

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 889

Short Title: Support Sick and Aging State Prisoners. (Public)

Sponsors: Senators Murdock and Waddell (Primary Sponsors).

Referred to: Rules and Operations of the Senate

May 27, 2022

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A BILL TO BE ENTITLED

AN ACT TO DIRECT THE EXPANDED USE OF EXTENDING THE PLACE OF CONFINEMENT POLICIES BY THE SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY, TO EXPAND THE ELIGIBILITY FOR THE MEDICAL RELEASE OF INMATES, AND TO APPROPRIATE FUNDS TO SUPPORT CHRONIC CARE UNITS IN STATE PRISONS AND IMPROVE SCREENING AND TRAINING OF INCOMING PRISON STAFF.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Public Safety, Division of Adult Correction and Juvenile Justice, the sum of six million dollars (\$6,000,000) in nonrecurring funds for the 2022-2023 fiscal year to be used for supporting, maintaining, or expanding chronic care units in State prisons.

SECTION 2. There is appropriated from the General Fund to the Department of Public Safety, Division of Adult Correction and Juvenile Justice, the sum of four million dollars (\$4,000,000) in nonrecurring funds for the 2022-2023 fiscal year to be used for improving the screening and training of incoming staff at State prisons.

SECTION 3. In order to combat current overcrowding in State prisons, when a State prison is at or above eighty percent (80%) of its maximum occupancy capacity, the Secretary of Public Safety shall utilize the Secretary's authority under G.S. 148-8 to extend the limits of the place of confinement of a prisoner in a manner substantially similar to the manner in which the Secretary utilized that authority during the COVID-19 Pandemic.

SECTION 4. Article 84B of Chapter 15A of the General Statutes reads as rewritten:
"Article 84B.
"Medical Release of Inmates.

"§ 15A-1369. Definitions.

For purposes of this Article, the term:

...

(5) "Medical release" means a program enabling the Commission to release inmates who are permanently and totally disabled, terminally ill, geriatric, or geriatric, incapacitated to the extent that the inmate does not pose a public safety risk.

...

"§ 15A-1369.2. Eligibility.

(a) Except as otherwise provided in this section, notwithstanding any other provision of law, an inmate is eligible to be considered for medical release if the Department determines that the inmate ~~is~~ is either:



1 (1) Diagnosed as permanently and totally disabled, terminally ill, or geriatric
2 under the procedure described in ~~G.S. 15A-1369.3(b)(1); and~~
3 G.S. 15A-1369.3(b)(1).

4 ...
5 **"§ 15A-1369.3. Procedure for medical release.**

6 ...
7 (d) The Commission shall make a determination of whether to grant medical release
8 within 15 days of receiving a referral from the Department for release of a terminally ill inmate
9 and within 20 days of receiving a referral from the Department for release of a permanently and
10 totally disabled ~~inmate or inmate,~~ a geriatric ~~inmate-inmate,~~ or an inmate that is incapacitated to
11 the extent that the inmate does not pose a public safety risk. In making the determination, the
12 Commission shall make an independent assessment of the risk for violence and recidivism that
13 the inmate poses to society. The Commission also shall provide the victim or victims of the
14 inmate or the victims' family or families with an opportunity to be heard.

15"
16 **SECTION 5.** Sections 1 and 2 of this act become effective July 1, 2022. The
17 remainder of this act is effective when it becomes law.