



HOUSE BILL 969: Enhance Prison Security.

2017-2018 General Assembly

Committee:		Date:	August 13, 2018
Introduced by:		Prepared by:	Jennifer H. Bedford
Analysis of:	S.L. 2018-67		Staff Attorney

OVERVIEW: *S.L. 2018-67 expands the prisoner conduct classified as malicious; prohibits the possession of a tool for escape by a prisoner; and authorizes the Information Sharing Analysis Center (ISAC) to analyze certain threats to public safety and notify local law enforcement.*

Sections 1.2 and 4 of this act became effective June 25, 2018. The remainder of this act becomes effective December 1, 2018, and applies to offenses committed on or after that date.

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:

S.L. 2018-67 does the following:

- Creates a new statute, G.S. 14-254.5, to define "employee" and "prisoner".
- Creates 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.
- Expands the crime of malicious conduct by a prisoner, in the following ways:
 - Creates a new Class I felony for a prisoner that knowingly and willfully exposes genitalia to an employee.
 - Expands current law to prohibit a prisoner from throwing, emitting, or causing to be used as a projectile, **any** bodily fluids, excrement, or **unknown** substance.
- Amends 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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- Authorizes the Information Sharing Analysis Center 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 act became law June 25, 2018. **The remainder** of this act will 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/>

* 2017 Fiscal Note

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