

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 3  
SENATE BILL 111

AN ACT TO CREATE AN EMERGENCY PRISON FACILITIES DEVELOPMENT PROGRAM AND AN EMERGENCY PRISON FACILITIES FUND TO PAY FOR THE SAME.

Whereas, the State of North Carolina is currently involved in litigation related to the conditions of confinement within its prison system; and

Whereas, it is the intent of the State to operate a prison system that complies with State and federal law while continuing to protect the people of the State from those who refuse to obey the rules of society; and

Whereas, to expedite prison construction it is desirable to create an Emergency Prison Facilities Fund to pay for the same; and

Whereas, it is also important to expedite the renovation of certain prison facilities; Now, therefore,

The General Assembly of North Carolina enacts:

**Section 1. Creation of Emergency Prison Facilities Development Program.** There is created within the Office of State Budget and Management an Emergency Prison Facilities Development Program to carry out the prison construction provided for in this act. The program shall be administered by the Office of State Budget and Management with the assistance of outside professional consultants.

**Sec. 2. Creation of Emergency Prison Facilities Fund.** There is created in the Office of State Budget and Management an Emergency Prison Facilities Fund.

**Sec. 3. Monies in the Emergency Prison Facilities Fund.**

(1) Funds in the amount of twelve million nine hundred seventy-seven thousand six hundred dollars (\$12,977,600) appropriated to the Department of Correction in Section 4 of Chapter 1014 of the 1985 Session Laws (Regular Session 1986) and allocated by Sections 210, 211, 212, 213, and 216 of that act are transferred to the Emergency Prison Facilities Fund.

(2) Funds in the amount of one million two hundred sixty-six thousand dollars (\$1,266,000) appropriated to a Reserve for Prison Needs in Section 2 of Chapter 1014 of the 1985 Session Laws (Regular Session 1986) are transferred to the Emergency Prison Facilities Fund.

(3) Funds appropriated to the Department of Correction in Section 4 of Chapter 1014 of the 1985 Session Laws (Regular Session 1986) and allocated by Section 215 of that act that have not been spent by the effective date of this act are transferred to the Emergency Prison Facilities Fund.

(4) Funds appropriated to the Department of Correction in Chapter 480 of the 1985 Session Laws that may be reallocated pursuant to Section 214 of Chapter 1014 of the 1985 Session Laws (Regular Session 1986) that have not been spent by the effective date of this act are transferred to the Emergency Prison Facilities Fund.

(5) There is appropriated from the General Fund to the Office of State Budget and Management, Emergency Prison Facilities Fund, the sum of fifteen million one hundred twenty-five thousand six hundred ninety dollars (\$15,125,690) for the 1986-87 fiscal year.

**Sec. 4. Uses of monies in the Emergency Prison Facilities Fund.** Monies in the Emergency Prison Facilities Fund shall be used as follows:

(1) To construct a 100-bed medium custody dormitory at the Caswell Prison Unit.

(2) To construct a 100-bed medium custody dormitory at the Randolph Prison Unit.

(3) To construct two additional 100-bed dormitories for female inmates at the North Carolina Correctional Facility for Women. Minimum custody inmates participating in work-release, study-release, and other external programs in Wake County shall be housed in a 100-bed facility similar to the Wake Advancement Center to be constructed outside the fenced perimeter of the North Carolina Correctional Facility for Women. The remaining 100-bed dormitory to be constructed shall be designed to separate the various custody levels at the North Carolina Correctional Center for Women to the fullest extent possible.

(4) To purchase land and to construct a 300-bed medium custody facility in Buncombe County to replace Craggy Prison.

(5) To construct a 100-bed medium custody dormitory in Hoke County.

(6) To purchase land and construct a 100-bed unit in Buncombe County similar to the Wake Advancement Center to serve inmates participating in work-release, study-release, and other community programs. If land is available at the new Craggy Prison site, the Advancement Center may be constructed at that location.

(7) To construct support facilities at the sites authorized in subdivisions (1) through (6) of this section.

(8) To construct 32, 50-bed minimum custody, inmate housing units with support facilities on State property adjacent to or within the following existing prison facilities:

<u>Facility</u>	<u>Housing Units</u>
Caldwell	2
Rutherford	2
Mecklenburg I	2
Rowan	1
Durham	2
Wake Advancement	4
Carteret	2
Forsyth	2
Davidson	2

Guilford	1
Robeson	2
New Hanover	1
Orange	3
Sanford	2
Caledonia	<u>4</u>
	32

If, in the preparation for construction, conditions are discovered at any of the foregoing sites making them unsuitable for construction, such housing units and related support facilities may be constructed on State property adjacent to or within the State prison facilities in Wilkes County or Rutherford County.

(9) To improve physical support systems at prison field units throughout the State.

(10) To make renovations and improvements similar to those made in dormitories in prison units in the South Piedmont Area, at the remaining 52 field units in the Department of Correction.

(11) To contract for outside professional assistance in administering the Emergency Prison Facilities Program. No more than five hundred thousand dollars (\$500,000) may be spent for this purpose.

Contracts shall be entered into in such manner so that all projects listed in subdivisions (1) through (8) and (11) of this section shall be accomplished within the sum of twenty nine million three hundred sixty nine thousand two hundred ninety dollars (\$29,369,290).

**Sec. 5. Authority to facilitate construction of projects funded from the Emergency Prison Facilities Fund.** (a) The Office of State Budget and Management may contract for and supervise all aspects of design, construction, or demolition of prison facilities designated in subdivisions (1) through (9) of Section 4 of this act without being subject to the requirements of the following statutes and rules implementing those statutes: G.S. 129-42(1), 129-42.2, 143-128, 143-129, 143-132, 143-134, 143-131, 143-64.10 through 143-64.13, 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(b), and 133-1.1(g). All contracts for the design, construction, or demolition of these facilities shall include a penalty for failure to complete the work by a specified date.

Construction of the dormitories set out in subdivisions (1), (2), (4), and (5) of Section 4 of this act shall be based on the existing design used for the new 100-man dormitories built in the South Piedmont Area of the Division of Prisons to comply with the consent judgment in the case of HUBERT v. WARD, allowing for site adaptations and other necessary modifications.

This subsection expires upon completion of the capital projects designated in subdivisions (1) through (9) of Section 4 of this act.

(b) The Office of State Budget and Management may contract for the renovation of the 52 prison units not part of the South Piedmont Area of the Department of Correction, as designated in subdivision (10) of Section 4 of this act, without being subject to the requirements of the following statutes and rules implementing those

statutes: G.S. 129-42(1), 129-42.2, 143-128, 143-129, 143-132, 143-134, and 143-131. All contracts for the renovation of these facilities shall include a penalty for failure to complete the work by a specified date.

This subsection expires upon completion of the renovation of the units designated in subdivision (10) of subsection 4 of this act.

**Sec. 6. Reporting requirements.** The Office of State Budget and Management shall report to the cochairmen of the Prison Construction Subcommittee of the Joint Legislative Commission on Government Operations at least once a month on the Emergency Prison Facilities Development Program. The report shall include information on which contractors have been selected, what contracts have been entered into, the projected and actual occupancy dates of facilities contracted for, the number of prison beds to be constructed on each project, the location of each project, and the projected and actual cost of each project.

**Sec. 7. Appropriation for Personnel.** There is appropriated from the General Fund to the Department of Correction the sum of two hundred forty thousand one hundred one dollars (\$240,101) for the 1986-87 fiscal year to fund positions for seven pre-parole investigators, seven probation/parole officers, and five two-person intensive teams to handle the increase in emergency paroles mandated by G.S. 148-4.1.

Positions funded by this section shall be abolished July 1, 1988.

**Sec. 8.** The General Assembly finds that revenues to date for the 1986-87 fiscal year have exceeded estimates approved by the 1986 Session of the 1985 General Assembly and that the anticipated revenues for the 1986-87 fiscal year are adequate to support the appropriations made from the General Fund in this act.

**Sec. 9.** This act is effective upon ratification.

In the General Assembly read three times and ratified this the 6th day of March, 1987.