

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 51\*

Short Title: Allow Private Prisons.

(Public)

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Sponsors: Representatives Wilkins, Black, Redwine; Church, Wood, Hill, McMahan, Owens, Dockham, Lemmond, Preston, and McComas.

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Referred to: Judiciary II.

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January 30, 1995

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR THE CONTRACTING OF PRIVATE PRISONS.

The General Assembly of North Carolina enacts:

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

"(c) In addition to the authority contained in subsections (a) and (b) of this section, and in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction may enter into contracts with any public entity or any private nonprofit or for-profit firms for the confinement and care of State prisoners in any out-of-state public correctional facility when to do so would most economically and effectively promote the purposes served by the Department of Correction. Subject to the provisions of subsection (e) of this section, the combined authority contained in this subsection and in subsection (f) of this section may be used to house a maximum of 1,000 prisoners at any one time, which maximum shall include those housed on March 25, 1994, under contracts ratified by subsection (f) of this section. Prisoners may be sent to out-of-state correctional facilities only when there are no available facilities in this State within the State prison system to appropriately house those prisoners. Any contract made under the authority of this subsection ~~shall expire not later than June 30, 1995, and~~ shall be approved by the Department of Administration before the contract is executed."

Sec. 2. G.S. 148-37 is amended by adding a new subsection to read:

1       "g) The Secretary of Correction may contract with private for-profit or nonprofit  
2 firms for the provision and operation of confinement facilities in the State to house State  
3 prisoners. Contracts entered under the authority of this section shall be for a period not to  
4 exceed 10 years, shall be renewable from time to time for a period not to exceed 10 years,  
5 and are subject to the approval of the Council of State and the Department of  
6 Administration. Prisoners housed in private confinement facilities pursuant to this  
7 subsection shall remain subject to the rules adopted for the conduct of persons committed  
8 to the State prison system. The Secretary of Correction may review and approve the  
9 design and construction of private confinement facilities before housing State prisoners in  
10 these facilities. The rules regarding good time, gain time, and earned credits, discipline,  
11 classification, extension of the limits of confinement, transfers, housing arrangements,  
12 and eligibility for parole shall apply to inmates housed in private confinement facilities  
13 pursuant to this subsection. The operators of private confinement facilities may adopt  
14 any other rules as may be necessary for the operation of those facilities with the written  
15 approval of the Secretary of Correction. Custodial officials employed by a private  
16 confinement facility are agents of the Secretary of Correction and may use those  
17 procedures for use of force authorized by the Secretary of Correction to defend  
18 themselves, to enforce the observance of discipline in compliance with confinement  
19 facility rules, to secure the person of a prisoner, and to prevent escape."

20               Sec. 3. This act is effective upon ratification.