



HOUSE BILL 561: Local Confinement Facility Inspection Appeals.

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to State Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 4, 2021
Introduced by:	Reps. Greene, Stevens, McNeill, Miller	Prepared by:	Robert Ryan
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *House Bill 561 would allow a governing body, sheriff, or other administrator of a local confinement facility to contest an inspection report issued by the Department of Health and Human Services.*

CURRENT LAW AND BILL ANALYSIS:

G.S. 153A-221 requires the Secretary of the Department of Health and Human Services (Department) to create minimum standards for the operation of a local confinement facility (facility).

G.S. 153A-222 requires the Department to semiannually inspect each facility and issue a report. If the Department issues a report identifying a deficiency with a facility the governing body of the facility must meet to consider the report and then correct the deficiency. The governing body cannot formally contest an issued report. However, if the Secretary of the Department then orders a corrective action or the closure of a facility pursuant to G.S. 153A-223, then the governing body would be able to request a contested case hearing pursuant to the Administrative Procedure Act.

G.S. 153A-217(4) defines "governing body" as the governing body of a county or city or the policy-making body for a district or regional confinement facility.

House Bill 561 would modify G.S. 153A-222 to allow a governing body, sheriff, or other administrator of a facility to take one of the following actions when the Department issues a report alleging a deficiency:

- Initiate an action to correct the deficiency identified in the report.
- Request a contested case hearing pursuant to the Administrative Procedure Act to dispute the report.

House Bill 561 also makes conforming changes and technical corrections.

EFFECTIVE DATE: This act becomes effective October 1, 2021. The Department must adopt temporary rules to comply with this act, and then adopt permanent rules by October 1, 2022.

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