

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 639  
SENATE BILL 817

AN ACT TO ALLOW THE SECRETARY OF CORRECTION TO ADOPT RULES  
ON DAMAGE OR THEFT OF PERSONAL PROPERTY BELONGING TO  
EMPLOYEES IN INSTITUTIONS OF THE DEPARTMENT OF CORRECTION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-261.2. **Repair or replacement of personal property.**—(a) The Secretary of Correction may adopt rules governing repair or replacement of personal property items excluding private passenger vehicles that belong to employees of State facilities within the Department of Correction 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 performance of employment and necessary for the employee to have in his possession to perform his assigned duty.

(b) Reimbursement for items damaged or stolen shall not be granted in instances in which the employee is determined to be negligent or otherwise at fault for the damage or loss of the property. Negligence shall be determined by the superintendent of the facility.

(c) The superintendent of the facility shall determine if the person seeking reimbursement has made a good faith effort to recover the loss from all other non-State sources and has failed before reimbursement is granted.

(d) Reimbursement shall be limited to the amount specified in the rules and shall not exceed a maximum of two hundred dollars (\$200.00) per incident. No employee shall receive more than five hundred dollars (\$500.00) per year in reimbursement. Reimbursement is subject to the availability of funds.

(e) The Secretary of Correction shall establish by rule an appeals process consistent with Chapter 150B of the General Statutes."

Sec. 2. The Secretary of Correction shall submit a report to the Joint Legislative Commission on Governmental Operations by December 1, 1988, on the implementation of this law. The report shall include all the reported incidents, the total amount of funds expended, the amount expended per incident and the types of property damaged or stolen for which reimbursement was granted. This report shall also include incidents related to private passenger vehicles.

Sec. 3. This act is effective upon ratification, and shall apply only to acts occurring after that date. This act shall expire July 1, 1989.

In the General Assembly read three times and ratified this the 20th day of July, 1987.