

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1516*

Short Title: Prisoners Work for Counties.

(Public)

Sponsors: Representatives Albertson; Blue, Abernethy, Anderson, Barbee, Black, Bowen, Bowie, Bowman, Brown, Chapin, Colton, J.W. Crawford, Creech, Culp, Cunningham, Decker, DeVane, Dial, Diamont, Dickson, Esposito, Ethridge, Fitch, Flaherty, Fussell, Gamble, Gardner, Gottovi, Grady, Green, Grimmer, Hackney, Hasty, Hightower, Howard, Jack Hunt, Sam Hunt, H. Hunter, R. Hunter, Hurley, Isenhower, Jeffus, Jordan, Justus, Kerr, Lewis, Ligon, Lilley, Lineberry, Loflin, Lutz, McAllister, McGee, McLaughlin, McLawhorn, Mavretic, Mercer, Miller, Morgan, Nesbitt, Nye, Payne, Privette, Redwine, Rogers, Russell, Smith, Stewart, Wainwright, Warner, Wicker, Wilmoth, Wilson, Withrow, Wood, and Woodard.

Referred to: Judiciary III.

June 3, 1992

A BILL TO BE ENTITLED

AN ACT TO ALLOW COUNTIES TO REQUIRE PRISONERS TO WORK ON
PROJECTS TO BENEFIT UNITS OF STATE OR LOCAL GOVERNMENT.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 162 of the General Statutes is amended by adding four new sections to read:

§ 162-58. Counties may work prisoners.

The board of commissioners of the several counties may enact by resolution all necessary rules and regulations for work on projects to benefit units of State or local government by persons convicted of crimes and imprisoned in the local confinement facilities or satellite jail/work release units of their respective counties. Prisoners working under this section shall be supervised by county employees or by the sheriff. The rules enacted by the board of county commissioners shall specify a procedure for ensuring that county employees supervising prisoners pursuant to this section be provided with notice that the persons placed under their supervision are inmates from a local confinement facility or a satellite jail/work release unit.

1 **"§ 162-59. Person having custody to approve prisoners for work.**

2 No prisoner shall perform work pursuant to G.S. 162-58 unless the prisoner has been
3 approved for the work by the person having custody of the prisoner. The decision to
4 approve a prisoner for work shall be based on the prisoner's history of violence, if any,
5 past criminal convictions, and current sentence. For purposes of this section, the person
6 having custody of the prisoner is the sheriff, except that when the prisoner is confined in
7 a district confinement facility the person having custody of the prisoner is the jail
8 administrator. The person having custody of the prisoner may use his discretion to
9 revoke his approval at any time and to return the prisoner to the local confinement
10 facility or satellite jail/work release unit. Neither the person having custody of the
11 prisoner nor any jailer may be held liable for the actions of any prisoner, including those
12 actions committed during and after the escape of a prisoner, while the prisoner is
13 outside their supervision pursuant to this section.

14 **"§ 162-60. Reduction in sentence allowed for work.**

15 In addition to any gain time credit to which he is otherwise entitled, a prisoner who
16 has faithfully performed the duties assigned to him pursuant to G.S. 162-58 is entitled to
17 a reduction in his sentence of four days for each 30 days of work performed. The
18 person having custody of the prisoner, as defined in G.S. 162-59, shall be the sole judge
19 as to whether the prisoner has faithfully performed his duties. A prisoner who escapes
20 or attempts to escape while performing work pursuant to G.S. 162-58 shall forfeit any
21 reduction in sentence that he would have been entitled to under this section.

22 **"§ 162-61. Liability of county.**

23 The county working prisoners pursuant to G.S. 162-58 shall remain liable for
24 emergency medical services for those prisoners pursuant to G.S. 153A-224 while the
25 prisoners are working. The county working the prisoners shall be liable to third parties
26 for injuries incurred by the third parties through the negligence of the working prisoners
27 to the same extent as the county is liable for the actions of its other employees.
28 Chapters 96 and 97 of the General Statutes shall have no application to prisoners
29 working pursuant to G.S. 162-58."

30 Sec. 2. G.S. 14-255 reads as rewritten:

31 **"§ 14-255. Escape of ~~hired~~ working prisoners from custody.**

32 If any prisoner, who shall be removed from the prison of the respective counties,
33 ities and towns under the law providing for the hiring out of prisoners by counties and
34 towns, prisoner removed from the local confinement facility or satellite jail/work release
35 unit of a county pursuant to G.S. 162-58 shall escape from the person ~~or company~~
36 having him in ~~eustody~~, custody or the person supervising him, he shall be guilty of a
37 misdemeanor, ~~misdemeanor and shall be imprisoned at hard labor not more than 30~~
38 days, or fined not more than fifty dollars (\$50.00)."

39 Sec. 3. This act is effective upon ratification.