

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

1

HOUSE BILL 173

Short Title: Separate Divs-Juv Justice and Adult Corr.-AB (Public)

Sponsors: Representatives McNeill, Boles, and C. Smith (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

March 1, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE JUVENILE JUSTICE AND ADULT CORRECTION SEPARATE
3 DIVISIONS WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND TO
4 APPROPRIATE FUNDS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 13 of Chapter 143B reads as rewritten:

7 "Article 13.

8 "Department of Public Safety.

9 "Part 1. General Provisions.

10 ...

11 **"§ 143B-604. State Reentry Council Collaborative.**

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

- 14 (1) The Division of Motor Vehicles.
15 (2) The Department of Health and Human Services.
16 (3) The Administrative Office of the Courts.
17 (4) The North Carolina Community College System.
18 (5) The Division of Adult Correction ~~and Juvenile Justice~~ of the Department of
19 Public Safety.
20 (6) A nonprofit entity that provides reentry services or reentry programs.
21 (7) Any other agency that the Secretary deems relevant.

22 ...

23 ~~"Part 1A. Division of Adult Correction and Juvenile Justice.~~

24 ~~"§ 143B-630. Creation of Division of Adult Correction and Juvenile Justice; powers.~~

25 ~~There is hereby created and established a division to be known as the Division of Adult~~
26 ~~Correction and Juvenile Justice of the Department of Public Safety. The Division shall have the~~
27 ~~power and duty to implement Parts 2 and 3 of this Article and shall have such other powers and~~
28 ~~duties as are set forth in this Chapter and are prescribed by the Secretary of the Department of~~
29 ~~Public Safety.~~

30 "Part 2. Adult Correction.

31 "Subpart A. General Provisions.

32 ...

33 **"§ 143B-701. Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public**
34 **Safety – powers, duties.**



1 (a) There is hereby established a division to be known as the Division of Adult Correction
2 of the Department of Public Safety. The Division shall have the power and duty to implement
3 Part 2 of this Article and shall have such other powers and duties as are set forth in this Article
4 and prescribed by the Secretary of the Department of Public Safety.

5 (b) It shall be the duty of the Division to provide the necessary custody, supervision, and
6 treatment to control and rehabilitate criminal offenders and thereby to reduce the rate and cost of
7 crime and delinquency.

8 **"§ 143B-702. Division of Adult Correction and Juvenile Justice of the Department of Public**
9 **Safety – rules and regulations.**

10 The Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety
11 shall adopt rules and regulations related to the conduct, supervision, rights and privileges of
12 persons in its custody or under its supervision. Such rules and regulations shall be filed with and
13 published by the office of the Attorney General and shall be made available by the Division for
14 public inspection. The rules and regulations shall include a description of the organization of the
15 Division. A description or copy of all forms and instructions used by the Division, except those
16 relating solely to matters of internal management, shall also be filed with the office of the
17 Attorney General.

18 **"§ 143B-703. Repair or replacement of personal property.**

19 (a) The Secretary of Public Safety may adopt rules governing repair or replacement of
20 personal property items excluding private passenger vehicles that belong to employees of State
21 facilities within the Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public
22 Safety and that are damaged or stolen by inmates of the State facilities provided that the item is
23 determined by the Secretary to be damaged or stolen on or off facility grounds during the
24 performance of employment and necessary for the employee to have in his possession to perform
25 his assigned duty.

26 ...

27 **"§ 143B-704. Division of Adult Correction and Juvenile Justice of the Department of Public**
28 **Safety – functions with respect to adults.**

29 (a) The functions of the Division of Adult Correction ~~and Juvenile Justice~~ of the
30 Department of Public Safety shall include all functions of the executive branch of the State in
31 relation to corrections and the rehabilitation of adult offenders, including detention, parole, and
32 aftercare supervision, and further including those prescribed powers, duties, and functions
33 enumerated in the laws of this State.

34 (b) All such functions, powers, duties, and obligations heretofore vested in the
35 Department of Social Rehabilitation and Control and any agency enumerated in Article 14 of
36 Chapter 143A of the General Statutes and laws of this State are hereby transferred to and vested
37 in the Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety
38 except as otherwise provided by the Executive Organization Act of 1973. They shall include, by
39 way of extension and not of limitation, the functions of:

40 ...

41 **"§ 143B-705. Division of Adult Correction and Juvenile Justice of the Department of Public**
42 **Safety – Alcoholism and Chemical Dependency Treatment Program.**

43 ...

44 (b) A Section Chief for the Alcoholism and Chemical Dependency Treatment Program
45 shall be employed and shall report directly to a deputy director for the Division of Adult
46 Correction ~~and Juvenile Justice~~ as designated by the Deputy Commissioner for the Division of
47 Adult Correction and Juvenile Justice. The duties of the Section Chief and staff shall include the
48 following:

- 49 (1) Administer and coordinate all substance abuse programs, grants, contracts,
50 and related functions in the Division of Adult Correction ~~and Juvenile Justice~~
51 of the Department of Public Safety.

1 (2) Develop and maintain working relationships and agreements with agencies
2 and organizations that will assist in developing and operating alcoholism and
3 chemical dependency treatment and recovery programs in the Division of
4 Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety.

5 ...

6 (7) Supervise directly the facility and district program managers, other
7 specialized personnel, and programs that exist or may be developed in the
8 Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public
9 Safety.

10 ...

11 (c) In each prison that houses an alcoholism and chemical dependency program, there
12 shall be a unit superintendent under the Section of Prisons of the Division of Adult Correction
13 ~~and Juvenile Justice~~ and other custodial, administrative, and support staff as required to maintain
14 the proper custody level at the facility. The unit superintendent shall be responsible for all matters
15 pertaining to custody and administration of the unit. The Section Chief of the Alcoholism and
16 Chemical Dependency Treatment Program shall designate and direct employees to manage
17 treatment programs at each location. Duties of unit treatment program managers shall include
18 program development and implementation, supervision of personnel assigned to treatment
19 programs, adherence to all pertinent policy and procedural requirements of the Department, and
20 other duties as assigned.

21 ...

22 **"§ 143B-707. Reports to the General Assembly.**

23 The Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety
24 shall report by March 1 of each year to the Chairs of the Senate and House Appropriations
25 Committees and the Chairs of the Senate and House Appropriations Subcommittees in Justice
26 and Public Safety on their efforts to provide effective treatment to offenders with substance abuse
27 problems. The report shall include:

28 ...

29 (7) Evaluation of each substance abuse treatment program funded by the Division
30 of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety.
31 Evaluation measures shall include reduction in alcohol and drug dependency,
32 improvements in disciplinary and infraction rates, recidivism (defined as
33 return-to-prison rates), and other measures of the programs' success.

34 ...

35 **"§ 143B-708. Community service program.**

36 (a) The Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public
37 Safety may conduct a community service program. The program shall provide oversight of
38 offenders placed under the supervision of the Section of Community Corrections of the Division
39 of Adult Correction ~~and Juvenile Justice~~ and ordered to perform community service hours for
40 criminal violations, including driving while impaired violations under G.S. 20-138.1. This
41 program shall assign offenders, either on supervised or on unsupervised probation, to perform
42 service to the local community in an effort to promote the offender's rehabilitation and to provide
43 services that help restore or improve the community. The program shall provide appropriate work
44 site placement for offenders ordered to perform community service hours. The Division may
45 adopt rules to conduct the program. Each offender shall be required to comply with the rules
46 adopted for the program.

47 ...

48 (e) The community service staff shall report to the court in which the community service
49 was ordered, a significant violation of the terms of the probation, deferred prosecution, or
50 conditional discharge related to community service, including a willful failure to pay any moneys
51 due the State under any court order or payment schedule adopted by the Section of Community

1 Corrections of the Division of Adult ~~Correction and Juvenile Justice~~. Correction. The community
2 service staff shall give notice of the hearing to determine if there is a willful failure to comply to
3 the person who was ordered to perform the community service. This notice shall be given by
4 either personal delivery to the person to be notified or by depositing the notice in the United
5 States mail in an envelope with postage prepaid, addressed to the person at the last known address
6 available to the preparer of the notice and reasonably believed to provide actual notice to the
7 person. The notice shall be mailed at least 10 days prior to any hearing and shall state the basis
8 of the alleged willful failure to comply. The court shall then conduct a hearing, even if the person
9 ordered to perform the community service fails to appear, to determine if there is a willful failure
10 to complete the work as ordered by the community service staff within the applicable time limits.
11 The hearing may be held in the county in which the order requiring the performance of
12 community service was imposed, the county in which the violation occurred, or the county of
13 residence of the person. If the court determines there is a willful failure to comply, it shall revoke
14 any drivers license issued to the person and notify the Division of Motor Vehicles to revoke any
15 drivers license issued to the person until the community service requirement has been met. In
16 addition, if the person is present, the court may take any further action authorized by Article 82
17 of Chapter 15A of the General Statutes for violation of a condition of probation.

18 **"§ 143B-709. Security Staffing.**

19 (a) The Division of Adult ~~Correction and Juvenile Justice~~ of the Department of Public
20 Safety shall conduct:

21 ...

22 (b) The Division of Adult ~~Correction and Juvenile Justice~~ of the Department of Public
23 Safety shall update the security staffing relief formula at least every three years. Each update
24 shall include a review of all annual training requirements for security staff to determine which of
25 these requirements should be mandatory and the appropriate frequency of the training. The
26 Division shall survey other states to determine which states use a vacancy factor in their staffing
27 relief formulas.

28 ...

29 **"§ 143B-711. Division of Adult ~~Correction and Juvenile Justice~~ of the Department of Public
30 Safety – organization.**

31 The Division of Adult ~~Correction and Juvenile Justice~~ of the Department of Public Safety
32 shall be organized initially to include the Post-Release Supervision and Parole Commission, the
33 Section of Prisons of the Division of Adult Correction, the Section of Community Corrections,
34 the Section of Alcoholism and Chemical Dependency Treatment Programs, and such other
35 divisions as may be established under Part 3 of this Article and under the other provisions of the
36 Executive Organization Act of 1973.

37 ...

38 "Subpart C. Parole Commission.

39 **"§ 143B-720. Post-Release Supervision and Parole Commission – creation, powers and
40 duties.**

41 (a) There is hereby created a Post-Release Supervision and Parole Commission of the
42 Division of Adult ~~Correction and Juvenile Justice~~ of the Department of Public Safety with the
43 authority to grant paroles, including both regular and temporary paroles, to persons held by virtue
44 of any final order or judgment of any court of this State as provided in Chapter 148 of the General
45 Statutes and laws of the State of North Carolina, except that persons sentenced under Article 81B
46 of Chapter 15A of the General Statutes are not eligible for parole but may be conditionally
47 released into the custody and control of United States Immigration and Customs Enforcement
48 pursuant to G.S. 148-64.1. The Commission shall also have authority to revoke, terminate, and
49 suspend paroles of such persons (including persons placed on parole on or before the effective
50 date of the Executive Organization Act of 1973) and to assist the Governor in exercising his
51 authority in granting reprieves, commutations, and pardons, and shall perform such other services

1 as may be required by the Governor in exercising his powers of executive clemency. The
 2 Commission shall also have authority to revoke and terminate persons on post-release
 3 supervision, as provided in Article 84A of Chapter 15A of the General Statutes. The Commission
 4 shall also have the authority to punish for criminal contempt for willful refusal to accept
 5 post-release supervision or to comply with the terms of post-release supervision by a prisoner
 6 whose offense requiring post-release supervision is a reportable conviction subject to the
 7 registration requirement of Article 27A of Chapter 14 of the General Statutes. Any contempt
 8 proceeding conducted by the Commission shall be in accordance with G.S. 5A-15 as if the
 9 Commission were a judicial official.

10 ...

11 (c) The Commission is authorized and empowered to adopt such rules and regulations,
 12 not inconsistent with the laws of this State, in accordance with which prisoners eligible for parole
 13 consideration may have their cases reviewed and investigated and by which such proceedings
 14 may be initiated and considered. All rules and regulations heretofore adopted by the Board of
 15 Paroles shall remain in full force and effect unless and until repealed or superseded by action of
 16 the Post-Release Supervision and Parole Commission. All rules and regulations adopted by the
 17 Commission shall be enforced by the Division of Adult Correction ~~and Juvenile Justice~~ of the
 18 Department of Public Safety.

19 ...

20 "Part 3. Juvenile Justice ~~Section~~ Division.

21 "Subpart A. Creation of Division.

22 **"§ 143B-800. Creation of Juvenile Justice ~~Section of the Division of Adult Correction and~~**
 23 **~~Juvenile Justice of the Department of Public Safety.~~**

24 There is hereby created and constituted a ~~section~~ division to be known as the " Juvenile Justice
 25 ~~Section of the Division of Adult Correction and Juvenile Justice of the Department of Public~~
 26 ~~Safety", with the organization, powers, and duties as set forth in this Article or as prescribed by~~
 27 ~~the Director of the Division of Adult Correction and Juvenile Justice.~~ Secretary of the Department
 28 of Public Safety.

29 **"§ 143B-801. Transfer of Office of Juvenile Justice authority to the Juvenile Justice ~~Section~~**
 30 **~~of the Division of Adult Correction and Juvenile Justice of the Department of~~**
 31 **~~Public Safety.~~**

32 (a) All (i) statutory authority, powers, duties, and functions, including directives of S.L.
 33 1998-202, rule making, budgeting, and purchasing, (ii) records, (iii) personnel, personnel
 34 positions, and salaries, (iv) property, and (v) unexpended balances of appropriations, allocations,
 35 reserves, support costs, and other funds of the Office of Juvenile Justice under the Office of the
 36 Governor are transferred to and vested in ~~the Juvenile Justice Section of the Division of Adult~~
 37 ~~Correction and Juvenile Justice of the Department of Public Safety.~~ This transfer has all of the
 38 elements of a Type I transfer as defined in G.S. 143A-6.

39 (b) The ~~Section~~ Division shall be considered a continuation of the Office of Juvenile
 40 Justice for the purpose of succession to all rights, powers, duties, and obligations of the Office
 41 and of those rights, powers, duties, and obligations exercised by the Office of the Governor on
 42 behalf of the Office of Juvenile Justice. Where the Office of Juvenile Justice or the Division of
 43 Adult Correction and Juvenile Justice of the Department of Public Safety is referred to by law,
 44 contract, or other document, that reference shall apply to ~~the Juvenile Justice Section of the~~
 45 ~~Division of Adult Correction and Juvenile Justice.~~ Where the Office of the Governor is referred
 46 to by contract or other document, where the Office of the Governor is acting on behalf of the
 47 Office of Juvenile Justice, that reference shall apply to the ~~Section~~ Division.

48 (c) All institutions previously operated by the Office of Juvenile Justice and the present
 49 central office of the Office of Juvenile Justice, including land, buildings, equipment, supplies,
 50 personnel, or other properties rented or controlled by the Office or by the Office of the Governor

1 for the Office of Juvenile Justice, shall be administered by the Juvenile Justice ~~Section of the~~
2 Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

3 ...

4 "Subpart B. General Provisions.

5 **"§ 143B-805. Definitions.**

6 In this Part, unless the context clearly requires otherwise, the following words have the listed
7 meanings:

8 (1) Chief court counselor. – The person responsible for administration and
9 supervision of juvenile intake, probation, and post-release supervision in each
10 judicial district, operating under the supervision of the Juvenile Justice ~~Section~~
11 ~~of the Division of Adult Correction and Juvenile Justice of the Department of~~
12 ~~Public Safety.~~

13 ...

14 (10a) Division. – The Division of Juvenile Justice of the Department of Public
15 Safety.

16 ...

17 (19a) ~~Section.~~—~~The Juvenile Justice Section of the Division of Adult Correction~~
18 ~~and Juvenile Justice of the Department of Public Safety.~~

19 ...

20 **"§ 143B-806. Duties and powers of the Juvenile Justice ~~Section of the Division of Adult~~**
21 **~~Correction and Juvenile Justice of the Department of Public Safety.~~**

22 ...

23 (b) In addition to its other duties, the Division of Juvenile Justice ~~Section of the Division~~
24 ~~of Adult Correction and Juvenile Justice~~ shall have the following powers and duties:

25 ...

26 **"§ 143B-807. Authority to contract with other entities.**

27 (a) The ~~Section~~Division may contract with any governmental agency, person, or
28 association for the accomplishment of its duties and responsibilities. The expenditure of funds
29 under these contracts shall be for the purposes for which the funds were appropriated and not
30 otherwise prohibited by law.

31 (b) The ~~Section~~Division may enter into contracts with, and act as intermediary between,
32 any federal government agency and any county of this State for the purpose of assisting the
33 county to recover monies expended by a county-funded financial assistance program. As a
34 condition of assistance, the county shall agree to hold and save harmless the Section against any
35 claims, loss, or expense which the Section might incur under the contracts by reason of any
36 erroneous, unlawful, or tortious act or omission of the county or its officials, agents, or
37 employees.

38 (c) The ~~Section~~Division and any other appropriate State or local agency may purchase
39 services from public or private agencies providing delinquency prevention programs or juvenile
40 court services, including parenting responsibility classes. The programs shall meet State
41 standards. As institutional populations are reduced, the Section may divert State funds
42 appropriated for institutional programs to purchase the services under the State Budget Act.

43 (d) Each programmatic, residential, and service contract or agreement entered into by the
44 ~~Section~~Division shall include a cooperation clause to ensure compliance with the Section's
45 quality assurance requirements and cost-accounting requirements.

46 **"§ 143B-808. Authority to assist private nonprofit foundations.**

47 The ~~Section~~Division may provide appropriate services or allow employees of the ~~Section~~
48 Division to assist any private nonprofit foundation that works directly with the ~~Section's~~
49 Division's services or programs and whose sole purpose is to support these services and
50 programs. A ~~Section~~Division employee shall be allowed to work with a foundation no more than

1 20 hours in any one month. These services are not subject to Chapter 150B of the General
2 Statutes.

3 The board of directors of each private, nonprofit foundation shall secure and pay for the
4 services of the Department of State Auditor or employ a certified public accountant to conduct
5 an annual audit of the financial accounts of the foundation. The board of directors shall transmit
6 to the ~~Section-Division~~ a copy of the annual financial audit report of the private nonprofit
7 foundation.

8 **"§ 143B-809. Teen court programs.**

9 (a) All teen court programs administered by the ~~Juvenile Justice Section of the Division~~
10 ~~of Adult Correction and Juvenile Justice of the Department of Public Safety~~ shall operate as
11 community resources for the diversion of juveniles pursuant to G.S. 7B-1706(c). A juvenile
12 diverted to a teen court program shall be tried by a jury of other juveniles, and, if the jury finds
13 the juvenile has committed the delinquent act, the jury may assign the juvenile to a rehabilitative
14 measure or sanction, including counseling, restitution, curfews, and community service.

15 Teen court programs may also operate as resources to the local school administrative units to
16 handle problems that develop at school but that have not been turned over to the juvenile
17 authorities.

18 (b) Every teen court program that receives funds from Juvenile Crime Prevention
19 Councils shall comply with rules and reporting requirements of the ~~Juvenile Justice Section of~~
20 ~~the Division of Adult Correction and Juvenile Justice of the Department of Public~~
21 ~~Safety-Division~~.

22 ...

23 "Subpart C. Juvenile Facilities.

24 **"§ 143B-815. Juvenile facilities.**

25 In order to provide any juvenile in a juvenile facility with appropriate treatment according to
26 that juvenile's need, the ~~Section-Division~~ shall be responsible for the administration of statewide
27 educational, clinical, psychological, psychiatric, social, medical, vocational, and recreational
28 services or programs.

29 **"§ 143B-816. Authority to provide necessary medical or surgical care.**

30 The ~~Section-Division~~ may provide any medical and surgical treatment necessary to preserve
31 the life and health of juveniles committed to the custody of the ~~Section-Division~~; however, no
32 surgical operation may be performed except as authorized in G.S. 148-22.2.

33 **"§ 143B-817. Compensation to juveniles in care.**

34 A juvenile who has been committed to the ~~Section-Division~~ may be compensated for work
35 or participation in training programs at rates approved by the Secretary within available funds.
36 The Secretary may provide for a reasonable allowance to the juvenile for incidental personal
37 expenses, and any balance of the juvenile's earnings remaining at the time the juvenile is released
38 shall be paid to the juvenile or the juvenile's parent or guardian. The ~~Section-Division~~ may accept
39 grants or funds from any source to compensate juveniles under this section.

40 **"§ 143B-818. Visits and community activities.**

41 (a) The ~~Section-Division~~ shall encourage visits by parents or guardians and responsible
42 relatives of juveniles committed to the custody of the Section.

43 (b) The ~~Section-Division~~ shall develop a program of home visits for juveniles in the
44 custody of the ~~Section-Division~~. The visits shall begin after the juvenile has been in the custody
45 of the for a period of at least six months. In developing the program, the ~~Section-Division~~ shall
46 adopt criteria that promote the protection of the public and the best interests of the juvenile.

47 **"§ 143B-819. Regional detention services.**

48 The ~~Section-Division~~ is responsible for juvenile detention services, including the
49 development of a statewide plan for regional juvenile detention services that offer juvenile
50 detention care of sufficient quality to meet State standards to any juvenile requiring juvenile
51 detention care within the State in a detention facility as follows:

1 (19) Have any other duties as the ~~Section~~Division may direct.

2 ...

3 "Subpart E. Comprehensive Juvenile Delinquency and Substance Abuse Prevention Plan.

4 **"§ 143B-840. Comprehensive Juvenile Delinquency and Substance Abuse Prevention Plan.**

5 (a) The ~~Section~~Division shall develop and implement a comprehensive juvenile
6 delinquency and substance abuse prevention plan and shall coordinate with County Councils for
7 implementation of a continuum of services and programs at the community level.

8 The ~~Section~~Division shall ensure that localities are informed about best practices in juvenile
9 delinquency and substance abuse prevention.

10 ...

11 (c) The ~~Section~~Division shall cooperate with all other affected State agencies and
12 entities in implementing this section.

13 ...

14 "Subpart F. Juvenile Crime Prevention Councils.

15 ...

16 **"§ 143B-851. Powers and duties.**

17 (a) Each County Council shall review annually the needs of juveniles in the county who
18 are at risk of delinquency or who have been adjudicated undisciplined or delinquent and the
19 resources available to address those needs. In particular, each County Council shall assess the
20 needs of juveniles in the county who are at risk or who have been associated with gangs or gang
21 activity, and the local resources that are established to address those needs. The Council shall
22 develop and advertise a request for proposal process and submit a written plan of action for the
23 expenditure of juvenile sanction and prevention funds to the board of county commissioners for
24 its approval. Upon the county's authorization, the plan shall be submitted to the ~~Section~~Division
25 for final approval and subsequent implementation.

26 (b) Each County Council shall ensure that appropriate intermediate dispositional options
27 are available and shall prioritize funding for dispositions of intermediate and community-level
28 sanctions for court-adjudicated juveniles under minimum standards adopted by the
29 ~~Section~~Division.

30 ...

31 **"§ 143B-853. Funding for programs.**

32 (a) Annually, the Division of ~~Adult Correction and~~ Juvenile Justice shall develop and
33 implement a funding mechanism for programs that meet the standards developed under this
34 Subpart. The Division shall ensure that the guidelines for the State and local partnership's funding
35 process include the following requirements:

36 ...

37 (c) The ~~Juvenile Justice Section of the~~ Division of ~~Adult Correction and~~ Juvenile Justice
38 of the Department of Public Safety shall report to the Senate and House of Representatives
39 Appropriations Subcommittees on Justice and Public Safety no later than March 1, 2006, and
40 annually thereafter, on the results of intensive intervention services. Intensive intervention
41 services are evidence-based or research-supported community-based or residential services that
42 are necessary for a juvenile in order to (i) prevent the juvenile's commitment to a youth
43 development center or detention facility or (ii) facilitate the juvenile's successful return to the
44 community following commitment. Specifically, the report shall provide a detailed description
45 of each intensive intervention service, including the numbers of juveniles served, their
46 adjudication status at the time of service, the services and treatments provided, the length of
47 service, the total cost per juvenile, and the six- and 12-month recidivism rates for the juveniles
48 after the termination of program services.

49 ...

50 **"§ 143B-935. Criminal history record checks of employees of and applicants for**
51 **employment with the Department of Health and Human Services, and the**

~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.~~

(a) Definitions. – As used in this section, the term:

(1) "Covered person" means any of the following:

- a. An applicant for employment or a current employee in a position in the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~ who provides direct care for a client, patient, student, resident or ward of the Division.
- b. A person who supervises positions in the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~ providing direct care for a client, patient, student, resident or ward of the Division.
- ...
- f. An independent contractor or an employee of an independent contractor who has contracted with the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~ to provide direct care for a client, patient, student, resident, or ward of the Division.
- g. A person who has been approved to perform volunteer services in or for the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~ to provide direct care for a client, patient, student, resident, or ward of the Division.

(2) "Criminal history" means a State or federal history of conviction of a crime, whether a misdemeanor or felony, that bears upon a covered person's fitness for employment in the Department of Health and Human Services or the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~. The crimes include, but are not limited to, criminal offenses as set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302, or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5.

1 (b) When requested by the Department of Health and Human Services or the ~~Juvenile~~
2 ~~Justice Section of the Division of Adult Correction and~~ Juvenile Justice of the Department of
3 Public Safety, the North Carolina Department of Public Safety may provide to the requesting
4 department or division a covered person's criminal history from the State Repository of Criminal
5 Histories. Such requests shall not be due to a person's age, sex, race, color, national origin,
6 religion, creed, political affiliation, or handicapping condition as defined by G.S. 168A-3. For
7 requests for a State criminal history record check only, the requesting department or division
8 shall provide to the Department of Public Safety a form consenting to the check signed by the
9 covered person to be checked and any additional information required by the Department of
10 Public Safety. National criminal record checks are authorized for covered applicants who have
11 not resided in the State of North Carolina during the past five years. For national checks the
12 Department of Health and Human Services or the ~~Juvenile Justice Section of the Division of~~
13 ~~Adult Correction and~~ Juvenile Justice of the Department of Public Safety shall provide to the
14 North Carolina Department of Public Safety the fingerprints of the covered person to be checked,
15 any additional information required by the Department of Public Safety, and a form signed by
16 the covered person to be checked consenting to the check of the criminal record and to the use of
17 fingerprints and other identifying information required by the State or National Repositories. The
18 fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search
19 of the State criminal history record file and the State Bureau of Investigation shall forward a set
20 of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.
21 The Department of Health and Human Services and the ~~Juvenile Justice Section of the Division~~
22 ~~of Adult Correction and~~ Juvenile Justice of the Department of Public Safety shall keep all
23 information pursuant to this section confidential. The Department of Public Safety shall charge
24 a reasonable fee for conducting the checks of the criminal history records authorized by this
25 section.

26 (c) All releases of criminal history information to the Department of Health and Human
27 Services or the ~~Juvenile Justice Section of the Division of Adult Correction and~~ Juvenile Justice
28 of the Department of Public Safety shall be subject to, and in compliance with, rules governing
29 the dissemination of criminal history record checks as adopted by the North Carolina Department
30 of Public Safety. All of the information either department receives through the checking of the
31 criminal history is privileged information and for the exclusive use of that department.

32 (d) If the covered person's verified criminal history record check reveals one or more
33 convictions covered under subsection (a) of this section, then the conviction shall constitute just
34 cause for not selecting the person for employment, or for dismissing the person from current
35 employment with the Department of Health and Human Services or the ~~Juvenile Justice Section~~
36 ~~of the Division of Adult Correction and~~ Juvenile Justice of the Department of Public Safety. The
37 conviction shall not automatically prohibit employment; however, the following factors shall be
38 considered by the Department of Health and Human Services or the ~~Juvenile Justice Section of~~
39 the Division of ~~Adult Correction and~~ Juvenile Justice of the Department of Public Safety in
40 determining whether employment shall be denied:

41 ...

42 (e) The Department of Health and Human Services and the ~~Juvenile Justice Section of~~
43 the Division of ~~Adult Correction and~~ Juvenile Justice of the Department of Public Safety may
44 deny employment to or dismiss a covered person who refuses to consent to a criminal history
45 record check or use of fingerprints or other identifying information required by the State or
46 National Repositories of Criminal Histories. Any such refusal shall constitute just cause for the
47 employment denial or the dismissal from employment.

48 (f) The Department of Health and Human Services and the ~~Juvenile Justice Section of~~
49 the Division of ~~Adult Correction and~~ Juvenile Justice of the Department of Public Safety may
50 extend a conditional offer of employment pending the results of a criminal history record check
51 authorized by this section.

1 ...

2 "Part 6. Division of Administration.

3 "Subpart A. Governor's Crime Commission.

4 **"§ 143B-1100. Governor's Crime Commission – creation; composition; terms; meetings,**
5 **etc.**

6 (a) There is hereby created the Governor's Crime Commission of the Department of
7 Public Safety. The Commission shall consist of 37 voting members and five nonvoting members.
8 The composition of the Commission shall be as follows:

9 ...

10 (2) The nonvoting members shall be the Director of the State Bureau of
11 Investigation, the Deputy Chief of the ~~Juvenile Justice Section of the Division~~
12 ~~of Adult Correction and Juvenile Justice~~ of the Department of Public Safety
13 who is responsible for Intervention/Prevention programs, the Deputy Chief of
14 the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile~~
15 ~~Justice~~ of the Department of Public Safety who is responsible for Youth
16 Development programs, the Section Chief of the Section of Prisons of the
17 Division of Adult Correction and ~~Juvenile Justice~~ and the Section Chief of the
18 Section of Community Corrections of the Division of Adult ~~Correction and~~
19 ~~Juvenile Justice~~. Correction.

20 (b) The membership of the Commission shall be selected as follows:

21 (1) The following members shall serve by virtue of their office: the Governor, the
22 Chief Justice of the Supreme Court, the Attorney General, the Director of the
23 Administrative Office of the Courts, the Secretary of the Department of Health
24 and Human Services, the Secretary of Public Safety, the Director of the State
25 Bureau of Investigation, the Section Chief of the Section of Prisons of the
26 Division of Adult ~~Correction and Juvenile Justice~~, Correction, the Section
27 Chief of the Section of Community Corrections of the Division of Adult
28 ~~Correction and Juvenile Justice~~, Correction, the Deputy Chief who is
29 responsible for Intervention/Prevention of the ~~Juvenile Justice Section of the~~
30 ~~Division of Adult Correction and Juvenile Justice~~ of the Department of Public
31 Safety, the Deputy Chief who is responsible for Youth Development of the
32 ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile~~
33 ~~Justice~~ of the Department of Public Safety, and the Superintendent of Public
34 Instruction. Should the Chief Justice of the Supreme Court choose not to
35 serve, his alternate shall be selected by the Governor from a list submitted by
36 the Chief Justice which list must contain no less than three nominees from the
37 membership of the Supreme Court.

38 ...

39 "Subpart B. Treatment for Effective Community Supervision Program.

40 ...

41 **"§ 143B-1152. Definitions.**

42 The following definitions apply in this Subpart:

43 ...

44 (2) Division. – The Division of Adult ~~Correction and Juvenile Justice~~. Correction.

45 ...

46 (6a) Section. – The Section of Community Corrections of the Division of Adult
47 ~~Correction and Juvenile Justice~~. Correction.

48 ...

49 **"§ 143B-1154. Eligible population.**

50 ...

51 (b) The priority populations for programs funded under this Subpart shall be as follows:

1 ...
 2 (2) Offenders identified by the Division of Adult Correction ~~and Juvenile Justice~~
 3 using a validated risk assessment instrument to have a high likelihood of
 4 reoffending and a moderate to high need for substance abuse treatment.

5 **"§ 143B-1155. Duties of Division of Adult Correction and Juvenile Justice.**

6 (a) In addition to those otherwise provided by law, the Division of Adult Correction ~~and~~
 7 ~~Juvenile Justice~~ shall have the following duties:

8 ...
 9 (b) The Section of Community Corrections of the Division of Adult Correction ~~and~~
 10 ~~Juvenile Justice~~ shall develop and publish a recidivism reduction plan for the State that
 11 accomplishes the following:

12 ...
 13 **"§ 143B-1156. Contract for services.**

14 (a) The Division of Adult Correction ~~and Juvenile Justice~~ shall contract with service
 15 providers through a competitive procurement process to provide community-based services to
 16 offenders on probation, parole, or post-release supervision.

17 ...
 18 (c) The Division of Adult ~~Correction and Juvenile Justice, Correction,~~ in partnership with
 19 the Department of Health and Human Services, shall develop standard service definitions and
 20 performance measures for substance abuse and aftercare support services for inclusion in the
 21 contracts.

22 ...
 23 (e) The Division of Adult Correction ~~and Juvenile Justice~~ shall pay service providers the
 24 contract base award upon the initiation of services with the remaining payments made as
 25 milestones are reached as stated in the contract for services. If the service provider cancels or
 26 terminates the contract prior to its conclusion, the service provider shall reimburse the Division
 27 for the unearned pro rata portion of the base award.

28 ...
 29 **"§ 143B-1161. Justice Reinvestment Council.**

30 (a) The Justice Reinvestment Council is established to act as an advisory body to the
 31 ~~Commissioner of Adult Correction~~ Secretary of the Department of Public Safety with regard to
 32 this Subpart. The Council shall consist of 13 members as follows, to be appointed as provided in
 33 subsection (b) of this section:

34 ...
 35 (d) The purpose of the Justice Reinvestment Council in conjunction with the Department
 36 of Public Safety, Division of Adult ~~Correction and Juvenile Justice, Correction,~~ is to:

37"
 38 **SECTION 2.(a)** The following statutes are amended by deleting the language
 39 "Division of Adult Correction and Juvenile Justice" wherever it appears and substituting
 40 "Division of Adult Correction": G.S. 1-110, 7A-109.3, 7A-313, 7A-451, 7A-474.18, 7A-498.3,
 41 7B-2517, 14-202, 14-208.20, 14-208.40, 14-208.40A, 14-208.40B, 14-208.40C, 14-208.41,
 42 14-208.42, 14-208.43, 14-208.44, 14-208.45, 14-254.5, 14-258.1, 14-258.3, 14-269, 14-415.10,
 43 15-6.1, 15-10.1, 15-194, 15-196.3, 15-206, 15-209, 15A-145, 15A-145.1, 15A-146, 15A-147,
 44 15A-149, 15A-534, 15A-534.1, 15A-544.3, 15A-544.5, 15A-615, 15A-821, 15A-830, 15A-832,
 45 15A-837, 15A-1332, 15A-1340.13, 15A-1340, 15A-1340.14, 15A-1340.16, 15A-1340.18,
 46 15A-1340.20, 15A-1340.21, 15A-1341, 15A-1342, 15A-1343, 15A-1343.2, 14-258.2,
 47 15A-1343.3, 15A-1344, 15A-1351, 15A-1352, 15A-1353, 15A-1354, 15A-1355, 15A-1368.4,
 48 15A-1368, 15A-1368.2, 15A-1368.3, 15A-1368.6, 15A-1369, 15A-1369.4, 15A-1371,
 49 15A-1374, 15A-1376, 15A-2000, 15B-21, 15B-31, 15B-32, 20-19, 20-28, 20-81.12, 20-179,
 50 20-179.3, 20-179.4, 50-13.2, 65-4, 66-25, 66-58, 97-13, 105-259, 106-915, 108A-14, 115C-46.2,
 51 115D-5, 122C-22, 122C-55, 122C-62, 122C-311, 122C-312, 122C-313, 122C-402, 122C-421,

1 126-23, 127A-54, 130A-25, 131E-98, 131E-184, 131E-214.1, 135-1, 143-63.1, 143-138,
2 143-300.7, 143-599, 143-166.2, 143-166.7, 143-166.13, 143B-179, 146-33, 147-12, 148-2,
3 148-3, 148-4, 148-4.1, 148-6, 148-10, 148-10.1, 148-10.2, 148-10.3, 148-10.4, 148-10.5, 148-11,
4 148-12, 148-18, 148-18.1, 148-19, 148-19.1, 148-19.2, 148-22, 148-22.1, 148-23, 148-23.1,
5 148-23.2, 148-24, 148-26, 148-26.5, 148-28, 148-29, 148-32.1, 148-32.2, 148-33, 148-33.1,
6 148-36, 148-37, 148-37.3, 18-40, 148-41, 148-45, 148-46.1, 148-53, 148-54, 148-59, 148-64,
7 148-64.1, 148-65.6, 148-65.7, 148-66, 148-67, 148-70, 148-74, 148-78, 148-118.1, 148-118.2,
8 148-118.4, 148-118.5, 148-118.6, 148-130, 148-131, 148-132, 148-134, 150B-1, 153A-221,
9 153A-230.1, 153A-230.2, 153A-230.3, 153A-230.5, 160A-287, 162-39, 163-82.20, 164-40,
10 164-42, 164-47, and 164-50.

11 **SECTION 2.(b)** The following statutes are amended by deleting the language
12 "Division of Adult Correction and Juvenile Justice" wherever it appears and substituting
13 "Division of Juvenile Justice": G.S. 7B-1501, 7B-2204, 115C-106.3, 115C-107.6, 115C-108.1,
14 115C-296.2, 115C-325.10, and 153A-218.

15 **SECTION 2.(c)** The following statutes are amended by deleting the language
16 "Section of Community Corrections of the Division of Adult Correction and Juvenile Justice"
17 wherever it appears and substituting "Section of Community Corrections of the Division of Adult
18 Correction": G.S. 7B-3000, 7B-3001, 7B-3100, 14-208.40C, 14-208.41, 15A-837, 15A-1342,
19 15A-1343, 15A-1343.2, 15A-1368.4, 15A-1369.4, 15A-1371, 20-179.3, 105-259, 115C-46.2,
20 and 148-65.6.

21 **SECTION 2.(d)** The following statutes are amended by deleting the language
22 "Section of Prisons of the Division of Adult Correction and Juvenile Justice" wherever it appears
23 and substituting "Section of Prisons of the Division of Adult Correction": G.S. 14-208.6,
24 14-208.40C, 14-258.2, 66-58, 130A-25, 148-11, 148-18, 148-29, 148-130, and 148-45.

25 **SECTION 2.(e)** The following statutes are amended by deleting the language
26 "Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice" wherever it
27 appears and substituting "Division of Juvenile Justice": G.S. 7A-109.3, 7A-302, 7B-3100,
28 14-239, 14-258.1, 14-316.1, 15-6, 15A-521, 15A-1301, 15A-1351, 15A-1352, 17C-3, 66-58,
29 114-12.1, 115D-1, 122C-113, 122C-115.4, 122C-117, 143-166.2, 143-166.13, 143B-152.14,
30 143B-153, 143B-935, 143B-1391, 148-32.1, 162-601, 153A-221.1, 148-13, 64-40, and 164-43.

31 **SECTION 2.(f)** G.S. 7B-1402(b) reads as rewritten:

32 "(b) The Task Force shall be composed of 36 members, 12 of whom shall be ex officio
33 members, four of whom shall be appointed by the Governor, 10 of whom shall be appointed by
34 the Speaker of the House of Representatives, and 10 of whom shall be appointed by the President
35 Pro Tempore of the Senate. The ex officio members other than the Chief Medical Examiner may
36 designate representatives from their particular departments, divisions, or offices to represent
37 them on the Task Force. In making appointments or designating representatives, appointing
38 authorities and ex officio members shall use best efforts to select members or representatives
39 with sufficient knowledge and experience to effectively contribute to the issues examined by the
40 Task Force and, to the extent possible, to reflect the geographical, political, gender, and racial
41 diversity of this State. The members shall be as follows:

42 ...

43 (11a) The Director of the ~~Juvenile Justice Section, Division of Adult Correction and~~
44 Juvenile Justice, Department of Public Safety.

45"

46 **SECTION 2.(g)** G.S. 120-70.94(a) reads as rewritten:

47 "(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall
48 examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems
49 in North Carolina, in order to make ongoing recommendations to the General Assembly on ways
50 to improve those systems and to assist those systems in realizing their objectives of protecting

1 the public and of punishing and rehabilitating offenders. In this examination, the Committee
2 shall:

3 ...
4 (2) Examine the effectiveness of the Division of Adult Correction ~~and Juvenile~~
5 ~~Justice~~ of the Department of Public Safety in implementing the public policy
6 stated in G.S. 148-26 of providing work assignments and employment for
7 inmates as a means of reducing the cost of maintaining the inmate population
8 while enabling inmates to acquire or retain skills and work habits needed to
9 secure honest employment after their release.

10 ...
11 (2b) Examine the effectiveness of the Division of ~~Adult Correction and Juvenile~~
12 ~~Justice~~ of the Department of Public Safety in implementing the duties and
13 responsibilities charged to the Division in Part 3 of Article 13 of Chapter 143B
14 of the General Statutes and the overall effectiveness and efficiency of the
15 juvenile justice system in the State.

16 ...
17 (10) Study the needs of juveniles. This study may include, but is not limited to:
18 a. Determining the adequacy and appropriateness of services:
19 1. To children and youth receiving child welfare
20 ~~services;services.~~
21 2. To children and youth in the juvenile court ~~system;system.~~
22 3. Provided by the Division of Social Services of the Department
23 of Health and Human Services and the Division of ~~Adult~~
24 ~~Correction and Juvenile Justice~~ of the Department of Public
25 ~~Safety;Safety.~~
26 4. To children and youth served by the Mental Health,
27 Developmental Disabilities, and Substance Abuse Services
28 system.

29"
30 **SECTION 2.(h)** G.S. 143-166.1 reads as rewritten:

31 **"§ 143-166.1. Purpose.**

32 In consideration of hazardous public service rendered to the people of this State, there is
33 hereby provided a system of benefits for dependents of law-enforcement officers, firefighters,
34 rescue squad workers, and senior Civil Air Patrol members killed in the discharge of their official
35 duties, and for dependents of noncustodial employees of the Division of Adult Correction and
36 the Division of Juvenile Justice of the Department of Public Safety killed by an individual or
37 individuals in the custody of the Division of Adult Correction ~~and~~ or the Division Juvenile Justice
38 of the Department of Public Safety."

39 **SECTION 2.(i)** G.S. 148-128 reads as rewritten:

40 **"§ 148-128. Authorization for Correction Enterprises.**

41 The Section of Correction Enterprises of the Division of Adult Correction ~~and Juvenile~~
42 ~~Justice~~ is established as a ~~division~~ section of the Division of Adult Correction ~~and Juvenile Justice~~
43 of the Department of Public Safety. The Section of Correction Enterprises of the Division of
44 Adult Correction ~~and Juvenile Justice~~ may develop and operate industrial, agricultural, and
45 service enterprises that employ incarcerated offenders in an effort to provide them with
46 meaningful work experiences and rehabilitative opportunities that will increase their
47 employability upon release from prison. Enterprises operated under this Article shall be known
48 as "Correction Enterprises.""

49 **SECTION 3.** There is appropriated from the General Fund to the Department of
50 Public Safety, Division of Juvenile Justice, the sum of nine hundred ninety thousand dollars

- 1 (\$990,000) in recurring funds for the 2021-2023 fiscal biennium to provide annualized recurring
2 funding for seven full-time equivalent (FTE) positions in the Division of Juvenile Justice.
3 **SECTION 4.** This act becomes effective July 1, 2021.