

GENERAL ASSEMBLY OF NORTH CAROLINA  
SECOND EXTRA SESSION 1996

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HOUSE BILL 33

Short Title: Reimburse Counties/Inmate Housing.

(Public)

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Sponsors: Representatives G. Miller; Luebke, Michaux, H. Hunter, and Tolson.

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Referred to: Rules, Calendar and Operations of the House.

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July 9, 1996

A BILL TO BE ENTITLED

1  
2 AN ACT TO PROVIDE FOR REIMBURSEMENT TO COUNTIES FOR HOUSING  
3 COSTS OF INMATES AWAITING TRANSFER TO THE STATE PRISON  
4 SYSTEM.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 148-29 reads as rewritten:

7 "**§ 148-29. Transportation of convicts to prison; reimbursement to counties;**  
8 **sheriff's expense affidavit; State not liable for maintenance expenses until**  
9 **convict received. affidavit.**

10 The sheriff having in ~~charge~~ custody any prisoner to be taken to the ~~Central Prison at~~  
11 ~~Raleigh State prison system~~ shall send him transport the prisoner to the Central Prison  
12 prison unit designated by the Division of Prisons within five days after the adjournment of  
13 the court at which he was sentenced, if no appeal has been taken. issuance of the final  
14 judgment and commitment orders. All such admissions shall be approved and scheduled  
15 by the Division of Prisons. Beginning on the sixth day after the issuance of the final  
16 judgment and commitment orders and continuing through the day the prisoner is received  
17 by the Division of Prisons, the Department of Correction shall pay the county a standard  
18 sum set by the General Assembly in its appropriations acts for the cost of providing food,  
19 clothing, personal items, supervision, and necessary ordinary medical services to the  
20 prisoner awaiting transfer to the State prison system.

1 The sheriff shall file with the board of commissioners of his county a copy of his  
2 affidavit as to necessary guard, together with a copy of his itemized account of expenses,  
3 both certified to by him as true copies of those on file in his office. ~~The State is not liable~~  
4 ~~for the expenses of maintaining convicts until they have been received by the State Department~~  
5 ~~of Correction authorities, nor shall any moneys be paid out of the treasury for support of convicts~~  
6 ~~prior to such reception."~~

7 Sec. 2. The Department of Correction may use funds available for the 1995-96  
8 fiscal year to pay the sum of fourteen dollars and fifty cents (\$14.50) per day as  
9 reimbursement to counties for the cost of housing inmates convicted and awaiting  
10 transfer to the State prison system, as provided in G.S. 148-29.

11 Sec. 3. There is appropriated from the General Fund to the Department of  
12 Correction the sum of fourteen million six hundred thousand dollars (\$14,600,000) for  
13 the 1996-97 fiscal year to raise the per diem reimbursement to counties from fourteen  
14 dollars and fifty cents (\$14.50) per day to forty dollars (\$40.00) per day for the cost of  
15 housing inmates convicted and awaiting transfer to the State prison system, as provided  
16 in G.S. 148-29. If these funds are depleted prior to the end of the fiscal year, the  
17 Department of Correction may use funds available, other than lapsed salaries and fringe  
18 benefits, to reimburse counties pursuant to this section.

19 Sec. 4. Sections 1 and 2 of this act become effective January 1, 1996.