



HOUSE BILL 560: Public Safety Reform.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 4, 2021
Introduced by:	Reps. Boles, A. Jones, Logan, McNeill	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H560-CSSA-23		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 560 would make changes to various laws related to public safety.*

BILL ANALYSIS:

Section 1 of the PCS would amend S.L. 2013-360 to allow State employees to do work on State-owned land without required licenses if the work is valued at less than \$100,000 or is force-account work. Under current law it must be valued at \$100,000 and be force-account work. This section would be effective when it becomes law and apply to work performed on or after that date.

Section 2 of the PCS would amend the punishment for a prisoner exposing their genitalia to an employee to require an active sentence with a minimum term of six months and require that the sentence be served consecutively to any other sentence the inmate is serving. This section would become effective December 1, 2021, and apply to offenses committed on or after that date.

Section 3 of the PCS would amend the punishment for a prisoner possessing a tool to effect an escape or aide in an assault or insurrection to require an active sentence with a minimum term of 12 months. This section would become effective December 1, 2021, and apply to offenses committed on or after that date.

Sections 4(a) and 4(b) of the PCS would enact a new G.S. 148-18.2 that would limit the total value of personal property possessed by an inmate to \$250. Loss, destruction, or damage to inmate property due to negligent handling by the correctional facility or its staff members would result in either reimbursement of the value of the property, or if the administrative remedies procedure recommends it, replacement of the item. Reimbursement is limited to a maximum of \$250. Section 4(b) would amend Article 31 of Chapter 143, Tort Claims against State Departments and Agencies, to provide that all loss, destruction, or damage of inmate property is to be addressed through the provisions of G.S. 148-18.2 and is not subject to recourse under the tort claims provisions.

Sections 4(c) and 4(d) of the PCS would clarify that no court, including the Industrial Commission, or administrative body may hear a prisoner's grievance or complaint that falls under the Administrative Remedy Procedure until the prisoner has exhausted all of those remedies and removes language that currently allows a court to waive this requirement in the interest of justice.

Section 4(e) of the PCS would prohibit the Industrial Commission from taxing costs against the prevailing party in a tort claim against a State department or agency. This section would also prohibit an inmate from being granted indigent status for a tort claim if the inmate has three or more previous claims that were dismissed because they were frivolous, malicious, not within the statute of limitations, exceeded the

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exclusive jurisdiction of the Industrial Commission, or failed to state a claim upon which relief may be granted.

Section 4(f) of the PCS would authorize departments, institutions, and agencies of the State to settle claims under \$25,000.

Section 4(g) of the PCS would provide that limitations on the use of the public duty doctrine do not apply where the claimant is an inmate in the custody of the Department of Public Safety, except where the injury arises from gross negligence. **Section 4(h)** would limit the liability of the Department for acts or omissions of its employees tasked with the supervision, protection, control, confinement, or custody of inmates unless the acts or omissions amount to gross negligence.

Section 4 would become effective October 1, 2021, and apply to property held and actions or claims brought on or after that date.

Section 5 of the PCS would, effective October 1, 2021, amend the authority of probation officers to clearly grant authority to do the following:

- Serve warrants or other criminal process
- Assist law enforcement officers in effecting arrests and preventing escapes when requested by the officer, or when, in the judgment of the probation officer, that assistance may be necessary.
- Have the authority of a peace officer to protect life and property on prison property, when transferring prisoners, and for apprehending, arresting, and returning escaped prisoners to prison.
- Have the authority of a peace officer when responding to active assailant incidents and civil disturbances or when assigned by the Secretary of Public Safety during times of man-made or natural disaster.

Section 6 of the PCS would authorize the Post-Release Supervision and Parole Commission to issue orders of temporary or conditional revocation of post-release supervision and parole subjecting supervisees and parolees to arrest and require those orders to be entered into the Criminal Justice Law Enforcement Automated Data System (CJLEADS). This section would become effective October 1, 2021.

Section 7 of the PCS would establish the Continuously Operating Reference Station (CORS) Fund as a special revenue fund consisting of General Fund appropriations, gifts, donations, grants, devises, fees, and monies contributed by State and non-State entities for the operation, maintenance and expansion of the North Carolina CORS/Real Time Network operated by the NC Geodetic Survey. This section would become effective July 1, 2021.

Section 8 of the PCS would amend the requirement that the Secretary of the Department of Public Safety do a damage assessment when the Governor declares a state of emergency to also include states of emergency declared by a municipality or county. This section would be effective when it becomes law and apply to states of emergency declared on or after that date.

Section 9 of the PCS would amend the privilege provided to peer counselors for law enforcement to include all emergency personnel officers, defined as firefighters, search and rescue, or emergency medical services personnel. This section would be effective when it becomes law and apply to communications made on or after that date.

Section 10 of the PCS would exempt inmates under the jurisdiction of the Department of Public Safety from barber licensing requirements. This section would be effective when it becomes law and apply to actions performed on or after that date.

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Section 11 of the PCS would increase the amount of allowable expenses related to funeral, cremation, and burial under the Crime Victims Compensation Fund to \$8,000. This section would become effective July 1, 2021, and apply to expenses incurred on or after that date.

Section 12 of the PCS would amend the controlling conditions for a person on post-release supervision to provide that they must submit to warrantless searches by a post-release supervision officer of the supervisee's person and of the supervisee's vehicle and premises while the supervisee is present for purposes reasonably related to the post-release supervision. This section would be effective when it becomes law and apply to searches on or after that date.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.