

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 579

Short Title: Prison Reform Act of 2019. (Public)

Sponsors: Senators Steinburg, McKissick, and Sanderson (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 4, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE DEPARTMENT OF CORRECTION AND THE DEPARTMENT
3 OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, TO MAKE
4 CONFORMING CHANGES, AND TO APPROPRIATE FUNDS.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. DEPARTMENT OF CORRECTION**

8
9 **ESTABLISH THE DEPARTMENT OF CORRECTION**

10 **SECTION 1.1.(a)** The Department of Correction is established in this Part as a
11 single, unified cabinet-level department. All functions, powers, duties, and obligations vested in
12 the following programs, divisions, and entities located in the Department of Public Safety are
13 transferred to, vested in, and consolidated within the Department of Correction in the manner of
14 a Type I transfer, as defined in G.S. 143A-6:

- 15 (1) Community Corrections Section of the Division of Adult Correction and
16 Juvenile Justice.
17 (2) Post-Release Supervision and Parole Commission.
18 (3) Treatment for Effective Community Supervision Program.
19 (4) Justice Reinvestment Council.

20 **SECTION 1.1.(b)** G.S. 143B-2 reads as rewritten:

21 **"§ 143B-2. Interim applicability of the Executive Organization Act of 1973.**

22 The Executive Organization Act of 1973 shall be applicable only to the following named
23 departments:

24 ...
25 (12) Department of Correction."

26 **SECTION 1.1.(c)** G.S. 143B-6 reads as rewritten:

27 **"§ 143B-6. Principal departments.**

28 In addition to the principal departments enumerated in the Executive Organization Act of
29 1971, all executive and administrative powers, duties, and functions not including those of the
30 General Assembly and its agencies, the General Court of Justice and the administrative agencies
31 created pursuant to Article IV of the Constitution of North Carolina, and higher education
32 previously vested by law in the several State agencies, are vested in the following principal
33 departments:

34 ...
35 (14) Department of Correction."

36 **SECTION 1.1.(d)** G.S. 126-5(d)(1) reads as rewritten:



"(d) (1) Exempt Positions in Cabinet Department. – Subject to the provisions of this Chapter, which is known as the North Carolina Human Resources Act, the Governor may designate a total of 425 exempt positions throughout the following departments and offices:

...

o. Department of Correction."

STATUTORY CHANGES CREATING THE DEPARTMENT OF CORRECTION

SECTION 1.2.(a) Part 1A of Article 13 of Chapter 143B is repealed.

SECTION 1.2.(b) Chapter 143B of the General Statutes is amended by adding a new Article to read:

"Article 16.

"Department of Correction.

"Part 1. Organization.

"§ 143B-1450. Organization.

(a) There is established the Department of Correction. The Department shall perform all functions of the executive branch of the State in relation to correction and the rehabilitation of adult offenders, including detention, parole, and aftercare supervision, and further including those prescribed powers, duties, and functions enumerated in the laws of this State.

(b) The head of the Department is the Secretary of the Department of Correction, who shall be known as the Secretary. The powers and duties of the deputy secretaries and the divisions and directors of the Department shall be subject to the direction and control of the Secretary.

"§ 143B-1451. Powers and duties of the Department of Correction.

It shall be the duty of the Department of Correction to do all of the following:

(1) Provide the necessary custody, supervision, and treatment to control and rehabilitate criminal offenders and thereby to reduce the rate and cost of crime and delinquency.

(2) Establish the Alcoholism and Chemical Dependency Treatment Program.

(3) In consultation with the Domestic Violence Commission, and in accordance with established best practices, shall establish a domestic violence treatment program for offenders sentenced to a term of imprisonment in the custody of the Department and whose official record includes a finding by the court that the offender committed acts of domestic violence. The Department shall ensure that inmates, whose record includes a finding by the court that the offender committed acts of domestic violence, complete a domestic violence treatment program prior to the completion of the period of incarceration, unless other requirements, deemed critical by the Department, prevent program completion. In the event an inmate does not complete the program during the period of incarceration, the Department shall document, in the inmate's official record, specific reasons why that particular inmate did not or was not able to complete the program.

(4) Adopt rules and regulations related to the conduct, supervision, rights and privileges of persons in its custody or under its supervision. The rules and regulations shall be filed with and published by the office of the Attorney General and shall be made available by the Department for public inspection. The rules and regulations shall include a description of the organization of the Department. A description or copy of all forms and instructions used by the Department, except those relating solely to matters of internal management, shall also be filed with the office of the Attorney General.

"§ 143B-1452. Definitions.

As used in this Article, the following meanings shall apply:

- (1) Commission. – The Post-Release Supervision and Parole Commission.
- (2) Council. – The Justice Reinvestment Council.
- (3) Department. – The Department of Correction.
- (4) Justice and Public Safety Appropriations Committees. – The Senate Appropriations Committee on Justice and Public Safety and the House of Representatives Appropriations Committee on Justice and Public Safety.
- (5) Program. – The Alcoholism and Chemical Dependency Treatment Program.
- (6) Secretary. – The Secretary of the Department of Correction."

SECTION 1.2.(c) G.S. 143B-701, 143B-702, 143B-704, and 143B-711 are repealed. The remainder of Subpart A of Part 2 of Article 13 of Chapter 143B is recodified as Part 2 of Article 16 of Chapter 143B of the General Statutes as follows:

<u>Former Citation</u>	<u>Recodified Citation</u>
Subpart A	Part 2
143B-703	143B-1455
143B-705	143B-1457
143B-707	143B-1459
143B-707.1	143B-1461
143B-707.2	143B-1463
143B-707.3	143B-1465
143B-707.4	143B-1467
143B-708	143B-1469
143B-709	143B-1471

SECTION 1.2.(d) Subpart C of Part 2 of Article 13 of Chapter 143B is recodified as Part 3 of Article 16 of Chapter 143B of the General Statutes as follows:

<u>Former Citation</u>	<u>Recodified Citation</u>
Subpart C	Part 3
143B-720	143B-1475
143B-721	143B-1477
143B-721.1	143B-1479

SECTION 1.2.(e) Subpart B of Part 4 of Article 13 of Chapter 143B is recodified as Part 4 of Article 16 of Chapter 143B of the General Statutes as follows:

<u>Former Citation</u>	<u>Recodified Citation</u>
Subpart B	Part 4
143B-1150	143B-1485
143B-1151	143B-1486
143B-1152	143B-1487
143B-1153	143B-1488
143B-1154	143B-1489
143B-1155	143B-1490
143B-1156	143B-1491
143B-1160	143B-1492
143B-1161	143B-1493

SECTION 1.2.(f) Parts 2 and 3 of Article 16 of Chapter 143B read as rewritten:

"Part 2. General Provisions

"§ 143B-1455. Repair or replacement of personal property.

(a) ~~The Secretary of Public Safety~~ may adopt rules governing repair or replacement of personal property items excluding private passenger vehicles that belong to employees of State facilities within ~~the Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~ and that are damaged or stolen by inmates of the State facilities provided that the item is determined by the Secretary to be damaged or stolen on or off facility grounds during the

1 performance of employment and necessary for the employee to have in his possession to perform
2 his assigned duty.

3 ...

4 (e) The Secretary of ~~Public Safety~~ shall establish by rule an appeals process consistent
5 with Chapter 150B of the General Statutes.

6 **"§ 143B-1457. ~~Division of Adult Correction and Juvenile Justice of the Department of~~**
7 **~~Public Safety—Alcoholism and Chemical Dependency Treatment Program.~~**

8 (a) Pursuant to G.S. 143B-1451(2), the Secretary shall establish the Alcoholism and
9 Chemical Dependency Treatment Program. The Program shall consist of a continuum of
10 treatment and intervention services for male and female inmates, established in medium and
11 minimum custody prison facilities, and for male and female probationers and parolees,
12 established in community-based residential treatment facilities. The Program established by
13 ~~G.S. 143B-704~~ shall be offered in correctional facilities, or a portion of correctional facilities that
14 are self-contained, so that the residential and program space is separate from any other programs
15 or inmate housing, and shall be operational by January 1, 1988, at those facilities as the Secretary
16 or the Secretary's designee may designate.

17 (b) ~~A Section Chief for the Alcoholism and Chemical Dependency Treatment Program~~
18 ~~shall be employed and shall report directly to a deputy director for the Division of Adult~~
19 ~~Correction and Juvenile Justice as designated by the Deputy Commissioner for the Division of~~
20 ~~Adult Correction and Juvenile Justice. The~~ The duties of the ~~Section Chief and staff~~ Secretary
21 and the Secretary's staff shall include the following:

22 (1) Administer and coordinate all substance abuse programs, grants, contracts,
23 and related functions in ~~the Division of Adult Correction and Juvenile Justice~~
24 ~~of the Department of Public Safety~~ the Department.

25 (2) Develop and maintain working relationships and agreements with agencies
26 and organizations that will assist in developing and operating alcoholism and
27 chemical dependency treatment and recovery programs in the ~~Division of~~
28 ~~Adult Correction and Juvenile Justice of the Department of Public~~
29 ~~Safety~~ Department.

30 ...

31 (7) Supervise directly the facility and district program managers, other
32 specialized personnel, and programs that exist or may be developed in the
33 ~~Division of Adult Correction and Juvenile Justice of the Department of Public~~
34 ~~Safety~~ Department.

35 (c) ~~In each prison that houses an alcoholism and chemical dependency program, there~~
36 ~~shall be a unit superintendent under the Section of Prisons of the Division of Adult Correction~~
37 ~~and Juvenile Justice and other custodial, administrative, and support staff as required to maintain~~
38 ~~the proper custody level at the facility. The unit superintendent shall be responsible for all matters~~
39 ~~pertaining to custody and administration of the unit. The Section Chief of the Alcoholism and~~
40 ~~Chemical Dependency Treatment Program~~ The Secretary shall designate and direct employees
41 to manage treatment programs at each location. ~~Duties of unit treatment program managers shall~~
42 ~~include~~ prison that houses an alcoholism and chemical dependency program, including program
43 development and implementation, supervision of personnel assigned to treatment programs,
44 adherence to all pertinent policy and procedural requirements of the Department, and other duties
45 as assigned.

46 ...

47 **"§ 143B-1459. Reports to the General Assembly.**

48 The ~~Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~
49 shall report by March 1 of each year to the Chairs of the ~~Senate and House Appropriations~~
50 ~~Committees and the Chairs of the Senate and House~~ Justice and Public Safety Appropriations

1 ~~Subcommittees in Justice and Public Safety Committees~~ on ~~their~~ the Department's efforts to
2 provide effective treatment to offenders with substance abuse problems. The report shall include:

3 ...

- 4 (7) Evaluation of each substance abuse treatment program funded by the ~~Division~~
5 ~~of Adult Correction and Juvenile Justice of the Department of Public Safety~~
6 Department. Evaluation measures shall include reduction in alcohol and drug
7 dependency, improvements in disciplinary and infraction rates, recidivism
8 (defined as return-to-prison rates), and other measures of the programs'
9 success.

10 **"§ 143B-1461. Report on probation and parole caseloads.**

11 (a) The Department of ~~Public Safety~~ shall report by March 1 of each year to the Chairs
12 of the ~~House of Representatives and Senate Appropriations Subcommittees on Justice and Public~~
13 ~~Safety~~ Justice and Public Safety Appropriations Committees and the Joint Legislative Oversight
14 Committee on Justice and Public Safety on caseload averages for probation and parole officers.
15 The report shall include:

16 ...

17 (b) The Department of ~~Public Safety~~ shall report by March 1 of each year to the Chairs
18 of the ~~House of Representatives and Senate Appropriations Subcommittees on Justice and Public~~
19 ~~Safety~~ Justice and Public Safety Appropriations Committees and the Joint Legislative Oversight
20 Committee on Justice and Public Safety on the following:

21 ...

22 **"§ 143B-1463. Mutual agreement parole program report; medical release program report.**

23 (a) The Department of ~~Public Safety~~ and the ~~Post Release Supervision and Parole~~
24 ~~Commission~~ shall report by March 1 of each year to the Chairs of the ~~House of Representatives~~
25 ~~and Senate Appropriations Subcommittees on Justice and Public Safety~~ Justice and Public Safety
26 Appropriations Committees and to the Chairs of the Joint Legislative Oversight Committee on
27 Justice and Public Safety on the number of inmates enrolled in the mutual agreement parole
28 program, the number completing the program and being paroled, and the number who enrolled
29 but were terminated from the program. The information should be based on the previous calendar
30 year.

31 (b) The Department of ~~Public Safety~~ and the ~~Post Release Supervision and Parole~~
32 ~~Commission~~ shall report by March 1 of each year to the Chairs of the ~~House of Representatives~~
33 ~~Appropriations Subcommittee on Justice and Public Safety, to the Chairs of the Senate~~
34 ~~Appropriations Committee on Justice and Public Safety, Justice and Public Safety~~
35 Appropriations Committees and to the Chairs of the Joint Legislative Oversight Committee on
36 Justice and Public Safety on the number of inmates proposed for release, considered for release,
37 and granted release under Article 84B of Chapter 15A of the General Statutes, providing for the
38 medical release of inmates who are either permanently and totally disabled, terminally ill, or
39 geriatric.

40 **"§ 143B-1465. Medical costs for ~~inmates and juvenile offenders~~ inmates.**

41 (a) The Department of ~~Public Safety~~ shall reimburse those providers and facilities
42 providing approved medical services to inmates ~~and juvenile offenders~~ outside the correctional
43 ~~or juvenile~~ facility the lesser amount of either a rate of seventy percent (70%) of the provider's
44 then-current prevailing charge or two times the then-current Medicaid rate for any given service.
45 The Department shall have the right to audit any given provider to determine the actual prevailing
46 charge to ensure compliance with this provision.

47 ...

48 (b) The Department of ~~Public Safety~~ shall make every effort to contain medical costs for
49 inmates and juvenile offenders by making use of its own hospital and health care facilities to
50 provide health care services to inmates and juvenile offenders. To the extent that the Department
51 of ~~Public Safety~~ must utilize other facilities and services to provide health care services to

1 inmates and juvenile offenders, the Department shall make reasonable efforts to make use of
2 hospitals or other providers with which it has a contract or, if none is reasonably available,
3 hospitals with available capacity or other health care facilities in a region to accomplish that goal.
4 The Department shall make reasonable efforts to equitably distribute inmates and juvenile
5 offenders among all hospitals or other appropriate health care facilities.

6 (c) ~~The Department of Public Safety shall report quarterly to the Joint Legislative~~
7 ~~Oversight Committee on Justice and Public Safety and the chairs of the House of Representatives~~
8 ~~and Senate Appropriations Committees on Justice and Public Safety Justice and Public Safety~~
9 ~~Appropriations Committees on:~~

10 ...

11 (d) ~~The Department of Public Safety shall study whether contracts to provide inmate~~
12 ~~health services can be expanded to additional hospitals. The Department shall report the findings~~
13 ~~of its study to the chairs of the House of Representatives and Senate Appropriations Committees~~
14 ~~on Justice and Public Safety no later than February 1, 2017. The report shall include a list of~~
15 ~~hospitals considered for expansion and reasons for or against expanding to each hospital.~~

16 **"§ 143B-1467. Annual report on safekeepers.**

17 ~~The Department of Public Safety shall report by October 1 of each year to the chairs of the~~
18 ~~House of Representatives and Senate Justice and Public Safety Appropriations Committees on~~
19 ~~Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice~~
20 ~~and Public Safety on county prisoners housed in the State prison system pursuant to safekeeping~~
21 ~~orders under G.S. 162-39. The report shall include:~~

22 ...

23 **"§ 143B-1469. Community service program.**

24 (a) ~~The Division of Adult Correction and Juvenile Justice of the Department of Public~~
25 ~~Safety Department may conduct a community service program. The program shall provide~~
26 ~~oversight of offenders placed under the supervision of the Section of Community Corrections of~~
27 ~~the Division of Adult Correction and Juvenile Justice Department and ordered to perform~~
28 ~~community service hours for criminal violations, including driving while impaired violations~~
29 ~~under G.S. 20-138.1. This program shall assign offenders, either on supervised or on~~
30 ~~unsupervised probation, to perform service to the local community in an effort to promote the~~
31 ~~offender's rehabilitation and to provide services that help restore or improve the community. The~~
32 ~~program shall provide appropriate work site placement for offenders ordered to perform~~
33 ~~community service hours. The Division Department may adopt rules to conduct the program.~~
34 ~~Each offender shall be required to comply with the rules adopted for the program.~~

35 (b) ~~The Secretary of Public Safety may assign one or more employees to each district~~
36 ~~court district as defined in G.S. 7A-133 to assure and report to the Court the offender's~~
37 ~~compliance with the requirements of the program. Each county shall provide office space in the~~
38 ~~courthouse or other convenient place, for the use of the employees assigned to that county.~~

39 ...

40 (e) The community service staff shall report to the court in which the community service
41 was ordered, a significant violation of the terms of the probation, deferred prosecution, or
42 conditional discharge related to community service, including a willful failure to pay any moneys
43 due the State under any court order or payment schedule adopted by the ~~Section of Community~~
44 ~~Corrections of the Division of Adult Correction and Juvenile Justice. Department.~~ The
45 community service staff shall give notice of the hearing to determine if there is a willful failure
46 to comply to the person who was ordered to perform the community service. This notice shall be
47 given by either personal delivery to the person to be notified or by depositing the notice in the
48 United States mail in an envelope with postage prepaid, addressed to the person at the last known
49 address available to the preparer of the notice and reasonably believed to provide actual notice
50 to the person. The notice shall be mailed at least 10 days prior to any hearing and shall state the
51 basis of the alleged willful failure to comply. The court shall then conduct a hearing, even if the

1 person ordered to perform the community service fails to appear, to determine if there is a willful
2 failure to complete the work as ordered by the community service staff within the applicable time
3 limits. The hearing may be held in the county in which the order requiring the performance of
4 community service was imposed, the county in which the violation occurred, or the county of
5 residence of the person. If the court determines there is a willful failure to comply, it shall revoke
6 any drivers license issued to the person and notify the Division of Motor Vehicles to revoke any
7 drivers license issued to the person until the community service requirement has been met. In
8 addition, if the person is present, the court may take any further action authorized by Article 82
9 of Chapter 15A of the General Statutes for violation of a condition of probation.

10 **"§ 143B-1471. Security Staffing.**

11 (a) ~~The Division of Adult Correction and Juvenile Justice of the Department of Public~~
12 ~~Safety Department~~ shall conduct:

13 ...

14 (b) ~~The Division of Adult Correction and Juvenile Justice of the Department of Public~~
15 ~~Safety Department~~ shall update the security staffing relief formula at least every three years. Each
16 update shall include a review of all annual training requirements for security staff to determine
17 which of these requirements should be mandatory and the appropriate frequency of the training.
18 The ~~Division Department~~ shall survey other states to determine which states use a vacancy factor
19 in their staffing relief formulas.

20 "Part 3. Parole Commission.

21 **"§ 143B-1475. Post-Release Supervision and Parole Commission – creation, powers and**
22 **duties.**

23 (a) There is hereby created a Post-Release Supervision and Parole Commission of the
24 ~~Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~ Correction
25 with the authority to grant paroles, including both regular and temporary paroles, to persons held
26 by virtue of any final order or judgment of any court of this State as provided in Chapter 148 of
27 the General Statutes and laws of the State of North Carolina, except that persons sentenced under
28 Article 81B of Chapter 15A of the General Statutes are not eligible for parole but may be
29 conditionally released into the custody and control of United States Immigration and Customs
30 Enforcement pursuant to G.S. 148-64.1. The Commission shall also have authority to revoke,
31 terminate, and suspend paroles of such persons (including persons placed on parole on or before
32 the effective date of the Executive Organization Act of 1973) and to assist the Governor in
33 exercising his authority in granting reprieves, commutations, and pardons, and shall perform such
34 other services as may be required by the Governor in exercising his powers of executive
35 clemency. The Commission shall also have authority to revoke and terminate persons on
36 post-release supervision, as provided in Article 84A of Chapter 15A of the General Statutes. The
37 Commission shall also have the authority to punish for criminal contempt for willful refusal to
38 accept post-release supervision or to comply with the terms of post-release supervision by a
39 prisoner whose offense requiring post-release supervision is a reportable conviction subject to
40 the registration requirement of Article 27A of Chapter 14 of the General Statutes. Any contempt
41 proceeding conducted by the Commission shall be in accordance with G.S. 5A-15 as if the
42 Commission were a judicial official.

43 ...

44 (c) The Commission is authorized and empowered to adopt such rules and regulations,
45 not inconsistent with the laws of this State, in accordance with which prisoners eligible for parole
46 consideration may have their cases reviewed and investigated and by which such proceedings
47 may be initiated and considered. All rules and regulations heretofore adopted by the Board of
48 Paroles shall remain in full force and effect unless and until repealed or superseded by action of
49 the Post-Release Supervision and Parole Commission. All rules and regulations adopted by the
50 Commission shall be enforced by the ~~Division of Adult Correction and Juvenile Justice of the~~
51 ~~Department of Public Safety Department.~~

1 ...
 2 **"§ 143B-1477. Post-Release Supervision and Parole Commission – members; selection;
 3 removal; chair; compensation; quorum; services.**

4 ...
 5 (f) All clerical and other services required by the Commission shall be supplied by the
 6 ~~Secretary of the Department of Public Safety.~~Secretary.

7 **"§ 143B-1479. Parole eligibility reports.**

8 (a) Each fiscal year the ~~Post-Release Supervision and Parole Commission~~ shall, with the
 9 assistance of the North Carolina Sentencing and Policy Advisory Commission and the
 10 ~~Department of Public Safety,~~Department, analyze the amount of time each inmate who is eligible
 11 for parole on or before July 1 of the previous fiscal year has served compared to the time served
 12 by offenders under Structured Sentencing for comparable crimes. The Commission shall
 13 determine if the person has served more time in custody than the person would have served if
 14 sentenced to the maximum sentence under the provisions of Article 81B of Chapter 15A of the
 15 General Statutes. The "maximum sentence", for the purposes of this section, shall be calculated
 16 as set forth in subsection (b) of this section.

17 ...
 18 (d) The ~~Post-Release Supervision and Parole Commission~~ shall report to the Chairs of
 19 the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the
 20 ~~House of Representatives and Senate~~Justice and Public Safety Appropriations Committees on
 21 ~~Justice and Public Safety~~ by April 1 of each year. The report shall include the following: the class
 22 of the offense for which each parole-eligible inmate was convicted and whether an inmate had
 23 multiple criminal convictions. The Commission shall also report on the number of parole-eligible
 24 inmates reconsidered in compliance with this section and the number who were actually paroled.

25 "Part 4. Treatment for Effective Community Supervision Program.

26 **"§ 143B-1485. Short title.**

27 This ~~Subpart~~Part is the "Treatment for Effective Community Supervision Act of 2011" and
 28 may be cited by that name.

29 ...
 30 **"§ 143B-1487. Definitions.**

31 The following definitions apply in this ~~Subpart~~Part:

- 32 (1) Certified and licensed. – North Carolina Substance Abuse Professional
 33 Practice Board certified or licensed substance abuse professionals or
 34 Department of Health and Human Services licensed agencies.
- 35 (2) ~~Division. – The Division of Adult Correction and Juvenile Justice.~~
- 36 (3) Repealed by Session Laws 2012-83, s. 55, effective June 26, 2012.
- 37 (4) Eligible entity. – A local or regional government, a nongovernmental entity,
 38 or collaborative partnership that demonstrates capacity to provide services that
 39 address the criminogenic needs of offenders.
- 40 (5) Program. – A community-based corrections program.
- 41 (6) ~~Secretary. – The Secretary of Public Safety.~~
- 42 (6a) ~~Section. – The Section of Community Corrections of the Division of Adult~~
 43 ~~Correction and Juvenile Justice.~~
- 44 (7) State Board. – The State Community Corrections Advisory Board.

45 ...
 46 **"§ 143B-1489. Eligible population.**

47 ...
 48 (b) The priority populations for programs funded under this ~~Subpart~~Part shall be as
 49 follows:

50 ...

(2) Offenders identified by the ~~Division of Adult Correction and Juvenile Justice Department~~ using a validated risk assessment instrument to have a high likelihood of reoffending and a moderate to high need for substance abuse treatment."

"§ 143B-1490. Duties of ~~Division of Adult Correction and Juvenile Justice~~ Department.

(a) In addition to those otherwise provided by law, the ~~Division of Adult Correction and Juvenile Justice Department~~ shall have the following duties:

...

(b) The ~~Section of Community Corrections of the Division of Adult Correction and Juvenile Justice Department~~ shall develop and publish a recidivism reduction plan for the State that accomplishes the following:

...

(c) The ~~Department of Public Safety, Community Corrections Section, Department~~ shall report by March 1 of each year to the Chairs of the ~~Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety~~ Justice and Public Safety Appropriations Committees and the Joint Legislative Oversight Committee on Justice and Public Safety on the status of the programs funded through the Treatment for Effective Community Supervision Program. The report shall include the following information from each of the following components:

...

"§ 143B-1491. Contract for services.

(a) The ~~Division of Adult Correction and Juvenile Justice Department~~ shall contract with service providers through a competitive procurement process to provide community-based services to offenders on probation, parole, or post-release supervision.

...

(c) The ~~Division of Adult Correction and Juvenile Justice, Department,~~ in partnership with the Department of Health and Human Services, shall develop standard service definitions and performance measures for substance abuse and aftercare support services for inclusion in the contracts.

...

(e) The ~~Division of Adult Correction and Juvenile Justice Department~~ shall pay service providers the contract base award upon the initiation of services with the remaining payments made as milestones are reached as stated in the contract for services. If the service provider cancels or terminates the contract prior to its conclusion, the service provider shall reimburse the Division for the unearned pro rata portion of the base award.

...

"§ 143B-1492. Program types eligible for funding; community-based corrections programs.

Based on the prioritized populations in ~~G.S. 143B-1154(b)~~, G.S. 143B-1489 program types eligible for funding may include, but are not limited to, the following:

...

"§ 143B-1493. Justice Reinvestment Council.

(a) The Justice Reinvestment Council is established to act as an advisory body to the ~~Commissioner of Adult Correction~~ Secretary with regard to this ~~Subpart~~ Part. The Council shall consist of 13 members as follows, to be appointed as provided in subsection (b) of this section:

...

(d) The purpose of the ~~Justice Reinvestment Council~~ in conjunction with the ~~Department of Public Safety, Division of Adult Correction and Juvenile Justice, Department,~~ is to:

...."

CONFORMING CHANGES REGARDING DEPARTMENT OF CORRECTION

1 **SECTION 1.3.(a)** Except for instances in which language is rewritten pursuant to
2 subsection 2.3(a), the following statutes are amended by deleting the language "Department of
3 Public Safety" wherever it appears and substituting "Department of Correction": G.S. 1E-20,
4 7A-354, 14-196.3, 15-188, 15-204, 20-7, 58-31-26, 62-351, 127A-57, 130A-4.4, 143B-707.1,
5 143B-707.4, 143B-721, and 143B-721.1.

6 **SECTION 1.3.(b)** The following statutes are amended by deleting the language
7 "Division of Adult Correction and Juvenile Justice of the Department of Public Safety" wherever
8 it appears and substituting "Department of Correction": G.S. 1-110, 7A-109.3, 7A-313, 7A-451,
9 7A-474.18, 7A-498.3, 14-202, 14-208.6, 14-208.20, 14-208.22, 14-208.40, 14-208.43,
10 14-208.45, 14-254.5, 14-258.1, 14-258.3, 14-269, 14-415.10, 15-6.1, 15-10.1, 15-194, 15-196.3,
11 15-206, 15-209, 15A-145, 15A-145.1, 15A-146, 15A-147, 15A-149, 15A-534, 15A-534.1,
12 15A-544.3, 15A-544.5, 15A-615, 15A-821, 15A-830, 15A-832, 15A-1332, 15A-1340.13,
13 15A-1340.16, 15A-1340.18, 15A-1340.20, 15A-1342, 15A-1343, 15A-1343.2, 15A-1343.3,
14 15A-1344, 15A-1351, 15A-1352, 15A-1353, 15A-1354, 15A-1355, 15A-1368, 15A-1368.2,
15 15A-1368.3, 15A-1368.4, 15A-1368.6, 15A-1369, 15A-1374, 15A-1376, 15A-2000, 15B-21,
16 15B-31, 15B-32, 20-19, 20-28, 20-81.12, 20-179, 50-13.2, 65-4, 66-25, 97-13, 105-259, 115D-5,
17 122C-22, 122C-55, 122C-62, 122C-311, 122C-312, 122C-313, 122C-402, 122C-421, 127A-54,
18 131E-98, 131E-184, 131E-214.1, 135-1, 143-63.1, 143-300.7, 143-599, 143B-604, 143B-704,
19 143B-705, 143B-707, 143B-708, 143B-709, 143B-711, 143B-720, 146-33, 147-12, 148-2,
20 148-3, 148-4, 148-4.1, 148-6, 148-10, 148-10.1, 148-10.2, 148-10.3, 148-10.4, 148-10.5, 148-12,
21 148-18, 148-18.1, 148-19, 148-19.1, 148-19.2, 148-22, 148-22.1, 148-23, 148-23.1, 148-23.2,
22 148-24, 148-26, 148-26.5, 148-28, 148-29, 148-32.1, 148-32.2, 148-33, 148-33.1, 148-36,
23 148-37, 148-37.3, 18-40, 148-41, 148-45, 148-46.1, 148-53, 148-54, 148-59, 148-64, 148-64.1,
24 148-65.7, 148-66, 148-67, 148-70, 148-74, 148-78, 148-118.1, 148-118.2, 148-118.4, 148-118.5,
25 148-118.6, 148-128, 148-134, 150B-1, 153A-221, 153A-230.1, 153A-230.2, 153A-230.3,
26 153A-230.5, 162-39, 163A-885, and 164-47.

27 **SECTION 1.3.(c)** The following statutes are amended by deleting the language
28 "Division of Adult Correction and Juvenile Justice" wherever it appears and substituting
29 "Department of Correction": G.S. 14-208.40A, 14-208.40B, 14-208.40C, 14-208.41, 14-208.42,
30 14-208.44, 14-258.2, 15A-837, 15A-1369.4, 15A-1371, 20-179.3, 20-79.4, 108A-14, 115C-46.2,
31 122C-421, 126-23, 130A-25, 148-11, 148-65.6, 148-130, 148-131, 148-132, 160A-287, 164-42,
32 and 164-50.

33 **SECTION 1.3.(d)** The following statutes are amended by deleting the language
34 "Secretary of Public Safety" wherever it appears and substituting "Secretary of the Department
35 of Correction": G.S. 15-10.2, 15-10.3, 15-194, 15-203, 15-204, 15-205, 15-206, 15-207, 15-209,
36 15A-1340.36, 15A-1371, 122C-312, 130A-25, 148-4, 148-4.1, 148-5, 148-10.1, 148-11, 148-13,
37 148-18, 148-19, 148-20, 148-22, 148-22.1, 148-24, 148-25, 148-26, 148-26.5, 148-28, 148-32.1,
38 148-33, 148-33.1, 148-33.2, 148-36, 148-37, 148-41, 148-45, 148-46, 148-46.2, 148-57,
39 148-65.6, 148-65.9, 148-74, 148-78, 148-118.6, 148-118.8, 148-118.9, 148-121, 148-122,
40 148-153A-221.1, 162-39, 164-37, and 164-40.

41 **SECTION 1.3.(e)** The following statutes are amended by deleting the language
42 "Section of Community Corrections of the Division of Adult Correction and Juvenile Justice of
43 the Department of Public Safety" wherever it appears and substituting "Department of
44 Correction": G.S. 7B-3000, 7B-3001, 7B-3100, 15A-1342, 15A-1343.2, and 105-259.

45 **SECTION 1.3.(f)** The following statutes are amended by deleting the language
46 "Section of Community Corrections of the Division of Adult Correction and Juvenile Justice"
47 wherever it appears and substituting "Department of Correction": G.S. 14-208.40C, 14-208.41,
48 15A-837, 15A-1343, 15A-1368.4, 15A-1369.4, 15A-1371, 20-179.3, 115C-46.2, and 148-65.6.

49 **SECTION 1.3.(g)** The following statutes are amended by deleting the language
50 "Section of Community Corrections" wherever it appears and substituting "Department of
51 Correction": G.S. 17C-3(a)(6).

1 **SECTION 1.3.(h)** The following statutes are amended by deleting the language
2 "Section of Prisons of the Division of Adult Correction and Juvenile Justice of the Department
3 of Public Safety" wherever it appears and substituting "Department of Correction":
4 G.S. 14-208.6.

5 **SECTION 1.3.(i)** The following statutes are amended by deleting the language
6 "Section of Prisons of the Division of Adult Correction and Juvenile Justice" wherever it appears
7 and substituting "Department of Correction": G.S. 14-208.40C, 14-258.2, 66-58, 130A-25,
8 148-11, 148-18, 148-29, and 148-130.

9 **SECTION 1.3.(j)** The following statutes are amended by deleting the language
10 "Section of Prisons" wherever it appears and substituting "Department of Correction":
11 G.S. 17C-3(a)(6).

12 13 **PART II. DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY** 14 **PREVENTION**

15 16 **ESTABLISH THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY** 17 **PREVENTION**

18 **SECTION 2.1.(a)** The Department of Juvenile Justice and Delinquency Prevention
19 is established in this Part as a single, unified cabinet-level department. All functions, powers,
20 duties, and obligations vested in the following programs, divisions, and entities located in the
21 Department of Public Safety are transferred to, vested in, and consolidated within the Department
22 of Juvenile Justice and Delinquency Prevention in the manner of a Type I transfer, as defined in
23 G.S. 143A-6:

- 24 (1) Juvenile Justice Section in the Division of Adult Correction and Juvenile
25 Justice.
- 26 (2) Teen Court.
- 27 (3) Youth Development Center.
- 28 (4) Juvenile Court Services.
- 29 (5) Juvenile Crime Prevention Councils.

30 **SECTION 2.1.(b)** G.S. 143B-2, as amended by Part 1 of this act, reads as rewritten:
31 "**§ 143B-2. Interim applicability of the Executive Organization Act of 1973.**

32 The Executive Organization Act of 1973 shall be applicable only to the following named
33 departments:

34 ...

35 (13) Department of Juvenile Justice and Delinquency Prevention."

36 **SECTION 2.1.(c)** G.S. 143B-6, as amended by Part 1 of this act, reads as rewritten:
37 "**§ 143B-6. Principal departments.**

38 In addition to the principal departments enumerated in the Executive Organization Act of
39 1971, all executive and administrative powers, duties, and functions not including those of the
40 General Assembly and its agencies, the General Court of Justice and the administrative agencies
41 created pursuant to Article IV of the Constitution of North Carolina, and higher education
42 previously vested by law in the several State agencies, are vested in the following principal
43 departments:

44 ...

45 (15) Department of Juvenile Justice and Delinquency Prevention."

46 **SECTION 2.1.(d)** G.S. 126(d)(1), as amended by Part 1 of this act, reads as
47 rewritten:

- 48 "(d) (1) Exempt Positions in Cabinet Department. – Subject to the provisions of this
49 Chapter, which is known as the North Carolina Human Resources Act, the
50 Governor may designate a total of 425 exempt positions throughout the
51 following departments and offices:

1 ...
2 p. Department of Juvenile Justice and Delinquency Prevention."

4 **STATUTORY CHANGES CREATING THE DEPARTMENT OF CORRECTION**

5 **SECTION 2.2.(a)** Chapter 143B of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 17.

8 "Department of Juvenile Justice and Delinquency Prevention."

9 **SECTION 2.2.(b)** Subpart A of Part 3 of Article 13 of Chapter 143B is repealed.

10 **SECTION 2.2.(c)** Subpart B of Part 3 of Article 13 of Chapter 143B is recodified as
11 Parts 1 and 2 of Article 17 of Chapter 143B of the General Statutes as follows:

<u>Former Citation</u>	<u>Recodified Citation</u>
12 Subpart B	Part 1
13 143B-805	143B-1502
14 143B-806	143B-1501
15 143B-806	143B-1501
16 <u>Former Citation</u>	<u>Recodified Citation</u>
17 Subpart B	Part 2
18 143B-807	143B-1505
19 143B-808	143B-1507
20 143B-809	143B-1509
21 143B-810	143B-1511
22 143B-811	143B-1513

23 **SECTION 2.2.(d)** Subpart C of Part 3 of Article 13 of Chapter 143B is recodified as

24 Part 3 of Article 17 of Chapter 143B of the General Statutes as follows:

<u>Former Citation</u>	<u>Recodified Citation</u>
25 Subpart C	Part 3
26 143B-815	143B-1520
27 143B-816	143B-1522
28 143B-817	143B-1524
29 143B-818	143B-1526
30 143B-819	143B-1528
31 143B-820	143B-1530
32 143B-821	143B-1532
33 143B-822	143B-1534

35 **SECTION 2.2.(e)** Subpart D of Part 3 of Article 13 of Chapter 143B is recodified as

36 Part 4 of Article 17 of Chapter 143B of the General Statutes as follows:

<u>Former Citation</u>	<u>Recodified Citation</u>
37 Subpart D	Part 4
38 143B-830	143B-1540
39 143B-831	143B-1541

41 **SECTION 2.2.(f)** Subpart E of Part 3 of Article 13 of Chapter 143B is recodified as
42 Part 5 of Article 17 of Chapter 143B of the General Statutes as follows:

<u>Former Citation</u>	<u>Recodified Citation</u>
43 Subpart E	Part 5
44 143B-840	143B-1545

46 **SECTION 2.2.(g)** Subpart F of Part 3 of Article 13 of Chapter 143B is recodified as
47 Part 6 of Article 17 of Chapter 143B of the General Statutes as follows:

<u>Former Citation</u>	<u>Recodified Citation</u>
48 Subpart F	Part 6
49 143B-845	143B-1550
50 143B-846	143B-1551

1	143B-847	143B-1552
2	143B-848	143B-1553
3	143B-849	143B-1554
4	143B-850	143B-1555
5	143B-851	143B-1556
6	143B-852	143B-1557

7 **SECTION 2.2.(h)** Parts 1 through 6 of Article 17 of Chapter 143B read as rewritten:

8 "Article 17.

9 "Department of Juvenile Justice and Delinquency Prevention.

10 "Part 1. Organization.

11 **"§ 143B-1500. Organization.**

12 (a) There is established the Department of Juvenile Justice and Delinquency Prevention.
 13 The Department shall perform all functions of the executive branch of the State in relation to the
 14 provision of services to juveniles, both protective for those juveniles found to be undisciplined
 15 or delinquent and preventative to reduce the rates of delinquency.

16 (b) The head of the Department is the Secretary of the Department of Juvenile Justice and
 17 Delinquency Prevention, who shall be known as the Secretary. The powers and duties of the
 18 deputy secretaries and the divisions and directors of the Department shall be subject to the
 19 direction and control of the Secretary.

20 **"§ 143B-1501. Duties and powers of the Department of Juvenile Justice Section of the**
 21 **Division of Adult Correction and Juvenile Justice of the Department of Public**
 22 **Safety and Delinquency Prevention.**

23 (a) Repealed by Session Laws 2013-289, s. 5, effective July 18, 2013.

24 (b) ~~In addition to its other duties, the Juvenile Justice Section of the Division of Adult~~
 25 ~~Correction and Juvenile Justice~~ The Department of Juvenile Justice and Delinquency Prevention
 26 shall have the following powers and duties:

27 ...

28 (5) Adopt rules to implement this ~~Part~~ Article and the responsibilities of the
 29 Secretary ~~and the Division~~ under Chapter 7B of the General Statutes. The
 30 Secretary may adopt rules applicable to local human services agencies
 31 providing juvenile court and delinquency prevention services for the purpose
 32 of program evaluation, fiscal audits, and collection of third-party payments.

33 ...

34 (10) Collect expense data for every program operated and contracted by the
 35 ~~Division~~ Department.

36 (11) Develop a formula for funding, on a matching basis, juvenile court and
 37 delinquency prevention services as provided for in this ~~Part~~ Article. This
 38 formula shall be based upon the county's or counties' relative ability to fund
 39 community-based programs for juveniles.

40 Local governments receiving State matching funds for programs under
 41 this ~~Part~~ Article must maintain the same overall level of effort that existed at
 42 the time of the filing of the county assessment of juvenile needs with the
 43 ~~Division~~ Department.

44 ...

45 (19) Designate persons, as necessary, as State juvenile justice officers, to provide
 46 for the care and supervision of juveniles placed in the physical custody of the
 47 ~~Division~~ Department.

48 (20) Provide for the transportation to and from any State or local juvenile facility
 49 of any person under the jurisdiction of the juvenile court for any purpose
 50 required by Chapter 7B of the General Statutes or upon order of the court.

51 (c) Repealed by Session Laws 2017-186, s. 1(s), effective December 1, 2017.

1 (d) Where ~~Division~~Department statistics indicate the presence of minority youth in
 2 juvenile facilities disproportionate to their presence in the general population, the ~~Division~~
 3 Department shall develop and recommend appropriate strategies designed to ensure fair and
 4 equal treatment in the juvenile justice system.

5 (e) The ~~Division~~Department may provide consulting services and technical assistance to
 6 courts, law enforcement agencies, and other agencies, local governments, and public and private
 7 organizations. The ~~Division~~Department may develop or assist Juvenile Crime Prevention
 8 Councils in developing community needs, assessments, and programs relating to the prevention
 9 and treatment of delinquent and undisciplined behavior.

10 (f) The ~~Division~~Department shall develop a cost-benefit model for each State-funded
 11 program. Program commitment and recidivism rates shall be components of the model.

12 **"§ 143B-1502. Definitions.**

13 ~~In this Part, unless the context clearly requires otherwise, the following words have the listed~~
 14 ~~meanings:~~As used in this Article, the following meanings shall apply:

15 (1) Chief court counselor. – The person responsible for administration and
 16 supervision of juvenile intake, probation, and post-release supervision in each
 17 judicial district, operating under the supervision of the ~~Juvenile Justice Section~~
 18 ~~of the Division of Adult Correction and Juvenile Justice of the Department of~~
 19 ~~Public Safety.~~Department.

20 ...

21 (3) County Councils. – Juvenile Crime Prevention Councils created under
 22 ~~G.S. 143B-846.~~G.S. 143B-1551.

23 ...

24 (6a) ~~Department.~~ – The Department of Juvenile Justice and Delinquency
 25 Prevention.

26 ...

27 (10a) Justice and Public Safety Appropriations Committees. – The Senate
 28 Appropriations Committee on Justice and Public Safety and the House of
 29 Representatives Appropriations Committee on Justice and Public Safety.

30 ...

31 (14) Juvenile court. – Any district court exercising jurisdiction under this
 32 ~~Chapter.~~Article.

33 ...

34 (16) Post-release supervision. – The supervision of a juvenile who has been
 35 returned to the community after having been committed to the ~~Division~~
 36 Department for placement in a training school.

37 ...

38 (19) Secretary. – The Secretary of ~~Public Safety.~~Juvenile Justice and Delinquency
 39 Prevention.

40 (19a) ~~Section.~~ – ~~The Juvenile Justice Section of the Division of Adult Correction~~
 41 ~~and Juvenile Justice of the Department of Public Safety.~~

42 ...

43 (21) Youth development center. – A secure residential facility authorized to
 44 provide long-term treatment, education, and rehabilitative services for
 45 delinquent juveniles committed by the court to the ~~Division.~~Department.

46 "Part 2. General Provisions.

47 **"§ 143B-1505. Authority to contract with other entities.**

48 ...

49 (b) The ~~Section~~Department may enter into contracts with, and act as intermediary
 50 between, any federal government agency and any county of this State for the purpose of assisting
 51 the county to recover monies expended by a county-funded financial assistance program. As a

1 condition of assistance, the county shall agree to hold and save harmless the ~~Section-Department~~
2 against any claims, loss, or expense which the ~~Section-Department~~ might incur under the
3 contracts by reason of any erroneous, unlawful, or tortious act or omission of the county or its
4 officials, agents, or employees.

5 (c) The ~~Section-Department~~ and any other appropriate State or local agency may
6 purchase services from public or private agencies providing delinquency prevention programs or
7 juvenile court services, including parenting responsibility classes. The programs shall meet State
8 standards. As institutional populations are reduced, the ~~Section-Department~~ may divert State
9 funds appropriated for institutional programs to purchase the services under the State Budget
10 Act.

11 (d) Each programmatic, residential, and service contract or agreement entered into by the
12 Section shall include a cooperation clause to ensure compliance with the ~~Section's-Department's~~
13 quality assurance requirements and cost-accounting requirements.

14 **"§ 143B-1507. Authority to assist private nonprofit foundations.**

15 The ~~Section-Department~~ may provide appropriate services or allow employees of the ~~Section~~
16 ~~Department~~ to assist any private nonprofit foundation that works directly with the ~~Section's~~
17 ~~Department's~~ services or programs and whose sole purpose is to support these services and
18 programs. A ~~Section-Department~~ employee shall be allowed to work with a foundation no more
19 than 20 hours in any one month. These services are not subject to Chapter 150B of the General
20 Statutes.

21 ...

22 **"§ 143B-1509. Teen court programs.**

23 (a) All teen court programs administered by the ~~Juvenile Justice Section of the Division~~
24 ~~of Adult Correction and Juvenile Justice of the Department of Public Safety-Department~~ shall
25 operate as community resources for the diversion of juveniles pursuant to G.S. 7B-1706(c). A
26 juvenile diverted to a teen court program shall be tried by a jury of other juveniles, and, if the
27 jury finds the juvenile has committed the delinquent act, the jury may assign the juvenile to a
28 rehabilitative measure or sanction, including counseling, restitution, curfews, and community
29 service.

30 Teen court programs may also operate as resources to the local school administrative units to
31 handle problems that develop at school but that have not been turned over to the juvenile
32 authorities.

33 (b) Every teen court program that receives funds from Juvenile Crime Prevention
34 Councils shall comply with rules and reporting requirements of the ~~Juvenile Justice Section of~~
35 ~~the Division of Adult Correction and Juvenile Justice of the Department of Public~~
36 ~~Safety-Department.~~

37 **"§ 143B-1511. Youth Development Center annual report.**

38 The ~~Department of Public Safety~~ shall report by October 1 of each year to the Chairs of the
39 ~~House of Representatives and Senate Appropriations Subcommittees on Justice and Public~~
40 ~~Safety, Justice and Public Safety Appropriations Committees,~~ the Chairs of the Joint Legislative
41 Oversight Committee on Justice and Public Safety, and the Fiscal Research Division of the
42 Legislative Services Commission on the Youth Development Center (YDC) population, staffing,
43 and capacity in the preceding fiscal year. Specifically, the report shall include all of the following:

44 ...

45 **"§ 143B-1513. Annual evaluation of community programs and multiple purpose group
46 homes.**

47 The ~~Department of Public Safety~~ shall conduct an annual evaluation of the community
48 programs and of multipurpose group homes. In conducting the evaluation of each of these, the
49 Department shall consider whether participation in each program results in a reduction of court
50 involvement among juveniles. The Department shall also determine whether the programs are
51 achieving the goals and objectives of the Juvenile Justice Reform Act, S.L. 1998-202.

1 The Department shall report the results of the evaluation to the Chairs of the Joint Legislative
2 Oversight Committee on Justice and Public Safety and the Chairs of the ~~Senate and House of~~
3 ~~Representatives Appropriations Subcommittees on Justice and Public Safety~~ Justice and Public
4 Safety Appropriations Committees by March 1 of each year.

5 **"§ 143B-1515. Medical costs for juvenile offenders.**

6 (a) The Department shall reimburse those providers and facilities providing approved
7 medical services to juvenile offenders outside juvenile facilities the lesser amount of either a rate
8 of seventy percent (70%) of the provider's then-current prevailing charge or two times the
9 then-current Medicaid rate for any given service. The Department shall have the right to audit
10 any given provider to determine the actual prevailing charge to ensure compliance with this
11 provision.

12 This section does apply to vendors providing services that are not billed on a fee-for-service
13 basis, such as temporary staffing. Nothing in this section shall preclude the Department from
14 contracting with a provider for services at rates that provide greater documentable cost avoidance
15 for the State than do the rates contained in this section or at rates that are less favorable to the
16 State but that will ensure the continued access to care.

17 (b) The Department shall make every effort to contain medical costs for juvenile
18 offenders by making use of its own hospital and health care facilities to provide health care
19 services to juvenile offenders. To the extent that the Department must utilize other facilities and
20 services to provide health care services to juvenile offenders, the Department shall make
21 reasonable efforts to make use of hospitals or other providers with which it has a contract or, if
22 none is reasonably available, hospitals with available capacity or other health care facilities in a
23 region to accomplish that goal. The Department shall make reasonable efforts to equitably
24 distribute juvenile offenders among all hospitals or other appropriate health care facilities.

25 (c) The Department shall report quarterly to the Joint Legislative Oversight Committee
26 on Justice and Public Safety and the Chairs of the Justice and Public Safety Appropriations
27 Committees on:

28 (1) The percentage of the total juvenile offenders requiring hospitalization or
29 hospital services who receive that treatment at each hospital.

30 (2) The volume of scheduled and emergent services listed by hospital and, of that
31 volume, the number of those services that are provided by contracted and
32 noncontracted providers.

33 (3) The volume of scheduled and emergent admissions listed by hospital and, of
34 that volume, the percentage of those services that are provided by contracted
35 and noncontracted providers.

36 (4) The volume of inpatient medical services provided to Medicaid-eligible
37 inmates and juvenile offenders, the cost of treatment, the estimated savings of
38 paying the nonfederal portion of Medicaid for the services, and the length of
39 time between the date the claim was filed and the date the claim was paid.

40 (5) The status of the implementation of the claims processing system and efforts
41 to address the backlog of unpaid claims.

42 (6) The hospital utilization, including the amount paid to individual hospitals, the
43 number of inmates and juvenile offenders served, the number of claims, and
44 whether the hospital was a contracted or noncontracted facility.

45 (7) A list of hospitals under contract.

46 (d) Reports submitted on August 1 shall include totals for the previous fiscal year for all
47 the information requested.

48 "Part 3. Juvenile Facilities.

49 ...

50 **"§ 143B-1522. Authority to provide necessary medical or surgical care.**

1 The ~~Section-Department~~ may provide any medical and surgical treatment necessary to
2 preserve the life and health of juveniles committed to the custody of the Section; however, no
3 surgical operation may be performed except as authorized in G.S. 148-22.2.

4 **"§ 143B-1524. Compensation to juveniles in care.**

5 A juvenile who has been committed to the ~~Section-Department~~ may be compensated for work
6 or participation in training programs at rates approved by the Secretary within available funds.
7 The Secretary may provide for a reasonable allowance to the juvenile for incidental personal
8 expenses, and any balance of the juvenile's earnings remaining at the time the juvenile is released
9 shall be paid to the juvenile or the juvenile's parent or guardian. The Section may accept grants
10 or funds from any source to compensate juveniles under this section.

11 **"§ 143B-1526. Visits and community activities.**

12 (a) The ~~Section-Department~~ shall encourage visits by parents or guardians and
13 responsible relatives of juveniles committed to the custody of the Section.

14 (b) The ~~Section-Department~~ shall develop a program of home visits for juveniles in the
15 custody of the ~~Section-Department~~. The visits shall begin after the juvenile has been in the
16 custody of the ~~Section-Department~~ for a period of at least six months. In developing the program,
17 the ~~Section-Department~~ shall adopt criteria that promote the protection of the public and the best
18 interests of the juvenile.

19 **"§ 143B-1528. Regional detention services.**

20 The ~~Section-Department~~ is responsible for juvenile detention services, including the
21 development of a statewide plan for regional juvenile detention services that offer juvenile
22 detention care of sufficient quality to meet State standards to any juvenile requiring juvenile
23 detention care within the State in a detention facility as follows:

24 (1) The ~~Section-Department~~ shall plan with the counties operating a county
25 detention facility to provide regional juvenile detention services to
26 surrounding counties. The ~~Section-Department~~ has discretion in defining the
27 geographical boundaries of the regions based on negotiations with affected
28 counties, distances, availability of juvenile detention care that meets State
29 standards, and other appropriate factors.

30 (2) The ~~Section-Department~~ may plan with any county that has space within its
31 county jail system to use the existing space for a county detention facility
32 when needed, if the space meets the State standards for a detention facility and
33 meets all of the requirements of G.S. 153A-221. The use of space within the
34 county jail system shall be constructed to ensure that juveniles are not able to
35 converse with, see, or be seen by the adult population, and juveniles housed
36 in a space within a county jail shall be supervised closely.

37 (3) The ~~Section-Department~~ shall plan for and administer regional detention
38 facilities. The ~~Section-Department~~ shall carefully plan the location,
39 architectural design, construction, and administration of a program to meet the
40 needs of juveniles in juvenile detention care. The physical facility of a regional
41 detention facility shall comply with all applicable State and federal standards.
42 The programs of a regional detention facility shall comply with the standards
43 established by the ~~Section-Department~~.

44 **"§ 143B-1530. State subsidy to county detention facilities.**

45 The ~~Section-Department~~ shall administer a State subsidy program to pay a county that
46 provides juvenile detention services and meets State standards a certain per diem per juvenile. In
47 general, this per diem should be fifty percent (50%) of the total cost of caring for a juvenile from
48 within the county and one hundred percent (100%) of the total cost of caring for a juvenile from
49 another county. Any county placing a juvenile in a detention facility in another county shall pay
50 fifty percent (50%) of the total cost of caring for the juvenile to the ~~Section-Department~~. The

1 Section may vary the exact funding formulas to operate within existing State appropriations or
2 other funds that may be available to pay for juvenile detention care.

3 **"§ 143B-1532. Authority for implementation.**

4 In order to allow for effective implementation of a statewide regional approach to juvenile
5 detention, the ~~Section-Department~~ may:

6 ...
7 **"§ 143B-1534. Juvenile facility monthly commitment report.**

8 The Department of ~~Public Safety~~ shall report electronically on the first day of each month to
9 the Fiscal Research Division regarding each juvenile correctional facility and the average daily
10 population for the previous month. The report shall include (i) the average daily population for
11 each detention center and (ii) the monthly summary of the Committed Youth Report.

12 "Part 4. Juvenile Court Services.

13 **"§ 143B-1540. Duties and powers of chief court counselors.**

14 The chief court counselor in each district appointed under G.S. 143B-806(b)(15) may:

15 (1) Appoint juvenile court counselors, secretaries, and other personnel authorized
16 by the ~~Section-Department~~ in accordance with the personnel policies adopted
17 by the ~~Section-Department~~.

18 ...

19 (3) Provide in-service training for staff as required by the ~~Section-Department~~.

20 ...

21 **"§ 143B-1541. Duties and powers of juvenile court counselors.**

22 As the court or the chief court counselor may direct or require, all juvenile court counselors
23 shall have the following powers and duties:

24 ...

25 (14) Provide supervision for a juvenile transferred to the counselor's supervision
26 from another court or another state, and provide supervision for any juvenile
27 released from an institution operated by the ~~Section-Department~~ when
28 requested by the ~~Section-Department~~ to do so.

29 ...

30 (19) Have any other duties as the ~~Section-Department~~ may direct.

31 "Part 5. Comprehensive Juvenile Delinquency and Substance Abuse Prevention Plan.

32 **"§ 143B-1545. Comprehensive Juvenile Delinquency and Substance Abuse Prevention
33 Plan.**

34 (a) The ~~Section-Department~~ shall develop and implement a comprehensive juvenile
35 delinquency and substance abuse prevention plan and shall coordinate with County Councils for
36 implementation of a continuum of services and programs at the community level.

37 The ~~Section-Department~~ shall ensure that localities are informed about best practices in
38 juvenile delinquency and substance abuse prevention.

39 ...

40 (c) The ~~Section-Department~~ shall cooperate with all other affected State agencies and
41 entities in implementing this section.

42 "Part 6. Juvenile Crime Prevention Councils.

43 **"§ 143B-1550. Legislative intent.**

44 It is the intent of the General Assembly to prevent juveniles who are at risk from becoming
45 delinquent. The primary intent of this ~~Subpart-Part~~ is to develop community-based alternatives
46 to youth development centers and to provide community-based delinquency, substance abuse,
47 and gang prevention strategies and programs. Additionally, it is the intent of the General
48 Assembly to provide noninstitutional dispositional alternatives that will protect the community
49 and the juveniles.

50 ...

51 ...

1 **"§ 143B-1552. Terms of appointment.**

2 Each member of a County Council shall serve for a term of two years, except for initial terms
3 as provided in this section. Each member's term is a continuation of that member's term under
4 G.S. 147-33.62. Members may be reappointed. The initial terms of appointment began January
5 1, 1999. In order to provide for staggered terms, persons appointed for the positions designated
6 in subdivisions (9), (10), (12), (15), (17), and (18) of ~~G.S. 143B-846(a)~~ G.S. 143B-1551(a) were
7 appointed for an initial term ending on June 30, 2000. The initial term of the second member
8 added to each County Council pursuant to ~~G.S. 143B-846(a)(12)~~ G.S. 143B-1551(a)(12) shall
9 begin on July 1, 2001, and end on June 30, 2002. After the initial terms, persons appointed for
10 the positions designated in subdivisions (9), (10), (12), (15), (17), and (18) of ~~G.S. 143B-846(a)~~
11 G.S. 143B-1551(a) shall be appointed for two-year terms, beginning on July 1. All other persons
12 appointed to the Council were appointed for an initial term ending on June 30, 2001, and, after
13 those initial terms, persons shall be appointed for two-year terms beginning on July 1.

14 ...

15 **"§ 143B-1557. Department of ~~Public Safety~~ Juvenile Justice and Delinquency Prevention**
16 **to report on Juvenile Crime Prevention Council grants.**

17 (a) On or before February 1 of each year, the Department of ~~Public Safety~~ shall submit
18 to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the
19 Chairs of the ~~House of Representatives Appropriations Committee on Justice and Public Safety~~
20 ~~and the Senate Appropriations Committee on Justice and Public Safety~~ Justice and Public Safety
21 Appropriations Committees a list of the recipients of the grants awarded, or preapproved for
22 award, from funds appropriated to the Department for local Juvenile Crime Prevention Council
23 (JCPC) grants, including the following information:

24 ...

25 (b) On or before February 1 of each year, the Department of ~~Public Safety~~ shall send to
26 the Fiscal Research Division of the Legislative Services Commission an electronic copy of the
27 list and information required under subsection (a) of this section.

29 **CONFORMING CHANGES REGARDING DEPARTMENT OF JUVENILE JUSTICE**
30 **AND DELINQUENCY PREVENTION**

31 **SECTION 2.3.(a)** Except for instances in which language is rewritten pursuant to
32 subsection 3.3.(a) of this act, the following statutes are amended by deleting the language
33 "Department of Public Safety" wherever it appears and substituting "Department of Juvenile
34 Justice and Delinquency Prevention": G.S. 7B-1904, 7B-1905, and 7B-2507.

35 **SECTION 2.3.(b)** Except for instances in which language is rewritten pursuant to
36 subsection 3.3.(b) of this act, the following statutes are amended by deleting the language
37 "Division of Adult Correction and Juvenile Justice of the Department of Public Safety" wherever
38 it appears and substituting "Department of Juvenile Justice and Delinquency Prevention":
39 G.S. 7B-1501, 7B-2204, 7B-2517, 7B-3000, 7B-3001, 115C-106.3, 115C-107.6, 115C-108.1,
40 115C-296.2, 115C-325.10, 126-5, and 143-138.

41 **SECTION 2.3.(c)** Except for instances in which language is rewritten pursuant to
42 subsection 3.3.(d) of this act, the following statutes are amended by deleting the language
43 "Secretary of Public Safety" wherever it appears and substituting "Secretary of the Department
44 of Juvenile Justice and Delinquency Prevention": G.S. 7B-4002 and G.S. 17C-6.

45 **SECTION 2.3.(d)** The following statutes are amended by deleting the language
46 "Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the
47 Department of Public Safety" wherever it appears and substituting "Department of Juvenile
48 Justice and Delinquency Prevention": G.S. 7A-302, 7B-3100, 14-239, 14-258.1, 14-316.1, 66-58,
49 114-12.1, 115D-1, 122C-113, 122C-117, 143-166.2, 143-166.13, 143B-152.14, 143B-153,
50 153A-221.1, 164-40, and 164-43.

1 **SECTION 2.3.(e)** The following statutes are amended by deleting the language
 2 "Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice" wherever it
 3 appears and substituting "Department of Juvenile Justice and Delinquency Prevention":
 4 G.S. 17C-3 and G.S. 122C-115.4.

5
 6 **PART III. ADDITIONAL CONFORMING CHANGES FOR DEPARTMENT OF**
 7 **CORRECTION AND DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY**
 8 **PREVENTION**

9 **SECTION 3.1.(a)** G.S. 66-58 reads as rewritten:

10 **"§ 66-58. Sale of merchandise or services by governmental units.**

11 ...

12 (b) The provisions of subsection (a) of this section shall not apply to:

13 ...

14 (6a) ~~The Juvenile Justice Section of the Division of Adult Correction and Juvenile~~
 15 ~~Justice of the Department of Public Safety; Department of Juvenile Justice and~~
 16 ~~Delinquency Prevention.~~

17 ...

18 (15) ~~The Division of Adult Correction and Juvenile Justice of the Department of~~
 19 ~~Public Safety; Department of Correction~~ is authorized to purchase and install
 20 automobile license tag plant equipment for the purpose of manufacturing
 21 license tags for the State and local governments and for such other purposes
 22 as the ~~Division; Department~~ may direct.

23 The Commissioner of Motor Vehicles, or such other authority as may exercise
 24 the authority to purchase automobile license tags is hereby directed to
 25 purchase from, and to contract with, the ~~Division of Adult Correction and~~
 26 ~~Juvenile Justice of the Department of Public Safety; Department of Correction~~
 27 for the State automobile license tag requirements from year to year.

28 The price to be paid to the ~~Division of Adult Correction and Juvenile Justice~~
 29 ~~of the Department of Public Safety; Department~~ for the tags shall be fixed and
 30 agreed upon by the Governor, the ~~Division of Adult Correction and Juvenile~~
 31 ~~Justice of the Department of Public Safety, Department,~~ and the Motor
 32 Vehicle Commissioner, or such authority as may be authorized to purchase
 33 the supplies.

34 (16) Laundry services performed by the ~~Division of Adult Correction and Juvenile~~
 35 ~~Justice of the Department of Public Safety; Department of Correction~~ may be
 36 provided only for agencies and instrumentalities of the State which are
 37 supported by State funds and for county or municipally controlled and
 38 supported hospitals presently being served by the ~~Division of Adult~~
 39 ~~Correction and Juvenile Justice of the Department of Public Safety,~~
 40 ~~Department,~~ or for which services have been contracted or applied for in
 41 writing, as of May 22, 1973. In addition to the prior sentence, laundry services
 42 performed by the ~~Division of Adult Correction and Juvenile Justice of the~~
 43 ~~Department of Public Safety; Department~~ may be provided for VA Medical
 44 Centers of the United States Department of Veterans Affairs, the Governor
 45 Morehead School, and the North Carolina School for the Deaf.

46 The services shall be limited to wet-washing, drying and ironing of flatwear
 47 or flat goods such as towels, sheets and bedding, linens and those uniforms
 48 prescribed for wear by the institutions and further limited to only flat goods
 49 or apparel owned, distributed or controlled entirely by the institutions and
 50 shall not include processing by any dry-cleaning methods; provided, however,
 51 those garments and items presently being serviced by wet-washing, drying

1 and ironing may in the future, at the election of the ~~Division of Adult~~
2 ~~Correction and Juvenile Justice of the Department of Public Safety,~~
3 ~~Department,~~ be processed by a dry-cleaning method.

4 ...

5 (25) The gift or sale of any craft items made by inmates in the custody of the
6 ~~Division of Adult Correction and Juvenile Justice of the Department of Public~~
7 ~~Safety Department of Correction~~ as part of a program or initiative established
8 by the ~~Section of Prisons of the Division of Adult Correction and Juvenile~~
9 ~~Justice, Department.~~

10 ...

11 (c) The provisions of subsection (a) shall not prohibit:

12 ...

13 (7) The operation by penal, correctional or facilities operated by the Department
14 of Health and Human Services, ~~the Juvenile Justice Section of the Division of~~
15 ~~Adult Correction and Juvenile Justice of the Department of Public Safety, the~~
16 ~~Department of Correction,~~ or by the Department of Agriculture and Consumer
17 Services, of dining rooms for the inmates or clients or members of the staff
18 while on duty and for the accommodation of persons visiting the inmates or
19 clients, and other bona fide visitors.

20 ...

21 (13) The operation by ~~the Division of Adult Correction and Juvenile Justice of the~~
22 ~~Department of Public Safety the Department of Correction~~ of forestry
23 management programs on State-owned lands, including the sale on the open
24 market of timber cut as a part of the management program.

25 (14) The operation by the ~~Division of Adult Correction and Juvenile Justice of the~~
26 ~~Department of Public Safety Department of Correction~~ of facilities to
27 manufacture and produce traffic and street name signs for use on the public
28 streets and highways of the State.

29 (15) The operation by the ~~Division of Adult Correction and Juvenile Justice of the~~
30 ~~Department of Public Safety Department of Correction~~ of facilities to
31 manufacture and produce paint for use on the public streets and highways of
32 the State.

33 ...

34 (f) Notwithstanding the provisions of G.S. 66-58(a), the operation by the ~~Division of~~
35 ~~Adult Correction and Juvenile Justice of the Department of Public Safety Department of~~
36 ~~Correction~~ of facilities for the manufacture of any product or the providing of any service
37 pursuant to Article 14 of Chapter 148 of the General Statutes not regulated by the provisions of
38 subsection (c) of this section shall be subject to the prior approval of the Governor, with biennial
39 review by the General Assembly, at the beginning of each fiscal year commencing after October
40 1, 1975. The ~~Division of Adult Correction and Juvenile Justice of the Department of Public~~
41 ~~Safety Department~~ shall file with the Director of the Budget quarterly reports detailing prison
42 enterprise operations in such a format as shall be required by the Director of the Budget.

43"

44 **SECTION 3.1.(b)** G.S. 14-258.7(a) reads as rewritten:

45 "(a) The Department of ~~Public Safety and Juvenile Justice Correction~~ shall report the
46 following to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety
47 by March 15 of each year:

48"

49 **SECTION 3.1.(c)** G.S. 17C-3 reads as rewritten:

1 "(a) There is established the North Carolina Criminal Justice Education and Training
2 Standards Commission, hereinafter called "the Commission." The Commission shall be
3 composed of 34 members as follows:

4 ...

5 (6) Adult Correction and Juvenile Justice. – Four correctional officers in
6 management positions employed by the ~~Division of Adult Correction and~~
7 ~~Juvenile Justice of the Department of Public Safety~~ Department of Correction
8 shall be appointed, two from the Section of Community Corrections upon the
9 recommendation of the Speaker of the House of Representatives and two from
10 the Section of Prisons upon the recommendation of the President Pro Tempore
11 of the Senate. Appointments by the General Assembly shall be made in
12 accordance with G.S. 120-122. Appointments by the General Assembly shall
13 serve two-year terms to conclude on June 30th in odd-numbered years or until
14 the appointee no longer serves in a management position with the ~~Division of~~
15 ~~Adult Correction and Juvenile Justice, Department of Correction,~~
16 whichever occurs first. The Governor shall appoint one correctional officer employed by
17 the ~~Division of Adult Correction and Juvenile Justice of the Department of~~
18 ~~Public Safety~~ Department of Correction and assigned to the Office of Staff
19 Development and Training, and one juvenile justice officer employed by the
20 ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile~~
21 ~~Justice, Department of Juvenile Justice and Delinquency Prevention.~~ The
22 Governor's appointments shall serve three-year terms or until the appointee is
23 no longer assigned to the Office of Staff Development and Training or is no
24 longer a juvenile justice officer, whichever occurs first."

25 **SECTION 3.1.(d)** G.S. 120-70.94(a) reads as rewritten:

26 "(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall
27 examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems
28 in North Carolina, in order to make ongoing recommendations to the General Assembly on ways
29 to improve those systems and to assist those systems in realizing their objectives of protecting
30 the public and of punishing and rehabilitating offenders. In this examination, the Committee
31 shall:

32 (1) Study the budget, programs, and policies of the Department of Public ~~Safety~~
33 ~~Safety, the Department of Correction, and the Department of Juvenile Justice~~
34 ~~and Delinquency Prevention~~ to determine ways in which the General
35 Assembly may improve the effectiveness of the ~~Department.~~ Departments.
36 (2) Examine the effectiveness of the ~~Division of Adult Correction and Juvenile~~
37 ~~Justice of the Department of Public Safety~~ Department of Correction in
38 implementing the public policy stated in G.S. 148-26 of providing work
39 assignments and employment for inmates as a means of reducing the cost of
40 maintaining the inmate population while enabling inmates to acquire or retain
41 skills and work habits needed to secure honest employment after their release.

42 ...

43 (2b) Examine the effectiveness of the ~~Division of Adult Correction and Juvenile~~
44 ~~Justice of the Department of Public Safety~~ Department of Juvenile Justice and
45 Delinquency Prevention in implementing the duties and responsibilities
46 charged to the ~~Division in Part 3 of Article 13 of Chapter 143B of the General~~
47 ~~Statutes~~ Department and the overall effectiveness and efficiency of the
48 juvenile justice system in the State.

49 "

50 **SECTION 3.1.(e)** G.S. 143-166.1 reads as rewritten:

51 "§ 143-166.1. Purpose.

1 In consideration of hazardous public service rendered to the people of this State, there is
 2 hereby provided a system of benefits for dependents of law-enforcement officers, firefighters,
 3 rescue squad workers, and senior Civil Air Patrol members killed in the discharge of their official
 4 duties, and for dependents of noncustodial employees of the ~~Division of Adult Correction and~~
 5 ~~Juvenile Justice of the Department of Public Safety~~ Department of Correction and the
 6 Department of Juvenile Justice and Delinquency Prevention killed by an individual or individuals
 7 in the custody of the ~~Division of Adult Correction and Juvenile Justice of the Department of~~
 8 ~~Public Safety~~ Departments."

9 **SECTION 3.1.(f)** G.S. 143-166.2 reads as rewritten:

10 **"§ 143-166.2. Definitions.**

11 The following definitions apply in this Article:

- 12 (1) Covered person. – This term shall apply to all of the following individuals:
 13 a. Firefighters.
 14 b. Law enforcement officers.
 15 c. Noncustodial employees of the ~~Division of Adult Correction and~~
 16 ~~Juvenile Justice of the Department of Public Safety~~ Department of
 17 Correction and the Department of Juvenile Justice and Delinquency
 18 Prevention.
 19 d. Rescue squad workers.
 20 e. Senior Civil Air Patrol members.
- 21 (2) Custodial employee. – An employee of the ~~Division of Adult Correction and~~
 22 ~~Juvenile Justice of the Department of Public Safety~~ Department of Juvenile
 23 Justice and Delinquency Prevention or the Department of Correction who is a
 24 detention officer or a correctional officer or who otherwise has direct care and
 25 control over individuals in the custody of the ~~Division of Adult Correction and~~
 26 ~~Juvenile Justice of the Department of Public Safety~~ either Department.
- 27 ...
- 28 (6) Killed in the line of duty. – This term shall apply to all of the following deaths:
 29 ...
 30 c. The death of a noncustodial employee who, while performing his or
 31 her official duties, is killed in a manner reasonably determined by the
 32 Industrial Commission to be directly caused by an individual or
 33 individuals in the custody of the ~~Division of Adult Correction and~~
 34 ~~Juvenile Justice of the Department of Public Safety~~ Department of
 35 Correction or the Department of Juvenile Justice and Delinquency
 36 Prevention.
 37 ...
- 38 (7) Law enforcement officer or officer. – This term shall apply to all of the
 39 following individuals:
 40 ...
 41 b. Full-time custodial employees and probation and parole officers of the
 42 ~~Division of Adult Correction and Juvenile Justice of the Department~~
 43 ~~of Public Safety~~ Department of Correction.
 44 c. Full-time institutional and full-time, permanent part-time, and
 45 temporary detention employees of the ~~Juvenile Justice Section of the~~
 46 ~~Division of Adult Correction and Juvenile Justice of the Department~~
 47 ~~of Public Safety~~ Department of Juvenile Justice and Delinquency
 48 Prevention.
 49 ...
- 50 (8) Noncustodial employee. – An employee of the ~~Division of Adult Correction~~
 51 ~~and Juvenile Justice of the Department of Public Safety~~ Department of

1 Correction or the Department of Juvenile Justice and Delinquency Prevention
2 who is not a custodial employee.

3"

4 **SECTION 3.1.(g)** G.S. 143-166.7 reads as rewritten:

5 **"§ 143-166.7. Applicability of Article.**

6 The provisions of this Article shall apply and be in full force and effect with respect to any
7 law-enforcement officer, firefighter, rescue squad worker or senior Civil Air Patrol member
8 killed in the line of duty on or after May 13, 1975. The provisions of this Article shall apply with
9 respect to full-time, permanent part-time and temporary employees of the North Carolina Forest
10 Service of the Department of Agriculture and Consumer Services killed in the line of duty on or
11 after July 1, 1975. The provisions of this Article shall apply to county fire marshals and
12 emergency services coordinators killed in the line of duty on and after July 1, 1988. The
13 provisions of this Article shall apply to noncustodial employees of the ~~Division of Adult~~
14 ~~Correction and Juvenile Justice of the Department of Public Safety~~ Department of Correction or
15 the Department of Juvenile Justice and Delinquency Prevention who are killed in the line of duty
16 on and after April 1, 2017."

17 **SECTION 3.1.(h)** G.S. 143-166.13 reads as rewritten:

18 **"§ 143-166.13. Persons entitled to benefits under Article.**

19 (a) The following persons who are subject to the Criminal Justice Training and Standards
20 Act are entitled to benefits under this Article:

- 21 (1) State Government Security Officers, Department of Administration;
22 (2) State Correctional Officers, ~~Division of Adult Correction and Juvenile Justice~~
23 ~~of the Department of Public Safety~~; Officers, Department of Correction;
24 (3) State Probation and Parole Officers, ~~Division of Adult Correction and Juvenile~~
25 ~~Justice of the Department of Public Safety~~; Officers, Department of
26 Correction;
27 (4) Sworn State Law-Enforcement Officers with the power of ~~arrest, Division of~~
28 ~~Adult Correction and Juvenile Justice of the Department of Public~~
29 ~~Safety~~; arrest, Department of Correction.
30 ...
31 (9) Juvenile Justice Officers, ~~Juvenile Justice Section of the Division of Adult~~
32 ~~Correction and Juvenile Justice of the Department of Public Safety~~; Officers,
33 Department of Juvenile Justice and Delinquency Prevention;

34 ...

35 (b) The following persons are entitled to benefits under this Article regardless of whether
36 they are subject to the Criminal Justice Training and Standards Act:

- 37 (1) Driver License Examiners injured by accident arising out of and in the course
38 of giving a road test, Division of Motor Vehicles, Department of
39 Transportation;
40 (2) Employees of the ~~Division of Adult Correction and Juvenile Justice of the~~
41 ~~Department of Public Safety~~ Department of Correction and the Department of
42 Juvenile Justice and Delinquency Prevention injured by a direct and deliberate
43 act of an offender supervised by ~~the Division~~ either Department or while
44 performing supervisory duties over offenders which place the employees at
45 risk of such injury.

46"

47 **SECTION 3.1.(i)** G.S. 143B-1100 reads as rewritten:

48 **"§ 143B-1100. Governor's Crime Commission – creation; composition; terms; meetings,**
49 **etc.**

1 (a) There is hereby created the Governor's Crime Commission of the Department of
2 Public Safety. The Commission shall consist of ~~37~~43 voting members and five nonvoting
3 members. The composition of the Commission shall be as follows:

4 (1) The voting members shall be:

5 a. The Governor, the Chief Justice of the Supreme Court of North
6 Carolina (or the Chief Justice's designee), the Attorney General, the
7 Director of the Administrative Office of the Courts, the Secretary of
8 the Department of Health and Human Services, the Secretary of Public
9 Safety (or the Secretary's designee), the Secretary of the Department
10 of Correction, the Secretary of the Department of Juvenile Justice and
11 Delinquency Prevention, and the Superintendent of Public Instruction;

12 ...

13 (2) The nonvoting members shall be (i) the Director of the State Bureau of
14 Investigation, ~~the Deputy Chief of the Juvenile Justice Section of the Division~~
15 ~~of Adult Correction and Juvenile Justice of the Department of Public Safety~~
16 ~~who is responsible for Intervention/Prevention programs, the Deputy Chief of~~
17 ~~the Juvenile Justice Section of the Division of Adult Correction and Juvenile~~
18 ~~Justice of the Department of Public Safety who is responsible for Youth~~
19 ~~Development programs, the Section Chief of the Section of Prisons of the~~
20 ~~Division of Adult Correction and Juvenile Justice and the Section Chief of the~~
21 ~~Section of Community Corrections of the Division of Adult Correction and~~
22 ~~Juvenile Justice;~~ (ii) the Director of Prisons for the Department of Correction,
23 (iii) the Director of Community Corrections for the Department of Correction,
24 (iv) the Deputy Secretary responsible for Community Programs with the
25 Department of Juvenile Justice and Delinquency Prevention, and (v) the
26 Deputy Secretary responsible for Facility Services with the Department of
27 Juvenile Justice and Delinquency Prevention.

28 (b) The membership of the Commission shall be selected as follows:

29 (1) ~~The following members identified in sub-subdivision (1)a. and subdivision (2)~~
30 ~~of subsection (a) shall serve by virtue of their office: the Governor, the Chief~~
31 ~~Justice of the Supreme Court, the Attorney General, the Director of the~~
32 ~~Administrative Office of the Courts, the Secretary of the Department of Health~~
33 ~~and Human Services, the Secretary of Public Safety, the Director of the State~~
34 ~~Bureau of Investigation, the Section Chief of the Section of Prisons of the~~
35 ~~Division of Adult Correction and Juvenile Justice, the Section Chief of the~~
36 ~~Section of Community Corrections of the Division of Adult Correction and~~
37 ~~Juvenile Justice, the Deputy Chief who is responsible for~~
38 ~~Intervention/Prevention of the Juvenile Justice Section of the Division of~~
39 ~~Adult Correction and Juvenile Justice of the Department of Public Safety, the~~
40 ~~Deputy Chief who is responsible for Youth Development of the Juvenile~~
41 ~~Justice Section of the Division of Adult Correction and Juvenile Justice of the~~
42 ~~Department of Public Safety, and the Superintendent of Public Instruction.~~
43 office. Should the Chief Justice of the Supreme Court choose not to serve, his
44 an alternate shall be selected by the Governor from a list submitted by the
45 Chief Justice which list must contain no less than three nominees from the
46 membership of the Supreme Court.

47"

48 PART IV. APPROPRIATIONS AND EFFECTIVE DATES

1 **SECTION 4.1.** There is appropriated from the General Fund to the Department of
2 Correction the sum of one million six hundred thousand dollars (\$1,600,000) for fiscal years
3 2019-2020 and 2020-2021 to fund additional managerial positions.

4 **SECTION 4.2.** There is appropriated from the General Fund to the Department of
5 Juvenile Justice and Delinquency Prevention the sum of one million six hundred thousand dollars
6 (\$1,600,000) for fiscal years 2019-2020 and 2020-2021 to fund additional managerial positions.

7 **SECTION 4.3.** This act becomes effective July 1, 2019.