

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** SB 521 PSC 8709 (Committee Substitute)

**SHORT TITLE:** DOC Pilot Sexual Assault Program

**SPONSOR(S):** Senator Carpenter

**FISCAL IMPACT**

Yes ( )      No ( )      No Estimate Available ( X )

FY 1997-98   FY 1998-99   FY 1999-00   FY 2000-01   FY 2001-02

**REVENUES**

**EXPENDITURES**   No estimate available; however cost will not be significant and Department of Correction can absorb all costs for this pilot program within funds available in 1997-98

**POSITIONS:** None

**PRINCIPAL DEPARTMENT(S) & Department of Correction  
PROGRAM(S) AFFECTED:**

**EFFECTIVE DATE:** July 1, 1997

**BILL SUMMARY: S 521. DOC SEXUAL ASSAULT. TO ESTABLISH A SEXUAL ASSAULT PROGRAM FOR INMATES AND EMPLOYEES OF THE DEPARTMENT OF CORRECTION.** Adds new GS 148-25.1 to direct Dep't of Correction to establish orientation program on sexual assault, to be completed, if possible, within the inmate's first seven days of commitment. Dep't must provide sexual assault counseling at prison units to any prisoner requesting it, and cooperate with rape crisis centers to provide counseling to former inmates. Dep't must collect data on all known, reported, or suspected instances of sexual assault. Correction officers must be trained in identification and prevention of sexual assault among inmates. Inmates must be classified into those who are likely to become victims of sexual assault and those who are likely to become assaulters, and must be housed separately. Dep't must report annually to Joint Legislative Comm'n on Governmental Operations on percentage of orientation programs completed within seven days of commitment, and on the Dep't's success in segregating prisoners vulnerable to sexual assault from those classified as potential assaulters. Effective July 1, 1997.

**S 521. DOC SEXUAL ASSAULT.** Intro. 3/26/97. Senate amendment makes the following changes to 1st edition. Requires Dep't of Correction, to the extent practicable, to avoid housing or showering potential sexual assaulters with prisoners rated vulnerable or highly vulnerable to sexual assault (was, required Dep't to obtain consent of vulnerable prisoners before housing or showering them with potential assaulters). Makes provisions of bill gender neutral.

**ASSUMPTIONS AND METHODOLOGY:** Proposed committee substitute limits the orientation to training and presentations in 3 pilot units "...with greater than average levels of inmate violence..." [p.1, line7]; eliminates requirements that "...trained or experienced counselors ..." be provided through the Division of Mental Health, Developmental Disabilities, and Substance Abuse or that the Division provide training of correction officials. Makes program funding for these pilots permissive (optional) within funds available to the department of Corrections for 1997-98 in Section 3, [p. 3 at line 9]. Community rape crisis centers are allowed to develop sexual assault materials for use by inmates, privately, subject to review by the Director of Prisons; and, the Department is to post notices as to the availability of rape crisis counseling by rape crisis counselors "...willing to provide confidential counseling..." data collection is to be continued in the pilots, together with employee training during orientation and annually; and, each prisoner is to be classified and evaluated as to a possible risk for sexual assault.

Assume department identifies 3 pilot sites; arranges for materials, training, counseling, etc., by bona fide rape crisis center or carries out internally, and pays for all expenditures within funds available.

The original HB 521 required a statewide sexual assault counseling program. Population estimates for the original bill were 100 inmates the first year and 200 the second. This Committee Substitute narrows the scope to 3 pilot units at prisons with greater than average levels of inmate violence. This will greatly reduce the number of inmates and thus the costs of the bill. However, given the visibility of a new program and the new requirements, such as posting notices in public areas regarding the availability of services from sexual assault and rape crisis centers and distributing sexual assault materials from these organizations, it is likely the number of offenders using the services would be greater than currently served by DOC counselors. Since it is difficult to predict the impact of this new program and the number of offenders who will actually seek services, it is assumed that no fiscal estimate is available. Therefore, the use of available funds by DOC is appropriate to initiate the program and to allow for a more precise estimate of statewide costs.

**TECHNICAL CONSIDERATIONS:** Suggest technical change needed at page 3, line 11, to clarify reporting date to some date certain other than May 1, 1997.

**FISCAL RESEARCH DIVISION 733-4910**

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**Official**

**Fiscal Research Division**

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