

**2017-2018**

**HOUSE  
APPROPRIATIONS –  
JUSTICE & PUBLIC  
SAFETY**

**MINUTES**



**House Appropriations, Justice and Public Safety**  
**Thursday, May 25, 2017 at 8:30am**  
**Room 415 LOB**

**MINUTES**

The House Appropriations, Justice and Public Safety met on Thursday, May 25, 2017 at 8:30am in room 415 of the Legislative Office Building. Representatives McNeill, Boles, Davis, Turner, Belk, C. Graham, G. Graham, John, Richardson, Rogers, Speciale, and Stevens were in attendance.

Representative Allen McNeill presided and called the meeting to order at 8:34am. He introduced the Sergeant at Arms staff and pages.

Chairman McNeill asked for comments from the other chairs before they began the meeting. Representative Boles thanked the Staff and other chairs for their hard work. Chairman McNeill thanked the different agencies that were present for being there and their input. The Rules for Subject Area Committee Procedures (see attachment 1) were passed out to the committee and Kristine Leggett from the Fiscal Research Division reviewed the Rules with the committee.

Ms. Leggett then began the presentation by explaining the General Fund Budget and Fund codes found in the Report on the Base and Expansion Budget (see attachment 2). Ms. Leggett, John Poteat, and Mark White took turns going through the Legislative Changes in the Justice and Public Safety portion of the Budget. Questions were permitted after each section. There was discussion between the Staff and the committee members.

Following those presentations, the Staff went through the Special Provisions (see attachment 3). There was discussion between the Staff and Committee members.

Chairman McNeill advised the committee they would recess for 1 hour for members to have their amendments written. The staff would remain in the committee room to help them during this hour. The committee recess at 10:10 to come back at 11:10am.

The committee came back at 11:10 and Kory Goldsmith from Bill Drafting requested another 60 minutes to work on the amendments. The committee approved this request. The committee would recess till 12:15.

At 12:15 the committee was called back in and the amendments were handed in. Chairman McNeill explained the committee would recess again for the Chairs to review the amendments with the staff.

The chairs came back at 1:00 from reviewing the amendments.

Chairman McNeill recognized Representative Stevens to explain her amendment, **S257-AMS-12 [v.5]**. Representative Stevens explained her amendment and there was discussion from the committee. Staff was recognized to answer questions and Director John Byrd from North



Carolina State Crime Lab. The amendment was voted on and a division was called. A show of hands vote was taken. The amendment passed.

**S257-AMS-13 [v.3]**, was the next amendment and Chairman McNeill recognized Representative John to explain his amendment. There was discussion between the committee and staff. The amendment was voted on and it passed.

Chairman McNeill recognized Representative Stevens to explain another amendment, **S257-AMS-17 [v.1]**. There was a short discussion and the amendment passed.

The next amendment was also Representative Stevens and she was recognized to explain **S257-AMM-22 [v.2]**. There was discussion from the committee, staff, and Andy Brandon from Department of Public Safety, Adult Corrections and Juvenile Justice. The amendment was voted on and it passed.

Chairman McNeill recognized Representative Charles Graham for an amendment, **S257-AMS-7 [v.6]**. He explained his amendment and there was some discussion from the committee and staff. The amendment was voted on and passed.

Representative Rogers was recognized by Chairman McNeill to explain his amendment, **S257-AMS-11 [v. 1]**. There was discussion on this amendment from the committee and staff. The amendment was voted on and passed.

Chairman McNeill recognized Representative Rogers to present amendment **S257-AMS-14 [v.3]**. There was discussion between the committee and the staff. The amendment was voted and it failed.

Representative Charles Graham was recognized to present an amendment, **S257-AMS-16 [v.1]**. After some discussion with the committee and the staff, the amendment was voted on and it failed.

Representative George Graham was recognized by Chairman McNeill to explain his amendment, **S257-AMS-15 [v.1]**. There was some discussion between the committee, staff, and Andy Brandon from Department of Public Safety Adult Corrections and Juvenile Justice. After the discussion, Representative Graham withdrew his amendment.

The last amendment, **S257-AMS-10 [v.5]**, was submitted by Representative Turner. Chairman McNeill recognized her to explain the amendment. Representative Turner referred to Kristine Leggett, Fiscal Staff, to explain this amendment which was technical corrections. There was no discussion and Representative Davis moved that the Justice and Public Safety Committee adopt the Appropriations Area Committee report, as amended, and further move that staff be authorized to make technical corrections and conforming changes related to reconciling the various amendments adopted, and that the appropriate totals may be adjusted accordingly. It was seconded by Representative Stevens. The motion passed.

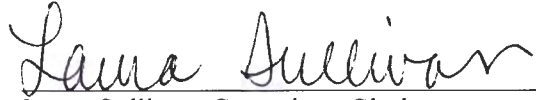
There being no further business, Chairman McNeill adjourned the meeting at 2:33pm.



Respectfully submitted,

Handwritten signature of Allen McNeill in cursive script.

Representative Allen McNeill, Chair

Handwritten signature of Laura Sullivan in cursive script.

Laura Sullivan, Committee Clerk



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

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

**DAY & DATE:** Thursday, May 25, 2017  
**TIME:** 8:30 AM  
**LOCATION:** 415 LOB

Respectfully,

Representative James L. Boles, Jr., Co-Chair  
Representative Ted Davis, Jr., Co-Chair  
Representative Allen McNeill, Co-Chair  
Representative Rena W. Turner, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:53 AM on Wednesday, May 24, 2017.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Kerry Guice (Committee Assistant)



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

**May 25, 2017 8:30 A.M.**

**I. CALL TO ORDER**

Chairs:        Representative Jamie Boles  
                 Representative Ted Davis  
                 Representative Allen McNeill, Chair  
                 Representative Rena Turner

**II. OPENING REMARKS BY CHAIRS**

**III. PRESENTATIONS**

House Appropriations Committee Rules  
*Kristine Leggett, Fiscal Research Division*

JPS Committee Budget  
*Fiscal Research Staff*

**IV. COMMITTEE DISCUSSION**

*The Committee will recess for a period of time following discussion of the Budget.*

**V. OTHER BUSINESS:**

**VI. ADJOURNMENT**

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**House Appropriations Subcommittee on JPS**

Rep. Boles (Chair)  
Rep. Davis (Chair)  
Rep. McNeill (Chair)  
Rep. R. Turner (Chair)  
Rep. Belk, Rep. C. Graham, Rep. G. Graham  
Rep. John, Rep. B. Jones, Rep. W. Richardson,  
Rep. Rogers, Rep. Setzer, Rep. Speciale,  
Rep. Stevens, Rep. Willingham



## ATTENDANCE

**House Committee on Appropriations, Justice and Public Safety**

(Name of Committee)

[illegible]



**North Carolina House of Representatives  
Appropriations Committee**

**RULES FOR SUBJECT AREA COMMITTEE PROCEDURES**

May 25, 2017

The following rules govern the eligibility of amendments to proposed committee reports:

1. Amendments must be offered by formal amendments.
2. Amendments cannot increase total spending within the proposed committee report.
3. Amendments can only affect appropriations within the departments, agencies, or programs within the jurisdiction of the committee and may not cause a change in another committee's appropriations.
4. Amendments cannot adjust salary and benefit appropriations for the departments, agencies, or programs within the committee report.
5. Amendments cannot spend reversions or include "shall not revert" or "carry forward" language.
6. Amendments cannot use nonrecurring reductions to fund recurring items.
7. Amendments cannot change the recurring and nonrecurring designation of funds.
8. Amendments cannot reduce or eliminate vacant positions (or the associated savings in the salary and benefits) in agency budgets beyond those included in the committee report.
9. Amendments cannot change substantive policy or law.
10. Amendments may not create or increase "management flexibility reductions."
11. Amendments may not affect agency or program transfers to other committees.
12. Amendments may not include fees or other Finance-related matters.



**N.C. HOUSE OF REPRESENTATIVES  
APPROPRIATIONS COMMITTEE  
ON  
JUSTICE AND PUBLIC SAFETY  
REPORT ON THE BASE AND EXPANSION  
BUDGET**

**Senate Bill 257**

**May 25, 2017**



**Department of Public Safety  
Budget Code 14550**

**General Fund Budget**

	<u><b>FY 2017-18</b></u>	<u><b>FY 2018-19</b></u>
<b>Base Budget</b>		
Requirements	\$2,154,155,796	\$2,154,232,814
Receipts	\$218,889,060	\$218,889,060
Net Appropriation	\$1,935,266,736	\$1,935,343,754
<b>Legislative Changes</b>		
Requirements	\$6,018,107	\$2,620,382
Receipts	\$0	\$0
Net Appropriation	\$6,018,107	\$2,620,382
<b>Revised Budget</b>		
Requirements	\$2,160,173,903	\$2,156,853,196
Receipts	\$218,889,060	\$218,889,060
Net Appropriation	\$1,941,284,843	\$1,937,964,136

**General Fund FTE**

<b>Base Budget</b>	24,951.46	24,951.46
<b>Legislative Changes</b>	(232.00)	(230.00)
<b>Revised Budget</b>	24,719.46	24,721.46

**Summary of General Fund Appropriations  
Fiscal Year 2017-18  
2017 Legislative Session**

Department of Public Safety		Base Budget			Legislative Changes			Revised Budget		
Budget Code 14550										
Fund Code	Fund Name	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation
1100	Division of Administration	58,247,650	250,893	57,996,757	2,022,109	-	2,022,109	60,269,759	250,893	60,018,866
1115	Victims Services	10,038,875	3,791,086	6,247,789	-	-	-	10,038,875	3,791,086	6,247,789
1170	Governor's Crime Commission	81,383,983	80,726,020	657,963	2,250,000	-	2,250,000	83,633,983	80,726,020	2,907,963
1200	DJJ Administration	3,197,664	-	3,197,664	-	-	-	3,197,664	-	3,197,664
1210	Youth Detention Center Services	13,360,169	5,835,467	7,524,702	-	-	-	13,360,169	5,835,467	7,524,702
1220	Youth Development Center Services	16,850,321	571,954	16,278,367	-	-	-	16,850,321	571,954	16,278,367
1225	Youth Treatment Services	15,731,349	630	15,730,719	-	-	-	15,731,349	630	15,730,719
1226	Youth Education Services	6,334,596	928,085	5,406,511	-	-	-	6,334,596	928,085	5,406,511
1230	Community Program Services	20,297,422	32	20,297,390	-	-	-	20,297,422	32	20,297,390
1240	JCPC Grants Management System	22,745,217	298,078	22,447,139	-	-	-	22,745,217	298,078	22,447,139
1250	Juvenile Court Services	35,774,518	-	35,774,518	-	-	-	35,774,518	-	35,774,518
1305	Prison Management	13,372,460	-	13,372,460	-	-	-	13,372,460	-	13,372,460
1307	Inmate Construction Program	1,291,442	-	1,291,442	-	-	-	1,291,442	-	1,291,442
1310	Prison Custody and Security	792,813,027	3,890,564	788,922,463	(3,395,943)	-	(3,395,943)	789,417,084	3,890,564	785,526,520
1312	Statewide Misdemeanant Confinement Fund	22,275,000	-	22,275,000	-	-	-	22,275,000	-	22,275,000
1314	Prison Road Squad and Litter Crews	9,550,679	9,040,000	510,679	(510,679)	-	(510,679)	9,040,000	9,040,000	-
1316	Prison Center for Community Transition	513,072	-	513,072	-	-	-	513,072	-	513,072
1320	Prison Food Service and Cleaning	76,787,265	9,776,696	67,010,569	-	-	-	76,787,265	9,776,696	67,010,569
1321	Prison Inmate Clothing and Bedding	17,049,824	-	17,049,824	-	-	-	17,049,824	-	17,049,824
1331	Prison General Health	167,652,075	5,805,277	161,846,798	-	-	-	167,652,075	5,805,277	161,846,798
1332	Prison Mental Health	39,691,852	-	39,691,852	-	-	-	39,691,852	-	39,691,852
1333	Prison Dental Health	12,053,445	-	12,053,445	-	-	-	12,053,445	-	12,053,445
1334	Prison Pharmacy Services	38,550,932	516,774	38,034,158	-	-	-	38,550,932	516,774	38,034,158
1340	Prison Inmate Education	9,471,413	1,196,429	8,274,984	-	-	-	9,471,413	1,196,429	8,274,984
1345	Prison Corrective Programs	46,674,876	-	46,674,876	-	-	-	46,674,876	-	46,674,876
1347	Prison Work Release	983,806	-	983,806	-	-	-	983,806	-	983,806
1350	ACDP - Administration	479,222	-	479,222	-	-	-	479,222	-	479,222
1352	ACDP - In Prison Treatment	6,404,138	453,248	5,950,890	-	-	-	6,404,138	453,248	5,950,890
1354	ACDP - Community Based Treatment	8,197,992	-	8,197,992	-	-	-	8,197,992	-	8,197,992
1355	DPS Confinement in Response to Violation (CRV)	10,495,134	-	10,495,134	864,681	-	864,681	11,359,815	-	11,359,815
1360	Community Corrections - Management	2,805,360	-	2,805,360	-	-	-	2,805,360	-	2,805,360
1365	Community Corrections - Interstate Compact	707,960	199,845	508,115	-	-	-	707,960	199,845	508,115
1370	Community Corrections - Regular Supervision	165,807,863	-	165,807,863	-	-	-	165,807,863	-	165,807,863
1375	Community Corrections - Community Supervision	12,404,321	-	12,404,321	-	-	-	12,404,321	-	12,404,321
1377	Community Corrections - Electronic Monitoring	6,897,677	108,817	6,788,860	-	-	-	6,897,677	108,817	6,788,860
1380	Community Corrections - Judicial Services	12,849,012	-	12,849,012	-	-	-	12,849,012	-	12,849,012
1385	Security Services for ACJJ	5,503,712	-	5,503,712	-	-	-	5,503,712	-	5,503,712
1390	Post-Release Supervision and Parole Commission	2,743,019	-	2,743,019	-	-	-	2,743,019	-	2,743,019
1392	Grievance Resolution Board	497,704	-	497,704	-	-	-	497,704	-	497,704
1399	Division Wide Operations	7,824,950	486,151	7,338,799	-	-	-	7,824,950	486,151	7,338,799
1401	LE - Alcohol Law Enforcement	11,922,555	2,972,606	8,949,949	-	-	-	11,922,555	2,972,606	8,949,949
1402	LE - State Capitol Police	5,187,532	3,333,194	1,854,338	-	-	-	5,187,532	3,333,194	1,854,338

**Summary of General Fund Appropriations  
Fiscal Year 2017-18  
2017 Legislative Session**

Department of Public Safety		Base Budget			Legislative Changes			Revised Budget		
Budget Code 14550										
Fund Code	Fund Name	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation
1403	LE - State Highway Patrol	2,757,804	2,757,804	-	-	-	-	2,757,804	2,757,804	-
1408	LE - SHP Missing Persons Administration	108,928	-	108,928	-	-	-	108,928	-	108,928
1410	LE - SHP Aviation Administration	2,400,700	232,926	2,167,774	-	-	-	2,400,700	232,926	2,167,774
1411	LE - SHP Field Administration	213,283,151	3,399,238	209,883,913	3,483,387	-	3,483,387	216,766,538	3,399,238	213,367,300
1414	LE - SHP VIPER Administration	13,428,132	2,469	13,425,663	605,089	-	605,089	14,033,221	2,469	14,030,752
1450	State Bureau of Investigation	48,586,486	13,885,682	34,700,804	249,463	-	249,463	48,835,949	13,885,682	34,950,267
1500	EM - EMPG Operations	11,727,133	9,136,874	2,590,259	250,000	-	250,000	11,977,133	9,136,874	2,840,259
1501	EM - Planning	2,572,737	2,572,737	-	-	-	-	2,572,737	2,572,737	-
1502	EM - Homeland Security	8,575,948	8,575,948	-	-	-	-	8,575,948	8,575,948	-
1504	EM - Geospatial (GTM)	4,452,394	4,452,394	-	-	-	-	4,452,394	4,452,394	-
1505	EM - Recovery	502,555	502,555	-	-	-	-	502,555	502,555	-
1506	EM - Operations	1,268,855	1,268,855	-	-	-	-	1,268,855	1,268,855	-
1507	EM - CAP	157,349	36	157,313	-	-	-	157,349	36	157,313
1509	EM - Hazard Mitigation - Non-Disaster	10,504,585	10,273,123	231,462	-	-	-	10,504,585	10,273,123	231,462
1511	Geodetic Survey	1,697,072	784,625	912,447	-	-	-	1,697,072	784,625	912,447
1600	National Guard	6,550,051	2,471,992	4,078,059	200,000	-	200,000	6,750,051	2,471,992	4,278,059
1601	National Guard - Armory	19,160,817	17,755,149	1,405,668	-	-	-	19,160,817	17,755,149	1,405,668
1602	National Guard - Air	4,763,404	4,300,477	462,927	-	-	-	4,763,404	4,300,477	462,927
1603	National Guard - Youth Programs	8,236,612	6,334,330	1,902,282	-	-	-	8,236,612	6,334,330	1,902,282
<b>Department-wide Items</b>										
	Compensation Reserve				-	N/A	-	-	N/A	-
	Compensation Reserve - State Agency Teachers				-	N/A	-	-	N/A	-
	Correctional Officer Custody-Level Based Pay Adj.				-	N/A	-	-	N/A	-
	State Retirement Contributions				-	N/A	-	-	N/A	-
	State Health Plan				-	N/A	-	-	N/A	-
	Undesignated				-	-	-	-	-	-
<b>Total</b>		<b>\$2,154,155,796</b>	<b>\$218,889,060</b>	<b>\$1,935,266,736</b>	<b>6,018,107</b>	<b>\$0</b>	<b>\$6,018,107</b>	<b>\$2,160,173,903</b>	<b>\$218,889,060</b>	<b>\$1,941,284,843</b>

**Summary of General Fund Appropriations  
Fiscal Year 2018-19  
2017 Legislative Session**

Department of Public Safety		Base Budget			Legislative Changes			Revised Budget		
Budget Code 14550										
Fund Code	Fund Name	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation
1100	Division of Administration	58,278,447	250,893	58,027,554	1,909,428	-	1,909,428	60,187,875	250,893	59,936,982
1115	Victims Services	10,038,875	3,791,086	6,247,789	-	-	-	10,038,875	3,791,086	6,247,789
1170	Governor's Crime Commission	81,384,986	80,726,020	658,966	250,000	-	250,000	81,634,986	80,726,020	908,966
1200	DJJ Administration	3,202,872	-	3,202,872	-	-	-	3,202,872	-	3,202,872
1210	Youth Detention Center Services	13,360,169	5,835,467	7,524,702	-	-	-	13,360,169	5,835,467	7,524,702
1220	Youth Development Center Services	16,850,321	571,954	16,278,367	-	-	-	16,850,321	571,954	16,278,367
1225	Youth Treatment Services	15,731,349	630	15,730,719	-	-	-	15,731,349	630	15,730,719
1226	Youth Education Services	6,334,596	928,085	5,406,511	-	-	-	6,334,596	928,085	5,406,511
1230	Community Program Services	20,297,422	32	20,297,390	-	-	-	20,297,422	32	20,297,390
1240	JCPC Grants Management System	22,745,217	298,078	22,447,139	-	-	-	22,745,217	298,078	22,447,139
1250	Juvenile Court Services	35,774,518	-	35,774,518	-	-	-	35,774,518	-	35,774,518
1305	Prison Management	13,375,385	-	13,375,385	-	-	-	13,375,385	-	13,375,385
1307	Inmate Construction Program	1,292,842	-	1,292,842	-	-	-	1,292,842	-	1,292,842
1310	Prison Custody and Security	792,815,700	3,890,564	788,925,136	(3,395,943)	-	(3,395,943)	789,419,757	3,890,564	785,529,193
1312	Statewide Misdemeanant Confinement Fund	22,275,000	-	22,275,000	-	-	-	22,275,000	-	22,275,000
1314	Prison Road Squad and Litter Crews	9,550,679	9,040,000	510,679	(510,679)	-	(510,679)	9,040,000	9,040,000	-
1316	Prison Center for Community Transition	513,072	-	513,072	-	-	-	513,072	-	513,072
1320	Prison Food Service and Cleaning	76,787,265	9,776,696	67,010,569	-	-	-	76,787,265	9,776,696	67,010,569
1321	Prison Inmate Clothing and Bedding	17,049,824	-	17,049,824	-	-	-	17,049,824	-	17,049,824
1331	Prison General Health	167,652,075	5,805,277	161,846,798	-	-	-	167,652,075	5,805,277	161,846,798
1332	Prison Mental Health	39,691,852	-	39,691,852	-	-	-	39,691,852	-	39,691,852
1333	Prison Dental Health	12,053,445	-	12,053,445	-	-	-	12,053,445	-	12,053,445
1334	Prison Pharmacy Services	38,550,932	516,774	38,034,158	-	-	-	38,550,932	516,774	38,034,158
1340	Prison Inmate Education	9,471,413	1,196,429	8,274,984	-	-	-	9,471,413	1,196,429	8,274,984
1345	Prison Corrective Programs	46,674,876	-	46,674,876	-	-	-	46,674,876	-	46,674,876
1347	Prison Work Release	983,806	-	983,806	-	-	-	983,806	-	983,806
1350	ACDP - Administration	479,985	-	479,985	-	-	-	479,985	-	479,985
1352	ACDP - In Prison Treatment	6,404,138	453,248	5,950,890	-	-	-	6,404,138	453,248	5,950,890
1354	ACDP - Community Based Treatment	8,197,992	-	8,197,992	-	-	-	8,197,992	-	8,197,992
1355	DPS Confinement in Response to Violation (CRV)	10,495,134	-	10,495,134	1,221,100	-	1,221,100	11,716,234	-	11,716,234
1360	Community Corrections - Management	2,809,276	-	2,809,276	-	-	-	2,809,276	-	2,809,276
1365	Community Corrections - Interstate Compact	708,897	199,845	509,052	-	-	-	708,897	199,845	509,052
1370	Community Corrections - Regular Supervision	165,810,754	-	165,810,754	-	-	-	165,810,754	-	165,810,754
1375	Community Corrections - Community Supervision	12,404,426	-	12,404,426	-	-	-	12,404,426	-	12,404,426
1377	Community Corrections - Electronic Monitoring	6,898,669	108,817	6,789,852	-	-	-	6,898,669	108,817	6,789,852
1380	Community Corrections - Judicial Services	12,849,012	-	12,849,012	-	-	-	12,849,012	-	12,849,012
1385	Security Services for ACJJ	5,506,173	-	5,506,173	-	-	-	5,506,173	-	5,506,173
1390	Post-Release Supervision and Parole Commission	2,747,093	-	2,747,093	-	-	-	2,747,093	-	2,747,093
1392	Grievance Resolution Board	498,654	-	498,654	-	-	-	498,654	-	498,654
1399	Division Wide Operations	7,825,706	486,151	7,339,555	-	-	-	7,825,706	486,151	7,339,555
1401	LE - Alcohol Law Enforcement	11,922,555	2,972,606	8,949,949	-	-	-	11,922,555	2,972,606	8,949,949
1402	LE - State Capitol Police	5,187,532	3,333,194	1,854,338	-	-	-	5,187,532	3,333,194	1,854,338

**Summary of General Fund Appropriations  
Fiscal Year 2018-19  
2017 Legislative Session**

Department of Public Safety		Base Budget			Legislative Changes			Revised Budget		
Budget Code 14550										
Fund Code	Fund Name	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation
1403	LE - State Highway Patrol	2,757,804	2,757,804	-	-	-	-	2,757,804	2,757,804	-
1408	LE - SHP Missing Persons Administration	108,928	-	108,928	-	-	-	108,928	-	108,928
1410	LE - SHP Aviation Administration	2,400,700	232,926	2,167,774	-	-	-	2,400,700	232,926	2,167,774
1411	LE - SHP Field Administration	213,283,151	3,399,238	209,883,913	2,018,936	-	2,018,936	215,302,087	3,399,238	211,902,849
1414	LE - SHP VIPER Administration	13,432,526	2,469	13,430,057	678,077	-	678,077	14,110,603	2,469	14,108,134
1450	State Bureau of Investigation	48,597,259	13,885,682	34,711,577	249,463	-	249,463	48,846,722	13,885,682	34,961,040
1500	EM - EMPG Operations	11,727,133	9,136,874	2,590,259	-	-	-	11,727,133	9,136,874	2,590,259
1501	EM - Planning	2,572,737	2,572,737	-	-	-	-	2,572,737	2,572,737	-
1502	EM - Homeland Security	8,575,948	8,575,948	-	-	-	-	8,575,948	8,575,948	-
1504	EM - Geospatial (GTM)	4,452,394	4,452,394	-	-	-	-	4,452,394	4,452,394	-
1505	EM - Recovery	502,555	502,555	-	-	-	-	502,555	502,555	-
1506	EM - Operations	1,268,855	1,268,855	-	-	-	-	1,268,855	1,268,855	-
1507	EM - CAP	157,349	36	157,313	-	-	-	157,349	36	157,313
1509	EM - Hazard Mitigation - Non-Disaster	10,504,585	10,273,123	231,462	-	-	-	10,504,585	10,273,123	231,462
1511	Geodetic Survey	1,697,072	784,625	912,447	-	-	-	1,697,072	784,625	912,447
1600	National Guard	6,550,051	2,471,992	4,078,059	200,000	-	200,000	6,750,051	2,471,992	4,278,059
1601	National Guard - Armory	19,160,817	17,755,149	1,405,668	-	-	-	19,160,817	17,755,149	1,405,668
1602	National Guard - Air	4,763,404	4,300,477	462,927	-	-	-	4,763,404	4,300,477	462,927
1603	National Guard - Youth Programs	8,236,612	6,334,330	1,902,282	-	-	-	8,236,612	6,334,330	1,902,282
Department-wide Items										
	Compensation Reserve	-	-	-	-	N/A	-	-	N/A	-
	Compensation Reserve - State Agency Teachers	-	-	-	-	N/A	-	-	N/A	-
	Correctional Officer Custody-Level Based Pay Adj.	-	-	-	-	N/A	-	-	N/A	-
	State Retirement Contributions	-	-	-	-	N/A	-	-	N/A	-
	State Health Plan	-	-	-	-	N/A	-	-	N/A	-
	Undesignated	-	-	-	-	-	-	-	-	-
<b>Total</b>		<b>\$2,154,232,814</b>	<b>\$218,889,060</b>	<b>\$1,935,343,754</b>	<b>\$2,620,382</b>	<b>\$0</b>	<b>\$2,620,382</b>	<b>\$2,156,853,196</b>	<b>\$218,889,060</b>	<b>\$1,937,964,136</b>

**Summary of General Fund Total Requirement FTE**  
**Fiscal Year 2017-18**  
**2017 Legislative Session**

<b>Department of Public Safety</b>					
<b>Budget Code 14550</b>		<b>Base</b>	<b>Legislative Changes</b>		<b>Revised</b>
<b>Fund Code</b>	<b>Fund Name</b>	<b>Total Requirements</b>	<b>Net Appropriation</b>	<b>Receipts</b>	<b>Total Requirements</b>
1100	Division of Administration	581.54	-	-	581.54
1115	Victims Services	18.50	-	-	18.50
1170	Governor's Crime Commission	25.00	-	-	25.00
1200	DJJ Administration	52.50	-	-	52.50
1210	Youth Detention Center Services	174.50	-	-	174.50
1220	Youth Development Center Services	232.00	-	-	232.00
1225	Youth Treatment Services	220.00	-	-	220.00
1226	Youth Education Services	69.00	-	-	69.00
1230	Community Program Services	23.00	-	-	23.00
1240	JCPC Grants Management System	-	-	-	-
1250	Juvenile Court Services	532.75	-	-	532.75
1305	Prison Management	172.64	-	-	172.64
1307	Inmate Construction Program	4.00	-	-	4.00
1310	Prison Custody and Security	12,701.48	(69.00)	-	12,632.48
1314	Prison Road Squad and Litter Crews	183.00	-	(183.00)	-
1316	Prison Center for Community Transition	-	-	-	-
1320	Prison Food Service and Cleaning	481.00	-	-	481.00
1321	Prison Inmate Clothing and Bedding	-	-	-	-
1331	Prison General Health	1,343.00	(196.00)	-	1,147.00
1332	Prison Mental Health	487.00	-	-	487.00
1333	Prison Dental Health	106.00	-	-	106.00
1334	Prison Pharmacy Services	80.50	-	-	80.50
1340	Prison Inmate Education	56.00	-	-	56.00
1345	Prison Corrective Programs	896.11	-	-	896.11
1347	Prison Work Release	18.36	-	-	18.36
1350	ACDP - Administration	4.21	-	-	4.21
1352	ACDP - In Prison Treatment	94.00	-	-	94.00
1354	ACDP - Community Based Treatment	116.00	-	-	116.00
1355	DPS Confinement in Response to Violation (CRV)	121.00	-	-	121.00
1360	Community Corrections - Management	32.30	-	-	32.30
1365	Community Corrections - Interstate Compact	10.00	-	-	10.00
1370	Community Corrections - Regular Supervision	2,409.00	-	-	2,409.00
1375	Community Corrections - Community Supervision	4.50	-	-	4.50
1377	Community Corrections - Electronic Monitoring	6.00	-	-	6.00
1380	Community Corrections - Judicial Services	240.00	-	-	240.00
1385	Security Services for ACJJ	72.10	-	-	72.10
1390	Post-Release Supervision and Parole Commission	33.00	-	-	33.00
1392	Grievance Resolution Board	5.00	-	-	5.00
1399	Division Wide Operations	103.00	-	-	103.00
1401	LE - Alcohol Law Enforcement	122.00	-	-	122.00
1402	LE - State Capitol Police	92.00	-	-	92.00
1403	LE - State Highway Patrol	10.00	-	-	10.00
1408	LE - SHP Missing Persons Administration	1.00	-	-	1.00
1410	LE - SHP Aviation Administration	12.00	-	-	12.00
1411	LE - SHP Field Administration	2,089.00	38.00	-	2,127.00
1414	LE - SHP VIPER Administration	52.00	-	-	52.00
1450	State Bureau of Investigation	446.00	(5.00)	-	441.00
1500	EM - EMPG Operations	75.59	-	-	75.59
1501	EM - Planning	23.20	-	-	23.20
1502	EM - Homeland Security	13.09	-	-	13.09
1504	EM - Geospatial (GTM)	29.71	-	-	29.71
1505	EM - Recovery	8.13	-	-	8.13
1506	EM - Operations	6.03	-	-	6.03
1507	EM - CAP	1.84	-	-	1.84

**Summary of General Fund Total Requirement FTE**  
**Fiscal Year 2017-18**  
**2017 Legislative Session**

Department of Public Safety					
Budget Code 14550		Base	Legislative Changes		Revised
Fund Code	Fund Name	Total Requirements	Net Appropriation	Receipts	Total Requirements
1509	EM - Hazard Mitigation - Non-Disaster	2.80	-	-	2.80
1511	Geodetic Survey	17.68	-	-	17.68
1600	National Guard	26.00	-	-	26.00
1601	National Guard - Armory	55.40	-	-	55.40
1602	National Guard - Air	48.00	-	-	48.00
1603	National Guard - Youth Programs	112.00	-	-	112.00
			-	-	-
<b>Total FTE</b>		<b>24,951.46</b>	<b>(232.00)</b>	<b>(183.00)</b>	<b>24,536.46</b>

**Summary of General Fund Total Requirement FTE**  
**Fiscal Year 2018-19**  
**2017 Legislative Session**

<b>Department of Public Safety</b>					
<b>Budget Code 14550</b>		<b><u>Base</u></b>	<b><u>Legislative Changes</u></b>		<b><u>Revised</u></b>
<b>Fund Code</b>	<b>Fund Name</b>	<b>Total Requirements</b>	<b>Net Appropriation</b>	<b>Receipts</b>	<b>Total Requirements</b>
1100	Division of Administration	581.54	2.00	-	583.54
1115	Victims Services	18.50	-	-	18.50
1170	Governor's Crime Commission	25.00	-	-	25.00
1200	DJJ Administration	52.50	-	-	52.50
1210	Youth Detention Center Services	174.50	-	-	174.50
1220	Youth Development Center Services	232.00	-	-	232.00
1225	Youth Treatment Services	220.00	-	-	220.00
1226	Youth Education Services	69.00	-	-	69.00
1230	Community Program Services	23.00	-	-	23.00
1240	JCPC Grants Management System	-	-	-	-
1250	Juvenile Court Services	532.75	-	-	532.75
1305	Prison Management	172.64	-	-	172.64
1307	Inmate Construction Program	4.00	-	-	4.00
1310	Prison Custody and Security	12,701.48	(69.00)	-	12,632.48
1314	Prison Road Squad and Litter Crews	183.00	-	(183.00)	-
1316	Prison Center for Community Transition	-	-	-	-
1320	Prison Food Service and Cleaning	481.00	-	-	481.00
1321	Prison Inmate Clothing and Bedding	-	-	-	-
1331	Prison General Health	1,343.00	(196.00)	-	1,147.00
1332	Prison Mental Health	487.00	-	-	487.00
1333	Prison Dental Health	106.00	-	-	106.00
1334	Prison Pharmacy Services	80.50	-	-	80.50
1340	Prison Inmate Education	56.00	-	-	56.00
1345	Prison Corrective Programs	896.11	-	-	896.11
1347	Prison Work Release	18.36	-	-	18.36
1350	ACDP - Administration	4.21	-	-	4.21
1352	ACDP - In Prison Treatment	94.00	-	-	94.00
1354	ACDP - Community Based Treatment	116.00	-	-	116.00
1355	DPS Confinement in Response to Violation (CRV)	121.00	-	-	121.00
1360	Community Corrections - Management	32.30	-	-	32.30
1365	Community Corrections - Interstate Compact	10.00	-	-	10.00
1370	Community Corrections - Regular Supervision	2,409.00	-	-	2,409.00
1375	Community Corrections - Community Supervision	4.50	-	-	4.50
1377	Community Corrections - Electronic Monitoring	6.00	-	-	6.00
1380	Community Corrections - Judicial Services	240.00	-	-	240.00
1385	Security Services for ACJJ	72.10	-	-	72.10
1390	Post-Release Supervision and Parole Commission	33.00	-	-	33.00
1392	Grievance Resolution Board	5.00	-	-	5.00
1399	Division Wide Operations	103.00	-	-	103.00
1401	LE - Alcohol Law Enforcement	122.00	-	-	122.00
1402	LE - State Capitol Police	92.00	-	-	92.00
1403	LE - State Highway Patrol	10.00	-	-	10.00
1408	LE - SHP Missing Persons Administration	1.00	-	-	1.00
1410	LE - SHP Aviation Administration	12.00	-	-	12.00
1411	LE - SHP Field Administration	2,089.00	38.00	-	2,127.00
1414	LE - SHP VIPER Administration	52.00	-	-	52.00
1450	State Bureau of Investigation	446.00	(5.00)	-	441.00
1500	EM - EMPG Operations	75.59	-	-	75.59
1501	EM - Planning	23.20	-	-	23.20
1502	EM - Homeland Security	13.09	-	-	13.09
1504	EM - Geospatial (GTM)	29.71	-	-	29.71
1505	EM - Recovery	8.13	-	-	8.13
1506	EM - Operations	6.03	-	-	6.03
1507	EM - CAP	1.84	-	-	1.84

**Summary of General Fund Total Requirement FTE**  
**Fiscal Year 2018-19**  
**2017 Legislative Session**

Department of Public Safety					
Budget Code 14550		<u>Base</u>	<u>Legislative Changes</u>		<u>Revised</u>
Fund Code	Fund Name	Total Requirements	Net Appropriation	Receipts	Total Requirements
1509	EM - Hazard Mitigation - Non-Disaster	2.80	-	-	2.80
1511	Geodetic Survey	17.68	-	-	17.68
1600	National Guard	26.00	-	-	26.00
1601	National Guard - Armory	55.40	-	-	55.40
1602	National Guard - Air	48.00	-	-	48.00
1603	National Guard - Youth Programs	112.00	-	-	112.00
			-	-	-
<b>Total FTE</b>		<b>24,951.46</b>	<b>(230.00)</b>	<b>(183.00)</b>	<b>24,538.46</b>

## Public Safety

## GENERAL FUND

	FY 17-18	FY 18-19
Recommended Base Budget	\$1,935,266,736	\$1,935,343,754

## Legislative Changes

## B. Administration

1 Vacant Position Elimination	(\$454,070)	R	(\$454,070)	R
Fund Code:				

Eliminates 4 positions that have been vacant for 12 months or more. The following positions are eliminated:

Position	Title	Total Position Cost
60056082	Safety Consultant II	\$ 81,790
60056452	Payroll Clerk V	\$ 47,992
60056154	Business Systems Mgr	\$107,023
60056159	Analyst	\$109,802
60056445	Accountant	\$107,463

2 Samarcand Phase II Operating Cost	\$1,936,279	R	\$2,363,498	
Fund Code: 1100	\$539,900	NR		
	4.00		6.00	

Provides operating funds for Phase II of the Samarcand Training Academy. The revised net appropriation for the Samarcand Training Academy is \$3,995,907 in FY 2017-18 and \$3,883,226 in FY 2018-19.

3 Opioid Pilot Project				
Fund Code: 1170	\$250,000	NR	\$250,000	NR

Provides funds for the Department, in conjunction with the City of Wilmington, to develop and implement a pilot project to establish a Quick Response Team to address the needs of opiate and heroin overdose victims who are not getting follow-up treatment. The revised net appropriation for opioid pilot projects in DPS is \$250,000 in both years of the biennium.

4 Grants for Law Enforcement Cameras				
Fund Code: 1170	\$2,000,000	NR		

Provides matching grants for local and county law enforcement agencies to purchase and use body-worn or in-car video cameras, and for training and related expenses. Agencies can receive up to \$100,000. Grants must be matched by agencies on a 2-to-1 basis.

## C. Law Enforcement

## 5 SHP Telecommunicator Positions

Fund Code: 1411

Creates 8 new telecommunicator positions in the State Highway Patrol.

\$433,314 R

\$433,314 R

8.00

8.00

## 6 New Trooper Positions

Fund Code: 1411

Provides funding for new trooper positions at a starting salary of \$36,591 plus benefits. Nonrecurring funding is provided for uniforms, weapons, mobile computers, and vehicles for the new troopers. The revised net appropriation for Highway Patrol Field Administration is \$213,367,300 in FY 2017-18 and \$211,902,849 in FY 2018-19.

\$1,585,622 R

\$1,585,622 R

\$1,464,451 NR

30.00

30.00

## 7 VIPER Tower Construction

Fund Code: 1414

Makes part of the funding for VIPER tower construction nonrecurring. The net General Fund appropriation for VIPER tower construction is \$7 million in each year of the biennium.

(\$4,162,236) R

(\$4,162,236) R

\$4,162,236 NR

\$4,162,236 NR

## 8 SHP VIPER Operating Costs

Fund Code: 1414

Provides additional operating funds for the 19 new VIPER towers built since FY 2013-14. Funds are provided for insurance (\$75,302 in the first year, \$94,496 in the second), utilities (\$139,637 in the first year, increasing to \$175,231 in the second) and fuel (\$7,650 in the first year, \$9,600 in the second) for the new sites. In addition, \$382,500 in the first year and \$398,750 in the second year is provided to repair or replace tower lighting systems. The revised net appropriation for VIPER is \$14,030,752 in FY 2017-18 and \$14,108,134 in FY 2018-19.

\$605,089 R

\$678,077 R

**9 SBI Vacant Position Elimination****Fund Code: 1450**

(\$250,537) R

(\$250,537)

-5.00

-5.00

Eliminates 5 positions in the State Bureau of Investigation (SBI) that have been vacant for 12 months or longer. The following positions are eliminated:

Position	Title	Total Position Cost
60010602	Administrative Assist.	\$55,327
60010792	Processing Assist. V	\$52,567
60011136	Processing Assist. IV	\$46,331
60011158	Processing Assist. V	\$45,819
60011054	Admin. Secretary II	\$50,494

**10 SBI Special Investigative Funds****Fund Code: 1450**

\$500,000 R

\$500,000 R

Increases funding for special investigative purposes, including undercover drug purchases and telephone records related to criminal investigations. The revised net appropriation for special investigative funds is \$870,469 in each year of the biennium.

**D. Adult Correction and Juvenile Justice****11 Vacant Positions****Fund Code: 1310**

(\$3,395,943) R

(\$3,395,943) R

-69.00

-69.00

Eliminates 69 positions throughout the Division of Adult Correction that have been vacant one year or longer.

**12 Litter Crews and Road Squads****Fund Code: 1314**

(\$510,679) R

(\$510,679) R

Eliminates the budget for Litter Crews and Road Squads. This program was funded by receipts from the Department of Transportation (DOT). DOT will no longer be supporting the program. 183 receipt-supported positions are eliminated. The total requirements for the program were \$9,550,679, including \$9,040,000 in receipts from DOT and \$510,679 net General Fund appropriation. The revised net General Fund appropriation for this program is \$0 in both years.

**13 Vacant Nursing Positions****Fund Code: 1331**

(\$14,759,413) R

(\$14,759,413) R

-196.00

-196.00

Eliminates vacant nursing positions, redirecting the funds to temporary contract nurses. The Department has difficulty recruiting and retaining nursing positions and relies on temporary nursing services to fill gaps.

**14 Temporary Nursing Services**

\$14,759,413 R

\$14,759,413 R

**Fund Code: 1331**

Provides funding to contract for temporary nursing services with third-party providers. There is currently no base budget funding for contract nursing. The revised net appropriation for temporary nursing services is \$14,759,413 in each year of the biennium.

**15 Female Confinement in Response to Violation (CRV) Facility**

\$611,927 R

\$1,221,100 R

**Fund Code: 1355**

\$252,754 NR

Provides funding for a 200-bed facility dedicated to housing female offenders who have violated the terms of their probation and are subject to a mandatory 90-day sentence as directed by the Justice Reinvestment Act. The facility will be located adjacent to the Swannanoa Correctional Center for Women in Buncombe County. The revised net appropriation for CRV facilities is \$11,359,815 in FY 2017-18, a 7.6% increase over the base budget and \$11,716,234 in FY 2018-19, a 10.4% increase over the base budget.

**F. Emergency Management and National Guard****16 North Carolina 2-1-1****Fund Code: 1500**

\$250,000 NR

Provides funding for North Carolina 2-1-1. This information and referral service connects North Carolinians with needed resources during disasters and emergency situations.

**17 State Active Duty Training**

\$200,000 R

\$200,000 R

**Fund Code: 1600**

Provides \$200,000 to the North Carolina National Guard for annual State Active Duty Training activities. This funding enables the National Guard to add one day of training for National Guard units to focus on State-specific emergency and disaster responses.

**Total Legislative Changes**

(\$2,901,234) R

(\$1,791,854) R

\$8,919,341 NR

\$4,412,236 NR

**Total Position Changes**

-232.00

-230.00

**Revised Budget**

\$1,941,284,843

\$1,937,964,136

**Department of Justice  
Budget Code 13600**

**General Fund Budget**

	<u><b>FY 2017-18</b></u>	<u><b>FY 2018-19</b></u>
<b>Base Budget</b>		
Requirements	\$88,738,859	\$88,741,127
Receipts	\$33,945,000	\$33,945,000
Net Appropriation	\$54,793,859	\$54,796,127
<b>Legislative Changes</b>		
Requirements	\$699,839	(\$50,161)
Receipts	(\$550,989)	(\$550,989)
Net Appropriation	\$1,250,828	\$500,828
<b>Revised Budget</b>		
Requirements	\$89,438,698	\$88,690,966
Receipts	\$33,394,011	\$33,394,011
Net Appropriation	\$56,044,687	\$55,296,955

**General Fund FTE**

<b>Base Budget</b>	812.89	812.89
<b>Legislative Changes</b>	5.00	5.00
<b>Revised Budget</b>	817.89	817.89

**Summary of General Fund Appropriations  
Fiscal Year 2017-18  
2017 Legislative Session**

Department of Justice										
Budget Code 13600		Base Budget			Legislative Changes			Revised Budget		
Fund Code	Fund Name	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation
1100	General Administration	2,353,280	-	2,353,280	-	-	-	2,353,280	-	2,353,280
1200	Legal Services	54,128,064	29,157,285	24,970,779	(257,209)	-	(257,209)	53,870,855	29,157,285	24,713,570
1400	State Crime Laboratory	20,325,201	1,765,956	18,559,245	1,095,673	(550,989)	1,646,662	21,420,874	1,214,967	20,205,907
1500	Criminal Justice Training and Standards	11,514,180	2,603,625	8,910,555	(138,625)	-	(138,625)	11,375,555	2,603,625	8,771,930
1991	Indirect Reserve	418,134	418,134	-	-	-	-	418,134	418,134	-
Department-wide Items										
	Compensation Reserve				-	N/A	-	-	N/A	-
	State Retirement Contributions				-	N/A	-	-	N/A	-
	State Health Plan				-	N/A	-	-	N/A	-
Total		\$88,738,859	\$33,945,000	\$54,793,859	\$699,839	(\$550,989)	\$1,250,828	\$89,438,698	\$33,394,011	\$56,044,687

**Summary of General Fund Appropriations  
Fiscal Year 2018-19  
2017 Legislative Session**

Department of Justice Budget Code 13600		Base Budget			Legislative Changes			Revised Budget		
Fund Code	Fund Name	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation
1100	General Administration	2,353,280	-	2,353,280	-	-	-	2,353,280	-	2,353,280
1200	Legal Services	54,128,064	29,157,285	24,970,779	(257,209)	-	(257,209)	53,870,855	29,157,285	24,713,570
1400	State Crime Laboratory	20,325,201	1,765,956	18,559,245	345,673	(550,989)	896,662	20,670,874	1,214,967	19,455,907
1500	Criminal Justice Training and Standards	11,516,448	2,603,625	8,912,823	(138,625)	-	(138,625)	11,377,823	2,603,625	8,774,198
1991	Indirect Reserve	418,134	418,134	-	-	-	-	418,134	418,134	-
Department-wide Items		-	-	-	-	-	-	-	-	-
	Compensation Reserve	-	-	-	-	N/A	-	-	N/A	-
	State Retirement Contributions	-	-	-	-	N/A	-	-	N/A	-
	State Health Plan	-	-	-	-	N/A	-	-	N/A	-
<b>Total</b>		<b>\$88,741,127</b>	<b>\$33,945,000</b>	<b>\$54,796,127</b>	<b>(\$50,161)</b>	<b>(\$550,989)</b>	<b>\$500,828</b>	<b>\$88,690,966</b>	<b>\$33,394,011</b>	<b>\$55,296,955</b>

**Summary of General Fund Total Requirement FTE**  
**Fiscal Year 2017-18**  
**2017 Legislative Session**

Department of Justice					
Budget Code 13600		<u>Base</u>	<u>Legislative Changes</u>		<u>Revised</u>
Fund Code	Fund Name	Total Requirements	Net Appropriation	Receipts	Total Requirements
1100	General Administration	24.00	-	-	24.00
1200	Legal Services	432.89	(3.00)	-	429.89
1400	State Crime Laboratory	218.00	9.00	(8.00)	219.00
1500	Criminal Justice Training and Standards	134.00	(1.00)	-	133.00
1991	Indirect Reserve	4.00	-	-	4.00
<b>Total FTE</b>		<b>812.89</b>	<b>5.00</b>	<b>(8.00)</b>	<b>809.89</b>

**Summary of General Fund Total Requirement FTE**  
**Fiscal Year 2018-19**  
**2017 Legislative Session**

Department of Justice					
Budget Code 13600		<u>Base</u>	<u>Legislative Changes</u>		<u>Revised</u>
Fund Code	Fund Name	Total Requirements	Net Appropriation	Receipts	Total Requirements
1100	General Administration	24.00	-	-	24.00
1200	Legal Services	432.89	(3.00)	-	429.89
1400	State Crime Laboratory	218.00	9.00	(8.00)	219.00
1500	Criminal Justice Training and Standards	134.00	(1.00)	-	133.00
1991	Indirect Reserve	4.00	-	-	4.00
<b>Total FTE</b>		<b>812.89</b>	<b>5.00</b>	<b>(8.00)</b>	<b>809.89</b>

## Justice

## GENERAL FUND

	FY 17-18		FY 18-19	
Recommended Base Budget	\$54,793,859		\$54,796,127	

## Legislative Changes

## C. Legal Services

18 Vacant Position Elimination	(\$173,264)	R	(\$173,264)	R
Fund Code: 1200				

-3.00 -3.00

Eliminates positions in the Legal Services Division that have been vacant for 9 months or longer: 2 partially receipt-supported program assistants (60010273, 60010370) for a total of 1.00 FTE; 1 full-time paralegal II (60010575); and 1 full-time tort claims investigator (60010585).

19 Server Equipment	(\$83,945)	R	(\$83,945)	R
Fund Code: 1200				

Reduces the budget for server equipment. The revised net appropriation for server equipment is \$129,230 in each year of the biennium.

## D. State Crime Laboratory

20 State Crime Laboratory Receipt Supported Positions	\$550,989	R	\$550,989	R
Fund Code: 1400				

8.00 8.00

Transitions 8 receipt supported positions in the State Crime Laboratory to General Fund support. The revised net appropriation for the State Crime Laboratory after all of the changes in this section is \$19,455,907 in each year of the biennium.

21 State Crime Laboratory Ombudsman	\$115,518	R	\$115,518	R
Fund Code: 1400				

1.00 1.00

Transitions a contractual Ombudsman employee into a State full-time equivalent position. This position was required by S.L. 2011-19, The Forensic Sciences Act of 2011, but funding was never appropriated. The State Crime Laboratory had been contracting for ombudsman services using lapsed salary funds. The revised net appropriation for the State Crime Laboratory after all of the changes in this section is \$19,455,907 in each year of the biennium.

**22 Scientist Training and Certification**

\$161,000 R

\$161,000

**Fund Code: 1400**

Provides funds for forensic scientist training and certification required by S.L. 2011-19, The Forensic Sciences Act of 2011. The revised net appropriation for the State Crime Laboratory after all of the changes in this section is \$19,455,907 in each year of the biennium.

**23 Forensic Science Advisory Board Travel**

\$18,000 R

\$18,000 R

**Fund Code: 1400**

Provides travel funds for the Forensic Science Advisory Board created by S.L. 2011-19, The Forensic Sciences Act of 2011. Many of the Board members are from other states and must be reimbursed for travel to NC to attend meetings. The revised net appropriation for the State Crime Laboratory after all of the changes in this section is \$19,455,907, in each year of the biennium.

**24 State Crime Laboratory Accreditation**

\$51,155 R

\$51,155 R

**Fund Code: 1400**

Provides funds for accreditation of the Laboratory by an internationally recognized accrediting body as required by S.L. 2011-19, The Forensic Sciences Act of 2011. The revised net appropriation for the State Crime Laboratory after all of the changes in this section is \$19,215,990, in each year of the biennium, a 3.42% increase over the base budget.

**25 Sexual Assault Evidence Collection Kits**

\$750,000 NR

**Fund Code: 1400**

Provides funding for the State Crime Laboratory to outsource testing of CODIS-eligible sexual assault evidence collection kits in the custody or control of local law enforcement agencies.

**E. Criminal Justice Training and Standards****26 Vacant Position Elimination**

(\$138,625) R

(\$138,625) R

**Fund Code: 1500**

Eliminates a business and technology application specialist position (60011250) that has been vacant for more than 11 months.

-1.00

-1.00

<b>Total Legislative Changes</b>		\$500,828	R	\$500,828	R
		\$750,000	NR		
Total Position Changes		5.00		5.00	
<b>Revised Budget</b>		\$56,044,687		\$55,296,955	

**Indigent Defense Services  
Budget Code 12001**

**General Fund Budget**

	<u><b>FY 2017-18</b></u>	<u><b>FY 2018-19</b></u>
<b>Base Budget</b>		
Requirements	\$130,512,045	\$130,864,258
Receipts	\$10,355,797	\$10,355,797
Net Appropriation	\$120,156,248	\$120,508,461
<b>Legislative Changes</b>		
Requirements	\$0	\$0
Receipts	\$0	\$0
Net Appropriation	\$0	\$0
<b>Revised Budget</b>		
Requirements	\$130,512,045	\$130,864,258
Receipts	\$10,355,797	\$10,355,797
Net Appropriation	\$120,156,248	\$120,508,461

**General Fund FTE**

<b>Base Budget</b>	530.73	530.73
<b>Legislative Changes</b>	0.00	0.00
<b>Revised Budget</b>	530.73	530.73

**Summary of General Fund Appropriations**  
**Fiscal Year 2017-18**  
**2017 Legislative Session**

Indigent Defense Services		Base Budget			Legislative Changes			Revised Budget		
Budget Code 12001										
Fund Code	Fund Name	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation
1310	Indigent Persons Attorney	76,034,886	10,125,135	65,909,751	-	-	-	76,034,886	10,125,135	65,909,751
1320	Public Defender Service	51,860,396	37,084	51,823,312	-	-	-	51,860,396	37,084	51,823,312
1380	Indigent Defense Service	2,616,763	193,578	2,423,185	-	-	-	2,616,763	193,578	2,423,185
<b>Department-wide Items</b>										
	State Retirement Contributions				-	N/A	-	-	N/A	-
	Consolidated Judicial Retirement Contrib.				-	N/A	-	-	N/A	-
	State Health Plan				-	N/A	-	-	N/A	-
<b>Total</b>		<b>\$130,512,045</b>	<b>\$10,355,797</b>	<b>\$120,156,248</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$130,512,045</b>	<b>\$10,355,797</b>	<b>\$120,156,248</b>

**Summary of General Fund Appropriations  
Fiscal Year 2018-19  
2017 Legislative Session**

Indigent Defense Services		Base Budget			Legislative Changes			Revised Budget		
Budget Code 12001										
Fund Code	Fund Name	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation
1310	Indigent Persons Attorney	76,034,886	10,125,135	65,909,751	-	-	-	76,034,886	10,125,135	65,909,751
1320	Public Defender Service	52,204,616	37,084	52,167,532	-	-	-	52,204,616	37,084	52,167,532
1380	Indigent Defense Service	2,624,756	193,578	2,431,178	-	-	-	2,624,756	193,578	2,431,178
<b>Department-wide Items</b>										
	State Retirement Contributions				-	N/A	-	-	N/A	-
	Consolidated Judicial Retirement Contrib.				-	N/A	-	-	N/A	-
	State Health Plan				-	N/A	-	-	N/A	-
<b>Total</b>		<b>\$130,864,258</b>	<b>\$10,355,797</b>	<b>\$120,508,461</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$130,864,258</b>	<b>\$10,355,797</b>	<b>\$120,508,461</b>

**Summary of General Fund Total Requirement FTE**  
**Fiscal Year 2017-18**  
**2017 Legislative Session**

<b>Indigent Defense Services</b>					
<b>Budget Code 12001</b>		<b><u>Base</u></b>	<b><u>Legislative Changes</u></b>		<b><u>Revised</u></b>
<b>Fund Code</b>	<b>Fund Name</b>	<b>Total Requirements</b>	<b>Net Appropriation</b>	<b>Receipts</b>	<b>Total Requirements</b>
1310	Indigent Persons Attorney	-	-	-	-
1320	Public Defender Service	506.00	-	-	506.00
1380	Indigent Defense Service	24.73	-	-	24.73
			-	-	-
<b>Total FTE</b>		<b>530.73</b>	<b>-</b>	<b>-</b>	<b>530.73</b>

**Summary of General Fund Total Requirement FTE**  
**Fiscal Year 2018-19**  
**2017 Legislative Session**

<b>Indigent Defense Services</b>					
<b>Budget Code 12001</b>		<b><u>Base</u></b>	<b><u>Legislative Changes</u></b>		<b><u>Revised</u></b>
<b>Fund Code</b>	<b>Fund Name</b>	<b>Total Requirements</b>	<b>Net Appropriation</b>	<b>Receipts</b>	<b>Total Requirements</b>
1310	Indigent Persons Attorney	-	-	-	-
1320	Public Defender Service	506.00	-	-	506.00
1380	Indigent Defense Service	24.73	-	-	24.73
			-	-	-
<b>Total FTE</b>		<b>530.73</b>	<b>-</b>	<b>-</b>	<b>530.73</b>

## Judicial - Indigent Defense

GENERAL FUND
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	FY 17-18	FY 18-19
Recommended Base Budget	\$120,156,248	\$120,508,461
Legislative Changes		
27 No Legislative Changes		
Fund Code:		
Total Legislative Changes		
Total Position Changes		
Revised Budget	\$120,156,248	\$120,508,461

**Administrative Office of the Courts  
Budget Code 12000**

**General Fund Budget**

	<u>FY 2017-18</u>	<u>FY 2018-19</u>
<b>Base Budget</b>		
Requirements	\$514,916,305	\$516,333,043
Receipts	\$1,259,409	\$1,259,409
Net Appropriation	\$513,656,896	\$515,073,634
<b>Legislative Changes</b>		
Requirements	\$5,234,707	\$4,840,432
Receipts	\$0	\$0
Net Appropriation	\$5,234,707	\$4,840,432
<b>Revised Budget</b>		
Requirements	\$520,151,012	\$521,173,475
Receipts	\$1,259,409	\$1,259,409
Net Appropriation	\$518,891,603	\$519,914,066

**General Fund FTE**

<b>Base Budget</b>	5,802.23	5,802.23
<b>Legislative Changes</b>	92.00	92.00
<b>Revised Budget</b>	5,894.23	5,894.23

**Summary of General Fund Appropriations  
Fiscal Year 2017-18  
2017 Legislative Session**

Administrative Office of the Courts		Base Budget			Legislative Changes			Revised Budget		
Budget Code 12000										
Fund Code	Fund Name	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation
1100	Administration and Services	53,245,055	585,649	52,659,406	(150,201)	-	(150,201)	53,094,854	585,649	52,509,205
1200	Appellate Division	14,573,703	-	14,573,703	-	-	-	14,573,703	-	14,573,703
1300	Trial Court Division	315,847,236	-	315,847,236	2,548,773	-	2,548,773	318,396,009	-	318,396,009
1410	Specialty Services and Programs	21,945,568	200,000	21,745,568	-	-	-	21,945,568	200,000	21,745,568
1600	Office- District Attorney	106,777,091	132,135	106,644,956	2,836,135	-	2,836,135	109,613,226	132,135	109,481,091
1700	Independent Commissions	2,527,652	341,625	2,186,027	-	-	-	2,527,652	341,625	2,186,027
Department-wide Items										
	State Retirement Contributions				-	N/A	-	-	N/A	-
	Consolidated Judicial Retirement Contrib.				-	N/A	-	-	N/A	-
	State Health Plan				-	N/A	-	-	N/A	-
Total		\$514,916,305	\$1,259,409	\$513,656,896	\$5,234,707	\$0	\$5,234,707	\$520,151,012	\$1,259,409	\$518,891,603

**Summary of General Fund Appropriations  
Fiscal Year 2018-19  
2017 Legislative Session**

Administrative Office of the Courts										
Budget Code 12000		Base Budget			Legislative Changes			Revised Budget		
Fund Code	Fund Name	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation	Requirements	Receipts	Net Appropriation
1100	Administration and Services	53,266,348	585,649	52,680,699	(350,201)	-	(350,201)	52,916,147	585,649	52,330,498
1200	Appellate Division	14,609,964	-	14,609,964	-	-	-	14,609,964	-	14,609,964
1300	Trial Court Division	316,627,269	-	316,627,269	2,354,498	-	2,354,498	318,981,767	-	318,981,767
1410	Specialty Services and Programs	21,964,296	200,000	21,764,296	-	-	-	21,964,296	200,000	21,764,296
1600	Office- District Attorney	107,337,514	132,135	107,205,379	2,836,135	-	2,836,135	110,173,649	132,135	110,041,514
1700	Independent Commissions	2,527,652	341,625	2,186,027	-	-	-	2,527,652	341,625	2,186,027
Department-wide Items										
	State Retirement Contributions				-	N/A	-	-	N/A	-
	Consolidated Judicial Retirement Contrib.				-	N/A	-	-	N/A	-
	State Health Plan				-	N/A	-	-	N/A	-
Total		\$516,333,043	\$1,259,409	\$515,073,634	\$4,840,432	\$0	\$4,840,432	\$521,173,475	\$1,259,409	\$519,914,066

**Summary of General Fund Total Requirement FTE**  
**Fiscal Year 2017-18**  
**2017 Legislative Session**

<b>Administrative Office of the Courts</b>					
<b>Budget Code 12000</b>		<b><u>Base</u></b>	<b><u>Legislative Changes</u></b>		<b><u>Revised</u></b>
<b>Fund Code</b>	<b>Fund Name</b>	<b>Total Requirements</b>	<b>Net Appropriation</b>	<b>Receipts</b>	<b>Total Requirements</b>
1100	Administration and Services	298.50	-	-	298.50
1200	Appellate Division	127.00	-	-	127.00
1300	Trial Court Division	3,983.72	54.00	-	4,037.72
1410	Specialty Services and Programs	238.37	-	-	238.37
1600	Office- District Attorney	1,130.14	38.00	-	1,168.14
1700	Independent Commissions	24.50	-	-	24.50
			-	-	-
<b>Total FTE</b>		<b>5,802.23</b>	<b>92.00</b>	<b>-</b>	<b>5,894.23</b>

**Summary of General Fund Total Requirement FTE**  
**Fiscal Year 2018-19**  
**2017 Legislative Session**

<b>Administrative Office of the Courts</b>					
<b>Budget Code 12000</b>		<b><u>Base</u></b>	<b><u>Legislative Changes</u></b>		<b><u>Revised</u></b>
<b>Fund Code</b>	<b>Fund Name</b>	<b>Total Requirements</b>	<b>Net Appropriation</b>	<b>Receipts</b>	<b>Total Requirements</b>
1100	Administration and Services	298.50	-	-	298.50
1200	Appellate Division	127.00	-	-	127.00
1300	Trial Court Division	3,983.72	54.00	-	4,037.72
1410	Specialty Services and Programs	238.37	-	-	238.37
1600	Office- District Attorney	1,130.14	38.00	-	1,168.14
1700	Independent Commissions	24.50	-	-	24.50
<b>Total FTE</b>		<b>5,802.23</b>	<b>92.00</b>	<b>-</b>	<b>5,894.23</b>

## Judicial

## GENERAL FUND

	FY 17-18	FY 18-19
<b>Recommended Base Budget</b>	<b>\$513,656,896</b>	<b>\$515,073,634</b>

## Legislative Changes

## B. Administration and Services

<b>28 Supplies</b>	(\$350,201)	R	(\$350,201)	R
<b>Fund Code: 1100</b>				

Budgets supplies at the actual expenditure level in FY 2015-16. The revised net appropriation for supplies is \$3,408,376 in each year of the biennium.

## 29 Rural Judicial Services

**Fund Code: 1100**

\$200,000 NR

Provides funds to AOC to study rural judicial districts to determine if there are more efficient ways to provide services and allocate resources. AOC will report the findings of its study, along with any recommendations, to the chairs of the Joint Legislative Committee on Justice and Public Safety by March 1, 2018.

## D. Trial Court Division

<b>30 Special Superior Court Judges</b>	(\$194,275)	R	(\$388,550)	R
<b>Fund Code: 1300</b>				

Eliminates funding for special superior court judgeships that were abolished in Section 18A.19 of S.L. 2015-241, 2015 Appropriations Act. The terms of the judges currently serving in these positions will end on December 31, 2017.

-2.00

-2.00

## 31 Deputy Clerks

**Fund Code: 1300**

\$2,743,048 R \$2,743,048 R

Provides funding to create 56 new deputy clerk positions in various districts throughout the State. Distribution of the new positions will bring most districts up to 95% of their workload need. A total of 2,675.1 FTE are funded, with a revised net appropriation for personal services for clerks of \$162,873,827 in both years of the biennium.

56.00

56.00

**E. District Attorney Offices****32 Additional Assistant District Attorneys**

\$2,715,944 R

\$2,715,944 R

**Fund Code:**

37.00

37.00

Creates 37 new assistant district attorney (ADA) positions throughout the State. Funding is provided for an entry-level salary of \$50,000 plus benefits. A total of 654 FTE are funded, with a revised net appropriation for personal services for district attorneys and assistant district attorneys of \$101,721,283 in each year of the biennium.

**33 Arson Resource Prosecutor**

\$120,191 R

\$120,191 R

**Fund Code: 1600**

1.00

1.00

Creates a resource prosecutor position in the Conference of District Attorneys. The position will serve as a statewide resource for prosecutors, law enforcement, firefighters, fire marshals, arson investigators, medical professionals and other allied professionals on arson and homicide cases. The resource prosecutor will also develop and provide training programs for prosecutors, law enforcement officers and other allied professions that will improve the ability to effectively prosecute arson and homicide cases. The revised net appropriation for the Conference of District Attorneys is \$415,894 in each year of the biennium.

**Total Legislative Changes**

\$5,034,707 R

\$4,840,432 R

\$200,000 NR

**Total Position Changes**

92.00

92.00

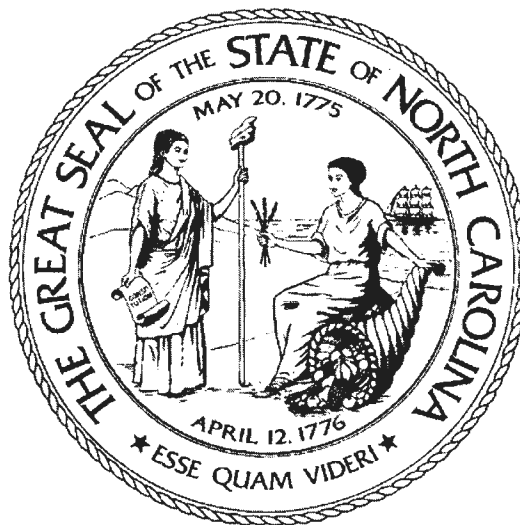
**Revised Budget**

\$518,891,603

\$519,914,066

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

## **Proposed Special Provisions for S.B. 257, Appropriations Act of 2017**



**May 25, 2017**



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed  
SPECIAL PROVISION



2017-DPS-H4(S16.1)-P

Department of Public Safety  
House Appropriations, Justice and Public Safety

**CREATE DIVISIONS – ALCOHOL LAW ENFORCEMENT AND STATE CAPITOL  
POLICE IN DEPARTMENT OF PUBLIC SAFETY**

**CREATE DIVISION OF ALCOHOL LAW ENFORCEMENT IN THE DEPARTMENT  
OF PUBLIC SAFETY**

**SECTION 16.1.(a)** The Alcohol Law Enforcement Branch of the State Bureau of Investigation shall be relocated as a Division of the Department of Public Safety.

**SECTION 16.1.(b)** Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new Subpart to read:

"Subpart F. Alcohol Law Enforcement Division.

**"§ 143B-990. Creation of Alcohol Law Enforcement Division of the Department of Public  
Safety.**

There is created the Alcohol Law Enforcement Division of the Department of Public Safety with the organization, powers, and duties defined in Article 1 of this Chapter, except as modified in this Part."

**SECTION 16.1.(c)** G.S. 143B-928 is repealed.

**SECTION 16.1.(d)** G.S. 18B-500 reads as rewritten:

**"§ 18B-500. Alcohol law-enforcement agents.**

(a) Appointment. – ~~The Director of the State Bureau of Investigation shall~~ Division of Alcohol Law Enforcement of the Department of Public Safety may appoint alcohol law-enforcement agents and other enforcement personnel. a sufficient number of assistants who shall be competent and qualified to do the work of the Division. The Director may also appoint regular employees of the Commission as alcohol law-enforcement agents. shall have the sole authority to make all personnel-related decisions regarding employees of the Division subject to the applicable provisions of Chapter 126 of the General Statutes. G.S. 143A-9 shall not function as a limitation upon the authority granted to the Director by this section. Alcohol law-enforcement agents shall be designated as "alcohol law-enforcement agents". Persons serving as reserve alcohol law-enforcement agents are considered employees of the Alcohol Law Enforcement Branch-Division for workers' compensation purposes while performing duties assigned or approved by the Head-Director of the Alcohol Law Enforcement Branch Division or the Head's-Director's designee.

(b) Subject Matter Jurisdiction. – After taking the oath prescribed for a peace officer, an alcohol law-enforcement agent shall have authority to arrest and take other investigatory and enforcement actions for any criminal offense. The primary responsibility of an agent shall be enforcement of the ABC and lottery laws, laws, lottery laws, and Article 5 of Chapter 90 of the General Statutes (North Carolina Controlled Substances Act).

...

(g) Shifting of Personnel From One District to Another. – ~~The Head-Director of the Alcohol Law Enforcement Branch-Division,~~ under rules adopted by the Department of Public Safety may, from time to time, shift the forces from one district to another or consolidate more than one district force at any point for special purposes. Whenever an agent of the Alcohol Law

1 Enforcement ~~Section-Division~~ is transferred from one district to another for the convenience of  
2 the State or for reasons other than the request of the agent, the Department shall be responsible  
3 for transporting the household goods, furniture, and personal apparel of the agent and members  
4 of the agent's household."

5 **SECTION 16.1.(f)** The Department of Public Safety shall continue to consolidate  
6 ALE and SBI Regions and Regional Offices in the same manner so that all district offices  
7 remain co-located.

8 **SECTION 16.1.(g)** G.S. 143B-919(c) reads as rewritten:

9 **"§ 143B-919. Investigations of lynchings, election frauds, etc.; services subject to call of**  
10 **Governor; witness fees and mileage for employees.**

11 ...

12 (c) The State Bureau of Investigation is further authorized, upon request of the  
13 Governor or the Attorney General, to investigate the commission or attempted commission of  
14 the crimes defined in the following statutes:

15 (1) ~~All sections of~~ Article 4A of Chapter 14 of the General Statutes;

16 (1a) G.S. 14-43.11;

17 (2) G.S. 14-277.1;

18 (3) G.S. 14-277.2;

19 (4) G.S. 14-283;

20 (5) G.S. 14-284;

21 (6) G.S. 14-284.1;

22 (7) G.S. 14-288.2;

23 (8) G.S. 14-288.7;

24 (9) G.S. 14-288.8;

25 (10) G.S. 14-288.20;

26 (10a) G.S. 14-288.21;

27 (10b) G.S. 14-288.22;

28 (10c) G.S. 14-288.23;

29 (10d) G.S. 14-288.24;

30 (11) G.S. 14-284.2;

31 (12) G.S. 14-399(e);

32 (12a) G.S. 15A-287 and G.S. 15A-288;

33 (13) G.S. 130A-26.1;

34 (14) G.S. 143-215.6B;

35 (15) G.S. 143-215.88B; and

36 (16) G.S. 143-215.114B."

37 **SECTION 16.1.(h)** G.S. 143-651 reads as rewritten:

38 **"§ 143-651. Definitions.**

39 The following definitions apply in this Article:

40 ...

41 (4a) ~~Branch. — The Alcohol Law Enforcement Branch of the State Bureau of~~  
42 ~~Investigation.~~

43 ...

44 (7a) Division. — The Alcohol Law Enforcement Division of the Department of  
45 Public Safety.

46 ...

47 (23b) Sanctioned amateur match. — Any match regulated by an amateur sports  
48 organization that has been recognized and approved by the ~~Branch~~Division.

49 ...."

50 **SECTION 16.1.(i)** The following statutes are amended by deleting the word  
51 "Branch" wherever it appears in uppercase and substituting "Division": G.S. 18B-101(5),

1 18B-201, 18B-202, 18B-203, 18B-504, 18B-805, 18B-902, 18B-903, 18B-904, 18C-163(b),  
2 19-2.1, 105-259(b)(15), and 143-652.1 through 143-656.

3 **SECTION 16.1.(j)** Notwithstanding any other provision of law, there shall be no  
4 transfer of positions to or from the Alcohol Law Enforcement Branch (Budget Code 14550,  
5 fund code 1401) and no changes to the total authorized budget of the Alcohol Law  
6 Enforcement Branch, as it existed on March 1, 2017, prior to the transfer of the Alcohol Law  
7 Enforcement Branch from the State Bureau of Investigation to the Department of Public Safety.  
8 Under no circumstances shall funds be expended from Budget Code 24555-2410 – Law  
9 Enforcement – ALE Federal Forfeiture – US DOJ or Budget Code 24555-2415 – Law  
10 Enforcement – ALE Federal Forfeiture – US Treasury prior to the transfer of the Alcohol Law  
11 Enforcement Branch to the Department of Public Safety, unless those expenditures were  
12 reported to the General Assembly on or before March 1, 2017. This subsection shall not apply  
13 to transfers of positions or changes to the total authorized budget of the Alcohol Law  
14 Enforcement Branch that are expressly required by the Committee Report described in Section  
15 ## of this act.

16  
17 **CREATE DIVISION OF STATE CAPITOL POLICE IN THE DEPARTMENT OF**  
18 **PUBLIC SAFETY**

19 **SECTION 16.1.(k)** The State Capitol Police Section of the State Highway Patrol  
20 shall be relocated as a Division of the Department of Public Safety.

21 **SECTION 16.1.(l)** Subpart B of Part 4 of Article 13 of Chapter 143B of the  
22 General Statutes reads as rewritten:

23 "Subpart B. State Capitol Police ~~Police Division~~.

24 "§ 143B-911. Creation of State Capitol Police Section—Division; powers and duties.

25 (a) ~~Section—Division Established. – There is hereby established, within the State~~  
26 ~~Highway Patrol of the Department of Public Safety, There is created~~ the State Capitol Police  
27 ~~Section, which shall be organized and staffed in accordance with applicable laws and~~  
28 ~~regulations and within the limits of authorized appropriations. The Chief, special officers, and~~  
29 ~~employees of the State Capitol Police Section are not considered members of the State~~  
30 ~~Highway Patrol.~~ Division of the Department of Public Safety with the organization, powers, and  
31 duties defined in Article 1 of this Chapter, except as modified in this Part.

32 (b) Purpose. – The State Capitol Police ~~Section—Division~~ shall serve as a special police  
33 agency of the Department of Public Safety. The Chief of the State Capitol Police, appointed by  
34 the Secretary pursuant to G.S. 143B-602, with the approval of the Governor, may appoint as  
35 special police officers such reliable persons as ~~he~~ the Chief may deem necessary.

36 ...."

37 **SECTION 16.1.(m)** G.S. 143B-602(8) reads as rewritten:

38 "§ 143B-602. **Powers and duties of the Secretary of Public Safety.**

39 The Secretary of Public Safety shall have the powers and duties as are conferred on the  
40 Secretary by this Article, delegated to the Secretary by the Governor, and conferred on the  
41 Secretary by the Constitution and laws of this State. These powers and duties include the  
42 following:

43 ...

44 (8) Other powers and duties. – The Secretary has the following additional  
45 powers and duties:

46 ...

47 f. Appointing, with the Governor's approval, a special police officer to  
48 serve as Chief of the State Capitol Police ~~Section of the State~~  
49 ~~Highway Patrol.~~ Division.

50 ...."

1           **SECTION 16.1.(n)** Notwithstanding any other provision of law, there shall be no  
2 transfer of positions to or from the State Capitol Police Section (Budget Code 14550, fund code  
3 1402) and no changes to the total authorized budget of the State Capitol Police Section, as it  
4 existed on March 1, 2017, prior to the transfer of the State Capitol Police from the State  
5 Highway Patrol to the Department of Public Safety. This subsection shall not apply to transfers  
6 of positions or changes to the total authorized budget of the State Capitol Police that are  
7 expressly required by the Committee Report described in Section ## of this act.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed  
SPECIAL PROVISION



2017-DPS-H1(S16.2)i-P

Department of Public Safety  
House Appropriations, Justice and Public Safety

***NO TRANSFER OF POSITIONS TO OTHER STATE AGENCIES***

**SECTION 16.2.(a)** Notwithstanding any other provision of law, the Office of State Budget and Management shall not transfer any positions, personnel, or funds from the Department of Public Safety to any other State agency during the 2017-2019 fiscal biennium unless the transfer was included in the base budget for one or both fiscal years of the biennium. This subsection shall not apply to any of the following annual transfers to the Office of the Governor:

(1) Two hundred thirty-four thousand eight hundred ninety-one dollars (\$234,891) for administrative support.

(2) Up to fifty thousand dollars (\$50,000) for litigation expenses.

**SECTION 16.2.(b)** This section becomes effective July 1, 2017. If any transfers that violate this section are made prior to this section becoming effective, those transfers shall be undone within 15 days of this section becoming effective.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-DPS-H2(S16.3)i

Department of Public Safety  
House Appropriations, Justice and Public Safety

***LAPSED SALARY REPORT***

**SECTION 16.3.** The Department of Public Safety shall report on February 1 and August 1 of each year to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety. The report shall include the following:

- (1) Amount of lapsed salary generated by fund code for the previous six months.
- (2) An itemized accounting of the use of lapsed salary funds including:
  - a. Fund code.
  - b. Current certified budget.
  - c. Annual projected expenditure.
  - d. Annual projected shortfall.
  - e. Amount of lapsed salary funds transferred to date.

The August 1 report shall include an annual accounting of this information for the previous fiscal year.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-DPS-H8(S16.4)

Department of Public Safety  
House Appropriations, Justice and Public Safety

***PILOT PROJECT TO TREAT OPIATE OVERDOSE***

**SECTION #.(a)** Pilot Project. – The Department of Public Safety, in conjunction with the City of Wilmington, shall develop and implement a pilot project to establish a Quick Response Team (QRT) to address the needs of opiate and heroin overdose victims who are not getting follow-up treatment. The QRT shall be staffed by firefighters, police officers, medics, behavioral health specialists, and other law enforcement as determined by the Department of Public Safety and the City of Wilmington. The Department of Public Safety and the City of Wilmington shall work together to develop the policy and procedures for the QRT. In doing so, all of the following shall be considered:

- (1) Increase engagement and treatment with family counseling and recovery groups.
- (2) Provide follow-up care to survivable overdose incidents with police or medics and licensed counselors.
- (3) Provide short-term and long-term support to overdose victims and families.
- (4) Provide follow-up within three to five days after an initial incident.
- (5) Create a fatality review panel to analyze and keep track of the deaths of those served by QRT.

**SECTION #.(b)** Report. – The Department of Public Safety and the City of Wilmington shall report on the results of the pilot project to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-DPS-H5(S16.5)i

Department of Public Safety  
House Appropriations, Justice and Public Safety

**GRANT REPORTING AND MATCHING FUNDS**

**SECTION 16.5.(a)** The Department of Public Safety, the Department of Justice, and the Judicial Department shall each report by May 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If a department intends to continue the program beyond the end of the grant period, that department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

**SECTION 16.5.(b)** Notwithstanding the provisions of G.S. 143C-6-9, the Department of Public Safety may use up to the sum of one million two hundred thousand dollars (\$1,200,000) during the 2017-2018 fiscal year and up to the sum of one million two hundred thousand dollars (\$1,200,000) during the 2018-2019 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 Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed  
SPECIAL PROVISION



2017-DPS-H6-P

Department of Public Safety  
House Appropriations, Justice and Public Safety

Requested by

**EXPAND CRIME VICTIMS' SERVICES**

SECTION #.(a) G.S. 15B-2 reads as rewritten:

**"§ 15B-2. Definitions.**

As used in this Article, the following definitions apply, unless the context requires otherwise:

- (1) Allowable expense. – Reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, medically-related property, and other remedial treatment and care.

Allowable expense includes a total charge not in excess of five thousand dollars (\$5,000) for expenses related to funeral, cremation, and burial, including transportation of a body, but excluding expenses for flowers, gravestone, and other items not directly related to the funeral service.

Allowable expense for medical care, counseling, rehabilitation, medically-related property, and other remedial treatment and care of a victim shall be limited to sixty-six and two-thirds percent (66 2/3%) of the amount usually charged by the provider for the treatment or care. By accepting the compensation paid as allowable expense pursuant to this subdivision, the provider agrees that the compensation is payment in full for the treatment or care and shall not charge or otherwise hold a claimant financially responsible for the cost of services in addition to the amount of allowable expense.

Allowable expense also includes:

- a. A charge not in excess of three thousand dollars (\$3,000) for counseling for immediate family members of children under the age of 18 who are victims of rape, sexual assault, or domestic violence.
- b. A charge not in excess of three thousand dollars (\$3,000) for family and/or grief counseling for immediate family members of homicide victims.

- (2) Claimant. – Any of the following persons who claims an award of compensation under this Article:

...

- f. An immediate family member applying for benefits for the purpose of obtaining family or grief counseling.
- g. An immediate family member of an adolescent rape, sexual assault, or domestic violence victim for the purpose of obtaining counseling. The claimant, however, may not be the offender or an accomplice of the offender who committed the criminally injurious conduct, except as provided in sub-subdivision e. of this subdivision.

1                   The claimant, however, may not be the offender or an accomplice of the  
2                   offender who committed the criminally injurious conduct, except as  
3                   provided in sub-subdivision e. of this subdivision.  
4                   ...."  
5                   **SECTION #.(b)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-DPS-H10

Department of Public Safety  
House Appropriations, Justice and Public Safety

Requested by

**GRANTS FOR LAW ENFORCEMENT CAMERAS**

**SECTION #.(a)** The sum of two million dollars (\$2,000,000) in nonrecurring funds for the 2017-2018 fiscal year is appropriated in this act to the Department of Public Safety and shall be used to provide matching grants to local and county law enforcement agencies to purchase and place into service body-worn or in-car video cameras, and for training and related expenses. These grant funds shall be administered by the Governor's Crime Commission, which shall develop guidelines and procedures for the administration and distribution of grants to those agencies. These guidelines and procedures shall include the following requirements and limitations:

- (1) The maximum grant amount shall not exceed one hundred thousand dollars (\$100,000).
- (2) Recipient law enforcement agencies shall be required to provide two dollars (\$2.00) of local funds for every one dollar (\$1.00) of grant funds received.
- (3) Grantees shall be required to have appropriate policies and procedures in place governing the operation of body-worn or in-car cameras and the proper storage of images recorded with those cameras.

**SECTION #.(b)** The Governor's Crime Commission shall submit a report on the grant funds distributed pursuant to this section during the 2017-2018 fiscal year to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety no later than August 1, 2018.

**SECTION #.(c)** Definition. – The term "body-worn camera" means an operational video camera, including a microphone or other mechanism for allowing audio capture, affixed to a law enforcement officer's uniform and positioned in a way that allows the video camera to capture interactions the law enforcement officer has with the public.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-LAW-H1(S16B.1)i

Division of Law Enforcement - DPS  
House Appropriations, Justice and Public Safety

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

**SECTION 16B.1.(a)** Creation of Receipt-Supported Positions Authorized. – 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.1.(b)** Annual Report Required. – No later than September 1 of each fiscal year, the State Capitol Police shall report to the Joint Legislative Oversight Committee on Justice and Public Safety the following information for the fiscal year in which the report is due:

- (1) A list of all positions in the State Capitol Police. For each position listed, the report shall include at least the following information:
  - a. The position type.
  - b. The agency to which the position is assigned.
  - c. The source of funding for the position.
- (2) For each receipt-supported position listed, the contract and any other terms of the contract.

**SECTION 16B.1.(c)** Additional Reporting Required Upon Creation of Receipt-Supported Positions. – In addition to the report required by subsection (b) of this section, the State Capitol Police shall report the creation of any position pursuant to subsection (a) of this section to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and to the Fiscal Research Division within 30 days of the position's creation. A report submitted pursuant to this section shall include at least the following information:

- (1) The position type.
- (2) The agency to which the position is being assigned.
- (3) The position salary.
- (4) The total amount of the contract.
- (5) The terms of the contract.

**SECTION 16B.1.(d)** Format of Reports. – Reports submitted pursuant to this section shall be submitted electronically and in accordance with any applicable General Assembly standards.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-LAW-H2(S16B.2)i

Division of Law Enforcement - DPS  
House Appropriations, Justice and Public Safety

**USE OF SEIZED AND FORFEITED PROPERTY**

**SECTION 16B.2.(a)** Seized and forfeited assets transferred to the Department of Justice or to the Department of Public Safety during the 2017-2019 fiscal biennium pursuant to applicable federal law shall be credited to the budget of the recipient department and shall result in an increase of law enforcement resources for that department. The Department of Public Safety and the Department of Justice shall each make the following reports to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and Senate Appropriations Committee on Justice and Public Safety:

- (1) A report upon receipt of any assets.
- (2) A report that shall be made prior to use of the assets on their intended use and the departmental priorities on which the assets may be expended.
- (3) A report on receipts, expenditures, encumbrances, and availability of these assets for the previous fiscal year, which shall be made no later than September 1 of each year.

**SECTION 16B.2.(b)** The General Assembly finds that the use of seized and forfeited assets transferred pursuant to federal law for new personnel positions, new projects, acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and Department of Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

**SECTION 16B.2.(c)** Nothing in this section prohibits State law enforcement agencies from receiving funds from the United States Department of Justice, the United States Department of the Treasury, and the United States Department of Health and Human Services.

**SECTION 16B.2.(d)** The Joint Legislative Oversight Committee on Justice and Public Safety shall study the impact on State and local law enforcement efforts of the receipt of seized and forfeited assets. The Committee shall report its findings and recommendations prior to the convening of the 2018 Regular Session of the 2017 General Assembly.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-LAW-H3(S16B.4)i

Division of Law Enforcement - DPS  
House Appropriations, Justice and Public Safety

1 **LIEUTENANT GOVERNOR EXECUTIVE PROTECTION DETAIL**

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

4 **"§ 20-189.1. Lieutenant Governor Executive Protection Detail.**

5 (a) Creation. – There is created within the Highway Patrol a Lieutenant Governor's  
6 Executive Protection Detail. The Lieutenant Governor shall submit the names of three sworn  
7 members in good standing of the North Carolina Highway Patrol to the Commander, and the  
8 Commander shall assign those officers to serve in the Lieutenant Governor's Executive  
9 Protection Detail. The Lieutenant Governor is authorized to remove any members of the detail,  
10 with or without cause. If the Lieutenant Governor removes a member of the detail, the  
11 Lieutenant Governor shall submit to the Commander the name of an officer to replace the  
12 member who has been removed and the Commander shall assign the replacement. Members of  
13 the Lieutenant Governor's Executive Protection Detail shall continue to be employed by the  
14 North Carolina Highway Patrol subject to the laws, rules, and regulations of the Highway  
15 Patrol. The North Carolina Highway Patrol shall provide vehicles necessary for the carrying out  
16 of the Detail's duties under this Article.

17 (b) Duties. – The members of the Lieutenant Governor's Executive Protection Detail  
18 shall protect the Lieutenant Governor and the Lieutenant Governor's immediate family and  
19 perform duties as assigned by the Lieutenant Governor relating to the protection of the  
20 Lieutenant Governor."

21 **SECTION 16B.4.(b)** This section is effective when this act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed  
SPECIAL PROVISION



2017-LAW-H5(S16B.5)-P

Division of Law Enforcement - DPS  
House Appropriations, Justice and Public Safety

1 ***STUDIES TO ENHANCE PUBLIC SAFETY/PED***

2 **SECTION 16B.5.(a)** The Joint Legislative Program Evaluation Oversight  
3 Committee shall revise the biennial 2017-2018 work plan for the Program Evaluation Division  
4 to include the following:

- 5 (1) An evaluation of the Voice Interoperability Plan for Emergency Responders  
6 (VIPER) and FirstNet technologies. Specifically, the Program Evaluation  
7 Division shall:  
8 a. Examine the current state of VIPER and FirstNet technology and  
9 identify long-term future equipment needs and upgrades.  
10 b. Identify efficiencies and cost-sharing methods for ensuring  
11 sustainability of system operations and maintenance.  
12 c. Determine whether system functions are duplicated.  
13 d. Identify the most effective governance and operational financing  
14 structure to ensure equitable and reasonable cost-sharing and optimal  
15 system adoption by public safety agency stakeholders.  
16 (2) An evaluation of the current security measures for the downtown Raleigh  
17 State Government complex and options to create cost-efficient and  
18 comprehensive security plans.

19 **SECTION 16B.5.(b)** The Program Evaluation Division shall submit the evaluation  
20 required under subdivision (a)(1) of this section to the Joint Legislative Program Evaluation  
21 Oversight Committee and to the Joint Legislative Oversight Committee on Justice and Public  
22 Safety no later than March 1, 2018.

23 **SECTION 16B.5.(c)** Pursuant to G.S. 132-1.7, the public security information  
24 collected by the Program Evaluation Division as a result of the evaluation required under  
25 subdivision (a)(2) of this section is not a public record. The Program Evaluation Division shall  
26 complete its evaluation no later than March 1, 2018. Notwithstanding G.S. 120-36.16(3), the  
27 Program Evaluation Division shall submit its evaluation, including findings and  
28 recommendations to the Governor, the President Pro Tempore of the Senate, and the Speaker of  
29 the House of Representatives. The evaluation is not a public record as defined in G.S. 132-1.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-LAW-H4(S16B.7)i

Division of Law Enforcement - DPS  
House Appropriations, Justice and Public Safety

1 ***SHP ELIGIBLE FOR PSAP GRANT/911 PROJECTS***

2 **SECTION 16B.7.** G.S. 143B-1407 is amended by adding a new subsection to read:

3 "(f) Application to State Highway Patrol. – The State Highway Patrol is an eligible  
4 PSAP for purposes of applying to the 911 Board for a grant from the PSAP Grant and  
5 Statewide 911 Projects Account. This subsection applies to funds collected on or after July 1,  
6 2017."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed  
SPECIAL PROVISION



2017-CORR-H1(S16C.1)-P

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

1 **USE OF CLOSED FACILITIES**

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

20       **SECTION #.(b)** The Department may convert closed facilities for the following  
21 purposes:

- 22           (1) Training needs.
- 23           (2) Behavior modification facilities.
- 24           (3) Transitional housing.

25       Sixty days prior to converting facilities to these purposes, the Department shall  
26 report to the Joint Legislative Oversight Committee on Justice and Public Safety. The report  
27 shall include the justification for the conversion, operational requirements for the facility, and  
28 available resources for staffing and operating the facility. If the proposed facility will require  
29 additional funding in the future, the report shall provide a five-year projection of those funding  
30 needs.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-CORR-H2(S16C.2)i

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

***REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL  
EXPENSES***

**SECTION 16C.2.** Notwithstanding G.S. 143C-6-9, the Department of Public Safety may use funds available to the Department for the 2017-2019 fiscal biennium to reimburse counties for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The reimbursement may not exceed forty dollars (\$40.00) per day per prisoner awaiting transfer. The Department shall report annually by February 1 of each year to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-CORR-H3(S16C.3)i

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

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

**SECTION 16C.3.** 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 2017-2019 fiscal biennium. The Center for Community Transitions, Inc., shall report by February 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-CORR-H4(S16C.4)i

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

1 ***INMATE CONSTRUCTION PROGRAM***

2       **SECTION 16C.4.** Notwithstanding any other provision of law but subject to  
3 Article 3 of Chapter 148 of the General Statutes, during the 2017-2019 fiscal biennium, the  
4 State Construction Office may utilize inmates in the custody of the Division of Adult  
5 Correction of the Department of Public Safety through the Inmate Construction Program for  
6 repair and renovation projects on State-owned facilities, with priority given to Department of  
7 Public Safety construction projects. State agencies utilizing the Inmate Construction Program  
8 shall reimburse the Division of Adult Correction of the Department of Public Safety for the  
9 cost of transportation, custody, and wages for the inmate crews.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-CORR-H5(S16C.5)i

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

**STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM**

**SECTION 16C.5.(a)** The North Carolina Sheriffs' Association shall report no later than the 15th day of each month to the Office of State Budget and Management and the Fiscal Research Division on the Statewide Misdemeanant Confinement Program. Each monthly report shall include all of the following:

- (1) The daily population, delineated by misdemeanor or DWI monthly housing.
- (2) The cost of housing prisoners under the Program.
- (3) The cost of transporting prisoners under the Program.
- (4) Personnel costs.
- (5) Inmate medical care costs.
- (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.

**SECTION 16C.5.(b)** The North Carolina Sheriffs' Association shall report no later than October 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the Statewide Misdemeanant Confinement Program. The report shall include the following with respect to the prior fiscal year:

- (1) Revenue collected by the Statewide Misdemeanant Confinement Program.
- (2) The cost of housing prisoners by county under the Program.
- (3) The cost of transporting prisoners by county under the Program.
- (4) Personnel costs by county.
- (5) Inmate medical care costs by county.
- (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.

**SECTION 16C.5.(c)** Of the funds appropriated in this act for the Statewide Misdemeanant Confinement Program:

- (1) The sum of one million dollars (\$1,000,000) shall be transferred to the North Carolina Sheriffs' Association, Inc., a nonprofit corporation, to support the Program and for administrative and operating expenses of the Association and its staff.
- (2) The sum of two hundred twenty-five thousand dollars (\$225,000) shall be allocated to the Division of Adult Correction for its administrative and operating expenses for the Program.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-CORR-H6(S16C.6)i

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

1 ***WESTERN YOUTH INSTITUTION ASSET REPORT***

2       **SECTION 16C.6.** The Department of Public Safety (DPS) shall make every effort  
3 to ensure that equipment and other State resources in buildings that are scheduled for  
4 demolition or otherwise not being used are recovered for use elsewhere. DPS shall report by  
5 March 1, 2018, on assets salvaged from the Western Youth Institution prior to demolition. The  
6 report shall include the type of asset salvaged, the estimated value of the asset, where it was  
7 used, and the savings associated with relocating the asset to another facility.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-CORR-H7(S16C.7)i

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

- 1 ***ELIMINATE OBSOLETE PILOT PROGRAM***
- 2 **SECTION 16C.7.** G.S. 143B-706 is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-CORR-H8(S16C.8)i

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

1 ***DOT CONTRACT FOR INMATE LITTER CREW***

2       **SECTION 16C.8.** After the issuance of a request for information (RFI) and receipt  
3 of bids by the Department of Transportation for litter pickup on State highways and roads, the  
4 Department of Transportation shall first offer the contract to the Division of Adult Correction  
5 upon the same terms and conditions as the most favorable bid received by the Department of  
6 Transportation from a suitable contractor. The Division of Adult Correction shall have 30 days  
7 to accept or decline the offered contract.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-CORR-H9(S16C.9)i

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

**WORKERS' COMPENSATION/PRISON INMATES**

**SECTION 16C.9.(a)** G.S. 97-13 reads as rewritten:

**"§ 97-13. Exceptions from provisions of Article.**

(a) Employees of Certain Railroads. – This Article shall not apply to railroads or railroad employees nor in any way repeal, amend, alter or affect Article 8 of Chapter 60 or any section thereof relating to the liability of railroads for injuries to employees, nor upon the trial of any action in tort for injuries not coming under the provisions of this Article, shall any provision herein be placed in evidence or be permitted to be argued to the jury. Provided, however, that the foregoing exemption to railroads and railroad employees shall not apply to employees of a State-owned railroad company, as defined in G.S. 124-11, or to electric street railroads or employees thereof; and this Article shall apply to electric street railroads and employees thereof and to this extent the provisions of Article 8 of Chapter 60 are hereby amended.

(b) Casual Employment, Domestic Servants, Farm Laborers, Federal Government, Employer of Less than Three Employees. – This Article shall not apply to casual employees, farm laborers when fewer than 10 full-time nonseasonal farm laborers are regularly employed by the same employer, federal government employees in North Carolina, and domestic servants, nor to employees of such persons, nor to any person, firm or private corporation that has regularly in service less than three employees in the same business within this State, except that any employer without regard to number of employees, including an employer of domestic servants, farm laborers, or one who previously had exempted himself, who has purchased workers' compensation insurance to cover his compensation liability shall be conclusively presumed during life of the policy to have accepted the provisions of this Article from the effective date of said policy and his employees shall be so bound unless waived as provided in this Article; provided however, that this Article shall apply to all employers of one or more employees who are employed in activities which involve the use or presence of radiation.

(c) Most Prisoners. – This Article shall not apply to prisoners being worked by the State or any subdivision thereof, ~~except to the following extent: as provided in this subsection and subsection (c1) of this section.~~ Whenever any prisoner assigned to the Division of Adult Correction of the Department of Public Safety shall suffer accidental injury or accidental death arising out of and in the course of the employment to which he had been assigned, if there be death or if the results of such injury continue until after the date of the lawful discharge of such prisoner to such an extent as to amount to a disability as defined in this Article, then such discharged prisoner or the dependents or next of kin of such discharged prisoner may have the benefit of this Article by applying to the Industrial Commission as any other employee; provided, such application is made within 12 months from the date of the discharge; and provided further that the maximum compensation to any prisoner or to the dependents or next of kin of any deceased prisoner shall not exceed thirty dollars (\$30.00) per week and the period of compensation shall relate to the date of his discharge rather than the date of the accident. If any person who has been awarded compensation under the provisions of this subsection shall be recommitted to prison upon conviction of an offense committed subsequent to the award,

1 such compensation shall immediately cease. Any awards made under the terms of this  
2 subsection shall be paid by the Department of Public Safety from the funds available for the  
3 operation of the Division of Adult Correction of the Department of Public Safety. The  
4 provisions of G.S. 97-10.1 and 97-10.2 shall apply to prisoners and discharged prisoners  
5 entitled to compensation under this subsection and to the State in the same manner as said  
6 section applies to employees and employers.

7 (c1) Certain Inmates. – The average weekly wage of inmates employed pursuant to the  
8 Prison Industry Enhancement Program shall be calculated pursuant to G.S. 97-2(5).

9 (d) Sellers of Agricultural Products. – This Article shall not apply to persons, firms or  
10 corporations engaged in selling agricultural products for the producers thereof on commission  
11 or for other compensation, paid by the producers, provided the product is prepared for sale by  
12 the producer."

13 **SECTION 16C.9.(b)** This section is effective when this act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-JUV-H1(S16D.1)i

Division of Juvenile Justice - DPS  
House Appropriations, Justice and Public Safety

***LIMIT USE OF COMMUNITY PROGRAM FUNDS***

**SECTION 16D.1.(a)** Funds appropriated in this act to the Department of Public Safety for the 2017-2019 fiscal biennium for community program contracts that are not required for or used for community program contracts may be used only 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)** Funds appropriated by this act to the Department of Public Safety for the 2017-2019 fiscal biennium for community programs may not 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 of each year of the 2017-2019 fiscal biennium on all expenditures made in the preceding fiscal year from the miscellaneous contract line in Fund Code 1230 to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-JUV-H2(S16D.2)i

Division of Juvenile Justice - DPS  
House Appropriations, Justice and Public Safety

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

2       **SECTION 16D.2.** Funds appropriated in this act to the Department of Public  
3 Safety for each fiscal year of the 2017-2019 fiscal biennium may be used as matching funds for  
4 the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile  
5 Accountability Incentive Block Grants or a notice of funds to be awarded, the Office of State  
6 Budget and Management and the Governor's Crime Commission shall consult with the  
7 Department of Public Safety regarding the criteria for awarding federal funds. The Office of  
8 State Budget and Management, the Governor's Crime Commission, and the Department of  
9 Public Safety shall report to the chairs of the House of Representatives Appropriations  
10 Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice  
11 and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety  
12 prior to allocation of the federal funds. The report shall identify the amount of funds to be  
13 received for the 2017-2018 fiscal year, the amount of funds anticipated for the 2018-2019 fiscal  
14 year, and the allocation of funds by program and purpose.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-JUV-H3(S16D.3)i

Division of Juvenile Justice - DPS  
House Appropriations, Justice and Public Safety

**JUVENILE CRIME PREVENTION COUNCIL FUNDS**

**SECTION 16D.3.** G.S. 143B-852(a) reads as rewritten:

"(a) On or before February 1 of each year, the Department of Public Safety shall submit to the Chairs of the Joint Legislative ~~Commission on Governmental Operations Oversight Committee on Justice and Public Safety~~ and the Chairs of the ~~Senate and House of Representatives Appropriations Subcommittees~~ Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety a list of the recipients of the grants awarded, or preapproved for award, from funds appropriated to the Department for local Juvenile Crime Prevention Council (JCPC) grants, including the following information:

- (1) The amount of the grant awarded.
- (2) The membership of the local committee or council administering the award funds on the local level.
- (3) The type of program funded.
- (4) A short description of the local services, programs, or projects that will receive funds.
- (5) Identification of any programs that received grant funds at one time but for which funding has been eliminated by the Department.
- (6) The number of at-risk, diverted, and adjudicated juveniles served by each county.
- (7) The Department's actions to ensure that county JCPCs prioritize funding for dispositions of intermediate and community-level sanctions for court-adjudicated juveniles under minimum standards adopted by the Department.
- (8) The total cost for each funded program, including the cost per juvenile and the essential elements of the program."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed  
SPECIAL PROVISION



2017-EMNG-H2-P

Emergency Management National Guard  
House Appropriations, Justice and Public Safety

Requested by

1 **SEARCH AND RESCUE CHANGES**

2 SECTION #. Article 6 of Chapter 166A of the General Statutes reads as rewritten:

3 "Article 6.

4 "~~Urban~~ State Search and Rescue.

5 "**§ 166A-65. Definitions.**

6 The following definitions apply in this Article:

- 7 (1) Contract response team. – ~~An urban~~ A search and rescue team, specialty  
8 rescue team, or incident support team.
- 9 (2) Incident support team. – A team of trained emergency response personnel,  
10 organized to provide coordination between governmental agencies and  
11 nongovernmental organizations as well as technical and logistical support to  
12 ~~urban~~ search and rescue teams and specialty rescue teams.
- 13 (2a) Search and rescue team. – A specialized team or group of teams, organized  
14 with capabilities equivalent to search and rescue teams established under the  
15 Federal Emergency Management Agency in order to assist in the removal of  
16 trapped victims during emergencies, including, but not limited to, collapsed  
17 structures, trench excavations, elevated locations, and other technical rescue  
18 situations.
- 19 (3) Secretary. – The Secretary of the Department of Public Safety.
- 20 (4) Specialty rescue team. – A specialized response team, organized to provide  
21 technical rescue assistance to first responders. The term includes, but is not  
22 limited to, a canine search and rescue or disaster response team, a cave  
23 search and rescue team, a collapse search and rescue team, a mine and tunnel  
24 search and rescue team, and a swift water or flood search and rescue team. A  
25 specialty rescue team shall be aligned with one or more of the search and  
26 rescue categories within the Federal Emergency Management Agency's  
27 national resource typing system.
- 28 (5) ~~Urban search and rescue team. – A specialized team or group of teams,~~  
29 ~~organized with capabilities equivalent to urban search and rescue teams~~  
30 ~~established under the Federal Emergency Management Agency in order to~~  
31 ~~assist in the removal of trapped victims during emergencies, including, but~~  
32 ~~not limited to, collapsed structures, trench excavations, elevated locations,~~  
33 ~~and in other technical rescue situations.~~

34 "**§ 166A-66. ~~Urban~~ State Search and Rescue Program.**

35 (a) The Secretary shall adopt rules establishing a program for ~~urban~~ search and rescue  
36 that relies on contracts with contract response teams. The program shall be administered by the  
37 Division of Emergency Management. To the extent possible, the program shall be coordinated  
38 with other emergency planning activities of the State. The program shall include contract  
39 response teams located strategically across the State that are available to provide 24-hour

1 dispatch from the Division of Emergency Management Operations Center. The rules for the  
2 program shall include:

- 3 (1) Standards, including training, equipment, and personnel standards required  
4 to operate a contract response team.
- 5 (2) Guidelines for the dispatch of a contract response team to ~~an urban~~ a search  
6 and rescue team or specialty rescue team mission.
- 7 (3) Guidelines for the on-site operations of a contract response team.
- 8 (4) Standards for administration of a contract response team, including  
9 procedures for reimbursement of response costs.
- 10 (5) Refresher and specialist training for members of contract response teams.
- 11 (6) Procedures for recovering the costs of ~~an urban~~ a search and rescue team or  
12 specialty rescue team mission.
- 13 (7) Procedures for bidding and contracting for ~~urban~~ search and rescue team and  
14 specialty rescue team missions.
- 15 (8) Criteria for evaluating bids for ~~urban~~ search and rescue team and specialty  
16 rescue team missions.
- 17 (9) Delineation of the roles of the contract response team, local public safety  
18 personnel, the Division of Emergency Management's area coordinator, and  
19 other State agency personnel participating in ~~an urban~~ a search and rescue  
20 team or specialty rescue team mission.
- 21 (10) Procedures for the Division of Emergency Management to audit the contract  
22 response teams to ensure compliance with State and federal guidelines.

23 (b) Within available appropriations, the Division of Emergency Management shall  
24 spend the necessary funds for training, equipment, and other items necessary to support the  
25 operations of contract response teams. The Division of Emergency Management may also  
26 administer any grants of other funds made available for contract response teams, in accordance  
27 with applicable rules and regulations approved by the Director of the State Budget.

28 (c) In developing the Urban-State Search and Rescue Program and adopting the rules  
29 required by this section, the Secretary shall consult with the Urban-State Search and Rescue  
30 Team Advisory Committee established pursuant to G.S. 166A-69.

31 **"§ 166A-67. Contracts; equipment loans.**

32 (a) The Secretary may contract with any unit or units of local government for the  
33 provision of a contract response team to implement the Urban-State Search and Rescue  
34 Program. Contracts are to be let consistent with the bidding and contract standards and  
35 procedures adopted pursuant to G.S. 166A-66(a)(7) and G.S. 166A-66(a)(8). In entering into  
36 contracts with units of local government, the Secretary may agree to provide any of the  
37 following:

- 38 (1) A loan of equipment.
- 39 (2) Reimbursement of personnel costs, including the cost of callback personnel,  
40 when a contract response team is authorized by the Department to respond to  
41 ~~urban~~ search and rescue team and specialty rescue team missions.
- 42 (3) Reimbursement for use of equipment and vehicles owned by the contract  
43 response team.
- 44 (4) Replacement of disposable materials and damaged equipment.
- 45 (5) Training expenses.
- 46 (6) Anything else agreed to by the Secretary and the contract response team.

47 (b) The Secretary shall not agree to provide reimbursement for standby time.

48 (c) Any contract entered into between the Secretary and a unit of local government for  
49 the provision of a contract response team shall specify that the members of the contract  
50 response team, when performing under the contract, shall not be employees of the State and  
51 shall not be entitled to benefits under the Teachers' and State Employees' Retirement System or

1 for the payment by the State of federal Social Security, employment insurance, or workers'  
2 compensation.

3 (d) Contract response teams that have the use of a State vehicle may use the vehicle for  
4 local purposes. Where a State vehicle is used for purposes other than authorized contract  
5 response to ~~an urban-a~~ search and rescue team and specialty rescue team mission, the contract  
6 response team shall be liable for repairs or replacements directly attributable to that use.

7 **"§ 166A-68. Immunity of contract response team personnel.**

8 Members of a contract response team shall be protected from liability under the provisions  
9 of G.S. 166A-19.60(a) while on ~~an urban-a~~ search and rescue team or specialty rescue team  
10 mission pursuant to authorization from the Division of Emergency Management.

11 **"§ 166A-69. Urban-State Search and Rescue Team Advisory Committee.**

12 (a) The Urban-State Search and Rescue Team Advisory Committee is created. The  
13 Secretary shall appoint the members of the Committee and shall designate the Director or  
14 Deputy Director of the North Carolina Division of Emergency Management as the chair. In  
15 making appointments, the Secretary shall take into consideration the expertise of the appointees  
16 in the management of ~~urban-~~search and rescue or specialty response team missions. The  
17 Secretary shall appoint one representative from each of the following:

- 18 (1) The Division of North Carolina Emergency Management, who shall be the  
19 Director or Deputy Director of the North Carolina Division of Emergency  
20 Management and who shall serve as the chair.
- 21 (2) Each state ~~USAR-~~regional contract response team's Chief or Deputy Chief.
- 22 (3) The North Carolina Office of State Fire Marshal.
- 23 (4) The North Carolina Highway Patrol.
- 24 (5) The North Carolina National Guard.
- 25 (6) The North Carolina Association of Rescue and E.M.S., Inc.
- 26 (7) The North Carolina Association of Fire Chiefs.
- 27 (8) The North Carolina State Firefighters' Association.
- 28 (9) The North Carolina Emergency Management Association.

29 (b) The Advisory Committee shall meet on the call of the chair, or at the request of the  
30 Secretary, provided that the Committee shall meet no less than once every year. The  
31 Department of Public Safety shall provide space for the Advisory Committee to meet. The  
32 Department shall also provide the Advisory Committee with necessary support staff and  
33 supplies to enable the Committee to carry out its duties in an effective manner.

34 (c) Members of the Advisory Committee shall serve without pay, but shall receive  
35 travel allowance, lodging, subsistence, and per diem as provided by G.S. 138-5.

36 (d) The Contract Response Team Advisory Committee shall advise the Secretary on the  
37 establishment of the Urban-State Search and Rescue Program. The Committee shall also  
38 evaluate and advise the Secretary of the need for additional contract response teams to serve the  
39 State."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-ATTY-H1(S17.1)i

Attorney General's Office  
House Appropriations, Justice and Public Safety

1 ***NO HIRING OF SWORN STAFF POSITIONS FOR NC STATE CRIME LAB***

2       **SECTION 17.1.** The Department of Justice shall not hire sworn personnel to fill  
3 vacant positions in the North Carolina State Crime Laboratory. Nothing in this section shall be  
4 construed to require the termination of sworn personnel or to affect North Carolina State Crime  
5 Laboratory personnel who are sworn and employed by the Laboratory as of the effective date  
6 of this section and who continue to meet the sworn status retention standards mandated by the  
7 North Carolina Criminal Justice Education and Standards Commission.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-ATTY-H2(S17.3)i

Attorney General's Office  
House Appropriations, Justice and Public Safety

1 *PED TO STUDY ALLOCATION OF ATTORNEYS BETWEEN THE ATTORNEY*  
2 *GENERAL'S OFFICE AND DEPARTMENTS*

3 **SECTION 17.3.** The Joint Legislative Program Evaluation Oversight Committee  
4 shall revise the biennial 2017-2018 work plan for the Program Evaluation Division to include  
5 an evaluation of the allocation of attorneys in State Government, including the use of general  
6 counsel within State agencies, the use of private attorneys, and the use of attorneys in the  
7 Department of Justice. The Program Evaluation Division shall submit its evaluation to the Joint  
8 Legislative Program Evaluation Oversight Committee and to the chairs of the Joint Legislative  
9 Oversight Committee on Justice and Public Safety no later than March 1, 2018.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

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SPECIAL PROVISION



2017-ATTY-H4-P

Attorney General's Office  
House Appropriations, Justice and Public Safety

Requested by

***SAMARCAND AS VENUE FOR SPECIALIZED INSTRUCTOR TRAINING***

**SECTION #.** The Criminal Justice Education and Training Standards Commission may authorize specialized instructor training courses offered by authorized instructors at the Samarcand Training Academy, and the Samarcand Training Academy is a permissible venue for such courses. The courses shall be limited to those that are certified by the North Carolina Criminal Justice Training and Standards Division and identified in the North Carolina Administrative Code under Title 12, Chapter 09, subchapter B, Section .0200. The courses shall include, but are not limited to, the following:

- (1) 12 NCAC 09B .0226 – Specialized Firearms Instructor Training (Range).
- (2) 12 NCAC 09B .0227 – Specialized Driver Instructor Training (Driving Track).
- (3) 12 NCAC 09B .0232 – Specialized Subject Control Arrest Techniques Instructor Training (Mat Rooms).
- (4) 12 NCAC 09B .0233 – Specialized Physical Fitness Instructor Training (Mat Rooms).
- (5) 12 NCAC 09B .0417 – Specialized Explosives and Hazardous Materials Instructor Training.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-IDS-H1(S18A.1)i

Indigent Defense Services  
House Appropriations, Justice and Public Safety

1 ***IDS MATCH FOR GRANTS***

2       **SECTION 18A.1.** Notwithstanding G.S. 143C-6-9, during the 2017-2019 fiscal  
3 biennium, Indigent Defense Services may use the sum of up to fifty thousand dollars (\$50,000)  
4 from funds available to provide the State matching funds needed to receive grant funds. Prior to  
5 using funds for this purpose, Indigent Defense Services shall report to the chairs of the House  
6 of Representatives Appropriations Committee on Justice and Public Safety and the Senate  
7 Appropriations Committee on Justice and Public Safety on the grants to be matched using these  
8 funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-IDS-H3(S18A.3)i

Indigent Defense Services  
House Appropriations, Justice and Public Safety

1 ***STANDARDS FOR INDIGENCY***

2       **SECTION 18A.3.** The Administrative Office of the Courts, in conjunction with  
3 Indigent Defense Services, shall study and develop specific statewide standards for determining  
4 indigency for defendants. The study shall include a review of the practices of other states  
5 regarding determination of indigency, analysis of the cost-effectiveness of alternatives to the  
6 status quo, and implementation plans for the standards agreed upon. The standards may take  
7 local expenses and cost-of-living into account. The implementation plans should include  
8 procedures for auditing future indigency determinations to ensure that the new standards are  
9 working as intended. The Administrative Office of the Courts and Indigent Defense Services  
10 shall issue a report to the chairs of the Joint Legislative Oversight Committee on Justice and  
11 Public Safety by February 1, 2018.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-AOC-H1(S18B.1)i

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

1 ***COLLECTION OF WORTHLESS CHECKS***

2       **SECTION 18B.1.** Notwithstanding the provisions of G.S. 7A-308(c), the Judicial  
3 Department may use any balance remaining in the Collection of Worthless Checks Fund on  
4 June 30, 2017, for the purchase or repair of office or information technology equipment during  
5 the 2017-2018 fiscal year and may use any balance remaining in the Collection of Worthless  
6 Checks Fund on June 30, 2018, for the purchase or repair of office or information technology  
7 equipment during the 2018-2019 fiscal year. Prior to using any funds under this section, the  
8 Judicial Department shall report to the chairs of the House of Representatives and Senate  
9 Appropriations Committees on Justice and Public Safety and the Office of State Budget and  
10 Management on the equipment to be purchased or repaired and the reasons for the purchases.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-AOC-H2(S18B.2)i

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

1 **GRANT FUNDS**

2       **SECTION 18B.2.** Notwithstanding G.S. 143C-6-9, the Administrative Office of  
3 the Courts may use up to the sum of one million five hundred thousand dollars (\$1,500,000) in  
4 each year of the 2017-2019 fiscal biennium from funds available to the Department to provide  
5 the State match needed in order to receive grant funds. Prior to using funds for this purpose, the  
6 Department shall submit a report to the chairs of the House of Representatives Appropriations  
7 Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice  
8 and Public Safety on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-AOC-H3(S18B.3)i

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

1 ***THIRD-PARTY ACCESS TO COURT RECORDS ANNUAL REPORT***

2 **SECTION 18B.3.(a)** G.S. 7A-109(e) reads as rewritten:

3 **"§ 7A-109. Record-keeping procedures.**

4 ...

5 (e) If any contracts entered into under ~~G.S. 7A-109(d)~~ subsection (d) of this section are  
6 in effect during any calendar year, the Director of the Administrative Office of the Courts shall  
7 submit to the ~~Joint Legislative Commission on Governmental Operations~~ House of  
8 Representatives Appropriations Committee on Justice and Public Safety and the Senate  
9 Appropriations Committee on Justice and Public Safety not later than February 1 of the  
10 following year a report on all those contracts."

11 **SECTION 18B.3.(b)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-AOC-H4(S18B.4)i

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

**BUSINESS COURT REPORTS**

**SECTION 18B.4.(a)** G.S. 7A-45.5 is repealed.

**SECTION 18B.4.(b)** G.S. 7A-343(8a) reads as rewritten:

"(8a) Prepare and submit a semiannual report on the activities of each North Carolina business court site to the Chief Justice-Justice, the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety, the chairs of the of the Joint Legislative Oversight Committee on Justice and Public Safety, and to each member-all other members of the General Assembly-Assembly on February 1 and August 1. The semiannual report required under this subdivision shall be separate from the report required under subdivision (8) of this section and shall include the total number of civil cases pending in each business court site over three years after being designated as a mandatory complex business case, motions pending over six months after being filed, and civil cases in which bench trials have been concluded for over six months without entry of judgment, including any accompanying explanation provided by the Business Court-report shall include the following information for each business court site:

- a. The number of new, closed, and pending cases for the previous three years.
- b. The average age of pending cases.
- c. The number of motions pending over six months after being filed.
- d. The number of cases in which bench trials have been concluded for over six months without entry of judgment, including any accompanying explanation provided by the Business Court.

The August 1 report shall include an accounting of all business court activities for the previous fiscal year, including the itemized annual expenditures."

**SECTION 18B.4.(c)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-AOC-H5(S18B.5)i

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

**DIGITAL FORENSICS INCLUDED IN COURT COSTS**

**SECTION 18B.5.(a)** G.S. 7A-304(a) reads as rewritten:

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

...  
(9a) For the services of the North Carolina State Crime Laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the Department of Justice to be used for laboratory purposes. This cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed digital forensics, including the seizure, forensic imaging, and acquisition and analysis of digital media.

(9b) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the general fund of the local law enforcement unit to be used for laboratory purposes. The cost shall be assessed only in (i) cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed digital forensics, including the seizure, forensic imaging, and acquisition and analysis of digital media, and (ii) if the court finds that the work performed at the local government's laboratory is the equivalent of the same kind of work performed by the North Carolina State Crime Laboratory under subdivision (9a) of this subsection.

...  
(11) For the services of an expert witness employed by the North Carolina State Crime Laboratory who completes a chemical analysis pursuant to ~~G.S. 20-139.1~~ or a G.S. 20-139.1, a forensic analysis pursuant to ~~G.S. 8-58.20~~ G.S. 8-58.20, or a digital forensics analysis and provides testimony about that analysis in a defendant's trial, the district or superior court judge shall, upon conviction of the defendant, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the Department of Justice for support of the State Crime Laboratory. This cost shall be assessed only in cases in which the expert witness provides testimony about the chemical or forensic analysis in the defendant's trial and shall be in addition to any cost assessed under subdivision (7) or (9a) of this subsection.

1 (12) For the services of an expert witness employed by a crime laboratory  
2 operated by a local government or group of local governments who  
3 completes a chemical analysis pursuant to ~~G.S. 20-139.1~~ or a G.S. 20-139.1,  
4 a forensic analysis pursuant to ~~G.S. 8-58.20~~G.S. 8-58.20, or a digital  
5 forensics analysis and provides testimony about that analysis in a defendant's  
6 trial, the district or superior court judge shall, upon conviction of the  
7 defendant, order payment of the sum of six hundred dollars (\$600.00) to be  
8 remitted to the general fund of the local governmental unit that operates the  
9 laboratory to be used for the local law enforcement enforcement laboratory.  
10 This cost shall be assessed only in cases in which the expert witness  
11 provides testimony about the chemical or forensic analysis in the defendant's  
12 trial and shall be in addition to any cost assessed under subdivision (8) or  
13 (9b) of this subsection.

14 ...."

15 **SECTION 18B.5.(b)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-AOC-H6(S18B.6)

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

***FEE WAIVER***

**SECTION 18B.6.** G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected. No costs may be assessed when a case is dismissed. Only upon entry of a written order, supported by findings of fact and conclusions of law, determining that there is just cause, the court may (i) waive costs assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a), (11), (12), or (13) of this section. No court may waive or remit all or part of any court fines or costs without providing notice and opportunity to be heard by all government entities directly affected. The court shall provide notice to the government entities directly affected of (i) the date and time of the hearing and (ii) the right to be heard and make an objection to the remission or waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be made to the government entities affected by first-class mail to the address provided for receipt of court costs paid pursuant to the order.

...."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-AOC-H7(S18B.8)i

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

- 1 ***SUPREME COURT BICENTENNIAL CELEBRATION***
- 2 **SECTION 18B.8.** Notwithstanding G.S. 7A-10(a), in honor of the court's
- 3 bicentennial celebration, the court may, by rule, hold sessions in any location across the State.
- 4 This section only applies to the calendar years 2018 through 2020.

# GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-AOC-H8(S18B.9)

## Administrative Office of the Courts House Appropriations, Justice and Public Safety

### ALLOCATION OF ASSISTANT DISTRICT ATTORNEYS

SECTION #.(a) G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3A	Pitt	<del>11</del> 12
3B	Carteret, Craven, Pamlico	<del>12</del> 13
4	Duplin, Jones, Onslow, Sampson	<del>18</del> 20
5	New Hanover, Pender	<del>18</del> 20
6	Bertie, Halifax, Hertford, Northampton	<del>10</del> 11
7	Edgecombe, Nash, Wilson	<del>18</del> 19
8	Greene, Lenoir, Wayne	14
9	Franklin, Granville, Vance, Warren	<del>10</del> 11
9A	Person, Caswell	6
10	Wake	<del>41</del> 42
11A	Harnett, Lee	<del>9</del> 12
11B	Johnston	10
12	Cumberland	<del>23</del> 25
13	Bladen, Brunswick, Columbus	<del>13</del> 14
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	<del>32</del> 35
19A	Cabarrus	9
19B	Montgomery, Randolph	<del>9</del> 10

1	19C	Rowan	8
2	19D	Moore	<u>56</u>
3	20A	Stanly	5
4	20B	Union	<u>1011</u>
5	21	Forsyth	<u>2526</u>
6	22A	Alexander, Iredell	<u>1112</u>
7	22B	Davidson, Davie	<u>1112</u>
8	23	Alleghany, Ashe, Wilkes,	<u>89</u>
9		Yadkin	
10	24	Avery, Madison, Mitchell,	<u>78</u>
11		Watauga, Yancey	
12	25	Burke, Caldwell, Catawba	<u>1821</u>
13	26	Mecklenburg	58
14	27A	Gaston	<u>1416</u>
15	27B	Cleveland, Lincoln	<u>1112</u>
16	28	Buncombe	14
17	29A	McDowell, Rutherford	<u>78</u>
18	29B	Henderson, Polk, Transylvania	<u>89</u>
19	30	Cherokee, Clay, Graham,	<u>1012</u>
20		Haywood, Jackson, Macon,	
21		Swain."	

**SECTION #.(b)** G.S. 7A-60(a2) is repealed.

**SECTION #.(c)** 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 after consulting the workload formula established through the National Center for State Courts,~~ Subchapter 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 #.(d)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed  
SPECIAL PROVISION



2017-AOC-H9-P

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

Requested by

***ELIMINATE ACCESS TO CIVIL JUSTICE FUNDS***

SECTION #.(a) G.S. 7A-304(a) reads as rewritten:

**"§ 7A-304. Costs in criminal actions.**

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

...

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

...."

SECTION #.(b) G.S.7A-305(a) reads as rewritten:

**"§ 7A-305. Costs in civil actions.**

(a) In every civil action in the superior or district court, except for actions brought under Chapter 50B of the General Statutes, shall be assessed:

...

(2) For support of the General Court of Justice, the sum of one hundred eighty dollars (\$180.00) in the superior court and the sum of one hundred thirty dollars (\$130.00) in the district court except that if the case is assigned to a magistrate the sum shall be eighty dollars (\$80.00). If a case is designated as a mandatory complex business case under G.S. 7A-45.4, upon assignment to a Business Court Judge, the party filing the designation shall pay an additional one thousand one hundred dollars (\$1,100) for support of the General Court of Justice. If a case is designated as a complex business case under Rule 2.1 and Rule 2.2 of the General Rules of Practice for the Superior and District Courts, upon assignment to a Business Court Judge, the plaintiff shall pay an additional one thousand one hundred dollars (\$1,100) for

1 support of the General Court of Justice. Sums collected under this  
2 subdivision shall be remitted to the State Treasurer. ~~The State Treasurer shall~~  
3 ~~remit the sum of one dollar and fifty cents (\$1.50) of each fee collected~~  
4 ~~under this subdivision to the North Carolina State Bar for the provision of~~  
5 ~~services described in G.S. 7A-474.4, and ninety five cents (\$.95) of each fee~~  
6 ~~collected under this subdivision to the North Carolina State Bar for the~~  
7 ~~provision of services described in G.S. 7A-474.19."~~

8 **SECTION #.(c)** Article 37A of Chapter 7A of the General Statutes is repealed.

9 **SECTION #.(d)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-AOC-H11(S18B.7)

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

**MODIFY EMERGENCY RECALL JUDGES**

**SECTION #.(a)** G.S. 7A-45.2 reads as rewritten:

**"§ 7A-45.2. Emergency special judges of the superior court; qualifications, appointment, removal, and authority.**

(a) Any justice or judge of the appellate division of the General Court of Justice who:

(1) Retires under the provisions of the Consolidated Judicial Retirement Act, Article 4 of Chapter 135 of the General Statutes, or who is eligible to receive a retirement allowance under that act;

(2) Has not reached the mandatory retirement age specified in G.S. 7A-4.20;

(3) Has served at least five years as a superior court judge or five years as a justice or judge of the appellate division of the General Court of Justice, or any combination thereof, whether or not eligible to serve as an emergency justice or judge of the appellate division of the General Court of Justice; and

(4) Whose judicial service ended within the preceding 10 years;

may apply to the Governor for appointment as an emergency special superior court judge in the same manner as is provided for application as an emergency superior court judge in G.S. 7A-53. If the Governor is satisfied that the applicant meets the requirements of this section and is physically and mentally able to perform the duties of a superior court judge, the Governor shall issue a commission appointing the applicant as an emergency special superior court judge until the applicant reaches the mandatory retirement age for superior court judges specified in G.S. 7A-4.20.

(b) Any emergency special superior court judge appointed as provided in this section shall:

(1) Have the same powers and duties, when duly assigned to hold court, as provided for an emergency superior court judge by G.S. 7A-48;

(2) Be subject to assignment in the same manner as provided for an emergency superior court judge by G.S. 7A-46 and 7A-52(a);

(3) Receive the same compensation, expenses, and allowances, when assigned to hold court, as an emergency superior court judge as provided by G.S. 7A-52(b);

(4) Be subject to the provisions and requirements of the Canons of Judicial Conduct; and

(5) Not engage in the practice of law during any period for which the emergency special superior court judgeship is commissioned. However, this subdivision shall not be construed to prohibit an emergency special superior court judge appointed pursuant to this section from serving as a referee, arbitrator, or mediator, during service as an emergency special superior court judge when the service does not conflict with or interfere with the emergency special superior court judge's judicial service in emergency status.

1 (c) Upon reaching mandatory retirement age for superior court judges as set forth in  
2 G.S. 7A-4.20, any emergency special superior court judge appointed pursuant to this section,  
3 whose commission has expired, may be recalled as a recalled emergency special superior court  
4 judge to preside over any regular or special session of the superior court under the following  
5 circumstances:

- 6 (1) The judge shall consent to the recall;
- 7 (2) The Chief Justice may order the recall;
- 8 (3) Prior to ordering recall, the Chief Justice shall be satisfied that the recalled  
9 judge is capable of efficiently and promptly discharging the duties of the  
10 office to which recalled;
- 11 (4) Jurisdiction of a recalled emergency special superior court judge is as set  
12 forth in G.S. 7A-48;
- 13 (5) Orders of recall and assignment shall be in writing and entered upon the  
14 minutes of the court to which assigned; and
- 15 (6) Compensation, expenses, and allowances of recalled emergency special  
16 superior court judges are the same as for recalled emergency superior court  
17 judges under G.S. 7A-52(b).
- 18 (7) The emergency special superior court judge is listed as active on the list  
19 described in 7A-52(a).

20 (d) Any former justice or judge of the appellate division of the General Court of Justice  
21 who otherwise meets the requirements of subsection (a) of this section to be appointed an  
22 emergency special superior court judge but has already reached the mandatory retirement age  
23 for superior court judges set forth in G.S. 7A-4.20 on retirement may, in lieu of serving as an  
24 emergency judge of the court from which he retired, apply to the Governor to be appointed as  
25 an emergency special superior court judge as provided in this section. If the Governor issues a  
26 commission to the applicant, the retired justice or judge is subject to recall as an emergency  
27 special superior court judge as provided in subsection (c) of this section.

28 (e) No justice or judge appointed as an emergency special superior court judge or  
29 subject to recall as provided in this section shall, during the period so appointed or subject to  
30 recall, contemporaneously serve as an emergency justice or judge of the appellate division of  
31 the General Court of Justice.

32 **SECTION #.(b)** G.S. 7A-52 reads as rewritten:

33 **"§ 7A-52. Retired district and superior court judges may become emergency judges**  
34 **subject to recall to active service; compensation for emergency judges on recall.**

35 (a) Judges of the district court and judges of the superior court who have not reached  
36 the mandatory retirement age specified in G.S. 7A-4.20, but who have retired under the  
37 provisions of G.S. 7A-51, or under the Uniform Judicial Retirement Act after having completed  
38 five years of creditable service, may apply as provided in G.S. 7A-53 to become emergency  
39 judges of the court from which they retired. From the commissioned emergency district,  
40 superior, and special superior court judges, the Chief Justice of the Supreme Court shall create  
41 two lists of active emergency judges and two lists of inactive emergency judges. For  
42 emergency superior and special superior court judges, the active list shall be limited to a  
43 combined total of fifteen emergency judges; all other emergency superior and special superior  
44 court judges shall be on an inactive list. For emergency district court judges, the active list shall  
45 be limited to thirty-five emergency judges; all other emergency district court judges shall be on  
46 an inactive list. There is no limit to the number of emergency judges on either inactive list. In  
47 the Chief Justice's discretion, emergency judges may be added or removed from their respective  
48 active and inactive lists, as long as the respective numerical limits on the active lists are  
49 observed. The Chief Justice is requested to consider geographical distribution in assigning  
50 emergency judges to an active list, but may utilize any factor in determining which emergency  
51 judges are assigned to an active list. The Chief Justice of the Supreme Court may order any

1 emergency district, superior, or special superior court judge on an active list judge of the  
2 district or superior court who, in his opinion, is competent to perform the duties of a judge of  
3 the court from which such judge retired to hold regular or special sessions of the court from  
4 which the judge retired such court, as needed. Order of assignment shall be in writing and  
5 entered upon the minutes of the court to which such emergency judge is assigned.

6 (a1) An emergency judge of the superior court may be recalled to active service by the  
7 Chief Justice and assigned to hear and decide complex business cases if, at the time of the  
8 judge's retirement, all of the following conditions are met:

9 (1) The judge is a special superior court judge who is retiring from a term to  
10 which the judge was appointed pursuant to G.S. 7A-45.1.

11 (2) The judge is retiring from a term for which the judge was assigned by the  
12 Chief Justice to hear and decide complex business cases as a business court  
13 judge pursuant to G.S. 7A-45.3.

14 (3) The judge's nomination to serve a successive term in the same office is  
15 pending before the General Assembly, or was not acted upon by the General  
16 Assembly prior to adjournment sine die.

17 (4) If confirmed and appointed to the successive term of office for which  
18 nominated, the judge would reach mandatory retirement age before  
19 completing that term of office.

20 An emergency judge assigned to hear and decide complex business cases pursuant to this  
21 subsection shall be designated by the Chief Justice as a senior business court judge and shall be  
22 eligible to serve in that capacity for five years from the issuance date of the judge's commission  
23 under G.S. 7A-53 or until the judge's commission expires, whichever occurs first. Order of  
24 assignment shall be in writing and entered upon the minutes of the court to which such  
25 emergency judge is assigned. An emergency judge assigned to hear and decide complex  
26 business cases shall not be counted in the combined total of active emergency superior and  
27 special superior court judges described in subsection (a).

28 (b) In addition to the compensation or retirement allowance the judge would otherwise  
29 be entitled to receive by law, each emergency judge of the district or superior court who is  
30 assigned to temporary active service by the Chief Justice shall be paid by the State the judge's  
31 actual mileage and any necessary lodging and meal expenses, plus four hundred dollars  
32 (\$400.00) for each day of active service rendered upon recall, and each emergency judge  
33 designated as a senior business court judge pursuant to subsection (a1) of this section shall be  
34 paid by the State the judge's actual expenses, plus five hundred dollars (\$500.00) for each day  
35 of active service rendered upon recall as a senior business court judge. No day of active service  
36 rendered by an emergency judge pursuant to assignment under subsection (a) of this section  
37 shall overlap with a day of active service rendered pursuant to assignment under subsection  
38 (a1) of this section. No recalled retired trial judge shall receive from the State total annual  
39 compensation for judicial services in excess of that received by an active judge of the bench to  
40 which the judge is recalled. Emergency judges on an inactive list shall not receive  
41 reimbursement for continuing legal or judicial education.

42 **SECTION #.(c) G.S. 7A-57 reads as rewritten:**

43 **"§ 7A-57. Recall of active and emergency trial judges who have reached mandatory**  
44 **retirement age.**

45 Superior and district court judges retired because they have reached the mandatory  
46 retirement age, and emergency superior and district court judges whose commissions have  
47 expired because they have reached the mandatory retirement age, may be recalled to preside  
48 over regular or special sessions of the court from which retired under the following  
49 circumstances:

50 (1) The judge must consent to the recall.

51 (2) The Chief Justice is authorized to order the recall.

- 1 (3) Prior to ordering recall, the Chief Justice shall be satisfied that the judge is
- 2 capable of efficiently and promptly discharging the duties of the office to
- 3 which recalled.
- 4 (4) Jurisdiction of a recalled retired superior court judge is as set forth in
- 5 G.S. 7A-48, and jurisdiction of a recalled retired district court judge is as set
- 6 forth in G.S. 7A-53.1.
- 7 (5) Orders of recall and assignment shall be in writing and entered upon the
- 8 minutes of the court to which assigned.
- 9 (6) Compensation of recalled retired trial judges is the same as for recalled
- 10 emergency trial judges under G.S. 7A-52(b).
- 11 (7) Recalled emergency judges who served as a senior business court judge and
- 12 whose commission expired upon reaching the mandatory retirement age may
- 13 be recalled by the Chief Justice and assigned to hear and decide complex
- 14 business cases as a senior business court judge for up to five years from the
- 15 issuance date of their commission under G.S. 7A-53.
- 16 (8) The emergency judge is listed as active on the list described in 7A-52(a).
- 17 This does not apply to an emergency judge who qualifies under (7)."

18 **SECTION #.(d)** The Administrative Office of the Courts shall report annually to  
19 the Joint Legislative Oversight Committee on Justice and Public Safety by August 1st on the  
20 preceding fiscal year's activities. The report shall include:

- 21 (1) An updated list of all active superior court and district court emergency
- 22 judges.
- 23 (2) A list of all cases where an emergency court judge was assigned including
- 24 what districts the cases were located in and the reason for the assignment.
- 25 (3) A list of all expenses broken down by the daily fee for emergency judges,
- 26 travel for service to assignment, and travel for continuing judicial education.
- 27 (4) A list of on bench time for all emergency judges.

28 **SECTION #.(e)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting  
SPECIAL PROVISION



2017-AOC-H13

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

Requested by

1 ***MAGISTRATE POSITION TRANSFER***

2 **SECTION #.** The following positions, #60066073 and #60006074, are transferred  
3 to Wilkes County.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S257-AMS-12 [v.5]

Page 1 of 1

Amends Title [NO]  
Fifth Edition

Date May 25, 2017

Representative Stevens

1 moves to amend the Money Report on page I-20, Item 25 by reducing the amount by \$500,000;  
2  
3 and moves to amend the Money report on page I-20, by adding a new Item after Item 25 to  
4 read:

5  
6 "State Crime Laboratory Equipment                      \$500,000 NR  
7        Fund Code: 1400  
8        Provides funds to the State Crime Laboratory to purchase or lease equipment.".

9  
10 and by adjusting the totals appropriately.  
11  
12  
13  
14

SIGNED

*Barclay Stevens*  
Amendment Sponsor

SIGNED

*Allen McNamee*  
Committee Chair if Senate Committee Amendment

ADOPTED

☒

FAILED

TABLED



\* S 2 5 7 - A M S - 1 2 - V - 5 \*





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S257-AMS-13 [v.3]

Page 1 of 2

Amends Title [NO]  
JPS Committee Report

Date May 25, 2017

Representative John

1 moves to amend the Money Report on page I-20, Item 25 by reducing the amount by \$500,000  
2  
3 and moves to amend the Money Report on page I-20, by adding a new Item after Item 25 to  
4 read:

5  
6 **"State Crime Laboratory Equipment                      \$500,000 NR**  
7 **Fund Code: 1400**

8 Provides funds to the State Crime Laboratory to purchase or lease equipment.";  
9

10 and moves to amend the Justice and Public Safety Special Provisions Package dated May 25,  
11 2017 on page 35, line 17 by inserting the following immediately after that line:

12  
13 **"SEXUAL ASSAULT EVIDENCE COLLECTION KITS**

14 "SECTION 1. Article 13 of Chapter 15A of the General Statutes is amended by  
15 adding a new section to read

16 **"§ 15A-270.10. Inventory and report of Sexual Assault Evidence Collection Kits.**

17 (a) Local law enforcement. – Each local law enforcement agency shall conduct an  
18 inventory of Sexual Assault Evidence Collection Kits (SAECKs) in its custody or control and  
19 report its findings to the Department of Justice, State Crime Laboratory, no later than January  
20 1, 2018. The State Crime Laboratory shall compile the information and report its findings to the  
21 Joint Legislative Oversight Committee on Justice and Public Safety no later than April 1, 2018.  
22 The inventory report from each local law enforcement agency shall include all of the following:

23 (1) The total number of SAECKs in its custody or control that have not  
24 previously undergone forensic testing.

25 (2) Of the total number of SAECKs in its custody or control, the number that:  
26 a. Are anonymous. For purposes of this section, the term "anonymous"  
27 means the identity of the victim of sexual assault is not associated  
28 with the SAECK because the victim has not reported the assault to  
29 law enforcement.

30 b. Represent a case that has been resolved in court, whether by  
31 conviction, dismissal, or another manner.





**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257**

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S257-AMS-13 [v.3]


Page 2 of 2

1  
2  
3  
4  
5  
6  
7  
8  
9

- c.     Were not submitted for forensic testing because the suspect admitted to the sexual act in question.
- d.     Were not submitted for forensic testing because the allegations were determined to be unfounded as a result of further investigation.";

and by adjusting the totals accordingly.

SIGNED \_\_\_\_\_

  
Amendment Sponsor

SIGNED \_\_\_\_\_

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

✓

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S257-AMS-17 [v.1]

Page 1 of 1

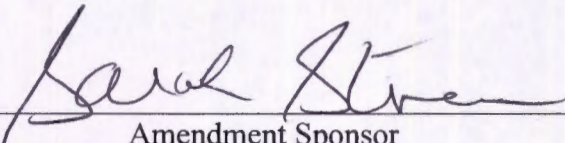
Amends Title [NO]  
JPS Special Provision Packages

Date May 25, 2017

Representative Stevens

- 1 moves to amend the Money Report on page I-12 by deleting Item 13;
- 2
- 3 and moves to amend the Money Report on page I-13 by deleting Item 14;
- 4
- 5 and adjust the totals accordingly.
- 6
- 7

SIGNED

  
Amendment Sponsor

SIGNED

\_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED



FAILED

TABLED



★ S 2 5 7 - A M S - 1 7 - V - 1 ★





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S257-AMM-22 [v.2]

Page 1 of 1

Amends Title [NO]  
JPS Subcommittee package

Date May 25 .2017

Representative Stevens

1 moves to amend the Justice and Public Safety Special Provisions Package dated May 25, 2017,  
2 after page 16, by inserting a new special provision after line 24:  
3

4 **"INTERSTATE COMPACT FEES TO SUPPORT TRAINING PROGRAMS AND**  
5 **EQUIPMENT PURCHASES SECTION.**

6 **SECTION #.** Notwithstanding the provisions of G.S. 148-65.7, fees collected for  
7 the Interstate Compact Fund during the 2017-2019 fiscal biennium may be used by the Division  
8 of Adult Correction of the Department of Public Safety during the 2017-2019 fiscal biennium  
9 to provide training programs and equipment purchases for the Section of Community  
10 Corrections, but only to the extent sufficient funds remain available in the Fund to support the  
11 mission of the Interstate Compact Program."  
12  
13

SIGNED

*Baral Steen*  
Amendment Sponsor

SIGNED

\_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED

✓

FAILED

TABLED



\* S 2 5 7 - A M M - 2 2 - V - 2 \*





**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257**

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S257-AMS-7 [v.6]

Page 1 of 2

Amends Title [NO]  
JPS committee report

Date May 25, 2017

Representative C. Graham

1 moves to amend the Justice and Public Safety Special Provisions Package dated May 25, 2017  
2 on page 7, lines 20, by inserting the following immediately after that line:  
3

4 **"STATE REENTRY COUNCIL COLLABORATIVE**

5 **SECTION #.(a) Part 1,-Article 13 of Chapter 143B is amended by adding a new**  
6 **section to read:**

7 **"§ 143B-604. State Reentry Council Collaborative.**

8 (a) The Secretary shall establish the State Reentry Council Collaborative (SRCC). The  
9 SRCC shall include up to two representatives from each of the following:

- 10 (1) The Division of Motor Vehicles.  
11 (2) The Department of Health and Human Services.  
12 (3) The Administrative Office of the Courts.  
13 (4) The North Carolina Community College System.  
14 (5) The Division of Adult Correction of the Department of Public Safety.  
15 (6) Any other agency that the Joint Legislative Oversight Committee on Justice  
16 and Public Safety deems relevant.

17 (b) The Secretary, or the Secretary's designee, shall chair the SCRR which shall meet at  
18 least quarterly upon the call of the chair. The SCRR shall study the needs of ex-offenders who  
19 have been recently released from a correctional institution and to increase the effectiveness of  
20 local reentry councils.

21 (c) Beginning November 1, 2017, and annually thereafter, the SRCC shall report its  
22 findings and recommendations to the Joint Legislative Oversight Committee on Justice and  
23 Public Safety. "".  
24  
25  
26  
27



★ S 2 5 7 - A M S - 7 - V - 6 ★



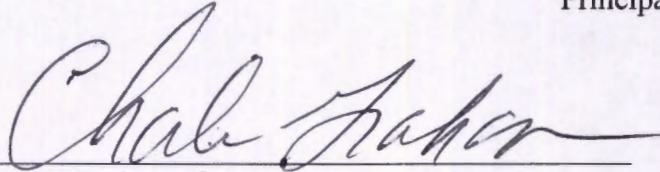
NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S257-AMS-7 [v.6]

Page 2 of 2

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED



FAILED

TABLED





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S257-AMS-11 [v.1]

Page 1 of 1

Amends Title [NO]  
Fifth Edition

Date May 25 2017

Representative

Rogers

- 1 moves to amend the Justice and Public Safety Special Provisions Package dated May 25, 2017  
2 on page 44, lines 1-16 by deleting those lines.  
3  
4  
5

SIGNED

[Signature]  
Amendment Sponsor

SIGNED

\_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED

✓

FAILED

TABLED



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NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S257-AMS-14 [v.3]

Page 1 of 1

Amends Title [NO]  
Fifth Edition

Date May 25 2017

Representative W. Richardson

*D. Rogers*

1 moves to amend the Money Report on page I-13 by inserting the following after Item 15:

2 **"Reduce Prison Food Service**

3 **Fund Code: 1320** \$2.9 million \$5.8 million

4 Reduce funding for food and dietary supplies (account 5334xx)

5  
6 and moves to amend the Money Report on page I-27 by deleting Item 27 and substituting with  
7 the following:

8  
9 **"Increase Private Assigned Counsel (PAC) Rate**

10 **Fund Code: 1310** \$2.9 million \$5.8 million

11 Provides funding to increase the PAC rate by \$5.00 per hour effective January 1, 2018."

12  
13  
14  
15  
16  
17  
18  
19  
SIGNED \_\_\_\_\_

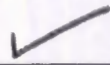
Amendment Sponsor

SIGNED \_\_\_\_\_

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_



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\* S 2 5 7 - A M S - 1 4 - V - 3 \*





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S257-AMS-16 [v.1]

Page 1 of 1

Amends Title [NO]  
Fourth Edition

Date May 25, 2017

Representative C. Graham

1 moves to amend the Money Report on page I-10 by reducing the amount in Item 4 by \$100,000  
2 NR;

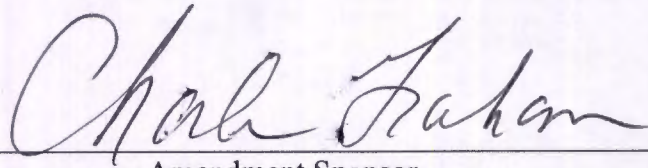
3  
4 and amends the Money Report on page I-13 by inserting the following item after Item 15:

5 **"Reentry Councils                      \$100,000 NR**

6 **Fund Code: 1375**

7 Provides \$100,000 NR to support the Hoke, Scotland, and Robeson Reentry Council."  
8  
9  
10

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

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TABLED



\* S 2 5 7 - A M S - 1 6 - V - 1 \*





Withdrawn

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S257-AMS-15 [v.1]

Page 1 of 1

Amends Title [NO]  
Fourth Edition

Date May 25, 2017

Representative G. Graham

1 moves to amend the Money Report on page I-10 by reducing the amount in Item 4 by \$300,000  
2 NR;

3  
4 and amends the Money Report on page I-13 by inserting the following item after Item 15:

5 **"Reentry Councils** **\$300,000 NR**

6 **Fund Code: 1375**

7 Provides \$150,000 NR to support the Craven/Pamlico Reentry Council, and \$150,000 NR to  
8 support the Lenoir/Greene Reentry Council."  
9  
10  
11

SIGNED

George H. Graham  
Amendment Sponsor

SIGNED

\_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED ☒



\* S 2 5 7 - A M S - 1 5 - V - 1 \*





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S257-AMS-10 [v.5]

Page 1 of 2

Amends Title [NO]  
Fifth Edition

Date May 25, 2017

Representative R. Turner

1 moves to amend the Justice and Public Safety Provision Package dated May 25, 2017 on page  
2 11, lines 2 - 6 by rewriting the lines to read:

3  
4 "SECTION #.(a) Funds appropriated in this act to the Department of Public Safety  
5 for grants for law enforcement cameras shall be used to provide matching grants to local and  
6 county law enforcement agencies to purchase and place into service body-worn or dashboard  
7 video cameras, and for training and related expenses. These grant funds shall be administered  
8 by the Governor's Crime";

9  
10 and on page 11, lines 12-13, by deleting the phrase "two dollars (\$2.00)" and substituting "one  
11 dollar (\$1.00)";

12  
13 and on page 11, lines 5 and 15, by deleting the phrase "in-car" and substituting the phrase  
14 "dashboard camera, as defined by G.S. 132-1.4";

15  
16 and on page 54, line 2, by deleting "60066073" and substituting "60006073";

17  
18 and moves to amend Item 1 on page I-10 of the Money Report by rewriting that item to read:  
19 "Eliminate 5 positions that have been vacant for 12 months or more. The following positions  
20 are eliminated";

21  
22 and moves to amend Item 4 on page I-10 of the Money Report by deleting the phrase "in-car"  
23 and substituting the phrase "dashboard" and changing "2-to-1" to "1-to-1";

24  
25 and moves to amend Item 29 on page I-33 by inserting the word "Oversight" after the word  
26 "Legislative" and before the word "Committee";

27  
28  
29 and by adjusting the totals accordingly.  
30  
31




\* S 2 5 7 - A M S - 1 0 - V - 5 \*

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257

S257-AMS-10 [v.5]

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

Page 2 of 2

SIGNED   
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED  FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

## VISITOR REGISTRATION SHEET

Appropriations Committee on Justice and Public Safety

Date: \_\_\_\_\_

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

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Susanna Birdsong	ACU-NC
Laura F. [unclear]	Vista Strategies
Larry Kate	PED
Glenki McNeill	NCSHP
Alan Melvin	NCSHP
Marsha Overby	NCSHP
Whitney Fairbanks	IDS
Mark Hammonds	CSC
Barbara Moore	AOC
Sally Williford	AOC
Andy Brandon	NC DPS
Trud Salmon	DPS
Jamie Lassiter	Conf. of Clerks
J. R. ROWELL	CSC
Elisa Wolper	NC IDS
Thomas MAHER	NC IDS
MATTHEW LONGMIRE	NC DOJ



## VISITOR REGISTRATION SHEET

Appropriations Committee on Justice and Public Safety

     Date:                     

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

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
John A Byrd	DOJ/NCSC2
Conna Murphy	NCAJ
Kristin Parker	DRNC
Mildred Spearman	NCAOC
TOM Bowlin	NC NATIONAL GUARD
Jarrett Burr	Burree
Christina Sandridge	Media
Melissa Boughton	NC Policy Watch



# House Appropriations Committee on Justice and Public Safety

## 2018 Short Session

Rep. Jamie Boles, Chair

Rep. Ted Davis, Jr., Chair

Rep. Allen McNeill, Chair

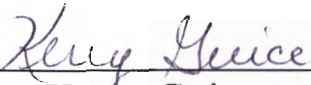
Rep. Rena Turner, Chair

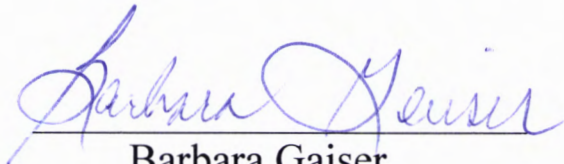
## Committee Assistants

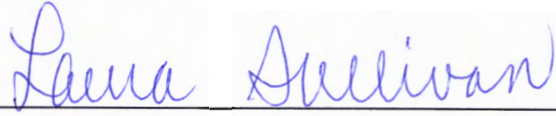
Kerry Guice, Laura Sullivan, Barbara Gaiser

**NOTE:** The House Appropriations Committee on Justice and Public Safety did not meet during the 2018 short session of the North Carolina General Assembly.

Respectfully submitted:

  
Kerry Guice

  
Barbara Gaiser

  
Laura Sullivan

