

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 137
Judiciary II Committee Substitute Adopted 3/6/01
Third Edition Engrossed 3/7/01

Short Title: Private Correctional Officers.

(Public)

Sponsors:

Referred to:

February 14, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO
3 USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA
4 LAW.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Correctional officers and security supervisors employed at
7 private correctional facilities pursuant to a contract between their employer and the
8 Federal Bureau of Prisons, may in the course of their employment as correctional
9 officers or security supervisors at those facilities use necessary force and make arrests
10 consistent with the laws applicable to the North Carolina Department of Correction,
11 provided that the Department of Correction determines that the employment policies of
12 such private corporations meet the same minimum standards and practices followed by
13 the Department of Correction in employing its correctional personnel, and if:

14 (1) Those correctional officers and security supervisors have been
15 certified as correctional officers as provided under Chapter 17C of the
16 General Statutes; or

17 (2) Those correctional officers and security supervisors employed by the
18 private corporation at the facility have completed a training curriculum
19 that the Department of Correction has determined meets or exceeds the
20 standards required by the North Carolina Criminal Justice Education
21 and Training Standards Commission for correctional personnel. The
22 Department may require that it be notified of the names and positions
23 of such persons prior to such persons' beginning duties at the
24 correctional facility and that the Department be notified when any such
25 person is no longer employed in such duties at the correctional facility.

1 **SECTION 2.** Any private corporation described in Section 1 of this act shall
2 without limit defend, indemnify, and hold harmless the State, its officers, employees,
3 and agents from any claims arising out of the operation of the private correctional
4 facility, or the granting of the powers authorized under this act, including any attorneys'
5 fees or other legal costs incurred by the State, its officers, employees, or agents as a
6 result of such claims.

7 **SECTION 3.** Any private corporation described in Section 1 of this act must
8 maintain in force liability insurance to satisfy any final judgment rendered against the
9 private corporation or the State, its officers, employees, and agents that arises out of the
10 operation of the correctional facility or the indemnification requirements in Section 2 of
11 this act. The Department of Correction shall determine annually the amount of liability
12 insurance specified in this section based upon the size and security level of the
13 correctional facility and shall determine the requirements for ensuring that the insurance
14 remains in force. The minimum amount of liability insurance that will be required
15 under this section is ten million dollars (\$10,000,000) per occurrence.

16 **SECTION 4.** The Department of Correction shall adopt rules to implement
17 the provisions of this act.

18 **SECTION 5.** The authority set forth in this act to use necessary force and
19 make arrests shall be in addition to any existing authority set forth in the statutory or
20 common law of the State.

21 **SECTION 6.** A private corporation described in Section 1 of this act shall
22 bear the costs of services provided by the Department of Correction for the corporation.
23 The amount of the costs shall be determined by the Secretary of the Department.

24 **SECTION 7.** This act is effective when it becomes law, applies to private
25 correctional facilities, and the employees of those correctional facilities, constructed and
26 contracted to be operated by the effective date of this act, and expires two years after the
27 effective date.