

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 992

Judiciary II Committee Substitute Adopted 4/22/99

Short Title: Workers' Comp. for Prisoners.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO ALLOW PRISONERS WHO SUFFER DEATH OR TOTAL AND PERMANENT DISABILITY TO RECEIVE COMPENSATION UNDER THE WORKERS' COMPENSATION ACT BASED ON THE MINIMUM WAGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 97-13(c) reads as rewritten:

"§ 97-13. Exceptions from provisions of Article.

...

(c) Prisoners. -- This Article shall not apply to prisoners being worked by the State or any subdivision thereof, except to the following extent: Whenever any prisoner assigned to the State Department of Correction ~~shall suffer~~ suffers accidental injury ~~or accidental death~~ arising out of and in the course of the employment to which he had been assigned, ~~if there be death or if the results of such injury continue until after the date of the lawful discharge of such prisoner to such an extent as to amount to a~~ assigned that results in death or permanent disability as defined in this Article, then ~~such discharged prisoner or the dependents or next of kin of such discharged~~ the deceased prisoner shall be entitled to compensation under G.S. 97-38 and the injured prisoner who is permanently disabled may have the benefit of this Article by applying to the Industrial Commission as any other employee; provided, such application is made within 12 months from the date of the discharge; and provided further that the maximum compensation to any prisoner or to the dependents or next of kin of any deceased prisoner shall not exceed thirty dollars

~~(\$30.00) per week and the period of compensation shall relate to the date of his discharge rather than the date of the accident. If any person who has been awarded compensation under the provisions of this subsection shall be recommitted to prison upon conviction of an offense committed subsequent to the award, such compensation shall immediately cease.~~ shall be entitled to compensation under G.S. 97-29. For purposes of calculating compensation under G.S. 97-29 and G.S. 97-38, the average weekly wage shall be based on an hourly wage equal to the minimum wage under G.S. 95-25.3. Any awards made under the terms of this subsection shall be paid by the State Department of Correction from the funds available for the operation of the Department of ~~Corrections.~~ Correction. The provisions of G.S. 97-10.1 and G.S.97-10.2 shall apply to prisoners ~~and discharged prisoners~~ entitled to compensation under this subsection and to the State in the same manner as ~~said section applies~~ these sections apply to employees and employers."

Section 2. This act is effective when it becomes law and applies to awards for compensation entered on or after that date.