

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

S

1

SENATE BILL 97

Short Title: Contract for Private Prisons.

(Public)

---

Sponsors: Senator Odom.

---

Referred to: Corrections/Punishment.

---

February 15, 1994

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE SECRETARY OF CORRECTION TO CONTRACT  
FOR THE HOUSING OF PRISONERS IN PRIVATELY OPERATED  
CORRECTIONAL FACILITIES.

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, or of any private 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 system or for the confinement of State prisoners in any county or any city facility located in North Carolina, any private facility described in subsection (c) of this section, or any facility of the United States Bureau of Prisons, when to do so would most

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

12 (c) Subject to the provisions of subsection (b) of this section, the Secretary of  
13 Correction may contract to house prisoners in correctional facilities operated by private  
14 contractors in the business of providing correctional facilities."

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