

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2287*

Short Title: Prison Capital Funds.

(Public)

Sponsors: Representatives Barnes; Albertson, Anderson, Barnhill, Beall, Beard, Blue, Bowman, Burke, Chapin, Church, Colton, J. Crawford, N. Crawford, Cunningham, Dawkins, Diamont, Easterling, B. Ethridge, Fitch, Fletcher, Foster, Fussell, Gibson, Gist, Green, Greenwood, Hackney, Hall, Hardaway, Holt, Judy Hunt, H. Hunter, R. Hunter, Hurley, James, Jeralds, Kerr, Lilley, Lineberry, Lutz, Mercer, Nesbitt, Payne, Perdue, Ramsey, Redwine, Stamey, Tart, R. Thompson, S. Thompson, Warner, and Wicker.

Referred to: Rules.

June 4, 1990

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF
3 ADDITIONAL PRISON BEDS, TO REPLACE AGING PRISON FACILITIES,
4 AND TO RAISE THE PRISON POPULATION CAP.

5 The General Assembly of North Carolina enacts:

6 Section 1. There is appropriated from the General Fund to the Office of State
7 Budget and Management the sum of \$130,267,530 for the 1990-91 fiscal year for the
8 construction of 3,880 prison beds as follows:

9 1990-91

- 10 a. Processing center \$24,585,834
- 11 b. Single cell mental health facility 5,956,906
- 12 c. Medium custody dormitories:

 - 13 Caswell 3,456,536
 - 14 Randolph 6,239,363
 - 15 Columbus 3,087,200
 - 16 Pender 4,610,628
 - 17 Montgomery 4,227,592

- 18 d. Southwest Institution 28,724,300

1	e.	Nash Institution, medium/minimum	
2		custody	5,687,392
3	f.	Triangle at new location - minimum	1,905,200
4	g.	Anson - new medium custody	16,625,417
5	h.	Burke - minimum youth	2,796,816
6	i.	New Eastern Youth Center	5,990,292
7	j.	New beds at Polk replacement	
8		(amount included in Polk	
9		replacement in Section 2)	-
10	k.	North Carolina Correctional	
11		Institution for Women (NCCIW)	16,374,054.

12 Of these 3,880 beds, 3,296 beds shall be completed by July 1, 1992. Of these
 13 3,296 beds, 1,500 beds shall be built using rapid construction techniques and shall be
 14 on-line within 12 months of funding.

15 Sec. 2. There is appropriated from the General Fund to the Office of State
 16 Budget and Management the sum of \$52,025,251 for the 1990-91 fiscal year for the
 17 construction of 1,152 replacement prison beds as follows:

18		1990-91	
19	a.	K and O dorms - Central Prison	\$6,381,453
20	b.	A and B dorms - NCCIW	3,720,110
21	c.	Polk Youth Institution (includes	
22		cost of new beds listed in	
23		Section 1)	32,536,211
24	d.	Triangle Correctional Institution	9,387,477.

25 Sec. 3. Of the funds appropriated in Sections 1 and 2, the Office of State
 26 Budget and Management shall have a verifiable ten percent (10%) goal for participation
 27 by minority businesses; however, it may contract for and supervise all aspects of
 28 administration, technical assistance, design, construction, or demolition of prison
 29 facilities without being subject to the requirements of the following statutes and rules
 30 implementing those statutes: G.S. 143-135.26(1), 143-128, 143-129, 143-132, 143-134,
 31 143-131, 143-64.10 through 143-64.13, 113A-1 through 113A-10, 113A-50 through
 32 113A-66, 133-1.1(b), and 133-1.1(g). All contracts for the design, construction, or
 33 demolition of these facilities shall include a penalty for failure to complete work by a
 34 specified date.

35 Sec. 4. The Office of State Budget and Management shall report to the
 36 Cochairman of the Prison Construction Subcommittee of the Joint Legislative
 37 Commission on Governmental Operations at least monthly, and shall report quarterly to
 38 the Joint Legislative Commission on Governmental Operations and the Fiscal Research
 39 Division on the funds appropriated by this act. The reports shall include information on
 40 which contractors have been selected, what contracts have been entered into, the
 41 projected and actual occupancy dates of facilities contracted for, the number of prison
 42 beds to be constructed on each project, the location of each project, and the actual cost
 43 of each project.

1 Sec. 5. The funds appropriated pursuant to this act may be used only for the
2 purposes described and shall not revert. Because of the critical need for construction of
3 these facilities, the General Assembly urges the Governor to permit expenditure of these
4 funds even if he is required to effect the necessary economies in State expenditures
5 pursuant to Article III, Section 5 of the North Carolina Constitution.

6 Sec. 6. Effective December 1, 1990, G.S. 148-4.1 reads as rewritten:

7 **"§ 148-4.1. Release of inmates.**

8 (a) Whenever the Secretary of Correction determines from data compiled by the
9 Department of Correction that it is necessary to reduce the prison population to a more
10 manageable level, he shall direct the Parole Commission to release on parole over a
11 reasonable period of time a number of prisoners sufficient to that purpose.

12 (b) Except as provided in subsection (c) and (e), only inmates who are otherwise
13 eligible for parole pursuant to Article 85 of Chapter 15A or pursuant to Article 3B of
14 this Chapter may be released under this section.

15 (c) Persons eligible for parole under Article 85A of Chapter 15A shall be eligible
16 for early parole under this section nine months prior to the discharge date otherwise
17 applicable, and six months prior to the date of automatic 90-day parole authorized by
18 G.S. 15A-1380.2.

19 (d) If the number of prisoners housed in facilities owned or operated by the State
20 of North Carolina for the Division of Prisons exceeds ninety-eight percent (98%) of
21 ~~18,715~~19,465 for 15 consecutive days, the Secretary of Correction shall notify the
22 Governor and the Chairman of the Parole Commission of this fact. Upon receipt of this
23 notification, the Parole Commission shall within 90 days release on parole a number of
24 inmates sufficient to reduce the prison population to ninety-seven percent (97%) of
25 ~~18,715~~19,465.

26 From the date of the notification until the prison population has been reduced to
27 ninety-seven percent (97%) of ~~18,715~~19,465, the Secretary may not accept any inmates
28 ordered transferred from local confinement facilities to the State prison system under
29 G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State
30 prison system under an order entered pursuant to G.S. 148-32.1(b) to the local
31 confinement facility from which the inmate was transferred.

32 (e) In addition to those persons otherwise eligible for parole, from the date of
33 notification in subsection (d) until the prison population has been reduced to ninety-
34 seven percent (97%) of ~~18,715~~19,465, any person imprisoned only for a misdemeanor
35 also shall be eligible for parole and immediate termination upon admission,
36 notwithstanding any other provision of law, except those persons convicted under G.S.
37 20-138.1 of driving while impaired or any offense involving impaired driving.

38 (f) In complying with the mandate of subsection (d), the Parole Commission may
39 exercise the discretion granted to refuse parole by G.S. 15A-1371 in selecting felons to
40 be paroled under this section so long as the prison population does not exceed
41 ~~18,715~~19,465.

42 (g) In order to meet the requirements of this section, the Parole Commission shall
43 not parole any person convicted under Article 7A of Chapter 14 of a sex offense, under
44 G.S. 14-39, 14-41, or 14-43.3, under G.S. 90-95(h) of a drug trafficking offense, or

1 under G.S. 14-17. The Parole Commission may continue to consider the suitability for
2 release of such persons in accordance with the criteria set forth in Articles 85 and 85A
3 of Chapter 15A."

4 Sec. 7. Effective July 1, 1991, G.S. 148-4.1(d) as amended by Section 6 of
5 this act reads as rewritten:

6 "(d) If the number of prisoners housed in facilities owned or operated by the State
7 of North Carolina for the Division of Prisons exceeds ninety-eight percent (98%) of
8 ~~19,465-20,600~~ for 15 consecutive days, the Secretary of Correction shall notify the
9 Governor and the Chairman of the Parole Commission of this fact. Upon receipt of this
10 notification, the Parole Commission shall within 90 days release on parole a number of
11 inmates sufficient to reduce the prison population to ninety-seven percent (97%) of
12 ~~19,465~~20,600.

13 From the date of the notification until the prison population has been reduced to
14 ninety-seven percent (97%) of ~~19,465~~20,600, the Secretary may not accept any inmates
15 ordered transferred from local confinement facilities to the State prison system under
16 G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State
17 prison system under an order entered pursuant to G.S. 148-32.1(b) to the local
18 confinement facility from which the inmate was transferred."

19 Sec. 8. Effective July 1, 1991, G.S. 148-4.1(e) as amended by Section 6 of
20 this act reads as rewritten:

21 "(e) In addition to those persons otherwise eligible for parole, from the date of
22 notification in subsection (d) until the prison population has been reduced to ninety-
23 seven percent (97%) of ~~19,465~~20,600, any person imprisoned only for a misdemeanor
24 also shall be eligible for parole and immediate termination upon admission,
25 notwithstanding any other provision of law, except those persons convicted under G.S.
26 20-138.1 of driving while impaired or any offense involving impaired driving."

27 Sec. 9. Effective July 1, 1991, G.S. 148-4.1(f) as amended by Section 6 of
28 this act reads as rewritten:

29 "(f) In complying with the mandate of subsection (d), the Parole Commission may
30 exercise the discretion granted to refuse parole by G.S. 15A-1371 in selecting felons to
31 be paroled under this section so long as the prison population does not exceed ~~19,465~~
32 20,600."

33 Sec. 10. Section 6 of Chapter 7 of the 1987 Session Laws, as amended by
34 Section 2 of Chapter 1 of the 1989 Session Laws, reads as rewritten:

35 "Sec. 6. Sections 1, 2, and 3 of this act shall expire ~~July 1, 1991~~July 1, 1992, unless
36 reenacted by the General Assembly. The Joint Legislative Commission on
37 Governmental Operations, or other Committee designated by the Speaker of the House
38 of Representatives and the Lieutenant Governor, shall monitor the implementation of
39 this act. The Secretary of Correction and the Chairman of the Parole Commission shall
40 make a written report to the Governor, the Joint Legislative Commission on
41 Governmental Operations, the Fiscal Research Division, and the Special Committee on
42 Prisons at least one month prior to the 1991 Session of the General Assembly."

43 Sec. 11. Section 9 of Chapter 1 of the 1989 Session Laws reads as rewritten:

- 1 "Sec. 9. This act is effective upon ratification, but Section 1 of this act shall expire
2 ~~July 1, 1991~~July 1, 1992, unless reenacted by the General Assembly."
3 Sec. 12. This act shall become effective July 1, 1990.