



# HOUSE BILL 969: Enhance Prison Security.

2017-2018 General Assembly

<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> June 15, 2018
<b>Introduced by:</b> Reps. Davis, Boles	<b>Prepared by:</b> Jennifer H. Bedford
<b>Analysis of:</b> Third Edition	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 authorize the Information Sharing Analysis Center (ISAC) to analyze certain threats to public safety, and notify local law enforcement.*

[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.

### BILL ANALYSIS:

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

**Section 1.2** of House Bill 969 would create reporting requirements for the Department of Public Safety, the Administrative Office of the Courts, and the Conference of District Attorneys regarding assaults and malicious conduct by prisoners.

**Section 2** of House Bill 969 would expand the crime of malicious conduct by a prisoner, in the following ways:

- Create a new Class I felony for a prisoner that knowingly and willfully exposes genitalia to an employee.
- Expand current law to prohibit a prisoner from throwing, emitting, or causing to be used as a projectile, **any** bodily fluids, excrement, or **unknown** substance.

**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.

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**Section 4** of House Bill 969 would authorize ISAC to:

- Analyze information regarding any threat of violence to the safety of an individual associated with an educational property or place of worship, and notify local law enforcement.

**EFFECTIVE DATE:**

**Sections 1.2 and 4** of this bill would be effective when they become law. **The remainder** of this bill would become effective December 1, 2018, and apply to offenses committed on or after that date.

\*An analysis of the concurrent sentencing of habitual felons by the UNC SOG:

<https://nccriminallaw.sog.unc.edu/concurrent-sentencing-of-habitual-felons/>

<https://www.ncleg.net/Sessions/2017/FiscalNotes/House/PDF/HIN0969v2.pdf>