

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

3

HOUSE BILL 18*
Committee Substitute Favorable 3/30/89
Committee Substitute #2 Favorable 8/3/89

Short Title: Satellite Jail Fund.

(Public)

Sponsors:

Referred to:

January 13, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO DESIGNATE APPROPRIATED FUNDS FOR THE
3 ADMINISTRATION OF THE SATELLITE JAIL/WORK RELEASE UNIT FUND
4 AND TO REDUCE PRISON AND JAIL OVERCROWDING.

5 The General Assembly of North Carolina enacts:

6 Section 1. From the funds appropriated to the Office of State Budget and
7 Management for the 1989-90 fiscal year and the 1990-91 fiscal year for the County
8 Satellite Jail/Work Release Units, the Office of State Budget and Management may use
9 no more than one percent (1%) of the funds appropriated for costs of administering the
10 Fund. These funds shall not revert at the end of the fiscal year for which they are
11 appropriated but shall remain available until expended for the County Satellite
12 Jail/Work Release Units Fund.

13 Sec. 2. G. S. 153A-230.2 reads as rewritten:

14 "§ 153A-230.2. Creation of Satellite Jail/Work Release Unit Fund.

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

21 (1) Develop application and grant criteria based on the basic requirements
22 listed in this Part,

- 1 (2) Provide all Boards of County Commissioners and Sheriffs with the
- 2 criteria and appropriate application forms, technical assistance, if
- 3 requested, and a proposed written agreement,
- 4 (3) Review all applications,
- 5 (4) Select grantees and award grants,
- 6 (5) Award no more than ~~one million five hundred thousand dollars~~
- 7 ~~(\$1,500,000)~~ seven hundred fifty thousand dollars (\$750,000) for any
- 8 one county or group of counties except that if a group of counties
- 9 agrees to jointly operate one unit for males and one unit for females,
- 10 the maximum amount may be awarded for each unit,
- 11 (6) Take into consideration the potential number of misdemeanants and
- 12 the percentage of the county's or counties' misdemeanor population to
- 13 be diverted from the State prison system,
- 14 (7) Take into consideration the utilization of existing buildings suitable for
- 15 renovation where appropriate,
- 16 (8) Take into consideration the timeliness with which a county proposes to
- 17 complete and occupy the unit,
- 18 (9) Take into consideration the appropriateness and cost effectiveness of
- 19 the proposal,
- 20 (10) Take into consideration the plan with which the county intends to
- 21 coordinate the unit with other community service programs such as
- 22 intensive probation, community penalties, and community service.

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

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

37 When the county or group of counties receives a grant under this section, the county
38 or group of counties accepts ownership of the satellite jail/work release unit and full
39 financial responsibility for maintaining and operating the unit, and for the upkeep of its
40 occupants who comply with the eligibility criteria in G.S. 153A-230.3(a)(1)."

41 Sec. 3. G.S. 153A-230.3 reads as rewritten:

42 "(a) Eligibility for Unit. – The following rules shall govern which misdemeanants
43 are housed in a satellite jail/work release unit:

- 44 (1) Any convicted misdemeanor who:

- 1 a. Receives an active sentence in the county or group of counties
2 operating the unit,
- 3 b. Is employed in the area or can otherwise earn his keep by
4 working at the unit on maintenance and other jobs related to
5 upkeep and operation of the unit or by assignment to
6 community service work, and
- 7 c. Consents to placement in the unit under these conditions, shall
8 not be sent to the State prison system except by written findings
9 of the sentencing judge that the misdemeanor is violent or
10 otherwise a threat to the public and therefore unsuitable for
11 confinement in the unit.
- 12 (2) The County shall offer work release programs to both male and female
13 misdemeanants, through local facilities for both, or through a
14 contractual agreement with another entity for either, provided that such
15 arrangement is in reasonable proximity to the misdemeanor's
16 workplace.
- 17 (3) The sentencing judge shall make a finding of fact as to whether the
18 misdemeanor is qualified for occupancy in the unit pursuant to G.S.
19 15A-1352(a). If the sentencing judge determines that the
20 misdemeanor is either (i) qualified for occupancy in the unit and the
21 misdemeanant meets the requirements of subdivision (1), or (ii) if the
22 custodian of the local confinement facility certifies in writing that the
23 local confinement facility is filled to capacity, or that the facility
24 cannot reasonably accommodate any more prisoners due to
25 segregation requirements for particular prisoners, or that the custodian
26 anticipates, in light of local experiences, an influx of temporary
27 prisoners at that time, or if the local confinement facility does not meet
28 the minimum standards published pursuant to G.S. 153A-221, and the
29 judge determines that the misdemeanor is not violent or otherwise a
30 threat to the public and therefore unsuitable for confinement in the
31 unit, then the judge may order the misdemeanor to be placed in the
32 unit. If at any time either prior to or after placement of an inmate into
33 the unit the Sheriff determines that there is an indication of violence,
34 unsuitable behavior, or other threat to the public that could make the
35 prisoner unsuitable for the unit, the Sheriff may hold the prisoner in
36 the county jail while petitioning the court for a final decision regarding
37 placement of the prisoner.
- 38 (4) The Sheriff may accept work release misdemeanants from other
39 counties provided that those inmates agree to pay for their upkeep, that
40 space is available, and that the Sheriff is willing to accept
41 responsibility for the prisoner after screening.
- 42 (5) The Sheriff may accept work release misdemeanants or felons from
43 the Department of Correction provided that those inmates agree to pay

1 for their upkeep, that space is available, and that the Sheriff is willing
2 to accept responsibility for the prisoner after screening.

3 (b) Operation of Satellite Jail/Work Release Unit. – A county or group of
4 counties operating a satellite jail/work release unit shall comply with the following
5 requirements concerning operation of the unit:

6 (1) The county shall make every effort to ensure that at least eighty
7 percent (80%) of the unit occupants shall be employed and on work
8 release, and that the remainder shall earn their keep by working at the
9 unit on maintenance and other jobs related to the upkeep and operation
10 of the unit or by assignment to community service work, and that
11 alcohol and drug rehabilitation be available through community
12 resources.

13 (2) The county shall require the occupants to give their earnings, less
14 standard payroll deductions required by law and premiums for group
15 health insurance coverage, to the Sheriff. The county may charge a
16 per day charge from those occupants who are employed or otherwise
17 able to pay from other resources available to the occupants. The per
18 day charge shall be calculated based on the following formula: The
19 charge shall be either the amount that the Department of Correction
20 deducts from a prisoner's work-release earnings to pay for the cost of
21 the prisoner's keep or fifty percent (50%) of the occupant's net weekly
22 income divided by seven, whichever is greater, but in no event may the
23 per day charge exceed an amount that is twice the amount that the
24 Department of Correction pays each local confinement facility for the
25 cost of providing food, clothing, personal items, supervision, and
26 necessary ordinary medical expenses. The per day charge may be
27 adjusted on an individual basis where restitution and/or child support
28 has been ordered, or where the occupant's salary or resources are
29 insufficient to pay the charge. The county may receive from the
30 Department of Correction the amount paid to local confinement
31 facilities under G.S. 148-32.1 for prisoners which have been sentenced
32 to the unit under G.S. 153A-230.3(a)(3)(ii).

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

38 (3) Any and all proceeds from daily fees shall belong to the county's
39 General Fund to aid in offsetting the operation and maintenance of the
40 satellite unit.

41 (4) The unit shall be operated on a full-time basis, i.e., seven days/nights a
42 week, but weekend leave may be granted by the Sheriff. In granting
43 weekend leave, the Sheriff shall follow the policies and procedures of

1 the Department of Correction for granting weekend leave for Level 3
2 minimum custody inmates.

3 (5) Good time and gain time shall be applied to these county prisoners in
4 the same manner as prescribed in G.S. 15A-1340.7 and G.S. 148-13
5 for State prisoners.

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

10 Sec. 4. G.S. 153A-230.5(a) reads as rewritten:

11 "(a) If a county is operating a satellite jail/work release unit prior to the enactment
12 of this act, the county may apply to the Office of State Budget and Management for
13 grant funds to recover any verifiable construction or renovation costs for those units and
14 for improvement funds except that the total for reimbursement and improvement shall
15 not exceed ~~one million five hundred thousand dollars (\$1,500,000)~~seven hundred fifty
16 thousand dollars (\$750,000). Any county accepting such a grant or any other State
17 monies for county satellite jails must agree to all of the basic requirements listed in G.S.
18 153A-230.2 and G.S. 153A-230.3."

19 Sec. 5. This act shall become effective July 1, 1989.