

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 969

Short Title: Dept. of Public Safety/Tech & Other Changes. (Public)

Sponsors: Representatives Randleman and Boles (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: State Personnel.

May 17, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE GENERAL  
3 STATUTES REGARDING THE DEPARTMENT OF PUBLIC SAFETY AS  
4 RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON  
5 JUSTICE AND PUBLIC SAFETY.

6 The General Assembly of North Carolina enacts:

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

35 **SECTION 3.** G.S. 18B-500(a) reads as rewritten:



\* H 9 6 9 - V - 1 \*

"(a) Appointment. – The Secretary of Public Safety shall appoint alcohol law-enforcement agents and other enforcement personnel. The Secretary of Public Safety may also appoint regular employees of the Department of Public Safety who are sworn law enforcement officers or regular employees of the Commission as alcohol law-enforcement agents. Alcohol law-enforcement agents shall be designated as "alcohol law-enforcement agents". Persons serving as reserve alcohol law-enforcement agents are considered employees of the Alcohol Law Enforcement Section for workers' compensation purposes while performing duties assigned or approved by the Director of Alcohol Law Enforcement Section or the Director's designee."

**SECTION 4.** G.S. 18B-500 is amended by adding a new subsection to read:

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

**SECTION 5.** G.S. 20-79.5(a) reads as rewritten:

"(a) Plates. – The State government officials listed in this section are eligible for a special registration plate under G.S. 20-79.4. The plate shall bear the number designated in the 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
<del>Secretary of Public Safety</del>	<del>22</del>
<del>Secretary of Public Safety</del>	<del>23</del>
Governor's Staff	<del>24</del> <u>22-29</u>
State Budget Officer	30
State Personnel Director	31
Chair of the State Board of Education	32
President of the U.N.C. System	33

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

21           **SECTION 6.** G.S. 20-196.3 reads as rewritten:

22   **"§ 20-196.3. Who may hold supervisory positions over sworn members of the Patrol.**

23       Notwithstanding any other provision of the General Statutes of North Carolina, it shall be  
 24   unlawful for any person other than the ~~Governor and Governor~~, the Secretary of Public Safety  
 25   ~~and other than~~ Safety, the Chief Operating Officer of the Department of Public Safety, the Chief  
 26   Deputy Secretary for the Law Enforcement Division of the Department of Public Safety, or a  
 27   uniformed member of the North Carolina State Highway Patrol who has met all requirements  
 28   for employment within the Patrol, including but not limited to completion of the basic Patrol  
 29   school, to hold any supervisory position over sworn members of the Patrol. If a member is  
 30   assigned to a division, section, branch, or unit other than the State Highway Patrol, then that  
 31   member shall be supervised by the head of the division, branch, or unit during the assignment."

32           **SECTION 7.** G.S. 114-19.6(a)(1) reads as rewritten:

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

- 34           a. An applicant for employment or a current employee in a position in  
 35           the Division of Juvenile Justice of the Department of Public Safety  
 36           who provides direct care for a client, patient, student, resident or  
 37           ward of the Division.
- 38           b. A person who supervises positions in the Division of Juvenile Justice  
 39           of the Department of Public Safety providing direct care for a client,  
 40           patient, student, resident or ward of the Division.
- 41           c. An applicant for employment or a current employee in a position in  
 42           the Department of Health and Human Services.
- 43           d. An independent contractor or an employee of an independent  
 44           contractor that has contracted to provide services to the Department  
 45           of Health and Human Services.
- 46           e. A person who has been approved to perform volunteer services for  
 47           the Department of Health and Human Services.
- 48           f. An independent contractor or an employee of an independent  
 49           contractor who has contracted with the Division of Juvenile Justice  
 50           of the Department of Public Safety to provide direct care for a client,  
 51           patient, student, resident, or ward of the Division.

- 1 g. A person who has been approved to perform volunteer services in or  
2 for the Division of Juvenile Justice of the Department of Public  
3 Safety to provide direct care for a client, patient, student, resident, or  
4 ward of the Division."

5 **SECTION 8.** G.S. 120C-500 is amended by adding a new subsection to read:

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

10 **SECTION 9.** G.S. 126-5(d)(1) reads as rewritten:

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

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

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

42 **SECTION 10.** G.S. 143B-600(a) reads as rewritten:

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

- 46 (1) The Division of Adult Correction, which shall consist of the former  
47 Department of Correction. The head of the Division of Adult Correction  
48 shall be a chief deputy secretary, who shall be responsible for prisons,  
49 community corrections, ~~and correction enterprises~~; enterprises, alcoholism  
50 and chemical dependency treatment, offender records management, and  
51 extradition.

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

25 **SECTION 11.** G.S. 143B-704 reads as rewritten:

26 **"§ 143B-704. Division of Adult Correction of the Department of Public Safety – functions.**

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

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

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

46 (c) ~~The Section of Community Corrections of the Division of Adult Correction shall~~  
47 ~~establish rules for intensive supervision consistent with the requirements specified in~~  
48 ~~G.S. 15A-1340.11(5).~~

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

1 The Division shall establish an alcoholism and chemical dependency treatment program.  
2 The program shall consist of a continuum of treatment and intervention services for male and  
3 female inmates, established in medium and minimum custody prison facilities, and for male  
4 and female probationers and parolees, established in community-based residential treatment  
5 facilities.

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

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

18 **SECTION 12.** G.S. 143B-705 reads as rewritten:

19 "**§ 143B-705. Division of Adult Correction of the Department of Public Safety –**  
20 **Substance Abuse Program; Alcoholism and Chemical Dependency Treatment**  
21 **Program.**

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

27 (b) ~~An Assistant Secretary for Substance Abuse~~ A Section Chief for the Alcoholism and  
28 Chemical Dependency Treatment Program shall be employed and shall report directly to ~~the~~  
29 ~~Office of the Secretary of Public Safety;~~ a deputy director for the Division of Adult Correction  
30 as designated by the Chief Deputy Secretary for the Division of Adult Correction. The duties of  
31 the ~~Assistant Secretary~~ Section Chief and staff shall include the following:

- 32 (1) Administer and coordinate all substance abuse programs, grants, contracts,  
33 and related functions in the Division of Adult Correction of the Department  
34 of Public ~~Safety;~~ Safety.
- 35 (2) Develop and maintain working relationships and agreements with agencies  
36 and organizations that will assist in developing and operating ~~a Substance~~  
37 ~~Abuse Program~~ alcoholism and chemical dependency treatment and recovery  
38 programs in the Division of Adult Correction of the Department of Public  
39 ~~Safety;~~ Safety.
- 40 (3) Develop and coordinate the use of volunteers in the Substance Abuse  
41 ~~Program;~~ Program.
- 42 (4) Develop and present training programs related to ~~substance abuse~~  
43 alcoholism and chemical dependency for employees and others at all levels  
44 in the ~~agency;~~ agency.
- 45 (5) Develop programs that provide effective treatment for inmates, probationers,  
46 and parolees with ~~substance abuse problems;~~ alcohol and chemical  
47 dependency problems.
- 48 (6) Maintain contact with key leaders in the ~~substance abuse field~~ alcoholism and  
49 chemical dependency field, the service structure of various community  
50 recovery programs, and active supporters of the Correction  
51 ~~Program;~~ Program.

1 (7) Supervise directly the ~~directors of treatment units, facility and district~~  
2 program managers, other specialized personnel, and programs that exist or  
3 may be developed in the Division of Adult Correction of the Department of  
4 Public Safety; and Safety.

5 (8) ~~Develop employee assistance programs for employees with substance abuse~~  
6 ~~problems.~~

7 (c) ~~In the unit each prison that houses an alcoholism and chemical dependency program,~~  
8 there shall be a unit superintendent under the Section of Prisons of the Division of Adult  
9 Correction and other custodial, administrative, and support staff as required for a medium  
10 eustody facility for approximately 100 inmates to maintain the proper custody level at the  
11 facility. The unit superintendent shall be responsible for all matters pertaining to custody and  
12 administration of the unit. The Assistant Secretary shall designate an employee to administer  
13 the inpatient treatment program under the direction of the Assistant Secretary for Substance  
14 Abuse. The Section Chief of the Alcoholism and Chemical Dependency Treatment Program  
15 shall designate and direct employees to manage treatment programs at each location. Duties of  
16 unit treatment program managers shall include program development and implementation,  
17 supervision of personnel assigned to treatment programs, adherence to all pertinent policy and  
18 procedural requirements of the Department, and other duties as assigned.

19 (d) Extensive use may be made of inmates working in the role of ancillary staff, ~~peer~~  
20 ~~counselors, treatment assistants,~~ role models, or study group leaders as the program manager  
21 determines. Additional resource people who may be required for specialized treatment  
22 activities, presentations, or group work may be employed on a fee or contractual basis.

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

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

25 (2) General staff referral.

26 (3) Self-referral.

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

30 **SECTION 13.** G.S. 143B-710 reads as rewritten:

31 **"§ 143B-710. Division of Adult Correction of the Department of Public Safety – head.**

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

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

35 **"§ 143B-806. Duties and powers of the Division of Juvenile Justice of the Department of**  
36 **Public Safety.**

37 (a) The head of the Division is ~~the Secretary.~~ a Chief Deputy Secretary appointed by  
38 the Secretary of Public Safety. The Secretary Chief Deputy Secretary shall have the powers and  
39 duties conferred by this Chapter, delegated by the Secretary of Public Safety or the Governor,  
40 and conferred by the Constitution and laws of this State. The Secretary of Public Safety shall be  
41 responsible for effectively and efficiently organizing the Division to promote the policy of the  
42 State as set forth in this Part and to promote public safety and to prevent the commission of  
43 delinquent acts by juveniles.

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

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

48 (2) Close a State youth development center when its operation is no longer  
49 justified and transfer State funds appropriated for the operation of that youth  
50 development center to fund community-based programs, to purchase care or  
51 services for predelinquents, delinquents, or status offenders in

- 1 community-based or other appropriate programs, or to improve the  
2 efficiency of existing youth development centers, after consultation with the  
3 Joint Legislative Commission on Governmental Operations.
- 4 (3) Administer a sound admission or intake program for juvenile facilities,  
5 including the requirement of a careful evaluation of the needs of each  
6 juvenile prior to acceptance and placement.
- 7 (4) Operate juvenile facilities and implement programs that meet the needs of  
8 juveniles receiving services and that assist them to become productive,  
9 responsible citizens.
- 10 (5) Adopt rules to implement this Part and the responsibilities of the Secretary  
11 and the Division under Chapter 7B of the General Statutes. The Secretary  
12 may adopt rules applicable to local human services agencies providing  
13 juvenile court and delinquency prevention services for the purpose of  
14 program evaluation, fiscal audits, and collection of third-party payments.
- 15 (6) Ensure a statewide and uniform system of juvenile intake, protective  
16 supervision, probation, and post-release supervision services in all district  
17 court districts of the State. The system shall provide appropriate, adequate,  
18 and uniform services to all juveniles who are alleged or found to be  
19 undisciplined or delinquent.
- 20 (7) Establish procedures for substance abuse testing for juveniles adjudicated  
21 delinquent for substance abuse offenses.
- 22 (8) Plan, develop, and coordinate comprehensive multidisciplinary services and  
23 programs statewide for the prevention of juvenile delinquency, early  
24 intervention, and rehabilitation of juveniles.
- 25 (9) Develop standards, approve yearly program evaluations, and make  
26 recommendations based on the evaluations to the General Assembly  
27 concerning continuation funding.
- 28 (10) Collect expense data for every program operated and contracted by the  
29 Division.
- 30 (11) Develop a formula for funding, on a matching basis, juvenile court and  
31 delinquency prevention services as provided for in this Part. This formula  
32 shall be based upon the county's or counties' relative ability to fund  
33 community-based programs for juveniles.
- 34 Local governments receiving State matching funds for programs under  
35 this Part must maintain the same overall level of effort that existed at the  
36 time of the filing of the county assessment of juvenile needs with the  
37 Division.
- 38 (12) Assist local governments and private service agencies in the development of  
39 juvenile court services and delinquency prevention services and provide  
40 information on the availability of potential funding sources and assistance in  
41 making application for needed funding.
- 42 (13) Develop and administer a comprehensive juvenile justice information system  
43 to collect data and information about delinquent juveniles for the purpose of  
44 developing treatment and intervention plans and allowing reliable  
45 assessment and evaluation of the effectiveness of rehabilitative and  
46 preventive services provided to delinquent juveniles.
- 47 (14) Coordinate State-level services in relation to delinquency prevention and  
48 juvenile court services so that any citizen may go to one place in State  
49 government to receive information about available juvenile services.
- 50 (15) Appoint the chief court counselor in each district upon the recommendation  
51 of the chief district court judge of that district.



- 1 (16) Develop a statewide plan for training and professional development of chief  
2 court counselors, court counselors, and other personnel responsible for the  
3 care, supervision, and treatment of juveniles. The plan shall include  
4 attendance at appropriate professional meetings and opportunities for  
5 educational leave for academic study.
- 6 (17) Study issues related to qualifications, salary ranges, appointment of  
7 personnel on a merit basis, including chief court counselors, court  
8 counselors, secretaries, and other appropriate personnel, at the State and  
9 district levels in order to adopt appropriate policies and procedures  
10 governing personnel.
- 11 (18) Set, in consultation with the Office of State Personnel, the salary supplement  
12 paid to teachers, instructional support personnel, and school-based  
13 administrators who are employed at juvenile facilities and are licensed by  
14 the State Board of Education. The salary supplement shall be at least five  
15 percent (5%), but not more than the percentage supplement they would  
16 receive if they were employed in the local school administrative unit where  
17 the job site is located. These salary supplements shall not be paid to central  
18 office staff. Nothing in this subdivision shall be construed to include "merit  
19 pay" under the term "salary supplement".
- 20 (19) Designate persons, as necessary, as State juvenile justice officers, to provide  
21 for the care and supervision of juveniles placed in the physical custody of  
22 the Division.

23 (c) Except as otherwise specifically provided in this Part and in Article 1 of this  
24 Chapter, the Secretary of Public Safety shall prescribe the functions, powers, duties, and  
25 obligations of every agency or ~~division-section~~ in the Division.

26 (d) Where Division statistics indicate the presence of minority youth in juvenile  
27 facilities disproportionate to their presence in the general population, the Division shall develop  
28 and recommend appropriate strategies designed to ensure fair and equal treatment in the  
29 juvenile justice system.

30 (e) The Division may provide consulting services and technical assistance to courts, law  
31 enforcement agencies, and other agencies, local governments, and public and private  
32 organizations. The Division may develop or assist Juvenile Crime Prevention Councils in  
33 developing community needs, assessments, and programs relating to the prevention and  
34 treatment of delinquent and undisciplined behavior.

35 (f) The Division shall develop a cost-benefit model for each State-funded program.  
36 Program commitment and recidivism rates shall be components of the model."

37 **SECTION 15.** G.S. 143B-840(a) reads as rewritten:

38 "(a) The Division shall develop and implement ~~the—a~~ comprehensive juvenile  
39 delinquency and substance abuse prevention plan ~~developed by the Office of Juvenile Justice~~  
40 and shall coordinate with County Councils for implementation of a continuum of services and  
41 programs at the community level.

42 The Division shall ensure that localities are informed about best practices in juvenile  
43 delinquency and substance abuse prevention."

44 **SECTION 16.** Section 19.1(hhh2) of S.L. 2011-145 is repealed.

## 45 **PART II. TECHNICAL CHANGES**

46 **SECTION 17.** G.S. 7A-474.3(c)(4) reads as rewritten:

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

50 **SECTION 18.** G.S. 7A-474.18(c)(2) reads as rewritten:

1           "(2) 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."

4           **SECTION 19.** G.S. 7B-3000(e1) reads as rewritten:

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

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

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

26           **SECTION 20.** G.S. 13-1(1) reads as rewritten:

27           **"§ 13-1. Restoration of citizenship.**

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

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

37           ...."

38           **SECTION 21.** G.S. 14-258.3 reads as rewritten:

39           **"§ 14-258.3. Taking of hostage, etc., by prisoner.**

40          Any prisoner in the custody of the Division of Adult Correction of the Department of  
41 Public Safety, including persons in the custody of the Division of Adult Correction of the  
42 Department of Public Safety pending trial or appellate review or for presentence diagnostic  
43 evaluation, or any prisoner in the custody of any local confinement facility (as defined in  
44 G.S. 153A-217), or any person in the custody of any local confinement facility (as defined in  
45 G.S. 153A-217) pending trial or appellate review or for any lawful purpose, who by threats,  
46 coercion, intimidation or physical force takes, holds, or carries away any person, as hostage or  
47 otherwise, shall be punished as a Class F felon. The provisions of this section apply to: (i)  
48 violations committed by any prisoner in the custody of the Division of Adult Correction of the  
49 Department of Public Safety, whether inside or outside of the facilities of the ~~North Carolina~~  
50 Division of Adult Correction of the Department of Public Safety; (ii) violations committed by  
51 any prisoner or by any other person lawfully under the custody of any local confinement

1 facility (as defined in G.S. 153A-217), whether inside or outside the local confinement facilities  
2 (as defined in G.S. 153A-217)."

3 **SECTION 22.** G.S. 15-6.1 reads as rewritten:

4 **"§ 15-6.1. Changing place of confinement of prisoner committing offense.**

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

15 **SECTION 23.** G.S. 15-10.1 reads as rewritten:

16 **"§ 15-10.1. Detainer; purpose; manner of use.**

17 Any person confined in the State prison system of North Carolina, subject to the authority  
18 and control of the ~~State~~ Division of Adult Correction of the Department of Public Safety, or  
19 any person confined in any other prison of North Carolina, may be held to account for any  
20 other charge pending against him only upon a written order from the clerk or judge of the court  
21 in which the charge originated upon a case regularly docketed, directing that such person be  
22 held to answer the charge pending in such court; and in no event shall the prison authorities  
23 hold any person to answer any charge upon a warrant or notice when the charge has not been  
24 regularly docketed in the court in which the warrant or charge has been issued: Provided, that  
25 this section shall not apply to any State agency exercising supervision over such person or  
26 prisoner by virtue of a judgment, order of court or statutory authority."

27 **SECTION 24.** G.S. 15-196.3 reads as rewritten:

28 **"§ 15-196.3. Effect of credit.**

29 Time creditable under this section shall reduce the minimum and maximum term of a  
30 sentence; and, irrespective of sentence, shall reduce the time required to attain privileges made  
31 available to inmates in the custody of the ~~State~~ Division of Adult Correction of the Department  
32 of Public Safety which are dependent, in whole or in part, upon the passage of a specific length  
33 of time in custody, including parole or post-release supervision consideration by the  
34 Post-Release Supervision and Parole Commission. However, nothing in this section shall be  
35 construed as requiring an automatic award of privileges by virtue of the passage of time."

36 **SECTION 25.** G.S. 15-204 reads as rewritten:

37 **"§ 15-204. Assignment, compensation and oath of probation officers.**

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

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

46 "I, \_\_\_\_\_, do solemnly and sincerely swear that I will be faithful and bear true  
47 allegiance to the State of North Carolina, and to the constitutional powers and authorities which  
48 are or may be established for the government thereof; and that I will endeavor to support,  
49 maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the  
50 United States, to the best of my knowledge and ability; so help me God," and shall be noted of  
51 record by the clerk of the court."

1           **SECTION 26.** G.S. 15-206 reads as rewritten:

2   "**§ 15-206. Cooperation with Division of Adult Correction of the Department of Public**  
3   **Safety and officials of local units.**

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

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

16           **SECTION 27.** G.S. 15A-544.3(b)(9) reads as rewritten:

17       "(9) The following notice: "TO THE DEFENDANT AND EACH SURETY  
18       NAMED ABOVE: The defendant named above has failed to appear as  
19       required before the court in the case identified above. A forfeiture for the  
20       amount of the bail bond shown above was entered in favor of the State  
21       against the defendant and each surety named above on the date of forfeiture  
22       shown above. This forfeiture will be set aside if, on or before the final  
23       judgment date shown above, satisfactory evidence is presented to the court  
24       that one of the following events has occurred: (i) the defendant's failure to  
25       appear has been stricken by the court in which the defendant was required to  
26       appear and any order for arrest that was issued for that failure to appear is  
27       recalled, (ii) all charges for which the defendant was bonded to appear have  
28       been finally disposed by the court other than by the State's taking a voluntary  
29       dismissal with leave, (iii) the defendant has been surrendered by a surety or  
30       bail agent to a sheriff of this State as provided by law, (iv) the defendant has  
31       been served with an Order for Arrest for the Failure to Appear on the  
32       criminal charge in the case in question as evidenced by a copy of an official  
33       court record, including an electronic record, (v) the defendant died before or  
34       within the period between the forfeiture and the final judgment as  
35       demonstrated by the presentation of a death certificate, (vi) the defendant  
36       was incarcerated in a unit of the ~~North Carolina~~ Division of Adult Correction  
37       of the Department of Public Safety and is serving a sentence or in a unit of  
38       the Federal Bureau of Prisons located within the borders of the State at the  
39       time of the failure to appear as evidenced by a copy of an official court  
40       record or a copy of a document from the Division of Adult Correction of the  
41       Department of Public Safety or Federal Bureau of Prisons, or (vii) the  
42       defendant was incarcerated in a local, state, or federal detention center, jail,  
43       or prison located anywhere within the borders of the United States at the  
44       time of the failure to appear, and the district attorney for the county in which  
45       the charges are pending was notified of the defendant's incarceration while  
46       the defendant was still incarcerated and the defendant remains incarcerated  
47       for a period of 10 days following the district attorney's receipt of notice, as  
48       evidenced by a copy of the written notice served on the district attorney via  
49       hand delivery or certified mail and written documentation of date upon  
50       which the defendant was released from incarceration, if the defendant was  
51       released prior to the time the motion to set aside was filed. The forfeiture

1 will not be set aside for any other reason. If this forfeiture is not set aside on  
2 or before the final judgment date shown above, and if no motion to set it  
3 aside is pending on that date, the forfeiture will become a final judgment on  
4 that date. The final judgment will be enforceable by execution against the  
5 defendant and any accommodation bondsman and professional bondsman on  
6 the bond. The final judgment will also be reported to the Department of  
7 Insurance. Further, no surety will be allowed to execute any bail bond in the  
8 above county until the final judgment is satisfied in full."

9 **SECTION 28.** G.S. 15A-544.5(b)(6) reads as rewritten:

10 "(6) The defendant was incarcerated in a unit of the ~~North Carolina~~ Division of  
11 Adult Correction of the Department of Public Safety and is serving a  
12 sentence or in a unit of the Federal Bureau of Prisons located within the  
13 borders of the State at the time of the failure to appear as evidenced by a  
14 copy of an official court record or a copy of a document from the Division of  
15 Adult Correction of the Department of Public Safety or Federal Bureau of  
16 Prisons, including an electronic record."

17 **SECTION 29.** G.S. 15A-821(a) reads as rewritten:

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

29 **SECTION 30.** G.S. 15A-1344(c) reads as rewritten:

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

46 **SECTION 31.** G.S. 17C-3(a) reads as rewritten:

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

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

44 **SECTION 32.** G.S. 20-189 reads as rewritten:

45 **"§ 20-189. Patrolmen assigned to Governor's office.**

46 The Secretary of Public Safety, at the request of the Governor, shall assign and attach two  
47 members of the State Highway Patrol to the office of the Governor, there to be assigned such  
48 duties and perform such services as the Governor may direct. The salary of the State ~~highway~~  
49 ~~patrolmen~~ Highway Patrol members so assigned to the office of the Governor shall be paid from  
50 appropriations made to the office of the Governor and shall be fixed in an amount to be  
51 determined by the Governor."

1           **SECTION 33.** G.S. 20-192 reads as rewritten:

2   "**§ 20-192. Shifting of patrolmen-personnel from one district to another.**

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

11           **SECTION 34.** G.S. 65-4 reads as rewritten:

12   "**§ 65-4. State Division of Adult Correction of the Department of Public Safety to furnish**  
13   **labor.**

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

18           **SECTION 35.** G.S. 66-58(b)(15) reads as rewritten:

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

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

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

33           **SECTION 36.** G.S. 97-13(c) reads as rewritten:

34       "(c) Prisoners. – This Article shall not apply to prisoners being worked by the State or  
35       any subdivision thereof, except to the following extent: Whenever any prisoner assigned to the  
36       ~~State~~-Division of Adult Correction of the Department of Public Safety shall suffer accidental  
37       injury or accidental death arising out of and in the course of the employment to which he had  
38       been assigned, if there be death or if the results of such injury continue until after the date of  
39       the lawful discharge of such prisoner to such an extent as to amount to a disability as defined in  
40       this Article, then such discharged prisoner or the dependents or next of kin of such discharged  
41       prisoner may have the benefit of this Article by applying to the Industrial Commission as any  
42       other employee; provided, such application is made within 12 months from the date of the  
43       discharge; and provided further that the maximum compensation to any prisoner or to the  
44       dependents or next of kin of any deceased prisoner shall not exceed thirty dollars (\$30.00) per  
45       week and the period of compensation shall relate to the date of his discharge rather than the  
46       date of the accident. If any person who has been awarded compensation under the provisions of  
47       this subsection shall be recommitted to prison upon conviction of an offense committed  
48       subsequent to the award, such compensation shall immediately cease. Any awards made under  
49       the terms of this subsection shall be paid by the ~~State-Division of Adult Correction of the~~  
50       Department of Public Safety from the funds available for the operation of the Division of Adult  
51       Correction of the Department of Public Safety. The provisions of G.S. 97-10.1 and 97-10.2

1 shall apply to prisoners and discharged prisoners entitled to compensation under this subsection  
2 and to the State in the same manner as said section applies to employees and employers."

3 **SECTION 37.** G.S. 105-259(b)(15) reads as rewritten:

4 "(15) To exchange information concerning a tax imposed by Articles 2A, 2C, or  
5 2D of this Chapter with one of the following agencies when the information  
6 is needed to fulfill a duty imposed on the Department or the agency:

- 7 a. The North Carolina Alcoholic Beverage Control Commission.
- 8 b. The Alcohol Law Enforcement Section of the Department of Public  
9 Safety.
- 10 c. The Bureau of Alcohol, Tobacco, and Firearms of the United States  
11 ~~Treasury Department.~~ Department of Justice.
- 12 d. Law enforcement agencies.
- 13 e. The Section of Community Corrections of the Division of Adult  
14 Correction of the Department of Public Safety."

15 **SECTION 38.** G.S. 114-10.1(b) reads as rewritten:

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

22 **SECTION 39.** G.S. 114-14 reads as rewritten:

23 **"§ 114-14. General powers and duties of Director and assistants.**

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

31 **SECTION 40.** G.S. 115C-108.1(d) reads as rewritten:

32 "(d) The Departments of Health and Human Services, Correction, and Juvenile Justice  
33 and Delinquency Prevention shall submit to the Board their plans for the education of children  
34 with disabilities in their care, custody, or control. The Board may grant specific exemptions for  
35 programs administered by the Department of Health and Human Services, the Division of  
36 Juvenile Justice of the Department of Public Safety, or the Division of Adult Correction of the  
37 Department of Public Safety when compliance by them with the Board's standards would, in  
38 the Board's judgment, impose undue hardship on that department or division and when other  
39 procedural due process requirements, substantially equivalent to those required under this  
40 Article and IDEA, are assured in programs of special education and related services furnished  
41 to children with disabilities served by that department. Further, the Board shall recognize that  
42 inpatient and residential special education programs within the Departments of Health and  
43 Human Services, ~~Correction, and Juvenile Justice and Delinquency Prevention~~ the Division of  
44 Juvenile Justice of the Department of Public Safety, or the Division of Adult Correction of the  
45 Department of Public Safety may require more program resources than those necessary for  
46 optimal operation of these programs in local school administrative units."

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

48 "(e) The Board shall support and encourage joint and collaborative special education  
49 planning and programming at local levels to include local school administrative units and the  
50 programs and agencies of the Departments of Health and Human Services, ~~Correction, and~~



1 ~~Juvenile Justice and Delinquency Prevention; the Division of Juvenile Justice of the Department~~  
2 ~~of Public Safety, or the Division of Adult Correction of the Department of Public Safety."~~

3 **SECTION 42.** G.S. 115C-325(p) reads as rewritten:

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

10 **SECTION 43.** G.S. 115D-5(b)(2) reads as rewritten:

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

- 14 a. Volunteer fire departments.
- 15 b. Municipal, county, or State fire departments.
- 16 c. Volunteer EMS or rescue and lifesaving departments.
- 17 d. Municipal, county, or State EMS or rescue and lifesaving  
18 departments.
- 19 e. Radio Emergency Associated Communications Teams (REACT)  
20 under contract to a county as an emergency response agency.  
21 (v) (vi) municipal county, or State law-enforcement officers
- 22 f. Municipal, county, or State law enforcement agencies.
- 23 g. The Division of Adult Correction of the Department of Public Safety  
24 for the training of full-time custodial employees and employees of  
25 the Division's Section of Community Corrections ~~of the Division of~~  
26 ~~Adult Correction~~ required to be certified under Chapter 17C of the  
27 General Statutes and the rules of the Criminal Justice and Training  
28 Standards Commission.
- 29 h. The Division of Juvenile Justice of the Department of Public Safety  
30 for the training of employees required to be certified under Chapter  
31 17C of the General Statutes and the rules of the Criminal Justice and  
32 Training Standards Commission."

33 **SECTION 44.** G.S. 120-12.1 reads as rewritten:

34 **"§ 120-12.1. Reports on vacant positions in the Judicial Department and three other**  
35 **departments.**

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

43 **SECTION 45.** G.S. 122C-115.4(g)(1) reads as rewritten:

44 "(1) Each LME to have at least one trained care coordination person on staff to  
45 serve as the point of contact for TRICARE, the North Carolina National  
46 Guard's Integrated Behavioral Health System, the Army Reserve Department  
47 of Psychological Health, the United States Department of Veterans Affairs,  
48 the ~~North Carolina~~ Division of Adult Correction, and related organizations  
49 to ensure that members of the active and reserve components of the Armed  
50 Forces of the United States, veterans, and their family members have access

1 to State-funded services when they are not eligible for federally funded  
2 mental health or substance abuse services."

3 **SECTION 46.** G.S. 131E-214.1(3) reads as rewritten:

4 "(3) "Hospital" means a facility licensed under Article 5 of this Chapter or  
5 Article 2 of Chapter 122C of the General Statutes, but does not include the  
6 following:

- 7 a. A facility with all of its beds designated for medical type "LTC"  
8 (long-term care).
- 9 b. A facility with the majority of its beds designated for medical type  
10 "PSY-3" (mental retardation).
- 11 c. A facility operated by the ~~North Carolina~~ Division of Adult  
12 Correction of the Department of Public Safety."

13 **SECTION 47.** G.S. 143-134(b) reads as rewritten:

14 "(b) Notwithstanding the provisions of subsection (a) of this section, the Department of  
15 Transportation and the Division of Adult Correction of the Department of Public Safety shall:  
16 (i) submit all proposed contracts for supplies, materials, printing, equipment, and contractual  
17 services that exceed one million dollars (\$1,000,000) to the Attorney General or the Attorney  
18 General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be  
19 awarded by the Department of Transportation or the Division of Adult Correction of the  
20 Department of Public Safety a standard clause which provides that the State Auditor and  
21 internal auditors of the Department of Transportation or the ~~Division of Adult Correction~~ of the  
22 Department of Public Safety may audit the records of the contractor during and after the term  
23 of the contract to verify accounts and data affecting fees and performance. Neither the  
24 Department of Transportation nor the Division of Adult Correction of the Department of Public  
25 Safety shall award a cost plus percentage of cost agreement or contract for any purpose."

26 **SECTION 48.** G.S. 143-166.2(d) reads as rewritten:

27 "(d) The term "law-enforcement officer", "officer", or "fireman" shall mean a sheriff and  
28 all law-enforcement officers employed full-time, permanent part-time, or temporarily by a  
29 sheriff, the State of North Carolina or any county or municipality thereof, whether paid or  
30 unpaid; and all full-time custodial employees and probation and parole officers of the ~~North~~  
31 ~~Carolina~~ Division of Adult Correction of the Department of Public Safety; and all full time  
32 institutional and full-time, permanent part-time, and temporary detention employees of the  
33 Division of Juvenile Justice of the Department of Public Safety and full-time, permanent  
34 part-time, and temporary detention officers employed by any sheriff, county or municipality,  
35 whether paid or unpaid. The term "firemen" shall mean both "eligible firemen" as defined in  
36 G.S. 58-86-25 and all full-time, permanent part-time and temporary employees of the Division  
37 of Forest Resources, Department of Agriculture and Consumer Services, during the time they  
38 are actively engaged in fire-fighting activities; and shall mean all full-time employees of the  
39 North Carolina Department of Insurance during the time they are actively engaged in  
40 fire-fighting activities, during the time they are training fire fighters or rescue squad workers,  
41 and during the time they are engaged in activities as members of the State Emergency  
42 Response Team, when the Team has been activated; and shall mean all otherwise eligible  
43 persons who, while actively engaged as firefighters or rescue squad workers, are acting in the  
44 capacity of a fire or rescue instructor outside their own department or squad. The term "rescue  
45 squad worker" shall mean a person who is dedicated to the purpose of alleviating human  
46 suffering and assisting anyone who is in difficulty or who is injured or becomes suddenly ill by  
47 providing the proper and efficient care or emergency medical services. In addition, this person  
48 must belong to an organized rescue squad which is eligible for membership in the North  
49 Carolina Association of Rescue Squads, Inc., and the person must have attended a minimum of  
50 36 hours of training and meetings in the last calendar year. Each rescue squad belonging to the  
51 North Carolina Association of Rescue Squads, Inc., must file a roster of those members

1 meeting the above requirements with the State Treasurer on or about January 1 of each year,  
 2 and this roster must be certified to by the secretary of said association. In addition, the term  
 3 "rescue squad worker" shall mean a member of an ambulance service certified by the  
 4 Department of Health and Human Services pursuant to Article 7 of Chapter 131E of the  
 5 General Statutes. The Department of Health and Human Services shall furnish a list of  
 6 ambulance service members to the State Treasurer on or about January 1 of each year. The term  
 7 "Civil Air Patrol members" shall mean those senior members of the North Carolina Wing-Civil  
 8 Air Patrol 18 years of age or older and currently certified pursuant to ~~G.S. 143B-491(a)-~~  
 9 G.S. 143B-1031. The term "fireman" shall also mean county fire marshals when engaged in the  
 10 performance of their county duties. The term "rescue squad worker" shall also mean county  
 11 emergency services coordinators when engaged in the performance of their county duties."

12 **SECTION 49.** G.S. 143B-2 reads as rewritten:

13 **"§ 143B-2. Interim applicability of the Executive Organization Act of 1973.**

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

- 16 (1) Department of Cultural ~~Resources~~Resources.
- 17 (2) Department of Health and Human ~~Services~~Services.
- 18 (3) Department of ~~Revenue~~Revenue.
- 19 (4) Department of Public ~~Safety~~Safety.
- 20 ~~(5) Division of Adult Correction of the Department of Public Safety~~
- 21 (6) Department of Environment and Natural ~~Resources~~Resources.
- 22 (7) Department of ~~Transportation~~Transportation.
- 23 (8) Department of ~~Administration~~Administration.
- 24 (9) Department of ~~Commerce~~Commerce.
- 25 ~~(10) Division of Juvenile Justice of the Department of Public Safety."~~

26 **SECTION 50.** G.S. 143B-6 reads as rewritten:

27 **"§ 143B-6. Principal departments.**

28 In addition to the principal departments enumerated in the Executive Organization Act of  
 29 1971, all executive and administrative powers, duties, and functions not including those of the  
 30 General Assembly and its agencies, the General Court of Justice and the administrative  
 31 agencies created pursuant to Article IV of the Constitution of North Carolina, and higher  
 32 education previously vested by law in the several State agencies, are vested in the following  
 33 principal departments:

- 34 (1) Department of Cultural ~~Resources~~Resources.
- 35 (2) Department of Health and Human ~~Services~~Services.
- 36 (3) Department of ~~Revenue~~Revenue.
- 37 (4) Department of Public ~~Safety~~Safety.
- 38 ~~(5) Division of Adult Correction of the Department of Public Safety~~
- 39 (6) Department of Environment and Natural ~~Resources~~Resources.
- 40 (7) Department of ~~Transportation~~Transportation.
- 41 (8) Department of ~~Administration~~Administration.
- 42 (9) Department of ~~Commerce~~Commerce.
- 43 (10) Community Colleges System ~~Office~~Office.
- 44 ~~(11) Division of Juvenile Justice of the Department of Public Safety."~~

45 **SECTION 51.** G.S. 143B-417(1) reads as rewritten:

- 46 "(1) To determine the number of student interns to be allocated to each of the  
 47 following offices or departments:
- 48 a. Office of the Governor
  - 49 b. Department of Administration
  - 50 ~~c. Division of Adult Correction of the Department of Public Safety~~
  - 51 d. Department of Cultural Resources

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

27 **SECTION 52.** G.S. 143B-426.22(a) reads as rewritten:

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

40 **SECTION 53.** G.S. 143B-707 reads as rewritten:

41 "**§ 143B-707. Reports to the General Assembly.**

42 The Division of Adult Correction of the Department of Public Safety shall report by March  
 43 1 of each year to the Chairs of the Senate and House Appropriations Committees and the Chairs  
 44 of the Senate and House Appropriations Subcommittees in Justice and Public Safety on their  
 45 efforts to provide effective treatment to offenders with substance abuse problems. The report  
 46 shall include:

- 47 (1) Details of any new initiatives and expansions or reduction of  
 48 ~~programs; programs.~~  
 49 (2) Details on any treatment efforts conducted in conjunction with other  
 50 ~~departments; departments.~~

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

15 **SECTION 54.** G.S. 143B-711 reads as rewritten:

16 "**§ 143B-711. Division of Adult Correction of the Department of Public Safety –**  
 17 **organization.**

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

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

27 **SECTION 55.** G.S. 143B-715(b) reads as rewritten:

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

36 **SECTION 56.** G.S. 143B-1100 reads as rewritten:

37 "**§ 143B-1100. Governor's Crime Commission – creation; composition; terms; meetings,**  
 38 **etc.**

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

42 (1) The voting members shall be:

- 43 a. The Governor, the Chief Justice of the Supreme Court of North  
 44 ~~Carolina (or his alternate),~~ Carolina (or the Chief Justice's designee),  
 45 the Attorney General, the Director of the Administrative Office of  
 46 the Courts, the Secretary of the Department of Health and Human  
 47 Services, the Secretary of Public Safety, ~~the Secretary of the Division~~  
 48 ~~of Juvenile Justice of the Department of Public Safety,~~ Safety (or the  
 49 Secretary's designee), and the Superintendent of Public Instruction;

- 1 b. A judge of superior court, a judge of district court specializing in  
2 juvenile matters, a chief district court judge, a clerk of superior court,  
3 and a district attorney;
- 4 c. A defense attorney, three sheriffs (one of whom shall be from a "high  
5 crime area"), three police executives (one of whom shall be from a  
6 "high crime area"), eight citizens (two with knowledge of juvenile  
7 delinquency and the public school system, two of whom shall be  
8 under the age of 21 at the time of their appointment, one advocate for  
9 victims of all crimes, one representative from a domestic violence or  
10 sexual assault program, one representative of a "private juvenile  
11 delinquency program," and one in the discretion of the Governor),  
12 three county commissioners or county officials, and three mayors or  
13 municipal officials;
- 14 d. Two members of the North Carolina House of Representatives and  
15 two members of the North Carolina Senate.
- 16 (2) The nonvoting members shall be the Director of the State Bureau of  
17 Investigation, the ~~Secretary of the Department of Public Safety, the Assistant~~  
18 ~~Secretary of Intervention/Prevention~~ Deputy Director of the Division of  
19 Juvenile Justice of the Department of Public Safety, Safety who is  
20 responsible for Intervention/Prevention programs, the ~~Assistant Secretary of~~  
21 ~~Youth Development~~ Deputy Director of the Division of Juvenile Justice of  
22 the Department of Public Safety, Safety who is responsible for Youth  
23 Development programs, the ~~Director~~ Section Chief of the Section of Prisons  
24 of the Division of Adult Correction and the ~~Director~~ Section Chief of the  
25 Section of Community Corrections of the Division of Adult Correction.
- 26 (b) The membership of the Commission shall be selected as follows:
- 27 (1) The following members shall serve by virtue of their office: the Governor,  
28 the Chief Justice of the Supreme Court, the Attorney General, the Director of  
29 the Administrative Office of the Courts, the Secretary of the Department of  
30 Health and Human Services, the Secretary of Public Safety, the Director of  
31 the State Bureau of Investigation, the ~~Secretary of the Department of Public~~  
32 ~~Safety, the Director~~ Section Chief of the Section of Prisons of the Division of  
33 Adult Correction, the ~~Director~~ Section Chief of the Section of Community  
34 Corrections of the Division of Adult Correction, the ~~Secretary of the~~  
35 ~~Division of Juvenile Justice of the Department of Public Safety, the~~  
36 ~~Assistant Secretary of~~ Deputy Director who is responsible for  
37 Intervention/Prevention of the Division of Juvenile Justice of the  
38 Department of Public Safety, the Assistant Secretary of Deputy Director who  
39 is responsible for Youth Development of the Division of Juvenile Justice of  
40 the Department of Public Safety, and the Superintendent of Public  
41 Instruction. Should the Chief Justice of the Supreme Court choose not to  
42 serve, his alternate shall be selected by the Governor from a list submitted by  
43 the Chief Justice which list must contain no less than three nominees from  
44 the membership of the Supreme Court.
- 45 (2) The following members shall be appointed by the Governor: the district  
46 attorney, the defense attorney, the three sheriffs, the three police executives,  
47 the eight citizens, the three county commissioners or county officials, the  
48 three mayors or municipal officials.
- 49 (3) The following members shall be appointed by the Governor from a list  
50 submitted by the Chief Justice of the Supreme Court, which list shall contain  
51 no less than three nominees for each position and which list must be

1 submitted within 30 days after the occurrence of any vacancy in the judicial  
2 membership: the judge of superior court, the clerk of superior court, the  
3 judge of district court specializing in juvenile matters, and the chief district  
4 court judge.

5 (4) The two members of the House of Representatives provided by subdivision  
6 (a)(1)d. of this section shall be appointed by the Speaker of the House of  
7 Representatives and the two members of the Senate provided by subdivision  
8 (a)(1)d. of this section shall be appointed by the President Pro Tempore of  
9 the Senate. These members shall perform the advisory review of the State  
10 plan for the General Assembly as permitted by section 206 of the Crime  
11 Control Act of 1976 (Public Law 94-503).

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

15 (c) The initial members of the Commission shall be those appointed under subsection  
16 (b) above, which appointments shall be made by March 1, 1977. The terms of the present  
17 members of the Governor's Commission on Law and Order shall expire on February 28, 1977.  
18 Effective March 1, 1977, the Governor shall appoint members, other than those serving by  
19 virtue of their office, to serve staggered terms; seven shall be appointed for one-year terms,  
20 seven for two-year terms, and seven for three-year terms. At the end of their respective terms of  
21 office their successors shall be appointed for terms of three years and until their successors are  
22 appointed and qualified. The Commission members from the House and Senate shall serve  
23 two-year terms effective March 1, of each odd-numbered year; and they shall not be  
24 disqualified from Commission membership because of failure to seek or attain reelection to the  
25 General Assembly, but resignation or removal from office as a member of the General  
26 Assembly shall constitute resignation or removal from the Commission. Any other Commission  
27 member no longer serving in the office from which he qualified for appointment shall be  
28 disqualified from membership on the Commission. Any appointment to fill a vacancy on the  
29 Commission created by the resignation, dismissal, death, disability, or disqualification of a  
30 member shall be for the balance of the unexpired term.

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

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

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

38 **SECTION 57.** G.S. 143B-1152 reads as rewritten:

39 **"§ 143B-1152. Definitions.**

40 The following definitions apply in this Subpart:

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

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

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

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

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

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

1           (6a) Section. – The Section of Community Corrections of the Division of Adult  
2           Correction.

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

4           **SECTION 58.** G.S. 143B-1155 reads as rewritten:

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

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

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

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

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

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

18           (5) To collaborate with the Department of Health and Human Services on  
19 focusing treatment resources on high-risk and moderate to high need  
20 offenders on probation, parole, and post-release supervision.

21           (b) ~~The Division of Adult Correction, Section of Prisons~~ Community Corrections of the  
22 Division of Adult ~~Correction, Correction~~ shall develop and publish a recidivism reduction plan  
23 for the State that accomplishes the following:

24           (1) Articulates a goal of reducing revocations among people on probation and  
25 post-release supervision by twenty percent (20%) from the rate in the  
26 2009-2010 fiscal year.

27           (2) Identifies the number of people on probation and post-release supervision in  
28 each county that are in the priority population and have a likely need for  
29 substance abuse and/or mental health treatment, employment, education,  
30 and/or housing.

31           (3) Identifies the program models that research has shown to be effective at  
32 reducing recidivism for the target population and ranks those programs  
33 based on their cost-effectiveness.

34           (4) Propose a plan to fund the provision of the most cost-effective programs and  
35 services across the State. The plan shall describe the number and types of  
36 programs and/or services to be funded in each region of the State and how  
37 that program capacity compares with the needs of the target population in  
38 that region.

39           (c) The Division of Adult Correction shall report by March 1 of each year to the Chairs  
40 of the Senate and House of Representatives Appropriations Committees, the Senate and House  
41 of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Joint  
42 ~~Legislative Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice  
43 and Public Safety on the status of the Treatment for Effective Community Supervision  
44 Program. The report shall include the following information:

45           (1) The dollar amount and purpose of funds provided on a contractual basis to  
46 service providers for the previous fiscal year.

47           (2) An analysis of offender participation data received, including the following:

48           a. The number of people on probation and post-release supervision that  
49 are in the priority population that received services.

50           b. The number of people on probation and post-release supervision that  
51 are in the priority population that did not receive services.



- 1 c. The number of people on probation and post-release supervision  
2 outside of the priority population that received services.  
3 d. The type of services provided to these populations.  
4 e. The rate of revocations and successful completions for people who  
5 received services.  
6 f. Other measures as determined appropriate.  
7 (3) The dollar amount needed to provide additional services to meet the needs of  
8 the priority population in the upcoming budget year.  
9 (4) Details of personnel, travel, contractual, operating, and equipment  
10 expenditures for each program type."

11 **SECTION 59.** G.S. 146-33 reads as rewritten:

12 **"§ 146-33. State agencies to locate and mark boundaries of lands.**

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

22 **SECTION 60.** G.S. 147-12(b) reads as rewritten:

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

37 **SECTION 61.** G.S. 148-26(f) reads as rewritten:

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

43 **SECTION 62.** G.S. 162-39(c) reads as rewritten:

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

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  
44 actual cost of transporting the prisoners and the cost of maintaining the prisoners at the per day,  
45 per inmate rate at which the Division of Adult Correction of the Department of Public Safety  
46 pays a local jail for maintaining a prisoner, provided, however, that a county is not required to  
47 reimburse the State for transporting or maintaining a prisoner who was a resident of another  
48 state or county at the time he was arrested. However, if the county commissioners shall certify  
49 to the Governor that the county is unable to pay the bill submitted by the ~~State~~ Division of  
50 Adult Correction of the Department of Public Safety to the county for the services rendered,  
51 either in whole or in part, the Governor may recommend to the Council of State that the State

1 of North Carolina assume and pay, in whole or in part, the obligation of the county to the  
2 Division of Adult Correction of the Department of Public Safety, and upon approval of the  
3 Council of State the amount so approved shall be paid from Contingency and Emergency Fund  
4 to the Division of Adult Correction of the Department of Public Safety.

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

17 **SECTION 63.** The Revisor of Statutes shall delete throughout Chapter 148 of the  
18 General Statutes the words "State" or "North Carolina" if the words appear directly before the  
19 phrase "Division of Adult Correction."

20 **SECTION 64.** This act is effective when it becomes law.