

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 14\*

Short Title: Out-of-State Housing of Inmates.

(Public)

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Sponsors: Representatives G. Miller; Baddour, Black, Bowie, Bowman, Cole, Colton, Crawford, Cummings, Cunningham, Decker, Diamont, Dickson, Easterling, Gottovi, Hayes, Hightower, Hunt, R. Hunter, Ives, Jarrell, Jeffus, Joye, Kuczmariski, Mavretic, McCombs, Mercer, Moore, Nichols, C. Preston, J. Preston, Ramsey, Redwine, Robinson, Spears, Stewart, Sutton, Warner, Wilkins, Wilmoth, Wilson, Wood, and Yongue.

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Referred to: Judiciary I.

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February 8, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR OUT-OF-STATE HOUSING OF PRISON INMATES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 148-37 reads as rewritten:

**"§ 148-37. Additional facilities authorized; contractual arrangements.**

(a) Subject to the provisions of G.S. 143-341, the State Department of Correction may establish additional facilities for use by the Department, such facilities to be either of a permanent type of construction or of a temporary or movable type as the Department may find most advantageous to the particular needs, to the end that the prisoners under its supervision may be so distributed throughout the State as to facilitate individualization of treatment designed to prepare them for lawful living in the community where they are most likely to reside after their release from prison. For this purpose, the Department may purchase or lease sites and suitable lands adjacent thereto and erect necessary buildings thereon, or purchase or lease existing facilities, all within the limits of allotments as approved by the Department of Administration.

(b) The Secretary of Correction may contract with the proper official of the United States or of any county or city of this State for the confinement of federal prisoners after they have been sentenced, county, or city prisoners in facilities of the State prison system or for the confinement of State prisoners in any county or any city

1 facility located in North ~~Carolina~~, Carolina or any out-of-state public or private facility,  
2 or any facility of the United States Bureau of Prisons, when to do so would most  
3 economically and effectively promote the purposes served by the Department of  
4 Correction. Any contract made under the authority of this section shall be for a period of  
5 not more than two years, and shall be renewable from time to time for a period not to  
6 exceed two years. Contracts for receiving federal, county and city prisoners shall  
7 provide for reimbursing the State in full for all costs involved. The financial provisions  
8 shall have the approval of the Department of Administration before the contract is  
9 executed. Payments received under such contracts shall be deposited in the State  
10 treasury for the use of the State Department of Correction. Such payments are hereby  
11 appropriated to the State Department of Correction as a supplementary fund to  
12 compensate for the additional care and maintenance of such prisoners as are received  
13 under such contracts.

14 (c) Subject to the provisions of subsection (b) of this section, the Secretary of  
15 Correction may contract to house offenders in private out-of-state correctional facilities  
16 with private contractors in the business of providing correctional services. Any  
17 contracts previously entered into by the Department of Correction for the out-of-state  
18 housing of inmates are hereby ratified."

19 Sec. 2. There is appropriated from the General Fund to the Department of  
20 Correction the sum of twenty-four million nine hundred seventy-two thousand dollars  
21 (\$24,972,000) for the 1994-95 fiscal year to contract with entities outside of North  
22 Carolina for prison beds to house inmates from North Carolina.

23 Sec. 3. Section 2 of this act becomes effective July 1, 1994. The remainder  
24 of this act is effective upon ratification.