

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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HOUSE BILL 1095

Short Title: Policy and Funding for Previous JPS Requests. (Public)

Sponsors: Representatives McNeill, Boles, and Davis (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 14, 2020

A BILL TO BE ENTITLED

AN ACT TO CLARIFY RECENTLY ENACTED HUMAN TRAFFICKING LANGUAGE, TO RESTRICT THE TRANSFER OF CERTAIN DISTRICT ATTORNEY FUNDS, TO DIRECT THE SCHOOL OF GOVERNMENT OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL TO STUDY THE FEASIBILITY AND COST OF CREATING AN OFFICE OF PROSECUTORIAL SERVICES, TO DIRECT THE REIMBURSEMENT OF CERTAIN FUNDS TO THE CONFERENCE OF DISTRICT ATTORNEYS, TO EXPAND ELIGIBILITY FOR THE CRIMINAL JUSTICE FELLOWS PROGRAM, TO INCREASE COURT COSTS TO FUND THE CRIMINAL JUSTICE EDUCATION AND STANDARDS COMMISSION, TO CREATE RECEIPT-SUPPORTED POSITIONS FOR THE STATE CAPITOL POLICE, TO ALLOW THE USE OF CERTAIN SEIZED AND FORFEITED PROPERTY BY THE DEPARTMENTS OF JUSTICE AND PUBLIC SAFETY, TO TRANSFER FUNDS RELATED TO THE STATE MISDEMEANANT CONFINEMENT PROGRAM, TO ALLOW FOR THE REIMBURSEMENT OF COUNTIES FOR HOUSING AND MEDICAL EXPENSES OF STATE INMATES, AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

PART I. ADMINISTRATIVE OFFICE OF THE COURTS

FUNDS FOR THE HUMAN TRAFFICKING COMMISSION, INNOCENCE INQUIRY COMMISSION, SENTENCING AND POLICY ADVISORY COMMISSION, AND ECOURTS SYSTEM

SECTION 1.(a) There is appropriated the sum of five hundred thirty-five thousand four hundred sixty-five dollars (\$535,465) in recurring funds for the 2020-2021 fiscal year from the General Fund to the Administrative Office of the Courts to be allocated as follows:

- (1) \$250,000 to the Human Trafficking Commission for one full-time Executive Director position and operating costs.
- (2) \$187,520 to the North Carolina Innocence Inquiry Commission to support one full-time Staff Attorney, one part-time Administrative Secretary, and investigative services.
- (3) \$97,945 to the Sentencing and Policy Advisory Commission to support one full-time Research Associate.



1 **SECTION 1.(b)** There is appropriated the sum of three million seven hundred
2 fifty-seven thousand sixty dollars (\$3,757,060) in nonrecurring funds for the 2020-2021 fiscal
3 year from the General Fund to the Administrative Office of the Courts to be allocated as follows:

- 4 (1) \$3,750,000 to begin implementation of the Integrated Case Management
5 System (eCourts).
6 (2) \$7,060 to the North Carolina Innocence Inquiry Commission to support one
7 full-time Staff Attorney, one part-time Administrative Secretary, and
8 investigative services.

9 **SECTION 1.(c)** This section becomes effective July 1, 2020.

10 11 **CORRECTION TO RECENTLY ENACTED HUMAN TRAFFICKING LANGUAGE**

12 **SECTION 2.(a)** Section 4(c) of S.L. 2019-158 is repealed.

13 **SECTION 2.(b)** G.S. 15A-151.5(a) reads as rewritten:

14 "(a) Notwithstanding any other provision of this Article, the Administrative Office of the
15 Courts shall make all confidential files maintained under G.S. 15A-151 electronically available
16 to all prosecutors of this State if the criminal record was expunged on or after July 1, 2018, under
17 any of the following:

18 ...

19 (7a) G.S. 15A-145.9. Expunction of records of certain offenses committed by
20 human trafficking victims.

21 "

22 **SECTION 2.(c)** This section is retroactively effective December 1, 2019.

23 24 **DISTRICT ATTORNEYS/NO TRANSFER OF FUNDS AND STUDY FEASIBILITY OF** 25 **OFFICE OF PROSECUTORIAL SERVICES**

26 **SECTION 3.(a)** No Transfer of Funds. – For the 2019-2020 fiscal year, no funds
27 may be transferred from Fund Code 12000-1600 (Office – District Attorney) without the consent
28 of the Conference of District Attorneys as communicated by the Conference's Executive Director
29 to the Administrative Office of the Courts.

30 **SECTION 3.(b)** Study. – The School of Government at the University of North
31 Carolina at Chapel Hill (School of Government), in consultation with the Conference of District
32 Attorneys, the Administrative Office of the Courts, the Office of Indigent Defense Services, and
33 any other stakeholders the School of Government deems relevant, shall study the feasibility and
34 cost of creating an Office of Prosecutorial Services. The study shall compare North Carolina's
35 judicial branch structure to that of other states in terms of organizational placement of
36 prosecutorial services within the context of the unified court system and shall also determine the
37 necessary resources and costs required to make an Office of Prosecutorial Services viable as an
38 independent agency. The School of Government shall submit the report required under this
39 subsection by April 1, 2020, to the House of Representatives Appropriations Committee on
40 Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety.

41 42 **REIMBURSEMENT OF CERTAIN FUNDS TO CONFERENCE OF DISTRICT** 43 **ATTORNEYS**

44 **SECTION 4.** Notwithstanding G.S. 143C-6-9, during the 2019-2020 fiscal year and
45 each fiscal year thereafter, the Administrative Office of the Courts shall reimburse the
46 Conference of District Attorneys for all expenses accrued during that fiscal year of funds
47 expended from the Mortgage Settlement Fund, so long as the funds are available in lapsed salary
48 savings of the district attorneys from the amount actually appropriated for that purpose. If money
49 is not available from lapsed salary savings, then the reimbursement shall come from the Court
50 Information Technology Fund, as established by G.S. 7A-343.2.

PART II. JUSTICE**FUNDS FOR THE CRIMINAL JUSTICE FELLOWS PROGRAM**

SECTION 5.(a) There is appropriated the sum of three hundred seventy-five thousand dollars (\$375,000) in recurring funds for the 2020-2021 fiscal year from the General Fund to the Department of Justice, Criminal Justice Fellows Program, to continue to recruit qualified in-State high school seniors, unemployed graduates, and underemployed graduates and provide them with a forgivable community college loan to pursue a career in law enforcement in a rural county of the State.

SECTION 5.(b) This section becomes effective July 1, 2020.

EXPAND CRIMINAL JUSTICE FELLOWS PROGRAM ELIGIBILITY

SECTION 6.(a) G.S. 17C-20 reads as rewritten:

"§ 17C-20. Definitions.

As used in this Article, the following definitions apply:

...

(5) Eligible county. – A county with a population of less than ~~75,000~~125,000 according to the latest federal decennial ~~census~~census or a county designated as a development tier one area pursuant to G.S. 143B-437.08, or both.

...."

SECTION 6.(b) This section is effective when it becomes law and applies to Criminal Justice Fellows Program recipients selected on or after that date.

COURT COST INCREASE TO FUND CRIMINAL JUSTICE EDUCATION AND STANDARDS COMMISSION AND TO APPROPRIATE RECEIPTS FROM COURT COST INCREASE

SECTION 7.(a) G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected. No costs may be assessed when a case is dismissed. Only upon entry of a written order, supported by findings of fact and conclusions of law, determining that there is just cause, the court may (i) waive costs assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a), (11), (12), or (13) of this section. No court may waive or remit all or part of any court fines or costs without providing notice and opportunity to be heard by all government entities directly affected. The court shall provide notice to the government entities directly affected of (i) the date and time of the hearing and (ii) the right to be heard and make an objection to the remission or waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be made to the government entities affected by first-class mail to the address provided for receipt of court costs paid pursuant to the order. The costs referenced in this subsection are listed below:

...

(3b) For the services, staffing, and operations of the Criminal Justice Education and Standards Commission, the sum of ~~two~~three dollars (~~\$2.00~~)(\$3.00) to be remitted to the Department of Justice.

...."

SECTION 7.(b) Receipts collected as a result of the court cost increase in subsection (a) of this section are appropriated to the Criminal Justice Education and Standards Commission in the 2021-2022 fiscal year and requirements are increased accordingly.

SECTION 7.(c) Subsection (a) of this section becomes effective December 1, 2020, and applies to costs assessed on or after that date. Subsection (b) of this section becomes effective July 1, 2021. The remainder of this section is effective when it becomes law.

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2 **PART III. PUBLIC SAFETY**
3

4 **FUNDS FOR ALCOHOL LAW ENFORCEMENT, THE DIVISION OF ADULT**
5 **CORRECTION AND JUVENILE JUSTICE, THE DIVISION OF EMERGENCY**
6 **MANAGEMENT, AND THE NATIONAL GUARD**

7 **SECTION 8.(a)** There is appropriated the sum of two million nine hundred fourteen
8 thousand two hundred seventy-four dollars (\$2,914,274) in recurring funds for the 2020-2021
9 fiscal year from the General Fund to the Department of Public Safety to be allocated as follows:

- 10 (1) \$300,000 to Alcohol Law Enforcement (ALE) to lease additional office space.
11 (2) \$427,276 to Alcohol Law Enforcement (ALE) for eight administrative support
12 positions.
13 (3) \$388,873 to Adult Correction and Juvenile Justice to create 32 intermediate
14 inmate substance abuse treatment slots.
15 (4) \$835,000 to Adult Correction and Juvenile Justice for positions and case
16 management software to support reentry services to help reintegrate offenders
17 back into the community. Funding will support, at a minimum, four Licensed
18 Clinical Social Workers, four Reentry Probation Parole Officers, and three
19 Community Development Specialists.
20 (5) \$503,125 to the Division of Emergency Management for additional positions
21 to support management of federal grants and other Division operations.
22 (6) \$460,000 to the National Guard Tarheel ChalleNGe Academy to support 31
23 new positions in order to bring the State into compliance with federal staffing
24 regulations.

25 **SECTION 8.(b)** There is appropriated the sum of sixty-four thousand three hundred
26 eighty-five dollars (\$64,385) in nonrecurring funds for the 2020-2021 fiscal year from the
27 General Fund to the Department of Public Safety to be allocated as follows:

- 28 (1) \$39,375 to the Division of Emergency Management for additional positions
29 to support management of federal grants and other Division operations.
30 (2) \$25,010 to the National Guard Tarheel ChalleNGe Academy to support 31
31 new positions in order to bring the State into compliance with federal staffing
32 regulations.

33 **SECTION 8.(c)** Subsections (a) and (b) of this section become effective July 1, 2020.
34 The remainder of this section is effective when it becomes law.
35

36 **STATE CAPITOL POLICE/CREATION OF RECEIPT-SUPPORTED POSITIONS**

37 **SECTION 9.(a)** Creation of Receipt-Supported Positions Authorized. – The State
38 Capitol Police may contract with State agencies for the creation of receipt-supported positions to
39 provide security services to the buildings occupied by those agencies.

40 **SECTION 9.(b)** Annual Report Required. – No later than September 1 of each fiscal
41 year, the State Capitol Police shall report to the Joint Legislative Oversight Committee on Justice
42 and Public Safety the following information for the fiscal year in which the report is due:

- 43 (1) A list of all positions in the State Capitol Police. For each position listed, the
44 report shall include at least the following information:
45 a. The position type.
46 b. The agency to which the position is assigned.
47 c. The source of funding for the position.
48 (2) For each receipt-supported position listed, the contract and any other terms of
49 the contract.

50 **SECTION 9.(c)** Additional Reporting Required Upon Creation of
51 Receipt-Supported Positions. – In addition to the report required by subsection (b) of this section,

1 the State Capitol Police shall report the creation of any position pursuant to subsection (a) of this
2 section to the chairs of the House of Representatives Appropriations Committee on Justice and
3 Public Safety and the Senate Appropriations Committee on Justice and Public Safety and to the
4 Fiscal Research Division within 30 days of the position's creation. A report submitted pursuant
5 to this section shall include at least all of the following information:

- 6 (1) The position type.
- 7 (2) The agency to which the position is being assigned.
- 8 (3) The position salary.
- 9 (4) The total amount of the contract.
- 10 (5) The terms of the contract.

11 **SECTION 9.(d)** Format of Reports. – Reports submitted pursuant to this section
12 shall be submitted electronically and in accordance with any applicable General Assembly
13 standards.

14 **USE OF SEIZED AND FORFEITED PROPERTY**

15 **SECTION 10.(a)** Seized and forfeited assets transferred to the Department of Justice
16 or to the Department of Public Safety during the 2019-2021 fiscal biennium pursuant to
17 applicable federal law shall be credited to the budget of the recipient department and shall result
18 in an increase of law enforcement resources for that department. The Department of Public Safety
19 and the Department of Justice shall each make the following reports to the chairs of the House
20 of Representatives Appropriations Committee on Justice and Public Safety and the Senate
21 Appropriations Committee on Justice and Public Safety:

- 22 (1) A report upon receipt of any assets.
- 23 (2) A report that shall be made prior to use of the assets on their intended use and
24 the departmental priorities on which the assets may be expended.
- 25 (3) A report on receipts, expenditures, encumbrances, and availability of these
26 assets for the previous fiscal year, which shall be made no later than
27 September 1 of each year.

28 **SECTION 10.(b)** The General Assembly finds that the use of seized and forfeited
29 assets transferred pursuant to federal law for new personnel positions, new projects, acquisition
30 of real property, repair of buildings where the repair includes structural change, and construction
31 of or additions to buildings may result in additional expenses for the State in future fiscal periods.
32 Therefore, the Department of Justice and the Department of Public Safety are prohibited from
33 using these assets for such purposes without the prior approval of the General Assembly.

34 **SECTION 10.(c)** Nothing in this section prohibits State law enforcement agencies
35 from receiving funds from the United States Department of Justice, the United States Department
36 of the Treasury, and the United States Department of Health and Human Services.

37 **SECTION 10.(d)** The Joint Legislative Oversight Committee on Justice and Public
38 Safety shall study the impact on State and local law enforcement efforts of the receipt of seized
39 and forfeited assets. The Committee shall report its findings and recommendations prior to the
40 convening of the 2021 Regular Session of the General Assembly.

41 **STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM FUNDING TRANSFER**

42 **SECTION 11.** Of the funds appropriated in the 2019-2021 fiscal biennium for the
43 Statewide Misdemeanant Confinement Program:

- 44 (1) The sum of one million dollars (\$1,000,000) shall be transferred in the
45 2020-2021 fiscal year to the North Carolina Sheriffs' Association, Inc., a
46 nonprofit corporation, to support the Program and for administrative and
47 operating expenses of the Association and its staff.

1 (2) The sum of two hundred twenty-five thousand dollars (\$225,000) shall be
2 allocated in the 2020-2021 fiscal year to the Division of Adult Correction for
3 its administrative and operating expenses for the Program.
4

5 **REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL**
6 **EXPENSES**

7 **SECTION 12.** Notwithstanding G.S. 143C-6-9, the Department of Public Safety
8 may use funds available to the Department for the 2019-2021 fiscal biennium to reimburse
9 counties for the cost of housing convicted inmates, parolees, and post-release supervisees
10 awaiting transfer to the State prison system, as provided in G.S. 148-29. The reimbursement may
11 not exceed forty dollars (\$40.00) per day per prisoner awaiting transfer. Beginning October 1,
12 2020, the Department shall report quarterly to the chairs of the Joint Legislative Oversight
13 Committee on Justice and Public Safety and the chairs of the House of Representatives
14 Appropriations Committee on Justice and Public Safety and the Senate Appropriations
15 Committee on Justice and Public Safety on the expenditure of funds to reimburse counties for
16 prisoners awaiting transfer.
17

18 **PART IV. EFFECTIVE DATE**

19 **SECTION 13.** Except as otherwise provided, this act is effective when it becomes
20 law.