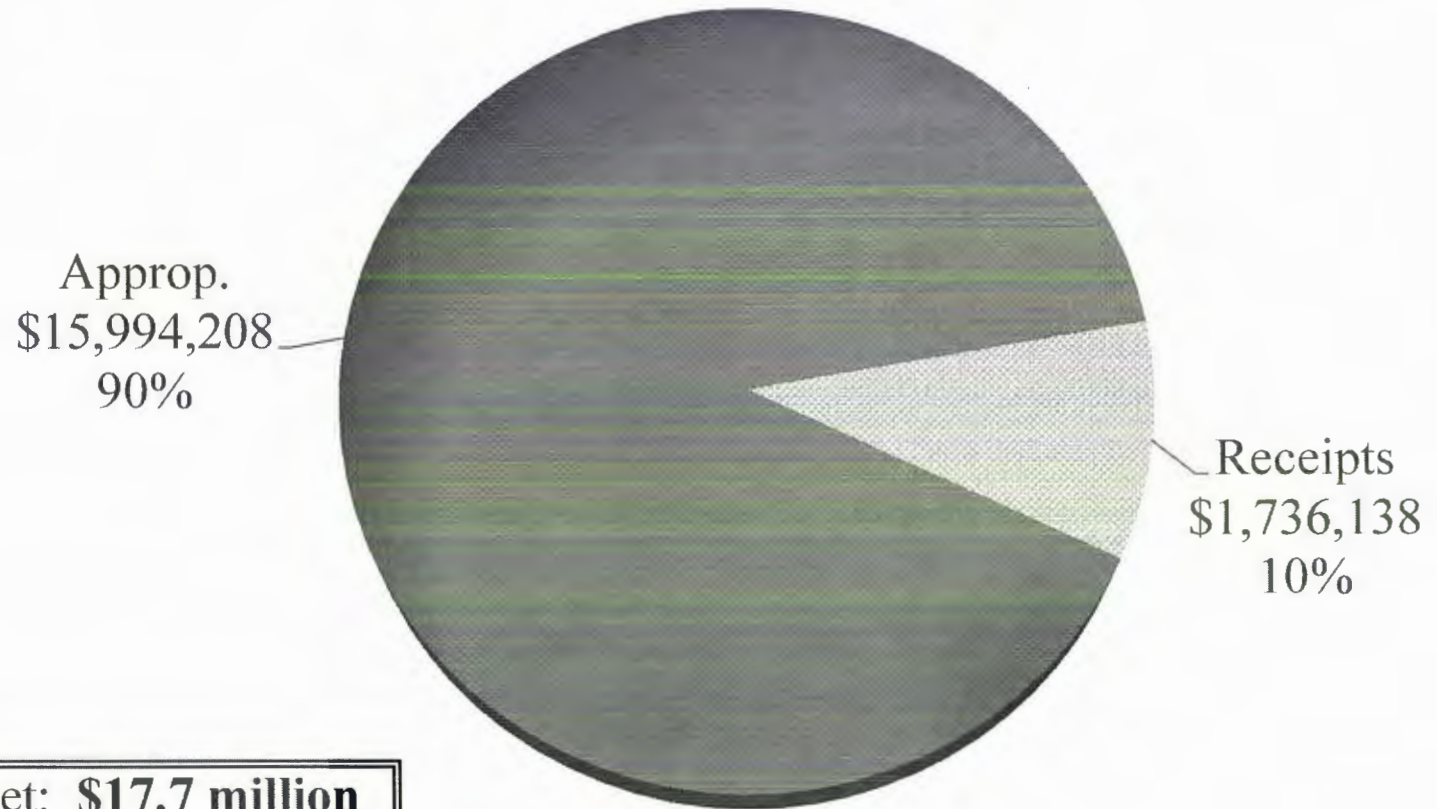


# FY 2015-16 Base Budget

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## Receipts come from:

- Federal grants
- Court fees



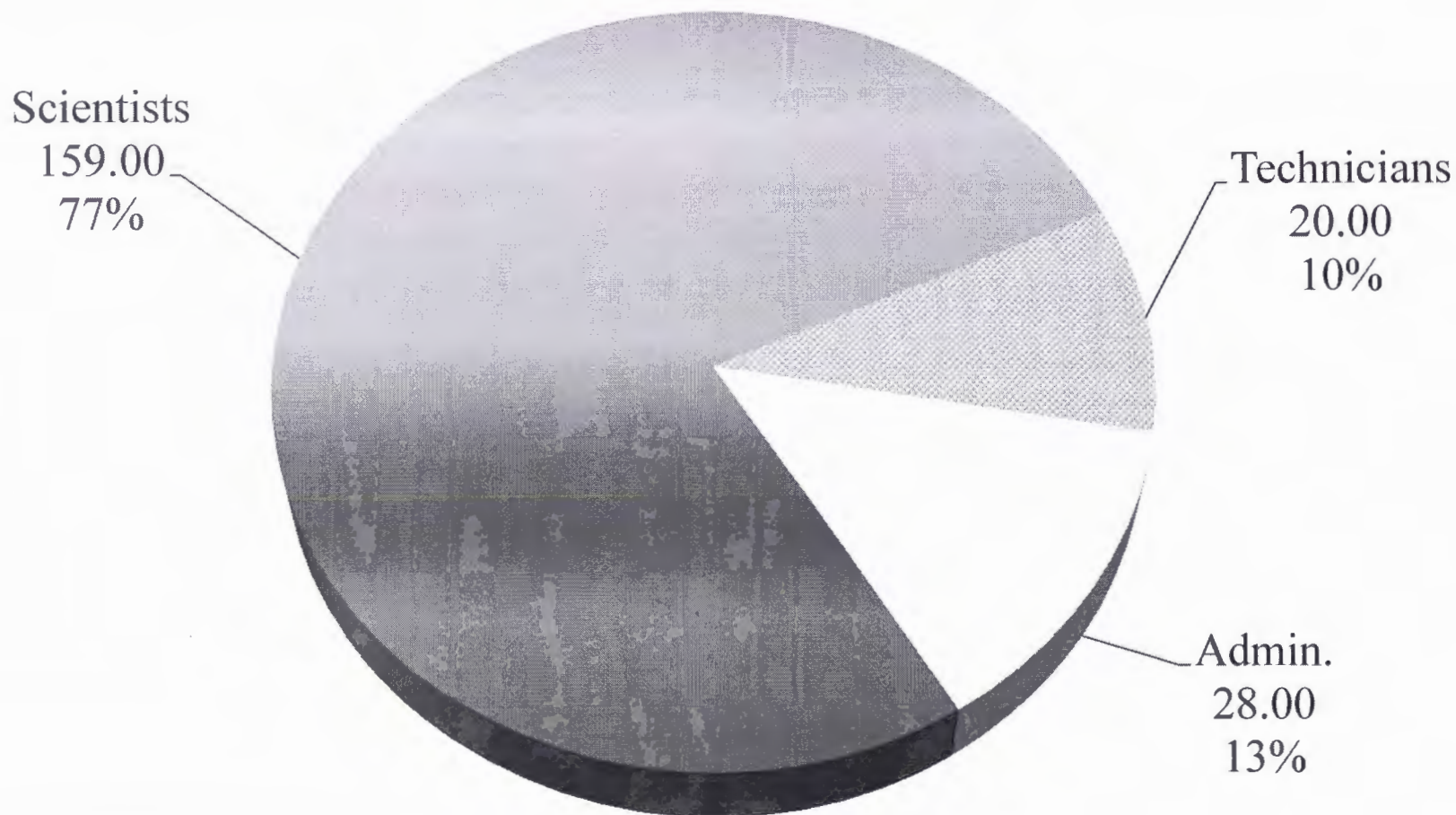
Total General Fund Budget: **\$17.7 million**

Total GF FTE Employees: **207.00**

Source: NCIBIS, DOJ Worksheet I, 3/3/2015; FTE – BEACON B0149, 3/5/2015

# Positions: Total by Category

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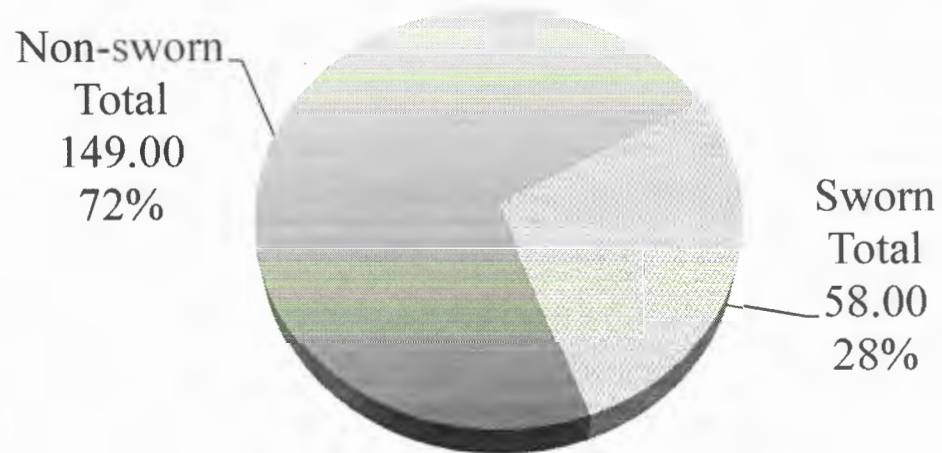
Total FTE Employees: **207.00**

Source: FTE – BEACON BO149 3/5/2015

# Positions: Sworn vs. Non-Sworn

---

## Sworn vs. Non-Sworn FTE



## Appropriations for Retirement

Non-sworn: 15.21% of salary

Sworn: 20.21% of salary

## **S.L. 2013-360, Sec. 17.5:**

Prohibits the hiring of sworn personnel to fill vacant positions.

Source: FTE – BEACON BO149 3/5/2015



# Positions: Hiring, Certification, and Training

---

## Hiring process can take up to six months or longer

- Failed background checks re-start the process

## Training can take up to a year or more

© Randy Glasbergen  
glasbergen.com

## Certification:

- Required for all State forensic scientists
- Formal recognition by an outside body
- Apply within one year of eligibility
- Obtain certification within 18 months
- Time to prep is provided



"I pruned a tree once, so technically I'm allowed to put 'branch manager' on my resumé."

# Recent Budget Actions

---

## **2013 Budget (S.L. 2013-360)**

Funded 19 Toxicology Positions (Western Lab)	\$1,500,000 R
Western Lab Toxicology Equipment	\$1,055,773 NR
Toxicology Outsourcing Funds (2 <sup>nd</sup> Year)	\$750,000 R
DA Hospital Toxicology Funds	\$500,000 NR

- **Sec. 17.6** moved the Crime Lab out of the SBI

## **2014 Budget (S.L. 2014-100)**

Transferred five admin positions from the SBI	\$267,661 R
Reduced Toxicology Outsourcing Funds	(\$500,000) R
Funded 10 Forensic Biology/DNA Positions (Western Lab)	\$267,390 R
Capital Funds for New Western Crime Lab	\$15,400,000 NR

# Questions

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## VISITOR REGISTRATION SHEET

Joint Appro. on Justice and Public Safety  
(Committee Name)

3/17/18

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Thomas Maher	JDS
Suzanne Belsky	SEANC
MARK SENTER	ALCOHOL LAW ENFORCEMENT
Rockey Beckam	NC Alcohol Law Enforcement
Mark Ezzeil	APNC
Ann C. Hamlin	NCSC
Karen W. Morrow	NCSC
Amanda Thompson	NCSC
John Byrd	NCSC
NEES ROSARIO	NCPOS
Joy Strickland	NC DOT
Mildred Spearman	NCAOC
Cory Duvall	DRIVE
Jacy Little	OSBM
JOE JAHN	STATE CRIME LAB
Stewart Green	NC DOJ
Eddie Caldwell	NC Sheriffs' Assn.



# VISITOR REGISTRATION SHEET

Joint Appro. on Justice and Public Safety  
(Committee Name)

3/17/15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Doug Miskew	PSG



JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
Room 415 Legislative Office Building

March 19, 2015 8:30 A.M.

**I. CALL TO ORDER**

Chairs:	Senator Stan Bingham	Representative Jamie Boles
	Senator Buck Newton, Presiding	Representative Leo Daughtry
	Senator Shirley Randleman	Representative John Faircloth
		Representative Pat Hurley

**II. OPENING REMARKS BY CHAIRS**

**III. PRESENTATIONS**

DPS – State Highway Patrol and State Bureau of Investigation  
*Kristine Leggett, Fiscal Research Division*

**IV. COMMITTEE DISCUSSION**

**V. OTHER BUSINESS:**

Next meetings: Tuesday, March 24, 2015

**VI. ADJOURNMENT**

---

**House Appropriations Subcommittee on JPS**

Rep. Boles (Chair)  
Rep. Daughtry (Chair)  
Rep. Faircloth (Chair)  
Rep. Hurley (Chair)  
Rep. Jackson (Vice Chair), Rep. McNeill (Vice Chair),  
Rep. Stevens (Vice Chair)  
Rep. C. Graham, Rep. G. Graham, Rep. R. Johnson, Rep. Salmon,  
Rep. Speciale, Rep. Turner

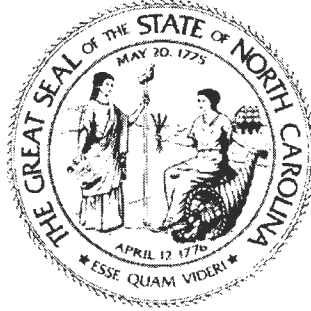
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**Senate Appropriations Subcommittee on JPS**

Sen. Bingham (Chair)  
Sen. Newton (Chair)  
Sen. Randleman (Chair)  
Sen. Apodaca (Vice Chair),  
Sen. Foushee, Sen. Hartsell, Sen. Jackson,  
Sen. Lee







**JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE  
AND PUBLIC SAFETY  
March 19, 2015**

**Room 415 of the Legislative Office Building**

The Joint Legislative Oversight Committee on Justice and Public Safety was called to order by Chairman Buck Newton at 8:30 a.m.

Chairman Newton then recognized the pages: Sierra Cox and Regina Wiechert. Chairman Newton recognized and thanked the Sergeant-At-Arms: Barry Moore, B.H. Powell, David Linthicom, Giles Jeffreys and Dale Huff.

**DPS – State Highway Patrol and State Bureau of Investigation**

Chairman Newton introduced Kristine Leggett from the NCGA Research Division to give a report on the Department of Public Safety, State Highway Patrol and State Bureau of Investigation. Ms. Leggett gave a brief overview of the contents of exhibit A, which is attached. Chairman Newton opened the floor for questions and discussion after each presentation. Chairman Newton recognized Bill Grey, with the North Carolina State Highway Patrol, to answer questions asked by members. Chairman Newton recognized BW Collier, director of the SBI, and Colonel Greg Baker, Commissioner of Law Enforcement with Department of Public Safety, to answer questions asked by members regarding perspective areas of expertise.

Senator Bingham adjourned the meeting at 9:45 a.m.

Respectfully submitted,

  
Carol Wilson, Committee Clerk

  
Sen. Buck Newton, Committee Clerk

1000

1000

1000

1000

1000

1000

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## ATTENDANCE

Committee: 2015-16 Joint Appropriations Subcommittee on Justice and Public Safety

[illegible]



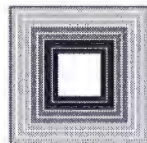
Joint Appropriations Subcommittee on  
Justice and Public Safety

**Department of Public Safety**

**State Highway Patrol  
State Bureau of Investigation**

Exhibit A

**March 18, 2013**



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



# JPS - DPS

## Department of Public Safety (DPS)

**Houses the former Departments of Crime Control and Public Safety, Juvenile Justice and Delinquency Prevention, and Correction**

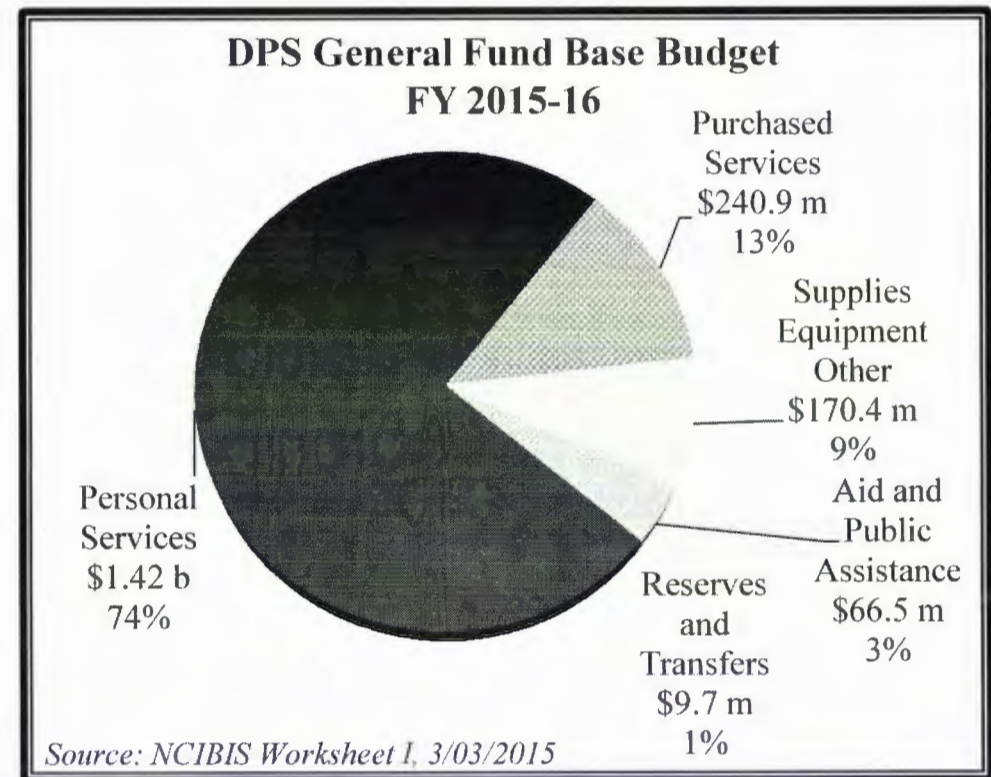
*Frank Perry, Secretary*

Includes:

- Prisons
- Community Corrections
- Juvenile Justice
- Highway Patrol
- State Capitol Police
- State Bureau of Investigation
- Alcohol Law Enforcement
- Emergency Management
- National Guard
- Victims Services

**Total General Fund Budget: \$1.9 billion**

**Total FTE Employees: 24,676.45**

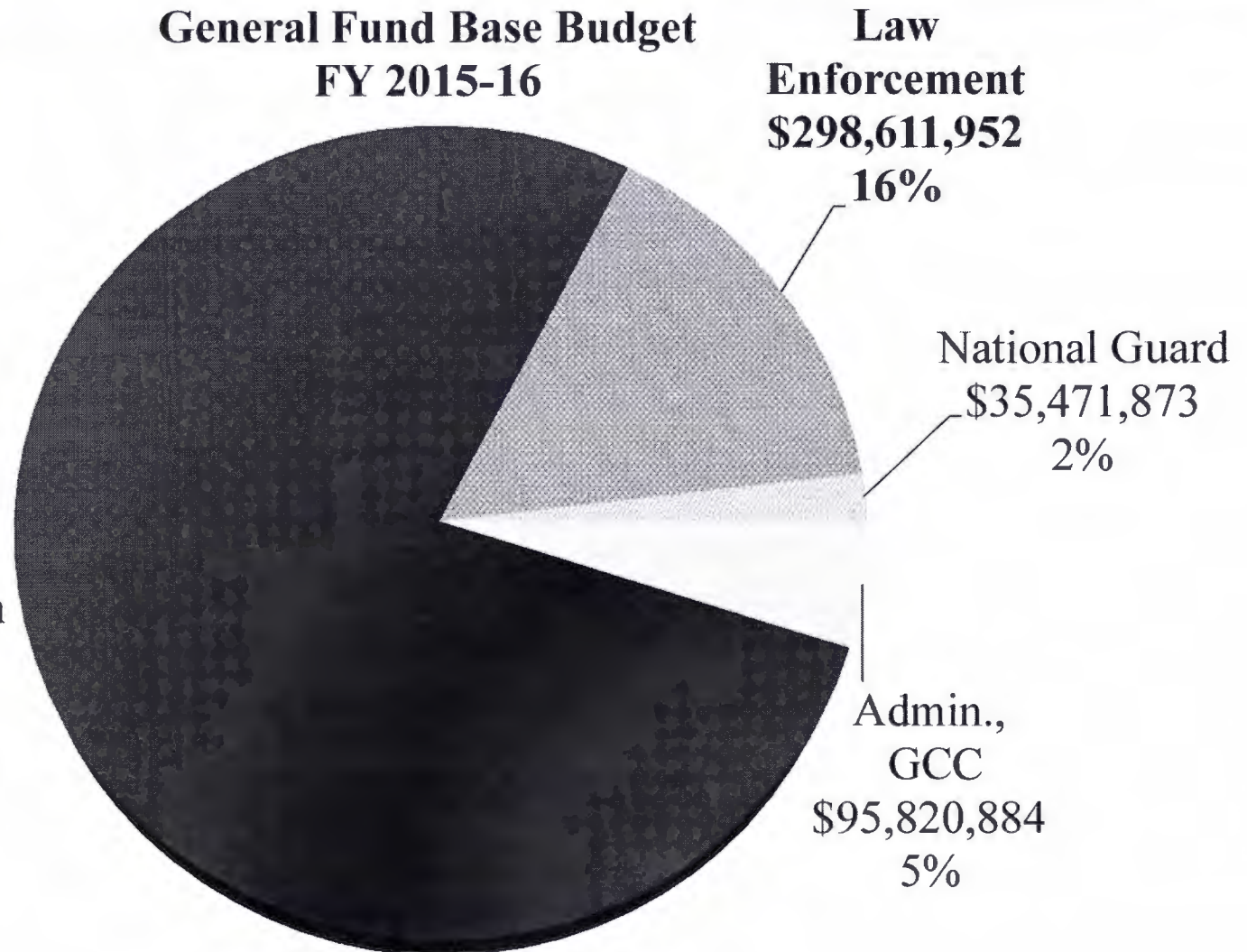


# FY 2015-16 Base Budget

Total Budget:  
**\$1.9 billion**  
Total Full-Time  
Equivalent (FTE)  
Employees:  
**24,676.45**

## General Fund Base Budget FY 2015-16

Adult Correction  
and Juvenile  
Justice  
\$1,479,268,808  
77%

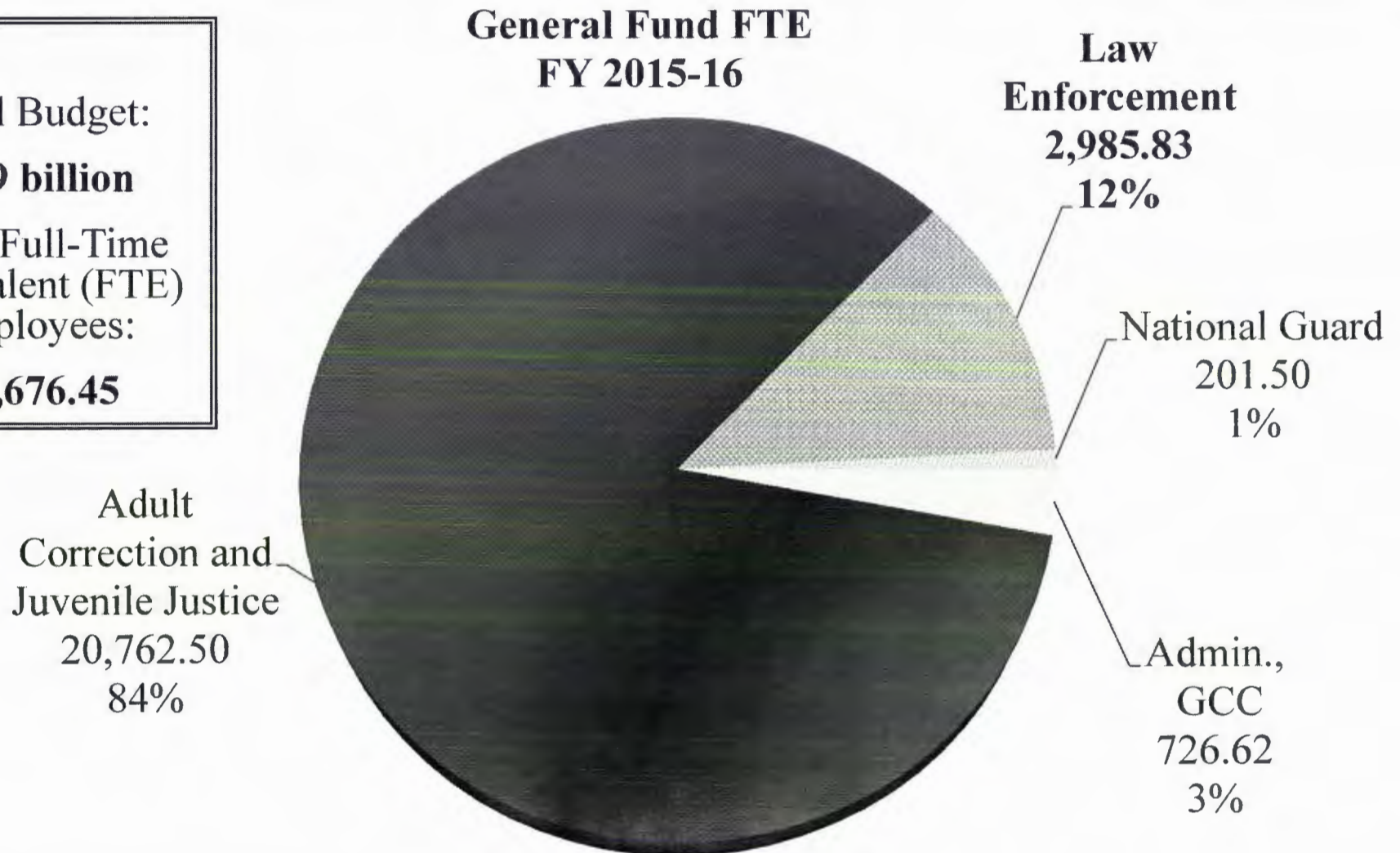


Source: NCIBIS, Worksheet I, 03/03/2015



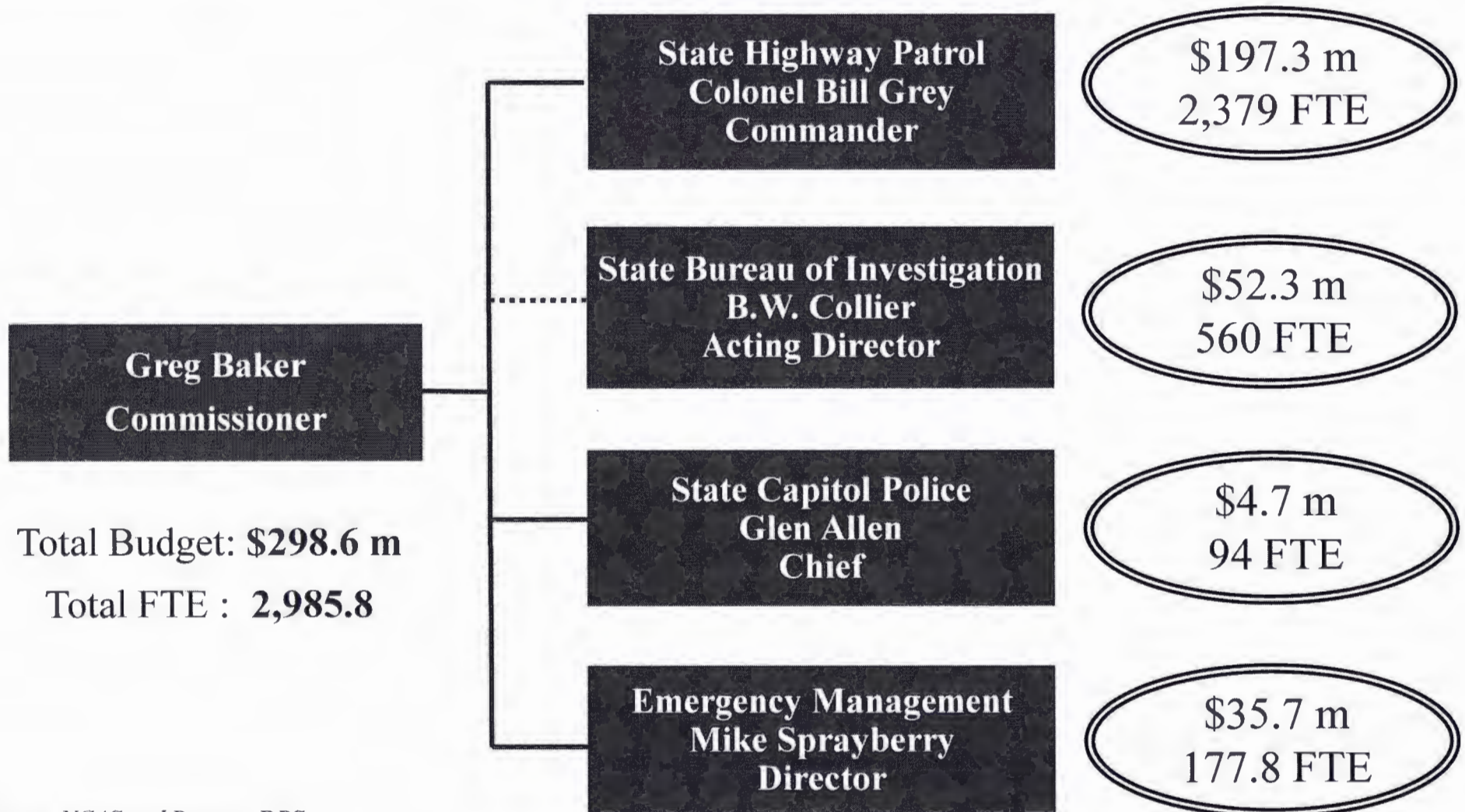
# FY 2015-16 Base Budget

Total Budget:  
**\$1.9 billion**  
Total Full-Time  
Equivalent (FTE)  
Employees:  
**24,676.45**



Source: NCIBIS, Worksheet I, 03/03/2015

# Division of Law Enforcement



Source: NCAS and Beacon, DPS



# NC State Highway Patrol

---

**Established in 1929**

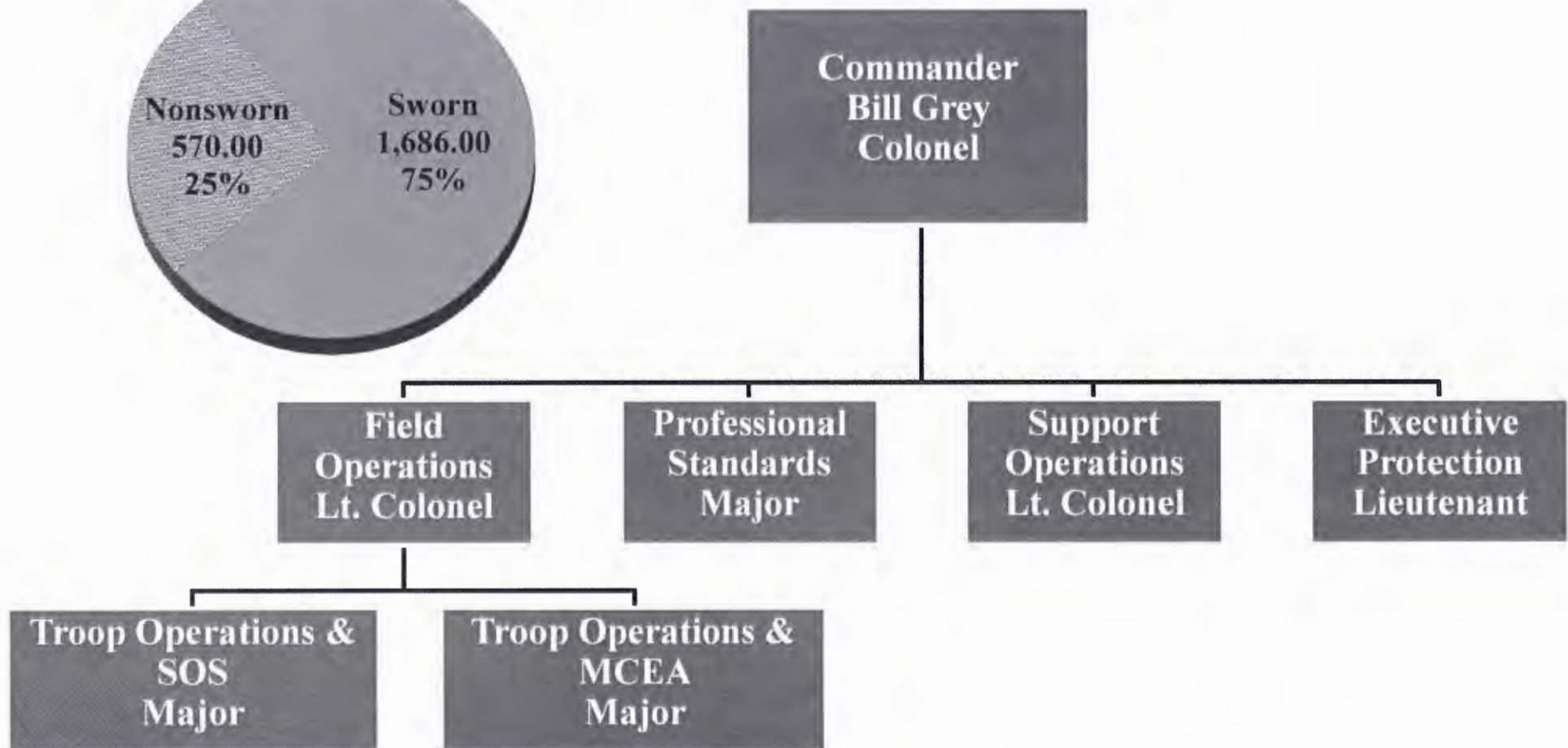
**G.S. 20, Article 4**

**Mission:** To ensure safe, efficient transportation on our streets and highways, reduce crime, protect against terrorism, and respond to natural and manmade disasters.



# NC State Highway Patrol

---





# NC State Highway Patrol

## Field Operations

Eight Troops divided into six to eight districts each

- Enforce traffic laws
- Investigate accidents and assist motorists
- Provide traffic safety information
- Commercial Vehicle Enforcement

## In 2014, Troopers:

- Issued 345,173 speeding tickets
- Arrested 20,190 DWI offenders
- Investigated 105,630 accidents

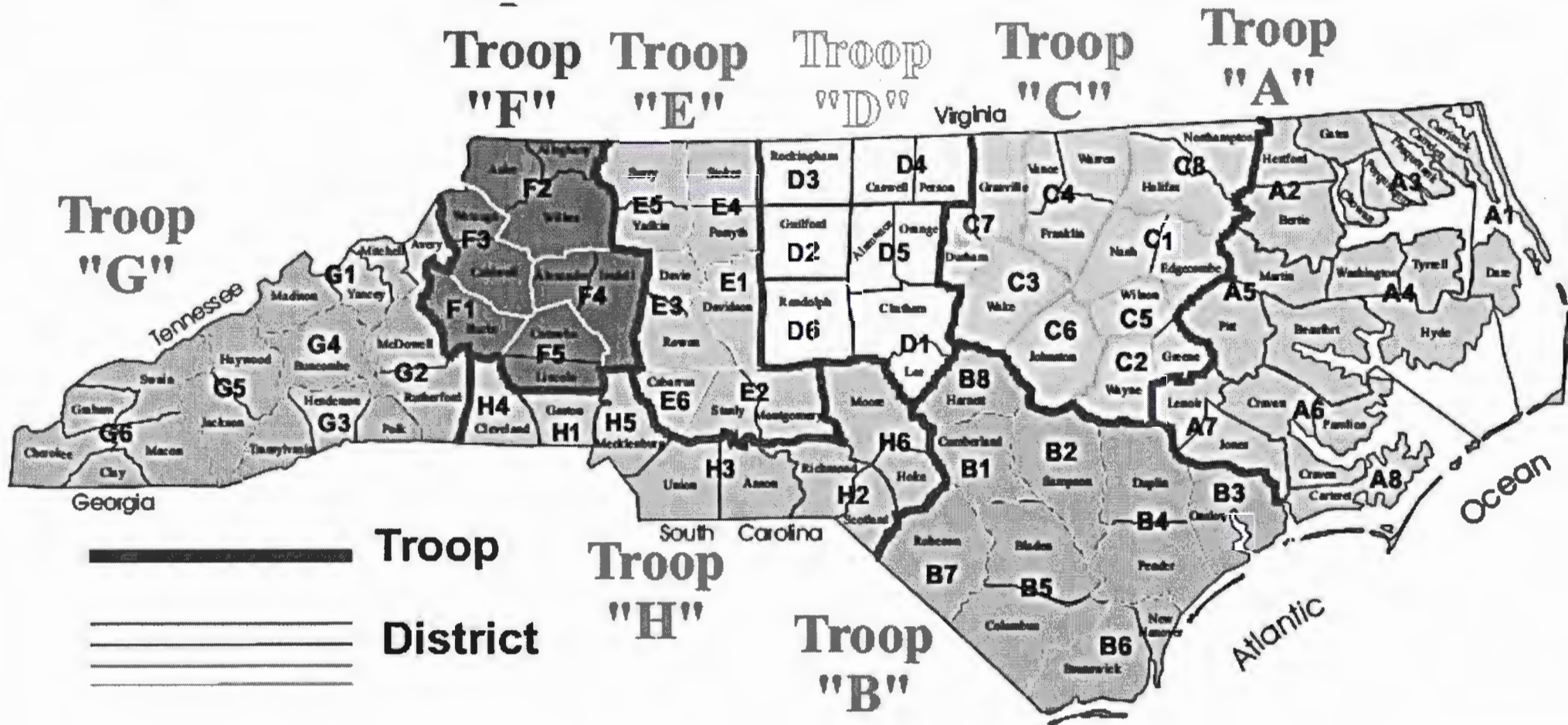


Source: NC DPS



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

# NC State Highway Patrol





# NC State Highway Patrol

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## Professional Standards

- Internal Affairs
- Inspections
- Medical Services
- Personnel, Benefits
- Recruitment, Performance, Promotion
- Research and Planning



Source: NC DPS

# NC State Highway Patrol

## Highway Patrol Training Academy

Located at the Governor Morehead School for the Blind since 1976

- 9 buildings
- 317 acres
- Driving track
- Heliport

## Basic School

- 66 cadets, plus alternates
- 29 weeks, 1,305 hours
- \$2 million per class
- New trooper equip. \$48,3826

## In-service Training

## Certification and Specialized Training



Source: NC DPS



# NC State Highway Patrol

---

## Support Services - Logistics

- Mechanics and Auto Body Shop
- Radio Engineers
- Motor Fleet
- Equipment, supplies, uniforms

## Support Services – Technical Services Unit

- All SHP computer systems
- Laptop and desktop support
- VIPER



Source: NC DPS

# NC State Highway Patrol

## VIPER

Voice Interoperability Plan for Emergency Responders

- Allows inter-agency communication during emergencies
- State/local Partnership
  - State pays for towers
  - Locals pay for their radios
- 240 Tower sites (213 constructed)
- 65,388 users from 260 agencies
- Cost to date - \$174.5 million (\$110.1 federal; \$64.5 State)

*90% complete  
PHI 6/24  
1-2 way  
Patrol*

## ~~Additional Funding to Complete - \$49 million~~

- \$26 m for tower completion
- \$23 m for P-25 technology upgrade

*Update  
from  
1/26/13*





# NC State Highway Patrol

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## Vehicles

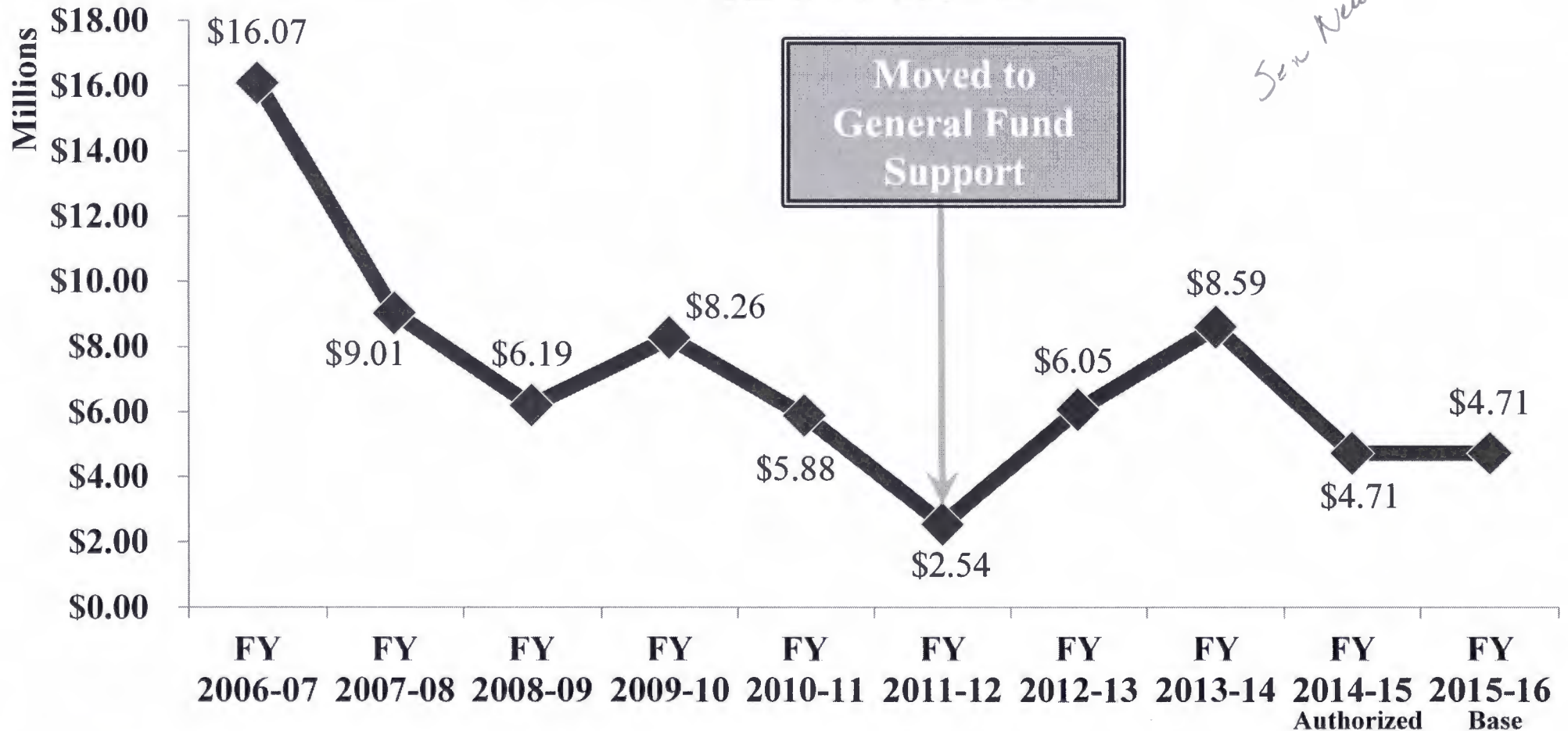
Enforcement vehicles:	1,622
Enforcement spares:	126
Training vehicles:	87
<u>192 support vehicles:</u>	<u>192</u>
<b>Total Fleet:</b>	<b>2,027</b>
Charger Cost:	\$26,199
Taxes and Tags:	\$786
<u>Upfit* Costs:</u>	<u>\$1,301</u>
<b>Total Cost:</b>	<b>\$28,286</b>



**\*Upfit costs do not include mobile computers or in-car cameras**

# NC State Highway Patrol

## State Highway Patrol Vehicle Expenditures Since FY 2004-05

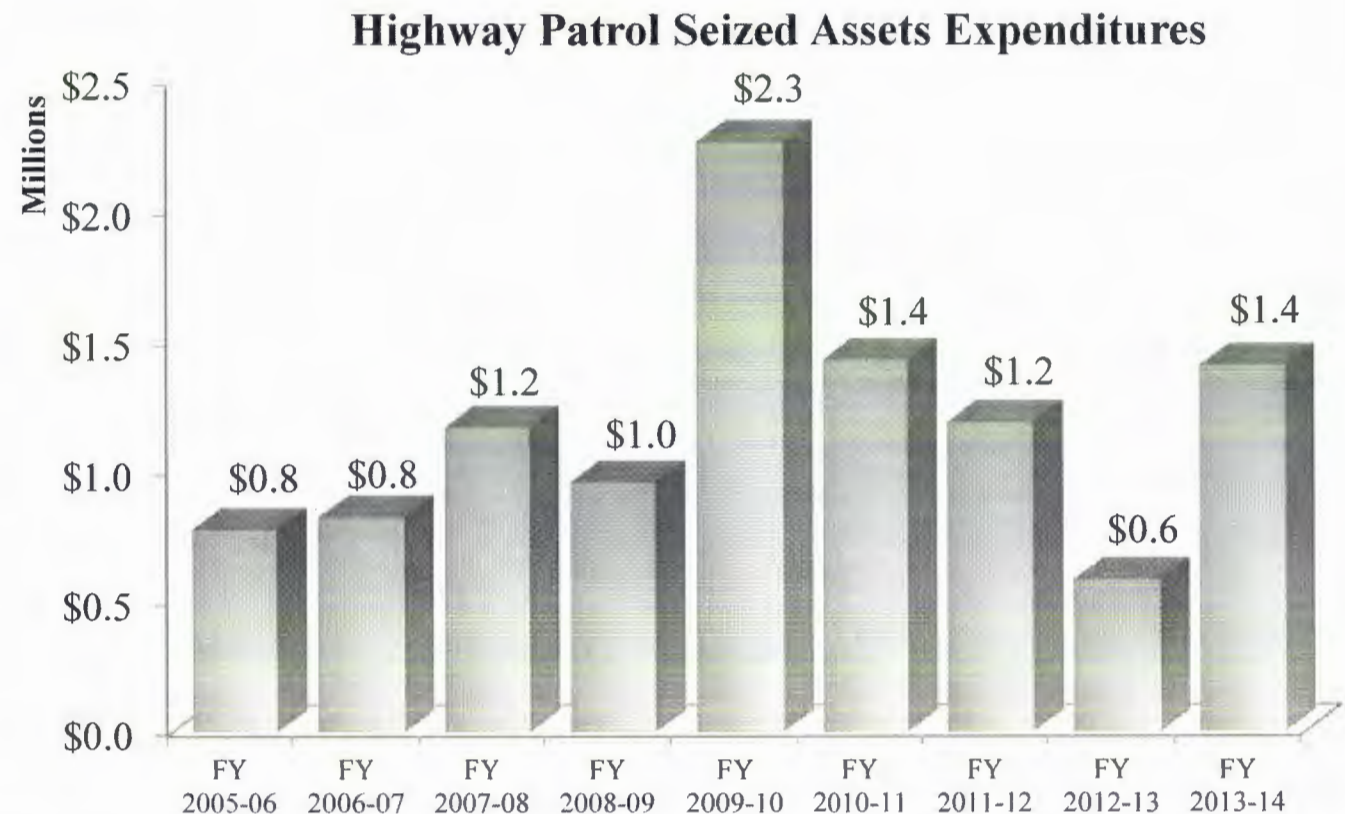


Source: DPS SHP, February 2014; NCIBIS Worksheet 1, 03/03/2015

# NC State Highway Patrol

## Seized Assets

- Weapons and armor
- Phones and radios
- Training
- Video Cameras

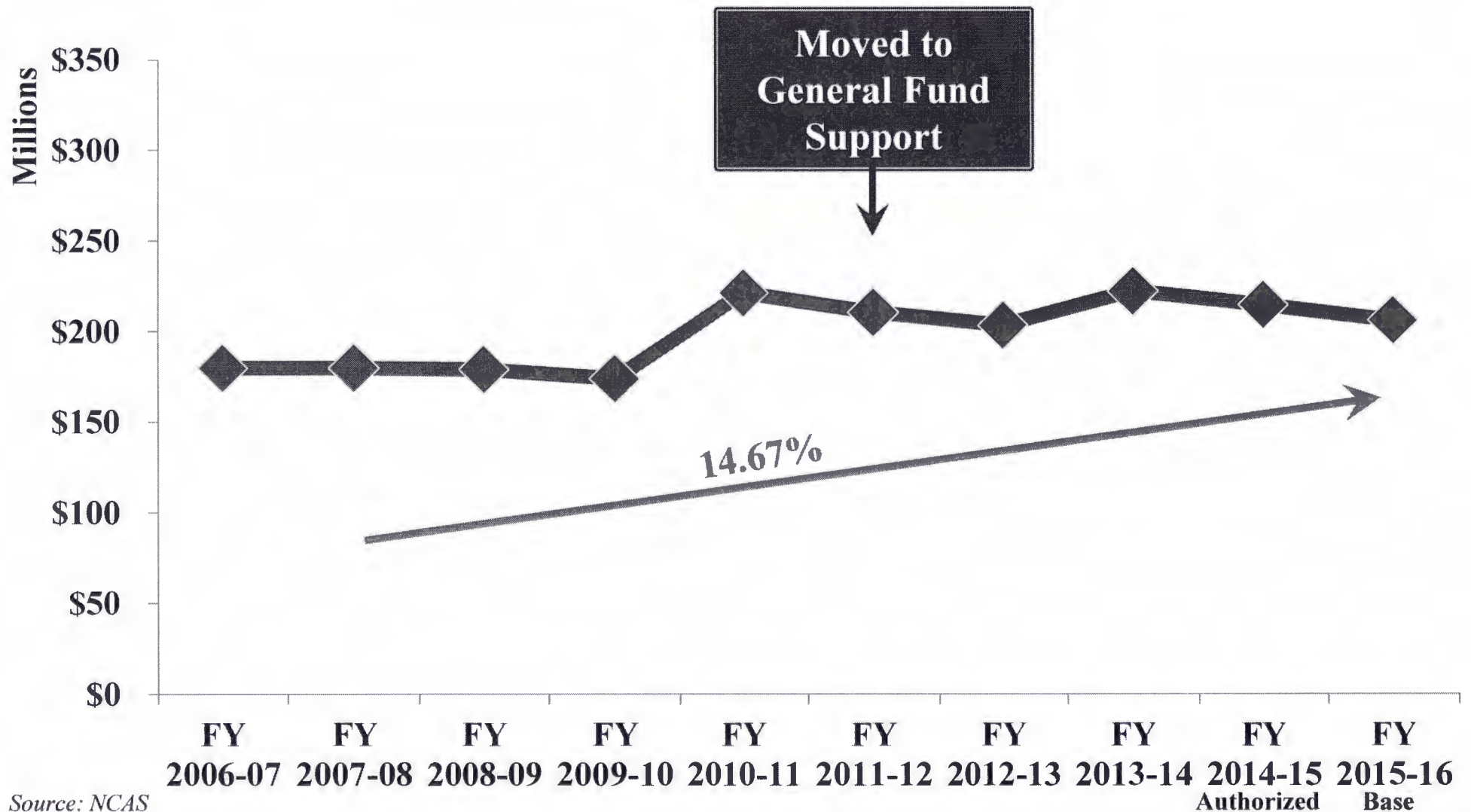


Source: NCAS



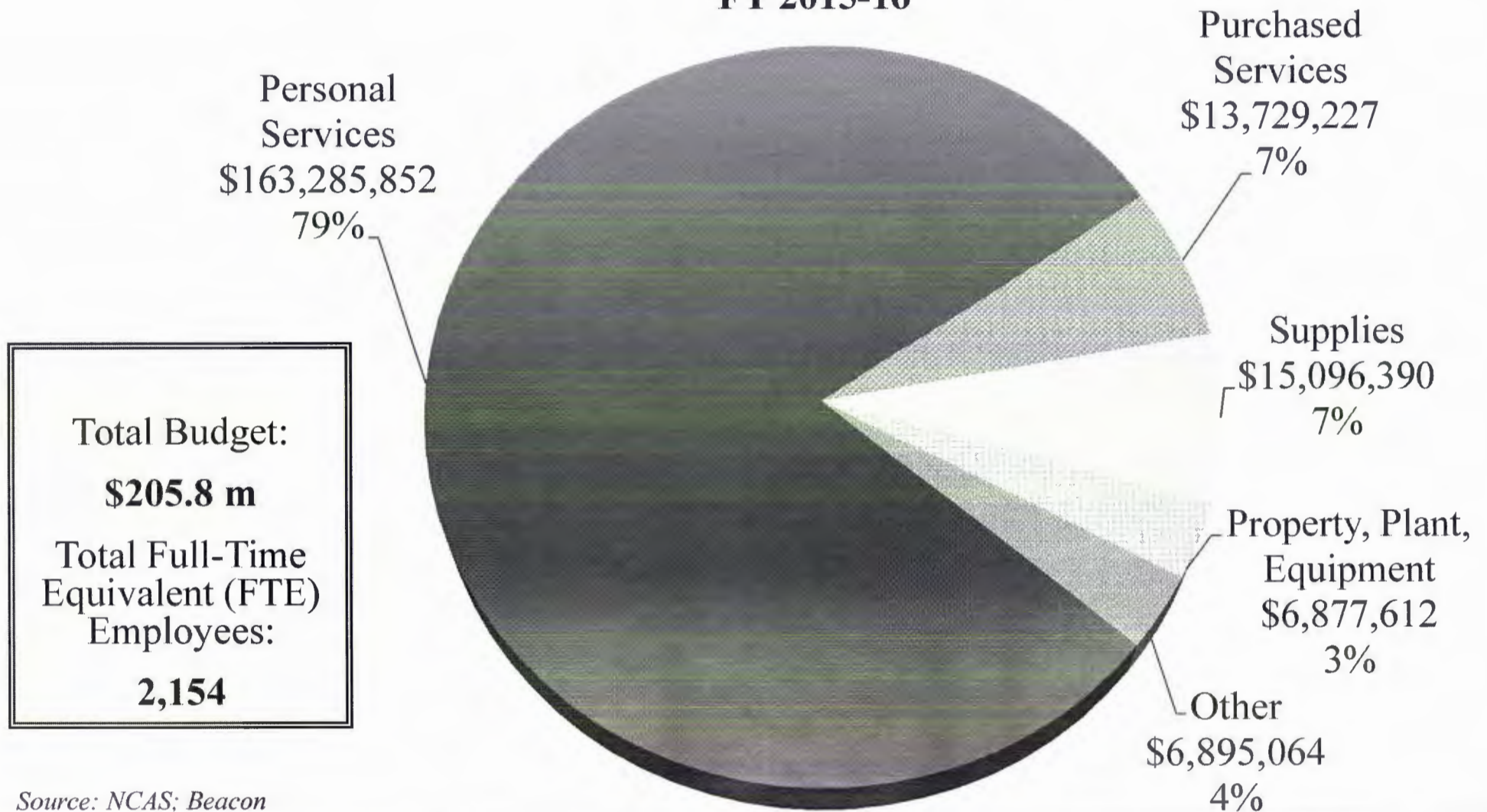
# NC State Highway Patrol

## Actual Expenditures Since FY 2006-07



# NC State Highway Patrol

## General Fund Base Budget FY 2015-16



Source: NCAS; Beacon

# SHP: Recent Budget Actions

---

## **2013 Budget (S.L. 2013-360)**

Department-wide Consolidation Efficiencies	(\$5,000,000) R
Budget Vacant Trooper Positions	\$2,505,713 R
SHP Fuel	\$3,677,292 R
SHP Aircards	\$626,000 R
SHP Mobile Computers	\$1,050,640 NR
SHP Communication Center Consolidation	(\$1,662,707) R
SHP Aviation	(\$901,900) R
SHP Consolidation of Technology Services Functions	(\$506,517) R
SHP Administration Reduction	(\$700,000) R
SHP Accreditation Unit Elimination	(\$402,978) R
SHP Support Positions	(\$772,853) R
SHP Traffic Safety Information Officers	(\$527,288) R
VIPER Operations and Maintenance	\$2,825,471 R



# SHP: Recent Budget Actions

---

## **2013 Budget (S.L. 2013-360) (continued)**

SHP VIPER Technology Upgrade	\$25,000,000 NR
VIPER Tower Construction (2 <sup>nd</sup> Year)	\$7,000,000 R
Continued the Step Increase Freeze	
Total net FTE eliminated: 54.0	

## **2014 Budget (S.L. 2014-100)**

DPS Department-wide Management Flexibility Reserve	(\$6,319,863) NR
\$1,000 salary increase for all permanent FTE	\$30,219,820 R
Experience-based Step-Increase	\$1,834,633 R ✓
SHP Vacant Trooper Positions	(\$1,781,325) R
SHP Uniforms	\$863,384 R
Troopers' Association Caisson Unit	\$100,000 NR
Total net FTE eliminated: 35.0	

**Section 16B.5** required DPS to use \$2.9 million of funds available to purchase VIPER radios for the Highway Patrol.

# Questions

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# State Bureau of Investigation





# SBI Transfer

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**Consolidate major State law enforcement divisions under one agency:**

- Shared resources
- Purchasing efficiencies
- Coordination and cooperation



# SBI Transfer

---

## Changes to SBI Director

### Previous Law

- Appointed by the Attorney General (AG)
- Served at pleasure of the AG
- No set terms
- Conducted most investigations “upon the request of” or “under the direction of” the Governor

### S.L. 2014-100, Sec. 17.1

- Nominated by the Governor and confirmed by the NCGA
- Can only be removed for cause by the Governor
- Eight-year terms
- Conducts most investigations “at the request of” or “under the direction of” the Governor



# SBI Transfer

---

## Savings and Efficiencies

### Information Technology

- Separated Division of Criminal Information from SBI and put it directly under Commissioner of Law Enforcement

### District Offices

- Required consolidation of Alcohol Law Enforcement and SBI district offices by October 1 (except Asheville, which is required by July 1, 2015)

### Bulk and Coordinated Purchasing

- Type II transfer of SBI left the budget under the control of the Secretary of Public Safety, allowing for better oversight and coordination of expenditures for supplies and equipment

**Total FY 2014-15 Savings: \$1.2 million**

# SBI Transfer

## Jurisdictional Boundaries



### G.S. 20-49 and 20-49.1

- Motor Vehicle Laws
- Crimes in their presence
- When called in by other law enforcement agencies



### G.S. 143B-900

- Same as a Raleigh police officer or Wake County deputy sheriff on property owned, leased, or maintained by the State in the city of Raleigh or Wake County



### G.S. 143B-919

- Hazardous waste dumping
- Communicating threats
- Arson (G.S. 58-79-5)
- Gambling and Lottery
- Drugs (G.S. 90-113.5)
- Lynchings
- Computer crimes
- Child sex abuse in daycares
- Riots
- Explosives
- Local investigations



### G.S. 18B-500

ALG

- Statewide jurisdiction over any criminal offense
- Primary responsibility is ABC and Lottery

# SBI Transfer

---

## Other Changes

### Moved ALE under the SBI

- G.S. 143B-928: *...the Alcohol Law Enforcement branch is a separate and discrete branch of the State Bureau of Investigation.*

### Clarified the ALE mission

- G.S. 18B-500: *the primary responsibility of an agent shall be enforcement of the ABC and lottery laws.*

### SBI personnel are the sole responsibility of the SBI Director

- G.S. 143B-927: *The Director shall be responsible for making all hiring and personnel decisions of the Bureau.*

# SBI Transfer

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## Progress Reports

- Interim – January 1, 2015
- Interim – April 1, 2015
- Final – October 1, 2015





# State Bureau of Investigation

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*B.W. Collier, Acting Director*

## **Original Jurisdiction (G.S. 143B-919):**

- Election fraud
- Lynchings
- Computer crimes against children
- Child sex abuse in daycares
- Explosives
- Riots
- Hazardous waste dumping
- Communicating threats
- Arson (G.S. 58-79-5)
- Gambling and Lottery
- Drugs (G.S. 90-113.5)

**Assistance to law enforcement at their request**

## **SBI Divisions:**

- Administrative Services
- Field Operations
- Special Operations
- Alcohol Law Enforcement

Total Budget:

**\$52.9 m**

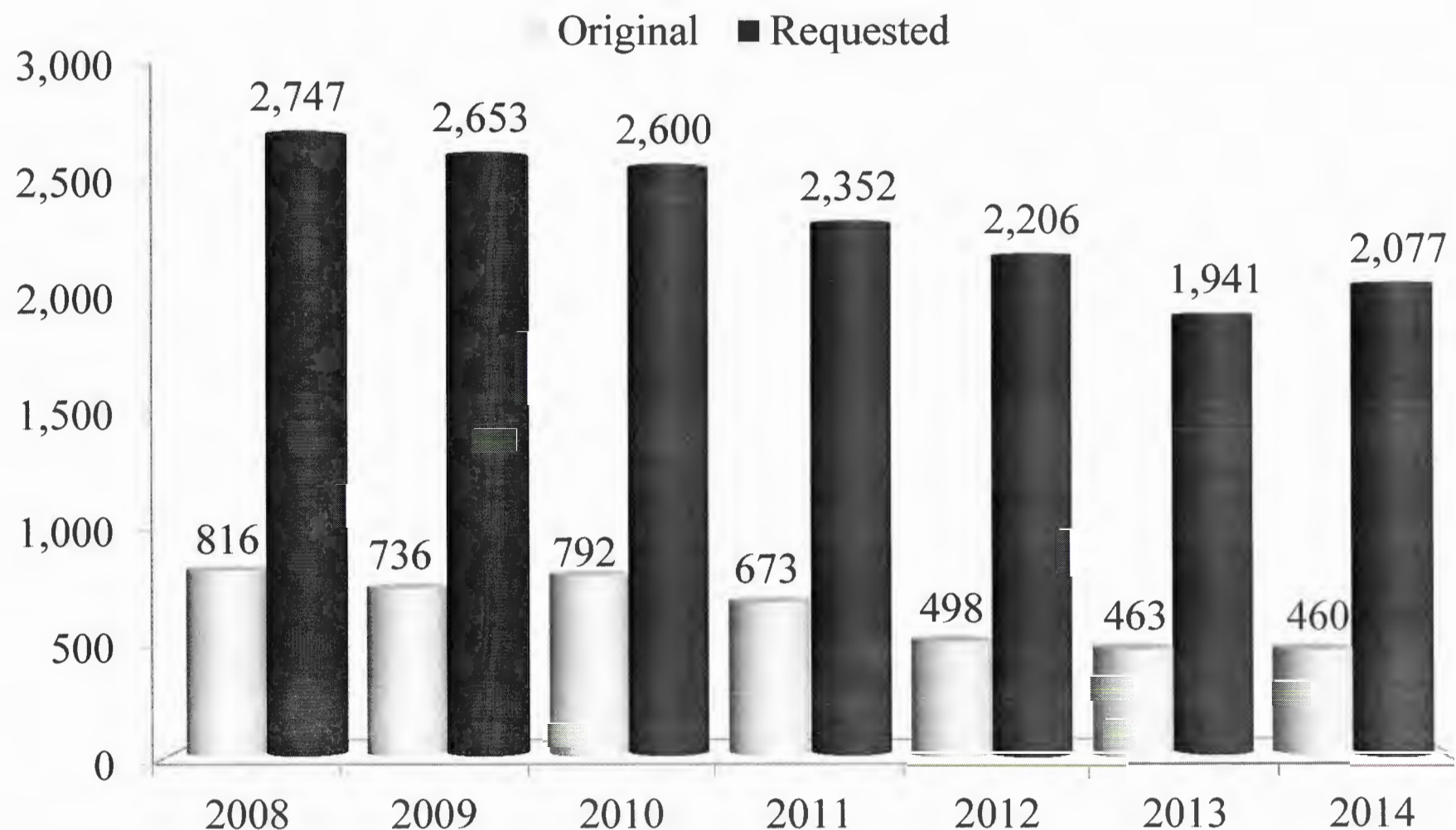
Total FTE:

**566.0**



# State Bureau of Investigation

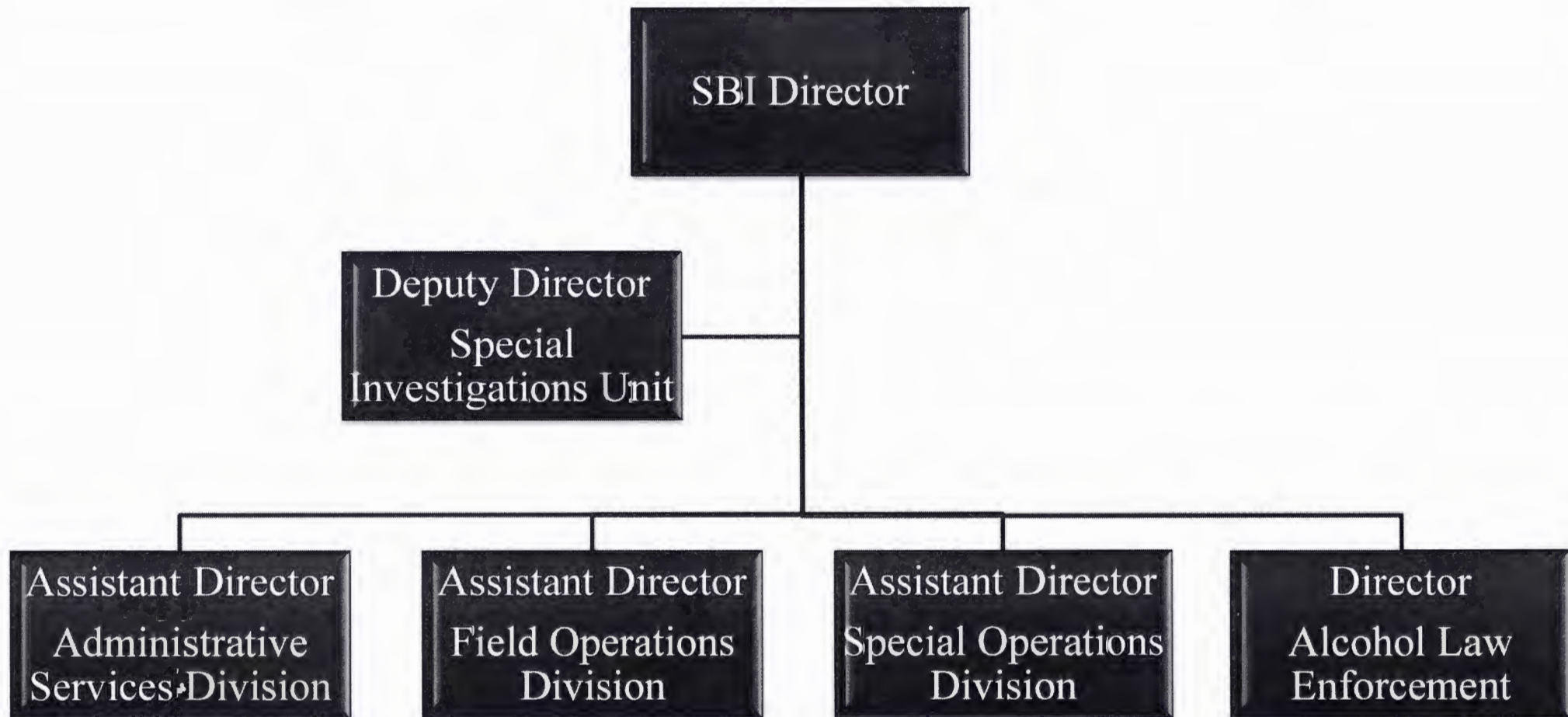
## SBI Origin of Investigation



Source: SBI

# State Bureau of Investigation

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# State Bureau of Investigation

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## Administrative Services Division

- Training and investigative support
- Accreditation and career development
- Business and logistics
- Case Records Management

**49 FTE**



*Source: FTE – Beacon BO149, 03/08/2015*



# State Bureau of Investigation

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## Recruitment and Training (11 FTE)

- Minimum Bachelor's degree
- Agents must have or obtain law enforcement certification
- 75% of new agent hires already have Basic Law Enforcement Training (BLET)
- All new agents go to SBI Academy
  - 18 weeks/ 720 hours
  - Salemburg Training Academy
- One year as agent trainee
- In-service training as required by CJTS and SBI



# State Bureau of Investigation

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## Alcohol Law Enforcement

118 FTE

Created 1977

G.S. 18B-500

*(c) ...The primary responsibility of an agent shall be enforcement of the ABC laws and lottery laws.*

### Statewide jurisdiction:

- ABC laws
- Lottery laws
- Bingo
- Gambling
- Boxing





# State Bureau of Investigation

---

## Field Operations Division

**179 FTE**

### Eight District Offices:

- Each has Special Agent in Charge (SAC), Assistant SAC, special agents, an administrative secretary and an office assistant
- Investigate original jurisdiction cases in their district
- Provide assistance to local law enforcement

### Special Investigation Units:

- Fire/Arson
- Crime Scene Search
- Polygraph



*Source: FTE – Beacon BO149, 03/08/2015*

# State Bureau of Investigation

## MEDICAID CRIMINAL INVESTIGATIONS

SAC Mark A. Isley  
5505 Creedmoor Rd, Suite #300  
Raleigh, NC 27612  
919-881-2395  
FAX: 919-571-4837

## TRAINING & INVESTIGATIVE SUPPORT

SAC Carl Wall  
3320 Old Garner Road  
Raleigh, NC 27626  
919-662-4500

## NORTHERN PIEDMONT DISTRICT

SAC Scott Williams  
501 Industrial Avenue  
Greensboro, NC 27406  
336-256-1362  
FAX: 336-256-1360

## SPECIAL INVESTIGATIONS

SAC K. Perry  
3320 Old Garner Road  
Raleigh, NC 27626  
919-662-4500

## NORTHEASTERN DISTRICT

SAC Anthony Jernigan  
1013 W. H. Smith Drive  
Greenville, NC 27834  
252-750-4750  
FAX: 252-756-4779

## NORTHWESTERN DISTRICT

SAC Paula Carson  
1060 Zion Church Road  
Hickory, NC 28602  
828-294-2226  
FAX: 828-294-3932

## CAPITAL DISTRICT

SAC Mike Denning  
1705 Tryon Park Drive  
Raleigh, NC 27610  
919-779-8188  
FAX: 919-779-8139

## WESTERN DISTRICT

SAC Brent Culbertson  
103 Underwood Rd  
Suite H  
Fletcher, NC 28732  
828-654-8901  
FAX: 828-654-7332

## SOUTHERN PIEDMONT DISTRICT

SAC Tony Underwood  
5994 Caldwell Park Drive  
Harrisburg, NC 28075  
704-454-5264  
FAX: 704-454-5376

## SOUTHEASTERN DISTRICT

SAC Trent Bullard  
414 Chicago Drive  
Fayetteville, NC 28306  
910-486-1262  
FAX: 910-486-1960

## COASTAL DISTRICT

SAC Mac Warner  
470 Dolphin Drive  
Jacksonville, NC 28546  
910-346-2121  
FAX: 910-346-3661

## SPECIAL SERVICES UNIT

SAC Todd Duke  
5994 Caldwell Park Drive  
Harrisburg, NC 28075  
704-454-5324  
FAX: 704-454-5386

## FINANCIAL CRIMES

SAC Mike East  
1705 Tryon Park Drive  
Raleigh, NC 27610  
919-662-4545  
FAX: 919-662-4540

## COMPUTER CRIMES UNIT

SAC Eric Hicks  
1705 Tryon Park Drive  
Raleigh, NC 27610  
919-779-8130  
FAX: 919-779-8135

## DECU

SAC Jonnie Varnell  
1705 Tryon Park Drive  
Raleigh, NC 27610  
919-779-8188  
FAX: 919-779-8132

## ISAAC

SAC Brian Neil  
310 New Bern Avenue  
PO Box 21444  
Raleigh, NC 27611  
919-716-1111  
FAX: 919-716-1120



Revised January 12, 2015



# State Bureau of Investigation

## Special Investigations Unit

Investigates public corruption and government misconduct and internal affairs for the SBI.

### Public Corruption Investigations

5 FTE



Source: FTE – Beacon BO149, 03/08/2015



# State Bureau of Investigation

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## **Special Operations Division**

### **Air Wing Unit (4 FTE)**

Aerial surveillance, marijuana eradication, investigative photography and reconnaissance, prisoner transport

### **Computer Crimes Investigations (16 FTE)**

Statewide coordination and investigation of computer and internet crimes primarily involving children

### **Diversion and Environmental Crimes Unit (16 FTE)**

Diversion of controlled drugs by health care professionals and environmental crimes



*Source: FTE – Beacon BO149, 03/08/2015*



# State Bureau of Investigation

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## Special Operations Division (continued)

### Financial Crimes Unit (14 FTE)

Complex white collar crimes including embezzlement and corporate malfeasance.

### Intelligence and Information (22 FTE)

Includes ISAAC and the Criminal Intelligence Unit.

### Threat Assessment and State Property Theft (2 FTE)

Assesses threats against government officials and investigates reports of theft of State property.



*Source: FTE – Beacon BO149, 03/08/2015*



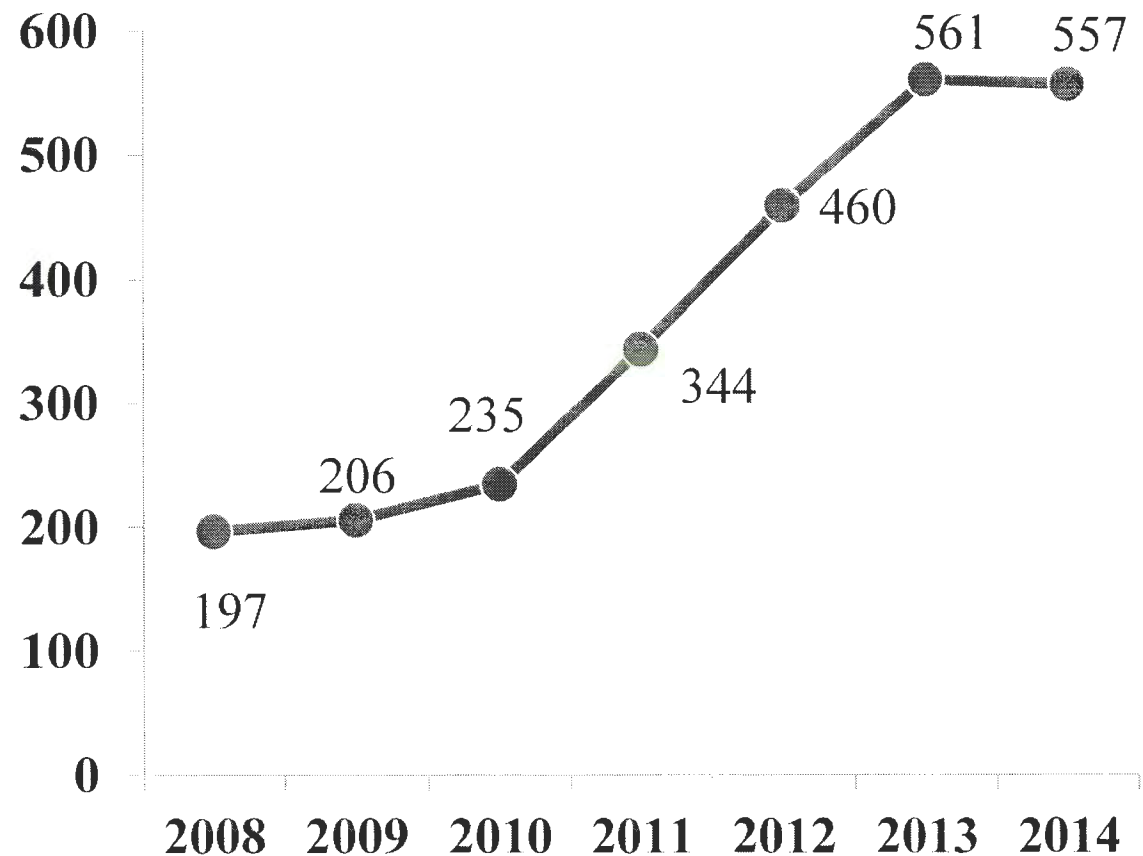
# State Bureau of Investigation

## Special Operations Division (continued)

### Special Services and Intelligence Units (20 FTE)

- Clandestine lab response
- Crises negotiation
- Fugitive arrest and apprehension
- Special Response Team
- Weapons of mass  
destruction/hazardous devices

### Meth Lab Responses



Source: DOJ; FTE from Beacon BO149

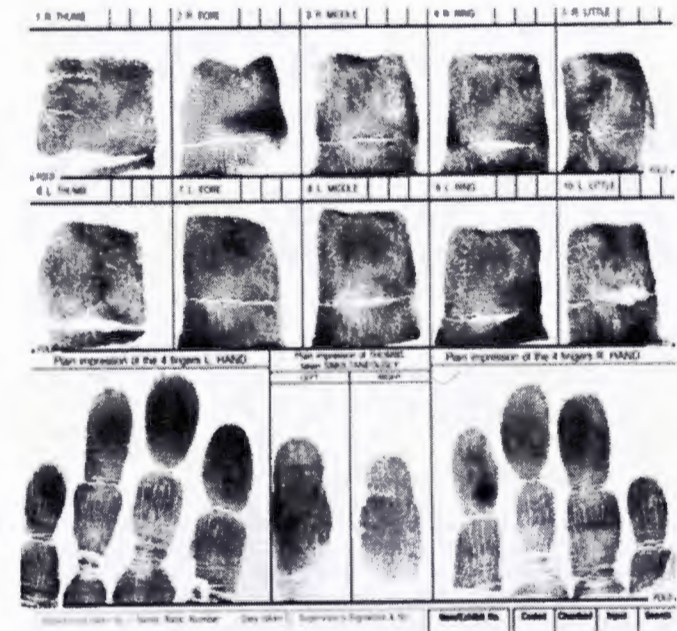


# State Bureau of Investigation

## Special Operations Division (continued)

### Criminal Information and Identification (72 FTE)

- Background checks
- Statewide Automated Fingerprint Identification System (SAFIS)
- Criminal Information Network (DCIN)
- Sex Offender Registry
- Uniform Crime Reporting Program (UCR)



Source: FTE – Beacon BO149, 03/08/2015

# State Bureau of Investigation

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## Background Checks

**SBI conducts background checks for:**

- Employment
- Licensure
- Adoption
- Concealed weapons
- Law enforcement



**Fees charged to everyone except law enforcement (G.S. 143B-930)**

- 104,032 background checks for 5,117 entities in FY 2013-14
- 117,853 background checks for concealed carry permits in FY 2013-14
- Total receipts: \$8.7 million

*Source: SBI*



# State Bureau of Investigation

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## **Criminal Information Network**

### **G.S. 143B-902 Powers and duties of DPS with respect to criminal information**

Requires DPS to collect information and share it with law enforcement

### **Criminal Information Network (CIN) (G.S. 143B-905)**

- Central law enforcement hub for 20,000 sworn law enforcement officers statewide
- Access to State and federal crime information
- Operates 24 hours a day, 365 days a year

### **Fees authorized (G.S. 143B-905(d))**

- 905 agencies with 27,689 end users in FY 2013-14
- Monthly fee - \$12 (mobile) or \$25 (desktop) per device
- Generated \$3.1 million in FY 2013-14



# State Bureau of Investigation

---

**Serves over 20,000 sworn law enforcement officers using the following systems:**

- Law Enforcement Message Switch (LEMS)
- Omnixx Force, Trainer, Charts, Alerts, and DMXLive
- Statewide Automatic Fingerprint Identification System (SAFIS)
- Computerized Criminal History (CCH)
- Sex Offender Registry
- Concealed Handgun Permits (CHP)
- EVOLVE
- Expungement
- Recovered Vehicles
- Crime Analysis Management System (CAMS)
- Crime Reporting
- Traffic Stops
- NC-DEx



# State Bureau of Investigation

---

## Seized and Forfeited Assets

Federal program subject to federal regulations.

### Funds can be used for:

- Investigations
- Training
- Facilities
- Equipment
- Travel
- Other

### Funds can NOT be used for:

- Salaries
- Scholarships
- Food and beverages
- Hospitality suites
- Illegal activities



# State Bureau of Investigation

## SBI Seized Assets

- Vehicles
- Phones
- Computers and software
- Undercover operations



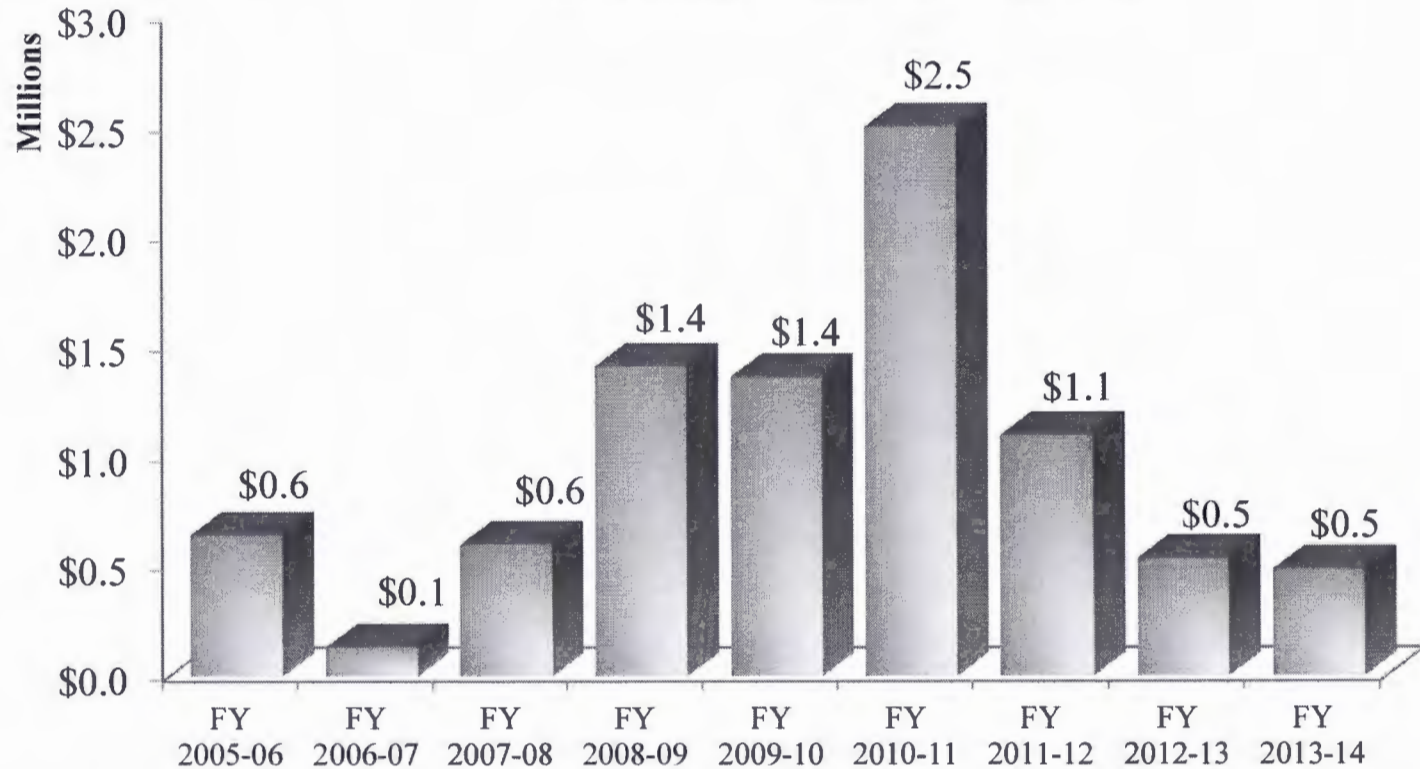
Source: NCAS Budget History

# State Bureau of Investigation

## ALE Seized Assets

- Weapons and armor
- Ammunition
- Gas
- Vehicles

## ALE Seized Assets Expenditures



Source: NCAS Budget History



# State Bureau of Investigation

**General Fund Budget by Account  
FY 2015-16 Base Budget**

Total General Fund  
(GF) Budget:

**\$52,253,095**

Total GF Full-Time  
Equivalent (FTE)  
Employees:

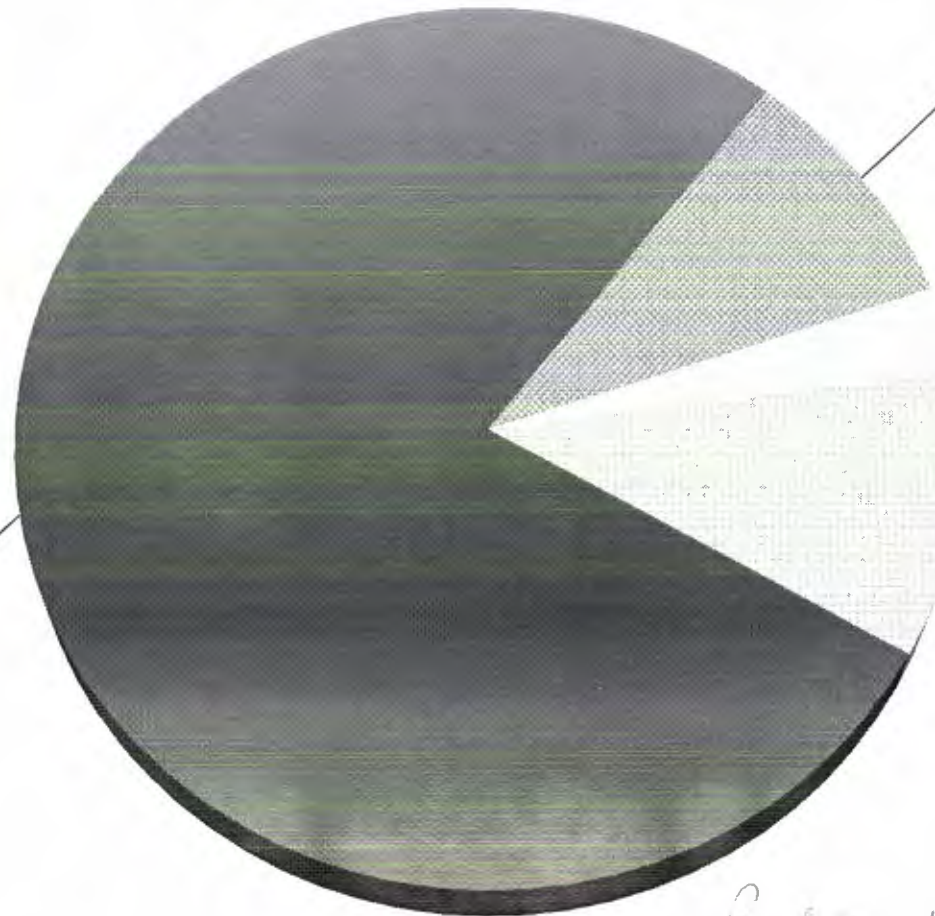
**560.0**

Personal  
Services  
\$40,261,934  
77%

Purchased  
Services  
\$4,909,922  
10%

Supplies and  
Equipment  
\$1,666,452  
3%

Other  
Expenses and  
Reserves  
\$5,414,787  
10%



Source: NCIBIS, Worksheet I, 03/03/2015

# State Bureau of Investigation

**General Fund Budget by Source  
2015-16 Base Budget**

Total General Fund  
(GF) Budget:

**\$52,253,095**

Total GF Full-Time  
Equivalent (FTE)  
Employees:

**560.0**



Source: NCIBIS, Worksheet I, 03/03/2015



# SBI: Recent Budget Actions

---

## **2013 Budget (S.L. 2013-360)**

DOJ Department-wide Management Flexibility Reserve (\$1,700,000) R

ALE Operating Reduction (\$1,750,000) R

- **Sec. 17.6** moved the State Crime Lab out of the SBI

## **2014 Budget (S.L. 2014-100)**

DPS Department-wide Management Flexibility Reserve (\$6,319,863) NR

\$1,000 salary increase for all permanent FTE \$30,219,820 R

Consolidation Savings Reduction (\$1,000,000) R

ALE/SBI District Office Consolidation (\$231,439) R

Restoration of 13 ALE Positions \$724,454 R

- **Sec. 17.1** moved the SBI to DPS and placed ALE under the Director of the SBI.

# Questions

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HOUSE PAGES

NAME OF COMMITTEE JPS DATE \_\_\_\_\_

1. Name: SIERRA COX (H)

County: GASTON

Sponsor: SPEAKER MOORE

2. Name: REGINA WIECHERT (S)

County: HARNET

Sponsor: SEN. RATBIN

3. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

4. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

SGT-AT-ARM

1. Name: BARRY MOORE (H)

2. Name: BH POWELL (H)

3. Name: DAVID LINTHICUM (LYNN - THA - COME)

4. Name: GILES & JEFFREYS (S)

DALE HUFF (S)

DAVE HOFF (2)  
 GILES & SUTHERS (2)  
 DAVID LINTV.COM (2)  
 B.H. FOWELL (H)  
 BARRY MOORE (H)



# VISITOR REGISTRATION SHEET

## Appropriations on Justice and Public Safety

March 19, 2015

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Jeff Gray	Fraternal Order of Police
Chris Agnew	DOJ
Tracy Little	DSBM
Jarrett Burr	NCDPS
B.W. Collins	NCSBI
Mildred Spearman	NCAAC
Gregory K. Baker	NCDPS
Rodert Woot	NCSHP
Marsha Overby	NCSHP
Bill Gray	NCSHP
Janie P. Sutton	NCSBI
B. Renee' Robinson	NCSBI
Mark Brewington	NCSBI
Rodney T. Beckman	ALE
Jason Leckler	NC ALE
Ken Pike	NC ALE
MARK SENTER	ALCOHOL LAW ENFORCEMENT

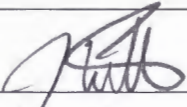


# VISITOR REGISTRATION SHEET

## Appropriations on Justice and Public Safety

March 19, 2015

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
	MHC
Leo Rubert	SPC
Cara Townsend	Gov. office



**SENATE APPROPRIATIONS COMMITTEE ON JUSTICE AND PUBLIC SAFETY**  
**Room 415 Legislative Office Building**

**May 27, 2015 8:00 A.M.**

**I. CALL TO ORDER**

Chairs:        Senator Stan Bingham  
                 Senator Buck Newton  
                 Senator Shirley Randleman, Presiding

**II. OPENING REMARKS BY CHAIRS**

**III. PRESENTATIONS**

Senate Target and Guidelines  
*Kristine Leggett, Fiscal Research Division*

**IV. COMMITTEE DISCUSSION**

**V. ADJOURNMENT**

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**Senate Appropriations Subcommittee on JPS**

Sen. Bingham (Chair)  
Sen. Newton (Chair)  
Sen. Randleman (Chair)  
Sen. Apodaca (Vice Chair),  
Sen. Foushee, Sen. Hartsell, Sen. Jackson, Sen. Lee





**Joint Committee on Appropriations on Justice and Public Safety**

**Wednesday, May 27, 2015 at 8:00 AM**

**Room 415, Legislative Office Building**

**Minutes**

The Joint Committee on Appropriations on Justice and Public Safety met at 8:00 AM on March 5, 2015 in Room 415 of the Legislative Office Building. Four members were present.

Senator Shirley Randleman, Chair, presided. Senator Randleman called the meeting to order at 8:00 AM. She recognized the pages and Sergeants at Arms Steve McCay and Canton Lewis.

Senator Randleman recognized Kristine Leggett, Fiscal Research Divisions, to speak on the Senate Budget Targets and Guidelines. Kristine called the members attention to the handout on spending targets (See Attached). She read through the spending targets document and Sen. Randleman asked if there were any questions; there were none.

Kristine asked the members to turn to the provided budget calendar (See Attached). She called attention to the important dates on the calendar and Senator Randleman asked if there were any questions; there were none. Senator Randleman thanked the staff, and noted that they would be available for questions after the meeting.

Senator Randleman adjourned the meeting at 8:06 AM.



Senator Shirley Randleman. Chair  
Presiding



Jeb Kelly, Committee Clerk



## ATTENDANCE

## 2015- 2016 Joint Appropriations Subcommittee on Justice and Public Safety

[illegible]





## Senate Appropriations Committee on Justice and Public Safety

### Spending Targets:

FY 2015-16: \$2,409,302,179

FY 2016-17: \$2,409,352,994

### Guidance for All Subject Area Committees:

#### Committee Report and Special Provisions

- Evaluate budget programmatically, eliminating programs that aren't needed and providing adequate funding to those that still serve vital functions.
- Recurring money expansion items (funded outside of the Committee spending target) must be funded with recurring reductions.
- Address budget needs for both years of the biennium, minimizing the need for a revised budget in the short session.
- No spending reversions or "shall not revert" language in special provisions or money items.
- Vacant positions are being handled by the Full Chairs. Subcommittees **should not eliminate the funding for vacant positions.**
- If eliminating filled positions, list each position number.
- Consult other subject area committees as necessary.
- Refer certain items to the Full Chairs:
  - Salary-related items, debt service, or other statewide issues
  - Fee increases/decreases
- Worker's Compensation line items should be increased/decreased to reflect an average of FY 2012-13 and FY 2013-14 actuals.
  - Subcommittees must achieve this within their target amounts and should not decrease other accounts that would simply shift a structural budget problem in worker's compensation to another line item.
- All programs receiving funding via a transfer from the Highway Fund will be subject to Continuation Review. Additional information will be provided regarding this process.

#### Reporting

- Note unresolved or pending items.
- List funding priorities not included in package.



## **Senate Appropriations Committee on Justice and Public Safety**

### **Specific Committee Guidance:**

- Evaluate practice of waiving court fees.
- Statutory salary increases (highway patrol, magistrates and court clerks) are the purview of the full Chairs.



## Senate 2015 Appropriations Schedule

May 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 House Budget Process	6	7	8	9
10 Mother's Day	11	12 House Budget	13	14	15	16
17	18	19 House Approps	20	21 House 2nd Reading	22 House 3rd Reading	23
24	25 Memorial Day	26 Senate Budget Process	27	28	29	30
31						





## Senate 2015 Appropriations Schedule

June 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>1</b> Senate Budget Process	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>7</b>	<b>8</b>	<b>9</b> Senate Approps & Finance	<b>10</b> Senate 2 <sup>nd</sup> Reading	<b>11</b> Senate 3rd Reading	<b>12</b>	<b>13</b>
<b>14</b>	<b>15</b> Conference Process	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
<b>21</b> Father's Day	<b>22</b> Conference Process	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>
<b>28</b>	<b>29</b>	<b>30</b> Pass Conference Report				



# VISITOR REGISTRATION SHEET

Senate Appropriations on Justice and Public Safety  
(Committee Name)

5/27/15

Date

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

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Chris Agan	DOJ
NELS ROSBLAND	NCDOJ
<del>Jim Mack</del>	FOP
Dee Jones	Conf. of DAs
B Moore	Conf of Clerks of SCOT
James C. Mixson III	Clerk of Superior Court - Iredell County
Ryan Combs	DPS
MARK SENTER	ALCOHOL LAW ENFORCEMENT
Ken Pike	ALE
Brian C. Neil	NC SBI
Darlene Langston	DPS
Mary Irvine	NC Equal Justice Alliance
Flint BENSON	SEANC
Mildred Spearman	NCAECU
Lao Rubsut	CRPC
Bill Grey	NCSHP
Marsha Overby	NC SHP





## VISITOR REGISTRATION SHEET

(Committee Name)

Date \_\_\_\_\_

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

[illegible]



VISITOR REGISTRATION SHEET

Senate Appropriations on Justice and Public Safety  
(Committee Name)

5/27/15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Lexi Morgan	NRMA



SENATE APPROPRIATIONS COMMITTEE ON JUSTICE AND PUBLIC SAFETY  
Room 415 Legislative Office Building

June 15, 2015 4:00 P.M.

I. CALL TO ORDER

Chairs: Senator Stan Bingham  
Senator Buck Newton, Presiding  
Senator Shirley Randleman

II. OPENING REMARKS BY CHAIRS

III. PRESENTATIONS

Recommended Senate JPS Budget  
*Fiscal Research Division Staff*

IV. COMMITTEE DISCUSSION

V. ADJOURNMENT

---

Senate Appropriations Subcommittee on JPS

Sen. Bingham (Chair)

Sen. Newton (Chair)

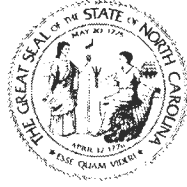
Sen. Randleman (Chair)

Sen. Apodaca (Vice Chair),

Sen. Foushee, Sen. Hartsell, Sen. Jackson, Sen. Lee







**SENATE APPROPRIATIONS COMMITTEE ON JUSTICE  
AND PUBLIC SAFETY  
June 15, 2015**

**Room 415 of the Legislative Office Building**

The Senate Appropriations Committee on Justice and Public Safety met on June 15, 2015 in Room 415. Three members were present.

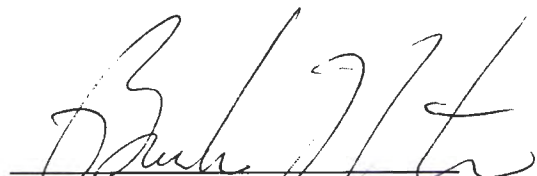
Senator Buck Newton, Chair, presided. The meeting was called to order at 4:04 p.m. The Chair recognized the Pages and Sergeant-At-Arms.

**Presentations**

The Chair recognized Fiscal Research Division staff to present the committee report on exhibit A, Report on Continuation and Expansion Budgets. Kristine Leggett began the presentation on the committee report for the Department of Justice. John Poteat presented on Adult Corrections. Lisa Fox presented ABC Commission Report and William Childs reported on Indigent Defense. The Chair opened the floor for questions and discussion. Having none, Fiscal Research went to exhibit B, Proposed Special Provisions for the Budget. Kristine Leggett presented a modified version of Law Enforcement. John Poteat presented on Adult Corrections. Lisa Fox presented on Parole Eligibly report. William Childs presented on the AOC report. Chairman Newton opened the floor for questions and discussion. Having none, Chairman Newton recognized Kristine Leggett to cover Senate Appropriations/Base Budget Committee Rules for Considering Amendments, Exhibit C. Chairman Newton opened the floor for questions and discussion, having none, the meeting adjourned at 4:36 p.m.

Respectfully submitted,

  
Carol Wilson, Committee Clerk

  
Sen. Buck Newton, Committee Clerk



**Carol Wilson (Sen. Buck Newton)**

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**From:** Maria Kinnaird (Sen. Stan Bingham)  
**Sent:** Thursday, June 11, 2015 03:30 PM  
**To:** Maria Kinnaird (Sen. Stan Bingham)  
**Subject:** <NCGA> Senate Appropriations on Justice and Public Safety Committee Meeting  
Notice for Monday, June 15, 2015 at 4:00 PM  
**Attachments:** Add Meeting to Calendar\_LINC\_.ics  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Principal Clerk \_\_\_\_\_  
Reading Clerk \_\_\_\_\_

**SENATE**  
**NOTICE OF COMMITTEE MEETING**  
**AND**  
**BILL SPONSOR NOTICE**

The **Senate Committee on Appropriations on Justice and Public Safety** will meet at the following time:

<b>DAY</b>	<b>DATE</b>	<b>TIME</b>	<b>ROOM</b>
Monday	June 15, 2015	4:00 PM	415 LOB

The following will be considered: The Senate Committee on Appropriations on Justice and Public Safety will present its portion of the Senate Proposed Committee Substitute to HB 97, "2015 Appropriations Act."

Senator Stan Bingham, Co-Chair  
Senator E. S. (Buck) Newton, Co-Chair  
Senator Shirley B. Randleman, Co-Chair





## Senate Appropriations/Base Budget 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 or create new management flexibility reserves are not allowed.
  6. Amendments that increase spending in the subcommittee budgets are not allowed.
  7. Amendments are not allowed where funding for an item comes from statewide reserves.
  8. Amendments that adjust funds from compensation increase reserves or other reserves related to salaries and benefits are not allowed.
  9. Amendments that adjust funds for workers' compensation are not allowed.
  10. Amendments that adjust funds related to vacant positions are not allowed.
  11. Since this is a meeting of Full Appropriations, amendments that address finance portions of the bill will not be heard.
  12. Amendments must be in writing, the original signed, with 100 copies available for distribution.
  13. To be considered, a proposed amendment must have been logged in by the committee clerk in room 643 by 10:00 a.m. on Tuesday, June 16, 2015.
-



**SENATE APPROPRIATIONS COMMITTEE**

**ON**

**JUSTICE AND PUBLIC SAFETY**

**REPORT  
ON THE  
CONTINUATION AND EXPANSION BUDGETS**

**House Bill 97**

**June 15, 2015**



## Public Safety

## GENERAL FUND

	FY 15-16	FY 16-17
Recommended Base Budget	\$1,758,733,006	\$1,758,773,164

## Legislative Changes

## A. Reserve for Salaries and Benefits

<b>1 Trooper Step Increase</b>	\$1,753,959	R	\$1,753,959	R
Provides funds for an experience-based step increase for State Highway Patrol Troopers pursuant to G.S. 20-187.3.				
<b>2 Correctional Officer Custody-level Based Pay Adjustment</b>	\$12,771,297	R	\$25,542,594	R
Provides funds to implement the mandatory increases associated with position reclassifications necessary to differentiate Correctional Officer pay by custody level as recommended in an Office of State Human Resources study of pay in correctional facilities. The State Human Resources Commission approved the recommendations of this study in the February 2015 meeting, indicating that the recommendations should be implemented as funds become available.				
<b>3 Compensation Increase Reserve - State Agency Teachers</b>	\$170,912	R	\$170,912	R
Provides funds to increase starting teacher pay from \$33,000 to \$35,000 per year, to adjust the tiers of the salary schedule, to grant an experience-based step increase for eligible educators earning a year of creditable experience, and to ensure that all educators, assuming no change in credentials, are paid at least their FY 2014-15 compensation.				
<b>4 Compensation Increase Reserve - DPS School-based Administrators (SBAs)</b>	\$6,000	R	\$6,000	R
Provides funds for an experience-based step increase for SBAs earning a year of creditable experience and funds an \$809 top of the salary schedule bonus. Any funds remaining may be used to implement Section 9.5.				

## B. Department-wide

<b>5 Workers' Compensation Adjustment Reserve</b>	\$17,890,209	R	\$17,890,209	R
Provides funding to adjust workers' compensation line items to the average FY 2012-13 and FY 2013-14 actual expenditures estimated to be from net General Fund appropriations. Agencies are directed to further adjust these line items using receipts to reflect the average FY 2012-13 and FY 2013-14 actual expenditures from all fund sources.				



**6 Samarcand Operating Costs**

Funds start-up costs for the Samarcand Training Academy in Moore County. The training facility will allow the Department to provide overnight training for correctional officers and juvenile justice officers, as well as other employees of the Department of Public Safety (DPS). Positions are phased in throughout the biennium.

\$1,096,687 R  
\$466,121 NR  
18.00

\$1,936,248 R  
21.00

**7 Appropriate Use-of-Force Training**

Provides nonrecurring funds to purchase a use-of-force training simulator for the Samarcand Training Academy.

\$109,656 NR

**C. Administration****8 Operating Budget Reductions**

Reduces various line items in the operating budget for the Division of Administration. Reductions include:

PC/Printer Equipment	(\$110,000)
Server Equipment	(\$ 56,000)
Data Processing Supplies	(\$ 15,000)
Laboratory Service Agreement	(\$ 6,000)
Library and Learning Resources	(\$ 7,000)
Other line items	(\$ 5,189)

(\$199,189) R (\$199,189) R

This reduction is 0.33% of the \$59.9 million budget for the Division of Administration.

**9 Governor's Crime Commission Budget Alignment**

Modifies the budgeted amount for PC software by \$10,879 and eliminates State matching funds of \$1,610 for grant funds that are no longer necessary. This is a 0.04% reduction to the Governor's Crime Commission budget of \$25.9 million.

(\$12,489) R (\$12,489) R

**D. Law Enforcement****10 SHP - Appropriate Use-of-Force Training**

Provides funds to the State Highway Patrol (SHP) to develop and coordinate appropriate use-of-force training for State law enforcement officers, including the State Bureau of Investigation (SBI), Alcohol Law Enforcement (ALE), and State Capitol Police. Recurring funds are provided for supplies and equipment replacement and training costs; nonrecurring funds are provided for a use-of-force training simulator and associated equipment in the first year.

\$150,000 R  
\$109,656 NR

\$150,000 R

**11 SHP Vehicles**

Increases the recurring budget for replacement of the Highway Patrol's enforcement and support fleet by 60% to \$7,992,752. An additional 34% increase is provided on a nonrecurring basis in FY 2015-16.

\$3,000,000 R  
\$1,710,750 NR

\$3,000,000 R

**12 SBI Vehicles**

\$1,943,373 R

\$1,943,373 R

Establishes a recurring budget to replace 75 vehicles per year for the State Bureau of Investigation, including ALE.

**13 SAFIS Replacement**

\$333,557 NR

Provides nonrecurring funds in the first year for replacement of the Statewide Automated Fingerprint Identification System. These funds are leftover from the 2007 SAFIS replacement. An additional \$399,602 is budgeted in receipts on a recurring basis for this purpose.

**14 Operation Medicine Drop**

\$120,000 NR

Provides funds to the SBI for Operation Medicine Drop, a program that conducts events for citizens to bring unused or expired medications to a central location for safe disposal.

**E. Emergency Management and National Guard****15 Emergency Management Operating Efficiencies**

(\$73,360) R

(\$73,360) R

Shifts partial funding of 4 positions (60084453, 60032393, 60084598, 60032400) to receipt support (\$48,657), and reduces funds for supplies and equipment by \$24,703. This is a 0.20% reduction to the total budget for Emergency Management of \$35.7 million.

-1.17

-1.17

**16 National Guard Operating Efficiencies**

(\$103,680) R

(\$103,680) R

Reduces the National Guard operating budget as follows:

Waste Mgt Services	(\$67,679)
Travel	(\$26,001)
Motor Vehicle Insurance	(\$10,000)

This is a 0.29% reduction to the total National Guard budget of \$35.5 million.

**17 National Guard Joint Forces Headquarters (JFHQ) Operating Expenses**

\$350,000 R

\$375,000 R

Provides funds for building utilities and maintenance for the National Guard's portion of JFHQ. Federal funds were used for this purpose until last year, when the federal portion of the funding was reduced to 55% and a 45% State match was required.

**F. Adult Correction and Juvenile Justice - Prisons****18 Harnett CI Electronic Intrusion System**

(\$53,788) R

(\$511,219) R

Enhances prison security through the installation of an Electronic Intrusion System (EIS) at Harnett Correctional Institution. EIS improves efficiency by eliminating staff in watchtowers and replacing them with a roving perimeter patrol. The total amount reduced in FY 2015-16 is \$127,838. However, the Department is authorized to spend \$74,050 nonrecurring funds for vehicles and telecommunications equipment for the perimeter patrols.

-14.00

-14.00

**19 Inmate Education**

(\$500,000) R

(\$500,000) R

Reduces the Inmate Education budget by 5.6%, leaving \$8,451,087 to provide education services.

**20 Continuation Review - Inmate Road Squads and Litter Crews**

Funds the Inmate Road Squads and Litter Crews for FY 2015-16 only. The Highway Fund provides \$9,040,000 to support 184 positions for this program. Restoration of FY 2016-17 funds is subject to the findings of the Continuation Review.

**21 Central Prison Mental Health Beds**

\$1,074,669 R

\$3,161,763 R

Funds 66 positions at the Central Prison Mental Health Facility to open 72 additional beds to enable the unit to operate at full capacity of 216 beds. Thirty-five positions are effective January 1, 2016 and 31 additional positions are effective January 1, 2017.

35.00

66.00

**22 Behavior Treatment Unit and Diagnostic Positions**

\$723,805 R

\$1,447,609 R

Establishes a mental health behavior treatment unit at Maury Correctional Institution and provides mental health positions for the Diagnostic Centers to improve the assessment of inmates' mental health status during processing. The positions are effective January 1, 2016.

\$65,625 NR

29.00

29.00

**23 Electronic Health Records**

\$681,679 R

Provides funding for vendor fees for access and data for the electronic inmate healthcare records system. The Department is currently using nonrecurring funds for the development and implementation of the system. Funding is provided effective January 1, 2016 and will be annualized in FY 2017-18.

**24 Statewide Misdemeanant Confinement Fund**

\$22,500,000 R

\$22,500,000 R

Provides funds for the Statewide Misdemeanant Confinement Fund (SMCF). This fund was previously supported by court costs that were transferred directly to the fund. SMCF provides payments to county jails for housing, transportation, and medical care for misdemeanants sentenced to confinement for longer than 90 days.

**G. Adult Correction and Juvenile Justice - Community Corrections****25 Electronic Monitoring**

\$700,000 R

\$707,971 R

Increases funding for electronic monitoring equipment for offenders under supervision. Use of electronic monitoring has more than doubled following the Justice Reinvestment Act; this funding supports the increased demand. With these additional funds, the budget for electronic monitoring will be \$4.9 million in FY 2015-17, a 17% increase.

**26 Broaden Access to Community Treatment**

Provides funds to the Broaden Access to Community Treatment program. These funds shall be restricted to substance abuse treatment services for offenders assessed as moderate to high-risk for recidivism and high need for substance abuse services. Funds distributed under this provision shall be given to evidence-based programs to enhance, increase, or expand existing substance abuse treatment programs for offenders being supervised by the Department.

\$1,359,744 NR

**H. Adult Correction and Juvenile Justice - Juvenile Justice****27 Residential Beds for Adjudicated Juveniles**

Provides funding for expanded bed capacity for adjudicated juveniles in contracted and State-run facilities throughout the State. The new total budget for juvenile community programs will be \$20.1 million, an increase of 11%.

\$2,000,000 R \$2,000,000 R

**Total Legislative Changes**

\$65,188,405 R \$81,867,380 R  
\$4,275,109 NR

**Total Position Changes**

66.83 100.83

**Revised Budget**

\$1,828,196,520 \$1,840,640,544

## Justice

## GENERAL FUND

	FY 15-16	FY 16-17
Recommended Base Budget	\$50,584,602	\$50,584,602

## Legislative Changes

## B. State Crime Laboratory

<b>28 Crime Lab Technicians</b>	\$251,117	R	\$330,504	R
Creates 6 new technician positions at the State Crime Lab to handle non-scientific duties. These positions will allow forensic scientists to concentrate on more complex tasks, increasing efficiency and turn-around time for lab analysis.	6.00		6.00	
<b>29 Outsourcing Funds for Forensic Analysis</b>	\$750,000	NR		
Provides funds in the first year to allow the State Crime Lab to outsource forensic analysis services, including toxicology and DNA.				

## C. Training and Standards

<b>30 Appropriate Use-of-Force Training</b>	\$236,129	R	\$236,129	R
Provides funds to the NC Justice Academy to develop curricula and provide appropriate use-of-force training to local law enforcement agencies. Funding is provided to create new criminal justice training coordinator positions for community relations and use-of-force training, and to offer multiple train-the-trainer programs in Fair and Impartial Policing throughout the year. Nonrecurring funding is provided to purchase use-of-force training simulators for the Edneyville and Salemburg campuses.	\$219,312	NR		
	2.00		2.00	
<b>31 Sexual Assault Investigator Training</b>	\$80,000	R	\$80,000	R
Provides funds for a criminal justice coordinator to conduct basic and advanced training for the identification and investigation of sexual assault and violence against women crimes.	1.00		1.00	

## D. Department-wide

<b>32 Workers' Compensation Adjustment Reserve</b>	\$174,524	R	\$174,524	R
Provides funding to adjust workers' compensation line items to the average FY 2012-13 and FY 2013-14 actual expenditures estimated to be from net General Fund appropriations. Agencies are directed to further adjust these line items using receipts to reflect the average FY 2012-13 and FY 2013-14 actual expenditures from all fund sources.				



<b>Total Legislative Changes</b>	<b>\$741,770</b>	<b>R</b>	<b>\$821,157</b>	<b>R</b>
	<b>\$969,312</b>	<b>NR</b>		
<b>Total Position Changes</b>	<b>9.00</b>		<b>9.00</b>	
<b>Revised Budget</b>	<b>\$52,295,684</b>		<b>\$51,405,759</b>	

## Judicial - Indigent Defense

## GENERAL FUND

	FY 15-16	FY 16-17
Recommended Base Budget	\$112,087,174	\$112,097,118

## Legislative Changes

## B. Private Appointed Counsel Fund

<b>33 Additional Private Appointed Counsel Funds</b>	\$4,400,000	R	\$4,400,000	R
Provides funding to pay private counsel assigned to represent indigent defendants, reducing a budget shortfall that has accumulated over several years. This budget shortfall creates a hardship for small business legal firms whose payments are delayed when State funding is exhausted before the end of the fiscal year. This is a funding increase of 7.1% over current appropriations of \$61,579,725.				

## C. Public Defenders

<b>34 Capital Defender's Office</b>	(\$750,000)	R	(\$750,000)	R
Reduces funding for the Office of the Capital Defender by \$750,000, leaving \$3,222,230. This is a reduction of 18.9%.				
	-7.00		-7.00	

This reduction includes the following positions:

Position Number	Title
60002194	Asst. Capital Defender
60002193	Asst. Capital Defender
65021927	Asst. Capital Defender
65021928	Asst. Capital Defender
60002203	Capital Case Investigator
65021929	Capital Case Investigator
65021755	Legal Assistant III

## D. Department-wide

<b>35 Workers' Compensation Adjustment Reserve</b>	\$895	R	\$895	R
Provides funding to adjust workers' compensation line items to the average FY 2012-13 and FY 2013-14 actual expenditures estimated to be from net General Fund appropriations. Agencies are directed to further adjust these line items using receipts to reflect the average FY 2012-13 and FY 2013-14 actual expenditures from all fund sources.				

## Senate Appropriations Committee on Justice and Public Safety

FY 15-16

FY 16-17

<b>Total Legislative Changes</b>	<b>\$3,650,895</b>	<b>R</b>	<b>\$3,650,895</b>	<b>R</b>
Total Position Changes	-7.00		-7.00	
<b>Revised Budget</b>	<b>\$115,738,069</b>		<b>\$115,748,013</b>	

## Judicial

## GENERAL FUND

	FY 15-16		FY 16-17	
<b>Recommended Base Budget</b>	<b>\$467,897,397</b>		<b>\$467,898,110</b>	
<b>Legislative Changes</b>				
<b>A. Reserve for Salaries and Benefits</b>				
<b>36 Assistant and Deputy Clerk Step Increase</b>	\$3,771,968	R	\$3,771,968	R
Provides funds for an experience-based step increase for Assistant and Deputy Clerks pursuant to G.S. 7A-102.				
<b>37 Magistrate Step Increase</b>	\$1,669,939	R	\$1,669,939	R
Provides funds for an experience-based step increase for Magistrates pursuant to G.S. 7A-171.1.				
<b>B. Administration and Services</b>				
<b>38 Funds for Interpreters, Expert Witnesses, and Juries</b>	\$1,577,283	R	\$1,577,283	R
Increases the budget for interpreters, expert witnesses, and juries as necessary to operate the State court system. Funds for jury fees will increase by \$704,818 over the current budget of \$3,618,520. Funds for expert witnesses will increase by \$73,519 over the current budget of \$255,986. Funds for interpreters will increase by \$798,946 over the current budget of \$1,157,862. This represents a 31.3% increase over current funding levels.				
<b>39 Funds For Operating Budget</b>	\$3,309,203	R	\$3,309,203	R
Increases the budget for constitutionally and legally mandated legal and contracting services, equipment, travel, supplies, and maintenance as necessary to operate the State court system. This is an increase of 11.4% over the current budget levels.				
<b>40 Electronic Compliance</b>	\$567,236	NR		
Provides funding to the Administrative Office of the Courts (AOC) for an electronic compliance dismissal project.				
<b>C. Trial Court</b>				
<b>41 Special Superior Court Judges</b>	(\$306,541)	R	(\$613,083)	R
Eliminates 3 special superior court judgeships at the end of the terms of the judges currently serving in office. These terms will end on October 20, 2015 and January 26, 2016.				
	-3.00		-3.00	
<b>42 Business Court Staff</b>	\$428,529	R	\$571,372	R
Provides staff and facilities for special superior court judges who will be designated as Business Court judges in FY 2015-16.				
	\$538,524	NR		
	6.00		6.00	

**43 Special Assistant United States Attorneys**

\$713,514 R

Creates 6 Assistant District Attorney positions to act as Special Assistant United States Attorneys (SAUSAs) in offices covering all federal districts around the State. The Conference of District Attorneys will consult with all of the elected District Attorneys to determine the best home offices for these positions. The SAUSAs shall follow best practices as established by the Conference of District Attorneys. The costs assume that positions will be effective as of July 1, 2016.

6.00

**D. Department-wide****44 Workers' Compensation Adjustment Reserve**

\$575,744 R

\$575,744 R

Provides funding to adjust workers' compensation line items to the average FY 2012-13 and FY 2013-14 actual expenditures estimated to be from net General Fund appropriations. Agencies are directed to further adjust these line items using receipts to reflect the average FY 2012-13 and FY 2013-14 actual expenditures from all fund sources.

**Total Legislative Changes**

\$11,026,125 R

\$11,575,940 R

\$1,105,760 NR

**Total Position Changes**

3.00

9.00

**Revised Budget**

\$480,029,282

\$479,474,050



## Public Safety - Other Special Grants

Budget Code: 24550

	FY 2015-16	FY 2016-17
Beginning Unreserved Fund Balance	\$29,719,634	\$26,911,790
Recommended Budget		
Requirements	\$46,285,923	\$46,285,923
Receipts	\$43,478,079	\$43,478,079
Positions	100.00	100.00
<b>Legislative Changes</b>		
<b>Requirements:</b>		
<b>Continuation Review - Motor Carrier Safety Assistance</b>	(\$9,313,362) R	(\$9,313,362) R
Provides funds for the State Highway Patrol's Motor Carrier Safety Assistance program for FY 2015-16 only. Restoration of FY 2016-17 funds is subject to the findings of the Continuation Review.	\$9,313,362 NR 0.00	\$0 NR -94.00
<b>Subtotal Legislative Changes</b>	(\$9,313,362) R \$9,313,362 NR 0.00	(\$9,313,362) R \$0 NR -94.00
<b>Receipts:</b>		
<b>Continuation Review - Motor Carrier Safety Assistance</b>	(\$9,313,362) R	(\$9,313,362) R
Provides funds for the State Highway Patrol's Motor Carrier Safety Assistance program for FY 2015-16 only. Restoration of FY 2016-17 funds is subject to the findings of the Continuation Review.	\$9,313,362 NR	\$0 NR
<b>Subtotal Legislative Changes</b>	(\$9,313,362) R \$9,313,362 NR	(\$9,313,362) R \$0 NR

## Senate Appropriations Committee on Justice and Public Safety

	<b>FY 2015-16</b>	<b>FY 2016-17</b>
<b>Revised Total Requirements</b>	<b>\$46,285,923</b>	<b>\$36,972,561</b>
<b>Revised Total Receipts</b>	<b>\$43,478,079</b>	<b>\$34,164,717</b>
<b>Change in Fund Balance</b>	<b>(\$2,807,844)</b>	<b>(\$2,807,844)</b>
<b>Total Positions</b>	<b>100.00</b>	<b>6.00</b>
<b>Unappropriated Balance Remaining</b>	<b>\$26,911,790</b>	<b>\$24,103,946</b>

## Public Safety – Special – Interest Bearing

Budget Code: 24555

	FY 2015-16	FY 2016-17
Beginning Unreserved Fund Balance	\$19,924,292	\$13,923,877
<b>Recommended Budget</b>		
Requirements	\$8,466,432	\$8,466,432
Receipts	\$2,666,017	\$2,666,017
Positions	5.00	5.00
<b>Legislative Changes</b>		
<b>Requirements:</b>		
<b>Community Correction Funds</b>	\$0 R	\$0 R
Provides funds for the Community Corrections section of the Department of Public Safety to support training, purchase of safety equipment, and electronic monitoring.	\$200,000 NR	\$200,000 NR
	0.00	0.00
<b>Subtotal Legislative Changes</b>	<b>\$0 R</b>	<b>\$0 R</b>
	<b>\$200,000 NR</b>	<b>\$200,000 NR</b>
	0.00	0.00

**Receipts:**

<b>Community Corrections Funds</b>	\$0 R	\$0 R
No budget action necessary.	\$0 NR	\$0 NR
<b>Subtotal Legislative Changes</b>	<b>\$0 R</b>	<b>\$0 R</b>
	<b>\$0 NR</b>	<b>\$0 NR</b>

## Senate Appropriations Committee on Justice and Public Safety

	<b>FY 2015-16</b>	<b>FY 2016-17</b>
<b>Revised Total Requirements</b>	<b>\$8,666,432</b>	<b>\$8,666,432</b>
<b>Revised Total Receipts</b>	<b>\$2,666,017</b>	<b>\$2,666,017</b>
<b>Change in Fund Balance</b>	<b>(\$6,000,415)</b>	<b>(\$6,000,415)</b>
<b>Total Positions</b>	<b>5.00</b>	<b>5.00</b>
<b>Unappropriated Balance Remaining</b>	<b>\$13,923,877</b>	<b>\$7,923,462</b>

## ABC Commission

Budget Code: 54551

	FY 2015-16	FY 2016-17
Beginning Unreserved Fund Balance	\$4,491,738	\$4,826,323
Recommended Budget		
Requirements	\$13,004,818	\$13,004,818
Receipts	\$13,339,403	\$13,339,403
Positions	44.00	44.00

## Legislative Changes

## Requirements:

**Initiative to Reduce Underage Drinking**

Provides funds for the Initiative to Reduce Underage Drinking to provide public relations assistance; strategic marketing and branding; multi-media planning, negotiation, and buying; and creative design and development for the NC ABC Commission's Talk It Out Campaign.

\$3,100,000	R	\$3,100,000	R
\$0	NR	\$0	NR
0.00		0.00	

**Subtotal Legislative Changes**

\$3,100,000	R	\$3,100,000	R
\$0	NR	\$0	NR
0.00		0.00	

## Receipts:

**Bailment Surcharge Receipts**

Increases the budgeted receipts from the bailment surcharge. The ABC Commission increased the bailment surcharge from \$0.80 per case to \$1.40 per case in FY 2014-15.

\$3,100,000	R	\$3,100,000	R
\$0	NR	\$0	NR

**Subtotal Legislative Changes**

\$3,100,000	R	\$3,100,000	R
\$0	NR	\$0	NR



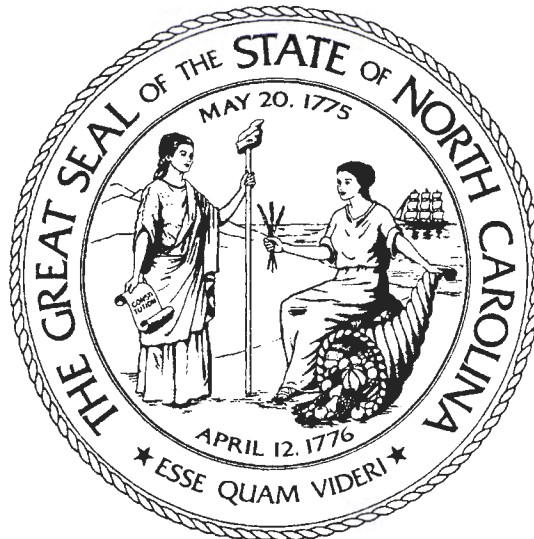
## Senate Appropriations Committee on Justice and Public Safety

	FY 2015-16	FY 2016-17
Revised Total Requirements	\$16,104,818	\$16,104,818
Revised Total Receipts	\$16,439,403	\$16,439,403
Change in Fund Balance	\$334,585	\$334,585
Total Positions	44.00	44.00
Unappropriated Balance Remaining	\$4,826,323	\$5,160,908



# **Senate Appropriations Committee on Justice and Public Safety**

## **Proposed Special Provisions for H.B. 97, 2015 Appropriations Act**



**June 15, 2015**



- (2) Review compliance of budget actions directed by the General Assembly.
  - (3) Monitor expenditures, deviations, and changes made by the agencies set out in subdivision (1) of subsection (a) of this section to the certified budget.
  - (4) Review policy changes as directed by law.
  - (5) Receive presentations of reports from agencies directed in the law, including audits, studies, and other reports.
  - (6) Review any issues that arise during the interim period between sessions of the General Assembly and provide a venue for any of these issues to be heard in a public setting.
  - (7) Monitor the quality of services provided by cultural, natural, and economic resources agencies to other agencies and the public.
  - (8) Identify opportunities for cultural, natural, and economic resources agencies to coordinate and collaborate to eliminate duplicative functions.
  - (9) Have presentations and reports on any other matters that the Committee considers necessary to fulfill its mandate.
- (b) The Committee may make reports to the General Assembly. A report to the General Assembly may contain legislation needed to implement a recommendation of the Committee.

**"§ 120-312. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Oversight Committee on Natural and Economic Resources. The Committee shall meet upon the joint call of the cochairs.

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

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

(d) The Committee cochairs may establish subcommittees for the purpose of examining issues relating to services provided by particular divisions within the State's cultural, natural, and economic resources departments.

**"§ 120-313. Reports to Committee.**

Whenever a department, office, or agency set out in subdivision (1) of subsection (a) of G.S. 120-296 is required by law to report to the General Assembly or to any of its permanent committees or subcommittees on matters affecting the services the department or agency provides, the department or agency shall transmit a copy of the report to the cochairs of the Joint Legislative Oversight Committee on Natural and Economic Resources."

**SECTION 15.24.(b)** This section is effective August 1, 2015.

**PART XVI. DEPARTMENT OF PUBLIC SAFETY**

**SUBPART XVI-A. GENERAL PROVISIONS**

**GRANT REPORTING AND MATCHING FUNDS**

**SECTION 16A.1.(a)** The Department of Public Safety, the Department of Justice, and the Judicial Department shall report by May 1 of each year to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on grant



1 funds received or preapproved for receipt by those departments. The report shall include  
2 information on the amount of grant funds received or preapproved for receipt by each  
3 department, the use of the funds, the State match expended to receive the funds, and the period  
4 to be covered by each grant. If the department intends to continue the program beyond the end  
5 of the grant period, the department shall report on the proposed method for continuing the  
6 funding of the program at the end of the grant period. Each department shall also report on any  
7 information it may have indicating that the State will be requested to provide future funding for  
8 a program presently supported by a local grant.

9 **SECTION 16A.1.(b)** Notwithstanding the provisions of G.S. 143C-6-9, the  
10 Department of Public Safety may use up to the sum of one million two hundred thousand  
11 dollars (\$1,200,000) during the 2015-2016 fiscal year from funds available to the Department  
12 to provide the State match needed in order to receive grant funds. Prior to using funds for this  
13 purpose, the Department shall report to the chairs of the House of Representatives and Senate  
14 Appropriations Committees on Justice and Public Safety on the grants to be matched using  
15 these funds.

## 16 **CHANGE RECIPIENTS OF VICTIMS' COMPENSATION REPORT**

17 **SECTION 16A.2.** G.S. 15B-21 reads as rewritten:

### 18 **"§ 15B-21. Annual report.**

19 The Commission shall, by March 15 each year, prepare and transmit to the ~~Governor and~~  
20 ~~the General Assembly~~ chairs of the Joint Legislative Oversight Committee on Justice and Public  
21 Safety and to the chairs of the House and Senate Appropriations Committees on Justice and  
22 Public Safety a report of its activities in the prior fiscal year and the current fiscal year to date.

23 The report shall include:

- 24 (1) The number of claims filed;
- 25 (2) The number of awards made;
- 26 (2a) The number of pending cases by year received;
- 27 (3) The amount of each award;
- 28 (4) A statistical summary of claims denied and awards made;
- 29 (5) The administrative costs of the Commission, including the compensation of
- 30 commissioners;
- 31 (6) The current unencumbered balance of the North Carolina Crime Victims
- 32 Compensation Fund;
- 33 (7) The amount of funds carried over from the prior fiscal year;
- 34 (8) The amount of funds received in the prior fiscal year from the Division of
- 35 Adult Correction of the Department of Public Safety and from the
- 36 compensation fund established pursuant to the Victims Crime Act of 1984,
- 37 42 U.S.C. § 10601, et seq.; and
- 38 (9) The amount of funds expected to be received in the current fiscal year, as
- 39 well as the amount actually received in the current fiscal year on the date of
- 40 the report, from the Division of Adult Correction of the Department of
- 41 Public Safety and from the compensation fund established pursuant to the
- 42 Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.

43 The Attorney General and State Auditor shall assist the Commission in the preparation of  
44 the report required by this section."  
45

## 46 **LIMITED AUTHORITY TO ELIMINATE AND RECLASSIFY CERTAIN POSITIONS**

47 **SECTION 16A.3.** Notwithstanding any other provision of law, subject to the  
48 approval of the Director of the Budget, the Secretary of the Department of Public Safety may  
49 reclassify or eliminate existing positions in the Division of Administration that are not  
50 specifically addressed in this act as needed for the efficient operation of the Department. No  
51

position shall be reclassified pursuant to this section solely for the purpose of providing a person in that position with a salary increase. The Secretary of the Department of Public Safety shall report any position reclassification undertaken pursuant to this section to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety and the Fiscal Research Division within 30 days of the reclassification. The report shall include the position number, original title, original fund code, original budgeted salary, new title, new fund code, and new budgeted salary for each reclassified position.

#### **SAMARCAND TRAINING ACADEMY**

**SECTION 16A.4.** The former juvenile detention facility known as Samarkand Manor, located in Moore County, is redesignated a law enforcement and corrections training facility and assigned to the Office of the Secretary of the Department of Public Safety. The facility shall be renamed Samarcand Training Academy and shall be administered by a Director. The operating budget for Samarcand Training Academy shall be funded by the Department of Public Safety but shall be independent of the operating budget of any Division within the Department and shall be managed and administered by the Director of the Academy with oversight by the Office of the Secretary of the Department of Public Safety.

#### **SENSITIVE PUBLIC SECURITY INFORMATION IS NOT A PUBLIC RECORD**

**SECTION 16A.5.** G.S. 132-1.7 reads as rewritten:

**"§ 132-1.7. Sensitive public security information.**

(a) Public records, as defined in G.S. 132-1, shall not include information containing specific details of public security plans and arrangements or the detailed plans and drawings of public buildings and infrastructure ~~facilities-facilities or plans, schedules, or other documents that include information regarding patterns or practices associated with executive protection and security.~~

(a1) Public records, as defined in G.S. 132-1, shall not include specific security information or detailed plans, patterns, or practices associated with prison operations.

(a2) Public records, as defined in G.S. 132-1, shall not include specific security information or detailed plans, patterns, or practices to prevent or respond to criminal, gang, or organized illegal activity.

(b) Public records as defined in G.S. 132-1 do not include plans to prevent or respond to terrorist activity, to the extent such records set forth vulnerability and risk assessments, potential targets, specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public or the security of any governmental facility, building, structure, or information storage system.

(c) Information relating to the general adoption of public security plans and arrangements, and budgetary information concerning the authorization or expenditure of public funds to implement public security plans and arrangements, or for the construction, renovation, or repair of public buildings and infrastructure facilities shall be public records."

#### **LAPSED SALARY SAVINGS**

**SECTION 16A.6.** Notwithstanding G.S. 143C-6-9, the Department of Public Safety shall revert to the General Fund a minimum of seventeen million eight hundred ninety thousand two hundred nine dollars (\$17,890,209) from lapsed salary savings by June 30, 2016.

#### **SUBPART XVI-B. DIVISION OF LAW ENFORCEMENT**

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



1           **SECTION 16B.1.(a)** Seized and forfeited assets transferred to the Department of  
2 Public Safety during the 2015-2017 fiscal biennium pursuant to applicable federal law shall be  
3 credited to the budget of the department and shall result in an increase of law enforcement  
4 resources for the department. The Department of Public Safety shall make the following reports  
5 to the chairs of the House of Representatives and Senate Appropriations Committees on Justice  
6 and Public Safety:

7           (1) A report upon receipt of any assets.

8           (2) A report that shall be made prior to use of the assets on their intended use  
9 and the departmental priorities on which the assets may be expended.

10          (3) A report on receipts, expenditures, encumbrances, and availability of these  
11 assets for the previous fiscal year, which shall be made no later than  
12 September 1 of each year.

13           **SECTION 16B.1.(b)** The General Assembly finds that the use of seized and  
14 forfeited assets transferred pursuant to federal law for new personnel positions, new projects,  
15 acquisition of real property, repair of buildings where the repair includes structural change, and  
16 construction of or additions to buildings may result in additional expenses for the State in  
17 future fiscal periods. Therefore, the Department of Public Safety is prohibited from using these  
18 assets for such purposes without the prior approval of the General Assembly.

19           **SECTION 16B.1.(c)** Nothing in this section prohibits North Carolina law  
20 enforcement agencies from receiving funds from the United States Department of Justice, the  
21 United States Department of the Treasury, and the United States Department of Health and  
22 Human Services.

## 23 24 **VOICE INTEROPERABILITY PLAN FOR EMERGENCY RESPONSE (VIPER)** 25 **SYSTEM**

26           **SECTION 16B.2.** The Department of Public Safety shall report annually no later  
27 than March 1 to the chairs of the Joint Legislative Oversight Committee on Justice and Public  
28 Safety on the progress of the State's VIPER system.

## 29 30 **GANGNET REPORT AND RECOMMENDATIONS**

31           **SECTION 16B.3.(a)** Article 4 of Chapter 20 of the General Statutes is amended by  
32 adding a new section to read:

### 33 **"§ 20-196.5. Report on gang prevention recommendations.**

34           The State Highway Patrol, in conjunction with the State Bureau of Investigation and the  
35 Governor's Crime Commission, shall develop recommendations concerning the establishment  
36 of priorities and needed improvements with respect to gang prevention and shall report those  
37 recommendations to the chairs of the House of Representatives and Senate Appropriations  
38 Committees on Justice and Public Safety and to the chairs of the Joint Legislative Oversight  
39 Committee on Justice and Public Safety on or before March 1 of each year."

40           **SECTION 16B.3.(b)** G.S. 143B-1101(b) reads as rewritten:

41           "(b) The Governor's Crime Commission shall review the level of gang activity  
42 throughout the State and assess the progress and accomplishments of the State, and of local  
43 governments, in preventing the proliferation of gangs and addressing the needs of juveniles  
44 who have been identified as being associated with gang activity.

45           ~~The Governor's Crime Commission shall develop recommendations concerning the~~  
46 ~~establishment of priorities and needed improvements with respect to gang prevention and shall~~  
47 ~~report those recommendations to the Chairs of the Senate Appropriations Committee on Justice~~  
48 ~~and Public Safety, the Chairs of the House of Representatives Appropriations Subcommittee on~~  
49 ~~Justice and Public Safety, and to the Chairs of the Joint Legislative Oversight Committee on~~  
50 ~~Justice and Public Safety on or before March 1 of each year."~~

**STATE CAPITOL POLICE/RECEIPT-SUPPORTED POSITIONS**

**SECTION 16B.4.(a)** The State Capitol Police may contract with State agencies for the creation of receipt-supported positions to provide security services to the buildings occupied by those agencies.

**SECTION 16B.4.(b)** The State Capitol Police shall report the creation of any position pursuant to this section to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and to the Fiscal Research Division within 30 days of the position's creation.

**CHANGES TO EXPUNCTION AND METHAMPHETAMINE REPORTING REQUIREMENTS**

**SECTION 16B.5.(a)** G.S. 15A-160 reads as rewritten:

**"§ 15A-160. Reporting requirement.**

The Department of Public Safety, in conjunction with the Department of Justice and the Administrative Office of the ~~Courts~~ Courts, shall report jointly to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety Oversight by September 1 of each year regarding expunctions. The report shall include all of the following information:

- (1) The number and types of expunctions granted during the fiscal year in which the report is made.
- (2) The number and type of expunctions granted each fiscal year for the five fiscal years preceding the date of the report.
- (3) A full accounting of how the agencies have spent the receipts generated by the expunction fees received during the fiscal year in which the report is made and for the five preceding fiscal years."

**SECTION 16B.5.(b)** G.S. 90-113.64 reads as rewritten:

**"§ 90-113.64. SBI annual report.**

Beginning with the 2011 calendar year, the State Bureau of Investigation shall determine the number of methamphetamine laboratories discovered in the State each calendar year and report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety and to the Legislative Commission on Methamphetamine Abuse by March 1, 2012, for the 2011 calendar year and each March 1 thereafter for the preceding calendar year. The State Bureau of Investigation shall participate in the High Intensity Drug Trafficking Areas (HIDTA) program, assist in coordinating the drug control efforts between local and State law enforcement agencies, and monitor the implementation and effectiveness of the electronic record-keeping requirements included in G.S. 90-113.52A and G.S. 90-113.56. The SBI shall include its findings in the report to the Commission required by this section."

**CLARIFY BOXING COMMISSION FEE**

**SECTION 16B.6.(a)** G.S. 143-655(b1) reads as rewritten:

"(b1) Admission Fees. – The Branch shall collect a fee in the amount of two dollars (\$2.00) per ~~each ticket sold~~ spectator to attend events regulated in this Article."

**SECTION 16B.6.(b)** This section is effective on July 1, 2015, and applies to fees collected or assessed on or after that date.

**SBI/ALE ASHEVILLE REGIONAL OFFICE**

**SECTION 16B.7.** Section 17.1(aaaa) of S.L. 2014-100 reads as rewritten:

"**SECTION 17.1.(aaaa)** The Department of Public Safety shall consolidate ALE and SBI Regions and Regional Offices. The Asheville Regional Office shall be operational ~~by July 1, 2015~~ upon completion of a new facility. All other Regional Offices shall be operational by October 1, 2014."



**CLARIFY HAZARDOUS MATERIALS FEE**

**SECTION 16B.8.(a)** G.S. 166A-29.1 reads as rewritten:

**"§ 166A-29.1. Hazardous materials facility fee.**

(a) Definitions. – The following definitions apply in this section:

- (1) EPCRA. – The federal Emergency Planning and Community Right-to-Know Act, P.L. No. 99-499 et. seq.
- (2) Extremely hazardous substance. – Any substance, regardless of its state, set forth in 40 C.F.R. Part 355, Appendix A or B.
- (3) Hazardous chemical. – As defined in 29 C.F.R. 1910.1200(c), except that the term does not include any of the following:
  - a. Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
  - b. Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
  - c. Any substance to the extent that it is used for personal, family, or household purposes or is present in the same form and concentration as a product packaged for distribution and use by the public.
  - d. Any substance to the extent that it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
  - e. Any substance to the extent that it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate consumer.

(b) Annual Fee Shall Be Charged. – A person or business required under Section 302 or 312 of EPCRA to submit a notification or an annual inventory form to the Division shall be required to pay to the Department an annual fee in the amount set forth in subsection (c) of this section.

(c) Amount of Fee. – The amount of the annual fee charged pursuant to subsection (b) of this section shall be calculated in accordance with the following, up to a maximum annual amount of ~~five thousand dollars (\$5,000)~~ five thousand dollars (\$5,000) per reporting site:

- (1) A fee of fifty dollars (\$50.00) shall be assessed for each substance at each site reported by a ~~facility~~ person or business that is classified as a hazardous chemical.
- (2) A fee of ninety dollars (\$90.00) shall be assessed for each substance at each site reported by a ~~facility~~ person or business that is classified as an extremely hazardous substance.

(d) Late Fees. – The Division may impose a late fee against a person or business for failure to submit a report or filing that substantially complies with the requirements of EPCRA by the federal filing deadline or for failure to pay any fee, including a late fee. This fee shall be in addition to the fee imposed pursuant to subsection (c) of this section. Prior to imposing a late fee, the Division shall provide the person or business who will be assessed the late fee with written notice that identifies the specific requirements that have not been met and informs the person or business of its intent to assess a late fee. The assessment of a late fee shall be subject to the following limitations:

- (1) If the report filing or fee is submitted within 30 days after receipt of the Division's notice that it intends to assess a late fee, no late fee shall be assessed.
- (2) If the report filing or fee has not been submitted by the end of the period set forth in subdivision (1) of this subsection, the Division may impose a late fee



- 1 in an amount equal to the amount of the fee charged pursuant to subsection  
2 (c) of this section.
- 3 (e) Exemptions. – No fee shall be charged under this section to any of the following:
- 4 (1) An owner or operator of a family farm enterprise, a facility owned by a State  
5 or local government, or a nonprofit corporation.
- 6 (2) An owner or operator of a facility where motor vehicle fuels are stored and  
7 from which such fuels are offered for retail sale. However, hazardous  
8 chemicals or extremely hazardous substances at such a facility, other than  
9 motor vehicle fuels for retail sale, shall not be subject to this exemption.
- 10 (3) A motor vehicle dealer, as that term is defined in G.S. 20-286(11).
- 11 (f) Use of Fee Proceeds. – The proceeds of fees assessed pursuant to this section shall  
12 be used for the following:
- 13 (1) To ~~pay offset~~ costs associated with the establishment and maintenance of a  
14 hazardous materials database and a hazardous materials response  
15 application.
- 16 (2) To ~~support the offset~~ costs associated with the operations of the regional  
17 response program for hazardous materials emergencies and terrorist  
18 incidents.
- 19 (3) To provide grants to counties for hazardous materials emergency response  
20 planning, training, and related exercises.
- 21 (4) To offset Division costs that directly support hazardous materials emergency  
22 preparedness and response."
- 23 **SECTION 16B.8.(b)** This section becomes effective on July 1, 2015, and applies  
24 to fees assessed or collected on or after that date.

25  
26 **AMEND NATIONAL GUARD FAMILY ASSISTANCE CENTERS ANNUAL REPORT**  
27 **REQUIREMENTS**

28 **SECTION 16B.9.** G.S. 127A-64(b) reads as rewritten:

29 "(b) The Department of Public Safety shall report annually no later than September 1 to  
30 the Chairs of the House of Representatives and Senate Appropriations ~~Subcommittees~~  
31 Committees on Justice and Public Safety and to the House of Representatives Committee on  
32 Homeland Security, Military, and Veterans Affairs on the activities of the National Guard  
33 Family Assistance ~~Centers~~ Centers during the previous fiscal year. This report shall include  
34 information on services provided as well as on the number and type of members of the active or  
35 reserve components of the Armed Forces of the United States, veterans, and family members  
36 served."

37  
38 **SUBPART XVI-C. DIVISION OF ADULT CORRECTION**

39  
40 **REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL**  
41 **COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES**  
42 **AWAITING TRANSFER TO STATE PRISON SYSTEM**

43 **SECTION 16C.1.** Notwithstanding G.S. 143C-6-9, the Department of Public  
44 Safety may use funds available to the Department for the 2015-2017 fiscal biennium to pay the  
45 sum of forty dollars (\$40.00) per day as reimbursement to counties for the cost of housing  
46 convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison  
47 system, as provided in G.S. 148-29. The Department shall report annually by February 1 of  
48 each year to the chairs of the Joint Legislative Oversight Committee on Justice and Public  
49 Safety and the chairs of the House of Representatives and Senate Appropriations Committees  
50 on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners  
51 awaiting transfer.



**CENTER FOR COMMUNITY TRANSITIONS/CONTRACT AND REPORT**

**SECTION 16C.2.** The Department of Public Safety may continue to contract with The Center for Community Transitions, Inc., a nonprofit corporation, for the purchase of prison beds for minimum security female inmates during the 2015-2017 fiscal biennium. The Center for Community Transitions, Inc., shall report by February 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on the annual cost per inmate and the average daily inmate population compared to bed capacity using the same methodology as that used by the Department of Public Safety.

**USE OF CLOSED FACILITIES**

**SECTION 16C.3.** In conjunction with the closing of prison facilities, youth detention centers, and youth development centers, the Department of Public Safety shall consult with the county or municipality in which the facility is located, with the elected State and local officials, and with State and federal agencies about the possibility of converting that facility to other use. The Department may also consult with any private for-profit or nonprofit firm about the possibility of converting the facility to other use. In developing a proposal for future use of each facility, the Department shall give priority to converting the facility to other criminal justice use. Consistent with existing law and the future needs of the Department of Public Safety, the State may provide for the transfer or the lease of any of these facilities to counties, municipalities, State agencies, federal agencies, or private firms wishing to convert them to other use. G.S. 146-29.1(f) through (g) shall not apply to a transfer made pursuant to this section. The Department of Public Safety may also consider converting some of the facilities recommended for closing from one security custody level to another, where that conversion would be cost-effective. A prison unit under lease to a county pursuant to the provisions of this section for use as a jail is exempt for the period of the lease from any of the minimum standards adopted by the Secretary of Health and Human Services pursuant to G.S. 153A-221 for the housing of adult prisoners that would subject the unit to greater standards than those required of a unit of the State prison system.

**MEDICAL COSTS FOR INMATES AND JUVENILE OFFENDERS**

**SECTION 16C.4.** Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

**"§ 143B-707.3. Medical costs for inmates and juvenile offenders.**

**(a) The Department of Public Safety shall reimburse those providers and facilities providing approved medical services to inmates and juvenile offenders outside the correctional or juvenile facility the lesser amount of either a rate of seventy percent (70%) of the provider's then-current prevailing charge or two times the then-current Medicaid rate for any given service. The Department shall have the right to audit any given provider to determine the actual prevailing charge to ensure compliance with this provision.**

**This section does apply to vendors providing services that are not billed on a fee-for-service basis, such as temporary staffing. Nothing in this section shall preclude the Department from contracting with a provider for services at rates that provide greater documentable cost avoidance for the State than do the rates contained in this section or at rates that are less favorable to the State but that will ensure the continued access to care.**

**(b) The Department of Public Safety shall make every effort to contain medical costs for inmates and juvenile offenders by making use of its own hospital and health care facilities to provide health care services to inmates and juvenile offenders. To the extent that the Department of Public Safety must utilize other facilities and services to provide health care services to inmates and juvenile offenders, the Department shall make reasonable efforts to make use of hospitals or other providers with which it has a contract or, if none is reasonably**



1 available, hospitals with available capacity or other health care facilities in a region to  
2 accomplish that goal. The Department shall make reasonable efforts to equitably distribute  
3 inmates and juvenile offenders among all hospitals or other appropriate health care facilities.

4 (c) The Department of Public Safety shall report quarterly to the Joint Legislative  
5 Oversight Committee on Justice and Public Safety and the chairs of the House of  
6 Representative and Senate Appropriations Committees on Justice and Public Safety on:

- 7 (1) The percentage of the total inmates and juvenile offenders requiring  
8 hospitalization or hospital services who receive that treatment at each  
9 hospital.
- 10 (2) The volume of services provided by community medical providers that can  
11 be scheduled in advance and, of that volume, the percentage of those  
12 services that are provided by contracted providers.
- 13 (3) The volume of services provided by community medical providers that  
14 cannot be scheduled in advance and, of that volume, the percentage of those  
15 services that are provided by contracted providers.
- 16 (4) The volume of services provided by community medical providers that are  
17 emergent cases requiring hospital admissions and emergent cases not  
18 requiring hospital admissions.
- 19 (5) The volume of inpatient medical services provided to Medicaid-eligible  
20 inmates and juvenile offenders, the cost of treatment, and the estimated  
21 savings of paying the nonfederal portion of Medicaid for the services.
- 22 (6) The hospital utilization, including the amount paid to individual hospitals,  
23 the number of inmates and juvenile offenders served, and the number of  
24 claims."

## 25 26 **STATEWIDE MISDEMEANANT CONFINEMENT FUND/MONTHLY AND ANNUAL** 27 **REPORTS**

28 **SECTION 16C.6.(a)** The North Carolina Sheriffs' Association shall report monthly  
29 by the 15th day of each month to the Office of State Budget and Management and the Fiscal  
30 Research Division on the Statewide Misdemeanant Confinement Program. Each monthly report  
31 shall include the following:

- 32 (1) The daily population, delineated by misdemeanor or DWI monthly housing.
- 33 (2) The cost of housing prisoners under the Program.
- 34 (3) The cost of transporting prisoners under the Program.
- 35 (4) Personnel costs.
- 36 (5) Inmate medical care costs.
- 37 (6) The number of counties that volunteer to house inmates under the Program.
- 38 (7) The administrative costs paid to the Sheriffs' Association and to the  
39 Department of Public Safety.

40 **SECTION 16C.6.(b)** The North Carolina Sheriffs' Association shall report by  
41 October 1 of each year to the Chairs of the House of Representatives and Senate  
42 Appropriations Committees on Justice and Public Safety and the Joint Legislative Oversight  
43 Committee on Justice and Public Safety on the Statewide Misdemeanant Confinement  
44 Program. The annual report shall include the following with respect to the prior fiscal year:

- 45 (1) Revenue collected by the Statewide Misdemeanant Confinement Program.
- 46 (2) The cost of housing prisoners by county under the Program.
- 47 (3) The cost of transporting prisoners by county under the Program.
- 48 (4) Personnel costs by county.
- 49 (5) Inmate medical care costs by county.
- 50 (6) The number of counties that volunteer to house inmates under the Program.

- (7) The administrative costs paid to the Sheriffs' Association and to the Department of Public Safety.

#### INMATE CONSTRUCTION PROGRAM

**SECTION 16C.7.** Notwithstanding G.S. 66-58 or any other provision of law, during the 2015-2017 fiscal biennium, the State Construction Office may, wherever feasible, utilize inmates in the custody of the Division of Adult Correction of the Department of Public Safety through the Inmate Construction Program for repair and renovation projects on State-owned facilities, with priority given to Department of Public Safety construction projects.

#### MAINTENANCE OF PRISONS

**SECTION 16C.8.** The Department of Public Safety shall not expand private maintenance contracts to additional prison facilities or continue existing private contracts for prison maintenance unless authorized by the General Assembly. If the Department determines that expanding private maintenance contracts to additional prison facilities or continuing existing contracts is necessary, then it shall submit its request to the General Assembly by May 1, 2016, stating (i) the ways in which the State can realize savings by doing so and (ii) that safety can be maintained at the facilities where those contracts are expanded or continued.

#### REPORT ON CONTRACTS FOR HOUSING STATE PRISONERS/REPEAL AUTHORIZATION FOR LEASE-PURCHASE OF PRISON FACILITIES FROM PRIVATE FIRMS

**SECTION 16C.10.(a)** G.S. 148-37(i) reads as rewritten:

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

**SECTION 16C.10.(b)** G.S. 148-37.2 is repealed.

#### ANNUAL REPORT ON SAFEKEEPERS

**SECTION 16C.11.** Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

**"§ 143B-707.4. Annual report on safekeepers.**

The Department of Public Safety shall report by October 1 of each year to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on county prisoners housed in the State prison system pursuant to safekeeping orders under G.S. 162-39. The report shall include:

- (1) The number of safekeepers currently housed by the Department.
- (2) A list of the facilities where safekeepers are housed and the population of safekeepers by facility.
- (3) The average length of stay by a safekeeper in one of those facilities.
- (4) The amount paid by counties for housing and extraordinary medical care of safekeepers.
- (5) A list of the counties in arrears for safekeeper payments owed to the Department at the end of the fiscal year."



**COLLECTION OF DELINQUENT SAFEKEEPER REIMBURSEMENTS**

**SECTION 16C.12.** G.S. 148-10.4 is amended by adding a new subsection to read:

"(f) Upon notification from the Division of Adult Correction that an amount owed by a county for safekeeper reimbursements authorized under G.S. 162-39 is more than 120 days overdue, the Sheriffs' Association shall withhold funds from any reimbursements due to a county under this section and transmit those funds to the Division until that overdue safekeeper reimbursement is satisfied."

**PRISON BEHAVIORAL HEALTH POSITIONS**

**SECTION 16C.13.** Notwithstanding any other provision of law, the Section of Prisons of the Division of Adult Correction may post, advertise, accept applications for, and interview for positions established or authorized by this act related to behavioral health treatment prior to the effective date of the establishment of those positions.

**EVALUATION REQUIREMENT FOR ELECTRICAL DEVICES**

**SECTION 16C.13A.** G.S. 66-25 reads as rewritten:

**"§ 66-25. Acceptable listings as to safety of goods.**

(a) All electrical materials, devices, appliances, and equipment shall be evaluated for safety and suitability for intended use. Except as provided in subsection (b) of this section, this evaluation shall be conducted in accordance with nationally recognized standards and shall be conducted by a qualified testing laboratory. The Commissioner of Insurance, through the Engineering Division of the Department of Insurance, shall implement the procedures necessary to approve suitable national standards and to approve suitable qualified testing laboratories. The Commissioner may assign his authority to implement the procedures for specific materials, devices, appliances, or equipment to other agencies or bodies when they would be uniquely qualified to implement those procedures.

In the event that the Commissioner determines that electrical materials, devices, appliances, or equipment in question cannot be adequately evaluated through the use of approved national standards or by approved qualified testing laboratories, the Engineering Division of the Department of Insurance shall specify any alternative evaluations which safety requires.

The Engineering Division of the Department of Insurance shall keep in file, where practical, copies of all approved national standards and resumes of approved qualified testing laboratories.

(b) ~~Electrical devices, appliances, or equipment used by the Division of Adult Correction of the Department of Public Safety may be evaluated for safety and suitability by the Central Engineering Section of the Department of Public Safety. The evaluation shall be conducted in accordance with nationally recognized standards. Electrical devices, appliances, and equipment used by the Division that are not evaluated by the Central Engineering Section as provided by this subsection are subject to~~ in institutional kitchens and manufacturing equipment used by Correction Enterprises are exempt from the evaluation requirement of subsection (a) of this section.

**PAROLE ELIGIBILITY REPORT**

**SECTION 16C.14.** Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

**"§ 143B-721.1. Parole eligibility reports.**

(a) Each fiscal year the Post-Release Supervision and Parole Commission shall, with the assistance of the North Carolina Sentencing and Policy Advisory Commission and the Department of Public Safety, analyze the amount of time each inmate who is eligible for parole on or before July 1 of the previous fiscal year has served compared to the time served by offenders under Structured Sentencing for comparable crimes. The Commission shall



determine if the person has served more time in custody than the person would have served if sentenced to the maximum sentence under the provisions of Article 81B of Chapter 15A of the General Statutes. The "maximum sentence", for the purposes of this section, shall be calculated as set forth in subsection (b) of this section.

(b) For the purposes of this section, the following rules apply for the calculation of the maximum sentence:

(1) The offense upon which the person was convicted shall be classified as the same felony class as the offense would have been classified if committed after the effective date of Article 81B of Chapter 15A of the General Statutes.

(2) The minimum sentence shall be the maximum number of months in the presumptive range of minimum durations in Prior Record Level VI of G.S. 15A-1340.17(c) for the felony class determined under subdivision (1) of this subsection. The maximum sentence shall be calculated using G.S. 15A-1340.17(d), (e), or (e1).

(3) If a person is serving sentences for two or more offenses that are concurrent in any respect, then the offense with the greater classification shall be used to determine a single maximum sentence for the concurrent offenses. The fact that the person has been convicted of multiple offenses may be considered by the Commission in making its determinations under subsection (a) of this section.

(c) The Commission shall reinstate 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.

(d) The Post-Release Supervision and Parole Commission shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety by April 1 of each year. 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 also report on the number of parole-eligible inmates reconsidered in compliance with this section and the number who were actually paroled."

## INTERSTATE COMPACT FEES TO SUPPORT TRAINING PROGRAMS AND EQUIPMENT PURCHASES

**SECTION 16C.16.** Notwithstanding the provisions of G.S. 148-65.7, fees collected for the Interstate Compact Fund during the 2015-2017 fiscal biennium may be used by the Division of Adult Correction of the Department of Public Safety during the 2015-2017 fiscal biennium to provide training programs and equipment purchases for the Section of Community Corrections, but only as long as sufficient funds remain available in the Fund to support the mission of the Interstate Compact Program.

## SUBPART XVI-D. DIVISION OF JUVENILE JUSTICE

### LIMIT USE OF COMMUNITY PROGRAM FUNDS

**SECTION 16D.1.(a)** Funds appropriated in this act to the Department of Public Safety for the 2015-2017 fiscal biennium for community program contracts that are not required for or used for community program contracts shall only be used for the following:

(1) Other statewide residential programs that provide Level 2 intermediate dispositional alternatives for juveniles.

(2) Statewide community programs that provide Level 2 intermediate dispositional alternatives for juveniles.



(3) Regional programs that are collaboratives of two or more Juvenile Crime Prevention Councils which provide Level 2 intermediate dispositional alternatives for juveniles.

(4) The Juvenile Crime Prevention Council funds to be used for the Level 2 intermediate dispositional alternatives for juveniles listed in G.S. 7B-2506(13) through (23).

**SECTION 16D.1.(b)** Under no circumstances shall funds appropriated by this act to the Department of Public Safety for the 2015-2017 fiscal biennium for community programs be used for staffing, operations, maintenance, or any other expenses of youth development centers or detention facilities.

**SECTION 16D.1.(c)** The Department of Public Safety shall submit an electronic report by October 1, 2015, and a second electronic report by October 1, 2016, on all expenditures made from the miscellaneous contract line in Fund Code 1230 to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the Fiscal Research Division. The report shall include all of the following: an itemized list of the contracts that have been executed, the amount of each contract, the date the contract was executed, the purpose of the contract, the number of juveniles that will be served and the manner in which they will be served, the amount of money transferred to the Juvenile Crime Prevention Council fund, and an itemized list of grants allocated from the funds transferred to the Juvenile Crime Prevention Council fund.

## **STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS**

**SECTION 16D.2.** Funds appropriated in this act to the Department of Public Safety for the 2015-2016 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 Public Safety regarding the criteria for awarding federal funds. The Office of State Budget and Management, the Governor's Crime Commission, and the Department of Public Safety shall report to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the 2015-2016 fiscal year and the allocation of funds by program and purpose.

## **PART XVII. DEPARTMENT OF JUSTICE**

### **NO HIRING OF SWORN STAFF POSITIONS FOR THE NORTH CAROLINA STATE CRIME LABORATORY**

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

### **AMEND DNA DATABASE REPORTING REQUIREMENTS**

**SECTION 17.2.** G.S. 15A-266.5(c) reads as rewritten:

"(c) The Crime Laboratory shall report annually to ~~the Joint Legislative Commission on Governmental Operations and to the~~ Joint Legislative Oversight Committee on Justice and

Public Safety, on or before ~~February 1, September 1,~~ with information for the previous calendar fiscal year, which shall include: a summary of the operations and expenditures relating to the DNA Database and DNA Databank; the number of DNA records from arrestees entered; the number of DNA records from arrestees that have been expunged; and the number of DNA arrestee matches or hits that occurred with an unknown sample, and how many of those have led to an arrest and conviction; and how many letters notifying defendants that a record and sample have been expunged, along with the number of days it took to complete the expunction and notification process, from the date of the receipt of the verification form from the State."

## STUDY COLLECTION OF DNA/ALL FELONY ARRESTS

**SECTION 17.3.** The Joint Legislative Oversight Committee on Justice and Public Safety shall study extending the collection of DNA samples to persons arrested for any felony and shall report its findings and recommendations to the 2016 Regular Session of the 2015 General Assembly. The report shall include all of the following:

- (1) A recommended time line for implementing a requirement that DNA samples be collected for persons arrested for committing any felony.
- (2) An estimate of initial nonrecurring costs and recurring operating costs required of implementing such a requirement.
- (3) Other costs and benefits of implementing such a requirement.
- (4) An estimate of capital costs to the State of implementing such a requirement.
- (5) Any other information that the Committee deems relevant.

## DEPARTMENT OF JUSTICE POSITIONS

**SECTION 17.4.** Notwithstanding any other provision of law, the Department of Justice may post, advertise, accept applications for, and interview for positions established or authorized by this act in the Department of Justice prior to the effective date of the establishment of those positions.

## PRIVATE LABS MUST COMPLY WITH CODIS

**SECTION 17.6.(a)** Article 13 of Chapter 15A of the General Statutes is amended by adding a new section to read:

**"§ 15A-270.2. Obtaining DNA analyses from entities other than the State Crime Laboratory; use of local DNA databases prohibited.**

**(a) Private Laboratories Shall Comply With CODIS Requirements. – A local law enforcement agency shall not obtain DNA analysis from an entity other than the State Crime Laboratory unless that entity meets the standards applicable to vendor laboratories as set forth in the Federal Bureau of Investigation's Quality Assurance Standards for Forensic DNA Testing and Databasing Laboratories. The State Crime Laboratory shall maintain a list of laboratories that meet those standards and shall make the list available on its Web site.**

**(b) Private DNA Databases Prohibited. – A local law enforcement agency shall not access or create any DNA database other than those that participate in the CODIS system."**

**SECTION 17.6.(b)** This section becomes effective October 1, 2015.

## PART XVIII. JUDICIAL DEPARTMENT

### SUBPART XVIII-A. ADMINISTRATIVE OFFICE OF THE COURTS

#### AOC ANNUAL REPORT

**SECTION 18A.1.** G.S. 7A-343 reads as rewritten:

**"§ 7A-343. Duties of Director.**



The Director is the Administrative Officer of the Courts, and the Director's duties include all of the following:

- ...
- (8) Prepare and submit an annual report on the work of the Judicial Department to the Chief Justice, and transmit a copy by March 15 of each year to the Chairs of the House of Representatives and Senate Appropriations ~~Subcommittee~~ Committees on Justice and Public Safety ~~and the Senate Appropriations Committee on Justice and Public Safety~~ and to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.

...."

## ANNUAL REPORT ON CRIMINAL COURT COST WAIVERS

**SECTION 18A.3.(a)** Article 29 of Chapter 7A of the General Statutes is amended by adding a new section to read:

**"§ 7A-350. Annual report on criminal court cost waivers.**

The Administrative Office of the Courts shall maintain records of all cases in which a judge makes a finding of just cause to grant a waiver of criminal court costs under G.S. 7A-304(a) and shall report on those waivers to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1 of each year. The report shall aggregate the waivers by the district in which the waiver or waivers were granted and by the name of each judge granting a waiver or waivers."

**SECTION 18A.3.(b)** The Administrative Office of the Courts shall make the necessary modifications to its information systems to maintain the records required under G.S. 7A-350, as enacted by subsection (a) of this section.

## GRANT FUNDS

**SECTION 18A.4.** 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) during the 2015-2016 fiscal year from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on the grants to be matched using these funds.

## COLLECTION OF WORTHLESS CHECK FUNDS

**SECTION 18A.5.(a)** 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, 2015, for the purchase or repair of office or information technology equipment during the 2015-2016 fiscal year. Prior to using any funds under this section, the Judicial Department shall report to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the Office of State Budget and Management on the equipment to be purchased or repaired and the reasons for the purchases.

**SECTION 18A.5.(b)** This section becomes effective June 30, 2015.

## REIMBURSEMENT FOR USE OF PERSONAL VEHICLES

**SECTION 18A.6.** Notwithstanding the provisions of G.S. 138-6(a)(1), the Judicial Department, during the 2015-2017 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.



**CONFERENCE OF DISTRICT ATTORNEYS GRANT FUNDS/AUTHORIZE  
DISTRICT ATTORNEYS TO USE CERTAIN GRANT FUNDS TO OBTAIN  
TOXICOLOGY ANALYSIS FROM PROVIDERS OF TOXICOLOGY ANALYSES  
OTHER THAN HOSPITALS**

**SECTION 18A.7.** Section 18B.4 of S.L. 2013-360 reads as rewritten:

**"SECTION 18B.4.** Of the funds appropriated in this act to the Judicial Department, the sum of five hundred thousand dollars (\$500,000) in the 2013-2014 fiscal year shall be allocated to the Conference of District Attorneys and shall be used to establish a grant fund to provide district attorneys across the State with the resources to obtain toxicology analysis from local ~~hospital~~ hospitals, or from other providers of toxicology analyses, on persons charged with driving while impaired whose conduct did not result in serious injury or death to others. The Conference of District Attorneys shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety ~~by October 1, 2014,~~ on the expenditure of these ~~funds-funds~~ by October 1 of each year until all of the grant funds have been expended."

**DISTRICT ATTORNEY LEGAL ASSISTANTS**

**SECTION 18A.8.(a)** G.S. 7A-347 reads as rewritten:

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

~~Assistant for administrative and victim and witness services.~~ District attorney legal assistant positions are established under the district attorneys' offices. Each prosecutorial district is allocated at least one ~~assistant for administrative and victim and witness services.~~ district attorney legal assistant to be employed by the district attorney. The Administrative Office of the Courts shall allocate additional assistants to prosecutorial districts on the basis of need and within available appropriations. Each district attorney may also use any volunteer or other personnel to assist the assistant. The assistant is responsible for coordinating efforts of the law-enforcement and judicial systems to assure that each victim and witness is provided fair treatment under Article 45 of Chapter 15A, Fair Treatment for Victims and Witnesses and shall also provide administrative and legal support to the district attorney's office."

**SECTION 18A.8.(b)** G.S. 7A-348 reads as rewritten:

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

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

- (1) Assist in establishing uniform statewide training for ~~assistants for administrative and victim and witness services;~~ district attorney legal assistants; and
- (2) Assist in the implementation and supervision of this program."

**SECTION 18A.8.(c)** G.S. 15A-826 reads as rewritten:

**"§ 15A-826. ~~Assistants for administrative and victim and witness services.~~ District attorney legal assistants.**

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

**REPORT ON DISMISSALS DUE TO DELAY IN ANALYSIS OF EVIDENCE**

**SECTION 18A.9.** Whenever a criminal case is dismissed as a direct result of a delay in the analysis of evidence by the State Crime Laboratory, the district attorney for the district in which the case was dismissed shall report that dismissal and the facts surrounding it to the Conference of District Attorneys. The Conference of District Attorneys shall compile any such reports of dismissals and shall report them quarterly starting October 30, 2015, to the

chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.

# ALLOCATION OF ASSISTANT DISTRICT ATTORNEYS

**SECTION 18A.10.(a)** G.S. 7A-60 reads as rewritten:

**"§ 7A-60. District attorneys and prosecutorial districts.**

...

(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
6	Bertie, Halifax, Hertford, Northampton	10
7	Edgecombe, Nash, Wilson	18
8	Greene, Lenoir, Wayne	14
9	Franklin, Granville, Vance, Warren	10
9A	Person, Caswell	6
10	Wake	11
11A	Harnett, Lee	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	12
16C	Anson, Richmond	6
17A	Rockingham	7
17B	Stokes, Surry	8
18	Guilford	32
19A	Cabarrus	9
19B	Montgomery, Randolph	9
19C	Rowan	8
19D	Moore	5
20A	Stanly	5



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

(a2) ~~Upon the convening of each regular session of the General Assembly and its reconvening in the even-numbered year, the~~ The Administrative Office of the Courts shall report by March 15 of each year on its recommendations regarding the allocation of assistant district attorneys for the upcoming fiscal biennium and fiscal year to the General Assembly, including any request for additional assistant district attorneys. The report shall include the number of assistant district attorneys that the Administrative Office of the Courts recommends to be allocated to each prosecutorial district and the workload formula established through the National Center for State Courts on which each recommended allocation is based. Any reports required under this subsection shall be made to the Joint Legislative Commission of Governmental Operations, the House of Representatives and Senate Appropriations Subcommittees/Committees on Justice and Public, and the Fiscal Research Division.

...."

**SECTION 18A.10.(b)** G.S. 7A-63 reads as rewritten:

**"§ 7A-63. Assistant district attorneys.**

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

**SECTION 18A.10(c)** Article 9 of Chapter 7A of the General Statutes is amended by adding a new section to read:

**"§ 7A-69.2. Transfer of vacant positions.**

Any assistant district attorney positions within a prosecutorial district that become vacant shall be transferred by the Administrative Office of the Courts to prosecutorial districts that are determined to be understaffed under the workload formula established through the National Center for State Courts if the Administrative Office of the Courts makes a determination that the district in which the vacancy occurred is overstaffed under that workload formula."



1           **SECTION 18A.10.(d)** The Administrative Office of the Courts, in conjunction  
2 with the National Center for State Courts and the Conference of District Attorneys, shall revisit  
3 the workload formula used to determine the allocation of assistant district attorneys under  
4 G.S. 7A-60 and determine whether any adjustments should be made to the formula. The  
5 Administrative Office of the Courts shall report by May 1, 2016, to the chairs of the Joint  
6 Legislative Committee on Justice and Public Safety and the chairs of House of Representatives  
7 and Senate Appropriations Committees on Justice and Public Safety on the conclusions reached  
8 about the workload formula and any recommendations for adjustments.  
9

#### 10   **AMEND COURT COSTS**

11           **SECTION 18A.11.** G.S. 7A-304(a) reads as rewritten:

12           "(a) In every criminal case in the superior or district court, wherein the defendant is  
13 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the  
14 prosecuting witness, the following costs shall be assessed and collected. No costs may be  
15 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of  
16 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs  
17 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8),  
18 (8a), (11), (12), or (13) of this section.  
19

20           ...

21           (2b) ~~For the maintenance of misdemeanors in county jails, the sum of eighteen~~  
22 ~~dollars (\$18.00) in the district court to be remitted to the Statewide~~  
23 ~~Misdemeanor Confinement Fund in the Division of Adult Correction of the~~  
24 ~~Department of Public Safety.~~

25           ...

26           (4) For support of the General Court of Justice, the sum of ~~one hundred~~  
27 ~~twenty nine dollars and fifty cents (\$129.50)~~ one hundred forty-seven dollars  
28 and fifty cents (\$147.50) in the district court, including cases before a  
29 magistrate, and the sum of one hundred fifty-four dollars and fifty cents  
30 (\$154.50) in the superior court, to be remitted to the State Treasurer. For a  
31 person convicted of a felony in superior court who has made a first  
32 appearance in district court, both the district court and superior court fees  
33 shall be assessed. The State Treasurer shall remit the sum of one dollar and  
34 fifty cents (\$1.50) of each fee collected under this subdivision to the North  
35 Carolina State Bar for the provision of services described in G.S. 7A-474.4,  
36 and ninety-five cents (\$.95) of each fee collected under this subdivision to  
37 the North Carolina State Bar for the provision of services described in  
38 G.S. 7A-474.19.

39           ...

40           (4b) ~~To provide for contractual services to reduce county jail populations, For~~  
41 ~~additional support of the General Court of Justice, the sum of fifty dollars~~  
42 ~~(\$50.00) for all offenses arising under Chapter 20 of the General Statutes~~  
43 ~~and resulting in a conviction of an improper equipment offense, to be~~  
44 ~~remitted to the Statewide Misdemeanor Confinement Fund in the Division of~~  
45 ~~Adult Correction of the Department of Public Safety.~~ State Treasurer.

46           ...."

#### 47   **FAMILY COURT PROGRAMS**

48           **SECTION 18A.13.** The Administrative Office of the Courts shall provide direction  
49 and oversight to the existing family court programs in order to ensure that each district with a  
50 family court program is utilizing best practices and is working effectively and efficiently in the  
51 disposition of domestic and juvenile cases. The Administrative Office of the Courts shall report



on its efforts in this regard and the results of those efforts to the chairs of the House of Representatives and Senate Appropriations Committee on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety by March 1 of each year.

## **SPECIALTY COURTS/USE CLERK OF COURT PERSONNEL AND RESOURCES**

**SECTION 18A.14.** Article 14 of Chapter 7A of the General Statutes is amended by adding a new section to read:

### **"§ 7A-146.1. Specialty sessions of court; use of clerk of court personnel and resources.**

Upon the request of a clerk of court or district attorney, or upon the judge's own initiative, a chief district court judge may, pursuant to the judge's authority under G.S. 7A-146(7) to arrange sessions for the trial of specialized cases, authorize the establishment in the district court district of the holding of sessions of court in which related specialized cases or matters are adjudicated, including the holding of family court, drug treatment court, veterans' court, DWI court, mental health court, or any other innovative use of a session of court. With the consent of the clerk of superior court, the court may make use of the personnel and resources of the clerk's office to administer these specialty sessions. The Administrative Office of the Courts shall provide direction and oversight to any such specialty session of district court in order to ensure that each district is utilizing best practices and is working effectively and efficiently in the disposition of such specialized cases and consistent with the provisions of G.S. 7A-272."

## **INNOCENCE INQUIRY COMMISSION**

**SECTION 18A.16.** G.S. 15A-1462 reads as rewritten:

### **"§ 15A-1462. Commission established.**

(a) There is established the North Carolina Innocence Inquiry Commission. The North Carolina Innocence Inquiry Commission shall be an independent commission under the ~~Judicial Department~~ Administrative Office of the Courts for administrative purposes.

(b) The Administrative Office of the Courts shall provide administrative support to the Commission as needed. The Director of the Administrative Office of the Courts shall not reduce or modify the budget of the Commission or use funds appropriated to the Commission without the approval of the Commission. The Administrative Office of the Courts shall conduct an annual audit of the Commission."

## **TRANSFER OFFICE OF INDIGENT DEFENSE SERVICES TO THE ADMINISTRATIVE OFFICE OF THE COURTS**

**SECTION 18A.17.** G.S. 7A-498.2 reads as rewritten:

### **"§ 7A-498.2. Establishment of Office of Indigent Defense Services.**

(a) The Office of Indigent Defense Services, which is administered by the Director of Indigent Defense Services and includes the Commission on Indigent Defense Services and the Sentencing Services Program established in Article 61 of this Chapter, is created within the ~~Judicial Department~~ Administrative Office of the Courts. As used in this Article, "Office" means the Office of Indigent Defense Services, "Director" means the Director of Indigent Defense Services, and "Commission" means the Commission on Indigent Defense Services.

(b) The Office of Indigent Defense Services shall exercise its prescribed powers independently of the head of the Administrative Office of the Courts. The Office may enter into contracts, own property, and accept funds, grants, and gifts from any public or private source to pay expenses incident to implementing its purposes.

(c) The Director of the Administrative Office of the Courts shall provide general administrative support to the Office of Indigent Defense Services. The term "general administrative support" includes purchasing, payroll, and similar administrative services.

(d) The budget of the Office of Indigent Defense Services shall be a part of the ~~Judicial Department's budget~~ budget of the Administrative Office of the Courts. The Commission on



Indigent Defense Services shall consult with the Director of the Administrative Office of the Courts, who shall assist the Commission in preparing and presenting to the General Assembly the Office's budget, but the Commission shall have the final authority with respect to preparation of the Office's budget and with respect to representation of matters pertaining to the Office before the General Assembly. The Administrative Office of the Courts shall conduct an annual audit of the budget of the Office of Indigent Defense Services.

(e) The Director of the Administrative Office of the Courts shall not ~~reduce or~~ modify the budget of the Office of Indigent Defense Services or use funds appropriated to the Office without the approval of the Commission."

## **STUDY FUTURE OF INDIGENT DEFENSE SERVICES COMMISSION AND INNOCENCE INQUIRY COMMISSION**

**SECTION 18A.18.** The Joint Legislative Oversight Committee on Justice and Public Safety shall study:

- (1) The Office of Indigent Defense Services and determine whether changes should be made to the ways in which appropriated funds are used to provide legal assistance and representation to indigent persons.
- (2) The North Carolina Innocence Inquiry Commission and determine whether changes should be made to the way in which the Commission investigates and determines credible claims of factual innocence made by criminal defendants.

The Joint Legislative Oversight Committee on Justice and Public Safety shall report its findings and recommendations, including any proposed legislation, to the 2015 General Assembly when it reconvenes in 2016.

## **ABOLISH THREE SPECIAL SUPERIOR COURT JUDGESHIPS**

**SECTION 18A.19.** G.S. 7A-45.1 reads as rewritten:

"§ 7A-45.1. Special judges.

...

(a8) Notwithstanding any other provision of this section, the four special superior court judgeships held as of April 1, 2014, by judges whose terms expire on April 29, 2015, October 20, 2015, and December 31, 2017, and the two special superior court judgeships held as of April 1, 2015, by judges whose terms expire January 26, 2016, are 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) Death of the incumbent judge.
- (5) Expiration of the term of the incumbent judge.

(a9) Effective upon the retirement, resignation, removal from office, death, or expiration of the term of the special superior court judge held as of April 1, 2014, by the judge whose term expires on April 29, 2015, a new special superior court judgeship shall be created and filled through the procedure for nomination and confirmation provided for in subsection (a10) of this section. ~~Effective upon the retirement, resignation, removal from office, death, or expiration of the term of the special superior court judge held as of April 1, 2014, by the judge whose term expires on October 20, 2015, a new special superior court judgeship shall be created and filled through the procedure for nomination and confirmation provided for in subsection (a10) of this section.~~

Prior to submitting a nominee for the ~~judgeships~~ judgeship created under this subsection to the General Assembly for confirmation, the Governor shall consult with the Chief Justice to ensure that the ~~persons~~ person nominated to fill ~~these two judgeships~~ have this judgeship has

the requisite expertise and experience to be designated by the Chief Justice as a business court judge ~~judges~~ ~~judge~~ under G.S. 7A-45.3, and the Chief Justice is requested to designate ~~those two judges as business court judges~~ this judge as a business court judge.

...

(a11) The Chief Justice is requested, pursuant to the authority under G.S. 7A-45.3 to designate business court judges, to maintain at least five business court judgeships from among the special superior court judgeships authorized under this section.

...."

## COMPENSATION OF COURT REPORTERS

**SECTION 18A.20.** The Administrative Office of the Courts shall set the limits on compensation and allowances of court reporters provided for in G.S. 7A-95(e) and G.S. 7A-198(f) during the 2015-2017 fiscal biennium so that (i) the Administrative Office of the Courts pays no more than fifty percent (50%) of the per-transcript-page rate paid by the Administrative Office of the Courts during the 2011-2013 fiscal biennium and (ii) the Office of Indigent Defense Services pays no more than fifty percent (50%) of the per-transcript-page rate paid by the Office of Indigent Defense Services during the 2011-2013 fiscal biennium.

## E-COURTS INFORMATION TECHNOLOGY INITIATIVE/STRATEGIC PLAN/ADVISORY COMMITTEE

**SECTION 18A.21.(a)** The Administrative Office of the Courts shall establish a strategic plan for the design and implementation of its e-Courts information technology initiative by February 1, 2016. The plan shall:

- (1) Clearly articulate the requirements for the e-Courts system, including well-defined milestones, costs parameters, and performance measures.
- (2) Prioritize the funding needs for implementation of the various elements of the system, after consultation with the e-Courts advisory committee established by subsection (c) of this section.
- (3) Identify any potential issues that may arise in the development of the system and plans for mitigating those issues.
- (4) Address the potential for incorporating any currently existing resources into the e-Courts system.

**SECTION 18A.21.(b)** The Administrative Office of the Courts shall report quarterly beginning November 1, 2015, to the Joint Legislative Oversight Committee on Justice and Public Safety and the Joint Legislative Oversight Committee on Information Technology on the development, implementation, and specific costs of the strategic plan required by subsection (a) of this section and on any changes in the projected costs for implementing the e-Courts system or the schedule for implementation.

**SECTION 18A.21.(c)** The Administrative Office of the Courts shall establish an e-Courts advisory committee consisting of clerks of superior court, judges, district attorneys, public defenders, and representatives of the State Bar in order to ensure that, in the development and implementation of the strategic plan required by subsection (a) of this section, it has the input and advice of those stakeholders in the e-Courts system and the benefit of the various stakeholders' expertise on the information technology needs of the courts. The advisory committee shall be guided by an executive steering committee.

**SECTION 18A.21.(d)** Upon completion of the strategic plan required by subsection (a) of this section, the Administrative Office of the Courts shall issue a Request For Information (RFI) for a contractor to provide the e-Courts system as outlined in the strategic plan. The Administrative Office of the Courts shall evaluate the responses to the RFI before issuing a Request for Proposals (RFP) for the e-Courts system.



## 1 AMEND CHILD CUSTODY LAWS

2 SECTION 18A.22.(a) Article 1 of Chapter 50 of the General Statutes is amended  
3 by adding a new section to read:

4 "§ 50-13.01. Purposes.

5 It is the policy of the State of North Carolina to do the following:

- 6 (1) Encourage focused, good-faith, best interest, and child-centered joint  
7 parenting agreement development to reduce needless litigation over child  
8 custody matters and to promote the best interest of the child.
- 9 (2) Encourage parents to take responsibility for their child by setting the  
10 expectation that parenthood will be a significant and ongoing responsibility.
- 11 (3) Encourage programs and court practices that maximize participation of both  
12 parents in the child's life and contact with both parents when such is in the  
13 child's best interest, regardless of the parents' present marital status, subject  
14 to laws regarding abuse, neglect, and dependency.
- 15 (4) Encourage both parents to share equitably in the rights and responsibilities  
16 of raising their child, even after dissolution of marriage or unwed  
17 relationship.
- 18 (5) Encourage each parent to establish and maintain a healthy relationship with  
19 the other parent to promote the best interest and welfare of the child."

20 SECTION 18A.22.(b) G.S. 50-13.2 reads as rewritten:

21 "**§ 50-13.2. Who entitled to custody; terms of custody; visitation rights of grandparents;**  
22 **taking child out of State; consideration of parent's military service.**

23 (a) An order for custody of a minor child entered pursuant to this section shall award  
24 the custody of such child to such person, agency, organization or institution as will best  
25 promote the interest and welfare of the child. In making the determination, the court shall  
26 consider all relevant ~~factors~~ factors, including all of the following:

- 27 (1) ~~aets~~ Acts of domestic violence between the ~~parties~~ parties.
- 28 (2) ~~the~~ The safety of the ~~child~~ child.
- 29 (3) ~~and the~~ The safety of either party from domestic violence by the other ~~party~~  
30 ~~and shall make findings accordingly.~~ party.

31 An order for custody must include findings of fact ~~which that~~ reflect the consideration of each  
32 of these factors and that support the determination of what is in the best interest of the child.

33 (a1) Between the mother and father, whether natural or adoptive, no presumption shall  
34 apply as to who will better promote the interest and welfare of the child. ~~Joint custody to the~~  
35 ~~parents shall be considered upon the request of either parent.~~

36 (b) An order for custody of a minor child may grant joint custody to the parents,  
37 exclusive custody to one person, agency, organization, or institution, or grant custody to two or  
38 more persons, agencies, organizations, or institutions. Any order for custody shall include such  
39 terms, including visitation, as will best promote the interest and welfare of the child. If the  
40 court finds that domestic violence has occurred, the court shall enter such orders that best  
41 protect the children and party who were the victims of domestic violence, in accordance with  
42 the provisions of G.S. 50B-3(a1)(1), (2), and (3). If a party is absent or relocates with or  
43 without the children because of an act of domestic violence, the absence or relocation shall not  
44 be a factor that weighs against the party in determining custody or visitation. Absent an order  
45 of the court to the contrary, each parent shall have equal access to the records of the minor  
46 child involving the health, education, and welfare of the child.

47 ...."  
48

## 49 SUBPART XVIII-B. OFFICE OF INDIGENT DEFENSE SERVICES

50 INDIGENT DEFENSE SERVICES ANNUAL REPORT DATE CHANGE  
51

1           **SECTION 18B.1.** G.S. 7A-498.9 reads as rewritten:

2    "**§ 7A-498.9. Annual report on Office of Indigent Defense Services.**

3       The Office of Indigent Defense Services shall report to the Chairs of the Joint Legislative  
4    Oversight Committee on Justice and Public Safety and to the Chairs of the House of  
5    Representatives ~~Subcommittee and Senate Committees~~ on Justice and Public Safety ~~and the~~  
6    ~~Senate Appropriations Committee on Justice and Public Safety by February 1~~ March 15 of each  
7    year on the following:

- 8           (1)    The volume and cost of cases handled in each district by assigned counsel or  
9                   public defenders;  
10          (2)    Actions taken by the Office to improve the cost-effectiveness and quality of  
11                   indigent defense services, including the capital case program;  
12          (3)    Plans for changes in rules, standards, or regulations in the upcoming year;  
13                   and  
14          (4)    Any recommended changes in law or funding procedures that would assist  
15                   the Office in improving the management of funds expended for indigent  
16                   defense services, including any recommendations concerning the feasibility  
17                   and desirability of establishing regional public defender offices."

18  
19    **OFFICE OF INDIGENT DEFENSE SERVICES/STATE MATCH FOR GRANTS**

20       **SECTION 18B.2.** Notwithstanding G.S. 143C-6-9, the Office of Indigent Defense  
21    Services may use the sum of up to fifty thousand dollars (\$50,000) during the 2015-2016 fiscal  
22    year from funds available to provide the State matching funds needed to receive grant funds.  
23    Prior to using funds for this purpose, the Office shall report to the chairs of the House of  
24    Representatives and Senate Appropriations Committees on Justice and Public Safety on the  
25    grants to be matched using these funds.

26  
27    **REPORTS ON CRIMINAL CASE INFORMATION SYSTEM**

28       **SECTION 18B.3.(a)** Section 18B.10 of S.L. 2013-360, as amended by Section  
29    18A.2 of S.L. 2014-100, reads as rewritten:

30       "**SECTION 18B.10.** The Administrative Office of the Courts, in consultation with the  
31    Office of Indigent Defense Services, shall use the sum of three hundred fifty thousand dollars  
32    (\$350,000) in funds available to the Administrative Office of the Courts for the 2013-2015  
33    fiscal biennium and the sum of three hundred fifty thousand dollars (\$350,000) in funds  
34    available to the Office of Indigent Defense Services for the 2013-2015 fiscal biennium to  
35    develop or acquire and to implement a component of the Department's criminal case  
36    information system for use by public defenders no later than ~~February 1, 2015~~ February 1,  
37    2016. The Administrative Office of the Courts shall make ~~an interim report~~ quarterly reports on  
38    the development and implementation of this ~~system by February 1, 2014,~~ system, including  
39    costs, milestones, and performance measures, and a final report on the completed  
40    implementation of the system by ~~July 1, 2015~~ July 1, 2016, to the Chairs of the Joint  
41    Legislative Oversight Committee on Justice and Public Safety and to the Chairs of the House of  
42    Representatives and Senate Appropriations Subcommittee ~~Committees~~ on Justice and Public  
43    Safety ~~and the Senate Appropriations Committee on Justice and Public Safety."~~

44       **SECTION 18B.3.(b)** This section becomes effective June 30, 2015.

45  
46    **STUDY EFFICIENCY OF ESTABLISHING A SYSTEM OF AUTOMATED KIOSKS**  
47    **IN LOCAL CONFINEMENT FACILITIES TO ALLOW ATTORNEYS**  
48    **REPRESENTING INDIGENT DEFENDANTS TO CONSULT WITH THEIR**  
49    **CLIENTS REMOTELY**

50       **SECTION 18B.4.(a)** The Administrative Office of the Courts, in conjunction with  
51    the Office of Indigent Defense Services and the North Carolina Sheriffs' Association, shall



1 study and determine whether savings can be realized through the establishment of a system of  
2 fully automated kiosks in local confinement facilities to allow attorneys representing indigent  
3 defendants to consult with their clients remotely. The system would incorporate technology  
4 through which meetings between attorneys and their clients cannot be monitored or recorded,  
5 would provide for end-to-end message encryption, and would have scheduling software  
6 integrated into the system.

7 **SECTION 18B.4.(b)** The Administrative Office of the Courts shall report its  
8 findings and recommendations, including recommendations of at least two potential pilot sites  
9 for the proposed system, to the chairs of the House of Representatives and Senate  
10 Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative  
11 Oversight Committee on Justice and Public Safety by February 1, 2016.

## 12 13 **STUDY FEE SCHEDULES USED BY OFFICE OF INDIGENT DEFENSE SERVICES**

14 **SECTION 18B.5.** The Joint Legislative Oversight Committee on Justice and  
15 Public Safety shall study the creation and implementation of fee schedules to be used by the  
16 Office of Indigent Defense Services to compensate private assigned counsel representing  
17 indigent defendants. The Committee shall include its findings and recommendations in its  
18 report to the 2015 General Assembly when it reconvenes in 2016.

## 19 20 **PART XIX. DEPARTMENT OF CULTURAL RESOURCES - RESERVED**

## 21 22 **PART XX. DEPARTMENT OF INSURANCE**

### 23 24 **INSURANCE REGULATORY CHARGE**

25 **SECTION 20.1.** The percentage rate to be used in calculating the insurance  
26 regulatory charge under G.S. 58-6-25 is six and one-half percent (6.5%) for the 2016 calendar  
27 year.

## 28 29 **PART XXI. DEPARTMENT OF THE STATE TREASURER**

### 30 31 **UPDATE ORBIT RETIREMENT SYSTEM**

32 **SECTION 21.1.** The Department of State Treasurer, Retirement Systems Division,  
33 may use funds from receipts up to eight hundred fifty thousand dollars (\$850,000) for the  
34 purpose of upgrading the Online Retirement Benefits through Integrated Technology  
35 self-service retirement system and those funds are hereby appropriated for that purpose.

## 36 37 **ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACT**

38 **SECTION 21.2.(a)** Article 6 of Chapter 147 of the General Statutes is amended by  
39 adding a new section to read:

### 40 **"§ 147-86.5. Achieving a Better Life Experience Trust Fund.**

41 **(a)** Policy. – The General Assembly of North Carolina hereby finds and declares that  
42 encouraging and assisting individuals and families in saving private funds for the purpose of  
43 supporting individuals with disabilities to maintain health, independence, and a better quality of  
44 life is fully consistent with and furthers the long-established policy of the State to provide tools  
45 that strengthen opportunities for personal economic development and long-term financial  
46 planning.

47 **(b)** Definitions. – The following definitions apply in this section:

48 **(1)** ABLE account. – An account established and owned by an eligible  
49 individual and maintained pursuant to this section.

50 **(2)** Account owner. – The person who enters into an ABLE savings agreement  
51 pursuant to the provisions of this section. The account owner must be the

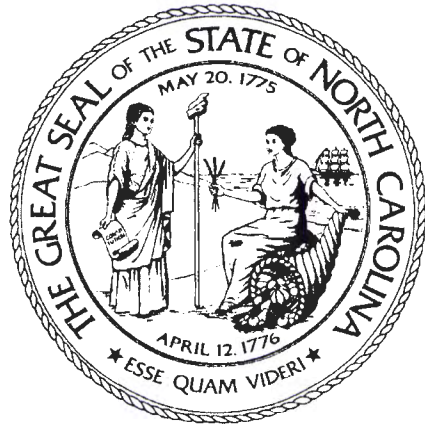


**Senate Appropriations/Base Budget Committee**  
**Rules for Considering Amendments**

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 or create new management flexibility reserves are not allowed.
  6. Amendments that increase spending in the subcommittee budgets are not allowed.
  7. Amendments are not allowed where funding for an item comes from statewide reserves.
  8. Amendments that adjust funds from compensation increase reserves or other reserves related to salaries and benefits are not allowed.
  9. Amendments that adjust funds for workers' compensation are not allowed.
  10. Amendments that adjust funds related to vacant positions are not allowed.
  11. Since this is a meeting of Full Appropriations, amendments that address finance portions of the bill will not be heard.
  12. Amendments must be in writing, the original signed, with 100 copies available for distribution.
  13. To be considered, a proposed amendment must have been logged in by the committee clerk in room 643 by 10:00 a.m. on Tuesday, June 16, 2015.
-





**SENATE APPROPRIATIONS**

**JUSTICE AND PUBLIC SAFETY**

**JUNE 15, 2015**

**SENATE SERGEANT-AT-ARMS**

**CANTON LEWIS**

**ED KESLER**





# VISITOR REGISTRATION SHEET

Senate Appropriations on Justice and Public Safety  
(Committee Name)

6/15/15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY</u>
<del>ASANTIA SKINNER</del>	NCACC
Mildred Spearman	NCAOC
<del>Thomas Mahler</del>	<del>EDS</del>
Flint Benson	SEANC
Bill Givens	NCSHP / DRS
Rockey Breckon	NCALF
MARK SENTER	ALCOHOL LAW ENFORCEMENT
Andy Brander	DPS
Craig Sams	NKU
Todd W. Lee	CSC - Perquimans
Peg Doer	Conf. of DAs
Chris Agner	DOJ
Bre Hagen	NCEL
Hayden Bauguess	FSP
July 19 Ltd	P. Hall & Assoc.
Jennifer Lechner	ML EATJC
TOM BOWLIN	NG NATIONAL GUARD

please. I didn't have access to the computer at the time.

2/12/12

# VISITOR REGISTRATION SHEET

SENATE APPROPRIATIONS ON JUSTICE & PUBLIC SAFETY  
(Committee Name)

6-15-15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Jul Bone	Bone : ASSO.
Millian D. Thomas	MWC LLC
Lexi Morgan Arthur	NCRMA
Elisa Wolper	PCIDS
Sarah McQuillan	SSGNC
Gary Robertson	AP
Jessy Little	OSBM
Lauren (of Ry)	DOA
Carla Tansel	Gov. Office

