

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-378
SENATE BILL 137**

**AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO
USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA
LAW.**

The General Assembly of North Carolina enacts:

SECTION 1. Correctional officers and security supervisors employed at private correctional facilities pursuant to a contract between their employer and the Federal Bureau of Prisons may, in the course of their employment as correctional officers or security supervisors, use necessary force and make arrests consistent with the laws applicable to the North Carolina Department of Correction, which force shall not exceed that authorized to Department of Correction officers, provided that the Department of Correction determines that as of the effective date of this act, the employment policies of such private corporations meet the same minimum standards and practices followed by the Department of Correction in employing its correctional personnel, and if:

- (1) Those correctional officers and security supervisors have been certified as correctional officers as provided under Chapter 17C of the General Statutes; or
- (2) Those correctional officers and security supervisors employed by the private corporation at the facility have completed a training curriculum that the Department of Correction has determined meets or exceeds the standards required by the North Carolina Criminal Justice Education and Training Standards Commission for correctional personnel. The Department may require that it be notified of the names and positions of such persons prior to such persons beginning duties at the correctional facility, and the names and positions of those persons already employed at the correctional facility on the effective date of this act and that the Department be notified when any such person is no longer employed in such duties at the correctional facility.

SECTION 2. Any private corporation described in Section 1 of this act shall without limit defend, indemnify, and hold harmless the State, its officers, employees, and agents from any claims arising out of the operation of the private correctional facility, or the granting of the powers authorized under this act, including any attorneys' fees or other legal costs incurred by the State, its officers, employees, or agents as a result of such claims.

SECTION 2.1. Any private corporation described in Section 1 of this act shall reimburse the State and any county or other law enforcement agency for the full cost of any additional expenses incurred by the State or the county or other law enforcement agency in connection with the pursuit and apprehension of an escaped inmate from the facility.

In the event of an escape from the facility, any private corporation described in Section 1 of this act shall immediately notify the sheriff in the county in which the facility is located and shall notify the Department of Correction which shall cause an immediate entry into the State Bureau of Investigation Division of Criminal Information network. The sheriff of the county in which the facility is located shall be the lead law

enforcement officer in connection with the pursuit and apprehension of an escaped inmate from the facility.

SECTION 3. Any private corporation described in Section 1 of this act must maintain in force liability insurance to satisfy any final judgment rendered against the private corporation or the State, its officers, employees, and agents that arises out of the operation of the correctional facility or the indemnification requirements in Section 2 of this act. The minimum amount of liability insurance that will be required under this section is ten million dollars (\$10,000,000) per occurrence, and twenty-five million dollars (\$25,000,000) aggregate per occurrence. The private corporation shall ensure that its insurance company shall provide the Department of Correction with a current Certificate of Insurance evidencing compliance with the requirements of this section within 10 days of the effective date of this act and annually thereafter.

SECTION 4. The Department of Correction shall adopt rules to implement the provisions of this act.

SECTION 5. The authority set forth in this act to use necessary force and make arrests shall be in addition to any existing authority set forth in the statutory or common law of the State, but shall not exceed the authority to use necessary force and make arrests set out in Section 1 of this act.

SECTION 6. A private corporation described in Section 1 of this act shall bear the reasonable costs of services provided by the Department of Correction for the corporation. The amount of the costs shall be determined by the Secretary of the Department.

SECTION 7. This act is effective when it becomes law, applies to private correctional facilities and the employees of those correctional facilities constructed and contracted to be operated by the effective date of this act, and expires two years after the effective date.

In the General Assembly read three times and ratified this the 7th day of August, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:30 a.m. this 18th day of August, 2001