



SENATE BILL 492: Modify Provisions Affecting Adult Correction.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 27, 2023
Introduced by:	Sens. Britt, Daniel	Prepared by:	Robert Ryan
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *Senate Bill 492 makes various changes to the General Statutes related to the Department of Adult Correction (DAC), as recommended by DAC.*

As introduced, this bill was identical to H575, as introduced by Reps. Carson Smith, Davis, Greene, Miller, which is currently in House Judiciary 2.

CURRENT LAW AND BILL ANALYSIS:

Section 1 would modify G.S. 15A-1343(b) to eliminate the requirement that only breath, urine, or blood tests may be used to test for the presence of alcohol or drugs in a person on probation. The statute would be updated so that other types of drug or alcohol screening tests could be used. This section becomes effective December 1, 2023.

Section 2 would modify certain statutes to include firearm ammunition on the list of prohibited items for people on probation, post-release supervision, or parole to possess. This section becomes effective December 1, 2023.

Section 3 would modify G.S. 15A-1352 to allow DAC to transfer an offender from a state prison to a local confinement facility five days earlier than required when the offender is required to also serve part of a sentence in the local confinement facility at the conclusion of the state sentence.

Section 4 would allow DAC to sell products made by Correction Enterprises to any individual currently incarcerated within a DAC facility.

Section 5 would allow the General Fund current operations appropriations credit balance remaining at the end of each fiscal year that is a result of a savings due to an energy conservation measure to be carried forward to the next fiscal year. These saved funds may be used for one-time capital improvements and operating expenditures.

Section 6 would provide that net proceeds derived from the sale or lease of property owned by DAC, or used by DAC, shall be deposited in a fund to be used by DAC for capital improvements.

Section 7 would modify G.S. 14-269(b) to add certain DAC employees to the list of individuals who are exempt from the law prohibiting the carrying of concealed firearms. Specifically, G.S. 14-269(b) would exempt a DAC employee from this prohibition if all the following were met: i) the employee has been designated in writing by the Secretary of DAC, ii) the person has a valid concealed carry permit, iii) the person carries the written proof of designation from the Secretary and does not consume any alcohol or drug while carrying the firearm.

Section 8 would modify the Administrative Procedure Act to exempt all divisions of DAC from the contested case provisions. Currently, only the Division of Prisons of DAC is exempt.

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Section 9 would extent the date that security guards licensed under Chapter 74C are authorized to work at state prisons from January 1, 2014, to June 30, 2025.

Section 10 would allow certain prisoners to earn a higher wage for their work within DAC.

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