

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL 501

Short Title: Create Depart. of Adult Correction. (Public)

Sponsors: Senators Daniel, Britt, and Steinburg (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 5, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE DEPARTMENT OF ADULT CORRECTION, TO CREATE THE  
3 DIVISION OF JUVENILE JUSTICE AND THE DIVISION OF COMMUNITY  
4 CORRECTIONS IN THE DEPARTMENT OF PUBLIC SAFETY, TO MAKE OTHER  
5 TECHNICAL AND CONFORMING CHANGES, AND TO APPROPRIATE FUNDS.

6 The General Assembly of North Carolina enacts:

7  
8 **PART I. DEPARTMENT OF ADULT CORRECTION**

9  
10 **ESTABLISH THE DEPARTMENT OF ADULT CORRECTION**

11 **SECTION 1.1.(a)** The Department of Adult Correction is established in this Part as  
12 a single, unified cabinet-level department. All functions, powers, duties, and obligations vested  
13 in the following programs, divisions, and entities located in the Department of Public Safety are  
14 transferred to, vested in, and consolidated within the Department of Adult Correction in the  
15 manner of a Type I transfer, as defined in G.S. 143A-6:

16 (1) Prisons Section.

17 (2) Alcohol and Chemical Dependency Treatment Program except the  
18 DART-Cherry and the Black Mountain Substance Abuse Treatment Center  
19 for Women.

20 (3) Health Services Section.

21 (4) Correction Enterprises Section.

22 **SECTION 1.1.(b)** The Grievance Resolution Board is transferred to the Department  
23 of Adult Correction in the manner of a Type II transfer, as defined in G.S. 143A-6.

24 **SECTION 1.1.(c)** G.S. 143B-2 reads as rewritten:

25 "**§ 143B-2. Interim applicability of the Executive Organization Act of 1973.**

26 The Executive Organization Act of 1973 shall be applicable only to the following named  
27 departments:

28 ...

29 (12) Department of Adult Correction."

30 **SECTION 1.1.(d)** G.S. 143B-6 reads as rewritten:

31 "**§ 143B-6. Principal departments.**

32 In addition to the principal departments enumerated in the Executive Organization Act of  
33 1971, all executive and administrative powers, duties, and functions not including those of the  
34 General Assembly and its agencies, the General Court of Justice and the administrative agencies  
35 created pursuant to Article IV of the Constitution of North Carolina, and higher education



1 previously vested by law in the several State agencies, are vested in the following principal  
2 departments:

3 ...  
4 (14) Department of Adult Correction."

5 **SECTION 1.1.(e)** G.S. 126-5(d)(1) reads as rewritten:

6 "(d) (1) Exempt Positions in Cabinet Department. – Subject to the provisions of this  
7 Chapter, which is known as the North Carolina Human Resources Act, the  
8 Governor may designate a total of 425 exempt positions throughout the  
9 following departments and offices:

10 ...  
11 o. Department of Adult Correction."

12  
13 **STATUTORY CHANGES CREATING THE DEPARTMENT OF ADULT**  
14 **CORRECTION**

15 **SECTION 1.2.(a)** Chapter 143B of the General Statutes is amended by adding a new  
16 Article to read:

17 "Article 16.

18 "Department of Adult Correction.

19 "Part 1. Organization; General Provisions for Department.

20 **"§ 143B-1440. Organization.**

21 There is established the Department of Adult Correction. The Department shall perform all  
22 functions of the executive branch of the State in relation to the detention and correction of adult  
23 offenders.

24 **"§ 143B-1442. Powers and duties of the Secretary.**

25 The head of the Department is the Secretary of the Department of Adult Correction. The  
26 Secretary shall have the powers and duties as are conferred on the Secretary by this Article,  
27 delegated to the Secretary by the Governor, and conferred on the Secretary by the Constitution  
28 and laws of this State. The Secretary is authorized to adopt rules and procedures for the  
29 implementation of this Article.

30 **"§ 143B-1444. Definitions.**

31 As used in this Article, the following meanings shall apply:

32 (1) Department. – The Department of Adult Correction.

33 (2) Justice and Public Safety Appropriations Committees. – The Senate  
34 Appropriations Committee on Justice and Public Safety and the House of  
35 Representatives Appropriations Committee on Justice and Public Safety.

36 (3) Program. – The Alcoholism and Chemical Dependency Treatment Program.

37 (4) Secretary. – The Secretary of the Department of Adult Correction."

38 **SECTION 1.2.(#)** G.S. 143B-707.3 of Subpart A of Part 2 of Article 13 of Chapter  
39 143B is recodified as G.S. 143B-1446 of Part 1 of Article 16 of Chapter 143B of the General  
40 Statutes.

41 **SECTION 1.2.(#)** G.S. 143B-711 is repealed. G.S. 143B-630 of Part 1A of Article  
42 13 of Chapter 143B and G.S. 701-705, 707, 707.4, and 709 of Subpart A of Part 2 of Article 13  
43 of Chapter 143B are recodified as Part 2 of Article 16 of Chapter 143B of the General Statutes as  
44 follows:

<u>Former Citation</u>	<u>Recodified Citation</u>
Part 1A	Part 2
143B-630	143B-1450
Subpart A	
143B-701	143B-1451
143B-702	143B-1452
143B-703	143B-1453

1	143B-704	143B-1454
2	143B-705	143B-1455
3	143B-707	143B-1456
4	143B-707.4	143B-1457
5	143B-709	143B-1458

6 **SECTION 1.2.(#)** G.S. 143B-707.5 through 707.10 of Subpart A of Part 2 of Article  
 7 13 of Chapter 143B are recodified as Part 3 of Article 16 of Chapter 143B of the General Statutes  
 8 as follows:

9	<u>Former Citation</u>	<u>Recodified Citation</u>
10	Subpart A	Part 3
11	143B-707.3	143B-1470
12	143B-707.5	143B-1471
13	143B-707.6	143B-1472
14	143B-707.7	143B-1473
15	143B-707.8	143B-1474
16	143B-707.9	143B-1475
17	143B-707.10	143B-1476

18 **SECTION 1.2.(f)** Parts 1–10 of Article 16 of Chapter 143B of the General Statutes  
 19 read as rewritten:

20 "Part 1. Organization; General Provisions for ~~Department~~Department.

21 ...

22 **"§ 143B-1446. Medical costs for inmates and juvenile offenders.inmates.**

23 (a) The Department of ~~Public Safety~~ shall reimburse those providers and facilities  
 24 providing approved medical services to inmates and juvenile offenders outside the correctional  
 25 or juvenile facility the lesser amount of either a rate of seventy percent (70%) of the provider's  
 26 then-current prevailing charge or two times the then-current Medicaid rate for any given service.  
 27 The Department shall have the right to audit any given provider to determine the actual prevailing  
 28 charge to ensure compliance with this provision.

29 ...

30 (b) The Department of ~~Public Safety~~ shall make every effort to contain medical costs for  
 31 inmates and juvenile offenders by making use of its own hospital and health care facilities to  
 32 provide health care services to ~~inmates and juvenile offenders.~~inmates. To the extent that the  
 33 Department of ~~Public Safety~~ must utilize other facilities and services to provide health care  
 34 services to ~~inmates and juvenile offenders,~~inmates, the Department shall make reasonable efforts  
 35 to make use of hospitals or other providers with which it has a contract or, if none is reasonably  
 36 available, hospitals with available capacity or other health care facilities in a region to accomplish  
 37 that goal. The Department shall make reasonable efforts to equitably distribute inmates and  
 38 ~~juvenile offenders~~ among all hospitals or other appropriate health care facilities.

39 (c) The Department of ~~Public Safety~~ shall report quarterly to the Joint Legislative  
 40 Oversight Committee on Justice and Public Safety and the chairs of the ~~House of Representatives~~  
 41 ~~and Senate Appropriations Committees on Justice and Public Safety~~Justice and Public Safety  
 42 Appropriations Committees on:

43 ...

44 (d) ~~The Department of Public Safety shall study whether contracts to provide inmate~~  
 45 ~~health services can be expanded to additional hospitals. The Department shall report the findings~~  
 46 ~~of its study to the chairs of the House of Representatives and Senate Appropriations Committees~~  
 47 ~~on Justice and Public Safety no later than February 1, 2017. The report shall include a list of~~  
 48 ~~hospitals considered for expansion and reasons for or against expanding to each hospital.~~

49 "Part 2. General Provisions for Division of Prisons.

50 **"§ 143B-1450. Creation of Division of ~~Adult Correction and Juvenile Justice;~~Prisons;**  
 51 **powers.**

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

6 **"§ 143B-1451. Division of Adult Correction and Juvenile Justice of the Department of**  
7 **Public Safety Prisons – duties.**

8 It shall be the duty of the Division of Prisons to provide the necessary custody, supervision,  
9 and treatment to control and rehabilitate criminal offenders and thereby to reduce the rate and  
10 cost of crime and delinquency.

11 **"§ 143B-1452. Division of Adult Correction and Juvenile Justice of the Department of**  
12 **Public Safety Prisons – rules and regulations.**

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

21 **"§ 143B-1453. Repair or replacement of personal property.**

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

29 ...

30 (e) The Secretary of ~~Public Safety~~ shall establish by rule an appeals process consistent  
31 with Chapter 150B of the General Statutes.

32 **"§ 143B-1454. Division of Adult Correction and Juvenile Justice of the Department of**  
33 **Public Safety Prisons – functions with respect to adults.**

34 (a) The functions of the Division of ~~Adult Correction and Juvenile Justice of the~~  
35 ~~Department of Public Safety Prisons~~ shall include all functions of the executive branch of the  
36 State in relation to corrections and the rehabilitation of adult offenders, including ~~detention,~~  
37 ~~parole, and aftercare supervision,~~ detention and further including those prescribed powers, duties,  
38 and functions enumerated in the laws of this State. All such functions, powers, duties, and  
39 obligations heretofore vested in the State Department of Correction and Commission of  
40 Correction are hereby transferred to and vested in the Division of Prisons of the Department of  
41 Adult Correction except as otherwise provided by the Executive Organization Act of 1973.

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

- 48 (1) ~~The State Department of Correction and Commission of Correction,~~
- 49 (2) ~~Repealed by Session Laws 1999-423, s. 8, effective July 1, 1999.~~
- 50 (3) ~~The State Probation Commission,~~
- 51 (4) ~~The State Board of Paroles;~~

- 1           (5)    ~~The Interstate Agreement on Detainers, and~~  
 2           (6)    ~~The Uniform Act for Out-of-State Parolee Supervision.~~

3           ...  
 4           (d)    The Division shall establish ~~an alcoholism and chemical dependency treatment~~  
 5 ~~program.~~ the Alcoholism and Chemical Dependency Treatment Program. ~~The program Program~~  
 6 shall consist of a continuum of treatment and intervention services for male and female inmates,  
 7 established in medium and minimum custody prison facilities, and for male and female  
 8 probationers and parolees, established in community-based residential treatment facilities.

9           ...  
 10       **"§ 143B-1455. Division of ~~Adult Correction and Juvenile Justice of the Department of~~**  
 11       **~~Public Safety Prisons~~ – Alcoholism and Chemical Dependency Treatment**  
 12       **Program.**

13       (a)    The Program established by ~~G.S. 143B-704~~ G.S. 143B-1454 shall be offered in  
 14 correctional facilities, or a portion of correctional facilities that are self-contained, so that the  
 15 residential and program space is separate from any other programs or inmate housing, and shall  
 16 be operational by January 1, 1988, at those facilities as the Secretary or the Secretary's designee  
 17 may designate.

18       (b)    A ~~Section Chief deputy director~~ for the Alcoholism and Chemical Dependency  
 19 Treatment Program shall be employed and shall report directly to ~~a deputy director for the~~  
 20 ~~Division of Adult Correction and Juvenile Justice as designated by the Deputy Commissioner the~~  
 21 ~~Director~~ for the Division of ~~Adult Correction and Juvenile Justice Prisons.~~ Prisons. The duties of the  
 22 ~~Section Chief deputy director~~ and staff shall include the following:

- 23           (1)    Administer and coordinate all substance abuse programs, grants, contracts,  
 24 and related functions in the Division of ~~Adult Correction and Juvenile Justice~~  
 25 ~~Prisons~~ of the Department of ~~Public Safety Adult Correction.~~  
 26           (2)    Develop and maintain working relationships and agreements with agencies  
 27 and organizations that will assist in developing and operating alcoholism and  
 28 chemical dependency treatment and recovery programs in the Division of  
 29 ~~Adult Correction and Juvenile Justice Prisons~~ of the Department of ~~Public~~  
 30 ~~Safety Adult Correction.~~  
 31           ...  
 32           (7)    Supervise directly the facility and district program managers, other  
 33 specialized personnel, and programs that exist or may be developed in the  
 34 Division of ~~Adult Correction and Juvenile Justice Prisons~~ of the Department  
 35 of ~~Public Safety Adult Correction.~~  
 36           (8)    Repealed by Session Laws 2012-83, s. 10, effective June 26, 2012.

37       (c)    In each prison that houses an alcoholism and chemical dependency program, there  
 38 shall be a unit superintendent under the ~~Section Division~~ of Prisons of the ~~Division of Department~~  
 39 ~~of Adult Correction and Juvenile Justice~~ and other custodial, administrative, and support staff as  
 40 required to maintain the proper custody level at the facility. The unit superintendent shall be  
 41 responsible for all matters pertaining to custody and administration of the unit. The ~~Section Chief~~  
 42 ~~deputy director~~ of the Alcoholism and Chemical Dependency Treatment Program shall designate  
 43 and direct employees to manage treatment programs at each location. Duties of unit treatment  
 44 program managers shall include program development and implementation, supervision of  
 45 personnel assigned to treatment programs, adherence to all pertinent policy and procedural  
 46 requirements of the Department, and other duties as assigned.

47       ...  
 48       **"§ 143B-1456. Reports to the General Assembly.**

49       The Division of ~~Adult Correction and Juvenile Justice Prisons~~ of the Department of ~~Public~~  
 50 ~~Safety Adult Correction~~ shall report by March 1 of each year to the Chairs of the ~~Senate and~~  
 51 ~~House Appropriations Committees and the Chairs of the Senate and House Appropriations~~

1 ~~Subcommittees in~~ Justice and Public Safety Appropriations Committees on their efforts to  
2 provide effective treatment to offenders with substance abuse problems. The report shall include:

3 ...

4 (3) ~~Utilization of the community-based programs at DART-Cherry and Black  
5 Mountain Substance Abuse Treatment Center for Women.~~

6 ...

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

13 **"§ 143B-1457. Annual report on safekeepers.**

14 The Department of ~~Public Safety~~ shall report by October 1 of each year to the chairs of the  
15 ~~House of Representatives and Senate~~ Justice and Public Safety Appropriations Committees ~~on  
16 Justice and Public Safety~~ and the chairs of the Joint Legislative Oversight Committee ~~on Justice  
17 and Public Safety~~ on county prisoners housed in the State prison system pursuant to safekeeping  
18 orders under G.S. 162-39. The report shall include:

19 ....

20 **"§ 143B-1458. Security Staffing.**

21 (a) The Division of ~~Adult Correction and Juvenile Justice-Prisons~~ of the Department of  
22 ~~Public Safety-Adult Correction~~ shall conduct:

23 ...

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

30 "Part 3. Medical Costs; Medicaid Services.

31 **"§ 143B-1470. Medical costs for ~~inmates and juvenile offenders~~ inmates.**

32 (a) The Department of ~~Public Safety-Adult Correction~~ shall reimburse those providers  
33 and facilities providing approved medical services to inmates ~~and juvenile offenders~~ outside the  
34 correctional ~~or juvenile~~ facility the lesser amount of either a rate of seventy percent (70%) of the  
35 provider's then-current prevailing charge or two times the then-current Medicaid rate for any  
36 given service. The Department shall have the right to audit any given provider to determine the  
37 actual prevailing charge to ensure compliance with this provision.

38 This section does apply to vendors providing services that are not billed on a fee-for-service  
39 basis, such as temporary staffing. Nothing in this section shall preclude the Department from  
40 contracting with a provider for services at rates that provide greater documentable cost avoidance  
41 for the State than do the rates contained in this section or at rates that are less favorable to the  
42 State but that will ensure the continued access to care.

43 (b) The Department of ~~Public Safety-Adult Correction~~ shall make every effort to contain  
44 medical costs for inmates ~~and juvenile offenders~~ by making use of its own hospital and health  
45 care facilities to provide health care services to ~~inmates and juvenile offenders~~ inmates. To the  
46 extent that the Department of ~~Public Safety-Adult Correction~~ must utilize other facilities and  
47 services to provide health care services to ~~inmates and juvenile offenders~~ inmates, the  
48 Department shall make reasonable efforts to make use of hospitals or other providers with which  
49 it has a contract or, if none is reasonably available, hospitals with available capacity or other  
50 health care facilities in a region to accomplish that goal. The Department shall make reasonable

1 efforts to equitably distribute inmates and ~~juvenile offenders~~ among all hospitals or other  
2 appropriate health care facilities.

3 (c) ~~The Department of Public Safety-Adult Correction shall report quarterly to the Joint~~  
4 ~~Legislative Oversight Committee on Justice and Public Safety and the chairs of the House of~~  
5 ~~Representatives and Senate-Justice and Public Safety Appropriations Committees on Justice and~~  
6 ~~Public Safety on:~~

7 (1) The percentage of the total inmates and ~~juvenile offenders~~ requiring  
8 hospitalization or hospital services who receive that treatment at each hospital.

9 (2) through (4) Repealed by Session Laws 2016-94, s. 17C.2A, effective July 1,  
10 2016.

11 ...

12 (5) The volume of inpatient medical services provided to Medicaid-eligible  
13 ~~inmates and juvenile offenders, inmates,~~ the cost of treatment, the estimated  
14 savings of paying the nonfederal portion of Medicaid for the services, and the  
15 length of time between the date the claim was filed and the date the claim was  
16 paid.

17 ...

18 (6) The hospital utilization, including the amount paid to individual hospitals, the  
19 number of inmates and ~~juvenile offenders~~ served, the number of claims, and  
20 whether the hospital was a contracted or noncontracted facility.

21 ...

22 (d) ~~The Department of Public Safety shall study whether contracts to provide inmate~~  
23 ~~health services can be expanded to additional hospitals. The Department shall report the findings~~  
24 ~~of its study to the chairs of the House of Representatives and Senate Appropriations Committees~~  
25 ~~on Justice and Public Safety no later than February 1, 2017. The report shall include a list of~~  
26 ~~hospitals considered for expansion and reasons for or against expanding to each hospital.~~

27 **"§ 143B-1471. Medicaid services for inmates.**

28 (a) ~~The Department of Public Safety-Division of Health Services of the Department of~~  
29 ~~Adult Correction and the Department of Health and Human Services shall work together to~~  
30 ~~enable social workers in the Department of Public Safety, Health Services Section, to qualify for~~  
31 ~~and receive federal reimbursement for performing administrative activities related to Medicaid~~  
32 ~~eligibility for inmates. The Department of Public Safety, Health Services Section, Adult~~  
33 ~~Correction, Division of Health Services, shall develop policies and procedures to account for the~~  
34 ~~time social workers in the Division of Health Services Section spend on administrative activities~~  
35 ~~related to Medicaid eligibility for inmates. All social workers in the Division of Health Services~~  
36 ~~Section who perform administrative activities related to Medicaid eligibility shall be required to~~  
37 ~~receive eligibility determination training provided by the Department of Health and Human~~  
38 ~~Services at least quarterly.~~

39 (b) ~~The Department of Public Safety, Health Services Section, Adult Correction, Division~~  
40 ~~of Health Services, shall require each social worker performing administrative activities related~~  
41 ~~to Medicaid eligibility for inmates to document the following:~~

42 ...

43 (3) The number of 24-hour community provider stays prescreened for potential  
44 applications, the number of applications submitted, and the number and  
45 percentage of applications approved, denied, and withdrawn, which shall be  
46 reported to the Health Services ~~Section-Division~~ Director on a monthly basis.

47 (c) In addition to the requirements in subsection (b) of this section, each Department of  
48 ~~Public Safety, Health Services Section, Adult Correction, Division of Health Services, social~~  
49 ~~workers-worker~~ performing administrative activities related to Medicaid eligibility for inmates  
50 shall submit Medicaid applications and any supporting documents electronically through the

1 ePass portal in the Department of Health and Human Services or through other electronic means,  
2 unless paper copies are required by federal law or regulation.

3 **"§ 143B-1472. Medication losses related to inmate transfer.**

4 (a) The Health Services ~~Section~~Division shall collect data on medication losses that  
5 occur during inmate transfer. The collection methods shall provide, at a minimum, for all of the  
6 following:

7 ...

8 (c) The Department shall also establish disciplinary actions for staff who are found to be  
9 responsible for inmate medication losses during transfer. The Health Services Section shall be  
10 responsible for addressing disciplinary actions for ~~DPS~~ Health Services prison staff who are  
11 found to be responsible for medications lost during inmate transfers and shall refer incidents  
12 involving custody staff to the appropriate unit for action.

13 **"§ 143B-1473. Contract for limited use of local purchase of inmate pharmacy needs.**

14 (a) The Health Services ~~Section~~Division shall adopt a statewide reimbursement for local  
15 purchases of limited quantities of medicine. The statewide reimbursement rate shall be based on  
16 the North Carolina State Health Plan for Teachers and State Employees reimbursement rate for  
17 prescription drugs. Any pharmacy willing to accept the statewide reimbursement rate shall have  
18 the right to participate in the plan.

19 (b) The Health Services ~~Section~~Division shall obtain monthly electronic invoices of  
20 prescriptions filled by each prison from the vendor chosen under subsection (a) of this section  
21 and shall develop a mechanism to collect information on purchases made outside the contract.  
22 At a minimum, the following information shall be collected for each prescription: (i) the inmate's  
23 prison, (ii) the requesting provider, (iii) the medication requested, (iv) the quantity of the  
24 medication requested, and (v) the total cost of the prescription.

25 (c) The Department shall establish a formal oversight mechanism to ensure prescriptions  
26 written by providers to be filled at local pharmacies do not exceed the quantities specified in the  
27 Department's policy. The Health Services ~~Section~~Division central office shall be responsible for  
28 implementing the oversight function, shall use the data collected under subsections (a) and (b) of  
29 this section to implement the function, and shall implement corrective and disciplinary actions  
30 as needed.

31 **"§ 143B-1474. Federal 340B Program – Department of ~~Public Safety~~/~~Department~~ Adult  
32 Correction/Department of Health and Human Services partnership.**

33 The Department of ~~Public Safety (DPS)~~ Adult Correction (DAC) shall establish and  
34 implement a partnership with the Department of Health and Human Services (DHHS) in order  
35 for ~~DPS-DAC~~ to be eligible to operate as a 340B covered entity. The ~~Department of Public Safety~~  
36 DAC shall contract for consultant services in order to implement this section. In order to  
37 implement the requirements of this section, ~~DPS-DAC~~ shall do all of the following:

38 ...

- 39 (3) Ensure that the ~~DPS-DAC~~ Apex Central Pharmacy, and any other ~~DPS-DAC~~  
40 pharmacies necessary, are compliant dispensing pharmacies under the 340B  
41 Program.

42 ....

43 **"§ 143B-1475. Federal 340B Program – Department of ~~Public Safety~~/~~University~~ Adult  
44 Correction/University of North Carolina Health Care System partnership.**

45 (a) The Department of Public Safety shall partner with the University of North Carolina  
46 Health Care System (UNC-HCS) by October 1, 2019, to begin receiving all 340B Program  
47 savings realized from medications prescribed to inmates, but not administered, at a 340B  
48 Program-registered UNC-HCS site for non-HIV and non-HCV medications pursuant to  
49 subsections (b) and (c) of this section. The Department of Adult Correction (DAC) shall be the  
50 successor in interest for the partnership established under this section.



1 (b) Pursuant to subsection (c) of this section, ~~DPS-DAC~~ shall direct that the prescribing  
2 authority of ~~DPS-DAC~~ providers be transferred to UNC-HCS providers for identified inmates  
3 treated at a 340B Program-registered UNC-HCS site.

4 (c) By October 1, 2019, DPS and UNC-HCS shall:

5 ...

6 (3) Develop mechanisms to ensure that the communication between the  
7 UNC-HCS prescriber and the ~~DPS-DAC~~ physician maintains the quality and  
8 continuity of care that inmates currently receive.

9 (4) Select the UNC-HCS pharmacy, the ~~DPS-DAC~~ Apex Central Pharmacy, or a  
10 combination of both, as the pharmacy through which medications will be  
11 dispensed pursuant to this section.

12 **"§ 143B-1476. Reports related to the federal 340B Program.**

13 (a) The Department of ~~Public Safety-Adult Correction and Juvenile Justice~~ shall report  
14 to the Joint Legislative Oversight Committee on Justice and Public Safety and the Fiscal Research  
15 Division by October 1, 2020, and annually thereafter, regarding:

16 ...

17 (b) The Department of ~~Public Safety-Adult Correction and Juvenile Justice~~ shall report  
18 to the Joint Legislative Oversight Committee on Justice and Public Safety and the Fiscal Research  
19 Division by October 1, 2021, and annually thereafter, on savings achieved from the partnerships  
20 between the four prison regions and North Carolina 340B Program entities for the provision of  
21 inmate medications and services under the federal 340B Program."

22  
23 **CONFORMING CHANGES REGARDING DEPARTMENT OF ADULT CORRECTION**

24 **SECTION 1.3.(a)** The following statutes are amended by deleting the language  
25 "Department of Public Safety" wherever it appears and substituting "Department of Adult  
26 Correction": G.S. 14-208.6, 15-188, 15A-1340.14, 15A-1340.15, 15A-1340.21, 58-31-26,  
27 62-351, 127A-54, 130A-4.4, and 143-134.

28 **SECTION 1.3.(b)** The following statutes are amended by deleting the language  
29 "Secretary of Public Safety" wherever it appears and substituting "Secretary of the Department  
30 of Adult Correction": G.S. 15-10.2, 15-10.3, 15-194, 15A-1340.13, 15A-1340.36, 15A-1371,  
31 122C-312, 130A-25, 148-4, 148-5, 148-10.1, 148-11, 148-13, 148-18.1, 148-19, 148-20, 148-22,  
32 148-22.1, 148-24, 148-25, 148-26, 148-26.5, 148-28, 148-33, 148-33.1, 148-33.2, 148-36,  
33 148-37, 148-41, 148-45, 148-46, 148-46.2, 148-74, 148-78, 148-118.6, 148-118.8, 148-118.9,  
34 148-121, 148-122, 162-39, and 164-37.

35 **SECTION 1.3.(c)** The following statutes are amended by deleting the language  
36 "Division of Adult Correction and Juvenile Justice of the Department of Public Safety" wherever  
37 it appears and substituting "Division of Prisons of the Department of Adult Correction":  
38 G.S. 1-110, 7A-109.3, 7A-313, 7A-451, 7A-474.18, 7A-498.3, 14-202, 14-208.20, 14-208.22,  
39 14-208.40, 14-208.43, 14-254.5, 14-258.1, 14-258.3, 14-269, 15-6.1, 15-10.1, 15-194, 15-196.3,  
40 15A-145, 15A-145.1, 15A-145.8A, 15A-146, 15A-147, 15A-149, 15A-544.3, 15A-544.5,  
41 15A-615, 15A-821, 15A-830, 15A-832, 15A-1340.13, 15A-1340.16, 15A-1340.20, 15A-1343.3,  
42 15A-1353, 15A-1354, 15A-1355, 15A-1368.2, 15A-1368.3, 15A-1369, 15B-21, 15B-31,  
43 15B-32, 20-81.12, 65-4, 66-25, 66-58, 108A-14, 122C-22, 122C-55, 122C-62, 122C-312,  
44 122C-313, 122C-402, 131E-98, 131E-184, 131E-214.1, 143-63.1, 143-166.7, 143-300.7,  
45 143-599, 146-33, 147-12, 148-2, 148-3, 148-4, 148-6, 148-10, 148-10.1, 148-10.2, 148-10.3,  
46 148-10.4, 148-10.5, 148-12, 148-18, 148-18.1, 148-19, 148-19.1, 148-19.2, 148-22, 148-22.1,  
47 148-23, 148-23.1, 148-23.2, 148-24, 148-26, 148-26.5, 148-28, 148-29, 148-32.1, 148-32.2,  
48 148-33, 148-33.1, 148-36, 148-37, 148-37.3, 148-41, 148-45, 148-46.1, 148-64, 148-64.1,  
49 148-65.7, 148-66, 148-67, 148-70, 148-74, 148-78, 148-118.1, 148-118.2, 148-118.4, 148-118.5,  
50 148-118.6, 148-118.8, 150B-1, 153A-221, 153A-230.1, 153A-230.2, 153A-230.3, 153A-230.5,  
51 162-39, and 163-82.20.

1           **SECTION 1.3.(d)** The following statutes are amended by deleting the language  
2 "Division of Adult Correction and Juvenile Justice" wherever it appears and substituting  
3 "Division of Prisons": G.S. 14-208.40, 14-208.40A, 14-208.40B, 14-208.42, 14-208.44, 20-79.4,  
4 126-23, 148-10.4, 148-11, 148-19.2, 148-32.1, 148-131, 148-132, 148-134, 160A-287, 162-39,  
5 164-42, and 164-50.

6           **SECTION 1.3.(e)** The following statutes are amended by deleting the language  
7 "Section of Prisons of the Division of Adult Correction and Juvenile Justice" wherever it appears  
8 and substituting "Division of Prisons": G.S. 14-208.6, 14-208.40C, 14-208.41, 14-258.2, 66-58,  
9 130A-25, 148-18, 148-29, 148-32.1, and 148-130.

## 10 11 **PART II. MODIFICATIONS TO DEPARTMENT OF PUBLIC SAFETY**

### 12 13 **GENERAL PROVISIONS**

14           **SECTION 2.1.(a)** G.S. 143B-601(10) is repealed.

15           **SECTION 2.1.(b)** G.S. 143B-604(a) reads as rewritten:

#### 16 **"§ 143B-604. State Reentry Council Collaborative.**

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

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

### 27 28 **DIVISION OF JUVENILE JUSTICE**

29           **SECTION 2.2.(a)** Subpart A of Part 3 of Article 13 of Chapter 143B of the General  
30 Statutes reads as rewritten:

31                   "Part 3. Division of Juvenile Justice ~~Section Justice.~~

32                               "Subpart A. Creation of Division.

#### 33 **"§ 143B-800. Creation of Division of Juvenile Justice ~~Section of the Division of Adult~~ 34 ~~Correction and Juvenile Justice~~ of the Department of Public Safety.**

35           There is hereby created and constituted a section to be known as the "~~Juvenile~~"Division of  
36 Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the  
37 Department of Public Safety", with the organization, powers, and duties as set forth in this Article  
38 or as prescribed by the Director of the Division of ~~Adult Correction and Juvenile Justice~~.

#### 39 **"§ 143B-801. Transfer of Office of Juvenile Justice authority to the Division of Juvenile 40 ~~Justice Section of the Division of Adult Correction and Juvenile Justice~~ of the 41 ~~Department of Public Safety.~~**

42           (a) All (i) statutory authority, powers, duties, and functions, including directives of S.L.  
43 1998-202, rule making, budgeting, and purchasing, (ii) records, (iii) personnel, personnel  
44 positions, and salaries, (iv) property, and (v) unexpended balances of appropriations, allocations,  
45 reserves, support costs, and other funds of the Office of Juvenile Justice under the Office of the  
46 Governor are transferred to and vested in the Division of Juvenile Justice ~~Section of the Division~~  
47 ~~of Adult Correction and Juvenile Justice~~ of the Department of Public Safety. This transfer has all  
48 of the elements of a Type I transfer as defined in G.S. 143A-6.

49           (b) The ~~Section~~Division shall be considered a continuation of the Office of Juvenile  
50 Justice for the purpose of succession to all rights, powers, duties, and obligations of the Office  
51 and of those rights, powers, duties, and obligations exercised by the Office of the Governor on

1 behalf of the Office of Juvenile Justice. Where the Office of Juvenile Justice or the Division of  
2 Adult Correction and Juvenile Justice of the Department of Public Safety is referred to by law,  
3 contract, or other document, that reference shall apply to the Division of Juvenile Justice Section  
4 ~~of the Division of Adult Correction and Juvenile Justice~~. Where the Office of the Governor is  
5 referred to by contract or other document, where the Office of the Governor is acting on behalf  
6 of the Office of Juvenile Justice, that reference shall apply to the ~~Section~~Division.

7 (c) All institutions previously operated by the Office of Juvenile Justice and the present  
8 central office of the Office of Juvenile Justice, including land, buildings, equipment, supplies,  
9 personnel, or other properties rented or controlled by the Office or by the Office of the Governor  
10 for the Office of Juvenile Justice, shall be administered by the Division of Juvenile Justice  
11 ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the Department of Public  
12 Safety."

13 **SECTION 2.2.(b)** G.S. 143B-805 reads as rewritten:

14 "**§ 143B-805. Definitions.**

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

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

22 ...

23 (9a) Division. – The Division of Juvenile Justice of the Department of Public  
24 Safety.

25 ...

26 (19a) ~~Section.—The Juvenile Justice Section of the Division of Adult Correction~~  
27 ~~and Juvenile Justice of the Department of Public Safety.~~

28 ...."

29 **SECTION 2.2.(c)** The following statutes are amended by deleting the language  
30 "Division of Adult Correction and Juvenile Justice" wherever it appears and substituting  
31 "Division of Juvenile Justice": G.S. 7B-1501, 7B-2204, 106-915, 115C-106.3, 115C-107.6,  
32 115C-108.1, 115C-296.2, 115C-325.10, 126-5, 143B-853, and 148-13.

33 **SECTION 2.2.(d)** The following statutes are amended by deleting the language  
34 "Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice" wherever it  
35 appears and substituting "Division of Juvenile Justice": G.S. 7A-109.3, 7A-302, 7B-3100,  
36 14-239, 14-258.1, 14-316.1, 15-6, 15A-1301, 66-58, 114-12.1, 115D-1, 122C-113, 122C-115.4,  
37 122C-117, 143B-152.14, 143B-153, 143B-583, 143B-806, 143B-809, 143B-853, 143B-935,  
38 143B-1391, 148-32.1, 153A-221.1, and 162-60.

39 **SECTION #.(#)** The following statutes are amended by deleting the language  
40 "Section" wherever it appears and substituting "Division": G.S. 15A-1301, 143B-807, 143B-808,  
41 143B-815, 143B-816, 143B-817, 143B-818, 143B-819, 143B-820, 143B-821, 143B-830,  
42 143B-840, 143B-851, and 148-13.

43  
44 **DIVISION OF COMMUNITY CORRECTIONS**

45 **SECTION 2.3.(a)** G.S. 143B-1152 reads as rewritten:

46 "**§ 143B-1152. Definitions.**

47 The following definitions apply in this Subpart:

48 ...

49 (2) Division. – The Division of ~~Adult Correction and Juvenile Justice~~ Community  
50 Corrections.

51 (3) Repealed by Session Laws 2012-83, s. 55, effective June 26, 2012.

1 (4) Eligible entity. – A local or regional government, a nongovernmental entity,  
2 or collaborative partnership that demonstrates capacity to provide services that  
3 address the criminogenic needs of offenders.

4 (5) Program. – A community-based corrections program.

5 (6) Secretary. – The Secretary of the Department of Public Safety.

6 ~~(6a) Section.—The Section of Community Corrections of the Division of Adult  
7 Correction and Juvenile Justice.~~

8 ...."

9 **SECTION 2.3.(b)** G.S. 143B-1155 reads as rewritten:

10 "**§ 143B-1155. Duties of Division of ~~Adult Correction and Juvenile Justice~~.Community**  
11 **Corrections.**

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

14 ...

15 (b) The ~~Section~~Division of Community Corrections ~~of the Division of Adult Correction~~  
16 ~~and Juvenile Justice~~ shall develop and publish a recidivism reduction plan for the State that  
17 accomplishes the following:

18 ...

19 (c) The Department of Public Safety, ~~Community Correction Section~~, Division of  
20 Community Corrections, shall report by March 1 of each year to the Chairs of the Senate and  
21 House of Representatives Appropriations Subcommittees on Justice and Public Safety and the  
22 Joint Legislative Oversight Committee on Justice and Public Safety on the status of the programs  
23 funded through the Treatment for Effective Community Supervision Program. The report shall  
24 include the following information from each of the following components:

25 ...."

26 **SECTION 2.3.(c)** G.S. 143B-1161 reads as rewritten:

27 "**§ 143B-1161. Justice Reinvestment Council.**

28 (a) The Justice Reinvestment Council is established to act as an advisory body to the  
29 ~~Commissioner of Adult Correction~~Director of the Division of Community Corrections with  
30 regard to this Subpart. The Council shall consist of 13 members as follows, to be appointed as  
31 provided in subsection (b) of this section:

32 ...

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

36 ...."

37 **SECTION 2.3.(d)** The following statutes are amended by deleting the language  
38 "Division of Adult Correction and Juvenile Justice" wherever it appears and substituting  
39 "Division of Community Corrections": G.S. 14-208.45, 15-206, 15-209, 15A-534, 15A-534.1,  
40 15A-1332, 15A-1343.3, 15A-1344, 15A-1368, 15A-1368.4, 15A-1374, 20-19, 20-28, 20-179,  
41 50-13.2, 135-1, 143B-708, 143B-720, 143B-1156, 148-53, 148-54, and 148-59.

42 **SECTION 2.3.(e)** The following statutes are amended by deleting the language  
43 "Section of Community Corrections of the Division of Adult Correction and Juvenile Justice"  
44 wherever it appears and substituting "Division of Community Corrections": G.S. 7B-3000,  
45 7B-3001, 15A-837, 15A-1342, 15A-1368.4, 15A-1369.4, 15A-1371, 20-179.3, 105-259,  
46 115C-46.2, 143B-708, and 148-65.6.

### 47 **PART III. OTHER CONFORMING CHANGES**

48 **SECTION 3.1.(#)** G.S. 7B-1402(b) reads as rewritten:

49 "(b) The Task Force shall be composed of 36 members, 12 of whom shall be ex officio  
50 members, four of whom shall be appointed by the Governor, 10 of whom shall be appointed by  
51

1 the Speaker of the House of Representatives, and 10 of whom shall be appointed by the President  
 2 Pro Tempore of the Senate. The ex officio members other than the Chief Medical Examiner may  
 3 designate representatives from their particular departments, divisions, or offices to represent  
 4 them on the Task Force. In making appointments or designating representatives, appointing  
 5 authorities and ex officio members shall use best efforts to select members or representatives  
 6 with sufficient knowledge and experience to effectively contribute to the issues examined by the  
 7 Task Force and, to the extent possible, to reflect the geographical, political, gender, and racial  
 8 diversity of this State. The members shall be as follows:

9 ...

10 (11a) The Director of the Division of Juvenile Justice Section, Division of Adult  
 11 Correction and Juvenile Justice, Justice, Department of Public Safety.

12 ...."

13 **SECTION 3.1.(#)** G.S. 7B-2517 reads as rewritten:

14 "**§ 7B-2517. Transfer authority of Governor.**

15 The Governor may order transfer of any person less than 18 years of age from any jail or  
 16 penal facility of the State to one of the residential facilities operated by the Division in appropriate  
 17 circumstances, provided the Governor shall consult with the Division concerning the feasibility  
 18 of the transfer in terms of available space, staff, and suitability of program.

19 When an inmate, committed to the Division of ~~Adult Correction and Juvenile Justice of the~~  
 20 ~~Department of Public Safety, Prisons of the Department of Adult Correction~~ is transferred by the  
 21 Governor to a residential program operated by the Division, the Division may release the juvenile  
 22 based on the needs of the juvenile and the best interests of the State. Transfer shall not divest the  
 23 probation or parole officer of the officer's responsibility to supervise the inmate on release."

24 **SECTION 3.1.(#)** G.S. 14-196.3(b) reads as rewritten:

25 "(b) It is unlawful for a person to:

26 ...

27 (5) Knowingly install, place, or use an electronic tracking device without consent,  
 28 or cause an electronic tracking device to be installed, placed, or used without  
 29 consent, to track the location of any person. The provisions of this subdivision  
 30 do not apply to the installation, placement, or use of an electronic tracking  
 31 device by any of the following:

32 a. A law enforcement officer, judicial officer, probation or parole officer,  
 33 or employee of the Division of ~~Corrections, Prisons, Department of~~  
 34 ~~Public Safety, Adult Correction,~~ when any such person is engaged in  
 35 the lawful performance of official duties and in accordance with State  
 36 or federal law.

37 ...."

38 **SECTION 3.1.(#)** G.S. 14-415.10 reads as rewritten:

39 "**§ 14-415.10. Definitions.**

40 The following definitions apply to this Article:

41 ...

42 (4a) Qualified retired correctional officer. – An individual who retired from service  
 43 as a State correctional officer, other than for reasons of mental disability, who  
 44 has been retired as a correctional officer two years or less from the date of the  
 45 permit application and who meets all of the following criteria:

46 a. Immediately before retirement, the individual met firearms training  
 47 standards of the Division of Prisons of the Department of Adult  
 48 Correction and Juvenile Justice of the Department of Public Safety and  
 49 was authorized by the Division of Prisons of the Department of Adult  
 50 Correction and Juvenile Justice of the Department of Public Safety to  
 51 carry a handgun in the course of assigned duties.

- 1                   b.     The individual retired in good standing and was never a subject of a
- 2                             disciplinary action by the Division of Prisons of the Department of
- 3                             Adult Correction ~~and Juvenile Justice of the Department of Public~~
- 4                             Safety—that would have prevented the individual from carrying a
- 5                             handgun.
- 6                   c.     The individual has a vested right to benefits under the Teachers' and
- 7                             State Employees' Retirement System of North Carolina established
- 8                             under Article 1 of Chapter 135 of the General Statutes.
- 9                   d.     The individual is not prohibited by State or federal law from receiving
- 10                            a firearm.

- 11                   ...
- 12                   (4c)   Qualified retired probation or parole certified officer. – An individual who
- 13                            retired from service as a State probation or parole certified officer, other than
- 14                            for reasons of mental disability, who has been retired as a probation or parole
- 15                            certified officer two years or less from the date of the permit application and
- 16                            who meets all of the following criteria:
- 17                            a.     Immediately before retirement, the individual met firearms training
- 18                                   standards of the Division of ~~Adult Correction and Juvenile Justice~~
- 19                                   Community Corrections of the Department of Public Safety and was
- 20                                   authorized by the Division of ~~Adult Correction and Juvenile Justice~~
- 21                                   Community Corrections of the Department of Public Safety to carry a
- 22                                   handgun in the course of duty.
- 23                            b.     The individual retired in good standing and was never a subject of a
- 24                                   disciplinary action by the Division of ~~Adult Correction and Juvenile~~
- 25                                   ~~Justice~~ Community Corrections of the Department of Public Safety
- 26                                   that would have prevented the individual from carrying a handgun.
- 27                            c.     The individual has a vested right to benefits under the Teachers' and
- 28                                   State Employees' Retirement System of North Carolina established
- 29                                   under Article 1 of Chapter 135 of the General Statutes.
- 30                            d.     The individual is not prohibited by State or federal law from receiving
- 31                                   a firearm.

32                   ...."

33                   **SECTION 3.1.(#)** G.S. 15A-521 reads as rewritten:

34                   "**§ 15A-521. Commitment to detention facility pending trial.**

35                   (a)   Commitment. – Every person charged with a crime and held in custody who has not

36                            been released pursuant to Article 26 of this Chapter, Bail, must be committed by a written order

37                            of the judicial official who conducted the initial appearance as provided in Article 24 to an

38                            appropriate detention facility as provided in this section. If the person being committed by written

39                            order is under the age of 18, that person must be committed to a detention facility approved by

40                            the Division of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile Justice~~

41                            to provide secure confinement and care for juveniles, or to a holdover facility as defined in

42                            G.S. 7B-1501(11). If the person being committed reaches the age of 18 years while held in

43                            custody, the person shall be transported by personnel of the Juvenile Justice ~~Section of the~~

44                            Division, or personnel approved by the Juvenile Justice ~~Section, Division,~~ to the custody of the

45                            sheriff of the county where the charges arose.

- 46                   ...
- 47                   (c)   Copies and Use of Order, Receipt of Prisoner. –
- 48                            (1)   The order of commitment must be delivered to a law-enforcement officer, who
- 49                                   must deliver the order and the prisoner to the detention facility named therein.
- 50                            (2)   The jailer or personnel of the Juvenile Justice ~~Section~~ Division must receive
- 51                                   the prisoner and the order of commitment, and note on the order of

commitment the time and date of receipt. As used in this subdivision, "jailer" includes any person having control of a detention facility and "personnel of the Juvenile Justice ~~Section~~-Division" includes personnel approved by the Juvenile Justice ~~Section~~-Division.

- (3) Upon releasing the prisoner pursuant to the terms of the order, or upon delivering the prisoner to the court, the jailer or personnel of the Juvenile Justice Section must note the time and date on the order and return it to the clerk. Personnel of the Juvenile Justice ~~Section~~-Division, or personnel approved by the Juvenile Justice ~~Section~~-Division, shall transport the person under the age of 18 from the juvenile detention facility or holdover facility to court and shall transfer the person back to the juvenile detention facility or holdover facility.

...."

SECTION 3.1.(#) G.S. 15A-1340.18 reads as rewritten:

"§ 15A-1340.18. Advanced supervised release.

...

(b) The Division of Prisons of the Department of Adult Correction and ~~Juvenile Justice of the Department of Public Safety~~ is authorized to create risk reduction incentives consisting of treatment, education, and rehabilitative programs. The incentives shall be designed to reduce the likelihood that the prisoner who receives the incentive will reoffend.

(c) When imposing an active sentence for an eligible defendant, the court, in its discretion and without objection from the prosecutor, may order that the Department of Adult Correction admit the defendant to the ASR program. The Department of Adult Correction shall admit to the ASR program only those defendants for which ASR is ordered in the sentencing judgment.

...."

SECTION 3.1.(#) G.S. 15A-1343 reads as rewritten:

"§ 15A-1343. Conditions of probation.

...

(a1) Community and Intermediate Probation Conditions. – In addition to any conditions a court may be authorized to impose pursuant to G.S. 15A-1343(b1), the court may include any one or more of the following conditions as part of a community or intermediate punishment:

...

- (3) Submission to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement provided for in this subdivision may only be imposed as two-day or three-day consecutive periods. When a defendant is on probation for multiple judgments, confinement periods imposed under this subdivision shall run concurrently and may total no more than six days per month. If the person being ordered to a period or periods of confinement is under the age of 18, that person must be confined in a detention facility approved by the Division of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile Justice~~ to provide secure confinement and care for juveniles or to a holdover facility as defined in G.S. 7B-1501(11). If the person being ordered to a period or periods of confinement reaches the age of 18 years while in confinement, the person may be transported by personnel of the Juvenile Justice Section of the Division, or personnel approved by the Juvenile Justice Section, to the custody of the sheriff of the applicable local confinement facility.

...

- (b) Regular Conditions. – As regular conditions of probation, a defendant must:

...

1 In addition to these regular conditions of probation, a defendant required to serve an active  
2 term of imprisonment as a condition of special probation pursuant to G.S. 15A-1344(e) or  
3 G.S. 15A-1351(a) shall, as additional regular conditions of probation, obey the rules and  
4 regulations of the Division of Prisons of the Department of Adult Correction and Juvenile Justice  
5 ~~of the Department of Public Safety~~ governing the conduct of inmates while imprisoned and report  
6 to a probation officer in the State of North Carolina within 72 hours of his discharge from the  
7 active term of imprisonment.

8 ...

9 (b2) Special Conditions of Probation for Sex Offenders and Persons Convicted of Offenses  
10 Involving Physical, Mental, or Sexual Abuse of a Minor. – As special conditions of probation, a  
11 defendant who has been convicted of an offense which is a reportable conviction as defined in  
12 G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, must:

13 ...

14 (9) Submit at reasonable times to warrantless searches by a probation officer of  
15 the probationer's person and of the probationer's vehicle and premises while  
16 the probationer is present, for purposes specified by the court and reasonably  
17 related to the probation supervision, but the probationer may not be required  
18 to submit to any other search that would otherwise be unlawful. For purposes  
19 of this subdivision, warrantless searches of the probationer's computer or other  
20 electronic mechanism which may contain electronic data shall be considered  
21 reasonably related to the probation supervision. Whenever the warrantless  
22 search consists of testing for the presence of illegal drugs, the probationer may  
23 also be required to reimburse the Division of ~~Adult Correction and Juvenile~~  
24 Justice-Community Corrections of the Department of Public Safety for the  
25 actual cost of drug screening and drug testing, if the results are positive.

26 ...

27 (b3) Screening and Assessing for Chemical Dependency. – A defendant ordered to submit  
28 to a period of residential treatment in the Drug Alcohol Recovery Treatment program (DART)  
29 or the Black Mountain Substance Abuse Treatment Center for Women operated by the Division  
30 of ~~Adult Correction and Juvenile Justice-Community Corrections~~ of the Department of Public  
31 Safety must undergo a screening to determine chemical dependency. If the screening indicates  
32 the defendant is chemically dependent, the court shall order an assessment to determine the  
33 appropriate level of treatment. The assessment may be conducted either before or after the court  
34 imposes the condition, but participation in the program shall be based on the results of the  
35 assessment.

36 (b4) Intermediate Conditions. – The following conditions of probation apply to each  
37 defendant subject to intermediate punishment:

38 (1) If required in the discretion of the defendant's probation officer, perform  
39 community service under the supervision of the ~~Section- Division of~~  
40 Community Corrections ~~of the Division of Adult Correction and Juvenile~~  
41 Justice and pay the fee required by G.S. 143B-708.

42 ...

43 (c) Statement of Conditions. – A defendant released on supervised probation must be  
44 given a written statement explicitly setting forth the conditions on which the defendant is being  
45 released. If any modification of the terms of that probation is subsequently made, the defendant  
46 must be given a written statement setting forth the modifications.

47 Upon entry of an order of supervised probation by the court, a defendant shall submit to the  
48 Division of ~~Adult Correction and Juvenile Justice-Community Corrections~~ for filing with the  
49 clerk of superior court a signed document stating that:

50 ...."

51 **SECTION 3.1.(#)** G.S. 15A-1343.2 reads as rewritten:



1 **"§ 15A-1343.2. Special probation rules for persons sentenced under Article 81B.**

2 ...

3 (b) Purposes of Probation for Community and Intermediate Punishments. – The Division  
4 of ~~Adult Correction and Juvenile Justice~~ Community Corrections of the Department of Public  
5 Safety shall develop a plan to handle offenders sentenced to community and intermediate  
6 punishments. The probation program designed to handle these offenders shall have the following  
7 principal purposes: to hold offenders accountable for making restitution, to ensure compliance  
8 with the court's judgment, to effectively rehabilitate offenders by directing them to specialized  
9 treatment or education programs, and to protect the public safety.

10 (b1) Departmental Risk Assessment by Validated Instrument Required. – As part of the  
11 probation program developed by the Division of ~~Adult Correction and Juvenile Justice~~  
12 Community Corrections of the Department of Public Safety pursuant to subsection (b) of this  
13 section, the Division of ~~Adult Correction and Juvenile Justice~~ Community Corrections of the  
14 Department of Public Safety shall use a validated instrument to assess each probationer for risk  
15 of reoffending and shall place a probationer in a supervision level based on the probationer's risk  
16 of reoffending and criminogenic needs.

17 ...

18 (e) Delegation to Probation Officer in Community Punishment. – Unless the presiding  
19 judge specifically finds in the judgment of the court that delegation is not appropriate, the ~~Section~~  
20 Division of Community Corrections of the ~~Division of Adult Correction and Juvenile Justice~~ of  
21 the Department of Public Safety may require an offender sentenced to community punishment to  
22 do any of the following:

23 ...

24 If the ~~Section~~ Division imposes any of the above requirements, then it may subsequently reduce  
25 or remove those same requirements.

26 The probation officer may exercise authority delegated to him or her by the court pursuant to  
27 subsection (e) of this section after administrative review and approval by a Chief Probation  
28 Officer. The offender may file a motion with the court to review the action taken by the probation  
29 officer. The offender shall be given notice of the right to seek such a court review. However, the  
30 offender shall have no right of review if he or she has signed a written waiver of rights as required  
31 by this subsection. The ~~Section~~ Division may exercise any authority delegated to it under this  
32 subsection only if it first determines that the offender has failed to comply with one or more of  
33 the conditions of probation imposed by the court or the offender is determined to be high risk  
34 based on the results of the risk assessment in G.S. 15A-1343.2, except that the condition at  
35 subdivision (5) of this subsection may not be imposed unless the ~~Section~~ Division determines  
36 that the offender failed to comply with one or more of the conditions imposed by the court.  
37 Nothing in this section shall be construed to limit the availability of the procedures authorized  
38 under G.S. 15A-1345.

39 The Division shall adopt guidelines and procedures to implement the requirements of this  
40 section, which shall include a supervisor's approval prior to exercise of the delegation of authority  
41 authorized by this section. Prior to imposing confinement pursuant to subdivision (5) of this  
42 subsection, the probationer must first be presented with a violation report, with the alleged  
43 violations noted and advised of the right (i) to a hearing before the court on the alleged violation,  
44 with the right to present relevant oral and written evidence; (ii) to have counsel at the hearing,  
45 and that one will be appointed if the probationer is indigent; (iii) to request witnesses who have  
46 relevant information concerning the alleged violations; and (iv) to examine any witnesses or  
47 evidence. The probationer may be confined for the period designated on the violation report upon  
48 the execution of a waiver of rights signed by the probationer and by two officers acting as  
49 witnesses. Those two witnesses shall be the probation officer and another officer to be designated  
50 by the ~~Chief Director~~ of the Community Corrections ~~Section~~ Division in written Division policy.

1 (f) Delegation to Probation Officer in Intermediate Punishments. – Unless the presiding  
2 judge specifically finds in the judgment of the court that delegation is not appropriate, the ~~Section~~  
3 Division of Community Corrections ~~of the Division of Adult Correction and Juvenile Justice~~ of  
4 the Department of Public Safety may require an offender sentenced to intermediate punishment  
5 to do any of the following:

6 ...

7 (6) Submit to a period or periods of confinement in a local confinement facility  
8 for a total of no more than six days per month during any three separate  
9 months during the period of probation. The six days per month confinement  
10 provided for in this subdivision may only be imposed as two-day or three-day  
11 consecutive periods. When a defendant is on probation for multiple  
12 judgments, confinement periods imposed under this subdivision shall run  
13 concurrently and may total no more than six days per month. If the person  
14 being ordered to a period or periods of confinement is under the age of 18,  
15 that person must be confined in a detention facility approved by the Division  
16 of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile~~  
17 ~~Justice~~ to provide secure confinement and care for juveniles or to a holdover  
18 facility as defined in G.S. 7B-1501(11). If the person being ordered to a period  
19 or periods of confinement reaches the age of 18 years while in confinement,  
20 the person may be transported by personnel of the Division of Juvenile Justice  
21 ~~Section of the Division, Justice,~~ or personnel approved by the Juvenile Justice  
22 Section, to the custody of the sheriff of the applicable local confinement  
23 facility.

24 ...

25 If the ~~Section~~ Division of Community Corrections imposes any of the above requirements, then  
26 it may subsequently reduce or remove those same requirements.

27 The probation officer may exercise authority delegated to him or her by the court pursuant to  
28 subsection (f) of this section after administrative review and approval by a Chief Probation  
29 Officer. The offender may file a motion with the court to review the action taken by the probation  
30 officer. The offender shall be given notice of the right to seek such a court review. However, the  
31 offender shall have no right of review if he or she has signed a written waiver of rights as required  
32 by this subsection. The ~~Section~~ Division may exercise any authority delegated to it under this  
33 subsection only if it first determines that the offender has failed to comply with one or more of  
34 the conditions of probation imposed by the court or the offender is determined to be high risk  
35 based on the results of the risk assessment in G.S. 15A-1343.2, except that the condition at  
36 subdivision (6) of this subsection may not be imposed unless the ~~Section~~ Division determines  
37 that the offender failed to comply with one or more of the conditions imposed by the court.  
38 Nothing in this section shall be construed to limit the availability of the procedures authorized  
39 under G.S. 15A-1345.

40 The Division shall adopt guidelines and procedures to implement the requirements of this  
41 section, which shall include a supervisor's approval prior to exercise of the delegation of authority  
42 authorized by this section. Prior to imposing confinement pursuant to subdivision (6) of this  
43 subsection, the probationer must first be presented with a violation report, with the alleged  
44 violations noted and advised of the right (i) to a hearing before the court on the alleged violation,  
45 with the right to present relevant oral and written evidence; (ii) to have counsel at the hearing,  
46 and that one will be appointed if the probationer is indigent; (iii) to request witnesses who have  
47 relevant information concerning the alleged violations; and (iv) to examine any witnesses or  
48 evidence. The probationer may be confined for the period designated on the violation report upon  
49 the execution of a waiver of rights signed by the probationer and by two officers acting as  
50 witnesses. Those two witnesses shall be the probation officer and another officer to be designated  
51 by the ~~Chief Director~~ of the Community Corrections ~~Section~~ Division in written Division policy.

1 ...."

2 **SECTION 3.1.(#)** G.S. 15A-1351(a) reads as rewritten:

3 "(a) The judge may sentence to special probation a defendant convicted of a criminal  
4 offense other than impaired driving under G.S. 20-138.1, if based on the defendant's prior record  
5 or conviction level as found pursuant to Article 81B of this Chapter, an intermediate punishment  
6 is authorized for the class of offense of which the defendant has been convicted. A defendant  
7 convicted of impaired driving under G.S. 20-138.1 may also be sentenced to special probation.  
8 Under a sentence of special probation, the court may suspend the term of imprisonment and place  
9 the defendant on probation as provided in Article 82, Probation, and in addition require that the  
10 defendant submit to a period or periods of imprisonment in the custody of the Division of Prisons  
11 of the Department of Adult Correction and Juvenile Justice of the Department of Public Safety  
12 or a designated local confinement or treatment facility at whatever time or intervals within the  
13 period of probation, consecutive or nonconsecutive, the court determines, as provided in this  
14 subsection. For probationary sentences for misdemeanors, including impaired driving under  
15 G.S. 20-138.1, all imprisonment under this subsection shall be in a designated local confinement  
16 or treatment facility. If the person being ordered to a period or periods of imprisonment is under  
17 the age of 18, that person must be imprisoned in a detention facility approved by the Division of  
18 Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice to provide  
19 secure confinement and care for juveniles or to a holdover facility as defined in  
20 G.S. 7B-1501(11). If the person being ordered to a period or periods of imprisonment reaches  
21 the age of 18 years while imprisoned, the person may be transported by personnel of the Division  
22 of Juvenile Justice Section of the Division, Justice, or personnel approved by the Division of  
23 Juvenile Justice Section, Justice, to the custody of the sheriff of the applicable local confinement  
24 facility. In addition to any other conditions of probation which the court may impose, the court  
25 shall impose, when imposing a period or periods of imprisonment as a condition of special  
26 probation, the condition that the defendant obey the Rules and Regulations of the Division of  
27 Prisons of the Department of Adult Correction and Juvenile Justice of the Department of Public  
28 Safety governing conduct of inmates, and this condition shall apply to the defendant whether or  
29 not the court imposes it as a part of the written order. Except for probationary sentences for  
30 misdemeanors, including impaired driving under G.S. 20-138.1, if imprisonment is for  
31 continuous periods, the confinement may be in the custody of either the Division of Adult  
32 Correction and Juvenile Justice of the Department of Public Safety or a local confinement  
33 facility. Noncontinuous periods of imprisonment under special probation may only be served in  
34 a designated local confinement or treatment facility. If the person being ordered continuous or  
35 noncontinuous periods of imprisonment is under the age of 18, that person must be imprisoned  
36 in a detention facility approved by the Division of Juvenile Justice Section of the Division of  
37 Adult Correction and Juvenile Justice to provide secure confinement and care for juveniles or to  
38 a holdover facility as defined in G.S. 7B-1501(11). If the person being ordered to a period or  
39 periods of imprisonment reaches the age of 18 years while imprisoned, the person may be  
40 transported by personnel of the Division of Juvenile Justice Section of the Division, Justice, or  
41 personnel approved by the Juvenile Justice Section, Division, to the custody of the sheriff of the  
42 applicable local confinement facility. Except for probationary sentences of impaired driving  
43 under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special  
44 probation, but not including an activated suspended sentence, may not exceed one-fourth the  
45 maximum sentence of imprisonment imposed for the offense, and no confinement other than an  
46 activated suspended sentence may be required beyond two years of conviction. For probationary  
47 sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement  
48 imposed as an incident of special probation, but not including an activated suspended sentence,  
49 shall not exceed one-fourth the maximum penalty allowed by law. In imposing a sentence of  
50 special probation, the judge may credit any time spent committed or confined, as a result of the  
51 charge, to either the suspended sentence or to the imprisonment required for special probation.

1 The original period of probation, including the period of imprisonment required for special  
2 probation, shall be as specified in G.S. 15A-1343.2(d), but may not exceed a maximum of five  
3 years, except as provided by G.S. 15A-1342(a). The court may revoke, modify, or terminate  
4 special probation as otherwise provided for probationary sentences."

5 **SECTION 3.1.(#)** G.S. 15A-1352 reads as rewritten:

6 "**§ 15A-1352. Commitment to Division of Prisons of the Department of Adult Correction**  
7 **~~and Juvenile Justice of the Department of Public Safety~~ or local confinement**  
8 **facility.**

9 (a) Except as provided in subsection (f) of this section, a person sentenced to  
10 imprisonment for a misdemeanor under this Article or for nonpayment of a fine for conviction  
11 of a misdemeanor under Article 84 of this Chapter shall be committed for the term designated by  
12 the court to the Statewide Misdemeanant Confinement Program as provided in G.S. 148-32.1 or,  
13 if the period is for 90 days or less, to a local confinement facility, except as provided for in  
14 G.S. 148-32.1(b).

15 If a person is sentenced to imprisonment for a misdemeanor under this Article or for  
16 nonpayment of a fine under Article 84 of this Chapter, the sentencing judge may make a finding  
17 of fact as to whether the person would be suitable for placement in a county satellite jail/work  
18 release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of  
19 fact that the person would be suitable for placement in a county satellite jail/work release unit  
20 and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the custodian of the  
21 local confinement facility may transfer the misdemeanant to a county satellite jail/work release  
22 unit.

23 If the person sentenced to imprisonment is under the age of 18, the person must be committed  
24 to a detention facility approved by the Division of Juvenile Justice ~~Section of the Division of~~  
25 ~~Adult Correction and Juvenile Justice~~ to provide secure confinement and care for juveniles.  
26 Personnel of the Division of Juvenile Justice ~~Section of the Division~~ or personnel approved by  
27 the Division of Juvenile Justice ~~Section~~ shall transport the person to the detention facility. If the  
28 person sentenced to imprisonment reaches the age of 18 years while imprisoned, the person may  
29 be transported by personnel of the Juvenile Justice ~~Section of the Division~~, or personnel approved  
30 by the Juvenile Justice ~~Section, Division~~, to the custody of the sheriff of the applicable local  
31 confinement facility.

32 (b) A person sentenced to imprisonment for a felony under this Article or for nonpayment  
33 of a fine for conviction of a felony under Article 84 of this Chapter shall be committed for the  
34 term designated by the court to the custody of the Division of Prisons of the Department of Adult  
35 ~~Correction and Juvenile Justice of the Department of Public Safety~~ Correction.

36 ...

37 (f) A person sentenced to imprisonment of any duration for impaired driving under  
38 G.S. 20-138.1, other than imprisonment required as a condition of special probation under  
39 G.S. 15A-1351(a) or G.S. 15A-1344(e), shall be committed to the Statewide Misdemeanant  
40 Confinement Program established under G.S. 148-32.1.

41 If the person sentenced to imprisonment is under the age of 18, the person must be committed  
42 to a detention facility approved by the Division of Juvenile Justice ~~Section of the Division of~~  
43 ~~Adult Correction and Juvenile Justice~~ to provide secure confinement and care for juveniles.  
44 Personnel of the Division of Juvenile Justice ~~Section~~ or personnel approved by the Division of  
45 Juvenile Justice ~~Section~~ shall transport the person to the detention facility. If the person sentenced  
46 to imprisonment reaches the age of 18 years while imprisoned, the person may be transported by  
47 personnel of the Division of Juvenile Justice ~~Section of the Division, Justice~~, or personnel  
48 approved by the Division of Juvenile Justice ~~Section, Justice~~, to the custody of the sheriff of the  
49 applicable local confinement facility."

50 **SECTION 3.1.(#)** G.S. 15A-1368.6 reads as rewritten:

51 "**§ 15A-1368.6. Arrest and hearing on post-release supervision violation.**

1 ...  
2 (c) Officers to Conduct Preliminary Hearing. – The preliminary hearing on post-release  
3 supervision violation shall be conducted by a judicial official, or by a hearing officer designated  
4 by the Commission. A person employed by the Division of ~~Adult Correction and Juvenile Justice~~  
5 Community Corrections of the Department of Public Safety shall not serve as a hearing officer  
6 at a hearing provided by this section unless that person is a member of the Commission, or is  
7 employed solely as a hearing officer.

8 (d) Procedure for Preliminary Hearing. – The Division of ~~Adult Correction and Juvenile~~  
9 ~~Justice-Community Corrections~~ of the Department of Public Safety shall give the supervisee  
10 notice of the preliminary hearing and its purpose, including a statement of the violations alleged.  
11 At the hearing, the supervisee may appear and speak in the supervisee's own behalf, may present  
12 relevant information, and may, on request, personally question witnesses and adverse informants,  
13 unless the hearing officer finds good cause for not allowing confrontation. If the person holding  
14 the hearing determines there is probable cause to believe the supervisee violated conditions of  
15 supervision, the hearing officer shall summarize the reasons for the determination and the  
16 evidence relied on. Formal rules of evidence do not apply at the hearing. If probable cause is  
17 found, the supervisee may be held in the custody of the Division of Prisons of the Department of  
18 ~~Adult Correction and Juvenile Justice of the Department of Public Safety~~ to serve the appropriate  
19 term of imprisonment, subject to the outcome of a revocation hearing under subsection (e) of this  
20 section.

21 ...."

22 **SECTION 3.1.(#) G.S. 15A-1376 reads as rewritten:**

23 **"§ 15A-1376. Arrest and hearing on parole violation.**

24 ...

25 (c) Officers to Conduct Hearing. – The preliminary hearing on parole violation must be  
26 conducted by a judicial official, or by a hearing officer designated by the Post-Release  
27 Supervision and Parole Commission. No person employed by the Division of ~~Adult Correction~~  
28 ~~and Juvenile Justice-Community Corrections~~ of the Department of Public Safety may serve as a  
29 hearing officer at a hearing provided in this section unless he is a member of the Post-Release  
30 Supervision and Parole Commission or is employed solely as a hearing officer.

31 (d) Procedure for Preliminary Hearing on Parole Violation. – The Division of ~~Adult~~  
32 ~~Correction and Juvenile Justice-Community Corrections~~ of the Department of Public Safety must  
33 give the parolee notice of the preliminary hearing and its purpose, including a statement of the  
34 violations alleged. At the hearing, the parolee may appear and speak in his own behalf, may  
35 present relevant information, and may, on request, personally question witnesses and adverse  
36 informants, unless the hearing officer finds good cause for not allowing confrontation. If the  
37 person holding the hearing determines there is probable cause to believe the parolee violated his  
38 parole, he must summarize the reasons for his determination and the evidence he relied on.  
39 Formal rules of evidence do not apply at the hearing. If probable cause is found, the parolee may  
40 be held in the custody of the Division of Prisons of the Department of ~~Adult Correction and~~  
41 ~~Juvenile Justice of the Department of Public Safety~~ to serve the appropriate term of  
42 imprisonment, subject to the outcome of a revocation hearing under subsection (e).

43 ...."

44 **SECTION 3.1.(#) G.S. 15A-2000(e) reads as rewritten:**

45 "(e) Aggravating Circumstances. – Aggravating circumstances which may be considered  
46 are limited to the following:

47 ...

48 (8) The capital felony was committed against a law-enforcement officer,  
49 employee of the Division of Prisons of the Department of ~~Adult Correction~~  
50 ~~and Juvenile Justice-Correction~~, an employee of the Division of Community  
51 Corrections of the Department of Public Safety, jailer, fireman, judge or

1 justice, former judge or justice, prosecutor or former prosecutor, juror or  
 2 former juror, or witness or former witness against the defendant, while  
 3 engaged in the performance of his official duties or because of the exercise of  
 4 his official duty.

5 ...."

6 **SECTION 3.1.(#)** G.S. 17C-3 reads as rewritten:

7 **"§ 17C-3. North Carolina Criminal Justice Education and Training Standards Commission**  
 8 **established; members; terms; vacancies.**

9 (a) There is established the North Carolina Criminal Justice Education and Training  
 10 Standards Commission, hereinafter called "the Commission." The Commission shall be  
 11 composed of ~~34~~35 members as follows:

12 ...

13 (3) Departments. – The Attorney General of the State of North Carolina; the  
 14 Secretary of Public Safety; the Secretary of the Department of Adult  
 15 Correction, the Director of the State Bureau of Investigation, the Commander  
 16 of the State Highway Patrol, and the President of the North Carolina  
 17 Community Colleges System.

18 ...

19 (6) ~~Adult Correction Prisons, Community Corrections, and Juvenile Justice.~~ –  
 20 Four correctional officers in management positions ~~employed by the Division~~  
 21 ~~of Adult Correction and Juvenile Justice of the Department of Public Safety~~  
 22 shall be appointed, two from the ~~Section~~Division of Community Corrections  
 23 of the Department of Public Safety upon the recommendation of the Speaker  
 24 of the House of Representatives and two from the ~~Section of~~Division of  
 25 Prisons of the Department of Adult Correction upon the recommendation of  
 26 the President Pro Tempore of the Senate. Appointments by the General  
 27 Assembly shall be made in accordance with G.S. 120-122. Appointments by  
 28 the General Assembly shall serve two-year terms to conclude on June 30th in  
 29 odd-numbered years or until the appointee no longer serves in a management  
 30 position with the ~~Division of Adult Correction and Juvenile Justice, Division,~~  
 31 whichever occurs first. The Governor shall appoint one correctional officer  
 32 employed by the Division of Prisons of the Department of Adult Correction  
 33 ~~and Juvenile Justice of the Department of Public Safety~~ and assigned to the  
 34 Office of Staff Development and Training, and one juvenile justice officer  
 35 employed by the Division of Juvenile Justice ~~Section of the Division of Adult~~  
 36 ~~Correction and Juvenile Justice of the Department of Public Safety.~~ The  
 37 Governor's appointments shall serve three-year terms or until the appointee is  
 38 no longer assigned to the Office of Staff Development and Training or is no  
 39 longer a juvenile justice officer, whichever occurs first.

40 (b) The members shall be appointed for staggered terms. The initial appointments shall  
 41 be made prior to September 1, 1983, and the appointees shall hold office until July 1 of the year  
 42 in which their respective terms expire and until their successors are appointed and qualified as  
 43 provided hereafter:

44 ...

45 The Attorney General, the President of The University of North Carolina, the Dean of the  
 46 School of Government at the University of North Carolina at Chapel Hill, the President of the  
 47 North Carolina Community Colleges System, the Director of the State Bureau of Investigation,  
 48 the Commander of the State Highway Patrol, and the Secretary of Public Safety shall be  
 49 continuing members of the Commission during their tenure. These members of the Commission  
 50 shall serve ex officio and shall perform their duties on the Commission in addition to the other  
 51 duties of their offices. The ex officio members may elect to serve personally at any or all meetings

1 of the Commission or may designate, in writing, one member of their respective office,  
 2 department, university or agency to represent and vote for them on the Commission at all  
 3 meetings the ex officio members are unable to attend.

4 ...."

5 **SECTION 3.1.(#)** G.S. 115D-5 reads as rewritten:

6 "**§ 115D-5. Administration of institutions by State Board of Community Colleges;**  
 7 **personnel exempt from North Carolina Human Resources Act; extension**  
 8 **courses; tuition waiver; in-plant training; contracting, etc., for establishment**  
 9 **and operation of extension units of the community college system; use of existing**  
 10 **public school facilities.**

11 ...

12 (b) In order to make instruction as accessible as possible to all citizens, the teaching of  
 13 curricular courses and of noncurricular extension courses at convenient locations away from  
 14 institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata  
 15 portion of the established regular tuition rate charged a full-time student shall be charged a  
 16 part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of  
 17 Community Colleges shall establish a uniform registration fee, or a schedule of uniform  
 18 registration fees, to be charged students enrolling in extension courses for which instruction is  
 19 financed primarily from State funds. The State Board of Community Colleges may provide by  
 20 general and uniform regulations for waiver of tuition and registration fees for the following:

21 ...

22 (2) Courses requested by the following entities that support the organizations'  
 23 training needs and are on a specialized course list approved by the State Board  
 24 of Community Colleges:

25 ...

26 g. The Division of Prisons of the Department of Adult Correction and the  
 27 Division of Juvenile Justice of the Department of Public Safety for the  
 28 training of full-time custodial employees and employees of the  
 29 ~~Division~~ Divisions required to be certified under Article 1 of Chapter  
 30 17C of the General Statutes and the rules of the Criminal Justice and  
 31 Training Standards Commission.

32 ...."

33 **SECTION 3.1.(#)** G.S. 115C-112.1(b) reads as rewritten:

34 "(b) The Council shall consist of a minimum of 24 members to be appointed as follows:  
 35 four ex officio members; one individual with a disability and one representative of a private  
 36 school appointed by the Governor; one member of the Senate and one parent of a child with a  
 37 disability between the ages of birth and 26 appointed by the President Pro Tempore of the Senate;  
 38 one member of the House of Representatives and one parent of a child with a disability appointed  
 39 by the Speaker of the House of Representatives; and 14 members appointed by the State Board  
 40 of Education. The State Board shall appoint members who represent individuals with disabilities,  
 41 teachers, local school administrative units, institutions of higher education that prepare special  
 42 education and related services personnel, administrators of programs for children with  
 43 disabilities, charter schools, parents of children with disabilities, a State or local official who  
 44 carries out activities under the federal McKinney-Vento Homeless Assistance Act, vocational,  
 45 community, or business organizations concerned with the provision of transition services, and  
 46 others as required by IDEA. The majority of members on the Council shall be individuals with  
 47 disabilities or parents of children with disabilities. The Council shall designate a chairperson  
 48 from among its members. The designation of the chairperson is subject to the approval of the  
 49 State Board of Education. The Board shall adopt rules to carry out this subsection.

50 Ex officio members of the Council shall be the following:

51 (1) The Secretary of Health and Human Services or the Secretary's designee.

- 1 (2) The Secretary of Public Safety or the Secretary's designee.
- 2 (3) The Secretary of ~~Public Safety~~Adult Correction or the Secretary's designee.
- 3 (4) The Superintendent of Public Instruction or the Superintendent's designee.

4 The term of appointment for all members except those appointed by the State Board of  
 5 Education is two years. The term for members appointed by the State Board of Education is four  
 6 years. No person shall serve more than two consecutive four-year terms.

7 Each Council member shall serve without pay, but shall receive travel allowances and per  
 8 diem in the same amount provided for members of the North Carolina General Assembly."

9 **SECTION 3.1.(#)** G.S. 120-12.1 reads as rewritten:

10 **"§ 120-12.1. Reports on vacant positions in the ~~Judicial Department and two other various~~**  
 11 **departments.**

12 The Judicial Department, the Department of Justice, ~~the Department of Adult Correction~~, and  
 13 the Department of Public Safety shall each report by February 1 of each year to the Chairs of the  
 14 House and Senate Appropriations Committees and the Chairs of the House and Senate  
 15 Appropriations Subcommittees on Justice and Public Safety on all positions within that  
 16 department that have remained vacant for 12 months or more. The report shall include the original  
 17 position vacancy dates, the dates of any postings or repostings of the positions, and an  
 18 explanation for the length of the vacancies."

19 **SECTION 3.1.(#)** G.S. 120-70.94(a) reads as rewritten:

20 "(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall  
 21 examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems  
 22 in North Carolina, in order to make ongoing recommendations to the General Assembly on ways  
 23 to improve those systems and to assist those systems in realizing their objectives of protecting  
 24 the public and of punishing and rehabilitating offenders. In this examination, the Committee  
 25 shall:

- 26 (1) Study the budget, programs, and policies of the Department of Public Safety  
 27 and the Department of Adult Correction to determine ways in which the  
 28 General Assembly may improve the effectiveness of the  
 29 ~~Department.~~Departments.
- 30 (2) Examine the effectiveness of the Division of Prisons of the Department of  
 31 Adult Correction and Juvenile Justice of the Department of Public Safety in  
 32 implementing the public policy stated in G.S. 148-26 of providing work  
 33 assignments and employment for inmates as a means of reducing the cost of  
 34 maintaining the inmate population while enabling inmates to acquire or retain  
 35 skills and work habits needed to secure honest employment after their release.
- 36 ...
- 37 (2b) Examine the effectiveness of the Division of ~~Adult Correction and Juvenile~~  
 38 ~~Justice of the Department of Public Safety~~ in implementing the duties and  
 39 responsibilities charged to the Division in Part 3 of Article 13 of Chapter 143B  
 40 of the General Statutes and the overall effectiveness and efficiency of the  
 41 juvenile justice system in the State.
- 42 ...
- 43 (10) Study the needs of juveniles. This study may include, but is not limited to:  
 44 a. Determining the adequacy and appropriateness of services:  
 45 1. To children and youth receiving child welfare  
 46 ~~services;~~services.  
 47 2. To children and youth in the juvenile court ~~system;~~system.  
 48 3. Provided by the Division of Social Services of the Department  
 49 of Health and Human Services and the Division of ~~Adult~~  
 50 ~~Correction and Juvenile Justice of the Department of Public~~  
 51 ~~Safety;~~Safety.



4. To children and youth served by the Mental Health, Developmental Disabilities, and Substance Abuse Services system.

...."

SECTION 3.1.(#) The title of Part 10 of Article 5 of Chapter 122C of the General Statutes reads as rewritten:

"Part 10. Voluntary Admissions, Involuntary Commitments and Discharges, Inmates and Parolees, Division of ~~Adult Correction and Juvenile Justice of the Department of Public Safety~~. Prisons of the Department of Adult Correction."

SECTION 3.1.(#) G.S. 122C-421(b) reads as rewritten:

"(b) These special police officers may exercise any and all of the powers enumerated in this Part upon or in pursuit from the property formerly occupied by the Black Mountain Center and now occupied by the Division of ~~Adult Correction~~ Community Corrections of the Department of Public Safety. These special police officers shall exercise said powers upon the property transferred to the Division of ~~Adult Correction~~ Community Corrections of the Department of Public Safety only by agreement of the Division of ~~Adult Correction~~ Community Corrections of the Department of Public Safety and the Department of Health and Human Services."

SECTION 3.1.(#) G.S. 143-138(g) reads as rewritten:

"(g) Publication and Distribution of Code. — The Building Code Council shall cause to be printed, after adoption by the Council, the North Carolina State Building Code and each amendment thereto. It shall, at the State's expense, distribute copies of the Code and each amendment to State and local governmental officials, departments, agencies, and educational institutions, as is set out in the table below. (Those marked by an asterisk will receive copies only on written request to the Council.)

OFFICIAL OR AGENCY NUMBER OF COPIES

State Departments and Officials

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 5 in the State of North Carolina \* 1 each  
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 9 municipality or county ..... 1

10 In addition, the Building Code Council shall make additional copies available at such price  
 11 as it shall deem reasonable to members of the general public. The proceeds from sales of the  
 12 Building Code shall be credited to the Insurance Regulatory Fund under G.S. 58-6-25."

13 **SECTION 3.1.(#)** G.S. 143-166.1 reads as rewritten:

14 **"§ 143-166.1. Purpose.**

15 In consideration of hazardous public service rendered to the people of this State, there is  
 16 hereby provided a system of benefits for dependents of law-enforcement officers, firefighters,  
 17 rescue squad workers, and senior Civil Air Patrol members killed in the discharge of their official  
 18 duties, ~~and~~ for dependents of noncustodial employees of the Division of Prisons of the  
 19 Department of Adult Correction and Juvenile Justice of the Department of Public Safety killed  
 20 by an individual or individuals in the custody of the Division of Prisons of the Department of  
 21 Adult Correction-Correction, and for dependents of noncustodial employees of the Division of  
 22 Juvenile Justice of the Department of Public Safety killed by an individual or individuals in the  
 23 custody of the Division of Juvenile Justice of the Department of Public Safety."

24 **SECTION 3.1.(#)** G.S. 143-166.2 reads as rewritten:

25 **"§ 143-166.2. Definitions.**

26 The following definitions apply in this Article:

- 27 (1) Covered person. – This term shall apply to all of the following individuals:  
 28 a. Firefighters.  
 29 b. Law enforcement officers.  
 30 c. Noncustodial employees of either the Division of ~~Adult Correction~~  
 31 and Juvenile Justice of the Department of Public Safety-Safety or the  
 32 Division of Prisons of the Department of Adult Correction.  
 33 d. Rescue squad workers.  
 34 e. Senior Civil Air Patrol members.  
 35 (2) Custodial employee. – An employee of the either the Division of Prisons of  
 36 the Department of Adult Correction and or the Division of Juvenile Justice of  
 37 the Department of Public Safety who is a detention officer or a correctional  
 38 officer or who otherwise has direct care and control over individuals in the  
 39 custody of the Division of Prisons of the Department of Adult Correction and  
 40 or the Division of Juvenile Justice of the Department of Public Safety.  
 41 ...  
 42 (6) Killed in the line of duty. – This term shall apply to all of the following deaths:  
 43 ...  
 44 c. The death of a noncustodial employee who, while performing his or  
 45 her official duties, is killed in a manner reasonably determined by the  
 46 Industrial Commission to be directly caused by an individual or  
 47 individuals in the custody of either the Division of Prisons of the  
 48 Department of Adult Correction and or the Division of Juvenile Justice  
 49 of the Department of Public Safety.  
 50 ...

- 1 (7) Law enforcement officer or officer. – This term shall apply to all of the  
 2 following individuals:  
 3 ...  
 4 b. Full-time custodial employees of the Division of Prisons of the  
 5 Department of Adult Correction and probation and parole officers of  
 6 the ~~Division of Adult Correction and Juvenile Justice~~ Community  
 7 Corrections of the Department of Public Safety.  
 8 c. Full-time institutional and full-time, permanent part-time, and  
 9 temporary detention employees of the Division of Juvenile Justice  
 10 ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the  
 11 Department of Public Safety.  
 12 d. Full-time, permanent part-time, and temporary detention officers  
 13 employed by any sheriff, county or municipality, whether paid or  
 14 unpaid.  
 15 ...  
 16 (8) Noncustodial employee. – An employee of the Division of Prisons of the  
 17 Department of Adult Correction ~~and or the Division of Juvenile Justice~~ of the  
 18 Department of Public Safety who is not a custodial employee.

19 ...."

20 **SECTION 3.1.(#)** G.S. 143-166.7 reads as rewritten:

21 "**§ 143-166.7. Applicability of Article.**

22 The provisions of this Article shall apply and be in full force and effect with respect to any  
 23 law-enforcement officer, firefighter, rescue squad worker or senior Civil Air Patrol member  
 24 killed in the line of duty on or after May 13, 1975. The provisions of this Article shall apply with  
 25 respect to full-time, permanent part-time and temporary employees of the North Carolina Forest  
 26 Service of the Department of Agriculture and Consumer Services killed in the line of duty on or  
 27 after July 1, 1975. The provisions of this Article shall apply to county fire marshals and  
 28 emergency services coordinators killed in the line of duty on and after July 1, 1988. The  
 29 provisions of this Article shall apply to noncustodial employees of the Division of ~~Adult Prisons~~  
 30 of the Department of Adult Correction and noncustodial employees of the Division of Juvenile  
 31 Justice of the Department of Public Safety who are killed in the line of duty on and after April 1,  
 32 2017."

33 **SECTION 3.1.(#)** G.S. 143-166.13(a) reads as rewritten:

34 "(a) The following persons who are subject to the Criminal Justice Training and Standards  
 35 Act are entitled to benefits under this Article:

- 36 (1) State Government Security Officers, Department of  
 37 ~~Administration;~~Administration.  
 38 (2) State Correctional Officers, Division of Prisons of the Department of Adult  
 39 ~~Correction and Juvenile Justice of the Department of Public~~  
 40 ~~Safety;~~Correction.  
 41 (3) State Probation and Parole Officers, Division of ~~Adult Correction and Juvenile~~  
 42 ~~Justice~~ Community Corrections of the Department of Public ~~Safety;~~Safety.  
 43 (4) Sworn State Law-Enforcement Officers with the power of arrest, Division of  
 44 Adult Correction and Juvenile Justice of the Department of Public  
 45 ~~Safety;~~Safety.  
 46 (5) Sworn Law Enforcement Officers in the Medicaid Fraud Unit of the  
 47 Department of ~~Justice;~~Justice.  
 48 (6) State Highway Patrol Officers, Department of Public ~~Safety;~~Safety.  
 49 (7) General Assembly Special Police, General ~~Assembly;~~Assembly.  
 50 (8) Sworn State Law-Enforcement Officers with the power of arrest, Department  
 51 of Health and Human ~~Services;~~Services.

- 1 (9) Juvenile Justice Officers, Division of Juvenile Justice ~~Section of the Division~~  
 2 ~~of Adult Correction and Juvenile Justice~~ of the Department of Public  
 3 ~~Safety; Safety.~~
- 4 (10) Insurance Investigators, Department of ~~Insurance; Insurance.~~
- 5 (11) State Bureau of Investigation Officers and Alcohol Law Enforcement Agents,  
 6 Department of Public ~~Safety; Safety.~~
- 7 (12) Director and Assistant Director, License and Theft Enforcement Section,  
 8 Division of Motor Vehicles, Department of ~~Transportation; Transportation.~~
- 9 (13) Members of License and Theft Enforcement Section, Division of Motor  
 10 Vehicles, Department of Transportation, designated by the Commissioner of  
 11 Motor Vehicles as either "inspectors" or uniformed weigh station  
 12 ~~personnel; personnel.~~
- 13 (14) Utilities Commission Transportation Inspectors and Special  
 14 ~~Investigators; Investigators.~~
- 15 (15) North Carolina Ports Authority Police, Department of  
 16 ~~Transportation; Transportation.~~
- 17 (16) Sworn State Law-Enforcement Officers with the power of arrest, Department  
 18 of Environmental ~~Quality; Quality.~~

19 ...."

20 **SECTION 3.1.(#)** G.S. 143B-179(a) reads as rewritten:

21 "(a) The Council on Developmental Disabilities of the Department of Health and Human  
 22 Services shall consist of 32 members appointed by the Governor. The composition of the Council  
 23 shall be as follows:

- 24 (1) Eleven members from the General Assembly and State government agencies  
 25 as follows: One person who is a member of the Senate, one person who is a  
 26 member of the House of Representatives, one representative of the  
 27 Department of Public Instruction, one representative of the ~~Division~~  
 28 ~~Department of Adult Correction and Juvenile Justice of the Department of~~  
 29 ~~Public Safety, Correction,~~ and seven representatives of the Department of  
 30 Health and Human Services to include the Secretary or his designee.

31 ...."

32 **SECTION 3.1.(#)** G.S. 143B-1100 reads as rewritten:

33 "(a) There is hereby created the Governor's Crime Commission of the Department of  
 34 Public Safety. The Commission shall consist of ~~37-38~~ voting members and five nonvoting  
 35 members. The composition of the Commission shall be as follows:

- 36 (1) The voting members shall be:
  - 37 a. The Governor, the Chief Justice of the Supreme Court of North  
 38 Carolina (or the Chief Justice's designee), the Attorney General, the  
 39 Director of the Administrative Office of the Courts, the Secretary of  
 40 the Department of Health and Human Services, the Secretary of Public  
 41 Safety (or the Secretary's designee), the Secretary of the Department  
 42 of Adult Correction (or the Secretary's designee), and the  
 43 Superintendent of Public Instruction;

44 ...

- 45 (2) The nonvoting members shall be the Director of the State Bureau of  
 46 Investigation, the Deputy ~~Chief Director~~ of the Division of Juvenile Justice  
 47 ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the  
 48 Department of Public Safety who is responsible for Intervention/Prevention  
 49 programs, the Deputy ~~Chief Director~~ of the Division of Juvenile Justice  
 50 ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the  
 51 Department of Public Safety who is responsible for Youth Development

1 programs, the ~~Section Chief of the Section Director~~ of Prisons of the ~~Division~~  
 2 ~~Department~~ of Adult Correction and Juvenile Justice and ~~Correction~~, and the  
 3 ~~Section Chief Director~~ of the ~~Section Division~~ of Community Corrections of  
 4 the ~~Division of Adult Correction and Juvenile Justice~~. ~~Department of Public~~  
 5 ~~Safety~~.

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

7 (1) The following members shall serve by virtue of their office: the Governor, the  
 8 Chief Justice of the Supreme Court, the Attorney General, the Director of the  
 9 Administrative Office of the Courts, the Secretary of the Department of Health  
 10 and Human Services, the Secretary of Public Safety, the Secretary of the  
 11 Department of Adult Correction, the Director of the State Bureau of  
 12 Investigation, the ~~Section Chief of the Section Director~~ of the ~~Division~~  
 13 of Prisons of the ~~Division of Adult Correction and Juvenile Justice~~, Department  
 14 of Adult Correction, the ~~Section Chief of the Section Director~~ of the ~~Division~~  
 15 of Community Corrections of the ~~Division of Adult Correction and Juvenile~~  
 16 ~~Justice~~, the Department of Public Safety, the Deputy ~~Chief Director~~ who is  
 17 responsible for Intervention/Prevention of the Juvenile Justice ~~Section~~  
 18 ~~Division~~ of the ~~Division of Adult Correction and Juvenile Justice~~ of the  
 19 Department of Public Safety, the Deputy ~~Chief Director~~ who is responsible  
 20 for Youth Development of the Division of Juvenile Justice ~~Section of the~~  
 21 ~~Division of Adult Correction and Juvenile Justice~~ of the Department of Public  
 22 Safety, and the Superintendent of Public Instruction. Should the Chief Justice  
 23 of the Supreme Court choose not to serve, his alternate shall be selected by  
 24 the Governor from a list submitted by the Chief Justice which list must contain  
 25 no less than three nominees from the membership of the Supreme Court.

26 ...."

27 **SECTION 3.1.(#)** G.S. 148-4.1 reads as rewritten:

28 "**§ 148-4.1. Release of inmates.**

29 (a) Whenever the Secretary of ~~Public Safety~~ the Department of Adult Correction  
 30 determines from data compiled by the Division of ~~Adult Correction and Juvenile Justice~~ of the  
 31 ~~Department of Public Safety Prisons~~ that it is necessary to reduce the prison population to a more  
 32 manageable level or to meet the State's obligations under law, ~~he~~ the Secretary shall direct the  
 33 Post-Release Supervision and Parole Commission to release on parole over a reasonable period  
 34 of time a number of prisoners sufficient to that purpose. From the time the Secretary directs the  
 35 Post-Release Supervision and Parole Commission until the prison population has been reduced  
 36 to a more manageable level, the Secretary may not accept any inmates ordered transferred from  
 37 local confinement facilities to the State prison system under G.S. 148-32.1(b). Further, the  
 38 Secretary may return any inmate housed in the State prison system under an order entered  
 39 pursuant to G.S. 148-32.1(b) to the local confinement facility from which the inmate was  
 40 transferred. In order to meet the requirements of this section, the Parole Commission shall not  
 41 parole any person convicted under Article 7B of Chapter 14 of a sex offense, under G.S. 14-39,  
 42 14-41, or 14-43.3, under G.S. 90-95(h) of a drug trafficking offense, or under G.S. 14-17, or any  
 43 other violent felon as defined in subsection (a1) of this section. The Parole Commission may  
 44 continue to consider the suitability for release of such persons in accordance with the criteria set  
 45 forth in Articles 85 and 85A of Chapter 15A.

46 (a1) Notwithstanding any other provision of this section, the Division of Prisons of the  
 47 Department of Adult Correction and Juvenile Justice of the ~~Department of Public Safety~~ shall at  
 48 all times secure the necessary prison space to house any violent felon or habitual felon for the  
 49 full active sentence imposed by the court. For purposes of this subsection, the term "violent felon"  
 50 means any person convicted of the following felony offenses: first or second degree murder,  
 51 voluntary manslaughter, first or second degree rape, first or second degree sexual offense, any

1 sexual offense involving a minor, robbery, kidnapping, or assault, or attempting, soliciting, or  
2 conspiring to commit any of those offenses.

3 ...."

4 **SECTION 3.1.(#)** G.S. 148-29 reads as rewritten:

5 "**§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's**  
6 **expense affidavit.**

7 (a) The sheriff having in charge any prisoner to be taken to the State prison system shall  
8 send the prisoner to the custody of the Division of Prisons of the Department of Adult Correction  
9 ~~and Juvenile Justice of the Department of Public Safety~~ after sentencing and the disposal of all  
10 pending charges against the prisoner, if no appeal has been taken. Beginning on the day after the  
11 ~~Section of Prisons of the Division of Adult Correction and Juvenile Justice~~ has been notified by  
12 the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that  
13 bedspace is not available for that prisoner, and continuing through the day the prisoner is received  
14 by the ~~Section of Prisons of the Division of Adult Correction and Juvenile Justice~~, Division, the  
15 ~~Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~ shall pay  
16 the county:

- 17 (1) A standard sum set by the General Assembly in its appropriations acts for the  
18 cost of providing food, clothing, personal items, supervision, and necessary  
19 ordinary medical services to the prisoner awaiting transfer to the State prison  
20 system; and  
21 (2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by  
22 prisoners awaiting transfer to the State prison system.

23 If the ~~Section of Prisons of the Division of Adult Correction and Juvenile Justice~~ determines that  
24 bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner  
25 is ready for transfer, reimbursement under this subsection shall be made beginning on the day  
26 after the sheriff gave the notification.

27 (b) The sheriff having in charge any parolee or post-release supervisee to be taken to the  
28 State prison system shall send the prisoner to the custody of the Division of Prisons of the  
29 Department of Adult Correction and Juvenile Justice of the Department of Public Safety after  
30 preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the day  
31 after the ~~Section of Prisons of the Division of Adult Correction and Juvenile Justice~~ has been  
32 notified by the sheriff that a prisoner is ready for transfer and the Division has informed the  
33 sheriff that bedspace is not available for that prisoner, and continuing through the day the prisoner  
34 is received by the ~~Section of Prisons of the Division of Adult Correction and Juvenile Justice~~,  
35 Division, the ~~Division of Adult Correction and Juvenile Justice of the Department of Public~~  
36 ~~Safety~~ shall pay the county:

- 37 (1) A standard sum set by the General Assembly in its appropriations acts for the  
38 cost of providing food, clothing, personal items, supervision, and necessary  
39 ordinary medical services to the parolee or post-release supervisee awaiting  
40 transfer to the State prison system; and  
41 (2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by  
42 parolees or post-release supervisees awaiting transfer to the State prison  
43 system.

44 If the ~~Section of Prisons of the Division of Adult Correction and Juvenile Justice~~ determines that  
45 bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner  
46 is ready for transfer, reimbursement under this subsection shall be made beginning on the day  
47 after the sheriff gave the notification.

48 ...."

49 **SECTION 3.1.(#)** G.S. 148-32.3 reads as rewritten:

50 "**§ 148-32.3. Inmate Construction Program.**

1 Notwithstanding any other provision of law, but subject to the provisions of this Article, the  
2 State Construction Office may utilize inmates in the custody of the Division of ~~Adult Correction~~  
3 ~~Prisons~~ of the Department of ~~Public Safety-Adult Correction~~ through the Inmate Construction  
4 Program for repair and renovation projects on State-owned facilities, with priority given to  
5 Department of ~~Public Safety-Adult Correction~~ construction projects. State agencies utilizing the  
6 Inmate Construction Program shall reimburse the Division of ~~Prisons of the Department of Adult~~  
7 ~~Correction of the Department of Public Safety~~ for the cost of transportation, custody, and wages  
8 for the inmate crews."

9 **SECTION 3.1.(#)** G.S. 148-40 reads as rewritten:

10 **"§ 148-40. Recapture of escaped prisoners.**

11 The rules and regulations for the government of the State prison system may provide for the  
12 recapture of convicts that may escape, or any convicts that may have escaped from the State's  
13 prison or prison camps, or county road camps of this State, and the Division of ~~Adult Correction~~  
14 ~~and Juvenile Justice-Prisons~~ of the Department of ~~Public Safety-Adult Correction~~ may pay to any  
15 person recapturing an escaped convict such reward or expense of recapture as the regulations  
16 may provide. Any citizen of North Carolina shall have authority to apprehend any convict who  
17 may escape before the expiration of ~~his~~ the convict's term of imprisonment whether ~~he~~ the convict  
18 be guilty of a felony or misdemeanor, and retain ~~him~~ the convict in custody and deliver ~~him~~ the  
19 convict to the Division of ~~Adult Correction and Juvenile Justice-Prisons~~ of the Department of  
20 ~~Public Safety-Adult Correction.~~"

21 **SECTION 3.1.(#)** G.S. 148-128 reads as rewritten:

22 **"§ 148-128. Authorization for Correction Enterprises.**

23 The ~~Section-Division~~ of Correction Enterprises ~~of the Division of Adult Correction and~~  
24 ~~Juvenile Justice~~ is established as a division of the ~~Division-Department~~ of Adult Correction and  
25 ~~Juvenile Justice of the Department of Public Safety- Correction.~~ The ~~Section-Division~~ of  
26 Correction Enterprises ~~of the Division of Adult Correction and Juvenile Justice~~ may develop and  
27 operate industrial, agricultural, and service enterprises that employ incarcerated offenders in an  
28 effort to provide them with meaningful work experiences and rehabilitative opportunities that  
29 will increase their employability upon release from prison. Enterprises operated under this Article  
30 shall be known as "Correction Enterprises.""

31 **SECTION 3.1.(#)** G.S. 150B-1(e) reads as rewritten:

32 "(e) Exemptions From Contested Case Provisions. – The contested case provisions of this  
33 Chapter apply to all agencies and all proceedings not expressly exempted from the Chapter. The  
34 contested case provisions of this Chapter do not apply to the following:

35 ...

36 (7) The Division of ~~Adult Correction and Juvenile Justice of the Department of~~  
37 ~~Public Safety-Prisons~~ of the Department of Adult Correction.

38 ...."

39 **SECTION 3.1.(#)** G.S. 153A-218 reads as rewritten:

40 **"§ 153A-218. County confinement facilities.**

41 A county may establish, acquire, erect, repair, maintain, and operate local confinement  
42 facilities and may for these purposes appropriate funds not otherwise limited as to use by law.  
43 Subject to the holdover provisions in G.S. 7B-2204, no person under the age of 18 may be held  
44 in a county confinement facility unless there is an agreement between the county confinement  
45 facility and the Division of ~~Adult Correction and Juvenile Justice~~ allowing the housing of persons  
46 under the age of 18 at the facility or a portion of the facility that has been approved as a juvenile  
47 detention facility by the ~~Division of Juvenile Justice-Section-Justice.~~ A juvenile detention facility  
48 may be located in the same facility as a county jail provided that the juvenile detention facility  
49 meets the requirements of this Article and G.S. 147-33.40."

50 **SECTION 3.1.(#)** G.S. 162-39(b1) reads as rewritten:

1       "~~(b1) The Department of Public Safety, Health Services Section, Division of Health~~  
2 ~~Services of the Department of Adult Correction~~ shall maintain records of prisoners transferred to  
3 a unit of the State prison system pursuant to subsection (b) of this section. The records shall  
4 utilize unique identifiers for each transferred prisoner and shall include all of the following  
5 information:

6       ...."

7       **SECTION 3.1.(#) G.S. 164-40 reads as rewritten:**

8       "**§ 164-40. Correction population simulation model; ~~Juvenile Justice Section of the Division~~**  
9 **~~of Adult Correction and Juvenile Justice of the Department of Public Safety~~**  
10 **juvenile justice facilities population simulation model.**

11       (a) The Commission shall develop a correctional population simulation model, and shall  
12 have first priority to apply the model to a given fact situation, or theoretical change in the  
13 sentencing laws, when requested to do so by the Chairman, the Executive Director, or the  
14 Commission as a whole.

15       The Executive Director or the Chairman shall make the model available to respond to  
16 inquiries by any State legislator, or by the Secretary of ~~Public Safety, the Department of Adult~~  
17 ~~Correction~~, in second priority to the work of the Commission.

18       (b) The Commission shall develop a ~~Juvenile Justice Section of the Division of Adult~~  
19 ~~Correction and Juvenile Justice of the Department of Public Safety~~ facilities population  
20 simulation ~~model, model for juvenile justice facilities~~ and shall have first priority to apply the  
21 model to a given fact situation, or theoretical change in the dispositional laws set forth in Chapter  
22 7B of the General Statutes, when requested to do so by the Chairman, the Executive Director, or  
23 the Commission as a whole.

24       The Executive Director or the Chairman shall make the model available to respond to  
25 inquiries by any State legislator, or by the ~~Division of Juvenile Justice Section of the Division of~~  
26 ~~Adult Correction and Juvenile Justice~~ of the Department of Public Safety, in second priority to  
27 the work of the Commission."

28       **SECTION 3.1.(#) G.S. 164-43 reads as rewritten:**

29       "**§ 164-43. Priority of duties; reports; continuing duties.**

30       ...

31       (d) Once the primary duties of the Commission have been accomplished, it shall have the  
32 continuing duty to monitor and review the criminal justice and corrections systems and the  
33 juvenile justice system in this State to ensure that sentences and dispositions remain uniform and  
34 consistent, and that the goals and policies established by the State are being implemented by  
35 sentencing and dispositional practices, and it shall recommend methods by which this ongoing  
36 work may be accomplished and by which the correctional population simulation model and the  
37 ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the~~  
38 ~~Department of Public Safety~~ juvenile justice facilities population simulation model developed  
39 under G.S. 164-40 shall continue to be used by the State.

40       ...

41       (h) The Commission or its successor shall meet within 10 days after the last day for filing  
42 general bills in the General Assembly for the purpose of reviewing bills as described in  
43 subsections (e), (f), and (g). The Commission or its successor shall include in its report on a bill  
44 an analysis based on an application of the correctional population simulation model or the  
45 ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the~~  
46 ~~Department of Public Safety~~ juvenile justice facilities population simulation model to the  
47 provisions of the bill."

48       **SECTION 3.1.(#) G.S. 164-47 reads as rewritten:**

49       "**§ 164-47. Biennial Report on Recidivism.**

50       The Judicial Department, through the North Carolina Sentencing and Policy Advisory  
51 Commission, the Division of Prisons of the Department of Adult Correction, and the Division of



1 ~~Adult Correction and Juvenile Justice~~ Community Corrections of the Department of Public  
2 Safety shall jointly conduct ongoing evaluations of community corrections programs and  
3 in-prison treatment programs and make a biennial report to the General Assembly. The report  
4 shall include composite measures of program effectiveness based on recidivism rates, other  
5 outcome measures, and costs of the programs.

6 During the 1998-99 fiscal year, the Sentencing and Policy Advisory Commission shall  
7 coordinate the collection of all data necessary to create an expanded database containing offender  
8 information on prior convictions, current conviction and sentence, program participation, and  
9 outcome measures. Each program to be evaluated shall assist the Commission in the development  
10 of systems and collection of data necessary to complete the evaluation process. The first  
11 evaluation report shall be presented to the Chairs of the Senate and House Appropriations  
12 Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice  
13 and Public Safety by April 15, 2000, and future reports shall be made by April 15 of each  
14 even-numbered year."  
15

## 16 **APPROPRIATIONS AND EFFECTIVE DATE**

17 **SECTION 4.1.** There is appropriated from the General Fund to the Department of  
18 Adult Correction the following:

- 19 (1) The sum of five million four hundred thousand dollars (\$5,400,000) in  
20 recurring funds for the 2021-2023 fiscal biennium; and
- 21 (2) The sum of one million six hundred thousand dollars (\$1,600,000) in  
22 nonrecurring funds for the 2021-2022 fiscal year.

23 **SECTION 4.2.** This act becomes effective July 1, 2021.