



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT

Senate Bill 881

ADOPTED

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 1 of 31

Comm. Sub. [NO]
Amends Title (YES)
First Edition

Date 6-18, 2012

Representative Randleman

1 moves to amend the bill on page 1, line 2, by adding between the words "TO" and
2 "TRANSFER" the following:

3 "MAKE TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES
4 REGARDING THE DEPARTMENT OF PUBLIC SAFETY; AND TO";

5
6 and on page 1, lines 9-10, by adding between those lines the following:

7 **"PART I. SUBSTANTIVE CHANGES**

8 **SECTION 1.** G.S. 14-202(m) reads as rewritten:

9 "(m) The provisions of subsections (a), (a1), (c), (e), (g), (h), and (k) of this section do
10 not apply to:

- 11 (1) Law enforcement officers while discharging or attempting to discharge their
12 official duties; or
- 13 (2) Personnel of the Division of Adult Correction of the Department of Public
14 ~~Safety~~ Safety, the Division of Juvenile Justice of the Department of Public
15 Safety, or of a local confinement facility for security purposes or during
16 investigation of alleged misconduct by a person in the custody of the
17 Division or the local confinement facility."

18 **SECTION 2.** G.S. 15-203 reads as rewritten:

19 **"§ 15-203. Duties of the Secretary of Public Safety; appointment of probation officers;
20 reports; requests for extradition.**

21 The Secretary of Public ~~Safety~~ Safety, or the Secretary's designee, shall direct the work of
22 the probation officers appointed under this Article. Notwithstanding any other provision of law,
23 the Secretary of Public Safety shall have sole discretion to establish the minimum experience
24 requirements to receive an appointment as a probation officer. The Office of State Personnel
25 shall work with the Secretary to establish position classifications for probation officers based
26 on the experience requirements established by the Secretary. The Secretary ~~Secretary~~, or the
27 ~~Secretary's designee~~, shall consult and cooperate with the courts and institutions in the
28 development of methods and procedure in the administration of probation, and shall arrange
29 conferences of probation officers and judges. The Secretary shall make an annual written report
30 with statistical and other information to ~~the Division of Adult Correction of the Department of~~
31 ~~Public Safety~~ and the Governor. The Secretary is authorized to present to the Governor written
32 applications for requisitions for the return of probationers who have broken the terms of their



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1

(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 2 of 31

1 probation, and are believed to be in another state, and the Secretary shall follow the procedure
2 outlined for requests for extradition as set forth in G.S. 15A-743."

3 **SECTION 3.** G.S. 18B-500 is amended by adding a new subsection to read:

4 "(g) Shifting of Personnel From One District to Another. – The Director of the Alcohol
5 Law Enforcement Section, under rules adopted by the Department of Public Safety may, from
6 time to time, shift the forces from one district to another or consolidate more than one district
7 force at any point for special purposes. Whenever an agent of the Alcohol Law Enforcement
8 Section is transferred from one district to another for the convenience of the State or for reasons
9 other than the request of the agent, the Department shall be responsible for transporting the
10 household goods, furniture, and personal apparel of the agent and members of the agent's
11 household."

12 **SECTION 4.** G.S. 20-79.5(a) reads as rewritten:

13 "(a) Plates. – The State government officials listed in this section are eligible for a
14 special registration plate under G.S. 20-79.4. The plate shall bear the number designated in the
15 following table for the position held by the official.

Position	Number on Plate
Governor	1
Lieutenant Governor	2
Speaker of the House of Representatives	3
President Pro Tempore of the Senate	4
Secretary of State	5
State Auditor	6
State Treasurer	7
Superintendent of Public Instruction	8
Attorney General	9
Commissioner of Agriculture	10
Commissioner of Labor	11
Commissioner of Insurance	12
Speaker Pro Tempore of the House	13
Legislative Services Officer	14
Secretary of Administration	15
Secretary of Environment and Natural Resources	16
Secretary of Revenue	17
Secretary of Health and Human Services	18
Secretary of Commerce	19
Secretary of Public Safety	20
Secretary of Cultural Resources	21
Secretary of Public Safety	22
Secretary of Public Safety	23
Governor's Staff	24-29
State Budget Officer	30
State Personnel Director	31
Chair of the State Board of Education	32

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 3 of 31

1	President of the U.N.C. System	33
2	President of the Community Colleges System	34
3	State Board Member, Commission Member,	
4	or State Employee Not Named in List	35-43
5	Alcoholic Beverage Control Commission	44-46
6	Assistant Commissioners of Agriculture	47-48
7	Deputy Secretary of State	49
8	Deputy State Treasurer	50
9	Assistant State Treasurer	51
10	Deputy Commissioner for the Department of Labor	52
11	Chief Deputy for the Department of Insurance	53
12	Assistant Commissioner of Insurance	54
13	Deputies and Assistant to the Attorney General	55-65
14	Board of Economic Development Nonlegislative Member	66-88
15	State Ports Authority Nonlegislative Member	89-96
16	Utilities Commission Member	97-103
17	State Board Member, Commission Member,	
18	or State Employee Not Named in List	104
19	Post-Release Supervision and Parole Commission Member	105-107
20	State Board Member, Commission Member,	
21	or State Employee Not Named in List	108-200"

SECTION 5. G.S. 114-19.6(a)(1) reads as rewritten:

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

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 4 of 31

1 Safety to provide direct care for a client, patient, student, resident, or
2 ward of the Division."

3 **SECTION 6.** G.S. 120C-500 is amended by adding a new subsection to read:

4 "(e) Notwithstanding subsection (c) of this section, the Secretary of Public Safety shall
5 designate at least one, but no more than five, liaison personnel to lobby for legislative action for
6 all offices, commissions, and agencies within the Department of Public Safety, as established
7 by Article 13 of Chapter 143B."

8 **SECTION 7.** G.S. 126-5(d)(1) reads as rewritten:

9 "(1) Exempt Positions in Cabinet Department. – The Governor may designate a
10 total of 100 exempt policymaking positions throughout the following
11 departments:

- 12 a. Department of ~~Administration~~; Administration.
13 b. Department of ~~Commerree~~; Commerce.
14 c. ~~Division of Adult Correction of the Department of Public Safety;~~
15 d. Department of ~~Public Safety~~; Safety.
16 e. Department of ~~Cultural Resources~~; Resources.
17 f. Department of ~~Health and Human Services~~; Services.
18 g. Department of ~~Environment and Natural Resources~~; Resources.
19 h. Department of ~~Revenue~~; Revenue.
20 i. Department of ~~Transportation~~; and Transportation.
21 j. ~~Division of Juvenile Justice of the Department of Public Safety.~~

22 The Governor may designate exempt managerial positions in a number up to
23 one percent (1%) of the total number of full-time positions in each cabinet
24 department listed above in this sub-subdivision, not to exceed 30 positions in
25 each department. Notwithstanding the provisions of this subdivision or the
26 other requirements of this subsection, the Governor may at any time
27 designate up to one percent (1%) of the total number of full-time positions in
28 the Department of Public Safety, not to exceed 100 positions, as exempt
29 managerial positions. Notwithstanding the provisions of this subdivision, or
30 the other requirements of this subsection, the Governor may at any time
31 increase by five the number of exempt policymaking positions at the
32 Department of Health and Human Services, but at no time shall the total
33 number of exempt policymaking positions exceed 105. Notwithstanding the
34 provisions of this subdivision, or the other requirements of this subsection,
35 the Governor may at any time increase by five the number of exempt
36 policy-making positions at the Department of Public Safety, but at no time
37 shall the total number of exempt policy-making positions exceed 105. The
38 Governor shall notify the General Assembly and the State Personnel
39 Director of the additional positions designated hereunder."

40 **SECTION 8.** G.S. 143B-600(a) reads as rewritten:

41 "(a) There is established the Department of Public Safety. The head of the Department of
42 Public Safety is the Secretary of Public Safety, who shall be known as the Secretary. The
43 Department shall consist of six divisions and an Office of External Affairs as follows:

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 5 of 31

- 1 (1) The Division of Adult Correction, which shall consist of the former
2 Department of Correction. The head of the Division of Adult Correction
3 shall be a chief deputy secretary, who shall be responsible for prisons,
4 community corrections, ~~and correction enterprises-enterprises, alcoholism~~
5 and chemical dependency treatment, offender records management, and
6 extradition.
- 7 (2) The Division of Juvenile Justice, which shall consist of the former
8 Department of Juvenile Justice and Delinquency Prevention. The head of the
9 Division of Juvenile Justice shall be a chief deputy secretary, who shall be
10 responsible for youth detention centers, court services, community
11 programs, and youth development centers.
- 12 (3) The Division of Law Enforcement, which shall consist of the following
13 former divisions of the Department of Crime Control and Public Safety: the
14 State Highway Patrol, the Alcohol Law Enforcement Division, and the State
15 Capitol Police Division. The head of the Division of Law Enforcement shall
16 be a chief deputy secretary.
- 17 (4) The Division of Emergency Management, which shall consist of the former
18 Division of Emergency Management of the Department of Crime Control
19 and Public Safety and the Civil Air Patrol.
- 20 (5) The North Carolina National Guard.
- 21 (6) The Division of Administration, the head of which shall be a chief deputy
22 secretary responsible for all administrative functions, including fiscal,
23 auditing, information technology, purchasing, human resources, training,
24 engineering, and facility management functions for the Department. Within
25 the Division, there is established a Grants Management Section, which shall
26 consist of the Governor's Crime ~~Commission, the Criminal Justice~~
27 ~~Partnership Program, Commission~~ and the Juvenile Crime Prevention
28 Council Fund.
- 29 (7) The Office of External Affairs, which shall be responsible for federal and
30 State liaison activities, victim services, and public affairs."

31 **SECTION 9.** G.S. 143B-704 reads as rewritten:

32 "**§ 143B-704. Division of Adult Correction of the Department of Public Safety – functions.**

33 (a) The functions of the Division of Adult Correction of the Department of Public
34 Safety shall ~~comprise-comprise,~~ except as otherwise expressly provided by the Executive
35 Organization Act of 1973 or by the Constitution of North ~~Carolina-Carolina,~~ all functions of the
36 executive branch of the State in relation to corrections and the rehabilitation of adult offenders,
37 including detention, parole, and aftercare supervision, and further including those prescribed
38 powers, duties, and functions enumerated in Article 14 of Chapter 143A of the General Statutes
39 and other laws of this State.

40 (b) All such functions, powers, duties, and obligations heretofore vested in the
41 Department of Social Rehabilitation and Control and any agency enumerated in Article 14 of
42 Chapter 143A of the General Statutes and laws of this State are hereby transferred to and vested
43 in the Division of Adult Correction of the Department of Public Safety except as otherwise

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 6 of 31

1 provided by the Executive Organization Act of 1973. They shall include, by way of extension
2 and not of limitation, the functions of:

- 3 (1) The State Department of Correction and Commission of Correction,
- 4 (2) Repealed by Session Laws 1999-423, s. 8, effective July 1, 1999.
- 5 (3) The State Probation Commission,
- 6 (4) The State Board of Paroles,
- 7 (5) The Interstate Agreement on Detainers, and
- 8 (6) The Uniform Act for Out-of-State Parolee Supervision.

9 (e) ~~The Section of Community Corrections of the Division of Adult Correction shall~~
10 ~~establish rules for intensive supervision consistent with the requirements specified in~~
11 ~~G.S. 15A-1340.11(5).~~

12 (d) ~~The Department shall establish a Substance Abuse Program. This Program shall~~
13 ~~include an intensive term of inpatient treatment, normally four to six weeks, for alcohol or drug~~
14 ~~addiction in independent, residential facilities for approximately 100 offenders per facility.~~

15 The Division shall establish an alcoholism and chemical dependency treatment program.
16 The program shall consist of a continuum of treatment and intervention services for male and
17 female inmates, established in medium and minimum custody prison facilities, and for male
18 and female probationers and parolees, established in community-based residential treatment
19 facilities.

20 (e) The Department, in consultation with the Domestic Violence Commission, and in
21 accordance with established best practices, shall establish a domestic violence treatment
22 program for offenders sentenced to a term of imprisonment in the custody of the Department
23 and whose official record includes a finding by the court that the offender committed acts of
24 domestic violence.

25 The Department shall ensure that inmates, whose record includes a finding by the court that
26 the offender committed acts of domestic violence, complete a domestic violence treatment
27 program prior to the completion of the period of incarceration, unless other requirements,
28 deemed critical by the Department, prevent program completion. In the event an inmate does
29 not complete the program during the period of incarceration, the Department shall document, in
30 the inmate's official record, specific reasons why that particular inmate did not or was not able
31 to complete the program."

32 **SECTION 10.** G.S. 143B-705 reads as rewritten:

33 "**§ 143B-705. Division of Adult Correction of the Department of Public Safety –**
34 **Substance Abuse Program. Alcoholism and Chemical Dependency Treatment**
35 **Program.**

36 (a) ~~The Substance Abuse Program established by subsection (d) of §G.S. 143B-704~~
37 ~~shall be offered in a correctional facility, facilities, or a portion of a correctional facility~~
38 ~~facilities that is-are self-contained, so that the residential and program space is separate from~~
39 ~~any other programs or inmate housing, and shall be operational by January 1, 1988, at such~~
40 ~~with those facilities as the Secretary or the Secretary's designee may designate.~~

41 (b) ~~An Assistant Secretary for Substance Abuse~~ A Section Chief for the Alcoholism and
42 Chemical Dependency Treatment Program shall be employed and shall report directly to the
43 Office of the Secretary of Public Safety- a deputy director for the Division of Adult Correction

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 7 of 31

1 as designated by the Chief Deputy Secretary for the Division of Adult Correction. The duties of
2 the Assistant Secretary Section Chief and staff shall include the following:

- 3 (1) Administer and coordinate all substance abuse programs, grants, contracts,
4 and related functions in the Division of Adult Correction of the Department
5 of Public ~~Safety~~; Safety.
- 6 (2) Develop and maintain working relationships and agreements with agencies
7 and organizations that will assist in developing and operating a ~~Substance~~
8 ~~Abuse Program~~ alcoholism and chemical dependency treatment and recovery
9 programs in the Division of Adult Correction of the Department of Public
10 ~~Safety~~; Safety.
- 11 (3) Develop and coordinate the use of volunteers in the Substance Abuse
12 ~~Program~~; Program.
- 13 (4) Develop and present training programs related to ~~substance abuse~~
14 alcoholism and chemical dependency for employees and others at all levels
15 in the ~~agency~~; agency.
- 16 (5) Develop programs that provide effective treatment for inmates, probationers,
17 and parolees with ~~substance abuse problems~~; alcohol and chemical
18 dependency problems.
- 19 (6) Maintain contact with key leaders in the ~~substance abuse field~~ alcoholism and
20 chemical dependency field, the service structure of various community
21 recovery programs, and active supporters of the Correction
22 ~~Program~~; Program.
- 23 (7) Supervise directly the ~~directors of treatment units, facility and district~~
24 program managers, other specialized personnel, and programs that exist or
25 may be developed in the Division of Adult Correction of the Department of
26 Public ~~Safety~~; and Safety.
- 27 (8) ~~Develop employee assistance programs for employees with substance abuse~~
28 problems.

29 (c) In the unit teach prison that houses an alcoholism and chemical dependency program,
30 there shall be a unit superintendent under the Section of Prisons of the Division of Adult
31 Correction and other custodial, administrative, and support staff as required for a medium
32 eustody facility for approximately 100 inmates to maintain the proper custody level at the
33 facility. The unit superintendent shall be responsible for all matters pertaining to custody and
34 administration of the unit. ~~The Assistant Secretary shall designate an employee to administer~~
35 ~~the inpatient treatment program under the direction of the Assistant Secretary for Substance~~
36 ~~Abuse.~~ The Section Chief of the Alcoholism and Chemical Dependency Treatment Program
37 shall designate and direct employees to manage treatment programs at each location. Duties of
38 unit treatment program managers shall include program development and implementation,
39 supervision of personnel assigned to treatment programs, adherence to all pertinent policy and
40 procedural requirements of the Department, and other duties as assigned.

41 (d) Extensive use may be made of inmates working in the role of ancillary staff, ~~peer~~
42 ~~counselors,~~ treatment assistants, role models, or study group leaders as the program manager

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 8 of 31

1 determines. Additional resource people who may be required for specialized treatment
2 activities, presentations, or group work may be employed on a fee or contractual basis.

3 (e) Admission priorities shall be established as follows:

4 (1) Evaluation and referral from reception and diagnostic centers.

5 (2) General staff referral.

6 (3) Self-referral.

7 (f) The Program shall include extensive follow-up after the period of intensive
8 treatment. There will be specific plans for each departing inmate for follow-up, including active
9 involvement with Alcoholics Anonymous, community resources, and personal sponsorship."

10 **SECTION 11.** G.S. 143B-710 reads as rewritten:

11 "**§ 143B-710. Division of Adult Correction of the Department of Public Safety – head.**

12 The Secretary of Public Safety shall appoint a chief deputy secretary to be the head of the
13 Division."

14 **SECTION 12.** G.S. 143B-806 reads as rewritten:

15 "**§ 143B-806. Duties and powers of the Division of Juvenile Justice of the Department of**
16 **Public Safety.**

17 (a) The head of the Division is ~~the Secretary~~, a Chief Deputy Secretary appointed by
18 the Secretary of Public Safety. The ~~Secretary~~ Chief Deputy Secretary shall have the powers and
19 duties conferred by this Chapter, delegated by the Secretary of Public Safety or the Governor,
20 and conferred by the Constitution and laws of this State. The Secretary of Public Safety shall be
21 responsible for effectively and efficiently organizing the Division to promote the policy of the
22 State as set forth in this Part and to promote public safety and to prevent the commission of
23 delinquent acts by juveniles.

24 (b) The ~~Secretary~~ Chief Deputy Secretary shall have the following powers and duties:

25 (1) Give leadership to the implementation as appropriate of State policy that
26 requires that youth development centers be phased out as populations
27 diminish.

28 (2) Close a State youth development center when its operation is no longer
29 justified and transfer State funds appropriated for the operation of that youth
30 development center to fund community-based programs, to purchase care or
31 services for predelinquents, delinquents, or status offenders in
32 community-based or other appropriate programs, or to improve the
33 efficiency of existing youth development centers, after consultation with the
34 Joint Legislative Commission on Governmental Operations.

35 (3) Administer a sound admission or intake program for juvenile facilities,
36 including the requirement of a careful evaluation of the needs of each
37 juvenile prior to acceptance and placement.

38 (4) Operate juvenile facilities and implement programs that meet the needs of
39 juveniles receiving services and that assist them to become productive,
40 responsible citizens.

41 (5) Adopt rules to implement this Part and the responsibilities of the Secretary
42 and the Division under Chapter 7B of the General Statutes. The Secretary
43 may adopt rules applicable to local human services agencies providing

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 9 of 31

- 1 juvenile court and delinquency prevention services for the purpose of
2 program evaluation, fiscal audits, and collection of third-party payments.
- 3 (6) Ensure a statewide and uniform system of juvenile intake, protective
4 supervision, probation, and post-release supervision services in all district
5 court districts of the State. The system shall provide appropriate, adequate,
6 and uniform services to all juveniles who are alleged or found to be
7 undisciplined or delinquent.
- 8 (7) Establish procedures for substance abuse testing for juveniles adjudicated
9 delinquent for substance abuse offenses.
- 10 (8) Plan, develop, and coordinate comprehensive multidisciplinary services and
11 programs statewide for the prevention of juvenile delinquency, early
12 intervention, and rehabilitation of juveniles.
- 13 (9) Develop standards, approve yearly program evaluations, and make
14 recommendations based on the evaluations to the General Assembly
15 concerning continuation funding.
- 16 (10) Collect expense data for every program operated and contracted by the
17 Division.
- 18 (11) Develop a formula for funding, on a matching basis, juvenile court and
19 delinquency prevention services as provided for in this Part. This formula
20 shall be based upon the county's or counties' relative ability to fund
21 community-based programs for juveniles.
- 22 Local governments receiving State matching funds for programs under
23 this Part must maintain the same overall level of effort that existed at the
24 time of the filing of the county assessment of juvenile needs with the
25 Division.
- 26 (12) Assist local governments and private service agencies in the development of
27 juvenile court services and delinquency prevention services and provide
28 information on the availability of potential funding sources and assistance in
29 making application for needed funding.
- 30 (13) Develop and administer a comprehensive juvenile justice information system
31 to collect data and information about delinquent juveniles for the purpose of
32 developing treatment and intervention plans and allowing reliable
33 assessment and evaluation of the effectiveness of rehabilitative and
34 preventive services provided to delinquent juveniles.
- 35 (14) Coordinate State-level services in relation to delinquency prevention and
36 juvenile court services so that any citizen may go to one place in State
37 government to receive information about available juvenile services.
- 38 (15) Appoint the chief court counselor in each ~~district upon the recommendation~~
39 ~~of the chief district court judge of that district.~~
- 40 (16) Develop a statewide plan for training and professional development of chief
41 court counselors, court counselors, and other personnel responsible for the
42 care, supervision, and treatment of juveniles. The plan shall include

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 10 of 31

- 1 attendance at appropriate professional meetings and opportunities for
2 educational leave for academic study.
- 3 (17) Study issues related to qualifications, salary ranges, appointment of
4 personnel on a merit basis, including chief court counselors, court
5 counselors, secretaries, and other appropriate personnel, at the State and
6 district levels in order to adopt appropriate policies and procedures
7 governing personnel.
- 8 (18) Set, in consultation with the Office of State Personnel, the salary supplement
9 paid to teachers, instructional support personnel, and school-based
10 administrators who are employed at juvenile facilities and are licensed by
11 the State Board of Education. The salary supplement shall be at least five
12 percent (5%), but not more than the percentage supplement they would
13 receive if they were employed in the local school administrative unit where
14 the job site is located. These salary supplements shall not be paid to central
15 office staff. Nothing in this subdivision shall be construed to include "merit
16 pay" under the term "salary supplement".
- 17 (19) Designate persons, as necessary, as State juvenile justice officers, to provide
18 for the care and supervision of juveniles placed in the physical custody of
19 the Division.
- 20 (c) Except as otherwise specifically provided in this Part and in Article 1 of this
21 Chapter, the Secretary of Public Safety shall prescribe the functions, powers, duties, and
22 obligations of every agency or ~~division~~ section in the Division.
- 23 (d) Where Division statistics indicate the presence of minority youth in juvenile
24 facilities disproportionate to their presence in the general population, the Division shall develop
25 and recommend appropriate strategies designed to ensure fair and equal treatment in the
26 juvenile justice system.
- 27 (e) The Division may provide consulting services and technical assistance to courts, law
28 enforcement agencies, and other agencies, local governments, and public and private
29 organizations. The Division may develop or assist Juvenile Crime Prevention Councils in
30 developing community needs, assessments, and programs relating to the prevention and
31 treatment of delinquent and undisciplined behavior.
- 32 (f) The Division shall develop a cost-benefit model for each State-funded program.
33 Program commitment and recidivism rates shall be components of the model."
- 34 **SECTION 13.** G.S. 143B-840(a) reads as rewritten:
- 35 "(a) The Division shall develop and implement ~~the~~ a comprehensive juvenile
36 delinquency and substance abuse prevention plan ~~developed by the Office of Juvenile Justice~~
37 and shall coordinate with County Councils for implementation of a continuum of services and
38 programs at the community level.
- 39 The Division shall ensure that localities are informed about best practices in juvenile
40 delinquency and substance abuse prevention."
- 41 **SECTION 14.** Section 19.1(hhh2) of S.L. 2011-145 is repealed.
- 42 **PART II. TECHNICAL CHANGES**
- 43 **SECTION 15.** G.S. 7A-474.3(c)(4) reads as rewritten:

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 11 of 31

1 "(4) To provide legal assistance to any prisoner within the ~~North Carolina~~
2 Division of Adult Correction of the Department of Public Safety with regard
3 to the terms of that person's incarceration; or".

4 **SECTION 16.** G.S. 7A-474.18(c)(2) reads as rewritten:

5 "(2) To provide legal assistance to any prisoner within the ~~North Carolina~~
6 Division of Adult Correction of the Department of Public Safety with regard
7 to the terms of that person's incarceration."

8 **SECTION 17.** G.S. 7B-3000(e1) reads as rewritten:

9 "(e1) When a person is subject to probation supervision under Article 82 of Chapter 15A
10 of the General Statutes, for an offense that was committed while the person was less than 25
11 years of age, that person's juvenile record of an adjudication of delinquency for an offense that
12 would be a felony if committed by an adult may be examined without a court order by the
13 probation officer in the Section of Community Corrections of the Division of Adult Correction
14 assigned to supervise the person for the purpose of assessing risk related to supervision.

15 Each judicial district manager in the Section of Community Corrections of the Division of
16 Adult Correction shall designate a ~~Division~~-staff person in each county to obtain from the clerk,
17 at the request of the probation officer assigned to supervise the person, any juvenile records
18 authorized to be examined under this subsection. The judicial district manager shall inform the
19 clerk in each county, in writing, of the designated staff person in the county. The designated
20 staff person shall transfer any juvenile records obtained to the probation officer assigned to
21 supervise the person.

22 Any copies of juvenile records obtained pursuant to this subsection shall continue to be
23 withheld from public inspection and shall not become part of the public record in any criminal
24 proceeding. Any copies of juvenile records shall be destroyed within 30 days of termination of
25 the person's period of probation supervision. Any other information in the Section of
26 Community Corrections of the Division of Adult Correction records, relating to a person's
27 juvenile record, shall remain confidential and shall be maintained or destroyed pursuant to
28 guidelines established by the Department of Cultural Resources for the maintenance and
29 destruction of Section of Community Corrections of the Division of Adult Correction records."

30 **SECTION 18.** G.S. 13-1(1) reads as rewritten:

31 "**§ 13-1. Restoration of citizenship.**

32 Any person convicted of a crime, whereby the rights of citizenship are forfeited, shall have
33 such rights automatically restored upon the occurrence of any one of the following conditions:

34 (1) The unconditional discharge of an ~~inmate by the State Division of Adult~~
35 ~~Correction of the Department of Public Safety or the North Carolina~~
36 ~~Division of Adult Correction of the Department of Public Safety, of a~~
37 ~~probationer by the State Division of Adult Correction of the Department of~~
38 ~~Public Safety, inmate, of a probationer,~~ or of a parolee by the Division of
39 Adult Correction of the Department of Public Safety; or of a defendant under
40 a suspended sentence by the court.

41 "

42 **SECTION 19.** G.S. 14-258.3 reads as rewritten:

43 "**§ 14-258.3. Taking of hostage, etc., by prisoner.**

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 12 of 31

1 Any prisoner in the custody of the Division of Adult Correction of the Department of
2 Public Safety, including persons in the custody of the Division of Adult Correction of the
3 Department of Public Safety pending trial or appellate review or for presentence diagnostic
4 evaluation, or any prisoner in the custody of any local confinement facility (as defined in
5 G.S. 153A-217), or any person in the custody of any local confinement facility (as defined in
6 G.S. 153A-217) pending trial or appellate review or for any lawful purpose, who by threats,
7 coercion, intimidation or physical force takes, holds, or carries away any person, as hostage or
8 otherwise, shall be punished as a Class F felon. The provisions of this section apply to: (i)
9 violations committed by any prisoner in the custody of the Division of Adult Correction of the
10 Department of Public Safety, whether inside or outside of the facilities of the ~~North Carolina~~
11 Division of Adult Correction of the Department of Public Safety; (ii) violations committed by
12 any prisoner or by any other person lawfully under the custody of any local confinement
13 facility (as defined in G.S. 153A-217), whether inside or outside the local confinement facilities
14 (as defined in G.S. 153A-217)."

15 **SECTION 20.** G.S. 15-6.1 reads as rewritten:

16 "**§ 15-6.1. Changing place of confinement of prisoner committing offense.**

17 In all cases where a defendant has been convicted in a court inferior to the superior court
18 and sentenced to a term in the county jail or to serve in some county institution other than under
19 the supervision of the State Division of Adult Correction of the Department of Public Safety,
20 and such defendant is subsequently brought before such court for an offense committed prior to
21 the expiration of the term to be served in such county institution, upon conviction, plea of
22 guilty or nolo contendere, the judge shall have the power and authority to change the place of
23 confinement of the prisoner and commit such defendant to work under the supervision of the
24 ~~State~~-Division of Adult Correction of the Department of Public Safety. This provision shall
25 apply whether or not the terms of the new sentence are to run concurrently with or consecutive
26 to the remaining portion of the old sentence."

27 **SECTION 21.** G.S. 15-10.1 reads as rewritten:

28 "**§ 15-10.1. Detainer; purpose; manner of use.**

29 Any person confined in the State prison system of North Carolina, subject to the authority
30 and control of the ~~State~~-Division of Adult Correction of the Department of Public Safety, or
31 any person confined in any other prison of North Carolina, may be held to account for any
32 other charge pending against him only upon a written order from the clerk or judge of the court
33 in which the charge originated upon a case regularly docketed, directing that such person be
34 held to answer the charge pending in such court; and in no event shall the prison authorities
35 hold any person to answer any charge upon a warrant or notice when the charge has not been
36 regularly docketed in the court in which the warrant or charge has been issued: Provided, that
37 this section shall not apply to any State agency exercising supervision over such person or
38 prisoner by virtue of a judgment, order of court or statutory authority."

39 **SECTION 22.** G.S. 15-196.3 reads as rewritten:

40 "**§ 15-196.3. Effect of credit.**

41 Time creditable under this section shall reduce the minimum and maximum term of a
42 sentence; and, irrespective of sentence, shall reduce the time required to attain privileges made
43 available to inmates in the custody of the ~~State~~-Division of Adult Correction of the Department

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 13 of 31

1 of Public Safety which are dependent, in whole or in part, upon the passage of a specific length
2 of time in custody, including parole or post-release supervision consideration by the
3 Post-Release Supervision and Parole Commission. However, nothing in this section shall be
4 construed as requiring an automatic award of privileges by virtue of the passage of time."

5 **SECTION 23.** G.S. 15-204 reads as rewritten:

6 **"§ 15-204. Assignment, compensation and oath of probation officers.**

7 Probation officers appointed under this Article shall be assigned to serve in such courts or
8 districts or otherwise as the Secretary of Public Safety may determine. They shall be paid
9 annual salaries to be fixed by ~~the Division of Adult Correction~~ of the Department of Public
10 Safety, and shall also be paid traveling and other necessary expenses incurred in the
11 performance of their official duties as probation officers when such expense accounts have
12 been authorized and approved by the Secretary of Public Safety.

13 Each person appointed as a probation officer shall take an oath of office before the judge of
14 the court or courts in which he is to serve, which oath shall be as follows:

15 "I, _____, do solemnly and sincerely swear that I will be faithful and bear true
16 allegiance to the State of North Carolina, and to the constitutional powers and authorities which
17 are or may be established for the government thereof; and that I will endeavor to support,
18 maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the
19 United States, to the best of my knowledge and ability; so help me God," and shall be noted of
20 record by the clerk of the court."

21 **SECTION 24.** G.S. 15-206 reads as rewritten:

22 **"§ 15-206. Cooperation with Division of Adult Correction of the Department of Public
23 Safety and officials of local units.**

24 ~~It shall be the duty of the Secretary of Public Safety and the Division of Adult Correction of
25 the Department of Public Safety to cooperate with each other to the end that the purposes of
26 probation and parole may be more effectively carried out. When requested, each shall make
27 available to the other case records in his possession, and in cases of emergency, where time and
28 expense can be saved, shall provide investigation service.~~

29 It is hereby made the duty of every city, county, or State official or department to render all
30 assistance and cooperation within ~~his or its~~ the official's or the Department's fundamental
31 power which may further the objects of this Article. The ~~State~~-Division of Adult Correction of
32 the Department of Public Safety, the Secretary of Public Safety, and the probation officers are
33 authorized to seek the cooperation of such officials and departments, and especially of the
34 county superintendents of social services and of the Department of Health and Human
35 Services."

36 **SECTION 25.** G.S. 15A-544.3(b)(9) reads as rewritten:

37 "(9) The following notice: "TO THE DEFENDANT AND EACH SURETY
38 NAMED ABOVE: The defendant named above has failed to appear as
39 required before the court in the case identified above. A forfeiture for the
40 amount of the bail bond shown above was entered in favor of the State
41 against the defendant and each surety named above on the date of forfeiture
42 shown above. This forfeiture will be set aside if, on or before the final
43 judgment date shown above, satisfactory evidence is presented to the court

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 14 of 31

1 that one of the following events has occurred: (i) the defendant's failure to
2 appear has been stricken by the court in which the defendant was required to
3 appear and any order for arrest that was issued for that failure to appear is
4 recalled, (ii) all charges for which the defendant was bonded to appear have
5 been finally disposed by the court other than by the State's taking a voluntary
6 dismissal with leave, (iii) the defendant has been surrendered by a surety or
7 bail agent to a sheriff of this State as provided by law, (iv) the defendant has
8 been served with an Order for Arrest for the Failure to Appear on the
9 criminal charge in the case in question as evidenced by a copy of an official
10 court record, including an electronic record, (v) the defendant died before or
11 within the period between the forfeiture and the final judgment as
12 demonstrated by the presentation of a death certificate, (vi) the defendant
13 was incarcerated in a unit of the ~~North Carolina~~ Division of Adult Correction
14 of the Department of Public Safety and is serving a sentence or in a unit of
15 the Federal Bureau of Prisons located within the borders of the State at the
16 time of the failure to appear as evidenced by a copy of an official court
17 record or a copy of a document from the Division of Adult Correction of the
18 Department of Public Safety or Federal Bureau of Prisons, or (vii) the
19 defendant was incarcerated in a local, state, or federal detention center, jail,
20 or prison located anywhere within the borders of the United States at the
21 time of the failure to appear, and the district attorney for the county in which
22 the charges are pending was notified of the defendant's incarceration while
23 the defendant was still incarcerated and the defendant remains incarcerated
24 for a period of 10 days following the district attorney's receipt of notice, as
25 evidenced by a copy of the written notice served on the district attorney via
26 hand delivery or certified mail and written documentation of date upon
27 which the defendant was released from incarceration, if the defendant was
28 released prior to the time the motion to set aside was filed. The forfeiture
29 will not be set aside for any other reason. If this forfeiture is not set aside on
30 or before the final judgment date shown above, and if no motion to set it
31 aside is pending on that date, the forfeiture will become a final judgment on
32 that date. The final judgment will be enforceable by execution against the
33 defendant and any accommodation bondsman and professional bondsman on
34 the bond. The final judgment will also be reported to the Department of
35 Insurance. Further, no surety will be allowed to execute any bail bond in the
36 above county until the final judgment is satisfied in full."

37 **SECTION 26.** G.S. 15A-544.5(b)(6) reads as rewritten:

38 "(6) The defendant was incarcerated in a unit of the ~~North Carolina~~ Division of
39 Adult Correction of the Department of Public Safety and is serving a
40 sentence or in a unit of the Federal Bureau of Prisons located within the
41 borders of the State at the time of the failure to appear as evidenced by a
42 copy of an official court record or a copy of a document from the Division of

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 15 of 31

1 Adult Correction of the Department of Public Safety or Federal Bureau of
2 Prisons, including an electronic record."

3 **SECTION 27.** G.S. 15A-821(a) reads as rewritten:

4 "(a) If a judge of a court of general jurisdiction in any other state, which by its laws has
5 made provision for commanding a prisoner within that state to attend and testify in this State,
6 certifies under the seal of that court that there is a criminal prosecution pending in the court or
7 that a grand jury investigation has commenced, and that a person confined in an institution
8 under the control of the ~~State~~-Division of Adult Correction of the Department of Public Safety
9 of North Carolina, other than a person confined as criminally insane, is a material witness in the
10 prosecution or investigation and that his presence is required for a specified number of days,
11 upon presentment of the certificate to a superior court judge in the superior court district or set
12 of districts as defined in G.S. 7A-41.1 where the person is confined, upon notice to the
13 Attorney General, the judge must fix a time and place for a hearing and order the person having
14 custody of the prisoner to produce him at the hearing."

15 **SECTION 28.** G.S. 15A-1344(c) reads as rewritten:

16 "(c) Procedure on Altering or Revoking Probation; Returning Probationer to District
17 Where Sentenced. — When a judge reduces, terminates, extends, modifies, or revokes
18 probation outside the county where the judgment was entered, the clerk must send a copy of the
19 order and any other records to the court where probation was originally imposed. A court on its
20 own motion may return the probationer to the district court district as defined in G.S. 7A-133 or
21 superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be, where
22 probation was imposed or where the probationer resides for reduction, termination,
23 continuation, extension, modification, or revocation of probation. In cases where the probation
24 is revoked in a county other than the county of original conviction the clerk in that county must
25 issue a commitment order and must file the order revoking probation and the commitment
26 order, which will constitute sufficient permanent record of the proceeding in that court, and
27 must send a certified copy of the order revoking probation, the commitment order, and all other
28 records pertaining thereto to the county of original conviction to be filed with the original
29 records. The clerk in the county other than the county of original conviction must issue the
30 formal commitment to the ~~North Carolina~~-Division of Adult Correction of the Department of
31 Public Safety."

32 **SECTION 29.** G.S. 17C-3(a) reads as rewritten:

33 "(a) There is established the North Carolina Criminal Justice Education and Training
34 Standards Commission, hereinafter called "the Commission." The Commission shall be
35 composed of ~~33~~ 31 members as follows:

- 36 (1) Police Chiefs. — Three police chiefs selected by the North Carolina
37 Association of Chiefs of Police and one police chief appointed by the
38 Governor.
- 39 (2) Police Officers. — Three police officials appointed by the North Carolina
40 Police Executives Association and two criminal justice officers certified by
41 the Commission as selected by the North Carolina Law-Enforcement
42 Officers' Association.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 16 of 31

- 1 (3) Departments. – The Attorney General of the State of North Carolina; the
2 Secretary of Public Safety; the President of the North Carolina Community
3 Colleges System.
- 4 (3a) Repealed by Session Laws 2001-490, s. 1.2, effective June 30, 2001.
- 5 (4) At-large Groups. – One individual representing and appointed by each of the
6 following organizations: one mayor selected by the League of
7 Municipalities; one law-enforcement training officer selected by the North
8 Carolina Law-Enforcement Training Officers' Association; one criminal
9 justice professional selected by the North Carolina Criminal Justice
10 Association; one sworn law-enforcement officer selected by the North State
11 Law-Enforcement Officers' Association; one member selected by the North
12 Carolina Law-Enforcement Women's Association; and one District Attorney
13 selected by the North Carolina Association of District Attorneys.
- 14 (5) Citizens and Others. – The President of The University of North Carolina;
15 the Dean of the School of Government at the University of North Carolina at
16 Chapel Hill; and two citizens, one of whom shall be selected by the
17 Governor and one of whom shall be selected by the Attorney General. The
18 General Assembly shall appoint four persons, two upon the recommendation
19 of the Speaker of the House of Representatives and two upon the
20 recommendation of the President Pro Tempore of the Senate. Appointments
21 by the General Assembly shall be made in accordance with G.S. 120-122.
22 Appointments by the General Assembly shall be for two-year terms to
23 conclude on June 30th in odd-numbered years.
- 24 (6) Correctional Officers. – Four correctional officers in management positions
25 employed by the Division of Adult Correction of the Department of Public
26 Safety shall be appointed, two from the Section of Community Corrections
27 of the Division of Adult Correction upon the recommendation of the Speaker
28 of the House of Representatives and two from the Section of Prisons of the
29 Division of Adult Correction upon the recommendation of the President Pro
30 Tempore of the Senate. Appointments by the General Assembly shall be
31 made in accordance with G.S. 120-122. Appointments by the General
32 Assembly shall serve two-year terms to conclude on June 30th in
33 odd-numbered years. The Governor shall appoint one correctional officer
34 employed by the Division of Adult Correction of the Department of Public
35 Safety and assigned to the Office of Staff Development and Training. The
36 Governor's appointment shall serve a three-year term."

37 **SECTION 30.** G.S. 20-189 reads as rewritten:

38 **"§ 20-189. Patrolmen assigned to Governor's office.**

39 The Secretary of Public Safety, at the request of the Governor, shall assign and attach two
40 members of the State Highway Patrol to the office of the Governor, there to be assigned such
41 duties and perform such services as the Governor may direct. The salary of the State highway
42 ~~patrolmen~~Highway Patrol members so assigned to the office of the Governor shall be paid from

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 17 of 31

1 appropriations made to the office of the Governor and shall be fixed in an amount to be
2 determined by the Governor."

3 **SECTION 31.** G.S. 20-192 reads as rewritten:

4 **"§ 20-192. Shifting of patrolmen-personnel from one district to another.**

5 The commanding officer of the State Highway Patrol under such rules and regulations as
6 the Department of Public Safety may prescribe shall have authority from time to time to shift
7 the forces from one district to another, or to consolidate more than one district force at any
8 point for special purposes. Whenever a member of the State Highway Patrol is transferred from
9 one point to another for the convenience of the State or otherwise than upon the request of the
10 ~~patrolman, Highway Patrol member,~~ the Department shall be responsible for transporting the
11 household goods, furniture and personal apparel of the ~~patrolman Highway Patrol member~~ and
12 members of ~~his~~ the Highway Patrol member's household."

13 **SECTION 32.** G.S. 65-4 reads as rewritten:

14 **"§ 65-4. State Division of Adult Correction of the Department of Public Safety to furnish**
15 **labor.**

16 The ~~State~~-Division of Adult Correction of the Department of Public Safety is hereby
17 authorized and directed to furnish at such time, or times, as may be convenient, such prisoner's
18 labor as may be available, to properly care for the Confederate Cemetery situated in the City of
19 Raleigh, such services to be rendered by the State's prisoners without compensation."

20 **SECTION 33.** G.S. 66-58(b)(15) reads as rewritten:

21 "(15) The ~~State~~-Division of Adult Correction of the Department of Public Safety is
22 authorized to purchase and install automobile license tag plant equipment for
23 the purpose of manufacturing license tags for the State and local
24 governments and for such other purposes as the Division may direct.

25 The Commissioner of Motor Vehicles, or such other authority as may
26 exercise the authority to purchase automobile license tags is hereby directed
27 to purchase from, and to contract with, the ~~State~~-Division of Adult
28 Correction of the Department of Public Safety for the State automobile
29 license tag requirements from year to year.

30 The price to be paid to the ~~State~~-Division of Adult Correction of the
31 Department of Public Safety for the tags shall be fixed and agreed upon by
32 the Governor, the State Division of Adult Correction of the Department of
33 Public Safety, and the Motor Vehicle Commissioner, or such authority as
34 may be authorized to purchase the supplies."

35 **SECTION 34.** G.S. 97-13(c) reads as rewritten:

36 "(c) Prisoners. – This Article shall not apply to prisoners being worked by the State or
37 any subdivision thereof, except to the following extent: Whenever any prisoner assigned to the
38 ~~State~~-Division of Adult Correction of the Department of Public Safety shall suffer accidental
39 injury or accidental death arising out of and in the course of the employment to which he had
40 been assigned, if there be death or if the results of such injury continue until after the date of
41 the lawful discharge of such prisoner to such an extent as to amount to a disability as defined in
42 this Article, then such discharged prisoner or the dependents or next of kin of such discharged
43 prisoner may have the benefit of this Article by applying to the Industrial Commission as any

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 18 of 31

1 other employee; provided, such application is made within 12 months from the date of the
2 discharge; and provided further that the maximum compensation to any prisoner or to the
3 dependents or next of kin of any deceased prisoner shall not exceed thirty dollars (\$30.00) per
4 week and the period of compensation shall relate to the date of his discharge rather than the
5 date of the accident. If any person who has been awarded compensation under the provisions of
6 this subsection shall be recommitted to prison upon conviction of an offense committed
7 subsequent to the award, such compensation shall immediately cease. Any awards made under
8 the terms of this subsection shall be paid by the ~~State Division of Adult Correction of the~~
9 Department of Public Safety from the funds available for the operation of the Division of Adult
10 Correction of the Department of Public Safety. The provisions of G.S. 97-10.1 and 97-10.2
11 shall apply to prisoners and discharged prisoners entitled to compensation under this subsection
12 and to the State in the same manner as said section applies to employees and employers."

13 **SECTION 35.** G.S. 105-259(b)(15) reads as rewritten:

14 "(15) To exchange information concerning a tax imposed by Articles 2A, 2C, or
15 2D of this Chapter with one of the following agencies when the information
16 is needed to fulfill a duty imposed on the Department or the agency:

- 17 a. The North Carolina Alcoholic Beverage Control Commission.
18 b. The Alcohol Law Enforcement Section of the Department of Public
19 Safety.
20 c. The Bureau of Alcohol, Tobacco, and Firearms of the United States
21 ~~Treasury Department.~~ Department of Justice.
22 d. Law enforcement agencies.
23 e. The Section of Community Corrections of the Division of Adult
24 Correction of the Department of Public Safety."

25 **SECTION 36.** G.S. 114-10.1(b) reads as rewritten:

26 "(b) The Attorney General is authorized to cooperate with the Division of Motor
27 Vehicles, Department of Administration, ~~Division of Adult Correction of the~~ Department of
28 ~~Public Safety~~ Safety, and other State, local and federal agencies and organizations in carrying
29 out the purpose and intent of this section, and to utilize, in cooperation with other State
30 agencies and to the extent as may be practical, computers and related equipment as may be
31 operated by other State agencies."

32 **SECTION 37.** G.S. 114-14 reads as rewritten:

33 "**§ 114-14. General powers and duties of Director and assistants.**

34 The Director of the Bureau and his assistants are given the same power of arrest as is now
35 vested in the sheriffs of the several counties, and their jurisdiction shall be statewide. The
36 Director of the Bureau and his assistants shall, at the request of the Governor, give assistance to
37 sheriffs, police officers, district attorneys, and judges when called upon by them and so
38 directed. They shall also give assistance, when requested, to ~~the office of the Division of Adult~~
39 ~~Correction of the~~ Department of Public Safety in the investigation of cases pending before the
40 parole office and of complaints lodged against parolees, when so directed by the Governor."

41 **SECTION 38.** G.S. 115C-108.1(d) reads as rewritten:

42 "(d) The Departments of Health and Human Services, Correction, and Juvenile Justice
43 and Delinquency Prevention shall submit to the Board their plans for the education of children

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 19 of 31

1 with disabilities in their care, custody, or control. The Board may grant specific exemptions for
2 programs administered by the Department of Health and Human Services, the Division of
3 Juvenile Justice of the Department of Public Safety, or the Division of Adult Correction of the
4 Department of Public Safety when compliance by them with the Board's standards would, in
5 the Board's judgment, impose undue hardship on that department or division and when other
6 procedural due process requirements, substantially equivalent to those required under this
7 Article and IDEA, are assured in programs of special education and related services furnished
8 to children with disabilities served by that department. Further, the Board shall recognize that
9 inpatient and residential special education programs within the Departments of Health and
10 Human Services, ~~Correction, and Juvenile Justice and Delinquency Prevention~~ the Division of
11 Juvenile Justice of the Department of Public Safety, or the Division of Adult Correction of the
12 Department of Public Safety may require more program resources than those necessary for
13 optimal operation of these programs in local school administrative units."

14 **SECTION 39.** G.S. 115C-108.1(e) reads as rewritten:

15 "(e) The Board shall support and encourage joint and collaborative special education
16 planning and programming at local levels to include local school administrative units and the
17 programs and agencies of the Departments of Health and Human Services, ~~Correction, and~~
18 ~~Juvenile Justice and Delinquency Prevention~~ the Division of Juvenile Justice of the Department
19 of Public Safety, or the Division of Adult Correction of the Department of Public Safety."

20 **SECTION 40.** G.S. 115C-325(p) reads as rewritten:

21 "(p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation
22 to the contrary, this section shall apply to all persons employed in teaching and related
23 educational classes in the schools and institutions of the Departments of Health and Human
24 Services, Public Instruction, ~~Correction, or Juvenile Justice and Delinquency Prevention~~ the
25 Division of Juvenile Justice of the Department of Public Safety, or the Division of Adult
26 Correction of the Department of Public Safety, regardless of the age of the students."

27 **SECTION 41.** G.S. 115D-5(b)(2) reads as rewritten:

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

- 31 a. Volunteer fire departments.
- 32 b. Municipal, county, or State fire departments.
- 33 c. Volunteer EMS or rescue and lifesaving departments.
- 34 d. Municipal, county, or State EMS or rescue and lifesaving
35 departments.
- 36 e. Radio Emergency Associated Communications Teams (REACT)
37 under contract to a county as an emergency response agency.
38 (v) (vi) municipal county, or State law-enforcement officers
- 39 f. Municipal, county, or State law enforcement agencies.
- 40 g. The Division of Adult Correction of the Department of Public Safety
41 for the training of full-time custodial employees and employees of
42 the Division's Section of Community Corrections ~~of the Division of~~
43 ~~Adult Correction~~ required to be certified under Chapter 17C of the

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 20 of 31

1 General Statutes and the rules of the Criminal Justice and Training
2 Standards Commission.
3 h. The Division of Juvenile Justice of the Department of Public Safety
4 for the training of employees required to be certified under Chapter
5 17C of the General Statutes and the rules of the Criminal Justice and
6 Training Standards Commission."

7 **SECTION 42.** G.S. 120-12.1 reads as rewritten:
8 "**§ 120-12.1. Reports on vacant positions in the Judicial Department and three other**
9 **departments.**

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

17 **SECTION 43.** G.S. 122C-115.4(g)(1) reads as rewritten:
18 "(1) Each LME to have at least one trained care coordination person on staff to
19 serve as the point of contact for TRICARE, the North Carolina National
20 Guard's Integrated Behavioral Health System, the Army Reserve Department
21 of Psychological Health, the United States Department of Veterans Affairs,
22 ~~the North Carolina~~ Division of Adult Correction, and related organizations
23 to ensure that members of the active and reserve components of the Armed
24 Forces of the United States, veterans, and their family members have access
25 to State-funded services when they are not eligible for federally funded
26 mental health or substance abuse services."

27 **SECTION 44.** G.S. 131E-214.1(3) reads as rewritten:
28 "(3) "Hospital" means a facility licensed under Article 5 of this Chapter or
29 Article 2 of Chapter 122C of the General Statutes, but does not include the
30 following:
31 a. A facility with all of its beds designated for medical type "LTC"
32 (long-term care).
33 b. A facility with the majority of its beds designated for medical type
34 "PSY-3" (mental retardation).
35 c. A facility operated by the ~~North Carolina~~ Division of Adult
36 Correction of the Department of Public Safety."

37 **SECTION 45.** G.S. 143-134(b) reads as rewritten:
38 "(b) Notwithstanding the provisions of subsection (a) of this section, the Department of
39 Transportation and the Division of Adult Correction of the Department of Public Safety shall:
40 (i) submit all proposed contracts for supplies, materials, printing, equipment, and contractual
41 services that exceed one million dollars (\$1,000,000) to the Attorney General or the Attorney
42 General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be
43 awarded by the Department of Transportation or the Division of Adult Correction of the

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 21 of 31

1 Department of Public Safety a standard clause which provides that the State Auditor and
2 internal auditors of the Department of Transportation or ~~the Division of Adult Correction of the~~
3 Department of Public Safety may audit the records of the contractor during and after the term
4 of the contract to verify accounts and data affecting fees and performance. Neither the
5 Department of Transportation nor the Division of Adult Correction of the Department of Public
6 Safety shall award a cost plus percentage of cost agreement or contract for any purpose."

7 **SECTION 46.** G.S. 143-166.2(d) reads as rewritten:

8 "(d) The term "law-enforcement officer", "officer", or "fireman" shall mean a sheriff and
9 all law-enforcement officers employed full-time, permanent part-time, or temporarily by a
10 sheriff, the State of North Carolina or any county or municipality thereof, whether paid or
11 unpaid; and all full-time custodial employees and probation and parole officers of the ~~North~~
12 ~~Carolina~~ Division of Adult Correction of the Department of Public Safety; and all full time
13 institutional and full-time, permanent part-time, and temporary detention employees of the
14 Division of Juvenile Justice of the Department of Public Safety and full-time, permanent
15 part-time, and temporary detention officers employed by any sheriff, county or municipality,
16 whether paid or unpaid. The term "firemen" shall mean both "eligible firemen" as defined in
17 G.S. 58-86-25 and all full-time, permanent part-time and temporary employees of the Division
18 of Forest Resources, Department of Agriculture and Consumer Services, during the time they
19 are actively engaged in fire-fighting activities; and shall mean all full-time employees of the
20 North Carolina Department of Insurance during the time they are actively engaged in
21 fire-fighting activities, during the time they are training fire fighters or rescue squad workers,
22 and during the time they are engaged in activities as members of the State Emergency
23 Response Team, when the Team has been activated; and shall mean all otherwise eligible
24 persons who, while actively engaged as firefighters or rescue squad workers, are acting in the
25 capacity of a fire or rescue instructor outside their own department or squad. The term "rescue
26 squad worker" shall mean a person who is dedicated to the purpose of alleviating human
27 suffering and assisting anyone who is in difficulty or who is injured or becomes suddenly ill by
28 providing the proper and efficient care or emergency medical services. In addition, this person
29 must belong to an organized rescue squad which is eligible for membership in the North
30 Carolina Association of Rescue Squads, Inc., and the person must have attended a minimum of
31 36 hours of training and meetings in the last calendar year. Each rescue squad belonging to the
32 North Carolina Association of Rescue Squads, Inc., must file a roster of those members
33 meeting the above requirements with the State Treasurer on or about January 1 of each year,
34 and this roster must be certified to by the secretary of said association. In addition, the term
35 "rescue squad worker" shall mean a member of an ambulance service certified by the
36 Department of Health and Human Services pursuant to Article 7 of Chapter 131E of the
37 General Statutes. The Department of Health and Human Services shall furnish a list of
38 ambulance service members to the State Treasurer on or about January 1 of each year. The term
39 "Civil Air Patrol members" shall mean those senior members of the North Carolina Wing-Civil
40 Air Patrol 18 years of age or older and currently certified pursuant to ~~G.S. 143B-491(a).~~
41 G.S. 143B-1031. The term "fireman" shall also mean county fire marshals when engaged in the
42 performance of their county duties. The term "rescue squad worker" shall also mean county
43 emergency services coordinators when engaged in the performance of their county duties."

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 22 of 31

1 **SECTION 47.** G.S. 143B-2 reads as rewritten:

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

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

- 5 (1) Department of Cultural ~~Resources~~Resources.
- 6 (2) Department of Health and Human ~~Services~~Services.
- 7 (3) Department of ~~Revenue~~Revenue.
- 8 (4) Department of Public ~~Safety~~Safety.
- 9 (5) ~~Division of Adult Correction of the Department of Public Safety~~
- 10 (6) Department of Environment and Natural ~~Resources~~Resources.
- 11 (7) Department of ~~Transportation~~Transportation.
- 12 (8) Department of ~~Administration~~Administration.
- 13 (9) Department of ~~Commerce~~Commerce.
- 14 (10) ~~Division of Juvenile Justice of the Department of Public Safety."~~

15 **SECTION 48.** G.S. 143B-6 reads as rewritten:

16 "**§ 143B-6. Principal departments.**

17 In addition to the principal departments enumerated in the Executive Organization Act of
18 1971, all executive and administrative powers, duties, and functions not including those of the
19 General Assembly and its agencies, the General Court of Justice and the administrative
20 agencies created pursuant to Article IV of the Constitution of North Carolina, and higher
21 education previously vested by law in the several State agencies, are vested in the following
22 principal departments:

- 23 (1) Department of Cultural ~~Resources~~Resources.
- 24 (2) Department of Health and Human ~~Services~~Services.
- 25 (3) Department of ~~Revenue~~Revenue.
- 26 (4) Department of Public ~~Safety~~Safety.
- 27 (5) ~~Division of Adult Correction of the Department of Public Safety~~
- 28 (6) Department of Environment and Natural ~~Resources~~Resources.
- 29 (7) Department of ~~Transportation~~Transportation.
- 30 (8) Department of ~~Administration~~Administration.
- 31 (9) Department of ~~Commerce~~Commerce.
- 32 (10) Community Colleges System ~~Office~~Office.
- 33 (11) ~~Division of Juvenile Justice of the Department of Public Safety."~~

34 **SECTION 49.** G.S. 143B-417(1) reads as rewritten:

35 "(1) To determine the number of student interns to be allocated to each of the
36 following offices or departments:

- 37 a. Office of the Governor
- 38 b. Department of Administration
- 39 e. ~~Division of Adult Correction of the Department of Public Safety~~
- 40 d. Department of Cultural Resources
- 41 e. Department of Revenue
- 42 f. Department of Transportation
- 43 g. Department of Environment and Natural Resources

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 23 of 31

- 1 h. Department of Commerce
- 2 i. Department of Public Safety
- 3 j. Department of Health and Human Services
- 4 k. Office of the Lieutenant Governor
- 5 l. Office of the Secretary of State
- 6 m. Office of the State Auditor
- 7 n. Office of the State Treasurer
- 8 o. Department of Public Instruction
- 9 p. Repealed by Session Laws 1985, c. 757, s. 162.
- 10 q. Department of Agriculture and Consumer Services
- 11 r. Department of Labor
- 12 s. Department of Insurance
- 13 t. Office of the Speaker of the House of Representatives
- 14 u. Justices of the Supreme Court and Judges of the Court of Appeals
- 15 v. Community Colleges System Office
- 16 w. Office of State Personnel
- 17 x. Office of the Senate President Pro Tempore
- 18 ~~y. Division of Juvenile Justice of the Department of Public Safety~~
- 19 z. Administrative Office of the Courts
- 20 aa. State Ethics Commission
- 21 bb. Division of Employment Security
- 22 cc. State Board of Elections
- 23 dd. Department of Justice"

SECTION 50. G.S. 143B-426.22(a) reads as rewritten:

"(a) Creation; Membership. – The Governor's Management Council is created in the Department of Administration. The Council shall contain the following members: The Secretary of Administration, who shall serve as chairman, a senior staff officer responsible for productivity and management programs from the Departments of Commerce, Revenue, Environment and Natural Resources, Transportation, Public Safety, Cultural Resources, ~~Correction, Health and Human Services, Juvenile Justice and Delinquency Prevention,~~ and Administration; and an equivalent officer from the Offices of State Personnel, State Budget and Management, and the Governor's Program for Executive and Organizational Development. The following persons may also serve on the Council if the entity represented chooses to participate: a senior staff officer responsible for productivity and management programs from any State department not previously specified in this section, and a representative from The University of North Carolina."

SECTION 51. G.S. 143B-707 reads as rewritten:

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

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 24 of 31

- 1 (1) Details of any new initiatives and expansions or reduction of
2 ~~programs;programs.~~
3 (2) Details on any treatment efforts conducted in conjunction with other
4 ~~departments;departments.~~
5 (3) Utilization of the ~~DART/DWI-program;~~community based programs at
6 DART-Cherry and Black Mountain Substance Abuse Treatment Center for
7 Women.
8 (4), (5) Repealed by Session Laws 2007-323, s. 17.3(a), effective July 1, 2007.
9 (6) Statistical information on the number of current inmates with substance
10 abuse problems that require treatment, the number of treatment slots, the
11 number who have completed treatment, and a comparison of available
12 treatment slots to actual utilization rates. The report shall include this
13 information for each DOC funded ~~program;~~and program.
14 (7) Evaluation of each substance abuse treatment program funded by the
15 Division of Adult Correction of the Department of Public Safety. Evaluation
16 measures shall include reduction in alcohol and drug dependency,
17 improvements in disciplinary and infraction rates, recidivism (defined as
18 return-to-prison rates), and other measures of the programs' success."

19 **SECTION 52.** G.S. 143B-711 reads as rewritten:

20 "**§ 143B-711. Division of Adult Correction of the Department of Public Safety –**
21 **organization.**

22 The Division of Adult Correction of the Department of Public Safety shall be organized
23 initially to include the Post-Release Supervision and Parole Commission, the Board of
24 Correction, the Section of Prisons of the Division of Adult Correction, ~~the Division of Adult~~
25 ~~Probation and Parole,~~ the Section of Community Corrections, the Section of Alcoholism and
26 Chemical Dependency Treatment Programs, and such other divisions as may be established
27 under the provisions of the Executive Organization Act of 1973.

28 ~~The Division shall establish a Substance Abuse Program. All substance abuse programs~~
29 ~~established or in existence shall be administered by the Division of Adult Correction of the~~
30 ~~Department of Public Safety under the Substance Abuse Program."~~

31 **SECTION 53.** G.S. 143B-715(b) reads as rewritten:

32 "(b) ~~The Secretary of Public Safety~~Board of Correction shall consist of one voting
33 member from each of the 13 congressional districts, appointed by the Governor to serve at his
34 pleasure. One member shall be a psychiatrist or a psychologist, one an attorney with experience
35 in the criminal courts, one a judge in the General Court of Justice and nine members appointed
36 at large. The Secretary of Public Safety shall be an additional nonvoting member and chairman
37 ex officio. The terms of office of the nine members presently serving on the Board shall
38 continue, but any vacancy occurring on or after July 1, 1983, shall be filled by the Governor in
39 compliance with the requirement of membership from the various congressional districts."

40 **SECTION 54.** G.S. 143B-1100 reads as rewritten:

41 "**§ 143B-1100. Governor's Crime Commission – creation; composition; terms; meetings,**
42 **etc.**

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 25 of 31

1 (a) There is hereby created the Governor's Crime Commission of the Department of
2 Public Safety. The Commission shall consist of ~~38~~36 voting members and six nonvoting
3 members. The composition of the Commission shall be as follows:

4 (1) The voting members shall be:

- 5 a. The Governor, the Chief Justice of the Supreme Court of North
6 ~~Carolina (or his alternate),~~ Carolina (or the Chief Justice's designee),
7 the Attorney General, the Director of the Administrative Office of
8 the Courts, the Secretary of the Department of Health and Human
9 Services, the Secretary of Public Safety, ~~the Secretary of the Division~~
10 ~~of Juvenile Justice of the Department of Public Safety,~~ Safety (or the
11 Secretary's designee), and the Superintendent of Public Instruction;
12 b. A judge of superior court, a judge of district court specializing in
13 juvenile matters, a chief district court judge, a clerk of superior court,
14 and a district attorney;
15 c. A defense attorney, three sheriffs (one of whom shall be from a "high
16 crime area"), three police executives (one of whom shall be from a
17 "high crime area"), eight citizens (two with knowledge of juvenile
18 delinquency and the public school system, two of whom shall be
19 under the age of 21 at the time of their appointment, one advocate for
20 victims of all crimes, one representative from a domestic violence or
21 sexual assault program, one representative of a "private juvenile
22 delinquency program," and one in the discretion of the Governor),
23 three county commissioners or county officials, and three mayors or
24 municipal officials;
25 d. Two members of the North Carolina House of Representatives and
26 two members of the North Carolina Senate.

27 (2) The nonvoting members shall be the Director of the State Bureau of
28 Investigation, the ~~Secretary of the Department of Public Safety,~~ ~~the Assistant~~
29 ~~Secretary of Intervention/Prevention~~ Deputy Director of the Division of
30 Juvenile Justice of the Department of Public Safety, Safety who is
31 responsible for Intervention/Prevention programs, ~~the Assistant Secretary of~~
32 ~~Youth Development~~ Deputy Director of the Division of Juvenile Justice of
33 the Department of Public Safety, Safety who is responsible for Youth
34 Development programs, ~~the Director~~ Section Chief of the Section of Prisons
35 of the Division of Adult Correction and the ~~Director~~ Section Chief of the
36 Section of Community Corrections of the Division of Adult Correction.

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

- 38 (1) The following members shall serve by virtue of their office: the Governor,
39 the Chief Justice of the Supreme Court, the Attorney General, the Director of
40 the Administrative Office of the Courts, the Secretary of the Department of
41 Health and Human Services, the Secretary of Public Safety, the Director of
42 the State Bureau of Investigation, the ~~Secretary of the Department of Public~~
43 ~~Safety,~~ the Director Section Chief of the Section of Prisons of the Division of

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 26 of 31

1 Adult Correction, the ~~Director~~ Section Chief of the Section of Community
2 Corrections of the Division of Adult Correction, the ~~Secretary of the~~
3 ~~Division of Juvenile Justice of the Department of Public Safety, the~~
4 ~~Assistant Secretary of~~ Deputy Director who is responsible for
5 Intervention/Prevention of the Division of Juvenile Justice of the
6 Department of Public Safety, the ~~Assistant Secretary of~~ Deputy Director who
7 is responsible for Youth Development of the Division of Juvenile Justice of
8 the Department of Public Safety, and the Superintendent of Public
9 Instruction. Should the Chief Justice of the Supreme Court choose not to
10 serve, his alternate shall be selected by the Governor from a list submitted by
11 the Chief Justice which list must contain no less than three nominees from
12 the membership of the Supreme Court.

13 (2) The following members shall be appointed by the Governor: the district
14 attorney, the defense attorney, the three sheriffs, the three police executives,
15 the eight citizens, the three county commissioners or county officials, the
16 three mayors or municipal officials.

17 (3) The following members shall be appointed by the Governor from a list
18 submitted by the Chief Justice of the Supreme Court, which list shall contain
19 no less than three nominees for each position and which list must be
20 submitted within 30 days after the occurrence of any vacancy in the judicial
21 membership: the judge of superior court, the clerk of superior court, the
22 judge of district court specializing in juvenile matters, and the chief district
23 court judge.

24 (4) The two members of the House of Representatives provided by subdivision
25 (a)(1)d. of this section shall be appointed by the Speaker of the House of
26 Representatives and the two members of the Senate provided by subdivision
27 (a)(1)d. of this section shall be appointed by the President Pro Tempore of
28 the Senate. These members shall perform the advisory review of the State
29 plan for the General Assembly as permitted by section 206 of the Crime
30 Control Act of 1976 (Public Law 94-503).

31 (5) The Governor may serve as chairman, designating a vice-chairman to serve
32 at his pleasure, or he may designate a chairman and vice-chairman both of
33 whom shall serve at his pleasure.

34 (c) The initial members of the Commission shall be those appointed under subsection
35 (b) above, which appointments shall be made by March 1, 1977. The terms of the present
36 members of the Governor's Commission on Law and Order shall expire on February 28, 1977.
37 Effective March 1, 1977, the Governor shall appoint members, other than those serving by
38 virtue of their office, to serve staggered terms; seven shall be appointed for one-year terms,
39 seven for two-year terms, and seven for three-year terms. At the end of their respective terms of
40 office their successors shall be appointed for terms of three years and until their successors are
41 appointed and qualified. The Commission members from the House and Senate shall serve
42 two-year terms effective March 1, of each odd-numbered year; and they shall not be
43 disqualified from Commission membership because of failure to seek or attain reelection to the

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 27 of 31

1 General Assembly, but resignation or removal from office as a member of the General
2 Assembly shall constitute resignation or removal from the Commission. Any other Commission
3 member no longer serving in the office from which he qualified for appointment shall be
4 disqualified from membership on the Commission. Any appointment to fill a vacancy on the
5 Commission created by the resignation, dismissal, death, disability, or disqualification of a
6 member shall be for the balance of the unexpired term.

7 (d) The Governor shall have the power to remove any member from the Commission
8 for misfeasance, malfeasance or nonfeasance.

9 (e) The Commission shall meet quarterly and at other times at the call of the chairman
10 or upon written request of at least eight of the members. A majority of the voting members
11 shall constitute a quorum for the transaction of business.

12 (f) The Commission shall be treated as a board for purposes of Chapter 138A of the
13 General Statutes."

14 **SECTION 55.** G.S. 143B-1152 reads as rewritten:

15 **"§ 143B-1152. Definitions.**

16 The following definitions apply in this Subpart:

17 (1) Certified and licensed. – North Carolina Substance Abuse Professional
18 Practice Board certified or licensed substance abuse professionals or
19 Department of Health and Human Services licensed agencies.

20 (2) Division. – The Division of Adult Correction.

21 ~~(3) Division. – The Section of Prisons of the Division of Adult Corrections.~~

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

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

26 (6) Secretary. – The Secretary of ~~the Department of Correction~~ Public Safety.

27 ~~(6a) Section. – The Section of Community Corrections of the Division of Adult~~
28 Correction.

29 (7) State Board. – The State Community Corrections Advisory Board."

30 **SECTION 56.** G.S. 143B-1155 reads as rewritten:

31 **"§ 143B-1155. Duties of Division of Adult Correction.**

32 (a) In addition to those otherwise provided by law, the Division of Adult Correction
33 shall have the following duties:

34 (1) To enter into contractual agreements with eligible entities for the operation
35 of community-based corrections programs and monitor compliance with
36 those agreements.

37 (2) To develop the minimum program standards, policies, and rules for
38 community-based corrections programs and to consult with the Department
39 of Health and Human Services on those standards, policies, and rules that are
40 applicable to licensed and credentialed substance abuse services.

41 (3) To monitor, oversee, and evaluate contracted service providers.

42 (4) To act as an information clearinghouse regarding community-based
43 corrections programs.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 28 of 31

- 1 (5) To collaborate with the Department of Health and Human Services on
2 focusing treatment resources on high-risk and moderate to high need
3 offenders on probation, parole, and post-release supervision.
- 4 (b) ~~The Division of Adult Correction, Section of Prisons-Community Corrections~~ of the
5 Division of Adult ~~Correction, Correction~~ shall develop and publish a recidivism reduction plan
6 for the State that accomplishes the following:
- 7 (1) Articulates a goal of reducing revocations among people on probation and
8 post-release supervision by twenty percent (20%) from the rate in the
9 2009-2010 fiscal year.
- 10 (2) Identifies the number of people on probation and post-release supervision in
11 each county that are in the priority population and have a likely need for
12 substance abuse and/or mental health treatment, employment, education,
13 and/or housing.
- 14 (3) Identifies the program models that research has shown to be effective at
15 reducing recidivism for the target population and ranks those programs
16 based on their cost-effectiveness.
- 17 (4) Propose a plan to fund the provision of the most cost-effective programs and
18 services across the State. The plan shall describe the number and types of
19 programs and/or services to be funded in each region of the State and how
20 that program capacity compares with the needs of the target population in
21 that region.
- 22 (c) The Division of Adult Correction shall report by March 1 of each year to the Chairs
23 of the Senate and House of Representatives Appropriations Committees, the Senate and House
24 of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Joint
25 Legislative ~~Corrections, Crime Control, and Juvenile Justice-Oversight~~ Committee on Justice
26 and Public Safety on the status of the Treatment for Effective Community Supervision
27 Program. The report shall include the following information:
- 28 (1) The dollar amount and purpose of funds provided on a contractual basis to
29 service providers for the previous fiscal year.
- 30 (2) An analysis of offender participation data received, including the following:
- 31 a. The number of people on probation and post-release supervision that
32 are in the priority population that received services.
- 33 b. The number of people on probation and post-release supervision that
34 are in the priority population that did not receive services.
- 35 c. The number of people on probation and post-release supervision
36 outside of the priority population that received services.
- 37 d. The type of services provided to these populations.
- 38 e. The rate of revocations and successful completions for people who
39 received services.
- 40 f. Other measures as determined appropriate.
- 41 (3) The dollar amount needed to provide additional services to meet the needs of
42 the priority population in the upcoming budget year.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 29 of 31

1 (4) Details of personnel, travel, contractual, operating, and equipment
2 expenditures for each program type."

3 **SECTION 57.** G.S. 146-33 reads as rewritten:

4 "**§ 146-33. State agencies to locate and mark boundaries of lands.**

5 Every State agency shall locate and identify, and shall mark and keep marked, the
6 boundaries of all lands allocated to that agency or under its control. The Department of
7 Administration shall locate and identify, and mark and keep marked, the boundaries of all State
8 lands not allocated to or under the control of any other State agency. The chief administrative
9 officer of every State agency is authorized to contract with the ~~State~~ Division of Adult
10 Correction of the Department of Public Safety for the furnishing, upon such conditions as may
11 be agreed upon from time to time between the ~~State~~ Division of Adult Correction of the
12 Department of Public Safety and the chief administrative officer of that agency, of prison labor
13 for use where feasible in the performance of these duties."

14 **SECTION 58.** G.S. 147-12(b) reads as rewritten:

15 "(b) The Department of Transportation, the Division of Adult Correction of the
16 Department of Public Safety, ~~the Department of Public Safety,~~ the State Highway Patrol, the
17 Wildlife Resources Commission, the Division of Parks and Recreation in the Department of
18 Environment and Natural Resources, and the Division of Marine Fisheries in the Department of
19 Environment and Natural Resources shall deliver to the Governor by February 1 of each year
20 detailed information on the agency's litter enforcement, litter prevention, and litter removal
21 efforts. The Administrative Office of the Courts shall deliver to the ~~Governor~~ Governor, by
22 February 1 of each ~~year~~ year, detailed information on the enforcement of the littering laws of
23 the State, including the number of charges and convictions under the littering laws of the State.
24 The Governor shall gather the information submitted by the respective agencies and deliver a
25 consolidated annual ~~report~~ report, on or before March 1 of each ~~year~~ year, to the Environmental
26 Review Commission, the Joint Legislative Transportation Oversight Committee, and the House
27 of Representatives and the Senate Appropriations Subcommittees on Natural and Economic
28 Resources."

29 **SECTION 59.** G.S. 148-26(f) reads as rewritten:

30 "(f) Adult inmates of the State prison system shall be prohibited from working at or
31 being on the premises of any schools or institutions operated or administered by the Youth
32 Development ~~Division~~ Section of the Division of Juvenile Justice of the Department of Public
33 ~~Safety~~ Safety unless a complete sight and sound barrier is erected and maintained during the
34 course of the labor performed by the adult inmates."

35 **SECTION 60.** G.S. 162-39(c) reads as rewritten:

36 "(c) The sheriff of the county from which the prisoner is removed shall be responsible
37 for conveying the prisoner to the jail or prison unit where he is to be held, and for returning him
38 to the common jail of the county from which he was transferred. The return shall be made at
39 the expiration of the time designated in the court order directing the transfer unless the judge,
40 by appropriate order, shall direct otherwise. The sheriff or keeper of the jail of the county
41 designated in the court order, or the officer in charge of the prison unit designated by the
42 Secretary of Public Safety, shall receive and release custody of the prisoner in accordance with
43 the terms of the court order. If a prisoner is transferred to a unit of the State prison system, the

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 30 of 31

1 county from which the prisoner is transferred shall pay the Division of Adult Correction of the
2 Department of Public Safety for maintaining the prisoner for the time designated by the court at
3 the per day, per inmate rate at which the Division of Adult Correction of the Department of
4 Public Safety pays a local jail for maintaining a prisoner. The county shall also pay the
5 Division of Adult Correction of the Department of Public Safety for the costs of extraordinary
6 medical care incurred while the prisoner was in the custody of the Division of Adult Correction
7 of the Department of Public Safety, defined as follows:

- 8 (1) Medical expenses incurred as a result of providing health care to a prisoner
9 as an inpatient (hospitalized);
- 10 (2) Other medical expenses when the total cost exceeds thirty-five dollars
11 (\$35.00) per occurrence or illness as a result of providing health care to a
12 prisoner as an outpatient (nonhospitalized); and
- 13 (3) Cost of replacement of eyeglasses and dental prosthetic devices if those
14 eyeglasses or devices are broken while the prisoner is incarcerated, provided
15 the prisoner was using the eyeglasses or devices at the time of his
16 commitment and then only if prior written consent of the county is obtained
17 by the Division.

18 If the prisoner is transferred to a jail in some other county, the county from which the prisoner
19 is transferred shall pay to the county receiving the prisoner in its jail the actual cost of
20 maintaining the prisoner for the time designated by the court. Counties are hereby authorized to
21 enter into contractual agreements with other counties to provide jail facilities to which
22 prisoners may be transferred as deemed necessary under this section.

23 Whenever prisoners are arrested in such numbers that county jail facilities are insufficient
24 and inadequate for the safekeeping of such prisoners, the resident judge of the superior court or
25 any superior or district court judge holding court in the district may order the prisoners
26 transferred to a unit of the ~~State~~ Division of Adult Correction of the Department of Public
27 Safety designated by the Secretary of Public Safety or his authorized representative, where the
28 prisoners may be held for such length of time as the judge may direct, such detention to be in
29 cell separate from that used for imprisonment of persons already convicted of crimes, except
30 when admission to an inpatient prison medical or mental health unit is required to provide
31 services deemed necessary by a prison health care clinician. The sheriff of the county from
32 which the prisoners are removed shall be responsible for conveying the prisoners to the prison
33 unit or units where they are to be held, and for returning them to the common jail of the county
34 from which they were transferred. However, if due to the number of prisoners to be conveyed
35 the sheriff is unable to provide adequate transportation, he may request the assistance of the
36 Division of Adult Correction of the Department of Public Safety, and the Division of Adult
37 Correction of the Department of Public Safety is hereby authorized and directed to cooperate
38 with the sheriff and provide whatever assistance is available, both in vehicles and manpower, to
39 accomplish the conveying of the prisoners to and from the county to the designated prison unit
40 or units. The officer in charge of the prison unit designated by the Secretary of Public Safety or
41 his authorized representative shall receive and release the custody of the prisoners in
42 accordance with the terms of the court order. The county from which the prisoners are
43 transferred shall pay to the Division of Adult Correction of the Department of Public Safety the

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S881-ARW-60 [v.2]

Page 31 of 31

1 actual cost of transporting the prisoners and the cost of maintaining the prisoners at the per day,
2 per inmate rate at which the Division of Adult Correction of the Department of Public Safety
3 pays a local jail for maintaining a prisoner, provided, however, that a county is not required to
4 reimburse the State for transporting or maintaining a prisoner who was a resident of another
5 state or county at the time he was arrested. However, if the county commissioners shall certify
6 to the Governor that the county is unable to pay the bill submitted by the State Division of
7 Adult Correction of the Department of Public Safety to the county for the services rendered,
8 either in whole or in part, the Governor may recommend to the Council of State that the State
9 of North Carolina assume and pay, in whole or in part, the obligation of the county to the
10 Division of Adult Correction of the Department of Public Safety, and upon approval of the
11 Council of State the amount so approved shall be paid from Contingency and Emergency Fund
12 to the Division of Adult Correction of the Department of Public Safety.

13 When, due to an emergency, it is not feasible to obtain from a judge of the superior or
14 district court a prior order of transfer, the sheriff of the county and the Division of Adult
15 Correction of the Department of Public Safety may exercise the authority hereinafter conferred;
16 provided, however, that the sheriff shall, as soon as possible after the emergency, obtain an
17 order from the judge authorizing the prisoners to be held in the designated place of confinement
18 for such period as the judge may direct. All provisions of this subsection shall be applicable to
19 municipalities whenever prisoners are arrested in such numbers that the municipal jail facilities
20 and the county jail facilities are insufficient and inadequate for the safekeeping of the prisoners.
21 The chief of police is hereby authorized to exercise the authority herein conferred upon the
22 sheriff, and the municipality shall be liable for the cost of transporting and maintaining the
23 prisoners to the same extent as a county would be unless action is taken by the Governor and
24 Council of State as herein provided for counties which are unable to pay such costs."

25 **SECTION 61.** The Revisor of Statutes shall delete throughout Chapter 148 of the
26 General Statutes the words "State" or "North Carolina" if the words appear directly before the
27 phrase "Division of Adult Correction."

28 **PART III. TRANSFER EVIDENCE WAREHOUSE"; and**

29
30 by renumbering the succeeding sections accordingly.

SIGNED Rep. Shirley Ledbetter
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED 110-1A FAILED ~~TABLED~~

JUN 18 2012

ADOPTED