



# SENATE BILL 492: Adult Correction/Law Enforcement Changes.

2023-2024 General Assembly

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<b>Committee:</b>		<b>Date:</b>	December 1, 2023
<b>Introduced by:</b>		<b>Prepared by:</b>	Karyl Smith
<b>Analysis of:</b>	S.L. 2023-121		Staff Attorney

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**OVERVIEW:** *S.L. 2023-121 makes the following changes to the General Statutes concerning the Department of Adult Correction (DAC) and law enforcement agencies:*

- *Allows drug or alcohol screening tests, other than breath, urine, or blood tests, to be used to test for the presence of alcohol or drugs in a person on probation.*
- *Prohibits the possession of firearm ammunition for people on probation, post-release supervision, or parole.*
- *Allows 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.*
- *Allows DAC to sell products made by Correction Enterprises to any individual currently incarcerated within a DAC facility.*
- *Authorizes carrying forward to the next fiscal year the end-of-year current operations appropriations credit balance for DAC utilities resulting from energy conservation measure savings, and makes a technical correction to the UNC system's energy conservation savings statute.*
- *Requires 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.*
- *Adds certain DAC employees to the list of individuals who are exempt from the law prohibiting the carrying of concealed firearms.*
- *Exempts DAC entirely from the contested case provisions of the Administrative Procedure Act.*
- *Extends the date that security guards licensed under the Private Protective Services statutes are authorized to work at State prisons to June 30, 2025.*
- *Allows prisoners working for a certain program to earn a higher wage for their work within DAC.*
- *Provides 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.*
- *Expands the scope of various peer support group counselor provisions to include corrections employees, and makes clarifying changes.*

Jeffrey Hudson  
Director



Legislative Analysis  
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- *Authorizes probation officers' exercise of delegated authority in DWI cases unless the presiding judge finds delegation inappropriate.*
- *Allows DAC to conduct a two-year pilot program to contract for nurses from third-party non-governmental staffing agencies without a 31-day break in service after 11 months of employment.*
- *Requires 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.*
- *Corrects references to DAC and the Department of Public Safety in various statutes.*

*This act has various effective dates. Please see the full summary for more details.*

## CURRENT LAW AND BILL ANALYSIS:

**Section 1** allows drug or alcohol screening tests, other than breath, urine, or blood tests, to be used to test for the presence of alcohol or drugs in a person on probation. This section became effective December 1, 2023, and applies to offenses committed on or after that date. A provision identical to this section can be found in Section 19C.2 of S.L. 2023-134.

**Section 2** prohibits the possession of firearm ammunition for people on probation, post-release supervision, or parole. This section became effective December 1, 2023, and applies to offenses committed on or after that date.

**Section 3** allows 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 became effective October 1, 2023, and applies to transfers occurring on or after that date.

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

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

**Section 6** requires 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 applies to proceeds from sales occurring on or after September 22, 2023.

**Section 7** adds certain DAC employees to the list of individuals who are exempt from the law prohibiting the carrying of concealed firearms. Specifically, a DAC employee is exempt the prohibition of carrying concealed firearms if all the following are 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 applies to designations made on or after September 22, 2023.

**Section 8** exempts DAC entirely from the contested case provisions of the Administrative Procedure Act. This section applies to proceedings occurring on or after September 22, 2023.

**Section 9** extends the date that security guards licensed under the Private Protective Services statutes are authorized to work at State prisons to June 30, 2025. A provision identical to this section can be found in Section 19C.5(a) of S.L. 2023-134.

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**Section 10** allows prisoners working for a certain program to earn a higher wage for their work within DAC. A provision identical to this section can be found in Section 19C.3(a) of S.L. 2023-134. Section 10 applies to work performed on or after September 22, 2023.

**Section 11** provides 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. This section applies to permit applications submitted on or after September 22, 2023.

**Section 12** expands the scope of various peer support group counselor provisions to include corrections employees, and makes clarifying changes. This section applies retroactively to communications made on or after July 8, 2022.

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

**Section 14** allows DAC to conduct a two-year pilot program to contract for nurses from third-party non-governmental staffing agencies without a 31-day break in service after 11 months of employment. Additional information concerning this subject can be found in Section 29A.2 of S.L. 2023-134. Section 14 became effective October 1, 2023.

**Section 15** requires 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 became effective December 1, 2023, and applies to offenses committed on or after that date.

**Section 16** corrects references to DAC and the Department of Public Safety in various statutes.

**EFFECTIVE DATE:** Except as otherwise provided, S.L. 2023-121 became effective September 22, 2023.