

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 84

Short Title: Limit Home Leave.

(Public)

Sponsors: Representatives Gamble; Bowman, Hill, Joye, Lemmond, and Wood.

Referred to: Judiciary II.

February 11, 1994

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE AUTHORITY OF THE SECRETARY OF
CORRECTION TO GRANT HOME LEAVE TO PRISONERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 148-4 reads as rewritten:

**"§ 148-4. Control and custody of prisoners; authorizing prisoner to leave place of
confinement.**

The Secretary of Correction shall have control and custody of all prisoners serving sentence in the State prison system, and such prisoners shall be subject to all the rules and regulations legally adopted for the government thereof. Any sentence to imprisonment in any unit of the State prison system, or to jail to be assigned to work under the State Department of Correction, shall be construed as a commitment, for such terms of imprisonment as the court may direct, to the custody of the Secretary of Correction or his authorized representative, who shall designate the places of confinement within the State prison system where the sentences of all such persons shall be served. The authorized agents of the Secretary shall have all the authority of peace officers for the purpose of transferring prisoners from place to place in the State as their duties might require and for apprehending, arresting, and returning to prison escaped prisoners, and may be commissioned by the Governor, either generally or specially, as special officers for returning escaped prisoners or other fugitives from justice from outside the State, when such persons have been extradited or voluntarily surrendered. Employees of departments, institutions, agencies, and political subdivisions of the State hiring prisoners to perform work outside prison confines may be designated as the authorized agents of the Secretary of Correction for the purpose of maintaining control

1 and custody of prisoners who may be placed under the supervision and control of such
2 employees, including guarding and transferring such prisoners from place to place in the
3 State as their duties might require, and apprehending and arresting escaped prisoners
4 and returning them to prison. The governing authorities of the State prison system are
5 authorized to determine by rules and regulations the manner of designating these agents
6 and placing prisoners under their supervision and control, which rules and regulations
7 shall be established in the same manner as other rules and regulations for the
8 government of the State prison system.

9 The Secretary of Correction may extend the limits of the place of confinement of a
10 prisoner, as to whom there is reasonable cause to believe he will honor his trust, by
11 authorizing him, under prescribed conditions, to leave the confines of that place
12 unaccompanied by a custodial agent for a prescribed period of time to:

- 13 (1) Contact prospective employers; or
- 14 (2) Secure a suitable residence for use when released on parole or upon
15 discharge; or
- 16 (3) Obtain medical services not otherwise available; or
- 17 (4) Participate in a training program in the community; or
- 18 (5) Visit or attend the funeral of a spouse, child (including stepchild,
19 adopted child or child as to whom the prisoner, though not a natural
20 parent, has acted in the place of a parent), parent (including a person
21 though not a natural parent, has acted in the place of a parent), brother,
22 or sister; or
- 23 (6) Participate in community-based programs of rehabilitation, including,
24 but not limited to the existing community volunteer and home-leave
25 programs, pre-release and after-care programs as may be provided for
26 and administered by the Secretary of Correction and other programs
27 determined by the Secretary of Correction to be consistent with the
28 prisoner's rehabilitation and return to ~~society~~; society, but under no
29 circumstances shall the Secretary authorize home leave for a prisoner
30 who is not within 90 days of discharge; or
- 31 (7) Be on maternity leave, for a period of time not to exceed 60 days. The
32 county departments of social services are expected to cooperate with
33 officials at the North Carolina Correctional Center for Women to
34 coordinate prenatal care, financial services, and placement of the child.

35 The willful failure of a prisoner to remain within the extended limits of his confinement,
36 or to return within the time prescribed to the place of confinement designated by the
37 Secretary of Correction, shall be deemed an escape from the custody of the Secretary of
38 Correction punishable as provided in G.S. 148-45."

39 Sec. 2. This act is effective upon ratification.