

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 900  
Information Technology Committee Substitute Adopted 4/25/01

Short Title: Revise CJIN Budget Process.

(Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

1 AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE CRIMINAL  
2 JUSTICE INFORMATION NETWORK GOVERNING BOARD; TO  
3 AUTHORIZE THE BOARD TO HIRE AN EXECUTIVE DIRECTOR; TO  
4 ESTABLISH THE BUDGET SUBCOMMITTEE OF THE BOARD; AND TO  
5 ESTABLISH THE CRIMINAL JUSTICE TECHNOLOGY FUND.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 143-661(b) reads as rewritten:

8 "(b) The Board shall consist of ~~19~~ 20 members, appointed as follows:

9 (1) ~~Three~~ Four members appointed by the Governor, including one  
10 member who is a director or employee of a State correction agency for  
11 a term to begin September 1, 1996 and to expire on June 30, 1997, one  
12 member who is an employee of the North Carolina Department of  
13 Crime Control and Public Safety for a term beginning September 1,  
14 1996 and to expire on June 30, 1997, ~~and one member selected from~~  
15 ~~the North Carolina Association of Chiefs of Police for a term to begin~~  
16 ~~September 1, 1996 and to expire on June 30, 1999.~~ June 30, 1999, and  
17 one member who is an employee of the North Carolina Department of  
18 Juvenile Justice and Delinquency Prevention.

19 (2) ~~Six~~ Four members appointed by the General Assembly in accordance  
20 with G.S. 120-121, as follows:

21 a. ~~Three~~ Two members of the general public, recommended by the  
22 President Pro Tempore of the Senate, ~~including two members of~~  
23 ~~the general public for terms to begin on September 1, 1996 and~~  
24 ~~to expire on June 30, 1997, and one member selected from the~~  
25 ~~North Carolina League of Municipalities who is a member of,~~  
26 ~~or an employee working directly for, the governing board of a~~  
27 ~~North Carolina municipality for a term to begin on September~~  
28 ~~1, 1996 and to expire on June 30, 1999;~~ Senate; and  
29

- 1                   b.     ~~Three~~ Two members of the general public, recommended by the  
2                   Speaker of the House of Representatives, ~~including two~~  
3                   ~~members of the general public for terms to begin on September~~  
4                   ~~1, 1996 and to expire on June 30, 1999, and one member~~  
5                   ~~selected from the North Carolina Association of County~~  
6                   ~~Commissioners who is a member of, or an employee working~~  
7                   ~~directly for, the governing board of a North Carolina county for~~  
8                   ~~a term to begin on September 1, 1996 and to expire on June 30,~~  
9                   ~~1997. Representatives.~~
- 10               (3)     Two members appointed by the Attorney General, including one  
11               member who is an employee of the Attorney General for a term to  
12               begin on September 1, 1996 and to expire on June 30, 1997, and one  
13               member from the North Carolina Sheriffs' Association for a term to  
14               begin on September 1, 1996 and to expire on June 30, 1999.
- 15               (4)     Six members appointed by the Chief Justice of the North Carolina  
16               Supreme Court, as follows:
- 17               a.     The Director of the Administrative Office of the Courts, or an  
18               employee of the Administrative Office of the Courts, for a term  
19               beginning July 1, 1997, and expiring June 30, 2001.
- 20               b.     One member who is a district attorney or an assistant district  
21               attorney upon the recommendation of the Conference of District  
22               Attorneys of North Carolina, for a term beginning July 1, 1998,  
23               and expiring June 30, 1999.
- 24               c.     Two members who are superior court or district court judges for  
25               terms beginning July 1, 1998, and expiring June 30, 2001.
- 26               d.     One member who is a magistrate upon the recommendation of  
27               the North Carolina Magistrates' Association, for a term  
28               beginning July 1, 1998, and expiring June 30, 1999.
- 29               e.     One member who is a clerk of superior court upon the  
30               recommendation of the North Carolina Association of Clerks of  
31               Superior Court, for a term beginning July 1, 1998, and expiring  
32               June 30, 1999.
- 33               (5)     One member appointed by the Chair of the Information Resource  
34               Management Commission, who is the Chair or a member of that  
35               Commission, for a term to begin on September 1, 1996 and to expire  
36               on June 30, 1999.
- 37               (6)     One member appointed by the President of the North Carolina Chapter  
38               of the Association of Public Communications Officials International,  
39               who is an active member of the Association, for a term to begin on  
40               September 1, 1996 and to expire on June 30, 1999.
- 41               (7)     The Executive Director of the North Carolina League of  
42               Municipalities, or that person's designee.

1           (8) The Executive Director of the North Carolina Association of County  
2           Commissioners, or that person's designee.

3           The respective appointing authorities are encouraged to appoint persons having a  
4 background in and familiarity with criminal information systems and networks  
5 generally and with the criminal information needs and capacities of the constituency  
6 from which the member is appointed.

7           As the initial terms expire, subsequent members of the Board shall be appointed to  
8 serve four-year terms. At the end of a term, a member shall continue to serve on the  
9 Board until a successor is appointed. A member who is appointed after a term is begun  
10 serves only for the remainder of the term and until a successor is appointed. Any  
11 vacancy in the membership of the Board shall be filled by the same appointing authority  
12 that made the appointment, except that vacancies among members appointed by the  
13 General Assembly shall be filled in accordance with G.S. 120-122."

14           **SECTION 2.** G.S. 143-664 reads as rewritten:

15 **"§ 143-664. Election of officers; meetings; staff, etc.**

16           (a) The Governor shall call the first meeting of the Board. At the first meeting,  
17 the Board shall elect a chair and a vice-chair, each to serve a one-year term, with  
18 subsequent officers to be elected for one-year terms. The Board shall hold at least two  
19 regular meetings each year, as provided by policies and procedures adopted by the  
20 Board. The Board may hold additional meetings upon the call of the chair or any three  
21 Board members. A majority of the Board membership constitutes a quorum.

22           (b) The Board may hire an executive director. The executive director of the  
23 Board shall serve as its chief information officer and shall assist the Board in fulfilling  
24 the powers and duties of the Board. In particular, the executive director shall assure that  
25 the standards and information technology developed by the Board adhere to the  
26 standards, procedures, and policies of the Office of Information Technology Services  
27 and the Information Resources Management Commission. In addition, the executive  
28 director shall assist the Board in coordinating and prioritizing all requests for funding  
29 from the Criminal Justice Technology Fund for each agency and department that is a  
30 part of the Network. Pending permanent staffing, the ~~The executive director may hire~~  
31 professional and clerical staff for additional support or, in the alternative, the  
32 Department shall provide the Board with professional and clerical staff and any  
33 additional support the Board needs to fulfill its mandate. The Board may meet in an area  
34 provided by the Department of Justice and the Board's staff shall use space provided by  
35 the Department."

36           **SECTION 3.** G.S. 143-663(a) reads as rewritten:

37           "(a) The Board shall have the following powers and duties:

38           (1) To establish and operate the Network as an integrated system of State  
39 and local government components for effectively and efficiently  
40 storing, communicating, and using criminal justice information at the  
41 State and local levels throughout North Carolina's law enforcement,  
42 judicial, and corrections agencies, with the components of the Network

- 1 to include electronic devices, programs, data, and governance and to  
2 set the Network's policies and procedures.
- 3 (2) To develop and adopt uniform standards and cost-effective  
4 information technology, after thorough evaluation of the capacity of  
5 information technology to meet the present and future needs of the  
6 State and, in consultation with the Information Resource Management  
7 Commission, to develop and adopt standards for entering, storing, and  
8 transmitting information in criminal justice databases and for  
9 achieving maximum compatibility among user technologies.
- 10 (3) To identify the funds needed to establish and maintain the Network,  
11 identify public and private sources of funding, and secure ~~funding~~  
12 State, federal, and private funding, including State appropriations, to:
- 13 a. Create the Network and facilitate the sharing of information  
14 among users of the ~~Network~~; and Network;
- 15 b. Make grants to local government users to enable them to  
16 acquire or improve elements of the Network that lie within the  
17 responsibility of their agencies or State agencies; provided that  
18 the elements developed with the funds must be available for use  
19 by the State or by local governments without cost and the  
20 applicable State agencies join in the request for ~~funding~~;  
21 funding; and
- 22 c. Allocate funds from the Criminal Justice Technology Fund to  
23 the State agencies and departments that are part of the Criminal  
24 Justice Information Network, including the Departments of  
25 Correction, Crime Control and Public Safety, Juvenile Justice  
26 and Delinquency Prevention, and Justice and the Judicial  
27 Department.
- 28 (4) To provide assistance to local governments for the financial and  
29 systems planning for Network-related automation and to coordinate  
30 and assist the Network users of this State in soliciting bids for  
31 information technology hardware, software, and services in order to  
32 assure compliance with the Board's technical standards, to gain the  
33 most advantageous contracts for the Network users of this State, and to  
34 assure financial accountability where State funds are used.
- 35 (5) To provide a liaison among local government users and to advocate on  
36 behalf of the Network and its users in connection with legislation  
37 affecting the Network.
- 38 (6) To facilitate the sharing of knowledge about information technologies  
39 among users of the Network.
- 40 (7) To take any other appropriate actions to foster the development of the  
41 Network."

1           **SECTION 4.** Article 69 of Chapter 143 of the General Statutes is amended  
2 by adding the following new sections to read:

3 **"§ 143-665. Budget subcommittee created; powers and duties.**

4       (a) There is created the Criminal Justice Information Network Governing Board  
5 subcommittee on budget and funding issues. The subcommittee shall consist of the  
6 following members of the Board:

- 7           (1) The member who is a director or employee of a State correction  
8 agency appointed by the Governor pursuant to G.S. 143-661(b)(1).
- 9           (2) The member who is an employee of the North Carolina Department of  
10 Crime Control and Public Safety appointed by the Governor pursuant  
11 to G.S. 143-661(b)(1).
- 12           (3) The member who is an employee of the North Carolina Department of  
13 Juvenile Justice and Delinquency Prevention appointed by the  
14 Governor pursuant to G.S. 143-661(b)(1).
- 15           (4) The member who is an employee of the Attorney General appointed by  
16 the Attorney General pursuant to G.S. 143-661(b)(3).
- 17           (5) The member who is an employee of the Administrative Office of the  
18 Courts pursuant to G.S. 143-661(b)(4).
- 19           (6) The member who is the Chair of the Information Resource  
20 Management Commission or a member of that Commission appointed  
21 pursuant to G.S. 143-661(b)(5).

22       In addition to the subcommittee members who are members of the Board, the  
23 following persons shall serve on the subcommittee, ex officio:

- 24           (1) The Secretary of the Department of Correction, or that person's  
25 designee.
- 26           (2) The Secretary of the Department of Crime Control and Public Safety,  
27 or that person's designee.
- 28           (3) The Director of the Administrative Office of the Courts, or that  
29 person's designee.
- 30           (4) The Director of the State Bureau of Investigation, or that person's  
31 designee.
- 32           (5) The Attorney General, or that person's designee.
- 33           (6) The Secretary of the Department of Juvenile Justice and Delinquency  
34 Prevention, or that person's designee.

35       (b) Every two years, the subcommittee shall elect a chair from among its  
36 members to preside over meetings of the subcommittee, coordinate with the agencies  
37 and departments that are a part of the Network, and report recommendations of the  
38 subcommittee to the Board and General Assembly, as required by this section.

39       (c) The subcommittee shall review all requests for funding from the Criminal  
40 Justice Technology Fund for each agency and department in State government that is a  
41 part of the Criminal Justice Information Network, including the Departments of  
42 Correction, Crime Control and Public Safety, Juvenile Justice and Delinquency

1 Prevention, and Justice and the Judicial Department. The subcommittee shall analyze  
2 the requests of each agency or department, determine how those requests impact the  
3 Criminal Justice Information Network as a whole, coordinate and prioritize those  
4 funding requests, and make recommendations regarding allocations from the Criminal  
5 Justice Technology Fund to each agency or department that is a part of the Network.

6 (d) The subcommittee shall report its recommendations to the Board for its  
7 review on or before December 31 each year. A copy of the report shall be submitted to  
8 the Joint Select Committee on Information Technology and the Fiscal Research  
9 Division.

10 **"§ 143-666. Criminal Justice Technology Fund.**

11 There is established in the office of the State Treasurer a nonreverting special fund,  
12 which shall be known as the Criminal Justice Technology Fund. All State funds  
13 appropriated for the Criminal Justice Information Network, all federal funds received by  
14 the Board, and all funds received by the Board from whatever sources shall be deposited  
15 to the credit of the Criminal Justice Technology Fund and made available to the Board  
16 until expended subject to this Article. The Criminal Justice Technology Fund shall be  
17 subject to the provisions of the Executive Budget Act, Article 1 of Chapter 143 of the  
18 General Statutes.

19 All moneys credited to the Criminal Justice Technology Fund shall be made  
20 available to carry out the intent and purposes of this Article in accordance with plans  
21 approved by the Criminal Justice Information Network Governing Board, and all such  
22 funds are hereby appropriated, reserved, set aside, and made available until expended,  
23 for the enforcement of this Article. The Board shall report to the Joint Legislative  
24 Commission on Governmental Operations before expending from the Criminal Justice  
25 Technology Fund more than the amount authorized in the budget enacted by the  
26 General Assembly for the fiscal period.

27 In the event any uncertainty should arise as to the funds to be turned over to the  
28 Board, the Governor has full power and authority to determine the matter and his  
29 recommendation shall be final and binding to all parties concerned.

30 **"§ 143-667. Other agency technology needs; funding.**

31 Nothing in this Article shall be construed to affect the authority or responsibility of  
32 any agency or department that is part of the Network to identify and prioritize its own  
33 technology needs and to seek funding, including appropriations of State funds, to meet  
34 those needs from sources other than the Criminal Justice Technology Fund."

35 **SECTION 5.** G.S. 120-123 is amended by adding a new subdivision to read:

36 "(75) The Criminal Justice Information Network Governing Board, as  
37 established by G.S. 143-661."

38 **SECTION 6.** This act is effective when it becomes law.