



SENATE BILL 492: Modify Provisions Affecting Adult Correction.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	September 5, 2023
Introduced by:	Sens. Britt, Daniel	Prepared by:	Karyl Smith Staff Attorney
Analysis of:	PCS to Second Edition S492-CSTC-56		

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

The PCS to Senate Bill 492 would add the following additional changes and make technical corrections:

- *Provide that qualified probation or parole certified officers and qualified correctional officers are deemed to have satisfied the approved firearms safety and training course requirement for a concealed handgun permit.*
- *Expand the scope of various peer support group counselor provisions.*
- *Extend probation officers' delegated authority to DWI cases.*
- *Allow DAC to conduct a two-year pilot program to contract with non-governmental staffing agencies for nursing services.*
- *Require arresting law enforcement agencies to fingerprint individuals charged with a misdemeanor crime of domestic violence and forward those fingerprints to the State Bureau of Investigation.*

CURRENT LAW AND BILL ANALYSIS:

Section 1 would 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, allowing other types of drug or alcohol screening tests to be used. This section would become effective December 1, 2023, and apply to offenses committed on or after that date.

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 would become effective December 1, 2023, and apply to offenses committed on or after that date.

Section 3 would allow DAC to transfer an offender from a State prison to a local confinement facility or federal agency five days earlier than the expiration of the sentence when the offender is subject to an outstanding sentence, detainer, or other lawful process authorizing detention. This section would become effective October 1, 2023, and apply to transfers occurring on or after that date.

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

Jeffrey Hudson
Director



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Section 5(a) would authorize carrying forward the end-of-year current operations appropriations credit balance for DAC utilities resulting from energy conservation measure savings to the next fiscal year. These saved funds would be used for one-time capital improvements and operating expenditures. **Section 5(b)** would make a technical correction to the UNC system's energy conservation savings statute.

Section 6 would require net proceeds derived from the sale or lease of property owned or used by DAC be deposited in a fund for DAC to make capital improvements. This section would apply to proceeds from sales occurring on or after the date the act becomes law.

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, and (iii) the person carries the written proof of designation from the Secretary and does not consume any alcohol or drug while carrying the firearm. This section would apply to designations made on or after the date the act becomes law.

Section 8 would modify the Administrative Procedure Act to exempt DAC entirely from the contested case provisions. Currently, only the Division of Prisons of DAC is exempt. This section would apply to proceedings occurring on or after the date this act becomes law.

Section 9 would extend the date that security guards licensed under Chapter 74C (Private Protective Services) are authorized to work at State prisons to June 30, 2025.

Section 10 would allow prisoners working for a certain program to earn a higher wage for their work within DAC. This section would apply to work performed on or after the date this act becomes law.

Section 11 would provide that qualified probation or parole certified officers and qualified correctional officers are deemed to have satisfied the approved firearms safety and training course requirement for a concealed handgun permit. Currently, qualified retired probation or parole certified officers and qualified retired correctional officers are deemed to have satisfied the course requirement. This section would apply to permit applications submitted on or after the date this act becomes law.

Section 12 would expand the scope of various peer support group counselor provisions to include corrections employees and make clarifying changes. This section would apply to communications made on or after July 8, 2022.

Section 13 would authorize probation officers' exercise of delegated authority in DWI cases unless the presiding judge finds delegation inappropriate. DWI offenders would be able to file a motion with the court to review the action taken by the probation officer. This section would become effective December 1, 2023, and apply to offenses committed on or after that date.

Section 14 would allow DAC to conduct a two-year pilot program to contract for nurses from third-party non-governmental staffing agencies. Currently, temporary State employees must be employed through the Office of State Human Resources and, outside of a few exemptions, are required by rule to take a 31-day break in service after 11 months of employment. This section would become effective October 1, 2023.

Section 15 would require arresting law enforcement agencies to fingerprint individuals charged with a misdemeanor crime of domestic violence and forward those fingerprints to the State Bureau of Investigation. This section would become effective December 1, 2023, and apply to offenses committed on or after that date.

Section 16 would correct references to DAC and the Department of Public Safety in various statutes.

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