

NORTH CAROLINA GENERAL ASSEMBLY  
1967 SESSION

CHAPTER 996  
SENATE BILL 555

1 AN ACT TO CREATE A STATE DEPARTMENT OF CORRECTION AND TO  
2 PRESCRIBE ITS POWERS AND DUTIES; TO PROVIDE FOR THE TRANSFER TO  
3 SAID DEPARTMENT OF POWERS AND DUTIES VESTED IN THE STATE PRISON  
4 DEPARTMENT; TO ABOLISH THE STATE PRISON DEPARTMENT, THE STATE  
5 PRISON COMMISSION, AND THE OFFICE OF DIRECTOR OF PRISONS; TO  
6 REVISE GENERAL STATUTES RELATING TO PRISONER CLASSIFICATION,  
7 ALLOWANCES, HEALTH SERVICES, TREATMENT PROGRAMS, FACILITIES,  
8 INDETERMINATE SENTENCES, RECORDS; AND TO CONSOLIDATE AND REVISE  
9 GENERAL STATUTES RELATING TO YOUTHFUL OFFENDERS.

10  
11 The General Assembly of North Carolina do enact:

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13 **Section 1.** Article 1 of Chapter 148 of the General Statutes, as the same appears in  
14 the 1964 Replacement Volume 3C, is amended by rewriting the beginning thereof as follows:

15 "ARTICLE 1.

16 "Organization and Management.

17 **"G.S. 148-1. State Department of Correction; Commission of Correction; Commissioner**  
18 **of Correction.** (a) A State Department of Correction is hereby created. All powers and duties  
19 vested in and imposed upon the State Prison Department are transferred to the State  
20 Department of Correction. The State Prison Department, the State Prison Commission, and the  
21 office of Director of Prisons are abolished. The governing authorities of the State Department  
22 of Correction shall include a Commission of Correction and a Commissioner of Correction.

23 "(b) The Commission of Correction shall be composed of seven members appointed by  
24 the Governor, who shall designate one member to serve as chairman. Members of this  
25 Commission shall be deemed 'commissioners for special purposes' within the meaning of the  
26 language of Article 14, Section 7, of the Constitution of this State. The persons serving on the  
27 State Prison Commission immediately prior to the time this Act becomes effective shall serve  
28 as members of the Commission of Correction for the duration of the terms to which they were  
29 appointed to the State Prison Commission. Subsequent appointments to the Commission of  
30 Correction shall be made for a term of four years, except those made to fill out an unexpired  
31 term in case of the death, resignation, or removal of a member. A member may be reappointed.  
32 The Governor may remove any member for cause.

33 "(c) Members of the Commission of Correction who are not salaried officials or  
34 employees of the State shall receive such per diem and necessary traveling expenses while  
35 engaged in the discharge of their official duties as is provided by law for members of State  
36 boards and commissions generally. Members who are salaried officials or employees of the  
37 State shall not receive any per diem but shall receive their regular salary without deduction for  
38 loss of time while engaged in their duties as members of this Commission.

39 "(d) The Commission of Correction shall meet at least once in each ninety days, and may  
40 hold special meetings at any time and place within the State at the call of its chairman to adopt  
41 general policies, rules and regulations, and budgetary proposals of the State Department of  
42 Correction, and to advise with the Commissioner of Correction on matters pertaining to the  
43 administration of the Department. The Commission may appoint temporary or permanent

1 advisory committees for such purposes as it may determine. The Commission shall keep  
2 minutes of all its meetings.

3 "(e) The executive head of the State Department of Correction shall be a Commissioner  
4 of Correction appointed by the Commission of Correction, subject to the approval of the  
5 Governor. The person serving as Director of Prisons immediately prior to the time this Act  
6 becomes effective shall serve as Commissioner of Correction for the duration of the term to  
7 which he was appointed Director of Prisons. Subsequent appointments to the office of  
8 Commissioner of Correction shall be made for a term of four years, except those made to fill  
9 out an unexpired term in case of the death, resignation, or removal of a Commissioner of  
10 Correction. A Commissioner may be reappointed. The Commission may remove the  
11 Commissioner, with the consent and approval of the Governor.

12 "(f) The salary of the Commissioner of Correction shall be set by the Governor subject  
13 to the approval of the Advisory Budget Commission. The compensation of other personnel of  
14 the State Department of Correction shall be determined by the Commissioner of Correction in  
15 conformity with the provisions of the Executive Budget Act and the State Personnel Act.

16 "(g) The Commissioner of Correction shall administer the affairs of the State  
17 Department of Correction in accordance with law and the general policies, rules and regulations  
18 duly adopted by the Commission of Correction. His authority and responsibilities shall include  
19 but not be limited to: (1) the appointment, promotion, discipline, demotion, suspension, and  
20 discharge of other officers and employees of the Department; (2) prescribing their duties and  
21 delegating to them appropriate powers; (3) providing programs for personnel recruitment,  
22 training and development to produce an able, resourceful and dependable State Correction  
23 Service."

24 **Sec. 2.** G.S. 148-12, as the same appears in the 1964 Replacement Volume 3C of  
25 the General Statutes, is rewritten to read as follows:

26 "**G.S. 148-12. Diagnostic and Classification Programs.** (a) The Department of Correction  
27 shall, as soon as practicable, establish diagnostic centers to make social, medical, and  
28 psychological studies of persons committed to the Department. Full diagnostic studies shall be  
29 made before initial classification in cases where such studies have not been made.

30 "(b) Within the limits of its capacity, and in accordance with standards established by the  
31 Department, a diagnostic center may, at the request of any sentencing court, make a  
32 presentence diagnostic study of any person who has been convicted, is before the court for  
33 sentence, and is subject to commitment to the Department. Where necessary for this purpose,  
34 the defendant may be received in the center for such period of study as the court may authorize,  
35 but may not be held there for more than 60 days unless the court grants an extension of time,  
36 which may be granted for an additional period not to exceed 30 days. The total time spent in  
37 the center shall not exceed 90 days or the maximum term of imprisonment authorized as  
38 punishment for the offense of which the person has been convicted if the maximum is less than  
39 90 days. Time spent in the center for a diagnostic study shall be credited on any sentence of  
40 commitment imposed on the person studied. A copy of the diagnostic study report shall be  
41 made available to defense counsel before the court pronounces sentence. The defendant shall be  
42 afforded fair opportunity to controvert the contents of the report, if he so requests.

43 "(c) Any prisoner confined in the State prison system while under a sentence to  
44 imprisonment imposed upon conviction of a felony shall be classified and treated as a  
45 convicted felon even if, before beginning service of the felony sentence, such prisoner has time  
46 remaining to be served in the State prison system on a sentence or sentences imposed upon  
47 conviction of a misdemeanor or misdemeanors."

48 **Sec. 3.** G.S. 148-18, as the same appears in the 1964 Replacement Volume 3C of  
49 the General Statutes, is rewritten to read as follows:

50 "**G.S. 148-18. Wages, Allowances and Loans.** (a) Prisoners may be compensated, at rates  
51 fixed by the Department's rules and regulations, for work performed and for attendance at

1 training programs; provided, that no prisoner shall be paid more than one dollar (\$1.00) per  
2 day. Prisoners who are unable to work because of injury, illness, or other incapacity may be  
3 compensated at rates fixed by the Department's rules and regulations. The Prison Enterprises  
4 Fund shall be the source for all of these wages and allowances, and they shall be subject to  
5 forfeiture for poor work or misbehavior under the Department's rules and regulations, with the  
6 forfeited amounts being redeposited in the Prison Enterprises Fund.

7 "(b) A prisoner shall be required to contribute to the support of any of his dependents  
8 residing in North Carolina who may be receiving public assistance during the period of  
9 commitment if funds available to the prisoner are adequate for such purpose. The dependency  
10 status and need shall be determined by the department of public welfare in the county of North  
11 Carolina in which such dependents reside.

12 "(c) The Department of Correction shall establish a revolving fund from inmate welfare  
13 funds available to the Department to be used for loans to prisoners and parolees in accordance  
14 with regulations approved by the Commission of Correction."

15 **Sec. 4.** G.S. 148-19, as the same appears in the 1964 Replacement Volume 3C of  
16 the General Statutes, is rewritten to read as follows:

17 "**G.S. 148-19. Health Services.** (a) The general policies, rules and regulations of the  
18 Department of Correction shall prescribe standards for health services to prisoners, which shall  
19 include preventive, diagnostic, and therapeutic measures on both an outpatient and a hospital  
20 basis, for all types of patients. A prisoner may be taken, when necessary, to a medical facility  
21 outside the State prison system. The Department of Correction shall seek the cooperation of  
22 public and private agencies, institutions, officials and individuals in the development of  
23 adequate health services to prisoners.

24 "(b) Upon request of the Commissioner of Correction, the Commissioner of Mental  
25 Health may detail personnel employed by the Department of Mental Health to the Department  
26 of Correction for the purpose of supervising and furnishing medical, psychiatric, psychological,  
27 dental, and other technical and scientific services to the Department of Correction. The  
28 compensation, allowances, and expenses of the personnel detailed under this Section may be  
29 paid from applicable appropriations to the Department of Mental Health, and reimbursed from  
30 applicable appropriations to the Department of Correction. The Commissioner of Correction  
31 may make similar arrangements with any other agency of State government able and willing to  
32 aid the Department of Correction to meet the needs of prisoners for health services.

33 "(c) Each prisoner committed to the State Department of Correction shall receive a  
34 physical and mental examination by a competent physician as soon as practicable after  
35 admission and before being assigned to work. The prisoner's work and other assignments shall  
36 be made with due regard for the report of the physician as to the prisoner's physical and mental  
37 condition."

38 **Sec. 5.** G.S. 148-22, as the same appears in the 1964 Replacement Volume 3C of  
39 the General Statutes, is rewritten to read as follows:

40 "**G.S. 148-22. Treatment Programs.** (a) The general policies, rules and regulations of the  
41 Department of Correction shall provide for humane treatment of prisoners and for programs to  
42 effect their correction and return to the community as promptly as practicable. Visits and  
43 correspondence between prisoners and approved friends shall be authorized under reasonable  
44 conditions, and family members shall be permitted and encouraged to maintain close contact  
45 with the prisoners unless such contacts prove to be hurtful. Casework, counseling, and  
46 psychotherapy services provided to prisoners may be extended to include members of the  
47 prisoner's family if practicable and necessary to achieve the purposes of such programs.  
48 Education, library, recreation, and vocational training programs shall be developed so as to  
49 coordinate with corresponding services and opportunities which will be available to the  
50 prisoner when he is released. Programs for the treatment and training of mentally retarded

1 prisoners and other special groups shall be established in segregated sections of facilities  
2 housing other prisoners or in separate facilities when this is practicable.

3 "(b) The Department of Correction may cooperate with and seek the cooperation of  
4 public and private agencies, institutions, officials, and individuals in the development and  
5 conduct of programs designed to give persons committed to the Department opportunities for  
6 physical, mental and moral improvement. The Department may enter into agreements with  
7 other agencies of Federal, State, or local government and with private agencies to promote the  
8 most effective use of available resources."

9 **Sec. 6.** G.S. 148-24, as the same appears in the 1964 Replacement Volume 3C of  
10 the General Statutes, is rewritten to read as follows:

11 "**G.S. 148-24. Religious Services.** The general policies, rules and regulations of the  
12 Department of Correction shall provide for religious services to be held in all units of the State  
13 prison system on Sunday and at such other times as may be deemed appropriate. Attendance of  
14 prisoners at religious services shall be voluntary. The Commissioner of Correction shall if  
15 possible secure the visits of some minister at the prison hospitals to administer to the spiritual  
16 wants of the sick."

17 **Sec. 7.** G.S. 148-36, as the same appears in the 1964 Replacement Volume 3C of  
18 the General Statutes, is rewritten to read as follows:

19 "**G.S. 148-36. Commissioner of Correction to Control Classification and Operation of**  
20 **Prison Facilities.** All facilities established or acquired by the State Department of Correction  
21 shall be under the administrative control and direction of the Commissioner of Correction, and  
22 operated under rules and regulations proposed by the Commissioner and adopted by the  
23 Commission of Correction as provided in G.S. 148-11. Subject to such rules and regulations,  
24 the Commissioner shall classify the facilities of the State prison system and develop a variety  
25 of programs so as to permit proper segregation and treatment of prisoners according to the  
26 nature of the offenses committed, the character and mental condition of the prisoners, and such  
27 other factors as should be considered in providing an individualized system of discipline, care,  
28 and correctional treatment of persons committed to the Department. The Commissioner of  
29 Correction, or his authorized representative, shall designate the places of confinement where  
30 sentences to imprisonment in the State's prison system shall be served. The Commissioner or  
31 his representative may designate any available facility appropriate for the individual in view of  
32 custodial and correctional considerations."

33 **Sec. 8.** G.S. 148-37, as the same appears in the 1964 Replacement Volume 3C of  
34 the General Statutes, is rewritten to read as follows:

35 "**G.S. 148-37. Additional Facilities Authorized; Contractual Arrangements.** (a) Subject to  
36 the provisions of G.S. 143-341, the State Department of Correction may establish additional  
37 facilities for use by the Department, such facilities to be either of a permanent type of  
38 construction or of a temporary or movable type as the Department may find most advantageous  
39 to the particular needs, to the end that the prisoners under its supervision may be so distributed  
40 throughout the State as to facilitate individualization of treatment designed to prepare them for  
41 lawful living in the community where they are most likely to reside after their release from  
42 prison. For this purpose, the Department may purchase or lease sites and suitable lands adjacent  
43 thereto and erect necessary buildings thereon, or purchase or lease existing facilities, all within  
44 the limits of allotments as approved by the Budget Division of the Department of  
45 Administration.

46 "(b) The Commissioner of Correction may contract with the proper official of the United  
47 States or of any county or city of this State for the confinement of Federal prisoners after they  
48 have been sentenced, county. or city prisoners in facilities of the State prison system or for the  
49 confinement of State prisoners in Federal, county or city facilities located in North Carolina,  
50 when to do so would most economically and effectively promote the purposes served by the  
51 Department of Correction. Any contract made under the authority of this Section shall be for a

1 period of not more than two years, and shall be renewable from time to time for a period not to  
2 exceed two years. Contracts for receiving Federal, county, and city prisoners shall provide for  
3 reimbursing the State in full for all costs involved. The financial provisions shall have the  
4 approval of the Department of Administration before the contract is executed. Payments  
5 received under such contracts shall be deposited in the State treasury for the use of the State  
6 Department of Correction. Such payments are hereby appropriated to the State Department of  
7 Correction as a supplementary fund to compensate for the additional care and maintenance of  
8 such prisoners as are received under such contracts."

9 **Sec. 9.** G.S. 148-42, as the same appears in the 1964 Replacement Volume 3C of  
10 the General Statutes, is rewritten to read as follows:

11 "**G.S. 148-42. Indeterminate Sentences.** The several judges of the superior court are  
12 authorized in their discretion in sentencing prisoners to imprisonment to commit the prisoner to  
13 the custody of the Commissioner of Correction for a minimum and maximum term. The  
14 maximum term imposed shall not exceed the limit otherwise prescribed by law for the offense  
15 of which the person is convicted. At any time after the prisoner has served the minimum term  
16 less earned allowances for good behavior, the Commissioner is authorized to discharge such  
17 person unconditionally or release him from confinement under conditions prescribed by the  
18 Commissioner. The conditions of release may be modified or the conditional release may be  
19 revoked by the Commissioner of Correction at any time during the period the person is  
20 committed to the Commissioner's custody, but the total time served in confinement and on  
21 conditional release shall not exceed the maximum term for which he was sentenced to the  
22 custody of the Commissioner of Correction. If a conditional release is revoked, the revocation  
23 order shall constitute authority for any prison, parole, or peace officer to arrest the prisoner  
24 without a warrant and return him to a facility of the State prison system. The Commissioner  
25 shall consult with the Board of Paroles on the exercise of his discretionary authority under this  
26 Section, and the Board is authorized to cooperate with the Commissioner in the implementation  
27 of agreed upon conditional release plans."

28 **Sec. 10.** Article 3A of Chapter 148 of the General Statutes, as the same appears in  
29 the 1964 Replacement Volume 3C, is rewritten to read as follows:

30 "ARTICLE 3A.

31 "Facilities and Programs for Youthful Offenders.

32 "**G.S. 148-49.1. Purpose of Article.** The purposes of this Article are to improve the chances of  
33 correction, rehabilitation and successful return to the community of youthful offenders  
34 sentenced to imprisonment by preventing, as far as practicable, their association during their  
35 terms of imprisonment with older and more experienced criminals, and by closer coordination  
36 of the activities of sentencing, training in custody, conditional release, and final discharge. It is  
37 the intent of this Article to provide the courts with an additional sentencing possibility to be  
38 used in the court's discretion for correctional punishment and treatment in cases where, in the  
39 opinion of the court, a youthful offender requires a period of imprisonment, but no longer than  
40 necessary for the Board of Paroles to determine that the offender is suitable for a return to  
41 freedom and is ready for a period of supervised freedom as a step toward unconditional  
42 discharge and restoration of the rights of citizenship.

43 "**G.S. 148-49.2. Definitions.** As used in this Article, a 'youthful offender' is a person under the  
44 age of 21 at the time of conviction, and a 'committed youthful offender' is one committed to the  
45 custody of the Commissioner of Correction under the provisions of this Article. Inmates of the  
46 State prison system segregated as youthful offenders on July 31, 1967, under the provisions of  
47 Article 21 of Chapter 15 of the General Statutes of North Carolina, or who shall be so  
48 sentenced prior to August 1, 1967, but who begin to serve such sentences after that date, shall  
49 be extended the benefits of this Article as far as practicable and consistent with their sentences.

50 "**G.S. 148-49.3. Presentence Diagnostic Studies.** Upon conviction of a youthful offender of  
51 an offense punishable by imprisonment, the court may request the Department of Correction to

1 make a presentence diagnostic study of the offender. Where necessary for this purpose, the  
2 Department may admit the offender to an appropriate diagnostic and classification center for  
3 such period of study as the court may authorize. Within such period as the court may grant, the  
4 Department shall report to the court its findings. The time a youthful offender spends confined  
5 for a presentence diagnostic study shall not exceed 90 days or the maximum term of  
6 imprisonment authorized as punishment for the offense of which the person has been convicted  
7 if the maximum is less than 90 days, and this time shall be credited on any sentence of  
8 commitment imposed on the offender. A copy of the diagnostic study report shall be made  
9 available to defense counsel before the court pronounces sentence. The defendant shall be  
10 afforded an opportunity to controvert the contents of the report, if he so requests.

11 **"G.S. 148-49.4. Sentencing a Youthful Offender.** When a youthful offender is convicted of  
12 an offense punishable by imprisonment, and the court does not suspend the imposition or  
13 execution of sentence and place the offender on probation, the court may, in lieu of the penalty  
14 of imprisonment otherwise provided by law, sentence the youthful offender to the custody of  
15 the Commissioner of Correction for treatment and supervision pursuant to this Article until  
16 discharged at the expiration of the maximum term imposed or until conditionally released or  
17 unconditionally discharged by the Board of Paroles as provided in this Article. At the time of  
18 commitment the court shall fix a maximum term not to exceed the limit otherwise prescribed  
19 by law for the offense of which the person is convicted. When the maximum permitted penalty  
20 for the offense is imprisonment for one year or longer, the maximum term imposed shall not be  
21 for less than one year. If the court shall find that the youthful offender will not derive benefit  
22 from treatment and supervision pursuant to this Article, then the court may sentence the  
23 youthful offender under any other applicable penalty provision.

24 **"G.S. 148-49.5. Classification Studies.** Every committed youthful offender shall first be sent  
25 to a diagnostic and classification center for a complete study, including a mental and physical  
26 examination, to ascertain his personal traits, his capabilities, pertinent circumstances of his  
27 school and family life, any previous delinquency or criminal experience, and any mental or  
28 physical defect or other factor contributing to his delinquency and criminal activities. All  
29 agencies of State and local government in North Carolina shall cooperate with the State  
30 Department of Correction in supplying or verifying information helpful for diagnosis,  
31 classification, and program planning for committed youthful offenders. A report of the findings  
32 and recommendations of the diagnostic and classification center shall be sent to the  
33 Commissioner of Correction and to the Board of Paroles.

34 **"G.S. 148-49.6. Placement of Youthful Offenders.** On receipt of the report and  
35 recommendations from the diagnostic and classification center, the Commissioner of  
36 Correction may (1) recommend to the Board of Paroles that the committed youthful offender be  
37 released conditionally under supervision, (2) order the committed youthful offender confined  
38 and afforded treatment under such conditions as he believes best designed for the protection of  
39 the public. The Commissioner of Correction shall have authority to terminate the segregation  
40 and treatment as a committed youthful offender of any prisoner who, in the opinion of the  
41 Commissioner, exercises a bad influence upon his fellow prisoners, or fails to take proper  
42 advantage of the opportunities offered by such segregation and treatment.

43 **"G.S. 148-49.7. Treatment of Youthful Offenders.** (a) The Commissioner of Correction shall  
44 from time to time designate and adapt facilities under his control for treatment of committed  
45 youthful offenders, and such youthful offenders shall be segregated from other offenders, and  
46 classes of committed youthful offenders shall be segregated according to their needs for  
47 treatment, insofar as practical. The Commissioner of Correction shall, insofar as possible,  
48 provide personnel specially qualified by training, experience, and personality to operate  
49 facilities for committed youthful offenders.

50 (b) The State Department of Mental Health is authorized to establish and construct on  
51 any property of the State under its supervision and control modern facilities where youthful

1 offenders committed to the custody of the Commissioner of Correction may be sent for  
2 treatment, training, and work under rules and regulations jointly adopted by the State  
3 Department of Mental Health and the State Department of Correction. The plans, specifications  
4 and construction of such facilities shall meet the requirements of the Commissioner of  
5 Correction. The cost of the maintenance of committed youthful offenders assigned to such  
6 facilities by the Commissioner of Correction and employed in work for the benefit of the  
7 Department of Mental Health shall be borne by the State Department of Mental Health. The  
8 committed youthful offenders assigned to such facilities shall be under the care and supervision  
9 of agents and employees of the State Department of Correction or of agents and employees of  
10 the State Department of Mental Health as may be agreed upon by the two State agencies. The  
11 Department of Correction may provide, in cooperation with the Department of Mental Health,  
12 for the payment of wages to the committed youthful offenders for the work they do while  
13 assigned to such facilities.

14 "(c) Committed youthful offenders may be required to participate in vocational,  
15 educational and correctional training and activities. Appropriate use shall be made of other  
16 methods of treatment, including medical and psychiatric. The Commissioner of Correction may  
17 extend the limits of the place of confinement of a committed youthful offender as to whom  
18 there is reasonable cause to believe he will honor his trust, by authorizing him, under  
19 prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent  
20 for a prescribed period of time for any purpose consistent with the public interest. Willful  
21 failure to remain within the extended limits of his confinement, or to return within the time  
22 prescribed to the place of confinement designated by the Commissioner of Correction, shall be  
23 deemed an escape from the custody of the Commissioner as provided in G.S. 148-45.

24 "(d) The Commissioner of Correction may contract with any appropriate public or  
25 private agency not under his control for treatment and training services to committed youthful  
26 offenders when this is the most economical or effective way to provide needed services.

27 **"G.S. 148-49.8. Release of Youthful Offenders.** (a) When, in the judgment of the  
28 Commissioner of Correction, a committed youthful offender is ready for conditional release  
29 under supervision, the Commissioner shall so report to the Board of Paroles with his  
30 recommendations. The Board of Paroles may at any time after reasonable notice to the  
31 Commissioner of Correction release conditionally under supervision a committed youthful  
32 offender.

33 "(b) A committed youthful offender shall be released conditionally under supervision on  
34 or before the expiration of four years from the date of his commitment and may be discharged  
35 unconditionally before the expiration of the maximum term imposed.

36 "(c) The Board of Paroles may revoke or modify any of its orders respecting a  
37 committed youthful offender except an order of unconditional discharge. Upon the  
38 unconditional discharge by the Board of Paroles of a committed youthful offender before the  
39 expiration of the maximum sentence imposed upon him, all rights of citizenship which he  
40 forfeited on conviction shall be automatically restored and the Board of Paroles shall issue to  
41 the youthful offender a certificate to that effect.

42 **"G.S. 148-49.9. Supervision of Released Youthful Offenders.** (a) Committed youthful  
43 offenders conditionally released shall be under the supervision of agents and employees of the  
44 Board of Paroles. The Board of Paroles is authorized to encourage the formation of voluntary  
45 organizations composed of members who will serve without compensation as voluntary  
46 supervisory agents and sponsors. The powers and duties of voluntary supervisory agents and  
47 sponsors shall be limited and defined by rules and regulations adopted by the Board of Paroles.

48 "(b) If, at any time before the unconditional discharge of a committed youthful offender,  
49 the Board of Paroles is of the opinion that such youthful offender will be benefited by further  
50 treatment in a facility for committed youthful offenders, any member of the Board may direct  
51 the offender's return to custody or, if necessary, may issue a warrant for the apprehension and

1 return to custody of such youthful offender and cause such warrant to be executed by a State  
2 parole officer or by any officer of the State Department of Correction, using the assistance of  
3 any law enforcement officer when necessary. Upon return to custody, such youthful offender  
4 shall be given an opportunity to appear before the Board of Paroles or a member thereof. The  
5 Board of Paroles may then or at its discretion revoke the order of conditional release."

6 **Sec. 11.** G.S. 148-64, as the same appears in the 1964 Replacement Volume 3C of  
7 the General Statutes, is rewritten to read as follows:

8 "**G.S. 148-64. Cooperation of Prison and Parole Officials and Employees.** The officials and  
9 employees of the Department of Correction and the Board of Paroles and its officers and  
10 employees shall at all times cooperate with and furnish each other such information and  
11 assistance as will promote the purposes of this Chapter and the purposes for which these  
12 agencies were established. The Board of Paroles and its staff shall have free access to all  
13 prisoners."

14 **Sec. 12.** Article 7 of Chapter 148 of the General Statutes, as the same appears in the  
15 1964 Replacement Volume 3C, is amended by rewriting the title and G.S. 148-74, 148-76,  
16 148-77, 148-78, and 148-80 to read as follows:

17 "ARTICLE 7.

18 "Records, Statistics, Research and Planning.

19 "**G.S. 148-74. Records Section.** Case records and related materials compiled for the use of the  
20 Commissioner of Correction and the Board of Paroles shall be maintained in a single central  
21 file system designed to minimize duplication and maximize effective use of such records and  
22 materials. When an individual is committed to the State prison system after a period on  
23 probation, the probation files on that individual shall be made a part of the combined files used  
24 by the Department of Correction and the Board of Paroles. The Director of Probation shall  
25 cooperate with the Commissioner of Correction and the Chairman of the Board of Paroles in  
26 joint efforts aimed at developing accurate and comprehensive case records on individual  
27 offenders. The administration of the Records Section shall be under the control and direction of  
28 the Director of Probation, the Commissioner of Correction, and the Chairman of the Board of  
29 Paroles.

30 "**G.S. 148-76. Duties of Records Section.** The Records Section shall maintain the combined  
31 case records and receive and collect fingerprints, photographs, and other information to assist  
32 in locating, identifying, and keeping records of criminals. The information collected shall be  
33 classified, compared, and made available to law enforcement agencies, courts, correctional  
34 agencies, or other officials requiring criminal identification, crime statistics, and other  
35 information respecting crimes and criminals.

36 "**G.S. 148-77. Statistics, Research, and Planning.** In order to facilitate regular improvement  
37 in the structure, administration, and programs of the Department of Corrections, there shall be  
38 established within the Department organizational units responsible for statistics, research, and  
39 planning. The Department of Correction may cooperate with and seek the cooperation of public  
40 and private agencies, institutions, officials, and individuals in the development and conduct of  
41 programs to compile and analyze statistics and to conduct research in criminology and  
42 correction.

43 "**G.S. 148-78. Reports.** The Commissioner of Correction may prepare and release reports on  
44 the work of the Department of Correction, including statistics and other data, accounts of  
45 research, and recommendations for legislation.

46 "**G. S. 148-80. Seal of Records Section; Certification of Records.** A seal shall be provided to  
47 be affixed to any paper, record, copy or form or true copy of any of the same in the files or  
48 records of the Records Section, and when so certified under seal by the duly appointed  
49 custodian, such record or copy shall be admitted as evidence in any court of the State."

50 **Sec. 13.** The words "State Department of Correction" or "Department of  
51 Correction" as the context may require shall be substituted for the words "State Prison

1 Department" or "Prison Department" each time that the latter appear in G.S. 15-10.1, 15-200,  
2 15-217, 65-4, 97-13(c), 130-114, 131-88, 143-134, 148-3, 148-4, 148-6, 148-7, 148-8, 148-10,  
3 148-22.1, 148-23, 148-26, 148-27, 148-29, 148-30, 148-32, 148-33, 148-33.1, 148-40, 148-41,  
4 148-45, 148-46.1, 148-59, 148-66, 148-67, 148-70, 153-189.1, and any other Sections of the  
5 General Statutes of North Carolina, except as otherwise provided in this Act.

6 **Sec. 14.** The words "Commission of Correction" shall be substituted for the words  
7 "State Prison Commission" or "Prison Commission" each time that the latter appear in  
8 G.S. 148-2 and 148-11, and any other Sections of the General Statutes of North Carolina,  
9 except as otherwise provided in this Act.

10 **Sec. 15.** The words "Commissioner of Correction" or "Commissioner" as the  
11 context may require shall be substituted for the words "Director of Prisons" or "Director" each  
12 time that the latter appear in G.S. 15-10.2, 15-10.3, 130-191.1, 148-4, 148-5, 148-11, 148-20,  
13 148-25, 148-33, 148-41, 148-64, 153-189.1, and the words "Commissioner of Correction" shall  
14 be substituted for the words "Director of Prisons" each time the latter appear in any other  
15 Sections of the General Statutes of North Carolina, except as otherwise provided in this Act.

16 **Sec. 16.** The words "State Department of Correction" shall be substituted for the  
17 words "State Highway Commission" each time the latter words appear in G.S. 15-6.1.

18 **Sec. 17.** The following Sections of the General Statutes and all other laws and  
19 clauses of laws in conflict with this Act are hereby repealed: 15-210 through 15-216.

20 **Sec. 18.** This Act shall become effective August 1, 1967.

21 In the General Assembly read three times and ratified, this the 29th day of June,  
22 1967.