

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 87
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Short Title: Housing of Certain Felons.

(Public)

Sponsors: Representatives Mavretic; Arnold, Bowie, Bowman, J. Brown, Culp, Decker, Edwards, Griffin, Justus, McLaughlin, Mercer, Nichols, J. Preston, Robinson, Sexton, Spears, Wilkins, and Wood.

Referred to: State Government.

February 14, 1994

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE SECRETARY OF CORRECTION TO CONTRACT FOR THE HOUSING OF CERTAIN FELONS OUTSIDE THE STATE OF NORTH CAROLINA.

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 States, of any county or city of this State-State, or of any entity described in subsection (c) of this section for the confinement of federal prisoners after they have been sentenced, county, or city prisoners in facilities of the State prison

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

15 (c) Subject to the provisions of subsection (b) of this section, the Secretary of
16 Correction may contract to house convicted felons sentenced to 10 or more years'
17 imprisonment in correctional facilities that equal or exceed the standards for adult
18 correctional institutions of the American Correctional Association for construction and
19 habitation and are:

20 (1) Operated by any governmental unit within any U.S. state, the District
21 of Columbia, the Commonwealth of Puerto Rico, or any territory or
22 possession of the United States; or

23 (2) a. Operated by any corporation or other business entity organized
24 under the laws of any U.S. state, the District of Columbia, the
25 Commonwealth of Puerto Rico, or any territory or possession of the
26 United States; and

27 b. Located within the boundaries of any U.S. state, the District of
28 Columbia, the Commonwealth of Puerto Rico, any territory or
29 possession of the United States, or any nation that is a signatory
30 of the North American Free Trade Agreement (NAFTA), as
31 approved by the United States in Pub. L. No. 103-182, 107 Stat.
32 2057 (1993).

33 The Secretary of Correction shall invite proposals for the contracts authorized by
34 this subsection by advertising as required by G.S. 143-52. Notwithstanding the
35 provisions of G.S. 143-52, the Secretary of Correction shall award the contract to the
36 lowest bidder meeting the requirements set forth in this subsection."

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