

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 207  
HOUSE BILL 47

AN ACT TO PROVIDE FOR COUNTY SATELLITE JAIL/WORK RELEASE  
UNITS FOR MISDEMEANANTS.

The General Assembly of North Carolina enacts:

Section 1. Article 10 of Chapter 153A is amended by adding at the end a new Part to read:

"Part 3. Satellite Jail/Work Release Units.

"§ 153A-230. **Legislative policy.**—The policy of the General Assembly with respect to satellite jail/work release units is:

- (1) To encourage counties to accept responsibility for incarcerated misdemeanants thereby relieving the State prison system of its misdemeanant population;
- (2) To assist counties in providing suitable facilities for certain misdemeanants who receive active sentences;
- (3) To allow more misdemeanants who are employed at the time of sentencing to retain their jobs by eliminating the time involved in processing persons through the State system;
- (4) To enable misdemeanants to pay for their upkeep while serving time, to pay restitution, to continue to support their dependents, and to remain near the communities and families to which they will return after serving their time;
- (5) To provide more appropriate, cost effective housing for certain minimum custody misdemeanants and to utilize vacant buildings where possible and suitable for renovation;
- (6) To provide a rehabilitative atmosphere for non-violent misdemeanants who otherwise would face a substantial threat of imprisonment; and
- (7) To encourage the use of alternative to incarceration programs.

"§ 153A-230.1. **Definitions.**—Unless otherwise clearly required by the context, the words and phrases defined in this section have the meanings indicated when used in this Part:

- (1) 'Office' means the Office of State Budget and Management.
- (2) 'Satellite Jail/Work Release Unit' means a building or designated portion of a building primarily designed, staffed, and used for the housing of misdemeanants participating in a work release program. These units shall house misdemeanants only and shall be operated on a full time basis, i.e., seven days/nights a week.

**"§ 153A-230.2. Creation of Satellite Jail/Work Release Unit Fund.**—(a) There is created in the Office of State Budget and Management the County Satellite Jail/Work Release Unit Fund to provide State grant funds for counties or groups of counties for construction of satellite jail/work release units for certain misdemeanants who receive active sentences. A county or group of counties may apply to the Office for a grant under this section. The application shall be in a form established by the Office. The Office shall:

- (1) develop application and grant criteria based on the basic requirements listed in this Part,
- (2) provide all Boards of County Commissioners and Sheriffs with the criteria and appropriate application forms, technical assistance, if requested, and a proposed written agreement,
- (3) review all applications,
- (4) select grantees and award grants,
- (5) award no more than one million five hundred thousand dollars (\$1,500,000) for any one county or group of counties except that if a group of counties agrees to jointly operate one unit for males and one unit for females, the maximum amount may be awarded for each unit,
- (6) take into consideration the potential number of misdemeanants to be diverted from the State prison system,
- (7) take into consideration the utilization of vacant buildings suitable for renovation where appropriate,
- (8) take into consideration the timeliness with which a county proposes to complete and occupy the unit,
- (9) take into consideration the appropriateness and cost effectiveness of the proposal,
- (10) take into consideration the plan with which the county intends to coordinate the unit with other community service programs such as intensive probation, community penalties, and community service.

When considering the items listed in subdivisions (6) through (10), the Office shall determine the appropriate weight to be given each item.

(b) A county or group of counties is eligible for a grant under this section if it agrees to abide by the basic requirements for satellite jail/work release units established in G.S. 153A-230.3. In order to receive a grant under this section, there must be a written agreement to abide by the basic requirements for satellite jail/work release units set forth in G.S. 153A-230.3. The written agreement shall be signed by the Chairman of the Board of County Commissioners, with approval of the Board of County Commissioners, and a representative of the Office of State Budget and Management. If a group of counties applies for the grant, then the agreement must be signed by the Chairman of the Board of County Commissioners of each county. Any variation from, including termination of, the original signed agreement must be approved by both the Office of State Budget and Management and by a vote of the Board of County Commissioners of the county or counties.

When the county or group of counties receives a grant under this section, the county or group of counties accepts ownership of the satellite jail/work release unit and full financial responsibility for maintaining and operating the unit, and for the upkeep of its occupants.

**"§ 153A-230.3. Basic requirements for satellite jail/work release units.–(a)** Eligibility for unit. The following rules shall govern which misdemeanants are housed in a satellite jail/work release unit:

- (1) Any convicted misdemeanant who:
  - a. receives an active sentence in the county or group of counties operating the unit,
  - b. is employed in the area or can otherwise earn his keep by working at the unit on maintenance and other jobs related to upkeep and operation of the unit or by assignment to community service work, and
  - c. consents to placement in the unit under these conditions, shall not be sent to the State prison system except by written findings of the sentencing judge that the misdemeanant is violent or otherwise a threat to the public and therefore unsuitable for confinement in the unit.
- (2) The county shall offer the program to both men and women.
- (3) The sentencing judge shall make a finding of fact as to whether the misdemeanant is qualified for occupancy in the unit pursuant to G.S. 15A-1352(a). If the sentencing judge determines that the misdemeanant is qualified for occupancy in the unit and the misdemeanant meets the requirements of subdivision (1), then the judge may order the misdemeanant to be placed in the unit. If at any time either prior to or after placement of an inmate into the unit the Sheriff determines that there is an indication of violence, unsuitable behavior, or other threat to the public that could make the prisoner unsuitable for the unit, the Sheriff may hold the prisoner in the county jail while petitioning the court for a final decision regarding placement of the prisoner.
- (4) The Sheriff may accept work release misdemeanants from other counties provided that those inmates agree to pay for their upkeep, that space is available, and that the Sheriff is willing to accept responsibility for the prisoner after screening.
- (5) The Sheriff may accept work release misdemeanants from the Department of Correction provided that those inmates agree to pay for their upkeep, that space is available, and that the Sheriff is willing to accept responsibility for the prisoner after screening. If accepted, these inmates shall become the sole responsibility of the Sheriff and subject to the rules, regulations, and policies of the satellite jail/work release unit.

(b) Operation of satellite jail/work release unit. A county or group of counties operating a satellite jail/work release unit shall comply with the following requirements concerning operation of the unit:

- (1) The county shall make every effort to ensure that at least eighty percent (80%) of the unit occupants shall be employed and on work release, and that the remainder shall earn their keep by working at the unit on maintenance and other jobs related to the upkeep and operation of the unit or by assignment to community service work, and that alcohol and drug rehabilitation be available through community resources.
- (2) The county shall require the occupants to give their earnings, less standard payroll deductions required by law and premiums for group health insurance coverage, to the Sheriff. The county may charge a per day charge from those occupants who are employed or otherwise able to pay from other resources available to the occupants. The per day charge shall be calculated based on the following formula: The charge shall be either the amount that the Department of Correction deducts from a prisoner's work-release earnings to pay for the cost of the prisoner's keep or fifty percent (50%) of the occupant's net weekly income, whichever is greater, but in no event may the per day charge exceed an amount that is twice the amount that the Department of Correction pays each local confinement facility for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical expenses. The per day charge may be adjusted on an individual basis where restitution and/or child support has been ordered, or where the occupant's salary or resources are insufficient to pay the charge.

The county also shall accumulate a reasonable sum from the earnings of the occupant to be returned to him when he is released from the unit. The county also shall follow the guidelines established for the Department of Correction in G.S. 148-33.1(f) for determining the amount and order of disbursements from the occupant's earnings.

- (3) Any and all proceeds from daily fees shall belong to the county's General Fund to aid in offsetting the operation and maintenance of the satellite unit.
- (4) The unit shall be operated on a full-time basis, i.e., seven days/nights a week, but weekend leave may be granted by the Sheriff. In granting weekend leave, the Sheriff shall follow the policies and procedures of the Department of Correction for granting weekend leave for Level 3 minimum custody inmates.
- (5) Good time and gain time shall be applied to these county prisoners in the same manner as prescribed in G.S. 15A-1340.7 and G.S. 148-13 for State prisoners.

- (6) The Sheriff shall maintain complete and accurate records on each inmate. These records shall contain the same information as required for State prisoners that are housed in county local confinement facilities.

**"§ 153A-230.4. Standards.**—The county satellite jail/work release units for misdemeanants shall not be subject to the standards promulgated for local confinement facilities pursuant to G.S. 153A-221.1. The Secretary of Human Resources shall develop and enforce standards for satellite jail/work release units. The Secretary shall take into consideration that they are to house only screened misdemeanants most of whom are on work release and therefore occupy the premises only in their off-work hours. After consultation with the North Carolina Sheriff's Association, the North Carolina Association of County Commissioners, and the Joint Legislative Commission on Governmental Operations, the Secretary of Human Resources shall promulgate standards suitable for these units by January 1, 1988, and shall include these units in the Department's monitoring and inspection responsibilities.

**"§ 153A-230.5. Satellite jails/work release units built with non-State funds.**—(a) If a county is operating a satellite jail/work release unit prior to the enactment of this act, the county may apply to the Office of State Budget and Management for grant funds to recover any verifiable construction or renovation costs for those units and for improvement funds except that the total for reimbursement and improvement shall not exceed one million five hundred thousand dollars (\$1,500,000). Any county accepting such a grant or any other State monies for county satellite jails must agree to all of the basic requirements listed in G.S. 153A-230.2 and G.S. 153A-230.3.

(b) If a county operates a non-State funded satellite jail/work release unit that does not comply with the basic requirements listed in G.S. 153A-230.2 and G.S. 153A-230.3, then the satellite jail shall be subject to the standards, rules, and regulations promulgated by the Secretary of Human Resources pursuant to Part 2 of Article 10 of Chapter 153A. Further, the male inmates who are serving a sentence of 30 days or more in these units shall be regarded as State prisoners and subject to the rules and regulations of the Department of Correction, which shall develop policies and procedures for their operation."

Sec. 2. G.S. 153A-217(5) is amended by inserting immediately before the period the phrase "except that it shall not include a county satellite jail/work release unit governed by Part 3 of Article 10 of Chapter 153A".

Sec. 3. G.S. 15A-1352(a) is amended by adding a new paragraph at the end to read:

"If a person is sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter, the sentencing judge shall make a finding of fact as to whether the person would be suitable for placement in a county satellite jail/work release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of fact that the person would be suitable for placement in a county satellite jail/work release unit and the person meets the requirements listed in G.S. 153A-230.3 (a)(1), then the judge may order the misdemeanant to be placed in a county satellite jail/work release unit."

Sec. 4. This act shall become effective July 1, 1987, except that it shall not be construed to obligate the General Assembly to make any appropriation to implement its provisions, nor shall it be construed to obligate the State to make any grant for which no funds have been appropriated by the General Assembly.

In the General Assembly read three times and ratified this the 18th day of May, 1987.