

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 14*
Committee Substitute Favorable 2/18/94

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

(Public)

Sponsors:

Referred to:

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 facility located in North Carolina, or any facility of the United States Bureau of Prisons, when to do so would most economically and effectively promote the purposes served by the Department of Correction. Any contract made under the authority of this section

1 shall be for a period of not more than two years, and shall be renewable from time to
2 time for a period not to exceed two years. Contracts for receiving federal, county and
3 city prisoners shall provide for reimbursing the State in full for all costs involved. The
4 financial provisions shall have the approval of the Department of Administration before
5 the contract is executed. Payments received under such contracts shall be deposited in
6 the State treasury for the use of the State Department of Correction. Such payments are
7 hereby appropriated to the State Department of Correction as a supplementary fund to
8 compensate for the additional care and maintenance of such prisoners as are received
9 under such contracts.

10 (c) In addition to the authority contained in subsections (a) and (b) of this
11 section, the Secretary of Correction may enter into contracts with any public or private
12 entity for the confinement and care of State prisoners in any out-of-state public or
13 private correctional facility when to do so would most economically and effectively
14 promote the purposes served by the Department of Correction. The authority contained
15 in this subsection may be used to house a maximum of 2,500 prisoners at any one time.
16 Prisoners may be sent to out-of-state correctional facilities only when there are no
17 available facilities in this State within the State prison system to appropriately house
18 those prisoners. Any contract made under the authority of this subsection shall expire
19 not later than June 30, 1996, and must be approved by the Department of
20 Administration before the contract is executed.

21 (d) Prisoners confined in out-of-state correctional facilities pursuant to subsection
22 (c) of this section shall remain subject to the rules adopted for the conduct of persons
23 committed to the State prison system. The rules regarding good time and gain time,
24 discipline, classification, extension of the limits of confinement, transfers, housing
25 arrangements, and eligibility for parole shall apply to inmates housed in those out-of-
26 state correctional facilities. The operators of those out-of-state correctional facilities
27 may promulgate any other rules as may be necessary for the operation of those facilities
28 with the written approval of the Secretary of Correction. Custodial officials employed
29 by an out-of-state correctional facility are agents of the Secretary of Correction and may
30 use authorized force procedures to defend themselves, to enforce the observance of
31 discipline in compliance with correctional facility rules, to secure the person of a
32 prisoner, and to prevent escape. Prisoners confined to out-of-state correctional facilities
33 may be required to perform reasonable work assignments within those facilities."

34 Sec. 2. Any contracts previously entered into by the Department of
35 Correction for the out-of-state confinement and care of prisoners are hereby ratified, but
36 the prisoners confined and cared for under those contracts are to be included in the
37 maximum number of prisoners permitted to be confined and cared for out-of-state
38 pursuant to G.S. 148-37(c).

39 Sec. 3. There is appropriated from the General Fund to the Department of
40 Correction the sum of twenty-four million nine hundred seventy-two thousand dollars
41 (\$24,972,000) for the 1994-95 fiscal year to contract with entities outside of North
42 Carolina for prison beds to house inmates from North Carolina.

1 Sec. 4. Section 1 of this act is effective upon ratification and shall expire on
2 June 30, 1996. Sections 2 and 4 of this act are effective upon ratification. Section 3 of
3 this act becomes effective July 1, 1994.