

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1115

Short Title: Create Div. Of Adult Services.

(Public)

Sponsors: Representative H. Hunter.

Referred to: Appropriations.

April 24, 1991

A BILL TO BE ENTITLED

1 AN ACT TO CREATE A DIVISION OF ADULT SERVICES IN THE
2 DEPARTMENT OF CORRECTION AND TO TRANSFER CERTAIN
3 PROGRAMS TO THE NEW DIVISION FROM THE DEPARTMENT OF CRIME
4 CONTROL AND PUBLIC SAFETY AND THE DEPARTMENT OF HUMAN
5 RESOURCES.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. The statutory authority, powers, duties, and functions, records,
9 personnel, property, unexpended balances of appropriations, allocations or other funds,
10 including the functions of budgeting and purchasing, of the Department of Crime
11 Control and Public Safety to conduct the deferred prosecution, community service
12 restitution, and volunteer program for youthful and adult offenders, as provided by G.S.
13 143B-475.1, is transferred to the Department of Correction.

14 Sec. 2. The statutory authority, powers, duties, and functions, records,
15 personnel, property, unexpended balances of appropriations, allocations or other funds,
16 including the functions of budgeting and purchasing, of the Department of Crime
17 Control and Public Safety to conduct the community service alternative punishment
18 program, as provided by G.S. 20-179.4, is transferred to the Department of Correction.

19 Sec. 3. The statutory authority, powers, duties, and functions, records,
20 personnel, property, unexpended balances of appropriations, allocations or other funds,
21 including the functions of budgeting and purchasing, of the Department of Human
22 Resources to operate the alcohol and drug education traffic school (ADETS) programs
23 established in G.S. 20-179.2, the drug education schools (DES), and the treatment

1 alternative to street crime (TASC) programs, is transferred to the Department of
2 Correction.

3 Sec. 4. G.S. 20-179.4 reads as rewritten:

4 **"§ 20-179.4. Community service alternative punishment; responsibilities of the**
5 **Department of ~~Crime Control and Public Safety~~; Correction; fee.**

6 (a) The Department of ~~Crime Control and Public Safety~~ Correction must conduct a
7 community service alternative punishment program for persons sentenced under G.S.
8 20-179(i), (j) or (k).

9 (b) The Secretary of ~~Crime Control and Public Safety~~ Correction must assign at least
10 one coordinator to each district court district as defined in G.S. 7A-133 to assure and
11 report to the court the person's compliance with the community service sentence. The
12 appointment of each coordinator shall be made in consultation with and is subject to the
13 approval of the chief district court judge in the district to which the coordinator is
14 assigned. Each county must provide office space in the courthouse or other convenient
15 place, necessary equipment, and secretarial service for the use of each coordinator
16 assigned to that county.

17 (c) A fee of one hundred dollars (\$100.00) must be paid by all persons serving a
18 community service sentence. That fee must be paid to the clerk of court in the county in
19 which the person is convicted. The fee must be paid in full within two weeks unless the
20 court, upon a showing of hardship by the person, allows him additional time to pay the
21 fee. The person may not be required to pay the fee before he begins the community
22 service unless the court specifically orders that he do so. If the person is also ordered to
23 attend an Alcohol and Drug Education Traffic School established pursuant to G.S. 20-
24 179.2, the fee for supervision of community service punishment is fifty dollars (\$50.00).

25 (d) Fees collected under this section must be deposited in the general fund.

26 (e) The coordinator must report to the court in which the community service was
27 ordered a significant violation of the terms of the probation judgment related to
28 community service. In such cases, the court must conduct a hearing to determine if there
29 is a willful failure to comply. If the court determines there is a willful failure to pay the
30 prescribed fee or to complete the work as ordered by the coordinator within the
31 applicable time limits, the court must revoke any limited driving privilege issued in the
32 impaired driving case, and in addition may take any further action authorized by Article
33 82 of General Statutes Chapter 15A for violation of a condition of probation."

34 Sec. 5. G.S. 143B-475.1 is recodified as G.S. 143B-264.2. The Revisor of
35 Statutes shall change any references to "Crime Control and Public Safety" to
36 "Correction".

37 Sec. 6. G.S. 20-179.2 is amended by adding a new subsection to read:

38 "(g) This section expires December 31, 1991."

39 Sec. 7. Article 3 of Chapter 20 of the General Statutes is amended by adding
40 a new section to read:

41 **"§ 20-179.2A. Alcohol and drug education traffic school programs; guidelines and**
42 **implementation by Department of Correction; fees.**

43 (a) The Department of Correction shall establish standards and guidelines for the
44 curriculum and operation of local alcohol and drug education traffic school programs.

1 The Department shall oversee the development of a statewide system of schools and
2 shall insure that schools are available in all localities of the State as soon as is
3 practicable.

4 (b) A fee of one hundred dollars (\$100.00) shall be paid by all persons enrolling
5 in an alcohol and drug education traffic school program established pursuant to this
6 section. That fee must be paid to an official designated for that purpose and at a time
7 and place specified by the Department of Correction. The fee must be paid in full
8 within two weeks from the date school attendance is ordered as a condition of
9 probation, unless the court, upon a showing of hardship by the person, allows the person
10 additional time to pay the fee. If the person enrolling in the school demonstrates to the
11 satisfaction of the court that ordered him to enroll in the school that he is unable to pay
12 and his inability to pay is not willful, the court may excuse him from paying the fee.

13 (c) The Department of Correction may subcontract with public and private
14 governmental and nongovernmental bodies for the delivery of alcohol and drug
15 education traffic school program services required by this section.

16 (d) Fees collected under this section by the Department of Correction shall be
17 placed in a nonreverting fund. That fund must be used, as necessary, for the operation,
18 evaluation, and administration of alcohol and drug education traffic school programs;
19 excess funds may only be used to fund other drug or alcohol programs. Fees received by
20 the Department as required by this section may only be used in supporting, evaluating,
21 and administering alcohol and drug education traffic schools, and any excess funds will
22 revert to the General Fund.

23 (e) No fees collected by the Department of Correction under the authority of this
24 section shall be used in any manner to match other State funds or to be included in any
25 computation for State formula-funded allocations.

26 (f) Standards and guidelines established pursuant to former G.S. 20-179.2 not
27 inconsistent with the provisions of this section shall remain in effect until amended or
28 repealed by the Department of Correction.

29 (g) This section becomes effective January 1, 1992."

30 Sec. 8. G.S. 143B-264 reads as rewritten:

31 "**§ 143B-264. Department of Correction – organization.**

32 The Department of Correction shall be organized initially to include the Parole
33 Commission, the Board of Correction, the Division of Prisons, the Division of Youth
34 Development, the Division of Adult Probation and Parole, and such other divisions as
35 may be established under the provisions of the Executive Organization Act of 1973.

36 Effective January 1, 1992, the Department of Correction shall establish a Division of
37 Adult Services, as described in G.S. 143B-264. Effective January 1, 1992, the Division
38 of Adult Probation and Parole shall become the Division of Adult Parole.

39 The Department shall establish a Substance Abuse Program. All substance abuse
40 programs established or in existence shall be administered by the Department of
41 Correction under the Substance Abuse Program."

42 Sec. 9. Article 6 of Chapter 143B is amended by adding a new section to
43 read:

44 "**§ 143B-264.1. Department of Correction – Division of Adult Services.**

1 The Division of Adult Services shall:

- 2 (1) Operate the alcohol and drug education traffic school (ADETS), the
3 drug education school (DES), and the treatment alternative to street
4 crime (TASC) programs;
5 (2) Supervise probationers;
6 (3) Operate the community service alternative punishment program
7 established in G.S. 20-179.4;
8 (4) Operate the deferred prosecution, community service restitution, and
9 volunteer program established in G.S. 143B-264.2;
10 (5) Operate the intensive probation and parole program established in G.S.
11 143B-262(c);
12 (6) Operate the electronic house arrest program;
13 (7) Monitor courtrooms for the purpose of recording data regarding
14 offenders assigned to the programs within the Division."

15 Sec. 10. G.S. 143B-262(c) reads as rewritten:

16 "(c) The Department shall establish within the Division of Adult ~~Probation and~~
17 ~~Parole Services~~ a program of Intensive Probation and Parole. This program shall
18 provide intensive supervision for probationers and parolees who require close
19 supervision in order to remain in the community pursuant to a community penalties
20 plan, community work plan, community restitution plan, or other plan of rehabilitation.
21 The intensive probation and parole program shall be available to both felons and
22 misdemeanants."

23 Sec. 11. G.S. 115D-5(b) reads as rewritten:

24 "(b) In order to make instruction as accessible as possible to all citizens, the
25 teaching of curricular courses and of noncurricular extension courses at convenient
26 locations away from institution campuses as well as on campuses is authorized and shall
27 be encouraged. A pro rata portion of the established regular tuition rate charged a full-
28 time student shall be charged a part-time student taking any curriculum course. In lieu
29 of any tuition charge, the State Board of Community Colleges shall establish a uniform
30 registration fee, or a schedule of uniform registration fees, to be charged students
31 enrolling in extension courses for which instruction is financed primarily from State
32 funds; provided, however, that the State Board of Community Colleges may provide by
33 general and uniform regulations for waiver of tuition and registration fees for persons
34 not enrolled in elementary or secondary schools taking courses leading to a high school
35 diploma or equivalent certificate, for training courses for volunteer firemen, local fire
36 department personnel, volunteer rescue and lifesaving department personnel, local
37 rescue and lifesaving department personnel, Radio Emergency Associated Citizens
38 Team (REACT) members when the REACT team is under contract to a county as an
39 emergency response agency, local law-enforcement officers, patients in State alcoholic
40 rehabilitation centers, all full-time custodial employees of the Department of Correction,
41 employees of the Department's ~~Division Divisions~~ of Adult ~~Probation and Parole~~ and
42 Adult Services and employees of the Division of Youth Services of the Department of
43 Human Resources required to be certified pursuant to Chapter 17C of the General
44 Statutes and the rules of the Criminal Justice and Training Standards Commission,

1 trainees enrolled in courses conducted under the New and Expanding Industry Program,
2 clients of sheltered workshops, clients of adult developmental activity programs,
3 students in Human Resources Development Programs, juveniles of any age committed
4 to the Division of Youth Services of the Department of Human Resources by a court of
5 competent jurisdiction, and prison inmates. Provided further, tuition shall be waived for
6 senior citizens attending institutions operating pursuant to this Chapter as set forth in
7 Chapter 115B of the General Statutes, Tuition Waiver for Senior Citizens."

8 Sec. 12. This act becomes effective January 1, 1992.