

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 969
PROPOSED COMMITTEE SUBSTITUTE H969-PCS40760-TT-46

Short Title: Enhance Prison Security.

(Public)

Sponsors:

Referred to:

May 21, 2018

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE PRISON SECURITY, AS RECOMMENDED BY THE JOINT
3 LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 33 of Chapter 14 of the General Statutes is amended by adding
6 a new section to read:

7 **"§ 14-254.5. Definitions.**

8 The following definitions apply in this Article:

9 (1) Employee. – Any person who is hired or contracted to work for the State or a
10 local government.

11 (2) Prisoner. – Any person in the custody of (i) the Division of Adult Correction
12 and Juvenile Justice of the Department of Public Safety, (ii) any law
13 enforcement officer, or (iii) any local confinement facility as defined in
14 G.S. 153A-217 or G.S. 153A-230.1, including persons pending trial, appellate
15 review, or presentence diagnostic evaluation."

16 **SECTION 1.2.** Article 33 of Chapter 14 of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 14-258.7. Annual reports of violations.**

19 (a) The Department of Public Safety and Juvenile Justice shall report the following to the
20 chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by March 15 of
21 each year:

22 (1) The number of incidents of any violation of this Article, G.S. 14-34.5(b),
23 14-34.7(b), or 14-34.7(c)(2) involving an employee or contractor of a
24 detention facility operated by the State.

25 (2) The nature of the resolution of every incident of any violation of this Article,
26 G.S. 14-34.5(b), 14-34.7(b), or 14-34.7(c)(2) involving an employee or
27 contractor of a detention facility operated by the State.

28 (b) The Conference of District Attorneys shall report the following to the chairs of the
29 Joint Legislative Oversight Committee on Justice and Public Safety by March 15 of each year:

30 (1) The number of criminal charges pursuant to this Article, G.S. 14-34.5(b),
31 14-34.7(b), or 14-34.7(c)(2) that resulted in trial.

32 (2) The number of criminal charges pursuant to this Article, G.S. 14-34.5(b),
33 14-34.7(b), or 14-34.7(c)(2) that were resolved by a plea to a lesser-included
34 offense.

35 (3) The number of criminal charges pursuant to this Article, G.S. 14-34.5(b),
36 14-34.7(b), or 14-34.7(c)(2) that were resolved by a voluntary dismissal or



* H 9 6 9 - P C S 4 0 7 6 0 - T T - 4 6 *

1 other discretionary action that effectively dismissed or reduced the original
2 charge.

3 (b) The Administrative Office of the Courts shall report the following to the chairs of the
4 Joint Legislative Oversight Committee on Justice and Public Safety by March 15 of each year:

5 (1) The number of violations of this Article, G.S. 14-34.5(b), 14-34.7(b), and
6 14-34.7(c)(2) charged.

7 (2) The number of violations of this Article, G.S. 14-34.5(b), 14-34.7(b), and
8 14-34.7(c)(2) that ended in a conviction.

9 (3) The number of violations of this Article, G.S. 14-34.5(b), 14-34.7(b), and
10 14-34.7(c)(2) that were dismissed."

11 **SECTION 2.** G.S. 14-258.4(a) reads as rewritten:

12 **"§ 14-258.4. Malicious conduct by prisoner.**

13 (a) ~~Any person in the custody of the Division of Adult Correction and Juvenile Justice of~~
14 ~~the Department of Public Safety, including the Juvenile Justice Section of the Division of Adult~~
15 ~~Correction and Juvenile Justice of the Department of Public Safety, any law enforcement officer,~~
16 ~~or any local confinement facility (as defined in G.S. 153A-217, or G.S. 153A-230.1), including~~
17 ~~persons pending trial, appellate review, or presentence diagnostic evaluation, prisoner who~~
18 ~~knowingly and willfully (i) exposes genitalia to an employee; or (ii) throws, emits, or causes to~~
19 ~~be used as a projectile, any bodily fluids or excrement fluids, excrement, or unknown substance~~
20 ~~at a person who is an employee of the State or a local government employee, while the employee~~
21 ~~is in the performance of the employee's duties, is guilty of a Class F felony. The provisions~~
22 ~~of this section apply to violations committed inside or outside of the prison, jail, detention center,~~
23 ~~or other confinement facility."~~

24 **SECTION 3.** G.S. 14-258 reads as rewritten:

25 ~~"§ 14-258. Conveying messages and weapons to or trading with convicts and other~~
26 ~~prisoners. **Providing forbidden articles or tools for escape; possessing tools for**~~
27 ~~**escape.**~~

28 ~~If any person shall convey to or from any convict any letters or oral messages, or shall convey~~
29 ~~to any convict or person imprisoned, charged with crime and awaiting trial any weapon or~~
30 ~~instrument by which to effect an escape, or that will aid him in an assault or insurrection, or shall~~
31 ~~trade with a convict for his clothing or stolen goods, or shall sell to him any article forbidden him~~
32 ~~by prison rules, he shall be guilty of a Class H felony: Provided, that when a murder, an assault~~
33 ~~or an escape is effected with the means furnished, the person convicted of furnishing the means~~
34 ~~shall be punished as a Class F felon.~~

35 (a) Providing Forbidden Articles or Tools for Escape. – Any person who sells, trades,
36 conveys, or provides any of the following to a prisoner is guilty of a Class H felony:

37 (1) An article forbidden by prison rules.

38 (2) A letter, oral message, weapon, tool, good, clothing, device, or instrument, to
39 effect an escape, or aide in an assault or insurrection.

40 (b) Increased Penalty. – Any violation of subdivision (2) of subsection (a) of this section
41 that does effect an escape, assault, or insurrection is a Class F felony.

42 (c) Possessing Tools for Escape. – Any prisoner who possesses a letter, weapon, tool,
43 good, article of clothing, device, or instrument to do any of the following is guilty of a Class H
44 felony:

45 (1) To effect an escape.

46 (2) Aide in an assault or insurrection.

47 (d) Application. – The provisions of this section apply to violations committed inside or
48 outside of the prison, jail, detention center, or other confinement facility."

49 **SECTION 4.** G.S. 143B-919 reads as rewritten:

1 "§ 143B-919. ~~Investigations of lynchings, election frauds, etc.;~~ Investigative services subject
2 to call of Governor; ~~investigative services without request;~~ witness fees and
3 mileage for employees.

4 (a) The Bureau shall, upon request of the Governor, investigate and prepare evidence in
5 the event of any lynching or mob violence in the State; shall investigate all cases arising from
6 frauds in connection with elections when requested to do so by the Board of Elections, and when
7 so directed by the Governor. Such investigation, however, shall ~~in no wise not~~ interfere with the
8 power of the Attorney General to make such investigation as the Attorney General is authorized
9 to make under the laws of the State. The Bureau is authorized further, at the request of the
10 Governor, to investigate cases of frauds arising under the Social Security Laws of the State, of
11 violations of the gaming laws, and lottery laws, and matters of similar kind when called upon by
12 the Governor so to do. In all such cases it shall be the duty of the Department to keep such records
13 as may be necessary and to prepare evidence in the cases investigated, for the use of enforcement
14 officers and for the trial of causes. The services of employees of the Bureau may be required by
15 the Governor in connection with the investigation of any crime committed anywhere in the State
16 when called upon by the enforcement officers of the State, and when, in the judgment of the
17 Governor, such services may be rendered with advantage to the enforcement of the criminal law.
18 The State Bureau of Investigation is ~~hereby authorized to investigate without request~~ investigate,
19 without request, the attempted arson of, or arson of, damage of, theft from, or theft of, or misuse
20 of, any State-owned personal property, buildings, or other real ~~property or property;~~ any assault
21 upon or threats against any legislative officer named in G.S. 147-2(1), (2), or (3), any executive
22 officer named in G.S. 147-3(c), or any court officer as defined in
23 ~~G.S. 14-16.10(1).~~ G.S. 14-16.10(1); and any threat to the safety of any individual associated with
24 an educational property as defined in G.S. 14-269.2, or a place of worship as defined in
25 G.S. 14-54.1.

26"

27 **SECTION 5.** Sections 1.2 and 4 of this act are effective when they become law. The
28 remainder of this act becomes effective December 1, 2018, and applies to offenses committed on
29 or after that date.