



HOUSE BILL 969: Enhance Prison Security.

2017-2018 General Assembly

Committee:	House Judiciary I	Date:	June 7, 2018
Introduced by:	Reps. Davis, Boles	Prepared by:	Jennifer H. Bedford
Analysis of:	PCS to First Edition H969-CSTT-45		Staff Attorney

OVERVIEW: *House Bill 969 would expand the prisoner conduct classified as malicious; prohibit the possession of a tool for escape by a prisoner; and expand the investigative authority of the State Bureau of Investigation (SBI).*

[As introduced, this bill was identical to S728, as introduced by Sens. Randleman, Sanderson, which is currently in an unknown committee.]

CURRENT LAW:

G. S. 14-258. Conveying messages and weapons to or trading with convicts and other prisoners.

It is a Class H felony to convey an instrument of escape to a prisoner; trade clothes or stolen goods with a prisoner; or sell contraband to a prisoner.

G. S. 14-258.2. Possession of dangerous weapon in prison.

It is a Class H felony for a prisoner to possess a weapon capable of inflicting serious bodily harm. If that dangerous weapon effects an escape, it is a Class F felony.

G. S. 14-258.4. Malicious conduct by prisoner.

It is a Class F felony for a prisoner to knowingly and willfully throw or emit bodily fluids or excrement at a person who is a state or local government employee while the employee is in the performance of an official duty.

G. S. 143B-919. Investigations of lynchings, election frauds, etc.; services subject to call of Governor; witness fees and mileage for employees.

The SBI is authorized to investigate specific criminal offenses at the request of the Governor, or the Attorney General. Certain criminal offenses such as arson, may be investigated by the SBI without the request of an external authority.

BILL ANALYSIS:

Section 1 of House Bill 969 would create a new statute, G. S. 14-254.5, to define "employee" and "prisoner".

Section 2 of House Bill 969 would amend G. S. 14-258.4 by adding the exposing of genitalia to an employee, and the throwing of an "unknown substance" to the list of prisoner conduct classified as malicious.

Section 3 of House Bill 969 would amend G. S. 14-258 to:

- Prohibit a prisoner from possessing a tool to escape.
- Specify that the prohibitions expand to conduct outside of the confinement facility.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House PCS 969

Page 2

Section 4 of House Bill 969 would authorize the SBI to:

- Initiate investigations into any threat to public schools and places of worship, and the people associated with them.

EFFECTIVE DATE:

Sections 2 and 3 of this bill would become effective December 1, 2018, and apply to offenses committed on or after that date. **The remainder** of this bill would be effective when it becomes law.