

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 930
Judiciary II (Criminal) Committee Substitute Adopted 5/14/07

Short Title: Private Correctional Officers.

(Public)

Sponsors:

Referred to:

March 20, 2007

A BILL TO BE ENTITLED

AN ACT TO REVISE THE LAW GRANTING AUTHORITY TO PRIVATE
CORRECTIONAL OFFICERS EMPLOYED PURSUANT TO A CONTRACT
WITH THE FEDERAL BUREAU OF PRISONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 148-37.3 reads as rewritten:

"§ 148-37.3. Authority of private correctional officers employed pursuant to a contract with the Federal Bureau of Prisons.

(a) Correctional officers and security supervisors employed at private correctional facilities pursuant to a contract between their employer and the Federal Bureau of Prisons may, in the course of their employment as correctional officers or security supervisors, use necessary force and make arrests consistent with the laws applicable to the North Carolina Department of Correction, which force shall not exceed that authorized to Department of Correction officers, provided that ~~the Department of Correction determines that as of August 18, 2001,~~ the employment policies of such private corporations meet the same minimum standards and practices followed by the Department of Correction in employing its correctional personnel, and if:

(1) Those correctional officers and security supervisors have been certified as correctional officers as provided under Chapter 17C of the General Statutes; or

(2) Those correctional officers and security supervisors employed by the private corporation at the facility have completed a training curriculum that ~~the Department of Correction has determined~~ meets or exceeds the standards required by the North Carolina Criminal Justice Education and Training Standards Commission for correctional personnel. ~~The Department may require that it be notified of the names and positions of such persons prior to such persons beginning duties at the correctional facility, and the names and positions of those persons already employed at the correctional facility on August 18, 2001 and~~

1 ~~that the Department be notified when any such person is no longer~~
2 ~~employed in such duties at the correctional facility.~~

3 (b) Any private corporation described in subsection (a) of this section shall
4 without limit defend, indemnify, and hold harmless the State, its officers, employees,
5 and agents from any claims arising out of the operation of the private correctional
6 facility, or the granting of the powers authorized under this section, including any
7 attorneys' fees or other legal costs incurred by the State, its officers, employees, or
8 agents as a result of such claims.

9 (c) Any private corporation described in subsection (a) of this section shall
10 reimburse the State and any county or other law enforcement agency for the full cost of
11 any additional expenses incurred by the State or the county or other law enforcement
12 agency in connection with the pursuit and apprehension of an escaped inmate from the
13 facility.

14 In the event of an escape from the facility, any private corporation described in
15 subsection (a) of this section shall immediately notify the sheriff in the county in which
16 the facility is ~~located and shall notify the Department of Correction which~~ located, who
17 shall cause an immediate entry into the State Bureau of Investigation Division of
18 Criminal Information network. The sheriff of the county in which the facility is located
19 shall be the lead law enforcement officer in connection with the pursuit and
20 apprehension of an escaped inmate from the facility.

21 (d) Any private corporation described in subsection (a) of this section must
22 maintain in force liability insurance to satisfy any final judgment rendered against the
23 private corporation or the State, its officers, employees, and agents that arises out of the
24 operation of the correctional facility or the indemnification requirements in subsection
25 (b) of this section. The minimum amount of liability insurance that will be required
26 under this section is ten million dollars (\$10,000,000) per occurrence, and twenty-five
27 million dollars (\$25,000,000) aggregate per occurrence. ~~The private corporation shall~~
28 ~~ensure that its insurance company shall provide the Department of Correction with a~~
29 ~~current Certificate of Insurance evidencing compliance with the requirements of this~~
30 ~~subsection within 10 days of August 18, 2001 and annually thereafter.~~

31 ~~(e) The Department of Correction shall adopt rules to implement the provisions~~
32 ~~of this section.~~

33 (f) The authority set forth in this section to use necessary force and make arrests
34 shall be in addition to any existing authority set forth in the statutory or common law of
35 the State, but shall not exceed the authority to use necessary force and make arrests set
36 out in subsection (a) of this section.

37 (g) A private corporation described in subsection (a) of this section shall bear the
38 reasonable costs of services provided by the ~~Department of Correction~~ State, its officers,
39 employees, and agents for the corporation. The amount of the costs shall be determined
40 by the ~~Secretary of the Department~~ member of the Council of State or Cabinet member
41 of the agency or department that provided the services.

42 (h) This section is effective August 18, 2001 and applies to private correctional
43 facilities and the employees of those correctional facilities constructed and contracted to
44 be operated by August 18, 2001."

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SECTION 2. This act becomes effective July 1, 2007.