

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

HOUSE BILL 560
RATIFIED BILL

AN ACT TO MODIFY THE LAWS OF THE STATE RELATING TO PUBLIC SAFETY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 15-205 reads as rewritten:

"§ 15-205. Duties and powers of the probation officers.

(a) A probation officer shall investigate all cases referred to him for investigation by the judges of the courts or by the Secretary of Public Safety. Such officer shall keep informed concerning the conduct and condition of each person on probation under his supervision by visiting, requiring reports, and in other ways, and shall report thereon in writing as often as the court or the Secretary of Public Safety may require. Such officer shall use all practicable and suitable methods, not inconsistent with the conditions imposed by the court or the Secretary of Public Safety, to aid and encourage persons on probation to bring about improvement in their conduct and condition. Such officer shall keep detailed records of his work; shall make such reports in writing to the Secretary of Public Safety as he may require; and shall perform such other duties as the Secretary of Public Safety may require. A probation officer shall have, in the execution of his duties, the powers of arrest and, to the extent necessary for the performance of his duties, the same right to execute process as is now given, or that may hereafter be given by law, to the sheriffs of this State.

(b) Probation officers may be assigned by the Secretary of Public Safety to perform additional duties during a declared state of emergency or a natural disaster. This authority does not convey to probation officers any additional powers of arrest or other authority beyond that provided in subsection (a) of this section."

SECTION 1.(b) G.S. 15-205, as amended by subsection (a) of this section, reads as rewritten:

"§ 15-205. Duties and powers of the probation officers.

(a) A probation officer shall investigate all cases referred to ~~him~~ the probation officer for investigation by the judges of the courts or by the Secretary of ~~Public Safety~~ the Department of Adult Correction. ~~Such~~ The officer shall keep informed concerning the conduct and condition of each person on probation under ~~his~~ the probation officer's supervision by visiting, requiring reports, and in other ways, and shall report thereon in writing as often as the court or the Secretary of ~~Public Safety~~ the Department of Adult Correction may require. ~~Such~~ The officer shall use all practicable and suitable methods, not inconsistent with the conditions imposed by the court or the Secretary of ~~Public Safety~~ the Department of Adult Correction, to aid and encourage persons on probation to bring about improvement in their conduct and condition. ~~Such~~ The officer shall keep detailed records of ~~his~~ the probation officer's work; shall make such reports in writing to the Secretary of ~~Public Safety~~ the Department of Adult Correction as ~~he~~ the Secretary may require; and shall perform such other duties as the Secretary of ~~Public Safety~~ the Department of Adult Correction may require. A probation officer shall have, in the execution of ~~his~~ the probation officer's duties, the powers of arrest and, to the extent necessary for the performance of ~~his~~ the probation officer's duties, the same right to execute process as is now given, or that may hereafter be given by law, to the sheriffs of this State.



(b) Probation officers may be assigned by the Secretary of ~~Public Safety~~ the Department of Adult Correction to perform additional duties during a declared state of emergency or a natural disaster. This authority does not convey to probation officers any additional powers of arrest or other authority beyond that provided in subsection (a) of this section."

SECTION 1.(c) Subsection (a) of this section becomes effective October 1, 2022. Subsection (b) of this section becomes effective January 1, 2023. The remainder of this section is effective when it becomes law.

SECTION 2.(a) G.S. 143B-720 reads as rewritten:

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

(a) There is hereby created a Post-Release Supervision and Parole Commission of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety with the authority to grant paroles, including both regular and temporary paroles, to persons held by virtue of any final order or judgment of any court of this State as provided in Chapter 148 of the General Statutes and laws of the State of North Carolina, except that persons sentenced under Article 81B of Chapter 15A of the General Statutes are not eligible for parole but may be conditionally released into the custody and control of United States Immigration and Customs Enforcement pursuant to G.S. 148-64.1. The Commission shall also have authority to revoke, terminate, and suspend paroles of such persons (including persons placed on parole on or before the effective date of the Executive Organization Act of 1973) and to assist the Governor in exercising his authority in granting reprieves, commutations, and pardons, and shall perform such other services as may be required by the Governor in exercising his powers of executive clemency. The Commission shall also have authority to revoke and terminate persons on post-release supervision, as provided in Article 84A of Chapter 15A of the General Statutes. The Commission shall also have authority to issue orders of temporary or conditional revocation of post-release supervision and parole subjecting supervisees and parolees to arrest by a law enforcement officer or a post-release supervision and parole officer. The Commission shall also have the authority to punish for criminal contempt for willful refusal to accept post-release supervision or to comply with the terms of post-release supervision by a prisoner whose offense requiring post-release supervision is a reportable conviction subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes. Any contempt proceeding conducted by the Commission shall be in accordance with G.S. 5A-15 as if the Commission were a judicial official.

...

(f1) The Commission shall enter all orders of temporary or conditional revocation of post-release supervision and parole subjecting supervisees and parolees to arrest by a law enforcement officer or a post-release supervision and parole officer into the Criminal Justice Law Enforcement Automated Data System (CJLEADS).

...."

SECTION 2.(b) This section becomes effective October 1, 2022.

SECTION 3.(a) Part 1 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-603A. Continuously Operating Reference Station Fund.

(a) Establishment of Fund. – The Continuously Operating Reference Station (CORS) Fund is established as a special revenue fund. The Fund consists of General Fund appropriations, gifts, donations, grants, devises, fees, and monies contributed by State and non-State entities for the operation, maintenance, and expansion of the North Carolina CORS/Real Time Network (RTN) operated and maintained by the North Carolina Geodetic Survey and any other revenues specifically allocated to the Fund by an act of the General Assembly.

(b) Uses of Fund. – Revenue credited to the Fund may only be used for costs associated with CORS/RTN operations, maintenance, and expansion."

SECTION 3.(b) This section becomes effective July 1, 2022.

SECTION 4.(a) G.S. 166A-19.21(a) reads as rewritten:

"(a) Preliminary Damage Assessment. – When a state of emergency is declared pursuant to ~~G.S. 166A-19.20~~, G.S. 166A-19.20 or G.S. 166A-19.22, the Secretary shall provide the Governor and the General Assembly with a preliminary damage assessment as soon as the assessment is available."

SECTION 4.(b) This section is effective when it becomes law and applies to states of emergency declared on or after that date.

SECTION 5.(a) G.S. 8-53.10(a) reads as rewritten:

"(a) Definitions. – The following definitions apply in this section:

...

(1a) Emergency personnel officer. – Firefighting, search and rescue, or emergency medical service personnel, or any employee of any duly accredited State or local government agency possessing authority to enforce the criminal laws of the State who (i) is actively serving in a position with assigned primary duties and responsibilities for the prevention and detection of crime or the general enforcement of the criminal laws of the State and (ii) possesses the power of arrest by virtue of an oath administered under the authority of the State.

...

(3) Peer counselor. – Any active or retired law enforcement officer-officer, emergency personnel officer, or civilian employee of a law enforcement agency who:

a. Has received training to provide emotional and moral support and counseling to client law enforcement employees-employees, emergency personnel officers, and their immediate families; and families.

b. Was designated by the sheriff, police chief, or other head of a law enforcement or emergency agency to counsel a client law enforcement employee.

(4) Privileged communication. – Any communication made by a client law enforcement employee-employee, emergency personnel officer, or a member of the client law enforcement employee's immediate family to a peer counselor while receiving counseling."

SECTION 5.(b) This section is effective when it becomes law and applies to communications made on or after that date.

SECTION 6.(a) G.S. 86A-14 is amended by adding a new subdivision to read:

"(7) Inmates under the jurisdiction of the North Carolina Department of Public Safety."

SECTION 6.(b) Subdivision (7) of G.S. 86A-14, as enacted by subsection (a) of this section, reads as rewritten:

"(7) Inmates under the jurisdiction of the North Carolina Department of Public Safety-Adult Correction."

SECTION 6.(c) Subsection (b) of this section becomes effective January 1, 2023. The remainder of this section is effective when it becomes law and applies to actions performed on or after that date.

SECTION 7.(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. Reasonably needed services include (i) counseling for immediate family

members of children under the age of 18 who are victims of rape, sexual assault, or domestic violence and (ii) family counseling and grief counseling for immediate family members of homicide victims. The cumulative total for counseling services provided to immediate family members shall not exceed three thousand dollars (\$3,000) per family.

Allowable expense includes a total charge not in excess of ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) 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.

...."

SECTION 7.(b) This section becomes effective August 1, 2022, and applies to expenses incurred on or after that date.

SECTION 8.(a) G.S. 15A-1368.4(e) reads as rewritten:

"(e) Controlling Conditions. – Appropriate controlling conditions, violation of which may result in revocation of post-release supervision, are:

...

- (10) Submit at reasonable times to ~~warrantless searches of the supervisee's person~~ by a post-release supervision officer of the supervisee's person and of the supervisee's vehicle and premises while the supervisee is present for purposes reasonably related to the post-release supervision. The Commission shall not require as a condition of post-release supervision that the supervisee submit to any other searches that would otherwise be unlawful. Whenever the search consists of testing for the presence of illegal drugs, the supervisee may also be required to reimburse the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the actual cost of drug testing and drug screening, if the results are positive.

...."

SECTION 8.(b) This section is effective when it becomes law and applies to searches on or after that date.

SECTION 9.(a) G.S. 15B-6(b) reads as rewritten:

"(b) The Director shall have all of the following authority:

- (1) With the consent of the district attorney, to request that law enforcement officers employed by the State or any political subdivision provide copies of any information or data gathered in the investigation of criminally injurious conduct that is the basis of any claim to enable the Director or Commission to determine whether, and the extent to which, a claimant qualifies for an award of ~~compensation;~~ compensation.
- (2) With the consent of the district attorney, to request that prosecuting attorneys, law enforcement officers, and State agencies conduct investigations and provide information necessary to enable the Director or Commission to determine whether, and the extent to which, a claimant qualifies for an award of ~~compensation;~~ and compensation.

- (3) To require the claimant to supplement the application for an award of compensation with any reasonably available medical or psychological reports pertaining to the injury for which the award of compensation is claimed.
- (4) To utilize the sums remaining in the fund in any particular fiscal year to promote the mission of the Commission through outreach awareness measures.

Information obtained pursuant to this subsection is subject to the same privilege against public disclosure that may be asserted by the providing source."

SECTION 9.(b) G.S. 15B-21 reads as rewritten:

"§ 15B-21. Annual report.

The Commission shall, by March 15 each year, prepare and transmit to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety a report of its activities in the prior fiscal year and the current fiscal year to date. The report shall ~~include~~include all of the following:

- (1) The number of claims ~~filed~~filed.
- (2) The number of awards ~~made~~made.
- (2a) The number of pending cases by year ~~received~~received.
- (3) The amount of each ~~award~~award.
- (4) A statistical summary of claims denied and awards ~~made~~made.
- (5) The administrative costs of the Commission, including the compensation of ~~commissioners~~commissioners.
- (6) The current unencumbered balance of the North Carolina Crime Victims Compensation ~~Fund~~Fund.
- (7) The amount of funds carried over from the prior fiscal ~~year~~year.
- (8) The amount of funds received in the prior fiscal year from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et ~~seq.~~and seq.
- (9) The amount of funds expected to be received in the current fiscal year, as well as the amount actually received in the current fiscal year on the date of the report, from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.
- (10) A summary of the outreach awareness measure taken during the prior fiscal year."

SECTION 10. G.S. 15B-11(g) reads as rewritten:

"(g) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to, or the death of, that victim may not exceed ~~thirty thousand dollars (\$30,000)~~ forty-five thousand dollars (\$45,000) in the aggregate in addition to allowable funeral, cremation, and burial expenses."

SECTION 11.(a) The Department of Public Safety may use no more than the sum of five hundred thousand dollars (\$500,000) in nonrecurring funds from the surplus funds in the Crime Victims Compensation Fund to establish and implement an online application process for claimants seeking compensation from the Fund.

SECTION 11.(b) This section is effective when it becomes law and expires June 30, 2024.

SECTION 12. Section 4.15(c) of S.L. 2020-3, as amended by Section 2 of S.L. 2020-15 and Section 19D.2 of S.L. 2021-180, reads as rewritten:

"**SECTION 4.15.(c)** This section is effective when it becomes law and expires upon the earlier of ~~August 1, 2023,~~ January 1, 2024, or the date of completion of the Youth Development Center in Rockingham County."

SECTION 13.(a) G.S. 148-18(a) reads as rewritten:

"(a) Prisoners employed by Correction Enterprises shall be compensated as set forth in Article 14 of this Chapter. Prisoners participating in work assignments established by the Section of Prisons of the Division of Adult Correction and Juvenile Justice shall be compensated at rates fixed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety's rules and regulations; provided, that no prisoner so paid shall receive more than one dollar (\$1.00) per day, unless the Secretary determines that the work assignment requires special skills or training. Upon approval of the Secretary, inmates working in job assignments requiring special skills or training may be paid up to ~~three dollars (\$3.00)~~ five dollars (\$5.00) per day. The Correction Enterprises Fund shall be the source of wages and allowances provided to inmates who are employed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in work assignments established by the Section of Prisons of the Division of Adult Correction and Juvenile Justice."

SECTION 13.(b) G.S. 148-133(b) reads as rewritten:

"(b) No inmate working for Correction Enterprises shall be paid more than ~~three dollars (\$3.00)~~ five dollars (\$5.00) per day unless specifically approved by the Secretary of the Department of Public Safety or applicable State or federal laws require a higher salary. Inmates who are employed as part of the Prison Industry Enhancement Certification Program shall be paid in accordance with applicable federal rules and regulations."

SECTION 13.(c) G.S. 148-133(b), as amended by subsection (a) of this section, reads as rewritten:

"(b) No inmate working for Correction Enterprises shall be paid more than five dollars (\$5.00) per day unless specifically approved by the Secretary of the ~~Department of Public Safety~~ Department of Adult Correction or applicable State or federal laws require a higher salary. Inmates who are employed as part of the Prison Industry Enhancement Certification Program shall be paid in accordance with applicable federal rules and regulations."

SECTION 13.(d) Subsection (c) of this section becomes effective January 1, 2023. The remainder of this section is effective when it becomes law.

SECTION 14. G.S. 143-341 reads as rewritten:

"§ 143-341. Powers and duties of Department.

The Department of Administration has the following powers and duties:

...

(8) General Services:

...

i. To establish and operate a central motor fleet and such subsidiary related facilities as the Secretary may deem necessary, and to that end:

...

3. To require on a schedule determined by the Department all State agencies to transfer ownership, custody or control of any or all passenger motor vehicles within the ownership, custody or control of that agency to the Department, except those motor vehicles under the ownership, custody or control of the Highway Patrol, the State Bureau of Investigation, the State Capitol Police, the Alcohol Law Enforcement Division of the Department of Public Safety, the Samarcand Training Academy, or the constituent institutions of The University of North Carolina which are used primarily for law-enforcement purposes.

...."

SECTION 15. G.S. 148-132 reads as rewritten:

"§ 148-132. Distribution of products and services.

The Section of Correction Enterprises of the Division of Adult Correction and Juvenile Justice is empowered and authorized to market and sell products and services produced by Correction Enterprises to any of the following entities:

- (1) Any public agency or institution owned, managed, or controlled by the State.
- (2) Any county, city, or town in this State.
- (3) Any federal, state, or local public agency or institution in any ~~other~~-state of the union.
- (4) An entity or organization that has tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code. Products purchased by an entity pursuant to this subdivision may not be resold.
- (5) Any current employee or retiree of the State of North Carolina, member, employee, or retiree of the North Carolina National Guard, or of a unit of local government of this State, verified through federal or State-issued identification, or through proof of retirement status, but purchases by a State employee or retiree, National Guard member, employee, or retiree, or local governmental employee or retiree may not exceed two thousand five hundred dollars (\$2,500) during any calendar year. Products purchased by State employees or retirees, National Guard members, employees or retirees, and local governmental employees and retirees under this section may not be resold.
- (6) Private contractors when the goods purchased will be used to perform work under a contract with a public agency."

SECTION 16. G.S. 166A-19.75(b) is repealed.

SECTION 17.(a) Effective July 1, 2022, the Department of Public Safety shall work with the Office of State Budget and Management and the Office of the State Controller to establish the certified budget for the new Department of Adult Correction.

SECTION 17.(b) The budget certification required by subsection (a) of this section shall not nullify or curtail the Type 1 transfer process directed by Section 19C.9 of S.L. 2021-180.

SECTION 17.(c) Upon certification of the budget for the new Department of Adult Correction pursuant to subsection (a) of this section, the Department of Public Safety shall retain budget execution authority of the newly certified budget until January 1, 2023.

SECTION 17.(d) Effective January 1, 2023, the Department of Adult Correction shall administer and operate all functions, powers, duties, obligations, and services related to the newly created department, including all programs, services, and administrative functions. This administration and operation shall not nullify or curtail the authority of certain boards, commissions, or other entities housed within the Department of Adult Correction to exercise independence in any manner directed by State law.

SECTION 17.(e) This section is effective when it becomes law.

SECTION 18.(a) G.S. 15A-1340.16(d), as amended by Section 19C.9(tt) of S.L. 2021-180, reads as rewritten:

"(d) Aggravating Factors. – The following are aggravating factors:

...

- (6) The offense was committed against or proximately caused serious injury to a present or former law enforcement officer, employee of the Department of Public ~~Safety~~, Safety or the Department of Adult Correction, jailer, fireman, emergency medical technician, ambulance attendant, social worker, justice or judge, clerk or assistant or deputy clerk of court, magistrate, prosecutor, juror, or witness against the defendant, while engaged in the performance of that

person's official duties or because of the exercise of that person's official duties.

...."

SECTION 18.(b) This section becomes effective January 1, 2023, and applies to offenses committed on or after that date.

SECTION 19.(a) G.S. 15A-150(b) reads as rewritten:

"(b) Notification to Other State and Local Agencies. – Unless otherwise instructed by the Administrative Office of the Courts pursuant to an agreement entered into under subsection (e) of this section for the electronic or facsimile transmission of information, the clerk of superior court in each county in North Carolina shall send a certified copy of an order granting an expunction to a person named in subsection (a) of this section to (i) all of the agencies listed in this subsection and (ii) the person granted the expunction. Expunctions granted pursuant to G.S. 15A-146(a4) are excluded from all clerk of superior court notice provisions of this subsection. An agency receiving an order under this subsection shall purge from its records all entries made as a result of the charge or conviction ordered expunged, except as provided in G.S. 15A-151. The list of agencies is as follows:

- (1) The sheriff, chief of police, or other arresting agency.
- (2) When applicable, the Division of Motor Vehicles.
- (3) Any State or local agency identified by the petition as bearing record of the offense that has been expunged.
- (4) ~~The Department of Public Safety,~~ Department of Adult Correction, Combined Records Section.
- (5) The State Bureau of Investigation."

SECTION 19.(b) This section becomes effective January 1, 2023.

SECTION 20.(a) G.S. 126-5 is amended by adding a new subsection to read:

"(c17) Except as to the policies, rules, and plans established by the Commission pursuant to G.S. 126-4(1), 126-4(2), 126-4(3), 126-4(4), 126-4(5), 126-4(6), 126-7, 126-14.3, and except as to the provisions of G.S. 126-14.2, G.S. 126-34.1(a)(2), and Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to a warden of an adult corrections facility."

SECTION 20.(b) This section becomes effective July 1, 2022 and applies to persons hired on or after that date.

law. **SECTION 21.** Except as otherwise provided, this act is effective when it becomes
In the General Assembly read three times and ratified this the 1st day of July, 2022.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2022