



**HOUSE BILL 97:
2015 Appropriations Act, Subpart XVI-C:
Division of Adult Correction**

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: Subpart XVI-C of S.L. 2015-241

Date:

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Staff Attorney

SUMMARY: *Subpart XVI-C of S.L. 2015-241 includes the following provisions pertaining to the Division of Adult Correction of the Department of Public Safety:*

Section 16C.4. Medical Costs for Inmates and Juvenile Offenders

Sec. 16C.4 of S.L. 2015-241 codifies the provisions for addressing adult inmate medical costs that were previously enacted in 2013, and amended in 2014, and extends those provisions to juvenile offenders. The statute requires the Department of Public Safety (DPS) to reimburse providers and facilities providing approved medical services to inmates and juvenile offenders outside the correctional or juvenile facility the lesser amount of either a rate of seventy percent (70%) of the provider's then-current prevailing charge or two times the then-current Medicaid rate for any given service. It also directs DPS to make every effort to contain medical costs for inmates and juvenile offenders by making use of its own hospital and health care facilities to provide health care services to inmates and juvenile offenders, and provides guidelines to be followed whenever the Department must utilize other facilities and services to provide health care services to inmates and juvenile offenders. Finally, it directs DPS to report quarterly to the Joint Legislative Oversight Committee on Justice and Public Safety (JPS Oversight) and the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on several specific enumerated items regarding the medical costs of adult inmates and juvenile offenders.

This section became effective July 1, 2015.

Section 16C.11. Annual Report on Safekeepers

Sec. 16C.11 of S.L. 2015-241, codifies language originally enacted in 2013 to require DPS to report by October 1 of each year to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of JPS Oversight on safekeepers, the term used to describe county prisoners housed in the State prison system pursuant to safekeeping orders under G.S. 162-39. The statute provides that the report must include several specific enumerated items regarding numbers of safekeepers, facilities in which they are housed, average length of stay by safekeepers, the amount paid for housing and medical care of safekeepers, and counties that are in arrears for safekeeper payments.

This section became effective July 1, 2015.

Section 16C.12. Collection of Delinquent Safekeeper Reimbursements

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Sec. 16C.12 of S.L. 2015-241 adds a new provision to the statute governing the Statewide Misdemeanant Confinement Fund to require the North Carolina Sheriffs' Association, upon notification from the Division of Adult Correction that an amount owed by a county for safekeeper reimbursements is more than 120 days overdue, to withhold funds from any reimbursement due to that county from the Fund and transmit those funds to the Division until the overdue reimbursement is satisfied.

This section became effective July 1, 2015.

Section 16C.13A. Evaluation Requirement for Electrical Devices

Sec. 16C.13A of S.L. 2015-241 amends the statutes pertaining to the safety of goods to provide that electrical devices, appliances, and equipment used by the Division of Adult Correction in DPS in institutional kitchens, as well as manufacturing equipment used by Correction Enterprises, are exempt from required safety and suitability evaluation for intended use in accordance with nationally recognized standards conducted by a qualified testing laboratory.

This section became effective July 1, 2015.

Section 16C.13B. Inmate Grievance Resolution Board Changes

Sec. 16C.13B of S.L. 2015-241 amends the statute pertaining to the appointment, salary, and authority of the Executive Director and inmate grievance examiners to change the procedure for appointing the Executive Director of the Grievance Resolution Board of the Division of Adult Correction of DPS. Instead of the Board itself appointing the Executive Director and grievance examiners after consultation with the Secretary of Public Safety, this section provides for the Board, in consultation with the Secretary, to provide the Governor with at least three nominees, and for the Governor to appoint the Executive Director from those nominees. This section also provides that the Executive Director serves at the pleasure of the Governor and that the Board appoints the grievance examiners. This section also removes language that previously gave a grievance examiner who was removed from his or her position for other than just cause priority for any position that becomes available for which that examiner was qualified. Lastly, this section directs DPS and the Board to report by October 1 of each year to JPS Oversight and the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on several specific enumerated items regarding the grievance process and the number and type of grievances received.

This section became effective July 1, 2015.

Section 16C.14. Parole Eligibility Report

Sec. 16C.14 of S.L. 2015-241 codifies the language from recent appropriations acts that direct the Post-Release Supervision and Parole Commission, with the assistance of the North Carolina Sentencing and Policy Advisory Commission and DPS, to (i) analyze the amount of time each inmate who is eligible for parole on or before July 1 of the previous fiscal year has served compared to the time served by offenders under Structured Sentencing for comparable crimes and (ii) determine whether the person has served more time in custody than the person would have served if sentenced to the maximum sentence under the statutes governing structured sentencing of persons convicted of crimes.

This section became effective July 1, 2015.

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Section 16C.15. Study Management and Utilization of Probation and Parole Vehicles

Sec. 16C.15 of S.L. 2015-241 directs JPS Oversight to study the management and utilization of probation and parole vehicles and to report its findings and recommendations to the General Assembly by May 1, 2016.

This section became effective July 1, 2015.